



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

SENATE—Tuesday, October 20, 2009

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God Almighty, Maker of Heaven and Earth, we praise You that You have not left us solely to our own resources. Instead, You promised to be our strength, our ever-present help in time of trouble.

Lord, our lawmakers need You during these challenging days. Guide them with Your wisdom, as Your loving providence prepares the road ahead. Give them the grace to be valiant pilgrims of life's sometimes dreary and dusty way. Teach them to toil and ask not for reward save that of knowing they do the things that please You. May the spur of conscience be the guiding star to lead them to the right decisions. Strengthen their will to always choose that which is morally excellent rather than what is politically expedient.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 20, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a

Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for 90 minutes, with Senators permitted to speak for 10 minutes each. The majority will control the first 45 minutes and the Republicans will control the second part of that.

Following morning business, the Senate will proceed to the consideration of the conference report to accompany H.R. 2892, which is the Department of Homeland Security Appropriations Act. There will be 3 hours 15 minutes for debate prior to a vote on the conference report. The Senate will recess from 12:30 to 2:15 p.m. today for our weekly caucus lunches. If all time is used, the vote will occur around 4:30. However, some of the debate time may be yielded back and we could vote earlier than that.

We are still working on an agreement, the Republican leader and myself, to consider the Medicare Physicians Fairness Act. Senators will be notified when any agreement is reached.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

HEALTH CARE WEEK XIV, DAY II

Mr. McCONNELL. Mr. President, over the past few months, I have delivered a series of floor speeches on the kinds of commonsense reforms that Americans were looking for but have not seen in the ongoing debate over health care. In particular, I have noted the glaring absence of medical liability reform in the various Democratic plans that are kicking around here on Capitol Hill.

My point has been simple: Throughout the debate, the administration has been hauling out one group or another onto the White House lawn as a way of suggesting support for its health care plans. We have seen doctors. We have seen nurses. We have seen hospitals, State governments—you name it. But one group you have not seen is the personal injury lawyers who drive up the cost of medicine and premiums for all of us by filing wasteful lawsuits against doctors and hospitals all across our country.

The connection between lawsuits and higher health care costs is obvious. Because of the constant threat of these suits, doctors are forced to order costly but unnecessary tests and procedures to protect themselves. The routine nature of this so-called defensive medicine is one reason health care costs have skyrocketed over the past decade, and junk lawsuits are the primary reason doctors today spend a fortune—a fortune—on liability insurance even before they open their doors for business.

The prevalence of wasteful lawsuits is evidenced by the fact that Americans spend more on lawsuits than any other country and more than twice as much as all but one other country—not because American doctors are somehow more negligent but because our lawsuits tend to be more wasteful. In fact, according to the New England Journal of Medicine, 40 percent—40 percent—of

liability suits in the United States are entirely without merit, and even in cases in which the plaintiff prevails, most of the compensation goes to someone other than the victim.

There should be no doubt that wasteful lawsuits are a major reason that health care costs in this country are out of control and that we should do something about it.

We have seen the good results of medical liability reforms at the State level. States that have adopted medical liability reform have witnessed premiums for medical liability insurance fall dramatically. Recent reforms in Texas, for example, helped drive down insurance premiums for doctors by more than 25 percent. These savings have allowed doctors in Texas to see more clients and increase charity care.

Here was a commonsense reform that surely everyone could agree on. Yet, just like the other commonsense reforms Republicans have proposed as a way of fixing our existing health care system, our advice was ignored.

The administration and Democratic leaders in Congress were determined from the outset to press ahead with a massive—a massive—expansion of government rather than take step-by-step reforms that the American people have been asking for all along. We have seen it in every Democratic proposal, including the recently finalized Baucus plan. In the face of indisputable evidence that medical liability reforms would lower costs, the Baucus bill offers nothing more than lip service—a sense of the Senate that “Congress should consider establishing a state demonstration program.”

Well, we already have State demonstration programs. We have them in California, we have them in Indiana, and we have them in Texas. They work, and we ought to be doing that at the Federal level.

If Democrats were serious about getting rid of junk lawsuits, I am sure they could have found room in the 1,500-page Baucus bill for it. Unfortunately, they did not.

Americans expected more than this. At the outset of this debate, everyone agreed that one of the primary reasons for reform was the need to lower health care costs, and commonsense experience and the testimony of all the experts tells us unequivocally—unequivocally—that ending junk lawsuits against doctors and hospitals would lower costs. The question was not whether we should have included it. The only question was, Why would Democrats leave out such a commonsense reform?

Unfortunately, the answer is all too obvious. Here is how a former Democratic National Committee chairman put it recently in a candid moment. This is what he had to say. “The reason why tort reform is not in the bill is because the people who wrote it did not

want to take on the trial lawyers in addition to everybody else they were taking on, and that is the plain and simple truth.”

That is Howard Dean, Dr. Howard Dean, not Senate Republicans. Howard Dean says the reason this obvious, commonsense reform was not included in the Baucus bill is that the authors of the bill did not want to face the wrath of the lawyers.

This is precisely why Americans are concerned about government-driven health care. Commonsense decisions become political decisions. And Americans do not want politics interfering with their health care. Medical liability reform should be in this bill. The fact that it is not only makes Americans more concerned about the impact government-driven health care would have on their lives and on their care.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for 90 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from Rhode Island.

EXTENSION OF UNEMPLOYMENT INSURANCE BENEFITS

Mr. REED. Mr. President, I rise again to urge my colleagues, particularly my colleagues on the Republican side, to put aside their amendments so we can move immediately and pass an extension of unemployment insurance benefits.

We are facing a crisis of employment throughout this country. We are seeing people who are exhausting their benefits. The need is now. The time is now. We must act now.

Hundreds of thousands of Americans have already exhausted their unemployment benefits, including 3,500

Rhode Islanders. Unfortunately, this number is growing every day. These people are out of work, without an employment check or paycheck, with jobs remaining scarce.

It is important to recognize how we got here. A \$236 billion Federal surplus accumulated in the 1990s under President Clinton and handed to President Bush evaporated in 2000 due to President Bush's unsound and excessive tax cuts which cost nearly \$1.8 trillion and failed to spur sustainable economic expansion and were targeted to the richest Americans, not middle-income Americans. Indeed, most working Americans actually ended up less well off as the median income for families fell by \$2,000 from the year 2000 to the year 2007. Let me say that again. In the period of the Bush administration, with the huge tax cuts which he proposed as being the key to our economic recovery and our economic progress, incomes of middle-income Americans fell, they didn't rise. Incomes of the very richest Americans rose dramatically and continue to rise.

In addition, the Bush administration praised the doctrine of inadequate supervision of our financial markets, a lack of adequate risk assessment by financial institutions throughout not only the United States but the world, and they combined that laissez-faire attitude toward regulation of Wall Street with very costly and unfunded wars in Iraq and Afghanistan. As a result of these profligate policies, President Obama inherited a \$1.3 trillion deficit upon taking office. This is on top of an unprecedented set of circumstances facing our Nation both at home and abroad—the virtual collapse of the financial markets in September, the ongoing wars in Iraq and Afghanistan. With regard to Afghanistan, the same inattention the Bush administration showed toward regulation they showed toward our efforts in Afghanistan, and today we face a crisis of the first order there.

Today, we are in a serious situation. Through decisive action, which I will credit began under President Bush last September but particularly carried out through the stimulus package, we are responding to this economic crisis. But economists of all persuasions tell us we are in a very difficult and challenging moment. Unlike the 1980s and prior economic downturns, they do not expect a traditional V-shaped recovery—a quick decline and then a fairly rapid ascent to normal economic performances. In fact, economists are predicting that job gains will not be manifest until next year. It always seems to be the situation that employment numbers lag behind other indicators, including economic growth and availability of credit, and this lag is particularly challenging today because it means people are out of work and unfortunately may stay out of work into next summer and beyond.

There have been some signs of recovery. The last time the Dow hit 10,000 was October 2008, and we recently have seen it headed up in crossing 10,000. It is no longer in a meltdown, but we are far from a full, sustainable recovery.

Wall Street is one indication, but it is not the indication most Americans look to in terms of their own family's welfare. The most important aspect of a family's welfare is steady, dependable, rewarding employment, and that is the challenge we face today. People are concerned about jobs. Many Rhode Islanders with jobs are coping with reductions in hours and earnings, while those without jobs are tirelessly looking for work in a labor market that is worsening, and jobs simply aren't there.

We have a particularly dire situation in Rhode Island. There are 74,000 unemployed in my State. That is a big number, but it is much bigger in terms of my State of Rhode Island. We are the smallest State in the Union. With a population between 900,000, and 1 million, 74,000 unemployed people is a huge amount. It translates to 13 percent unemployment. If you look at the underemployed, if you look at those who have dropped out of the labor force, it is probably much higher. If you look at subcategories—teenagers, for example, much higher; minority communities, much higher. As a result, there is a growing frustration and too often a desperation gripping the people of Rhode Island.

A key component of stabilizing the economy is ensuring that Americans without jobs can continue to support their families, and that is at the heart of our unemployment compensation program. This compromise legislation which I helped craft along with Leader REED, Chairman BAUCUS, Senator SHAHEEN from New Hampshire, Senator DURBIN, and others, strikes a careful balance. It is completely offset. It helps unemployed workers across the country by providing all States with an additional 14 weeks of unemployment insurance benefits. It also continues the historical precedent and sound policy of recognizing that workers in the hardest hit States such as Rhode Island have even greater challenges finding work and are in the greatest need of assistance. Rhode Island and other States with unemployment rates at or above 8.5 percent would get an additional 6 weeks of benefits, for a total of 20 weeks. This provision will help more than 25 States, including South Carolina, Tennessee, and Michigan.

Unfortunately, the other side of the aisle, instead of permitting us to take up the bill quickly, is blocking legislation to extend unemployment insurance.

First they argued that they needed to see a CBO score, even though this legislation has been scored by CBO and, again, it is fully offset. It is quite obvious it is fully offset.

Now my colleagues on the other side are delaying passage of this measure by offering a range of amendments that are not related to unemployment benefits. It is my understanding that the junior Senator from Nebraska is offering an amendment with respect to ACORN funding. This amendment not only has nothing to do with extending the benefits to jobless Americans, but it has already been considered on several occasions. In fact, I joined the Senator in passing his amendment to the Transportation appropriations bill just the other week.

Another of our colleagues wants to extend the \$8,000 new homeowner tax credit which costs an estimated \$16.7 billion. This is a worthy effort, but in the context of trying to get aid immediately to unemployed workers, I don't think it is the best use of our time.

It is counterintuitive to delay an extension of unemployment insurance with these types of amendments. Again, the homeowner tax credit is something I support. It is something we should do. It is something we should consider paying for also. But now is the time to deal with the most obvious crisis: people without work, running out of benefits, facing a desperate situation. They are falling behind in mortgage payments, accelerating another aspect of our problem—the crisis in foreclosures. They need this extension. Debating amendments that send messages but don't provide help for working Americans is not what we should be doing.

I wish to underscore the urgency we are facing. People are exhausting their benefits. They are receiving nothing. They still have to provide for their families. In Rhode Island, 3,500 people would benefit immediately from a Federal extension, a majority of whom have already exhausted their benefits going back, in some cases, several months. Thousands more Rhode Islanders will see their benefits end unless we act. These families need this help to stay afloat, to pay their bills, to stay in their homes. It is truly ironic that the Republican Party is delaying an extension of unemployment insurance to the middle class, yet in the past they have had no problem supporting huge tax cuts skewed toward the wealthiest Americans.

It is my hope we can work together. This is not a Rhode Island problem alone. It is not a Democratic problem or a Republican problem. I have been joined—and I wish to thank my colleague from South Carolina, LINDSEY GRAHAM, for working on this, because South Carolina is feeling the effects of this recession. Every part of this country, with very few exceptions, is feeling this problem. I again urge that we pass this measure.

In addition, we should recognize that there is one other aspect we should consider; strengthening and expanding

work-share programs, which allow employers to cut-back hours rather than lay people off if the employer maintains pension and health benefits. In turn, employees receive a proportionate unemployment insurance benefit for those hours reduced. It has been very effective in Rhode Island—averting nearly 5,000 layoffs in the first eight months of this year.

I urge immediate consideration of this extension, and I hope we can pass it this week.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I come to the floor for the third time in the last couple of weeks to urge passage of the Unemployment Compensation Extension Act. This will help the almost 2 million Americans who are in danger of losing their benefits. I am proud to join Senator JACK REED, and I thank him for his leadership in trying to get this done and working out legislation that can be supported by hopefully most of the Members of this Senate. For nearly 2 weeks, we have been working to pass an extension to help struggling families across the country.

The Senate bill we have introduced is a good bill, as Senator REED has said. It extends unemployment benefits for up to 14 weeks in all 50 States and by an additional 6 weeks in States with the highest unemployment rates. The extensions are targeted: only unemployed workers who have already exhausted their benefits are eligible. That means that almost all jobless workers who use this extension will have been out of work for a year or longer. That is a very long time.

Unemployment insurance was created to provide workers with an income while they look for another job, but with unemployment almost 10 percent nationally, it has gotten harder to find work, not easier. The number of long-term unemployed—those without a job for 27 weeks or more—rose to 5.4 million in September. In my home State of New Hampshire, the number of long-term unemployed has more than tripled in the past year. So now we have reached a perfect storm with unemployment. There are more than six people for every job opening, and nearly 2 million Americans are about to run out of all benefits, the benefits they need to pay the rent, to pay their mortgage, to buy food, to pay for gas, to continue to look for a job.

The Presiding Officer and I both know that unemployment is spent on necessities and it is spent immediately. So when we extend benefits, we are not just helping the workers who have lost their jobs; we are helping small businesses that provide the goods and services unemployed workers need. In fact, economists say that dollar for dollar, extending unemployment benefits is

one of the most cost-effective actions we can take to stimulate the economy.

So now, as this economy is trying to recover, as people are struggling to find work, it makes perfect sense that we would extend unemployment benefits for those people who need them. The American people are calling for the Senate to act, but some of our Members just aren't listening, and they have held up an extension for almost 2 weeks. They don't seem to want to move forward under any circumstances. My office is getting calls every day from people in New Hampshire and across the country, and they want to know why the Senate isn't acting quickly to pass an extension. Unfortunately, some Senators seem to be holding up the process to win political points, to delay our entire legislative agenda. They are playing politics while 7,000 workers a day run out of benefits, the benefits they need to put food on the table, to pay their bills, to keep our economy going.

This is not the time to play politics. This extension will help millions of Americans. It will help Americans in Democratic States, in Republican States, in Independent States, in purple States and red States and blue States.

It is important for us to pass this extension to help those Americans to stimulate our economy by getting money back into the hands of people who will spend it immediately.

I, again, urge all those Senators who have been standing in the way to stop playing politics and to pass this critical extension.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from New Hampshire for adding to the statement of the Senator from Rhode Island about this unemployment issue. As you can tell, this is a national concern. There was a time, I say to the Senator from New Hampshire, who is one of our newer Members, this was not even debated. Whether you were talking about minimum wage or unemployment compensation, it was a bipartisan issue. We basically knew, as the Senator said, the people hurting out there are not all Democrats, not all Republicans; they are all Americans and they are from all over this country.

Unfortunately, we have now drifted into a status where even this has become a political issue. I say to my colleagues on the Republican side of the aisle who are blocking unemployment benefits for the millions of unemployed people in this country: Go out and meet some of these people.

Last Friday, I went to Pilsen, which is a section in Chicago. I went to an office called the National Able Network, where they are trying to help the unemployed find a job. I sat at the table

with about 12 unemployed people around me. I wish my Republican colleagues would actually sit down and meet some of these people who are unemployed. They will learn something. These are not lazy people. These are not people who enjoy being unemployed. These are people who are now desperate—desperate people.

Let me tell you about Ira. I will not use his last name. I met him. He is a 43-year-old African American. He worked at one of the biggest banks in Chicago up until 14 months ago. He was in charge of human relations. He said: My job was to place people in jobs. Now I am trying to place myself in a job. He is going to DePaul University to pick up a certification in his field in the hopes that will give him an edge to find a new job.

Ira is a father with a family and his son suffers from a serious illness. Ira has no health insurance. He lost it when he lost his job.

Corinne is another one. Corinne had been a vice president in a bank in downtown Chicago, which the Presiding Officer would know if I mentioned its name. She worked her way up, at age 61, to a good-paying job. She lost it when the bank went out of business and merged. She said: I look through all these classified ads and go on the Internet. There are not too many jobs for vice presidents at banks, and that is what I used to be. Now she says: I am willing to do whatever it takes. Corinne has no health insurance either.

I went around the table and asked people what they were up against. They said, basically, if we stop unemployment payments, if Congress does not extend it, we will turn to our savings. One lady said: I don't have any savings; I have spent it all to keep my house so I don't go into foreclosure.

That is the reality of this issue. So why are the Republicans stopping us from extending unemployment insurance benefits? Some of them oppose it. Some of them believe people who are unemployed are just plain lazy. They should sit down and talk with some of these folks. As the Senator from New Hampshire said, there are six unemployed people for every available job in America. This is not laziness. This is a reality of a recession which this President inherited.

Some others want to try to refinance and reconfigure unemployment as we know it—the unemployment benefits that are collected from all working Americans, while we are working, for the rainy-day possibility that we will lose a job someday. There is money in this fund to pay these benefits.

One of the Senators on the Republican side came to the floor last week and said: I wish to find a new way to refinance unemployment benefits. That is a great exercise and a great challenge. For goodness' sake, while you

debate this issue, are you going to let hundreds of thousands of people wonder whether they will be able to keep food on the table? That is the reality.

There is a third group, honest to goodness, that believes these folks do not deserve to receive this money, that it means they will not try hard to find a job. That is fundamentally unfair. If you believe in family, family values, and a safety net for America, unemployment insurance is absolutely critical and essential.

Mr. President, 400,000 American families have run out of unemployment insurance benefits already, and the Republicans are stopping us from bringing up the bill to extend this safety net to unemployed Americans. There are 20,000 in my State of Illinois who lost their benefits a few days ago, at the end of September. There are another 200,000 families across the country who will lose their benefits this month because the Republicans continue to stop us from extending unemployment insurance benefits.

What are they waiting for? Mr. President, 1.3 million Americans will lose their temporary assistance by the end of the year if the Republicans stop us from moving on this legislation, 50,000 families in Illinois, similar to the ones I met with last Friday.

This money is essential for these families. It is essential for the economy. The money we put in an unemployment check is going to be spent by these people instantly. They are living paycheck to paycheck and, in this case, unemployment check to unemployment check.

Never in the history of the country's unemployment insurance program have more workers been unemployed for such prolonged periods of time. That is why we are extending the benefits. Half of all jobless workers cannot find a job within the first 6 months they receive benefits. That is the highest percentage of prolonged unemployment in the history of the program.

I can tell you what this comes down to. We are either going to stand up for these people who have been victims of this recession or we are going to watch more and more Americans show up at the bread lines, show up at the soup kitchens, show up at the homeless shelters. The New York Times had an article yesterday that said 1 out of 10 Americans in homeless shelters today is a victim of foreclosure. In the Midwest, it is one out of every six.

We are pretty comfortable as Members of the Senate. Our life is not bad at all. We know our next paycheck is coming in. But what about these poor people? I say to the Republicans, it is time to wake up to reality. Don't talk about family values, rewarding work, and standing up for people when you believe in them and turn down these unemployment benefits. It is time to pass these benefits now, and the Republicans had better step aside.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleagues who have come before the Senate on this critical issue, our ability to extend unemployment insurance, and to ask our Republican colleagues not to block our efforts and to allow us to bring up this bill and do it quickly to help the families who are suffering in every one of our States.

This week we have an important opportunity and a need to address a real "kitchen table" issue for families all across this country. We have an opportunity and a responsibility to pass an extension of unemployment insurance and, in doing so, to provide a measure of financial stability to millions of Americans who have been laid off in the most difficult economic times since the Great Depression. We have the opportunity and the responsibility to provide peace of mind to families who are left without a job and nowhere else to turn and are so concerned about their future, families who, right now, as we debate our ability to bring this bill to the floor of the Senate, are having a much more agonizing debate about how to make next month's rent or even next week's grocery budget if their unemployment runs out.

For these families, this bill Senator BAUCUS has worked so hard on to bring to the floor helps them out. What this bill does is extend the unemployment to laid-off workers in States that have been hardest hit by job losses by 6 weeks, and it provides every single unemployed worker who has exhausted his or her benefits, regardless of the State in which they live, an additional 14 weeks of support. It makes some critical changes to help our families. It makes clear that the additional \$25 per week in benefits that Congress included in the Recovery Act does not count against someone who is seeking food stamps.

This bill could not come at a more critical time. This month, we have seen banner headlines in newspapers all across the country that make a very stark point about the tough climate our laid-off workers face today. In my home State of Washington, employment has now risen to 9.3 percent. That number alone does not illustrate the need to provide immediate relief. Even with the robust recovery program that has saved and created jobs throughout my State, our workers are feeling the very sharp effects of this recession.

Since this recession began in December of 2007, there have been over 145,000 jobs lost in my State. That means 1 in 20 jobs in Washington State has been lost. These unemployed workers are searching for an average of 6½ months before they find a job. While those statistics clearly point out the need for this legislation, the stories behind these statistics provide even more of a

call to action—stories of single mothers who are scanning the classifieds every morning and then having to search through coupons each night to afford to feed their family dinner; stories of skilled workers, with many years of education and the debt that comes with that, facing stacks of unpaid bills; stories such as those that over the past few weeks, as unemployment benefits have become exhausted for millions of workers, have poured into my Senate offices, stories such as the one of Wane Ryan of Bonney Lake, WA, who shared it with me.

Mr. Ryan says he is a carpenter, with 23 years of experience, who has been looking for work for more than a year. In his letter, Mr. RYAN tells of recently selling all his personal belongings, relying on food banks, and being on the verge of financial ruin, through no fault of his own. He wrote me to ask for another emergency unemployment extension just to keep his head above water.

There is Kristina Cruz, from Seattle, who received her last unemployment check just a few weeks ago. Kristina told me she has been unemployed now for 20 months, after spending 10 years in human resources. She talks of going above and beyond in her job search, a skill she picked up as her career. But still, she said, interviews have been few and far between. She told me she is stressed out and panicked. She says she is not interested in living off the government long term, but in the midst of this economic crisis, she believes we need to pass this extension.

There is the story of Angela Slot and her family from Washougal, WA. Angela's husband designs kitchens and has been out of work since last May. He has returned to school, put out over 1,500 applications in different fields in different States and for every different type of job. Yet today he remains without work.

The Slot family has taken out loans, used all their savings and unemployment payments just to stay in their home and provide for their three children. Without this extension, the Slot family calculates they will not have their home by the end of this year.

For these families and millions more like them, the question that haunts them every single day is what will we do if this support runs out? Where will we go when our savings are exhausted, when the credit card can no longer make ends meet, when the bank will not wait for a mortgage payment any longer? To whom do we turn?

In a time of national crisis, it is our job to make sure we are answering those questions. We can do that by providing a bridge to financial stability for families today. By the end of this year, my State projects that nearly 18,000 people will be in need of these benefits just to keep them afloat.

I, personally, know how important it is to have the government in your cor-

ner during financial times. When I was young, my dad had to stop working. He was diagnosed with multiple sclerosis. That left my mom at home to support and raise seven kids, as she also took care of my dad. It was a very difficult time for my family. We made a lot of sacrifices to get by. But you know what. Our country was there for us. Through food stamps, VA benefits for my dad, student loans, my family made it through those tough times, and I am here today. That is why I believe strongly that we need to be there now for the millions of Americans who are struggling today.

We cannot sit on the sidelines. Doing so would only compound the problems we already face—more families pushed into bankruptcy, more families who will have foreclosures happen to them, more people will lose their health care, and less progress will be made on this important road to financial recovery. We cannot sit by as working families are pushed to the brink by a financial crisis they did not create but for which they are still paying.

Angela Slot ended her letter to me by saying she felt families such as hers, families who are just scraping by, are "falling off the radar." This unemployment extension bill is our opportunity to prove to her and many others that is not the case. We have not forgotten them. We know they are out there.

I urge our colleagues to listen to the voices of their constituents. I ask our Republican colleagues not to block this effort, not to say no to these families, not to turn a blind eye but to join us in passing an unemployment extension that makes sure America's laid-off workers are not ignored.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I speak in support of extending unemployment benefits to provide much needed relief to jobless workers.

Nearly 2 million Americans, including more than 13,000 Minnesotans, will exhaust their unemployment benefits by the end of the year. We are facing record high unemployment in this country. The number of Americans out of work has almost doubled over the past 2 years. People who want to get back to work are still facing a depressed job market, where there are six unemployed workers for every job opening. It is no wonder that I have received so many letters from my constituents, scores of people going to 60 job interviews, sending in hundreds of resumes.

I thank Senator SHAHEEN for her leadership here; Senator DURBIN, who just spoke; the majority leader, Senator BAUCUS, Senator DODD, Senator JACK REED, and my other distinguished colleagues in working with me to provide this much needed relief. I was so pleased that we were able to put together a proposal that included all 50

States because I simply could not explain to the people of my State that while people in Wisconsin who are unemployed would get extended unemployment benefits, those in Minnesota would not. Our States share a border, but when people suffer in one State, they also suffer in the other.

This is a fiscally responsible solution that is fair and will provide for a State such as Minnesota, where unemployment is still high but below 8.5 percent, which was the mark that was used in the House bill. Unemployment is unemployment no matter where you live. Minnesotans without jobs do not suffer any less because our State's unemployment rate is slightly lower.

Several constituents wrote to me earlier, when Minnesota's unemployment rate was around 8 percent. At that time, as I mentioned, the proposal from the House would have cut things off at 8.5 percent. After getting these letters and talking to people in my State, I decided that was not good enough.

In one letter, Marilynn, from St. Paul, wrote:

Unemployment may be 8 percent for the State of Minnesota, but in our house it's 100 percent.

As Marilynn notes, unemployment is a national issue that does not simply begin or stop at State lines. Being unemployed in North Dakota, South Dakota, Iowa, Wisconsin, or any other State does not hurt any more or less than being unemployed in Minnesota. Deep, persistent unemployment hurts no matter where you happen to live, and the solution my colleagues and I crafted strikes the right balance in recognizing that fact.

Mariann from White Bear Lake, MN, wrote:

The tremendous stress of trying to search for an affordable job and raise two children on my own is overwhelming in itself. I cannot help that I live in one of the States with lower than 8.5 percent unemployment.

And Brian from Anoka wrote:

In fairness, what is good for one unemployed person should be good for all unemployed persons everywhere.

As the Senator from Illinois knows, sometimes we get letters that are all the same, from groups that organize, but these were individual letters from citizens out there who are hurting and who actually looked at the paper, heard the news, and decided: Wait a minute, the House bill, at 8.5 percent, does not help me. I am going to be left with nothing.

Simply put, this legislation in the Senate provides relief in a fair way to all those in need. This legislation helps jobless workers who desperately need relief. This legislation does not add to the deficit. This legislation is the right thing to do. Despite our best efforts, we have not been able to convince some of our colleagues on the other side of the aisle to agree that struggling middle-

class Americans deserve an up-or-down vote on whether their unemployment benefits should be extended.

While my colleagues can perhaps afford to wait in their States—maybe the unemployed people in their States aren't writing them these letters—the more than 13,000 Minnesotans who will exhaust their unemployment benefits by the end of December cannot afford to wait. They have already waited too long. The time to act is now. This is the decent thing to do, and in a stretched economy, it is the right thing to do.

I know people are happy that we have started to see some good numbers on Wall Street. We need that. Maybe it will help us with our 401(k)s. But what do you say to Barbara, from Mahtomedi, MN, who understands Wall Street is doing well, but writes this:

My husband has been looking for a job since March and without unemployment to help us out, I don't know what will happen. All four of us have been looking for steady employment for months. We drive old cars, bought a house within our means that we have been fixing up slowly by ourselves the past 22 years, buy everything used or on sale. Please don't let Minnesotans get left out in the cold—oh yes, don't forget about the heating bills coming in the next months. We need jobs and extending benefits will help us survive.

And what would my colleagues who are now stopping this bill from coming to the floor say to Carolyn of Woodbury, MN, who writes:

As of the early part of November of this year, I will have completed all my unemployment benefits. I have been looking for work daily since May of 2008 and have had several interviews but no offers yet. I like working, I am looking for work, I want to work and I am able to work but have not gotten any offers yet. Is there any chance that unemployment benefits will be extended? My unemployment is my only source of income and if I am not able to get that and don't have a job what will happen to a person like myself?

The time for partisanship is over. This is about people's lives and their ability to survive and to continue to provide for their families. I am very glad this Senate recognized that an unemployed person in Minnesota needs as much help as an unemployed person in Wisconsin, but now it is time to get the bill passed.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

HEALTH CARE REFORM

Mr. McCAIN. Mr. President, last year, the President of the United States, during his campaign, stated that there was going to be a change in the way we do business here in our Nation's Capitol, and that when it comes time for a conference on a bill that the American people would be brought in; that C-SPAN cameras would be there as Republicans and Democrats in a

room that was open to the American public; that they would sit down and negotiate and come forward with results from a process that the American people would all be aware of. I have the direct quote here.

So what is going on today? Here is the bill from the HELP Committee. This is only some 600 pages. And over here we have the Finance Committee bill, some 1,500 pages. And not far from here—very close to here—there is a handful of Democrats and administration people behind closed doors who are reconciling these two bills. Sooner or later they will come out of that room—fortunately no longer smoke filled, but certainly with no access or information available for the American people—with perhaps a 2,100-page bill which has yet to be on the Internet so that the American people can see it. A remarkable process. No one should wonder then about the cynicism that is out there in America about the way we do business in our Nation's Capitol.

Less than 6 months ago, the President stood before a receptive audience and he told the members of the American Medical Association, and I quote him:

Now, I recognize that it will be hard to make some of these changes if doctors feel like they're constantly looking over their shoulders for fear of lawsuits. Now I understand some doctors may feel the need to order more tests and treatments to avoid being legally vulnerable. That's a real issue. I do think we need to explore a range of ideas about how to put patient safety first, how to let doctors focus on practicing medicine. I want to work with the AMA so we can scale back the excessive defensive medicine that reinforces our current system. So this is going to be a priority for me.

That is a quote from the President back when he spoke to the AMA less than 6 months ago. Yet in this 600-page document there is not a mention of medical malpractice reform. In this 1,500-page document there are 20 pages of sense-of-the-Senate language. In case there is anyone who doesn't know what sense of the Senate means, it means exactly that. It does not mean law.

So the President of the United States talks to the AMA and tells them that we are going to bring about change. We are going to stop this practice of defensive medicine, which by the way, the estimates say account for as much as \$200 billion a year added to health care expenses. But what have we got here, and here, and going on behind closed doors? Does anybody believe the Democrats are going to come out with anything that is meaningful on medical malpractice reform? No. But what they will do is to say that we are going to try some demonstration projects. We are going to try some demonstrations.

In fact, on September 9, 2009, before a joint session of Congress, the President went a step further and stated:

Now, finally, many in this Chamber—particularly on the Republican side of the

aisle—have long insisted that reforming our medical malpractice laws can help bring down the cost of health care. Now, I don't believe malpractice reform is a silver bullet, but . . . defensive medicine may be contributing to unnecessary costs. I know that the Bush administration considered authorizing demonstration projects in individual States to test these ideas.

And by the way, the reason why they did that was because they couldn't get meaningful malpractice reform through the Congress. Continuing the quote from the President:

I think it's a good idea, and I'm directing my Secretary of Health and Human Services to move forward on this initiative today.

Shortly thereafter, the President did issue a memo on medical malpractice reform where he stated:

We should explore medical liability reform as one way to improve the quality of care and patient-safety practices and to reduce defensive medicine.

So we all read with great interest about the new initiative. The memo went on to state:

We must foster better communication between doctors and their patients. We must ensure that patients are compensated in a fair and timely manner for medical injuries, while also reducing the incidence of frivolous lawsuits. And we must work to reduce liability premiums.

The memo concluded with the grand policy crescendo and a request that the Secretary of Health and Human Services announce:

. . . that the department will make available demonstration grants to States, localities, and health systems for the development, implementation, and evaluation of alternatives to our current medical liability system.

There is nothing to be demonstrated. We already have two demonstration States—California and Texas—where medical malpractice laws are working. What is needed is leadership. Despite all the promises, the President and his party have yet to put forward any real medical malpractice liability reforms as part of either of the two health bills that have been shepherded through two Senate committees that are being merged behind closed doors by a select few.

I wish to point out that every time we tried to get an amendment on the 600-page bill—not the 1,500-page bill—those amendments to do even the slightest change in medical malpractice were voted down on a party-line basis. It is a failure of leadership.

How many patients are subjected to unneeded and unwarranted tests and procedures—some of which are certainly not painless—because the doctor has to perform defensive medicine? How many medical practitioners in America today are like the chief of surgery, the surgeon I met at the Palmetto Medical Center in Miami, who said: No, I don't have insurance. I couldn't afford the premiums. I don't have insurance. But if they sue me, all they can do is take everything I have.

What kind of incentive is that for people to engage in the medical profession?

As I said, the Finance Committee bill—1,522 pages—contains 20 lines of nonbinding sense-of-the-Senate language that merely expresses a view that "health care reform presents an opportunity to address issues related to medical malpractice and medical liability insurance." Let me repeat that. This is the 1,500-page bill. In 1,500 pages, there are 20 lines of sense-of-the-Senate language which says: "Health care reform presents an opportunity to address issues related to medical malpractice and medical liability insurance."

I am not making that up. I am not making it up. It surely does present an opportunity to address issues related to medical malpractice reform. However, the other side passes on such an opportunity. It is a fact that just the narrowest specifics of medical liability reform could save \$11 billion this year alone. As I said, there are some estimates which claim it could be as much as \$200 billion when you look at the defensive medicine that is being practiced today.

California addressed this precise problem in 1975 by passing legislation that capped jury awards for "non-economic" damages such as pain and suffering in medical malpractice suits. Not only does this cap reduce the amount of damages but it has had the effect of deterring unwarranted lawsuits. Malpractice filings have fallen in almost every county in California, medical malpractice insurance premiums have dropped, and patient costs have lessened.

In Texas, the trial lawyers had created such a problem for lawsuit abuse that patients didn't have access to doctors for several primary and specialty care services. Women couldn't find OB-GYNs. Several counties didn't even have neurosurgeons or anesthesiologists. Texas put in place a new structure that ensured patients got full compensation for their losses while at the same time curbing lawsuit abuse. In Texas, "Patients are the ultimate beneficiaries of the tort reform measures passed in 2003," said Dan Stultz, M.D., president/CEO of the Texas Hospital Association.

It's clear that hospitals are able to attract more specialty physicians and offer new or expanded services that have enhanced patients' access to care and saved lives.

A survey conducted by THA—that is the Texas Health Association—in July 2008 found that 85 percent of hospitals are finding it easier to recruit medical specialists and subspecialists.

We could replicate these success stories across America, but the other side has refused to consider medical malpractice amendments to the bills. Instead, the Democrats and the White House are attempting to buy the si-

lence of American medical associations and doctors everywhere who support reform by increasing the deficit by \$250 billion in Medicare physician payment increases.

CBO estimates the medical malpractice reform would reduce the Federal deficit by \$54 billion over the next 10 years. Others say it is as high as \$200 billion. The question is, is there anyone who denies that medical malpractice reform would not reduce health care costs in America? Is there anyone? Of course not. This bill is ample testimony of the influence of the trial lawyers of America on this body. We should be ashamed.

Talk is cheap. This issue requires real leadership. I believe the President needs to stand by his word and put forward real medical malpractice reforms rather than simply request applications for demonstration grants. I hope the President will demonstrate a willingness to listen and a willingness to reach a bipartisan agreement on this important issue. Patients, doctors, hospitals, and taxpayers need action.

We are going through an interesting process. Mr. President, 1,522-page and 622-page bills are being merged behind closed doors with a handful of elected representatives, leaving out not only everyone on this side of the aisle and most of the people on that side of the aisle, but the American people are being left out of this process. The American people are getting more and more angry. I don't think this will go over well with the American people. In fact, I think they will steadfastly reject it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORKER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Tennessee is recognized.

Mr. WICKER. Madam President, do you know how long I have at this moment to speak to health care?

The PRESIDING OFFICER. The minority has a total of 27 minutes 15 seconds.

Mr. CORKER. I will not take 27 minutes. Thank you for letting me know that.

Madam President, I was on the Senate floor last week, which is a rarity for me. I spend very little time on this floor. Most of my time is spent in committee hearings. But I rise today to speak regarding the proposed Stabenow bill, a bill that is designed to pass on a \$¼ trillion in unfunded liabilities to future generations. As you know, we have been talking about health care reform in this body for some time. I have

met numerous times with almost every official involved in health care reform and talked about how I thought it was unwise to look at taking \$404 billion out of Medicare and not using that money to deal with the issue of SGR or the “doc fix,” the fact that physicians across this country are going to see a 21-percent cut in fees in the very near future, and what that would do to the Medicare population depending upon these services.

I talked to the President on July 15 about how this body and the House were putting together pieces of legislation that did not make sense. I urged the President to use a responsible approach as it relates to health care reform. I have met with the chairman of the Finance Committee, the distinguished Senator from Montana, numerous times to talk about the Ponzi scheme that is being created by the Finance Committee in looking at how we finance something that is going to be a part of our citizens' lives for years to come and certainly a tremendous strain on the American budget.

I have been told from day one that in fact we were going to put together a health care reform bill that will be paid for. I think most people know now the way that is being looked at is we are going to take \$404 billion out of Medicare, which is an insolvent program, and leverage a new entitlement program—something the people of Tennessee do not believe makes much common sense. I know you are aware of the fact that in addition to trying to solve this problem by taking money from an insolvent program, we also are planning to pass what Tennessee's Governor has called the mother of all unfunded mandates; making States, if you will, increase their Medicaid rolls at their expense so we in Washington can say we have reformed health care.

But I have to say one of the most sinister moves I have seen take place in my 2 years and 10 months being in the Senate is the Stabenow bill. The Stabenow bill seeks to say we are going to deal with SGR, that we are going to deal with our obligation in Medicare to pay physicians at least the rates they are making today. We are going to pass on a \$¼ trillion bill to future generations in order to get support from physicians across our country.

I talked to physicians in our State this weekend, a meeting at Tennessee Medical Association—the American Medical Association was on the line—and I was shocked at the response. Today the Hill cited a meeting where Senator REID and others met with physicians in order to buy their support. I know we all know the selling of one's body is one of the oldest businesses that has existed in the history of the world. So the AMA is now engaged in basically selling the support of its body by leveraging—by throwing future generations under the bus, by in essence

urging that we as Congress pass this week a \$¼ trillion spending bill, unpaid for. If we would do that, we might get their support in health care reform.

I have to tell you, I have never witnessed something more sinister than the Stabenow bill. It is my hope that this week Senators on both sides of the aisle will come together and realize we have to graduate.

We talk fondly about the “greatest generation,” our parents and others, who did so much in the way of sacrificing for this country to make sure that generations who came after had a better way of life. I am sad to say that—while I consider it the greatest privilege of my life to serve in this body, and I thank the citizens of Tennessee for allowing me this lease, this 6-year lease to serve in this body to try to conduct myself in a way that will put our country's long-term interests first—I am sad to say I serve during what I would call the “selfish generation.” The political leadership we have today, of which we are a part, no doubt embodies the most selfish policies this country has seen in its history. There is no question that is the case; that for short-term political gain, in order to make some constituents happy, in order to give people what they want with no sacrifice, we are willing to throw future generations under the bus.

It is my hope, this week even, this body will graduate from that selfish existence, doing things we know absolutely are undermining the future of this country, and that we will come together and look at this legislation in the appropriate way. I hope there will be Senators on both sides of the aisle that revolt at the majority leader's push to purchase the support of physicians all across our country by, in essence, creating legislation that puts our country another \$¼ trillion in debt.

Madam President, I wanted to say this is not at all what the President said he would do. This President has said he would offer health care reform that balanced the budget. The American people understand by doing what the Stabenow bill seeks to do this week, that is absolutely not true. This administration absolutely is not living up to the commitment it has given the people of this country.

This body needs to stand up and do what is right. I hope we will do that this week. I hope we will defeat the Stabenow bill as it now has been introduced. I hope we will work together to do those things that are responsible.

I absolutely agree physicians around this country do not need to take a 21-percent cut. I have probably been the most outspoken person on that issue in the Senate since I came here. But what we need to do is balance our resources, not continue to do things we think make sense on one hand to the det-

riment of future generations. It is my hope this will be embodied as part of the overall health care reform package.

This gets to my point I have been making on this floor and in committees and other places for months; that is, it makes absolutely no sense to use \$404 billion out of Medicare to finance health care reform and not deal with SGR. I hope other Senators will join me in revolting against this most sinister act that, hopefully, will not come to fruition this week.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded the call the roll.

Mr. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. ENSIGN. Madam President, I rise today to discuss why meaningful medical liability reform must be included in the health care reform package. Americans spend far more on lawsuits than any other country, and more than twice as much as all countries except for one.

According to a recent study conducted by the Tillinghast-Towers Perrin Group, the direct cost of health care lawsuits is \$30 billion per year. These costs are multiplied by the indirect costs of lawsuits, especially doctors ordering costly tests out of fear of being sued.

Estimates of wasted money spent on unneeded tests range from over \$100 billion each year to nearly \$250 billion annually. In a 2006 article in the *New England Journal of Medicine*, it suggests that as much as 40 percent of medical liability lawsuits are frivolous.

Medical liability insurance premiums are threatening the stability of our Nation's health care system. These rates are forcing many physicians, hospitals, and other health care providers to move out of high liability States, limit the scope of their practices, and some even to close their doors permanently. This crisis is affecting more and more patients. It is threatening access to reliable, quality health care services.

I have a good friend from Nevada who practices obstetrics. In his practice he specializes in high-risk pregnancies. Because of medical liability problems that we have seen in the past several years, his insurance company limits the number of high-risk pregnancies in which he can assist.

If you are a woman and you are pregnant with a high-risk pregnancy, it would seem to me you would want the doctors who specialize in high-risk pregnancies to see you. This only makes sense. However, because of the

medical liability crisis we are facing in this country, the best of the best are limited in the number of cases they can handle.

Because of the unaffordable medical liability insurance premiums, it is now common for obstetricians to not deliver babies and for other specialists to no longer provide emergency calls or provide certain high-risk procedures.

Ask yourself this question: What if I were in need of an emergency procedure? What if I were the woman who had a high-risk pregnancy and could not find a specialist to provide me with the health care I needed?

The medical liability crisis is threatening patient access to reliable, quality health services all across America. Additionally, costly medical liability premiums have forced some emergency rooms to shut down temporarily in recent years.

In my home State of Nevada, our level 1 trauma center was closed for 10 days in 2002. This closure left every patient within a 10,000-square-mile area unserved by a level 1 trauma center.

Unfortunately, a gentleman by the name of Jim Lawson was one of those in need of a trauma unit at that time. Jim lived in Las Vegas and was just 1 month shy of his 60th birthday. He had recently returned from visiting his daughter in California. When he returned, he was injured in a severe car accident. Jim should have been taken to the University Medical Center's level 1 trauma center. Unfortunately, it was closed.

Instead, Jim was taken to another emergency room where he was stabilized and then transferred to Salt Lake City's trauma center. Tragically, Jim never made it that far. He died that day due to cardiac arrest caused by blunt force from physical trauma.

Why was Nevada's only level 1 trauma center closed that day? Due to the simple fact that doctors could not afford the medical liability insurance premiums, and there were not enough doctors to provide the care.

Ultimately, the State had to step in and take over the liability to reopen the trauma center. Our State has caps on how much someone can sue for, so medical liability insurance is affordable.

More than 35 percent of the neurosurgeons have altered their emergency or trauma call coverage because of the medical liability crisis. This means patients with head injuries or who are in need of neurosurgical services must be transferred to other facilities, delaying much needed care.

Doctor Alamo of Henderson, NV, brought another example of this problem to my attention. Doctor Alamo was presented with a teenager suffering from myasthenia gravis. She was in a crisis and in need of immediate medical treatment. Because of the medical liability situation, there was no emer-

gency neurologist on-call to assist this young woman.

Dr. Alamo called several neurologists in the area and none of them wanted to take her case because of the medical liability situation. So Dr. Alamo had the young woman transported all the way to California by helicopter to receive the medical care she so desperately needed.

These kinds of situations should not happen and should not be forced to happen because of the medical liability crisis we face in America. Stories such as these are all too common across our country.

To address the growing medical liability crisis in my home State of Nevada, the State enacted legislation that includes a cap on noneconomic damages and a cap on total damages for trauma care. Several other States have enacted similar reforms.

This should not be a Republican or a Democratic issue. Simply put, the current medical liability crisis means patients cannot find access to care when they need it most in many areas.

Without Federal legislation, the exodus of providers in the practice of medicine will continue, and patients will find it increasingly difficult to obtain needed care. As we work on comprehensive health care reform, one of our primary goals must be to enact meaningful medical liability reform to help patients access care.

As you know, President Obama recently addressed the entire Congress on health reform. During his speech he said:

I do not believe malpractice reform is a silver bullet, but I have talked to enough doctors to know that defensive medicine may be contributing to unnecessary costs.

The President went on to say he asked Secretary Sebelius to move forward on demonstration projects in individual States to test ways to put patient safety first and let doctors focus on practicing medicine. Let's face reality. There is no doubt that defensive medicine occurs every day and that the costs to the health care system are staggering.

As I mentioned earlier, tens if not hundreds of billions of dollars are wasted every year due to the practice of defensive medicine, largely in an attempt to avoid frivolous, junk lawsuits. Just think of how many uninsured patients we could cover with this money or how much cheaper the premiums would be for those who already have insurance.

We must stop playing games and start doing something real to address important health care issues. Unfortunately, the Finance Committee bill that was voted on last week only includes a meaningless sense of the Senate on medical liability reform. That seems to parrot some of the President's remarks.

Specifically, the language in the bill expresses the Sense of the Senate that

States should be encouraged to develop and test alternatives to the current civil litigation system as a way of improving patient safety, reducing medical errors, encouraging the efficient resolution of disputes, increasing the availability of prompt and fair resolution of disputes and on and on and on. It is only a Sense of the Senate.

The provision also expresses the sense of the Senate that Congress should consider establishing a State demonstration program to evaluate alternatives to the current civil litigation system.

Let's be honest with ourselves. The Sense of the Senate is fluff. It ignores the substantial progress many States have already made with medical liability reform. Capping noneconomic damage awards has been highly successful in a number of States, such as Texas, and is something we should consider as part of health care reform.

It is important for the Senate to consider capping punitive damages, limiting attorneys' fees, and providing that if multiple defendants contributed to a mistake, each defendant should pay only for the portion of the mistake for which they are responsible.

So let's do the right thing. Let's enact real medical liability reform rather than a meaningless Sense of the Senate. As part of the health care debate, I will be offering a comprehensive medical liability reform amendment that sets reasonable limits on noneconomic damages while also providing for unlimited economic damages.

My amendment is a responsible reform measure that includes joint liability and collateral source improvements, and limits on attorney fees according to a sliding scale. My legislation also includes an expert witness provision to ensure that relevant medical experts serve as trial witnesses instead of so-called professional witnesses who are too often used to further the abuse of the system.

What happens today in our medical liability system is we have professional witnesses. Too often they are not a specialist in the field for which they are called to testify. Yet because juries do not know they are not a true expert, their testimony is allowed to influence liability claims.

My amendment uses a Texas style of caps on noneconomic damages that provides a cap of \$250,000 for a judgment against a physician or health care provider. In addition, the patient can be awarded up to \$250,000 for a judgment against one health care institution.

Under Texas law, judgments against two or more health care institutions cannot exceed \$500,000, with each institution not liable for more than half that. In total, noneconomic damages cannot exceed \$750,000.

Medical liability reform works, and it is already turning the tide against

frivolous lawsuits and outrageous jury awards in some States. We have seen it in California, in Texas, and in my home State of Nevada, where the number of medical malpractice lawsuits has decreased dramatically.

It has been a crisis driving doctors out of business for too long. It is time to protect patients across the country and to ensure access to quality health care.

To illustrate my point, I would like to tell you about the success of medical liability reform in Texas. Over 16,000 new physicians have come to Texas since reform was enacted. The number of high-risk medical specialists in Texas is growing. Since 2003, Texas has added 650 emergency room doctors, 350 heart doctors, over 200 obstetricians, 160 orthopedic surgeons, and almost 60 neurosurgeons.

These additions are not limited to urban Texas. The ranks of rural obstetricians have grown by almost 30 percent. Twenty-two rural counties have added an obstetrician and 10 counties have added their first OB. The statistics go on and on about the success in Texas.

In addition to improvements in access to health care, charity care has also greatly expanded due to medical liability reform. Today, Texas hospitals are rendering \$600 million more in charity care annually than they were just 6 years ago—\$600 million more in charity care by hospitals than they were giving before medical liability reform.

Liability savings have allowed hospitals to upgrade medical equipment, expand emergency rooms, expand outpatient services, staff Emergency Rooms 24/7 with high risk specialists, improve salaries for nurses, and launch patient safety programs.

Without reforms and the attendant savings, these healthy developments would not have been possible. Lawsuit reform has been a magnet for attracting doctors and the funding mechanism to improve access to care and enhance patient safety.

Physicians have seen a decrease in their medical liability premiums. Since 2003, physicians in Texas have saved, collectively, almost \$600 million in their liability premiums. Today, most Texas doctors are paying lower liability premiums than they were almost 10 years ago.

All major physician liability carriers in Texas have cut their rates since the passage of the reforms and most of them by double digits.

Texas's reforms prove lawsuit reform can improve access to care, expand the number of doctors and types of care hospitals are able to offer, and help reduce medical costs. According to a conservative estimate by the Congressional Budget Office, CBO, if Congress adopted only a few of the proposed lawsuit reforms, the deficit would decrease by \$54 billion over 10 years.

Madam President, \$54 billion is how much it would save the government. To put this in perspective, this is twice as much as the Finance Committee plans to raise by taxing medical devices.

During the Finance Committee markup, CBO's Director, Dr. Elmen-dorf, added that he felt the savings to the private sector would be approximately equal to the \$54 billion saved by the government.

Madam President, \$54 billion to decrease the deficit, and the savings in the private sector is another \$54 billion. Under this conservative estimation, which is substantially less than what third-party estimates have shown, enacting medical liability reform would save at least \$100 billion between the government and the private sector over 10 years.

So why would the Democrats leave medical liability reform out? Well, they did put a Sense of the Senate in the Finance Committee bill. What are the savings from the Sense of the Senate to the private sector and the government? A big, fat zero.

I will tell you why the Democrats left out medical liability reform. It is because it would hurt a Democrat special interest group: they are known as trial lawyers.

Howard Dean, the former chairman of the Democratic National Committee, put it simply:

[T]he reason why tort reform is not in the bill is because the people who wrote it did not want to take on the trial lawyers in addition to everybody else they were taking on, and that is the plain and simple truth. Now, that's the truth.

I hope as the debate unfolds on the floor that many of my colleagues on the other side of the aisle will change their mind about enacting serious medical liability reform. My medical care access protection amendment is not a battle of right versus left. It is a battle of right versus wrong.

This amendment is the right prescription for patients. We need to secure patient access to quality health care services when they need it the most. I urge my colleagues to adopt this commonsense amendment when it is brought to the floor.

One last comment. We are going to be adding what is called the doctor fix. We are going to be adding the doctor fix unpaid for. It is \$250 billion over the next 10 years. I have been talking a lot about the Federal debt and what we are doing to our children. The other side wants to do what we all want to do around here; that is, make sure doctors' fees in Medicare are not cut because they are already paid at a very low rate, but they are doing that without honoring what they talked about known as "pay-go".

We heard a lot about that during the campaign: We need to pay for everything. We cannot keep adding to the deficit. They accused this side of the

aisle as being fiscally irresponsible. Now they are going to add \$250 billion, take it off the table, and say: Well, it does not count. We are just going to add to the deficit \$250 billion; that we can fix the doctors' payments, but we are not going to pay for it.

I think this is pretty outrageous. That is why we are going to have amendments to attempt to fix what is happening to the doctors but to do it in a fiscally responsible way so we are not adding to our children's and our grandchildren's tax burden in the future.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MCCAIN. Madam President, parliamentary inquiry: What is the pending business before the Senate?

The PRESIDING OFFICER. There is just under 3 minutes remaining in morning business.

Mr. MCCAIN. And then?

The PRESIDING OFFICER. Then the Senate will turn to the conference report on homeland security.

Mr. MCCAIN. Madam President, thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD. Madam President, I ask unanimous consent that the remaining time in morning business be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 2892, which the clerk will state.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the

amendment of the Senate to the bill (H.R. 2892), making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of October 13, 2009.)

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Madam President, I speak today in support of the conference report providing appropriations for the Department of Homeland Security for fiscal year 2010. I especially wish to thank my ranking member, Senator GEORGE VOINOVICH, for his cooperation in producing the agreement that is now before the Senate. It has been 8 years—8 long years—since the attacks of 9/11. There are some people in this country who have become complacent about the threat of another attack. Don't count me as one of them. I am not one of those people.

There have been numerous terrorist attacks around the globe, including the London, Madrid, and Mumbai bombings. Just last month, a Denver man was indicted on a charge of conspiracy to use weapons of mass destruction. Where? In New York City. So we must continue to be vigilant. Nor can we be complacent about Mother Nature's power to wreak havoc with a major earthquake, flood, or hurricane, meaning that such disaster relief will require the funding provided in this bill.

This year, I have set five goals for the Homeland Security Department, five goals that I trust we all share. What are they? No. 1, to secure our borders and enforce our immigration laws. No. 2, to protect the American people—your people, my people, the American people—from terrorist threats. No. 3, to prepare for and respond to all disasters, both manmade and natural. No. 4, to support our State, local, tribal, and private sector partners with resources and information. No. 5, to give the Department of Homeland Security the management tools it needs to succeed.

I believe the conference report we are presenting today meets those goals.

Funding for the Department of Homeland Security totals \$42.8 billion. Do you know how much money that is? That is \$42.80 for every minute since Jesus Christ was born. That is a lot of money. It is an increase of \$2.65 billion over 2009. Again, I thank my friend, the very able Senator GEORGE VOINOVICH, the ranking member, for his notable contributions to this legislation. I thank Senator DANIEL INOUE and Senator THAD COCHRAN, the chairman and the vice chairman of the Appropriations Committee.

I also thank our able majority and minority staff who have worked to-

gether to produce this legislation. Let me name them: Charles Kieffer, Chip Walgren, Scott Nance, Drenan Dudley, Christa Thompson, Rebecca Davies, Carol Cribbs, and Alex Avanni.

Madam President, I thank all Senators, and I urge support for the conference report.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Madam President, I am pleased to join the distinguished Senator from West Virginia in presenting the fiscal year 2010 appropriations conference report for the Department of Homeland Security.

As my colleagues know, it is after October 1—the start of a new fiscal year—and the Department of Homeland Security's programs and activities are being funded under a continuing resolution because we did not complete our work on time. I think this is unfortunate. The House adopted its version of the bill on June 24 and the Senate adopted it on July 9.

When I was mayor and Governor of Ohio, I would have lost my job if the budget were not done in time or the appropriations not done on time. I think everyone would agree that this is not the way to properly run our operation. I know of no good explanation as to why we could not have resolved our differences to allow this conference agreement to be signed into law before this date.

Senator BYRD said the conference report recommends a total of \$44.1 billion in appropriations to support programs and activities of the Department of Homeland Security. Of this amount, \$42.8 billion is for discretionary spending, and this is roughly \$254 million less than the President's total discretionary request. I wish to make that clear, that it is less than the President requested.

In addition, \$1.4 billion is provided for the Coast Guard retired pay—the only mandatory appropriations account in the conference report—and \$241.5 million is provided for Coast Guard overseas contingency operations.

The conference report includes significant resources for border security and enforcement of our immigration laws, for continued improvements in security at our Nation's airports and modes of surface transportation, for the Coast Guard operations and recapitalization, for helping our citizens prepare for and recover from natural disasters, and for equipping and training our Nation's first responders. I think Senator BYRD did a beautiful job in terms of his five reasons and the things we ought to be doing, and that is what we have tried to do in this report, to respond to those five goals Senator BYRD outlined.

As Senator BYRD has indicated, there is much in this conference report to recommend. I am not going to list all

of the funding recommendations, but I do wish to note some. This is very important: Full funding is provided for border security. This includes funds to support 20,163 Border Patrol agents, 21,124 Customs and border protection officers, and 33,400 detention beds. These are the beds we use when we pick up people and we put them there and hold them until we return them to where they came from. Also included is \$800 million to continue work on the virtual border fence and to improve radio communications.

Starting in fiscal year 2005, significant increases have been provided for border and immigration enforcement. Fewer people are illegally crossing our borders. This can be seen in the decrease in apprehensions of aliens along our borders from nearly 1.2 million in fiscal year 2005 to nearly 724,000 in fiscal year 2008. More fencing, roads, and personnel have allowed the Border Patrol to increase the number of miles over which it has effective control from 253 miles in October of 2005 to 729 miles in March of 2009.

Additional agents and detention beds have allowed U.S. Immigration and Customs Enforcement to increase total removals of aliens from nearly 247,000 removals in fiscal year 2005 to approximately 347,000 in fiscal year 2008. We are making significant progress in terms of our border protection and going after these illegal aliens.

This fiscal year 2010 conference report provides nearly \$16 billion in appropriations for these activities. This will allow us to continue making progress, but we still have a long way to go and at a great expense. One of these days I am going to come to the Senate floor and talk about how much money we have spent and how much money we are going to have to continue to spend if we are going to do anything about the problems of illegal aliens in this country.

While this conference report is significant for what it includes, it excludes two important provisions added to this bill when it was considered by this Senate, including a permanent extension of the E-Verify program and the extension of E-Verify to current employees. I would have preferred to have the conference agreement to include both provisions, but my House colleagues were not so inclined. Even though this conference agreement does not permanently authorize E-Verify programs as opposed to the Senate bill, it does extend the program's authorization for an additional 3 years, allowing its continued development as a crucial tool for employers to ensure a legal workforce. However, it does not include the Senate provision offered by my colleague from Iowa, Senator GRASSLEY, which would have given employers the flexibility to voluntarily check their entire workforce and not solely new hires.

The administration expressed concerns that the provision could tax the capacity of E-Verify. Let me tell my colleagues, E-Verify has the capacity to handle more than 60 million queries a year and it has received less than 8.7 in fiscal year 2009. Capacity does not seem to be a barrier of this program, and this is an issue I hope we are going to revisit one of these days.

I wish to thank the chairman of the Senate subcommittee, my colleague from West Virginia, Senator BYRD. It has been an honor for me to work with Senator BYRD this year. This is my first year on Appropriations, and who do I have as my chairman but the distinguished Senator from West Virginia.

Mr. BYRD. I thank the Senator.

Mr. VOINOVICH. Madam President, I wish to thank Mr. PRICE, the ranking member of the House committee, and Mr. ROGERS for their substantial contributions to this bill. It has taken many hours of hard work by these Members and their staffs to reach the agreements which are presented to the Senate today. While everything is not settled to my liking, I believe this is a balanced set of recommendations which reflects many of the Department's priorities and achieves a reasonable degree of compromise in some of the more contentious issues.

I again wish to join Senator BYRD in commending our staff. Mr. Kieffer has been wonderful to work with. The folks on my side, Carol and Rebecca. I am a new member of the Appropriations Committee. I have never seen staff work as conscientiously as we have had for the Appropriations Committee. Senator BYRD, it is almost like magic they do such a good job for us. So again, I wish to thank them for their good work.

Madam President, I recommend this conference report to my colleagues for their consideration, and I support it.

I yield the floor.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TESTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Madam President, I congratulate Chairman BYRD and Senator VOINOVICH in getting this conference report to the Senate today. This is a very good example of good work that comes from folks who work together to get things done.

With good funding levels for our firefighter support programs and funding for two emergency operations centers critical to my State, this is a bill that does right by the folks to keep America safe every day.

There is one issue, however, that still gives me great concern; that is, the

funding in this bill for the proposed National Bio and Agro-Defense Facility. The final conference report includes my amendment requiring DHS to conduct a security and risk mitigation study before getting any money for construction of the bio facility. It also includes an additional requirement that the National Academy of Sciences puts its independent eyes on the Department's study before funds go out the door.

This is a good start, but it is not enough. I do not understand why we are going to appropriate \$30 million for a project we need not one but two studies about whether this project can move forward safely.

Independent experts have real concerns about building the NBAF in the heart of the beef belt where an accidental or intentional release of foot-and-mouth disease could have disastrous consequences for America's livestock industry, and that industry includes Montana where the livestock industry is a \$1.5 billion industry.

This facility will house some of the most dangerous agricultural diseases around the world. We should not start doing this research on the U.S. mainland and in the middle of tornado alley without taking every possible precaution.

On a matter this serious, we ought to measure twice and cut once. Regrettably, by giving the Department \$30 million this year, we are not heeding that old saying.

The GAO, the subcommittee, and independent experts acknowledge that we do not know if this research can be done safely on the U.S. mainland. We all agree that an accidental release of foot-and-mouth disease or another dangerous disease from this facility would devastate America's livestock industry. Yet we are providing the money to go ahead with it anyway.

Why not just wait and do the studies this year and then the Department can come back to us with their revised funding request next year?

I understand this has to do with getting Kansas to sign a cost-sharing agreement. But are we convinced Kansas will not put forward the money next year if this facility is to be built there?

If this facility is built in Kansas, the United States will become the only country, other than England and Canada, to do FMD research on a mainland. Everyone else does it on an island.

England had an accidental release in 2007 which led to eight separate outbreaks of FMD on farms surrounding their facility. Canada at least does it in an urban area far from livestock production areas.

Congress's nonpartisan, independent auditor, the Government Accountability Office, has sounded the alarm on this issue. They are telling us that

Homeland Security has not conducted or commissioned any study to determine whether foot-and-mouth disease work can be done safely on the mainland.

Proponents of this facility have said it is OK to do this research because the new Kansas facility will have the most modern technology and all the safety bells and whistles that Plum Island lacks. But the GAO rightfully argues this view only encourages a false sense of security.

The GAO says:

Even with a proper biosafety program, human error can never be completely eliminated. Many experts told us that the human component accounts for the majority of accidents in high-contaminant laboratories. This risk persists, even in the most modern facilities and with the latest technology.

I know I am not the only Senator who shares the GAO's concern. So I look forward to working with many of my colleagues on this issue again next year. We do need to pay attention to what these studies say, and as a member of this subcommittee, I will be watching it very closely.

The Department is going to come here next spring with a \$500 million request for funding for this project. That is a lot of money. But the true cost of doing this research in the middle of tornado alley could be much higher. The cost of cleaning up after an FMD release—the culling of entire herds of livestock, the loss of foreign agricultural sales that will endure for years after a release, and the loss of America's food security—will be measured in the tens of billions of dollars. That is something America cannot afford, and we must not let it happen.

Madam President, I yield the floor and suggest the absence of a quorum. I ask that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. BYRD. Madam President, I ask unanimous consent that the Senate stand in recess until the hour of 2:15 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon the Senate, at 12:26 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I believe we are going to be considering the Homeland Security conference report. I want to spend a few minutes talking about that so that the American public might realize what we are doing. This year's spending totals have averaged, on individual appropriations bills, anywhere from a high of 24 percent to a low of about .6 percent, on one bill that had received twice its annual appropriation in the stimulus. We have of course a conference report that is \$42.7 billion. That is a 6.5, almost 7-percent increase over last year, the same the year before, and a 23-percent increase the year before that. There is no question, homeland security is an important part.

The issue I want to raise with my colleagues and the American people is, we had inflation of 1.5 percent last year. We do have one bill, one bill that has come in at inflation or less. All the rest are averaging around 10, 11, 12 percent increases. We ought to be concerned about what the Congress is doing in terms of increasing the spending in light of the fact that we have just finished a year in which we had a published \$1.4 trillion deficit. But those are Enron numbers. That is Enron accounting because we didn't recognize all the money we borrowed from trust funds that don't go to the public debt, that are internal IOUs that our children nevertheless will still have to pay back.

The real reason I want to talk about this bill is because it purports to have an amendment on competitive bidding. I will grant that the amendment is better than no amendment, but the American people should be outraged at what we have done on competitive bidding in this bill. What we have said is we want competitive bidding—except for our friends. If you are connected to a Senator through an earmark or if you are connected through a grant process, what we have done is taken a large number of grants and directed them specifically without competitive bidding. What does that mean to the process? What does that do to the integrity of the process? It says if you are well heeled and well connected, then in fact you can have what you want on a non-competitive basis, because that is what the amendment in the bill says. But if in fact you are not, then you will have to compete on the basis of merit and price like everybody else in the country.

Once again we have earned our lack of endorsement by the American public because of what we have said: "Unless

otherwise authorized by statute without regard to the reference statute." Those are fancy words for saying we want competitive bidding on everything except earmarks and the congressional directive we have in this bill.

That means if you have a business and you have an earmark, you didn't have to be the best business to get that, to supply the Federal Government whatever it is. If you are a grant recipient and got earmarked, you didn't have to be the one with the greatest need, No. 1, or the most efficient way to generate the dollars through that grant. What it does is it puts on its ear any semblance of fair play, No. 1; and, No. 2, it takes away the initiative for everybody else who now is going to get a competitive bid. What it is going to do is drive a greater demand for earmarks in the future.

We ought to ask ourselves the following question: If this is taxpayer money and our grandchildren's money—because 43 percent of this bill is going to be borrowed—is it morally correct, is it intellectually honest that we would say: If you are connected, if you have an "in," you don't have to meet the same level of responsibility and accountability as those who are well connected? I think that is a great question for us to debate.

Unfortunately, a real competitive bidding amendment was not agreed to in this bill that would put all of it at competitive bidding. Senators have the right to say we ought to do something. But they don't necessarily have the right to say we ought to do something and this person ought to benefit from it. It is not ours to give away. When we do things as we have done in this bill to protect those most well heeled, those most well connected to the Congress, by saying everybody else is going to play under one set of rules but if, in fact, you have a friend or a connection or an earmark or a directed grant, you don't have to play by those rules, not only is it unfair to everybody else who does not have to play by those rules, it actually undermines the value of what we do.

On the basis of that and the spending levels, I plan on opposing the Homeland Security conference report. My hope is that we will get better, that in fact we will not play games with the American public, that we will not say our friends get to get treated differently than anybody else in this country and that every dollar we spend we can assure to the American taxpayer is going to go to the best firm to do that based on a competitive bid so we actually get the best value for the hard-earned dollars that are being spent.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I rise to urge my colleagues to vote for passage of the fiscal year 2010 appropriations bill for the Department of Homeland Security.

First, I want to thank my colleagues on the Appropriations Subcommittee on Homeland Security, Chairman BYRD and Ranking Member VOINOVICH, as well as full Committee Chairman and Ranking Member INOUE and COCHRAN for all the hard work and consideration they brought to this bill.

The overall bill, which provides \$42.776 billion in discretionary funding for DHS in fiscal year 2010, is \$151 million less than the total provided in the Senate bill, but \$159 million higher than the House funding total, and seems to me to be a fair compromise.

The resources provided in the bill are sufficient to carry out the Department's core missions of protecting the homeland against the threat of terrorism, securing our borders, enforcing our immigration laws, and preparing for and responding to terrorist attacks and natural disasters.

While there are many programs and activities at DHS deserving of funding above the level provided in this bill, we are in a time of serious economic challenge, and obviously tough choices had to be—and were—made in putting this legislation together.

This bill reflects the priorities of a department that has made great strides in the last 6 years but still faces many hurdles in fulfilling the mission Congress laid out for it in 2002. Senator COLLINS and I have worked together since DHS was created—alternating as chairman and ranking member of the primary authorizing committee for the Department—to strengthen the Department's ability to carry out its many national security assignments, to strengthen its management, facilitate its integration, and to hold its leadership accountable to an American public that has a right to be safe and secure within the borders of our own Nation.

In May, I wrote to Chairman BYRD and Ranking Member VOINOVICH setting forth what I believed to be the most significant appropriations priorities for the Department, and I am grateful that a number of my recommendations have been incorporated into this bill. Let me briefly discuss a few sections of this bill that I believe are particularly important to our homeland security.

First, I am pleased the Appropriations Committee recognized that the Department's management and operations accounts need adequate funding if DHS is to succeed as it must. Secretary Napolitano has emphasized the need to create "One DHS" where the Department's many components are working closely together. To accomplish this, the offices for policy, human capital, acquisition, and information technology need additional resources, and all received significant increases in their budgets. The additional investment in acquisition oversight is particularly gratifying, as it will improve the Department's ability to oversee the

\$12 billion it spends each year on contracts with the private sector to better ensure our tax dollars are not wasted on bloated or ineffective programs.

Second, this bill, together with the funding provided in the fiscal year 2009 supplemental, significantly increases resources for combating violence on our southern border and includes the bulk of the \$500 million increase in border security funding Senator COLLINS and I successfully added to the Senate budget resolution in March.

The FBI has said that the Mexican drug cartels are the number one organized crime threat in America today, replacing the Mafia. The kind of targeted and grisly violence we are seeing in Mexico is unprecedented. Thanks to this funding, DHS will be able to send almost 300 additional law enforcement officers to our ports of entry in order to conduct southbound inspections and interdict the illegal flow of cash and guns into Mexico that is fueling the cartels' ruthless attacks against the Mexican Government.

The funding will also add hundreds of ICE investigators to work on drug, currency, and firearms cases in the border region, and will expand the Border Enforcement Security Task Force fusion centers that ICE has established along the southwest border. This funding was badly needed to help Federal, State, and local law enforcement agencies take down these sophisticated and dangerous drug and human smuggling networks. The Mexican drug cartels represent a clear and present threat to homeland security, and I remain fully committed to working with the administration to support our Federal law enforcement agencies in this crucial fight.

Third, this bill continues funding for the Homeland Security grant programs that our first responders need to prepare for acts of terrorism and natural disasters at the State, local, and tribal levels. Funding for the State Homeland Security Grant Program, which provides basic preparedness funds to all States and is the largest of DHS's grant programs, remains steady from last year at \$950 million, including \$60 million for grants focused on border security, essentially the full level authorized by Congress in the Implementing Recommendations of the 9/11 Commission Act of 2007. Funds for Urban Area Security Initiative, UASI, grants, which provide resources to the Nation's highest risk metropolitan areas, are increased by nearly \$50 million over last year.

I am also pleased that funding for SAFER grants which assist local fire departments with the cost of hiring new firefighters was doubled to \$420 million for fiscal year 2010. In this era of budget constraints, this funding will help ensure that communities are able to continue to staff their local firehouses.

The Appropriations Committee has also wisely restored a significant portion of the funding cut from the President's budget for assistance to firefighter grants. These grants fund essential equipment, vehicles and training for firefighters. However, the \$390 million for these grants still represents a cut of nearly one-third below the fiscal year 2009 appropriation. I hope that next year the funding for this important program will be brought fully up to its previous level.

Fourth, this bill wisely supports the administration's request for a significant increase in funding for cybersecurity at DHS which has been identified as one of our top national security priorities. The Department needs resources to protect Federal civilian networks from cyber-related threats and to work with the private sector to protect their networks and infrastructures. The Homeland Security and Governmental Affairs Committee is currently working to develop legislation that strengthens the government's authorities with respect to cybersecurity, so this funding decision is particularly important.

Fifth, this bill adds \$25 million above last year's appropriation to support coordination, management and regulation of high-risk chemical facilities and brings DHS regulator staff to 246—an increase of 168 over the 2009 staffing level.

This bill makes other essential homeland security investments in port security, transit security, science and technology, and biosecurity, all of which are critical to the overall security of the Nation.

I believe that overall this is a strong and essential piece of legislation. I thank the leadership and the members of the Appropriations Committee for their work on this bill and strongly urge my colleagues to support its passage.

Mr. INOUE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISCLOSURE OF CONGRESSIONALLY DIRECTED
SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the conference report which accompanies H.R. 2892 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate has passed the Department of Homeland Security appropriations conference report. This legislation contains important funding for the Department of Homeland Security to carry out its various responsibilities. I commend Chairman INOUE

and Subcommittee Chairman BYRD for their hard work on this legislation, and also for their support of a vibrant immigration program that fosters direct investment in U.S. job creation that is extended through this legislation.

The conference report we will pass today contains a 3-year extension for the EB-5 regional center program. This extension will bring badly needed stability to this program. Foreign investors who look to the regional center program must have the confidence that the Federal Government supports and believes in this program. Stakeholders that rely on financing through this program must have the predictability that this 3-year extension will help provide. As the U.S. Citizenship and Immigration Services expressed to the Senate Judiciary Committee during a recent hearing about this program, the biggest impediment to the EB-5 regional center program is its lack of permanence. I have long believed in the potential of this program as an economic engine for America's communities. Given the recent and rapid expansion in the number of approved regional centers around the country, it is clear that many Americans recognize this potential, as well.

In an effort to make this program an integral part of our immigration system, I offered an amendment to the Homeland Security appropriations bill on the Senate Floor to provide for its permanent authorization. That amendment was overwhelmingly adopted. Unfortunately, the conference committee did not retain that permanent authorization, and once again, irrational immigration politics got in the way of good policy. Instead of making permanent a program that has created thousands of American jobs and brought more than \$1 billion of capital investment into our communities since 2006, the conference was compelled to sacrifice this opportunity for no legitimate reason. However, it is still heartening to know that over the next 3 years the citizens who are working to better their communities through the regional center program will be able to do so without the fear of constant interruption and uncertainty.

I want to take a moment to commend all of the resourceful business people who have turned to this program to finance key economic development projects in their communities. Despite the hurdles that have continually hampered the efforts I have led to renew the program, the stakeholder community has not only continued to work hard on improving local economies across the country, but has directly engaged Members of Congress to ensure that this program does not wither away. As a result of their efforts to retain a strong extension in the conference report, I am confident that many more Members of Congress have a better understanding of this

program's potential and importance in their own communities.

These stakeholders all deserve thanks for the jobs and capital investment they are bringing to their communities. In Vermont, people like Bill Stenger at Jay Peak Resort and Win Smith at Sugarbush Resort have used the EB-5 program to keep Vermont's ski industry a vibrant and foundational part of the Vermont economy. As a direct result of the EB-5 regional center program and in a very difficult economic environment, dozens of subcontractors in Northeastern Vermont are hard at work on a project financed through the EB-5 Regional Center program. And in an effort to build on these successes, the State of Vermont is actively involved in working to expand the business sectors covered by Vermont's regional center so that technology firms and other diverse Vermont business enterprises can market their investment opportunities to a global audience. My efforts will continue in support of the regional center program. I look forward to helping Vermont and States across the country realize the full potential of this program through a permanent authorization.

I am also pleased that the conference retained an important measure to correct a serious inequity in immigration law commonly known as the widow penalty. Prior to the corrective amendment contained in this legislation, a foreign national widow or widower of a U.S. citizen was put into the untenable position of not only losing their spouse but losing their lawful permanent residence and path to U.S. citizenship. To underscore the nature of this injustice: In cases where a marriage was entered in good faith and without any fraud or ill intent, if the U.S. citizen spouse passed away during the period of conditional residency, the immigration agency took the position that the widow or widower no longer had standing to become a lawful permanent resident. This is wrong, and for a society that places such great value on family, a truly unfortunate position. The amendment in this legislation, which I and other Senators worked hard to ensure was retained in the conference report, will end this injustice.

The conference report also contains an amendment to extend a visa program that allows individuals from around the world dedicated to working on behalf of their religious faiths to come to the United States to do just that. I am pleased that the efforts I and others made to ensure this measure was retained have resulted in its adoption.

Finally, I commend the conference committee for rejecting an amendment that would have done little more than waste taxpayer dollars and cause further harm to the rights of property owners and the environment along our

southern border. The conference committee wisely rejected an amendment that would have, in effect, required the Department of Homeland Security to tear down and rebuild hundreds of miles of barriers between the United States and Mexico that have already been constructed, at enormous expense to taxpayers. The Secure Fence Act, a piece of legislation I strongly opposed, directed the Department of Homeland Security to build border fencing and other barriers as a response to illegal border crossings. The Department carried out this legislative command during the Bush administration and constructed pedestrian fencing with vehicle barriers and other infrastructure. The amendment that was rejected by the conference committee would have compounded the negative effects that attended the border fence's original construction, and wasted taxpayer dollars in the process. I commend the conference for its wisdom in not accepting this amendment.

Mr. President, I commend the Senate for enacting the Leahy-Cornyn OPEN FOIA Act—a commonsense bill to promote more openness regarding statutory exemptions to the Freedom of Information Act, FOIA—as part of the Department of Homeland Security Appropriations Act, H.R. 2892. This FOIA reform measure builds upon the work that Senator CORNYN and I began several years ago to reinvigorate and strengthen FOIA by enacting the first major reforms to that law in more than a decade.

The Freedom of Information Act has served as perhaps the most important Federal law to protect the public's right to know for more than four decades. The OPEN FOIA Act will help to ensure that FOIA remains a meaningful tool to help future generations of Americans access government information.

The OPEN FOIA Act will make certain that when Congress provides for a statutory exemption to FOIA in new legislation, Congress states its intention to do so explicitly and clearly. In recent years, we have witnessed a growing number of so-called "FOIA (b)(3) exemptions" in proposed legislation—often in very ambiguous terms—to the detriment of the American public's right to know.

During a recent FOIA oversight hearing held by the Judiciary Committee, the president and CEO of the Associated Press, Tom Curley, testified that legislative exemptions to FOIA "constitute a very large black hole in our open records law." The Sunshine in Government Initiative, a coalition of media groups dedicated to improving government transparency, has identified approximately 250 different statutory exemptions to FOIA that are used by Federal agencies to deny Americans' FOIA requests. This is an alarming statistic that should concern all of

us, regardless of party affiliation or ideology.

By enacting the OPEN FOIA Act, Congress has taken an important step towards shining more light on the process of creating legislative exemptions to FOIA, so that our government will be more open and accountable to the American people. I thank Senators LIEBERMAN, GRAHAM and CORNYN, and Representative PRICE, for working with me on this measure. I also thank the distinguished chairmen and ranking members of the Senate and House Appropriations Committees—Senators INOUE and COCHRAN and Representatives OBEY and LEWIS—for their support of this open government measure.

President Obama—who supported the OPEN FOIA Act when he was in the Senate—has demonstrated his commitment to enacting this measure, as have the many FOIA, open government and media organizations that have tirelessly supported this measure since it was first introduced in 2005, including OpenTheGovernment.org, the Sunshine in Government Initiative, the National Security Archive and the American Civil Liberties Union.

I have said many times before—during both Democratic and Republican administrations—that freedom of information is neither a Democratic issue nor a Republican issue. It is an American issue. I commend the Congress for taking this significant step to reinvigorate FOIA and I urge the President to promptly sign this provision into law.

Mr. CONRAD. Mr. President, I rise to offer for the record, the Budget Committee's official scoring of the conference report to accompany H.R. 2892, the Department of Homeland Security Appropriations Act for fiscal year 2010.

The conference report provides \$42.8 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$25.5 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the conference report will total \$46.6 billion.

The conference report includes \$242 million in budget authority designated as being for overseas deployments and other activities for the Coast Guard. Pursuant to section 401(c)(4) of S. Con. Res. 13, the 2010 budget resolution, an adjustment to the 2010 discretionary spending limits and the Appropriations Committee's 302(a) allocation has been made for this amount in budget authority and for the outlays flowing therefrom.

The conference report matches its section 302(b) allocation for budget authority and is \$2 million below its allocation for outlays.

The conference report includes provisions that make changes in mandatory programs that result in an increase in direct spending in the 9 years following the 2010 budget year. These provisions are subject to a point of order established by section 314 of S. Con. Res. 70,

the 2009 budget resolution. The conference report is not subject to any other budget points of order.

I ask unanimous consent that the table displaying the Budget Committee scoring of the conference report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

(Spending comparisons—Conference Report (in millions of dollars))

	Defense	General Purpose	Total
Conference Report:			
Budget Authority	1,567	41,209	42,776
Outlays	1,395	45,239	46,634
Senate 302(b) Allocation:			
Budget Authority			42,776
Outlays			46,636
Senate-Passed Bill:			
Budget Authority	1,582	41,335	42,917
Outlays	1,404	45,296	46,700
House-Passed Bill:			
Budget Authority	1,553	41,064	42,617
Outlays	1,390	44,931	46,321
President's Request:			
Budget Authority	1,365	41,473	42,838
Outlays	1,219	45,168	46,387
Conference Report Compared To:			
Senate 302(b) Allocation:			
Budget Authority			0
Outlays			-2
Senate-Passed Bill:			
Budget Authority	-15	-126	-141
Outlays	-9	-57	-66
House-Passed Bill:			
Budget Authority	14	145	159
Outlays	5	308	313
President's Request:			
Budget Authority	202	-264	-62
Outlays	176	71	247

Note: The table does not include 2010 outlays stemming from emergency budget authority provided in the 2009 Supplemental Appropriations Act (P.L. 111-32). The conference report includes \$242 million in budget authority designated as being for overseas deployments and other activities for the Coast Guard.

AIR FORCE AERIAL REFUELING TANKER

Mr. HATCH. Mr. President, I rise today with my fellow cochair of the Senate Tanker Caucus, Senator CONRAD, to lend my support to the expedited acquisition of the next aerial refueling tanker for the Air Force. We were pleased to hear Secretary Gates announced on September 16 that he was giving oversight authority back to the Air Force for this vital procurement program. This program will ultimately produce 179 new KC-X aerial refueling tankers through one of the largest military procurement contracts in history, worth approximately \$35 billion.

Mr. CONRAD. While it is important to acknowledge that the KC-135 replacement flight path was turbulent at times, we rise to commend the Air Force for its plan to carry out the service's No. 1 recapitalization priority. The Air Force has presented a revamped KC-X plan after a rigorous review of previous acquisition strategy. The new plan belies the fact that the Air Force is committed to a fair, open, and transparent competition. On September 25 the draft Request for Proposal was released, restarting the process to ensure our men and women in uniform have an aerial refueling tanker that will continue our unmatched Global Reach anywhere on the planet. It goes without saying now is the time to produce a timely, cost-effective, war-winning system for the war fighter. The operations our nation is conducting today and will conduct for the foreseeable future and require our airmen, soldiers, sailors, and marines to operate in remote locations that need

to be supplied and defended without delay.

Mr. HATCH. The current KC-X proposal has been refined to 373 key mandatory requirements that will allow this new tanker to "Go to War" on day 1. There are 93 additional areas that will enable offerors to enhance their proposals. If the bids are within 1 percent of one another, the 93 additional capabilities will be analyzed to break this virtual tie. If a competitor has a score that wins by more than one point then the award will go to that contractor. If the tally of additional requirements score is less than a one point difference, the contract will be awarded to the contractor with the lowest proposed price. After reviewing this process, we believe it is very clear and transparent. The contract award has been projected for May 2010.

Mr. CONRAD. Mr. President, we are concerned that the plan is only projected to purchase 15 tankers each year from the winning offeror. As you remember, the last contract was structured to purchase 19 tankers per year. It is imperative we find a way to increase the rate at which we purchase this new tanker especially given the time we have lost. If we stay on the current course, we will be relying on 80-year-old KC-135s when the last new KC-X comes off the assembly line—an absolutely unprecedented age for operational aircraft, especially such a critical enabler that we rely on to ensure America's Global Reach. We must accelerate this purchase.

Mr. HATCH. Mr. President, we are in great need of a new aerial refueling tanker now. No one can dispute this fact; the President, the Secretary of

Defense, and the Secretary of the Air Force have all said so. President Eisenhower was our first President to see the current refueling tanker in service and it has served through every contingency for over almost 50 years. The venerable KC-135 is by far the oldest airframe in our inventory. The generation of men and women that defend our freedom deserve an aerial refueling tanker that capitalizes on the innovations of today while providing the taxpayer the best value.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak for 7 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RYAN WHITE AUTHORIZATION

Ms. MIKULSKI. Mr. President, I want to talk today about the Ryan White authorization. The Ryan White authorization passed last night by, really, unanimous approval. As many people know, the Ryan White legislation is one of the most important pieces of legislation to fund help for those people living with HIV and AIDS.

I want to comment on the importance of the bill, but essentially, in today's world, remind people of where we were and how far we have come. I want to talk about the importance of the bill. I could cite statistics from my own State. I have a State with one of the largest numbers of surviving AIDS patients, for which we are so happy and grateful. I have over 34,000 Marylanders living today with HIV and AIDS.

As I said, the passage was almost unanimous. The debate was non-controversial. It was the same way in

our Health, Education Committee. Our debate was quite civil. It was even policy wonkish. We were focusing on the details of funding, how to include more assistance for rural communities where there is a spike in the number of AIDS cases. It was actually quite civil and collegial—robust as it always is in the HELP Committee. But as I sat there and listened to my colleagues—and it was somewhat dull, the usual—I thought back to 1990 when it was not like that at all.

I say that today as we take up health reform. We are gripped by fear, we are gripped by frenzy where all kinds of myths and misconceptions are out there. The debate is prickly. It is tense. We don't listen to each other. We are out there, hurtling, hurling accusations.

I want to go back to a day in 1990, a day in the HELP Committee chaired by Senator Kennedy, when this young boy, Ryan White, came to testify. Ryan White was diagnosed with AIDS at age 13. He came to testify at the committee when we were trying to figure out what to do with this new disease that was gripping the land, where people in our urban communities were dying, adults who contracted it. Here was this little boy who came, who was so frail, who was so sick, and he wrenched our hearts that day as he talked about this new disease that he had gotten. He had gotten it through a blood transfusion.

But what he also told us about was what he was going through. He testified that day, mustering every bit of energy he had, speaking with verve and pluck about his plight, he told us about what had happened to him—how he was shunned in the class, how he was locked in a room, how children were forbidden to play with him. He lived a life of isolation and a life of desolation. He was treated like a pariah.

He wasn't the only one. Anyone who had AIDS in those days was greeted as if they were the untouchables. I remember it well. If you had AIDS, you were hated, you were vilified, you were viewed as a pariah. People were afraid to get near you, afraid to use the water fountain. If you heard someone in our office had AIDS, you didn't want to use the same bathroom.

Firefighters and emergency people were afraid to touch people bleeding at the site because they were concerned they could get it. Funeral homes would not bury people who had AIDS. I remember a little girl who died in my State who had AIDS, and only one funeral home in the Baltimore area would bury her. This is the way it was then.

As that little boy spoke, we were gripped by tears and we were gripped by shame, we were so embarrassed at what was happening in our country. Both sides of the aisle were touched. The Senate stepped up and they did it on a bipartisan basis. I was so proud

that day when Senator Ted Kennedy, whom we miss dearly, said: Tell me, young man, what can we do for you?

And he said: Help the other kids. Help the other people who have AIDS.

Ted said: I certainly will.

And Senator ORRIN HATCH immediately stepped up—sitting next to Kennedy—and said: I want to be involved. I want to work on that legislation.

Ted Kennedy, ORRIN HATCH, CHRIS DODD, TOM HARKIN, BARBARA MIKULSKI, NANCY KASSEBAUM—we all came together. We worked on a bipartisan basis and we did move the Ryan White bill against the grain of many people in this country and in the face of the fear and frenzy.

As Ryan White left with his mother that day, as he walked out in a very halting way, he was gripped by a media frenzy. The noise went on. They were pushing and shoving to try to get a picture of this poignant little lad. Senator Kennedy jumped up, built like the linebacker he once was in Harvard, and ran out and he said, "BARB, come with me; CHRIS, get over there; ORRIN, grab that chair." We all ran out and Ted Kennedy literally threw himself in front of Ryan White to protect him from being run over by TV cameras.

Again, both sides of the aisle, we were there—Ted, calling this out—CHRIS, you go there; BARB, open the door; ORRIN, stick with me, and ORRIN stuck with him. They put their arms around him and got him into a safe haven in one of our offices.

Ted Kennedy literally put himself on the line that day of fear and frenzy, and Republicans were right there with him, helping him out to get that young man to a safe room. Ted Kennedy protected that little boy that day, literally and figuratively, and he had the support of the committee.

So as we move ahead today, as we reauthorize the Ryan White program for 4 more years, remembering that it is the largest source of Federal funding for HIV/AIDS programs, I want us to remember how we worked together, what it is like when we literally stand up for each other. Ted Kennedy literally protected that child 19 years ago. He stood up and protected the people who count on us to protect them every day. It was a moving day. It was a lesson to be learned today—Ted Kennedy leading the way, the ranking member by his side, all of us coming together.

What I also remember that day was not only our bipartisanship and our compassion and our civility with this little boy and with each other, I remember the angry mob out there, worrying about people who had AIDS, finger pointing. I guess the lesson of today is don't listen to the mob. Don't be swayed by fear and frenzy. Let's get rid of misconceptions and stop accusing each other. Let's start to work together. Let's listen to each other.

Maybe 20 years from now when we look back on the debate of health insurance reform, we will pass it and make it, and it will be so usual and customary, and we will be proud of what we did as we are proud of what we did today. Ryan White is no longer with us. But what he helped inspire a nation to do is. I thank him and his family and all who endured during that time.

Now I call upon us again. Let's return to civility, bipartisanship. Let's stick to the facts. Let's stick with each other.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise today to speak about the conference report to accompany the Department of Homeland Security Appropriations bill.

When this bill was originally before the Senate, I joined 83 other Members of this body in supporting it.

But at this time I cannot support the conference report because it includes language that was not included in the Senate-passed bill relating to the detainees being held at the Guantanamo Bay Naval Facility, or Gitmo.

This bill would prohibit the transfer, release or detention in the United States of any of the detainees held at Gitmo as of June 24, 2009. However, it does allow detainees to be brought into the U.S. for prosecution. I cannot support this. I have been very outspoken on this issue and believe it is wrong to bring these detainees into our country to try them in our criminal courts. These terrorists have committed violations of the laws of war and should be held and prosecuted according to the procedures Congress laid out in the past.

Prosecuting these individuals in our U.S. courts simply will not work and there is too much at stake to grant the unprecedented benefit of our legal system's complex procedural safeguards to foreign nationals who were captured outside the United States during a time of war. Allowing these terrorists to escape conviction, or worse yet, to be freed into the U.S. by our courts, because of legal technicalities would tarnish the reputation of our legal system as one that is fair and just. Prohibiting the detainees from entering into the U.S. is one small step in the right direction. However, this legislative loophole is a step in the wrong direction.

In May, the Senate voted 90 to 6 to prohibit any of these hardened terrorists from being brought to the United States. Despite this clear objection, the administration transferred one detainee, Ahmed Ghailani, to New York City in June. He is facing a trial in the Southern District of New York for his role in the August 7, 1998 bombings of two U.S. embassies in Africa. Some of my colleagues in the Senate have touted this as an example of how we can

bring criminal charges against the Gitmo detainees and try them in our courts. However, Ghailani was indicted on March 12, 2001, a full 6 months prior to the terrorist attacks of 9/11 and after a full investigation by the Federal Bureau of Investigation. The case against Ghailani was built long before he was transferred to Gitmo in 2006. To imply that other detainees, many of whom the FBI has not investigated or collected evidence against, may be prosecuted similarly in U.S. courts is naïve. Worse yet, just recently, the Attorney General ordered the U.S. attorney not to seek the death penalty in this case, despite the fact that his participation in the bombings resulted in the death of over 200 people and injured over 4,000. In contrast, six of the charges brought against Ghailani in his military commission carried the death penalty.

Now there are press reports that the administration is considering transferring Khalid Sheikh Mohammed or KSM to the United States. KSM is the self-proclaimed, and quite unapologetic, mastermind of the 9/11 attacks. KSM admitted he was the planner of 9/11 and other planned, but foiled attacks against the U.S. In his combatant status review board, he admitted he swore allegiance to Osama bin Ladin, was a member of al-Qaida, was the Military Operational Commander for all foreign al-Qaida operations, and much more. These admissions are unlikely to be admitted in a Federal court. Bringing KSM to a U.S. court will do nothing but allow defense lawyers to expose our intelligence sources and methods used in interrogating KSM to the world.

Time after time since President Obama's January 22, 2009 announcement stating that he would close Gitmo within a year, I have seen hasty and ill-advised comments and action taken with respect to the Gitmo detainees. The detainees at Guantanamo are some of the most senior, hardened, and dangerous al-Qaida figures we have captured. It is imperative that the President satisfy the concerns of Congress and the American public before we should fund the transfer of any of these detainees to U.S. soil for any reason.

THE PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Senator from Georgia for his comments. Having served on the Judiciary Committee and the Armed Services Committee with Senator CHAMBLISS, we had a number of hearings on these issues. I agree with Senator CHAMBLISS that there is no practical alternative to the process we are using. It is right and just to do so, to use the one, at least, we have been using at Guantanamo Bay.

To create trials in Federal district court using American rules of procedure such as Miranda and the exclu-

sionary rule is not the kind of thing that ought to be done in this case. He has given a lot of thought to it, and I appreciate it. In essence, he is disappointed that the conference committee altered language we passed by an overwhelming majority in this Senate. That is exactly what I am going to talk about today.

I am disappointed that those in the leadership in this Congress, without discussion or debate, have decided to dramatically alter the amendment I offered that was accepted unanimously to the Homeland Security appropriations bill in this Congress.

On July 8, 2009, the Senate rejected, by a vote of 44 to 53—I think at least 13 or more Democrats voted this way—a motion to table the E-Verify amendment I offered to the Department of Homeland Security bill. After the motion to table was defeated, the Senate then unanimously accepted my amendment. The amendment made the program permanent, the E-Verify Program, which allows businesses to run virtually an instant computer check to see if the person who has applied before them is legally able to work in the United States. The amendment I offered would have made that E-Verify system permanent and it would have made it mandatory for government contracts. Some States have mandatory rules; businesses are voluntarily doing it. It would simply say: You are not going to get a contract from the taxpayers of the United States if you are not legally working in the United States. How simple is that? But the version of the bill reported from conference is dramatically different. It contains only a 3-year extension of the E-Verify Program and does not include any of the Federal contractor language. We passed a lot of stimulus money to try to create jobs for Americans this year, and it should be for lawful people, not unlawful.

This is the third time this Congress and the leadership in this Congress have either removed, changed, or blocked attempts to make this successful program permanent, against the overwhelming will of the American people, actually, and against the will of the Obama administration—at least in their verbal statements—and the express will of both the House and the Senate.

So this is how things happen. I think this is one of the reasons people are angry with Congress. Some people say they are angry at immigrants. I do not think that is accurate. I think they are angry at Congress for failing to take commonsense steps to create a lawful system of immigration and end the lawlessness that exists.

The mechanism is this: We pass it. Members of the Senate vote for it. They go home and say: I voted to make E-Verify permanent. I voted to make it apply to contractors. I am sorry it did

not happen. Well, who makes this happen? Who changes the language? It is done in secret in conference in a nonopen way. They meet and just change it. They think nobody is going to know and they can just get away with it. It is the reason people are not happy with Congress.

In addition, the Democratic leadership on the conference committee—and they are all appointed by the Speaker and by the majority leader. So the majority of both Houses, the House and the Senate, are clearly Democratic Members. I do not want to make this such a partisan thing, but I guess it is an institutional thing of frustration that our Democratic Members have voted for these reforms, for these good ideas, but yet somehow it goes into conference and it gets eliminated, gets undermined so it does not become law.

There were three other amendments stripped that dealt with immigration issues that had overwhelming support: A DeMint amendment that passed in the Senate called for completing the 700 miles of double-layer fence called for by the Secure Fence Act that we passed overwhelmingly some time ago, and that was taken out. A Grassley amendment that would have allowed employers to reverify employees through E-Verify was taken out. A Vitter amendment that would have precluded the rescissions of the no-match rule was taken out.

So together with the recent actions of this administration—and they have been sending mixed signals, but their actions sometimes speak louder than words. They have backed off of the detention policy. Now I see they are putting people illegally coming into our country in hotel and motel rooms. They watered down the 287(g) Program which allows local law enforcement to work with the Federal officials to help them identify those who are illegally in the country in a way that makes sense. It is a limited power, but it is very helpful. Those are some of the things this administration has backed off on.

So I think the conclusion we reach is that the majority in control of this Congress seems to be committed to blocking any congressional action that actually seeks and is effective in enhancing law enforcement. Some say: That is a harsh thing to say, JEFF. That is not true. I will just repeat it. If you know what the system is about, you know how the debate is going on in this Senate and in the House, you would be aware of the fact that E-Verify is very important and that it should apply to people who get government contracts. Why do they keep taking it out?

Back in February, two amendments were unanimously accepted to the House stimulus bill, the \$800 billion bill that was supposed to create jobs in America. Those amendments related to

the E-Verify Program. One was offered by Congressman KEN CALVERT of California for a 4-year extension of the E-Verify Program. It was identical to the reauthorization language that passed the House on July 31, 2008, by a vote of 407 to 2. Another was offered by Congressman JACK KINGSTON, and it prohibited funds made available under this \$800 billion stimulus bill from being used to enter into contracts with businesses that do not participate in this E-Verify system.

It is growing. Millions of checks are being done by this system. It is no burden on businesses. So it would say, if you did not use that system, you could not get this stimulus money to do things, build things with.

The provisions of the bill were both unanimously accepted without a vote by the House Appropriations Committee. Furthermore, the provision that extended the program was also overwhelmingly approved by the House last July by a vote of 407 to 2.

One of the main purposes of the stimulus bill was to put Americans back to work. It was common sense—common sense—to include a simple requirement that the people hired to fill the stimulus-created jobs be lawfully in our country and lawfully able to work.

I tried to offer an amendment, at that time, that incorporated both the House provisions in the Senate stimulus bill when the stimulus bill was being considered in the Senate, but it was blocked on three separate occasions by the Democratic leadership. I can only conclude from that they did not want it. I knew, if we could get a vote, we would have a bipartisan Democratic and Republican vote for it.

My amendment only incorporated the short 5-year extension, but I was not even allowed to get a vote. As I predicted at that time, once the bill went to conference, the conferees would strip the E-Verify provisions from the final version of the economic stimulus package without any open discussion or debate. That is exactly what they did. I hate to say it, but the actions seem to send a clear signal that our leadership wants to use taxpayers' money to employ people who are in this country illegally.

That is a harsh thing to say. But if you do not want that to happen, why don't we take some steps to do something about it? Why wouldn't we require people who get government money—taxpayers' money that is supposed to be designed to create American jobs—why wouldn't we want to at least take this modest step to try to see that people illegally here do not get those jobs?

Furthermore, in March, when I tried to offer an identical amendment to the Omnibus appropriations bill, it was tabled by a vote of 50 to 47. This proves to me there are some powerful forces out there somewhere still alive who want to block this important step.

It is important we permanently reauthorize this successful E-Verify Program, which is currently set to expire when the current continuing resolution ends. We should do it particularly now that we are in a time of serious economic downturn and unemployment.

E-Verify is an online system operated jointly by Homeland Security and the Social Security Administration. Participating employers can check the work status of new hires online by comparing information from an employee's I-9 form—that is their employment form—against the Social Security and DHS databases. It is done like that. It takes just a few minutes.

E-Verify is free to businesses and is the best means available for determining the employment eligibility of new hires and the validity of their Social Security numbers, instead of the so many bogus numbers many of you have read about.

As of October 3 of this year—2009—over 157,000 employers, businesses, are enrolled in this program. This represents over 600,000 hiring sites nationwide. Over 8.5 million inquiries were run through the system in 2009 and over 90,000 have been run since October 1 of this year—in 20 days.

The Homeland Security Secretary—President Obama's Secretary—Janet Napolitano, has spoken highly of the E-Verify Program. She called the program “an integral part of our immigration enforcement system”—an integral, essential part of our enforcement system. There is no doubt about it, in my view. Attempts to make the program permanent have been thwarted time and time again during this Congress.

According to Homeland Security, 96.1 percent of employees are cleared to go to work immediately under this online system, and growth continues at over 1,000 new employer users each week.

Of the remaining 3.9 percent of queries with an initial mismatch—so there are 3.9 percent who are not cleared immediately—of those, only .37 percent, about a third of 1 percent, were later confirmed to be work authorized. So it looks like about 80, 90 percent of the people who did not get immediate clearance—really, more than that—were not authorized to work legally in America. Only .37 percent of those later were shown to be held up improperly—or not “improperly,” just being held up. Maybe they entered a wrong Social Security number by mistake.

Employers get an advantage. An employer that verifies work authorization under E-Verify has established a rebuttable presumption that the business has not knowingly hired an illegal alien.

Recently, the Bureau of Labor Statistics reported that the unemployment rate in the United States has jumped to 9.8 percent—basically, double what it was a year or so ago. That

is 15 million unemployed. This is the highest unemployment rate in 25 years.

Immigration by illegal immigrants has had a serious and depressing effect on the standard of living of lower skilled American workers. That is a fact, in my view. The U.S. Commission on Immigration Reform, chaired by the late civil rights pioneer, Barbara Jordan—and they had a big study of this—found that “immigration of unskilled immigrants comes at a cost to unskilled U.S. workers.”

The Center for Immigration Studies has estimated that such immigration has reduced the wage of the average native-born worker in a low-skilled occupation by 12 percent or almost \$2,000 annually.

In addition, Harvard economist and author of perhaps the most respected book on immigration—he goes into great detail of economic studies and information that he analyzed—Professor George Borjas, himself born in Cuba, has estimated that immigration in recent decades has reduced the wages of native-born workers without a high school degree by 8.2 percent.

E-Verify is working. In fact, the program is so successful that Secretary Napolitano recently said:

The Administration strongly supports E-Verify as a cornerstone of worksite enforcement and will work to continually improve the program to ensure it is the best tool available to prevent and deter the hiring of persons who are not authorized to work in the United States.

That is a strong, clear, good statement the Secretary has given, and it is common sense.

Recently confirmed Citizenship and Immigration Services Director Alejandro Mayorkas said:

I believe E-Verify is an effective law enforcement tool.

In February of 2009, Doris Meissner, former head of immigration under President Clinton, said:

Mandatory employer verification must be at the center of legislation to combat illegal immigration . . . the E-Verify system provides a valuable tool for employers who are trying to comply with the law. E-Verify also provides an opportunity to determine the best electronic means to implement verification requirements. The Administration should support reauthorization of E-Verify and expand the program. . . .

Alexander Aleinkoff—President Clinton's INS official and an Obama administration Department of Homeland Security transition official—calls it a “myth” that “there is little or no competition between undocumented workers and American workers.” He is right about that. They can say this is not true all day long, but anybody who observes what is happening knows the large influx of low-skill workers pulls down the wages of hard-working Americans who did not get a high school diploma who are trying to take care of their families and survive in a competitive world. It is a fact. We need to understand that.

Even the distinguished majority leader supports the program. He wrote a letter in March of this year saying:

I strongly believe that every job in our country should go only to those authorized to work in the United States. That is why I strongly support programs like E-Verify that are designed to ensure that employers only hire those who are legally authorized to work in the United States, and believe we need to strengthen enforcement against employers who knowingly hire individuals who are not authorized to work. I support reauthorization of the E-Verify program, as well as immigration reform that is tough on lawbreakers, fair to taxpayers and practical to implement.

This is one I hope we can all agree on. But I do not know how it came out that this language was gutted out of the conference report, once again.

Since 2006, 12 States have begun requiring employers to enter new workers' names into the system, which checks databases, including Arizona, which passed the law while our current Homeland Security Secretary, Janet Napolitano, was Governor of Arizona. Colorado, Georgia, Minnesota, Mississippi, Missouri, North Carolina, Oklahoma, Rhode Island, South Carolina, Tennessee, and Utah have this system where their employers that have contracts in government work—actually any employers have to use the system before they are hired.

Secretary Napolitano has also said:

I'm a strong supporter of E-Verify. . . . You have to deal with the demand side for illegal immigration, as well as the supply side, and E-Verify is an important part of that.

In January of 2009, the Washington Post reported that Secretary Napolitano said:

I believe in E-Verify. I believe it has to be an integral part of our immigration enforcement system.

President Bush signed Executive Order 12989 last year. I think, in many ways, he was slow to come to realize how important creating a lawful system of immigration was. But he made some progress toward the end and he made this statement and took this action. He said:

Contractors that adopt rigorous employment eligibility confirmation policies are much less likely to face immigration enforcement actions, because they are less likely to employ unauthorized workers, and they are therefore generally more efficient and dependable procurement sources than contractors that do not employ the best available measures to verify the work eligibility of their workforce. . . . It is the policy of the executive branch to use an electronic employment verification system because, among other reasons, it provides the best available means to confirm the identity and work eligibility of all employees that join the federal workforce. Private employers that choose to contract with the federal government should meet the same standard.

So President Bush issued that Executive Order, that private employers that choose to contract with the Federal Government should meet the same

standard. Basically, what happened was, President Obama delayed it. They have since issued a policy that larger businesses should use the system, for which I give them credit. So the Federal Government should meet the same standard. He meant it should apply. The Obama administration has made, as I understand it, an executive order that requires larger businesses to use this system for the current time but not smaller businesses, and it is not a part of law.

Last June, when Homeland Security designated E-Verify as the electronic employment eligibility verification system that all Federal contractors must use, Secretary Chertoff—the Secretary of Homeland Security—said this:

A large part of our success in enforcing the nation's immigration laws hinges on equipping employers with the tools to determine quickly and effectively if a worker is legal or illegal. . . . E-Verify is a proven tool that helps employers immediately verify the legal working status of all new hires.

So some have argued it is too costly and too cumbersome. However, a letter to the Wall Street Journal from Mark Powell, a human resources executive with a Fortune 500 company, said it is free; it takes only a few minutes and is less work than a car dealership would do checking a credit score prior to selling a vehicle or taking a test drive.

Well, that is true. How else can we explain so many employers voluntarily signing up? I think the short-term extensions only discourage participation in the E-Verify Program and leave us with a lack of assurance in the future we need.

With regard to the contention that there are some mismatches, as I said, only .37 percent—less than 1 percent—of the people whose numbers don't check out are found to be improperly checked out. Truthfully, most of them got the right answer.

So I would conclude by saying a lot of progress has been made to make the system even better than it was. Over 60 percent of foreign-born citizens who have utilized this option and more than 90 percent of those phone calls have led to a final "work authorized" determination. I think we are on the right track. I think we should make this permanent. We absolutely should make it so that anyone who obtains a contract or a job as a result of government taxpayer money should be legally in the United States. If they are not, they shouldn't get the job. It should be set aside for American taxpayers. I thank the Chair.

Just before I conclude, once again, let me express frustration that what was passed so overwhelmingly, somewhere behind closed doors—the same place they are meeting right now to write a health care bill. We don't know where they are or what they are talking about, but a group is meeting to

try to cobble together the two or three or four bills that are pending out there with something they will bring to the floor, and nobody has even seen it yet. We are having too much of that. I think it is eroding public respect for the Congress, and I can understand why the American people are angry with us.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise to join my distinguished colleague from Alabama, as well as our colleague from South Carolina, who will come to the floor soon to talk about this Department of Homeland Security Appropriations conference report and specifically the major provisions which had broad bipartisan support which were stripped out of the conference report in the dead of night. I wish to thank my colleague from Alabama for all his work on this issue in general, particularly the E-Verify system. I strongly support the E-Verify system. I strongly support expanding it aggressively. It is part of a solution. It is not the whole solution; no one item is. But it is an important part of the solution to get our hands around immigration enforcement, particularly at the workplace. So I thank my colleague for that work.

Mr. SESSIONS. Mr. President, will the Senator yield for a question?

Mr. VITTER. Absolutely. I will yield.

Mr. SESSIONS. The Senator has served in the House and the Senate and knows how conference committees work. Isn't it true that the majority of the Senate conferees would be appointed by the majority leader, and a majority of the House conferees would be appointed by the Speaker?

Mr. VITTER. Absolutely.

Mr. SESSIONS. Isn't it a tradition that normally conferees appointed by those leaders tend to follow their lead in how they vote in conference?

Mr. VITTER. Absolutely.

Mr. SESSIONS. The Senator had an amendment that was stripped out, as I did, dealing with the immigration issue. It seems to me odd that amendments receiving such high votes in both the House and the Senate would be stripped out of conference. Would you agree that is an odd thing to happen?

Mr. VITTER. I absolutely agree with my colleague.

I would point out in that vein, the Sessions amendment got broad support. When the Democratic leadership handling the bill on the floor asked to table the amendment, that was rejected 53 to 44. In a similar way, they attempted to table the amendment of our colleague from South Carolina, and that motion was defeated 54 to 44. My amendment was adopted by unanimous consent. Yet with that clear support from the Senate floor, the leadership on the other side apparently went to

conference and took out those amendments in the dead of night. I find that worrisome. I find it worrisome in terms of the process. I find it worrisome in terms of immigration reform and where we are apparently headed.

Again, as I said, these were three significant amendments put in this bill on the Senate floor. All three have been stripped out of this conference report.

Let me focus for a minute on my proposal. When the bill was on the Senate floor, my amendment, which was Senate amendment No. 1375, was passed by unanimous consent. So literally no one in the entire body, Democratic or Republican, objected. Essentially, everyone agreed to put this amendment on the bill. The amendment was to prohibit funding to the Department of Homeland Security if they implemented any changes in a final rule requiring employees to follow the rules of the Federal Social Security no-match notices. This, as E-Verify, is an important piece of the puzzle. It is an important piece of the solution.

In August of 2007, the Department of Homeland Security introduced its no-match regulation. This clarified the responsibility of employers who receive notice that their employees' names and Social Security numbers don't match up with the records at Social Security.

So under the rule, employers receiving these notices who did not take corrective action would be deemed to have constructive knowledge that they are employing unauthorized aliens. So, in other words, the intent and the way the rule worked was very simple and straightforward. If records went in to the Department of Homeland Security, if a name and a Social Security number didn't match according to Social Security records, then the Federal Government would notify the employer and would say: Time out; you have a problem. You need to do something about it. If it is a mistake, we need to figure that out, but otherwise it seems as though you are hiring an illegal. So stop and either clear up the mistake or do not hire that person.

This rule provided employers with clear guidance on the appropriate due diligence they should undertake if they received that sort of letter from the Federal Government. So employers who received no-match letters would know they have a problem: Either their record keeping needs to be improved or they have hired illegal workers. The DHS no-match rule gives companies that want to follow the law a clear path to safety. Companies that prefer to ignore the problem or have chosen to run their business with illegal labor cannot be forced to act responsibly, so they do so at their peril under this rule. Since the Social Security letter leaves a clear record for DHS investigators to build a case against employers, it makes the entire system far more workable.

My amendment simply said we are going to keep that new rule in place. It is important for enforcement. It is important for workplace enforcement. It is important to get our hands around the problem of illegal immigration because of the common sense behind that concept. My amendment was adopted on the Senate floor unanimously, by unanimous consent.

As I said, Senator SESSIONS had an important amendment which he just talked about to expand the E-Verify system. That amendment was actually opposed by some, and there was a motion to table the amendment, but that motion to table was defeated 53 to 44. Similarly, Senator DEMINT of South Carolina had an important immigration enforcement amendment. He will be coming to the floor to talk about that this afternoon. His amendment required the completion of at least 700 miles of reinforced fencing along the southwest border by December 31, 2010. Again, his amendment was opposed by some liberals on the Senate floor. They moved to table that amendment but, again, by a significant vote that motion to table was defeated 54 to 44.

So if these amendments are adopted by comfortable, if not unanimous, margins in the Senate, why are they being stripped in the dead of night in the conference committee report? Unfortunately, I think it is clear this Congress, under the Democratic leadership, and this administration want to take a very different approach to immigration, and they are not serious about any of these enforcement measures.

I think that is a shame because these three amendments and other good enforcement ideas I believe represent the common sense of the vast majority of the American people. To me, this harkens back to the major immigration reform debate we had in the summer of 2007 when a big so-called comprehensive immigration reform bill came to the floor of the Senate. It didn't have enough enforcement, in my opinion. It did have a huge amnesty program instead. So by the end of the debate, the American people spoke loudly and clearly. They said: No, we want enforcement. We want to do everything we can on the enforcement side first. We don't want a big amnesty.

That so-called comprehensive bill was defeated by a wide margin. After that seminal event, so many on the Senate floor, including many who had backed that bill, Senator MCCAIN among them, said: OK, we heard the American people. We heard you loudly and clearly. We need to start with effective enforcement. We need to start with commonsense measures, such as a certain amount of fencing, such as E-Verify, such as the Social Security no-match rule. Yet when we put those commonsense measures in this bill, what happened? In this Congress, led by Democratic leadership, under this

administration, it was just stripped out of the conference committee report.

Sure, it got big votes on the Senate floor; sure, it has widespread House support; sure, the Vitter amendment was adopted by unanimous consent. We don't care. We are going to strip it out.

The message is loud and clear. The message is, we don't care what the American people have said. We don't care what they said in the summer of 2007. We don't care what they say over and over and over again about these issues—no-match, E-Verify, fencing—we are just going to oppose any of those commonsense enforcement measures.

I truly believe the second half of where the leadership in this Congress and this administration is coming from is the same thing as the second half of that immigration reform bill in 2007: a big amnesty program with little to no enforcement, a big amnesty program.

We need to listen to the American people. We don't need to play games and say we are supporting provisions and then have them stripped out of conference reports. We need to be more straightforward, more honest in what we are truly about in attacking this problem. Unfortunately, this conference report is an example of exactly the opposite.

I urge my colleagues to pay attention to what is happening because so many folks in this body are speaking out of both sides of their mouth. They are saying: Oh, yes, fence, sure; E-Verify, absolutely; social security no-match, sure. Then they get certain leaders of the conference committee to do their dirty work and just strip those provisions. They are ignoring the will of the American people. They are rejecting commonsense enforcement, and according to many reports, the Obama administration and its leaders in the Congress are going to attempt another push for broad-based amnesty.

We need to listen to the American people and not play games. In particular, we need to stop this game playing overall. Senator SESSIONS, my distinguished colleague from Alabama, was right when he said these sorts of antics—talking out of both sides of our mouths on this issue, stripping so-called popular amendments from a conference committee report—these antics are exactly what is eroding confidence in Congress overall. This is exactly what the American people are so frustrated and, in fact, so scared about with regard to many other issues, such as health care.

I believe this is of real concern as we go into the health care debate because, quite frankly, what does it matter what we adopt on the Senate floor when the conference committee work is going to be handled, perhaps, just like this Homeland Security conference committee was. People can have little confidence based on our

votes on the Senate floor. The conference committee work can be diametrically opposed to it on significant issue after significant issue, just as it was on no match, on E-Verify, on fencing.

We need to stop eroding public confidence in that way. We need to do what is, in fact, our first job in the Congress, House and Senate, which is to listen to the American people and, yes, represent the American people.

I am afraid this DHS conference report, with its significant omissions in the area of Social Security no match, E-Verify, and fencing, is a sign that this leadership in Congress and this administration are not prepared to do any of that. I lament that.

I urge all of our colleagues to come back together and demand progress on E-Verify, on no match, and on fencing, and to stop this game playing as we move to other crucial issues, including health care.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. CARPER. I thank the Chair.

(The remarks of Mr. CARPER and Mr. KAUFMAN pertaining to the introduction of S. 1801 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CARPER. I thank the Chair, and with that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the time during the quorum call be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I apologize for your having to listen to me again this week, but I thank you for recognizing me, and actually I want to talk about something pretty serious.

I think as Americans look in—and I guess in our relationships here—cynicism is becoming so much a part of what we are doing. As a matter of fact, trying to stop cynicism here in Washington is like trying to stop water from flowing downhill. Every time the

American people succeed in forcing sunlight and transparency on the political process, politicians find another corner to hide in. The latest trick is the majority's practice of accepting popular amendments to legislation while fully intending to strip those amendments out of the final bill that we send to the President. There were at least four of these amendments stripped from the conference report that is in front of us today.

One of the amendments—authored by Senator SESSIONS—permanently authorized the E-Verify Program and made it mandatory for all government contractors. That is very important to the American people, very important to employers, to be able to determine whether they are hiring a worker who is here legally. That was thrown out.

Senator VITTER had an amendment which allowed the implementation of what is called the "no match" rule, which essentially says that if a name and a Social Security number don't match, that the employer is immediately identified. That was thrown out.

Senator GRASSLEY had an amendment to allow employers to voluntarily verify the status of current employees. That was thrown out.

Then there was my amendment to require the Department of Homeland Security to complete the 700-mile reinforced fence along the Southwest border by the end of 2010. It passed on this Senate floor 54 to 44. This amendment was stripped, along with all the others.

As always, Washington politicians respect the people's wrath when the cameras are on us, but they do not respect the people's opinions when the cameras are turned off. As everyone here is aware, the American people are adamant about securing our southern border. It is a matter of security, it is a matter of jobs, it is a matter of drug trafficking and weapons trafficking. Thousands of Mexicans have been killed because of our unwillingness to control our own border.

In 2006, overwhelming public opinion forced Congress to order the construction of a 700-mile reinforced double fence by 2010. Both the Bush administration and the Obama administration have dragged their feet, and so far we only have 34 miles actually completed. The Department of Homeland Security claims 661 miles are completed, but that is not according to the law we passed because they count single-layer fencing and vehicle barriers, which do nothing to stop pedestrian traffic. My amendment would have reasserted a promise—a law—that Congress has already passed. Leaders of both parties have repeatedly tried to break this promise.

We are learning there is almost nothing that politicians won't do to get out of promises they make in the daylight, especially if they can pretend to keep

the promises. This is staggering cynicism, and it is undemocratic. It violates our whole principle of the rule of law. But this problem goes well beyond our unkept promises to cure our southern border. Earlier today, we considered the conference report on Energy and Water—the Energy and Water spending bill. That report also stripped out a popular amendment offered by Senator COBURN to require all reports under the law to be made available to the public.

The majority is now so afraid of public scrutiny that they have to go behind closed doors to complete amendments they earlier accepted to guarantee transparency. This is now a pattern and a practice of the least transparent Congress in American history. That should give all of us pause, especially when we consider these same politicians are right now behind closed doors planning the takeover of one-sixth of our economy, if this health care bill succeeds.

They have promised the bill won't add to the deficit, promised it won't force people off their health care plans, promised it won't pay for abortions or cover illegal immigrants, and promised thousands of other things. The problem is we don't know what is in the bill. In the context of this back-room amendment stripping, these promises cannot be delivered, and this process cannot be trusted.

I encourage my colleagues to recognize that we need to make good on our promises. Both parties in this Congress have talked a lot about ethics and transparency. When we accept a bill on the floor, with the American people looking, but then strip it when the American people are not looking, our whole process is denigrated. This bill in particular, containing issues that deal with illegal immigration, which our country is so engaged in—and particularly at a time when people are losing their jobs, many times to workers who are not legal—is a very sensitive issue to the American people.

For this amendment to be voted on and passed and then stripped out makes no sense at all. I encourage my colleagues not to support this conference report. It has stripped out the will of the American people.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to speak on this bill, on a particular issue of interest to my State

and I think to the country on a new National Bio-Agriculture facility to research new diseases and problems that can come in on animal health. In this particular bill, Senator ROBERTS and I have been working for some period of time to get funding for this facility to go forward. This was a national competition that took place for the location of the NBA facility. A number of States competed for it. It was determined that Kansas would be the primary location for this to occur. The initial funding of \$32 million is in this conference report. I am delighted that the National Bio-Agriculture facility, to be located in Kansas, is getting its initial funding.

As one of the responsible acts of this body, the fullest amount of the funding for this will not come until the Plum Island facility is sold. When that is sold, then that money is to go to build this facility that will research a number of different, difficult diseases in the animal health industry—foot-and-mouth disease and a number of other ones are to be researched. The facility has to be built safely so the containment facility, its initial design, is a metal structure on top of a concrete structure on top of another concrete structure in which the animals and the pathogens will be contained.

To make sure this structure is safe, the facility design will be reviewed by the Department of Homeland Security and the DHS review will also be reviewed by the National Academy of Sciences, so it is an additional review on top of a review process. That may seem like redundancy to a lot of people, but there has been a lot of concern about moving FMD research into the mainland from Plum Island off of New York.

I think it is prudent for us to do this research. I think it is important for us to research cures in this area. I think it is also prudent for us to make sure that the facility is well built and one from which we can be certain these pathogens will not be released.

The passage of this final bill is a huge step in locating this NBA facility in Kansas, providing additional funding for this. I believe there is no better place than in Kansas to do this research. I am not just saying that because it is my State—although that is a big part of it—but 30 percent of the animal health industry globally is located within 100 miles of Kansas City. It is a place where there is a lot of this research taking place. The scientists are already there, the companies are already developing these products to take care of animal health problems. They are there and we can build on that success at a national level.

I am delighted to see this moving forward in a responsible fashion. This is the initial piece. The bigger piece comes after the sale of Plum Island, which is appropriate. I am hopeful my

colleagues will see fit to doing that this next year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, later today—in fact, as I understand, in a very short time—the Senate will vote on the conference report to accompany the fiscal year 2010 Department of Homeland Security appropriations bill. This conference report spends approximately \$42.7 billion, 6.6 percent above last year's bill. I am sure many American households would love a 6-percent increase in their budget but cannot afford it. The Federal Government can't afford it either.

Specifically, this conference report contains 181 congressionally directed spending items totaling over \$269 million. As far as I can tell, none of these projects was requested by the administration, authorized, or competitively bid in any way. No hearing was held to judge whether these were national priorities worthy of scarce taxpayers' dollars.

By the way, as I recall, when we first started with the Homeland Security Appropriations bills, we had decided at that time there would be no earmarks. So the next time we didn't do them. Then there are a few more. Now there are 181 of them—181, totaling over \$269 million. I do not need to remind Americans—I might want to try to keep reminding the appropriators—the Federal deficit now stands at \$1.4 trillion. It is an all-time high. Americans are losing their jobs and their homes at record rates. What are we doing? We just keep on spending.

Let's take a look at some of the earmarks included in this conference report: \$4 million for the Fort Madison Bridge, in Fort Madison, WI. How is that related to homeland security? There is \$3.6 million for a Coast Guard Operations Systems Center in West Virginia. Why would the Coast Guard Operations Systems Center be located in a landlocked State? There is \$200,000 to retrofit a college radio station in Athens, OH. Let me be clear here. This is to appropriate funds for homeland security. Obviously high on somebody's list is \$200,000 to retrofit a college radio station. My, my, my.

There is \$900,000 for the City of Whitefish Emergency Operations Center in Whitefish, MT. The population is 5,849. That comes out to \$153.87 per resident which is paid for by my taxpayers and all American taxpayers.

There is \$250,000 to retrofit a senior center in Brigham City, UT. The last time I checked, senior centers are important but they have very little relation to homeland security. There is \$125,000 to replace a generator in La Grange Park, IL. I have to say, maybe there is something we don't know here. Maybe there is a reason why we need to retrofit a college radio station in Ath-

ens, OH; maybe there is a reason we need to replace a generator in La Grange Park, IL; maybe there is a reason why we have to spend \$250,000 to retrofit a senior center in Brigham City, UT in the name of homeland security; maybe there is a reason to spend \$130,000 to relocate the residents of 130 homes in DeKalb, IL. But we will never know because we don't have any hearings, we don't have any authorization. We just go ahead and spend the money—6.6 percent over last year. The original intent was there were not going to be any earmarks. Amazing.

In addition to the earmarks contained in the conference report, Congress continues to fund programs that the President, as part of his budget submission, had recommended terminating or reducing. This is the President's budget submission. These are the requests of the President that certain programs be terminated because they are unnecessary and unwanted and redundant. Remember, this is in the face of a \$1.43 trillion deficit. We are still funding them, no matter what the President of the United States says and no matter what good sense says.

The first amendment I tried was to terminate a terrestrial-based, long-range maritime radio navigation system called the LORAN-C. The Bush and Clinton administrations sought to terminate the program. They tried. The current administration states in its budget that, although the program is not fully developed, it is already "obsolete technology." This is what the President says:

The Nation no longer needs this system because the federally supported civilian global positioning system, GPS, has replaced it with superior capabilities.

Is there anybody who doubts that GPS is a superior capability?

The elimination of this program, according to the President, would achieve a savings of \$36 million in 2010 and \$190 million over 5 years.

Those are not my words, those are the words of the administration. So what have the appropriators done? They continued to fund it. When I offered an amendment to eliminate that obsolete technology that the Nation no longer needs, 36—count them—36 of my colleague also supported it. The majority party in the Senate did not support the administration's view that this program should be eliminated and this conference report continues to fund the program into next year, rather than cutting funding immediately—as we should have done a long time ago.

My other attempt to support the President's effort to eliminate wasteful government programs also failed. The administration proposed in its 2010 budget to cut the Over-the-Road Bus Security Program because the money was not awarded based on risk, as recommended by the 9/11 Commission, and the program has been assessed as not effective.

The appropriators have now gone against the recommendations of the 9/11 Commission, they have gone against the recommendations of the President of the United States, and we will continue to spend another \$6 million. I offered the amendment to eliminate the program. The amendment was defeated by a vote of 47 to 51, so we will spend another \$6 million that the administration says we do not need and that clearly is unnecessary to be funded.

During the Senate consideration of the bill, I filed a total of 28 amendments to strike earmarks and end funding for programs that the President had sought to terminate. Not surprisingly, my efforts were rebuffed each time by the members of the Appropriations Committee. The American people are tired of this process, they are tired of watching their hard-earned money go down the drain. Earlier this year, the President pointedly stated, and I quote him:

We cannot sustain a system that bleeds billions of taxpayers dollars on programs that have outlived their usefulness, or exist solely because of the power of politicians, lobbyists or interest groups. We simply cannot afford it. . . . We will go through our Federal budget—page by page, line by line—eliminating those programs we don't need, and insisting those we do operate in a sensible and cost-effective way.

This is the document. The President went through it line by line. So we offered amendments to eliminate these programs. So of course the appropriators won again. They not only voted against my attempts to strike wasteful and unneeded spending, they also eliminated a provision that was supported by 54 Members of the Senate to mandate the completion of 700 miles of fence along the Southwest border by December 31, 2010. This elimination will only serve to weaken our efforts to secure the border. We know that fencing alone is not a panacea to every security issue on the border, but there is no doubt that increased fencing bolsters Customs border patrol efforts to secure our border.

Additionally, the other body's leadership added language that prohibits use of the funds in this act or any other act for the release of detainees held at Guantanamo into the United States, its territories and possessions. By extending this prohibition to U.S. territories and possessions, the conference report further restricts the release of detainees enacted into law in the supplemental appropriations act for fiscal year 2009. The conference report also restricts transfers of detainees from Guantanamo, limiting them to only transfers for the purpose of prosecution or detention during legal proceedings, and requires the President provide a plan to Congress 45 days prior to transfer. These provisions allow detainees to be tried for acts that amount to war crimes in Federal criminal courts and would authorize bringing detainees

into the United States for that purpose.

I will continue to believe that war crimes—and by that I include the intentional attacks by civilians that resulted in the loss of nearly 3,000 lives on September 11, 2001—should be tried in a war crimes tribunal created especially for that purpose. The Military Commission's Act of 2009 is a result of extensive input and coordination with the Obama administration. It should be the vehicle for the trial for the horrendous war crimes committed against thousands of innocent American civilians, rather than bringing detainees from Guantanamo to the United States to face trial in a domestic Federal criminal court.

I am sure that many of my colleagues read with interest the views of former Attorney General of the United States Michael Mukasey in the Wall Street Journal on Monday, October 19, in which he opposes trial of these detainees who are suspected of being responsible for the 9/11 attacks in Federal criminal court. He says:

The Obama administration has said it intends to try several of the prisoners now detained at Guantanamo Bay in civilian courts in this country. This would include Khalid Sheikh Mohammed, the mastermind of the September 11, 2001 terrorist attacks, and other detainees involved.

The Justice Department claims our courts are well suited to the task. This is the former Attorney General of the United States who says:

Based on my experience trying such cases and what I saw as Attorney General, they are not.

That is not to say civilian courts cannot ever handle terrorist prosecutions, but rather their role in a war on terror—to use an unfashionable phrase—should be as the term “war” would suggest, a supporting and not a principal role.

I ask unanimous consent the article from the Wall Street Journal by the former Attorney General of the United States saying, “Civilian Courts Are No Place To Try Terrorists,” be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Oct. 19, 2009]
CIVILIAN COURTS ARE NO PLACE TO TRY
TERRORISTS

(By Michael B. Mukasey)

The Obama administration has said it intends to try several of the prisoners now detained at Guantanamo Bay in civilian courts in this country. This would include Khalid Sheikh Mohammed, the mastermind of the Sept. 11, 2001 terrorist attacks, and other detainees allegedly involved. The Justice Department claims that our courts are well suited to the task.

Based on my experience trying such cases, and what I saw as attorney general, they aren't. That is not to say that civilian courts cannot ever handle terrorist prosecutions, but rather that their role in a war on ter-

ror—to use an unfashionably harsh phrase—should be, as the term “war” would suggest, a supporting and not a principal role.

The challenges of a terrorism trial are overwhelming. To maintain the security of the courthouse and the jail facilities where defendants are housed, deputy U.S. marshals must be recruited from other jurisdictions; jurors must be selected anonymously and escorted to and from the courthouse under armed guard; and judges who preside over such cases often need protection as well. All such measures burden an already overloaded justice system and interfere with the handling of other cases, both criminal and civil.

Moreover, there is every reason to believe that the places of both trial and confinement for such defendants would become attractive targets for others intent on creating mayhem, whether it be terrorists intent on inflicting casualties on the local population, or lawyers intent on filing waves of lawsuits over issues as diverse as whether those captured in combat must be charged with crimes or released, or the conditions of confinement for all prisoners, whether convicted or not.

Even after conviction, the issue is not whether a maximum-security prison can hold these defendants; of course it can. But their presence even inside the walls, as proselytizers if nothing else, is itself a danger. The recent arrest of U.S. citizen Michael Finton, a convert to Islam proselytized in prison and charged with planning to blow up a building in Springfield, Ill., is only the latest example of that problem.

Moreover, the rules for conducting criminal trials in federal courts have been fashioned to prosecute conventional crimes by conventional criminals. Defendants are granted access to information relating to their case that might be useful in meeting the charges and shaping a defense, without regard to the wider impact such information might have. That can provide a cornucopia of valuable information to terrorists, both those in custody and those at large.

Thus, in the multidefendant terrorism prosecution of Sheikh Omar Abdel Rahman and others that I presided over in 1995 in federal district court in Manhattan, the government was required to disclose, as it is routinely in conspiracy cases, the identity of all known co-conspirators, regardless of whether they are charged as defendants. One of those co-conspirators, relatively obscure in 1995, was Osama bin Laden. It was later learned that soon after the government's disclosure the list of unindicted co-conspirators had made its way to bin Laden in Khartoum, Sudan, where he then resided. He was able to learn not only that the government was aware of him, but also who else the government was aware of.

It is not simply the disclosure of information under discovery rules that can be useful to terrorists. The testimony in a public trial, particularly under the probing of appropriately diligent defense counsel, can elicit evidence about means and methods of evidence collection that have nothing to do with the underlying issues in the case, but which can be used to press government witnesses to either disclose information they would prefer to keep confidential or make it appear that they are concealing facts. The alternative is to lengthen criminal trials beyond what is tolerable by vetting topics in closed sessions before they can be presented in open ones.

In June, Attorney General Eric Holder announced the transfer of Ahmed Ghailani to this country from Guantanamo. Mr. Ghailani

was indicted in connection with the 1998 bombing of U.S. Embassies in Kenya and Tanzania. He was captured in 2004, after others had already been tried here for that bombing.

Mr. Ghailani was to be tried before a military commission for that and other war crimes committed afterward, but when the Obama administration elected to close Guantanamo, the existing indictment against Mr. Ghailani in New York apparently seemed to offer an attractive alternative. It may be as well that prosecuting Mr. Ghailani in an already pending case in New York was seen as an opportunity to illustrate how readily those at Guantanamo might be prosecuted in civilian courts. After all, as Mr. Holder said in his June announcement, four defendants were "successfully prosecuted" in that case.

It is certainly true that four defendants already were tried and sentenced in that case. But the proceedings were far from exemplary. The jury declined to impose the death penalty, which requires unanimity, when one juror disclosed at the end of the trial that he could not impose the death penalty—even though he had sworn previously that he could. Despite his disclosure, the juror was permitted to serve and render a verdict.

Mr. Holder failed to mention it, but there was also a fifth defendant in the case, Mamdouh Mahmud Salim. He never participated in the trial. Why? Because, before it began, in a foiled attempt to escape a maximum security prison, he sharpened a plastic comb into a weapon and drove it through the eye and into the brain of Louis Pepe, a 42-year-old Bureau of Prisons guard. Mr. Pepe was blinded in one eye and rendered nearly unable to speak.

Salim was prosecuted separately for that crime and found guilty of attempted murder. There are many words one might use to describe how these events unfolded; "successfully" is not among them.

The very length of Mr. Ghailani's detention prior to being brought here for prosecution presents difficult issues. The Speedy Trial Act requires that those charged be tried within a relatively short time after they are charged or captured, whichever comes last. Even if the pending charge against Mr. Ghailani is not dismissed for violation of that statute, he may well seek access to what the government knows of his activities after the embassy bombings, even if those activities are not charged in the pending indictment. Such disclosures could seriously compromise sources and methods of intelligence gathering.

Finally, the government (for undisclosed reasons) has chosen not to seek the death penalty against Mr. Ghailani, even though that penalty was sought, albeit unsuccessfully, against those who stood trial earlier. The embassy bombings killed more than 200 people.

Although the jury in the earlier case declined to sentence the defendants to death, that determination does not bind a future jury. However, when the government determines not to seek the death penalty against a defendant charged with complicity in the murder of hundreds, that potentially distorts every future capital case the government prosecutes. Put simply, once the government decides not to seek the death penalty against a defendant charged with mass murder, how can it justify seeking the death penalty against anyone charged with murder—however atrocious—on a smaller scale?

Even a successful prosecution of Mr. Ghailani, with none of the possible obstacles described earlier, would offer no example of

how the cases against other Guantanamo detainees can be handled. The embassy bombing case was investigated for prosecution in a court, with all of the safeguards in handling evidence and securing witnesses that attend such a prosecution. By contrast, the charges against other detainees have not been so investigated.

It was anticipated that if those detainees were to be tried at all, it would be before a military commission where the touchstone for admissibility of evidence was simply relevance and apparent reliability. Thus, the circumstances of their capture on the battlefield could be described by affidavit if necessary, without bringing to court the particular soldier or unit that effected the capture, so long as the affidavit and surrounding circumstances appeared reliable. No such procedure would be permitted in an ordinary civilian court.

Moreover, it appears likely that certain charges could not be presented in a civilian court because the proof that would have to be offered could, if publicly disclosed, compromise sources and methods of intelligence gathering. The military commissions regimen established for use at Guantanamo was designed with such considerations in mind. It provided a way of handling classified information so as to make it available to a defendant's counsel while preserving confidentiality. The courtroom facility at Guantanamo was constructed, at a cost of millions of dollars, specifically to accommodate the handling of classified information and the heightened security needs of a trial of such defendants.

Nevertheless, critics of Guantanamo seem to believe that if we put our vaunted civilian justice system on display in these cases, then we will reap benefits in the coin of world opinion, and perhaps even in that part of the world that wishes us ill. Of course, we did just that after the first World Trade Center bombing, after the plot to blow up airliners over the Pacific, and after the embassy bombings in Kenya and Tanzania.

In return, we got the 9/11 attacks and the murder of nearly 3,000 innocents. True, this won us a great deal of goodwill abroad—people around the globe lined up for blocks outside our embassies to sign the condolence books. That is the kind of goodwill we can do without.

Mr. MCCAIN. Finally, I hope we will have the opportunity to come back to this debate during the floor consideration of the Commerce-Justice-State appropriations bill in the context of the Graham amendment on this issue, which I am proud to cosponsor along with Senator LIEBERMAN.

I am concerned, however, because I understand the administration will soon announce its decision on prosecuting the 9/11 detainees, and indications are the administration will seek such prosecutions in Federal criminal courts. Congress should have the opportunity to speak on this issue before the administration embarks on a course with which I and many law and national security experts strongly disagree.

I am also pleased this conference report does contain a provision that will allow the Secretary of Defense to prohibit the disclosure of detainee photographs under the Freedom of Information Act if he certifies that release of

the photos would endanger U.S. citizens, members of the Armed Forces, or U.S. Government employees deployed outside the United States.

I do not have to, nor should I have to, remind my colleagues about the seriousness of the fiscal crisis our Nation is facing. There is no better way to prove we are serious about getting our country back on the right path than by ending the wasteful practice of earmarking funds in appropriations bills, especially a bill as important as this one that provides for funding of our critical homeland security programs.

Our current economic situation and our vital national security concerns require that now more than ever we prioritize our Federal spending. But this conference report does not do that. We cannot continue to spend taxpayer dollars in such an irresponsible manner. So, obviously, I am unable to support this legislation. I encourage my colleagues to vote against it, and if it is passed, I urge the President of the United States to send a message that this is going to stop and veto this bill and every other bill that is larded down with earmarked porkbarrel projects. It is time for a change, a real change.

Finally, there are some angry people out there. They call them tea parties. They come to the townhall meetings in huge numbers. They write. They call. They e-mail. They Twitter. They tell us they are sick and tired of this. I urge my colleagues to vote no.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the junior Senator from South Carolina earlier raised concerns about dropping his amendment concerning the fence on the southwest border. He asserted that the decision to drop the language was made behind closed doors. To be clear, the conference met in public session on October 7 during the full light of day.

As to the DeMint amendment, I fully support the goal of the amendment that was offered by the Senator from South Carolina. I am one of the strongest proponents in the Senate of securing our southwest border. That is why I supported legislation in 2006 to build the fence. I have led the effort to increase border security and immigration enforcement efforts.

However, the amendment that was offered by the able Senator from South Carolina is too prescriptive and too costly. Instead, in conference I worked to provide real resources to secure our borders. The conference agreement before the Senate today sustains the bipartisan congressional effort begun by the Byrd amendment to the fiscal year 2005 supplemental and continued in the fiscal year 2006–2009 appropriations acts to provide substantial increases in border security and immigration enforcement.

The number of Border Patrol agents has increased from 11,264 to a level of

20,019 agents, by the end of this year. Under this agreement, the conferees added over \$21 million above the request to hire an additional 144 agents. There will be 20,163 agents onboard at the end of fiscal year 2010.

Similarly, the number of detention beds has increased in the same time period from 18,500 beds to 33,400 beds. The agreement fully funds 33,400 detention beds and includes statutory language to maintain that level of bed space throughout the fiscal year.

The agreement also adds \$25 million to the President's request of \$112 million to expand the capacity of the E-Verify Program and increases its compliance rate.

The miles of fencing that have been constructed have increased from 119 miles in 2006 to more than 629 miles. The number of miles of the southwest border that are under "effective control," as determined by the Border Patrol, has grown from 241 miles to almost 700 miles this year. That is an increase of almost 80 miles since the end of the last fiscal year.

More than 655 miles of border fence will be complete in early 2010. The agreement provides \$800 million or \$25 million above 2009 for the deployment of additional sensors, cameras, and other technology on the southwest border. Since beginning major border fence and security construction along the southwest border in fiscal year 2007, when combined with the \$800 million in this bill and the \$100 million provided in the Recovery Act, nearly \$4.1 billion—spelled with a "b"—nearly \$4.1 billion has been appropriated for this purpose. That \$4.1 billion is a lot of money, a lot of money. That is \$4.10 for every minute since Jesus Christ was born the way I figure it.

However, it is estimated it could cost \$8.5 billion to construct the additional fencing required by the Senator's amendment. That is money we do not have. The conference report strongly supports all aspects, all aspects of border security and immigration enforcement, and I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, how much time is remaining on the Democratic side?

The PRESIDING OFFICER. There is 3 minutes remaining.

Mr. DURBIN. I ask unanimous consent to have 5 additional minutes, for a total of 8 minutes allocated for us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I rise today to speak in support of a provision in this bill and thank the chairman of this committee, Senator ROBERT C. BYRD of West Virginia, for his fine work not only on this bill but for his amazing contribution to America and to this institution of the Senate.

I rise today to speak in support of a provision in the bill which allows detainees held at Guantanamo to be transferred to the United States to be prosecuted and held responsible for their crime. The President has been clear. It is a priority of this administration to bring to justice those responsible for 9/11 and other terrorists who have attacked our country.

The conference report which we are considering would allow those people responsible for acts of terrorism to be brought here to be tried for their crimes. Unfortunately, some people on the other side of the aisle have spoken today and have a different view.

Earlier today, my colleagues, Senators CHAMBLISS and SESSIONS, argued that we should not transfer suspected terrorists from Guantanamo to the United States to be prosecuted for their crimes.

Senator CHAMBLISS said, "Prosecuting these individuals in our United States courts simply will not work."

Senator SESSIONS said, "There is no practical alternative" to prosecuting detainees in military commissions at Guantanamo Bay.

Those statements are very clear but they are also wrong. Look at the record. For 7 long years the Bush administration failed to convict any of the terrorists planning the 9/11 attacks. And for 7 long years only three individuals were convicted by military commissions at Guantanamo. In contrast, look at the record of our criminal justice system when it came to trying terrorists accountable for their crimes. Richard Abel and James Benjamin, two former Federal prosecutors with extensive experience, published a detailed study of the prosecutions of terrorists in the courts of the United States of America. Here is what they found: From 9/11 until June 2009, 195 terrorists were convicted and sentenced for their crimes in our courts.

When the Senator on the other side says, "Prosecuting these individuals in our United States courts simply will not work," he ignores 195 successful prosecutions.

According to the Justice Department, since January 1, 2009, more than 30 terrorists have been successfully prosecuted or sentenced in Federal courts. It continues to this day.

When you compare the record at Guantanamo, where Senators from the other side of the aisle say all these cases should be tried, it is clear the only way to deal with this is through our court system—not exclusively, but it should be an option that is available to the Department of Justice.

Recently, the administration transferred Ahmed Ghailani to the United States to be prosecuted for his involvement in the 1998 bombings of our Embassies in Kenya and Tanzania, killing 224 people, including 12 Americans.

My colleagues on the other side of the aisle have been critical of the ad-

ministration's decision to bring this man to justice in America's courts. For example, ERIC CANTOR, who is a Member of the House on the Republican side, said:

We have no judicial precedents for the conviction of someone like this.

The truth is, there are many precedents for the conviction of terrorists in U.S. courts: Ramzi Yousef, the mastermind of the 1993 World Trade Center bombing; Omar Abdel Rahman, the so-called Blind Sheikh; Richard Reid, the "Shoe Bomber;" Zacarias Moussaoui; Ted Kaczynski, the Unabomber; and Terry Nichols, the Oklahoma City co-conspirator.

In fact, there is a precedent for convicting terrorists who were involved in the bombing of the United States Embassies in Tanzania and Kenya, the same attack Ahmed Ghailani was indicted for. In 2001, four men were sentenced to life without parole at the Federal courthouse in lower Manhattan, the same court in which Mr. Ghailani will be tried.

I will tell you point blank: If they on the other side of the aisle are trying to create some fear that we cannot bring a terrorist to the United States of America, hold them successfully, try them in our courts, convict them and incarcerate them, history says otherwise.

Over 350 convicted terrorists have been tried in our courts and are being held in our prisons today successfully—held every single day. Is America less safe because of it? No. We are safer because would-be terrorists are off the streets, convicted in our courts, serving time in prison—exactly where they belong.

To argue we should eliminate this administration's right to try a terrorist in a U.S. court is to deny to our government a tool they need to fight terrorism. We also know that not a single person has ever escaped from maximum security in the Federal prisons of America. Somehow, to create the notion that the people tried in our courts are somehow going to be released in America—President Obama has made it clear, that will never happen. He is not endorsing that, never has. And to suggest that is to suggest something that has never been endorsed by the administration. Furthermore, we know they can be held successfully in our courts.

This bill does the right thing. It gives the President the option, when the Department of Justice believes it is the most likely place to try, successfully, those accused of terrorism—to bring them into our court system, to detain them in the United States for that purpose.

There is nothing in this bill which would give the President—or anyone, if he wanted it—the authority to release a Guantanamo detainee in America. This is something that has been created, unfortunately, by a lot of talk

show hosts who do not read the bill and do not understand the law and certainly do not understand what Guantanamo does to us today.

What does it cost for us to hold a terrorist at Guantanamo today? Mr. President, \$435,000 a year. That is what it costs—dramatically more than the cost of incarcerating in America's prisons.

I want to make it clear that I endorse the position not only of the administration but also of GEN Colin Powell; Republican Senators JOHN MCCAIN and LINDSEY GRAHAM; former Republican Secretaries of State James Baker, Henry Kissinger, and Condoleezza Rice; Defense Secretary Robert Gates; ADM Mike Mullen, the Chairman of the Joint Chiefs of Staff; and GEN David Petraeus, who have all said that closing Guantanamo will make America a safer place.

There are some on the other side of the aisle who have not accepted that. I do not believe they understand the threat which the continuation of Guantanamo as an imprisonment facility challenges us to acknowledge in this day and age when we face global terrorism.

Guantanamo must be closed because it has become a recruiting tool for al-Qaida and other terrorists. That is not just my opinion; it is the opinion of significant leaders of this country, such as former GEN Colin Powell.

I think we should endorse the language in this conference report. We should move forward with the adoption of this conference report, give the President another tool to fight terrorism.

I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from West Virginia.

Mr. BYRD. Mr. President, as we complete the debate today on the fiscal year 2010 Homeland Security Appropriations bill, I again thank the very able Senator from Ohio, GEORGE VOINOVICH, the ranking member, for his many contributions to this bipartisan legislation.

I thank all Senators. This conference report provides the Department of Homeland Security with the resources it needs to succeed in its critical missions. I urge support for the conference report.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I thank the chairman of our subcommittee, Senator BYRD, for the outstanding job he has done in finally putting together this conference report so it can be considered by the Senate.

I also acknowledge the tremendous help we have gotten from our staff on this piece of legislation. I am sorry that Carol Cribbs cannot be here today. Carol worked very hard on this legisla-

tion. She is at home after taking a big fall and cutting her face, and I want to mention her name and let her know we miss her and we appreciate the good job she has done for us. Rebecca Davies has worked very hard on this legislation, and I appreciate it. She was bringing in a neophyte. This is my first opportunity to be on the Appropriations Committee.

There have been several issues raised here by some of my colleagues on our side of the aisle that are things that should be taken into consideration. The Senator from Arizona continues to make the case in terms of earmarks, and I am sure he will continue to do that, and we do respect what he has to say about that issue. But I believe the way this legislation is put together carefully justifies people on my side of the aisle supporting this legislation, in spite of some of the things the Senator from Arizona talked about.

In addition to the provisions that deal with Guantanamo Bay, I wish to point out that the language in this conference report is the same language that appeared in the June Defense supplemental that was passed in 2009, which continues to be the law under the continuing resolution. Fundamentally, what we do is put that same language here in this conference report.

If somebody reads the conference report, on page 38, they can see, in spite of the fine words of the Senator from Illinois, there is a large barrier the President has to go over before he could let anyone here into this country. And if he does let them here, as Senator DURBIN has said, they would be here for prosecution. But there are seven hurdles that have to be met by the President. Once he does that, then 45 days thereafter he could bring someone in for prosecution. So I think anyone who is concerned about bringing a bunch of the Gitmo people here in the United States for any other reason but prosecution should be comforted by the fact of this language. Also, I point out, there is language in the Senate Defense appropriations bill that also deals with this subject.

So for all intents and purposes, I think we have done a fairly good job. Frankly, I wish we had adopted this conference report a month and a half ago. But we did not. I urge my colleagues to support the conference report.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. DURBIN. Mr. President, unless someone is seeking recognition—and I do not believe they are—I ask unanimous consent that all time be yielded back, and the Senate vote on adoption of the conference report, with no points of order in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is on the adoption of the conference report.

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Carolina (Mrs. HAGAN) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—79

Akaka	Gillibrand	Murray
Alexander	Graham	Nelson (NE)
Baucus	Grassley	Nelson (FL)
Begich	Gregg	Pryor
Bennet	Harkin	Reed
Bennett	Hatch	Reid
Bingaman	Inouye	Roberts
Bond	Johanns	Rockefeller
Boxer	Johnson	Sanders
Brown	Kaufman	Schumer
Brownback	Kirk	Shaheen
Burris	Klobuchar	Shelby
Byrd	Kohl	Snowe
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	LeMieux	Thune
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Vitter
Cornyn	Lugar	Voinovich
Dodd	McCaskill	Warner
Dorgan	McConnell	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murkowski	

NAYS—19

Barrasso	Crapo	Kyl
Bayh	DeMint	McCain
Bunning	Ensign	Risch
Burr	Enzi	Sessions
Chambliss	Hutchison	Wicker
Coburn	Inhofe	
Corker	Isakson	

NOT VOTING—2

Hagan
Kerry

The conference report was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRASSLEY. Mr. President, while I voted in support of the fiscal year 2010 Homeland Security appropriations bill, I do want to take this opportunity to express my frustrations with the fact that many good provisions were taken out of the final bill by the House-Senate conference committee. The provisions I want to talk about were intended to improve our ability to enforce immigration law in the interior and to secure the border to protect the homeland.

First, I want to talk about the amendment I pushed for during Senate consideration of the appropriations bill. It would have given businesses the tools to ensure that they have a legal

workforce. My amendment would have allowed employers to voluntarily check their existing workforce and make sure their workers are legally in this country to work. It said that if an employer chooses to verify the status of all their workers—not just new hires—then they should be allowed to do so. And, it had protections in place. If an employer were to elect to check all workers, they would have to notify the Secretary of Homeland Security that they plan to verify their existing workforce. The employer would then have 10 days to check all workers. This short time period would prevent employers from targeting certain workers by claiming that they are “still working on” verifying the remainder of their workforce. And, my amendment would have required the employer to check all individuals if they plan to check their existing workforce. If they check one, they check them all.

Employers want to abide by the law and hire people that are legally in this country. Right now, E-Verify only allows them to check prospective employees. But, we should be allowing employers to access this free, online database system to check all their workers.

Second, while I am grateful that the committee recognizes the need to keep E-Verify operational and that the bill includes a three year reauthorization of the program, I am disappointed that the conference committee stripped an amendment to permanently reauthorize E-Verify. The amendment authored by Senator SESSIONS was passed with bipartisan support. The administration and the majority leadership claim they fully back the E-Verify program, but their actions don't show it. Our businesses need to know that this program will be around for the long-term, and that they can rely on the Federal Government to make sure that the workers they hire are legally in this country.

The third amendment stripped by the conference committee would have increased our ability to secure the border by putting funds into fencing to reduce illegal pedestrian border crossings. The DeMint provision would have required 700 miles of reinforced pedestrian fencing to be built along the southern border by December 31, 2010.

Finally, an amendment to allow the Department of Homeland Security to go forward with the “no match” rule was stripped. This amendment by Senator VITTER would have blocked the Obama administration from gutting the “no-match” rule put in place in 2008 to notify employers when their employees are using a Social Security number that does not match their name. These “no match” letters help employers who want to follow the law and make sure they are employing legally authorized individuals.

I voted for this bill on the Senate floor because homeland security is not

something we should play politics with. Defending our country is our No. 1 constitutional priority. Taxpayers expect us to get these bills passed and we have that responsibility. I voted for this bill today because it includes funding for essential border security and interior security efforts. However, there are a number of problems with this bill despite my vote for it. I am concerned that the House and Senate conference committee did a disservice to the American people by taking out language preventing illegal aliens from gaining work in this country. The conference committee, had they kept the provisions I talked about, would have helped many Americans who are looking for work and struggling to make ends meet. The provisions would have also held employers accountable for their hiring practices. It's my hope that this body will work harder to beef up our immigration enforcement efforts, and ensure that Americans are given a priority over illegal aliens during this time of high unemployment.

MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NAKED SHORT SELLING

Mr. KAUFMAN. Mr. President, I rise to applaud the SEC's Enforcement Division for recently bringing two actions for insider trading against Wall Street actors. While our judicial system must run its course, I am nonetheless pleased that the investigators and prosecutors are working together to target Wall Street wrongdoing.

In white-collar crime, securities fraud, and insider trading, enforcement is critical to deterrence. In turn, deterrence is critical to maintaining the integrity of our capital markets.

The importance of these cases extends beyond deterring and punishing criminal conduct. By identifying, prosecuting, and punishing alleged criminals on Wall Street, we are restoring the public's faith in our financial markets and the rule of law.

So while the Enforcement Division is sending a strong signal about insider

trading, it still has not brought any enforcement actions against naked short sellers. This is despite the fact that naked short selling is widely acknowledged by many on Wall Street to have helped manipulate downward the prices of Lehman Brothers and Bear Stearns in their final days. Their resulting failure served as a catalyst for the ensuing financial crisis that affected millions of Americans.

I am pleased the SEC has flashed a red light in front of insider trading. But until it brings a case or makes the naked short selling that took place last year an investigative priority, the Commission is leaving a green light in front of naked short sellers. When you have a red light on one road and a green light on another road, everyone knows where the cars are going to go.

This concern is not mine alone. In the words of the Dow Jones Market Watch, in a recent article entitled “SEC Loses Taste for Short Selling Fight”:

More than a year after short sellers allegedly sucked the broader market lower by concentrating negative bets in troubled financial firms, the Nation's securities regulators appear to be backing off curbing the practice.

In a piece on the naked short-selling debate, Forbes magazine noted:

We have become a nation that ponders everything without resolution.

This is critical because the SEC's current rule against naked short selling—a reasonable belief standard that the underlying stock would be available if it is needed—is widely viewed as unenforceable. The market has recently been showing promise in moving upward, but if it goes south—and I am sorry to say eventually it will again—the bear raiders who destroyed our economy a year ago and made millions in the process will strike again.

If you know you can sell 5,000 umbrellas on a rainy day in New York, you are going to be out on the street with 5,000 umbrellas the next time it rains. The next time one of our TARP banks or other financial institutions looks vulnerable, naked short sellers will seize the opportunity to profit again, and this time it could cost the taxpayers directly. The SEC will have no ability to stop them or punish them after the fact.

Given what is at stake, why have we not had action? Frankly, it is a story emblematic of problems on Wall Street. The story starts in July 2007, when the SEC decided to remove the uptick rule which forces short sellers to wait until a stock ticks up at least once before being allowed to sell without putting anything effective in its place.

When I was at Wharton back in the mid-sixties, the uptick rule was an article of faith. But a couple years ago, the 70-year-old uptick rule became another casualty of deregulation, an impediment to market liquidity, they said.

A little over a year later, two of the Nation's biggest banks—Bear Stearns and Lehman Brothers—had collapsed. Lehman's failure alone, with \$613 billion in debt, was far and away the largest bankruptcy in U.S. history. Both banks were victims of their own risky behavior and their own poor judgment. Their thinking was clouded by an aura of invincibility—willingly taking highly leveraged positions in what turned out to be toxic assets.

But while Bear and Lehman certainly are responsible for their actions, naked short selling played a crucial role in accelerating their fate.

I wish to make an important distinction. Short selling is a well-established market practice. It can enhance market efficiency and price discovery. I, myself, have sold stock short on many occasions, but I always had to borrow the stock first before I could sell into the market.

Naked short selling is another matter altogether. It occurs when someone sells a stock they do not own and have not borrowed. Naked short selling creates two risks in the marketplace. The seller may not be able to deliver the necessary shares on delivery date and bad actors can manipulate stocks downward, repeatedly selling something they do not own.

Naked short selling, without first borrowing or obtaining a so-called hard locate of the shares, essentially increases the number of shares in the market, which tends to lower the value of the stock.

It is exactly as if I made three copies of my car's title and then sold the title to three different people. By the time I sold my third title, it would likely be impossible to deliver the car to the third buyer and its value would also have declined.

When Bear Stearns and Lehman started to crumble, many believed manipulative naked short sellers, using a series of large and frequent short sales known as bear raids, helped drive both firms into the ground. Bear Stearns' stock dropped from \$57 to \$3 in 3 days. Let me repeat. Bear Stearns' stock dropped from \$57 to \$3 in just 3 days.

When Lehman collapsed, an astonishing 32.8 million shares in the company had been sold short and not delivered on time.

The SEC has proven incapable of both preventing market manipulation from happening and punishing those responsible for it. We cannot allow this to continue.

Since March, a bipartisan group of Senators and I have been calling on the Commission to reinstate some form of the uptick rule and put a rule in place that the SEC Enforcement Division could use to stop naked short sellers dead in their tracks.

At a recent SEC roundtable, major problems with the current regulatory structure were exposed. Even panelists

heavily stacked in favor of industry admitted that compliance with the requirement is widely ignored. Commissioner Elisse Walter acknowledged, prosecuting naked short sellers on the reasonable belief standard is a "very difficult case to bring."

Because the "reasonable belief" standard is unenforceable, abusive short sellers are essentially free to engage in criminal activities without fear of facing criminal prosecution.

The SEC's silence speaks volumes. They have given no indication that there will ever be action. Nothing—from the SEC's strategic plan to various speeches by SEC executives—acknowledges that this is a priority. The SEC has taken action on insider trading; it should devote the same intensity of purpose to stopping abusive naked short selling.

I suspect the problem is that our financial institutions, which can now trade stocks with previously unimaginable speed and frequency, simply are unwilling to support any regulation that will slow down their profit-maximizing programs. High-frequency traders balk at the suggestion that they wait in line and get their ticket punched—by first obtaining a "hard locate" of the stock—before selling short. If that is the case, then we are letting technological developments on Wall Street dictate our regulatory and enforcement destiny rather than vice versa. That philosophy is simply unacceptable.

Clearly, the cost of inaction in this area is too great to ignore. Accordingly, I urge my colleagues to join Senators ISAKSON, TESTER, SPECTER, CHAMBLISS, and me as cosponsors of S. 605, which requires the SEC to move quickly to address naked short selling by reinstating the substance of the prior uptick rule and requiring traders to obtain a contractual hard locate before selling short. We need to send a strong message to the SEC that the Congress will not tolerate inaction on this critical issue.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona, the Republican whip.

HEALTH CARE REFORM

Mr. KYL. Mr. President, the goal shared by all of us in the Senate is to make health care more affordable for Americans. Some ask why there hasn't been more support for medical liability reform—a popular, cost-free measure that would unquestionably yield significant savings for patients and doctors. The most honest answer to that question came from former Vermont Governor and Democratic National Party Chairman Howard Dean, who said at an August townhall meeting in Virginia that medical liability reform has not been included in any of the

Democrats' bills because they don't want to take on the trial lawyers.

Protecting trial lawyers should not be the goal of health care reform. Their multimillion-dollar "jackpot justice" lawsuits drive up the cost of health care for everyone and are a big reason America's health care premiums have soared. Why? To help guard themselves from ruinous lawsuits, physicians must purchase expensive medical liability insurance, often at a cost of \$200,000 a year or more for some specialists such as obstetricians and anesthesiologists.

Because doctors pay for this insurance, patients do too. Hudson Institute economist Diana Furchtgott-Roth estimates that 10 cents of every dollar paid for health care goes toward the cost of doctors' medical liability insurance. Dr. Stuart Weinstein, the former president of the American Academy of Orthopedic Surgeons, has written about the extra cost of delivering a baby because of the high cost of these premiums. If a doctor delivers 100 babies a year and pays \$200,000 for medical liability insurance, then "\$2,000 of the delivery cost for each baby goes to pay the cost of the medical liability premium," Dr. Weinstein wrote. So the costs of this insurance, passed on to patients, are real.

An even bigger cost related to the threat of lawsuits is doctors' use of defensive medicine. The looming specter of lawsuits makes most doctors feel they have no choice but to take extra or defensive precaution when treating patients. A 2005 survey published in the *Journal of the American Medical Association* found that 92 percent of doctors said they had made unnecessary referrals or ordered unnecessary tests and procedures solely to shield themselves from medical liability litigation.

To say the costs of defensive medicine are high is an understatement. Sally Pipes, president of the Pacific Research Institute, has found that defensive medicine costs \$214 billion per year. A new study by PricewaterhouseCoopers reveals similar findings, pegging the annual cost at \$239 billion. So you have the approximate amount here—\$214 billion and \$239 billion. In any event, defensive medicine imposes a huge cost on the American public.

Medical liability reform would work to bring down health care costs for patients and doctors. Among the ways to do it are capping noneconomic damage awards and attorney's fees and implementation of stricter criteria for expert witnesses who are testifying in these medical liability lawsuits. Trial lawyers frequently use their own experts to criticize the defendant doctor's practice. Well, the experts should have no relationship with or financial gain from the plaintiff's lawyer, and they should have real expertise in the area of medicine at issue.

Some States, including my home State of Arizona, have already implemented medical liability reform measures with positive results.

Dr. James Carland, who is president and CEO of MICA, which is Arizona's largest medical liability insurer, wrote a letter to me recently to describe some of the results he has seen from medical liability laws implemented in Arizona, specifically from two statutes—one that reformed expert witness standards and another that imposed a requirement to inform the defendant, before trial, of expert witness testimony and to preview the substance of that testimony. Dr. Carland wrote that the enactment of these two statutes has “reduced meritless medical malpractice suits” in Arizona. Indeed, after their enactment, medical liability suits dropped by about 30 percent. That drop has been accompanied by a drop in medical liability premiums. Since 2006, MICA has reduced premiums and returned about \$90 million to its members in the form of policyholder dividends.

Another State that has had success with medical liability reform is Texas, which passed a series of measures in 2003, including limits on noneconomic damages and a higher burden-of-proof requirement for emergency room negligence. The number of doctors practicing in Texas has now skyrocketed, while costs have plummeted. It has been widely reported that since those reforms were implemented, medical licenses in Texas have increased by 18 percent and 7,000 new doctors have moved into the State.

To reduce costs for both physicians and patients, Senator CORNYN and I have introduced legislation that would achieve medical liability reform by combining what has worked best in our two States, Texas and Arizona. We have taken the Texas stacked cap model for noneconomic damages and coupled it with expert witness statutes proven to limit the filing of meritless lawsuits.

Republicans offered these kinds of liability reform amendments during the Finance Committee markup, but all of them were ruled out of order by the chairman of the committee. One of these amendments, recently scored by the Congressional Budget Office, would have saved the Federal Government \$54 billion in health care costs over the next 10 years. My colleague from Nevada, Senator ENSIGN, asked the Director of the CBO if we could expect a similar approximate reduction in cost in the private sector, since about half of all medical costs are paid for by government and the other half in the private sector. Dr. Elmendorf, the Director of the CBO, agreed that we could expect approximately the same additional amount of savings in the private sector. That would be well over \$100 billion.

Medical liability reform enjoys heavy support among our bosses—the American people. According to a new Manhattan Institute paper, 83 percent of Americans want to see it in any health care bill passed by the Congress. Despite this support and the concrete evidence that it would lower health care costs for doctors, patients, and the government, none of the health care bills being written by congressional Democrats tackle medical liability reform. It makes no sense that in debates about bringing down cost, this commonsense measure is ignored by the majority party. If we are serious about making health care more affordable, we must have medical liability reform. We will work for the American people, not the trial lawyers.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

The Senator from Maryland is recognized.

Mr. CARDIN. I thank the Chair.

(The remarks of Mr. CARDIN pertaining to the introduction of S. 1816 are located in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL POLICY

Mr. DORGAN. Mr. President, in recent weeks, and especially in more recent days, we have had a lot of discussions on the floor of the Senate by Members about the Federal budget deficit and about fiscal policy. It is a serious issue in my judgment, one to which we have to pay a lot of attention. But some of the discussion on the floor of the Senate has been wrapped in partisan wrapping. The suggestion is the fingers are all pointing to the new President—new because he has been in office only 10 months. Somehow this very deep fiscal policy hole, these very large and growing Federal budget deficits, should be laid at his feet.

The fact is, in my judgment, there is plenty of responsibility to go around on all parts. I am going to talk a little about that. This administration knows

it. They have some responsibility. This Congress certainly has major responsibility. The past administration has significant responsibility.

The American people are a lot less interested in who wants to own up to that responsibility than they are about who is going to try to do something to fix our deficit problems. We cannot have deficits that are growing far out into the future. We cannot continue to deliver a level of government the American people are unable or unwilling to pay for without very serious consequences to the American way of life. I want to talk just a bit about that.

First and foremost, the deficits are growing and have been very serious. It is not unusual that in the middle of the deepest recession since the Great Depression we would have growing Federal budget deficits. Why? Because more people are unemployed, out of work. More people need the kind of social services and the stabilizing payments that we do. When people are in trouble and we are in a recession, that increases the spending.

It is also the case that the amount of revenue we expected this year is down about \$400 billion because people are making less money, corporations are making less money, less is coming in in tax revenue. So it is not unusual, in the middle of the most significant economic trouble since the 1930s that we have higher spending, less revenue, and therefore deficits that are ratcheting up.

Deficits just by themselves would not necessarily be something that we would object to if the deficits purchase something of great value that was necessary at this moment. Ask this question and I expect the answer is self-evident. What if someone said: You need to spend \$1 trillion that you do not have, \$1 trillion of deficits right now, but if you do that, if you spend that \$1 trillion, you will cure cancer. Do you think anyone would say: No, that is not a smart thing to do. Of course we would do that, because it would promote dramatic dividends for a long time.

But regrettably that is not what this deficit is about. This is not about having done something of significant merit. This is largely a structural deficit in which we have an expenditure base that is growing, and a revenue base that has not kept up, and now it has been aggravated, especially in a very deep recession. When I see the folks on the other side of this aisle come to the Senate to talk about generational theft, and to point fingers at the administration, let me be quick to point out, there is a long history to how we got to where we are, a very long history that does not start at 1600 Pennsylvania Avenue in January of this year. Let me revisit a little bit of that history, if I might. I am not doing

it to suggest that one side is all right and the other side is all wrong. I am doing it because there are people who come to the floor of the Senate seeming to act as if they were exploring the surface of Mars while all of this was going on. In fact, they were not. Many of them were here in this Chamber.

When President Clinton left office in the year 2000, we had a \$236 billion budget surplus. That was called the "unified surplus." The actual "on-budget surplus" which does not count the Social Security revenues—and I do not think you should count Social Security revenues—was \$86 billion. So when President Clinton left office that year, for the first time in decades we had a real budget surplus, and the expectation was that the on-budget surplus was going to grow to more than \$3 trillion in the coming 10 years. That was the expectation. And as all of us know, President Bush came to town. And George W. Bush said: My first priority is to do very large tax cuts for the American people.

I stood here on the floor of this Senate and said: You know what. Let's be a little conservative about this. What if something should happen and we do not have these surpluses? These are only estimates. They are not in our hands. They are only estimates. Why don't we be a bit careful?

The President said: No, we are not going to do that. And most of my colleagues—by the way, the majority of my colleagues—said: No, we are not going to do that. We are going to enact a piece of legislation that will substantially cut taxes, the majority of which went to upper income people in this country.

The benefits to the upper income people in this country—somewhere around 5 percent of the taxpayers—will total almost \$1 trillion over the 10 years. The households in the top 1 percent, with incomes over \$450,000 in 2008, will on average get a \$489,000 tax break over ten years. Think of that. You say: Those of you who are fortunate to earn nearly half a million dollars in this 10-year period, we are going to give you close to \$500,000, half a million dollars in tax breaks.

Should that have been a priority? I don't think so. I did not support that. But it was for the President and the majority of the Congress. So the Congress cut the revenue very substantially to benefit the highest income Americans. Then what happened? Well, what happened was we discovered very quickly we were in a recession. In 2001, when President George W. Bush took over, at the end of March, we discovered we had a struggling economy. Then on 9/11 of that year we were attacked by terrorists, and very quickly we were in a war in Afghanistan, and soon thereafter in a war in Iraq.

The President said: Despite the fact that we now are in recession, and had a

terrorist attack, and two wars, we are not going to pay for the cost of these wars. We are going to send emergency supplemental requests that are not paid for, and we expect you to support our soldiers in the field.

So nearly \$1 trillion was spent on the two wars in the last 9 years. And not a penny of it was paid for. Right onto the debt. Then in the year 2008, our economy fell off a cliff in October. And not surprisingly, having built up a substantial amount of deficits over this period of time fighting two wars, having had a recession, without paying for any of it, having built up these unbelievable deficits, when we fell off the cliff last October into a very significant recession, very deep hole, the Federal budget deficit skyrocketed.

Let me put up a chart of Federal budget deficits. I do this because we are on an unsustainable path. The President knows that. In fact, today the Wall Street Journal talks about the President's plan to tackle the Federal budget deficit. The President understands and I understand, in the middle of a deep recession, as we have got our foot on the accelerator to try to get this economy moving again, you cannot decide to take a lot of money out of the economy. So you could not at this moment decide: You know what. We are just going to collapse all of this red ink immediately. It would be devastating and throw this country into a deep economic tailspin. I understand that.

But here is what we face. We face growing deficits fighting wars. When the President took over, had he done nothing in fiscal year 2009, we would have had a budget deficit, it is estimated, of about \$1.3 trillion.

Last fall it was the Troubled Asset Relief Fund, \$700 billion. Then when he took over, this President wanted an economic recovery fund. I supported that because I believed it was better to pump some money into the economy rather than risk the economy going into a much deeper economic hole.

But all of that, in my judgment, has put us on an unsustainable path. You see, out in 10 years, this is not sustainable. The President knows that. I have talked to the President personally about it. As I indicated, a story today talks about the President's determination, as the economy strengthens in the coming months, next year to turn to this issue and deal with it and solve it. We do not have a choice.

But what brings me to the floor is this discussion by some of our colleagues to say: Aha. Now we have got these big budget deficits. That belongs to the person in the White House. That is President Obama's fiscal policy. It is not. It just is not. This has a long history. It started when this country fought a war without paying for a penny of it, while at the same time enacting massive tax breaks primarily for the richest Americans.

By the way, it is the first time, I believe, in the history of this country that that has happened. And then steering this country into a circumstance where the previous administration hired regulators who were content to be willfully blind and say: You know what. I would like a job. I would like a salary. But count on me to be willfully blind. I will not regulate a thing.

As a result, we had unbelievable things happening in this country. Greed. Unbelievable things. I have given speech after speech about what happened with the subprime mortgage scandal, the Wall Street credit default swaps, CDOs, you name it.

The result was this economy was taken right into the ditch by a bunch of shysters who were making a lot of money. A lot of them left their firms with a lot of money and stuck this country with a big bill, and now we see today they are the ones getting the big bonuses.

By the way, the investment banks that are supposed to be lending money are not lending money. They are trading in securities, making money for themselves. Meanwhile, we have got a lot of small and medium businesses out there that are in desperate need of credit. It still has not all stopped. But the point is, to suggest somehow that this has all happened on the watch of a new President in his first 10 months is ridiculous. We all have a stake in this, and we all have responsibility for it. We are all going to have to start working on it together.

This morning in a meeting I quoted Ogden Nash, who had a little four-line poem about a guy who drinks and his wife who nagged him about it: She scolds because he drinks, she thinks. He drinks because she scolds, he thinks. Neither will admit what is really true, he is a drunk and she is a shrew.

Responsibility on both sides. Responsibility on both sides here for fiscal policy. We all have a stake in this. We all have a responsibility. The question is not having people come to the floor and point fingers at a new President who has been in office for just 10 months. The question is, who is going to come to the floor of the Senate and decide together—together—to try to pull this economy up and out of this desperate condition?

I think we are finally starting to see some improvement here. I understand that we do need to steer toward a fiscal policy that reconciles our revenues and expenditures. Yes, to do that we are going to have to cut some spending. We are. I understand that. I am prepared to do that. However, I do not think we have to do it right this moment while we are still trying to crawl out of an economic hole. But we need to do that.

We also need some additional revenue. I would say to some of my friends

here in the Senate who continue to vote against commonsense proposals to get the revenue we need: Help us. When we see U.S. companies that want all the benefits America has to offer them so they can run their income through the Cayman Islands and avoid paying taxes to this government, help us recover those funds.

I have shown the photograph on the floor of the Senate about the Ugland House. I am guessing I have shown it at least a dozen times. When I first showed the picture of this white house in the Grand Cayman Islands on Church Street, a four-story little house, I said it is home to 12,748 corporations. Oh, they are not all there. It is just a lawyer who created a legal address for them at the Ugland House so they can avoid paying taxes.

When I first talked about that, it was 12,748 corporations. I am told now there are 18,857 entities that call that white stucco house in the Grand Cayman Islands home. Many of these companies have set up mailboxes in a tax haven country to avoid paying their fair share of taxes.

What about a bank such as Wachovia Bank that buys a sewer system in Germany from a German city? Is it because a bank in America should own a sewer system that they could pick up and bring back home? It is a complex sale-leaseback transaction in which an American bank buys a German city's sewer system, leases it back, and then they get to depreciate it on their American income taxes and save a couple of hundred million dollars in U.S. income taxes. The Wachovia Bank did that.

I have spoken of other corporations that have done exactly the same thing. We are going to have to cut spending, but we are going to have to increase some revenue. How about some help from all of our colleagues who say that sort of thing should stop. If you want everything that America has to offer you, how about paying your fair share of taxes? Most people do. They do not have a choice. They get a W-2, a W-4 form, get a wage, work hard and are exhausted at the end of the day. They have got a job. By the way, in April of each year, they understand they owe something. Yes, to build roads, to build schools, provide for defense, to make sure there are police on the beat, firefighters spending the night in a fire house. They owe something because the cost of government requires all of us to pay something. But some are paying nothing and some of them are the largest enterprises in the country, finding ways to slip through the cracks.

So we need to do a lot of things to fix these Federal budget deficits, a lot of things. It is going to require some courage and we need to start relatively soon.

I wanted to quote Franklin Delano Roosevelt in one of his fireside chats,

because there is such a description sometimes of selfishness in our country today, only by some, not the majority. But here is what Franklin Delano Roosevelt said about our country during war:

He said:

Not all of us can have the privilege of fighting our enemies in distant parts of the world. Not all of us can have the privilege of working in a munitions factory or a ship yard, or on the farms or in the oil fields or mines, producing weapons or raw materials that are needed by our armed forces. But there is one front and one battle where everyone in the United States—every man, woman, and child—is in action. . . . That front is here at home, in our daily lives, and in our daily tasks. Here at home everyone will have the privilege of making whatever self-denial is necessary, not only to supply our fighting men [or women], but to keep the economic structure of our country fortified and secure . . .

He is talking about common purpose, the need for our country to come together, to work together. Our history is a long history of supporting the men and women who wear a military uniform. When the Civil War erupted, Congress passed the Revenue Act of 1861 to try to raise money for soldiers. The War Revenue Act of 1899 raised funds to pay for the Spanish-American War. The entry into World War I increased the need for revenue, and Congress responded by raising the funds for that war. Even before the United States entered the Second World War, defense spending and the need for money to support the allies led to passage of two tax laws in 1940. In the Vietnam war, there was a surcharge to help pay for it.

I don't come suggesting there is a great appetite to raise revenues. I understand that. I am saying those who come and talk about fiscal policy being a very serious problem are absolutely right. It is one of the most significant problems we face. We are on an unsustainable course. The President knows that. So does the Congress. The President has told me, as he said today in the Wall Street Journal, that he takes this seriously, and it will be at the top of his agenda as we turn this calendar year. I take him at his word. I believe he means that and knows that because we have talked about it. We are going to need help to try to fix this fiscal policy. We cannot continue to see increasing deficits far out into the future. It will weaken the country. Ultimately, it will cause a run on the dollar, with unbelievable consequences for the economy.

This is not rocket science. We understand the consequences of these issues. You go to war and you provide tax cuts for the wealthiest citizens? I don't think so. That doesn't make any sense. Ultimately, you will pay for that with consequences, and we have begun to see it. What I want for our country is to address these issues.

A couple issues that are significant are Social Security and Medicare. We

can deal with those issues. We can deal with success. Why does Social Security and Medicare cost us more? It is called success. People are living longer and better lives so it costs us more in Social Security and Medicare. But a country that can't handle success is a country that can't handle difficult problems, let alone the easy ones. I believe we can do that. I believe we can address the big issues of Social Security and Medicare in a thoughtful way. Then we can also decide that budget deficits such as these are unsustainable and have to be dealt with. This is the President's priority. It is our priority. It ought to be a Republican priority and a Democratic priority. Instead of pointing fingers at each other, let's decide to link arms and see if we can find a way to bring fiscal policy under some control.

First and foremost, let's lift the economy out of this hole. I believe we are beginning to see progress there. This was not some natural disaster. This was not a hurricane or tornado or flood that visited America. This was a very serious problem at a time in which regulators did not regulate. They decided not to watch. This country was stolen blind by a bunch of folks who made a lot of money doing it. Now we have to begin to repair and pick up the pieces. That requires financial reform in order to restore confidence in the economy going forward. It also requires, in this Chamber, a fiscal policy that relates to fiscal discipline, to say: We understand we have to deal with spending, and there are some areas where spending is out of control. We have to deal with revenues. There are some areas where additional revenues are needed and some areas where most of the American people pay up while others get by time after time, deciding to have all the benefits America is willing to offer but to pay none of the requirements to be an American citizen. Part of those requirements is for that which we do together to build a great country.

We had a discussion with Warren Buffett some while ago. I have known Warren Buffett for a long while. He is a very wealthy man. I have great admiration for him. He is the first or second most richest man in the world. He has no pretenses at all. He doesn't look like it. One of the most interesting things he did was take a survey in his office with 40 employees. Voluntarily, his employees described for him what they paid in income taxes and payroll taxes. The combined tax burden of all the employees in the office showed he actually paid the lowest percentage. The world's richest man paid the lowest percentage. His income all came from capital gains, which pays the lowest rate of 15 percent. I believe he said his receptionist pays a higher rate than he does. He said to us: That is wrong. You all ought to fix it.

Good for him. He is a role model in many ways for being able to speak up on these issues. But one of the things he was asked was: What do you think will happen to the economy in the next 6 months? His response was interesting. He said: I don't have the foggiest idea. I don't know what is going to happen in the next 6 months. I don't know what is going to happen in the next 16 months. But I know what is going to happen 6 years from now. Within the next 6 years, you will have an America that is growing and vibrant and healthy, expanding jobs, lifting the middle class. Why do I know that? Because that is what America does. It has always done that. It has created incentives for the hard-working nature of the American people.

Yes, we go through difficult times and troughs and trouble, but this country always picks itself up. I am convinced, while I don't know what is going to go on 6 months from now, I am absolutely convinced that 6 years from now this country will be right back on track and doing just fine, probably well before that.

I have his same faith in the future. I am convinced there isn't anything we can't do. In terms of inventing, we don't have to invent something to find a way to fix what I have described, a fiscal policy that needs fixing. We can do that. That only requires common sense.

The next time one of my colleagues comes out and says: We are in a deep economic hole, and we have all these deficit issues, we would like to point to a President who has been in office less than 10 months as the root cause of the problem, the fact is, this President knows there is a fiscal policy problem. But this problem has been building for a long time. The bubbling up of this fiscal policy dilemma has been with us a long time, and some of the same people who come to point their fingers have a significant hand in creating it.

I will talk about Afghanistan in the next day or two. But those who come to the floor and say: Let's send 40,000 more troops to Afghanistan, set aside for a moment the merits of that. I am not talking about the merits. But let me say, we are told that sending 1,000 troops abroad for a year costs \$1 billion. So the proposition is, if you are coming to say that, you are saying: Let's spend another \$40 billion in the coming year. I ask those who do that to tell us how we will spend the \$40 billion and how they propose we raise the funding. Because I think it is time, long past time that we decide to fund some of these things. Sending soldiers into the winds of war and deciding we are going to put whatever it costs on top of the deficit is hardly a courageous act.

This country deserves better from all of us, from me, from the President, from both sides in this Congress. All of

us have to work together to put this back on track. I am convinced we will. I am convinced we will, in part, with the leadership of this President and, in part, because there are a lot of people of good will in this Congress who understand that this is a serious problem and we need to fix it.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The majority whip.

UNEMPLOYMENT BENEFITS EXTENSION

Mr. DURBIN. Mr. President, another day has passed in the Senate and another opportunity has been wasted to extend unemployment insurance benefits across America. Let's make the record clear. The Democrats have asked the Republicans to move to this item of business and to pass the extension of unemployment insurance benefits to the hundreds of thousands of Americans out of work. They have refused time and time again. They have had a long series of reasons, none of them valid from my point of view. Many of them think they want to argue a lot of other issues. They want to argue the issue of immigration. They want to argue issues totally unrelated to unemployment. They don't seem to understand there are real people out there calling my office every day—and most Senators—explaining they are out of work and desperate.

Let me read an e-mail I received recently from one of my constituents in Gurnee, IL:

Dear Sir: I have worked my entire life from the age of 12 to 56 years old. I have never seen it this bad. Even during the Reagan recession, you could find something. All the emergency unemployment has expired. All everyone can talk about is health care. I realize it's important but I refuse to believe no one notices when we run out of help. When AIG and the banks needed money, the Congress was pretty quick to respond, and generous. So much so that the TARP fund still has more than enough money to do the job. But when it comes to the common man, we get help one piece at a time. Unemployment compensation is not welfare. We are working people. We are not invisible. But by the attention we get, that's how I feel. I know you're a busy man, but if you can, please say something about helping the unemployed. Emergency funding expired 2 weeks ago. We need help yesterday.

A lot of letters come into our office this way, e-mails. People are desperate. Last Friday, when I was in Chicago, I sat down with a group of about 20 unemployed people and let them tell their stories—invited the press in to let them hear the stories. Many people have a mistaken notion of who the unemployed are. Some Republicans argue they are folks who are not trying hard enough to find a job. Some argue that life on unemployment is so nice they don't even try to find other work. I wish a few of those Republican Senators would go home to their States

and meet with the unemployed people whose benefits they are denying with this procedural obstacle. They could sit down and learn, as I did, that some of these folks have been working for more than a year to find a job. Republicans might acknowledge there are six people looking for every job out there. They might acknowledge that many of these people have lost their health care and health protection insurance during the period of their unemployment. They might hear some stories of families struggling to get by who have very little money and are exhausting what little savings they have left.

That is the reality of unemployment. Yet when we turn to the Republicans and say: Can we do the ordinary thing we do around here on a bipartisan basis and extend unemployment benefits in what is the worst recession we have faced since America's Great Depression, they say no. No, we don't want to get to that now. Maybe later. We have some other ideas.

For the people who are suffering under unemployment, that is not good enough. Republicans are ignoring the obvious. There are people all across America who are struggling to find work without success.

For example, 400,000 American families have run out of their unemployment insurance benefits already, including 20,000 in my State who lost benefits at the end of September. Another 200,000 families across the country could lose their lifeline to unemployment benefits this month if Republicans continue to stall and stop us from extending unemployment insurance.

What are the Republicans waiting for? Mr. President, 1.3 million Americans will lose this temporary assistance by the end of the year if Congress does not pass this simple extension of benefits, and 50,000 of those families are in my home State. The unemployment check certainly doesn't replace the wages people have lost, but it may give them enough to get by.

According to the Center on Budget and Policy Priorities, the Recovery Act's unemployment insurance provisions have kept 800,000 Americans out of poverty so far this year. So if Republicans want to see unemployed people fall into the ranks of poverty, I can tell you what it means. It means that what is available to them is even less. What they will lose will be disastrous for them and their families. They will be the people you will find at the food banks, the soup lines. They will be similar to the one in my hometown heading out for township assistance which is, I am afraid, the bottom of the barrel for most people when you have run out of ideas on how to put some food on the table. That is what is going to happen if we don't extend unemployment insurance benefits.

Never in the history of the Nation's unemployment insurance program have

more workers been unemployed for such a long period. Half of all jobless workers can't find a job within 6 months after they started receiving unemployment benefits. That is the highest percentage of prolonged unemployment in the history of the unemployment program. When we come to the floor and ask Republicans to join us in a bipartisan way to extend the safety net to unemployed people and they say no, they have to understand they are causing hardship and suffering for some of the people who are the least fortunate around us today.

The Democratic bill Republicans continue to block, even today, for unemployment insurance benefit extension would extend insurance for an additional 14 weeks for jobless workers in all 50 States, red States, blue States, purple States, Democratic States, Republican States, North, South, East and West, without any preference. If there are unemployed people, they would get the benefit. There is an additional 6 weeks of insurance for jobless workers in States with unemployment above 8.5 percent, which, unfortunately, today includes my State.

It is time to act. Are we going to finish this week with the Republicans stopping us from extending unemployment benefits? And if we do, how would we explain this to this man who wrote me and asked me about whether I know that unemployment compensation is not welfare, it is a fund that workers pay into while they are working. As he said:

We are working people. We are not invisible, but by the attention we get that is how I feel.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, that is the reality of the Republican approach to the issues we face. But it is not the only issue. There are other issues that relate to health care where the Republican position is impossible for me to defend or even understand.

Let me give you one specific example of a family in Joliet, IL. I will use their names because they have given me permission. Their story is so compelling, I want the CONGRESSIONAL RECORD to reflect it, and those who follow this debate to hear it.

A few weeks ago, a small business owner from Joliet, IL, called my office to say:

Please keep fighting for affordable health care and a public option. Don't back down.

That was the message.

The man's name is Dave Poll. He and his wife Claire own the Sir Speedy Printing business in Joliet. The Polls opened their business in 1980, in the middle of a bitter recession—almost 30 years ago. For years, they bought health insurance for their employees and themselves under a small group policy, but they had to drop that cov-

erage 4 years ago after their premiums nearly doubled over just 3 or 4 years.

Then the recession hit, and they had to let their employees go. Now it is just Dave and Claire running their little printing business. Dave is 59 years old. His wife Claire, who works there with him, is 57. They have two grown sons and a daughter in college.

The week before Dave Poll called my office, his wife Claire had blacked out for a few seconds while waiting on a customer. She had been diagnosed with high blood pressure before, so they did not want to take any chances and Dave insisted she call her doctor. The doctor said she had to go to the hospital.

After 2 hours in the emergency room, and less than 10 minutes with a doctor—less than 10 minutes—the Polls left the hospital with test results that did not show anything and about \$2,000 in medical bills. Mr. President, 10 minutes, \$2,000.

Dave said:

A lot of people have it a lot worse. Please keep fighting for all of us.

Two weeks later, Dave Poll called my office again. Claire had felt bone-tired at work one day, so she went back to the hospital. Tests showed this time that she had advanced cancer, and it has already spread throughout her body.

A few days after her diagnosis, Claire spent 3 days in the hospital to have a port implanted and to receive her first dose of chemo. Just for those 3 days in the hospital—3 days now—her bill was \$84,000—\$84,000. Additional chemo treatments are going to cost her \$25,000 a month.

Remember, the Polls—these small business owners—have no health insurance. They have no idea how they are going to pay these bills. In the first 6 months of this year, the Polls took out of their business a combined salary—in 6 months—of \$15,000.

That is how quickly families can be on the verge of bankruptcy in America, because of our broken health insurance system. One week you are getting by, hoping the medicines you need are on Wal-Mart's list of \$4-a-month prescriptions, and praying that you do not have a serious illness or accident. Two weeks later, you can be diagnosed with an illness that will not only cost you your health but everything you have ever accumulated in your life.

Could Claire Poll's cancer have been found sooner if they had not had to drop their health insurance? We will never know the answer to that. But we know this: 45,000 Americans each year—122 people every single day—die prematurely because they are uninsured. More Americans die every month because they do not have insurance than we lost in the tragedy of 9/11.

We know health care costs are a major factor in two-thirds of all bankruptcies in America today. And of those people filing for bankruptcy be-

cause of medical bills, three-fourths of them had health insurance, but it was not any good. It did not help them when they needed it or it was rescinded at the last minute when the health insurance company saw you were sick and dropped the coverage. It happens too often in this country today.

We know we cannot afford not to make this change. Health care spending in America doubles every 10 years. We are spending \$2.7 trillion a year on health care now. In 10 years, if we stay on this same path, America will be spending \$5.4 trillion on health care, and the average premium for a family health insurance policy will be in the range of \$25,000 to \$30,000 a year.

Health care spending will crowd out investments in education, green energy, and many other national priorities, and it will ruin more and more families financially. According to a new study by the Kaiser Family Foundation, if premiums continue to rise as quickly as they have over the last 5 years, the cost of the average family health policy will increase from \$13,375 a year today to over \$24,000 10 years from now.

How many families can afford to take \$24,000 out of their annual paycheck that they face now? How many families could even consider paying \$25,000 a month for chemotherapy? Almost none of us.

When Dave Poll called my office the second time, he said:

Now we may become some of those people who lose their home and business because of health care costs.

Think about that. Dave and Claire: 29 years in their business, they gave their whole life to it, and now, because they did not have health insurance, they could lose everything—not just their business but their home as well—as Dave struggles to give Claire the care she needs to stay alive.

No family should have to go through what they have been through. No family should be forced into bankruptcy because of illness. Every other country in the world—every other advanced country in the world—provides basic health care for their citizens. These countries spend less than we do on health care and they ensure everybody. And on many important measures of health—from infant mortality to life expectancy at age 60—many of these countries, spending a lot less, get much better results.

Several years ago, the World Health Organization made the first major effort to rank the health systems of 191 countries in the world. France and Italy were the top two. The United States was not even in the top 10, not even in the top 20. We rank 37th in the world. We are No. 1 in health care spending. No. 37 in health care outcomes. That is what our current health care system gives us.

The health care and insurance companies spend millions of dollars to

scare people into thinking that universal, affordable health coverage for all Americans will mean less coverage and less choice for Americans who already have health insurance. That is just a scare tactic. Look at all the other countries in the world that spend less than we do, cover everybody, and get better health results.

America—the wealthiest, most creative society on Earth—can solve this problem. It is not just a matter of science and economics, it is a test of our moral character, and it is a test of whether our democracy still works.

The profits of America's health insurance companies have increased 428 percent over the last 10 years. They do not need any more help from Congress. I wonder why my colleagues on the Republican side of the aisle have no alternative to this current system that has treated this poor family in Joliet, IL, so poorly. They do not have any proposal they bring before us which would address the issue of the cost, security, and stability of health insurance that every family and every business wants.

I have yet to hear the first Republican Senator come to the floor and call for health insurance reform saying that we have to end this practice of denying coverage for preexisting conditions or when families get sick or when kids reach the age of 23.

Don't they hear the same things we hear? Don't they receive the same kinds of e-mails and telephone calls we do? I am sure they do. But if they do, why aren't they joining us in this effort? Only one Republican Senator, OLYMPIA SNOWE of Maine, has had the political courage to step forward and join us in this effort—1 out of 40.

You would think there would be other Republican Senators open to this idea, understanding the current system is indefensible. Some of them come to the floor and it sounds as if they are reading right from the playbook of the health insurance companies. Oh, they talk about all the problems if we had a so-called public option—a public option. And it is just that: an option.

Well, if you do the math—and this is rough math, but pretty close—we have about 300 million people in America. Currently, about 40 million of these people are under Medicaid, the health insurance for the poorest people and disabled people in our country. Another 45 million are under Medicare, the health insurance for people over the age of 65. We have another large group of those Americans who have served our country covered by the veterans' health care system—one of the best in our Nation. Eight million people—and I am one of them—are part of the Federal Employees Health Benefits Program. It is a program for Federal employees and Members of Congress and their staff. Then several million are under a plan of children's health insurance—a government-administered

plan to provide that poor kids in families who are struggling have health insurance across America.

So more than one out of three Americans today has some form of government health insurance. The health insurance companies, the private companies, tell us this will ruin the system, if we had an option that was available such as Medicare for every family in America.

I think they are wrong. One of the most sensible things we could do would be to extend Medicare's reach. What if, in the next 5 years, we said we are going to start saying people at the age of 60 can start paying premiums to be part of Medicare—in a separate pool, but Medicare benefits—that they pay those premiums and they will have coverage. Well, it would mean some people would have a fighting chance then, as they reach the age of 60, to have basic health insurance coverage before Medicare. I would extend it even lower. I would extend it to the age of 50, and the Poll family would have been covered. They would have been able to buy basic Medicare protection for Dave and Claire that might have diagnosed this situation at an earlier point or reduced the cost. But it certainly would give them the peace of mind that they have access to the best care in America and will not lose their business and their home in the process.

I wait for the Republicans at some point in this debate to stop saying no and start stepping forward with some idea, some proposal, something that moves us on the path toward making this country an even healthier country, a country where the injustices of the current health care system are not part of our future and part of our country, but part of the past. That is the way it should be.

In the next couple weeks, we are going to start the debate on health care reform here in the Senate. It has been a long time coming. This idea first came up under President Teddy Roosevelt a century ago. President Harry Truman suggested universal health care 60 years ago. President Lyndon Johnson tried his best to move it forward 40 years ago. Fifteen years ago, President Clinton and Mrs. Clinton tried to move us in this direction. They never—none of them—reached the point we are going to reach now, where comprehensive health care reform will be on the floor of the Senate, to be actively and openly debated.

This is our chance. This is our historic opportunity. We cannot miss it. For the Poll family in Joliet, IL, we wish them the best and hope Claire gets well and feels well very soon. We hope they do not lose their family's savings, their home, and their business in the course of looking for the same basic treatment we would expect for anybody in this country.

This may be one of the few places on Earth—one of the few advanced coun-

tries on Earth—where you can literally be driven into poverty because of your illness. That is what has happened to this family, who paid their dues and kept their business open for 29 years. We could do better. I hope our Republican friends will stop saying no and join us in this opportune moment of making history for this Nation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

AFGHAN ELECTION RUNOFF

Mr. KAUFMAN. Mr. President, I rise to welcome today's announcement of a runoff election in Afghanistan, to be held on November 7. This second round is absolutely critical, and I commend the Electoral Complaints Commission for successfully investigating reports of fraud surrounding the August 20 vote. The ECC fulfilled its mandate, and I applaud the Afghan people for demonstrating patience and resilience throughout this very difficult process.

I also want to recognize the efforts of the chairman of our Senate Foreign Relations Committee, Senator JOHN KERRY, and Ambassador Eikenberry in Afghanistan to secure greater transparency and encourage a second round.

When I was in Afghanistan in April, there was great promise that the election would usher in a new era of hope for the Afghan people. But when I returned to the region in September, it was clear this hope had been dashed by allegations of election fraud. Each story of corruption further undermines the confidence of the Afghan people in their government, which has hemorrhaged endlessly since the August vote. Today's news of a runoff gives hope to the Afghan people that their voices and political aspirations will finally be heard.

On October 8, I gave a statement on the eighth anniversary of the war. In it, I highlighted governance as an essential component of our counterinsurgency strategy, particularly because our goal is to build support for the Afghan Government among the Afghan people. This battle for the hearts and minds is not between the Afghans and Americans; it is between the Afghan Government and the Taliban, a Taliban which has been bolstered by the allegations of fraud from the August vote.

Counterinsurgency cannot succeed in Afghanistan without a credible government. It is my hope that a credible Afghan partner can emerge from a second round of elections. Whether the winner is President Karzai or Dr. Abdullah, it is critical that the next Afghan Government take steps to root out corruption, improve security, and provide essential services to the Afghan people.

Just as the United States supports a transparent, fair election, we also support a transparent and effective Afghan Government that serves the interests

of its people. It will be necessary to ensure that the mistakes made in August are not repeated in a second round. This is why the role of monitors should be strengthened to protect the integrity of the vote.

Afghan and international forces should also be present in sufficiently strong numbers to provide security and ensure that Afghan citizens can safely cast their votes. It is my hope that this second round will provide an opportunity to rectify problems encountered in August and, most importantly, help to build faith in government among the Afghan people.

As President Obama takes the time he needs to thoroughly consider all of our options in Afghanistan, issues of governance will inform this process because our policy is more than just about combat troop levels; it must include the promotion of effective governance, training of Afghan security forces, and economic development.

The Afghan people deserve a better and brighter future, and I hope this runoff election will bring them one step closer to their goal.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STREAMLINE ALTERNATIVE FUEL VEHICLE CONVERSIONS ACT

Mr. INHOFE. Mr. President, last summer in my hometown of Tulsa, OK, when gasoline prices were near \$4 a gallon, a person driving a compressed natural gas-powered car was able to fuel up for just 90 cents a gallon. This was when gasoline was at \$4 a gallon. That was a savings of \$3 a gallon. Consequently, I was the first in Congress to introduce a comprehensive bill to promote the use of natural gas as a realistic alternative for the many Americans who were looking for price relief, which is about everybody. The bill I introduced was called the Drive America on Natural Gas Act.

A year later, I am encouraged to see that several Members on Capitol Hill have introduced similar bills promoting the use of natural gas and propane as transportation fuel. Last summer, I joined with Senator PRYOR to once again introduce a comprehensive bill to promote these fuels for America's drivers. Additionally, majority leader HARRY REID recently announced his firm support for natural gas vehicles and hopes to bring a standalone bill to the floor in the near future. I welcome the majority leader's support and encourage him to make this a priority for floor consideration.

One of the major components of my Drive America on Natural Gas Act addressed a desperate need to overhaul the EPA emissions certification process which effectively prohibits the ability of nearly all car owners the option to legally convert cars to bifuel operation. Bifuel is a car that can run on natural gas and via the flip of a switch go to gasoline. Now, why? With certification and emissions testing expenses ranging between \$50,000 and \$150,000 per conversion system type, the costs are prohibitive for the aftermarket conversion system manufacturers to produce these systems for more than just a handful of different vehicle models each year. These heavy costs are ultimately borne by the consumer. Due to the rigidity and the cost constraints of these regulations, the EPA has issued less than 300 certificates over the past 8 years—that is 300 certificates over the past 8 years.

This is a solution to the high price and the fluctuating price of automobile gas. Now, oftentimes the vehicle models eligible for conversion are only sold for a short period of time since the certification lasts less than a year before a conversion system manufacturer must decide it will rectify that particular system.

Today, I am pleased to join Senator WICKER, Congressman DAN BOREN from my State of Oklahoma, and Congressman HEATH SHULER to introduce bipartisan, bicameral legislation to simplify and streamline the EPA emission certification process for aftermarket conversion systems.

The Streamline Alternative Fuel Vehicle Conversions Act makes critical changes in five key ways so that vehicle conversions can become a commonplace option for all Americans:

First, our bill eliminates the need for subsequent yearly recertification systems that have already been certified. I might add that the EPA is a friend in this effort. They want these changes to take place as much as we do, but they are not able to do this right now. Under the current law, you have to get recertified, so we eliminate that problem.

Secondly, the legislation directs the EPA to establish criteria that would cover several different yet similar makes and models under a single certification conformity.

Here is the problem. We have an organization in Tulsa that has a conversion system where they can actually change the fuel and refuel and they can change conversions into automobiles. The problem is, the way the law is today you have to get paid for this conversion each time. It might be the same engine that has already been converted before, but if it is in a different model, you have to convert it again. This is something we are going to be changing.

The third thing we change is to instruct the EPA to allow the submis-

sions of previously tested data if a vehicle or the conversion system has not changed in a way which would affect compliance—very similar to the last problem, but nonetheless it is in the current law.

The fourth thing we would do is direct the EPA to promulgate regulations to help conversion system manufacturers comply with potentially different onboard diagnostics—which is called OBD—requirements and compatibility. Since 1996, these onboard diagnostics systems have been required in all light-duty cars and trucks to monitor engine and emission components.

Finally, we clarify the treatment of vehicles which are beyond their useful life as defined by the EPA. These older vehicles, typically those that are at least 10 years old and have at least 125,000 miles, are by default regulated under the Clean Air Act's tampering provision, causing regulatory uncertainty. Our legislation would allow the conversion of these vehicles as long as the conversion system manufacturer for the converter is able to demonstrate that the emissions would not degrade due to conversion.

Over the past several months, this legislation has been through numerous drafting reiterations with the assistance of the Natural Gas Vehicles of America, the National Propane Gas Association, and the Environmental Protection Agency. As I said before, they have been very helpful to us. I especially thank the EPA for their input and assistance in helping us craft a bill which will aid the agency in their efforts to streamline their compliance. They actually want to streamline. This is not normally the case.

I am also encouraged by EPA's internal efforts to reform the process, and I am pleased that our bill will complement and enhance their actions.

By simplifying this compliance process, the Streamline Alternative Fuel Vehicle Conversion Act will not only incentivize conversion system manufacturers to offer more systems for additional vehicle makes and models but will eventually reduce the cost of these conversion systems for interested car owners, perhaps by hundreds or even thousands of dollars.

Ultimately, the legislation will allow Americans to choose whether propane or natural-gas powered vehicles are right for their own individual and business needs while simultaneously preserving the country's stringent emission standards.

The promise of natural gas and propane as mainstream transportation fuels is achievable today—not 20 years from now or 25 years from now but today. It is something no one should be against. Stop and think about it. I know the price of gas is down to \$3. In my State of Oklahoma, it is down to around \$2 a gallon. But today's price

for natural gas, a comparable gallon would be 90 cents, and that is one that would be stabilized. When we stop and think about the reserves that are out there in natural gas, what we can do and what is available for us today, it can only get better.

Hopefully, this bill will pass. I am very proud of the bipartisan support, the bicameral support. I encourage our colleagues to get involved in this very logical response to the high price of motor fuel.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, are we now in a period of morning business?

The ACTING PRESIDENT pro tempore. Yes, we are.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—CONFERENCE REPORT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the conference report to accompany H.R. 2647, the Department of Defense Authorization Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2647), to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of October 7, 2009.)

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Conference Report to accompany H.R. 2647, the Department of Defense Authorization Act for Fiscal Year 2010.

Harry Reid, Ben Nelson, Benjamin L. Cardin, Byron L. Dorgan, Robert Menendez, Richard J. Durbin, Charles E. Schumer, Tom Harkin, Evan Bayh, Patrick J. Leahy, Jack Reed, Robert P. Casey, Jr., Roland W. Burris, Edward E. Kaufman, Paul G. Kirk, Jr., Barbara Boxer, Sheldon Whitehouse, Carl Levin.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, with respect to the conference report accompanying H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the joint statement of managers accompanying the conference report and that the required information has been available on a publicly accessible congressional Web site for more than 48 hours.

EXECUTIVE SESSION

NOMINATION OF WILLIAM K. SESSIONS III TO BE CHAIR OF THE UNITED STATES SENTENCING COMMISSION

Mr. REID. I now ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 132, the nomination of William Sessions, to be chairman of the United States Sentencing Commission.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

Nomination of William K. Sessions III, of Vermont, to be Chair of the United States Sentencing Commission.

CLOTURE MOTION

Mr. REID. I now send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of William K. Sessions, III, of Vermont, to be Chair of the United States Sentencing Commission.

Patrick J. Leahy, Thomas R. Carper, Byron L. Dorgan, Tom Udall, Benjamin L. Cardin, Roland W. Burris, Al Franken, Tom Harkin, Jon Tester, Charles E. Schumer, Mark Begich, Frank R. Lautenberg, Daniel K. Akaka, Sherrod Brown, Bernard Sanders, Richard J. Durbin, Jack Reed.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived

and the Senate now resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will resume legislative session.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the vote on the conference report to accompany Homeland Security Appropriations Act, 2010, H.R. 2892. If I were able to attend today's session, I would have voted yes on the conference report.●

ADDITIONAL STATEMENTS

REMEMBERING CAROL TOMLINSON-KEASEY

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring the memory of Dr. Carol Tomlinson-Keasey, a committed educator and administrator and the founding chancellor of University of California, Merced. Dr. Tomlinson-Keasey passed away on October 10th from complications related to breast cancer. She was 66 years old.

Dr. Carol Tomlinson-Keasey was born in Washington, DC, on October 15, 1942. The daughter of an Army officer, she moved around frequently before graduating from a high school in France. Dr. Tomlinson-Keasey received a bachelor's degree in political science from Penn State University, a master's in psychology from Iowa State University, and a Ph.D. in developmental psychology from University of California, Berkeley.

In 1977, Dr. Tomlinson-Keasey became an associate professor of psychology at the University of California, Riverside. During her 15-year tenure at UC Riverside, she earned faculty and administrative appointments. In 1992, Dr. Tomlinson was named vice provost and professor at University of California, Davis. She was appointed dean of UC Davis College of Letters and Science in 1994 and vice provost for academic planning and personnel in 1995 before lending her considerable talents to the University of California Office of the President in 1997.

Beginning in 1998, Dr. Tomlinson-Keasey assumed a leadership role in the planning and building of University of California, Merced, the first new University of California campus in 40 years. A gifted administrator, Dr. Tomlinson-Keasey fully immersed herself

in every aspect of the enormous task of starting a major public university. Whether it was selecting the eventual site of the campus, the recruitment of administrators and faculty members or even choosing the school mascot, Dr. Tomlinson-Keasey worked tirelessly to see that the dream of a University of California campus in the San Joaquin Valley became a reality. In 1999, Dr. Tomlinson-Keasey became the first female founding chancellor of a University of California campus.

UC Merced has been a model of growth and progress since its inception in 2005. Today, the burgeoning campus is a living testament to Dr. Tomlinson-Keasey's hard work, vision, and dedication. Dr. Tomlinson-Keasey has left behind a legacy that has resulted in greater opportunities for future generations of California students, especially those students who are the first in their families to attend college and come from underrepresented ethnic or racial minority groups in the Central Valley. Her family and friends should take great pride and comfort in knowing Dr. Tomlinson-Keasey's accomplishments will continue to positively impact many people in the future.

Dr. Tomlinson-Keasey is survived by her husband Blake Keasey; children, Amber and Kai; three brothers, Alen, Gene and John Tomlinson; and four grandchildren.●

RECOGNIZING THE SERVICE CORPS OF RETIRED EXECUTIVES

● Mr. CORNYN. Mr. President, today I recognize a dedicated group of volunteers for their service to small business owners in Texas. The Service Corps of Retired Executives, also known simply as SCORE, is a nonprofit organization that connects new entrepreneurs with seasoned business executives for expert advice and consultation.

Creating a new business enterprise can be challenging, and perhaps the most advantageous way for new entrepreneurs to seek advice is asking successful executives who have firsthand experience. SCORE provides a forum for entrepreneurs to engage experienced leaders in both one-on-one settings and group environments. SCORE offers complementary counseling services covering important topics such as business management, financing, marketing, and taxes, among many others.

SCORE was created on October 5, 1964, as a mission of the Small Business Administration, SBA. Since that time, the organization has evolved into a stand-alone nonprofit group, steadily increased its volunteer base, and embraced the Internet as a tool for outreach. SCORE is approaching a significant milestone this year—45 years of service to small business owners. It is worth noting that SCORE recently documented another achievement by providing services to its 8 millionth client.

Today SCORE offices can be found in 48 States and the District of Columbia. In 2008, 11,200 SCORE volunteers provided approximately 1.3 million hours of service saving business owners an estimated \$167 million. In Texas, 378 SCORE volunteers provided over 63,000 hours of complimentary counseling. SCORE's remarkable success continues to be recognized by the Federal Government, and today the SBA maintains a partnership with SCORE to help entrepreneurs turn their visions into reality.

I commend SCORE volunteers in Texas for sharing their time and expertise with the next generation of business owners. In so doing, SCORE volunteers are helping a new generation build their own American dream.●

REMEMBERING JEANNETTE GRUBB

● Mr. LUGAR. Mr. President, I was deeply saddened to learn that my dear friend and mentor for the past 63 years, Jeannette Grubb, passed away on Friday, October 9, 2009, at the age of 106 years old.

I last saw Jean on September 12, 2009, at the rededication ceremony at Shortridge High School, and I, as well as many others, enjoyed a wonderful visit with her. As always, Jean, herself a 1920 Shortridge High School graduate, was ever enthusiastic about Shortridge and recalled memories of her time as a Shortridge student, teacher and advisor. She was a special person, a woman of faith, whose concern for others was apparent.

Jean was well-educated and prepared for the important responsibilities of teaching. As a graduate of Indiana University, she earned her bachelor of arts, and later her master's in journalism from the Medill School of Journalism at Northwestern University. I am grateful that in 1944, Jean was asked to give up teaching mathematics to become the director of publications for Shortridge, a post she held until her retirement in 1970. Jean inspired us to be better students, and focused on creative and excellent writing skills.

Jean is one of the most memorable teachers in my life. When I was a Thursday columnist for the Shortridge High School Daily Echo, she served as the faculty adviser of the publication that she also served on as a Shortridge student.

As a high school student, the opportunity to publish a column, and to know that at least a few of my classmates read what I had written, provided an unparalleled privilege. On one occasion, an unflattering column which I authored about the unhealthy habits of the basketball team was read by the Indianapolis School Board—whose members only received copies of the Thursday edition of the school paper. This incident caused a temporary shut-

down of the Echo's headquarters and a sudden trip for me to the principal's office to hear the consequences that unbridled journalism could have on the school, Jean, and me.

During this traumatic experience, Jean was my heroine, and the freedom of the press prevailed.

Furthermore, Jean has always been an active member of the Shortridge High School alumni community. As publications adviser, she organized the 50th anniversary celebration of the Echo. She also has worked to gather names and contact information for the Shortridge High School Alumni Association so that each of us can stay closely in touch with our friends and classmates. Following her retirement, Jean worked with the Indiana Historical Society to compile a complete history of our alma mater.

In 2005, Jean deservedly received the Lifetime Achievement Award from the Indiana High School Press Association for her tireless commitment to journalistic excellence among young people, and her unwavering support of the alumni and history of Shortridge High School. On this occasion, I included remarks about Jean in the CONGRESSIONAL RECORD to honor her achievement.

Throughout my public service, I have enjoyed frequent communications with Jean. She was always optimistic and supportive.

She was loved and appreciated. Her friendship and compassion will be greatly missed by her many students and friends whose lives she influenced through her exemplary dedication to teaching.●

TRIBUTE TO RAJIV KUMAR

● Mr. WHITEHOUSE. Mr. President, today I congratulate Rajiv Kumar, a medical student at the Warren Alpert Medical School of Brown University, for receiving the Community Health Leaders Award from the Robert Wood Johnson Foundation. Mr. Kumar received this prestigious award for his efforts to reduce obesity among Rhode Island residents. In 2005, he established Shape Up RI—a statewide exercise and weight loss challenge. Since then, over 35,000 Rhode Islanders have participated in the program including my staff and me, and I can personally attest to its fun and effectiveness. I had the pleasure of meeting with Mr. Kumar earlier this month to discuss the great work he has done to encourage personal responsibility in an engaging and innovative new format, and I look forward to the continued growth and success of Shape Up RI.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 13413 WITH RESPECT TO BLOCKING THE PROPERTY OF PERSONS CONTRIBUTING TO THE CONFLICT TAKING PLACE IN THE DEMOCRATIC REPUBLIC OF THE CONGO—PM 35

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports and papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo, and the related measures blocking the property of certain persons contributing to the conflict in that country, are to continue in effect beyond October 27, 2009.

The situation in or in relation to the Democratic Republic of the Congo, which has been marked by widespread violence and atrocities that continue to threaten regional stability, continues to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency to deal with that threat and the related measures blocking the property of certain persons contributing to the conflict in that country.

BARACK OBAMA.
THE WHITE HOUSE, October 20, 2009.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 3:13 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3183. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWN:

S. 1800. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide compensation for certain persons injured in the course of employment at the Feed Materials Production Center (commonly referred to as "Fernald") or the Piqua Organic Moderated Reactor in Ohio; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CARPER (for himself and Mr. KAUFMAN):

S. 1801. A bill to establish the First State National Historical Park in the State of Delaware, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURRIS:

S. 1802. A bill to require a study of the feasibility of establishing the United States Civil Rights Trail System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MERKLEY (for himself and Mr. CORKER):

S. 1803. A bill to amend title 31, United States Code, to authorize reviews by the Comptroller General of the United States of emergency credit facilities established by the Board of Governors of the Federal Reserve System or any Federal Reserve bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KYL:

S. 1804. A bill to extend the temporary suspension of duty on pyridaben technical; to the Committee on Finance.

By Mr. KYL:

S. 1805. A bill to suspend temporarily the duty on fenarimol technical; to the Committee on Finance.

By Mr. KYL:

S. 1806. A bill to suspend temporarily the duty on Phosmet Technical; to the Committee on Finance.

By Mr. KYL:

S. 1807. A bill to extend the temporary suspension of duty on hexythiazox technical; to the Committee on Finance.

By Mr. FEINGOLD:

S. 1808. A bill to control Federal spending now; to the Committee on Finance.

By Mr. WICKER (for himself and Mr. INHOFE):

S. 1809. A bill to amend the Clean Air Act to promote the certification of aftermarket conversion systems and thereby encourage the increased use of alternative fueled vehicles; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself, Mr. BROWNBACK, and Mr. UDALL of Colorado):

S. 1810. A bill to direct the Secretary of Health and Human Services to publish physical activity guidelines for the general public, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN:

S. 1811. A bill to suspend temporarily the duty on certain chime rod assemblies; to the Committee on Finance.

By Mr. LEVIN:

S. 1812. A bill to suspend temporarily the duty on DMDPA; to the Committee on Finance.

By Mr. LEVIN:

S. 1813. A bill to extend the temporary suspension of duty on DPA; to the Committee on Finance.

By Mr. LEVIN:

S. 1814. A bill to suspend temporarily the duty on urea, polymer with formaldehyde and 2-methylpropanal; to the Committee on Finance.

By Mr. LEVIN:

S. 1815. A bill to suspend temporarily the duty on certain clock movements; to the Committee on Finance.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. CARPER, and Mr. KAUFMAN):

S. 1816. A bill to amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay Program; to the Committee on Environment and Public Works.

By Mr. BROWN:

S. 1817. A bill to temporarily raise the limits on certain loans under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BINGAMAN (for himself and Mr. MCCAIN):

S. 1818. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes; considered and passed.

ADDITIONAL COSPONSORS

S. 250

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 250, a bill to amend the Internal Revenue Code of 1986 to provide a higher education opportunity credit in place of existing education tax incentives.

S. 252

At the request of Mr. AKAKA, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 252, a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care for veterans, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service

and the Naval Transport Service) during World War II.

S. 700

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 700, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 729

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 729, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 908

At the request of Mr. BAYH, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 908, a bill to amend the Iran Sanctions Act of 1996 to enhance United States diplomatic efforts with respect to Iran by expanding economic sanctions against Iran.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000, 000 or more in Iran's energy sector, and for other purposes.

S. 1076

At the request of Mr. MENENDEZ, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1153

At the request of Mr. SCHUMER, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income

for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1155

At the request of Ms. COLLINS, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1155, a bill to amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the Under Secretary of Veterans Affairs for Health.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1340

At the request of Mr. LEAHY, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1343

At the request of Mr. BROWN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1343, a bill to amend the Richard B. Russell National School Lunch Act to improve and expand direct certification procedures for the national school lunch and school breakfast programs, and for other purposes.

S. 1360

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 1624

At the request of Mr. WHITEHOUSE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1624, a bill to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were

caused by serious medical problems, and for other purposes.

S. RES. 312

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 312, a resolution expressing the sense of the Senate on empowering and strengthening the United States Agency for International Development (USAID).

AMENDMENT NO. 2669

At the request of Mr. GRAHAM, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 2669 proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2693

At the request of Mrs. LINCOLN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of amendment No. 2693 intended to be proposed to S. 1776, a bill to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARPER (for himself and Mr. KAUFMAN):

S. 1801. A bill to establish the First State National Historical Park in the State of Delaware, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CARPER. Mr. President, I am delighted to be joined this afternoon by my colleague, Senator KAUFMAN, from Delaware. Today, he and I are going to do something I don't think has ever been done in the Senate in the 200 years since this institution has been together. We will be introducing legislation which will establish the First State National Historic Park within the State of Delaware.

There are, as we all know, 50 States, and 49 States have national parks. In all, there are 58 national parks. There are something like more than 300 units of national parks. The first State to ratify the Constitution—that would be Delaware—was the entire United States of America for 1 week beginning December 7, 1787, and it still has no national park—not that we don't have historical and cultural heritage that is noteworthy in Delaware.

Think back roughly 400 years ago when the first settlements in this country from Europe were that of the Dutch in what is now Lewes, DE. And 372 years ago, the Swedes and Finns sailed across the Atlantic Ocean up the

Delaware Bay and the Delaware River, took a left turn on the river they decided to name after the child queen of Sweden, Christina, and established the colony of New Sweden and what is now known as Wilmington, DE.

To the south in Dover, DE, at the Golden Fleece Tavern for roughly 3 days in December 1787, 25 or so men holed up in the Golden Fleece Tavern drinking what I describe as hot chocolate in order to decide whether the State of Delaware was going to be the first State to ratify the Constitution.

A few miles south of there is the childhood home of John Dickinson, who worked with folks in Connecticut at the Constitutional Convention to come up with a grand compromise which says every State will have two U.S. Senators and we will apportion the seats in the House of Representatives in accordance with the population of the States.

From one end of the State of Delaware to the other, there are any number of things that are important to our Nation's heritage and I think certainly to the people of Delaware. Yet we have no national park commemorating any of that at all. Roughly 8 years ago, shortly after I came to the Senate, we went to work to see whether we could change that situation. A lot of good people in my State submitted ideas, from one end of the State to the other, what they thought might be reasonable, acceptable, appropriate items or places to designate as our national park. We created a wonderful citizens group about 3 or 4 years ago. They went the length and breadth of the State, led by professor emeritus Jim Solis of the University of Delaware. They came back with a wonderful group of ideas they collected from people from all over the State.

They said: This is what we think the national park should be—a unique concept. If you can imagine four bicycle wheels, each has a hub, and from the hubs emanate the spokes. The vision of our working group was to have four hubs—one in northern Delaware, Wilmington; one maybe in Delaware City; another in Kent County, the central part of our State; and another in Lewes, DE, the southern part of our State. From each of those hubs—think of the spokes emanating—is a variety of attractions to which people could come. Each hub would be a hub established with some presence by the National Park Service.

These were the ideas we submitted to the National Park Service roughly 3 years ago. The National Park Service went to work on it. To their credit, they came to our State. They covered our State and met with all kinds of people from one end of Delaware to the other and came up with another idea. They said: We like what you came up with, but here is what the National Park Service would like you to do. It is

this: Create a national park that focuses on Delaware from the early settlement of the Dutch, the Swedes and the Finns and the English—a national park theme to run from that period of time until first statehood, December 7, 1787, roughly 130, 140 years.

The idea is to place in old New Castle, colonial New Castle, about 10 miles south of Wilmington, DE, on the Delaware River, a national park site that would be colocated and located in an existing structure that is suitable for that purpose. That spot will be populated by park rangers, who will be there to serve as interpreters and help welcome people to the site and help inform them, share with them other ideas and places to visit.

We are excited about what the National Park Service has decided. Is it everything we had hoped for? No, it is not. Is it a whole lot better than being the only State in the country without a national park? It sure is a lot better than that.

I express great thanks to all the men and women in my State who for almost 8 years worked on this concept, created and gathered good ideas and suggested those to the Park Service. I thank the Delaware Division of Parks and Recreation, the Delaware Division of Historical and Cultural Affairs, the National Park Service, former Secretary of the Interior Dirk Kempthorne; and certainly our current Secretary of the Interior, Ken Salazar, for their steadfast support for this initiative.

About half a dozen or so years ago, my family and I—my boys are now 19 and 21, but when they were younger, we liked to travel in the summers and visit national parks. We visited national parks from Pennsylvania, the second State in the Union, to Illinois, the Lincoln sites. We went to Alaska, to Denali, the great one, a huge national park that is two to three times the size of Delaware. We loved to visit national parks. This summer, our boys took a cross-country tour to the west coast for a summer job for one of our boys. They drove all the way across the northern part of our country and got to spend time in the Badlands, Mount Rushmore and Yellowstone and other sites along the way.

National parks were described as—I think it was Wallace Stegner who said our national parks are America's best ideas. Ken Burns, the documentary filmmaker whose series on national parks was on National Public Television—beautifully done, beautifully videographed, and the story told of our national parks and how the first national park began about 140 years ago. Here we are 140 years later. They are a national treasure. People come from all over the world.

When we went on the national park Web site 6 years ago to look for a place to go as a family, do you know what we ended up with? Nothing. There was a

lot of stuff to visit from Alabama to Wyoming, A to W, but when we got to Delaware, nothing.

We have a lot in our State of which we are proud. We have a lot in our State of which our country can be proud. We want not only people in Delaware to know but people throughout the country and the world. When they are looking for a good place to visit for some culture and history and, frankly, for a good time, we want them to know that Delaware—little Delaware—is on the map. We are ready. The doors are open. The “welcome” mat is out. We are ready to receive them.

I want to say a big thanks to everyone who got us to this point. We are delighted to introduce the legislation that will designate and establish the first national park in the State of Delaware. Fortunately, I am not introducing the bill by myself. I am joined by my colleague, Senator KAUFMAN, and in the House by Congressman MIKE CASTLE. This will be a bipartisan, bicameral initiative.

I yield to Senator KAUFMAN.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. KAUFMAN. Mr. President, this has been a great journey for me, before I came to the Senate, watching my present senior Senator, TOM CARPER, then junior Senator—I am proud to say one of my greatest accomplishments as a Senator was to promote TOM CARPER from junior Senator to senior Senator—to watch him work on this bill for a national park for Delaware for 8 years.

I think if you were trying to do a case study on what it takes to make an accomplishment in the Senate, his efforts would be an excellent case study. He has been working for 8 years to bring a national park to Delaware. It is the only State in the Nation that does not have a national park, and yet it has so many wonderful things to see. I think people who visit Delaware will know that.

I am proud to be a cosponsor of a bill that really my senior Senator has worked so hard on. He already explained much of the history of how we came to this point, so I want to simply say again that I appreciate how he has worked with the National Park Service to design a national historical park for Delaware.

Earlier this year, when we were discussing the Travel Promotion Act, I discussed many of Delaware's attractions, from the colonial history dating back to before it became the first State to ratify the Constitution, to the beautiful beaches. We have a wealth of opportunities for tourism. However, until this bill is signed into law, we will not have a national park.

No one needs to be told about the value of national parks, the way they

offer recreational opportunities, support local businesses, and protect natural and cultural heritage. What is perhaps most important about them, however, is the way they define and preserve our relationship with possibility. They speak of a quintessential American world view that everyone has a right to share in what is greatest and magnificent in our world, in this case our national parks.

Since the creation of Yellowstone and Yosemite over a century ago, millions of Americans have had their eyes opened by breathtaking vistas and the rich history of our wonderful country. The park in Delaware will play an important role in preserving our colonial history. Remember, Delaware was a crossroads for early Dutch, English, and Swedish settlers. Our State has a rich endowment of colonial landmarks.

Bringing these together the way Senator CARPER has proposed in a national historical park, this bill will allow all Americans to appreciate our history leading up to the signing of the Constitution. That is why I am glad to join with my senior Senator, TOM CARPER, in cosponsoring this bill. It is high time Delaware has a national park, and I believe this bill will create one that preserves Delaware's rich pre-Constitution history for generations to come.

I thank my senior Senator for what he is doing, not just for me, not just for the people of Delaware, but for the country. This will be a great place for people to come from all over the country and all over the world to see the glorious history that is in Delaware.

Mr. CARPER. Mr. President, in conclusion, I say a special thanks to Senator KAUFMAN. I thank members of our staff who worked on this bill—not just us—literally for years in Delaware and here as well.

I want to thank my colleagues who earlier voted with us to authorize a study, and to the National Park Service to fund that study, which came back to us with the recommendations of the National Park Service literally earlier this year.

I also want to say that in this proposal we give a nod to the fact that these are trying fiscal times in which we live, and we don't have the ability to spend boatloads of money for a national park anywhere, including the First State. The proposal that we have before us is one that recognizes that and is, I think, responsible, and fiscally responsible, too.

So with all that having been said, we are delighted to say that while this is not the end, this may be the beginning of the end, we hope, of the journey that will lead us to a national park, and we are delighted to stand here together to get us on the last part of that journey.

By Mr. MERKLEY (for himself and Mr. CORKER):

S. 1803. A bill to amend title 31, United States Code, to authorize re-

views by the Comptroller General of the United States of emergency credit facilities established by the Board of Governors of the Federal Reserve System or any Federal Reserve bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MERKLEY. Mr. President, today Senator BOB CORKER of Tennessee and I come together to introduce the Federal Reserve Accountability Act. Over the course of the financial crisis, the Federal Reserve has taken extraordinary actions to stabilize our financial system. In doing so, it has departed significantly from its traditional relationship with markets. It is essential, therefore, that we bring greater openness and transparency to the Federal Reserve.

We are introducing the Federal Reserve Accountability Act because we believe that it strikes the right balance in making the Federal Reserve's new emergency lending activities subject to a robust financial audit by the Government Accountability Office, GAO, without disturbing the Federal Reserve's monetary policy independence or its role as emergency lender of last resort. The Federal Reserve Accountability Act would require the GAO to audit the accounting, financial reporting, and internal controls of all Federal Reserve emergency credit programs that are not already subject to audit. To protect against the risk that disclosure of the participation of particular institutions could disrupt markets, the GAO would be required to redact the names of specific institutions. Names would, however, be made available 1 year after each emergency program is no longer used. For additional transparency and public accessibility, the legislation would also require that the Federal Reserve place these GAO audits along with additional audit materials under a new "Audit" section on its website.

The many emergency lending programs created over the past year have certainly helped bring the financial markets back from the brink of collapse. But it is now time to set up a process for each lending facility to be fully audited by the GAO and reaffirm our commitment to openness and transparency whenever taxpayer dollars are used.

I am hopeful that we can move quickly to enact this important legislation, and I urge my colleagues to join us in this effort.

By Mr. FEINGOLD:

S. 1808. A bill to control Federal spending now; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, fiscal responsibility is a Wisconsin tradition and it has been a major priority of mine throughout my years in the Senate. In 1992 when I first ran for the job

I hold now, I put together an 82-point plan to save hundreds of billions of dollars in wasteful, inefficient or unneeded government spending. Back then, the country was facing huge budget deficits and Americans were understandably concerned about the debt we were piling up. Fortunately, we took some strong steps in the 1990s to clean up that fiscal mess—including passing some of the reforms I championed in my 82-point plan—and we were able to get the country back on the right track.

Unfortunately, we face a similar crisis today. In fact, in many ways it is worse because the deficits are even bigger while the economy is in such bad shape. The reckless fiscal policies of the past eight years, combined with the current recession those policies helped create, have dug a deep hole, and we need to start filling it in. Some may argue that we can't cut government spending now because that would make the recession we are in even worse. I don't agree—while we shouldn't be slashing, say, unemployment insurance or education funding, we should absolutely be targeting the waste and fat in the federal budget. That's the message I am consistently hearing as I travel around Wisconsin. My constituents are rightly concerned about the burden that their children and grandchildren will be forced to shoulder.

That is why I am introducing the Control Spending Now Act. This bill consists of dozens of different initiatives that would collectively reduce the deficit by over \$½ trillion over 10 years. It includes procedural reforms that would make it easier to eliminate funding for pet projects slipped into larger spending bills, as well as cuts to spending that isn't working or needed, from \$4 billion for C-17 aircraft the Department of Defense didn't ask for and doesn't want to \$30 million for a program that sends a radio and TV signal to Cuba that nobody gets. The bill also would save \$244 billion by rescinding unobligated TARP payments and returning them to the Treasury—I opposed the Wall Street bail-out from the start, and it's high time we brought it to an end.

The ideas I am proposing are not all new—for example, I have been fighting to end earmark abuses and give the president a line-item veto for some time. And not all the ideas were thought up by me—there are a lot of good proposals out there, and I have tried to bring them together in one comprehensive bill. I have included legislation drafted by Senators BYRON DORGAN and JEFF BINGAMAN that would save the Federal Government and consumers money by bringing down prescription drug prices, as well as biennial budgeting reforms that former Senator Pete Domenici championed, and that Senator JOHNNY ISAKSON is

now seeking to advance. I also included provisions crafted by Senators KIT BOND, JAY ROCKEFELLER and DIANNE FEINSTEIN and included in the Senate-passed intelligence authorization bill for fiscal year 2010 that would help eliminate wasteful spending in the intelligence budget. I am grateful to my colleagues for the work they are doing to return the country to the path of fiscal responsibility.

Not everyone will agree with every one of my proposals—in fact, for every proposal, there is probably one or more entrenched group committed to preserving the status quo. But the status quo isn't good enough—we need to make tough spending choices, which is why I am proposing this legislation, and why I will continue working to control spending now.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. CARPER, and Mr. KAUFMAN):

S. 1816. A bill to amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay Program; to the Committee on Environment and Public Works.

Mr. CARDIN. Mr. President, today I am introducing the Chesapeake Clean Water and Ecosystem Restoration Act. I am joined in this effort by original cosponsors, Ms. MIKULSKI, Mr. CARPER, and Mr. KAUFMAN. Together we are committed to giving our states and municipalities the tools they need to finally restore water quality in the Chesapeake Watershed and return this national treasure to its rightful position as one of the world's most important ecological regions.

Yesterday morning I stood on the shores of the Chesapeake Bay, near Annapolis, Maryland, to outline the provisions of this legislation. I was joined by Martin O'Malley, Governor of Maryland and a tireless champion of the bay. Standing with him was Preston Bryant, Virginia's Secretary of Natural Resources, representing Governor Tim Kaine. Both states, which embrace the entirety of the Chesapeake Bay, were there to lend their support to this legislative effort. Two of my colleagues from the other body, Congressman ELIJAH CUMMINGS and Congressman CHRIS VAN HOLLEN, also joined us, noting that they intend to introduce a companion bill in the House of Representatives today. A powerful coalition of more than 100 local watershed organizations was there, too, to lend its support. And finally, we were joined by Mr. Luke Brubaker, a dairy and poultry farmer from Pennsylvania who is already demonstrating how local actions can result in real water quality benefits.

Today we take a major step forward in writing the next chapter in the history of one of America's most cherished and celebrated bodies of water—the Chesapeake Bay. The original

English colony in Jamestown was settled on its shores. George Washington built his home overlooking one of its great rivers. The War of 1812 was fought on its waters, and generations of Americans came to live off its bounty of oysters and blue crabs and rockfish. Harriet Tubman led a life of slavery and heroic freedom among its vast marshes, and James Michener wrote a saga celebrating its majesty.

Today, 17 million people live in its watershed. Its tributaries are home to three state capitals as well as America's center of government. The bay has been called a "National Treasure" by American Presidents ranging from Ronald Reagan to Barack Obama. The United Nation's Ramsar Convention recognizes the bay as an ecological region of global significance. In Maryland it is the economic, environmental, cultural and historic heart of the state.

But, the bay and its watershed are in trouble.

By every scientific measure, the ecological health of the Chesapeake Bay is poor. The Chesapeake Bay and its tributaries are unhealthy primarily because of excess nitrogen, phosphorus and sediment entering the water.

These pollutants threaten not just the legacy we have inherited but also our future. The multi-million seafood industry is suffering from chronically small harvests. That is not all. Recreational fishermen, duck hunters, sail boat and power boat operators, bird watchers and others bring tens of millions of dollars into our economies annually. Business leaders and realtors tell us that healthy rivers and a healthy bay add immeasurably to their ability to attract a quality workforce and add value to homes.

At least one estimate suggests that the Bay's economic value to the region tops \$1 trillion. The challenge before us is great, but so is the opportunity.

The Chesapeake Clean Water and Ecosystem Restoration Act gives the states strong new tools to restore the Bay and for the first time sets a firm deadline of 2025 for all restoration efforts to be in place.

The internal and final deadlines for action coincide with the Chesapeake Executive Council's timeline for Chesapeake restoration. Unlike earlier, missed deadlines, this one will become a legally binding part of the Clean Water Act.

The bill also significantly expands federal grants. The Chesapeake Restoration bill authorizes a new \$1.5 billion grants program to control urban/suburban polluted stormwater, the only pollution sector that is still growing. Grants to the states, small watershed organizations, and for comprehensive monitoring programs are all newly created or expanded in the legislation. At least 10 percent of State implementation grants are set aside for Delaware, New York, and West Virginia.

These headwater States have never been guaranteed any access to these funds in the past.

At least 20 percent of the implementation grants will go for technical assistance to farmers and foresters to help them access Farm Bill funds and implement conservation practices. The bill also requires the Environmental Protection Agency to build on the positive experiences of Virginia and Pennsylvania by establishing the framework for an innovative interstate trading program. As Mr. Brubaker recounted for us yesterday, farmers can partner with those who need to reduce the amount of nitrogen and phosphorus that they are releasing into the Bay. These groups can meet their legal obligation to reduce pollution by giving farmers the extra financial support they need to implement additional conservation practices on their agricultural lands. It is a classic win-win situation, and by 2012 it will be available throughout the six state watershed.

The bill codifies President Obama's Chesapeake Bay Executive Order, which requires annual Federal Action Plans across all federal departments to restore the Bay.

The basics of this bill are very simple, as most good ideas are. Scientists are telling us what the maximum amounts of pollution that the Bay can withstand and still be healthy. The Chesapeake Clean Water and Ecosystem Restoration Act sets a hard cap on pollution, and then we give the states until 2025 to reduce their proportional share of the pollution load. The states have maximum flexibility to reach these goals, but it still won't be easy. In the 25 years since the Chesapeake Bay program started, the number of people living in the watershed has exploded.

The population of the Chesapeake Bay Watershed has grown from 12 million when the Program started to over 17 million residents today. That is a 40 percent increase. And it is not just more people producing more pollution. The amounts of impervious surfaces, the hardened landscapes that funnel polluted water into our streams and rivers and eventually the Bay, have increased by about 100 percent over the same time frame. We are losing an astounding 100 acres of forest lands every day in the Bay watershed. Simply put, there are millions more of us, and the size of our impact on the Bay watershed has grown twice as fast as our population rate. Without the Bay Program, the health of the Chesapeake would undoubtedly be worse than it is.

As I have said before, barely holding our own is not good enough. So merely fine tuning the Bay Program will not be good enough either. Fortunately, Federal, State and local governments, in cooperation with community organizations are standing up around our region to help renew the region's precious water resources.

We are focused on three major sources of water pollution: Runoff from agricultural lands, effluent from wastewater treatment plants, and polluted stormwater runoff from the developed lands in our cities, towns and suburbs.

Last year we passed a Farm Bill that today is providing Chesapeake farmers with unprecedented financial support in putting conservation programs into practice. Two years ago we provided our farmers with about \$8 million in conservation funding. In the past year, that figure went up to \$23 million. This year it is growing to \$43 million and next year it reaches \$72 million—nearly a ten-fold increase in just 3 years.

Eight years of chronic under-funding for wastewater treatment plants changed dramatically in January. President Obama and the new Congress have teamed up to provide a 350 percent increase in Federal funding this year to up-grade and repair sewage treatment plants. The EPA funding bill that is now nearing final action will sustain that record investment into 2010. We need to make a major investment in our cities and towns, too, to combat the growing problem we have with polluted stormwater. That is why this bill authorizes \$1.5 billion to provide the federal funds needed to really attack this problem.

All of us, States and cities, farmers and foresters, sewage treatment plant operators and new home builders, ardent environmentalists and average residents, want to do our part to have clean water flowing through our streams and rivers. All of us want a healthy Bay.

The Chesapeake Clean Water and Ecosystem Restoration Act gives all of the Bay States a clear and fully enforceable goal to clean up our waters and restore our Bay by 2025. The bill also gives us the resources to get the job done and the tools to do so in a way that is flexible and cost effective.

The Chesapeake Bay is the heart of our region. It is where we work, play, farm, and enjoy the beauty and abundance of the natural resources that surround us. But as anyone who has experienced the shortage of blue crabs and oysters or read about “dead zones” in the water knows, the Bay continues to be in trouble. We’ve made great strides in the last few decades through the EPA’s Chesapeake Bay Program. But we remain far from attaining the goals necessary to restore the Bay to a healthy state, one that can sustain native fish and wildlife and maintain the viability of our farmland and regional economy for the near- and long-term future.

Accomplishing these goals starts with the local implementation of the most innovative, sustainable, and cost-effective strategies for restoring and protecting water quality and vital habitats within the Chesapeake Bay watershed. Everywhere I go there is a

strong desire to see local streams returned to good health and the Chesapeake Bay restored to its former glory. People are ready to take action to control pollution, restore water quality and see the living resources of the Bay return in abundance.

The Chesapeake is a region steeped in history. Today, we add our own contribution to that storied past. With the Chesapeake Clean Water and Ecosystem Restoration Act, we are proposing the most sweeping legislative effort in the history of the Clean Water Act. With the firm commitments and cooperation from the communities across the 64,000 square mile watershed, we will restore the health, productivity and beauty of the Chesapeake Bay for generations to come.

Today marks the beginning of that legislative effort. It will not be easy, and we will need all of our best efforts if we are to be successful. But we cannot and will not come up short.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Chesapeake Clean Water and Ecosystem Restoration Act of 2009”.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Chesapeake Bay and the tributary waters of the Chesapeake Bay are natural resources of outstanding ecological, economic, and cultural importance to the United States;

(2) for more than 20 years, the Federal Government and the States of the Chesapeake Bay Watershed, the Chesapeake Bay Commission, and various local government, scientific, and citizen advisory boards have worked through the Chesapeake Bay Program of the Environmental Protection Agency to develop an unparalleled body of scientific information and cooperative partnerships to advance the Chesapeake Bay restoration effort;

(3) despite significant efforts by Federal, State, and local governments and other interested parties, water pollution in the Chesapeake Bay prevents the attainment of existing State water quality standards and the ecological goals of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(4) the Chesapeake Bay Program partnership has developed a rich body of environmental data based on an extensive network of monitors, which provide a critical measure of success in attainment of the goals of the restoration effort;

(5) the Chesapeake Bay Program partnership has also developed some of the world’s foremost water quality and ecosystem computer models, which are invaluable planning tools for resource managers;

(6) the major pollutants affecting the water quality of the Chesapeake Bay and related tidal waters are nitrogen, phosphorus, and sediment;

(7) the largest developed land use in the Chesapeake Bay watershed, and the largest

single-sector source of nitrogen, phosphorus, and sediment pollution, is agriculture;

(8) conservation practices have resulted in significant reductions in pollution loads from the agricultural sector;

(9) to speed continued progress in the agricultural sector, the Federal Government and State governments have initiated a number of agricultural conservation programs, including the Chesapeake Bay watershed initiative under section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839bb-4);

(10) atmospheric deposition of nitrogen oxides and ammonia on the Chesapeake Bay watershed contributes as much as 1/3 of the nitrogen pollution in the Chesapeake Bay;

(11) for years, a steady stream of technology development and increasingly stringent permit requirements have resulted in a steady decline in the nitrogen and phosphorus pollution derived from wastewater treatment plants in the Chesapeake Bay watershed;

(12) suburban and urban development is the fastest growing land use sector in the Chesapeake Bay watershed, and stormwater runoff from that sector is the only major source of pollution in the watershed that is increasing;

(13) during the period beginning in 1990 and ending in 2000, impervious cover, the hardened surfaces through which water cannot penetrate, increased by nearly 250,000 acres, about 41 percent, or the size of 5 Districts of Columbia;

(14) during that period, the watershed population of the Chesapeake Bay grew by just 8 percent;

(15) the population of the watershed is estimated to be growing by about 157,000 people per year;

(16) continuing at that rate, the population will increase to nearly 20,000,000 by 2030;

(17) about 58 percent of the watershed of the Chesapeake Bay is undeveloped and mostly forested, but as many as 100 hundred acres of forest are lost to development each day;

(18) States, local governments, developers, and nonprofit organizations have developed numerous low-impact development techniques since the late 1990s, which use natural area protection, infiltration, and pervious surfaces to reduce stormwater runoff and associated sediment and nutrient pollution;

(19) many of those techniques are less expensive than traditional pollution stormwater control management techniques;

(20) the decline of key aquatic habitats and species has resulted in a loss of the important water quality benefits that the habitats and species traditionally provided;

(21) native oysters, the numbers of which have declined precipitously in the Chesapeake Bay in significant part because of diseases brought into the watershed by non-native oysters, are natural filters that once effectively filtered a volume of water equivalent to that of the entire Chesapeake Bay in a matter of days;

(22) although less well-understood, menhaden, a species of fish found in the Chesapeake Bay, also provide important filtering capacity as well as a number of other key ecosystem functions;

(23) wetlands are a vital part of any major ecosystem;

(24) studies have demonstrated that nontidal wetland near the Chesapeake Bay removed as much as 89 percent of the nitrogen and 80 percent of the phosphorus that entered the wetland through upland runoff, groundwater, and precipitation;

(25) riparian forests remove as much as 90 percent of nitrogen and phosphorus that would otherwise enter the water;

(26) the loss of forests and wetlands in the Chesapeake Bay has resulted in diminished water quality, among other effects;

(27) in certain locations in the Chesapeake Bay, nutria, a nonnative species, has caused extensive destruction of key wetlands; and

(28) in spite of the achievements of the Chesapeake Bay Program partnership and increasing knowledge about ecosystem functions, the restoration of the Chesapeake Bay will require significantly stronger tools to manage pollution levels and other impediments to water quality.

SEC. 3. CHESAPEAKE BAY PROGRAM.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

“SEC. 117. CHESAPEAKE BAY PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATIVE COST.—The term ‘administrative cost’ means the cost of salaries and fringe benefits incurred in administering a grant under this section.

“(2) ASIAN OYSTER.—The term ‘Asian oyster’ means the species *Crassostrea ariakensis*.

“(3) BASELINE.—The term ‘baseline’ means the basic standard or level used for measuring (as applicable)—

“(A) the nutrient control requirements credit sellers must achieve before becoming eligible to generate saleable nutrient credits; or

“(B) the nutrient load reductions required of individual sources to meet water quality standards or goals under a TMDL or watershed implementation plan.

“(4) BASIN COMMISSIONS.—The term ‘basin commissions’ means—

“(A) the Interstate Commission on the Potomac River Basin established under the interstate compact consented to and approved by Congress under the Joint Resolution of July 11, 1940 (54 Stat. 748, chapter 579) and Public Law 91–407 (84 Stat. 856); and

“(B) the Susquehanna River Basin Commission established under the interstate compact consented to and approved by Congress under Public Law 91–575 (84 Stat. 1509) and Public Law 99–468 (100 Stat. 1193).

“(5) CHESAPEAKE BAY AGREEMENT.—The term ‘Chesapeake Bay Agreement’ means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the Chesapeake Bay ecosystem and signed by the Chesapeake Executive Council.

“(6) CHESAPEAKE BAY ECOSYSTEM.—The term ‘Chesapeake Bay ecosystem’ means the ecosystem of the Chesapeake Bay watershed.

“(7) CHESAPEAKE BAY PROGRAM.—The term ‘Chesapeake Bay Program’ means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

“(8) CHESAPEAKE BAY STATE.—The term ‘Chesapeake Bay State’ means any of—

“(A) the States of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia; or

“(B) the District of Columbia.

“(9) CHESAPEAKE BAY WATERSHED.—The term ‘Chesapeake Bay watershed’ means the Chesapeake Bay and the area consisting of 19 tributary basins within the Chesapeake Bay States through which precipitation drains into the Chesapeake Bay.

“(10) CHESAPEAKE EXECUTIVE COUNCIL.—The term ‘Chesapeake Executive Council’ means the signatories to the Chesapeake Bay Agreement.

“(11) CLEANING AGENT.—The term ‘cleaning agent’ means a laundry detergent, dishwashing compound, household cleaner, metal

cleaner, degreasing compound, commercial cleaner, industrial cleaner, phosphate compound, or other substance that is intended to be used for cleaning purposes.

“(12) DIRECTOR.—The term ‘director’ means the Director of the Chesapeake Bay Program Office of the Environmental Protection Agency.

“(13) LOCAL GOVERNMENT.—The term ‘local government’ means any county, city, or other general purpose political subdivision of a State with jurisdiction over land use.

“(14) MENHADEN.—The term ‘menhaden’ means members of stocks or populations of the species *Brevoortia tyrannus*.

“(15) NUTRIA.—The term ‘nutria’ means the species *Myocaster coypus*.

“(16) POINT-OF-REGULATION.—The term ‘point-of-regulation’ means any entity that—

“(A) is subject to a limitation on pollution or other regulation under this Act; and

“(B) has sufficient technical capacity and legal authority to meet the obligations of the entity under this Act.

“(17) SIGNATORY JURISDICTION.—The term ‘signatory jurisdiction’ means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

“(18) TMDL.—

“(A) IN GENERAL.—The term ‘TMDL’ means the total maximum daily load that the Administrator establishes or approves for nitrogen, phosphorus, and sediment loading to the waters in the Chesapeake Bay mainstem and tidal tributaries identified on the list of a Chesapeake Bay State under section 303(d).

“(B) INCLUSIONS.—The term ‘TMDL’ may include nitrogen, phosphorus, and sediment allocations in temporal units of greater than daily duration if applicable allocations—

“(i) are demonstrated to achieve water quality standards; and

“(ii) do not lead to exceedances of other applicable water quality standards for local receiving waters.

“(19) TRIBUTARY BASIN.—The term ‘tributary basin’ means an area of land or body of water that—

“(A) drains into any of the 19 Chesapeake Bay tributaries or tributary segments; and

“(B) is managed through watershed implementation plans under this Act.

“(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

“(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

“(2) PROGRAM OFFICE.—

“(A) IN GENERAL.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office.

“(B) FUNCTION.—The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

“(i) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

“(ii) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay ecosystem;

“(iii) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

“(iv) coordinating the actions of the Environmental Protection Agency with the ac-

tions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

“(I) improve the water quality and living resources in the Chesapeake Bay ecosystem; and

“(II) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

“(v) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

“(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

“(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

“(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit organizations, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

“(2) FEDERAL SHARE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with guidance issued by the Administrator.

“(B) CHESAPEAKE BAY STEWARDSHIP GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (h)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

“(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources provide the remainder of eligible project costs, as determined by the Administrator.

“(4) ADMINISTRATIVE COSTS.—Administrative costs shall not exceed 10 percent of the annual grant award.

“(e) IMPLEMENTATION AND MONITORING GRANTS.—

“(1) IN GENERAL.—On the request of the chief executive of the Chesapeake Bay State, the Administrator—

“(A) shall make an implementation grant to the Chesapeake Bay State, or a designee of a Chesapeake Bay State (such as a soil conservation district, nonprofit organization, local government, college, university, interstate basin commission, or interstate agency), for the purpose of implementing the TMDL plans of the Chesapeake Bay State and achieving the goals established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers to be appropriate; and

“(B) may make a monitoring grant to—

“(i) a Chesapeake Bay State, or a designee of a Chesapeake Bay State (such as a soil conservation district, nonprofit organization, local government, college, university, interstate basin commission, or interstate agency), for the purpose of monitoring the ecosystem of freshwater tributaries to the Chesapeake Bay; or

“(ii) the States of Delaware, Maryland, or Virginia, the District of Columbia, or a designee (such as a nonprofit organization, local government, college, university, or interstate agency) for the purpose of monitoring the Chesapeake Bay, including the tidal waters of the Chesapeake Bay.

“(2) ADMINISTRATION.—In making implementation grants to each of the Chesapeake Bay States for a fiscal year under this subsection, the Administrator shall ensure that not less than—

“(A) 10 percent of the funds available to make such grants are made to the States of Delaware, New York, and West Virginia; and

“(B) 20 percent of the funds available to make such grants are made to States for the sole purpose of providing technical assistance to agricultural producers and foresters to access conservation programs and other resources devoted to improvements in water quality in the Chesapeake Bay and the tributaries of the Chesapeake Bay.

“(3) PROPOSALS.—

“(A) IMPLEMENTATION GRANTS.—

“(i) IN GENERAL.—A Chesapeake Bay State described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement programs and achieve the goals established under the Chesapeake Bay Agreement.

“(ii) IMPLEMENTATION GRANT CONTENTS.—A proposal under clause (i) shall include—

“(I) a description of proposed actions that the Chesapeake Bay State commits to take within a specified time period that are designed—

“(aa) to achieve and maintain all applicable water quality standards, including standards necessary to support the aquatic living resources of the Chesapeake Bay and related tributaries and to protect human health;

“(bb) to restore, enhance, and protect the finfish, shellfish, waterfowl, and other living resources, habitats of those species and resources, and ecological relationships to sustain all fisheries and provide for a balanced ecosystem;

“(cc) to preserve, protect, and restore those habitats and natural areas that are vital to the survival and diversity of the living resources of the Chesapeake Bay and associated rivers;

“(dd) to develop, promote, and achieve sound land use practices that protect and restore watershed resources and water quality, reduce or maintain reduced pollutant loadings for the Chesapeake Bay and related tributaries, and restore and preserve aquatic living resources;

“(ee) to promote individual stewardship and assist individuals, community-based organizations, businesses, local governments, and schools to undertake initiatives to achieve the goals and commitments of the Chesapeake Bay Agreement; or

“(ff) to provide technical assistance to agricultural producers, foresters, and other eligible entities, through technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses;

“(II) a commitment to dedicate not less than 20 percent of the grant of the Chesapeake Bay under this subsection to support technical assistance for agricultural and forestry land or nutrient management practices that protect and restore watershed resources and water quality, reduce or maintain reduced pollutant loadings for the Chesapeake Bay and related tributaries, and restore and preserve aquatic living resources; and

“(III) the estimated cost of the actions proposed to be taken during the fiscal year.

“(B) MONITORING GRANTS.—

“(i) IN GENERAL.—A Chesapeake Bay State described in paragraph (1) may apply for a

grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to monitor freshwater or estuarine ecosystems, including water quality.

“(ii) MONITORING GRANT CONTENTS.—A proposal under this subparagraph shall include—

“(I) a description of the proposed monitoring system;

“(II) certification by the Chesapeake Bay Program Director that such a monitoring system includes such parameters as the Chesapeake Bay Program Director determines to be necessary to assess progress toward achieving the goals of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009; and

“(III) the estimated cost of the monitoring proposed to be conducted during the fiscal year.

“(iii) CONCURRENCES.—The Administrator shall—

“(I) obtain the concurrence of the Director of the United States Geological Survey regarding the design and implementation of the freshwater monitoring systems established under this subsection; and

“(II) obtain the concurrence of the Director of the Chesapeake Bay Office of the National Oceanic and Atmospheric Administration regarding the design and implementation of the estuarine monitoring systems established under this subsection.

“(iv) CONSULTATION.—The Administrator shall—

“(I) consult with the Interstate Commission on the Potomac River Basin, the Susquehanna River Basin Commission, and the Chesapeake Bay States regarding the design and implementation of the freshwater monitoring systems established under this subsection, giving particular attention to the measurement of the water quality effectiveness of agricultural conservation program implementation (including geospatial agricultural conservation program data), including the Chesapeake Bay Watershed Initiative under section 1240Q of the Food Security Act of 1985 (16 U.S.C. 3839b-4);

“(II) consult with Old Dominion University, the Virginia Institute of Marine Science, the University of Maryland Center for Environmental Science, and the Chesapeake Bay States regarding the estuarine monitoring systems established under this subsection;

“(III) consult with the Chesapeake Bay Program Scientific and Technical Advisory Committee regarding independent review of monitoring designs giving particular attention to integrated freshwater and estuarine monitoring strategies; and

“(IV) consult with Federal departments and agencies regarding cooperation in implementing monitoring programs.

“(f) FEDERAL FACILITIES COORDINATION.—

“(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

“(2) COMPLIANCE WITH AGREEMENTS AND PLANS.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with—

“(A) the Chesapeake Bay Agreement;

“(B) the Federal Agencies Chesapeake Ecosystem Unified Plan;

“(C) the Chesapeake Bay action plan developed in accordance with subparagraph (g)(1)(A); and

“(D) any subsequent agreements and plans.

“(g) FEDERAL ANNUAL ACTION PLAN AND PROGRESS REPORT.—The Administrator, in accordance with Executive Order 13508 entitled ‘Chesapeake Bay Protection and Restoration’ and signed on May 12, 2009 (74 Fed. Reg. 23099), shall—

“(1) make available to the public, not later than March 31 of each year—

“(A) a Chesapeake Bay action plan describing, in the greatest practicable degree of detail, how Federal funding proposed in the annual budget of the United States submitted by the President to Congress will be used to protect and restore the Chesapeake Bay during the upcoming fiscal year; and

“(B) an annual progress report that—

“(i) assesses the key ecological attributes that reflect the health of the Chesapeake Bay ecosystem;

“(ii) reviews indicators of environmental conditions in the Chesapeake Bay;

“(iii) distinguishes between the health of the Chesapeake Bay ecosystem and the results of management measures;

“(iv) assesses implementation of the action plan during the preceding fiscal year;

“(v) recommends steps to improve progress in restoring and protecting the Chesapeake Bay; and

“(vi) describes how Federal funding and actions will be coordinated with the actions of States, basin commissions, and others;

“(2) create and maintain, with the concurrence of the Secretary of Agriculture, a Chesapeake Bay-wide database containing comprehensive data on implementation of conservation management practices in the Chesapeake Bay watershed that—

“(A) includes baseline conservation management practice implementation data as of the effective date of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009;

“(B) includes data on subsequent conservation management practice implementation projects funded by or reported to the Agency or the Department;

“(C) presents the required data in statistical or aggregate form without identifying any—

“(i) individual owner, operator, or producer; or

“(ii) specific data gathering site; and

“(D) is made available to the public not later than December 31, 2010.

“(h) CHESAPEAKE BAY PROGRAM.—

“(1) MANAGEMENT STRATEGIES.—The Administrator, in coordination with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implemented by Chesapeake Bay States to achieve and maintain—

“(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the Chesapeake Bay and the watershed of the Chesapeake Bay;

“(B) the water quality requirements necessary to restore living resources in the Chesapeake Bay ecosystem;

“(C) the Chesapeake Bay Basinwide Toxins Reduction and Prevention Strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources of the Chesapeake Bay ecosystem or on human health;

“(D) habitat restoration, protection, creation, and enhancement goals established by Chesapeake Bay Agreement signatories for

wetland, riparian forests, and other types of habitat associated with the Chesapeake Bay ecosystem; and

“(E) the restoration, protection, creation, and enhancement goals established by the Chesapeake Bay Agreement signatories for living resources associated with the Chesapeake Bay ecosystem.

“(2) CHESAPEAKE BAY STEWARDSHIP GRANTS PROGRAM.—The Administrator, in cooperation with the Chesapeake Executive Council, shall—

“(A) establish a Chesapeake Bay Stewardship Grants Program; and

“(B) in carrying out that program—

“(i) offer technical assistance and assistance grants under subsection (d) to local governments, soil conservation districts, academic institutions, and nonprofit organizations in the Chesapeake Bay region to implement—

“(I) cooperative watershed strategies that address the water quality, habitat, and living resource needs in the Chesapeake Bay ecosystem; and

“(II) locally based protection and restoration programs or projects within a watershed that complement the State watershed implementation plans, including the creation, restoration, or enhancement of habitat associated with the Chesapeake Bay ecosystem; and

“(III) innovative nitrogen, phosphorus, or sediment reduction efforts; and

“(ii) give preference to cooperative projects that involve local governments.

“(i) TOTAL MAXIMUM DAILY LOAD.—

“(1) TMDL.—

“(A) ESTABLISHMENT.—Not later than December 31, 2010, the Administrator shall establish a Chesapeake Bay-wide TMDL.

“(B) REQUIREMENTS.—The Administrator shall not establish or approve a TMDL described in subparagraph (A) unless the TMDL includes—

“(i) wasteload allocations for nitrogen, phosphorus, and sediment necessary to implement the applicable water quality standards in the Chesapeake Bay watershed and achieve those standards in the Chesapeake Bay and the tidal tributaries of the Chesapeake Bay;

“(ii) enforceable or otherwise binding load allocations for all nonpoint sources, including atmospheric deposition, agricultural runoff, and stormwater sources for which a permit under section 402 is not required;

“(iii) a margin of safety so as to ensure that the TMDL does not exceed any applicable water quality standard; and

“(iv) a requirement for no net increase of nitrogen, phosphorus, and sediment loads above the pollution limitations necessary to meet water quality standards for the Chesapeake Bay, including no net projected increased pollutant loads from—

“(I) new or increased impervious surfaces;

“(II) concentrated animal feeding operations;

“(III) transportation systems; and

“(IV) septic systems.

“(2) PERMITS.—

“(A) IN GENERAL.—Effective beginning on January 1, 2011, a new or reissued permit issued by the Administrator under section 402(a) or a State authorized to administer a permit program under section 402(b) shall include limits consistent with all applicable wasteload allocations in the Chesapeake Bay TMDL.

“(B) PERMITS.—

“(i) IN GENERAL.—Effective beginning on January 1, 2011, each Chesapeake Bay State shall submit to the Administrator copies of

any permit for discharges of nitrogen, phosphorus, or sediment into the Chesapeake Bay watershed that is allowed to continue beyond 5 years pursuant to a State law analogous to section 558(c) of title 5, United States Code, not later than 60 days after the expiration date of the permit.

“(ii) REVIEW.—The Administrator shall have the opportunity to review and object to the continuance of the permit in accordance with the process described in section 402(d) for permits proposed to be issued by a State.

“(j) ACTIONS BY STATES.—

“(1) WATERSHED IMPLEMENTATION PLANS.—

“(A) PLANS.—

“(i) IN GENERAL.—Not later than May 12, 2011, each Chesapeake Bay State shall, after providing for reasonable notice and 1 or more public hearings, adopt and submit to the Administrator for approval a watershed implementation plan for the portion of each of the 92 tidal water segments that is subject to the jurisdiction of the Chesapeake Bay State that together comprise the Chesapeake Bay.

“(ii) TARGETS.—The watershed implementation plan shall establish reduction targets, key actions, and schedules for reducing, to levels that will attain water quality standards, the loads, of nitrogen, phosphorus, and sediment, including pollution from—

“(I) agricultural runoff;

“(II) point sources, including point source stormwater discharges;

“(III) nonpoint source stormwater runoff; and

“(IV) septic systems and other onsite sewage disposal systems.

“(iii) POLLUTION LIMITATIONS.—

“(I) IN GENERAL.—The tributary pollution limitations shall be the nitrogen, phosphorus, and sediment cap loads identified in the tributary cap load agreement numbered EPA 903-R-03-007, date December 2003, and entitled ‘Setting and Allocating the Chesapeake Bay Basin Nutrient and Sediment Loads: The Collaborative Process, Technical Tools and Innovative Approaches,’ or a Chesapeake Bay TMDL established by the Administrator.

“(II) STRINGENCY.—A watershed implementation plan shall be designed to attain, at a minimum, the pollution limitations described in subclause (I).

“(iv) PLAN REQUIREMENTS.—Each watershed implementation plan shall—

“(I) include State-adopted management measures, including rules or regulations, permits, consent decrees, and other enforceable or otherwise binding measures, to require and achieve reductions from pollution sources;

“(II) include programs to achieve voluntary reductions from pollution sources, including funding commitments necessary to implement those programs;

“(III) include any additional requirements or actions that the Chesapeake Bay State determines to be necessary to attain the pollution limitations by the deadline established in this paragraph;

“(IV) provide for enforcement mechanisms, including a penalty structure for failures, such as fees or forfeiture of State funds, including Federal funds distributed or otherwise awarded by the State to the extent the State is authorized to exercise independent discretion in amounts of such distributions or awards, for use in case a permittee, local jurisdictions, or any other party fails to adhere to assigned pollutant limitations, implementation schedules, or permit terms;

“(V) include a schedule for implementation divided into 2-year periods, along with computer modeling to demonstrate the projected

reductions in nitrogen, phosphorus, and sediment loads associated with each 2-year period;

“(VI) include the stipulation of alternate actions as contingencies;

“(VII) account for how the Chesapeake Bay State will address additional loadings from growth through offsets or other actions; and

“(VIII) provide assurances that—

“(aa) if compared to an estimated 2008 baseline based on modeled loads, the initial plan shall be designed to achieve, not later than May 31, 2017, at least 60 percent of the nutrient and sediment limitations described in clause (iii)(I);

“(bb) the management measures required to achieve a 50-percent reduction of nutrient and sediment limitations shall be in effect upon submission of the plan;

“(cc) the Chesapeake Bay State will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out the implementation plan, and is not prohibited by any provision of Federal or State law from carrying out the implementation plan; and

“(dd) in a case in which a Chesapeake Bay State has relied on a local government for the implementation of any plan provision, the Chesapeake Bay State has the responsibility for ensuring adequate implementation of the provision.

“(B) IMPLEMENTATION.—

“(i) IN GENERAL.—In implementing a watershed implementation plan, each Chesapeake Bay State shall follow a strategy developed by the Administrator for the implementation of adaptive management principles to ensure full implementation of all plan elements by not later than May 12, 2025, including—

“(I) biennial evaluations of State actions;

“(II) progress made toward implementation;

“(III) determinations of necessary modifications to future actions in order to achieve objectives; and

“(IV) appropriate provisions to adapt to climate changes.

“(ii) DEADLINE.—Not later than May 12, 2025, each Chesapeake Bay State shall—

“(I) fully implement the watershed implementation plan of the State; and

“(II) have in place all the mechanisms outlined in the plan that are necessary to attain the applicable pollutant limitations for nitrogen, phosphorus, and sediments.

“(C) PROGRESS REPORTS.—Not later than May 12, 2014, and biennially thereafter, each Chesapeake Bay State shall submit to the Administrator a progress report that, with respect to the 2-year period covered by the report—

“(i) includes a listing of all management measures that were to be implemented in accordance with the approved watershed implementation plan of the Chesapeake Bay State, including a description of the extent to which those measures have been fully implemented;

“(ii) includes a listing of all the management measures described in clause (i) that the Chesapeake Bay State has failed to fully implement in accordance with the approved watershed implementation plan of the Chesapeake Bay State;

“(iii) includes monitored and collected water quality data;

“(iv) includes Chesapeake Bay Program computer modeling data that detail the nitrogen, phosphorus, and sediment load reductions projected to be achieved as a result of the implementation of the management measures and mechanisms carried out by the Chesapeake Bay State;

“(v) includes, for the subsequent 2-year period, implementation goals and Chesapeake Bay Program computer modeling data detailing the projected pollution reductions to be achieved if the Chesapeake Bay State fully implements the subsequent round of management measures;

“(vi) identifies compliance information, including violations, actions taken by the Chesapeake Bay State to address the violations, and dates, if any, on which compliance was achieved; and

“(vii) specifies any revisions to the watershed implementation plan submitted under this paragraph that the Chesapeake Bay State determines are necessary to attain the applicable pollutant limitations for nitrogen, phosphorus, and sediments.

“(2) ISSUANCE OF PERMITS.—

“(A) IN GENERAL.—Notwithstanding any other provision of this Act (including any exclusion or exception contained in a definition under section 502), for the purpose of achieving the nitrogen, phosphorus, and sediment reductions required under a watershed implementation plan, a Chesapeake Bay State may issue a permit in accordance with section 402 for any pollution source the Chesapeake Bay State determines to be necessary.

“(B) ENFORCEMENT.—The Administrator shall enforce any permits issued in accordance with the watershed implementation plan in the same manner as other permits issued under section 402 are enforced.

“(3) STORMWATER PERMITS.—

“(A) IN GENERAL.—Effective beginning January 1, 2013, the Chesapeake Bay State shall provide assurances to the Administrator that—

“(i) the owner or operator of any development or redevelopment project possessing an impervious footprint that exceeds a threshold to be determined by the Administrator through rulemaking, will use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow; and

“(ii) as a further condition of permitting such a development or redevelopment, the owner or operator of any development or redevelopment project possessing an impervious footprint that exceeds a threshold to be determined by the Administrator through rulemaking will compensate for any unavoidable impacts to the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow, such that—

“(I) the compensation within the jurisdictional boundaries of the local government shall provide in-kind mitigation of function at a ratio to be determined by the Administrator through rulemaking; and

“(II) the compensation outside the jurisdictional boundaries of the local government shall provide in-kind mitigation, at a ratio to be determined by the Administrator through rulemaking, within the tributary watershed in which the project is located.

“(B) ADMINISTRATION.—Not later than December 31, 2012, the Administrator shall promulgate regulations that—

“(i) define the term ‘predevelopment hydrology’ in subparagraph (A);

“(ii) establish the thresholds under subparagraph (A); and

“(iii) establish the compensation ratios under subparagraph (A)(ii).

“(4) PHOSPHATE BAN.—

“(A) PHOSPHORUS IN CLEANING AGENTS.—Each Chesapeake Bay State shall provide to

the Administrator, not later than 3 years after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009, assurances that within the jurisdiction, except as provided in subparagraph (B), a person may not use, sell, manufacture, or distribute for use or sale any cleaning agent that contains more than 0.0 percent phosphorus by weight, expressed as elemental phosphorus, except for a quantity not exceeding 0.5 percent phosphorus that is incidental to the manufacture of the cleaning agent.

“(B) PROHIBITED QUANTITIES OF PHOSPHORUS.—Each Chesapeake Bay State shall provide to the Administrator, not later than 3 years after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009, assurances that, within the jurisdiction, a person may use, sell, manufacture, or distribute for use or sale a cleaning agent that contains greater than 0.0 percent phosphorus by weight, but does not exceed 8.7 percent phosphorus by weight, if the cleaning agent is a substance that the Administrator, by regulation, excludes from the limitation under subparagraph (A), based on a finding that compliance with that subparagraph would—

“(i) create a significant hardship on the users of the cleaning agent; or

“(ii) be unreasonable because of the lack of an adequate substitute cleaning agent.

“(k) ACTION BY ADMINISTRATOR.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009, the Administrator shall establish minimum criteria that any proposed watershed implementation plan must meet before the Administrator may approve such a plan.

“(2) COMPLETENESS FINDING.—

“(A) IN GENERAL.—Not later than 60 days after the date on which the Administrator receives a new or revised proposed watershed implementation plan from a Chesapeake Bay State, the Administrator shall determine whether the minimum criteria for the plan established under paragraph (1) have been met.

“(B) EFFECT OF FINDING OF INCOMPLETENESS.—If the Administrator determines under subparagraph (A) that all or any portion of a submitted watershed implementation plan does not meet the minimum criteria established under paragraph (1), the Chesapeake Bay State submitting the plan shall be treated as not having made the submission.

“(3) APPROVAL AND DISAPPROVAL.—

“(A) DEADLINE.—Not later than 90 days after determining that a watershed implementation plan meets minimum criteria in accordance with paragraph (2)(A), the Administrator shall approve or disapprove the plan.

“(B) FULL AND PARTIAL APPROVAL AND DISAPPROVAL.—In carrying out this paragraph, the Administrator—

“(i) shall approve a watershed implementation plan if the plan meets all applicable requirements under this section; and

“(ii) may approve the plan in part and disapprove the plan in part if only a portion of the plan meets those requirements.

“(C) CONDITIONAL APPROVAL.—The Administrator—

“(i) may conditionally approve a revised watershed implementation plan based on a commitment of the Chesapeake Bay State submitting the plan to adopt specific enforceable management measures by not later than 1 year after the date of approval of the plan revision; but

“(ii) shall treat a conditional approval as a disapproval under this paragraph if the Chesapeake Bay State fails to comply with the commitment of the Chesapeake Bay State.

“(D) FULL APPROVAL REQUIRED.—A new or revised watershed implementation plan shall not be treated as meeting the requirements of this section until the Administrator approves the entire new or revised plan.

“(E) CORRECTIONS.—In any case in which the Administrator determines that the action of the Administrator approving, disapproving, conditionally approving, or promulgating any new or revised watershed implementation plan was in error, the Administrator—

“(i) may, in the same manner as the approval, disapproval, conditional approval, or promulgation, revise the action of the Administrator, as appropriate, without requiring any further submission from the Chesapeake Bay State; and

“(ii) shall make the determination of the Administrator, and the basis for that determination, available to the public.

“(F) EFFECTIVE DATE.—The provisions of a State watershed implementation plan shall take effect upon the date of approval of the plan.

“(4) CALLS FOR PLAN REVISION.—In any case in which the Administrator determines that watershed implementation plan for any area is inadequate to attain or maintain applicable pollution limitations, the Administrator—

“(A) shall notify the Chesapeake Bay State of, and require the Chesapeake Bay State to revise the plan to correct, the inadequacies;

“(B) may establish reasonable deadlines (not to exceed 180 days after the date on which the Administrator provides the notification) for the submission of a revised watershed implementation plan;

“(C) make the findings of the Administrator under paragraph (3) and notice provided under subparagraph (A) public; and

“(D) require the Chesapeake Bay State to comply with the requirements applicable under the initial watershed implementation plan, except that the Administrator may adjust any dates (other than attainment dates) applicable under those requirements, as appropriate.

“(5) FEDERAL IMPLEMENTATION.—If a Chesapeake Bay State fails to submit a watershed implementation plan, to submit a biennial report, or to correct a previously missed 2-year commitment made in a watershed implementation plan, the Administrator shall, after issuing a notice to the State and providing a 90-day period in which the failure may be corrected—

“(A) withhold all funds otherwise available to the Chesapeake Bay State under this Act;

“(B) develop and administer a watershed implementation plan for that Chesapeake Bay State until such time as the Chesapeake Bay State has remedied the plan, reports, or achievements to the satisfaction of the Administrator;

“(C) require that all permits issued under section 402 for new or expanding discharges of nitrogen, phosphorus, or sediments acquire offsets that exceed by 100 percent an amount that would otherwise be required, taking into account attenuation, equivalency, and uncertainty; and

“(D) for the purposes of developing and implementing a watershed implementation plan under subparagraph (B)—

“(i) notwithstanding any other provision of this Act (including any exclusion or exception contained in a definition under section

502), promulgate such regulations or issue such permits as the Administrator determines to be necessary to control pollution sufficient to meet the water quality goals defined in the watershed implementation plan; and

“(ii) enforce any permits issued in accordance with the watershed implementation plan in the same manner as other permits issued under section 402 are enforced.

“(6) NITROGEN AND PHOSPHORUS TRADING PROGRAM.—

“(A) ESTABLISHMENT.—Not later than May 12, 2012, the Administrator, in cooperation with each Chesapeake Bay State, shall establish an interstate nitrogen and phosphorus trading program for the Chesapeake Bay for the generation, trading, and use of nitrogen and phosphorus credits to facilitate the attainment and maintenance of the Chesapeake Bay-wide TMDL for nitrogen and phosphorus.

“(B) TRADING SYSTEM.—The trading program established under this subsection shall, at a minimum—

“(i) define and standardize nitrogen and phosphorus credits and establish procedures or standards for ensuring equivalent water quality benefits for all credits;

“(ii) establish procedures or standards for certifying and verifying nitrogen and phosphorus credits to ensure that credit-generating practices from both point sources and nonpoint sources are achieving actual reductions in nitrogen and phosphorus;

“(iii) establish procedures or standards for generating, quantifying, trading, and applying credits to meet regulatory requirements and allow for trading to occur between and across point source or nonpoint sources;

“(iv) establish baseline requirements that a credit seller must meet before becoming eligible to generate saleable credits;

“(v) establish points-of-regulation at the sub-State level to facilitate trading and promote water quality goals under which—

“(I) States may designate point sources as points-of-regulation;

“(II) States may aggregate multiple sources to serve as points-of-regulation; and

“(III) the Administrator shall establish guidelines or standards to ensure that points-of-regulation shall be generally consistent across States;

“(vi) ensure that credits are used in accordance with permit requirements under the national pollutant discharge elimination system established under section 402 and trade requirements have been adequately incorporated into the permits;

“(vii) ensure that private contracts between credit buyers and credit sellers contain adequate provisions to ensure enforceability under applicable law;

“(viii) establish procedures or standards for providing public transparency on nutrient trading activity;

“(ix) ensure that, if the local receiving water is impaired for the nutrient being traded but a TMDL has not yet been implemented for the impairment—

“(I) trades are required to result in progress toward or the attainment of water quality standards in the local receiving water; and

“(II) sources in the watershed may not rely on credits produced outside of the watershed;

“(x) require that the application of credits to meet regulatory requirements under this section not cause or contribute to exceedances of water quality standards, total maximum daily loads, or wasteload or load allocations for affected receiving waters, including avoidance of localized impacts;

“(xi) except as part of a consent agreement, prohibit the purchase of credits from any entity that is in significant noncompliance with an enforceable permit issued under section 402;

“(xii) consider and incorporate, to the maximum extent practicable, elements of State trading programs in existence as of the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009; and

“(xiii) allow for, as appropriate, the aggregation and banking of credits by third parties.

“(C) FACILITATION OF TRADING.—In order to attract market participants and facilitate the cost-effective achievement of water-quality goals, the Administrator shall ensure that the trading program established under this paragraph—

“(i) includes measures to mitigate credit buyer risk;

“(ii) makes use of the best available science in order to minimize uncertainty and related transaction costs to traders, including the Administrator, in consultation with the Secretary of Agriculture, supporting research and other activities that increase the scientific understanding of nonpoint nutrient pollutant loading and the ability of various structural and nonstructural alternatives to reduce the loads;

“(iii) eliminates unnecessary or duplicative administrative processes; and

“(iv) incorporates a permitting approach under the national pollutant discharge elimination system established under section 402 that allows trading to occur without requiring the reopening or reissuance of permits to incorporate individual trades.

“(7) AUTHORITY RELATING TO DEVELOPMENT.—The Administrator shall—

“(A) establish, for projects resulting in impervious development, guidance relating to site planning, design, construction, and maintenance strategies to ensure that the land maintains predevelopment hydrology with regard to the temperature, rate, volume, and duration of flow;

“(B) establish model ordinances and guidelines with respect to the construction of low-impact development infrastructure and non-structural low-impact development techniques for use by States, local governments, and private entities; and

“(C) not later than 180 days after promulgation of the regulations under subsection (j)(3)(B), issue such guidance, model ordinances, and guidelines as are necessary to carry out this paragraph.

“(8) ASSISTANCE WITH RESPECT TO STORMWATER DISCHARGES.—

“(A) GRANT PROGRAM.—The Administrator may provide grants to any local government within the Chesapeake Bay watershed that adopts the guidance, ordinances, and guidelines issued under paragraph (7).

“(B) USE OF FUNDS.—A grant provided under subparagraph (A) may be used by a local government to pay costs associated with—

“(i) developing, implementing, and enforcing the guidance, ordinances, and guidelines issued under paragraph (7); and

“(ii) implementing projects designed to reduce stormwater discharges.

“(9) CONSUMER AND COMMERCIAL PRODUCT REPORT.—Not later than 3 years after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009, the Administrator, in consultation with the Chesapeake Executive Council, shall—

“(A) review consumer and commercial products, the use of which may affect the

water quality of the Chesapeake Bay watershed or associated tributaries, to determine whether further product nutrient content restrictions are necessary to restore or maintain water quality in the Chesapeake Bay watershed and those tributaries; and

“(B) submit to the Committees on Appropriations, Environment and Public Works, and Commerce, Science, and Transportation of the Senate and the Committees on Appropriations, Natural Resources, Energy and Commerce, and Transportation and Infrastructure of the House of Representatives a product nutrient report detailing the findings of the review under subparagraph (A).

“(1) PROHIBITION ON INTRODUCTION OF ASIAN OYSTERS.—Not later than 2 years after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009, the Administrator shall promulgate regulations—

“(1) to designate the Asian oyster as a ‘biological pollutant’ in the Chesapeake Bay and tidal waters pursuant to section 502;

“(2) to prohibit the issuance of permits under sections 402 and 404 for the discharge of the Asian oyster into the Chesapeake Bay and tidal waters; and

“(3) to specify conditions under which scientific research on Asian oysters may be conducted within the Chesapeake Bay and tidal waters.

“(m) CHESAPEAKE NUTRIA ERADICATION PROGRAM.—

“(1) GRANT AUTHORITY.—Subject to the availability of appropriations, the Secretary of the Interior (referred to in this subsection as the ‘Secretary’), may provide financial assistance to the States of Delaware, Maryland, and Virginia to carry out a program to implement measures—

“(A) to eradicate or control nutria; and

“(B) to restore marshland damaged by nutria.

“(2) GOALS.—The continuing goals of the program shall be—

“(A) to eradicate nutria in the Chesapeake Bay ecosystem; and

“(B) to restore marshland damaged by nutria.

“(3) ACTIVITIES.—In the States of Delaware, Maryland, and Virginia, the Secretary shall require that the program under this subsection consist of management, research, and public education activities carried out in accordance with the document published by the United States Fish and Wildlife Service entitled ‘Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds’, dated March 2002, or any updates to the document.

“(n) STUDY ON THE IMPACTS OF THE COMMERCIAL HARVESTING OF MENHADEN ON THE WATER QUALITY OF THE CHESAPEAKE BAY.—

“(1) DEFINITIONS.—In this subsection:

“(A) FISHERIES COMMISSION.—The term ‘Fisheries Commission’ means the Atlantic States Marine Fisheries Commission established under the interstate compact consented to and approved by pursuant to the Act of May 4, 1942 (56 Stat. 267, chapter 283) and the Act of May 19, 1949 (63 Stat. 70, chapter 238).

“(B) FISHING.—Except as otherwise provided, the term ‘fishing’—

“(i) means—

“(I) the commercial catching, taking, or harvesting of menhaden, except when incidental to harvesting that occurs in the course of commercial or recreational fish-catching activities directed at a species other than menhaden;

“(II) the attempted commercial catching, taking, or harvesting of menhaden; or

“(III) any operation at sea in support of, or in preparation for, any activity described in subclause (I) or (II); and

“(ii) does not include any scientific research authorized by the Federal Government or by any State Government.

“(2) STUDY.—Not later than 5 years after the date of enactment of the Chesapeake Clean Water and Ecosystem Restoration Act of 2009, building on the research underway or conducted under the oversight of the National Oceanic and Atmospheric Administration, the Administrator, in cooperation and consultation with the Administrator of the National Oceanic and Atmospheric Administration and the Fisheries Commission, shall conduct and submit to Congress a study for the purposes of determining—

“(A) progress toward understanding the structure of the menhaden population of the Atlantic Coast of the United States and of the Chesapeake Bay;

“(B) the role of the population as filter feeders, including the role of the population with respect to impacting water clarity, dissolved oxygen levels, and other ecosystem functions;

“(C) the role of the population as prey species for predatory fish in the Chesapeake Bay and in coastal ecosystems;

“(D) the impact on the Atlantic coastal and Chesapeake Bay ecosystems of fishing for menhaden;

“(E) the impact on attainment of the water quality goals of this Act of commercial fishing for menhaden; and

“(F) the recommendations of the Administrator, if any, for future sustainable management of such fishing and additional research needed to fully address the progress, roles, and impacts described in this paragraph.

“(O) EFFECT ON OTHER REQUIREMENTS.—

“(1) IN GENERAL.—Nothing in this section removes or otherwise affects any other obligation for a point source to comply with other applicable requirements under this Act.

“(2) VIOLATIONS BY STATES.—The failure of a State to submit a watershed implementation plan or biennial report, or to correct a previously missed 2-year commitment made in a watershed implementation plan, by the applicable deadline established under this section shall—

“(A) constitute a violation of this Act; and

“(B) subject the State to—

“(i) enforcement action by the Administrator; and

“(ii) civil actions commenced pursuant to section 505.

“(3) FAILURE OF ADMINISTRATOR TO ACT.—The failure of the Administrator to act under this section shall subject the Administrator to civil actions commenced pursuant to section 505.

“(P) EVALUATION BY THE INSPECTOR GENERAL.—The Inspector General of the Environmental Protection Agency shall evaluate the implementation of this section on a periodic basis of not less than once every 3 years.

“(Q) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IMPLEMENTATION AND MONITORING GRANTS.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated or otherwise made available to carry out this section, there are authorized to be appropriated to the Administrator—

“(i) to provide implementation grants under subsection (e)(3)(A), \$80,000,000 for each of fiscal years 2010 through 2015, to remain available until expended;

“(ii) to carry out a freshwater monitoring program under subsection (e)(3)(B), \$5,000,000 for each of fiscal years 2010 through 2015; and

“(iii) to carry out a Chesapeake Bay and tidal water monitoring program under subsection (e)(3)(B), \$5,000,000 for each of fiscal years 2010 through 2015.

“(B) COST SHARING.—The Federal share of the cost of a program carried out using funds from a grant provided—

“(i) under subparagraph (A)(i) shall not exceed 50 percent; and

“(ii) under clause (ii) or (iii) of subparagraph (A) shall not exceed 80 percent.

“(2) CHESAPEAKE STEWARDSHIP GRANTS.—There is authorized to be appropriated to carry out subsection (h)(2) \$15,000,000 for each of fiscal years 2010 through 2014.

“(3) STORM WATER POLLUTION PLANNING AND IMPLEMENTATION GRANTS.—

“(A) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized or otherwise made available to carry out this section, there are authorized to be appropriated to the Administrator—

“(i) to carry out subsection (k)(8)(B)(i), \$10,000,000; and

“(ii) to carry out subsection (k)(8)(B)(ii), \$1,500,000,000.

“(B) COST-SHARING.—A grant provided for a project under—

“(i) subsection (k)(8)(B)(i) may not be used to cover more than 80 percent of the cost of the project; and

“(ii) subsection (k)(8)(B)(ii) may not be used to cover more than 75 percent of the cost of the project.

“(4) NUTRIA ERADICATION GRANTS.—

“(A) IN GENERAL.—There is authorized to be appropriated to the Secretary of the Interior to provide financial assistance in the Chesapeake Bay watershed under subsection (m) \$4,000,000 for each of fiscal years 2010 through 2015.

“(B) COST-SHARING.—

“(i) FEDERAL SHARE.—The Federal share of the cost of carrying out the program under subsection (m) may not exceed 75 percent of the total costs of the program.

“(ii) IN-KIND CONTRIBUTIONS.—The non-Federal share of the cost of carrying out the program under subsection (m) may be provided in the form of in-kind contributions of materials or services.

“(5) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the annual amount of any grant provided by the Administrator or Secretary under any program described in paragraph (1), (2), (3), or (4) may be used for administrative expenses.

“(6) AVAILABILITY.—Amounts authorized to be appropriated under this subsection shall remain available until expended.”.

TEXT OF AMENDMENTS

SA 2694. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1776, to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE—MEDICAL CARE ACCESS PROTECTION

SEC. 1. SHORT TITLE.

This title may be cited as the “Medical Care Access Protection Act of 2009” or the “MCAP Act”.

SEC. 2. DEFINITIONS.

In this title:

(1) **ALTERNATIVE DISPUTE RESOLUTION SYSTEM; ADR.**—The term “alternative dispute resolution system” or “ADR” means a system that provides for the resolution of health care lawsuits in a manner other than through a civil action brought in a State or Federal court.

(2) **CLAIMANT.**—The term “claimant” means any person who brings a health care lawsuit, including a person who asserts or claims a right to legal or equitable contribution, indemnity or subrogation, arising out of a health care liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent, or a minor.

(3) **COLLATERAL SOURCE BENEFITS.**—The term “collateral source benefits” means any amount paid or reasonably likely to be paid in the future to or on behalf of the claimant, or any service, product or other benefit provided or reasonably likely to be provided in the future to or on behalf of the claimant, as a result of the injury or wrongful death, pursuant to—

(A) any State or Federal health, sickness, income-disability, accident, or workers’ compensation law; or

(B) any health, sickness, income-disability, or accident insurance that provides health benefits or income-disability coverage;

(C) any contract or agreement of any group, organization, partnership, or corporation to provide, pay for, or reimburse the cost of medical, hospital, dental, or income disability benefits; and

(D) any other publicly or privately funded program.

(4) **COMPENSATORY DAMAGES.**—The term “compensatory damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities, damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature. Such term includes economic damages and noneconomic damages, as such terms are defined in this section.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2694. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1776, to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; which was ordered to lie on the table.

SA 2695. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table.

(5) **CONTINGENT FEE.**—The term “contingent fee” includes all compensation to any person or persons which is payable only if a recovery is effected on behalf of one or more claimants.

(6) **ECONOMIC DAMAGES.**—The term “economic damages” means objectively verifiable monetary losses incurred as a result of the provision of, use of, or payment for (or failure to provide, use, or pay for) health care services or medical products, such as past and future medical expenses, loss of past and future earnings, cost of obtaining domestic services, loss of employment, and loss of business or employment opportunities.

(7) **HEALTH CARE GOODS OR SERVICES.**—The term “health care goods or services” means any goods or services provided by a health care institution, provider, or by any individual working under the supervision of a health care provider, that relates to the diagnosis, prevention, care, or treatment of any human disease or impairment, or the assessment of the health of human beings.

(8) **HEALTH CARE INSTITUTION.**—The term “health care institution” means any entity licensed under Federal or State law to provide health care services (including but not limited to ambulatory surgical centers, assisted living facilities, emergency medical services providers, hospices, hospitals and hospital systems, nursing homes, or other entities licensed to provide such services).

(9) **HEALTH CARE LAWSUIT.**—The term “health care lawsuit” means any health care liability claim concerning the provision of health care goods or services affecting interstate commerce, or any health care liability action concerning the provision of (or the failure to provide) health care goods or services affecting interstate commerce, brought in a State or Federal court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of claimants, plaintiffs, defendants, or other parties, or the number of claims or causes of action, in which the claimant alleges a health care liability claim.

(10) **HEALTH CARE LIABILITY ACTION.**—The term “health care liability action” means a civil action brought in a State or Federal Court or pursuant to an alternative dispute resolution system, against a health care provider or a health care institution regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action, in which the claimant alleges a health care liability claim.

(11) **HEALTH CARE LIABILITY CLAIM.**—The term “health care liability claim” means a demand by any person, whether or not pursuant to ADR, against a health care provider or health care institution, including third-party claims, cross-claims, counter-claims, or contribution claims, which are based upon the provision of, use of, or payment for (or the failure to provide, use, or pay for) health care services, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or other parties, or the number of causes of action.

(12) **HEALTH CARE PROVIDER.**—

(A) **IN GENERAL.**—The term “health care provider” means any person (including but not limited to a physician (as defined by section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)), registered nurse, dentist, podiatrist, pharmacist, chiropractor, or optometrist) required by State or Federal law to be licensed, registered, or certified to provide

health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(B) **TREATMENT OF CERTAIN PROFESSIONAL ASSOCIATIONS.**—For purposes of this title, a professional association that is organized under State law by an individual physician or group of physicians, a partnership or limited liability partnership formed by a group of physicians, a nonprofit health corporation certified under State law, or a company formed by a group of physicians under State law shall be treated as a health care provider under subparagraph (A).

(13) **MALICIOUS INTENT TO INJURE.**—The term “malicious intent to injure” means intentionally causing or attempting to cause physical injury other than providing health care goods or services.

(14) **NONECONOMIC DAMAGES.**—The term “noneconomic damages” means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, and all other nonpecuniary losses of any kind or nature.

(15) **PUNITIVE DAMAGES.**—The term “punitive damages” means damages awarded, for the purpose of punishment or deterrence, and not solely for compensatory purposes, against a health care provider or health care institution. Punitive damages are neither economic nor noneconomic damages.

(16) **RECOVERY.**—The term “recovery” means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim, including all costs paid or advanced by any person. Costs of health care incurred by the plaintiff and the attorneys’ office overhead costs or charges for legal services are not deductible disbursements or costs for such purpose.

(17) **STATE.**—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SEC. 3. ENCOURAGING SPEEDY RESOLUTION OF CLAIMS.

(a) **IN GENERAL.**—Except as otherwise provided for in this section, the time for the commencement of a health care lawsuit shall be 3 years after the date of manifestation of injury or 1 year after the claimant discovers, or through the use of reasonable diligence should have discovered, the injury, whichever occurs first.

(b) **GENERAL EXCEPTION.**—The time for the commencement of a health care lawsuit shall not exceed 3 years after the date of manifestation of injury unless the tolling of time was delayed as a result of—

(1) fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

(c) **MINORS.**—An action by a minor shall be commenced within 3 years from the date of the alleged manifestation of injury except that if such minor is under the full age of 6 years, such action shall be commenced within 3 years of the manifestation of injury, or prior to the eighth birthday of the minor, whichever provides a longer period. Such time limitation shall be tolled for minors for

any period during which a parent or guardian and a health care provider or health care institution have committed fraud or collusion in the failure to bring an action on behalf of the injured minor.

(d) **RULE 11 SANCTIONS.**—Whenever a Federal or State court determines (whether by motion of the parties or whether on the motion of the court) that there has been a violation of Rule 11 of the Federal Rules of Civil Procedure (or a similar violation of applicable State court rules) in a health care liability action to which this title applies, the court shall impose upon the attorneys, law firms, or pro se litigants that have violated Rule 11 or are responsible for the violation, an appropriate sanction, which shall include an order to pay the other party or parties for the reasonable expenses incurred as a direct result of the filing of the pleading, motion, or other paper that is the subject of the violation, including a reasonable attorneys’ fee. Such sanction shall be sufficient to deter repetition of such conduct or comparable conduct by others similarly situated, and to compensate the party or parties injured by such conduct.

SEC. 4. COMPENSATING PATIENT INJURY.

(a) **UNLIMITED AMOUNT OF DAMAGES FOR ACTUAL ECONOMIC LOSSES IN HEALTH CARE LAWSUITS.**—In any health care lawsuit, nothing in this title shall limit the recovery by a claimant of the full amount of the available economic damages, notwithstanding the limitation contained in subsection (b).

(b) **ADDITIONAL NONECONOMIC DAMAGES.**—

(1) **HEALTH CARE PROVIDERS.**—In any health care lawsuit where final judgment is rendered against a health care provider, the amount of noneconomic damages recovered from the provider, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties other than a health care institution against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(2) **HEALTH CARE INSTITUTIONS.**—

(A) **SINGLE INSTITUTION.**—In any health care lawsuit where final judgment is rendered against a single health care institution, the amount of noneconomic damages recovered from the institution, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence.

(B) **MULTIPLE INSTITUTIONS.**—In any health care lawsuit where final judgment is rendered against more than one health care institution, the amount of noneconomic damages recovered from each institution, if otherwise available under applicable Federal or State law, may be as much as \$250,000, regardless of the number of parties against whom the action is brought or the number of separate claims or actions brought with respect to the same occurrence, except that the total amount recovered from all such institutions in such lawsuit shall not exceed \$500,000.

(c) **NO DISCOUNT OF AWARD FOR NONECONOMIC DAMAGES.**—In any health care lawsuit—

(1) an award for future noneconomic damages shall not be discounted to present value;

(2) the jury shall not be informed about the maximum award for noneconomic damages under subsection (b);

(3) an award for noneconomic damages in excess of the limitations provided for in subsection (b) shall be reduced either before the

entry of judgment, or by amendment of the judgment after entry of judgment, and such reduction shall be made before accounting for any other reduction in damages required by law; and

(4) If separate awards are rendered for past and future noneconomic damages and the combined awards exceed the limitations described in subsection (b), the future noneconomic damages shall be reduced first.

(d) **FAIR SHARE RULE.**—In any health care lawsuit, each party shall be liable for that party's several share of any damages only and not for the share of any other person. Each party shall be liable only for the amount of damages allocated to such party in direct proportion to such party's percentage of responsibility. A separate judgment shall be rendered against each such party for the amount allocated to such party. For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

SEC. 5. MAXIMIZING PATIENT RECOVERY.

(a) **COURT SUPERVISION OF SHARE OF DAMAGES ACTUALLY PAID TO CLAIMANTS.**—

(1) **IN GENERAL.**—In any health care lawsuit, the court shall supervise the arrangements for payment of damages to protect against conflicts of interest that may have the effect of reducing the amount of damages awarded that are actually paid to claimants.

(2) **CONTINGENCY FEES.**—

(A) **IN GENERAL.**—In any health care lawsuit in which the attorney for a party claims a financial stake in the outcome by virtue of a contingent fee, the court shall have the power to restrict the payment of a claimant's damage recovery to such attorney, and to redirect such damages to the claimant based upon the interests of justice and principles of equity.

(B) **LIMITATION.**—The total of all contingency fees for representing all claimants in a health care lawsuit shall not exceed the following limits:

(i) 40 percent of the first \$50,000 recovered by the claimant(s).

(ii) 33⅓ percent of the next \$50,000 recovered by the claimant(s).

(iii) 25 percent of the next \$500,000 recovered by the claimant(s).

(iv) 15 percent of any amount by which the recovery by the claimant(s) is in excess of \$600,000.

(b) **APPLICABILITY.**—

(1) **IN GENERAL.**—The limitations in subsection (a) shall apply whether the recovery is by judgment, settlement, mediation, arbitration, or any other form of alternative dispute resolution.

(2) **MINORS.**—In a health care lawsuit involving a minor or incompetent person, a court retains the authority to authorize or approve a fee that is less than the maximum permitted under this section.

(c) **EXPERT WITNESSES.**—

(1) **REQUIREMENT.**—No individual shall be qualified to testify as an expert witness concerning issues of negligence in any health care lawsuit against a defendant unless such individual—

(A) except as required under paragraph (2), is a health care professional who—

(i) is appropriately credentialed or licensed in 1 or more States to deliver health care services; and

(ii) typically treats the diagnosis or condition or provides the type of treatment under review; and

(B) can demonstrate by competent evidence that, as a result of training, education, knowledge, and experience in the evaluation, diagnosis, and treatment of the disease or in-

jury which is the subject matter of the lawsuit against the defendant, the individual was substantially familiar with applicable standards of care and practice as they relate to the act or omission which is the subject of the lawsuit on the date of the incident.

(2) **PHYSICIAN REVIEW.**—In a health care lawsuit, if the claim of the plaintiff involved treatment that is recommended or provided by a physician (allopathic or osteopathic), an individual shall not be qualified to be an expert witness under this subsection with respect to issues of negligence concerning such treatment unless such individual is a physician.

(3) **SPECIALTIES AND SUBSPECIALTIES.**—With respect to a lawsuit described in paragraph (1), a court shall not permit an expert in one medical specialty or subspecialty to testify against a defendant in another medical specialty or subspecialty unless, in addition to a showing of substantial familiarity in accordance with paragraph (1)(B), there is a showing that the standards of care and practice in the two specialty or subspecialty fields are similar.

(4) **LIMITATION.**—The limitations in this subsection shall not apply to expert witnesses testifying as to the degree or permanency of medical or physical impairment.

SEC. 6. ADDITIONAL HEALTH BENEFITS.

(a) **IN GENERAL.**—The amount of any damages received by a claimant in any health care lawsuit shall be reduced by the court by the amount of any collateral source benefits to which the claimant is entitled, less any insurance premiums or other payments made by the claimant (or by the spouse, parent, child, or legal guardian of the claimant) to obtain or secure such benefits.

(b) **PRESERVATION OF CURRENT LAW.**—Where a payor of collateral source benefits has a right of recovery by reimbursement or subrogation and such right is permitted under Federal or State law, subsection (a) shall not apply.

(c) **APPLICATION OF PROVISION.**—This section shall apply to any health care lawsuit that is settled or resolved by a fact finder.

SEC. 7. PUNITIVE DAMAGES.

(a) **PUNITIVE DAMAGES PERMITTED.**—

(1) **IN GENERAL.**—Punitive damages may, if otherwise available under applicable State or Federal law, be awarded against any person in a health care lawsuit only if it is proven by clear and convincing evidence that such person acted with malicious intent to injure the claimant, or that such person deliberately failed to avoid unnecessary injury that such person knew the claimant was substantially certain to suffer.

(2) **FILING OF LAWSUIT.**—No demand for punitive damages shall be included in a health care lawsuit as initially filed. A court may allow a claimant to file an amended pleading for punitive damages only upon a motion by the claimant and after a finding by the court, upon review of supporting and opposing affidavits or after a hearing, after weighing the evidence, that the claimant has established by a substantial probability that the claimant will prevail on the claim for punitive damages.

(3) **SEPARATE PROCEEDING.**—At the request of any party in a health care lawsuit, the trier of fact shall consider in a separate proceeding—

(A) whether punitive damages are to be awarded and the amount of such award; and

(B) the amount of punitive damages following a determination of punitive liability. If a separate proceeding is requested, evidence relevant only to the claim for punitive damages, as determined by applicable State

law, shall be inadmissible in any proceeding to determine whether compensatory damages are to be awarded.

(4) **LIMITATION WHERE NO COMPENSATORY DAMAGES ARE AWARDED.**—In any health care lawsuit where no judgment for compensatory damages is rendered against a person, no punitive damages may be awarded with respect to the claim in such lawsuit against such person.

(b) **DETERMINING AMOUNT OF PUNITIVE DAMAGES.**—

(1) **FACTORS CONSIDERED.**—In determining the amount of punitive damages under this section, the trier of fact shall consider only the following:

(A) the severity of the harm caused by the conduct of such party;

(B) the duration of the conduct or any concealment of it by such party;

(C) the profitability of the conduct to such party;

(D) the number of products sold or medical procedures rendered for compensation, as the case may be, by such party, of the kind causing the harm complained of by the claimant;

(E) any criminal penalties imposed on such party, as a result of the conduct complained of by the claimant; and

(F) the amount of any civil fines assessed against such party as a result of the conduct complained of by the claimant.

(2) **MAXIMUM AWARD.**—The amount of punitive damages awarded in a health care lawsuit may not exceed an amount equal to two times the amount of economic damages awarded in the lawsuit or \$250,000, whichever is greater. The jury shall not be informed of the limitation under the preceding sentence.

(c) **LIABILITY OF HEALTH CARE PROVIDERS.**—

(1) **IN GENERAL.**—A health care provider who prescribes, or who dispenses pursuant to a prescription, a drug, biological product, or medical device approved by the Food and Drug Administration, for an approved indication of the drug, biological product, or medical device, shall not be named as a party to a product liability lawsuit invoking such drug, biological product, or medical device and shall not be liable to a claimant in a class action lawsuit against the manufacturer, distributor, or product seller of such drug, biological product, or medical device.

(2) **MEDICAL PRODUCT.**—The term "medical product" means a drug or device intended for humans. The terms "drug" and "device" have the meanings given such terms in sections 201(g)(1) and 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321), respectively, including any component or raw material used therein, but excluding health care services.

SEC. 8. AUTHORIZATION OF PAYMENT OF FUTURE DAMAGES TO CLAIMANTS IN HEALTH CARE LAWSUITS.

(a) **IN GENERAL.**—In any health care lawsuit, if an award of future damages, without reduction to present value, equaling or exceeding \$50,000 is made against a party with sufficient insurance or other assets to fund a periodic payment of such a judgment, the court shall, at the request of any party, enter a judgment ordering that the future damages be paid by periodic payments in accordance with the Uniform Periodic Payment of Judgments Act promulgated by the National Conference of Commissioners on Uniform State Laws.

(b) **APPLICABILITY.**—This section applies to all actions which have not been first set for trial or retrial before the effective date of this title.

SEC. 9. EFFECT ON OTHER LAWS.

(a) **GENERAL VACCINE INJURY.**—

(1) IN GENERAL.—To the extent that title XXI of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a vaccine-related injury or death—

(A) this title shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such title XXI shall not apply to such action.

(2) EXCEPTION.—If there is an aspect of a civil action brought for a vaccine-related injury or death to which a Federal rule of law under title XXI of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(b) SMALLPOX VACCINE INJURY.—

(1) IN GENERAL.—To the extent that part C of title II of the Public Health Service Act establishes a Federal rule of law applicable to a civil action brought for a smallpox vaccine-related injury or death—

(A) this title shall not affect the application of the rule of law to such an action; and

(B) any rule of law prescribed by this title in conflict with a rule of law of such part C shall not apply to such action.

(2) EXCEPTION.—If there is an aspect of a civil action brought for a smallpox vaccine-related injury or death to which a Federal rule of law under part C of title II of the Public Health Service Act does not apply, then this title or otherwise applicable law (as determined under this title) will apply to such aspect of such action.

(c) OTHER FEDERAL LAW.—Except as provided in this section, nothing in this title shall be deemed to affect any defense available, or any limitation on liability that applies to, a defendant in a health care lawsuit or action under any other provision of Federal law.

SEC. 10. STATE FLEXIBILITY AND PROTECTION OF STATES' RIGHTS.

(a) HEALTH CARE LAWSUITS.—The provisions governing health care lawsuits set forth in this title shall preempt, subject to subsections (b) and (c), State law to the extent that State law prevents the application of any provisions of law established by or under this title. The provisions governing health care lawsuits set forth in this title supersede chapter 171 of title 28, United States Code, to the extent that such chapter—

(1) provides for a greater amount of damages or contingent fees, a longer period in which a health care lawsuit may be commenced, or a reduced applicability or scope of periodic payment of future damages, than provided in this title; or

(2) prohibits the introduction of evidence regarding collateral source benefits.

(b) PREEMPTION OF CERTAIN STATE LAWS.—No provision of this title shall be construed to preempt any State law (whether effective before, on, or after the date of the enactment of this title) that specifies a particular monetary amount of compensatory or punitive damages (or the total amount of damages) that may be awarded in a health care lawsuit, regardless of whether such monetary amount is greater or lesser than is provided for under this title, notwithstanding section 5(a).

(c) PROTECTION OF STATE'S RIGHTS AND OTHER LAWS.—

(1) IN GENERAL.—Any issue that is not governed by a provision of law established by or under this title (including the State standards of negligence) shall be governed by otherwise applicable Federal or State law.

(2) RULE OF CONSTRUCTION.—Nothing in this title shall be construed to—

(A) preempt or supersede any Federal or State law that imposes greater procedural or substantive protections (such as a shorter statute of limitations) for a health care provider or health care institution from liability, loss, or damages than those provided by this title;

(B) preempt or supercede any State law that permits and provides for the enforcement of any arbitration agreement related to a health care liability claim whether enacted prior to or after the date of enactment of this title;

(C) create a cause of action that is not otherwise available under Federal or State law; or

(D) affect the scope of preemption of any other Federal law.

SEC. 11. APPLICABILITY; EFFECTIVE DATE.

This title shall apply to any health care lawsuit brought in a Federal or State court, or subject to an alternative dispute resolution system, that is initiated on or after the date of the enactment of this title, except that any health care lawsuit arising from an injury occurring prior to the date of enactment of this title shall be governed by the applicable statute of limitations provisions in effect at the time the injury occurred.

SA 2695. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, after line 9, insert the following:

TITLE II—EMPLOYMENT ELIGIBILITY VERIFICATION

SEC. 201. REPEAL OF TERMINATION OF THE E-VERIFY PROGRAM.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended by striking “Unless” and all that follows.

SEC. 202. DESIGNATION OF THE E-VERIFY PROGRAM.

(a) DESIGNATION.—Sections 401(c)(1), 403(a), 403(b)(1), 403(c)(1), and 405(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) are amended by striking “basic pilot program” each place that term appears and inserting “E-Verify Program”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended—

(1) in the heading of section 403(a) by striking “BASIC PILOT” and inserting “E-VERIFY”; and

(2) in section 404(h)(1) by striking “under a pilot program” and inserting “under this subtitle”.

SEC. 203. REQUIREMENT FOR RECIPIENTS OF UNEMPLOYMENT COMPENSATION BENEFITS TO PARTICIPATE IN THE E-VERIFY PROGRAM.

(a) IN GENERAL.—No individual may receive unemployment compensation benefits under any State or Federal law until after the date that the individual's identity and employment eligibility are verified through E-Verify Program (as designated by section 202) under title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of

1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note).

(b) EFFECTIVE DATE.—The requirements of subsection (a) shall take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 204. REQUIREMENT FOR CONTRACTORS TO PARTICIPATE IN THE E-VERIFY PROGRAM.

The head of each agency or department of the United States that enters into a contract shall require, as a condition of the contract, that the contractor participate in the E-Verify Program (as designated by section 202) under title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) to verify the identity and employment eligibility of—

(1) all individuals hired during the term of the contract by the contractor to perform employment duties within the United States; and

(2) all individuals assigned by the contractor to perform work within the United States the under such contract.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, October 22, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a business meeting pending committee issues, to be followed immediately by an oversight hearing on Indian Energy and Energy Efficiency.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 20, 2009, at 9:30 a.m. to conduct a hearing entitled “The State of the Nation's Housing Market.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on October 20, 2009, at 10 a.m. in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled “S. 1631, the Customs Facilitation and Trade Enforcement Act of 2009.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during

the session of the Senate on Tuesday, October 20, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND
ENTREPRENEURSHIP

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on October 20, 2009, at 10:30 a.m. to conduct a hearing entitled "Reform Done Right: Sensible Health Care Solutions for America's Small Businesses."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 20, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT
AND THE COURTS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, on October 20, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Medical Debt: Can Bankruptcy Reform Facilitate a Fresh Start?" The witness list is attached.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BYRD. Mr. President, I ask unanimous consent that Alex Avanni, a detailee to the Committee on Appropriations, be given full privileges during debate on H.R. 2892 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREE-
MENT—EXECUTIVE CALENDAR

Mr. REID. I now ask unanimous consent that on Wednesday morning, October 21, following the period of morning business, the Senate proceed to executive session to consider Calendar No. 469, the nomination of Roberto Lange to be U.S. District Judge for the District of South Dakota; that debate on the nomination be limited to 2 hours equally divided and controlled between Senators LEAHY and SESSIONS or their designees, with the vote on confirmation occurring at 2 p.m.; that upon confirmation, the motion to reconsider be considered made and laid on the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORRIS K. UDALL SCHOLARSHIP
AND EXCELLENCE IN NATIONAL
ENVIRONMENTAL POLICY
AMENDMENTS ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 1818.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows: A bill (S. 1818) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to this bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (S. 1818) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:
S. 1818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Morris K. Udall Scholarship and Excellence in National Environmental Policy Amendments Act of 2009".

SEC. 2. SHORT TITLE.

Section 1 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 note; Public Law 102-259) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Morris K. Udall and Stewart L. Udall Foundation Act'."

SEC. 3. FINDINGS.

Section 3 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601) is amended—

- (1) in paragraph (3), by striking "and" at the end;
- (2) in paragraph (4), by striking the period at the end and inserting a semicolon; and
- (3) by adding at the end the following:

"(5) the Foundation—

"(A) since 1995, has operated exceptional scholarship, internship, and fellowship programs for areas of study related to the environment and Native American tribal policy and health care;

"(B) since 1999, has provided valuable environmental conflict resolution services and leadership through the United States Institute for Environmental Conflict Resolution; and

"(C) is committed to continue making a substantial contribution toward public policy in the future by—

"(i) playing a significant role in developing the next generation of environmental and Native American leaders; and

"(ii) working with current leaders to improve decisionmaking on—

"(I) challenging environmental, energy, and related economic problems; and

"(II) tribal governance and economic issues;

"(6) Stewart L. Udall, as a member of Congress, Secretary of the Interior, environmental lawyer, and author, has provided distinguished national leadership in environmental and Native American policy for more than 50 years;

"(7) as Secretary of the Interior from 1961 to 1969, Stewart L. Udall oversaw the creation of 4 national parks, 6 national monuments, 8 national seashores and lakeshores, 9 recreation areas, 20 historic sites, and 56 wildlife refuges; and

"(8) it is fitting that the leadership and vision of Stewart L. Udall in the areas of environmental and Native American policy be jointly honored with that of Morris K. Udall through the foundation bearing the Udall name."

SEC. 4. DEFINITIONS.

Section 4 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5602) is amended—

(1) in paragraph (1), by striking "Morris K. Udall Scholarship and Excellence in National Environmental Policy";

(2) in paragraph (5), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall"; and

(3) in paragraph (9), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall".

SEC. 5. ESTABLISHMENT OF FOUNDATION.

Section 5 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5603) is amended—

(1) in the section heading, by striking "SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY" and inserting "AND STEWART L. UDALL";

(2) in subsection (a), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall"; and

(3) in subsection (f)(2), by striking "the rate specified for employees in level IV of the Executive Schedule under section 5315 of title 5, United States Code" and inserting "a rate determined by the Board in accordance with section 5383 of title 5, United States Code".

SEC. 6. AUTHORITY OF FOUNDATION.

Section 7 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5605) is amended—

(1) in subsection (a)(5)—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(E) to conduct training, research, and other activities under section 6(7)."; and

(2) by striking subsection (b) and inserting the following:

"(b) UDALL SCHOLARS.—Recipients of scholarships, fellowships, and internships under this Act shall be known as 'Udall Scholars', 'Udall Fellows', and 'Udall Interns', respectively."

SEC. 7. ESTABLISHMENT OF TRUST FUND.

Section 8 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5606) is amended—

(1) in the section heading, by striking "SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY" and inserting "AND STEWART L. UDALL"; and

(2) in subsection (a), by striking “Scholarship and Excellence in National Environmental Policy” and inserting “and Stewart L. Udall”.

SEC. 8. EXPENDITURES AND AUDIT OF TRUST FUND.

Section 9(a) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5607(a)) is amended by inserting before the period at the end the following: “, including a reasonable amount for official reception and representation expenses, as determined by the Board, not to exceed \$5,000 for a fiscal year”.

SEC. 9. USE OF INSTITUTE BY FEDERAL AGENCY OR OTHER ENTITY.

Section 11 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5607b) is amended by adding at the end the following:

“(f) AGENCY MANAGEMENT OR CONTROL.—Use of the Foundation or Institute to provide independent and impartial assessment, mediation, or other dispute or conflict resolution under this section shall not be considered to be the establishment or use of an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).”

SEC. 10. ADMINISTRATIVE PROVISIONS.

Section 12(a) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5608(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1)(A) appoint such personnel as may be necessary to carry out the provisions of this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

“(B) fix the compensation of the personnel appointed under subparagraph (A) at a rate not to exceed the maximum rate for employees in grade GS-15 of the General Schedule under section 5332 of title 5, United States Code, except that up to 4 employees (in addition to the Executive Director under section 5(f)(2)) may be paid at a rate determined by the Board in accordance with section 5383 of that title.”;

(2) in paragraph (6), by striking “and” at the end;

(3) by redesignating paragraph (7) as paragraph (8); and

(4) by inserting after paragraph (6) the following:

“(7) to rent office space in the District of Columbia or its environs; and”.

APPOINTMENTS

The ACTING PRESIDENT pro tempore. The Chair announces, on behalf of the President pro tempore, pursuant to P.L. 110-315, the appointment of the following to be members of the National Advisory Committee on Institutional Quality and Integrity: Daniel Klaich of Nevada, Cameron Staples of Connecticut, and Larry Vanderhoef of California.

ORDERS FOR WEDNESDAY, OCTOBER 21, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, October 21; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 2 hours, with Senators permitted to speak for up to 10 minutes each, with the time divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate proceed to executive session as provided for under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, Senators should expect two rollcall votes tomorrow at around 2 p.m. The first vote will be on the confirmation of Roberto Lange to be a U.S. district judge for the District of South Dakota. We anticipate setting up a second vote which would be on the motion to invoke cloture on the motion to proceed to S. 1776, the Medicare Physicians Fairness Act.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:38 p.m., adjourned until Wednesday, October 21, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. KEITH B. ALEXANDER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. JOHN T. BLAKE

HOUSE OF REPRESENTATIVES—Tuesday, October 20, 2009

The House met at 12:30 p.m. and was called to order by the Speaker.

MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

ENERGY LEGISLATION: THE SENATE MUST JOIN THE HOUSE IN ACTING SWIFTLY

The SPEAKER. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Speaker, despite rabid partisanship, this House of Representatives has successfully pursued a productive legislative agenda this year. Among many important bills, such as the expansion of children's health insurance and passage of economic recovery legislation, we passed the American Clean Energy and Security Act just this past June.

This bill would reduce greenhouse gas pollution, create market incentives for investment in clean energy jobs, invest in green job training for workers, create incentives for farmers to sequester carbon, reduce our dependence on foreign oil, and protect trade-sensitive industries from highly polluting foreign competition.

According to prominent economists, it would spur investments in technology that would further stimulate the economy right now.

Since we passed this bill, a growing number of businesses such as Apple Computer, Exelon, Pacific Gas and Electric, Johnson & Johnson, Timberland, Nike, Dominion Virginia Power and so many others from diverse sectors of the economy have called on the United States Senate to act. Many of these businesses believe climate change legislation is so important to address for American business that they actually have withdrawn their membership or suspended their membership from various committees in the United States Chamber of Commerce to protest its policy of opposition to this legislation.

Now that the House has passed this bill, the Senate too must act quickly to pass it so that the United States can take its rightful place as a leading voice in the effort to reduce greenhouse gas pollution.

Despite widespread business support for the bill, some partisan interest

groups vigorously opposed its passage, and I applaud my colleagues, especially those from the other side of the aisle who had the courage to support it, for overcoming the shrill dissent of powerful special interests. Because those same interest groups are preparing a campaign blitz focused on the U.S. Senate, it is an apt time to recall the discredited arguments that they will employ once again when attempting to defeat this bill.

For example, the Republican leadership claims this bill will cost the American family \$3,100 per year. Not true. The Republican leadership cited an MIT study when first releasing that cost estimate. In response, the MIT professor who wrote the study wrote the minority leader here in the House pointing out that his figure vastly overestimated costs by 1,000 percent.

Moreover, the Republicans ignore a central feature of the bill to protect consumers. The American Clean Energy and Security Act distributes carbon allowances to the companies or co-operatives from which Americans buy electricity. And by law, the bill says that they have to use those allowances to protect consumers from any price increases.

Our Republican colleagues also ignore the impact new efficiencies will have on electric bills. The House Energy bill will improve building codes by 30 percent, establish new efficiency standards for appliances and invest billions of dollars in home weatherization and efficiency programs. As a result, consumers will see a reduction in their electric bills as they consume less electricity. According to the nonpartisan American Council for an Energy-Efficient Economy, those savings will average \$750 per household when the bill is fully implemented.

Another common refrain from the opposition is that a cap-and-trade system is new, complicated and unworkable. As my colleagues will recall, it was a cap-and-trade system that allowed us to successfully stop the expansion of the ozone hole by reducing CFC pollution, and we cut acid rain and smog pollution by reducing emissions from coal-fired power plants with a cap-and-trade program in the 1990s. At the time, those same voices claiming that this would kill the economy said the same thing. And yet in the 1990s, we saw some of the most rapid expansion of economic growth in U.S. history.

Madam Speaker, scientists are observing more rapid climate change than their models anticipated. We do

not have the luxury of inaction or delay. Moreover, the welfare of our economy demands that America lead in the clean energy revolution. We cannot allow China, Spain and other nations to profit from the construction of wind turbines, solar, advanced batteries and the like while Americans lose their jobs. Now is the time for the U.S. Senate to join us here in the House in passing a vibrant, clean energy bill to reduce greenhouse gas emissions, jumpstart our economy and lessen our reliance on foreign oil.

THE AIG BONUS DEBACLE: THE HEADACHES KEEP COMING

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Madam Speaker, the Special Inspector General for the Troubled Asset Relief Program, Neil Barofsky, recently released an alarming audit which revealed Secretary of the Treasury Tim Geithner's complete lack of oversight and total mismanagement of American International Group's (AIG) distribution of millions in bonus payments following the company's \$180 billion taxpayer bailout.

Just think about this: U.S. taxpayers own 80 percent of AIG, and AIG is using taxpayer money to pay themselves huge bonuses. Let's examine Mr. Geithner's role as Secretary of the Treasury and his role with AIG.

Mr. Geithner, as we will recall, was President of the Federal Reserve of New York prior to becoming Secretary of the Treasury in January of this year. Interestingly enough, on September 29, 2008, during Mr. Geithner's time as president, AIG officials briefed a senior vice president at the New York Fed about the details of AIG's deferred compensation plan, bonuses, and retention payments for its Financial Products group. AIG even e-mailed the New York Fed official copies of its compensation plans. Mr. Geithner was president of the New York Fed at the time the bank knew about the bonuses, and yet he maintains that he was "not apprised of the specifics."

Please, Mr. Secretary, just admit you knew about the bonuses and you were just trying to protect your friends on Wall Street at taxpayers' expense.

Now let's fast forward to March of this year. Mr. Geithner is now Secretary of the Treasury, and the news breaks to the American people about AIG—the company that is "too big to

fail," and in need of \$180 billion in taxpayer bailout—would be distributing \$165 million in retention payments to employees of its financial products subsidiary. Now, this unit, I will remind everybody, of course, is the same entity responsible for writing the credit default swap policies that contributed directly to the company's near collapse. Yet again, we have Secretary Geithner claiming that he only found out about the AIG bonuses on March 10, 2009, just 3 days before they were paid.

Please, Mr. Secretary, if a company is in bankruptcy, you don't give out bonuses.

Given that sources at the Federal Reserve have stated that "Treasury staff was informed that the March 15 bonus payment date was upcoming," surely Mr. Secretary, as head of the U.S. Department of the Treasury, you must have known about the payments. It is even harder to believe in light of the Special Inspector General's report which notes "Federal Reserve Board of New York officials e-mailed the Treasury's internal counsel, legal counsel, the amounts and timing of the AIG financial products retention award" plan.

So even his legal counsel knew about it.

Madam Speaker, everybody at the Federal Reserve knew about the AIG bonus issue, and officials at the Treasury surely knew. Yet somehow, the head of our Treasury Department and former head of the New York Fed at the time of the AIG bailout, said he was completely in the dark.

Please, Mr. Secretary, just admit you knew all the about the bonuses.

Mr. Barofsky's audit concludes that "This, coupled with Treasury's subsequent limited communications with the Federal Reserve Board of New York with respect to executive compensation, has meant that the Secretary of the Treasury invested \$40 billion of taxpayers' funds in AIG, designed AIG's contractual executive compensation restrictions and helped manage the government's majority stake in AIG for several months, all without having any detailed information about the scope of AIG's very substantial, and very controversial, executive compensation obligations."

Please, Mr. Secretary.

It should also be noted that former Secretary Paulson was also complicit in the AIG bonus mismanagement. It was under Mr. Paulson's watch, after all, that the government acquired this huge stake in AIG in the first place. And it was Mr. Paulson's decision to bail out AIG, which happened to owe billions to Goldman Sachs, while subsequently letting Goldman Sachs' main competitor, Lehman Brothers, fail.

The American people were rightly outraged when they found out that AIG would be paying out millions in bo-

nuses despite needing a \$180 million taxpayer bailout. But it doesn't stop there. The audit also revealed that even kitchen assistants and elevator operators got bonuses over \$7,000. So clearly, not all of the AIG bonuses were contractually obligated as the company's executives claim. The headaches just keep coming.

This is what happens when high-ranking government officials such as Mr. Paulson and Mr. Geithner have clear conflicts of interest and are trusted to manage billions in taxpayers' money. Mr. Paulson and Mr. Geithner's close ties to Wall Street are just too close for comfort for the American people and their tax dollars.

□ 1245

CONDEMNING ILLEGAL LOGGING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Thank you, Madam Speaker.

The irreplaceable role of healthy forests as havens for biodiversity, carbon sinks and renewable resources demands that we reverse a global legacy of environmental pillaging. Illegal logging and resource extraction is not just about environmental decimation, with watershed pollution, biodiversity loss and increased carbon emissions, it's about the human loss as well: the local communities left with a culture of violence and corruption devastated without resources for survival, and beyond, to everybody on the planet.

We all benefit from the medicines, carbon capture and species diversity these forests provide. For years, I've worked to eliminate the illegal logging trade. To make sure the United States can lead by example and stop our own use of illegally logged lumber, I authored the Legal Timber Protection Act whose provisions were signed into law last year. The U.S. Government is now empowered to determine where imported wood and plants actually come from to promote legal harvest. Yet the illegal trade continues.

Last Thursday, with Chairmen PAYNE and FALLOON, I introduced a resolution to condemn the illegal logging and extraction of Madagascar's unique and invaluable natural resources. Madagascar hosts some of this planet's greatest diversity. Larger than the State of California, this island nation broke off from the African mainland about 160 million years ago, spawning a biological laboratory with over 150,000 plants and animals found nowhere else in the world: massive moths, towering trees, and a hundred different lemur species. The majority of Madagascar's people live on less than \$2 a day, and protection of these incredible and unique re-

sources, only 10 percent of which remain, could be key to a sustainable and economically secure future. Yet political turmoil is putting the honest livelihoods of many, as well as one of our planet's greatest treasures, in extreme peril.

In March, the democratically elected President was ousted by a political rival with the backing of the military, a move which has been condemned by the United States, the African Union and others as a military coup d'etat. That ushered in a collapse of security for these precious treasures as political instability bred further corruption and mismanagement. Twenty years of partnership with the United States and nongovernmental organizations that has resulted in more effective local management and preservation is being undone in a matter of months. The de facto government uses the nation's endangered resources to boost its regime and has issued sweeping decrees allowing the harvest and export of wood from protected forests and World Heritage Sites.

Reports from Madagascar are dire, detailing rampant illegal logging, mining, and resource degradation as detailed in an excellent report in last Friday's Washington Post. Traffickers smuggle record numbers of one of the world's rarest tortoises to Asian and European collectors; poachers kill and roast scores of lemurs for restaurants; and armed loggers brazenly plunder protected forests, looting dwindling hardwoods for furniture. These activities not only deny locals access to basic resources, they also degrade the country's thriving eco-tourism industry which brought in almost \$400 million last year.

The United States has condemned this current government and suspended all nonhumanitarian aid and terminated assistance through a Millennium Development Corporation compact. The World Wildlife Fund, Conservation International and the Wildlife Conservation Society have all denounced the subsequent wholesale exploitation of some of the world's most diverse forests and the decimation of the local people's resources and livelihood.

As the World Forestry Congress convenes this week, we have an excellent opportunity to raise awareness to stop rampant illegal logging and the harvesting of species. I am pleased that the United States Forest Service chief specifically referenced our resolution, H. Res. 839, during his address to the Forestry Congress as an example of United States commitment. The international community, all of us, must engage before it's too late for these protected species and do all we can to prevent the irreparable harm caused by illegal logging.

This resolution condemns the ongoing tragedy and calls for the restoration of the rule of law and shows that

the Federal Government will fight to help the people of Madagascar protect these resources.

I hope my colleagues will join me in cosponsoring House Resolution 839 so that the House can do its part to stop this outrage.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 51 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Together let us thank God for another day of life. Lord, we are truly gifted with another opportunity to praise and thank You for our many blessings. By our being truly present to others today by our work in public service on behalf of others, Lord, may we lift up their spirits and provide some hope to those most in need.

Open our eyes, Lord, to see Your wonders that surround us. May a faith vision shape our priority of issues demanding our attention and may honest responsibility reveal just how much ability we have to respond to all Your people and the common good of the Nation.

Open our hearts, Lord, that we may trust the wisdom shared and the faith witnessed when we truly listen to one another. May each of us draw closer to one another and so strengthen the union of these United States and give You the glory both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. ADLER) come forward and lead the House in the Pledge of Allegiance.

Mr. ADLER of New Jersey led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

GUN CONTROL

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the Supreme Court said last year that the Second Amendment means what it says: "The right of the people to keep and bear arms shall not be infringed." There is nothing vague about that personal right. Never mind, Chicago still has a gun ban law.

So the Supreme Court agreed to hear a case where those who believe in liberty are challenging the Chicago antigun law. Gun Grabbers pass a gun ban claiming it reduces crime, but crime actually goes up in banishment areas. So this is not about crime.

The antigun lobby steals individual freedom under the false pretext of providing security by government. In reality, these people want more government intrusion into our personal lives. Obliteration of the Second Amendment is one of the most intrusive methods they use. Gun control is really government control.

The Second Amendment was, among other things, originally designed to protect people against tyranny. Thomas Jefferson said, "Those who hammer their guns into plows will plow for those who do not."

The right to bear arms should apply even in Chicago, whether the paranoid gun control crowd likes it or not.

And that's just the way it is.

DEMOCRATS' HEALTH CARE PLAN WILL KILL JOBS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, having run a small business, I know what it's like to meet a payroll and offer health care benefits to my employees. I know what it's like to create jobs for families struggling to make ends meet. I also understand the consequences for small businesses when Washington imposes higher taxes, new government mandates, and more red tape.

Americans know that small businesses are the engine of job creation in their communities; government is not. And more than ever before, small businesses need solutions from Washington that help create jobs and provide quality, affordable health care for their employees.

Republicans have been offering those solutions all year long: solutions like allowing small business to join together to get health insurance at lower rates—the same way that large businesses and labor unions do today; promoting wellness and expanded health savings accounts to provide additional

flexibility to small businesses; and ending junk lawsuits to lower health care costs for small businesses and all Americans.

Under the Democrats' costly government-run plan, however, health care costs are going to go up and countless small business jobs will be destroyed as a result. At the heart of the Democrats' plan is a massive tax increase which will fall most heavily on entrepreneurs that run small businesses. It also includes the harsh mandate that requires employers to provide health insurance or face a steep tax.

It will kill jobs, plain and simple.

HONORING THE SERVICE OF LANCE CORPORAL ALFONSO OCHOA, JR.

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, I rise today to honor the service of Lance Corporal Alfonso Ochoa, Jr., who was recently killed by a roadside bomb in Afghanistan.

A native of Armona, California, Alfonso joined the Marine Corps only after graduating early from Hanford High School. His enthusiasm to his country and his commitments were apparent to all who knew him. It is my hope that Alfonso's strength, valor, and pride in our Nation will serve as an example for all of us.

My thoughts are with his father and mother, as well as his wife, whom he just married 6 months ago, and go out on behalf of all Americans.

In addition, Mr. Speaker, I would also like to mention that two other servicemembers from the Central Valley recently sustained serious injuries overseas, and I wish them and their families comfort and strength during these difficult times and a speedy recovery.

Staff Sergeant Christian Hughes and Senior Airman Phillip Newlyn, both of Fresno, California, are at Walter Reed Medical Center; and I ask my colleagues to join me in honoring these soldiers, their courage, and their service to their country and wish them a smooth and speedy recovery.

THANK YOU, COMMANDER CARNEY

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, I want to praise one of my colleagues from the other side of the aisle, my shipmate in the Navy, Congressman CHRIS CARNEY.

CHRIS is a commander in the Navy and just completed 2 weeks of active duty. He served as a combat mission operations commander for the Predator and Reaper Hunter/Killer UAVs, as well as the Global Hawk.

Commander CARNEY was the first sailor to be certified as a mission commander, now with the call sign of "Big House." Over the past couple of weeks, his unit flew dozens of missions over Afghanistan and Iraq providing our troops with intel and reconnaissance. They also took out Taliban terrorists with Hellfire missiles and helped with the search and rescue of Americans.

If you see Commander Congressman CHRIS CARNEY back at work today, thank him for his service to our Nation in uniform as one of our citizen-sailors.

WHITE HOUSE ATTACKS FOX NEWS FOR TELLING TRUTH

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, with unemployment at a 26-year high, a record budget deficit, and a looming health care bill that punishes taxpayers and bankrupts the government, what is the White House doing? They are attacking Fox News for telling the truth.

The White House spokesman says that Fox News "is not a news organization." We need to fact-check the White House on whatever they say about Fox and any legislation since they are not being straight with the American people.

Separate studies by the Pew Research Center and the Center for Media and Public Affairs found that Fox News coverage is more balanced than any other network. The White House has no problem with other national news outlets because they offer biased reports and give the administration a free pass. In fact, network news programs have favored proponents of the administration's health care proposal over critics of the plan by a margin of more than 2-1, according to the Business and Media Institute.

The White House, like the national media, should let the American people make up their own minds, not try to control what they hear.

HEALTH CARE'S IMPACT ON SMALL BUSINESS

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, for generations, America's small businesses have been the engines driving our economy, and they remain one of our brightest hopes for economic recovery.

These entrepreneurs represent more than 99 percent of all businesses in the country and create more than 72 percent of the new jobs. Yet, under the guise of health care reform, Congress is set to punish these innovators by lev-

eling more than \$200 billion in new taxes. Those are taxes. The result of these new taxes will be the loss of an estimated 5.5 million jobs.

Our economy is in a precarious situation, the Federal deficit stands at \$1.42 trillion, and 263,000 jobs were lost in September alone. Why would we want to push a government takeover of health care inflicting further harm on small businesses—the very strength of our economy?

WHAT HAPPENED TO AUGUST

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, there has been a lot of discussion over Fox News, but last night I watched ABC News as they talked about the new poll put out by ABC and The Washington Post. And I scratched my head as I listened to them talk about the fact the American people now support a public option. The American people are rallying to the side of ObamaCare. And I wondered how much out of step with America would my constituents be, could all of these people who showed up at these town hall meetings be; and then I had a chance to look at the questions.

You ought to examine those questions. I mean, they put the public option in a box and tied a red ribbon around it. I might have even voted for it. And if you look at the difference in the responses of those questions as we had through this entire year, it shows there hasn't been that much of a change.

Now, I guess ABC News has joined the White House and the Democratic leadership in having us ignore August. What happened to August, Mr. Speaker? The American people spoke, and yet the leaders in this body and the White House pretended it didn't happen.

We cannot ignore the American people despite what ABC and The Washington Post may try to tell us.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 19, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, October 16, 2009 at 2:18 p.m., and said to contain a message from the President

whereby he makes a determination and certification of Haiti's compliance with HOPE II requirements under PL 110-246.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

HAITIAN HEMISPHERIC OPPORTUNITY THROUGH PARTNERSHIP ENCOURAGEMENT ACT OF 2008—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-69)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

The Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (HOPE II) (the "Act") (Public Law 110-246), amended the Caribbean Basin Economic Recovery Act (CBERA) to make certain additional products from Haiti eligible for preferential tariff treatment. Under HOPE II, these imports from Haiti will continue to be eligible for preferential treatment after October 18, 2009, if I determine and certify that Haiti has met certain eligibility criteria set out in the Act.

Since enactment of HOPE II, Haiti has issued a decree establishing an independent labor ombudsman's office, and the President of Haiti has selected a labor ombudsman following consultation with unions and industry representatives. In addition, Haiti, in cooperation with the International Labor Organization, has established a Technical Assistance Improvement and Compliance Needs Assessment and Remediation (TAICNAR) Program. Haiti has also implemented an electronic visa system that acts as a registry of Haitian producers of articles eligible for duty-free treatment and has made participation in the TAICNAR Program a condition of using this visa system.

In light of these actions and in accordance with section 213A of CBERA, as amended, I have determined and hereby certify that Haiti: (i) has implemented the requirements set forth in sections 213A(e)(2) and (e)(3); and (ii) is requiring producers of articles for which duty-free treatment may be requested under section 213A(b) to participate in the TAICNAR Program and has developed a system to ensure participation in such program by such producers, including by developing and maintaining a registry of producers.

BARACK OBAMA.
THE WHITE HOUSE, October 16, 2009.

□ 1415

COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 19, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, October 16, 2009 at 2:18 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to significant narcotics traffickers centered in Colombia first declared in Executive Order 12978 of October 21, 1995.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

CONTINUATION OF THE NATIONAL
EMERGENCY WITH RESPECT TO
SIGNIFICANT NARCOTICS TRAF-
FICKERS CENTERED IN COLOM-
BIA—MESSAGE FROM THE
PRESIDENT OF THE UNITED
STATES (H. DOC. NO. 111-70)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the emergency declared with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2009.

The circumstances that led to the declaration on October 21, 1995, of a national emergency have not been resolved. The actions of significant narcotics traffickers centered in Colombia continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States and to cause an extreme level of violence, corruption, and harm in the United States and abroad. For these reasons, I have determined

that it is necessary to maintain economic pressure on significant narcotics traffickers centered in Colombia by blocking their property and interests in property that are in the United States or within the possession or control of United States persons and by depriving them of access to the U.S. market and financial system.

BARACK OBAMA.

THE WHITE HOUSE, October 16, 2009.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to make an announcement regarding decorum in the Chamber.

The Chair must remind all Members that under clause 5 of rule XVII and the resolution adopted by the House on July 17, 1979, as implemented by Speakers under clause 2 of rule I, the standard of dress on the floor of the House is proper business attire: for gentlemen, coat and tie. The donning of a lab coat or other attire in the nature of a distinctive uniform of another occupation is not proper.

The Chair expects the cooperation of all Members in upholding this standard of decorum.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

FAIR CREDIT REPORTING ACT
AMENDMENT

Mr. ADLER of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3763) to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3763

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION FOR CERTAIN SMALL
BUSINESSES.

(a) IN GENERAL.—Section 615(e) of the Fair Credit Reporting Act (15 U.S.C. 1681m(e)) is amended by adding at the end the following new paragraphs:

“(4) EXCLUSION FOR CERTAIN BUSINESSES.—For purposes of this subsection, the term ‘creditor’ shall not include—

“(A) a health care practice with 20 or fewer employees;

“(B) an accounting practice with 20 or fewer employees;

“(C) a legal practice with 20 or fewer employees; or

“(D) any other business, if the Commission determines, following an application for exclusion by such business, that such business—

“(i) knows all of its customers or clients individually;

“(ii) only performs services in or around the residences of its customers; or

“(iii) has not experienced incidents of identity theft and identity theft is rare for businesses of that type.

“(5) LIMITATION ON EXCLUSION FOR BUSINESSES NO-LONGER ELIGIBLE.—To the extent that a business can no longer demonstrate that it meets the criteria under paragraph (4) that permitted its exclusion from the term ‘creditor’, such exclusion shall no longer apply.

“(6) DEFINITIONS.—For purposes of this subsection:

“(A) EMPLOYEE.—With respect to a business, the term ‘employee’ means any individual who works for such business and is paid either wages or a salary.

“(B) HEALTH CARE PRACTICE.—

“(i) IN GENERAL.—The term ‘health care practice’ means a business that’s primary service is providing health care via health care professionals employed by the business.

“(ii) HEALTH CARE PROFESSIONAL.—For purposes of subparagraph (A), the term ‘health care professional’ means an individual engaged in providing health care and licensed under State law, including physicians, dentists, podiatrists, chiropractors, physical therapists, occupational therapists, marriage and family therapists, optometrists, speech therapists, language therapists, hearing therapists, and veterinarians.”

(b) PROCESS FOR EXCLUSION APPLICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Trade Commission shall issue regulations, in accordance with section 553 of title 5, United States Code, that set forth the process by which a business may apply for an exclusion under section 615(e)(4)(D) of the Fair Credit Reporting Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. ADLER) and the gentleman from New York (Mr. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. ADLER of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ADLER of New Jersey. Mr. Speaker, I yield myself as much time as I may consume.

First, I want to thank Representatives MICHAEL SIMPSON from Idaho, PAUL BROWN from Georgia, particularly CHRIS LEE from New York, as well as DAN MAFFEI from New York for helping me draft this bipartisan bill to help protect small businesses from overreaching Federal regulations during these tough economic times. In addition, I would like to thank Jon

Leibowitz, chairman of the FTC, for delaying enforcement of the Red Flag Guidelines until Congress passes this commonsense fix.

American small businesses are struggling. They are often forced to comply with burdensome regulations that significantly increase their expenses. I am committed to helping small businesses, because the key to our economic recovery is tied to their ability to thrive. Today, my bill will clarify the intention of past legislation so that it isn't blindly enforced against America's small businesses.

The Federal Trade Commission went too far and went beyond the intent of Congress by considering non-financial, service-related industries to be "creditors" under the Fair and Accurate Credit Transactions Act of 2003. Its ruling would force thousands of small businesses to comply with burdensome, expensive regulations by forcing them to develop and implement an identity theft program.

My commonsense bill would exempt health care practices, law and accounting firms from the FTC's Red Flag Guidelines. In addition, it would create a system where the FTC has some flexibility to waive implementation of the regulations for other industries.

During these tough economic times, the Federal Government should not be placing burdensome regulations on small businesses. Small businesses are the backbone of New Jersey's economy, and they shouldn't be included under a random definition interpreted by a Federal bureaucracy. Failure to pass this bill today will hurt America and the hardworking, innovative entrepreneurs that manage and operate small businesses across this great country.

Again, I applaud the bipartisan way we crafted this legislation and urge the rest of my colleagues to vote in favor of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LEE of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3763, which will exempt small businesses from cumbersome government regulations regarding identity theft, and I appreciate the leadership of my friend from New Jersey.

There is no question that identity theft is a serious problem in this country. Millions of Americans every year have their credit affected by identity thieves, prompting previous Congresses to enact measures to increase awareness and education about the issue. These actions have played a significant role in decreasing the number of Americans impacted by identity theft each and every year. Additionally, a policy change enacted in 2003 required large financial institutions and creditors to

develop and implement identity theft programs to increase consumer protections.

Unfortunately, however, the Federal Trade Commission, the government body responsible for enforcing these guidelines, has gone too far in defining the intent of the law and has chosen to apply the guidelines to all businesses, large and small. While these reporting requirements are no doubt necessary for large businesses and corporations with thousands of customers, FTC has issued rules that it will soon begin to impose, forcing the same regulation requirements for small businesses as well.

Small businesses know their customers, and they have a more personal relationship with those they do business with. If not addressed by this Congress, small businesses will soon be mandated to follow these excessive requirements that will place an undue burden on them while not providing any real increase to consumer protections.

Specifically, the bill before us today will exempt accounting, legal and the health care practices with 20 or fewer employees from the reporting requirement. Importantly, it also provides FTC with the option of excluding other small businesses that know all its customers individually and perform services near where its customers live. By passing this fix today, Congress can provide the FTC a clear definition of how Congress intended the policy to be enacted and protect small businesses and their customers from unnecessary government intervention.

As a cosponsor of this important legislation, I urge its immediate adoption.

I reserve the balance of my time.

Mr. ADLER of New Jersey. I continue to reserve the balance of my time.

Mr. LEE of New York. With that, I would like to yield 3 minutes to my good friend from Georgia (Mr. BROWN).

Mr. BROWN of Georgia. Mr. Speaker, I thank my colleague, CHRIS LEE from New York, for yielding me some time.

Mr. Speaker, it is a pleasure for me to come before you today to speak in favor of this bipartisan, commonsense bill which will help so many of our small businesses in our country. In my opinion, the manner in which this legislation was crafted, with input from both sides of the aisle, with the FTC and with the various sectors that would be adversely affected if we had not acted, is the model for how this House can work to actually solve the problems facing our country.

I wish very ardently that we could get together, Republicans and Democrats alike, and find some commonsense solutions to the health care financing in this country the same way that my friend, Mr. ADLER, and the rest of the Democratic colleagues and those of us on our side came together on this. And I think that's the way that this House ought to operate.

I congratulate Mr. ADLER for what he has done and other colleagues on both sides for bringing forth this commonsense legislation. I would personally like to thank my colleagues, Mr. ADLER and Dr. SIMPSON, for their tireless efforts as we worked to put this very effective, commonsense legislation together. I also want to thank the committee staff that helped in this process.

This legislation is a very specific exemption without which it would cost so many small businesses thousands of dollars to unnecessarily implement. But it also allows the FTC the ability to exempt other businesses that aren't one of the three industries outlined in this bill. And that just makes sense, also.

When enacted, H.R. 3763 will truly reflect the original intent of the FACT Act and codify an exemption for health care providers, accounting firms and law firms that were never meant to be wrapped in this overarching Red Flag legislation.

So, again, I would like to thank Mr. ADLER, Mr. LEE and Dr. SIMPSON and each and every person who helped bring this legislation to fruition. This is the way we ought to operate. And I think it is just a great day for this Congress as we, as Democrats and Republicans, came together on this commonsense legislation.

Mr. ADLER of New Jersey. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LEE of New York. Mr. Speaker, I have no further requests for time, so I will close by encouraging my colleagues on both sides of the aisle to support this much-needed legislation that will ensure that small businesses are not encumbered with more burdensome Federal regulation and ensure that we can get this economy back and moving forward.

With that, I yield back the balance of my time.

Mr. ADLER of New Jersey. Mr. Speaker, I have no further requests for time. I yield myself as much time as I may consume.

Before I close, I would like to reiterate the importance of this bill. Many of America's economic problems are not the fault of small businesses, but they have borne the brunt of the economic downturn. My legislation, Mr. LEE's legislation, Mr. BROWN's legislation, Mr. SIMPSON's and Mr. MAFFEI's, a bipartisan piece of legislation, will prevent one more layer of Federal regulations that would add another cost on the backs of small businesses across America.

Again, I urge all Members of Congress to support this bill. I thank Mr. BROWN for his comments about the bipartisan nature of this bill. This is my and Mr. LEE's second bill together. I hope it's the second of many to try to serve the process of this House and to serve the people of our great country.

Mr. SIMPSON. Mr. Speaker, I rise today to speak in support to H.R. 3763, to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses. This bill is a bipartisan, common-sense approach to protecting our nation's small businesses from needless, burdensome government regulation. This legislation would exempt certain businesses, including health providers, from complying with the Red Flags Rule, which requires financial institutions and creditors to develop and implement a written identity theft program.

The bill recognizes that many of our nation's small businesses, particularly health providers, are not financial institutions and therefore do not present the same level of risk as financial institutions in cases of identity theft. In fact, many of these medical and dental offices were considered creditors under the rule simply because of the fact that they are willing to work with patients on developing flexible payment plans for those patients that can't afford to pay at the time of service. Thus, this rule actually appeared to discourage efforts to improve access to care for people who can't afford to pay, which runs contrary to all of Congress's efforts, on both sides of the aisle, to improve our health system.

When Congress expressed those concerns to the Federal Trade Commission (FTC), they delayed the implementation of the rule twice, in April and again in August, as they worked with providers and other small businesses in an effort to minimize the burdens of compliance and address their concerns with the program. I would like to recognize and thank the FTC for their efforts. However, as this bill demonstrates, Congress believes that entities such as health providers, accountants and others were never meant to be included in the definition of creditor. This legislation is an appropriate next step to better defining who is a creditor and protecting our small businesses from needless costs and regulations.

I would like to thank Chairman FRANK and Ranking Member BACCHUS for working with us to craft a balanced bill to address all parties' concerns. In addition, I would like to thank Congressman ADLER and Congressman BROWN—I have greatly enjoyed working with you on this legislation. In addition, I would like to thank the FTC for their willingness to work with us to address the concerns of medical providers and small businesses alike. They have been a true partner in this process, and I would like to recognize their efforts to address our concerns with this rule.

Mr. Speaker, during these difficult economic times, it is more important than ever that government push forward legislation to promote small businesses in America. In addition, we should be working with America's dentists and doctors to promote policies that improve access to care instead of burdening them with unnecessary rules and compliance measures. This legislation does exactly that.

Mr. ADLER of New Jersey. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. ADLER) that the House suspend the rules and pass the bill, H.R. 3763.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ADLER of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1430

ARMY SPECIALIST JEREMIAH PAUL MCCLEERY POST OFFICE BUILDING

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3319) to designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3319

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARMY SPECIALIST JEREMIAH PAUL MCCLEERY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, shall be known and designated as the "Army Specialist Jeremiah Paul McCleery Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Army Specialist Jeremiah Paul McCleery Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from California (Mr. MCCLINTOCK) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I now yield myself such time as I may consume.

Mr. Speaker, as chairman of the House subcommittee with jurisdiction over the United States Postal Service, I am very proud this afternoon to present H.R. 3319 for consideration. This measure, if passed, will designate the postal facility located at 440 South Gulling Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building."

Introduced by my colleague and friend Representative TOM MCCLINTOCK of California on June 23, 2009, and favorably reported out of the Oversight and Government Reform Committee on September 10, 2009, by unanimous consent, H.R. 3319 enjoys the support of the entire California House delegation.

A native of Portola, California, Army Specialist Jeremiah McCleery proudly served in support of Operation Iraqi Freedom with the United States Army's 1st Battalion, 12th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division out of Fort Hood, Texas. Regrettably, Specialist McCleery and his friend and fellow Californian, Army Specialist Jake Velloza, died on May 2 from wounds sustained after those two soldiers were shot by enemy forces in Mosul, Iraq. Specialist McCleery was just 24 years old at the time of his death.

Specialist McCleery's heroic commitment to the United States military began at the age of 4 after his father, Joe McCleery, took his young son to Twentynine Palms, California, to watch the homecoming of a unit of United States Marines returning from the 1991 Persian Gulf War. The opportunity to witness the triumphant return of those brave American soldiers prompted Specialist McCleery's lifelong desire to serve his country.

Even as a young boy, Specialist McCleery was passionate about becoming a member of America's military. As a child, he spent hours in his backyard playing the role of soldier, and soon enough he joined the Boy Scouts of America and subsequently the Civil Air Patrol.

While he intended to enlist in the United States Army following his graduation from Portola High School in 2004, Specialist McCleery delayed his enlistment after his beloved mother, Mrs. Collette McCleery, was diagnosed with cancer during his senior year. Specialist McCleery decided to stay with his family during his mother's battle with cancer, and only went on with his life's desire of enlisting in the military after his mother passed away in 2005. So, in addition to his dedication to the United States Army, Specialist McCleery will be equally remembered for his steadfast devotion to his family, especially his father, Joe, and his sister, Chastity.

Specialist McCleery enjoyed the outdoors, and specifically loved hunting, riding four-wheelers, and sport shooting with his friends, but without a doubt his favorite outdoor pastime was always fishing with his dad. Although he is no longer with us, Specialist McCleery's memory will live on with his friends and family and all those who were fortunate enough to know this great young American.

Mr. Speaker, Army Specialist Jeremiah McCleery's life stands as a shining example of the bravery and dedication of the heroic men and women who

serve our great Nation at home and abroad. I urge all my colleagues to join me in honoring this fine American soldier by designating the postal facility at 440 South Gulling Street in Portola, California, in his memory.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCLINTOCK. Mr. Speaker, I yield myself such time as I may consume.

I want to thank my colleague from Massachusetts for his tribute to Army Specialist Jeremiah Paul McCleery and to urge support of H.R. 3319 that names the United States Post Office in Portola in his memory. Miah McCleery grew up in that town, and to that town he returned as a fallen hero at the age of 24.

Let me tell you a little bit more about him. His best friend was his father, Joe. A high school friend, Josh Rogers, was asked when Jeremiah was the happiest. Josh replied, He was happiest whenever he was doing anything with his dad.

As my friend from Massachusetts said, when Jeremiah was 4 years old, his dad took him out to see the returning American soldiers from the first Gulf War; as Shakespeare said, "This story shall the good man teach his son." It was from that moment in 1991 that Jeremiah wanted, more than anything, to serve his country.

Joe and Collette moved their family to the little town of Portola in 1996, where they built their home themselves as a family. It was in Portola where Miah McCleery grew up.

If you want a sense of the character of this young man, just spend a few minutes with those who knew him. His older sister, Lynette Flanagan, tells of how Miah would take on much older boys at school—not in his own defense, but in the defense of others. She said, "He once got sent to the principal's office for getting into a fight. When my mother arrived at school, Jeremiah was not sorry for his actions. He explained with pride that he had stood up to a bully who had slapped a little girl. Jeremiah was never afraid to stand up for what he believed in, even if that would get him into trouble. It didn't matter if the bully was twice his size, he wouldn't back down."

Jeremiah was a Boy Scout, he joined the Civil Air Patrol, and he planned to enlist in the Army as soon as he graduated from Portola High School in 2004, but that year his mother, Collette, was diagnosed with cancer and he stayed there with his family until she died. In 2007, he finally enlisted. When his sister, Chastity, begged him not to go, he said that he felt that by going into the military he was protecting his family.

By all accounts, he was an exemplary soldier who commanded the friendship and respect of his colleagues. While at Fort Hood, he became close friends with another Californian, Jake Velloza,

and they shipped out to Iraq together. Before that, he had fallen in love with Amanda Harazin while stationed at Fort Hood. Amanda is known as "A-J" to her friends, but Jeremiah called her the "love of his life." They were to have been married on May 30, but on May 2, outside of Mosul, Iraq, at a combat outpost in Hammam Alil, American soldiers were attacked by two gunmen wearing Iraqi police uniforms. Two U.S. soldiers—Jeremiah McCleery and his best friend, Jake Velloza—were killed in that attack and three others were wounded. So on May 14, the day before he was supposed to return to a happy homecoming and an impending marriage, Jeremiah McCleery returned to his hometown to be buried beside his mother in Portola.

The local paper described his return with these words, which speak volumes about the community which helped to mold this American hero. They reported, "Across the Sierra Valley people lined the highway, some with their hands over their hearts as a mark of respect. In Portola, streets were lined with flag-waving citizens. Shopowners left their stores to join in, temporarily suspending business as usual."

Mr. Speaker, I wanted to share a little of what I have learned about Jeremiah McCleery because it helps to answer the question that James Michener first asked, "Where do we get such men?" Well, we get them from the heart and soul of America. We get them from good and decent families like the McCleerys. We get them from little towns like Portola, California.

Over the summer, I had the honor to visit the men and women who guard the Tomb of the Unknown Soldier at Arlington National Cemetery. The painstaking care and the meticulous precision with which these young men and women discharge their duties in withering heat and in freezing cold 24 hours a day, 365 days a year is legendary. I asked them why they did it, and one of them told me, "We do it to tell our country that we will never forget."

For that reason, I bring this bill to the House today with the unanimous support of the Portola City Council, the entire California congressional delegation, and the entire community that watched Jeremiah McCleery grow from a boy to a man and, ultimately, to return as a hero. We ask that the Congress name the local post office in honor of Army Specialist Jeremiah Paul McCleery to tell our countrymen that we will never forget, and also to express our awe and our gratitude that humanity has, within itself, a small band of brothers like Jeremiah McCleery who step forward not for treasure or profit or even to defend their own freedom, but, rather, to win the freedom of a people half a world away. And they do it because their country asks them to and because it is virtuous and noble.

We owe these men and their grieving families a debt that we can never repay, except to honor their memory and to keep their sacrifice always in mind, those who gave up everything to proclaim liberty throughout all the land and unto all the inhabitants thereof.

Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, again, I encourage our friends on both sides of the aisle to join with Mr. MCCLINTOCK in honoring Army Specialist Jeremiah McCleery through the passage of H.R. 3319.

Mr. HELLER. Mr. Speaker, I rise today to express my heartfelt support for H.R. 3319 which will designate the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building."

Jeremiah McCleery was born in Glendora, California, to parents Colette and Joe McCleery on April 5, 1985. Jeremiah grew up in a very close family and was well known for telling jokes and seeing the humor in life. He enjoyed the outdoors and spent a great deal of time fishing, camping, working on his truck, and sport shooting.

Jeremiah wanted to join the Army since he was 4 years old when his father took him to watch the triumphant return of U.S. soldiers from the 1991 Persian Gulf War. The outpouring that greeted American forces during that homecoming made a lasting impression on the young Jeremiah and set him on a path to serve his country. Since that day, he was a Boy Scout and joined the Civil Air Patrol. Later Jeremiah enlisted in the Army on June 2007. Jeremiah was assigned to the 1st Battalion, 12th Cavalry Regiment, 3rd Brigade Combat Team, 1st Cavalry Division at Ft. Hood, Texas, and was deployed to Iraq. Tragically, on May 2, 2009, Jeremiah was shot and killed at a combat outpost in Hammam Alil, Iraq, north of Baghdad. Spc. Jeremiah McCleery gave his life while defending his country in Iraq.

My family and I extended our heartfelt sympathy and condolences to Jeremiah's father who lives in Sparks, Nevada, who has suffered this deep loss. We are committed to providing full support for their needs. I also remain dedicated to fulfilling all of America's promises to those who faithfully serve our nation and to their families. Therefore, I urge all of my colleagues to support H.R. 3319, which will honor Specialist Jeremiah Paul McCleery for his sacrifice.

Mr. LYNCH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 3319.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXTENSION OF COMMERCIAL SPACE TRANSPORTATION LIABILITY REGIME

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3819) to extend the commercial space transportation liability regime.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3819

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMMERCIAL SPACE TRANSPORTATION LIABILITY REGIME EXTENSION.

Section 70113(f) of title 49, United States Code, is amended by striking "December 31, 2009," and inserting "December 31, 2012."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3819, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak in strong support of H.R. 3819, a bill to extend the current commercial space transportation liability regime.

First established by Congress as part of the Commercial Space Launch Act Amendments of 1988, the commercial space transportation risk-sharing liability and insurance regime has been extended four times since its original enactment. The current extension expires on December 31 of this year, and it is therefore important for Congress to act now so that there is sufficient time for this legislation to make its way to the President before the current authority expires.

The liability and insurance regime that would be extended by this legislation is three-tiered and was originally modeled on the Price-Anderson Act that governs liability risk-sharing under the nuclear power industry. Under the regime, commercial space launch providers licensed by the U.S. Government are required to provide

third-party liability insurance to compensate for maximum probable losses from third-party claims up to a level of \$500 million. For claims above those maximum probable losses, the U.S. Government may pay successful liability claims up to \$1.5 billion in 1989 dollars above the insurance level, subject to funds being appropriated by Congress for that purpose.

□ 1445

Finally, for successful claims above those amounts, the licensee assumes responsibility for payment.

To date, not a single dollar has had to be appropriated by the U.S. Government to pay third-party claims, but the existence of the liability risk-sharing regime has enabled the development and sustenance of a commercial space launch industry in the U.S., including the emergence of several new companies in recent years.

In addition, the regime has allowed U.S. companies to remain competitive with their international counterparts, almost all of whose governments provide similar or more generous risk-sharing liability regimes to that of the U.S.

I should note that, in the Commercial Space Launch Amendments Act of 2004, we directed that there be an independent review of the current risk-sharing regime to see whether or not it was working and whether it needed to be continued or passed, and that review was completed in 2006. I think a number of the review's findings bear mentioning; and, therefore, I will quote a couple of those.

First of all: "Private liability insurance capacity remains fragile and far below what would be needed to compensate for government indemnification if it were eliminated."

Secondly: "Foreign competition has increased, and all credible international competitors have risk-sharing schemes rivaling or surpassing that of the U.S."

Finally: "The current regime has become the industry standard. Its elimination could send the wrong signal to international customers and competitors and would be a negative factor in the competition for global launch business."

In sum, the commercial space transportation liability and insurance regime has worked. It has not cost the American taxpayers a single dollar in claims payments to date. It has strengthened U.S. competitiveness in commercial space launch, and it is not a blank check, since any potential claims payments must be subject to prior congressional appropriation. The bill before us today extends the liability risk-sharing regime for a period of 3 years.

As Members may know, there currently is debate on the potential role to be played by would-be commercial

providers of crew transportation to the international space station. At present, no such commercial crew transportation systems exist. Before a meaningful decision can be made on the potential role of commercially provided crew transportation in meeting governmental needs, important policy and safety issues will have to be addressed.

The most optimistic projections of the would-be commercial providers are that it will be at least 3 years before such crew transportation systems could be developed, and many independent observers argue it will be longer than that. Therefore, the duration of the extension contained in this bill is limited so as not to prejudge the outcome of the deliberations on those policy and safety issues or to take a position on the role to be played by commercial crew transportation systems.

So, Mr. Speaker, in closing, I would like to thank Ranking Member RALPH HALL, Space and Aeronautics Chairwoman GABRIELLE GIFFORDS, and subcommittee Ranking Member PETE OLSON for cosponsoring this important legislation. I want to extend my thanks to Dick Obermann, who is the staff director for our subcommittee, and his very good team.

This is a good bipartisan bill, and I urge Members to support it.

I reserve the balance of my time.

Mr. EHLERS. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3819, extending the current commercial space transportation liability regime through the end of 2012.

The economic competitiveness of the U.S. commercial launch industry is vital to our national interests. Domestic commercial launch services are an integral part of our Nation's infrastructure and high-technology economy. Commercial launch services are used to launch a variety of U.S. civil and national security payloads, including communications, weather, remote sensing, GPS, and other systems. We can scarcely imagine a society today which does not need to have those particular devices available.

The current commercial space launch indemnification regime has been in place since 1988 and has been renewed four times. It has helped protect U.S. commercial launch providers against catastrophic third-party liability when conducting FAA-licensed launch activities. Since its inception, there has never been a loss that would trigger this regime, and Congress has never had to appropriate any funds.

By ensuring adequate liability coverage, this system has strengthened U.S. competitiveness in a global space launch market, and it has enabled private-sector investment to develop new entries into the market. In other words, this regime has worked well by not being used. It has cost nothing, and

it has given our space enterprises a big boost.

Over the last 20 years, competition from foreign launch providers, including China, France, India, and Russia, has grown significantly. At the same time, the overall number of launch opportunities has decreased. The commercial space transportation liability regime enables U.S. launch providers to operate without "betting the company" with every launch. In a competitive market with narrow returns, this has been a vital link in strengthening this vital industry.

I join with the Chair of the Science Committee in urging my colleagues to support the U.S. commercial launch industry and to vote for H.R. 3819.

I have no other speakers, so I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise before you today in support of House Resolution 3819 "to extend the commercial space transportation liability regime." Extending this liability regime will ensure that commercial launches can continue to take place.

This indemnification regime has been in place since 1988 and has been renewed four times. It is an important element in maintaining the economic competitiveness of the domestic U.S. commercial launch services industry. The regime helps protect against catastrophic third-party liability claims when conducting Federal Aviation Administration (FAA)-licensed launch activities.

We are aware of the importance of the technological advances and services provided to the citizens of our nation as a result of the commercial launch industry—many of these services we all utilize on a daily basis. Allowing for these types of technologies to grow, prosper, and become more efficient and effective is an initiative that we want to continue. Ensuring progress in the commercial space industry by extending the current insurance indemnification regime will directly improve those initiatives.

As the Member of Congress representing Texas' 18th Congressional District in Houston, near NASA's Johnson Space Center, laws related to space programs and the commercial space industry are near and dear to me and my constituents. Laws relating to commercial space transportation provide tools to further the goals that were outlined in the Augustine Commission to chart our next steps into space. This industry provides jobs and keeps U.S.-based companies and technologies competitive in a global market. It is extremely important that we support the furtherance of this industry and the technological services it provides.

With soaring deficits facing our states and the looming costs of health care reform and energy reform before the nation, tough choices have been made. Surely, some argue that we cannot afford to gamble further money in space based initiatives.

Yet others, like me and my constituents realize the benefits of ensuring the continuance of the commercial launch industry, which we see as an investment, not a gamble. In the past, such investments paved the way for new innovations in agriculture, architecture, media

technology, and even health care. The pace maker is just one of the many life saving technologies that have resulted from that same small step. This mastery of "rocket science" is what placed our nation in the driver's seat of technology and economics.

We must also not forget that America's leadership in space plays an important role in our nation's national security. We have already seen the preeminent role that space based technology plays in modern warfare and intelligence gathering.

Mr. GORDON of Tennessee. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and pass the bill, H.R. 3819.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL CHEMISTRY WEEK

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 793) supporting the goals and ideals of National Chemistry Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 793

Whereas chemistry is a vitally important field of science and technology that has transformed the world and improved the quality of life around the globe;

Whereas the chemical sciences have created an infrastructure that delivers the foods, fuels, medicines, and materials that are the hallmarks of modern life;

Whereas the contributions of chemical scientists and engineers are central to technological progress and to the health of many industries, including the chemical, pharmaceutical, electronics, agricultural, automotive, and aerospace industries, and these contributions boost economic growth, create new jobs, and improve health and standards of living;

Whereas, in order to foster the innovation that will ensure the Nation's global competitiveness, schools must cultivate the finest scientists, engineers, and technicians from every background and neighborhood, with a particular focus on increasing access to science, technology, engineering, and math education for Latinos, African-Americans, women, and other underrepresented students in these fields;

Whereas National Chemistry Week was established in 1987 by the American Chemical Society, the world's largest scientific society, to enhance public appreciation of the chemical sciences and to educate the public, particularly school-age children, about the important role of chemistry in everyday life;

Whereas 2009 marks the 140th anniversary of Dmitri Mendeleev's creation of the Periodic Table of the Elements;

Whereas the theme of National Chemistry Week in 2009, "Chemistry—It's Elemental",

was chosen to raise public awareness about the importance of chemistry and the chemical sciences by emphasizing that the elements, forming the basis of the universe, play an integral role in daily life;

Whereas many common elements, such as copper in electrical wires, neon in lights, sodium in table salt, and aluminum in soda cans, are tangibly present in everyday life;

Whereas more than 10,000 volunteers from industry, government, and academia will observe National Chemistry Week during the week of October 18, 2009, by conducting hands-on science activities with millions of children in local schools, libraries, and museums; and

Whereas National Chemistry Week volunteers will help provide resources to science educators across the country, promote community events for recycling common elemental items such as aluminum cans, encourage students to explore creative representations of the elements in the Periodic Table, and generally act as "chemistry ambassadors" who emphasize the importance and contributions of chemistry to daily life: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes that the contributions of chemical scientists and engineers have created new jobs, boosted economic growth, and improved the Nation's health and standard of living;

(2) supports the goals and ideals of National Chemistry Week; and

(3) encourages the people of the United States to observe National Chemistry Week with appropriate recognition, activities, and programs to demonstrate the importance of chemistry to everyday life.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 793, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Res. 793, a resolution recognizing the importance of chemistry and honoring National Chemistry Week.

I want to commend the gentleman from Texas (Mr. REYES) for introducing this resolution.

The importance of chemistry and chemical engineering in our lives cannot be overstated. These disciplines contribute to public health by helping to keep our water clean and our food pure. They contribute to advances in medicine through new biomaterials, drug design and drug delivery techniques. They help make cleaner and

more efficient energy technologies possible, and they help keep toxins out of our homes and out of our natural environment through the development of green chemicals and materials.

In short, chemistry and chemical engineering contribute in immeasurable ways to the economic strength, security, and well-being of our Nation and all its citizens. For this reason, it is important to get young people excited about chemistry and interested in pursuing careers in chemistry and in the sciences in general. National Chemistry Week plays a great role in this effort.

National Chemistry Week activities are carried out by local sections of the American Chemical Society located in all parts of our Nation. It is estimated that over 10,000 volunteers from industry, government, and academia will participate in National Chemistry Week activities this year.

They will be working to design hands-on activities, to provide demonstrations and to develop exhibits. Through these activities, they will help stimulate the interest of young people in chemistry and in pursuing careers in science and technology.

So, Mr. Speaker, I congratulate the American Chemical Society for its efforts to establish and to sustain National Chemistry Week.

Once again, I thank Mr. REYES and his cosponsors for introducing this resolution, and I urge my colleagues to join me in recognizing the importance of chemistry in our daily lives and the positive impact of National Chemistry Week by supporting H. Res. 793.

I reserve the balance of my time.

Mr. EHLERS. I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H. Res. 793, supporting the goals and ideals of National Chemistry Week.

This year marks the 21st anniversary of National Chemistry Week. It is a concept that was first introduced in 1987 by the American Chemical Society, the world's largest scientific society and one of the premier scientific societies in our Nation. Over the past 20 years, this annual event has proven to be a great success, and it will continue this week with various events, celebrating the impact chemistry has made on our society from the very beginning.

Designed to reach out to the public, especially elementary and secondary schoolchildren, the National Chemistry Week program will emphasize the importance of chemistry in everyday life with this year's theme, "Chemistry—It's Elemental," which will celebrate the Periodic Table of Elements. Created 140 years ago this year by Dmitri Mendeleev, the Periodic Table of Elements articulates the very basis of the universe, and it consists of common elements used in our everyday lives as well as some fairly exotic elements

which are rarely used in our everyday lives.

Activities for the week will highlight the history of elements, the roles elements play in everyday life, the common and not-so-common uses of elements, and the history of the periodic table. This week is a wonderful opportunity for the public to engage in various events designed to increase the knowledge and awareness of chemistry's everyday effects.

More than 10,000 volunteers from local areas, businesses and schools will unite this week to educate millions of children across the country. I am proud to be a cosponsor of this resolution, and I urge my colleagues to join me in honoring all those who are volunteering their time and who are promoting these various activities through National Chemistry Week.

I would just like to add a few personal observations of things that I've encountered during my lifetime as a scientist. I'm a physicist, not a chemist; but I have learned some chemistry. I remember speaking to a group about environmental issues sometime back, and a lady came up to me afterwards, and was very concerned—actually, I would say distressed.

She said, I'm terribly concerned about all these chemicals today and what's happening to us and what it's doing to us and our bodies.

I said, Well, that's certainly something to be concerned about. Do you have any chemicals specifically that you're worried about?

She said, No, no. All of them.

So I asked her if she liked to eat oranges. She said, Oh, yes, I love oranges.

I said, In spite of the fact that they're filled with chemicals?

She said she didn't know they were filled with chemicals.

I said, Well, yes, things like vitamin C and lots of other foods and chemicals that are very useful to your body.

The point that I made to her is that the question is not so much the chemicals; it's which chemicals. We have to recognize which are bad chemicals for individuals to ingest or to breathe and which ones are very good for us and are, in fact, very healthy. That's the point of what the Chemical Society is trying to develop here, that chemistry is an integral part of life. It is not bad in and of itself. In fact, it can be good in and of itself, but we should be aware as legislators and as scientists of the many great things that we have developed using chemistry which have improved living for people in this Nation and in other nations throughout the world.

So let's all join in this particular effort. Let's recognize the tremendous strides we have taken forward thanks to chemistry and, for that matter, physics and other sciences. Let's recognize that these are, by and large, good for the people and good for the Nation.

Let's all join in this great event which recognizes what the American Chemical Society and chemists in general have done for the past few years.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 5 minutes to my friend, the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Thank you, Chairman BART GORDON from Tennessee, for yielding time.

Mr. Speaker, I rise today to support H. Res. 793, a resolution recognizing the week of October 18 as National Chemistry Week.

I want to thank Congressman SILVESTRE REYES, co-Chair of the Diversity and Innovation Caucus, for sponsoring this resolution.

The American Chemical Society, the world's largest scientific society, established National Chemistry Week in 1987 to help educate the public, particularly school-aged children, about the important role of the chemical sciences and their significant contributions to our quality of life.

□ 1500

This year, more than 10,000 National Chemistry Week volunteers, from both the public and private sectors, will help educate millions of children about the practical applications of chemistry by engaging them through stimulating hands-on science activities in local schools, in libraries and museums around the whole country.

During this year's observance of National Chemistry Week, students and chemistry professionals will celebrate the theme "Chemistry—It's Elemental." This theme recognizes the 140th anniversary of Dmitri Mendeleev's creation of the periodic table of the elements. The elements are the basis of the universe and of life on Earth, composing the graphite in pencils, the tungsten in light bulbs and in neon lights, the copper for cooling applications and the sodium in table salt, almost everything we encounter in our day-to-day activities.

The promotion of STEM education and the advancement of minorities in the STEM areas have become increasingly important in my congressional district and across the Nation.

Mr. Speaker, just last month, the University of Texas-Pan American in Edinburg, Texas, held its eighth annual Hispanic Engineering Science and Technology Conference to promote the importance of science literacy to thousands of students, parents and teachers. It was a big success.

HESTEC was created to address the shortage of scientists and engineers in our country. This year, the event drew more than 400,000 participants in deep south Texas. Since its inception in 2002, the university has created an exceptional pipeline of Hispanic scientists and engineers.

As chairman of the Subcommittee on Higher Education, Lifelong Learning, and Competitiveness, I am proud to say that in the past 2 years, Congress has expanded educational opportunities in STEM education, particularly for women and minority students, and authorized programs to recruit highly qualified teachers to high-need school districts in the STEM areas with the passage of the College Cost Reduction and Access Act in 2007, as well as the passage of the Higher Education Opportunity Act in 2008.

This legislation made historic investments in higher education to strengthen STEM education and create a new generation of minority workers in STEM fields. As you know, the House passed H.R. 3221, the Student Aid and Fiscal Responsibility Act, last month to increase affordability and accessibility in higher education.

If the House-passed bill is signed into law, this legislation will provide \$2.5 billion over a 10-year period to strengthen minority-serving institutions in STEM areas and ensure that the students they serve graduate and become the engineers and scientists our country desperately needs.

National Chemistry Week highlights the importance of chemistry and the natural sciences to our students. It's critical that our schools continue to cultivate exceptional scientists, engineers and technicians from every background to help strengthen our Nation's competitiveness and to promote scientific discovery and innovation in the 21st century.

The SPEAKER pro tempore (Mr. GRIFFITH). The time of the gentleman has expired.

Mr. GORDON of Tennessee. I yield the gentleman an additional 30 seconds.

Mr. HINOJOSA. I want to thank Chairman REYES from El Paso for introducing this resolution, H. Res. 793, and I thank Chairman GORDON for bringing it to the floor.

Mr. Speaker, National Chemistry Week is critically important in promoting STEM issues in our schools and in preparing our students to pursue careers in STEM. I urge my colleagues to pass this bill.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

First of all I want to commend the previous speaker, the gentleman from Texas (Mr. HINOJOSA). We work together on the Education Committee, and I have always admired his deep interest in science and his desire to make science available to and comprehensible to everyone in this Nation, including those who have not had the opportunity to study it in elementary or high school.

I commend him for his deep interest. Whenever I have needed help on this issue of science and science education, Mr. HINOJOSA has jumped into the fray

with me, so I want to take a minute to commend him on that.

I also want to commend the Chair of the Science Committee, who has also been very helpful in these efforts. As most Members know, I was a professor for many years, a professor of physics. I taught every course at the college level, from the simplest to the most complicated. I have never lost my love for teaching, and particularly my effort to improve science education in the elementary and secondary schools.

Mr. HINOJOSA pointed out that if we do not produce a generation of scientists out of those students who are currently in elementary and secondary school, our Nation in the future will suffer because of that. On the next topic which will be coming to the floor, I will say more about that.

It's absolutely essential that we recognize how important it is for our students to learn these subjects. Parents must realize that. I always tell the students, if you really want to make certain you have a job after you get out of college, study science. You may end up in medicine, as the Speaker pro tempore has, or you may end up in other fields. But it's quite likely you are not going to get as good a job if you don't bother to learn science. This is just the nature of the world today.

Mr. REYES. Mr. Speaker, I rise today in support of H. Res. 793, a resolution I introduced to recognize the week of October 18th as National Chemistry Week.

The American Chemical Society, the world's largest scientific society, established National Chemistry Week in 1987 to educate the public, particularly school age children, about the important role of the chemical sciences and their significant contributions to our quality of life.

This year, more than 10,000 National Chemistry Week volunteers from both the public and private sectors will help educate millions of children about the practical applications of chemistry by engaging them through stimulating hands-on science activities in local schools, libraries, and museums around the country.

During this year's observance of National Chemistry Week, students and chemistry professionals will celebrate the theme "Chemistry—It's Elemental!" This theme was chosen to emphasize the 140th anniversary of Dmitri Mendeleev's creation of the Periodic Table of the Elements. The elements are the basis of the universe and of life on Earth, composing graphite in pencils; tungsten in light bulbs and neon lights; copper for cooling applications; and sodium in table salt—almost everything we encounter in our day-to-day activities.

Local El Paso college students are doing their part to promote chemistry in our community by coordinating the Chemistry Circus. Sponsored by the Department of Chemistry at the University of Texas at El Paso and performed by the American Chemical Society Student Affiliates, the Chemistry Circus incorporates short vignettes that explore many fundamental concepts of chemical science. The performances are presented throughout the

school year to K–12 audiences—and adults—emphasizing Texas science academic standards.

The promotion of student advancement and success in the STEM fields is one of my highest priorities. In 2008, I founded the Diversity and Innovation Caucus with five of my colleagues in the House of Representatives in order to generate policy ideas for increasing the participation of underrepresented groups in the fields of Science, Technology, Engineering, and Mathematics, articulate the importance of pro-STEM and pro-innovation policies for underrepresented groups in STEM fields, and communicate the importance of promoting diversity in STEM for the achievement of America's innovation and competitiveness goals.

Over the past year, I am proud to say that the caucus has produced key legislative initiatives that promote the recruitment of highly-qualified teachers to high-need school districts, the development of laboratory facilities at less privileged schools, and the recruitment of minority students to the STEM fields through the reauthorization of the Higher Education Act.

Emphasizing the importance of chemistry and the natural sciences to our students is essential to ensure that our schools continue to cultivate the finest scientists, engineers, and technicians from every background. Educating our children about the importance of chemistry and the natural sciences will help strengthen our nation's economic competitiveness and foster American ingenuity and innovation in the years ahead.

Mr. Speaker, National Chemistry Week is a vital component in the effort to promote STEM issues in our schools. I therefore urge my colleagues to support this effort through the passage of this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of House Resolution 793 to support the goals and ideals of National Chemistry Week.

This year, National Chemistry Week takes place on October 18–24 and is a community-based annual event that unites local sections of the American Chemical Society, schools, businesses, and individuals to communicate the importance of chemistry in our daily life. This year marks the 22nd Anniversary of National Chemistry Week, and events and demonstrations will take place across the country to engage students of all ages. This year's theme, "Chemistry—It's Elemental," emphasizes the important role of elements in everyday life and celebrates the 140th anniversary of Dmitri Mendeleev's creation of the Periodic Table of Elements.

I have been a strong supporter of the Science, Technology, Engineering, and Mathematics (STEM) fields and have long encouraged students and teachers to hold STEM education in higher regard. It is well documented that science and math skills are becoming increasingly important to the U.S. workforce, and with the creation of a new, competitive, and complex global economy, we must ensure that we are educating the next generation of STEM professionals. Innovation is a product of a sound knowledge in math, science, and engineering, and without this understanding, our ability to be innovative will

decrease along with our ability to be competitive.

For this reason, I believe it is incredibly important to recognize the goals of National Chemistry Week to increase our understanding, and our students' understanding, of the chemical sciences. I applaud the American Chemistry Society's efforts in this regard and encourage my colleagues to join me in supporting House Resolution 793 for our students and the future of our economy.

Mr. HOLT. Mr. Speaker, I rise today in strong support of H. Res. 793, supporting the goals and ideals of National Chemistry Week. I commend the gentleman from Texas, Mr. REYES, for his continued support of this important celebration of chemistry.

This year marks the 22nd anniversary of National Chemistry Week, which is sponsored by the American Chemical Society. The event features outreach programs created by schools and businesses to educate communities and schoolchildren on the importance of chemistry in their everyday lives. The theme of this year's National Chemistry Week is "Chemistry—It's Elemental," which emphasizes the role that elements play in every aspect of our lives, from the air we breathe to the cars we drive to the food we eat.

I applaud the ACS for their commitment to chemistry education at the elementary and secondary level. To maintain our nation's role as a leader in innovation in an increasingly globalized world, our young people will need to excel in the fields of science, technology, engineering, and mathematics. Training a new generation of chemists will also be essential for solving the world's most pressing issues, from fighting global warming to discovering vaccines for emerging diseases. This is why I am pleased that this year's event includes a national chemistry competition, the distribution of 10,000 Merck Indexes to science educators, and a website with biographies of chemists and online activities to inspire students to choose a career path in chemistry.

As important as this resolution is though, we need to do more in Congress right now to improve STEM education. A recent National Assessment of Education Progress showed that, for the first time since 1980, 4th graders made no progress in math performance between 2007 and 2009. Study after study highlights the need to strengthen math and science education so that our nation's students do not continue to lag behind others in developing the skills critical for global competitiveness.

Again, I commend Mr. REYES and the ACS for their commitment to promoting a greater understanding of chemistry, and I urge my colleagues to join me in supporting this important resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 793, "Supporting the goals and ideals of National Chemistry Week." I support this resolution because success in science is of the utmost importance for the future of our youth and our nation.

In order to keep America as a leader in science we need to focus on the success of our youth by emphasizing achievement in all academic endeavors. Letting our students fall behind those of the rest of the world is a mistake we cannot afford.

Chemistry is a field of science and technology that has transformed the world and will

vastly improve the quality of life around the globe. Chemical sciences create an infrastructure that delivers the foods, fuels, medicines, and materials that are the hallmark of modern life. Chemical scientists and engineers are essential to technological progress and to the health of many industries, including the chemical, pharmaceutical, electronics, agricultural, automotive, and aerospace industries. The contributions of chemists boost economic growth, create new jobs, and improve health and standards of living. My home district, Texas' 18th District and other parts of Houston are the hub for many of these industries, namely NASA, the Medical Center, and the Port of Houston.

In order to foster the innovation that America needs to ensure global competitiveness, our schools must cultivate the finest scientists, engineers, and technicians from every background and neighborhood. We must strive to focus on increasing access to science, technology, engineering, and math education for Latinos, African-Americans, women, and other underrepresented students in these fields.

National Chemistry Week was established in 1987 by the American Chemical Society, the world's largest scientific society, to enhance the public's appreciation of the chemical sciences and also to educate the public. 2009 also marks the 140th anniversary of Dmitri Mendeleev's creation of the Periodic Table of the Elements, one of the greatest achievements in scientific history. The theme of National Chemistry Week this year is, "Chemistry—It's Elemental", which was chosen to raise public awareness about the importance of chemistry and the chemical sciences by emphasizing that the elements, forming the basis of the universe, play an integral role in daily life. There are many common elements, such as copper in electrical wires, neon in lights, sodium in table salt, and aluminum in soda cans, that are tangibly present in everyday life.

This year, it is anticipated that more than 10,000 volunteers from industry, government, and academia will observe National Chemistry Week during the week of October 18, 2009, by conducting hands-on science activities with millions of children in local schools, libraries, and museums. National Chemistry Week encourages volunteers to provide resources to science educators across the country, promote community events for recycling common elemental items such as aluminum cans, encourage students to explore creative representations of the elements in the Periodic Table, and generally act as "chemistry ambassadors" who emphasize the importance and contributions of chemistry to daily life.

Mr. EHLERS. Mr. Speaker, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, in conclusion, let me thank Dr. EHLERS for bringing both his real-world experience to the Science Committee, as well as his passion for the work that we do there. He makes us a better committee.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 793.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING COMPUTER SCIENCE AND COMPUTING CAREERS AMONG THE PUBLIC AND IN SCHOOLS

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 558) supporting the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and to ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 558

Whereas computing technology has become an integral part of culture and is transforming how people interact with each other and the world around them;

Whereas computer science is transforming industry, creating new fields of commerce, driving innovation in all fields of science, and bolstering productivity in established economic sectors;

Whereas the field of computer science underpins the information technology sector of our economy, which is a significant contributor to United States economic output;

Whereas the information technology sector is uniquely positioned to help with economic recovery through the research and development of new innovations;

Whereas National Computer Science Education Week can inform students, teachers, parents, and the general public about the crucial role that computer science plays in transforming our society and how computer science enables innovation in all science, technology, engineering, and mathematics disciplines and creates economic opportunities;

Whereas providing students the chance to participate in high-quality computer science activities, including through science scholarships, exposes them to the rich opportunities the field offers and provides critical thinking skills that will serve them throughout their lives;

Whereas all students deserve a thorough preparation in science, technology, engineering, and mathematics education, including access to the qualified teachers, technology, and age-appropriate curriculum needed to learn computer science at the elementary and secondary levels of education;

Whereas these subjects provide the critical foundation to master the skills demanded by our 21st century workforce;

Whereas computer science education has challenges to address, including distinguishing computer science from technology literacy and providing adequate professional development for computer science teachers;

Whereas the field of computer science has significant equity barriers to address, including attracting more participation by females and underrepresented minorities to all levels and branches;

Whereas Grace Murray Hopper, one of the first females in the field of computer science, engineered new programming languages and pioneered standards for computer systems which laid the foundation for many advancements in computer science; and

Whereas the week of December 7, in honor of Grace Hopper's birthday, is designated as "National Computer Science Education Week"; Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Computer Science Education Week;

(2) encourages schools, teachers, researchers, universities, and policymakers to identify mechanisms for teachers to receive cutting edge professional development to provide sustainable learning experiences in computer science at all educational levels and encourage students to be exposed to computer science concepts;

(3) encourages opportunities, including through existing programs, for females and underrepresented minorities in computer science; and

(4) supports research in computer science to address what would motivate increased participation in this field.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 558, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased that the House is considering H. Res. 558. I would like to thank my good friend from Michigan, Dr. VERN EHLERS, for his leadership on STEM education generally and for his resolution highlighting computer science education. I would also like to thank the gentleman from Colorado (Mr. POLIS) for his work on the resolution.

Today's world is run by computers. From communications, to finance, to transportation and national defense, almost every facet of the modern world is tied to computers.

As we move forward in the 21st century, the country that leads in innovation in the computing and IT fields will very likely lead in productivity and economic growth. If we want America to be the leader, it is vitally important that we train the next generation of IT

and computing professionals to provide this spark to our economy.

This resolution recognizes the importance of computer science education to our country, and encourages increased efforts and participation in this field. I want to highlight the attention this resolution pays to the important issue of increasing the involvement of women and underrepresented minorities in the computer science field.

If we want to be truly successful in our efforts to maintain an innovative economy, we need everyone in our country involved in the effort. This is true across the STEM fields, where the problem of underrepresentation of certain groups persists.

I want to once again thank Dr. EHLERS and Mr. POLIS for introducing this resolution, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I rise in support of H. Res. 558, supporting computer science and the designation of National Computer Science Education Week, and I yield myself so much time as I may consume.

The purpose of this particular resolution is multifold. One, it's to recognize the importance of computer science and computer science education. Secondly, it is to recognize that we are falling behind as a nation in the number of computer scientists that we graduate. I had no idea of this until last year when I was visited by one of my constituents. The purpose of this resolution is also to honor that constituent, as well as Dr. Grace Hopper.

The constituent who took the time to visit me was Professor Joel Adams. He is the Chair of the Computer Science Department at Calvin College, a stellar liberal arts college located in my district in Grand Rapids, Michigan. He pointed out to me something that I was totally unaware of, even though I thought I kept up with all the problems in science. He told me he was very concerned about the small number of computer scientists that we are graduating, and was particularly concerned about the lack of students entering into computer science, either taking computer science courses in high school or majoring in computer sciences in their college or university careers.

Without the students enrolling in this field we are, of course, going to have a shortage of individuals in the future to develop computer science theory and practice in the United States of America. Therefore, I commend Professor Adams for bringing this to my attention. I also will commend in a few moments Dr. Hopper, who has been very effective in bringing computer science down to the level of elementary students.

I am very pleased today that we are considering this resolution, which turns our attention to the issue of

computer science education. As you know, I have spent much time in Congress fighting for research in education, particularly education in the areas of science, technology, engineering, mathematics, all of which are collectively called STEM.

I believe these STEM subjects hold special promise for the future of our Nation, and that it is very critical that all of our Nation's students receive a foundation in STEM. This helps develop well-rounded citizens and also may prepare some students to become the innovators of tomorrow.

As a former teacher, I always enjoy speaking to students in high schools, and I always have a little bit of fun with them, too, because high school students, out of custom, I think, tend not to want to study too hard and tend not to want to study too much science. Some people would say those go hand in hand.

But I always remind them of one thing. I ask them a question, first of all, who is the richest person in the world? Well, they all know that. Bill Gates.

How did he start out? Computer science.

Is he a nerd? No, he's not a nerd.

I said, Yes, he is. I know him personally, and he is a nerd of the first order. I say it's very important what courses you take in high school, because I can tell you one thing. When you get out and start looking for a job, you either are going to be a nerd or you are going to work for a nerd. Now which would you rather do?

Of course at that point they say, Well, I guess I'd rather be a nerd.

At any rate, somehow we have to reach the high school students and make them recognize that these issues are very important to their future.

□ 1515

It is very nice to have acronyms to catch these general areas, as we do in talking about STEM education, but the lines between these disciplines blur quickly when you step into the classroom and into the real world. One of the areas where we are facing a really unique challenge is in computer science.

It is very important that students in K-12 are exposed to computer science, and we have a shortage of teachers in high schools who are able to teach it in a meaningful way. Many students do not get a chance to learn about it in school, and even when they have a chance, they may not learn it as well as they should. The lack of understanding of computer science and how it fuels innovation in STEM disciplines contributes to a lack of interest in computing careers, especially among women and underrepresented minorities, whose participation rates in computer science are among the lowest of any scientific field.

By introducing students to computer science at an early age and providing them with learning experience in computer science at all educational levels, we can reverse this trend and expand and diversify our technology workforce.

Computing technology and the innovation it yields are transforming our world and are critical to our global competitiveness, particularly our economic competitiveness. However, we are not preparing an adequate and diverse workforce to meet the ever-growing demand for the information technology sector, which includes some of the country's most innovative and successful companies.

A 2009 Computer Science Teachers Association study shows that even in schools which employ computer science teachers, only a little more than half of the schools offer introductory courses in computer science, and the number of course offerings are declining. Given the enormous importance of these skills, we need to understand how to attract more students to these courses early in their education.

To raise awareness about the challenges facing computer science education, the resolution before us today designates National Computer Science Education Week. The week of December 7 has been chosen to honor the birthday of Grace Murray Hopper, one of the first female computer scientists.

Dr. Hopper is best known for her 1953 invention of the compiler, the intermediate computer language that translates English language instructions into computer language. She came up with the compiler, she said, because she was "lazy" and hoped that "the programmer may return to being a mathematician." Her work on compilers and getting machines to understand language instructions ultimately resulted in the COBOL business language.

I can say from personal experience I deeply appreciate the work she did, because when I first started using computers in 1957, I was writing programs in assembly language. It is just one step above the computer language itself. It was laborious, painstaking work to try to get the computer to understand what I was trying to do. Today, of course, we program in English or some other language and are able to accomplish much more as a result.

A mathematician by training, Dr. Hopper taught mathematics, served in the military, and held a vast variety of positions throughout her life in both the public and private sector. Her pioneering work, particularly in computer languages, underpins many of the tools used in today's digital computing.

I would like to share a quick anecdote about Dr. Hopper, as recounted by Merry Maisel of the San Diego Supercomputer Center.

"Most of us remember seeing Rear Admiral Grace Murray Hopper on television. We recall a charming, tiny white-haired lady in a Navy uniform with a lot of braid, admonishing a class of young naval officers to remember their nanoseconds. The 'nanoseconds' she handed out were lengths of wire, cut to not quite 12 inches in length, equal to the distance traveled by electromagnetic waves along the wire in the space of a nanosecond—one billionth of a second. In teaching efficient programming methods, Rear Admiral Hopper wanted to make sure her students "would not waste nanoseconds," and we are talking about the nanoseconds of computer operation.

"Occasionally, to make the demonstration even more powerful, she would bring to class an entire 'microsecond,' a coil of wire nearly 1,000 feet long that the rear admiral, herself tough and wiry, would brandish with a sweeping gesture and a steady wrist."

Dr. Hopper passed away in 1992. I am glad to honor her legacy with the designation of National Computer Science Education Week, as I also honor Professor Adams for calling to my attention the current shortfall in computer scientists.

This resolution also promotes cutting-edge professional development for teachers in order to encourage students to be exposed to computer science concepts and support researching ways to increase participation in this field. Without professional development, we will not train and retrain the necessary workforce to provide the education students need in computer science.

I hope my colleagues will join me today in recognizing the importance of computer science education and honoring the memory of Grace Murray Hopper. I would particularly like to thank my distinguished colleague from Colorado, Mr. POLIS, for his early and steadfast support for this resolution and his work on it.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I want to thank Dr. EHLERS for standing up for us nerds of America, as he does so well.

I yield 5 minutes to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Speaker, in today's knowledge-based economy, technological breakthroughs and innovations are the keys to economic growth and prosperity. As a former Internet entrepreneur myself, I know firsthand how computer technology is transforming people's lives throughout the world and represents a critical strategy for ensuring our Nation's global competitiveness.

The applications of computing innovations are present in every aspect of our lives and are fueling major changes in our society, from communications, to education, to health care, to de-

fense, to how we interact with each other every day and conduct our transactions.

To maintain America's leadership and ensure that we remain at the forefront of cutting-edge technology advancements, we need to prepare and train a highly skilled and diverse workforce that can effectively meet the needs of the information technology sector, which includes some of the country's most innovative and successful companies.

In my Second Congressional District alone, we have IBM, Google, Qualcomm, Sun and Avaya. A forthcoming report by the National Center for Women & Information Technology, NCWIT, based at the University of Colorado at Boulder, clearly demonstrates the ever-growing demand.

Computing professions rank among the top 10 fastest-growing professions. By 2016, there will be more than 1.5 million computer specialist jobs available. And yet the talent pool shrinks as the industry is failing to attract and retain an ample and diverse technology workforce. If current trends continue, the IT industry will only be able to fill half of its available jobs. By 2016, U.S. universities will produce only half of the computer science bachelor's degrees that are needed.

Obviously, this shortage requires a bold vision for, and major investments in, education. And while such an effort should permeate the entire spectrum of lifelong learning, the K-12 school system represents the most important area to provide students with a solid grounding in computer science and spark their interest in rewarding careers in information technology.

But, unfortunately, too many students don't get a chance to learn about computer science in schools today, especially women and underrepresented minorities, whose participation rates in computer science are among the lowest in any scientific field.

Consider these facts. High school girls represent only 17 percent of computer science advanced placement test takers. Only 18 percent of computer and information science degrees were awarded to women in 2008, down from 37 percent in 1985. While women comprise almost half of the workforce, they hold less than a quarter of our Nation's IT-related professional jobs, down from 36 percent in 1991. Finally, only about 10 percent of the 2005 computer and information science graduates were African American and 6 percent Latino.

During my six year tenure on the Colorado State Board of Education and then as a charter school superintendent, I saw how a lack of understanding of computer science and its critical role in science, technology, engineering and mathematics, or STEM disciplines, contributes to lack of interest in computing careers. For example, in a recent survey among college

freshman in the school district I live in, only 1 percent of them responded that they intend to major in computer science, double our State average, but still very discouraging.

There is some good news. The good news is we can reverse this trend and expand and diversify our technology workforce by introducing students to computer science at an early age and providing them with a learning experience in computer science at all educational levels.

Through cutting-edge professional development, we can assist teachers to encourage students to be exposed to computer science concepts. Through high quality computer science activities, including science scholarships, we can provide students with the critical thinking skills that will serve them throughout their lives. And by researching and implementing the best practices to increase participation in the field, we can begin to lay the groundwork for preparing and encouraging diverse students to join the workforce that will launch a new era of innovation and economic growth.

That is why I urge my colleagues to join me in approving this bipartisan resolution that raises awareness about these important issues by supporting the designation of the week of December 7th as the National Computer Science Education Week, which honors the birthday of Grace Murray Hopper, one of the first female computer scientists.

As my colleague Mr. EHLERS said, it is better that our students become nerds than work for them.

Mr. EHLERS. Mr. Speaker, I will make some closing comments.

I thank the gentleman from Colorado for his comments. He knows whereof he speaks. He did a lot of good work in this area before he came to the Congress. He has been very helpful in the Education Committee in addressing these issues, and I appreciate that effort.

I think the key is to get children started in computer science at an early age. They love to deal with computers when they are doing video games and things of that sort. It is not too much of a leap to get them thinking about programming the computers, and that is the kind of knowledge that we need to develop in this Nation if we are going to remain competitive in the years ahead on the international scene.

So, I am delighted to recognize computer scientists in general, and I hope we do a better job of producing more and better computer scientists in this Nation so that we indeed will remain competitive and continue to lead the world in this particular area.

With that, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, in conclusion, I want to once again thank Dr. EHLERS for his leader-

ship in this area. It has been very evident by his conversation today of his passion that he brings to this important subject.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 558, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. GORDON of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RAISING AWARENESS AND ENHANCING THE STATE OF CYBER SECURITY IN THE UNITED STATES

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 797) expressing the sense of Congress with respect to raising awareness and enhancing the state of cyber security in the United States, and supporting the goals and ideals of the sixth annual National Cyber Security Awareness Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 797

Whereas more than 220,000,000 American adults use the Internet in the United States, 80 percent of whom connect through broadband connections, to conduct business, communicate with family and friends, manage finances and pay bills, access educational opportunities, shop at home, participate in online entertainment and games, and stay informed of news and current events;

Whereas nearly all United States small businesses, which represent more than 99 percent of all United States employers and employ more than 50 percent of the private workforce, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance the management of their supply chain;

Whereas nearly 100 percent of public schools in the United States have Internet access, with a significant percentage of instructional rooms connected to the Internet to enhance children's education by providing access to educational online content and encouraging self-initiative to discover research resources;

Whereas approximately 93 percent of all teenagers use the Internet;

Whereas the number of children who connect to the Internet at school continues to rise, and teaching children of all ages to become good cyber-citizens through safe, secure, and ethical online behaviors and prac-

tices is essential to protect their computer systems and potentially their physical safety;

Whereas the growth and popularity of social networking websites has attracted millions of Americans, providing access to a range of valuable services, but exposing them to potential threats like cyber bullies, predators, and identity thieves;

Whereas cyber security is a critical part of the Nation's overall homeland security;

Whereas the Nation's critical infrastructures and economy rely on the secure and reliable operation of information networks to support the Nation's financial services, energy, telecommunications, transportation, health care, and emergency response systems;

Whereas cyber attacks have been attempted against the Nation and the United States economy, and the Department of Homeland Security's mission includes securing the homeland against cyber terrorism and other attacks;

Whereas Internet users and critical infrastructure owners and operators face an increasing threat of criminal activity and malicious attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, can cause extensive economic harm, and can disable entire systems;

Whereas coordination among the Federal Government, State, local, and tribal governments, and the private sector is essential to securing America's critical cyber infrastructure;

Whereas millions of records containing personally identifiable information have been lost, stolen or breached, threatening the security and financial well-being of United States citizens;

Whereas now more than ever before, consumers face significant financial and personal privacy losses due to identity theft and fraud;

Whereas national organizations, policy-makers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of cyber security and the need for enhanced cyber security in the United States;

Whereas the Cyberspace Policy Review, published by the White House in May 2009, recommends that the Federal Government initiate a national public awareness and education campaign to promote cyber security;

Whereas the National Cyber Security Alliance's mission is to increase awareness of cyber security practices and technologies to home users, students, teachers, and small businesses through educational activities, online resources and checklists, and Public Service Announcements; and

Whereas the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, and the Department of Homeland Security have designated October as National Cyber Security Awareness Month to provide an opportunity to educate United States citizens about cyber security: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Cyber Security Awareness Month; and

(2) intends to work with Federal agencies, national organizations, businesses, and educational institutions to encourage the development and implementation of existing and future cyber security consensus standards,

practices, and technologies in order to enhance the state of cyber security in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 797, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 797, a resolution to applaud the goals and activities of the National Cyber Security Awareness Month. The Science and Technology Committee has been a leader in Congress supporting the efforts to promote better security and cybersecurity, and I am pleased to support this resolution and to help raise awareness of this critical issue.

Each year, Americans become more and more dependent on technology for their daily lives. More than 200 million people in this country use the Internet for shopping, education, socializing, information gathering, banking and entertainment, and an increasing number of Internet users are children and seniors.

Unfortunately, with this growth in use, we have also seen a startling increase in cybersecurity. Bank accounts are now being hacked; children are being bullied or harassed on social networking sites; and personal information is being stolen from relatives, retailers, universities, and even government agencies.

For example, earlier this year, computer systems at the FAA were hacked, increasing the risk of large-scale commercial air traffic systems disruption.

Improving cybersecurity will take the effort of all of the key stakeholders: Federal, State and local governments, academia, business and individuals.

□ 1530

We are all part of the user community and we each must do our part, from updating the Web browsers of our personal computers to improving the coordination of cybersecurity research investments across the public and private sectors. We need to change the way we think about cybersecurity and ensure it is built in from the beginning.

Cybersecurity is a challenge that transcends borders. There are 1.7 tril-

lion Internet users worldwide, which means that we can only advance cybersecurity through increased international collaboration. That's why I join my colleagues in applauding the efforts of the National Cyber Security Alliance, a public-private partnership focused on improving cybersecurity for home users, small businesses, and education institutions.

I want to thank my friend from New York (Ms. CLARKE) for introducing this resolution and urge my colleagues to support it.

I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I rise in support of H. Res. 797 and yield myself so much time as I may consume.

It seems that nearly every facet of our lives, professional and personal, relies on computers and the Internet in some fashion—communication, transportation, shopping, medicine, entertainment, and the list goes on. It is not an understatement to say that information technology has become one of the main components of our everyday American lives, and as such, we are left more and more vulnerable to cyberattacks, viruses, worms, and identity theft. As our Nation depends more heavily on this technology, both proactive and reactive cybersecurity are essential.

In order to raise awareness of the importance of cybersecurity, the National Cyber Security Alliance has declared the month of October as Cyber Security Awareness Month. All month long, the NCSA is sponsoring events and programs to raise awareness of the importance of cybersecurity.

The National Cyber Security Alliance is the preeminent public-private partnership, working with the Department of Homeland Security, corporate sponsors, and nonprofit collaborators to promote cybersecurity awareness for home users, small and medium size businesses, and primary and secondary education. We all have a role in sustaining our cyberinfrastructure, which is essentially this year's theme, "Our Shared Responsibility."

The NCSA offers many tips for individuals and businesses alike to help protect themselves from cyberattacks. StaySafeOnline.org is a Web site created by the NCSA to provide education on all of the different aspects and issues related to cybersecurity. All of the organizations and agencies involved in National Cyber Security Awareness Month have put forth a great effort in raising awareness and helping us as Americans become better, more responsible computer users.

I urge my colleagues to support H. Res. 797, and I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 5 minutes to the author of this resolution, the gentleman from New York (Ms. CLARKE), and congratulate her on an out-

standing hearing last Friday on this issue.

Ms. CLARKE. Mr. Speaker, I am pleased to offer H. Res. 797, my resolution supporting the goals and ideals of National Cyber Security Awareness Month, for a vote today. I would like to thank Chairman BART GORDON for giving me the opportunity to share with him and this committee the virtues of National Cyber Security Awareness Month.

The goal of National Cyber Security Awareness Month is to heighten awareness of everyday Internet users and to explain that by taking some simple steps, we can all safeguard ourselves from the latest online threats and respond to potential cybercrimes against ourselves and our Nation.

Each year, the National Cybersecurity Division (NCSA) of the Department of Homeland Security joins with the National Cyber Security Alliance (NCSA), the Multi-State Information Sharing and Analysis Center, and other partners to support National Cyber Security Awareness Month. I thank DHS Secretary Janet Napolitano and Assistant Secretary Greg Schaffer as well as Will Pelgrin with MS-ISAC and Michael Kaiser with StaySafeOnline.org for their leadership in promoting National Cyber Security Awareness Month.

This year, the theme of National Cyber Security Awareness Month is "Our Shared Responsibility." Ultimately, our cyberinfrastructure is only as strong as its weakest link. In this digital age, we are all connected. No individual, business, or government entity is solely responsible for cybersecurity. We all must understand how our individual online computing practices have a collective impact on our Nation's cybersecurity. It would be naive to believe, however, that simple steps by end users alone will sufficiently combat the larger threats associated with a growing networked society.

As chairwoman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, I have held three hearings this year on our Nation's cybersecurity posture. Cybersecurity vulnerabilities can and have significantly impacted our national and economic security. Through the leadership of the Obama administration, cybersecurity is finally gaining the much-needed attention it deserves, both in the Federal Government and the private sector. The oversight that the Homeland Security Committee is undertaking will help to focus our attention; however, much more work remains to be done.

Last week, I held a roundtable discussion with key cybersecurity stakeholders in Congress, the administration, and the private sector on this extremely complex issue. Everyone agreed that end user awareness and

education is an extremely critical component to fortifying our national cybersecurity posture. More and more and with each passing moment, we are awakening to the vulnerabilities and threats that come from our interactions on the World Wide Web. Simply put, we must protect ourselves. That is why this resolution received overwhelming bipartisan support.

I thank my colleagues, especially Chairman GORDON, for cosponsoring H. Res. 797, and I look forward to working with him as well as other committees of cross jurisdiction on this critical issue going forward.

Mr. EHLERS. Mr. Speaker, if the majority has no additional speakers, then I will proceed to close.

We have had a lot of good discussion here about cybersecurity, but a word that hasn't popped up as much is cyberwarfare, and that is by far the most dangerous situation facing our Nation today.

Cybersecurity is indeed a major issue and we need protection from thieves trying to steal our bank accounts, et cetera. But the real difficulty we face as a Nation occurs because we are so vulnerable. We are so advanced technologically, that we are vulnerable to attacks of all types from many enemies of different backgrounds and different abilities.

It is a sad commentary today that a powerful, strong nation such as the United States of America can be the victim of a very small nation or even a small group of individuals seeking to do us harm using cyberwarfare. I myself did not realize the extent of this until some years ago. I was selected as a rapporteur of the NATO Parliamentary Assembly Science Committee to write a report on cyberwarfare; and it was simply astounding to learn the risks that we face as a wealthy, well-established, highly developed nation simply because we make such great use of cyberknowledge and cyber techniques that we are automatically very vulnerable in the area of cyberwarfare.

I appreciate the gentle lady from New York bringing this to our attention. We have a lot of work to do here, not just in the military, but in many civilian sectors as well. The warning is here. The alarm has been rung. Let's make sure that, as a nation, we go ahead and defend ourselves as we should against this very, very highly technological but very dangerous new activity.

With that, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of House Resolution 797, recognizing the goals and ideals of National Cybersecurity Awareness Month.

The release of the Presidential Cyberspace Policy Review in May was an important step forward.

However, more work remains to be done to ensure that cybersecurity is fully integrated into our nation's homeland security efforts.

Our country can't afford 20th century thinking for a 21st century problem.

I congratulate Ms. CLARKE, the Chairwoman of the Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology, for her work on cybersecurity, and thank her for authoring this resolution.

The Committee has held ten hearings and undertaken numerous investigations into cybersecurity issues affecting the Federal government, the private sector, and critical infrastructure owners and operators in just the last three years.

Though the Homeland Security Committee is primarily concerned with cybersecurity on Federal networks and critical infrastructure, we recognize the important education mission carried out by the National Cyber Security Alliance and their efforts to reach home users, small businesses, and students and educators of all ages.

The National Cyber Security Alliance's mission is to increase awareness of cyber security practices and technologies to these folks through educational activities, online resources and checklists.

Raising the awareness of this issue in both the public and private sectors is absolutely vital as our country becomes increasingly connected.

Cybercrime is a serious business—recent reports suggest that cyber-crime has become a \$105 billion business that now surpasses the value of the illegal drug trade worldwide.

During the past two years, one in five online consumers has been a victim of cybercrime.

But companies and consumers continue to underestimate the threat from phishing, data loss, and other cyber vulnerabilities.

I encourage my colleagues today to support this resolution and join me and Representative CLARKE in our efforts to address this threat to our economy and homeland security.

Ms. RICHARDSON. Mr. Speaker, as a member of the Homeland Security Committee, a member of the Subcommittee on Emerging Threats, Cyber Security, and Science and Technology, and a co-sponsor of this legislation, I rise in strong support of H. Res. 797, the "National Cyber Security Awareness Month Resolution." October is National Cyber Security Awareness Month, and in this digital age when so much of our country's economic and financial transactions are conducted in cyberspace over distributed computing networks, there are few higher priorities than cyber security.

Mr. Speaker, I thank YVETTE CLARK, the gentle lady from New York and Chair of the Subcommittee on Emerging Threats, Cyber Security, and Science and Technology, for her leadership and vision in recognizing the importance of cyber security in our overall national security. I could not agree more with Congresswoman CLARKE that it is not enough to just acknowledge the importance of this issue. In this digital age, we must work with federal agencies, national organizations, businesses, and educational institutions to strengthen existing security measures and to develop new methods to enhance the cyber security of the United States.

The tragedy of September 11th shook our national security like no event before or since. Although our Nation has remained safe and

secure from physical attacks during the eight years since that terrible day, in this digital age we must remain vigilant against a possible terrorist attack on our cyber networks.

Such an attack could have devastating and immediate consequences for our nation and all of our citizens; funds could not be accessed from ATMs; mail service would be interrupted; the efficient movement of goods would be severely curtailed; capital markets could be shut down; and emergency response operations would be deprived of the information needed to save lives and property.

While this doomsday scenario has been the subject of the silver screen in recent years (e.g., "Die Hard or Live Free," "Eagle Eye"), make no mistake—the danger is very real and we ignore or minimize it at our peril. Many nations, including Russia, China, and North Korea, already possess the capability to launch cyber attacks against unprepared adversaries or competitors. And terrorist groups like al Qaeda are working round the clock to acquire this capability. Clearly, the United States must be proactive if we are to secure the physical and cyber networks of our country.

That is why I am also an original co-sponsor of H.R. 2195, the "Critical Electric Infrastructure Protection Act." Among other things, this legislation provides the Federal Energy Regulatory Commission the authority to create mandatory physical and cyber security standards for the electric power system. I look forward to the day when the Homeland Security Committee reports this legislation favorably to the House.

But today, I am very proud to stand with Chairwoman CLARKE in support of H. Res. 797, which is a clarion call to action to secure our nation's cyber networks. I urge all Members to join with me in voting for this resolution.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

In conclusion, I want to once again thank the gentlewoman from New York for bringing this important resolution to us. I think that this will help give our country a better awareness of the concerns we have about cybersecurity.

Also, as Dr. EHLERS notes, our Science and Technology Committee has spent quite a bit of time on this issue, being the first to have a review of the 60-day review. Hopefully, we are going to be seeing in the next very few days a significant bill coming out of our committee concerning the necessary research and technology aspect of moving forward with our research in the cybersecurity area.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 797.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GORDON of Tennessee. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 41 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. HALVORSON) at 6 o'clock and 30 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3585, SOLAR TECHNOLOGY ROADMAP ACT

Mr. PERLMUTTER, from the Committee on Rules, submitted a privileged report (Rept. No. 111-304) on the resolution (H. Res. 846) providing for consideration of the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3763, by the yeas and nays;

H.R. 3319, by the yeas and nays;

H. Res. 558, by the yeas and nays.

Proceedings on House Resolution 797 will resume later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

FAIR CREDIT REPORTING ACT AMENDMENT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the

bill, H.R. 3763, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. ADLER) that the House suspend the rules and pass the bill, H.R. 3763.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 32, as follows:

[Roll No. 790]

YEAS—400

Ackerman	Conaway	Hensarling	Massa	Pence	Shea-Porter
Aderholt	Connolly (VA)	Herger	Matheson	Perlmutter	Sherman
Adler (NJ)	Conyers	Hereth Sandlin	Matsui	Perriello	Shimkus
Akin	Cooper	Higgins	McCarthy (CA)	Peters	Shuster
Alexander	Costa	Hill	McCarthy (NY)	Peterson	Simpson
Altman	Costello	Himes	McCaul	Petri	Skelton
Arcuri	Courtney	Hinchee	McClintock	Pingree (ME)	Slaughter
Austria	Cuellar	Hinojosa	McCollum	Pitts	Smith (NE)
Baca	Culberson	Hirono	McCotter	Platts	Smith (NJ)
Bachmann	Cummings	Hodes	McDermott	Poe (TX)	Smith (TX)
Bachus	Dahlkemper	Hoekstra	McGovern	Polis (CO)	Smith (WA)
Baird	Davis (AL)	Holden	McHenry	Pomeroy	Snyder
Baldwin	Davis (CA)	Holt	McIntyre	Posey	Souder
Barrow	Davis (IL)	Honda	McKeon	Price (NC)	Space
Bartlett	Davis (KY)	Hoyer	McMahon	Putnam	Speier
Barton (TX)	Davis (TN)	Hunter	McMorris	Quigley	Stark
Becerra	DeFazio	Inglis	Rodgers	Radanovich	Stearns
Berkley	DeGette	Inslee	McNerney	Rahall	Stupak
Berman	DeLauro	Issa	Meek (FL)	Rangel	Sullivan
Berry	Dent	Jackson (IL)	Meeks (NY)	Rehberg	Sutton
Biggett	Diaz-Balart, L.	Jackson-Lee	Melancon	Reichert	Tanner
Bilbray	Diaz-Balart, M.	(TX)	Mica	Reyes	Taylor
Bilirakis	Dicks	Jenkins	Michaud	Richardson	Teague
Bishop (GA)	Dingell	Johnson (GA)	Miller (FL)	Rodriguez	Terry
Bishop (UT)	Doggett	Johnson (IL)	Miller (MI)	Roe (TN)	Thompson (CA)
Blackburn	Donnelly (IN)	Johnson, E. B.	Miller (NC)	Rogers (AL)	Thompson (MS)
Blumenauer	Doyle	Johnson, Sam	Miller, Gary	Rogers (KY)	Thompson (PA)
Blunt	Dreier	Jones	Miller, George	Rogers (MI)	Thornberry
Boccieri	Driehaus	Jordan (OH)	Minnick	Rooney	Tiahrt
Bonner	Duncan	Kagen	Mitchell	Ros-Lehtinen	Tiberi
Bono Mack	Edwards (MD)	Kanjorski	Mollohan	Roskam	Tierney
Boozman	Edwards (TX)	Kaptur	Moore (KS)	Ross	Titus
Boren	Ehlers	Kennedy	Moore (WI)	Rothman (NJ)	Tonko
Boswell	Ellison	Kildee	Moran (KS)	Roybal-Allard	Towns
Boucher	Ellsworth	Kilpatrick (MI)	Moran (VA)	Royce	Tsongas
Boustany	Emerson	Kilroy	Murphy (CT)	Ruppersberger	Turner
Boyd	Engel	Kind	Murphy (NY)	Rush	Upton
Brady (PA)	Eshoo	King (IA)	Murphy, Patrick	Ryan (OH)	Van Hollen
Brady (TX)	Fallin	King (NY)	Murphy, Tim	Ryan (WI)	Velázquez
Braley (IA)	Farr	Kingston	Myrick	Salazar	Visclosky
Bright	Fattah	Kirk	Nadler (NY)	Sánchez, Linda	Walz
Broun (GA)	Filner	Kirkpatrick (AZ)	Neapolitano	T.	Wamp
Brown (SC)	Flake	Kissell	Neal (MA)	Sanchez, Loretta	Waters
Brown, Corrine	Fleming	Klein (FL)	Neugebauer	Sarbanes	Watson
Brown-Waite,	Forbes	Kline (MN)	Nunes	Scalise	Watt
Ginny	Fortenberry	Kosmas	Nye	Schakowsky	Waxman
Buchanan	Foster	Kratovil	Oberstar	Schauer	Welch
Burgess	Fox	Kucinich	Obey	Schiff	Westmoreland
Burton (IN)	Frank (MA)	Lamborn	Olson	Schmidt	Whitfield
Butterfield	Franks (AZ)	Lance	Olver	Schock	Wilson (OH)
Buyer	Frelinghuysen	Larsen (WA)	Ortiz	Schrader	Wilson (SC)
Calvert	Fudge	Larson (CT)	Pallone	Scott (GA)	Wittman
Camp	Gallegly	Latham	Pascrell	Scott (VA)	Wolf
Campbell	Garrett (NJ)	LaTourette	Pastor (AZ)	Sensenbrenner	Woolsey
Cantor	Giffords	Latta	Paul	Serrano	Wu
Cao	Gingrey (GA)	Lee (CA)	Paulsen	Sessions	Yarmuth
Capito	Gohmert	Lee (NY)	Payne	Sestak	Young (FL)
Capps	Gonzalez	Levin			
Cardoza	Goodlatte	Lewis (CA)			
Carnahan	Gordon (TN)	Lewis (GA)			
Carney	Granger	Linder			
Carson (IN)	Graves	Lipinski			
Cassidy	Grayson	LoBiondo			
Castle	Green, Al	Loebach			
Castor (FL)	Green, Gene	Lucas			
Chaffetz	Griffith	Luetkemeyer			
Chandler	Guthrie	Luján			
Childers	Hall (NY)	Lummis			
Chu	Hall (TX)	Lungren, Daniel			
Clarke	Halvorson	E.			
Clay	Hare	Lynch			
Cleaver	Harman	Mack			
Clyburn	Harper	Maffei			
Coble	Hastings (FL)	Manzullo			
Coffman (CO)	Hastings (WA)	Marchant			
Cohen	Heinrich	Markey (CO)			
Cole	Heller	Markey (MA)			
		Marshall			

NOT VOTING—32

□ 1855

Mr. CARSON of Indiana changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SCHWARTZ. Madam Speaker, on rollcall No. 790, had I been present, I would have voted "yea."

Mr. LANGEVIN. Madam Speaker, on rollcall No. 790, I was unavoidably detained and missed the vote. Had I been present, I would have voted "yea."

MOMENT OF SILENCE IN MEMORY OF FORMER REPRESENTATIVE BOB DAVIS OF MICHIGAN

(Mr. STUPAK asked and was given permission to address the House for 1 minute.)

Mr. STUPAK. Madam Speaker, I rise to regretfully inform my colleagues of the passing of former Congressman Bob Davis, who represented most of northern Michigan in Congress from 1979–1993. Bob died last Friday.

I ask the House to observe a moment of silence in his honor.

The SPEAKER pro tempore. Will all Members rise for a moment of silence.

Mr. DINGELL. Madam Speaker, I rise today to honor the life and achievements of Former Representative Bob Davis. I was deeply saddened to hear the loss of my friend Bob, a true Michigander. Through attending public schools in Mackinac County, miming a small Michigan business, and serving as a city council member, state representative and senator, Bob came to understand the state on every level. By the time he came to the U.S. House of Representatives in 1979, he truly understood the needs of Michigan's people. From his work with then-Governor George Romney to reduce the tolls on the Mackinac Bridge, to his work in the House Armed Services Committee to procure major defense weapons systems, he always worked toward tangible results for those he was serving.

Bob and I not only shared a love for Michigan and its people, but also a deep appreciation for the outdoors. Some of his greatest achievements while serving in the U.S. House were through his role as the Ranking Member on the House Merchant Marine and Fisheries Committee. He was able to help establish the Upper Peninsula's Keweenaw National Historic Park, the Thunder Bay National Marine Sanctuary, and to protect the Great Lakes from invasive species. Even after his passing, Bob Davis' legacy and achievements will live on, in no small part through the natural and historic lands of Michigan that he fought to protect and preserve.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

ARMY SPECIALIST JEREMIAH PAUL MCCLEERY POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3319, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 3319.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 31, as follows:

[Roll No. 791]

YEAS—401

Abercrombie	Culberson	Jackson (IL)
Ackerman	Cummings	Jackson-Lee
Aderholt	Dahlkemper	(TX)
Adler (NJ)	Davis (AL)	Jenkins
Akin	Davis (CA)	Johnson (GA)
Alexander	Davis (IL)	Johnson (IL)
Altmire	Davis (KY)	Johnson, E. B.
Arcuri	Davis (TN)	Johnson, Sam
Austria	DeFazio	Jones
Baca	DeGette	Jordan (OH)
Bachmann	Delahunt	Kagen
Bachus	DeLauro	Kaptur
Baird	Dent	Kennedy
Baldwin	Diaz-Balart, L.	Kildee
Barrow	Dicks	Kilpatrick (MI)
Bartlett	Dingell	Kilroy
Barton (TX)	Doggett	Kind
Becerra	Donnelly (IN)	King (IA)
Berkley	Doyle	King (NY)
Berman	Drieier	Kingston
Berry	Driehaus	Kirk
Biggert	Duncan	Kirkpatrick (AZ)
Bilbray	Edwards (MD)	Kissell
Bilirakis	Edwards (TX)	Klein (FL)
Bishop (GA)	Ehlers	Kline (MN)
Bishop (NY)	Ellsworth	Kosmas
Bishop (UT)	Emerson	Kratovil
Blackburn	Engel	Kucinich
Blumenauer	Eshoo	Lamborn
Blunt	Fallin	Lance
Boccieri	Farr	Langevin
Boehner	Fattah	Larsen (WA)
Bonner	Filner	Larson (CT)
Bono Mack	Flake	Latham
Boozman	Fleming	LaTourette
Boren	Forbes	Latta
Boswell	Fortenberry	Lee (CA)
Boucher	Poster	Lee (NY)
Boustany	Fox	Levin
Boyd	Frank (MA)	Lewis (CA)
Brady (PA)	Franks (AZ)	Lewis (GA)
Brady (TX)	Frelinghuysen	Linder
Braley (IA)	Fudge	Lipinski
Bright	Gallegly	LoBiondo
Broun (GA)	Garrett (NJ)	Loeb
Brown (SC)	Giffords	Lucas
Brown, Corrine	Gingrey (GA)	Luetkemeyer
Brown-Waite,	Gohmert	Lujan
Ginny	Gonzalez	Lummis
Buchanan	Goodlatte	Lungren, Daniel
Burgess	Gordon (TN)	E.
Burton (IN)	Granger	Lynch
Butterfield	Graves	Mack
Buyer	Grayson	Maffei
Calvert	Green, Al	Manzullo
Camp	Green, Gene	Marchant
Campbell	Griffith	Markey (CO)
Cantor	Grijalva	Markey (MA)
Cao	Guthrie	Marshall
Capito	Hall (NY)	Massa
Capps	Hall (TX)	Matheson
Cardoza	Halvorson	Matsui
Carnahan	Hare	McCarthy (CA)
Carney	Harman	McCarthy (NY)
Carson (IN)	Harper	McCaul
Cassidy	Hastings (FL)	McClintock
Castle	Hastings (WA)	McCollum
Castor (FL)	Heinrich	McCotter
Chaffetz	Heller	McDermott
Chandler	Hensarling	McGovern
Childers	Hergert	McHenry
Chu	Herseth Sandlin	McIntyre
Clarke	Higgins	McKeon
Clay	Hill	McMahon
Cleaver	Himes	McMorris
Clyburn	Hinchey	Rodgers
Coble	Hinojosa	McNerney
Coffman (CO)	Hirono	Meek (FL)
Cohen	Hodes	Meeks (NY)
Cole	Hoekstra	Melancon
Conaway	Holden	Mica
Connolly (VA)	Holt	Michaud
Conyers	Honda	Miller (FL)
Cooper	Hoyer	Miller (MI)
Costa	Hunter	Miller (NC)
Costello	Inglis	Miller, Gary
Courtney	Inslee	Miller, George
Cuellar	Issa	Minnick

Mitchell	Reichert	Snyder
Mollohan	Reyes	Souder
Moore (KS)	Richardson	Space
Moore (WI)	Rodriguez	Speier
Moran (KS)	Roe (TN)	Spratt
Moran (VA)	Rogers (AL)	Stark
Murphy (CT)	Rogers (KY)	Stearns
Murphy (NY)	Rogers (MI)	Stupak
Murphy, Patrick	Rooney	Sullivan
Murphy, Tim	Ros-Lehtinen	Sutton
Myrick	Roskam	Tanner
Nadler (NY)	Ross	Taylor
Napolitano	Rothman (NJ)	Teague
Neal (MA)	Roybal-Allard	Terry
Neugebauer	Royce	Thompson (CA)
Nunes	Ruppersberger	Thompson (MS)
Nye	Rush	Thompson (PA)
Oberstar	Ryan (OH)	Thornberry
Obey	Ryan (WI)	Tiahrt
Olson	Salazar	Tiberi
Olver	Sanchez, Linda	Tierney
Ortiz	T.	Titus
Pallone	Sanchez, Loretta	Tonko
Pascarella	Sarbanes	Towns
Pastor (AZ)	Scalise	Tsongas
Paul	Schakowsky	Turner
Paulsen	Schauer	Upton
Payne	Schiff	Van Hollen
Pence	Schmidt	Velázquez
Perlmutter	Schrader	Visclosky
Perriello	Schwartz	Walz
Peters	Scott (GA)	Wamp
Peterson	Scott (VA)	Waters
Petri	Sensenbrenner	Watson
Pingree (ME)	Serrano	Watt
Pitts	Sessions	Waxman
Platts	Sestak	Welch
Poe (TX)	Shea-Porter	Westmoreland
Polis (CO)	Sherman	Whitfield
Pomeroy	Shimkus	Wilson (SC)
Posey	Shuster	Wittman
Price (NC)	Simpson	Wolf
Putnam	Skelton	Woolsey
Quigley	Slaughter	Wu
Radanovich	Smith (NE)	Yarmuth
Rahall	Smith (NJ)	Young (FL)
Rangel	Smith (TX)	
Rehberg	Smith (WA)	

NOT VOTING—31

Andrews	Gerlach	Shadegg
Barrett (SC)	Gutierrez	Shuler
Bean	Israel	Sires
Capuano	Kanjorski	Walden
Carter	Loftgren, Zoe	Wasserman
Crenshaw	Lowey	Schultz
Crowley	Maloney	Weiner
Deal (GA)	Murtha	Wexler
Diaz-Balart, M.	Price (GA)	Wilson (OH)
Ellison	Rohrabacher	Young (AK)
Etheridge	Schock	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1904

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN MEMORY OF FORMER REPRESENTATIVE JAY JOHNSON OF WISCONSIN

(Mr. OBEY asked and was given permission to address the House for 1 minute.)

Mr. OBEY. Madam Speaker, I rise to regretfully inform my colleagues of the passing of our former colleague, Jay Johnson, who represented the Eighth District of Wisconsin with distinction from January of 1997 through January

of 1999, and I would ask that the House observe a moment of silence in his honor.

The SPEAKER pro tempore. Will all Members rise to observe a moment of silence.

GENERAL LEAVE

Mr. DINGELL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the moment of silence in memory of former Representative Bob Davis of Michigan.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

SUPPORTING COMPUTER SCIENCE AND COMPUTING CAREERS AMONG THE PUBLIC AND IN SCHOOLS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 558, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 558, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 27, as follows:

[Roll No. 792]

YEAS—405

Abercrombie	Bilbray	Brown (SC)
Ackerman	Bilirakis	Brown, Corrine
Aderholt	Bishop (GA)	Brown-Waite,
Adler (NJ)	Bishop (NY)	Ginny
Akin	Bishop (UT)	Buchanan
Alexander	Blackburn	Burgess
Altmire	Blumenauer	Burton (IN)
Andrews	Blunt	Butterfield
Arcuri	Boccieri	Buyer
Austria	Boehner	Calvert
Baca	Bonner	Camp
Bachmann	Bono Mack	Campbell
Bachus	Boozman	Cantor
Baird	Boren	Cao
Baldwin	Boswell	Capito
Barrow	Boucher	Capps
Bartlett	Boustany	Cardoza
Barton (TX)	Boyd	Carnahan
Becerra	Brady (PA)	Carney
Berkley	Brady (TX)	Carson (IN)
Berman	Brady (IA)	Cassidy
Berry	Bright	Castle
Biggert	Brown (GA)	Castor (FL)

Chaffetz	Himes	Miller (FL)
Chandler	Hinchee	Miller (MI)
Childers	Hinojosa	Miller (NC)
Chu	Hirono	Miller, Gary
Clarke	Hodes	Miller, George
Clay	Hoekstra	Minnick
Cleaver	Holden	Mitchell
Clyburn	Holt	Mollohan
Coble	Honda	Moore (KS)
Coffman (CO)	Hoyer	Moore (WI)
Cohen	Hunter	Moran (KS)
Cole	Inglis	Moran (VA)
Conaway	Inslee	Murphy (CT)
Connolly (VA)	Issa	Murphy (NY)
Conyers	Jackson (IL)	Murphy, Patrick
Cooper	Jackson-Lee	Murphy, Tim
Costa	(TX)	Myrick
Costello	Jenkins	Nadler (NY)
Courtney	Johnson (GA)	Napolitano
Cuellar	Johnson (IL)	Neal (MA)
Culberson	Johnson, E. B.	Neugebauer
Cummings	Johnson, Sam	Nunes
Dahlkemper	Jones	Nye
Davis (AL)	Jordan (OH)	Oberstar
Davis (CA)	Kagen	Obey
Davis (IL)	Kanjorski	Olson
Davis (KY)	Kaptur	Olver
Davis (TN)	Kennedy	Ortiz
DeFazio	Kildee	Pallone
DeGette	Kilpatrick (MI)	Pascarella
Delahunt	Kilroy	Pastor (AZ)
DeLauro	Kind	Paul
Dent	King (IA)	Paulsen
Diaz-Balart, L.	King (NY)	Payne
Diaz-Balart, M.	Kingston	Pence
Dicks	Kirkpatrick (AZ)	Perlmutter
Dingell	Kissell	Perriello
Doggett	Klein (FL)	Peters
Donnelly (IN)	Kline (MN)	Peterson
Doyle	Kosmas	Petri
Dreier	Kratovil	Pingree (ME)
Driehaus	Kucinich	Pitts
Duncan	Lamborn	Platts
Edwards (MD)	Lance	Poe (TX)
Edwards (TX)	Langevin	Polis (CO)
Ehlers	Larsen (WA)	Pomeroy
Ellison	Larson (CT)	Posey
Ellsworth	Latham	Price (NC)
Emerson	LaTourette	Putnam
Engel	Latta	Quigley
Eshoo	Lee (CA)	Radanovich
Fallin	Lee (NY)	Rahall
Farr	Levin	Rangel
Fattah	Lewis (CA)	Rehberg
Filner	Lewis (GA)	Reichert
Flake	Linder	Reyes
Fleming	Lipinski	Richardson
Forbes	LoBiondo	Rodriguez
Fortenberry	Loeb sack	Roe (TN)
Foster	Lucas	Rogers (AL)
Fox	Luetkemeyer	Rogers (KY)
Frank (MA)	Lujan	Rogers (MI)
Franks (AZ)	Lummis	Rooney
Frelinghuysen	Lungren, Daniel	Ros-Lehtinen
Fudge	E.	Roskam
Gallely	Lynch	Ross
Garrett (NJ)	Mack	Rothman (NJ)
Giffords	Maffei	Roybal-Allard
Gingrey (GA)	Manzullo	Royce
Gohmert	Marchant	Ruppersberger
Gonzalez	Markey (CO)	Rush
Goodlatte	Markey (MA)	Ryan (OH)
Gordon (TN)	Marshall	Ryan (WI)
Granger	Massa	Salazar
Graves	Matheson	Sanchez, Linda
Grayson	Matsui	T.
Green, Al	McCarthy (CA)	Sanchez, Loretta
Green, Gene	McCarthy (NY)	Sarbanes
Griffith	McCauley	Scalise
Grijalva	McClintock	Schakowsky
Guthrie	McCollum	Schauer
Hall (NY)	McCotter	Schiff
Hall (TX)	McDermott	Schmidt
Halvorson	McGovern	Schock
Hare	McHenry	Schrader
Harman	McIntyre	Schwartz
Harper	McKeon	Scott (GA)
Hastings (FL)	McMahon	Scott (VA)
Hastings (WA)	McMorris	Sensenbrenner
Heinrich	Rodgers	Serrano
Heller	McNerney	Sessions
Hensarling	Meek (FL)	Sestak
Herger	Meeks (NY)	Shea-Porter
Herseeth Sandlin	Melancon	Sherman
Higgins	Mica	Shimkus
Hill	Michaud	Shuster

Simpson	Taylor	Walz
Skelton	Teague	Wamp
Slaughter	Terry	Waters
Smith (NE)	Thompson (CA)	Watson
Smith (NJ)	Thompson (MS)	Watt
Smith (TX)	Thompson (PA)	Waxman
Smith (WA)	Thornberry	Welch
Snyder	Tiahrt	Westmoreland
Souder	Tiberi	Whitfield
Space	Tierney	Wilson (OH)
Speier	Titus	Wilson (SC)
Spratt	Tonko	Wittman
Stark	Towns	Wolf
Stearns	Tsongas	Woolsey
Stupak	Turner	Wu
Sullivan	Upton	Yarmuth
Sutton	Van Hollen	Young (FL)
Tanner	Visclosky	

NOT VOTING—27

Barrett (SC)	Israel	Sires
Bean	Kirk	Velázquez
Capuano	Lofgren, Zoe	Walden
Carter	Lowey	Wasserman
Crenshaw	Maloney	Schultz
Crowley	Murtha	Weiner
Deal (GA)	Price (GA)	Wexler
Etheridge	Rohrabacher	Young (AK)
Gerlach	Shadegg	
Gutierrez	Shuler	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1912

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 790, 791 and 792.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 20, 2009, at 5:23 p.m.:

That the Senate agreed to the Conference Report accompanying the bill H.R. 2892.

That the Senate passed without amendment H.R. 621.

That the Senate passed S. 1793.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 874

Mr. SCHRADER. Madam Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 874.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

COMMUNICATION FROM THE
CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 20, 2009.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Tuesday, October 20, 2009 at 4:28 p.m., and said to contain a message from the President whereby he submits a copy of a notice filed earlier with the Federal Register continuing the emergency with respect to the situation in or in relation to the Democratic Republic of the Congo, first declared by Executive Order 13413 of October 27, 2006.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

CONTINUATION OF THE NATIONAL
EMERGENCY WITH RESPECT TO
THE DEMOCRATIC REPUBLIC OF
THE CONGO—MESSAGE FROM
THE PRESIDENT OF THE UNITED
STATES (H. DOC. NO. 111-71)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo, and the related measures blocking the property of certain persons contributing to the conflict in that country, are to continue in effect beyond October 27, 2009.

The situation in or in relation to the Democratic Republic of the Congo,

which has been marked by widespread violence and atrocities that continue to threaten regional stability, continues to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency to deal with that threat and the related measures blocking the property of certain persons contributing to the conflict in that country.

BARACK OBAMA.
THE WHITE HOUSE, October 20, 2009.

□ 1915

HONORING FORMER CONGRESS-
MEN BOB DAVIS AND JAY JOHN-
SON

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Madam Speaker, earlier today the House observed moments of silence for two former Members of this Chamber.

Last Friday, former Congressman Bob Davis, a Republican from St. Ignace, Michigan, and my predecessor in Congress, passed away in Arlington, Virginia. Bob Davis dedicated his life to public service. He served members of his community as owner and operator of a funeral home in St. Ignace before serving in the Michigan State House and State Senate, where he was the Republican leader.

In 1978, Bob was elected to Congress where he served for 14 years. Over the course of those 14 years, Bob Davis was known to the people of what was then Michigan's 11th Congressional District for his constituent services. Bob's last, and perhaps greatest, legislative achievement was the establishment of the Keweenaw National Historic Park in Michigan's Upper Peninsula, which showcases the region's rich mining heritage.

Just like they did 17 years ago with the establishment of the Keweenaw National Historic Park, the people of the Keweenaw Peninsula rang the local church bells in tribute to Congressman Davis last Friday as citizens paid tribute and silently prayed for Bob and his family.

I join my constituents and Members of this Chamber in paying tribute to Bob and offering our sympathy and prayers to his wife, Brook, and their children Rob, Lisa, George, Alexandra, and Hannah.

Just days after Bob's passing, we lost another public servant with roots in northern Michigan.

On Saturday, former Congressman Jay Johnson, a Democrat from Green Bay, Wisconsin, passed away. Jay was a native of Bessemer in Michigan's Upper Peninsula and a graduate of Gogebic Community College and Northern

Michigan University. He was a man of the people, and he was always proud to be known by his Upper Peninsula roots.

Jay worked as a journalist for 32 years in Wisconsin, Florida, and Michigan before making a run for Congress. He represented Wisconsin's Eighth Congressional District from 1996 to 1998 and was appointed director of the U.S. Mint by President Clinton in 2000 where he served for 2 years.

I am pleased to have served with Jay in Congress, and my heartfelt condolences go out to his wife, JoLee, and his entire family.

HONORING DAVE AND JULIE
ZISKA'S SERVICE TO THE BOY
SCOUTS OF SOUTH FLORIDA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise tonight to congratulate Dave and Julie Ziska for 28 years of service to the Boy Scouts of south Florida. This year, the many individuals and families who have been enriched by the Ziskas gather together in Miami as Dave and Julie receive the 2009 Distinguished Citizen Award from the South Florida Council of the Boy Scouts of America.

The Boy Scouts of America is an outstanding organization that fosters strong ideals in young men and helps build leaders for the future. With the Ziskas' amazing service and support, the Boy Scouts of south Florida has been able to successfully accomplish this mission. Dave and Julie Ziska have not only had a profound impact on the Boy Scouts but also on the families of the Scouts and the entire south Florida community.

The Ziska's guidance and goodwill over the past 28 years has encouraged many young men to become active in Scouting. In fact, 207 young men attained the distinct and high honor of being Eagle Scouts with their help.

I congratulate and recognize Dave and Julie Ziska for their commendable service to the Boy Scouts of America and to the Boy Scouts of south Florida.

Congratulations.

GUN CONTROL IN CHICAGO

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Madam Speaker, in the past weeks and months, Chicago has made national news, unfortunately not just because of the Olympic decision. It is because school-age children have been attacked and killed by other school-age children. The last thing our city needs is more guns on our streets and more children fearing for their safety.

Recently, the United States Supreme Court agreed to review McDonald v.

City of Chicago, a case that challenges whether Chicago's local handgun ban is legal. In a time of national concern over senseless and deadly attacks, it is a concern.

Since 1983, it has been illegal to purchase or own a handgun within Chicago city limits. Over the course of that 26 years, Chicago has seen the number of registered handguns drop. Guns have become scarcer, saving lives and creating safer neighborhoods in the process.

As we work to make our cities and communities safer, there are many additional things we could and should fight for. I stand ready to work with the administration to reinstate the assault weapons ban and ready to work with this body to close the gun show loophole.

But in the absence of Federal action, it is critical that we preserve the rights of the people to protect their children and their families at the local level.

RECOGNIZING OCTOBER AS DOMESTIC VIOLENCE AWARENESS MONTH

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Madam Speaker, October is Domestic Violence Awareness Month, a time to remember the victims of this terrible and often hidden crime and also a time to renew our commitment to eliminating it.

I recently had the privilege of participating in the dedication ceremony for a new Peace Garden at Cornerstone Shelter in my district. The garden honors both the victim of the crime as well as those people committed to restoring hope for those who have experienced domestic violence. The Minnesota Department of Public Safety has reported that 70,000 primary victims have received services from battered women's shelters and domestic abuse agencies in 2008 alone.

Thankfully, we have organizations like Cornerstone who provide needed assistance and resources to victims while working to end domestic violence as a whole. When we bring the light of truth to an issue like domestic abuse, its power to destroy decreases.

It's important that we remember the victims of domestic violence and let them know they are not alone as we fight to make the world a better place.

RECOGNIZING THE PASSING OF CONGRESSMAN JAY JOHNSON

(Mr. KAGEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAGEN. Madam Speaker, like everyone else in northeast Wisconsin, I

am shocked and saddened by the passing of my friend, former Congressman Jay Johnson. Jay represented the Eighth District of Wisconsin in this body from January of 1997 to January 1999.

Jay was a friend of mine. He was a gentle person, and everyone in northeast Wisconsin was considered his friend as well. He served the best interests of all of our families and will be greatly missed.

For many years, Jay's trusted voice and kind countenance came into all of our homes as a news anchor on WFRV-TV and WLUK-TV in Green Bay. His colleagues in this room here all recall how kind he was. His colleagues in the newsroom in Green Bay recalled his kind heart, his unending patience, and his grand sense of humor. They will remember him as a gentleman in every sense of the world.

It's clear from his life spent in front of the camera and here in public service that he truly loved people.

In 2000, President Clinton appointed Jay to be director of the United States Mint; and more recently, he ran Jay Johnson Coins and Consulting.

During my service here, Jay had been a mentor, an adviser, and a close friend. On behalf of the people of the Eighth District of Wisconsin, I want to thank Jay for his service and extend my deepest sympathies to his wife, JoLee, their family and friends.

PROTECT SMALL BUSINESS FROM BIG GOVERNMENT

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, small businesses are doing all they can to create jobs and bring our economy back to life. Unfortunately in Washington, Democrats have decided to scheme new taxes and mandates as a part of their Big Government takeover of the health care system. With 263,000 more jobs lost last month, it is shocking that Democrats believe now is the time to punish small business that creates the majority of jobs in America.

The National Federation of Independent Business has revealed the Big Government Democrat health takeover would cost 1.6 million jobs in the United States. Destroying jobs will make it harder, not easier, for individuals to afford health care.

We need H.R. 3400 to target reforms to our health insurance system, like shopping for plans across State lines, association health plans for small businesses, and tax credits for individuals to purchase insurance.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

HEALTH CARE AND TRANSPARENCY

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, it's now been over 5 months since the White House announced numerous deals with major stakeholders in the health care debate. Little or no details regarding these negotiations have been released. And last week during the Finance Committee hearings in the other body, a plan for a commission to slow the growth of Medicare spending was revealed. But it was then revealed that the hospitals would be exempt from this commission because, according to Congress Daily, they had already negotiated a cost-cutting agreement with the White House.

You know, despite the rhetoric of last fall, then-candidate Obama's promise to make all health care reform negotiation public, we still have very few details on what exactly was agreed to during these highly publicized but very secret meetings last May. How can Congress do its due diligence in creating policy before us without the crucial details? More importantly, how can the American public know what we are doing is indeed in their best interest?

In January of this year, we were promised an administration that would bring all parties together; we were promised an administration that would not negotiate behind closed doors and in fact would be broadcasting these negotiations on C-SPAN so that the American people could see for themselves what the choices were.

When will these cease to become promises and become reality?

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRESS NEEDS TO STEP UP TO THE PLATE FOR SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY of Connecticut. Madam Speaker, my colleagues, yesterday I had the privilege to be in the heart of my district in Waterbury, Connecticut, to meet with a group of seniors, very concerned and active seniors. They call themselves the Silver Waves. And through letters and phone calls and emails and thousands of one-on-one conversations throughout the greater Waterbury area, they have been able to gather over 300 signatures on the petition that I am holding right here expressing why they believe that this

Congress has to start paying attention to the very real economic pressures that seniors in this economy and in this country are facing and why, in particular, we need to step up to the plate and do the right thing for seniors who are about to face a zero percent increase on Social Security in this country.

□ 1930

Madam Speaker, I'm here to bring these petitions to my colleagues because I couldn't agree with them more.

This economic downturn has hit all of us, but it has hit seniors in particular. Just like many Americans, they have mortgages to pay, they've got car payments to make, and they've got grocery bills to pay. But unlike many Americans, they also face disproportionately high health care costs, unusually high prescription-drug costs, and multiple bills that seem only to be rising. Put that together with decreased retirement funds, and seniors are facing a particularly tough forecast.

Now over the past year, this Congress has tried to take some steps to pull this economy up from the depths of the recession. We've acted to make sure that our financial system didn't collapse. We've moved quickly to make critical investments in our economy to help it recover. We're working now to try to make this health care system work for both our customers, our patients and also for our economy. But in all of this, we have to remember that seniors throughout this country face economic challenges that are unique only to them, and as we continue to work on getting our entire economy to recover, we have to remember that we have to specifically target seniors, most of which are living on fixed incomes today.

Now the impetus behind these petitions is a very real sense from the senior citizens in my district, which I think is reflective of a feeling across this country, that over the past decade or so, they've watched Washington dole out special favors to the insurance companies, to the drug companies, to the oil companies and to the banks. And they're wondering where the help is for them. And in the middle of this tough economic recession, just when they're waiting for the help to come to them, they get some of the worst news of all, that they will be receiving a zero percent increase in their Social Security check.

Now that's why we need to listen to the people who have signed these petitions, because this number is 3,000 in Waterbury, Connecticut, but it would be millions across the country of seniors who want to know why a formula designed to reflect the true cost of living increases for them gives them a zero percent increase when they know that their costs are increasing on a

regular basis, and why they can't get Congress to step up to the plate and help them when it seems like over the past decade, a lot of other people with a lot more influence and a lot more power than them have been helped.

So I'm here to deliver these petitions and to say "thank you" to people like Lucille Keating, Jeannine Laliberte, Lorraine Johnston and Lida Keroski, who put these together, and assure them not only do I agree with the sentiment they and so many Americans have brought to this House, but that I believe we are going to take seriously the notion that in this very difficult economy we need to step up to the plate and do the right thing for seniors in this country.

HALLOWEEN HEALTH CARE

Mr. POE of Texas. Madam Speaker, the Senate's Halloween health care bill seeped out of the dark dungeons of the Capitol Building today. News reports say it's 1,500 pages long. Why is legislation drafted in the secret, dark caverns of the Capitol, where the trolls roam at night, void of public view? Is it so scary the healthcrats don't want us to know what's in it?

We need to know exactly what's in these bills and how much they really cost before we vote on anything. And why is there such a rush to pass a bill anyway? Maybe they have frightening parts that no one will see if quickly passed. One scary part is the government wanting American money now. You see, new taxes take effect immediately, but the legislation won't be in operation until 2013. That's right. American taxpayers pay 3 years of new taxes on a deal that doesn't take effect for 3 years. Now isn't that scary?

And what is the goal of this government bill? If the goal is to provide universal health care for everyone, the bill is a failure. The President told us there are 30 million uninsured. The Congressional Budget Office said the latest and greatest bill still will leave 25 million uninsured. So we're letting the government take over health care just to add 5 million people to the government system. It would be cheaper just to buy them all health insurance and then require proof of citizenship to get insurance rather than spend trillions and let Uncle Sam take care of us all.

If the goal of the Halloween health care bill is to provide better quality care, the bill is a failure. Just look at the way the government runs the Indian universal health care system. The government has been committing medical malpractice against the Indians for decades. If the goal is to make health care cheaper, the bill fails again. The bill will cost over \$1 trillion just to set it up. And the idea that government can run an entire health care system cheaper than the private sector is a myth. The only way that govern-

ment can do it cheaper is to drastically cut services to patients, ration care or both.

Madam Speaker, has there ever been a government program that costs less than projected? I don't think that has happened in the history of the Republic.

If the goal is to make government-run Halloween health care more efficient, the bill fails once more. The government is almost always more inefficient because it has no competition, has no accountability, and when it runs out of money, it just spends more money and taxes the taxpayer.

However, if the real goal of this legislation is to have government take control of our health care, the bill is a total success.

The Halloween health care nightmare on Capitol Hill is this specific provision—government takeover of health care. So rather than let the government take care of us all, Congress should reform specific problems under our current system. Allow insurance to be purchased across State lines, provide for a safety net for catastrophic injury or illness, have a method to allow people with preexisting conditions to obtain insurance, allow for health savings accounts so people can take care of themselves and get a tax break, provide tax incentives and tax breaks for businesses who take care of their employees rather than more taxes on small businesses, which taxes them to death, and eliminate the fraud, waste and abuse in the Medicaid system.

And, Madam Speaker, there are many other specific things Congress should do. But turning over America's health to the Federal Government is unhealthy for the American people. Such an idea is truly a Halloween nightmare and a trick on the American people.

And that's just the way it is.

U.S. DEFICIT BIGGEST SINCE 1945

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, I would like to share with the House tonight some writings from the October 16, 2009, CNNMoney.com. The title is, "U.S. Deficit Biggest Since 1945."

"The Obama administration on Friday said the government ran a \$1.42 trillion deficit in fiscal year 2009. That made it the worst year on record since World War II, according to data from the Treasury and the White House Office of Management and Budget. Tax receipts for the year fell 16.6 percent overall, while spending soared 18.2 percent. Consequently, the annual deficit rose 212 percent to the record dollar amount of \$1.42 trillion, from \$455 billion a year earlier."

I continue to read from this article:

"As a result, the country is very near to breaching its so-called 'debt ceiling,' currently set at \$12.1 trillion. Lawmakers, however, are expected to vote to raise that ceiling this fall."

I further share with the House:

"In August, the OMB projected a 10-year deficit of \$9 trillion, assuming President Obama's 2010 budget proposals are put in place. A deficit of that magnitude means the debt held by the public would approach 82 percent of gross domestic product. That's double the 41 percent recorded in 2008.

"The 10-year forecast as well as the longer-term outlook are considered unsustainable. The GAO further cautioned that the yawning deficit problems should be addressed sooner rather than later. The longer action to deal with the Nation's long-term fiscal outlook is delayed, the larger the change will need to be, increasing the likelihood that they will be disruptive and destabilizing."

Madam Speaker, I wanted to share that tonight with the House because whether you be a Republican, which I am, or a Democrat, this country needs to understand that no longer can it take care of the world, because we can't even take care of our own Nation.

I want to make reference just briefly to a book that I read a couple of years ago that I would recommend to each Member of Congress. And if I could buy it for each Member of Congress, I would, but I cannot. It is called "Day of Reckoning" by Pat Buchanan. The book "Day of Reckoning" reminds America what has happened to other great nations, whether it be England, Spain or France. These nations went down the road where they believed in building empires around the world and making everybody be like they are. They all collapsed in a matter of years. Rome is probably the best example of a nation that felt that it could go and create other entities around the world, and they failed, as well.

Madam Speaker, I hope that we in Congress, as we debate not only the health bill, but other bills, determine how we're going to pay for it. Is it fair for our grandchildren to pick up the debt of those of us today who are irresponsible to our responsibility of maintaining a frugal government?

And with that, Madam Speaker, as I always do, I want to ask God to please bless our men and women in uniform. I want to ask God in His loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. And Madam Speaker, I want to ask God to please give wisdom, strength and courage to the President of the United States. And I ask three times, God please, God please, God please continue to bless America.

[From CNNMoney.com, Oct. 16, 2009]

U.S. DEFICIT BIGGEST SINCE 1945

OBAMA ADMINISTRATION CLOSES THE BOOKS ON FISCAL 2009: FALLING REVENUE PLUS SOARING SPENDING LEADS TO A \$1.42 TRILLION DEFICIT

(BY JEANNE SAHADI)

The Obama administration on Friday said the government ran a \$1.42 trillion deficit in fiscal year 2009.

That made it the worst year on record since World War II, according to data from the Treasury and the White House Office of Management and Budget.

Tax receipts for the year fell 16.6% overall, while spending soared 18.2%. The rising unemployment, the economic slowdown and the extraordinary measures taken by lawmakers to stem the economic meltdown that hit in fall 2008.

Consequently, the annual deficit rose 212% to the record dollar amount of \$1.42 trillion, from \$455 billion a year earlier.

As a share of the economy, the deficit accounted for 10% of gross domestic product, up from 3.2% in 2008. As breathtaking as that may be, it's still not in the same stratosphere as the 1945 deficit, which hit 21% of GDP.

PERFECT DEFICIT COCKTAIL MIX

Fiscal year 2009, which ended Sept. 30, had all the right ingredients for a recordbreaking deficit.

While tax revenue overall took a big hit, corporate receipts led the way, falling 55%. Individual income tax revenue fell 20%.

At the same time spending jumped in large part because of the various economic and financial rescue measures undertaken. The Treasury and the OMB noted that the \$700 billion Troubled Asset Relief Program and the \$787 billion American Recovery and Reinvestment Act, not all of which has been used, accounted for 24% of the deficit total.

As a result, the country is very near to breaching its so-called debt ceiling, currently set at \$12.1 trillion. Lawmakers, however, are expected to vote to raise that ceiling this fall.

At the end of September, the country's total debt—which is an accumulation of all annual deficits to date plus other obligations—stood at \$11.9 trillion.

THE LONG-TERM VIEW

In August, the OMB projected a 10-year deficit of \$9 trillion, assuming President Obama's 2010 budget proposals are put in place.

A deficit of that magnitude means the debt held by the public would approach 82% of gross domestic product. That's double the 41% recorded in 2008.

Most budget experts blanch at the thought, especially given that the country's fiscal future was already a source of concern before the economic crisis because of expected shortfalls over time in funding for Medicare and Social Security.

The financial and economic meltdowns of the past year have accelerated the strain on federal coffers. So much so that now the 10-year forecast as well as the longer-term outlook are considered unsustainable, according to deficit experts William Gale and Alan Auerbach.

In a report this week, the Government Accountability Office noted that the deficits born from the financial crisis are not the biggest crux of the problem.

"While a lot of attention has been given to the recent fiscal deterioration, the federal government faces even larger fiscal challenges that will persist long after the return

of financial stability and economic growth," the GAO said.

The GAO further cautioned that the yawning deficit problems should be addressed sooner rather than later.

"The longer action to deal with the nation's long-term fiscal outlook is delayed, the larger the changes will need to be, increasing the likelihood that they will be disruptive and destabilizing."

The Obama administration is promising to put a plan in place to lessen the deficit when the economy recovers.

"It was critical that we acted to bring the economy back from the brink earlier this year. As we move from rescue to recovery, the president recognizes that we need to put the nation back on a fiscally sustainable path," said OMB director Peter Orszag in a statement. "As part of the FY2011 budget policy process, we are considering proposals to put our country back on firm fiscal footing."

HONDURAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, I rise tonight to once again express my strong support for the elections scheduled to take place in Honduras on November 29. Though much of the recent news coming out of Honduras has been focused on the current round of talks between the representatives of Manuel Zelaya and the current Honduran Government, one thing has remained constant through it all: The Honduran elections that are scheduled to take place on November 29.

The most recent talks began with both sides agreeing that the elections should proceed ahead as planned. Predictably, however, now that Zelaya is realizing that he won't be able to jump back into his throne of power as easily as he expected, he and his supporters have started to call for boycotts and nonrecognition of the elections. Not surprisingly, Zelaya's ALBA fan club, headed by Venezuela's Hugo Chavez, got together this weekend in Bolivia. The ALBA league of oppressors and dictators-in-waiting issued a statement stating that neither the Honduran electoral process nor its outcomes should be recognized by the international community unless Zelaya has been restored to power.

The United States must have no part in these efforts. They are undermining and delegitimizing the Honduran election. We have got to make sure that we recognize the validity of this process, and we should say to the world that we must recognize the free will of the Honduran people to express their desires in the ballot box.

The United States cannot play wingman to tyrants who dismiss fundamental civil liberties and forsake constitutional commitment. We should be proud of our democratic standards and not fear standing alone, if necessary,

against those who work against the freedom agenda.

Despite tremendous world pressure and punishment, the people of Honduras have remained true to their democracy and their constitution. And the November 29 elections are just one more testament to their unwavering commitment.

Tomorrow I will be hosting a Members briefing, open to all Members, Republicans and Democrats, with the members of the Honduran Supreme Electoral Tribunal. This will afford an opportunity for Members from both sides of the aisle to discuss the measures being undertaken in Honduras to ensure that the November elections proceed as scheduled. I invite all of my colleagues again to please join us for this important discussion. Although we may have differing views regarding the approach that the United States has taken to the situation in Honduras, I'm hopeful that free, fair, clean and transparent elections is the way that we can all unite.

□ 1945

This is a concept that all Americans should agree. U.S. policy has historically recognized and even encouraged the implementation of elections as a necessary step to moving forward from an untenable political situation. Just this past August, as a matter of fact, Secretary of State Clinton visited Angola, where she emphasized repeatedly the importance of holding timely, free, and fair presidential elections in Angola.

Each year, the United States spends millions and millions of our tax dollars to support elections through our democratic form of government and to make sure that we promote governance programs around the world. So why, then, does the U.S. commitment to and support of elections fade away when it comes to Honduras? It should not. It must not.

A stable, secure, democratic Honduras is what is in the best interest of the United States. This election that will take place on November 29 offers us the perfect opportunity for this to happen—free, fair, democratic elections. I urge the State Department to encourage international observers to participate in these upcoming elections, and I encourage my fellow colleagues to go to Honduras for themselves. Go now and go for the elections. See for yourselves what we are dealing with and the impact that the U.S. policy is having on a democratic ally, a friend of the United States.

Again, I welcome all of my colleagues to join me tomorrow for a briefing with members of the Honduran Supreme Electoral Tribunal. Let democracy take root once again in Honduras.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Madam Speaker, throughout my tenure in Congress, I have worked to raise awareness about the devastating impact of domestic violence. I rise again this evening to recognize the month of October as National Domestic Violence Awareness Month. Each year I visit the House floor to speak about this topic, I hope that there will be some signs of progress in the fight against domestic violence, but sadly, Americans still suffer from its effects.

As I have reminded my colleagues, often we assume that acts of domestic violence don't occur in our own communities or to people we know or families that live down the street. Last year, I shared the story of a young woman from my hometown in Kansas named Jana Mackey, and today I would like to provide you with an update of her story.

Jana was born July 20, 1982, in Harper, Kansas. She was an active member of 4-H, an athlete, and a talented musician. Upon graduation from high school, she completed a bachelor's degree, where she discovered her passion—advocating for others. Jana went on to pursue a law degree from the University of Kansas and fought for equality and social justice through her work with countless organizations, including volunteer work at Lawrence, Kansas' GaDuGi SafeCenter, a shelter that aids victims of sexual assault and domestic violence. But on July 3, 2008, Jana's own life was ended by an act of domestic violence.

Since her death, Jana's parents, Curt and Christie Brungardt, started the Eleven Hundred Torches campaign to inspire others to continue Jana's admirable work. The goal was to encourage 1,100 people to carry on Jana's torch through civic engagement and volunteerism. As of this month, I am happy to report the campaign logged its 1,100th volunteer, but Jana's work still remains unfinished.

Jana's story proves that no State, community or family is immune from domestic violence. Domestic violence does not discriminate based upon gender, race, age, education or social status, and its plague wreaks havoc on our day-to-day lives within our communities and our overflowing criminal justice system.

Every year, there are more than 4 million new incidents of domestic violence reported in the United States, with many more unaccounted for due to fear and intimidation. Of those 4 million reported cases, nearly 100,000 Kansans fall victim to domestic violence each year.

While we make gains in raising awareness about domestic violence and

providing assistance to affected victims, there is still much work to be done. Whether we are part of a business providing a service, such as refurbishing cell phones for women in domestic emergencies, or volunteers donating time to local domestic violence centers, we all can do more to end domestic violence. I encourage my House colleagues to seek out a center, a shelter, or an organization in their district or State and to further engage on this issue.

This October, let us remember the victims of domestic violence and learn from their courage as we do our best to ensure that our communities are a safe place to live, work, and raise families. I encourage my colleagues to join me in recognizing October as Domestic Violence Awareness Month.

Madam Speaker, I ask for continued support and assistance for domestic violence prevention programs.

HALLOWEEN BUDGET SCARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

Mr. INGLIS. Madam Speaker, tonight I want to talk about where we are with the budget deficit.

Just in time for Halloween, we are looking at scary numbers: an annual deficit of \$1.42 trillion, accumulated debt of \$13 trillion. It's a real fright. So, what does it compare to in our history?

Well, here we have a chart that shows the historical debt levels of the United States. This is debt owed to the public, not intergovernmental debt. But what it shows is that after World War II there was a substantial amount of debt owed to the public; in fact, it was over 100 percent of our gross domestic product. Since then, it has gone down nicely, and that's a good thing. But here, lately, you can see the trajectory over there of where we're headed to, another dangerously high level of debt; again, an accumulated debt right now of \$13 trillion, and this year will throw on 1.42 trillion from this year's annual deficit.

But the historical debt level gives us a little bit of comfort because it shows that after World War II we had a higher percentage of debt than we do now. But there is a big difference between the debt after World War II and the debt today. As you can see here, the comparison of our creditors on this debt is what's really telling and what, again, just in time for Halloween, is rather frightening.

In 1945, 95 percent of the debt was owed to the U.S. public; only 5 percent of it we were looking at back then was foreign investment. Now, then, in 2009, that \$13 trillion debt that I was just talking about, the U.S. public owns only 54 percent of that debt. China

owns 11 percent, other foreign countries, 35 percent.

So the very scary thing is that, unlike World War II where we had a higher percentage of debt compared to GDP but we owed it to ourselves, now with this \$13 trillion debt, we owe it to foreign countries, not to ourselves.

The very sad thing for me as a member of the Republican Study Committee is that if we had enacted the conservative budgets that we proposed since 2005, we would be, right now, \$613 billion to the better, because over those years, we proposed here on this House floor the most conservative budget alternatives offered. Had they been enacted, we would have been looking at \$613 billion less than what we are looking at now by way of debt.

Now, from here, it gets even scarier, because this chart shows the effect of President Obama's proposed budget in 2010. As you can see, government spending as a percentage of GDP—that's what this chart is showing is government spending as a percentage of GDP—you can see it taking off at a trajectory that truly is frightening. The Republican alternative budgets, as you can see there, show a trend line down so that we would be moving away from government spending as a percentage of GDP. It would actually be declining over the years to come.

So, the question for us as Americans is: How are we going to cope with the fact that we've got a \$13 trillion accumulated debt? First thing we could do is cancel the unspent part of the stimulus package; that's \$787 billion. Only 13 percent of it has been spent. Surely we can cut that out. The next thing we can do is make sure we do no harm in health care, and that means avoiding yet another government program like Medicare and Medicaid that involve cost shift. That means that private sector employers and people covered by their own insurance will have to make up for the shortfall created by the cost shift that comes from these underpaying government programs. But even in their underpayment, they create an enormous government deficit problem.

So, Madam Speaker, the message I think to all of us, Republicans and Democrats, the President and the Congress, is to come together to figure out a way to get this trajectory down, to not be looking at this kind of government spending that takes off, but rather to bring that down.

ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. BOCCIERI) is recognized for 60 minutes as the designee of the majority leader.

Mr. BOCCIERI. Madam Speaker, today, we are going to highlight this hour on energy and the needs of the

United States in terms of enacting a robust energy policy that is going to create jobs here in America, move away from our dependence on foreign sources of oil, and make our country stronger in the long term.

Now, I want to speak to you from a military perspective, having served nearly 15 years in the United States Air Force. I think that this issue has to be elevated from just a national debate to a matter of national security. And it's not just Congressman BOCCIERI from the 16th District of Ohio saying this.

In fact, in 2003, the United States Department of Defense issued a study and suggested that the risk of abrupt climate change should be elevated beyond a scientific debate to a U.S. national security concern. The economic disruptions associated with global climate change are projected by the CIA and other intelligence experts to place increased pressure on weaker nations that may be unable to provide the basic needs and maintain order for their citizens.

So, from my own perspective, having graduated with a degree in baseball and minoring in economics, I didn't get into the whole scientific debate on whether climate change was real or perceived, but when the military experts and our intelligence experts speak, I'm going to listen, and I have to tell you that America should be listening as well.

I hope that over this next 60 minutes we will have a robust discussion about how this energy policy is going to move our country down the field so that we can end our dependence on foreign oil and we can make sure that our country becomes energy independent. After all, we did send a man to the Moon in 10 years, and I think and believe in my heart of hearts that we can become energy independent in the next 15 to 20 years. I believe in the innovation of America, and I believe that we can do this if we put our efforts on it.

Now, with the national energy debate comes a sense of trying to correct the status quo. And I know those changes are difficult, but for those who are against a national robust energy policy for the United States, you hear them speak the rhetoric from those who delivered \$4-a-gallon gasoline to the United States of America. We listened to the same talking points that delivered oil prices over \$150 a barrel. We listened to the same talking points who don't want us to end our dependence on foreign oil.

□ 2000

We import 66.4 percent of our oil from overseas; 66.4 percent of our oil comes from overseas. Nearly 40 percent comes from the Middle East. Forty percent comes from the Middle East.

History reminds us that, in 1944, when the United States and our allies

bombed the Ploiesti Romanian oil fields, we effectively cut off the German supply of oil; but they quickly transitioned to a synthetic fuel, which is a derivative of coal, and they fought on a lot longer.

So the single largest user of energy in the United States is the Department of Defense. My friends, this is a matter of national security, and that's why an energy policy that moves away from our dependence on foreign oil is going to move us down the field to becoming energy independent. I believe that the amount of alternative energy our Nation is able to produce is only limited by the amount of energy we are willing to invest in it, and that is why the United States is moving down this track.

We find that our intelligence experts, over serious matters of national security, have talked about this. In fact, General Anthony Zinni, a retired military staffer, has weighed in on this. We find that many of our military experts have weighed in on this as well as the CIA, which last month just set up a national policy and an agency in launching the center on climate change, with national security as a focal point for its work on this subject. So this is not just a matter of climate change but a matter of national security, and the impacting phenomena of such certification is just giving emphasis to the fact that we have got to address this as a matter of national security.

So we are going to talk tonight about energy. We are going to talk tonight about health care. I am joined by some of my colleagues on the floor, and we are going to be able to pivot in between these two subjects tonight as members of the 30-somethings because there are two topics.

There are two issues that confront us as a Nation that offer some serious challenges for our long-term competitiveness. They are health care and energy, health care in the fact that we spend more than any industrialized country on health care. Yet we find that our outcomes, our life expectancy, is on par with Cuba. With infant mortality and with chronic diseases like diabetes, heart conditions and asthma, we rank out somewhere around 38th in the world. So it's very clear that we are spending more than any industrialized country on health care. Yet our returns and outcomes, our return on investment, is not as good as it needs to be. So tonight we are going to talk about those two subjects as 30-somethings, energy and health care.

I am happy to be joined by my colleague from just a State away, JASON ALTMIRE from Pennsylvania. I would like to recognize him for this time.

Mr. ALTMIRE. I thank the gentleman.

I did want to start by joining the gentleman in a discussion of energy. I come from a region of the country

where we have an incredible amount of coal reserves and where we have natural gas reserves that exceed anything available literally anywhere else in the world. We have the international headquarters of nuclear, with Westinghouse headquartered in my district, which employs 4,200 people currently; and it's growing literally every day. I have a lot of energy in the district that I represent, and a lot of it is the fossil fuels that you hear about.

When you hear about coal and natural gas, you say, well, that's the old way of doing things. I would certainly take issue with that. I think we can have clean coal and liquefied coal. I think we can use natural gas to our advantage both from a homeland security aspect and from an energy independence aspect as well. Coming from western Pennsylvania, when you think about that, that does not mean we don't think about new types of energies. I want to talk about solar and about one way western Pennsylvania has taken a leadership role in solar technology.

This week, for example, this House is going to consider Congresswoman GABRIELLE GIFFORDS' Solar Technology Roadmap Act. That establishes a committee to draft a solar energy roadmap for the Nation. Now, this roadmap sets short-, medium- and long-term solar technology goals for the United States of America, identifying research, development and demonstration needs for this technology and identifying opportunities to coordinate that effort all across the country. The bill creates a solar technology research, development and demonstration program that awards merit-reviewed grants for up to 50 percent of project costs to organizations such as academic institutions, national laboratories, industry, State research agencies, and nonprofit organizations.

Now, the reason I wanted to talk is I'm working with my colleagues to incorporate into the bill for one of the fiscal year 2011 demonstration projects a technology called "organic solar technology." Many of us think solar power is a rigid cell of large glass plates, but organic solar technology turns solar cells into high-tech ink that can be printed or sprayed onto surfaces using the same general idea as an ink-jet printer. If you think about the way that works, that's the way organic solar would work as well.

This technology leap allows us to turn lightweight, flexible films into solar receptors, which open the door to using solar power for items like cell phones, laptops and, perhaps, one day, as the gentleman was talking about, for military equipment that can recharge in the field or smart labels to track retail inventory. This technology will potentially cost less than traditional silicon solar technology because it's easier to process. Some manufac-

turers are confident that they can bring the cost of organic solar technology to one-fifth the cost of traditional silicon technology, making solar technology more attainable for all Americans, certainly western Pennsylvania included.

Furthermore, organic solar cells would potentially be better for the environment than traditional silicon solar technology. Not only does organic solar technology use less energy in production because it requires less processing, but the cells can be easily recycled.

Today, some estimates show that our Nation is falling behind in bringing this technology to the market. Half of the world's organic solar technology patent filings since 2004 came from the United States. Yet the United States lags behind Europe and Asia in the actual development of this technology in the field according to a Navigant report on photovoltaic markets in 2007.

So two of the biggest barriers to organic solar technology today are how long the cells last in the field and how efficiently they convert sunlight into electrical energy. In closing, my provision would ensure the opportunity for a demonstration project to pursue these and other advancements.

The points of this, as the gentleman was talking about, are military applications and the ways that we can achieve energy independence. This is one example of how western Pennsylvania, which you think of as coal country and as natural gas country—and I told you we have the nuclear headquarters—this is one way that we're taking a leadership role in solar technology as well.

Mr. BOCCIERI. Well, I couldn't agree with the gentleman from Pennsylvania more in that we will find the courage to find what is clean coal technology and what we can use clean coal technology for.

Let me just say this: The United States Air Force right now is testing synthetic fuel in our airplanes, and it is using it for other applications broadly across the military because they know that we have more coal reserves in America than we have oil.

For those who may be out there who believe that we should drill in America and should take every last drop of oil out of America, we are going to expand drilling at some point. It's in the Senate version of the bill right now; but we will always have less oil than the Middle East, and right now 40 percent of our demand is supplied by the Middle East. Many have said that we're funding both sides of this war on terror, that we're sending money over to the Middle East and that they, in turn, are sending money to rogue terrorist nations that are actually looking to harm America.

So let's become energy independent. Let's use our resources. Let's use nu-

clear. Let's use clean coal. Let's use solar. Let's use the type of biofuels that are being researched right in our part of Ohio.

Now I want to speak to you because, if we end our dependence on foreign oil from the Middle East, what will it take? many Americans ask. What will it take to end our dependence on foreign oil?

There was a study issued that said if we put 27 percent of the vehicles on the road in the United States which are gas electric hybrids, like the Ford Escape or the Toyota Prius, we could end our dependency on foreign oil from the Middle East. Isn't that an achievable goal? Eighty percent of the world's oil reserves are in the hands of governments and of their respective national oil companies. Sixteen of the twenty largest oil companies are state-owned—nations that want to seek harm to the United States.

In fact, we hear from our military leaders, from General Anthony Zinni, a retired marine and former head of the Central Command, who said that we will pay for this one way or another. We will pay to reduce greenhouse gas emissions today, and we will have to take an economic hit of some kind, or we will pay the price later in military terms, and that will involve human lives. It is very clear that this is a matter of national security.

Mr. MURPHY of Connecticut. Will the gentleman yield?

Mr. BOCCIERI. I will.

Mr. MURPHY of Connecticut. I thank the gentleman for bringing this up, and I would like to really put this in real terms for people.

When I went over to Afghanistan and Pakistan with a group of Members of Congress earlier this year, I, frankly, was surprised to find out that the two major funders, the two major governments putting money on the ground in Pakistan, were the United States of America and Saudi Arabia. Saudi Arabia has the second largest presence on the ground in Pakistan with regard to the direct government funding of social service infrastructure, of educational infrastructure, and of health infrastructure. If you want a real example of how the money that we are paying in gas prices and in home heating oil prices are directly ending up contravening our national security interests, there is a perfect example.

Saudi Arabia is taking the money that it makes off of American consumers of oil, and they are putting that money on the ground in Pakistan to fund the madrasas, the religious schools and many of the efforts that are feeding this growing generation and generations of people who have adverse interests to the United States. They are the recruiting tools of the Taliban and of the al Qaeda funded on the ground in Pakistan by countries that get revenues from the use of their oil.

So, as we try to chart a path forward as to how we are going to make sense of the very direct threat presented to this country by al Qaeda's presence and by the Taliban's presence, giving them cover in Pakistan and in Afghanistan, we can't lose sight of the fact that this isn't just about how many troops we have there and what our role is vis-à-vis direct military action or the training of Afghan troops. This is also about the fact that, while we are funding all of those troops, as you have said, Mr. BOCCIERI, we are also funding at the very same time the efforts that are ongoing in both of those countries to undermine our efforts.

There are, frankly, a dozen great reasons that we need to progress towards energy independence, but with direct respect to the security of this country and to the threats presented to it in the Afghanistan-Pakistan region, we have immediate, immediate imperatives to get ourselves off of the oil which is funneling the efforts against us.

Mr. BOCCIERI.

Mr. BOCCIERI. Mr. MURPHY, you are exactly right. This is not a debate that is new just to this year or to this Congress. In fact, every Presidential candidate running for the highest office in this country last year stated that it is a matter of national security.

So I remind some of our friends on the other side who need to be reminded of the fact that some of their leaders who were running for this office suggested that we need a national energy policy that moves away from our dependence on foreign oil, that creates jobs in America and that makes America stronger, not weaker. One of those was Rudolph Giuliani.

To the gentleman from Pennsylvania's remarks about clean coal, he said we need to expand the use of hybrid vehicles, clean coal/carbon sequestration. We have more coal reserves in the United States than we have oil reserves in Saudi Arabia. This should be a major national project. This is a matter of national security. Every Presidential candidate has suggested that. We'll revisit some of their remarks in a few moments, but I want to go back to what some of our national intelligence experts are saying here.

Peter Ogden, chief of staff to the State Department's top climate negotiator, said the sense that climate change poses security and geographical challenges is central to the thinking of the State Department and the climate office. They're citing studies that were done under the Department of Defense which suggested that our National Intelligence experts are suggesting that this will be a breeding ground for terrorists if we do not look at this very seriously.

We are finding that areas which are wiped out by tsunamis and which have these cataclysmic events happening in

their regions become breeding grounds for terrorists. They can't fund the national or the basic interests of their communities, of their countries. As a result, the CIA has said that the economic disruptions associated with global climate change are projected to place increased pressure on weak nations which may be unable to provide basic needs or to maintain order for their citizens.

That is critical, my friends. I didn't get into the whole scientific debate of climate change, but I'm paying attention when our military experts and when our Nation's intelligence experts are suggesting that we have to elevate this to a matter of national security.

I know Representative TONKO, from New York, has a few words, and he joins us in our 30-something hour.

□ 2015

Mr. TONKO. Thank you, Representative BOCCIERI, for bringing us together this evening. I can't agree more with you and the Representatives that have joined us here this evening, both Representatives ALTMIRE and MURPHY, who have indicated that there is an importance to looking at the big picture frame that should guide this debate and discussion. It is certainly about energy transformation. It's about energy security that's enhanced. It's about growing our energy independence. But it goes well beyond that. It is a factor; it is a huge argument that speaks favorably to our national security, to our economic security. I think when we look at that bigger framework, we're able to understand the ripple effect of benefits, of good, that comes from the negotiated efforts here in this House to produce a strong bill. For energy transformation, for climate change, for global warming to be addressed in positive, progressive terms.

To have listened to some of the discussion and debate on this floor that denounces some of the studies that were authored out there, where the authors of those studies have suggested to us that you're overstating, exaggerating, if not outright denouncing studies that have been put together that speak favorably to these sorts of investments have not stopped people from using misinformation and growing the arguments out there that are unfounded, unfounded and unsubstantiated by evidence and by truth and by documentation that has been established.

I think it's important for us to look at the facts. If we're willing to continue to invest hundreds of billions of dollars into foreign treasuries, to continue to rely in a gluttonous measure on fossil-based fuels for our energy agenda, shame on us as a nation. We have an opportunity here to go forward with a green energy economy that can create jobs of various disciplines, from Ph.D.s over to those with bachelor's

degrees, over to those who have associate degrees and skill sets that have been developed with apprenticeship programs, with vocational programs. Across the board, we have an opportunity to invest in all sorts of disciplines out there that strengthen our economy and strengthen our comeback for job creation and job retention in this nation.

Just the other day we were talking to people in my district from the nanoscience arena. And in a generalization of that arena, what they see from start-up businesses is that we have about 20 percent of Ph.D.s and master's degree holders occupying jobs at those centers, at the various start-up businesses that are being established; we have perhaps 20 percent with bachelor's degrees; and then some 60 percent occupied jobs that are bringing to that table associate degrees and technical training. So I think it's very evident, very obvious, by these calculable sorts of outcomes that speak to what's happening in my district that we're growing jobs in every sphere, in every dimension, with all sorts of skill sets that are required.

It is important for us to go forward with this green energy race. And we don't have a choice whether or not to enter in. We have a choice to be as prepared in that race as possible. I liken this to the space race of four decades ago, where this country vigorously pursued with a degree of passion, a high degree of passion, the efforts to land a person on the Moon. That was more than just a race to land a person on the Moon. It was a growth of technology in all sorts of areas in our life that define our quality of life: in communications, in health care, in all sorts of technical advancements in our society. And it allowed for us to think in bold and very noble terms about the importance of science and technology.

Here today, many more nations are joining in a race, a global race, on green energy, clean energy. And we don't have the luxury to stand along the sidelines and watch other nations prosper and pass us by. That's what will happen if we don't go forward with a plan, an energy plan, that will calculate jobs, that will allow for us to invest and reach to our intellect in this nation. Our intellectual capacity is great. We can't just stop with the ideas. Many of those ideas are being commercialized and deployed into the manufacturing sector in other nations. They're using American patents, they're using American ingenuity, American ideas to make things happen in their nations. We need to invest vigorously in that sort of economy. We can do it by putting together a progressive policy like that of ACES that was voted upon in this House, where we put together the framework, the blueprint—the green print, perhaps—as to how we're going to pursue job creation

and responsiveness to our energy needs and a responsible approach to the environmental stewardship that is assigned each and every one of us as American citizens to this globe.

Mr. BOCCIERI. I couldn't agree with the gentleman from New York more, that this is not only about creating jobs, it's a matter of our national security and moving away from our dependence on foreign oil.

In fact, in September, the Central Intelligence Agency, the CIA, is launching the Center on Climate Change and National Security as the focal point for its work on the subject. The Center is a small unit led by senior specialists from the Directorate of Intelligence and the Directorate of Science and Technology. And further, the National Intelligence Council reports that the demands of potential humanitarian responses may significantly tax U.S. military transportation and support force structures, resulting in a strained readiness posture and decreased strategic depth for our combat operations.

This is a telling remark of where this issue needs to be highlighted. I'm a C-130 pilot. We provide humanitarian relief. We support our troops. We will be flying humanitarian relief all over the world if this issue is not addressed. And they are talking about our readiness as a country. The CIA and others are talking about our readiness as a country. And I think this is very, very important. We can use all the resources that we have at our disposal. Can you imagine one day, my colleagues, rolling into a fuel station and having a choice, between using traditional gasoline, biofuels, biodiesel, ethanol; maybe we plug in our electric hybrid or drive by the gas station or fuel station altogether because we have a fuel cell that allows us to get a hundred miles to the gallon. That is an achievable goal that we should strive towards, having choices, not just using traditional gasoline but having a variety of sources. And, in fact, we can end our dependence from Arab nations and OPEC-producing nations if we put 27 percent of the vehicles on the road that were gas-electric hybrids. That's an achievable goal, to end our dependence from the Persian Gulf.

Would we bring our troops home? Would our national interests now be so closely aligned and attached to what happens in Saudi Arabia and Kuwait and Iraq and all those areas—Iran—that have all the oil, 40 percent of the oil that comes to this nation? We can use the resources at our disposal, and I think that we ought to think about doing that. This is about jobs. This is about national security.

Let me just relate to you something that some of our leaders who are running for the highest office in this land have said. Mike Huckabee himself said this:

A nation that can't feed itself, fuel itself or produce the weapons to fight

for itself is a nation forever enslaved. It's critical for our own country and our own interest economically, and from a point on national security, we commit to becoming energy independent and we commit to doing it within a decade. We have to take responsibility for our own house before we can expect others to do the same in theirs.

It goes back to his basic concept of leadership. Leaders don't ask others what they are unwilling to do themselves. That right there, my friends, is something that is very, very important.

We have been joined by one of our friends from Virginia, Congressman PERRIELLO, who has much passion about this topic.

Mr. PERRIELLO. Mr. BOCCIERI, thank you very much for continuing this. Since the last time we had one of these discussions, China has made yet another massive investment of tens of billions, hundreds of billions of dollars in their energy future, in their energy independence. I am sick and tired of us falling behind China. I'm sick and tired of importing everything from there instead of building things and growing things right here in the United States. We can do this better.

The Secretary of Agriculture and the Secretary of Energy came down to my part of southern Virginia and the Secretary of Energy had just recently gotten back from China. He was looking at the bio refineries in my district and the potential for us to be growing our own energy and keeping that wealth in our communities.

I asked him, How does this compare to what's going on in China?

He said, This is better than anything they have there right now.

But we are not investing and committing to this in the same way that they are. We cannot afford to fall behind. That's why those quotes come from leaders who are trying to show that they're leaders. But what happens once it gets to governing? Leadership cannot stop on election day. That has to be the beginning of a commitment, not the end, to showing your patriotism, to showing that you will put this country's interests ahead of the interests of the next election cycle.

For 30 years, both parties have talked about and understood the importance of energy independence, importance to our national security, importance to our competitive advantage. And yet nothing, year in and year out. This Congress is different. We are not going to allow the problems that have hackled us for a generation to continue to do so.

I was in a group with some regional planners the other day talking about infrastructure investments. They said, Mr. PERRIELLO, do you think that we have an economic development strategy in this country?

I said, Unfortunately for too long we have not, because the economists guiding the way have too often come only from the financial sector, not from the economic development sector. We need to make the commitments on infrastructure, on energy consumption, on efficiency, on smart grid technology that will create the new competitive advantage for the new American century. That is our obligation. And now is the moment where we ask, Are we ready to lead or will we cower? I want to acknowledge your leadership, not only in making difficult votes but more importantly for being a tireless advocate for what we can do in this country; advanced manufacturing of these new means of energy production, producing the energy-efficiency technology. I just cut the ribbon last week on a small business, four or five employees in my district, in a town with over 20 percent unemployment, that is figuring out how to sell the wind and solar and efficiency technologies to small businesses to help make them more competitive and to middle-class families to help them make that family budget that is so tight these days.

Mr. BOCCIERI, I appreciate your leadership. Thank you for including me in this; and we will not rest until we do what is necessary to protect this country and make it competitive again.

Mr. BOCCIERI. Thank you. I agree that this is not only about national security but creating jobs, too. We had a recent announcement last month that Rolls Royce was moving the center for their research into my district, for fuel cells. We are going to become a leader in fuel cell research provided that we have the courage to invest in it.

You may have missed my earlier remarks because you just joined us, but I said that the only thing that is holding us back in terms of the amount of alternative energy our nation is able to produce is the amount of energy we are willing to invest in it. We have got to find the energy and the courage to make this happen.

I know Congressman MURPHY has been trying to champion this in Connecticut.

Mr. MURPHY of Connecticut. Mr. BOCCIERI, we have the best-educated, most highly trained, most productive, most innovative workforce in the world. You go back over the history of major invention over the last hundred years, almost every single one of them has come out of American ingenuity. Yet today with respect to the global industry that produces advanced battery technology, solar cells, solar technology and wind turbines, in all three of those areas, the United States today has either one or two of the top 10 producers in the world. We have lost ground to Asia, to Europe, because we have been unwilling to be a partner with those industries in getting them off the ground.

This place is obsessed with short-term thinking. Maybe it's because everybody in this Chamber is up for reelection every 2 years. But this is a problem. This is an opportunity that requires that vision that Mr. PERRIELLO is talking about, to extend beyond 2 years, to be able to see pay-offs that may not happen for 4 years, 5 years, 10 years. But the fact is that this place, Washington, D.C., the United States Congress, has been so focused on the short term, has been so focused on how we get from this year to next year that we have caught ourselves in a cycle, a downward spiral, with regard to energy and economic development policy that we are now so far beyond and behind the rest of the world.

This is absolutely about national security, but this is about putting ourselves back on the mantle of leadership with regard to the development of these technologies where we should be today. This is growing jobs in everyone's district, but it does involve some government help at the outset. To simply ask venture capitalists and private investors to put up all of the seed money required to develop these new technologies whose payoff may not come for another 5 or 10 years is unrealistic. And the reason why Japan and Germany and so many other countries are so far out ahead of us with respect to the development of wind turbines and solar panels and advanced battery technology is because they have at the outset partners in government who set market conditions that are hospitable to a public-private partnership in the development of these technologies.

This is going to be part of the story of the regrowth and resurgence of the American economy. But it only happens if we follow the example that unfortunately has had to have been set by these other countries, China included, as Mr. PERRIELLO points out. We can get back to a leadership place on this issue, but it is going to take a Congress and a President and a House and a Senate that's willing to look out beyond the 2-year time horizon, that's willing to make some sacrifices and some tough votes right now in order to get us to that point of energy sustainability and independence in the long run.

□ 2030

Mr. BOCCIERI. Well, I couldn't agree with you more. The gentleman from Connecticut is absolutely correct. This is about creating jobs. So many jobs have been created already in our congressional districts, and let me just highlight a few of those.

In Ohio, he is right about the private venture funds and the public investment that is going to be required to get this started. Ohio is going to see a \$5.6 billion investment in new public and private sources due to programs and incentives under the American Recovery

and Reinvestment and American Clean Energy and Security Act. These investments will lead to nearly 70,000 clean-energy jobs in Ohio, even assuming some potential setbacks with respect to how we transition to those new technologies. Presently there are about 35,000 clean-energy jobs in Ohio, and that was as of 2007.

So we can do this. We can create the jobs of tomorrow. We can stand with the innovators and the entrepreneurs, and we can disregard the gibberish and the talk that we hear, the talking points from the status quo folks, who believe and are taking their talking points, quite frankly, from the same people, the very people who gave us \$4 a gallon gasoline, \$150 a barrel oil prices. We can do better than that, and I think it is about our country.

Let me revisit, before we recognize Representative ALTMIRE, what Mitt Romney said. He said there are multiple reasons for us to say we want to be less energy dependent on foreign energy and develop our own sources. That is the real key, of course, additional sources of energy here, as well as more efficient uses of energy. That will allow us and the world to have less oil being drawn down from various sources where it comes without dropping the prices too high to a level. It will keep people, some of whom are unsavory characters, from having an influence on our foreign policy.

Now, even Mitt Romney, who was running for the highest office in the country, had suggested the fact that we get and we fund both sides of this war on terror, because we buy so much oil from overseas. And I believe that every presidential candidate running last year said that this is a matter of national security, and it is time that we do this.

One last thing. I visited an industry this week in my district that is leading the charge in trying to make our buildings more efficient. We spend \$400 billion a year on inefficient buildings across this country, and I know Representative PERRIELLO said this before, the cheapest energy in our country is the energy that we never use.

To save energy, to reduce our consumption, is very important, especially when you have 3 percent of the world's population and we are consuming nearly 30 percent of the world's resources of energy. That has got to change, and we have got to find our way away from this, and that is what this means tonight.

Representative TONKO had a few words on that.

Mr. TONKO. Thank you, Representative BOCCIERI.

I have heard all of our colleagues talking about leadership, exercising leadership and putting a plan into action. I think what is most regrettable is that we are still having this debate as to whether or not to enter into a

new energy economy, to address the climate change issues that are so much an imperative these days.

All of this discussion is coming while other nations are now investing and investing heavily in their country's economy, driven by these new technologies, these emerging technologies, an innovation economy. So our pace here needs to be sped up. But it has also got to be preceded by a sound plan that is put together. So I would implore this House and the Senate to work in a bipartisan, bicameral way with the White House to make certain that that plan is in place in very short order.

Let me just talk about some of the evidence that I have seen in my district, again with advanced battery manufacturing. I am looking at investments from GE that would allow us to address a number of dynamics that are speaking to the empowerment of the energy transformation where the battery is the linchpin.

We are talking about development at GE that will allow for multiple purposes, for heavy vehicles for their fuel needs, for those heavy vehicles to be empowered by this alternative, but a new format of battery, advanced battery manufacturing. We are talking about creating a power supply with this sort of battery.

We are also talking about their battery development, essential to the storage of intermittent renewables, supplies from the sun, from the wind, that may be intermittent in nature. The linchpin here is to develop the battery manufacturing that will transition us. All of this investment needs to be sped up.

We also need to look at what we can do with efficiency within renewables. I have recently passed in this House a wind energy-efficiency bill that allows us to take a closer look at the manufacturing and the assemblage of those given sorts of power supply. Those renewables can be done in a more efficient way. Citing the materials that are used, we can reach to nanoscience to develop lighter materials or durable materials. How we assemble the gearbox assemblage is an important bit of R&D that needs to get done, how we develop through manufacturing a better tower system for our renewable supply from wind.

All of this needs to be a huge American investment. Again, we have the energy intellect. We can emerge from this race as a winner, but the time is passing us by. And whichever nation emerges the winner in this race will be that go-to nation that will be the exporter of energy intellect, energy ideas, energy innovation for generations to come.

So, we are going to fail the next generation of job holders, we are going to fail this Nation's economy, we are going to fail the environment agenda, we are going to fail the energy

transitioning if we don't move forward intelligently, thoughtfully, progressively, in a way that allows us to capture the brain power of this country that has driven invention and innovation in so many measures, in so many dynamics.

We have it within our grasp. We need to go from research that is done at our universities and the private sector and further deploy into the commercialization zone, into the manufacturing efforts, those ideas. We have failed after that research investment. We need to have that "valley of death," as it is termed, where we don't get the seed money that is necessary for a lot of this innovative spark to take its presence in our American economy. We need that sort of commitment and we need that sort of policy development.

We can do it. This House has offered a great bill. We challenge those in this process to work with us to have an outcome that has a bill on the President's desk that can sign us into a new era of energy policy.

Mr. PERRIELLO. I want to pick up on what Mr. TONKO and Mr. MURPHY said. Right now there are two types of countries around the world. There are those that are looking back 20 years ago and crying over what we have lost, and there are those who are looking 20 years ahead and saying, what could we be?

Right now, this body has too often been a problem in focusing because of the way our campaigns work and other things on how to try to protect what has been, instead of how to promote what could be. We are falling behind in competitive advantage. We still have the best workforce, we have the best capital and innovation, we have the best entrepreneurs, we have the best science. Yet we get out-competed. It is time for this body to be part of promoting what could be.

I found a lot of folks talking during August and other times I have been home about threats to capitalism and how great capitalism has been for our system. It is truly the economic driver of innovation and growth. But the threat to capitalism right now is not, in my mind, what some people have seen as a secret agenda. It is that we reward failure and we reward the status quo, instead of rewarding innovation. That is what has worked in the past. That is what can work again.

This bill, fundamentally about energy independence, is about finally getting us incentivizing and rewarding the next generation of innovation. That is how we build jobs here. That is how we grow jobs and middle class incomes in this country.

One thing we don't often do in this body is to give credit to our friends across the building in the Senate, but I do want to commend the work and the leadership of Senator GRAHAM and Senator KERRY on a call to action on that

side, in the Senate; a call for whether there are 60 patriots ready to go in the Senate and pass this. In particular, I appreciate that they are willing to put the issue of a more robust nuclear agenda on the table.

I think we need to look at everything as part of this. This problem is too serious for any side to dig in its heels to some ideological purity. We must look at how energy efficiency and smart-grid technology will be part of this. We must look at nuclear, wind, solar, biomass, we must look at all elements, because this is that important to our national security and our job creation.

So I hope that there will be a robust debate on that side; that they will find ways to maybe even strengthen what we have done on this side by blazing that trail. That is how we revive innovation, entrepreneurship and job creation in the next generation.

Mr. BOCCIERI. The gentleman is correct that we spend an awful lot of time often looking back at what was instead of looking ahead at what could be. And I remember the words so clearly, reading and hearing about what President Kennedy said: We do these things not because they are easy, but because they are hard.

It is hard to break from the status quo. It is hard to let the folks who have been delivering us \$4 a gallon gasoline, let them go and break our dependence on our consumption of oil that comes from overseas. The opponents of a robust energy policy in this country have been attempting to define this bill and define our movement towards efficiency, towards creating jobs, towards protecting our national security, about cap-and-trade. Cap-and-trade is one section of the bill, one section of the bill that looks at addressing the climate change issue that the CIA, that the Department of Defense and our intelligence experts are looking at.

So, are we going to put our weight with the folks who have been giving us \$4 a gasoline and those big energy industries that have been making a lot of money over the status quo years, or are we going to stand with our intelligence experts and suggest that this is real? Our intelligence experts are suggesting we need to do this.

Now, when this body was faced with the decision, the section of the bill that deals with cap-and-trade, we had a decision to make. There was a court case at the end of last year that said the EPA was going to regulate emissions in this country. Well, do you want the EPA and bureaucrats in Washington doing it, or do you want the free market to do it? Because I believe, like so many of my colleagues, that the Federal Government has a responsibility to set the out-of-bounds markets, to set the goalposts, let the free market operate in between, and then throw the flag like a good referee does when someone goes out of bounds.

That is what we should do. Let the free market drive innovation; let entrepreneurial spirit, let the innovators in this great country do that.

Let's do that. But attempting to define this as a national energy policy, as cap-and-trade, is not only disingenuous, I think it threatens our national security. And those aren't just my words. Those are the words of a fellow who I have a great deal of respect for, JOHN MCCAIN, Senator MCCAIN.

I flew this gentleman, this honorable American, out of Baghdad when I was flying missions over in Iraq and Afghanistan. He said it is about cap-and-trade. There will be incentives for people to reduce greenhouse gas emissions. It is a free market approach. JOHN MCCAIN is saying it is a free market approach. The Europeans are doing it. We did it in the case of addressing acid rain.

He said if we do that, we will stimulate green technologies. This will be a profit-making business. It won't cost the American taxpayer. Let me repeat that. It won't cost the American taxpayer, he said, because of the free market approach. JOE LIEBERMAN and I, Senator MCCAIN introduced the cap-and-trade proposal several years ago that would reduce greenhouse gases within a gradual reduction. He said we did this with acid rain. This works. It can work—if we have the courage to do it.

We do these things not because they are easy, but because they are hard. That is what leadership does. But if we are worried about the next election and not worried about where our future is going, the gentleman from Virginia is absolutely correct that we are going to continue to be enslaved, like the gentleman from Arkansas said. Like he said, if we can't produce the weapons to fight our own Nation's wars, if we can't find the energy here in our own country, if we can't feed ourselves, it is exactly right that we will be forever enslaved. That is why we have to make the decision now. That is what leaders do.

Mr. PERRIELLO. I have learned a lot from the hardworking folks in my district, particularly in southern Virginia, where we have been seeing job losses and negative economic growth for years. While the country has been facing this for the past year in particular, we have seen it for a decade-and-a-half while jobs have gone overseas.

One of the things that folks say to me over and over again is, stop offering us quick fixes. We know they are not true. Stop focusing your politics on who to blame for the problem instead of how to fix it. That is what I hear from the hardworking folks of my district. It is time to stop the politics of blame and the politics of lollipops falling from the sky and everybody will be happy on a sugar high. What it is time

for is the tough work of tough solutions.

There is no quick fix for regrowing our economy. We have to recreate America's competitive advantage. We are getting out-competed, and there is no excuse for that. And too often Washington has been part of the problem instead of part of the solution.

What we are looking at is things that can not only have some short-term benefits through energy efficiency, but will be part of a long term strategy, 5 years, 10 years, 20 years, 50 years, that keep America on top. Every previous generation of Americans has been willing to step up to the challenge of their times.

□ 2045

They haven't said, What do I do to get to the next election cycle? They say, What do we do to leave America stronger and better than we inherited it? That is the sacred covenant that Americans pass from one generation to the next.

Our generation must deal with these sorts of threats, energy independence and how we compete in a global economy. It's a new thing that we haven't had to face at the same degree in the past. And for me, this is also a question of moral responsibility. We are paying the price for a period of tremendous greed and irresponsibility, from Wall Street and corporate CEOs to the people of this body to individuals buying a home that they can't afford or consuming energy they know they could preserve.

There's an irresponsibility there that we must translate into a new period of accountability and innovation, and that's what this is about. This is about living up to that sacred covenant that the Greatest Generation passes on and on through American tradition to say we have it in our DNA as Americans to not back down from a fight or a challenge, to not do what's easy, but to do what's right. And that's what I'm proud to say we have begun to do here in this body, and it is a seismic shift towards responsibility, and I'm proud to have been a part of it with you.

Mr. BOCCIERI. Well, I can agree with the gentleman more that this is about tomorrow. This is about where we are as a Nation 10 to 15 years down the road, 20 years down the road, where my children and their children's children will be.

Let me just drive home this point on national security. There was a report that came out in 2009 by the Center for Naval Analysis, coauthored by 12 retired generals and admirals of the United States military, and they found that our dependence on fossil fuels undermines United States foreign policy. It involves us with the volatile and unfriendly powers, endangers our troops in combat, undercuts our economic stability, and drives climate change,

which weakens and threatens to destabilize countries and add to an already heavy American military burden. Our military experts are saying this. Our intelligence experts are saying this.

Now, we have to be leaders and say that enough is enough. We can invest in the tomorrow because we have the energy, we have the alternative energy at our fingertips, and we can make this happen. But we have got to find the courage to do this.

I know Representative TONKO wants to speak one last word on some of our colleagues and what they have said. A gentleman that we serve with here in this body, who I have a great deal of respect for, RON PAUL, Congressman RON PAUL, he said, "True conservatives and libertarians have no right to pollute their neighbors' property. You have no right to pollute your neighbors' air, water or anything. And this would all contribute to the protection of all air and water."

Now, what he's saying in the broader context is that this issue of climate change is our responsibility, too. We're great partners and leaders in the world, and we have to lead by example, like Mitt Romney said, like Mike Huckabee said, like the President is saying, like Secretary of State Clinton is saying. We have to lead by example, and that's what America has always done. We've led by example. So this is about where we are reaching down within our own internal national character and finding the courage to lead in this economic challenge that we face as our country.

Representative TONKO.

Mr. TONKO. Representative BOCCIERI, I couldn't agree more. And we do embrace, we can embrace that challenge, the challenge that has been put forth by all of these individuals that you named here this evening and quoted.

I heard you express the free market system and what it can do to enable us to have a better energy and environment outcome. I heard Representative PERRIELLO talk about not accepting the status quo. I heard there, Representative, a kind of a pioneer spirit, a challenge to be those pioneers that we have been throughout our history.

You know, gentlemen, I have the great fortune of representing the Erie Canal communities. Where that Hudson and Mohawk River meet gave birth to an industrial revolution. This whole channel of the waterway, which was seen as a folly approach, became the empowerment tool, not only in developing this Nation and prospering in the process, but changing the entire world in terms of their quality of life. For in that Erie Canal channel developed a number of mill towns, a necklace of mill towns, each mill town becoming that epicenter of invention and innovation, and they sparked their genius in a way that really transitioned not only America but the world.

We are at that same juncture. We are now at that opportunity moment that can allow us to seize this moment and make a difference. There are those in our country who are those intellects that are proposing these wonderful product lines, these wonderful inventions, but they need to transition from that hybrid, that prototype, into the commercialization and manufacturing of that idea.

And today, that new birth of an industrial revolution, a new economy, isn't about mass production, where they might have invented some wonderful object, produced a few numbers within their garage and then, as business grew, created a factory and mass produced. That is a different spot today for us. It's about precision. It's about the prototyping. It's about the testing, and it's about the evaluating. And that, my friends, is a very pricey situation.

There are not a lot of the start-ups and emerging technologies that have available cash at hand, and there is a huge risk factor, and there are ways to reduce that risk or work through it to see if it is, in fact, going to endure the process. But there are also opportunities for the government to invest in high-risk, great opportunities, situations that can take us into new opportunities with battery manufacturing, with new product lines, emerging technologies, that will be shelf-ready for energy efficiency, alternative technologies for producing power supplies, American power needs that are addressed by the American workforce. Think of that as a great, novel idea, growing our economy.

People have said time and time again, we hear it in our districts, Why are the jobs leaving this country? We have an opportunity to create jobs in this country that respond to our social and economic needs, that respond to our environmental curiosity and our environmental responsibility, but we need to seize the moment. We need to express, in very bold measure, that we care about the energy transformation, the innovation economy.

Let's be those epicenters of invention and innovation as those mill towns I represent were in the heyday of the industrial revolution. It is within our grasp, it is within our intellect, and it needs to be within our political will. And being here this evening and expressing with you gentlemen where we can go and where we believe we are growing our way toward is an important statement to make here this evening, and it's a pleasure to have joined with you in this special hour.

Mr. BOCCIERI. Thank you, Congressman TONKO.

We're going to wrap up here with the last 4 minutes just underscoring what we're talking about here today, the fact that we're focusing on our Nation's energy needs and the fact that

we have got to move away from our dependence on foreign oil, protect our national security, and create jobs right here in America with our investments in these technologies.

And how disingenuous to some who would use the arguments by the status quo who suggest that we need to continue on the way that we have, where we'll be dependent on foreign sources of energy, on the Middle East, and on OPEC-producing nations when we want to put our faith and our trust and our energy in the innovators and the great thinkers here in America.

And how disingenuous that we attempt to define a national energy policy on an issue of cap-and-trade that has been working in this country since the 1990s, on an issue that really is just one small segment of a national energy policy that will mean the difference of us breaking our dependence and creating jobs.

This is a turning point, a tipping point for America. Are we going to lead or are we going to block? Are we going to believe or are we going to fear? And are we going to look forward or are we going to look back? Those are the questions that we have to ask with the national energy policy. That's what we can do.

Representative **PERRIELLO**, why don't you finish this up tonight.

Mr. **PERRIELLO**. Well, I appreciate, again, your leadership on calling us together on this.

It's a very simple question. Do we want to continue funneling our dollars through our gas tanks to the petrodictators around the world that hate us or do we want to invest those dollars back in the kind of innovation and job creation that has always made this country great? Do we want to continue to support those who undermine our Nation's security or do we want to create the kind of energy independence that is necessary to secure this country and secure our competitive advantage?

And I'll tell you what. It's kind of exciting. It's an exciting moment to be at the forefront of a new industrial revolution and think about just how much American businesses will be able to outcompete and outcreate other countries if we unleash this, if we unleash the innovation and the profit motive that is available through this system, a system developed by Republicans. And more credit to them.

Cap-and-trade is a Republican idea whose time has come, which is how do we use the free market to solve some of the greatest problems of our generation. That's what this new kind of politics should be about, taking the best ideas, whether they come from Republicans, Democrats, or Independents, and using them to solve the problems for our generation. This is that time. This is that moment with energy independence, to recreate the competitive advantage of this country and to reinforce our national security.

We can do it. We've led the way. We believe we can see this through this year, and we are going to see an incredible amount of potential in this country for job growth and security because of it.

Mr. **BOCCIERI**. Thank you, Mr. **PERRIELLO**.

National security, creating jobs right here in America, moving away from our dependence on foreign oil, that's what this bill is about. Making America again the producers of wealth instead of just the movers of wealth, that's what this bill is about.

I'm proud to stand with my colleagues today to talk about our Nation's energy policy and how we move this country down the field. We do these things not because they're easy but because they're hard, as President Kennedy said.

HEALTH CARE

The **SPEAKER** pro tempore (Mr. **PETERS**). Under the Speaker's announced policy of January 6, 2009, the gentleman from Michigan (Mr. **HOEKSTRA**) is recognized for 60 minutes as the designee of the minority leader.

Mr. **HOEKSTRA**. Mr. Speaker, I rise tonight to talk about and take this opportunity to address my colleagues about the issue of health care, and let me just kind of frame this and put it in a context that I think will make a difference.

This is, again, one of those opportunities where Washington says, We are here to help, but what we may see is something very, very different. Washington helps the State of Michigan today to about 41 percent of its budget, but what it's really doing is it's controlling the State of Michigan. And along with some of the ill-advised decisions that have been made in our State, Washington policy, antigrowth policies in the State of Michigan, have resulted in Michigan lagging the country. We're number 50 in employment, which means we are number 1 in unemployment, and we've been there for a long time.

Let me explain how this happens. Like I said, 41 percent of Michigan's budget this year, the State of Michigan's budget, will come from the Federal Government directly. It will come with strings attached to it, Washington telling us and our State about how we need to spend our money, what we can and cannot spend it on. And remember, it's our money. It came from the State of Michigan in the first place. It came from our taxpayers. It came from our citizens. Of course, when you have a \$1.4 trillion deficit, we also know that it came from our kids and from our grandkids. But with that 41 percent of direct infusion into our State budget, I think, at a minimum, what we see is this affects another 20 to 25 percent of our budget.

So, roughly, out of Michigan's budget, more than 60 percent of our spending in the State of Michigan is directed by the Washington establishment, directed by Washington bureaucrats telling us how to spend our money. And some of you may ask, Well, how does that happen? Well, think about it. When you go to the pump and fill up your tank, there's a Federal gas tax. That money comes to Washington. It goes into over 110 different funds, and then it's distributed back to the States. And many of those funds, to get our own money back, we have to put up matching funds.

□ 2100

Think about it, the State that has kind of the economic problems that Michigan has right now.

To get back our own money, we have to put up our own money and we have to put it up in such a way that we have to spend it the way that Washington wants us to spend it, not the way that we need it and the way that we might be focused on it to address the issues and the problems that we are facing in Michigan.

It's disappointing, but Michigan is known as having some of the worst roads in the country. Plain English: we've got lots of potholes.

So it was kind of surprising a few years ago when I found out that the Michigan Department of Transportation was going to build a turtle fence. Think about it. We were going to build a turtle fence. And if you think what do you build a turtle fence for, it's pretty obvious. You build a turtle fence to prevent the turtle from crossing the highway. Over \$400,000 to build a turtle fence, and of course to do the expensive study beforehand to determine that we needed a turtle fence.

Remember, this is a State that has the highest unemployment in the country; it has some of the worst, if not the worst, roads in the country. We send our highway dollars to Washington and we put up our matching funds, and then the Governor says, Well, Pete, the Federal Government has told us that we need to build a turtle fence.

We got it stopped the first time, and I hope the money was used to fill potholes, to build an interchange, or to help build an extra lane in a busy place or perhaps to use it on a project that would improve the safety of our highways. But, no, 2½ years later it came back.

So I am driving north through my district, and I am going through some of the wetlands where they've constructed this highway, and I see people working. I don't need to guess what they're doing. They are constructing a turtle fence. It is a very nice fence. It's about, you know, 2½, 3 feet high, got the plastic tube on it so that the turtle can't climb the fence and then crawl over the top of it. I think it works.

I think that for \$400,000, MDOT, the Michigan Department of Transportation, can build a very, very good and a very effective turtle fence, and we can prevent the turtles from crossing the highway. I applaud the efforts of the Michigan Department of Transportation to construct that fence and to build it in such a way that it will be a long-lasting fence and will not allow turtles to cross the highway.

I am frustrated with the leadership in Michigan that allows the State to prioritize the building of turtle fences when we have so many other high-priority needs.

We've also built rest areas that cost us in the millions of dollars, rest areas that replace other rest areas that might be a little bit old, they may not be the best or the nicest rest areas in the country, but it's hard to get into the rest area because you have got to dodge the potholes to get to them.

This is what happens when we send our money to Washington and put this in the context of health care. We're going to get to health care, but put it in the context of what happens. Michigan sends its money to Washington, it goes into 110 different funds, it comes back to the States with strings attached, and then they tell us how to spend the money.

You know, back in 1998, 1999, even though I was a member of the Transportation Committee where we have responsibility for doling that money out, I said, This is the wrong way to do it. What we need to do is we need to leave the money in the State, never send it to Washington in the first place, so the people of Michigan can use their money to spend it on the priorities that they have identified. It is their money, and the money should stay in Michigan. And if there are some national priorities for a national highway system, send a couple of pennies out of every dollar to Washington, DC, but don't send all of it and then go to Washington and beg to get some of it back.

For perhaps more than 50 years, Michigan and all of the other States have been beggars to Washington to get their money back for the life of the highway trust fund. Michigan has averaged about 83 cents. Think of that. For the life of the highway trust fund, almost 50 years, we've sent a dollar to Washington, and we've gotten 83 cents back. It's time to embrace an approach that says that money stays in the States.

I was talking to a constituent the other day and they went on vacation. They said, Where does all of that money go? They'd just gone on vacation. They went to West Virginia. They now know where our highway money went. They said, Pete, the highways and the roads in West Virginia are absolutely gorgeous; they are in great shape. I would hazard a guess that

they've gotten a lot more money back than what Michigan has.

So for 50 years, Michigan has been subsidizing other States because perhaps our Members of Congress weren't the chairmen of the Transportation Committee, weren't part of the elected leadership. So they didn't get their fair share. Well, it's time to go back to where we need to be, which is we need to make sure that States get their fair share and we only give part of what we need for national priorities, the Highway Interstate System. We leave the rest of the money here.

Like I said, I've been advocating for that since the late 1990s. That argument back then was Washington is here to help build a highway system, and it has now grown to Washington telling us we need to build turtle fences in Michigan.

It was 2001 we had a new President. The President's priority was K-12 education. Washington once again was here to help. So we went through the process. I was excited. I was on the Education Committee. I thought that there was a small role for the Federal Government in K-12 education. My perspective is K-12 education, the education of our most precious assets, our kids, is the responsibility of parents, local schools, communities, the State. And then perhaps to address some inequities and some very hardship cases and maybe to do some research that would be used by all of the States and by all of our school districts, you would have the Federal Government.

So I was excited because I saw us diminishing the role of the Federal Government, rolling back Federal mandates. We'd done a study in the 1990s that showed that every Federal education dollar we spent in Washington or that was allocated in Washington, only about 65 cents made it to where it needed to be. It made it to a point where it was helping educate a child in a classroom.

I came out of the business world. I worked for a company called Herman Miller. If we were looking at it and said, Wow, we're eating up 35 percent of every dollar in bureaucracy and it's not enabling us to serve our customer, we would have said we've got to go back and take a look at the system. We've got to use every penny we can to serve our customer, or our competition is going to beat us. But for Federal education dollars—again, money that would come from Michigan, go to Washington and then we'd have to beg to get it back—but only 65 percent of it would end up in a classroom, the place where the leverage point was the most important place; 35 percent would go to bureaucracy. And we'd have to fill out all kinds of reports and paperwork back to the Federal Government telling them about what was going on in our local schools.

A friend of mine and I, we would go over to the education department con-

sistently, and we would kind of walk through it and say, Who here in the Department of Education might be from the Second Congressional District of Michigan? Who might be from Holland, who might be here from Ludington, who might be here from Manistee so they can understand the unique perspectives of the Second Congressional District of Michigan? Really couldn't find anybody. But I've got a passion for the State of Michigan and believe that every child in the State of Michigan needs a great education.

So we go around and say if we can't find somebody from the Second Congressional District, who's here from Grand Rapids? Is there anybody who works in the Department of Education from Flint? From Detroit? From Ann Arbor? From Traverse City? From Manistee? From Marquette? Who is here that understands the unique challenges or the financing of education in Michigan and how education in Michigan runs that makes education more challenging or provides more opportunities than other States in the Midwest or other States in the country?

Who understands the challenges that we face in the winter for getting our kids to school? Who understands the challenges that we have since tourism is one of our biggest industries? Is there anybody from Michigan here who can really understand all of this paperwork that comes in? And we couldn't find those folks.

So I thought, Wow, this is a great opportunity to move and diminish the Federal role, get that money back in a classroom where we could leverage it and have an impact. And from a disappointing standpoint, we went the other way. We passed a bill called No Child Left Behind. And it was a lot of folks that were enticed and seduced by the promise of Washington money and the simple solution that said, Don't worry about your education; we'll take care of it.

There were only 41 of us that said "no" to No Child Left Behind. Everybody else said, Washington is here to help. Don't worry about it. Things will be fine.

We're now 8 years into No Child Left Behind, and as we go around, I am finding a lot of my colleagues are now embracing a plan that we called A-PLUS that says let's roll back No Child Left Behind, let's leave the money in the States, and let's leave educating our kids to be the primary responsibility of the States, local school districts, and parents.

People say that is a novel idea. No, that's not a novel idea. Many of us came into Washington in the 1990s, and that was the idea that we promoted. Just like we did with highway funds, leave the money in the States.

Why would we want to transfer money from the States for education

and for highways to a place like Washington, D.C. where they want to control our lives, tell us how to spend our money, tell us how to educate our kids? Under No Child Left Behind, what did they do? They're telling us who are good teachers.

Excuse me, I don't need Washington, DC to tell me who are the good teachers in the schools that my kids go to and who are the bad teachers. Somehow Diane and I figured that out long before our kids got to that grade.

How did we do it? Very simple. We talked to other parents who had kids in the same school that we did. It's amazing. People at the community level actually know what the strengths and weaknesses of their schools are. It's amazing. People at the local level actually can find their schools. They know where the various schools are in our communities in Lansing and Hillsdale and Oakland County. We know where the schools are. Bureaucrats in Washington can't. They can't tell the difference between one community and the next.

So think about it. In the late 1950s, the interstate highway system. Washington said, We are here to help. Fifty years later, they're telling us to build turtle fences we don't need. 2001—actually the creation of the Department of Education in 1979. It's Washington is here to help. We're now in 2009, and they're telling us who are good teachers and who are bad teachers. It kind of sets the context for health care.

Think about it. This is now where we are with health care. "Reid offers docs a deal." At least this is what's reported in one of the newspapers that we receive here in Capitol Hill. It's not about quality and quantity, just like highways is no longer about building the roads that are needed and are necessary. It's about who's got the power and the authority in Washington to allocate those dollars that we send from Michigan.

Think about it. It's the powerful in Washington that have taken that power from the State, from a State legislature, and they've usurped it and they've taken it to Washington and they're using it to demonstrate their own power.

□ 2115

It's not about what roads we need in Michigan. We don't need turtle fences in Michigan right now. We have fundamental transportation problems and issues that need to be addressed, but people in Washington think they know better about how Michigan should spend its transportation dollars.

We are reducing funding for K through 12 education. We don't need No Child Left Behind, which is money from Michigan going to Washington and then being allocated by the powerful in Washington so that some States win and some States lose. In highways,

Michigan has lost to the tune of 17 cents of every dollar that has ever been sent to Washington, D.C., in the highway transportation program. Think about how much better our roads would be if we would have been able to spend that money on our priorities. We might have the infrastructure that would be able to support and attract a better business climate.

Think about education, where we are cutting funding for K through 12 education, yet the money is coming here to Washington and it's going back to our local school districts under No Child Left Behind, and we've got administrators hiring extra people to figure out how we need the mandates. And a lot of this, as I look at it, ends up being what some have called "legalized Washington corruption" because those dollars come to Washington, and they are allocated not by priority or need, but by who has the clout and who doesn't. So some States are winners and others are losers. Some communities are winners and others are losers. And when you get to education, it means that some kids are winners and some are losers.

Then you get to health care. That's the kind of system we are moving to in health care. You're going to have winners and losers in health care because this health care debate is not about the quantity and the quality of health care. It's about who is going to make the decisions. We were promised all kinds of transparency as we were moving forward on health care and health care reform. Where is the transparency? My colleagues on the other side of this building voted on a health care reform bill—think about it—they voted on a health care reform bill based on an outline of what the author intended it to stand for and intended it to be.

And finally, after they voted on it, they passed an outline. Is that transparency? Yeah, it might have been more transparent than what we got. It ended up being a 1,500-page bill after they voted on it. And now people are starting to go through the bill and to find out what's different between what was in the outline and now what is actually in the legislative language. Surprise. We are going to have Senators who found out that they thought they were voting for this and they actually ended up voting for that. That is what we've got for transparency.

And now the next thing, "Reid Offers Docs a Deal." Think about it, America. Think about it. This is what health care has now amounted to. "Reid Offers Docs a Deal." Here's the deal as reported in *The Hill*: "The White House and Democratic leaders are offering doctors a deal." This is how we are going to reform health care? "They'll freeze cuts in Medicare payments to doctors in exchange for doctors' support of health care reform."

Some might call that bribery.

It goes on to say, "At a meeting on Capitol Hill last week with nearly a dozen doctors groups, Senate Majority Leader HARRY REID said the Senate would take up separate legislation to halt scheduled Medicare cuts in doctor payments over the next 10 years. In return, REID made it clear that he expected their support for the broader health care bill, according to four sources in the meeting."

I thought this was about improving the quality, the quantity and the access to health care. But it's really not much different than what you see in the highway bill and in education. And you're already starting to see it in health care. The quality of your roads, West Virginia versus Michigan, depends on the people and the positions that they have moved into. Is that what health care is going to be, that you're going to go to certain States because they get more money? We'll talk about that a little bit more.

But this is what the process is for passing legislation. "REID Offers Docs a Deal." It's a massive shift. REID can offer that—according to this paper—can offer that because if this legislation becomes law, it will not be the individual American person, family, the employer or the State who sets the framework for education. It will be leadership in Washington determining who the winners and losers will be. That's what H.R. 3200 is about. That's what the Bachus bill is all about. It's not about quantity and quality of health care. It's about who is going to have control of the decision. Who's going to be able to say, you're the folks that are going to be paying the 18 percent of the GDP, the gross domestic product, into Washington.

And then they're going to distribute it. They're going to distribute it to those people within this Chamber and within the other Chamber that are sitting in the right spot in the right chair to get more for their State and more for their community than what others may. Some of you may say, that won't happen; this is about everybody in America getting quality, quantity and improved health care. Do you really believe that that's what's happening in the highway bill? All those States that are out there, you know who are the winners in the highway formula bill, the donor States. You know who they are. We all know who they are.

We are the ones that get less back than what we pay in, not because we have fewer needs, but because someone else has made that determination.

Just like for the highway bill and No Child Left Behind, we have proposals to do it differently. For the highway bill, it's very simple. Leave the money in the States. No Child Left Behind, it's very, very simple—empower parents, don't empower Washington bureaucrats. Highways, let States and communities make the decisions as to

where we're going to spend our money. As for education, let parents, teachers, community leaders, and States decide where we're going to spend the money. Heaven knows we've got enough other issues in Washington that we could and should be spending our time on, national economic issues and Afghanistan. Those deserve national priority. We want roads and transportation decisions to be made in the States. We want Michigan people to determine where Michigan dollars are going to be spent. We don't like sending our money to other States. We will make the decisions about how to educate our kids.

There's another vision that's out there for health care. It's written by a colleague of mine and myself, "How to Insure Every American." Just like the highway bill has caused many of the transportation problems in Michigan, so government has caused many of the problems that we face today in health care. Our tax code incentivizes employer-provided health care, rewards health insurance companies by insulating them from accountability and competition, and punishes those who lack employer-provided care. It's an op-ed that JOHN SHADEGG and I wrote in *The Wall Street Journal* published September 4 of this year.

We believe that there's a better way than going to what we have got here, H.R. 3200, over 1,000 pages, one massive bill that takes power from you, the American people, and moves it to Washington, D.C. Think about it. Do you really want to know how this bill is going to get passed, how it's going to change, and how it's going to be modified over the coming weeks? "Reid Offers Docs a Deal." How many other deals are being cooked up to move this bill through the process and move the power away from you, as individual consumers, to people in Washington, D.C.?

Think about it. JOHN and I, JOHN SHADEGG and I, we've outlined an alternative vision, how to insure every American. We believe the solution to this problem is what? Just like we believe that parents ought to drive the education decision of their kids, we believe that patients and consumers should have increased power in a new insurance market because what we have today, what appears to be a free market health care system, is not. We want to improve and increase competition.

We want to empower people to have access to be able to afford health care. And later on, I will talk about the specific solutions that we have. But we have a vision that says we want consumers in charge, and yeah, we don't really have a lot of faith in this process here being in charge of health care, because they have done such a great job for some of our States and for some of us when it comes to education and when it comes to transportation.

Let me just read on. We believe that all Americans deserve the ability to select health care coverage that meets their needs, not the preferences of politicians. People versus politicians. Republicans in Congress want to empower Americans to make their own choices by providing a dollar-for-dollar tax credit for you to purchase the plan of your choice. Those who cannot presently afford coverage would be able to select and purchase their own plan using a health care voucher provided by the Federal Government, empowering individuals in a market, not the Federal Government, through mandates.

If we give citizens the ability to control their own care, cover preexisting conditions, and provide resources to the uninsured, we will have fixed health care in America. No bureaucrats. Guess what? No new czars, no mandates, just choice and coverage for every American.

It's a very, very different approach, empowering individuals, empowering States, and embracing the concept of the 10th Amendment to our Constitution, which says we are going to reserve the rights to the States, except for those things that are expressly given to the Federal Government.

Where in the world have we gone so far wrong that we believe it's the Federal Government's responsibility to get down to the point where it will decide whether our teachers develop the framework, where it will decide whether our teachers in our local schools are good teachers or bad teachers, where it believes we need a clover leaf in our transportation system, an on- and off-ramp. They don't know. These are decisions best left for parents. And since when are they going to be—if they can tell us who are the good teachers and the bad teachers, do you really believe they aren't going to try to move on and try to tell us who are good docs and who are bad docs, where our hospitals should be and what they should be able to do? We've seen what happens when they do that in education. Let's not let them do that in health care.

What does H.R. 3200 do besides moving all of this responsibility from you, the American people, to Washington, D.C.? Think about what it does to small business. Small business, the lifeblood of Michigan, the lifeblood of the U.S. economy. Do you wonder why there's uncertainty in the economy? If you're a small business and you're thinking about investing today, it's kind of like, wow, let's see. Those folks in Washington, they want to do cap-and-trade, which may put huge taxes on me. Do you know what? I'm going to have to just kind of step back and maybe reserve a little cash because I don't know what they're going to do with cap-and-trade, cap-and-tax, massive new taxes on small business, small and medium-sized business, I'd better wait.

□ 2130

That doesn't help the economy, this uncertainty.

Massive new tax increases because we don't know what is going to happen with the tax cuts that were passed and have been in law for the last number of years. All indications are that the current administration is going to let them expire, meaning more money for Washington—at least in the short term—less money for businesses for investment and for jobs because the money is going to be coming here because, guess what, we're moving health care decisions here.

And now they've got this new tax through H.R. 3200. What will it do? It mandates what businesses will have to ensure for their employees. And if they don't, it has a sliding scale. It says you will pay zero percent if you have payrolls of under \$250,000; you will pay 2 percent, 4 percent, 6 percent, 8 percent, depending on what your payroll is. New taxes for small business. Wow, when we're at record high unemployment rates.

Now, I know that this is the strategy in the State of Michigan, that when we are down, our Governor has decided that she will raise taxes because the State will be taken care of first. We found out how good that worked. They raised taxes. People looked at us from around the country and said, That's kind of strange. They've got the highest unemployment rate in the country, they've got budget problems, and they believe that the way to grow the economy in Michigan is to raise taxes. They laughed, and they were right. Michigan raised taxes, our unemployment went up. Not really brain surgery; when you tax more of it, you're going to get less of it.

So when we taxed jobs and businesses more, guess what? We got less business activity and fewer jobs. Think about it. We are at 15.3 percent unemployment in our State. The scary thing is now we've embraced that kind of mentality here in Washington, D.C. The President, the leadership in the House and the Senate, they have said we're not going to continue the tax cuts that were in place for job creation over the last number of years.

They have also said that we are going to and we want to tax business more for cap-and-trade, the carbon controlling mechanism. And now they're saying the same thing with health care, an 8 percent payroll tax. Even if an employer in good faith is offering health care to their employees and an employee decides not to take it, the company will be taxed 8 percent of that employee's salary. Penalties in here up to \$500,000 for unintentional failures on the part of the employer, unintentional failures on the employer.

So, what do we see? That this health care bill is predicted to drive the same kind of results that we have seen in

Michigan, that by raising taxes, we're going to get a vibrant economy; right? No, wrong. That by raising taxes, we will smother our economy.

The National Federation of Independent Businesses says that they expect that if this bill goes into law, we will lose perhaps an estimated 1.6 million jobs. The Council of Economic Advisors, the Chair, Christine Romer, found that an employer mandate could result in the loss of somewhere between 4.7 and 5.5 million jobs.

This bill also has in it taxes, surtaxes on high-income individuals. So in a State like Michigan, think about the top wage earners would be paying taxes at the rate of about 52 percent, 52 percent. And remember that about 42 percent of small business income would be subject to this surtax. That's going to be really good for small business. In Michigan, it's projected our tax rate, when you combine Federal and State taxes, the tax rate would be 51.59 percent. Wow. That is going to be something that is going to stimulate our economy. But that's the direction where this bill is headed. There are lots of questions about this bill, but let me go on.

I laid out for you that Congressman SHADEGG and I and many of our colleagues have a vision for where we want to go that says we want to empower individuals to have a greater ability to have more choice in selecting the kind of health insurance that they want.

Just recently, on October 14, JOHN and I wrote another op-ed because we were hearing all of these things about the Senator BAUCUS plan that was working its way through the Finance Committee in the Senate. And in this op-ed, people characterized it—the title was, “Lies, Earmarks and Corruption All in One Bill.” Now, we didn't put the title on it, but people read our content and the editors at the *Investors Business Daily* said—they are kind of implying that they made that decision to put those words at the heading of this bill. So it kind of tells you how we feel about the Baucus bill.

Let me just read some of what is in the *Investor Business Daily* editorial. “We are nominating Senator BAUCUS' health care reform bill for the Pulitzer Prize—for fiction.

“Like works of great fiction, writers such as Ernest Hemingway, Joseph Conrad and F. Scott Fitzgerald, the story line of the Baucus bill is not what it seems and is in fact a clever subterfuge of what health care will mean for the American people.

“Hiding behind this facade is another story about a massive power grab by the Washington political establishment.

“The bill is loaded with fiction. To begin with, it purports to reduce the deficit. This is really an Enron-style scam with the bill's massive new taxes

starting on day one and dramatic new health care expenditures, which will far exceed the tax revenues, beginning in year four.”

You know, in the private sector, if Herman Miller did that type of accounting when I was there, or if any company did that in the private sector today, Enron-style accounting, people would go to jail. But in the Baucus bill, what we see is tax revenue starting on day one, massive new health expenditures starting on day one of year four, and they come back and say, well, the 10-year window is going to help the deficit. And it's like, yeah, I think you're right. You've got 10 years of revenue and only 7 years of expenditures. What's going to happen when you've got 10 years of revenue and 10 years of expenditures? Excuse me. You are going to have a massive deficit. Some would call that a lie.

The Baucus bill claims to treat all Americans equitably, but we find that in the Baucus bill, “Let's Make a Deal” has been around and alive and well in the crafting of this bill already. And how is that? Well, just like Senator REID, apparently, according to *The Hill*, was willing to make deals with docs, someone in the writing of the Baucus bill was willing to make deals with perhaps other Senators to maybe get their support. Well, how would that happen? “The Baucus bill claims to treat all Americans equitably, yet four States receive Medicaid exemptions—the Federal Government will pick up the State's share of Medicaid costs,” the increased Medicaid costs—“for 5 years.”

Interesting, one of those States is Nevada. Where is the majority leader from? Oh, Senate Majority Leader HARRY REID is a Democrat from Nevada. Oh, okay. I think he may also be up for election. But it's interesting, Nevada will get a 5-year exemption of expanded Medicaid. Well, maybe they need it. This is the beginning of dealmaking that says your health care will be determined by leadership and not by your State.

Think about it. Sure, four States are going to get a Medicaid break. That means the other 46 States are going to be paying for it. Remember what we called that in the highway bill? You're going to have 46 States that are donor States that are subsidizing the other four States. It's already starting. And this is when people are watching. Four States are going to get a better deal on health care than what 46 other States are going to get. So now we've got, at least according to press reports, docs maybe getting a deal, four States are getting a deal on Medicaid. Does it stop there? No. It doesn't.

Again, Senator CHUCK SCHUMER, according to the *Investors Business Daily*, “put in a little-noticed provision that exempts New Yorkers and taxpayers from some other States from

the bill's tax on gold-plated insurance plans.” The result? I guess there are going to be 17 States exempted there. So 17 States, at least for a period of time, are going to be exempted from paying the tax on gold-plated insurance plans. Seventeen States are exempted. That means that 33 other States must be subsidizing the health care of these 17. It means that these 33 States will pay more in taxes and it will go to these folks in these 17 States to improve the quality of their health care.

So now we know that there may be a deal for docs. In the bill, there is a deal for four Medicaid States. There is a deal for 17 States on gold-plated. It's starting to look an awful lot like how we do transportation.

Then it goes on. Massive earmarks in the bill. Earmarks. That's right, it's in the title there. Up to—I think in the House bill it was \$10 billion. Maybe in the Senate bill it's \$5 billion for VEBA. What is VEBA? Well, we found this about 3 or 4 weeks after the bills came out of the committees in the House, a little-noticed provision said \$10 billion. I think in the Baucus bill it may be \$5 billion, an earmark for VEBA. And people are saying what's VEBA?

VEBA is the retirement account underfunded for retired UAW workers. This may be a very worthwhile investment and expenditure, but it shouldn't be in a health care bill. Why is it in a health care bill? I'm not sure. Is it another deal? I don't know. It may help get some votes for this bill.

The bill will cover illegal aliens. It will cover adoption. No American is going to be able to keep their health care plan. Maybe for a period of time that they will, but when you take a look at the bill, you know, what you find is that in the bill you can't have a Health Savings Account.

If you're young, healthy, you're thinking about investing in a business, a start-up business, and you say, You know what? I want to have health care coverage, but I'm going to take a high deductible plan so my premiums are low. I don't engage in high-risk activities, but I want to put that money into my dream business. I want to go back to Michigan. I want to open up a business and I need some of that money myself, so I'm going to take the risk. I want a high deductible plan. I'm going to cover myself so if something really bad happens, I know I'm going to have the insurance coverage that I need, but I'm willing to take a little bit of a risk because I have this dream of starting this business and I want to put my money and I want to put my cash into that. I want to create a job for me and a business for me, and I want to take my job and I want that little business to grow to be two employees, to be five employees, and in 5 years I hope it's 100. And you know what? I have a dream that maybe I can be the next Apple.

□ 2145

Remember, Apple and Hewlett-Packard started in back rooms. They started in garages.

I've got an idea, and I've got a vision, and I've got a passion for this new product. It may be in energy. It may be in technology. It may be in ag, but I'm going to be the next Microsoft. I'm going to be the next Apple. I'm going to be the next Hewlett-Packard, and I'm going to do it right here in the State of Michigan, or I'm going to do it right here in the United States, but to do that, I need some start-up capital. Guess what?

The government is going to mandate that you buy a Cadillac insurance plan. You're no longer going to have that choice. Guess what?

If you started a business in the last year, saying, you know, I'm going to be able to take that money and I'm going to have that high-risk plan and I'm going to have that catastrophic and I'm going to have that high-deductible plan and I'm going to keep pouring that money into my business, when this plan goes into effect, you'd better change your business plan because the health care czar, the person whom we've told 181 times, will say you must, you shall, you will in terms of establishing the rules and regulations have to follow the law. She will say, Sorry, you cannot do that. You've got to buy a full plan. You don't have that choice anymore.

When you take a look at it, this is why, I think, the folks in Investors Business Daily said—and when we look at the content of this editorial written by myself and Congressman SHADEGG and when we see the deal that was cut for 33 States on gold-plated insurance plans and the deal that was cut for Medicaid for four States and the deal that Reid is now looking at again, according to press reports, at cutting on docs—they call it “corruption,” but in Washington, some would say it's legalized Washington corruption. This is what leads many to believe that this is not about the quality or the quantity of health care; it's all about who has the power and the decision-making in health care.

You know, our last line in this editorial—and I think this is why, when I go home, I am somewhat energized by the response. I think that the TEA party movement has been phenomenal because, if we're going to leave the power with the American people on health care, if we're going to restore the power to the American people and to parents on education, if we're going to restore the authority back to States and follow the Constitution and the Tenth Amendment, the American people and the TEA party folks and the Tenth Amendment folks and others are going to have to stand up and say, Absolutely no more because, as we close: the American people need to stand up

and say no, no to this callous grab of power by Washington elites.

This is the first real test, the TEA party movement, to influence public policy. Americans are counting on their elected Representatives to protect them from a tragically flawed health care bill. Grass-roots America needs to speak. They need to speak out before it's too late. If you're not willing to fight on this issue, if not now, when? Time is running out.

People say, well, we need health care reform. You know what? The American people are absolutely right; but this bill, going through this process in the dark of night and with no transparency—the President promised us transparency and that the negotiations would be on C-SPAN. We have yet to see that materialize.

So where do we go? It's a very simple alternative. It's a seven-solutions plan.

At one of my town meetings early on, the process engineer said, you know, PETE—and you probably did this when you were at Herman Miller—you know, when you were in the business world, what you did is you identified the problems, and you fixed the problems.

I said, Yeah, that's what we did at Herman Miller whether it was in the engineering area, whether it was in customer service, whether it was in marketing. You identified the problem. You brought together a group of people to develop the solution to fix that problem, and you left the other 85 percent of the company alone that was working pretty well and maybe working really, really well.

You know, 83 percent of the American people today recognize there need to be some fixes to health care. They have compassion for those who cannot get it. They have compassion for those who cannot afford it. They have compassion for those people who have preexisting conditions. America is a compassionate country.

So they're saying, Pete—and I think they're telling a lot of my colleagues this—they're saying, Address the problems that are out there, but you know, I'm relatively satisfied with my health care. Don't mess with mine, because you know what? We really didn't like what you did with No Child Left Behind. The promises were all really good, but the implementation has been terrible in No Child Left Behind.

It's just like after 50 years there are some things we really like about the interstate highway system, but we really don't like where it has evolved to today where you tell us to build turtle fences or where the Washington government says take it and identify the pieces that are broken and fix those.

So we came up with seven very simple bills—you can look these up—which address the issues that are most frequently identified as being the problem in health care. So, just like when I was

at Herman Miller in the private sector, we would go out, and we'd identify the problem. We'd talk to our customers and say, What are the difficulties? What are the issues that you have dealing with Herman Miller? They'd identify them. We'd come back, and we'd fix them.

So, as we've done that and as we've talked about health care, people have said, you know, well, cost is a problem. All right. So we've got H.R. 2607, the Small Business Health Fairness Act, which are association health plans. Create more competition.

Health savings and affordability. Expand health savings accounts. Our elders may not want to use a health savings account. They've always gotten health care in a different way. So our elders may not want to use health savings accounts. Our family uses a health savings account.

Expand the access to health savings account. My kids love it. It empowers them to make health care decisions. If they access health care effectively, guess what? At the end of the year, they have money that they have saved, and they now put that as a part of their retirement plans. My daughter is planning this already, and she's 27. She has gone through this for 3, 4 years. It works. It has made her a better consumer of health care. Under H.R. 3200, that option is gone.

The Health Care Choice Act. Allow insurance companies to compete across State lines. We can address the cost aspect.

Access. Community building access. This is a plan that we've used in Michigan, in Muskegon. It's now being used. We've got a three-party cost share of the business, the individual, and the community. Creating access. Assuring coverage. Let's take care and help people with preexisting conditions. Improving health care for all Americans. So we can address the access issue.

Then let's make sure that we don't forget about tort reform. So we can address cost, access, and tort reform.

We have seven different bills which, if passed, we could implement all of them immediately rather than what this bill does. This bill goes through and implements the taxes on day one and doesn't do the program until year four. Simple bills singularly identifying a specific problem. You could identify the bill. You could read the bill. You could probably understand it. Not many people can go through this and understand it. You won't have to go through this process of let's make a deal to make it become law. Seven solutions.

It's just like we've got a vision and a plan for transportation that says empower the States to make more of our transportation decisions, leave the money in the State, and don't send it to Washington. A vision, a strategy and a plan to make that happen. It's

just like we've got a vision for education that says we're going to empower parents and local communities and school districts rather than a Washington establishment, and we've got a plan to do that called A-plus, a solution.

We've got the same thing in health care. Empower consumers and not Washington bureaucrats to make decisions about their health care. We've got the strategies, and we've got the specific bills that can make that happen.

The bottom line is it's time for the American people to stand up and to say, We've had enough of Washington taking our freedom and usurping our authority and taking our decisions and having the decisions and the quality, whether it's transportation or education or now health care, be made by the Washington elites in a way that says some will win and some will lose.

That is what we have found in transportation. It is what we are finding in education. If we move the authority for health care to Washington, D.C., we will be violating the Constitution. It is the responsibility of individuals and States to deal with that. Nowhere in the Constitution does it say that this is the authority of the Federal Government, and we will be putting in place a system where the quality of your health care is going to be dependent on "let's make a deal" potentially with the leadership in Congress.

I want control of my health care. I think that you want control of your health care when you consider the alternative.

Take a look at the solutions that we have proposed: Empowering individuals to have access and to have the means to buy health care and to make the choices and to be held accountable and responsible for the choices that they make. When they make great choices, they will benefit. Yes, they will have the freedom to make, perhaps, some wrong choices, but that is what makes America great. When we make wrong choices, we will learn and we will improve, but let's make sure that we fight for freedom.

The time to fight for freedom is today, and it is on this issue, and we need to move forward. There is nothing more important for us to do than to move forward and to reform health care, but to do it in such a way that empowers individuals and not Washington.

With that, Mr. Speaker, I yield back the balance of my time.

ENERGY AND TECHNOLOGY OPTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from New York (Mr. MASSA) is recognized for 60 minutes.

Mr. MASSA. Mr. Speaker, I thank you for the opportunity to rise today to discuss something that has become exceptionally important to me and to many in my district. In fact, it has become exceptionally important to individuals all over this country.

I ask the Speaker's indulgence tonight to engage both on a short and technical historical discussion of a technology that not only holds great promise for the United States but, in fact, for the world; and I appreciate the Speaker's indulgence as I do so.

It was a pivotal time in history, just about 100 years ago, when motorized transportation was, in fact, in its infancy, and our country and its transportation industry faced a very important choice: Should the energy for powering the newly developed horseless carriage come from electricity and batteries, or should it come from the internal combustion engine and petroleum fuels?

Remember, please, that both of these technologies—and it's hard for us to imagine—were at that time brand new. Both technologies had been established in the fledgling motorized transport industry from the beginning. There were down sides to both choices.

Batteries were heavy; took up a lot of space and took a long time to reenergize or, as we come to call it today, recharge. Whereas, internal combustion engines were noisy. They scared a lot of horses; required fuel that was both difficult to come by; they were scarce, smelly and volatile. Our other choice, the electric drive, or the internal combustion engine, would require a huge investment in the development of a nationwide infrastructure.

Obviously, the choices taken then heavily favored the internal combustion engine. By a large margin, the internal combustion engine outperformed electric drive; carried more passengers; could carry more cargo; could go farther while taking far less time to refill its on-board energy supply. This was for the fundamental reason that, by both weight and volume, more energy was contained in petroleum fuels, and they could then be packaged in batteries.

Thus, for the last 100 years and continuing today, petroleum-dependent internal combustion engines dominate every common mode of motorized transportation, but some things have not changed in 100 years. Batteries, no matter how improved, are still heavy. They take up a lot of space, and they require an awful long time to recharge.

□ 2200

Internal combustion engines, however improved, still scare a lot of horses, at least back where I am from, are still noisy, and require a fuel that is both smelly, hard to come by and volatile.

Among the things that have changed is our realization of the long-term con-

sequences of our earlier choices. Increasingly in recent decades we have come to realize that there are many compelling flaws in our choices for internal combustion engines: The noise, the smell, the volatility, the scarcity of the fuel. The overriding concern now and the overriding environmental impact and national security considerations dominate today's discussions.

But that is not all. In the complex and dangerous world in which we live, international industrial competitiveness and domestic access to advanced technologies are now paramount. So, as with 100 years ago, much is at stake for our country and for the world in the decisions we make now. And as we are consumed in internal domestic debates over things like health care and other critical issues that we face, Mr. Speaker, I pause tonight to talk about advanced technologies.

Fortunately, the automotive industry and governments around the world have foreseen the present, what we face today, and they have been making preparations. Clearly, solutions to the environmental impact and energy security issues that we are facing have been embraced by the automotive industry, and technologies to move us to a future of clean environment and energy independence are now at hand and at the ready.

The automotive industry has proven its commitment by inventing and investing in these technologies and products, and governments have professed their support through statements such as the following from our President, Barack Obama, just recently on March 19th of this year. Mr. Speaker, please allow me to quote:

"So, we have a choice to make. We can remain one of the world's leading importers of foreign oil, or we can make the investments that would allow us to become the world's leading exporter of renewable energy. We can let climate change continue to go unchecked, or we can help to stop it. We can let the jobs of tomorrow be created abroad, or we can create those jobs right here in America and lay the foundation for lasting prosperity."

National energy and environmental goals have already been set. We must address America's incredibly and increasingly dangerous dependence on petroleum and reduce the approximately 140 billion gallons of gasoline that U.S. drivers use every year—140 billion gallons of gasoline—and every year more and more of it imported from the very countries who would both do us economic and national security harm.

To meet these challenges, we must embrace the ingenuity of our national research community, an ingenuity and national research community that took us to the moon and beyond, and we must take these technologies from their cradle of infancy through commercial deployment and development.

Understand that we are again at a pivotal point in history. We are standing at the threshold of the greatest single paradigm shift in the entire history of motorized transportation. It has only been since the day we decided to shift from the horse and carriage to the horseless carriage that we have the options in front of us today. And only one phenomenon stands in the way of our accomplishing our national goals through the automobile industry, the phenomenon known as, and may I quote the automobile industry, “the valley of death.”

The valley of death is an automotive industry reference to the treacherous territory between proven feasibility in the research laboratory and the commercially successful products in the marketplace. Every single new technology that we have come to enjoy in automobiles, from power brakes and power steering to factory air, has languished in the valley of death until it became a commercially available product in the mass market.

There are now four or five major technologies for us to choose from, and they are, from the most straightforward to the most technologically challenging, first, improved internal combustion engine technologies; next, internal combustion engine technologies that use alternative fuels, and we have already seen the increased deployment of things like corn and mixed cellulosic ethanol and hopefully future biodiesel. After that comes something we are somewhat familiar with, gasoline engine hybrids that we see deployed in commercial vehicles like the Prius. Next we will see electric hybrids, and, lastly, hydrogen fuel-cell technologies.

The least difficult of these technologies is the refinements to existing conventional engine technology, already discussed, and the most difficult are the advanced technologies that are brand new to the marketplace.

Automakers everywhere recognize that the technologies at the difficult end are the ones that cannot cross this automotive valley of death alone. Successful movement from research and development successes to market successes require the cooperation and support of national governments.

One of the most promising but highly threatened technologies is the hydrogen fuel cell. This technology has an impressive history and important implications for our Nation’s energy portfolio. But we are at a point where we must decide, is it worth saving this technology and promoting a vast domestic hydrogen-fuel capability? I happen to believe it is.

Let me be very clear, speaking as an individual who spent most of my life in military uniform and the final years of my military career as a senior advisor to the commander of the North Atlantic Treaty Organization, where I wit-

nessed firsthand the cooperation between the governments of NATO and their industries, this is a national security imperative.

In order for us to maintain our place in the world, we must maintain our industrial competitiveness, and that means we must have robust supply bases and parts manufacturing. We have let our ingenuity and investments in industry fail before, only to be picked up by foreign competitors, and then we pay the price for reimportation. It is dangerous to rely on their industries and not on ours. We must focus on maintaining a strong advanced-technology domestic industry, and we are in a good position. In fact, we are in the lead with respect to hydrogen fuel cells.

This is an energy issue involving national energy security. It involves sustainability that couples the capabilities of fuel cells with biofuels, hybrids, photovoltaic, wind. This is an entire portfolio. It is not one over the other, but the synergy of all of those technologies, and we cannot rely on foreign countries to power America. We must embrace domestic energy technologies for both their reliability and sustainability in the future.

If we are going to be a world leader with a strong domestic economy and not rely on foreign countries both for technology loans and for foreign loans, as we are today, we have to move forward in partnerships with industry. We risk maintaining and repeating the mistakes of the past.

In the late 1990s and the early 2000s, the United States Advanced Battery Consortium worked on battery research and development. Today, that battery technology has been commercialized and it is a market dominated by both Japanese and Korean manufacturing giants, not American.

From the early 1990s, the Department of Energy and General Motors have developed a U.S. fuel-cell program into what is today a global leadership position. Today, catching up quickly, there are announced programs from Germany and Japan, China and Korea, with huge investments to commercialize hydrogen fuel vehicles by 2015, and this will push the United States to a number three or worse position. I think this sounds all too familiar.

Mr. Speaker, I would like to refer to a series of charts to help us visually understand some of the challenges, the risks, and the benefits that we face today.

Back in 1968, we had the Electrován. It was completely filled with fuel cells and hydrogen tanks and it was done in a van of that size because this technology at that time could not be miniaturized. It was so large, it required the entire interior volume of a van.

In 1997, the first Department of Energy and General Motors fuel stack, not yet packageable for a vehicle, became an industrial reality.

In 2007, a complete hydrogen fuel-stack system was packaged into a Chevrolet Equinox, and over 100 of these vehicles matched in their capabilities were built and deployed all over the United States. They are now on the road being driven by your neighbors and friends in test and pilot programs and have accumulated over 1 million road miles of research and development.

In the very near future and in the research and development centers today—I have seen them with my own eyes—is a Generation 2 system being readied for 2015, half the size of its predecessor, with increased performance, and it will be both not only lighter and smaller, but it will be progressively even smaller to fit into more styles of vehicles.

□ 2210

This, frankly, in this short of a period of time, is incredible technology progress. From the humble roots of this technology and a van full of equipment to today’s Equinox fuel cells and beyond, the U.S. is the country that has advanced automotive hydrogen fuel cell technology, us, Americans, right here in the United States.

The Department of Energy Research and Development program, developed in partnership with domestic automobile manufacturers, was one of the best thought-out, most fully vested, periodically reviewed programs the Department of Energy has ever deployed. And the DOE invested to help advance this technology quickly towards production, and it set difficult technical goals to measure the progress of that program. The auto companies met or exceeded every single technology milestone placed before them. These included the size and weight of hydrogen fuel cell technology as both of those shrank significantly.

The technology was cold weather tested, and I cannot tell you, coming from upstate New York, how critical that is. It proved to be extremely versatile under multiple different environments. It was also done while improving durability, and current hydrogen fuel cell vehicles increased a mileage capability that before was unheard of, right now achieving some 800,000 miles—let me rephrase that, some 80,000 miles of lifetime between hydrogen fuel cell change-out, and the first commercial vehicles available in 2015 will have 125,000-mile durability capability between changing. That was unheard of just 10 years ago.

In the United States, billions and billions of dollars have been invested in government and private partnership to make hydrogen fuel cell vehicle technology a reality. The Department of Energy alone invested \$2.3 billion in vehicle-related research and development. And General Motors, from their own coffers, invested \$1.5 billion to

place this company and this country at the forefront of hydrogen fuel cell research and development. Remember the goal, the billions and billions of gallons of gasoline we burn every year that will some day no longer be needed.

Hundreds of hydrogen fuel cell vehicles are currently on the road. Many major automotive companies have fleets. Preeminent among them, General Motors, but catching up quickly, Toyota, Honda, Hyundai, and Daimler. These are not some laboratory curiosity. Several automobile companies now loan or lease these vehicles to people just like you and me that take them home, park them in their garage, get up and take them to work the next morning. I know, because on my very first day as Member of the United States Congress just some 10 months ago, on a very cold January morning, I fired up a hydrogen fuel cell Equinox and drove it and its companion vehicle to the steps of the United States Capitol to demonstrate that this technology is no longer a laboratory miracle but is on the cusp of commercial development and deployment. So we've come a long way. And the question now is: Should we continue with this technology? Is this technology essential?

Mr. Speaker, let me turn to the next slide if I might. I'd like to talk for a moment about energy and technology options.

Energy security and the ability to reach emission gas reductions is critical. On this slide, we see in green, blue, and yellow, a library of our energy source portfolios: oil in its conventional, oil its nonconventional formats, biomass, natural gas and coal, renewables of many kinds, and nuclear. That's about what we have where we can go shopping for today's energy sources.

In the center is the type of fuel that those energies provide from a liquid fuel, and we know that to be diesel, gasoline, to gaseous fuels, which have special uses in niche markets like agriculture, propane, natural gas compressed, electric vehicles and hydrogen. And then we can talk about propulsion systems. Today, we have conventional internal combustion engines. We have internal combustion hybrids. That would be what we call and have come to be known as the Prius, plug-in hybrids, next generation, range-extended electric vehicles. We'll see those soon in a product called the Volt. Battery electric vehicles that have been around for quite a while are in use in many different ranges, and fuel cell hydrogen electric vehicles.

This is the menu that we can choose from, and it's absolutely critical that we maintain the broadest menu possible. So how do we avoid potential conflicts, unexpected shortages, foreign countries that will hold us hostage to a particular kind of energy, whether it be oil or nuclear fuel? How

do we strive to move forward? We maintain a full menu of choices.

Now, some of these fuels have some limitations. We are very excited about biofuels, and certainly, based on my agricultural-dominated congressional district, I join in that. But they have a limitation. We can't fully meet demand based solely on biofuels, if for no other reason, because of land use requirements. We know and I've discussed briefly and will discuss in more detail that batteries have cost and weight problems. Let me illustrate this in the next slide, if I could.

There are different amounts of energy contained in different kinds of fuel, and, Mr. Speaker, if you will indulge me just a brief discussion of a technical nature. Today, if I want to drive 300 miles, it will take me approximately 72 pounds of diesel fuel. Now, if you take that amount of diesel fuel and you wrap it into the fuel delivery system, the piping, the pump, and the fuel tank, the total weight of that onboard device is about 94 pounds. If I want to do that with compressed hydrogen, the amount of hydrogen that I want to use contains 13.2 pounds. Now, why is that? That's because hydrogen, pound for pound, contains much more energy than does diesel fuel. It's an incredibly more efficient energy delivering fuel. But because it's a gas, it must be compressed and so its tank will weigh more. And the entire energy delivery system for a vehicle will weigh about 275 pounds. Well, that sounds like a lot more than the 94.8 pounds, but it's really only about 180 pounds heavier. That's about one passenger's worth. That's a very manageable technical challenge to engineers in the automotive industry.

But when we talk about batteries, it will take 1,829 pounds of Lithium ion batteries to allow me to drive 300 miles without recharging, and the delivery system, the encasement, the battery, cables, and the harnesses, will weigh about a total of 1,829, with 1,190 of that actually being the battery itself. Now, that has market value. There are urban uses for battery-powered vehicles, but long-range, high torque, high horsepower extended driving is not one of them. It is only through a high density, high energy fuel, in this case today, diesel or gasoline, and in the cars of tomorrow through hydrogen, that you can achieve that. Lithium ion batteries technically, because of the laws of physics, will never get us to where we have to go across a broad spectrum of driving requirements. It is simply not physically possible. In order to do this, I believe, and many experts join me, we have to harness the power of hydrogen through advanced fuel cell technology.

Now, petroleum and hydrogen have two other advantages. These vehicles can be refueled every 300 or so miles, and it takes about 3 to 10 minutes to do it. A battery electric vehicle requires

overnight charging and it requires it to be done with a high-capacitance recharging system. That's fine if you have 8 or 9 hours to recharge your car. And there are many uses in urban America where that's possible, but not in long-range, high horsepower transportation requirements.

Let's talk, if I could, on the next slide, about the range, about the requirements of driving as we see them today in the United States. This brings the technology back to the consumer. On this chart, on a four-way arrow, here we talk about high loads. Now, those of us who come from farm country know that there's a lot of driving to be done agriculturally that requires heavy duty pickup trucks.

□ 2220

On the other hand, light-load driving for those in a much more urban environment, like a Los Angeles or Miami or New York City, recognize light-load small vehicles.

Then we go as far as range: Continuous highway driving down Interstate 90 and Interstate 5, or short-burst driving as we go on errands from store to store. Battery electric vehicles perform very well in local light-weight driving, and they can do a great deal to lessen our burden on imported petroleum in that market. Extended-range electric vehicles can make that just a little bit better, but it's still about a four-passenger car.

Fuel cell vehicles are the only vehicles that will be able to meet a consumer demand for range; that's long-range highway driving—load requirements—that's heavy pickup truck-type requirements—and quick refilling time.

Diesel fuel for the near foreseeable future is probably going to be the fuel required to move heavy buses and heavy trucks over long-range routes. But imagine that they are a mere fraction of those billions of gallons of gasoline that we burn and import every year from overseas. There is a huge application for hydrogen fuel cells in meeting consumer demand for vehicles that have long-range, high-load requirements, and quick refilling time.

But can hydrogen fuel cell vehicles become a reality? Let's look at the next chart just where we were in the year 2000.

There are four myths that are currently being discussed with respect to hydrogen fuel cell vehicles. One of them is fuel cells are too expensive, and they're not durable enough. The reality is the cost benefit of a hydrogen fuel cell is measured in something called dollars per kilowatt. You measure the output in a kilowatt.

Now, just to bring this back to home, your average light bulb at home is 100 watts. So 10 of those turned on at the same time is one kilowatt. An Equinox extended-range hydrogen fuel cell vehicle today produces about 120 kilowatts

of electricity, and significant cost reductions of this measurement have already been made just in the past 10 years from a plateau of \$275 per kilowatt all the way down to today at 61 kilowatts, well on the way to the commercialized requirement of a 45-kilowatt vehicle. That's \$45 per kilowatt.

Just last week the Department of Energy in its hydrogen program released a document confirming a current \$61 per kilowatt in 2009 dollars projection. As shown on this chart, this is a reality today. Cost will be, and soon are, comparable to all other advanced technologies at high volumes of production, a high volume of production being 500,000 vehicles per year.

It was an incredibly difficult challenge put forth by the technicians of the Department of Energy, and the goals have been met or exceeded as developed by major automotive manufacturers right here in the United States. In fact, GM is on track to release a commercial model that meets or exceeds all durability and cost guidelines by 2015.

Myth two as shown on the next chart: Hydrogen from natural gas is not an ideal source, and we don't have other options.

Let's go back to chemistry class when we were in high school. Hydrogen gas comes from two main sources: either something called reformatting natural gas or fundamental electrolysis. The reality today when you measure the amount of CO₂ that's expelled by a vehicle per mile driven as it is today, today's gasoline engines produce 540 grams, quarter of a kilogram, about half a pound, of CO₂ per mile. And we will be able to lower that to about 410 grams. If we just use and burn natural gas in a compressed tank, it's about 320. If we go to hybrid electric vehicles, of which there are four major types: gasoline, diesel, corn ethanol, and cellulosic ethanol, we can get it down to about 65 grams.

If we're talking about plug-in hybrids, today we have a gasoline hybrid that gives us a 240-gram-per-mile burn, and cellulosic ethanol can get it down to 150. It is only hydrogen fuel cell vehicles that meet the emissions requirements required for us to move forward.

If we take hydrogen and reformat it directly from natural gas, technology available today, we achieve a 200-gram-per-mile equivalent. That's half of the very best that we can get out of gasoline today. And if we go to hydrogen made from central wind electrolysis, it's almost untraceable. We actually achieve the goal of leaving nothing behind the vehicle but water vapor.

Natural gas is an abundant, domestic resource. We have it in quantity. Eleven billion kilograms of hydrogen already produced from natural gas in North America and 60 percent of this, enough fuel to power 21 million hydrogen fuel cell vehicles, is used to clean

up petroleum in refinery operations today.

Natural gas-based hydrogen used to power hydrogen fuel cell vehicles is less than half of the greenhouse gas emissions of a conventional gasoline-powered vehicle. And looking forward, hydrogen, with near zero greenhouse emissions is possible, both from nuclear biomass and renewable electricity. In fact, solar arrays are in operation today that are producing hydrogen at generation efficiency twice of the Department of Energy's 2015 goals. This is not future science. This is science of today.

Myth number three—this is associated with hydrogen fuel cells—is that no good storage mechanism is available for transportation.

Most companies today use a 10,000 PSI compressed hydrogen tank. Vehicles use the storage tank, technology has been able to hook up to 300 miles. It was the technology that was in the vehicle that I drove from my home in Corning, New York, all the way down to Washington, DC. Compressed hydrogen offers all of the capabilities needed to begin commercialization of vehicles today. This, like all continuing research that goes on around the world, will progress. But it is a reality as we know it today.

Let's talk about myth four, which is probably the most daunting issue facing America. And, Mr. Speaker, I appreciate your indulgence in what is increasingly technological conversation.

Distribution infrastructure isn't there, and there are no plans to establish it. That's myth number four. The reality is that the infrastructure challenge is solvable. Stations are here now, and according to the National Hydrogen Association of the United States, we currently have 75 stations located around the country, most in New York and California, with 44 more planned over the next 2 years.

Like the Eisenhower Interstate Highway System or the international and national railroad systems, or our own aircraft and airport infrastructure, this will require a national involvement, a national government involvement, which will result in jobs and lots of them. It will create entirely new industries, industries that cannot be exported; and it will be a tremendous stimulus to the U.S. economy in and of itself.

To roll out this infrastructure, all we need to do is start with nodes and then connect them, and the work has already started. It doesn't require a miracle. It only requires the will and the national focus to do it.

Here we see to my right several of the stations that are already being designed and implemented for commercial exploitation around the world. In places like the University of California Irvine, in Germany, right here in Washington, DC., where I refilled the hydro-

gen fuel cell vehicle that I drove from Corning, and in Berlin, Germany, where they have taken that design—and I will talk soon about its mass introduction throughout their entire highway system.

Again, it doesn't require a miracle, only the national will to do so.

Let us take a look at the next slide and see how we can actually manage this transformation and manage it quickly.

We start with select high-profile stations; and then we move to the next stage, about 40 stations per large metro area. Here we see both New York City and Los Angeles, just two examples.

Thirty metro stations for the entire metropolitan Los Angeles area will provide a network where no matter where you are, you are only 3.6 miles from a hydrogen filling station. Add 10 stations outside of the metro area, and that's what you need to allow consumers to meet their average weekly and weekend needs. And in Los Angeles, by the way, it's important to view the driving patterns of consumers.

□ 2230

There are consumers who want to be able to drive to Las Vegas, San Diego, Santa Barbara, Palm Springs and Big Bear, but they don't necessarily transit north to that extended range, and so this has a particular viability in southern California. Similarly, New York State, my home State, has the potential for a "hydrogen highway" as described in previous work by the New York State Energy Research and Development Authority. You can build nodes and link them together along roads like Interstate 90.

But NYSERDA, the New York State Energy Research and Development Authority, recognizes that "as with any vision, barriers to achieving our goals exist. The support needed must come from collaborative efforts among industry, as well as between industry and local, State, and Federal Government. Communication and cooperation will be required to overcome the technical, market, and policy challenges impeding the implementation of hydrogen energy systems."

As a proof that this technology is here now, we only have to look at what is happening within the automotive industry, especially abroad where foreign governments and car companies are teaming up to tackle the challenges of commercializing hydrogen fuel-cell vehicles.

Let's take a look at some of those partnerships in the next slide. As I have said continually, the technology is here and here now, and those in the industry recognize the potential of hydrogen cars in the commercial market. The global automotive industry says that at the current pace, these vehicles will be on the road commercially by 2015. Major world automobile manufacturers have signed a Letter of Understanding as recently as September 9 of

this year between Daimler, and they recognize the requirement of the synergy between hydrogen fuel cells and battery technologies. This letter went to energy companies all over the world and government organizations around their host countries.

To quote that letter, allow me to say, over the last decade, governments, original equipment manufacturers and automobile manufacturers and the entire energy sector have given special attention to the introduction of hydrogen as a fuel for road transportation, and they have given it the priority option to reach several goals associated both with emission management and CO₂ reduction. Battery and fuel-celled vehicles complement one another and can move us closer to the objective of sustained mobility.

Honda, Toyota, Renault Nissan, Opel and GM, Ford, Daimler, Kia and Hyundai have all made significant investments and are moving ahead aggressively, but it is here in the United States of America, quite frankly with American ingenuity, that we have taken a leadership position that today is being threatened by a lack of partnership and a lack of vision. Let me quote further from the letter that was put out by Daimler, in order to ensure a successful market introduction of fuel-cell vehicles:

“This market introduction has to be aligned with the build-up of the necessary hydrogen infrastructure. Therefore a hydrogen infrastructure network with sufficient density is required by 2015. The network should be built up from metropolitan areas via corridors into area-wide coverage.”

Mr. Speaker, others get it. And many in this country understand it as well. Foreign governments in Germany and Japan are listening to their automotive manufacturers. They are collaborating with those manufacturers to put production vehicles in the market and in the marketplace by 2015 and explore simultaneously the need to overcome infrastructure challenges. Working to blanket their countries with a national hydrogen fuel-station infrastructure that will free their countries from foreign oil. And we will be left side-lined, wondering how this happened.

In our next slide, the flags tell the story. Our competitors are passing us by. They will soon have government-supported fuel-cell fleets on the road for research and development and prototype testing, as well as the infrastructure to support it. China, Korea, Japan and Germany are all in the fight competing with the United States, all moving forward aggressively and, in fact, faster than we are to commercialize technologies that we invented here in the United States. Their industries and their governments are working together. In Japan and Germany, long-term government industrial col-

laborations have existed, and they are leveraging those collaborations and those partnerships to leapfrog over the United States and the work that we put in place initializing the very technologies that we may one day be threatened with having to reimport into this country.

China is also learning a lesson and watching us carefully and matching their incredible ability to literally reverse engineer anything and everything that is developed and placing their massive industrial strength behind it. There is no doubt that should they want to and should we surrender the lead, they will overtake us.

The bottom line is if we don't move on hydrogen fuel-cell technologies and the vehicles built from them and we do not move forward, someone else will, and we will end up buying it from them just as we have ended up buying hybrid technology from the very competitors who took it away from us after we invented it and moved that technology forward. We will be reliant on these foreign producers for this clean technology in the same way that we rely on foreign oil right now to power our automobiles.

Let's look at a specific on the next slide. Germany, an ally and an industrial partner, has developed a logical plan with government infrastructure developments and hydrogen fuel-cell automobiles to roll out H₂ fueling stations over a very short period of time. To the far right we see in 2013 some 150 fueling stations, and by 2017, 1,000 hydrogen fuel-cell filling stations, allowing the Germans to access hydrogen technology all over their country. In just four short House of Representatives election cycles, they will be done. And we will be wondering how did it happen? How were we left behind? This is because countries all over the world have, or are developing, national hydrogen plans.

Mr. Speaker, allow me to show you in the next slide who some of those players on the global market are. Germany and Japan are leading globally and leapfrogging ahead of the United States. China is coming on strong and in the past has not respected other nations' intellectual property rights. This will allow them to not only catch up quickly but surpass us. And believe you me, they will and they are. Korea is also stepping up with its manufacturing partnership with Hyundai. All over the globe we see other countries realizing the promising future of this technology. We invented it here. We developed it here. We are manufacturing it here. And yet, we are at the cusp of surrendering it here.

In the big picture, manufacturers from Germany, Japan, Korea and China are now accelerating their movement forward, and they are doing so quickly with a massive government research and development program. They will

likely soon have large fuel-cell fleets on the roads, even larger than General Motors' current research and development 119-car fleet. They are installing thousands of hydrogen fueling stations that will relieve their countries from the burden of foreign oil and establish a viable energy infrastructure that supports clean, renewable energy production within their own countries independent of importation. And they will be creating the tens of thousands of new green jobs that should be created and kept here in the United States of America.

We have seen this before. Not too long ago, this country invested in battery electric vehicle technology. And I'm not talking about the investments that came out of the recent stimulus bill, but rather the investments that were made back in the 1980s. The Department of Energy invested to kick-start the technologies and advance them towards production, and a large automobile manufacturer in the United States built a small fleet of battery electric vehicles that were placed on the road with real world drivers, sort of like where GM is today with hydrogen fuel-cell vehicles. The United States, in particular one State in the United States, California, then shifted its focus, and the programs became economically unviable and went away quite dramatically.

Today, leaders in this technology, battery automotive technology, are in Korea, China and Japan. And yet, the research and development was done here in the United States of America.

By the way, this is not an anomaly. I could have told you the same story but replaced “battery” vehicles with the word “hybrid” vehicles. And yet, last year, as the price of gasoline spiked and the United States consumer market focused on hybrid vehicles, there were no commercially available, mass deployable, domestically manufactured hybrid vehicles. Why? Because we embarked on that technology and we allowed foreign manufacturers to capture it, thus forcing us to reimport it at significant capital costs to the United States. If all the other major countries have a very specific program in place, what do they know that we don't know?

Well, here is an aspect of it, Mr. Speaker, that I would like to leave you with tonight. Allow me to conclude with one final slide. This is not necessarily only an issue of commercial capabilities or of industrial capabilities. It is an issue of national security. The United States military sees a need for independent energy capabilities. This was recently outlined in an independent report by the Defense Science Board Task Force on DOD Energy Strategy. In recent letters from senior DOD officials, one individual quoted “domestic leadership in advanced technologies such as fuel cells is of national importance.”

□ 2240

The task force concluded that the Department of Defense faces two primary energy challenges. Department of Defense energy operations suffer from unnecessarily high growing battle space fuel demand. Let's face it, an M1A2 Abrams tank powered by a gas turbine engine using aviation fuel burns a lot of gas. And we have seen over and over and over again in land, air, and sea warfare that the logistical requirements of moving fuel is one of the most important battlefield criteria.

In fact, in my own life, I learned at advanced war schools, such as the National War College and the Naval War College, that amateurs talk about bullets and guns and professionals talk about logistics. And logistics harbor around the movement of petroleum products for our aircraft, our tanks, and our ships. And we are increasingly and at farther ranges dependent on that. In fact, Mr. Speaker, just recently on the front page of a major Washington political newspaper the headlines read that a gallon of fuel used by the United States military in Afghanistan is costing the United States taxpayer \$400.

Likewise, military installations both overseas and, of some significant national security curiosity, right here at home are completely dependent on a civilian electrical infrastructure grid. When the lights go out in New York City, they go out on any military base on the same electrical grid. There is no independent powering sources. This is not a position that we want our military to be in.

Hydrogen fuel cells can help the military address its own petroleum reduction requirements. Nontactical vehicle applications, these are the everyday administrative vehicles used all over the United States by the DOD, are a wonderful place to introduce this technology and move forward. And stationary hydrogen fuel cell storage and requirements are also a significant national security increase for our shore-side installations.

Fuel cells and nontactical vehicles will later enable tactical applications. And while it seems far fetched that we may one day have a fuel cell-powered tank, Mr. Speaker, I offer for consideration that those on the battlefield of the Civil War would have had a hard time imagining a gas turbine power aviation fuel Abrams M1A2 tank. We simply cannot rely on surrendering the promise of this technology and shipping it overseas.

Now, Mr. Speaker, with total transparency, I must confess that one of the reasons that I am so motivated and so passionate about this subject is that for the past 15 years, out of sight and out of mind, in a corner of my congressional district that most people did not even know existed, some 400 engineers,

technicians, and support personnel have worked to bring the vision of petroleum-free transportation and independence from imported petroleum to reality.

Tonight and tomorrow, and hopefully into the future, the engineers and the technicians at the Honeoye Falls advanced fuel cell research and development facility have brought the future today. Their leader, Mr. Matthew Fronk, a man who will soon retire from his position and seek a leadership role in academia, is to be commended for his vision and for his leadership. And it is not he alone, because it is a classic example of the ability of private industry, in this case, General Motors, a company often maligned and much in the press, who has brought to the Nation a unique, forward-looking capability that no other Nation in the world today has, and yet we are at the cusp of losing them. Right when we had the future in our hands, brought to us by hardworking and highly educated, incredibly passionate and dedicated technicians and engineers, we are about to surrender it as we surrendered battery technologies, as we surrendered hybrid technologies.

So, Mr. Speaker, allow me to conclude by reading an article that appeared in CNN Money magazine just last week. It is titled, "The Hydrogen Car Fights Back." President Obama is betting on biofuels and batteries, but that isn't stopping some automakers from investing in hydrogen fuel cars. As it appeared in Fortune magazine, I quote, "The valley of death is auto industry speak. It is a metaphorical desert where emerging technologies reside while car executives figure out which of the experiments ought to make their way into actual cars. Every automotive leap forward has done time in the valley, turbo chargers, fuel injections, even gasoline electric hybrids like Toyota's Prius. Hydrogen fuel cell vehicles, the alternative energy flavor of the month back in 2003, are the ones languishing today, along with hovercraft and other assorted concept cars, but perhaps not for much longer.

A number of automakers are now renewing their push for hydrogen, and now it is looking as though hydrogen cars will make its way out of this conceptual vehicular valley of death. Last month, Daimler, the German Government, and several industrial companies announced a plan to build 1,000 hydrogen fuel cell stations across Germany. Days later, Daimler's CEO, Dieter Zetsche, showed off Mercedes Benz's latest hydrogen fuel cell effort, the F-Cell hatchback. Toyota, this summer, announced it will put hydrogen fuel cell cars into production by 2015. Honda, GM, and Hyundai all have hydrogen fuel cell programs running, and Honda has actually put vehicles—heavily subsidized by the car maker to be sure—in the hands of some real cus-

tomers as opposed to its own engineers. Parenthetically, GM, today, is focusing most of its energy on the plug-in hybrid Chevy Volt, but the company still says it expects to have fuel cell technology ready for commercialization by 2015.

Mr. Speaker, as we debate the great issues of the day, and there are many to debate, we hear them on the floor of this House every afternoon and every evening, be it national foreign policy issues that weigh heavily on our minds in Iraq and Afghanistan, whether it be a contentious debate about health care, allow us not to lose the vision of the future. Allow us not to do what has been done before. Allow us not to forget and give away the decades of advancement and work that have accomplished so much in this very focused area of technological development that holds so much promise not only for the automotive fuel sector, but for energy independence. We speak on the floor of the House in great and grand and umbrella arching metaphors, and yet now it is time to speak of specifics.

And so, Mr. Speaker, I thank you that for this last hour I was given the opportunity to highlight a specific technology that holds so much promise, because back home at the Honeoye Falls research and development facility it can truly be said that not often in history have so few done so much for all of us.

Mr. Speaker, I yield back the balance of my time.

ENERGY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, I am honored to have the privilege to address you here tonight on the floor of the House of Representatives. And having been privileged to listen to the gentleman before me speak of the energy issue, and not taking particular issue with the delivery that he has given nor the facts that he has such a good handle on, I would just make this point, Mr. Speaker, and that is that a little over 1 year ago, 1 year ago last August, many of us Republican Members stood on the floor of the House of Representatives and argued that we needed to expand the energy for the entire United States of America; all energy all the time.

We started that debate before the adjournment for the August recess, and the Speaker didn't want to hear the debate on energy. And so there was a motion that was delivered to adjourn abruptly, which was passed on a purely partisan vote. We kept debating energy. We were geared up to come here and debate energy 1 year ago August. And as we debated energy, the microphones were cut off, the lights were

shut down, and the House of Representatives would have been cleared by order of the Speaker except we do have enough sovereignty here to bring in the citizens of the United States and our constituents. And even though Speaker PELOSI shut down the microphones, turned the C-SPAN cameras off to the side and tipped them down and dimmed the lights—didn't shut them completely off—we continued to debate energy every single business day all the way through August and into September and after Labor Day and back again.

□ 2250

Our argument was not to reject hydrogen. Our argument was to expand access to all energy in America. It was the case the American people wanted. It remains the case of what the American people want, and the American people want access to all energy all the time.

We are a country that's blessed with a tremendous amount of energy. We can produce the nuclear energy that we need and more than we're using by far right now. We're blessed with a lot of coal. We have a lot of natural gas. If we would utilize the resources that we have, we could expand our ethanol, our biodiesel, our wind energy as we're doing. If we would develop the energy that we have, we would have a surplus of energy.

It strikes me as a bit odd that the gentleman would focus exclusively on hydrogen. I don't take issue with his hydrogen argument; but I will say that, as the gentleman says, if we expand our hydrogen energy instead of importing a large percentage of our energy, we will be exporting renewable energy. That is a long, long way from a reality; and we will never be to the point where we can export renewable energy unless we're willing to develop all of America's energy.

Here are some of the answers: All energy all the time. Let's drill in ANWR. Why would you leave hydrocarbons underneath Mother Earth? Why would we not go out into the gulf and drill for the natural gas and for the oil that's out there? Why would we not go up to ANWR and drill up there where we have proven on the North Slope that we can drill effectively and in an environmentally safe fashion and where the most extreme environmentalists can fly over the North Slope or walk across it or ride around on Todd Palin's snowmobile?

They couldn't find an oil well if you directed them to it because they aren't big, wooden derricks with oil bursting into the air from a gusher or a geyser. They are submersible pumps in casings that are underground, and they are wells that are drilled on permafrost, and they are roads that are accessed only during the time of the many months when there's actually frost

there for them to run on ice roads. You can fly over that countryside, and you can't see the wells unless you know exactly what you're looking for.

We need to drill in ANWR. We need to drill in the Outer Continental Shelf, in all of our Outer Continental Shelf. We need to open up the leases on it. We need to drill it for oil. We need to drill it for gas. We need to expand our nuclear.

JOHN MCCAIN, in his Presidential campaign, said we need to build 45 new nuclear plants in the United States in a short period of time. Now, I don't know if that's the right number, but I know that zero is the wrong number. The people on the other side of the aisle, the Pelosi majority, are opposed to nuclear; they're opposed to ethanol; they're opposed to biodiesel. They argue some food versus fuel argument that's completely specious, and they can't make the argument with me.

I'd be happy to yield to any one of you who thinks you can. I'll take you on directly right now. The facts are in my head, and they're not even in your data because they don't exist.

We need to expand more and more of this energy. They're opposed again to anything that is petroleum. They're opposed even to the expansion of natural gas, although the Speaker was informed a year and three or four months ago that natural gas is actually a hydrocarbon. It isn't one that puts as much CO₂ into the air as burning oil or gas or diesel fuel does.

I'm having trouble finding a source of energy that's suitable to the liberals and to the environmental extremists in this Congress, Mr. Speaker.

I look across the spectrum of the energy that we have, and I'll tell you the energy that I'm for. I'm for hydroelectric. I'm for hydrocarbons of all kinds. I'm for drilling every place that I have said for gas and oil. I'm for coal. I'm for nuclear. I'm for wind, ethanol, biodiesel, solar. There are a number of them I'm probably forgetting. I want all energy all the time. I want the whole energy pie to grow, and I want to be able to use American energy. We can be energy independent. It doesn't necessarily have to be our goal, but we have to be where we have the capability to be energy independent.

The idea that comes from the other side of the aisle is to make energy more expensive. I mean, I listened to the gentleman talk about let's follow the European model. Let's hurry up because the Germans are going to be ahead of us. Well, they are all right. Their \$9 gasoline is ahead of us. They've had a policy that has been costly energy, fewer cars and more bicycles for a long time; and the Germans aren't the champions in Europe of bicycle riding. I will submit that the Danes may well be the ones in the running for first place in bicycle riding in Europe, but their idea is that there is

no such thing as bad weather. It's just bad clothing. It rains 170 days a year in Denmark, and they ride bicycles 365 days a year in Denmark.

That's all right. Ride those bicycles, but you don't have a mountain in that country, and you barely have a hill. In this country, we have long distances between places. Grandma is not going to put chains on her bicycle and ride it to town through the hills and through the mountains in America. We have a different lifestyle. We have different demands. We have different priorities.

Let's let the markets decide. Let's not drive up the price of gas as they've done in Europe and make it scarce and costly, \$7.50 to \$9 a gallon. Let's keep it competitive, because energy, like money, Mr. Speaker, is fungible, and it takes energy to make anything that we decide to make. Whatever we decide to manufacture takes energy. Even if you sold a minimal amount of energy to manufacture it, it still takes energy to deliver.

So every component of our economy is linked to the cost of energy; and if we're going to compete against the rest of the world, it's our responsibility to have a price of labor that's competitive, a lower regulation so the burden of government is not too high on our businesses that are producing products and services, and we have to have an intellectual property and know-how and low energy costs so we can compete with the rest of the world.

If you look at America's industrial might, a lot of it grew during the period of time when we led the world in energy production. They discovered oil in Pennsylvania; and shortly after that, they discovered oil in Texas. They developed the ability to drill and to produce oil, which was a cheap, compressed, concentrated form of energy; and it remains that way. We developed the skills also, and those skills that we market around the world, this source of energy and the knowledge base that came from drilling and developing wells, is something we've sold to the rest of the world. It has had great profit to the United States.

We simply cannot be a Nation, a huge Nation as we are, that is shifting over into this idea of green jobs. Green jobs are not green jobs. They're government-regulated, -created jobs. That means that they're not market-driven jobs, but they're jobs that are driven by government regulation. When you drive jobs by government regulation, that means they're more costly than the market would have them. The costs go up because of the regulation that's produced by government. So the argument that we will create green jobs is a false promise argument because it's the government that sets the regulations that produces the necessity to have green jobs.

Now, I want renewable energy. I want it to compete with the rest of the energy in this country and on the planet.

It's clearly true, in looking at my record, that I have been a long-time supporter of renewable energy. There are 435 congressional districts in America. I have the privilege and the honor to represent the Fifth Congressional District of Iowa. That is one of 435 districts, the western third of the State, roughly speaking.

We raise a lot of corn and soybeans and cattle and hogs and eggs. When you add up the BTUs that are generated from ethanol, from biodiesel and from the wind generation of electricity and when you put it into the common denominator of British Thermal Units, the 5th District of Iowa, out of 435 congressional districts in America, produces more renewable energy than any other.

Now, there are a few reasons that we've done that. One is to meet the demand. We have the resources, and we've created the know-how, and now we've become the knowledge base that can export that knowledge to the rest of the country and, one day, to the rest of the world.

Even though I'm in the middle of renewable energy and even though I've been engaged in it for many, many years and even though I've watched, let me say, the successes, the victories and some of the calamitous defeats that have taken place and the resurgence of the business model that shows that they can compete against the other sources of energy, at least given the structure that we're working with today, I work with all of that.

Mr. Speaker, I'll tell you that we have to have all energy all the time, not a simple focus on a single kind of energy, not a lockout of petroleum because some people say that it produces more CO₂. I'll not argue the science of that, but this myopic belief that we can limit the emissions of CO₂s and that somehow or another we can set the thermostat of the Earth is simply false.

The premise of the science is wrong. Some will say, Well, just argue the economics because you can't win the argument on science. No, Mr. Speaker. When you have a huge policy like cap-and-trade that's built upon a flawed premise such as CO₂ emissions by the United States have dramatically increased the temperature on the planet and if we significantly reduce the CO₂ emissions in the United States it will turn the Earth's thermostat down, it's a false scientific premise, Mr. Speaker.

□ 2300

And I have looked at this and asked some simple questions that aren't answered very well by the people who claim to be the scientists, and they fall into this category.

How much volume is the Earth's atmosphere altogether? So if you would take the total metric tons of the volume of the Earth's atmosphere and

draw it into a circle, a graph that would describe how much that is, and draw it into an 8-foot circle, because that is what fits on the wall, a foot higher than my hand, an 8-foot circle in diameter, and that represents all of the Earth's atmosphere, then Mr. Speaker, you draw how big would the circle be, the circle of CO₂, carbon dioxide that has been emitted by U.S. industry into the atmosphere of the Earth and that is suspended in the atmosphere that might—might, but not certainly—but might affect the Earth's temperature, that CO₂, the cumulative level of all CO₂ emitted by the United States into the atmosphere since the dawn of the Industrial Revolution, Mr. Speaker, how much is that?

What have we done? And my data goes back 205 years. What has the United States industrial might and the totality of its emissions in burning all the coal and all the natural gas and all the crude oil in the form of gasoline and diesel fuel and other forms, kerosene and jet fuel, the other forms, propane, all of those forms of energy that have been burned and then the CO₂ that has been emitted and suspended in the atmosphere, how much in 205 years, as compared to all of the Earth's atmosphere that you might draw in an 8-foot circle, how big would that circle be, the cumulative total of all U.S. CO₂ in the atmosphere be in 205 years?

Mr. Speaker, it is shocking to boil these numbers down to the real truth. An 8-foot circle of all the Earth's atmosphere, the cumulative, and that means 205 years' worth of CO₂ from the United States put into the atmosphere, that circle is certainly not 8-foot, that is all the atmosphere, or 7 foot or 6 foot or 5 foot or 4, 3, 2 or 1. We might think that circle is a couple feet, if we listen to the environmental extremists.

But the real size in relation to all the Earth's atmosphere as drawn in an 8-foot circle, the real diameter of the cumulative total of CO₂ is .56 inches, Mr. Speaker. That is about like this, about the size of a bullet, the tip of my little finger. That is how big that circle would be, .56, just a little over half an inch in diameter. That is the cumulative total of all the CO₂ in 205 years.

The Waxman-Markey bill proposes that if we would just reduce one year of that, in annual figures that would be $\frac{1}{205}$ of the cumulative total, by 17 percent for a few years and then raise that up a little more and finally reduce it to 83 percent by the time we get to the year 2100, and by that year they believe that the Earth will have diminished its increased temperature by let's say 1.5 degrees centigrade.

That is their calculus. And we here on the floor of the House of Representatives would conclude and America would accept the leadership of this Congress because they don't know and they don't have access to the truth, and they are certainly not hearing it

from both sides of the aisle, they accept the idea that surely no person in this Congress and certainly not a majority would be cynical enough to advance some idea of science that was bogus in an effort to try to create a plan called cap-and-trade, which would be the largest and most insidious tax increase in the history of the world. And for every dollar it collected, only about one out of five would get into the United States Treasury, and the rest of it is wasted in the process like friction in a motor.

That, Mr. Speaker, is what we are dealing with with cap-and-trade. And when I listened to the gentleman talk about hydrogen, I don't take issue with his data or his argument. I will just add that there is much more that we need to do to see the big picture. The big picture means all energy all the time, and let's go ahead and use it.

There is no reason to store a lot of hydrocarbons underneath the crust of mother Earth in the territory of the sovereign United States of America and not use it. The only reason I have heard, and it is not a very good one, is the Speaker of the House's statement, "I am trying to save the planet. I am trying to save the planet." And, yes, it was a broken record delivery, Mr. Speaker.

So, that is the energy issue that needed to be talked about for a long time. We have talked about health care for so long we have about forgotten to take up the energy issue.

I would take us then to a contemporary issue that emerged today in the news, and it is something that the American people do need to know about, Mr. Speaker, as any subject matter that comes up here on the floor, the American people need to know. There are more subjects than we can possibly have time to address.

Mr. Speaker, at the end of my talk I will introduce this article into the RECORD, The Washington Times published at 4:45 a.m. and updated at 7:25 a.m. today, October 20, 2009, by Ben Conery entitled "Justice Concludes Black Voters Need Democratic Party. I will make that available at the conclusion.

Here is the article. The Justice Department concludes that black voters need the Democratic Party. This is a Washington Times article, and I will go through some of the highlights here and then seek to summarize it, Mr. Speaker.

Voters in the small city of Kinston, North Carolina, have decided overwhelmingly to do away with party affiliation for their local elections for mayor and city council. They didn't want them to be labeled as Democrats or Republicans or Libertarian or Communist or whatever they might be—I don't know if there are any down there in Kinston, actually—but they wanted to eliminate the party label and just

run candidates in a nonparty way. But the Obama administration overruled the overwhelming majority of the electorate of the city of Kinston, North Carolina, and decided that they couldn't offer ballots and elect their local candidates unless they had a party label.

The Justice Department's ruling, and it affects the races for city council and mayor, went so far as to say this: Partisan elections are needed so that black voters can elect "candidates of choice" identified by the Department as those who are Democrats and almost exclusively black.

The Justice Department—I would say they are questionable in the way they are currently named—the Department ruled that white voters in Kinston will vote for blacks only if they are Democrats. What that means, that is veiled language for, white voters that aren't Democrats are racists. That is what it says in this article. It is a conclusion drawn by the Justice Department. And I will say their conclusion and their decision on its face is racist, Mr. Speaker.

It says, therefore, that the city cannot get rid of party affiliations, this is a Department of Justice ruling, for local elections because that would violate black voters' rights to elect candidates they want.

What does this possibly mean? It doesn't fit the logic where I come from. It says that several Federal and local politicians would like the city to challenge the decision in court, and I would too.

Mr. Speaker, I would call upon the city of Kinston to challenge this Justice Department decision in court. They have a right to hold their local elections, and the Department of Justice should not be making the presumption based on the racist presumptions that they are.

The voter apathy, they say, is the largest barrier to black voters' election of candidates they prefer. A little code word, "candidates they prefer." How do they know who these candidates are who are preferred? The way you have to register who you prefer is, go to the polls and vote. Voter apathy cannot be fixed by a wrongly made decision on the Department of Justice.

There is some language here by Mr. Steven LaRoque, who led the drive to end the partisan local election. He called the Justice Department's decision "racial as well as partisan." And he went on to say, "On top of that, you have an unelected bureaucrat in Washington, D.C., overturning a valid election. That is un-American." Steven LaRoque, Kinston, North Carolina.

Continuing on, the point is made that this is the Justice Department, the Eric Holder Justice Department, that ended and dismissed the voting rights case against the New Black Panthers Party in Philadelphia.

□ 2310

Now, I have seen this film, and I've examined this case, at least to a respectable depth, where they have, let me say, as the New Black Panthers in Philadelphia, there is videotape that's in the possession of the Department of Justice, unless somehow they have destroyed the evidence on their hands, of four members of the Black Panther Party in Philadelphia in quasi-paramilitary garb standing before the polling places in Philadelphia, one of them at least wielding a billy club and intimidating white voters that came in to vote in the polls, and the video that I heard, one of those Panthers called a white voter a "cracker." This was the most open-and-shut case of voter intimidation in the history of the United States of America, Mr. Speaker, and the Eric Holder Justice Department cancelled the case and dropped it even though there was, and I'll go down through some of the details of this, a judgment that was, I believe, agreed to.

Now, going on, then in Kinston, here are some comments that come from the U.S. Commission on Civil Rights, and this is Abigail Thernstrom, whom I know and whose judgment that I respect tremendously. She said, the Voting Rights Act is supposed to protect against situations when black voters are locked out because of racism. This is Abigail Thernstrom, Civil Rights Commission, U.S. Civil Rights Commission. She continues, and I quote, "There is no entitlement to elect a candidate they prefer on the assumption that all black voters prefer Democratic candidates"; Abigail Thernstrom, U.S. Commission on Civil Rights.

So Kinston, the city that decided they didn't want to have partisan elections, now is essentially ordered by the Department of Justice to have partisan elections on the assumption of the Department of Justice that apparently black voters won't know who to vote for if they go to the polls and they don't have a Democrat label on the names of the candidates that are apparently black Democrat candidates.

And that's been the history of what's going on in Kinston. They should have the right to select candidates without regard to race, and this is a decision that is based on race at its core. It says that the city had uncommonly high voter turnout in the last election with more than 11,000 of the city's 15,000 voters casting ballots, but Kinston's blacks voted in greater numbers than whites the last election, presumably because Barack Obama was on the ballot, where he won in that city by a margin of 2-1, and that was—excuse me. He won a victory in that city, but the election, the vote to determine that they would be electing their local candidates on a nonpartisan ballot passed by a 2-1 margin in Kinston, and yet the Justice Department overturned

that decision because they concluded that black candidates—or, excuse me, black voters wouldn't know who to vote for unless they had a D beside their name.

That is pandering. That is a racial decision on its face, Mr. Speaker, and America can't tolerate that kind of thinking from a Justice Department that shut down the most open-and-shut voter intimidation case in history, Philadelphia.

And so I go on. One of the statements made is in a letter dated August 17. The city received this letter from the Justice Department. Their answer was elections must remain partisan because the change's effect will be strictly racial. In other words, if you don't label the candidates as Democrats or Republicans and you look at the anticipated result of the elections, there might be somebody that's not black that gets elected to office. This is the logic of the Justice Department.

What happened to Martin Luther King, Jr.'s "I Have a Dream"? What happened to the content of the character rather than the color of the skin? We have come 180 degrees, Mr. Speaker, from the time when Martin Luther King, Jr. stood down here in front of the Lincoln Memorial and gave his "I Have a Dream" speech and inspired a people of this Nation, the people of this Nation and the people of the world when he talked about content of character, not color of the skin. That's the dream that I've had for America. I was inspired by that speech, and I don't know any American that wasn't inspired by the speech.

But I'm now watching Americans in positions of significant power that have forgotten the philosophy of Martin Luther King, Jr., and they have fallen back to a purely partisan philosophy. This is an Attorney General that declared people that were Republicans as not being willing to discuss the issue of race and being cowards when it comes to the issue of race. Well, Mr. Speaker, I've shown no reticence to discuss that. I think it's important for us to have those open discussions, and if we don't have the open discussions on race, we'll never get to the point where we can actually joke and laugh with each other and be people that are God's children pulling together in the same country for the same cause, which I believe we can and must do, and I think it's God calling to us.

Continuing on in the article, and I will quote Loretta King, who made this, issued this statement from the Department of Justice, and she said, and I quote, "Removing the partisan queue in municipal elections will, in all likelihood, eliminate the single factor that allows black candidates to be elected to office"; Loretta King, who at the time was the Acting Head of the Justice Department's Civil Rights Division, wrote in a letter to the city of Kinston, North Carolina.

She also wrote that voters in Kinston vote more along racial than party lines, and without the potential for voting a straight Democratic ticket, I quote again, Loretta King, "The limited remaining support from white voters for a black Democratic candidate will diminish even more."

Purely a bald-faced racial decision coming from the Department of Justice, and, by the way, from the very DOJ official that formerly killed the case of voter intimidation that was already made in Philadelphia with the new Black Panthers and their billy clubs out in front of the polling places in Philadelphia. That's tolerated by this Justice Department, but being able to go to the polls and vote for someone in a local city election like city council or mayor and not having a party label on them, Democrat and Republican, is not tolerated because this Justice Department does the calculus that somehow it will diminish the elections of Democrats if they're not labeled as Democrats, and they presume that African Americans can't make that decision without the label.

And actually, looking at the Presidential results, you have to wonder, if 96 percent of African Americans voted for Barack Obama, one would be able to draw that as an indication that certainly ethnicity was a factor when they went to the polls. I don't think that can be denied. But again, Loretta King's statement that the limited remaining support from white voters for the Democratic candidate will diminish even more. Now, she is, as I said, the same official that put the brakes on the New Black Panther case of voter intimidation.

And then we have a situation where, after a judge ordered a default judgment against the Panthers who refused to answer the charges or appear in court, the Justice Department dropped the charges against all but one of the defendants saying, and I quote, this is very likely Loretta King's statement, "The facts of the law did not support pursuing them."

Really? The most open-and-shut case in the history of the United States of America of voter intimidation, videotaped witness after witness, what facts were not there to support pursuing a case of voter intimidation?

I recall the cases in Florida during the Presidential election of the year 2000 when the case was argued that a mile and a quarter away a traffic check was voter intimidation because some people were going to drive through the traffic stop and show up at the polls. That was the argument made by the party of the same people that have decided that you have to have a label of Democrat on the ballot so that African Americans know who to vote for.

□ 2320

That's what's said here. That's Loretta King's decision. She's in the Depart-

ment of Justice. Eric Holder is her boss; President Obama is his boss. And they are all accountable for this breach of a constitutional concept, if not the Constitution itself.

Ms. King's letter in the Kinston statements said that because of the low turnout, black voters must be viewed as a minority for analytical purposes and that minority turnout is relevant to determining whether the Justice Department should be allowed to change election protocol.

Really.

Can't we get back again to the content of the character? Is it not possible for someone of good conscience and good character and good judgment to represent other people of good conscience, good character, and good judgment? It had better be, Mr. Speaker, because if we can't, if somehow skin color trumps good conscience, good character, and good judgment, this country is in a very sad shape indeed. How in the world with this logic did this Nation then elect Barack Obama as the President of the United States?

And that would be my question. And I don't think it can be answered by the logic, if you call it that, that's been delivered in this decision that's imposed upon the City of Kinston, North Carolina.

Continuing. Loretta King wrote: "Black voters have had limited success in electing candidates of choice during recent municipal elections." Again, that's candidate of choice. Who's to determine what a candidate of choice is? That would be the candidate that was voted for by the people who went to the polls. And if people of one color show up in a lower percentage than people of another color, that doesn't mean that they're unrepresented; it doesn't mean that you're supposed to jigger the game in order to produce a different result.

If you don't like the results, look at the way you're represented, make a decision upon the people that are elected to the city council and to the mayor's position in Kinston, North Carolina, and everywhere else in America. But don't base it on skin color as the basis.

This is so un-American, so unconstitutional, and it echoes back to the majority decision that was written by Justice O'Connor in the affirmative action cases at the University of Michigan where Justice O'Connor looked at the formulas that were used to produce the proper color and gender of the people that got into the school in Michigan, be it the broad student body at the University of Michigan or the University of Michigan School of Law. And in her decision, her majority opinion, she wrote that, you know, the Nation wasn't—and I am paraphrasing here—the Nation wasn't quite ready for a colorblind admission process, that we really needed to have a quota system as long as that quota system was based

on individual analysis of individual applicants rather than a broader application that would be used as a formula.

And Justice O'Connor also wrote, and again this is paraphrasing, she also wrote that but even though that is the case today, perhaps we should come back and revisit this in 25 years or so. Maybe America will be ready for the kind of a policy that allows for merit rather than skin color or gender to be the qualifications that allows people into law school, Mr. Speaker.

That is breathtaking to me to think that a Supreme Court Justice of the United States, with the support of a bare majority, but a majority of the Supreme Court, could write, could put in print something so utterly illogical that only one could conclude that the decision was if we're going to go back and revisit this in 25 years and determine if the equal protection clause in the 14th Amendment actually will apply if society is ready for equal protection in 25 years, Justice O'Connor concluded that the Constitution itself needed to be suspended for 25 years and maybe we could come back and adhere to the Constitution if it was convenient at a later date in a subsequent generation.

This is the rationale of Justice O'Connor that opens the door for this kind of rationale and Department of Justice, civil rights division, and you could have Loretta King write, Black voters have limited success in electing candidates of choice during recent municipal elections—even though the city is about 2-1 black in turnout—doesn't reflect that and she needs to rig the game so the candidates of her choice are more likely to be elected without regard to justice. And this is the Justice Department of the United States of America.

Abigail Thernstrom of the Civil Rights Commission blasted the Department's interpretation of the law. And I would agree with Abigail Thernstrom when she said, "The Voting Rights Act is not supposed to be compensating for a failure of voters to show up on Election Day."

And she continues, "The Voting Rights Act doesn't guarantee an opportunity to elect a candidate of choice. My candidate of choice loses all the time in elections." So does mine.

Are we really going to rig the game because our candidate of choice didn't win?

And then also continues, "The decision that employs similar reasoning and language as in other cases of the Kinston ruling"—and here's the decision—"implementation of nonpartisan elections appears likely to deprive black-supported candidates of meaningful partisan-based support and to exacerbate racial polarization between black and white voters."

What could more exacerbate racial polarization between black and white

voters than a decision by the Department of Justice, Mr. Speaker, based strictly upon skin color that's designed to give an advantage based upon skin color that disregards the idea that a man or a woman can represent another man or a woman with logic and character and understanding and decency without regard to skin color?

Martin Luther King has got to be rolling over in his grave to see where racial politics have taken the United States of America, Mr. Speaker.

And now, Mr. Speaker, I would shift on to a few more subject matters.

As I spoke about the energy issue and the Kinston, North Carolina, issue, I'll take up the issue of Kevin Jennings.

Kevin Jennings, the appointee of President Obama to be the safe and drug-free schools czar. Now, paint that image out in one's mind's eye. All of the schools in America got along fine without someone who was in charge of safe schools. That was a local issue. Drug-free schools, local issue. Nancy Reagan said, "Just Say No," and that got published through our schools and that was a good thing. But we didn't need a safe and drug free schools czar.

Well, now we have one, one of 32—maybe as many as 47 czars—that have been appointed by President Obama. And, Mr. Speaker, these czars have not come under the confirmation hearings, open hearing scrutiny of the United States Senate even though a number of them have power that eclipses that of the Cabinet members themselves. No, these czars are appointed to sometimes circumvent the confirmation process and the vetting process that takes place and just simply give them a job and grant them a power and authority eclipsing, in some cases, that of the Cabinet members who have been vetted and had hearings and had been confirmed in the United States Senate.

So we have Kevin Jennings, the safe and drug-free schools czar. Kevin Jennings, the man who—and I will go through a list of things—but the part that caught my attention the most and first was as a teacher in Massachusetts—and by law, Kevin Jennings, as a teacher in Massachusetts, was a mandatory reporter, which means under the laws of Massachusetts—and they may have had a different name for it—that is the name for people in Iowa who have to report—if a child that is in your care and custody and responsibility in the class is being abused mentally, physically, or sexually, it's the obligation of the mandatory reporters, which are listed, and all teachers are mandatory reporters, to report to—in Massachusetts, I believe it's their equivalent of HHS, Health and Human Services Department.

Kevin Jennings had a student come in, whom he has written in his book in 1994 and addressed it in the speech in the year 2000. This is Kevin Jennings' words and his analysis, not mine, Mr.

Speaker; but his speech and his writings are about a 15-year-old boy who came in and sought the counsel of teacher Kevin Jennings.

□ 2330

He said, Well, I have been having sexual relations with an adult male in the restroom at the bus stop, and I want to talk to you about it. Kevin Jennings' advice was, I hope you knew to use a condom. It seems to be the sum totality of his advice, Mr. Speaker. And that is the focus of his repeated narrative of the 15-year-old boy.

Now here are some problems. As a mandatory reporter, this child was being abused. It was a violation of the law. It was statutory rape under Massachusetts law. Kevin Jennings was compelled by law to report this as a teacher, a mandatory reporter. He did not. But he wrote about it in his book. He talked about it in his speeches. And some have argued, after the fact, that the young man was actually 16, not 15. But as long as Kevin Jennings argues that he is 15, then what he knew or what he thought he knew is a controlling factor, and he was obligated to report the sexual abuse of a child, the intergenerational sexual abuse, statutory rape of a child. He did not do that.

And he has repeated himself up until recently, by my documentation, and probably after that, by the year 2000. Now he has been appointed the "Safe and Drug-Free Schools" czar, a man with such a colossal lack of judgment that he couldn't follow the law in the Commonwealth of Massachusetts to protect the safety of the children. The legislature of Massachusetts, as left-wing as they are, saw fit to put into the law guidelines for their teachers and their other mandatory reporters. And Kevin Jennings, the czar of "Safe and Drug-Free Schools," couldn't see fit to even follow the law in Massachusetts, let alone possess a moral compass that would have been a prudent one. He has since said he could have made a better decision.

Now I wouldn't argue that a man that made a single mistake in, I believe the year was 1988, should be punished for that in perpetuity. I would argue, though, that a man that made that mistake, that saw fit to highlight it in his book in 1994 or 1995 and highlight it in at least one speech in the year 2000—it happened to be in Iowa, by the way, Mr. Speaker—a man that has that kind of flawed judgment that is standing in front of groups that promote homosexuality and making the case that he has been a protector and advocate of that lifestyle was pretty proud of his decision to advise this young man whom he referred to as "Brewster," "I hope you knew to use a condom."

That is a colossal lack of judgment. The momentary flaw in his judgment in his advice to Brewster, the colossal

lack of judgment and repeating it as if it were a merit rather than a demerit in his book and in his speech in Iowa in the year 2000, and I would suspect many times before and after until he has been called on it, a single incident is not enough to judge a man by and not enough to disqualify him by, but it is something to get our attention.

And then, Mr. Speaker, we can look at Kevin Jennings in a broader view. What has been the totality of his record as an adult professional? And his focus has been on the promotion of homosexuality. In at least four books and perhaps five that he has written, every single one at a very minimum touches on the issue. Most of the material focuses on the issue. He has written the foreword to a book called "Queering Elementary Education." Now I will submit that kids that are in kindergarten, first-, second-, third-, fourth-, and fifth-grade in elementary school don't need to be burdened with those kinds of decisions. They don't need an advocate for homosexuality or any kind of sexuality in those years. They need to be left alone to find their way, to study academically, to go outside at recess and play sports, and get to make friends and build an understanding of parental, adult and teacher guidance. They don't need to be burdened with the idea of trying to queer elementary education, to quote the title of the book that Kevin Jennings has written the foreword to. And by the way, on the back cover is William Ayers' comments on the value of that book, "Queering Elementary Education." This is Kevin Jennings.

Now, we can continue with Kevin Jennings, the hostility towards religion that he has demonstrated clearly. He has written about it in his book, "Mama's Boy, Preacher's Son." He has written cavalierly about his own drug abuse. And rather than put that into the CONGRESSIONAL RECORD, Mr. Speaker, I will just say that if students read the language, the narrative that Kevin Jennings writes about his own drug abuse and being at the airport watching the planes land, they can only draw one conclusion: That it's all right to use drugs and probably won't end up in a bad result. In fact, if you use drugs, you can end up the "Safe and Drug-Free Schools" czar in the United States of America. That is the model that is there if Kevin Jennings remains as the czar of "Safe and Drug-Free Schools."

So what does he have to offer? What does he have to offer about school safety? Well, the only thing he has to offer is his relentless advocacy to pass anti-bullying laws in the State legislatures across the land. About 20 States have adopted some legislation to that effect. Anti-bullying laws are designed to exclusively protect kids who are viewed as homosexual kids. Now I want to protect all kids. And I don't want any

children bullied. By the same token, I don't believe that we need to have special laws that are based upon the perceived notions that go on in people's heads. We can punish the overt acts that are used as violence or intimidation against these kids in school, and we can protect all kids.

Kevin Jennings' advocacy has only been to protect those kids he views as homosexual. He has been offended by what he called the "promotion of heterosexuality." And for want of finding the actual text, Mr. Speaker, I will paraphrase this, Kevin Jennings, in one of his speeches—and I actually typed this up with my hands from the YouTube—said that every time kids read "Romeo and Juliet," they are being aggressively recruited to heterosexuality. Kids are being aggressively recruited to heterosexuality by reading "Romeo and Juliet."

So here is a man who is now today the "Safe and Drug-Free Schools" czar who is opposed to "Romeo and Juliet" because the implication is it's a young man and a young woman who are attracted to each other and who are in love. And he objects because he believes they are being aggressively recruited to heterosexuality. What would please and satisfy Kevin Jennings if "Romeo and Juliet" are anathema to his beliefs?

This goes on. But the lifetime career of 20 years and the totality of his professional engagement has been the promotion of homosexuality, much of it within our schools, and much of it that was within our schools was focused on elementary education. And some of the pamphlets that they handed out, one called "Little Black Book," at Brookline schools in Massachusetts was referred to by then-Governor Romney as something that should never fall in the hands of school kids. This man would be a czar of "Safe and Drug-Free Schools."

And when I asked one of the top principals in the United States of America with the medal commemorating his achievement hanging around his neck if a man of the resume, the bio, of Kevin Jennings had been hired by his school inadvertently and the resume had been discovered and reviewed, could he continue to teach on the faculty of this top-notch principal's school? And the principal's answer was, No way. No way we could keep someone like that on our faculty.

So, Kevin Jennings, Mr. Speaker, at least in the mainstream schools in America, couldn't teach in the classroom because he has been such a proponent of activism when it comes to dealing with a narrow component of sexuality in America. And he has been pushing it on our kids in this country.

He has also been a supporter of and an admirer of Harry Hay. We saw the White House official just a few days ago who said she was inspired by Mao

Tse Tung, the murderer of 70 million Chinese. Kevin Jennings has been inspired by Harry Hay, who is the cover boy for NAMBLA magazine, the North American Man Boy Love Association.

□ 2340

That organization that promotes intergenerational sex between men and boys and says it's all right and it doesn't hurt them—in fact, it may give them pleasure and be healthy for them—this person who has been on the cover of their national magazine was lauded by Kevin Jennings, and Jennings said of Harry Hay, I am always inspired by Harry Hay. Astonishing.

A man of this caliber and this philosophy cannot be the safe and drug-free schools czar in the United States of America. Surely, out of 306 million people, we can find one—can't there be one that has lived an exemplary life? One who wouldn't be objectionable to any parents? One who has advocated for the safety of all of the kids, not a narrow view of those whom he would label as a homosexual kid? Couldn't we find somebody that at least hasn't been public about their drug abuse so as to tell these kids to stay away from drugs, that drugs will ruin your potential, if they don't kill you and end your potential, they will ruin your potential? Can't we have somebody that hasn't been obsessed with sexuality, but someone who has been obsessed with the well-being of our children on the whole? Yes, we should. And the kids in this country do not have the ability to discern on a judgment call when you have an activist like Kevin Jennings as the czar of safe and drug-free schools. And those kids trust the adults that put people in positions of authority and power; they only discern that adults have made the decision to approve Kevin Jennings.

The President of the United States needs to fire Kevin Jennings and put someone in place who is an example for parents and children or else eliminate the position entirely, Mr. Speaker.

And now I have vented myself on that particular issue. I continue onward. And in my pocket, as I will carry for a long time until we get to the bottom of this, Mr. Speaker, is, out of one of the trees right here outside the United States Capitol, another acorn. Now, never fear, Parliamentarian, I'm not going to ask to introduce this acorn into the RECORD. I just point out that this is something that America needs to be focused upon.

The ACORN organization and their 361 affiliates, headquartered at 2609 Canal Street in New Orleans, Louisiana, originating in Arkansas and having powerful influence in cities such as Chicago, Philadelphia, New York—Brooklyn, for example—Baltimore, Washington, D.C., San Diego—name your city, 120 cities in the United States, ACORN has a presence; ACORN,

the Association of Community Organizations for Reform Now. And these are the people that started out advocating for bad loans in bad neighborhoods under the Community Reinvestment Act, shaking down lenders and intimidating lenders to make those bad loans in bad neighborhoods; the people that came to the Capitol building and lobbied to reduce and lower the standards of underwriting for a secondary mortgage market for Fannie Mae and Freddie Mac, lowered their capitalization, their regulatory standards so that they could push these lenders into making more bad loans in bad neighborhoods.

They criticized lenders for red-lining neighborhoods and refusing to loan into these neighborhoods that they had a red line drawn around. And then they had the audacity—that's the President's word, isn't it, Mr. Speaker? Then ACORN had the audacity to go back to these lenders, shake them down, demand a check so that they would move their demonstrations away from the doors of the banks so people would come in and do business. Once they were paid off, they left, but then they came back with another ruse, which is, you need to make more bad loans in these bad neighborhoods—that's the shorthand version. They didn't use that language, I'm sure.

And ACORN got to the point where they drew their own red line. Instead of the lenders drawing a red line around areas and communities and refusing to make loans, ACORN drew a red line around areas and communities and demanded that the lenders make loans into that area, and they demanded specific dollar amounts of loans on real estate, in particular, going into those areas. And so then they positioned themselves to actually broker the loans.

And ACORN Housing opened up, and people walked into those doors like Hannah Giles and James O'Keefe. They walked in with a video camera, and there they posed themselves as a pimp and a prostitute and said that they wanted to borrow some money to buy a home so they could set up a house of ill repute to put teenage girls in as prostitutes, 13-, 14-, 15-year-old girls from El Salvador, obviously illegal kids, in a sex slave arrangement being organized and facilitated by workers at ACORN in Baltimore, to start out—the film is in sequential order—then Washington, D.C.; then Brooklyn, New York; then San Bernardino, California; then San Diego, California.

All of that unfolded, and what we saw inside the doors of ACORN was essentially the same thing. We saw the face of a criminal enterprise that was set up to draw down tax dollars of all kinds, primarily Federal tax dollars, in a corrupt criminal enterprise to help facilitate child prostitution and gaming the IRS for child tax credits, for—I didn't

hear him say first-time homeowners credit, but I did hear them say earned income tax credit.

And so the taxpayers of America are writing checks that are being brokered by ACORN in any way that they possibly can, passing that through into the hands of the individuals who are the beneficiaries of government largesse. And the administration of it is that it's ACORN that takes a cut out of the dollars that go through.

Five cities we saw the film. I believe, tomorrow, we will see the sixth city, the film from the sixth city. And I believe that there are more beyond that yet, Mr. Speaker.

And so this country has got to clean this up. We have an ACORN that has corrupted the home mortgage loan process. They have demanded and maneuvered for bad loans in bad neighborhoods. They have precipitated the decline, and the toxic mortgage component of this economic decline very much traces back to ACORN.

ACORN has admitted to over 400,000 fraudulent or false voter registration forms turned in in the last election cycle. They have denied that that turns into fraudulent votes, Mr. Speaker. Now, why would anyone spend millions of dollars to register hundreds of thousands of fraudulent voters and at the same time argue, well, we paid for all of that—on commission, by the way, so many registrations per pay day—but we didn't get anything out of it because these 400,000 were fraudulent or false, so don't worry, nobody voted illegally? Not true. It is unconceivable, Mr. Speaker. And I have made that argument for months, but here and a couple of weeks ago the story hit the news about Troy, New York, bringing prosecutions against ACORN because of dozens of fraudulent votes that were introduced in Troy, New York, and the ones that I read about were absentee ballots.

So we have the convictions of 70 ACORN employees. We have ACORN under indictment in the State of Nevada as a corporation to be in violation of the election laws in Nevada, and 361 affiliates. All of this we've got to get to the bottom of, Mr. Speaker.

I do appreciate your attention and your indulgence, and I yield back the balance of my time.

[From the Washington Times, Oct. 20, 2009]

JUSTICE CONCLUDES BLACK VOTERS NEED
DEMOCRATIC PARTY
(By Ben Conery)

KINSTON, N.C.—Voters in this small city decided overwhelmingly last year to do away with the party affiliation of candidates in local elections, but the Obama administration recently overruled the electorate and decided that equal rights for black voters cannot be achieved without the Democratic Party.

The Justice Department's ruling, which affects races for City Council and mayor, went so far as to say partisan elections are needed so that black voters can elect their "can-

didates of choice"—identified by the department as those who are Democrats and almost exclusively black.

The department ruled that white voters in Kinston will vote for blacks only if they are Democrats and that therefore the city cannot get rid of party affiliations for local elections because that would violate black voters' right to elect the candidates they want.

Several federal and local politicians would like the city to challenge the decision in court. They say voter apathy is the largest barrier to black voters' election of candidates they prefer and that the Justice Department has gone too far in trying to influence election results here.

Stephen LaRoque, a former Republican state lawmaker who led the drive to end partisan local elections, called the Justice Department's decision "racial as well as partisan."

"On top of that, you have an unelected bureaucrat in Washington, D.C., overturning a valid election," he said. "That is un-American."

The decision, made by the same Justice official who ordered the dismissal of a voting rights case against members of the New Black Panther Party in Philadelphia, has irritated other locals as well. They bristle at federal interference in this city of nearly 23,000 people, two-thirds of whom are black.

In interviews in sleepy downtown Kinston—a place best known as a road sign on the way to the Carolina beaches—residents said partisan voting is largely unimportant because people are personally acquainted with their elected officials and are familiar with their views.

"To begin with, 'nonpartisan elections' is a misconceived and deceiving statement because even though no party affiliation shows up on a ballot form, candidates still adhere to certain ideologies and people understand that, and are going to identify with who they feel has their best interest at heart," said William Cooke, president of the Kinston/Lenoir County branch of the National Association for the Advancement of Colored People.

Mr. Cooke said his group does not take a position on this issue and would not disclose his personal stance, but expressed skepticism about the Justice Department's involvement.

Others noted the absurdity of partisan elections since Kinston is essentially a one-party city anyway; no one among more than a half-dozen city officials and local residents was able to recall a Republican winning office here.

Justice Department spokesman Alejandro Miyar denied that the decision was intended to help the Democratic Party. He said the ruling was based on "what the facts are in a particular jurisdiction" and how it affects blacks' ability to elect the candidates they favor.

"The determination of who is a 'candidate of choice' for any group of voters in a given jurisdiction is based on an analysis of the electoral behavior of those voters within a particular jurisdiction," he said.

Critics on the U.S. Commission on Civil Rights are not so sure. "The Voting Rights Act is supposed to protect against situations when black voters are locked out because of racism," said Abigail Thernstrom, a Republican appointee to the U.S. Commission on Civil Rights. "There is no entitlement to elect a candidate they prefer on the assumption that all black voters prefer Democratic candidates."

Located about 60 miles from the Atlantic Coast in eastern North Carolina, Kinston has

a history of defying governmental authority. During Colonial times, the fledgling city was known as Kingston—named for King George III—but residents dropped the "g" from the city's name after the American Revolution.

In Kinston's heyday of manufacturing and tobacco farming, it was a bustling collection of shops, movie theaters and restaurants. Now, many of those buildings are vacant—a few have been filled by storefront churches—and residents are left hoping for better days.

In November's election—one in which "hope" emerged as a central theme—the city had uncommonly high voter turnout, with more than 11,000 of the city's 15,000 voters casting ballots. Kinston's blacks voted in greater numbers than whites.

Whites typically cast the majority of votes in Kinston's general elections. Kinston residents contributed to Barack Obama's victory as America's first black president and voted by a margin of nearly 2-to-1 to eliminate partisan elections in the city.

The measure appeared to have broad support among both white and black voters, as it won a majority in seven of the city's nine black-majority voting precincts and both of its white-majority precincts.

But before nonpartisan elections could be implemented, the city had to get approval from the Justice Department.

Kinston is one of the areas subject to provisions of the landmark 1965 Voting Rights Act, which requires the city to receive Justice Department approval before making any changes to voting procedures. Kinston is one of 12,000 voting districts in areas of 16 states, almost exclusively in the South, that the Voting Rights Act declared to have had a history of racial discrimination.

In a letter dated Aug. 17, the city received the Justice Department's answer: Elections must remain partisan because the change's "effect will be strictly racial."

"Removing the partisan cue in municipal election will, in all likelihood, eliminate the single factor that allows black candidates to be elected to office," Loretta King, who (at the time) was the acting head of the Justice Department's civil rights division, wrote in a letter to the city.

Ms. King wrote that voters in Kinston vote more along racial than party lines and without the potential for voting a straight Democratic ticket, "the limited remaining support from white voters for a black Democratic candidate will diminish even more."

Ms. King is the same official who put a stop to the New Black Panther Party case. In that case, the Justice Department filed a civil complaint in Philadelphia after two members of the black revolutionary group dressed in quasi-military garb stood outside a polling place on election day last year and purportedly intimidated voters with racial insults, slurs and a nightstick.

After a judge ordered default judgments against the Panthers, who refused to answer the charges or appear in court, the Justice Department dropped the charges against all but one of the defendants, saying "the facts and the law did not support pursuing" them.

Ms. King's letter in the Kinston case states that because of the low turnout black voters must be "viewed as a minority for analytical purposes," and that "minority turnout is relevant" to determining whether the Justice Department should be allowed a change to election protocol.

Black voters account for 9,702 of the city's 15,402 registered voters but typically don't vote at the rates whites do.

As a result of the low turnout, Ms. King wrote, "black voters have had limited success in electing candidates of choice during recent municipal elections."

"It is the partisan makeup of the general electorate that results in enough white cross-over to allow the black community to elect a candidate of choice," she wrote.

Mrs. Thernstrom of the civil rights commission blasted the department's interpretation of the law.

"The Voting Rights Act is not supposed to be compensating for failure of show up on Election Day," she said. "The Voting Rights Act doesn't guarantee an opportunity to elect a 'candidate of choice.' . . . My 'candidate of choice' loses all the time in an election."

When asked whether Justice had ever "either granted or denied" requests either "to stop partisan elections or implement partisan elections," Mr. Miyar, the department spokesman, said it was impossible to retrieve past decisions on that basis.

But he did provide, based on the recollection of a department lawyer, a single precedent—a decision during the Clinton administration denying a bid from a South Carolina school district to drop partisan elections.

That decision employs similar reasoning and language as the Kinston ruling: "Implementation of nonpartisan elections . . . appears likely to deprive black supported candidates of meaningful partisan-based support and to exacerbate racial polarization between black and white voters."

But the 1994 decision doesn't mention the necessity of the Democratic Party and doesn't mention low turnout among black voters in that school district as a factor affecting their ability to elect candidates they prefer.

Kinston City Council member Joseph Tyson, a Democrat who favors partisan elections, said nothing is stopping black voters in Kinston from going to the polls.

"Unfortunately, I'm very disappointed with the apathy that we have in Kinston among the Afro-American voters," he said.

Mr. Tyson, who is one of two black members of the six-member City Council, said the best way to help black voters in Kinston is to change the council's structure from city-wide voting to representation by district. Kinston voters currently cast as many votes in the at-large races as there are council seats up for election—typically three, or two and the mayor.

"Whether it's partisan or nonpartisan is not a big issue to me, whether or not the city is totally represented is what the issue is to me," he said. "If you have wards and districts, then I feel the total city will be represented."

Partisan local elections are a rarity in North Carolina. According to statistics kept by the University of North Carolina School of Government in Chapel Hill, only nine of the state's 551 cities and towns hold partisan elections.

The City Council could take the Justice Department to court to fight decision regarding nonpartisan elections, but such a move seems unlikely. The council voted 4-1 to drop the issue after meeting privately with Justice Department officials in August.

"What do I plan to do? Absolutely, nothing," Mr. Tyson said. "And I will fight, within Robert's Rules of Order, wherever necessary to make sure that decision stands."

The Justice ruling and Kinston's decision not to fight it comes in the wake of a key Voting Rights Act case last year. In that decision, the Supreme Court let a small utility district in Texas seek an exemption from the law's requirements to receive Justice Department approval before making any changes to voting procedures. But the court

declined to address whether the law itself is constitutional.

Critics of the law argue it has changed little since its 1965 inception and that the same places the law covered then no longer need Justice Department approval to make changes to voting procedures.

Proponents, including Attorney General Eric H. Holder Jr., said the law is still necessary to ensure equal voting rights for all Americans.

In Kinston, William Barker is the only City Council member who voted to continue discussing whether to challenge the Justice Department's ruling.

He said he voted against eliminating partisan elections because the proposed new system would declare a winner simply on who received a plurality of votes instead requiring candidates to reach certain threshold of votes based on turnout.

"Based on the fact that the voters voted overwhelmingly for it, I would like to see us challenge it based on that fact. My fight is solely based on fighting what the voters voted on," he said. "It bothers me, even though I'm on the winning side now, that you have a small group, an outside group coming in and saying, 'Your vote doesn't matter.'"

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARTER (at the request of Mr. BOEHNER) for today on account of illness.

Mr. SHADEGG (at the request of Mr. BOEHNER) for today and the balance of the week on account of a death in the family.

Mr. WALDEN (at the request of Mr. BOEHNER) for today on account of illness.

Mr. YOUNG of Alaska (at the request of Mr. BOEHNER) for today and the balance of the week on account of attending a memorial service in Alaska for his late wife.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. QUIGLEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. MURPHY of Connecticut, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. JONES) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, October 23, 26 and 27.

Mr. JONES, for 5 minutes, October 23, 26 and 27.

Mr. BURTON of Indiana, for 5 minutes, October 23.

Mr. POSEY, for 5 minutes, today and October 22.

Mr. INGLIS, for 5 minutes, today.

Mr. DEAL of Georgia, for 5 minutes, October 21.

Ms. ROS-LEHTINEN, for 5 minutes, October 26 and 27.

Mr. BURGESS, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, October 23, 26 and 27.

Mr. MCHENRY, for 5 minutes, today, October 21, 22 and 23.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3183. An act making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 21, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4160. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — C10-C18-Alkyl dimethyl amine oxides; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2009-0690; FRL-8437-3] received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4161. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraclostrobin; Pesticide Tolerances [EPA-HQ-OPP-2008-0713; FRL-8793-2] received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4162. A letter from the Director, Office of National Drug Control Policy, transmitting a letter on how the office will obligate the Fiscal Year (FY) 2009 HIDTA discretionary funds; to the Committee on Appropriations.

4163. A letter from the Assistant Secretary, Department of the Navy, transmitting a letter notifying Congress of a performance decision by the Department of the Navy to convert to contract the training and administrative support functions performed by 78 military personnel at various locations; to the Committee on Armed Services.

4164. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Extended Permit Terms for Renewal of

Federally Enforceable State Operating Permits [EPA-R05-OAR-2008-0031; FRL-8963-4] received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4165. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Operating Permit Programs; Flexible Air Permitting Rule [EPA-HQ-OAR-2004-0087; FRL-8964-8] (RIN: 2060-AM45) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4166. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Coal Preparation and Processing Plants [EPA-HQ-OAR-2008-0260; FRL-8965-3] (RIN: 2060-AO57) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4167. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 102-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4168. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 097-09, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4169. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 070-09, certification of a proposed agreement for the export of defense services or defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4170. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 079-09, certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4171. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 101-09, certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4172. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 126-09, certification of a proposed amendment to a manufacturing license agreement for the manufacture of significant military equipment abroad, pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4173. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 107-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4174. A letter from the Assistant Secretary, Legislative Affairs, Department of State,

transmitting Transmittal No. DDTC 100-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4175. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 106-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4176. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 026-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4177. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 116-09, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4178. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 096-09, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4179. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 114-09, certification of proposed issuance of an export license pursuant to section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4180. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4181. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4182. A letter from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4183. A letter from the Solicitor, Federal Labor Relations Authority, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4184. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2009 through September 30, 2009 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 111—68); to the Committee on House Administration and ordered to be printed.

4185. A letter from the Assistant Attorney General, Department of Justice, transmitting first annual report entitled, "Prioritizing Resources and Organization for Intellectual Property Act of 2008", pursuant to Public Law 110-403; to the Committee on the Judiciary.

4186. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Raritan River,

Arthur Kill and their tributaries, Staten Island, NY and Elizabeth, NJ [Docket No.: USCG-2009-0202] (RIN: 1625-AA09) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4187. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Parker US Open Nationals; Parker, AZ [Docket No.: USCG-2009-0474] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4188. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2009-0884] (RIN: 1625-AA11) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4189. A letter from the Attorney Advisor, Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Special Anchorage Areas; Henderson Harbor, NY [Docket No.: USCG-2009-0854] (RIN: 1625-AA01) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4190. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1852-DR for the State of Maine; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Homeland Security.

4191. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1853-DR for the State of Nebraska; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POLIS: Committee on Rules. House Resolution 846. Resolution providing for consideration of the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes (Rept. 111-304). Referred to the House Calendar.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3792. A bill to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS (Rept. 111-305). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CONYERS (for himself, Mr. NADLER of New York, Mr. SCOTT of Virginia, Mr. COHEN, Ms. HARMAN, Ms. JACKSON-LEE of Texas, and Mr. JOHNSON of Georgia):

H.R. 3845. A bill to extend and modify authorities needed to combat terrorism and protect civil liberties, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. NADLER of New York, Mr. SCOTT of Virginia, Mr. COHEN, Ms. JACKSON-LEE of Texas, and Mr. JOHNSON of Georgia):

H.R. 3846. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional civil liberties protections, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS:

H.R. 3847. A bill to provide appropriate authority to the Department of Justice Inspector General to investigate attorney misconduct, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CONYERS:

H.R. 3848. A bill to amend the Inspector General Act of 1978 to provide authority for Inspectors General to subpoena former agency employees, agency contractors, and employees of contractors for testimony, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. CONYERS:

H.R. 3849. A bill to amend the National Security Act of 1947 to require notice to Congress of certain declassifications of intelligence information, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. KRATOVIL (for himself and Mr. BOUSTANY):

H.R. 3850. A bill to provide for the eradication and control of nutria in Maryland, Louisiana, and other coastal States; to the Committee on Natural Resources.

By Mr. GORDON of Tennessee (for himself, Mr. WAMP, Mrs. BONO MACK, and Mr. KIND):

H.R. 3851. A bill to direct the Secretary of Health and Human Services to publish physical activity guidelines for the general public, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CUMMINGS (for himself, Mr. CONNOLLY of Virginia, Mr. VAN HOLLEN, Mr. SARBANES, Mr. MORAN of Virginia, Ms. EDWARDS of Maryland, Ms. NORTON, Mr. SCOTT of Virginia, Mr. HOYER, Mr. OBERSTAR, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 3852. A bill to amend the Federal Water Pollution Control Act to improve and reauthorize the Chesapeake Bay Program; to the Committee on Transportation and Infrastructure.

By Ms. KOSMAS (for herself and Mr. POSEY):

H.R. 3853. A bill to provide for the establishment of Commercial Space Transportation Cooperative Research and Development Centers of Excellence, and for other purposes; to the Committee on Science and Technology.

By Mr. SCHRADER (for himself, Ms. VELÁZQUEZ, Mrs. HALVORSON, and Mrs. KIRKPATRICK of Arizona):

H.R. 3854. A bill to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes; to the Committee on Small Business.

By Mr. BACA:

H.R. 3855. A bill to amend title 13, United States Code, to make clear that each decennial census, as required for the apportionment of Representatives in Congress among the several States, shall tabulate the total number of persons in each State, and to provide that no information regarding United States citizenship or immigration status may be elicited in any such census; to the Committee on Oversight and Government Reform.

By Ms. BERKLEY (for herself, Mr. BURGESS, Mrs. DAVIS of California, Mr. HIGGINS, Ms. LEE of California, Ms. KILPATRICK of Michigan, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Mr. KLEIN of Florida, Ms. LORETTA SANCHEZ of California, Ms. TITUS, Ms. TSONGAS, Ms. DEGETTE, Mr. LEWIS of Georgia, Ms. WOOLSEY, Ms. MOORE of Wisconsin, Ms. SCHAKOWSKY, Mr. DONNELLY of Indiana, Ms. SCHWARTZ, Mr. DOGGETT, Ms. MATSUI, Ms. HIRONO, Mrs. NAPOLITANO, Mr. FARR, Mr. PASCRELL, Mr. CAPUANO, Mr. GENE GREEN of Texas, Ms. WATSON, Mr. KENNEDY, Mr. HARE, Mr. CLEAVER, Mrs. HALVORSON, Ms. PINGREE of Maine, Ms. JACKSON-LEE of Texas, Mr. SIRE, Mr. ORTIZ, Mr. DAVIS of Illinois, Mr. NADLER of New York, Mr. MATHESON, Ms. BALDWIN, Mr. KAGEN, Ms. WASSERMAN SCHULTZ, Ms. HARMAN, Ms. ESHOO, Mr. MCDERMOTT, Mr. THOMPSON of California, Mr. COHEN, Ms. SHEA-PORTER, Mr. ENGEL, Mr. WEXLER, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. RICHARDSON, Mr. CROWLEY, Mr. WEINER, Mr. YARMUTH, Ms. MARKEY of Colorado, Mrs. MALONEY, Ms. FUDGE, Mr. PAYNE, Mrs. LOWEY, Ms. ZOE LOFGREN of California, and Mr. BILIRAKIS):

H.R. 3856. A bill to amend the Public Health Service Act to provide for osteoporosis and related bone disease education, research, and surveillance, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CONNOLLY of Virginia (for himself, Mr. WOLF, Ms. NORTON, and Mr. REYES):

H.R. 3857. A bill to amend subchapter III of chapter 83 of title 5, United States Code, to make service performed as an employee of a nonappropriated fund instrumentality after 1965 and before 1987 creditable for retirement purposes; to the Committee on Oversight and Government Reform.

By Ms. KAPTUR:

H.R. 3858. A bill to amend the Federal Reserve Act to alter the terms and conditions applicable to members of the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Financial Services.

By Ms. KAPTUR:

H.R. 3859. A bill to amend the Federal Election Campaign Act of 1971 to prohibit contributions and expenditures by multicandidate political committees controlled by foreign-owned corporations, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WATT:

H.R. 3860. A bill to suspend temporarily the duty on Propanenitrile, 3-[[4-[(substituted)azo]phenyl] (substituted)amino]-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3861. A bill to suspend temporarily the duty on 9,10-Anthracenedione, 1,1'-[[6-phenyl-1,3,5-triazine-2,4-diyl]diimino]bis[3-acetyl-4-amino-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3862. A bill to suspend temporarily the duty on Benz[cd]indolium, 1-ethyl-2-[1,2,3,4-tetrahydro-1-(2-hydroxyethyl)-2,4-trimethyl-6-quinolinyl]-chloride; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3863. A bill to suspend temporarily the duty on Chromate(3-), bis[3-(hydroxy-kO)-4-[[2-(hydroxy-kO)-1-naphthalenyl]azo-kN1]-7-nitro-1-naphthalenesulfonate(3-)]-, trisodium; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3864. A bill to suspend temporarily the duty on (Alkylamino-hydroxyphenyl)azohydroxysubstituted benzene, substituted [(hydroxy-naphthalenyl) hydroxybenzene], chromium complex, sodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3865. A bill to suspend temporarily the duty on 1-Propanaminium, 3,3'-[(9,10-dihydro-9,10-dioxo-1,4-anthracenediyl)diimino]bis[N,N,N-triethyl-, bis(ethyl sulfate); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3866. A bill to suspend temporarily the duty on 1H-Pyrazole-3-carboxylic acid, 4-[[4-[[[2,3-dichloro-6-quinoxaliny]carbonyl]amino]-2-sulfophenyl]azo]-4,5-dihydro-5-oxo-1-(4-sulfophenyl)-, trisodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3867. A bill to suspend temporarily the duty on Cuprate(4-), [2-[[3-[[substituted]-1,3,5-triazine-2-yl]amino]-2-hydroxy-5-sulfophenyl](substituted)azo], sodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3868. A bill to suspend temporarily the duty on 9,10-Anthracenedione, 1,5(or 1,8)-diamino-2-bromo- 4,8(or 4,5)-dihydroxy-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3869. A bill to suspend temporarily the duty on Ethanol, 2,2'-[[6,13-dichloro-3,10-bis[[2-(sulfooxy)ethyl] amino]triphenodioxazinediyl]bis(sulfonyl)] bis-, bis(hydrogen sulfate) (ester), potassium sodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3870. A bill to suspend temporarily the duty on 9,10-Anthracenedione, 1,5-diamino-4,8-dihydroxy(4-hydroxyphenyl)-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3871. A bill to suspend temporarily the duty on 2-Naphthalenesulfonic acid, 5-[[4-(acetylamino)-2-(trifluoromethyl)phenyl]azo]-6-amino-4-hydroxy-, monosodium salt; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3872. A bill to suspend temporarily the duty on Substituted cyan acetic acid pentyl ester; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3873. A bill to suspend temporarily the duty on 2-Anthracesulfonic acid, 1-amino-9, 10-dihydro-4-[4-[[methyl(4-methylphenyl)sulfonyl]amino]methyl]phenyl amino]-9, 10-dioxo-, sodium salt (1:1); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3874. A bill to suspend temporarily the duty on 2-Anilino-5-cyano-(3-(substituted)-6-(substituted))-4-methylpyridine; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3875. A bill to suspend temporarily the duty on 100 percent cotton woven color wall fabric, dyed; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3876. A bill to suspend temporarily the duty on 100 percent cotton narrow woven fabric; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3877. A bill to suspend temporarily the duty on 100 percent cotton dyed knit fabric; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3878. A bill to suspend temporarily the duty on 9,10-Anthracenedione, 1-amino-2-[4-[[hexahydro-2-oxo-1H-azepin-1-yl)methyl]phenoxy]-4-hydroxy-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3879. A bill to suspend temporarily the duty on 100 percent dyed cotton single knit fabric; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3880. A bill to suspend temporarily the duty on b-Alanine, N-(3-(acetylamino)-4-[(2,4-dinitrophenyl)azo]phenyl)-N-(3-methoxy-3-oxopropyl)-, methyl ester; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3881. A bill to suspend temporarily the duty on 7H-Benzimidazo[2,1-a]benz[de]isoquinolin-7-one, 9(or 10)-methoxy-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3882. A bill to suspend temporarily the duty on 1H-Indene-1,3(2H)-dione, 2-(4-bromo-3-hydroxy-2-quinolinyl)-; to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3883. A bill to suspend temporarily the duty on Ethanol, 2,2'-[[4-[(3,5-dinitro-2-thienyl)azo]phenyl]imino]bis-, diacetate (ester); to the Committee on Ways and Means.

By Mr. WATT:

H.R. 3884. A bill to suspend temporarily the duty on 9, 10-Anthracenedione, 1-amino-4-hydroxy-2-phenoxy-; to the Committee on Ways and Means.

By Ms. WATERS:

H. Res. 844. A resolution honoring Dr. Earnestine Thomas-Robertson for 31 years of service in Academia at Los Angeles Southwest College (LaSC), in the Los Angeles Community College District, the largest community college district in the Nation; to the Committee on Education and Labor.

By Mr. NEUGEBAUER:

H. Res. 845. A resolution recognizing the United States Air Force and Dyess Air Force Base for their success in achieving energy savings and developing energy-saving innovations during Energy Awareness Month; to the Committee on Armed Services.

By Mr. BUCHANAN (for himself, Mr. LANCE, Mr. ROE of Tennessee, Mr. LEE of New York, Mr. ROGERS of Michigan, Mr. BURTON of Indiana, Mr. MCCARTHY of California, Mr. BOOZ-

MAN, Ms. ROS-LEHTINEN, Mr. MACK, Mrs. BONO MACK, Mr. CULBERSON, Mr. DUNCAN, Mr. LUCAS, Mr. COLE, Mr. LATOURETTE, Mr. GOHMERT, Mr. BUYER, Mr. WESTMORELAND, Mr. MARIO DIAZ-BALART of Florida, Mr. RYAN of Wisconsin, Mr. TURNER, Mr. CALVERT, Mr. GINGREY of Georgia, Mr. CANTOR, Mr. WITTMAN, Mr. ISSA, Mr. KINGSTON, Mr. BROWN of South Carolina, Mr. JONES, Mr. PAUL, Mr. LATTA, Ms. FALLIN, Mr. BLUNT, Mrs. SCHMIDT, Mr. HENSARLING, Mr. ROSKAM, Mr. JORDAN of Ohio, Mr. STEARNS, Mr. DREIER, Mr. SHUSTER, Mrs. EMERSON, Mr. CAMPBELL, Mr. SESSIONS, Mr. YOUNG of Florida, Mr. PUTNAM, Mr. WHITFIELD, Mr. PETRI, Mr. LAMBORN, Mr. BOEHNER, Mr. HERGER, Mr. TERRY, Mr. CAMP, and Mr. HOEKSTRA):

H. Res. 847. A resolution expressing the sense of the House of Representatives that any conference committee or other meetings held to determine the content of national health care legislation be conducted in public under the watchful eye of the people of the United States; to the Committee on Rules.

By Mr. GRAVES (for himself, Mr. LUETKEMEYER, Mr. CLEAVER, Mrs. EMERSON, Mr. SCHOCK, and Mr. BLUNT):

H. Res. 848. A resolution expressing the sense of the House of Representatives that Congress should support repairing and rehabilitating United States national transportation infrastructure, including bridges not located on a Federal-aid highway; to the Committee on Transportation and Infrastructure.

By Ms. KAPTUR:

H. Res. 849. A resolution recognizing the 16th anniversary of the Future Leaders Exchange (FLEX) program, a program funded by the Government of the United States to provide an opportunity for high school students from the countries of the former Soviet Union to study and live in the United States in order to promote democratic values and institutions in Eurasia, and supporting the mission, goals, and accomplishments of the FLEX program; to the Committee on Foreign Affairs.

By Ms. KAPTUR:

H. Res. 850. A resolution supporting the establishment and full funding of a staff exchange program between the House of Representatives and the Parliament of Ukraine, the Verkhovna Rada, as soon as possible; to the Committee on Foreign Affairs.

By Ms. MATSUI:

H. Res. 851. A resolution recognizing and honoring the 40th anniversary of SEARCH, The National Consortium for Justice Information and Statistics, headquartered in Sacramento, California; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. DELAHUNT.
H.R. 275: Mr. PASTOR of Arizona and Mr. ROGERS of Kentucky.
H.R. 333: Mr. JONES and Mr. CLEAVER.
H.R. 422: Mr. WITTMAN, Mr. SOUDER, and Ms. DEGETTE.
H.R. 460: Mr. BERMAN.
H.R. 471: Mrs. DAHLKEMPER.
H.R. 482: Mr. FRANKS of Arizona.

H.R. 503: Mr. ROSKAM and Mr. COFFMAN of Colorado.

H.R. 504: Mr. BOUCHER.

H.R. 510: Mr. ARCURI and Mrs. KIRKPATRICK of Arizona.

H.R. 558: Mr. JOHNSON of Georgia.

H.R. 571: Mr. BRADY of Pennsylvania, Mr. GUTHRIE, Mr. LANGEVIN, Mr. ALEXANDER, and Mr. CUMMINGS.

H.R. 616: Mr. POSEY.

H.R. 635: Mr. FILNER.

H.R. 644: Ms. HIRONO.

H.R. 678: Mr. ARCURI, Mr. MICHAUD, and Ms. BERKLEY.

H.R. 739: Ms. JACKSON-LEE of Texas.

H.R. 745: Mr. LUETKEMEYER and Mr. MELANCON.

H.R. 776: Ms. LEE of California.

H.R. 847: Ms. BALDWIN and Mr. ELLSWORTH.

H.R. 855: Ms. ESHOO.

H.R. 932: Mr. HOLT and Mr. HOLDEN.

H.R. 950: Mr. FRANK of Massachusetts and Ms. BALDWIN.

H.R. 953: Mr. ADERHOLT.

H.R. 988: Mr. BUTTERFIELD, Mr. ROTHMAN of New Jersey, Mr. SMITH of New Jersey, Mr. GARY G. MILLER of California, Mr. POSEY, Mr. KILDEE, Mr. MITCHELL, and Mr. HARE.

H.R. 1017: Mr. RODRIGUEZ.

H.R. 1019: Mr. FRANKS of Arizona.

H.R. 1030: Mr. MCHENRY, Mr. DEFazio, Mr. CONNOLLY of Virginia, and Ms. DEGETTE.

H.R. 1168: Mr. BUCHANAN.

H.R. 1175: Ms. MATSUI.

H.R. 1177: Mr. ETHERIDGE.

H.R. 1189: Ms. DEGETTE and Mr. SIRES.

H.R. 1207: Mr. RUPPERSBERGER.

H.R. 1215: Mr. KENNEDY.

H.R. 1245: Mrs. CHRISTENSEN.

H.R. 1255: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1298: Ms. WOOLSEY, Mr. PAUL, Mr. DUNCAN, Mr. LATOURETTE, Mr. ALEXANDER, and Mr. MITCHELL.

H.R. 1324: Mr. TOWNS.

H.R. 1326: Mr. KENNEDY, Ms. DELAURO, and Mr. CONNOLLY of Virginia.

H.R. 1428: Mr. JONES.

H.R. 1458: Mr. SMITH of Washington.

H.R. 1523: Mr. TIERNEY, Mr. KAGEN, and Ms. SPEIER.

H.R. 1526: Mr. PETERSON and Mr. LATHAM.

H.R. 1549: Mrs. MCCARTHY of New York, Mr. RUPPERSBERGER, Mr. ROTHMAN of New Jersey, Mr. ANDREWS, Ms. FUDGE, Mr. KILDEE, Ms. CHU, and Ms. WATERS.

H.R. 1552: Mr. SKELTON.

H.R. 1677: Mr. COHEN, Mr. CARSON of Indiana, Mr. CUELLAR, and Mr. MEEK of Florida.

H.R. 1681: Mr. LEVIN.

H.R. 1685: Mr. CARSON of Indiana, Mr. DELAHUNT, and Mr. MICHAUD.

H.R. 1690: Mr. PRICE of North Carolina.

H.R. 1719: Mr. LARSON of Connecticut.

H.R. 1721: Mr. LATOURETTE.

H.R. 1751: Mr. RUSH.

H.R. 1766: Mrs. CHRISTENSEN.

H.R. 1792: Ms. SHEA-PORTER.

H.R. 1835: Mr. LUJAN.

H.R. 1846: Mr. RODRIGUEZ.

H.R. 1849: Mr. FRANKS of Arizona, Mr. WILSON of Ohio, Mr. TAYLOR, Mr. BISHOP of New York, Mr. MCMAHON, and Mrs. CHRISTENSEN.

H.R. 1908: Ms. FALLIN, Mr. GINGREY of Georgia, and Mr. MARCHANT.

H.R. 1916: Mr. CHILDERS.

H.R. 1925: Mr. FATTAH.

H.R. 1927: Mr. FARR.

H.R. 2002: Mr. CUMMINGS.

H.R. 2017: Mr. BUCHANAN.

H.R. 2024: Mr. RYAN of Ohio.

H.R. 2030: Mr. FRANK of Massachusetts.

H.R. 2046: Mr. BLUMENAUER, Mr. OLVER, and Mr. GRIJALVA.

- H.R. 2057: Mr. CONAWAY and Mr. MILLER of North Carolina.
H.R. 2084: Mr. LATOURETTE.
H.R. 2106: Mr. DELAHUNT.
H.R. 2107: Mr. DANIEL E. LUNGREN of California.
H.R. 2109: Mr. GENE GREEN of Texas, Mr. SPRATT, Mr. BERMAN, Mr. HINCHEY, Ms. MARKEY of Colorado, and Mrs. NAPOLITANO.
H.R. 2138: Mr. CLEAVER.
H.R. 2177: Mr. BISHOP of Utah.
H.R. 2205: Mr. KENNEDY.
H.R. 2214: Mr. ROTHMAN of New Jersey.
H.R. 2246: Mr. MCGOVERN.
H.R. 2251: Mr. VAN HOLLEN.
H.R. 2254: Mr. BARROW, Ms. MARKEY of Colorado, Mr. MEEKS of New York, Mr. UPTON, and Mr. CLAY.
H.R. 2256: Mr. MARSHALL and Ms. BALDWIN.
H.R. 2266: Mr. PASCRELL.
H.R. 2269: Mr. MOORE of Kansas and Mr. JOHNSON of Georgia.
H.R. 2329: Mr. MOORE of Kansas and Mr. SHUSTER.
H.R. 2339: Mr. ROTHMAN of New Jersey.
H.R. 2361: Mr. BILBRAY.
H.R. 2381: Mr. PAYNE and Mr. OLVER.
H.R. 2452: Mr. POLIS, Mr. CONNOLLY of Virginia, Mr. GUTHRIE, and Mr. COBLE.
H.R. 2478: Mr. FORTENBERRY.
H.R. 2480: Mr. PIERLUISI, Ms. SCHAKOWSKY, and Mr. MURTHA.
H.R. 2490: Mr. CARSON of Indiana.
H.R. 2502: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BOUCHER, Mr. GRIFFITH, Mr. MURPHY of Connecticut, Mr. ORTIZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GORDON of Tennessee, Mr. HILL, and Mr. SPACE.
H.R. 2541: Mrs. BIGGERT.
H.R. 2548: Mrs. CHRISTENSEN.
H.R. 2567: Mrs. CAPPS.
H.R. 2573: Mr. CAO.
H.R. 2672: Mr. SKELTON and Mr. MCKEON.
H.R. 2736: Mr. PRICE of North Carolina.
H.R. 2753: Mr. SMITH of Nebraska.
H.R. 2777: Ms. BERKLEY.
H.R. 2807: Ms. DEGETTE, Mr. LANCE, and Mr. ELLISON.
H.R. 2866: Mr. GRAVES and Ms. ZOE LOFGREN of California.
H.R. 2874: Mr. NYE and Mr. PERRIELLO.
H.R. 2894: Ms. DEGETTE.
H.R. 2906: Mr. MURPHY of Connecticut and Mrs. NAPOLITANO.
H.R. 2937: Mr. ROTHMAN of New Jersey.
H.R. 2964: Ms. ROS-LEHTINEN.
H.R. 2995: Mr. KIND.
H.R. 3010: Mrs. MCCARTHY of New York and Mr. CONYERS.
H.R. 3069: Mr. MICHAUD.
H.R. 3075: Mr. FILNER.
H.R. 3100: Mr. SESTAK.
H.R. 3126: Ms. JACKSON-LEE of Texas.
H.R. 3202: Mr. YOUNG of Alaska and Mr. SABLAN.
H.R. 3226: Mrs. BLACKBURN, Mr. GERLACH, and Mr. OLSON.
H.R. 3227: Mr. PETERS.
H.R. 3238: Mr. CAPUANO.
H.R. 3245: Mr. BERMAN.
H.R. 3264: Mr. HOLDEN.
H.R. 3276: Mr. INSLEE.
H.R. 3286: Mr. KENNEDY, Mr. CAO, and Ms. WASSERMAN SCHULTZ.
H.R. 3328: Ms. WATERS and Mr. HOLT.
H.R. 3355: Mr. SHUSTER and Mr. COHEN.
H.R. 3359: Ms. LEE of California and Mr. KUCINICH.
H.R. 3365: Mr. TAYLOR, Ms. MARKEY of Colorado, Mr. CARNEY, and Mr. CONNOLLY of Virginia.
H.R. 3375: Mr. FRANKS of Arizona.
H.R. 3421: Mr. DEFazio, Mr. BILBRAY, Mr. HOLT, and Mr. REYES.
H.R. 3457: Ms. MARKEY of Colorado.
H.R. 3458: Mr. DOGETT.
H.R. 3463: Mr. NYE.
H.R. 3485: Mr. MCGOVERN and Mr. HOLT.
H.R. 3545: Mr. DELAHUNT and Ms. SUTTON.
H.R. 3554: Mr. HODES, Mrs. KIRKPATRICK of Arizona, and Mr. ROSS.
H.R. 3560: Mr. GENE GREEN of Texas.
H.R. 3564: Mr. JACKSON of Illinois.
H.R. 3569: Mr. CALVERT.
H.R. 3586: Mr. DRIEHAUS and Mr. TERRY.
H.R. 3589: Ms. JACKSON-LEE of Texas, Mr. HODES, Mr. BRALEY of Iowa, Mr. LARSON of Connecticut, Mr. DELAHUNT, and Mr. HINCHEY.
H.R. 3596: Ms. SCHAKOWSKY, Mr. WELCH, Mr. NADLER of New York, Mr. VAN HOLLEN, and Mr. SHULER.
H.R. 3602: Ms. RICHARDSON.
H.R. 3611: Mr. CALVERT.
H.R. 3613: Mr. CONAWAY, Mr. ALEXANDER, Mr. MCCAUL, Ms. JENKINS, Mrs. BLACKBURN, and Mr. BROWN of South Carolina.
H.R. 3633: Mr. WEINER and Mr. ROGERS of Michigan.
H.R. 3636: Mr. SCHIFF.
H.R. 3644: Mr. CONNOLLY of Virginia.
H.R. 3654: Mr. CAO.
H.R. 3677: Mr. SMITH of Texas.
H.R. 3683: Mr. BOEHNER, Mrs. McMORRIS RODGERS, and Mr. WESTMORELAND.
H.R. 3691: Mr. CASTLE.
H.R. 3700: Mr. PRICE of Georgia and Mr. HUNTER.
H.R. 3712: Mr. CARNEY, Ms. JACKSON-LEE of Texas, and Mrs. LOWEY.
H.R. 3723: Mr. SKELTON.
H.R. 3724: Ms. LINDA T. SANCHEZ of California and Mr. GERLACH.
H.R. 3728: Mr. MEEKS of New York, Mr. TOWNS, Mr. RUSH, Ms. NORTON, Ms. CLARKE, Ms. KILPATRICK of Michigan, Mr. FATTAH, and Mr. CLEAVER.
H.R. 3731: Mr. HOLT, Mr. CARNAHAN, Mr. COSTELLO, and Mr. CARSON of Indiana.
H.R. 3734: Ms. LEE of California.
H.R. 3749: Mr. SPACE, Mr. PETERSON, and Mrs. MILLER of Michigan.
H.R. 3766: Ms. MOORE of Wisconsin and Mr. BRADY of Pennsylvania.
H.R. 3772: Ms. MATSUI and Mr. FILNER.
H.R. 3789: Mr. ISSA, Mr. BROWN of South Carolina, Mr. BONNER, Mr. BISHOP of Utah, Mr. AUSTRIA, Mr. LUETKEMEYER, Mr. POSEY, Mr. WAMP, Mr. HUNTER, Mr. CHAFFETZ, Mr. JORDAN of Ohio, Mr. MCCLINTOCK, Mr. CAMPBELL, Mr. KING of Iowa, Mr. COLE, Mr. HARPER, Mr. DAVIS of Kentucky, Mrs. SCHMIDT, Mr. MARCHANT, Mrs. BIGGERT, Mr. KLINE of Minnesota, Mr. BROWN of Georgia, and Mrs. LUMMIS.
H.R. 3790: Mr. POSEY, Mr. FRANK of Massachusetts, Mr. TURNER, Mr. BARROW, Ms. MARKEY of Colorado, and Mr. LOBIONDO.
H.R. 3791: Mr. KENNEDY, Mr. SNYDER, Mr. COURTNEY, and Mr. PIERLUISI.
H.R. 3792: Mr. MATHESON, Mr. AL GREEN of Texas, and Ms. HARMAN.
H.R. 3797: Mrs. BLACKBURN, Mr. LEE of New York, and Mr. JORDAN of Ohio.
H.R. 3800: Mr. FILNER.
H.R. 3820: Mr. GORDON of Tennessee.
H.R. 3837: Mr. BISHOP of New York, Mr. CARNEY, Mrs. KIRKPATRICK of Arizona, and Mr. REYES.
H.J. Res. 11: Mr. FORBES, Mr. KING of Iowa, Mrs. EMERSON, and Mr. UPTON.
H.J. Res. 47: Mr. ALEXANDER and Mr. MINNICK.
H. Con. Res. 97: Mr. DELAHUNT.
H. Con. Res. 161: Mrs. BACHMANN, Mr. COFFMAN of Colorado, Ms. FALLIN, Mr. BARTLETT, Mr. GINGREY of Georgia, Mrs. BLACKBURN, Mr. HARPER, Mr. KLINE of Minnesota, Mr. COLE, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. MCCLINTOCK, Mr. ROONEY, Mr. HUNTER, Mr. WAMP, Mr. BILBRAY, Mr. POSEY, Mr. LUETKEMEYER, Mr. BISHOP of Utah, Mr. CONAWAY, Mr. BROWN of South Carolina, Mr. AKIN, and Mr. SAM JOHNSON of Texas.
H. Con. Res. 177: Mr. CALVERT and Mr. COHEN.
H. Con. Res. 198: Mr. SULLIVAN.
H. Res. 22: Ms. SPEIER.
H. Res. 89: Mr. BERMAN and Mr. COURTNEY.
H. Res. 159: Ms. HIRONO.
H. Res. 213: Mr. CUELLAR.
H. Res. 236: Mr. MINNICK.
H. Res. 255: Mr. ROTHMAN of New Jersey.
H. Res. 558: Ms. CLARKE.
H. Res. 615: Mr. FORBES.
H. Res. 619: Mr. MANZULLO.
H. Res. 648: Mr. GRAYSON, Mr. REYES, Ms. VELÁZQUEZ, and Ms. SHEA-PORTER.
H. Res. 656: Mr. BERMAN and Mr. ROONEY.
H. Res. 660: Mr. CLYBURN.
H. Res. 672: Mr. PITTS, Mr. LAMBORN, and Ms. CHU.
H. Res. 699: Mr. BLUNT and Mr. MCKEON.
H. Res. 700: Mr. MCGOVERN.
H. Res. 704: Mr. HALL of Texas, Mr. ORTIZ, Mr. HUNTER, and Mr. HINCHEY.
H. Res. 711: Mr. BLUNT, Mr. TIBERI, Mr. MCGOVERN, Ms. MOORE of Wisconsin, Mr. HOLT, Ms. KILROY, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. MILLER of North Carolina, Ms. FOX, and Mr. MCCAUL.
H. Res. 716: Mr. PERRIELLO.
H. Res. 727: Mr. MCMAHON, Mr. KLINE of Minnesota, and Mr. COHEN.
H. Res. 729: Mr. WITTMAN.
H. Res. 736: Mr. GUTIERREZ, Mr. SHIMKUS, Mr. LUETKEMEYER, Mr. CALVERT, Mr. SKELTON, Mrs. LOWEY, Mr. DUNCAN, Mr. THOMPSON of Pennsylvania, and Mrs. DAHLKEMPER.
H. Res. 740: Mr. ADERHOLT.
H. Res. 749: Mr. MANZULLO.
H. Res. 752: Mr. BRALEY of Iowa.
H. Res. 756: Mr. REYES and Mrs. McMORRIS RODGERS.
H. Res. 761: Mr. ENGEL.
H. Res. 764: Ms. SPEIER.
H. Res. 773: Mr. CONAWAY, Mr. ARCURI, Mr. SMITH of New Jersey, Mr. CARNEY, and Mr. COBLE.
H. Res. 780: Mr. CONYERS, Mr. WOLF, Mrs. CHRISTENSEN, Mr. McDERMOTT, and Ms. TITUS.
H. Res. 783: Mr. PASTOR of Arizona, Ms. BORDALLO, and Mr. ROGERS of Michigan.
H. Res. 787: Mr. BARROW, Mr. PALLONE, and Mr. ACKERMAN.
H. Res. 796: Mr. WITTMAN.
H. Res. 797: Mr. CARNEY, Mr. SMITH of Washington, Mr. EHLERS, Ms. BORDALLO, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mr. MASSA, Mr. COBLE, and Mrs. KIRKPATRICK of Arizona.
H. Res. 801: Mr. FILNER, Ms. SCHAKOWSKY, Mr. MARKEY of Massachusetts, Mr. MCGOVERN, and Mr. HONDA.
H. Res. 811: Mr. FOSTER.
H. Res. 817: Ms. CHU, Mr. FATTAH, Mrs. NAPOLITANO, Mr. PETERSON, Mr. POSEY, Ms. ROS-LEHTINEN, and Ms. SCHAKOWSKY.
H. Res. 819: Mr. LEE of New York.
H. Res. 823: Mr. SCOTT of Georgia.
H. Res. 831: Mr. THOMPSON of Pennsylvania, Mr. HOEKSTRA, Ms. BERKLEY, and Mr. CAO.
H. Res. 838: Mr. BROWN of South Carolina, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KENNEDY, Ms. ESHOO, Mr. ROTHMAN of New Jersey, Mr. JACKSON of Illinois, Ms. ROS-LEHTINEN, Mr. COURTNEY, Mr. LANGEVIN, Mr. ROYCE, Ms. BERKLEY, Mr. MCGOVERN, Mr. MCMAHON, Mrs. LOWEY, Mr. BLUNT, Mr. WEXLER, Mr. MCCOTTER, Ms. LORETTA SANCHEZ of California, and Mr. CARNAHAN.

H. Res. 840: Mr. CAO and Mr. SMITH of New Jersey.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative GORDON, or a designee, to H.R. 3585, the Solar Technology Roadmap Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The Amendment No. __ to be offered by Mr. OBERSTAR, of his designee, to H.R. 3619 contains the following earmarks as defined in clause 9(e) of rule XXI:

Section	Description of provision	Requested by
1302	Certificate of Documentation for St. Mary's Cement.	Thomas E. Petri Bart Stupak
1302	Certificate of Documentation for Dry Dock #2.	Don Young

Furthermore, the manager's amendment contains no limited tax benefits or limited tariff benefits as defined in clause 9(f) or 9(g) of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 874: Mr. SCHRADER.

DISCHARGE PETITIONS ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

[Omitted from the Record of October 16, 2009]

Petition 5 by Mrs. BLACKBURN on H.R. 391: John A. Boehner.

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING THE TUSCARAWAS COUNTY COUNCIL FOR CHURCH AND COMMUNITY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. SPACE. Madam Speaker:

Whereas, Tuscarawas County Council for Church and Community has been faithfully serving the community of Tuscarawas County since 1966; and

Whereas, the Tuscarawas County Council for Church and Community has participated in "Character Counts! Week," a character building program meant to instill essential character values in children from October 18–24, 2009; and

Whereas, the "Character Counts!" program promotes trustworthiness, respect, responsibility, fairness, caring, and citizenship in young people; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend the Tuscarawas County Council for Church and Community on their commitment to citizenship and respect for themselves and one another. I also commend those involved in the program for their dedication to the youth of our community and preparing them for lives of thoughtfulness, respect, and civic responsibility.

THE PINEY WOODS SCHOOL CENTENNIAL CELEBRATION

HON. GREGG HARPER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. HARPER. Madam Speaker, one hundred years ago deep in the Mississippi woods, Dr. Laurence Jones agreed to teach a half-grown, barefoot boy to read. The next day, the young boy not only arrived eagerly for his second lesson, but was accompanied by two of his friends. Dr. Jones welcomed the newcomers and began the lesson by singing the well known doxology, Praise God, from Whom All Blessings Flow. Thus, The Piney Woods School legacy was born.

Dr. Laurence Jones did not stop simply with teaching a few boys while using a fallen log for a desk, but he also eventually built a modest facility in rural Rankin County, Mississippi to provide underprivileged black students with a "head, heart and hands" education.

News of the developing black school angered many local Ku Klux Klan members. After capturing Dr. Jones and forcing him to give a final speech, the members of the Klan released "The Little Professor" after he expressively compelled them by stating, "There

is not a man standing here who wants to go to his God with the blood of an innocent man on his hands."

Founded in 1909 in a corn shed and, today The Piney Woods School is a nondenominational, Christian-oriented school that has grown into what U.S. News & World Report has named one of the finest boarding schools in the country. As the flagship of the four remaining historically African-American boarding schools in the United States, The Piney Woods School provides an academic core of mathematics, history, science, English and social studies to black high school students on a campus covering 2,000 acres. The beautiful Rankin County campus is comprised of lakes, farmland and towering pine trees, which creates an educational experience far beyond the classroom.

Comprised of nearly 230 students in grades 9 through 12 from over 20 states, Mexico, the Caribbean and several African nations, all of the students attend on a scholarship, and at all times at least 60% of the student body come from a low socio-economic background. Additionally, to help defray the cost of tuition, each student is responsible for working 10 hours a week.

The Piney Woods School has continued to rely on individual, foundation and corporate support for funding in addition to assistance from religious institutions. Building on the basis of this support, the school has established a goal of at least 1,000 churches, synagogues and other religious institutions contributing \$1,000 a year. Among prominent figures that have advocated for the school over the years, are actor Morgan Freeman, television personality Oprah Winfrey, author Bebe Moore Campbell and famed American cartoonist, the late Charles Schultz.

On behalf of this body, I would like to congratulate The Piney Woods School as they celebrate one hundred years of "changing America, and the world, one student at a time." Britton Smith, a young African American intern who serves today in my Washington office and who is a graduate of Piney Woods, is a genuine example that the legacy of Dr. Jones and his wife, Grace, still pulsates through the campus, attracting Christian students eager for an opportunity to grow and to be successful.

CONGRATULATING RICHARD L. BOALS FOR RECEIVING THE ANTI-DEFAMATION LEAGUE'S TORCH OF LIBERTY AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Mr. Richard L. Boals,

who has been selected to receive the Anti-Defamation League's Jerry J. Wisotsky Torch of Liberty Award. The ADL is a national non-profit organization committed to combating all forms of prejudice and discrimination, as well as defending democratic ideals and protecting civil liberties for all. The Jerry J. Wisotsky Torch of Liberty Award recognizes outstanding leaders who have demonstrated a serious commitment to the social, economic, cultural, and environmental well-being of their communities.

Mr. Boals is an exceptional community leader who epitomizes the ideals of the Torch of Liberty Award. As president and chief executive officer of Blue Cross Blue Shield of Arizona, Mr. Boals is in charge of the state's leading health insurer. His long history of service to his community includes serving on the board of directors for Greater Phoenix Leadership, the Translational Genomics Research Institute, the Arthritis Foundation Greater Southwest Chapter, the Arizona State University (ASU) W.P. Carey School of Business Center for Services Leadership, the ASU President's Club, and the ASU Dean's Council of 100. Mr. Boals is also co-chair of the Phoenix Police Reserve Foundation board of directors and is currently working with the Salvation Army as their Capital Campaign Committee Chairman. In addition, Mr. Boals has served in the past as chairman of the Greater Phoenix Chamber of Commerce, the Arthritis Foundation Greater Southwest Chapter, the Arizona Quality Alliance, the Arizona Affordable Health Care Foundation, and Teach for America.

Through his contributions to his community, Mr. Boals also serves as a great role model to all of us. Again, I congratulate Richard Boals on this award, and I thank him for everything he has done for his fellow community members.

EARMARK DECLARATION

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. BISHOP of Utah. Madam Speaker, consistent with the Republican Leadership's policy on earmarks, I am submitting the following earmark disclosure information regarding project funding I had requested and which was not originally included in the House reported version, but which was included within the Conference Report to accompany H.R. 2892. To the best of my knowledge, funding for this project: (1) is not directed to an entity or program that will be named after a sitting Member of Congress; (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark; and (3) meets or exceeds all statutory requirements

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for matching funds. I further certify that neither my spouse, nor I, have any personal financial interests in this request.

Project Title: Distributed Environment for Critical Infrastructure Decision-making Exercises (DECIDE)

Amount: \$3 million

Requesting Member: ROB BISHOP (UT)

Bill Number: H.R. 2892

Account: DHS Science & Technology –

Address of Requesting Entity: Utah State University

Location: Old Main Hill, Logan, Utah 84322–1400.

Matching Funds: Not applicable

Detailed Spending Plan: Not applicable.

Description and Justification of Funding: Funding is needed to continue efforts begun last year to develop digital and informational technology tools to help private financial institutions and other private sector institutions vital to the U.S. economy to coordinate defenses against increasingly sophisticated and growing cyber attack threats that, if not defended against, could have devastating implications for our economy as well as homeland security interests. Utah State University is a participant in a consortium of higher educational research institutions called the “Cyber Conflict Research Consortium” (CCRC) which also includes Miami University (Ohio); Norwich University Applied Research Institutes; Potomac Institute for Policy Studies; and the University of Nevada Reno.

HONORING THE MEMORY OF FALLEN U.S. MILITARY HEROES, THE SACRIFICE OF THEIR FAMILIES, AND THE WORK OF THE SNOWBALL EXPRESS ORGANIZATION

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. HENSARLING. Madam Speaker, today I honor the memory of our fallen military heroes, recognize the sacrifice of their families and laud the excellent work of the Snowball Express Organization and its many partners, sponsors and volunteers.

Freedom is not free—it comes at an incredible cost. Throughout our nation's history, whenever our country is attacked or when the enemies of freedom threaten peace in our world, American men and women in uniform, from all backgrounds and all walks of life, have answered the call to defend our nation. From the American Revolution to Operation Iraqi Freedom, many of America's best and brightest have paid the price of our freedom with their lives.

The families of these brave men and women also make tremendous sacrifices. Military families play a vital support role to our troops in harm's way and are left to carry on life without their wife, husband, mother, father, brother or sister. As much as we remember the men and women who lay down their life to protect us, we should also remember and support their families and the incredible sacrifice they make on a daily basis, as they seek to continue on with their life, remembering and

honoring their departed loved one. My son and daughter live in a better, more free and more secure America because of the sacrifices of these families and their heroes.

Snowball Express was founded with the goal of providing “hope and new memories to the children of our fallen military heroes who died while on active duty since September 11, 2001.” I can only imagine how hard it must be to carry on with holidays, birthdays and normal life with your loved one missing. The outstanding staff, partners, sponsors and volunteers at Snowball Express are committed to providing rays of sunshine for children whose worlds have been rocked by incredible loss and they are to be commended.

As Ronald Reagan said, “We will always remember. We will always be proud. We will always be prepared, so we may always be free.” Madam Speaker, on behalf of the Fifth District of Texas, I am humbled and honored to recognize our nation's heroes, their families and Snowball Express.

A TRIBUTE TO THE REVEREND DR. CHERYL G. ANTHONY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of The Reverend Doctor Cheryl G. Anthony, a visionary leader and inspiration to all.

Reverend Doctor Anthony is an anointed Woman of God. She holds a Master's degree in Theology and Religious Education, as well as a Doctoral degree in Sacred Theology. She is an alumnus of Harvard University Divinity School Leadership Institute. She is also a graduate of Cornell University's Family Development Institute, and a certified trainer providing specialized services to underserved populations throughout New York City. The Doctor Anthony realizes that all of her accomplishments have been made possible by the Almighty Father.

Not only an artisan and visionary, Dr. Anthony is the Founder, CEO and Pastor of the renowned and awarded JUDAH International Christian Center, Inc. (JUDAH), in Brooklyn, New York. A twenty-five year veteran committed to community and human development, Dr. Anthony and JUDAH have been recognized nationally by former President Bill Clinton as well as former President George W. Bush as a progressive and cutting-edge leader and outstanding organization in the faith-based community, addressing holistic faith-based development and empowerment.

Dr. Anthony's stellar leadership includes holding the exclusive distinction as the first and only woman elected as chairperson of the Board of the Central Brooklyn Churches, Inc. Her passion for addressing the needs of women and girls has led her to establish and organize the “Women of Faith Advocating Change (WFAC)” partnership comprised of clergy, elected officials and community leaders in Brooklyn. WFAC's mission is to provide clergy-led leadership in developing faith strategies to combat health disparities for African

American women and girls. She is vice president of the Labor-Religion Coalition of New York State; past chair of the Bedford-Stuyvesant/Crown Heights HIV Care Network steering committee and member of the Board of Directors of the Fordham University Bertram M. Beck Institute on Religion and Poverty. She is the creative force behind the award winning “Wholistic Approach to Community Wellness Program” (WACW), a national faith-based best practice model, which assists religious leaders, government representatives and community stakeholders grappling with social challenges. Dr. Anthony possesses the unique ability to gracefully and skillfully blend professional ethics, business acumen, social and cultural activism in order to proclaim a living Gospel.

Madam Speaker, I urge my colleagues to join me in recognizing The Reverend Doctor Cheryl G. Anthony, a woman called into the Kingdom to serve her generation through the power of God.

TRIBUTE TO DR. EUGENE C. GED

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the deeds of an outstanding American, Dr. Eugene C. Ged, who was recognized by the St. Joseph's Regional Medical Center Foundation with the 2009 William F. Johnson Award for his decades of service to his community.

Eugene was born in St. Joseph's Hospital, Paterson, and has spent the majority of his life in the city and its surrounding areas. He attended grammar school at St. George's, and went on to high school at St. John's. He received his undergraduate degree at the University of Pennsylvania and then earned his medical degree from Georgetown University School of Medicine. He served his internship and residency at St. Vincent's and a fellowship in cardiology at St. Michael's Medical Center. Soon, he was back to serve his hometown and the surrounding communities, joining St. Joseph's Hospital and Medical Center as an attending physician in cardiology. He also practiced at North Jersey Internal Medicine Associates.

Dr. Ged has worked hard to stay at the forefront of new practices in his field, and to help St. Joseph's to do the same. He performed the first-ever angiogram at St. Joseph's. He has served as a respected member, and later as vice president, of the medical board.

After his retirement from private practice, Dr. Ged sought to continue to give back to the Paterson community, his patients and his colleagues. Working with the late Don Alois, Dr. Ged spearheaded the creation of a non-profit entity for the hospital so that funds could be raised for crucial programs and facilities. In 1982, he worked with the other founding members to create the St. Joseph's Foundation, of which he would later serve as president. He was also the founder of the annual Charity Ball. Thirty-three years ago, the Charity Ball was held at Westmount Country Club and

raised \$50,000. Now, the Charity Ball is still the most important benefit for St. Joseph's and raises more than one million dollars annually.

After his retirement from practicing medicine, Dr. Ged joined his brother George at Travel Forum, Inc., a full service travel business located in Totowa, New Jersey. He has since retired from the company. He now resides in Wyckoff, New Jersey and Naples, Florida with his wife, Erika. They have seven children and nine grandchildren.

The job of a United States congressman involves much that is rewarding, yet nothing compares to working with and recognizing the efforts of dedicated community servants like Dr. Eugene Ged.

Madam Speaker, I ask that you join our colleagues, everyone involved in the St. Joseph's Foundation, Eugene's family and friends and me in recognizing Dr. Eugene C. Ged's outstanding service to his community.

THE FISA AMENDMENTS ACT OF 2009 SECTION-BY-SECTION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. CONYERS. Madam Speaker, the FISA Amendments Act of 2009 would amend FISA to protect the constitutional rights of Americans while ensuring that the government has the powers it needs to fight terrorism and collect intelligence.

SECTION 1—SHORT TITLE

This Act may be cited as the FISA Amendments Act of 2009.

SECTION 2—TELECOMMUNICATIONS IMMUNITY

The bill would repeal the retroactive immunity provision in the FISA Amendments Act, leaving it to the courts to determine whether any telephone companies that complied with the illegal warrantless wiretapping program acted properly under the laws in effect at the time and therefore deserve immunity. It would retain limitations on liability for acting in compliance with FISA, the criminal surveillance laws, the Protect America Act and the FISA Amendments Act.

SECTION 3—BULK COLLECTION

The bill retains the new authorities provided in the FISA Amendments Act but builds in additional safeguards to protect the rights of innocent Americans. The bill would prevent the government from using the warrantless collection authorities of the FISA Amendments Act to conduct "bulk collection," which could include the collection of the contents of all communications between the United States and the rest of the world. It would do so by requiring that the government have some foreign intelligence interest in the overseas party to the communications it is collecting. Bulk collection raises serious constitutional questions, and it could permit data mining of massive quantities of communications of Americans.

SECTION 4—REVERSE TARGETING

The bill would place additional limits on the warrantless collection authorities of the FISA Amendments Act to ensure that they are not used as a pretext when the government's real goal is to target the Americans

with whom the ostensible foreign target is communicating. It would require a FISA Court order if the government is wiretapping a person overseas but "a significant purpose" of the surveillance is to collect the communications of the person in the United States with whom the person overseas is communicating.

SECTION 5—USE OF UNLAWFULLY OBTAINED INFORMATION

The bill would limit the government's use of information about U.S. persons that is obtained under FISA Amendments Act procedures that the FISA Court later determines to be unlawful, while still giving the FISA Court flexibility to allow such information to be used in appropriate cases. This provides a basic incentive for the government to target foreign agents overseas rather than innocent Americans here in the United States. It is similar to the existing law that limits the use of information collected pursuant to FISA's emergency authority if the FISA Court determines after the fact that the FISA standard was not met.

SECTION 6—PROTECTIONS FOR INTERNATIONAL COMMUNICATIONS OF AMERICANS

The bill would permit unfettered acquisition of foreign-to-foreign communications and of communications of suspected terrorists into or out of the United States, while creating safeguards for communications not related to terrorism that the government knows have one end in the United States. Specifically:

When the government knows in advance that a foreign target is communicating with someone in the United States, it can acquire that communication if it involves terrorism, if someone's safety is at stake, or with a court order.

When the government does not know in advance with whom a foreign target is communicating, it can acquire all of that target's communications, without individualized court review. If the government later realizes that it has acquired a communication with one end in the U.S., it must segregate that communication in a separate database. It can then access, analyze and disseminate that communication if the communication involves terrorism, if someone's safety is at stake, or if the government has obtained a court order.

HONORING PAUL WILEY OF TAYLOR MILL, KENTUCKY

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to honor Mr. Paul Wiley of Taylor Mill, Kentucky. Mr. Wiley is a former U.S. Army aviator who now dedicates his time to organizing programs and events to benefit active-duty service members, veterans, and their families.

In 2007, Mr. Wiley joined forces with the Moose Riders Club of Moose Lodge #1469 in Covington to raise funds for the A/101 Aviation Association Memorial Scholarship Fund. With support from local military units and the Sikorsky Helicopter company, their first fundraiser raised more than \$16,000 for the scholarship fund.

Mr. Wiley and the Moose Riders also sponsor the members of the 4th Battalion, 101st

Aviation Regiment, 101st Airborne Division, a unit that deployed to Afghanistan in 2008. Over the summer, Mr. Wiley and his friends worked with residents and local businesses throughout Northern Kentucky and the Cincinnati area to help the soldiers have a little extra fun with their families while home on their 2-week furlough from Afghanistan. Through fundraisers and generous donations, Mr. Wiley's initiative ensured six soldiers and their families enjoyed a "mini-vacation" complete with donated hotel rooms, dinners, and tickets to amusement parks and museums.

Currently, Mr. Wiley is busy spearheading plans for a January welcome home celebration to mark the return of the unit from Afghanistan.

Madam Speaker, I ask my colleagues to join me in applauding Mr. Paul Wiley, the members of Moose Riders Club, and all the people in the Northern Kentucky region who have contributed to this local effort to support service members, veterans, and their families.

HONORING ROBERT ZWEIMAN, JEWISH WAR VETERAN

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. ADLER of New Jersey. Madam Speaker, I am pleased to have this opportunity to express my gratitude to Mr. Zweiman for his dedicated and tireless service to the Jewish War Veterans of the United States of America.

Mr. Zweiman selflessly and bravely served this country in the Philippines during World War II. Upon returning home, he took advantage of the Montgomery G.I. Bill and received a bachelor's degree and juris doctorate from New York University. With this educational foundation, Mr. Zweiman became an exceptional attorney-at-law, specializing in corporate and family law.

Even with his busy professional life, Mr. Zweiman always found the time to contribute his time and talents to the Jewish War Veterans of the United States of America (JWV). He began with the organization as editor of his local JWV Post Newsletter and currently serves as a member of the JWV Policy Committee as well as a member of the organization's Executive Committee. Mr. Zweiman has made numerous contributions throughout his prestigious 61-year career with the JWV, including developing the JWV's Allied Veterans Mission to Israel program, creating and developing a direct mail program to provide funding for JWV programs, and designing and coordinating renovations of the Jewish War Veterans Museum in Washington, D.C.

Mr. Zweiman's continued exemplary service to this nation is rightfully honored today. Thank you for all you have done and God bless the United States of America.

A TRIBUTE TO DEACON WILLIAM DEWALT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Deacon William Dewalt.

Deacon William Dewalt was born in Galveston, Texas in 1930. He attended Dixon High School in Shepherd, Texas, where he played basketball. During his school days, he was voted "All-Around Boy" by his fellow basketball teammates. While in high school, he met Gloria Jean Mitchell, who later became his wife, and together they had seven children.

After school, William joined the United States Army and served for two years. He was stationed in Korea. William and Gloria settled in New York City in the mid 1950s. He secured employment with the United States Postal Service as a Letter Carrier. After thirty years of service, he retired in 1989.

In 1954, Deacon Dewalt joined the Union Baptist Church under the leadership of Rev. Dr. Aaron A. Wood and was ordained to the Deacon Ministry. He has served in this capacity for more than 50 years.

Deacon William Dewalt is a man of few words, however, when he gives his word one can truly count on him. One might say that he held on to his title given so many years ago by his teammates—"All-Around Boy", and became an "All-Around Man". He believes in helping in anyway that he can and he helps without thinking twice.

Madam Speaker, I urge my colleagues to join me in recognizing Deacon William Dewalt, a faithful servant and "All-Around Man".

HONORING THE SERVICE OF THE GEM STATE YOUNG MARINES

HON. WALT MINNICK

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. MINNICK. Madam Speaker, I would like to recognize and honor an extraordinary youth education program that serves boys and girls in Idaho. The Gem State Young Marines is celebrating its 50th anniversary and Red Ribbon Week on October 17, 2009.

This program serves youths from the age of 8 through high school in the Treasure Valley. It encourages young people to find strength within themselves by learning life-changing skills. Important talents such as determination, discipline, strength and integrity are all taught through a variety of team building events and activities.

The Young Marines focus on community service, specifically reducing drug use in teens and young adults. The group strives to instill the core values of honor, courage and commitment, adopted by the Marine Corps, to each of their members. Each young marine is required to complete a minimum of 50 hours of community service each year to qualify for the Young Marine Community Service Ribbon. The Young Marines focus on character build-

ing through a combination of self-discipline, teamwork and leadership, as well as promoting a healthy, drug free lifestyle. Helping people in their formative years reduce the abuse of alcohol, tobacco, and drugs deserves our sincere admiration and respect.

It is important that we recognize the service of groups such as the Gem State Young Marines. The Gem State Young Marines should be extremely proud of all the work they have done for communities in Idaho. I applaud this group and their members for their efforts, their actions show that Americans of all ages can—and do—make a profound difference in communities across the country.

NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. MEEK of Florida. Madam Speaker, I rise today to recognize the month of October as National Domestic Violence Awareness Month. Domestic violence, a widespread tragedy that indiscriminately affects families of all races and classes, is a serious crime that has no social barriers. From our own family members to medical professionals to educators to law enforcement officers to community/clergy leaders—we must all work together to ensure that we are trained to recognize the signs and symptoms of domestic violence and, in turn, prevent the crime from continuing throughout our communities.

I have seen firsthand the impact this issue has on individuals in urban and rural areas alike. Domestic violence crosses economic lines, geographic lines and ethnic lines. In 2008, Miami-Dade and Broward County had a total of 18,312 reported domestic violence cases varying from offenses such as aggravated assault to stalking to forcible rape. With so many of these unsettling offenses taking place in my District, I will continue to ensure that significant progress is being made on this issue during my tenure in Congress. It is vital that we direct attention to domestic violence and assure that there are available resources to assist victims and families in recovering from these abuses. We must combat this continuous plague that wreaks havoc on our increasingly-stressed health care network, our over-flowing criminal justice system, and our day-to-day life within our communities.

Florida's county and jurisdictional domestic violence offenses in 2008 totaled an unfortunate 113,123 cases. National Domestic Violence Awareness Month should remind us to continue ensuring that Federal grants made under the Violence Against Women Act go towards essential shelter operations and support services. Moreover, we must ensure that shelters and crisis centers receive sufficient funding to provide this safety net to some of our most vulnerable citizens.

Madam Speaker, I stand today before my colleagues to ask for continued support and assistance of domestic violence prevention programs. It is essential that we not only draw attention to domestic violence this month, but

continue making progress on this devastating problem so that it will no longer affect our communities and families. As we remember the victims of domestic violence, we must learn from their courage and work to assure that our communities are safe places to live, work, and raise our families. In Florida and throughout our nation, education, enforcement and support are the keys to solving and breaking the cycle of domestic violence.

HONORING CAPTAIN WEI JIAFU FOR HIS LONGSTANDING COMMITMENT TO THE CITIZENS OF THE UNITED STATES OF AMERICA

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. LYNCH. Madam Speaker, I am privileged today to honor a pioneer who has helped create a strong bridge of understanding and development between the people of his country and the people of the United States of America. For over a decade Captain Wei Jiafu has been the President of COSCO, the largest ocean shipping company in the People's Republic of China. During this time Captain Wei has worked hard to increase the level of understanding between U.S. and Chinese business leaders.

Captain Wei's relationship with the U.S. has been a long and honored one. In his early years as a sea captain, Captain Wei was given special recognition by the U.S. Coast Guard for his knowledge and skill in navigating U.S. waters. In addition to Captain Wei's technical knowledge of U.S. waters, he commands a mastery of the navigational practices that make both national and international waters safe. Under Captain Wei's leadership, COSCO was the first foreign shipping company to comply with newly-enacted Homeland Security regulations governing shipping containers. As astounding as all of these accomplishments may be, Captain Wei's dedication to the U.S. goes further.

Throughout his career, Captain Wei's commitment to the American workforce has been unwavering. As President of COSCO, Captain Wei oversees the largest Chinese employer of American citizens. Under Captain Wei's guidance, COSCO has been honored by the ports of Long Beach, Seattle, New York, and Boston, for his commitment to their employees. Must notably, has been his commitment to the workers of Massachusetts, where COSCO has contributed to the creation of thousands of maritime-related jobs by establishing shipping services between the Port of Boston and ports in China. Captain Wei has even dedicated a chair to Boston's prestigious Harvard University.

In addition, Captain Wei has been instrumental in protecting our oceans. He has generously donated to the cause of cleaner oceans and the protection of sea life in Alaska.

With that in mind, I would like to commend Captain Wei for his commitment to professionalism which has facilitated both a productive and personal relationship between the

people of the United States of America and the People's Republic of China. Furthermore, I would like to recognize Captain Wei for his charitable contributions in support of higher learning in the United States and around the world. Captain Wei is truly a "Peoples' Ambassador" to the United States of America.

HONORING THE COMMUNITY OF WYNMOOR IN COCONUT CREEK, FLORIDA

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. WEXLER. Madam Speaker, I rise today to honor the Community of Wynmoor in Coconut Creek, Florida, which is celebrating its 35th Anniversary this week.

Wynmoor is an active senior community in South Florida with approximately 9,000 residents, many of whom regularly mentor in local schools, volunteer for city affairs, and greatly contribute to the vitality of the City of Coconut Creek and the surrounding communities. With a PGA-recognized country club golf course, serene lakes and sparkling fountains, Wynmoor is truly a beautiful place to live, and for many who live there, a wonderful place to retire and enjoy life.

Wynmoor residents find many ways to remain active and healthy with multiple tennis courts and health and fitness facilities available to them, as well as with a multitude of social activities planned throughout the year, including cultural and social clubs, several charitable organizations, live theater, dances, movies, classes and lectures. When I visit my constituents in Wynmoor, I am always thrilled to engage with them on the issues of importance to our community because they care deeply about the issues that affect South Florida.

Madam Speaker, I am deeply proud to represent the Community of Wynmoor and all of its residents in Congress, and I wish the entire community a happy and healthy 35 more years and an enjoyable anniversary celebration this week.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Ms. GRANGER. Madam Speaker, on rollcall Nos. 772, 773, and 774, I was absent from the House.

Had I been present, I would have voted "aye."

THE DISCLOSURE OF PRESIDENTIAL DECLASSIFICATION OF INTELLIGENCE INFORMATION ACT OF 2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. CONYERS. Madam Speaker, I am pleased to introduce the "Disclosure of Presidential Declassification of Intelligence Information Act of 2009."

This bill will help increase transparency by requiring the White House to release public notices when classified materials are declassified. Specifically, this legislation would require the President to inform the relevant congressional committees within 15 days whenever intelligence has been declassified. The bill also contains a sense of Congress that additional notice should be given to the Director of National Intelligence, the Archivist of the United States, and the heads of the applicable elements of the intelligence community.

In January of this year, I released a report documenting several abuses and excesses of the Bush Administration. The Report, titled "Reining in the Imperial Presidency: Lessons and Recommendations Relating to the Presidency of George W. Bush," contained 50 separate recommendations designed to restore and support the traditional checks and balances of our constitutional system.

This bill carries out the recommendation that Congress consider legislation requiring the President to announce the declassification of classified materials.

As the report details, the Bush administration selectively leaked numerous items of classified information to strengthen the case for war in Iraq. For example, evidence suggests that President Bush secretly authorized the declassification of information without notice in an effort to neutralize Ambassador Joe Wilson's op-ed that raised questions about the case for war.

This bill will help to prevent similar future abuses and political manipulation of intelligence authority by alerting Congress when information is declassified. Such transparency in presidential delegations of declassified authority is a matter of good government regardless of who occupies the White House.

A TRIBUTE TO SHARONNIE M. PERRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Sharonnie M. Perry, a great community activist.

Sharonnie has lived her life by one of her favorite mottos, "I Have Come To Serve And Not To Be Served." She has served for over 35 years as a community activist, beginning in her early days fighting against decentralization of public schools.

As founder of "Parents on the Move", a self-help organization for homeless parents

and children, she advocated for affordable housing, education and employment for the homeless population across New York City. In 1982, Sharonnie saw a need which became one of her greatest passions to date. She has traveled across the country conducting workshops and speaking out for quality health care and services for our brothers, sisters and children living with HIV/AIDS.

Sharonnie was born in the village of Bedford Stuyvesant. She is the mother of two sons, Da-Shawn and Jah-Son, and the proud grandmother to Jaylin and Jah-Son, Jr. She is a woman of faith and believes if you put God at the head and Jesus at the center of your life that you won't fail. Sharonnie attributes her victories and successes, first and foremost to the Creator, her parents, family, her mentors, spiritual advisors and friends.

Sharonnie has been recognized across the country for her activism on behalf of the underserved people in our communities. In summarizing her commitment to family, church and community, she always says, "If I Can Help Somebody Along The Way, Then My Living Would Not Have Been In Vain".

Madam Speaker, I urge my colleagues to join me in recognizing Sharonnie M. Perry.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. NEUGEBAUER. Madam Speaker, I was absent from votes on September 29 and 30, October 1 and October 6-8 for medical reasons. Had I been present, I would have voted as indicated for each rollcall listed. I ask that my statement be included in the CONGRESSIONAL RECORD.

Rollcall vote 740: "nay"; rollcall vote 741: "yea"; rollcall vote 742: "yea"; rollcall vote 743: "nay"; rollcall vote 744: "nay"; rollcall vote 745: "yea"; rollcall vote 746: "yea"; rollcall vote 747: "yea"; rollcall vote 748: "yea"; and rollcall vote 749: "nay".

Rollcall vote 750: "yea"; rollcall vote 751: "yea"; rollcall vote 752: "nay"; rollcall vote 753: "yea"; rollcall vote 754: "yea"; rollcall vote 755: "yea"; rollcall vote 756: "nay"; rollcall vote 757: "nay"; rollcall vote 758: "nay"; and rollcall vote 759: "nay".

Rollcall vote 760: "nay"; rollcall vote 761: "nay"; rollcall vote 762: "nay"; rollcall vote 763: "yea"; rollcall vote 764: "nay"; rollcall vote 765: "nay"; rollcall vote 766: "yea"; rollcall vote 767: "yea"; and rollcall vote 768: "yea".

HONORING JUDGE BRUCE W. KAUFFMAN FOR HIS MANY YEARS OF SERVICE TO THE LEGAL COMMUNITY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. ANDREWS. Madam Speaker, I rise today to honor the extraordinary contributions

that Judge Bruce W. Kauffman has made to the legal community in his five decades of service.

A graduate of the University of Pennsylvania and Yale Law School, Judge Kauffman began his service to the legal community as a law clerk to the Honorable Vincent S. Haneman of the Superior Court of New Jersey, and thereafter joined the law firm of Dilworth Paxson, where he represented some of the nation's most high-profile clients and rose to become chairman of the firm.

In 1980, Judge Kauffman was appointed to the Pennsylvania Supreme Court, where he served with distinction for two years. In 1997, President Bill Clinton nominated Judge Kauffman to the United States District Court for the Eastern District of Pennsylvania. During his tenure, the Judge returned to his alma mater and served as an Adjunct Professor of Law at the University of Pennsylvania. Judge Kauffman served on the District Court until his retirement from the Federal bench in July of 2009.

Those who know the Judge know that his service is not finished, and that he is undertaking a new commitment to serve as Cochairman of the Executive Committee at Elliott Greenleaf, where he will be instrumental in providing counsel to clients and mentoring attorneys, as he has done for so many others throughout his career.

Madam Speaker, Judge Kauffman has been an excellent jurist, teacher, and mentor for five decades. On a more personal note, Judge Kauffman has been a mentor to me both professionally and personally, and was instrumental in introducing me to my wife, whom he mentored as well. Judge Kauffman has a proud record of service to our country and I am proud to call him my friend. I congratulate Judge Kauffman for all his accomplishments and wish him the best of luck in all of his future endeavors.

JUDGE GEORGE D. CARROLL
COURTHOUSE RENAMING CEREMONY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. GEORGE MILLER of California. Madam Speaker, I rise today and invite my colleagues to join me in honoring Judge George D. Carroll of Richmond, California, for his many years of service to the community. Judge Carroll has provided remarkable leadership to the citizens of Richmond and his legacy will be forever recognized as the Richmond Courthouse is renamed in his honor on October 16, 2009.

George Carroll was born on January 6, 1923 in Brooklyn, New York. He served in the United States Army during World War II and was stationed in Italy. Judge Carroll subsequently used his GI Benefits to attend college and law school, graduating from Brooklyn College in 1943 and Brooklyn Law School in 1950. Following his admittance to the New York Bar, he ran a private practice in New York from 1951–1952.

In 1953, Judge Carroll moved to Richmond, California and his trailblazing legacy began. The same year he moved to Richmond, he became the city's first African American lawyer to practice law; serving in private practice until 1965. Judge Carroll continued to break racial barriers in 1961 by becoming the first African American elected to the Richmond City Council. From 1964–1965 he served as Richmond's first African American Mayor, a position unprecedented in any large American city. And finally, Judge Carroll became the first African American County Supervisor for Contra Costa County, California. Governor Edmund G. (Pat) Brown appointed Judge Carroll to the Contra Costa Municipal Court in May 1965 making him the first African American Judge to be appointed in Contra Costa County, where he served until his retirement in 1985.

Judge Carroll is a founding member of the Judicial Council of the National Bar Association and a lifetime member of the NAACP as well as the Sigma Pi Phi and Omega Psi Phi Fraternities. He is a former member of the Charles Houston Bar Association, California Judges Association, American Bar Association, American Judicature Society, World Association of Judge of the World Peace Through Law Center, Board of Governors of the United Bay Area Crusade, Richmond Boys' Club and the Neighborhood House of North Richmond.

Madam Speaker, as a result of Judge Carroll's leadership, advocacy and promotion of equal rights, we as a community have benefited tremendously. I am delighted to have this opportunity to recognize Judge Carroll's tireless efforts and ask all Members of the House to join me in congratulating him as the Richmond Courthouse is officially renamed The George D. Carroll Courthouse.

SUPPORTING THE MISSION AND
GOALS OF DOMESTIC VIOLENCE
AWARENESS MONTH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. TOWNS. Madam Speaker, I rise today in support of the observance of Domestic Violence Awareness Month, 2009.

I urge all Americans during Domestic Violence Awareness Month to understand the different faces of domestic violence, as it is not defined only by battery against women and children, but also includes domestic sexual assault, teen dating violence, and non-physical emotional abuse, such as name calling and intimidation.

Domestic violence, regardless of type, disrupts the lives of men and women of all ages. Young children and adolescents are especially at risk for complications as exposure to violence can lead to behavioral and emotional problems.

The American Recovery and Reinvestment Act (Recovery Act), which I proudly co-sponsored, provides \$225 million to the U.S. Department of Justice Office on Violence Against Women, targeted at developing and supporting the capacity of state, local, tribal, and

non-profit entities involved in responding to violence against women and also in helping them find alternative housing. I am also pleased that the Violence Against Women Act (VAWA)—its passage in 1994 strongly by then Senator JOSEPH R. BIDEN Jr.—and the Victims of Crime Act (VOCA) also received Recovery Act funding to boost the federal VAWA and VOCA funds that are already allocated to state and local governments each year.

Furthermore, in my home state of New York, Governor David Paterson signed a bill into law last month that takes a stronger response against domestic violence offenders and expands protection orders for victims. With this advancement in New York's state law, New York is leading the nation in strengthening our judicial system to stamp out domestic violence and abuse.

Though we may be taking great strides at the federal and state levels in addressing domestic violence, we cannot ignore that the problem originates in the home. If you feel you are or someone you know is a victim of domestic violence, please call the National Domestic Violence Hotline at 1-800-799-SAFE. Working together, we can all play a vital role in creating awareness about domestic violence and working toward ending this intolerable behavior.

THE INSPECTOR GENERAL AU-
THORITY IMPROVEMENT ACT OF
2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. CONYERS. Madam Speaker, I am pleased to introduce the "Inspector General Authority Improvement Act of 2009."

This Act will provide the Inspector Generals of the various agencies the authority to issue subpoenas for the testimony of former employees or contractors as part of certain investigations of wrongdoing. Under current law, a critical witness can evade being interviewed by an Inspector General, and thus seriously impede an investigation, by simply resigning from the agency.

In January of this year, I released a report documenting several abuses and excesses of the Bush Administration. The Report, titled "Reining in the Imperial Presidency: Lessons and Recommendations Relating to the presidency of George W. Bush," contained 50 separate recommendations designed to restore and support the traditional checks and balances of our constitutional system. This bill responds to one of those recommendations.

As the Report details, that ability of Inspector Generals to investigate serious allegations of wrongdoing was significantly impeded during the prior Administration because critical witnesses could not be interviewed if they simply resigned during the investigation or had already left the agency. As a practical matter, the witnesses were beyond the reach of the Inspector General, and their knowledge of potential wrongdoing went with them.

For example, in the investigation of potential misconduct by Monica Goodling, the Department of Justice Inspector General was unable

to obtain witness statements from those who had resigned and thus were no longer available. Similarly, the Department of Homeland Security Inspector General was limited in his ability to conduct a complete investigation into the circumstances surrounding the rendition of Canadian citizen Mohammed Arar to Syria. His Report stated bluntly: "Many of the principal decision-makers involved in the Arar case have left government service and declined our requests for interviews. As they are no longer DHS employees, we cannot compel them to speak with us."

It is important to note that this bill contains important limitations on the Inspector Generals' subpoena power in order to prevent abuse or damage to ongoing investigations. Most prominently, an Inspector General cannot issue a subpoena if the Department of Justice concludes in a particular case that the taking of a deposition would interfere with civil or criminal litigation.

I believe that with this limitation, this legislation strikes an appropriate balance between the need for an independent Inspector General to investigate administrative wrongdoing and the responsibility of the Attorney General to enforce our criminal laws and protect the civil interests of the United States Government.

This legislation will go a long way in fostering transparency in government by improving the Inspector Generals' tools and permit them to effectively carry out their mission. Such vigorous oversight is a matter of good government, regardless of whether we have a Democratic or Republican Administration.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mrs. MALONEY. Madam Speaker, due to the death of my husband, Clifton H.W. Maloney, I did not vote from September 29, 2009 through October 13, 2009. I missed rollcall votes numbered 740–771.

Had I been present, I would have voted "yea" on rollcall votes Nos.: 740, 741, 742, 743, 744, 745, 747, 748, 749, 750, 751, 752, 753, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 770, 771, 772, 773, and 774. I would have voted "nay" on rollcall votes Nos.: 746, 754, and 769.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I would like to place in the record a listing of the congressionally directed project I requested in my home state of Idaho that is contained in the Conference Report accompanying H.R. 2892, the FY2010 Homeland Security Appropriations bill.

Project Name: Power and Cyber Systems Protection, Analysis, and Testing Program

Amount: \$3,000,000

Account: NPPD Infrastructure Protection and Information Security

Recipient: Idaho National Laboratory

Recipient's Street Address: 2525 North Freemont St, Idaho Falls, Idaho 83415

Description: This funding will be used to conduct vulnerability analysis, testing, and protection of power and cyber connected systems for the Department of Homeland Security, utilizing the unique resources available at the Idaho National Laboratory, such as the electric grid, SCADA and control systems, cyber and communication test beds, and the explosives test range. The project entails collaboration with leading universities and other National Laboratories to leverage ongoing research at these institutions and advance the state of the art in building resilience into infrastructure systems. The funding will be used to obtain full-scale systems in sectors of interest to DHS for testing of vulnerabilities, identification of protection strategies, and evaluation of resilient designs; partner with universities and National Laboratories to develop resilient control systems; and establish a program that develops new protection schemes. The INL is uniquely placed to carry out this program, which leverages its ongoing work in this area sponsored by DOD, DHS, and Intelligence Agencies and its established relationships with industry, universities, and National Laboratories.

I appreciate the opportunity to provide a list of the Idaho project that has received funding in the Conference Report for the FY2010 Homeland Security Appropriations bill and provide an explanation of my support for it.

TRIBUTE TO SISTER JACQUELINE BURNS, S.C.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding individual, Sister Jacqueline Burns, who was recognized by the St. Joseph's Regional Medical Center Foundation with the 2009 William F. Johnson Award for her many years of dedicated service to the people of her community.

It is only fitting that she be honored in this, the permanent record of the greatest democracy ever known, for she has been a true public servant and someone whose spiritual commitment has helped to enhance countless lives.

Sr. Jacqueline has been an integral part of advancement towards improving healthcare. As the founding chair of St. Joseph's Healthcare System, she spearheaded the integration of St. Joseph's Regional Medical Center, St. Joseph's Wayne Hospital, St. Joseph's Children's Hospital, St. Vincent's Nursing Home, and Visiting Health Services of New Jersey. Sr. Jacqueline truly revitalized the mission, vision and values of St. Joseph's, and under her leadership, it became the region's leading healthcare system.

Though she is clearly dedicated to healthcare, Sr. Jacqueline's passion for education has always been evident. She began her career teaching elementary and secondary school where she helped students on the path to learning for almost 15 years. She went on to earn multiple graduate degrees including a doctorate from Catholic University. Sr. Jacqueline soon returned to her alma mater, The College of St. Elizabeth, where she would go on to serve for more than thirty years. She was academic dean for ten years and President for sixteen. Throughout her time at the college, she sat on many state and national organizations' Boards of Trustees, often rising to leadership positions. She was a member of the New Jersey Board of Higher Education and designed the present governance model used for all policy development and approvals for new programs for public and independent institutions in the state. In doing this work, she gained extensive experience in government relations at both the national and local level.

As a Sister of Charity, Sr. Jacqueline has been elected to every General Assembly of the congregation since 1968 when it was first begun. She has gone on to chair many of its committees and in 1999, was elected to the General Council and filled the position of Treasurer of the Sisters of Charity Corporation. She has received many other honors throughout the years, and was recently awarded the AMA Lifetime Achievement Award.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of exceptional individuals like Sister Jacqueline Burns.

Madam Speaker, I ask that you join our colleagues, Sister Jacqueline's family and friends, all those who have been touched by her compassion, and me in recognizing the outstanding and invaluable service of Sister Jacqueline Burns.

A TRIBUTE TO STEVEN MAURIELLO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Steven Mauriello, Deputy Inspector of the 81st Precinct and honorable public servant.

Deputy Inspector Mauriello is a graduate of St. Johns University in Queens, New York, where he attained a Bachelors Degree with a major in Criminal Justice and a minor in Psychology. He is currently attending the Police Management Institute of Columbia University at West Point.

Deputy Inspector Mauriello became a member of the New York City Police Department in the year 1989 and, upon his graduation from the Police Academy, was assigned to neighborhood stabilization unit number six as a police officer, patrolling the 25th, 28th and 32nd Precincts in northern Manhattan. Shortly thereafter, he was assigned to the 34th Precinct in Washington Heights, New York, as a patrol officer. In 1993, he was assigned to the Manhattan North Narcotics Division and, on achieving

the rank of Sergeant in 1994, he was assigned to the 79th Precinct and Brooklyn North Warrants Unit.

Upon his promotion to Lieutenant in 2000, Deputy Inspector Mauriello was assigned to the 88th Precinct and 90th Precinct until his promotion to the rank of Captain in 2003. As Captain, he was assigned to the 77th Precinct and 94th Precinct before becoming the commanding officer of the Patrol Borough Brooklyn North Anti-Crime Unit. In 2007, Deputy Inspector Mauriello was assigned to the 81st Precinct in the capacity of Executive Officer. In 2008, he was elevated to Commanding Officer of the 81st Precinct, and then was promoted to the rank of Deputy Inspector in which he presently serves the residents of the Bedford-Stuyvesant community.

Madam Speaker, I urge my colleagues to join me in recognizing Steven Mauriello.

HONORING THE COMMUNITY HOSPITAL OF THE MONTEREY PENINSULA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. FARR. Madam Speaker, I rise today to draw attention to the 75th anniversary of Community Hospital of the Monterey Peninsula, or CHOMP, as the locals fondly call it. It started in 1929 as the Carmel Clinic specializing in metabolic disorders, endowed by a gift from Grace Deere Velie Harris, heiress of the Deere tractor family. Over the years it grew into a 30-bed general hospital and in 1934 was renamed Peninsula Community Hospital.

Post World War II saw an increase in the population on the Monterey Peninsula. Twenty-two acres of the nearby forest was donated by the Del Monte Properties Company as a building site for a larger, modern hospital. In 1962 the new \$3.5 million 210,000-square foot Community Hospital of the Monterey Peninsula opened with 100 beds, the first community hospital in the country to have all private rooms. The design by architect Edward Durell Stone won state and national awards for excellence in architecture. Two-thirds of the funding came from community donations.

CHOMP continued to expand; over the next 10 years 72 more rooms were added, including a mental health center, and a dome was constructed over the signature Fountain Court. The cost of the construction was \$4 million, and again, half of it was paid for by contributions from the community.

The hospital developed a growing range of services that added 42,000 square feet to house outpatient, educational, and business offices. A new outpatient Surgery Center began performing more than half of all the hospital's surgeries. A Family Birth Center opened with single-room maternity care. Home health agencies were acquired, as well as a hospice facility and services. The Comprehensive Cancer Center opened in 1999, providing the best available diagnosis, treatment, and support for cancer patients and their families.

CHOMP also added off-campus sites to meet the expanding demands of health care

on the Peninsula. The old Eskaton Monterey Hospital, built in 1930 and acquired by CHOMP in 1982, was remodeled. Renamed the Hartnell Professional Center, it now houses outpatient mental health services, a recovery center, a cardiopulmonary wellness and blood center, laboratories, and the Clint Eastwood Youth Program. A Breast Care Center opened near downtown Monterey, offering comprehensive breast care services, and an Outpatient Campus that treats sleep disorders, and offers diabetes and nutrition therapy, imaging, and laboratories.

In recent years the emergency and ICU departments were updated and moved to a new wing. CHOMP continues to expand and improve with the times to meet the needs of the community.

Throughout the years, CHOMP has served the entire spectrum of hospital health care needs of my family. My parents received their end-of-life care there. Both my wife and I have received care there, and both my daughter and granddaughter were born there. It truly is our community hospital.

Madam Speaker, I know the whole House joins me in congratulating Community Hospital of the Monterey Peninsula on its anniversary, and wish them many more years of quality service to the public.

CONGRATULATING ANN AND LEO MOSKOVITZ, RECIPIENTS OF THE 2009 MONSIGNOR MCGOWAN CORNERSTONE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Ann and Leo Moskovitz, recipients of this year's Monsignor McGowan Cornerstone Award.

This prestigious award is presented annually to individuals who best exemplify the spirit, leadership and service of the late Monsignor Andrew J. McGowan as a catalyst for social, cultural and economic growth and promoting the charitable ideals of philanthropy and collaboration in Northeastern Pennsylvania.

Mr. Moskovitz was affiliated with his family's dry goods business and later with the Hudson Coal Company before embarking on a banking career with First National Bank of Jermyn. After serving as cashier and then vice president, Mr. Moskovitz was named president in 1961 where he forged a reputation as a leader in automobile and small business financing and home mortgages. He also led the way in promoting women to administrative positions in the bank.

After a prominent career, he retired as President of the First National Bank of Jermyn in 1993 after more than 40 years of service that saw the bank's assets increase nearly a hundredfold to \$300 million under his leadership.

Active in the community, Mr. Moskovitz served two terms as a member of Jermyn Borough Council and he was chairman of the Pennsylvania State School for the Deaf.

Mrs. Moskovitz, Mr. Moskovitz' wife of 38 years, graduated from Temple University's School of Pharmacy after which she worked in that profession for 30 years. She, too, has been highly active in the community, serving on boards and committees of many educational, health care and cultural organizations, including Mercy Healthcare Foundation Board, University of Scranton, Northeastern Pennsylvania Philharmonic League Board, United Way of Lackawanna County, the Country Club of Scranton, Mercy Hospital, Sacred Heart of Mary Church and the Greater Scranton Chamber of Commerce.

Mrs. Moskovitz formerly served on boards and committees of St. Joseph's Center, The Lucan Center for the Arts, Cultural Council, the Philharmonic Women's League of Scranton, the Women's Golf Association of the Country Club of Scranton; St. Joseph's Hospital in Carbondale, Allied Services, Visiting Nurse Association, Temple Hesus Sisterhood, Family Services of Lackawanna County, Mercy Health Care System and the American Cancer Society's Daffodil Days.

Mrs. Moskovitz was a former commentator for the Radio Broadcasting Program for the Blind Association and was Jermyn's coordinator of volunteers each year for the Blind Association Days. She has served on the Laity Committee of the Diocesan Synod, Preparatory Commission of the Hospital Trustee Association, Women's Activities at the Scranton Club, Saint Andrea Society, St. Joseph's Center Auxiliary, Hadassah and the Society of Pennsylvania Hospital Pharmacists. Mrs. Moskovitz was a recipient of the Globe Store and Estee Lauder Star Achiever Award for outstanding service in northeastern Pennsylvania.

Madam Speaker, please join me in congratulating Ann and Leo Moskovitz on this auspicious occasion. Their selection to receive the Monsignor McGowan cornerstone Award is entirely fitting because their lives reflect an extraordinary level of service and contribution to their community where they have improved the quality of life for all.

RECOGNIZING THE SCHOOL OF HEALTH PROFESSIONS AT YVONNE A. EWELL TOWNVIEW CENTER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to recognize the School of Health Professions at Yvonne A. Ewell Townview Center in Dallas, Texas for receiving the Blue Ribbon Award from the U.S. Department of Education.

This prestigious award is given to public and private elementary, middle, and high schools that show outstanding gains in student achievement as well as superior academic programs. Additionally, it recognizes the achievements of institutions that have a large portion of students who come from disadvantaged backgrounds. Many times, these schools serve as models for other institutions

across the country and offer insight into the ways we can improve education in some of our most troubled neighborhoods.

In Dallas, there were a total of four institutions that were selected for this award. In addition to the School of Health Professions, George B. Dealey Montessori Academy, George Peabody Elementary School, and Victor H. Hexter Elementary School were also selected as Blue Ribbon Award recipients.

Madam Speaker, I ask my fellow colleagues to join me in recognizing the accomplishments of the School of Health Professions at Yvonne A. Ewell Townview Center in addition to all the schools across the country that were awarded with this prestigious honor.

IN RECOGNITION OF THE 20TH ANNIVERSARY OF POINTS OF LIGHT

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. LYNCH. Madam Speaker, I rise today to commemorate the 20th anniversary of the Points of Light initiative. Established by a call to service by President George H. W. Bush, Points of Light has led our nation to tremendous gains in service and volunteerism over the past two decades.

The Points of Light Foundation has recently merged with Hands On Network to form the Points of Light Institute. On this special 20th anniversary, I want to commend this organization for its extraordinary work in the promotion of service, while transforming communities throughout America.

In 2008, the Points of Light Institute and its 250 Hands On volunteer action centers engaged over 1.2 million volunteers in service and managed over 520,000 volunteer projects. The value of this service is beyond measure to the neighborhoods that have been positively impacted by this remarkable contribution to the health and welfare of communities throughout the United States.

One of Points of Light's affiliates is Boston Cares. This year alone, Boston Cares has mobilized 18,250 volunteers who have donated over 50,000 hours of service to 155 Greater Boston schools and nonprofit organizations. Throughout the year Boston Cares volunteers have consistently gone above and beyond, from a drive that raised a thousand pounds of food per day throughout the month of February for struggling food pantries, to generating an additional 2,000 volunteer hours during this summer's United We Serve campaign.

Madam Speaker, I am pleased to commemorate this 20-year milestone for Points of Light and I congratulate them on 20 years of identifying and managing people-powered projects to tackle critical problems across the nation. I urge all of my colleagues to join with me in honoring Points of Light and Boston Cares.

SECTION BY SECTION ANALYSIS— USA PATRIOT AMENDMENTS ACT OF 2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. CONYERS. Madam Speaker, I submit the following:

Sec. 1. Short title and table of contents. Section 1 names this Act the "USA PATRIOT Amendments Act of 2009" and provides a table of contents for the entire bill.

TITLE I—USA PATRIOT ACT RELATED AMENDMENTS

Sec. 101. Roving Wiretaps. Sec. 101 clarifies that when the government only provides a description of the target of surveillance for purposes of obtaining a warrant (whether or not that warrant is for a regular or roving FISA warrant), that description must be sufficient to allow a court to determine that the target is a single individual.

Sec. 102. Extension of Sunset of Sections 206 and 215 of USA PATRIOT Act. Sec. 102 extends the sunset dates of roving wiretaps and FISA business records to December 31, 2013.

Sec. 103. Access to Certain Tangible Things under section 501 of the Foreign Intelligence Surveillance Act of 1978. Sec. 103 (§215 tangible things) requires a statement of specific and articulable facts showing that the tangible things sought are relevant to an authorized investigation, other than a threat assessment. The "specific and articulable" language is not present in the current law, and is a more exacting standard for government to meet.

This section also retains the concept that certain types of records are "presumptively relevant" to a counterterrorism or counterintelligence related investigation (assuming an appropriate statement containing specific and articulable facts). The retention of the "presumptive relevance" for documents pertaining to foreign powers or agents of a foreign power accomplishes two important goals. First, it puts the government and a court on notice that these types of records are the type of documents that Congress generally expects the government will be pursuing in furtherance of authorized counterterrorism and counterintelligence investigations. The presumptive relevance standard does not, however, allow the government to obtain the documents merely by showing relevance to a foreign power or agent of a foreign power through a statement of "specific and articulable facts." A court must also find that the requested records are actually relevant to an authorized investigation.

Second, the government may be able to acquire certain records even if it cannot show that the documents are relevant to a foreign power or agent of a foreign power. However, these types of records, which do not fall into the "presumptively relevant" category, would be evaluated with a higher degree of scrutiny by a court. The court would determine whether or not the government presented specific and articulable facts to show relevance to an authorized investigation.

With respect to judicial review, current law requires the recipient of a nondisclosure order associated with a §215 order to wait a year before seeking judicial review of the nondisclosure order. Sec. 103 allows a recipient to challenge both the underlying order and any associated nondisclosure order immediately. In addition, the government must

notify the recipient of a right to challenge the legality of the production order or nondisclosure order, and the procedure to follow to file such a petition at the time the government serves the §215 order on the recipient. Absent bad faith on the part of the government, current law also allows a certification by a high level official to conclusively defeat a challenge to a nondisclosure order. Sec. 103 eliminates the concept of a "conclusive certification" entirely.

Compliance assessments of minimization procedures pertaining to §215 orders are now facilitated by allowing FISA court judges to review government compliance with minimization procedures associated with specific orders. A request for §215 records cannot be made to a library or bookseller for documentary materials that contain personally identifiable information concerning a patron. None of these elements are present in the current law.

Sec. 104. Sunset Relating to Individual Terrorists as Agents of Foreign Powers. Sec. 104 allows the "Lone Wolf" provision to sunset on December 31, 2009. "Lone Wolf" is not reauthorized.

Sec. 105. Audits. Sec. 105 requires the DOJ Inspector General to audit and submit reports to Congress for 215 tangible thing orders, National Security Letters (NSLs), and FISA pen register/trap and trace orders for all calendar years through 2013.

Sec. 106. Criminal "sneak and peek" searches. Sec. 106 requires the government to seek an extension for delaying notice of the search after seven (7) days, not the current thirty (30) days. Any extension to delay notice granted by a court cannot be longer than 21 days at a time. In addition, any application for extension must be made by the Senate-confirmed United States Attorney for the district seeking the delay. This section also narrows the circumstances under which the government could obtain a "sneak and peek" warrant by eliminating "otherwise seriously jeopardizing an investigation or unduly delaying a trial" as a situation that would permit the issuance of a "sneak and peek" warrant.

Sec. 107. Use of Pen Registers and Trap and Trace Devices under title 18, United States Code. Sec. 107 requires the application for a pen register to contain a statement of specific and articulable facts showing that the information likely to be obtained is relevant to an ongoing criminal investigation. Current law only requires a certification by the applicant.

Sec. 108. Orders for Pen Registers and Trap and Trace Devices for Foreign Intelligence Purposes. Sec. 108 requires the application for a pen register to contain a statement of specific and articulable facts relied upon by the applicant to justify the belief that the information likely to be obtained is foreign intelligence information not concerning a United States person or is relevant to an ongoing investigation. Current law only requires a certification by the applicant. This section also requires the implementation of minimization procedures for pen registers and trap and trace devices, and allows FISA court judges to assess the government's compliance with these minimization procedures. These are new requirements.

Sec. 109. Public Reporting on the Foreign Intelligence Surveillance Act. Sec. 109 requires annual public reporting of aggregate numbers of requests for surveillance that also include a breakdown of requests for (a) electronic surveillance, (b) physical searches, (c) orders for tangible things (Section 215 orders), and (d) pen registers. Current law requires only public reporting of the above categories in the aggregate.

Sec. 110. Challenges to Nationwide Orders for Electronic Surveillance. Sec. 110 allows a provider of electronic communication service or remote computing service to challenge a subpoena, order, or warrant requiring disclosure of customer communications or records in either the district in which the order was issued or the district in which the order was served.

TITLE 11—NATIONAL SECURITY LETTER REFORM

Sec. 201. Short Title. Sec. 201 indicates that title II shall be cited as the "National Security Letter Reform Act of 2009."

Sec. 202. Sunset. Section 202 provides a sunset date of December 31, 2013 for national security letters, with the effect of returning the relevant national security letter statutes to read as they read on October 25, 2001.

Sec. 203. National Security Letter defined. Sec. 203 defines "national security letter," for the purposes of this bill, as a request for information under one of the enumerated provisions of law.

Sec. 204. Modification of Standard. Sec. 204 requires an official with authority to issue a national security letter to document and retain a statement of specific and articulable facts showing that there are reasonable grounds to believe that the information sought pertains to a foreign power or agent of a foreign power. This standard changes the focus of the "relevance" required under current law from "authorized investigation" to "foreign power or agent of a foreign power." In addition, current law does not directly couple the relevance standard with "specific and articulable" facts as support for relevance—a more exacting standard for the government to meet. Current law also does not require the government to create and maintain a record of such facts at the time the national security letter is issued.

Sec. 205. Notification of Right to Judicial Review of Nondisclosure Order. Sec. 205 requires the government to notify a recipient of a national security letter of (1) a right to judicial review of any nondisclosure requirement imposed in connection with that national security letter and, (2) that the nondisclosure requirement will remain in effect during the pendency of any judicial review proceedings. Current law does not require such notification.

Sec. 206. Disclosure for Law Enforcement Purposes. Sec. 206 requires the Attorney General to authorize the use of any information acquired or derived from a national security letter in a criminal proceeding. Current law does not require such "use authority" for national security letters.

Sec. 207. Judicial Review of National Security Letter Nondisclosure Order. Sec. 207 establishes additional procedures for a recipient to seek judicial review of a nondisclosure requirement imposed in connection with a national security letter. If the recipient wishes to have a court review a nondisclosure requirement, the recipient must notify the government. Not later than thirty days after the receipt of notification, the government must apply for a court order prohibiting the disclosure of information about the national security letter or the existence of the national security letter. The nondisclosure requirement remains in effect during the pendency of any judicial review proceedings. The government's application for a nondisclosure order must include a certification from the Attorney General, Deputy Attorney General, or the Director of the FBI (or the head of another agency if not part of DOJ) containing a statement of specific and articulable facts indicating that disclosure may result in a danger to the national secu-

rity of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person. If a court determines that there is reason to believe that disclosure will result in one of the enumerated harms, the court will issue a nondisclosure order for no longer than 180 days. The government can seek renewals of nondisclosure orders for additional periods of no longer than 180 days each. If there comes a time when the facts supporting a nondisclosure order issued by the court cease to exist, the government must promptly notify a recipient who sought judicial review of a nondisclosure order that the nondisclosure is no longer in effect.

Current law neither requires the recipient to formally notify the government if "he" wishes to seek judicial review, nor specifies that the government will initiate such court review by applying for a court order. The government is also not required to notify a recipient who sought judicial review of a nondisclosure if or when such an order would cease to exist based on a change in facts supporting the nondisclosure order. In addition, absent bad faith on the part of the government, current law also allows a certification by a high level government official to conclusively defeat a challenge to a nondisclosure order if the challenge is filed within one year of the request for records. Current law also allows a recertification made by high level officials to be treated as conclusive, unless made in bad faith. Sec. 207 eliminates the concept of a "conclusive certification" entirely. Moreover, this section corrects constitutional defects in the nondisclosure orders pertaining to national security letters as addressed in *Doe v. Mukasey*, 549 F.3d 861 (2nd Cir. 2008).

Sec. 208. Minimization Procedures. Sec. 208 requires the Attorney General to establish minimization and destruction procedures to ensure that information obtained pursuant to a national security letter regarding persons that are no longer of interest in an authorized investigation is destroyed.

A TRIBUTE TO JUANITA THERESA WILLIAMS LEVELL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Juanita Theresa Williams Levell, an educator in my Congressional District.

As a young woman working and attending college, Juanita met and fell in love with Bryan Lloyd Levell in June of 1960. They were married one year later. Bryan was a New York City Police Officer serving with the 79th Precinct and was one of the first set of officers to serve in the newly created Patrol Brooklyn North. They were blessed with four children, Antoinette Jacobii Levell Brown, twins Adrian Mary Levell Pearl Straker, the late Andrea May Levell Franklin, and one son Bryan James Levell. Mrs. Levell used to say having four children in five years was like having her own classroom. A graduate of the New York City public school system, she completed her undergraduate degree at Brooklyn College and received her Master's degree in Linguistics from Long Island University.

Armed with her faith, a wonderful mother and supportive extended family, Juanita pushed ahead to achieve her goals. She began working in the New York City public school system as a teacher of English as a Second Language commonly known as E.S.L. Juanita was serving in a school that had students from well over 50 countries speaking over 100 languages. She has taught from elementary through high school, as well as adult education. Her participation in conferences, seminars and workshops for over 30 years has kept her current and well qualified in her profession.

Juanita retired in 2008 from her full-time teaching position but continues to work part-time as an English teacher. The connection to her community and her faith has been a steady part of Juanita's life from her work in the church, in school and in her neighborhood. Juanita has been a member of civic and social groups from childhood to the present. She has been active with Cornerstone Baptist Church, the Jewels S.C., NAACP, Alpha Kappa Alpha Sorority Inc.—Delta Rho Omega Chapter, Jack and Jill of America, Inc. (Brooklyn Chapter), American Association of University Women, Verona Place—Macon Street Block Association, United Federation of Teachers, National Council of Negro Women, Brooklyn Historical Society, Schomburg Center for Cultural Learning, Brooklyn College Alumni Association, Association of Blacks in Education—NY, Business and Professional Women's Organization of Cornerstone Baptist Church, Women's Caucus for Congressman Towns, and AARP.

Madam Speaker, I urge my colleagues to join me in recognizing Juanita Theresa Williams Levell.

SALUTING THE MEMORY OF BEN ALI, FOUNDER OF WASHINGTON D.C.'S BEN'S CHILI BOWL

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. CLAY. Madam Speaker, I rise today to salute the memory of Ben Ali, founder and owner of Ben's Chili Bowl, a local historical landmark. Dubbed "King of the Half-Smoke" by Washingtonians who flocked to Ben's daily, Mr. Ali died earlier this month at the age of 82.

Ben Ali exemplified the American Dream through his entrepreneurial spirit and endurance. An immigrant from Trinidad, Ben opened his namesake restaurant on August 22, 1958 with the help of his wife, Virginia. In the process, Mr. Ali shaped the city of Washington and its unique U-Street Corridor by serving his trademark chili dishes to generations of diners.

Opened during U Street's heyday as an African American Cultural Mecca, Ben's Chili Bowl has withstood major neighborhood construction projects, national economic shifts, and the notorious 1968 riots, which ravaged much of the city. During that dark night, Ben's Chili Bowl was one of only two establishments left unscathed.

In the early 1990s, Ben's Chili Bowl stood as an unyielding anchor of the neighborhood's

rebirth, and continues to serve dignitaries, celebrities, and local guests alike. All are loyal customers of Ben's Half-Smokes and Chili Cheeseburgers, a personal favorite of mine since 1969.

Ben's Chili Bowl will persist as a Washington institution, a symbol of unity and strength in a city that has seen its share of hard times. Today, a tourist may dine next to an elected official, or a school boy next to his sports hero, as they all gather together for the incomparable experience of enjoying Ben's famous chili.

Madam Speaker, I ask that we honor Ben Ali for his exceptional contributions to our community. The vital role that both he and Ben's Chili Bowl will continue to play in Washington will be his lasting legacy. I ask that my colleagues join me in paying tribute to Mr. Ben Ali.

TRIBUTE TO THE TOWN OF WESTMINSTER ON THE OCCASION OF THE 250TH ANNIVERSARY OF ITS FOUNDING

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. OLVER. Madam Speaker, I rise today to celebrate the founding of Westminster, Massachusetts 250 years ago on October 20, 1759. The following history provided by the Town's 250th Anniversary Committee vividly details a community with a rich cultural heritage and great natural beauty.

Nestled at the foot of Mount Wachusett, the highest mountain in central Massachusetts, Westminster was unsettled territory at the beginning of the 18th century. The land had been designated as payment for soldiers who had fought in King Phillip's War, but for many years no one was interested in leaving the comforts of home to settle in the wilderness. In 1737, however, the descendants of those veterans and others were drawn to the region's bounty and began to settle the region. As the population grew it became a district in 1759 and was given the name of Westminster, a name rooted in traditions of England. Full incorporation of the town came in 1770.

On June 10, 1776 Westminster residents voted to "stand by and support the (Continental Congress) with their lives and fortunes if they should declare independence on the Crown of Great Britain." During the American Revolution, three hundred fifty six Westminster men served either as Minutemen or enlisted soldiers in the American Continental Army.

Water was essential to the early industrial growth of Westminster in the 19th century, beginning with sawmills, gristmills, fulling mills, and tanneries. These industries were followed by the manufacturing of chairs, other furniture, and paper. But when the railroad bypassed the center of town in mid-century, the factories lost their ability to cheaply bring raw materials into town and transport their finished products to the world. Today there is little evidence of these early industries.

In the late 19th and early 20th centuries, residents of Westminster found jobs in neigh-

boring cities. Indeed, it became clear that Westminster now had the strategic advantage of being located on and near major highways that pass through the Commonwealth.

Today, Westminster's cultural heritage and rural, scenic beauty are appreciated by residents and visitors alike. The Westminster Cracker Factory, the longest running cracker bakery in the country, closed in the 1970s but the red clapboard building is a landmark which anchors the east end of Main Street. The town common on top of Academy Hill and the town center are remarkably preserved and greatly contribute to the Town's distinction of having one of the largest National Register Historic Districts in Massachusetts. Visitors of all ages enjoy Westminster—whether by skiing, hiking or viewing the autumn foliage on Mount Wachusett, dining at the Old Mill while watching ducks swimming on the nearby pond, or taking a tour of Wachusett Brewery.

I am very proud to represent this community, which is rich in history, in natural beauty, and in the public spirit of its citizenry. Please join me in congratulating the Town of Westminster as it celebrates its 250th Anniversary.

EL MUSEO DEL BARRIO'S 40TH ANNIVERSARY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. SERRANO. Madam Speaker, I rise today to recognize a milestone event in the cultural history of New York City. This month, El Museo del Barrio, New York's leading Latino cultural institution, celebrates its 40th Anniversary. There is much to be proud of when we speak of El Museo: the beautiful physical space it now occupies; the extraordinary talent it continues to attract; the superb quality of its collections; and the professionalism and dedication of its staff. But for me what stands out most about El Museo is that it has never stopped growing and evolving. Much like the community in which it makes its home, El Museo continues to reinvent itself for new waves of residents and new generations of New Yorkers.

El Museo del Barrio was founded 40 years ago by Puerto Rican artist and educator Raphael Montañez Ortiz, who gathered together parents, artists, and activists, to address the absence of Puerto Rican and other Latino artists at larger mainstream institutions. Since its founding, El Museo has been dedicated to showcasing Latino culture. Its permanent collection includes over 6,500 objects which span more than 800 years of Latin American, Caribbean, and Latino artistic expression. A wonderfully diverse body of art, this collection includes everything from pre-Columbian Taino artifacts to twentieth-century drawings and paintings, to prints, sculpture, photography and documentary film and video. Located at the corner of Fifth Avenue and E. 104th Street, El Museo is firmly situated on New York's illustrious Museum Mile, but is also far enough uptown to reach into Manhattan's historic El Barrio. Today, more than 100,000 people visit El Museo each year from all backgrounds and walks of life.

On Saturday, October 17th, the museum will hosted an all day celebration and open house to mark the anniversary as well as the opening of El Museo's newly renovated facility. Two new exhibitions will be on display, one of which highlights four decades of El Museo's permanent collection. And to dramatize El Museo's impact on the cultural life of New York City, the Empire State Building was illuminated in the museum's signature mango-yellow color for the entire weekend, so the city as a whole could share in this momentous re-opening.

Madam Speaker, from humble beginnings in East Harlem's Puerto Rican community, this landmark of learning and wonder has emerged as a destination for people from all over the world. They come for many reasons: for the history that is taught, for the remarkable work on display, and, not the least of all, people come to El Museo to feel connected—connected to the past and the future of the Latino diaspora in this great international city. El Museo's holdings and exhibitions are a gift to all New Yorkers and to the world, and for this reason I ask that my colleagues join me in recognizing the 40th Anniversary of El Museo del Barrio.

RECOGNIZING THE JACOB MICHAEL DAVIS FOUNDATION 4TH ANNUAL EVENT

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mrs. MILLER of Michigan. Madam Speaker, I rise today to acknowledge the Jacob Michael Davis Foundation located in Macomb County, Michigan. This non-profit organization was created in the loving memory of 7-year old Jacob Michael Davis, who sadly passed away in 2005 after a hard fought battle with acute lymphoblastic leukemia.

The organization will be hosting its 4th Annual Banquet and Fundraiser on November 14th in Shelby Township, so I want to highlight the great work the foundation has performed over the few short years since its inception.

The foundation has carried forward Jacob's legacy—his giving spirit and his unique ability to comfort other young patients while he himself was seeking medical treatment. The foundation has also picked up his torch of hope as it continues to spread his light of compassion and pass his courage on to other families who unfortunately have had to cope with childhood cancer. Although based in the State of Michigan, the Jacob Michael Davis Foundation has extended its helping hand across this great nation, from coast to coast and places in between.

The effects of any childhood illness can be devastating on a family. The emotional and financial distress can leave a mother and father feeling like they have no options, and sometimes even worse with a negative outlook on the future. With so many variables to deal with, families can easily become overwhelmed and lose focus of the primary objective—the care, treatment and recovery of the child.

But these fears and unknowns are exactly the reason why the Jacob Michael Davis

Foundation was created. The foundation is a source of comfort to assist families with those unexpected financial burdens not necessarily covered by insurance. For example—travel and temporary housing expenses, medical equipment, mental health programs, academic and school tutoring support, post-treatment survivorship programs and bereavement counseling. These are just a few of the economic barriers that the foundation seeks to remove.

The Foundation's goal is to help families keep their energies focused on the recovery and the healing of the child. Amazingly, the staff, volunteers and board members of the Jacob Michael Davis Foundation do not accept any form of monetary compensation, ensuring that every possible cent is spent to assist those families in need. This certainly speaks volumes about the people who believe in the foundation's mission and the remarkable work they have achieved, continue to achieve and hope to achieve in the future. It certainly is my honor to commend all the volunteers for their charitable and dedicated work.

Furthermore, I am pleased to announce that last month I added my name as a cosponsor to H.R. 1230 which was introduced by my colleague, Representative Doris Matsui, from California. This legislation seeks to establish a National Acquired Bone Marrow Failure Disease Registry and authorize research on bone marrow diseases. I encourage other Members to support this bill and join in the fight to defeat this disease.

In conclusion, I offer my support to the Jacob Michael Davis Foundation on this special occasion. I wish everyone in attendance all the best and hope you have a very successful evening. You are helping to sustain a wonderful cause. I know that in memory of Jacob you will never lose faith in your mission and your passion will be forever alive.

THE DEPARTMENT OF JUSTICE INSPECTOR GENERAL AUTHORITY IMPROVEMENT ACT OF 2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. CONYERS. Madam Speaker, I am pleased to introduce today the "Department of Justice Inspector General Authority Improvement Act of 2009." This Act will authorize the Department of Justice Inspector General to investigate attorney misconduct within the Department of Justice.

Whether we have a Democratic or Republican administration, I believe we should have strong and vigorous oversight of the Department of Justice. At present, however, the Department of Justice Inspector General is limited in his ability to investigate allegations of misconduct. Instead, present law, to the surprise of many, requires that all allegations of wrongdoing by the Department of Justice attorneys be investigated not by the Inspector General, but by the department's Office of Professional Responsibility.

In contrast with the statutorily independent Inspector General, the Office of Professional Responsibility is supervised by the Attorney

General. It is absolutely contrary to human experience to believe that the counsel to the Office of Professional Responsibility can aggressively and independently investigate high level officials in the department when the Attorney General himself has authority over such investigation.

This limitation on authority does not exist for any other Inspector General of other agencies. Accordingly, the Department's Inspector General should have the same power Inspector Generals have throughout the government to investigate any and all allegations of wrongdoing that arise in their department.

In the last Congress, I offered this provision as an Amendment to H.R. 924, the Improving Government Accountability Act. It passed the House, however, it was stripped from the final Bill when the measure went to the Senate. I am introducing this legislation again today because I believe that transparency and vigorous oversight are essential to maintain the checks and balances of our constitutional system.

As documented in my recently released report, "Reining in the Imperial Presidency: Lessons and Recommendations Relating to the presidency of George W. Bush," there was serious misconduct on the part of Department of Justice attorneys, including alleged misconduct by high level politically appointed attorneys, in connection with hiring attorneys for the Civil Rights Division or in other components of the Department. However, due to the unique limitations on his power, it was difficult for the Inspector General to fully investigate these allegations. I certainly trust those sorts of abuses are unlikely to recur in this Administration.

This legislation will help prevent future abuses and politicization of the Department of Justice by improving the Inspector General's tools to effectively carry out his mission. Such vigorous oversight is a matter of good government, regardless of the political party in power.

HONORING PETE GEREN, U.S. REPRESENTATIVE AND ARMY SECRETARY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in recognition of an extraordinary public servant, Pete Geren, who recently stepped down as Secretary of the Army. I am incredibly privileged to call Mr. Geren a close friend, and I am so happy to celebrate this man's distinguished career and service.

Mr. Geren hails from Fort Worth, Texas, and after receiving a Bachelor's Degree and a Law Degree from the University of Texas, he worked as an aide to Senator Lloyd Bentsen. In 1989, he was elected to represent the 12th District of Texas in the United States House of Representatives and would serve in that capacity for four terms. In 2001, Mr. Geren took a position with the Department of Defense as Special Assistant to the Defense Secretary, and later served brief periods as acting Air

Force Secretary and Undersecretary of the Army before being appointed to Secretary of the Army in 2007.

Throughout his career, Mr. Geren has worked diligently to represent the best interests of the people he serves, including the citizens of the 12th District of Texas and the soldiers in our armed forces. When he took over the position as Secretary of the Army, he was faced with numerous challenges that had left the reputation of that organization in low esteem. However, through hard work and determination, he has helped to repair the Army's standing and has placed it on a positive track for the future.

Madam Speaker, Pete Geren is a dutiful public servant, and I encourage all of my colleagues to join me in recognizing and honoring his achievements in Congress and at the Department of Defense.

TRIBUTE TO WALID J. BADDOURA, MD

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. PASCRELL. Madam Speaker, I would like to call to your attention the work of an outstanding individual, Dr. Walid J. Baddoura, who was recognized with the 2009 Kendrick P. Lance, MD Distinguished Physician Award, on October 17, 2009 for his distinguished service in the field of medicine.

It is only fitting that he be honored in this, the permanent record of the greatest democracy ever known, for his story truly embodies the American Dream.

Dr. Baddoura serves as the President of the Medical Staff of St. Joseph's Regional Medical Center in Paterson, New Jersey. He is also the Program Director of the Gastroenterology Fellowship Program. His dedication to the medical profession is also evidenced in his leadership at the Seton Hall University School of Health and Medical Services, where he serves as Chief of the Gastroenterology Division, and the Program Director for its Gastroenterology Fellowship as well.

Dr. Baddoura embarked on his journey into the field of medicine at the American University of Beirut in Lebanon. Upon his graduation in 1976, he left Lebanon for New Jersey, and first joined the St. Joseph's family as a resident in Internal Medicine. He later left New Jersey for Connecticut, where he pursued a fellowship at the Yale-affiliated Gastroenterology Program in Waterbury and New Haven. He is board certified in internal medicine and gastroenterology.

He returned to St. Joseph's and since then has taken an active role in the education of students, residents and fellows. In 1986 he was appointed the Chief of the Gastroenterology Division, and since 1992, has held this position along with the aforementioned directorship at Seton Hall University School of Health and Medical Services. He also maintains a private practice in Clifton.

At St. Joseph's, Dr. Baddoura serves on many committees and has been on the Medical Board for several years, as a member and

also as an officer. He has represented St. Joseph's Regional Medical Center on the Board of Trustees of the Passaic County Medical Society. This past June, the Northern New Jersey Council of the Boy Scouts of America honored him with the Distinguished Health Care Service Award. Dr. Baddoura resides in Pompton Plains and is the proud uncle of six nieces and nephews.

The job of a United States Congressman involves much that is rewarding, yet nothing compares to learning about and recognizing the efforts of exceptional individuals like Dr. Baddoura.

Madam Speaker, I ask that you join our colleagues, Dr. Baddoura's family and friends, all those who have been helped by him, and me in recognizing the outstanding contributions of Dr. Walid J. Baddoura to his community.

SUPPORTING THE MISSION AND GOALS OF NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH OCTOBER 2009

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. TOWNS. Madam Speaker, I rise today in support of the observance of National Disability Employment Awareness Month. In observance of National Disability Employment Awareness Month, I express my appreciation to the nearly 55 million Americans with disabilities who have made significant contributions to the American workforce.

As a proud sponsor of the Americans with Disabilities Act, I salute this milestone legislation and other comprehensive efforts to create equal access to employment opportunities.

I am proud of efforts like AbilityOne, a laudable, federally-managed program that is the largest source of employment for the blind and those with severe disabilities. I was also a proud co-sponsor of the American Recovery and Reinvestment Act that is providing vital stimulus dollars to programs under the Individuals with Disabilities Education Act (IDEA) to help educate disabled children and youth.

This October, as we rededicate ourselves to increasing employment opportunities for disabled Americans, let us also honor the value, skills and contributions individuals with disabilities have made to the American workforce.

IN RECOGNITION OF THE 50TH WEDDING ANNIVERSARY OF MR. AND MRS. LAMAR DENKINS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the attention of the House to pay recognition to an important day in the lives of two constituents and dear friends of mine, Mr. and Mrs. Lamar Denkins.

On October 25, 2009, Lamar and Joyce Denkins will celebrate their 50th wedding anni-

versary. Lamar was born on March 12, 1935, and his wife, Joyce, was born on October 4, 1938.

Lamar and Joyce met while working at Anniston National Bank in Anniston, Alabama. They married on October 25, 1959, at Pleasant Valley Baptist Church.

Over the years, Lamar and Joyce have been blessed with two children, Susan and Jeffrey, as well as two grandchildren. Lamar has spent his life as a public servant as a minister and working for two different Members of Congress. He also served proudly in the Armed Forces.

On Sunday, October 25th, the couple along with their family and friends will celebrate their anniversary at West Weaver Baptist Church.

I would like to congratulate my friends, Lamar and Joyce, for reaching this important milestone in their lives. They are shining examples of love and dedication for us all, and I wish them and their family all the best at this important occasion.

HONORING THE LIFE AND WORK OF JUDGE WILLIAM WAYNE JUSTICE

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in remembrance of Judge William Wayne Justice who passed away on October 13, 2009 at the age of 89.

Judge Justice was one of the most remarkable judges in Texas history. Born in Athens, Texas on February 25, 1920, Justice's father actively encouraged him to pursue a career in law from a young age. The younger Justice went on to receive both an undergraduate and a law degree from the University of Texas before spending roughly four years in the army during World War II. Upon his return to the United States, he took up work at his father's law practice in Athens, and in 1961, he was selected by President Kennedy to be U.S. Attorney for the Eastern District of Texas. In 1968, Justice was appointed by President Johnson to be a U.S. District Judge for the Eastern District of Texas.

Judge Justice served in that capacity for more than 40 years and gave countless rulings that dramatically affected the way the State of Texas educated children, treated prisoners, and housed its poorest citizens. With an unwavering regard for the human condition, Justice ordered the integration of public housing, forbade inhumane treatment in prisons and the juvenile justice system, and upheld rulings that caused Texas to desegregate its schools. At a time when many of these decisions were unpopular, Justice made the hard choices and helped carry Texas into the modern era because of them.

Madam Speaker, I am incredibly grateful for the decisions and sacrifices Judge Justice made for the people of Texas and the entire country. I encourage my colleagues to join me in honoring and remembering this courageous sentinel who helped so many of our nation's most distressed citizens.

75TH ANNIVERSARY OF INDIANA FARM BUREAU INSURANCE

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. SOUDER. Madam Speaker, I rise today to recognize Indiana Farm Bureau Insurance who celebrated, their 75th Anniversary on October 17th. Indiana Farm Bureau Insurance was originally founded in 1934 to cater to the unique insurance needs of our agriculture community. It has since expanded to provide life, home, auto, and business services and today is the largest writer of farm insurance and the second largest writer of personal lines of insurance in the state. In Indiana, Farm Bureau Insurance is truly a "part of your life"—with offices in all of our 92 counties, and 1700 employees across the Hoosier state.

While the company has experienced significant growth and development, Indiana Farm Bureau Insurance has remained deeply committed to the community it serves. They have always believed that the strongest investment you can make for the future is to invest in young people, and their actions bear this out.

For 20 years, Indiana Farm Bureau Insurance organized the eXcel Awards, a prestigious high school art competition that granted over \$700,000 in scholarships and encouraged the talent and creativity of high school artists and performers. They sponsor the Indiana High School Athletic Association's Mental Attitude Awards, honoring students who excel in athletic ability, leadership, mental attitude, and scholarship in all 39 IHSAA tournament sports. They have also made academics and safety a priority amongst our youth through initiatives like Top Scholar and the Teenage Driver Safety and Education Program. These programs reward young drivers with a \$1000 savings bond for completing safety training and provide insurance discounts for students for maintaining a B average respectively. In my district, Indiana Farm Bureau Insurance helps supply healthy activities for our children by sponsoring little league and 4-H, and they are active participants in Holiday initiatives, adopting needy families and donating clothes, toys and foods.

Indiana Farm Bureau Insurance has assisted numerous families and individuals plan for the unexpected and has been a steadfast partner in our community. Madam Speaker, I ask my colleagues to join me in honoring Indiana Farm Bureau Insurance on their 75th Anniversary.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. SMITH of Washington. Madam Speaker, on the afternoon of Thursday, October 15, 2009, I was unfortunately unable to be present for the last two series of recorded votes while I was attending to a matter related to my personal health.

I request that the RECORD show that had I been present, I would have voted "yes" on rollcall vote No. 786 (on ordering the previous question on the rule for H.R. 2442, H. Res. 830), "yes" on rollcall vote No. 787 (on agreeing to the resolution H. Res. 830, the rule providing for consideration of H.R. 2442), "yes" on rollcall vote No. 788 (the motion to table the appeal of the ruling of the chair), and "yes" on rollcall vote No. 789 (on passage of the bill H.R. 2442, the Bay Area Regional Water Recycling Program Expansion Act of 2009).

HONORING THE SURVIVING WORLD
WAR II VETERANS OF
OCCOQUAN, VA

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to honor to the World War II veterans who currently reside in Occoquan, Virginia. Their service and sacrifice represent the height of American character; something to be honored and never forgotten.

In December of 1941, the United States entered a war that had already engulfed much of the rest of the world. Throughout the course of World War II, 16,000,000 Americans answered the call of duty and served in the armed forces. The support of the nation's war effort ended in the ultimate sacrifice for more than 300,000 of these brave Americans. They were sons, daughters, fathers and mothers putting the defense of their nation above all else.

The town of Occoquan is recognizing their service by honoring the surviving World War II veterans currently residing in Occoquan. So often our veterans return home and take up leadership roles in their communities. This group, which includes former Occoquan mayors, town council members and planning commissioners, is no exception. These individuals are a living testament to the strength and enduring nature of America's citizenry. Occoquan's surviving World War II veterans:

Mr. Richard H. Bell, United States Army
Mr. Edwin S. Clarke, United States Navy
Mr. Robert Lehto, United States Navy
Mr. Frank McKenzie, United States Navy
Mr. James F. Phelps, United States Marine Corps

Ms. June Randolph, United States Navy
Madam Speaker, I ask my colleagues to join me in paying tribute to the World War II veterans of Occoquan, Virginia. We recognize their contribution to honor the importance of their experience to the American story. To forget their sacrifice and the immeasurable cost of war is to do peace a disservice and bind ourselves to indefinite conflict.

COMMEMORATING THE NATIONAL
DAY ON WRITING

HON. DINA TITUS

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Ms. TITUS. Madam Speaker, writing is a daily practice for millions of Americans, but

few people notice how integral writing has become to life in the 21st century. People now write more than ever before for personal, professional, and civic purposes; and writing is increasingly essential for all types of occupations. Newly developing digital technologies expand the possibilities for composing in multiple media and young people are now leading the way in new forms of composition.

Writing has enormous power. It allows people in every walk of life, in every kind of work, and at every age to generate and share ideas with others. Effective communication contributes to building a global economy and a global community. We must find ways to help our students tell their stories—to communicate with their neighbors around the globe, in a world that is getting smaller and smaller. We must help our students put their thoughts into words, and hopefully, into action.

As an educator for more than 30 years, I know the value of a quality education and its importance to our children's future. In order for our Nation's children to get the education they deserve and require to become the leaders of tomorrow, they need the very best teachers and educators. Not only as leaders in education, but also as leaders in the community, English teachers are preparing our next generation.

To draw attention to the remarkable variety of writing we engage in and to help connect writers from all walks of life, the National Council of Teachers of English, NCTE, in conjunction with its many national and local partners, honors the importance of writing by celebrating a National Day on Writing on October 20, 2009. NCTE has developed the National Gallery of Writing, a digital archive of samples, that exhibits how and why Americans are writing every day. The gallery is accessible to all through a free, searchable website that will be launched on the National Day on Writing.

I introduced a resolution to recognize the National Day on Writing to acknowledge the enormous power of writing—how it allows people in every walk of life, in every kind of work, and at every age to generate and share ideas with others. The resolution calls on the House of Representatives to recognize the National Day on Writing and encourages submissions to the National Gallery of Writing. Today my thanks go out to the NCTE and their many national and local partners for facilitating the National Day on Writing. As we celebrate the National Day on Writing, I hope my colleagues will participate and submit entries to the gallery.

HONORING JASMINE LYNN OF
SPELMAN COLLEGE, CLASS OF 2012

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. LEWIS of Georgia. Madam Speaker, I rise today to pay tribute to Jasmine Lynn, a rising star, a wonderful daughter, and a successful student who was the victim of a senseless tragedy.

A native of Kansas City, Missouri, Jasmine attended the Lincoln College Preparatory

Academy, where she was an active student, athlete, musician, and leader. Even though she was a member of the ROTC, the varsity basketball team, and the high school marching band, Jasmine found time to shine as a student. Her intelligence and academic success won her an opportunity to attend Spelman College in Atlanta, making her the first in her family to receive a college education. At Spelman, Jasmine continued to excel with a 3.8 GPA and intended to focus her academic program around psychology and pre-law studies. Jasmine had just completed a summer internship at Cerner Corp over the summer and had bought her first car. This accomplished young lady had a bright and promising future.

On September 3, the life of Jasmine Lynn was cut down by a stray bullet as she was walking down an Atlanta street with some of her friends. Violence cuts through the heart of too many communities across America, but when a gifted young woman—simply an innocent bystander—is the victim of a senseless murder, the toll hostility and aggression take on our society becomes painfully clear.

Today, I would like to offer my deepest condolences to the Lynn family for their heart-breaking loss. The thoughts and prayers of the people of the Fifth Congressional District of Georgia are with them during this difficult and trying time. My heart goes out to Jasmine Lynn's parents, brother, family, friends, and the Spelman and Clark/Atlanta University community who also mourn her passing.

THOMAS SLEMMER

HON. MARY JO KILROY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Ms. KILROY. Madam Speaker, I rise today to recognize an outstanding leader in the field of affordable housing and long-term services and supports for people as they age. Thomas Slemmer is the outgoing chair of the American Association of Homes and Services for the Aging (AAHSA), and I congratulate him on what he has accomplished for his field during his two-year term.

AAHSA members (www.aahsa.org) help millions of individuals and their families every day through mission-driven, not-for-profit organizations dedicated to providing the services people need, when they need them, in the place they call home. The 5,700 member organizations, many of which have served their communities for generations, offer the continuum of aging services: adult day services, home health, community services, senior housing, assisted living residences, continuing care retirement communities, and nursing homes.

With Tom Slemmer at its head, AAHSA championed the combination of supportive services with affordable housing to enable seniors to remain in their communities and has taken a leadership role in developing realistic, workable solutions for Congress and states facing the impending long-term service and support needs of the aging baby boom generation.

Mr. Slemmer co-chaired AAHSA's Affordable Housing Finance Cabinet, which is developing recommendations for building and preserving housing to meet the physical and financial needs of a growing elder population. He also saw the introduction of the landmark Section 202 Supportive Housing for the Elderly Act, which would promote the construction of new senior housing facilities, streamline the preservation of existing housing, and support the conversion of existing housing into assisted-living facilities with supportive health and social services.

Prior to becoming AAHSA's chair, Mr. Slemmer participated in the organization's Long-Term Services and Supports Financing Cabinet to find a more rational, sustainable and responsible system for funding aging services where he helped shape recommendations for a national insurance plan founded on three core principles: consumer choice, fiscal responsibility, and good stewardship of provider and public resources, and equity of benefits.

These recommendations closely aligned with the Community Living Assistance Services and Supports (CLASS) Act introduced and championed by the late Senator Edward Kennedy. AAHSA has united a wide range of stakeholders to work for the inclusion of CLASS provisions in health care reform, and these provisions are reflected in two of the health care reform measures drafted by congressional committees. AAHSA members from all over the country have advocated tirelessly for a mechanism to enable Americans to plan responsibly for their own long-term services and supports needs while also addressing the issues of access and cost.

To address other issues facing the nation's aging population, families, service providers and policymakers, Slemmer has overseen AAHSA member task forces on workforce, nursing home quality, home- and community-based services, and issues specific to rural and inner-city areas. Under his leadership, AAHSA has undertaken pilot technology projects, "living laboratories" linking member operations with research to demonstrate the effectiveness of applied technology to improve quality, make operations more efficient, and enable people to live independently wherever they call home.

In addition to his service as AAHSA's chair, Tom Slemmer is the president and chief executive officer of Columbus, Ohio's National Church Residences, where he has had a thirty year career. From a single affordable housing facility established in 1961, National Church Residences has grown to provide affordable housing, supportive services, assisted living, and skilled nursing care to low and moderate-income elders, families, persons with disabilities, and homeless families and individuals in facilities throughout the United States. In Central and Southern Ohio, NCR provides home and community based supportive services to allow elders to age in place in dignity in the comfort of their own homes. Its ministry serves over 22,000 individuals in 300 properties nationwide.

In the aftermath of Hurricane Katrina, National Church Residences and AAHSA launched a hotline to help displaced seniors find affordable housing. Low-income seniors

and family members were able to call around the clock to be connected to housing resource professionals trained to evaluate and locate available affordable senior housing communities nationwide. Hundreds of evacuated elders were able to find temporary or permanent housing through National Church Residences and other AAHSA members. Based on this experience, AAHSA and National Church Residences submitted recommendations to Congress on improving coordination among aging services providers and federal, state, and local agencies in the event of natural disasters.

Because of the importance of supportive services to seniors' ability to remain longer in their communities, Mr. Slemmer was instrumental in establishing the American Association of Service Coordinators (AASC). AASC's over 2,000 members serve seniors, people with disabilities, and low income families living in affordable rental housing and the surrounding community. Service coordinators assist senior and disabled residents in identifying, locating, and acquiring the services necessary for them to remain independent and help families achieve self sufficiency and economic independence.

Mr. Slemmer also has served on the boards of the Association of Ohio Philanthropic Homes, Housing and Services for the Aging; the National Affordable Housing Trust, the Stewards of Affordable Housing for the Future, and the Ohio Capital Corporation for Housing.

I hope my colleagues will join me in commending Tom Slemmer for his longstanding service to our nation's elders and his work to develop realistic solutions to the challenges a growing elder population will pose in the years to come.

EARMARK DECLARATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. BOOZMAN. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as a part of H.R. 3183—Energy and Water Appropriations Act of 2010.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3183

Account: Construction

Legal Name of Requesting Entity: Corps of Engineers

Address of Requesting Entity: P.O. Box 867, Little Rock, Arkansas 72203

Description of Request: The May Branch flood control project will reduce the occurrence of flood damage for hundreds of property owners in the vicinity of the May Branch drainage way in portions of Fort Smith. During the periods of heavier rainfall, stormwater flows exceed the capacity of the May Branch channel, causing surface and structure flooding. The project meets the Corps of Engineers' cost/benefit ration requirements. The Federal funds of \$179,000 will be used for design engineering, right-of way acquisition, and construction. The City of Fort Smith will be matching the

\$15 million federal share with \$16 million in local funds from a 1-cent sales tax dedicated to street and drainage repairs.

Requesting Member: Congressman JOHN BOOZMAN

Bill Number: H.R. 3183

Account: Department of Energy—EERE

Legal Name of Requesting Entity: University of Arkansas—Division of Agriculture

Address of Requesting Entity: 2404 N. University Avenue, Little Rock, Arkansas 72207

Description of Request: The national goal of the US is to replace more than 75% of our oil imports from the Middle East by 2025. With America on the verge of breakthroughs in advanced energy technologies, the best way to break the addiction to foreign oil is through new technology. Of course, new conversion technology requires the availability of adequate amounts of quality feedstocks. To help meet this critical national goal, the Mid South/Southeast BioEnergy Consortium \$1,000,000 project is focused: to (1) position the MidSouth and Southeast bioenergy industry to expand from biodiesel and grain to ethanol to commercial production of cellulosic ethanol; (2) develop economic and environmental viable systems to produce, harvest and process relevant feedstocks for biodiesel and ethanol operations, matching feedstock availability to specific conversion technologies; (3) conduct educational programs to deliver information on feedstock production, harvesting and processing with farm and industry audiences; (4) develop alternative uses for by-products and create new lines of co-products that generate revenue streams to complement biofuel production; and (5) develop and evaluate conversion technologies necessary for commercial cellulosic ethanol production.

EARMARK DECLARATION

HON. BOB INGLIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. INGLIS. Madam Speaker, pursuant to the Republican leadership standards on earmarks, I am submitting the following information regarding an earmark I received as part of the Conference Report to accompany H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman BOB INGLIS

Bill Number: Conference Report to accompany H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010

Account: Corps of Engineers—Investigations
Legal Name of Requesting Entity: City of Greenville

Address of Requesting Entity: 206 South Main Street Greenville, South Carolina 29602

Description of Request: The purpose of the request is to conduct a feasibility study examining potential environmental restoration and flood control projects for the Reedy River in the vicinity of Greenville, SC. This study will be conducted by the Army Corps of Engineers, as the next phase in the Corps' ongoing work to restore and stabilize the Reedy.

The amount is \$90,000 and it would go to the City of Greenville.

RECOGNIZING SUDHAKAR V. SHENOY AND SURESH V. SHENOY FOR RECEIVING THE 2009 COMMUNITY LEADER AWARD FROM THE NORTHERN VIRGINIA COMMUNITY FOUNDATION

HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 20, 2009

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to recognize Sudhakar V. Shenoy and Suresh V. Shenoy and their company, IMC, Inc. as the recipients of the Northern Virginia Community Foundation 2009 Community Leader Award.

The Northern Virginia Community Foundation (NVCF) was established in 1978 as a public charity to meet a wide variety of social, educational, cultural and other charitable needs throughout Northern Virginia. The mission of NVCF is to grow philanthropy and strengthen the community. This past year, more than \$3,000,000.00 in grants and scholarships supporting child and youth development, education, health, arts, homelessness, community improvement, and other causes were made from NVCF funds. Hundreds of nonprofit organizations benefited from these

grants and put those resources to work to strengthen the community.

Each year, NVCF recognizes individuals or organizations for their extraordinary philanthropic efforts and successes. This year, the NVCF has chosen to honor Mr. Sudhakar V. Shenoy and Mr. Suresh V. Shenoy by presenting them with the 2009 Community Leader Award.

The accomplishments of these two individuals are truly impressive. They are successful businessmen, under their leadership, their company, IMC, Inc. has become a highly respected and award winning technology solutions innovator that provides expert government, commercial and scientific solutions.

The business successes of Sudhakar and Suresh Shenoy are matched by their philanthropic endeavors and commitment to the improvement of our community.

Sudhakar Shenoy has a long history of civic and community involvement. In 1999, he was named Citizen of the Year and in 2003, he was named Lord Fairfax in recognition of his contributions to the community and his volunteerism. He has been a strong leader and supporter in many organizations including the American Heart Association, YouthAids, the American Cancer Society, Leukemia Society, Youth Life, INOVA, the United Way, the American-India Foundation and many others. Sudhakar was also named the Greater Washington High Technology Entrepreneur of the Year for 1998. In 1996, Sudhakar was honored by the University of Connecticut when he

was inducted into the University of Connecticut School of Business Alumni Hall of Fame.

Suresh Shenoy currently serves as the Chairman of the National Capital Region American Red Cross. In addition, he serves on the boards of The Kevric Company, The Fairfax County Information Technology Advisory Committee, IIT Heritage Foundation, the Fairfax County Chamber of Commerce and was a founding member of the Thomas Jefferson Partnership Fund. Suresh was an adjunct professor of Entrepreneurship, International Marketing and Business Administration at the Graduate School of Management, Clark University and currently serves on the adjunct faculty of the School of Information and Technology & Engineering at George Mason University. Suresh has spoken at numerous industry events in Europe, the United States and Brazil; his articles have also been widely published in various industry publications. In 2000, Suresh was recognized for his many contributions in his field when in 2000, he was inducted as a Fellow of the Information Management Congress (Europe) and AIIM International (USA).

Madam Speaker, I ask my colleagues to join me in congratulating Sudhakar Shenoy and Suresh Shenoy for being named the recipients of the Northern Virginia Community Foundation 2009 Community Leader Award and to thank them for their years of philanthropic, educational and civic service.

HOUSE OF REPRESENTATIVES—Wednesday, October 21, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC
October 21, 2009.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rev. Darrell Armstrong, Shiloh Baptist Church, Trenton, New Jersey, offered the following prayer:

God of Abraham, Isaac, and Jacob, God of Miriam, Deborah, and Esther; Thou who art my creator, redeemer, and sustainer; Thou art from everlasting to everlasting; anoint, O God, bless and guide today's session of the United States House of Representatives.

Grant Thy special grace upon these ordinary women and men who gather in these hallowed walls with extraordinary positions of influence and power.

Give them wisdom, knowledge, discernment, and understanding to make decisions which positively impact the lives of American and world citizens alike. And as Micah charged us in the prophetic scriptures, help us to do justice, to love kindness, and to walk humbly with You, O God.

Bless our international community of nation states, bless our beloved United States of America, and do, God, bless our President.

Out of loving respect to my brothers and sisters of the other faiths—Jewish, Islamic, Buddhist, Hindu and others—I offer this prayer in the name of the One I call Jesus the Christ. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come

forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1818. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

The message also announced that pursuant to Public Law 110-315, the Chair announces, on behalf of the President pro tempore, the appointment of the following individuals to be members of the National Advisory Committee on Institutional Quality and Integrity:

Daniel Klaich of Nevada,
Cameron Staples of Connecticut, and
Larry Vanderhoef of California.

WELCOMING THE REVEREND DARRELL ARMSTRONG

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey (Mr. HOLT) is recognized for 1 minute.

There was no objection.

Mr. HOLT. Mr. Speaker, I rise today to welcome and introduce to my colleagues the Reverend Darrell L. Armstrong, pastor of Shiloh Baptist Church, in Trenton, New Jersey.

Rev. Armstrong, a native of Los Angeles, California, moved to New Jersey in 1995 to pursue ministerial training at the Princeton Theological Seminary. In 2000, he was elected by near unanimous vote to serve as pastor of the acclaimed Shiloh Baptist Church, which was founded in 1893. As only the third pastor to lead this church over the past 100 years, Rev. Armstrong has helped to double its membership to over 1,800 congregants, and he has solidified Shiloh Baptist's reputation as a thriving and respected church in central New Jersey.

He is the proud husband of Melanie Pinkey and the father of two children, Amaris Kayla and Daniel LaRue.

Rev. Armstrong is one of more than 70 central New Jersey religious leaders

here today for meetings with Members of Congress, administration officials, and outside groups. I know that his inspiring prayer this morning will help to guide not only today's session of the House, but also our meetings throughout the day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

TIME FOR COMPREHENSIVE HEALTH CARE REFORM

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, the time for comprehensive health care reform is now. Yesterday, in the House Oversight and Investigations Subcommittee, we had a hearing on the impact on small businesses of our current health care delivery system.

A constituent of mine from Davenport, Iowa, Mick Landauer, came and testified about the challenges his small business faces providing health care to its employees. The challenge is greater when you have an employee like Mick, who suffers from a critical chronic disease like congestive heart failure.

In the last 2 years, he has seen the deductibles for employees go from \$2,000 to \$4,000 to \$8,000 for single individual coverage. That is unacceptable, and that is why Democrats in the House have put forward a comprehensive health care reform bill that is going to provide small businesses with much greater opportunities to find competitively priced products for their employees.

One of the things we have to do is make sure the emphasis on coverage applies to people, no matter where they live, the number of employees they are trying to insure, and to give them more flexibility in a more competitive marketplace. That is why we need to pass this bill and pass it soon.

STIMULUS BILL FUNDS EXPENSIVE PR SIGNS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, if there is one thing the Federal Government is really good at, it is wasting

money, and thanks to the so-called stimulus bill, there are millions of citizen dollars floating around loose being blown by the wind of the waste-acrats.

The money is not being used to create permanent jobs in the private sector. State governments are using stimulus money for their own pet programs. But States are also required to put up stimulus signs where no projects have even started.

One New Hampshire community was told if they didn't put up a government sign, they wouldn't get any money. Pay for the stimulus boondoggle PR blitz, or no funds. And these signs cost taxpayers up to \$2,000 a piece. Now, here is one of those signs. The Feds are trying to convince people that the stimulus is a success. Of course, there is no work taking place below this sign.

It is easier to create million dollar public relations signs than it is to create real jobs. The PR propaganda campaign by the Federal Government claiming the stimulus plan is working is an expensive myth.

And that's just the way it is.

HEALTH CARE REFORM

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. As we move closer to health care reform, let us not lose focus on who exactly we are trying to help.

Our seniors need help as they try to make ends meet between fixed income and increased health care costs. Our families need help as they are living paycheck by paycheck, often postponing doctor's visits. In my district in the Inland Empire, we have at least 217,000 who are uninsured, and this number keeps rising every day.

All of these individuals have nowhere else to turn to. We must not turn our backs on them. I state, we must not turn our backs on them. We have seen what a quick fix can do to health care reform. This only leads to more problems with expensive consequences.

Health care reform must include a public option, where everyone can participate and not be left out in the cold. A public option will bring down health care costs and give individuals and families a choice, instead of leaving them stranded without coverage.

I urge my colleagues to remember who this health care reform is for and not let special interests cloud the picture of real reform. Let's support health care reform.

HEALTH CARE REFORM SHOULD NOT COST PATIENTS THEIR HEALTH CARE

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, health care reform should not cost my patients their health care. In every plan, the Democrats pay for health care reform on the backs of my patients, particularly seniors and those who get health care from their employer.

Our seniors have suffered tremendously since the recession began. However, my Democratic colleagues don't think seniors have paid enough this year, so now they are asking our seniors to foot the bill for health insurance reform by cutting Medicare by \$50 billion. And despite our tough economic times, the Democrat plans would fund the health reform plan by creating massive new taxes on employers that will result in as many as 5.5 million jobs lost.

Don't believe me? Ask the 22 Democrats who signed a letter to Speaker PELOSI on July the 16th telling her that the Obama plan could increase small business taxes to 50 percent. Fifty percent, my colleagues.

Mr. Speaker, health care reform should not cost my patients their health care.

MARKING NATIONAL SAVE FOR RETIREMENT WEEK

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. I rise today to recognize National Save for Retirement Week, which started on Sunday and will last until Sunday, October 25th. This week encourages Americans to prioritize the important responsibility of saving for their retirement. I am proud that earlier this year the House of Representatives passed my resolution marking the importance of this week.

Not enough Americans are putting money away for retirement. While more Americans started to save recently, we do not know yet whether this will be sustained.

According to the Employee Benefit Research Institute, less than two-thirds of workers or their spouses are currently saving for retirement, and the actual amount of retirement savings lags behind the amounts families will need to fund their retirement years. The average 401(k) account has just over \$45,000, far below the amount needed to finance retirement for most Americans.

So even in these challenging financial times, this week serves as an important reminder that for all of us it is never too early or too late to begin to save for retirement.

SMALL BUSINESS SHOULDN'T BE PUNISHED FOR HEALTH CARE REFORM

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, I have been a family physician for over 30 years, and that is why I believe the Democrat health care reform proposals being circulated in Congress right now are bad for American families, bad for American seniors, and bad for American small businesses.

If we allow a government takeover of health care, a \$544 billion surtax is going to be imposed on the so-called rich to pay for this awful plan. Who are these "rich" people, Mr. Speaker? They are small business owners. Small businesses create 7 out of 10 jobs, yet we are about to cripple employers and guarantee that the 10 percent unemployment rate that we currently face will only continue to rise. The result of these new taxes on jobs will be the loss of an estimated 5.5 million jobs.

Overall, Americans will suffer \$820 billion in new taxes; another broken promise by the President. Democrats also want to impose another \$208 billion in new taxes on businesses that can't afford to pay for their employees' health care.

Why are Democrats pushing a government takeover of health care?

FINDING DIFFERENT WAYS TO SAY NO TO HEALTH CARE REFORM

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, our Republican colleagues continue to find different ways of saying no to the health care reform that the American people so desperately need and want. One of those outrageous ways of saying no is to claim that the government is somehow going to get between doctors and their patients.

Well, America's seniors know that is not the case, because under Medicare, doctor-patient relationships are sacred. Veterans know that is not the case, because the VA knows that doctor-patient relationships are sacred.

But the people of California don't know that. A recent study revealed that 22 percent of the claims made to insurance companies are denied. Now who is getting between the doctor and patient relationship? It is the insurance companies, not the government.

Republicans ought to figure out a way to say yes instead of no. It has been 126 days and counting since the Republican leadership said they were going to advance a plan to reform America's health care. Instead, they still find crazy ways to say no. It is time for them to join us in saying yes.

HEALTH CARE REFORM

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, health care reform should not cost patients their health care. Unfortunately, several of the plans that have been passed by this House and are now being written in secret in the Speaker's Office with the White House will do just that.

If it is cheaper for employers to drop employees from employer-sponsored insurance and move them into a public option, employers will do just that.

One-quarter of America's seniors who enjoy the added benefits of Medicare Advantage will lose their coverage. They get the things we want them to get: care coordination, disease management, medical homes, the things that we have told our seniors we will provide for them. And yet they will lose it under the health care reform. Millions more Americans will be moved into Medicaid.

Patients whose doctors can no longer afford their liability insurance will lose their doctor if we don't pass some sort of meaningful liability reform. Not just another study, but meaningful liability reform like we passed in Texas in 2003, and the point has been proven over the years since that has happened.

Portability should bring hundreds of more choices. We don't need a public option that will simply deliver a single additional choice.

No cuts to Medicare. America's seniors have paid, and they deserve better.

□ 1015

SAYING NO TO HEALTH CARE REFORM

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it's been 125 days, 126 days since Representative ROY BLUNT, the point man for the rumored Republican alternative health reform plan, said: I guarantee you we will provide you with a bill. Republican leaders from Governor Bobby Jindal to former Senate majority leaders Bill Frist and Bob Dole have indicated that Republicans need to work with Democrats to offer health care solutions.

But rather than coming up with a plan to lower health care costs and stop insurance companies from discriminating against you if you get sick, Republicans are choosing to be the party of "no" and the status quo.

No is not a solution. Saying no costs the average family \$1,800 in increased health costs each year. Health insurance reform is about putting the American people and doctors back in charge, not the insurance companies, to guar-

antee stability, lower costs, higher equality and more choices of plans. Our friends on the other side of the aisle can't run away from the fact that they have no plan, as much as they might like to. The time to act on health insurance reform is now.

UNCERTAINTY HURTS JOB CREATION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Democrat policies in Washington are creating uncertainty across America. This uncertainty is chilling job creation, and small businesses have to wait and see when the next tax increase or government mandate is going to arrive. Whether it is more government intrusion into the financial sector, a national energy tax, devaluation of their dollar, a Big Government health care takeover, small businesses see a Democrat agenda that is out of touch with their needs.

Further promoting this uncertainty is the Democrats' refusal to provide the transparency they promised. Long gone are the plans to draft a health care bill in public. Now those decisions are made behind closed doors. The Democrat leadership is even refusing to hold a vote on a proposal to have all legislation available online for 72 hours.

We need to say "yes" on H.R. 3400, health insurance reform. Republicans have a bill for access and affordability, and I urge my Democrat colleagues to consider H.R. 3400.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

PUBLIC OPTION MYTH BUSTER

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, it's been 126 days since the Republican leadership promised a health care bill and today, 126, still no bill. Mr. Speaker, I rise today to set the record straight. The American people overwhelmingly support a robust public health option. And despite months and months of insurance companies, lobbyists and even political leaders spreading the myth that the American people don't support a public health insurance option, we have clear evidence to the contrary. A poll released by The Washington Post and ABC News earlier this week confirmed that 57 percent of Americans support a public health insurance option.

The American people realize that the current system is broken, the status quo is unacceptable and the time for

real health care reform is now. But instead of supporting reform, the party of "no" 126 days later, and insurance profit-mongers continue to work to kill reform and defend a system that discriminates against people with chronic illnesses, a history of domestic violence and continues to see premiums and deductibles skyrocket, forcing 14,000 Americans each day to lose their health care coverage.

Mr. Speaker, the American people have spoken and it's time for all Members of Congress, Republicans and Democrats, to listen. They want real health care reform, a robust public option to expend coverage, create real competition and bring down costs.

AMERICA'S RIGHT TO KNOW

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, the State of Florida leads the Nation with one of the toughest right-to-know laws in the country. Florida's strong Sunshine Law guards against back-room deals and secret negotiation by government officials. Democracy thrives best when the people are fully involved and engaged.

Along these lines, I've introduced a resolution demanding that the critical decisions made on the sweeping health care reform bill now before Congress be conducted under the watchful eye of the American people. My resolution puts the House on record against secret, closed-door deals on a health care bill that seeks to overhaul one-sixth of our country's entire economy. In the past, massive legislative measures have been written in the middle of the night by a handful of Members and staff and then quickly passed into law before the American people have had a chance to even see what the final version looks like, let alone determine how they feel about it.

It's time for Congress to follow Florida's lead and ensure that any conference committee meeting on health care reform be conducted in the light of day and under full public view. I hope Members on both sides of the aisle will cosponsor this important right-to-know measure and join me in this effort.

MISREPRESENTATIONS ON MEDICARE

(Mr. ANDREWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS. Well, it's been 126 days and the minority party's not given us their plan for health care. What they have given America's seniors is a lot of misrepresentations on

Medicare. This bill does not cut Medicare benefits for seniors. It cuts corporate welfare for insurance companies. There is a program called Medicare Advantage, and it's an advantage for the insurance industry because it works like this: for every \$100 that we spend on regular Medicare to take care of seniors, insurance companies get \$114. They keep most of that \$14, if not all of it, and do not use it to help seniors. We're getting rid of that and I think that makes sense.

This bill will work in favor of seniors on Medicare because when you go to the doctor for preventive care if you're a senior on Medicare, no more copay, no more out of your pocket. Medicare pays it all. The cost of your prescription drugs will drop, and Medicare benefits will be strengthened. The life of the Medicare trust fund will be extended by 5 years.

So after 126 days, you'd think they'd come up with something, but what they've come up with is more misrepresentation.

PUBLIC OPTION DISASTER

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Mr. Speaker, this week The Washington Post published a poll supposedly showing that 57 percent of the American people support, and I quote, "having the government create a new health insurance plan to compete with the private health insurance plans." Unfortunately, what The Post failed to ask and what poll after poll has consistently shown is that Americans who claim to support a government-run option switch their opinion when they find out that creating such a plan will decrease quality and access and increase costs.

How do I know this will happen? I practiced medicine in Tennessee under a plan very similar to what the Democrats are proposing here. We sought to increase access to health insurance by lowering provider payments and promising free medical care to our State's government-run Medicaid plan. Our plan was called TennCare, but it might as well have been called H.R. 3200. It resulted in costs tripling in 10 years and rationing of care when our State couldn't pay for the care that was promised.

Our businesses realized they could shift the cost to the public sector, and our State saw 45 percent of individuals on TennCare who had previously been on private health insurance. It was a disaster. And I'm trying to prevent that disaster from playing out on a national level.

INSURANCE COMPANY CATCH-22

(Ms. DeLAURO asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. DeLAURO. This month a health insurance company tried to deny health coverage to a 4-month-old baby in Colorado. Why? Because they said he was too fat. An insurance company also, just this week, denied coverage to a 2-year-old girl. Why? Because they said she was too thin. Too fat, too thin, sounds like a no-win situation, a catch-22.

And, in fact, it was designed that way. An industry spokesman said they might reconsider covering those children if they got medical treatment and seemed healthy over a period of time. So in order to get health insurance, these children need to get treated without health insurance until they prove they're healthy enough to satisfy the insurance company. A cruel trick. And these companies pull it every day just to preserve their profit margins.

The apple doesn't fall far from the tree. Our friends across the aisle have been using similar logic to defend these companies and to defeat health insurance reform. They tell us that a public option will mean government-run health insurance, and that must be stopped. They tell us our health reform plan will endanger Medicare which is, of course, a public option. Which is it: too fat, too thin, too much government or not enough?

HEALTH INSURANCE EXPANSION SHOULD NOT COST PATIENTS COVERAGE OR BENEFITS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to say that health insurance expansion should not end up costing patients their quality of care or their benefits. In January 2008 the Arkansas Department of Health reported that 51,707 Arkansans were currently enrolled in Medicare Advantage. The Department also noted that the number of enrollees was increasing every day.

Most of these men and women are located in rural areas of the State, places where access to health care is already strained and doctors are no longer seeing new Medicare patients. With the massive proposed cuts to Medicare Advantage, how am I to explain to these patients that the reform that they've been waiting for, the reform that many claim will broaden access and help them get the services they need will actually cost them the quality of care and coverage that they depend on?

I cannot find a good explanation, and I will not support legislation that sacrifices the health of seniors in Arkansas by cutting Medicare Advantage.

AMERICANS ARE TIRED OF WAITING

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, I'm a patient man, so I've been willing to take my Republican colleagues at their word that they're not really trying to obstruct health care reform, that they want to fix the system as well. So I've been willing to wait for a plan. And many people out there in the public have been willing to wait as well for the Republicans to produce a health care reform before they pass judgment on what the best course is to fix our broken health care system.

Well, 126 days later, we're tired of waiting. Americans are ready for health care reform now because they want affordable choice that competes with private plans. They know that they are one bad checkup or one pink slip away from being kicked off their coverage. And they can't wait any longer for Republicans to share their solution.

Mr. Speaker, the status quo is unacceptable to the vast majority of Americans, except to those who have left us waiting.

FIND WAYS TO HELP SMALL BUSINESSES

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Alabama. Mr. Speaker, the folks in east Alabama, as across most of America, are hurting right now. In my home county, we have 11 percent unemployment, and that's the lowest unemployment in that region of the State. I have several counties in my district with 15 percent unemployment, and I have one county with 17 percent. That's real pain. And instead of this Congress and this administration finding ways to help small businesses create jobs and get these people back to work, they're talking about raising taxes on small businesses and creating government-run health insurance and mandating it on small businesses.

We need to find ways to help small businesses create jobs. We need to offer tax credits if you'll hire new employees. We need to offer tax credits if you'll buy new equipment, expand your plants and create jobs. We need to find ways to help these small businesses provide health insurance by allowing association health plans, simplified billing, allow us to purchase health insurance across State lines and passing tort reform.

It's time for us to come up with the ways to help small business create jobs instead of finding ways to hinder them.

287(g) PROGRAM

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, I rise today in strong opposition to the Federal 287(g) program. This unconscionable program authorizes local governments to carry out immigration law compliance, threatening law enforcement and our constitutional protections. We've seen Sheriff Arpaio of Maricopa County, Arizona, despicably racially profile and round up Latinos in front of TV cameras as he enforced his 287(g) powers. We've watched in horror as he and others who are a disgrace to the uniforms they wear detain people based solely upon the color of their skin.

Arpaio is now, thankfully, under investigation for civil rights violations for his discriminatory, unconstitutional searches and seizures. Nevertheless, I'm sad to announce that last Friday afternoon, ICE announced 287(g) agreements with 67 State and local law enforcement agencies across the country. 287(g) scares victims and witnesses of crimes to avoid contacting police for fear of being mistreated. 287 invites exploitation by those who know that they won't be reported to police because it combines the contradictory duties into the same police force.

What's the result? A sweep of terror that's frightened legal and undocumented immigrants into hiding, undermining law enforcement efforts across our country. 287(g) programs undermine the spirit and the text of the Constitution, and I encourage Congress to repeal 287(g).

□ 1030

HEALTH CARE AND SMALL BUSINESS

(Mr. GUTHRIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTHRIE. Mr. Speaker, we can all agree that health care needs to be made more affordable and accessible. However, under the proposed House bill, those who are working to get our economy back on track will be burdened with financing the government takeover of health care.

Some in Congress want to enact a \$544 billion surtax to help pay for the legislation. However, according to the data from the IRS, more than half of those targeted under the surtax are small business owners.

Small businesses have historically employed more than half of the U.S. workforce and have created more than 72 percent of the new jobs across the country. With unemployment climbing to record numbers and the Federal deficit reaching \$1.4 trillion, Congress simply can't keep ignoring these issues.

Prior to being elected to Congress this year, I was working for my family's small business and know how important small businesses are not only to local communities but to our national economy as well.

Imposing taxes on small businesses that are doing all they can to stay afloat is not a viable answer and could make job losses even worse.

HEALTH CARE BILL IS MOVING FORWARD

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I just want to say how proud I am of the fact that both in the House and the Senate we are now moving towards health care reform. The committees of jurisdiction have moved bills. The bills are now being prepared for a floor vote in both the House and the Senate.

It is so important to my constituents and to every American that we have affordable health insurance. The number of people without insurance continues to grow. The statistics about increased costs for health care and insurance next year continue to go up. We need to accomplish the goal of providing affordable insurance for everyone, and that's about to be accomplished here in the Congress—both in the House and the Senate.

I think we can move forward with these bills in the next few weeks and then go to conference and have a bill on the President's desk by the end of this year, which was the goal of President Obama since the beginning.

So we should be very proud of the fact that we are moving forward and that this is something that finally will be accomplished for the American people.

GOVERNMENT TAKEOVER OF HEALTH CARE

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, contrary to what my colleagues from across the aisle have said, Republicans do have commonsense plans for reforming health care. They're different from the Democrat plan for a government takeover of health care, which will be an economic burden that will fall squarely on the backs of small business owners and their workers.

At a time when Americans are cutting back and making sacrifices, they expect Washington to do the same. Instead, the Democrats' proposed government-run health care plan imposes \$208 billion in new taxes on small businesses who simply cannot afford to pay for their employees' health care. An estimated 5.5 million jobs will be lost at a time when this country already suf-

fes from unemployment not seen in 26 years.

The worst thing that Washington can do is introduce a job-killing health care plan that restricts the growth of small businesses during these tough economic times. The American people deserve better, and Republicans have proposed better ways.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

ITE

RYAN WHITE HIV/AIDS TREATMENT EXTENSION ACT OF 2009

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1793) to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1793

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Ryan White HIV/AIDS Treatment Extension Act of 2009".

(b) REFERENCES.—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

SEC. 2. REAUTHORIZATION OF HIV HEALTH CARE SERVICES PROGRAM.

(a) ELIMINATION OF SUNSET PROVISION.—

(1) IN GENERAL.—The Ryan White HIV/AIDS Treatment Modernization Act of 2006 (Public Law 109-415; 120 Stat. 2767) is amended by striking section 703.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect as if enacted on September 30, 2009.

(3) CONTINGENCY PROVISIONS.—Notwithstanding section 703 of the Ryan White HIV/AIDS Treatment Modernization Act of 2006 (Public Law 109-415; 120 Stat. 2767) and section 139 of the Continuing Appropriations Resolution, 2010—

(A) the provisions of title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.), as in effect on September 30, 2009, are hereby revived; and

(B) the amendments made by this Act to title XXVI of the Public Health Service Act (42 U.S.C. 300ff et seq.) shall apply to such title as so revived and shall take effect as if enacted on September 30, 2009.

(b) PART A GRANTS.—Section 2610(a) (42 U.S.C. 300ff-20(a)) is amended by striking

"and \$649,500,000 for fiscal year 2009" and inserting "\$649,500,000 for fiscal year 2009, \$681,975,000 for fiscal year 2010, \$716,074,000 for fiscal year 2011, \$751,877,000 for fiscal year 2012, and \$789,471,000 for fiscal year 2013".

(c) PART B GRANTS.—Section 2623(a) (42 U.S.C. 300ff-32(a)) is amended by striking "and \$1,285,200,000 for fiscal year 2009" and inserting "\$1,285,200,000 for fiscal year 2009, \$1,349,460,000 for fiscal year 2010, \$1,416,933,000 for fiscal year 2011, \$1,487,780,000 for fiscal year 2012, and \$1,562,169,000 for fiscal year 2013".

(d) PART C GRANTS.—Section 2655 (42 U.S.C. 300ff-55) is amended by striking "and \$235,100,000 for fiscal year 2009" and inserting "\$235,100,000 for fiscal year 2009, \$246,855,000 for fiscal year 2010, \$259,198,000 for fiscal year 2011, \$272,158,000 for fiscal year 2012, and \$285,766,000 for fiscal year 2013".

(e) PART D GRANTS.—Section 2671(i) (42 U.S.C. 300ff-71(i)) is amended by inserting before the period at the end " , \$75,390,000 for fiscal year 2010, \$79,160,000 for fiscal year 2011, \$83,117,000 for fiscal year 2012, and \$87,273,000 for fiscal year 2013".

(f) DEMONSTRATION AND TRAINING GRANTS UNDER PART F.—

(1) HIV/AIDS COMMUNITIES, SCHOOLS, AND CENTERS.—Section 2692(c) (42 U.S.C. 300ff-111(c)) is amended—

(A) in paragraph (1)—

(i) by striking "is authorized" and inserting "are authorized"; and

(ii) by inserting before the period at the end " , \$36,535,000 for fiscal year 2010, \$38,257,000 for fiscal year 2011, \$40,170,000 for fiscal year 2012, and \$42,178,000 for fiscal year 2013"; and

(B) in paragraph (2)—

(i) by striking "is authorized" and inserting "are authorized"; and

(ii) by inserting before the period at the end " , \$13,650,000 for fiscal year 2010, \$14,333,000 for fiscal year 2011, \$15,049,000 for fiscal year 2012, and \$15,802,000 for fiscal year 2013".

(2) MINORITY AIDS INITIATIVE.—Section 2693 (42 U.S.C. 300ff-121) is amended—

(A) in subsection (a), by striking "and \$139,100,000 for fiscal year 2009." and inserting "\$139,100,000 for fiscal year 2009, \$146,055,000 for fiscal year 2010, \$153,358,000 for fiscal year 2011, \$161,026,000 for fiscal year 2012, and \$169,077,000 for fiscal year 2013. The Secretary shall develop a formula for the awarding of grants under subsections (b)(1)(A) and (b)(1)(B) that ensures that funding is provided based on the distribution of populations disproportionately impacted by HIV/AIDS.";

(B) in subsection (b)(2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "competitive."; and

(II) by adding at the end the following:

"(iv) For fiscal year 2010, \$46,738,000.

"(v) For fiscal year 2011, \$49,075,000.

"(vi) For fiscal year 2012, \$51,528,000.

"(vii) For fiscal year 2013, \$54,105,000.";

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking "competitive"; and

(II) by adding at the end the following:

"(iv) For fiscal year 2010, \$8,763,000.

"(v) For fiscal year 2011, \$9,202,000.

"(vi) For fiscal year 2012, \$9,662,000.

"(vii) For fiscal year 2013, \$10,145,000.";

(iii) in subparagraph (C), by adding at the end the following:

"(iv) For fiscal year 2010, \$61,343,000.

"(v) For fiscal year 2011, \$64,410,000.

"(vi) For fiscal year 2012, \$67,631,000.

"(vii) For fiscal year 2013, \$71,012,000.";

(iv) in subparagraph (D), by striking "\$18,500,000" and all that follows through the period and inserting the following: "the following, as applicable:

"(i) For fiscal year 2010, \$20,448,000.

"(ii) For fiscal year 2011, \$21,470,000.

"(iii) For fiscal year 2012, \$22,543,000.

"(iv) For fiscal year 2013, \$23,671,000."; and

(v) in subparagraph (E), by striking "\$8,500,000" and all that follows through the period and inserting the following: "the following, as applicable:

"(i) For fiscal year 2010, \$8,763,000.

"(ii) For fiscal year 2011, \$9,201,000.

"(iii) For fiscal year 2012, \$9,662,000.

"(iv) For fiscal year 2013, \$10,144,000."; and

(C) by adding at the end the following:

"(d) SYNCHRONIZATION OF MINORITY AIDS INITIATIVE.—For fiscal year 2010 and each subsequent fiscal year, the Secretary shall incorporate and synchronize the schedule of application submissions and funding availability under this section with the schedule of application submissions and funding availability under the corresponding provisions of this title XXVI as follows:

"(1) The schedule for carrying out subsection (b)(1)(A) shall be the same as the schedule applicable to emergency assistance under part A.

"(2) The schedule for carrying out subsection (b)(1)(B) shall be the same as the schedule applicable to care grants under part B.

"(3) The schedule for carrying out subsection (b)(1)(C) shall be the same as the schedule applicable to grants for early intervention services under part C.

"(4) The schedule for carrying out subsection (b)(1)(D) shall be the same as the schedule applicable to grants for services through projects for HIV-related care under part D.

"(5) The schedule for carrying out subsection (b)(1)(E) shall be the same as the schedule applicable to grants and contracts for activities through education and training centers under section 2692.".

(3) HHS REPORT.—Not later than 6 months after the publication of the Government Accountability Office Report on the Minority Aids Initiative described in section 2686, the Secretary of Health and Human Services shall submit to the appropriate committees of Congress a Departmental plan for using funding under section 2693 of the Public Health Service Act (42 U.S.C. 300ff-93) in all relevant agencies to build capacity, taking into consideration the best practices included in such Report.

(g) GAO REPORT.—Section 2686 (42 U.S.C. 300ff-86) is amended to read as follows:

"SEC. 2686. GAO REPORT.

"The Comptroller General of the Government Accountability Office shall, not less than 1 year after the date of enactment of the Ryan White HIV/AIDS Treatment Extension Act of 2009, submit to the appropriate committees of Congress a report describing Minority AIDS Initiative activities across the Department of Health and Human Services, including programs under this title and programs at the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and other departmental agencies. Such report shall include a history of program activities within each relevant agency and a description of activities conducted, people served and types of grantees funded, and shall collect and describe best practices in community outreach and capacity-building of community based organizations serving the communities that are disproportionately affected by HIV/AIDS.".

SEC. 3. EXTENDED EXEMPTION PERIOD FOR NAMES-BASED REPORTING.

(a) PART A GRANTS.—Section 2603(a)(3) (42 U.S.C. 300ff-13(a)(3)) is amended—

(1) in subparagraph (C)—

(A) in clause (ii)—

(i) in the matter preceding subclause (I), by striking "2009" and inserting "2012"; and

(ii) in subclause (II), by striking "or 2009" and inserting "or a subsequent fiscal year through fiscal year 2012";

(B) in clause (iv), by striking "2010" and inserting "2012";

(C) in clause (v), by inserting "or a subsequent fiscal year" after "2009";

(D) in clause (vi)(II), by inserting after "5 percent" the following: "for fiscal years before fiscal year 2012 and 6 percent for fiscal year 2012";

(E) in clause (ix)(II)—

(i) by striking "2010" and inserting "2013"; and

(ii) by striking "2009" and inserting "2012"; and

(F) by adding at the end the following:

"(xi) FUTURE FISCAL YEARS.—For fiscal years beginning with fiscal year 2013, determinations under this paragraph shall be based only on living names-based cases of HIV/AIDS with respect to the area involved."; and

(2) in subparagraph (D)—

(A) in clause (i)—

(i) in the matter preceding subclause (I), by striking "2009" and inserting "2012"; and

(ii) in subclause (II), by striking "and 2009" and inserting "through 2012"; and

(B) in clause (ii), by striking "2009" and inserting "2012".

(b) PART B GRANTS.—Section 2618(a)(2) (42 U.S.C. 300ff-28(a)(2)) is amended—

(1) in subparagraph (D)—

(A) in clause (ii)—

(i) in the matter preceding subclause (I), by striking "2009" and inserting "2012"; and

(ii) in subclause (II), by striking "or 2009" and inserting "or a subsequent fiscal year through fiscal year 2012";

(B) in clause (iv), by striking "2010" and inserting "2012";

(C) in clause (v), by inserting "or a subsequent fiscal year" after "2009";

(D) in clause (vi)(II), by inserting after "5 percent" the following: "for fiscal years before fiscal year 2012 (and 6 percent for fiscal year 2012)";

(E) in clause (viii)(II)—

(i) by striking "2010" and inserting "2013"; and

(ii) by striking "2009" and inserting "2012"; and

(F) by adding at the end the following:

"(x) FUTURE FISCAL YEARS.—For fiscal years beginning with fiscal year 2013, determinations under this paragraph shall be based only on living names-based cases of HIV/AIDS with respect to the State involved."; and

(2) in subparagraph (E), by striking "2009" each place it appears and inserting "2012".

SEC. 4. EXTENSION OF TRANSITIONAL GRANT AREA STATUS.

(a) ELIGIBILITY.—Section 2609 (42 U.S.C. 300ff-19) is amended—

(1) in subsection (c)(1)—

(A) in the heading, by striking "2007" and inserting "2011"; and

(B) by striking "2007" each place it appears and inserting "2011"; and

(C) by striking "2006" and inserting "2010";

(2) in subsection (c)(2)—

(A) in subparagraph (A)(ii), by striking "to have a" and inserting "subject to subparagraphs (B) and (C), to have a";

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

“(B) PERMITTING MARGIN OF ERROR APPLICABLE TO CERTAIN METROPOLITAN AREAS.—In applying subparagraph (A)(ii) for a fiscal year after fiscal year 2008, in the case of a metropolitan area that has a cumulative total of at least 1,400 (and fewer than 1,500) living cases of AIDS as of December 31 of the most recent calendar year for which such data is available, such area shall be treated as having met the criteria of such subparagraph if not more than 5 percent of the total from grants awarded to such area under this part is unobligated as of the end of the most recent fiscal year for which such data is available.”; and

(D) in subparagraph (C), as so redesignated, by striking “Subparagraph (A) does not apply” and inserting “Subparagraphs (A) and (B) do not apply”;

(3) in subsection (d)(1)(B), strike “2009” and insert “2013”.

(b) TRANSFER OF AMOUNTS DUE TO CHANGE IN STATUS AS TRANSITIONAL AREA.—Subparagraph (B) of section 2610(c)(2) (42 U.S.C. 300ff-20(c)(2)) is amended—

(1) by striking “(B)” and inserting “(B)(i) subject to clause (ii),”; and

(2) by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(ii) for each of fiscal years 2010 through 2013, notwithstanding subsection (a)—

“(I) there shall be transferred to the State containing the metropolitan area, for purposes described in section 2612(a), an amount (which shall not be taken into account in applying section 2618(a)(2)(H)) equal to—

“(aa) for the first fiscal year of the metropolitan area not being a transitional area, 75 percent of the amount described in subparagraph (A)(i) for such area;

“(bb) for the second fiscal year of the metropolitan area not being a transitional area, 50 percent of such amount; and

“(cc) for the third fiscal year of the metropolitan area not being a transitional area, 25 percent of such amount; and

“(II) there shall be transferred and made available for grants pursuant to section 2618(a)(1) for the fiscal year, in addition to amounts available for such grants under section 2623, an amount equal to the total amount of the reduction for such fiscal year under subparagraph (A), less the amount transferred for such fiscal year under subsection (I).”.

SEC. 5. HOLD HARMLESS.

(a) PART A GRANTS.—Section 2603(a)(4) (42 U.S.C. 300ff-13(a)(4)) is amended—

(1) in the matter preceding clause (i) in subparagraph (A)—

(A) by striking “2006” and inserting “2009”; and

(B) by striking “2007 through 2009” and inserting “2010 through 2013”;

(2) by striking clauses (i) and (ii) in subparagraph (A) and inserting the following:

“(i) For fiscal year 2010, an amount equal to 95 percent of the sum of the amount of the grant made pursuant to paragraph (3) and this paragraph for fiscal year 2009.

“(ii) For each of the fiscal years 2011 and 2012, an amount equal to 100 percent of the amount of the grant made pursuant to paragraph (3) and this paragraph for fiscal year 2010.

“(iii) For fiscal year 2013, an amount equal to 92.5 percent of the amount of the grant made pursuant to paragraph (3) and this paragraph for fiscal year 2012.”; and

(3) in subparagraph (C), by striking “2009” and inserting “2013”.

(b) PART B GRANTS.—Section 2618(a)(2)(H) (42 U.S.C. 300ff-28(a)(2)(H)) is amended—

(1) in clause (i)(I)—

(A) by striking “2007” and inserting “2010”; and

(B) by striking “2006” and inserting “2009”; (2) by striking clause (ii) and redesignating clause (iii) as clause (ii);

(3) in clause (ii), as so redesignated—

(A) in the heading, by striking “2008 AND 2009” and inserting “2011 AND 2012”;

(B) by striking “2008 and 2009” and inserting “2011 and 2012”; and

(C) by striking “2007” and inserting “2010”; (4) by inserting after clause (ii), as so redesignated, the following new clause:

“(iii) FISCAL YEAR 2013.—For fiscal year 2013, the Secretary shall ensure that the total for a State of the grant pursuant to paragraph (1) and the grant pursuant to subparagraph (F) is not less than 92.5 percent of such total for the State for fiscal year 2012.”; and

(5) in clause (v), by striking “2009” and inserting “2013”.

(c) TECHNICAL CORRECTIONS.—Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended—

(1) in subparagraphs (A)(i) and (H) of section 2618(a)(2), by striking the term “subparagraph (G)” each place it appears and inserting “subparagraph (F)”;

(2) in sections 2620(a)(2), 2622(c)(1), and 2622(c)(4)(A), by striking “2618(a)(2)(G)(i)” and inserting “2618(a)(2)(F)(i)”;

(3) in sections 2622(a) and 2623(b)(2)(A), by striking “2618(a)(2)(G)” and inserting “2618(a)(2)(F)”;

(4) in section 2622(b), by striking “2618(a)(2)(G)(ii)” and inserting “2618(a)(2)(F)(ii)”.

SEC. 6. AMENDMENTS TO THE GENERAL GRANT PROVISIONS.

(a) ADMINISTRATION AND PLANNING COUNCIL.—Section 2602(b)(4) (42 U.S.C. 300ff-12(b)(4)) is amended—

(1) in subparagraph (A), by inserting “, as well as the size and demographics of the estimated population of individuals with HIV/AIDS who are unaware of their HIV status” after “HIV/AIDS”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “and” at the end after the semicolon;

(B) in clause (ii), by inserting “and” after the semicolon; and

(C) by adding at the end the following:

“(iii) individuals with HIV/AIDS who do not know their HIV status.”; and

(3) in subparagraph (D)—

(A) in clause (ii), by striking “and” at the end after the semicolon;

(B) in clause (iii), by inserting “and” after the semicolon; and

(C) by adding at the end the following:

“(iv) includes a strategy, coordinated as appropriate with other community strategies and efforts, including discrete goals, a timetable, and appropriate funding, for identifying individuals with HIV/AIDS who do not know their HIV status, making such individuals aware of such status, and enabling such individuals to use the health and support services described in section 2604, with particular attention to reducing barriers to routine testing and disparities in access and services among affected subpopulations and historically underserved communities.”.

(b) TYPE AND DISTRIBUTION OF GRANTS.—Section 2603(b) (42 U.S.C. 300ff-13(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (G), by striking “and” at the end after the semicolon;

(B) in subparagraph (H), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(I) demonstrates success in identifying individuals with HIV/AIDS as described in clauses (i) through (iii) of paragraph (2)(A).”; and

(2) in paragraph (2)(A), by striking the period and inserting “; and demonstrated success in identifying individuals with HIV/AIDS who do not know their HIV status and making them aware of such status counting one-third. In making such determination, the Secretary shall consider—

“(i) the number of individuals who have been tested for HIV/AIDS;

“(ii) of those individuals described in clause (i), the number of individuals who tested for HIV/AIDS who are made aware of their status, including the number who test positive; and

“(iii) of those individuals described in clause (ii), the number who have been referred to appropriate treatment and care.”.

(c) APPLICATION.—Section 2605(b)(1) (42 U.S.C. 300ff-15(b)(1)) is amended by inserting “, including the identification of individuals with HIV/AIDS as described in clauses (i) through (iii) of section 2603(b)(2)(A)” before the semicolon at the end.

SEC. 7. INCREASE IN ADJUSTMENT FOR NAMES-BASED REPORTING.

(a) PART A GRANTS.—

(1) FORMULA GRANTS.—Section 2603(a)(3)(C)(vi) (42 U.S.C. 300ff-13(a)(3)(C)(vi)) is amended by adding at the end the following:

“(III) INCREASED ADJUSTMENT FOR CERTAIN AREAS PREVIOUSLY USING CODE-BASED REPORTING.—For purposes of this subparagraph for each of fiscal years 2010 through 2012, the Secretary shall deem the applicable number of living cases of HIV/AIDS in an area that were reported to and confirmed by the Centers for Disease Control and Prevention to be 3 percent higher than the actual number if—

“(aa) for fiscal year 2007, such area was a transitional area;

“(bb) fiscal year 2007 was the first year in which the count of living non-AIDS cases of HIV in such area, for purposes of this section, was based on a names-based reporting system; and

“(cc) the amount of funding that such area received under this part for fiscal year 2007 was less than 70 percent of the amount of funding (exclusive of funds that were identified as being for purposes of the Minority AIDS Initiative) that such area received under such part for fiscal year 2006.”.

(2) SUPPLEMENTAL GRANTS.—Section 2603(b)(2) (42 U.S.C. 300ff-13(b)(2)) is amended by adding at the end the following:

“(D) INCREASED ADJUSTMENT FOR CERTAIN AREAS PREVIOUSLY USING CODE-BASED REPORTING.—For purposes of this subsection for each of fiscal years 2010 through 2012, the Secretary shall deem the applicable number of living cases of HIV/AIDS in an area that were reported to and confirmed by the Centers for Disease Control and Prevention to be 3 percent higher than the actual number if the conditions described in items (aa) through (cc) of subsection (a)(3)(C)(vi)(III) are all satisfied.”.

(b) PART B GRANTS.—Section 2618(a)(2)(D)(vi) (42 U.S.C. 300ff-28(a)(2)(D)(vi)) is amended by adding at the end the following:

“(III) INCREASED ADJUSTMENT FOR CERTAIN STATES PREVIOUSLY USING CODE-BASED REPORTING.—For purposes of this subparagraph for each of fiscal years 2010 through 2012, the Secretary shall deem the applicable number

of living cases of HIV/AIDS in a State that were reported to and confirmed by the Centers for Disease Control and Prevention to be 3 percent higher than the actual number if—

“(aa) there is an area in such State that satisfies all of the conditions described in items (aa) through (cc) of section 2603(a)(3)(C)(vi)(III); or

“(bb)(AA) fiscal year 2007 was the first year in which the count of living non-AIDS cases of HIV in such area, for purposes of this part, was based on a names-based reporting system; and

“(BB) the amount of funding that such State received under this part for fiscal year 2007 was less than 70 percent of the amount of funding that such State received under such part for fiscal year 2006.”.

SEC. 8. TREATMENT OF UNOBLIGATED FUNDS.

(a) ELIGIBILITY FOR SUPPLEMENTAL GRANTS.—Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended—

(1) in section 2603(b)(1)(H) (42 U.S.C. 300ff-13(b)(1)(H)), by striking “2 percent” and inserting “5 percent”; and

(2) in section 2620(a)(2) (42 U.S.C. 300ff-29a(a)(2)), by striking “2 percent” and inserting “5 percent”.

(b) CORRESPONDING REDUCTION IN FUTURE GRANT.—

(1) IN GENERAL.—Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended—

(A) in section 2603(c)(3)(D)(i)(42 U.S.C. 300ff-13(c)(3)(D)(i)), in the matter following subclause (II), by striking “2 percent” and inserting “5 percent”; and

(B) in section 2622(c)(4)(A) (42 U.S.C. 300ff-31a(c)(4)(A)), in the matter following clause (ii), by striking “2 percent” and inserting “5 percent”.

(2) AUTHORITY REGARDING ADMINISTRATION OF PROVISION.—Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended—

(A) in section 2603(c) (42 U.S.C. 300ff-13(c)), by adding at the end the following:

“(4) AUTHORITY REGARDING ADMINISTRATION OF PROVISIONS.—In administering paragraphs (2) and (3) with respect to the unobligated balance of an eligible area, the Secretary may elect to reduce the amount of future grants to the area under subsection (a) or (b), as applicable, by the amount of any such unobligated balance in lieu of cancelling such amount as provided for in paragraph (2) or (3)(A). In such case, the Secretary may permit the area to use such unobligated balance for purposes of any such future grant. An amount equal to such reduction shall be available for use as additional amounts for grants pursuant to subsection (b), subject to subsection (a)(4) and section 2610(d)(2). Nothing in this paragraph shall be construed to affect the authority of the Secretary under paragraphs (2) and (3), including the authority to grant waivers under paragraph (3)(A). The reduction in future grants authorized under this paragraph shall be notwithstanding the penalty required under paragraph (3)(D) with respect to unobligated funds.”;

(B) in section 2622 (42 U.S.C. 300ff-31a), by adding at the end the following:

“(e) AUTHORITY REGARDING ADMINISTRATION OF PROVISIONS.—In administering subsections (b) and (c) with respect to the unobligated balance of a State, the Secretary may elect to reduce the amount of future grants to the State under section 2618, 2620, or 2621, as applicable, by the amount of any such unobligated balance in lieu of cancelling such amount as provided for in subsection (b) or (c)(1). In such case, the Secretary may permit the State to use such unobligated balance for purposes of any such

future grant. An amount equal to such reduction shall be available for use as additional amounts for grants pursuant to section 2620, subject to section 2618(a)(2)(H). Nothing in this paragraph shall be construed to affect the authority of the Secretary under subsections (b) and (c), including the authority to grant waivers under subsection (c)(1). The reduction in future grants authorized under this subsection shall be notwithstanding the penalty required under subsection (c)(4) with respect to unobligated funds.”;

(C) in section 2603(b)(1)(H) (42 U.S.C. 300ff-13(b)(1)(H)), by striking “canceled” and inserting “canceled, offset under subsection (c)(4).”; and

(D) in section 2620(a)(2) (42 U.S.C. 300ff-29a(a)(2)), by striking “canceled” and inserting “canceled, offset under section 2622(e).”.

(c) CONSIDERATION OF WAIVER AMOUNTS IN DETERMINING UNOBLIGATED BALANCES.—

(1) PART A GRANTS.—Section 2603(c)(3)(D)(i)(I) (42 U.S.C. 300ff-14(c)(3)(D)(i)(I)) is amended by inserting after “unobligated balance” the following: “(less any amount of such balance that is the subject of a waiver of cancellation under subparagraph (A)).”.

(2) PART B GRANTS.—Section 2622(c)(4)(A)(i) (42 U.S.C. 300ff-31a(c)(4)(A)(i)) is amended by inserting after “unobligated balance” the following: “(less any amount of such balance that is the subject of a waiver of cancellation under paragraph (1)).”.

SEC. 9. APPLICATIONS BY STATES.

Section 2617(b) (42 U.S.C. Section 300ff-27(b)) is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(8) a comprehensive plan—

“(A) containing an identification of individuals with HIV/AIDS as described in clauses (i) through (iii) of section 2603(b)(2)(A) and the strategy required under section 2602(b)(4)(D)(iv);

“(B) describing the estimated number of individuals within the State with HIV/AIDS who do not know their status;

“(C) describing activities undertaken by the State to find the individuals described in subparagraph (A) and to make such individuals aware of their status;

“(D) describing the manner in which the State will provide undiagnosed individuals who are made aware of their status with access to medical treatment for their HIV/AIDS; and

“(E) describing efforts to remove legal barriers, including State laws and regulations, to routine testing.”.

SEC. 10. ADAP REBATE FUNDS.

(a) USE OF UNOBLIGATED FUNDS.—Section 2622(d) (42 U.S.C. 300ff-31a(d)) is amended by adding at the end the following: “If an expenditure of ADAP rebate funds would trigger a penalty under this section or a higher penalty than would otherwise have applied, the State may request that for purposes of this section, the Secretary deem the State’s unobligated balance to be reduced by the amount of rebate funds in the proposed expenditure. Notwithstanding 2618(a)(2)(F), any unobligated amount under section 2618(a)(2)(F)(ii)(V) that is returned to the Secretary for reallocation shall be used by the Secretary for—

“(1) the ADAP supplemental program if the Secretary determines appropriate; or

“(2) for additional amounts for grants pursuant to section 2620.”.

(b) TECHNICAL CORRECTION.—Subclause (V) of section 2618(a)(2)(F)(ii) (42 U.S.C. 300ff-28(a)(2)(F)(ii)) is amended by striking “, subject to subclause (VI)”.

SEC. 11. APPLICATION TO PRIMARY CARE SERVICES.

(a) IN GENERAL.—Section 2671 (42 U.S.C. 300ff-71), as amended, is amended—

(1) by redesignating subsection (i) as subsection (j);

(2) in subsection (g), by striking “subsection (i)” and inserting “subsection (j)”; and

(3) by inserting after subsection (h) the following:

“(i) APPLICATION TO PRIMARY CARE SERVICES.—Nothing in this part shall be construed as requiring funds under this part to be used for primary care services when payments are available for such services from other sources (including under titles XVIII, XIX, and XXI of the Social Security Act).”.

(b) PROVISION OF CARE THROUGH MEMORANDUM OF UNDERSTANDING.—Section 2671(a) (42 U.S.C. 300ff-71(a)) is amended by striking “(directly or through contracts)” and inserting “(directly or through contracts or memoranda of understanding)”.

SEC. 12. NATIONAL HIV/AIDS TESTING GOAL.

Part E of title XXVI (42 U.S.C. 300ff-81 et seq.) is amended—

(1) by redesignating section 2688 as section 2689; and

(2) by inserting after section 2687 the following:

“SEC. 2688. NATIONAL HIV/AIDS TESTING GOAL.

“(a) IN GENERAL.—Not later than January 1, 2010, the Secretary shall establish a national HIV/AIDS testing goal of 5,000,000 tests for HIV/AIDS annually through federally-supported HIV/AIDS prevention, treatment, and care programs, including programs under this title and other programs administered by the Centers for Disease Control and Prevention.

“(b) ANNUAL REPORT.—Not later than January 1, 2011, and annually thereafter, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall submit to Congress a report describing, with regard to the preceding 12-month reporting period—

“(1) whether the testing goal described in subsection (a) has been met;

“(2) the total number of individuals tested through federally-supported and other HIV/AIDS prevention, treatment, and care programs in each State;

“(3) the number of individuals who—

“(A) prior to such 12-month period, were unaware of their HIV status; and

“(B) through federally-supported and other HIV/AIDS prevention, treatment, and care programs, were diagnosed and referred into treatment and care during such period;

“(4) any barriers, including State laws and regulations, that the Secretary determines to be a barrier to meeting the testing goal described in subsection (a);

“(5) the amount of funding the Secretary determines necessary to meet the annual testing goal in the following 12 months and the amount of Federal funding expended to meet the testing goal in the prior 12-month period; and

“(6) the most cost-effective strategies for identifying and diagnosing individuals who were unaware of their HIV status, including voluntary testing with pre-test counseling, routine screening including opt-out testing, partner counseling and referral services, and mass media campaigns.

“(c) REVIEW OF PROGRAM EFFECTIVENESS.—Not later than 1 year after the date of enactment of this section, the Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, shall submit a report to Congress based on a comprehensive review of each of the programs and activities conducted by the Centers for Disease Control and Prevention as part of the Domestic HIV/AIDS Prevention Activities, including the following:

“(1) The amount of funding provided for each program or activity.

“(2) The primary purpose of each program or activity.

“(3) The annual goals for each program or activity.

“(4) The relative effectiveness of each program or activity with relation to the other programs and activities conducted by the Centers for Disease Control and Prevention, based on the—

“(A) number of previously undiagnosed individuals with HIV/AIDS made aware of their status and referred into the appropriate treatment;

“(B) amount of funding provided for each program or activity compared to the number of undiagnosed individuals with HIV/AIDS made aware of their status;

“(C) program's contribution to the National HIV/AIDS testing goal; and

“(D) progress made toward the goals described in paragraph (3).

“(5) Recommendations if any to Congress on ways to allocate funding for domestic HIV/AIDS prevention activities and programs in order to achieve the National HIV/AIDS testing goal.

“(d) COORDINATION WITH OTHER FEDERAL ACTIVITIES.—In pursuing the National HIV/AIDS testing goal, the Secretary, where appropriate, shall consider and coordinate with other national strategies conducted by the Federal Government to address HIV/AIDS.”.

SEC. 13. NOTIFICATION OF POSSIBLE EXPOSURE TO INFECTIOUS DISEASES.

Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended by adding at the end the following:

“PART G—NOTIFICATION OF POSSIBLE EXPOSURE TO INFECTIOUS DISEASES

“SEC. 2695. INFECTIOUS DISEASES AND CIRCUMSTANCES RELEVANT TO NOTIFICATION REQUIREMENTS.

“(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this part, the Secretary shall complete the development of—

“(1) a list of potentially life-threatening infectious diseases, including emerging infectious diseases, to which emergency response employees may be exposed in responding to emergencies;

“(2) guidelines describing the circumstances in which such employees may be exposed to such diseases, taking into account the conditions under which emergency response is provided; and

“(3) guidelines describing the manner in which medical facilities should make determinations for purposes of section 2695B(d).

“(b) SPECIFICATION OF AIRBORNE INFECTIOUS DISEASES.—The list developed by the Secretary under subsection (a)(1) shall include a specification of those infectious diseases on the list that are routinely transmitted through airborne or aerosolized means.

“(c) DISSEMINATION.—The Secretary shall—

“(1) transmit to State public health officers copies of the list and guidelines developed by the Secretary under subsection (a) with the request that the officers disseminate such copies as appropriate throughout the States; and

“(2) make such copies available to the public.

“SEC. 2695A. ROUTINE NOTIFICATIONS WITH RESPECT TO AIRBORNE INFECTIOUS DISEASES IN VICTIMS ASSISTED.

“(a) ROUTINE NOTIFICATION OF DESIGNATED OFFICER.—

“(1) DETERMINATION BY TREATING FACILITY.—If a victim of an emergency is transported by emergency response employees to a medical facility and the medical facility makes a determination that the victim has an airborne infectious disease, the medical facility shall notify the designated officer of the emergency response employees who transported the victim to the medical facility of the determination.

“(2) DETERMINATION BY FACILITY ASCERTAINING CAUSE OF DEATH.—If a victim of an emergency is transported by emergency response employees to a medical facility and the victim dies at or before reaching the medical facility, the medical facility ascertaining the cause of death shall notify the designated officer of the emergency response employees who transported the victim to the initial medical facility of any determination by the medical facility that the victim had an airborne infectious disease.

“(b) REQUIREMENT OF PROMPT NOTIFICATION.—With respect to a determination described in paragraph (1) or (2) of subsection (a), the notification required in each of such paragraphs shall be made as soon as is practicable, but not later than 48 hours after the determination is made.

“SEC. 2695B. REQUEST FOR NOTIFICATION WITH RESPECT TO VICTIMS ASSISTED.

“(a) INITIATION OF PROCESS BY EMPLOYEE.—If an emergency response employee believes that the employee may have been exposed to an infectious disease by a victim of an emergency who was transported to a medical facility as a result of the emergency, and if the employee attended, treated, assisted, or transported the victim pursuant to the emergency, then the designated officer of the employee shall, upon the request of the employee, carry out the duties described in subsection (b) regarding a determination of whether the employee may have been exposed to an infectious disease by the victim.

“(b) INITIAL DETERMINATION BY DESIGNATED OFFICER.—The duties referred to in subsection (a) are that—

“(1) the designated officer involved collect the facts relating to the circumstances under which, for purposes of subsection (a), the employee involved may have been exposed to an infectious disease; and

“(2) the designated officer evaluate such facts and make a determination of whether, if the victim involved had any infectious disease included on the list issued under paragraph (1) of section 2695(a), the employee would have been exposed to the disease under such facts, as indicated by the guidelines issued under paragraph (2) of such section.

“(c) SUBMISSION OF REQUEST TO MEDICAL FACILITY.—

“(1) IN GENERAL.—If a designated officer makes a determination under subsection (b)(2) that an emergency response employee may have been exposed to an infectious disease, the designated officer shall submit to the medical facility to which the victim involved was transported a request for a response under subsection (d) regarding the victim of the emergency involved.

“(2) FORM OF REQUEST.—A request under paragraph (1) shall be in writing and be signed by the designated officer involved, and shall contain a statement of the facts collected pursuant to subsection (b)(1).

“(d) EVALUATION AND RESPONSE REGARDING REQUEST TO MEDICAL FACILITY.—

“(1) IN GENERAL.—If a medical facility receives a request under subsection (c), the medical facility shall evaluate the facts submitted in the request and make a determination of whether, on the basis of the medical information possessed by the facility regarding the victim involved, the emergency response employee was exposed to an infectious disease included on the list issued under paragraph (1) of section 2695(a), as indicated by the guidelines issued under paragraph (2) of such section.

“(2) NOTIFICATION OF EXPOSURE.—If a medical facility makes a determination under paragraph (1) that the emergency response employee involved has been exposed to an infectious disease, the medical facility shall, in writing, notify the designated officer who submitted the request under subsection (c) of the determination.

“(3) FINDING OF NO EXPOSURE.—If a medical facility makes a determination under paragraph (1) that the emergency response employee involved has not been exposed to an infectious disease, the medical facility shall, in writing, inform the designated officer who submitted the request under subsection (c) of the determination.

“(4) INSUFFICIENT INFORMATION.—

“(A) If a medical facility finds in evaluating facts for purposes of paragraph (1) that the facts are insufficient to make the determination described in such paragraph, the medical facility shall, in writing, inform the designated officer who submitted the request under subsection (c) of the insufficiency of the facts.

“(B)(i) If a medical facility finds in making a determination under paragraph (1) that the facility possesses no information on whether the victim involved has an infectious disease included on the list under section 2695(a), the medical facility shall, in writing, inform the designated officer who submitted the request under subsection (c) of the insufficiency of such medical information.

“(ii) If after making a response under clause (i) a medical facility determines that the victim involved has an infectious disease, the medical facility shall make the determination described in paragraph (1) and provide the applicable response specified in this subsection.

“(e) TIME FOR MAKING RESPONSE.—After receiving a request under subsection (c) (including any such request resubmitted under subsection (g)(2)), a medical facility shall make the applicable response specified in subsection (d) as soon as is practicable, but not later than 48 hours after receiving the request.

“(f) DEATH OF VICTIM OF EMERGENCY.—

“(1) FACILITY ASCERTAINING CAUSE OF DEATH.—If a victim described in subsection (a) dies at or before reaching the medical facility involved, and the medical facility receives a request under subsection (c), the medical facility shall provide a copy of the request to the medical facility ascertaining the cause of death of the victim, if such facility is a different medical facility than the facility that received the original request.

“(2) RESPONSIBILITY OF FACILITY.—Upon the receipt of a copy of a request for purposes of paragraph (1), the duties otherwise established in this part regarding medical facilities shall apply to the medical facility ascertaining the cause of death of the victim in the same manner and to the same extent as such duties apply to the medical facility originally receiving the request.

“(g) ASSISTANCE OF PUBLIC HEALTH OFFICER.—

“(1) EVALUATION OF RESPONSE OF MEDICAL FACILITY REGARDING INSUFFICIENT FACTS.—

“(A) In the case of a request under subsection (c) to which a medical facility has made the response specified in subsection (d)(4)(A) regarding the insufficiency of facts, the public health officer for the community in which the medical facility is located shall evaluate the request and the response, if the designated officer involved submits such documents to the officer with the request that the officer make such an evaluation.

“(B) As soon as is practicable after a public health officer receives a request under subparagraph (A), but not later than 48 hours after receipt of the request, the public health officer shall complete the evaluation required in such paragraph and inform the designated officer of the results of the evaluation.

“(2) FINDINGS OF EVALUATION.—

“(A) If an evaluation under paragraph (1)(A) indicates that the facts provided to the medical facility pursuant to subsection (c) were sufficient for purposes of determinations under subsection (d)(1)—

“(i) the public health officer shall, on behalf of the designated officer involved, resubmit the request to the medical facility; and

“(ii) the medical facility shall provide to the designated officer the applicable response specified in subsection (d).

“(B) If an evaluation under paragraph (1)(A) indicates that the facts provided in the request to the medical facility were insufficient for purposes of determinations specified in subsection (c)—

“(i) the public health officer shall provide advice to the designated officer regarding the collection and description of appropriate facts; and

“(ii) if sufficient facts are obtained by the designated officer—

“(I) the public health officer shall, on behalf of the designated officer involved, resubmit the request to the medical facility; and

“(II) the medical facility shall provide to the designated officer the appropriate response under subsection (c).

“SEC. 2695C. PROCEDURES FOR NOTIFICATION OF EXPOSURE.

“(a) **CONTENTS OF NOTIFICATION TO OFFICER.**—In making a notification required under section 2695A or section 2695B(d)(2), a medical facility shall provide—

“(1) the name of the infectious disease involved; and

“(2) the date on which the victim of the emergency involved was transported by emergency response employees to the medical facility involved.

“(b) **MANNER OF NOTIFICATION.**—If a notification under section 2695A or section 2695B(d)(2) is mailed or otherwise indirectly made—

“(1) the medical facility sending the notification shall, upon sending the notification, inform the designated officer to whom the notification is sent of the fact that the notification has been sent; and

“(2) such designated officer shall, not later than 10 days after being informed by the medical facility that the notification has been sent, inform such medical facility whether the designated officer has received the notification.

“SEC. 2695D. NOTIFICATION OF EMPLOYEE.

“(a) **IN GENERAL.**—After receiving a notification for purposes of section 2695A or 2695B(d)(2), a designated officer of emergency response employees shall, to the extent practicable, immediately notify each of such employees who—

“(1) responded to the emergency involved; and

“(2) as indicated by guidelines developed by the Secretary, may have been exposed to an infectious disease.

“(b) **CERTAIN CONTENTS OF NOTIFICATION TO EMPLOYEE.**—A notification under this subsection to an emergency response employee shall inform the employee of—

“(1) the fact that the employee may have been exposed to an infectious disease and the name of the disease involved;

“(2) any action by the employee that, as indicated by guidelines developed by the Secretary, is medically appropriate; and

“(3) if medically appropriate under such criteria, the date of such emergency.

“(c) **RESPONSES OTHER THAN NOTIFICATION OF EXPOSURE.**—After receiving a response under paragraph (3) or (4) of subsection (d) of section 2695B, or a response under subsection (g)(1) of such section, the designated officer for the employee shall, to the extent practicable, immediately inform the employee of the response.

“SEC. 2695E. SELECTION OF DESIGNATED OFFICERS.

“(a) **IN GENERAL.**—For the purposes of receiving notifications and responses and making requests under this part on behalf of emergency response employees, the public health officer of each State shall designate 1 official or officer of each employer of emergency response employees in the State.

“(b) **PREFERENCE IN MAKING DESIGNATIONS.**—In making the designations required in subsection (a), a public health officer shall give preference to individuals who are trained in the provision of health care or in the control of infectious diseases.

“SEC. 2695F. LIMITATION WITH RESPECT TO DUTIES OF MEDICAL FACILITIES.

“The duties established in this part for a medical facility—

“(1) shall apply only to medical information possessed by the facility during the period in which the facility is treating the victim for conditions arising from the emergency, or during the 60-day period beginning on the date on which the victim is transported by emergency response employees to the facility, whichever period expires first; and

“(2) shall not apply to any extent after the expiration of the 30-day period beginning on the expiration of the applicable period referred to in paragraph (1), except that such duties shall apply with respect to any request under section 2695B(c) received by a medical facility before the expiration of such 30-day period.

“SEC. 2695G. MISCELLANEOUS PROVISIONS.

“(a) **LIABILITY OF MEDICAL FACILITIES, DESIGNATED OFFICERS, PUBLIC HEALTH OFFICERS, AND GOVERNING ENTITIES.**—This part may not be construed to authorize any cause of action for damages or any civil penalty against any medical facility, any designated officer, any other public health officer, or any governing entity of such facility or officer for failure to comply with the duties established in this part.

“(b) **TESTING.**—This part may not, with respect to victims of emergencies, be construed to authorize or require a medical facility to test any such victim for any infectious disease.

“(c) **CONFIDENTIALITY.**—This part may not be construed to authorize or require any medical facility, any designated officer of emergency response employees, or any such employee, to disclose identifying information with respect to a victim of an emergency or with respect to an emergency response employee.

“(d) **FAILURE TO PROVIDE EMERGENCY SERVICES.**—This part may not be construed

to authorize any emergency response employee to fail to respond, or to deny services, to any victim of an emergency.

“(e) **NOTIFICATION AND REPORTING DEADLINES.**—In any case in which the Secretary determines that, wholly or partially as a result of a public health emergency that has been determined pursuant to section 319(a), individuals or public or private entities are unable to comply with the requirements of this part, the Secretary may, notwithstanding any other provision of law, temporarily suspend, in whole or in part, the requirements of this part as the circumstances reasonably require. Before or promptly after such a suspension, the Secretary shall notify the Congress of such action and publish in the Federal Register a notice of the suspension.

“(f) **CONTINUED APPLICATION OF STATE AND LOCAL LAW.**—Nothing in this part shall be construed to limit the application of State or local laws that require the provision of data to public health authorities.

“SEC. 2695H. INJUNCTIONS REGARDING VIOLATION OF PROHIBITION.

“(a) **IN GENERAL.**—The Secretary may, in any court of competent jurisdiction, commence a civil action for the purpose of obtaining temporary or permanent injunctive relief with respect to any violation of this part.

“(b) **FACILITATION OF INFORMATION ON VIOLATIONS.**—The Secretary shall establish an administrative process for encouraging emergency response employees to provide information to the Secretary regarding violations of this part. As appropriate, the Secretary shall investigate alleged such violations and seek appropriate injunctive relief.

“SEC. 2695I. APPLICABILITY OF PART.

“This part shall not apply in a State if the chief executive officer of the State certifies to the Secretary that the law of the State is substantially consistent with this part.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 1793, the Ryan White HIV/AIDS Treatment Extension Act of 2009, as passed by the Senate. The Energy and Commerce Committee has filed a report which constitutes the legislative history for the House version of this bill. The House bill is nearly identical to the bill before us today.

We worked closely with our Republican colleagues, and I would like to thank Congressmen WAXMAN, BARTON, and DEAL for their hard work on this issue. We also worked with our Senate colleagues to come together on this legislation, and I am proud to say that

what we have before us today is both bipartisan and bicameral.

The Ryan White CARE Act was named after a young boy who contracted the AIDS virus from a blood transfusion and sadly lost his life to this horrible disease. Since his death in 1990, we as a nation have made great strides in preventing and treating HIV/AIDS in large part due to the Ryan White program.

Not so long ago, an HIV/AIDS diagnosis was a guaranteed death sentence. Today, many patients are living full and long lives due to the advancements in treatment and the complicated but effective mix of drugs and therapies that are currently on the market.

In addition, we have made huge progress on education, awareness, and prevention. New knowledge of the disease has allowed for better and more targeted prevention programs that have effectively slowed the spread of HIV/AIDS.

In spite of these advancements, however, Mr. Speaker, there are nearly 40,000 new HIV infections reported each year, and according to the CDC, approximately 1.1 million Americans are currently living with the disease and approximately 51,000 people in my home State of New Jersey. Since the beginning of this epidemic, an estimated 580,000 Americans with AIDS have died.

It is more crucial than ever given the high numbers of Americans suffering from this disease that we have the Ryan White program. Accounting for roughly 19 percent of all Federal funds that are used on HIV/AIDS care, the program provides treatment and support services to individuals and families living with the AIDS virus and serves over half a million low-income Americans. This program is without a doubt extremely vital in our battle against this epidemic.

The bill before us today does a number of things. It reauthorizes the Ryan White program for 4 years. It increases the authorization amounts to account for the increased number of individuals living with the HIV/AIDS diagnosis. The bill eliminates the sunset provisions so that never again will patients have to fear that their services will abruptly end. It allows States who are still reporting using a code-based system to continue transitioning to a names-based system without disrupting the provision of care to patients, and it ensures that no area receives too much of a cut in funding from the previous year while also making sure that the money does get directed to those areas of the country that are hardest hit by the HIV/AIDS epidemic.

This is a strong bill, Mr. Speaker, that will ensure continued health care services for millions of Americans who depend on them with their lives. And I urge my colleagues to join me in voting for this vitally important bill.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from California (Mrs. CAPPs) for 2 minutes.

Mrs. CAPPs. Thank you to my colleague.

Mr. Speaker, I am rising in strong support of the Ryan White HIV/AIDS Treatment Extension Act, and I want to add my thanks and my acknowledgment to the great work of our committee's chairmen, the ranking members, to swiftly move this extension through the process in a bipartisan and bicameral manner.

The Ryan White HIV/AIDS program has been the critical safety net for Americans diagnosed with HIV and AIDS. Since its inception, we have watched diagnosis and treatment evolve to a point where we can now manage HIV as a chronic condition rather than as a fatal disease.

This issue is especially important in my home State of California, which has the second-largest disease burden in the United States and a significant number of new cases each year, particularly among the Latino population. And in today's world, California—like some other States—is experiencing a severe budget crisis. State HIV and AIDS funding has been drastically reduced.

My district serves as the main source of HIV services between Los Angeles and San Francisco, and I want to ensure that central coast providers have all the resources they need to care for their patients. We need to make sure HIV patients and their families' livelihoods aren't interrupted by our failure to act.

This legislation really is a stopgap measure that we need to ensure that nobody loses their existing services. I am pleased that we haven't hesitated to address the most pressing funding and logistical needs, especially those that affect distribution of funds to population centers.

I am looking forward to the next authorization, when we can address all of the lingering improvements that are necessary to make Ryan White HIV/AIDS programs operate in an even better way for patients. As HIV research and care evolves, we must also respond accordingly. I urge my colleagues to vote in favor of the Ryan White HIV/AIDS Treatment Extension Act.

Mr. ROE of Tennessee. Mr. Speaker, I ask unanimous consent to yield my time to the gentleman from Texas (Mr. BARTON) to control.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized.

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman from Tennessee for his leadership on this issue until I could arrive on the floor.

Mr. Speaker, I rise in support of the Ryan White HIV/AIDS Treatment Extension Act of 2009. This is the second reauthorization of this piece of legislation. It was originally passed approximately 10 years ago. It was reauthorized the first time, I believe, 4 years ago and expired at the end of this month. And so with the leadership of Chairman WAXMAN and Subcommittee Chairman PALLONE, with the support of Ranking Member DEAL, myself, and Congresswoman MARY BONO, we have been working with the majority to bring this bill to the floor and reauthorize it because of the importance of the programs which it has jurisdiction over.

This is a program which has provided care for millions of Americans that have been affected by HIV and AIDS. It provides primary care services and drug assistance as a payer of last resort for those individuals that have these afflictions.

The bill before us includes several legislative priorities that I would like to highlight. It does allow States additional time to report their HIV/AIDS cases by names versus the old, inaccurate code-based system but does not release States of the requirement to move towards the more accurate name-based reporting.

The bill also continues reforms that were put in place 3 years ago that will move these programs closer to ensuring that funds are allocated to the existing need—and I am going to highlight existing need—for States and localities. The legislation establishes a new HIV/AIDS testing goal of 5 million citizens through Federally supported HIV/AIDS prevention, treatment, and care programs.

The bill also reestablishes the notification of possible exposure to infectious disease provisions, which will allow notification to emergency responders of a possible communicable infectious disease.

Mr. Speaker, I am an original cosponsor of this legislation in this Congress and was chairman 3 years ago when we reauthorized it. This is a high priority for the country and the committee. And again, I am very pleased that Chairman WAXMAN and Subcommittee Chairman PALLONE agreed to a regular order process so that we could reauthorize this bill in a timely fashion.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I would yield 2 minutes to our full committee chair from California (Mr. WAXMAN), who was the original sponsor of the Ryan White Act and has been working on this for years.

Mr. WAXMAN. Mr. Speaker, swift passage of this bill is absolutely essential to the nearly half a million people served by the Ryan White program. Representatives PALLONE, DEAL, BARTON, and I worked with the Senate in a

bipartisan and bicameral fashion to develop the bill before us today. We didn't see eye-to-eye on everything, but we all agreed that the HIV/AIDS epidemic isn't a partisan issue and that the Ryan White program must continue.

This bill contains improvements that will strengthen and grow the program over the next 4 years.

I would like to thank the administration, as well as the over 300 HIV/AIDS organizations who developed consensus recommendations that immensely helped the process. The Congressional Black, Hispanic, and Asian Pacific American Caucuses also provided vitally important input.

I would like to thank all of the House staff that worked on the bill: Camille Sealy, Elana Leventhal, Naomi Seiler, Aarti Shah, Melissa Bartlett, Blake Fulenwider, and Ryan Long.

□ 1045

Finally, I would like to thank Chairman PALLONE, Ranking Member DEAL and Ranking Member BARTON for their work on this important piece of legislation.

I urge all Members to support it.

Mr. BARTON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to my colleague from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, I want to congratulate Mr. WAXMAN and Mr. BARTON, Mr. DEAL and Mr. PALLONE, our Chair of the Subcommittee. This is tough work.

I rise to express my deep support for the reauthorization of the Ryan White HIV/AIDS program; a debt of thanks to Chairman PALLONE for your outstanding work in New Jersey.

For nearly two decades now, the Ryan White program has made it possible for individuals living with HIV/AIDS to access life-saving services. In the program's early years, I served as the chairman of the Paterson-Passaic-Bergen HIV Planning Council, and I saw firsthand how the Ryan White program reduces health disparities and improves and extends the lives of thousands. Families have been held together because of Ryan White legislation. I see that firsthand day after day.

New Jersey has the fifth largest HIV/AIDS epidemic in the Nation. In my hometown, we have over 1,700 individuals living with HIV/AIDS. Even after 20 years of progress, these sobering facts are a reminder that we still have work to do.

I urge my colleagues to join with me in passing this legislation to extend and provide additional much-needed funding for the vital services provided by the Ryan White program.

Mr. BARTON of Texas. Mr. Speaker, I continue to reserve.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Let me thank the gentleman from New Jersey for yielding and also for your leadership, and also to our chairman because this is such an important bill. I want to thank both sides for crafting this bipartisan—bicameral, really—compromise. I also wanted to thank you and say that we appreciate your taking into consideration the concerns of the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian Pacific American Caucus.

This bill will strengthen the Minority AIDS Initiative by moving it back to a formula-based grant system requiring a GAO study and a subsequent Department plan by HHS to ensure that the Minority AIDS Initiative functions as it was intended. This initiative was begun under the leadership of Congresswoman MAXINE WATERS in the late nineties and it's working, but it hasn't been fully funded and the resources haven't really been directed to where the need is the greatest.

We have, as you know, a devastating epidemic in the United States, and young gay men, minorities, people of color, and women are facing the brunt of it. We've got to do a better job in protecting those who are most at risk while taking care of those already infected.

I am pleased that the President is developing a National AIDS Strategy to guide our response to this epidemic. As one who has worked consistently over the years on the global HIV pandemic both here and abroad, I think we need a PEPFAR, a domestic PEPFAR. But this is a compromise bill. It will increase the funding 5 percent each year, but I think we must do more.

Also, let me just say that we have to really take a look at some of the interventions that we know will work which are tough political issues to address, such as needle exchange, such as comprehensive sex education, such as this real epidemic. And it is in our prisons. So we have to take many, many steps to really begin to look at how to turn this around and to stamp HIV/AIDS from the face of the Earth.

So I just want to thank you Mr. PALLONE and Mr. WAXMAN, and all of you who have taken the lead in putting this bill together.

Mr. BARTON of Texas. Mr. Speaker, I continue to reserve.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands, Dr. CHRISTENSEN, who is also a member of our committee.

Mrs. CHRISTENSEN. Thank you for yielding.

Mr. Speaker, I rise today—on behalf of the more than half million low-income Americans living with HIV/AIDS who rely on this program—in full support of the Ryan White HIV/AIDS Treatment Extension Act of 2009, particularly those in my community

where we have the second highest incidence of AIDS in the country.

I applaud the leadership and hard work of Chairmen PALLONE and WAXMAN and Ranking Members BARTON and DEAL, as well as those in the other body, for this bipartisan, bicameral bill.

The Ryan White program plays a pivotal role in addressing the unique health care challenges facing low-income Americans with HIV/AIDS and their families. I would have liked to have seen a more robust investment in this program to end the ADAP waiting lists and more support for the National Minority AIDS Education and Training Center at Howard University, especially when minorities are making up the vast majority of people with HIV/AIDS. But we have the opportunity today to provide assistance to large and midsize cities, States, and territories with high HIV/AIDS incidence and/or prevalence, and to expand access to care and support services for women, infants, children, and youth.

I am particularly pleased that we improve the Minority AIDS Initiative by going back to formula funding and by removing some of the barriers to funding that prevented many eligible entities from applying.

As a physician who cared for AIDS patients from the outset of the epidemic, I cannot express enough how today—how voting in full support of this bill—will mean so much to the hardworking Americans who deserve the opportunity, just like all of us here, to achieve their lives' potentials.

Mr. BARTON of Texas. I continue to reserve, Mr. Speaker.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California, Ms. LYNN WOOLSEY.

Ms. WOOLSEY. Thank you, Chairman PALLONE, for all of your efforts in regards to HIV/AIDS and the efforts that you support, that we support, that we must continue.

I rise in strong support of H.R. 3792, the Ryan White HIV/AIDS Treatment Extension Act of 2009. This legislation provides important funding for life-saving medical and support services that individuals with HIV/AIDS depend upon.

With this reauthorization, we're ensuring that several of the Transitional Grant Areas that were slated to lose access to these grants will continue to receive funding. One of the TGAs is Santa Rosa, California, in my district, which is north of San Francisco. This important change will ensure that Santa Rosa will be able to continue to provide a continuity of care to patients with HIV/AIDS.

The Bay Area is an example for all of us of just how important the funding is that we provide now, and how necessary it is that we increase this funding and that we pay particular attention to prevention of HIV/AIDS; then

we won't need so much over time to cure and provide care. But until we prevent, we will be working to help those who are already afflicted.

Again, I urge my colleagues to support this legislation.

Mr. BARTON of Texas. We continue to reserve, Mr. Speaker.

Mr. PALLONE. Mr. Speaker, I will yield myself such time as I may consume.

I just wanted to stress the importance of this in my home State of New Jersey. I know that in my district in New Brunswick we have the headquarters for the Hyacinth Foundation, which is one of the organizations that receives some of the money under the Ryan White Act. The type of work that they have been doing over the last few years to help with HIV/AIDS patients is just incredible. Obviously, we need more research, but the services and the treatment that are provided are really lifesaving for a lot of these patients, and it is so important.

I know that there was some concern about the time running out because of the authorization expiring, but now we are going to guarantee that this money continues. In fact, this bill does not have a sunset provision so that these programs will continue. We won't face this problem of having another deadline in the future. So that is really crucial, and I can't stress it enough.

At this time, I would like to yield such time as she may consume to Representative LEE again.

Ms. LEE of California. Thank you again for yielding.

I just wanted to take a moment to call your attention to several efforts in my own home State and my own home country. One is in Alameda County.

I believe it was in 1999, we had to declare a state of emergency in the African American community, and that state of emergency helped focus attention on what was taking place in the African American community. It helped us really begin to garner resources for those wonderful community-based programs which have survived through this period, but they need additional resources if we are going to really tackle this epidemic. And so this reauthorization will really help with our state of emergency and those organizations that are helping on the ground with minimal resources doing wonderful work.

Secondly, in my city where our great former colleague, Mayor Ron Dellums, former Congressman Ron Dellums, serves as Mayor, we have initiated, under his leadership, a "Get Tested" campaign, which is really about making sure that prevention and education is provided in a very real way to those most at risk. This campaign is working, and again, reauthorization of Ryan White will really help make sure that this campaign is fully successful. Getting tested is such an important strat-

egy, and I would encourage Members, as we move forward and focus on this reauthorization, to make sure that we take some leadership and get tested and show why testing is a key strategy to prevention and education.

Finally, let me say, and I know Ms. CAPPS mentioned the budget crisis in California. I have talked with many of my AIDS providers—and as I said earlier, with minimal resources, they are doing unbelievable work—and now, with not only California but other States in this budget crisis, these organizations are losing their funding. And so, again, the reauthorization of Ryan White is going to help these organizations stay in business and help them provide the services that are desperately needed.

So once again, I just have to thank you, Chairman PALLONE, thank all of you for this reauthorization. And though it's not everything we want, I know it's a compromise, and it's going to go a long way in helping.

Mr. PALLONE. At this time, Mr. Speaker, I have no additional speakers. I just want to thank my colleagues on the Republican side, Mr. BARTON and Mr. DEAL, for making this a truly bipartisan piece of legislation.

At this point, I would urge passage of the bill and yield back the balance of my time.

Mr. BARTON of Texas. Well, I appreciate the opportunity to close the debate.

This is an important piece of legislation. It has been worked over several years on a bipartisan basis. Chairman WAXMAN and Chairman PALLONE have been extremely positive and very gentlemanly in their approach to this bill. We are glad that it is being reauthorized in a timely fashion. We urge a strong bipartisan vote of "yes" on this bill.

Ms. PELOSI. Mr. Speaker, for almost two decades, the Ryan White Act has played an essential role in the development and maintenance of systems of care for people living with HIV and AIDS. Today, Congress has the opportunity to continue this lifesaving work.

Essential to our efforts has been the leadership of Chairman FRANK PALLONE of the Energy and Commerce Subcommittee on Health. And I want to especially acknowledge Chairman HENRY WAXMAN for his decades of magnificent and determined leadership in the fight against HIV/AIDS. From day one of this epidemic, HENRY WAXMAN has been on the frontlines leading the charge.

I also want to pay tribute to another great leader who was there from day one of this epidemic: Senator Edward M. Kennedy. Senator Kennedy was tireless in his efforts to ensure the federal government, and the entire health system, eventually rose to the challenge of this crisis with the resources and commitment it demanded. His legacy lives on in the Ryan White Act and the hundreds of thousands of people each year it helps access the medication and primary care they need to stay healthy.

As everyone knows, San Francisco was hit early and was hit hard by the devastation of AIDS. But San Franciscans responded to the needs of our neighbors by developing a system of community-based care that became the model for the Ryan White CARE Act when it was first enacted in 1990. As a result, San Francisco produced data that showed the country comprehensive HIV/AIDS care and services not only saves lives, but also saves money by keeping people healthy and productive.

Today, Ryan White-funded initiatives are a fundamental component of the systems of care upon which low income individuals with HIV and AIDS rely. Declines in AIDS deaths are a direct result of the therapies and services that have been made more widely available through the Ryan White Act to large numbers of uninsured and under-insured people living with HIV and AIDS.

Each year, this legislation ensures access to lifesaving medical services, including pharmaceuticals, for over 500,000 clients—almost half of the individuals living with HIV/AIDS in this country. Passage of the Ryan White reauthorization will continue to increase access to primary care and medications by providing additional resources and facilitating the transition to HIV reporting.

The Ryan White Act has always focused on establishing and maintaining effective systems of health care. This means avoiding drastic cuts that destabilize existing resources. For this reason, many of us were disappointed when the Bush Administration implemented the 2006 reauthorization in a way that caused drastic cuts to several jurisdictions, including the San Francisco Eligible Metropolitan Area. Unfortunately, Senate Republicans objected to correcting these implementation flaws in this reauthorization. However, I remain committed to responding to these needs through the appropriations process, as we have done each year since the Bush Administration first attempted to impose these destabilizing cuts.

The Ryan White HIV/AIDS Treatment Extension Act will continue our commitment to hundreds of thousands of low income people living with HIV/AIDS. In so doing, we will save lives, save money, and help create a healthier America. I urge my colleagues to vote "yes."

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of the Ryan White HIV/AIDS Treatment Extension Act of 2009.

This important program has helped numerous people across the country living with HIV/AIDS by helping to provide funding to states, urban areas, insurance providers, and other organizations for HIV/AIDS related care. It is estimated that the Ryan White Program helps more than half of a million people annually, and legislation to extend this program is incredibly important for those individuals' wellbeing. Reauthorized three times since it was first enacted in 1990 in response to the growing HIV/AIDS crisis, this legislation will help to modernize the program to address present day concerns.

I would be remiss as well if I did not discuss the disproportionate impact that HIV/AIDS has on minority communities and particularly the African-American community. Although African-Americans account for about 13 percent

of the U.S. population, they constitute roughly half of all Americans who become infected with HIV/AIDS. According to the Center for Disease Control, the rate of AIDS diagnoses for African-American adults and adolescents is ten times higher than the rate for whites and three times higher than the rate for Latinos. Truly these numbers are way too high, and we must resolve anew to continue to fight this terrible disease.

I encourage my colleagues to join me in supporting the Ryan White HIV/AIDS Treatment Extension Act so that we can offer care to those individuals who are suffering with HIV/AIDS and combat the disease as well.

Ms. CASTOR of Florida. Mr. Speaker, I rise today in strong support of the Ryan White HIV/AIDS Treatment Extension Act of 2009.

In my home State of Florida and in my community in the Tampa Bay area, Ryan White Services are vital. This critical program helps to preserve the lives of many in our communities living with HIV and AIDS. I have heard from so many of my neighbors in recent weeks, pleading that Congress act to ensure that this lifeline continues—today we answer their plea.

In 2004, Ryan White assisted well over 100,000 patients in Florida and nearly 13,000 family members of people living with HIV/AIDS. Those numbers continue to rise.

My community is very active in the Ryan White program. There are many nonprofit organizations that help to facilitate Ryan White and put the program dollars to good use.

I'd like to thank all of the participating organizations in my home town for their work with Ryan White—Metropolitan Charities in both Tampa and St. Petersburg, Operation Hope of Pinellas and the AIDS Service Association of Pinellas, to name just a few that are changing lives for my neighbors.

Mr. Speaker, the Ryan White Program is the only true safety net for many people living with HIV/AIDS to compensate for the lack of health insurance and care that is often not covered by insurers. I look forward to reporting to my neighbors that they can rest assured that this vital program will not be lost.

Mr. KLEIN of Florida. Mr. Speaker, I rise today in strong support of S. 1793, the Ryan White HIV/AIDS Treatment Extension Act of 2009, and thank the distinguished Chairman of the Energy and Commerce Committee, Mr. WAXMAN, and Ranking Member BARTON, as well as the Health Subcommittee Chair, Mr. PALLONE, and Ranking Member DEAL, for bringing this important bill to the floor before the Ryan White program ends at the end of the month.

The Ryan White program is our nation's keystone public health program for the prevention and treatment of HIV/AIDS. Originally enacted in 1990, the Ryan White program provides federal funds to states and metropolitan areas for health care costs and support services for people living with HIV and AIDS. Some of these services include medical care, drug treatments, dental care, home health care, and outpatient mental health and substance abuse treatment. Over half a million low-income people with HIV/AIDS receive critical health care services through Ryan White, and a third of them lack any health insurance at all.

In addition to preauthorizing the Ryan White program for four years, S. 1793 will increase funding for all programs by 5 percent to meet the growing needs of states, communities, and individuals. Of particular interest for my constituents is the increased funding for the Emergency Relief program, which provides grants to metropolitan areas with very high numbers of AIDS cases for primary care and support services like hospice care, housing, and transportation.

Unfortunately, the City of Ft. Lauderdale, which is in my congressional district, has the fourth highest AIDS rate in America, behind only San Francisco, New York, and Miami. This puts an enormous strain on local resources. Although Broward County has worked very hard to be as efficient as possible with the services they provide, this 5 percent funding increase will be a welcome relief during these difficult economic times.

I am also pleased to see that S. 1793 increases the unobligated fund requirement from 2 percent to 5 percent. As it stands now, this provision penalizes Part A and B grantees if they have more than 2 percent of their award unobligated at the end of a grant year. The consequence is that programs are ineligible to compete for supplemental components of their awards, creating an undue burden on grantees like Broward County who face state and county budget factors such as hiring freezes, purchasing delays and spending caps among other funding obstacles. Boosting this level to 5 percent will create a more realistic requirement for unobligated funds, and I thank the distinguished chairmen and ranking members for correcting this important problem.

Mr. Speaker, it was 28 years ago that the Center for Disease Control and Prevention issued its first warning for AIDS. In the interim, far too many people have died from this terrible disease. But thanks to this hallmark safety net program, the Ryan White program provides a vital lifeline to hundreds of thousands of people living with HIV/AIDS. We cannot let this lifeline end at the end of the month. We must pass this program today so that everyone living with HIV/AIDS can know that our great country will be there to help them when they need it most.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of this legislation reauthorizing the Ryan White CARE Act. I want to commend Chairmen WAXMAN and PALLONE as well as Ranking Members BARTON and DEAL for working in a bipartisan and bicameral fashion in bringing this bill before the House today.

For over two decades, the Ryan White program has been serving people living with HIV and AIDS. It provides medical care, treatment and support services to more than half a million people each year. As a result of this vital and important program, we have some of the best HIV and AIDS treatment programs in the world. Without this critical safety net, several of our nation's most vulnerable populations would not have access or receive the care and treatment they desperately need.

Maryland is one of the States hardest hit by the HIV epidemic. According to the Centers for Disease Control and Prevention, it has the fifth highest estimated rate of living AIDS cases per 100,000 people. Approximately 28,000 Marylanders live with HIV. I am pleased that

the legislation continues the current extended exemption policy for 2 years for those States with maturing names-based HIV case data, such as Maryland, that recently made the transition from the code-based system in determining how much Ryan White funding States receive.

Unfortunately, the Ryan White program was scheduled to sunset on September 30. It is now operating under a short-term extension. It is critical that Congress reauthorizes the Ryan White program so that we can continue to provide necessary and lifesaving services to those affected with HIV and AIDS. I urge my colleagues to support the Ryan White HIV/AIDS Treatment Extension Act.

Mr. CONYERS. Mr. Speaker, I rise in strong support of the Ryan White HIV/AIDS Treatment Extension Act of 2009, S. 1793. In our efforts to assist those with HIV/AIDS, the Ryan White Program has been at the forefront, offering lifesaving care for those with this disease.

The Ryan White HIV/AIDS Program allocates federal funds to metropolitan areas and states to assist in reducing health care costs and increasing support services for individuals and families affected by the human immunodeficiency virus or acquired immune deficiency syndrome. The Ryan White Program has been able to serve more than half a million low-income citizens living with HIV/AIDS each year. Of these constituents with HIV/AIDS, 33 percent of them are uninsured and an additional 56 percent are underinsured. This program is facilitated by the Health Resources and Services Administration of the Department of Health and Human Services. Composed of four major parts, the Ryan White HIV/AIDS Program provides grants to urban areas, directs funds to states and territories, pays for the AIDS Drug Assistance Program, and provides grants to both public and private nonprofit entities for family-centered care. This bill also allows for the continued funding for the Minority AIDS Initiative, a program that is attempting to address the impact of this disease on racial minorities.

In December 2006, Congress reauthorized the Ryan White HIV/AIDS Program until September 30, 2009. With 1.1 million persons in the U.S. living with diagnosed or undiagnosed AIDS/HIV, we must ensure that the Ryan White HIV/AIDS Program and the Minority AIDS Initiative are fully funded so that vital services to our neighbors are not cut.

I strongly support the Ryan White HIV/AIDS Program Act and its mission of providing direct care to patients in need. I urge my colleagues to do the same.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to support swift passage of the Ryan White HIV/AIDS Treatment Extension Act.

As you know, the Ryan White HIV/AIDS Treatment Program is an innovative and effective program that funds HIV/AIDS treatment for low-income, uninsured, and underinsured people. The program provides funding to cities, States, as well as directly to select clinics and care providers for core medical and support services.

In 2009 alone, my home State of Florida received over \$209 million in funding through Ryan White to assist countless low-income Americans living with HIV/AIDS.

And while HIV/AIDS is certainly a global and national epidemic, for my congressional district and all of south Florida it is an intensely local one. We know firsthand its impact on individual lives and families in our community.

Miami-Dade County ranks second among large metropolitan areas for people living with AIDS. There are over 32,000 people living with AIDS in Miami-Dade alone. And nearly 12,000 have HIV that has yet to progress to AIDS. These are just the cases we know about.

The fight against HIV/AIDS has many elements, but I cannot stress enough how important the Ryan White Program is within this greater undertaking.

While our commitment to the fight against HIV/AIDS must be both proactive as well as reactive:

Proactive in working together to halt the growth of this epidemic through our efforts at prevention and awareness;

Reactive in our providing of care and treatment earlier in the course of the disease;

Ryan White demonstrates that we must not, and we will not, ever forget about those already afflicted with this terrible disease.

We all recognize the tremendous results that the Ryan White Program has had on providing care for those suffering from HIV/AIDS in the United States. Extending this important program is not just a priority, but a necessity.

I know that through programs such as Ryan White we can, and will, save and improve the lives of countless individuals in my Congressional District and throughout the United States.

I again urge my colleagues to vote in favor of this beneficial bill and look forward to the day when we can call the fight against HIV/AIDS won.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise in strong support of the Ryan White HIV/AIDS Treatment Extension Act.

The Ryan White Act is lifesaving legislation that funds a vast array of innovative and effective services that form the healthcare safety net for uninsured and underinsured Americans living with HIV/AIDS. Ryan White programs are "payer of last resort," which subsidize treatment when no other resources are available.

The program provides medical care, drugs, and support services for 500,000 people a year. It's been a huge success in reducing sickness and death from HIV disease and helping people live longer, more healthy, and productive lives. The Ryan White programs also provide funding and technical assistance to local and state primary medical care providers, support services, healthcare provider and training programs.

Congress must extend this critical law to ensure that vital services are not withheld from people who so desperately need them.

We must pass this legislation, so that Ryan's legacy lives on with his message of love, compassion, and hope.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong support of S. 1793, the Ryan White HIV/AIDS Treatment Extension Act of 2009.

Since its establishment in 1990, the Ryan White CARE Act has delivered vital funding to States and urban areas with large numbers of individual living with the AIDS virus.

In Texas, the number of individuals living with HIV and AIDS increased in the last 10 years. Texas has one of the largest HIV and AIDS populations in the country and we rely heavily on Ryan White dollars to provide quality life-prolonging care to Texans living with HIV and AIDS.

We currently have two Eligible Metropolitan Areas and 3 Transitional Grant Areas under Ryan White CARE Act in our State.

Houston is currently the eighth largest Eligible Metropolitan Area in the Nation, with 10,000 individuals living with AIDS and Ryan White funding helped to provide critical health care and support services to more than 18,000 individuals in Houston in 2006.

In my community in Harris County, our Hospital District utilizes more than \$26 million each year to coordinate essential health care and support services for more than 21,000 individuals in our community living with HIV and AIDS.

The importance of this program cannot be overestimated; without CARE Act funds, many Americans living with HIV and AIDS would have no other source for treatment.

The Senate passed their version of the Ryan White HIV/AIDS Treatment Extension Act of 2009 on Monday and I am pleased we were able to work out a bipartisan and bicameral resolution which is reflected in this bill.

Without this vital legislation, millions of individuals would lose their HIV and AIDS treatment and support services. I am pleased we worked swiftly to send this to the President.

Mr. ENGEL. Mr. Speaker, I rise in strong support of the Ryan White CARE Act.

The Ryan White CARE Act holds a very special significance to New York State. As home to 16 percent of the Nation's AIDS population, New York remains the epicenter of the HIV/AIDS crisis. New York has nearly 120,000 residents living with HIV/AIDS and our State and cities have been proud to partner with the Federal Government in providing care for many of these individuals.

New York State receives more than \$300 million in Ryan White funds under all parts of the act to provide a range of health care and support services. Through Ryan White programs, 22,000 uninsured New Yorkers receive medications and ambulatory care services and thousands more receive other essential services such as mental health, case management, nutrition, and treatment adherence support services. These individuals must be guaranteed uninterrupted access to these vital services.

It is critical that Congress act swiftly on the reauthorization of the Ryan White Reauthorization which nationwide provides lifesaving medications, health care and support services to over 500,000 people. As you know, unlike most reauthorizations Congress inserted a sunset provision into the act in 2006 requiring Congressional action by September 30, 2009. While we extended temporary funding for the program in the recent CR, it is important that we do not delay enactment of a full reauthorization so that our States, cities, and localities can be assured of a stable source of needed funding.

While 3 years ago, this reauthorization was the subject of much disagreement and dissent,

we are in a different place today. Fortunately, Members on both sides of the aisle, and more than 250 organizations in the United States have worked hard over the past year to develop legislative principles where there is much agreement.

This bill will provide immeasurable assistance to more than half a million low-income people served by the Ryan White CARE Act programs. I urge all my colleagues to support it.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H.R. 3792, the Ryan White HIV/AIDS Treatment Extension Act of 2009. Our State receives \$75 million in Federal Ryan White assistance which provides care to an estimated 10,000 people in the state.

People in Illinois depend on Ryan White Care programs for help with expensive anti-retroviral drugs, to aid them in getting to and from the medical appointments, to prevent transmission from mother to child, and for continued access to dental services through the University of Illinois at Chicago. Throughout the year, I meet with Illinoisans whose lives have been changed because of these services and whose futures would be jeopardized without them. So I am pleased to see that the bill will result in a 4-year reauthorization that will allow States to continue their current programs without disruption to programs currently in operation. I am also glad that the draft continues the extension period for names-based reporting. Illinois is one of the States still transitioning from collecting surveillance data under a code-based system to a names-based system, and the State is grateful for the extended time.

I would also like to acknowledge the AIDS Foundation of Chicago and the many others in the Illinois HIV/AIDS community for being tireless advocates and unwavering resources for me and the 44,000 people living with HIV/AIDS in the State. We could not have accomplished this bill and other important pieces of legislation, like comprehensive health reform without their activism and community organizing.

We have come a long way since the start of the HIV/AIDS epidemic. Twenty years ago, someone was diagnosed as being HIV positive and people assumed it was a death sentence. The public was often misinformed about modes of transmission, and the science behind treatment was far more limited than it is today.

Unfortunately, a recent survey by the Kaiser Family Foundation found that the level of attention paid to HIV/AIDS awareness has declined rapidly. The percentage of the American people who say that they have seen or heard or read a lot about HIV/AIDS in the U.S. has fallen from 34% five years ago to just 14% today. The percentage of African Americans reporting has fallen from 62% to 33%.

The public's sense of urgency is down. And yet we learned earlier this year that 3% of the residents in the District are infected with HIV or AIDS, making D.C.'s rates higher than those in West Africa.

Our need to increase prevention efforts and raise awareness about the disease is no less important or any less urgent today than it was when the first cases were diagnosed in 1981.

The Ryan White Care Act enables us to continue moving forward with prevention and treatment. I urge my colleagues to support this critical legislation.

Mr. HOLT. Mr. Speaker, I rise today to express my strong support for S. 1793, the Ryan White HIV/AIDS Treatment Extension Act.

We all know the troubling statistics. Since its inception, AIDS has claimed almost 600,000 lives in the United States. Over 1 million Americans are living with HIV/AIDS today. Recent data from the Center for Disease Control and Prevention (CDC) suggest that HIV diagnoses are increasing, by as much as 15 percent in three years. As the AIDS crisis has continued year after year, it has become more and more difficult for anyone to claim that AIDS is someone else's problem.

Since 1990, the Ryan White program has helped establish a comprehensive, community-based continuum of care for uninsured and under-insured people living with HIV and AIDS, including access to primary medical care, pharmaceuticals, and other services. In New Jersey, Ryan White funding helps support the State's AIDS Drug Assistance Program, which in 2008 provided almost 5,000 patients with needed HIV medications.

As we debate health care reform, it is important that we keep the needs of HIV/AIDS patients in mind. I have spoken out in favor of reforming Medicare Part D to work seamlessly with State AIDS Drug Assistance Programs and to ensure these patients have continuous access to their needed anti-retroviral prescriptions. These provisions are currently included in America's Affordable Health Choices Act, and I look forward to working with my colleagues to strengthen these policies for HIV/AIDS patients.

By passing S. 1793 today, Mr. Speaker, we will affirm our commitment to people living with HIV/AIDS and their families. We also will be affirming our dedication to sound public policy. By reauthorizing the Ryan White Act, we will give hope and a real chance for a better life to thousands of HIV/AIDS victims.

Mr. TOWNS. Mr. Speaker, I rise today in support of House Resolution 3792, The Ryan White HIV/AIDS Treatment Extension Act of 2009. Nearly twenty years after the enactment of the landmark Ryan White Act, Congress renewed its commitment today to provide primary medical care and treatment for uninsured or underinsured people living with HIV/AIDS. For nearly two decades, low-income Americans living with HIV/AIDS have relied on the life-saving benefits offered under this program and I am pleased to join my colleagues in reauthorizing this important legislation.

Currently, New York State is home to 120,000 individuals living with HIV/AIDS—the second highest rate of reported AIDS cases in the Nation. That number includes 25,000 people who reside in Brooklyn. The Ryan White Act has been, and continues to be, a lifeline for those New Yorkers and Americans living with HIV/AIDS.

As medical costs continue to rise, the reauthorization comes at a critical time. It provides for an important five percent increase across every category of funding. Additionally, several new provisions included in the bill focus on reducing the disparities in access to health care among racial and ethnic groups who are disproportionately affected by the virus.

By passing the Ryan White HIV/AIDS Treatment Extension Act of 2009 yesterday with an overwhelming majority we not only restored a sense of hope and dignity for those dealing with the everyday struggles of this disease, but we also demonstrated our Nation's steadfast commitment to ensuring that 1.1 million people living with HIV/AIDS have access to quality care and treatment.

Ms. WATERS. Mr. Speaker, I rise to support the Ryan White HIV/AIDS Treatment Extension Act of 2009, which reauthorizes the Ryan White HIV/AIDS Program for four years. The Ryan White program provides critical funds to cities, states and non-profit organizations for medical treatment and support services for people living with HIV and AIDS. The program currently serves more than 500,000 HIV-positive low-income people throughout the United States, many of whom would not be alive today without it.

The continuing need for the Ryan White Program cannot be overstated. According to the Centers for Disease Control and Prevention, there are more than 1.1 million people living with HIV/AIDS in the United States today, and every 9½ minutes, another person is infected.

Racial and ethnic minorities continue to be severely impacted by HIV/AIDS. African Americans account for 49% of new AIDS diagnoses, and Hispanics account for 19%. All minority groups combined represent 65% of new HIV infections, 67% of people living with HIV/AIDS, 71% of new AIDS cases, and 70% of deaths caused by AIDS.

Eleven years ago, in order to address the disproportionate impact of HIV/AIDS among minorities, I worked with my colleagues in the Congressional Black Caucus and the Clinton administration to develop the Minority AIDS Initiative. This initiative provides funds to community-based organizations in order to build their capacity to serve minority communities and deliver culturally and linguistically appropriate care and services.

This bill recognizes the disproportionate impact of HIV/AIDS among minorities and reauthorizes key provisions of the Minority AIDS Initiative. The bill requires the Government Accountability Office (GAO) to report on activities under the Minority AIDS Initiative across governmental agencies and identify best practices in capacity-building. It also requires the Department of Health and Human Services to prepare a plan for the use of Minority AIDS Initiative funding, taking into consideration the GAO report.

I thank my good friend Delegate DONNA CHRISTENSEN, along with the other Members and staff of the Energy and Commerce Committee, for consulting with my office on the reauthorization of the Minority AIDS Initiative, and I appreciate all of their work on this bill.

I urge my colleagues to support the Ryan White HIV/AIDS Treatment Extension Act of 2009.

Mr. RANGEL. Mr. Speaker, I rise to praise the passage of S. 1793, the Ryan White HIV/AIDS Treatment Extension Act of 2009. On behalf of the hundreds of thousands of people with HIV/AIDS who rely on the Ryan White Program, I would like to express my appreciation to the Committee on Energy and Commerce and to the Members of the U.S. House

for having voted in favor of extending this important program for four more years. The Ryan White Program is the largest federally funded program for people living with HIV/AIDS. It funds programs to improve availability of care for low-income, uninsured and under-insured people with HIV/AIDS, and it provides funding and technical assistance to local and State primary medical care providers, support services, healthcare providers, and training programs.

HIV/AIDS is one of the fastest expanding epidemics in the United States, affecting more than 1 million people in the country. Over 530,000 low-income people with HIV/AIDS depend on the services provided through the Ryan White program. In my home of New York City, as of June 30, 2008, 104,234 people have been diagnosed and reported to be living with HIV/AIDS, including 63,899 living with AIDS. There are approximately 32,000 people living with HIV/AIDS in New York City that use Ryan White Part A services for medical treatment, support services, and other care that they would not otherwise be able to afford. People with the disease and care providers will benefit greatly from the extension of this program. There is a growing demand for these services because of the increase in infected people; I am pleased that this bill includes an increase in the authorization level for the program by 5 percent every year for the next four years.

The bill passed with strong support from both parties, in a 408 to 9 vote, and it will now go to the President's desk for signing into law. This is a great accomplishment.

Again, I am pleased that this great body understands the importance of this program and will fund it for another four years, but let us please keep in mind that more still needs to be done to end this pandemic.

Mr. LANGEVIN. Mr. Speaker, I am pleased to rise in support of S. 1793, the Ryan White HIV/AIDS Treatment Extension Act.

There are nearly 40,000 new HIV/AIDS infections reported each year, and according to the Centers for Disease Control and Prevention approximately 1.1 million Americans are currently living with the disease. While contracting the HIV virus used to be considered a death sentence in our society, significant medical advances over the past 20 years have turned it into a very treatable condition. Today, many individuals with HIV are living long, happy and productive lives, but there are also many among us who don't have the means to access life-sustaining treatments and social supports.

The Ryan White HIV/AIDS Program was originally enacted in 1990 to provide HIV-related health services to those without sufficient health coverage or financial resources to cope with the disease. Last year, Rhode Island received approximately \$7.2 million in funding and supplied 2,800 people with access to primary medical care and case management services, including \$4.3 million in vital medications.

The bill before us today will authorize the continuation of this very successful program through FY 2013—including emergency relief, comprehensive care and early intervention programs. It will give our local, State and community partners the resources necessary to

continue providing compassionate care for individuals living with HIV/AIDS. I strongly support this bill and urge my colleagues to vote in favor of its passage.

Mr. CAPUANO. Mr. Speaker, I rise today in support of S. 1793 the Ryan White HIV/AIDS Treatment Extension Act of 2009. This important bipartisan bill reauthorizes a program that has provided some of the most critical services to our country's most vulnerable populations for nearly two decades.

As you know, according to the CDC, approximately 1.1 million Americans are currently living with HIV/AIDS. While we have made tremendous strides in the treatment of HIV, prolonging and improving the lives of those with the disease, the need for funding to provide treatment to all those living with HIV/AIDS has, accordingly, greatly increased.

Furthermore, this epidemic has had an alarmingly disproportionate impact on communities of color. African Americans account for roughly 50% of HIV/AIDS diagnoses and Hispanics/Latinos 18 percent. We must properly address this troubling disparity and continue to work for improved access and treatment for racial and ethnic minorities living with HIV/AIDS.

The Ryan White HIV/AIDS Program offers a comprehensive, cost-effective solution to these challenges. Ryan White has been a monumental success and has most certainly contributed to the decline in the number of AIDS cases and deaths due to HIV/AIDS. S. 1793 is an important piece of legislation and I urge my colleagues to support it.

Ms. FOXX. Mr. Speaker, in 2006, I supported the Ryan White HIV/AIDS Treatment Modernization Act which reauthorized the Ryan White HIV/AIDS program and included important provisions that sunset the program's authorizations. However, the 2009 reauthorization bill, S. 1793, that the House passed on October 21, 2009 repeals all prior sunset provisions. With the current budgetary fiasco facing the Federal Government, the need for provisions that would sunset program authorizations is more pronounced now than ever. Congress constantly creates new programs with little or no thought to the amount of money that will be needed to finance its eternal life. The thought seems to be that a billion dollars for any specific purpose is so minuscule when compared to the Federal deficit that one cannot resist supporting worthy causes and efforts. The problem is that this excuse occurs on a daily basis around here. Collectively, that mentality is what has led us to the insurmountable Federal spending levels currently threatening the economy and overall strength of the U.S. dollar.

One simple way to help combat that mentality is the inclusion of provisions that sunset program authorizations. This is a common-sense, prudent and simple step that can be taken regularly to help keep us honest. If a program is worth continuing, its purpose and effectiveness should be defensible in the future. If it is not defensible, then committees can reevaluate and retool its functioning to help restore accountability. Moreover, committee chairmen should wholeheartedly support sunset provisions as their inclusion would more regularly work towards shaping policies under their purview. Some may argue that the

programs are too plentiful and the task too overwhelming for Congress to evaluate effectively on a regular basis. This is all the more reason to fight for smaller government, and terminating ineffective and duplicative programs. Congress must put the necessary accountability and oversight measures in place to ensure that American tax dollars are being well spent on worthy, well-functioning priorities.

S. 1793 authorizes the appropriation of about \$2.55 billion for fiscal year 2010, a 14 percent increase from the appropriation the program received in fiscal year 2009 of \$2.213 billion. The bill increases the program's overall authorization levels by an automatic 5 percent each year for total of \$8.44 billion over the 2010–2013 period. In comparison the Federal Government sought only to increase the defense budget by 3 percent. What is additionally troubling is that there is no Congressional Budget Office (CBO) report available estimating how much this program could cost. Moreover, S. 1793 was considered under a suspension of the House rules, leaving no opportunity for members to amend the bill to address any of these concerns. Therefore, I could not in good conscience support a bill with such a large increase in authorizations coupled with no CBO score or a sunset provision.

Mr. BARTON of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, S. 1793.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. ROE of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1100

NATIONAL PRINCIPALS MONTH

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 811) expressing support for designation of October 2009 as "National Principals Month," as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 811

Whereas the National Association of Elementary School Principals and the National Association of Secondary School Principals have declared the month of October 2009 as "National Principals Month";

Whereas school leaders are expected to be educational visionaries, instructional leaders, assessment experts, disciplinarians, community builders, public relations experts, budget analysts, facility managers,

special programs administrators, and guardians of various legal, contractual, and policy mandates and initiatives as well as being entrusted with our young people, our most valuable resource;

Whereas principals set the academic tone for their schools and work collaboratively with teachers to develop and maintain high curriculum standards, develop mission statements, and set performance goals and objectives;

Whereas the vision, dedication, and determination of a principal provides the mobilizing force behind any school reform effort;

Whereas leadership is second only to classroom instruction among all school-related factors that contribute to what students learn at school, according to research conducted by the Wallace Foundation;

Whereas the U.S. Bureau of Labor Statistics estimates that approximately 1 in 3 education administrators works more than 40 hours a week and often works an additional 15–20 hours each week supervising school activities at night and on weekends;

Whereas the NAESP National Distinguished Principals program honors exemplary elementary and middle level public, private, and independent school leaders as well as leaders from the U.S. Department of Defense Schools and the U.S. Department of State Overseas Schools, for outstanding leadership for student learning and the profession;

Whereas the MetLife-NASSP Principal of the Year program began in 1993 as a means to recognize outstanding middle level and high school principals who have succeeded in providing high-quality learning opportunities for students as well as their exemplary contributions to the profession;

Whereas the celebration of "National Principals Month" would honor elementary, middle level, and high school principals and recognize the importance of school leadership in ensuring that every child has access to a high-quality education; and

Whereas the month of October 2009 would be an appropriate month to designate as "National Principals Month": Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors and recognizes the contribution of school principals to the success of students in our Nation's elementary and secondary schools; and

(2) encourages the people of the United States to observe "National Principals Month" with appropriate ceremonies and activities that promote awareness of school leadership in ensuring that every child has access to a high-quality education.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 811 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 811, which recognizes the designation of this month, October 2009, as National Principals Month.

This bipartisan resolution introduced by myself and Congressman TODD PLATTS honors and supports the critical role that school leaders play in the lives of our students, because one of the principal reasons behind a school's success is often its strong principal. This is true every day in schools all across our country.

At San Diego High School of International Studies in my district, Principal Karen Wroblewski has been the force behind the school's high ranking and *Newsweek's* top 100 high schools for 3 years running. Families have been known to camp in Karen's office to garner a spot in the incoming class. This success is only bolstered by the fact that her school is in a historically low-performing educational area and that the student body is one of the most diverse in our city. Understandably, Karen was named the 2009 National Magnet Principal of the Year.

Meanwhile, on the opposite side of our country, in Delaware, Principal Stephanie Smith is a similar driving energy behind Seaford Middle School. As a result of Seaford's emphasis on challenging coursework and collaboration with her staff, the State chamber of commerce recognized the school with its Superstars in Education award, and it is a 2009 MetLife National Association of School Principals breakthrough school.

These women are prime examples of how elementary, middle and high school principals provide the vision, the dedication and the mobilizing power for successful schools. School leaders set the academic tone, and they keep teachers involved to develop performance goals and objectives. Behind every one of their efforts is the genuine intent to improve student achievement.

Unlike many other careers, principals are expected to fill a variety of roles which are each complex in their own right. On any given day, they are likely to be everything from educational visionary, to community builder, to budget analyst, to facility manager, to counselor. This means that principals often work long hours. In fact, the Bureau of Labor Statistics estimates that one in three principals works far more than 40 hours per week, and they often work many additional hours supervising school activities at night and on weekends. Just because students go home at the end of the day or at the end of the school term does not mean that the work of a principal stops. In fact, principals could give our congressional schedule quite a run for its money.

During my time on the San Diego School Board, I worked with many of these remarkable individuals. I witnessed how their commitment and energy can inspire an entire school from the youngest student to the most senior teacher. In the end, it is principals who are responsible for creating and managing the environment where our students learn and grow.

So this month, let's honor this important role which they dedicate themselves to all year round.

I would also like to thank the National Association of Elementary School Principals and the National Association of Secondary School Principals for their work to designate October 2009 as National Principals Month.

Mr. Speaker, I reserve the balance of my time.

Mr. ROE of Tennessee. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 811, expressing support for the designation of October 2009 as National Principals Month.

The role of principals has been redefined in the 21st century. Gone are the days when principals spent most of their time with bus schedules, fire drills and general curriculum. Today's school leaders must keep abreast of State and Federal goals, the latest technologies and teaching practices, as well as learning to use data to spot gaps in learning among all students. It should come as no surprise that principals, like other organizational leaders, set the tone for high achievement in their schools.

Regardless of location, racial or socioeconomic demographics, communities demand that principals lead the instructional and academic performances in their schools. Leadership is an important factor in the creation of good schools. Influenced by the academic standards movement, which focuses on equity and instruction, school leaders are thinking anew about how to define quality in our schools and about how to create and manage the environments that support them.

Principals lead schools, and they tie the daily operations to school and student learning goals that are set by parents, staff, and the community. They also set high expectations for the academic and social development of all students, teachers and staff; and they ensure the resources to meet these high standards.

Principals are also charged with hiring and retaining high-quality teachers and with holding them responsible for student learning. Today's school leadership also connects professional development to school learning goals, and it provides opportunities for teachers to work, plan, and to think together.

Principals are among the hardest working, yet often the least recognized, individuals in education. These unsung heroes deserve to be recognized

for the essential role they play in preparing today's students for the challenges of tomorrow, and I ask my colleagues to support this resolution.

I also would like to comment about my principal at Clarksville High School, Mr. THOMPSON, who is a retired sergeant in the Marine Corps. He had a hard time keeping us in between the white lines. I think part of my success today is due to Mr. THOMPSON, my principal, who kept a lot of young boys out of trouble and who pointed them in the right direction education-wise. Many principals across this Nation and probably most of us in this room could acknowledge that.

Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I remember a school in my district that I visited often as a school board member and then later in the State legislature. It was kind of a tough school, really; and I used to go into the principal's room or into the teachers' lounge, and people were always grumbling. Then a new principal came to town, and she hired a number of new teachers. A number of teachers had actually left the school because she came in. I think she established early that she was going to have some very high standards. Some people left. Within a year, the tone at that school was turned around so dramatically.

I remember walking into the office one day, and they had pictures of all the teachers and their families on the wall so that parents, when they came in, could relate not just to the teachers, but they could know the teachers' families. Everybody seemed to be part of a family; and that happened because of the vision, because of the enthusiasm and, really, because of the skill of that principal. That school now continues to do very, very well. It has established itself in the community so differently than what I really remember it to be for a number of years.

So we know that principals truly make a difference. When they can translate their desire to see high achievement and high expectations to everybody on the staff and in the whole community, it really does matter to young people. That's what we need. Tremendous principals often, I guess, consider themselves to be pretty ordinary folks, but they do extraordinary things.

I'm just delighted to be part of this resolution, and I am very happy that we're able to talk about it today on the floor, and I thank my colleague for that as well.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I concur with the gentlewoman, and I would urge the passage of this resolution; and I yield back the balance of my time.

Mr. REYES. Mr. Speaker, I rise today in support of H. Res. 811, a resolution recognizing the month of October as "National Principals Month." My congressional district in El Paso, Texas is fortunate to have outstanding principals in our schools who work tirelessly every day encouraging our teachers and students, and also serving as role models in our community. These dedicated educators are constantly challenging students and teachers to achieve high academic goals.

Principals wear many hats in their daily schedule. As educational leaders, principals set the academic tone at their schools and guide their staff and students with a shared vision for the future by developing and maintaining high curriculum standards and setting performance goals and objectives. As administrators, they handle public relations duties, analyze and manage their schools' budgets, and strive to maintain a high level of both student and staff morale. As campus leaders and mentors, they provide support at school sporting events, community service projects, fundraising activities, and other school functions.

Principals are our educational system's ultimate multi-taskers and, along with teachers, deserve to be recognized for their work, dedication, and passion on behalf of our children. There are approximately 250 elementary, middle, and high school principals in my district in El Paso. I am proud to say that my daughter, Dr. Monica Reyes, is one of those, and I applaud her and all of the principals in my district for their outstanding work. These leaders work with a sense of urgency to raise our schools' educational levels to new heights each day by providing our students and teachers with the guidance and leadership necessary to ensure success.

Both principals and teachers play a significant role in encouraging our students to stay in school and pursue higher education, both which are crucial to the future strength and prosperity of our nation. As a Member of Congress, promoting student advancement and acknowledging the efforts of our teachers and principals has always been a priority of mine.

Mr. Speaker, "National Principals Month" is a great opportunity to acknowledge the importance of principals and promote educational success and leadership in our schools, and I am proud to voice my support for this resolution.

Mrs. DAVIS of California. Mr. Speaker, I urge support and the passage of House Resolution 811, recognizing National Principals Month; and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 811, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. DAVIS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further

proceedings on this motion will be postponed.

RECOGNIZING KENTUCKY WESLEYAN COLLEGE

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 837) recognizing Kentucky Wesleyan College for over 150 years of service as an institution of higher education.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 837

Whereas Kentucky Wesleyan College was founded in 1858;

Whereas the first commencement held at Kentucky Wesleyan College was in 1868;

Whereas Kentucky Wesleyan College is a private, liberal arts Methodist college located in Owensboro, Kentucky;

Whereas 956 students from 27 States and 6 foreign countries were enrolled at Kentucky Wesleyan College in the fall of 2008;

Whereas Kentucky Wesleyan College's mission statement is to foster a liberal arts education that nourishes, stimulates, and prepares future leaders intellectually, spiritually, and physically to achieve success in life;

Whereas Kentucky Wesleyan College has a number of notable alumni, including a United States Supreme Court justice, a Major League Baseball pitcher, and the founder of another Kentucky institution of higher education;

Whereas the Kentucky Wesleyan Panthers compete in National Collegiate Athletic Association Division II athletics; and

Whereas from overseas mission trips to numerous local projects, Kentucky Wesleyan students meet the needs of others and positively impact the world around them: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes Kentucky Wesleyan College for over 150 years of service as an institution of higher education; and

(2) thanks Kentucky Wesleyan College for the valuable education it has provided to students.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 837 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 837, which recognizes Kentucky Wesleyan College for its over 150 years of operation.

Founded in 1858, during a Kentucky Methodist conference, Kentucky Wesleyan College began as a training school for preachers, but the curriculum expanded to include an inclusive liberal arts education and, after a strong demand, business classes.

By the 1880s, half of the alumni were employed as either teachers or as businessmen—I hope businesswomen as well, but perhaps not at that time—a testament to the quality of the education students received at KWC.

As of 2008, Kentucky Wesleyan College annually enrolls over 950 students, and offers a wide range of courses. With 27 majors and a 15-1 student-to-faculty ratio, Kentucky Wesleyan College boasts a strong academic program. By coupling this strong educational base with small classes and elite professors, KWC offers a supportive environment for their students to learn and grow.

KWC's religious history influences its students. Today, young men and women graduate from Kentucky Wesleyan College with high morals, values and faith. At this institution, students are encouraged to become the best that they can be in both their personal and academic lives. Students are also encouraged to serve. Last year, one-third of the students took part in a community service event. For example, Kentucky Wesleyan College student Campus Ministries puts on service projects on campus and in the Owensboro area. This small college accomplishes many feats. It graduates educational leaders, professional athletes and even United States Supreme Court Justice Stanley Forman Reed.

Though much has changed at KWC since it was founded in 1858, the core principles have remained the same. KWC still strives to nourish, stimulate and prepare students and alumni to lead organizations with integrity and to lead a life of spirituality.

KWC has existed for over 150 years. As the college celebrates this milestone, I want to take a moment to recognize KWC's success. The college will also take a look ahead to continue its service to the community and to its students.

Mr. Speaker, once again, I express my support for Kentucky Wesleyan College, and I thank Representative GUTHRIE for bringing this bill forward, and I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. ROE of Tennessee. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 837, recognizing Kentucky Wesleyan College for over 150 years of service as an institution of higher education.

Kentucky Wesleyan College, in partnership with the United Methodist Church, fosters a liberal arts education that nourishes, stimulates and prepares future leaders intellectually,

spiritually and physically to achieve success in life.

Founded in 1858, Kentucky Wesleyan College was originally located in Millersburg. Classes began in 1866, and the first commencement took place in 1868. At first, it was a training school for preachers; but soon, business classes and liberal arts classes were added to the curriculum. In 1890, the school moved to Winchester, and soon after, women began to be admitted to the school for the first time. In 1951, the school moved to its present location in Kentucky's third largest city, Owensboro.

Kentucky Wesleyan secured full accreditation by the Southern Association of Colleges and Schools in 1947. Increasingly, Kentucky Wesleyan graduates were making their mark in the graduate and professional schools of the region. The strong curriculum in business and liberal arts was expanded to include major programs in preprofessional areas. Kentucky Wesleyan earned an enviable reputation for the many students being sent to medical, dental, law, and graduate schools.

□ 1115

Kentucky Wesleyan gained national recognition in athletics when its men's basketball team won men's championships in 1966, 1968, 1969, 1973, 1987, 1990 and 1999. No Division II school has ever surpassed this record.

In the 1990s, Kentucky Wesleyan College revised its mission statement to focus on preparing leaders for the 21st century. The college reaffirmed its commitment to the liberal arts and modified the general education program toward fulfilling the new mission statement. Offering 27 majors in 10 preprofessional curriculums, Kentucky Wesleyan College has a 15:1 student-faculty ratio.

Superb teaching from a global perspective provides a rich classroom experience at Kentucky Wesleyan College. Students sharpen their skills, their critical thinking, by learning how to find, use and defend worthwhile information. In addition, students are encouraged to serve in anticipation of a lifetime of service to others. Kentucky Wesleyan's students meet the needs of others and positively impact the world around them.

Congratulations to President Dr. Cheryl King, the Kentucky Wesleyan students, faculty, and staff on over 150 years of service as an institution of higher education.

Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield as much time as he may consume to Mr. GUTHRIE of Kentucky.

Mr. GUTHRIE. Mr. Speaker, I rise today to recognize Kentucky Wesleyan College, which for over 150 years has

been dedicated to giving its students the tools they need to be successful in all areas of life.

A small liberal arts college, Kentucky Wesleyan offers a distinct collegiate experience that allows the undergraduates to grow academically, professionally, and spiritually. The college started from its modest beginnings in Millersburg, Kentucky, in 1858, with one building and with the first graduating class consisting of only one man.

Today, Kentucky Wesleyan has broken out and made incredible gains, with over 8,500 men and women having earned degrees, each continuing to uphold the traditions and values that were created so long ago. Over recent years, the college has renovated and expanded by updating the campus with new and refurbished buildings, adding new faculty and academic programs, and steadily increasing enrollment. Students at Kentucky Wesleyan are committed to making a difference and encouraged to be an example for others.

The president of the college, Dr. Cheryl D. King, who is also an alumna, has made it a point to develop personal relationships with the students. She is dedicated to making their collegiate experience a valuable and memorable one. Dr. King expresses the goals and values of the college perfectly in a letter to prospective students. In it she writes:

"Our students are encouraged to serve in anticipation of a lifetime of service to others. Last year, one-third of our students took part in community service opportunities. From overseas mission trips to numerous local projects, Kentucky Wesleyan students meet the needs of others and positively impact the world around them."

Kentucky Wesleyan has truly lived out its mission statement to foster a liberal arts education that nourishes, stimulates, and prepares future leaders intellectually, spiritually, and physically to achieve success in life. Under the leadership of Dr. King, I know the college will continue to grow and flourish. I look forward to watching the strides they make and seeing the accomplishments of its students and alumni.

I am proud to represent Kentucky Wesleyan in Washington. I am proud to represent the community in which it exists, Owensboro, in Daviess County, and I wish them nothing but the best.

Mrs. DAVIS of California. Mr. Speaker, I continue to reserve the balance of my time.

Mr. ROE of Tennessee. I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I am very happy to bring House Resolution 837 forward. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 837.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. DAVIS of California. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING LAURINBURG NORMAL INDUSTRIAL INSTITUTE

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 660) recognizing the distinguished history of the Laurinburg Normal Industrial Institute, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 660

Whereas the Laurinburg Normal Industrial Institute (referred to as the "Laurinburg Institute") was founded on September 15, 1904, in Laurinburg, North Carolina, by Emmanuel McDuffie and his wife Tinny Etheridge McDuffie at the request of Booker T. Washington of the Tuskegee Institute and William Edwards of the Snow Hill Institute;

Whereas the Laurinburg Institute is the oldest of only four historically African-American boarding schools still remaining in the United States;

Whereas the Laurinburg Institute was founded to help provide suitable education and training in the common pursuits of life for African-Americans in the area of Laurinburg, North Carolina;

Whereas, on September 15, 1906, Emmanuel McDuffie, J.H. Davis, and Robert Leach incorporated the Laurinburg Institute at Laurinburg, North Carolina, for the instruction of African-American teachers and youth in various academic branches of study and in the best methods of theoretical and practical industry applicable to agriculture and the mechanical arts;

Whereas in 1956, the Laurinburg Institute began to build a new campus, integrated its faculty and student body, expanded its foreign student program, which consisted of students from Russia, Africa, South America, Brazil, Portugal, the Caribbean, and other countries, and further solidified its nationally and internationally recognized athletic and music programs;

Whereas since 1904, the Laurinburg Institute has graduated students of color, and since 1954 many graduates have finished college or other post-secondary training;

Whereas the Laurinburg Institute's distinguished alumni include Sir John Swann, the former Premier of Bermuda and one of the first blacks to be a head of state in the Western Hemisphere, Joy Johnson, one of the first African-Americans elected to the North Carolina General Assembly after the Reconstruction era, John Birks "Dizzy" Gillespie, an internationally renowned jazz trumpeter,

and Charles "Charlie" Scott, the first African-American scholarship athlete at the University of North Carolina at Chapel Hill, who later became a National Basketball Association (NBA) All-Star where he played for such teams as the Boston Celtics, Denver Nuggets, Los Angeles Lakers, and Phoenix Suns, winning an NBA championship with the Boston Celtics and a gold medal in the 1968 Summer Olympics;

Whereas in 2005, the North Carolina General Assembly passed Senate Joint Resolution 1178 which honored the lives of Frank and Sammie McDuffie, who were the second generation of McDuffie's to serve as administrators of the Institute, and the work of the Laurinburg Institute in producing educators, humanitarians, athletes, and civil rights and leaders;

Whereas in 2009, the Laurinburg Institute's President and Chief Executive Officer is Frank "Bishop" McDuffie, Jr., and his daughter, Frances McDuffie, serves as the Institute's Vice President and President; and

Whereas Frank "Bishop" McDuffie and Frances McDuffie are the third generation of McDuffie administrators of the Laurinburg Institute: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the distinguished history of the Laurinburg Normal Industrial Institute;

(2) acknowledges the Laurinburg Institute's remarkable contribution to the education of African-Americans and other people in the State of North Carolina and the Nation; and

(3) commends the enterprise and dedication of the McDuffie family in creating and sustaining the Laurinburg Institute.

The Speaker pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 660 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 660, which recognizes the historical significance of the Laurinburg Institute, one of the Nation's oldest African American boarding high schools in the United States.

In the early 1900s, there were few educational opportunities for black students. The Laurinburg Institute, along with other African American boarding schools, answered the needs of many African Americans desiring an education.

The Laurinburg Institute was founded on September 15, 1904, in Laurinburg, North Carolina, by Emmanuel McDuffie and his wife, Tinny Etheridge McDuffie, at the urging of Booker T. Washington and William

Edwards. Since then, the McDuffie family has remained committed to the school's mission, devoting their lives to its service for more than three generations.

The school has developed and created exceptional music and athletic programs. Over the years, Laurinburg Institute has graduated renowned musicians and professional athletes, most notably NBA All-Star Charles Scott. Other prominent alumni include musician Dizzy Gillespie and professional basketball player Sam Jones.

Today, this school offers a unique atmosphere for all students to succeed. The McDuffie family, through generations of hard work and dedication, has implemented a curriculum for their students to succeed. The institute has an enrollment capacity of 135 students and has a student body comprised of young men and women from across the country and the globe.

Once again, I support this resolution and thank Congressman KISSELL for bringing this bill forward. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 660, recognizing the distinguished history of the Laurinburg Normal Industrial Institute founded in 1904 by Emmanuel McDuffie and his wife, Tinny. Laurinburg Institute is the oldest of only four historically African American boarding schools still in existence in the United States. It was founded to help provide suitable education and training in the common pursuits of life for African Americans in the Laurinburg, North Carolina, area.

At the turn of the century, Laurinburg Institute instructed African American teachers and youth in various academic branches of study and in the best methods of theoretical and practical industrial applications for agriculture and the mechanical arts. In 1956, the Laurinburg Institute built a new campus, integrated its faculty and student body, and expanded its foreign student program, which consisted of students from Russia, Africa, South America, and the Caribbean. It also further solidified its nationally and internationally recognized athletic and music programs. The Laurinburg Institute has graduated over 50,000 students.

Today, we recognize the distinguished history of the Laurinburg Institute and acknowledge its remarkable contribution to the education of African Americans. I commend the dedication of the McDuffie family in creating and sustaining the legacy of Emmanuel and Tinny McDuffie. Congratulations to its third-generation administrators, president and CEO,

Frank McDuffie, and his daughter, Frances McDuffie, who serves as vice president and chief operating officer, as well as the faculty, staffs and students of Laurinburg Institute.

Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I am pleased to recognize for 10 minutes the gentleman from North Carolina, the sponsor of this legislation, Mr. KISSELL.

Mr. KISSELL. I would like to thank my colleague from California for yielding time to me.

Mr. Speaker, as we look at the Laurinburg Institute, or its official name, Laurinburg Normal Industrial Institute, there is a story to be told here that goes beyond some of the information that we have already received.

If you can imagine back prior to September 15, 1904, when the Laurinburg Institute was officially founded, if you could imagine the conversations that took place when Booker T. Washington at Tuskegee Institute came to the McDuffies, Emmanuel and Tinny Etheridge, and said, I have got an opportunity for you. They weren't talking about how they could become millionaires or how they could invest moneys.

No, it was something much more important than that. They were talking about education. They were talking about educating African American youth at a time before Brown v. Board of Education, a time when we did not talk about equality of education. In some cases we didn't talk about education of African American youth at all.

This was a time in the early 1900s only 40 years after the Civil War. We know our Nation was going through some tough times, and these people were talking about education.

There must be something that runs strong in the McDuffie family in terms of their genetics, because not only is this one of only four such schools that have survived till today; it is still run by the same family that started it. Four generations later of McDuffies, they are still running the same school. They are still concerned about education.

We know that the opportunity of education is to influence young people for generation upon generation because that influence never stops. Teachers know, and one of the great rewards of teaching is that they know that who they affect may not be the person who is in their classroom; it may be someone two or three generations down that is affected directly by someone that they had taught and inspired.

This is what the McDuffie family has offered to us, Mr. Speaker: 50,000 graduates. Think of all of the families and all of the people that were affected by these 50,000 that would not have been if

Booker T. Washington had not convinced the McDuffies that the best investment they could make is in education.

Now, we have heard a couple of the graduates mentioned. I would like to add a couple more names to that list. Sir John Swan was a premier of Bermuda, one of the first people of color that was a head of state in the Western Hemisphere. We mentioned Charlie Scott, who was the first African American ever to be awarded an athletic scholarship to the University of North Carolina. Now, as a Wake Forest graduate, I also have to mention another basketball player, Charlie Davis, who was the first African American Player of the Year in ACC history in basketball in 1971.

Once again, we are talking about thousands of people that came through this institute, thousands of people that were affected. Once again, the great joy of education is that its influence never ends.

I congratulate the McDuffie family. I congratulate the faculty and alumni and students of this great institution because they have survived, and they have made a difference in the lives of not only the people of Scotland County, which I am fortunate enough to represent as part of North Carolina's Eighth District, but they have also influenced the State of North Carolina and this great Nation of ours.

Mr. ROE of Tennessee. Mr. Speaker, just to dovetail, I do remember, I believe Charlie Scott played in the old ABA for the Virginia Squires. I have seen him play many times, a great athlete and a great human being.

As my colleague Mr. KISSELL from North Carolina clearly stated, an education doesn't just affect one person. It affects a family, it affects a community, it affects a nation. So this family that has had this commitment to education for over a century is to be commended.

I urge my colleagues to support this resolution.

Mr. Speaker, I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I am honored. I certainly want to thank Mr. KISSELL for really giving us a more expanded view of the Laurinburg Institute. I appreciate his passion and interest in it.

I want to encourage my colleagues to support this resolution, House Resolution 660, recognizing the historical importance of the Laurinburg Institute.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 660, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. DAVIS of California. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1130

EXPRESSING SUPPORT FOR TEEN READ WEEK

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 836) expressing support for Teen Read Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 836

Whereas 70 percent of 8th graders and 65 percent of 12th graders do not read at grade level;

Whereas for many adolescent students, ongoing difficulties with reading and writing figure prominently into the decision to drop out of school;

Whereas available data shows 85 percent of all juvenile offenders have reading problems and approximately one-third of all juvenile offenders read below the fourth-grade level;

Whereas advanced literacy across content areas is the best available predictor of the ability of students to succeed in introductory college courses;

Whereas research shows that teens who read for fun have better test scores and are more likely to succeed in the workforce;

Whereas Teen Read Week encourages teens to read a book for leisure purposes;

Whereas Teen Read Week recognizes that it is important for adolescents to read proficiently; and

Whereas October 18 to October 24, 2009, is Teen Read Week: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Teen Read Week;

(2) recognizes that it is important for teens to be taught to read proficiently; and

(3) encourages teens to read for leisure and academic purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous materials on House Resolution 836 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 836, which supports the goals and ideals of Teen Read

Week from October 18 through October 24, 2009.

Teen Read Week was started in 1998 by the Young Adult Library Services Association as an initiative to encourage more teens to read. Research shows that strong literacy ability is correlated to academic success, but many of our youth are struggling to read and to write at proficient levels. For instance, 70 percent of eighth graders and 65 percent of 12th graders do not read at grade level. I find that unacceptable, and I know that my colleague does as well. The inability of students to read at grade level can tremendously affect a teenager's decision to stay in school. Also, strong literacy skills help predict college success in college introductory classes.

Critical reading and comprehension help students achieve their personal and professional goals. In addition to supporting Teen Read Week, this bill calls for more adolescents to read in their free time. While teens hover around video games, wide-screen television sets and computer screens, books are collecting dust on bookshelves. It is vital that we continue to encourage students to read for both their academic and personal purposes even though there are many things that do compete for their time. Teens, parents and teachers can all play a significant role in helping children and students achieve academic success.

With that, I want to thank Representative ROE for introducing this legislation. I urge my colleagues to support this bill and reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume, and I rise today in support of House Resolution 836, expressing support for Teen Read Week.

More than 20 percent of adults read below a fifth-grade level, which is well below the reading level needed to earn a minimum wage. Almost 44 million adults in the United States don't read well enough to read a short story to their child. It is estimated that illiteracy costs U.S. taxpayers more than \$20 billion per year. More than three out of four of those on welfare and 68 percent of people arrested are illiterate. In U.S. prisons, three out of five inmates cannot read.

The ability to read proficiently is one of the most important skills children and adolescents can acquire. This skill is important to people of all ages, from children just entering school to adults in the prime of their careers. Teen Read Week highlights the importance of encouraging teenagers to read.

Research has shown that children and teens who are proficient readers perform better in almost all school subjects. Therefore, it follows that teens who struggle to read are more likely to drop out of high school than those who do not. In addition, research

indicates that there's a strong link between teens who are juvenile offenders and the inability to read at grade level.

Teen Read Week takes place October 18 through 24, 2009. It was first recognized in 1998 and has taken place the third week of every October since that time.

Teen Read Week encourages teens to read for fun. Reading for fun highlights the importance and enjoyment of reading for teens and adolescents. Research has shown that teens who read for fun are more likely to succeed in the workforce than those who do not. The theme for Teen Read Week 2009 is "Read Beyond Reality."

By recognizing Teen Read Week, we show our support for promoting teen literacy and encouraging teens to read. I am honored to support this resolution, and I ask my colleagues to join me.

I reserve the balance of my time.

Mrs. DAVIS of California. I reserve the balance of my time, Mr. Speaker.

Mr. ROE of Tennessee. Mr. Speaker, I have just one comment. I have been the mayor of a city, Johnson City, Tennessee. A lot of information for the school system comes through us. And I was at a meeting one day, and one of the school board members was very exuberant about how we could use computers, and computers are the most important thing. I held my hand up, and I said, Look, I don't have a clue how a computer works, but I can read. So I read the manual, and in 30 minutes or 20 minutes' time, I'm online.

Reading changes lives. The statistics in this country are staggering. When you look at the amount of people in prisons and on welfare who cannot read, it is basically enslavement. We must in our education system—and I have thought of this many times—a good education where you can read may help solve the health care crisis, because people who can read can get a good job and provide for themselves.

So I would encourage my colleagues to support this and encourage the schools to help teach and encourage teen reading.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I know how important this is. We talk to young families about the importance of reading to their young children. But it's also important that we continue that enthusiasm in the home for their younger adults as they go through school.

Kids read to learn. There are so many places that they can go because they can read. Often it is true that young people have to read a lot of things in school, but they don't often read for their enjoyment. And until they start doing that, and they really understand what it can mean to them for the rest of their lives, they may not become the kind of readers that they probably would want to be and would benefit from.

So I'm delighted that my colleague has brought this forward. It helps us to encourage teens to continue to read. I support House Resolution 836 and urge my colleagues to do so.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 836.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. DAVIS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY AMENDMENTS ACT OF 2009

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1818) to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Morris K. Udall Scholarship and Excellence in National Environmental Policy Amendments Act of 2009".

SEC. 2. SHORT TITLE.

Section 1 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 note; Public Law 102-259) is amended to read as follows:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Morris K. Udall and Stewart L. Udall Foundation Act'."

SEC. 3. FINDINGS.

Section 3 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5601) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) the Foundation—

"(A) since 1995, has operated exceptional scholarship, internship, and fellowship programs for areas of study related to the environment and Native American tribal policy and health care;

"(B) since 1999, has provided valuable environmental conflict resolution services and leadership through the United States Institute for Environmental Conflict Resolution; and

"(C) is committed to continue making a substantial contribution toward public policy in the future by—

"(i) playing a significant role in developing the next generation of environmental and Native American leaders; and

"(ii) working with current leaders to improve decisionmaking on—

"(I) challenging environmental, energy, and related economic problems; and

"(II) tribal governance and economic issues;

"(6) Stewart L. Udall, as a member of Congress, Secretary of the Interior, environmental lawyer, and author, has provided distinguished national leadership in environmental and Native American policy for more than 50 years;

"(7) as Secretary of the Interior from 1961 to 1969, Stewart L. Udall oversaw the creation of 4 national parks, 6 national monuments, 8 national seashores and lakeshores, 9 recreation areas, 20 historic sites, and 56 wildlife refuges; and

"(8) it is fitting that the leadership and vision of Stewart L. Udall in the areas of environmental and Native American policy be jointly honored with that of Morris K. Udall through the foundation bearing the Udall name.".

SEC. 4. DEFINITIONS.

Section 4 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5602) is amended—

(1) in paragraph (1), by striking "Morris K. Udall Scholarship and Excellence in National Environmental Policy";

(2) in paragraph (5), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall"; and

(3) in paragraph (9), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall".

SEC. 5. ESTABLISHMENT OF FOUNDATION.

Section 5 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5603) is amended—

(1) in the section heading, by striking "SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY" and inserting "AND STEWART L. UDALL";

(2) in subsection (a), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall"; and

(3) in subsection (f)(2), by striking "the rate specified for employees in level IV of the Executive Schedule under section 5315 of title 5, United States Code" and inserting "a rate determined by the Board in accordance with section 5383 of title 5, United States Code".

SEC. 6. AUTHORITY OF FOUNDATION.

Section 7 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5605) is amended—

(1) in subsection (a)(5)—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "and"; and

(C) by adding at the end the following:

"(E) to conduct training, research, and other activities under section 6(7)."; and

(2) by striking subsection (b) and inserting the following:

"(b) UDALL SCHOLARS.—Recipients of scholarships, fellowships, and internships

under this Act shall be known as 'Udall Scholars', 'Udall Fellows', and 'Udall Interns', respectively."

SEC. 7. ESTABLISHMENT OF TRUST FUND.

Section 8 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5606) is amended—

(1) in the section heading, by striking "SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY" and inserting "AND STEWART L. UDALL"; and

(2) in subsection (a), by striking "Scholarship and Excellence in National Environmental Policy" and inserting "and Stewart L. Udall".

SEC. 8. EXPENDITURES AND AUDIT OF TRUST FUND.

Section 9(a) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5607(a)) is amended by inserting before the period at the end the following: "including a reasonable amount for official reception and representation expenses, as determined by the Board, not to exceed \$5,000 for a fiscal year".

SEC. 9. USE OF INSTITUTE BY FEDERAL AGENCY OR OTHER ENTITY.

Section 11 of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5607b) is amended by adding at the end the following:

"(f) AGENCY MANAGEMENT OR CONTROL.—Use of the Foundation or Institute to provide independent and impartial assessment, mediation, or other dispute or conflict resolution under this section shall not be considered to be the establishment or use of an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.)."

SEC. 10. ADMINISTRATIVE PROVISIONS.

Section 12(a) of the Morris K. Udall and Stewart L. Udall Foundation Act (20 U.S.C. 5608(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) appoint such personnel as may be necessary to carry out the provisions of this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

"(B) fix the compensation of the personnel appointed under subparagraph (A) at a rate not to exceed the maximum rate for employees in grade GS-15 of the General Schedule under section 5332 of title 5, United States Code, except that up to 4 employees (in addition to the Executive Director under section 5(f)(2)) may be paid at a rate determined by the Board in accordance with section 5383 of that title.";

(2) in paragraph (6), by striking "and" at the end;

(3) by redesignating paragraph (7) as paragraph (8); and

(4) by inserting after paragraph (6) the following:

"(7) to rent office space in the District of Columbia or its environs; and".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. DAVIS) and the gentleman from Tennessee (Mr. ROE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. DAVIS of California. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on Senate 1818 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. DAVIS of California. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of Senate 1818, which enhances the Morris K. Udall Foundation and honors the life of Stewart L. Udall.

The Morris K. Udall Foundation was established by Congress in 1992 and is an independent Federal agency based in Tucson, Arizona, which operates exceptional educational programs focused on developing leadership on environmental and Native American issues. The Udall Foundation includes the only entity within the Federal Government focused on preventing, managing and resolving Federal environmental conflicts.

The legislation today will enhance the foundation's programs and operations. It will also honor one of the greatest public servants in history, Stewart L. Udall, by adding his name to the foundation with that of his late brother, Morris K. Udall.

Through its education programs, the Udall Foundation identifies and educates tomorrow's leaders in fields that are critical to the energy, climate change and economic issues facing our Nation. The programs include the premier college scholarship and doctoral fellowship for studies related to the environment and a scholarship for Native Americans studying tribal policy or health care; the Native American Congressional Internship program; it includes the Native Nations Institute for Leadership, Management and Policy known as the NNI; and the Parks in Focus program.

The work of the Udall Foundation has become even more important today. As the Nation seeks long-term solutions, the 1,000-some Udall Scholar alumni, who are chosen in part for their demonstrated commitment to public service, will clearly be in the forefront of clean energy and climate change response activities for our national needs.

This bill will continue to provide support for the Udall Foundation's important mission, and it recognizes the unsurpassed contributions of Stewart L. Udall by adding his name to the foundation's title.

Stewart Udall served in this House of Congress from 1955 and was appointed Secretary of the Interior in 1961 by President John F. Kennedy. As Secretary of the Interior, Stewart Udall had an unmatched record of environmental leadership, overseeing the creation of four national parks, six national monuments, eight national seashores and lakeshores, nine recreational areas, 20 historic sites and 56 wildlife refuges. It is quite an accomplishment.

Again, Mr. Speaker, I want to express my support for Senate 1818, and I urge

my colleagues to support this very important bill.

I reserve the balance of my time.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of S. 1818, a bill that amends the Morris K. Udall Scholarship and Excellence in Environmental Policy Act.

The Morris K. Udall Foundation was created by Congress in 1992 to honor Mr. Udall and help educate new generations to protect the environment. The foundation works to increase the awareness of our Nation's natural resources, foster a greater recognition and understanding of the role of the environment in the development of our Nation, and, through the U.S. Institute for Environmental Conflict Resolution, provide mediation and other services to resolve environmental disputes involving Federal agencies. Finally, the foundation also supports several educational programs that help students in environmental programs in undergraduate and graduate school.

As previously noted when we took up the House version of this bill, the legislation before us honors Stewart L. Udall's service to the Nation by adding his name to the foundation, making it the Morris K. Udall and Stewart L. Udall Foundation. Mr. Udall served in Congress and in the administration and then continued his work for the environment in the private sector.

I thank the gentlelady from California, and I urge my colleagues to support this bill.

I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I urge passage of Senate 1818, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, S. 1818.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1145

AUTHORIZING USE OF CAPITOL ROTUNDA FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO FORMER SENATOR EDWARD BROOKE

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 43) authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

S. CON. RES. 43

Whereas Edward William Brooke III was the first African American elected by popular vote to the United States Senate and served with distinction for 2 terms from January 3, 1967, to January 3, 1979;

Whereas on March 29, 2007, the United States Senate passed S. 682, sponsored by the late Senator Edward M. Kennedy with 68 cosponsors, by unanimous consent, to award Senator Brooke the Congressional Gold Medal;

Whereas on June 10, 2008, the House passed S. 682 under suspension of the rules by voice vote and a similar measure, H.R. 1000 was introduced in the House by Representative Eleanor Holmes Norton with 286 co-sponsors; and

Whereas the President signed the bill on July 1, 2008, and it became Public Law 110-260: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. USE OF THE ROTUNDA OF THE CAPITOL FOR THE PRESENTATION OF THE CONGRESSIONAL GOLD MEDAL.

The rotunda of the United States Capitol is authorized to be used on October 28, 2009, for the presentation of the Congressional Gold Medal to former Senator Edward Brooke. Physical preparations for the conduct of the ceremony shall be carried out in accordance with such conditions as may be prescribed by the Architect of the Capitol.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BRADY of Pennsylvania. I yield myself such time as I may consume.

Mr. Speaker, this measure allows for a Congressional Gold Medal ceremony for the first elected African American to the Senate, Edward Brooke. Senator Brooke was first elected from Massachusetts to the Senate in 1966 and served two terms.

While a Member of the Senate, Brooke championed extension of the Voting Rights Act, the Equal Employment Opportunity Commission, and women's rights. Most notably, he fought to retain Title IX of the 1972 Education Act which guarantees equal education opportunity for girls and women. He also was a champion of affordable housing, resulting in the 1969 amendment to limit the amount of out-of-pocket expenses for public housing tenants.

After Senator Brooke's defeat in 1978, it would be 14 years before the second

African American would be elected to the Senate.

I congratulate Senator Brooke on his service, and I urge all Members to support the resolution.

I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to support this resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to the distinguished former Senator, Edward Brooke.

Edward Brooke, III, was born here in Washington, D.C., in October of 1919. He graduated from Dunbar High School and attended Howard University, graduating in 1941. It was after the attack on Pearl Harbor that he served with the 336th Combat Infantry Regiment, fighting in the Italian campaign and earning a Bronze Star in 1943.

After the war, he earned two law degrees from Boston University Law School, serving as editor of the Law Review. It was while practicing law in Boston that he ran for but was defeated twice, attempting to serve in the Massachusetts Legislature, and then once again trying to become secretary of state. But he was undeterred.

In 1961, he chaired the Boston Finance Commission, charged with rooting out corruption, and was then elected attorney general the next year. He was the first African American in this country to serve as a State attorney general, and was then reelected to the post in 1964.

In 1966, he ran for Senator in Massachusetts as a Republican. He was successful and his election was historic. When Vice President Hubert Humphrey administered his oath of office, Senator Brooke became the first African American Senator in the United States Senate since 1881 and the first African American popularly elected to the Senate in our Nation's history. He served in the Senate from 1967 to 1979.

During his tenure in office, he drew from his war experience and was a tireless proponent of equal justice under the law. His regiment in World War II had only been comprised of African Americans, and he was quoted as saying, "In every regard, we were treated as second class soldiers, if not worse, and we were angry. I felt a personal frustration and bitterness I had not known before in my life."

But rather than remain bitter, he served with great honor in the various offices to which he was elected. While in office, he was appointed by President Johnson to serve on the famous Kerner Commission, was a cosponsor of the Fair Housing Act of 1968, and fought for the renewal of the historic Voting Rights Act.

After his service in the Senate, he chaired the National Low Income Housing Coalition, he practiced law,

and served on the Wartime Relocation and Internment of Civilians Commission. I was honored to serve with Senator Brooke on that commission almost 20 years ago. The work we did was immensely important in attempting to ascertain fundamental justice, an historic record for those Japanese Americans who were interned during World War II. Senator Brooke's presence was immeasurable in the process of bringing the legislation to completion.

Senator Brooke had a fiercely independent mind and he garnered respect from persons holding all philosophical persuasions. Senator Kennedy and Representative HOLMES NORTON both sponsored resolutions granting this Congressional Gold Medal. It is my distinct pleasure to join them in honoring Senator Brooke.

As a fellow Republican, I humbly and proudly share his philosophy. Reflecting on his time in public service, he once stated, "I was proud to be a Republican, but my ultimate loyalty was to certain goals and ideals, not to party."

Mr. Speaker, one week from today we will honor an extremely worthy man in the rotunda. His life, his commitment, his perseverance, his dedication, they all serve as an example and an inspiration for us to emulate.

I thank my chairman for bringing this to the floor. I urge my colleagues to join me in supporting this important authorization.

I reserve the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman not only for yielding, but for his work in bringing this matter to the floor, and I associate myself with his remarks and with the remarks of my good friend on the other side of the aisle.

Seldom do we get an opportunity to applaud and find an appropriate way to recognize a truly historic figure. That is what we are about to do a week from today when we give our highest honor, the Congressional Gold Medal, to former Senator Edward W. Brooke.

Senator Kennedy would very much have wanted to be present next Wednesday. He quickly gathered his two-thirds of the signatures on his side to give the medal to Senator Brooke, the first African American to be popularly elected to the United States Senate. We are aware that there were African Americans in the Senate during the Civil War, but that was before the South had come back into the Union. So 100 years or so were to go by before another African American was to be elected.

But what an improbable man; a Republican from the then Democratic, still Democratic State of Massachusetts, where only 2 percent of the residents were African American. It is a

tribute to the State of Massachusetts, to be sure. It is a tribute to the Republican Party that a man of this quality would step forward.

My interest, of course, comes from his roots. Senator Edward Brooke was born and raised in the District of Columbia. He is who he is because he was born in the segregated District of Columbia, overcame those barriers and went on to see his life for what he could make of it.

Senator Brooke is going to be 90 years old 2 days before the Congress awards this medal. He is in extraordinary shape. I love to hear him talk, because he talks with such eloquence, as if he were still on the Senate floor. But it should be known that Senator Brooke has had breast cancer, and obviously he has some of the infirmities associated with age. Among those, however, is not his signature modesty.

He has worked diligently for the D.C. House Voting Rights Act, which we are close, if we just continue, to finally getting this year. He called some of his friends, his fellow Republicans and Democrats in the Senate, and I thought it would be quite appropriate to give him the medal now in the year that we are seeking to pass the D.C. Voting Rights Act, which he cosponsored time and again when he was in the Senate.

So, his modesty notwithstanding, we started down this road, got our two-thirds in the House as well, and we are about now to welcome this historic figure home again. Remember, we have had only three African American Senators and the first African American President, and he is going to be here, because he recognizes the historic significance of Senator Brooke's life.

You should know, however, that this man came through the fire to where he is. Yes, he was born to parents who worked in the government and educated their children, but he went off to fight in World War II in the 366th Combat Infantry Regiment, which was a segregated regiment. He advanced to be a combat decorated officer. He went to law school at Boston University School of Law and edited their Law Review, and that is how they got the prize that is Edward Brooke there in the first place.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BRADY of Pennsylvania. I will yield the gentlewoman 2 more minutes.

Ms. NORTON. Not only was Edward Brooke the first African American to serve in the Senate, Senator Brooke began by breaking barriers. He was the first African American in the United States to be elected as State attorney general and the first to be elected to statewide office.

Here is a man that made the most of whatever office he had. That was the time of the famous "Boston Strangler" case, and Senator Brooke adopted a

very broad notion of his role as attorney general and the State's chief law enforcement officer by bringing the county district attorneys together, the fragmented police forces, and coordinating the multiple jurisdictions to successfully conclude that massive investigation.

□ 1200

It was 1966 that he prepared to come to the Senate. We were just passing the civil rights laws which he, himself, helped engineer; and in 1967 he came to the Senate, and the list of laws he is responsible for is indeed long: his leadership on the 1968 Housing Act; his leadership in the battle to uphold the Voting Rights Act; the Brooke amendment, providing that tenants of public housing pay no more than 25 percent of their income for housing; his leadership on the creation of Washington's Metro system, which most of the staff here use, and much more.

Senator Brooke has written his autobiography, published in 2007, "Bridging the Divide, My Life, Senator Edward W. Brooke." It certainly would be a marriage of historical events if we were, as I believe we will, to pass the D.C. Voting Rights Act in this very year that Senator Edward Brooke, who championed the rights of the city and of all Americans, is honored here.

Mr. DANIEL E. LUNGREN of California. I reserve the balance of my time.

Mr. BRADY of Pennsylvania. I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I just wanted to come to the floor as a native of Massachusetts to say how proud I am that we will honor Edward Brooke with a Congressional Gold Medal. And I am proud of all the accomplishments of Senator Brooke. He was a Republican, and I'm a Democrat and I come from a family of Democrats. But my very first vote when I was eligible to vote was for Senator Brooke. And I voted for him in spite of the fact that he was a Republican.

I voted for him because I believed in him and I believed in what he stood for. I admired his being a champion of civil rights, of human rights. I admired his work on the Voting Rights Act and so many other areas. He was a historic figure, it has been pointed out the first popularly elected African American to serve in the United States Senate. But he was a man who had the common touch and who represented the people of Massachusetts with great dignity, and I am proud that my first vote was for Ed Brooke. I look forward to being there when he is honored.

But I wanted to just say, as somebody from Massachusetts, that this is a really special tribute for an extraordinary man. And I am very proud that this House is doing that.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to say that I enjoyed the remarks of the gentleman from Massachusetts (Mr. MCGOVERN). I would just make one correction. He said that Senator Brooke was a Republican. As far as I understand he still is a Republican. And one of the things I was looking forward to when I was first elected in 1978 was joining people in my party such as Senator Brooke and having an opportunity to work with him.

I was saddened in 1978 when he lost for reelection at that point in time, but then was privileged to work with him on that national commission. And I found him to be a gentleman above all, a real gentleman with a soft-spoken manner who listened to what others had to say, did not put himself out front, but tried to get to the business at hand in a very intelligent, very dedicated, very persistent way.

So this is truly an honor, not only for him, but for this Congress that we are recognizing the service of this great American at this time and that we're doing it with the congressional honor, and that we will have this here in the rotunda of the United States.

Mr. MARKEY of Massachusetts. Mr. Speaker, I rise today in support of S. Con. Res. 43, a resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Massachusetts Senator Edward W. Brooke III.

There are few individuals more deserving of a Congressional Gold Medal, the highest award of national appreciation from the U.S. Congress, than my friend, the former Senator of my state, Ed Brooke.

Throughout Senator Brooke's life, he has worked to bridge the great divides in our country.

In 1966, in the crucible of racism, prejudice, and segregation, Senator Edward W. Brooke stood as an embodiment of the change our country needed to move beyond the dark legacy of racial discrimination and prejudice in America. The first popularly elected African-American Senator, Senator Brooke's election stood as an example of what our nation could be when he noted that the voters of Massachusetts saw beyond skin color to "judge you on your merit and your worth alone".

When asked to comment on what many considered to be an improbable electoral victory, Senator Brooke responded by saying he was committed to "unite men who have not been united before." Throughout his tenure in the U.S. Senate, Senator Brooke did just that. Senator Brooke sought to reduce the economic and racial division in our country, particularly in the area of U.S. housing policy. Senator Brooke co-authored the Fair Housing Act of 1968, which prohibited discrimination in the sale, rental, and financing of housing based on race, religion, or national origin. Still, to this very day, the Fair Housing Act remains a cornerstone of our housing policy.

On all issues of justice and equality, regardless of sex, race, or religion, there has been no stronger advocate. When Title IX of the 1972 Education Act was in jeopardy in the Senate, Senator Brooke took the lead to ensure that women and girls would be guaranteed equal educational opportunities. When

the extension and expansion of the Voting Rights Act came before the Senate in 1975, it was the respected voice of Senator Brooke that helped to garner an extension of the Voting Rights Act. Whenever there was an opportunity to protect and defend the fundamental civil rights of Americans who had suffered from discrimination, Senator Brooke was there, serving as a powerful voice for justice.

Thirty years later, Senator Brooke's legacy is reflected by an America that is very different from the nation that existed when he first arrived in the Senate, an America which has made enormous progress in breaking down the barriers of racial discrimination and inequality that once divided our nation.

Today, Mr. Speaker, I stand to support and recognize a great leader, who never lost his passion for bridging our nation's divides by uniting men and women under the belief that we all are created equal.

Mr. DANIEL E. LUNGREN of California. I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge the passage of S. Con. Res. 43 and yield back the balance of my time.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 43.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMEMORATING SALVADORAN JESUITS ON THE 20TH ANNIVERSARY OF THEIR DEATHS

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 761) remembering and commemorating the lives and work of Jesuit Fathers Ignacio Ellacuría, Ignacio Martin-Baró, Segundo Montes, Amando Lopez, Juan Ramon Moreno, Joaquín Lopez y Lopez, and housekeeper Julia Elba Ramos and her daughter Celina Mariset Ramos on the occasion of the 20th anniversary of their deaths at the University of Central America Jose Simeon Canas located in San Salvador, El Salvador on November 16, 1989, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 761

Whereas in the early morning hours of November 16, 1989, six Jesuit priests and faculty

members of the Universidad Centroamericana José Simeon Cañas (UCA) located in San Salvador, El Salvador—Father Ignacio Ellacuría, Ignacio Martin-Baró, Segundo Montes, Amando López, Juan Ramon Moreno, and Joaquín López y López—and housekeeper Julia Elba Ramos and her daughter, Celina Mariset Ramos, were executed by members of the Salvadoran Army;

Whereas Father Ignacio Ellacuría, 59, was since 1979 rector of the UCA, and an internationally-respected intellectual and advocate for human rights and a negotiated solution to the Salvadoran civil conflict;

Whereas Father Ignacio Martin-Baró, 44, was the vice rector of the UCA, a leading analyst of national and regional affairs, the founder and director of the respected polling organization, the Public Opinion Institute, former Dean of Students, Dean of the Psychology Department, an internationally renowned pioneer in the field of social psychology and pastor of the rural community of Jayaque;

Whereas Father Segundo Montes, 56, was Dean of the Department of Social Sciences and a sociology professor at the UCA, and the founder and director of the Human Rights Institute at the UCA (IDHUCA), who did extensive work on Salvadoran refugees in the United States during the period of the Salvadoran conflict, including providing documentation and advice to United States Members of Congress on refugee issues;

Whereas Father Amando López, 53, was a philosophy and theology professor at the UCA, former director of the Jesuit seminary in San Salvador, and served as pastor of the Tierra Virgen community in Soyapango, a poor neighborhood in the periphery of San Salvador;

Whereas Father Juan Ramon Moreno, 56, was a professor of theology at the UCA, former novice-master for the Jesuits, and a tireless pastoral worker and spiritual guide;

Whereas Father Joaquín López y López, 71, was one of the creators of the UCA and the founder, organizer, and director of *Fe y Alegria* (Faith and Joy) to address the lack of education in El Salvador, which opened 30 educational centers in marginalized communities throughout the country where 48,000 people received vocational training and education;

Whereas Julia Elba Ramos, 42, was the cook and housekeeper for the Jesuit seminarians at the UCA and wife of Obdulio Lozano, the UCA gardener and groundskeeper;

Whereas Celina Mariset, 16, had finished her first year of high school at the José Damian Villacorta Institute in Santa Tecla, El Salvador, and was staying with her mother the night of November 15, 1989;

Whereas the six Jesuit priests dedicated their lives to advancing education in El Salvador, protecting and promoting human rights and the end of conflict, and identifying and addressing the economic and social problems that affected the majority of the Salvadoran population;

Whereas the six Jesuit priests, as faculty and administrators at the UCA, educated many students throughout the 1970s and 1980s, students who subsequently became Salvadoran government, political, and civil society leaders, and thus helped facilitate communication, dialogue, and negotiations even during the turbulent years of the armed conflict;

Whereas these six priests and two women joined the more than 75,000 noncombatants who perished during the Salvadoran civil war;

Whereas on December 6, 1989, United States Speaker of the House of Representatives Thomas Foley appointed a Special Task Force on El Salvador consisting of 19 Members of the House of Representatives, chaired by Representative John Joseph Moakley of Boston, Massachusetts, to monitor the Salvadoran government's investigation into the murders of the Jesuit priests and two women and to look into related issues involving respect for human rights and judicial reform in El Salvador;

Whereas the Speaker's Task Force on El Salvador found that members of the High Command of the Salvadoran military were responsible for ordering the murder of the Jesuits and two women and for obstructing the subsequent investigation into the crimes;

Whereas the United Nations Commission on the Truth for El Salvador (Truth Commission) was established under terms of the January 1992 Peace Accords that ended El Salvador's 12 years of war and was charged to investigate and report to the Salvadoran people on human rights crimes committed by all sides during the course of the war;

Whereas on March 15, 1993, the Truth Commission confirmed the findings of the Speaker's Special Task Force;

Whereas on September 28, 1991, a Salvadoran jury found guilty of these murders two Salvadoran military officers, including Salvadoran Army Colonel Guillermo Alfredo Benavides Moreno, the first time in Salvadoran history where high-ranking military officers were convicted in a Salvadoran court of law of human rights crimes;

Whereas the University of Central America José Simeon Cañas in San Salvador remains dedicated to advancing and expanding educational opportunity, providing the highest quality of academic excellence in its studies and courses, and the commitment to human rights and social justice;

Whereas the 28 Jesuit colleges and universities in the United States, which represent many of the highest quality academic communities in the nation, have maintained a sense of solidarity with the UCA and the people of El Salvador and have annually observed the November 16th anniversary of those murders;

Whereas in the United States, El Salvador, and around the world university programs, academic and scholarly institutes, libraries, research centers, pastoral programs, spiritual centers, and programs dedicated to educational achievement, social justice, human rights, and alleviating poverty have been dedicated in the names of the murdered Jesuits;

Whereas the international and Salvadoran outcry in response to the deaths of the six Jesuits and two women and the subsequent investigations into this crime served as a catalyst for negotiations that led to the signing of the 1992 Peace Accords, which have allowed the Government and the people of El Salvador to achieve significant progress in creating and strengthening democratic political, economic, and social institutions; and

Whereas November 16, 2009, marks the 20th anniversary of the deaths of these eight spiritual, courageous, and generous priests, educators, and laywomen: Now, therefore, be it Resolved, That the House of Representatives—

(1) remembers and commemorates the lives and work of Father Ignacio Ellacuría, Ignacio Martin-Baró, Segundo Montes, Amando López, Juan Ramon Moreno, Joaquín López y López, Julia Elba Ramos, and Celina Mariset Ramos;

(2) extends sympathy to the families, friends, colleagues, and religious communities of the six Jesuit priests and two laywomen;

(3) recognizes the continuing academic, spiritual, and social contributions of the University of Central America José Simeón Cañas (UCA) in San Salvador, El Salvador;

(4) further recognizes the 28 Jesuit colleges and universities in the United States for their solidarity with the UCA and annual remembrance of those killed twenty years ago;

(5) remembers the seminal reports by Chairman John Joseph Moakley and the Speaker's Special Task Force on El Salvador in investigating the murders of the six priests and two laywomen;

(6) acknowledges the role played by the Speaker's Special Task Force, Congressman John Joseph Moakley, the Jesuit leadership of the UCA, and the Salvadoran judicial investigation and convictions in advancing negotiations to end the war in El Salvador;

(7) highlights the solidarity demonstrated by the people of the United States, academic institutions, and religious congregations through their participation in local, national, and international events commemorating the 20th anniversary of the murders of the six Jesuit priests and two laywomen;

(8) recognizes that the murdered individuals dedicated their lives to addressing and alleviating El Salvador's social and economic inequities, and that while significant progress has been made during the post-war period, social and economic hardships persist among many sectors of Salvadoran society; and

(9) supports public, private, nongovernmental, and religious organizations in efforts to fulfill the legacy of the murdered Jesuits to reduce poverty and hunger and promote educational opportunity, human rights, the rule of law, and social equity for the people of El Salvador.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

On November 16, 1989, in the midst of El Salvador's 12-year-long civil war, six Jesuit priests, their housekeeper, and her teenage daughter were murdered in San Salvador by members of the Salvadoran Army. On the 20th anniversary of this heinous crime, the resolution we consider today calls upon us to remember and honor their lives and their work.

The six priests were well known internationally for their work in support of human rights, social justice,

peace and caring for refugees and the internally displaced. They worked tirelessly to end the conflict that had torn apart their country for over a decade. As scholars, researchers and advocates, they identified and addressed the many economic and social problems that affected the majority poor of El Salvador.

Upon learning of their murders, Speaker of the House Tom Foley appointed a special task force on El Salvador consisting of 19 Members of the House and chaired by Congressman Joe Moakley of Boston, Massachusetts. The special task force was charged with monitoring the Salvadoran Government's investigation into the eight murders.

Six of our colleagues who served on the Speaker's special task force still serve today in the 111th Congress. They are Congressmen STENY HOYER, JIM McDERMOTT, GEORGE MILLER, JACK MURTHA, DAVID OBEY and JOHN SPRATT. We honor them for their service then and today and for their dedication to the cause of peace, justice and human rights.

The Moakley Commission, as the Speaker's special task force came to be known, issued a series of reports that identified members of the Salvadoran military's high command as those responsible for murdering and obstructing the subsequent investigation into the crime. The international outcry in response to the murders and the subsequent investigations served as a catalyst for negotiations that resulted in the signing of peace accords in January 1992, bringing El Salvador's long nightmare to an end.

So even in death, these brave men and women contributed to achieving the very peace to which they had dedicated their lives. Since that terrible November day in 1989, these eight individuals have been remembered in El Salvador and around the world. Annual observances have been held by the 28 Jesuit colleges and universities in the United States which have taken up many projects in support of human rights and social justice in honor of the fallen Jesuits.

By passing this resolution today, the House adds its voice to that remembrance and extends our sympathy to the family members, friends, colleagues and religious communities who knew them, worked with them, loved them and miss them. We also remember our former colleague, Congressman Joe Moakley, and the seminal reports issued by the Speaker's special task force that played such an important role in bringing to trial those responsible for the murders and advancing negotiations to end the war.

I want to thank my good friend and gentleman from Massachusetts (Mr. MCGOVERN) for introducing this important resolution, and I urge all of my colleagues to join me in supporting this.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

I also want to thank Mr. MCGOVERN for bringing this resolution forward. I rise today to join my colleagues in commemorating the anniversary of the murders of six Jesuit fathers, their housekeeper, and her daughter on November 16, 1989, in El Salvador. On the occasion of the 20th anniversary of their deaths, the resolution before us remembers and commemorates the lives and work of these individuals. It extends our sympathy to the families, friends, colleagues and religious communities of those whose lives were lost that day.

It recognizes the continuing academic and social contributions of the University of Central America, UCA, in San Salvador, El Salvador and the 28 Jesuit colleges and universities in the United States for their solidarity and annual remembrance of those killed 20 years ago.

The resolution also recognizes that progress is being made in El Salvador, but reminds us that social and economic hardships still persist among many sectors of Salvadoran society. Therefore, it supports the efforts of public, private, nongovernmental and religious organizations to fulfill the legacy of the murdered Jesuits to reduce poverty and hunger and promote educational opportunity, human rights, the rule of law and social equity for the people of El Salvador.

It has been a long road over the past 20 years. By working together with responsible partners and friends, the United States can help El Salvador to overcome the obstacles that remain. And as long as the democratic principles and respect for fundamental freedoms and the rule of law remain the compass for our support, I'm confident that we can be successful.

I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 5½ minutes to Mr. JAMES MCGOVERN from the Third District of Massachusetts.

Mr. MCGOVERN. I want to thank the gentlewoman from California, and I want to thank my colleague, Mr. BOOZMAN. I want to thank the chairman of the Foreign Affairs Committee, HOWARD BERMAN, for all of his help and support in bringing this resolution to the floor in a timely manner. I especially want to thank the chairman's staff person, Peter Quilter, whose expertise on Latin America is so greatly appreciated by so many Members on and off the committee.

Mr. Speaker, as many of my colleagues know, I spent 13 years working for our former colleague from Boston, Massachusetts, Congressman Joe Moakley. I handled foreign policy issues for Joe, and in the early 1980s Joe asked me to go to El Salvador to

see if the stories he had been hearing from Salvadoran refugees about the situation on the ground were true.

□ 1215

As I prepared for the trip, whenever I asked who should I see and talk to in order to understand what is going on in El Salvador, the response was always the same: you have to go to the University of Central America, otherwise known as the UCA. And that's how I first met the director of the UCA, Father Ignacio Ellacuria, and the vice rector, Father Ignacio Martin Baro.

When I asked Father Martin Baro what was the single most important thing I needed to know about the human rights situation in El Salvador, he said to me, remember, we are human beings, too. That meeting and those words forever changed my life.

During later months and later visits, I got the chance to meet with Father Segundo Montes, an expert on the refugee crisis in El Salvador, as hundreds of thousands of Salvadorans fled the violence of the civil war and made their way to the United States. As Congressman Moakley developed legislation to provide temporary protection to Salvadoran refugees in the United States, Father Montes testified before Congress and provided invaluable materials and help in documenting and understanding the refugee crisis.

Mr. Speaker, 20 years ago in the dead of night, the Salvadoran Army entered the grounds of the University of Central America. They pulled six Jesuit priests from their beds, including Fathers Ellacuria, Martin Baro, and Segundo Montes, marched them out to a lawn behind their residence, they put high-powered rifles to their heads, and they shot them dead in cold blood.

A few minutes later, these same soldiers discovered the Jesuits' housekeeper and her daughter hiding in the house, and they murdered them as well.

In response, then-Speaker Tom Foley appointed a congressional commission, chaired by Joe Moakley, to investigate this terrible crime. Joe asked me to be his chief investigator. And during the course of that work, we helped identify the killers and those responsible for ordering and covering up this terrible tragedy.

The commission's report became critical evidence in the prosecution and conviction of some of the priest killers and I believe in creating support for the U.N.-brokered negotiations that ended El Salvador's 12-year civil war.

So it's with deep humility and appreciation that I applaud the House for taking up this resolution today which honors the memories and lives and works of these six priests and two women and the work of Congressman Moakley and the Speaker's Special Task Force on El Salvador.

The Jesuit priests dedicated their lives to peace, to bringing the warring parties inside El Salvador together to end violence and the war.

A generation has now grown up in El Salvador without having known them or benefited from their wisdom or humor, but every year on November 16, their lives and work are remembered in El Salvador and around the world. And each year, another generation of young people re-dedicate themselves to working for peace and justice because of the example and inspiration of these six Jesuit priests.

Mr. Speaker, I have walked on the site behind the Jesuits' residence, the very ground where, 20 years ago, the bodies of my friends were discovered. This hallowed ground is now a beautiful rose garden, and each day people from all over El Salvador and around the world come to the garden to nourish hope and renew their commitment to peace. It is used by faculty and students for meditation and repose.

There is now a chapel where the six priests are buried. The UCA has also installed a small and emotionally compelling museum dedicated to the lives and deaths of these six priests, their housekeeper and her daughter.

Mr. Speaker, the lives and deaths of these priests had a profound effect on my own life. I knew them in life. I was proud to call them friends. I helped investigate and uncover who ordered and carried out their murders. And I have remained involved and committed to peace, democracy, and development in El Salvador.

I will never forget my friends or the role of Joe Moakley or the role the U.S. Congress played in helping El Salvador end its long civil war because of the impact inside and outside of El Salvador that the murders of these incredible men had on changing the course of El Salvador's history.

Nothing will bring my friends back to life, but this resolution honoring and remembering their lives and work on this, the occasion of the 20th anniversary of their deaths, is a worthy tribute, and I ask my colleagues to support the resolution.

Mr. BOOZMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. CAO) a member of the Homeland Security and Transportation committees and a former Jesuit seminarian.

Mr. CAO. Mr. Speaker, I rise today in support of House Resolution 761 to commemorate the lives and work of those that were executed by members of the Salvadoran Army on the 20th anniversary of their deaths next month.

On November 16, 1989, members of the Salvadoran Army entered the Universidad Centroamericana Jose Simeon Canas in San Salvador and massacred six Jesuit priests, their housekeeper, and her daughter. This senseless mass murder was incited

when the six priests took a stand for social justice and against the oppressive elements in the Salvadoran society, notably the tyrannical military.

Among the victims were Father Ignacio Ellacuria, a rector of the university and an outspoken critic of the Army; Father Ignacio Martin Baro, a prolific writer and an intellectual on the effects of war on the human psyche; Father Segundo Montes, founder of the Human Rights Institute at UCA and a congressional adviser on Salvadoran refugees; Father Amano Lopez, a respected member of the Society of Jesus, gifted counselor, and a pastoral worker; Father Joaquin Lopez y Lopez, director of the Fe y Alegria education program in poor communities; Father Juan Ramon Moreno, a theological scholar and publicist; and Elba Ramos, the Jesuits' housekeeper, who was killed alongside her teenage daughter, Celina, when she wrapped her body around Celina trying to protect her from the shooting.

Having spent 6 years in the Jesuit order studying to become a Jesuit priest, I have a deep appreciation for the sacrifice these people made in pursuit of religious freedom and human rights. These eight martyrs actually inspired me to join the Society of Jesus in 1990 and to carry on their struggle for religious freedom and human rights 19 years later.

Today, the 28 Jesuit colleges and universities in the United States have annually observed the November 16 anniversary of the murdered Jesuits and the two murdered women. This resolution commends those institutions for their solidarity with the UCA and extends sympathies to the families, friends, colleagues, and religious communities of the deceased.

Finally, the measure calls upon the President, the Secretary of State, and other United States Federal agencies to support efforts by the Salvadoran Government and other public, private, and religious organizations to reduce poverty and hunger and to promote educational opportunity, human rights, and the rule of law and social equity for the people of El Salvador.

Mr. Speaker, I strongly urge my colleagues to honor the lives of these human rights martyrs and support H. Res. 761. And in the words of the Jesuit Fathers, "ad maiorem dei gloriam."

Ms. WATSON. I continue to reserve my time, Mr. Speaker.

Mr. BOOZMAN. Mr. Speaker, having no further speakers on the subject, again I want to thank Mr. MCGOVERN for bringing this forward.

I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the

rules and agree to the resolution, H. Res. 761, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

CALLING ON VIETNAM TO RELEASE IMPRISONED BLOGGERS AND RESPECT INTERNET FREEDOM

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 672) calling on the Government of the Socialist Republic of Vietnam to release imprisoned bloggers and respect Internet freedom.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 672

Whereas the Internet is a tool to exercise freedom of expression and association, both of which are basic human rights;

Whereas the Internet is a medium to share information freely, promote social and economic development, and connect Vietnamese citizens domestically and internationally;

Whereas the Government of Vietnam created the Administration Agency for Radio, Television and Electronics Information in October 2008 and issued Circular 07 in December 2008 to restrict Internet freedom, censor private blogs, and compel information technology companies to cooperate with government efforts to monitor personal information of Internet users;

Whereas the Government of Vietnam has imprisoned bloggers and numerous democracy activists who have distributed their peaceful views over the Internet;

Whereas the Government of Vietnam continues to firewall external websites promoting democracy and human rights; and

Whereas these actions violate individuals' right to freedom of speech and expression: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the right of Vietnamese citizens to access websites of their choosing and to have the freedom to share and publish information over the Internet;

(2) calls on the Government of Vietnam to repeal Circular 07, Article 88, and similar statutes that restrict the Internet, so as to be in line with the International Covenant on Civil and Political Rights, to which the Socialist Republic of Vietnam is a signatory;

(3) calls on the Government of Vietnam to become a responsible member state of the international community by respecting individuals' freedom of speech, freedom of press, and freedom of political association; and

(4) calls on the Government of Vietnam to release all political prisoners, including but not limited to the following bloggers and cyber activists—

- (A) Le Cong Dinh;
- (B) Le Nguyen Sang;
- (C) Le Thi Cong Nhan;
- (D) Nguyen Van Hai (Dieu Cay);
- (E) Nguyen Xuan Nghia;
- (F) Ngo Quynh;
- (G) Nguyen Ngoc Quang;
- (H) Nguyen Thi Hong;
- (I) Nguyen Van Dai;

- (J) Pham Ba Hai;
- (K) Pham Thanh Nghien;
- (L) Pham Van Troi;
- (M) Tran Huynh Duy Thuc;
- (N) Truong Minh Duc;
- (O) Truong Quoc Huy;
- (P) Vu Hoang Hai;
- (Q) Nguyen Tien Trung; and
- (R) Vu Hung.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I would like to thank my good friend, Representative LORETTA SANCHEZ of California, for her leadership in introducing this important resolution.

This resolution calls on the government of Vietnam to release imprisoned bloggers and respect individuals' rights to freedom of speech and expression.

Over the past decade, Vietnam has seen an explosion in Internet use due to the country's increasing economic integration and a decline in the cost of access to the Internet. Today, an estimated 24 million of Vietnam's 88 million people are online. A major leap forward for freedom of expression in Vietnam has been the rise of the blogs. Blogs have taken an important space in Vietnam society, providing a rare platform for Vietnamese citizens to exchange ideas and debate issues outside of the State-controlled media.

Rather than embracing this new form of communication, authorities in Hanoi have chosen to join the likes of China, Iran, Saudi Arabia, and Egypt in employing a mix of detentions, regulations, and intimidation in order to monitor users and censor views.

On October, 2008, the government passed a new edict that gave the police broad authority to move against online critics, including those who oppose the "State of the Socialist Republic of Vietnam." Since 2002, about 30 "cyberdissidents" have been jailed in Vietnam. Seven of those 30 remain behind bars, and these people were expressing their views peacefully and posed no threat to Vietnam's national security.

According to the 2008 press freedom index by Reporters Without Borders, Vietnam was ranked 168 out of 173 countries.

Vietnam must stop criminalizing free speech and begin upholding the inter-

national covenant on civil and political rights to which Vietnam is a signatory. Censoring private blogs and forcing technology companies to cooperate with authorities to restrain critical speech threatens not just the Vietnamese people but Internet users everywhere.

I strongly support this resolution and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume and rise in support of this measure.

While the government of Vietnam was striving to secure permanent normal trade relations from the United States 3 years ago and World Trade Organization membership in 2007, it was given the benefit of many doubts about its human rights practices. A lot of attention was paid to marginal improvements in personal freedoms inside Vietnam at that time, and in one controversial decision, the United States removed Vietnam from our list of Countries of Particular Concern for religious freedom violations.

□ 1230

But once the regime in Hanoi secured the trade status that it was seeking from the United States and multilateral organizations, it stepped up its repression. Since then, the human rights situation inside Vietnam has deteriorated, a fact that is readily apparent in the Vietnamese Government's crackdown on peaceful Internet dissent.

Although Internet usage has grown among the Vietnamese people, the regime in Hanoi restricts services to a limited number of state-owned Internet service providers, ISPs. Government regulations require global Internet companies who offer blogging services to report to the government every 6 months and to provide requested information about individual bloggers.

The state security apparatus monitors personal e-mail and blocks many Web sites with political or religious content that it finds disagreeable, such as some sites connected with the Catholic Church or overseas Vietnamese political groups. The Hanoi regime has harassed, convicted, and imprisoned many peaceful activists under the vague catchall provision of Article 88 of Vietnam's criminal code which prohibits conducting propaganda against the state.

Earlier this month, Vietnam convicted nine democracy advocates, including 60-year-old Nguyen Xuan Nghia, who was sentenced to 6 years in prison followed by 3 years of house arrest. These violations were an affront to the people of Vietnam and to all people of goodwill who cherish basic human liberties.

All of us in this body, human rights and free trade advocates alike, welcome this opportunity for the House to

speak with one voice in favor of the freedoms of speech and expression for the people of Vietnam. I am pleased to join the bipartisan cosponsors of this measure in calling for the release of political prisoners, including the 18 Vietnamese bloggers and cyberactivists listed in the resolution. It is also my hope that global and United States-based Internet service providers will refuse to be complicit in the Vietnamese Government's human rights violations.

I want to thank the gentlelady from California (Ms. LORETTA SANCHEZ) for introducing this measure, which I strongly support.

With that, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 6 minutes to the gentlelady from California, LORETTA SANCHEZ.

Ms. LORETTA SANCHEZ of California. I thank the gentlelady from California, my good friend.

Mr. Speaker, I come to the floor today in support of my resolution, House Resolution 672, which calls on the Government of Vietnam to release imprisoned bloggers and to respect Internet freedom.

I would like to thank, first and foremost, Chairman BERMAN and the committee staff for allowing us to bring this to the floor; and in particular, it's important right now with respect to what the Vietnamese Government is doing.

Since I came to the Congress, I have been a strong advocate for human rights in Vietnam. As a co-Chair of the Congressional Caucus on Vietnam, my fellow caucus members and I have focused on urging the Government of Vietnam to respect individual rights, in particular, those of religion and of speech and expression.

We have also worked with multiple U.S. administrations to make human rights an important part of the U.S.-Vietnam relationship. Unfortunately, instead of improving, the human rights conditions in Vietnam continue to deteriorate, and I have been concerned that the United States has not yet taken a fervent stand against the Government of Vietnam's blatant disregard for human rights.

I have been on this floor a number of times, many times, many of you know that, to call attention in particular to the bloggers and to the democracy activists in Vietnam, the ones who have been detained and imprisoned simply for advocating for democracy.

The Internet has become a crucial tool for the citizens of Vietnam to be able to exercise their freedom of expression and association. It has become a medium to share information freely, to promote social and economic development, and of course to fight for democracy. However, in recent months, the Government of Vietnam has taken what I would call unlawful steps to tighten its control over the Internet.

In October of 2008, the Government of Vietnam created the Administration Agency for Radio, Television and Electronics Information and issued Circular 07 in December 2008 to restrict Internet freedom, to censor private blogs, and to compel information technology companies to cooperate with them to monitor personal information on users. Imagine, if we had that going on here in the United States, how unacceptable that would be.

In response, I, along with the Vietnam Caucus members, sent letters to Internet service providers like Google and Yahoo, et cetera, and urged them to continue advocating for the freedoms of speech and expression on the Internet in Vietnam; and then I introduced this resolution to raise the awareness of the lack of Internet freedom in Vietnam.

House Resolution 672 urges the Vietnamese Government to support the right of its citizens to access Web sites of their choosing and to repeal statutes like Circular 07 and Article 88, which restrict Internet use in Vietnam.

The consideration of this resolution comes at a perfect time. The Government of Vietnam has arrested bloggers Nguyen Ngoc Nhu Quynh, Bui Thanh Hieu, Pham Doan Trang, and many other bloggers. Some of these bloggers, like Quynh, have been released; however, there was a condition. In exchange for their freedom, they had to say that they would not blog about democracy or new political parties or freedoms of expression and human rights.

Just recently, nine dissidents were convicted by the Vietnamese Government for publishing articles on the Internet which was basically just practicing their rights of freedom of speech and expression. By the way, this is all about democracy. That's what these blogs are about.

The situation took a turn for the worse 2 weeks ago when Tran Khai Thanh Thuy was forcibly denied try to the courthouse to attend the trial of nine democracy activists and was instead harassed by the Vietnamese police. The following night, I received a phone call that one of the democracy activists, Do Ba Tan, and his wife, Tran Khai Thanh Thuy, were beaten in front of their 13-year-old daughter and imprisoned by the Vietnamese Government and police. When I heard about it, I immediately called the U.S. Deputy Chief of Mission in Vietnam, Virginia Palmer, and urged her to take action on this matter. Our U.S. Embassy in Vietnam responded by making inquiries about the 13-year-old daughter to make sure that she was being taken care of.

These actions are not the actions of a country that respects fundamental values and principles of human rights and democracy. A country that uses violence against its own citizens because

they decide to exercise their fundamental freedoms does not deserve to be a member of the World Trade Organization, nor do they have the right to be acting as the President of the United Nations Security Council, a position that Vietnam currently holds.

The Socialist Republic of Vietnam is a signatory of the International Covenant on Civil and Political Rights adopted by the United Nations General Assembly, and yet they continue to detain and imprison their own citizens for using the Internet to promote democracy and human rights.

How can a country that blatantly disregards a U.N. declaration be allowed to act as the President of the Security Council? I believe that we, the United States, must take a stand against Vietnam's human rights violations. We are a beacon of freedom, of democracy, and it is our responsibility to speak out on behalf of those who have no voice.

Mr. BOOZMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. CAO), a member of the Homeland Security and Transportation Committees and the only Member of this body who was born in Vietnam.

Mr. CAO. I thank the gentleman from Arkansas.

Mr. Speaker, I rise today in strong support of House Resolution 672, calling on the Government of the Socialist Republic of Vietnam to release imprisoned bloggers and respect Internet freedom.

It is vital that the United States take a bold stance against the tyranny of the Vietnamese Government and more effectively promote democracy there and throughout the world.

While the Vietnamese Government continues to control and stifle its citizens, this bill lays out very specific goals that will push for freedom of speech in Vietnam. It promotes the actions of the Vietnamese people who desire to have a say in government policy and actions. It will repeal statutes that restrict an individual's Internet usage and calls for the release of all political prisoners who have been incarcerated under the false pretenses of causing unrest and disturbance.

The Vietnamese Government fears these changes and continues to promote backward policies that restrict the Vietnamese people's basic freedoms. In the United States, we have been blessed with these rights. With these gifts comes great responsibility. It is necessary that we advocate on behalf of the Vietnamese citizens who simply hope for a better future.

We, as leaders of the most powerful democracy in the world, must not only pass this resolution, but we also must pass the Vietnam human rights bill. We must put Vietnam back on the CPC list. We must require Vietnam to pay the \$3.5 million in restitution that the High Court of American Samoa adjudicated 10 years ago. We must deny

Vietnam the GSP status that it so desires until it improves its labor laws.

Therefore, Mr. Speaker, I ask that the Members of the House support House Resolution 672.

Ms. WATSON. Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. ROYCE), the ranking member of the Subcommittee on Terrorism, Nonproliferation, and Trade, and a very long-standing advocate for human rights in Vietnam.

Mr. ROYCE. I thank the gentleman for yielding.

What brings us here today, of course, is this resolution, intended to address a longstanding problem but really brought to light again earlier this month when we had nine young bloggers in Vietnam, all of them convicted under Article 88 of the Government of Vietnam's statute, which the interpretation of Article 88 is in direct conflict with the International Covenant on Civil and Political Rights to which the Government of Vietnam is itself a signatory.

So what is happening is that Article 88 is now being used in Vietnam as just a tool to basically criminalize what they call propaganda against the state, but which is simply the free speech rights which are recognized everywhere else and to which Vietnam is a signatory to the agreement. It is being used to go after anyone who argues against the concept of a one-party state. So, if you get into the realm of religious liberty or you get into the realm of freedom of association, freedom of speech, you suddenly run afoul of this Article 88 and you find yourself facing a long prison term. That is why I rise in support of House Resolution 672, because what this bill does is call on the Government of Vietnam to release those imprisoned bloggers and basically to respect Internet freedom.

Mr. Speaker, the one-party Communist government in Hanoi is a serial human rights abuser. Citizens are denied basic rights, such as the right to freedom of religion, the right to freedom of speech. And like most despotic regimes, Hanoi seeks to censor all information that it deems in any way damaging to a one-party state.

As longtime dissident Dr. Nguyen Dan Que correctly stated some years ago, he said, "The state hopes to cling to power by brainwashing the Vietnamese people through stringent censorship and through its absolutist control over what information the public can receive."

These are the actions of a totalitarian tower that has no respect for the rights of the individual citizen. Those last words were mine.

□ 1245

Newspapers, television and radio stations remain under strict government

control in Vietnam, of course. Now, with a greater percentage of the population seeking an alternative way to express itself, seeking a way to even communicate in ideas, the government has dramatically stepped up its campaign to confront and to curtail the country's vigorous blogosphere because, in Vietnam, just like in the United States, the young Vietnamese really enjoy the ability to use the Internet to engage in a simple dialogue between each other with respect to ideas.

International press freedom groups rank Vietnam alongside China and Burma, right now today, as the riskiest countries for bloggers; and as you saw, human rights groups are increasingly speaking out about the violent nature of the crackdown in Vietnam on human rights.

As I have, there are those of us who have traveled to Vietnam. In the past, I met with the venerable Thich Quang Do, with Le Quang Liem and with others who have been involved in the issue of religious freedom. We saw the consequences of monks who had been beaten, some of whom had been killed. Certainly, many of them were under arrest for attempting to counter the state with respect to their assertion—Father Ly would be an example—that the state should not rewrite religious text.

For the Buddhist faith, this is a particular problem because the Communist Party in Vietnam is trying to change their faith by rewriting the text. The reason the venerable Thich Quang Do is under such pressure and is under such constant attack by the state is that he objects to this. He says religious freedom should exist in this society without control by the state.

Certainly, Bui Thanh Hieu and Pham Doan Trang would agree with this because these two bloggers were detained after writing in opposition to policies by the Vietnamese Government. Now, what were they writing about? They were writing about an environmental issue, about the new bauxite mining project in Vietnam's central highlands.

Chinese mining in this region has already caused severe environmental damage, and that damage comes at the sole expense of the local residents in this area because this is the area that grows much of the coffee, rubber and so forth in Vietnam. So, now, with the runoff from these mines and the way in which it's polluting the local lakes and the way in which it's killing off the vegetation, basically, you've created a no-man's area. It is absolutely incapable of supporting any crops in the future in much of this area.

Dieu Cay, another prominent blogger, also knows the lesson well, as he was sentenced to 2 years for running a series of articles, exposing what? Exposing government corruption.

Now we have another introduction of Chinese bauxite mining on top of what

is already occurring that is going to cause further environmental damage in the central highlands. What you basically have is the state's cracking down in Vietnam, saying nobody can tell the people about what's happening to their land, that nobody can tell the people about the health hazards to their children in this region as a result of the state's making this decision to invite the Chinese in to do this kind of bauxite mining.

Hanoi knows that its grip on power is shaky and that the ideas that these journalists spread carefully chip away at the monopoly on power which the state has. That's why they spend so much time trying to shut them out. The practice of detaining these bloggers for spreading ideas like freedom and democracy is very odious.

We are here today to call on the Communist Government to end this practice. That is what this resolution does. It calls on the Government of the Socialist Republic of Vietnam to release these imprisoned bloggers and to respect Internet freedom.

I urge my colleagues to support it.

Ms. WATSON. Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, having no more speakers on the subject, I again thank the gentlewoman from California for bringing this important resolution forward, which I very much support, that of freedom in Vietnam; and I urge my fellow Members to lend their support, also.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in strong support of H. Res. 672, Ms. SANCHEZ's resolution calling on the government of Vietnam to release imprisoned bloggers and respect Internet freedom.

The resolution draws attention to the Internet-restrictive practices of the government of Vietnam. Often, when we speak of the Internet repression of the Chinese or Iranian government, we forget that many other nations suffer under Internet-restrictive governments, including, according to Reporters Without Borders, Vietnam, Cuba, Burma, Egypt, North Korea, Saudi Arabia, Syria, Tunisia, Turkmenistan, Uzbekistan. The Vietnamese government is one of the most repressive of these, and models its apparatus of repression on that of China. According to the State Department's 2009 Country Reports on Human Rights, the government of Vietnam:

... monitored e-mail, searched for sensitive key words, regulated Internet content, and blocked many Web sites with political or religious content that authorities deemed "offensive." ... Authorities continued to detain and imprison dissidents who used the Internet to publish ideas on human rights and political pluralism ... The government continued to use firewalls to block some Web sites that it deemed politically or culturally inappropriate, including sites affiliated with the Catholic Church, such as Vietcatholic.net and others operated by overseas Vietnamese political groups.

Mr. Speaker, this excellent resolution also calls on the government of Vietnam to release all imprisoned bloggers and cyber activists,

and provides the names of 18 men and women known to be held as political prisoners due to their use of the Internet. I have visited former Vietnamese political prisoners, including Father Ly and have heard first-hand about what they suffer in those prisons. These men and women need our help, and Ms. SANCHEZ's resolution will afford them a measure of protection.

Mr. Speaker, the issue of Internet freedom becomes more urgent every year. In February of 2006 I held a major hearing that revealed the involvement of U.S. companies in enabling the Chinese government's Internet censorship and surveillance. I then introduced legislation, the Global Online Freedom Act, which would prevent U.S. IT companies from enabling repressive governments' Internet censorship and surveillance. The legislation was blocked in two successive Congresses, while, sadly, the tempo of repression increased, and the technology of repression improved. We saw this in the Chinese government's repression of Tibetan protests last spring. The government blocked Yahoo! and the video-sharing site YouTube, and ramped up its blocking of international news sites. We saw it again in that government's repression of protests in Xinjiang in June of this year. Again the government cut off Internet and phone service, and actively removed and altered comments about the protests on numerous Internet fora and Web sites. Then in Iran, when great numbers of Iranians protested the Ahmadinejad government's stealing of the election, the government responded by cutting off Internet access as well as, with mixed success, to social-networking sites like Twitter and Facebook.

Now every time a repressive government crushes a protest movement, or a movement for freedom or democracy, it also engages in cyber-repression—the Internet is such a strong force for freedom that dictatorships and repressive government can hardly exist without cyber-repression. In recent years cyber-repression has emerged as no less than one of the most dangerous threats to human rights, freedom, and democracy.

Congress has an obligation to better address this issue and help those who are suffering under Internet-restrictive governments. I want to draw members' attention to three other bills which, like H. Res. 672, deserve our support: Mr. WU's H. Res. 590, expressing concerns about China's Green Dam filtering software; Mr. SHERMAN's HR 3284, prohibiting federal agencies from entering into procurement contracts with anyone who exports computer technology to Iran; and HR 2271, my own Global Online Freedom Act. All of these bills speak strongly, responsibly, and constructively to cyber-repression. The Global Online Freedom Act, in the last Congress, passed all of its committees and was ready for an up or down vote on the floor; I have improved the bill and re-introduced it in this Congress, and ask colleagues to consider sponsoring it.

I strongly support this resolution in support of the persecuted bloggers of Vietnam, and thank my friend for introducing it.

Mr. MORAN of Virginia. Mr. Speaker, I rise here today in support of House Resolution 672, which calls for the release of imprisoned bloggers and Internet freedom in Vietnam.

It is estimated that over 20 million Vietnamese use the Internet to organize around

environmental issues, blogger freedom, labor rights, and anti-corruption. Yet, in 2008, the Government of Vietnam launched a new entity—the Administration Agency for Radio, Television and Electronics Information—to restrict Internet freedom, censor private blogs, and compel information technology companies to cooperate with authorities.

The Socialist Republic of Vietnam is a signatory of the International Covenant on Civil and Political Rights adopted by the United Nations, UN, General Assembly. However, this move to censor the Internet by the Government of Vietnam is an extension of Article 88 of the Penal Code which criminalizes free speech. All these restrictions violate the above international covenant.

Despite abundant evidence to the contrary, Vietnam has asserted that it has no "so-called 'prisoners of conscience'"; that no-one is arrested for criticizing the government, only for violating Vietnam's laws; that its national security laws "conform to international law"; and "there is no practice of torture or degrading treatment of law offenders and those under detention for investigative purposes."

Vietnam—a member of the U.N. Security Council—has made a charade of its engagement at the U.N. Human Rights Council. Vietnam rejected even the most benign recommendations based on the international covenants it has signed, such as allowing people to promote human rights or express their opinions. Despite Vietnam's denials that it arbitrarily arrests and imprisons peaceful government critics, human rights defenders, political bloggers, and independent church activists, the government has arrested scores more since May of this year.

Vietnam's ongoing arrests of peaceful dissidents and church activists—conducted even as the U.N. was evaluating its human rights record—shows its flagrant disregard for its international human rights obligations. Member states should deliver a clear message to Vietnam that it needs to uphold its international rights commitments.

This resolution provides us with a chance to rekindle our role as a human-rights advocate around the world. It can show Vietnamese citizens that we notice when their rights are restricted, when their freedom is limited, and when their voices are silenced. I urge my colleagues to vote "yes" on this resolution. We have a moral responsibility to provide the Vietnamese with the same kind of freedoms we value in this country. And we have a moral responsibility to protect those who value what our men and women die for—freedom of speech.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today in support of H. Res. 672, a bill which I am proud to cosponsor. Introduced by my good friend, colleague, and co-chair of the Vietnam Caucus, Representative LORETTA SANCHEZ, this legislation calls on the Vietnamese government to respect Internet freedom and to release a number of jailed pro-democracy activists.

I am deeply concerned about Vietnam's human rights record, which shows no signs of improving. Just last month at its United Nations Universal Periodic Review, Vietnam rejected 45 recommendations from member states, including the release of peaceful pris-

oners of conscience and to lift internet and blogging controls and prohibitions on privately-owned media.

This situation is unacceptable. We need to send a message to the Vietnamese government that the United States Congress does not condone its repression of free speech and democracy. Using anti-propaganda laws to silence opposition and maintain one-party control is not democracy and should not be tolerated.

I strongly urge my colleagues to support this bill.

Mr. AL GREEN of Texas. Mr. Speaker, I extend my strong support to H. Res. 672, which calls on the Socialist Republic of Vietnam to release imprisoned bloggers and respect Internet freedom.

Since 2002, the Socialist Republic of Vietnam has enforced heavy surveillance of the internet activity of Vietnamese citizens. The U.S. Congress is aware that a number of internet bloggers and cyber activists have recently been arrested and imprisoned for exercising their inherent human right of freedom of expression. This matter, among others, is of grave concern to me, and more importantly, to the thousands of Vietnamese Americans that I represent.

Reporters Without Borders considers Vietnam one of 15 "internet enemies" and the OpenNet Initiative, a project of academic institutions including the University of Toronto, Oxford, Cambridge, and Harvard Universities, classifies Vietnam's online political censorship to be "pervasive." In fact, an electronic communications decree issued by the Vietnamese government, that came into force in September 2008, states "opposition to the Republic of Vietnam is forbidden."

The freedom of expression, including the freedom to express one's views on the internet, is a necessary prerequisite for a healthy and vigorous democracy. Without free and open debate where citizens need not fear retaliation by government for the opinions they hold, a country foregoes the opportunity to harness the full capability of its citizens to advance social and economic development.

Along with my friend from California, Ms. SANCHEZ, I call on Vietnam to respect Internet freedom and allow the people of Vietnam to freely express their views. Moreover, I call upon Vietnam to immediately release imprisoned bloggers and political prisoners. To the Vietnamese government, the message we send today is that the United States will embrace you, but only when you embrace the inherent rights and freedoms of your people.

Mr. BOOZMAN. With that, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 672.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONDEMNING PERSECUTION OF BAHA'IS IN IRAN

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 175) condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 175

Whereas in 1982, 1984, 1988, 1990, 1992, 1994, 1996, 2000, 2006, and 2008, Congress declared that it deplored the religious persecution by the Government of Iran of the Baha'i community and would hold the Government of Iran responsible for upholding the rights of all Iranian nationals, including members of the Baha'i faith;

Whereas in November 2007, the Iranian Ministry of Information in Shiraz jailed Baha'is Ms. Raha Sabet, 33, Mr. Sasan Taqva, 32, and Ms. Haleh Roohi, 29 for ostensibly "indirectly teaching the Baha'i Faith" and "engaging in anti-government propaganda" while educating underprivileged children and gave them 4-year prison terms, which they are serving;

Whereas Ms. Sabet, Mr. Taqva, and Ms. Roohi were targeted solely on the basis of their religion;

Whereas, on January 23, 2008, the United States Department of State released a statement urging the Iranian regime to release all individuals held without due process and a fair trial, including the 3 young Baha'is being held in an Iranian Ministry of Intelligence detention center in Shiraz;

Whereas in March and May of 2008, Iranian intelligence officials in Mashhad and Tehran arrested and imprisoned Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, and Mr. Vahid Tizfahm, the members of the coordinating group for the Baha'i community in Iran;

Whereas these seven leaders have been imprisoned for well over a year and are yet to stand trial, the trial having been delayed multiple times;

Whereas official Iranian media has announced they will face charges of "espionage for Israel, insulting religious sanctities and propaganda against the Islamic Republic";

Whereas these seven Baha'i leaders were targeted solely on the basis of their religion; and

Whereas the Government of Iran is party to the International Covenants on Human Rights: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights;

(2) calls on the Government of Iran to immediately release the seven leaders and all other prisoners held solely on account of their religion, including: Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, Mr. Sasan Taqva, and Ms. Haleh Roohi; and

(3) calls on the President and Secretary of State, in cooperation with responsible na-

tions, to immediately condemn Iran's continued violation of human rights and demand the immediate release of prisoners held solely on account of their religion, including Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, Mr. Sasan Taqva, and Ms. Haleh Roohi.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of this resolution, and I would like to thank my good friend, the gentleman from Illinois, Congressman MARK KIRK, for his leadership in introducing this important resolution.

H. Res. 175 condemns the Government of Iran for its state-sponsored persecution of its Baha'i minority and of its continued violation of the international covenants on human rights.

Mr. Speaker, resolutions in support of the much persecuted Baha'i communities in the Middle East have a long and proud tradition in the House of Representatives and in the other body. While past resolutions have chronicled the abuse and harassment Baha'is have experienced in several Middle Eastern countries, nowhere is the situation as dire or does it require more urgent action than in Iran, where Baha'is are routinely arrested and face the death penalty.

Iran's Baha'i community forms that country's largest religious minority. It is difficult to know the exact number because Iran has banned communal Baha'i institutions since 1983, but it is estimated that they number over 300,000.

Since 1979, some 200 Baha'is have been executed, and thousands have been imprisoned. They have been systematically denied jobs, pensions, access to higher education, and the right to inherit property. All Baha'i cemeteries, holy places and other community properties were seized soon after the 1979 revolution. Many sites of the greatest historical significance to the Baha'is have been destroyed, and the graves of Baha'is have been desecrated throughout the country.

In the spring of 2008, seven individuals who had been serving as leaders of the Baha'i community on an ad hoc

basis were arrested and were put in Tehran's notorious Evin prison. Their trial date has been repeatedly postponed, and it is still unclear if and when they will face trial.

Official Iranian news agencies have reported that they are charged with espionage for Israel, insulting Islam and with propaganda against the Islamic republic. Family members have been informed of a fourth charge, that of spreading corruption on Earth. Some of these charges could carry the death penalty. The circumstances of this possible trial are particularly worrying because the Government of Iran has arrested and executed the Baha'i leadership on three previous occasions.

In addition to the seven Baha'i leaders, some 25 other Baha'is also remain in prison, including three young people in Shiraz who were arrested in 2006 for indirectly teaching the Baha'i faith and for engaging in antigovernment propaganda while merely carrying out a literacy program for underprivileged youth. These young people are currently serving 4-year sentences under very harsh conditions.

As the United States and the international community seek to engage Iran on the crucial issues of non-proliferation, we must not forget about the basic human rights of the Iranian people. International attention to the persecution of the Baha'is in Iran has been critical to preventing an even worse deterioration of their situation.

As large sections of the Iranian population are now being increasingly repressed and denied the opportunity to have a voice in their own country, it is crucial that others in the international community speak out on their behalf and support them. I urge all of my colleagues to support this important resolution.

I reserve the balance of my time.

Mr. BOOZMAN. I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to thank the gentleman from Illinois (Mr. KIRK) for bringing forward this important resolution.

I rise today in strong support of House Resolution 175, which condemns the Iranian regime's continuing persecution of members of the Baha'i faith, Tehran's notoriously cruel regime, which for decades has denied the people of Iran their fundamental human rights and civil liberties.

While the most recent demonstration of the regime's brutality and authoritarianism was the crackdown in the aftermath of the June leadership selection process; for years, Iran has made a special example of the Iranian Baha'is, oppressing them without respite.

In addition to seizing Baha'i communal property, the Iranian Government prohibits the community from officially assembling; bans them from practicing or teaching their religion;

excludes them from the national pension system and from public universities; prevents them from inheriting property; and jails them on account of their faith or on trumped-up charges of espionage.

Accordingly, I urge my colleagues to adopt this resolution, which condemns the Iranian regime's despicable conduct.

Mr. Speaker, totalitarian regimes everywhere, hiding behind the false excuse of state sovereignty, are eager to combat any progress in human rights and freedoms and are eager to expand their repression as far as others will allow them to do.

The Baha'is and countless other Iranians have been robbed of a better future for almost 30 years by a regime which offers nothing but more misery. Therefore, the United States must continue to make clear in both word and deed that the spread of religious freedom and human rights worldwide is not merely an ideal but an imperative. Now is the time for all responsible nations to stand four-square with the Baha'is of Iran in their moment of need.

With that, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. KIRK), a member of the Committee on Appropriations and the author of this measure.

Mr. KIRK. Mr. Speaker, as the author of this important resolution, I rise in strong support, and I urge its adoption.

I want to thank the chairman and ranking member for bringing up this resolution on the floor today, and I want to thank Mr. McGOVERN for helping garner bipartisan support for this effort.

As many of my colleagues know, my district is home to the North American Baha'i Temple located in Wilmette, Illinois. The Baha'i faith was founded in Iran 165 years ago on principles of peace and tolerance. Baha'is are a gentle and nonviolent people. They follow the teachings of Baha'u'llah, who taught respect for Moses, Jesus and Mohammad, teaching respect and tolerance around the world.

Yet, since the Iranian revolution of 1979, the Government of Iran has committed a deliberate campaign of discrimination, harassment, detention, arrests, imprisonment, and the execution of one of their largest religious minorities. Based solely on their religious beliefs, Baha'is in Iran are now denied jobs, are robbed of pensions, are stripped of property rights, and are forced to endure the barbarous desecration of their holy sites as well as forced to watch their leaders being imprisoned and executed.

□ 1300

Last spring, seven leaders of the Baha'i community were arrested and

detained in Tehran's notorious Evin prison. Their trial date has been repeatedly postponed as they languish in prison without legal resource. Although no charges have been publicly filed, Iranian news agencies report that these individuals will be charged with "espionage for Israel, insulting Islam, propaganda against the Islamic Republic, and spreading corruption on Earth." Conviction of these crimes carries a penalty of death.

We know what happened the last time the Iranian regime struck the Baha'i community leadership. In August of 1980, all of the members of the National Spiritual Assembly of the Baha'is were executed. We should do all we can to prevent such a crime against humanity from being committed again.

As the President pursues his negotiation policy with the brutal Iranian dictators, we should not forget the kind of people we are dealing with. Iran denies its citizens basic human rights and is persecuting its minorities and executes what they call apostates. If our diplomats ignore Iranian Baha'is and silence the voice of Iranian human rights activists, America will have failed a great moral test in Iran.

Today, the House of Representatives sends a signal to the Iranian regime, and it contains an important message. The U.S. Congress will expose this regime that murders innocent women and children in the streets and denies citizens basic human rights. To the dictators in Iran we say, release your political prisoners, especially release your Baha'i prisoners, and end your ignorant and uncultured persecution of the peaceful Baha'is.

Mr. Speaker, I want to thank Ken Bowers, the secretary general of the National Spiritual Assembly of the Baha'is, and Juana Conrad, the deputy secretary, for their steadfast devotion to their fellow Baha'is worldwide. I also want to thank the Local Spiritual Assemblies in Arlington Heights, Deerfield, Glenview, Northbrook, Palatine, Vernon Hills, Waukegan and Wilmette for contributing to our community and calling attention to this human rights abuse.

Thank you also to Hans Hogrefe from Chairman BERMAN's hardworking staff and Jeff Philipps and Richard Goldberg of my staff for bringing this to the floor. A special thanks to Kit Bigelow and Shastri Purushotma from the National Spiritual Assembly of Baha'is of the United States for their dedication and pursuit of religious freedom and human rights for Baha'is worldwide.

I cannot for the life of me think of what's going on in Iran that she would commit such crimes against 330,000 peaceful Baha'is in Iran. I am worried that the Iranian intelligence service and ministry has now registered the address of every Baha'i and every Baha'i business in the country. I am worried that they have already labeled

Baha'i businesses as ineligible for government contracting.

We have seen the bureaucracy of a new Kristallnacht formed in Iran. I worry that with this bureaucracy now fully formed, we could see a tremendous human rights abuse occur against hundreds of thousands of peaceful individuals. That's why this resolution is so important, not just to call attention to crimes that have been committed, but to a potential crime against humanity, which, in my judgment, the dictators of Iran are fully capable of committing. That's why this institution rises to its fullest potential, underscoring the point that America is not the most powerful, best nation in the world because we are rich or have a large military, but because we represent the moral authority of a democratic people representing the dignity of each individual on this planet.

I urge adoption of this resolution and thank the Members.

Ms. WATSON. Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, having no more speakers on the subject, again, I want to thank the gentleman from Illinois for bringing forward this very important resolution and urge my fellow Members to adopt it.

Mr. KUCINICH. Mr. Speaker, I rise today in support of defending the human rights of everyone throughout the world. The United States must seek to uphold and protect human rights here at home as well as abroad. I stand in solidarity with the people of the Baha'i faith and all faiths that endure persecution based on their religious beliefs. As such, I strongly support the stated intention of this resolution.

As we aim a critical eye to the Iranian government's human rights violations, we can only do so with credibility if we turn the critical eye on our own country. For example, institutionalized discrimination based on gender and sexual orientation persists throughout the U.S. All human beings deserve security and equal protection under the law.

Furthermore, supporting the Baha'i faith by condemning Iran is antithetical to principles that are central to the Baha'i faith. The Baha'i teachings are built on the values of peace and unification. Condemnation, or the act of placing blame, separates and antagonizes. Condemnation of Iran with intent to rattle the sabers of war would not be something I support; nor do I believe it would be supported by those of the Baha'i faith.

In the spirit of honoring the Baha'i faith, we should work to end persecution. Rather than condemning Iran in order to forward an aggressive agenda, this body would do better to support the efforts of the Administration to engage Iran in high-level diplomatic negotiations. Engaging Iran diplomatically honors the spirit of unity that is central to the Baha'i faith and brings us closer to peace.

Mr. QUIGLEY. Mr. Speaker, I rise today in strong support of H. Res. 175 and I thank the gentleman from Illinois, Representative MARK KIRK, for bringing this to the floor. This legislation makes it clear that the Congress of the

United States of America will continue to stand strong against the religious persecution by the Government of Iran of the Baha'i community.

The ruthless persecution of those of the Baha'i faith by the Iranian Ministry of Information in Shiraz has lead to jailing of Iranian citizens targeted solely on the basis of their religion. This persecution includes the jailing of Ms. Raha Sabet, 33; Mr. Sasan Taqva, 32; and Ms. Haleh Roohi, 29; who are currently serving four-year prison terms for educating underprivileged children.

In accordance with prior Congressional action, the Department of State has since released a statement urging the Iranian Regime to release these victims along with others imprisoned on the basis of religious discrimination.

The combined effort of the United States Congress and the Department of State is only furthered by today's legislation. Today we reach out to the international community to immediately condemn Iran's continued violation of human rights and to demand the immediate release of prisoners held solely on account of their religion. I strongly believe that the United States and the world should stand together against this continued and blatant violation of the International Covenant on Human Rights.

Mr. BOOZMAN. Mr. Speaker, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 175, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KIRK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING CONDOLENCES REGARDING ATTACK ON UNITED NATIONS WORLD FOOD PROGRAM OFFICE IN ISLAMABAD, PAKISTAN

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 823) expressing deep condolences to the families, friends, and colleagues of those killed and injured in the attack on the United Nations World Food Program (WFP) office in Islamabad, Pakistan, on October 5, 2009, and support for the WFP's mission to bring emergency food aid to the most vulnerable people of Pakistan and around the world.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 823

Whereas the United Nations World Food Program (WFP) was established in 1962 with the goal of providing every man, woman, and child with access at all times to the food needed for an active and healthy life;

Whereas the WFP seeks to save lives and protect livelihoods in emergencies, prepare for emergencies, restore and rebuild lives after emergencies, reduce chronic hunger and under-nutrition everywhere, and strengthen the capacity of countries to reduce hunger;

Whereas WFP operations in 2008 reached just over 102,000,000 hungry and poor people in 78 countries with 3,900,000 tons of food;

Whereas 84.6 percent of the population of Pakistan earns less than \$2 per day, which is an indication of poor human development, especially among women and children;

Whereas since 1968, the WFP has invested more than \$1,500,000,000 in assistance to the most food-insecure people in Pakistan, including those in remote areas and those affected by conflict;

Whereas WFP operations in Pakistan include school feeding, mother and child nutrition, and socio-economic development programs that improve school enrollment rates for girls, access to health care services, and economic opportunities for rural women;

Whereas the WFP is providing vital food assistance to as many as 10,000,000 people across Pakistan, including emergency relief to as many as 2,000,000 Pakistani civilians who were displaced by conflict in the Swat Valley region earlier this year;

Whereas, on October 5, 2009, a suicide bomber attacked the WFP office in Islamabad, Pakistan, killing five employees, Botan Ahmed Ali Al-Hayawi, Farzana Barkat, Abid Rehman, Gulrukh Tahir, and Mohamed Wahab;

Whereas the Executive Director of the WFP, Josette Sheeran, called the attack "a tragedy—not just for WFP—but for the whole humanitarian community and for the hungry"; and

Whereas support for food aid and other forms of humanitarian assistance in Pakistan is in the moral and national security interests of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its deep condolences to the families, friends, and colleagues of those killed and injured in the attack on the United Nations World Food Program (WFP) office in Islamabad, Pakistan, on October 5, 2009;

(2) recognizes the critical role the WFP plays in helping alleviate poverty, which can be exploited by extremists to create instability, in Pakistan and the greater South Asian region;

(3) reaffirms its support for the WFP's mission to bring emergency food aid to the most vulnerable people of Pakistan and around the world; and

(4) commends the approximately 10,000 people of the WFP directly serving the hungry and poor across the world for their invaluable contribution to bringing relief to those most in need.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, on October 5, 2009, five dedicated humanitarians were killed and four others injured by a suicide bombing inside the World Food Program's office in Islamabad, Pakistan. The victims of this senseless attack were impartial civilian aid workers devoted to feeding the hungry and providing a lifeline to millions of the most vulnerable people in Pakistan.

The United Nations World Food Program has been on the front lines of fighting hunger worldwide since its inception in 1962.

I want to recognize, and I want to thank the sponsor of this resolution, my distinguished colleague and good friend from Connecticut, Ms. ROSA DELAURO, for taking the lead in introducing this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

I stand in strong support of this resolution, which expresses our sympathy and deepest condolences for the victims and families of this month's deadly suicide bombing at the U.N. World Food Program offices in Islamabad, Pakistan.

We mourn the loss of five humanitarian aid workers who were killed in a senseless act of violence while they were simply trying to supply food to the millions of vulnerable and hungry people of Pakistan. This deadly attack by a Taliban suicide bomber on October 5 forced the U.N. to temporarily close its offices, which resulted in the disruption of food assistance to nearly 10 million starving people in Pakistan who are dependent on the World Food Program.

Mr. Speaker, we should not allow such cowardly acts of violence to overshadow the vital work of the World Food Program, whose efforts have relieved the suffering and hunger of millions of people in Pakistan and around the world.

Since 1968, the U.N. World Food Program has invested more than \$1.5 billion in assistance to the poor citizens of Pakistan alone.

The World Food Program has also carried out food security efforts and has developed nutritional and socio-economic programs that have improved access to health care, increased school enrollment for women and girls, and advanced economic opportunities for the poor. In fact, amid recent violence

in Pakistan's North West Frontier Province, the World Food Program courageously pushed forward to provide emergency and hunger relief to 2 million displaced Pakistanis.

Today, it is important not only to recognize the crucial role of the World Food Program in the fight to alleviate poverty and world hunger, but to reaffirm our appreciation for its mission to feed the world's poor. It's also important to pause momentarily to remember those aid workers who sacrificed their lives this month in the course of their work to relieve human suffering and hunger.

Mr. Speaker, I strongly urge the passage of this resolution condemning this heinous attack and reinstating our support for the work of the World Food Program.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 5 minutes to the gentlelady from Connecticut, Representative ROSA DELAURO.

Ms. DELAURO. I thank the gentlewoman for this time. I thank Chairman BERMAN for moving so quickly in this effort. I also want to thank Congressman JIM MCGOVERN and JO ANN EMERSON for co-leading this bipartisan effort with me.

Mr. Speaker, I rise in support of House Resolution 823. It expresses deep condolences to families, friends, and colleagues of those who were killed and injured in the attack on the U.N. World Food Program at their offices in Islamabad, Pakistan, on October 5, 2009.

We offer our support for the World Food Program's mission to bring emergency food aid to the most vulnerable people of Pakistan and around the world. We condemn this reprehensible attack in the strongest of terms. All acts of terror are contemptible, but the murder of civilian workers engaged in humanitarian aid is particularly vile.

Fighting hunger and deprivation around the globe is a cause to which people give more than just a daily effort. It's an all-consuming responsibility. As we saw in the horrible tragedy, it can even be the struggle in which people lose their lives.

Our thoughts and our prayers go out to the families of those U.N. World Food Program workers who perished in this terrible bombing. Through their efforts and the efforts of countless others, WFP feeds 10 million Pakistanis, including 2 million displaced by violence each year. For the people who have sacrificed so much to alleviate suffering to be struck down by a wanton act of terrorism, it is unjust and senseless.

We remember the fallen in our thoughts. This resolution represents a small way of honoring them as we continue the struggle for which they gave their lives: to put an end to global hunger around the world.

For the first time in history, over 1 billion people—one in six—are undernourished worldwide. Every 6 seconds a child dies because of hunger and related causes. Because of higher food prices, the number of undernourished people in the world increased by 75 million in 2007, 40 million in 2008. Even in America there are 12 million children facing hunger and uncertainty right now.

The continued existence of such famine in our day and age, even within our borders, is a moral outrage. We have the resources and the ability to confront this kind of suffering in the world. What we need is the conscience and the will to put an end to it.

The brave and the compassionate aid workers who perished in Pakistan had this in spades. They knew that prosperous nations cannot just remain an island of plenty in a sea of want. They stepped up. They met their responsibilities. We must meet our responsibilities.

This is a moral imperative that's shared by workers in the World Food Program, in the Sudan, in Somalia, where they provide 43 percent of the population with its basic food, and in places all around the world where women and men give their all to be able to ensure that starving people have enough to eat. It is also shared by many of us here in the Congress.

We are in a season of political turmoil and economic uncertainty. It's particularly important that we reaffirm the memory of these murdered workers and renew our commitment to ending global hunger. Put simply, this is a national security issue.

Hunger, gnawing, unyielding, forces people into desperate acts and dangerous pacts. Famine and starvation create the conditions for militant extremism around the world, the very extremism that killed these five in Pakistan.

We fight hunger, and we undercut the recruiting base of those who would threaten us. As former National Security Adviser Sandy Berger recently reminded us in the L.A. Times, "Ensuring that no child goes to school hungry is the single greatest investment we can make in building prosperous, healthy and stable societies."

The World Food Program has long understood this. For 50 years, it has worked to feed the suffering and malnourished citizens of our planet. In 2008, their operation reached over 102 million poor and hungry people in 78 countries with 3.9 million tons of food.

□ 1315

They have worked to eliminate not only hunger but its root causes. In short, the world food program is doing wonderful work for the people of Pakistan, the people of the United States and the people of the world. We laud their humanitarian efforts, as we con-

demn the cruelty and the malice that perpetrated such a deplorable atrocity in Islamabad on October 5.

For the fallen, for their families and their friends, and for hungry men, women and children all around the world, our fight against global hunger will go on.

I strongly urge my colleagues to support this resolution and reaffirm their commitment to this cause.

Mr. BOOZMAN. Mr. Speaker, we very much appreciate Ms. DELAURO bringing the resolution forward, and at this time, we continue to reserve our time.

Ms. WATSON. Mr. Speaker, I would like to yield 2 minutes to my good friend, the gentleman from Massachusetts, JAMES MCGOVERN.

Mr. MCGOVERN. I thank my friend for yielding.

Mr. Speaker, I rise in support of H. Res. 823, and I want to thank my good friend and colleague, Congresswoman ROSA DELAURO, for her leadership in bringing this resolution before the House for its consideration.

Mr. Speaker, we often forget, or take for granted, that thousands of humanitarian workers provide food, water, shelter, medicine and essential services to tens of millions around the world. Many of us don't even think about how perilous are the situations in which this compassionate work happens. But we were reminded, in the worst possible way, on October 5, when a bombing attack was carried out against the World Food Program in Islamabad, Pakistan.

This resolution adds to what I am sure others have also conveyed to the WFP, the deepest condolences and sympathies to the families, friends and colleagues of the WFP staff who were killed in Pakistan. I also want to add that my own thoughts and prayers are with those who were wounded and who were injured in the bombing attack, and we hope for their speedy recovery.

Mr. Speaker, the bombing underscores the often precarious situation in which the WFP, and so many other humanitarian and aid workers around the globe, find themselves. And I, for one, can only thank them for their important and too often unrecognized service to humanity.

Mr. BOOZMAN. Mr. Speaker, having no other speakers on the subject, again, I want to thank Ms. DELAURO for bringing this very important resolution forward. I also want to thank Mr. MCGOVERN for his leadership in the hunger issues that he has given all of us.

With that, I yield back the balance of my time.

Ms. WATSON. I would like to yield 1 minute to the gentleman from Ohio, Mr. Dennis Kucinich.

Mr. KUCINICH. I thank the gentlelady.

I want to join my colleagues in expressing condolences to those who were

killed in connection with the attack on the United Nations World Food Program in Islamabad, Pakistan. It is so important that the world community rally behind this program and other programs like it that are really aimed at providing the kind of social service that is so urgently required in areas around the world that are economically depressed, and that is, to feed the hungry. If we make a concerted effort in feeding the hungry, there's less of a chance that we're going to be looking at the kind of social conflagration that has affected nations around the world.

This program in Pakistan is urgently needed. Those who risk their lives to deliver it should be remembered now, and we should stand by them and their families in their moment of grief. But we also have a responsibility to continue to take a stand against hunger. And wherever an effort is made to try to knock those out who are trying to serve the public, we stand behind those who serve, and we stand behind our moral obligation to feed the hungry of the world.

Mr. AL GREEN of Texas. Mr. Speaker, I extend my strong support to H. Res. 823, which expresses condolences to the families, friends and colleagues of those killed and injured in the recent attack on the United Nations World Food Program office in Islamabad, Pakistan, and support for the World Food Program's mission to bring emergency food aid to the most vulnerable people of Pakistan and around the world.

On October 5, 2009, a suicide bomber attacked the World Food Program office in Islamabad, Pakistan, killing five employees, Botan Ahmed Ali Al-Hayawi, Farzana Barkat, Abid Rehman, Gulrukh Tahir, and Mohamed Wahab. But more than killing these five individuals, the tragedy has affected the ability of this very important organization to meet Pakistan's most pressing humanitarian needs.

The United Nations World Food Program was established in 1962 and works to provide men, women and children with access to the food needed for an active and healthy life. In 2008, the World Food Program fed 102 million hungry and poor people in 78 countries. In Pakistan, the World Food Program provides assistance to 10 million people at any given time, including 2 million Pakistanis displaced by fighting in the Swat Valley region earlier this year.

As the international community grieves over the loss of five staff members who selflessly gave themselves to their fellow men and women, let us recognize the critical work of the United Nations World Food Program. More than 84.7 percent of Pakistanis live on less than US \$2 per day, and I daresay that Pakistan cannot afford to go on without the work and aid delivered by this organization.

I extend my sincerest condolences to the families, friends, and colleagues whose loved ones were lost in the recent attack on the World Food Program office in Islamabad. Moreover, I reaffirm my support for the mission of the World Food Program, its leadership and staff of over 10,000 dedicated men and women.

Lastly, I hope that this event reminds my colleagues in Congress, the American people and citizens of the world, that as human beings, it is in our personal interest to ensure that no one on this earth goes hungry for want of food. Let us rise up in solidarity with the people of the United Nations World Food Program and ensure that the recent attack does not diminish, but strengthens, our resolve to advance anti-hunger efforts in Pakistan and defeat poverty around the world.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 823.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

- S. 1793, by the yeas and nays;
- H. Res. 811, by the yeas and nays;
- H. Res. 837, by the yeas and nays;
- H. Res. 660, by the yeas and nays;
- S. Con. Res. 43, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

RYAN WHITE HIV/AIDS TREATMENT EXTENSION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, S. 1793, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, S. 1793.

The vote was taken by electronic device, and there were—yeas 408, nays 9, not voting 15, as follows:

[Roll No. 793]

YEAS—408

Abercrombie	Bachus	Biggert
Aderholt	Baird	Bilbray
Adler (NJ)	Baldwin	Bilirakis
Akin	Barrett (SC)	Bishop (GA)
Alexander	Barrow	Bishop (NY)
Altmire	Bartlett	Bishop (UT)
Andrews	Barton (TX)	Blackburn
Arcuri	Becerra	Blumenauer
Austria	Berkley	Blunt
Baca	Berman	Bocieri
Bachmann	Berry	Boehner
Bonner	Bono Mack	Brown
Boozman	Boren	Brown (SC)
Boswell	Boucher	Brown, Corrine
Boustany	Boustany	Brown-Waite,
Boyd	Boyd	Ginny
Brady (PA)	Brady (PA)	Buchanan
Braley (IA)	Braley (IA)	Burgess
Bright	Bright	Burton (IN)
Brown (SC)	Brown (SC)	Butterfield
Brown, Corrine	Brown, Corrine	Buyer
Brown-Waite,	Brown-Waite,	Calvert
Ginny	Ginny	Camp
Buchanan	Buchanan	Campbell
Burgess	Burgess	Cantor
Burton (IN)	Burton (IN)	Cao
Butterfield	Butterfield	Capito
Buyer	Buyer	Capps
Calvert	Calvert	Capuano
Camp	Camp	Cardoza
Campbell	Campbell	Carnahan
Cantor	Cantor	Carney
Cao	Cao	Carson (IN)
Capito	Capito	Cassidy
Capps	Capps	Castle
Capuano	Capuano	Castor (FL)
Cardoza	Cardoza	Chaffetz
Carnahan	Carnahan	Chandler
Carney	Carney	Childers
Carson (IN)	Carson (IN)	Chu
Cassidy	Cassidy	Clarke
Castle	Castle	Clay
Castor (FL)	Castor (FL)	Cleaver
Chaffetz	Chaffetz	Clyburn
Chandler	Chandler	Coble
Childers	Childers	Coffman (CO)
Chu	Chu	Cohen
Clarke	Clarke	Cole
Clay	Clay	Conaway
Cleaver	Cleaver	Connolly (VA)
Clyburn	Clyburn	Conyers
Coble	Coble	Cooper
Coffman (CO)	Coffman (CO)	Costa
Cohen	Cohen	Costello
Cole	Cole	Courtney
Conaway	Conaway	Crowley
Connolly (VA)	Connolly (VA)	Cuellar
Conyers	Conyers	Culberson
Cooper	Cooper	Cummings
Costa	Costa	Dahlkemper
Costello	Costello	Davis (AL)
Courtney	Courtney	Davis (CA)
Crowley	Crowley	Davis (IL)
Cuellar	Cuellar	Davis (KY)
Culberson	Culberson	Davis (TN)
Cummings	Cummings	Deal (GA)
Dahlkemper	Dahlkemper	DeFazio
Davis (AL)	Davis (AL)	DeGette
Davis (CA)	Davis (CA)	Delahunt
Davis (IL)	Davis (IL)	DeLauro
Davis (KY)	Davis (KY)	Dent
Davis (TN)	Davis (TN)	Diaz-Balart, L.
Deal (GA)	Deal (GA)	Diaz-Balart, M.
DeFazio	DeFazio	Dicks
DeGette	DeGette	Dingell
Delahunt	Delahunt	Doggett
DeLauro	DeLauro	Donnelly (IN)
Dent	Dent	Doyle
Diaz-Balart, L.	Diaz-Balart, L.	Dreier
Diaz-Balart, M.	Diaz-Balart, M.	Driehaus
Dicks	Dicks	Edwards (TX)
Dingell	Dingell	Ehlers
Doggett	Doggett	Ellison
Donnelly (IN)	Donnelly (IN)	Ellsworth
Doyle	Doyle	Emerson
Dreier	Dreier	Engel
Driehaus	Driehaus	Eshoo
Edwards (TX)	Edwards (TX)	Fallin
Ehlers	Ehlers	Farr
Ellison	Ellison	Fattah
Ellsworth	Ellsworth	Filner
Emerson	Emerson	Fleming
Engel	Engel	Forbes
Eshoo	Eshoo	Fortenberry
Fallin	Fallin	Foster
Farr	Farr	Frank (MA)
Fattah	Fattah	Franks (AZ)
Filner	Filner	Frelinghuysen
Fleming	Fleming	Fudge
Forbes	Forbes	Gallely
Fortenberry	Fortenberry	Garrett (NJ)
Foster	Foster	Gerlach
Frank (MA)	Frank (MA)	Giffords
Franks (AZ)	Franks (AZ)	Gingrey (GA)
		Gonzalez
		Goodlatte
		Gordon (TN)
		Granger
		Graves
		Grayson
		Green, Al
		Green, Gene
		Griffith
		Grijalva
		Guthrie
		Gutierrez
		Hall (NY)
		Hall (TX)
		Halvorson
		Hare
		Harman
		Harper
		Hastings (FL)
		Hastings (WA)
		Heinrich
		Heller
		Hensarling
		Herger
		Herseth Sandlin
		Higgins
		Hill
		Himes
		Hinchey
		Hinojosa
		Hirono
		Hodes
		Hoekstra
		Holden
		Holt
		Honda
		Hunter
		Inglis
		Inslee
		Israel
		Issa
		Jackson (IL)
		Jackson-Lee
		(TX)
		Jenkins
		Johnson (GA)
		Johnson (IL)
		Johnson, E. B.
		Johnson, Sam
		Jones
		Jordan (OH)
		Kagen
		Kanjorski
		Kaptur
		Kennedy
		Kildee
		Kilpatrick (MI)
		Kilroy
		Kind
		King (IA)
		King (NY)
		Kingston
		Kirk
		Kirkpatrick (AZ)
		Kissell
		Klein (FL)
		Kline (MN)
		Kosmas
		Kratovil
		Kucinich
		Lamborn
		Lance
		Langevin
		Larsen (WA)
		Larson (CT)
		Latham
		LaTourette
		Latta
		Lee (CA)
		Lee (NY)
		Levin
		Lewis (CA)
		Lewis (GA)
		Linder
		Lipinski
		LoBiondo
		Loebuck
		Lowey
		Lucas
		Luetkemeyer
		Lujan
		Lungrun, Daniel
		E.
		Lynch
		Mack
		Maffei
		Maloney
		Manzullo
		Marchant
		Markey (CO)
		Markey (MA)
		Marshall
		Massa
		Matheson
		Matsui
		McCarthy (CA)
		McCarthy (NY)
		McCaul
		McClintock
		McCollum
		McCotter
		McDermott
		McGovern
		McHenry
		McIntyre
		McKeon
		McMahon
		McMorris
		Rodgers
		McNerney
		Meek (FL)
		Meeks (NY)
		Melancon
		Mica
		Michaud
		Miller (FL)
		Miller (MI)
		Miller (NC)
		Miller, Gary
		Miller, George
		Minnick
		Mitchell
		Mollohan
		Moore (KS)
		Moore (WI)
		Moran (KS)
		Moran (VA)
		Murphy (CT)
		Murphy (NY)
		Murphy, Patrick
		Murphy, Tim
		Murtha
		Myrick
		Nadler (NY)
		Napolitano
		Neal (MA)
		Neugebauer
		Nunes
		Nye
		Oberstar
		Obey
		Olson
		Olver
		Ortiz
		Pallone
		Pascarella
		Pastor (AZ)
		Paulsen
		Payne
		Pence
		Perlmutter
		Perriello
		Peters
		Peterson
		Petri
		Pingree (ME)
		Pitts
		Platts
		Polis (CO)
		Pomeroy
		Posey
		Price (NC)
		Putnam
		Quigley
		Radanovich
		Rahall
		Rangel
		Rehberg
		Reichert
		Reyes
		Rodriguez
		Roe (TN)
		Rogers (AL)
		Rogers (KY)
		Rogers (MI)

Rohrabacher	Sherman	Tiberi	Berkley	Ehlers	Lamborn	Pingree (ME)	Schauer	Teague
Rooney	Shimkus	Tierney	Berman	Ellison	Lance	Pitts	Schiff	Terry
Ros-Lehtinen	Shuler	Titus	Berry	Ellsworth	Langevin	Platts	Schmidt	Thompson (CA)
Roskam	Shuster	Tonko	Biggert	Emerson	Larsen (WA)	Poe (TX)	Schock	Thompson (MS)
Ross	Simpson	Towns	Bilbray	Engel	Larson (CT)	Polis (CO)	Schrader	Thompson (PA)
Roybal-Allard	Sires	Tsongas	Bilirakis	Eshoo	Latham	Pomeroy	Schwartz	Thornberry
Royce	Skeltton	Turner	Bishop (GA)	Fallin	LaTourette	Posey	Scott (GA)	Tiahrt
Ruppersberger	Slaughter	Upton	Bishop (NY)	Farr	Latta	Price (NC)	Scott (VA)	Tiberi
Rush	Smith (NE)	Velázquez	Bishop (UT)	Fattah	Lee (CA)	Putnam	Sensenbrenner	Tierney
Ryan (OH)	Smith (NJ)	Visclosky	Blackburn	Filner	Lee (NY)	Quigley	Serrano	Titus
Ryan (WI)	Smith (TX)	Walz	Blumenauer	Flake	Levin	Radanovich	Sessions	Tonko
Salazar	Smith (WA)	Wamp	Blunt	Fleming	Lewis (CA)	Rahall	Sestak	Towns
Sánchez, Linda T.	Snyder	Wasserman	Boccieri	Forbes	Lewis (GA)	Rangel	Shea-Porter	Tsongas
Sanchez, Loretta	Souder	Schultz	Boehner	Fortenberry	Linder	Rehberg	Sherman	Turner
Sarbanes	Space	Waters	Bonner	Poster	Lipinski	Reichert	Shimkus	Upton
Scalise	Speier	Watson	Bono Mack	Foxo	LoBiondo	Reyes	Shuler	Velázquez
Schakowsky	Spratt	Watt	Boozman	Frank (MA)	Loeb sack	Rodriguez	Shuster	Visclosky
Schauer	Stark	Waxman	Boswell	Franks (AZ)	Lowey	Roe (TN)	Simpson	Walz
Schiff	Stearns	Weiner	Boucher	Frelinghuysen	Lucas	Rogers (KY)	Sires	Wamp
Schmidt	Stupak	Welch	Boustany	Fudge	Luetkemeyer	Rogers (MI)	Skelton	Wasserman
Schock	Sullivan	Westmoreland	Boyd	Gallegly	Lujan	Rohrabacher	Slaughter	Schultz
Schrader	Sutton	Wexler	Brady (PA)	Garrett (NJ)	Lummis	Rooney	Smith (NE)	Waters
Schwartz	Tanner	Whitfield	Brady (TX)	Gerlach	Lungren, Daniel E.	Ros-Lehtinen	Smith (NJ)	Watson
Scott (GA)	Taylor	Wilson (OH)	Braley (IA)	Giffords	Lynch	Roskam	Smith (TX)	Watt
Scott (VA)	Teague	Wilson (SC)	Bright	Gingrey (GA)	Mack	Ross	Smith (WA)	Waxman
Sensenbrenner	Terry	Wittman	Broun (GA)	Gohmert	Maffei	Roybal-Allard	Snyder	Weiner
Serrano	Thompson (CA)	Wolf	Brown (SC)	Gonzalez	Maloney	Royce	Souder	Welch
Sessions	Thompson (MS)	Woolsey	Brown, Corrine	Goodlatte	Manzullo	Ruppersberger	Space	Westmoreland
Sestak	Thompson (PA)	Wu	Brown-Waite, Ginny	Gordon (TN)	Marchant	Ryan (OH)	Speier	Wexler
Shea-Porter	Thornberry	Yarmuth	Buchanan	Granger	Markey (CO)	Ryan (WI)	Spratt	Whitfield
	Tiahrt	Young (FL)	Burgess	Graves	Markey (MA)	Salazar	Stark	Wilson (OH)
			Burton (IN)	Grayson	Marshall	Sánchez, Linda T.	Stearns	Wilson (SC)
			Butterfield	Green, Al	Massa	Sánchez, Loretta	Stupak	Wittman
			Buyer	Green, Gene	Matheson	Sarbanes	Sullivan	Wolf
			Calvert	Griffith	Matsui	Scalise	Sutton	Woolsey
			Camp	Grijalva	McCarthy (CA)	Schakowsky	Tanner	Wu
			Campbell	Guthrie	McCarthy (NY)		Taylor	Yarmuth
			Cantor	Gutierrez	McCauley			
			Cao	Hall (NY)	McClintock			
			Capito	Hall (TX)	McCotter			
			Capps	Halvorson	McDermott			
			Capuano	Hare	McGovern			
			Cardoza	Harman	McHenry			
			Carnahan	Harper	McIntyre			
			Carney	Hastings (FL)	McKeon			
			Cassidy	Hastings (WA)	McMahon			
			Castle	Heinrich	McMorris			
			Castor (FL)	Heller	Rodgers			
			Chaffetz	Hensarling	McNerney			
			Chandler	Herger	Meek (FL)			
			Childers	Herseth Sandlin	Meeks (NY)			
			Chu	Higgins	Melancon			
			Clarke	Hill	Mica			
			Clay	Himes	Michaud			
			Cleaver	Hinchev	Miller (FL)			
			Clyburn	Hinojosa	Miller (MI)			
			Coble	Hirono	Miller (NC)			
			Coffman (CO)	Hodes	Miller, Gary			
			Cohen	Hoekstra	Miller, George			
			Cole	Holden	Minnick			
			Conaway	Holt	Mitchell			
			Connolly (VA)	Honda	Mollohan			
			Conyers	Hunter	Moore (KS)			
			Cooper	Inglis	Moore (WI)			
			Costa	Inslee	Moran (KS)			
			Costello	Israel	Moran (VA)			
			Courtney	Issa	Murphy (CT)			
			Crowley	Jackson (IL)	Murphy (NY)			
			Cuellar	Jackson-Lee	Murphy, Patrick			
			Culberson	(TX)	Murphy, Tim			
			Cummings	Jenkins	Murtha			
			Dahlkemper	Johnson (GA)	Myrick			
			Davis (AL)	Johnson (IL)	Nadler (NY)			
			Davis (CA)	Johnson, E. B.	Napolitano			
			Davis (IL)	Jones	Neal (MA)			
			Davis (KY)	Jordan (OH)	Neugebauer			
			Davis (TN)	Kagen	Nunes			
			Deal (GA)	Kanjorski	Nye			
			DeFazio	Kaptur	Oberstar			
			DeGette	Kennedy	Obey			
			Delahunt	Kildee	Olson			
			DeLauro	Kilpatrick (MI)	Olver			
			Dent	Kilroy	Ortiz			
			Diaz-Balart, L.	Kind	Pallone			
			Diaz-Balart, M.	King (IA)	Pascarell			
			Dicks	King (NY)	Pastor (AZ)			
			Dingell	Kingston	Paul			
			Doggett	Kirk	Paulsen			
			Donnelly (IN)	Kirkpatrick (AZ)	Payne			
			Doyle	Kissell	Pence			
			Dreier	Klein (FL)	Perlmutter			
			Driehaus	Kline (MN)	Perriello			
			Duncan	Kosmas	Peters			
			Edwards (TX)	Kratovil	Peterson			
				Kucinich	Petri			

NAYS—9

Brady (TX)	Flake	Lummis
Broun (GA)	Foxo	Paul
Duncan	Gohmert	Poe (TX)

NOT VOTING—15

Ackerman	Etheridge	Rothman (NJ)
Bean	Hoyer	Shadegg
Carter	Lofgren, Zoe	Van Hollen
Crenshaw	Price (GA)	Walden
Edwards (MD)	Richardson	Young (AK)

□ 1347

Messrs. BRADY of Texas and POE of Texas changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL PRINCIPALS MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 811, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 811, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 794]

YEAS—411

Abercrombie	Andrews	Baird
Aderholt	Arcuri	Baldwin
Adler (NJ)	Austria	Barrett (SC)
Akin	Baca	Barrow
Alexander	Bachmann	Bartlett
Altmire	Bachus	Barton (TX)

NOT VOTING—21

Ackerman	Etheridge	Rothman (NJ)
Bean	Hoyer	Rush
Becerra	Lofgren, Zoe	Shadegg
Boren	McCollum	Van Hollen
Carter	Price (GA)	Walden
Crenshaw	Richardson	Young (AK)
Edwards (MD)	Rogers (AL)	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1354

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BECERRA. Mr. Speaker, I was unavoidably detained earlier today and missed rollcall 794. If present, I would have voted “yea.”

RECOGNIZING KENTUCKY
WESLEYAN COLLEGE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 837, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 837.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 795]

YEAS—415

Abercrombie	Cummings	Johnson (GA)
Aderholt	Dahlkemper	Johnson (IL)
Adler (NJ)	Davis (AL)	Johnson, E. B.
Akin	Davis (CA)	Johnson, Sam
Alexander	Davis (IL)	Jones
Altmire	Davis (KY)	Jordan (OH)
Andrews	Davis (TN)	Kagen
Arcuri	Deal (GA)	Kanjorski
Austria	DeFazio	Kaptur
Baca	DeGette	Kennedy
Bachmann	Delahunt	Kildee
Bachus	DeLauro	Kilpatrick (MI)
Baird	Dent	Kilroy
Baldwin	Diaz-Balart, L.	Kind
Barrett (SC)	Diaz-Balart, M.	King (IA)
Barrow	Dicks	King (NY)
Bartlett	Dingell	Kingston
Barton (TX)	Doggett	Kirk
Becerra	Donnelly (IN)	Kirkpatrick (AZ)
Berkley	Doyle	Kissell
Berman	Dreier	Klein (FL)
Berry	Driebehaus	Kline (MN)
Biggert	Duncan	Kosmas
Bilbray	Edwards (TX)	Kratovil
Billirakis	Ehlers	Kucinich
Bishop (GA)	Ellison	Lamborn
Bishop (NY)	Ellsworth	Lance
Bishop (UT)	Emerson	Langevin
Blackburn	Engel	Larsen (WA)
Blumenauer	Eshoo	Larson (CT)
Blunt	Fallin	Latham
Boccieri	Farr	LaTourette
Boehner	Fattah	Latta
Bonner	Filner	Lee (CA)
Bono Mack	Flake	Lee (NY)
Boozman	Fleming	Levin
Boren	Forbes	Lewis (CA)
Boswell	Fortenberry	Lewis (GA)
Boucher	Foster	Linder
Boustany	Fox	Lipinski
Boyd	Frank (MA)	LoBiondo
Brady (PA)	Franks (AZ)	Loeb
Brady (TX)	Frelinghuysen	Lowey
Braley (IA)	Fudge	Lucas
Bright	Gallely	Luetkemeyer
Brown (GA)	Garrett (NJ)	Lujan
Brown (SC)	Gerlach	Lummis
Brown, Corrine	Giffords	Lungren, Daniel
Brown-Waite,	Gingrey (GA)	E.
Ginny	Gohmert	Lynch
Buchanan	Gonzalez	Mack
Burgess	Goodlatte	Maffei
Burton (IN)	Gordon (TN)	Maloney
Butterfield	Granger	Manzullo
Buyer	Graves	Marchant
Calvert	Grayson	Markey (CO)
Camp	Green, Al	Markey (MA)
Campbell	Green, Gene	Marshall
Cantor	Griffith	Massa
Cao	Grijalva	Matheson
Capito	Guthrie	Matsui
Capps	Gutierrez	McCarthy (CA)
Capuano	Hall (NY)	McCarthy (NY)
Cardoza	Hall (TX)	McCauley
Carnahan	Halvorson	McClintock
Carney	Hare	McCollum
Carson (IN)	Harman	McCotter
Cassidy	Harper	McDermott
Castle	Hastings (FL)	McGovern
Castor (FL)	Hastings (WA)	McHenry
Chaffetz	Heinrich	McIntyre
Chandler	Heller	McKeon
Childers	Hensarling	McMahon
Chu	Herger	McMorris
Clarke	Hereth Sandlin	Rodgers
Clay	Higgins	McNerney
Cleaver	Hill	Meek (FL)
Clyburn	Himes	Meeks (NY)
Coble	Hinchee	Melancon
Coffman (CO)	Hinojosa	Mica
Cohen	Hodes	Michaud
Cole	Hoekstra	Miller (FL)
Conaway	Holden	Miller (MI)
Connolly (VA)	Holt	Miller (NC)
Conyers	Honda	Miller, George
Cooper	Hunter	Minnick
Costa	Inglis	Mitchell
Costello	Inslee	Mollohan
Courtney	Issa	Moore (KS)
Crenshaw	Jackson (IL)	Moore (WI)
Crowley	Jackson-Lee	Moran (KS)
Cuellar	(TX)	Moran (VA)
Culberson	Jenkins	Murphy (CT)

Murphy (NY)	Rogers (MI)	Spratt
Murphy, Patrick	Rohrabacher	Stark
Murphy, Tim	Rooney	Stearns
Murtha	Ros-Lehtinen	Stupak
Myrick	Roskam	Sullivan
Nadler (NY)	Ross	Sutton
Napolitano	Roybal-Allard	Tanner
Neal (MA)	Royce	Taylor
Neugebauer	Ruppersberger	Teague
Nunes	Rush	Terry
Nye	Ryan (OH)	Thompson (CA)
Oberstar	Ryan (WI)	Thompson (MS)
Obey	Salazar	Thompson (PA)
Olson	Sánchez, Linda	Thornberry
Oliver	T.	Tiahrt
Ortiz	Sanchez, Loretta	Tiberi
Pallone	Sarbanes	Tierney
Pascarella	Scalise	Titus
Pastor (AZ)	Schakowsky	Tonko
Paul	Schauer	Towns
Paulsen	Schiff	Tsongas
Payne	Schmidt	Turner
Pence	Schock	Upton
Perlmutter	Schrader	Velázquez
Perriello	Schwartz	Visclosky
Peters	Scott (GA)	Walz
Peterson	Scott (VA)	Wamp
Petri	Sensenbrenner	Wasserman
Pingree (ME)	Serrano	Schultz
Pitts	Sessions	Waters
Platts	Sestak	Watson
Poe (TX)	Shea-Porter	Watt
Polis (CO)	Sherman	Waxman
Pomeroy	Shinkus	Weiner
Posey	Shuler	Welch
Price (NC)	Shuster	Westmoreland
Putnam	Simpson	Wexler
Quigley	Sires	Whitfield
Radanovich	Skelton	Wilson (OH)
Rahall	Slaughter	Wilson (SC)
Rangel	Smith (NE)	Wittman
Rehberg	Smith (NJ)	Wolf
Reichert	Smith (TX)	Woolsey
Reyes	Smith (WA)	Wu
Rodriguez	Snyder	Yarmuth
Roe (TN)	Souder	Young (FL)
Rogers (AL)	Space	
Rogers (KY)	Speier	

NOT VOTING—17

Ackerman	Hoyer	Rothman (NJ)
Bean	Israel	Shadegg
Carter	Loftgren, Zoe	Van Hollen
Edwards (MD)	Miller, Gary	Walden
Etheridge	Price (GA)	Young (AK)
Hirono	Richardson	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1401

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GARY G. MILLER of California. Mr. Speaker, on rollcall No. 795 I was unavoidably detained. Had I been present, I would have voted "yea."

RECOGNIZING LAURINBURG
NORMAL INDUSTRIAL INSTITUTE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 660, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 660, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 796]

YEAS—418

Abercrombie	Conaway	Heller
Aderholt	Connolly (VA)	Hensarling
Adler (NJ)	Conyers	Herger
Akin	Cooper	Hereth Sandlin
Alexander	Costa	Higgins
Altmire	Costello	Hill
Andrews	Courtney	Himes
Arcuri	Crenshaw	Hinchee
Austria	Crowley	Hinojosa
Baca	Cuellar	Hirono
Bachmann	Culberson	Hodes
Bachus	Cummings	Hoekstra
Baird	Dahlkemper	Holden
Baldwin	Davis (AL)	Holt
Barrett (SC)	Davis (CA)	Honda
Barrow	Davis (IL)	Hunter
Bartlett	Davis (KY)	Inglis
Barton (TX)	Davis (TN)	Inslee
Becerra	Deal (GA)	Israel
Berkley	DeFazio	Issa
Berman	DeGette	Jackson (IL)
Berry	Delahunt	Jackson-Lee
Biggert	DeLauro	(TX)
Bilbray	Dent	Jenkins
Billirakis	Diaz-Balart, L.	Johnson (GA)
Bishop (GA)	Diaz-Balart, M.	Johnson (IL)
Bishop (NY)	Dicks	Johnson, E. B.
Bishop (UT)	Dingell	Johnson, Sam
Blackburn	Doggett	Jones
Blumenauer	Donnelly (IN)	Jordan (OH)
Blunt	Doyle	Kagen
Boccieri	Dreier	Kanjorski
Boehner	Driebehaus	Kaptur
Bonner	Duncan	Kennedy
Bono Mack	Edwards (TX)	Kildee
Boozman	Ehlers	Kilpatrick (MI)
Boren	Ellison	Kilroy
Boswell	Ellsworth	Kind
Boucher	Emerson	King (IA)
Boustany	Engel	King (NY)
Boyd	Eshoo	Kingston
Brady (PA)	Fallin	Kirk
Brady (TX)	Farr	Kirkpatrick (AZ)
Braley (IA)	Fattah	Kissell
Bright	Filner	Klein (FL)
Brown (GA)	Flake	Kline (MN)
Brown (SC)	Fleming	Kosmas
Brown, Corrine	Forbes	Kratovil
Brown-Waite,	Fortenberry	Kucinich
Ginny	Foster	Lamborn
Buchanan	Fox	Lance
Burgess	Frank (MA)	Langevin
Burton (IN)	Franks (AZ)	Larsen (WA)
Butterfield	Frelinghuysen	Larson (CT)
Buyer	Fudge	Latham
Calvert	Gallely	LaTourette
Camp	Garrett (NJ)	Latta
Campbell	Gerlach	Lee (CA)
Cantor	Giffords	Lee (NY)
Cao	Gingrey (GA)	Levin
Capito	Gohmert	Lewis (CA)
Capps	Gonzalez	Lewis (GA)
Capuano	Goodlatte	Linder
Cardoza	Gordon (TN)	Lipinski
Carnahan	Granger	LoBiondo
Carney	Graves	Loeb
Carson (IN)	Grayson	Lowey
Cassidy	Green, Al	Lucas
Castle	Green, Gene	Luetkemeyer
Castor (FL)	Griffith	Lujan
Chaffetz	Grijalva	Lummis
Chandler	Guthrie	Lungren, Daniel
Childers	Gutierrez	E.
Chu	Hall (NY)	Lynch
Clarke	Hall (TX)	Mack
Clay	Halvorson	Maffei
Cleaver	Hare	Maloney
Clyburn	Harman	Manzullo
Coble	Harper	Marchant
Coffman (CO)	Hastings (FL)	Markey (CO)
Cohen	Hastings (WA)	Markey (MA)
Cole	Heinrich	Marshall

Massa	Perriello	Simpson
Matheson	Peters	Sires
Matsui	Peterson	Skelton
McCarthy (CA)	Petri	Slaughter
McCarthy (NY)	Pingree (ME)	Smith (NE)
McCaul	Pitts	Smith (NJ)
McClintock	Platts	Smith (TX)
McCollum	Poe (TX)	Smith (WA)
McCotter	Polis (CO)	Snyder
McDermott	Pomeroy	Souder
McGovern	Posey	Space
McHenry	Price (NC)	Speier
McIntyre	Putnam	Spratt
McKeon	Quigley	Stark
McMahon	Radanovich	Stearns
McMorris	Rahall	Stupak
Rodgers	Rangel	Sullivan
McNerney	Rehberg	Sutton
Meek (FL)	Reichert	Tanner
Meeks (NY)	Reyes	Taylor
Melancon	Rodriguez	Teague
Mica	Roe (TN)	Terry
Michaud	Rogers (AL)	Thompson (CA)
Miller (FL)	Rogers (KY)	Thompson (MS)
Miller (MI)	Rogers (MI)	Thompson (PA)
Miller (NC)	Rohrabacher	Thornberry
Miller, Gary	Rooney	Tiahrt
Miller, George	Ros-Lehtinen	Tiberi
Minnick	Roskam	Tierney
Mitchell	Ross	Titus
Mollohan	Roybal-Allard	Tonko
Moore (KS)	Royce	Towns
Moore (WI)	Ruppersberger	Tsongas
Moran (KS)	Rush	Turner
Moran (VA)	Ryan (OH)	Upton
Murphy (CT)	Ryan (WI)	Velázquez
Murphy (NY)	Salazar	Visclosky
Murphy, Patrick	Sánchez, Linda	Walz
Murphy, Tim	T.	Wamp
Murtha	Sanchez, Loretta	Wasserman
Myrick	Sarbanes	Schultz
Nadler (NY)	Scalise	Waters
Napolitano	Schakowsky	Watson
Neal (MA)	Schauer	Watt
Neugebauer	Schiff	Waxman
Nunes	Schmitt	Weiner
Nye	Schock	Welch
Oberstar	Schrader	Westmoreland
Obey	Schwartz	Wexler
Olson	Scott (GA)	Whitfield
Olver	Scott (VA)	Wilson (OH)
Ortiz	Sensenbrenner	Wilson (SC)
Pallone	Serrano	Wittman
Pascarella	Sessions	Wolf
Pastor (AZ)	Sestak	Woolsey
Paul	Shea-Porter	Wu
Paulsen	Sherman	Yarmuth
Payne	Shimkus	Young (FL)
Pence	Shuler	
Perlmutter	Shuster	

NOT VOTING—14

Ackerman	Hoyer	Shadegg
Bean	Lofgren, Zoe	Van Hollen
Carter	Price (GA)	Walden
Edwards (MD)	Richardson	Young (AK)
Etheridge	Rothman (NJ)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes to vote on this bill.

□ 1408

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING USE OF CAPITOL ROTUNDA FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO FORMER SENATOR EDWARD BROOKE

The SPEAKER pro tempore. The unfinished business is the vote on the mo-

tion to suspend the rules and concur in the concurrent resolution, S. Con. Res. 43, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 43.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 797]

YEAS—417

Abercrombie	Chu	Gordon (TN)
Adlerholt	Clarke	Granger
Adler (NJ)	Clay	Graves
Akin	Cleaver	Grayson
Alexander	Clyburn	Green, Al
Altmire	Coble	Green, Gene
Andrews	Coffman (CO)	Griffith
Arcuri	Cohen	Grijalva
Austria	Cole	Guthrie
Baca	Conaway	Gutierrez
Bachmann	Connolly (VA)	Hall (NY)
Bachus	Conyers	Hall (TX)
Baird	Cooper	Halvorson
Baldwin	Costa	Hare
Barrett (SC)	Costello	Harman
Barrow	Courtney	Harper
Bartlett	Crenshaw	Hastings (FL)
Barton (TX)	Crowley	Hastings (WA)
Becerra	Cuellar	Heinrich
Berkley	Culberson	Heller
Berman	Cummings	Hensarling
Berry	Dahlkemper	Hergert
Biggert	Davis (AL)	Herseth Sandlin
Bilbray	Davis (CA)	Higgins
Bilirakis	Davis (IL)	Hill
Bishop (GA)	Davis (KY)	Himes
Bishop (NY)	Davis (TN)	Hinchey
Bishop (UT)	Deal (GA)	Hinojosa
Blackburn	DeFazio	Hirono
Blumenauer	DeGette	Hodes
Blunt	Delahunt	Hoekstra
Boccieri	DeLauro	Holden
Boehner	Dent	Holt
Bonner	Diaz-Balart, L.	Honda
Bono Mack	Diaz-Balart, M.	Hunter
Boozman	Dicks	Inglis
Boren	Dingell	Inslee
Boswell	Doggett	Israel
Boucher	Donnelly (IN)	Issa
Boustany	Doyle	Jackson (IL)
Boyd	Dreier	Jackson-Lee
Brady (PA)	Driehaus	(TX)
Brady (TX)	Duncan	Jenkins
Braley (IA)	Edwards (TX)	Johnson (GA)
Bright	Ehlers	Johnson (IL)
Broun (GA)	Ellison	Johnson, E. B.
Brown (SC)	Ellsworth	Johnson, Sam
Brown, Corrine	Emerson	Jones
Brown-Waite,	Engel	Jordan (OH)
Ginny	Eshoo	Kagen
Buchanan	Fallin	Kanjorski
Burgess	Farr	Kaptur
Burton (IN)	Fattah	Kennedy
Butterfield	Filner	Kildee
Buyer	Flake	Kilpatrick (MI)
Calvert	Fleming	Kilroy
Camp	Forbes	Kind
Campbell	Fortenberry	King (IA)
Cantor	Foster	King (NY)
Cao	Fox	Kingston
Capito	Frank (MA)	Kirk
Capps	Franks (AZ)	Kirkpatrick (AZ)
Capuano	Frelinghuysen	Kissell
Cardoza	Fudge	Klein (FL)
Carney	Gallely	Kline (MN)
Carson (IN)	Garrett (NJ)	Kosmas
Cassidy	Gerlach	Kratovil
Castle	Giffords	Kucinich
Castor (FL)	Gingrey (GA)	Lamborn
Chaffetz	Gohmert	Lance
Chandler	Gonzalez	Langevin
Childers	Goodlatte	Larsen (WA)

Larson (CT)	Myrick	Scott (GA)
Latham	Nadler (NY)	Scott (VA)
LaTourette	Napolitano	Sensenbrenner
Latta	Neal (MA)	Serrano
Lee (CA)	Neugebauer	Sessions
Lee (NY)	Nunes	Sestak
Levin	Nye	Shea-Porter
Lewis (CA)	Oberstar	Sherman
Lewis (GA)	Obey	Shimkus
Linder	Olson	Shuler
Lipinski	Olver	Shuster
LoBiondo	Ortiz	Simpson
Loeb sack	Pallone	Sires
Lowe y	Pascarella	Skelton
Lucas	Pastor (AZ)	Slaughter
Luetkemeyer	Paul	Smith (NE)
Lujan	Paulsen	Smith (NJ)
Lummis	Payne	Smith (TX)
Lungren, Daniel	Pence	Smith (WA)
E.	Perlmutter	Snyder
Lynch	Perriello	Souder
Mack	Peters	Space
Maffei	Peterson	Speier
Maloney	Petri	Spratt
Manzullo	Pingree (ME)	Stark
Marchant	Pitts	Stearns
Markey (CO)	Platts	Stupak
Markey (MA)	Poe (TX)	Sullivan
Marshall	Polis (CO)	Sutton
Massa	Pomeroy	Tanner
Matheson	Posey	Taylor
Matsui	Price (NC)	Teague
McCarthy (CA)	Putnam	Terry
McCarthy (NY)	Quigley	Thompson (CA)
McCaul	Radanovich	Thompson (MS)
McClintock	Rahall	Thompson (PA)
McCollum	Rangel	Thornberry
McCotter	Rehberg	Tiahrt
McDermott	Reichert	Tiberi
McGovern	Reyes	Tierney
McHenry	Rodriguez	Titus
McIntyre	Roe (TN)	Tonko
McKeon	Rogers (AL)	Towns
McMahon	Rogers (KY)	Tsongas
McMorris	Rogers (MI)	Turner
Rodgers	Rohrabacher	Upton
McNerney	Rooney	Velázquez
Meek (FL)	Ros-Lehtinen	Visclosky
Meeks (NY)	Roskam	Walz
Melancon	Ross	Wamp
Mica	Roybal-Allard	Wasserman
Michaud	Royce	Schultz
Miller (FL)	Ruppersberger	Waters
Miller (FL)	Rush	Watson
Miller (MI)	Ryan (OH)	Watt
Miller (NC)	Ryan (WI)	Waxman
Miller, Gary	Salazar	Weiner
Miller, George	Sánchez, Linda	Welch
Minnick	T.	Westmoreland
Mitchell	Sanchez, Loretta	Wexler
Mollohan	Sarbanes	Whitfield
Moore (KS)	Scalise	Wilson (OH)
Moore (WI)	Schakowsky	Wilson (SC)
Moran (KS)	Schauer	Wittman
Moran (VA)	Schiff	Wolf
Murphy (CT)	Schmitt	Woolsey
Murphy (NY)	Schock	Wu
Murphy, Patrick	Schrader	Yarmuth
Murphy, Tim	Schwartz	Young (FL)
Murtha		

NOT VOTING—15

Ackerman	Etheridge	Rothman (NJ)
Bean	Hoyer	Shadegg
Carnahan	Lofgren, Zoe	Van Hollen
Carter	Price (GA)	Walden
Edwards (MD)	Richardson	Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas) (during the vote). There are 2 minutes remaining in the vote.

□ 1415

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1415

ABC/WASHINGTON POST POLL
BIASED

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, a poll is reliable only if its questions are unbiased.

A new ABC/Washington Post poll says that most Americans support a public option for health insurance, but the poll question was slanted and characterized a public option as a way to increase competition. There is no mention that a public option could increase premiums, reduce choices, and raise taxes.

In June, the same poll also asked respondents whether they would still support a public option if it made private health insurers go out of business. Support dropped to 37 percent. It's no wonder ABC and the Washington Post omitted that question from its most recent poll.

Furthermore, though it wasn't emphasized, the poll actually revealed that the American people oppose the Democrats' changes in the health care system by 48 to 45 percent. The media should present the facts, not slant the questions and the news.

MIAMI-DADE GO RED FOR WOMEN
EXECUTIVE WOMEN'S BREAKFAST

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I am so pleased to recognize the important work of the Heart Association of Miami-Dade and its October 29 Go Red for Women Executive Women's Breakfast.

The National Go Red for Women Campaign, to be held in February, was started in the year 2004 to raise awareness for this critical disease. As the leading cause of death in women, every year 8.6 million women around the world die from heart disease. Unfortunately, many women do not realize that heart disease accounts for nearly one-third of all deaths in women. Through prevention, this number will be greatly reduced.

The Go Red for Women Campaign advocates awareness and prevention for this disease that affects so many of our grandmothers, our mothers, our aunts, and our daughters. With the continued efforts of the Go Red for Women Campaign and our local south Florida chapter of the American Heart Association, we can ensure that fewer women—and men—fall victim to heart disease.

I encourage all of south Florida to attend Miami-Dade's Go Red for Women Executive Women's Breakfast in October and get involved with the

Go Red for Women Campaign in February.

RYAN WHITE HIV/AIDS
TREATMENT EXTENSION ACT

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise in strong support of the Ryan White HIV/AIDS Treatment Extension Act.

The Ryan White Act is lifesaving legislation that funds a vast array of innovative and effective services that form the health care safety net for uninsured and underinsured Americans living with HIV/AIDS. Ryan White programs are a "payer of last resort" which subsidize treatment when no other resources are available.

The program provides medical care, drugs, and support services for 500,000 people a year. It has been a huge success in reducing sickness and death from HIV disease and helping people live longer, more healthy and productive lives.

The Ryan White programs also provide funding and technical assistance to local and State primary medical care providers, support services, health care providers, and training programs. Congress must extend this critical law to ensure that vital services are not withheld from people who so desperately need them.

We must pass this legislation so that Ryan's legacy lives on with his message of love, compassion, and hope.

SUPPORT FOR HONDURAS

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, I had the privilege a few moments ago to meet with three members of the Honduran Supreme Electoral Tribunal. Having the opportunity to speak with them, to ask them questions, and to match their words against the words of their Constitution just affirms in my mind the fact that the Honduran people need to be respected, as does their Constitution.

When the people of Honduras, through their elected representatives, follow their Constitution, we should applaud, not decry it. When they have a system of laws based on their Constitution which allows free and open elections, we ought to do everything we can to support them rather than condemn them.

It is strange in this world, as we are looking at the possibilities, however fragile they might be, of elections in some other areas of the world, that the Honduran people stand ready to hold

their elections pursuant to their Constitution. The United States Government, the United States State Department, and the people of the United States ought to respect that rather than criticize that.

Let us stand up for the Constitution not only in this country, but the valid constitutions of other countries.

HEALTH CARE IN AMERICA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. All across the Nation, people are watching this Capitol to see if we are going to have the ability and the courage to stand up to the insurance companies and the pharmaceutical companies who have had a stranglehold on our politics.

There is a reason why 47 million Americans are uninsured. It's because they cannot afford the rates that the insurance companies charge. There is a reason why 50 million Americans are underinsured. It's because the copays and the deductibles are so high they're driving people to the poorhouse. This is not just simply a matter of the health of our Nation and the health of our people, it's a matter of our economy and the economic well-being of the American family.

Congress rightfully should be debating a single payer plan right now, which shuts the insurance companies out of this grab that they've had here for years, but we're not going to do that. The best we can do and the least we can do is at least have a public option so that people have some faith that there is some bargaining agent in there to knock down the cost of insurance.

It's time we stood up for the American people and challenge these insurance companies and pharmaceutical companies.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 676 and
H.R. 3012

Mr. MEEK of Florida. Madam Speaker, I would like to ask unanimous consent to withdraw my name from H.R. 676 and H.R. 3012.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

U.N. HUMAN RIGHTS COUNCIL AND ITS ROGUE GALLERY OF MISFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, for over 60 years, Israel has had to fight for its mere existence. No other nation has suffered more discrimination and outright threats from the United Nations itself. There have been more U.N. resolutions condemning Israel than any other nation, more than 20 a year.

Approximately 80 percent of country censures issued by the United Nations Human Rights Council are aimed at the nation of Israel, and last week they did it again, issuing another report self-righteously condemning Israel.

But let's just take a look at who some of the members of this so-called "human rights" council are. It's really a rogue's gallery of dictators and tyrants.

The Communist countries of Cuba and China have a seat at the U.N. human rights table. These two stellar threats to their own people are self-righteously condemning Israel. The whole world saw China's disrespect for human rights on display in Tiananmen Square. Religious persecutions, the one-child policy, forced abortions for people who already have one child, persecutions of political dissidents are rampant, and speech against the government is brutally suppressed. China is, yes, a truly shining example of human rights. Yeah, right.

And then there is the tiny Communist country of Cuba, you know, the Mario brothers, Fidel and Raul. They have over 250 prisons in that nation. Political dissidents are beaten and tortured in this island paradise of persecution. Some have died in prison from this abuse. Cuba is a nation that denies human rights to its own people.

And then there is Iran. Iran also sits on the United Nations Human Rights Council. Now, what a surprise that is. What legitimate human rights organization would want Iran as a member? Run by the mullahs and the little fella from the desert, Ahmadinejad, Iran systematically violates human rights. Unarmed men and women are still in jail today for peacefully protesting this summer's rigged presidential election. You know, Madam Speaker, the election where the government murdered unarmed students who wanted freedom. The ones who survived were beaten and tortured, they are denied medical care in jail, and some are sexually assaulted by the jailers as retribution. Some Iranian human rights activists simply disappear, never to be seen again.

Amnesty International says that right now they know of eight women at risk of being stoned to death in Iran for adultery. Of course, if a woman is raped in Iran, that sometimes is considered adultery, too. And the male perpetrator, well, he's released.

In 2004, a 13-year-old girl, Zhila Izadi, was sentenced to death by stoning for being raped and impregnated by her 15-year-old brother. One news report says that the international outrage forced a reduction from death to 55 lashes. After Zhila gave birth to the baby, the government stole her child.

The people of Iran and Iranian Americans continue to cry out against their own government's crimes against the Iranian citizens and their violations of human rights.

Iran is also sending money and equipment to worldwide terrorist groups. To make matters worse, the tiny tyrant of Iran, Ahmadinejad, says he wants to wipe all of Israel off the map. He is making nuclear weapons and building intercontinental ballistic missiles. Now, who do you think these missiles are aimed at? And Iran sits on the United Nations Human Rights Council. This rogue's gallery of misfits has no moral basis to sit in judgment of Israel or anyone else for that matter.

Israel has been fighting for its existence ever since it came into being a nation.

□ 1430

In 1967, it was attacked by its neighbors. It gained territory in that defensive war, including in the West Bank, in Gaza and in the Sinai Peninsula. International law requires that land won in a defensive war must be returned when there is a negotiated peace.

Time and again, Israel has placed itself in jeopardy, has given back land and has traded that land for an empty promise of peace, and Israel is still committed to peace.

Israel and the Palestinians need to problem-solve their issues and need to establish a permanent peace for Israel and for the Palestinian community. There must be a mutual respect for Jews and Muslims. Solutions will occur when respect and honesty are present on both sides. What Israel asks in return is that her enemies merely stop trying to kill her people.

Yet the U.N. Human Rights Council continues to bash Israel. Some members of the council are themselves overwhelmingly guilty of human rights violations and of violent crimes against their own people. These hypocrites have no place at the judgment seat, deciding human rights violations for Israel or for any other nation.

And that's just the way it is.

FEED THE HUNGRY, STARVE TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, last week, the Hill newspaper here in Washington asked CRS, the Congressional

Research Service, to provide information on the cost of the war in Afghanistan.

The CRS reported that it now costs the United States about \$3.6 billion per month, on average, or more than \$43 billion a year. The CRS also reported that it costs about \$1 million to send a U.S. soldier to Afghanistan for 1 year. So, if President Obama listens to the advice he is getting from some of those around him and if he sends 40,000 more troops to Afghanistan, the war will cost another \$40 billion a year, or nearly double.

Yet what have we been getting, I ask you, Madam Speaker, for all of that money? The answer is: Higher casualty rates, a growing insurgency and an Afghan public that increasingly sees America as an occupier, not as a liberator.

This is the result of a fatal flaw in our Afghan policy since the war began. We have relied far too much on the military option alone while, at the same time, putting very few dollars into what would really work in Afghanistan. Instead, what would work is better intelligence and better policing to disrupt terrorist networks; better governance, justice systems, economic development, and humanitarian aid. The Afghan people desperately need all of these to have hope for a better future and to have reasons to reject violent extremism.

The supplemental funding request for Afghanistan, which I opposed in May, was a lost opportunity to take a more successful approach to our relationships in Afghanistan as 90 percent of the funding went to purely military activities while only 10 percent of the supplemental funds was devoted to development activities and to the civilian surge, which are so badly needed. To correct this disastrous imbalance, Madam Speaker, America must have a foreign policy based on SMART security instead of military power alone.

One of the advantages of SMART security is that it works to eliminate the root causes of violent extremism by emphasizing economic development and debt relief to the world's poorest countries. The SMART Security Platform for the 21st century, which I have proposed in House Resolution 363, calls for these policies.

The need to increase aid to the Third World was underscored last week, Madam Speaker, when the U.N. Food and Agriculture Organization reported that a record 1 billion people worldwide are now going hungry. The world's poorest and hungriest nations are potential safe havens for violent extremists. The governments are too weak or are too corrupt to keep them out, so the extremists are likely to find new recruits among the discontented populations, and those recruits become terrorists by training, and they are trained to attack the United States and other countries.

Even if the Taliban fighters in Afghanistan were to disappear into thin air today, a new terror threat is likely to pop up somewhere else in the world where people are hungry, where people are desperate. If we do a better job of feeding the hungry, we will do a better job of starving terrorism, and we will take an important step toward restoring our moral leadership in the world.

I know that President Obama understands this. I urge him to incorporate that understanding into his policies and to use the effective tools of SMART security to make our Nation and the world safer.

AMERICANS WITHOUT HEALTH INSURANCE ARE DYING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GRAYSON) is recognized for 5 minutes.

Mr. GRAYSON. Madam Speaker, I pointed out 2 weeks ago that a Harvard study published in a peer-reviewed journal established that 44,789 Americans die every year because they have no health insurance.

I was surprised to see the reaction in some quarters. On talk radio, people said, I don't believe it. It simply isn't true. Somehow, "I don't believe it; it simply isn't true," passes for logical, intelligent thought these days. But it is true. Just a few days ago, a U.S. Senator said that he wasn't sure whether it's true that 44,789 Americans die every year because they have no health insurance. Well, if it were me and I wasn't sure, I would err on the side of caution.

Be that as it may, since the health debate now turns upon whether we are willing to change things in order to make America a better place to provide useful, affordable and comprehensive health care and to stop this terrible national tragedy where 122 Americans die every single day because they have no health insurance, I make the following modest proposal.

I think it dishonors all of those Americans who have lost their lives because they have no health coverage—by ignoring them, by not paying attention to them and by doing nothing to change the situations that led them to lose their lives. So I make this simple proposal:

I propose that we identify them. I propose that we honor their memories by naming them. They, themselves, can no longer speak, but their families, the ones who love them, can speak. So I've established a Web site called namesofthedead.com.

I invite to it all of those people who've suffered the terrible tragedy of losing a loved one, whether it be of a son or a spouse or an uncle or a mother or a father. For all of us who've lost somebody close to us because they had no health coverage, because they had

no health insurance and because they died, I propose that we all go to this Web site, namesofthedead.com, and that we name them, that we honor them, that we cherish their memories, and that we show our respect for their memories by simply naming them.

I also make the following modest proposal: that we all look forward to a day not too far in the distant future when we honor them further in this way, that we honor them further by making sure that no more names are added to this list, that we close it out for all time so that, in the future, it will be a historical artifact and so that no one will ever die in America because one can't see a doctor.

UNITED STATES POLICY TOWARD SUDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, after 9 months of struggling to find its footing, the administration has finally unveiled its long-awaited policy toward Sudan. The policy looks remarkably familiar, and it has some merits. Unfortunately, those merits are overshadowed by the prospect of offering incentives and political legitimacy to one of the most manipulative and murderous regimes on the planet.

The administration's desire to bring peace and development to Sudan is without doubt, but the desire to strike a conciliatory tone without first requiring that the Butcher from Khartoum unclench his fist and meet certain conditions has placed the U.S. in a position of weakness against a regime that has proven time and time again that it only responds to concrete pressure.

This man, General Bashir, is a war criminal; and he is responsible for the deaths of over 2 million people. This regime, rooted in radical ideology, is responsible for the ongoing genocide which has claimed 300,000 lives and has displaced 3 million more. This cabal will never be a part of a real solution to the crisis in Darfur, and it must not be treated by the U.S. as a legitimate partner for peace.

There is no shortage of urgent priorities in Sudan, Madam Speaker. In formulating a comprehensive strategy, we must focus on improving humanitarian access and supporting the deployment of a fully equipped peacekeeping mission with robust rules of engagement to ensure civilian protection in Darfur;

also, finding a lasting political solution to the crisis in Darfur so that the people languishing in camps can go home;

thirdly, ensuring that the Comprehensive Peace Agreement is fully implemented while fostering genuine reconciliation among southerners;

fourthly, resolving outstanding issues relating to contested areas, including a demarcation on the north-south border;

also, seeing free, fair and transparent elections in April of 2010, a referendum in 2011 and the results of each being respected.

We need to balance our efforts in Darfur with those in southern Sudan so that we do not sacrifice one region for the other. The conflicts in Darfur and in southern Sudan are linked, and they need to be treated that way.

Critically, the United States needs a comprehensive Sudan policy with the wisdom, the foresight and the teeth necessary to advance our own national security interests while facilitating viable peace efforts in Sudan. I don't doubt the administration has tried to accomplish this, but it is difficult to imagine a policy which presumes that the tiger will change its stripes simply because we asked. This is foolish at best and dangerous at worst.

The President's special envoy was all too quick to embrace as a policy victory the reintroduction of the three nongovernmental organizations that have been expelled from Sudan, but let's keep in mind the situation was created by the callous actions of Khartoum in the first place and that the campaign of intimidation and obstruction against NGOs continues unabated.

In rolling out this policy, Secretary Clinton stated, "Assessment of progress and decisions regarding incentives and disincentives will be based on verifiable changes in conditions on the ground."

Ambassador Susan Rice then warned that there would be "significant consequences" for those who failed to live up to their promises and that there would be "no rewards" for the status quo.

□ 1445

It will be incumbent upon Congress to hold the administration to these pledges. In the interim, the U.S. must maintain strong sanctions on the Sudanese regime. U.S. leaders must refuse to be duped by empty gestures and window dressing designed to make us forget about the horror which has taken place in Darfur and beyond.

ECONOMY IS NOT DOING BETTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, just this morning to a roomful of Members of Congress, Secretary of Treasury Tim Geithner said, and I quote, "Our economy is doing better." Boy, is he out of touch. Let him come to Ohio. Let him see where our people are living and what we are enduring.

Like many communities across our country, our region has been devastated by the irresponsibility of the

big banks where he came from. We have local banking institutions that were prudent in their lending and had strict underwriting. They belong to the Federal Deposit Insurance Corporation, and they have for many decades. They adhere to real rules and regulation, and they have regulators in their banks frequently, and they don't look for special privileges or taxpayer bailouts.

Overall, these community banks did not contribute to the downfall of our economy, and they were not propped up by the Federal Government. Why is this important? Because locally owned and operated banks and credit unions create real economic opportunity in their communities across this country. They invest local capital. They fund local, small and medium-size businesses, and they are accountable to their customers. They know them by name.

Right now, in most economically depressed communities, because of what happened on Wall Street and the megabanks, credit is shut down. It's hard for our small businesses to keep their doors open. They don't want money from TARP and the Federal Government like the Wall Street banks. They just want to return to business as it used to be, prudent, responsible, innovative, creating local capital in the marketplace.

But in America, there is no business as usual right now. On Monday, I met with many of these local bankers and credit unions, and what I heard makes me sad and makes me angry, and it makes me troubled for the future of our Nation. One banker told how he worked his way up in one of the big banks and then saw how capital moved away from our community to where that bank was headquartered. He didn't want to leave our community, so he went to work for a local bank, where he has now become the head of that bank.

What's on the horizon for that institution? The FDIC fees that have to be paid by these local banks that didn't do anything wrong are going up astronomically, from maybe \$37,000 or \$40,000 a year to over \$450,000 a year, because of what the big banks did, not because of what they did. Why should our local banks be made to pay the price of the excess of Wall Street?

Credit unions, they told us one that had a \$20,000 fee in their share insurance fund. They are going up to over \$240,000 this year. That could shut down credit unions across this country. Why? Because the "too big to fail" banks are dipping into the coffers. What's happening at the local level is that as these higher fees have to be paid, those local institutions can't make loans.

I will tell you what's going on: A further concentration of our banking system in the hands of too few. Five banks in our country now have 37 percent of

the deposits in our Nation. What does that say to you?

When will the price of credit be controlled by the very few? In fact, it is right now. Smaller banks are drying up. The FDIC has had to resolve dozens and dozens of them, and more are on the chopping block. Nearly 100 banks have been resolved this year alone, and the FDIC fund has taken a serious hit. It is going to take a bigger hit. Now they are going to the healthy banks to try to pay for the ones that didn't do it right in the first place.

So, who should step in? Where's Congress? What are we doing? We are dithering at the edges rather than dealing with the reality of what's happening in communities across this country.

You know what? It's time to break up these big financial institutions. We ought to take them into receivership like other Presidents have done in prior years in prior decades. We ought to resolve the loans on their books, and we ought to incentivize the part of our economy and those banks and credit unions that didn't do anything wrong.

That isn't happening. "Too big to fail" has to leave our financial vocabulary. It's time to return to Banking 101.

Wall Street was rewarded for bad behavior, and they have been rewarded for the last 15 years. They will do it again, and they are being rewarded again. So what do you think they are going to do again?

No more rewards.

Madam Speaker, the culture of greed and excess has to go if America is to survive this terrible meltdown. The big banks should be taken into receivership, their books resolved, and their burden taken off the rest of us, our financial system and the good actors in it, our taxpayers, so our economy can grow again. Nothing else should be acceptable to the President, the Congress and this country. It's long overdue to stop the billion-dollar bonuses and restore finance as usual in our country.

NASA SPACE MOMENT AND PERILS OF CHINESE DRYWALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. POSEY) is recognized for 5 minutes.

Mr. POSEY. Madam Speaker, it's a critical time for NASA and our Nation's leadership in space, as you well know.

With the looming retirement of the space shuttle and the risks of a growing space gap, we are losing tens of thousands of additional jobs across the United States. These are jobs in industries that develop the cutting-edge technology that raises our standard of living and helps American businesses compete.

NASA has been at the cutting edge of technology, leading to so many devices and luxuries that we use every single

day. Imagine what a day without NASA products would be like.

First, you may not have had a good night's sleep if you normally sleep on one of those temper foam mattresses or pillows, which were originally designed by NASA as a shock absorber. You may have even overslept without NASA's quartz timing in your alarm clock.

Being green won't help you get ready for work in the morning if you have a solar hot water heater installed in your roof, because cosmetics, toothpaste and many perfumes find their roots in NASA.

Before you head out the door, you may have difficulty getting an accurate weather forecast due to the lack of weather satellites coming out of our Nation's space program.

Better use a landline telephone to call work and let them know you are running a little behind, because cell phones and other wireless devices will be out of service on a day without NASA-derived technology.

Getting to work might be a challenge as well, particularly if you drive a hybrid. The lithium-ion battery in your hybrid was developed with NASA engineering expertise and tested at the Kennedy Space Center. Get rid of that temper foam seat on your motorcycle that you might ride to work.

Don't plan on flying to that vacation or important job conference. NASA-developed flight tracking and management software is used by air traffic controllers. It probably won't surprise you that flight safety software was developed by NASA. Just in case you find yourself on an airline, it may be a bumpy ride without NASA software that informs the pilots of turbulent conditions.

Work may be a little difficult too without access to NASA computer technology and their wireless headsets.

These are just some of the reasons we must also support the President's promise to close the space gap between the shuttle and the Constellation Program and keep America first in space.

I will share more about NASA technology with you in our next space moment.

In the meantime, on an unrelated but another important topic, as a member of the Contaminated Drywall Caucus and a representative of an area impacted by contaminated drywall, I wanted to take a few minutes to draw the attention of my colleagues to this also very important issue.

Between 2004 and 2008, many homes were built using what has turned out to be organically contaminated drywall. Homes in 26 States and the District of Columbia are affected. It is particularly problematic in areas like Florida where we have high humidity.

A little over a year ago, it was discovered that the source of a number of corrosion issues and health symptoms were likely due to contaminated

drywall originating in China. Since then, we have been working hard to find a solution, and what we have discovered is pretty disturbing.

The contaminated drywall consists of toxic and semi-toxic substances which release harmful gases. Many of these homes are filled with a pungent sulfuric odor which has since been linked to adverse health conditions. Some families have already been forced to move out of their homes for fear of long-term health effects.

These gases are also responsible for devastating corrosion to many standard household materials such as copper and brass fittings, air conditioner coils, electrical systems, and even fire alarms. We don't know if there is a valid remediation protocol short of pulling all of the contaminated boards out and replacing them.

The Consumer Product Safety Commission has been tasked as the lead Federal agency and is working with the Department of Housing and Urban Development and the Environmental Protection Agency to find solutions. The Consumer Product Safety Commission will soon release a study to answer some of the questions. They are also working on a remediation protocol.

The Consumer Product Safety Commission must work closely with all parties, seriously consider the results of private studies and share the results of their own studies with all stakeholders. We need all parties to be part of a quick and permanent solution.

I ask all of my colleagues to join me in thanking all those who are working so hard on this issue and in calling on the CPSC to bring forward their study results quickly.

IN MEMORIAM: DR. RITA HOCOG INOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the Northern Mariana Islands (Mr. SABLAN) is recognized for 5 minutes.

Mr. SABLAN. Madam Speaker, in the Northern Mariana Islands, as in any developing area of the world, there are very few people who achieve the highest of academic distinctions, the doctorate degree. Even fewer are the individuals who reach this achievement and then are willing to return home with their knowledge and skills. So it is a sad day, indeed, and a terrible loss to the Northern Mariana Islands when death takes from us such a person.

Dr. Rita Hocog Inos was born on the island of Rota. She grew up in Songsong Village there, attending elementary and junior high school. At the age of 18, she began teaching at Rota Elementary School. It was not uncommon a generation ago for persons without college degrees to be teachers in the Northern Marianas. We had to make do and lift ourselves up by our own bootstraps.

But Rita Inos was not satisfied to be an educator lacking in education. After 4 years of classroom teaching, she returned to school as a student and completed her bachelor of arts degree in bilingual education at the University of Hawaii of Manoa in 1979.

She brought her new education and skills home, working as principal in Rota schools for 10 years. At the same time she continued her own education with a determination that was an inspiration to all who knew her. By 1983, Rita Inos had completed her course work towards a master's degree in educational anthropology from California State University and had been awarded the master of arts in school administration and supervision degree from San Jose State University.

Throughout this time she was, of course, a role model, not only to the students of Rota but to her professional colleagues as well. Rita Inos seems to have had an unquenchable thirst for knowledge and an undeterrable determination to reach the highest level of education and achievement. That was clear to all.

Her influence spread. She was asked to first work for the Center for Advancement of Pacific Education and later in the Pacific Region Educational Laboratory in Honolulu, beginning as director of programs and services and then becoming deputy director of PREL overall as a whole.

Of course, all the while, Rota Inos was pursuing her doctorate. She earned that coveted final degree in 1994. The University of Southern California bestowed on her the title of doctor of education in educational planning, policy, and administration.

Dr. Inos immediately placed those three areas of expertise in the service of students and the educational system in her home. The newly minted doctor of education became commissioner of education responsible for all of the public schools in the Northern Marianas.

Her list of accomplishments in that position is considerable.

She established a data-driven assessment system of student achievement that anticipated the requirements of No Child Left Behind.

She implemented a standards-based curriculum and method of instruction, and set rigorous graduation requirements for students in the core curriculum areas.

She secured the funding to build new schools—Sinapalo Elementary, Dandan Elementary, Chacha Oceanview Junior High, Saipan Southern High and Kagman High—in response to a 30 percent growth in student population.

□ 1500

She helped found two alternative education settings for Marianas students, the Advanced Development Institute at the three Saipan high

schools and the Linala Malawasch Academy at Hopwood Junior High School. And she set the guidelines for the public school system that continue in use today: high student performance, safe and orderly schools, quality teachers, administrators and staff; and effective and efficient operation.

Dr. Rita Hocog Inos was an incredible source of good for the Northern Mariana Islands and for every student in our public schools, throughout her life and surely for many years to come. She left us too soon. But she left us so much, including one final gift, for in her final days, Dr. Inos had returned to her first love, preserving the indigenous language of the people of the Northern Mariana Islands. Even as her body failed her, her mind remained sharp, and her will unbending. I am told that she learned the revised Chamorro dictionary that was her final project was ready for publication the day before she died. And, I am told, then she was at peace.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Madam Speaker, it's a treat to be able to join my colleagues today here on the floor of the U.S. Congress talking, once again, about a subject that has absorbed the attention and energies of Americans now for a number of months, the subject of American health care.

This is a big subject. It involves 18 percent of our entire gross domestic product. If you take a look at the hospitals, health care providers and doctors and all, you're looking at 18 percent of the U.S. economy. So from an economic point of view, it's a big deal. But we know it's a bigger deal than just that. We know it's a big deal because it's dealing with our personal bodies. It's a personal issue. And it's something that has to be done, and it has to be done the right way.

There are many different ways of looking at and talking about the subject of health care, and I'm going to be going through those. I anticipate being joined by some of my colleagues and friends here talking about this issue, but I thought I might start a little bit differently this week than I have in some past weeks on health care and read excerpts from a letter that I have received from a lady I have known for a good number of years. It turns out that she works in Europe, Eastern and Western Europe, has had a family over there for more than 10 years and has had access to the health care in a number of different Eastern and Western European countries.

So I thought I would share some of her comments as she hears about our

debate here in the United States on the subject of health care and has shared some of her personal experiences from having lived there. She starts by saying, The first thing I note about the system of health care is that people who want really good health care travel to the U.S. if they can at all.

It's interesting, isn't it? People in Eastern Europe or Western Europe, if they want really good health care, they travel to the U.S. So regardless of what we say may be broken about our system, certainly they prefer to do that if they can. In fact, some of the immigration to our Nation is based upon older people wanting better health care. And when you observe that with government-regulated health care, older people can get two free cancer treatments, and then they must consent to go home and prepare to die, you understand why the world envies our tradition of health care in America.

She continues: My family have had surgeries, transplants, various tests and medical maintenance checkups in facilities in a number of countries where medicine has long been regulated by the government. My first introduction to this was hearing a national friend express her joy, and others, by this statement: God has been so good to my mother. She got in a hospital where the staff mops the floors and changes the sheets. For an American used to even community health clinics that surpass some of the westernized, that is, these European specialized clinics, that I have seen in Europe, this was a shocking first revelation that government-run health care was not all that it had been cracked up to be.

Then she goes on and talks about some different people that might be getting health care. The first category she talks about is the elderly. She goes on: Later as I became a regular visitor in middle-class hospitals, I saw firsthand how very fortunate we are in America. I speak here of hospitals and clinics to speak of care for the elderly as almost too sad to describe, she says. But I can tell you that whereas once I was incensed by a low-budget nursing home my aunt was placed in—now she says in America she had an aunt that was placed in a low-budget nursing home. She was very upset about that kind of care in America. Now that I have ministered to elderly people lying in narrow beds in the back corner of dingy two-room apartments because nursing homes or assisted-living programs are beyond the hopes of the people who supposedly have free access to their nation's health care system, I think of my aunt and am grateful she had a comparatively luxurious environment. So much for the elderly.

Let's talk a little bit about children. As for the care of children in a government-regulated system, let me give one example. As a public school teacher in

a capital city, I was not allowed to help the orphan girl who lived with me to get glasses, though she obviously needed them. According to the school nurse in charge of the health of the children in that school, she did not qualify. Unfortunately, I did not realize then that this was my cue as caregiver to offer the nurse financial incentive to write the recommendation to request an eye exam at the government clinic. In other words, here is a little girl in a school that can't see properly, and you have to bribe someone in order to get an eye exam. So much for government care for children.

Here's one for women. This is from her own personal example: No woman enjoys her gynecological annual check-up. I would ask American women to imagine a scene where in one of the best clinics you sit in a stark, icy cold room, naked from the waist up as folks walk in and out until you learn to bring your own cover-up when awaiting a mammogram. Imagine that one of the best clinics in your city cannot give you more sophisticated testing for a suspicious spot, and after seeking a clinic in a neighboring country, you end up in another stark clinic where attitudes and expectations are demeaning to any woman's dignity. Eventually, you are sent where for reliable testing? To America.

These are just some of the impressions of someone that in a number of countries has dealt with government-run health care systems. And they are not very pretty pictures.

That's what we're going to talk about once again, and that is, what happens when our government tries to do too much, when the government decides that we are going to take over 18 percent of the economy. Now, there are those who are going to tell you that what's being proposed by the Democrats is not a government takeover of health care. Well, it all depends on what version you're looking at. But in essence, most of the versions of the Democrat-proposed health care plans have the idea that the government is going to get into the business of bidding for government health insurance. And so if you have the government get into the business to start with, what happens is typically that the government tends, over time, to take the thing over.

We've seen the same thing in student loans. There were government-assisted student loans a number of years ago, but there were a lot of private people offering student loans. Now after a bill that was just passed, essentially the Federal Government, while it just had its toe in the door before, now it has 80 percent of all the student loans in America.

And so what happens if the government does too much? It goes beyond what it's effective at doing. Well, we have seen some of these kind of

things—inefficient allocation of resources, bureaucratic rationing, degraded quality and excessive expense. This has led people to quip in the case of health care, "If you think health care is expensive now, just wait till it's free."

And so let's take a look at some of these areas and see this if there is real cause for concern. The first chart that I have here is an attempt to try to put on a flowchart the proposal that NANCY PELOSI has set forth in the House plan. And it's about a 1,000-page bill, so this chart, to try to reproduce 1,000 pages, what they're doing is all of these colored boxes are new agencies or some new structure which is going to start taking over this 18 percent of our economy. This is the House Democratic health plan. There are several others in the Senate. But this is the House picture. And what you see here, in a sense is, if you're a consumer, if you're ill, you're over here, you've got doctors on the other side and you've got to somehow get through this maze. I was thinking about creating a cartoon with all these little paths and you would find that, unfortunately for many people, there is no path through this morass of government bureaucracy.

Now there are some people who have a tremendous faith in Federal Government, have a lot of faith in government in general, and feel the government could run this process better. But when you think about it, it's your body. And if you're sick, do you really think the government is going to provide you with a level of care?

So the first thing here is there is a complexity. It's very hard for the government to reproduce our free enterprise system of health care. And so this gives you a picture as to what the Democratic bill would look like. Now what I would suggest to you is that if you take a look at American health care, there is a lot of talk about it being so bad. And yet foreigners, if you're sick, if you're a multimillionaire sheikh from Bahrain and you're sick, guess where you're going to go with your money to get your health taken care of? You're going to come to the good old U.S.A.

So in America, we realize that there are some problems in health care, but we also realize that we still have the best health care in the world. So the idea that we just have to have change, let's change it to make it like all these other countries, doesn't make a whole lot of sense.

What is broken about American health care? If you stand way, way back and look at it from a distance, what you see is that it's not so much the care that is being provided for people, although there is always ways you can improve that, what is more broken is the way we pay for it. That is the more complicated question. And the reason that's complicated is because

about one-third of Americans don't pay anything for health care, and the other two-thirds have to pay for the one-third that aren't paying. So that's part of the nature of the problem.

But the question is, is the solution to that problem to have the government take it all over, either directly or de facto by getting into the business of selling health care until nobody else sells it except for the government? That's what this proposal would suggest.

Now there are other problems as we have seen. Excessive expense is one of the things you have to worry about when the government takes over something. Do we have any reason or basis for being concerned about an aggressive government takeover of the medical area? Well, take a look here at three of the large, large entitlement programs created some many years ago. One you know is Social Security, which is not so much medical. But Medicare and Medicaid are. If you take a look at the projected growth, particularly in Medicare here over a period of time, you realize that the government is not doing a good job of controlling cost. It's almost impossible, in fact, for the government to try to control the cost. They've written the program, written all of this law, and the law just ticks away and people collect their benefits. It's called an entitlement program. These entitlement programs—these graphs are agreed-to numbers by liberals and conservatives alike—are showing that these programs are financially out of control. In fact, if you really want to take a look at understanding the real challenges to the American economy and the biggest challenges to the solvency of our government, certainly the major component parts are the tremendously ballooning increases of Medicare, Medicaid and Social Security.

□ 1515

Now, this red line here is about what the historical average of tax revenues are. You think, well, shoot, if these things go up, we just raise taxes more and everything will be okay. But that doesn't necessarily work, because what happens when you raise taxes too high, you kill the economy. You may have a very high rate of taxes, but the amount of money that the government takes in is not very good.

That may seem strange to you, but if you really think about it, let's say you are king for a day and your job is to raise taxes by taxing a loaf of bread. And you think to yourself, well, I could charge a penny a loaf and make some tax revenue on that. Then you think, ha, maybe I could charge \$100 a loaf on bread. But maybe people wouldn't buy so much bread then. Somewhere between a penny and \$100 there is some optimum level of taxing where you are going to get the most tax revenues.

What we found historically, when the Federal Government runs its taxes too high, it just kills the economy and we end up not making too much money. So you can't fix this problem by constantly taxing people more and more.

So, with this experience, this would give us a lot of confidence to say we want the government running our health care. I would suggest now that that is an optimistic way of looking at things, if you want the government to do that.

This is a statement made by our President. "Most of this plan can be paid for by finding savings within the existing health care system, a system that is currently full of waste and abuse."

It is as though we had some government document in our ledger books that said "waste and abuse," and we can just subtract some money out of waste and abuse and we have all this extra money in here.

Well, where was it he was going to go to get all of this "waste and abuse"? Well, he was going to go to Medicare. And how much money was he going to take out of Medicare? Oh, at one time the estimate was \$500 billion being taken out of Medicare, particularly the Medicare Advantage program which is enjoyed by many seniors all over this country.

So here he says, "Most of this plan can be paid for by finding savings within the existing health care system." What sort of savings? Taking it out of Medicare. That is one of the reasons why these health care proposals have been not too popular. The senior population enjoys Medicare Advantage and other parts of Medicare, and they are not so sure that this is the way to pay for socialized medicine.

Another statement by our President: "Here is what you need to know. First, I will not sign a plan that adds one dime to our deficits, either now or in the future. Period."

Very emphatically. I am not going to add one dime to our deficit, says the President; yet, if we take a look at the last 6 months, we kind of wonder whether he is really very serious, or maybe whether he was joking. Because if you take a look the Wall Street bailout, \$250 billion we spent; economic stimulus, which was really an expansion of welfare and a lot of other programs, \$787 billion; SCHIP, another \$66 billion; another \$410 billion for appropriations in the IMF bailout here. When you get all done, we are looking at a spending of \$3.6 trillion, which we don't have.

In fact, by the time we got to about March or April of this year, we had spent all the money that was coming in in taxes. In other words, it would be like you and your family budget, and you are sitting there, you have one year you are supposed to make your budget over, and you get through the

first 4 months and you have spent all the money for the year. That is what happened here federally with the trillions of dollars of debt and deficit that is being piled up under the Pelosi and Obama leadership.

We were told that George Bush spent too much money, and he did. That is why I voted against a bunch of his proposals even though I am a Republican. But he is a mere piker when it comes to spending. So when we say we are not going to add one dime for a health care plan that isn't paid for, this record that has been established over the last 9 months certainly is one that leads us to be just a little bit skeptical about that promise.

We have had some other promises from the President. Here is one: "If you are among the hundreds of millions of Americans who already have health insurance through your job, Medicare, Medicaid or the VA, nothing in this bill will require you or your employer to change the coverage or the doctor you have."

Boy, I am sure glad to hear that. One thing, if I knew the Congress was going to be having the government take over health care, if they told me I could kind of keep the program I have and the doctors that I am comfortable with, I would think that is a good promise. I really like that. But is it true? Is it true? Let's take a look at what other evidence there is to see if this is true or not.

This is an MIT health economist. "If you like it, you can keep it?" with a question mark. Is that really true? If you like your health insurance today, can you keep it?

Here is what Jonathan Gruber said. "With or without reform, that won't be true," said Gruber. So he is basically saying the President is wrong, it is not true. His point is that the government is not going to force you to give up what you have, but that is not to say other circumstances won't make that happen.

So, what you have going on here is that by having the government involved in health care, what is going to happen is the government will continuously exert an influence. It will change the way that the private insurance companies write their health care, and you will not be able to continue with the care that you currently have. So this is another promise which is a bit misleading.

One of the things that is particularly important I think for most Americans in health care overall, and that is they want that doctor-patient relationship protected. When you go to see your doctor, most of the people who practice medicine do so because they like to heal people, they like to help people, and they will take time with you. They will try and diagnose what is wrong with you, and they are going to say, you know what I think you should do, you ought to do this, this and this.

They are going to make a recommendation. You may or may not choose to take their advice. You may get a second or third opinion if it is something that is very serious, but you are going to check it out. Then, when you and the doctor eventually come up with a plan as to what you are going to do if you have a problem, you don't really want somebody in an insurance company telling you, No, you can't do that. You want to be able to have the doctor-patient relationship to be intact and that you can proceed on that track. You certainly don't want somebody that works for an insurance company getting in the way.

But there is one thing worse than some big insurance company getting their nose in the relationship between you and your doctor, and it is much worse, and that is when a bureaucrat gets his nose in and says, Sorry, you are not qualified to get that care.

You see, there is nothing about the way the bureaucrat is going to figure out who is going to get care, because this is basically a law of supply and demand. It is a basic law like the law of physics, and that is, if you have an unlimited demand and a limited supply, things aren't going to work. So you have everybody in the country wanting absolutely free health care and you have got a limited number of hospitals and doctors, something has got to give.

So what is the solution? Well, the government bureaucrats are going to get these big old calculators and they are going to figure out whether you are the right age to get this particular health care or not, or maybe use other parameters to determine do you get service or do you not. It is called bureaucratic rationing.

You know, the trouble with their calculators, those big old calculators, they don't know anything about health care. They are just counting dollars. So, if you are the wrong age, too bad. You get a bottle of aspirin and get to go home and just wait to die.

Anyway, one of the things that is very important to Americans is the idea that you and your doctor's decisions about health care should be protected and final. So this is something that never can happen here on the floor of the House, because people wouldn't want an embarrassing vote to happen here on the floor. But they do allow amendments in committees.

Here was an amendment that was offered by a good friend of mine, Dr. GINGREY from Georgia, an amendment in a committee. Here is what the amendment says: "Nothing in this section shall be construed to allow any Federal employee," you can translate that bureaucrat, "or political appointee," an appointed bureaucrat, "to dictate how a medical provider practices medicine."

That is, we want to leave the doctor-patient relationship intact. That is

what this is about. This is kind of a simple little amendment. You may think we pass thousand-page bills on the floor here that we haven't had read or printed. That is true. We don't like it. We have a bill to try to fix it. That does happen. This isn't any 1,000 pages.

This is a simple little sentence. You can read it off this chart. This amendment was offered in committee, and guess what? This amendment failed. People voted on it. Do you like this? Do you want to keep the doctor-patient relationship sacrosanct?

Here is the votes. The Republicans, 23 of them, voted for this amendment that Dr. GINGREY proposed. The Democrats, 32 of them, voted against it, and one voted for it. So it was almost a straight party-line vote, and this amendment failed. This amendment failed.

So if we start talking about some bureaucrat dictating whether you are going to get care or rationing of health care, don't be surprised. A lot of politicians say a lot of things. This here is a written sentence in English, and this here is an historic vote total. People can have opinions, but they don't have the right to their own set of facts. This is a fact. This is what happened in committee, and this should give you some concern if you don't want the government rationing your health care.

Here is another statement by our President: "There are also those who claim that our reform effort will insure illegal immigrants. This, too, is false. The reforms I am proposing would not apply to those who are here illegally."

Well, I am glad to know that the people who are paying for health care in America wouldn't be having to pay for people that aren't even American citizens. And that is what the President is assuring us of. We are not going to be paying for people who are here illegally.

Well, again, like a lot of these other statements, instead of just taking it at face value, you probably better take a look at the fine print to see if he is telling the truth, because the last couple of statements he made, I don't believe him at all. Do we have any reason to believe this statement? Let's take a look and see.

This is an amendment that was offered by Congressman HELLER, and it is going to clarify this question. This is an amendment that is going to go on to the Democrat health care bill. It was tried in committee. What he wanted to do was, Congressman HELLER, who is a Republican, he wanted to take Obama up right on this promise right here that he made that no illegal immigrants are going to be getting any of this government-paid-for health care; translated, that means you and I pay for it.

So, he says, well, fine. If that is what you mean, we are not going to have illegal immigrants getting health care,

what I am going to do is write up a sentence here just to make that absolutely clear. Here is the sentence: In order to utilize the public health insurance option, an individual must have had his or her eligibility determined and approved under the Income and Eligibility Verification System, IEVS, and the Systemic Alien Verification for Entitlements, SAVE, program.

In other words, using other parts of our government law, you have to prove that you are here legally if you are going to get any of this health care provided courtesy of the U.S. Government, provided courtesy of the U.S. taxpayer.

So here is an amendment that just makes clear that what the President was saying is true. And how did this amendment go in terms of voting in committee? Well, here we have it again. The Republicans voted 100 percent; that is, 15 of them voted for this amendment. They said, yeah, we don't want illegal immigrants getting this socialized health care. And the Democrats voted 100 percent, that is 26 noes, and they don't want this in the bill.

Now, does that give you a sense of confidence that what the President said is really true? If we didn't want illegal immigrants to be getting this health insurance from the government, wouldn't the President say, hey, Democrats, vote for this amendment so we can make it clear to the public that we don't have any illegal immigrants getting this? No. Of course, this is voted.

So we hear one thing from the President, and yet, in fact, when we actually put an amendment up in committee, we find a straight party-line vote.

Some people say there is no difference between Republicans and Democrats. If you worked down here, my friends, you would know there is a very big difference. A very big difference indeed.

I am joined by a good friend of mine, Congressman HOEKSTRA, and you have joined us before as we have talked about health care, just kind of running through a whole series of different aspects of what is involved in this huge debate that is taking place. Apparently, at some period of time there is going to be a big vote on this subject. I don't know if we will get a copy of the bill or not, but there is going to be a big vote.

I would yield time to my good friend from Michigan to let us know what your thoughts are.

Mr. HOEKSTRA. I thank my colleague for yielding and talking about health care.

You know, we can go through all of the different issues that are out there on health care, what is going to be covered, what is not going to be covered, but I will tell you, the more that I look at this and the more that I study, the more that I am coming to the conclusion this is not about the quality. It is

not about the quantity of health care in America today. This is becoming more and more about who is going to control your health care, my health care, my family's health care. It is about control. Because health care is 18 percent of the economy, and it is going to be about whether you and I are going to be in power to make those decisions, whether our families and others.

Someone called me after I did the Special Order last night and they said, you know, it is not you and I empowering people in the private sector. They already have the authority. They take a look at the Constitution. The Constitution gives them that authority to make these kinds of decisions for themselves.

□ 1530

It empowers the States. It is the States that have the power to do it. The only thing that may happen here in Washington is we may take that authority and that opportunity away from them and say, I'm sorry, the choice of health plans that you may have, we're going to restrict that. We're going to restrict that. You're not going to be able to choose a health savings account. You're not going to be able to choose a high deductible account. Everyone's going to have to purchase from a narrow range of options of more Cadillac-type of plans that have all kinds of benefits into them, many that people don't want. So it's about control rather than quality and quantity of health care.

Mr. AKIN. So basically what you're really saying is one of the things that's going to be lost, one of the big things that's going to be lost is the person who's sick having some say over the direction of which way they're going. I think this big blue button here, this is the nerve center. And if you want to be in the right place in health care, you want to be this health care—I don't know if this is a czar or not.

Mr. HOEKSTRA. If the gentleman will yield.

Mr. AKIN. I do yield.

Mr. HOEKSTRA. Yeah. We're not only taking the authority and the opportunity to control your health care when you're sick, but it's more important. It's like for our young kids, for our kids. What we're doing is for the young person who is saying, you know, I might want a high deductible plan because I want low premiums because I've got a dream of starting a new business and I need all the cash that I can to funnel into that start-up business because, you know what? I've got the belief and the dream that my business is going to be the next Apple computer, and I want to use all of my available resources after I've got, you know, after I've bought this health insurance plan because I do recognize that I want to be covered if I get a catastrophic ill-

ness or whatever. But I want to put that money into my business. They're not going to have that opportunity anymore.

Mr. AKIN. Just reclaiming my time. Gentleman, you're talking about a situation, you're 30 years old, bullet proof, but you say, yeah, it's possible. If I got the really bad part of the statistic, I could get something I couldn't afford to pay for so I'm going to get that catastrophic plan that fits me in my situation. I don't need OB-GYN coverage because I'm a guy, and so I don't need that part of the plan. I'm just going to get this catastrophic thing and take the rest of my money and I'm going to put it into my small business because I've got a dream.

Mr. HOEKSTRA. If the gentleman will yield.

Mr. AKIN. Go ahead.

Mr. HOEKSTRA. I think what we're taking a look at here—because what happens is we're shifting the authority from individuals to make those kinds of decisions, and we're moving it right into that chart that's next to you and saying, your health care decisions are now going to be made by the people in those charts, the people who fill those boxes. You don't know their names. You don't know their background. You don't know their values. All you know is that the health czar, I guess that blue box there—

Mr. AKIN. If you push this button, it'll make the whole thing go. I think.

Mr. HOEKSTRA. But you push that button 181 times I think in one of the bills here in the House, we've instructed the czar to, you shall, you will, you must and every time that health czar has the opportunity to make that kind of a call, that's a little bit more of an erosion of the power from you and me and our constituents.

The other thing is it's an erosion of power from our States. There's a lot of States that are experimenting with how to fix health care, how to issue, address some of the concerns that are out there. And so they're experimenting and they're working, and now we're saying, Sorry, it'll be one size fits all. It'll be the size that comes out of Washington. Where in the Constitution, this right now, our colleague, you know him well, JOHN SHADEGG, and I wrote a series of op eds, one of which says we have a vision for health care which is about markets and it's about personal authority. That was the first thing.

The second op ed we wrote was one that said, here's what's wrong with the Baucus plan. Actually, the Investor Business Daily that ran that op ed, they put their own title on it. They called it, "Lies, earmarks and corruption all in one bill." If you read the op ed that Congressman SHADEGG and I wrote, I think the title aptly fits the content that we have in it.

Then the third op ed says, we've got a vision as to empowering individuals

or not empowering. We have a vision of leaving the power and authority with individuals. We have identified what's wrong with the Baucus plan and H.R. 3200. The third op ed says and here are the specific things that we would do. Seven specific things.

Mr. AKIN. You're talking about freedom.

Mr. HOEKSTRA. Freedom. This is why we need the TEA Party movement, why we need the 10th Amendment groups that are out there that are fighting for State sovereignty and fighting for us to go back to the Constitution. That's why we need them to reenergize to bring the momentum back that we saw in August, to have them fight for freedom and to stop this massacre.

You know, people are now saying it's going to happen. The question is, how bad will it be? And whatever form it will be, it will be very, very bad because it's going to be an erosion of power and a shifting of power here.

Mr. AKIN. Gentleman, I don't accept that and I know you don't accept that, that we just roll over and say we're going to have this government takeover of everything. I don't accept that.

Mr. HOEKSTRA. We know government takeover doesn't work. It doesn't work in transportation. Michigan, in the 50 years that we've had a highway transportation bill, we've gotten 83 cents back on the dollar for 50 years. I call that legalized Washington corruption because other States have stolen that money from us. And as one of my constituents said the other day—my friend from California must be smiling, he must be getting some of that money in California. But you know—

Mr. AKIN. He's looking too happy over there.

Mr. HOEKSTRA. They're stealing from us. And one of my constituents said that they had just been—they went through West Virginia. And they said, West Virginia has gorgeous roads and all we've got is potholes.

Mr. AKIN. Well, I think somebody's getting their fist in some of that Federal money. You know, you talk about free enterprise. One aspect is in free enterprise you can fail, and we even allow some of our States to fail. You talked about their examples, Massachusetts and Tennessee have been pioneers in this system. And what have we learned from them? It's like Thomas Edison making light bulbs. He made 100 light bulbs. The first hundred, none of them worked. Well, these light bulbs don't work either. They not only have mercury in them, you turn them on, they just cost you money and don't work.

Mr. HOEKSTRA. And this will be the first light bulb that we try, and we will impose it on all of America. As a matter of fact, we'll impose the taxes to pay for it really, really soon; and we won't be able to implement this for about 4 years. It's interesting. Of

course, it won't be implemented until after the next election. Interesting point.

Mr. AKIN. We are joined by your good friend from California. I see he has a little something he wants to say. But, Congressman LUNGREN, I would just be delighted if you'd join our conversation here.

Mr. DANIEL E. LUNGREN of California. Well, I thank the gentleman. I was noticing as I looked at the chart that outlines the 53 different departments, agencies and new programs that are in this bill that there's at least one box missing. Can you tell me where the box for litigation reform is?

Mr. AKIN. Oh, litigation reform box. It's got to be here somewhere. Could it possibly be forgotten?

Mr. HOEKSTRA. It's not there.

Mr. DANIEL E. LUNGREN of California. Well, see this is the problem. I have had these town hall meetings, not just in August, I started back in June on the subject of health reform, and saw all the people coming out in my district not to organize, but coming out as individuals. And one of the first things they said to me, and actually, I did a little test later on when I held some of my town hall meetings, I didn't mention litigation reform and immediately people jumped on me and said why didn't you talk about litigation reform? Well, I happen to think, having experienced medical malpractice litigation while I was practicing law, mostly defending doctors and hospitals—

Mr. AKIN. You're admitting to being a lawyer here on the floor. I appreciate that.

Mr. DANIEL E. LUNGREN of California. But I was on the right side for most of those cases. And I listened to what the people at home said. And they were saying they thought that we were wasting a good deal of money adding to the total cost of health care because of frivolous lawsuits. And now that it's been borne out by study after study after study talking about the billions, tens of billions, of dollars which we are wasting because we have frivolous lawsuits.

And there are ways of dealing with that, but I have noted that it is not in the bill that came out of Energy and Commerce. It is not in the bill that came out of Ways and Means. It is not in the bill that came out of the other committee here in the House. It is not in the bill that came out of the Senate Finance Committee. It is not in the bill that came out of the Health Committee on the Senate side. In other words, it's not in any of the bills that we're going to dealing with.

And that prompts this question: What happened to August? Did August actually occur? Did those town halls come together? Was that imaginary, or, like the President did in his speech to us, are we to forget about it or pre-

tend it didn't occur? And if we can do that, can we forget about the possibility that litigation reform may be an essential part of bringing the overall cost down and produce better medicine because defensive medicine, that is, unnecessary tests will not be done.

And so, I again, ask the gentleman, are you aware of litigation reform being a part of any of the bills that have come through the committees in the House or the Senate or part of that display that you have before you?

Mr. AKIN. Well, gentleman, as a way of trying to answer that question, I do recall the President saying earlier, and repeatedly, that the Republicans don't have any ideas on this. And so this must be one of those ideas that's not an idea because that's why they didn't put it any of their plans. Of course most people that know anything about medical care know that some of the excessive costs are created by things that are done just for the purpose of attorneys.

Actually, I would like to defer your question to the good doctor from Georgia who's here, who has had 20 years or so in practice. Well, we've got two doctors actually. Just a second, now. Congresswoman FOXX, are you trying to escape on us here? We've got two doctors. I'm going to go to my most beautiful doctor who's here joining us this afternoon. Would you please share for a minute, and then I am going to go to you, Dr. BROWN.

Ms. FOXX. Well, I want to thank the gentleman from Missouri for the yeoman work that he has done on leading these Special Orders to explain to the American people what's wrong with these plans that are being presented by our colleagues across the aisle, and pointing out that Republicans do have alternatives to what is being presented here.

This morning, during 1-minutes, at least two of our colleagues got up and said, Republicans have no alternatives. And I think it's very important that we continue to point out that we are not just here to be critical of what has been proposed by the Democrats, but to say, yes, we have alternatives. Our alternatives don't cost any money. We can do whatever needs to be done.

Mr. AKIN. Congresswoman FOXX, let's just hold right there for a second. What you just said is so very, very important. We've already mentioned one Republican alternative that is not in any single Democrat plan, which is tort reform, isn't it?

Ms. FOXX. That is correct.

Mr. AKIN. And so our good friend from California, who is an attorney who came in here and warned us about this, there's one. Okay, now why don't you name another one or two.

Ms. FOXX. Well, we have bills that talk about accessibility and portability. Portability, meaning we would all own our own health care insurance.

If we lost our jobs, we take it with us. We want to give tax deductions to individuals.

Mr. AKIN. So that's usually called by the word "portability," isn't it? And that's something that Republicans largely support; is that your understanding?

Ms. FOXX. That's right. And the American people support that. We also support accessibility for people who have preexisting conditions. We support groups being able to band together and form larger groups to bring down the cost. So we support all those things the American people say they want.

Mr. AKIN. So, in other words, another proposal would be that if you got a bunch of small businesses, if they want to pool their employees and get a better deal on health care, they can create these health care pools. Now that's an idea. Do you know any Republicans that are opposed to that?

Ms. FOXX. I don't know any Republicans that are opposed to it; and, frankly, I don't know any Democrats who've signed on. But what we need to point out again is that what the Democrat plans do is to cut existing Medicare programs to come up with sham funds to put in their new program.

And with that I'm going to yield back, because the Rules Committee is currently meeting, and I'm going to have to go back there.

Mr. HOEKSTRA. If the gentleman would yield for a minute.

Mr. AKIN. Well, we appreciate very much your good work on the Rules Committee, and Congresswoman FOXX it's just a treat to have you. And I yield to my good friend, Congressman HOEKSTRA.

Mr. HOEKSTRA. I just want to build on what my colleague was talking about. You know, there's a very fundamental difference between how Republicans are approaching this problem and how Democrats are. Democrats have taken the approach that says we're going to create this massive new bureaucracy, 53 different organizations and panels and these types of things, and we are going to change health care for every single American. It is going to change.

Now, when I was in the private sector, I was a marketing guy, but I spent a lot of time working with engineers. And at one of my first town hall meetings an engineer said, you know, Congressman, why don't you take the approach that we take in the engineering world and that you would have taken at your career at Herman Miller? Let's identify what's broken in the system and let's fix those pieces. And that's exactly what the Congresswoman was just talking about.

□ 1545

On my Web site, we've put up seven solutions for health care that address the issue of accessibility, they address

the issue of cost, and tort reform. Seven specific bills that go after those three areas that almost everybody agrees are the things that need to be fixed in health care and can be implemented today—not in 4 years, not at a massive cost—and the effect upon those who have issues with the current system and the rest of the 85 percent of Americans, most of whom are pretty satisfied with the health care they've got, is, we leave them alone.

Mr. AKIN. In the State of Missouri we have the same sort of principle. It may be not quite as much defined by engineers, and we say, "If it ain't broke, don't fix it." And you've got a hundred million people with health care that they like pretty well, everything is chugging fine, and you want to destroy and throw the whole thing overboard because you may have at the most 10 or 12 or 15 million that aren't getting the care that you think they ought to get. That's one of those, "if it ain't broke, don't fix it."

And that really does raise a question. It almost seems that we're starting with the premise that we want the government to run all of health care and just looking for an excuse to try to do that.

We got a little bit off track.

The question was, are there really legitimate savings and costs through some reform in terms of tort reform?

We have a doctor here. He's practiced medicine 20-some years.

Dr. BROUN, what do you think about tort reform? Does it make sense? Do we have some savings there? And can we improve the quality of medicine in America by making some adjustments in that area?

Mr. BROUN of Georgia. Mr. AKIN, as you know, I've practiced medicine. I am a family doctor. I've done general practice for almost four decades.

The problem with defensive medicine, overutilization of testing and services in the health care industry is a huge part of the expenditure. Patients are actually demanding these things, and doctors are complying with that because of the possibility of a medical malpractice suit being filed against the doctors.

So something needs to change because we are overutilizing tests, we're overutilizing services.

In fact, I was talking to the administrator of one of my local hospitals in my district recently. And the day I was talking to him, just that day the lady who runs the CAT scan unit at their hospital was asking for some more help at night, and he couldn't understand why she would need more help. And the lady said, Well, we've run 10 CAT scans through the night through the emergency room. He said, Well, how many of those were positive? Zero. How many were really indicative? If you look at the medical indication for those, it's zero.

So the overutilization of very expensive testing is rampant within the system. So you're exactly right. If we do something to stop the doctors from having to practice this medicine—

Mr. AKIN. Let me ask you a specific question, Doctor.

You picture yourself—and maybe you're the emergency room doctor that night or you're practicing medicine—and somebody comes to you and they say, I think I need this such test, and it's vaguely related to something that might have happened to them. You look at them and in your medical opinion, there isn't one chance in a thousand that they need that test. So if you deny them getting that test, then do you have some risk?

Mr. BROUN of Georgia. Absolutely. It is a tremendous risk.

Mr. AKIN. Even though it doesn't make any sense at all to do it?

Mr. BROUN of Georgia. Absolutely.

Mr. AKIN. You have a big liability because if you don't do the test, then what could happen?

Mr. BROUN of Georgia. Let me give you a good example of that exactly.

I've worked in emergency rooms many times throughout my career and sometimes was even a full-time emergency room director.

But if a patient comes in with a headache that they've never had before, comes in with a severe headache and—well, maybe, it's not even a severe headache. Maybe it's in the front part of their face and it's typical of a sinus infection. A doctor has a tremendous pressure on them to get a CAT scan or a CT of the head, or both, because if they don't and several years later that patient is found to have something such as a brain tumor, they could come back and sue the doctor for failing to diagnose, even though frequently in these cases the patient's history and the physical examination will not indicate any medical need, any medical indication of a brain tumor. But the doctor has to do that to prevent the suit.

Mr. AKIN. If you do order the test, what does that cost you?

Mr. BROUN of Georgia. It doesn't cost the doctor anything. It doesn't cost the patient anything either. It costs the whole system.

Mr. AKIN. So it runs the cost up on the system so the incentive for the doctors is, take the fallback, it's safe. I don't care. Let the cost go up. I'm not going to stick my neck out, right?

Mr. BROUN of Georgia. The patients will come and say, I'd like to have an MRI on my head or a CAT scan on my head or belly or something, and their attitude is it doesn't cost them anything. It doesn't cost them anything. It costs the insurance company.

Just like a lot of people think the government can provide all of this free health care and the government just pays for it. Well, where does the money come from?

Mr. AKIN. It violates the law of supply and demand, doesn't it, Doctor?

Mr. BROUN of Georgia. Absolutely.

Mr. AKIN. My good friend from California would like to jump in here.

Mr. DANIEL E. LUNGREN of California. I was recently at a meeting with a number of doctors in my district at one of the local hospitals. And this one doctor said, Look, Congressman, I want to tell you about something that just happened. This fellow happens to be a plastic surgeon. They had sent somebody over for him to sew up this fellow's head. He had fallen down and split his head open. He had gone to an urgent care facility. And there they looked at him. They had him have either a CAT scan or MRI, I'm not sure which.

I said, What was the problem with that? He said, There was no medical indication of that.

He said what should have happened is—worried about a subdural hematoma, I believe—he said what should have happened is that you tell the patient the chance is one in a thousand you might have that. Here's the situation: If over the next 6 hours these sorts of things are evident, then you come back and at that point in time we do it.

He said they took it. Of course it showed nothing positive whatsoever before it came to him. Then he sewed the person up.

He said that expense to the system is one of those kinds of things that was exactly the defensive medicine that we ought to stop. He gets nothing out of that. That's paid into the system. I don't know if it's \$900 or something like that for one of these.

He said, I would have been doing my job as a doctor to sit down with the patient and tell him the chances are about one in a thousand that this might be the case, but here's what you can do to make sure that the indications are such that we would have to do it. That's just simple, commonsense medicine and a relationship between the doctor and patient, which is interfered with now because of the specter of the possibility of a lawsuit. It is that kind of real stuff, real occasions that adds tremendously to the cost of medicine.

Now, there's no medical malpractice lawsuit. There probably is never going to be one filed in that case. So some people say well, the cost you're talking about in terms of defensive medicine are not that large. Yes, they are if you talk with the doctors who actually do this.

Mr. BROUN of Georgia. Will the gentleman yield?

Mr. AKIN. Yes, I yield.

Mr. BROUN of Georgia. Let me add to your discussion about this one particular case.

The doctor is going to give them that counsel anyway with or without the

CAT scan or MRI or whatever it was. The doctor—it's incumbent upon them to do so because the doctor, if they do ever develop trouble—and they may very well—a good physician is going to give that sort of counsel anyway. And if their level of consciousness starts going down, if the pupils become different sizes, if the headache lasts for longer than 24 hours, the vomiting lasts for 24 hours, these are the types of things that we tell patients anyway.

So doing this expensive radiological study is not medically indicated. The doctor is going to give that counsel anyway.

Mr. AKIN. We've got just about maybe 5 or 6 minutes to go.

We've been accused, as Republicans, as not having any ideas. You started by saying, Yeah, we sure do. You want to take a look at one thing, you can avoid getting into this kind of mess. If you're worried about the cost of medicine, you can deal with tort reform. That's one piece.

The lady who was here from the district before, Ms. FOXX, talked about the idea of treating pools of people, small businesses coming together and getting a better buy on their insurance. She talked about portability, so that when you leave one job, you can take your insurance along with you. All of these things are things that we talked about that we agreed to. And there are a couple of other things.

Mr. DANIEL E. LUNGREN of California. One very important one that we talked about is to allow people the opportunity for employers or individuals to purchase their policies across State lines. The reason for that is you will multiply tremendously the number of opportunities people have to make choices about what kind of policy would serve them or their employees better than any other.

Mr. AKIN. More choices equals freedom, doesn't it, gentlemen?

Mr. DANIEL E. LUNGREN of California. That's what I grew up hearing in this great country of ours.

Mr. AKIN. So if you have some insurance companies that may have a little bit of a monopoly in one part of a market and you allow people to buy insurance across State lines, you're breaking up monopolies, allowing prices to come down and giving people more choice, which is more freedom. Is that right?

Mr. DANIEL E. LUNGREN of California. That is correct, and those contracts—which that's what insurance policies are—would be enforced in the State in which the person lived. So we're not talking about the insurance companies getting a free ride; we're talking about giving much more choice—the essence of freedom—to the average citizen. That is another major proposal that is contained in a number of different bills that have been introduced by Members on this side of the aisle.

Mr. AKIN. Do you know if that is included in any of the Democrat bills at all?

Mr. DANIEL E. LUNGREN of California. Not the major bills that have been introduced that we have been talking about.

Mr. AKIN. None.

So we don't have any malpractice reform. We don't allow the competition of—of course, they don't need to worry about that in their bill because their plan is, they're not going to have any private insurance companies in a period of time because the government is going to run it all.

Mr. BROUN of Georgia. Mr. AKIN, if you'd yield?

Mr. AKIN. I do yield.

Mr. BROUN of Georgia. The American people should look at what the real purpose behind H.R. 3200 is, and we can see what their real purpose is by going to people like the President, Barack Obama, and the leadership in this House. They have said that the public option is the way to go to a single-payer health care system administered by government bureaucrats. Socialized medicine. That's their stated purpose.

Mr. AKIN. That's the end goal.

Mr. BROUN of Georgia. That's their stated purpose. That's their end goal, and the public option is the way to get there. And it's going to cost jobs. It's going to cost millions of people their jobs because it's going to put a high tax on small business.

Mr. AKIN. Not to mention \$500 billion out of Medicare, taxing small business when we already have close to 10 percent unemployment.

Mr. BROUN of Georgia. Plus the seniors are not going to be able to get the care that they need because they put in there a cost-effectiveness research that was in the stimulus bill, and there's a cost-effectiveness decision panel that is created with this atrocity there that's going to make medical decisions according to patient's age.

And when they make the decision according to the patient's age, they're going to compare spending \$100 here or \$100 there, and they're going to spend \$100 on a 40-year-old and not an 80-year-old.

Mr. AKIN. Now you're getting off to preaching and getting on to meddling a little bit.

Mr. BROUN of Georgia. Well, it's factual.

Mr. AKIN. I just hit 62, and I was just reading that in Canada—I've got a bad hip—I wouldn't be able to get that hip replacement that Dan got because I am too old, I'm an old geezer now, and it's not worth it for a government bureaucrat to pay me to get my hip fixed.

Mr. BROUN of Georgia. Mr. AKIN, you're a young pup. I'm 63, but I've practiced medicine for almost four decades, and I already see the rationing that Medicare and Medicaid puts into

place today. And what the Democratic bills will do is going to ration care much, much, more. Seniors are not going to get the care that they need and deserve, and thus it's going to be detrimental to their health.

Mr. AKIN. So we've been talking a little bit bad about these Democrat proposals. This is something that Congressman LUNGREN's been hitting, and that is it reduces health choices. Freedom is about increasing health choices, not reducing them. It raises premiums as long as there's even going to be premiums, it delays and denies care, \$500 billion in Medicare cuts.

Mr. DANIEL E. LUNGREN of California. Would the gentleman yield?

Mr. AKIN. I do yield, yes.

Mr. DANIEL E. LUNGREN of California. On the \$500 billion. As part of that \$500 billion is at least \$133 billion taken out of Medicare Advantage. I have 42,000 seniors in my district who are enrolled in Medicare Advantage. What is Medicare Advantage? It is the private option put into the Medicare system when the Republicans were in charge. There's a new idea that actually was implemented. It is tremendously successful across the country. Yes, they've got some imperfections that we need to work on, but their bill would destroy it.

There is no better evidence that they want to destroy private options than the fact that this bill destroys the only private option that currently exists in the Medicare system, Medicare Advantage.

Mr. AKIN. In our last minute or two, what I might do is share something personal because I came to this Congress 9 years ago, and they have a little medical clinic that's downstairs, and the medical clinic gives you—if you want to spend about \$400, you can get a test; you can get a physical.

□ 1600

I hadn't had a physical in years because I had some sort of State HMO policy. I never could see my primary care doctor. I don't even think he existed. I could never get an appointment.

So I go down there and find out I was bulletproof, as I thought, except for one detail. I had cancer. So when you use the "cancer" word around me, my ears pick up a little bit. I take a look at how does it work when these governments run and deal with cancer. Here's your survival rate for men in the United Kingdom, 44.8 percent. It jumps up here quite a number percent to 62.9 among men in the United States. And we want to go over and make ours like that? I don't think so.

I yield to my friend from Georgia, last minute.

Mr. BROUN of Georgia. Well, you are exactly right. The reason that the survival rates—these are 5-year survival rates for people with cancer. Women

with breast cancer, you look at your chart, which is accurate. This comes from independent data. Five-year survival rate for cancer. Actually, for breast cancer, it's over 90 percent, where in Great Britain it's much less than that. But all cancers for women on your chart is 66.3 percent for women, 5-year survival rate, and in the United Kingdom, 52.7 percent. Why is that? The reason it's that way is because they have delayed diagnosis because of the ration of care because of the constraints.

Mr. AKIN. So you have rationed care. Rationed care means you've got to wait longer in line. Waiting with cancer is not a good deal.

Mr. BROUN of Georgia. You don't get that evaluation, so you have delayed diagnosis. So people have late diagnosis, and then their treatment outcomes are not as good.

So, as a physician, I can tell you that ObamaCare is going to cause people to have to wait for all treatments, wait for the diagnosis, and they're going to have poor outcomes. So it's going to hurt everybody.

Mr. AKIN. And "poor outcomes," that's doctor's talk for you're going to die, isn't it?

Mr. BROUN of Georgia. Well, that's correct. There is going to be a greater percentage of people that are going to die because of it.

Mr. AKIN. Thank you, Madam Speaker.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Michigan (Mr. STUPAK) is recognized for 60 minutes as the designee of the majority leader.

Mr. STUPAK. Madam Speaker, thank you for allowing me time to speak on the floor on health care.

I couldn't help but listen to the last group, my colleagues on the other side of the aisle, talking about health care and calling it all kinds of names, about everything but what it is.

The health care in America, the bill that we're marking up, H.R. 3200, is America's Healthy Choice Act. There is no such thing as "ObamaCare." I guess we use that just to try to scare people, like much of the rhetoric I heard in the few minutes I was here.

I can't help but notice that the folks who were speaking on the floor were not in the committee of jurisdiction where H.R. 3200, the House health care bill, actually went through; those of us who spent months working on this legislation and over 2 weeks in committee considering amendments and making sure that this is a bill that actually helps America and all Americans.

As we Democrats look at health care, we take a little different perspective. My colleagues in the last hour said,

Well, if it ain't broke, don't fix it. Well, for the American people, health care is broken and it does need fixing. That is why we are bringing forth this legislation, H.R. 3200.

In fact, I have a picture here of a family from Colorado who actually came and testified—and I will talk more about them during this next 60 minutes—on their concerns. But these are the folks that we are trying to help: Average Americans who work hard, play by the rules, pay their bills, think they have good health insurance until someone gets sick, and then they are left financially ruined.

I sit as chairman of the Energy and Commerce Subcommittee on Oversight and Investigations. For the last 2 years, we've been taking a look at the private insurance industry. We have held hearings on the insurance industry's practices on nursing homes, long-term care insurance, Medicare Advantage that the group spoke of, and most recently, we've been looking at hearings on the private health insurance market.

The findings of these hearings really highlight the need to address the abusive practices, terms such as "rescission." That's when the insurance company takes a look at your insurance policy when you get sick and finds any excuse to rescind your policy. Or "purging." That's when the insurance companies for small businesses in particular, they jack up the price, because under Federal law, if you're a small business, they can't cancel you, so they jack up the price so bad that you can no longer afford it. It's called purging. Or the problem of uninsured, which millions of Americans are facing.

So in June, July, and August, we spent a lot of time looking at the most egregious practices found in the insurance industry: abuse of consumers, the practice of rescission in the individual insurance market, and, as I said, underinsurance.

Take a look at rescissions. Every night when Americans go to sleep—more than 45 million Americans do not have any health insurance—they do so with the nightmare scenario that if they develop a catastrophic illness or are unable to pay for their treatment, what happens to them? This fear causes many hardworking Americans who are not covered by an employer or government-sponsored health care to purchase an individual insurance policy. But those Americans fortunate enough to be able to even afford an individual policy—an individual family policy now is about \$13,000 a year. But if you're fortunate enough to be able to buy individual health care coverage, you're not immune from this nightmare scenario of health care, not having it there for you and facing financial ruin, and that's because of a little thing called rescission.

Let me tell you quickly about what happened to Otto Raddatz. Otto

Raddatz was a 59-year-old gentleman from Illinois. He owned a restaurant. He had insurance all his life. He was diagnosed with an aggressive form of non-Hodgkin's lymphoma. That's a cancer of the immune system. He underwent intensive chemotherapy and was told that he had to have a stem cell transplant in order to survive. He had insurance coverage. He said, no problem, my insurance will cover it. It should be provided by my individual policy.

He was scheduled to have the procedure performed, and the weekend before he was scheduled to have his transplant, the insurance company suddenly told him it was going to cancel his insurance. Otto could not pay for the surgery without his health insurance, and the surgery was therefore canceled because the hospital wasn't going to perform the stem cell transplant without payment.

The insurance company told him that it found out that when he applied—now, this is years later—he applied for his health insurance. Years later, once they found out he has to have this stem cell transplant, they go back and look at his application. On his application, the insurance company said it showed that he might have gallstones and he might have an aneurysm, which is a weakness of the blood vessel wall. In fact, testimony showed Otto's doctor never told him he had gallstones, never told him he had an aneurysm. Otto told the truth on the application, but the insurance company heard nothing of it. They said, You didn't tell the truth on your application; therefore, we're canceling you. The insurance company was going to rescind his policy, effectively tear up the contract as if it never occurred, and Otto would be left without a stem cell transplant.

Otto made a desperate plea to the Illinois State attorney general, and also his sister was an attorney. They went after that insurance company to reverse the decision. Here's what Otto said when he wrote to the insurance company:

"I was diagnosed with non-Hodgkin's lymphoma . . . It is a matter of extreme urgency that I receive my transplant in 3 weeks . . . This is an urgent matter! Please help me so I can have my transplant as scheduled. Any delay could threaten my life."

What did the insurance company say after that plea? Too bad. You falsified your application, even though Otto never knew he had gallstones or an aneurysm.

The Illinois attorney general launched an investigation, confirmed that Otto's doctor never told him about the test findings, and the attorney general sent two letters to the insurance company saying reinstate his policy. The company relented, Otto received his stem cell transplant, and he

was able to live 3 more years before he died earlier this year. Otto was one of the lucky ones. The attorney general went to bat for him, and his sister, who was an attorney.

In our Oversight and Investigation Subcommittee, we have looked into this investigation into the practice of health insurance rescission and the results are alarming. Over the last 5 years, almost 20,000 individual insurance policyholders have had their policies rescinded by the three biggest insurance companies who testified at our hearing. These 20,000 individuals lost their insurance because of some honest mistake, or they did what the agent told them to put on their application only to have the parent company rescind them when they got sick. They saved the insurance industry \$300 million. That's not counting all the follow-up tests. That's just what they saved by canceling these 20,000 people.

So these big insurance companies, like Assurant, UnitedHealth Group, and WellPoint, when we looked at it, here's what we found out:

These three companies, they conducted investigations with an eye toward rescinding in every case in which a policyholder submits a claim relating to leukemia, breast cancer, or a list of 1,400 serious or costly medical conditions;

they rescind policies based on an alleged failure to disclose a health condition entirely unrelated to the policyholder's current medical problem;

they rescind policies based on the policyholder's failure to disclose a medical condition that their doctors never even told them they had;

and they rescind policies based on innocent mistakes by policyholders in their applications. And they not only rescind for the applicant, but they will rescind the policy for the whole family, leaving all the family members without health insurance.

Our investigation also found that at least one insurance company, WellPoint, actually evaluated their employees' performance based in part, and put reward systems in, on the more you rescind, the more money you save the company, the bigger bonus you receive. In fact, the starting point was you had to save \$10 million for WellPoint and you got a pretty good bonus. You're rated on a scale of one to five.

These practices reveal that when an insurance company receives a claim for an expensive lifesaving treatment, some of them will look for any way, any excuse to avoid having to pay for it. This is eerily similar to what we found last year in our investigation on long-term health care insurance where sales agents for the insurance companies would sell policies to seniors and then change the policies once the enrollee was locked into a plan and making payments.

These insurance companies who engage in this rescission practice argue that it's entirely legal, and, in part, they are, but that goes against the whole point of insurance. When times are good, insurance companies are happy to sign you up and take your money in the form of premiums, but when times are bad, or if you happen to get diagnosed with one of these 1,400 different little characteristics they have in their computer program and you're afflicted with a cancer or some other life-threatening illness, that's the time when the insurance company is supposed to honor their commitments to you based on the premiums paid, and in your time of need they should be there to help you. Instead, some of the insurance companies use a technicality to justify breaking its promise at a time when patients are too weak to fight back.

I asked the three CEOs of these big insurance companies, I said, Look, we've had this hearing today. We've had extreme conditions where you've rescinded people who made honest mistakes on their application. Will you commit today that your company will never rescind another policy unless there was broad misrepresentation in the application? Every one of the insurance companies' CEOs said, No, we will continue the practice.

So that's one of the reasons why we need to pass comprehensive health care reform. Congress can and must curb this abusive practice, put an end to this unconscionable practice of rescinding people. We should not have caps on how much insurance has to pay or caps on how much you're covered. Coverage in your health care shouldn't depend on your ability to pay; it should depend on the illness you're suffering from, that you get proper treatment.

In H.R. 3200, our health care bill, there are no preexisting conditions. If you have a preexisting condition, you can't be denied insurance.

Last week, our subcommittee revisited the private health industry practices on underinsured. Let me just show you what underinsured is. Underinsured are people who have health insurance. Unfortunately, when they get sick, and because of high deductibles or copays or a limitation on policy, lifetime cap, or a limit on number of services or specialists you can see, when they get sick, their insurance is almost worthless. It doesn't cover anything.

More than one-quarter of adults under the age of 65 with medical bill burdens and debt were unable to pay for basic necessities. So, if you're one of the underinsured—and according to testimony, 116 million adults in this country, 42 percent, 116 million of them have problems paying their health care bills. Sixteen percent are unable to pay for basic necessities—food, heat, rent—because of medical bills. Another 39 percent used up all their savings trying

to pay their medical bills. Another 10 percent took another mortgage out on their house to try to pay for medical bills.

□ 1615

Thirty percent put it on credit cards. With the interest on credit cards, I don't know how you could afford to pay off your credit cards, let alone the interest on the credit cards. Sixty-one percent were insured at the time care was provided.

These people are uninsured because they can only afford to purchase a limited policy. Policyholders believe they have adequate coverage only to find out that there are limits buried within the fine print of that policy, such as caps. So, regardless of how you define this fragile financial group, the sad consequences of being underinsured can be devastating, leading to financial ruin, to bankruptcy, and to making medical decisions based on cost rather than care.

If you take a look at it, as the health insurance skyrockets, more Americans are finding they can only afford barebones policies. According to the Journal of the American Medical Association in 2007, they said 62 percent of all bankruptcies in the United States were related to medical costs. This was 62 percent of all bankruptcies. Of those bankruptcies in 2007, 78 percent of them had insurance. So, of all of the bankruptcies, 62 percent were related to medical costs, and 78 percent of those people actually had insurance. They were the underinsured. Many of them were well-educated, and they owned their own homes. They were the middle class. Unfortunately, they were underinsured, and their health insurance did not cover their medical costs.

The Commonwealth Fund reported and testified at our committee that more families are experiencing medical bill problems or cost-related delays in getting medical care. In 2007, two-thirds of all adults, 116 million people, who struggled to pay medical bills and who went without needed medical care because of cost, were uninsured for a time or were underinsured.

Let me show you this picture. This is Catherine Howard. She testified at our hearing. At 29 years old, Catherine had breast cancer and survived to tell her story. Being young and healthy, with a limited income and just starting out in her professional career, she chose a low-premium, high-co-pay health insurance that left her in financial shambles after her breast cancer.

At the time of her illness, she was earning just \$20,000, but at the time of her illness and when she got done, her outstanding medical bills were \$40,000. Catherine was unable to work through the surgery, through the chemotherapy and through the radiation for 2 years. So, when you put it all together, she was in a very tough financial situation.

To her credit, she did not declare bankruptcy. She survived her breast cancer, but she is paying \$1,800 a month on her medical bills.

Let me go back to the original picture. This is the Null family from Colorado. The young lady right there is Tatum Null. She was diagnosed with liver failure at the age of 7. David had bought health insurance, an individual family policy, to cover them in emergency situations.

He told the agent, I don't want one for the common cold. I need a policy that will take care of my girls and my family if something serious happens.

They sold him a policy. Then, while away on vacation, suddenly Tatum's kidney started shutting down, and they had to rush her to the hospital. They put her on life support. They told David Null, Tatum's dad, that she needed a \$560,000 kidney transplant. They looked at his insurance policy. The insurance policy would cover \$25,000 to \$30,000 in hospital costs.

They said to David Null, Before we can save Tatum's life with a transplant, you have to put down \$200,000.

His daughter is on life support. He is at the hospital. They find out their insurance policy is no good. They say you have to come up with \$200,000 or your daughter is going to die. What are you going to do?

Well, without really much of a hope or a prayer, David and the hospital officials got together, and they decided that if they could put David and the Null family on Medicaid, the government-run, government-sponsored Medicaid health care, the entire hospital bill would probably be paid retroactively. The catch is, once you go on Medicaid, you have to have low income. The Nulls could only earn \$1,614 a month; or they would lose their Medicaid coverage, which paid for Tatum's medication to prevent organ rejection and which can cost thousands of dollars each month.

Let me show you another person. This is Thomas Wilkes. His dad, Nathan, had an employer who provided health insurance with a \$1 million limit for each family member. \$1 million. Unfortunately, \$1 million doesn't go very far when you're 6 years old and when you're diagnosed with severe hemophilia.

Even though the Wilkeses paid another \$25,000 each year out of pocket, in just over a year young David here would go through the \$1 million cap on their medical expenses. The Wilkes family is now on their third insurance policy. They're bumping up against the cap, and he doesn't know what he's going to do for his son, who needs expensive medical treatment because he's a hemophiliac. He does not know how he is going to be able to afford his son's life-saving medical treatments, once again, when they hit the \$1 million cap.

Each of these individuals, the Wilkes family and the Null family, did what

they thought was right for their families. They purchased health insurance. They worked hard. They paid their premiums, but they're still left in financial ruin.

Each of us knows a family member, a relative, a friend who did not go to the doctor when sick or who skipped a dose of medication, who failed to fill a prescription, who intentionally missed a medical test or a follow-up appointment or who didn't see a specialist because he couldn't afford the service, the medication or the test he needed.

I would hope every American, as we debate health care, would take time to look at their own insurance policies and would really understand what medical conditions those policies cover or don't cover. What's your co-pay? What are your potential out-of-pocket expenses? Do you have a lifetime cap or are services limited underneath that policy?

In a couple of weeks, we hope the U.S. House of Representatives will vote on H.R. 3200, America's Affordable Health Choices Act of 2009, because H.R. 3200 does not allow the insurance companies to rescind your policies when you get sick. It does not have a lifetime cap on benefits. It puts a limit on what you have to pay out-of-pocket. It covers all Americans, and you can't be discriminated against because of preexisting injuries or illnesses.

Only with the passage of meaningful health care reform, then and only then will Americans not have to worry about how to obtain medical care for their families while remaining financially secure.

Yesterday, our subcommittee, again, did another investigation of the private insurance market. We focused on the challenges faced by small businesses. I said earlier that, in small businesses, you can't cancel. Once you have a small business, underneath the HIPAA provisions, you can't cancel. You're guaranteed a renewal every year; but insurance companies, because they feel they're not making enough money, can jack up their rates. There is no limitation on how much you have to pay.

Small businesses are really the cornerstones of the American economy. As one of them testified, when the businesses testified the other day, they really are the American Dream. Small businesses employ 59 million Americans, and they have created a quarter of our Nation's jobs from 1992 to 2005.

Our subcommittee sent documents to the six leading health insurance companies that all sell policies to small businesses across the country. We wanted to know how they set their premium rates and what some of the largest premium rate increases have been in recent years. Here is what we learned:

The insurance companies take advantage of lax State laws and regulations, and they purge out small businesses be-

cause they're unprofitable if someone gets sick. Because Federal law guarantees small businesses can't be denied insurance once they have it, they impose unpredictable, increasingly unaffordable premium increases. These unsustainable premiums force the small businesses to drop their health insurance because it's no longer affordable. Thus, a small business is really purged. Their premium increases are based on factors that are beyond the control of the small business, such as: every covered employee and their families, what are their health statuses? What's the size of the small business? What's the age? What are the genders of these employees? As a result of these discriminatory practices, small group premiums are subject to unpredictable and enormous increases. Here is what we learned:

In January 2008, one insurance company offered a 232 percent premium rate increase to an engineering services company in Kentucky. The number of employees in the plan had dropped down from eight to one, so its policy went up 232 percent.

This year, another insurance company offered a small technology firm in Georgia to renew its current HMO insurance policy with a 214 percent increase in their premiums. The basis for the rate hike was that the average worker in the firm had become older because they had laid off so many younger workers, and most of the workers were going to be female. The size of the company decreased, and the workforce was older.

By the way, if you're in a small business, you pay more for female workers than you do for male workers.

These large annual premium increases can devastate these small firms. Businesses are struggling to stay afloat in this economic downturn. Health insurance costs consume even a greater portion of a company's profits, and they make it harder every year to cover their employees.

Yet, even before the most recent economic downturn, the costs of employer-sponsored health insurance was the primary concern of small businesses. The average family premium for a small business, if you're going to cover your family, is nearly \$13,000. That has gone up 123 percent since 1999. Meanwhile, the median family income only grew 29 percent. Because of these high costs, nearly a quarter of all small businesses are making difficult decisions on whether or not to provide health care. Small businesses are shouldering a greater burden of the cost.

Over the last 10 years, workers' contributions for health care premiums have doubled while their deductibles have greatly increased. Less than 50 percent of the smallest firms, those with fewer than 10 employees, offer coverage. As a result of reductions in

small group coverage, more than half of all small businesses in 2007 were uninsured or underinsured. It's clear that the high cost of health insurance is crippling our businesses.

You know, when we take a look at small businesses and at the group that testified before us this week, one was a Mick Landauer. He is from Iowa. He owns a muffler and brake shop, and he has owned it for 30 years. He has shops in Iowa and Illinois. At his shops, he employs 11 workers. This year, he was quoted an increase in his premium of 42 percent. It went up 42 percent from last year. Mr. Landauer believes that the increase is due to his own congenital heart condition which has required three surgeries in the past and will require possibly more in the future. This year, instead of accepting the 42 percent increase, he negotiated with his insurance company that the deductible will go up.

So, if you're under a plan and if you're a single person, besides paying your monthly premium, your out-of-pocket cost is \$8,000 before you can access it. If you're a family, your out-of-pocket cost is \$16,000 before you can access the health care plan. Plus, you've got to pay your monthly premiums.

Now, next year, he's telling us his company can't afford this anymore. He wants to provide his employees with health insurance. He is probably going to drop himself off his business plan since he is the one with the congenital heart condition. He believes the right thing to do is to provide his employees with health care. He's trying to do the right things.

Mr. Bruce Hetrick is from Indianapolis. He testified the other day. He had 15 employees. His company has received double-digit increases every year from his health carrier, Anthem. His insurance plan also covered his late wife, who developed breast cancer. In her last year of life, she ran up bills of \$300,000. Unfortunately, she died. In that year, when his wife was so sick, they increased his health insurance by 28 percent.

After his wife passed away, since they were still in that policy year, he asked Anthem, What will it cost now that my wife is no longer on?

They said, Instead of a 28 percent increase, we're only going to increase it 10 percent.

Then there was Fred Walker from St. Petersburg Glass and Mirror in St. Petersburg, Florida. It is a company he started 15 years ago, and he has always offered health insurance because he wanted to have good employees. His carrier, United Health, has increased his premium rates every year, including a 14.6 percent increase this year.

To keep his business afloat during this downturn, he was thinking about dropping his health care coverage because he could no longer afford it. It was a 15 percent increase from last

year, and he just couldn't afford it. He was talking to his employees about it. One of his employees, the secretary, went to have a breast examination, and she found out she had breast cancer.

To his credit, Mr. Walker decided to do the right things, and he maintains the health care coverage for his workers and especially for his secretary so she can get treatment. To afford the coverage, they had to take out a plan which has a \$6,000 deductible. So, before you make any claim, you've got to pay \$6,000 out-of-pocket plus your monthly premiums. Because the group coverage was renewed, the secretary has been able to maintain some treatment for her cancer.

Again, we're going to vote on America's Affordable Health Care Choices Act of 2009, H.R. 3200. It contains critical insurance reforms that will end these abusive insurance company practices that we see. Under the bill, insurance companies can no longer rescind policies after people get sick based on minor mistakes or on technicalities. The bill prohibits an annual lifetime cap on coverage. You will no longer be denied insurance because of preexisting injuries, and insurers will no longer discriminate against small businesses based on how small they are or the health statuses of their workers.

□ 1630

We must reform health insurance so small business can compete and American businesses and families can be secure.

In the Energy and Commerce Committee we had the main jurisdiction on the health care bill and spent months looking at it. These are just some of the examples we found and why we need health care. When my colleagues on the other side of the aisle talk, well, it ain't broke, don't fix it. For the American family, health insurance is broken. We do need to fix it.

My friends were saying on the other side of the aisle, we need more competition, we need more choice, you need more choice. Our investigation again shows, there really is no choice.

The market share for large insurance companies by largest health plans in the State, the darkest States, there's only two health plans to choose from, not a lot of competition there. In these lighter blue, it's 70 to 79 percent are covered, like my home State of Michigan, by just two of the large health insurance plans.

Where is the choice? Where the competition? How do you drive down these costs when there is no competition. Actually, there are really only about six main insurance companies, there are about 1,300 of them on the books, but they are owned by about six of the major companies that we talked about here tonight, the lack of competition.

But these are the faces that we are fighting for every day when we try to

look at health care. These are the people that we are trying to help out. Like Thomas here, through no fault of his own, a hemophiliac, in just over a year his dad plows through their policy, \$1 million, that is the cap on it and they go through it within about 14 or 16 months. They go through it. Who is sticking up for these people?

Take a look at some of the things, here is one I like looking at, what we have found. Look at this. This is a joke in one of the magazines, one of the newspapers here. It's not really much of a joke for the American people though. Here is the guy who is sick. He has got his oxygen mask on. He has got his denied paper here.

It must be rescinding his individual policy. It says, "Denied." Why? "Look, it costs us nearly \$120 million in deceptive ads to fight health care reform, so there is not enough money left to pay for your stupid little claim."

It's a joke, but it's really not for people who have their insurance policy rescinded. It's really not for the small businesses who are seeing 30, 40 percent increase each year. It's really not for the underinsured who pay their premiums and then they don't have enough money to cover their medical costs.

It's really talk about \$120 million in deceptive ads to fight health care. They are spending over \$1 million a day on ads to defeat H.R. 3200.

I hope that the Members of the House of Representatives will remember people like Thomas here or like Tatum or these families who play by the rules, work hard, pay their premiums, and, when they get sick, are abandoned by the health insurance industry. That's why we need health insurance reform in this country. That's just one of the many reasons.

It's one of the reasons why we hope to have a bill on the floor later this month or early in November so we can vote on this.

We have to bring back some sanity to this health insurance industry. We have got to end their abusive practices, and we must make sure that all Americans and their businesses are secure, not only in their health security but also financially secure as they try to do the right thing, play by the rules, work hard, pay their insurance. Let's make sure there is coverage for them when they get sick.

Mr. WAXMAN. Mr. Speaker, the premise of health insurance is that if you buy a policy, and then get sick, your insurance company will protect you.

But what we heard at the committee's hearing last week on underinsurance—and what we have been hearing throughout our investigations of the private insurance industry—is that that is not how the system works. In reality, we have learned, private health insurance companies have become expert at collecting premiums and then, denying claims.

Our witnesses on Thursday were normal people who had done the right thing and had

bought health insurance. But each of them found that, when they needed coverage the most, their policies came up short.

We heard from Nathan Wilkes, who had an insurance plan through his employer. Then, his son, Thomas, was born with hemophilia, an expensive and life-long blood-clotting disorder. Thomas is six years old now, and thankfully, his condition is well-managed. But, he has already exceeded the million-dollar lifetime caps of two separate insurance plans, and the Wilkes' current plan has a \$6 million cap that Thomas is sure to meet soon. As Mr. Wilkes put it, the insurance companies have turned the hourglass over on Thomas again—this time with just a little more sand.

Catherine Howard testified about how, as a healthy 29-year-old, she bought a basic policy that she thought would protect her if she fell while snowboarding. When it was discovered that she had breast cancer, Ms. Howard found out that her plan asked her to pay 30% of the cost of treatments, like radiation, that she needed to survive. Though she feels lucky to be alive, Ms. Howard's coinsurance payments put her into deep debt that she continues to pay off to this day.

David Null bought what he thought was a catastrophic coverage plan. But when catastrophe struck—and his daughter, Tatum, needed a liver transplant—he found out that the plan had a lifetime cap of \$25,000. The Nulls were saved from crushing medical bills only after Mr. Null's small company turned away business so that the family's income was low enough to qualify for Medicaid, which covered the surgery retroactively.

These stories are not unique. In 2007, there were 25 million underinsured Americans, up 60% from 2003. Underinsurance often causes debilitating medical debts, and a recent study found that 62% of all personal bankruptcies are medically related.

In recent years, insurance companies have been asking Americans to pay more, but are providing them with less. In the last decade, the average cost of a family's premium has risen 131%, but average wages have risen less than a third of that. At the same time, insurance companies are imposing more limits on what their policies will provide. Some policies, like the Nulls' or the Wilkes', have caps that limit the amount the insurer will pay in a lifetime, or a year. Other policies have expensive co-insurance provisions, like Ms. Howard's, that overwhelm the policyholder.

And caps and coinsurance are just some of the problems people face in the private insurance market.

This past summer, our committee held a hearing on the health insurance companies' practice of rescission. This is when insurance companies attempt to cut costs by cancelling policies after people get sick and make claims. The companies go back through their policyholders' application forms, looking for any tiny mistake or omission for an excuse to cancel the policy and deny coverage.

Rescission is unconscionable because it cuts policyholders loose when they need coverage the most. But even worse, when we had insurance company executives sworn in before our committee, we asked them if they would commit to ending the practice of rescission except in cases where the policyholder

had intentionally hidden a health condition. The executives refused to make that promise. I think that speaks to the insurance companies' motivations.

Just yesterday, we held a hearing on the small group insurance market. We found that insurance companies sometimes raise small businesses' premiums an astronomical amount—up to 250% in a year—based on factors like the ages and genders of employees, if a single employee had made a large claim the previous year, or if the business had too few employees.

What is so disappointing in our examination of these issues is that, even where small business owners want to do the right thing for their employees, and provide them with access to quality health care via insurance, industry practices and policies today punish their desire to provide proper benefits for their employees and their families. This is wrong, and this is why we need health insurance reform in America.

Indeed, what all of this shows is that the private insurance system is broken. The way insurance is supposed to work is for the insurance companies to spread risk among their policyholders so that, while most people will remain healthy and cost little, the company can pay when other policyholders get sick.

But schemes like rescission, preexisting condition exclusions, lifetime caps, and the way companies are gaming the small group market show that private insurers are not interested in spreading their risk. Rather, they want no risk at all. The companies are happy to insure healthy people who will pay premiums and make few claims, but they want to exclude, rescind, or purge anyone whose health care costs they might actually have to cover.

Well, that's not how health care works.

The House reform bill, H.R. 3200, would restore the proper balance to the health care system. It would end rescission, preexisting condition exclusions, and lifetime caps. It would place limits on out-of-pocket costs and create a required basic set of benefits so that people know what they are signing up for, and so that they will get what they need. And it would prohibit the problems small businesses face in terms of discrimination based on gender and group size, and in terms of lack of choice.

At Thursday's hearing on underinsurance, Mr. Null told the committee that to him, the biggest tragedy that came out of his daughter Tatum's liver failure was not his family's resulting financial hardship. It was that, under the current system, Tatum's preexisting condition limits her future. He said, "When she asks me what she should be when she grows up, I can't tell her the same thing that you probably tell your kids. I can't tell her she can be anything she wants, and you guys need to fix that for me."

On Thursday, I looked at Tatum and told her that if we enact health care reform legislation, neither her future, nor anyone else's in America, will be hindered by an inability to get health insurance. Please join me in that promise.

GENERAL LEAVE

Mr. STUPAK. Mr. Speaker, I ask unanimous consent that all Members

have 5 legislative days in which to revise and extend their remarks and include extraneous material on my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

REPUBLICAN ALTERNATIVES TO OBAMACARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. BROUN) is recognized for 60 minutes.

Mr. BROUN of Georgia. Mr. Speaker, it is a pleasure to come and talk about health care tonight. I expect other physicians to come and discuss this extremely important issue to the American people.

We keep hearing over and over again from our Democratic colleagues that Republicans have no alternatives. Well, we have got a bunch of binders here. Each one of those contains a Republican alternative to ObamaCare that the Democrats are proposing.

As the staff brings these forward, every single folder is a Republican plan. Every single folder is a different Republican plan. Every single folder offers suggestions and solutions to the cost of health care for all Americans.

Almost every one of those folders, if not every one of them, we could get bipartisan agreement on, if any of these bills would ever see the light of the day. Let me repeat that. I believe that we could get bipartisan agreement on most, if not all, of these Republican bills that will affect health care costs for every single American and will offer some solutions to Americans' concern about the rising cost of health care.

It's untenable that health care costs are rising like they are today. It's unsustainable the way health care costs are rising like they are today. But we ask why. Well, there are many reasons why.

I have practiced medicine in Georgia for almost four decades now. I am a general practitioner, a family doctor. I have seen in my medical practice the marked amount of government intrusion and how it runs up the cost of health care.

I will give you a good example, Mr. Speaker. When I was practicing in rural south Georgia, I had a small automated lab with quality control to make sure that the results I got from my lab were accurate, because I wanted to give good quality care to my patients.

Well, Congress passed a bill called CLIA, the Clinical Laboratory Improvement Act, which outlawed mine as well as every doctor's lab in the country. Prior to CLIA, if a patient came in to see me with a fever, red sore

throat, white patches on the throat, coughing, runny nose, headaches, aching all over, I would do a CBC, or a complete blood count, to see if they had a bacterial infection which needs an antibiotic treatment, or a viral infection, which is not helped by antibiotics. The patient doesn't need to expend the money on those antibiotics and doesn't need the exposure with the possible side effects and the consequences of being on the antibiotics.

I could do that test, CBC, in 5 minutes. It cost 12 bucks. CLIA shut my lab down. I had to send patients over to the hospital across the way. It took 2 to 3 hours and cost \$75 for one test. The test goes from 5 minutes, 12 bucks, to 2 to 3 hours, \$75, for one test.

Now, the American people, if they look at the math there and just extend it over the course of everything that comes into play in the health care financing in this country, would see that the health care insurance costs went up for everybody because of that one government intrusion into my office and my ability to give the kind of quality care that I am trained to do and that I want to do.

Another example, Congress not long ago passed HIPAA, the Health Insurance Affordability and Accessibility Act. The HIPAA bill has cost the health care industry billions and billions of dollars, billions of dollars. That's passed on down through the insurance companies and through pricing to the consumers.

It has to be, because people have to make a living. It has cost the health care industry billions of dollars and has not paid for the first aspirin to treat the headaches that it has created. It's government intrusion into health care. That's what's caused a marked rise in the cost of care.

Mr. Speaker, let me tell you something else where this bill that is being written in darkness or in secrecy now by the Speaker, we don't even have the bill that we are going to see here on floor, if we ever see one, because it's being written in secrecy.

Democrats nor Republicans can see the proceedings. We can't put any of our ideas into the writing of that bill. It's being hidden from all of us. It's being hidden from the public view, and that is not right.

We have been promised transparency by this Speaker, but we have had everything but transparency and fairness. Both of those things were promised, but we are not getting them.

The bill that Speaker PELOSI is going to present at some time, whenever she takes a notion to do so and gets it finished, that she is writing in secret currently, is going to have a tremendous amount of more intrusion into people's lives. Experts tell us that it's going to cost millions of people their jobs.

In fact, in my home district of Georgia, I have talked to small businessmen

and women that tell me if the mandates that we already know in H.R. 3200 are put in place or the mandates that the Senate bills—that are already being written in secrecy also on their side—but the mandates that we know that they want to include in those bills will cost millions of people their work and put people out of work. Why? Because they are mandates on small business that small business is going to have to either not hire people or they are going to have to let people go.

In fact, I have talked to small businessmen and women, and they tell me that with the 8 percent mandate that's in the House bill that's going to fall upon them if they don't supply health insurance for their employees, it's going to put that business out of business. Millions of people in this country are going to lose their job with ObamaCare. The American people need to understand that, Mr. Speaker.

Not only that, it's going to be extremely expensive. We don't know what the ultimate cost is because we haven't seen the bill. Nobody can see it except for the few handpicked minions of the Speaker and the majority leader of the Senate. We don't know how much it's going to cost, \$1 trillion, \$2 trillion, \$3 trillion.

We know this, Mr. Speaker: When Medicare was brought into being, the cost estimates of Medicare missed the mark terribly. Medicare has cost many, many times over what it was projected to cost by the Congressional Budget Office. I think that's exactly what we are going to see with us today.

Congress, Mr. Speaker, is spending money that it doesn't have. We hear people over and over again say, well, government will provide free health care for me. There is nothing that's free, Mr. Speaker, and health care is not going to be free. Who is going to pay for it?

Mr. Speaker, our children and our grandchildren are going to pay for it. It's going to cost them their livelihood. It's going to cost them their standard of life, their standard of living, because they are going to live at a lower standard than we do today because of this outrageous spending that this Congress and this President have been doing since January.

□ 1645

It's got to stop, Mr. Speaker. The American people need to understand exactly what ObamaCare is going to mean to them. It's going to cost jobs. It's going to cost our children's future. And seniors need to know that it's going to cost them tremendously.

In the nonstimulus bill, and I call it a nonstimulus bill because where are the jobs? The President promised us that if we passed his stimulus package, we would not reach an 8 percent unemployment. Well, it's approaching 10 percent. In my district in Georgia, in

many counties, it's nearing 14 percent. In many communities around this country, it's even higher than that. I have already said that ObamaCare is going to put more people out of work. We are going to have more joblessness throughout this Nation.

We cannot continue to spend. You cannot spend yourself into prosperity. It's impossible. And that's exactly what we seem to be doing. In fact, the President came to the Republican Conference when he wanted us to vote on his stimulus package, and he said he wanted bipartisanship, which is laudable. But then he went on to say he wanted bipartisanship but we needed it and must vote for his bill. He didn't want any input from us.

He's said that his door is open for Republican ideas on health care, but he won't listen to us. We've tried and tried, but he doesn't listen, because with the President, with the Speaker and the majority leader, it's their way or no way.

In the nonstimulus bill, there was funding for what is called comparative effectiveness research. And in medicine, as a doctor, what we'll do is look at comparative effectiveness of different treatment programs. We will decide, for instance, for prostate cancer if surgery alone is more effective than radiation therapy alone or chemotherapy alone. And we will compare the effectiveness of those treatment modalities, those treatment options, or maybe surgery plus radiation, surgery plus chemotherapy, surgery plus all three. This is what we do in health care. This is what we do in medicine today. We compare the effectiveness of treatments: one medicine for high cholesterol versus another medicine for high cholesterol; one medicine for diabetes versus another; one medicine for high blood pressure versus another. We do this comparative effectiveness. But that's not what the Democrats put into the stimulus bill with their comparative effectiveness research. And in the new bureaucracy created by ObamaCare here in the House, there is a comparative effectiveness panel that is going to make decisions about seniors and what they can get in the way of treatments, medicines, surgeries, everything. And it's going to be age related. So they are going to use an age-related cost comparative effectiveness of looking at spending dollars, not treatment outcomes, not whether one treatment saves lives over another, but how to best spend the limited dollars that the Federal Government has.

We don't have unlimited dollars, Mr. Speaker, and we cannot continue to print dollars like we're doing today. It's got to stop. We've got to stop printing money. We've got to stop borrowing from our children's future. We've got to stop this outrageous spending, Mr. Speaker, and we've got to give people choices.

Republicans have offered many bills. Over 40 Republican bills, alternatives to ObamaCare, to H.R. 3200, have been introduced in the U.S. House of Representatives. Each folder contains a separate bill. Republicans are offering folks in this country options, options to lowering the cost of health care, options to make sure that patients have the ability to choose their own doctor, and that in that doctor-patient relationship, that's how health care decisions are made, not by some bureaucrat that H.R. 3200, ObamaCare, is going to put between the patient and their doctor.

In fact, just today, I introduced my own bill. It's in this stack, one of them. Mine is a little over 100 pages. By the way, I have read my own bill. I doubt NANCY PELOSI ever read her own bill. But I read my own bill. We call it the OPTION Act. The OPTION Act stands for "Offering Patients True and Individualized Options Now Act." My bill will make the purchase of health care more affordable to more people because it drastically expands the individual markets available for all of us and gives us many options.

Right now, most people in this country only have one option, and that's the insurance that their employer provides to them. About 85 percent of America has that one option. Medicare and Medicaid patients only have those two government options, one each. Also my bill increases pooling options. What my bill will do is it will allow what we call associations to be formed, if they are not already there, to offer health insurance to their members. For instance, I'm a Rotarian. Rotary International could have one or more health insurance plans that they offer to all Rotarians and Rotarian families around the country. I'm also an alumnus of the University of Georgia. We can have a UGA health care option that people could buy into. I'm a hunter. I'm a fisherman. We could have a hunters' option and a fisherman's option. We could have a bricklayers' option and a carpet layers' option. This will increase the options and thus increase the marketplace for all Americans. And the more options you put on the marketplace, the lower the cost is going to be. Plus, it will help to drive down some of these outrageous salaries that the insurance companies are offering their executives.

Mine will lower the overreaching cost of health care for everyone through the tax system, because what my bill will do is give 100 percent tax deductibility—let me repeat that—100 percent tax deductibility for everybody for every health care expense. And this is above a standard deduction. So it will allow an income tax deduction on all health care premium costs for everybody. It will allow individuals to make tax deductions to any health care expense, including their expenses that

are funded through a health savings account.

My bill markedly expands the health savings account and gives people the ownership of that where they can turn their health savings account into their estate so that their beneficiaries, their family, will receive the benefits. In fact, it even creates a Medicare health savings account and allows Medicare patients to buy health insurance, private health insurance, on top of the health savings account. It gives them ownership. It will be funded through Medicare. But it will be such that they will own that, and that will go into their estates, too, if they don't spend all the funds.

The AARP can, for instance, sell them supplemental insurance on top of their Medicare health savings accounts, and all the insurance companies will be able to continue to do business. But it creates a marked amount of market forces in the health care field.

My bill will also repeal and reform the barriers that currently exist for physicians to donate their services to people who don't have health insurance or can't afford to pay for their health care. And many others things are in my bill, H.R. 3889, the patient OPTION Act.

Republicans offered many alternatives. The American people, Mr. Speaker, need to know that what they hear from our Democratic colleagues, that Republicans don't have a plan, is absolutely false. It's trying to mislead the American people. And the American people should call them on that and say shame on you for making these outrageous statements because they know it's not factual.

We have many plans. I have been joined tonight by several other physician colleagues here in Congress. We are offering many alternatives. Another family doctor is a freshman who has been very vocal in this from Shreveport, Louisiana, Dr. JOHN FLEMING.

I welcome you, Dr. FLEMING, to this discussion tonight. I know you have a lot to say, and I will yield to you.

Mr. FLEMING. I thank the gentleman, Dr. BROWN from Georgia, whom I consider a mentor of mine, a family physician who has preceded me into Congress. And it's important that we physicians speak out on this important issue. We've come to a point now where the Democrat version of this, or versions I shall say, are about to be put together and put to a vote. And I think that we have an idea about what's going to come out on the other side of this, whether it's a hybrid or some sort of combination or one or the other, the Baucus bill, which mainly emphasizes increased premiums, taxes on health plans, on medical devices, if you will; and then on the House side, a plan with a so-called robust public option which

we know to be a very robust takeover by the government of health care which will lead to a number of taxes.

Every one of them finance this program basically in two ways: one, raising taxes or a cost on premiums or both; and the other is gutting Medicare to the tune of a half trillion dollars. On top of that, it gets a running start by taking in revenue for about 3 years before actually spending it on anything to, again, cook the books and make things look better. And then on top of that is an impending decline in reimbursements to physicians of 21 percent in their Medicare reimbursements, which, again, adds another \$250 billion of cost on this, which can be hidden. They're trying to hide it, but it's not successful.

Mr. BROWN of Georgia. I want to reclaim my time just 1 second because there's an extremely important point, Dr. FLEMING, you just made, and I think the American people need to understand that. So I would like for you, if you would please, to repeat the statement that you just said, and then I want to ask you a question about that statement, if you would. Please repeat that statement.

Mr. FLEMING. That at the end of the day, this thing is going to be financed by a combination of increased premium costs—significantly increased premium costs—or taxes or both, and gutting Medicare to the tune of a half trillion dollars, and on top of that, another \$250 billion of impending cuts to the tune of, at this point, of 21 percent, if not greater, to physician reimbursement, which if it ever goes into effect will basically collapse the Medicare market and accessibility of care to physicians.

Mr. BROWN of Georgia. The physician reimbursement rate is the point I wanted you to really focus upon, Dr. FLEMING. I know you've talked to a lot of doctors in Louisiana, just like I've talked to a lot of our physician colleagues from Georgia, and really from all over the country. The doctors' reimbursement rate is what doctors are paid. That is now below what it costs them to deliver the care. I think most physicians would agree with that, wouldn't you?

Mr. FLEMING. Absolutely. It's only a fraction of the real cost.

Mr. BROWN of Georgia. Then if doctors are cut more, that's through Medicare and Medicaid today, if doctors' payments are cut even more, what's going to happen to a senior's doctor who is out there trying to take care of folks now and being underpaid by Medicare? What do you think is going to happen? What is the doctor's response going to be? What does it have to be?

Mr. FLEMING. Again, to look at the fundamentals of economics, today doctors are paid on average 80 percent of the cost of the care they provide. The rest is made up on private insurance. And if you cut that further, then physicians will find not only can they not

break even on providing care to Medicaid recipients, they are going to lose money. And they can't afford to do that. They can't make payroll. They can't pay their light bill, their rent and so forth if they can't make enough money from their patients.

So the bottom line here is the basic dishonesty of this bill. It says that a half trillion dollars will be cut out of Medicare and it's going to come out of fraud, waste and abuse. After 40 years, no one has been able to figure out how to do that. No one advances a methodology for doing that today. And so if you add already the fact that physicians are paid less than their costs, an impending cut of 21 percent of their reimbursement and perhaps more in future years, and then another half trillion dollars, which is going to go against them and hospitals, what we're basically doing is telling seniors, Forget it; we're taking your health care, and we're giving it to other people.

□ 1700

Mr. BROUN of Georgia. That is right, and that is what the Cost Effectiveness Panel is going to tell seniors is you just can't get that surgery, you just can't get that test you need. But doctors are going to quit seeing Medicare patients is what is going to happen. I have talked to a lot of physicians. So seniors particularly are going to lose, because they are not going to get the medical services that they need to keep them healthy and keep them living, plus they are going to lose their doctor that they have trust in today.

In fact, in some communities, some patients have difficulty finding a doctor who will take Medicare, and a lot of communities, even in my own community, patients are having a hard time finding a doctor that will take Medicaid, or PeachCare, which is the Georgia SCHIP, State Child Health Insurance Program payment.

Doctors are going to be forced to abandon their acceptance of these patients. They want to see these patients, but they are not going to be able to do so because of the economic squeeze upon the doctors. Right now doctors are being paid less than what it costs them to actually give the service.

Mr. FLEMING. If the gentleman would yield, I would like to extend that another step. Remember that I said earlier the only way doctors are making it now is that private insurance is making up the difference, it is making up the gap, on average \$1,800 per family per year that is insured.

Mr. BROUN of Georgia. That is not fair either to the private side.

Mr. FLEMING. No. Absolutely. What this bill will do is not only gut Medicare and reduce the reimbursements to physicians already, but it is going to deliberately push people from private insurance, because this so-called competition is going to be an artificial

market, which is really a low-ball, and it is going to force employers to push their employees onto this. So you will see Medicare enlarging. And when I say that, I don't necessarily mean in a generic way.

Just today, the Democratic Party released a trial balloon, saying, well, instead of calling it a public option, let's call it Medicare for everyone. Every physician will be paid at the Medicare rates for all these new patients.

So what you have in the end, just to summarize, is a growing Medicare pool or universe and a shrinking private insurance, which will drive insurance costs up steeply, and you will be left with basically a collapsed private insurance market.

Mr. BROUN of Georgia. That is the reason we know that millions of people are going to lose their private health insurance, because they are going to be forced off of it and forced into this so-called public option, this government, bureaucrat-run, socialized health care system. And we already see we have several government, bureaucrat-run health care systems, Medicare being probably the most notable one, which is already rationing care.

It tells me as a doctor and you as a doctor when we can put a patient in the hospital or not and how long they can stay there or not, whether they can get a medication or other types of treatments or not. And they want to put everybody in that kind of system? I think not. That is not what is in the best interests of the American people. The American people need to understand this.

We have also been joined by another good friend of mine, also from Louisiana. We are blessed in the Republican Conference with three excellent physicians from the State of Louisiana. Dr. BILL CASSIDY is a gastroenterologist, and he has been working in a public hospital for years and taking care of patients that have had problems with health insurance.

Dr. BILL CASSIDY is one of the sages of the freshman class and an excellent physician from Louisiana. We are blessed to have him here tonight, and we are blessed to have you, Dr. CASSIDY, in the Congress to help us discuss the issues about health care finance reform.

This whole discussion is not about health care reform. We have got the best health care system in the world. Some of the Democrats will refute that statement, but, factually, people come from all over the world for our health care because it is the best in the world.

Dr. CASSIDY, thank you for joining us tonight. I will be glad to yield to you for a while.

Mr. CASSIDY. Thank you, Dr. BROUN. I am pleased to be here.

Let me start off by saying I actually totally agree with our Democrat colleagues on the goals of health care re-

form. We have to control costs. By doing so, you can create access to high quality care.

As you mentioned, I have been working in a hospital for the uninsured for 20-something years, a public hospital in Louisiana, part of our safety net system, so it occurs to me that I know firsthand the need to control costs. In our budget, there is a fixed budget, if you will. If we exceed that, then we don't have the ability to provide more access. We do have to form those long lines. And I kind of applaud the President because he recognizes the need to control costs.

For example, he has more than once said that the price of failure is that costs will double over the next 10 years. In fact, I think the President has said that without his reforms or the reforms he agrees with, that we know that the costs will double over the next 10 years and they will be out of control. I think he recognizes that cost control is one of the three legs of the stool. Again, we must control costs in order to ensure access to high quality care.

But we on the Republican side, I think, have continually pointed out that his programs will lead to higher costs, not lower costs, and that is of concern to me, who has worked in a public hospital, that knows that once costs are out control, then you inevitably have a decrease in access.

I was struck today that there is an independent article that just came across the Associated Press that under the proposed overhauls, the U.S. health care tab would grow. That is the headline. And this is an analysis by the Health and Human Services Department looking at the impact of H.R. 3200 upon overall health care costs.

Mr. BROUN of Georgia. Tell me it is not so. It is going to go up? The health care costs are going to go up?

Mr. CASSIDY. You know, in one sense, in one sense it is almost humorous, and in another sense, it is almost tragic. Because what we have been saying all along is that under these proposals, costs actually go up, and we know in our practice when that cost goes up, inevitably there is some sort of squeeze-down on people's access to high quality care.

By this, which is an independent government economist, this is the Medicare Office of the Actuary, it says that the report found that health care would account for 21.3 percent of the U.S. economy in 2019 under these reforms, slightly more than an estimated share of 20.8 percent of the economy if no bill passes.

Additionally, it says that with the exception of the proposed reductions in Medicare, the legislation would not have a significant impact upon future health care gross costs. It adds, it is doubtful that the proposed Medicare cuts will stay in.

What we are seeing is that when the President says that reform must be done or costs will double, indeed, under their reform plan, costs more than double.

Another report by the Congressional Budget Office suggests that under the reform plans before us, including the Senate Finance Committee, that the rate of inflation will be 8 percent per year. That is compounded. That more than doubles costs. At a minimum, reform should not be more expensive than the status quo if cost is the issue.

So, Dr. BROUN, I want to return, I think you are right on when you spoke earlier about your bill, and, of course, I am a cosponsor of H.R. 3400, which includes things such as Health Savings Accounts, that actually can bend the cost curve.

I was speaking to a woman back home who does small group insurance. I called her up and I said, If you have a family of four with an HSA and a wraparound catastrophic policy versus a family of four with the traditional insurance policy, what is the rate of inflation?

She said, Well, with the Health Savings Account and the wraparound catastrophic, about 6 percent per year. Now, that actually begins to bend the cost curve down. She said, though, for the traditional insurance policy, it is more along the lines of 9 to 11 percent per year.

So I think what we in this delegation, this conference, have found is that if we empower patients, if we do what a Health Savings Account does, which is take a portion of that health insurance premium, puts it into an account, and if the patient has money left over at the end of the year, it belongs to the patient, she can roll it over into the account the subsequent year, as opposed to a program which empowers government, which is a top-down, central planning Medicaid-Medicare type of program, which, as good as they are, nonetheless have inflation rates which are higher than the inflation rates for even traditional insurance policies. If we go with the patient-empowered process, we control costs. If we go with the same paradigm as this report states, we actually increase costs, the kind of government paradigm.

If I can defer to my colleague from Shreveport, Dr. FLEMING actually has a very nice story about how they brought Health Savings Accounts into their small group and indeed lowered costs.

Mr. FLEMING. I appreciate your yielding for a moment.

Absolutely true. Apart from being a family physician for over 30 years, I have owned small nonmedical businesses for a number of years, over 20 years, and we ran into this same escalation problem, 9, 10, 12, 15 percent, really, per year. Finally we said, What can we do to resolve this? And the

Health Savings Account had been enacted again by the Republicans just shortly before that, and I studied it.

I used my background as a physician in the economics of medicine and I said, You know what? This, in effect, connects the patient, in this case me and my employees, back to the real cost of care. It should have a remarkable impact bending the cost curve down. We didn't use that term then because it hadn't been used. But to make a long story short, we implemented it. We are about 7 years down the road now, and our net increase in inflation cost has been less than 3 percent per year.

Mr. BROUN of Georgia. That is outstanding.

Let's go back to something we said with both of you, Dr. FLEMING as well as Dr. CASSIDY. H.R. 3200, the Pelosi-ObamaCare bill, is going to raise overall costs of health care in this country. It is not going to lower the cost; it is going to raise the cost. Not only do we have this administration estimate that it is going to increase the cost, but even CBO said it is going to increase the cost. CBO said it is not going to cover everybody.

Mr. CASSIDY. CBO, if I may, the Congressional Budget Office, because I find sometimes we get used to these terms, but the independent arm of Congress that evaluates the fiscal matters, if you will, whether or not something costs more or less or is just right, the Congressional Budget Office says the rate of growth will be 8 percent per year under the plans before us from the House Democratic leadership and the Senate Finance Committee, and that more than doubles costs in 10 years.

Mr. BROUN of Georgia. Absolutely. So it is going to cost more money for everybody, and it is going to cost jobs. Millions of people are going to be put out of work by the ObamaCare bill. And we have got all these bills. Every folder has a different bill that the Republicans have introduced, many, many alternatives, that will lower the cost, let me repeat that, lower the cost for everybody and get more people on insurance.

We have also been joined tonight by another good friend, a freshman from Tennessee who has been very eloquent in telling us about the Tennessee experiment that is exactly the same experiment, the same program that NANCY PELOSI and Barack Obama and HARRY REID are trying to force upon the American public called TennCare. It didn't work in Tennessee and it is not going to work here. In fact, one of the definitions of insanity is doing the same thing over and over again and expecting different results.

We have already done it, haven't we, Dr. ROE?

Mr. ROE of Tennessee. Well, Dr. BROUN, we have. Let me say I was here this morning early, and I came to this

Congress, I practiced medicine, OB-GYN, delivered almost 5,000 babies, and I came to this Congress with a non-partisan background as the mayor of Johnson City, Tennessee. That was my political background. So I came here to try to help be part of this great health care debate.

How I started my time off was I brought every think tank that I could find—Brookings Institute, which is a left-leaning think tank, Heritage Foundation, Cato, AEI—into my office and sat down and listened to them and said, What is the problem? How do we define the problem of our country right now as far as health care is concerned?

One of them was escalating costs. How do we deal with that? How do we deal with the uninsured and how do we deal with preexisting conditions?

I think the thing that troubles most of us out there, and me as an individual, quite frankly, is if you lose your job, you lose your health care. That is something that everyone in this country fears, and certainly in a bad job market. So I thought about that at great length and brought some basic principles which we have, and I stood on the House floor this morning and heard three different individuals say that there were no other plans out there.

□ 1715

That is absolutely false.

Mr. BROUN of Georgia. Let me interrupt you and just say that we hear that over and over again. We hear claims from the Democrats that the Republicans don't have a plan. Look at all these bills. Every folder has a Republican bill in it. I have my own there. Many other Members, all these are Republican plans, Republican bills to help rein in the costs and give people more options.

Mr. ROE of Tennessee. Well, Dr. BROUN, if you'll yield back.

Mr. BROUN of Georgia. Yes, sir.

Mr. ROE of Tennessee. And I heard my good friends, Dr. FLEMING from Louisiana and Dr. CASSIDY, both mention this. But I looked at it, and I thought How can we make insurance portable? How do you affect preexisting conditions? If you have a large group market, you don't have a problem with preexisting conditions.

For instance, in our city, where I was mayor, it didn't matter. How did we handle a preexisting condition? We took everyone in. Everyone paid the same rate, and we bought catastrophic coverage in case someone had a leukemia or a cancer or a severe heart problem and covered that issue.

We also used prevention and wellness. And I can tell you there are four organizations in my community, in my area, that have had minimal health care increases in the last 4 to 5 years. How do they do that? Well, they change the incentives from consumption to wellness. And let's say you

came in and you were hypertensive and you had diabetes and you smoked and you were overweight. Well, we would penalize you financially for that. These organizations—and there are businesses there that have been able to hold their costs down—but if you changed and modified your behavior, we rewarded you for that and you would actually earn money by changing your behavior.

And guess what that's done? That's empowered the patient to be in charge of their own health care. And we hear all the time about insurance companies. And I can tell you right now, I'm not sitting here defending an insurance company. And you and I—I'm a surgeon, and I've spent as much time on the phone trying to get an insurance company to approve care than I actually do in the cases. But in our own practice we have about close to 300 people who get their care from our group, 70 providers, 300 or so employees.

What we did, and what I've done, is use this as a health savings account card. And what Dr. CASSIDY was talking about, so people understand how this empowers the individual, is this: so much money, whether it's \$2,000 or \$3,000 and you go buy first dollar. You're going to shop. I do. If I go get a scan, I want the best price. At the end of that year, if I don't spend that money, it goes into an account, as Doctor FLEMING said. Now, how many people in our group chose to use this? Eighty-four percent, instead of traditional accounts, they used a health savings account.

Mr. FLEMING. Will the gentleman yield on that?

Mr. ROE of Tennessee. Yes.

Mr. FLEMING. On the subject of health savings account—and you heard me say our experience was less than 3 percent increase in costs per year. And you point out that it's the employer's dollars that are going into that account, not the employees. It's pre-tax or nontaxed, really; and it's used at the employee's discretion.

Just a quick example: had a lady who, when we first implemented this, she said, Well, I'm a little concerned because this means that I'll have to pay out of pocket, meaning out of the health savings account for my medications for my respiratory problems. And I said, Well, what is it that you take and how much does it cost? And she says, Well, I use several inhalers. It costs me \$100, \$150 a month for medication. And I suggested, Well, why don't you stop smoking and you'll save money on the tobacco, and you can stop your inhalers, probably. And sure enough, she did: came back 3 months later and thanked me. She felt better. She had a lot more money in her pocket, and it all had to do with the health savings account.

Mr. BROWN of Georgia. Reclaiming my time, as a family doctor, it's al-

ways been a problem for me to get patients to comply with these wellness suggestions that I make that Dr. ROE is taking about. I talked to a hospital administrator in my district Monday, and he told me that their health insurance plan for their employees has a \$2,500 deductible. But what they put in place was, if a patient smoked, they would pay a \$2,500 deductible. If they have high blood pressure, they pay a \$2,500 deductible. Diabetes, if they didn't lose weight and control their sugar, they had a \$2,500 deductible for everybody.

But if you don't smoke, they'd give you a \$500 credit. If you controlled your blood pressure, they'd give you another \$500 credit. If you controlled your blood sugar, another \$500 credit. If you lose weight, another one. And people could actually, by doing these things that we all suggest to our patients to make them healthier, and make them less liable to expend health care dollars, people could actually get credits so they had no deductible. And if an employee didn't have those problems, then they didn't have the deductible because they were already under control, their blood pressure was controlled, their sugar was controlled, et cetera.

So going back to what Dr. ROE said, it was an excellent way of getting their employees to help take care of themselves and lower the cost for them as a company, plus it lowered the cost for all of their employees too. We've also been joined by my good friend, ROY BLUNT from Missouri; and we welcome you, Mr. BLUNT, anytime for, not only this Doctors Caucus Special Order, but you've got—you're very sage on these issues and I yield to you, sir.

Mr. BLUNT. Well, I thank the gentleman for yielding. It's good to be here on the floor with so many of our Republican doctors. When you're in a debate on health care, and you can say, Doctor, Doctor, Doctor, Doctor, you'd probably better be in a discussion on health care. And I want to say that our Republican doctors have really been doing a great job leading on this issue. Many of them were on the health care solutions group that I led and, you know, we haven't produced an 1,100-page bill or a 1,500-page bill. But there's lots of legislation out there that Republicans are for that would change health care in the right way and a lot of it that you as individuals are supporting as well.

And one thing I've heard, Dr. BROWN, all over the summer, throughout the summer and now into these early months of the fall, is why do we have bills that nobody can read, that nobody can understand and certainly, in health care? I suppose if you're on the other side of this issue and you're trying to come up with a health care plan that costs \$1 trillion, maybe it all has to work together. You have to have the

taxes, you have to have the mandatory insurance for every American, you have to penalize small businesses that don't create insurance for their employees, maybe it all does have to come together.

Certainly in our plan, you can take the bills that we're individually involved in and collectively involved in, for medical liability reform, nothing else has to pass for that medical liability reform bill to save \$54 billion. Nothing has to pass for our associated health association health plans bill to be out there and suddenly allow lots of people to have access to health care that they don't have right now. Nothing else that I'm for has to pass for fair tax treatment so that if you get your insurance on your own, you have the exact same tax treatment that the biggest company in America has if they give insurance to people.

So we've got lots of bills out there. There are Republican solutions. The biggest misleading thing said in this debate, which has lots of misleading elements to it, is you can either do what the administration wants to do, or you can do nothing. There are lots of choices between what the administration wants to do and nothing. They reform health care without devastating taxpayers. And that's what we're doing. And, again, nobody has been better on talking about the doctor/patient relationship and what you do to be sure that doesn't become the bureaucrat/patient relationship than our doctors, and I'm glad to be here on the floor with you and look forward to being part of this discussion for a few minutes.

Mr. BROWN of Georgia. Mr. BLUNT, I want to point out here we have all these folders here on the desk. Each one contains a Republican bill to help reform the health care financing. Every single one of these, these are all Republican bills that have been introduced in this House of Representatives. Not one will see the light of day if NANCY PELOSI wants to bury them as she has thus far. Every single one of these is a plan that I think we could get a lot of Democrats, if they would ever have the ability to look at them and consider them.

But it's unfortunate that this leadership is saying it's either the Obama way or no way. And then they come and literally lie about us not having a bill. Just this morning during Special Orders, Democrats came in and said we don't have a bill. Here they are. The American people need to understand that.

Mr. BLUNT. If the gentleman would yield, we have plenty of alternatives, and I'm absolutely confident that if you ask the American people would you rather have one 1,500-page bill—I actually heard today that the Senate bill, the Baucus bill, is over 1,500 pages. Would you rather have one 1,500-page

bill, or would you rather have 15 bills that were all less than 100 pages that you could debate one at a time, that you could change the system in a way that people understand exactly what you're doing, and that you don't devastate future generations with a health care plan that just simply can't be paid for when we have reforms that would create a lower cost of health care generally, lower cost of taxpayer-provided health care specifically, and not add to the Federal deficit.

And I know the answer to that, doctors. I know the answer to that and you do too. You all were at the town hall meetings. You've been on telephone town halls. And people are tired of bills where the answer, where the problem is hidden somewhere in the bill and nobody can find it. And believe me, if there's a 1,500-page bill, if this Congress stays true to form, there will be a 1,500-page substitute put on the table the day we're asked to vote on it, and nobody will have possibly had time to read it.

The bills right behind you are not only the Republican solutions to this problem, but they're also the way the American people would like to see this problem solved, and we're working hard to do that. We'd just like to have an opportunity to present these bills. We'd like to have an opportunity to have a hearing on these bills. We'd love to have an opportunity for these bills to be debated on the House floor. So far nobody's given us that opportunity at any level.

Mr. BROUN of Georgia. Thank you, Mr. BLUNT. I appreciate it and appreciate your chairing the task force to look at the health care from the Republican Conference side. We've also been joined by my dear friend and colleague, one of my mentors actually, Dr. PHIL GINGREY, OB-GYN from Georgia. He grew up in Augusta, Georgia, that I represent. He was slightly ahead of me in medical school at the Medical College of Georgia, and we're just very honored to have you, Dr. GINGREY. I yield to you, sir.

Mr. GINGREY of Georgia. Mr. Speaker, I appreciate my colleague, Dr. BROUN, for yielding and for controlling the time and my colleagues Dr. ROE and Dr. FLEMING. And plus we just heard, Mr. Speaker, from ROY BLUNT, former majority whip, long-term member of our leadership. And talking about wouldn't it be better to have fifteen 100-page bills that we could look at and study and understand and take up in a very deliberative manner rather than one 1,500-page bill, or in the case of the House bill, H.R. 3200, I think, Mr. Speaker, we're talking about maybe 1,200 pages.

But, again, you hear this over and over again, whether it's the Sunday morning talk shows or inside the beltway up here, people accuse even President Obama suggesting that we weren't

bringing him any good ideas, any meaningful ideas or, you know, the party of "no." Well, Dr. BROUN and I and others have spoken about we'll accept that accusation if you spell it correctly, K-N-O-W.

And those bills behind him, behind my colleague from Athens, attest to that fact. And probably my colleagues have already mentioned this. But just in our GOP Doctors Caucus, there are about 12 of us, and I was just looking at a list of bills on health care that have been introduced. Probably most of them are in those binders behind Dr. BROUN.

□ 1730

But Dr. BOOZMAN from Arkansas has three different bills, Dr. BOUSTANY from Louisiana—cardiothoracic surgeon—two bills; Dr. MICHAEL BURGESS, our colleague from Texas, OB-GYN, has six different bills, including a paid-for doctor fix elimination of that SGR. Dr. BROUN has a great bill himself, H.R. 227; Dr. CASSIDY has a bill; Dr. FLEMING has H.R. 615; Dr. JOHN LINDER; TIM MURPHY, our colleague from Pennsylvania, has two bills; Dr. RON PAUL from Texas has six different bills; MIKE SIMPSON from Idaho has a bill.

Let me just say real quickly, Mr. Speaker, because I know our time is running short, but you talk about a simple bill, an easy to understand, easy-read bill, my bill, H.R. 3700, here it is, Mr. Speaker. Here it is right here. This is easy. If you drop this bill, it just kind of floats down. But it is so important because H.R. 3700, Ten Prescriptions for Healthy America—I can run through them quickly and not take up too much of my colleagues' remaining time.

Number one, no government-run health plan. I hope my Democratic colleagues on the majority side haven't forgotten what people were telling them in August despite this recent poll they came out with. I think they need to think about that. People don't want a government-run health care plan. They certainly don't want cuts in senior care, that's \$500 billion out of a Medicare system and literally gutting Medicare Advantage.

No new deficit spending. And the President said, Hey, not a dime will we add to the deficit. No new taxes. No ration of care, particularly for our seniors. They don't want to get thrown under the bus just so we can spend \$1.5 trillion covering an additional 15 million people. That's what, 4 percent of the population—many of whom are young and healthy and really don't want that coverage. No taxpayer coverage for illegal immigrants.

So I could go on and on with these 10, but I know we're running short of time. But it's great to have an opportunity, Mr. Speaker, to let the Democratic majority and their leadership, let the President know we're here, we're

ready. You say your door's open, we're knocking on it. We're ready to come in and present some of these ideas.

I yield back to my friend from Athens.

Mr. BROUN of Georgia. I want to go back to Dr. ROE for a minute because we've got about 5 more minutes.

In Tennessee, you all put in a government-run health care program, just exactly the same kind of thing that NANCY PELOSI's offering us here in H.R. 3200, or whatever she's writing. We know those things.

Bottom line, very quickly in 30 seconds, did it work, or did it fail, and what was the outcome?

Mr. ROE of Tennessee. Dr. BROUN, what happened was exactly as you point out. In 1993, we were spending \$2.6 billion. We had a lot in the State of Tennessee on our Medicaid plan. We changed to a plan called TennCare. By the year 2004, it was a \$7.5 to \$8.5 billion plan. It tripled the cost. Forty-five percent of the people who got on the plan had private health insurance and dropped it—exactly what's going to happen in the public option. And how did the governor, a Democratic governor, rein in costs? He cut the rolls. He rationed care in that way. And that is exactly what will happen in a public option that we're talking about. We'll go into it in more detail.

Let me take 30 seconds and tell you if we could agree on this and pass a meaningful health care bill, this is all you have to do. Eliminate State lines so you can form association health plans; give tax credits for low-income people to buy affordable health care; have a tax deduction for individuals. Last year I was an individual when I ran for Congress, and I couldn't deduct my health care premiums. It made them 30 percent higher.

Number four, let young people who don't have a job when they get out of high school or college, let them stay on their parents' health care until they're 25, 26 years old. It costs the government a big fat zero. You can cover 7 million young people doing that.

Tort reform and SGR fix. Those are not terribly expensive things to do. I think we can all agree on them. And I believe we can get a meaningful health care plan that doesn't blow up a system that's working for 80 or 85 percent of the people right now.

Mr. BROUN of Georgia. Thank you, Dr. ROE.

TennCare failed?

Mr. ROE of Tennessee. Yes.

Mr. BROUN of Georgia. ObamaCare is going to fail. It's going to wreck our economy, it's going to put people out of work, and seniors are going to be hurt the most by ObamaCare.

We've got just a minute left.

I would like to go back to Dr. FLEMING.

Mr. FLEMING. I just have 15 seconds of a thumbnail little summary I'd like to mention.

If ObamaCare passes, there will be increased taxes for the middle class—which the President promised wouldn't happen—and significantly increased private premiums. It will decrease services to senior citizens. It will explode the budget. And the bottom line is we will pay more for less.

Mr. BROWN of Georgia. You're exactly right, Dr. FLEMING. We'll pay more for less, we'll get poor quality care. It's going to destroy the quality of health care in this country.

CBO says it's not going to cover everybody, and we hear our Democratic colleagues say they want to cover everybody, but it's not going to. And it's going to hurt everybody. And it's really going to hurt the middle class.

When the President came and spoke to the joint session of Congress a couple of weeks ago, only one person told the truth, and that was JOE WILSON. JOE WILSON is the only person who told the truth.

The ObamaCare bill is going to give free health insurance to illegal aliens, it's going to pay for abortions, it's going to do a lot of things that people don't like. But the bottom line is people are going to be out of work that are working today. It's going to hurt our economy. It's going to hurt the elderly, because they're going to have their health care services cut, and they're not going to be able to get their services from the doctor or from the hospital that they need and deserve because of ObamaCare. And the American people need to understand these things. Millions of people are going to lose a job and be out on the street, and it's going to hurt our economy.

So the American people need to understand these things and rise up and say "no" to ObamaCare. Let us have a bipartisan debate on all of these Republican plans so that we can find commonsense market-based solutions for health care.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3619, COAST GUARD AUTHORIZATION ACT OF 2010

Mr. ARCURI (during the Special Order of Mr. BROWN of Georgia), from the Committee on Rules, submitted a privileged report (Rept. No. 111-311) on the resolution (H. Res. 853) providing for consideration of the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. RICHARDSON (at the request of Mr. HOYER) for today on account of business in the district.

Mr. CARTER (at the request of Mr. BOEHNER) for today on account of illness.

Mr. WALDEN (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. INSLER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

Mr. SABLON, for 5 minutes, today.

Ms. CHU, for 5 minutes, today.

Mr. KAGEN, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, October 28.

Mr. MORAN of Kansas, for 5 minutes, October 28.

Mr. JONES, for 5 minutes, October 28.

Mr. BURTON of Indiana, for 5 minutes, October 26, 27 and 28.

Mr. DEAL of Georgia, for 5 minutes, October 22.

Mr. POSEY, for 5 minutes, today.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 621. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

H.R. 2892. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1818. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on October 16, 2009 she presented to the President of the United States, for his approval, the following bills.

H.R. 1016. To amend title 38, United States Code, to provide advance appropriations authority for certain accounts of the Department of Veterans Affairs, and for other purposes.

H.R. 2997. Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2010, and for other purposes.

Lorraine C. Miller, Clerk of the House also reports that on October 21, 2009 she presented to the President of the United States, for his approval, the following bill.

H.R. 3183. Making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

ADJOURNMENT

Mr. BROWN of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Thursday, October 22, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4192. A letter from the Assistant Secretary for Financial Stability, Department of the Treasury, transmitting the Department's summary of response to the Special Inspector General for the Troubled Asset Relief Program's (SIGTARP) July 21, 2009 recommendations; to the Committee on Financial Services.

4193. A letter from the Under Secretary of Defense, Department of Defense, transmitting the description of the reorganization of the Department of Defense Education Activity (DoDEA) that affects the defense dependents' education system, pursuant to 20 U.S.C. 924; to the Committee on Education and Labor.

4194. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "High Risk Pool Grant Program for Federal Fiscal Years (FFYs) 2006 and 2007"; to the Committee on Energy and Commerce.

4195. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Commission's strategic plan for fiscal years 2009 through 2014; to the Committee on Energy and Commerce.

4196. A letter from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's report concerning efforts made by the United Nations and the Specialized Agencies to employ an adequate number of Americans during 2008, pursuant to 22 U.S.C. 276c-4; to the Committee on Foreign Affairs.

4197. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 18-09 informing of an intent to sign a Project Agreement with Italy; to the Committee on Foreign Affairs.

4198. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 15-09 informing of an intent to sign a Project Agreement with Australia; to the Committee on Foreign Affairs.

4199. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment from the Kingdom of the Netherlands (Transmittal No. RSAT 09-1864); to the Committee on Foreign Affairs.

4200. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia in Executive Order 12987 of October 21, 1995; to the Committee on Foreign Affairs.

4201. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: A copy of D.C. ACT 18-206, "Unemployment Compensation Additional Benefits Program Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4202. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-205, "Unemployment Compensation Administrative Modernization Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4203. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-204, "Medical Insurance Empowerment Surplus Review Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4204. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-203, "District Residency RIF Protection Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4205. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-202, "National Guard Morale, Welfare and Recreation Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4206. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-201, "Pension Vesting Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4207. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-192, "Residential Aid Discount Subsidy Stabilization Temporary Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4208. A letter from the Chairman, Council of the District of Columbia, transmitting

District of Columbia Council: a copy of D.C. ACT 18-191, "Heat Wave Safety Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4209. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-190, "Loree H. Murray Way Designation Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4210. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Norton Company Worcester, Massachusetts, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

4211. A letter from the Secretary, Department of Health and Human Services, transmitting a petition filed on behalf of workers from Lake Ontario Ordnance Works in Niagara Falls, NY, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000; to the Committee on the Judiciary.

4212. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report on the Enforcement of Sex Offender Registration Requirements 2008-2009, pursuant to Public Law 109-248, section 635; to the Committee on the Judiciary.

4213. A letter from the Director, Bureau of Prisons, Department of Justice, transmitting report on post-release mentoring for ex-offenders, pursuant to Public Law 110-199, section 213; to the Committee on the Judiciary.

4214. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Documentation of Non-immigrants Under the Immigration and Nationality Act, As Amended; Requirements for Aliens in Religious Occupations; to the Committee on the Judiciary.

4215. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Large Passenger Vessel Crew Requirements [USCG-2007-27761] (RIN: 1625-AB16) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4216. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Robert Moses Causeway Bridge State Boat Channel, Captree, New York [Docket No.: USCG-2009-0755] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4217. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Cape Charles Tomato Festival Fireworks Event, Chesapeake Bay, Cape Charles, VA [Docket No.: USCG-2009-0529] (RIN: 1625-0529) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4218. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: San Clemente Island Northwest Harbor October and November Training; Northwest Harbor, San Clemente Island, CA [Docket No.: USCG-2009-0747] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4219. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Naval Training October and November; San Clemente Island, CA [Docket No.: USCG-2009-0748] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4220. A letter from the Secretary, Department of Health and Human Services, transmitting a draft of proposed legislation entitled the "Multilateral Child Support Convention Implementation Act of 2009"; jointly to the Committees on Ways and Means and the Judiciary.

4221. A letter from the Director, FEMA, Department of Homeland Security, transmitting the Department's report on the Preliminary Damage Assessment information on FEMA-1855-DR for the Commonwealth of Kentucky; jointly to the Committees on Transportation and Infrastructure, Appropriations, and Homeland Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 1061. A bill to transfer certain land to the United States to be held in trust for the Hoh Indian Tribe, to place land into trust for the Hoh Indian Tribe, and for other purposes; with an amendment (Rept. 111-306). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1471. A bill to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, and for other purposes; with an amendment (Rept. 111-307). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2008. A bill to authorize the Secretary of the Interior to facilitate the development of hydroelectric power on the Diamond Fork System of the Central Utah Project; with an amendment (Rept. 111-308). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2489. A bill to authorize a comprehensive national cooperative geospatial imagery mapping program through the United States Geological Survey, to promote use of the program for education, workforce training and development, and applied research, and to support Federal, State, tribal, and local government programs; with amendments (Rept. 111-309). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 715. A bill to expand the boundary of Saguaro National Park, to study additional land for future adjustments to the boundary of the Park, and for other purposes (Rept. 111-310). Referred to the Committee of the Whole House on the State of the Union.

Ms. MATSUI: Committee on Rules. House Resolution 853. Resolution providing for consideration of the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes (Rept. 111-311). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BROWN of South Carolina:

H.R. 3885. A bill to direct the Secretary of Veterans Affairs to carry out a pilot program on dog training therapy; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 3886. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to reimburse certain volunteers who provide funeral honors details at the funerals of veterans; to the Committee on Veterans' Affairs.

By Mr. BLUNT (for himself, Mr. BARTON of Texas, Mr. CAMP, Mr. KLINE of Minnesota, Mr. UPTON, and Mr. WITTMAN):

H.R. 3887. A bill to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to improve health insurance coverage of dependents; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FARR (for himself, Mr. BERMAN, Mr. BLUMENAUER, Mrs. CAPPS, Mrs. CHRISTENSEN, Mrs. DAVIS of California, Mr. DICKS, Mr. DOGGETT, Ms. ESHOO, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Ms. LEE of California, Ms. ZOE LOFGREN of California, Mrs. MALONEY, Ms. MATSUI, Mr. MORAN of Virginia, Mr. NADLER of New York, Mrs. NAPOLITANO, Mr. PALLONE, Mr. ROTHMAN of New Jersey, Mr. STARK, Mr. THOMPSON of California, Mr. WAXMAN, and Ms. WOOLSEY):

H.R. 3888. A bill to amend the Federal Water Pollution Control Act to establish national standards for discharges from cruise vessels; to the Committee on Transportation and Infrastructure.

By Mr. BROWN of Georgia:

H.R. 3889. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage floor on medical expense deductions, expand the use of tax-preferred health care accounts, and establish a charity care credit, to amend the Social Security Act to create a Medicare voucher program and reform EMTALA requirements, and to amend Public Health Service Act to provide for cooperative governing of individual health insurance coverage offered in interstate commerce; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KANJORSKI (for himself, Mr. CAPUANO, Ms. KILROY, Mr. CLEAVER, and Ms. KOSMAS):

H.R. 3890. A bill to amend the Securities Exchange Act of 1934 to enhance oversight of nationally recognized statistical rating organizations, and for other purposes; to the Committee on Financial Services.

By Mr. BRADY of Pennsylvania:

H.R. 3891. A bill to improve research on health hazards in housing, to enhance the ca-

capacity of programs to reduce such hazards, to require outreach, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD (for himself, Ms. FOXX, Mr. SHULER, Mr. COBLE, Mr. WATT, Mr. PRICE of North Carolina, Mr. ETHERIDGE, Mr. KISSELL, Mrs. MYRICK, Mr. JONES, Mr. MILLER of North Carolina, Mr. MCINTYRE, and Mr. MCHENRY):

H.R. 3892. A bill to designate the facility of the United States Postal Service located at 101 West Highway 64 Bypass in Roper, North Carolina, as the "E.V. Wilkins Post Office"; to the Committee on Oversight and Government Reform.

By Mr. CASTLE:

H.R. 3893. A bill to establish the First State National Historical Park in the State of Delaware, and for other purposes; to the Committee on Natural Resources.

By Mrs. DAHLKEMPER:

H.R. 3894. A bill to amend the Public Health Service Act to authorize a community-based overweight and obesity prevention program; to the Committee on Energy and Commerce.

By Mrs. DAHLKEMPER:

H.R. 3895. A bill to authorize the Secretary of Health and Human Services to conduct or support research and demonstration projects on the use of financial and in-kind subsidies and rewards to encourage individuals and communities to promote wellness, adopt healthy behaviors, and use evidence-based preventive health services, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. EMERSON:

H.R. 3896. A bill to amend title XVIII of the Social Security Act to improve access to health care for individuals residing in underserved rural areas, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GALLEGLY (for himself and Mr. LAMBORN):

H.R. 3897. A bill to amend section 12 of the United States Housing Act of 1937 to treat income changes resulting from welfare program requirements for families residing in housing receiving project-based subsidies under section 8 of such Act similarly to such changes for families residing in public housing or receiving tenant-based assistance under such section; to the Committee on Financial Services.

By Mr. LAMBORN (for himself, Mr. AKIN, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BARTLETT, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BROWN of Georgia, Mr. BROWN of South Carolina, Mr. COFFMAN of Colorado, Mr. COLE, Mr. CONAWAY, Ms. FALLIN, Mr. FORBES, Mr. FRANKS of Arizona, Mr. DAVIS of Kentucky, Mr. GINGREY of Georgia, Mr. HARPER, Mr. HUNTER, Mr. SAM JOHNSON of Texas, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. LATTA, Mr. MARCHANT, Mr. POSEY, and Mr. WAMP):

H. Res. 852. A resolution recognizing and commending Biblica for contributions made

to the United States, and for other purposes; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. LATOURETTE and Mrs. NAPOLITANO.

H.R. 235: Ms. VELÁZQUEZ.

H.R. 303: Mr. HALL of Texas, Mr. SIREN, and Mr. TIM MURPHY of Pennsylvania.

H.R. 444: Mr. SHULER.

H.R. 618: Mrs. NAPOLITANO.

H.R. 690: Ms. LINDA T. SÁNCHEZ of California and Mr. FRELINGHUYSEN.

H.R. 745: Ms. PINGREE of Maine.

H.R. 795: Ms. MOORE of Wisconsin, Mr. THOMPSON of Mississippi, and Mr. DAVIS of Illinois.

H.R. 868: Mr. GRIJALVA, Mr. LANCE, and Ms. SHEA-PORTER.

H.R. 916: Ms. SCHWARTZ and Mr. TONKO.

H.R. 930: Mr. RANGEL and Mrs. CAPPS.

H.R. 1086: Mr. BLUNT.

H.R. 1175: Mr. BUCHANAN.

H.R. 1182: Mr. GOHMERT, Mr. MCGOVERN, Mr. ANDREWS, Mr. SMITH of Washington, Mr. HALL of New York, and Mr. WALZ.

H.R. 1210: Ms. SLAUGHTER.

H.R. 1237: Mr. KILDEE.

H.R. 1255: Mr. ROONEY and Ms. SLAUGHTER.

H.R. 1278: Ms. FUDGE, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. MEEK of Florida, Mr. DAVIS of Illinois, and Mr. THOMPSON of Mississippi.

H.R. 1283: Mr. SALAZAR.

H.R. 1308: Ms. SCHAKOWSKY.

H.R. 1326: Mr. HALL of New York and Mr. COURTNEY.

H.R. 1378: Mr. TURNER, Ms. SHEA-PORTER, and Mr. WITTMAN.

H.R. 1402: Mr. SNYDER.

H.R. 1430: Mr. SHIMKUS.

H.R. 1479: Mr. DRIEHAUS and Ms. PINGREE of Maine.

H.R. 1549: Mr. HALL of New York.

H.R. 1583: Mr. VAN HOLLEN and Mr. BARROW.

H.R. 1670: Mr. THOMPSON of Pennsylvania.

H.R. 1751: Mr. BECERRA.

H.R. 1766: Mr. CONNOLLY of Virginia, Mr. ISRAEL, Mr. DOGGETT, and Mr. SALAZAR.

H.R. 1816: Ms. SLAUGHTER.

H.R. 1831: Ms. DEGETTE, Mr. BARRETT of South Carolina, Mr. CONYERS, Mr. SOUDER, and Mr. SNYDER.

H.R. 1835: Ms. SLAUGHTER.

H.R. 1849: Mr. LINDER, Mr. WATT, Ms. DEGETTE, Mr. MCHENRY, Mr. LUJÁN, Mrs. NAPOLITANO, Mr. ELLISON, Mrs. MCCARTHY of New York, Mr. BLUMENAUER, and Mr. GONZALEZ.

H.R. 1894: Ms. SLAUGHTER.

H.R. 1977: Mr. CARNEY.

H.R. 1978: Mr. HOLT.

H.R. 1992: Mr. HONDA.

H.R. 2138: Mr. COURTNEY.

H.R. 2139: Mr. MOORE of Kansas.

H.R. 2149: Mr. GORDON of Tennessee.

H.R. 2246: Mr. DRIEHAUS and Mr. CAPUANO.

H.R. 2254: Mr. KISSELL.

H.R. 2256: Mr. TURNER.

H.R. 2261: Mr. COHEN.

H.R. 2262: Mr. BAIRD.

H.R. 2279: Ms. WASSERMAN SCHULTZ, Mr. MCNERNEY, Mr. JACKSON of Illinois, Mr. SIREN, and Mr. LEWIS of Georgia.

H.R. 2377: Mr. FRANK of Massachusetts.

H.R. 2408: Ms. SUTTON and Mr. McKEON.

H.R. 2452: Mrs. DAHLKEMPER, Mrs. HALVORSON, Mr. BARROW, Ms. GIFFORDS, and Mr. COSTELLO.

H.R. 2459: Mrs. MALONEY.
 H.R. 2477: Mr. SHADEGG, Mr. BILIRAKIS, and Mr. OLSON.
 H.R. 2478: Mr. LATHAM.
 H.R. 2480: Mr. CUMMINGS and Mr. HALL of New York.
 H.R. 2517: Mr. PRICE of North Carolina, Mr. RYAN of Ohio, and Mr. COURTNEY.
 H.R. 2546: Mr. MCCLINTOCK, Mr. TEAGUE, Mr. LANCE, Mr. CALVERT, Mr. CARNEY, Mr. MOORE of Kansas, Mr. BROWN of South Carolina, Mrs. BLACKBURN, Mr. MINNICK, Mr. JONES, Mrs. EMERSON, and Ms. JENKINS.
 H.R. 2547: Mr. ROGERS of Kentucky.
 H.R. 2548: Mr. KRATOVIL.
 H.R. 2567: Mr. MCNERNEY and Ms. SLAUGHTER.
 H.R. 2607: Mr. BLUNT.
 H.R. 2628: Mr. HIGGINS, Mr. SPACE, and Mr. BOREN.
 H.R. 2681: Mr. FILNER.
 H.R. 2739: Mr. HERGER.
 H.R. 2819: Mr. PRICE of North Carolina.
 H.R. 2866: Mr. PRICE of North Carolina and Ms. BERKLEY.
 H.R. 3006: Ms. SUTTON.
 H.R. 3012: Ms. WATSON.
 H.R. 3017: Mr. DRIEHAUS.
 H.R. 3043: Mr. WELCH, Mr. BERRY, and Mr. GRIJALVA.
 H.R. 3093: Mr. WOLF.
 H.R. 3156: Mr. CONYERS and Mr. MCGOVERN.
 H.R. 3217: Mr. KIRK.
 H.R. 3310: Mr. AUSTRIA.
 H.R. 3380: Mr. BARTLETT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WU, Mr. HONDA, and Mr. BURTON of Indiana.
 H.R. 3400: Mr. HUNTER.
 H.R. 3401: Ms. JACKSON-LEE of Texas, Ms. MOORE of Wisconsin, Ms. MATSUI, Ms. DELAURO, and Ms. BERKLEY.
 H.R. 3430: Mr. JACKSON of Illinois.
 H.R. 3472: Mr. MICHAUD, Mrs. DAVIS of California, and Mr. MAFFEI.
 H.R. 3486: Mr. TIBERI.
 H.R. 3487: Mr. PAYNE, Mr. BURTON of Indiana, and Ms. WOOLSEY.
 H.R. 3502: Ms. SUTTON and Mr. LARSEN of Washington.
 H.R. 3503: Ms. WOOLSEY and Mr. FILNER.
 H.R. 3524: Mr. COLE, Mr. POE of Texas, Mr. UPTON, Mr. ALEXANDER, Ms. MARKEY of Colorado, and Mr. WITTMAN.
 H.R. 3531: Mr. DELAHUNT.
 H.R. 3587: Mr. PETERS.
 H.R. 3596: Ms. JACKSON-LEE of Texas, Mr. McDERMOTT, and Mr. OLVER.
 H.R. 3639: Mr. GRIJALVA, Ms. CHU, Ms. MATSUI, Mr. MCGOVERN, Mr. WAXMAN, Mr. LANGEVIN, and Mr. OLVER.
 H.R. 3652: Mrs. BLACKBURN, Mr. CASTLE, Mr. MORAN of Virginia, and Mr. ETHERIDGE.
 H.R. 3667: Mr. ROONEY, Mr. BOYD, Mr. BILIRAKIS, Ms. CORRINE BROWN of Florida, Mr. BUCHANAN, Ms. CASTOR of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. HASTINGS of Florida, Mr. WEXLER, Ms. KOSMAS, Mr. MACK, Mr. MEEK of Florida, Mr. MICA, Mr. MILLER of Florida, Mr. POSEY, Mr. PUTNAM, Ms. ROSLEHTINEN, Mr. STEARNS, Ms. WASSERMAN SCHULTZ, and Mr. YOUNG of Florida.

H.R. 3669: Mr. HARE.
 H.R. 3670: Mr. WITTMAN.
 H.R. 3672: Mr. MCMAHON.
 H.R. 3691: Mr. GUTHRIE, Mr. ROGERS of Michigan, Mrs. BIGBERT, Mr. GINGREY of Georgia, Mrs. EMERSON, Ms. ROS-LEHTINEN, Mr. HERGER, Mr. LINDER, Mr. NUNES, and Mr. DAVIS of Kentucky.
 H.R. 3696: Mr. ADERHOLT.
 H.R. 3699: Ms. VELÁZQUEZ.
 H.R. 3703: Mr. LEE of New York, Mrs. MALONEY, and Mr. COURTNEY.
 H.R. 3706: Mr. SAM JOHNSON of Texas, Mr. CULBERSON, and Mr. PITTS.
 H.R. 3710: Ms. DEGETTE.
 H.R. 3712: Mr. TONKO, Mr. WITTMAN, and Mr. RUPPERSBERGER.
 H.R. 3715: Mr. DAVIS of Alabama, Mr. EHLERS, and Mr. RYAN of Ohio.
 H.R. 3721: Mr. MASSA and Mr. GENE GREEN of Texas.
 H.R. 3723: Mr. LARSEN of Washington.
 H.R. 3728: Ms. WATSON.
 H.R. 3731: Ms. LEE of California and Mr. DAVIS of Illinois.
 H.R. 3734: Mr. BACA, Mr. LUJÁN, Mrs. NAPOLITANO, Mr. REYES, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. ORTIZ, Ms. WASSERMAN SCHULTZ, Mr. YARMUTH, Mr. HARE, Mr. BRADY of Pennsylvania, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. PASCRELL, Mr. RANGEL, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. MAFFEI, Ms. ROYBAL-ALLARD, Mr. GRAYSON, Ms. VELÁZQUEZ, Mr. AL GREEN of Texas, Mr. BRALEY of Iowa, Ms. SCHWARTZ, Mr. ARCURI, Ms. WATERS, Ms. CASTOR of Florida, Mr. WAXMAN, Ms. CHU, and Mr. CROWLEY.
 H.R. 3745: Mr. HONDA and Mr. LARSON of Connecticut.
 H.R. 3749: Mr. WITTMAN.
 H.R. 3775: Mr. PRICE of Georgia and Mr. HENSARLING.
 H.R. 3778: Mr. ACKERMAN.
 H.R. 3790: Mrs. MILLER of Michigan, Mr. HALL of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WITTMAN, Mr. PUTNAM, and Mr. MICHAUD.
 H.R. 3791: Ms. PINGREE of Maine.
 H.R. 3799: Mr. PAYNE.
 H.R. 3810: Ms. SUTTON, Mr. REYES, Mr. GRIJALVA, Mr. GENE GREEN of Texas, Mr. KANJORSKI, and Mr. FATTAH.
 H.R. 3827: Mr. GRIJALVA.
 H.R. 3855: Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. CLAY, Mr. CUELLAR, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. LUJÁN, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PIERLUISI, Mr. REYES, Mr. RODRIGUEZ, Mr. SIREN, and Ms. VELÁZQUEZ.
 H. Con. Res. 42: Mr. SCOTT of Virginia, Mr. FATTAH, Mr. BISHOP of Georgia, Mr. HINOJOSA, and Mrs. CHRISTENSEN.
 H. Con. Res. 43: Mr. BISHOP of Georgia, Mr. FATTAH, Mr. HINOJOSA, Mrs. CHRISTENSEN, and Mr. SCOTT of Virginia.
 H. Con. Res. 67: Mr. THOMPSON of Mississippi, Ms. FUDGE, Ms. NORTON, Mr. MEEKS of New York, Ms. CORRINE BROWN of Florida, Mr. MEEK of Florida, and Mr. DAVIS of Illinois.

H. Con. Res. 73: Mr. FALEOMAVAEGA.
 H. Con. Res. 168: Mr. CONNOLLY of Virginia.
 H. Res. 89: Mr. ROONEY and Mr. PETERS.
 H. Res. 150: Ms. FUDGE, Ms. NORTON, Ms. CORRINE BROWN of Florida, Mr. MEEK of Florida, Mr. DAVIS of Illinois, and Mr. COOPER.
 H. Res. 577: Mr. EHLERS, Mr. LIPINSKI, Mr. BOOZMAN, Mr. OBERSTAR, Mr. WOLF, Mr. SMITH of New Jersey, Mr. BOUSTANY, Mr. ALEXANDER, Mr. CASSIDY, Mr. SENSENBRENNER, Mr. CAO, Mr. LATTA, Mr. GARRETT of New Jersey, Mrs. KIRKPATRICK of Arizona, Mr. WHITFIELD, Mr. BLUNT, Mrs. MYRICK, Mrs. BONO MACK, and Mr. SULLIVAN.
 H. Res. 613: Mr. HALL of New York.
 H. Res. 648: Mr. MCNERNEY and Mr. FALEOMAVAEGA.
 H. Res. 672: Mr. VAN HOLLEN.
 H. Res. 700: Mr. BISHOP of New York and Mr. GRIJALVA.
 H. Res. 709: Mr. BUTTERFIELD.
 H. Res. 736: Mr. PATRICK J. MURPHY of Pennsylvania, Mr. KANJORSKI, Mr. GUTHRIE, and Mr. CHANDLER.
 H. Res. 747: Mr. MORAN of Virginia, Mr. ISRAEL, Mr. REYES, and Mr. ROONEY.
 H. Res. 758: Ms. WATERS.
 H. Res. 777: Ms. TSONGAS.
 H. Res. 796: Mr. PAUL.
 H. Res. 801: Mr. LEWIS of Georgia and Ms. EDDIE BERNICE JOHNSON of Texas.
 H. Res. 840: Mrs. BACHMANN and Mr. LAMBORN.
 H. Res. 841: Mr. PLATTS, Mr. WHITFIELD, and Mr. MORAN of Virginia.
 H. Res. 847: Mr. MCKEON, Mrs. BLACKBURN, Mr. ROONEY, Mr. BISHOP of Utah, Mr. INGLIS, Mr. DENT, Mr. BOUSTANY, Mr. CONAWAY, Mr. BARTLETT, Mr. ALEXANDER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PAULSEN, Mr. ADERHOLT, Mr. WILSON of South Carolina, Mr. ROGERS of Alabama, Mr. FLEMING, Mr. SCHOCK, Mr. COFFMAN of Colorado, Mr. HELLER, Mr. LUETKEMEYER, Mr. HUNTER, Mr. GRAVES, Mr. BILIRAKIS, Mr. EHLERS, Mr. SHULER, Mr. WAMP, Mr. TIM MURPHY of Pennsylvania, Mr. TAYLOR, Mr. FORTENBERRY, Mrs. McMORRIS RODGERS, Mr. BROWN of Georgia, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mr. REICHERT, Mr. POSEY, Mr. AUSTRIA, Mr. GUTHRIE, Mr. GERLACH, Mr. CRENSHAW, Mr. HARPER, Mr. MCHENRY, Mr. BRADY of Texas, Mr. MCCAUL, Mr. NEUGEBAUER, Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Mr. FRANKS of Arizona, Mrs. MILLER of Michigan, Mr. UPTON, Mr. FLAKE, Mr. KUCINICH, Mr. McCOTTER, and Mr. KING of Iowa.
 H. Res. 848: Mr. ALEXANDER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 676: Mr. MEEK of Florida.
 H.R. 3012: Mr. MEEK of Florida.

SENATE—Wednesday, October 21, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord, God of hosts, thank You for making Yourself known to us in the radiant lives of men and women. We are inspired by the acts of sacrifice and service that we witness each day on Capitol Hill. Thank You for the labor of our lawmakers. May they seek to give their best ability to the people's good, rising above bitterness by an unshakable faith in the unstoppable power of Your providence. So may they be Your obedient servants who shall not become discouraged by the inevitable setbacks they encounter. May they also commit their way to You, put their trust in You, and know that You will bring to pass what is best.

We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 21, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MERKLEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for 2 hours, with Senators permitted to speak for up to 10 minutes each. The Republicans will control the first hour and the majority will control the second hour.

Following morning business, the Senate will proceed to executive session to consider the nomination of Roberto Lange to be a U.S. district judge for the District of South Dakota. Under an agreement reached last night, debate on the nomination will be limited to 2 hours, equally divided and controlled between Senators LEAHY and SESSIONS or their designees. At 2 p.m., the Senate will proceed to vote on confirmation of the nomination.

Upon disposition of the Lange nomination, Senators should be prepared to vote on the motion to invoke cloture on the motion to proceed to S. 1776, the Medicare Physician Fairness Act.

Last night, I filed cloture on the conference report to accompany the Department of Defense Authorization Act and on the nomination of William Sessions to be Chair of the U.S. Sentencing Commission. Senators will be notified when these votes are scheduled.

COMMENDING SENATOR JOHN KERRY

Mr. REID. Mr. President, the prayer of the Chaplain today was right on point for something that has taken place in the last 3 or 4 days. In Afghanistan, we are at a critical juncture. For Afghanistan to move forward and win the fight against the Taliban, the country must have a legitimate government.

The first round of elections in Afghanistan was tainted by allegations of significant fraud, and we faced the possibility of a potential political crisis in Afghanistan. I am pleased President Karzai has recognized the need for a runoff election.

The reason I mention sacrifice and service is in relation to Senator JOHN KERRY. If you look at his life, it has been one of sacrifice, it has been one of service to our country—whether in the jungles of Vietnam, where he was wounded three times and received a Silver Star for his heroism, or whether it was in his capacity as the Democratic nominee for President or whether it has been as chairman of the Foreign Relations Committee.

He took off for Afghanistan and Pakistan at a time when he was badly needed. I missed him here. We had

some votes I wish JOHN KERRY could have been here for. I told him that when he called me. But he explained what he was doing there, and immediately upon his hanging up, I received a call from Secretary of State Hillary Clinton, saying: He is doing extremely good work there. Don't be upset at him because he can't be here because what he is doing in Afghanistan is something that is vitally important to not only our country but to the world.

That sacrifice and that service—and also the Chaplain mentioned labor—this man worked very hard. He has labored, as chairman of this Foreign Relations Committee, as I have never seen. He has been so involved in what is going on there. Not only is he dealing with the issues we see every day—Afghanistan, Pakistan, North Korea, with what is going on on the continent of Africa—he is involved in global warming because of the treaty implications of the treaty we are trying to negotiate in Copenhagen in December.

I am extremely impressed with Senator KERRY always but especially in the last few days. As chairman of the Foreign Relations Committee, he has played a central role in resolving the crisis in Afghanistan.

As many have read in the news, he had been trying to persuade President Karzai that a second round of elections was necessary—and they were necessary. If you read the press today, it was a touch-and-go thing. It was not until President Karzai and Senator KERRY took a walk together to talk about what is going on in that part of the world that the decision was made by President Karzai that he would go along with the second election.

Senator KERRY has worked closely with our diplomatic team, including Ambassador Eikenberry; Secretary Clinton; our National Security Adviser, General Jones; and others to send a clear message to President Karzai.

We all know the situation in Afghanistan remains fragile and that there will still be many steps needed to be taken so we have a credible and legitimate government in Kabul. But I believe very sincerely Senator KERRY played a pivotal role in preventing a crisis in Afghanistan and that his work has not only stabilized Afghanistan but the entire region.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE WEEK XIV, DAY III

Mr. McCONNELL. Mr. President, over the last several months, lawmakers in Washington have been engaged in a serious and wide-ranging debate about the fate of our Nation's health care system. It is a debate that grew out of a recognition that while America may have the best health care in the world, the cost of care is too high and too many lack insurance. This much was never in dispute.

There is not a single Member of Congress from either party who does not want to solve these problems. That is why the disagreements we have had have arisen not over the ends but over the means of achieving these common goals. That is why, over the past few months, two very different approaches to reform have come into view.

For most Democrats, reform seems to come in a single form: a vast expansion of government, detailed in complicated, 1,000-page bills, costing trillions. The only thing that is clear about the Democratic plans are the basics: They cost about \$1 trillion, they increase premiums, raise taxes, and slash Medicare.

In short, they include a lot of things Americans did not ask for and do not want, and they include very few of the things Americans thought they were going to get.

What was supposed to be an exercise in smart, bipartisan, commonsense reforms that cut costs and increased access somehow became an exercise in government expansion that promises to raise costs, raise premiums, and slash Medicare for seniors. For Democrats in Congress, the original purpose of reform seems to have been blurred.

Republicans have taken a different approach. We agreed at the outset that reform was needed. But in our view, those reforms would not necessarily cost a lot of money, would not add to the debt, and would not expand the government.

Instead of a massive government-driven experiment, Republicans have offered commonsense, step-by-step solutions to the problems of cost and access—things such as medical liability reform, which would save tens of billions of dollars and increase access to care; needed insurance reforms that would increase access and lower costs; and prevention and wellness programs, such as the ones that have been so successful in bending the cost curve in the

right direction—which is downward—at major businesses such as Safeway.

Here were the two approaches to reform. Well, the American people looked at these two approaches and they made their choice. All summer long, we watched as ordinary Americans reacted to the administration's plan to put government between individuals and their health care and to pay for it with higher premiums, higher taxes, and Medicare cuts in the middle of a recession.

Americans rejected the idea of a vast, new experiment to reorder their health care and nearly one-fifth of the economy in a single, stunning move. They know the stakes are too high. Last Friday, the Treasury Department announced the government ran a deficit, in the fiscal year that just ended, of more than three times the previous record.

The national debt is nearly \$12 trillion. It is expected to grow by another \$9 trillion over the next 10 years. Medicare and Medicaid cost the Federal Government nearly \$700 billion a year—a cost that is expected to double in 10 years. These numbers are like nothing we have ever seen. Yet in the midst of all this, the administration is proposing that we conduct a \$1 trillion experiment in health care that would expand government spending even more. Now Democrats in Congress are proposing that we put another \$¼ trillion on the government charge card in order to prevent a cut in the reimbursement rate to doctors who treat Medicare patients.

All of us want to keep this cut from happening, but the American people don't want us to borrow another cent to pay for it, and they don't want Democrats in Congress to pretend that this \$¼ trillion isn't part of the cost of health care reform because it is. It is also a clear violation of the President's pledge that health care reform wouldn't add a single dime to the deficit over the next decade. In fact, if Democrats have their way, this bill would add nearly 2.5 trillion dimes to the national debt. Well, the American people have a message for Democrats in Congress: The time to get our fiscal house in order is not tomorrow, it is not next year, it is now—right now.

Last week, 10 Democratic Senators sent a letter to the majority leader outlining some of the problems that can be expected to result from our record deficit and debts. They pointed out that each American's share of today's debt is more than \$38,000, that long-term deficits will lead to higher interest rates and inflation, and all this debt threatens to weaken not only our basic standard of living but also our national security. Then they make an urgent plea. They called on their party to do something to deal with these urgent fiscal realities.

Well, they shouldn't hold their breath because instead of addressing

these urgent issues, a handful of top Democrats are pressing forward behind closed doors with a health care plan that, once fully implemented, and including the physician reimbursement issue, would cost more than \$2 trillion.

It is hard to imagine, but if the history of government entitlement programs is any guide, then these estimates are almost certainly on the conservative side. History shows these kinds of programs almost never come in under cost. Consider just a few examples: At the time that Medicare Part A was created, it was estimated that costs for hospital services and related administration for the year 1990 would run about \$9 billion. The actual cost was seven times that amount. Medicare Part B, a program that covers physician services, was expected to run on \$500 million a year from general tax revenues, along with a \$3 monthly premium. Last year, the program was funded through nearly \$150 billion in Federal revenue.

As I say, these are just a few examples, but they illustrate a larger point that can't be ignored. The nature of government entitlements is such that they only get bigger with time. The estimates we are getting have to be viewed in light of past experience, and past experience isn't encouraging.

Several months into this debate, it is easy to forget that at the outset everyone seemed to agree—at the outset of this debate on health care everyone seemed to agree—on two things: that health care reforms were needed and any reform would have to lower overall health care costs. We all agreed on that. Yet the evidence suggests that the bill Senate Democrats and White House officials are carving up in private would do just the opposite. It would actually increase costs, it would increase premiums, raise taxes, and slash Medicare. That is not reform.

Americans are concerned about the direction in which we are headed: record debts, record deficits, endless borrowing, and yet every day we hear of more plans to borrow and spend, borrow and spend. Americans don't want the same kind of denial, delay, and rationing of care they have seen in countries that have followed the path of government-driven health care for all. They are perplexed that in the midst of a terrible recession, near 10 percent unemployment, massive Federal debt, and a deficit that rivals the deficits of the last 4 years combined, the White House would move ahead with a massive expansion of government health care. They are telling us that common sense, step-by-step reforms are the better, wiser, and more fiscally responsible way to go.

This is the message I have delivered nearly every day on the Senate floor since the first week of June because, in my view, it is the message the American people have been sending us.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

ORDER OF PROCEDURE

Mr. KYL. Mr. President, I ask unanimous consent that the time controlled by the Republican side be allocated as follows: Senator KYL, 10 minutes; Senator ALEXANDER, 10 minutes; Senator GREGG, 10 minutes; Senator WICKER, 10 minutes; and Senator LEMIEUX, 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask the Chair to please inform me when I have consumed 9 minutes since I don't want to go over my time.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 2 hours with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

Mr. KYL. Mr. President, I had propounded a unanimous consent request. Has that been agreed to?

The ACTING PRESIDENT pro tempore. It has been.

Mr. KYL. Thank you, Mr. President.

HEALTH CARE REFORM

Mr. KYL. Mr. President, I wish to talk this morning about the same health care issue the Senator from Kentucky just addressed. I think Republicans have always had a lot of very good alternatives to deal with two critical problems: No. 1, the rising costs of health care and, secondly, the problem of some uninsured in this country needing help to get that insurance. Unfortunately, our ideas have not been included in the legislation passed by the committees. In fact, when we have offered amendments to propose these alternative ideas, they have been rejected.

One of the primary ways we know we can reduce costs is through the mechanism of medical malpractice reform. That deals with the problem of the jackpot justice system that currently is abused by trial lawyers where they file lawsuits, they get big recoveries or they force settlements, and the net result is two things which I spoke about yesterday.

First of all, liability insurance premiums for physicians now consume about 10 cents for every health care dollar spent. If we had medical malpractice reform, we could reduce that. We wouldn't, obviously, get rid of it, but the cost for physicians would be significantly less.

For example, we know some specialties, such as obstetrics, neurosurgery, and some others, including anesthesiology, for example, will frequently have annual liability premiums in the range of \$200,000. That, obviously, is a cost that is passed on. When they bill patients, they have to cover the cost of their medical malpractice insurance.

I mentioned yesterday a study by the former president of the American Academy of Orthopedic Surgeons, Dr. Stuart Weinstein. He has written about the extra cost of delivering a baby because, he said, if a doctor delivers 100 babies a year and pays \$200,000 for medical liability insurance, \$2,000 of the delivery cost for each baby goes to pay the cost of the medical liability premium. So we could reduce by \$2,000 the cost of delivering a baby if we were able to pass meaningful medical liability insurance reform.

The even bigger cost is defensive medicine—the kinds of things doctors do, not because they are necessary to take care of their patients, but because if they don't do them they might get sued and some expert will claim they should have had this extra test or done this extra procedure; and if they would have just done that, then maybe the patient would have been all right. So as a result, defensive medicine results in hundreds of billions of dollars of expenses every year.

In fact, a 2005 survey published in the Journal of the American Medical Association found that 92 percent of the doctors said they had, indeed, made unnecessary referrals or ordered unnecessary tests just to shield themselves from this liability. How much does this potentially cost? I said hundreds of billions. Well, let me cite two studies.

All of the studies I have seen are roughly within the same ballpark. They differ just a little bit. For example, Sally Pipes, who is president of the Pacific Research Institute, found that defensive medicine costs \$214 billion a year. A new study by PricewaterhouseCoopers reveals similar findings, pegging the cost at \$239 billion per year. Well, \$214 billion, \$239 billion, we can quibble about the amount; it is not insignificant. So when we are talking about well over \$200 billion a year in defensive medicine, we know there is a big amount of money to be saved, and we could pass those savings on to the consumers of health care.

Yesterday I cited the statistics from Arizona and Texas where both States have implemented medical liability reforms of different kinds, but both States have found significant reduc-

tions in insurance premiums for physicians, fewer malpractice cases filed, and, in the case of Texas, an infusion of a remarkable number of physicians into Texas because it is a more benign environment now in which to practice their profession.

The reason I mention all of this is we have been talking about this for months now and not one of the Democratic bills contains medical malpractice reform. The reason is clear. Democrats are frequently supported by trial lawyers, and trial lawyers don't like medical malpractice reform. That is how they make a lot of money, so they don't want to see the reform. We ought to reform the system for the benefit of our constituents rather than to not do it in order to help trial lawyers.

Again, the reason I mention this is because a bill we are going to be taking up later today, the so-called "doc fix"—and that is a very bad name for it—is a bill that would deal with the formula under which doctors are compensated for Medicare. One of the things that has been reported in newspapers is that the American Medical Association will not push for medical malpractice reform if they are able to get this bill passed. I find that to be a very troubling fact because all of the physicians I know realize we need medical malpractice reform.

Here is how the Washington Post editorialized it yesterday morning, and I am quoting:

The so-called "doc fix" is being rushed to the Senate floor this week in advance of health reform not because it has nothing to do with health reform, but because it has everything to do with it. The political imperative is twofold: To make certain that Republicans don't use the physician payment issue to bring down the larger bill—

That is because of the fact that it would add to the deficit—and to placate the American Medical Association.

The concern I have is that it doesn't help the physicians. All this legislation does is to say that the formula which has been in effect since 1997, but never adhered to by the Congress, will not be the formula that goes forward in the future, but it doesn't fix the payment problem. Every year, because the formula would result in huge cuts to physicians who take care of Medicare patients—and everybody agrees that is a bad thing—we say we are not going to pay attention to the formula. We are going to raise the doctors' reimbursements by a percentage point or a half percent or some modest amount.

All this legislation does is to freeze physician payments for 10 years—to freeze them—zero; not even any kind of cost-of-living increase. I guarantee that after 10 years, physicians not getting any kind of an increase at all are going to be hurting.

I know what is going to happen, which is that physicians and groups

such as the American Medical Association will have to come back to Congress every year and say they need to have some kind of a modest increase. Republicans want to be able to offer amendments on this legislation to provide for such modest increases. Incidentally, those modest increases would be offset—that is to say, the cost to the government would be offset—so that we wouldn't be adding to the deficit. It is very clear there is no new formula in place, no new formula has been proposed, so this legislation doesn't solve the problem. It simply says, well, we are not going to adhere to the formula in the future. Big deal. We have never adhered to it in the past. We are never going to adhere to it because it makes no sense. Everybody agrees with that. So what do we get out of this? Nothing. A freeze for 10 years is not a solution to the problem.

I hope physicians don't see this as a solution as a result of, as I said, this having been reported in some of the media, so that they will decide not to push for medical malpractice reform because physicians know how important that is. I have just talked about how important it is.

We need solutions to problems. One of the problems is we have increases in the costs of providing health care. One solution to that—and we are talking about well over a couple of hundred billion dollars, as I indicated, from the studies I cited a moment ago. One solution to that is to tackle this problem of medical liability reform. Some States, probably about four or five, have done this, and they have demonstrated it can work.

The President's approach is, well, let's have a study about it. Let's maybe have a demonstration project. We have some demonstration projects. One of them is Arizona and one of them is Texas, and they demonstrate that it works. Since the Federal Government has to pay about half of all of the cost of health care in the country because of Medicare, Medicaid, and veterans care and so on, the Congressional Budget Office says we, the Federal Government, could save ourselves \$54 billion if we had meaningful medical malpractice reform. We could expect the same amount for the private sector.

The bottom line is, the bill we are going to be voting on later today doesn't solve any problem. It does not help the physicians. One way we can help not just physicians but patients by reducing their cost of care is accepting some of the Republican alternative ideas that have been proposed, starting with medical liability reform.

Mr. President, I yield the floor to the Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

NO ENEMIES LIST

Mr. ALEXANDER. Mr. President, in 1969 and during the first half of 1970, I was a wet-behind-the-ears, 29-year-old staff aide in the West Wing of the Nixon White House. I was working for the wisest man in that White House whose name was Bryce Harlow. He was a friend of President Johnson, as well as the favorite staff member of President Eisenhower and President Nixon's first appointee.

Based upon that experience and my 40 years since then in and out of public life, I want to make what I hope will be taken as a friendly suggestion to President Obama and his White House, and it is this: Don't create an enemies list.

As I was leaving the White House in 1970, Mr. Harlow was heading out on the campaign plane with Vice President Spiro Agnew, whose job was to vilify Democrats and to help elect Republicans. The Vice President had the help of talented young speechwriters, the late Bill Safire and Pat Buchanan. In Memphis, he called Albert Gore, Sr., the "southern regional chairman of the eastern liberal establishment," and then the Vice President labeled the increasingly negative news media as "nattering nabobs of negativism."

These phrases have become part of our political lore. They began playfully enough, in the back and forth of political election combat. But after I had come home to Tennessee, they escalated into something more. They eventually emerged into the Nixon's enemies list.

In 1971, Chuck Colson, who was then a member of President Nixon's staff and today is admired for his decades of selfless work in prison reform, presented to John Dean, the White House Counsel, a list of what he called "persons known to be active in their opposition to our administration." Mr. Dean said he thought the administration should "maximize our incumbency . . . [or] to put it more bluntly"—and I am using his quotes—"use the available Federal machinery to screw our political enemies."

On Colson's list of 20 people were CBS correspondent Dan Schorr, Washington Star columnist Mary McGrory, Leonard Woodcock, the head of the United Auto Workers, John Conyers, a Democratic Congressman from Michigan, Edwin Guthman, managing editor of the Los Angeles Times, and several prominent businessmen, such as Howard Stein of the Dreyfus Corporation, Arnold Picker, vice president of United Artists. The New York Times and the Washington Post were made out to be enemies of the Republic.

Make no mistake, politics was not such a gentlemanly affair in those days either. After Barry Goldwater won the Presidential nomination in 1964, Daniel Schorr had told CBS viewers that Goldwater had "travel[ed] to Germany to join up with the right wing there" and

"visit[ed] Hitler's old stomping ground." Schorr later corrected that on the air. What was different about Colson and Dean's effort, though, was the open declaration of war upon anyone who seemed to disagree with administration policies. Colson later expanded his list to include hundreds of people, including Joe Namath, John Lennon, Carol Channing, Gregory Peck, the St. Louis Post-Dispatch, Congressional Black Caucus, Alabama Governor George Wallace. All this came out during the Watergate hearings. You could see an administration spiraling downwards, and, of course, we all know where that led.

The only reason I mention this is because I have an uneasy feeling only 10 months into this new administration that we are beginning to see the symptoms of this same kind of animus developing in the Obama administration.

According to Politico, the White House plans to "neuter the United States Chamber of Commerce," an organization with members in almost every major community in America. The chamber had supported the President's stimulus package and defended some of his early appointments, but has problems with his health care and climate change proposals.

The Department of Health and Human Services imposed a gag order on a large health care company, Humana, that had warned its Medicare Advantage customers that their benefits might be reduced in Democratic health care proposals—a piece of information that is perfectly true. This gag order was lifted only after the Republican leader, Senator MCCONNELL of Kentucky, said he would block any future nominees to the Department until the matter was righted.

The White House communications director recently announced that the administration would treat a major television network, FOX News, as "part of the opposition." On Sunday, White House officials were all over talk shows urging other news organizations to boycott Fox and not pick up any of its stories. Those stories, for example, would include the video that two amateur filmmakers made of ACORN representatives explaining how to open a brothel. That is a story other media managed to ignore until almost a week after Congress decided to cut ACORN's funding.

The President himself has not stopped blaming banks and investment houses for the financial meltdown, even as it has become clear that Congress played a huge role, too, by encouraging Americans to borrow money for houses they could not afford. The President was "taking names" of bondholders who resisted the General Motors and Chrysler bailouts. Insurance companies, once allies of the Obama health care proposal, have suddenly become the source of all of its problems

because they pointed out—again correctly—that if Congress taxes insurance premiums and restricts coverage to those who are sicker and older, the cost of premiums for millions of Americans is likely to go up instead of down. Because of that insubordination, the President and his allies have threatened to take away the insurance companies' antitrust exemption.

Even those in Congress have found ourselves in the crosshairs. The assistant Republican leader, Senator JON KYL of Arizona, said to ABC's George Stephanopoulos that the stimulus plan wasn't working. The White House wrote the Governor of Arizona and said: If you don't want the money, we won't send it. Senator MCCAIN said this could be perceived as a threat to the people of Arizona.

Senator BENNETT of Utah, Senator COLLINS, Senator HUTCHISON and I, as well as Democratic Senators BYRD and FEINGOLD, all have questioned the number and power of 18 new White House czars who are not confirmed by the Senate. We have suggested this is a threat to constitutional checks and balances. The White House refused to send anyone to testify at congressional hearings.

Senator BENNETT and I found ourselves "called out," as they say, on the White House blog by the President's communications director.

Even the President, in his address to Congress on health care, threatened to "call out" Members of Congress who disagree with him.

This behavior is typical of street brawls and political campaign consultants. It is a mistake for the President of the United States and for the White House staff. If the President and his top aides treat people with different views as enemies instead of listening to what they have to say, they are likely to end up with a narrow view and a feeling that the whole world is out to get them. And, as those of us who served in the Nixon administration know, that can get you into a lot of trouble.

This administration is only 10 months old. It is not too late to take a different approach, both at the White House and in Congress. And here is one opportunity: At the beginning of the year, shortly after the President's inauguration, the Republican leader, Senator MCCONNELL, addressed the National Press Club. He proposed that he and the President work together to make Social Security solvent.

Senator MCCONNELL said he would make sure the President got more support in that effort from Republicans than President George W. Bush got from Democrats when he tried to solve the same problem.

President Obama held a summit on the dangers of runaway costs of entitlements. I was invited and attended. Every expert there said making Social

Security solvent is essential to our country's fiscal stability. There is still time to get that done.

Or on clean energy, Republicans have put forward four ideas—build 100 nuclear plants in 20 years, electrify half our cars and trucks in 20 years, explore offshore for low-carbon natural gas and for oil, and double energy research and development for alternative fuels. The administration agrees with this on electric cars and on research and development. We may not be so far apart on offshore exploration. At his town meeting in New Orleans last week, the President said the United States would be, in his words, "stupid" not to use nuclear power. He is right since nuclear power produces 70 percent of our carbon-free electricity.

So why don't we work together on this lower cost way to address clean energy and climate change instead of enacting a national energy tax?

On health care, the White House idea of bipartisanship has been akin to that of a marksman at a State fair shooting gallery: hit one target and you win the prize. With such big Democratic majorities, the White House figures all it needs to do is unify the Democrats and pick off one or two Republicans. That strategy may win the prize but lose the country.

Usually on complex issues, the President needs bipartisan support in Congress to reassure and achieve broad and lasting support in the country.

In 1968, I can remember when President Johnson, then with bigger majorities in Congress than President Obama has today, arranged for the civil rights bill to be written in open sessions over several weeks in the office of the Republican leader, Everett Dirksen. Dirksen got some of the credit; Johnson got the legislation he wanted; the country went along with it. Instead of comprehensive health care that raises premiums and increases the debt, why should the White House not work with Republicans step by step to reduce health care costs and then, as we can afford it, reduce the number of Americans who do not have access to health care?

The President and his Education Secretary Arne Duncan have been courageous—there is no better word for it—in advocating paying teachers more for teaching well and expanding the number of charter schools. These ideas are the Holy Grail for school reform. They are also ideas that are anathema to the labor unions who support the President. President Obama's advocacy of master teachers and charter schools could be the domestic equivalent of President Nixon going to China. I, among others, admire that advocacy and have been doing all I can to help him.

Having once been there, I can understand how those in the White House feel oppressed by those with whom

they disagree; how they feel besieged by some of the media. I hope the current White House occupants will understand that this is nothing new in American politics—all the way back to the days when John Adams and Thomas Jefferson exchanged insults. The only thing new is today there are multiple media outlets reporting and encouraging the insults 24 hours a day.

As any veteran of the Nixon White House can attest, we have been down this road before, and it will not end well. An enemies list only denigrates the Presidency and the Republic itself.

Forty years ago, Bryce Harlow would say to me: Now, Lamar, remember that our job here is to push all the merely important issues out of the White House so the President can deal with a handful of issues that are truly Presidential. Then he would slip off for a private meeting in the Capitol with Democratic leaders who controlled the Congress and usually found a way to enact the President's proposals.

Most successful leaders have eventually seen the wisdom of Lord Palmerston, former Prime Minister of the United Kingdom, who said:

We have no eternal allies, and we have no perpetual enemies.

The British writer Edward Dicey was once introduced to President Lincoln as "one of his enemies." "I did not know I had any enemies," Lincoln answered. And Dicey later wrote: "I can still feel, as I write, the grip of that great bony hand held out to me in token of friendship."

In conclusion, here is my point. These are unusually difficult times, with plenty of forces encouraging us to disagree. Let's not start calling people out and compiling an enemies list. Let's push the street brawling out of the White House and work together on the truly Presidential issues—creating jobs, reducing health care costs, reducing the debt, creating clean energy.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I believe I am recognized now for 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. GREGG. Mr. President, I wish to speak on another topic, but I was fascinated by the presentation of the Senator from Tennessee. I think we are all concerned about the direction of this calling out. I take it the Senator from Tennessee is suggesting this administration is "Nixifying" the White House; is that correct?

Mr. ALEXANDER. That is a word I had not thought of. What I am seeing is some of the same signs I saw as a young man in the early stages of the Nixon administration. I am seeing those same signs in the Obama White House, and I am suggesting that going down that road leads to no good end. "Nixifying" is an interesting way to describe it.

Mr. GREGG. I may have just made up that word. Hopefully, it will be added to the lexicon.

Mr. ALEXANDER. I think it will. That is good.

Mr. GREGG. Mr. President, I thank the Senator from Tennessee. He has made some valuable points on that issue.

HEALTH CARE REFORM

Mr. GREGG. Mr. President, I rise today to continue a discussion I have pursued on this floor a few times, and it deals with where our country is going and what we are passing on to our children.

I often quote the chairman of the Budget Committee, Senator CONRAD from North Dakota, because I have immense respect for him. He has said—and I agree with him and I think most Americans, when they think about it, agree with him—that the debt is the threat, the fact that we as a nation are running up this incredible debt which we are going to pass on to our children. To try to put it in context is very difficult because the numbers are so huge. I have talked about it numerous times here—the fact that we are running deficits at approximately \$1 trillion over the next 10 years under the President's budget; that we are seeing 5 to 6 percent of GDP in deficits; that the public debt goes from about 38 percent of GDP up to well over 80 percent of GDP under the most recent estimates. But these numbers are incomprehensible to people because they are so big. We are talking trillions and trillions of dollars, and the implication of these numbers is staggering to our next generation—to our children and our children's children—because it means they have to bear the burden of paying this debt that is going to be put on their backs.

Last week, the deficit for this last fiscal year was pegged at about \$1.4 trillion—an incredible amount. That is three times the largest debt in our history, in numeric terms. As a percentage of GDP, we haven't had those types of numbers since World War II. Nobody is arguing that deficit is not an event and something we don't like but that we probably have to tolerate because of the fact that we have been through this very difficult situation with the recession and the potential meltdown of our financial houses. It took a lot of money to try to stabilize the situation, and I am not holding that against this Presidency at all.

The problem is, as we go forward we are seeing these deficits expand. There is no reason to maintain that type of deficit once we are past this recessionary period, once the financial situation has been settled down. For all intents and purposes, we are moving past that situation, so the deficits should start coming down. But they aren't coming down. They aren't coming

down. And today we are about to see one of the reasons they aren't coming down because today it is being proposed that we add another \$250 billion to the debt by doing something called the doctors fix and not paying for it.

It is not an extraordinarily complicated issue. Basically, we don't reimburse doctors at a rate they should be reimbursed under Medicare because of a rule we passed back in the 1990s. It gets cut arbitrarily and in a way which has no relationship to what is a proper reimbursement rate. So every year since we passed that rule and it turned out it wasn't going to work right, we have corrected that. We have reimbursed the doctors at a reasonable rate. But every year we have done that, we have paid for that change, so that the cost of reimbursing doctors fairly did not get passed on to our children. I mean, if you pass that cost on to our children, when somebody goes to get an eye exam, someone who is in their eighties or seventies or sixties and who is on Medicare, when they get the bill from the doctor, essentially we are saying: Oh, I am sorry, the government is not going to pay that—the government you are a part of today. We are going to take that bill and give it to a child who is not even born yet, and they are going to have to pay that bill. But it is an expense today, and it should be paid today by the government.

We are having this proposed today on this floor, by this administration: that we should spend \$250 billion to correct this doctors fix problem for the next 10 years, which is about what it will cost, but not pay for it, just simply take it and send the bill off to our kids. It is actually more than \$250 billion because that \$250 billion, when you put it on the debt, will generate interest responsibilities of about \$50 billion. So it is actually a \$300 billion item. That is not small change; that is a third of a trillion dollars. That is huge money. That is a tremendous burden to transfer over to our children.

Do you know why this is being done? It is being done for a very cynical reason. The health care reform package is being discussed somewhere in this building behind closed doors. It is being written in some office over on that side of the Capitol by three or four Members of the Senate and a lot of staff from the Democratic side, with no participation by Republican Members, no participation by the American people, and the press is totally locked out of the room. The bill is being rewritten over there, but we do know that within the parameters of the bill is the representation that it won't cost more than \$1 trillion over a 10-year period. So all sorts of games are being played to try to keep it under \$1 trillion.

The most significant and most cynical and most inappropriate game—though it is not a game, really—the most inappropriate action is this idea

that they are going to take \$250 billion to fix the doctors reimbursement program, which is clearly part of health care, and move it entirely out of the health care system reform effort. They will move it over here somewhere and claim they don't have to pay for it. They will just send the bill to the kids. Don't worry about it, it is only \$250 billion. Just send the bill to the kids. Don't worry about it. And then, voilà, they will have \$250 billion they can spend on health care reform that should have been used for the doctors fix.

But now, since they have claimed the doctors fix doesn't matter—it is somewhere over here, out of sight, out of mind, being taken care of by our children and grandchildren—voilà, they can spend that \$250 billion on goodies, on initiatives within the new health care reform bill, which will cost the taxpayers \$250 billion in order to do it. And I presume it will get them a few constituencies to support them because they have just spent \$250 billion on them.

So the true cynicism of this is that it doubles up the doctors fix cost. Not only does the doctors fix not get paid for, but it will then create \$250 billion worth of new spending. So it is actually a doubling up of this whole exercise. It is a doubling down event here. You know, it is almost a Bernie Madoff—well, it is a Bernie Madoff approach to funding. I mean, basically, this is an entire scam. Unfortunately, in this instance—and obviously in the Bernie Madoff instance the people who invested with him were wiped out, but they made a choice to invest with him. Our children and grandchildren are going to get this bill without any rights. This \$250 billion bill is going to be sent to them, and then the spending is going to occur, which they are also going to have to pay for. It is going to be added on top of the health care bill. It is Bernie Madoff comes to Washington and does our budgeting for us, and it is inexcusable that we would do this to the next generation.

Some are suggesting: Well, let's do a 1-year or a 2-year fix. This was the original plan of Senator BAUCUS with regard to his bill. Let's just sort of ignore the fact that the doctor problem exists for the next 10 years even though we are doing a 10-year health care reform bill here. What is the effect of that? Well, yes, for at least 1 or 2 years you pay for it. That was the proposal in the original bill that came out of the Finance Committee—1 year, I believe, they paid for it, 9 years they didn't pay for it. What did that mean? One year paid for was \$11 billion, I think. So we know the cost of the whole thing for 10 years is \$250 billion. So what they got was \$239 billion to spend under the Baucus bill as it came out of the Finance Committee because they just simply ignored the concept that the

doctors fix had to be done too. That also is a pretty cynical act—not as cynical as the idea you are going to pass the full \$250 billion fix and not pay for it, any of it, which is what we will be voting on later today, but still pretty cynical in that they would basically be spending \$239 billion which they know we don't have.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. I ask unanimous consent to speak for an additional 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. So they know we don't have the \$239 billion, but at least they admit it is there and they don't try to pass the whole bill off to our children.

So as we go forward in this health care debate, let's have no more sanctimonious claims that we are being fiscally responsible and producing bills that are in balance and that don't add to the deficit, not when we put a \$250 billion IOU on our children's backs. It is totally inappropriate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I understand I am recognized for 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. WICKER. Mr. President, in 10 minutes Senator LEMIEUX will make his maiden speech to the Senate, and I know Members are anxious to hear that speech, but in the meantime I would like to talk further about health care reform.

Earlier this month, the Senate Finance Committee voted to approve a deeply flawed bill that would raise taxes, cut Medicare, increase government spending, increase health care premiums, and actually drive the cost of health care up, not down. We know the Finance Committee's bill will not be the final product voted on by the Senate.

Three or four Members of one party, and one party only, without the press there, without the public looking in, without other Members of the Senate there, are meeting now behind closed doors to merge the Finance Committee bill with the HELP Committee's version. The secret nature of these meetings is all the more reason for the final version of the bill to be made available to the public prior to a final vote.

We have all heard the outcry from our constituents asking us to read the bills before we vote on them. I think we should go one step further than reading this health care bill ourselves: we should allow the public to read the bill themselves.

Just recently, eight of my friends on the other side of the aisle sent a letter to the majority leader demanding—rightly—that this health care legisla-

tion be made available for 72 hours before the Senate proceeds with this bill. The letter from these eight conscientious Democrats says, among other things:

Without a doubt, reforming health care in America is one of the most monumental and far-reaching undertakings considered by this body in decades.

The letter goes on to ask four things of the majority leader: that the legislative text and complete budget scores from CBO on health care legislation to be considered on the Senate floor be made available 72 hours in advance; secondly, the letter asks that the legislative text and complete CBO score on health care legislation as amended be made available; and they make the same request as far as amendments to be filed and offered on the floor and the final conference report which might come from the House and Senate.

I congratulate these Members of the other party for making this request. I think the question on the minds of people around Washington, DC, and around the country watching this issue is, Will this request be ignored? Will these eight Members of the Democratic caucus be steamrolled by their leadership? Will this conscientious request be cast aside by the majority leader?

The people deserve to see the final product of the majority party. And we know the American people want to see it because as more Americans learn about the product, the less they like it. A survey released Monday found that a majority of Americans opposed the plans backed by the President and Democrats in Congress. This skepticism persists despite the best public relations ever of my Democratic colleagues and our President.

The bill approved by the Finance Committee essentially is still a partisan one. Numerous studies and estimates have highlighted how the bill's new mandates would actually raise insurance premiums for Americans, not lower them. A recent PricewaterhouseCoopers analysis of the bill found that by 2019, the average cost of a family's insurance policy would increase by \$4,000, more than it would if Congress simply does nothing at all. Of course, no one is suggesting Congress do nothing at all. The status quo is clearly inadequate, and there are many things we can do on a step-by-step basis to improve the health of Americans.

But back to this \$4,000 in extra costs for insurance, the driving factor behind that is the staggering tax hikes necessary to pay for this \$1 trillion new entitlement program. The Finance Committee's proposal raises taxes by hundreds of billions of dollars—on insurance plans, on medical device producers, on pharmaceuticals. We all know taxes will not lower the cost of these services. In fact, we can expect the opposite—these taxes will be paid by average Americans.

Former CBO Director Douglas Holtz-Eakin recently said: "These costs will be passed on to consumers by either directly raising insurance premiums or by fueling higher health care costs that inevitably lead to higher premiums."

He went on to say the plan "would not only fail to reduce the cost burden on middle-class families, it would make that burden significantly worse."

In addition to failing to reduce the price of health care, the Finance plan carries a number of other serious flaws, particularly as it relates to Medicare and health care options for our seniors. The bill cuts Medicare by \$500 billion. Let me repeat that. The bill cuts \$500 billion from Medicare, despite the fact that the Medicare program is already insolvent and on the path to bankruptcy in the year 2017, unless we take action.

Billions of Medicare dollars would be cut from hospitals, from nursing homes, from hospice care under this Finance Committee proposal. It would also slash \$120 billion from Medicare Advantage, denying 11 million seniors the health care choices and options regular Medicare does not offer.

If these provisions were not bad enough, the bill's negative impact on State budgets is even more disturbing. Medicaid would be expanded to a level that threatens funding of essential State services such as education, such as law enforcement. In my State of Mississippi, Medicaid payments already make up 12 percent of our State's overall budget, and Governor Barbour has joined a growing chorus of Governors, both Republican and Democratic, in warning of the consequences of Congress forcing States to shoulder more of the Medicaid burden. In fact, if the finance bill is enacted, Medicaid's expansion would result in fully 25 percent of Americans being on this government-run health care system. We know it is now run so poorly that many physicians will not accept Medicaid patients. The bill proposes we put one-quarter of Americans on this very poorly run program.

After weeks of talk, we get a bill that is worse than the status quo. I fear this bill is only going to get worse when the majority leader emerges from his secret negotiations and tries to pass his version of a Federal health care takeover. I think we can do better. Raising taxes, increasing costs, and eliminating choice is hardly the type of health care reform the American people want, particularly during a time when unemployment levels are at a 25-year high. There are many common-sense reforms that could pass Congress quickly and with bipartisan support. This is not a choice between a Federal takeover and the status quo. A step-by-step approach can inject competition,

increase choices, and use market principles to bring down prices. By allowing people to purchase health insurance across State lines, by implementing medical malpractice reform and allowing small businesses to join in association health plans, we can lower the cost of health care and increase choice without raising taxes or increasing government spending or increasing the size and scope of government.

That is the kind of health care reform the American people deserve, and it is the direction the health care debate should take.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is recognized for 20 minutes.

NATIONAL DEBT AND FEDERAL DEFICIT

Mr. LEMIEUX. Mr. President, it is an honor for me to stand on the floor of the Senate, on behalf of my State of Florida and before this Nation, to give my maiden speech. First, let me thank my wife Meike for her support. No one succeeds in life alone. That is certainly true for me. She is the strength of our growing family of five, soon to be six. I would not be here without her love and support.

It is humbling to think of those who have come before me and spoken before this body on the great issues of the day. I will not seek to match their skill in poetry or prose, but I will work to honor them with clear and straightforward language, passion to find solutions to the challenges that face us, and resolve to follow words with deeds. It is the tradition of this Chamber, as Senator Ted Kennedy stated in his maiden speech nearly 50 years ago, that "a freshman Senator should be seen, not heard; should learn, not teach." But similar to Senator Kennedy, who asked for the dispensation of his colleagues to speak to the great cause of civil rights being debated at the time, I, too, seek the consideration of my colleagues to rise and speak at such a critical time in our Nation's history.

During my first week here, the senior Senator from Ohio, Mr. VOINOVICH, told me that while my time in the Senate may be short, just 16 months, it might be the most important 16 months in modern history. My brief experience here has confirmed the wisdom of his insight.

The issue that commands the attention of this Congress is the health of our people and proposals that address the problem of those who cannot afford or simply do not have health insurance. We seek solutions to the rising costs of medical procedures and hospital stays. We are in search of ways to ensure that every American has access to affordable and quality health care.

These are noble goals. Floridians and Americans are struggling with the high cost of health care. Premiums for family health care have risen 131 percent over the past 10 years. Working families are finding it harder and harder to make ends meet. Between the demands of taxes and insurance, families have less and less to save and spend on their own priorities.

Health care costs are burdensome on seniors as well, who, while covered by Medicare, often buy additional insurance to supplement their needs. Rising costs for seniors living on fixed incomes prove more than difficult. Still more troubling are those who have no insurance at all—some 4 million Floridians and an estimated 45 million Americans nationwide. For many of the uninsured, a serious illness or an accident is all that may separate them from bankruptcy.

I believe the problem of health care must be addressed. No American should be denied access to quality health care. No American should be rendered destitute by illness. No American family should have to live paycheck-to-paycheck because they cannot find affordable health care. The problem is great, and it is one worthy of our full attention.

But before we can address health care and the cost of reform, we need to consider the broader state of affairs in which we as Americans find ourselves. We need to draw back the curtain, widen the lens. No issue, even one as important as health care, stands alone. We have responsibilities in other equally important areas such as national defense, education, and the economy.

Balanced equally with all these priorities must be our ability to afford them. Our Nation's spending problem is not a topic that many like to discuss. It is, after all, more desirable to speak of new ideas and grand plans for the future, but that very future is at stake if we do not address the problem now.

Our national debt grows at an alarming rate of nearly \$4 billion a day. When I took office, just 5 weeks ago, our national debt was \$11.7 trillion. Today it is nearly \$12 trillion. During the time it will take for me to give this address, it will increase by another \$50 million.

Since the debate on health care began in March to the time it likely concludes at the end of this year, we will have amassed an additional \$1 trillion, near to the very amount we are discussing for this health care proposal. Instead of spending less to stem the tide, we learned last Friday that in the fiscal year we just completed, Congress amassed a record-setting \$1.4 trillion budget deficit—a larger single-year deficit than the deficits of the last 4 years combined.

Our Government spending is out of control and it is simply unsustainable. Why does it matter? What is the con-

sequence of accumulating trillions of dollars in debt? What does it mean for us, for our children, and for our grandchildren? The consequences are a government hamstrung by its obligations and a people taxed beyond their ability to prosper. Last year, our Nation spent \$253 billion alone on the interest payments for our debts. That is a statement worth repeating. Last year, our country spent \$253 billion alone on interest payments, the third highest expenditure in the Federal budget. That is nearly \$700 million in taxpayer dollars spent on interest, every day—money that could be spent on worthwhile programs or, better still, returned to the people because, after all, it is their money.

In 10 years, the White House projects our national debt will be a staggering \$23 trillion, surpassing the total value of goods and services made in the United States in 1 year. I have not been in Washington for long so it is hard for me to comprehend the idea of \$1 billion, let alone \$1 trillion. I think that is true for most Americans. So it is worth a moment to understand the enormity of these figures.

If you were to lay down single dollar bills, edge to edge, \$1 million would cover two football fields; \$1 billion would cover the city of Key West, FL, 3.7 square miles; and \$1 trillion, laid edge to edge, would cover the State of Rhode Island—twice.

Still more staggering, from the time our Government began in 1789, it took 167 years for the Federal Government to spend its first \$1 trillion. This year we will spend \$3 trillion. Increasing debt and increasing costs of entitlement spending and increasing interest payments mean we are on a path which is unsustainable. The American people know this and they are showing their frustration with Congress's out-of-control spending. We need to learn from families in America. Families in America and across Florida deal with their budgets every day. They sit around the kitchen table. They look at what they make and what they spend and they try to make ends meet.

But the Federal Government is similar to that family with the credit card debt—every month the debt grows, the interest compounds. The family spends more and more just to make the minimum payment. Yet the balance due continues to grow. In order to get out of debt, the family has to do the right thing, it has to cut spending or mom or dad have to get another job. If the family does the right thing, pays off its debt, it can save a little, build a nest egg, and recover. If they do not, they reach that point where the debt grows out of control. They reach the point where they are too far gone.

The Federal Government has reached that moment in time. In the past 27 years, we have gone from \$1 trillion to \$12 trillion in December, and it is estimated that by the end of 10 years, we

will be \$24 trillion in debt. The point of no return is upon us. We must recognize this simple truth: We cannot afford the Government we have, let alone the Government the majority in this Chamber wants. We ought to be cutting taxes, not raising them; we ought to be spending within our means, not increasing our debt; we ought to be fighting with the same vigor to cut waste, fraud, and abuse that some fight to create new entitlement programs we cannot afford.

It has also become clear that our policies of limitless spending threaten to devalue the dollar.

Recent reports suggest a rush by U.S. investors to pull their money from domestic investments and instead seek opportunity in emerging markets. Investors find markets such as China and Brazil to be more attractive because those nations use their financial reserves to weather the economic crisis.

There is also talk in the international community that perhaps the dollar is no longer the best benchmark for their reserve currencies. According to the International Monetary Fund, the dollar is held now at its lowest point on record in reserve currency of the central banks around the world.

Our unsustainable spending and debt and our inability to make the difficult decisions necessary to change course is decreasing confidence in our Nation abroad, and if not corrected, it will impact the quality of life for all Americans.

What is the answer? The answer is we have to stop. We have to stop financing today's programs on the backs of future generations. Common sense tells us we need to balance the Federal budget. The Federal Government has not done that since 2001. There is no reason why it cannot happen again. The Framers' ideal of limited government is one we need to pursue and we need to do it if we have the will to make it so.

As the father of three young sons and a baby on the way, one of my greatest concerns is that 1 day one of my children will come to me when they are grown and say that they are moving to another country, perhaps a place such as Ireland or Chile, because they believe the opportunities are greater than the promise and the opportunities of America.

Even now, as many as 200,000 skilled American workers could leave for places such as China and India in the next 5 years. America has always been the land of opportunity, a beacon for those who seek a better life. That life cannot be darkened.

Let us not stand witness to the decline of our great Nation. Let us not sit idly by so that the work and sacrifice of those who came before us can be squandered. Let us not miss out on this moment in time to shoulder the burden of leadership to do what we must do for

our children, their children, and the American dream.

Their future is bound to the decisions we make. I come from a State where a balanced budget is a constitutional requirement, where lawmakers are required to spend within their means. And it is not always easy. In fact, it is often a painstaking process that requires leadership and tough choices, with Republicans and Democrats sitting down together to make responsible decisions.

In the past 3 years in Florida, Governor Crist and the Florida legislatures have cut spending by more than \$7 billion, almost 10 percent of the State budget. Florida has made tough choices because it must, because lawmakers in 1838 adopted language requiring our State to have a balanced budget.

It works for Florida and 41 other States, and it can work for our Nation. The Federal Government should be held to the same standard. This Congress must balance its budget. There is no reason why Congress cannot do what American families and the majority of States do. There is also no reason why the President of the United States should not have the same powers as 43 Governors do to strike wasteful spending with a line item veto. These issues are not partisan. Republicans and Democrats alike should chart a course to a balanced budget to reduce the national debt and restore the American dream.

We were promised a budget deficit-neutral health care plan. President Obama said to a joint session of Congress, he "will not sign a plan that adds one dime to our deficit now or in the future."

I am encouraged by the President's words, but I am concerned by the proposals we have seen. Cutting a half trillion dollars from Medicare is not budget neutral. Shifting costs to the States for increases in Medicaid is not responsible. And taxing medicine and life-saving devices will increase, not decrease, the cost of health care. That is not reform.

The fact is, we do not know where the money is coming from to pay for the proposed health care plan, and in light of our desperate financial situation, we cannot budget on faith alone. Last week I participated in a hearing to discuss runaway premiums in a program designed to let Federal employees buy long-term health care. Employees were given two options: a fixed option that had a higher cost but guaranteed that premiums would not go up, and a variable option which was less expensive but it provided no guarantee.

Smart Federal employees paid a little more to get that guaranteed Federal plan. But it is not going to be that way. Because now the Federal Government has come back and said: We were wrong. We cannot insure the premiums at the guaranteed rate. We are going to raise your rates by 25 percent.

The government made a mistake. The government got it wrong. And now these Federal employees who did the right thing are going to have to pay for it, more than 6,000 of them from Florida. If the Federal Government cannot get it right for 250,000 Federal employees, how is the government going to get it right for 45 million Americans?

I stand with my colleagues on this side of the aisle ready to create access to health care without sacrificing quality. But it has to make financial sense. We stand ready to address the issue of portability, allowing people to keep their health insurance whether they change jobs or move across State lines. We stand ready to offer ideas to make health insurance more affordable for small businesses, which can join exchanges to offer lower premiums for their employees. We stand ready to address the high incidence of doctors practicing defensive medicine, which steadily drives up costs. Finally, we stand ready to focus on stopping the estimated \$60 billion in Medicare waste, fraud, and abuse, and using those funds to care for our people.

Current proposals do little to address these problems. We want to work in a bipartisan fashion to create a bipartisan bill. Spend less, save more on this and in everything. The reality is that our Nation is hungry for a new course, a course that takes greater care of the people's money. Some may call this thinking naive, but I call it hopeful.

Since our Nation was founded, there has been one constant our people have carried forth. I consider it the American creed, and the creed is this: Each generation has the obligation to provide a better future for its children than the generation before. We cannot fulfill this promise on our current course. That truth is so evident even our children understand it.

I close with the words of one of my constituents, 12-year-old Joshua Mailho of Niceville, FL. Joshua is concerned about the very issues we are talking about today. He is concerned with his share of the national debt and how he is going to pay for it.

He wrote to me in September and this is what he wrote:

Here is an example of how long me, a 12 year old, would have to pay off my share of the national debt. If I worked at Home Depot and I get paid \$10 per hour . . . it would take me almost 8 years of full-time work [to reach \$161,000] . . . my share of the national debt.

He goes on to say:

This debt will affect all of the kids in America . . . so please find a way to fix your own mistakes, before the children of today have to pay for your mistakes tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, let me be the first to congratulate the junior Senator from Florida on his thoughtful and very persuasive initial speech here in the Senate.

I think I can safely say, after observing his work for the last 5 weeks, that the people of Florida are very fortunate to have such an intelligent and insightful Senator. He is doing an excellent job on their behalf. I again congratulate him on his initial speech here in the Senate.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I want to join with our colleagues on the floor in thanking my new colleague from Florida, with whom I have had the pleasure of starting a very fast and meaningful friendship.

As he knows, his predecessor Mel Martinez and I had a friendship that had spanned more than three decades. I am equally enthusiastic about this opportunity to represent the State of Florida with Senator LEMIEUX.

Let me say that as I was listening to the Senator's maiden speech, of course I reflected back 9 years ago to my maiden speech. And, interestingly, at that time—I think it was about 6 weeks after I had been here, so it was the middle of February 2001—I spoke on the budget and the fact that we had a surplus, and how we wanted to keep that surplus and not go into deficit, a lot of the same themes the new Senator from Florida has sounded here today.

Of course, your maiden speech in this August body is quite memorable. I did not have the luxury, as the new Senator from Florida has, to have a number of his colleagues sitting here. As a matter of fact, it was an empty Chamber for this Senator save for the Presiding Officer. But in the course of this speech, I mentioned that it was my maiden speech. I am proceeding on. All of a sudden the doors, these side doors, swing open, and in strides the senior Senator from West Virginia, the person who is a walking political history book. He assumes his position in this chair right here. I get through with my remarks, and he says: "Will the Senator from Florida yield?"

I said: "Of course I yield to the senior Senator from West Virginia."

He proceeds to give, off the top of his head, a history of the Senate maiden speeches. And, of course, what a memorable event that was for this Senator in his maiden speech, and it will be equally a memorable event for the new Senator from Florida. I join our colleagues in congratulating him on his maiden speech.

ORDER OF PROCEDURE

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that following confirmation of Executive Calendar No. 469 and the Senate resuming legislative session, the Senate then proceed to vote on the motion to invoke cloture on the motion to proceed to S. 1776.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire is recognized.

HEALTH CARE REFORM

Mrs. SHAHEEN. Mr. President, as you well know, being one of the freshmen Senators, along with me and a number of others of us, we have been coming to the floor for the past several weeks to talk about the need to address health care reform.

We are here again this morning for the next hour to talk about why this is so imperative. I am going to yield my time, about 5 minutes initially to Senator WARNER, who has another engagement and needs to be off. So at this point I yield 5 minutes to Senator WARNER.

Mr. WARNER. Mr. President, I thank my colleague, the Senator from New Hampshire, for leading the freshmen Senators here this morning as we once again take the floor to talk about health care reform.

I also commend my friend, the junior Senator from Florida, for his comments today. I share his views about the necessity of bringing our Federal deficit in line.

In the Commonwealth of Virginia, we have a balanced budget requirement and we meet our budget every year. I am proud of the fact that Virginia has been named the best managed State in America. So I do have to take issue with some of the comments made by my colleagues, who I think understand States' needs. The fastest growing costs in my State, as well as the State of Colorado, New Hampshire, and I would assume the State of Florida, are health care costs.

Medicaid is going to bankrupt virtually every State in the Nation by 2025 if we do not act. I hope for, and welcome, my colleagues' efforts to try to reach a bipartisan consensus on health care reform.

I will again make the point I have made repeatedly over the last few weeks: What happens if we don't act? What happens if we simply kick the can down the road another 10 years? That is the appeal I make to my colleagues on the other side. Join us. Particularly join the freshmen Senators, who don't come to the Senate with the same background of the last 20 years and experience of past battles. Join a group who does, however, come to this body wanting to do the people's business. That means driving down health care costs, expanding coverage, and making sure our health care system is financially sustainable.

If we don't act, not only will States' increasing Medicaid costs go unmet, State budgets will not be balanced. If we don't act, the Federal deficit will explode. The largest driver of the deficit is not the TARP spending or stimulus spending; it is health care spending. If we don't act, the current Medi-

care Program, which seniors depend on, will go bankrupt by 2017. That is not a political statement; that is a fact.

If we don't act, American companies will not be competitive in the global economy. We have the most productive workforce in the world. But no American company can compete when they have built in health care costs of \$3,000 to \$4,000 more per worker than any other competitor in the world. If we don't act, for the 65 percent of us who get our health care coverage through the private insurance market, an average Virginia family will be paying 40 percent of their disposable income on health insurance premiums within the next decade.

I ask my colleague from Florida and others on the other side of the aisle to join us in this bipartisan effort to reform health care. This morning we will lay out how we think health care reform can both expand coverage and drive down costs. We will look at some of the models currently being used by large employers who have had the flexibility to design their own benefit plans. These models have successfully driven down costs by putting in place prevention and wellness activities, negotiating better prices with providers, and restructuring a financial incentive system which currently rewards hospitals based on higher readmission rates, rather than quality care.

I thank the Senator from New Hampshire for organizing the freshmen one more time. As a former Governor, I know she has been a leader on issues like Medicaid and health care costs. I call on my colleagues on the other side of the aisle to actually join in this effort to make sure we do achieve bipartisan health care reform.

I yield the floor.

Mrs. SHAHEEN. I thank the Senator from Virginia for his comments. As he said, our health care system is on an unsustainable path. Now is the time to fix it.

Health care has not been working for families, for workers, for businesses, and for the Nation's economy. Today we are actually going to talk about some of the good news we know we can accomplish with health care reform. We are going to talk about what health care reform can do to help those families, workers, and the economy. It is our opportunity to control costs for Americans and to improve quality.

Let me be clear: We can control cost and improve quality at the same time. When we do this, we have to remember to keep patients at the center of the debate. The truth is, in so many cases the health care industry can do more for less. Usually I like to tell a story about what is going on with my constituents. It helps us keep people at the center of the debate.

Today I want to talk about some of the innovative health quality initiatives happening in New Hampshire. We

all know hospital readmissions are a costly problem in the country. We have an exciting program going on in Manchester, the State's largest city, at the Elliot Senior Health Center. They recognized what was happening with readmissions. They recognized that hospital discharges can be confusing and sometimes overwhelming for seniors and that providing a little extra attention to help those seniors as they are transitioning out of the hospital can help keep them from being readmitted. They developed a program they call the TRACE Program. TRACE provides seniors with a health coach who helps patients with the tools and support to take a more active role in managing their medical care. The support those patients receive improves their understanding not only of their own health care, of the health care system in general, it helps keep them out of the hospital.

Senator COLLINS and I have introduced a bill that would help do this systemwide called the Medicare Transitional Care Act. It builds on successful programs such as the one at the Elliot Senior Health Center. Our legislation would improve the quality of care, reduce hospital readmissions, and lower costs. Research shows we can save \$5,000 per Medicare beneficiary if we enact this kind of a program systemwide to deal with hospital readmissions. I am happy the key provisions of this idea are included in the Finance Committee bill. It will give us an idea of how this is going to work systemwide. It is one example of what we can do to improve the quality of care while we control cost.

There is another initiative we have been working on. I know all of us have been forced to wait in a crowded emergency room sometimes. Emergency room overcrowding is a problem that has become all too common. It is a symptom of what is going on in our health care system. Frequent users of health care services are a small but very costly portion of our population. They contribute to overcrowding in emergency rooms, and they raise costs for everyone. These individuals often have multiple chronic conditions. Sometimes they have mental illness. Sometimes they are faced with issues such as poverty and homelessness. They are among our most vulnerable but most frequent users of emergency rooms because they have nowhere else to go.

In one study, one individual used the emergency room 115 times in 1 year. This was in Camden, NJ. Another patient accumulated \$3.5 million in hospital charges over 5 years. These are charges for which the American taxpayer paid the bill. Our health care system is not adequately dealing with frequent users of emergency rooms. The good news is, we can change this. Through increased outreach and co-

ordination, we can reduce utilization. We can save costs. Research shows that after 2 years of participation in a program that provides this kind of coordinated care for people who use emergency rooms, usage of emergency rooms was cut by over half. This translates into significant savings for the taxpayer. It is the kind of reform we must continue to look at if we are going to change the health care system and make it work for taxpayers, for businesses, and for families.

These are only a few examples of how health reform can benefit Americans. We can improve the quality of care available to people, and we can control health care costs at the same time. I believe we can do this. Now is the time to pass meaningful health reform for the citizens of New Hampshire and for all Americans so we can achieve these changes in our system.

I now yield the floor to Senator MERKLEY for 6 minutes.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, it is a pleasure to talk about health care following upon the remarks of Senator JEANNE SHAHEEN and Senator MARK WARNER, both of whom, as Governors, had the opportunity to know firsthand how important health care reform is to taking our Nation forward. They come from very diverse States, but the observation is the same. Health care reform is essential to putting our Nation back on track, and now is the time.

I wish to direct my comments specifically to the benefits of health care reform to small business. We all know the current system doesn't work for small business employers or their employees. Without numbers behind them, they have no ability to negotiate rates with insurance companies. They are like lambs led to the slaughter. More often than not, they have to take whatever deal is offered. Those deals are not very good. On average, small businesses pay 18 percent more than large firms for the same health insurance policies. Because of this, they are far less likely to provide health insurance. Just 49 percent of firms with 3 to 9 workers and only 78 percent of firms with 10 to 24 workers offer health insurance to their employees, as compared to 99 percent of firms with 200 or more employees in the same year.

When small firms do offer health care, rising premiums force owners to make hard choices between keeping health coverage, expanding their operations, or increasing wages. In the last decade, health care premiums for the average Oregon family more than doubled, while median earnings rose only 23.8 percent. It is no coincidence. Employers are spending more in compensation, but that compensation is going to higher insurance premiums rather than higher wages.

Last month I talked to small business owners in Medford and Portland,

OR, who share strikingly similar stories about the problems rising health care costs are causing for them. Dave Wilkerson runs a Medford architectural firm that has 12 full-time employees. He is dedicated to providing a family-friendly work environment, and he provides full medical, dental, and vision coverage to his employees. The company has had to deal with large annual increases in health care premiums and has had to change carriers several times in order to try to keep costs down. Health care costs are the second highest expense for David's firm. Only payroll exceeds them.

This year rising health care costs forced David and his partners to look very closely at either eliminating health care benefits or laying off employees.

Jim Houser and his wife Liz Dally tell a similar story. They operate the Harthorne Auto Clinic in Portland. When they opened their doors 26 years ago, they made a commitment to offer those who worked for them a good benefits package, including comprehensive health care. Jim and Liz are still able to provide health insurance to their employees, but premiums have gone from 9 percent of their payroll to 18 percent in 5 years. As a result, they have had to cut back on benefits. These and otherwise successful small businesses have been hamstrung by health care costs.

Will reform help these small businesses? Yes, it will. It will help them a lot.

First, it will allow them to enter health care exchanges, where they will be part of a much larger pool. With their increased market clout, they will be able to negotiate lower premium costs. These rates will be much more stable than in past years. One sick employee will no longer make an entire group uninsurable.

Second, the exchanges will offer more and better policies from which to choose. Currently, many small businesses struggle to find any insurers that will offer policies. But through health care reform, and as part of the exchange, they will be able to choose from a number of different plans. Because these plans will have to meet certain standards, small businesses will have higher quality policies from which to choose.

Finally, better choices at a lower price will mean small businesses can dedicate more revenue to increasing wages—more money in the pockets of their employees—have more opportunity to invest in new equipment or hire additional employees. This is good for these owners, it is good for our economy, and it is good for the employees.

Health care costs have become a millstone around the neck of our small businesses, dragging down our economy. Health care reform will help

small businesses thrive by lowering cost, improving service, and enabling small business owners to focus on making their businesses more successful.

I yield back the floor to my colleague from New Hampshire, and I thank her for conducting and managing this set of conversations from the freshman Senators today.

Mrs. SHAHEEN. Mr. President, I thank very much Senator MERKLEY for pointing out what a difference health care reform can make for small businesses.

I will now yield 6 minutes to the Senator from Alaska, Mr. BEGICH.

Mr. BEGICH. Mr. President, I thank the Senator.

I say to Senator MERKLEY, I am going to follow up on your points as to small businesses, and they are very good points. In Alaska, 52 percent of our population is self-employed, in some form or another, or they are self-employed and employ many individuals.

Again, I am pleased to be back here with our freshman colleagues to talk about why America needs health insurance reform and why we need it now.

Last week, we busted myths being pushed by the opponents of reform. Today, we join forces to describe the undeniably positive aspects of reform—how it will help our friends, our neighbors, and our loved ones.

I rise to address the unquestionable link between health insurance reform and economic recovery in America. All of us on this floor have heard from those who say we should not do health reform now, that with the economy still hurting, we should wait. Some of that commentary comes from loud and angry naysayers looking for any excuse to kill reform.

But that concern has also been raised by average Alaskans at our townhall meetings. It is a legitimate question, and here is how I answer my constituents: If we want to do this right, economic recovery and health reform have to go hand in hand. You cannot have one without the other.

There are already signs in this country of our economic turnaround in progress. That is welcome news for American breadwinners going back to work, for businesses racking up new sales, and for manufacturers ramping up production to fill new orders.

But there is more work to do, more progress to make. That is where health insurance reform comes in because the status quo is directly at odds with the possibility of continued economic growth. Here are a few examples. Businesses, big and small, have been saddled with skyrocketing health care costs for their workers. You have heard many examples this morning. The average health insurance premium in Alaska has risen 102 percent in the past decade—more than doubled.

No matter which State you are from, those premium increases take a toll on

business. Money that could go to innovation, investment, pay raises or added staff is going instead to insurance. Today, employer-provided family premiums in Alaska average more than \$14,000, about the annual pay of one new minimum wage job.

Household budgets are also strained. In this decade, health insurance costs for Alaska families have risen five times faster than wages. That is a loss of purchasing power that could be going instead into our local economy or to education to improve individual earning power.

Of course, my Alaska examples are happening in States all over this country. The statistics are troubling. Today, one-sixth of the entire American economy is devoted to health care costs. Think about it. That is more than \$2 trillion each year that does not go to job creation or business innovation or investments in infrastructure.

If we do nothing to reverse this trend—if supporters of the high cost of insurance manage to kill this reform—this problem will get much worse. By the time my 7-year-old son is raising his family, one-third of the entire U.S. economy could be consumed by health care.

Yesterday, on the floor of the Senate, one of our colleagues in opposition to health care reform put up a prop—which we will see over and over again—a large bill that was put on the desk. It is about 1,500 pages of the Finance bill, and over time that will change. But when you think about it, one-sixth of the economy will be decided by that bill—1,500 pages. To me, that is a small amount of work, in the sense of the legislation, to deal with one-sixth of our economy. But, again, we will see that prop over and over again. But I hope the American people will see through that and see how important dealing with one-sixth of the economy is and how having a bill of that length is important.

How can we expect American businesses to shoulder such costs and be truly competitive in a global economy? Here is one example. Right now, General Motors reports that health care spending adds \$1,500 to the cost of every car it produces. Of course, its chief overseas competitors do not have to worry about health care costs because their countries dealt with this years ago.

We can and must do better. Economic peace of mind is fundamental to our democracy. It is the goal of every family in this country. It is a cornerstone of the American dream.

Let me say again, if we are serious about economic recovery in this country, then we must be serious about health insurance reform. It is a package deal.

Mr. President, I thank you and yield back the floor to the Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I say to Senator BEGICH, thank you very much and thank you for pointing out how important health care reform is to our economy.

I now yield time to Senator KAUFMAN from Delaware.

Mr. KAUFMAN. Mr. President, I thank Senator SHAHEEN for her leadership in putting this together and thank her for her leadership on health care and so many other issues.

I appreciate the opportunity, once again, to join my colleagues in calling for the passage of meaningful health care reform.

This morning, we are answering the question: What can health care reform do for you?

I wish to take a couple minutes to talk about how health care reform can help Americans stay active and healthy by enhancing prevention and wellness services for all Americans.

As I have said many times on the floor, the present health care system is out of control. It has become a gigantic resource-eating machine which, over time, sucks in more money and delivers fewer options and poorer care.

As odd as it sounds—and it does sound odd—health is not always the top priority in the present health care system. The current system, all too often, waits to treat illness and respond to health problems until they become particularly acute and costly to treat.

Promotion of health, both physical and mental health, is not given a top priority in the present health care system because, frankly, it is not rewarded. Because of this lack of emphasis, our present health care system is weighed down by Americans who battle one or more chronic diseases every day.

Despite all we spend on health care—and in 2009 this figure will approach \$2.5 trillion—almost one in two Americans suffers from common, costly, and often preventable chronic diseases.

The Partnership to Fight Chronic Disease estimates that almost 80 percent of American workers have at least one chronic disease, and 55 percent have more than one chronic condition. In fact, treatment of chronic disease accounts for approximately 75 percent of every dollar spent on health care today.

The spending rate is even higher in the Medicaid and Medicare populations, with 83 percent of spending in Medicaid and 98 percent in Medicare going for the treatment of chronic disease.

The rapid growth of chronic disease increases insurance costs for Americans, undercuts U.S. competitiveness, and threatens Medicare and Medicaid viability. Our present health care reform effort gives us the opportunity to finally reverse this trend.

By empowering and motivating Americans to be physically active and

giving them a financial stake in maintaining their day-to-day health status, health care reform can put the focus back on healthy living.

An example we can build on is the recent success Safeway Corporation has had in reducing health care premiums for many of their employees by providing them incentives to change their behavior.

The CEO of Safeway, Steven Burd, created a program that rewards employees with lower premiums if they reduce their tobacco use, lower their blood pressure and cholesterol levels, and achieve a healthy weight. The completely voluntary program tests for these four measures, and employees receive premium discounts for each test they pass.

Aided by this program, obesity and smoking rates at Safeway are roughly 70 percent of the national average, and their health care costs for the last 4 years have remained constant. Let me repeat that: Their health care costs for the last 4 years have remained constant.

Right now, discounts for healthy behaviors such as Safeway's are limited to 20 percent of the regular premium. Recognizing the success of the programs such as these, the health reform bills moving through Congress include provisions to expand the premium discounts for healthy behaviors from 20 percent to 30 percent.

Another attempt to bring increased wellness to the workplace through health reform is a measure that provides grants to small businesses to provide access to comprehensive, evidence-based workplace wellness programs that would help employees make healthier choices.

These are both positive steps to promote healthy behaviors and give incentives to keep premium costs under control.

Also, by authorizing and expanding school-based health clinics, health care reform gives America's children more opportunity to learn about the merits of healthy behaviors at a young age, giving them the tools they need to make healthier choices throughout their lives.

In addition to promoting healthy lifestyles among American workers and children, health care reform will make it easier for those enrolled in Medicare and Medicaid to gain access to preventive services and wellness programs. This is incredibly important not only for the individual health of the enrollees but also to reduce the long-term costs of chronic disease in these programs.

For instance, health care reform will provide Medicare beneficiaries with a free visit to their primary care provider every year to create and update a personalized prevention plan. These plans can address health risks and chronic health problems and design a

schedule for regular recommended preventive screenings.

Health care reform will also eliminate out-of-pocket costs for preventive services for Medicare beneficiaries, making these services more affordable and increasing the likelihood they will seek early care before the cost of treating a disease is prohibitive.

For those enrolled in Medicaid, health care reform will offer tobacco cessation services to pregnant women, create a new State option for providing chronically ill individuals with a health home aide to coordinate care, and encourage States to cover preventive services recommended by the U.S. Preventive Services Task Force.

Again, these are all steps that begin to reward preventive medicine and give people the incentive to utilize such services.

The PRESIDING OFFICER. The Senator has used 6 minutes.

Mr. KAUFMAN. Mr. President, may I have 1 more minute?

Mrs. SHAHEEN. Yes, 1 minute.

Mr. KAUFMAN. In short, the long-term financial viability of the health care system requires a focus on improving health and addressing the burden of chronic disease.

Health care reform gives us the chance to facilitate our health system's transition from one that focuses on just treating illness to one that is more designed to prevent or delay disease onset and progression.

It is time to gather our collective will and do the right thing during this historic opportunity by passing health care reform. We can do no less. The American people deserve no less.

Thank you.

Mrs. SHAHEEN. Mr. President, I thank very much Senator KAUFMAN for giving us one more reason why we need to address health care reform.

I now yield 6 minutes of my time to Senator UDALL of New Mexico.

Mr. UDALL of New Mexico. Mr. President, I thank very much the Senator from New Hampshire. I thank her for her leadership on the floor and for the hard work she has done on this issue. I know everybody back in New Hampshire very much appreciates that. This is the fourth time the Senate's freshman class has gathered on the Senate floor to talk about health reform. Already we have talked about why maintaining the status quo is not an option. We have talked about how reform will contain costs and dispel the myths about reform. We have talked about how reform will mean many things to many different people. What I wish to talk about today is what reform will mean for rural New Mexicans.

Our rural areas are the backbone of America. It is where we grow our food. It is where the values and traditions that make our country unique continue to thrive. It is where the poten-

tial for a clean energy future grows brighter and brighter every day. Unfortunately, our rural areas are also places where the disparities in America's health care system are the most startling.

It shouldn't matter whether one lives in a vast metropolis such as New York City or a frontier town in New Mexico. All Americans, regardless of where we choose to call home, deserve access to quality, affordable health care.

However, the reality is that right now, where one lives does have a big impact on whether they have access to quality, affordable coverage. Americans living in rural areas are more likely to be uninsured, and if they do have insurance, it can be very difficult to find a doctor. As a result, rural Americans end up getting sicker, they have higher rates of chronic disease, and they are often forced to travel hundreds of miles for preventive or emergency care, if they are able to find any at all.

I have seen these disparities firsthand, as a Member of the other Chamber and now a Senator for one of the most rural States in the Nation. Geographically, New Mexico is the fifth largest State in the country with more than 120,000 square miles of some of the most beautiful land that God created. Of the 2 million people who call New Mexico home, about 700,000 live in rural areas. Several places in New Mexico are so sparsely populated they are classified as frontier areas with less than six people per square mile.

Many of New Mexico's rural residents are farmers and ranchers, and they run their own businesses. Their only access to health insurance is often through the individual market where coverage can be extremely expensive, difficult to obtain, and nowhere near as comprehensive. As a result, rural Americans pay nearly half of their health insurance costs out of pocket, and one in five farmers lives in medical debt.

With health care reform, we must ensure that America's farmers and ranchers, as their small business counterparts in more urban areas, have more affordable choices for coverage. I believe the best way for making this happen is through a health insurance exchange that includes a strong public option. Inserting more choice into the market would keep insurers honest and allow consumers to compare plans and prices and decide what works best for them.

With health care reform, we must also address the growing doctor shortage in rural America. In my State, for example, 30 of 33 counties are categorized as "medically underserved." Americans should not have to travel hundreds of miles for health care. Whether it is lifesaving treatment for a heart attack or a basic preventive service such as a mammogram, people are more likely to get the help they need

when they need it if the services are close to home. Through incentives such as low-interest student loans, loan repayment programs, and scholarships for students and midcareer professionals, we can encourage more doctors and nurses and specialists to establish and grow their medical careers in rural America.

Finally, with health care reform, we must better support rural hospitals that serve large numbers of low-income and uninsured patients. This could be through initiatives such as expanded drug discount programs, increased Medicare payment caps for rural health plans, increased National Health Service Corps doctors, and expanded demonstration programs to test reasonable cost reimbursement for small and rural hospitals.

We will never achieve true reform in our country if we don't address the very real health care challenges facing rural Americans from the deserts of New Mexico to the mountains of Maine and everywhere in between. The improvements I have outlined are a good start, but there is more left to do, and I plan on talking about how we can accomplish this in the coming weeks.

We have traveled a long way over the past few months. I applaud my fellow freshman Senators for standing up each week and making sure their voices were heard in this process. I believe, working together, we can create a system where all people can find and afford quality health insurance that provides the care they need. We can guarantee quality, affordable health insurance to every American, and we must do that.

Thank you, Mr. President. I yield to the distinguished Senator from New Hampshire.

THE PRESIDING OFFICER (Mr. KAUFMAN). The Senator from New Hampshire.

Mrs. SHAHEEN. I thank Senator UDALL very much for giving us another reason health care reform is going to be good for our families and for America.

Now I wish to yield 6 minutes to the Senator from Colorado, Mr. BENNET.

Mr. BENNET. Mr. President, I wish to thank the Senator from New Hampshire for yielding, as well as the Senator from New Mexico for his excellent comments.

I am a father of three little girls who are 10, 8, and 5. One of the things I miss most in being here and not being in Colorado is being able to read to them at night or be with them. Over the years, we have moved from one story to another. Harry Potter is now being read. But I heard a story from Colorado this morning that I couldn't believe that reminded me so much of "Goldilocks and the Three Bears." So that is what I wish to talk about today.

In Colorado, we have a young boy named Alex Lange who is 4 months old.

He is 17 pounds. Several weeks ago he was denied insurance because of his "preexisting condition" which, in his case, is obesity. Bernie and Kelli Lange, his parents, tried to get insurance and were told by an insurance broker that their baby was too fat to be covered. As his father said:

[I] could understand if we could control what he is eating, but he is 4 months old. He is breastfeeding. We can't put him on the Atkins diet or on a treadmill.

So that was one story of a child who is too fat to be covered.

Today we have the story of Aislin Bates. By the way, in the Lange case—and I want the record to reflect this—the insurance company did the right thing, which is to say: We made a mistake, and we need to cover this young man.

Today comes the story of Aislin Bates who is 2 years old, 22 pounds, denied insurance because of her "preexisting condition," which is that she is underweight. Rob and Rachel, her family, tried to get insurance and they received a letter saying:

We are unable to provide coverage for Aislin because her height and weight do not meet our company's standards.

Her pediatrician wrote a letter in support of the family's request to appeal the insurance company's decision, but the company stuck by its decision. The Bates family has said it costs as much to cover Aislin under COBRA as it costs to cover the remaining three family members.

So in Colorado we have children who are too big to be insured; we have children who are too little to be insured. The reason this reminded me of Goldilocks was that it looks as though you have to be "just right" to get insurance, even if you are an infant.

We can do better than that as a country, and we are proposing to do better than that as a country. One of the most important parts of this insurance reform is to get rid of denials of coverage based on preexisting conditions. I have spoken to many people who work for insurance companies that are tired of having to deny claims for this or for that or relying on the fine print when they know the right thing to do is to provide coverage.

I am tired of living in a country where 62 percent of bankruptcies are health care-related and 78 percent of those health care-related bankruptcies are happening to people who have insurance, working families who have insurance. I am tired of the fact that we have public hospitals in Denver that 2 or 3 years ago spent \$180 million of taxpayer money on uncompensated care for people employed by small businesses.

So I think what we are talking about at the end of the day is trying to create some stability for our working families, trying to create some stability and some fairness for our small busi-

nesses that, after all, are paying 18 percent more to cover their employees just because they are small.

Politics has gotten in the way of reform of our health care system for more than 20 years. It has been longer than that. In the last 10 years alone, the costs of health insurance premiums have gone up 97 percent in my State, while median family income has declined by \$800 over this same period. This is unsustainable for our working families. It is unsustainable for us as an economy, for us to spend more than twice what any other industrialized country in the world is spending on health care. We can't hope to compete in this global economy when we are devoting more than twice what anyone else is spending on health care.

We can do better. The commonsense reforms that are in front of us and that I am sure are going to be improved upon in the coming weeks are a big step forward for working families and small businesses. It is going to be a big step forward for these young children in Denver, CO, and in the rest of our State who can't be denied coverage because they are not "just right," because they are too big or they are too small or there is one other issue that nobody anticipated.

Our families need help. They need stability in order to get ahead. That is why I support this health care reform effort.

I wish to thank, again, the Senator from New Hampshire for her leadership this morning and throughout the months as we have been talking about this issue. I look forward to working with her in the coming weeks as we finally bring this matter into its safe harbor.

Thank you, Mr. President. I yield the floor.

Mrs. SHAHEEN. I thank Senator BENNET very much for yet another reason we must pass health care reform.

Now I wish to yield 6 minutes to Senator BURRIS from Illinois.

Mr. BURRIS. I thank the Senator from New Hampshire.

Mr. President, this week my freshman colleagues and I have come to the Senate floor to answer a simple question. It is a question we have been hearing from ordinary Americans across the country. They want to know: What can health care reform do for me?

I believe this question deserves an honest answer. Opponents of reform have resorted to lies and distortions to try to scare the American people into siding with the big insurance corporations. They talk about death panels and government takeovers and a lot of redtape between ordinary people and their doctors. These myths have been debunked many times. They have had no basis in reality.

I believe the American people are tired of the scare tactics and the dishonesty. They are too smart to fall for

this kind of tactic. They are interested in the truth behind our reform proposals. They just want to know: What can health care reform do for me?

This is what reform with a public option can do for all Americans: It can make insurers compete for their business. Reform with a public option will restore choice to an insurance market that is currently dominated by only a few companies. In my home State of Illinois, two companies control 69 percent of the insurance market. In some places, the market is even more concentrated. As any businessman will tell us, as competition shrinks, profits soar. That is bad for the consumer.

Between 2000 and 2007, profits increased by an average of 428 percent among 10 of America's top insurance providers. Other insurance premiums are rising four times faster than wages. Big corporations have the American people in a vice grip, and they are squeezing them for extraordinary profits. It is time for this to end.

If we reform the insurance industry and create a not-for-profit public health option, it will force private companies to improve their prices and their products. It will restore choice and competition to the market and will help make our insurance more affordable.

If you like your current plan, no one will force you to switch to a public option. Understand: If you have your doctor, you have your providers, and you have insurance coverage today, we are not going to impact you. But if your insurance provider isn't treating you right or is not giving you the coverage you need, you will have the ability to shop around. You can buy a better private plan that is guaranteed to be affordable for someone of your income level or you can choose the public option which will set its premiums at an affordable rate. Then it will rely on those premiums to remain self-sufficient.

These are the facts. This is what health insurance reform with a public option means to the American people: competition, choice, and affordability. That is why I refuse to compromise on the public option because it is the only way to give the American people the quality affordable care they deserve.

Let me be as clear as I possibly can. I will not vote for any health reform bill that does not include a public option. I ask my colleagues to stand with me. We have been debating reform for almost a century. Now is not the time to back down. Now is the time to act on our convictions. Let's do this for the American people. Let's make a public option a reality.

I yield back my time to the distinguished Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I thank Senator BURRIS for pointing out that we need health care reform to get competition in our health care industry.

I yield 6 minutes to the Senator from North Carolina, Mrs. HAGAN.

Mrs. HAGAN. Mr. President, I am joining my colleagues on the floor today to discuss the need for health care reform and what it means for Americans with preexisting conditions.

Millions of Americans live today with what insurance companies describe as preexisting conditions. They range from something as common as asthma or diabetes to diseases such as cancer or MS. Some insurance companies, believe it or not, even consider a C-section to be a preexisting condition.

Under our current system, if you are shopping for insurance on the individual market and you have a preexisting condition, you are faced with one of three frightening choices: One, you could be denied coverage altogether; two, you could be charged an exorbitant premium; three, you could be granted insurance with a rider that stipulates your insurance company is not required to cover your preexisting condition.

Recently, I received an e-mail from a family in Mooresville, NC, that truly underscores why millions of Americans living with preexisting conditions simply can no longer afford inaction on this issue.

Seven years ago, Tim became disabled and lost his job. Because he lost his job, his wife Marilyn also lost her coverage under his employer-provided plan. Tim's health care, which requires his wife Marilyn to provide constant home care, is covered by Medicare. But Marilyn has Osler's disease, which is a blood disease considered to be a preexisting condition by her insurance company. Marilyn is only able to purchase a high-cost, high-deductible plan. Compared to Tim's illness, her condition is relatively minor. But over the last 7 years, they have racked up more than \$72,000 in debt for her health care. And this past year, her health insurance premiums cost more than the mortgage on their home.

Unfortunately, there are millions of Americans all across our country such as Tim and Marilyn who are literally one medical emergency away from bankruptcy. This couple is sick and stuck.

Over the last 10 years, medical premiums in North Carolina have skyrocketed, increasing 98 percent, while wages, on the other hand, have increased only 18 percent.

The Health, Education, Labor, and Pensions Committee, of which I am a member, crafted a bill that ensures a preexisting condition never again prevents anyone from obtaining health insurance. It also provides security and stability for people with insurance, expands access to health insurance for people without it, and it will stop draining the finances of American families and the Treasury. The Finance Committee's bill also includes these critical elements.

My goal is to send the President a bill that gives people the peace of mind that if they change or lose their job, as Tim did, they will no longer have to fear losing their health insurance too.

Every single day I hear from North Carolinians who are looking for an opportunity to purchase quality affordable health insurance and protect their families. Hard-working Americans, such as Tim and Marilyn, simply cannot afford to wait any longer.

I yield back my time.

Mrs. SHAHEEN. Mr. President, I thank Senator HAGAN for yet another reason why health care reform is going to make a difference for Americans.

This morning, the freshman Senators have again talked about why we must pass health care reform. We have heard nine very important reasons why health care can make a difference for American families.

We heard from Senator WARNER that health care reform is going to be critical to States as they look at the rising costs of Medicaid in their budgets and how to get those health care costs under control.

We heard from Senator MERKLEY why health care reform is critical to help small businesses as they are trying to cover their employees and deal with the costs as they get out of this recession.

We heard from Senator BEGICH about why health care reform is critical as we are looking at economic recovery. Health care costs are 18 percent of this economy, one-sixth of this economy, and we cannot allow those costs to continue to grow at this rate and expect we are going to be able to recover robustly from this recession.

We heard from you, Mr. President, about why health care reform is going to improve prevention and wellness. The goal is to make us a healthier population, and health care reform can help spur that.

We heard from Senator BENNET about why health care reform is going to help people who already have health insurance, to make that health insurance better provide for families who need it.

We heard from Senator BURRIS about why health care reform is going to be critical to making health insurance companies compete for business and, therefore, better accommodate the health issues families have.

We heard from Senator UDALL about why health care reform is going to make a difference for rural areas, places such as the north country of New Hampshire where we have too many people who have to spend too much and go too far for their health care.

We heard from Senator HAGAN about the importance of health insurance reform and health care reform to address things such as preexisting conditions.

I talked about the fact that health care reform can both lower costs and improve quality for Americans.

Those are nine critical reasons why health care reform is going to be important to help American families, American businesses, the American economy.

The time to act is now. Hopefully, we can act in a bipartisan way. But we must act to make a difference for this country and for families.

Mr. President, I yield back the remaining time in morning business. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JOHNSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF ROBERTO A. LANGE TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Roberto A. Lange, of South Dakota, to be U.S. District Judge for the District of South Dakota.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate equally divided and controlled between the Senator from Vermont, Mr. LEAHY, and the Senator from Alabama, Mr. SESSIONS, or their designees.

The Senator from South Dakota.

Mr. JOHNSON. Mr. President, a few weeks ago I stood here on the floor and offered my support for Jeff Viken to be a District Judge for South Dakota. That nomination passed with a vote of 99 to 0. Today, I am here to encourage my colleagues to offer the same support for Roberto Lange, also a nominee to be a District Judge for South Dakota. I spoke at that time of the importance of Federal judgeships and the lifetime tenure of these appointments. The lifetime appointment of a Federal judge is a very serious decision; one that has a lasting impact on our democracy.

When I last spoke on the floor nearly a month ago, only two judges had been confirmed—including now Justice Sotomayor. That day, we confirmed a third judge. That confirmation was Jeff

Viken to fill a vacancy in my home State of South Dakota. Since that time no other judges have been confirmed by the Senate. I am proud to have both the third and the fourth judges confirmed by the Senate this Congress to be for the District of South Dakota. However, it is my understanding that there are currently ten other judicial nominations pending on the Executive Calendar. We are lucky in South Dakota to have our vacancies filled so quickly, but I encourage my colleagues to act swiftly to fill these other vacancies.

Mr. Lange has an impressive background. He has over 20 years of experience practicing law in South Dakota. Before that, he clerked for the very same docket that he has been nominated for. He attended Northwestern University School of Law on a full tuition scholarship where he was on the dean's list every semester. Prior to that, he completed his undergraduate degree at the University of South Dakota, my law school alma mater. In addition, Bob has received a well-qualified rating from the American Bar Association.

I am proud to have put Bob's name forward for this post. It is a great honor that President Obama has placed on Bob with this nomination. South Dakota will be well served by this selection. I congratulate Bob and his family on this accomplishment.

It is with great confidence in his abilities that I will cast my vote today for the confirmation of Roberto Lange to be the next U.S. Federal District Judge for South Dakota. I urge my colleagues to support this very qualified nominee.

Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time under the quorum call be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent to speak up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHANISTAN/PAKISTAN STRATEGY

Mr. BOND. Mr. President, I rise today to renew my call for President Obama to give full support to his top military commander in Afghanistan, GEN Stanley McChrystal.

Several weeks ago, I stood in this Chamber and made the case for our Congress and the American people to hear directly, and as soon as possible, from General McChrystal to ensure that political motivations here in

Washington do not override the vital needs of our commanders and troops on the ground. I was concerned then, as I am now, that continued wavering by the administration and others in Washington could unravel the hard work by our military and intelligence professionals on the battlefields of Afghanistan.

As the "friendly" death toll continues to rise in Afghanistan, political indecision here in Washington persists. We have heard no firm commitment from the administration to the fully resourced counterinsurgency strategy the President forcefully outlined last spring. I came to the floor and I supported the President's counterinsurgency strategy fully; and with General McChrystal's recent report to implement that strategy to deal with the situation in Afghanistan, I fully supported President Obama's statements in March.

But instead of commitment, the past few weeks have brought a flurry of internal debate in the administration and in the media about the basic tenets of the strategy and assessment—counterinsurgency versus counterterrorism; clear, build and hold, or fire and fall back; more troops versus fewer strategy; crafting a strategy or crafting a strategic message. In what must be a historic first, it appears I am more supportive of the President's own strategy than the President is.

Amidst this indecision, our Afghan people, our NATO, ISAF, regional allies, and our own troops wait. The Afghans wait to hear if the United States will continue to stand beside them in spite of the growing threats of the insurgent violence of the resurgent Taliban control. Our allies wait to see if they were wrong to put trust and confidence in the U.S. leadership in the region. Our military forces and brave civilians who serve in Afghanistan under constant stress and mortal danger wait to see if their sacrifices and those of their fallen comrades will have been in vain.

We have heard excuse after excuse, constant attempts to justify delay. Over the past week, another red herring was floated by some officials—we have to wait until the dispute surrounding the Afghan elections are resolved. This red herring—and those people peddling it as an excuse—has missed a truth even more applicable to the mountains and villages, and our towns and cities here in America—all politics is local, and so is the security that the Afghan people need.

While we would all like to see a pristine election in Afghanistan—something we still haven't accomplished 100 percent in our own Nation—the Taliban is not waiting for election results as they continue to kill our troops and attack the people of Afghanistan and gain momentum. Security in Afghanistan will not come from

Kabul. It will have to be built village by village and valley by valley. That is what the counterinsurgency strategy is designed to do.

Even if the naysayers continue to ignore this important truth about security in Afghanistan, yesterday's announcement that a run-off election will now be held on November 7 has made that red herring of an excuse gone and useless. In light of this electoral process in Afghanistan and the progress that has been made, what are we hearing from the White House? As though this decision seemed something to be applauded, the administration continues to proclaim its indecision. Today, the White House press secretary said, "It's possible," but there are no guarantees that a decision may be made before the election—17 days from now. More people killed, more progress for the Taliban, more wondering and hesitancy by the Afghans we are trying to serve.

It is a simple question: Will we support President Obama's commanding general, Stan McChrystal, or not?

I have heard some pundits opine that delaying a few more weeks won't make any difference because it will take some time for troops to get there anyway. Using that logic, no decisions need to be made for months. But it is pretty clear postponing any decision simply postpones the date of actual engagement. And even the right strategy won't work if it is not implemented on time. We are losing time, and it can never be recovered. It certainly won't work if it is never acknowledged as our strategy.

Defense Secretary Gates waved a red flag recently, noting that the United States cannot wait for questions surrounding the legitimacy of the Afghan Government to be resolved before a decision on General McChrystal's troop request is made. He understands what I believe is a simple truth: The longer we wait, the stronger and more determined the enemy gets.

Read the papers. Violence is up this season over last. Violence is up this year over the last. The Taliban continues to gain influence in parts of Afghanistan. We keep fighting with what we have, but the insurgents keep getting stronger. We cannot and must not wait any longer for a decision.

It comes down to this: Delay leads to defeat, not victory. Our commanders in the field—the real experts who see firsthand what is required for victory—have asked for more boots on the ground, and there is no reason not to give them those troops now. While politicians and pundits debate here, the enemy is building strength and establishing even greater control over Afghanistan, the Afghan people, and future generations of potential terrorists. While we talk here, American heroes and our ISAF and Afghan allies are dying in increasing numbers in the barren regions of Afghanistan.

In a war where winning hearts and minds is critical, delay in Washington is a public diplomacy disaster in Afghanistan and abroad. It advertises our lack of resolve to our allies and the people of Afghanistan. The Afghan people have been disappointed by the United States before. Now they need to know with certainty that the United States will not abandon them again in this fight against terrorism. Our allies, who are at this very moment being urged by the Secretary of Defense to contribute to the Afghan campaign, need to know that we will remain by their sides to defeat this enemy together. Instead, the message we are sending is one of absurdity.

Imagine this diplomatic sales job: We send a diplomat out and say: "Friends in Afghanistan, we would like to keep fighting the good fight against the terrorists and insurgents, but we haven't yet decided how strong our commitment is." I would like to see that message sell. And to our allies around the world: "We would really like for you to contribute more troops and resources for this fight, but we need a few more weeks to decide what our contributions will be." That message isn't going to work either.

I strongly doubt this new brand of public diplomacy will sell for much in the streets of Kabul or the villages of Nangarhar. What this message does tell the people of Afghanistan and the key Shura leaders across the country is: Don't trust the Americans, and instead look to the Taliban as the most likely force for the future in Afghanistan. A disaster.

Perhaps even more troubling is the message this wavering sends to our terrorist enemies. If they simply wait us out, we will go home in defeat. While the administration dithers, the terrorists have honed their own message of hatred and extremism. Radical Islamic terrorists have staged suicide attacks for maximum publicity, propagandized their message on the Internet, and convinced their fellow terrorists-at-arms that they will defeat the international community.

In the years leading up to the 9/11 attacks, al-Qaida—operating under the Taliban control in Afghanistan—was emboldened by our lukewarm response to their attacks and provocations. Failing to commit to victory now will only embolden these enemies of freedom that much more to stage more attacks.

Let there be no doubt, from all that I have read and all that I have learned in my travels to the region, and heard here, if we fail now, if the Taliban returns to power in Afghanistan, the price we pay in the future will be far greater than any price General McChrystal is asking us to pay now. We have to decide which price we are going to pay.

The stakes are high. General McChrystal's strategic assessment

makes clear the situation in Afghanistan is deteriorating and the Taliban is gaining momentum. The causes of this deterioration have been debated by my colleagues countless times over the past several years. Pointing fingers for past judgments or even past mistakes, however, does nothing to solve the problems of today in Afghanistan. For this reason, I was disappointed to learn yesterday of the House majority leader's criticism of Members of Congress who are calling on President Obama to make a decision now. Well, I am one of them.

The majority leader, in trying to justify the administration's wavering, accused Republicans of abandoning their focus for the past 7 years. I don't happen to think that is true. But whatever your opinion on the matter is, it is simply no longer relevant. The actions of one administration do not justify handing victory to terrorists through the indecisiveness of another administration. The battle before us in the Afghan/Pakistan region is today. General McChrystal has laid out an implementation of the winning strategy for Afghanistan, which the President set out, and the President's decision is simple: Do we implement it or not?

The answer should be simple. By announcing publicly his unequivocal support for General McChrystal's request, agreeing to send the troops that are needed, the President can send a message of firm resolve to our enemies and to our allies. He can give our commanders on the ground—the same military experts he chose for this mission—the resources they have requested. He can create a strategic communications plan that tells our enemies, our allies, and the American people of our intentions for the region.

The last point is particularly important. We are at a crossroads in Pakistan. We can take the road of expedience and continue to listen to Pakistani officials, who claim they have no control over the Taliban, have no idea where Mullah Omar is, and have only limited capability to decrease terrorist safe havens in their country or we can take the better path and encourage our Pakistani allies to reclaim their national sovereignty in the tribal areas and provide the stability and security that is the right of a people to expect from their government. I believe I speak for many of my colleagues when I say we should expect more from our allies to whom we give so much. But they need to hear that we are serious about our mission there as well. Pakistan has the right to be concerned when the United States appears to be faltering in its determination to remain in the fight. We failed in this region in the past, so we should not be surprised if our continued wavering instills heightened insecurity. I have spoken in this Chamber before about the importance of including Pakistan in

our efforts to defeat terrorism in the region. Afghanistan and Pakistan are inextricably linked. More aggressive action may become a good thing in Pakistan, but such action should be in addition to, not as a substitute for, giving our troops in Afghanistan all the resources they need.

While denying al-Qaida and Taliban militants sanctuary in the border regions of Pakistan is critical, a fire-and-fall-back-only approach focusing on one part of this regional conflict will ultimately hand victory to the world's most violent and feared terrorists—the same terrorists whom our Nation witnessed firsthand attack so brutally, violently, and with such deadly force on September 11.

We have seen polls that signal wavering support among the American people for this war in Afghanistan. But I have faith in the American people. They are resilient, they are proud of their country, and they understand the price of doing nothing. They are determined the sacrifices of their sons and daughters, husbands, wives, and children serving in Afghanistan will not be in vain. We owe them no less.

I call on President Obama to end this indecision and to show the American people and our allies the same resolve and determination I heard in his words of last spring. It is time for him to speak out, to make the decision, explain why it is important, and to carry that message not just to Americans but to allies and enemies throughout the world. Last spring he said:

Our spirit is stronger and cannot be broken; you cannot outlast us, and we will defeat you.

General McChrystal has said we must act quickly to defeat the terrorists and insurgents. Now is the time for President Obama to support his commanders on the ground and silence the pessimistic political winds whispering defeat in Washington.

Mr. President, I yield the floor.

I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that during debate on the nominees, all time during quorum call and recess be charged equally to the majority and minority sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I take this time to bring to the attention of

my colleagues the effect these holds—in most cases anonymous holds that are being placed by Senators on judicial appointments—are having on the lives of judicial officials and on the effectiveness of the judicial branch of government.

So far, President Obama has nominated four circuit court judges who are awaiting confirmation. One of those is Andre Davis to the Fourth Circuit of Maryland. I mention his name because he was appointed by President Obama early this year. The Judiciary Committee held a hearing in April of this year. In June, the Judiciary Committee recommended his confirmation by a strong bipartisan vote of 16 to 3.

When we finally get a chance to vote on Judge Davis' confirmation to the court of appeals for the circuit court, I am confident it is going to be a lopsided vote among the Members of the Senate. Yet we have been denied the opportunity to confirm his appointment because some Senators put on a hold. Every time we tried to get a time agreement, which everybody says is reasonable, there was an objection. I do not believe it is aimed at Judge Davis; I believe it is a strategy by my Republican colleagues to slow down the confirmation process of judges. I don't know why. I really do not understand. When we have a judge who is qualified, who is not controversial, why would we deny the judicial branch of government the judge it needs in order to carry out its responsibility? Why would we put people through this process of waiting for the Senate to confirm when it is clear the overwhelming majority is in support of the confirmation? I think Judge Davis presents an example. Let me try to put a face on it. You hear the numbers, you hear the statistics, but each one of those holds represents another person being denied the opportunity to serve as a judge.

Judge Davis has an extremely long and distinguished career in the Maryland legal community. He graduated from the University of Pennsylvania cum laude and with a JD degree from the University of Maryland School of Law, where he still teaches classes as a faculty member. He has been a judge on the District Court of Maryland since 1995 when he was confirmed by the Senate. He has had a long career—22 years—as a district court judge. He has presided over literally thousands of cases. Many of these have gone to verdict and judgment. His record is one which lawyers and his colleagues on the bench praise as being well balanced, as that of a judge who understands the responsibilities of the judicial branch of government. He tries to call the cases as the law dictates, and there is absolutely no blemish on his record as a trial court judge. He has been praised by lawyers in Maryland as smart, evenhanded, fair, and open-minded. He has received a “well quali-

fied” rating from the American Bar Association Standing Committee on the Federal Judiciary. He will add diversity to the Fourth Circuit. When confirmed, he will be the third African-American judge to serve in the Fourth Circuit.

I bring to your attention and to the attention of my colleagues Judge Davis because we have to bring an end to these holds where a judge is being held not because he is controversial, not because there is a problem, not because you want additional information, but just to slow down the process. That is wrong. That is an abuse of the responsibilities of each one of us, of the power each Senator has. I think it is important that we all speak out, whether Democrats or Republicans. It is just wrong. It is time to move these nominations to the floor of the Senate and to have votes up or down on these nominees.

I urge my colleagues to let us get on with the business we were elected to do, to advise and consent to the President's appointments. If we have a problem with an appointment, let's speak out against it and let's have that type of debate. But delay for delay's sake is not befitting the Senate. I urge my colleagues to allow these appointments to go forward with up-or-down votes on the floor of the Senate.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that the final 30 minutes prior to the 2 p.m. vote be reserved for the chair and ranking member of the Judiciary Committee or their designees, with Senator LEAHY controlling the final 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE PHYSICIAN FAIRNESS ACT

Ms. STABENOW. Mr. President, I rise today to speak about a motion we will be voting on after the nomination

that is currently before the Senate, and that is the motion to proceed to a very important bill for seniors on Medicare coverage, for the disabled, for those who are in our military and their families. It relates to the way we reimburse physicians under Medicare and under TRICARE. It is called the Medicare Physician Fairness Act.

This is an effort to eliminate what has become a very flawed formula for determining the payments for physicians under Medicare.

We, in fact, know it is flawed because in the last 7 years, the last seven times that proposals have come forward from this formula to cut physician pay under Medicare and TRICARE, this Congress has chosen to reject that recommendation, that cut.

We want to make sure seniors can have access to their doctors, that Medicare is a quality system that allows the kind of reimbursements so we can continue to have the quality of providers, physicians, and others we have today.

This bill, S. 1776, would allow us to do away with what has become a very flawed process. Every year we postpone the cuts that have been proposed because we know they are flawed. We know this time of year, if we do not take action, there would be a 21-percent cut in Medicare for physicians who serve our seniors and people with disabilities. Because Medicare and TRICARE are tied together, that cut would also affect our military men and women and their families and retirees from the military. So, of course, we do not want that to happen. We are not going to allow that to happen. But rather than every year—every year, every year—deciding at the last minute we are going to stop these devastating cuts, putting physicians in the situation where they are not sure how to plan, worrying our seniors, worrying those in our military and retired military personnel, now is the time to change the formula to stop it.

By doing that, by passing this legislation, we then set the stage for health care reform where, in fact, under health care reform, we have a different set of incentives. We focus on strengthening Medicare in a way that improves quality access for seniors. We focus on incentivizing prevention. We focus on incentivizing primary care doctors with a different system that will provide bonuses and payments for our primary care doctors.

So we have a new system. We have a new vision for strengthening Medicare, strengthening our health care system. But right at the moment, we also have this failed system in place that we are kind of stuck with unless we can say: We are done. We are going to start again. We are going to start from a different budget baseline, and then move forward on health care reform.

That is exactly what I have been wanting to do with this legislation.

That is why I am so appreciative of the fact that our majority leader, Senator REID, understands and is committed to making this change. His commitment to Medicare, his commitment to our seniors, our military personnel, and to our physicians is the reason we are here today. So I am so grateful to him for all of his commitment and all of his work. But this needs to be changed right now.

As I indicated, we have a system that supports our Medicare system, covers seniors, the disabled. We also tie it to our military health care system, members of the U.S. military, surviving spouses, families, military retirees, and their families. All of them are extremely supportive. In fact, it is not an exaggeration to say this is a top priority, if not the top priority, of the AARP and those who advocate for seniors right now to give seniors the peace of mind to know they are going to be able to have access to their doctors and that their doctors are going to have the resources they need to be able to treat them.

This bill would make sure that happened by rejecting what has been a failed system. We can go right on down the list. We not only have strong support from the American Medical Association and other physician groups but those who represent our military. Military officers and their families and retirees are extremely supportive.

I am very proud of the work that over 20,000 physicians in Michigan do every day providing to more than 1.4 million seniors and people with disabilities in Michigan the quality care they need and deserve.

We have over 90,000 TRICARE beneficiaries, men and women in our military, retirees who are receiving high-quality medical services in conjunction with the Medicare system. We are very proud of that, and we want to make sure we are maintaining that as well.

Let me go through again what we are trying to make sure we can fix. One, this legislation would repeal the current broken system. It would stop a 21-percent cut to our physicians under Medicare and TRICARE, which would be devastating. It would stop what is a Band-aid approach every year. We know we are going to fix it. We fix it every year individually for that year, always at the last minute.

It is time to change that process. I believe this is honest budgeting because we know we are not going to allow these cuts to take place. So we should do away with this process that even proposes these cuts every year and lay the foundation for real physician payment reform, which is in the legislation.

Let me share with you a letter from a medical clinic in southwest Michigan where physicians wrote to me.

Every year we have to wait to the last minute to see if the rates will get cut or

fixed. This makes it impossible to budget and project for the next year. Especially for practices like ours, with nearly 50 percent of our patients are Medicare patients. With the uncertainty and the increases that we do get not keeping up with the cost of living, we have to err on the side of caution, which leads us to job cuts. Though we need the staff to provide the best patient care between Medicare and Medicaid we can't afford to keep them and stay in business. If the uncertainty continues we will be forced to re-evaluate our patient population as well, leaving the Medicare patients with no choices for the care that they need.

This is really the bottom line. We want to make sure physicians are fully participating in caring for our senior citizens, for people with disabilities in this country. We want to make sure Medicare is strong. We want to make sure we are protecting it going forward. In order to do that, we have to start from the premise that we will not be allowing these cuts or the possibility of these cuts to go forward year after year after year.

The vote we are going to have in front of us is a vote to proceed to the bill. I know there are those with amendments they would like to offer. I would hope that we would see a strong bipartisan vote to simply go to this bill. I think the seniors of this country deserve that.

I think all of those who care about health care for our senior citizens and the disabled, our families, our military personnel deserve that; to have the opportunity to go to this bill, to be able to work on it together, and to be able to pass this bill and permanently solve this problem.

I am very grateful for the fact that the President of the United States not only supports this effort, his administration's budget, the budget he gave us at the beginning of this year, his very first budget, he put forward a budget that did not include going forward with the cuts in this flawed formula.

His budget baseline started from a premise that we would not be making these cuts going forward. I believe that is where we should be. We should be making sure we stop the Band-aid approach. Stop this effort that has gone on year after year and create an honest budgeting process so that we can make sure our seniors have confidence in the future; that they are going to be able to see their doctor under Medicare, and that physicians have the confidence of knowing they are supported by a strengthened Medicare system.

So I am very hopeful we will see a strong bipartisan vote to allow us to move to this very important measure to strengthen and protect Medicare of the future.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to declare to my colleagues that I intend to vote against cloture to proceed on the motion to proceed to this

measure regarding the sustainable growth rate.

I want to explain why. I thank Senator STABENOW for her leadership, and to say this is one of those moments where substantially I agree with just about everything she had to say about the inadequacies of the sustainable growth rate formula which was put in in the late 1990s as part of what turned out to be a very effective attempt to bring fiscal responsibility, budget balancing, even a surplus.

Believe it or not, at the end of the Clinton administration, historians may note, perhaps people will forget, we actually had a Federal Government surplus. But it turned out that this sustainable growth rate formula for the reimbursement of doctors was not workable and unfair and has resulted in the refusal of a lot of doctors to treat patients under Medicare.

So why would I not vote for cloture to proceed to take up this matter, and then vote for it? It is because there are larger questions involved. In some sense, I think this is a precautionary tale, the vote on this matter. It is a precautionary tale of what we will face in succeeding votes in the Senate and most immediately in the health care reform debate we will soon take up on the Senate floor.

We did not get into this terrible situation with our Federal deficit and debt because there were people in the House or in the White House over the last several years who had bad motives or bad values. In fact, in most of the cases, such as this, when money has been allocated, appropriated for programs, it has been done with the best of intentions. But the ultimate effect has been bad for our country and our future because it has put us into a position of national debt that is unsustainable, that threatens to cripple our economic recovery and burden our children and grandchildren and beyond so that they do not live in a country with the kind of economic dynamism and opportunity in which we were blessed to be raised.

In some sense, if I would be allowed to paraphrase, I would say the road to an unsustainable, damaging, American national debt is paved with good intentions, with votes for good programs. It just is time for us together, across party lines, to sound the alarm, blow the whistle, and make choices regarding priorities.

We cannot have, no matter how good or worthwhile, programs for which we are not prepared to pay. The numbers are stunning. I am privileged to be serving my 21st year in the Senate. The numbers of our Federal indebtedness today are so shockingly high that if you told me that 21 years ago or 10 years ago or even 5 years ago, I simply would not have believed it.

The fiscal year that ended on September 30, fiscal year 2009, we now

know, learned about a week ago, America ran a deficit of \$1.4-plus trillion. We know America now has an accumulated long-term debt of \$12 trillion.

We know the Congressional Budget Office has projected that over the next 10 years, we will run deficits that will add \$9 trillion to the long-term debt. So \$12 trillion now, add \$9 trillion, and that is \$21 trillion of debt. It is unbelievable. We say it is unsustainable. That is a big word. What does "unsustainable" mean? It means that at some point this size debt is going to cripple the economic recovery that is just beginning. It is going to create hyperinflation because at some point people are going to stop buying our debt and we will have to raise interest to get more people to do so. At some point, if we don't fix this, the government is going to be left with no alternative but to print more money. That is the road to inflation, to lost jobs, and to a lower quality of life.

All these things we have done, which seemed necessary at the time, which are good, we have to pay for them or else this will not be the country we want it to be for succeeding generations. We are going to reach a point where we will not have the money to do the first thing the Federal Government is supposed to do, which is to defend the security of the country, to provide for the common defense in what is, obviously, a dangerous world.

This is a precautionary tale, a precautionary vote. We are coming to a big debate on health care reform. I am for health care reform, but it is not the only thing I am for. In fact, at this moment in our history, it seems there are two things that matter more to our country than health care reform, although I wish we could do them all. One is to sustain the recovery from the deepest recession this country has had since the Great Depression of the 1930s. We are just beginning to crawl our way out of it. Gains in gross domestic product look as though they are coming, but it is fragile. It is not robust. Of course, almost 10 percent of the American people are out of work. In fact, it is higher than 10 percent. To me, the top priority we all should have—and I speak for myself—is to sustain the economic recovery to get people back to work, to keep our economy strong.

The second—and it is related to the first—is to begin to deal with the terrible imbalances in our Federal books that will compromise the economic recovery and cripple our economic future and the opportunity our children and grandchildren will have in the future. It means we have to make choices. In the coming health care debate, we have to make sure, as the President said, that there is not one dime added to the deficit as a result. We have to make sure that what we do within the context of health care reform not only doesn't increase the deficit and the

long-term debt but doesn't add cost and increase premiums, for instance, on working people, middle-class families to pay for their health insurance and on businesses for which we need to provide every incentive to add workers, to grow, to sustain the recovery as it exists now.

Those are the standards I will apply to my own action on the health care reform proposal. I want to be for health care reform. I am for health care reform. I know the system needs to be changed. But this is a precautionary vote coming up because while the Medicare Physicians Fairness Act, which would repeal the sustainable growth rate formula, is substantively just, it is not paid for. It adds almost \$250 billion to the debt for the coming years. I don't think we can do that anymore.

I am relieved to know, in terms of the immediate impact of my vote against cloture on this matter, that if cloture is not obtained, the health care reform bill that came out of the Senate Finance Committee does take care of the problem with the sustainable growth rate for another year. That gives everybody—doctors and, most important, Medicare recipients—breathing room. We can't go on spending without paying for what we are spending, no matter how good or right it is, because there is a greater harm being done to our country.

The speed with which this Medicare Physician Fairness Act has come to the floor and taking it out of health care reform where it certainly belongs is also a precautionary tale.

I have said I am against the public option for health care insurance, essentially a government-owned health insurance plan, one, because we believe in a market economy and a regulatory government. We believe a market economy is the best way to create economic growth and wealth. It serves the American people very well. We also know that a market economy of itself doesn't, as somebody long ago said, have a conscience. So the government sets rules. We have oversight. We have regulatory rules. We have antitrust laws, for instance. That is the way we maintain fairness in the economy, in the marketplace. I don't remember another case where our answer to a concern about fairness in the marketplace—in this case, whether there is real competition in the health insurance business, whether the health insurance companies are being fair in their rates, et cetera, which are all reasonable questions—I don't remember another case where the answer was to create a government-owned corporation to compete with the private sector.

I spent 6 great years serving as attorney general of Connecticut. We sued a lot of businesses for unfair trade practices, for bid rigging, for price fixing.

We appeared before regulatory commissions on behalf of the people of the United States, all sorts of businesses. But nobody ever had the idea that instead of us doing that, we should create a government oil company, a government car company, a government company to sell automobiles, a government company to take care of roof contracting. I could go on and on. One of the reasons is, particularly now, I don't have confidence that we can discipline ourselves from making it into another cause of the skyrocketing Federal deficit.

This bill is evidence of that. Here is a good cause, a group we all respect, the doctors, saying: We need this 10-year fix to the problem. And we just did it. This really ought to be done as part of overall Medicare reform. We have to have a commission. We have to have some system to deal with the great threats to our economic future. Medicare is going to run out of money in 2017, 8 years from now. Social Security is already dipping into the trust funds, taking more out than we are getting in. It may change in a year or two, but that is the way it is.

With respect to the sponsors of this proposal, the Medicare Physician Fairness Act, the doctors' associations that I know would like us to vote for it, I think 1 year is enough; 1 year paid for is enough. To do more than that now is wrong and irresponsible, and therefore I will vote against the cloture motion on the motion to proceed to the Medicare Physician Fairness Act.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I will vote against the motion to proceed. Before Senator LIEBERMAN leaves the floor, I want to say again, of all the people I have met in the Senate, he constantly amazes me, because there is no doubt he is doing this because he believes passionately that America is at a crossroads and this is making the problem worse, not better. I am on a bill with him—there are seven Republicans and seven Democrats—that is a comprehensive solution to our health care needs. It is the Wyden-Bennett bill. It mandates coverage, but we do it through the private sector.

I want colleagues to know that Senator LIEBERMAN has been constructive in trying to find a bipartisan compromise that will allow us to deal with health care inflation, which is a problem in the private sector. He practices what he preaches, trying to solve problems. As he explained it, the Senator from Mississippi and I were sitting here talking. There is not much of that around here in politics now, where one would come out and take on an issue that is being pushed by leaders of the Democratic Party. He is an independent Democrat, but he articulated

the reason in a way most Americans really appreciate.

Doctors have a problem. In 1997, we tried to balance the budget with President Clinton, the Balanced Budget Act of 1997. When we looked at how we could sustain a balanced budget, we had to go to where the growth was in the budget. The big programs were Medicaid and Medicare, the entitlements. Eventually, those two programs will cost the equivalent of the entire Federal budget today in 20 or 30 years. If we want to balance the budget, we have to slow down entitlement growth.

Medicare is one of those programs that have grown dramatically. When it first came about, it was a \$4 billion safety net. They projected that Medicare would cost \$37 billion in 1990. It was like \$90-something billion. It is \$400 billion today. Those who designed the Medicare Program as a safety net for senior citizens without health care did a good thing, but from then until now, it has become a \$400 billion item that is eating up the entire budget.

In 1997, we recalculated the growth rates to be paid to doctors and hospitals. Since then, doctors and hospitals have been saying that we cut reimbursements to the point that they can't take Medicare and Medicaid patients and it is hurting their ability to stay in business. About 60 percent of their income comes from the Federal Government. I don't doubt that is true. What we did is just nickel and dime doctors and hospitals and never reform Medicare.

So Senator LIEBERMAN is right. To help doctors and hospitals and the country achieve a balanced budget, we will have to fundamentally reform Medicare, and the doctor fix should be part of that effort.

What we are doing here is making a promise we can't afford to pay. We are going to tell the doctors: Don't worry ever again about Medicare reimbursements being cut because for a 10-year period, we are going to hold you harmless.

That is beyond cynical. We need to look at the doctor fix in terms of comprehensive Medicare reform. It is a \$245 billion item designed to get the medical community to support the leadership version of health care. It is transparent. It is wrong. It is bad politics. It is bad policy. I hope my colleagues will reject it.

The bill coming out of the Finance Committee—and I congratulate Senators who are trying to fix health care because it needs to be fixed—is about an \$800 billion expenditure, a little bit more. It is revenue neutral over a 10-year period because it is going to be paid for. Four hundred billion in Medicare cuts are part of the payoff, the pay-fors.

How do we take \$800 billion of expense and make it revenue neutral? We offset it. One of the offsets is a \$400 bil-

lion-plus reduction in Medicare spending over a 10-year window. I argue that not only is that not going to happen because the Congress hasn't reduced Medicare spending anywhere near that, it is just politically not going to happen. Two years ago, we tried to slow down the growth of Medicare to \$33.8 billion over a 4- or 5-year period and got 24 votes. If colleagues think this Congress is going to have the political will and courage to reduce Medicare by \$400 billion over 10 years, show me in the past where we have had any desire to do that.

The doctors fix is the best evidence yet of what will come in the future. We are contemplating doing away with the reduction in physician payments that was part of the balanced budget agreement because our medical community has been hit hard and is complaining. Look at the \$400 billion. Do we think if people are going to be on the receiving end of a \$400 billion cut over a period of time, they are going to accept it happily? Do you think they are not going to complain? What do you think we are going to do when one group of the medical community or the insurance community says, "You are putting me out of business."

These \$400 billion cuts are never going to happen because, you see, with the doctors fix, where every year we relieve the doctors from the imposition of that agreement in 1997—and in many ways we should because the 1997 agreement was not comprehensive—but to those who believe we are going to cut \$400 billion in Medicare, have the courage to tell the doctors we are going to do to them what we said we would do back in 1997. Nobody wants to do that, and I am sympathetic as to why we do not want to do that because we are asking too much of doctors and hospitals and we did not reform the system as a whole.

Mr. President, \$245 billion added to the debt is no small thing. What I hope will happen is we can find a bipartisan pathway forward on health care reform that deals with inflation, deals with better access to preventive medicine, has some medical liability reform, is truly comprehensive, with give-and-take, and mandates coverage. I am willing to do that as a Republican. But if we go down the road our leadership has set for us here and basically tell the doctors "Don't worry anymore, you are going to be held harmless for the next 10 years," then what group will follow who will want the same deal and to whom will we begin to say no? I do not know. I do not know to whom we will have the ability to say no if we do this. And if you say no to them, what the heck do you tell them—"You are not a doctor, so it does not matter what we do to your business."

If we do this, we have lost the ability, in my view, to provide the necessary solutions to the hard problems

facing the country. We will have given in to the most cynical nature of politics. We will have destroyed our ability to engage with the public at large in a credible way to fix hard problems. And when it comes time to ask people to sacrifice, they are going to look at us and say: What do you mean "sacrifice?" Aren't you the people who just basically wiped out what the doctors had to do because you were afraid of them?

I am not afraid of doctors. God bless them. I am glad we have them. What we have done in the name of reform has been unfair because we picked on them and not the system as a whole. So to the doctors out there, LINDSEY GRAHAM gets it, that your reimbursement rates as they exist today under Medicare make it very difficult for you to do business. But I hope you will understand that my obligation is beyond just to the doctors in South Carolina; it is to what Senator LIEBERMAN said: the next generation as well as to the here and now.

Every politician has a problem: How do you affect the here and now, people who can vote for you, and how can you secure the future? Well, you just have to ask the people who are here and now to be willing to make some changes for the benefit of the country long term. I am confident that if we ask and we do it in a smart way, people will join with us. I want to give the doctors better reimbursement rates, and the only way we can achieve that is to reform Medicare from top to bottom and make it more efficient.

One of the things I am willing to do is ask a person like myself to pay more. As a Senator, I make about \$170,000 a year. I am not saying we are worth it, but that is what we pay ourselves. I would like to think we earn our money because it is not an easy job, but there are a lot of jobs harder than being a Senator, I can assure you. But right now, the system we have to fund Medicare, the trust fund, will run out of money in about 4 years. But basically I am paying the same amount for Part B premiums that cover doctors and hospital payments out of Medicare as my aunt and uncle who worked in the textile mill and made \$25,000 a year. I am willing for people like myself to have to pay more to keep Medicare solvent.

We are making some changes but not nearly enough. Mr. President, \$3 out of \$4 of Medicare spending comes from the General Treasury, the taxpayers. One-fourth of the money to cover Medicare expenses comes from the patient population being served. There are plenty of Americans who are paying about \$100 a month once they get into retirement who can afford to pay \$450 a month for the Medicare services they receive. Nobody is asking them to do it. I am willing to ask, and I am willing to do it myself. It is those types of changes

that will lead this country to a brighter future and will correct the imbalance we have.

Finally, Medicare is \$34 trillion underfunded. If you had \$34 trillion sitting in an account today, it would earn interest over 75 years. You would need all the money—the \$34 trillion plus the interest—to make the payments we have promised people in the future.

When I was born in 1955, there were 16 workers for every retiree. Today there are three, and in 20 years there will be two. There will be two workers paying into the Social Security and Medicare trust funds where there used to be 16 when I was born. There are more baby boomers retiring every day than anyone ever anticipated. We are living far beyond 65.

The question for the country is, Will people in my business go to you, the public, and say change is required? We cannot run the system assuming things that do not exist. We have to come to grips with the fact that we have an aging population, we live longer, there are more retirees than ever, and there are fewer workers. Once we come to grips with that dynamic and ask those who can afford to give, to give—hold those harmless who cannot afford to give—America's best days are ahead.

If we do not reform these systems and we continue to do what is being proposed today—try to buy a constituency off: Doctors, we will fix your problem if you will support our bill; the \$254 billion it will cost to get you onboard, do not worry about it.

To the doctors who may be listening, you better worry about it. You need to worry about not only the viability of your medical practice but the ability of your government to make payments it has promised to the next generation, the ability of your government to be able to continue to operate, the ability of our country to pass on to the next generation a sound and secure America.

We are about to borrow ourselves into oblivion. There is a theory out there, long held, that democracies are doomed to fail because democracies over time will lose the ability to say no to themselves; that we in the government will continue to grow the government based on the needs of the next election cycle and make promises that make sense for our political future but really over time are unsustainable. We have reached that point, and we are about to go over the edge.

The only way America can self-correct is to make sure our political leadership is rewarded when we ask for change we can believe in. This is not change we can believe in. This is the old way of doing business. This is buying off a constituency that is important for the here-and-now debate of health care and not giving a damn about the consequences to the country down the road. This is how we got in this mess.

If we pass this bill, not only have we destroyed this new hope from a new President of "change we can believe in," we will have reinforced the worst instincts of politics, sold the country short, and made it impossible to say no to the next group we want to sacrifice who needs to help us solve this problem.

With that, I yield back.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MEDICARE PHYSICIAN PAYMENT SYSTEM REFORM

Mr. GRASSLEY. Mr. President, reforming the Medicare physician payment system is one of the most difficult issues we face in Medicare today. The name of the formula is the sustainable growth rate. Generally around here we refer to that as the SGR. It is the formula for the reimbursement of doctors under Medicare. It was designed in the first instance to control physician spending and to determine annual physician payment updates by means of a targeted growth rate system. The SGR is not the only problem with the Medicare physician payment system. Everyone who knows anything about physician payments and Medicare knows that this SGR formula is not working. It is a fee-for-service system that rewards volume instead of quality or value. This means that Medicare simply pays more and more as more and more procedures and tests and services are provided to patients. Providers who offer higher quality care at a lower cost get paid less. Somehow, it is a backward system, a perverse system. It is one of the driving forces behind rising costs and overutilization of health care, particularly in some parts of the United States.

In addition, the sustainable growth rate formula itself is flawed. The SGR is designed to determine annual physician payment updates by comparing actual expenditures to expenditure targets.

The purpose of the SGR was to put a brake on runaway Medicare spending. The SGR was intended to reduce physician payment updates when spending exceeded growth targets. In recent years, Medicare physician spending has exceeded those SGR spending targets. That has resulted, naturally, in physician payments being cut. As the magnitude of these payment cuts has increased over time, Congress has stepped in to avert these scheduled cuts in reimbursement to doctors.

In a roundabout way, the SGR has been serving its purpose. Numerous improvements in Medicare payments in other areas have been implemented over the years to offset or to pay for the various so-called doc fixes we have had to do and generally do them on an annual basis. Presently they are done on an 18-month basis, expiring December 31 this year.

We should, in fact, be reforming physician payments. That is why I supported the SGR amendments offered by my colleague, the Senator from Texas, during the Senate Finance Committee markup that concluded 8 days ago. Those amendments would have provided a fully offset, positive physician update for the next 2 years. And if we erroneously take up a debate on this flawed Stabenow bill, I will have an alternative to offer with my good friend, the chairman of the Senate Budget Committee, Senator CONRAD. A Conrad-Grassley amendment would be a bipartisan approach to this.

Realigning incentives in the Medicare Program and paying for quality rather than quantity of services is, of course, an essential part of physician payment reform. But as fundamentally flawed as the physician payment system is, S. 1776, the bill before us, is just as fundamentally flawed. S. 1776 would add—can my colleagues believe this—a \$¼ trillion cost to the national debt. A quarter of a trillion, obviously, is \$250 billion. But worse yet, it does not fix the problems we have with the physician payment system. It simply gives a permanent freeze to those payments. The American Association of Neurological Surgeons and the Congress of Neurological Surgeons oppose the Stabenow bill for precisely that reason, and I applaud them for having the courage to say so.

My esteemed colleague, the majority leader, claims this bill has nothing to do with health reform. I think it has everything to do with health reform. He says the \$247 billion cost of this bill is just correcting, in his words, “payment discrepancy,” merely, in his words, “a budgetary problem,” a problem that needs to be fixed. But I don’t believe anybody is going to buy that argument, not even the Washington Post. I have here a recent editorial. They said:

\$247 billion . . . is one whopper of a discrepancy.

S. 1776 isn’t being offered to fix a budget payment discrepancy, it is being offered as one whopper of a backroom deal to enlist the support of the American Medical Association for a massive health reform bill that is being written behind closed doors.

Nobody is being fooled about what is going on in this body, the most deliberative body in the world, the Senate.

When President Obama spoke to a joint session of Congress last month—the week after we came back from our

summer break—he made a commitment to not add one dime to the deficit now or in the future. Those are his words, not mine. But as this Washington Post editorial notes, S. 1776 would add 2.47 trillion dimes to the deficit.

We go to chart 2 now. That would be 2.47 trillion dimes, enough to fill the Capitol Rotunda 23 times.

Now we have chart 3. I wholeheartedly agree with the editorial’s conclusion. The Post editorial said:

A president who says that he is serious about dealing with the dire fiscal picture cannot credibly begin by charging this one to the national credit card . . .

This quote is highlighted out of that same editorial.

The Office of Management and Budget and the Treasury Department announced that the fiscal year 2009 deficit hit a record of \$1.4 trillion. According to the Government Accountability Office, public debt is projected by the year 2019 to surpass the record that was set in 1946, 1 year after the end of World War II. That debt was attributable to the war, which was the war to save the world for democracies because of the dictatorial governments of Italy, Germany, and Japan, as we recall from history.

There is no doubt that fixing the flawed physician payment system is something that must be addressed. But the problem—this problem—with the physician payments is one of the biggest problems in health care that needs fixing. But at a time when the budget deficit has reached an alltime high of \$1.4 trillion, this situation demands fiscal discipline.

As the Washington Post has correctly pointed out, S. 1776 is, indeed, a test of the President’s pledge to pay for health care reform.

Repealing the SGR without any offsets, as S. 1776 would do, is a flagrant attempt to try and hide the true cost of comprehensive health care reform.

Let me suggest to the American people that bill, comprehensive health care reform—at least the one that came out of the Senate Finance Committee—is thick, at 1,502 pages that we all are committed to reading before it goes to the floor. That bill, of course, will not go to the floor because now it is being merged in secrecy with the Senate HELP Committee bill, and so it may come out thicker. Who knows. We are talking about a great deal of cost connected with that and the SGR fix being connected with that as well.

We have in the Senate Finance Committee bill, that was reported out, significant payment system reform. That bill takes savings of almost \$½ trillion to fund a new entitlement program outside Medicare. The priority for Medicare savings should be fixing Medicare problems, and the physician payment issue and the SGR is the biggest payment system problem in Medi-

care today. It should get fixed in health care reform with those Medicare savings.

I must, therefore, object not to fixing the SGR and improving the system for physician payments—which clearly must be done—but to this very flawed bill. It is only a permanent payment freeze. It does not fix the problem. It is not paid for. It should be a part of health care reform. It adds \$¼ trillion to the deficit. It is one whopper of a discrepancy. It is not credible.

I urge my colleagues to oppose cloture on this train wreck of a bill.

I yield the floor and, since I do not see any of my colleagues waiting to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, today, the Senate will finally consider the nomination of Roberto A. Lange to the District of South Dakota. It has been 3 weeks since Mr. Lange’s nomination was unanimously reported by the Judiciary Committee to the Senate. It should not take 3 weeks to confirm a consensus nominee. I will be interested to hear from Senate Republicans who have stalled this confirmation for the last 3 weeks why they did so.

There are 10 other judicial nominations reported favorably by the Judiciary Committee to the Senate that remain pending without consent from Senate Republicans to proceed to their consideration. These are 10 other judicial nominations on the Senate Executive Calendar awaiting action and being stalled by Republican holds. All 10 were reported favorably by the Senate Judiciary Committee. Two were reported in June and have been waiting for more than 4 months for Senate consideration. These are things that we have always done by voice vote when there is no controversy.

It is not only a dark mark on the Senate for holding us up from doing our work, but it means that the nominees have their lives on hold. They have been given this nomination, and everything has to come to a stop. They know they are going to be confirmed. They know that whenever the Republicans allow a vote, it will be virtually unanimous. It makes the Senate look foolish, and I wish my colleagues would allow these people to move quickly.

The American Bar Association’s Standing Committee on the Federal Judiciary reported that its peer review of the President’s nomination of Mr. Lange resulted in the highest rating possible, a unanimous rating of well qualified. His nomination has the support of both home State Senators, Senator JOHNSON, a Democrat, and Senator

THUNE, a Republican, and was reported out of the Judiciary Committee by unanimous consent on October 1. I expect the vote on the President's nomination of Mr. Lange to be overwhelmingly in favor, as was the 99-0 vote for the only other district court confirmation so far this year, that of Judge Viken. I will be listening intently to hear why then Senate Republicans—despite the support of Senator THUNE, the head of the Republican Policy Committee and a member of the Senate Republican leadership—have stalled this confirmation needlessly for 3 weeks.

This is one of the 13 judicial nominations reported favorably by the committee to the Senate since June to fill circuit and district court vacancies on Federal courts around the country. Ten of those nominations were reported without a single dissenting voice. This is unfortunately only the third of those judicial nominations to be considered all year.

It is October 21. By this date in the administration of George W. Bush, we had confirmed eight lower court judges. By this juncture in the administration of Bill Clinton, we had likewise confirmed eight circuit and district court nominations. The Senate has confirmed just three circuit and district court nominees this year less than half of those considered by this date during President Bush's tumultuous first year in office and confirmed by this date during President Clinton's first year. This is despite the fact that President Obama sent nominees with bipartisan support to the Senate two months earlier than did President Bush. Moreover, President Clinton's term also began with the need to fill a Supreme Court vacancy.

The first of these circuit and district court confirmations this year did not take place until September 17, months after the nomination of Judge Gerard Lynch had been reported out of committee with no dissent. Finally, after months of needless delay, the Senate confirmed Judge Lynch to serve on the Second Circuit by an overwhelming vote of 94 to 3. That filled just one of the five vacancies this year on the Second Circuit. The Second Circuit bench remains nearly one-quarter empty with four vacancies on its 13-member bench.

Judge Viken, the first of just two district court judges the Senate has been allowed to vote on this year, was confirmed on September 29, by a unanimous 99-0 vote. Today, the Senate is finally being allowed by Republicans to vote to confirm Roberto Lange, who was reported by the committee on October 1. It took 3 weeks to proceed to Mr. Lange's nomination despite the fact that he, like Judge Viken, had the support of both his home State Senators, one a respected Democratic Senator and the other a Republican Senator who is a member of the Republican Senate leadership.

South Dakota has had its two vacancies filled this year but vacancies in 35 other States remain unfilled and the Senate's constitutional responsibilities are going unfulfilled. There was—there is—no reason for the Republican minority to impose these unnecessary and needless delays to judicial confirmations. When will Senate Republicans allow the Senate to consider the nominations of Judge Hamilton to the Seventh Circuit, Judge Davis to the Fourth Circuit, Judge Martin to the Eleventh Circuit, Judge Greenaway to the Third Circuit, Judge Berger to the Southern District of West Virginia, Judge Honeywell to the Middle District of Florida, Judge Nguyen to the Central District of California, Judge Chen to the Northern District of California, Ms. Gee to the Central District of California and Judge Seeborg to the Northern District of California?

In a recent column, Professor Carl Tobias wrote:

President Obama has implemented several measures that should foster prompt appointments. First, he practiced bipartisanship to halt the detrimental cycle of accusations, countercharges and non-stop paybacks. Moreover, the White House has promoted consultation by seeking advice on designees from Democratic and GOP Senate members, especially home state senators, before official nominations. Obama has also submitted consensus nominees, who have even temperaments and are very smart, ethical, diligent and independent.

I ask unanimous consent that a copy of Professor Tobias's column be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. When I served as chairman of the Senate Judiciary Committee during President Bush's first term, I did my best to stop the downward spiral that had affected judicial confirmations. Throughout my chairmanship I made sure to treat President Bush's judicial nominees better than the Republicans had treated President Clinton's. During the 17 months I chaired the Judiciary Committee during President Bush's first term, we confirmed 100 of his judicial nominees. At the end of his Presidency, although Republicans had chaired the Judiciary Committee for more than half his tenure, more of his judicial nominees were confirmed when I was the chairman than in the more than 4 years when Republicans were in charge.

In spite of President Obama's efforts, however, Senate Republicans began this year threatening to filibuster every judicial nominee of the new President. They have followed through by dragging out, delaying, obstructing and stalling the process. The result is that 10 months into President's Obama's first term, the Senate has confirmed only three of his nominations for circuit and district courts while judicial vacancies skyrocket

around the country. The delays in considering judicial nominations pose a serious problem in light of the alarming spike in judicial vacancies on our Federal courts.

There are now 96 vacancies on Federal circuit and district courts and another 24 future vacancies already announced. These vacancies are at near record levels. Justice should not be delayed or denied to any American because of overburdened courts. We can do better. The American people deserve better.

Professor Tobias' observations about the Second Circuit hold true throughout the country and with respect to this President's efforts to work cooperatively with respect to judicial nominations. President Obama made his first judicial nomination, that of Judge David Hamilton to the Seventh Circuit, in March, but it has been stalled on the Executive calendar since early June, despite the support of the senior Republican in the Senate, Senator LUGAR. The nomination of Judge Andre Davis to the Fourth Circuit was reported by the committee on June 4 by a vote of 16 to 3, but has yet to be considered by the Senate. The nomination of Judge Beverly Baldwin Martin to the Eleventh Circuit has the support of both of Georgia's Senators, both Republicans, and was reported unanimously from the committee by voice vote on September 10 but has yet to be considered or scheduled for consideration by the Senate. The nomination of Joseph Greenaway to the Third Circuit has the support of both Pennsylvania Senators, and was reported unanimously from the committee by voice vote on October 1, but has yet to be considered or scheduled for consideration by the Senate. All of these nominees are well-respected judges. All will be confirmed, I believe, if only Republicans would consent to their consideration by the Senate. Instead, the President's good efforts are being snubbed and these nominees stalled for no good purpose.

President Obama has been criticized by some for being too solicitous of Senate Republicans. As Wade Henderson, the executive director of the Leadership Conference on Civil Rights, said to The Washington Post recently: "I commend the President's effort to change the tone in Washington. I recognize that he is extending an olive branch to Republicans on the Judiciary Committee and in the Senate overall. But so far, his efforts at reconciliation have been met with partisan hostility." As usual, Wade has it right. The efforts the President has made have not been reciprocated.

The Senate can and must do a better job of restoring our tradition of regularly considering qualified, non-controversial nominees to fill vacancies on the Federal bench without needless and harmful delays. This is a tradition followed with Republican

Presidents and Democratic Presidents. We should not have to overcome filibusters and spend months seeking time agreements to consider consensus nominees.

In addition, four nominations to be Assistant Attorneys General at the Department of Justice remain on the Executive calendar, three of them for many months. Republican Senators have also prevented us from moving to consider the nomination of respected Federal Judge William Sessions of Vermont to be Chairman of the United States Sentencing Commission for over 5 months, even though he was twice confirmed as a member of that Commission. The majority leader has been forced to file a cloture motion in order to end the obstruction of that nomination.

Four out of a total of 11 divisions at the Department of Justice remain without Senate-confirmed Presidential nominees because of Republican holds and delays—the Office of Legal Counsel, the Tax Division, the Office of Legal Policy, and the Environment and Natural Resources Division. Earlier this month, with the hard work of Senator CARDIN, we were finally able to move forward to confirm Tom Perez to head the Civil Rights Division at the Justice Department. His nomination was stalled for 4 months, despite the fact that he was approved 17 to 2 by the Judiciary Committee. At the last minute, Senate Republicans abandoned an ill-fated effort to filibuster the nomination and asked that the cloture vote be vitiated. He was finally confirmed with more than 70 votes in the Senate.

During the 17 months I chaired the Judiciary Committee during President Bush's first term, we confirmed 100 of his judicial nominees and 185 of his executive nominees referred to the Judiciary Committee. And yet 10 months into President's Obama's first term, we have confirmed only 2 of his nominations for circuit and district courts and 40 of the executive nominees that have come through our committee.

I hope that, instead of withholding consents and filibustering President Obama's nominees, the other side of the aisle will join us in treating them fairly. We should not have to fight for months to schedule consideration of the President's judicial nominations and nomination for critical posts in the executive branch.

I look forward to congratulating Mr. Lange and his family on his confirmation today. I commend Senator JOHNSON for his steadfastness in making sure his State is well served.

EXHIBIT 1

COMMENTARY: SECOND CIRCUIT APPEALS COURT OPENINGS NEED TO BE FILLED

(By Carl Tobias)

The country's attention was recently focused on the Senate confirmation vote for U.S. Second Circuit Court of Appeals Judge Sonia Sotomayor, President Barack Obama's

initial Supreme Court nominee and judicial appointment. This emphasis was proper because the tribunal is the highest court in the nation and decides appeals involving fundamental constitutional rights.

Nonetheless, the same day that Justice Sotomayor received appointment, Second Circuit Judge Robert Sack assumed senior status, a type of semi-retirement, thereby joining his colleague, Guido Calabresi, who had previously taken senior status. Moreover, on Oct. 10, Judge Barrington Parker also assumed senior status. These developments mean that the Second Circuit will have vacancies in four of its thirteen authorized judgeships.

Operating without nearly 25 percent of the tribunal's judicial complement will frustrate expeditious, inexpensive and equitable disposition of appeals. Thus, President Obama should promptly nominate, and the Senate must swiftly confirm, outstanding judges to all four openings.

The numerous vacancies can erode the delivery of justice by the Second Circuit, which is the court of last resort for all but one percent of appeals taken from Connecticut, New York and Vermont. The tribunal resolves more critical business disputes than any of the 12 regional circuits and decides very controversial issues relating to questions, such as free speech, property rights and terrorism.

Among the appellate courts, the Second Circuit needs more time to conclude appeals than all except one, which is a useful yardstick of appellate justice. The August loss of two active judges and the October loss of a third will exacerbate the circumstances, especially by additionally slowing the resolution of cases that are essential to the country's economy.

There are several reasons why the tribunal lacks almost one quarter of its members. Judge Chester Straub took senior status in July 2008, and President George W. Bush nominated Southern District of New York Judge Loretta Preska on Sept. 9 after minimally consulting New York's Democratic Senators Charles Schumer and Hillary Clinton. September was too late in a presidential election year for an appointment, and the 110th Senate adjourned without affording the nominee a hearing.

Moreover, President Obama has nominated no one for the Calabresi or Sack opening, although both jurists announced that they intended to take senior status last March. In fairness, Judge Calabresi did not actually assume senior status until late July, while Judge Sack only took senior status and Justice Sotomayor was confirmed in August.

President Obama has implemented several measures that should foster prompt appointments. First, he practiced bipartisanship to halt the detrimental cycle of accusations, countercharges and non-stop paybacks. Moreover, the White House has promoted consultation by seeking advice on designees from Democratic and GOP Senate members, especially home state senators, before official nominations. Obama has also submitted consensus nominees, who have even temperaments and are very smart, ethical, diligent and independent. The Executive has worked closely with Senator Patrick Leahy (D-Vt.), the Judiciary Committee chair, who schedules hearings and votes, and Senator Harry Reid (D-Nev.), the Majority Leader, who arranges floor debates and votes, and their GOP counterparts to facilitate confirmations.

Emblematic is the President's nomination of U.S. District Judge Gerard Lynch, who served with distinction on the U.S. District

Court for the Southern District of New York since 2000. New York Democratic Senators Schumer and Kirsten Gillibrand expeditiously suggested the superb trial judge to Obama, who nominated Lynch on April 2. By mid-May, the panel conducted Lynch's confirmation hearing, and on June 11, the committee approved Lynch. In mid-September, the Senate confirmed Lynch on a 94-3 vote.

Senator Schumer's Sept. 9 announcement that he had recommended District Judge Denny Chin to the White House and the jurist's Oct. 6 nomination are precisely the correct approaches. The New York and Connecticut senators must continue suggesting excellent candidates for the three Second Circuit openings which remain. Obama must swiftly consider their proposals and nominate outstanding prospects. The Judiciary Committee should promptly afford hearings and votes, while the Majority Leader ought to expeditiously schedule floor debates and votes.

Judge Sotomayor's Supreme Court elevation, the assumption of senior status by Judges Calabresi, Parker and Sack and Judge Lynch's recent Senate confirmation mean there are four openings in the Second Circuit's thirteen judgeships. President Obama should cooperate with the Senate to quickly fill the vacancies with superior judges, so that the tribunal can deliver appellate justice.

Mr. LEAHY. Mr. President, I ask unanimous consent that my further remarks be charged against my time in connection with this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LEAHY are printed in today's RECORD under "Morning Business.")

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I wish to briefly make a few comments about the confirmation vote we will soon be having on supporting this nominee. I saw him, as a member of the Judiciary Committee, and we made inquiry of him. I liked him. He handled himself well.

He has been a strong and ardent Democrat all his life—an active Democrat. He was educated, I believe, at the University of South Dakota and has practiced law a long time there. I think he has the ability and the commitment—he said he did and I believe him—not to allow his politics to influence his decisionmaking once he puts on that robe; that he will be objective and fair; that he will comply with the oath a judge takes to be impartial; that he will provide equal justice for the poor and the rich; and that he will serve the laws of the United States under the Constitution. So we moved him forward, and I am glad he will be confirmed.

I will note that some nominees I will not be able to support, and I would expect some others may object as well. It is our responsibility to be careful and to be cautious in making decisions about judges because they are given a lifetime appointment. They can't be removed for bad decisionmaking. I believe the President has submitted two more nominees to the district bench. There are 74 vacancies in the Federal courts in America as of today. A few days ago, there were 9 nominations pending—this is 1 of them—and now there are 11 nominations, I understand, pending.

As the President gets his machine up and running and starts submitting nominees, I think we will have good hearings. My view is that if they are qualified, it doesn't make any difference to me if they are an active, partisan, campaigning Democrat. That is fine. The question simply is, once they put on the robe and they are required to decide cases, can they put aside their personal feelings, backgrounds, emotions, and partisanship? Most judges can.

I practiced in Alabama, where judges run on a party ticket. They run as Republicans and Democrats. Everybody knows which of them—very few—carry those biases with them.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I thank the Chair, and I urge my colleagues to support the nomination.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The question is, Will the Senate advise and consent to the nomination of Roberto A. Lange, of South Dakota, to be United States District Judge for the District of South Dakota?

Mr. SESSIONS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 324 Ex.]

YEAS—100

Akaka	Cardin	Feinstein
Alexander	Carper	Franken
Barrasso	Casey	Gillibrand
Baucus	Chambliss	Graham
Bayh	Coburn	Grassley
Begich	Cochran	Gregg
Bennet	Collins	Hagan
Bennett	Conrad	Harkin
Bingaman	Corker	Hatch
Bond	Cornyn	Hutchison
Boxer	Crapo	Inhofe
Brown	DeMint	Inouye
Brownback	Dodd	Isakson
Bunning	Dorgan	Johanns
Burr	Durbin	Johnson
Burriss	Ensign	Kaufman
Byrd	Enzi	Kerry
Cantwell	Feingold	Kirk

Klobuchar	Mikulski	Snowe
Kohl	Murkowski	Specter
Kyl	Murray	Stabenow
Landrieu	Nelson (NE)	Tester
Lautenberg	Nelson (FL)	Thune
Leahy	Pryor	Udall (CO)
LeMieux	Reed	Udall (NM)
Levin	Reid	Vitter
Lieberman	Risch	Voinovich
Lincoln	Roberts	Warner
Lugar	Rockefeller	Webb
McCain	Sanders	Whitehouse
McCaskill	Schumer	Wicker
McConnell	Sessions	Wyden
Menendez	Shaheen	
Merkley	Shelby	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Republican leader is recognized.

MEDICARE PHYSICIAN PAYMENTS

Mr. MCCONNELL. Mr. President, I am going to take a moment of my leader time. Americans are increasingly alarmed by the expansion of our national debt and this spending binge we are putting on the national credit card. They are asking us to do what they have been doing. They want us to take out our scissors and cut the credit card. They want us to live within our means so their children and their grandchildren do not wake up in the morning to find the American dream buried under an avalanche of debt.

Our fiscal situation has simply spiraled out of control. Yet the proponents of this measure want to put another quarter of a trillion dollars on the Federal credit card. Republicans offered a series of fiscally responsible ways to prevent pay cuts to our physicians. That was not agreed to.

Let me remind everybody, we are in very dangerous territory. I am going to vote against this deficit-expanding bill because enough is enough. I hope, on a bipartisan basis, we will send a message to the American people that we do not intend to charge from \$¼ trillion to \$300 billion on the nation's credit card by approving this measure.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, we have been aware of the fact that because of activities and actions of the Republican-dominated Washington for a number of years, that the doctors who take Medicare patients have been hampered so hard that not all doctors take Medicare patients.

We want senior citizens, Medicare recipients, to be able to go a doctor. We do not want all of those folks going to Medicare Advantage. We want Medicare to survive as a program.

Because people who ran this town for a number of years did not like Social Security, tried to privatize that, did everything they could to minimize and denigrate Medicare, we are now at a point where we have, in the bill that has been reported out of the Finance Committee, a 1-year fix for the senior citizens, so that physicians will not be dropping Medicare patients. Then all of the physicians should know that we march to this position we are in now.

We were told by the American Medical Association and others that we would get help from the Republicans to take care of senior citizens so that they would have doctors to take care of them. It is very interesting. One of the sponsors of this legislation, one of the Republican leaders, is not supporting the legislation. How do you like that? This is another effort of Republicans to slow down, divert, and stop what we are trying to do with health care and based on everything else.

I just finished a meeting over here with my chairmen. We lamented the fact of how things have changed in this town, how in this new administration we have had to file cloture on a significant number of occasions to get people who have jobs in this administration approved in the Senate. During the Bush first year, during this same period of time, not a single nomination he requested had to be clotured; that is, to end a filibuster. We have numerous people to get approved.

We have essential legislation, such as legislation that deals with giving people who are out of work unemployment benefits. It is not a gift. They pay into that fund or they thought it wasn't a gift.

I want everyone to know we are going to take care of Medicare. If the Republicans in the Senate don't want to do it the way we have done it in the past by doing the doctors fix, then when we finish the health care legislation, we will come back and take care of a multiple-year fix for the doctors and senior citizens.

I want everyone within the sound of my voice to understand that Washington is being driven by a small number of people on this side of the aisle who are preventing us from doing things that help the American people. We are not trying to run over people with the 60 votes we have. We want to work with people. We want to get along. I think it is really too bad that suddenly they have got religion. They never worried in the past about all the tax cuts being paid for. They never worried about drug manufacturers getting all the free stuff they got. They never worried about any of this. They now are suddenly being very frugal when they find it is a way they can slow down what we do here.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, if I might just add to what our distinguished leader has said and thank him for bringing this vote to us. This is about strengthening and protecting Medicare.

The distinguished Republican leader is right: Enough is enough—enough of running physicians up to the brink every year, not knowing what is going to happen; enough for seniors not knowing whether they will be able to continue to see their doctors. Seven different times we have brought them up to the brink and then not made the cut and have many times not paid for it. This legislation will wipe the slate clean and will for the first time bring honest budgeting to Medicare.

Mr. LEAHY. Mr. President, I am proud to be a cosponsor of the bill we are considering today, the Medicare Physician Fairness Act, introduced by Senator STABENOW. This bill would permanently end the scheduled reductions in Medicare and TRICARE payments that physicians face each year. This legislation is long overdue and an important step in making sure doctors will continue to serve Medicare patients and veterans in the years to come.

This year marks the 8th year in a row that Congress will be forced to prevent scheduled physician payment cuts under the Medicare Program. The scheduled cuts are based on a flawed formula, which cuts physician payments in the future if physician spending exceeds a target based on the growth of the economy. Because the scheduled cuts are cumulative, next year we could expect to see a 21-percent reduction in physician payments and a cumulative 40-percent cut scheduled by 2016. It is no wonder Congress has consistently acted to prevent these cuts and experts have called for a repeal of this broken formula.

Without passing this bill and permanently ending the schedule of physician payment cuts, doctors will continue to struggle to budget for the future without knowing with absolute certainty that Congress will act to prevent payment reductions. The uncertainty in payment rates has already resulted in many physicians declining to accept Medicare making it hard for beneficiaries to find a doctor. In rural States like Vermont, finding a doctor is challenging enough without looming payment cuts affecting doctors every year. In addition to seniors, the more than 12,000 Vermont veterans and military personnel who participate in TRICARE will continue to feel their benefits are at risk so long as this flawed formula threatens payment reductions to their doctors.

Some have argued that we cannot afford to make such an expensive fix to our health care system. I disagree. The President already assumed Congress will fix the payment cuts over the next

10 years in his budget proposal. We all know that without a permanent fix Congress will continue to act to prevent these debilitating cuts in payment rates to doctors. The administration's budget gives a realistic estimate of projected Medicare spending. Passing a permanent fix will allow us to have accurate estimates of Medicare spending, a first step toward truly reforming the physician payment system to one that is based on quality and performance and not on arbitrary formulas.

This legislation is an important step toward making changes in the Medicare and TRICARE physician payment structure that will help our entire health care system. I regret that some misplaced partisan point-scoring threatens to prevent us from considering a bill we should have passed long ago. I hope we can proceed to this bill and pass it swiftly so we can begin our work toward improving our overall health care system.

Mr. BAUCUS. Mr. President, an old Chinese proverb says:

"If you do not pay the doctor who cured you, beware of falling ill again."

We are here today because we need to fix the way that we pay the doctors who cure us.

The way that we pay for health care today contributes to spiraling health care costs. It contributes to quality-of-care that is not as good as it should be.

Today's payment system rewards providers for the quantity, not the quality, of the services that they provide.

Commonsense health reform must restructure the way that we pay for health care.

Because of its size and purchasing power, Medicare can lead the way. But payment reforms won't be effective unless they're built upon a solid payment foundation.

Unfortunately, the current Medicare payment system for doctors is fundamentally flawed. It does not provide stability and predictability for our doctors. It is not a solid foundation for the future.

That is so, because in 1997, Congress created the Medicare physician payment system that we have today. Congress created a thing called "the sustainable growth rate," or "SGR." It was meant to control what Medicare spends on doctors.

But the SGR is not working. It never really has.

Had Congress not intervened, the SGR would have produced steep cuts in physician payments every year since 2002. And if Congress does not intervene now, the SGR will continue to produce steep cuts for the foreseeable future.

Without action, next year, physician payments will be reduced by 21 percent. And the cuts will continue for the foreseeable future. The total cut over the next decade will approach 40 percent.

Every year since 2003, Congress has intervened. Congress regularly acts to avert these cuts. And given the magnitude of the impending reductions, Congress will continue to intervene. The stakes are just too high.

Allowing these draconian cuts to go into effect would jeopardize access to doctors for 40 million seniors—including 160,000 Montanans—who rely on Medicare for their health coverage. That is why AARP unequivocally supports the repeal of the flawed SGR formula.

But the damage would not end there. Because TRICARE—the health care system for active military personnel—bases its reimbursements on Medicare rules, 9 million members of the armed services and their families could also be left without physician care.

The SGR must be repealed.

But don't just take my word for it. The Medicare Payment Advisory Commission—or MedPAC—reported to Congress in 2007 that the SGR should be replaced with a more stable, predictable system. MedPAC recommended a system that rewards doctors based on the quality and efficiency of the care that they deliver.

The Medicare Physician Fairness Act is the first step toward a 21st century physician payment system in Medicare.

The Medicare Physician Fairness Act repeals the flawed SGR formula that has done nothing to promote more appropriate, evidence-based physician care.

Repealing SGR will lay a solid foundation. And on that foundation, we can build delivery system reforms that fundamentally restructure the Medicare payment system. We can change it from one that focuses on the volume of services delivered to one that rewards doctors for the value of care that they deliver to patients.

The bill that the Finance Committee reported last week includes these reforms. Our bill includes better feedback reports to doctors, so that they know how their utilization trends compare to those of their peers. Our bill includes incentives for physicians to work together with other health care providers in accountable care organizations that will share in savings they achieve for Medicare. And ultimately, our bill includes a payment system that rewards every doctor based on the relative quality and costs of care they provide to their patients.

But first, we need to repeal the SGR, so that we can enact these meaningful reforms.

Now, any honest discussion about repealing the current SGR system must also address the elephant in the room: the CBO budget baseline. The law requires CBO's budget baseline to assume that Congress will not suspend the SGR.

The reality of the situation, however, is at odds with the CBO baseline. Future congressional action on the SGR

is certain. Seven consecutive cuts have, for good reason, been averted.

Rather than continuing to enact short-term fixes that produce steeper cuts in the future, the Medicare Physician Fairness Act adopts the Obama administration's more realistic budget baseline. It does not increase spending over recent trends or future action. It preserves spending at current levels.

Adjusting the SGR baseline without an offset is not something I endorse without hesitation. I believe in fiscal responsibility. And I am proud that the Finance Committee health reform legislation will reduce the budget deficit in the first 10 years and dramatically bend the cost curve in the long run.

But by overturning each of the last seven SGR cuts, Congress has made clear that the current baseline is broken. And temporary band-aids have only increased the size of future cuts and the cost of future interventions.

Eliminating the SGR now will avert devastating payment cuts. And eliminating the SGR now will create a more honest picture of our future budgetary commitments.

And so, let us avoid merely putting another band-aid on the broken physician payment system. Let us truly reform the way that we pay the doctors who cure us. And let us enact the Medicare Physician Fairness Act.

Mr. FEINGOLD. Mr. President, our Nation faces great challenges that require collective persistence and collective sacrifice to overcome. Two of these challenges that I hear the most about from my constituents are the need to reduce the national debt and enact health care reform. Their concerns come from a basic sense of responsibility and decency—and are true to Wisconsin's progressive tradition. They believe, as I believe, that the government should be required to balance their budget just as Wisconsinites balance their checkbook. They believe, as I believe, that every American—regardless of wealth, race, gender, or age—deserves good, affordable health care. These basic principles of fiscal and social responsibility have guided me throughout my 17 years in the Senate. And it is these principles that lead me to conclude that I cannot support S. 1776, the Medicare Physician Fairness Act, because it will substantially add to our national deficit.

I believe that the Medicare sustainable growth rate is a broken policy and must be fixed. I also believe that requiring Congress to pay for enacting new policies is critical to our long-term financial stability and strength as a nation. Waiving paygo requirements for this legislation simply puts a different name on the same \$247 billion problem. It passes the buck, and that is not good enough for me.

Just this week, I introduced the Control Spending Now Act. This bill consists of dozens of different initiatives

that would collectively reduce the deficit by over $\frac{1}{2}$ trillion over 10 years. Redirecting just a portion of the savings in my legislation would more than pay for the Medicare Physician Fairness Act. We do not have a lack of funding options; we have a lack of political will to make those tough decisions. And lack of political will is not a good reason to add to the national deficit.

For years, I have called for significant reform of the Medicare sustainable growth rate formula. I have heard from countless Wisconsin physicians about how damaging these potential cuts are to their ability to provide health care. And I am seriously concerned that without a comprehensive change, Medicare beneficiaries' access to the health care they need will be limited. The Medicare SGR formula is a real and growing problem that deserves thoughtful and fiscally responsible reform.

Mr. BYRD. Mr. President, while it is important that health professionals in my State of West Virginia receive the compensation they deserve, I will, however, vote against this measure. We are on the eve of one of the most historic debates surrounding health care since the inception of Medicare in 1965. To follow the many weeks of laborious debate and amendments in the Finance and Health, Education, Labor, and Pensions Committees, with this legislation is unwise. It sends the wrong signal. The health committees have not reviewed it. It addresses only a single problem, to the benefit of one group of health care providers, completely outside the context of broader reform. I believe piecemeal action on health care reform could be its undoing.

In the coming weeks, I look forward to voting on the motion to proceed to a comprehensive health care reform bill. Reforming our health care system for the betterment of all of our citizens is necessary and vitally important. But we need to make certain there is a national consensus behind any health care bill. In order to pass a meaningful measure that will provide essential health care coverage for those in dire need, the Senate must be entirely forthright in both debate and intention. Mr. President, \$247 billion is not an insignificant amount of money, and the Senate should be up front about the true costs of health care reform.

Mr. DORGAN. Mr. President, my vote against cloture on the motion to proceed to legislation that would cancel the scheduled physician payment cuts in the Medicare Program should not be read as opposition to the idea of canceling those cuts.

I support canceling the payment cuts for physicians. However, I think that action should be paid for. As it stands, that legislation would have increased the Federal deficit by \$245 billion over 10 years. I cannot support that.

Congress has acted to prevent scheduled cuts for 6 of the last 7 years, creating a very large debt burden that becomes harder and harder to eliminate each time a temporary fix is enacted.

Each year physicians face uncertainty as a result of not knowing whether or not their reimbursement will be cut. I support developing a new model that provides stability in Medicare payments.

I am working with my colleagues to find ways to address the Medicare physician payment formula, and pay for the cost of doing so.

MEDICARE PHYSICIAN FAIRNESS ACT OF 2009—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired.

The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 178, S. 1776, the Medicare Physician Fairness Act of 2009.

Harry Reid, Debbie Stabenow, Roland W. Burris, Patty Murray, Mark Udall, Mark Begich, Frank R. Lautenberg, Amy Klobuchar, Jack Reed, Carl Levin, Jeff Bingaman, Sherrod Brown, Sheldon Whitehouse, Barbara Boxer, Kirsten E. Gillibrand, Charles E. Schumer, Jeanne Shaheen, Richard Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1776, the Medicare Physician Fairness Act of 2009, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 47, nays 53, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—47

Akaka	Gillibrand	Mikulski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burris	Kirk	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Specter
Casey	Leahy	Stabenow
Dodd	Levin	Udall (CO)
Durbin	Lincoln	Udall (NM)
Feinstein	Menendez	Whitehouse
Franken	Merkley	

NAYS—53

Alexander	Bunning	Collins
Barrasso	Burr	Conrad
Bayh	Byrd	Corker
Bennett	Chambliss	Cornyn
Bond	Coburn	Crapo
Brownback	Cochran	DeMint

Dorgan	Kohl	Sessions
Ensign	Kyl	Shelby
Enzi	LeMieux	Snowe
Feingold	Lieberman	Tester
Graham	Lugar	Thune
Grassley	McCain	Vitter
Gregg	McCaskill	Voinovich
Hatch	McConnell	Warner
Hutchison	Murkowski	Webb
Inhofe	Nelson (FL)	Wicker
Isakson	Risch	Wyden
Johanns	Roberts	

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from Alabama is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—CONFERENCE REPORT—Resumed

Mr. SHELBY. What is the pending business?

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

Conference report to accompany H.R. 2647, a bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for about 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NASA AND THE FUTURE OF HUMAN SPACE FLIGHT

Mr. SHELBY. Mr. President, I would like to take the opportunity to expand upon some of my earlier comments, and those of other Members of the Senate, in relation to NASA and the future of human space flight.

I am concerned with aspects of the Augustine Commission's report that add credibility to far-reaching options for furthering our manned space flight program. If Congress and the public are to be asked to spend more for change, then it should be change that will give us the best chance to succeed and to continue to lead the world in human space exploration.

The Chairman of the Review of U.S. Human Space Flight Plans Committee, Norm Augustine, announced that safety would be paramount. Yet, from reviewing the preliminary information, there is only one area where mission safety was examined in the report. The Augustine report contained no safety comparison for the various vehicles considered by the panel and no risk assessment based on each option. The only safety issue identified was an assessment of how "hard" the panel thought each overall mission would be to achieve—not the safest means to

complete the mission successfully. Since safety is the most important issue, these omissions are startling to some of us.

When making comparisons on the safety and performance of the various options, fundamental design differences cannot be lumped together and considered to be equal. Without an honest and thorough examination of the safety and reliability aspects of the various designs and options, the findings of this report are worthless. I would like to know why this blue ribbon panel did not examine these safety aspects.

Constellation's vehicles have been planned and scrutinized by multiple stakeholders, all with a single goal in mind: to provide a safe and reliable human space flight system for our Nation.

Flashy PowerPoint presentations and boisterous claims by potential commercial providers about their easy and simple science solutions to human travel into space sound like the answer to all of our problems. What sounds too good to be true usually is. Are these proposals subject to the same safety standards and testing that have resulted from the Columbia Accident Investigation Board, I would ask? Is there any evidence that the cargo rockets, promised to execute their first servicing mission sometime in 2010, are better than the manned rockets that have been under development for over 4 years? What do the experts say?

NASA's own Aerospace Safety Advisory Panel issued a report in April of this year that stated that "Commercial Orbital Transportation Services vehicles are not proven to be appropriate to transport NASA personnel." Will the current Administrator, Mr. Bolden, who helped write these words, now contradict his statement 6 months after putting his name to them?

Further, I would ask, what happened to the April report findings in the Augustine Commission recommendations? Have there been findings since April that were available to the Augustine Commission that the Aerospace Safety Advisory Panel was not privy to? If so, I would certainly look forward to reviewing this new data.

The Augustine Commission states in its own report that while human safety can never be absolutely assured, it is "not discussed in extensive detail because any concepts falling short in human safety have simply been eliminated from consideration." Yet we see the vehicles currently deemed unsafe for our astronauts being used in the Augustine Commission's report as a viable option to go to low Earth orbit.

When asked on September 15, 2009, about the readiness of emerging space contractors to provide manned space flights, former NASA Administrator Mike Griffin said:

To confuse the expectation that one day a commercial transport of crew will be there,

to confuse that expectation with the assumption of its existence today or in the near term I think is—is risky in the extreme.

Current and former NASA Administrators are on record registering their doubts regarding the safety of these new commercial contractors.

Companies that are new contractors within the aerospace community have been provided a pathway that could potentially lead to billions in government funding to pursue opportunities to support International Space Station operations, starting with cargo. I believe the contractors wishing to pursue human launches to low Earth orbit should prove they can establish a reliable record of meeting the cargo and trash hauling responsibilities to support the station before we turn over the Nation's human space flight future to them.

Pretty slides and unproven promises will not show us you have the right stuff to be entrusted with the lives of our astronauts. If these companies can be successful—and there is no reason to doubt that eventually, someday, somehow they will be—then NASA, the Congress, and the public might be willing to hand over launches to low Earth orbit. That day is not today and it will not be for years to come.

But until that day arrives, I believe we should follow the path that has the safest manned vehicle, the vehicle furthest along in development, and, as mentioned several times by the Augustine Commission itself, the program that, given appropriate funding, will successfully provide a system that can not only go to the space station but to the Moon and beyond.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, yesterday, the Senate majority leader was required to file cloture to end a Republican filibuster against the Department of Defense authorization bill. We are in two wars. We are in two wars, and we are about to send, from my State of Vermont, 1,500 members of our National Guard to Afghanistan. We have all kinds of things the Defense authorization bill is designed for, including to protect Americans serving abroad in harm's way. Yet the Republicans have filibustered against the Department of Defense authorization bill. The Senate is going to vote on that tomorrow, pursuant to our rules. I hope we will have a bipartisan vote proceeding to conclude the debate on the conference report which has been adopted by the House. I expect the Senate, on both sides of the aisle, will vote to provide the authorities necessary for our men and women in uniform.

I wonder what it would be like if you were a soldier, a marine out on the front lines in Afghanistan, and you get some news back home that one political party is holding up the Department of Defense authorization bill—the authorization for your equipment, the

authorization for your body armor, the authorization for your ammunition, the authorization for your going forward. What would you think as the bullets are whizzing toward you? I know what I would think. I know what I would have thought when my young son was in the Marine Corps and got called for service in the Middle East. I know what I would have thought of people holding up the authorization for the equipment he needed.

Also, as part of that conference report, we are going to be adopting the Hate Crimes Prevention Act, including the provision added by the ranking Republican on the Senate Judiciary Committee, Senator SESSIONS, to create a new criminal offense for attacks against servicemembers because of their service. I would hope we will be moving forward on that.

After more than a decade, Congress is finally set to pass the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 as an amendment to the National Defense Authorization Act, and I expect the President to sign it promptly. I am proud that Congress has come together to show that violence against members of any group because of who they are will not be tolerated in this country.

I thank Senator COLLINS for cosponsoring the amendment with me. I commend Senator LEVIN for working so hard to ensure that this provision would go forward as part of the conference report. I congratulate the Senate majority leader, Senator REID, for his essential role in this matter. In the House of Representatives, Speaker PELOSI and Congressman CLYBURN were similarly instrumental in this enactment.

I also want to take this opportunity to remember Senator Ted Kennedy who provided steadfast leadership on this issue for more than a decade. I wish he could have been here to see this bill, about which he was so passionate, finally enacted. I am honored to be able to see it through to the finish for him. I know it meant a lot to him. We miss him but his good work goes on.

Earlier this month was the 11th anniversary of the brutal murder of Matthew Shepard, a college student who was beaten and killed solely because of his sexual orientation. Matthew's parents have worked courageously and tirelessly for this legislation, which aims to ensure that this kind of despicable act will never be tolerated in this country. The bill was named for Matthew, as well as for James Byrd, Jr., a Black man who was killed in 1998 because of his race in another awful crime that galvanized the Nation against hateful violence. We appreciate and honor the important contributions of James Byrd's family as they have worked hard for this legislation.

Unfortunately, the years since these two horrific crimes have made clear

that hate crimes remain a serious and growing problem. Most recently, the shooting at the Holocaust Memorial Museum showed that these vicious crimes continue to haunt our country. This bipartisan legislation will help law enforcement respond more effectively to this problem.

It is a testament to the importance of this legislation that the Attorney General of the United States came to the Judiciary Committee in June to testify in favor of it. We have been urged to pass this bill by State and local law enforcement organizations, and dozens of leaders in the faith and the civil rights communities. Michael Lieberman of the Anti-Defamation League and my friend, Janet Langhart Cohen, among others, also testified passionately in favor of this legislation before the Senate Judiciary Committee earlier this year. I also very much appreciate the support of Wade Henderson of the Leadership Conference on Civil Rights and Joe Solmonese of the Human Rights Campaign, who have worked tirelessly to see this legislation passed.

The answer to hate and bigotry has to ultimately be found in increased respect and tolerance for all our citizens. In the meantime, strengthening our Federal hate crimes legislation to give law enforcement the tools they need is a necessary step.

The facts set out in several recent reports show that hate crimes and hate groups remain a major problem. Last June, the Leadership Conference for Civil Rights released a report finding that "the number of hate crimes reported has consistently ranged around 7,500 or more annually, or nearly one every hour of the day." A recent report from the Southern Poverty Law Center found that hate groups have increased by 50 percent since 2000, from 602 hate groups in 2000, to 926 in 2008.

This historic hate crimes provision will improve existing law by making it easier for Federal authorities to investigate and prosecute crimes of racial, ethnic, or religious violence. Victims will no longer have to engage in a narrow range of activities, such as serving as a juror, to be protected under Federal law. It also focuses the attention and resources of the Federal Government on the problem of crimes committed against people because of their sexual orientation, gender, gender identity, or disability, which are much needed protections. In addition, this legislation will provide resources to State, local, and tribal law enforcement to address hate crimes.

In preparing this legislation and moving it through Congress, we have worked closely with the Justice Department to ensure that we are advancing legislation that is fair, constitutional, and effective in cracking down on brutal acts of hate-based violence. It ensures that Federal prosecutors are

able to rely on evidence of limited and relevant additional conduct to prove that the violent act in question was motivated by bias. It would also strengthen Federal jurisdiction over hate crimes and clarify key certification requirements to allow the Federal Government to appropriately support, but not to substitute for, State and local law enforcement. As a former State prosecutor, I believe respect for local and State law enforcement is critical.

This legislation was carefully crafted to respect constitutional limits and differences of opinion. It will combat acts of violence motivated by hatred and bigotry, but it does not target speech, however offensive or disagreeable, and it does not target religious expression.

I wish there had been more Republican support for this important civil rights amendment. Nonetheless, in the Senate we worked to address bipartisan concerns and issues. We incorporated Republican amendments mandating guidelines for hate crimes prosecutions, further changing first amendment protections, and creating a new criminal offense for attacks against servicemembers because of their service.

I am disappointed that the servicemembers provision contains a mandatory minimum sentence because I believe that mandatory minimum sentences can have unintended and unfortunate effects on sentencing and on our criminal justice system. However, I was pleased that we were able to limit the provision to one modest mandatory minimum sentence and require the United States Sentencing Commission to study the effect of mandatory minimum sentences. I am also glad that we were able to pass this bill without adding a new Federal death penalty, which would have needlessly inserted a divisive issue into this legislation.

I want to note that the sponsors and supporters intend with its passage, to authorize Federal investigations and prosecutions of those hate crimes described to the fullest extent permitted by the Constitution. Section 4707(a) of the defense authorization bill, which creates §249(a)(2)(B) of the new hate crimes statute, is desired to apply to the full extent of congressional authority under the Commerce Clause. Similarly, section 249(a)(1) should be interpreted broadly, to the full extent of Congress's authority under the 13th amendment.

Section 4710 of the bill sets out rules of construction for hate crimes legislation. These rules of construction are meant to be read as a collective whole. They simply confirm that the statute should be applied consistent with the first amendment and the Federal Rules of Evidence. They are not meant to prevent the admission of any evidence that is relevant, consistent with the

first amendment, and otherwise admissible under the Federal Rules of Evidence, including under rule 404(b).

President Obama has worked closely with us to facilitate the quick passage of this vital hate crimes legislation. In his first few months in office, he has acted to ensure that Federal benefits are awarded more equitably, regardless of sexual orientation, and now to ensure that this hate crimes legislation becomes law. Unlike in previous years, our bipartisan hate crimes bill does not face a veto threat. We have a President who understands that crimes motivated by bias are particularly pernicious crimes that affect more than just their victims and those victims' families. I expect the President to sign this legislation without delay.

Hate crimes instill fear in those who have no connection to the victim other than a shared characteristic such as race or sexual orientation. For nearly 150 years, we have responded as a Nation to deter and to punish violent denials of civil rights by enacting Federal laws to protect the civil rights of all of our citizens. The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 continues that great and honorable tradition. Passage of this legislation, at last, will show, once again, that America values tolerance and protects all of its people.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I ask unanimous consent that Senator BARRASSO and I be permitted to speak as in morning business to offer some comments about Senator Cliff Hansen, who passed away last night, and to agree to a resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ENZI and Mr. BARRASSO are printed in today's RECORD under "Morning Business.")

Mr. ENZI. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

UNEMPLOYMENT

Mr. MERKLEY. Mr. President, I rise to address the devastating jobs crisis hitting my home State of Oregon. Last Monday, we got new job numbers. On the face, it was good news. The rate of unemployment dropped from 12.2 percent to 11.5 percent. Of course, we would all expect this is because there were more jobs.

As it turns out, that is not the case. Oregon lost 10,300 jobs in September. The unemployment rate dropped sim-

ply because, in the face of so much unemployment, many Oregonians are giving up in their search for a job. A year ago, 121,000 Oregonians were unemployed. This September, 211,000 Oregonians were out of work. Jobs are hard to find in my home State right now.

The reasons for this are many. We are an export State that has seen our trading partners hit hard with their own economic problems, countries such as South Korea whose GDP, year over year, dropped up to 20 percent.

Mexican penalty tariffs have hit Oregon's agricultural sector, our fruits and our Christmas trees, particularly hard. One of our main industries, the timber industry, which produces dimensional lumber for construction all across this great United States, has been wiped out by the collapse of construction and housing sectors of our economy.

Allow me to zero in on the county where I was born, Douglas County. In September, Douglas County had a seasonally adjusted unemployment rate of 16.1 percent. One out of every six adults was out of a job. Douglas County is a big timber county. There is no market for dimensional lumber right now. The recovery package has helped some by creating jobs preventing wildfires in choked and overgrown second-growth forests, but that is not enough.

We need the housing markets to turn around. We need to diversify Douglas County's economic base by investing in clean energy technology that will turn biomass from the forests into renewable fuels.

We are hard at work on both fronts, attempting to stabilize housing and crafting new clean energy legislation. But in the meantime, workers in Douglas County are hurting. There are not enough jobs. It is a crisis for the Douglas County families.

In a crisis, we help our neighbors. One of the best ways we can help our neighbors and friends in Douglas County and other counties throughout Oregon and other counties throughout the United States of America is to pass an extension of unemployment benefits.

Let me be clear: Oregonians want jobs. That is our first and best answer. If there are jobs out there, citizens will line up to get them. But when there are no jobs, we need to have help. The extension of unemployment benefits is such help. It would extend benefits for 14 weeks for all States and 20 weeks for high unemployment States such as the State of Oregon.

It is paid for through extending a fee employers are already paying. So it puts no additional pressure on business but provides a critical safety net to our out-of-work Americans.

Before I close, I wish to add one point: This bill will help these families and workers get by, but it will also help our economy as a whole by put-

ting money into the hands of those who need it most. Unemployment benefits rapidly turn into bags of groceries, new and secondhand school clothes, needed home repairs. All of that has a big impact on small businesses in Douglas County and small towns such as Roseburg, Sutherlin, and Myrtle Creek.

That is why economists say extending unemployment insurance is about the best job-creating step the Federal Government could take. I understand some of my colleagues on the other side of the aisle are objecting to consideration of this bill. They do not want that bill to come to this floor.

I think we need to look more closely at this issue. A bill extending unemployment benefits to assist in shoring up the financial foundations of our working families while they are still searching for those jobs is essential. We need to have not partisan potshots but real help for working families.

I appreciate that some Members of this Chamber may come from States that are doing quite well right now. There may be some States in America that are not in the middle of a jobs crisis, but far too many of our States are similar to Oregon, where families need assistance. The delay of providing an extension of unemployment benefits will cause real pain to families in those States and slow down the effort for our economy as a whole to recover.

I urge my colleagues to join in supporting the working families of Douglas County, the working families of Oregon, the working families of the United States of America, and support job creation by supporting this extension of unemployment benefits.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

(The remarks of Ms. KLOBUCHAR pertaining to the submission of S. Res. 317 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Ms. KLOBUCHAR. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE PHYSICIAN PAYMENT FIX

Mr. VOINOVICH. Mr. President, several weeks ago I came to the floor to remind my colleagues and all Americans about the fiscal realities in which we find ourselves. I promised I would continue these efforts until we did

something to address this crisis, so my colleagues are going to see a lot of me between now and the end of the year. Hopefully something will get done on this issue before the end of the year.

Unfortunately, I return today to tell my colleagues that the bill to repeal the Medicare physician payment formula the Senate considered earlier today is a step in the opposite direction, and I was very pleased with the vote on that. There were 47 votes for cloture and 53 votes in opposition, so we had more opposed than we had for cloture.

When I spoke here earlier this fall, I discussed one of my children's favorite stories, "The Emperor's New Clothes" by Hans Christian Anderson. This little piece of artwork I have in the Chamber is in that fairytale.

In the tale, an emperor goes about the land wearing a nonexistent suit sold to him by a new tailor who convinced the monarch the suit was made of the finest silks. The tailors—two swindlers—tell the emperor that the threads of his robes will be so fine that they will look invisible to those dim-witted or unfit for their position. The emperor and his ministers, themselves unable to see the clothing, lavish the tailor with praise for the suit because they do not want to appear to be dim-witted or incompetent.

Word spread across the kingdom of the emperor's beautiful new clothes. To show off the extraordinary suit, a parade was formed. People lined the streets to see the emperor show off his new clothes. Again, afraid to appear stupid or unfit, everyone pretends to see the suit. It is only when a child cries out "the emperor wears no clothes" does the crowd acknowledge that the emperor is, in fact, naked.

Mr. President, much like the emperor in this story, America's elected leaders know we face a fiscal train wreck, but we are choosing to ignore our current economic reality. The American people know "we are naked," and so does the rest of the world, and our credibility and our credit are at risk, but we refuse to acknowledge what is obvious: When it comes to fiscal responsibility, "the emperor wears no clothes." Yet earlier today we had a vote on whether to proceed to a bill that would have added \$247 billion to our Nation's debt. The interest alone adds another \$50 billion in debt over the next 10 years. We are just going to put it on the national credit card and let our children and grandchildren take care of it. We are the biggest credit card abusers in the world, and the credit cards we are using are the credit cards of my children and grandchildren and other Americans. I am pleased, as I said, that a majority of my colleagues joined me in opposing moving forward with this legislation.

The President has said the health care reform bill would not add one

dime to the deficit. Yet the bill we voted on earlier today should be a larger part of reform legislation, and it is going to spend over $\frac{1}{4}$ trillion without paying for it—that is what would have happened.

I suppose it is easy to make claims about health care reform legislation not adding to the deficit when Congress takes the parts that cost money off the table, but to do so is fiscally irresponsible and morally corrupt.

The physician fix was left out of the Finance Committee, I suspect, not because my colleagues do not agree it is a fundamental part of health care reform but because it would have cost money my colleagues did not want to account for in the bill. If the Finance Committee would have included the fix in their bill, the \$81 billion surplus they say the bill will create would have quickly turned into a deficit. That is unacceptable, and I am not the only one who feels that way. The Washington Post discussed the effort to take the fix for the sustainable growth formula—the formula that calculates reimbursement for physicians under Medicare—out of the larger health care bill as a "shell game" and "budgetary smoke and mirrors." This is just another illustration of our out-of-control spending that has caused our national debt to skyrocket.

One of the reasons I ran for the Senate and came to Washington a long time ago was to reduce the Federal debt and balance our budgets. That is what I did when I was mayor of Cleveland. That is what I did when I was Governor of Ohio. When I arrived in the Senate in 1999, the gross national debt stood at \$5.6 trillion, or 61 percent of the GDP. Today, the gross national debt is nearly \$11.8 trillion, and the President will be coming before us to raise the national debt to, I think, over \$12 trillion. The 2009 deficit stands at about \$1.4 trillion.

I just got back 2 weeks ago from Athens, Greece, and an Organization for Security and Co-operation meeting in Athens. When I shared with my colleagues that we borrowed \$1.4 trillion to run the government—and they were all asking for help—they were astounded. They just could not believe it. I also reminded them that debt was like the debt we racked up during the Second World War. In other words, that is the period to which you can compare it. So the 2009 deficit stands at \$1.4 trillion and at \$9.1 trillion over the next decade, which does not include the borrowing from the trust funds and which is three times the largest deficit in our history.

It does not take an economist to realize our current course is unsustainable. The Medicare Program is scheduled to be bankrupt by 2017. I cannot understand why we are not talking about that. That means the supply of money coming in is not going

to be enough to take care of the demand—just what is happening now in Social Security. In the next couple years, the money coming in is not going to be adequate to take care of people who are on Social Security, so we are going to have to borrow that money in order to take care of their needs. We need to take a comprehensive look at the program.

I will be the first to admit we must honor our commitment to our Nation's seniors and ensure they have access to quality health care services. I have heard it firsthand from family and friends that in some places in Ohio, Medicare beneficiaries face delays for physician services right now. In fact, 6.8 percent of Ohioans live in a designated primary care shortage area. We need more doctors and nurses. The situation is only going to get worse. Thirty-nine percent of physicians are over the age of 50 and considering limiting the amount of time they see patients.

For these reasons, I have been advocating for the past several years that we need a permanent and commonsense fix for the flawed sustainable growth rate formula, which we refer to as the doc fix. I do not think there is anyone on either side of the aisle who disagrees. We need to do that. Yet this bill we just considered is not the way to do it. Any fix must be part of a larger conversation, and it must be done in a way that does not simply add to the burden we are already placing on our children and grandchildren.

I am pleased that in a letter last week to Senator REID, 10 Senate Democrats joined me in this conclusion, asking the majority leader that he get serious about the Federal debt and tax and entitlement reform. They believe, as I do, that we cannot continue to keep spending without consequence. As I have been advocating, we must give larger reform serious thought before it is too late. We must act on the tough issues today.

As Gerald Seib noted in the Wall Street Journal yesterday:

Administration officials also know they have little choice but to start showing early next year that they take the deficit seriously, for both political and economic reasons.

That is why Senator LIEBERMAN and I have introduced legislation called Securing America's Future Economy, which basically creates a bipartisan commission that would deal with the deficit and deal with tax reform; that if a supermajority of those agree to the solution, that would get expedited procedure on the floor of the Senate and move to an up-or-down vote, very much like we do with the BRAC process. We have been trying to do this now for 4 years. We have talked to the OMB Director, Peter Orszag. It is interesting. Two years ago he was with a lot of former CBO Directors and said, We have to have a commission. It is the

only way we are going to deal with entitlements; it is the only way we are going to deal with tax reform, yet we are not able to convince the administration to move forward with us to tackle this very heavy responsibility.

Time is running out. The dollar is going down. People are talking about not using the dollar as an exchange anymore. Most of the economic experts say if we keep going on this unsustainable course, we are going to see interest rates start to skyrocket in this country. Over half our debt is in the hands of the Chinese and the Indians and the OPEC nations and Japan. We are in bad shape. The public understands it. They understand. They understand that the emperor has no clothes. We are not doing anything about the problem, and they get it today.

I happen to believe that the undertow that is out there in the country today in terms of health care reform and in terms of climate change is the fact that the American people understand that things aren't right. The American people in the Presiding Officer's State, in my State, do you know what they are doing? They are buying less. They are not putting it on their cards. They are trying to save some money. They know they have been on a binge. They look to us and they say, What are you doing? What are you doing? We care about ourselves, but we also care about our children and grandchildren. It is not fair to those individuals to do what we are doing.

We have a moral obligation to do what we can to try to make sure this generation's standard of living will not be less than those who came before them. Many people believe that is going to be the case. The passage of the legislation to fix the physician payment formula by borrowing more money will only help guarantee that they are right.

We have a serious problem. I will be coming to the floor over and over to see if we can't do it. I am going to do what I can to convince the President that he ought to participate in setting up this commission, working with Senator GREGG and Senator KENT CONRAD, to see if we can't get them together to agree on what this commission would look like. We are hoping the President is alert enough to know that if he doesn't deal with this problem, it is not only a substantive problem that needs to be dealt with but a major political problem that he is going to have. The American public demands that we start talking about doing something about this problem and they know we are running out of time.

I yield the floor.

THE PRESIDING OFFICER. The Senator from North Dakota is recognized.

INTERNET NEUTRALITY

Mr. DORGAN. Mr. President, tomorrow at the Federal Communications

Commission there will be a vote on a proposed rulemaking. It is a rulemaking on something called net neutrality. Let me put that in English, if I might. It is about Internet freedom. I wish to talk for a moment about the importance of this.

One would think, given the reaction by some and dozens and dozens of letters that are now going to the FCC, that what is going to happen tomorrow is some unbelievable vote on some controversial proposal that has had no discussion. It is not that at all. It is a notice of proposed rulemaking. It is the beginning of a process to describe a rulemaking on what is called net neutrality or the principle of non-discrimination with respect to the Internet.

I wish to describe how important that is. The Internet is an unbelievable new invention in our lifetime. It was created by the Federal Government. A bunch of scientists and engineers in the Federal Government described this method of communicating one to another with computer technology and it became the Internet. The Internet developed over a number of years in a completely free and open architecture. That meant that anyone could go to anyplace and see anybody on the Internet. So the stories are legend.

It was, I believe, 11 years ago when Larry and Sergey, two young men in college in a dormitory room started a company. They moved it to a garage that had a garage door opener, and it had eight employees, and they had this idea, a new company, a new search engine. It had eight employees and it was in a garage with a garage door opener 11 years ago. Well, now it is called Google.

But it is not just Larry and Sergey having a dream and a vision. It is so many others as well. It is Jeff Bezos who drove to California with an idea and that idea became Amazon.com, selling books, and then selling almost everything. Or it became someone with an idea about having an auction on the Internet, and it became eBay, and most of us know about eBay. Or it became Mark Zuckerberg who had an idea of something called Facebook. Well, I am talking about huge successes. But for every one of those—Facebook, eBay, Amazon, Google—for every one of those large companies that have now grown on the Internet, there are millions of people out there who are conducting a business in their kitchen, in their dorm room, in their garage, because they are the next enterprising person to succeed on the Internet.

The question is this: If there is someone in my hometown—and let me describe that someone, because it happened to be someone who is now occupying the home that I grew up in; a very small, two-bedroom home in a small town of 300 people. I had not been back for some long while to see the

home. So I knocked on the front door. When the woman answered, I asked if I could see the home that I grew up in, where I spent my first 17 years, and she said: Of course. Come on in. So I came in and she was doing something that I found kind of interesting. She had in the small kitchen on the table a camera, and the camera was pointed at an aperture with an arm and on the arm was hanging a bracelet, a little gold bracelet, and she was taking a picture of the gold bracelet.

I said: What are you doing?

Well, I have a business, she said.

I said: Well, what kind of business do you have?

Well, I sell on the Internet. I purchase jewelry and then I sell it on the Internet.

Sure enough, in the little porch coming into the home she had cardboard boxes and tape and the kinds of things you would do to box something up and send it. Here in this little town in southwestern North Dakota, a town of 300 people, a woman, in the home I grew up in, was running a business.

I said: How do you do?

She said: Pretty well. This income supplements my husband's income. She said: I sell on eBay.

Well, you know what? In that little kitchen, anybody in the world can find her business—anybody in the world can find that business. Why? Because the Internet is open. The architecture has never been closed. The whole notion of the Internet is this notion of freedom, of liberty to go anywhere you want to go. In the last 3½ years I have written two books and I have discovered in the writing of books how unbelievable the Internet is to be able to go to anywhere in the world and do research. If you want to know something, go there, and nobody is going to stop you from going wherever you wish to go. Put it in a search engine, go find it, and you will find it in some crevice on the Internet. Somebody out there has put it on the Internet for you to see. It is the most unbelievable research tool I have ever found.

So, yes, it is Google, it is Amazon, it is eBay, it is the big companies, but much more than that, it is the backbone that allows people all over this country and the world to do business. Yes, from their kitchen, from their garage. Some of those businesses will grow to become names we don't now know but will, because they will be successful. They will be the next invention, the next opportunity on this thing called the Internet.

Here is the question: The Internet was created under circumstances that required rules of nondiscrimination. For the first portion of its birth and then origin, it was an Internet that was described as a telephone service and it was subject to rules that had nondiscrimination, so no one could discriminate. It was completely open,

completely free. Its architecture was available to anyone at any time. Anybody can go anywhere at any time. Nobody has a toll booth, nobody is a gatekeeper. It is completely open and free. The biggest company over here and the smallest enterprise over here—big corporate executives wearing gray suits making lots of money, and two people in a dorm room or someone in a small kitchen in a small town—they are equal. Anybody has access to both sites, or all sites. That is called nondiscrimination and the nondiscrimination rules say no one can set up a barrier. No one can set up a gate. No one can set up a toll booth. Anyone has freedom and access anywhere on the Internet.

That is the way the Internet was developed. That is its origin and that is the way most of its life has existed. Then the Federal Communications Commission came along and said, We are going to redefine the Internet as an information service rather than a telephone service and the result is the nondiscrimination rules fell off the chart because they attached to the telephone service. So some of us have said, Well, we certainly want to maintain and continue nondiscrimination rules. I mean, who would be for discrimination, right? So we want to maintain the nondiscrimination rules. We want to, with what is called network neutrality or net neutrality, restore the nondiscrimination rules and the basic freedom under which the Internet developed in the first instance. That has been our effort. That is what the Chairman of the Federal Communications Commission is attempting to do. It is to begin tomorrow with a notice of proposed rulemaking. It doesn't mean he is saying, Here is exactly what we are going to do; it is saying, Let's propose a rulemaking and that rulemaking process will allow everybody to weigh in, to make comments, to be involved with the question of exactly what kind of a rule they may or may not write.

I think what the Federal Communications Commission is doing tomorrow is exactly the right thing. I know there are some who are pushing back. In fact, there are some who have said, We want to set up a toll booth. There are some CEOs of some large companies who have suggested, You know what. Those wires belong to us. We want to be able to have some toll booths and so on.

I don't believe they should be able to set up any impediments. By that I am not suggesting they don't have a right to have security for their networks; they certainly do. I am not suggesting they don't have a right to do certain kinds of inspections to make sure that the kinds of things that are prohibited—child pornography and others—are stopped on the Internet. But what I am saying is the architecture under which the Internet itself was created is

an architecture all of us should aspire to continue, and that is nondiscrimination rules and transparency. This is very simple. So tomorrow there will be a vote at the FCC. I would say to the chairman of the FCC and to all of the Commissioners that you are doing the right thing by proceeding to make certain that the future of the Internet is open and has free access with nondiscrimination rules and transparency.

Here are a couple of letters I wish to have printed in the RECORD, if I might ask unanimous consent. One is a letter to Chairman Genachowski and this letter is dated October 19th:

We write to express our support for your announcement that the FCC will begin a process to adopt rules to preserve an open Internet. We believe a process that results in common sense baseline rules is critical to ensuring that the Internet remains a key engine of economic growth, innovation, and global competitiveness.

Let me not read it all, but let me read the final paragraph of this letter:

America's leadership in the technology space has been due, in large part, to an open Internet. We applaud your leadership in initiating a process to develop rules that ensure the qualities that have made the Internet so successful are protected.

That is a letter from a large group of people who run Internet companies and applications, from Craigslist, EchoStar, Google, Mozilla, Skype, Amazon, Expedia, Netflix, Sony Electronics, XO Communications, Facebook, eBay, and so many others; Twitter, and Meetup, so many different folks who know of what they are speaking. I support this letter and commend it to the Chairman of the FCC. Again, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 19, 2009.

Hon. JULIUS GENACHOWSKI,
Chairman, Federal Communications Commission, Washington, DC.

DEAR CHAIRMAN GENACHOWSKI: We write to express our support for your announcement that the Federal Communications Commission will begin a process to adopt rules that preserve an open Internet. We believe a process that results in common sense baseline rules is critical to ensuring that the Internet remains a key engine of economic growth, innovation, and global competitiveness.

For most of the Internet's history, FCC rules have ensured that consumers have been able to choose the content and services they want over their Internet connections. Entrepreneurs, technologists, and venture capitalists have previously been able to develop new online products and services with the guarantee of neutral, nondiscriminatory access by users, which has fueled an unprecedented era of economic growth and creativity. Existing businesses have been able to leverage the power of the Internet to develop innovative product lines, reach new consumers, and create new ways of doing business.

An open Internet fuels a competitive and efficient marketplace, where consumers make the ultimate choices about which products succeed and which fail. This allows

businesses of all sizes, from the smallest startup to larger corporations, to compete, yielding maximum economic growth and opportunity.

America's leadership in the technology space has been due, in large part, to the open Internet. We applaud your leadership in initiating a process to develop rules to ensure that the qualities that have made the Internet so successful are protected.

Sincerely,

Jared Kopf, Chairman & President, AdRoll.com; Craig Newmark, Founder, Craigslist; Charles E. Ergen, Chairman & CEO, EchoStar Corporation; Eric Schmidt, CEO, Google Inc.; John Lilly, CEO, Mozilla Corporation; Josh Silverman, CEO, Skype; Gilles BianRosa, CEO, Vuze, Inc.; Jeff Bezos, Founder & CEO, Amazon.com; Jay Adelson, CEO, Digg; Erik Blachford, Former CEO, Expedia.

Barry Diller, Chairman & CEO, IAC; Reed Hastings, Co-Founder & CEO, Netflix, Inc.; Stan Glasgow, President & COO, Sony Electronics; Carl J. Grivner, CEO, XO Communications; Ashwin Navin, Co-Founder, BitTorrent, Founding Partner, i/o Ventures; Kevin Rose, Founder, Digg; Mark Zuckerberg, Founder & CEO, Facebook; Reid Hoffman, Executive Chairman, LinkedIn; Howard Janzen, CEO, One Communications; Thomas S. Rogers, President & CEO, TiVo Inc.

Steven Chen, Founder, YouTube; James F. Geiger, Chairman & CEO, Cbeond; John Donahoe, CEO, eBay, Inc.; Caterina Fake, Founder, Flickr; Scott Heiferman, CEO & Co-Founder, Meetup; David Ulevitch, Founder, OpenDNS; Evan Williams, Co-Founder & CEO, Twitter; Mark Pincus, CEO, Zynga.

Mr. DORGAN. Mr. President, this is a letter from the largest venture capital funds in the country that have made substantial investments in these companies that have helped the Internet grow;

Dear Chairman Genachowski: We write to express our support for the Commission's ongoing efforts to adopt rules to safeguard the open Internet. As business investors in technology companies, we have first-hand experience with the importance of guaranteeing an open market for new applications for services on the Internet. Clear rules to protect and promote innovation at the edges of the Internet will reinforce the core principles that led to its extraordinary social and economic benefits. Open markets for Internet content will drive investment, entrepreneurship and innovation. For these reasons, Net Neutrality policy is pro-investment, pro-competition, and pro-consumer.

I ask unanimous consent to have printed in the RECORD this letter from the venture capital firms that know a lot about the Internet.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 21, 2009.

Hon. JULIUS GENACHOWSKI,
Chairman, Federal Communications Commission, Washington, DC.

DEAR CHAIRMAN GENACHOWSKI: We write to express our support for the Commission's ongoing efforts to adopt rules to safeguard the open Internet. As business investors in technology companies, we have first-hand experience with the importance of guaranteeing an

open market for new applications and services on the Internet. Clear rules to protect and promote innovation at the edges of the Internet will reinforce the core principles that led to its extraordinary social and economic benefits. Open markets for Internet content will drive investment, entrepreneurship and innovation. For these reasons, Net Neutrality policy is pro-investment, pro-competition, and pro-consumer.

Permitting network operators to close network platforms or control the applications market by favoring certain kinds of content would endanger innovation and investment in an investment sector which represents many billions of dollars in economic activity. The Commission is absolutely correct to propose clear rules that require competition. The promise of permanently securing an open Internet will deliver consumers and innovators a perfect free market that drives investment, job creation, and consumer welfare. These principles should apply across all Internet access networks, wired or wireless.

Investment and innovation at the edge of the network will create not just jobs but also new tools and opportunities for communication, education, health care, business, and every other human endeavor.

We look forward to working with you in developing clear rules to protect the open Internet, and in building together a framework to secure its future and promote its continued growth.

Sincerely,

Immad Akhund, Co Founder, Heyzap;
Brian Ascher, Venrock; Aneel Bhusri, Partner, Greylock Partners (and Co-Founder and Co-CEO, Workday); Matt Blumberg, Chairman & CEO, Return Path, Inc.; Brad Burnham, Union Square Ventures; Stewart Butterfield, Co-Founder, Flickr; Ron Conway, Founder, SV Angel LLC; John Doerr, Partner, Kleiner Perkins Caufield & Byers; Timothy Draper, Founder and Managing Director, Draper Fisher Jurvetson; Caterina Fake, Co-Founder, Flickr & Hunch.

Brad Feld, Co-Founder, Foundry Group; Peter Fenton, Benchmark Partners; Eyal Goldwenger, CEO, TargetSpot; Jude Gomila, Co founder, Heyzap; Mark Gorenberg, Managing Director, Hummer Winblad; Jordan Greenhall, Founder of Divv; Bill Gurley, Benchmark Partners; Jed Katz, Managing Director, Javelin Venture Partners; Dany Levy, Founder, DailyCandy; Mario Marino, Member, Executive Advisory Board, General Atlantic LLC.

Jason Mendelson, Managing Director, Mobius Venture Capital; Michael Moritz, Sequoia Capital; Kim Polese, CEO of Spike Source, Inc.; Avner Ronen, CEO of Boxee; Pete Sheinbaum, Former CEO of Daily Candy; Ram Shriram, Founder, Shropalo; David Sze, Partner, Greylock Partners; Albert Wenger, Union Square Ventures; Steve Westly, Managing Director, The Westly Group; Fred Wilson, Union Square Ventures.

Mr. DORGAN. Mr. President, finally, I ask unanimous consent to have printed in the RECORD a letter from the folks who created the Internet. The list is headed by Vinton Cerf, who is often called the "father of the Internet." I know Vint Cerf. He is an extraordinary man. Others signing this letter include Stephen Crocker, David Reed, Lauren Weinstein, and Daniel Lynch: these are

all Internet pioneers. They were there at the beginning. They created this unbelievable engine of opportunity for the American people. They write a similar letter saying:

As individuals who have worked on the Internet and its predecessors continuously beginning in the late 1960s, we are very concerned that access to the Internet be both open and robust. We are very pleased by your recent proposal to initiate a proceeding for the consideration of safeguards to that end.

This is a letter to Chairman Genachowski from the folks I mentioned. I ask unanimous consent to have printed in the RECORD this letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 15, 2009.

Hon. JULIUS GENACHOWSKI,
Chairman, Federal Communications Commission, Washington, DC.

DEAR MR. CHAIRMAN: We appreciate the opportunity to send you this letter. As individuals who have worked on the Internet and its predecessors continuously beginning in the late 1960s, we are very concerned that access to the Internet be both open and robust. We are very pleased by your recent proposal to initiate a proceeding for the consideration of safeguards to that end.

In particular, we believe that your network neutrality proposal's key principles of "nondiscrimination" and "transparency" are necessary components of a pro-innovation public policy agenda for this nation. This initiative is both timely and necessary, and we look forward to a data-driven, on-the-record proceeding to consider all of the various options.

We understand that your proposal, while not even yet part of a public proceeding, already is meeting with strong and vocal resistance from some of the organizations that the American public depends upon for broadband access to the Internet. As you know, the debate on this topic has been lengthy, and many parties opposing the concept have systematically mischaracterized the views of those who endorse and support your position.

We believe that the existing Internet access landscape in the U.S. provides inadequate choices to discipline the market through facilities-based competition alone. Your network neutrality proposals will help protect U.S. Internet users' choices for and freedom to access all available Internet services, worldwide, while still providing for responsible network operation and management practices, including appropriate privacy-preserving protections against denial of service and other attacks.

One persistent myth is that "network neutrality" somehow requires that all packets be treated identically, that no prioritization or quality of service is permitted under such a framework, and that network neutrality would forbid charging users higher fees for faster speed circuits. To the contrary, we believe such features are permitted within a "network neutral" framework, so long they are not applied in an anti-competitive fashion.

We believe that the vast numbers of innovative Internet applications over the last decade are a direct consequence of an open and freely accessible Internet. Many now-successful companies have deployed their services on the Internet without the need to negotiate special arrangements with Inter-

net Service Providers, and it's crucial that future innovators have the same opportunity. We are advocates for "permissionless innovation" that does not impede entrepreneurial enterprise.

We commend your initiative to protect and maintain the Internet's unique openness, and support the FCC process for considering the adoption of your proposed nondiscrimination and transparency principles.

Respectfully,

VINTON G. CERF,
Internet Pioneer.

STEPHEN D. CROCKER,
Internet Pioneer.

DAVID P. REED,
Internet Pioneer.

LAUREN WEINSTEIN,
Internet Pioneer.

DANIEL LYNCH,
Internet Pioneer.

Mr. DORGAN. Mr. President, let me finally say this: I understand this issue has been controversial. I and Senator SNOWE have worked on this issue for a long while. The only time it has been voted on in the Congress was an attempt by us to add an amendment in a Commerce Committee markup. This was about 2½ years ago. We had an 11-to-11 tie. Why was there a tie vote? It is a controversial issue, although it should not be.

The basic principle of freedom on the Internet, open architecture on the Internet, the openness with which this Internet was created ought to persuade everyone to say: Yes, let's restore the conditions under which the Internet has always operated, up until recently; that is, nondiscrimination and transparency.

There are some interests in this country, I understand, some economic interests that say: No, we don't want that. We want some opportunity to perhaps go a different direction. We had one CEO in this country say: You know what, I want some of these companies on the Internet to pay me for the right to move on my lines. Once that starts, once we go down that road with those who have the muscle or the strength to decide who is going to cross and who is not, who can get by their toll booth and who cannot, then I am telling you there are Larrys and Sergeys in a dorm room out there someplace or a woman in a kitchen with a small business that is not going to succeed. And that innovation, that new company, that new business for this country, the expansion of the Internet and opportunity that comes with it will not exist. Why? Because we failed to continue the open architecture and the basic freedoms on which the Internet was created and on which we still ought to govern the future of the Internet.

What Julius Genachowski, the new chairman, is doing tomorrow at the FCC is exactly the right thing. He is not mandating some specific menu. He is beginning a rulemaking process which, at the end, in my judgment, will result in the restoration of two basic

principles: Nondiscrimination on the Internet and transparency. Is there anyone who believes those principles are not fair, are not reasonable? I don't think so.

There has been a flurry of protests, an unbelievable dust created by a lot of noise, a lot of crowd noise around this issue. I hope perhaps the chairman and those on the Commission who believe we ought to move in this direction understand there is very substantial support for what they are trying to do. That support exists in a letter I am sending today with some of my colleagues to say that support is here. Work that Senator SNOWE and I have done on this issue will be reflected as well in a message tomorrow.

I just want the Chairman to know: Keep going. You are doing the right thing. Don't worry about some of the dust that is out there. Do the public business, do the right thing, and this country will be best served.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

SUPREME COURT APPEAL

Mr. MCCONNELL. Mr. President, yesterday the Supreme Court announced it would hear a case that has critical ramifications for our ability to detain foreign nationals safely outside our borders during wartime at the U.S. naval station at Guantanamo Bay, Cuba. The case also provides insight into the question of the best place to detain and try foreign terrorists.

The case involves a group of ethnic Chinese Uighurs who are detained at Guantanamo Bay. The Uighurs won their habeas corpus petition to be released from custody. Many of these Uighurs, however, had received terrorist training in the Tora Bora Mountains of Afghanistan, including weapons training on AK-47 assault rifles at a camp run by the head of a group that our State Department has designated a terrorist organization and that the United Nations has listed as a group associated with Osama bin Laden, al-Qaida, or the Taliban.

Not surprisingly, it has not been easy to find countries eager to accept the Uighurs into their civilian populations. So the Uighurs sued to be released into the United States. Federal District Court Judge Ricardo Urbina granted the Uighurs' request and ordered them released in our country. It did not matter to Judge Urbina that the Uighurs did not have an immigration status or that they had received military-style weapons training or that they had associated with a terrorist group. He was persuaded by their argument that justice required that they be released right here in the United States.

Fortunately, the DC Circuit Court reversed Judge Urbina. It ruled that even though the Uighurs had won their habeas corpus petition, they did not have a right to be released into the United

States. In other words, it ruled that even if the government had to release them, it did not have to release them into Alexandria or Annandale or Falls Church or anywhere else in Northern Virginia that the Uighurs might like to go.

The DC Circuit's ruling is important to national security in general and to the debate over where we should try foreign terrorists in particular. The DC Circuit noted that the Supreme Court has held that foreign nationals, without property or presence in the United States, have fewer legal rights than foreign nationals who are present on American soil.

The DC Circuit also noted that the Supreme Court has repeatedly ruled that a sovereign has a right to control its borders, and that means it has a right to bar from being released into its territory foreign nationals whom it has not admitted onto its soil.

In short, because these detainees remain at Guantanamo outside our borders, they have fewer legal rights than they would have if they were brought within our borders, including the right to be released into our civilian population.

We don't know how the DC Circuit would have ruled if the Uighurs had been present on U.S. soil. But we do know a couple of things. First, the DC Circuit's reason for not releasing them into the United States was that they had not been brought into the United States. Let me say that again. The DC Circuit's reason for not releasing them in the United States was that they had not been brought here. Second, other foreign nationals who have committed murder and other serious crimes who were in the United States have been released here when our government could not transfer them to another country, either because they did not want to go to another country or because other countries did not want to take them.

The administration and its defenders in the Senate say that because we have tried terrorists in civilian courts before, we should do so again. They say there is no problem with us doing so because the administration would never release detainees into the United States, by which they really mean to say the administration would not intentionally release detainees into the United States. Both assertions miss the mark.

First, whether we can try terrorists here is not the issue. The issue is whether we should try terrorists here. We can try them here, but should we? Before he became Attorney General, Michael Mukasey was a noted Federal trial judge who presided over civilian trials of terrorists such as the trial of the so-called Blind Sheikh, Omar Abdel Rahman, for the 1993 World Trade Center bombing. He has written that there are very good reasons we should not try terrorists in a civilian court. This

is a judge who presided over a terrorist trial in a U.S. civilian court, and this is what he says: We should not try terrorists in civilian court, including the additional legal rights terrorists will receive if they are brought here.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks General Mukasey's recent op-ed on the topic.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MCCONNELL. Mr. President, second, once the administration brings detainees into the United States—right here in our country—it is no longer simply a matter for the administration. In other words, once they get here, the administration cannot entirely control the issue of whether they are going to be released. It is no longer about what it will or will not do. It is also about what a Federal judge will or will not do.

As we saw with Judge Urbina and the Uighurs, a judge may very well agree with the legal arguments of Guantanamo detainees and order them released right here in the United States. In other words, no matter what the administration's intention may be, once we bring them here, they do not control the situation; the courts do.

Those risks do not exist if the Obama administration does not bring the Guantanamo detainees into the United States. That risk does not exist if it leaves them at Guantanamo and tries them at the modern, multimillion-dollar courtroom at Guantanamo Bay under the very military commission rules it has now rewritten to its liking and which we will soon vote on when we consider the Defense authorization conference report.

The Supreme Court should affirm the DC Circuit Court's decision and let the political branches maintain control over our borders, including deciding whether and how foreign nationals outside our borders may be admitted within them.

If it does, it will bring clarity to the debate over whether terrorist detainees at Guantanamo Bay ought to be transferred to the United States. That clarity is this: If we want certitude that foreign terrorists detained at Guantanamo Bay are not released into the United States, then do not bring them here in the first place.

Mr. President, I repeat. We could try terrorists in the United States—we could do that—but the issue is should we do that. The answer is no.

I yield the floor.

EXHIBIT 1

[From the Wall Street Journal, Oct. 19, 2009]

CIVILIAN COURTS ARE NO PLACE TO TRY TERRORISTS

(By Michael B. Mukasey)

The Obama administration has said it intends to try several of the prisoners now detained at Guantanamo Bay in civilian courts

in this country. This would include Khalid Sheikh Mohammed, the mastermind of the Sept. 11, 2001 terrorist attacks, and other detainees allegedly involved. The Justice Department claims that our courts are well suited to the task.

Based on my experience trying such cases, and what I saw as attorney general, they aren't. That is not to say that civilian courts cannot ever handle terrorist prosecutions, but rather that their role in a war on terror—to use an unfashionable harsh phrase—should be, as the term "war" would suggest, a supporting and not a principal role.

The challenges of a terrorism trial are overwhelming. To maintain the security of the courthouse and the jail facilities where defendants are housed, deputy U.S. marshals must be recruited from other jurisdictions; jurors must be selected anonymously and escorted to and from the courthouse under armed guard; and judges who preside over such cases often need protection as well. All such measures burden an already overloaded justice system and interfere with the handling of other cases, both criminal and civil.

Moreover, there is every reason to believe that the places of both trial and confinement for such defendants would become attractive targets for others intent on creating mayhem, whether it be terrorists intent on inflicting casualties on the local population, or lawyers intent on filing waves of lawsuits over issues as diverse as whether those captured in combat must be charged with crimes or released, or the conditions of confinement for all prisoners, whether convicted or not.

Even after conviction, the issue is not whether a maximum-security prison can hold these defendants; of course it can. But their presence even inside the walls, as proselytizers if nothing else, is itself a danger. The recent arrest of U.S. citizen Michael Finton, a convert to Islam proselytized in prison and charged with planning to blow up a building in Springfield, Ill., is only the latest example of that problem.

Moreover, the rules for conducting criminal trials in federal courts have been fashioned to prosecute conventional crimes by conventional criminals. Defendants are granted access to information relating to their case that might be useful in meeting the charges and shaping a defense, without regard to the wider impact such information might have. That can provide a cornucopia of valuable information to terrorists, both those in custody and those at large.

Thus, in the multidefendant terrorism prosecution of Sheik Omar Abdel Rahman and others that I presided over in 1995 in federal district court in Manhattan, the government was required to disclose, as it is routinely in conspiracy cases, the identity of all known co-conspirators, regardless of whether they are charged as defendants. One of those co-conspirators, relatively obscure in 1995, was Osama bin Laden. It was later learned that soon after the government's disclosure the list of unindicted co-conspirators had made its way to bin Laden in Khartoum, Sudan, where he then resided. He was able to learn not only that the government was aware of him, but also who else the government was aware of.

It is not simply the disclosure of information under discovery rules that can be useful to terrorists. The testimony in a public trial, particularly under the probing of appropriately diligent defense counsel, can elicit evidence about means and methods of evidence collection that have nothing to do with the underlying issues in the case, but

which can be used to press government witnesses to either disclose information they would prefer to keep confidential or make it appear that they are concealing facts. The alternative is to lengthen criminal trials beyond what is tolerable by vetting topics in closed sessions before they can be presented in open ones.

In June, Attorney General Eric Holder announced the transfer of Ahmed Ghailani to this country from Guantanamo. Mr. Ghailani was indicted in connection with the 1998 bombing of U.S. Embassies in Kenya and Tanzania. He was captured in 2004, after others had already been tried here for that bombing.

Mr. Ghailani was to be tried before a military commission for that and other war crimes committed afterward, but when the Obama administration elected to close Guantanamo, the existing indictment against Mr. Ghailani in New York apparently seemed to offer an attractive alternative. It may be as well that prosecuting Mr. Ghailani in an already pending case in New York was seen as an opportunity to illustrate how readily those at Guantanamo might be prosecuted in civilian courts. After all, as Mr. Holder said in his June announcement, four defendants were "successfully prosecuted" in that case.

It is certainly true that four defendants already were tried and sentenced in that case. But the proceedings were far from exemplary. The jury declined to impose the death penalty, which requires unanimity, when one juror disclosed at the end of the trial that he could not impose the death penalty—even though he had sworn previously that he could. Despite his disclosure, the juror was permitted to serve and render a verdict.

Mr. Holder failed to mention it, but there was also a fifth defendant in the case, Mamdouh Mahmud Salim. He never participated in the trial. Why? Because, before it began, in a foiled attempt to escape a maximum security prison, he sharpened a plastic comb into a weapon and drove it through the eye and into the brain of Louis Pepe, a 42-year-old Bureau of Prisons guard. Mr. Pepe was blinded in one eye and rendered nearly unable to speak.

Salim was prosecuted separately for that crime and found guilty of attempted murder. There are many words one might use to describe how these events unfolded; "successfully" is not among them.

The very length of Mr. Ghailani's detention prior to being brought here for prosecution presents difficult issues. The Speedy Trial Act requires that those charged be tried within a relatively short time after they are charged or captured, whichever comes last. Even if the pending charge against Mr. Ghailani is not dismissed for violation of that statute, he may well seek access to what the government knows of his activities after the embassy bombings, even if those activities are not charged in the pending indictment. Such disclosures could seriously compromise sources and methods of intelligence gathering.

Finally, the government (for undisclosed reasons) has chosen not to seek the death penalty against Mr. Ghailani, even though that penalty was sought, albeit unsuccessfully, against those who stood trial earlier. The embassy bombings killed more than 200 people.

Although the jury in the earlier case declined to sentence the defendants to death, that determination does not bind a future jury. However, when the government determines not to seek the death penalty against a defendant charged with complicity in the

murder of hundreds, that potentially distorts every future capital case the government prosecutes. Put simply, once the government decides not to seek the death penalty against a defendant charged with mass murder, how can it justify seeking the death penalty against anyone charged with murder—however atrocious—on a smaller scale?

Even a successful prosecution of Mr. Ghailani, with none of the possible obstacles described earlier, would offer no example of how the cases against other Guantanamo detainees can be handled. The embassy bombing case was investigated for prosecution in a court, with all of the safeguards in handling evidence and securing witnesses that attend such a prosecution. By contrast, the charges against other detainees have not been so investigated.

It was anticipated that if those detainees were to be tried at all, it would be before a military commission where the touchstone for admissibility of evidence was simply relevance and apparent reliability. Thus, the circumstances of their capture on the battlefield could be described by affidavit if necessary, without bringing to court the particular soldier or unit that effected the capture, so long as the affidavit and surrounding circumstances appeared reliable. No such procedure would be permitted in an ordinary civilian court.

Moreover, it appears likely that certain charges could not be presented in a civilian court because the proof that would have to be offered could, if publicly disclosed, compromise sources and methods of intelligence gathering. The military commissions regimen established for use at Guantanamo was designed with such considerations in mind. It provided a way of handling classified information so as to make it available to a defendant's counsel while preserving confidentiality. The courtroom facility at Guantanamo was constructed, at a cost of millions of dollars, specifically to accommodate the handling of classified information and the heightened security needs of a trial of such defendants.

Nevertheless, critics of Guantanamo seem to believe that if we put our vaunted civilian justice system on display in these cases, then we will reap benefits in the coin of world opinion, and perhaps even in that part of the world that wishes us ill. Of course, we did just that after the first World Trade Center bombing, after the plot to blow up airliners over the Pacific, and after the embassy bombings in Kenya and Tanzania.

In return, we got the 9/11 attacks and the murder of nearly 3,000 innocents. True, this won us a great deal of goodwill abroad—people around the globe lined up for blocks outside our embassies to sign the condolence books. That is the kind of goodwill we can do without.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

CAMPAIGN FINANCE REFORM

Mr. MCCAIN. Mr. President, I am joined by my friend and colleague and fellow warrior, Senator FEINGOLD. He and I both have some remarks to make. I was chosen to go first, and then Senator FEINGOLD, I know, will also want to address what we think is a very important issue. This is the issue of the U.S. Supreme Court case *Citizens United v. Federal Election Commission*.

On September 9, the U.S. Supreme Court heard oral arguments from both

sides in the *Citizens United v. Federal Election Commission*. The implications of this case are very serious, and the Supreme Court's decision could result in the unraveling of over 100 years of congressional action and judicial precedent with respect to corporate spending in political campaigns. Senator FEINGOLD and I were present in the Supreme Court chamber for the arguments in this case. I commend both sides for presenting their case in a thoughtful, intelligent manner. However, there was one part of the argument I found particularly disturbing.

While responding to a question from Justice Alito, the Solicitor General was interrupted by Justice Scalia, who said:

Congress has a self-interest. I mean, we—we are suspicious of Congressional action in the First Amendment area precisely because we—at least I am—

Here is the interesting part, when Justice Scalia said:

I doubt that one can expect a body of incumbents to draw election restrictions that do not favor incumbents. Now is that excessively cynical of me? I don't think so.

Yes, I think it is excessively cynical. I take great exception to Justice Scalia's statement, as should every Member of both Houses of Congress. It is an affront to the thousands of good, decent, honorable men and women who have served this Nation in these Halls for well over 200 years. Not only was Justice Scalia's statement excessively cynical, it showed his unfortunate lack of understanding of the facts and history of campaign reform. Throughout our history, America has faced periods of political corruption, and in every instance, Congress has risen above its own self-interest and enacted the necessary reforms to address the scandals and corruption that have plagued our democratic institutions over time and throughout our history. The Tillman Act in 1907, the Publicity Act of 1910, the Federal Corrupt Practices Act in 1925, the Public Utilities Holding Act in 1935, the Hatch Act in 1939, the Smith-Connally Act in 1943, the Taft-Hartley Act of 1947, the Long Act in 1968, the Federal Election Campaign Act in 1974, and the bipartisan Campaign Reform Act in 2002 are just some of the reforms enacted by Congress over the years to address corruption in our government and in our campaigns.

Simply put, history has proven Justice Scalia wrong in his assessment that Congress will not act in anything but a self-serving manner.

Justice Scalia's statement was also remarkable in that it exposed his belief that when it comes to issues relating to campaign reform, he somehow is a better arbiter of what is needed to reform the electoral process than the Congress or the American people. With all due respect, that is not the job of the judicial branch. Judges who stray beyond their constitutional role to try

and take Congress's place as policy-makers falsely believe that judges somehow have a greater insight into what legislation is necessary and proper than representatives who are duly elected by the people and accountable to them every several years.

Activist judges—regardless of whether it is liberal or conservative activism—assume the judiciary is a super-legislature of moral philosophers, entitled to support Congress's policy choices whenever they choose. I believe this judicial activism is wrong and is contrary to the Constitution.

Our Constitution is very clear in its delineation and dispersment of power. It solely tasks the Congress with creating law, not the courts. I have a long history of opposing activist judges. Judicial activism demonstrates a lack of respect for the popular will, and that is at fundamental odds with our republican system of government. I believe a judge should seek to uphold all acts of Congress and State legislatures, unless they clearly violate a specific section of the Constitution, and refrain from interpreting the law in a manner which creates new law. That is a fundamentally conservative position I have held throughout my career. I wish Justice Scalia shared that position.

Let us be very clear. At stake in the *Citizens United* case are the voices of millions and millions of Americans that could be drowned out by large corporations if the decades-old restrictions on corporate electioneering are rescinded. Overturning Supreme Court precedent would open the floodgates to unlimited corporate and union spending during elections and undermine election laws across the country. Those able to spend tens of millions of dollars, such as a Fortune 500 company or a big labor union, are much more likely to be heard during an election than the average American voter is. For this reason, I have always advocated laws that would prevent big-moneyed special interests from drowning out the voices of individual American citizens in elections and dominating the decisionmaking process of our government. Contrary to some of my critics, I am a firm believer in the first amendment.

For more than 100 years, laws have stood to limit corporate donations to political candidates and campaigns—for more than 100 years. The concern about corporate involvement in campaigns is not new in America. On September 3, 1897, in a speech on government and citizenship, Elihu Root, who would go on to become Theodore Roosevelt's Secretary of State and a Nobel Peace Prize winner, said:

The idea . . . is to prevent the great moneyed corporations of the country from furnishing the money with which to elect members of the legislature . . . in order that those members of the legislature may vote to protect the corporations. It is to prevent the great railroad companies, the great insurance companies, the great telephone com-

panies, the great aggregations of wealth, from using their corporate funds, directly or indirectly, to send members of the legislature to these halls, in order to vote for their protection and the advancement of their interests as against those of the public.

It strikes, Mr. Chairman, at a constantly growing evil in our political affairs, which has, in my judgment, done more to shake the confidence of the plain people of small means in our political institutions, than any other practice which has ever obtained since the foundation of our government.

Remember, this was in 1897. He went on to say:

And I believe that the time has come when something ought to be done to put a check upon the giving of \$50,000 or \$100,000 by a great corporation toward political purposes, upon the understanding that a debt is created from a political party to it; a debt to be recognized and repaid with the votes of representatives in the legislature and in Congress, or by the action of administrative or executive officers who have been elected in a measure through the use of the money so contributed.

Additionally, one can make the case that the concern about corporate influence extends as far back as our Founding Fathers. In 1816, Thomas Jefferson wrote:

I hope we shall crush in its birth the aristocracy of our moneyed corporations which dare already to challenge our government in a trial of strength, and bid defiance to the laws of our country.

Kentucky was the first State to ban corporations from spending their funds in State elections in 1891, and by 1897 Florida, Missouri, Nebraska, and Tennessee had all enacted similar corporate spending prohibitions in their State elections. While some States began enacting limits on the influence of money on politics during the Civil War era, Congress did not begin to pass major campaign finance regulations until some decades later. By that time, political contributions by major corporate interests and business leaders dominated campaign fundraising, and this development sparked the first major movement for national reform.

Progressive reformers, such as President Theodore Roosevelt and investigative journalists, charged that these business interests were attempting to gain special access and favors; thereby, corrupting the democratic process. This reform movement, combined with allegations of financial impropriety in the 1904 Presidential election, resulted in the enactment of significant reforms.

On October 1, 1904, Joseph Pulitzer published an editorial in the *New York World* questioning President Roosevelt's ties to many of the large corporations that had donated to his campaign. Those questions led Roosevelt's opponent, Judge Alton Parker, to describe the donations as blackmail and insinuated there was a quid pro quo involved. President Roosevelt responded angrily, calling the accusations monstrous and said:

The assertion that there has been any blackmail, direct or indirect . . . is a falsehood. The assertion that there has been made any pledge or promise or that there has been any understanding as to future immunities or benefits, in recognition from any source is a wicked falsehood.

President Roosevelt, not wanting to give the appearance of improper influence, directed his staff to return a \$100,000 contribution from the Standard Oil Corporation. In his memo he wrote:

We cannot under any circumstances afford to take a contribution which can be even improperly construed as putting us under an improper obligation.

The allegations of impropriety also led Roosevelt to call for an end to corporate donations to campaigns. In his fifth annual message to the Congress on December 5, 1905, Roosevelt said:

The power of the Government to protect the integrity of the elections of its own officials is inherent and has been recognized and affirmed by repeated declarations of the Supreme Court. There is no enemy of free government more dangerous and none so insidious as the corruption of the electorate.

He warned:

If [legislators] are extorted by any kind of pressure or promise, express or implied, direct or indirect, in the way of favor or immunity, then the giving or receiving becomes not only improper but criminal. All contributions by corporations to any political committee or for any political purpose should be forbidden by law; directors should not be permitted to use stockholders money for such purposes; and, moreover, a prohibition of this kind would be, as far as it went, an effective method of stopping the evils aimed at in the corrupt practices acts. Not only should both the national and the several State legislatures forbid any officer of a corporation from using the money of the corporation in or about any election, but they should also forbid such use of money in connection with any legislation.

Again, the following year, in his sixth annual message to Congress in December 1906, President Roosevelt tried to limit corporate influence, stating:

I again recommend a law prohibiting all corporations from contributing to the campaign expenses of any party. Such a bill has already passed one House of Congress. Let individuals contribute as they desire . . .

I repeat what he said:

Let individuals contribute as they desire; but let us prohibit in effective fashion all corporations from making contributions for any political purpose, directly or indirectly.

In January 1907, Theodore Roosevelt signed into law the Tillman Act. This law prohibited nationally chartered banks and corporations from contributing to campaigns. In the report to accompany the Senate version of the legislation, dated April 27, 1906, the Senate Committee on Privileges and Elections wrote:

The evils of the use of money in connection with political elections are so generally recognized that the committee deems it unnecessary to make any argument in favor of the general purpose of this measure. It is in the interest of good government and calculated

to promote purity in the selection of public officials."

Following passage of the Tillman Act, Roosevelt again addressed the issue in his Seventh Annual Message to Congress in December, 1907. He said:

Under our form of government voting is not merely a right but a duty, and, moreover, a fundamental and necessary duty if a man is to be a good citizen. It is well to provide that corporations shall not contribute to Presidential or National campaigns, and furthermore to provide for the publication of both contributions and expenditures.

Although the Tillman Act constituted a landmark in Federal law, according to campaign finance expert Anthony Corrado, "its adoption did not quell the cries for reform. Eliminating corporate influence was only one of the ideas being advanced at this time to clean up political finance." In the years following the passage of the Tillman Act, reducing the influence of wealthy individuals and labor unions became a concern and reformers pushed for further limits on donations.

Consequently, in 1947, Congress enacted the Taft-Hartley Act, which explicitly banned corporate and labor union expenditures in Federal campaigns. In doing so, Senator Robert Taft made clear that the purpose of the new language was simply to affirm what had been understood to always be the case—that the 1907 corporate ban had prohibited corporate expenditures, or indirect contributions, as well as direct corporate contributions.

A ban on corporate expenditures in campaigns has been consistently upheld by the Supreme Court as constitutional and as "firmly embedded in our law."

The constitutionality of the ban on corporate campaign expenditures was upheld by the Supreme Court in the *Austin v. Michigan Chamber of Commerce* decision in 1990 and reaffirmed by the Court in the *McConnell v. Federal Election Commission* decision in 2003. And the corporate expenditure ban had been commented on favorably by the Court in earlier cases.

In 1990, in the *Austin* case, the Supreme Court acknowledged the importance of maintaining the integrity of the political process. From the Court's opinion:

Michigan identified as a serious danger the significant possibility that corporate political expenditures will undermine the integrity of the political process, and it has implemented a narrowly tailored solution to that problem. By requiring corporations to make all independent political expenditures through a separate fund made up of money solicited expressly for political purposes, the Michigan Campaign Finance Act reduces the threat that huge corporate treasuries amassed with the aid of favorable state laws will be used to influence unfairly the outcome of elections.

In the *McConnell* case, the Supreme Court recognized its long-standing support for the constitutionality of bans on corporate campaign expenditures

going back to its *Buckley* decision in 1976. From the Court's decision:

Since our decision in *Buckley*, Congress' power to prohibit corporations and unions from using funds in their treasuries to finance advertisements expressly advocating the election or defeat of candidates in federal elections has been firmly embedded in our law.

Additionally, in 1982, in the *National Right to Work Committee* case, the Supreme Court, in an opinion authored by Chief Justice William Rehnquist, stated regarding the Federal ban on corporate and labor union expenditures:

The careful legislative adjustment of the federal electoral laws, in a cautious advance, step by step, to account for the particular legal and economic attributes of corporations and labor organizations warrants considerable deference. [I]t also reflects a permissible assessment of the dangers posed by those entities to the electoral process.

In order to prevent both actual and apparent corruption, Congress aimed a part of its regulatory scheme at corporations. The statute reflects a legislative judgment that the special characteristics of the corporate structure require particularly careful regulation. Nor will we second guess a legislative determination as to the need for prophylactic measures where corruption is the evil feared. As we said in *California Medical Association v. FEC*, the "differing structures and purposes; of different entities 'may require different forms of regulation in order to protect the integrity of the electoral process . . .'"

The governmental interest in preventing both actual corruption and the appearance of corruption of elected representatives has long been recognized. *First National Bank of Boston v. Bellotti*, supra, and there is no reason why it may not in this case be accomplished by treating unions, corporations and similar organizations different from individuals.

In 1986, in the *Massachusetts Citizens for Life* case, the Supreme Court stated regarding the Federal ban on corporate expenditures in campaigns:

This concern over the corrosive influence of concentrated corporate wealth reflects the conviction that it is important to protect the integrity of the marketplace of political ideas . . . Direct corporate spending on political activity raises the prospect that resources amassed in the economic marketplace may be used to provide an unfair advantage in the political marketplace . . . The resources in the treasury of a business corporation . . . are not an indication of popular support for the corporation's political ideas. They reflect instead the economically motivated decisions of investors and customers. The availability of these resources may make a corporation a formidable political presence, even though the power of the corporation may be no reflection of the power of its ideas.

By requiring that corporate independent expenditures be financed through a political committee expressly established to engage in campaign spending, section 441b seeks to prevent this threat to the political marketplace. The resources available to this fund, as opposed to the corporate treasury, in fact reflect popular support for the political positions of the committee.

If anyone has doubts about the influence of big-moneyed special interests

on policy makers in this town, let me relay a personal observation. During the Senate Commerce Committee's consideration of the 1996 Telecommunications Act, every company affected by the legislation had purchased a seat at the table with soft money. Consequently, the bill attempted to protect them all, a goal that is obviously incompatible with competition. Consumers, who only give us their votes, had no seat at the table, and the lower prices that competition produces never materialized. Cable rates went up. Phone rates went up. And huge broadcasting giants received billions of dollars in digital spectrum, property that belonged to the American people, for free. They got it for free, billions of dollars worth of spectrum.

Information gathered from various sources in the press at the time indicated that the special interest groups involved spent nearly \$150 million to lobby Congress on telecommunications reform—and they all came out on top—at the expense of the American consumer.

Similarly, the pharmaceutical industry has spent millions of dollars to sway lawmakers against the idea of drug importation. In the 2008 election cycle, pharmaceutical companies gave almost \$30 million in campaign contributions to Members of Congress. Just this year, according to an article published in the June 3 edition of *The Hill*, the prescription drug industry has given more than one million dollars to both Republicans and Democrats. And these contributions were from the limited funds of corporate PACs—a fraction of the flood of money that could be spent out of corporate treasuries if the Supreme Court changes the law by judicial fiat.

As my colleagues know, for many years my colleague from Wisconsin, Senator FEINGOLD and I fought to ban soft money—the large, unregulated donations from corporations, labor unions, and wealthy individuals—from Federal elections. As the sponsors of the Bipartisan Campaign Finance Reform Act, we submitted, together with our colleagues from the House, Representatives Shays and Meehan, a brief for the court. In this brief we stated:

More fundamentally, Austin and McConnell were correctly decided. Unlimited expenditures supporting or opposing candidates may create at least the appearance of corruption, as *Caperton v. A.T. Massey Coal Co.* illustrates. The tremendous resources business corporations and unions can bring to bear on elections, and the greater magnitude of the resulting apparent corruption, amply justify treating corporate and union expenditures differently from those by individuals and ideological nonprofit groups.

So, too, does the countervailing free-speech interest of the many shareholders who may not wish to support corporate electioneering but have no effective means of controlling what corporations do with what is ultimately the shareholders' money. Austin was rightly concerned with the corrup-

tion of the system that will result if campaign discourse becomes dominated not by individual citizens—whose right it is to select their political representatives—but by corporate and union war-chests amassed as a result of the special benefits the government confers on these artificial “persons.” That concern remains a compelling justification for restrictions on using corporate treasury funds for electoral advocacy—constraints that ban no speech but only require that it be funded by individuals who have chosen to do so.

The holdings of Austin and McConnell—that it is constitutional to require business corporations to use segregated funds contributed by shareholders, officers and employees for express candidate advocacy or its functional equivalent—remain sound today. The interests in preventing actual or apparent corruption of the electoral process and protecting shareholders provide compelling justification for such requirements, which neither unduly burden nor overbroadly inhibit protected speech.

The corporate PAC option, moreover, is ideally suited to balancing the First Amendment interests of corporate entities and their shareholders. It allows the corporation to direct political spending only to the extent shareholders have personally decided to contribute for that specific purpose. It thus ensures that the corporation may have a voice, but one that is not subsidized unwillingly by those who may disagree with its electoral message. And there is no basis in the record for concluding that PACs are inadequate or unduly burdensome for business corporations, whatever may be true of certain ideological nonprofit corporations. Indeed, PAC requirements pale in comparison with the detailed recordkeeping and accounting otherwise required of corporations and unions.

The ability of corporate campaign expenditures to buy influence with Federal officeholders, and to create the appearance of such influence-buying is sadly evident in nearly every aspect of the legislative process. This fact was recognized in the McConnell case.

The brief filed in the McConnell case by me and my colleagues stated:

Not surprisingly, the McConnell record provided strong corroboration that corporate and union expenditures on ads that were the functional equivalent of express advocacy created the appearance of corruption. Based on that record, Judge Kollar-Kotelly found that such expenditures “permit corporations and labor unions to inject immense aggregations of wealth into the process” and “radically distort the electoral landscape.” She further found that candidates are “acutely aware of” and “appreciate” such expenditures, and “feel indebted to those who spend money to help get them elected.” She concluded that “the record demonstrates that candidates and parties appreciate and encourage corporations and labor unions to deploy their large aggregations of wealth into the political process,” and that “the record presents an appearance of corruption stemming from the dependence of officeholders and parties on advertisements run by these outside groups.”

According to the Solicitor General's brief, the record in the McConnell case showed that:

Federal officeholders and candidates were aware of and felt indebted to corporations and unions that financed electioneering ad-

vertisements on their behalf or against their opponents.

The brief further stated:

[T]he record compiled in the McConnell case indicated that corporate spending on candidate-related speech, even if conducted independent of candidates, had come to be used as a means of currying favor with and attempting to influence Federal office-holders.

It is important for us to remember that this case does not affect solely the integrity of Federal elections. The States also have a great deal at stake in this case. In a brief filed in the Citizens United case, 26 State attorneys general wrote that “Courts have repeatedly upheld these State and Federal corporate electioneering restrictions from their inception.”

In their brief, the attorneys general wrote:

This case does not concern the traditional regulation of corporate spending by State Laws. Instead it presents the application of a recent Federal statute to a novel form of political campaigning through the medium of video-on-demand and the message of a ninety-minute film. These and other political campaign innovations present an occasion to draw on State law experiments, not end them. The court cannot reach the validity of these laws under Austin without departing from its conventional approach to constitutional avoidance and as-applied review of campaign finance statutes, and ignoring its cautions against facial challenges in election law generally.

Austin follows a century of campaign finance law at the State and Federal level honed by six decades of this Court's holdings. Those decisions, and the State and Federal laws that gave rise to and rely on them, delineate a workable segregated-fund requirement for corporate electioneering that is embedded in campaign laws and practice at the Federal and State level. While imposing minimal burdens on corporations, the segregated fund protects the integrity of the political process from the corrupting influence of corporate executives funding political campaigns that have no proven support from the shareholders or customers whose money pays for the advocacy. The flourishing of corporate speech through PACs, and continued harms of direct corporate electioneering, has vindicated rather than undermined Austin's approval of segregated funds.

It is clear that the Austin and McConnell cases were correctly decided on the merits and those decisions remain sound today. According to the brief filed by the U.S. Solicitor General:

The Court in Austin held that corporations may constitutionally be prohibited from financing electoral advocacy with funds derived from business activities. That holding was correct when issued and should not be overturned now. Use of corporate treasury funds for electoral advocacy is inherently likely to corrode the political system both by actually corrupting political officeholders and by creating the appearance of corruption. Moreover, such use of corporate funds diverts shareholders' money to the support of candidates who the shareholders may oppose.

Congress's interest in preventing these pernicious consequences is compelling, and Congress has chosen a valid message of achieving it, requiring a corporation to fund its

electoral advocacy through the voluntary contributions of officers and shareholders who agree with its political statements.

The Solicitor General's brief further stated:

Corporate participation in candidate elections creates a substantial risk of corruption or the appearance thereof. Corporations can use electoral spending to curry favor with particular candidates and thus to acquire undue influence over the candidates' behavior once in office.

The record in *McConnell*, which is by far the most extensive body of evidence ever compiled on these issues, indicates that during the period leading up to BCRA's enactment, Federal office-holders and candidates were aware of and felt indebted to corporations and unions that financed electioneering advertisements on their behalf or against their opponents.

The nature of business corporations makes corporate political activity inherently more likely than individual advocacy to cause quid pro quo corruption or the appearance of such corruption. Even minor modifications in complex legislation have great potential to benefit or burden particular companies, industries, or sectors. The economic stake of corporations in the nuances of such matters as industry-specific tax credits, subsidies, or tariffs generally dwarfs that of any set of individuals.

And when those benefits can be obtained through a game of "pay to play," corporations are better suited than individuals to afford the ante. Corporate managers need not assemble a coalition of the like-minded; they can draw on the firm's entire capitalization without seeking the approval of shareholders. If only businesses can afford the investment necessary to pursue rents in this way, only businesses can reap the (even larger) reward. And the public perception that businesses reap such rewards from legislators whom they support in campaigns creates an appearance of corruption that corrodes popular confidence in our democracy.

At the heart of the *Citizens United* case is a critical question: Do the cherished individual rights protected by the Constitution extend in the same manner to corporations? Corporations, after all, are artificial creations of law, provided for by acts of Congress and the State legislatures, and endowed under these laws with perpetual existence, special tax status, and other privileges, all for the sole purpose of economic gain. The resolution of this question in the affirmative will have wide-ranging and unpredictable results for our legal system.

For example, if the Court determines corporations have first amendment rights, it will be logical that corporations also have fifth amendment rights against self-incrimination. Is a corporation "endowed by its creator with inalienable rights"? Just last year the Court found that the second amendment right to bear arms is a personal right. If the Court were to determine that corporations had the same rights as persons, would corporations have the right to arm themselves? Would lobbies of Fortune 500 companies contain grand weapon caches? The absurdity of the argument should be apparent to the members of the Court.

John Marshall, former Chief Justice of the Supreme Court, wrote in 1819 that corporations were "an artificial being, invisible, intangible." Therefore, he stated, "Being the more creature of law, it possesses only those properties which the charter of its creation confers upon it, either expressly or as incidental to its very existence."

Essential to a corporation's existence is a first amendment right to speak about their products and services. Essential to a corporation's existence is the right to sue for the theft of its intellectual property. Essential to a corporation's existence is the right to enter into contracts. Not essential to a corporation's existence is the ability to contribute unlimited funds to political candidates.

It is for this reason and others that the Supreme Court has repeatedly and consistently upheld a ban on direct contributions to political candidates by corporations and unions. Chief Justice Roberts stated at one point during the argument in the *Citizens United* case that: "We do not put our First Amendment rights in the hands of FEC bureaucrats." I agree. And that is why the Court has repeatedly upheld bans passed by the Congress of the United States and by the State legislators on unlimited corporate or union spending in elections.

Under current law, corporations are free to give to political candidates through political action committees. In an editorial in the *Boston Globe* entitled "Corporations Aren't People Yet," the editorial board rightly states: "Even under current financial restrictions, health care industry groups are pouring millions of dollars into Congressional campaigns in the hope of thwarting reforms that might constrain their members."

A September 10, 2009 editorial in the *Philadelphia Inquirer* stated:

Allowing corporations to flood elections with their aggregate corporate wealth would place a heavy thumb on the scales of democracy. If a certain industry did not like the way a Senator voted on environmental regulations, for example, there would be nothing to stop that industry from dumping \$200 million into the campaign of that Senator's opponent.

The editorial goes on to say:

If the high court rules now that corporations have the same political speech rights as individuals, average citizens will have that much more trouble being heard . . . the distinction between corporate speech and individual speech is clear enough, and the importance of limiting the undue influence of money and politics is significant enough that the court, in all its wisdom, should leave well enough alone.

I agree.

In conclusion, the Court should not overturn precedent and Congress's clear intent to limit corporate contributions to political candidates. In summary, there are three simple points raised by the Court's consideration of

the *Citizens United* case. First, whatever one thinks of a first amendment right for corporations, it is not appropriate for a nondemocratic branch of government to raise a question of the broadest scope at the last minute when such a question was not raised in the trial court and there is no ability to build a record.

Congress is the most democratically elected branch of government and should be able to make laws that do not stand in the face of the Constitution whether or not the members of the Court would themselves support such legislation if they served in the elected branches of government.

Secondly, the principle enshrined in law for many years was that corporations, because of their artificial legal nature and special privileges, including perpetual existence, pose a unique threat to our democracy. However, the current court seems poised to find that Thomas Jefferson, Theodore Roosevelt, and others were wrong despite there being no record built on this point in this case. In *McConnell*, there was a record built to support the decision. Here, the trial court never examined the idea of corporations having broad first amendment rights. The Court is reaching to find such a conclusion as part of the *Citizens United* case.

Lastly, I stress again to my colleagues the implications of the decision the Court may reach in this case. The Court is considering a question that may lead to corporations being treated as "persons" under the Constitution, would allow corporations to assert a fifth amendment right to refuse to testify under oath and to keep documents from lawful investigations, and would allow corporations to be subject to individual tax brackets.

Are my colleagues prepared to provide such rights to corporations? Are my colleagues prepared to pass legislation that taxes corporations and persons at the same rate? If the Court provides full first amendment rights to corporations, there is no reason that corporations could not receive the benefits as well as the responsibilities of being a person.

Justice Sandra Day O'Connor wrote in the *McConnell* decision, and I think with such accuracy, that "money, like water, will always find an outlet," and that the government was therefore justified in taking steps to prevent schemes developed to get around the contribution limits. Again, Justice O'Connor knew better than most jurists, as a former Arizona State Senator, and majority leader of the Arizona State Senate. I hope and wish that the current Court heeds the words of this brilliant jurist who had real-life experiences in politics.

Needless to say, I am very concerned about the integrity of our elections should the Supreme Court rule to overturn the *Austin* decision. I sincerely

hope that the Justices will practice restraint and rule in a manner consistent with judicial precedent and the Constitution of the United States of America.

I again want to, as I have on many occasions, thank my friend from Wisconsin, a man of courage and a man of integrity, and a man I have always been proud to be associated with on issues such as these that are important to the integrity of the institution that we both try to serve with honor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Arizona for all the work he has done over these many years to improve our campaign finance system. We have been partners in this effort for over a decade. In fact, it will soon be 15 years. Of course, there is no one in this body whom I admire more than JOHN MCCAIN.

In early September, Senator MCCAIN and I had the opportunity to walk across the street to the Supreme Court and hear the oral argument in the *Citizens United* case. It was a morning of firsts: The first case that Justice Sonia Sotomayor has heard since the Senate confirmed her nomination to become only the third woman to sit on our Nation's highest court. And the first oral argument that Solicitor General Elena Kagan has done since becoming the first woman to hold that important position in our government.

And it was the first time since the Tillman Act was passed in 1907 prohibiting spending by corporations on elections, and the Taft-Hartley Act in 1947 clarified and strengthened that prohibition, that a majority of the Court has suggested it is prepared to hold that Congress and the many State legislatures that have passed similar laws have violated the Constitution. Such a decision could have a truly calamitous impact on our democracy.

Until a few months ago, as the Senator from Arizona pointed out, no one had any idea that the *Citizens United* case would potentially become the vehicle for such a wholesale uprooting of the principles that have governed the financing of our elections for so long. The case started out as a simple challenge to the application of title II of the law that Senator MCCAIN and I sponsored, the Bipartisan Campaign Reform Act of 2002. The issue was whether the provisions of BCRA relating to so-called issue ads could constitutionally be applied to a full-length feature film about then-Presidential candidate Hillary Clinton. The movie was to be distributed solely as video on demand.

Yet somehow at the end of its last term, instead of deciding the case on the basis of the briefs and arguments submitted by the parties early this year, the Court reached out and asked

for supplemental briefing on whether it should overturn its decisions in *McConnell v. FEC*, the case that upheld BCRA in 2003, and *Austin v. Michigan Chamber of Commerce*, a 1991 decision that upheld a State statute prohibiting corporate funding of campaign ads expressly advocating the election or defeat of a candidate. That set the stage for the recent special session to hear reargument in the case. And now we await the Court's verdict on whether these longstanding laws will be in jeopardy.

I certainly hope the Court steps back from the brink. A decision to overturn the *Austin* decision would open the door to corporate spending on elections the likes of which this Nation truly has never seen. Our elections would become like NASCAR races—underwritten by companies. Only in this case, the corporate underwriters wouldn't just be seeking publicity, they would be seeking laws and policies that the candidates have the power to provide.

We were headed well down that road in the soft money system that BCRA stopped. It may seem like a long time ago, but the Senator from Arizona and I remember that hundreds of millions of dollars were contributed by corporations and unions to the political parties between 1988 and 2002. The system led to scandals like the White House coffees and the sale of overnight stays in the Lincoln bedroom. The appearance of corruption was well documented in congressional hearings and fully justified the step that Congress took in 2002—prohibiting the political parties from accepting soft money contributions.

Before BCRA was passed, corporations were making huge soft money donations. They were also spending money on phony issue ads. That is what title II was aimed at. But what they were not doing was running election ads that expressly advocated the election or defeat of a candidate. That has been prohibited in this country for at least 60 years, though it is arguable that the Tillman Act in 1907 prohibited it 40 years before that. So it is possible that the Court's decision will not just take us back to a pre-McCain-Feingold era, but back to the era of the robber baron in the 19th century. That result should frighten every citizen of this country. The Court seems poised to ignite a revolution in campaign financing with a stroke of its collective pen that no one contemplated even 6 months ago.

While I have disagreed with many Supreme Court decisions, I have great respect for that institution and for the men and women who serve on the Court. But this step would be so damaging to our democracy and is so unwarranted and unnecessary that I must speak out. That is why Senator MCCAIN and I have taken the unusual step of coming to the floor today.

To overrule the *Austin* decision in this case, the Court would have to ignore several time-honored principles that have served for the past two centuries to preserve the public's respect for and acceptance of its decisions. First, it is a basic tenet of constitutional law that the Court will not decide a case on constitutional grounds unless absolutely necessary, and that if there is no choice but to reach a constitutional issue, the Court will decide the case as narrowly as possible.

This is the essence of what some have called "judicial restraint." What seems to be happening here though is the antithesis of judicial restraint. The Court seems ready to decide the broadest possible constitutional question—the constitutionality of all restrictions on corporate spending in connection with elections in an obscure case in which many far more narrow rulings are possible.

The second principle is known as *stare decisis*, meaning that the Court respects its precedents and overrules them only in the most unusual of cases. Chief Justice John Roberts, whom many believe to be the swing justice in this case, made grand promises of what he called "judicial modesty," when he came before the Senate Judiciary Committee in 2005. Respect for precedent was a key component of the approach that he asked us to believe he possessed. Here is what he said:

I do think that it is a jolt to the legal system when you overrule a precedent. Precedent plays an important role in promoting stability and evenhandedness. It is not enough—and the court has emphasized this on several occasions—it is not enough that you may think the prior decision was wrongly decided. That really doesn't answer the question, it just poses the question. And you do look at these other factors, like settled expectations, like the legitimacy of the court, like whether a particular precedent is workable or not, whether a precedent has been eroded by subsequent developments. All of those factors go into the determination of whether to revisit a precedent under the principles of *stare decisis*.

So said then Judge Roberts. Talk about a jolt to the legal system. It is hard to imagine a bigger jolt than to strike down laws in over 20 States and a Federal law that has been the cornerstone of the Nation's campaign finance system for 100 years. The settled expectations that would be upset by this decision are enormous. And subsequent developments surely have not shown that the *Austin* decision is unworkable. Indeed, the Court relied on it as recently as 2003 in the *McConnell* case and even cited it in the *Wisconsin Right to Life* decision just 2 years ago, written by none other than Chief Justice Roberts. To be sure, there are Justices on the Court who dissented from the *Austin* decision when it came down and continue to do so today. But if

stare decisis means anything, a precedent on which so many State legislatures and the American people have relied should not be cast aside simply because a few new Justices have arrived on the Court.

Third, the courts decide cases only on a full evidentiary record so that all sides have a chance to put forward their best arguments and the court can be confident that it is making a decision based on the best information available. In this case, precisely because the Supreme Court reached out to pose a broad constitutional question that had not been raised below, there is no record whatsoever to which the Court can turn. None. The question here demands a complete record because the legal standard under prevailing first amendment law is whether the statute is designed to address a compelling State interest and is narrowly tailored to achieve that result. My colleagues may recall that when we passed the McCain-Feingold bill, a massive legislative record was developed to demonstrate the corrupting influence of soft money. And the facial constitutional challenge to that bill led to months of depositions and the building of an enormous factual record for the court. None of that occurred here. And furthermore, the over 20 States whose laws would be upended if *Austin* is overruled were given no opportunity to defend their legislation and show whatever legislative record had been developed when their statutes were enacted.

Instead, the Court seems to be ready to rely on its intuition, its general sense of the political process. From what I observed at oral argument, that intuition is sorely lacking. One Justice blithely asserted that the 100-year-old congressional decision to bar corporate expenditures must have been motivated by the self-interest of Members of Congress as incumbent candidates, ignoring the fact that the modern Congress prohibited soft money contributions even though the vast majority of those contributions were used to support incumbents. Another Justice opined that it was paternalistic for Congress to be concerned about corporations using their shareholders' money for political purposes, even though most Americans invest through mutual funds and have little or no idea what corporations their money has actually gone to.

For the Court to overrule *Austin* and *McConnell* in this case would require it to reject these three important principles of judicial modesty. It would amount to the unelected branch of government reaching out to strike down carefully considered and longstanding judgments of the most democratic branch. It would be, in my view, a completely improper exercise of judicial power.

Let me discuss for a moment the consequences of this decision. A funda-

mental principle of our democracy is that the people elect their representatives. Each citizen gets just one vote. Our system of financing campaigns with private money obviously gives people of means more influence than average voters, but Congress over the years has sought to provide some reasonable limits and preserve the importance of individual citizens' votes. One of the most important and longstanding limits is that only individuals can contribute to candidates or spend money in support of or against candidates. Corporations and unions are prohibited from doing so, except through their PACs, which themselves raise money only from individuals. The Supreme Court may very well be about to change that forever.

According to a 2005 IRS estimate, the total net worth of U.S. corporations was \$23.5 trillion, and after-tax profits were nearly \$1 trillion. During the 2008 election cycle, Fortune 100 companies alone had profits of \$605 billion. That is quite a war chest that may be soon unleashed on our political system. Just for comparison, spending by candidates, outside groups, and political parties on the last Presidential election totaled just over \$2 billion. Federal and State parties spent about \$1.5 billion on all Federal elections in 2008. PACs spent about \$1.2 billion. That usually sounds like a lot of money, but it is nothing compared to what corporations and unions have in their treasuries. So we are talking here about a system that could very easily be completely transformed by corporate spending in 2010.

Does the Supreme Court really believe that the first amendment requires the American people to accept a system where banks and investment firms, having just taken our country into its worst economic collapse since the Great Depression, can spend millions upon millions of dollars of ads directly advocating the defeat of those candidates who didn't vote to bail them out or want to prevent future economic disaster by imposing strict new financial services regulations? I say that because that is where we are headed. Is the Court really going to say that oil companies that oppose action on global warming are constitutionally entitled to spend their profits to elect candidates who will oppose legislation to address that problem?

The average winning Senate candidate in 2008 spent \$8.5 million. The average House winner spent a little under \$1.4 million. A single major corporation could spend three or four times those amounts without causing even a smudge on its balance sheet. This is not about the self-interest of legislators who will undoubtedly fear the economic might that might be brought against them if they vote the wrong way. This is about the people they represent, who live in a democ-

racy and who deserve a political system where their views and their interests are not completely drowned out by corporate spending.

At the oral arguments last month, one Justice seemed to suggest it is perfectly acceptable for a tobacco company to try to defeat a candidate who wants to regulate tobacco and to use its shareholders' money to do so. This is the system the Supreme Court may bequeath to this country if it does not turn back.

Some will say that corporate interests already have too much power and that Members of Congress listen to the wishes of corporations instead of their constituents. I will not defend the current system, but I will say: Imagine how much worse things would be in a system where every decision by a Member of Congress that contradicts the wishes of a corporation could unleash a tsunami of negative advertising in the next election.

In light of the immense wealth a corporation can bring to bear on such a project, I frankly wonder how our democracy would function under such a system. We are talking about a political system where corporate wealth rules in a way that we have simply never seen in our history.

So, once again, I certainly want to thank my friend from Arizona for his friendship and his courage. We will continue to fight for a campaign finance system that allows the American people's voices to be heard.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH INSURANCE INDUSTRY ANTITRUST ENFORCEMENT ACT

Mr. WHITEHOUSE. Mr. President, I come to the floor to speak in strong support of the Health Insurance Industry Antitrust Enforcement Act, introduced by the senior Senator from Vermont, the chairman of our Judiciary Committee, Mr. PATRICK LEAHY. I believe this bill is an important part of health care reform, and I am hopeful it can be included in the final reform bill as it makes its way through this body.

Our antitrust laws embody the proud American idea that democracy shapes capitalism and not vice versa; that vigorous economic competition is not an amoral, Hobbesian contest but disciplined by a strong rule of law tradition; and that ours is not a society in which might makes right and only the powerful write the rule book.

The great Supreme Court jurist and antitrust crusader William O. Douglas, wrote:

Industrial power should be decentralized. It should be scattered into many hands so that the fortunes of the people will not be dependent on the whim or caprice, the political prejudices, the emotional stability of a few self-appointed men. . . . That is the philosophy and the command of the Sherman [Antitrust] Act.

The passage of the Sherman Antitrust Act and the Clayton Antitrust Act and the creation of the Federal Trade Commission and the Antitrust Division at the Department of Justice demonstrated a Federal commitment to a level economic playing field. Small businessmen and entrepreneurs, shouldering the enormous task of starting and sustaining a new enterprise, would know that powerful competitors could not collude to keep them out of the market. Consumers could rest assured that prices were not being fixed artificially high by scheming monopolists. Every industry, ever vector of American business, was made subject to these rules of the road—except for one: the insurance industry.

In 1944, insurance companies challenged the Federal Government's very ability to enforce antitrust laws against them, and the Supreme Court ruled that the insurance business was subject to antitrust laws just like everybody else. In response, insurance companies came to Congress, where they launched a massive lobbying campaign, pressuring Congress to invalidate the Supreme Court's decision—not unlike the current lobbying barrage they are aiming at killing health care reform. That campaign back in 1944 was successful. In March 1945, the McCarran-Ferguson Act exempted insurance companies entirely from the reach of America's antitrust laws. If that exemption ever made sense, it no longer does, especially when it comes to health insurance coverage.

Today, Americans pay ever-higher premiums for less care because a small group of wealthy, powerful companies control the health insurance market. Just consider these numbers: A study by the American Medical Association shows that 94 percent of metropolitan areas—virtually every one—has a health insurance market that is “highly concentrated,” as measured by Department of Justice standards. This means that if the Department of Justice's Antitrust Division had enforcement authority over the health insurance industry, it would be carefully scrutinizing this market for signs of anticompetitive conduct that hurts consumers. But due to the antitrust exemption, the Department of Justice cannot do that job. That same study shows that, in 39 States 2 health insurers control at least half of the health insurance market and in 9 States a single insurer controls at least 70 percent of the market.

Back in 1945, the insurance industry argued that it should be exempted from the antitrust laws because the market

was heavily localized and not concentrated. Well, if that were true then, it is not true now.

Overhead for private insurers is an astounding 20 to 27 percent—charges that consumers pay for in higher premiums. A Commonwealth Fund report indicates that private insurer administrative costs increased 109 percent from 2000 to 2006—109 percent in those 6 years—and the McKinsey Global Institute estimates that Americans spend roughly \$150 billion annually on what the report calls “excess administrative overhead” in the private health insurance market. Mr. President, \$150 billion a year in “excess administrative overhead.” Clearly, this is not a competitive market. If it were, companies would be driven to cut these costs in order to compete effectively in the marketplace.

Without competition and without economic incentive to avoid massive administrative costs, health insurance premiums have increased 120 percent—more than doubled—in one decade, while insurance industry profits increased 428 percent in the same period—428 percent.

Doctors and other health care providers have been hurt as well. For many years, United Health Care, a massive health insurance company, owned and operated a computerized pricing system that was used by almost every other health insurer. The New York attorney general recently found that the system was designed to systematically underpay doctors for their services and that this had been going on for years. United Health paid \$400 million to settle lawsuits by the State, but if the Federal Trade Commission or the U.S. Department of Justice had tried to bring suit under the Federal antitrust laws, they would have been blocked by McCarran-Ferguson.

Finally, ironically, health insurers threaten and sue doctors all the time under these same antitrust laws while protecting their own exemption from the laws they seek to impose on the providers and the doctors whom they torment.

One might ask how this exemption has survived so long. A certain school of political thought holds that the only proper relationship of government to the market is hands off, that any government involvement in the marketplace is unnatural and unwelcome. But with respect to antitrust enforcement, we crossed that Rubicon long ago, and every industry in the country is required to play by rules that support the market by increasing competition, again, except insurance. Experience in those other areas has shown that the government referee on the field of play creates a better environment for competition, and the public wins.

Think of the benefits of a competitive health insurance market. Insurers would have to compete on price, low-

ering premiums for individuals and small businesses purchasing insurance, and work hard to lower those unnecessary administrative costs. New competitors would be able to enter more easily and offer better consumer service, quicker claims processing, streamlined enrollment—competition that is desperately needed in a market where 36 percent of physician overhead is consumed by fighting with the insurance industry over inappropriate denial and delay of health insurance claims.

Senator LEAHY's Health Insurance Industry Antitrust Enforcement Act would repeal the unique and peculiar exemption for health insurance and medical malpractice insurance companies. The bill ensures that these companies are no longer permitted to engage in the most egregious forms of antitrust violations—price fixing, bid rigging, and market allocations—while preserving insurers' ability to share statistical information with each other in a procompetitive manner, with appropriate approvals.

Let me conclude with the words of a distinguished Senator, one of the greatest advocates for the elderly, ill, and disabled this Chamber has seen, Senator Claude Pepper. Senator Pepper, at the time, strongly opposed the McCarran-Ferguson antitrust exemption for the insurance industry, and he warned of the “carte blanche authority . . . which had been contained in no previous legislation . . . [and] which for the first time gives the States carte blanche to legitimize the very vices against which the Clayton Act and the Sherman Act were directed.”

It appears to me the exemption for the insurance industry was a mistake then, and it is assuredly unwise now. Let's repeal this unfair law and give health insurance consumers the same benefits of free, open, and fair competition that all Americans enjoy.

Let me finally add that the state of the health insurance market reinforces the need to which I have spoken, and so many of my colleagues have spoken before, for an efficient, nonprofit public health insurance option. The health insurance industry has been artificially sheltered by government for decades, building huge profit margins, massive market share, and colossal overhead and administrative costs. Now these same companies argue vehemently against the public option on the grounds that it would amount to government interference—government interference with their government protection from competition. That irony just doesn't pass the laugh test.

According to the AMA study I quoted in the beginning of my remarks, Rhode Island is the second most concentrated health insurance market in the country. Just two insurers control 95 percent of the market. My constituents desperately would like the chance to

choose a public option and would benefit from a more competitive health insurance market, one in which vigorous competition brings down costs and improves the quality of care and encourages health insurers to treat people decently.

Mr. President, I have concluded the remarks on the McCarran-Ferguson exemption. I wish to turn to another topic, but I see the majority whip on the Senate floor, and I would be delighted to yield to him if he wishes to take a moment.

I will continue, then. I thank the distinguished majority whip.

BIPARTISAN CAMPAIGN REFORM ACT

Mr. President, I wish now to say a few words about the colloquy that took place between Senator MCCAIN and Senator FEINGOLD on the Senate floor a few moments ago over the need to protect our Nation's political system from the influence of corporate money.

For more than a decade, Senators MCCAIN and FEINGOLD have been stalwart defenders of the integrity of our political system, and they achieved a hard-fought victory in 2002 with the passage of the Bipartisan Campaign Reform Act, which everybody around here knows as the McCain-Feingold law. As they said in their remarks, we face a real danger that an activist Supreme Court will strike down portions of that law, overturn the will of Congress and the American people, and allow corporations to spend freely in order to elect and defeat candidates and influence public policy to meet their ends. The consequences of such a decision by our Supreme Court could be nightmarish.

Federal laws restricting corporate spending on campaigns have a long pedigree. Back in 1907, the Tillman Act restricted corporate spending on political campaigns. While various loopholes have come and gone over the years, the principle embodied in that law that corporations aren't free to spend unlimited dollars to influence political campaigns is a cornerstone of our American system of government. That principle now appears to be at risk as the Supreme Court may be poised to open the floodgates now holding back corporate cash.

In September, the Supreme Court heard oral argument in *Citizens United v. The Federal Election Commission*. *Citizens United* is an organization that accepts, channels, and funnels corporate funding. It sought to broadcast a documentary attacking our former colleague, Senator Clinton, now Secretary of State Clinton, at the time a candidate for President, on On Demand cable broadcasts. Current law prohibits the broadcast of this kind of corporate advocacy on the eve of an election. *Citizens United* filed a lawsuit arguing that the law infringed on its first amendment rights.

Many observers expected the Court to rule narrowly on the case, perhaps

focusing on whether McCain-Feingold applies to On Demand broadcasts. Instead, after hearing oral argument, the Court asked for an additional briefing and a new round of oral argument, something the Supreme Court does very rarely, to consider whether the first amendment bans such restrictions on corporate campaign spending. There is some indication that the activist conservative wing of the Court believes it does. We may be on the verge of another effort by a Roberts court to advance its ideologically charged view of the Constitution. In so doing, the Court would overturn its own longstanding precedents, opinions such as *Austin v. Michigan State Chamber of Commerce* where Justice Thurgood Marshall warned of "the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public support for the corporation's political ideas."

Should the Court upturn so much long-settled law, it would upend our entire political system and we could see a new era of corporate influence over politics not seen in the history of our Republic.

Imagine for a moment what our political system would look like if the Court takes the fateful step of allowing corporations to unrestrictedly spend money to influence campaigns. Corporate polluters under investigation by the Department of Justice, running unlimited advertisements for a more sympathetic Presidential candidate; financial services companies spending unlimited money to defeat Members of Congress who have the nerve to want to reform the way things are done on Wall Street; defense contractors overwhelming candidates who dare question a weapons program they build. It would become government of the CEOs, by the CEOs, and for the CEOs.

Nothing in the history of the first amendment requires the protection of such activities. To the contrary, Congress long has been understood to hold the power to protect the electoral process from the corrupting flood of corporate money. This is because, as the Supreme Court long has recognized, a corporation holds no inalienable right to participate in an election. Unlike the people from whom the sovereign power of the State is drawn, a corporation is created by and subject to the sovereign power of the State. Indeed, as Chief Justice John Marshall explained in 1809, only 18 years after ratification of the first amendment, a corporation is "a mere creature of the law, invisible, intangible, and incorporeal and certainly not a citizen."

In 1906, a century later, the Supreme Court explained that:

The corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain spe-

cial privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter. Its powers are limited by law.

Corporations are created by government charter. They are legal fictions, tools for organizing human behavior. Neither logic nor history justifies unleashing them from the bonds of government to master and control the very government that created them—new monsters on the political landscape, bending public wealth to their peculiar private purposes.

How might they do that? Well, let's look at one recent case involving Bank of America.

All of us remember in September of 2008, Bank of America announced that it would buy Merrill Lynch for \$50 billion. In August of this year, the Securities and Exchange Commission filed a civil suit against the Bank of America alleging that it had made a misrepresentation to its shareholders that Merrill Lynch would not pay bonuses to its executives in 2008 when, in fact, Bank of America had agreed that Merrill Lynch could pay up to \$5.8 billion in bonuses to its executives. That is the background.

Bank of America and the Securities and Exchange Commission submitted a proposed final consent judgment proposing to resolve that case by giving \$33 million of shareholder money to the Securities and Exchange Commission. The U.S. District Court in New York took a look at this proposal and threw it out. The judge rightfully rejected it as neither fair nor reasonable nor adequate. The Court said it well; I can't improve on the Court's decision:

The parties were proposing that the management of Bank of America—having allegedly hidden from the bank's shareholders that as much as \$5.8 billion of their money, shareholder money, would be given as bonuses to the executives of Merrill who had run that company nearly into bankruptcy—would settle the legal consequences of their lying by paying the SEC \$33 million more of their shareholders' money.

As the Court noted, this was all done "at the expense not only of the shareholders, but also of the truth."

That is a pretty stark example of corporate management trying to use shareholder money to serve its own ends, even against shareholder interests. Well, guess whose interests corporate managers would pursue politically if they could open the spigots of shareholder money in elections.

Longstanding statutes and judicial precedents that limit corporate involvement in campaigns rests on the well-established and long-accepted recognition that corporations and their corrupting self-interests must be controlled. There is no reason now for a fundamental rethinking of such a plain and well-settled principle. The right-wing of the Supreme Court will be hard pressed to justify departing from such settled understandings of the first

amendment, from the century-long tradition of controlling corporate spending, to invent new constitutional rights for corporations against real human beings.

In closing, I stand with my colleagues, Senator MCCAIN and Senator FEINGOLD, in readiness to do what it takes to protect our system of campaign finance laws from the danger of corporate corruption. I look forward to working with them and my other colleagues to ensure that our elections remain enlivened by a robust debate among human participants in which CEOs don't have favored princely status because they can direct corporate funds to drown out people's voices.

I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER. The majority whip is recognized.

Mr. DURBIN. Mr. President, let me say at the outset the Senator from Rhode Island has addressed two issues that are timely and important. I certainly concur with him and cosponsor the legislation offered by the chairman of the Senate Judiciary Committee, Senator PATRICK LEAHY, which would repeal the McCarran-Ferguson Act as it relates to health insurance companies and medical malpractice insurers. The McCarran-Ferguson Act, since the 1940s, if I am not mistaken, has exempted the insurance industry from antitrust regulation, which literally means those insurance companies, exempt from the supervision of the Justice Department, can engage in conduct absolutely illegal and unacceptable by any other corporation in America, save one. Organized baseball is given the same basic exemption for reasons that are lost in the pages of history. But I will say that under the current McCarran-Ferguson law, the health insurance companies have the power to fix prices, to allocate markets. In other words, they can make good on their threat 2 weeks ago that they are going to raise health insurance premiums if we pass health care reform in America. There is nothing we can do to stop them, short of creating a competitive model where they might have an actual competitor in markets such as Rhode Island and Illinois. It is known as the public option. Some people brand it as socialism or some wild French idea, but what it comes down to is basic competition—something the health insurance companies loathe. Because of the antitrust exemption, McCarran-Ferguson, they have not been held to the same standards as any other business in America.

I believe Senator LEAHY is on the right track. It is part of the health care reform. I know he is supported by Senator HARRY REID, the majority leader, that we should repeal the McCarran-Ferguson antitrust legislation as it exists today.

I concur with Senator WHITEHOUSE as well on the notion that the case which

is now pending before the U.S. Supreme Court could, in my mind, completely destroy our political climate and campaigning in America. If we allow corporations to be exempt from limitations in their involvement in this political process, it is virtually the end of campaigns as we have known them.

It is time for us to not only endorse the position that has been expressed by Senator MCCAIN, Senator FEINGOLD, and Senator WHITEHOUSE, but also step back and take an honest look at this system, which I think is unsustainable and intolerable.

I have introduced legislation with Senator SPECTER calling for public financing of campaigns. When will we ever reach the conclusion that this system, if it is not corrupt, is corrupting? In order to take the big money out of politics, whether from corporations or from individuals, we need to move to a model that has been embraced by States that are more progressive in their outlooks. The States of Maine and Arizona have moved in this direction. We should as well.

I support public financing, and I hope our Rules Committee can consider a hearing on this important measure soon.

UNEMPLOYMENT INSURANCE BENEFITS

Yesterday, I came to the Senate floor to talk about a Republican hold on our efforts to extend unemployment insurance benefits to millions of Americans. These are people who have worked hard their entire adult lives and are struggling now to make ends meet. Some of them earned six-figure salaries and others more modest incomes, and now they are struggling to put food on the table. Some had high-ranking bank jobs, others more mundane and routine jobs. But they are all in trouble, and they are counting on us to let them have the money they put into a fund for their unemployment.

These people worked for years on factory floors, building expertise in machines and equipment, and now have depleted their savings and do not know where to turn, and they are frightened.

Listen to the words a husband and father from Joliet, IL, has written to me:

I am one of the millions who has become dependent on my unemployment benefits to help carry our family from week to week. I've been employed full time since I was legally old enough to work and have always had a job.

I worked at the same company for 8 years before losing my job due to lack of work. Confident that I'd find a job right away, I didn't sweat it. But I haven't. Eighteen months later and I'm still unemployed and terrified because I'm about to receive my last unemployment check.

I have two young children, a modest house, one vehicle and a lot of bills. I'm horrified at the thought that I won't be able to pay my bills or put food on our table. We just got hit with unforeseen medical bills that the insurance company has decided not to cover (apparently vaccinating children falls under the "unimportant" category), my truck needs

tires and brakes, but we can't afford to pay for either, and my refrigerator is threatening to die on me.

My entire world feels like it's crumbling around me but I was confident that the government, my government, would be there to back us up and I'm appalled that this extension is being held up.

Without this extension, things are going to get much worse. I'm scared. Please don't let us fall through the cracks.

I say to the Senator from Rhode Island, I am sure he has received similar messages from his State, and I am sure our Republican colleagues have received similar messages. They have held us up in our attempt to extend unemployment benefits to millions of people just like the man who wrote to me from Joliet, IL.

Here is something I just learned. The Republicans say: We cannot go onto unemployment benefits because we want to offer some amendments. This is a common plank we hear from them, that they don't have enough of a chance to offer amendments. I have not seen the amendments, but they were described to me. I think the Senator from Rhode Island may be surprised to learn that two of the amendments they want to offer—the reason they are holding up unemployment benefits is because they want to take another whack at ACORN. Think about that. The Republican Senate leadership has reached the point where they would consider amendments on the organization of ACORN as an alternative or at least holding up even the most basic unemployment benefits for unemployed workers across America.

ACORN is a controversial organization. I know that as well as anyone. I said the people who were disclosed on a video several weeks ago should be held accountable. I know they have been fired. And if they have broken laws, they should be prosecuted, period. I called for an investigation of ACORN's involvement with the Federal Government to find out if there has been wrongdoing and misuse of Federal funds. We have gone even further on the floor of the Senate to actually barring ACORN from doing business with the Federal Government. But that is not enough on the Republican side of the aisle. In order to feed the mouths of the rightwing cable shows, they keep pushing ACORN down our throats at the expense of unemployment benefits for millions of Americans.

When you look at this, this is such a vacuous, frivolous, embarrassing outcome that we would say to people like the man who has just written to me: Sorry, we cannot give you the peace of mind you get with an unemployment check; we have to take another whack at ACORN and we have to hold up the bill for weeks until we satisfy a few Senators who cannot get enough of this exercise. I don't think it is responsible. I sure don't think it is fair. And I can tell you that the people who are suffering because they lost their jobs and

are feeling the pain and frustration are not going to be satisfied to know a few Republican Senators want to offer another amendment on ACORN.

Listen to the frustration and pain of a veteran from Cicero, IL. He writes:

My age is 61. I have been unemployed since March 2008. I am actively looking for work. It has been more than 6 months since I've even had an interview.

When I've had interviews, I feel that once the interviewer sees my gray hair, I am eliminated from competition, saying I'm over qualified.

I'm realistic, and willing to take a cut in pay to [get a job].

What I'm writing about is the extension of unemployment benefits. I've received notices from the State of Illinois my extended benefits and emergency benefits from the State of Illinois have expired.

I understand that the House [of Representatives in Washington] has voted to extend benefits by an overwhelming majority. But the extension is being held up in the Senate.

Sir, I am facing losing my home and all my possessions that I can't pack in my car.

I must urge you once again to look positively and in a timely manner to a vote in the Senate. Now, I must also ask you to consider extending relief to those who no longer have benefits.

I have now applied for State welfare benefits. I am now waiting for my scheduled interview to have my application reviewed.

All of these people have been helped by unemployment insurance. All of them are at risk of losing that lifeline.

Since I spoke on the floor yesterday about the Republican obstructionism stopping us from bringing up unemployment benefits, 7,000 people have lost their unemployment insurance, 7,000 more will lose it today and 7,000 more tomorrow. Why? So that several Senators can have another amendment attacking ACORN. Does that make any sense? Is that fair or just? These Senators ought to go home to their States and tell the people who are out of work and not receiving unemployment: Sorry, we can't help you yet because we have a few more political items to work on, an agenda.

Republicans in this body, unfortunately—some of them—are too concerned about the political agenda and not concerned enough about the human agenda of hard-working Americans out of work. Mr. President, 1.3 million Americans will lose benefits by the end of the year if we do not pass the Democratic extension of unemployment benefits; 1.3 million Americans will suffer needless poverty and deprivation for their families because of this obstructionism. These are working-class families. These are families we value in this country. These are families who deserve a fighting chance.

I say to my Republican colleagues who have stopped the Democrats from extending unemployment insurance benefits: What are you waiting for? Don't you receive the same e-mails, mail, and phone calls we receive? You have unemployed people in your State. Clearly, they need help.

Mr. President, 50,000 families in Illinois will lose their unemployment insurance, while they look for work, by the end of the year if the Senate does not act. Some seem to be worried about how to pay for this extension, but we have paid into this for years. Workers put in a little bit of money out of their paychecks, and employers as well. It goes right into a fund to cover unemployment. So it is not as if the money is not there; it is just the political will is lacking. Unfortunately, there are other things that are more important to some people on the other side of the aisle.

I say to my colleagues in the Senate, it is time for us—in fact, it is over time for us—to pass extension of unemployment benefits.

HATE CRIMES LEGISLATION

Mr. President, the Defense authorization bill includes hate crimes language which for several years has been passed by both the House and the Senate only to see it blocked by filibuster threats or by the threat of a veto. What a difference a year has made. When Congress took up the hate crimes bill last Congress, President George W. Bush called it "unnecessary and constitutionally questionable." He said he would veto it.

The American people said last November that they wanted a new President and a change. They wanted our country to move in a different direction. President Obama is doing that. In this case, he is supporting the hate crimes legislation.

This bill has another important champion who sadly is no longer with us. Senator Ted Kennedy of Massachusetts was our leader on this issue for over a decade. I only wish he were here to vote and join us on the passage of this important legislation. Nobody spoke to this issue with more authority and clarity than Senator Ted Kennedy. He was the heart and soul of the Senate, and passing this bill will honor the great work he gave in his public career to the cause of civil rights.

I generally believe Congress should be careful in federalizing crime, but in the case of hate crimes, there is a demonstrated problem and a carefully crafted solution.

There are two parts to this problem. First, the existing Federal hate crimes law, which was passed over 40 years ago in 1968 after the assassination of Dr. Martin Luther King Jr., only carries six narrow categories of conduct. The hate crime has to take place, for example, while using a public accommodation. The hate crimes bill now being considered would expand coverage so that hate crimes could be prosecuted wherever they take place. Federal prosecutors would no longer be limited to these six narrow categories.

Second, the bill would expand the categories of people covered under the Federal hate crimes law. The current

law provides no coverage for hate crimes based on the victim's sexual orientation, gender, gender identity, or disability. Unfortunately, statistics tell us that hate crimes based on sexual orientation are the third most common after those based on race and religion. About 15 percent—one out of six or seven—of all hate crimes is based on sexual orientation. We cannot ignore this reality.

Let me address one or two arguments made against this bill.

Many have written to me and said they believe this bill would be an infringement on religious speech. Their concern is that a minister in a religious setting could be prosecuted if he sermonizes against homosexuality and then a member of his congregation assaults someone on the basis of their sexual orientation. I certainly understand this, but their concern is misplaced.

The chair of the Senate Judiciary Committee, Senator LEAHY, held a hearing a few months ago with Attorney General Eric Holder. I attended the hearing, and I asked the Attorney General of the United States pointblank whether a religious leader could be prosecuted under the facts I just described. This is what the Attorney General said in response to the hypothetical question I raised:

This bill seeks to protect people from conduct that is motivated by bias. It has nothing to do with regard to speech. The minister who says negative things about homosexuality, about gay people, this is a person I would not agree with, but is not somebody who would be under the ambit of this statute.

This clear representation from the Nation's top law enforcement officer puts to rest, in my mind and the mind of any reasonable person listening to it, any misunderstanding people might have about how this law would work.

It is also important to note that the hate crimes bill requires bodily injury before prosecution. Words are not enough. It does not apply to speech or harassment. It does not apply to those who would carry signs with messages which exhibit their religious belief. Attorney General Holder assured the Senate that unless there is bodily injury involved, no hate crimes prosecution could be brought. I don't know how he could have been clearer and more definitive. People who listen to his statement in good faith will understand it.

I also note that 24 States, nearly half the States in our Nation, have hate crime laws on the books that include sexual orientation, and religious leaders are not being prosecuted in those States.

That is not the purpose of the hate crimes law. Prosecutors aren't looking to put ministers in jail for their religious beliefs. To the contrary, the hate crimes bill will actually help religious communities. Understand, 20 percent of all hate crimes that are committed in

the United States are committed on the basis of religion. This bill would eliminate the narrow requirements that currently prevent Federal prosecutors from bringing certain hate crimes cases motivated by religious bias.

Another criticism of the legislation is there is no need to pass a Federal hate crimes law because some States are already doing it on their own. This argument is similar to one we faced before. Almost a century ago, when Congress debated an antilynching law between 1881 and 1964, almost 5,000 people were lynched in the United States. The victims were mostly—but not exclusively—African American. Yet Congress resisted addressing this problem for generations. Criminal law is primarily a State and local function. I understand that. An estimated 95 percent of prosecutions for crimes occur at that level. But in some areas of criminal law, the Federal Government can and should step in to help.

We have 4,000 Federal criminal laws, 600 of which have been passed in the last 10 years. Hate crimes are a sad and tragic reality in America. The killing this past summer of an African-American security guard at the Holocaust Museum here in Washington, DC, was a reminder that hate-motivated violence still plagues our Nation.

Earlier this year, in my home State of Illinois, two White men in the town of Joliet used a garbage can to beat a 43-year-old Black man outside a gas station, while yelling racial epithets and stating: "This is for Obama." The victim sustained serious injuries, lacerations, and bruises to his head.

Just 2 weeks ago, in Springfield, in my hometown, three University of Illinois students were arrested for viciously beating and punching two men while yelling antigay slurs at them.

These are incidents in my home State, a State I am proud to represent, but I am not proud of this criminal conduct, and I don't think America should be proud of it.

According to FBI data, based on voluntary reporting, there are 8,000 hate crimes annually in America. Some experts think the number is closer to 50,000. The hate crimes bill would not eliminate hate crimes, but it will help ensure these crimes do not go unpunished.

In closing, I wish to quote the words of Senator Kennedy when he introduced the hate crimes bill in April. This is what he said:

It has been over 10 years since Matthew Shepard was left to die on a fence in Wyoming because of who he was. It has also been 10 years since this bill was initially considered by Congress. In those 10 years, we have gained the political and public support that is needed to make this bill into law. Today, we have a President who is prepared to sign hate crimes legislation into law, and a Justice Department that is willing to enforce it. We must not delay the passage of this bill.

Now is the time to stand up against hate-motivated violence and recognize the shameful damage it has done to our Nation.

We will honor the memory and legacy of Senator Edward Kennedy by passing this Defense authorization conference report, which includes the hate crimes law language. We need to send this to President Obama, who has promised he will sign it into law. I urge my colleagues to join me in support of this important legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO REV. AND MRS. MELVIN SANDERS

Mr. REID. Mr. President, I rise today to honor Rev. Melvin Sanders and his wife Emma Sanders for 40 years of service to the Las Vegas community. Mr. SANDERS and his wife moved to Las Vegas, NV, from Arizona in 1954. Mr. and Mrs. Sanders entered the business field successfully and have remained involved for over 40 years.

Reverend Sanders and Emma Sanders are known all over Las Vegas for their generosity and warmth toward their neighbors. He and his wife assisted multiple families in financial need and have also provided ministerial and spiritual outreach to the people of the Las Vegas Valley. The Sanders are known as Mom and Dad to literally hundreds of Nevadans. Reverend Sanders and his beloved wife have been married for 57 years and are the proud parents of six children, one of whom tragically preceded them in death. The Sanders' church has been in existence for 40 years.

The House of Holiness Church has been open to its congregation for 40 years, and may best be described as a vibrant and joyful place of worship. The church has Sunday school, afternoon service, evening service, prayer and Bible band as well as Bible study. The House of Holiness may best be described by a verse of Scripture which attests "Holiness becometh thine house o Lord for ever." It is clear that Reverend Sanders and his wife are holy people who try to live as lights for God in our world.

President Obama once said "Focusing your life solely on making a buck shows a certain poverty of ambition. It asks too little of yourself. Because it's only when you hitch your wagon to something larger than yourself that you realize your true potential." This ideal is exemplified by Reverend Sanders and Emma, as together they serve others and help make Nevada a better place. Whether it be through their volunteer efforts with the Salvation Army or by way of their many other selfless endeavors, the Sanders help to better their community.

The Sanders and the House of Holiness Church have a bright future on their horizon. I congratulate the Sanders on 57 years of loving marriage and 40 years of saintly service to the Las Vegas community.

HONORING OUR ARMED FORCES

CAPTAIN BENJAMIN A. SKLAVER

Mr. LIEBERMAN. Mr. President, I wish to pay tribute to CPT Benjamin A. Sklaver, U.S. Army, of Hamden, CT, who died of injuries sustained when an improvised explosive device detonated near his dismounted patrol in Murcheh, Afghanistan, on October 2, 2009.

Captain Sklaver was assigned to Headquarters Company, 422nd Civil Affairs Battalion, U.S. Army Reserve, of Greensboro, NC.

Ben Sklaver was a remarkable young man. He lived not only as a true patriot and defender of our Nation's principles of freedom and justice but as a compassionate ambassador of good will and humanitarian assistance to thousands in need.

Though he was called "Captain" by those soldiers around him, he was known as "Moses Ben" to thousands of Ugandans who now have clean water thanks to Ben's efforts. After serving in Africa and being struck by the number of deaths and illnesses resulting from dirty drinking water, he returned home and founded ClearWater Initiative. In the short time since its inception, with the aid of his parents Laura and Gary, ClearWater Initiative constructed wells for more than 6,500 people, primarily in northern Uganda.

Captain Sklaver served as a messenger of high justice and idealism in the best tradition of American principles and patriotism. Our Nation extends its heartfelt condolences to his mother and father, Laura and Gary Sklaver, his brother Samuel, sister Anna, and fiancée Beth, whom I have known since she was a baby because she is the daughter of my dear friends Jim and Barbara Segaloff.

To Ben's family and the people he touched during his life, we extend our deepest appreciation for sharing this outstanding soldier and humanitarian with us. Ben was a true national hero, and his many contributions made significant and lasting impacts throughout the world. You may be justifiably

proud of his contributions which extend above and beyond the call of duty.

REPUBLIC OF CONGO

Mr. FEINGOLD. Mr. President, I am deeply concerned by the deteriorating humanitarian situation in the eastern and northeastern regions of the Democratic Republic of Congo. In the east, the FDLR rebels have deliberately and brutally targeted civilians in response to a new military offensive, while the Congolese military—an undisciplined force now including several former militias—has also targeted civilians with killings, rapes, and looting amidst ongoing operations. Last week, a coalition of 84 humanitarian agencies released a report stating that more than 1,000 civilians have been killed and nearly 900,000 displaced in eastern Congo since January. In addition, the United Nations reports that there have been over 5,000 cases of rape in South Kivu Province in the first 6 months of this year alone, and that number is increasing. With the offensive continuing and the onset of the dry season, the level of violence is likely to increase in the months ahead.

Meanwhile, Doctors without Borders reported last week that hundreds of thousands of people in northeastern Congo are fleeing from renewed attacks by the Lord's Resistance Army. For two decades, the LRA operated in northern Uganda and southern Sudan, but they have shifted their base of operations in recent years into northeastern Congo. This year, facing renewed pressure from a cross-border Ugandan military offensive, the LRA have scaled up their attacks on civilians, killing an estimated 1,200 Congolese and abducting 1,500 in the first 6 months alone. Ongoing Ugandan military operations have reportedly had some success, but the LRA leader Joseph Kony continues to evade capture and his forces exploit the region's porous borders. The Congolese military has deployed new forces to the northeast, but their inability to protect civilians from the LRA and their own abuses against civilians have only made things worse.

Over the last decade, the people of eastern Congo have already lived through violent conflict and humanitarian crisis. According to the best estimates, more than 5.4 million people have been killed, making this the single deadliest conflict since the Second World War. Millions have been displaced from their homes, forced to live in squalid conditions. Women and girls and even some men and boys in the Congo have endured horrific levels of sexual violence. Yet, rather than coming to an end of this nightmare, I am worried that the Congo is now entering another chapter of it. Without a clear and viable plan for civilian protection, continuing military operations and de-

ployments will likely lead to further reprisal attacks by armed groups and greater displacement. At the same time, without real progress to demilitarize the economy and reform the Congolese military, any security gains are likely to be short-lived.

I was very pleased that Secretary Clinton chose to travel to eastern Congo during her trip to Africa in August and pledged \$17 million in new funds to address the sexual violence there. I also know the State Department has been exploring ways to build on her historic visit. And last week, the United States hosted meetings with our European and U.N. partners under the auspices of the Great Lakes Contact Group to discuss our collective efforts going forward. This is all well and good. I hope the international community will take immediate steps to bolster civilian protection and humanitarian access in both the east and northeast. But as we go forward, we also need to finally get serious about pressing regional governments to address the underlying causes of the conflict: the continued plunder and militarized trade of eastern Congo's rich mineral base, the region's porous and unregulated borders, outside support of armed groups, and the lack of accountability and discipline in the Congolese army.

Addressing these issues will not be easy. But continuing to rely on half-measures and focusing on the symptoms offer little hope of ending Congo's crises. It is time for a comprehensive and concerted international effort toward the Congo and the Great Lakes Region of Africa, and I am confident that there is no better administration in recent history to lead such an effort. President Obama has already demonstrated his commitment to and understanding of this issue with his work on the DRC Relief, Security and Democracy Promotion Act of 2006. Secretary Clinton was reportedly the most senior U.S. Government official to ever visit eastern Congo. And finally, Johnnie Carson is perhaps the most experienced Assistant Secretary for African Affairs that we have ever had. Together, we have an opportunity to reverse the trends and address Congo's crises—both in the east and with the LRA—and I hope we will seize it. For Africa, few achievements could be more important for the sake of regional stability and saving lives.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF UNION MISSIONARY BAPTIST CHURCH

• Ms. STABENOW. Mr. President, it is my great pleasure today to congratulate the Union Missionary Baptist Church on its 100th anniversary. This wonderful church was the first African-

American Baptist church in Lansing, established by a small group of worshippers meeting in a living room. In 2001, the congregation built a Family Life Center, which ministers to the community with classrooms, a computer lab, a chapel, a prayer garden, and a commercial kitchen. The congregation today consists of over 700 members.

The church has been blessed by excellent leadership over the years. The first pastor was Rev. H.C. Randolph, who was succeeded by many other distinguished pastors over the years, including Rev. G.W. Carr, Rev. J.G. Bruce, Rev. S.L. Johnson, Rev. Norris Jackson, Rev. Joel L. King (uncle of Dr. Martin Luther King), Rev. Charles J. Patterson, and the current pastor, a wonderful leader and a dear friend, Rev. Melvin T. Jones.

Throughout its great history, Union Missionary Baptist Church has enriched the lives of thousands of people who have come through its doors to worship. It has been my privilege to work with Reverend Jones over the years. He and his church truly reflect what Paul urged of the Galatians: "Whenever we have an opportunity, let us work for the good of all." I congratulate Reverend Jones and the congregation, and I look forward to participating in the church's centennial celebrations.●

MESSAGES FROM THE HOUSE

At 12:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3319. An act to designate the facility of the United States Postal Service located at 440 South Gullwing Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building".

H.R. 3763. An act to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses.

H.R. 3819. An act to extend the commercial space transportation liability regime.

At 1:58 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1818. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

At 3:52 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1793. An act to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 43. Concurrent resolution authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke.

ENROLLED BILLS SIGNED

At 4:09 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1818. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

H.R. 621. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

H.R. 2892. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3319. An act to designate the facility of the United States Postal Service located at 440 South Gullwing Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3763. An act to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3819. An act to extend the commercial space transportation liability regime; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3423. A communication from the Chief of the Planning and Regulatory Affairs Branch, Supplemental Foods Programs Division, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Vendor Cost Containment" (RIN0584-AD71) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3424. A communication from the Deputy Secretary of Defense, transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-3425. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant Gen-

eral Robert Wilson, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3426. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Ronald S. Coleman, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3427. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Terry L. Gabreski, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-3428. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-3429. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Production Incentives for Cellulosic Biofuels; Reverse Auction Procedures and Standards" (RIN1904-AB73) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Energy and Natural Resources.

EC-3430. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting; Approval of Tungsten-Iron-Fluoropolymer Shot Alloys as Nontoxic for Hunting Waterfowl and Coots; Availability of Final Environmental Assessment" (RIN1018-AW46) received in the Office of the President of the Senate on October 20, 2008; to the Committee on Environment and Public Works.

EC-3431. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Foreign Repairs to American Vessels" ((CPB Dec. 09-40) (RIN1505-AB71)) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Finance.

EC-3432. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to List of User Fee Airports: Removal of User Fee Status for Roswell Industrial Air Center, Roswell, New Mexico and March Inland Port Airport, Riverside, California and Name Change for Capital City Airport, Lansing, Michigan" (CPB Dec. 09-39) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Finance.

EC-3433. A communication from the Regulations Officer, Office of Legislative and Regulatory Affairs, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Evaluating Malignant Neoplastic Diseases" (RIN0960-AG57) received in the Office of the President of the Senate on October 16, 2009; to the Committee on Finance.

EC-3434. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human

Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2010" (RIN0938-AP48) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Finance.

EC-3435. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Part A Premium for Calendar Year 2010 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement" (RIN0938-AP43) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Finance.

EC-3436. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2010" (RIN0938-AP42) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 668. A bill to reauthorize the Northwest Straits Marine Conservation Initiative Act to promote the protection of the resources of the Northwest Straits, and for other purposes (Rept. No. 111—90).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. HARKIN for the Committee on Health, Education, Labor, and Pensions.

*Craig Becker, of Illinois, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2009.

*Craig Becker, of Illinois, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2014.

*Brian Hayes, of Massachusetts, to be a Member of the National Labor Relations Board for the term of five years expiring December 16, 2012.

*Mark Gaston Pearce, of New York, to be a Member of the National Labor Relations Board for the term of five years expiring August 27, 2013.

*Rolena Klahn Adorno, of Connecticut, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

*Marvin Krislov, of Ohio, to be a Member of the National Council on the Humanities for a term expiring January 26, 2014.

*Robert James Grey, Jr., of Virginia, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

*John Gerson Levi, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

*Martha L. Minow, of Illinois, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

*Julie A. Reiskin, of Colorado, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2010.

*Gloria Valencia-Weber, of New Mexico, to be a Member of the Board of Directors of the Legal Services Corporation for a term expiring July 13, 2011.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HAGAN:

S. 1819. A bill to require the Secretary of the Treasury to mint coins in commemoration of the opening of the International Civil Rights Center and Museum; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN:

S. 1820. A bill to amend the Federal Water Pollution Control Act to establish national standards for discharges from cruise vessels; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself, Ms. MIKULSKI, Mr. LEMIEUX, and Mr. LEAHY):

S. 1821. A bill to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes; to the Committee on the Judiciary.

By Mr. MERKLEY (for himself and Mrs. BOXER):

S. 1822. A bill to amend the Emergency Economic Stabilization Act of 2008, with respect to considerations of the Secretary of the Treasury in providing assistance under that Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS:

S. 1823. A bill to renew the temporary suspension of duty on certain footwear; to the Committee on Finance.

By Mr. BAUCUS:

S. 1824. A bill to extend the temporary suspension of duty on lug bottom boots for use in fishing waders; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 1825. A bill to extend the authority for relocation expenses test programs for Federal employees, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BAUCUS:

S. 1826. A bill to suspend temporarily the duty on certain glass snow globes; to the Committee on Finance.

By Mr. BAUCUS:

S. 1827. A bill to suspend temporarily the duty on certain glass polyresin magnets; to the Committee on Finance.

By Mr. BAUCUS:

S. 1828. A bill to suspend temporarily the duty on certain metal key chains with acrylic mini-globes; to the Committee on Finance.

By Mr. BAUCUS:

S. 1829. A bill to suspend temporarily the duty on certain acrylic snow globes; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. CARPER):

S. 1830. A bill to establish the Chief Conservation Officers Council to improve the energy efficiencies of Federal agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY:

S. 1831. A bill to amend the Small Business Investment Act of 1958 to reauthorize the venture capital program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. LANDRIEU (for herself, Mr. KERRY, Mrs. SHAHEEN, Mr. CASEY, Mr. CARDIN, and Mr. HARKIN):

S. 1832. A bill to increase loan limits for small business concerns, provide for low interest refinancing for small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. UDALL of Colorado:

S. 1833. A bill to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. LEVIN, Mr. LAUTENBERG, and Mr. MENENDEZ):

S. 1834. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself, Mr. BAR-RASSO, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNET, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL,

Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 315. A resolution relative to the death of Clifford Peter Hansen, former United States Senator for the State of Wyoming; considered and agreed to.

By Mr. MENENDEZ (for himself and Mr. ENSIGN):

S. Res. 316. A resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes; to the Committee on Foreign Relations.

By Ms. KLOBUCHAR (for herself, Mr. LEAHY, Mr. KOHL, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. CRAPO, Ms. COLLINS, Mr. SPECTER, Ms. LANDRIEU, Ms. STABENOW, Mr. KAUFMAN, Mr. DURBIN, Mr. BROWN, and Mr. BURRIS):

S. Res. 317. A resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mrs. BOXER, Mr. CARPER, Mr. CASEY, Mrs. GILLIBRAND, Mr. INOUE, Mr. LAUTENBERG, Mr. LEVIN, Mrs. LINCOLN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. SANDERS, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. SPECTER):

S. Res. 318. A resolution supporting "Lights On Afterschool", a national celebration of afterschool programs; considered and agreed to.

By Mr. JOHANNES (for himself, Mrs. LINCOLN, Mr. CHAMBLISS, Mr. LUGAR, Mr. ROBERTS, Ms. STABENOW, Mr. ISAKSON, Mr. NELSON of Nebraska, Mrs. MURRAY, Mr. KOHL, Mr. BAUCUS, Mr. PRYOR, Ms. KLOBUCHAR, Mr. FEINGOLD, Mr. BARRASSO, Mr. LEAHY, Ms. COLLINS, Mr. GRASSLEY, Mr. CRAPO, Mr. BENNET, and Mrs. SHAHEEN):

S. Res. 319. A resolution commemorating 40 years of membership by women in the National FFA Organization and celebrating the achievements and contributions of female members of the National FFA Organization; considered and agreed to.

ADDITIONAL COSPONSORS

S. 252

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 252, a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans

Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans, and for other purposes.

S. 306

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 306, a bill to promote biogas production, and for other purposes.

S. 584

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 584, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, transit users, children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on and across federally funded streets and highways.

S. 621

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 621, a bill to amend the Public Health Service Act to coordinate Federal congenital heart disease research efforts and to improve public education and awareness of congenital heart disease, and for other purposes.

S. 799

At the request of Mr. DURBIN, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 799, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 827

At the request of Mr. ROCKEFELLER, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 827, a bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds.

S. 831

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 831, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 886

At the request of Mr. NELSON of Florida, the name of the Senator from Cali-

fornia (Mrs. BOXER) was added as a cosponsor of S. 886, a bill to establish a program to provide guarantees for debt issued by State catastrophe insurance programs to assist in the financial recovery from natural catastrophes.

S. 945

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 945, a bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States.

S. 950

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 950, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 952

At the request of Ms. SNOWE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 952, a bill to develop and promote a comprehensive plan for a national strategy to address harmful algal blooms and hypoxia through baseline research, forecasting and monitoring, and mitigation and control while helping communities detect, control, and mitigate coastal and Great Lakes harmful algal blooms and hypoxia events.

S. 964

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 964, a bill to authorize the President to posthumously award a gold medal on behalf of Congress to Robert M. LaFollette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a co-

sponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1413

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KIRK) was added as a cosponsor of S. 1413, a bill to amend the Adams National Historical Park Act of 1998 to include the Quincy Homestead within the boundary of the Adams National Historical Park, and for other purposes.

S. 1442

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1442, a bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service—learning opportunities on public lands, establish a grant program for Indian Youth Service Corps, help restore the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service.

S. 1518

At the request of Mr. BURR, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1518, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune.

S. 1559

At the request of Mr. KERRY, the names of the Senator from Maryland (Mr. CARDIN), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 1559, a bill to consolidate democracy and security in the Western Balkans by supporting the Governments and people of Bosnia and Herzegovina and Montenegro in reaching their goal of eventual NATO membership, and to welcome further NATO partnership with the Republic of Serbia, and for other purposes.

S. 1723

At the request of Mr. CORKER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1723, a bill to authorize

the Secretary of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes.

S. 1728

At the request of Mrs. McCASKILL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1728, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyer credit in the case of members of the Armed Forces and certain other Federal employees, and for other purposes.

S. 1731

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1731, a bill to require certain mortgagees to make loan modifications, to establish a grant program for State and local government mediation programs, to create databases on foreclosures, and for other purposes.

S. 1743

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1743, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 1749

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1749, a bill to amend title 18, United States Code, to prohibit the possession or use of cell phones and similar wireless devices by Federal prisoners.

S. 1772

At the request of Mr. BUNNING, the names of the Senator from Nebraska (Mr. JOHANNES), the Senator from South Carolina (Mr. DEMINT), the Senator from New Hampshire (Mr. GREGG), the Senator from Idaho (Mr. CRAPO), the Senator from South Dakota (Mr. THUNE), the Senator from Louisiana (Mr. VITTER), the Senator from Mississippi (Mr. WICKER), the Senator from Nevada (Mr. ENSIGN), the Senator from Oklahoma (Mr. COBURN), the Senator from Idaho (Mr. RISCH), the Senator from Oklahoma (Mr. INHOFE), the Senator from Alabama (Mr. SESSIONS), the Senator from Ohio (Mr. VOINOVICH), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senator from Kansas (Mr. BROWNBACK), the Senator from Wyoming (Mr. BARRASSO), the Senator from Wyoming (Mr. ENZI), the Senator from North Carolina (Mr. BURR), the Senator from Tennessee (Mr. CORKER), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kansas (Mr. ROBERTS), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Georgia (Mr. ISAKSON) were added as

cosponsors of S. 1772, a bill to require that all legislative matters be available and fully scored by CBO 72 hours before consideration by any subcommittee or committee of the Senate or on the floor of the Senate.

S.J. RES. 12

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S.J. Res. 12, a joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

S. RES. 275

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KIRK) was added as a cosponsor of S. Res. 275, a resolution honoring the Minute Man National Historical Park on the occasion of its 50th anniversary.

S. RES. 312

At the request of Mr. DODD, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. Res. 312, a resolution expressing the sense of the Senate on empowering and strengthening the United States Agency for International Development (USAID).

AMENDMENT NO. 2683

At the request of Mr. CHAMBLISS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of amendment No. 2683 intended to be proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN:

S. 1820. A bill to amend the Federal Water Pollution Control Act to establish national standards for discharges from cruise vessels; to the Committee on Commerce, Science, and Transportation.

Mr. DURBIN. Mr. President, today I am introducing the Clean Cruise Ship Act of 2009. This bill would address a serious and growing threat to U.S. waters by placing limits on the dumping of wastewater by cruise ships. Cruise ships generate millions of gallons of wastewater every day—much of it vile sewage. These ships can directly dump their waste into the oceans with minimal oversight.

This bill would require cruise ships to obtain permits through EPA's National Pollutant Discharge Elimination System in order to discharge sewage, graywater, and bilge water. It also would require cruise ships to upgrade their wastewater treatment systems to meet the standards of today's best available technology. This technology

significantly reduces the pollutants that ships discharge and is already being used successfully on cruise ships in Alaska, thanks to that state's forward-thinking regulations.

The problem is real. The number of cruise ship passengers has been growing nearly twice as fast as any other mode of travel. In the U.S. alone the numbers are approaching ten million passengers a year, with some ships carrying 3,000 or more passengers. These ships produce massive amounts of waste: one ship can produce over 200,000 gallons of sewage each week; a million gallons of graywater from kitchens, laundry, and showers; and over 25,000 gallons of oily bilge water that collects in ship bottoms.

I have nothing against cruise vacations. They can be a wonderful way to visit beautiful places. What my bill proposes to do is change the way the cruise ships manage the removal of waste. Here is the unpleasant reality. Within three miles of shore, vessels can discharge human body wastes and other toilet waste provided that a "marine sanitation device" is installed. The Environmental Protection Agency released a report in December of 2008, however, that concluded that these systems simply don't work. These sewage treatment devices leave discharges that consistently exceed national effluent standards for fecal coliform and other pathogens and pollutants. In fact, fecal coliform levels in effluent are typically 20 to 200 times greater than in untreated domestic wastewater.

Beyond three miles from shore there are no restrictions on sewage discharge. Cruise ships can directly dump raw sewage into U.S. waters.

The situation with cruise ship graywater also requires attention. While cruise ships must obtain permits to discharge graywater within three miles of the coast, there is still a pollution issue. Graywater from sinks, tubs, and kitchens contains large amounts of pathogens and pollutants. Fecal coliform concentrations, for example, are 10 to 1000 times greater than those in untreated domestic wastewater. These pollutants sicken our marine ecosystems, wash up onto our beaches, and contaminate food and shellfish that end up on our dinner plates.

Beyond 3 miles from shore there are no restrictions on graywater discharge. Cruise ships can directly dump graywater into U.S. waters.

Following the lead of Alaska, the Clean Cruise Ship Act seeks to address these oversights. No discharges would be allowed within twelve miles of shore. Beyond twelve miles, discharges of sewage, graywater, and bilge water would be allowed, provided that they meet national effluent limits consistent with the best available technology. That technology works and is commercially available now. The recent Environmental Protection Agency

study found that these “advanced wastewater treatment” systems effectively remove pathogens, suspended solids, metals, and oil and grease.

Under this legislation, the release of raw, untreated sewage would be banned. No dumping of sewage sludge and incinerator ash would be allowed in U.S. waters. All cruise ships calling on U.S. ports would have to dispose of hazardous waste in accordance with the Resource Conservation and Recovery Act. The bill would establish inspection and enforcement mechanisms to ensure compliance.

The protection of U.S. waters is vital to our Nation's health and economy. The oceans not only support the life of nearly 50 percent of all species on Earth, but they also provide 20 percent of the animal protein and 5 percent of the total protein in the human diet.

Some cruise ship companies already are trying to improve their environmental footprint. They also want to preserve the environment that attracts their passengers. But the efforts between cruise ship companies are not uniform. A Federal standard would apply one set of requirements to all companies.

It is time to bring the cruise ship industry into the 21st century. It is time to update the laws that protect our oceans, and urge adoption of the best available wastewater treatment technology at sea.

Working together, we can support the industry while protecting the natural treasures that are our oceans. I think the approach taken in the Clean Cruise Ship Act will achieve that goal. I encourage my colleagues here in the Senate to work with me to pass legislation that will put a stop to the dumping of hazardous pollutants along our coasts. Together we can clean up this major source of pollution that is harming our waters.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1820

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Clean Cruise Ship Act of 2009”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) cruise ships carry millions of passengers through North American waters each year, showcase some of the most beautiful ocean and coastal environments in the United States, and provide opportunities for passengers to relax and enjoy oceans and marine ecosystems;

(2) the number of cruise passengers continues to grow, making the cruise industry one of the fastest growing tourism sectors in the world;

(3) in 2007, more than 10,000,000 passengers departed from North America on thousands of cruise ships;

(4) during the 2 decades preceding the date of enactment of this Act, the average cruise ship size has increased at a rate of approximately 90 feet every 5 years;

(5) an average-sized cruise vessel generates millions of gallons of liquid waste and many tons of solid waste;

(6) in just 1 week, a 3000-passenger cruise ship generates approximately 210,000 gallons of human sewage, 1,000,000 gallons of water from showers and sinks and dishwashing water (commonly known as “graywater”), 37,000 gallons of oily bilge water, more than 8 tons of solid waste, and toxic wastes from dry cleaning and photo-processing laboratories;

(7) in an Environmental Protection Agency survey of 29 ships traveling in Alaskan waters, reported sewage generation rates ranged from 1,000 to 74,000 gallons per day per vessel, with the average volume of sewage generated being 21,000 gallons per day per vessel;

(8) those frequently untreated cruise ship discharges deliver nutrients, hazardous substances, pharmaceuticals, and human pathogens, including viruses and bacteria, directly into the marine environment;

(9) in the final report of the United States Commission on Ocean Policy, that Commission found that cruise ship discharges, if not treated and disposed of properly, and the cumulative impacts caused when cruise ships repeatedly visit the same environmentally sensitive areas, “can be a significant source of pathogens and nutrients with the potential to threaten human health and damage shellfish beds, coral reefs, and other aquatic life”;

(10) pollution from cruise ships not only has the potential to threaten marine life and human health through consumption of contaminated seafood, but also poses a health risk for recreational swimmers, surfers, and other beachgoers;

(11) according to the Environmental Protection Agency, “Sewage may host many pathogens of concern to human health, including *Salmonella*, *Shigella*, *Hepatitis A* and *E*, and gastro-intestinal viruses. Sewage contamination in swimming areas and shellfish beds poses potential risks to human health and the environment by increasing the rate of waterborne illnesses”;

(12) the nutrient pollution from human sewage discharges from cruise ships can contribute to the incidence of harmful algal blooms;

(13) algal blooms have been implicated in the deaths of marine life, including the deaths of more than 150 manatees off the coast of Florida;

(14) in a 2005 report requested by the International Council of Cruise Lines, the Science Panel of the Ocean Conservation and Tourism Alliance recommended that—

(A) “[a]ll blackwater should be treated”;

(B) treated blackwater should be “avoided in ports, close to bathing beaches or water bodies with restricted circulation, flushing or inflow”;

(C) blackwater should not be discharged within 4 nautical miles of shellfish beds, coral reefs, or other sensitive habitats;

(15) that Science Panel further recommended that graywater be treated in the same manner as blackwater and that sewage sludge be off-loaded to approved land-based facilities;

(16) in a summary of recommendations for addressing unabated point sources of pollution, the Pew Oceans Commission states that, “Congress should enact legislation that regulates wastewater discharges from cruise

ships under the Clean Water Act by establishing uniform minimum standards for discharges in all State waters and prohibiting discharges within the U.S. Exclusive Economic Zone that do not meet effluent standards.”; and

(17) a comprehensive statutory regime for managing pollution discharges from cruise vessels, applicable throughout the United States, is needed—

(A) to protect coastal and ocean areas from pollution generated by cruise vessels;

(B) to reduce and better regulate discharges from cruise vessels; and

(C) to improve monitoring, reporting, and enforcement of standards regarding discharges.

(b) PURPOSE.—The purpose of this Act is to amend the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) to establish national standards and prohibitions for discharges from cruise vessels.

SEC. 3. CRUISE VESSEL DISCHARGES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) CRUISE VESSEL DISCHARGES.—

“(1) DEFINITIONS.—In this subsection:

“(A) BILGE WATER.—

“(i) IN GENERAL.—The term ‘bilge water’ means wastewater.

“(ii) INCLUSIONS.—The term ‘bilge water’ includes lubrication oils, transmission oils, oil sludge or slops, fuel or oil sludge, used oil, used fuel or fuel filters, and oily waste.

“(B) COMMANDANT.—The term ‘Commandant’ means the Commandant of the Coast Guard.

“(C) CRUISE VESSEL.—

“(i) IN GENERAL.—The term ‘cruise vessel’ means a passenger vessel that—

“(I) is authorized to carry at least 250 passengers; and

“(II) has onboard sleeping facilities for each passenger.

“(ii) EXCLUSIONS.—The term ‘cruise vessel’ does not include—

“(I) a vessel of the United States operated by the Federal Government;

“(II) a vessel owned and operated by the government of a State; or

“(III) a vessel owned by a local government.

“(D) DISCHARGE.—The term ‘discharge’ means the release, escape, disposal, spilling, leaking, pumping, emitting, or emptying of bilge water, graywater, hazardous waste, incinerator ash, sewage, sewage sludge, trash, or garbage from a cruise vessel into the environment, however caused, other than—

“(i) at an approved shoreside reception facility, if applicable; and

“(ii) in compliance with all applicable Federal, State, and local laws (including regulations).

“(E) EXCLUSIVE ECONOMIC ZONE.—The term ‘exclusive economic zone’ has the meaning given the term in section 2101 of title 46, United States Code (as in effect on the day before the date of enactment of Public Law 109-304 (120 Stat. 1485)).

“(F) FUND.—The term ‘Fund’ means the Cruise Vessel Pollution Control Fund established by paragraph (11)(A)(i).

“(G) GARBAGE.—The term ‘garbage’ means solid waste from food preparation, service and disposal activities, even if shredded, ground, processed, or treated to comply with other requirements.

“(H) GRAYWATER.—

“(i) IN GENERAL.—The term ‘graywater’ means galley water, dishwasher, and bath, shower, and washbasin water.

“(ii) INCLUSIONS.—The term ‘graywater’ includes, to the extent not already covered

under provisions of law relating to hazardous waste—

“(I) spa, pool, and laundry wastewater;

“(II) wastes from soot tanker or economic cleaning;

“(III) wastes from photo processing;

“(IV) wastes from vessel interior surface cleaning; and

“(V) miscellaneous equipment and process wastewater.

“(I) HAZARDOUS WASTE.—The term ‘hazardous waste’ has the meaning given the term in section 6903 of the Solid Waste Disposal Act (42 U.S.C. 6903).

“(J) INCINERATOR ASH.—The term ‘incinerator ash’ means ash generated during the incineration of solid waste or sewage sludge.

“(K) NEW VESSEL.—The term ‘new vessel’ means a vessel, the construction of which is initiated after promulgation of standards and regulations under this subsection.

“(L) NO-DISCHARGE ZONE.—

“(i) IN GENERAL.—The term ‘no-discharge zone’ means an area of ecological importance, whether designated by Federal, State, or local authorities.

“(ii) INCLUSIONS.—The term ‘no-discharge zone’ includes—

“(I) a marine sanctuary;

“(II) a marine protected area;

“(III) a marine reserve; and

“(IV) a marine national monument.

“(M) PASSENGER.—The term ‘passenger’ means any person (including a paying passenger and any staff member, such as a crew member, captain, or officer) traveling on board a cruise vessel.

“(N) SEWAGE.—The term ‘sewage’ means—

“(i) human and animal body wastes; and

“(ii) wastes from toilets and other receptacles intended to receive or retain human and animal body wastes.

“(O) SEWAGE SLUDGE.—

“(i) IN GENERAL.—The term ‘sewage sludge’ means any solid, semi-solid, or liquid residue removed during the treatment of on-board sewage.

“(ii) INCLUSIONS.—The term ‘sewage sludge’ includes—

“(I) solids removed during primary, secondary, or advanced wastewater treatment;

“(II) scum;

“(III) septage;

“(IV) portable toilet pumpings;

“(V) type III marine sanitation device pumpings (as defined in part 159 of title 33, Code of Federal Regulations (or a successor regulation)); and

“(VI) sewage sludge products.

“(iii) EXCLUSIONS.—The term ‘sewage sludge’ does not include—

“(I) grit or screenings; or

“(II) ash generated during the incineration of sewage sludge.

“(P) TRASH.—The term ‘trash’ means solid waste from vessel operations and passenger services, even if shredded, ground, processed, or treated to comply with other regulations.

“(2) PROHIBITIONS.—

“(A) PROHIBITION ON DISCHARGE OF SEWAGE SLUDGE, INCINERATOR ASH, AND HAZARDOUS WASTE.—

“(i) IN GENERAL.—Except as provided by subparagraph (C), no cruise vessel departing from, or calling on, a port of the United States may discharge sewage sludge, incinerator ash, or hazardous waste into navigable waters, including the contiguous zone and the exclusive economic zone.

“(ii) OFF-LOADING.—Sewage sludge, incinerator ash, and hazardous waste described in clause (i) shall be off-loaded at an appropriate land-based facility.

“(B) PROHIBITION ON DISCHARGE OF SEWAGE, GRAYWATER, AND BILGE WATER.—

“(i) IN GENERAL.—Except as provided by subparagraph (C), no cruise vessel departing from or calling on, a port of the United States may discharge sewage, graywater, or bilge water into navigable waters, including the contiguous zone and the exclusive economic zone, unless—

“(I) the sewage, graywater, or bilge water is treated to meet all applicable effluent limits established under this section and is in accordance with all other applicable laws;

“(II) the cruise vessel is underway and proceeding at a speed of not less than 6 knots;

“(III) the cruise vessel is more than 12 nautical miles from shore; and

“(IV) the cruise vessel complies with all applicable standards established under this Act.

“(ii) NO-DISCHARGE ZONES.—Notwithstanding any other provision of this paragraph, no cruise vessel departing from, or calling on, a port of the United States may discharge treated or untreated sewage, graywater, or bilge water into a no-discharge zone.

“(C) SAFETY EXCEPTION.—

“(i) SCOPE OF EXCEPTION.—Subparagraphs (A) and (B) shall not apply in any case in which—

“(I) a discharge is made solely for the purpose of securing the safety of the cruise vessel or saving human life at sea; and

“(II) all reasonable precautions have been taken to prevent or minimize the discharge.

“(ii) NOTIFICATION.—

“(I) IN GENERAL.—If the owner, operator, master, or other person in charge of a cruise vessel authorizes a discharge described in clause (i), the person shall notify the Administrator and the Commandant of the decision to authorize the discharge as soon as practicable, but not later than 24 hours, after authorizing the discharge.

“(II) REPORT.—Not later than 7 days after the date on which a discharge described in clause (i) occurs, the owner, operator, master, or other person in charge of a cruise vessel, shall submit to the Administrator and the Commandant a report that describes—

“(aa) the quantity and composition of each discharge authorized under clause (i);

“(bb) the reason for authorizing each such discharge;

“(cc) the location of the vessel during the course of each such discharge; and

“(dd) such other supporting information and data as are requested by the Commandant or the Administrator.

“(III) DISCLOSURE OF REPORTS.—Upon receiving a report under subclause (II), the Administrator shall make the report available to the public.

“(3) EFFLUENT LIMITS.—

“(A) EFFLUENT LIMITS FOR DISCHARGES OF SEWAGE, GRAYWATER, AND BILGE WATER.—

“(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall promulgate effluent limits for sewage, graywater, and bilge water discharges from cruise vessels.

“(ii) REQUIREMENTS.—The effluent limits shall—

“(I) be consistent with the capability of the best available technology to treat effluent;

“(II) take into account the best available scientific information on the environmental effects of sewage, graywater, and bilge water discharges, including conventional, nontoxic, and toxic pollutants and petroleum;

“(III) take into account marine life and ecosystems, including coral reefs, shell fish beds, endangered species, marine mammals, seabirds, and marine ecosystems;

“(IV) take into account conditions that will affect marine life, ecosystems, and human health, including seamounts, continental shelves, oceanic fronts, warm core and cold core rings, and ocean currents; and

“(V) require compliance with all relevant Federal and State water quality standards.

“(iii) MINIMUM LIMITS.—The effluent limits promulgated under clause (i) shall require, at a minimum, that treated sewage, treated graywater, and treated bilge water effluent discharges from cruise vessels, measured at the point of discharge, shall, not later than the date described in subparagraph (C)—

“(I) satisfy the minimum level of effluent quality specified in section 133.102 of title 40, Code of Federal Regulations (or a successor regulation); and

“(II) with respect to the samples from the discharge during any 30-day period—

“(aa) have a geometric mean that does not exceed 20 fecal coliform per 100 milliliters;

“(bb) not exceed 40 fecal coliform per 100 milliliters in more than 10 percent of the samples; and

“(cc) with respect to concentrations of total residual chlorine, not exceed 10 milligrams per liter.

“(B) REVIEW AND REVISION OF EFFLUENT LIMITS.—The Administrator shall—

“(i) review the effluent limits promulgated under subparagraph (A) at least once every 5 years; and

“(ii) revise the effluent limits to incorporate technology available at the time of the review in accordance with subparagraph (A)(i).

“(C) COMPLIANCE DATE.—The Administrator shall require compliance with the effluent limits promulgated pursuant to subparagraph (A)—

“(i) with respect to new vessels put into water after the date of enactment of this subsection, as of the date that is 180 days after the date of promulgation of the effluent limits; and

“(ii) with respect to vessels in use as of that date of enactment, as of the date that is 1 year after the date of promulgation of the effluent limits.

“(D) SAMPLING, MONITORING, AND REPORTING.—

“(i) IN GENERAL.—The Administrator shall require sampling, monitoring, and reporting to ensure compliance with—

“(I) the effluent limitations promulgated under subparagraph (A);

“(II) all other applicable provisions of this Act;

“(III) any regulations promulgated under this Act;

“(IV) other applicable Federal laws (including regulations); and

“(V) all applicable international treaty requirements.

“(ii) RESPONSIBILITIES OF PERSONS IN CHARGE OF CRUISE VESSELS.—The owner, operator, master, or other person in charge of a cruise vessel, shall at a minimum—

“(I) conduct sampling or testing at the point of discharge on a monthly basis, or more frequently, as determined by the Administrator;

“(II) provide real-time data to the Administrator, using telemetric or other similar technology, for reporting relating to—

“(aa) discharges of sewage, graywater, and bilge water from cruise vessels;

“(bb) pollutants emitted in sewage, graywater, and bilge water from cruise vessels; and

“(cc) functioning of cruise vessel components relating to fuel consumption and control of air and water pollution;

“(III) ensure, to the maximum extent practicable, that technologies providing real-time data have the ability to record—

“(aa) the location and time of discharges from cruise vessels;

“(bb) the source, content, and volume of the discharges; and

“(cc) the operational state of components relating to pollution control technology at the time of the discharges, including whether the components are operating correctly;

“(IV) establish chains of custody, analysis protocols, and other specific information necessary to ensure that the sampling, testing, and records of that sampling and testing are reliable; and

“(V) maintain, and provide on a monthly basis to the Administrator, electronic copies of required sampling and testing data.

“(iii) REPORTING REQUIREMENTS.—The Administrator shall require the compilation and production, and not later than 1 year after the date of enactment of this subsection and biennially thereafter, the provision to the Administrator and the Commandant in electronic format, of documentation for each cruise vessel that includes, at a minimum—

“(I) a detailed description of onboard waste treatment mechanisms in use by the cruise vessel, including the manufacturer of the waste treatment technology on board;

“(II) a detailed description of onboard sludge management practices of the cruise vessel;

“(III) copies of applicable hazardous materials forms;

“(IV) a characterization of the nature, type, and composition of discharges by the cruise vessel;

“(V) a determination of the volumes of those discharges, including average volumes; and

“(VI) the locations, including the more common locations, of those discharges.

“(iv) SHORESIDE DISPOSAL.—The Administrator shall require documentation of shore-side disposal at approved facilities for all wastes by, at a minimum—

“(I) establishing standardized forms for the receipt of those wastes;

“(II) requiring those receipts to be sent electronically to the Administrator and Commandant and maintained in an onboard record book; and

“(III) requiring those receipts to be signed and dated by the owner, operator, master, or other person in charge of the discharging vessel and the authorized representative of the receiving facility.

“(v) REGULATIONS.—Not later than 18 months after the date of enactment of this subsection, the Administrator, in consultation with the Commandant, shall promulgate regulations that, at a minimum, implement the sampling, monitoring, and reporting protocols required by this subparagraph.

“(4) INSPECTION PROGRAM.—

“(A) IN GENERAL.—The Administrator shall establish an inspection program to require that—

“(i) regular announced and unannounced inspections be conducted of any relevant aspect of cruise vessel operations, equipment, or discharges, including sampling and testing of cruise vessel discharges;

“(ii) each cruise vessel that calls on a port of the United States be subject to an unannounced inspection at least once per year; and

“(iii) inspections be carried out by the Environmental Protection Agency or the Coast Guard.

“(B) COAST GUARD INSPECTIONS.—If the Administrator and the Commandant jointly

agree that some or all inspections are to be carried out by the Coast Guard, the inspections shall—

“(i) occur outside the Coast Guard matrix system for setting boarding priorities;

“(ii) be consistent across Coast Guard districts; and

“(iii) be conducted by specially-trained environmental inspectors.

“(C) REGULATIONS.—Not later than 18 months after the date of enactment of this subsection, the Administrator, in consultation with the Commandant, shall promulgate regulations that, at a minimum—

“(i) designate responsibility for conducting inspections;

“(ii) require the owner, operator, master, or other person in charge of a cruise vessel to maintain and submit a logbook detailing the times, types, volumes, flow rates, origins, and specific locations of, and explanations for, any discharges from the cruise vessel not otherwise required by the International Convention for the Prevention of Pollution from Ships, 1973 (done at London on November 2, 1973; entered into force on October 2, 1983), as modified by the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (done at London, February 17, 1978);

“(iii) provide for routine announced and unannounced inspections of—

“(I) cruise vessel environmental compliance records and procedures; and

“(II) the functionality, sufficiency, redundancy, and proper operation and maintenance of installed equipment for abatement and control of any cruise vessel discharge (including equipment intended to treat sewage, graywater, or bilge water);

“(iv) ensure that—

“(I) all crew members are informed of, in the native language of the crew members, and understand, the pollution control obligations under this subsection, including regulations promulgated under this subsection; and

“(II) applicable crew members are sufficiently trained and competent to comply with requirements under this subsection, including sufficient training and competence—

“(aa) to effectively operate shipboard pollution control systems;

“(bb) to conduct all necessary sampling and testing; and

“(cc) to monitor and comply with recording requirements;

“(v) require that operating manuals be on the cruise vessel and accessible to all crew members;

“(vi) require the posting of the phone number for a toll-free whistleblower hotline on all ships and at all ports using language likely to be understood by international crews;

“(vii) require any owner, operator, master, or other person in charge of a cruise vessel, who has knowledge of a discharge from the cruise vessel in violation of this subsection, including regulations promulgated under this subsection, to report immediately the discharge to the Administrator and the Commandant;

“(viii) require the owner, operator, master, or other person in charge of a cruise vessel to provide, not later than 1 year after the date of enactment of this subsection, to the Administrator, Commandant, and on-board observers (including designated representatives), a copy of cruise vessel plans, including—

“(I) piping schematic diagrams;

“(II) construction drawings; and

“(III) drawings or diagrams of storage systems, processing, treating, intake, or dis-

charge systems, and any modifications of those systems (within the year during which the modifications are made); and

“(ix) inhibit illegal discharges by prohibiting all means of altering piping, tankage, pumps, valves, and processes to bypass or circumvent measures or equipment designed to monitor, sample, or prevent discharges.

“(D) DISCLOSURE OF LOGBOOKS.—The logbook described in subparagraph (C)(ii) shall be submitted to the Administrator and the Commandant.

“(5) CRUISE OBSERVER PROGRAM.—

“(A) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Commandant, in consultation with the Administrator, shall establish and carry out a program for the hiring and placement of 1 or more trained, independent, observers on each cruise vessel.

“(B) PURPOSE.—The purpose of the cruise observer program established under subparagraph (A) is to monitor and inspect cruise vessel operations, equipment, and discharges to ensure compliance with—

“(i) this subsection (including regulations promulgated under this subsection); and

“(ii) all other relevant Federal and State laws and international agreements.

“(C) REGULATIONS.—Not later than 18 months after the date of enactment of this subsection, the Commandant, in consultation with the Administrator and the Attorney General, shall promulgate regulations that, at a minimum—

“(i) specify that the Coast Guard shall be responsible for the hiring of observers;

“(ii) specify the qualifications, experience, and duties of the observers;

“(iii) specify methods and criteria for Coast Guard hiring of observers;

“(iv) establish the means for ensuring constant observer coverage and allowing for observer relief and rotation; and

“(v) establish an appropriate rate of pay to ensure that observers are highly trained and retained by the Coast Guard.

“(D) RESPONSIBILITIES.—Cruise observers participating in the program established under subparagraph (A) shall —

“(i) observe and inspect—

“(I) onboard liquid and solid handling and processing systems;

“(II) onboard environmental treatment systems;

“(III) use of shore-based treatment and storage facilities;

“(IV) discharges and discharge practices; and

“(V) documents relating to environmental compliance, including—

“(aa) sounding boards, logs, and logbooks;

“(bb) daily and corporate maintenance and engineers' logbooks;

“(cc) fuel, sludge, slop, waste, and ballast tank capacity tables;

“(dd) installation, maintenance, and operation records for oily water separators, incinerators, and boilers;

“(ee) piping diagrams;

“(ff) e-mail archives;

“(gg) receipts for the transfer of materials, including waste disposal;

“(hh) air emissions data; and

“(ii) electronic and other records of relevant information, including fuel consumption, maintenance, and spares ordering for all waste processing- and pollution-related equipment;

“(ii) have the authority to interview and otherwise query any crew member with knowledge of cruise vessel operations;

“(iii) have access to all data and information made available to government officials under this subsection;

“(iv) immediately report any known or suspected violation of this subsection or any other applicable Federal law or international agreement to—

“(I) the owner, operator, master, or other person in charge of a cruise vessel;

“(II) the Commandant; and

“(III) the Administrator;

“(v) maintain inspection records to be submitted to the Commandant and the Administrator on a semiannual basis; and

“(vi) have authority to conduct the full range of duties of the observers within the United States territorial seas, contiguous zone, and exclusive economic zone.

“(E) PROGRAM EVALUATION.—The cruise observer program established and carried out by the Commandant under subparagraph (A) shall include—

“(i) a method for collecting and reviewing data relating to the efficiency, sufficiency, and operation of the cruise observer program, including—

“(I) the ability to achieve program goals;

“(II) cruise vessel personnel cooperation;

“(III) necessary equipment and analytical resources; and

“(IV) the need for additional observer training; and

“(ii) a process for adopting periodic revisions to the program based on the data collected under clause (i).

“(F) OBSERVER SUPPORT.—Not later than 18 months after the date of enactment of this subsection, the Commandant, in consultation with the Administrator, shall implement a program to provide support to observers, including, at a minimum—

“(i) training for observers to ensure the ability of the observers to carry out this paragraph;

“(ii) necessary equipment and analytical resources, such as laboratories, to carry out the responsibilities established under this subsection; and

“(iii) support relating to the administration of the program and the response to any recalcitrant cruise vessel personnel.

“(G) REPORT.—Not later than 3 years after the date of establishment of the program under this paragraph, the Commandant, in consultation with the Administrator, shall submit to Congress a report describing—

“(i) the results of the program in terms of observer effectiveness, optimal coverage, environmental benefits, and cruise ship cooperation;

“(ii) recommendations for increased effectiveness, including increased training needs and increased equipment needs; and

“(iii) other recommendations for improvement of the program.

“(6) REWARDS.—

“(A) PAYMENTS TO INDIVIDUALS.—

“(i) IN GENERAL.—The Administrator or a court of competent jurisdiction, as the case may be, may order payment, from a civil penalty or criminal fine collected for a violation of this subsection, of an amount not to exceed ½ of the amount of the civil penalty or criminal fine, to any individual who furnishes information that leads to the payment of the civil penalty or criminal fine.

“(ii) MULTIPLE INDIVIDUALS.—If 2 or more individuals provide information described in clause (i), the amount available for payment as a reward shall be divided equitably among the individuals.

“(iii) INELIGIBLE INDIVIDUALS.—No officer or employee of the United States, a State, or an Indian tribe who furnishes information or renders service in the performance of the official duties of the officer or employee shall be eligible for a reward payment under this paragraph.

“(B) PAYMENTS TO INDIAN TRIBES.—The Administrator or a court of competent jurisdiction, as the case may be, may order payment, from a civil penalty or criminal fine collected for a violation of this subsection, to an Indian tribe providing information or investigative assistance that leads to payment of the penalty or fine, of an amount that reflects the level of information or investigative assistance provided.

“(C) PAYMENTS DIVIDED AMONG INDIAN TRIBES AND INDIVIDUALS.—In a case in which an Indian tribe and an individual under subparagraph (A) are eligible to receive a reward payment under this paragraph, the Administrator or the court shall divide the amount available for the reward equitably among those recipients.

“(7) LIABILITY IN REM.—A cruise vessel operated in violation of this subsection or any regulation promulgated under this subsection—

“(A) shall be liable in rem for any civil penalty or criminal fine imposed for the violation; and

“(B) may be subject to a proceeding instituted in any United States district court of competent jurisdiction.

“(8) PERMIT REQUIREMENT.—A cruise vessel may operate in the waters of the United States, or visit a port or place under the jurisdiction of the United States, only if the cruise vessel has been issued a permit under this section.

“(9) NONAPPLICABILITY OF CERTAIN PROVISIONS.—Paragraphs (6)(A) and (12)(B) of section 502 shall not apply to any cruise vessel.

“(10) STATUTORY OR COMMON LAW RIGHTS NOT RESTRICTED.—Nothing in this subsection—

“(A) restricts the rights of any person (or class of persons) to regulate or seek enforcement or other relief (including relief against the Administrator or Commandant) under any statute or common law;

“(B) affects the right of any person (or class of persons) to regulate or seek enforcement or other relief with regard to vessels other than cruise vessels under any statute or common law; or

“(C) affects the right of any person (or class of persons) under any statute or common law, including this Act, to regulate or seek enforcement or other relief with regard to pollutants or emission streams from cruise vessels that are not otherwise regulated under this subsection.

“(11) ESTABLISHMENT OF FUND; FEES.—

“(A) CRUISE VESSEL POLLUTION CONTROL FUND.—

“(i) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, to be known as the ‘Cruise Vessel Pollution Control Fund’ (referred to in this paragraph as the ‘Fund’).

“(ii) AMOUNTS.—The Fund shall consist of such amounts as are deposited in the Fund under subparagraph (B)(vi).

“(iii) AVAILABILITY AND USE OF AMOUNTS IN FUND.—Amounts in the Fund shall be—

“(I) available to the Administrator and the Commandant as provided in appropriations Acts; and

“(II) used by the Administrator and the Commandant only for purposes of carrying out this subsection.

“(B) FEES ON CRUISE VESSELS.—

“(i) IN GENERAL.—The Commandant and the Administrator shall establish and collect from each cruise vessel a reasonable and appropriate fee for each paying passenger on a cruise vessel voyage, for use in carrying out this subsection.

“(ii) ADJUSTMENT OF FEE.—

“(I) IN GENERAL.—The Commandant and the Administrator shall biennially adjust the amount of the fee established under clause (i) to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor during the most recent 2-year period for which data are available.

“(II) ROUNDING.—The Commandant and the Administrator may round an adjustment under subclause (I) to the nearest 1/10 of a dollar.

“(iii) FACTORS IN ESTABLISHING FEES.—

“(I) IN GENERAL.—In establishing fees under clause (i), the Commandant and Administrator may establish lower levels of fees and the maximum amount of fees for certain classes of cruise vessels based on—

“(aa) size;

“(bb) economic share; and

“(cc) such other factors as are determined to be appropriate by the Commandant and the Administrator.

“(iv) FEE SCHEDULES.—Any fee schedule established under clause (i), including the level of fees and the maximum amount of fees, shall take into account—

“(I) cruise vessel routes;

“(II) the frequency of stops at ports of call by cruise vessels; and

“(III) other applicable considerations.

“(v) COLLECTION OF FEES.—A fee established under clause (i) shall be collected by the Administrator or the Commandant from the owner or operator of each cruise vessel to which this subsection applies.

By Mr. KOHL (for himself, Ms. MIKULSKI, Mr. LEMIEUX, and Mr. LEAHY):

S. 1821. A bill to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today I am proud to join Senators KOHL, MIKULSKI, and LEMIEUX to introduce the Elder Abuse Victims Act of 2009, a bill to protect older Americans from abuse and exploitation. It is clear that we are not doing enough to combat crime against seniors, and the Elder Abuse Victims Act will give us important tools to better prevent and punish this deplorable behavior.

I have long fought to improve and protect the lives of older Americans. In 2000, I joined Senator BAYH in sponsoring the Protecting Seniors from Fraud Act, which was signed into law nearly nine years ago today. A key provision that I worked to incorporate into that legislation required the Attorney General to conduct a study of crime against seniors and to include specific information about crimes that disproportionately affect seniors in the National Crime Victimization Survey. The information collected as a result of those provisions has been valuable in

understanding the scope of crime perpetrated against seniors and how best to combat it. In 2003, I sought further protections by introducing the Seniors Safety Act. That bill aimed to strengthen enforcement of many of the most prevalent crimes perpetrated against seniors, including health care fraud, nursing home abuse, telemarketing fraud, and pension fraud.

The Elder Abuse Victims Act builds on these earlier efforts and ensures that fighting the abuse and exploitation of our seniors is a top law enforcement priority. Specifically, the bill provides grants to train prosecutors and establish elder justice units within State and local courts and law enforcement offices. It also requires the U.S. Department of Justice to further study state and local enforcement of elder abuse laws and establish more uniform procedures to improve the identification and handling of elder justice matters. Additionally, the bill provides funding for elder abuse victims advocacy groups to ensure that vulnerable seniors have access to critical support services.

It is particularly important that we strengthen our ability to protect older Americans because they are the most rapidly growing population group in our society, making them an ever more attractive target for criminals. The Department of Health and Human Services has predicted that the number of older Americans will grow from 13 percent of the U.S. population in 2000 to 20 percent by 2030. In Vermont, seniors comprise about 12 percent of the population, a number that is expected to increase to 20 percent by 2025.

The growing number of older Americans demands that we have enough advocacy programs and law enforcement services in place to protect our seniors. We all deserve to age with dignity, free of the threat of abuse or fraud. The Elder Abuse Victims Act can help by giving our justice system the tools it needs to prosecute offenders who prey on the elderly. I look forward to working with Senators KOHL, MIKULSKI, LEMIEUX, and others to better protect seniors from crime and abuse.

By Mr. MERKLEY (for himself and Mrs. BOXER):

S. 1822. A bill to amend the Emergency Economic Stabilization Act of 2008, with respect to considerations of the Secretary of the Treasury in providing assistance under that Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MERKLEY. Mr. President, I join today with Senator BOXER of California to introduce legislation that will help create jobs by getting credit flowing to small businesses and consumers.

Small businesses employ half of the Nation's workforce and are key to creating jobs. Sadly, they have been hit

hard by the credit crisis. Less than one-third of small businesses report that their credit needs are being met today, and 59 percent of them now rely on credit cards to finance their daily operations, up from 44 percent at the end of last year. We urgently need to speed credit to small businesses so that they can create jobs and grow the economy. The best way to do so is through the thousands of community banks located across our Nation.

Community banks are essential to small business lending. Our Nation's 7,500 community banks of under \$1 billion in assets hold 11 percent of our Nation's assets, but they make 38 percent of our Nation's small business loans by asset. Due to the current economic recession, these responsible, well-regulated institutions have seen their capital bases shrunk and have been forced to reduce lending, which negatively impacts surrounding businesses and communities. These institutions can help us turn our economy around if we give them the capital they need to increase the flow of credit to small businesses and entrepreneurs.

The Bank on Our Communities Act will help get capital to community banks—on the condition that they restart lending. The bill empowers the Secretary of the Treasury to redeploy up to \$15 billion in TARP into a new Community Credit Renewal Fund. Community banks of \$5 billion in assets or less can qualify for investment by the Fund if they conduct an internal stress test to determine the amount of capital they need to remain well-capitalized during adverse economic conditions and restart small business and consumer lending and raise at least 50 percent of that target recapitalization amount from private investors. Once in receipt of their new capital, participating banks would be required to increase small business and consumer lending by at least the amount provided by the Fund and to increase small business lending in particular by at least 5 percent over the lowest point in 2009. Additional incentives are given to increase lending to credit-worthy businesses above the minimum levels required for program participation.

This bill is common sense legislation with common sense values. It will give the folks on Main Street the same access and opportunity as those on Wall Street and create much needed jobs in the process. I ask that my colleagues join me in the effort to help small businesses thrive in our local communities and get our economy back on track.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. CARPER):

S. 1830. A bill to establish the Chief of Conservation Officers Council to improve the energy efficiencies of Federal agencies, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President I rise to introduce a bill that would improve the Federal Government's efforts to become more energy efficient and ensure accountability within executive branch agencies for meeting energy efficiency targets. The legislation would also amend Federal contracting rules to encourage energy efficiency across the Federal, State, and local governments by making energy-saving technologies more widely available and at lower costs to taxpayers. I am pleased to be joined by Senators LIEBERMAN and CARPER on this important bill.

As the largest institutional user of energy in the world, the Federal Government has ample opportunity to implement energy efficiency policies and technologies. According to the U.S. Department of Energy's Federal Energy Management Program, the Federal Government consumes 1.6 percent of the Nation's total energy—about \$17.5 billion in annual energy costs. Electricity at Federal buildings accounts for almost half of this usage.

Improving energy efficiency is not only good for the environment; it can also produce savings for taxpayers.

Agencies that have been more aggressive in implementing energy savings initiatives and have fully complied with existing laws and regulations have also enjoyed significant cost savings. For example, two of the Department of Energy laboratories have developed environmental management systems, which have shown a total of \$16.6 million in cost savings and avoidance within a 4-year period. Environmental management systems are a strategic approach to ensuring that an organization's environmental priorities are integrated into operational, planning, and management decisions. The systems these laboratories developed emphasized achieving full compliance, pollution prevention, and effective and focused communications and community outreach.

Over the last few decades, more than a dozen laws, regulations, and Executive Orders have been implemented to encourage energy efficiency and reduce environmental impacts of government operations. Unfortunately, agencies have been inconsistent and sporadic in meeting their environmental goals. The lack of a unified effort and accountability with agencies has undermined the good intentions of these policies.

A great variance exists across the government, both in terms of compliance with energy efficiency laws and regulations, as well as with initiatives individual agencies have developed to reduce energy usage.

Agencies should explore diverse and innovative ways to save money by decreasing energy consumption, as well as have greater incentives to undertake initiatives to meet energy reduction mandates.

The Obama administration issued an Executive Order earlier this month, which makes strides in establishing a more integrated strategy toward sustainability and energy efficiency.

This Executive Order, however, does not go far enough in providing agency officials with the authority and accountability necessary to enforce applicable efficiency mandates. The Executive Order directs each agency head to designate an "Agency Senior Sustainability Officer" from among the agency's senior management officials. This position is too similar to the agency environmental executives created by Executive Order in 2007, which did very little to improve agencies' compliance with applicable laws.

Our legislation, however, would create a Chief Conservation Officer within each agency. The officer would be drawn from career Senior Executives. These officers will help spur long-term leadership on this issue.

In contrast to the Executive Order, implementing energy efficiency and sustainability policies would also be the primary responsibility of this individual. Dedicating a senior-level career official to energy efficiency policy would improve the government's focus on implementation of existing laws and policies, enhance innovation, and help identify future initiatives.

The Chief Conservation Officer would also be responsible for incorporating environmental considerations into agency procurement practices. This involvement will encourage efficiency improvements in the agency's procurement of goods and services.

To improve the availability of efficiency technologies and help lower their costs, the bill would make several improvements in government procurement policies.

Specifically, the bill would allow state and local government to purchase "green" commodities and services off the General Services Administration Schedule. This procurement authority would help State and local governments reduce the administrative costs of negotiating their own contracts and would increase competition and lower costs. Federal agencies should also reap the benefits of this program as more goods and services become available at reduced costs.

Participation in the program would be voluntary for State and local governments, as well as vendors. The proposal would also provide small businesses with "green" products more efficient access to State and local markets, markets that geography and cost might otherwise foreclose. For comparison sake, 80 percent of GSA Schedule contracts are with small businesses.

Over the next 5 years, the legislation would also allow agencies to enter into power purchase agreements for electricity produced by renewable energy

sources. These agreements could last not more than 20 years and agencies would need to assess that the agreement would be cost effective before entering into them.

We know from examples such as the solar power system at Nellis Air Force Base what a well-designed public-private partnership can accomplish, if executed correctly. This project cost the Air Force less than \$100,000 in capital costs, yet saved the government more than \$1.2 million in its first year of operation by supplying $\frac{1}{4}$ of the total power used at the base, where 12,000 people live and work. Additionally, the project is expected to reduce carbon emissions by 24,000 tons annually.

Finally, the bill would expand the definition of renewable energy in Federal purchase requirements beyond electricity. Under the current definition, agencies cannot take advantage of "green" technologies like geothermal energy because geo-thermal energy is not considered electric.

By promoting accountability for meeting existing energy efficiency mandates and by encouraging initiatives to decrease energy usage and spur innovation, this bill would help "green" our federal operations. The associated savings should improve our government's bottom line—to the benefit of taxpayers.

By Mr. KERRY:

S. 1831. A bill to amend the Small Business Investment Act of 1958 to reauthorize the venture capital program, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, our country's small businesses continue to struggle with access to credit and capital for maintaining and growing their businesses. Small businesses are the engine of our economy and a key factor in addressing unemployment. They employ more than half of all private sector employees and have generated approximately 64 percent of the net new jobs over the past 15 years. We should be doing more to aid small businesses so they can not only stay on their feet but also flourish to their full potential.

That is why I am reintroducing the Small Business Venture Capital Act, which reauthorizes the New Markets Venture Capital Program and promotes geographic equity so businesses across the country may benefit from the program. This program addresses the market gap in venture capital for companies located in low- and moderate-income, rural, and urban areas—i.e., high unemployment areas—as well as the need for smaller deals that neither traditional venture funds nor the SBIC Program will make. It has proven successful so far, and we need more community development venture capital to create sustainable, high-quality, local jobs.

Without this Government partnership, these investments are not going to be done. Particularly at a time when our economy is pressured and hurting, when we need to create jobs, I encourage my colleagues to support this bill. Last Congress, this bill came out of the Small Business Committee in a totally bipartisan fashion and it is my hope that this time we complete the process.

By Mr. AKAKA (for himself, Ms. COLLINS, Mr. LEVIN, Mr. LAUTENBERG, and Mr. MENENDEZ):

S. 1834. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. AKAKA. Mr. President, today I introduce the Pet Safety and Protection Act of 2009. The legislation amends the Animal Welfare Act to ensure that all companion animals such as dogs and cats used by research facilities are obtained legally. I am pleased to be joined by a number of my colleagues, serving as cosponsors of the legislation including Senator SUSAN COLLINS, Senator FRANK LAUTENBERG, Senator CARL LEVIN, and Senator ROBERT MENENDEZ.

More than 40 years ago, Congress passed the Animal Welfare Act, AWA, to stop the mistreatment of animals and to prevent the unintentional sale of family pets for laboratory experiments. While the AWA has helped to safeguard animals across the country, we still find that the Act does not adequately provide pets and pet owners with reliable protection against the action of some unethical Class B dealers. Of the eleven Class B dealers licensed by the Department of Agriculture, USDA, to sell live dogs and cats for experimentation, one has been issued to a 5-year license suspension, and seven others are under investigation for apparent violations of the AWA.

Despite new enforcement guidelines and intensified inspection efforts by USDA, it is nearly impossible to assure that stolen or lost pets will not enter research laboratories via the Class B dealer system. Each year, hundreds of thousands of dollars are spent on regulating Class B dealers. Enactment of the Pet Safety and Protection Act helps reduce the Department of Agriculture's regulatory burden by allowing the Department to use its resources more efficiently and effectively. In order to combat any future violations of the AWA, this bill increases the penalties under the Act to a minimum of \$1,000 per violation, in addition to any other existing penalties.

My legislation promotes humane treatment of animals and preserves the integrity of research laboratories to obtain animals from legitimate sources, while complying with the AWA. Such legitimate sources include USDA-licensed Class A dealers or

breeders; municipal pounds that choose to release dogs and cats for research purposes; legitimate pet owners who want to donate their animals to research; and private and Federal facilities that breed their own animals. These four sources are capable of supplying millions of animals for research, far more cats and dogs than are required by current laboratory demand.

A May 2009 study conducted by the National Academies, "Scientific and Humane Issues in the Use of Random Source Dogs and Cats in Research" found that while some random-source dogs and cats may be necessary and desirable for research that is funded by the National Institute of Health, NIH, Class B dealers are not necessary to supply such animals for NIH funded research. Further this report makes clear that there are sufficient, alternative sources to acquire animals with characteristics similar to animals provided by Class B dealers. As there are legitimate sources of such animals, the report leave little doubt that Class B dealers are no longer necessary.

In light of this recent report, this bill is an appropriate and feasible action, as alternatives to Class B dealers do exist to meet research needs. This bill does not address the larger issue of whether animals should or should not be used in research facilities. In fact, this bill does not impair or impede research. Medical research is one of our primary tools in the discovery of new drugs and surgical techniques that help develop cures for life-threatening diseases and animal research has been, and continues to be, a fundamental part of scientific advancements. Instead, this legislation targets the unethical practice of selling stolen pets and stray animals to research facilities by ending the fraudulent practices of Class B dealers, as well as the unnecessary suffering of animals in their care. I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANIMAL WELFARE INSTITUTE,
Washington, DC, October 19, 2009.

Hon. DANIEL AKAKA,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR AKAKA: We want to thank you for reintroducing the Pet Safety and Protection Act. For too long, Class B dealers who sell dogs and cats to research laboratories have flouted the Animal Welfare Act, acquiring animals through theft and fraud, lying about the origins of the animals, and keeping them in inhumane conditions. Despite the hundreds of thousands of tax dollars that the U.S. Department of Agriculture spends trying to regulate Class B dealers, the agency cannot guarantee that dogs and cats are not being illegally acquired for use in experiments.

A May 2009 report from the National Academy of Sciences supports the position that

this bill will not have an adverse impact on the conduct of research. In addressing the question of whether Class B dealers are needed to supply NIH-sponsored research with random source animals, the NAS concluded that they are not. It found that animals with similar qualities are available from alternative sources. "The Committee therefore determined Class B dealers are not necessary as providers of random source animals for NIH-related research." In fact, many researchers do not use Class B dealers to acquire dogs and cats, and it is time for the remainder who do to end their embarrassing association with these habitual violators of the law.

We are grateful to you for again taking on the important job of ensuring the safety of companion animals. We will do all that we can to achieve passage of this bill. Please contact me at 202-446-2121 or Lauren Silverman at the Humane Society of the U.S. if we can be of further assistance.

With much appreciation,

CATHY LISS,
President.

On behalf of: American Society for the Prevention of Cruelty to Animals, Animal Welfare Institute, Born Free USA Humane Society of the United States In Defense of Animals, International Fund for Animal Welfare Last Chance for Animals Massachusetts Society for the Prevention of Cruelty to Animals Physicians Committee for Responsible Medicine World Society for the Protection of Animals.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 315—RELATIVE TO THE DEATH OF CLIFFORD PETER HANSEN, FORMER UNITED STATES SENATOR FOR THE STATE OF WYOMING

Mr. ENZI (for himself, Mr. BARRASSO, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BAUCUS, Mr. BAYH, Mr. BEGICH, Mr. BENNETT, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BURRIS, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAMHAM, Mr. GRASSLEY, Mr. GREGG, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON, Mr. KAUFMAN, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEMIEUX, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms.

SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 315

Whereas Cliff Hansen worked as a cattle rancher and was inducted into the National Cowboy Hall of Fame as a "Great Westerner;"

Whereas Cliff Hansen served as governor of the State of Wyoming from 1963-1967;

Whereas Cliff Hansen served the people of Wyoming with distinction in the United States Senate from 1967-1978; and

Whereas Cliff Hansen was the oldest former Senator at the time of his death: Now, therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Cliff Hansen, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Cliff Hansen.

SENATE RESOLUTION 316—CALLING UPON THE PRESIDENT TO ENSURE THAT THE FOREIGN POLICY OF THE UNITED STATES REFLECTS APPROPRIATE UNDERSTANDING AND SENSITIVITY CONCERNING ISSUES RELATED TO HUMAN RIGHTS, ETHNIC CLEANSING, AND GENOCIDE DOCUMENTED IN THE UNITED STATES RECORD RELATING TO THE ARMENIAN GENOCIDE, AND FOR OTHER PURPOSES

Mr. MENENDEZ (for himself and Mr. ENSIGN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 316

Resolved,

SHORT TITLE

SEC. 1. This resolution may be cited as the "Affirmation of the United States Record on the Armenian Genocide Resolution".

FINDINGS

SEC. 2. The Senate finds the following:

(1) The Armenian Genocide was conceived and carried out by the Ottoman Empire from 1915 to 1923, resulting in the deportation of nearly 2,000,000 Armenians, of whom 1,500,000 men, women, and children were killed, 500,000 survivors were expelled from their homes, and the elimination of the over 2,500-year presence of Armenians in their historic homeland.

(2) On May 24, 1915, the Allied Powers of England, France, and Russia, jointly issued a statement explicitly charging for the first time ever another government of committing "a crime against humanity".

(3) This joint statement stated that "the Allied Governments announce publicly to the Sublime Porte that they will hold personally responsible for these crimes all members of the Ottoman Government, as well as

those of their agents who are implicated in such massacres”.

(4) The post-World War I Turkish Government indicted the top leaders involved in the “organization and execution” of the Armenian Genocide and in the “massacre and destruction of the Armenians”.

(5) In a series of courts-martial, officials of the Young Turk Regime were tried and convicted, as charged, for organizing and executing massacres against the Armenian people.

(6) The chief organizers of the Armenian Genocide, Minister of War Enver, Minister of the Interior Talaat, and Minister of the Navy Jemal were all condemned to death for their crimes, but, the verdicts of the courts were not enforced.

(7) The Armenian Genocide and these domestic judicial failures are documented with overwhelming evidence in the national archives of Austria, France, Germany, Great Britain, Russia, the United States, the Vatican and many other countries, and this vast body of evidence attests to the same facts, the same events, and the same consequences.

(8) The United States National Archives and Record Administration holds extensive and thorough documentation on the Armenian Genocide, especially in its holdings under Record Group 59 of the United States Department of State, files 867.00 and 867.40, which are open and widely available to the public and interested institutions.

(9) The Honorable Henry Morgenthau, United States Ambassador to the Ottoman Empire from 1913 to 1916, organized and led protests by officials of many countries, among them the allies of the Ottoman Empire, against the Armenian Genocide.

(10) Ambassador Morgenthau explicitly described to the Department of State the policy of the Government of the Ottoman Empire as “a campaign of race extermination,” and was instructed on July 16, 1915, by Secretary of State Robert Lansing that the “Department approves your procedure . . . to stop Armenian persecution”.

(11) Senate Concurrent Resolution 12, 64th Congress, agreed to February 9, 1916, resolved that “the President of the United States be respectfully asked to designate a day on which the citizens of this country may give expression to their sympathy by contributing funds now being raised for the relief of the Armenians,” who at the time were enduring “starvation, disease, and untold suffering”.

(12) President Woodrow Wilson concurred and also encouraged the formation of the organization known as Near East Relief, chartered by the Act of August 6, 1919, 66th Congress (41 Stat. 273, chapter 32), which contributed some \$116,000,000 from 1915 to 1930 to aid Armenian Genocide survivors, including 132,000 orphans who became foster children of the American people.

(13) Senate Resolution 359, 66th Congress, agreed to May 11, 1920, stated in part that “the testimony adduced at the hearings conducted by the sub-committee of the Senate Committee on Foreign Relations have clearly established the truth of the reported massacres and other atrocities from which the Armenian people have suffered”.

(14) The resolution followed the April 13, 1920, report to the Senate of the American Military Mission to Armenia led by General James Harbord, that stated “[m]utilation, violation, torture, and death have left their haunting memories in a hundred beautiful Armenian valleys, and the traveler in that region is seldom free from the evidence of this most colossal crime of all the ages”.

(15) As displayed in the United States Holocaust Memorial Museum, Adolf Hitler, on ordering his military commanders to attack Poland without provocation in 1939, dismissed objections by saying “[w]ho, after all, speaks today of the annihilation of the Armenians?” and thus set the stage for the Holocaust.

(16) Raphael Lemkin, who coined the term “genocide” in 1944, and who was the earliest proponent of the United Nations Convention on the Prevention and Punishment of Genocide, invoked the Armenian case as a definitive example of genocide in the 20th century.

(17) The first resolution on genocide adopted by the United Nations at Mr. Lemkin’s urging, the December 11, 1946, United Nations General Assembly Resolution 96(1), and the United Nations Convention on the Prevention and Punishment of Genocide recognized the Armenian Genocide as the type of crime the United Nations intended to prevent and punish by codifying existing standards.

(18) In 1948, the United Nations War Crimes Commission invoked the Armenian Genocide, “precisely . . . one of the types of acts which the modern term ‘crimes against humanity’ is intended to cover,” as a precedent for the Nuremberg tribunals.

(19) The Commission stated that “[t]he provisions of Article 230 of the Peace Treaty of Sevres were obviously intended to cover, in conformity with the Allied note of 1915 . . . offenses which had been committed on Turkish territory against persons of Turkish citizenship, though of Armenian or Greek race. This article constitutes therefore a precedent for Article 6c and 5c of the Nuremberg and Tokyo Charters, and offers an example of one of the categories of ‘crimes against humanity’ as understood by these enactments”.

(20) House Joint Resolution 148, 94th Congress, adopted on April 8, 1975, resolved, “That April 24, 1975, is hereby designated as ‘National Day of Remembrance of Man’s Inhumanity to Man’, and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially those of Armenian ancestry . . .”.

(21) President Ronald Reagan, in proclamation number 4838, dated April 22, 1981 (95 Stat. 1813), stated that, in part “[l]ike the genocide of the Armenians before it, and the genocide of the Cambodians, which followed it—and like too many other persecutions of too many other people—the lessons of the Holocaust must never be forgotten”.

(22) House Joint Resolution 247, 98th Congress, adopted on September 10, 1984, resolved, “That April 24, 1985, is hereby designated as ‘National Day of Remembrance of Man’s Inhumanity to Man’, and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day as a day of remembrance for all the victims of genocide, especially the one and one-half million people of Armenian ancestry . . .”.

(23) In August 1985, after extensive study and deliberation, the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities voted 14 to 1 to accept a report entitled “Study of the Question of the Prevention and Punishment of the Crime of Genocide,” which stated that “[t]he Nazi aberration has unfortunately not been the only case of genocide in the 20th century. Among other examples which can

be cited as qualifying are . . . the Ottoman massacre of Armenians in 1915–1916”.

(24) This report also explained that “[a]t least 1,000,000, and possibly well over half of the Armenian population, are reliably estimated to have been killed or death marched by independent authorities and eye-witnesses. This is corroborated by reports in United States, German and British archives and of contemporary diplomats in the Ottoman Empire, including those of its ally Germany”.

(25) The United States Holocaust Memorial Council, an independent Federal agency, unanimously resolved on April 30, 1981, that the United States Holocaust Memorial Museum would include the Armenian Genocide in the Museum and has since done so.

(26) Reviewing an aberrant 1982 expression (later retracted) by the Department of State asserting that the facts of the Armenian Genocide may be ambiguous, the United States Court of Appeals for the District of Columbia in 1993, after a review of documents pertaining to the policy record of the United States, noted that the assertion on ambiguity in the United States record about the Armenian Genocide “contradicted longstanding United States policy and was eventually retracted”.

(27) On June 5, 1996, the House of Representatives adopted an amendment to House Bill 3540, 104th Congress (the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997), to reduce aid to Turkey by \$3,000,000 (an estimate of its payment of lobbying fees in the United States) until the Government of Turkey acknowledged the Armenian Genocide and took steps to honor the memory of its victims.

(28) President William Jefferson Clinton, on April 24, 1998, stated: “This year, as in the past, we join with Armenian-Americans throughout the nation in commemorating one of the saddest chapters in the history of this century, the deportations and massacres of a million and a half Armenians in the Ottoman Empire in the years 1915–1923.”

(29) President George W. Bush, on April 24, 2004, stated: “On this day, we pause in remembrance of one of the most horrible tragedies of the 20th century, the annihilation of as many as 1,500,000 Armenians through forced exile and murder at the end of the Ottoman Empire.”

(30) Despite the international recognition and affirmation of the Armenian Genocide, the failure of the domestic and international authorities to punish those responsible for the Armenian Genocide is a reason why similar genocides have recurred and may recur in the future, and that just resolution of this issue will help prevent future genocides.

DECLARATION OF POLICY

SEC. 3. The Senate—

(1) calls upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide and the consequences of the failure to realize a just resolution; and

(2) calls upon the President in the President’s annual message commemorating the Armenian Genocide issued on or about April 24, to accurately characterize the systematic and deliberate annihilation of 1,500,000 Armenians as genocide and to recall the proud history of United States intervention in opposition to the Armenian Genocide.

SENATE RESOLUTION 317—SUPPORTING THE GOALS AND IDEALS OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH AND EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD CONTINUE TO RAISE AWARENESS OF DOMESTIC VIOLENCE IN THE UNITED STATES AND ITS DEVASTATING EFFECTS ON FAMILIES AND COMMUNITIES, AND SUPPORT PROGRAMS DESIGNED TO END DOMESTIC VIOLENCE.

Ms. KLOBUCHAR (for herself, Mr. LEAHY, Mr. KOHL, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. CRAPO, Ms. COLLINS, Mr. SPECTER, Ms. LANDRIEU, Ms. STABENOW, Mr. KAUFMAN, Mr. DURBIN, Mr. BROWN, and Mr. BURRIS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 317

Whereas the President has designated October 2009 as "National Domestic Violence Awareness Month";

Whereas domestic violence affects people of all ages as well as racial, ethnic, gender, economic, and religious backgrounds;

Whereas females are disproportionately victims of domestic violence, and 1 in 4 women will experience domestic violence at some point in her life;

Whereas on average, more than 3 women are murdered by their husbands or boyfriends in the United States every day;

Whereas in 2005, 1,181 women were murdered by an intimate partner constituting 78 percent of all intimate partner homicides that year;

Whereas a 2001 study by the Centers for Disease Control and Prevention found that female intimate partners are more likely to be murdered with a firearm than all other means combined;

Whereas women ages 16 to 24 experience the highest rates, per capita, of intimate partner violence;

Whereas 1 out of 3 Native American women will be raped and 6 out of 10 will be physically assaulted in their lifetimes;

Whereas the cost of intimate partner violence exceeds \$5,800,000,000 each year, \$4,100,000 of which is for direct medical and mental health care services;

Whereas $\frac{1}{4}$ to $\frac{1}{2}$ of domestic violence victims report that they have lost a job due, at least in part, to domestic violence;

Whereas the annual cost of lost productivity due to domestic violence is estimated at \$727,800,000 with over 7,900,000 paid workdays lost per year;

Whereas some landlords deny housing to victims of domestic violence who have protection orders or evict victims of domestic violence for seeking help after a domestic violence incident, such as by calling 911, or who have other indications that they are domestic violence victims;

Whereas 92 percent of homeless women experience severe physical or sexual abuse at some point in their lifetimes;

Whereas approximately 40 to 60 percent of men who abuse women also abuse children;

Whereas approximately 15,500,000 children are exposed to domestic violence every year;

Whereas children exposed to domestic violence are more likely to attempt suicide, abuse drugs and alcohol, run away from home, and engage in teenage prostitution;

Whereas one large study found that men exposed to physical abuse, sexual abuse, and adult domestic violence as children were almost 4 times more likely than other men to have perpetrated domestic violence as adults;

Whereas nearly 1,500,000 high school students nationwide experienced physical abuse from a dating partner in a single year;

Whereas 13 percent of teenage girls who have been in a relationship report being hit or hurt by their partners and 1 in 4 teenage girls has been in a relationship in which she was pressured by her partner into performing sexual acts;

Whereas adolescent girls who reported dating violence were 60 percent more likely to report one or more suicide attempts in the past year;

Whereas there is a need for middle schools, secondary schools, and post-secondary schools to educate students about the issues of domestic violence, sexual assault, dating violence, and stalking;

Whereas 88 percent of men in a national poll reported that they think that our society should do more to respect women and girls;

Whereas a recently released multi-State study shows conclusively that the Nation's domestic violence shelters are addressing victims' urgent and long-term needs and are helping victims protect themselves and their children;

Whereas a 2008 National Census Survey reported that 60,799 adults and children were served by domestic violence shelters and programs around the Nation in a single day;

Whereas those same understaffed programs were unable to meet 8,927 requests for help that day;

Whereas there is a need to increase funding for programs aimed at intervening and preventing domestic violence in the United States; and

Whereas individuals and organizations that are dedicated to preventing and ending domestic violence should be recognized: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Domestic Violence Awareness Month; and

(2) expresses the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence.

Ms. KLOBUCHAR. Mr. President, I rise to speak about an issue that has been very important to me for a long time, when I was a prosecutor as well as a member of the Judiciary Committee with the Senate; that is, domestic violence.

I am here because I am submitting a resolution supporting the goals and ideals of National Domestic Violence Awareness Month. A number of our colleagues are cosponsoring the resolution. I am also here on behalf of Pam Taschuk.

The police in Lino Lakes, MN, knew Pam Taschuk and they knew her husband Allen. The police knew both of them because of the dozens of 911 calls that had been made about Mr. Allen over the last 15 years. He bullied his wife, their sons, and other people so many times that local police had set up

a special tactical response plan just to respond to calls at the Taschuk house.

Pam Taschuk was not your ordinary domestic violence victim, if there is such a thing. She was actually a juvenile probation officer and so many police I know in Minnesota knew her. They worked with her. She was a long-time probation officer and had worked in the field for years. She was also a social worker. So it goes to show you anyone can be a victim of domestic violence.

In January of 2008, Pam called the police and reported that her husband had threatened to kill her, that Allen Taschuk had threatened to kill her. On August 25 of this year, Allen Taschuk bloodied Pam's nose, split her lip, and trapped her in their home overnight. He was arrested, but he posted bail and was released.

On October 1, 2009, the Lino Lakes Police Department received the last 911 call they would ever get about Allen Taschuk. On that day, Allen Taschuk called 911 himself to preemptively report a shooting at his house. By the time the police arrived at his home, both he and Pam Taschuk were dead of gunshot wounds.

This happened last month in our State. This looks like a murder-suicide. Of course, it looks like Allen killed Pam before finally turning the gun on himself. But we do not need to speculate about the final end order to focus on the sad prelude to this story—so many previous 911 calls, so many earlier acts of violence, yet another victim of what some domestic violence advocates have called the war at home; a war that affected Pam, their children, and the community at large.

The most disturbing part of this story is Pam's death is not a tragic anomaly. Pam is one of 200 Minnesota women killed as a result of domestic violence since 2000.

That is why I am submitting a resolution today to designate October National Domestic Violence Awareness Month, because Pam Taschuk and too many other women and children have to fight this "war at home" every day.

In the past several decades, thanks to the work of many individuals and organizations, there has been a sea change in the way our society looks at the issue of domestic violence. Police, the courts, and the public used to consider it a private family matter. Not surprisingly, domestic violence was the No. 1 underreported crime in the country.

Today, there is much more awareness, and we have started to pass critical legislation at both the State and Federal level to combat domestic violence. So there has been a lot of progress, but there is still a lot more to be done.

Last year, a survey done by the National Network to End Domestic Violence found that in 1 day, while more than 60,000 people received help from

domestic violence programs, nearly 9,000 requests for help went unanswered because the resources were not there.

The current statistics are staggering. Currently, one in four women will experience abuse. More than three women are killed every day by their husbands or boyfriends. Millions of children witness abuse every year, some studies say as many as 10 million children.

I remember the cases we had when I was county attorney for Hennepin County. When we looked at the records of someone who was an offender, we would find way back in the records that they lived in a home where there was domestic violence. In fact, statistics show that a child who grows up in a home where there is domestic violence is 76 times more likely to commit an act of domestic violence. That is why we had a poster framed in the hallway of our office. It was a picture of a woman with a Band-Aid on her nose, holding a little baby, and the words under the picture read: "Beat your wife and your son will go to jail."

We all must recognize as well that it doesn't take a bruise or a broken bone for a child to be a victim of domestic violence. Kids who witness this violence are victims too. Witnessing violence between adults in the home, especially when it is repeated and ongoing, inflicts a real trauma on kids that can have damaging effects for years to come. In many respects, ending the cycle of violence in communities begins by getting violence out of the home because a violent home is, in fact, a factory for producing a new generation of violent offenders.

When I was a county attorney, I saw firsthand how domestic abuse harmed women and children, destroyed families, and challenged local law enforcement agencies, the court system, social service, and health care providers. We actually had a recent shooting of a well-respected and longtime police officer who was killed responding to a domestic abuse call. Both the prevention and prosecution of domestic violence were always among my top priorities when I was county attorney. We had one of the most landmark, cutting-edge domestic abuse service centers in the country, and still do in Hennepin County.

Sheila Wellstone, whom we honored this month for Domestic Violence Awareness Month, would always point to the work in that center. It was a one-stop shop. It is hard enough for lawyers to get through the redtape of a courtroom. This was a place where a victim of domestic violence, man or woman, could get a protective order signed, fill out a complaint, talk to a police officer, with a play area for children. Also—and this was unique for this center—there were representatives from domestic violence shelters there so they could find a place to live.

The other challenge I found we had in these cases was working with the vic-

tims so the case could be prosecuted after they filed the complaint. That is why it is so important we reauthorize the Violence Against Women Act. It was landmark legislation when it was passed over 15 years ago. It has helped to train police so they do a better job dealing with victims and children of domestic violence. It also gives them a sense, when they go to the scene, of the kind of evidence they should look for. Many times victims get scared and decide not to prosecute. We have had many cases where we could prosecute with a reticent victim simply because of the evidence police were able to gather at the scene.

The Violence Against Women Act created a new culture for police officers, judges, and those who work in the courthouse to treat this crime as the serious crime it is. It is a very important tool, and it must be reauthorized. As a member of the Judiciary Committee and one of two women on the committee, I look forward to working hard to reauthorize the Violence Against Women Act in 2010.

During tough economic times, we need to be extra vigilant against domestic violence. Millions of Americans have already lost their jobs, their homes, or their retirement savings. Some have lost all three. This kind of stress in the home and in the checkbook can lead to substance abuse and acts of violence. We need to make sure law enforcement has the tools it needs to protect families. That is why in the Economic Recovery Act, we included \$225 million for Violence Against Women Programs and \$100 million for programs that are part of the Victims of Crime Act. We also provided critical funding for law enforcement to keep cops on the street and support law enforcement programs and services through the Byrne Grant Program.

There is so much at stake, and there is so much each of us can still do to make a difference. We have to remember that any act of domestic violence hurts not only the individual victim, it hurts their family and hurts our community at large.

I will always remember a case we prosecuted when I was county attorney that brought home that point to me. It was a very sad case. The victim was a Russian immigrant. She was very isolated from the community, didn't have many friends, a victim of domestic violence, they later learned, over the years. Her husband murdered her one day. They had a little 4-year-old girl. I don't want to get into the gory details of what happened with her body, but he basically sickly brought her body to another State with the 4-year-old girl in the back seat. He later confessed to the crime, and there was a little service. I say "little" because the only people at the funeral service were her parents, who were from Russia, and her identical twin sister, the victim's iden-

tical twin sister. I was there, and the victim witness advocate was there. That was it. The little 4-year-old girl, I was told, had been at the airport when the plane came in from Russia to meet for the first time her grandmother and her now deceased mother's identical twin sister.

When they got off the plane and came into the airport, this little girl ran across the airport and hugged that identical twin sister and said: Mommy, mommy, mommy. She thought it was her mother who had come back.

That moment and that story always remind me that when we are talking about domestic violence, it is not just one victim. It is the children and it is our entire community. That is why it is so important we recognize Domestic Violence Month as well as reauthorize the Violence Against Women Act.

I thank Senators LEAHY, KOHL, FEINGOLD, GILLIBRAND, CRAPO, COLLINS, SPECTER, LANDRIEU, STABENOW, KAUFMAN, DURBIN, BROWN, and Senator BURRIS, the Presiding Officer, for being cosponsors. I invite all other colleagues to join us.

I am proud to come from a State that has long been a leader in a nationwide effort to end domestic violence. We opened one of the first shelters in the country in 1974, and we started one of the first programs aimed at addressing batterers in the early 1980s. The city of Duluth, MN, was the first city to mandate that its police officers make arrests in domestic abuse cases. The city of Duluth in northern Minnesota recognized before the rest of the country that violence is violence, whether it is perpetrated by someone you love or a stranger on the street.

We can never stop working on behalf of women, children, and families everywhere to end domestic violence.

I ask unanimous consent to add Senator BURRIS as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE RESOLUTION 318—SUPPORTING "LIGHTS ON AFTERSCHOOL", A NATIONAL CELEBRATION OF AFTERSCHOOL PROGRAMS

Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Mr. BAUCUS, Mr. BEGICH, Mrs. BOXER, Mr. CARPER, Mr. CASEY, Mrs. GILLIBRAND, Mr. INOUE, Mr. LAUTENBERG, Mr. LEVIN, Mrs. LINCOLN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. SANDERS, Ms. STABENOW, Mr. WHITEHOUSE, and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

S. RES. 318

Whereas high-quality afterschool programs provide safe, challenging, engaging, and fun learning experiences that help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high-quality afterschool programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's youth, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of the Nation's children;

Whereas "Lights On Afterschool", a national celebration of afterschool programs held on October 22, 2009, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 15,100,000 children in the United States have no place to go after school; and

Whereas many afterschool programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of "Lights On Afterschool", a national celebration of afterschool programs.

SENATE RESOLUTION 319—COMMEMORATING 40 YEARS OF MEMBERSHIP BY WOMEN IN THE NATIONAL FFA ORGANIZATION AND CELEBRATING THE ACHIEVEMENTS AND CONTRIBUTIONS OF FEMALE MEMBERS OF THE NATIONAL FFA ORGANIZATION

Mr. JOHANNIS (for himself, Mrs. LINCOLN, Mr. CHAMBLISS, Mr. LUGAR, Mr. ROBERTS, Ms. STABENOW, Mr. ISAKSON, Mr. NELSON of Nebraska, Mrs. MURRAY, Mr. KOHL, Mr. BAUCUS, Mr. PRYOR, Ms. KLOBUCHAR, Mr. FEINGOLD, Mr. BARASSO, Mr. LEAHY, Ms. COLLINS, Mr. GRASSLEY, Mr. CRAPO, Mr. BENNET, and Mrs. SHAHEEN) submitted the following resolution; which was considered and agreed to:

S. RES. 319

Whereas the National FFA Organization is a premier student leadership organization with more than 507,000 members in all 50 States, Puerto Rico, and the Virgin Islands;

Whereas the mission of the National FFA Organization is to make a positive difference in the lives of students by developing their potential for leadership, personal growth, and career success through agricultural education;

Whereas women were first admitted as members of the National FFA Organization in 1969 at the 42nd Annual National FFA Convention;

Whereas, by 2009, 41 percent of all members of the National FFA Organization were women, and more than 50 percent of leadership positions in the National FFA Organization were held by women; and

Whereas female members have made positive contributions to the goals of the National FFA Organization, including proficient agricultural leadership and advocacy, community citizenship, volunteerism, and cooperation: Now, therefore, be it

Resolved, That the Senate congratulates the National FFA Organization for 40 years of membership by women and celebrates the achievements and contributions of female members of the National FFA Organization.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2696. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 1776, to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; which was ordered to lie on the table.

SA 2697. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1776, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2696. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill S. 1776, to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; which was ordered to lie on the table; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Physician Fairness Act of 2009".

SEC. 2. MEDICARE PHYSICIAN FEE SCHEDULE UPDATE FOR 2010 THROUGH 2014.

Section 1848(d) of the Social Security Act (42 U.S.C. 1395w-4(d)) is amended by adding at the end the following new paragraph:

"(10) UPDATE FOR 2010 THROUGH 2014.—

"(A) IN GENERAL.—Subject to paragraphs (7)(B), (8)(B), and (9)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for each of 2010, 2011, 2012, 2013, and 2014, the update to the single conversion factor shall be 0.5 percent.

"(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2015 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2015 and subsequent years as if subparagraph (A) had never applied."

SEC. 3. REDUCTION IN TARP FUNDS TO OFFSET THE COSTS OF THE PAYMENT UPDATE FOR MEDICARE PHYSICIANS' SERVICES.

Paragraph (3) of section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225) is amended by striking "\$1,259,000,000" and inserting "\$179,259,000,000".

SA 2697. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1776, to amend title XVIII of the Social Security Act to provide for the update under the Medicare physician fee schedule for years beginning with 2010 and to sunset the application of the sustainable growth rate formula, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . HEALTH INSURANCE INDUSTRY ANTITRUST ENFORCEMENT ACT OF 2009.

(a) **SHORT TITLE.**—This section may be cited as the "Health Insurance Industry Antitrust Enforcement Act of 2009".

(b) **PURPOSE.**—It is the purpose of this section to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

(c) **PROHIBITION OF ANTI-COMPETITIVE ACTIVITIES.**—Notwithstanding any other provision of law, nothing in the Act of March 9, 1945 (15 U.S.C. 1011 et seq., commonly known as the "McCarran-Ferguson Act"), shall be construed to permit health insurance issuers (as defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg-91) or issuers of medical malpractice insurance to engage in any form of price fixing, bid rigging, or market allocations in connection with the conduct of the business of providing health insurance coverage (as defined in such section) or coverage for medical malpractice claims or actions.

(d) **APPLICATION TO ACTIVITIES OF STATE COMMISSIONS OF INSURANCE AND OTHER STATE INSURANCE REGULATORY BODIES.**—Nothing in this section shall apply to the information gathering and rate setting activities of any State commission of insurance, or any other State regulatory entity with authority to set insurance rates.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, October 28, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the role of natural gas in mitigating climate change.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov

For further information, please contact Kevin Rennert at (202) 224-7826, or Deborah Estes at (202) 224-5360 or Rosemarie Calabro at (202) 224-5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on October 21, at 9:45 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on October 21, 2009, at 10 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 21, 2009, at 9:30 a.m. to conduct a hearing entitled "H1N1 Flu: Monitoring the Nation's Response."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on October 21, 2009, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on October 21, 2009. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SCIENCE AND SPACE

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Committee on Science and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 21, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Kyle Sheahan and Spencer Baldwin, legal interns on my Judiciary Committee staff, be granted the privilege of the floor for the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELATIVE TO THE DEATH OF
CLIFFORD PETER HANSEN,
FORMER UNITED STATES SEN-
ATOR FOR THE STATE OF WYO-
MING

Mr. ENZI. Mr. President, it is with a great deal of sadness that Senator BAR-

RASSO and Representative LUMMIS and I inform our colleagues that we have lost one of our good friends and a former Member of this body, Clifford P. Hansen.

Cliff Hansen passed away on Tuesday night at the age of 97. His was, in every sense, a truly remarkable life. He was a man to match his mountains. He came from the shadow of the Tetons. If you have ever been there, you know that when God made the Alps he had a couple left over and he took the biggest ones and he put them in Wyoming, and that is where Jackson Hole is.

Times such as these always draw me to the words of the Bible which remind us that "to everything there is a season, a time for every purpose under heaven." So it is with all of us. Each role we play, each task we are called to perform is another time for us, another season in our lives.

As has often been said, Cliff Hansen was Wyoming through and through, a favorite son of the West who knew and understood our western way of life better than anyone else. He knew it because he lived it and he lived it each and every day.

Cliff Hansen lived most of his life in the Jackson Hole area—all of his life, except the time he was providing public service. He was born at the base of the Tetons and he lived a life in which he stood as tall and as proud in his support of Wyoming as those magnificent mountains. His parents were homesteaders and from them he learned the importance of working hard for what you believe in and always giving it your best. It was a philosophy that suited him well. A lot of people don't know that as a child he was a stut-terer, but he had a phenomenal teacher who worked with him, put rocks in his mouth. He attributed his success at oratory to her help through those years.

A rancher by profession, Cliff spent the early part of his life working the land and learning to appreciate what a tremendously important resource it was. For him, the land was a precious gift, a legacy that helped him establish himself as a rancher. As he tended the land, he also was working at the local level to address the issues of the day. But that kind of success wasn't enough for him. Determined to find something else he could do to help make a difference, he soon found his way to run for public office. He was a county commissioner and, as a part of that season, he served as Wyoming's Governor.

There was a lot to be done, so Cliff rolled up his sleeves and got right to the tasks at hand. To help the people of our State, Cliff worked to lower the voting age from 21 to 18. To make life a little easier for our senior citizens, he supported increasing retirement pay for State employees. To help the next generation of our State's leaders, he helped increase funding for our schools and our education system.

At that point, Cliff could have called it a day and returned to the ranch to sit back and enjoy reminiscing about all he had accomplished. Once again, it wasn't enough for Cliff. He still had some good ideas and an interest in getting things done. That great heart of his wouldn't let him quit. So it was back to the campaign trail and an offer he once again made to the people of Wyoming to serve them again and began another season in his life. This one resulted in a run for the Senate and a defeat of a very popular Democrat on the way, Teno Roncalio.

In the Senate, Cliff served on the Veterans' Affairs Committee, the Finance Committee, and the Special Committee on Aging. At each post, amid every opportunity, Cliff always had his eye on Wyoming and how he could best be of service to the people back home. He focused on issues such as reservoir projects, recreation and wilderness areas, and making sure we were good stewards of the Federal Treasury. He kept spending under control.

He also made a major change for Wyoming. In the early days, the States got about 37.5 percent royalty on minerals and he was able to raise that, with the help of a lot of his fellow Senators, working across the aisle, to 50 percent. When he got that passed, it was at the time that Gerald Ford was the President and the Chief of Staff was a Wyoming boy named Dick Cheney. Dick Cheney had to initiate a call to Cliff Hansen and let him know the President had some bad news for him.

At that point Dick Cheney put President Ford on the phone and the President said, I have some bad news for you, Cliff. I am going to have to veto that bill.

Cliff Hansen said, I have some bad news for you. I am going to find the votes to override it, and he did.

It has been a great boon to our State.

While Cliff was serving in the Senate, I was serving as president of the Wyoming Jaycees. Diana and I were in Washington to meet with him. He invited us to the Senate dining room for breakfast. It was a great thrill for Diana and me to have a chance to meet with a Senator. We will never forget how it was to be in that dining room with this good person who turned out to be a trusted and valued friend. It was also my first encounter with grits. I found they taste as the name suggests.

Although Cliff had every reason to be proud of what he had achieved at every stage of his life, he would always be the first to say that he could never have done it alone. Fortunately, he didn't have to, for when he returned to Jackson Hole after graduating from college he married a very special woman, Martha. I have to tell you, her dad was a little bit skeptical. He said, This guy comes from the valley that is known as

the safe harbor for horse thieves. Well, it happened, it stuck, and they started a wonderful love story that would last forever. It is an adage that love is stronger than anything that comes to us in life. Cliff and Martha will be forever great examples of that and their story of life and love that lasted 75 years.

Diana and I always enjoyed seeing them together for they were the epitome of a great marriage. Cliff had a warm, engaging personality, he was full of life, and he had a smile that reflected the genuine happiness and contentment that he found in his life and in his family. Martha, by his side, was a kind and gracious woman. With her support and encouragement, Cliff had a tremendous asset in his life and in his political career. She also helped to keep him grounded. I remember one of the stories he often told of coming back from one of the Washington-type gala events where he had been presented an award as legislator of the year, one of 535 people to receive this award. As he was driving home he was reflecting and saying, Martha, how many truly recognized people are there in this world, she quickly said, One less than you think. It is a lesson that he always kept.

I am pleased with the number of calls and e-mails we have had from former staff members. His staff counsel mentioned the kindness he always had, knowing the people who worked at the doors and the elevators, and at that time there were a lot of them who worked in the elevators. But one time he was waiting outside the Chamber door for him to come for a vote and he was getting a little worried that the vote was going to run out, so he went looking for him and found that he was helping a lady in a wheelchair up some of the steps so she could get into the building. It was just the kind of thing he would do, go out of his way to help out.

When I arrived in the Senate, Cliff and Martha became role models for Diana and me. They blazed a trail together and we learned a good deal from watching how they did it. Diana and I weren't the only ones to learn from Cliff. One thing that so many of us will always remember about him was his love for teaching the next generation about Wyoming's heritage and our land, our agricultural industry, an aspect so important to our State's economy that it is noted on our State seal.

Cliff was very proud of the training arena that was established at his alma mater, the University of Wyoming, in his name. He went there often to visit the College of Agriculture and to meet with the students. Cliff knew full well that the future of our State could be measured by how well we took care of our State's land and he was determined that those who were to follow would have a sense of great responsibility with which they had been entrusted.

Cliff understood the importance of everything he had been given in life, from the greatest of resources to the smallest of everyday things. I remember hearing a story from his grandson that I can't tell as well as his grandson, but I am going to make an attempt at anyway. He was doing something called straightening nails with his grandson and some of his grandson's friends. For those of you who don't know about straightening a nail, you take a nail that is bent that you pull out of some piece of wood and as you pull it, you bend it. He had a coffee can full of those and he had an empty coffee can, and he would take one of the bent nails, put it on a board and tap it with a hammer and then examine it to see if it was straight. His grandson and the other boys who were there said, Why are you going to do all that work? Why don't you just go buy some new nails?

He said, How much is this costing me? The answer was, Nothing.

While he was doing this, this tapping away on these nails, Martha came to the door of their house and said, You have a call, Cliff. You have a call on the telephone here. Well, he kept tapping away on the nails, tapping away on the nails. Pretty quickly she came back and she said, Cliff, it is the President of the United States. So he got up and he went in the house and took the phone call. A few minutes later he was back out there tapping away on the nails, tapping away on the nails. His grandson was excited and wanted to know what that was all about and asked him: What did the President want?

Cliff said, The President wanted me to be the Secretary of Interior; tap, tap, tap; tap, tap, tap. I said, No; tap, tap, tap; tap, tap, tap. He was a man who knew what he wanted to do and what he needed to do and could be totally absorbed in whatever he was doing.

There are a lot of stories like that one. Cliff cherished the simpler days and the simpler ways of life. He also appreciated the benefits that would come from technology and innovation and how they would improve cattle and crop production. Technology and innovation, however, could never replace the basic ideals of working hard, being of good character, and always keeping your word. Those were things that could never be compromised. He has left us all with a great legacy that will continue to inspire and encourage others to follow the path he leaves behind.

With the passing of Cliff Hansen, the political landscape and everyday life in Jackson Hole, WY, the West, and the United States has changed. Wyoming has been blessed to have enjoyed a great history full of remarkable and colorful leaders in every sense of the word who have helped to settle this Nation, tame the West, and bring the

United States to the position of greatness and power it enjoys today. We owe a lot to the great people of our past such as Cliff Hansen. Thanks to them, our Nation and the world is a better place for us all to live.

Now this season of his life has come to an end. The season he was born has led to this season when he has died. Everyone who knew him will carry with them a special memory of his life and how the experience of knowing Cliff changed them forever for the better. He was a great gift in our lives and the lives of people all across the country who may never have known him but enjoyed the benefits of his labors. His great calling was to be a teacher and he taught us all a great deal about life by how he lived his own. So much of my State bears his mark for his having passed by. He will be greatly missed for who and what he was. He will never be forgotten for what he accomplished during his 97 years of life.

Diana and all the Enzis and our delegation send our deepest sympathy, our great appreciation, and our love to Martha and all the family. You will be in our thoughts and prayers.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I join Senator ENZI today on the floor to share with our colleagues the profound sorrow that is felt all across the State of Wyoming today as we mourn the death of a western American icon and a former Member of this body, the Senate.

Cliff Hansen, Senator, Wyoming Governor, died last night, October 20, at home at his ranch in Jackson Hole, WY. He was 97 years old. He was at the time of his death the oldest living former Member of the Senate, a career and a life that spanned nearly a century of American history. But it wasn't the length of time he spent on this Earth that makes his life so unique and so meaningful to all of us who knew him and who respected him. It would be difficult to tell the story of Wyoming without also describing the life and the time of Cliff Hansen. They are intertwined, a pioneer State and its patriarch.

If it is true, as many people say, that Wyoming is what America was, Cliff Hansen is the independent spirit, the rugged cowboy who made her great. My wife Bobbi and I wish to offer our deepest condolences to the Hansen and the Mead families, to his beloved Martha, especially, his wife, as Senator ENZI said, of over 75 years. Just last month they celebrated their 75th wedding anniversary. She was with him to the end.

Cliff Hansen is a legendary Wyoming figure, but to his family he was a dedicated husband, father, a special grandfather and great-grandfather, and someone who will be terribly missed.

He was born October 16, 1912. Prior to graduating from the University of Wyoming, he worked for his parents on a cattle ranch in Teton County. It was there we can presume that Cliff Hansen learned the manner and the skills that would take him from Wyoming to Washington and back.

In 1962, Hansen was elected Governor of Wyoming. He served for 4 years. He believed he could do more for the people of Wyoming in Washington than he could in Cheyenne. So he then ran and won a seat in the Senate and was re-elected by an overwhelming margin in 1972.

These simple dates hardly tell the story. Cliff Hansen was Wyoming's John Wayne—a proud, commonsense cowboy who spoke to the hearts and the minds of a great State.

As we have the opportunity to reflect more on Governor Hansen's passing, to hear, as well, from his family, there will be much more to say and remember about his extraordinary legacy. But today, on the news of his passing to the Kingdom of Heaven—a phrase he used with great reverence—I want to make sure his friends and his colleagues know that God accepts home a great man today.

To his wife Martha, his son Pete Hansen, his grandsons Matt and Brad and their families, his granddaughter Muffy, the Nation, and Wyoming send you our heartfelt condolences. We hope you and your family are comforted by his strength of character, his convictions, and his grace as a truly great man.

I speak today for thousands—for tens of thousands—of people who knew and who loved Cliff Hansen—all that he stood for, all that he today represents that is good about our Nation, the West, and Cliff's beloved Wyoming.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, on behalf of our entire delegation, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 315, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 315) relative to the death of Clifford Peter Hansen, former United States Senator for the State of Wyoming.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table en bloc, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 315) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 315

Whereas Cliff Hansen worked as a cattle rancher and was inducted into the National Cowboy Hall of Fame as a "Great Westerner";

Whereas Cliff Hansen served as governor of the State of Wyoming from 1963–1967;

Whereas Cliff Hansen served the people of Wyoming with distinction in the United States Senate from 1967–1978; and

Whereas Cliff Hansen was the oldest former Senator at the time of his death: Now, therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Cliff Hansen, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Cliff Hansen.

Mr. ENZI. I thank the Chair. I thank my colleague for his outstanding comments.

BOY SCOUTS OF AMERICA DAY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 112 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 112) designating February 8, 2010, as "Boy Scouts of America Day," in celebration of the 100th anniversary of the largest youth scouting organization in the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 112) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 112

Whereas the Boy Scouts of America was incorporated by the Chicago publisher William Boyce on February 8, 1910, after William Boyce learned of the Scouting movement during a visit to London;

Whereas, on June 21, 1910, a group of 34 national representatives met, developed organization plans, and opened a temporary national headquarters for the Boy Scouts of America in New York;

Whereas the purpose of the Boy Scouts of America is to teach the youth of the United States patriotism, courage, self-reliance, and kindred values;

Whereas, by 1912, Boy Scouts were enrolled in every State;

Whereas, in 1916, Congress granted the Boy Scouts of America a Federal charter;

Whereas each local Boy Scout Council commits each Boy Scout to perform 12 hours of community service yearly, for a total of 30,000,000 community service hours each year;

Whereas, since 1910, more than 111,000,000 people have been members of the Boy Scouts of America;

Whereas Boy Scouts are found in 185 countries around the world;

Whereas the Boy Scouts of America will present the 2 millionth Eagle Scout award in 2009;

Whereas more than 1,000,000 adult volunteer leaders selflessly serve young people in their communities through organizations chartered by the Boy Scouts of America;

Whereas the adult volunteer leaders of the Boy Scouts of America often neither receive nor seek the gratitude of the public; and

Whereas the Boy Scouts of America endeavors to develop United States citizens who are physically, mentally, and emotionally fit, have a high degree of self-reliance demonstrated by such qualities as initiative, courage, and resourcefulness, have personal values based on religious concepts, have the desire and skills to help others, understand the principles of the social, economic, and governmental systems of the United States, take pride in the heritage of the United States and understand the role of the United States in the world, have a keen respect for the basic rights of all people, and are prepared to participate in and give leadership to the society of the United States: Now, therefore, be it

Resolved, That the Senate designates February 8, 2010, as "Boy Scouts of America Day", in celebration of the 100th anniversary of the largest youth scouting organization in the United States.

LIGHTS ON AFTERSCHOOL

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 318 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 318) supporting "Lights On Afterschool," a national celebration of afterschool programs.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, today Senator ENSIGN and I are submitting a resolution designating October 22, 2009, Lights On Afterschool Day. Lights on Afterschool brings students, parents, educators, lawmakers, and community and business leaders together to celebrate afterschool programs. This year, more than 1 million Americans are expected to attend about 7,500 events designed to raise awareness and support for these much needed programs.

In America today, 1 in 4 youth, more than 15 million children, go home alone

after the school day ends. This includes more than 40,000 kindergartners and almost 4 million middle school students in grades six to eight. On the other hand, only 8.4 million children, or approximately 15 percent of school-aged children, participate in afterschool programs. An additional 18.5 million would participate if a quality program were available in their community.

Lights On Afterschool, a national celebration of afterschool programs, is celebrated every October in communities nationwide to call attention to the importance of afterschool programs for America's children, families and communities. Lights On Afterschool was launched in October 2000 with celebrations in more than 1,200 communities nationwide. The event has grown from 1,200 celebrations in 2001 to more than 7,500 today. This October, 1 million Americans will celebrate Lights On Afterschool.

Quality afterschool programs should be available to children in all communities. These programs support working families and prevent kids from being both victims and perpetrators of violent crime. They also help parents in balancing the work and home-life. Quality afterschool programs help to engage students in their communities, and when students are engaged, they are more successful in their educational endeavors.

In our work on the Senate Afterschool Caucus, Senator ENSIGN and I have been working for more than 5 years to impress upon our colleagues the importance of afterschool programming. It is our hope that they will join us on October 22 to celebrate the importance of afterschool programs in their communities back home.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 318) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 318

Whereas high-quality afterschool programs provide safe, challenging, engaging, and fun learning experiences that help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high-quality afterschool programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's youth, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality afterschool programs engage families, schools, and diverse commu-

nity partners in advancing the well-being of the Nation's children;

Whereas "Lights On Afterschool", a national celebration of afterschool programs held on October 22, 2009, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 15,100,000 children in the United States have no place to go after school; and

Whereas many afterschool programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of "Lights On Afterschool", a national celebration of afterschool programs.

COMMEMORATING WOMEN MEMBERSHIP IN THE NATIONAL FFA ORGANIZATION

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate now proceed to consideration of S. Res. 319, submitted earlier today.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 319) commemorating 40 years of membership of women in the National FFA Organization and celebrating the achievements and contributions of female members of the National FFA organization.

There being no objection, the Senate proceeded to consider the resolution.

Mr. JOHANNIS. Mr. President, I rise today in support of this resolution to commemorate 40 years of membership by women in the National FFA Organization and to celebrate the achievements and contributions of female FFA members.

It was 40 years ago, during the 1969 National FFA Convention, that delegates voted to allow women to join the FFA.

Today, 41 percent of all members of the National FFA Organization are women, and more than 50 percent of leadership positions in the National FFA are held by women.

In my home State of Nebraska, more than 800 females have received their American FFA Degrees, the highest honor that can be awarded to an FFA member.

To be eligible for the American Degree, members must have earned and productively invested \$7,500 through a supervised agricultural experience program where FFA members live out their motto of learning by doing.

American Degree recipients must also make it their mission to demonstrate outstanding leadership abilities and community involvement.

More than 2,400 women in Nebraska have been awarded State FFA Degrees for their accomplishments in their local chapters and agricultural education classes.

Nebraska also boasts more than 260 female State Proficiency winners and 5 female National Proficiency winners. These students represent the best of the best, having achieved the highest level of excellence in their chosen fields.

Ninety women in Nebraska have served as State FFA Officers, with 8 serving as President. Four Nebraska females have served as National FFA Officers. These leaders have invested their time and talents in building influential relationships with members and growing the Organization.

The contributions of female members have helped the National FFA Organization to become a premier student leadership organization, comprised of more than 507,000 members in all 50 states, Puerto Rico, and the Virgin Islands.

The FFA's mission is to make a positive difference in the lives of students by developing their potential for premier leadership, personal growth, and career success through agriculture education.

Today I am proud to offer a resolution to recognize the positive contributions female members have made to achieve FFA's goals of proficient agricultural leadership and advocacy, community citizenship, volunteerism, and cooperation.

I congratulate the National FFA Organization for 40 years of membership by women and for its role in developing tomorrow's leaders.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 319) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 319

Whereas the National FFA Organization is a premier student leadership organization with more than 507,000 members in all 50 States, Puerto Rico, and the Virgin Islands;

Whereas the mission of the National FFA Organization is to make a positive difference in the lives of students by developing their potential for leadership, personal growth, and career success through agricultural education;

Whereas women were first admitted as members of the National FFA Organization in 1969 at the 42nd Annual National FFA Convention;

Whereas, by 2009, 41 percent of all members of the National FFA Organization were women, and more than 50 percent of leadership positions in the National FFA Organization were held by women; and

Whereas female members have made positive contributions to the goals of the National FFA Organization, including proficient agricultural leadership and advocacy, community citizenship, volunteerism, and cooperation: Now, therefore, be it

Resolved, That the Senate congratulates the National FFA Organization for 40 years

of membership by women and celebrates the achievements and contributions of female members of the National FFA Organization.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendar Nos. 132, 475, 476, 479, 485, 486; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; provided further that the President be immediately notified of the Senate's action; further, that the cloture motion with respect to Calendar No. 132 be withdrawn and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

UNITED STATES SENTENCING COMMISSION

William K. Sessions III, of Vermont, to be Chair of the United States Sentencing Commission.

William E. Spriggs, of Virginia, to be an Assistant Secretary of Labor.

Joseph A. Main, of Virginia, to be Assistant Secretary of Labor for Mine Safety and Health.

DEPARTMENT OF ENERGY

Jose Antonio Garcia, of Florida, to be Director of the Office of Minority Economic Impact, Department of Energy, vice Theresa Alvililar-Speake, resigned.

DEPARTMENT OF THE INTERIOR

Marcia K. McNutt, of California, to be Director of the United States Geological Survey.

DEPARTMENT OF ENERGY

Arun Majumdar, of California, to be Director of the Advanced Research Projects Agency—Energy, Department of Energy.

NOMINATION OF WILLIAM K. SESSIONS III

Mr. LEAHY. Mr. President, today, the Senate is taking action long delayed by an anonymous Republican hold. That hold has extended for almost 6 months without explanation. I have spoken repeatedly to the Republican leader, the assistant Republican leader, and the ranking Republican on the Senate Judiciary Committee. No one has given me any explanation for the hold. When the Senate majority leader asked back in early June to proceed to the nomination that was re-

ported without objection by the Senate Judiciary Committee on May 7, the Republican leader objected, saying "we have not had an opportunity to get that cleared." They had had a month; another 4 months have now passed. In violation of the Honest Leadership and Open Government Act, no Republican Senator has come forward in all this time to identify himself and specify a reason for the hold.

Judge Sessions is an extraordinary public servant. Judge Sessions has twice previously been confirmed unanimously by the Senate to serve on the Sentencing Commission. He has served with distinction for 10 years, and has served as a vice chair of the Sentencing Commission. He is a distinguished U.S. Federal judge who has served for 14 years and now serves as the chief judge for the District of Vermont. He is a member of the Judicial Conference of the United States, made up of the leaders of the Federal judiciary. He has also contributed to his local community as a public defender, an adjunct law professor, and even as a coach of the local Little League team. A lawyer's lawyer and a judge's judge, he has earned the praise of both the prosecution bar and the defense bar.

Judge Sessions is eminently well qualified to serve as the chair of the Sentencing Commission. I must say that in my numerous conversations with Republican Senators and Republican Senate leaders during the last 6 months, no one raised any dispute or criticism or reason for this obstruction and delay.

This is most unfortunate because some of us have worked very hard to move beyond the era when delays in nominations to fill vacancies on the Sentencing Commission got so bad and extended so long that it drew the attention of the Chief Justice of the United States in his annual reports in 1997 and 1998. I have worked with the Republican chairmen and ranking members on the Judiciary Committee and consistently protected their rights and interests. I have treated their recommended nominees with respect and shown them support. I worked to break the impasse in the Republican-led Senate by working across the aisle and with the White House to develop a slate of nominees, Republican, Democratic and independent, that was confirmed as a group. Thereafter, I have worked conscientiously with the lead Republican on the Judiciary Committee to fill vacancies appropriately as they arose.

Most recently, I worked even during the last weeks of the Bush administration to have the Judiciary Committee report and the Senate confirm two nominees recommended and supported by Senate Republicans. William Carr, a recommendation from the ranking Republican on the Judiciary Committee, was confirmed on November 20, 2008,

weeks after the Presidential election, and now serves as a vice chair. We also proceeded to confirm to another term Judge Ricardo Hinojosa, who I supported when he was nominated to the Commission by his friend President Bush in January 2003, when he was nominated and confirmed as chair in 2004, and when he was renominated for another term and confirmed in November 2008. Judge Hinojosa has served as acting chair because Republicans have held up the confirmation of Judge Sessions. Apparently, Senate Republicans have chosen to respond to our having proceeded with those confirmations in November 2008 to the Sentencing Commission and to my years of cooperative efforts by resorting to delay and obstruction. They have refused to allow the Senate to consider the nomination of Judge Sessions to serve as chair of the Sentencing Commission for the last several months.

I commend Judge Sessions for his patience, determination and sense of public service. I thank the majority leader for proceeding to file the cloture petition last night that is finally resulting in Senate action on this important nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. Yes, we are.

Mr. REID. I thank the Chair.

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, we are trying to work something out on an unemployment compensation extension. We are being as fair and reasonable as we can. We have exchanged papers with the minority. We hope they will come back with a reasonable number of amendments on which we can move forward.

In order to move the process along, as we continue to negotiate, I ask unanimous consent to proceed to Calendar No. 174, H.R. 3548, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been filed under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 174, H.R. 3548, the Unemployment Compensation Extension Act of 2009.

Harry Reid, Patty Murray, Mark Udall, Roland W. Burris, Mark Begich, Byron L. Dorgan, Frank R. Lautenberg, Amy Klobuchar, Bill Nelson, Jack Reed, Carl Levin, Jeff Bingaman, Bernard Sanders, Sherrod Brown, Sheldon Whitehouse, Barbara Boxer, Kirsten E. Gillibrand, Richard Durbin.

Mr. REID. I ask unanimous consent that the mandatory quorum be waived. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

ORDERS FOR THURSDAY, OCTOBER 22, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow at 9:30 a.m., Thursday, October 22; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the

time for the two leaders be reserved for their use later in the day, and there be a period of morning business for an hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; that following morning business, the Senate resume consideration of the conference report to accompany H.R. 2647, the Department of Defense authorization bill, and there then be an hour for debate, equally divided and controlled between Senators LEVIN and MCCAIN or their designees, prior to the cloture vote on that conference report.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Senators should expect the first vote tomorrow to occur at 11:45 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 315, as a mark of further respect to the late

former Senator Clifford Peter Hansen of Wyoming.

There being no objection, the Senate, at 7:50 p.m., adjourned until Thursday, October 22, 2009, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, October 21, 2009:

DEPARTMENT OF LABOR

WILLIAM E. SPRIGGS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

JOSEPH A. MAIN, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH.

DEPARTMENT OF ENERGY

JOSE ANTONIO GARCIA, OF FLORIDA, TO BE DIRECTOR OF THE OFFICE OF MINORITY ECONOMIC IMPACT, DEPARTMENT OF ENERGY.

DEPARTMENT OF THE INTERIOR

MARCIA K. MCNUTT, OF CALIFORNIA, TO BE DIRECTOR OF THE UNITED STATES GEOLOGICAL SURVEY.

DEPARTMENT OF ENERGY

ARUN MAJUMDAR, OF CALIFORNIA, TO BE DIRECTOR OF THE ADVANCED RESEARCH PROJECTS AGENCY—ENERGY, DEPARTMENT OF ENERGY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

UNITED STATES SENTENCING COMMISSION

WILLIAM K. SESSIONS III, OF VERMONT, TO BE CHAIR OF THE UNITED STATES SENTENCING COMMISSION.

THE JUDICIARY

ROBERTO A. LANGE, OF SOUTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA.

EXTENSIONS OF REMARKS

TRIBUTE TO LIEUTENANT
COLONEL JOSEPH ZINNO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. SKELTON. Madam Speaker, let me take this time to honor a great American service member, Lieutenant Colonel Joseph Zinno. During a terrific storm in 1946, Lt. Col. Zinno successfully landed a plane carrying the members of the Sharon Rogers All-Girl Band, a USO sponsored orchestra which performed for American troops serving in East Asia.

Born in Providence, Rhode Island, in 1923, Lt. Col. Zinno developed a fascination with flight as a child and was often seen sketching planes on spare pieces of paper or sneaking to the local airport hangar to watch the occasional take-off. His passion for aviation led him to the Army Air Corps. After earning his wings and bars in 1944, Lt. Col. Zinno began his first assignment with the 63rd Troop Carrier Group in Sedalia, Missouri, part of my home district.

Lt. Col. Zinno's skill as an aviator came to a test on January 20, 1946, when he was ordered to ferry the Sharon Rogers All-Girl Band from Seoul, Korea, to Tokyo, Japan. When Lt. Col. Zinno flew through a treacherous thunderhead, his C-46 dropped 3,500 feet in a matter of seconds. Remaining calm, the courageous pilot navigated the storm with little visibility and safely landed the plane in the Shimonoseki Strait, a strip of water littered with mines and high tension wires. With every passenger and crew member alive and safe, a Japanese fishing boat brought the orchestra and flight crew to safe ground.

Madam Speaker, Lieutenant Colonel Joseph Zinno has distinguished himself throughout his long career as a talented and courageous pilot. His nerves of steel and gutsy determination may well have saved the lives of the Sharon Rogers All-Girl Band. I trust that the Members of the House will join me in honoring this brave pilot for his contributions to our country.

INTRODUCING THE FIRST STATE
NATIONAL HISTORICAL PARK ACT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. CASTLE. Madam Speaker, I am pleased to join Senators CARPER and KAUFMAN in introducing the First State National Historical Park Act, which authorizes a National Historical Park in Delaware. The U.S. National Park Service concluded its Special Resource Study in January 2009 and recommended that such a park be created in Delaware. The Na-

tional Historical Park would be in partnership with the State celebrating Delaware's early Dutch, Swedish and English Settlements and the events leading up to the state's role in the founding of our nation; it will be comprised of sites associated with early settlement and the people and events leading up to the signing of the U.S. Constitution.

From recreation to exploring history and culture, and discovering the natural resources, the benefits of the National Parks Service are many. I have been pleased to work over the last several years with Senator CARPER to advance Delaware's effort in gaining a National Park. With the introduction of the First State National Historical Park Act, Delaware is one step from realizing this goal. A National Historical Park that takes visitors to sites rich in history throughout Delaware will greatly enhance the public's understanding of all the First State has to offer—putting us firmly on the “park” map once and for all.

I look forward to working with my colleagues in the House and Senate in passing this important legislation.

ACKNOWLEDGING PAULA CAMP-
BELL'S SERVICE TO CALIFOR-
NIA'S EDUCATION

HON. TOM MCCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. MCCLINTOCK. Madam Speaker, I rise to acknowledge Paula Campbell, the outgoing president of the California School Boards Association, for her continuous efforts on behalf of education throughout her community of Nevada County as well as my district and the entire state of California.

Mrs. Campbell began her career with the Nevada County School Board in 1992 where she served as president for five terms. Her success at the local level was rewarded in 2003 with her election to the state Board of Directors. And yet again her dedication and commitment to success were well recognized; Paula Campbell was elected president of the California School Boards Association.

Paula's service has been instrumental to the advancement of education in California. Thank you Paula.

KOREA'S MESSAGE OF SUPPORT
FROM GOVERNOR KIM TO THE
PEOPLE OF AMERICAN SAMOA IN
AFTERMATH OF DEVASTATING
TSUNAMI

HON. ENI F.H. FALDOMAVEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. FALDOMAVEGA. Madam Speaker, I submit the following message of support submitted by Governor of Jeollabuk-do Province Kim Wan-Joo of the Republic of Korea in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

OCTOBER 1, 2009.

Hon. ENI F.H. FALDOMAVEGA,
*Chairman, Subcommittee on Asia, the Pacific
and the Global Environment, Committee on
Foreign Affairs, House of Representatives.*

HONORABLE ENI FALDOMAVEGA, On behalf of Jeollabuk-do, please accept my warmest thanks for your visit to be appointed an Honorary Citizen and Goodwill Ambassador. There is no doubt that you have enriched Jeollabuk-do with your works, speech and spirit. For that reason, the value of such visits is immeasurable and we truly appreciate the opportunity to have you as one of us.

It's only been less than a month since we shared our celebratory nights with Samoan soldiers. We were overwhelmed by their and your spiritual reunion and warm hearts. I was mournful with the latest and yet tragic news of the earthquake and the tsunami. My deepest sympathies are with American Samoans and other Samoans who have lost loved ones, especially with Samoan soldiers in Korea and with you. There is no doubt that you are the sons of warriors. I know you will only be stronger. I hope that Samoa is in good hands and will recover sooner and better. You and Samoa are in my thoughts and prayers.

Sincerely yours,

KIM WAN-JOO,
Governor, Jeollabuk-do Province.

EARMARK DECLARATION

HON. JEFF FORTENBERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. FORTENBERRY. Madam Speaker, pursuant to the Republican leadership standards on Member requests, I am submitting the following information regarding the earmarks I received as part of the FY10 Agriculture Appropriations Conference Report:

Requesting Member: Congressman JEFF FORTENBERRY

Bill Number: H.R. 2997, FY10 Agriculture Appropriations Conference Report

Account: Agricultural Research Services—Buildings and Facilities

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Project Name: Systems Biology Research Facility, Lincoln, Nebraska

Amount: \$3,760,000

Name and Address of Requesting Entity: University of Nebraska—Lincoln, located at 202 Agricultural Hall, Lincoln, Nebraska 68583.

Description: This funding will be used toward construction of a University of Nebraska—Lincoln, UNL/Agricultural Research Service, ARS, Research Facility. This facility would provide critically needed space for UNL and ARS research addressing two areas of national concern: renewable energy and water resource conservation and management. Agriculture is expected to provide almost 40 percent of the nation's liquid fuels within 30 years. This will further intensify demands on our soil and water resources. UNL and ARS scientists have been collaborating at UNL since the 1930s. Very strong collaborative programs continue today, including the ARS program at UNL that has been developing improved switchgrass varieties for 30 years and is the leading program in the world on the use of switchgrass for cellulosic ethanol. These scientists are scattered across the UNL campus and the proposed building will enable them to share collaborative, cutting-edge research space that will move this important research forward more rapidly. This project would advance major research focused on essential national efforts.

PERSONAL EXPLANATION

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mrs. LOWEY. Madam Speaker, I regrettably missed rollcall vote No. 790, 791, and 792 on October 20, 2009. Had I been present, I would have voted in the following manner:

Rollcall No. 790: "yea"; rollcall No. 791: "yea"; rollcall No. 792: "yea."

HONORING THE LIFE AND SERVICE OF SERGEANT TIMOTHY SMITH OF SOUTH LAKE TAHOE, CA

HON. TOM MCCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. MCCLINTOCK. Madam Speaker, I rise today to honor Timothy Smith of South Lake Tahoe, CA, who was killed in the line of duty on April 7, 2008. Tim is survived by his wife Shayna Richard-Smith, their son Riley, his parents, Patricia and Michael, his brother Tom, and his sister Jackie.

Tim graduated from South Tahoe High School in 2001 and joined the Army in April 2004. He will always be remembered for his sense of humor, his warmth, and his great courage. Senator HARRY REID, on the floor of the United States Senate, called Tim Smith "a hero—a real-life American hero—who gave his life so that others might be safe."

Timothy Smith gave the ultimate sacrifice, may we never forget.

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. CASTLE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding for Delaware included as part of the final conference report for the FY 2010 Energy and Water Development Appropriations Act, H.R. 3183:

Name of Project: Delaware Coast, Cape Henlopen to Fenwick Island, Bethany Beach to South Bethany, DE

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: ACOE—Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA, 19107

Description of Request: \$969,000 for the periodic renourishment of the Bethany Beach/South Bethany project area in Sussex County, Delaware. The purpose of this project is to reduce flood and coastal storm damage.

Name of Project: Delaware Coast, Cape Henlopen to Fenwick Island, Rehoboth Beach and Dewey Beach, DE

Requesting Member: MICHAEL N. CASTLE—

Bill Number: H.R. 3183

Account: ACOE—Construction

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA, 19107

Description of Request: \$969,000 for the periodic renourishment of Rehoboth Beach and Dewey Beach in Sussex County, Delaware. The purpose of the project is to reduce flood and coastal storm damage.

Name of Project: Harbor of Refuge, Lewes, DE

Requesting Member: MICHAEL N. CASTLE

Bill Number: H.R. 3183

Account: ACOE—O&M

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA, 19107

Description of Request: \$100,000 to repair and re-enforce the federally owned offshore Harbor of Refuge Breakwater wall that has been badly damaged and weakened by storms. The purpose of the project is to restore the historic breakwater itself and preservation of the lighthouse, which provides sound storm protection for marine interests and erosion protection for the Lewes/Cape Henlopen area shoreline.

EARMARK DECLARATION

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. SMITH of New Jersey. Madam Speaker, pursuant to the Republican Leadership stand-

ards on earmarks, I am submitting the following information regarding earmarks I received as part of the FY 10 Energy and Water Development Appropriation Act.

Requesting Member: Rep. CHRISTOPHER H. SMITH

Bill Number: H.R. 3183

Delaware River Dredging Material Utilization Account: Army Corps of Engineers—Investigations

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3390.

Description: Evaluate problems, needs, and opportunities in the interest of beneficial use of dredged material. This project will provide ecosystem restoration and improve water quality in the vicinity of the Delaware River between Philadelphia and Trenton.

Financial Statement: A reconnaissance study is 100% federally funded. The States of Delaware, New Jersey and Commonwealth of Pennsylvania will be the non-Federal sponsors and will provide current site conditions data in this phase, and will contribute half of all subsequent study costs.

New Jersey Shoreline Alternative Long-Term Nourishment

Account: Army Corps of Engineers—Investigations

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107–3390.

Description: Continue the evaluation of New Jersey's coastal projects, including the different reaches of beach replenishment projects, as a system to ensure maximum benefits are achieved from the Federal investment and reduce long-term periodic nourishment costs.

Financial Statement: New Jersey Department of Environmental Protection is the non-Federal sponsor and provides their portion of the study costs.

HONORING POLICE CHIEF MICHAEL J. CARROLL

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. GERLACH. Madam Speaker, I rise today along with my colleagues representing Chester County, Congressmen JOE PITTS and JOE SESTAK, to congratulate West Goshen Township Police Chief Michael J. Carroll on his induction as President of the International Association of Police Chiefs in Denver, Colorado on October 7, 2009.

The tremendous honor of being selected by his peers to lead the 106-year-old nonprofit organization that promotes professionalism and global policing is just the latest accomplishment in Chief Carroll's distinguished 43-year law enforcement career. He is a Past President of the Pennsylvania Chiefs of Police Association and Chester County Police Chiefs Associations and has been inducted into the International Police Association Hall of Fame.

The lengthy list of accolades is a testament to Chief Carroll's outstanding leadership and commitment to the department he runs and the community he protects. He has earned the respect of his fellow officers for his passion for police work, determination to solve even the most difficult cases and drive to provide the highest-quality training and resources for all officers.

Madam Speaker, I ask that my colleagues join me today in honoring Police Chief Michael J. Carroll for earning this prestigious international post and for his exemplary service to the residents of Chester County, Pennsylvania.

HONORING THE MEMORY OF
JAMES VINCENT MCCONNELL, JR.

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. BONNER. Madam Speaker, earlier this week the city of Mobile lost a dear friend and a respected leader and I rise today to honor Mr. James Vincent "Jim" McConnell Jr. and pay tribute to his memory. Jim was a successful businessman, an active citizen and a dedicated soldier who years earlier answered his country's call to serve. He will be remembered as a man devoted to his family, his country and his community.

A native of Pensacola, Jim moved to Mobile as a teenager and graduated from Murphy High School. He received a football scholarship to the University of Alabama in 1959 and played under the legendary Coach Paul "Bear" Bryant. After graduating from the University of Alabama in 1963 with a degree in business administration, Jim entered the U.S. Army and served as a second lieutenant in Germany. He was later promoted to captain after being reassigned to Fort Campbell, Kentucky.

After an honorable discharge, Jim worked for his father at Trail Cadillac-Pontiac before starting on his own dealership, Trail Pontiac on Dauphin Street. Later, Jim acquired the Mercedes-Benz and GMC Truck franchises, which he eventually merged with his brother's Cadillac dealership, forming McConnell Automotive Corporation. Jim was also a partner in the new Mercedes-Benz of Mobile.

Jim served on the General Motors Dealer Advisory Board and as president of the Buick-Pontiac-GMC area marketing group for 20 years. He received numerous awards as a General Motors Master Dealer and Mercedes-Benz Diamond Dealer. He was a member of the Red Elephant Club, served on the Senior Bowl committee and was active in a number of other civic and community organizations. In short, Jim McConnell was always giving back to the city he loved and called home.

Madam Speaker, I ask my colleagues to join me in remembering a dedicated and generous community leader and a dear friend to many. Jim McConnell will be deeply missed by his family—his wife, Cynde; his sons, Mitch McConnell, Stan McConnell, Vince McConnell and Baker McConnell; his mother, Mary Louise McConnell; his brother Eddie McConnell;

his sister, Mary Lou Layden; and his four grandchildren—as well as his many friends, colleagues, and patrons.

Mobile—and indeed our entire state—lost a true leader for our area and our thoughts and prayers are with this family at this difficult time.

RECOGNIZING JUDGE JUDY
SCHIER HOBBS

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. CARTER. Madam Speaker, I would like to recognize the Honorable Judy Schier Hobbs, Justice of the Peace for Precinct 4 in Williamson County, who was awarded "Judge of the Year" by the Texas Justice Court Judges Association (TJCJA) at their annual 2009 Education Conference in Austin, Texas. The state-wide award was presented at the Awards Luncheon during the four-day conference at the Austin Hyatt Regency on Lady Bird Lake.

Texas Justice Court Judges Association is an organization representing Justice Court Judges and Clerks across the State of Texas.

Judge Hobbs was awarded the "Judge of the Year" by the Central Texas Justices of the Peace and Constables Association earlier this year.

Judge Hobbs is a lifelong resident of Precinct Four in Williamson County with a rich history of community service and was appointed and sworn to office May 15, 1982. She is a Lifetime member of the Texas Justice Court Judges Association and Central Texas Justices of the Peace and Constables Association.

Judge Hobbs is married and has two children and seven grandchildren with one on the way and is a member of the Brushy Creek Baptist Church.

SUPPORT THE MOTOR VEHICLE
OWNERS RIGHT TO REPAIR ACT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. TOWNS. Madam Speaker, I rise today to discuss a problem that many of us, and many of our constituents, often face, a problem that be easily resolved with legislation that I, joined by Representatives ANNA ESHOO and GEORGE MILLER, have reintroduced. HR 2057, The Motor Vehicle Owners' Right to Repair Act, ensures that motoring consumers have the ability to choose where, how and by whom they have their vehicles repaired and serviced, even those recently out of warranty.

Vehicles that are 1994 and newer are equipped with computers that control most of the vehicles' systems, from air bags and brakes, to tire pressure, oil changes, electronics, ignition systems and keys. In fact, there are more computers on today's vehicles than were on the Apollo 11 moon mission.

Independent repair shops, which comprise a large number of the small businesses in all of our districts, are experiencing a great deal of difficulty in locating and obtaining the information, tools and software needed to completely repair late model vehicles. These shops often must turn away their valued customers, forcing them to return to new car dealerships, which, on average, are 34 percent more expensive. Not only is that a loss of business for the over 200,000 independent repair shops in our nation, but it is a financial burden for our constituents.

I have heard several complaints in my office of problems that independent repair shops have experienced in repairing later model vehicles. One independent aftermarket technician in New York was attempting to diagnose a Subaru and was told that the car company would not sell the independent repair shop the proper tools needed to diagnose and repair a drivability problem.

Another New York repair shop was told they would have to wait up to two days to obtain the software from Ford needed to update the computer on a Ford Escape. The repairer had to pay for towing and then pay the new car dealership a fee.

I have another example from Massachusetts. But you get the point.

82% of car owners and 94% of independent repair shops indicate that they favor the passage of this bill. It allows repair shops to offer their clients better service and doesn't cost the taxpayers or the government any money. Instead, it's a way that we can provide affordable choices to car owners who continue to struggle in this difficult economy.

The car companies have argued that this bill would lead to infringements on their intellectual property. HR 2057 does NOT request or require proprietary information and I have inserted language to ensure that. Similar legislation has been passed in the California state legislature, and there were no breaches of proprietary information; the only result was that emissions systems were repaired faster and better. It's time that Congress keep our motoring constituents in the driver's seat when it comes to repairing their vehicles, and it's time we helped ensure the economic survival of the small, independent repair shops that have been so good to our constituents.

Please join with me, Congresswoman ANNA ESHOO and Congressman GEORGE MILLER, to give our constituents a choice of where to repair their cars.

TRIBUTE TO BETTY TAYMOR

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. CAPUANO. Madam Speaker, I rise to pay tribute to a distinguished constituent, Betty Taymor, who will be honored this week at the University of Massachusetts. Her visionary leadership is responsible for the creation of the Center for Women in Politics and Public Policy at their McCormack Graduate School of Policy Studies, and a scholarship fund has been created in her name.

Her lifetime of civic engagement serves as an inspiration to us all. My colleagues in the Massachusetts delegation have joined in a letter of congratulation that I would like to read into the RECORD. This is what we wrote to Ms. Taymor:

The Massachusetts delegation to the House of Representatives joins in tribute to you as your friends and colleagues gather to celebrate your extraordinary achievements. You have indeed run against many prevailing winds, and been energized, not subdued, by the challenges you've overcome.

We recommend your inspiring book, *Running against the Wind*, to anyone who seeks to understand the progress made by American women in the second half of the last century. You entered public service as a volunteer, an honorable role shared by many idealistic women throughout our history and crucial to the abolition of slavery and the emancipation of women. During the Second World War, you joined with others on the home front in the important work of the Red Cross. Later, you sought and won positions of greater responsibility and authority, in Massachusetts and in the national Democratic Party.

You were a personal mentor to many, but you wanted to do more. With characteristic energy, you created an institutional embodiment of your example in the Program for Women in Politics & Public Policy. This evening's celebration is dedicated to your vision and to the support of the Betty Taymor Fund to further the education of women who share your intellectual and moral fervor. Your courage and determination continue to inspire all good citizens, both men and women, committed to equal rights and equal opportunity.

We unite in gratitude and congratulation.

O'FALLON CASTING—SIXTH ANNIVERSARY

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. AKIN. Madam Speaker, it is a common refrain today that "we are losing good manufacturing jobs" in the United States; that manufacturing anything in the United States is becoming more and more difficult. As a former steel executive, I share the concerns of our manufacturing community and blame, in no small part, the onerous regulatory burden with which this Government has saddled our manufacturers for that decline. But, despite what seems to be the best efforts of some in Congress and our regulatory agencies, there are manufacturing companies in this country who are succeeding and without government intervention. One such company is O'Fallon Casting; located in my district, they will celebrate their 6-year anniversary on Friday, October 23.

Once a division of Hitchiner Manufacturing, Co., O'Fallon Casting has roots dating back 40 years in Missouri. But today it has shed its traditional past and transformed itself into a modern, high-tech industry leader positioned for growth in the future. Proving that despite an increasingly competitive world economy, innovative U.S. manufacturers can and do successfully compete in the global market.

With the support of ownership, O'Fallon's management team has incorporated modern automation of the material handling and production systems. Additionally, compression straightening of castings has been implemented with four workstations feeding to a single, custom, 500-ton press. The company's goal is to provide their customers with access to cutting edge technologies.

Employing 169 people in O'Fallon, Missouri, over the past six years the company has also pursued a number of environmentally friendly initiatives including high-efficiency lighting and in-house recycling of water, wax and metal. In 2004, O'Fallon Casting was recognized by the State of Missouri with a prestigious Gold Award for its water recycling and waste treatment efforts. The city of O'Fallon named the company "Manufacturer of the Year" in 2005.

Throughout my tenure in Congress I have fought to reduce the tax and regulatory burden this Government places on American business and manufacturing as a way to encourage companies, like O'Fallon Casting, who are responsible for creating the jobs that employ all our constituents. I'm honored to represent the company and its 169 employees in this House, and congratulate them on their sixth anniversary. I pray I will be able to celebrate many more such days with them for many years to come.

THE NEED TO ACKNOWLEDGE AND FIGHT POVERTY

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. BUTTERFIELD. Madam Speaker, according to a study of recent U.S. Census Bureau figures, the National Academy of Science found that the level of American poverty is even worse than the government's official number.

The official measure, created in 1955, failed to factor in rising costs of medical care, transportation or childcare. It also ignores geographical variations in the cost of living. Further, it also fails to consider non-cash government aid when calculating income. As a result, the poverty figures released by Census last month may overlook millions of people suffering in poverty, many of whom are 65 and older.

The National Academy of Sciences' revised formula calculates that about 47.4 million Americans lived in poverty last year—7 million more than the Census figure.

The National Academy of Sciences formula shows a poverty rate of 15.8 percent, which is nearly 1 in 6 Americans. This is far higher than the poverty rate of 13.2 percent, or 39.8 million, reported by the U.S. Census Bureau recently.

The National Academy of Sciences found that about 18.7 percent of Americans 65 and older, or nearly 7.1 million, are suffering in poverty compared to 9.7 percent, or 3.7 million, under the traditional Census measure. This is largely due to out-of-pocket expenses from rising Medicare premiums, deductibles and a coverage gap in the prescription drug benefit.

The National Academy of Sciences also found that 14.3 percent of people 18 to 64, or 27 million, are suffering in poverty, compared to 11.7 percent under the traditional Census measure. Many of the additional poor are low-income, working people facing growing transportation and childcare costs.

It should also be noted that food stamp assistance, which is at an all-time high of about 36 million, likely softened these figures.

These figures are especially troubling and could get worse. In 2008, U.S. median income fell to \$50,303 from \$52,163 in 2007. That 3.6% decline is the largest one-year drop since records began. And, the Economic Policy Institute projects that in the next two years, incomes could decline by another \$3,000 and poverty could increase by 1.9 percentage points.

These figures have special meaning for me because I represent one of the poorest Congressional districts in the country. In fact, a recent report in *Forbes Magazine* declared Rocky Mount, North Carolina, as one of America's 10 most impoverished cities.

Forbes used the new data from the U.S. Census Bureau's 2008 American Community Survey, and also looked at per capita incomes for a region, the percentage of food stamp recipients, the percentage of people under age 65 receiving public health care and the unemployment rate.

According to *Forbes*, nearly 8 percent of Rocky Mount area residents were among the nation's extreme poor in 2008, living at below 50 percent of the poverty line. And, about 17 percent of area residents received food stamps last year, and nearly 23 percent of residents under age of 65 received Medicaid. Also, Rocky Mount's unemployment rate at the time of the report was 8.7 percent and since has risen to 13.8 percent.

While *Forbes* also ranked Rocky Mount as the 119th best small places for business and careers, largely because of the city's available workforce, this is a region that suffers with a great number of needs. This is a community with great pride and potential that continues to work hard to provide opportunities and improve the quality of life for its residents.

As we look at ways to make sure our resources are going where they are needed most, we should look at the way poverty is measured. Unfortunately, the official U.S. poverty measure has changed very little since it was originally adopted in 1969, with the exception of annual adjustments for overall price changes in the economy, as measured by the Consumer Price Index for all Urban Consumers.

Currently, the poverty threshold reflects a measure of the economic realities of the mid-1950s. The poverty line has not been adjusted to reflect changes in needs associated with improved standards of living that have occurred over the decades since the measure was first developed.

A congressionally commissioned study conducted by the National Academy of Sciences has recommended that the poverty level be reset to take into account economic changes that have occurred over the past four decades. The National Academy of Sciences recommended that non-cash benefits, taxes and

tax credits be counted as income while expenses such as work-related child care, housing and out-of-pocket medical expenses be deducted from income in determining families' poverty status. As a result, comparatively more working families and elderly people would be counted as poor.

The National Academy of Sciences also recommended that the poverty income levels be adjusted for regional cost of living differences. The current poverty income thresholds are uniform across the 50 States and the District of Columbia.

The Measuring American Poverty Act of 2009 introduced by Representative McDERMOTT and a companion bill introduced by Senator DODD would instruct the U.S. Census Bureau to adopt many of the modern poverty measurement recommendations made by the National Academy of Sciences. If adopted, the legislation would result in a new poverty measure that would coexist with the official poverty measure, and re-designate the current "official" measure as the "traditional" poverty measure. The new poverty measure would not affect programs that use poverty as criteria for either determining eligibility or allocating funds, but would stand as an additional statistical indicator to measure the effects of programs on poverty.

This would be a helpful step toward ensuring that we have a system that is fair to people who need help as well as to the taxpayers providing that help. This economic crisis serves as a reminder to all Americans just how vulnerable we all are, and that reducing our existing poverty will require a great deal of effort and attention.

IN MEMORIAM OF SPC KEVIN O.
HILL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. TOWNS. Madam Speaker, I rise today in memoriam of Specialist Kevin O. Hill, a distinguished and honorable constituent of Brooklyn. He died on October 4, 2009 in Dehanna, Afghanistan, and was a member of the 576th Engineer Company, 4th Engineer Battalion based in Fort Carson, Colorado. A third generation military man, preceded by his father, Oslen, Jr. and his grandfather, Oslen, Sr., Specialist Hill had dreams of being a Secret Service agent and felt that the military training and experience could only serve him well in pursuit of that goal.

He was a quiet leader, choosing to lead by example more often than words. After completing his education at Monroe College, Specialist Hill joined the Army. While in Afghanistan he worked with the Engineer Battalion to disable IEDs and roadside bombs before they could do harm to his fellow soldiers and the civilians that he was there to help.

His mother praised him as a hero, and I stand here to do the same. Specialist Hill paid the ultimate sacrifice for our country and my condolences go out to his mother, Mahalia Hill, his father, Oslen Hill, his grandfather Oslen Hill, Sr., his sisters Chinyere and

Shantel and his entire family in this time of grave loss. Our country is indebted to his family and we are all mourning their loss.

Madam Speaker, I urge my colleagues to join me in remembering the dedication and selflessness of Specialist Kevin O. Hill.

EARMARK DECLARATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. COLE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, for FY2010

Requesting Member: Congressman TOM COLE

Bill Number: H.R. 3183

Provision: Title III

Account: DOE—Science

Legal Name of Requesting Entity: "The University of Oklahoma"

Address of Requesting Entity: 660 Parrington Oval, Norman, OK 73019

Description of Request: Provide an earmark of 1,000,000.00 to The University of Oklahoma (OU) for its technological advantage in the production of carbon nanotubes, via the use of a proprietary catalyst and a truly scalable production process, commercialized by an OU startup company (South-West Nanotechnologies, SWeNT). The Center for Applications of Single-Walled Carbon Nanotubes (CANTEC) investigates the applications of the SWNT produced in the CoMoCAT process in several important areas: biomedical applications (biosensors, cancer cell targets, and cancer therapeutics), polymer composites of unique electrical and mechanical properties, metal-nanotube composites, thermally conducting composites, transparent electrodes, solar cells, field emission devices, and thin film transistors.

BRIAN TAYLOR RECOGNITION

HON. DANA ROHRBACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. ROHRBACHER. Madam Speaker, I would like to bring to the attention of my colleagues the inspirational and uplifting story of Brian Taylor from the November 2009 issue of SLAM magazine. Brian Taylor is a true modern hero and example to the youth of America. Brian was a superstar basketball player at Princeton University and in the ABA and NBA. He had a great 10-year professional career, after which he became a teacher. He is now Head of Schools for View Park Schools, a charter school network in the inner city of Los Angeles, CA. View Park graduates 100% of its high school seniors, all of whom go on to college! Brian's personal story and the success of his charter school is a real life example of

what can be accomplished with hard work, perseverance and commitment to excellence. I salute Brian Taylor and I urge my colleagues to read and be inspired by this tremendous story.

HIGHER LEARNING: FORMER ABA STAR BRIAN TAYLOR IS NOW COMMITTED TO EDUCATING THE YOUTH OF L.A.

(By Chris Warren)

Brian Taylor creates a stir when he walks the halls of View Park Prep Middle School in south Los Angeles. One young teacher's face lights up when he spots Taylor and, making his way through the throngs of African-American students changing classes, he crows about a Laker's narrow Playoff win. As he continues down the hall, Taylor—who at 6-3—towers over the young kids who attend this charter school located in an area known for its deep-seated problems with gangs, violence, and failing schools—is approached by a succession of students. Some just say hi, some want to talk about their classes and others angle for a pat on the shoulder or a hug.

One subject that isn't broached, at least on this day, is Taylor's highly successful career in the ABA and NBA. Not that there isn't a lot to talk about. After a standout tenure at Princeton, where he led the Pete Carril-coached Tigers to the NIT Tournament and wins over Bobby Knight's Indiana and Dean Smith's UNC Tar Heels ("Bob McAdoo is still in denial," he says), Taylor was lured to the pros after his junior year in 1972, one of the first athletes to make the jump early—so unusual at the time that Howard Cosell did a story about it for ABC Sports. In a decade-long career in the pros, Taylor rolled up a Rookie of the Year award and two ABA championships with the New York Nets, where he played great D and dished the ball to Dr. J, Larry Kenon and John Williamson, before going on to stints with the Kansas City Kings, Denver Nuggets, and the San Diego Clippers in the NBA.

Taylor isn't interested in rehashing past glory, though sometimes he can't avoid it because zealous fans still track him down and send him items to autograph. These days, Taylor, who is head of View Park Prep Schools and senior vice president at the Inner City Education Foundation (ICEF), which runs 13 charter schools in south L.A., including View Park Prep Middle School, would much rather talk about the challenges and triumphs of providing a top-notch education to minority students who typically have few, if any, good options when it comes to schools.

Taylor certainly has a great story to tell. Since their founding in '94, ICEF schools have emerged as an educational powerhouse in an area of Los Angeles where only 9 percent of freshmen who enter public schools eventually graduate from college. By stark contrast, ICEF schools have not only routinely registered top scores on California standardized tests, often besting much wealthier areas, but have a goal, so far attained, of sending 100 percent of their graduates to college. Taylor needs to tell this story as a way to drum up support amongst parents, politicians, donors and neighbors, because their support is vital for ICEF to flourish and expand; their goal is to eventually operate 35 schools in south L.A., ultimately serving 10,000 students and producing 2,000 college graduates per year.

"My job is to help the outside world understand what we're doing and why and how we are achieving at a high level and get their support and their understanding," Taylor

says, "Us being here has affected people's lives—there are more kids and more traffic and it has affected people's lives in the community—and my job is to have them understand that it's worth it for the kids."

By experience and connections, it's hard to imagine a better spokesperson. Not only is Taylor a Princeton grad, which speaks volumes about the value he places on education, but he was one of the founding board members and treasurer when ICEF was nothing more than an idea and later left a position at one of L.A.'s most prestigious private schools to become principal of View Park Middle School before starting his current job. Taylor's network is wide and he uses it well; he has coaxed former professional ballplayers to come work at the school and got Lakers great Kareem Abdul-Jabbar to speak to the kids about black history; while I'm with him, he misses a call from President Obama's Secretary of Education, Arne Duncan.

Given all that, it's still Taylor's temperament that is arguably his most effective tool in garnering support for ICEF's mission to provide an elite private school quality education to traditionally underserved, forgotten African-American children. "Brian is the most modest person I've ever met," says ICEF founder Mike Piscal.

As Taylor, whose playing days were ended by an Achilles heel injury in '82, leads a tour around the school, he is continually deflecting attention away from himself. Introducing Dwight Sanders, View Park's current principal, Taylor calls him one of ICEF's "rising stars," and says that students already like Sanders better than him. Every teacher we meet is doing something extraordinary, he says, and I really should be talking to them, not him.

Taylor would be the first to say that he's in a position today to make a huge difference in thousands of young lives largely because of basketball. Growing up in the housing projects of Perth Amboy, NJ, Taylor had two distinct advantages over his peers who were never able to rise above their tough environment: family and sports. His father, "Big" Steve, a former semi-pro football player and the family disciplinarian, worked as a laborer at the Raritan Copper Works, and his mother, Maude, was a homemaker. "Even though we had a small place, it was the place to go to get home cooking and a lot of loving from my mom," he recalls. Along with a secure and loving home life, the Taylors were also awash in athletic talent. Big Steven was a skilled athlete and Brian's older brother, Bruce, was a standout football player who went on to become a Pro Bowl cornerback for the San Francisco 49ers. For his part, Brian excelled at everything he tried—he says baseball was his first love—becoming a three sport letterman all four years of high school, leading his basketball team to one state championship and a second-place trophy.

Fortunately for Taylor, he also had a football coach, Bob Estok, who stressed education. "After my freshman year in high school, he says, You're a good enough student, you have a profile here that if we get you moving in the right track, you'll have tremendous opportunities to go anywhere in the country for college," Taylor says. For Estok, that track meant making sure Taylor spent two summers taking academic enrichment courses at an elite private school and maintaining an A-minus average in his regular courses. It also meant making sure that Taylor knew the dangers faced by talented athletes, so Estok gave him the book, *The*

Black Athlete: The Shameful Story. "It's a cautionary book, talking about how athletes are exploited for their physical abilities and don't take advantage of the opportunities they have as students," Taylor says.

That was never a possibility for Taylor. Even though he was heavily recruited out of high school—UCLA, Cal-Berkeley and Rutgers were among his suitors—it was Princeton, located just 30 miles from home, which eventually won out. "We didn't recruit him that hard, I guess his mom, the last thing she said was that I was the only honest guy he talked to," laughs Pete Carril, who coached the Tigers from 1967-96. "He had his sights set on a good education and that really helped us."

Taylor flourished at Princeton, using his blazing speed and strength to break down defenses and shut down the opposing team's best players. "Brian was a terrific shooter and he had great quickness and he could defend," says Gary Walters, Princeton's current athletic director, who played point guard on the school's 1965 Final Four team. "He was one of Pete's all-time most talented and gifted players." During the summer, Taylor would train with another of Princeton's all-time greats, Bill Bradley. Taylor remembers how Bradley would come to the gym each day clutching a notebook in which he'd jotted down all the drills he wanted to do. After each was completed, Bradley would methodically go back to the notebook and check it off—a powerful lesson about the importance of preparation and hard work in pursuing one's goals.

Taylor's focus on academics waned when, after a wildly successful junior year, the ABA came calling. "I was like, wow, I've got an opportunity to play with the great New York Nets in the beautiful Nassau Coliseum and they're going to pay me to do it? Or I'm going to have to write a 100-page thesis?" When Taylor's father was interviewed by Cosell, the sportscaster asked him what his son should do: take the money and run, Big Steve said. Brian did just that, although he eventually went back to Princeton and earned two degrees.

Taylor quickly established himself in the pros, not only winning ROY honors in the ABA, but helping lead the Nets to championships in his second and fourth years in the league, when the team came back from a 22-point deficit to best the Denver Nuggets. The way Taylor saw it, his job was to do two things: shut down the opposing team's best player and get the ball to a certain future hall of famer. "My responsibility was making sure I got the ball to Dr. J in the right position," he says.

Night after long night he had to try and slow the prolific scoring of the likes of David Thompson, George Gervin, Norm Nixon, and Pete Maravich. It was no easy task. "They hated me because the only way I could slow them down was to do anything possible: grab them, hold them, trip them, bite them," he says with a laugh. Ron Boone, who played for numerous ABA and NBA teams and is now color commentator with the Utah Jazz, used to hate it when Taylor guarded him. "He was just one of those guys you wanted to get off of you because he was there all of the time," Boone recalls. In the '76 Playoffs, Boone grew so frustrated with Taylor's defense that he punched him in the mouth, but the next year, Taylor and Boone were roommates on the Kansas City Kings and became good friends.

Although undersized, Taylor had plenty of other tools. One was speed: he was known as the BT Express. "He was the fastest guy I

had seen in the league up to that point, and I'm not sure if people of the ilk of [Allen] Iverson are faster," says Kim Hughes, an assistant coach with the L.A. Clippers, who played with Taylor on the Nets. Hughes says Taylor and Dr. J were the smartest teammates he ever had, and that Taylor duped people into making ill-conceived passes. "I heard how Bill Russell used to taunt people into blocking shots. Brian was lurking, waiting for the cross-court pass and he would get it almost every time."

Although Nate "Tiny" Archibald is better known than Taylor, Hughes says it was a "terrible deal" when the Nets traded Taylor for Tiny. "I thought Brian was a much better player than Tiny, even though Tiny was a much better offensive player," he says. "Brian was such a good rebounder, defender and overall player."

Taylor's leadership also set him apart, remembers Eric Money, a former Pistons point guard. As Money recalls, Taylor didn't lead by shouting or hogging the ball, but by quietly making everyone else better. "He was always the floor general," says Money, who Taylor lured to ICEF schools to become a PE teacher and to help him coach the high school basketball team. "He was a great complementary player to let guys like Dr. J have the spotlight. The leader sometimes has to defer—that was one of his stronger qualities."

Taylor will need to draw on every bit of those leadership skills in his current role. Education, especially in California, has been hit hard by the economy, with massive state budget cuts decimating teaching staffs, increasing class sizes and dimming prospects of academic progress. The challenge is particularly acute for charter schools, which already don't receive as much funding as regular public schools, even though their test scores and achievements are often far superior, most markedly in predominantly minority areas. Taylor has to work extra hard to try and drum up financial resources from foundations, individuals and the federal government, whatever it takes to keep the ICEF schools performing at a high level.

Taylor's motivation is intensely personal. His two youngest children attend ICEF schools (an older child, Bryce, was a standout player at the University of Oregon and, after playing a year in Italy, is looking to sign with an NBA team), the symbolism of which is not lost on anyone. "It does send an important message, because it tells you he has faith in us and the system," says Sanders. "That says a lot about what he's building and what his belief is in our system." In fact, Taylor says he got into education after 10 years as a successful businessman in larger part to emphasize to his kids how important it is.

Even if his weren't here, it seems clear that Taylor would be. He says he sees himself in the children who attend ICEF schools, growing up in the inner city where bad influences are all too common. What he wants them to understand is that academics lead to a better life and that it's within their grasp. But the job gives him plenty in return, including an opportunity to coach his son, Brendan, who is developing into an excellent player himself. It might not match the immediate thrill of a roaring crowd, but it can be far more gratifying, he says.

"What can you do that is going to give you the thrills that you had as a ballplayer? Probably nothing, but what is my purpose thereafter?" he says. "I feel coming here I found my purpose in life. And my purpose in life is to give back."

HONORING CONNOR KILLEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Eagle Scout Connor Killen, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 216, and by achieving the incredible feat of earning all 122 possible merit badges.

Connor has been very active with his troop, participating in many scout activities. Connor has shown an extraordinary commitment to scouting over the past six years as evidenced by the many weekends of hard work and the travel to five different states and two foreign countries as he worked towards earning his merit badges.

Madam Speaker, I proudly ask you to join me in commending Connor Killen for his exceptional accomplishments with the Boy Scouts of America and for his efforts put forth in achieving this highest distinction.

EARMARK DECLARATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mrs. McMORRIS RODGERS. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Conference Report for H.R. 3183, FY2010 Energy and Water Development and Related Agencies Appropriations Act.

Requesting Member: Congresswoman McMORRIS RODGERS

Bill Number: H.R. 3183

Account: Office of Electricity Delivery and Energy Reliability

Legal Name of Requesting Entity: Washington State University for the Department of Energy

Address of Requesting Entity: 1036 Wilson Road; Pullman, WA 99164

Description of Request: Provide an addition of \$1,000,000 for making the power grid more reliable, capable, and secure. The existing power grid is highly unstable and vulnerable to natural and man-made interruptions as well as being inadequate for increased power and transmission speed throughout. The development of software will make a "smart grid" possible.

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. GERLACH. Madam Speaker, unfortunately, on Tuesday, October 20, 2009, I

missed three recorded votes on the House floor. Had I been present, I would have voted "yea" on rollcall 790, "yea" on rollcall 791, and "yea" on rollcall 792.

RECOGNITION FOR MEMBERS OF THE TEXAS STATE HOUSE AND SENATE FOR THEIR WORK ON BEHALF OF GALVESTON, TEXAS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. PAUL. Madam Speaker, on October 23, the Galveston Chamber of Commerce will recognize the following members of the Texas State House and Senate for their tireless work in the Texas state legislature on behalf of the people of Galveston: Senator Joan Huffman, Senator Mike Jackson, Senator Steve Ogden, Representative Dan Branch, Representative Craig Eiland, Representative Jim Pitts, and Representative Larry Taylor. I am pleased to join the Galveston Chamber of Commerce in saluting these seven legislators.

In the past year, each of these legislators have diligently worked to help the people of Galveston recover from Hurricane Ike. Among the issues they worked on were windstorm insurance, state support for rebuilding Galveston Island, and ensuring continued support for the University of Texas Medical Branch.

I am honored to have a working relationship with these legislators. My district staff regularly communicates with the offices of these state legislators, in working together to meet the needs of our shared constituents.

In conclusion, Madam Speaker, I again join my friends at the Galveston Chamber of Commerce in thanking Senator Joan Huffman, Senator Mike Jackson, Senator Steve Ogden, Representative Dan Branch, Representative Craig Eiland, Representative Jim Pitts, and Representative Larry Taylor for all they do for the people of Galveston. I look forward to continuing to work with these legislators.

RECOGNIZING THE BOYS AND GIRLS CLUB OF SIERRA VISTA, ARIZONA FOR ITS PARTICIPATION IN LIGHTS ON AFTERSCHOOL DAY

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Ms. GIFFORDS. Madam Speaker, I rise today to recognize the work of the Boys and Girls Club of Sierra Vista, Arizona, which will play a very active role in the Lights On Afterschool Day on October 22.

Lights On Afterschool Day is a national celebration of after-school programs that promotes quality afternoon activities for children and their families. Arizona ranks in the top 10 states for afterschool programs and I commend the Boys and Girls Club of Sierra Vista for its strong participation in this important initiative.

The mission of the Boys and Girls Club of Sierra Vista is to inspire and enable all young people to realize their full potential as productive, responsible and caring citizens. The club operates exceptional youth development programs which provide young people with the knowledge, skills, and attributes they need to pursue their dreams and succeed in life.

The Boys and Girls Club of Sierra Vista also offers a full menu of after-school activities. These activities provide safe, challenging and fun learning experiences to help young people develop their social, emotional, physical, cultural and academic skills.

There are more than 28 million children in the United States with parents who work outside the home. Some 14.3 million of those children have no place to go after school.

The Boys and Girls Club of Sierra Vista leads the way by encouraging community involvement in the education and well-being of our youth. That leadership is grounded in the principle that quality after-school programs are a key to helping our children become successful adults.

Afterschool Alliance Executive Director Jodi Grant has said "The 2009 Lights On Afterschool events represent not only diverse people and issues, but also diverse interests—whether those interests run to the sciences, the arts, community service, sports or the environment." The Boys and Girls Club of Sierra Vista is an outstanding example of how children can be engaged in these meaningful activities.

On behalf of a grateful community, I thank the Boys and Girls Club of Sierra Vista for all that it does to engage and educate our children in a safe and caring setting.

BROOKS C. ROBINSON

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Brooks C. Robinson, legendary Baltimore Orioles third baseman and National Baseball Hall of Famer.

Brooks Robinson began his professional baseball career on Memorial Day 1955, when he signed a contract with the Baltimore Orioles for whom he played throughout his entire 23 year career. Known as the Human Vacuum Cleaner because of his astounding defensive abilities at third base, Robinson is generally acclaimed as the greatest defensive third baseman of all time.

In 1964, Robinson won both the American League Most Valuable Player, MVP, and All-Star Game MVP awards. He played in four World Series and in 1970 Robinson received the World Series MVP Award. In 1971, Robinson was awarded the Hickock Belt, emblematic of his selection as the national outstanding athlete of the year. During his career as an Oriole, Robinson won 16 consecutive Gold Glove Awards, a record for nonpitchers.

Besides his superior defensive skills, Robinson holds major league records for his offensive talent as well. Robinson compiled a .267 batting average with 2,848 hits, 268 home

runs, and 1,357 runs batted in. After his retirement in 1977, the Orioles retired his jersey, number 5.

Robinson remained active in the community upon his retirement. A longtime supporter of Scouting, Robinson served for many years on the executive board of the Baltimore Area Council, Boy Scouts of America, and is a recipient of the Silver Beaver Award. On December 5, 2006, he was recognized for his accomplishments on and off the field when he received the Bobby Bragan Youth Foundation Lifetime Achievement Award.

Brooks Robinson has lived in the Baltimore area for over 45 years with his wife Connie. They have four children and eight grandchildren.

Madam Speaker, I ask that you join with me today in honoring Brooks Robinson, a man who has established a standard of excellence both on and off the baseball field. His stellar baseball performance and outstanding community involvement is a sterling example of a true professional athlete.

HONORING EMILY THOMPSON

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. AUSTRIA. Madam Speaker, I rise today on behalf of the constituents of Ohio's Seventh Congressional District to recognize and honor Emily Thompson for the courage and selfless action she took to save the life of a fellow citizen.

A senior at Kenton Ridge High School in Kenton, Ohio, Emily is a member of the volleyball team. While preparing for a match on Tuesday, October 13, 2009, a fellow teammate's grandfather suffered an apparent heart attack in the stands. Emily was quick to respond, using her first aid knowledge she learned as a lifeguard she effectively saved the gentleman's life.

Emily deserves our recognition for her bravery, strength of character, and quick action to help when needed. She has shown true signs of leadership and responsibility far beyond her 17 years.

Emily provided a great service both to our community and the family and loved ones of the gentleman she saved and for these reasons she deserves our gratitude and special thanks.

NATIONAL BREAST CANCER AWARENESS MONTH

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to recognize "National Breast Cancer Awareness Month" during its 25th anniversary year.

National Breast Cancer Awareness Month has been at the forefront of raising awareness of breast cancer issues and has continued to

evolve along with the national dialogue on breast cancer.

I am a strong advocate for organizations that are dedicated to educating and empowering women to take charge of their own breast health by practicing regular self-breast exams and scheduling annual mammograms.

In my district in Orange County, California, I am proud of the numerous health fairs that promote prevention among our ethnic populations, who tend to be more reluctant to get examined than other populations.

My own staff has been involved in this effort. Laura Martinez, my casework supervisor, was diagnosed with breast cancer in 2006. She underwent a mastectomy, received radiation treatment and is currently taking Tamoxifen.

She has been involved with the American Cancer Society, has shared her testimony, and formed "Laura's Lifeline" team to Race for the Cure.

I recognize that many strides have been made in breast cancer awareness and treatment but there still remains much to be accomplished.

RECOGNIZING TIBOTEC THERAPEUTICS FOR CONDUCTING THE GRACE STUDY, A GROUND-BREAKING HIV CLINICAL TRIAL FOCUSED ON WOMEN AND PEOPLE OF COLOR IN THE UNITED STATES

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. DAVIS of Illinois. Madam Speaker, I rise today to commend and congratulate Tibotec Therapeutics, part of the Johnson & Johnson family of companies, for demonstrating continued innovation and corporate responsibility in the fight against HIV/AIDS by conducting the groundbreaking GRACE study. GRACE, which stands for Gender Race and Clinical Experience, is the largest study to date in treatment-experienced women with HIV to examine gender and race differences in response to an HIV therapy. Findings from this historic study were recently presented at the International AIDS Society conference in Cape Town, South Africa.

In the United States, women are increasingly affected by HIV/AIDS, accounting for more than one quarter of all new HIV/AIDS diagnoses, with African American and Latina women representing seventy-nine percent of women living with the disease. People of color, both women and men, have been historically underrepresented in clinical trials in the United States, and HIV/AIDS disproportionately impacts our African American and Latino communities. In my home State of Illinois, there are over 35,000 people living with AIDS: African Americans represent 50% of these cases, and Latinos represent 13%. In terms of new HIV infections, African American women are infected at a rate fifteen times higher than white women, and Latino women are infected at a rate almost four times as high as white women.

In recent HIV studies of treatment-experienced patients, women accounted for less than 11 percent of the patients being studied, on average. This trial was designed to help overcome some of the barriers, identified by the advisors, which have historically deterred women and people of color from participating in clinical studies, including stigma, lack of child care, transportation and personal support systems. Based upon advisor and community input, study participants could obtain assistance to cover costs associated with their participation in the study, including funds for travel and childcare, as well as food vouchers. Through innovative strategies like these, the GRACE study was able to enroll nearly seventy percent women, sixty percent African Americans and twenty-two percent Latinos. I am proud to say that two of the study sites in this historic clinical trial are located in my congressional district.

Results of the GRACE study showed that there were no statistical differences in the safety, tolerability or effectiveness of the HIV regimens used in the study between male and female participants, or for people of different ethnicities. Importantly, from my perspective, the GRACE study clearly showed that, with the appropriate commitment from the trial sponsor and input from affected communities and providers, clinical trials can, indeed, enroll meaningful numbers of women and racial and ethnic minorities.

With the GRACE study, Tibotec Therapeutics and Johnson & Johnson continue to demonstrate their leadership and corporate social responsibility as innovators and leaders in the pharmaceutical industry. I commend them for their continuing commitment to the fight against HIV/AIDS and for their leadership in addressing the disproportionate impact of the HIV/AIDS epidemic on women and people of color.

HONORING THE 60TH ANNIVERSARY OF THE ESTABLISHMENT OF THE PHILADELPHIA BRANCH OF THE UKRAINIAN AMERICAN YOUTH ASSOCIATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. GERLACH. Madam Speaker, I rise today to honor an outstanding cultural organization that has served thousands of young Americans in the Philadelphia area.

On October 24, 2009, the Philadelphia Branch of the Ukrainian American Youth Association will celebrate its 60th anniversary. This organization has encouraged three generations of youth to become productive American citizens. Members of the Ukrainian American Youth Association are proud of their national heritage and support the land of their ancestors in its quest to join Western democracies as an independent state.

Throughout my time as a Member of Congress, I have worked closely with members of the Ukrainian American community, including the Ukrainian Federation of America and the Ukrainian Congress Committee of America, to

strengthen the ties between the United States and Ukraine. It gives me great pleasure today to recognize the Ukrainian American Youth Association for its work toward that same end.

Madam Speaker, I ask that my colleagues join me today in honoring the Philadelphia Branch of the Ukrainian American Youth Association for its support of and service to thousands of Ukrainian American youth over the past sixty years.

HONORING CRUSADER CLINIC ON ITS 37TH ANNIVERSARY

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. MANZULLO. Madam Speaker, I rise today to recognize one of the jewels of northern Illinois, Crusader Community Health of Rockford. Crusader Community Health is a remarkable community-based, not-for-profit health center whose mission is to provide quality, primary health care to people in need in the Rock River Valley. Crusader Community Health systems is part of a network of more than 1,200 federally qualified health centers in the United States serving 18 million people. These centers are doing tremendous work providing care to the medically disenfranchised in this nation. Crusader is the backbone of our regional community's health care safety net, delivering high quality primary and preventive care for over 40,000 patients each year regardless of insurance status or ability to pay.

This year, Crusader Community Health is celebrating its 37th anniversary as one of the top community health centers in the nation. Crusader has been lauded by the U.S. Department of Health and Human Services (HHS), and will soon be featured on the National Medical Report program of National Public Broadcasting for its positive impact on the local community. Nationally, the community health centers program has been recognized by the White House Office of Management and Budget (OMB) as one of the most highly effective federal programs in existence.

Madam Speaker, I wish to extend my recognition and strong support of Crusader Community Health systems in Rockford, Illinois. Since its founding in 1972, Crusader Community Health has served my fellow citizens in northern Illinois with access to affordable and high quality medical and dental care. I am proud to support Crusader Community Health because I know many of my fellow citizens would be without health care if it were not for the dedication and professional excellence of the staff, board of directors and volunteers associated with this terrific local organization. Crusader is a great example of the effectiveness of the community health center program in this nation. This system of care saves lives and deserves continued public support. I am honored to recognize Crusader Community Health and its personnel here in the United States Congress today.

EARMARK DECLARATION

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Hon. DENNY REHBERG
Bill Number: H.R. 3183

Account: Department of Energy—EERE

Requesting Entity: Montana State University-Bozeman, 207 Montana Hall, Bozeman, MT 59717

Description: Montana Algal BioDiesel Initiative—Algae, third generation or advanced biofuels, use photosynthesis to transform carbon dioxide and sunlight into oil. Algae can grow in water and on land, even land not suitable for food production. Even CO₂-rich emissions from fossil fuel (coal) burning powerplants can be used as feedstocks to support the growth of algae that produces biodiesel. The effective use of high temperature CO₂-rich exhaust gases (including the geothermal environments in Yellowstone) also produce algae that can flourish at high ambient temperatures. Currently, there are both practical and economic obstacles to increased use of biofuels from algae, but early research is promising. The funds requested would be used to advance the development of biofuels from algae, especially from coal plant emissions and exhaust gases.

Requesting Member: Hon. DENNY REHBERG
Bill Number: H.R. 3183

Account: Department of Energy—EERE

Requesting Entity: Montana State University-Bozeman, 207 Montana Hall, Bozeman, MT 59717

Description: Wind Turbine Development—The U.S. Department of Energy's Energy Efficiency and Renewable Energy (EERE) works to strengthen the United States' energy security, environmental quality and economic vitality in public-private partnerships. It supports this goal through enhancing energy efficiency and productivity; bringing clean, reliable and affordable energy technologies to the marketplace; and making a difference in the everyday lives of Americans by enhancing their energy choices and their quality of life.

This project addresses those issues through (a) research on durability and damage tolerance of wind turbine blades, (b) efforts to promote commercialization and manufacturing, with attention to cost reductions, and (c) site development activities. The wind turbine blade materials and manufacturing studies will help develop cost-effective wind turbine electrical power generation. This in turn will provide an electric power distribution throughout Montana to stimulate economic development. An infrastructure is already in place to immediately help the wind turbine industry.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mrs. MALONEY. Madam Speaker, on October 20, 2009, I missed rollcall votes numbered 790, 791, and 792.

Had I been present, I would have voted "yea" on rollcall votes No. 790, to amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses; No. 791, to designate the facility of the United States Postal Service located at 440 South Gullwing Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building;" and No. 792, supporting the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and to ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week.

RECOGNIZING TIBOTEC THERAPEUTICS FOR CONDUCTING THE GRACE STUDY, A GROUND-BREAKING HIV CLINICAL TRIAL FOCUSED ON WOMEN AND PEOPLE OF COLOR IN THE UNITED STATES

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. GONZALEZ. Madam Speaker, I rise today to commend and congratulate Tibotec Therapeutics, part of the Johnson & Johnson family of companies, for demonstrating continued innovation and corporate responsibility in the fight against HIV/AIDS by conducting the groundbreaking GRACE study. GRACE, which stands for Gender Race And Clinical Experience, is the largest study to date in treatment-experienced women with HIV to examine gender and race differences in response to an HIV therapy. Findings from this historic study were recently presented at the International AIDS Society conference in Cape Town, South Africa.

In the United States, women are increasingly affected by HIV/AIDS, accounting for more than one quarter of all new HIV/AIDS diagnoses, with African American and Latina women representing seventy-nine percent of women living with the disease. People of color, both women and men, have been historically underrepresented in clinical trials in the United States, and HIV/AIDS disproportionately impacts our African American and Latino communities. In my home state of Texas, there are about 73,000 people living with AIDS, and Latinos represent almost one-quarter of these cases. There are over 5,000 people living with HIV/AIDS in San Antonio, and many more in the surrounding counties. In terms of new HIV infections, Latina women are infected at a rate almost four times as high as white women.

Through innovative strategies, the GRACE study was able to enroll approximately seventy percent women, sixty percent African Americans and twenty-two percent Latinos. The trial was designed to help overcome some of the barriers which have historically deterred women and people of color from participating in clinical studies, including stigma, language and cultural barriers, and lack of child care, transportation, and personal support systems. Based upon advisor and community input, study participants could obtain assistance to cover costs associated with their participation in the study, including funds for travel and childcare, as well as food vouchers. I am very proud that one of the study sites in this historic clinical trial is located in my congressional district.

Results of the GRACE study showed that there were no statistical differences in the safety, tolerability, or effectiveness of the HIV regimens used in the study between male and female participants, or for people of different ethnicities. Importantly, from my perspective, the GRACE study clearly showed that, with the appropriate commitment from the trial sponsor and input from affected communities and providers, clinical trials can, indeed, enroll meaningful numbers of women and racial and ethnic minorities.

With the GRACE study, Tibotec Therapeutics and Johnson & Johnson continue to demonstrate their leadership and corporate social responsibility as innovators and leaders in the pharmaceutical industry. I commend them for their continuing commitment to the fight against HIV/AIDS and for their leadership in addressing the disproportionate impact of the HIV/AIDS epidemic on women and people of color.

DELAWARE WATER GAP NATIONAL RECREATION AREA CITIZEN ADVISORY COMMISSION

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. CARNEY. Madam Speaker, on October 13, I was unable to speak in favor of or cast a vote in support of H.R. 3476, a bill I introduced with the gentleman representing the congressional district to the east of Pennsylvania's 10th Congressional District, Representative GARRETT.

H.R. 3476 would reauthorize the Delaware Water Gap National Recreation Area Citizen Advisory Commission for another 10 years.

The Citizen Advisory Commission, CAC, was first proposed in 1988 by Congresswoman Marge Roukema in an effort to establish a more open dialogue between National Park Service, NPS, employees working the Delaware Water Gap National Recreation Area, DWGNRA, and the surrounding local communities. Communication between these two parties is valuable in maintaining a healthy DWGNRA for generations to come.

The CAC allows the communities' experiences in—and knowledge of—the Delaware Water Gap to strengthen National Park Service decisionmaking in the National Recreation

Area. Park officials are provided with a unique perspective on issues as varied as sustaining or preserving historic structures, to protecting wildlife and forests, to improving public safety and preventing or mitigating flooding along the river.

The Delaware Water Gap National Recreation Area preserves almost 70,000 acres of land along the Delaware River's New Jersey and Pennsylvania shores. This majestic area is popular not only with local residents, but also for tourism due to activities such as hiking, fishing, camping, swimming, and boating.

Part of ensuring that this beautiful area straddling the border between Pennsylvania and New Jersey is preserved for future generations is reauthorizing the CAC, which plays an invaluable role in assisting the NPS to protect, preserve, and expand the Delaware Water Gap National Recreation Area.

EARMARK DECLARATION

HON. DENNY REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. REHBERG. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2997—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010.

Requesting Member: Hon. DENNY REHBERG
Bill Number: H.R. 3183

Account: National Institute of Food and Agriculture—SRG

Requesting Entity: Montana State University-Bozeman, 207 Montana Hall, Bozeman, MT 59717

Description: Invasive Plant Management—Non-native invasive plants are the primary environmental threat to western wildlands. These plants quadrupled their area in the last 10 years. If they continue to spread at their current rate, they will dominate western rangelands in the future. Over 17 million acres of "public land" in the west are infested with noxious weeds with an additional 4,600 acres becoming infested each day. Currently Dalmatian toadflax is in an exponential growth phase in Montana, expanding at a rate of 14 percent per year. In Montana, about 8 million acres are seriously infested with noxious weeds. Previous MSU research indicates that sheep and/or goat grazing offers an additional and diversified tool in the fight against noxious weeds when used in an integrated weed management program. Noxious weeds can interfere with profitable land use, reduce production, alter ecosystems, threaten wildlife habitat and lower land value.

PERSONAL EXPLANATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. VAN HOLLEN. Madam Speaker, on October 15, 2009, I was unable to cast votes due

to attending an event on expanding small business opportunities with President Obama on October 21, 2009, in Hyattsville, Maryland. I was not present for rollcall votes 793, 794, 795, 796 and 797. Had I been present, my votes would have been as follows: "yea" on S. 1793, the Ryan White HIV/AIDS Treatment Act; "yea" on H. Res. 811, expressing support for the designation of October 2009 as National Principals Month; "yea" on H. Res. 837, recognizing Kentucky Wesleyan College for over 150 years of service as an institution of higher education; "yea" on H. Res. 660, recognizing the distinguished history of the Laurinburg Normal Industrial Institute; and "yea" on S. Con. Res. 43, authorizing the use of the Capitol rotunda for the presentation of the Congressional Gold Medal to former Senator Edward Burke.

IN MEMORY OF REAR ADMIRAL WAYNE E. MEYER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Mr. SKELTON. Madam Speaker, it is with great sadness that I inform the House of the death of Rear Admiral Wayne E. Meyer. He is known as the "Father of Aegis" for his 13 years of work on the Aegis Weapons systems.

Adm. Meyer was born in Brunswick, Missouri, on April 21, 1926. In 1943, he enlisted with the Navy. While serving with the Navy, he graduated from the University of Kansas in 1946 with a B.S. in Electrical Engineering. He also obtained a B.S. in Electrical Engineering and M.S. in Astronautics and Aeronautics from Massachusetts Institute of Technology. Additionally, he received a B.S. in Electrical Engineering from the Naval Postgraduate School. His engineering education would later help with his work on developing advanced weapons systems for the Navy.

One of Adm. Meyer's first assignments found him manning the radar of the USS *Goodrich* only after 11 months of radar and sonar training at M.I.T. In the post-World War II period, he served as part of the occupation forces in the Mediterranean, China, and Japan seas. Upon his return to the U.S., he enrolled and taught in variety of schools from 1951–1955. These included studying at the Joint Guided Missile School in Fort Bliss, Texas, and the Naval Line School in Monterey, California. He later was instructor at the Special Weapons School in Norfolk Virginia. Following his studies at Monterey and M.I.T., he was ordered to the USS *Galveston*, where he served as Gunnery Sergeant and eventually oversaw the conversion to the first Talos missiles on the cruiser.

In 1963, he was chosen to serve in the Navy Task Force for Surface Guided Missile Systems. Later, he was also appointed to assist with the analog to high-speed digital system transition on 30 Terrier-armed ships. He became the Director of Engineering at the Naval Ship Missile Systems Engineering Station in 1967. Three years later, he was called to Washington, D.C., to head the Aegis Weapons System. In the following years, he was

named supervisor of many projects, including the Surface Missile Systems and Surface Warfare. In January 1975, he was chosen for Rear Admiral. Shortly after his selection, he became the founding Project Manager of Aegis Shipbuilding, and, in 1983, he was reassigned as Deputy Commander, Weapons and Combat Systems, Naval Sea Systems Command. Eventually, he retired from active duty in 1985.

In his retirement, Adm. Meyer served in a variety of consulting positions, including assisting the Surface Navy and the Missile Defense Agency's development of missile defense capability for the nation's Aegis fleet and serving on many committees chartered by Department of Defense personnel.

Madam Speaker, Admiral Wayne E. Meyer was an honorable officer in the military. I am certain that the members of the House will join me in extending their heartfelt condolences to his family and friends. He will be greatly missed.

A TRIBUTE TO PREFECT PIERO MATTEI OF THE REPUBLIC OF ITALY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 21, 2009

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to celebrate the remarkable service of Dr. Piero Mattei, who is Prefect to the Province of Vicenza in the Republic of Italy. Prefect Mattei is retiring after forty years of remarkable service to not only the Italian people, but also to our country.

The U.S. Army's Southern European Task Force's, USASETAF, headquarters is based in the city of Caserma Ederle, in Vicenza. The USASETAF base is home to the 173rd Airborne Battalion, 14th Transportation Battalion, 22nd Area Support Group, 509th Signal Battalion, and the 663rd Transportation Detachment. Prefect Mattei has been a steadfast friend of the United States of America, and has shown particular care and concern for the American soldiers, civilians, and families who live and work at USASETAF. Prefect Mattei has shown great personal courage and great respect in dealing with sensitive issues of international importance.

When protesters tried to block the construction of the 173rd Airborne's new base in Dal Molin, it was Prefect Mattei's skill and personal intervention that helped to move the project forward towards completion. This is just one of many examples of this extraordinary public servant's devotion to justice and warm relations between our two great nations.

On behalf of this thankful nation, I wish Prefect Mattei and Signora Piera the very best as they embark on this new and exciting chapter in their life. They will always be special friends of the people of the United States of America.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all

meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 22, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 27

9:30 a.m.

Environment and Public Works

To hold hearings to examine S. 1733, to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy.

SD-406

2:30 p.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine the broadband stimulus programs in the American Recovery and Reinvestment Act.

SR-253

Agriculture, Nutrition, and Forestry

Domestic and Foreign Marketing, Inspection, and Plant and Animal Health Subcommittee

Production, Income Protection and Price Support Subcommittee

To hold joint hearings to examine low dairy prices, focusing on exploring avenues for federal action.

SR-328A

OCTOBER 28

9:30 a.m.

Environment and Public Works

To continue hearings to examine S. 1733, to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy.

SD-406

10 a.m.

Energy and Natural Resources

To hold hearings to examine the role of natural gas in mitigating climate change.

SD-366

Judiciary

To hold hearings to examine effective strategies for preventing health care fraud.

SD-226

Banking, Housing, and Urban Affairs

Securities, Insurance and Investment Subcommittee

To hold hearings to examine dark pools, flash orders, high frequency trading, and other market structure issues.

SD-538

2 p.m.

Aging

To hold hearings to examine 401(k) target date funds.

SD-562

2:30 p.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine new Office of Management and Budget (OMB) guidance to combat waste, inefficiency, and misuse in federal government contracting.

SD-342

Commerce, Science, and Transportation

To hold hearings to examine combating distracted driving, focusing on managing behavioral and technological risks.

SR-253

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine current and expected impacts of climate change on units of the National Park System.

SD-366

OCTOBER 29

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine helping workers preserve retirement security through a recession.

SD-430

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 555, to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, S. 607, to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, S. 721, to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, S. 1122, to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services, S. 1328 and H.R. 689, bills to provide for the exchange of administrative jurisdiction over certain Federal land between the Forest Service and the Bureau of Land Management, S. 1442, to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, establish a grant program for Indian Youth Service Corps, help restore the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service, and H.R. 129, to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California.

SD-366

October 21, 2009

EXTENSIONS OF REMARKS, Vol. 155, Pt. 19

25383

NOVEMBER 5

10 a.m.

Veterans' Affairs

To hold hearings to examine Veterans'
Affairs and Indian Health Service co-
operation.

SR-418

SENATE—Thursday, October 22, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, as we look at our history, we marvel at Your mercies. You have blessed our Nation with Your presence, repeatedly opening doors for new opportunities. You have delivered us from perils, setbacks, and dangers. Great is Your faithfulness.

Guide our lawmakers according to Your will. Give them humble hearts, emptied of presumptuous pride and motivated by a desire to please You. Make their spirits quarries out of which stones for new citadels of freedom and excellence may be fashioned. Reveal to them the means You would have them use to establish justice and peace. Lord, make this Nation the hope of all who suffer and the dread of all who would enslave the human spirit.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 22, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for 1 hour. Senators will be permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes, and the Republicans will control the final 30 minutes.

Following morning business, the Senate will resume consideration of the conference report to accompany H.R. 2647, the Department of Defense authorization bill. There will then be an hour for debate equally divided and controlled between Senators LEVIN and MCCAIN, the chairman and ranking member of that committee. Around 11:45 a.m., give or take a few minutes, the Senate will vote on the motion to invoke cloture on the conference report.

Last night, I filed cloture on the motion to proceed to H.R. 3548, the Unemployment Compensation Extension Act. That is so important to millions of people in America today. We have a lot of people out of work, and their unemployment benefits have run out. I hope we do not have to have a cloture vote in the morning. I would think it would be to everyone's interest to move forward on this legislation. I would like to do it, just get rid of the bill, finish that.

I have had conversations with my Republican colleagues, and they want some amendments. We have been pretty good this year being very open in the amendment process. There have been a couple snags once in a while that we ran into but not often. I see no reason why we cannot have a reasonable number of amendments on each side and complete the legislation today. If we do not, we are going to have to have that cloture vote tomorrow. If we have a cloture vote tomorrow, we likely will have a vote on other matters which I have the right to bring forward without notice—at least another matter. I hope that is not necessary. I know staff has been working to come up with a finite list of amendments. I hope that can be done very quickly.

People have the right to know what the schedule is, and I have done my best to outline what the schedule is going to be in the next 24 hours. I hope we can move toward some finality in that regard.

HEALTH CARE REFORM

Mr. REID. Mr. President, I also remind everyone that we are in the process of coming up with a bill we will

send from the Senate to the Congressional Budget Office. It is so important that we move forward on this legislation. Health care is vitally important to this country.

Every Thursday when we are in session, Senator ENSIGN and I have a Welcome to Washington Breakfast, and it is very good. We have been doing this for 9 years. Today we had the Principal of the Year, from Frank Lamping Elementary School, grades 1 through 5. Principal of the Year—that is really significant. We have well more than 400,000 students in Nevada, and to think they selected that man as the Principal of the Year is quite an honor. The principal is Michael O'Dowd. We had a longtime retired judge with whom I practiced law in the same community for a number of years, Gerry Hardcastle.

But the reason I mention this, there was a man there who introduced me to his son—a good-looking young man. His father was there to tell me about a new treatment they have developed for congenital clubfoot. In years past, the only way to handle that situation was with surgery. Now they have a new method. He had his boy there. His boy plays basketball. His boy can do anything he wants. And they have done this with no surgery. They now have new treatment for this. It is not surgical. In other countries, people spend the rest of their lives with their feet upside down unless there is surgery, and it is so difficult to do. So that is why health care is important.

This is one minor example of how we are advancing in health care, and we have to make sure health care is affordable to the American people. Our health care costs are more than 2½ times that of Japan. Yet the health care is not as good here as in Japan.

I look forward to sending that bill on to the Congressional Budget Office. I had spoken to the Republican leader yesterday. We are going to make sure Senators have plenty of opportunity to look at this bill once we get it back. We are concerned about quality, not quantity—well, we are interested in quality, not how fast we can move this. We want to move it as quickly as we can, as expeditiously as we can, but we want to do it as well as we can. So I look forward to working with the Republican leader to have a good debate on this matter and have health care for all Americans.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask unanimous consent that our time for morning business not start until the quorum is called off.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BROWN. Mr. President, I appreciate sharing the floor with the senior Senator from Minnesota, Ms. KLOBUCHAR.

I come to the floor regularly and share letters from voters and constituents and citizens around my State, around Ohio, people from Kent and Warren and Mansfield and Zanesville and Chillicothe. We all get these letters. I know the Acting President pro tempore gets them from Arkansas and Senator KLOBUCHAR gets them from Minnesota—letters from people who generally, 2 years ago, a year ago, if you asked them, they would have said they were satisfied with their insurance, but then something happened: They had a child born with an illness and the insurance company cut them off because the child had a preexisting condition or someone got very sick, they thought they had good insurance, but the insurance company canceled them because the cost was so high for their illness. A lot of these letters also come from people who lost their job. They are 59, 60, 61 years old, and they pray to God they will be able to get through the next 3, 4, 5 years until they are Medicare eligible so they will have a strong government health care plan—Medicare—to insure them the rest of their lives, so they can get the kind of health care they, as American citizens, should be entitled to.

So let me share three or four letters, and then I will turn the floor over to Senator KLOBUCHAR.

Allison from Hamilton County, in southwest Ohio, the Cincinnati area, writes:

In June, I was taken to the hospital for suspected Ruptured appendix. I was admitted

and stayed for 24 hours. Currently, my hospital expenses are at \$9000. Each day it seems like another bill comes to my home.

Last year, I had a part time job while going to school full-time and earned \$7000. I completed my coursework and began looking for full time work last month in this tough economy.

I believe that the health care program being discussed will help families like mine.

Allison is exactly right. Think about this. This woman was in college. She was working. She is doing everything we ask in this country. She was in college full time. She was working a part-time job. She was working hard. She lost her insurance. She does not have insurance because of her age. So what is going to happen to her? She is going to face a workplace that is not very embracing right now, with not a lot of opportunity, and have these kinds of costs already piling up—possibly student loans also.

What our bill will do is simply say that anybody can stay in their parent's health plan up to the age of 26. That will make a difference for people such as Allison.

Greg from Shelby County, in western Ohio, the Sidney area of the State, writes:

Please keep up the fight for healthcare reform. We have a 23-year-old daughter who just graduated from college and has been consistently denied health insurance because of a pre-existing condition.

Her condition only requires maintenance medication but she is evidently considered "too much of a risk" to insure.

We know that if opponents of health reform had a loved one being denied health insurance they [might] not be so against it.

Please, please keep fighting and make sure to adopt legislation to get coverage for all Americans.

Greg and his daughter are victims again of a system that is malfunctioning. Too many times, in too many cases, people who thought they had decent insurance—their daughter is 23. She cannot stay on her parent's plan because of that. Our bill will allow her to. Our bill will give his daughter the opportunity to go into the insurance exchange—to pick Aetna or Blue Cross or WellPoint or another insurance company or pick a public option—a public option—that will keep the insurance companies honest, that will compete with the insurance companies and help bring costs down.

There are two more letters. I have a letter from Stephanie from Cincinnati. I will tell her story quickly.

Stephanie traveled all the way from Ohio, along with six other families from around the country, to talk about their health care stories. They are speaking for millions of Americans who can't obtain health insurance or who have coverage but still can't get needed medical services. Stephanie's parents were in an accident that cost her mother her life and left her father in intensive care for 5 weeks. Stephanie had to battle insurance companies con-

stantly to get her father vital treatments for his injuries so he could walk again.

Stephanie's message is simple. She said: I and every other American are not simply claims to be denied.

Think about that. Your mother is killed in a car accident. Your father is in intensive care. What are you doing? You are fighting with insurance companies to cover your father's medical care. What kind of system does that?

Insurance companies don't want to insure you when you are sick. If you are going to be too expensive, they find reasons to deny you care: preexisting condition, discrimination based on disability or gender or age or geography. They don't want to cover you if you are sick, but if you get insurance, then they work to try to deny your claim.

Thirty percent of claims in this country are denied in the first round—30 percent. Some of them get undenied. Some of them get accepted and paid. But the sick person or the sick person's family has to get on the phone day after day and fight with the insurance company and cajole and argue and call their State legislator and call their Congressman and push the insurance company to do the right thing. What does that do? If you are suffering from breast cancer and you have to deal with your illness and all those issues and you have to deal with an insurance company, what kind of health care system is that?

The last letter I will read, and then turn the floor over to Senator KLOBUCHAR, is from Dan from Butler County, just north of Cincinnati. Dan writes:

I am 47 years old. My wife and I are among the working poor in this country. We live in a very modest home with typical household expenses: A car, a school loan, a few thousand dollars of credit, and other bills. But starting in 2010, our health care expenses will nearly equal our monthly mortgage payments.

I have been diabetic since age 4. Twenty years ago I got a kidney transplant. But today, I can't pay for the increased health premiums my insurance company charges me. I can't pay the doctor bills and keep my house and my car at the same time. It will eventually come down to not seeing a doctor or not taking my medication in order to keep my house.

Had I known before that getting a kidney transplant in 1988 would be a preexisting condition today, I would have declined it and not put the financial burden on my parents, myself, and my wife.

So here is a gentleman in Middletown, Hamilton, in that area of Ohio. Dan works every day, working poor, making \$10, \$12 an hour, barely making it, working hard every day. He has to make a choice: house payment, medication, insurance payment. He can't do all three. Maybe he can't even do two of those. When somebody is working that hard and playing by the rules and doing what we ask of them in this country, which is to work hard, raise

your kids, go to school, contribute to your community, Dan doesn't have that opportunity because of what has happened to health care costs.

Our bill will help people such as Dan. If he doesn't have insurance or he can't afford that insurance, he can go into an insurance exchange, choose a menu of plans: CIGNA or Aetna or WellPoint or he can choose the public option, which will mean no more preexisting condition, no more denial of care, no more limits if you get sick and it gets expensive. It will keep the insurance companies honest, allow them to compete, and bring the prices down. That is why the public option will make this health care bill even better than it would be otherwise. It is the least we can do. It is what we have to do for our Nation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I think the Republican leader is here and he will go before me.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I thank my friend from Minnesota for giving me an opportunity to make my opening remarks. I appreciate it very much.

TRIBUTE TO DAN INOUE

Mr. McCONNELL. Mr. President, it is a pleasure for me to call attention to someone who rarely calls attention to himself. Today, our friend, Senator INOUE, reaches a very lofty milestone, and we honor him for his achievement. It is an opportunity to call attention not only to his dedication to the people of Hawaii but also to a remarkable American story.

Senator INOUE was only 17 when he heard the sirens over Honolulu and saw the gray planes flying overhead, but he was old enough to know nothing would be the same. At the time, he dreamed of being a surgeon. A few years later, a medic would be taking care of him after his heroic actions in the Italian mountains, for which he would later receive our Nation's most prestigious award for military valor.

DAN INOUE's dream of being a surgeon was not realized. There were other things in store. Instead, he became a member of one of the most decorated U.S. military units in American history and one of our Nation's longest serving and finest Senators.

We are periodically reminded of Senator INOUE's deep commitment to service, such as earlier this month when he traveled to Afghanistan and Pakistan to check in on our troops and ensure their well-being. It was an ardu-

ous journey for anyone, let alone a Senator who has served so long.

Senator, thank you for your service and for your example and congratulations on your achievement.

MEDICARE CUTS

Mr. McCONNELL. Mr. President, at the moment, the final details of the Democratic health care plan are largely unknown to the American people. That is because those details are being worked out in private by a handful of senior Democrats and White House officials, but we do know the basics.

The Democratic bill will be about 1,500 pages long, it will cost \$1 trillion, it will raise insurance premiums and taxes, and it will slash Medicare for seniors by about $\frac{1}{2}$ trillion over the next 10 years. This much we know.

We also know where some of these cuts will be made. More than \$120 billion in Medicare cuts for hospitals that care for seniors; more than \$130 billion in cuts to Medicare Advantage, a program for seniors; more than \$40 billion in cuts to home health agencies; and nearly \$8 billion in cuts to hospice care. These are major cuts with serious consequences.

Just yesterday I heard about some of these consequences when I met with a group that represents hospices across Kentucky, including Phillip Marshall, from my hometown of Louisville, who explained the situation. He told me these vital facilities depend on Medicare for most of their costs and that they make up most of the rest through charitable giving and through the generosity of many dedicated volunteers. He also told me he has been following the debate in Congress, and he is concerned the proposed cuts he is hearing about would have a serious effect on hospice care. He is not alone.

Last month, I received a letter from Brandy Cantor with the Kentucky Association of Hospice and Palliative Care. She told me about the tremendous emotional and spiritual support hospice care workers provide each year to thousands of Kentuckians at the end of their lives, and she also told me that the cuts to these programs would have a devastating effect on the good work these facilities do.

I got another letter last month from a Kentucky nurse named Victoria Scarborough. She started out by telling me she supports health care reform, as we all do, and she wrote, with evident pride, about the excellent care the caring people who work in her facility are able to provide. To prove it, she related some of the comments she has received from patients. One hospice patient wrote that she didn't know what she would have done without hospice. Another said she had been treated "with the utmost care, love, and concern."

This is the kind of care everyone deserves and which we all hope our loved

ones would receive during a serious illness. But according to Ms. Scarborough, the hospice cuts currently being proposed would have a serious adverse effect on care.

I know the bill writers support the compassionate work that is provided by hospice care across the country. By mentioning these letters, I don't mean to imply otherwise. But I do believe we need to be aware of how these cuts will affect real people, and these are just the cuts to hospice care, which represent only a fraction of the cuts that are being proposed.

Some of my colleagues will speak today about the dangers of these Medicare cuts. They will also talk, as I have many times, about the wrong-headedness of using Medicare as a piggy bank to fund a further expansion of government health care. We need to strengthen Medicare and preserve it for today's seniors and future generations, not slash it to create more programs that are bound to have the same fiscal problems Medicare, Medicaid, and Social Security already have.

I understand the problem of the bill writers. It is not easy to raise \$1 trillion, particularly at a time when Americans are clamoring for a reduction of our record deficits and ballooning debt, but slashing Medicare is not the way to go.

Republicans have suggested another way, and that is commonsense, step-by-step reforms that address the problems at hand without raising premiums, raising taxes or cutting Medicare. Unfortunately, those proposals have been rejected.

As a result, the threat of these massive cuts to Medicare remains. This is not the kind of health care reform America's seniors bargained for.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FOOD SAFETY

Ms. KLOBUCHAR. Mr. President, today the Senate Health, Education, Labor, and Pensions Committee is holding a hearing to discuss the need to reform our Nation's outdated, underfunded, and overwhelmed food safety system. The focus, of course, in Washington right now is on health care. I truly believe we need to get a health care reform bill passed, and I will speak at another time about Medicare costs which the Republican leader addressed. It is my view that if we don't do anything to reform Medicare, we all know it is going in the red by 2017. We all know that if we continue

the path we are following—if we don't bring higher quality standards into Medicare at lower costs—that is not good for anyone. It is certainly not good for our seniors. So based on my health care experience in my State and knowing what our State needs, we want to have that high-quality, low-cost focus, and that is what we are working to do on this bill.

Today, I am here on another health matter; that is, the health of our food safety system. The hearing today and recent actions by the administration are good steps forward to ensure the safety of our food supply, but more must be done. The time to act is now. Why is the time to act now? Well, look at what has been going on.

In the past few months, the recalls of peanut products, spinach, and cookie dough have shaken our confidence and trust in the food we eat. According to the Centers for Disease Control, foodborne disease causes about 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths in the United States each year.

Last fall, hundreds of people across the country fell ill from salmonella. In this case, the source was finally traced to a peanut processing plant in Georgia. In the meantime, nine people died from salmonella poisoning, including three people in my home State, the State of Minnesota.

The first responsibility of government is to protect its citizens. As Members of Congress, we must act quickly to pass tough new laws to strengthen our food system to ensure the health and safety of the American people. Americans spend more than \$1 trillion on food every year, and when families go to the grocery store or out to eat or wherever they are going to get a bite to eat, they shouldn't have to worry about getting sick from the food they eat.

I have joined with a bipartisan group of Senators to introduce the Food Safety Modernization Act of 2009, which would overhaul the Federal Government's food safety program. Other cosponsors include DICK DURBIN, JUDD GREGG, RICHARD BURR, CHRIS DODD, LAMAR ALEXANDER, and SAXBY CHAMBLISS. I wish to particularly thank Senator DURBIN for his long-time leadership on this issue.

Whenever contaminated food is allowed to reach consumers, public trust in the integrity of our food supply and the effectiveness of our government is undermined. Think about it. The three people who died in Minnesota, one was an elderly woman at a nursing home. She was in perfectly good shape. She had a little piece of toast with peanut butter. That was it, a little piece of toast with peanut butter. In talking to her son, I learned so much about her and what a courageous woman she was. She ate one piece of toast with peanut

This bill will give the Food and Drug Administration the tools and authority for better inspections and a more responsive recall system. The bill will also improve our capacity to prevent foodborne outbreaks by helping food companies develop a national strategy to protect our food supply and allow the FDA greater access to facility records in a food safety emergency.

Currently, the FDA does not have the resources to conduct annual inspections at the more than 150,000 food processing plants and warehouses in the country. Our bill requires annual inspections at facilities that pose the greatest risk to the American public and will go a long way toward ensuring the protection of our Nation's food supply. Think of it. Something such as a peanut butter facility, they don't think they are ever going to be inspected, no one is going to be looking, so they don't have that incentive every year to improve their food processing capability. They don't have that incentive. They don't worry that anyone is watching over their shoulder because they are not.

This bill also takes steps to improve our capacity to detect and respond to foodborne illness outbreaks, but I believe there is still more that can and should be done. That is why, along with Senator CHAMBLISS, I have introduced the Food Safety Rapid Response Act.

This legislation focuses on the Centers for Disease Control, as well as State and local capability for responding to foodborne illnesses. The recent outbreaks demonstrate that there needs to be better coordination when responding to a food safety crisis. This legislation seeks to make these much needed improvements.

In the case of both the jalapeno pepper outbreak last year and the peanut butter outbreak earlier this year, people had been getting sick for months before an advisory was issued. The breakthrough in identifying the sources of contamination didn't come from the Centers for Disease Control. Neither did the jalapeño pepper case, identified first as tomatoes, or the peanut butter case. It didn't come from the CDC or from the FDA, and it didn't come from the National Institutes of Health.

The breakthrough in both outbreaks came from the work of the Minnesota Department of Health and the Minnesota Department of Agriculture, as well as collaborative efforts with the University of Minnesota School of Public Health. This initiative has earned a remarkable national reputation.

The Food Safety Response Act uses the exceptional work done in Minnesota as a national model for food safety. Why does someone have to get sick or die in Minnesota before a national outbreak is solved? They have a team of graduate students who work together under the supervision of the

university and the department of health. They, together, figure out what is wrong. They make the calls together. They are like food detectives. Some people have called them "team diarrhea." They figure out what is wrong, what goes on in other States. Sometimes a report in an individual county sits on a busy nurse's desk and they don't follow up on it for weeks and we are never able to piece together that information that figures out and solves the source of the outbreak.

This bill would direct the CDC to enhance their foodborne surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne systems, including better sharing of information among Federal, State, and local agencies, as well as with the food industry and the public.

Second, it would direct the CDC to work with State-level agencies to improve foodborne illness surveillance.

Finally, this legislation would establish food safety centers of excellence. The goal is to set up regional food safety centers at select public health departments and higher education institutions. These collaborations would provide increased resources, training, and coordination for State and local officials. In particular, they would seek to distribute food safety "best practices" so other States can figure out how they can do this better so every food outbreak doesn't need to have someone get sick or die in Minnesota before it gets solved.

Think about it. The two recent food outbreaks only got solved in one State. We have to use that model nationally.

Dr. Osterholm, at the University of Minnesota, is a national food safety expert and is credited with the creation of the Minnesota program. He said the creation of regional programs modeled on Minnesota "would go a long way to providing precisely the real-time support for outbreak investigations at the State and local levels that is sorely needed."

At today's hearing, the Food Marketing Institute stated that the Food Safety Response Act would "better coordinate foodborne illness surveillance systems and better support State laboratories in outbreak investigations with needed expertise."

In Minnesota, we also have the benefit of working with strong leaders in the food industry, including SuperValu, Hormel, General Mills, and Schwann's. Their leadership has helped set national standards for food safety and response to foodborne outbreaks. Public and private collaboration is essential to improving our food safety response system.

The annual costs of medical care, lost productivity, and premature death due to foodborne illness is estimated to be \$44 billion. There is a lot at stake—both in terms of life and money. I believe we can do better.

As a former prosecutor, I have always believed the first responsibility of a government is to protect its citizens. When people get sick or die from contaminated food, the government must take aggressive and immediate action.

Congress must improve the FDA and bring it into the 21st century. I believe, together, the Food Safety Rapid Response Act and Food Safety Modernization Act, which I have introduced with Senator CHAMBLISS, will strengthen food safety in our country and ultimately save both lives and money. We owe it to the American people to act quickly and pass this legislation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

MEDICARE PHYSICIAN FAIRNESS ACT

Ms. MIKULSKI. Mr. President, I am here today to speak on legislation on which we had a cloture vote last night, the Medicare Physician Fairness Act.

I am here to express my disappointment and frustration that we did not vote through a parliamentary procedure so we could debate the issue of what is facing physicians who provide treatment to Medicare patients.

Under the current situation, American doctors will face a 21.5-percent payment reduction in what they get from Medicare when they treat Medicare patients. I think this is outrageous. Right now, we have people who took TARP money and they are acting like twerps.

What they did is take the money. They don't lend the money, but they sure give themselves money with lavish compensation and bonuses. At the same time, every single day, 24/7, there are doctors on the front line saving lives, improving lives, and having people count on them. I am very sorry they chose over a budget debate to vote to take it out on doctors. We have to treat our doctors fairly for what they do and the sacrifices they make to do the job they do.

This is a 21.5-percent payment reduction. Imagine that. Imagine if we had to take a 21-percent pay cut. Do you think we would have not voted for cloture? I don't think so. We are forcing doctors to maybe close their doors to seniors, denying people access to the doctors they need and the doctors they should have. We cannot let this happen.

Every day, we ask the doctors treating our Medicare population to be unstinting in what they do. Then, when it turns around, the government is stingy. I think that is a double standard. We ask the people who provide the hands-on services to be unstinting. Yet when it comes to paying them for what they do, we are pretty stingy. This is unacceptable.

As I said, we ask so much of our doctors. They need to be skilled, smart, empathetic, and they need to be available 24/7. We ask them to have the scientific understanding of a Nobel Prize winner and the patience and compassion of Mother Teresa. Our doctors assume tremendous responsibility for life, the risk and accountability for making the right diagnosis, the right treatment, which is tailored for each unique patient. They follow us all the way through when something happens to us or comes up in our lives.

Our doctors look out for the aging population in our country. When people get older, they have multiple problems, and sometimes the very treatments contradict each other, requiring tremendous scientific skill and collaboration. When they treat older people, they need to take time to tell their story, their narrative. They don't go in just with a list of complaints.

I have heard my Medicare constituents say time and time again: I don't know what I would do without my doctor. Our doctors are always there for us, but are we there for them? Look at what they face.

First of all, in many instances, they are the first responders. They are there dealing with disease, trauma, and even death. For all the work they do while they are trying to work with patients, they have to face a health care bureaucracy—public and private. What is the one thing the public and the private programs have in common? They have a bureaucracy.

Doctors tell me when they came into medicine, it was to make a difference in patients' lives. But what do they run into? Hassle factors, complicated administrative forms, preapprovals, and skimpy and spartan reimbursements, whether it is from private insurance or Medicare.

In this country, we need to start focusing on value care, not volume care. Patients are grateful to their doctors, but Medicare reimbursement is important. All this work and this training is not rewarded for what doctors have to do. They have to work with a whole team of nurses, social workers, pharmacists, and integrative health professionals. One of the things we should do is make sure they are paid fairly. For health professionals—that entire team I talked about—their career is their calling.

Mr. President, I am going to share a personal anecdote on why I feel so strongly about this—not only because I chair the Subcommittee on Aging, and not only because I have tried to be a champion for the older population throughout my public career. In July, I took a fall coming out of church after Mass. I broke my ankle in three places on that Sunday afternoon. I was in absolute shock. As I tried to figure out what I would do, some of the people from church came to my rescue, and I

was able to contact my primary care doctor. I had an ambulance there pretty quickly and was taken to a downtown urban hospital—Mercy Hospital. It truly, in every way, exemplifies the quality of mercy that comes like a gentle drop.

On my way there, and what happened to me as I went into the ER—that emergency room was like what we see on TV, only this was no miniseries; this was real life. The doctors at the hospital talked to me, and I spent time working with them as they treated me, got me through what I needed to do. I was met by the ER doctor. I had x-rays; there was a radiologist there. There was my primary care doctor on the phone. There was a gifted and talented orthopedic surgeon, who left his family at a cookout because the call of duty came, and he raced to be there. Was it for Senator Barb? No. The people in the ER were doing the same thing for everybody.

As I waited a few days for the swelling to go down, I had surgery which involved the anesthesiologist. I could go on and on.

When I look at all of the doctors who cared for me that day and in subsequent weeks—the ER doctor, the radiologist, the anesthesiologist, the orthopedic surgeon, my primary care doctor, and the cardiologist—they were wonderful people at my side. They were people who graduated from college, who then had gone to medical school, at considerable stress and cost. They had gone through sophisticated residency programs, and some even fellowships. They also participate in ongoing continuing medical education requirements. But they do it not because it is required but because they want to be tops in their field.

For all of that work and the responsibility they assume, we have to be able to reimburse them. Mr. President, I have seen the health care system from the wheelchair up. I have seen people who provide the health care, and I have been in rooms getting physical therapy with others who also need care. One of the things they are absolutely clear about is we need to look out for the people who take care of us as they look out for us.

Today I am asking that we recognize the doctors for all that we ask of them—the knowledge they need, the risk they undertake, the high cost of their education, spending 12 years in training, being on call 24/7, often being rushed from their families when they want to spend time with them. I ask that we recognize those doctors by compensating them justly and fairly and not treating them like a commodity. We also need to do that for the nurses, social workers, physical and occupational therapists, integrative health people, and many others.

If we don't pass this Medicare Physician Fairness Act, we have real problems. Failing to pass this bill is not an

option. I think we need to do the right thing by the doctors, and I think we need to do the right thing by the people who need the doctors.

Let's do the right thing and pass the Medicare Physician Fairness Act.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, is now the time to begin the Republican part of morning business?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. ALEXANDER. Mr. President, first impressions are important. Depending on one's age, we remember different things. When I was a young teenager, the first college football game was broadcast on a television network. It was Tennessee versus Alabama with Lindsey Nelson, who had gone to Tennessee, and Mel Allen, who had gone to the University of Alabama, as the announcers. There have been a lot of good football games since that time, but everyone remembers the first broadcast.

I can remember the first one-hour evening news program. I think it was "Huntley-Brinkley" on NBC. There have been a lot of distinguished newscasters before and since, but that was the first one-hour news program with two anchors.

I can remember watching basketball games and getting a glimpse of a coach and forming an impression of the whole university from a short glimpse. An experience we've all had is meeting someone for the first time and getting a first impression that is usually a fairly accurate impression of that person. It usually lasts a long time, and it is hard to get over a first impression.

Yesterday was the first vote on health care reform. I think the American people got a very strong first impression from that vote. What the majority leader, the Democratic leader, sought to do was add \$¼ trillion to the national debt on the first health care vote. The Senate said: No, we are not going to do that, even for a worthy cause, which in this case was fixing the doctors reimbursement procedure; which the Senator from Maryland just discussed and which we all agree needs to be attended to. But the Senate—all 40 Republicans, and 13 Democrats—said no, we are not going to start by adding \$¼ trillion to the national debt on the

first vote of health care reform. Especially not at a time when we just finished a year which added \$1.4 trillion to the national debt, three times as much as the year before, and as much as we added to the entire national debt in the first 200 years of the Republic.

People are very worried about the growth of the debt, and that was reflected yesterday in the first vote on health care reform. I think that reminds us of the importance of reading the bill and knowing what it costs. That also is a bipartisan approach here. All the Republicans have said we want to be able to read the bill and know what it costs before we start voting. And even though Senator BUNNING's amendment, which would have allowed this, was voted down in the Finance Committee by Democrats, eight Democratic Senators wrote the Democratic leader and said: We agree; put the bill on the Internet, the complete text, for 72 hours and let's have a formal calculation of exactly what it costs before our first vote.

We had a first vote yesterday, even before we have a complete bill. Because we had a chance to read this one provision and time to think about it, we came to the right conclusion and voted it down.

In the next several months of discussion there will be many other issues such as this about how we reform health care. My view—and I think the view of most Republicans and I believe most Americans—is to reduce costs. We have to reduce the cost of health care to our government, otherwise it is going to go broke.

The President hosted a summit on entitlement spending early in the year which I was invited to it. I appreciated receiving the invitation and I attended the summit. Everybody there said if we do not control health care spending, we are going to go broke as a government. Then millions of Americans are saying: I cannot afford my own health care; 250 million of us have a health care premium we pay or someone helps us pay or some combination, and it is too expensive for individuals and for small businesses. So our goal is to reduce the cost of health care to government and reduce the cost of health care to Americans. Yet our first vote yesterday was to increase the debt, and we said no.

Let's read this bill as it comes to us. Right now it is being written behind closed doors in the majority leader's office. With such a controversial issue I am not sure that is the best way to go about writing this bill. Usually it helps to have bipartisan support in the Congress, even if you have big majorities, so that you can get broad bipartisan support in the country any time you have a complex issue.

When I was a young Senate aide in 1968, we had a very controversial issue before the Senate called the civil rights bill. Lyndon Johnson was Presi-

dent of the United States, and Everett Dirksen was the Republican leader sitting over where MITCH MCCONNELL sits today. The Democratic majorities were bigger than they are today. President Johnson did not have the Democratic leader write the civil rights bill in a closed room in the Democratic leader's office. What did he do instead? He was very wise. He had it written in the Republican leader's office.

So in Senator Everett Dirksen's office for several weeks in 1968, I recall, the bill was written in the full light of day, with Senators, staff members, and hangers-on going in and out. In the end, the bill—more difficult than this health care bill—passed. Senator Dirksen, the Republican leader, got some of the credit. He deserved it. President Johnson got what he wanted. And the country supported it because it saw, looking at Washington, DC, a broad level of support and they felt better about that.

I don't think people are going to feel as good about a bill that restructures one-sixth of our economy, that affects every single American's health, and the health care bill is being written behind closed doors, in the Democratic leader's office. We will see. But at least whatever emerges, we want to read the bill. We want the American people to be able to read the bill. And we want to know exactly what it costs before we go ahead.

For example, what is it going to do to Medicare? The Republican leader has talked about that issue. If the concept paper is any indication we know what it is going to do to Medicare. It is going to cut Medicare by \$½ trillion to pay for a new entitlement program.

Some of my friends on the other side say: You are scaring seniors when you say that. It may be scaring seniors, but it is the truth. This bill, when implemented, is going to cost \$1.8 trillion and \$½ trillion is going to come from Medicare cuts. We are going to be cutting grandma's Medicare to spend on somebody other than grandma—a new entitlement program.

We are doing that at a time when the Medicare Program, the program that serves more than 40 million older Americans, is going broke. We need to be careful in the Senate not to overstate issues. So let's not take my word for it. The Medicare trustees say that the Medicare Program, upon which more than 40 million seniors rely, is going to run out of money between 2015 and 2017. That is not too far away. The Medicare trustees—it is their job to watch out for these things—said:

We need timely and effective action to address Medicare financial challenges.

I think what they are saying to us is if you are going to cut grandma's Medicare, you ought to at least spend it on grandma instead of spending it on somebody else. That is basically what we are doing. We are cutting Medicare

\$500 billion, and instead of spending it to strengthen the Medicare Program, the proposal is to spend it to create a new entitlement program.

What are the cuts? Nearly \$140 billion in Medicare Advantage; \$150 billion in cuts for hospitals that care for seniors; \$40 billion for home health agencies; and \$8 billion from hospices.

The President said that people who are currently signed up for Medicare Advantage are going to have Medicare at the same level of benefits. That is why we need to read the bill and know what it costs because something has been lost in translation between what the President said and what appears to actually be in the bill. The Director of the Congressional Budget Office, the nonpartisan Congressional Budget Office, said in testimony that fully half of the benefits currently provided to seniors under Medicare Advantage would disappear in the Baucus proposal. The same Baucus proposal which is being amended and written and merged with other bills behind closed doors in the Democratic leader's office. The head of the Congressional Budget Office said the changes would reduce extra benefits such as dental, vision, hearing coverage, that would be available to beneficiaries. Humana advised its customers who are Medicare Advantage beneficiaries that their benefits would be cut, causing the Obama administration to put a gag order on this large health care organization.

I made a little speech on the floor yesterday talking about the dangers of developing an enemies list, of boycotting television networks, of calling out Senators with whom you disagree, taking the names of bondholders who do not go along with the General Motors or Chrysler bailout, threatening an insurance company for switching from supporting your proposal to opposing your proposal or a large health care company that tells its customers the truth—your Medicare Advantage is going to be cut.

Another reason to read the bill is the provision that will make additional cuts to Medicare above and beyond the \$500 billion that is specified. At least that is the assumption of the Congressional Budget Office when it looked over the bill and said that it was in balance, which it has turned out not to be.

The Congressional Budget Office assumed that a Medicare commission would make even more Medicare cuts. Those do not seem to be realistic assumptions. We have had a provision in law since 2003 that would provide an automatic mechanism for making Medicare cuts. Nobody has ever wanted to use it.

We saw what happened yesterday, recognizing that it was unrealistic to expect that doctors would take a 21-percent cut in their pay in a year. The Democratic leader tried to borrow \$¼

trillion to try to take care of that problem.

If we read the bill and now what it costs we find out that either doctors are going to pay for a big part of this new Medicare Program or seniors are going to pay for a big part of it or our grandchildren are going to pay for a big part of it by increasing the debt. The Washington Post said this was a shell game.

I think the lesson here is first impressions count. We got a good first impression yesterday of the direction of this health care bill. The proposal was: Let's borrow \$¼ trillion, and the Senate, in a bipartisan way, said: We are not going to do that, no. That was the correct vote.

Now we see another reason to read the bill is because we want to make sure we know what it does to Medicare. What we have seen so far is that it will cut grandma's Medicare by \$½ trillion, not to spend on grandma but to spend on some somebody else, even though the Medicare Program, its trustees say, will go broke in the year 2015 to the year 2017. That is one more good reason not just to read the bill but to start over in this health care reform.

We have been saying on the Republican side for months that we should not be trying to do this comprehensive, full-of-surprises, trillion-dollar health care reform, that restructures one-sixth of our economy, in the middle of the greatest recession we have had since the 1930s. We should focus instead on reducing the costs of health care to the government and to Americans who pay for premiums, and go step by step to re-earn the trust of the American people to reduce costs. We suggested how to do that. We would start by allowing small businesses to come together, pool their resources, and offer insurance to their employees. It has been estimated that would produce at least coverage for 1 million more Americans and probably many million more Americans.

Second, we have suggested saving money by reducing the number of junk lawsuits against doctors which drive up the cost of health care.

Third, we have suggested allowing insurance to be sold across State lines. That creates more competition that should reduce costs.

We have suggested creating health insurance exchanges—many of our Democratic friends agree with that—to make it easier to shop for health care. We have suggested enrolling individuals in existing programs. There are up to 11 million people who are already eligible for programs that we now have, and that is one way to add people without increasing cost in a huge way, or creating a great new program. We have suggested incentivizing health care technology, changing tax incentives, and expanding health savings accounts. These are steps we can take to reduce costs.

It appears many of the American people agree with that Republican strategy. A new Gallup poll out yesterday said that 58 percent of Americans would generally prefer to see Congress deal with health care reform on a gradual basis—over several years—rather than to try to pass a comprehensive health care reform bill this year.

So first impressions count.

The health care debate was defined yesterday by the attempt to borrow \$¼ trillion to add to the debt. I am glad it failed. The health care debate, as the President himself said, is actually a proxy for a larger debate about the role of our Federal Government in American life. Increasingly, Americans are skeptical of this comprehensive trillion-dollar-plus, full-of-surprises proposal that is being written in the back room approach. Instead they hope we will focus clearly on reducing the cost of health care premiums, reducing the cost to our government, and then going step by step in the right direction to make health care affordable for all Americans.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. KIRK). The Senator from Arizona.

Mr. MCCAIN. Mr. President, I want to thank again my colleague from Tennessee for the great work he has been doing on the issue of health care and the many other leadership issues. There are a lot of things going on. There are a lot of moving parts in the health care reform debate situation.

I would like for us, however, to maybe pause and look back for a second as to what we heard and what has actually been going on. First, we heard the President say that if you like the insurance you have, you can keep it, period. Increasing mandates on employers, who today have difficulty affording health care coverage, and cutting Medicare by \$500 billion will ensure that millions of Americans will not be able to keep the coverage they have today. CBO and common sense tell us this. According to CBO, 3 million fewer Americans will be covered under employer health plans; and further, millions of seniors may lose the Medicare plan they have and that they want to keep. That is called Medicare Advantage.

We also heard the President say that he won't support legislation that increases the deficit one dime. We now know that is not true. We saw yesterday an attempt at incredible gimmickry to do away with \$247 billion worth of debt that would have been associated with health care. Obviously, it is a way to get around the \$¼ trillion increase in the cost of health care that would have accrued if we had kept doing what we are doing. We all know that the true implementation cost of the proposal in the Senate Finance Committee is \$1.8 trillion, once you look at the real numbers.

One of the more entertaining aspects of the protestations of cost savings is the approach that all of these bills take to medical malpractice reform. There is none. There is none. Before the joint session of Congress several weeks ago the President even referenced a grand initiative, that he was going to support medical malpractice reform. Consequently, we found out the announcement was that the administration was going to—get this; I am not making it up—the President was going to accept grant applications for demonstration programs. I say to the President and to my colleagues, there are already demonstration programs: One is called Texas and the other is called California. They have enacted medical malpractice reform and it has saved incredible amounts of money. CBO now estimates that real medical malpractice reforms can save the health care system \$54 billion over the next 10 years. Real medical malpractice reform can save as much as \$200 billion.

My favorite example so far—and then we politicians wonder sometimes why the American people are a little cynical about the things we promise and the things we commit to during political campaigns; that we are going to do A, B and C and you can count on it, et cetera. My favorite so far is when the President was running for office. Three months before he was elected, President Obama vowed not only to reform health care but also to pass the legislation in an unprecedented way. He said:

I'm going to have all the negotiations around a big table.

He said that at an appearance in Chester, VA, repeating an assertion he had made many times. In referring to the debate on health care, he said the discussions would be—

... televised on C-SPAN, so that people can see who is making arguments on behalf of their constituents and who are making arguments on behalf of the drug companies or the insurance companies.

Well, maybe the administration and the majority leader don't know where the C-SPAN cameras are. I can get them outside of Senator REID's office at a moment's notice. In fact, they are televising this. I want to repeat what the President of the United States promised the American people specifically on health care reform. He said the discussions would be—

... televised on C-SPAN, so that people can see who is making the arguments on behalf of their constituents and who are making arguments on behalf of the drug companies or the insurance companies.

It might be a little late for the drug companies. They have already cut a sweetheart deal with the drug companies. They have agreed to oppose importation of drugs from Canada and oppose competition amongst drug companies for Medicare patient recipients in return for some \$80 billion in supposed

savings over 10 years, and \$100-some million worth of advertising by the drug companies in favor of health care reform. I am not making it up.

President Obama also said he didn't want to be—

... negotiating behind closed doors but bringing all parties together and broadcasting those negotiations on C-SPAN so the American people can see what the choices are. Because, part of what we have to do is enlist the American people in this process.

The last I saw, they were trying to enlist the AMA by doing a \$247 billion unpaid for deal so that they could buy their support. They bought the drug companies. They couldn't buy the health insurance companies, so now they are going to retaliate against them by removing their antitrust exemptions.

One thing I have to say for this administration, they know how to play hardball. They know how to play hardball. But they also don't seem to care about the commitments that the President made during his campaign for the Presidency.

I see my colleague is here—Senator BARRASSO—and he wants to speak also, but I say to my colleagues on the other side of the aisle, the American people are tired of this behind-closed-doors dealmaking, deal cutting, which none of us on this side of the aisle have had anything to do with and very few on the other side of the aisle. They are doing a multi-trillion-dollar deal which will affect the future and the lives of 300 million Americans eventually. It is not right. This process is not right.

The process they should be going through is exactly the one that the President promised the American people when he was running for President of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

CLEAN AIR PROTECTION ACT

Mr. BARRASSO. Mr. President, I rise today to talk about a bill I have introduced called the Clean Air Protection Act.

Environmental Protection Agency Administrator Lisa Jackson has stated that she believes the Clean Air Act was not specifically designed to address greenhouse gases. She also says using the Clean Air Act to regulate climate change raises serious concerns.

I agree with her completely. So then what was the EPA's response to the problem? Well, they developed a tailored interpretation of the Clean Air Act where they ignore certain provisions of the law. This tailored interpretation is actually called the tailoring rule. The tailoring rule is EPA's attempt to limit the scope of the Clean Air Act—limit it to only those businesses that emit 25,000 tons of greenhouse gases. That is 100 times more

than the amount of emissions that are currently allowed by law.

Saying that the EPA will only limit emissions from large businesses is not allowed under the current law—the Clean Air Act. So if you are going to use the Clean Air Act to regulate greenhouse gas emissions for American businesses, you have to use the standard that Congress has set out in the act. The EPA's approach is not legal, and I can tell you it will be challenged in court.

I alerted EPA Administrator Jackson and the EPA Assistant Administrator Regina McCarthy that special interest groups are scheming to sue the EPA. Suits will be filed if the EPA does not follow the Clean Air Act limits—sue them to capture hospitals, farms, nursing homes, commercial buildings, and any other small emitters of greenhouse gases.

I put a hold on Regina McCarthy at the time she was the nominee to be the Assistant Administrator of the EPA Office of Air and Radiation. I did this because of my concern about lawsuits if the EPA attempted to use the Clean Air Act to regulate climate change. I wanted to know what the EPA's solution to the problem would be. When asked about potential lawsuits, Regina McCarthy said that she will—

... request that I be informed if any such notice is filed with regard to a small source, and I will follow up with potential litigants.

That is the EPA's solution, to sit down over a cup of coffee and ask lawyers for special interest groups not to sue. Groups know the law. They know what it says. The EPA Administrator is opening the door to environmentalists and other activists to file suit—to sue to run small businesses into the ground. Up to 1.2 million hospitals, farms, nursing homes, commercial buildings, and other small emitters could be bankrupt. The net result of all of this will be jobs lost. According to the Heritage Foundation, job losses are estimated to reach 800,000.

The solution to this problem is not to have government officials go around asking litigants not to sue; the solution is to pass legislation that takes this regulatory ticking timebomb off the table for good. That is why I have introduced legislation to fix the problem. The bill, S. 1622—the Clean Air Protection Act—takes the Clean Air Act out of the business of regulating climate change. My legislation allows car and truck regulations under the Clean Air Act to move forward, while stopping the regulation of stationary sources, such as small businesses, hospitals, farms, and nursing homes.

Given the introduction of the tailoring rule by the EPA, Congress should pass S. 1622, the Clean Air Protection Act, without delay, pass it before the regulatory ticking timebomb goes off.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. BINGAMAN. Mr. President, I rise to speak in favor of the Reid-Baucus-Shaheen amendment to H.R. 3548, which is the unemployment benefits extension bill.

I very much regret that the majority leader has had to file a cloture motion on a motion to proceed to even consider that issue. To my mind, this should not be a partisan issue. There ought to be agreement in this body that we should proceed to extend unemployment benefits given the circumstances we face.

The job market in my home State of New Mexico is dismal, and there is very little indication of improvement expected in the near future. New Mexico's seasonally adjusted unemployment rate is modest compared to some States. It was only 7.5 percent in August of 2009, but that is up from 7 percent in July and up from 4.3 percent a year ago. The trend is definitely disturbing. The decline in the number of jobs is the worst the State has seen in more than 45 years—with the speed with which we have been losing jobs.

The pain of unemployment is being felt across the country. More than 5 million Americans have been unemployed for 6 months or more, and 2 million of these workers face the end of their unemployment benefits before the end of this year. There are up to 4,000 New Mexicans who will exhaust their unemployment benefits by December 2009. The total number of unemployed and underemployed—including those who are working two or three part-time jobs to try to make ends meet and those who have given up looking for work—approaches 17 percent of our workforce. These are not just numbers, obviously. These are real people who face each day with the dread of not knowing how they are going to pay for the groceries they need that week or their mortgage payment or their rent payment.

The stimulus funding Congress passed earlier this year has helped to slow job losses, and it has created some new jobs, especially in education and in government services more generally. New Mexico's stimulus funding, alone, is expected to create about 22,000 jobs this year. This has had a significantly positive impact on the State's unemployment picture, but it is still not enough to fully address the needs created by the economic situation in which we find ourselves. Nationwide, for every job opening, there are six applicants. I was struck by the article on the front page of the New York Times this morning entitled “\$13 an Hour? 500 Sign Up, 1 Wins a Job.” This was dated Burns Harbor, IN. It says:

As soon as the job opening was posted, on the afternoon of Friday, July 10, the deluge began.

C.R. England, a nationwide trucking company, needed an administrative assistant for its bustling driver training school here [in Indiana]. Responsibilities included data entry, assembling paperwork and making copies.

It goes on to quote the head of corporate recruiting. It says:

When Stacey Ross, C.R. England's head of corporate recruiting, arrived at her desk at the company's Salt Lake City headquarters the next Monday, she found about 300 applications in the company's e-mail inbox. And the fax machine had spit out an inch-and-a-half thick stack of resumes before running out of paper.

The article goes on to point out the estimate is there were 500 applications filed for this 1 job, a \$13-an-hour job, but they took down the posting of the availability of the job.

We have a very serious problem that needs addressing. The extension of unemployment benefits will not ease the worry of the unemployed. It will not eliminate the dread they have about the need to pay bills each month. But it will make things a little bit easier for some of those individuals. Extension will make it easier, not just for the direct recipients but for the larger economy as well. Economists tell us that for every \$1 in unemployment benefits the government provides, \$2.15 is generated throughout the economy. These economic benefits are felt most immediately, as benefit recipients use the funds almost immediately to meet their daily needs.

The legislation the majority leader has filed, the petition to proceed to it, takes a responsible approach to providing these additional funds. The extension is paid for with an 18-month extension of the Federal unemployment tax, which has traditionally been used, both by Republicans and by Democratic administrations, for this very purpose. The extension is a responsible, well-thought-out response to the dire circumstances many Americans find themselves in today.

As I said at the beginning, this should not be a partisan issue. Unemployment is affecting everyone, regardless of their political party or their ideology. I urge the Senate to set aside partisan politics and to agree to the majority leader's request that we proceed to this bill so we can quickly provide assistance to the thousands of Americans who depend upon these benefits as they continue to search for jobs.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, what is now the floor situation?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the conference report to accompany H.R. 2647, which the clerk will report.

The assistant bill clerk read as follows:

Conference report to accompany H.R. 2647, a bill to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate, equally divided and controlled between the Senator from Michigan, Mr. LEVIN, and the Senator from Arizona, Mr. MCCAIN.

The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. Mr. President, the conference report on H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, would fully fund the fiscal year 2010 budget request of \$680 billion for national security activities in the Department of Defense and the Department of Energy. This bill is the product of months of hard work by our committee, culminating in more than 6 weeks of negotiations with our House counterparts. I thank all of the members of the Senate Armed Services Committee for the commitment they have shown to the best interests of our men and women of our Armed Forces. I want to particularly thank Senator MCCAIN, our ranking minority member, for his great work throughout the conference. It has been a real pleasure to work side-by-side with Senator MCCAIN as we worked through issues with our counterparts from the House of Representatives.

I also want to thank the chairman of the House Armed Services Committee, IKE SKELTON, and his ranking minority member, BUCK McKEON, for the cooperative spirit with which they worked with us throughout the conference.

This conference report contains many important provisions that will improve the quality of life of our men and women in uniform, provide needed support and assistance to our troops on

the battlefield in Iraq and Afghanistan, make the investments we need to meet the challenges of the 21st century, and require needed reforms in the management of the Department of Defense.

First and foremost, the bill before us continues the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world. For example, the bill contains provisions that would authorize a 3.4 percent across-the-board pay raise for all uniformed military personnel—a half a percent more than the budget request and the annual rate of inflation; increase the Army's active-duty end strength by nearly 30,000, and authorize an additional 30,000 increase during fiscal years 2011 and 2012, if the Secretary of Defense deems it necessary to increase dwell time and reduce the stress created by repeated deployments; authorize payment of over 25 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by active-duty and reserve military personnel; extend the limitation on charges for inpatient care in a civilian hospital under TRICARE Standard; enhance the ability of military voters to vote by absentee ballot; increase the authorization for the Homeowners Assistance Program by almost \$300 million to provide relief to homeowners in the armed forces who are required to relocate because of base closures or change of station orders; and increase the maximum amount of supplemental subsistence allowance from \$500 to \$1,100 per month to ensure that service members and their families do not have to be dependent on food stamps.

The conference report also includes a number of provisions to support the civilian workforce of the Department of Defense. For example, the bill contains provisions that would: provide for the application of unused sick leave toward length of service for purposes of computing a retirement annuity under the Federal Employee Retirement System; phase in locality comparability pay in place of cost of living allowances for Federal civilian employees working in Hawaii, Alaska, and other nonforeign U.S. territories, so that they are treated the same as federal employees in other States; terminate the National Security Personnel System—NSPS—and replace it with a provision that provides a series of personnel flexibilities applicable to the entire civilian workforce of the Department of Defense and an opportunity for the Secretary to propose additional flexibilities; freeze the Defense Civilian Intelligence Personnel System—DCIPS—until an independent review can be completed; and authorize the Secretary of Defense to establish a new Defense Civilian Leadership Program to help

recruit, train, and retain highly qualified civilian employees to help lead the Department of Defense over the next 20 years.

The conference report also includes important funding and authorities needed to provide our troops the equipment and support that they will continue to need as long as they remain on the battlefield in Iraq and Afghanistan. For example, the bill contains provisions that would provide \$6.7 billion for the Mine Resistant Ambush Protected—MRAP—Vehicle Fund, including an increase of \$1.2 billion above the President's budget request for MRAP All-Terrain Vehicles—M-ATV—which are deploying to Afghanistan; add \$100 million for unfunded requirements identified by the Commander of Special Operations Command, including MC-130 airships to provide improved fire support for our ground forces in Afghanistan and Iraq; provide full funding for the Joint Improvised Explosive Device Defeat Organization—JIEDDO—to continue the development and deployment of technologies to defeat these attacks; provide nearly \$7.5 billion to train and equip the Afghan National Army and the Afghan National Police, so that they can begin to carry more of the burden of defending their country against the Taliban; and authorize up to \$1.3 billion for the Commanders' Emergency Response Program—CERP—in Iraq and Afghanistan for humanitarian relief and reconstruction projects that directly benefit local communities, including up to \$50.0 million to support the Afghanistan National Solidarity Program to promote Afghan-led community development.

The bill would implement almost all of the budget recommendations made by the Secretary of Defense to terminate troubled programs and apply the savings to higher priority activities of the Department. For example, the bill would end production of the F-22 fighter after 187 aircraft; terminate the Air Force Combat Search and Rescue X—CSAR—X—helicopter program; terminate the VH-71 Presidential helicopter; end production of the C-17 airlifter program; cancel the manned ground vehicle portion of the Army's Future Combat Systems program, with assurances those funds will be available for the newly designed vehicle portion—ground vehicle portion; terminate the Multiple Kill Vehicle program; cancel the Kinetic Energy Interceptor and we cancel the second Airborne Laser prototype aircraft.

Finally, the bill contains a number of provisions that will help improve the management of the Department of Defense and other Federal agencies. For example, the bill contains provisions that would enhance the ability of the DOD inspector general to conduct audits and investigations by authorizing the IG to subpoena witnesses to provide testimony; improve DOD financial

management by requiring the Department to engage in business process re-engineering before acquiring new information technology systems and submit regular reports on its progress toward auditable financial statements; require the Department to develop a comprehensive plan to address longstanding problems in its inventory management systems, which lead it to acquire and store hundreds of millions of dollars worth of unneeded items; place a moratorium on public-private competitions under OMB Circular A-76 until the Department complies with existing statutory planning and budget requirements relevant to such competitions; and streamline and restructure DOD management positions by eliminating 22 of the 28 current Deputy Under Secretary of Defense positions and requiring the Department to develop a new organizational plan within 6 months.

The conference report incorporates two pieces of legislation from in the Senate-passed bill: the Military Commissions Act of 2009 and the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

The Military Commissions Act of 2009 would replace, and dramatically improve, the procedures enacted in the Military Commissions Act of 2006. In its 2006 decision in the *Hamdan* case, the Supreme Court held that Common Article 3 of the Geneva Conventions applies to the Guantanamo detainees and requires that the trial of those detainees be conducted in a manner consistent with the procedures applicable in trials by courts-martial.

The Supreme Court concluded that this requirement "is not an inflexible one; it does not preclude all departures from the procedures dictated for use by courts martial. But any departure must be tailored to the exigency that necessitates it."

The Military Commissions Act of 2006 created a cloud over the use of military commissions because it failed to live up to that standard. The conference report would address this problem by, one, precluding the use of coerced testimony; two, limiting the use of hearsay testimony; three, establishing new procedures for handling classified information similar to procedures applicable in civilian courts; four, providing defendants with fairer access to witnesses and documentary evidence; and five, requiring the defendant to be provided with appropriate representation and adequate resources.

The Military Commissions Act of 2009 is intended to meet the standard imposed by the Supreme Court's ruling in *Hamdan* and should help ensure that convictions obtained through military commissions will hold up on appeal and will be perceived as fair by the American public and by the rest of the world.

I thank Senators MCCAIN and GRAHAM as well as the lawyers at the White

House, the Department of Defense, and the Department of Justice, who worked with us and for the great effort they put into this provision.

The conference report incorporates the Hate Crimes Prevention Act. Similar provisions have been previously adopted by both the Senate and the House of Representatives. This legislation is intended to help deter people from being targeted for violent attacks because of race, religion, disability, gender, or sexual orientation, among other aspects. The Senate adopted the hate crimes legislation when we adopted the Defense Authorization Act, and it was kept in conference. The House of Representatives has now adopted the conference report, and so it is now hopefully going to be before us after a cloture vote.

The hate crimes legislation includes, for the first time, a provision that makes it a Federal crime to attack a member of the U.S. Armed Forces on account of his or her military service—a hate crime that is of particular interest to the armed services.

According to the FBI, the trend is up for hate crimes based on sexual orientation. There has been a 6-percent increase in such crimes in the most recent year for which statistics are available, which is the year 2006. This is a category of hate crimes that would be covered for the first time by this bill.

The language has been written to ensure it does not intrude on first amendment rights, that State and local law enforcement retain the primary jurisdiction over investigations and prosecutions.

We all know Senator Kennedy was long the Senate's leading advocate for hate crimes legislation. As he said when the Senate debated and passed this legislation in 2007:

America has taken many steps throughout our history on a long road to becoming a more inclusive Nation, and our diversity is one of our greatest strengths. Our tolerance for each other's differences is part of the lamp that can help bring light to a world which is enveloped in bigotry and intolerance.

The enactment of the Hate Crimes Prevention Act through this, which is the last National Defense Authorization Act in which Senator Kennedy participated in his 26 years of service on the Armed Services Committee, would be a fitting tribute to one of the truly great Senators in the history of this body.

Finally, I thank Senator LEAHY for the leadership role he has played on this issue in his capacity as chairman of the Senate Judiciary Committee.

As of today, we have almost 130,000 U.S. soldiers, sailors, airmen, and marines on the ground. Over the course of the next fiscal year, we will undertake the difficult task of drawing down these numbers—these are numbers in Iraq—while maintaining security and stability on the ground. At the same

time, we have dramatically increased our forces in Afghanistan, with more than 60,000 engaged in increasingly active combat and combat-support operations, with more on the way.

This conference report includes numerous provisions that need to go into effect immediately to ensure that they benefit our troops immediately. These provisions cannot be implemented before this conference report is enacted but will go into effect, without the need for appropriations, immediately upon enactment.

They include the following in the area of compensation and benefits. The conference report includes provisions that would prevent the implementation of large increases in the copayments military retirees must pay for in-patient care at civilian hospitals under the TRICARE Program; provisions which would authorize new special compensation for caregivers of catastrophically injured servicemembers; and a provision which will increase the maximum amount of supplemental subsistence allowance to ensure servicemembers do not have to rely on food stamps to meet their nutritional needs. Those important provisions and others which I am going to now talk about will not go into effect until this conference report is enacted.

With regard to our efforts in Iraq and Afghanistan, the conference report includes provisions that will immediately go into effect without the need for appropriations.

For instance, there is a provision which would authorize the Secretary of Defense to transfer defense equipment that would otherwise be withdrawn from Iraq and transfer it to the security forces of Iraq and Afghanistan, their national forces. The use of that equipment by those national forces in Iraq and Afghanistan will assist in the transfer of security responsibilities to the Iraqi forces and the growth of the Afghan Army and police forces more quickly.

Another provision which will go into effect immediately upon enactment would allow the Secretary of Defense to use funds from the CERP in Afghanistan to pay for reintegration programs to separate local Taliban fighters from their leaders. This is a new program modeled on the Sons of Iraq Program which was so successful in getting large numbers of young Iraqis who had been attacking us to switch sides and support the government. These are two programs which I think people strongly support regardless of their position on the question of strategy and the troop levels. Those provisions will make it possible, immediately upon enactment, to use funds to support the reintegration of those young Afghans into their civilian life, just the way we did with the Sons of Iraq.

This provision will permit the shipment of equipment that is so important

to strengthen the Afghan Army and police from Iraq instead of bringing it home. These are critically urgent provisions, particularly in Afghanistan.

Another provision, as soon as a conference report is enacted, would permit the Secretary of Defense to use up to \$500 million in operations and maintenance funds to meet urgent military construction needs of the commander of the Central Command in Iraq and Afghanistan that were not previously forecast. But these new authorities are not there until the conference report is enacted.

As I mentioned earlier, this bill includes the Military Commissions Act of 2009, which is needed to make trial of detainees by military commissions a viable alternative to trial in Federal court. Until it is enacted, any conviction obtained before a military commission will be at serious risk of being overturned on appeal. For that reason, the administration has suspended all military commission trials until this language goes into effect.

We have enacted a defense authorization bill every year for almost 50 years now. We have done so because Members of Congress have understood, on a bipartisan basis, the importance of supporting our troops and making the policy decisions that are necessary to support them. This year is no different.

With almost 200,000 men and women of the Armed Forces currently serving in Iraq and Afghanistan and many more supporting them and engaging in other demanding activities on our behalf and their behalf around the world, we cannot afford not to enact this legislation.

For all these reasons, I would urge our colleagues to vote for cloture on the conference report and then to adopt the conference report itself.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I yield myself such time as I may consume.

Today, the Senate begins consideration of the conference report to accompany this year's national defense authorization bill providing our soldiers, sailors, airmen, marines, and their families with the support they need and deserve. This is a responsibility I do not take lightly, especially during a time of war. It is a responsibility my good friend and colleague Senator LEVIN understands very well. I thank and commend Senator LEVIN for his skill in shepherding this bill through the conference process in a bipartisan fashion. I thank Senator LEVIN for his leadership. I thank him for his commitment to the men and women who are serving in the military and the long relationship we have enjoyed working together as colleagues in that effort.

The conference report largely supports the defense priorities laid out by

Secretary Gates and authorizes over \$550 billion in base program funding for the Department of Defense and the national security programs of the Department of Energy.

Additionally, the legislation authorizes over \$129 billion in overseas contingency operations funding for ongoing activities in Iraq, Afghanistan, Pakistan, and other regional operations and support of the war on terrorism.

The conference report demonstrates our bipartisan support for the men and women of the Armed Forces and their families and provides them with the pay, benefits, equipment, and training they need and deserve.

The report increases benefits for our wounded warriors and provides an across-the-board pay raise for our military.

The report terminates production of the F-22 aircraft, contains no funding for additional C-17 cargo aircraft, provides full funding for procurement of 30 Joint Strike Fighters, and fully authorizes funding to train and equip the Afghan National Army and police forces.

I am disappointed that we are unable to eliminate funding for the continued development of the alternative engine for the Joint Strike Fighter. As Secretary Gates said, "This program is unnecessary and could disrupt the overall JSF Program by diverting resources away from efforts needed for the continuation of that program."

During the more than 20 years Senator LEVIN and I have worked together, we have had our share of respectful disagreements, and this year is no exception. I strongly disagree with the majority's decision to include hate crimes legislation in the national defense authorization bill. I have consistently opposed attaching hate crimes legislation to the national defense authorization bill in years past. This year, I again objected to the inclusion of this non-germane, nonrelevant language as an amendment to the defense authorization bill when the bill was being considered on the floor of the Senate. Today, I remain strongly opposed to its inclusion in the conference report. The defense authorization bill is not the appropriate vehicle for consideration of hate crimes legislation. It is not germane to the work of the Armed Services Committee. The stand-alone legislation, S. 909, has not even been considered by the Senate Judiciary Committee, where it could have been debated, modified, improved, and brought to the floor of the Senate. What we are doing here is an abuse of the Senate process.

I also object to the language itself because it would create a new Federal crime for willfully causing bodily injury to any person due to the actual or perceived race, national origin, religion, or gender identity, sexual orientation, or disability of any person.

I do not believe an expansion of the Federal criminal code is necessary to cover a certain class of citizens from "perceived injustices."

Let me tell you one of the biggest problems I have here. We have now seen a virtual disappearance of authorization bills for various functions of government from Senate consideration. We have done that because extraneous and nongermane issues have been raised on those authorization bills. I don't remember the last time we had authorization bills for foreign operations out of the Foreign Relations Committee. I don't know when we have had authorization for other branches of government. The reason is because they always get bogged down in extraneous amendments on both sides. I am not placing the blame on the other side. I am placing the blame on both sides. This then bogs down the legislation which then, because of the exigencies of time, means we are not able to address the proper authorizing process for many functions of government. That, then, throws it all into the appropriations process. Of course, that is now an enormous shift of power and authority and responsibility from the authorizing committees, in whom the responsibility should lie, to the appropriating committees which are simply only supposed to appropriate money for previously authorized functions of government. I worry a great deal about that.

The only bill that has been consistently passed for many years through the Senate and into law is the Defense authorization bill. The Defense authorization bill is vital. We are now starting a very dangerous precedent by adding a very large and controversial provision, which is nongermane and non-related to defense, to a Defense authorization bill.

As my friend Senator LEVIN will point out, there have been other times where provisions have been added to this bill which were nongermane. Nothing of this magnitude, nothing of the controversy that is associated with the hate crimes legislation which was tacked on to this bill without any consideration in the committee itself. There was no committee consideration. When the bill came to the floor, bang, the first amendment out of the box was the hate crimes legislation which, of course, tied up the legislation for some days.

I understand the realities around here. I know what majority votes are. I know what majority membership in this body means. It was jammed through. I want to tell my colleagues, if we allow hate crimes to be added to this Defense authorization bill, what is next? What pet project or legislation on the part of the majority leader or the majority will be included in the next authorization bill?

If this legislation is signed into law, it will force police and prosecutors to

treat identical crimes differently depending on a police officer or prosecutor's determination of the political, gender, philosophical, or even religious beliefs of the offender. Our legal system is based on identifying, capturing, and punishing criminals, not on using the power of government to divine biases. Crimes motivated by hate deserve vigorous prosecution, and I strongly support punishing those who commit such heinous acts under existing laws. Moreover, I am committed to a full and transparent debate on the issue. But I strongly oppose using the men and women of the military as the vehicle to pass this controversial and partisan legislation.

The Detroit News editorialized:

Certainly, threats of violence or violence against individuals for any reason should be prosecuted to the full extent of the law. Not, however, because the victims are members of a particular race or sex, adherents of a particular religion or are gay. These crimes should be punished because the victims are uniquely valuable individuals who deserve the protection of the law solely on that basis. The idea of special prosecutions for "hate crimes" is inherently divisive.

I am pleased the conference report does retain some legislative language offered by Senator BROWNBACK during Senate debate on the bill. The Brownback language clarifies that nothing in the hate crimes legislation language shall be construed as an infringement on Americans' first amendment rights. Additionally, his amendment ensures that nothing in the hate crimes language should be construed to overturn "the Religious Freedom Restoration Act of 1993" that ensures our laws do not substantially burden Americans' free exercise of their religion.

The majority had the votes in July to add hate crimes to the Senate bill, and I am sure the majority will again have the votes today to invoke cloture on the conference report containing hate crimes language. It is indeed, unfortunate, that we are using the brave men and women in uniform as leverage to pass hate crimes legislation.

This legislation should have gone through the Judiciary Committee. That is the oversight committee. That is the committee of jurisdiction. I know my colleagues who are here on the floor will be justifying this legislation on the grounds of how badly it is needed. I say to the majority, who controls the legislative schedule here, they could have had this bill through the Judiciary Committee and on the floor of the Senate and passed in the Senate in the proper fashion and not put hate crimes on a bill that cares for the men and women serving in the military today. I worry a great deal about the precedent we will be setting by including an incredibly controversial piece of legislation in the Defense authorization bill which provides for our first and foremost obligation, and that is to secure the safety and welfare of our fellow citizens.

Finally, I believe it is important to note that the Defense authorization bill has been the only authorization bill that the U.S. Congress has consistently passed every year. Other authorization bills have often fallen under the weight of provisions inserted into must-pass bills that are not relevant to the legislation and highly controversial. The lives of our men and men serving abroad literally depend on our ability to consistently and reliably pass this authorization bill every year. I am not willing to take a gamble with our troops. For these reasons I cannot in good conscience vote to support the motion to invoke cloture on this bill, and I encourage my colleagues to do the same.

Prior to the final vote on passage of the conference report, I plan to speak in more detail about the overall bill and the commitment we have made in this conference report to do everything possible to ensure our soldiers, sailors, airmen, and marines receive the support they deserve and need, as well as a message we need to send those brave men and women and their families whom we support and stand behind.

I will vote against cloture. I will vote for final passage of the legislation in deference to our need to care for the men and women who are serving. I also would point out that if cloture is not invoked, we could immediately pass a resolution reconvening the conference and get this bill done today. But that is not going to happen, unfortunately.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask unanimous consent to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I did not sign the conference report on this legislation. I did not do it for a number of the same reasons articulated by the Senator from Arizona.

There are some good provisions in this bill. It does increase the size of our military, the Army, Marines, Air Force, and the Navy. Specifically, it authorizes 30,000 new additional Army troops through fiscal years 2011 and 2012 but provides no funding, which means the Army is going to have to take it out of its hide somewhere else. This concerns me.

It does provide a pay raise. That is good. It improves TRICARE eligibility. It adds eight congressionally appointed members to the independent panel that will consider the Quadrennial Defense Review. That was a program of Senator THUNE's. It does do that. That is good.

It provides \$350 million to train and equip. Train and equip has been one of my favorite programs for a long period. It is one that we are getting the most out of right now. I am pleased that is in there. It also adds some funding for the new AFRICOM, African Command.

It used to be divided into three different commands—the European command, the Pacific command and Central Command—but now it is in one. However, even though AFRICOM is good, and General Ward is doing a great job, it was not adequately funded in terms of resources. Now it is much better. We have extra funding in there.

Having said that, I would have to say that on modernization and the things I have been trying to do since I have been serving in this body and on the Armed Services Committee, military modernization has been kicked down the road. It seems all we ever do around here is take care of what is on fire at any given time.

President Obama said, in his February 2009 speech to a joint session, that he would push for removal of cold war era equipment we do not need. I agree with that statement. That is not what this legislation does though. We are still using the Bradley fighting vehicle and the M1 Abrams tank, both developed in the 1970s and 1980s. The Army's Paladin howitzer was developed in the 1950s back when I was in the Army. We do have the Paladin Integrated Management, P.I.M., program to upgrade it but, nonetheless, there is no current modernization plan to replace that cannon. It terminates the C-17 program. Fortunately, we were able to get some things in Defense appropriations to correct that and add funding for additional C-17s. It terminates the F-22 program. I can remember when that program was first introduced. We were going to have some 900 aircraft. As it turned out, that was dropped down to 750 and has now been reduced to purchasing only the 187 aircraft already produced. Let's keep in mind that the F-22 is the only fifth-generation fighter we have, and other countries—China and Russia—are cranking theirs out now.

I think the worst part of this, though, was what they did to our missile defense system. The chart is complicated but it shows that during the boost phase, we have two capabilities—the airborne laser and the kinetic energy interceptor. Those were, for all practical purposes, terminated with this bill. That is the easiest and earliest phase to knock down an incoming missile, if you can get it during the boost phase. It cut down the number of missile interceptors in Alaska and California from 40 to 33. But to me the worst part is—and we have talked about this on the floor over and over—it eliminated our ground-based interceptor capability that was ongoing in Poland and the Czech Republic. I was there when this European plan was first being discussed. I talked to the Polish Parliament as well as the Czech Parliament to encourage them to let us have that capability. I remember a member of the Parliament asked me: Are you sure that if we do this and

take a controversial position in allowing an interceptor capability to take place, that America won't back down? I said: I am absolutely certain we won't. Obviously, we did back down. I am very much concerned about that. I wish there were time to go into it. There is not.

I will say this: We are pretty well protected with our capability, even though they decreased the number of interceptor missiles in Alaska and California in this legislation. But the interceptor missiles based in Alaska and California are intended to protect against missile threats from the west of the United States from Asia. Something coming from the East is a different situation. We needed this added capability and protection. I know the administration says that we already have the capability of knocking down a short and medium-range hostile missiles with our PATRIOT missiles, our THAAD system and our SM-3. The problem with that is, those systems do not adequately address the long-range missile threats from nations like Iran. Our intelligence says Iran is going to have a long-range missile capability by around 2015. If we had stayed with our program to have this capability in Poland and the Czech Republic in advance of that, we would have the capability of knocking down an ICBM coming toward the United States.

As it is now, we will not have until around 2020. If our intelligence estimate is right, that means we have a 5-year period, between 2015 and 2020, where we are pretty much naked on the east coast and Europe against long-range missile threats.

Let me ask, because I know there is another Senator who wants part of this time, how much time remains on our side?

The PRESIDING OFFICER. There is 11½ minutes.

Mr. INHOFE. I am very much concerned about some of the other things that have been approached in this legislation. One is the lack of testing capability for our existing stockpile of nuclear capability.

I am concerned about the additional money, some \$560 million, to continue development and procurement of the alternate engine for the F-25 Joint Strike Fighter. We debated this over and over again. The end result would be, if this continues in the way it is right now, it would eventually knock us down by about 50 F-35 aircraft. This is something that should not take place.

While this authorization bill does prohibit the Gitmo detainees coming into the United States, it does allow for detainees to be transferred into the United States 45 days after the President has submitted a plan to Congress. It does not say that Congress has to approve the plan, just that they must submit the plan to Congress. Anytime I

look at what has happened and the capability we have there at Gitmo—and to think we would shut it down for no reason I have ever been able to determine—that is concerning.

The last thing I would mention is, if we look at our responsibility of defending America, we are down now to a very small percentage of GDP compared to where we have been in the past. During the gulf war, our defense spending was 4.6 percent. It was 6 percent during the buildup of the Reagan years. If this trend continues on the road we are on now, it would be at 3 percent of GDP by 2019.

I would only remind you, Mr. President, we went through this same thing back at the beginning of the Clinton administration. As this chart shows, this line right here is a baseline. The Clinton budget is the red line down there. So we are talking about a degradation of some \$412 billion in that period of time.

On the heels of that—I remember so well the jubilant cries that: The cold war is over. We don't need a strong defense anymore. I see that same sentiment coming on the horizon. I am very much concerned about that.

For that reason, I will be opposing the vote we will be facing in a short period of time. There still is time to send this back to conference and get some of those things taken care of. I would encourage our colleagues to give us the opportunity to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, very briefly, I yield myself just 1 minute. There is no conference to send this back to. The conference, by rules, has been disbanded.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I am frustrated and disappointed that I would be in a position to vote against cloture on this legislation. I have been a member of the Armed Services Committee now for 12 years. I have voted in favor of passing the National Defense Authorization Act each of those 12 years. I am particularly concerned that I would feel compelled to oppose the passage of this conference report this year.

I will vote against cloture because I am deeply troubled that we are moving away from the longstanding tradition of passing bipartisan legislation that sets aside partisan politics in favor of providing funding for our men and women in uniform. I am sad to say that in this case the desires of a few have overridden that tradition. The result of that decision is before us in the conference report.

The inclusion of the controversial language of the hate crimes legislation, which is unrelated to our national

defense, is deeply troubling. I think we will be setting a dangerous precedent by including such extraneous legislation on a most important authorization bill the body passes every year.

I count myself as an ally of our men and women in uniform. I work for them, feel compelled to support them in every way possible. I certainly do not mean to disrespect them and all the good things that are in this bill. But let me just say, one reason we have had such good support for the Defense authorization bill and are able to pass it every year, when bills like the foreign relations authorization bill almost never pass because that bill and so many other authorization bills get larded up with all kinds of pork and special interest, extraneous legislation, and they become so controversial they do not pass—our unwritten but firm principle has been: Let's keep the Defense bill a clean bill that focuses on our men and women in uniform. And just because you or some Senator in the body has a piece of legislation they strongly favor, that does not mean it should be added to the Defense bill, because others may feel just as strongly in opposition. So it creates a real problem for us.

I will just say that the train on which this Defense bill annually moves forward is a powerful engine. It has always been known that if you are able to get your legislation on the Defense bill, then few Senators are going to vote against it even if they do not agree with that particular piece of legislation. They want to vote for the Defense bill.

In a bipartisan way, we have recognized—and not perfectly—if we want to make sure this bipartisan strength and support for our men and women in uniform and our national defense is maintained, we do not need to load up that train with extraneous, controversial pieces of legislation. That is a great disappointment to me.

I hope by raising this objection clearly—and I appreciate Senator MCCAIN doing so—we will begin to send a message that: Let's not do this again because it can endanger the success we have had over the years.

This legislation was included despite the opposition of both the chairman and the ranking member of the House Armed Services Committee and certainly the ranking member of the Senate committee, Senator MCCAIN. It is my understanding that the leadership—I guess the Speaker and the majority leader are the ones who insisted this legislation, this hate crimes bill, be added to it. Specifically, Chairman IKE SKELTON, the Democratic chairman in the House, on October 8, said:

Finally, regarding the Hate Crimes Prevention Act, I have said several times that I would have preferred it to have been enacted as a stand-alone bill.

Well, I think that is certainly what we all felt. But somehow that did not

happen. It has been added to the legislation.

On July 20 of this year, I gave a lengthy statement I am sure few listened to and even fewer read discussing hate crimes legislation and the constitutionality of it, the need for it or lack of need for it. I pointed out a number of things that I think were very important to considering the legislation. One of them I will just note is a report by the U.S. Commission on Civil Rights.

I oppose the legislation. I do not think there was any showing—as a matter of fact, there was no showing—of a failure of State and local prosecutors to prosecute these cases. I asked the Attorney General himself, Mr. Eric Holder, to list the cases he named, and he listed five. We checked all those cases in the last 5 years, and they were all prosecuted, and most resulted in conviction and jail time. So it is not as if these cases were not being prosecuted.

This has a political dimension to it, frankly, more than a legal dimension. Six of the eight members of the U.S. Commission on Civil Rights signed a strong letter to the President and to the Judiciary Committee opposing this legislation. They went on to say in their letter that:

While the title [of this legislation] suggests that it will apply only to "hate crimes," the actual criminal prohibitions contained in it do not require that the defendant be inspired by hatred or ill will in order to convict. It is sufficient if he acts "because of" someone's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or disability.

The letter goes on to say:

Rapists are seldom indifferent to the gender of their victims. They are virtually always chosen "because of" their gender.

A robber might well steal only from women or the disabled because, in general, they are less able to defend themselves. Literally, they are chosen "because of" their gender or disability.

The letter goes on to say that this piece of legislation would make every rape in America be declared a crime under this bill because it is an act against someone because of their gender.

So on the merits, I am concerned about the legislation. I am concerned about its constitutionality. There is a lack of interstate nexus. Unlike the 1968 Civil Rights Act—which was needed and did fill a gap because there was clear proof that serious crimes committed against African Americans and other minorities were not being prosecuted. They had proof of that and could show that. So the Federal legislature, through narrowly crafted legislation to protect the movement and free exercise of civil rights by minorities in this country, passed a civil rights bill that I think has been upheld as constitutional. But this bill is much

broader, much less narrowly tailored, and much less defensible.

So I will just say, Mr. President, I am proud we have a good pay raise in the legislation. I am proud there are some good things in it. I am disappointed, as Senator INHOFE said, about the missile defense issue and the lack of funding to update our nuclear stockpiles, which is becoming a critical issue. Overall, I am supportive of the legislation, want to be supportive of it, but I want to be crystal clear that we should not head down this road where we allow the addition, through a defense bill, of controversial legislation such as this.

Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The minority's time has expired.

The Senator from Michigan.

Mr. LEVIN. Mr. President, how much time remains?

The PRESIDING OFFICER. Ten minutes.

Mr. LEVIN. How much on the other side?

The PRESIDING OFFICER. The minority's time has expired.

Mr. LEVIN. Mr. President, I am going to be very brief and will not use the 10 minutes, unless there is somebody else who wishes to speak in support of the motion to invoke cloture.

I yield myself, Mr. President, 6 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. Just very briefly, let me say that the Senate has adopted hate crimes legislation on a defense authorization bill, I believe, three times. This is not the first time we would do this. It is not the second time we would do this. So it is not unique. It is not unusual. It is not unprecedented.

It is important that we provide the same kind of protection for the additional groups who are being protected under this legislation, including groups who would be attacked physically based on sexual orientation.

It would protect men and women in uniform for the first time from these kinds of hate crimes. That is something in which the Armed Services Committee has a special interest. The language has been written to ensure that it does not intrude on first amendment rights, that State and local law enforcement retain primary jurisdiction over investigations and prosecutions. It would punish violent acts only, not beliefs. No Federal prosecution could take place under the provision unless the Justice Department certifies that the State in which the hate crime occurred either does not have the jurisdiction, has asked the Federal Government to assume jurisdiction, or has failed to vindicate the Federal interest against hate crime motivated violence or that a Federal prosecution is necessary to secure substantial justice. Senator Kennedy was

the champion of this provision. Over and over again, he attempted successfully in the Senate to get this kind of language adopted. He pointed out, and I think with eloquence that is unmatched, that the values men and women in uniform fight for are these kinds of values: the value of diversity, the value of nondiscrimination. To say this has no place on this bill, it seems to me, is wrong for that reason as well as a number of other reasons.

We have had strong support for this provision from the Department of Justice and from law enforcement groups across the country that want this kind of support. The Senate, again, has authorized this legislation on the Defense authorization bill and has supported it twice before. This is at least the third time now that it is part of this bill. There are good reasons for it being part of Defense authorization, one of which is the values that are reflected here that when the men and women put on the uniform of our country, they fight to protect.

This would be a real tribute to Senator Kennedy for this language to be included. I remember going over with him to urge the House to adopt this language a couple years ago. The House did not do it then, although we in the Senate did do it. But now the House has adopted it. The Senate voted on this language just a few weeks ago with, I believe, 63 votes to incorporate this language into the Defense authorization bill. So we have already voted to do this. There is nothing unique or unprecedented about doing it again.

I hope we will invoke cloture. The stakes are huge. When I spoke before, I was quoting some of the things this bill will provide which are essential.

Now, some of the things in this bill required an appropriation. The Appropriations Committee hasn't acted on—excuse me—we haven't adopted an appropriations bill yet. Those things are not going to be held up if we don't pass this bill today, but there are a few things that will be held up. Our veterans are going to have to pay more for prescriptions and copays if we don't act on this bill, and acting on this bill will prevent that increase in copays without an appropriation.

We all talk about the importance of getting to Afghanistan equipment that is in Iraq. This bill has language which will permit that to happen. There is great disagreement as to what the right policy is in Afghanistan, but there seems to be no disagreement that we ought to strengthen the Afghan Army. One of the key ways to strengthen the Afghan Army is to get them equipment that is currently in Iraq which, if we don't pass this bill, is going to have to be shipped back here not only at great expense but also denying to the Afghan Army that we are trying to build up the kind of equipment that will make it possible for

them to assert greater control for the security of their own country. That equipment cannot be transferred until this bill passes because that is non-excess equipment. The moment this bill passes and is signed by the President, that equipment can be shipped to Afghanistan. That will protect our troops.

To try to pass another bill—have the House pass another bill, have another conference created if we can get one, have the conference, go through the process of conferees—is going to deny and delay an essential item going to Afghanistan to help protect our troops and our interests.

We talk a lot about: Why can't we do in Afghanistan what they did in Iraq? Why can't we have the Sons of Iraq be the Sons of Afghanistan? Why can't we put a policy in place which will attract those young Afghans who are on the payroll of the Taliban not because they believe in the extreme religious fanatic position the Taliban takes, but because it is a check or, more importantly, more accurately, cash they can put in their pockets?

With the Sons of Iraq we were able to wean away from the attackers, the people who hated us, 100,000 young Iraqis because we had a program which would help to fund that. This bill contains the authorization for our commanders to use CERP funding for that purpose. That is going to support our troops. Those funds can't be used until the President puts his name on this bill. Delaying that jeopardizes our troops, jeopardizes our interests, and it is one of the many essential provisions in this bill, and until they become law cannot be put into effect. But the moment it does become law, if and when it does, it can be placed into effect.

So the stakes on this first vote are great. If we delay adopting this bill by not adopting cloture, we are going to be taking a step backwards in terms of the support of our troops and our interests in Afghanistan and Iraq. The delay is unacceptable. I hope our colleagues will vote for cloture.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. All time has expired.

Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the Conference Report to accompany H.R. 2647, the Department of Defense Authorization Act for Fiscal Year 2010.

Harry Reid, Ben Nelson, Benjamin L. Cardin, Byron L. Dorgan, Robert Menendez, Richard J. Durbin, Charles E. Schumer, Tom Harkin, Evan Bayh, Patrick J. Leahy, Jack Reed, Robert P. Casey, Jr., Roland W. Burris, Edward E. Kaufman, Paul G. Kirk, Jr., Barbara Boxer, Sheldon Whitehouse, Carl Levin.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "nay."

The PRESIDING OFFICER (Mr. BURRIS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 64, nays 35, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—64

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Pryor
Begich	Johnson	Reed
Bennet	Kaufman	Reid
Bingaman	Kerry	Rockefeller
Boxer	Kirk	Sanders
Brown	Klobuchar	Schumer
Burris	Kohl	Shaheen
Byrd	Landrieu	Snowe
Cantwell	Lautenberg	Specter
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	Lugar	Voinovich
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feinstein	Mikulski	Wyden
Franken	Murkowski	
Gillibrand	Murray	

NAYS—35

Alexander	Crapo	Kyl
Barrasso	DeMint	LeMieux
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Feingold	Risch
Bunning	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Corker	Isakson	Wicker
Cornyn	Johanns	

NOT VOTING—1

Hatch

The PRESIDING OFFICER. On this vote, the yeas are 64, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

HONORING SENATOR DANIEL INOUE

Mr. REID. Mr. President, our colleague, Senator DAN INOUE, has earned, on the field of battle, the Bronze Star, the Purple Heart, and the Congressional Medal of Honor. The man we work with on a daily basis is an American hero. He has earned the admiration, respect, and trust of the people of Hawaii and the entire Nation.

Today he has reached another milestone. He becomes the third longest serving Senator in American history.

(Applause.)

Every day since January 3, 1963—46 years, 9 months, and 20 days—Hawaii has been proud to call DAN INOUE their Senator. There has certainly never been a Senator such as DAN INOUE. He holds many distinctions no one else can claim or will claim: He has represented the people of Hawaii since Hawaii became a State. He was Hawaii's first Congressman and is its longest serving Senator. He was the first Japanese American to serve in the House and the first Japanese American to serve in the Senate and first chairman of the Senate Select Committee on Intelligence.

Just as he today becomes the third longest serving Senator, he also ranks third all-time in the number of votes cast in the Senate, behind only Senators BYRD and THURMOND. That means the senior senator from Hawaii has cast more votes than any Senator west of the Mississippi.

Today's vote by Senator INOUE, which was the last vote cast—one of America's most accomplished veterans, and that is an understatement—was on the Department of Defense authorization bill. It was his 15,507th vote.

The good people of the great State of Hawaii thank Senator INOUE for his continued service. The American people thank him for his courage and his leadership. I thank him—from the day I entered this body, there is no one who has been more cordial, more of a gentleman than the man we know who has a Congressional Medal of Honor, DAN INOUE.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, I say to my good friend from Hawaii, I addressed this issue we are discussing now in my opening remarks this morning. I congratulate him for achieving this milestone. He has been an inspiration not only to Members of the Senate but to many Americans throughout his life, beginning, obviously, with his extraordinary service for our country during World War II.

As I indicated to my good friend, I addressed this earlier today. I wish to join with others in congratulating him on this important milestone he has achieved today.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I also add my voice, support, and praise for our colleague, Senator INOUE of Hawaii, who now becomes the third longest serving Member of this great body. DAN INOUE has spent his life fighting for freedom, democracy, and equality in uniform, as a Member of Congress and the Senate.

Senator DANIEL INOUE may be the only American who saw with his own eyes the smoke from Pearl Harbor and the black smoke that rose from the Pentagon on 9/11. On both of those terrible days, when the Nation he loved was under attack, DAN INOUE stood ready to protect and serve this great country. I am honored to call him a colleague.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I rise to congratulate and bring my aloha to my good friend, brother, and colleague, Senator INOUE, on reaching this impressive milestone today, becoming the third longest serving Senator in U.S. history. His dedication to public service and to this great country is an inspiration to me and to many others.

Senator INOUE has been in Congress ever since Hawaii became a State in 1959. He has been here for 46 years, 9 months, and 20 days. He was in the House and then joined the Senate 3 years later.

This historic milestone would be impressive on its own, but it is truly amazing when one considers Senator INOUE's background: a Medal of Honor recipient who lost his arm fighting for America in World War II. He fought for our country while fellow Japanese Americans were being interred in our country.

He then became the first Japanese American in Congress. He has fought for our country in battle and in the Congress as well.

Senator INOUE will continue working for Hawaii and the United States for many more years to come. It has been a pleasure serving with him in these years representing Hawaii.

I, again, extend my aloha, my congratulations to Senator DAN INOUE, and ask for God's blessing upon him and God bless America.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, one thing Senator INOUE has established is that you do not have to be a Democrat to love DANNY INOUE. He is not only revered here for his knowledge and for his leadership but for his affection and to all things we care about, and people on the other side of the

aisle confirm that in their respect for DANNY INOUE.

DANNY, as we affectionately know him, and I and Senator AKAKA are the three remaining veterans of World War II in this place. We treasure every moment we have together. I particularly am in debt to DANNY INOUE for his unique capacity to listen, to think quickly on his feet and come up with the right answers.

DANNY, we congratulate you. We look forward to your ascension to even higher standing with longevity in this body and, quite frankly, I hope to be here with you. Congratulations.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, this day I am reminded how grateful I am to the people of Hawaii for honoring me all these years. I just hope my work here has returned this great favor they have given me.

I can think of many good things that have happened, but the thing I will always cherish is the friendship of my colleagues—friendship that extends on both sides of the aisle. I think that is the way we should look upon the Congress and the Senate. Therefore, I am pleased that as chairman of the Appropriations Committee, I can tell one and all that out of the 12 bills, 10 were reported out unanimously, 2 with 1 opposition. That is bipartisanship, and we intend to keep it that way.

Once again, I thank my colleagues for their many courtesies and today they have honored me greatly. Aloha.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, may I inquire, what is the business before the Senate?

The PRESIDING OFFICER. The conference report to accompany H.R. 2467.

Mr. CHAMBLISS. Mr. President I rise, regrettably, to oppose the conference report for the fiscal year 2010 National Defense Authorization Act. For the record, this will be the first Defense authorization bill I have voted against in my 15 years in Congress.

There are many provisions in this bill with which I agree and strongly agree that represent major steps forward in support of our men and women in uniform and the national security responsibilities of the United States. For example, the bill includes a significant pay raise for our troops, re-authorizes numerous bonuses and special pays, authorizes billions of dollars of much needed military construction, both in the United States as well as overseas, and authorizes \$6.7 billion for Mine Resistant Ambush Protected Vehicles or MRAPs.

Also, the bill includes the Military and Overseas Voting Empowerment Act, which I worked on in conjunction with Senators SCHUMER, BEN NELSON, CORNYN and BENNETT and which was cosponsored by over half this body. The

MOVE Act is one of the most substantive and comprehensive military and overseas voting reforms we have seen in years. It will fix a significant problem we have had in this country, that of the men and women of our military; who are putting their lives in harm's way being denied the ability to, No. 1, have the opportunity to vote, and No. 2, to have their vote counted.

However, the bill includes at least three provisions which I strongly oppose, and for those reasons I cannot support this final bill.

First, the bill includes hate crimes legislation, which I firmly believe is unnecessary, irresponsible, and certainly not germane to this bill. There is little evidence that indicates that violent crimes, motivated by hate, go unpunished in the United States. Every single State has criminal laws that prohibit the antisocial behavior addressed by hate crimes legislation, including laws against murder, rape, arson, assault, and battery.

I oppose the creation of Federal hate crimes legislation for several reasons. First, I do not believe the Federal Government should interfere with the criminal laws already on the books in our States.

Second, this hate crimes legislation would establish a protected class of crime victims who would receive special protection under the law.

Finally, we already have laws to prosecute individuals who commit violent crimes. Those people guilty of violent crimes against anyone should and will be prosecuted under existing law and should be punished to the hilt when found guilty. For all these reasons, I strongly oppose the hate crimes legislation in this bill.

Secondly, the bill contains no funding for the procurement of additional F-22s. On May 19, 2009, the Chief of Staff of the Air Force, General Schwartz, affirmed under oath that 243 is the right number of F-22s to have in our inventory. Nevertheless, inclusion of additional F-22 funding received a veto threat from the administration and funding was stripped out of the Senate bill after an unbelievable lobbying effort coming out of the Pentagon and the White House.

I readily acknowledge there is a difference of opinion on this issue and that others do not necessarily share my views on this subject. However, what I will not acknowledge is that support for additional F-22s is simply an example of doing business as usual and the influence of special interests. Congress is entitled to disagree with the executive branch on significant procurement and policy decisions, and there are countless examples of where we have done so and history has proven Congress to be right. Time will tell, but the F-22 may very well be an example of where the supporters of the program were, without question, correct.

I hope we are never put in a position as a country where we once again must fight to maintain air dominance, but there is not a single weapon in our inventory that ensures that we will maintain air dominance other than the F-22. The F-35 is a great weapon system, but we now know it is going to be delayed by 2 years.

It was kind of interesting that the announcement on the 2-year delay on the F-35 came out about 3 or 4 days after the final vote on the Defense authorization bill on this floor. But the F-35 is an air-to-ground weapon system that will not guarantee us the air superiority the F-22 will. If we are going to rely on 187 F-22s from an air dominance standpoint in every potential sector of the world, against every potential adversary, it is simply not enough. General Schwartz was right when he said 243 is a more correct number. I believe stopping production at 187 puts our Nation at high risk in the near to midterm, and there is no reason our Nation should accept that amount of risk given our global responsibilities.

Third, section 1041 of the bill provides for the transfer of Guantanamo detainees to the United States. While the bill specifies conditions for transfer as well as requiring a plan for each detainee who is transferred; the bill nevertheless allows for the transfer of those detainees. The conditions for the transfer of those detainees are similar to those that are present in the fiscal year 2010 Department of Homeland Security appropriations bill which I voted against earlier this week.

I made a much more detailed statement at that time about my reasons why I was voting against that bill relative to this issue of the transfer of Guantanamo detainees to the United States, but that bill authorized the transfer of detainees to the United States for the purpose of prosecuting the detainees or for detaining them during legal proceedings. This bill allows the transfer of detainees not just for that purpose but for any purpose. This will allow those detainees to have access to U.S. criminal courts, which I strongly oppose, because these are individuals who were arrested on the battlefield, not by the FBI or local police or any other law enforcement agency inside the United States. These are battlefield combatants. This also goes against the will of the American people and opens up the possibility that these detainees may one day be released in the United States. Therefore, I cannot support this provision in the underlying bill.

Mr. President, I strongly support our troops, and I support the missions we have asked them to carry out. Shortly, I will be going back to Afghanistan for my third trip. I also have been to Iraq on eight different occasions, and I get very emotional and excited about the

opportunity to look our men and women in the eye, with their boots on the ground, and tell them how much we Americans appreciate the great job they are doing. I am going to continue to support them in every way possible. But the fact is, here we have provisions in a Defense authorization bill that go against the will of the American people and that, frankly, don't have much of anything to do with our troops in theater as well as our troops here.

So, Mr. President, regrettably, I am going to be opposing this bill on the grounds of the issues I have outlined.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, I am a student of history and a firm believer in applying the lessons of history to present planning and to future planning. There is no profit—none—in making the same mistakes over and over. There is no future—none—in building on a foundation of shifting sand. Our military planners and our Afghanistan policy analysts, as well as Members of this Senate, would do well to spend some time considering the history, the geography, and the cultures of Afghanistan.

Throughout the long centuries, Afghanistan's geopolitical value has been its location along the great Silk Road that carried both trade goods and armies between Europe and Asia through the forbidding Hindu Kush mountains. Afghanistan has limited natural resources. Afghanistan has a climate and a geography that produces very little for export. So the fiercely—and I say fiercely—dependent tribes that populate this harsh and barren land have long earned a living instead from the goods and the armies that travel across it.

Tribesmen have used the dry rocky plains and the steep, bare, cavern-riddled mountains to great advantage—to extort both armies and traders for security and shelter or as a base from which to raid.

In weary succession, rulers and nations have witnessed their dreams of conquest and their dreams of empire in Afghanistan dashed. From Alexander the Great in 326 BC, to Genghis Kahn in the 13th century, to the British in the 19th century, to the Russians in the 20th century, no invading army has ever conquered Afghanistan, earning it the sobriquet "Graveyard of Empires," the graveyard of empires or, to say it another way, graveyard of foreigners.

In one horrific example, in 1842, the British lost more than 16,000 troops and civilians in a single 110-mile retreat from Kabul to Jalalabad. History tells us—and we had better listen to history—that Afghanistan does not take kindly to foreign intervention. Yet—now, get this—here we are discussing a proposed counterinsurgency strategy that would vastly increase the U.S.

presence in Afghanistan in the vain hope of spawning the establishment of a Western-style, modern democracy and economy in a land that in many areas and in many ways is still frozen in the time of Alexander the Great.

As a junior United States Senator I traveled to Afghanistan in the 1960s—way back there in the 1960s. Yes, I went to Afghanistan in the 1960s and, let me say to you, it was an eye-opening experience. Men, human beings, were treated like beasts of burden, actually pulling carts like oxen. Yes, I saw it. Living conditions were primitive. Corruption was widespread. While life in Afghanistan's cities has changed somewhat in the intervening decades, many of the scenes that I see in the news still look very familiar to me. The fundamental changes that are wished for by some NATO and U.S. planners, particularly in the least developed rural areas where the tribal theocratic Taliban rule is most entrenched, would certainly be a long shot—and I mean that, a long shot—and likely will be a long shot and quite unwelcome.

What is really at stake for the United States in Afghanistan? We all know that Afghanistan is not a threat to us militarily. The Taliban is not a threat to us militarily. Al-Qaida, however, is a demonstrated threat to us, with ambitions and a philosophy that must—must—keep us vigilant. But the link between al-Qaida and Afghanistan is a tenuous link, one based only on the temporary expediency of location, an expediency that has already been replaced as the al-Qaida leadership has moved and may move again. Building a western style Democratic state in an Afghanistan that is equipped with a large military and police force and a functioning economy based on something other than opium poppies may or may not deny al-Qaida a safe haven there again. It will, however, guarantee that the United States—that is us—must invest large numbers—not just a few, large numbers—of troops and many billions of dollars in Afghanistan for many—not just a few, many—years to come, energy and funds that might otherwise go toward fueling—in other words building and strengthening—our own economic recovery, better educating our children or expanding access to health care for more of our own people, and yet there are many here in this body, many here in the Senate who believe that we should proceed with such a folly in Afghanistan.

I am not one of them. But there are many, I say, here in the Senate, who believe that we should proceed with such a folly in Afghanistan. During a time of record deficits, some actually continue to suggest that the United States should sink hundreds of billions of borrowed dollars into Afghanistan, effectively turning our backs on our own substantial domestic needs, all the while deferring the costs and deferring

the problems for future generations to address. Our national security interests lie in defeating—no, I go further, in destroying al-Qaida. Until we take that and only that mission seriously, we risk adding the United States to the long, long list of nations whose best laid plans have died on the cold, barren, rocky slopes of that far off country, Afghanistan.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. Mr. President, it was a great privilege to be here on the floor to hear the remarks of the senior Senator from West Virginia. I congratulate him on his remarks and thank him for giving us the privilege of hearing his views on Afghanistan.

One of the most important duties we have as Members of this Chamber is to ensure that our troops have the tools and equipment they need to succeed. It is an obligation we all take very seriously. I thank the chairman and ranking member of the Senate Armed Services Committee, Senators LEVIN and MCCAIN, for producing such a balanced and bipartisan bill that invests in our Nation's defense and provides, as President Obama has said, "for the few who have borne the overwhelming burden of our security." Making sure our troops have the very best America can offer is absolutely essential to our defense and keeps our military second to none.

I rise today to discuss a provision in this conference report that reflects a different source of pride, a source of pride that projects another characteristic of America and defines us as a model of freedom and equality under the law. These values form a foundation of America's strength that is our most enduring asset, both in times of war and peace. I rise today in strong support of the Matthew Shepard Hate Crimes Prevention Act. With the bipartisan passage of the Defense authorization conference report, we will have taken another substantial step forward for our values as Americans.

It has been 10 years since the Matthew Shepard Hate Crimes Prevention Act was first introduced in the Senate. During this period we have seen a marked increase in hate crimes. In my home State of Colorado there were 156 hate crime incidents reported to the FBI in 2007; 75 of those were on account of the victims' race and 32 on account of his or her sexual orientation.

One of these victims was 18-year-old Angie Zapata, of Greeley, who was beaten to death in her home in July of 2008. Press accounts indicated Angie's

attacker said he went after her because he hates transgender and gay people. A jury found that the attacker was motivated by prejudice based on sexual orientation. The jury's verdict marked Colorado's first ever conviction for a hate crime against a transgendered person. The crime was heinous and the attacker will rightly serve his time because of the laws in my State. Our experience in Colorado, which already has strong hate crimes laws on the books, serves as an example of how to protect the civil rights of all Americans, regardless of where they live.

Our laws must reflect our values. Communities are threatened anytime there is a violent crime motivated by racial animus or by bigotry against one's gender or sexual orientation. Hate crimes are serious challenges for our law enforcement personnel. They can lead to additional crimes, and they can raise the level of animosity among communities. These unique challenges have rightly caused Congress to become involved. As we learned in the civil rights era, sometimes communities need assistance and resources from the Federal Government when they have to confront the most emotional and dangerous kinds of crimes. The Matthew Shepard Hate Crimes Prevention Act is designed to help local law enforcement manage these situations and deter hate crimes from ever happening in the first place.

This important law strengthens the current Federal hate crimes statute by protecting would-be targets of violence based on gender, sexual orientation, gender identity, or disability. It closes a significant loophole under current law that prevents hate crime prosecution when a victim is not engaged in a federally protected activity. All victims should be protected, and these crimes should be deterred regardless of where or when an attacker may be planning to commit a violent crime.

This legislation also authorizes the Department of Justice to provide grants to State, local, and tribal authorities to investigate or prosecute hate crimes more effectively. Grants are also made available for programs that combat hate crimes committed by juveniles, including training by local law enforcement to effectively identify, prosecute, and prevent those hate crimes.

I thank all of those who worked so hard over the past 10 years to update our hate crimes laws, particularly the late Senator Ted Kennedy, who long championed this cause. In a speech he gave back in 2007 on this very subject, Senator Kennedy asked how long those living in fear of attack or reprisal would have to wait until Congress did the right thing. How long, he asked, would it take for Washington to show that violence on account of gender, sexual orientation, or gender identity is absolutely inconsistent with our val-

ues and as such will not be tolerated in the United States of America.

Today, is Senator Kennedy's answer. Today we send a bill to the President that ensures America's enduring principles apply to all Americans. Today we approve a bill that, as Senator Kennedy predicted, "sends a message about freedom and equality that will resonate around the world." It is a proud amendment. I urge my colleagues to set the right example and pass this important legislation.

Mr. LEAHY. Mr. President, today, if the Senate votes to pass the national defense authorization bill, Congress will at long last pass into law the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009. It is an important and historic step to reaffirm our values as Americans and show that violence against members of any group because of who they are will not be tolerated in this country. I am proud that this Congress and this administration have made this critical measure a top priority.

This is a step that has taken far too long. I have been working hard, as have many others, for more than a decade since the horrific murders of Matthew Shepard and James Byrd, Jr., galvanized the Nation. When Attorney General Holder testified before the Senate Judiciary Committee in June, it was the second time he had testified in support of this important bill. A full decade earlier he had testified as Deputy Attorney General in support of the passage of hate crimes. Since that time, he noted that "there have been over 77,000 hate crime incidents reported to the FBI, not counting crimes committed in 2008 and 2009. That is nearly one hate crime every hour of every day over a decade."

I offered the Matthew Shepard Hate Crimes Prevention Act as an amendment to the Defense authorization bill, and I was joined by my fellow New Englander, Senator COLLINS, in the effort. She has taken a leadership role on several important civil rights measures and now can add this to her long list of bipartisan accomplishments.

With the passage of this measure, for the first time our Federal law will protect a segment of Americans who have been under attack for too long. The LGBT community deserves its civil rights just as the rest of Americans do.

I commend Senator LEVIN for working so hard to ensure that this provision would go forward as part of the conference report. I congratulate the Senate majority leader, Senator REID, for his essential role in this matter. Yesterday I noted the steadfast leadership Senator Ted Kennedy provided on this issue, as on so many others, for more than a decade. We think of him as we see his good work go forward.

Earlier this month was the 11th anniversary of the brutal murder of Matthew Shepard, a college student who

was beaten and killed solely because of his sexual orientation. Matthew's parents have worked courageously and tirelessly for this legislation, which aims to ensure that this kind of despicable act will never be tolerated in this country. The bill was named for Matthew, as well as for James Byrd, Jr., a Black man who was killed in 1998 because of his race in another awful crime that galvanized the Nation against hateful violence. We appreciate and honor the important contributions of James Byrd's family, as they have worked hard for this legislation.

As I have said many times, the years since these two horrific crimes have made clear that hate crimes remain a serious and growing problem. The recent shooting at the Holocaust Memorial Museum showed that these vicious crimes continue to haunt our country. This bipartisan legislation will help law enforcement respond more effectively to this problem.

I understand that a Senator on the other side indicated that we were considering a fully inclusive hate crimes measure today based solely on "perceived bias." I would note for the record that this measure would punish violent acts that result in bodily injury that were motivated by hate. Each of these elements needs to be proven to a jury beyond a reasonable doubt. So it is just plain wrong to claim that perceived biases will be elevated to a crime.

I understand that some have alleged that this has not gone through the Judiciary Committee. In fact, we did consider this legislation at a hearing in June. The Attorney General of the United States testified in support of the legislation, and we had a thorough debate about the merits of the legislation in committee. I would also note that adding the hate crimes measure to the Defense authorization bill has occurred in the past, as recently as last Congress. Its inclusion this year could not have come as a surprise to anyone here.

This same hate crimes bill also passed the Senate in 2004, 2000, and 1999. The amendment passed this year in July on a bipartisan vote. There has been plenty of consideration and process.

President Obama has worked closely with us to facilitate the quick passage of this vital hate crimes legislation. In his first few months in office, he has already acted to ensure that Federal benefits are awarded more equitably, regardless of sexual orientation, and now to ensure that this hate crimes legislation becomes law. Unlike in previous years, we have a President who understands that crimes motivated by bias are particularly pernicious crimes that affect more than just their victims and those victims' families. I expect the President to sign this legislation without delay.

Hate crimes instill fear in those who have no connection to the victim other than a shared characteristic such as race or sexual orientation. For nearly 150 years, we have responded as a nation to deter and to punish violent denials of civil rights by enacting Federal laws to protect the civil rights of all of our citizens. The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 continues that great and honorable tradition. Passage of this legislation, at last, will show once again that America values tolerance and acts to protect all of its people.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico.) The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise today with regard to the importance of international development efforts in Afghanistan, as well as the role of women in that same country. Much of the public debate around Afghanistan is focused on troop levels, especially in Washington. This is a critical decision on troops, but a focus only on troops ignores so many of the crucial elements that will contribute to our strategy in Afghanistan; namely, what should be done to help promote democratic institutions. That is one question we have to spend more time on. How can we accelerate the training of the Afghan security forces? What impact does Pakistan have on this conflict? I have spoken about these issues in depth. I want to directly address the formidable development challenges before the Afghan people and what this means for the security environment.

Let me be clear. We are not conducting development in Afghanistan for development's sake. Promoting development has a direct national security impact and, if done right, can result in a safer environment for coalition troops, as well as Afghan security forces, and it can ultimately contribute to stability in the region.

Before discussing these issues, I want to applaud the extraordinary efforts of Senator KERRY, the chairman of the Senate Foreign Relations Committee, to seek a resolution to the Afghan election crisis. As we all saw from news reports, his tireless work over the past few days to support the democratic process in Afghanistan renewed the chance for much needed legitimacy in the electoral process. I hope the second round of the elections will be free from violence and the terrible fraud that was seen in August.

I also want to recognize the work of the Electoral Complaints Commission,

which meticulously rooted out corruption in the election process. Those guardians of Afghan democracy should be commended for their work, and I trust they will perform equally well on November 7 and the days following.

The development changes facing Afghanistan are formidable. Destroyed by 30 years of war, Afghanistan is the third poorest country in the world. Large swaths of the country don't have access to roads, electricity, water, or prospects for jobs.

As I discussed on the floor last week, there are some positive aspects of the development process already in Afghanistan. There are now 6 million children in school, one-third of whom are girls. Basic health care now reaches more of the country than ever before. The public health care system has made strides in this regard to have organizations such as the Pennsylvania-based Cure International, which is working to train doctors. The economy has grown at 10 percent a year in aggregate terms, and mobile telephones are starting to connect more and more people across the country. When this process began in 2002, we started at zero. We should not be content with the pace of reform in Afghanistan, but we should acknowledge that some progress has been made.

While the debate in Washington revolves around the prospect of a troop surge, not much has been said about the civilian surge to assist in development and diplomatic efforts. I support this important initiative, but we must encourage the administration to match this international surge with an Afghan surge. We must increase our efforts to build the skills and capacity of Afghans to develop Afghanistan. We must constantly work to instill the idea that Afghanistan's prospects lie not with the efforts of the international community—though we should do our part, and we have and we will—but with the talent and the will of the Afghan people. It is not only the best way to conduct development, it is in fact the only way it has ever been truly successful.

The strong roots of an Afghan-led development process have been years in the making. The Government's National Solidarity Program has worked to develop the ability of Afghan communities to identify, plan, implement, and monitor their own development projects. This model of community-based development is essential to building civic ownership for the country's future. The World Bank reports that more than 20,000 communities now have local government consultative institutions or community development councils. Afghanistan's Ministry of Rural Rehabilitation and Development oversees this effort, which is financed by a consortium of international donors. It employs more than 4,000 Afghan nationals and has developed the

skills of 600,000 Community Development Council members across the country in planning and supervising projects and managing finances transparently. More than 80 percent of the labor has been provided by communities themselves, generating wages for the poor and cutting in half the cost of their projects.

While substantial progress has been made, the National Solidarity Plan faces three main challenges: First, the security environment is the biggest hurdle to rapid development. Second, the international community can play a helpful role in supporting the government's efforts to ensure that these structural gains are sustainable. The democratic process has begun to take hold in these communities but will require years to grow strong roots. Finally, the Community Development Councils will need regular assistance in building capacity. As local communities start to work together on multi-village projects, they will need technical help to implement the projects.

Afghanistan's development infrastructure is important and represents an important effort to mesh traditional community-based decisionmaking structures with the official governing structure. In order for these bodies to work properly, there must be an important focus on the provision of basic services, irrigation, access to transportation and the construction of roads, basic health care and education, and access to drinking water and electricity.

Much of the development work on Afghanistan must take place in an environment of extreme insecurity. USAID works in countries all over the world, but its impressive staff doesn't usually contend with the small arms fire, roadside bombs, and the militant attacks that they confront in Afghanistan. In the most crucial regions of Afghanistan, along the Pashtun belt in the east and south, USAID must operate alongside the U.S. military, the State Department, and the U.S. Department of Agriculture in provincial reconstruction teams. The military forces provide protection for the aid workers and diplomats as they seek to implement their projects. This configuration is clearly not ideal but has allowed for some development progress and has also played a critical role in the overall counterinsurgency effort.

While there has been significant funding provided for development efforts, not enough of the funding is actually reaching the Afghan people. Lately, international organizations have been criticized for high consultant fees and overhead costs associated with doing business in Afghanistan. Some nongovernmental organizations, so-called NGOs, and contractors are performing excellent work in extraordinary circumstances in Afghanistan. While much of the cost associated with

their efforts is understandable given the high pricetag associated with security and paying quality staff to live in Afghanistan, I do believe that more of an effort should be made and must be made to work directly with the Afghan organizations where possible to implement development programs. This will likely mean an increase in USAID staff to oversee implementation of the programs and assure accountability. This would also serve in rebuilding USAID's capability to implement programs instead of relying upon contractors. Developing the capacity of USAID is long overdue. I want to acknowledge Ambassador Holbrooke's work in this regard and support his efforts to deliver more of our assistance directly to the Afghan people.

International development experts have highlighted the critical role played by women in the security, stability, and development of Afghanistan. We cannot expect progress on any of these fronts if half of the population is ignored. As I have said before, we have seen progress on women's and girls' political participation, education, and health since the fall of the Taliban. However, women are still largely excluded from public life and economic participation, and they remain targets of endemic violence.

We must support the Afghan Government's efforts to empower women and ensure their right to work in both public service and at community levels. Promoting the economic participation of women will pay long-term dividends in terms of education, health, GDP, and even the security and stability of their country.

International development experts in the region have noted that women are more likely than men to invest their extra savings and earnings in their families, specifically toward much needed education and health care, assisting women, whether through small grants, access to credit, or skills training as a potential to improve the lives of the entire household, including those susceptible to be drawn in by the Taliban.

Military strategists have focused on this important nexus of advancing development for women and security. In a society where young men are loathe to make decisions against their mother's wishes, convincing mothers that their children have future prospects beyond joining a militant group is a key part of our strategy. By working with women on a host of development issues, international and Afghan groups can have a clear and convincing impact on the security environment where our soldiers are operating today.

In closing, the security challenges in Afghanistan grow more acute by the day. We are rightly focused on the question of troop deployment and how to stem the tide of militancy across the country. But as we debate the mer-

its of our presence in Afghanistan and our efforts to bring stability, we must fully account for the developmental shortcomings in the country. This, as well as the establishment of durable democratic institutions, will most likely be the ultimate determining factor in resolving this conflict.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I rise today to express how pleased I am with the inclusion of the Matthew Shepard Hate Crimes Prevention Act of 2009 within the Department of Defense authorization bill. This day is a long time coming, and I am proud we have successfully stood up against hate crimes in this country. Such acts will not be tolerated in our society. The American public supported this goal. According to a Gallup poll from 2007, 68 percent of Americans support extending hate crimes protection to groups based on sexual orientation and gender identity, including 60 percent of Republicans and 62 percent of individuals who frequently attend church.

Hate crimes continue to occur in our country every day. According to recent FBI data, there were over 7,600 reported hate crimes in the United States in 2007. That is nearly one every hour of every day. Over 150 of those instances occurred in my home State of Maryland.

The passage of the legislation demonstrates that the Congress is fighting for people such as Stephen Johns, who was killed at the U.S. Holocaust Museum; Lawrence King, a 15-year-old student murdered in his high school because he was gay; James Byrd, who was beaten and dragged by a truck for 2 miles because he was Black; and for the 28-year-old California woman who was gang-raped by four men because she was a lesbian. Today, we stand and say: No more. No longer shall we tolerate these types of actions.

During the recent confirmation hearing of Justice Sonia Sotomayor, I spoke about the importance of standing against hate. I expressed the importance of a Justice and a Court that will continue to move forward in protecting civil rights and not turning back the clock. I hope the Court will stand with us against such actions and continue to protect important civil rights laws.

According to the recent Leadership Conference on Civil Rights education fund report entitled "Confronting the New Faces of Hate," hate crimes against Latinos has been increasing

steadily since 2003. This marked increase also closely correlates with the increasing heated debate over comprehensive immigration reform. There was also a 5-year high in victimization rates in 2007 toward lesbian, gay, bisexual, and transgendered individuals. That number has increased by almost 6 percent. The number of White supremacy groups has increased by 54 percent, and African Americans continue to experience the largest number of hate crimes, with an annual number essentially unchanged over the past 10 years. While religion-based offenses decreased, the number of reported anti-Jewish crimes increased slightly between 2006 and 2007. The Matthew Shepard Hate Crimes Prevention Act is a necessary and appropriate response to this ongoing threat to our communities.

Currently, 45 States and the District of Columbia have enacted hate crime laws and have taken a stand against hate in their own States. Thirty-one of those States have already included sexual orientation in their definition of what constitutes a hate crime. Twenty-seven States and the District of Columbia prohibit violent crimes based on a victim's gender. States have a patchwork of hate crimes statutes that leaves gaps which need to be filled in order to have an effective response and prosecution of these crimes.

The Federal Government has a clear responsibility to respond to hate crimes. Current Federal hate crime laws are based only on race, color, national origin, and religion. We need to include gender, disability, gender identity, and sexual orientation.

Current law also requires the victim to be participating in a federally protected activity, such as attending school or voting. Those who commit hate crimes are not bound to certain jurisdictions, and neither should the people who prosecute them, which is why this legislation removes the requirement that a victim be participating in a federally protected activity. The Matthew Shepard Hate Crimes Prevention Act will make sure all Americans are equally protected against hate crimes.

The legislation will provide necessary resources to our State and local governments to fight hate crimes. Specifically, it will provide grants for State, local, and tribal law enforcement entities for prosecuting, programming, and education related to hate crimes prosecution and prevention. The bill will assist States and provide them with additional resources, not diminish their role in managing criminal activities within their own States. The bill supplements State and local law enforcement efforts.

Additionally and most importantly, the legislation was carefully drafted to maintain protections for Americans'

first amendment rights. Nothing in this legislation diminishes an American's freedom of religion, freedom of speech, freedom of the press, or freedom to assemble. The Supreme Court has already ruled that such laws do not obstruct free speech. Let me be clear: The Matthew Shepard Hate Crimes Prevention Act targets acts, not speech.

Hate crimes affect not just the victims; they victimize the entire community and make residents fearful. We cannot allow our communities to be terrorized by hatred and violence. Today, we hold true to our promise for a better tomorrow.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak for the next 7 or 8 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BURRIS. Mr. President, in the election of 1912, Theodore Roosevelt and the Progressive Party laid out an ambitious platform. T.R., as he was referred to, was seeking a third term as President of the United States. During his campaign, he called for a minimum wage. He demanded child labor laws and believed occupational safety should be a priority across America. Today we would take such measures for granted, but at the time, nearly a century ago, they were considered very progressive.

However, there is at least one major part of Roosevelt's platform that was never enacted. He called for "the protection of home life against hazards of sickness, irregular employment and old age, through the adoption of a system of social insurance adapted to American use." Ninety-seven years ago, Teddy Roosevelt was talking about health care reform—but not just any kind of reform, he was talking about a public option. He knew even then that the American people needed to have quality affordable coverage that can only be provided by a "system of social insurance" much like the public option we are talking about in the current legislation.

That was the origin of the debate that rages on even today. Since that time, nearly every President and Congress has had to wrestle with a broken health care system; a system in which costs continue to rise even as relative health outcomes keep going down; a system that allows insurance compa-

nies to hold American families in a vice grip, squeezing them for exorbitant profits; a system that affords no choice, no competition, and no accountability for the American people. I believe that is fundamentally wrong. I believe fixing our broken system is nothing less than a moral imperative. I would imagine Teddy Roosevelt shared this belief, and since the day he raised this issue in 1912, no fewer than 10 U.S. Presidents of both political parties have also supported meaningful reform.

President Herbert Hoover referred to the health care crisis as "one of the most vital problems facing our people today" and called for adequate care for every single American at a reasonable cost.

His successor in the White House, Franklin Delano Roosevelt, said that "the health of the people is a public concern" and "it is clear that there is need for a coordinated national program of action."

When Harry Truman became President, he also took up this cause but quickly discovered that the special interests were a major threat to reform. He said:

I usually find that those who are loudest in protesting against medical help by the Federal Government are those who do not need help.

I will repeat that, quoting President Truman. He said:

I usually find that those who are loudest in protesting against medical help by the Federal Government are those who do not need help.

By the end of his Presidency, his effort had fallen short as well. He was defeated by the same kinds of influential groups that are trying to distract us even today. After Truman left office, he told friends that one of his deepest disappointments was his "failure to defeat organized opposition to a national compulsory health insurance program." But even then, in the face of those who had an interest in maintaining the status quo, reform with a public option was not dead.

The next President to raise the standard was John F. Kennedy, who said that the strength of a nation "can be no greater than the health and vitality of its population." He believed swift action was necessary. But his time was cut tragically short before he could take action. In the decades to follow, it would be his youngest brother, Ted Kennedy, the lion of this Senate, who would wage the fight that has brought us to this junction in history today.

But in the uncertain days after John Kennedy's tragic loss, the cause of health reform next fell on Lyndon Johnson, who embraced it as strongly as any President ever has. He said:

For a long time in our country, we have considered public support for education [to be a] basic investment, but today we are declaring that the health of our people is just

equally worthy of that support, [and] equally important to our Nation's future.

But the end of Johnson's Presidency was wrapped up in the escalating Vietnam war, and Richard Nixon was swept into office.

President Nixon faced a health crisis not unlike the one we face today. Mr. President, 25 million Americans were without insurance. The number has almost doubled since then. Costs were escalating, and the President knew something had to be done about it. He said:

Comprehensive health insurance is an idea whose time has come in America. Let us act now to assure all Americans financial access to high quality medical care.

Some of my colleagues across the aisle find it hard to believe that a Republican President made that statement almost 40 years ago. I urge them to consult the record for themselves. Back then, members of both parties agreed at the highest levels that it was time for comprehensive reform.

So surely we can find agreement today, in the face of a problem that has gotten far worse.

In 1977, when President Carter took office, he said the American health care system "has left us unhealthy and unwell at the same time." His reform package included a public option. But, sadly, those efforts were blocked by the political opponents in Congress.

Finally, in the early 1990s, President Clinton thought he had victory within reach. He called for universal, comprehensive health care and said reform must be "our most urgent priority." But, once again, the opposition succeeded in delaying and distracting our efforts, and reform fell by the wayside one last time.

When President George W. Bush took office, he recognized that America's health care system was broken and in need of reform. He even said that "government has got to take an active role in reform." But he stopped short of calling for a public plan, and he left our broken system much as he found it.

This is where we find ourselves today. Despite the leadership of 10 Presidents from both political parties, we are faced with the same broken system that has troubled our elected leaders for almost a century. Now this momentous question has fallen to us: How will we meet this test that so many have failed?

These 10 Presidents were Republicans, Democrats, conservatives, and liberals. If these men had ever met one another, they probably would have found little they could agree upon. These 10 people held our Nation's highest office at very different times in the last century. They faced different challenges, confronted different obstacles, and led our Nation through decades of peace and war, ease and unrest, prosperity and depression.

But although their lives and administrations might have been very different, there was at least one thing

they could all agree on. There was one thing all these Presidents agreed on. Every one of them supported comprehensive health care reform. Every one of them knew our system was broken, and almost every one of them knew some form of public option was the right answer. That kind of broad and long-standing bipartisan consensus is not only remarkable, it is almost unheard of in American history.

Let us take up this cause as our own. Let us make good on the promise first articulated by Teddy Roosevelt almost 100 years ago and supported by so many people since then. When President Barack Obama came to office less than a year ago, he vowed to succeed where so many of his predecessors had failed. He became the 11th President in the last 100 years to take up the challenge of health care. Thanks to his leadership, I have faith there will not need to be a 12th President to work on this issue. This time, we will not fail. We will not fall short on this issue.

At long last, it is time to heed this call. The weight of history and of consensus cannot be denied and it can no longer be ignored. We must pass meaningful health care reform that includes a public option. Our Nation has been debating this issue for nearly 100 years. Now is not the time to back down. We have talked for a century. So let us now act with conviction.

Friends, colleagues, fellow Americans, once again, our time has come. We must cast aside the tired constraints of partisanship and work together on behalf of the hardworking Americans we swore to represent. Eleven Presidents have stood up for health care reform, and now, colleagues, it is our turn. Let us succeed where our predecessors have failed, and let us write this history. Let us serve the sacred trust the American people have placed in us, not merely as political leaders but as lawmakers.

Colleagues, let us be statesmen. After 11 Presidents and nearly 100 years, it is time to vote for health care reform that includes a public option. It is time to stand up for the American people.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

DEBT AND DEFICITS

Mr. GREGG. Mr. President, I rise to speak about one of the most significant issues we have confronting us as a nation, our rising deficits and debt. At the end of the last fiscal year, which just concluded at the beginning of October, end of September, we deter-

mined we had a \$1.4 trillion deficit—\$1.4 trillion.

It is projected that we will have trillion-dollar deficits for the next 10 years under the President's budgets as President Obama has brought them forward. Yesterday we had a vote not to do cloture on a bill the administration supported, and which was brought forward here, which would have put another \$300 billion onto the Federal debt to pay for what is known as the doctors fix.

The doctors fix is something which should occur. We have done it around here before. We have done it every year for about 8 years; that is, reimbursing doctors at a fair rate rather than having their rates cut. But we have always paid for it.

But yesterday there was an attempt by the leadership on the other side of the aisle to pass a bill which would have not paid for the doctors fix and which would have put \$300 billion of new debt onto our children's backs; so that every time somebody walked into a doctor's office and was reimbursed under Medicare, that bill, whether it was for a flu shot or whether it was for serious disease issues, would have been taken and passed directly to our children rather than paid for today, as it should have been. So it was a totally irresponsible act to try to increase the debt by \$300 billion in order to take care of the doctors fix. But that was what was attempted. Fortunately that failed. At least as of yesterday it failed.

There was bipartisan appreciation in the Senate. All of the Republicans voted against doing that, and 12 Democrats and 1 Independent voted against doing it, and that was good. That was a good sign to the American people that maybe we are finally taking the deficit and the debt seriously.

The reason I wanted to speak today on this matter is because we are getting some significant warning signs, some flashing yellow lights that are moving from yellow, maybe, to red from the world community that we better do something about our debt and our deficit or the world community is going to react to it.

About 4 months ago now the Chinese, who are the primary owners of our debt—in other words, when we spend \$1.4 trillion more than we have in a year like we did last year or we spend \$1 trillion more than we have every year for the next 10 years as is being proposed by the President, we have to get that money from somewhere. We have to borrow it from somebody. Someone has to be willing to lend us that money, that \$1 trillion, that \$1.4 trillion.

Well, the countries that have that type of money and are willing to lend it to us are countries such as China and Russia and Saudi Arabia. They have surpluses in their economies. They are

not running deficits in their governments, so they have surpluses. They have, historically, at least over the last few years, been willing to buy our treasuries, our notes to finance the government operation in the United States.

About 4 months ago the leadership of the Chinese Government said: Well, we are getting a little concerned. We are still going to buy American treasuries. We are still going to help you finance your deficit. But you have to do something about this because we are concerned about the value of what we are buying. We are concerned that those IOUs we are buying from you may not be worth what we are paying for them on face value if you continue to run your deficit that you have.

That was a fairly large warning sign from a country which obviously has not historically been close to us but which is one of our largest trading partners, and which is, whether we like it or not, buying up all of this debt when we run these massive deficits, or a lot of this debt.

Another warning sign came at us when the dollar, which has historically been the reserve currency of the world—in other words, countries hold dollars in order to maintain their own structure of reserves for their countries. The dollar started to be discussed as maybe not the best reserve currency, and there have been a number of rumors and some representations by some Finance Ministers around the world that people might not want to use the dollar any longer as their reserve currency. They may want to use some other currency—maybe the euro or some basket of currencies, maybe the euro, the yen, or maybe just use commodities or maybe use IMF drawing rights, a whole series of different ideas.

What does that reflect? That reflects that people are not too confident in our future ability to maintain and defend the value of the dollar. Why are they not confident about that? Well, they are not confident about it because they are looking at the deficits we are running. They are looking at the debt we are piling up, and they are saying: Hold it. How are you going to pay all of that off? If you put \$13, \$14, \$15, \$16 trillion worth of debt on your Nation, if you take your public debt from 38 percent of GDP up to 80 percent of GDP or more, how are you going to pay that off, United States?

That is a legitimate question because there are only a few ways it can be paid off. One of them, unfortunately, is by using inflation, and that devalues the dollar and it devalues all of that debt people have bought. That is why we are hearing more and more that people, first, are worried about using the dollar as their reserve currency because they do not want to see its value drop; and, secondly, they are worried about buying our debt.

So we are getting some serious caution lights from the international community about the fact that we are running these massive deficits and this massive debt. Just yesterday, I think one of the most serious caution lights came out because there are groups in this world, small groups of people—Moody's and Standard & Poor's—who basically look at the currencies and the debt of various nations and they do that also for companies and they rate the debt. The rest of the world's financial activities look at those ratings because they are considered to be of very high caliber and very high standard. They allow people in other places to be able to assess the value of the debt they might want to buy.

So if you want to buy debt from XYZ country, you look at Moody's or Standard, that has taken a hard look at that country's debt, evaluated it, and they will tell you whether it is rated AAA, AA, A. That determines how much it is going to cost a country to lend to you. That will determine the amount of interest rate on that debt because if it is not AAA, which is the best rated debt, then people are going to be less likely to invest in it. If they do invest in it, they are going to want a higher return because they are going to be at bigger risk because they know that debt might not be paid back. If it is paid back, it might be paid back in devalued dollars or devalued currency of that country.

So, historically, American debt, the Treasury note, has been the gold standard for the world. In fact, it is technically the gold standard. Most people use it as the reserve fund. When the world went off the gold standard, the dollar basically became the way people maintained and conserved their assets. They would invest in Treasury notes and know that the treasuries were always safe. It was always determined that Treasury notes were safe because the United States always was going to pay back its debt.

So the United States has always had a AAA rating. That is hugely important to us as a nation. It is hard to appreciate as just an ordinary American going to work every day and trying to make ends meet that the AAA rating of the United States is important to them, but it is. It affects everything in this country that has to do with credit.

If the United States were to lose its AAA rating, all credit would go up, and the costs in this country. It would be much harder to buy a house because the interest rates would be higher. It would be harder to buy a car because the interest rates would be higher. It would be harder to send a child to college because the interest rates would be higher. Everything is tied to the fact that treasuries have AAA ratings. It has always been presumed that they would.

In the post-World War II period, it has always been presumed that the

United States, the strongest economy in the world, the most vibrant economy in the world, would always have the gold standard for the debt it issues, that it would always be a AAA-rated event. Well, as a result of our profligate nature as a country and as a Congress, as a result of having run up these massive deficits, we are getting a very large yellow flashing light from the rating agencies.

They are saying this—this was an October 22 news report from Reuters:

The United States, which posted a record deficit in the last fiscal year, may lose its AAA rating if it does not reduce the gap to a manageable level in the next 3-4 years.

That is according to Moody's Investors Service.

The AAA rating of the United States is not guaranteed.

Steve Hess, Moody's lead analyst for the United States, said in an interview on Reuters Television:

So if you do not get the deficit down in the next 3-4 years to a sustainable level, then the rating will be in jeopardy.

Those are words that should make us in the Congress pause because they are directed right at us. The most sophisticated and important evaluator of America's deficit situation and debt, Moody's ratings service, is saying if we as a Congress do not do something within the next 3 to 4 years to bring our debt under control, and our deficits down, we may jeopardize the AAA rating of the United States.

I can think of nothing that would be more irresponsible for a Congress to do to the American people than to jeopardize and put at risk the AAA rating of this country. Maybe only after disarming ourselves in the face of a potential terrorist threat or the use of a weapon of mass destruction, I can think of nothing which would have a larger impact on our populous than for the Congress to put in place fiscal policies which would jeopardize our ability to sell bonds, American debt around the world at a reasonable price, and put at risk the value of the dollar and the status of the dollar as the reserve currency of the world, as a result of putting at risk the AAA rating of our bonds.

That is exactly what we are doing. This gentleman, Mr. Hess, said we have to, within the next 3 or 4 years, put in place a manageable plan, a realistic plan, that will address the deficit and debt of the United States.

Are we doing that now? We are doing just the opposite. Just yesterday this Congress tried to pass \$300 billion of new debt for ordinary expenses, for daily expenses of paying doctors. We were going to give an IOU to our children and our grandchildren 5, 10 years from now. Total irresponsibility.

Last week it was the White House suggesting we do the exact same thing in Social Security for \$13 billion. A couple of months ago we did the same

thing on cash for clunkers for \$5 billion. A budget was passed by this Congress, which does it for the whole Nation—it creates \$1 trillion of unfunded liability and deficits for the next 10 years every year.

Now we have this health care bill coming at us, which is going to increase the size of the government by \$1 to \$2 trillion, which is represented that it is paid for, but that is only because they phase in the expenses 4 years after they phase in the income and thus are able to match 10 years of income versus 6 years of expenses. So they claim it is paid for.

When the bill is fully phased in, it will not be paid for. It is going to be a huge cost to the Federal Government, and even if it were paid for, it would be taking massive resources in the area of Medicare by \$400 billion and it is going to raise fees by \$500 billion. Instead of using those resources to reduce the debt, it will use them to create a brand new major entitlement at a time when we have on the books entitlements which we can't afford today.

Medicare has a \$34 trillion unfunded liability. Yet we will add a new major entitlement on top of Medicare and Medicaid, and we will pay for part of it by cutting Medicare. Still, instead of cutting Medicare for the purposes of paying for that, we should be using Medicare savings for the purposes of making Medicare solvent. We should not be growing the government. We are going to do a \$1 to \$2 trillion increase in the size of government. I will absolutely guarantee that that will not be fully paid for and that a large percentage of that will go to our debt.

On top of having deficits which are already projected to be a trillion dollars a year for the next 10 years, we are seeing a Congress which is being incredibly spendthrift in its approach to all sorts of areas: \$300 billion to pay doctors, new debt; and who knows how much out of this health care bill. I am willing to bet the family farm that it will be well over a trillion dollars of new debt when it is fully phased in; new programs in the area of Social Security, which is already bankrupt, unpaid for, added to the debt; new programs for this favorite group, cash for clunkers or whatever the issue is of the day. We are totally out of control on the spending side of the ledger.

It is not a revenue issue. It is a spending issue. Revenues have historically been about 19 percent of GDP. Spending has been about 20 percent of GDP. But under the budget which we have been given, independent of the health care bill, spending goes from 20 percent of GDP up to 23 percent. And when we throw in this health care bill, we are heading toward 24, 25 percent of GDP. Revenues, if they maintain their historic levels once the recession is over, go back to 19 percent of GDP, but we still have a 6 to 7-percent gap because spending has gone up so much.

I appreciate the fact that this administration comes with a philosophy—and they won the election—that we create prosperity by growing the government. The President said that. People around him said that. Members on the other side of the aisle say that. We create prosperity by growing the government. But we don't create prosperity if we let the government grow so fast that it can't be paid for. Government cannot be allowed to grow any faster than it can be paid for. In my opinion, prosperity doesn't come from the government to begin with. Prosperity comes from entrepreneurs who are willing to create risks and create jobs. Independent of that philosophical debate, the simple fact is, if we allow government to grow a lot faster than we have the capacity to pay for it, we create debt. It is that debt and these independent people looking at that debt who are giving us these massive caution lights and saying: Slow down, get your house in order.

People who are buying our debt around the world are saying it. People who use the dollar as reserve currency around the world are saying it. And now Moody's, the clear, independent arbiter of what the value of debt is and what its likelihood of repayment is, is saying it in the most stark way. The AAA rating of the United States is not guaranteed, Steve Hess of Moody's, said. So if they don't get the deficit down in the next 3 to 4 years to a sustainable level, the rating will be in jeopardy.

We need to heed those words. We need to get some discipline around here, and we need to stop having proposals which dramatically increase the size of the government and continue to put us on a path where we pass debt on to our children which will cause them to have a much lower standard of living than we had and which will cause them to be unable to send their children to college, to buy their first home and afford a car, because they will be confronting a nation where the debt is absorbing so much of the productivity of the economy or where inflation has basically priced them out of the markets.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from South Carolina is recognized.

Mr. DEMINT. Madam President, I rise in opposition to the hate crimes provision inserted in the Defense authorization conference report, first, of course, because hate crime legislation has nothing to do with the Defense Department or with national security. Hate crimes actually have nothing to do with crimes or with hate. It is very cynical that this bill that funds our soldiers, who are fighting for our Constitution and our country, actually undermines the very principles they are fighting for.

There are many practical problems with hate crimes legislation. The broad language will unnecessarily overextend Federal law enforcement personnel. It will undermine the effectiveness and confidence of local law enforcement. It will create conditions for arbitrary and politicized prosecutions of certain cases.

I wish to focus on the basic, fundamental problems with any Federal hate crimes legislation. The rule of law requires opposition to this principle or this idea that we treat crimes differently. Let me first state the obvious. Hate crimes are wrong. That is why they are already illegal. That is why they are already prosecuted. That is why the rights of victims are defended by law enforcement authorities at every level of government.

Strictly as a matter of justice, the hate crimes provision in this report is offensive. It suggests that violence committed against certain kinds of victims is worse, more in need of Federal intervention and swift justice. I am sure most parents of a minority, a homosexual or female victim would appreciate the extra concern, but the other side of the coin is the implication that these crimes committed against a nonspecial person should have less punishment. Where does that leave the vast majority of victims' families who, because of the whims of political correctness, are not entitled under this legislation to special status and attention? How can a victim's perceived status or the perpetrator's perceived opinions possibly determine the severity of a crime?

The 14th amendment explicitly guarantees all citizens equal protection under the law. But these hate crime provisions create a special class of victims whose protection of the law will be, in Orwell's phrase, more equal than others. If some are more equal than others, some must be less equal. It is, then, inevitable that this hate crimes provision will create the very problem it purports to solve.

This provision will also move our Nation a dangerous step closer to another Orwellian concept: thought crimes. It would criminalize certain ideas, and those ideas' involvement in a crime will make the crime more deserving of prosecution. The problem, of course, is that politicians are claiming the power to decide which thoughts are criminal and which are not. Canadians right now live under this kind of regime where so-called human rights commissions, operating outside the normal legal process, prosecute citizens for espousing opinions the commissioners disagree with. Today in the United States only actions are crimes. If we pass this conference report, opinions will become crimes. What is to stop us from following the lead of the European countries and American college campuses where certain speech is

criminalized? Can priests, pastors, and rabbis be sure their preaching will not be prosecuted, if it says certain things are right and wrong? Again, in Canada, for instance, Pastor Stephen Boissin was so prosecuted by Alberta's Human Rights Commission for publishing letters critical of homosexuality. Or will this provision serve as a warning to people not to speak out too loudly about their religious views, lest Federal agents come knocking at their door? What about the unintended consequences such as pedophiles and sex offenders claiming protected status under this provision as being disabled? There is no such thing as a criminal thought, only criminal acts. Once we endorse the concept of thought crime, where will we draw the line? More importantly, who will draw that line?

Under existing law, if my own children were attacked in a violent crime, justice would demand that their attackers be pursued no more or less than the attackers of any other children. We all say we want a color-blind society, but we cannot have a color-blind society if we continue to write color-conscious laws. Our culture cannot expect to treat people equally if the law—if our ruling class—treats citizens not according to the content of their character but according to their race, sex, ethnic identity, or gender identity.

I urge my colleagues to consider the implications of what we are doing, the raw cynicism of attaching this type of controversial legislation to a bill that funds the defense of the country. What type of legislative extortion will they consider next? I have the choice here to vote for hate crimes legislation that I believe would undermine the very justice system of the country or to vote against the defense of my country. I don't think we could be more cynical.

I urge colleagues to oppose this conference report unless and until the principle of equal justice is upheld and the report's hate crimes provisions are removed.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, I would like to make a few comments about the Defense authorization conference report, which we will vote on, presumably, later this afternoon.

First, I wish to express my appreciation to the conferees for fighting for legislation we passed out of the Senate but which was not included in the House version of this bill. This legislation is contained in sections 575

through 589 of the conference report, and it is called the Military and Overseas Voter Empowerment Act—or the MOVE Act—and it addresses a national disgrace.

Our military servicemembers, we know, put their lives on the line for us every day to protect our rights and freedoms. Yet too many of them who are deployed overseas face many stumbling blocks and hurdles as they attempt to cast their votes and participate in our national elections.

In 2008, more than a quarter of the ballots requested by uniformed and overseas voters went either uncollected or uncounted—a quarter of the ballots—according to a recent survey of seven States with high military populations.

Another recent study by the Heritage Foundation documented the problems during the last election cycle. They looked at 20 States with large military populations and concluded that as many as three-quarters of our troops and their family members were “disenfranchised by their inability to request an absentee ballot” and that as many as one-third of the ballots that were requested never reached the appropriate election officials to be counted on a timely basis.

Voting has remained a challenge for our troops and their families for many reasons. One is our election laws are varied from State to State and they are very complex. We also know that multiple levels of government bureaucracy are involved—from the local level, to the State level, to the Federal level. We know election challenges and other unforeseen events can delay the finalization of ballots. We know, with the high tempo of military operations, frequent deployments for our troops and their families make it hard for them to exercise their most fundamental civil right, which is the right to vote.

What this legislation does—the MOVE Act—is address several of the biggest roadblocks our troops and their families face when attempting to vote.

First, the MOVE Act reduces the reliance on “snail mail” for correspondence between election officials and our troops.

Under current election laws, many troops must, first, mail a request for an absentee ballot. Then they have to wait for the election officials to mail them the blank ballot. Then they must mail the completed ballot in time to be counted.

This legislation requires election officials to create electronic blank ballots and to post them online to cut down on some of these steps. Election officials must allow the use of faxes and e-mails to expedite correspondence with our troops. Together, these reforms will reduce dependence on snail mail—until the servicemember is ready to return the completed ballot to be counted.

Second, the MOVE Act will expedite the return of the completed ballot to elections officials. Under current law, each servicemember is responsible for making sure his or her ballot is postmarked and returned on time. Our legislation—this bipartisan legislation—requires the Department of Defense to take possession of completed ballots and ensure they get to election officials on a timely basis by using express mail, if necessary. This legislation will also require election officials to give our troops at least—at least—45 days in which to return their ballots.

The MOVE Act contains many other commonsense reforms that were suggested by other Senators and which will help end the effective disenfranchisement of our troops and their family members. However, one key provision of the bill we passed out of the Senate was modified in conference, and I believe all Senators should understand why and how that happened.

The provision I am referring to was in the bill I introduced called the Military Voters' Equal Access to Registration Act. It too became part of the MOVE Act and was amended to the Defense authorization bill as it passed out of the Senate. This legislation was designed to provide basic voting assistance services to every servicemember and family member upon transfer to a new military installation, as well as at other significant transition points in their military careers.

As part of in-processing at each base, every servicemember was to be offered an opportunity to fill out a simple form that would, first, register the servicemember or that family member to vote; it would, secondly, update existing registrations; and it would request absentee ballots for the next Federal election cycle. The Department of Defense would have then been responsible for forwarding the completed forms to the appropriate election officials.

This kind of voting assistance may sound familiar because it is nearly identical to the motor voter provisions contained in the National Voter Registration Act. The logic is that military installations can and should offer the same kind of voting assistance that their local department of motor vehicles would offer to them if they lived at home stateside.

This legislation makes practical sense because many of our troops and their families are transferred quickly and without much notice, and it is difficult for them to keep changing the address that local officials have on file.

During the conference process, when we were working with our counterparts in the House of Representatives, this legislation was watered down, unfortunately, and was made optional for the Department of Defense to offer voting assistance to our troops and their families.

I have to say, I was disappointed at this action because when our troops are given orders to deploy elsewhere, obviously, those orders are not optional and neither should the requirement of the Department of Defense when it comes to helping make sure our deployed troops' votes actually count. So it should not be optional for the Department of Defense to offer these services to the troops and their families when they arrive, as ordered, at their new post.

I am particularly concerned this legislation was weakened at the specific request of the Department of Defense. Furthermore, the Department's objection was based on a misreading of the National Voter Registration Act. In fact, at our request, the Department of Defense's objections were reviewed by subject matter experts at the Department of Justice. These experts at the Department of Justice agreed with us on the clear meaning of the law and that the Department of Defense had made an error in interpreting the Senate bill. Unfortunately, by then the damage was done and House conferees deferred to the Department of Defense interpretation of this legislation and made it optional at their request.

I do not think the Senate should be content to kick a field goal when we could have scored a touchdown for the men and women of our U.S. military—and we will.

First, I expect the Department of Defense to implement this optional program at every applicable military installation. I will request regular updates from the Department on its implementation, as well as any explanation for delays. We will not let up until we make sure this is complied with.

Secondly, I expect the Department of Defense to correct the official record and to make clear to the Members of the House and the Senate who were conferees that its objection to this legislation was based on an erroneous interpretation of the law.

Third, I intend to offer amendments to other legislative vehicles to correct this watering down of this important provision—the language passed out of this Chamber unanimously—and I will continue to make sure it becomes ultimately the law of the land.

The provisions of the MOVE Act that did make it through conference, I do believe, represent a clear win for our troops and their families. Many of my colleagues were instrumental in making this happen, and I thank all of them. Again, this was a bipartisan effort.

However, my colleagues in the conference also included language in the Defense authorization bill which clearly does not belong in this bill and which I do not support. I refer, of course, to language addressing so-called hate crimes in the conference report.

I, in a previous life, was a judge for 13 years and attorney general of my State after that. I believe very firmly in the concept of equal justice under the law, and I believe crime should not be treated differently based on the victim of that crime. I have had the privilege of working with many victims of crime and their families, and I share their determination that those who commit crimes should be delivered swift justice and be held accountable.

But a fair justice system, committed to equal justice under the law, does not distinguish between crimes based on race, gender or whatever the category that is included in a particular list. A fair justice system, committed to equal justice under the law, does not criminalize thoughts or perceptions. It criminalizes behavior. In this country, a fair justice system, committed to equal justice under the law, is based on federalism, one which respects that State and local law enforcement and prosecutors are doing their jobs fairly and responsibly.

Expanding hate crimes legislation should not be part of this conference report. Notwithstanding this flaw in the bill, I will vote for the conference report but with this reservation. The hate crimes provision does not belong in the bill and I believe violates our national commitment to equal justice under the law.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. BROWN. Madam President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BROWN are printed in today's RECORD under "Morning Business.")

Mr. BROWN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Madam President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COLQUITT REGIONAL MEDICAL CENTER'S 70TH ANNIVERSARY

Mr. CHAMBLISS. Madam President, I rise today to commemorate the 70th

anniversary of Colquitt Regional Medical Center in my hometown of Moultrie, GA. For seven decades, residents of southwest Georgia have been fortunate not only to have a state-of-the-art facility but also to be served by a hospital that has boasted visionary leadership.

Back in 1935, the Public Works Administration approved \$50,000 for a new hospital in Moultrie, but only if the community could match those funds. That is when Moultrie businessman W.C. Vereen stepped up and pledged \$50,000 and, in turn, made his offer contingent on the community matching his funds. Thereafter, a grassroots campaign to build a hospital was born, at a total of \$140,500—a very significant amount of money in those days.

On October 17, 1939, the Vereen Memorial Hospital was dedicated, and the first operation was performed a week later.

From those humble beginnings, the now-rechristened Colquitt Regional Medical Center has grown into a comprehensive health care facility, boasting medical services that include dialysis, physician offices, oncology, and a home health care component, among others.

It speaks volumes about the community, the camaraderie, and the success of Colquitt Regional Medical Center to know that in 70 years, this hospital has had only four CEOs, and the first one only served for 2 years.

Its first two CEOs—Pierina Egan and Nora Manning, both of whom obviously were female—in addition to dealing with the day-to-day challenges of managing a hospital, also had to contend with growing the facility and coping with a doctor shortage brought on by World War II.

Ms. Manning was succeeded by Mildard Wear, who served as CEO for 14 years and oversaw the creation of a brandnew 126-bed facility.

In 1982, Mr. Wear was succeeded by the very able Jim Lowry, who continues to head the hospital to this day. Under Mr. Lowry's tutelage, Colquitt Regional Medical Center has become a force to be reckoned with in physician and specialist recruitment. It has also undergone four expansion projects and added off-campus facilities, making it a truly regional endeavor.

In 1992, Colquitt Regional Medical Center was named the Georgia Hospital Association Rural Hospital of the Year. In 2007, it received the hospital association's Community Leadership Award. It has consistently performed at the top of Georgia's hospitals in patient satisfaction.

On a personal note, my son Bo was born at Colquitt Regional. I have had the unfortunate situation of needing five surgeries at Colquitt Regional but was very fortunate to be treated by the very finest doctors our country has to offer and a very skilled and excellent

group of nurses. All of the employees and operators at Cochran Regional—from the professionals, the administration, as well as the day-to-day personnel, including our pink ladies, who are our volunteers—do an outstanding job of making this hospital a truly fine medical facility serving a very broad area in the rural southwest part of my State.

The folks at Colquitt Regional Medical Center do a tremendous job in serving the community. In fact, they also constitute a large part of our community in southwest Georgia, and we are thankful to have them in our midst. I congratulate Colquitt Regional Medical Center on 70 wonderful years of service.

With that, Madam President, I yield the floor.

Mr. FEINGOLD. Madam President, I oppose this legislation because it does nothing to bring our open-ended and disproportionate military commitment in Afghanistan to an end and/or to ensure that our troops are safely and expeditiously redeployed from Iraq. I am concerned that our current military strategy in Iraq and Afghanistan may undermine our ability to combat al-Qaida while imposing a tremendous burden on our brave servicemembers and on American taxpayers.

This bill includes several important provisions, including provisions I authored that will help improve care for wounded warriors and the hate crimes legislation that was first introduced over 8 years ago. But I cannot support a bill that does not do enough to protect our country from our top national security threat, al-Qaida.

Mr. SCHUMER. Madam President, I rise today to address the Military and Overseas Voter Empowerment Act of 2009—the MOVE Act. Since its inception, the MOVE Act has garnered strong bipartisan support, and today we celebrate its passage as part of the National Defense Authorization Act.

I want to recognize the importance of this Act and also to acknowledge my partners in this effort especially my friends and colleagues, Senator SAXBY CHAMBLISS, Senator BEN NELSON, Senator BOB BENNETT, and Senator JOHN CORNYN. I would also like to thank Senators LEVIN and MCCAIN and their staffs, as well as the House and Senate conferees for their time, support, and work to ensure that the provisions of the MOVE Act were included in the conference report.

Every now and then an opportunity emerges to work on an important issue with a team of colleagues towards a single goal. This bill provided one such opportunity, and I am extremely pleased to have worked with such a committed team. This legislation is a bipartisan solution to a serious, yet all too familiar problem—the problem of military and other overseas voters not being able to cast their vote and have that vote counted.

Every couple of years there is a great push to improve the process of military and overseas voting. However, as soon as the election is over, Congress too often neglects to push for improved rights for military voters. That neglect is over. The needs of military and overseas voters have been heard, and met, with this legislation.

While the need for Congress to act is now, this is not a new problem and we are not the first to identify the problem and attempt to deal with it. The first revolution in military voting rights occurred not when our soldiers were overseas. It occurred during the Civil War. At that time, the right to vote was provided by the Constitution, and soldiers from both the Union and the Confederacy depended on State law to determine whether they could vote "in the field" during wartime.

According to historians, there were two methods of voting then. In the first system, a closed ballot box was taken to the field of battle, the ballots were cast there, and the box returned to the jurisdiction. States at the time questioned whether the act of voting outside their jurisdictions could be authorized by State law.

Other objections to voting "in the field" were heard when a State constitution prescribed the place, time and manner of elections; and if military voting was conducted prior to Election Day, whether early voting would violate State constitutions.

The second type of voting was known as "proxy voting." A soldier's completed ballot was mailed to someone, such as a family member, in the soldier's regular place of voting. This completed proxy vote would then be delivered on Election Day. My home State of New York used the proxy vote procedure during the Civil War. While proxy voting avoided the constitutional problems of voting "in the field," it was subject to other problems: the lack of a secret ballot; the transmission of the proxy ballot to the place of voting, and concerns about fraud.

Given the pressure to ensure that soldiers' rights were not diminished by their service, States in both the North and South passed laws to allow for voting for Federal office. President Lincoln, in addition to presiding over the War Department's filing of the first military voting regulations on October 1, 1864, intervened with his generals directly to ensure that those soldiers who could vote be given that right.

In an 1864 letter to GEN William Rosecrans, President Lincoln wrote these stern words: "I have a report that you incline to deny the soldiers the right of attending the election in Missouri. . . . Wherever the law allows soldiers to vote their officers must also allow it."

Eighty years later, with the country locked in the crisis of the Second

World War, President Franklin Delano Roosevelt sent a very pointed Message to the United States Congress on the same issue. It begins: "The American people are very much concerned over the fact that the vast majority of the eleven million members of the armed forces of the United States are going to be deprived of their right to vote in the important national election this fall, unless the Congress promptly enacts adequate legislation. . . . The men and women who are in the armed forces are rightfully indignant about it. They have left their homes and jobs and schools to meet and defeat the enemies who would destroy all our democratic institutions, including our right to vote. [They] cannot understand why the fact that they are fighting should disqualify them from voting."

President Roosevelt foreshadows the issues we are still fighting to fix when he further advised Congress:

By the 1944 elections, there will be more than five million Americans outside the limits of the United States in our armed forces and merchant marine. They and the millions more who will be stationed within the US waiting the day to join their comrades on the battle-fronts, will all be subject to frequent, rapid, and unpredictable transfer to other points outside and inside the United States.

He concluded by arguing that ". . . What is needed is a complete change of machinery for absentee balloting, which will give [the armed forces] all over the world an opportunity to cast their ballots without time-consuming correspondence. . . ."

I am subjecting us all to a bit of a history lesson here because I believe this is a very fundamental—and yet unresolved—issue facing our military and our system of elections. We meet again, 65 years after President Roosevelt's Message to Congress, and 145 years after President Lincoln's directive to let soldiers vote, to again address fundamental improvements to military and overseas voting.

Building on the tools already in law, this legislation creates a system of improved access with multiple fail-safes built into the process. We use new technology to create more options for registration and ballot delivery, and at long last provide enough time for the military service men and women to vote. The lost letter, the late delivery, the ballot not notarized, and the last-minute troop transfer should no longer impede these voters from having their votes counted.

What we did in the Military and Overseas Voter Empowerment Act will have a direct and dramatic impact on the rights of military voters.

In May 2009, I chaired a hearing in the Committee on Rules and Administration on the problems that military and overseas voters face. What we heard was nothing short of shocking.

We learned that during the 2008 general election, our military and overseas

voters still faced a complicated and convoluted system that made it impossible for many of them to have their votes counted.

The committee convened a study of last year's election, which revealed that more than one in four ballots requested by military and other overseas voters were never received by local election officials and, thus, never counted. Let me repeat: one in four ballots requested were never counted. We owe our men and women in uniform more. Does it make sense that they are fighting for the very freedoms that we enjoy, yet are unable to choose their Commander in Chief? No, it does not.

If we can deploy tanks, high-tech equipment, and food to the front lines, we can figure out a way to deliver ballots to our troops so that they can be returned and counted.

The MOVE Act does precisely that, correcting many of the flaws that riddle the absentee balloting process for overseas voters.

By modernizing the voting process, increasing accessibility to voter registration and balloting materials, and requiring election officials to send out ballots to military and overseas voters in time for them to be returned and counted, this legislation—at long last—brings overseas voting into the 21st century.

Consider a letter one soldier sent to the Overseas Vote Foundation after the 2008 election, in which that soldier said: "I hate that because of my military service overseas, I was precluded from voting." That soldier continued, "Of all people, deployed servicemembers should have a guaranteed ability to vote."

I say here on the floor of the Senate that I absolutely agree.

The MOVE Act will ensure that military and other overseas voters know how to register to vote and how to request an absentee ballot. They will receive their ballot in a timely manner, and have that ballot counted on election day.

How did we accomplish that goal? Through a number of simple, straightforward fixes to the overseas voting process:

First, this legislation gives the right to military and overseas voters to request—and requires States to send—registration materials, absentee ballot requests, and blank absentee ballots electronically. In the computer age, it is long past time we used technology to speed up the voting process. For many troops, this quick transmission of ballots will give them for the first time a sufficient number of days to vote.

Second, this legislation ensures that overseas voters have at least 45 days to complete their absentee ballots and return them to election officials. For those voters who have no access to electronic delivery of ballots, this should provide the time for a ballot to

travel to Iraq or Afghanistan, and back to the local election official. This need was exposed by a 2009 Pew Charitable Trusts study aptly named "No Time to Vote."

This legislation also requires that military absentee ballots be sent through expedited mail procedures, further reducing the transmission time for voted ballots to make it back to local election officials.

In the Rules Committee hearing, we listened to the concerns of Air Force LTC Joseph DeCaro. One major concern he described was that there was no way to ensure that the ballots had been properly received by the election office. This legislation will allow military and overseas voters to determine whether their ballot has been received by the local election official. That way, if their ballots are not received, the voters can take steps to ensure a replacement vote is cast.

If a ballot is lost, or cannot be resent in time, we require the Department of Defense to create an online tool that allows military and overseas voters to identify all the races they are qualified to vote for, and submit a replacement ballot immediately. This ensures that troops can complete a full Federal ballot in time for the election.

The legislation prevents election officials from rejecting overseas absentee ballots for reasons not related to voter eligibility, like paper weight or notarization requirements. I ask you, how can a marine in Fallujah find a notary?

The legislation has the Department of Defense work with election officials to define and improve election data related to military and overseas voters. More accurate election data will reduce future problems and speed fixes to the voting process.

Finally, this legislation expands resources for overseas voters through the Federal Voting Assistance Program.

As a result of this new legislation, the Department of Defense will use online tools to train and inform its staff on crucial voting information. And all military servicemembers will receive uniform notices and information via e-mail prior to registration or election deadlines.

Finally, this legislation directs that every military installation have a place where soldiers can register to vote, update their registration information, and request an absentee ballot. Military voters, as they are transferred or reassigned to different bases, will be provided the opportunity to change their election information.

We also know that that there are improvements still to make. A pilot project included in the legislation will promote research into new technology to help assist future voters with absentee balloting. The tools and mandates set forth in this legislation are minimum requirements. And if technology can improve secure ballot transmission, we want that work done.

Again, it is simply unacceptable that those who fight to defend our freedom often face the greatest obstacles in exercising their right to vote.

While good work has been done in the past to improve military voting, I firmly believe that the MOVE Act has incorporated the best and strongest ideas on how to ensure a modern military receives every opportunity to cast their ballot. Working with States and local election officials, we must encourage prompt implementation of the MOVE Act so that the benefits of the act will impact voters in the 2010 elections.

In our Rules Committee hearing this May, I made the public commitment that we would not have another Federal election without these tools in place for our military voters, and I am very pleased that this act was agreed to by the House and Senate. I again thank our colleagues in this truly bipartisan effort, and I look forward to President Obama's signature on this important piece of legislation.

Mr. LIEBERMAN. Madam President, I rise today to speak on the conference report to accompany H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

As a member of the Senate Armed Services Committee and the chairman of its Subcommittee on Airland, I had the honor and pleasure again this year of working with Chairman LEVIN and Senator MCCAIN on this bill. I congratulate them for working with their House counterparts, Chairman SKELTON and Representative McKEON, to deliver a bill that will help keep our Nation safe and provide our troops with the support they deserve.

I also wish to thank Senator THUNE, who is my ranking member on the Airland Subcommittee, and Chairman ABERCROMBIE and Representative BARTLETT of the House's Air and Land Forces Subcommittee, for the close cooperation we achieved this year on the areas that fall under our shared jurisdiction.

There are several accomplishments in this bill of which I am especially proud.

This bill will increase the authorized size, known as end strength, of our active duty Army from 532,400 to 562,400 for fiscal year 2010, and further authorized the Secretary of Defense to increase the Army by an additional 30,000 soldiers in fiscal years 2011 and 2012. This growth in the Army is essential—our soldiers are under incredible strain from multiple tours in Iraq and Afghanistan, oftentimes with little more than a year at home to rest and train for every year that they spend in theater.

I applaud the President's decision this July to add 22,000 soldiers to the Army, and call upon him to use the authority provided in this bill to do more. We must ensure that our Army is large

enough for all the missions we ask of it, and also give our soldiers the time they need at home to rest, train, and be with their friends and families.

With regard to missile defense, this bill includes an amendment that Senator SESSIONS and I, along with a bipartisan group of cosponsors, introduced to ensure that the administration's new architecture for missile defenses in Europe will be as capable as the previous plan that was set aside. I believe that this section of the final bill, paired with section 8121 of the Senate version of the Defense Appropriations Act, which protects funding for the continued development of the two-stage ground based interceptor, will help to keep our Nation safe against Iran's aggressive missile programs.

This bill also makes critical investments in our Nation's sea power. It authorizes \$4.2 billion for Virginia-class submarines, which will be procured at the rate of two per year from 2011, and \$495 million for the research and development of a replacement to our aging Ohio-class strategic deterrence submarines. I am very proud of the skilled workers of my home State of Connecticut who build these essential submarines.

Turning to the Army's modernization programs, the final version of this bill supports the decision by the Secretary of Defense and the Army's leadership to restructure the FCS program. This bill will provide full funding for the "Spin Out" portions of that program and the continued development of the network. I look forward to working with Senator THUNE in the coming year to evaluate the Army's revamped strategy for developing and procuring ground combat vehicles for our soldiers.

There is one element of this bill with which I must express my deep disappointment—the inclusion of \$560 million in funds for the continued development and procurement of an alternate engine for the F-35 Joint Strike Fighter.

When the President introduced his plans for reducing spending in the budget this May, he specifically pointed out the alternate engine as the singular example of programs that "do nothing to keep us safe—but rather prevent us from spending money on what does keep us safe." He continued to say "the pentagon does not want—and does not plan to use—the alternative version" to the engine that it already has for the Joint Strike Fighter.

Since the President's initial comments on this unnecessary and wasteful program, the Secretary of Defense and the uniformed military leadership have explained exactly why they do not want this unnecessary, alternate engine. It is because they know the danger this earmark poses to the Joint

Strike Fighter, which is planned to be the cornerstone of American air power for decades to come.

If Congress forced the Defense Department to continue paying for an alternate engine, it would cost an additional \$4 to \$6 billion over just the next 5 years—billions of dollars that the Department has not planned for, and that would either have to come from the Joint Strike Fighter or other critical programs to keep our country safe.

If Congress forced the Defense Department to procure the alternate engine that it does not want, it would prevent the Joint Strike Fighter program from achieving economies of scale for years to come, as it split its procurement to maintain two manufacturing lines. The costs of the program would rise, along with the risk that it will never deliver the aircraft that our Nation requires.

When he testified before the Senate Armed Services Committee in June, Air Force LTG Mark Shackelford explained that these added costs would mean that the Air Force would be able to afford some 53 fewer of the Joint Strike Fighter aircraft that it needs to support our airmen.

In response to the President's strong arguments and the concerns of our military leadership, the Senate put this question to a vote in on July 23, deciding by a vote of 59–38 to end the unnecessary, alternate engine. Although the House never took similar action on this topic, the Senate receded to its position in conference.

I call upon President Obama to send a clear message to our colleagues on the Appropriations committee—that he will veto an appropriations bill that includes funds for this unnecessary program. Fifty-nine Members of this body stood by the President when he first called upon us to end this program, and I am sure that we will stand by him again.

Despite this strong reservation, I call upon my colleagues to vote for the adoption this conference report and again thank my colleagues on the Armed Services Committee for their hard work on behalf of our service men and women.

Mr. DODD. Madam President, I rise to speak about the fiscal year 2010 National Defense authorization bill. Although I believe this to be a flawed piece of legislation, I will support it because it provides critical resources, training, and equipment to our troops serving overseas. It adds 30,000 soldiers to our Army, lightening the strain of rigorous deployment cycles. And it provides a 3.4-percent pay raise for our men and women in uniform—not enough, in my view, but welcomed nonetheless. It also authorizes various facility upgrades for our troops, including \$9 million to begin construction of an Air Operations Command Center at Bradley International Airport in my

State of Connecticut. I commend my colleagues from Michigan and Arizona for their hard work on this bill.

I would also like to take a moment to offer my strong support to the hate crimes prevention amendment. I am also proud to be an original cosponsor of the underlying legislation, the Mathew Sheppard Local Law Enforcement Hate Crimes Prevention Act of 2007, and I only wish that my dear friend, the late Senator Kennedy, could be here with us today to see this topic that was so important to him, finally be considered for final passage. This legislation is truly historic and is long overdue. Hate crimes sow discord and threaten entire communities. They are a particularly virulent form of violence, and that is why a broad consensus supports reacting to crimes motivated by bias with swift investigations and strong penalties. However, the special nature of hate crimes often makes those investigations particularly difficult, especially for small, local police departments. Passage of the bill before us will bring more criminals to justice by making it easier for the federal government to assist the investigations of more crimes. I am extremely proud to support this provision.

Despite my strong support for this important provision and many others in this bill, I also have to note some serious reservations I have with some portions of the bill. First, this bill effectively kills our Nation's most advanced tactical aircraft program, the F-22 Raptor, without any plans for replacing it. Furthermore, it fails to authorize funding for any additional C-17 cargo aircraft, though these planes are critical for transporting troops and equipment. Worse, the bill restricts the Air Force from retiring the aging C-5 cargo fleet, planes that are now some 40 years old. Over the President's objection, this bill forces the Pentagon to maintain aging aircraft, imposing an unnecessary burden on our taxpayers and an unacceptable risk on our troops.

I am also disappointed by the inclusion of \$560 million for the continued development of the F-136 Joint Strike Fighter alternate engine. This is wasted money, pure and simple. We are already developing an engine that our military supports—one built by the skilled workers at Pratt & Whitney. The Pratt engine has now accumulated more than 140 hours of flight tests without failure. Developing a second engine wastes billions of taxpayer dollars, money that could be better spent on things our troops actually need.

So this is not a perfect bill. But there will be an opportunity to address these issues in the upcoming Defense appropriations bill, during whose consideration the critical priorities I have outlined attained bipartisan support. I am optimistic that we will soon be considering legislation that invest in stra-

tegic airlift platforms like the C-17, as well as other important military needs. And I remain optimistic that my colleagues share my commitment to our critical aerospace priorities. This bill includes \$2.5 billion to build 125 Blackhawk helicopters for the Army and Navy, aircraft that have proven invaluable in operations in Iraq and Afghanistan. In addition, \$92 million is authorized for a highly advanced wide area surveillance radar system, which will be built in Norwalk, CT, and which will prove critical for our forces' future ability to have precise and up-to-date intelligence of the battlefield. Similarly, \$250 million is authorized to build new Pratt & Whitney engines for the Joint STARS radar aircraft that are widely used in Iraq and Afghanistan. The bill also authorizes 18 F/A-18 fighter aircraft and 30 F-35 Joint Strike Fighters, which marks the beginning of a long production run of these sophisticated jets.

This is good news for our military and good news for our economy. According to the Department of Labor, "The aerospace industry is a powerful force within the U.S. economy and one of the nation's most competitive industries in the global marketplace. It contributes over 15 percent to our Gross Domestic Product and supports over 15 million high-quality American jobs." And, as I have stated before, my small State of Connecticut, which ranks 29th in the Nation in terms of total population, is 6th in aerospace employment. The workers at companies such as Pratt & Whitney, Hamilton Sundstrand, Sikorsky Aircraft, Goodrich, Norden Systems, Kaman, Aerogear, and hundreds of others work day in and day out to provide our troops with the highest quality equipment in the world. The billions of dollars of funding authorized in this bill is proof of our military's appreciation for their hard work.

Just as important as protecting our troops from the skies is protecting them when they are at sea. That is why funding authorized in this bill for the Virginia class submarine program is so important. The bill includes \$4 billion to procure one submarine next year and to prepare to begin building two submarines per year in 2011. This boost in production will better equip our Navy to deliver Special Forces such as the SEALs without detection, launch precision missiles on a moment's notice, and intercept enemy signals unseen and unaffected by weather. This bill also authorizes \$495 million to design the Ohio class replacement submarine, our next generation ballistic missile submarine. This bill confirms that submarines have and will continue to stealthily protect our country for decades to come.

There is no higher priority than our national defense. And the brave men and women who serve us overseas must

have the resources they need to do their jobs. I will support this legislation because it does that. But I look forward to working with my colleagues to strengthen our approach to defense policy so that we can address some of the shortcomings of this bill as we consider further legislation in the weeks ahead.

Mr. KIRK. Madam President, Congress will pass an exceptional bill today. I know that Senator Kennedy would have been proud of this responsible legislation and the ways in which it benefits our Armed Forces and our country.

The bill specifically honors the sacrifice of our men and women in uniform, and it includes provisions to put mechanisms in place to strengthen our current defense operations and our national security. I commend my colleagues on the Armed Services Committee for their leadership on these issues, and I am honored to serve on the committee in Senator Kennedy's place.

I wanted to spend a moment praising our colleagues for agreeing to include another important provision in the bill, the Matthew Shepard Hate Crimes Prevention Act. I know Senator Kennedy would have been especially pleased by its inclusion. It is an extremely important bill and was especially important to Senator Kennedy.

He worked on it for years to close the loopholes that have prevented effective prosecution of these flagrant crimes that terrorize entire groups of communities across America.

As Senator Kennedy said so well:

We want to be able to have a value system that is worthy for our brave men and women to defend. They are fighting overseas for our values. One of the values is that we should not, in this country, in this democracy, permit the kind of hatred and bigotry that has stained the history of this nation over a considerable period of time.

The statistics about hate crimes are shocking and shameful. For far too long, law enforcement has been forced to investigate these vicious crimes with one hand tied behind its back. The Matthew Shepard Hate Crimes Prevention Act gives Federal, State, and local law enforcement agencies the real power and authority they need to combat these brutal acts of domestic terrorism.

The bill makes it clear that the time is now to stand up for all victims of hate crimes across America. It would not have advanced this far without the dedication of Senator Kennedy and other key colleagues, especially Senator REID, Senator LEAHY and Senator LEVIN. I also praise the incredible and tireless advocacy of Matthew Shepard's mother, Judy. She educated all of us about the immense impact of such crimes, and I know how much Senator Kennedy admired her for all she's done to make sure that no other families have to endure the horror she faced in the loss of her son.

I know that it is unusual to include such a measure in the defense bill. But the rule of law will be stronger in America because of the inclusion of the Matthew Shepard Hate Crimes Prevention Act in this year's National Defense Authorization Act. I look forward to it becoming law as soon as possible.

Mr. KYL. Madam President, I am voting no on the conference report to the fiscal year 2010 DOD Authorization Act.

This was not an easy decision. This is a very important bill in view of the important policies it puts in place for our men and women uniform and I commend the leadership of the committee's chairman and ranking member for their commitment to the well being of our nation's armed forces. This conference report also contains several important provisions I authored or coauthored.

However, I believe is unconscionable that this bill has been taken hostage by the far Left to advance its hate crimes agenda. I cannot provide my vote for a bill that uses our military in this way if we permit it this time, where will it end?

Because of this, while this is an important conference report, and mostly a good one, I cannot vote in favor of it today.

The Defense Authorization Act authorizes more than \$680 billion for national defense programs; this figure includes authorization for funding for ongoing operations in Iraq, Afghanistan, and the war on terror. It also authorizes funding for such crucial programs as Department of Defense military assistance to for Afghanistan and Pakistan. And it includes \$7.5 billion to train and equip Afghan security forces and \$1.3 billion for the Commanders' Emergency Response Program, which provides funds for commanders in Iraq and Afghanistan to spur local security and reconstruction projects.

The bill appropriately caps F-22 production at 187 aircraft—which the Pentagon requested—and it includes \$6.7 billion for armored vehicles including the new M-ATVs, \$600 million for equipment shortfalls in the National Guard, and more funding for defense health and family support programs. It also includes a 3.4 percent across-the-board pay raise for the men and women in the military.

I am also pleased that the conference report contains several provisions I authored or coauthored, including an amendment requiring a comprehensive review by the Government Accountability Office on the successes, failures and unmet objectives of the Stockpile Stewardship Program. This is an important report for future debates on START and other matters, a provision I coauthored, section 1254, with Senators BAYH and LIEBERMAN on imposing sanctions on Iran if it continues its illegal nuclear weapons program. I am

disappointed that this provision was watered down in conference, as it passed the Senate with its unanimous endorsement that the Iranian Central Bank should be sanctioned if Iran continues to defy the world on uranium enrichment. However, I am pleased that it continues to state the strong support of the Congress for the proposition that Iran must comply with the U.N. Security Council Resolutions directing it to halt uranium enrichment a provision I authored, Section 1251, with several of my colleagues, including the Republican leader and the ranking member of the Armed Services Committee, regarding the START follow-on.

I am pleased that the conference report enshrines in law that the President must deliver to the Congress a report on the plan to modernize the nuclear weapons stockpile and complex, as well as the delivery vehicles.

The Perry-Schlesinger Commission was clear that further reductions in the U.S. nuclear weapons force are only prudent if the weapons that remain are highly reliable and credible. This is only possible with a robust modernization program, which has to include full and timely Lifetime Extension Programs for the B61 and W76 warheads consistent with military needs; funding for a modern warhead that includes new approaches to life extension involving replacement, or, possibly, component reuse; full funding for stockpile surveillance work through the nuclear weapons complex, as well as the science and engineering campaigns at the national laboratories; and full funding for the timely replacement of the Los Alamos plutonium research and development and analytical chemistry facility, the uranium facilities at the Oak Ridge Y-12 plant, and a modern pit facility.

This provision greatly strengthens the DOD authorization bill, and, I think, makes it more likely the Senate will be able to ratify a follow-on treaty to START, especially if the President heeds the Senate's advice, in this section, that missile defense, space systems, and advanced conventional modernization, which includes nonnuclear global strike capability are not subjects for this follow-on agreement.

I would have been proud to cast my vote for legislation providing these policies for our men and women in uniform; and I am grateful for the leadership of the chairman and ranking member on these issues.

I am, however, concerned by several provisions of the bill. First, I opposed the inclusion of funding for an alternate engine for the F-35, or Joint Strike Fighter. At a time when we are fighting two wars, the \$560 million authorized in this bill for the development and procurement of an alternate engine could be better spent to support our troops. The Secretary of Defense

opposes this program, and the administration so strongly opposes the alternate engine that the President's advisers have recommended he veto the bill over this provision.

Our national debt is spiraling out of control. Critical defense programs, like missile defense, are underfunded. The F-35 alternate engine is a prime example of an unnecessary program that should not be authorized in this bill.

I am also greatly concerned about the manner in which missile defense is addressed in the conference report. I joined Senators LIEBERMAN and SESSIONS in offering an amendment to the Senate version of the NDAA that would require the administration to certify that any proposed alternative to the planned missile defense sites in Poland and the Czech Republic be at least as cost effective and operationally effective as the original plan. In particular, I wanted to ensure that any alternative proposal was capable of protecting the United States as well as our European allies against long-range Iranian ballistic missiles. This amendment was adopted unanimously on the floor of the Senate, while a similar version was also included in the House-passed version of the NDAA.

Unfortunately, the conference report only authorizes funding for the alternative proposal and eliminates entirely the certification requirement that the alternative be at least as effective as the planned deployments in Poland and the Czech Republic. As such, I believe the administration is moving forward with a plan for missile defenses in Europe that will leave most of Europe and the United States more vulnerable to the threat of long-range Iranian ballistic missiles than the previous plan.

I would also note that this authorization bill endorses an approach to missile defense that emphasizes theater missile defense over the protection of the U.S. homeland. Under the previous plan, protection for the United States against future Iranian and North Korean intercontinental ballistic missiles was to be guaranteed by 54 ground-based interceptors: 40 deployed in Alaska, 4 in California, and 10 in Poland. The Obama administration has curtailed this deployment to 30 ground-based interceptors in Alaska. Attempts by the minority to restore funding for the deployment of additional ground-based interceptors were rejected by the majority in both the House and the Senate. America will be less secure as a consequence.

Finally, the so-called hate crimes bill should not have been attached to the defense authorization act. Adding this left-wing priority onto the legislation that authorizes funding for our troops in battle is not in our troops' best interest.

A hate crimes bill should have been considered by this Chamber as a stand-alone bill that would pass or fail on its

own merits. By attaching it to the unrelated, and must-pass, NDAA, the sponsors of this legislation clearly indicated that they anticipated they would encounter trouble in successfully getting a hate crimes bill through the regular legislative process on its own. And with good reason the hate crimes legislation is unnecessary Federal Government interference in an issue that is adequately handled by the States.

Forty-five States and the District of Columbia already have hate crimes laws. To my knowledge, States have a track record of aggressively prosecuting hate crimes, making a Federal hate crimes prevention act an unnecessary imposition on state jurisdiction. After all, State, rather than Federal, courts exist to adjudicate local crimes. Matters that can be handled adequately by the States, like hate crimes prosecution, should be left to them.

Everyone in this Chamber undoubtedly wants to ensure that all Americans are protected from crime. But flawed legislation that unnecessarily takes responsibility away from States and further taxes the Department of Justice's resources does not enhance the protection of people from these crimes.

The chairman and ranking member worked hard to complete a conference report that I would have been able to support absent the so-called hate crimes bill. However, I cannot support using our men and women in uniform as pawns to satisfy the liberal base of the Democratic Party. For that reason, I must oppose the conference report.

Mr. MCCONNELL. Madam President, today I will cast my vote against the fiscal year 2010 Defense authorization bill. It is a step I take with some reluctance, as there are programs of merit authorized in this conference report.

I take this position because the majority has seen fit to attach unrelated hate crimes legislation. This controversial social policy has nothing to do with defense policy or our global war on terror. Instead, the majority has chosen to evade open committee hearings and debate on controversial social policy by pairing it with this legislation. In my view, all violent crime is malicious or hateful, and all victims suffer regardless of the motive of the criminal. I am also mindful of the concerns of the many Kentuckians who contacted me with their views that hate-crimes laws will lead to an expansion of Federal authority that could chill many forms of speech, including religious expression, that are protected by the first amendment to the U.S. Constitution.

There is much that is good in this year's Defense authorization bill, reflecting policies that I strongly support. For example, the bill authorizes a 3.4 percent pay increase for our military personnel; includes a number of

bonuses and special pay provisions; contains favorable TRICARE provisions; and continues support for the alternate engine for the Joint Strike Fighter. It also includes a measure to make it easier for members of the military to vote. Further, it authorizes many worthwhile Kentucky appropriations projects that I have been proud to support.

Were the conference report not burdened with the unnecessary and ill-advised hate crimes legislation I would have supported it as I have consistently done in prior years. I am hopeful that the majority's effort with regard to hate crimes does not presage future legislative shortcuts on matters of national importance.

Mr. GRAHAM. Madam President, I rise today to state for the record that Congress has spoken on the major issues and concerns that have been raised about the Military Commissions Act of 2006. As one of the principal authors, I worked closely with the Chairman and Ranking Member to amend the language of the Military Commissions Act to address the concerns of the new administration, the judiciary, and other respected groups who have voiced concerns about military commissions. I would like to thank Chairman LEVIN and Ranking Member MCCAIN and their respective staffs for their hard work and many hours they dedicated to this bill. A common understanding for all as we move forward is that our country is at war and we are fighting a vicious, dedicated enemy who preys upon civilians and has no respect for the rule of law and human life. There are three key areas in which Congress has clarified the law, and I would like to briefly address these.

First, this legislation raises the bar to provide an even higher level of protection and process than enemy combatants—or enemy belligerents—have ever had in the history of war, much less since the Geneva Conventions were adopted. Common Article 3 of the Geneva Conventions prohibits the passing of sentences and the carrying out of executions without judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples. The detainees who are subject to MCA jurisdiction are not qualified for the privileged status of Prisoner of War. However, because we have such deep respect for due process in this country, Congress constituted a court under the MCA of 2006, in accordance with our Constitution, to provide appropriate due process to those who conducted themselves outside the law of armed conflict. In the current legislation, we now add additional due process within this court.

Second, in the legal history of these commissions there has always been robust debate about how to handle sensitive classified information. The commissions by definition discuss the most

sensitive elements of our national security and process cases against the most dangerous and committed enemies of our country. In the current legislation we have carefully drafted new protections to ensure our Nation's intelligence is protected, while also allowing the defendants to see the information presented against them. These procedures were modeled on the Classified Information Procedures Act and will therefore allow the judiciary to look to the developed case law of our Federal courts when issues arise that may not be entirely answered by the plain text of the statute. We intend that this case law be instructive but not necessarily binding on the military commissions. We have also included language to clarify that the national security privilege may be invoked by the government at any time in order to protect our national security.

Thirdly, the MCA of 2009 offers even more protections for the defendants. The new administration came to office voicing a number of concerns about the MCA of 2006. With their party also in control of both houses of Congress, there has been ample discussion and opportunity to draft new text addressing those concerns. During hearings before our committees, administration officials expressed both their official and personal concerns with respect to various aspects of the commissions. As an equal branch of government, Congress considered all those issues and addressed them in this new legislation. Among those concerns was the question of whether Congress had created an *ex post facto* issue in the MCA of 2006. Congress has modified the language on this issue in the current legislation, but has not changed its position. As the branch of government empowered to write the laws under our Constitution, Congress has codified offenses which have traditionally been tried by military commissions under customary international law. There is no need to go into a detailed history of military commissions and war crimes trials here, but it should be noted that Congress clearly states in this act that those who aid unlawful combatants are subject to the Commission's jurisdiction to the same extent as those who directly commit the crimes. Further, we understand that there will always be a debate about when the war with al-Qaida and violent extremists first began. Osama bin Laden formally declared war against the United States in a fatwa in 1996, but, of course, the first World Trade Center bombing was in February of 1993. Understanding the ambiguity of this issue, Congress has deliberately stated that the military commissions may exercise jurisdiction over offenses that occurred before the date of enactment.

In closing, I would like to note that in passing these reforms to the MCA of 2006, Congress has once again affirmed

the legitimacy of the commissions, their sufficiency of due process, and their rightful place in our jurisprudence. Our country is at war with an enemy that has clearly stated they will continue to disregard the law of war and commit war crimes. The military commissions are the most appropriate judicial forum in which to try those individuals.

Mr. SCHUMER. Madam President, I rise today in support of the Matthew Shepard Hate Crimes Prevention Act. Matthew Shepard was brutally murdered more than 11 years ago, and yet the bill that bears his name is still not law. Today, we will finally send this historic bill to President Obama for his signature.

Many of us here in Congress have fought for this day for years—my dear friend, the late Ted Kennedy, fought for this day for decades. It is a bitter-sweet day. For as much as this is a victory for all who stand for civil rights, it brings to mind those horrible crimes committed simply because an individual is gay, or black, or Latino, or Muslim, or because of any other aspect of their being.

These crimes must not be met with silence, but rather, with our loudest voices.

In an era in which we elected our first African-American president, we must condemn crimes based on racism, homophobia, anti-Semitism, or any other small-minded and intolerant angst. We must act, as these are crimes inflicted not merely on individuals, but on entire communities. They are attacks meant to not only break bones, but to break spirits. These crimes know no state boundaries—they are a national problem.

And today we will present the President with a national response. But let me be clear: this legislation does not criminalize speech or hateful thoughts. It seeks only to punish action—violent action that undermines the core values of our Nation.

One particularly chilling hate crime occurred in my home state of New York less than two weeks ago. The victim, Jack Prince, was leaving a deli in College Point, Queens late at night when two men started yelling anti-gay slurs at him. Suddenly, the perpetrators began beating him, savagely breaking Jack's jaw, his ribs, and causing both of his lungs to collapse. This crime, which was caught on video, shook the entire gay community.

This legislation sends a clear message to Jack's perpetrators and to all others: In America, we do not tolerate acts of violence motivated by hatred. In America, you are free to be yourself, and you should never be attacked for being so.

The time for waiting is over. The time for silence is over.

With the Matthew Shepard Act, we are helping local law enforcement

stamp out crimes like the one committed earlier this month and punish its perpetrators. With the Matthew Shepard Act, we are saying, "Enough!"

And, with the Matthew Shepard Act, we are honoring a brave soul. I personally want to thank Judy Shepard and all who continue to fight alongside her to make sure that we not only remember her son's life, but that we continue to strive for a better America.

For one last time, let me say: I urge my colleagues to support the Matthew Shepard Hate Crimes Prevention Act.

Mr. President, I yield the floor.

Mr. DURBIN. Madam President, I ask unanimous consent that at 4:40 p.m. today, all postcloture time be yielded back and the Senate then proceed to vote on the adoption of the conference report to accompany H.R. 2647, the Department of Defense Authorization Act; that no points of order be in order to the conference report; further that the vote on the motion to proceed to H.R. 3548 occur at 2:30 p.m., Tuesday, October 27.

Mr. REID. Madam President, reserving the right to object, I ask the distinguished assistant leader if he would agree to allow the vote to start immediately and that we make sure that 5 minutes is counted toward the end.

Mr. DURBIN. I have no objection.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

All time having been yielded back, the question is on agreeing to the conference report.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. HATCH) and the Senator from Alaska (Ms. MURKOWSKI).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted "no."

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 68, nays 29, as follows:

[Rollcall Vote No. 327 Leg.]

YEAS—68

Akaka	Casey	Harkin
Baucus	Collins	Hutchison
Bayh	Conrad	Inouye
Begich	Cornyn	Johnson
Bennet	Dodd	Kaufman
Bingaman	Dorgan	Kerry
Bond	Durbin	Kirk
Boxer	Ensign	Klobuchar
Brown	Feinstein	Kohl
Burris	Franken	Landrieu
Cantwell	Gillibrand	Lautenberg
Cardin	Gregg	Leahy
Carper	Hagan	Levin

Lieberman	Nelson (FL)	Stabenow
Lincoln	Pryor	Tester
Lugar	Reed	Udall (CO)
McCain	Reid	Udall (NM)
McCaskill	Rockefeller	Voinovich
Menendez	Sanders	Warner
Merkley	Schumer	Webb
Mikulski	Shaheen	Whitehouse
Murray	Snowe	Wyden
Nelson (NE)	Specter	

NAYS—29

Alexander	Crapo	LeMieux
Barrasso	DeMint	McConnell
Bennett	Enzi	Risch
Brownback	Feingold	Roberts
Bunning	Graham	Sessions
Burr	Grassley	Shelby
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Johanns	Wicker
Corker	Kyl	

NOT VOTING—3

Byrd	Hatch	Murkowski
------	-------	-----------

The conference report was agreed to.

Mr. LEVIN. Mr. President, we have just adopted a landmark Defense authorization bill. We are sending to the President the 48th consecutive Defense authorization bill—I move to reconsider the vote on that bill and lay that motion upon the table.

The motion to lay upon the table was agreed to.

Mr. LEVIN. Mr. President, we have an unbroken tradition on our committee, 48 consecutive national Defense authorization bills. It is never easy to get this bill through the legislative process. But with perseverance, a lot of good-faith work has never let us down.

We maintain our focus because we are acting on behalf of our true heroes, the men and women of our Armed Forces and their families. The enactment of this conference report is going to provide the men and women of our Armed Forces, both Active and Reserve, and their families with the pay and benefits they deserve, the equipment and training they need.

The conference report includes \$164 billion for military personnel, including costs of pay, allowances, bonuses, survivor benefits, and military health care. It would authorize a 3.4 percent across-the-board pay raise for our troops, a half a percent above the budget request and the annual increase in the employment cost Index.

The conference report would authorize \$130 billion in funding for our ongoing military operations in Iraq and Afghanistan. It would provide more than \$2.0 billion for the Joint Improvised Explosive Device Defeat Fund, to help take on the threat that has claimed so many American lives in Iraq and Afghanistan. It would fully fund the President's request for \$7.5 billion to train and equip the Afghan National Army and the Afghan National Police.

This legislation sends a vital message to our men and women in uniform that we, as a nation, stand behind them and appreciate their service.

We are at this point because all our dedicated Members and all our dedicated staff members—on both sides of

the Capitol—were all willing to hit on all cylinders and keep this bill rolling along.

Of course, I want to start by thanking my partner and my friend, Senator MCCAIN, as well as all committee members, for their active roles in getting us to this point. Our counterparts on the House side, Congressmen IKE SKELTON and BUCK MCKEON and the House Armed Services Committee staff lead by Erin Conaton and Bob Simmons, also have our gratitude. Senator MCCAIN and I are extremely grateful to our own committee staff members who so willingly put all their legislative expertise into this bill. Not only is there a tremendous amount of legislative craftsmanship involved, but there is a mind-boggling number of administrative details that have to be meticulously tracked in this massive bill.

I again thank my partner and my friend, Senator MCCAIN, as well as all committee members for their active roles in getting us to this very historic moment when there is much in this bill that is so important to our troops, as well as a number of other provisions which are critically important to success in Afghanistan and Iraq.

Our dedicated, hard-working staff assistants in particular deserve a special mention for their extraordinary efforts in this regard. As a visible sign of the high regard in which we hold our staff, I ask unanimous consent to have all staff members' names printed in the RECORD. I offer here a list of the staff of the Armed Services Committee for that purpose.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STAFF OF THE COMMITTEE ON ARMED SERVICES

Adam J. Barker, June M. Borawski, Joseph W. Bowab, Leah C. Brewer, Christian D. Brose, Joseph M. Bryan, Pablo E. Carrillo, Jonathan D. Clark, Iona R. Cohen, Christine E. Cowart, Madelyn R. Creedon, Kevin A. Cronin, Richard D. DeBobes, Gabriella Eisen, Richard W. Fieldhouse, Creighton Greene, Howard H. Hooge III, Gary J. Howard, Paul J. Hubbard, Paul C. Hutton IV, Jessica L. Kingston, Jennifer R. Knowles, Michael V. Kostiw, Michael J. Kuiken, Mary J. Kyle, Christine G. Lang, and Terence K. Laughlin. Gerald J. Leeling, Daniel A. Lerner, Peter K. Levine, Gregory R. Lilly, Hannah I. Lloyd, Jason W. Maroney, Thomas K. McConnell, William G. P. Monahan, David M. Morriss, Lucian L. Niemeyer, Michael J. Noblet, Christopher J. Paul, Cindy Pearson, Roy F. Phillips, John H. Quirk V, Brian F. Sebold, Arun A. Seraphin, Russell L. Shaffer, Travis E. Smith, Jennifer L. Stoker, William K. Sutey, Diana G. Tabler, Mary Louise Wagner, Richard F. Walsh, Breon N. Wells, and Dana W. White.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; that during morning business, Senator BROWN control up to 1 hour; and that during that time, he be permitted to enter into colloquies.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. DORGAN. Mr. President, as the Senate continues to discuss in various ways the issue of health care, I wanted to comment once again on the need, when the health care bill is finally brought to the floor, open for debate and amendment, to offer an amendment, which I and others will do, to address the cost of prescription drugs. One of the significant areas of cost increases for medicine is in prescription drugs.

Prescription drugs are unbelievably important. Many people manage their diseases with prescription drugs that were not available years or decades ago. Those people who are able to access prescription drugs for disease management are able to keep out of the hospital and avoid being in an acute-care bed, which is the costliest form of health care.

I understand the importance of prescription drugs in the health care system. I want us to continue to incentivize the development of new drugs, research and development. We do a lot of that through the National Institutes of Health, and so, too, do the pharmaceutical companies engage in research and development. But even as we do all of that to try to incentivize development of additional drugs and make them available for disease management, it is important to understand that part of the process of trying to put some downward pressure on health care costs is to put some downward pressure on the price of prescription drugs. It is a fact that we pay the highest prices in the world for brand-name prescription drugs. That is just a fact. In my judgment, it is not fair.

When a bill does come to the floor, I and a number of my colleagues—there

are over 30 who have cosponsored legislation on prescription drugs—will offer as an amendment the legislation we have drafted together. It has significant safety provisions in it. It would make the drug supply eminently safer than now exists, requiring pedigrees and batch lot numbers on everything that is produced and distributed so that we can track it. It would be a much more effective way of addressing the issue of counterfeit drugs.

Essentially what we propose is to put downward pressure on prescription drug prices by allowing the American people the freedom to access that identical prescription drug wherever it is sold, if it is FDA-approved, access it wherever it is sold for a fraction of the price that is charged here in the United States.

I have in my desk two pill bottles. They contain the medicine called Lipitor. I have used them many times and ask unanimous consent that I be allowed to use them on the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. These bottles are bottles that contain medicine produced in the exact same manufacturing plant. This plant happens to be in Ireland, and Lipitor happens to be the most prescribed prescription drug for the lowering of cholesterol anywhere in the world. More people take this for the lowering of cholesterol than anything else. I am not standing here advertising for it. I am making the point that this is made in Ireland. It is shipped all over the world.

As we can see, these are two bottles that look identical. They contain the same pill in the same bottle made by the same company made in the same plant. This bottle was shipped to Canada. This bottle was shipped to the United States. This is 90 tablets at 20 milligrams. Canadians are required to pay \$1.83 per tablet for this drug. Americans—same pill, put in the same bottle, made in the same place, in an FDA-approved plant—pay \$4.48 a pill. So it is \$1.83 if you buy it north of here, \$4.48 if you are an American citizen buying it in the United States.

Is that fair? It is not, in my judgment. It is not only Lipitor; it is brand-name drug after brand-name drug. How does that happen, and how can they make this stick? They do it because under current law the only entity that can import a prescription drug is the manufacturer of the drug. Therefore, if this prescription drug is sold in Italy or Spain or France or Canada—any number of countries—for a fraction of the price, the American people are prohibited from accessing that identical, FDA-approved drug that is sold at half or one-third of the cost in the United States.

With our legislation, we aim to give the American people some freedom—the freedom to access that drug. We es-

tablish a system by which they are able to access that FDA-approved drug from a chain of custody that is as safe as the American chain of custody and allow them to import that drug into this country by paying a fraction of the price. This is about freedom. Why would we not want to give the American people the freedom and the advantage of the system of trading?

Some say: You can't do that without limiting the opportunity for counterfeiting. They have been doing it in Europe for 20 years. If you are in Spain and want to buy a prescription drug from France, good for you; it is easy to do under something called parallel trading. If you are in Italy and want to buy a prescription drug from Germany, it is not a problem; they have something called parallel trading. They have been doing it for two decades without any safety issue at all. Yet they say we can't do it here in America? We can't manage something the Europeans have managed routinely for two decades? I think we can. Of course we can.

It is not just Lipitor. I mentioned previously that I was at a farmyard for a farm meeting some while ago. People were sitting around on bales of straw talking, and there was an old codger there. The subject of health care came up.

He said: I am near 80 years old. My wife is about 2 years younger, near 80. She just suffered breast cancer. She has been fighting a battle with breast cancer in the last 3 years.

This, by the way, was in the southern part of North Dakota.

He said: We drove to the Canadian border and then drove across the border every 3 months to buy Tamoxifen for my wife to fight her breast cancer. And the reason we did that is because we couldn't afford it here. We paid about 20 cents for what we would pay a dollar for in the United States for the Tamoxifen my wife needed. We had to drive to the Canadian border and across to buy it.

The fact is, he was allowed to do that because on an informal basis they allow you to bring across on your own person about 90 days' worth of prescription drugs. But for the most part, Americans are not allowed to access those lower cost prescription drugs. They are just not allowed.

Why not give the American people the freedom to access the same drug, put in the same bottle, made by the same company? If that company plant is inspected by the FDA, and the drug itself is FDA approved, why would you prevent the American people from having access to the very marketplace that everybody boasts about as being the free market?

I hear all my colleagues come to the floor all the time and talk about freedom. Yet I have seen some of them vote against the bill that would give

the consumer the freedom to access these same drugs in places in the world where it is sold for a fraction of what the American people are charged.

There are 30 of us who have come together to write this legislation. It is a Dorgan-Snowe bill. Myself and my colleague, Senator SNOWE from Maine, have worked on this legislation for a long time, as have other colleagues. The late Senator Kennedy was a cosponsor of this legislation. Senator JOHN MCCAIN is a cosponsor of this legislation. Last year, when Barack Obama was a Senator, he was a cosponsor of my bill. So this is a very wide coalition. Senator GRASSLEY from Iowa asked me about this legislation when we came over for the last vote.

This is a very wide coalition of Republicans and Democrats who believe the American people ought to be given the freedom to access these identical prescription drugs that are sold at a fraction of the price in all the rest of the world at a time when the highest prices are charged to the American consumer.

If the goal of health care is twofold—one, to try to put some downward pressure on these relentless cost increases for health care; and, No. 2, to extend coverage to those who do not have it—how could we possibly bring a health care bill to the floor of the Senate and avoid the issue of whether we are going to do something about the relentless increasing march of prescription drug prices? How could we walk off the floor having done health care and say, "Yes, we did not do anything, however, about prescription drug prices. Yes, we understand it is ratcheting up, up, up, and up, way out of the reach of some folks, but we did nothing about it."

Some will say: Well, except that there was a deal made in which the White House announced an \$80 billion deal with the pharmaceutical industry, and so on, that would have senior citizens buying brand-name prescription drugs in a manner that filled half of the doughnut hole—that is all Washington jargon—so, therefore, it becomes something that the pharmaceutical industry has contributed to the well-being of senior citizens.

I do not know about all that. I think it was Russell Long who said: I'm not for any deal that I was not a part of. Well, I do not know about what this deal is. I called the White House when it was represented by the pharmaceutical industry that this deal also included the White House's agreement to oppose the legislation I and others are talking about here. I called the White House. Actually, I did not call the physical structure. I called a high official in the White House and asked the question: Was there a deal made by which they would oppose this? And the answer was no, no such deal was made.

So there is a bipartisan group of us who will be here to offer this amendment. I fully expect in the consideration of deciding how to put some downward pressure on the costs of health care, our colleagues will join me and Senator SNOWE and so many others in adopting this amendment. At last—at long last—having been fighting this issue for many years, I believe, as we consider the health care bill on the floor of the Senate, we will include something that puts some pressure to bend down or at least to limit the kind of price increases we see every single year on these brand-name prescription drugs.

Let me say again, I have great respect for the pharmaceutical industry. It is looking after its own interests. Good for them. They should. They produce in some cases some miracle drugs, some of it with public funding through the National Institutes of Health, but, however, some of it, perhaps—not “perhaps”—some of it with their own research and development. I do not want to do anything that interrupts our opportunity to produce these new medicines that will be helpful to the American people.

But I know what will happen. The minute we offer this amendment, we will have people popping up here on the floor of the Senate, and they will say: Aha, what you are going to do is shut down research and development for new drugs. That is what you are doing. You are going to shut down R&D that is going to develop the next miracle drug for Alzheimer's or Parkinson's, and so on.

I say, no, that is not the case at all. It is just not the case. In fact, they pay a much lower price for the brand-name drugs, the same drugs we pay for. They pay much lower prices in Europe and do more research and development in Europe than we do here in the United States. So go figure.

It is also the case that the industry spends more for marketing, advertising, and promotion than they do on research and development. If you doubt me, turn on your television set tomorrow morning when you are brushing your teeth and listen to the advertisements. The advertisements say: Go ask your doctor today. Run down to your doctor and ask whether the purple pill is right for you. Or: Didn't you wake up this morning thinking you needed some Flomax? Go talk to your doctor; you must need Flomax—whatever Flomax is.

My point is, they relentlessly push these medicines at you with unbelievable amounts of advertising. So I would say, how about knocking off a little of that, maybe pumping some of that money back into research? The fact is, the way you can get a prescription drug is if a doctor thinks you need it. That maybe is where the decision ought to be made, not while you are

brushing your teeth watching a commercial on television, whether the purple pill would enhance your lifestyle.

So I only say that because I know the pushback when we offer this amendment will be to say: This will injure somehow the opportunity to do research and development. Nothing could be further from the truth. It will not. I want the pharmaceutical industry to succeed. This amendment is not punitive at all. I want them to charge prices that allow them to make profits. I just do not want them to charge the highest prices in the world to the American consumer—to do it over and over. Why? Because they can. Because the American consumer does not have the freedom to access those lower priced prescription drugs in the world economy.

Let me mention something, finally, about the larger area of health care. I held a lot of meetings in August, as most of my colleagues did, I am sure. I had standing room only at every single meeting, and I had people allege that whatever is done with health care will be a bill that will cover health care for illegal aliens, it will be a bill that pays for health care costs for abortions, it will be a piece of legislation that does this and that. It is unbelievable the allegations out there, which have no basis in truth at all.

I am not going to vote for a bill that does the five or six things that most people are alleging the bill would do. But that is not going to be in legislation. This legislation we will consider I hope will be—and if it is not, I will offer to amend it; and if I cannot amend it and cannot fix it, I will not support it. But I believe legislation that will be supported by a good many—perhaps including myself if it is the right kind of legislation—will be legislation that is a serious attempt to try to address the issue of increasing costs of health care.

We spend much more than anybody else in the world on health care. Yet we do not have the results. We rank, according to CIA data, which keeps information on all the countries, 50th in life expectancy. So we spend much more than anybody else in the world and rank 50th in life expectancy. Go figure. There is something wrong with that picture.

The other issue is, a lot of people do not have health insurance because the increased cost of health insurance is running out of people's ability to pay for it.

One other important point is most people who do have health insurance believe: Well, I am set. I am fully insured. In most cases, they are not. In most cases, they are one serious illness away from bankruptcy.

I met a woman in a community recently who is a quadriplegic. About 10 years ago, she had \$600,000 in the bank. She lived in a home and had home eq-

uity. She had a job and insurance. Ten years later, it is all gone. She is a quadriplegic who has unbelievable needs. She suffered a very serious illness that continues. She has reached the cap on her insurance policy. She is one of those who is a demonstration of being one serious illness away from bankruptcy, even if you have insurance. This country is a better country than to decide that does not matter.

One-half of the bankruptcies in this country are bankruptcies as a result of health care costs. Every single Member of this Chamber goes around their State and discovers there is a benefit being held someplace for somebody who needs a new kidney or somebody who has some other medical difficulty, and they are doing some sort of fundraiser for the community to see. Can they raise enough money for this surgery so this person can get health care because that is the only way they can get this surgery? So they need donations from neighbors. We can do better than that. That is the reason there is an interest in trying to find some way to address this health care issue.

I want to mention one additional point, and that is last evening there was a vote on what is called commonly here the doctors fix. It deals with physician reimbursements. A reporter asked me, as I left last evening: Wasn't this some significant rejection of the health care piece? The answer was no. That vote last evening was not a harbinger of anything. The vote last evening was on the issue of fixing physician reimbursements, but it was done in a way that was not paid for, and a good many Members of the Senate felt that is not the way to do it.

We should—and will, in my judgment—fix this physician reimbursement issue. We must. We cannot have a circumstance where physicians are told: Oh, by the way, in 2 or 3 years from now, your reimbursements are going to drop off a cliff 25 or 35 percent and then we will see you decide not to treat Medicare patients. That will not work. So we have to fix this. But we are in the middle of a very deep hole with very significant budget deficits, the most significant recession since the Great Depression. In my judgment, we cannot just add \$240 billion to the Federal budget deficit.

So we will, in my judgment, address legislation with the physician payment issue and fix that issue because we have to, but we have to do it the right way. That is all that vote was. That vote was not a harbinger about how health care reform might be dealt with today, tomorrow, or yesterday. It was just a vote on that issue with respect to the deficit, and a lot of Members of Congress decided, do you know what, let's come back and do it in a different way.

Let me make one final point. The majority leader of the Senate is working, along with many others, to try to

combine the best of several pieces of legislation. It is not an easy job. But the fact is, he will bring a piece of legislation to the floor of the Senate. It will be wide open for amendment, and we will have a lot of the best ideas that come to the floor in the form of amendments about how to improve the bill. And that is exactly the way this process will work. I do not think we ought to get ahead of the process alleging this or that. Let's take a look at what this bill does and says and provides. Let's offer improvements where improvements can be made. We will have votes on all of those issues and see if we can do something good for the American people. The American people deserve that.

This has been a tough time with a very deep economic hole we have been going through. Part of the economic distress in this country is to try to decide at the end of the day, the month, or the year: How do I pay this unbelievable increase in my health insurance cost because I know that and my kids and my family and I need to have health insurance? When you are losing your job and losing your home and losing hope in the middle of a great economic downturn, it is pretty troublesome to discover, do you know what, we probably cannot even insure our family against illness and disease.

We are a better country than that. We can do something here. I understand a lot of people would like to say they want to do something but in reality do not want to do anything. And it is always easier to criticize. It is always easier to take the negative side. But the question is: Can we come together with something positive that advances the interests of this country? I hope we can. And I believe we can if we are thoughtful and work together. So that will be my hope at the end of the day.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

IN RECOGNITION OF THE ARCS FOUNDATION SCHOLARSHIP AWARD WINNERS

Mr. KAUFMAN. Mr. President, I have spoken many times about the need for a renewed investment in scientific research and development. This includes science, technology, engineering, and mathematics—or, as we say, STEM—education.

As a former engineer, I also know how important it is that research and innovation is fostered through both public and private investments. Over the years, many wonderful private organizations have been formed to promote STEM education. One of the very best is the national Achievement Rewards for College Scientists—or ARCS—Foundation, which is an excellent example of the type of investment I believe our country needs to make.

ARCS was created in 1958 by a group of women in Los Angeles following the launch of Sputnik. Like many people at that time, the women saw a need to support American technological and scientific advancement, and they decided to create a scholarship program for students to pursue degrees in science, medicine, and engineering.

Today, the all-volunteer, all-women organization has grown to 14 chapters with a national membership of over 1,500. Thanks to the efforts of the dedicated women of the ARCS Foundation, nationally more than 13,000 scholarships have been awarded since the organization's inception.

All ARCS recipients are U.S. citizens who have superior academic records and proven abilities in scientific research and development. They are recommended and selected by the deans and departmental chairs at universities that have been approved by the ARCS Foundation.

This year, the local Metropolitan Washington Chapter of ARCS awarded 20 scholarships to Ph.D. candidates and two scholarships to undergraduates:

Ilana Goldberg, Monique Koppel, and Eric Patterson from Georgetown University.

Brenton Duffy, Anna Korovina, Yi Jin, Jessica Stolee, and Bennett Walker from the George Washington University.

Marcin Balicki, Stephanie Wilson Fraley, Eatai Roth, Bridget Wildt, and Bryan Benson from Johns Hopkins University.

Brendan Casey, Stefanie Sherrill, Nathan Siwak, Seth Thomas, and Natalie Salaets from the University of Maryland.

Theresa Bankston, Thomas Bliss, Ori Fox, and Rebecca Salomon from the University of Virginia.

Scholarships were funded through contributions from ARCS members, Washington-area corporations and foundations, and various fundraising events. One hundred percent of all funds went directly to the scholars who received \$15,000 at the graduate level and \$5,000 at the undergraduate level. This year, several Washington-area corporate and foundation sponsors provided funding for full scholarships, including Lockheed Martin, American Council on Technology/Industry Advisory Council, Booz Allen Hamilton, Bristol-Myers Squibb, General Dynamics, Mars Foundation, McNichols Foundation, and Raytheon.

None of these scholarships would be possible without the dedicated women of the Washington Metropolitan Chapter of ARCS. Betty Polutchko, the chapter's president, has worked tirelessly for the Foundation since she joined the local Washington chapter in 1992. Her leadership during her 2-year tenure has enabled the scholars to thrive.

I recently had the honor of meeting this incredible group of scholars and

learning about the fascinating research they are conducting. These students are discovering new ways for delivering pharmaceuticals and other medical treatments, inventing processes to reduce carbon dioxide and other pollutants, engineering aerospace systems, creating microsurgical robots, and much, much more.

They are, without a doubt, the future of our Nation's leadership in science and technology, helping us to solve medical and environmental dilemmas and creating new products and systems that will continue to improve our lives and create new jobs.

Engineers and scientists have always been the world's problem solvers. They helped us to land on the moon during the space race, the period when ARCS was founded. The foundation saw the need to foster the scientific and engineering potential of our Nation then, and they continue to do so today.

The silver lining in today's financial crisis is the opportunity to shift our priorities in many positive ways. As America continues on its path toward economic recovery, we must inspire our students to address the extraordinary challenges facing our country and the world. What better way to encourage and promote this than through programs such as ARCS. I know that, when given the opportunity, a new generation of engineers and scientists will step up to meet these challenges. Indeed, they already are.

Congratulations to the 2009–2010 ARCS Metropolitan Washington scholarship recipients.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. UDALL of New Mexico. Would the Senator withdraw his request?

Mr. KAUFMAN. I withdraw my request and I yield the floor.

The PRESIDING OFFICER. The quorum call will be vitiated without objection.

The Senator from New Mexico is recognized.

HEALTH CARE REFORM

Mr. UDALL of New Mexico. Mr. President, first, I wish to say to the Presiding Officer, I know Senator SHERROD BROWN from Ohio and a number of us are going to be down here from the 6 to 7 o'clock period, and I am starting out here for the first 10 minutes before 6 to talk a little bit about health care reform and this whole issue that many of us have been addressing on the floor. We did this several weeks ago and we did it last week. What we are doing is talking about the whole issue of the public option and how important it is to have a public option.

The Presiding Officer from Rhode Island, Senator WHITEHOUSE, has been down here with us. He has pointed out,

on a number of occasions, how important it is to have a public option. But I think one of the things I would like to do today is talk a little bit about what these insurance companies are doing and where they are coming from.

Insurance companies made a point of playing nice over the first couple months of this reform process, but they revealed their true colors earlier this month when they released a series of biased, misleading reports to scare people about the impact of reform. The truth is insurance companies aren't worried about how reform will impact consumers—far from it. What they are worried about is the impact of reform on their profits.

The insurance industry has shown where it stands when it comes to health care reform. In the process, they have given us yet another reminder of why we must have a robust public option included in the final legislation. A public option is one of the only ways still on the table to keep the insurance companies honest. It will allow us to restore competition back into the market and hold companies accountable for their abusive practices. If you need further proof that insurance companies are putting profits above people, let's look at this chart and look at some of the statistics and numbers here.

Over 7 years, publicly traded health insurance companies saw a 428-percent increase in profits—again, a 428-percent increase in profits. The 10 CEOs of those companies made \$118 million in 2007. That is why 47 million Americans went without coverage. The premiums more than doubled over 9 years, three times faster than wage increases.

Going to chart No. 2, insurance companies are afraid of competition and want to protect their strangleholds in most State markets. Ninety-four percent of the commercial health insurance market is highly concentrated. In 21 States, 1 carrier dominates more than half the market. In 39 States, 2 carriers control more than half the market. This is the case in New Mexico, where 2 companies control 65 percent of the market.

What does this mean for individuals and families in New Mexico and across America? Nearly one in four Americans under the age of 65—some 64 million people—will spend more than 10 percent of their family income on health care in 2009. This means families often have to choose between paying health insurance premiums and putting food on the table. Outrageous health insurance premiums are a heavy burden for working families who already are dealing with tight budgets. This can often lead to significant medical debt, bankruptcy, and home foreclosure.

I wish to talk a little bit about some of the New Mexico families who have called me and written me and told incredible stories. I know the Presiding Officer, the good Senator from Rhode

Island, Mr. WHITEHOUSE, has been down here talking about his stories in Rhode Island, and we have the Senator from Ohio here right now whom I spoke about earlier.

Mr. BROWN. Mr. President, if the Senator will yield for a moment.

Mr. UDALL of New Mexico. Let's ask unanimous consent to carry this on as a colloquy.

The PRESIDING OFFICER (Mr. KAUFMAN). Without objection, it is so ordered.

Mr. UDALL of New Mexico. Please, go ahead.

Mr. BROWN. I thank the Presiding Officer, Senator WHITEHOUSE.

I saw the Senator show that map, if we could put that map back up. The current chart shows the number of uninsured New Mexicans, and that is, of course, significant. But when we look at this map, we can look at any number of States where in some States—about a dozen States—two insurance companies have more than 75 percent of the market, some pretty good-sized States with some pretty decent populations, including Minnesota, Missouri. But no matter how many people live there, when you have two companies that have more than 75 percent of the market and you look at the next level of States, which includes yours, New Mexico; mine; as well as Rhode Island, where two companies have between 50 and 75 percent of the market, what does that mean in your mind in terms of what the public option will do? We were all taught in school, whether you were a business major or a French major, that if there was almost a monopoly, where two or three companies had most of the market, prices went up.

What does that mean with the public option and injecting competition into this whole market?

Mr. UDALL of New Mexico. I thank the Senator from Ohio. I know tonight he is leading this effort, this hour we now have on the floor, and I thank him for being down here and leading the effort and showing incredible leadership on the public option.

What I think it means is, when we talk about the lack of competition, this is a concentrated market, that they can basically do whatever they want and drive up the premiums and drive up these incredible profits.

I don't know if the Senator was on the floor when we showed this chart, but publicly traded insurance companies saw a 428-percent increase in profits over 7 years. So the lack of competition drives those profits. We are not against people making profits; it is just this is profit in terms of health care. So let's compare it.

To answer the Senator's question, one of the things that I think is important to compare is the high-tech industry. They have six, seven, eight companies all competing against each other,

driving the prices down, lowering costs. What the public option does is exactly that: It drives the premiums—it puts competition into the market; it drives the costs down.

Mr. BROWN. When we have seen the increase in profits of these companies, the publicly traded health insurance companies—and I don't mind that they have an increase in profits if they aren't doing it by using preexisting conditions to deny care to people whom the Senator reads letters from, from Santa Fe and Albuquerque and Truth or Consequences and all over the Senator's State. I wouldn't mind if it was not on the backs of people whose insurance companies put caps on their coverage so that even though they didn't know it when they bought their insurance—they get very sick, spent a lot of money, and all of a sudden they lost their insurance.

Then you also see on the bottom there, the top 10 CEOs made \$118 million in 2007. I remember talking the other night about the CEO of Aetna who, I believe, made \$24 million; the CEOs of—do the math there: 10 CEOs, that is \$11.8 million each. Obviously, the Aetna guy drives up the average a little, but they are all making \$6, \$8, \$10, \$12 million. I assume that what has happened in the last decade—and part of the reason for that huge increase is that there are fewer and fewer of these companies dominating the market. I assume—I am asking, I guess—10 years ago there was probably more competition in this market than there is now. So we are seeing the number of companies shrink, their market share increase, and that is an even stronger case for the public option.

I guess the even stronger case for the public option is, frankly, how much the insurance companies hate it. There is nothing they are opposing more strongly in this bill than the public option. As unhappy as insurance companies are with any change—because they love the system the way it works now. They love having preexisting condition denials, they love their caps, they love to be able to discriminate. Their whole business model, it seems to me, is to keep people who are sick from getting insurance and then hire a whole bunch of bureaucrats to try to spend time on the phone denying care, denying reimbursements or denying claims for people who get sick who are their customers.

So what does public option do for all of that?

Mr. UDALL of New Mexico. Well, Senator BROWN makes a very good point. I think, first of all, when you have a public option, it is a nonprofit that is dedicated entirely to health care, and you are not going to see these outrageous kinds of CEO salaries. The purpose of a public option nonprofit is to put moneys that come in above the goal of providing health care back into

the overall system. So what we are talking about is dedicating ourselves on that basis to providing the very best quality care.

So if you take out the profits and you take out these salaries, you are going to have a very competitive—

Mr. BROWN. You are taking out another big group of people. You are taking out two groups. You are taking out marketers and the money they spend trying to get people to buy their insurance and making sure they exclude those who are sick. That takes some skill, it takes some computer programming, it takes some aggressive salespeople, discriminating aggressive salespeople. Then you have the bureaucrats—

Mr. UDALL of New Mexico. As the Senator pointed out, it happens at two points in the process, right?

Mr. BROWN. Then you have the bureaucrats denying coverage on the other end. The public option will not spend a lot of money marketing and will not have people denying care, right?

Mr. UDALL of New Mexico. Absolutely. Those two things occurring drive up the costs, so the comparison—let me make this one more point.

The comparison on administrative costs—let's look at a government-run program such as Medicare that has 3 percent administrative costs. Then we go over to the insurance industry, and we are talking 30 percent. It is those people in the process who are denying the claims and all of that activity.

Mr. BROWN. So it is the CEO salaries, the profits, the marketers, and it is the bureaucrats denying your claims when you thought you had good insurance. They say about 30 percent of claims are initially denied.

I have read a lot of these constituent letters. So many of these letters come from people who are sick and thought they had good insurance, who then ended up getting very sick or having a new child who had a preexisting condition, and they ended up fighting the insurance company, and they were already suffering from an illness. Think about the stress one must already have from having breast cancer or from having a sick child, and then they have to spend time on the phone fighting with insurance companies or bureaucrats who are saying no, no, no.

Instead, with the public option, they will not have those bureaucrats to fight, correct?

Mr. UDALL of New Mexico. Correct. Would Senator WHITEHOUSE like to speak?

Mr. WHITEHOUSE. I am delighted to join the discussion. One other point merits mention about a public option. The current business model for health care in America is not a good one. The insurance companies try to—if you are not healthy—make sure you never get insurance in the first place. If they

give you insurance and then you get sick, they will look for loopholes and try to throw you out. Then they will try to control the way you get treated by your doctors. So your doctors have to spend as much as half of their time on the phone trying to fight and get you the treatment they know is right for you, but they have to clear it with the insurance company, which has a vested interest in taking as long as it can and causing as much trouble as it possibly can because some doctors and patients will just give up.

On the other side, in terms of the quality of care, with all that stuff going on, we have a country in which the quality of care is far below our competitors by innumerable measures. Part of it has to do with the way the system works.

We had an intensive care unit reform that we fought through in Rhode Island that was modeled on the keystone project in Michigan. In Michigan, they went into intensive care units and said: We are going to eliminate hospital-acquired infections, get rid of those. In 15 months, they saved 1,500 lives, \$150 million, and 81,000 days that patients would have spent in the hospital with those infections, but they didn't have to because they got out without them. They invested in that.

That is the kind of thing a public option can invest in because it will be around, it is not profit motivated, and it wants to do the right thing for people.

Mr. BROWN. How does that work? In the Michigan hospital, they used a checklist and all this to try to cut down on infections. How does public option interface with the hospital to try to get them to do that?

Mr. WHITEHOUSE. It will be willing to take the long view and say: You know what. This is the right thing to do.

Mr. BROWN. Invest the money now, and the insurance companies will not do that.

Mr. WHITEHOUSE. Insurance companies have had a long time to do this, but they have not done it. If you want to believe that by passage of this legislation, all of their motivation and their business model, the way they work, is going to spontaneously change, and they will start doing things they have never done before, is one thing to believe. I think prudence and experience and a practical and serious appreciation of how urgent our situation is all counsel against believing a sudden epiphany happening in the halls of the big insurance companies and, instead, put a new entity on the field, which would be easier to start up and bring a new business model in with it. It is not going to have all that tradition and history. You know, you get in a rut. The only way to change the business model in health care is to have a new entrance—a public entrance and a non-

profit entrance and one that has a dispersed interest in the health of the American people rather than the wealth of the insurance company shareholders.

Would the Senator from Oregon like to jump in?

Mr. MERKLEY. Mr. President, I am happy to jump in. Last weekend, I was over in central Oregon—in Bend—and I was reading local clips. One of the articles that came across was about a lawsuit that had been filed. The article said that a year before an individual had passed away because they had repeatedly asked for an MRI to address a pain he had in his back. It turned out to be a tumor, and it killed the individual. But they could never get the MRI approved. The doctor requested it, but it wasn't approved. Another doctor requested it—a consulting doctor—and it wasn't approved. Eventually, the tumor was beyond the point of being able to be operated on. The individual passed away.

That article talked about a second parallel situation that is unfolding right now. The individual is still alive but also is seeking an MRI and is being turned down by the same company. I thought, that is how an insurance company makes those profits—by turning down requests for coverage. Hopefully, it doesn't come to the point that a diagnostic exam is denied to the degree that someone is going to die, but it happens. It happened in this particular case.

The motivating factor of the management of the company was to maximize profit, not to maximize healing. The Senator from Rhode Island served as insurance commissioner. I am sure he saw examples of this. If I heard him right, he is saying that in a public option the motivation is healing, not profit, and therefore has a long-term perspective. Therefore, it can invest in prevention, in disease management. A private company will not assume that its customer, the policyholder, will still be a customer in 10, 15 years. They take a short-term perspective. That is to minimize the amount you spend on health care. But the longer term perspective would be much better for the quality of life of our citizens, and certainly investment in prevention and disease management might have tremendous rewards in bending the cost curve.

Mr. WHITEHOUSE. That is precisely accurate. If you are a for-profit insurance company and your motivation is to make money, and if you assume your customers are going to stay with you—how long does somebody stay with a company before they change jobs or move to a different State? Five to ten years? You put down 100 cents on the dollar of a prevention strategy or a wellness strategy and help that individual, and if it is an illness, it is going to show up 8, 9, or 10 years later

and you haven't saved yourself any money. You have done the right thing for the customer but haven't saved yourself any money. So you have a huge built-in bias to underinvest in wellness and prevention.

Sure enough, we are a country that underinvests dramatically in wellness and prevention. It is impossible not to connect the dots and see that the reason we are so underinvested in wellness and prevention has to do with the motivation of the for-profit insurance sector.

(Mr. UDALL of New Mexico assumed the chair.)

Mr. KAUFMAN. Mr. President, one of the things that concerns me about this is we hear about the fact that we should not have a public option because it is the government doing this and that. When I was in business school, I learned that the beauty of the private sector is competition. If you don't have competition, you will not get the advantage in the private sector. I don't care how you structure things. I want to read off some States.

The problem is, in so many States we have no competition. The only way we are going to get competition is through some kind of a public option.

In Hawaii, 98 percent are with two insurers. In Rhode Island, it is 95 percent. In Alaska, it is 95 percent. Vermont, it is 90 percent. Alabama, it is 88 percent. In Maine, it is 88 percent. In Montana, it is 85 percent. In Wyoming, it is 85. You can go down the list to Florida, which is No. 42, and 45 percent of all the health care is with two firms. The next one is No. 43, California, and it is 44 percent.

You cannot get the advantage of free enterprise if you do not have the competition. What this is about—the whole reason to have a public option and the only way you are going to bend the cost curve and get this turned around is to have competition. In most of the States, you are not going to have competition if you don't have the public option. So the public option is turned on its head.

When I hear people on the Senate floor and on television talk about government, government, the one thing government by itself cannot provide is competition. In some cases, it is the only way we can provide competition.

Mr. WHITEHOUSE. It is a little ironic to have the insurance industry complaining about government entering into the role as a competitor to the insurance industry, which is the best possible way government could enter into this equation, when, for years, they have fought for and protected a government role in the health insurance industry, which is to protect them, the insurance industry, from the antitrust laws. Government has been involved in health insurance for a long time in the worst possible way—protecting these insurance companies from being sub-

ject to antitrust laws, like every other business in America except, I guess, Major League Baseball.

Mr. KAUFMAN. It is hard to believe when you hear it on the floor—and how do they get the ads straight? First, they say government cannot do anything right. The next ad says we cannot just have government because government is going to take away our business. Either government is efficient and organized or it is not.

So what you begin to see is that there isn't much continuity to the arguments against a public option. They bring out the same old arguments we heard in 1994 about the public option—and then the public option was not like what we talked about before. First, it is an option. People don't have to do it if they don't want to.

It is inconceivable to me—and we have debated this for a long time—I am trying to see the first indication of how we have competition in these States where the overwhelming amount of business is just in two firms. Nobody has come to me and said: How are you going to have competition? I believe in competition.

Mr. WHITEHOUSE. Particularly when those two firms aren't subject to the antitrust laws, they are able to price-fix and do things like that. For them to complain about competition after having used government to wall themselves off from the basic law that protects competition, you kind of have to believe the irony department is open late at night at insurance companies.

Mr. BROWN. We know what they say about why they are against the public option. We know what conservatives—many of whom have been close allies of the insurance industry in their campaigns for years—we know what they say: government take-over. The government cannot do anything right, and the government will run them out of business.

We know the real reason the insurance industry is fighting this: they have had a 428-percent increase in their profits. As they get bigger and bigger and squeeze smaller insurance companies out, they know the public option will mean no more huge profits.

We know the insurance industry will continue to make profits because they are smart and sometimes they are well run. They have been around a long time. They are going to have marketplace advantages. We know CEOs of the 10 largest companies made an average of \$11 million. That means a lot of vice presidents are making \$3 million, \$4 million, \$5 million, and \$6 million. They like that gravy train. Of course, the people making the decisions at the insurance companies, doing the lobbying, hiring the lobbyists, and hiring the PR firms, and making decisions to run television ads, these are all people who want this to continue.

There was an article in the Time Magazine that came out today that

every Member in Congress in both Houses has an average of 2.3 industry lobbies—that may just be the drug companies or insurance companies together. There are hundreds of lobbyists around here to protect health insurance profits and to make sure the top executives are making \$6 million, \$8 million—up to Aetna's CEO, who makes \$24 million a year.

They have a lot at stake in this. But you know what, we have a lot more at stake. What we have at stake is we have people—we can read letters when we come to the floor. A lot of us day after day read letters from people who have preexisting conditions and have lost insurance or a 24-year-old who just graduated from college or just came back from the military and cannot get insurance because they had asthma, as my wife does, when they were 12 years old and cannot get insurance or their mother got really sick and the insurance practice called, I say to Senator WHITEHOUSE, rescission—that is a fancy word—we are dumping you off the insurance because you cost us too much money.

It goes back to what you were saying. The business model is, we do not want to insure sick people or people who might get sick, and if we do insure them, we want to find ways not to honor their claims, not to pay their claims. The industry will fight like a dog, in many cases, to keep from paying those claims. It is a dysfunctional model in business. It is bad for our society. It is really only correctable by a public option, injecting that competition and keeping those companies honest.

Mr. WHITEHOUSE. One of the ironies in all this is that whole scheme of the insurance companies is actually increasing the cost of American health care. I think from 2000 to 2006 the administrative costs of insurance companies went up over 100 percent. So they are loading on more and more people whose purpose is to do just what you said, which is to interfere with the doctors, to require more and more prior approvals before you can get treatment, to do more and more claims denial—all of that. And then not only does that add costs to the health care system within the insurance company, but then the doctors have to fight back.

In Rhode Island, I go all around to doctors and medical practices and community health centers. The standard number that I hear is that 50 percent of the personnel of a doctor's office or a community health center is not dedicated to providing health care but dedicated to having to fight back against the insurance industry.

I visited the Cranston Community Health Center a few months ago, and they said that more than 50 percent of their personnel is devoted not to the

health care function but to the “fighting with the insurance company” function. Plus they have to spend \$300,000 a year that could go to health care for consultants and computer programmers who help them fight with the insurance companies. It is not just half the personnel, it is also a \$300,000 consulting expense.

You put the two together, and it is a huge cost and a great opportunity for a public option to cut through all of that, to knock off the administrative expense on their side, costs on the doctors’ side, and bring costs down.

(Mr. KAUFMAN assumed the chair.)

Mr. BROWN. They use the term “medical loss ratio.” They want to keep the medical loss ratio as low as possible. The medical loss ratio is often 75 percent. That means that 75 cents on the dollar goes to actual health care, doctors, hospitals, physical therapists. The other 25 percent is insurance company overhead. They call every dollar they spend on health care a loss. That is the way they think. That is the insurance company model. So if the medical cost ratio goes up to 85 percent—in other words, they spent 85 percent on medical care—they don’t like that. They want the medical cost ratio to stay low because the rest is marketing, profits, and insurance company salaries. It is a curious turn of a phrase. I think they are phrasing that term out because I think they know “medical loss ratio” does not sound good to them.

Mr. UDALL of New Mexico. Something Senator WHITEHOUSE mentioned earlier that should be driven home very strongly is the antitrust part of this. I am not sure people out there know what we are talking about when we say these large insurance companies that are making all these profits are exempt from the antitrust laws. We know. We were attorneys general. We had to get into antitrust cases as attorneys general.

What it means is that the antitrust laws say: As you get bigger and you get a more concentrated market, the government can weigh in and say the market is too concentrated; there is not enough competition. What we have done with these insurance companies is we have said: Oh, no, no, we are not going to use the antitrust laws; we are going to exempt you from the antitrust laws. That is something I think the average citizen does not realize. It applies in most of the rest of the economy to encourage competition, but it isn’t here. I know Senator BROWN and Senator MERKLEY also understand this point. This is a very important point.

Mr. WHITEHOUSE. There is an alarm bell. An alarm rings when a market is something called heavily concentrated. The Department of Justice has standards for when a market is heavily concentrated. When a market is heavily concentrated, that means

they look particularly closely for anti-competitive conduct. Of course, they don’t look at the insurance industry because they are exempted from the antitrust laws. But 94 percent of the major metropolitan areas in America—nearly everywhere—is heavily concentrated. It is in that uncompetitive danger zone.

The public option is not only a useful alternative, but we are dealing with a market where competition is in a very poor state. So it is not as if you are adding an extra competitive element to an already competitive market. You are adding an extra competitive market to a market that is almost virtually certain to be heavily concentrated and to show none of the signs of healthy competition that one looks for in a healthy marketplace.

Mr. MERKLEY. So not only do we have little competition because there are many markets with only a couple of companies providing services, but because of the antitrust provisions, those companies are allowed to talk to each other, to collaborate on what rates they charge or what deals they make with providers, further reducing competition, even when there are a couple companies in the market.

If we take and flip this notion of competition and look at it through the eyes of the individual working American, then what it becomes is choice. Lack of competition in the marketplace equals lack of choice for individual Americans.

I read this story in the press last weekend in central Oregon about this fellow who could not get an MRI. He had probably very few choices about what insurance company he could go to. Would it not be great if he would have the ability during an open window each year to be able to say: I am not satisfied with the service I am receiving or I am not satisfied with the premium I am being charged, and I want to change to a different company or a different provider to see if they do a better job. That is the heart of the American capitalist system if there is competition and, therefore, choice for the individual. These two things go hand in hand.

When folks say that what will happen with a public option is that it will reduce choice, I must say, what are they thinking, because we don’t have choice now. But if you bring in a community health option or a public option, then you do have real choice as a citizen. You can march with your feet. You can sign up for this program or this program or this program.

We have competition between governmental opportunities and non-governmental in other areas. I don’t think I would like to say to the citizens in the State of Oregon: You no longer have a choice of mailing a letter with the post office. Everything you do regarding the mail has to be through a

private company. I don’t think I would like to say to the citizens of Oregon: You no longer have the choice of sending your kids to public school. You have to choose between solely private options.

It is a positive thing to have competition, and having a strong, robust public option is going to create a real opportunity for our citizens to choose and, in so doing, create this competition, improve service, and lower costs. If we don’t lower costs, then we truly have not succeeded in health care reform.

Mr. WHITEHOUSE. Think how many Americans from Oregon or from Ohio or from Rhode Island or from Delaware, the Presiding Officer’s home State, have been able to achieve their dreams because they were able to go to a public university in their home State as opposed to private colleges. I have nothing against private colleges and universities. I went to one. I think they are wonderful. But I am very proud of the University of Rhode Island, and for many Rhode Islanders and many people who come to Rhode Island to go to URI, that is a great opportunity for them. The notion that it should not be there because it is government run and government supported and, therefore, makes Brown University noncompetitive is just crazy. The facts belie it.

If you look even closer—I know the Senator from Oregon has talked before about the workers’ compensation example—half of the States in the country have public options that operate in an insurance market and provide workers’ compensation. Indeed, some of the strongest advocates against a public option in health insurance on the other side of the aisle have workers’ compensation public plans in their home States.

Mr. BROWN. If I may ask a question, I remember the Senator from Rhode Island mentioned some very prominent members of our Health, Education, Labor, and Pensions Committee, on which all three of us sit, that they were some of the strongest critics of the public option, but their States, if I recall, have, in some cases, a single-payer plan.

Mr. WHITEHOUSE. The Republican leader, Senator MCCONNELL, has a public option in his home State of Kentucky that provides workers’ compensation insurance in competition with private insurers. It has been doing it for years. It has a significant market share. I don’t recall that he has ever criticized that plan. I think it seems to be helpful.

Mr. BROWN. It probably makes them both work better, public option and private work better.

Mr. WHITEHOUSE. In Arizona, our wonderful colleague, Senator MCCAIN, with whom I am very proud to serve, is also very antagonistic toward the notion of a public option. But in Arizona,

if I recall correctly, their public option has been in the workers' compensation market for 80 years.

So the notion that when you have a public option it is going to creep, crawl, and take over and force out competition is proven wrong by the actual facts and history of some of the States of Senators who are here making that very argument.

Mr. BROWN. Didn't you mention the other night the State of Wyoming, which is represented by the ranking Republican on the Health, Education, Labor, and Pensions Committee—before I ask about Senator ENZI and that committee, one of the things I think is important to remember when I hear people say this is a partisan effort, we all remember in our committee we did 11 days—there was no hurry on this—11 days of markup, longer than almost any of us can remember in terms of that much time in committee, debating and vetting. We adopted 161 Republican amendments. I voted for almost all of them. I know Senator WHITEHOUSE and Senator MERKLEY did most of them, too, and there are some fundamental questions on which we have ideological differences. We made a better bill as a result. But Senator ENZI's State has a public option or only a public plan? I cannot remember.

Mr. WHITEHOUSE. In Wyoming, the workers' compensation system is run entirely by the government. It is a single-payer public plan. As far as I can tell, all of the business community in Wyoming is perfectly comfortable with that plan.

One of the concerns people raise about a public plan is that it will give terrible public service, terrible customer service. It has been described as if you take the IRS and a department of motor vehicles and put them together, that is the kind of customer service you will get from a public plan. I doubt very much that the public plan in Wyoming, which is a single-payer, government public plan, gives that kind of terrible public service because if it did, I would expect the Wyoming business community to be up in arms about the way they are being treated by their only choice of workers' compensation insurer. Judging from the track record, it seems they are pretty satisfied with it.

I think when you actually go out into the field and look at examples of competition, whether it is the Postal Service, higher education, or these public plans that do workers' compensation in half of our States, we find that a lot of the concerns the people have raised, a lot of the fears that seem to animate this debate actually, in reality, appear not to prove out.

Mr. BROWN. I would add from what Senator WHITEHOUSE said that you can look another place and you can see how in very quantitative and very specific, giving example comparisons that Medi-

care versus private insurance—we know the cost of bureaucracy, the cost of marketing, the cost of future profits, and the cost of high executive salaries. Private insurance means they have a 15-percent absolute minimum, more than 20, 25, sometimes 30 percent administrative costs. Medicare has somewhere around 3 percent overhead, administrative costs. Medicare is a public plan. The private insurance companies really don't compete very well with Medicare in terms of measuring them for administrative costs.

Whether you look at workers' comp plans when there is a public option or you look at workers' comp plans in Wyoming where it is single-payer or you look at Medicare, you can see that this argument they make that the government can't do anything right is pretty wrongheaded, especially when they are afraid that government does things so efficiently, it is going to run them out of business.

We know public plans can coexist, side by side, with private plans and make the private plans a lot better. I argue the private plans will make the public plans perhaps more flexible too. It will help both.

Mr. WHITEHOUSE. That is what competition is all about.

Mr. BROWN. That is what competition is all about.

Mr. WHITEHOUSE. I have to depart, and I yield the floor to the distinguished Senator from Ohio. But before I go, I want to express my appreciation to him for convening us and for his energetic and constant advocacy on this subject. I think he has been a wonderful leader of our caucus, and I wish I could stay longer, but I have a plane awaiting me.

So I yield to the Senator from Ohio.

Mr. BROWN. I thank Senator WHITEHOUSE, and I will wrap up too. I think this discussion is much better than a speech, frankly, from any one of us. I appreciate the contribution of the Presiding Officer, Mr. KAUFMAN, the Senator from Delaware, to this discussion, more than debate, as well as Senator MERKLEY, who was with us, and Senator UDALL of New Mexico.

As I close, let me run through a couple of these posters reflecting the monopoly that has caused so much hardship for so many people in State after State after State. In my State, two insurance companies have a huge part of the market. In parts of southwest Ohio—the Cincinnati and Dayton areas—two insurance companies have about 80 percent of the market. In Senator UDALL's State, it is very high. In some States it is even higher.

When you have that lack of competition in States, you can see what it brings to us after that. It brings huge profits. Having so little competition, it means these insurance companies get larger and larger and push out smaller insurance companies and we end up

with two or three companies. Without competing much with each other, what do you end up with? You end up with a 428-percent increase in profits over 7 years. You end up with the 10 top industry CEOs making \$118 million, headed by Aetna's CEO making \$24 million last year. So what happens? Forty-seven million Americans don't have insurance. Insurance premiums more than doubled in 9 years. If we do nothing—as many on the other side suggest, and certainly the insurance companies would like that—we will see insurance premiums double again in the next 7 or 8 years, putting such a burden on small businesses and making our big companies less and less competitive internationally. We all know what that means in terms of jobs for our people, especially in manufacturing.

Again, what fuels all this? What fuels all this and all these dollars they are making is the insurance company business model. The insurance company business model is to deny care—to deny insurance, to start with—by using very sophisticated sales practices to keep people from even buying insurance if they are sick, if they have a pre-existing condition that might be expensive. That is part of the business plan. The other end of the business plan is to deny care as often as they can for people who have insurance.

So we know what we need to do. We know a public option will make a huge difference in keeping the insurance industry honest. A public option will make a huge difference in providing competition. And a public option will make a huge difference in keeping prices down. That is why we are here tonight. That is why I appreciate the work of Senators KAUFMAN, UDALL, MERKLEY, and WHITEHOUSE, and why I believe come December, when this work is completed on this health insurance bill—which, frankly, our government has been working on for 75 years, since Franklin Roosevelt tried it—we are going to finish with a good strong plan, with a robust public option that will make a huge difference in people's lives.

Mr. President, I yield the floor, I thank my colleagues, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SSG MATTHEW KUGLICS

Mr. BROWN. Mr. President, I rise today to honor SSG Matthew Joseph Kuglics, U.S. Air Force, who lost his life in service to our Nation.

Matthew's call to serve our Nation came immediately after his graduation in 2000 from Green High School in Green, OH, not far from Akron. That was when he enlisted in the U.S. Air Force.

In June of 2004, Matthew achieved the distinction of becoming a special agent with the Air Force Office of Special Investigations.

Sergeant Kuglics then volunteered to deploy to Iraq. There, he served with distinction by providing counterintelligence support to nearly 4,000 coalition forces at Kirkuk Regional Air Base in Iraq. Following his first tour in Iraq, Matthew volunteered for a second deployment in the combat zone.

On June 5, 2007, while in a convoy, Matthew was killed by an improvised explosive device. He gave his life for our Nation. He was 25 years old.

Throughout two tours in Iraq, Sergeant Kuglics executed the mission of identifying and neutralizing criminal, terrorist, and intelligence threats to the Air Force, to the Department of Defense, and to the United States of America. His service resulted in successful military operations and the increased safety of his fellow servicemembers. Sergeant Kuglics was posthumously awarded the Bronze Star, the Purple Heart, the Air Force Commendation Medal, and the Air Force Combat Action Ribbon.

On Friday, October 23, 2009—tomorrow—at 11 a.m., there will be a street dedication ceremony at Barnes Memorial Park at Wright Patterson Air Force Base in Dayton, OH, to honor the life and service of Matthew Joseph Kuglics.

Future generations of the Air Force will now forever honor Staff Sergeant Kuglics. He represents the best of Ohio, the best of the U.S. Air Force, the best of the United States of America.

INCREASING LOAN LIMITS

Ms. LANDRIEU. Mr. President, since Congress passed and the President signed the American Recovery and Reinvestment Act in February, more than 33,000 loans—nearly \$13 billion—have gotten into the hands of entrepreneurs, helping to give more small businesses the capital they need to stock their shelves and pay their employees while creating or saving 325,000 jobs at a critical time. But as President Obama said yesterday, we must do everything in our power to help our nation's innovators and job creators to ensure their success and our nation's economy and future competitiveness.

Ensuring that small businesses have greater access to capital is the first, and perhaps most critical, step. In hearings, roundtables and other meetings with small business owners and lenders, I have heard time and time again that the current small business loan limits do not adequately meet

their needs. To answer their urgent call for help, I am here today to introduce S. 1832, The Small Business Access to Capital Act of 2009. Senate Small Business Committee and Entrepreneurship members Senators JOHN KERRY of Massachusetts, TOM HARKIN of Iowa, BEN CARDIN of Maryland and JEANNE SHAHEEN of New Hampshire, along with Senators BARBARA BOXER of California and BOB CASEY of Pennsylvania, have joined me as cosponsors of this bill.

The Small Business Access to Capital Act of 2009 contains several of the initiatives President Obama highlighted in his speech yesterday, including raising the limits on SBA loans to as high as \$5.5 million. Coupled with lower-cost capital available to community lenders, these higher loan limits will further spur small business growth and aid in our nation's continued economic recovery.

I have made increasing access to capital for small businesses a top priority within my Committee since the day I became Chair, leading my first Committee event on this topic in January. Since that first roundtable, Senator SNOWE and I helped pass the Recovery Act's small business provisions that eliminated SBA loan fees for borrowers to make capital more affordable, increased the loan guarantees on SBA's largest loan program to reduce risk for banks and encourage them to lend when the economy was at its worst, and created initiatives to help unfreeze the secondary market for SBA loans so that banks would have more capital to lend small businesses. These provisions, as I mentioned earlier, helped some 33,000 businesses receive \$13 billion in capital, saving or creating 325,000 jobs.

I have also held four additional hearings and roundtables focused on increasing access to capital for entrepreneurs. Most recently, an oversight hearing on October 6 focused on what in the Recovery Act has been implemented and what additional steps Congress needs to take. Increasing loan limits was a main focus.

In addition to making greater access to capital a top priority since and prior to my becoming Chair, I have specifically supported increasing the loan limits for the past two Congresses, voting favorably for this increase in the last two SBA reauthorization bills out of the Senate Small Business Committee. My bill goes above and beyond these increases because in this recession small business needs are greater than ever before, and the programs have not been updated in many years.

The bill I am introducing today increases the maximum 7(a) loan from \$2 million to \$5 million, increases the maximum 504 loan from \$1.5 million to \$5.5 million, and the maximum microloan from \$35,000 to \$50,000. These are all provisions that have been cham-

pioned by my colleague and Ranking Member, OLYMPIA SNOWE, in S. 1615, the Next Steps for Main Street Act. Additionally, the bill includes a provision to allow businesses to use 504 loan guarantees to refinance existing business debt and allows microloan intermediaries to have greater access to technical assistance grants. The bill also increases the amount that a New Market Venture Capital Company can invest in any one company, helping fast-growing businesses located in areas with chronic underemployment.

The Recovery Act included a controversial provision that exempts the National Institutes of Science (NIH) from participating in the Small Business Innovation Research (SBIR) and the Small Business Technology Transfer (STTR) programs. This provision could cost small businesses as much as \$230 million in lost R&D work, impacting the development of needed military and medical technologies and therapies. In addition, it directly counters the goals of the Recovery Act to create high-paying jobs, spur innovation and boost America's competitiveness. This bill contains a provision to correct this unfair exemption by requiring NIH to obligate \$150 million of the Recovery funds it received to be used for SBIR and STTR projects.

Last, the bill amends the America's Recovery Capital (ARC) loan program, enacted as part of the Recovery Act, so that businesses with existing SBA 7(a) loans can access this financing. The temporary ARC program offers interest-free loans to viable small businesses, which carry a 100-percent guaranty from the SBA to the lender and require no fees paid to SBA. Loan proceeds are provided over a six-month period and repayment of the ARC loan principal is deferred for 12 months after the last disbursement of the proceeds. Repayment can extend up to five years.

With small businesses making up the largest source of employment in this country, and the national unemployment rate still too high, changes like these are vital to the success of our small businesses and the competitiveness of our nation. I look forward to working with President Obama and his Administration, Ranking Member SNOWE and my Senate and House colleagues to quickly pass this critical legislation and send to the President for signature.

RECOGNIZING CAMDEN AEROJET WORKERS

Mrs. LINCOLN. Mr. President, today I am joined with my colleague, Senator PRYOR, to recognize the Aerojet-General Corporation's Camden, AR, production facility. The Camden facility recently achieved the milestone shipment of its 5,000th MK 104 dual thrust rocket motor to Raytheon Missile Systems and the U.S. Navy. Aerojet is a

world-recognized aerospace and defense leader principally serving the missile, space propulsion and armaments markets. This most significant milestone will be commemorated with a celebration ceremony held in Camden, AR, on Wednesday, October 28, 2009.

The MK 104 dual thrust rocket motor provides the main propulsion for the standard missile 2 (SM-2), the U.S. Navy's primary surface-to-air air defense weapon. SM-2 is an integral part of the AEGIS weapon system aboard Ticonderoga-class cruisers and Arleigh Burke-class destroyers. The MK 104 dual thrust rocket motor also is the second stage propulsion for the Navy's newest defensive weapon, the standard missile 6 extended range active missile, SM-6, which will provide extended range anti-air warfare capability over both sea and land. The MK 104 also is utilized on the standard missile 3, SM-3, for aegis ballistic missile defense, BMD, from the sea missions.

Aerojet has manufactured the MK 104 dual thrust rocket motor since 1987 at its Camden facility. The Standard Missile family of products, which also includes the MK 72 booster and MK 125 warhead, are noteworthy elements of Aerojet's industry-leading tactical propulsion portfolio produced in Camden.

On the occasion of this milestone, Senator PRYOR and I are proud to join together and lend our voices to congratulate and honor the nearly 600 Aerojet workers in Camden, AR, on a job well-done. You have served our State and our Nation admirably for more than 20 years.

TRIBUTE TO CLARA KIRCHER

Mr. LEAHY. Mr. President, I have been privileged to meet so many people in my 35 years in the Senate. One who will always stand out is Clara Kircher, who stayed with me in my office for over a quarter of a century, leaving as deputy chief of staff when she retired.

She is a remarkable woman who, on her own, raised her family, giving them the best example of a strong, talented, and loving woman. She did the same in my office, mentoring so many, and showing by example that she could keep a 50- to 60-hour week and still go back to college.

Marcelle and I consider her one of our dearest friends, and we were privileged to be with her when she was inducted into the hall of fame at Elizabeth Seton High School in Bladensburg, MD. I ask unanimous consent that the statement they made about her at that induction be printed in the RECORD as an example to everybody in the Senate family.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ELIZABETH SETON HIGH SCHOOL HALL OF FAME INDUCTION

Clara Smiley Kircher was born on May 3, 1945 in Washington, D.C., the daughter of

Ann and Golden Smiley. She grew up in Mt. Rainier, MD, and attended Saint James Elementary School. She was accepted into the first freshman class at Elizabeth Seton High School in 1959 and graduated from Seton in June 1963. At Seton, she was a member of the Glee Club, Masque and Gavel, basketball team, Future Nurses Club, Student Council, Louise de Marillac and Honor Society. She attended Saint Joseph's College in Emmitsburg, Maryland, where she majored in business, from 1963-1965. She married Walter Kircher from Riverdale, Maryland, at Saint James Church in April 1965. Her Maid of Honor was Monica Kircher Brady, her best friend at Seton since their sophomore year. Clara and Walter had five children—Anne, Walter, Eric, Anthony and Aaron. Their marriage ended in 1978, and Clara had to raise their five children as a single parent.

Clara went to work in the office of U.S. Senator Patrick Leahy (D-VT) in October 1981. She served as the assistant to the Chief of Staff and the Press Secretary. After twenty-six years in the Senate, she retired in October 2007 as Deputy Chief of Staff to Senator Leahy. While working for Senator Leahy, she returned to college to complete her degree. In May 1996, she graduated summa cum laude from Bowie State University with a Bachelor of Science Degree in Public Administration. As Deputy Chief of Staff to Senator Leahy, Clara helped establish the Leahy Women's Economic Opportunity Conference which is now in its 13th year. The Leahy Women's Conference focuses on the career and business development of Vermont women and is open to all women free of charge. Women learn the skills of running their own business, writing a financial plan, and sharpening their computer and personal skills for a new job or career change. She was the intern coordinator for the Leahy College Internship Program, which offers young women and men the opportunity for a close-up view of their government and the workings of a Senator's office. Clara also served as the Chief Financial Clerk for the Senate Judiciary Committee where she helped with the administration of the Committee and prepared committee budgets for Chairman Leahy.

In November 2008, she temporarily returned to the U.S. Senate to help start up the office of the newly-elected Senator Mark Warner (D-VA). In March 2009, she went back to her retirement life and is now enjoying time with her children and eleven grandchildren. Two of her granddaughters have followed their Grandmother's footsteps in attending Seton. Clara Bannigan graduated in May 2009, and is a freshman at Christopher Newport University studying music; and Alice Bannigan is a sophomore this year.

Clara and her family live in Bowie, Maryland, since 1971 and are members of St. Pius X Church. Clara is an active member of the Seton Alumna and is proud to be a member of the first graduating class of Elizabeth Seton High School, the Class of 1963.

ADDITIONAL STATEMENTS

TRIBUTE TO BETTY TAYMOR

• Mr. KIRK. Mr. President, I welcome this opportunity to bring to the attention of my colleagues in the Senate that today is the 40th anniversary of the founding of the Center for Women in Politics and Public Policy at the John W. McCormack Graduate School

of Policy Studies at the University of Massachusetts Boston.

I especially want to recognize the leadership of Betty Taymor, the remarkable founder of this program.

Because of Betty, more than 700 women have been educated in the programs of the center. It is incredibly admired today on the local, State, and national levels, and it is an honor for us to join in congratulating Betty for her unique achievement.

My colleagues and I in our State delegation in Congress have sent a letter to Betty congratulating her on this impressive milestone of public service in the Commonwealth of Massachusetts and our Nation. I look forward to the center's continuing leadership and achievements in the years ahead and I ask that our letter be printed in the RECORD. The information follows:

Ms. Betty Taymor,
*Center for Women in Politics and Public Policy,
McCormack Graduate School of Policy
Studies, University of Massachusetts—Boston,
100 Morrissey Boulevard, Boston, MA.*

DEAR MS. TAYMOR: We, the members of the Massachusetts delegation in the United States Congress join in tribute as your friends and colleagues gather to celebrate your extraordinary achievements. You have indeed run against many prevailing winds, and been energized, not subdued, by the challenges you've faced.

We recommend your inspiring book, *Running against the Wind*, to anyone who seeks to understand the progress made by American women in the second half of the last century.

You entered public service as a volunteer, an honorable role shared by many idealistic women throughout our history and were crucial to the abolition of slavery and the emancipation of women. During the Second World War, you joined with others on the home front in the important work of the Red Cross. In time, you sought and won positions of greater responsibility and authority, in Massachusetts and in the national Democratic Party.

You were a personal mentor to many, yet you wanted to do more. With characteristic energy, you created an institutional embodiment of your example in the Program for Women in Politics & Public Policy. This evening's celebration is dedicated to your vision and to the support of the Betty Taymor Fund to further the education of women who share your intellectual and moral fervor. Your courage and determination continue to inspire all good citizens, both men and women, who are committed to equal rights and equal opportunity.

We unite in gratitude and congratulation, Senator John F. Kerry, Senator Paul G. Kirk, Michael E. Capuano, Edward J. Markey, Barney Frank, Richard E. Neal, John W. Olver, William D. Delahunt, James P. McGovern, John F. Tierney, Stephen F. Lynch, Niki Tsongas.●

TRIBUTE TO LTG STEPHEN M. SPEAKES

• Mr. LIEBERMAN. Mr. President, today I recognize the distinguished service of LTG Stephen M. Speakes as he prepares to retire after 35 years of exceptional service to this Nation as an

officer of the U.S. Army. I have had the pleasure to work with General Speakes over the last several years as he served as the Army deputy chief of staff, G-8, a position in which he was responsible for matching the service's resources to the needs of our soldiers. His compassionate leadership, unwavering commitment and selfless dedication are exemplified in his enumerable contributions throughout his distinguished career.

General Speakes was commissioned as an armor officer in 1974. He began his career with troop-leading assignments in the 3d Armored Cavalry Regiment at Fort Bliss, TX, and the Third Brigade, Third Infantry Division in Aschaffenburg, Germany. He commanded the 2d Squadron, 11th Armored Cavalry Regiment at Bad Kissingen, and the 2d "Blackjack" Brigade in the First Cavalry Division, Fort Hood, TX.

General Speakes' service also includes assignments on the Joint Staff with the strategic arms reduction talks nuclear negotiations team in the Joint Staff's J5 Directorate for Strategic Plans and Policy, as a war planner in the Joint Staff's J7 Directorate for Operational Plans and Joint Force Development, and on the Army Staff's Force Development Directorate. A graduate of the U.S. Military Academy at West Point, General Speakes received a master's degree in government from Georgetown University and was a fellow at Harvard University's John F. Kennedy School of Government. At Harvard, he coauthored a study of U.N. peace enforcement, "A Blue Helmet Combat Force."

His senior assignments include a tour in Europe beginning in 1997 as the V Corps G3 and chief of staff. He then served as the deputy G3 at U.S. Army Forces Command before assignment as the chief of staff of the III Corps in August 2001. From August 2002 thru June 2003, General Speakes served as the assistant division commander of the 4th Infantry Division, Mechanized, and deployed in that capacity for Operation Iraqi Freedom. In June 2003, he departed Tikrit, Iraq, and reported to Kuwait as the deputy commanding general, Third U.S. Army and Coalition Forces Land Component Command. While there, he oversaw the redeployment of 250,000 soldiers and marines as the United States executed the first Iraq force rotation. Returning to the United States, General Speakes served as the director, force development on the G-8 staff from August 2004 to December 2006 before assuming his current responsibilities.

His lovely wife, Mrs. Gigi Speakes, has supported General Speakes and all the members of his commands in every assignment for the past 30 years. She has been integral to all the contributions that this Army team has been able to make to soldiers, the Army and the Nation. She is an outstanding vol-

unteer in all aspects of her service to the Army.

The Speakes are the epitome of an Army family. Clearly, General and Mrs. Speakes' greatest achievement was the raising of two incredible sons, Grant and Brennan. Both are Army officers who have served on multiple deployments in support of Operation Iraqi Freedom. Their continued success in the military is the fruit of their parents' enduring love and dedication to them and other junior soldiers.

On behalf of the Senate and the United States of America, I thank General Speakes, his wife Gigi, and his entire family for the commitment, sacrifice, and contribution that they have made throughout his honorable military service. I congratulate them on completing an exceptional and successful career, and wish them the greatest happiness as they move on to the next phase of their life together. ●

RECOGNIZING D & G MACHINE PRODUCTS, INCORPORATED

● Ms. SNOWE. Mr. President, today I honor the work of a small business from my home State of Maine that produces innovative machine products used to expand the capabilities of factories in all sectors of our nation's economy. Founded in 1967 by Dave Gushee and Fred Loring in a one-car garage, D&G Machine Products, Incorporated, of Westbrook, is now responsible for producing the custom machinery vital to the operation of some of our nation's largest manufacturers.

With 79 highly-skilled employees and multiple facilities totaling more than 100,000 square feet, D&G's custom machine production has boundless possibilities. The company's highly trained designers utilize advanced engineering component modeling software to ensure an accurate and time-effective production process in creating a wide range of manufacturing equipment and machinery such as turbine parts, crank shafts, aerospace components, and food processing equipment.

The company also provides products to myriad companies in the pulp and paper, high technology, power, petrochemical, and defense industries. Furthermore, because D&G is a full-service manufacturer, they are capable of producing manufacturing equipment from a "build to print" template, or they can design, install, and implement a new manufacturing model based on a company's request. D&G's commitment to quality and stellar reputation has led to partnerships with numerous American manufacturing giants, such as Georgia-Pacific, General Dynamics, and Raytheon.

Notably, D&G's owner, Duane Gushee, sits on the Manufacturers Association of Maine's, MAME, Board of Directors. MAME does tremendous work to promote our State's remark-

able manufacturers and to help them become increasingly more competitive. Additionally, as a member of the Maine Aerospace Alliance, one of MAME's key initiatives, D&G is working to bolster our State's fledgling aerospace industry, which relies upon heavy manufacturing and holds significant promise for Maine's economic future. D&G's equipment design ingenuity is also helping our country keep its waters safe as this innovative small business provides advanced, custom-designed manufacturing tools to the U.S. Coast Guard.

D&G has been consistently recognized for its commitment to quality and critical prowess in the manufacturing field. For example, in 2004, Mr. Gushee was recognized with the Southern Maine Community College Alumni Business Innovation & Entrepreneurial Spirit Award. In turn, D&G has given back to the community in many ways, including making generous yearly donations to the Bruce Roberts Toy Fund, which goes toward the purchase of gifts for needy children.

Beginning as a garage business producing custom tools for manufacturers in Portland and becoming one of the most relied-upon manufacturing equipment suppliers in the nation, D&G and its founders Dave Gushee and Fred Loring provide us with a prescient example of the power of American ingenuity and determination. D&G's success is summed up by Duane Gushee's philosophy of "constantly modernizing"—words of wisdom for companies seeking to become competitive in today's challenging global marketplace. I congratulate everyone at D&G Machine Products for their invaluable service to our Nation, and I wish them continued success in the future. ●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that he had signed the following enrolled bills, which had previously been signed by the Speaker of the House:

S. 1818. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

H.R. 621. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

H.R. 2892. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1858. A bill to require Senate candidates to file designations, statements, and reports in electronic form.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, October 22, 2009, she had presented to the President of the United States the following enrolled bill:

S. 1818. An act to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3437. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0165-2009-0178); to the Committee on Foreign Relations.

EC-3438. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the implementation of the Age Discrimination Act of 1975 for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-3439. A communication from the Chairman, Merit System Protection Board, transmitting, pursuant to law, a report entitled "Addressing Poor Performance and the Law"; to the Committee on Homeland Security and Governmental Affairs.

EC-3440. A communication from the Senior Procurement Executive, General Services Administration, Department of Defense and National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-37" received in the Office of the President of the Senate on October 16, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3441. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-190, "Loree H. Murray Way Designation Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3442. A communication from the Chairman of the Council of the District of Colum-

bia, transmitting, pursuant to law, a report on D.C. Act 18-191, "Heat Wave Safety Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3443. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-192, "Residential Aid Discount Subsidy Stabilization Temporary Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3444. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-201, "Pension Vesting Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3445. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-202, "National Guard Morale, Welfare and Recreation Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3446. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-203, "District Residency RIF Protection Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3447. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-204, "Medical Insurance Empowerment Surplus Review Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3448. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-205, "Unemployment Compensation Administrative Modernization Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3449. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-206, "Unemployment Compensation Additional Benefits Program Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3450. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Eastsound, WA" ((RIN2120-AA66) (Docket No. FAA-2009-0554)) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3451. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Chuathbaluk, AK" ((RIN2120-AA66) (Docket No. FAA-2009-0231)) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3452. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737-300 and 737-400 Series Airplanes" ((RIN2120-AA64) (Docket No. FAA-

2009-0429)) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3453. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc (RR) RB211-535E4 Series Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2009-0057)) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3454. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C-212-CB, C-212-CC, C-212-CD, and C-212-CE Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0611)) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3455. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Requirements and Procedures for Consumer Assistance to Recycle and Save Program" (RIN2127-AK61) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3456. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Early Warning Reporting Regulations" (RIN2127-AK28) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3457. A communication from the Assistant Chief Counsel, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Chemical Oxygen Generators" (RIN2137-AE49) received in the Office of the President of the Senate on October 20, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3458. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Species; Designation of Critical Habitat for Atlantic Salmon (*Salmo salar*) Gulf of Maine Distinct Population Segment; Final Rule" (RIN0648-AW77) received in the Office of the President of the Senate on October 16, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3459. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XR92) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3460. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (RIN0648-XR91) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3461. A communication from the Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 of the Gulf of Alaska" (RIN0648-XR90) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3462. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Western Alaska Community Development Quota Program, Rockfish Program, Amendment 80 Program; Bering Sea and Aleutian Islands Area Crab Rationalization Program" (RIN0648-AW56) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3463. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Black Sea Bass Recreational Fishery; Emergency Rule" (RIN0648-AY23) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3464. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery Off the Southern Atlantic States; Amendment 7" (RIN0648-AW19) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3465. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for 2009 Summer Period" (RIN0648-XR94) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3466. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XS04) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3467. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of

Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XS06) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3468. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XS03) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3469. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Period 1 Quota Harvested" (RIN0648-XR84) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3470. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Re-allocation of Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XS12) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3471. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska, Groundfish Observer Program" (RIN0648-AX94) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 1340. A bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim programs without jeopardizing the long-term sustainability of the Crime Victims Fund.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Laurie O. Robinson, of the District of Columbia, to be an Assistant Attorney General.
Benjamin B. Wagner, of California, to be United States Attorney for the Eastern District of California for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWNBACK:

S. 1835. A bill to amend the Internal Revenue Code of 1986 to allow 5-year carryback of operating losses, and for other purposes; to the Committee on Finance.

By Mr. MCCAIN:

S. 1836. A bill to prohibit the Federal Communications Commission from further regulating the Internet; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN:

S. 1837. A bill to amend title XVIII of the Social Security Act to cover hearing aids and auditory rehabilitation services under the Medicare Program; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. WEBB):

S. 1838. A bill to establish a commission to commemorate the sesquicentennial of the American Civil War; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL:

S. 1839. A bill to provide for duty free treatment for certain United States Government property returned to the United States; to the Committee on Finance.

By Ms. CANTWELL:

S. 1840. A bill to extend the temporary suspension of duty on Linuron; to the Committee on Finance.

By Ms. CANTWELL:

S. 1841. A bill to suspend temporarily the duty on Terbacil; to the Committee on Finance.

By Ms. CANTWELL:

S. 1842. A bill to modify the provisions of the Harmonized Tariff Schedule of the United States relating to returned property; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. GRAHAM):

S. 1843. A bill to provide increased penalties for health care fraud; to the Committee on the Judiciary.

By Mr. GREGG:

S. 1844. A bill to suspend temporarily the duty on ski poles; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1845. A bill to extend the suspension of duty on Avermectin B; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1846. A bill to extend the suspension of duty on cloquintocet-mexyl; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1847. A bill to modify and extend the suspension of duty on clodinafop-propargyl; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1848. A bill to modify and extend the suspension of duty on fludioxinil technical; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1849. A bill to renew the temporary suspension of duty on primisulfuron; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1850. A bill to modify and extend the suspension of duty on pinoxaden; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1851. A bill to modify and extend the suspension of duty on azoxytrobin; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1852. A bill to suspend temporarily the duty on prosulfuron technical; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1853. A bill to extend the suspension of duty on mefenoxam technical; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1854. A bill to extend the suspension of duty on pymetrozine technical; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 1855. A bill to extend the suspension of duty on cyproconazole technical; to the Committee on Finance.

By Mr. BARRASSO:

S. 1856. A bill to amend the Energy Policy Act of 2005 to clarify policies regarding ownership of pore space; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself, Mr. VOINOVICH, Mrs. HUTCHISON, Mr. BROWN, and Mr. KERRY):

S. 1857. A bill to establish national centers of excellence for the treatment of depressive and bipolar disorders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mr. COCHRAN, Mr. SCHUMER, Mr. BENNETT, and Mr. REID):

S. 1858. A bill to require Senate candidates to file designations, statements, and reports in electronic form; read the first time.

By Mr. ROCKEFELLER (for himself, Mr. CORNYN, Mr. KOHL, and Ms. SNOWE):

S. 1859. A bill to reinstate Federal matching of State spending of child support incentive payments; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 1860. A bill to permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms; to the Committee on Homeland Security and Governmental Affairs.

By Ms. LANDRIEU (for herself, Mr. WICKER, and Mr. VITTER):

S. 1861. A bill to amend the Internal Revenue Code of 1986 to provide a 2-year extension of the increased rehabilitation credit for structures in the Gulf Opportunity Zone; to the Committee on Finance.

By Mr. LIEBERMAN:

S. 1862. A bill to provide that certain Secret Service employees may elect to transition to coverage under the District of Columbia Police and Fire Fighter Retirement and Disability System; to the Committee on Homeland Security and Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOND (for himself and Mrs. MCCASKILL):

S. Res. 320. A resolution designating May 1 each year as "Silver Star Banner Day"; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 453

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 453, a bill to authorize the Secretary

of Housing and Urban Development to make grants and offer technical assistance to local governments and others to design and implement innovative policies, programs, and projects that address widespread property vacancy and abandonment, and for other purposes.

S. 456

At the request of Mr. DODD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 462, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 491

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

At the request of Mr. WEBB, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 491, supra.

S. 583

At the request of Mr. PRYOR, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 583, a bill to provide grants and loan guarantees for the development and construction of science parks to promote the clustering of innovation through high technology activities.

S. 607

At the request of Mr. UDALL of Colorado, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 607, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

S. 624

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 624, a bill to provide

100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 634

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 647

At the request of Mr. KOHL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 647, a bill to amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

S. 653

At the request of Mr. CARDIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 777

At the request of Mr. BROWN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 777, a bill to promote industry growth and competitiveness and to improve worker training, retention, and advancement, and for other purposes.

S. 883

At the request of Mr. KERRY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage,

sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 934

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 934, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren and protect the Federal investment in the national school lunch and breakfast programs by updating the national school nutrition standards for foods and beverages sold outside of school meals to conform to current nutrition science.

S. 945

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 945, a bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States.

S. 987

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1203

At the request of Mr. BAUCUS, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1203, a bill to amend the Internal Revenue Code of 1986 to extend the research credit through 2010 and to increase and make permanent the alternative simplified research credit, and for other purposes.

S. 1313

At the request of Mr. LUGAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1313, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 1340

At the request of Mr. LEAHY, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1340, a bill to establish a minimum funding level for programs under the Victims of Crime Act of 1984 for fiscal years 2010 to 2014 that ensures a reasonable growth in victim pro-

grams without jeopardizing the long-term sustainability of the Crime Victims Fund.

S. 1345

At the request of Mr. REED, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1405

At the request of Mr. KIRK, his name was added as a cosponsor of S. 1405, a bill to redesignate the Longfellow National Historic Site, Massachusetts, as the "Longfellow House—Washington's Headquarters National Historic Site".

S. 1536

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1536, a bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from writing, sending, or reading text messages while operating a motor vehicle.

S. 1598

At the request of Mr. SCHUMER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1598, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 1660

At the request of Ms. KLOBUCHAR, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1668

At the request of Mr. BENNET, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes.

S. 1681

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1728

At the request of Mrs. MCCASKILL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1728, a bill to amend the Internal Revenue Code of 1986 to modify the first-time homebuyer credit in the case

of members of the Armed Forces and certain other Federal employees, and for other purposes.

S. 1739

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1739, a bill to promote freedom of the press around the world.

S. 1744

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1744, a bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes.

S. 1777

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1777, a bill to facilitate the remediation of abandoned hardrock mines, and for other purposes.

S. 1801

At the request of Mr. CARPER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1801, a bill to establish the First State National Historical Park in the State of Delaware, and for other purposes.

S. 1809

At the request of Mr. WICKER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1809, a bill to amend the Clean Air Act to promote the certification of aftermarket conversion systems and thereby encourage the increased use of alternative fueled vehicles.

S. 1820

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1820, a bill to amend the Federal Water Pollution Control Act to establish national standards for discharges from cruise vessels.

S. 1822

At the request of Mr. MERKLEY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1822, a bill to amend the Emergency Economic Stabilization Act of 2008, with respect to considerations of the Secretary of the Treasury in providing assistance under that Act, and for other purposes.

S. 1832

At the request of Ms. LANDRIEU, the names of the Senator from California (Mrs. BOXER) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 1832, a bill to increase loan limits for small business concerns, provide for low interest refinancing for small business concerns, and for other purposes.

S. 1833

At the request of Mr. UDALL of Colorado, the names of the Senator from

New York (Mr. SCHUMER), the Senator from Michigan (Mr. LEVIN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Montana (Mr. TESTER) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 1833, a bill to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes.

S. RES. 317

At the request of Ms. KLOBUCHAR, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 317, a resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence.

S. RES. 318

At the request of Mr. DODD, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. BROWNBACK) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. Res. 318, a resolution supporting "Lights On After-school", a national celebration of afterschool programs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 1836. A bill to prohibit the Federal Communications Commission from further regulating the Internet; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today I am pleased to introduce legislation that would prohibit the Federal Communications Commission from enacting rules that would seek to regulate the Internet. Today the commission will meet to determine whether the historically open architecture and free flow of the Internet should be subject to onerous Federal regulation. Specifically, the commission will seek to impose "net neutrality" rules that would reign in the network management practices of all Internet service providers, including wireless phone companies.

Skeptical consumers should rightly view these new rules as yet another government power grab over a private service provided by a private company in a competitive marketplace. Earlier this year the administration moved to control much of the auto industry and the banking industry and now the ad-

ministration is trying to control the technology industry by regulating its very core: the Internet.

This government takeover of the Internet will stifle innovation, in turn slowing our economic turnaround and further depressing an already anemic job market. Outside of health care, the technology industry is the Nation's fastest growing job market. Innovation and job growth in this sector of our economy is the key to America's future prosperity. In 2008, while most industries were slashing jobs in the worst economy in nearly 30 years, high tech industries actually added over 77,000 good high-paying jobs. Just this month, Google and Yahoo both released positive earnings reports.

According to a report released last week by the Recovery Accountability and Transparency Board, which oversees the stimulus plan, 30,000 jobs have been directly created or saved by contractors who received money from the \$787 billion stimulus package for infrastructure and social programs. This pales in comparison to the fact that the high tech industry produced more than double the number of jobs so far "created or saved" by the so-called "stimulus legislation." It did so without the assistance of \$787 billion from the wallets of taxpayers. Maybe a better stimulus package for this economy would be an administration decision to keep the Internet free of government control and regulation.

Unfortunately, the administration seems oblivious to the fact that their stated opposition to the supposed excesses of capitalism is at odds with a new regulatory regime being lobbied for by the most powerful businesses. As the Chairman of the Federal Communications Commission has recognized, Americans have benefitted enormously from the Internet's "fundamental architecture of openness." The light touch regulatory approach toward the Internet that was advanced by previous administrations has brought Americans social networking, low cost long distance calling, texting, telemedicine and over 85,000 "apps" for the iPhone. It also brought us Twitter, You Tube, Hulu, Kindle, the Blackberry and the Palm. It has allowed the Internet to change our lives forever.

The wireless industry exploded over the past twenty years due to limited government regulation. Wireless carriers invested \$100 billion in infrastructure and development over the past three years which has led to faster networks, more competitors in the marketplace and lower prices compared to any other country. Meanwhile, wired telephones and networks have become a slow dying breed as they are mired in state and Federal regulations, universal service contribution requirements and limitations on use.

It is for these reasons that today I introduce The Internet Freedom Act of

2009 that will keep the Internet free from government control and regulation. This will allow for continued innovation that will in turn create more high-paying jobs for the millions of Americans who are out of work or seeking new employment. Keeping businesses free from oppressive regulations is the best stimulus for the current economy.

By Ms. LANDRIEU (for herself and Mr. WEBB):

S. 1838. A bill to establish a commission to commemorate the sesquicentennial of the American Civil War; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, I rise today to commemorate a defining moment in our Nation's history—the American Civil War. From 1861–1865, the U.S. was torn apart, engaged in the most deadly struggle that has ever befallen our great Nation. As we approach the War's 150th anniversary, we must remember the contributions of our forefathers, those many Americans who gave their lives to make America what it is now. Today I join my colleague, Senator WEBB, in introducing the Civil War Sesquicentennial Commission Act of 2009.

We all studied the Civil War in school. We know that the opening shots of the Civil War were fired at Fort Sumter, South Carolina in April of 1861 and that Robert E. Lee and Ulysses S. Grant agreed to peace at Appomattox Court House, Virginia on April 9, 1865. We recognize those most horrific battles—Antietam, Gettysburg, Fredericksburg, and the 10,000 other sites from New Mexico to Vermont that were host to fighting. We celebrate the strength and bravery of individuals such as Frederick Douglas and Harriett Tubman who risked everything to combat the deplorable institution of slavery. Every February, we observe President Lincoln's birthday, a day to recollect his legacy. The Emancipation Proclamation and Gettysburg address are two of the most memorable documents in American history, and it is thanks to President Lincoln that slavery was eradicated.

These are the most memorable aspects of the Civil War, but the influence and impact reaches so much further. I recently learned that on this very day, 148 years ago, work was underway on a revolutionary new technology—an innovation that would forever change the face of naval warfare. It was in October of 1861 that the keel of the USS Monitor was laid. For those who may not remember, the USS Monitor was the world's first ship to be entirely constructed from iron. It also featured the first rotating gun turret, allowing it to fire in any direction regardless of which way the ship was facing. Naval history recognizes this as the beginning of the end for wooden

warships and the need to strategically position ships because their artillery could only be fired in one direction. I recognize this as an example of American ingenuity.

This is just one additional example to show how the events of the American Civil War have reverberated through history. Every aspect of American life was affected whether economic, cultural, political, or otherwise. The most profound consequence of the Civil War was to end the legal edifice that justified the subjugation of people based on accidental characteristics such as race.

We must remember what our forefathers sacrificed for us. More than 3 million men fought in the Civil War. They left their homes and their loved ones to fight for their beliefs, their families, their Nation. 620,000 of those soldiers gave their lives.

We must remember the untold number of civilians who lost their lives or welfare because the battles were taking place all around them. No State, city, community, or family was untouched by devastation or loss.

We must remember the legacies of the Civil War. The U.S. emerged completely altered after the 4 years of struggle, and as a testament of American resilience, grew stronger than it was before. The cultural and political ramifications still shape the American landscape today. It was in the era of Reconstruction that Congress adopted the 13th, 14th, and 15th amendments to the Constitution, acknowledging black Americans as free and equal citizens of the U.S.

The Civil War Sesquicentennial Commission Act of 2009 is about preserving the memory. It will establish a Commission to ensure suitable National observance. Consisting of 25 members from government, business and academia, this commission will develop and carry out programs to commemorate the 150th anniversary of the Civil War. It will work together with State and local governments, as well as various organizations, to assist with these activities and ensure that remembrance occurs at every level.

Mr. President, 2011 marks the anniversary of a monumentally tragic time in American history, but also a time of intensive change, growth, and hope. We must use this opportunity to reflect upon the Civil War, the sacrifices, legacies, and changes in our Nation. I urge support of the Civil War Sesquicentennial Commission Act of 2009.

By Mr. SPECTER (for himself and Mr. GRAHAM):

S. 1843. A bill to provide increased penalties for health care fraud; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to speak about the Strengthening Enforcement for Health Care Fraud Crimes Act of 2009, which I

am introducing today with Senator GRAHAM.

At a time when Congress is poised to pass historic health care reform legislation to protect the health of Americans, it is imperative that we do all that we can to eliminate waste, fraud and abuse in America's health care systems. We must do all that we can to prevent, detect and vigorously prosecute health care fraud.

Health care fraud costs tax payers billions of dollars each year. National health care spending in the United States exceeded \$2.2 trillion and represented 16 percent of the Nation's Gross Domestic Product in 2007. The National Health Care Anti-Fraud Association, NHCAA, conservatively estimates that 3 percent of all health care spending—or more than \$60 billion—is lost to health care fraud perpetrated against both public and private health plans. Other estimates by government and law enforcement agencies suggest losses from fraud as high as 10 percent—or \$220 billion annually.

Fraud committed against both public and private plans by health care providers, medical equipment suppliers, drug companies, and also by fraudulent plan operators and brokers, undermines public trust in our health care system.

More importantly, the costs of health care fraud are borne by all Americans. It does not matter if you have health insurance sponsored by your employer, if you purchase privately your own insurance policy, or pay taxes to fund government health care programs. Health care fraud results in reduced benefits and coverage, and higher premiums and costs. It can mean higher taxes and increased budgetary challenges.

Health care fraud often targets the most vulnerable in our society—the elderly, the poor, and the infirm. Criminals involved in health care fraud falsify patients' medical records and steal patients' personal and insurance information to submit fraudulent claims. Health care fraud subjects patients to unnecessary and dangerous medical procedures. According to the FBI:

One of the most significant trends observed in recent health care fraud cases includes the willingness of medical professionals to risk patient harm in their schemes. FBI investigations in several offices are focusing on subjects who conduct unnecessary surgeries, prescribe dangerous drugs without medical necessity, and engage in abusive or substandard care practices.

FBI Financial Crimes Report to the Public, Fiscal year 2007.

Criminologists have long reported that criminals look at three factors in performing their own cost benefit analysis: the risk of getting caught; the probability of being convicted; and the severity of the punishment.

The bill I am introducing today addresses the third factor—and sends the message loud and clear to those who

would contemplate committing health care fraud. If caught stealing \$100,000 or more you will go to jail—no ifs, ands or buts. The bill provides a sentence of at least 6 months incarceration for committing health care fraud with losses of \$100,000 or more. You may even get more jail—under the discretionary guidelines—but no one will get less than 6 months for schemes of this size.

Since the Supreme Court decided *United States v. Booker* in January 2005 and made the Sentencing Guidelines advisory, sentencing judges have wide discretion to impose sentences on criminal defendants unless mandatory minimum sentences are applicable. Except for aggravated identity theft crimes, defendants do not face mandatory imprisonment for white collar crimes. Given the importance and necessity to vigorously prosecute and punish serious health care fraud crimes, I urge the Senate to pass this bill. Without it, there will be no certainty of punishment nor effective deterrence for serious health care fraud crimes.

By Ms. STABENOW (for herself, Mr. VOINOVICH, Mrs. HUTCHISON, Mr. BROWN, and Mr. KERRY):

S. 1857. A bill to establish national centers of excellence for the treatment of depressive and bipolar disorders; to the Committee on Health, Education, Labor, and Pensions.

Ms. STABENOW. Mr. President, today I introduced legislation to create a national strategy for treating two diseases that affect millions of Americans: depression and bipolar disorders. This bill, the Establishing a Network of Health-Advancing National Centers of Excellence for Depression, or the ENHANCED Act, will establish a network of national centers of excellence for the treatment of these disabling conditions. My bill would increase the number of people with depressive disorders who receive appropriate and evidence-based treatment; it would create a national resource to develop and disseminate evidence-based interventions, and provide public and professional education aimed at eradicating the stigma associated with depressive and bipolar disorders.

Depression and bipolar disorders affect one of every five people in the United States and are the leading cause of disability among individuals between the ages of 15 and 44. In fact, more Americans suffer from depression, bipolar illness and other mood disorders than from coronary heart disease and cancer combined.

Depression can affect anyone, at any age, at any time. It affects children, adolescents, and adults. It affects people of all racial, ethnic, religious, and socioeconomic levels as well as both sexes. Young adults, women of childbearing age, people with chronic medical conditions such as diabetes and

heart disease, and adults over the age of 55 are at especially high risk of depression.

With medication, psychotherapy, or combined treatment, most people with depression and mood disorders can be effectively treated and resume productive lives. Yet one-third of those suffering from depression—nearly 5 million Americans—do not receive treatment because they cannot afford it, do not believe it is needed, are afraid of societal judgment, or do not know where to go.

My bill is based on work done informally by 16 academic research institutions across the nation. Led by my own State's University of Michigan Depression Center, these comprehensive research and treatment centers have joined together to create a network of depression centers positioned to take academic research and translate it into practice, standardize diagnoses, treat early and more effectively, and prevent recurrences of depression and bipolar disorders.

Currently, there is no direct federal support or coordination of this work. Clinicians lack universally accepted multi-disciplinary approaches and real-time clinical and care management guidelines. Nearly half of all diagnoses of depression and bipolar are missed. And tragically, one of the preventable costs of undiagnosed, untreated and undertreated depression is suicide. The World Health Organization recently reported that suicide causes more deaths around the world every year than homicide or war. Across all age groups nationwide, more than 90 percent of those who commit suicide have a diagnosable psychiatric illness at the time of death: usually depression, alcohol abuse or both. Clearly, we need better diagnostic approaches to depression in primary care, other medical settings, and mental health programs.

Finally, depression has a significant economic impact on society. The estimated total annual cost of depression in the U.S. is \$83.1 billion, with the majority of costs in the form of reduced productivity, absenteeism, and mortality.

The ENHANCED Act offers us a viable response to a devastating and often debilitating disease: it would create a national network with a pathway for developing and expanding up to 30 depression centers of excellence with a goal of increasing access to the most appropriate and evidence-based depression care; it would develop and disseminate evidence-based treatment standards, clinical guidelines, and protocols to improve accurate and timely diagnosis of depression and bipolar disorders; it would expand multidisciplinary, translational, and patient-oriented research by fostering the collaboration of academic and community-based organizations; and, it would establish a sustainable national resource

for public and professional education and training.

We need to act now to make effective and evidence-based treatment of depressive and bipolar disorders available to the millions of Americans suffering from depression.

I urge my colleagues to join me today to support the ENHANCED Act.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MENTAL HEALTH AMERICA,
Alexandria, VA, October 13, 2009.

Hon. DEBBIE STABENOW,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: On behalf of Mental Health America (MHA) and our national network of more than 300 affiliates across the United States, I wanted to express our strong support for your legislative proposal to establish national centers of excellence for the treatment of depressive and bipolar disorders.

Your proposal to create the national network of centers of excellence for depressive and bipolar disorders would enhance the coordination and integration of physical, mental and social care that are so critical to the identification and treatment of depression and other mental disorders across the lifespan. The work of these centers will be an essential component in the dissemination and implementation of evidence-based practices in clinical settings throughout the country.

The goals of this initiative would be to create improved clinical care guidelines, chronic care coordination, multi-disciplinary translational research, and public-private partnerships. Publicly available national databases would be developed and community resources would be leveraged. This initiative would also encourage the use of electronic health records and telehealth technologies to better coordinate, manage, and improve access to care.

These centers are especially critical at this time given the strong evidence that economic uncertainty and recession increase the rates of psychiatric symptoms and demand for services. Depression is associated with poorer health outcomes and higher health care costs. Rates of depression and suicide—already at a staggering level of nearly 33,000 persons a year (roughly twice the number of homicides)—tend to climb during times of economic tumult. Our nation must prioritize the integration and coordination of mental health with general health care.

As you know, the lack of adequate care coordination for individuals with mental illness makes this population particularly vulnerable. For example, persons with serious mental illness die, on average, 25 years earlier than the general population, mainly due to other co-occurring chronic conditions. This proposal is an important step in an effort to decrease these distressing mortality rates and improve the quality of life for individuals experiencing mental health conditions.

MHA applauds your work on this important legislative initiative and looks forward to working with you to achieve its enactment at the earliest possible date.

Sincerely,

DAVID L. SHERN, PH.D.,
President and CEO.

AMERICAN ASSOCIATION FOR
GERIATRIC PSYCHIATRY,
Bethesda, MD, October 6, 2009.

Hon. DEBBIE STABENOW,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: On behalf of the American Association for Geriatric Psychiatry (AAGP), I wanted to take this opportunity to express our strong support for your legislative proposal to establish national centers of excellence for the treatment of depressive and bipolar disorders.

AAGP is a professional membership organization dedicated to promoting the mental health and well being of older Americans and improving the care of those with late-life mental disorders. AAGP's membership consists of approximately 2,000 geriatric psychiatrists as well as other health professionals who focus on the mental health problems faced by older adults.

Of the approximately 32 million Americans who have attained age 65, about five million suffer from depression, yet an astounding number go without treatment. Depression is associated with poorer health outcomes and higher health care costs. Those with depression are more likely to be hospitalized and experience almost twice the number of medical visits than those without depression. Older adults also have the highest rate of suicide in the country, accounting for approximately 20 percent of all suicide deaths; and the suicide rate for those 85 and older is nearly twice the national average.

The national network of centers of excellence for depressive disorders that would be created by your proposal would enhance the coordination and integration of physical, mental and social care that is so critical to the identification and treatment of depression and other mental disorders across the lifespan. The work of these centers will be an essential component in the dissemination and implementation of evidence-based practices in clinical settings throughout the country.

We applaud your work on this important legislative initiative and look forward to working with you to achieve its enactment at the earliest possible date.

Sincerely,
CHARLES F. REYNOLDS, III, MD,
President.

AMERICAN ACADEMY OF
CHILD AND ADOLESCENT PSYCHIATRY,
Washington, DC.

Hon. SHERROD BROWN,
Russell Senate Office Building,
Washington, DC.

Hon. JOHN KERRY,
Russell Senate Office Building,
Washington, DC.

Hon. KAY BAILEY HUTCHISON,
Russell Senate Office Building,
Washington, DC.

Hon. DEBBIE STABENOW,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS BROWN, KERRY, HUTCHISON, AND STABENOW: On behalf of the American Academy of Child and Adolescent Psychiatry (AACAP), I write to support the ENHANCED Act of 2009. The establishment of national centers of excellence for the treatment of depression and bipolar disorder is essential as we move forward with real healthcare reform.

As child and adolescent psychiatrists, our members are deeply invested in early identification of children with depressive disorders, as well as prevention strategies targeting children at risk. As many as 1 in 33

children and 1 in 8 teenagers in the United States have clinical depression. Suicide is the leading cause of death among those between the ages of 15 and 24.

While many adolescents are diagnosed with a depressive disorder, most go undetected and untreated. Lack of detection leads to social and academic decline, may foster treatment resistance in children, and result in many future problems.

The AACAP is a medical membership association established by child and adolescent psychiatrists in 1954. Now over 8,000 members strong, the AACAP is the leading national medical association dedicated to treating and improving the quality of life for the estimated 14 million American youth under 18 years of age who are affected by emotional, behavioral, developmental and mental disorders.

On behalf of AACAP's members, I commend you for your continued leadership on this issue. We are pleased to support this bill and we look forward to working with you and your staff to ensure its passage. Please contact Kristin Kroeger, Director of Government Affairs, if you have any questions concerning children's mental health issues.

Sincerely,

ROBERT L. HENDREN,
President.

AMERICAN FOUNDATION
FOR SUICIDE PREVENTION,
New York, NY, October 21, 2009.

Hon. DEBBIE STABENOW,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR STABENOW: It is with great enthusiasm that we write to support the ENHANCED Act which would establish a national network of Centers of Excellence for the treatment of a full range of depressive disorders that afflict our population.

Although depressive disorders are the most common illnesses that lead to disability in our country, there has been little concerted national effort to acknowledge the problem and enhance the treatment. Besides disability, they cause enormous suffering, loss of productivity, difficulty with family, friends and colleagues and can be fatal. As you are aware, suicide is the 11th leading cause of death in this country. Ninety percent of those who die by suicide have a mental disorder and the most common mental disorder is depression. Most people have known someone who has died by suicide. While survivors often recognize that the person was in a great deal of pain and agony, they often do not understand that the person was suffering from a treatable disease. We believe that this legislation can lead to partnerships between organizations like ours and the Centers of Excellence with the goal of reducing suicide. This has been an unrealized national imperative since the National Strategy for Suicide Prevention was issued in 2001.

Given that there is evidence that depression is under-recognized and often inadequately treated, we believe that these Centers of Excellence would provide appropriate and evidence-based treatment. In so doing, they would provide families, the public and professionals with knowledge about these disorders and help to erase the stigma that exists about them.

Treating depression requires a great deal of skill in order to provide the best care to each individual. These Centers of Excellence will promote best practices and therefore become national resources for the 35,000,000 people affected with depressive illnesses.

Given the recent well-documented increase in suicides in the military and returning veterans, it is clear that the country needs an all-out commitment to the education and treatment of these disorders. Thank you again for your work on this bill and please let us know how we can ensure that it becomes law, so that millions of Americans suffering from depressive disorders can recover and live healthy and productive lives.

Sincerely,

ROBERT GEBBIA,
Executive Director.
PAULA J. CLAYTON,
Medical Director.

By Mr. ROCKEFELLER (for himself, Mr. CORNYN, Mr. KOHL, and Ms. SNOWE):

S. 1859. A bill to reinstate Federal matching of State spending of child support incentive payments; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today, I introduce the Child Support Protection Act of 2009; with my colleagues Senators CORNYN, KOHL, and SNOWE. This bill continues the long-standing, bipartisan support of Congress for the Child Support Enforcement program, which began with the passage of the authorizing legislation in 1974.

Child support enforcement is a strong partnership between the Federal Government and State governments to help parents provide long term support for their children. It includes a network of 60,000 dedicated staff serving 17 million children across this country.

In 2008, paternity was established for 1.8 million children ensuring that the legal rights of both the children and their fathers were protected; 1.2 million orders for support were also established, resulting in \$26.6 billion of child support being collected and distributed to families. This is an important investment in the future of our Nation, our children.

So, the Child Support Enforcement program's results are impressive and it is widely recognized as one of the most effective programs operated by the Federal Government. In fact, the program is notable for collecting \$4.79 for each dollar of expenditure. It is a true bargain that works well.

Child support collections account for 31 percent of the income of single parent households, but the program does so much more. It works with non-custodial parents who need employment so that they can make regular payments. Child support staff also play a critical role in times of high joblessness, by processing adjustments to support orders so that non-custodial parents do not fall hopelessly behind.

When Congress passed the Child Support Performance and Incentive Act of 1998, CSPIA, it created an innovative incentive program that rewards efficient, results-oriented child support enforcement efforts. These earned performance incentives must be used for child support activities. One of every \$4

from State expenditures to fund the child support program comes from CSPIA incentives and matched Federal funds. The Deficit Reduction Act, DRA, of 2005 repealed the authority to use the earned performance incentives as a match for Federal funds. The bill we have introduced today reverses the funding reduction imposed by the DRA.

States are using the incentives in a variety of ways. In my State of West Virginia, the incentive dollars are being used to invest in technology to upgrade services and enhance customer service. Thirty States or territories are investing in staff and program operations. Sixteen States are investing in technology, and three others are investing in customer service programs.

The Child Support Protection Act would give States the authority to use earned performance incentives to fund this important work and continue the impressive results that are being achieved. This permanent reversal is critical so that those in State and local government can budget for 2011 and beyond. I urge my colleagues in the Senate to cosponsor this much needed legislation that is not only important to child support enforcement, but our children, their families, and the States.

Mr. KOHL. Mr. President, I rise with my colleagues, Senators ROCKEFELLER, CORNYN and SNOWE, in support of the Child Support Protection Act. Our bipartisan group has joined together in a fight for our states, counties and the people we serve every day. The legislation we are introducing today represents a renewed effort in that fight, as we work to restore cuts to the child support enforcement program.

This fight began in 2005 during Senate debate of the Deficit Reduction Act, or the DRA. That bill included cuts to the child support enforcement program—one of the most effective federal programs and one that directly benefits hardworking, single parent families. During consideration of the DRA, I joined 75 other Senators in support of a resolution rejecting child support funding cuts. But conferees ignored the Senate's record, including a provision to prevent states from receiving Federal matching funds on incentive payments.

Before passage of the Deficit Reduction Act, states with high-performing child support enforcement programs were eligible for additional funding. With the limitation included in the final bill, however, States like Wisconsin were suddenly penalized for their hard work and success. These states saw their child support dollars disappear—and were faced with tough budgeting decisions at both the state and county levels. Within a year, child support offices in my State were forced to lay off workers and many were left with no option but to scale back services.

Congress took a step towards fixing the problem as part of the American

Recovery and Reinvestment Act. The Recovery bill temporarily restored the funding process that was in place before the Deficit Reduction Act, and allowed States—for fiscal years 2009 and 2010—to draw down much needed Federal matching funds. In Wisconsin, the need was so great that some offices used that funding to hire temporary staff—to clear case backlogs and assist the constituents who have been hurt by the funding cuts.

This is a short term solution—to a problem that Congress created. It is time to fix that problem. The economy has left families struggling, and child support is a lifeline for many of them. It is time to give States and counties the ability to budget beyond the coming year. It is time to help the thousands of families who rely on child support payments to stay out of poverty and off public assistance. It is time for my colleagues to join me in supporting, and to pass, the Child Support Enforcement Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 320—DESIGNATING MAY 1 EACH YEAR AS “SILVER STAR BANNER DAY”

Mr. BOND (for himself and Mrs. McCASKILL) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 320

Whereas the Senate has always honored the sacrifices made by the wounded and ill members of the Armed Forces,

Whereas the Silver Star Service Banner has come to represent the members of the Armed Forces and veterans who were wounded or became ill in combat in the wars fought by the United States;

Whereas the Silver Star Families of America was formed to help the American people remember the sacrifices made by the wounded and ill members of the Armed Forces by designing and manufacturing Silver Star Service Banners and Flags for that purpose;

Whereas the sole mission of the Silver Star Families of America is to evoke memories of the sacrifices of members and veterans of the Armed Forces on behalf of the United States through the presence of a Silver Star Service Banner in a window or a Silver Star Flag flying; and

Whereas the sacrifices of members and veterans of the Armed Forces on behalf of the United States should never be forgotten: Now, therefore, be it

Resolved, That the President is authorized and requested to issue a proclamation designating May 1 each year as “Silver Star Service Banner Day” and to call upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2698. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supple-

mental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table.

SA 2699. Mr. ISAKSON (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2698. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking “(a)(1)” and inserting “(a)”;

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking “as adjusted by paragraph (2) of this subsection” and inserting “adjusted as provided by law”.

(c) EFFECTIVE DATE.—This section shall take effect on December 31, 2010.

SA 2699. Mr. ISAKSON (for himself and Mr. DODD) submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. ____ . CREDIT FOR CERTAIN HOME PURCHASES.

(a) ELIMINATION OF FIRST-TIME HOMEBUYER REQUIREMENT.—

(1) IN GENERAL.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended by striking “who is a first-time homebuyer of a principal residence” and inserting “who purchases a principal residence”.

(2) CONFORMING AMENDMENTS.—

(A) Subsection (c) of section 36 of such Code is amended by striking paragraph (1) and by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(B) Section 36 of such Code is amended by striking “FIRST-TIME HOMEBUYER CREDIT” in the heading and inserting “HOME PURCHASE CREDIT”.

(C) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 36 and inserting the following new item:

“Sec. 36. Home purchase credit.”.

(D) Subparagraph (W) of section 26(b)(2) of such Code is amended by striking “home-

buyer credit” and inserting “home purchase credit”.

(b) EXPANSION OF APPLICATION PERIOD.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended by striking “December 1, 2009” and inserting “July 1, 2010”.

(2) WAIVER OF RECAPTURE.—

(A) IN GENERAL.—Subparagraph (D) of section 36(f) of such Code is amended by striking “December 1, 2009” and inserting “July 1, 2010”.

(B) CONFORMING AMENDMENT.—The heading of such subparagraph (D) is amended by inserting “AND 2010” after “2009”.

(3) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of such Code is amended—

(A) by striking “December 1, 2009” and inserting “January 1, 2010”, and

(B) by adding at the end the following: “In the case of a purchase of a principal residence after December 31, 2009, and before July 1, 2010, a taxpayer may elect to treat such purchase as made on December 31, 2009, for purposes of this section (other than subsections (c) and (f)(4)(D)).”.

(c) MODIFICATION OF INCOME LIMITATION.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended—

(1) by striking “\$150,000” in paragraph (2)(A)(i)(II) and inserting “\$300,000”, and

(2) by striking “\$75,000” in such paragraph (2)(A)(i)(II) and inserting “\$150,000”.

(d) WAIVER OF ACCELERATED RECAPTURE FOR MEMBERS OF THE ARMED FORCES.—Paragraph (4) of section 36(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(E) RELOCATION OF MEMBERS OF THE ARMED FORCES.—Paragraph (2) shall not apply in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to residences purchased on or after the date of the enactment of this Act.

(2) EXTENSION.—The amendments made by subsection (b) shall apply to residences purchased after November 30, 2009.

SEC. ____ . PROVISIONS TO ENHANCE THE ADMINISTRATION OF THE FIRST-TIME HOMEBUYER TAX CREDIT.

(a) AGE LIMITATION.—

(1) IN GENERAL.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) AGE LIMITATION.—No credit shall be allowed under subsection (a) with respect to the purchase of any residence unless the taxpayer has attained age 18 as of the date of such purchase. In the case of any taxpayer who is married (within the meaning of section 7703), the taxpayer shall be treated as meeting the age requirement of the preceding sentence if the taxpayer or the taxpayer’s spouse meets such age requirement.”.

(2) CONFORMING AMENDMENT.—Subsection (g) of section 36 of such Code, as amended by this Act, is amended by striking “subsections (c) and (f)(4)(D)” each place it appears and inserting “subsection (b)(3), (c), and (f)(4)(D)”.

(b) DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36 of such Code is amended by striking “or” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, or”, and by

adding at the end the following new paragraph:

“(3) the taxpayer fails to attach to the return of tax for such taxable year a properly executed copy of the settlement statement used to complete such purchase.”.

(C) RESTRICTION ON MARRIED INDIVIDUAL ACQUIRING RESIDENCE FROM FAMILY OF SPOUSE.—Clause (i) of section 36(c)(2)(A) of such Code, as redesignated by this Act, is amended by inserting “(or, if married, such individual’s spouse)” after “person acquiring such property”.

(d) CERTAIN ERRORS WITH RESPECT TO THE FIRST-TIME HOMEBUYER TAX CREDIT TREATED AS MATHEMATICAL OR CLERICAL ERRORS.—Paragraph (2) of section 6213(g) of such Code is amended by striking “and” at the end of subparagraph (M), by striking the period at the end of subparagraph (N) and inserting “, and”, and by inserting after subparagraph (N) the following new subparagraph:

“(O) an entry on a return claiming the credit under section 36 if—

“(i) the Secretary obtains information from the person issuing the TIN of the taxpayer that indicates that the taxpayer does not meet the age requirement of section 36(b)(3),

“(ii) information provided to the Secretary by the taxpayer on an income tax return for at least one of the 2 preceding taxable years is inconsistent with eligibility for such credit, or

“(iii) the taxpayer fails to attach to the return the form described in section 36(d)(3).”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to purchases after the date of the enactment of this Act.

(2) DOCUMENTATION REQUIREMENT.—The amendments made by subsection (b) shall apply to returns for taxable years ending after the date of the enactment of this Act.

(3) TREATMENT AS MATHEMATICAL AND CLERICAL ERRORS.—The amendments made by subsection (d) shall apply to returns for taxable years ending on or after April 9, 2008.

SEC. ____ . CERTAIN TAX RETURN PREPARERS REQUIRED TO FILE RETURNS ELECTRONICALLY.

(a) IN GENERAL.—Subsection (e) of section 6011 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULE FOR TAX RETURN PREPARERS.—

“(A) IN GENERAL.—The Secretary shall require that any individual income tax return prepared by a tax return preparer be filed on magnetic media if—

“(i) such return is filed by such tax return preparer, and

“(ii) such tax return preparer is a specified tax return preparer for the calendar year during which such return is filed.

“(B) SPECIFIED TAX RETURN PREPARER.—For purposes of this paragraph, the term ‘specified tax return preparer’ means, with respect to any calendar year, any tax return preparer unless such preparer reasonably expects to file 100 or fewer individual income tax returns during such calendar year.

“(C) INDIVIDUAL INCOME TAX RETURN.—For purposes of this paragraph, the term ‘individual income tax return’ means any return of the tax imposed by subtitle A on individuals, estates, or trusts.”.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 6011(e) of such Code is amended by striking “The Secretary may not” and inserting “Except as provided in paragraph (3), the Secretary may not”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns filed after December 31, 2010.

SEC. ____ . EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

(a) IN GENERAL.—Section 6041 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsections:

“(h) APPLICATION TO CORPORATIONS.—Notwithstanding any regulation prescribed by the Secretary before the date of the enactment of this subsection, for purposes of this section the term ‘person’ includes any corporation that is not an organization exempt from tax under section 501(a).

“(i) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be appropriate or necessary to carry out the purposes of this section, including rules to prevent duplicative reporting of transactions.”.

(b) PAYMENTS FOR PROPERTY AND OTHER GROSS PROCEEDS.—Subsection (a) of section 6041 of the Internal Revenue Code of 1986 is amended—

(1) by inserting “amounts in consideration for property,” after “wages,”.

(2) by inserting “gross proceeds,” after “emoluments, or other”, and

(3) by inserting “gross proceeds,” after “setting forth the amount of such”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2011.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on Wednesday, November 4, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 1369, to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes;

S. 1405, to redesignate the Longfellow National Historic Site, Massachusetts, as the “Longfellow House-Washington’s Headquarters National Historic Site”;

S. 1413, to amend the Adams National Historical Park Act of 1998 to include the Quincy Homestead within the boundary of the Adams National Historical Park, and for other purposes;

S. 1767 and H.R. 1121, to authorize a land exchange to acquire land for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, and for other purposes;

S. Res. 275, honoring the Minute Man National Historical Park on the occasion of its 50th anniversary;

H.R. 2802, to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes; and

H.R. 3113, to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study

for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Allison Seyferth at (202) 224-4905.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing before the Subcommittee on Public Lands and Forests to receive testimony on managing Federal forests in response to climate change, including for natural resource adaptation and carbon sequestration has been rescheduled.

The rescheduled hearing will be held on Wednesday, November 18, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to: allison_seyferth@energy.senate.gov.

For further information, please contact Scott Miller at (202) 224-5488 or Allison Seyferth at (202) 224-4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on October 22, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 22, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 22, 2009, at 10 a.m., to hold a hearing entitled “NATO: A

Strategic Concept for Transatlantic Security.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 22, 2009, at 3 p.m., to hold a members briefing entitled “Status Report on Iran.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Keeping America’s Families Safe: Reforming the Food Safety System” on October 22, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 22, 2009, at 10 a.m. to conduct a hearing entitled “Presidential Advice and Senate Consent: The Past, Present, and Future of Policy Czars.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on October 22, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on October 22, 2009, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 22, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDAL OF HONOR COMMEMORATIVE COIN ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent the Banking Committee be discharged from further consideration of H.R. 1209.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1209) to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America’s highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1209) was ordered to a third reading, was read the third time, and passed.

PROCLAIMING CASIMIR PULASKI TO BE AN HONORARY CITIZEN OF THE UNITED STATES POSTHUMOUSLY

Mr. REID. I now ask we proceed to H.J. Res. 26, after the Judiciary Committee is so discharged.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 26) proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DURBIN. Mr. President, October 11, 2009, marked the 230th anniversary of the death of General Casimir Pulaski, a man who made the ultimate sacrifice in pursuit of American independence.

In March, I introduced S.J. Res. 12 to grant honorary posthumous citizenship to General Pulaski. The Senate passed my resolution unanimously. Recently, the House of Representatives passed H.J. Res. 26, the House’s version of this resolution, which was introduced by Representative DENNIS KUCINICH. Today, the Senate will consider H.J. Res. 26 and I urge my colleagues to support it.

I would like to thank Senator LISA MURKOWSKI, the lead Republican co-

sponsor of S.J. Res. 12, as well as the resolution’s other cosponsors, Senators MIKULSKI, CARDIN, WHITEHOUSE, DODD, BROWN, BURRIS, and PRYOR. I would especially like to thank the Polish Legion of American Veterans, U.S.A., for their longstanding and tireless support for this resolution.

This resolution is a long overdue tribute to a man who gave his life to the cause of American freedom, a man who is often referred to as the “Father of the American Cavalry.”

General Pulaski was born in Warsaw, Poland, and became a Polish national hero for his struggles against Russian domination. His opposition to Russian influence and participation in an unsuccessful rebellion against Russia led to his exile from Poland.

Seeking refuge, Pulaski traveled to France, where he met Benjamin Franklin and was inspired to join the Continental Army in its fight for American independence. Franklin recommended Pulaski to General George Washington as “an officer renowned throughout Europe for the courage and bravery he displayed in defense of his country’s freedom.”

On September 11, 1777, Casimir Pulaski fought with distinction in the Battle of Brandywine, where his bravery and military skill helped to avert American defeat and save the life of George Washington. Upon Washington’s recommendation, the Continental Congress promoted Pulaski to General and appointed him General of the Cavalry. That same year, Casimir Pulaski wrote to Washington, “I came here, where freedom is being defended, to serve it, and to live or die for it.”

General Pulaski recruited, outfitted, and trained America’s first true cavalry. Pulaski often even used his own personal finances to provide his troops with the finest equipment to ensure their safety in battle.

Two years after he joined the fight for American freedom, Pulaski was mortally wounded during a major offensive against British forces in Savannah, GA. He died at sea, aboard the USS *Wasp*, on October 11, 1779.

General Pulaski’s valiant service and heroic death inspired his contemporaries and continue to inspire us today. Shortly after his death, the Continental Congress resolved to build a monument in his honor that proved to be the first of many. In 1825, General Lafayette, an honorary American citizen, laid the cornerstone for the Pulaski monument in Savannah, GA. In 1929, Congress resolved that October 11 of each year would be Pulaski Day in the United States, and several States have followed that example. There are countless schools, streets, towns, and memorials across this country that bear his name and honor his contributions to our Nation’s birth.

In my home State of Illinois, we are privileged to have a large and vibrant

Polish American community. Chicago is home to the Polish American Museum and the Polish American Congress, which includes three thousand Polish organizations from across the country. The Polish American community also has a large presence in the Illinois National Guard, which has enjoyed a long-standing relationship with the Polish Air Force.

Illinois honored General Pulaski in 1973 by designating the first Monday of every March Pulaski Commemorative Day. In 1986, that day was declared a State holiday.

Honorary citizenship is long overdue and a proper tribute to a man who gave his labor and life to the cause of American independence. I urge my colleagues to support H.J. Res. 26 to honor General Casimir Pulaski and his indelible contribution to our Nation's birth.

Mr. REID. I ask unanimous consent the joint resolution be read a third time and passed, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 26) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

MEASURE READ THE FIRST TIME—S. 1858

Mr. REID. It is my understanding that S. 1858 is at the desk and due for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1858) to require Senate candidates to file designations, statements, and reports in electronic form.

Mr. REID. Mr. President, I ask for a second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR MONDAY, OCTOBER 26, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, October 26; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. As previously announced, there will be no rollcall votes during Monday's session of the Senate. The next vote will occur at 2:30 p.m. on Tuesday, October 27. That vote will be on the motion to proceed to H.R. 3548, the Unemployment Compensation Extension Act of 2009.

Next week will be a busy week. We hope to complete action on the Unemployment Insurance Extension Act, Commerce-Justice-Science Appropriations, and Military Construction Appropriations. We also need to pass a continuing resolution before the end of the week.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as if in executive session, I ask unanimous consent that on Tuesday, October 27, following a period of morning business, the Senate proceed to executive session to consider Calendar No. 470, the nomination of Irene Berger to be United

States District Judge for the Southern District of West Virginia; that debate be limited to 60 minutes equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that at 2:15 p.m. the Senate proceed to vote on confirmation of the nomination, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, no further motions be in order, and the Senate then resume legislative session, and that upon resuming legislative session, the Senate vote on the motion to invoke cloture on the motion to proceed to H.R. 3548.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, OCTOBER 26, 2009, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:07 p.m., adjourned until Monday, October 26, 2009, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

BETTY E. KING, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE OFFICE OF THE UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA, WITH THE RANK OF AMBASSADOR.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

LILLIAN A. SPARKS, OF MARYLAND, TO BE COMMISSIONER OF THE ADMINISTRATION FOR NATIVE AMERICANS, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE QUANAH CROSSLAND STAMPS, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JAMES C. LEWIS

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

TIMOTHY M. SHERRY

To be lieutenant commander

ROBERT N. MILLS

HOUSE OF REPRESENTATIVES—Thursday, October 22, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 22, 2009.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Almighty and ever-living God, as we reflect upon the past, give us a grateful spirit that will rejoice in the love that has graced our days and provide us with the wisdom to learn from our mistakes.

Remove blame and shame from our minds, that we can better discern the crises of today.

As we strain our vision and take control of our wandering hearts to embrace the future, give us confidence in Your divine providence, Lord, and endow us with gifted instincts to prepare us for what lies ahead.

Free us from prejudices and greed which narrow our perspective and rob us of our true potential as a people.

Help us to seize the present moment and make choices that will assure the progress of Your people and give You glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) come forward and lead the House in the Pledge of Allegiance.

Mrs. DAHLKEMPER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

HONORING THE LIFE OF SERGEANT DAVID W. WALLACE, III

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, I rise today with a heavy heart to honor the life of Sergeant David W. Wallace, III, of Sharpsville, Pennsylvania. Sergeant Wallace was killed in January 2009 while deployed to Afghanistan with the 2nd Combat Engineers Battalion, 2nd Marine Division.

This morning, the Sharpsville community gathers to dedicate the Sergeant Wallace Memorial Bridge, where Sergeant Wallace used to fish on the Shenango River. The bridge is a fitting tribute, and the people of Sharpsville do a great service to the memory of Sergeant Wallace and his family in its dedication.

Sergeant Wallace was only 25 years old when his life was taken in Afghanistan. He leaves behind his wife, Erica; his stepson, Landon; his daughter, Brooklyn; and a host of family and friends who dearly miss their brave soldier.

Today, I ask my colleagues to join me in honoring the memory of Sergeant David Wallace and commending the people of Sharpsville for honoring his service to our country.

God bless his family, and God bless the troops.

CUT MEDICARE PARTS A, B, C AND D TO FUND "PART E"?

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, the House may attempt to rebrand their \$1 trillion government health care plan as something they will try to call Medicare Part E. To save their own brand, they are willing to cheapen Medicare's. Medicare currently cares for seniors, but under this bill, Medicare will attempt to cover millions more with much less money.

Look at CBO's accounting of the Senate bill. It shows what the House plans to do. To fund a new government

health care bill, Congress will cut Medicare Parts A, B, C and D. CBO reports they will cut Medicare Part A for hospitals \$128 billion; Medicare Part B for doctors, \$130 billion; Medicare Part C, Advantage, \$133 billion; Medicare Part D, drugs, \$20 billion. The bill also raises \$424 billion in taxes in the teeth of the great recession.

All of this to fund a new government health care program that will not care for a single senior, but will use their health care dollars to help support a government program Congress attempts to call Medicare Part E.

Do you think seniors will be fooled by this?

50TH ANNUAL FORT LAUDERDALE INTERNATIONAL BOAT SHOW

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Mr. Speaker, I rise today to mark the occasion of the 50th annual Fort Lauderdale International Boat Show. Running from October 29 through November 2 in locations across Fort Lauderdale, the boat show will have a major impact on south Florida's economy. In previous years, the impact has been as high as \$500 million.

Tourism and the marine industry are critical to our local economy, and the annual boat show is a major draw, with more than half of the visitors coming from outside our area.

Families from around the world come to visit south Florida to enjoy our sunshine, our beautiful beaches and the remarkable quality of life. The boat show puts all of these qualities on display while also supporting the marine industry, which provides 134,000 high-paying jobs in our community.

The Fort Lauderdale International Boat Show is the biggest and best show in the world and has been so for many years. I would like to thank the organizers and the community leaders of this world-class event and wish them well during their golden anniversary boat show.

HISTORIC TOWN HALLS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, over the weekend, I hosted the first congressional town halls ever held at Barnwell High School for Barnwell and Aiken Counties; at North High

School for Orangeburg, Calhoun and Southern Lexington Counties; and at Wade Hampton High School in Varnville for Hampton, Allendale and Jasper Counties.

At each town hall, I was inspired by the enthusiastic and concerned citizens who support health insurance reform such as H.R. 3400, but they oppose a big government health care takeover. They see the administration's efforts as an attack on senior citizens and small businesses. They are shocked at bills that would kill jobs in communities with record unemployment.

I am grateful for the historic record-setting turnouts at town halls across the Second Congressional District in Columbia, Lexington, Beaufort, and Hilton Head. I look forward to the town hall this Saturday at Oakwood-Windsor Elementary School for citizens of Aiken County.

Town hall participation is making a difference, limiting government. And expanding freedoms.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

SHOWING THE NATION WHAT CLEAN ENERGY IS ALL ABOUT

(Ms. PINGREE of Maine asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PINGREE of Maine. Mr. Speaker, this beautiful picture is of the Kibby Mountain Wind Project, which went online last week and became the largest wind power development in Maine's growing wind energy industry. This is just one example of how Maine is becoming a leader in wind energy.

Also last week, the Obama administration selected Maine to become the home for a national deepwater offshore wind research center. Our State has committed to building 3 gigawatts of land-based wind power and 5 gigawatts of offshore wind power in the Gulf of Maine, developing new technology and creating new jobs in the process.

All across Maine, small and large wind power developments are popping up. This summer, I watched along with my friends and neighbors as three turbines have gone up in our island community, a project that will make my town energy independent and save us money over the long run.

Maine is showing the Nation what clean energy is all about. We can create homegrown solutions to our energy problems, freeing us from our dependence on foreign oil, making us self-sufficient, and creating good-paying jobs that can't be exported.

A SCOURING PLAGUE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, there are families in America where assault, violence and terror at home are a way of life.

Yvette Cade got a restraining order against her abusive husband, a man that she daily and dreadfully feared. But a Virginia judge lifted that protective order when her husband, Roger Hargrave, promised he would seek counseling.

Soon after the order was lifted, Yvette went off to her job at a T-Mobile store. Her husband later walked in the store, doused her with gasoline and set her on fire. A customer boldly put out the fire that resulted in third-degree burns over 60 percent of Yvette's body.

That was 4 years ago. Yvette, a survivor, has spent 92 days in the hospital and she has had 14 surgeries. She lives in daily turmoil and pain, pain inflicted on her by her worthless, wretched husband.

Mr. Speaker, October is National Domestic Violence Awareness Month. Brutality at home cannot remain a dark secret any longer. Domestic violence is a national health care issue; a crime and a scouring plague on a nation's culture.

And that's just the way it is.

DENOUNCING THE CUBAN REGIME

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, today I rise to denounce the deplorable and dangerous actions of the Cuban regime.

On Monday, The Miami Herald reported that in the 6 months after the attacks of September 11, dozens of Cuban spies walked into our embassies all over the world and sent our officials on wild goose chases disguised as terrorist threats. These intelligence agents fabricated threats to deliberately pull our officials away from their work of identifying and preventing more attacks.

I cannot stress the underhanded and malicious nature of the regime in Cuba. These actions directly undermined our national security. These agents repeatedly, before and after 9/11, visited embassies. They posed as defectors to get our intelligence to waste time and resources. These visits to embassies increased dramatically after 9/11, and Cuban agents specifically used our sensitivity to terrorist threats to mislead our officials.

The Cuban regime deceived us when we were most vulnerable, in the months after the deadliest attacks on American soil.

Mr. Speaker, I am outraged by this news, and I hope my colleagues are, also.

A SCARY TIME FOR THE AMERICAN PEOPLE

(Mr. BONNER asked and was given permission to address the House for 1 minute.)

Mr. BONNER. Mr. Speaker, Halloween is just around the corner, but unfortunately, the Democrats who control both sides of Pennsylvania Avenue, if they have their way, there will be no treats, but only tricks, for small businessmen and -women and other hardworking taxpayers in the form of higher taxes, more government regulation and even more debt to be saddled on to the backs of our children and grandchildren.

News that our Speaker has all but guaranteed her caucus that there will be a robust public option in any health care bill to pass Congress is a code word for this, Mr. and Mrs. Taxpayer. If you think government is too big now, just wait.

Sadly, there is a reason why so few Americans have any confidence, much less respect, for the leaders here in Washington. It is because our so-called leaders have shown absolutely no respect to the hardworking taxpayers of this country, with a spending and borrowing spree unlike anytime in American history.

Halloween or not, this is a scary time for American taxpayers.

PRODUCTIVE HEALTH CARE FORUM

(Ms. TITUS asked and was given permission to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, on Monday night, I held a health care forum in my district to hear the thoughts and concerns of my constituents as we continue this critical debate on health care reform. There were strong feelings on all sides of the issue, but the important thing is we were able to come together and have a productive forum on the important factors that are central to reforming health care so that we can reduce costs, increase access, expand choice, and strengthen—yes, strengthen—Medicare.

I want to thank Temple Ner Tamid for hosting the forum; Mitch Fox for moderating with such grace; our panelists, Tom McCoy and Max Richtman; and especially the approximately 500 people who cared enough to come together and get involved in this discussion.

As the health care debate continues over the coming weeks, I look forward to sharing with my colleagues in the House on both sides of the aisle the valuable thoughts and ideas that were discussed at Monday's forum.

□ 1015

PRESIDENT OBAMA REVERSES HIMSELF ON HEALTH CARE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, during the Presidential campaign, Senator Obama ran an ad attacking Senator Clinton because her "health care plan forces everyone to buy insurance and you pay a penalty if you don't." If that sounds familiar, it should. That's exactly what the Obama administration is now forcing on the American people. What Senator Obama once criticized, President Obama now embraces.

Democrats' health care bills penalize people who don't buy the government's designated kind of health insurance, and the fine or tax can be close to \$2,000 per person. Just as bad, most people who do buy health insurance will pay higher premiums, and seniors, especially, will see their benefits cut according to the nonpartisan Congressional Budget Office.

Senator Obama was right. President Obama is wrong. Why have so few in the national media pointed out the about-face, flip-flop, backtrack, and 180?

OUR NATION'S INFRASTRUCTURE

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Mr. Speaker, the upcoming reauthorization of our surface transportation programs provides us with a unique opportunity to examine the ways we can maximize the return on our investment of taxpayer dollars we make in our Nation's infrastructure. If we strive for both economic and environmental sustainability, I believe we should support the idea of having this Nation's infrastructure designed to last without maintenance as long as possible and be 100 percent recyclable. The technology to meet these goals exists today, and we will save billions of dollars over time and lighten the financial burden for future generations.

As we work to address the cost of rebuilding our roads, bridges, and transit systems, we can require the use of 75-year maintenance-free and 100 percent recyclable materials. If we do this, we will be able to fund more projects and make critical infrastructure improvements faster.

The technology that exists today to meet all of these goals is galvanized steel. Galvanized steel is made up of naturally occurring zinc bonded to steel, which protects it from erosion for 75 years without maintenance. Steel bridges, sign structures, guide rail, light poles, facilities can benefit

from it. This is technology available to us.

DON'T COST MY PATIENTS COVERAGE OR BENEFITS

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, as a physician, a family physician for over 30 years, I must speak out again on health care. The President promised, promised that if you like what you have you, you can keep it. But it appears, with the current Democrat health plan, this is not true, at least when it comes to seniors.

Both the House and Senate proposals contain billions in cuts to Medicare Advantage, a very popular private insurance program that 25 percent of America's seniors have chosen for themselves. With ObamaCare this, the Greatest Generation, will lose benefits they currently enjoy, another broken promise by the President. Many seniors will be forced to pay for services such as supplemental vision or hearing coverage that was previously covered. Consequently, seniors will be dumped back into the regular Medicare that, according to this plan, will have \$300 billion stripped from it.

The net result of this broken promise for seniors, some of whom are my patients, will be to have substantial reduction in service, care, and benefits.

HEALTH INSURANCE REFORM

(Mr. SCOTT of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCOTT of Virginia. Mr. Speaker, responsible health insurance reform requires a comprehensive approach. For example, health insurance companies often deny coverage if you have a pre-existing condition. But if we require insurance companies to cover preexisting conditions, all Americans must be required to carry health insurance; otherwise, people will just wait until they get sick before they buy insurance. And if all Americans are going to be covered, we must have mandates and taxes to subsidize those who can't afford it.

Furthermore, in most States, there's only one company with an overwhelming market share, and so, without a public option, people in many States would be mandated to buy insurance from a sole-source, for-profit corporation without any limit on what it can charge. You know that's not fair.

So even though there is a consensus that people with preexisting conditions should be able to buy insurance at a reasonable cost, we cannot achieve that goal without mandates, subsidies, and a public option to provide competition. That's why we need comprehen-

sive health insurance reform with a public option.

RECOGNIZING CASEY HILMER

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I rise today to recognize Casey Hilmer of Cincinnati, Ohio, of the suburb of Indian Hill for finishing fourth in the women's division of the 30th Columbus Marathon.

Casey, running her first marathon, and having no formal marathon training, finished with a time of 2 hours and 54 minutes. This was only 7 minutes behind the overall women's winner. Casey also finished first in her age bracket.

While her fourth place finish is extraordinarily impressive, it is what she overcame that brings me to this floor to celebrate her accomplishment. Ms. Hilmer's finish is made more impressive by what she's had to overcome.

More than 6 years ago, at the age of 13, she was attacked. As she was jogging near her parents' home, Casey was abducted and stabbed four times. Thankfully, this did not stop her from doing what she loves—running.

Mr. Speaker, I believe Casey is a shining example of perseverance and dedication. Casey will not be deterred. I am confident this strong young woman will accomplish every goal on which she sets her mind.

Congratulations, Casey, on your remarkable accomplishment. Perhaps your next goal—the Olympics.

HEALTH CARE REFORM

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Mr. Speaker, more evidence is coming in every day that the health insurance industry cannot help itself when it comes to pocketing profits at the expense of the American people and American businesses.

At precisely the moment when you would think the health insurance industry would want to demonstrate some restraint, because it's been telling us for months that it can accomplish voluntarily all the things that we want to try to impose in terms of better regulation on their practices, putting competition in place in terms of a public option, at precisely that moment when they have an opportunity to demonstrate restraint, I've been going around my district and hearing from businesses and employers who are just now getting the notices, the renewal notices on what the insurance premiums are going to be starting in January; and they're looking at 20 percent increases, 25 percent, 30 percent. So that sends a strong message that

the insurance industry voluntarily is not going to do the right thing.

That's why we've got to get a good, strong insurance reform in place that puts best practices in place with respect to that industry and provides some competition. That's what we're working for right now.

PROSECUTING THE WAR IN AFGHANISTAN

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Mr. Speaker, we are a Nation at war, and our Commander-in-Chief is more focused on how to engineer a government takeover of our health care system than he is on prosecuting the war in Afghanistan. It is my belief, having read General McChrystal's 65-page report on what is necessary to win this war, that he was pressured by the administration to strip his request for how many troops out of this report.

When things were going bad in Iraq in 2007, the Commander-in-Chief then, George W. Bush, turned to his military commander on the ground in Iraq and said, What will it take to turn this situation around? And General Petraeus came up with a plan, came before the Armed Services Committees for the House and the Senate to address what was necessary to turn the tide in Iraq, and he was granted what he requested for.

The President needs to allow General McChrystal to give an honest assessment of what it will take to win in Afghanistan, and General McChrystal needs to share that with the Congress of the United States.

RYAN WHITE TREATMENT ACT

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise enthusiastically to support the extension of the Ryan White Treatment Act but also the full authorization.

I was here in Washington with Senator Kennedy and Senator ORRIN HATCH in 1990 when this vital, life-saving bill was implemented to provide treatment for those who were infected with HIV. I was a member of the Houston City Council at that time, in awe because of the high number of HIV cases in the city of Houston.

We must continue to address the treatment of HIV and the prevention of it, as well as ending the stigma that comes with that disease.

As well, let me say that it is important for health care reform to pass because we will get back to the idea of prevention and access for all to health

care. And I'm very glad to support legislation in the Judiciary Committee that is going to stop price fixing for health premiums, health insurance premiums and medical malpractice premiums.

My good friends, extend and pass the Ryan White Treatment Act and support a vigorous public option for health care reform. America will see brighter days ahead of her and be able to provide access to health care for all Americans.

STOP VOTING TO KILL JOBS

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, health insurance reform should not cost my patients their jobs. I have with me some disturbing numbers about our economy.

My home State of Georgia has a 10.1 percent unemployment rate. This is about 10 percent worse than when the Democrats passed their supposed "job creating stimulus bill." The overall unemployment rate in the United States, as we know now, is 9.8 percent, and 15 million Americans are actively looking for work.

Now, the Democrats are asking this Congress to vote to kill more jobs. Their health care reform plan, funded through massive new taxes on employers, will result in as many as 5.5 million additional lost jobs. Don't believe me? Well, ask the 22 Democrats who signed a letter to Speaker PELOSI on July 16 telling her the Obama plan would cause an increase of many small business taxes to up to 50 percent.

Mr. Speaker, Georgia businesses cannot afford any more job-killing taxes. And I respectfully ask you, on behalf of all Georgians, please stop voting to kill jobs.

ECONOMIC RECOVERY BY THE NUMBERS

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, through their words and votes, the Republican Party has been urging the American people not to stand in the way of a Great Depression. They unanimously voted against the President's economic stimulus package. But let me quote the nonpartisan economist, Robert Samuelson, this week. He says: In early 2009, consumer and business spending was collapsing. The stimulus has helped stabilize the economy. It has saved jobs that otherwise would have been lost. And interest rates didn't rise.

Now, there's obviously work still to be done. The numbers show, though,

that we averted an economic depression and put our economy on a path toward recovery. We know that that road to recovery is long, but it's clear that things are starting to turn around.

A million jobs have been created or saved by the Recovery Act; 250,000 education jobs; 30,000 jobs created or saved by businesses that received Federal contracts from just a small part of the Recovery Act; and 500,000 responsible homeowners have signed up for the foreclosure prevention program.

Mr. Speaker, this stimulus investment is working and it deserves bipartisan support.

FREEDOM OF SPEECH

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. You know, the American people cherish our freedom of speech and a free and independent press. That's why I found this morning's headlines so troubling.

Goaded on by a White House increasingly intolerant of criticism, lately the national media has taken aim at conservative commentators in radio and television, suggesting that they only speak for a small group of activists, and even suggests in one report today that Republicans in Washington are "worried about their electoral effect." Well, that's hogwash.

To suggest the men and women that are taking a stand for fiscal discipline and traditional values in the national debate today only speak for "grass-roots activists" is absurd. As evidenced by the hundreds of thousands who filled town hall meetings this summer and the nearly million Americans that gathered here in Washington in September, millions of American, Republicans, Democrats, and Independents, are worried about liberal social policies and runaway Federal spending, deficit, and debt.

So, to my friends in the so-called mainstream media, I say, conservative talk show hosts may not speak for everybody, but they speak for more Americans than you do.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 3585, SOLAR TECHNOLOGY ROADMAP ACT

Mr. POLIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 846 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 846

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the

Whole House on the state of the Union for consideration of the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science and Technology now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration

the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Science and Technology or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

The SPEAKER pro tempore. The gentleman from Colorado (Mr. POLIS) is recognized for 1 hour.

Mr. POLIS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina, Dr. FOXX.

GENERAL LEAVE

Mr. POLIS. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 846 provides a structured rule for consider-

ation of H.R. 3585, the Solar Technology Roadmap Act. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI and provides 1 hour of general debate equally divided and controlled by the chair and ranking member of the Science and Technology Committee. It provides that the amendment in the nature of a substitute recommended by the Science and Technology Committee shall be considered as an original bill for the purpose of amendment and shall be considered as read.

The rule waives all points of order against the substitute except those arising under clause 10 of rule XXI.

The rule makes in order only those amendments printed in the Rules Committee report. Such amendments may be offered only in the order printed in the report and shall be offered by the Member designated in the report, shall be considered as read, and shall not be subject to demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI.

The rule provides one motion to recommit with or without instructions. The Chair may entertain a motion to rise only if offered by the Chair of the Committee on Science and Technology, and the Chair may not entertain motions to strike out the enacting clause.

Mr. Speaker, for the last 2 weeks right down the street on the National Mall, 20 teams of university students competed in the biannual Department of Energy's solar decathlon. These teams competed not just for victory but for innovation and public awareness as well.

Every 2 years, teams from all over the globe prove unequivocally, either rain or shine, under the all-too-frequently cloudy skies of Washington, D.C., our Nation's Capital, that solar power is not only here for the future, but is here and ready to go today. These teams showcase both cutting-edge technology and technology that has been around for decades. Technology that creates jobs, promotes energy independence, combats climate change just simply isn't getting the attention it deserves from several blocks away here on the Hill.

The solar decathlon itself is noticing an interesting trend that speaks to what's occurring on a global scale. Teams like the two-time winners from my congressional district, the University of Colorado, unfortunately aren't finding the support that they need, and the University of Colorado had to cancel their program to compete this year, while teams from Europe and elsewhere continue to find the budget to compete and to win.

Right now because of the policies we have and have not passed, our country is starting to lose the innovation race

in technology. Europe, China, and other countries are leapfrogging us in the race to refine the technology that will power our future.

This past Monday, The Wall Street Journal's "Power Plays" section highlighted America's competitiveness problem, which has been seen and felt by the many solar and clean-tech companies in my district for years.

Our technology is draining away to countries who know how to support and foster its growth. The Wall Street Journal highlighted how China is taking the lead in solar energy investment and drastically cutting the price of the technology and its development, making it harder for U.S. companies to compete.

Mr. Speaker, up until now Congress' attitude towards renewable energy and solar has been wanting. We failed time after time to support the small businesses, the technology, and the policies that could have and should have changed our Nation's energy outlook years ago.

American solar businesses have had to deal with the uncertainty of not knowing what government policies will be in place from one year to the next; production in investment tax credits have ebbed and flowed with no real consistency.

As someone with a background in business, I know this simply just doesn't work. Whether you're figuring out your payroll or trying to secure investments, without long-term certainty with regard to the playing fields, you have a hard time accomplishing either. Our policies towards solar research have been equally sporadic with no real directive to lead our research or investment.

We desperately need to focus our research and focus our investments, and this legislation will do that.

Mr. Speaker, simply put, this bill is a game changer. This bill is the focus, this bill is the directive that we as a Nation need in order to realize the great potential that solar energy has had for decades and will have for our future. By creating this road map, we will have the foremost experts in the world focusing our research, focusing our policies, and focusing our vision on what is possible and what will be achieved; and in doing so, we will encourage investment by providing the long-term assurance that the market is so desperately looking for.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague from Colorado for yielding time, and I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the rule before us today. The underlying legislation is being brought to the floor under yet another structured rule that does not allow for many of the amendments my colleagues on both sides of the aisle presented during the

Rules Committee hearing. This is especially wrong when debating one of the important issues of our time, our Nation's energy policy. By choosing to operate in this way, the majority has cut off the minority and their own colleagues from having any input in the legislative process.

My assumption is that, along with me, all other Members want to see more solar power used in this country; but the Democrats in charge are limiting what ideas can be debated on the floor and what constituents can be adequately represented in the House.

Our constituents in both Republican and Democrat districts are struggling to make ends meet, are facing unemployment, and yet are simultaneously being shut out of participating in debate over how their hard-earned taxpayer dollars are being spent by the Federal Government.

Why is the majority blocking debate on such important legislation? Are they afraid of debate? Are they protecting their Members from tough votes? Are they afraid of the democratic process?

With that, Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 4 minutes to the gentleman from New Mexico, a member of the Committee on Science and Technology, Mr. LUJÁN.

Mr. LUJÁN. I thank the gentleman from Colorado.

Mr. Speaker, I speak today in support of H.R. 3585, in support of the rule in support of the Solar Technology Roadmap Act, a bill that I cosponsored and supported proudly during the committee process. And I commend Congresswoman GIFFORDS for her work on this important bill.

Mr. Speaker, I come from a State that has over 300 days of sunshine, a State that has abundant solar resources, a State that recognizes that we have to get out in front of this. But as we talk about the Southwest and where we have a lot of sunshine, we cannot lose sight that countries like Germany, that don't have the abundant solar resources that we do here in the United States, but especially in the Southwest, are still ahead of us. They're outproducing us, they're generating more power from the sun. We have to get out in front of this issue, Mr. Speaker.

Solar energy production will support economic growth by creating jobs and opportunities for a clean energy workplace.

You know, as we talk about this issue, we see and we remember that this technology, solar technology, was invented and developed right here in the United States, right here in America; yet we're falling further and further behind. We talk about the need for more jobs, for making sure that we're getting ahead of this important energy issue. There is no reason that solar en-

ergy can't be and should not be—and it must be—a big part of the solar mix of the energy mix that we have right here in the United States.

When we talk about the investment in education, the emphasis with technology, engineering, mathematics, and science, making sure that we're building up that young group, those talented young people that will solve tomorrow's problems, investment in solar technology in developing a road map that will be essential in fully deploying and developing this technology is critically important. Our national laboratories at the forefront here are our colleges and universities. We have to invest in our engineers, our scientists, our researchers to provide this path forward.

The solar technology road map lays out a clear path for identifying our country's solar technologies, development needs and staying on track to address its importance. It lets us get back in the front on this issue, Mr. Speaker. The Solar Technology Roadmap Act will provide resources to our academic institutions, our national laboratories for research and development, and a demonstration of advanced techniques and manufacturing a variety of solar energy products.

Mr. Speaker, we can't wait any more. We all need to come together when we talk about the future of our energy needs in our country, solving our dependence on foreign sources of energy, getting back out in front of this very important issue.

This piece of legislation will allow us to get there and allow us to pave the way and, once again, Mr. Speaker, allow America, allow the United States, allow our scientists our entrepreneurs, our business people to use their hands, use their minds, use their hearts and their souls to get back out in front of this issue.

I urge my colleagues to vote for the rule and support this legislation that will set our country on a path to be a leader in solar energy.

Ms. FOXX. Mr. Speaker, I now yield 5 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank very much the gentlelady for yielding.

I rise in opposition to this rule and in opposition to the underlying bill; and to explain why, I would like to walk through a little history and a little math.

Let's begin with history and two very important dates: 1978 and 1839. In 1978, *The Wall Street Journal* carried this headline: "Solar Power Seen Meeting 20 Percent of Needs By 2000; Carter May Seek Outlay Boost."

Well, oddly the same paper carried a headline in 2006 making the same promise, this time for all renewable fuels, only this time by 2025, but I digress.

Billions of dollars were poured into research and development for solar

technology as a result of that, and an entire solar industry solely supported by NASA subsidies arose in order to grab those dollars. And what was the result of all of this plunder of taxpayers and rate payers? More than 30 years after that promise was made in 1978, solar power accounts for just one percent of electricity generation. That's not for lack of subsidies; it's because despite all of the billions of dollars of subsidies, the technology remains immensely inefficient and expensive.

□ 1045

And that brings me to the second year, 1839. This is not a new technology. Photovoltaic electricity was first discovered by French physicist Alexandre Edmond Becquerel in the year 1839. This technology has existed for 170 years, and in those 170 years of scientific discovery and progress and despite billions of dollars of subsidies to the solar industry, we have yet to discover a more expensive way of producing electricity.

When the State of California was squandering its wealth on subsidizing this industry a few years ago, I asked the California Energy Commission: what is the price range of all of the various forms of electricity generation that we can choose from?

Here is what they reported: the cheapest form of electricity generation is hydroelectric. It ranges from a quarter of a cent to 2.7 cents per kilowatt hour, so the mid-range average is around 1.5 cents. Then comes nuclear power, with a mid-range of around 1.7 cents. After that is coal at about 1.9 cents, then wind at 4.6 cents, and gas at 10.6 cents. Finally, we get to the most expensive way to produce electricity, solar, which is between a low of 13.5 cents and a high of 42.7 cents per kilowatt hour, with a mid-range of about 28.1 cents. But it gets worse.

In a day, a solid acre of state-of-the-art solar panels can produce 2.2 megawatt hours of electricity, assuming an average of 5 hours of peak sunlight—2.2 megawatt hours per day. Now compare that to the Diablo Canyon nuclear power plant that produces 49,000 megawatt hours of electricity each day. In order to duplicate that single nuclear power plant, it would require 22,000 acres of solid solar panels—34 square miles of solid solar panels. By comparison, the Diablo Canyon power site sits on just 1 square mile.

So this technology, after 170 years and after countless billions of dollars of research and development, is roughly 17 times more expensive than nuclear power, and it consumes 32 times the land area of a comparable nuclear facility. But don't worry, say the proponents, we just need a few billion dollars more to become competitive. Well, I'm sorry, but we have heard that song before. I suppose hope springs eternal.

For decades, the Federal Government and gullible States like California have kept the solar industry afloat by pumping billions of dollars into subsidized loans, by crediting consumers who buy solar panels and, of course, through research and development—\$166 million last year and \$175 million this year by the Department of Energy alone.

This is an industry that exists solely of the dole, by the dole and for the dole, and it is now clamoring for billions of dollars more. If this rule is passed and if the bill is taken up, they are going to get it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional 30 seconds.

Mr. McCLINTOCK. If they get this rule and get this bill, they are going to get those billions of dollars more taken directly out of the shrinking bank accounts of American taxpayers. This is called the Solar Technology Roadmap Act. We have heard of the “bridge to nowhere.” This is the road map that’s going to get us there.

Mr. POLIS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I thank the gentleman.

Mr. Speaker, I rise in support of the rule, which makes in order the manager’s amendment, which includes a provision that I drafted to require that one of the demonstration projects in the bill be on organic solar technology.

Organic solar technology turns solar cells into high-tech ink that can be printed or sprayed onto surfaces using the same general idea as a common ink-jet printer. This technological leap allows us to turn lightweight, flexible films into solar receptors, which opens the door to using solar power for items like cell phones, laptops and even military equipment that can recharge in the field. Additionally, this technology could potentially cost less than silicon solar technology because it’s easier to process and because it makes solar technology more attainable for all Americans.

Organic solar cells would potentially be better for the environment than would traditional silicon solar technology. Not only does organic solar technology use less energy in production because it requires less processing, but the cells can more easily be recycled. Two of the biggest barriers to organic solar technology are how long the cells last in the field and how efficiently they convert sunlight into electrical energy.

My provision in the manager’s amendment would ensure the opportunity for a demonstration project to pursue bringing organic solar technology to market. It is for that reason, Mr. Speaker, that I support the rule and that I ask my colleagues to support the bill.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to my distinguished colleague from Tennessee, Mr. DUNCAN.

Mr. DUNCAN. I thank the gentlewoman from North Carolina for yielding me this time.

Mr. Speaker, I rise in opposition to this rule and to the underlying multi-billion-dollar waste that the rule brings to the floor.

Later today, I am sure the House will approve overwhelmingly this very wasteful \$2.2 billion subsidy for the solar power industry and for the solar bureaucracy, but we should be remembering that our national debt will soon pass \$12 trillion in just a few days. Solar energy has received massive subsidies, with very little progress, ever since the Carter administration. In fact, it has turned into little more than a jobs boondoggle for bureaucrats as the gentleman from California just showed us in a story from *The Wall Street Journal* where, in 1978, there was a claim that solar energy by the year 2000 would make up 20 percent of our energy needs.

After all of this time and after all of this money, however, solar energy makes up far less than 1 percent of the total of U.S. energy. In fact, it is just 1 percent of the 7 percent that renewable energy provides this country. That is such a small figure that I can’t even figure out exactly what 1 percent of 7 percent is. It’s hard to get that small. The Department of Energy has received at least \$1.2 billion for this research just since fiscal 2000, not counting what other departments and agencies have spent on this.

I am not against solar energy in any way, but it is way past time for this industry to stand on its own. The demand for solar energy will go up much faster if the industry is weaned off of Federal money and if it is forced to put out a better, more efficient and less expensive product. This is called free enterprise. Some people may have heard of it. The taxpayers simply cannot afford to keep funding a very wasteful program just because it is politically correct or fashionable to do so. This is a multibillion-dollar waste, and it should be defeated.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional 30 seconds, Mr. Speaker.

Mr. DUNCAN. This bill should be defeated, but it will not be. As someone told me last week, it is easy to run as Santa Claus, but it is almost impossible to run against Santa Claus.

I urge the defeat of this legislation.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

Mr. Speaker and Members of the House, the House has an opportunity today to do something in a very fair

and correct way and that is very important.

I do want the record to reflect the degree of inclusion that Chairman GORDON and the members of his committee have put forth in this bill.

By my count, there were 29 suggestions made by the minority which are included in this underlying legislation. One was made at the subcommittee level and was accepted, and three were made at the full committee level and were accepted. The gentlewoman from Arizona has a manager’s amendment which will be considered by the House later today. My understanding is it includes 25 suggestions from the minority. The minority had some input, so the idea that this is a one-sided discussion, I think, is simply not accurate. More importantly, the discussion takes us in a direction that our country very badly needs to go.

My friend from Tennessee just talked about the importance of paying down the national debt, and he sure is right. There is a best way to pay down the national debt, in my view, and two of the best ways are included in this bill. The first is to stop spending hundreds of billions of dollars a year overseas to buy energy from countries that are not terribly friendly to us. The second way is to put Americans to work. So, instead of consuming public resources in the welfare, Medicaid or food stamp systems, they’re paying more taxes because they’re making more money, and they’re contributing to the Treasury in that way.

This bill puts us on a path that leads to those two directions. It is a road map. It suggests ways that innovative strategies can be used to increase the amount of energy that we derive from the sun.

Now, my friend from New Mexico could have talked about how solar energy is prominent in his State because they do have a lot of sunshine there. I’m from New Jersey. We have a fair degree of sunshine but certainly not to the degree that they have in New Mexico. However, New Jersey is now second in the Nation in the number of kilowatt hours that we produce from solar energy. So our State is living proof of the fact that you do not have to be in a warmer, sunny-all-the-time climate in order to achieve progress in this way. Those are the kinds of strategies that we will see investigated and encouraged as a result of this bill.

You know, this is a matter of energy, environment and security. The energy aspects are obvious. The more energy we derive from the sun, the less we buy from the Middle East and the less vulnerable we are. Second, it’s a matter of the environment. The emission of greenhouse gases is a serious and growing problem in our ecosystem, and this bill would reduce the amount of greenhouse gases that we emit into the environment.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. ANDREWS. Finally, it's a matter of national security. Many of the problems that vex us today in the international situation are precisely because we put ourselves in a position of disadvantage by buying so much necessary energy from overseas, often from countries who do not share our human rights or international agenda.

This has been a very fair and open process. It's a very wise and forward-looking bill, and I would encourage Members of both the majority and minority to support this rule and to support the underlying bill later this afternoon.

Ms. FOXX. Mr. Speaker, I need to point out to the gentleman from Massachusetts that the manager's amendment incorporated 10 majority amendments. The only amendments that came in from the Republicans were put in in the names of the majority. There was only one Republican amendment made in order for today under the rule.

I would like now to recognize for 3 minutes my colleague from Nebraska, Mr. SMITH.

Mr. SMITH of Nebraska. Mr. Speaker, I rise today thankful we're talking about energy. Far too often, it seems, Washington is working on efforts to stop energy development right here in America. This bill at least makes an effort to tap into our domestic energy potential. However, I am concerned about the cost, and I am concerned the bill actually doesn't go far enough.

As a member of the Science Committee, I am familiar with the efforts to spur energy research, and as a member of the Natural Resources Committee, I am familiar with the rich resources our Nation has to generate more domestic energy. At a time when we are facing an annual deficit which is larger than the deficits from the last 4 years combined, we are here today to spend another \$2 billion without any way to pay for it.

Energy policy is about choices, and the leadership of this Congress and of this new administration has made the choice not to promote the most economic and energy-rich forms of domestic energy resources, including oil and gas. In contrast, Republicans have chosen to support American energy production through an all-of-the-above energy plan. We support the development of solar energy all across America, and we also support wind, nuclear, hydropower, biofuels, and oil and gas development—domestic sources of energy.

America does not need just one choice on energy. We need access to all of the domestic energy resources we can develop. The American Energy Act would clean up the environment, lower energy costs, and create more American jobs than the bill before us today.

In fact, the American Energy Act has four main objectives:

Increasing the production of American-made energy in an environmentally responsible and sound manner; promoting new, clean and renewable sources of energy such as nuclear, hydropower, clean-coal technology, wind and solar energy; encouraging greater efficiency and conservation by extending tax incentives for energy efficiency and rewarding development of greater conservation techniques and new energy resources; and cutting red-tape and reducing frivolous litigation.

America needs energy development, and America needs jobs. While today's bill will promote some energy development and some new jobs, it's only one piece of the puzzle. America needs an all-of-the-above energy policy to develop many new energy resources and to create a lot of jobs.

Mr. Speaker, Republicans stand ready to help you promote increased domestic energy development. It's time that Congress not pick winners and losers in energy. It's time for all of the above.

□ 1100

Mr. POLIS. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Speaker, I rise today to support H.R. 3585, the Solar Technology Roadmap Act of 2010.

It is critical that we promote the development of solar energy technology in order to expand our national energy profile. Such advancements are also important in helping us achieve our goal of energy independence.

Colorado, in particular, has great potential for the generation and use of solar energy. Ten miles west of the Great Sand Dunes National Park in Alamosa County, Colorado, sits an 8.2 megawatt photovoltaic plant, one of the largest solar farms in the Nation. With 1 megawatt having the capacity to power 800 homes, enough energy is produced at the Alamosa plant to power over 6,500 homes. The facility is expected to add 250 megawatts of solar power by 2015.

Earlier this year, the Bureau of Land Management identified southern Colorado as a solar energy study area for concentrated solar energy production. The two dozen areas currently being evaluated by the Bureau of Land Management could produce as much as 100,000 megawatts of solar electricity. As a rancher, I am confident that the positive environmental impact, economic development, and cost savings yielded by the access to solar energy would benefit rural communities across the Nation.

Mr. Speaker, it is crucial that we promote the use of technologies such as solar as part of our energy mix. I encourage my colleagues on both sides of the aisle to give this bill their full sup-

port. Investment in advanced technologies will ensure that America remains on the cutting edge, secures our standing as a leader on the alternative energy front, and brings us one step closer to energy independence.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill deserves the emperor's new clothes award. We all, again, want to see improved and increased use of solar energy in our country, but this rule and this bill are not going to do it.

The bill before us authorizes \$2.25 billion in borrowed money for the creation of a new committee which would devise a solar technology road map or plan. This wasteful spending does not reflect the hard economic times our country and our constituents are experiencing right now and, instead, is spending borrowed money that we do not have.

Whenever I am home in North Carolina, which is every weekend, I hear from numerous constituents their concerns that the Federal Government in Washington is borrowing and spending too much. The American people know that in these tough economic times that they should save, not spend money. However, the Federal Government does not reflect the common sense I see throughout my district. Instead, the Democrats in charge here continue to borrow more and spend more, increasing our Federal deficit on the backs of our children and grandchildren.

The money that Speaker PELOSI and the Obama administration want to authorize today is all borrowed money. We cannot say that often enough. We do not have this money. Our constituents do not have this money and the Federal Government does not have this money. The Democrats in charge have made the irresponsible decision to borrow it in order to spend it at their whim.

Mr. Speaker, the U.S. national debt is currently \$11.5 trillion. With over 300 million people in the United States today, each citizen's share of this debt right now is \$38.8 thousand. This bill will increase the deficit even more by borrowing and spending money we don't have. We can no longer blame the deficit and economic difficulties today on the previous administration.

Those in charge have shown they don't care about the deficit by continuing to dig America into a deeper and deeper hole with more reckless spending. This borrowed money is all being spent by Speaker PELOSI and the Obama administration. As a result, the unemployment rate continues to rise and the deficit continues to rise also.

Since the Democrats took control of Congress on January 4, 2007, the national debt has increased by \$3.282 trillion. Since President Obama was inaugurated just months ago in January,

the national debt has increased by \$1.325 trillion. The Department of the Treasury has reported that under the Democrats' control, 2009 is the worst fiscal year in this Nation's history. The results get more disastrous with each passing day.

Mr. Speaker, the debt limit has been raised at least three times since 2008. A debt limit increase was included in H.R. 3221, the Housing and Economic Recovery Act of 2008. H.R. 1424, the Emergency Economic Stabilization Act of 2008 raised the debt limit again.

The Democrats in charge raised the debt limit yet again less than a year later with passage of H.R. 1, the, quote, stimulus, in February of this year. That bill raised the debt limit to \$12.104 trillion, where it now stands. As if that weren't enough, the fiscal year 2010 budget resolution adopted on April 29, 2009, triggered the automatic passage of a separate measure, House Joint Resolution 45, to raise the debt limit to \$13.029 trillion, which was then sent to the Senate.

We will soon be asked to raise the debt limit again just as soon as the majority can find a way to do it and hide it in some other bill so that the American people hopefully are fooled by what they are doing. They are not going to be fooled because they are paying attention to what's going on here in the Congress.

I have opposed all these efforts to raise the debt limit. According to an analysis by The Heritage Foundation, the White House projects \$10.6 trillion in new deficits over the next decade. This is nearly \$80,000 per household in new borrowing. It's beyond time to stop digging.

The new budget estimates, including an estimated total national debt of \$24.5 trillion in 2019 under President Obama's budget, are alarming and unsustainable. The result will be the highest level of spending and debt in American history. This is an irresponsible lack of fiscal restraint carried on the backs of our children and grandchildren. My constituents at home and Americans across the Nation are not operating their family budgets as recklessly as this Congress is spending their taxpayer dollars.

On top of all this, the President and Congress' shameless proposals to create a \$1 trillion health care entitlement are careless and unaffordable. We should be focusing on capping Federal spending, restraining entitlements, and eliminating wasteful programs. When will the Democrats learn that out-of-control spending will not solve our Nation's problems?

Last week, a group of us had the great opportunity to hear Mr. John Allison, who is chairman of the board of Branch Banking and Trust Company in North Carolina, one of the most successful banks in the United States. He told us then that we are on an

unsustainable course in terms of accruing debt.

He said if we do not stop this almost immediately, we have fewer than 25 years left as a great Nation, that within 25 years we will become a Third World country similar to other Third World countries, particularly in South America. We cannot sustain this. We owe our children and grandchildren a better future. We need alternatives.

But what the Democrats in charge are doing is shutting off our opportunity to use alternative sources of energy that we have available to us in this country. We have plenty of oil, plenty of gas, plenty of coal. We could be using all of those sources of energy, but they are shutting us out. We should be utilizing those and not doing what our colleague from California showed, and that is wasting money on setting up committees to devise road maps to bridges to nowhere, when we could be developing the resources that we have, allowing the private sector to do it, and not having government involvement.

Mr. Speaker, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from New York, a member of the Committee on Science and Technology, Mr. TONKO.

Mr. TONKO. I thank the gentleman for yielding.

Mr. Speaker, I rise today in strong support of H.R. 3585, the Solar Technology Roadmap Act of 2010.

As a Representative and certainly as an engineer, I wholeheartedly embrace the soundness of planning. The road map here represents planning that provides for the most effective use of taxpayer and consumer dollars and also provides for the most commonsense approach to a situation that has really caused a great interest in America.

The previous administration spent down a surplus while it could have been investing in a sound energy plan. We now have no choice but to enter this clean energy race, which is global in nature. America will fall into deeper deficit in tougher times if it does not participate in the innovation economy driven by energy and environment reform.

This bill will unleash the potential of the American solar tech industry and boost our economy by creating jobs in this expanding new sector. It requires the Department of Energy to establish a solar road map committee to write and oversee a solar technology road map. The solar technology road map will lay out a detailed plan for solar tech research and development, help improve the performance and reliability of solar technology, and decrease the cost of solar for consumers and businesses.

Research and development funding will not only stimulate our economy and be the wave of energy innovation

for the future, but it is also through R&D that we will be able to solve environmental issues, ensure the next wave of energy innovations occur right here in America, and provide those all-important American jobs to grow our economy and assist and relieve our American working families.

Solar has the potential to shave over-all electricity prices for consumers as well as enhance capacity. This bill is crucial to catalyze both of these activities. In fact, this body previously passed a similar piece of legislation that I sponsored, H.R. 3165, the Wind Energy Research and Development Act. That bill looked at improving and making more efficient the materials used for construction of wind turbines.

In my district alone, there are numerous businesses and academic institutions such as the College of Nanoscale and Science Engineering at the University of Albany, which I toured this just this week, where thin film improvements are greatly enhancing and improving the opportunity for market penetration of many nanoscale applications such as solar energy. We will advance with this legislation and grow jobs and grow our economy and not reject the innovation that was rejected in the previous administration.

As the vice Chair of the Sustainable Energy and Environment Coalition, or SEEK, which is newly formed this year, we recognize that H.R. 3585 is an important bill and is therefore a legislative priority. As such, I want to thank the gentlelady from Arizona for developing such a great bill, one that speaks volumes to bettering our Nation's economy, speaking to our energy policy and our environment.

I encourage a strong vote in favor of its passage.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while solar energy is an important resource and worthy of support, there are many flaws in this legislation and in the rule. This is not the right policy to advance our Nation's energy needs.

As usual, the Democrats' approach to another problem is to take money from hardworking citizens to use for their pet projects and their supporters. This approach fails to incorporate creative solutions that do not rely on ever increasing the size of the Federal Government.

According to the Science and Technology Committee, solar energy has been on the forefront for over 30 years, and yet it still makes up only 1 percent of the 7 percent of renewable energy consumed in the United States. Because there is no silver bullet, our Nation's energy policy must encompass many energy alternative solutions.

Mr. Speaker, if the Democrats in charge were serious about achieving energy independence and freeing our Nation from the grip of foreign oil,

they would bring legislation to the floor that invests in several energy initiatives, not just one.

□ 1115

Republicans have alternatives. We have alternatives to everything that they have been presenting. We've introduced legislation that would encompass a multitude of energy initiatives, including solar technology. H.R. 2846, the American Energy Act, of which I'm a cosponsor, is a comprehensive energy solutions plan that would create jobs, make energy more affordable, diversify our energy sources, and help the U.S. become more energy independent.

The American Energy Act would increase both the supply of American-made energy in environmentally sound ways and achieve the goal of energy independence for our Nation. Instead of investing billions in taxpayer dollars we don't have for one energy resource, the American Energy Act would establish a renewable energy trust fund using revenues generated by exploration in the deep ocean and on the Arctic coastal plain. It would permanently extend the tax credit for alternative energy production, including wind, solar and hydrogen; and it would eliminate barriers to the expansion of emission-free nuclear power production. The comprehensive strategy is budget neutral, without tax increases, and would make independence achievable without wasting billions of our constituents' dollars.

But instead of taking real action, this bill places restrictions on solar technology research and development by requiring that the Secretary of Energy allocate at least 75 percent of funding to those solar R&D projects directed under the committee's road map. This leaves little flexibility for innovations that may be feasible and yet were not included in the road map.

When Speaker PELOSI took office, she promised the Nation that this Congress would be the most open and honest in history. This bill works against that objective. At least one-third of the road map committee created by this bill is made up of industry officials who are explicitly exempted from the Federal Advisory Committee Act, which is intended to provide an open and transparent process. The Democrats in charge could have ensured the road map committee was open and transparent, but curiously they chose not to.

When it comes to solar technology research and development, we must have the collaboration of the Department of Energy, universities and industries. However, this bill would create a committee, half of which could be industry, telling DOE where to direct taxpayer money into research and development that could benefit their companies while not having to answer to anyone or defend their recommenda-

tions. This is not a responsible policy when billions of taxpayer dollars are on the line.

Mr. Speaker, H.R. 900, of which I'm a cosponsor, would liberate energy companies from being suffocated by extreme environmental litigation and allow them to move forward and get approval to implement energy products.

Mr. Speaker, this rule is wrong. This bill is a bad bill.

Since 2005, more than 200 applications have been submitted to the Bureau of Land Management for permission to build solar power projects on federally controlled land. To date, the Bureau of Land Management hasn't approved a single one of them. Mr. ROHRBACHER has introduced H.R. 964, the Emergency Solar Power Permit Act, of which I am a cosponsor, to exempt solar energy projects from costly and prolonged environmental impact statement requirements. Enacting this legislation would do more to expedite solar energy than the underlying bill.

Even though the public has repeatedly demanded to take advantage of the resources we have here at home, attempts to develop these resources are consistently and adamantly opposed by radical environmentalists who claim to be in favor of domestic development of renewable energy. The American people are suffering the consequences.

The Democrats' radical environmentalist friends and campaign donors continue to block domestic energy development by imposing excessive environmental litigation on energy companies. This excessive litigation prevents our country from moving forward to implement policies that will develop renewable technology and free us from the grip of foreign oil.

H.R. 900, of which I am a cosponsor, would liberate energy companies from being suffocated by extreme environmental litigation and allow them to move forward and get approval to implement energy projects. However, the Democrats in charge will not allow this bill to come to the floor for debate because they have more allegiance towards their radical environmentalist friends than towards the American people.

Mr. Speaker, amendments to reduce the authorization, give the Secretary of DOE discretion as to how much funding should go to the Roadmap recommendations, and sunset the Roadmap Committee in 2015 were all voted down in the hearing on this legislation.

Amendments to protect small businesses, veteran-owned businesses, and fund this bill through unspent funds authorized under the "stimulus" earlier this year were blocked by the Democrats on the Rules Committee so we will not be debating them in order to improve this flawed legislation. Because of this, Mr. Speaker, I oppose this rule and urge my colleagues to vote "no."

I reserve the balance of my time.

Mr. POLIS of Colorado. Mr. Speaker, by creating a solar technology road map committee made up of experts representing a variety of perspectives from the private industry, the solar technology industry, from the national laboratories, one of which borders my district, the National Energies Labora-

tory in Golden, Colorado, from academia and from the relevant Federal, State, as well as local agencies, we can ensure that we have all the stakeholders on board with a forward-thinking strategic plan for using our Federal solar energy research, rolling out development and demonstration, and making sure that funds are spent effectively and efficiently.

The road map that this bill will create is a model that's tried and true. This bill's road map is modeled on the successful National Technology Roadmap for Semiconductors which has been instrumental in helping the semiconductor industry and semiconductor technology advance rapidly over the past two decades. The progress in the semiconductor industry has helped make the technology exponentially more cost competitive and has grown the industry to help establish America as the international leader in semiconductors, just as we have the opportunity to be the true international leader in solar technology.

Like solar technology, the semiconductor industry at one point in time also needed focus. It needed a road map to point it in the right direction, a road map to ensure that its investments were being used wisely and efficiently, allowing us to compete with other countries. This bill will do the same for the solar industry.

Mr. Speaker, the Solar Technology Roadmap Act has gained a wide variety of bipartisan support, support from institutions and organizations from many different perspectives on the energy issue.

I strongly urge passage of this legislation, and I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, if I can inquire of the gentleman from Colorado if he is prepared to close.

Mr. POLIS of Colorado. I have no additional speakers.

Ms. FOXX. Mr. Speaker, we have no additional speakers, and I will make my closing speech now.

Mr. Speaker, I urge my colleagues to defeat the previous question so an amendment can be added to the rule. The amendment to the rule would provide for separate consideration of H. Res. 554, a resolution to require that legislation and conference reports be posted on the Internet for 72 hours prior to consideration by the House. It does not affect the bill made in order by the rule.

The amendment to the rule provides the House will debate the issue of reading the bill within 3 legislative days. It does not disrupt the schedule.

The bill currently has 164 cosponsors. The discharge petition has 182 names, including five Democrats. This bill has gained support of an overwhelming majority of Americans and is widely respected by government watchdogs.

The existing House rule, that committee reports be available for 3 days

prior to floor consideration, has been repeatedly waived by Republicans and Democrats alike. This is not a partisan measure. As Members of Congress, we ought to agree that regardless of the legislation brought before us, we should always have the opportunity to read and understand the legislation before we vote.

The American public agrees with this commonsense position. A recent survey by Rasmussen Reports found that 83 percent of Americans say legislation should be posted online and available for everyone to read before Congress votes on it. The poll also found that this is not a partisan issue: 85 percent of Republicans, 76 percent of Democrats, and 92 percent of unaffiliated voters favor posting legislation online prior to its being voted on.

In the beginning of the year, Democrat Members of this Congress voted to spend almost \$790 billion in taxpayer dollars on a stimulus package that most Members did not even read. All Republicans voted "no." The 1,073-page document wasn't posted on the government's Web site until after 10 p.m. the day before the vote to pass it was taken.

Furthermore, before debate on the cap-and-tax bill offered last summer, the House was presented with a 300-plus-page amendment at 3 a.m. for debate the following morning and a vote the following afternoon. This was unacceptable and further demonstrated the need to read the bill and the amendments.

Mr. Speaker, we are elected to Congress to represent our constituents. How are we supposed to determine what is right for our fellow Americans if we have to vote on something before we even have time to read it? We need to have this debate. If people oppose having the text of bills available to read, they should make their case. This amendment to the rule allows them to do just that.

I urge my colleagues to defeat the previous question so that we can have this debate and do the right thing for the American people.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Ms. FOXX. Mr. Speaker, I urge my colleagues to vote "no" on the previous question and the rule and yield back the balance of my time.

Mr. POLIS of Colorado. Mr. Speaker, my colleague from North Carolina earlier alluded to her concern that, if we passed this bill and others, our economy will begin to resemble the Third World. She particularly cited, she said, the Third World, particularly South

American countries. I would like to remind my colleague that South American countries, in particular Argentina and Brazil, have been on a tear of growth. They have had economic growth. Their currencies have gained value against the dollar. And I hope that our country can enjoy the same kinds of economic growth that in particular Brazil and Argentina have enjoyed this last year. And certainly the technology industry, in having a road map for our solar industry, can be an important part of that economic growth.

Mr. Speaker, this bill is a responsible and well thought out and proven approach to moving our Nation away from its addiction on fossil fuels and towards independence. This is a mission that will help us address some of the largest challenges we face, reducing our dangerous dependence on foreign oil and cutting greenhouse gas emissions.

Time and time again, it has been shown that solar energy is a tremendous win in terms of national security, lessening our reliance on foreign oil. Whether having emergency response centers powered individually during disasters or having additional solar supplying the grid during blackouts, we are learning that energy security means homegrown renewable energy.

What good does it do for us to be dependent on Europe or China for our energy in the future just as we are today on Saudi Arabia? I think not. We can change our future and take ownership of our future here today. The unfortunate truth of the matter is right now Europe and China are winning the technology wars to dominate our renewable energy future; and this will become worse with every day that we fail to act.

Today, Congress can take action to change our future and take ownership of our future for America. We need to realize that the technological gains of China and Europe are a good thing, but not if they are to the detriment of our own small businesses, our own investment, and our own jobs.

There is one factor that every place with a booming clean energy industry has in common. It's not just the sun, which we have in our country, it's not just the wind, which we have, it's not just the biomass, which we have in spades; but it is the policies, the policies that underlie creating a playing field that enables the growth of the solar technology industry.

You may think that California and Colorado are the number one and number three, respectively, renewable energy States in the country because they are sunny or windy. But, in fact, we in Colorado, and the State of California is number one, are in their place because they have the right policies, the right policies to attract investors, the right policies to grow clean energy

jobs, friendly State leadership from the Governor to the State legislature, to counties. To prove this point, coming in at number two is actually the somewhat cloudy State of New Jersey, due to their State leadership of embracing a renewable energy economy.

In Colorado, this fact has been known for years. Our State and my hometown of Boulder know the benefits of policies that attract technological advancement, support small businesses and create jobs all because they promote investments in renewable energy.

In fact, today the American Solar Energy Society will unveil a new national report that shows the economic and employment boom that clean energy could provide if only we enact the right policies, which we can through the road map that we have contained in this bill. Policies like net metering, interconnection standards, Property Assessed Clean Energy Bonds and the expansion of distributed generation are the next steps of policies that will give our Nation the benefits that clean energy has given to places like Colorado.

That's why, Mr. Speaker, this bill has been officially endorsed by business groups across the board, like the National Association of Manufacturers, the U.S. Chamber of Commerce, the Solar Energy Industries Association, and the National Semiconductor Association.

In passing the Solar Technology Roadmap Act, we are passing on confidence to investors that our support will be around for the long haul. It is predictable. We are saying to small clean energy businesses that you can hire more employees, and we are saying to researchers that without a doubt you will be inventing technologies that will make our country cleaner and will make our Nation stronger in the world.

Establishing a research road map and prioritizing Federal funding for solar research will help commercialize new solar technologies and make clean, renewable energy sources more affordable and accessible for all Americans. Solar technology offers tremendous opportunity for America, the potential to create tens of thousands of good, high-paying, clean energy jobs that we are currently losing to overseas companies as we build our energy independence future.

The U.S. has some of the best solar resources of any industrialized nation in the world, both intellectual as well as geophysical. Yet while America is currently a leader in solar technology development, other countries, like Spain, Germany and China, are devoting much more of a concerted effort and attention to deployment, putting the U.S. competitive position in jeopardy.

□ 1130

The Solar Technology Roadmap Act has diverse and bipartisan support.

Finally, Mr. Speaker, I want to recognize Chairman GORDON of the Science and Technology Committee for his commitment to this important issue, and my friend from Arizona (Ms. GIFFORDS) for her hard work championing this legislation to ensure that America retains and grows its position as a leader in solar technology and job creation for the future.

I urge a "yes" vote on the previous question and the rule.

The material previously referred to by Ms. FOXX is as follows:

AMENDMENT TO H. RES. 846

OFFERED BY MS. FOXX

At the end of the resolution, insert the following new section:

SEC. 3. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition"

in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. POLIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. FOXX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 846, if ordered, and the motion to suspend the rules with regard to House Resolution 797, if ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 176, not voting 17, as follows:

[Roll No. 798]

YEAS—239

Ackerman	Hall (NY)	Oberstar
Adler (NJ)	Halvorson	Olver
Altmire	Hare	Ortiz
Andrews	Harman	Pallone
Arcuri	Hastings (FL)	Pascarell
Baca	Heinrich	Pastor (AZ)
Baldwin	Herseth Sandlin	Payne
Barrow	Higgins	Perlmutter
Becerra	Himes	Perriello
Berkley	Hinchey	Peters
Berman	Hirono	Peterson
Berry	Hodes	Pingree (ME)
Bishop (GA)	Holden	Polis (CO)
Bishop (NY)	Holt	Pomeroy
Blumenauer	Honda	Price (NC)
Bocchieri	Hoyer	Quigley
Boren	Inslee	Rahall
Boswell	Israel	Rangel
Boucher	Jackson (IL)	Reyes
Boyd	Jackson-Lee	Rodriguez
Brady (PA)	(TX)	Ross
Braley (IA)	Johnson (GA)	Rothman (NJ)
Brown, Corrine	Johnson, E. B.	Roybal-Allard
Butterfield	Kagen	Ruppersberger
Capps	Kanjorski	Rush
Capuano	Kaptur	Ryan (OH)
Cardoza	Kennedy	Salazar
Carnahan	Kildee	Sánchez, Linda
Carson (IN)	Kilpatrick (MI)	T.
Castor (FL)	Kilroy	Sanchez, Loretta
Chandler	Kind	Sarbanes
Chu	Kirkpatrick (AZ)	Schakowsky
Clarke	Kissell	Schauer
Clay	Klein (FL)	Schiff
Cleaver	Kosmas	Schrader
Clyburn	Kucinich	Schwartz
Cohen	Langevin	Scott (GA)
Connolly (VA)	Larsen (WA)	Scott (VA)
Conyers	Larson (CT)	Serrano
Cooper	Lee (CA)	Sestak
Costa	Levin	Shea-Porter
Costello	Lewis (GA)	Sherman
Courtney	Lipinski	Shuler
Crowley	Loeb sack	Sires
Cuellar	Lowey	Skelton
Cummings	Lujan	Slaughter
Dahlkemper	Lynch	Smith (WA)
Davis (CA)	Maffei	Snyder
Davis (IL)	Maloney	Space
Davis (TN)	Markey (CO)	Speier
DeFazio	Markey (MA)	Spratt
DeGette	Marshall	Stark
Delahunt	Massa	Stupak
DeLauro	Matheson	Sutton
Dicks	Matsui	Tanner
Dingell	McCarthy (NY)	Teague
Doggett	McCollum	Thompson (CA)
Donnelly (IN)	McDermott	Thompson (MS)
Doyle	McGovern	Tierney
Driehaus	McIntyre	Titus
Edwards (MD)	McMahon	Tonko
Edwards (TX)	McNerney	Towns
Ellison	Meek (FL)	Tsongas
Ellsworth	Meeks (NY)	Van Hollen
Engel	Melancon	Velázquez
Eshoo	Michaud	Visclosky
Etheridge	Miller (NC)	Walz
Farr	Miller, George	Wasserman
Fattah	Mitchell	Schultz
Filner	Mollohan	Waters
Foster	Moore (KS)	Watson
Frank (MA)	Moore (WI)	Watt
Fudge	Moran (VA)	Waxman
Giffords	Murphy (CT)	Weiner
Gonzalez	Murphy (NY)	Welch
Gordon (TN)	Murphy, Patrick	Wexler
Grayson	Murtha	Wilson (OH)
Green, Al	Nadler (NY)	Woolsey
Green, Gene	Napolitano	Wu
Grijalva	Neal (MA)	Yarmuth
Gutierrez	Nye	

NAYS—176

Aderholt	Biggert	Boozman
Akin	Bilbray	Boustany
Alexander	Bilirakis	Brady (TX)
Austria	Bishop (UT)	Bright
Bachmann	Blackburn	Brown (GA)
Bachus	Blunt	Brown (SC)
Baird	Boehner	Brown-Waite,
Bartlett	Bonner	Ginny
Barton (TX)	Bono Mack	Buchanan

Burgess	Hoekstra	Paul	Butterfield	Inslee	Perriello	Fleming	Lewis (CA)	Reichert
Burton (IN)	Hunter	Paulsen	Capps	Israel	Peters	Forbes	Linder	Roe (TN)
Buyer	Inglis	Pence	Capuano	Jackson (IL)	Peterson	Fortenberry	LoBiondo	Rogers (AL)
Calvert	Issa	Petri	Cardoza	Jackson-Lee	Pingree (ME)	Fox	Lucas	Rogers (KY)
Camp	Jenkins	Pitts	Carnahan	(TX)	Polis (CO)	Franks (AZ)	Luetkemeyer	Rogers (MI)
Campbell	Johnson (IL)	Platts	Carson (IN)	Johnson (GA)	Pomeroy	Frelinghuysen	Lummis	Rohrabacher
Cantor	Johnson, Sam	Poe (TX)	Castor (FL)	Johnson, E. B.	Price (NC)	Gallegly	Lungren, Daniel	Rooney
Cao	Jones	Posey	Chandler	Jones	Quigley	Garrett (NJ)	E.	Ros-Lehtinen
Capito	Jordan (OH)	Price (GA)	Chu	Kagen	Rahall	Gerlach	Mack	Roskam
Carter	King (IA)	Putnam	Clarke	Kanjorski	Rangel	Gingrey (GA)	Manzullo	Royce
Cassidy	King (NY)	Rehberg	Clay	Kaptur	Reyes	Goodlatte	Marchant	Ryan (WI)
Castle	Kingston	Reichert	Cleaver	Kennedy	Rodriguez	Granger	McCarthy (CA)	Scalise
Chaffetz	Kirk	Roe (TN)	Clyburn	Kildee	Ross	Graves	McCaul	Schmidt
Childers	Kline (MN)	Rogers (AL)	Cohen	Kilpatrick (MI)	Rothman (NJ)	Griffith	McClintock	Schock
Coble	Kratovil	Rogers (KY)	Connolly (VA)	Kilroy	Roybal-Allard	Guthrie	McCotter	Sensenbrenner
Coffman (CO)	Lamborn	Rogers (MI)	Conyers	Kind	Ruppersberger	Hall (TX)	McHenry	Sessions
Conaway	Lance	Rohrabacher	Cooper	Kirkpatrick (AZ)	Rush	Harper	McKeon	Shadegg
Crenshaw	Latham	Rooney	Costa	Kissell	Ryan (OH)	Hastings (WA)	McMorris	Shimkus
Culberson	LaTourette	Ros-Lehtinen	Costello	Klein (FL)	Salazar	Heller	Rodgers	Shuster
Davis (KY)	Latta	Roskam	Courtney	Kosmas	Sánchez, Linda	Hensarling	Mica	Simpson
Deal (GA)	Lee (NY)	Royce	Crowley	Kucinich	T.	Herger	Miller (FL)	Smith (MI)
Dent	Lewis (CA)	Ryan (WI)	Cuellar	Langevin	Sanchez, Loretta	Hill	Miller (MI)	Smith (NE)
Diaz-Balart, L.	Linder	Scalise	Cummings	Larsen (WA)	Sarbanes	Hoekstra	Miller, Gary	Smith (NJ)
Diaz-Balart, M.	LoBiondo	Schmidt	Dahlkemper	Larson (CT)	Hunter	Ingles	Minnick	Smith (TX)
Dreier	Lucas	Schock	Davis (CA)	Lee (CA)	Schakowsky	Issa	Moore (KS)	Souder
Duncan	Luetkemeyer	Sensenbrenner	Davis (IL)	Levin	Schauer	Jenkins	Moran (KS)	Stearns
Ehlers	Lummis	Sessions	Davis (TN)	Lewis (GA)	Schiff	Johnson (IL)	Murphy, Tim	Sullivan
Emerson	Lungren, Daniel	Shadegg	DeFazio	Lipinski	Schrader	Johnson, Sam	Myrick	Taylor
Fallin	E.	Shimkus	DeGette	Loebach	Schwartz	Jordan (OH)	Neugebauer	Terry
Flake	Mack	Shuster	Delahunt	Lowe	Scott (GA)	King (IA)	Nunes	Thompson (PA)
Fleming	Manzullo	Simpson	DeLauro	Luján	Scott (VA)	King (NY)	Olson	Thornberry
Forbes	Marchant	Smith (NE)	Dicks	Lynch	Serrano	Kingston	Paul	Tiahrt
Fortenberry	McCarthy (CA)	Smith (NJ)	Dingell	Maffei	Sestak	Kirk	Paulsen	Tiberi
Fox	McCaul	Souder	Doggett	Maloney	Shea-Porter	Kline (MN)	Pence	Turner
Franks (AZ)	McClintock	Stearns	Donnelly (IN)	Markey (CO)	Sherman	Harper	Petri	Upton
Frelinghuysen	McCotter	Sullivan	Doyle	Markey (MA)	Shuler	Hastings (WA)	Pitts	Westmoreland
Gallegly	McHenry	Taylor	Drieaus	Marshall	Sires	Heller	Platts	Whitfield
Garrett (NJ)	McKeon	Terry	Edwards (MD)	Massa	Skelton	Hensarling	Poe (TX)	Wilson (SC)
Gerlach	McMorris	Thompson (PA)	Edwards (TX)	Matheson	Slaughter	Herger	Posay	Wittman
Goodlatte	Rodgers	Thornberry	Ellison	Matsui	Smith (WA)	Hill	Price (GA)	Wolf
Granger	Mica	Tiahrt	Elsworth	McCarthy (NY)	Snyder		Rehberg	Young (FL)
Graves	Miller (FL)	Tiberi	Engel	McCollum	Space			
Griffith	Miller (MI)	Turner	Eshoo	McDermott				
Guthrie	Miller, Gary	Upton	Etheridge	McGovern	Speier			
Hall (TX)	Minnick	Westmoreland	Farr	McIntyre	Spratt			
Harper	Moran (KS)	Whitfield	Fattah	McMahon	Stark			
Hastings (WA)	Murphy, Tim	Wilson (SC)	Filner	McNerney	Stupak			
Heller	Myrick	Wittman	Foster	Meek (FL)	Sutton			
Hensarling	Neugebauer	Wolf	Frank (MA)	Meeks (NY)	Tanner			
Herger	Nunes	Young (FL)	Fudge	Melancon	Teague			
Hill	Olson		Giffords	Michael	Thompson (CA)			
			Gonzalez	Miller (NC)	Thompson (MS)			
			Gordon (TN)	Miller, George	Tierney			
			Grayson	Mitchell	Titus			
			Green, Al	Mollohan	Tonko			
			Green, Gene	Moore (WI)	Towns			
			Grijalva	Moran (VA)	Tsongas			
			Gutierrez	Murphy (CT)	Van Hollen			
			Hall (NY)	Murphy (NY)	Velázquez			
			Halvorson	Murphy, Patrick	Visclosky			
			Hare	Murtha	Walz			
			Harman	Nadler (NY)	Wasserman			
			Hastings (FL)	Napolitano	Schultz			
			Heinrich	Neal (MA)	Waters			
			Herseth Sandlin	Nye	Watson			
			Higgins	Oberstar	Watt			
			Himes	Obey	Waxman			
			Hinche	Oliver	Weiner			
			Hirono	Ortiz	Welch			
			Hodes	Pallone	Wexler			
			Holden	Pascarell	Wilson (OH)			
			Holt	Pastor (AZ)	Woolsey			
			Honda	Payne	Wu			
			Hoyer	Perlmutter	Yarmuth			

NOT VOTING—17

Abercrombie	Gingrey (GA)	Richardson
Barrett (SC)	Gohmert	Smith (TX)
Bean	Hinojosa	Walden
Carney	Lofgren, Zoe	Wamp
Cole	Obey	Young (AK)
Davis (AL)	Radanovich	

□ 1204

Mr. CHILDERS changed his vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 178, not voting 13, as follows:

[Roll No. 799]

YEAS—241

Ackerman	Barrow	Boccheri
Adler (NJ)	Becerra	Boren
Altmire	Berkley	Boswell
Andrews	Berman	Boucher
Arcuri	Berry	Boyd
Baca	Bishop (GA)	Brady (PA)
Baird	Bishop (NY)	Braley (IA)
Baldwin	Blumenauer	Brown, Corrine

NAYS—178

Brady (TX)	Chaffetz
Bright	Childers
Brown (GA)	Coble
Brown (SC)	Coffman (CO)
Brown-Waite,	Cole
Ginny	Conaway
Buchanan	Crenshaw
Burgess	Culberson
Burton (IN)	Davis (KY)
Buyer	Deal (GA)
Calvert	Dent
Camp	Diaz-Balart, L.
Campbell	Diaz-Balart, M.
Cantor	Dreier
Cao	Duncan
Capito	Ehlers
Carter	Emerson
Cassidy	Fallin
Castle	Flake

NOT VOTING—13

Abercrombie	Gohmert	Walden
Barrett (SC)	Hinojosa	Wamp
Bean	Lofgren, Zoe	Young (AK)
Carney	Radanovich	
Davis (AL)	Richardson	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1212

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RAISING AWARENESS AND ENHANCING THE STATE OF CYBER SECURITY IN THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 797.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and agree to the resolution, H. Res. 797.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 0, not voting 17, as follows:

[Roll No. 800]

AYES—415

Ackerman Cooper Himes
Aderholt Costa Hinchey
Adler (NJ) Costello Hirono
Akin Courtney Hodes
Alexander Crenshaw Hoekstra
Altmire Crowley Holden
Andrews Cuellar Holt
Arcuri Culberson Honda
Austria Cummings Hoyer
Baca Dahlkemper Hunter
Bachmann Davis (CA) Inglis
Bachus Davis (IL) Inslee
Baird Davis (KY) Israel
Baldwin Davis (TN) Issa
Barrow Deal (GA) Jackson (IL)
Bartlett DeFazio Jackson-Lee
Barton (TX) DeGette (TX)
Becerra Delahunt Jenkins
Berkley DeLauro Johnson (GA)
Berman Dent Johnson (IL)
Berry Diaz-Balart, L. Johnson, E. B.
Biggart Diaz-Balart, M. Johnson, Sam
Blibray Dicks Jones
Bilirakis Dingell Jordan (OH)
Bishop (GA) Doggett Kagen
Bishop (NY) Donnelly (IN) Kanjorski
Bishop (UT) Doyle Kaptur
Blackburn Dreier Kennedy
Blumenauer Driehaus Kildee
Blunt Duncan Kilpatrick (MI)
Bocieri Edwards (MD) Kilroy
Boehner Edwards (TX) Kind
Bonner Ehlers King (IA)
Bono Mack Ellison King (NY)
Boozman Ellsworth Kingston
Boren Emerson Kirk
Boswell Engel Kirkpatrick (AZ)
Boucher Eshoo Kissell
Boustany Etheridge Klein (FL)
Boyd Fallin Kline (MN)
Brady (PA) Farr Kosmas
Brady (TX) Fattah Kratovil
Braley (IA) Filner Kucinich
Bright Flake Lamborn
Broun (GA) Fleming Lance
Brown (SC) Forbes Langevin
Brown, Corrine Fortenberry Larsen (WA)
Brown-Waite, Foster Larson (CT)
Ginny Foxx Latham
Buchanan Frank (MA) LaTourette
Burgess Franks (AZ) Latta
Burton (IN) Frelinghuysen Lee (CA)
Butterfield Fudge Lee (NY)
Buyer Gallegly Levin
Calvert Garrett (NJ) Lewis (CA)
Camp Gerlach Lewis (GA)
Campbell Giffords Linder
Cantor Gingrey (GA) Lipinski
Cao Gonzalez LoBiondo
Capito Goodlatte Loeb sack
Capps Gordon (TN) Lowey
Capuano Granger Lucas
Cardoza Graves Luetkemeyer
Carnahan Grayson Luján
Carney Green, Al Lummis
Carson (IN) Green, Gene Lungren, Daniel
Carter Griffith E.
Cassidy Grijalva Lynch
Castle Guthrie Mack
Castor (FL) Gutierrez Maffei
Chaffetz Hall (NY) Maloney
Chandler Hall (TX) Manzullo
Childers Halvorson Marchant
Chu Hare Markey (CO)
Clarke Harman Markey (MA)
Clay Harper Marshall
Cleaver Hastings (FL) Massa
Clyburn Hastings (WA) Matheson
Coble Heinrich Matsui
Coffman (CO) Heller McCarthy (CA)
Cohen Hensarling McCarthy (NY)
Cole Herger McCaul
Conaway Herseth Sandlin McClellan
Connolly (VA) Higgins McCollum
Conyers Hill McCotter

McDermott Poe (TX)
McGovern Polis (CO)
McHenry Pomeroy
McIntyre Posey
McMahon Price (GA)
McMorris Price (NC)
Rodgers Putnam
McNerney Quigley
Meek (FL) Rahall
Meeks (NY) Rangel
Melancon Rehberg
Mica Reichert
Michaud Reyes
Miller (FL) Rodriguez
Miller (MI) Roe (TN)
Miller (NC) Rogers (AL)
Miller, Gary Rogers (KY)
Miller, George Rogers (MI)
Minnick Rohrabacher
Mitchell Rooney
Mollohan Ros-Lehtinen
Moore (KS) Roskam
Moore (WI) Ross
Moran (KS) Rothman (NJ)
Moran (VA) Roybal-Allard
Murphy (CT) Royce
Murphy (NY) Ruppersberger
Murphy, Patrick Rush
Murphy, Tim Ryan (OH)
Murtha Ryan (WI)
Myrick Salazar
Nadler (NY) Sánchez, Linda
Napollitano T.
Neal (MA) Sanchez, Loretta
Neugebauer Sarbanes
Nunes Scalise
Nye Schakowsky
Oberstar Schiff
Obey Schmidt
Olson Schock
Oliver Schrader
Ortiz Schwartz
Pallone Scott (GA)
Pascrell Scott (VA)
Pastor (AZ) Sensenbrenner
Paul Serrano
Paulsen Sessions
Payne Sestak
Pence Shadegg
Perlmutter Shea-Porter
Perriello Sherman
Peters Shimkus
Peterson Shuler
Petri Shuster
Simpson Simpson
Sires Sires
Skelton Skelton
Slaughter Slaughter
Smith (NE) Smith (NE)
Smith (NJ) Smith (NJ)
Smith (TX) Smith (TX)
Smith (WA) Smith (WA)
Snyder Snyder
Souder Souder
Space Space
Speier Speier
Spratt Spratt
Stark Stark
Stearns Stearns
Stupak Stupak
Sullivan Sullivan
Sutton Sutton
Tanner Tanner
Taylor Taylor
Teague Teague
Terry Terry
Thompson (CA) Thompson (CA)
Thompson (MS) Thompson (MS)
Thompson (PA) Thompson (PA)
Thornberry Thornberry
Tiahrt Tiahrt
Tiberi Tiberi
Tierney Tierney
Titus Titus
Tonko Tonko
Towns Towns
Tsongas Tsongas
Turner Turner
Upton Upton
Van Hollen Van Hollen
Velázquez Velázquez
Visclosky Visclosky
Walz Walz
Wasserman Wasserman
Schultz Schultz
Waters Waters
Watt Watt
Waxman Waxman
Welch Welch
Westmoreland Westmoreland
Wexler Wexler
Whitfield Whitfield
Wilson (OH) Wilson (OH)
Wilson (SC) Wilson (SC)
Wittman Wittman
Wolf Wolf
Woolsey Woolsey
Wu Wu
Yarmuth Yarmuth
Young (FL) Young (FL)

NOT VOTING—17

Abercrombie Lofgren, Zoe
Barrett (SC) McKeon
Bean Pingree (ME)
Davis (AL) Radanovich
Gohmert Richardson
Hinojosa Schauer

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1219

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill, H.R. 3585.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

SOLAR TECHNOLOGY ROADMAP ACT

The SPEAKER pro tempore. Pursuant to House Resolution 846 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3585.

□ 1219

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes, with Mr. SABLON in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read for the first time.

The gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

I am pleased that we're considering H.R. 3585, the Solar Technology Roadmap Act sponsored by Science and Technology Subcommittee Chair GABRIELLE GIFFORDS. This bipartisan bill has a number of cosponsors including myself, subcommittee Chair BRIAN BAIRD, and DAN LIPINSKI, as well as committee members MICHAEL MCCAUL and ROSCOE BARTLETT.

I assume solar power is not the first name that comes to your mind when you think of the State of Tennessee; but over the last few years we have really seen firsthand the major potential that solar energy has to create new jobs across the country and reduce our dependency on foreign oil in the process.

Recently, two major producers of special materials used in solar panels have chosen Clarksville and Cleveland, Tennessee, as sites for their next large factories, each with over \$1 billion investment creating hundreds of jobs, plus many more jobs in larger investment with the supply chain, as well as universities now setting up courses in management for the solar panel industries. And this is happening all across the State and communities all across our Nation. And that's why we need a national plan, and that's why we are discussing this important bill today.

H.R. 3585 establishes a comprehensive road mapping process for solar technology research, development, and demonstration activities conducted by the Federal Government in partnership

with industry. The Secretary of Energy is also directed to award grants to carry out these programs by merit-based review specifically to provide awards to industry-led consortia research, development, and demonstration in solar manufacturing.

The road map provision in the bill is molded on the successful National Technology Roadmap for Semiconductors, which has been instrumental in helping semiconductor technology advance rapidly over the past two decades.

H.R. 3585 incorporates recommendations of the witnesses who appeared at the Science and Technology Committee, as well as input from a variety of academic, government, and industry experts. Science and Technology Committee staff closely consulted with the minority in the development of this bill. We accepted several minority amendments, and the vast majority of items in our manager's amendment in committee were also suggested or requested by the minority. The bill was voted out of committee on a bipartisan voice vote.

H.R. 3585 has been officially endorsed by the U.S. Chamber of Commerce, the National Association of Manufacturers, the Solar Energy Industries Association, British Petroleum, IBM, Intel, and National Semiconductor.

I look forward to voting for several good amendments today and strongly urge my colleagues here to support a bill that will help our country take back the leadership position in this fast-growing industry and put our best minds to work to meet our future energy needs.

Once again, I want to commend Ms. GIFFORDS, Mr. McCAUL on their leadership on this issue. I would also like to take a moment to recognize staff who worked on this bill: Adam Rosenberg, Wyatt King, and Elaine Ulrich on the majority side; and Elizabeth Chapel and Tara Rothschild on the minority side. Without the hard work of the staff on both sides of the aisle, producing good bills like this one would not be possible.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise today, of course, to speak on H.R. 3585, the Solar Technology Roadmap Act.

I would first like to thank the sponsor of the bill, Representative GIFFORDS, and also Chairman GORDON, for working with our side of the aisle to address concerns and incorporating suggestions to the extent that you were able to. While we didn't come to an agreement on everything, we came to an agreement on a lot of things. But I do feel that we were given the opportunity to state our case and make our arguments. Unfortunately, the areas in which we were not able to reach an agreement remain of concern.

Let me start by saying that as a conference, we're supportive of solar energy, and we have so voted—most of the people on my side of the aisle. We certainly see the great potential it has to be a contributor of energy to our constituents. However, as already stated, there's some lingering concerns in the bill before us today.

First, the bill authorizes \$2.25 billion over 5 years. This is not an insignificant amount, especially in our current financial climate. The question was raised during consideration of the bill in committee whether or not investment tax credits for solar energy, long-term incentives to develop renewable energy in general or an easing of burdensome regulations would be a better way to encourage the development and use of solar energy.

Solar energy has been on the forefront for over 30 years, and it still only makes up 1 percent of the 7 percent of the renewable energy consumed in the United States according to the Energy Information Administration.

This authorization, coupled with the requirement that the Secretary of Energy allocate at least 75 percent of funding to those solar research, development, and demonstration projects directed under the road map, leaves little flexibility for innovations that may be viable and yet not included as part of the road map.

Second, the bill directs, not requests, it directs the Secretary to spend at least 30 percent in 2012 and culminating with at least 75 percent in 2015. It could be as much as 100 percent on the research, development, and demonstration set forth by the road map committee.

Moreover, at least one-third of the committee must be made up of industry members who are explicitly exempted from the Federal Advisory Committee Act. And this act, as you know, was intended to require an open and transparent process. While I support the Department of Energy, the university, and industry collaboration in the area of solar research, development, and demonstration, the optics of this examination are that you now have a committee, half of whose membership could be industry, telling the Department of Energy where to direct taxpayer money into R&D that could benefit their own companies while not having to answer to anyone or defend their recommendation to the entity that was set up to oversee and to require open and transparent processes.

While I appreciate the inclusion at our suggestion of language dealing with potential conflicts of interests in regard to the road map committee membership, more transparency needs to be incorporated.

During the full committee markup, Republicans attempted to address concerns through amendments that would have reduced the authorization, given

the Secretary of DOE some discretion as to how much funding should go to the road map recommendations.

□ 1230

We had some suggestions to sunset the road map committee in 2015. While these amendments were all voted down, I remain hopeful that these issues can be addressed as we move forward.

I would like to point out that the Department of Energy shares some of these same concerns with this bill, and it made the Science and Technology Committee aware of those concerns earlier this week. In particular, they expressed concerns with using the road map committee to direct DOE activities; the requirement of a percentage of funds to be used to support activities identified by the committee; the Federal Advisory Committee Act exemption for the committee; and potential conflicts of interest with the members of the committee.

I support research and development into solar energy technologies, but believe me, this bill has a lot of room for improvement.

With that, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield such time as she may consume to the passionate solar advocate and primary author of this bill, the gentlewoman from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. First of all, I would like to thank Chairman GORDON, also Ranking Member HALL, members of the committee, and our staff for helping to move this very important bill forward.

Mr. Chairman, the United States has some of the best solar resources of any industrialized country in the world—enough power, in fact, to power the entire country several times over.

These resources aren't unique or limited to the American Southwest. It turns out that our friends up north in the State of Alaska have about the same amount of solar resource energy as has the country of Germany. Yet, in 2006, Germany installed about seven times more solar power than we did here in the United States. Major companies in Europe and in China have been very aggressive over the last several years in building up their manufacturing capacities and in competing internationally to meet demand.

If our policies and innovation models for solar energy don't change, the United States is simply going to transition from importing foreign oil to importing foreign panels.

This country actually invented the first photovoltaic technologies, and we still have some of the smartest, most talented people in the world working to improve the efficiency and cost-effectiveness of solar cells today; but in order to use our precious research dollars as effectively as possible, these

people—these patriots—need a serious road map. That's why I am so pleased to offer this bill today.

After many substantive discussions with a wide range of industry and academic leaders, as well as with the Department of Energy, I believe there is a lot that the solar industry can learn from the experience of our national semiconductor industry.

Twenty years ago, the United States was in danger of losing its semiconductor industry to Japan. In response, the industry created the technology road map for semiconductors. The focus of this initiative was to develop a road map to guide research and development efforts across the entire industry. By increasing communications between the diverse members of the supply chain, our American semiconductor industry was able to develop standards and to avoid the duplication of research efforts. These organized coordination efforts gave rise to the U.S. semiconductor giants like Intel and AMD, and the U.S. currently continues to lead the world in semiconductor development.

Today's solar researchers in the United States find themselves in a very similar situation. To maintain a competitive advantage, they must come together to meet their common, precompetitive goals, whether in simulation activities, in developing new materials, in energy storage, in power, in grid management or even in weather forecasting.

This bill would require the Department of Energy to engage diverse stakeholders in the solar community and to work across programs to create a comprehensive plan, a road map, to guide funding for the research needed to make the U.S. the global leader for solar innovation. The road map would be required to identify short-, medium- and long-term goals, and it would make recommendations on how to channel R&D resources to meet these goals. The bill would make the Department of Energy more responsive to our solar industry's needs, and it would encourage the needed collaboration and communication across technologies with well-vetted strategies.

I would like to thank my colleagues on both sides of the aisle for their contributions that have made this bill a better bill. In fact, about 25 of the 28 changes in our manager's amendment in the Science Committee were suggested or requested by the minority. I also look forward to supporting several good amendments offered by my colleagues today. Another sign of the time and effort put together by so many were the endorsements. Chairman GORDON talked about that.

I would like to remind members that the National Association of Manufacturers, the United States Chamber of Commerce, SEIA—the Solar Energy Industries Association—IBM, Intel, BP,

and National Semiconductor are all behind this piece of legislation.

Mr. Chairman, the United States has an opportunity to be the leading developer and exporter of clean solar technologies in the coming years and decades. This bipartisan bill is designed to advance that goal, and I strongly urge my colleagues on both sides of the aisle to support it.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. MCCAUL), who is a cosponsor of the bill.

Mr. MCCAUL. I thank the ranking member.

Let me thank the author of the bill, Ms. GIFFORDS, for her great leadership on what I consider to be one of the most important issues. That's energy independence.

Mr. Chairman, I am proud to rise in support of this bill. I was proud to be a cosponsor of this bill.

One thing is certain: the sun always rises, and it is important for us as a Nation to harness that energy. This is landmark legislation that, in my view, will make the United States a true leader in solar technology and in energy independence.

What I particularly like about the bill is the collaboration between the academic, the environment, the universities, the Department of Education, and the private sector. I, personally, like the fact that the private sector is involved in this rather than just some bureaucrat behind closed doors in Washington, D.C., who is making those decisions.

I recently met with the Stanford Research Institute, and I looked at their photovoltaic technology. The University of Texas at Austin, in my district, is also involved with the manufacturing of these photovoltaics, along with countless high-tech companies, like Applied Materials and many others.

There is a lot of support for this bill in my district, and I think it's important to note that this bill has the support of the U.S. Chamber of Commerce, the National Association of Manufacturers, IBM, BP, Intel, and National Semiconductor. The Chamber recently urged us to vote for this, and said that the increased research, development and demonstration of solar technology is crucial to America's energy security needs.

We talk a lot about energy independence around here, but today, we really have something tangible that we can do about it, and that is to support this legislation.

As a former counterterrorism prosecutor, it disturbs me that we export \$700 billion from this country to countries overseas which don't have our best interests at heart. We need to change our energy policy, and this is a critical piece to that. This is a great step forward for this Nation towards

achieving that goal of energy independence.

My district really represents the broad spectrum of the differences—on the one hand, the Houston suburbs with oil and gas and, on the other hand, Austin, Texas, which is a green technology center. It's my view that we need all of this energy. We need to make more of this energy here in the United States, which will, in turn, create more energy for Americans and which will create more American jobs. In my view, we can have a hybrid energy policy, if you will. We can go green, and at the same time, we can drill.

So, again, I think this bill is an important step forward towards that path to energy independence. Solar energy, in my view, is one of the best potentials for alternative energies out there, and it can be placed on rooftops, and transmission is not as much of an issue. We are on the cutting edge with a huge breakthrough in this country where we can harness the sun's energy and can provide the energy that this country desperately needs.

Mr. GORDON of Tennessee. Mr. Chairman, first, let me thank Mr. MCCAUL for his significant contribution to this and, more importantly, really, for the constructive role he has played on our committee.

I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding and for his outstanding leadership on solar technology issues.

Mr. Chairman, I also, of course, want to rise in strong support of H.R. 3585, the Solar Technology Roadmap Act.

I particularly would like to acknowledge Congresswoman GIFFORDS for her leadership on this important issue and for her work to advance our Nation's efforts to become a world leader in solar technology.

Clearly, this is an essential step as we work to transition our Nation off of our dependence on foreign oil and as we work harder to try to protect our environment.

Beyond all of this, though, my home State of Rhode Island recently reported an outstanding unemployment rate of 13 percent. Congress' top priority right now must also be creating an environment where new jobs are developed and where new industries can flourish. The Solar Technology Roadmap Act does just that by establishing a committee of government and industry officials to set short- and long-term goals for the industry as well as by providing guidance to expedite the process of improving solar technologies right here at home.

This bill is the right road map at the right time. It is visionary, and I urge my colleagues to vote "yes" on this important bill.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT. Mr. Chairman, I recommend a “yes” vote for this good, bipartisan solar technology road map.

I want to thank my Democrat and Republican colleagues for their collaboration that improved H.R. 3585 with amendments in subcommittee, in full committee, as well as in the manager’s amendment and in other amendments to follow on the floor. This bill ensures that solar energy technologies will contribute to the strengthening of our country’s economy, environment and national security.

H.R. 3585 improves DOE policies by requiring the merit-based, competitive allocation of Federal funds. The solar road map committee will neither recommend nor select recipients of grant awards. The new solar technology road map committee will provide the DOE with advice from our national labs, universities, industry, and entrepreneurs on technological paths to accelerate the cost-effective implementation of solar power.

I am a fiscal conservative as well as a scientist and engineer. I have studied and used solar energy for more than 40 years. This bill will not spend too much money. Our country has fallen way behind. The GAO has documented that the funding level in this bill only begins to reverse 20 years of underinvestment by the Federal Government in the research and development of solar power—a domestic alternative and a renewable source of energy.

This bill will strengthen the ability of U.S. companies to regain America’s world leadership in solar technology and exports. The bill expands the number of large demonstration projects over 30 megawatts, and it makes them technology neutral. The bill will reduce known vulnerabilities of our grid to natural disasters or to terrorist attacks by requiring demonstration projects to “promote overall electric infrastructure reliability and sustainability should grid functions be disrupted or damaged.”

This bill will also maximize benefits to society and to taxpayers from these demonstration projects by encouraging DOE to consult with DHS, DOD and other agencies to locate demonstration projects at facilities that ensure sustainable energy for the continuous operations of vital government missions and functions.

Vote “yes” for H.R. 3585, the Solar Technology Roadmap. Using our sun to power American homes and businesses is a good bipartisan issue.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 2 minutes to my friend from New Jersey, Mr. PASCRELL.

Mr. PASCRELL. Thank you, Mr. GORDON.

Mr. Chairman, I rise today in strong support of this bipartisan H.R. 3585, the Solar Technology Roadmap.

I want to thank Chairman GORDON and Congresswoman GIFFORDS for their

tireless work in shepherding this legislation to the floor.

In the 111th Congress, the House of Representatives has taken many important steps towards weaning our country off foreign oil and toward reducing the dangerous carbon emissions that create global warming. This bill would authorize \$2 billion to new research partnerships and demonstration projects for solar energy technologies.

Yet, Mr. Chairman, while the United States has some of the best solar resources of any industrialized nation in the world and while America is currently a leader in solar technology development, other countries like Spain, Germany and China are devoting much more effort and attention to this field, putting the U.S. and its competitiveness within this industry in jeopardy. This is an important part of our country’s clean energy future, and this legislation, which will spur the development of this renewable and efficient technology, is an important step in the right direction.

In my home State of New Jersey, our Governor has embarked on an ambitious and forward-looking energy strategy, and solar development is a top priority. It may surprise many of my colleagues to know that New Jersey is second only to California in the number of solar installations and capacity, and it is first in terms of the amount of solar installed per square mile.

Using innovative financing strategies, combined with a strong renewable portfolio standard, New Jersey recently reached the milestone of 100 megawatts of solar capacity generated from more than 4,300 solar projects Statewide.

□ 1245

Considering that 7 years ago our State only had six installations, this achievement is especially impressive.

Great Falls of Paterson, New Jersey, my hometown, was once the source of power that helped build this Nation into an industrial power. Today, new solar panels are being installed at the Great Falls hydroelectric plant to make that building more energy efficient. New Jersey and its Governor have shown their commitment to solar energy development and reducing greenhouse gas admissions.

I applaud the sponsors.

Mr. HALL of Texas. Mr. Chairman, I have no more speakers at this time.

I reserve the balance of my time.

May I ask how much time we have under general debate and how many speakers Mr. GORDON has.

The Acting CHAIR (Mr. WEINER). The gentleman from Texas has 21½ minutes remaining, and the gentleman from Tennessee has 19 minutes remaining.

Mr. GORDON of Tennessee. Mr. HALL, if the gentleman would yield, to answer your question, I have about six different speakers at about 2 minutes for most of them.

Mr. HALL of Texas. Thank you.

Mr. GORDON of Tennessee. Mr. Chairman, I yield 3 minutes to an outstanding member of our committee from Michigan, Mr. PETERS.

Mr. PETERS. Mr. Chairman, Michigan may not be considered an especially sunny State, and probably it does not immediately come to people’s minds when we talk about the potential for solar energy in this country; however, my home State is currently a leader in the domestic manufacturing of solar cells. We are home to great companies like United Solar Ovonic, which support over 1,000 jobs in my area through two production facilities in Auburn Hills and global R&D headquarters in Troy. High-tech jobs like these are the source of hope in my State and provide workers an opportunity to apply their skills in a new industry and enter the workforce of the 21st century.

Federal partnership is critical to effectively develop new, renewable energies, and these investments are key to restoring jobs lost in recent years. For this reason, I am pleased to see that the bill recognizes the impact Federal investment in emerging industries can have in depressed areas and ask the Secretary to consider States that have been hit hardest by the recession and which are experiencing high unemployment rates when providing awards under this program.

We have a tremendous opportunity to revitalize our domestic manufacturing base by strengthening the domestic solar industry. While States like Michigan and many others certainly have the existing infrastructure and workforce to manufacture more solar technologies, the United States continues to lag behind China, Japan, and Europe in this field. We must commit at the Federal level to increase our domestic production, and I am pleased to see that the manager’s amendment adopts language I worked on in the Science Committee that supports domestic solar manufacturing and assures that the R&D and manufacturing taking place under this bill will be carried out here in the United States.

I applaud the committee’s commitment to bolstering the U.S. solar industry and the development of this road map. I would like to thank the bill’s author, Representative GIFFORDS, Chairman GORDON, and Ranking Member HALL of the Science and Technology Committee for working with me on this bill, and I urge its full passage here today.

Mr. HALL of Texas. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

We have a number of other Members who wanted to speak on this bill, because it is a good bill and they participated, but I do not see them at this time. I don't think it would be respectful to the minority to hold them up with just a filibuster by me.

I yield to the gentleman to see whether he has anyone else who would like to speak.

Mr. HALL of Texas. I would yield to the chairman my time if he needs it. I may be more friendly to this bill than he thinks I am.

I yield back the balance of my time.

Mr. HARE. Mr. Chair, I rise today to voice my strong support for H.R. 3585, the Solar Technology Roadmap Act. I thank my friend and colleague from Arizona, Representative GIFFORDS, for being a leader on this issue and authoring this important piece of legislation, which moves our nation further down the path toward energy independence.

Our country faces very serious challenges, and I believe that we need serious, common-sense responses to each of them. With increasing domestic energy costs and a continued reliance on foreign sources of energy, the challenge is clear. My hope is that with the passage of the Solar Technology Roadmap Act our response will be just as clear.

This important legislation creates a unique program within the Department of Energy where stakeholders from the government, academia, the science fields, manufacturing and business leaders and many others can come together and work to help us realize the incredible potential of solar energy. This diverse group will study, conduct programs of scientific research and development, assess results and provide recommendations for how this nation can best move forward in utilizing solar energy. Because of this program's enormous potential, I strongly support the bill's creation of a "blue ribbon" panel to evaluate solar technologies and believe that their findings and actions undertaken as a result of their work will be beneficial for everyone from the average American to our friends at NASA.

This bill authorizes \$2.25 billion and lays the framework to encourage unprecedented innovation in solar activities. Other countries like Germany and Spain, along with emerging economic powerhouses China and India, have already taken the lead in utilizing solar capabilities to their maximum extent. Their governments decided long ago to make the crucial investments in solar technologies. It is absolutely critical that this legislation is enacted so that we can once more be the leader of the pack in the sciences, innovation and alternative energy solutions.

I was disappointed to see that any reference in the bill to investing in solar technology for the purpose of combating climate change did not receive bipartisan support during markup in the Science and Technology Committee. On the contrary, I believe solar technology does, in fact, play a significant role in America's effort to lessen climate change, which is why I submitted an amendment to the overall legislation, which unfortunately was not accepted by the Rules Committee. My amendment would have added to the purposes of the Solar Technology Roadmap program to in-

clude suggestions on how solar technologies can better assist the U.S. in minimizing effects on climate change. Whether or not my colleagues believe in the legitimacy of man-made climate change, my amendment would have directed the solar panel to inform us all what exactly about solar works, what doesn't work, and how we could have improved its efficiency in minimizing our carbon footprint.

Another amendment that I had wished to offer to this bill, but was not accepted by the Rules Committee for floor consideration was one that would have directed the Secretary of Energy to provide special consideration, in the awarding of grant funding in the bill, to colleges and universities, community colleges and vocational schools already offering clean energy or green jobs training, certificates, or degrees. Several institutions of higher learning within my District would have benefited greatly from this amendment and I regret that the House will not have an opportunity to consider it. I respectfully ask that the House allow me to submit a letter of support into the CONGRESSIONAL RECORD from Black Hawk College in support of both of my amendments that were rejected by the Rules Committee.

I am proud to have had the opportunity to join my colleagues, led by my friend, Mr. HINCHY of New York to introduce an amendment to this bill that would require that the Secretary of Energy ensure that the membership of the blue-ribbon panel be from diverse regions of the country, and that the solar demonstration projects awarded should not be concentrated in a single region. I was happy to learn that the distinguished Chairman of the House Committee on Science and Technology, Mr. GORDON, agreed with us and moved to include our proposal in the Manager's amendment. The Solar Technology Roadmap Committee's main objective is to study how using solar energy can improve the lives of all Americans, strengthen our commercial sector and help protect our environment. I believe this amendment makes a great bill even better, which is why I urge all of my colleagues to vote in favor of the Gordon amendment.

As we all know, the beauty of solar energy is that it can be captured and put to work in every region of our country. The power of the sun can be harnessed not only in states like Arizona and California, but also in places like my home state of Illinois. Many Illinoisans are putting solar technologies to work for them, one of whom I'm proud to say is my constituents, Michael Smith of Springfield, Illinois. Mr. Smith has lived utility-free for over a decade and is proof positive of the benefits that are possible through solar energy. By investing responsibly in solar energy research and development, this Congress can move more Americans in the direction that Mr. Smith took long ago.

With jobs still being lost all across our nation, the Congress can and must begin focusing on the next generation of innovation. Similar to the "dot-com" era, it is inevitable that a "green revolution" is upon us and the U.S. must not be left behind. The time to invest in alternative and renewable energy solutions, like solar technologies, is now. This institution knows full well that solar power is abundant, does not create greenhouse gases and has the potential to power our lives for years to

come. For these obvious reasons, I strongly believe we can not afford inaction any longer.

Again, I applaud the efforts of Representative GIFFORDS in leading the charge on this bill, which passed out of committee with strong bipartisan support and ask my friends on both sides of the aisle to join me in voting for the passage of the Solar Technology Roadmap Act.

OFFICE OF THE PRESIDENT,
BLACK HAWK COLLEGE,
Moline, IL, October 20, 2009.

Hon. PHIL HARE,
House of Representatives, Cannon HOB, Wash-
ington, DC.

DEAR CONGRESSMAN HARE: I am writing in support of your Amendments #1 and #2 relating to the Solar Technology Roadmap Act H.R. 3585 and to thank you for introducing these most important amendments.

Recently we restructured the Engineering Technology Program at Black Hawk College, Quad-Cities Campus. We believe this program is important to many businesses and industries in our service district. We now offer the following majors in the Engineering Technology Program: 1. Electrical; 2. Mechanical; 3. Manufacturing Processes; and 4. Sustainable Energy.

Item #4 represents a new option in the Engineering Technology Program area, a Sustainable Energy Certificate (first in Illinois). Students take the first-year common core curriculum and complete their work with Sustainable I and II (covers beginning and advanced topics in many areas of sustainable energy: solar, biomass, wind, photovoltaic) and complete with an industry-specific internship. Looking to the future, we believe this will be a very important program. Your amendments—if adopted and eventually signed into law—could provide much needed support to our Sustainable Energy Program.

Please continue to actively support these amendments. They are critically important to the future of our country. Again, many thanks and best wishes.

Sincerely,
R. GENE GARDNER, PH.D.,
Interim President.

Mr. MARKEY of Massachusetts. Mr. Chair, I rise in strong support of H.R. 3585, the Solar Technology Roadmap Act. The solar energy that strikes the earth in a single hour is enough to power the world's energy needs for a year. This bill will help America develop the technology to harness that massive solar energy potential. I commend Representative GIFFORDS for sponsoring this legislation and Chairman GORDON for his leadership in moving it forward.

The market for solar photovoltaics is growing 40 percent annually. This scaling up of production, combined with developments in the technology, has led to a rapid reduction in the cost of solar energy. While the cost of building conventional power plants has, in many cases, doubled over the last decade, the cost of solar has fallen nearly 30 percent. Many people within the industry now believe solar photovoltaics could be competitive with conventionally-generated electricity from the grid by 2015.

Solar photovoltaic technology was born and developed in the United States. Our publicly-funded national laboratories and our universities such as MIT advanced this technology for decades until the private sector more recently adopted it and began manufacturing

solar photovoltaics on a large scale. Unfortunately, we've recently watched this All-American technology become commercialized in Japan, Germany, and China. Today, only two of the world's ten largest solar companies are based in the United States. This means most of the new jobs and intellectual property in this rapidly growing field are accumulating overseas as well. The bill before us today would double down on our solar research program and ensure that solar technology can be developed here with an eye toward private-sector adoption and market deployment.

But to fully reestablish American leadership in this and other rapidly growing clean energy industries and allow the United States to lead in the creation of a clean energy economy, we must also enact into law the American Clean Energy and Security Act, which was passed by the House in June. This legislation, which I authored with Chairman WAXMAN, would put the incentives in place to stimulate demand for solar and other renewable technologies here at home while unleashing American entrepreneurs to transform the entire energy sector into America's next high-tech, innovation industry.

Ms. HARMAN. Mr. Chair, I rise today in strong support of H.R. 3585, the Solar Technology Roadmap Act. Advancing solar technology is vital to our Nation's energy security, reducing greenhouse gas emissions, and establishing the United States as a leader in green technology. This bill will create a structured plan for pursuing solar research, development and demonstration, and will foster new public-private partnerships to make clean, renewable energy more affordable and accessible for all Americans.

Solar power can help reduce greenhouse gas emissions and mitigate the effects of climate change. My home State of California is ahead of the curve: 67 percent of the United States total solar generation is in California.

The Fortunato family in Hermosa Beach, a city I represent, is retrofitting their home to be the city's first "net zero" home and to power all their electricity needs through renewables—mostly through the use of solar panels for electricity and solar hot water for heating.

In fact, throughout California's 36th Congressional District, my constituents are turning to solar energy as they continue the region's tradition of environmental leadership. Large installations at Harbor City College in Wilmington, BT telecommunications in El Segundo, and the Port of Los Angeles are setting the standard for solar excellence in the South Bay. At BT, flexible solar panels provide shade in the outdoor parking lot—something that could be widely copied. My family installed solar panels on our roof in Venice, California, over 8 years ago.

I worked for President Jimmy Carter, who in 1979 mandated that by the year 2000, 20 percent of power generated in the United States should come from the Sun. Three decades later, we're still far from that visionary goal. Solar power accounts for just 1.2 percent of the U.S. mix. We can—and must—do far better.

Mr. VAN HOLLEN. Mr. Chair, I rise in strong support of the Solar Technology Roadmap Act of 2009, and I commend my colleague Congresswoman GABRIELLE GIFFORDS for bringing it to the floor today.

The Solar Technology Roadmap Act of 2009 will focus and accelerate the Department of Energy's ongoing solar technology research, development and demonstration activities by creating a Solar Technology Roadmap patterned after the highly successful National Technology Roadmap for Semiconductors to guide the Nation's near-term, mid-term and long-range solar technology policy goals. The Solar Technology Roadmap will be developed by a Solar Technology Roadmap Committee appointed by the Secretary of Energy and comprised of at least 11 members, one third of whom will come from the solar industry. This bipartisan and forward-looking legislation has been endorsed by the Solar Energy Industries Association, the National Association of Manufacturers, IBM, Intel, and National Semiconductor and will optimize the role that solar technology will play in America's clean energy future.

I urge my colleagues' support.

Ms. JACKSON-LEE of Texas. Mr. Chair, I rise today in support of H.R. 3585, the Solar Technology Roadmap Act, a bill that establishes a comprehensive roadmapping process for solar technology research, development, and demonstration activities conducted by the federal government in partnership with the private sector.

As the Member of Congress representing Texas' 18th Congressional District in Houston, solar technology is near and dear to me and my constituents. My state is facing an unemployment rate of around 7.5%, the highest it has been in the past 16 years. While this is 2% less than the national average, Texas has not seen unemployment this high since 1993. In one month alone, Texas lost 40,600 jobs.

As an energy capital of the world, it is critical for Houston to be at the forefront in the quest for clean, renewable energy. In addition to having energy companies as constituents, I have spent a career working in the energy sector, representing big and large oil companies alike. Further while Houston is home to some of the largest petroleum companies in the world, our city is also the headquarters for leading solar and wind power firms.

While energy reform making its way through Congress offers significant opportunities for Houston, it also comes with a number of challenges, particularly for our city's longstanding petroleum community. Namely, petroleum companies stand to be significantly and adversely impacted as the nation shifts from petroleum fuels to alternative energy.

Mr. Chair, I believe that America should have a diversity of energy sources, which include fossil fuels along side of wind, solar, and hydropower sources. As such, I am working diligently with our senate delegation to ensure that the current energy bill is improved to ensure that the petroleum sector remains as a valuable component of our nation's "seamless" energy policy.

In the interim, I offered two amendments to this bill designed to assist Houston and the rest of Texas. Specifically, one of my amendments would have supported the installation of solar panels and other solar technology systems at hospitals, universities, and public safety facilities.

* * * with solar panels, and by providing special consideration for grantees in Texas

and other states that have a great potential for solar resources that have been adversely impacted by the nation's shift from fossil based fuels to solar power.

For this reason, I proposed two amendments. My first amendment focuses on Section 105b(3)(I). This provision focuses on a provision in the bill that authorizes DOE to conduct at least 10 photovoltaic demonstration projects ranging from one to three megawatts in size and three to five solar projects greater than 30 megawatts in size. The bill also requires DOE to study the performance of photovoltaic installations and identify opportunities to improve the energy productivity of these systems. In addition, DOE must establish a program of RD&D related to the reuse, recycling, and safe disposal of photovoltaic devices.

My amendment would have specifically designated hospitals, universities, and public safety facilities as potential selectees as infrastructure reliability projects. With this proposal, we would have had a chance to outfit hospitals with the latest in solar technology to create alternative power generation resources. These would prevent power disruptions that could threaten the lives of patients in hospitals in particular.

This idea was inspired by the fact that many of the places in our community that provide health care services to the sick are located in buildings that are themselves sick. As we expand health care to millions of Americans, I hope to work with my colleagues to ensure that health care is dispensed in healthy buildings that employ the latest in solar and other green building designs.

Universities could also benefit from these grants in a manner that would ensure that our institutions of higher learning could also continue operating in the event of power outages. Finally, jails, police stations, and other public safety facilities could also specifically benefit by serving as demonstration projects. Mr. Chairman, can I get your commitment to continue working with me to ensure that this proposal is incorporated as the bill proceeds in the legislative process.

Mr. Chair, my second amendment would have provided special consideration to Texas and other states with high potential for solar energy production to help businesses affected by the nation's shift from fossil fuel based energy resources to solar and other renewable energy when making awards under the bill. This language would be inserted into Section 101 D. Under my amendment, the new language would have read: "As a criteria for providing awards under this Act, the Secretary shall consider areas with high unemployment as well as grantees in Texas and other states with high potential for solar energy production to help businesses affected by the nation's shift from fossil fuel based energy resources to solar and other renewable energy."

Mr. Chair, given the potential for Houston and the rest of Texas to be benefitted or harmed by our shift to solar technology, can I get your commitment to incorporate this idea, at least in the conference report.

Again, I want to thank you for the opportunity to speak on behalf of the bill and urge all my colleagues to vote for this legislation to ensure building a comprehensive road for

solar technology research, development, and demonstration activities. Thank you Madam Speaker. I yield back the remainder of my time.

Mr. LEVIN. Mr. Chair, I rise in strong support of the bill before the House, the Solar Technology Roadmap Act.

The solar industry is one of the fastest growing energy industries in the United States. Solar companies, including United Solar Ovonic in Michigan, have been making cutting-edge advancements in both solar technology and manufacturing. The solar industry is already creating jobs in Michigan and across the country, and this energy resource has the potential to create thousands more jobs if we make the right investments.

You can't begin a journey without knowing where you're going. If we want to expand solar energy and renewable energy jobs here in the United States, then we need to have a plan to guide solar energy research, development and demonstration. This legislation directs the Department of Energy to assemble a group of experts from industry, academia, and government labs to create a roadmap of short-, medium-, and long-term goals to guide and accelerate the development and deployment of solar energy in America.

A plan will only get us so far. In order for solar technology to reach its full potential, the federal government has to create a partnership with private industry, just as it has in other energy areas. In a word, working with the private sector, we need to invest wisely in this technology using the guidance provided by the research roadmap. The legislation calls for the Department of Energy to invest \$2 billion on research, development and deployment of solar energy technologies over the next five years. It will be important for Congress to follow through and actually provide the funds to allow this to happen.

I urge my colleagues to join me in voting for the Solar Technology Roadmap Act.

Mr. KIND. Mr. Chair, I rise today in support of H.R. 3585, the Solar Technology Roadmap Act. This bill establishes an important energy tax title that will create the high-paying green jobs our economy needs, while simultaneously taking strong actions to help in our longer-term fight to combat global warming.

Even with rapid growth in solar and wind installations, most clean technologies installed in the U.S. continue to be manufactured overseas. In the case of solar, the U.S. is steadily falling behind the rest of the world in manufacturing capacity, dropping from 22 percent in 2002 to a mere 7 percent in 2007. Similarly, European firms now account for more than 85 percent of the global wind component market, and the U.S. has only a modest share of global manufacturing of other clean technologies, ranging from fuel cells to advanced batteries. We cannot continue down this path.

We are a nation of leaders and we need to start leading. We must cultivate a new mindset where sustainable technology and a clean manufacturing base are at the forefront. Initiatives like the Solar Technology Roadmap, which level the manufacturing playing field and incentivize investment, are what we need. This tax credit will create new manufacturing jobs—a need that cannot be understated given that the U.S. shed more than 1 million manufac-

turing jobs in the past 12 months. Correspondingly, the credit will increase the tax base and improve our trade balance. These are key components to our nation's economic recovery and long-term economic growth. Other nations are making these investments and, to remain globally competitive, we need to do the same.

I am pleased at the length to which this bill goes to create green jobs and urge my colleagues to support this measure.

Mr. HOLT. Mr. Chair, I rise today in support of H.R. 3585, the Solar Technology Roadmap Act.

The United States is currently the world's leader in solar power technologies. However, countries like China, Germany, and Spain are making major investments in this field, unless we increase our investment in research, development and demonstration, RD&D, into new solar technologies our global competitiveness will be at risk.

The Solar Technology Roadmap Act would provide this much needed funding and create a comprehensive program to strengthen and coordinate the development and improvement of our Nation's solar energy technologies. The bill creates a Solar Energy Roadmap Committee comprised of representatives from industry, academia, and government researchers responsible for developing a long-term roadmap to guide solar energy research. The Roadmap Committee would identify the RD&D activities needed to improve the performance and reliability of solar technologies, decrease cost, and reduce water use. This research plan would guide the awarding of funds for solar energy RD&D by the Department of Energy and would help commercialize new solar technologies and create new public-private partnerships to make this clean, renewable energy source more affordable and accessible for all Americans.

Unfortunately, the House Committee on Rules did not make in order two amendments that I offered. One of my amendments would have allowed the Secretary of Energy to use a portion of the \$2 billion authorized for solar energy to study the factors affecting whether consumers choose to adopt and use solar power. Unless we understand these factors it will be difficult to understand how best to encourage the widespread utilization of solar energy. I also offered an amendment that would have required small businesses to be given preference when distributing the RD&D authorized in this act. I am sorry that these amendments were not debated today.

My home State of New Jersey has made a strong investment into the deployment of solar energy. Through its Renewable Energy Incentive Program, REIP, New Jersey has encouraged the installation of over 4,300 solar electricity systems in our State's businesses, homes, and public institutions. We have more solar installations per mile than any other State in the Union, and are the second largest solar market in the country. Our solar companies, including several located within my congressional district, are conducting innovative RD&D into cutting edge solar technologies and our solar installers, dealers, and project developers have created hundreds of clean energy jobs. Supporting an increased Federal investment into RD&D would help to continue this effort. I urge my colleagues to support this legislation.

Mr. COHEN. Mr. Chair, I rise in support of this amendment.

I would first like to commend Representative GIFFORDS and the Science and Technology Committee for proposing this great piece of legislation. I would also like to thank Representatives TITUS and TEAGUE for their work on this very important amendment.

The economic competitiveness and security of the United States depend upon our ability to develop clean, affordable alternatives to oil. But this will not be cheap and it will not be easy, so I commend this legislation's promise for significant investment in the research and development of solar technology. Solar technology holds tremendous promise and has the potential to put the United States on a path to energy independence and significantly reduce greenhouse gas emissions. For in just 1 hour, enough sunlight hits the Earth's surface to supply the entire world's energy demands for 1 full year.

With significant investment in the research, development, and implementation of solar technology, we will be well on our way to energy independence. However, one obstacle to solar technology exists that is currently not being discussed—the immense water usage of many leading solar technologies. Currently, plans exist for solar plants that consume 705 million gallons of water a year and are located in the heart of desert regions which receive scant rainfall and have little groundwater reserves.

As the American population continues to grow and water demands continue to rise with our population, our water supply will be in even shorter supply. Thus, we cannot afford to use hundreds of millions of gallons of water a year to operate and maintain one solar site. It is imperative that we invest in research and development of solar technologies that are water efficient.

While our Nation needs clean, affordable energy, we cannot produce it at the expense of our future water supplies. For these reasons, I strongly urge the passage of our amendment to the Solar Technology Roadmap Act.

Mr. HASTINGS of Washington. Mr. Chair, we must get serious about producing more American-made energy in order to prevent skyrocketing energy and gas prices in the future, grow our economy and protect our national security. There is widespread and bipartisan agreement that we must move toward a cleaner, cheaper, more diverse energy system. That means expanding solar, wind, hydrogen fuel cell, biomass and other new energy sources, more hydropower, more nuclear plants, and tapping into our nation's oil and gas reserves.

My district in Central Washington state is home to massive hydropower dams, the only nuclear power plant in the region, the Pacific Northwest National Lab which is conducting world-class energy research, wind farms, and solar.

There is no question that solar power has a key role to play in our energy future. The federal government should encourage and incentivize all types of solar power production and research. We must make tax credits for solar permanent and we must open up new opportunities for solar on our federal lands.

It is with regret, today, that I cannot vote for H.R. 3585. I have long-supported solar energy—but it need not require an expansion of the federal government and \$2.25 billion dollars at a time when Congress is already spending more than ever and our nation is facing historic levels of debt. In addition to the cost of this legislation, I am concerned that it does not provide a level playing field for all types of solar technologies. The federal government should not be in the business of picking winners and losers.

I am a cosponsor and a supporter of H.R. 2846. This bill represents an all-of-the-above energy bill. Under the bill, a portion of federal government's revenue from offshore drilling would be used to provide funding for renewable energy programs such as solar, biomass, hydropower, clean coal, wind and others. In fact, over \$8 billion would be directed to renewables in the first 10 years at zero cost to taxpayers.

As we move forward, I am committed to finding new opportunities to encourage all solar technologies whether it is through research support, federal land options, tax incentives and other means.

Mr. INSLEE. Mr. Chair, I thank Representative GIFFORDS, the House Leadership and the Chairman for working to pass H.R. 3585 today, which is a legislative priority for the Sustainable Energy and Environment Coalition. H.R. 3585, Solar Technology Roadmap Act, will strengthen the American solar technology industry through a coordinated research and development program and public-private partnerships.

The Solar Technology Roadmap Act will give even cloudy states like Washington a roadmap to solar technology deployment. The bill will help to ensure that federal funding for solar energy research is prioritized to commercialize new solar technologies to make this clean, renewable energy source more affordable and accessible for all Americans.

Harnessing the power of the sun is an economic opportunity for America, with the potential to help create tens of thousands of clean energy jobs in neighborhoods across the country.

The U.S. has some of the best solar resources of any industrialized nation in the world. Yet while America is currently a leader in solar technology development, other countries like Spain, Germany and China are devoting much more effort and attention to this field, putting U.S. competitiveness in this industry in jeopardy. This bill will strengthen America's solar industry and I urge its passage.

Unfortunately, due to a matter in Washington, I will be absent for the vote on final passage of this important bill. Had I been present, I would have voted "yes".

Mr. WU. Mr. Chair, I rise in support of H.R. 3585, the Solar Technology Road-Map Act. I want to commend Chairman GORDON for his efforts to bring this bill to the floor, and Ms. GIFFORDS for her continued leadership on solar technology.

H.R. 3585 provides funding for solar technology research, development and demonstration activities. It also creates a committee to develop a road map that will assess the near-, mid- and long-term needs for solar re-

search. This assessment will become the basis for future investments in solar energy by the Department of Energy.

My district is a great example of the potential for solar energy. Not because of the amount of sun it receives, but because of the number of jobs it has created. Solar World, a solar panel manufacturer, has its U.S. headquarters located in Hillsboro, Oregon and employs 1,000 people building solar panels and produces enough PV panels to supply the entire North and South American markets. With our state's unemployment rate hovering above 11 percent, this company's investment in our state during these difficult times is welcome news. It is my hope that a continued investment in solar energy will result in thousands of more jobs in the coming years.

We have been working to diversify our energy portfolio to create and develop renewable energy sources and reduce our dependence on foreign fossil fuels. This bill will create further research opportunities for solar technology and will create a plan that will guide our future investments in solar energy.

This bill will help build upon the success of previous investments. It is about economic competitiveness and job creation as much as it is about clean renewable energy and less dependence on imported fuels. Again I thank Chairman GORDON and Ms. GIFFORDS for their leadership.

Mr. ISRAEL. Mr. Chair, I rise in strong support of the Solar Technology Roadmap Act because I believe that a strong commitment to solar technology is essential if we're going to lead our country into a robust clean energy economy.

I want to commend my colleague from New York, Mr. HINCHEY, for his leadership and for partnering with me to ensure that there's a diverse regional balance in the Solar Technology Roadmap.

I'd especially like to thank Chairman GORDON for incorporating the Israel Amendment into his Manager's Amendment. This language requires the Solar Roadmap Committee to work with the Departments of Interior and Defense, the National Park Service, and the General Services Administration on the potential for solar demonstration projects on federal lands. We must be using all the resources we have to tap into renewable energy.

We have significant resources in the National Parks and on military bases around the country. Just last month, I was hiking in the Grand Canyon and realized the enormous potential for renewable energy on the roofs of visitors centers alone. This past spring I was at Fort Drum touring the expansive land available there for a robust solar installation that will contribute to an independent energy supply for the base. Our National Parks and federal lands should be landmarks for innovation, efficiency and renewable energy.

Currently, National Parks' renewable energy generation rates are only 1.5 percent of their total average need. The Park Service needs to install 5.8 MW of renewable energy sources between now and 2013 to meet current federal mandates. Just 50 of our 391 National Parks use 80 percent of the total energy consumed by the National Park Service. Solar demonstration projects in these high-use parks could tremendously reduce the energy consumption of the entire National Park system.

The DOD is the single largest energy user in the United States. Any marginal increases in efficiency or the use of renewable sources could have significant impacts on civilian supply. According to DOD reports, the military consumes 1.2 percent of the energy required in the entire country. By 2013, the military must acquire 7.5 percent of its electricity from renewables. Energy is not just an economic and environmental issue, but this shows that it's a national security issue as well.

Again, I thank the gentleman for yielding and look forward to continuing to work with him to reform U.S. energy policy.

Mr. GORDON of Tennessee. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 3585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Solar Technology Roadmap Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(2) SOLAR TECHNOLOGY.—The term "solar technology" means—

(A) photovoltaic technologies, including technologies utilizing—

- (i) crystalline silicon;
- (ii) cadmium telluride;
- (iii) semiconductor materials containing copper, indium, and selenium;
- (iv) thin film silicon;
- (v) gallium arsenide alloy and multijunctions;
- (vi) dye-sensitized and organic solar cell technologies;

(vii) concentrating photovoltaics; and

(viii) other photovoltaic methods identified by the Secretary;

(B) solar thermal electric technology, including linear concentrator systems, dish/engine systems, and power tower systems;

(C) solar thermal water heating technology;

(D) solar heating and air conditioning technologies;

(E) passive solar design in architecture, including both heating and lighting applications; and

(F) related or enabling technologies, including thin films, semiconducting materials, transparent conductors, optics, and technologies that increase durability or decrease cost or weight.

TITLE I—SOLAR TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION

SEC. 101. PROGRAM.

(a) IN GENERAL.—The Secretary shall conduct a program of research, development, and demonstration for solar technology, including—

- (1) photovoltaics;
- (2) solar hot water and solar space heating and cooling;
- (3) concentrating solar power;
- (4) lighting systems that integrate sunlight and electrical lighting in complement to each other in common lighting fixtures for the purpose of improving energy efficiency;

(5) manufacturability of low cost, high-quality solar energy systems;

(6) development of solar technology products that can be easily integrated into new and existing buildings; and

(7) other areas as the Secretary considers appropriate.

(b) **AWARDS.**—The Secretary shall provide awards under this section to promote a diversity of research, development, and demonstration activities for solar technology on a merit-reviewed, competitive basis to—

(1) academic institutions, national laboratories, Federal research agencies, State research agencies, nonprofit research organizations, industrial entities, or consortia thereof for research, development, and demonstration activities; and

(2) industry-led consortia for research, development, and demonstration of advanced techniques for manufacturing a variety of solar energy products.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that at least 75 percent of funding for solar technology research, development, and demonstration activities conducted by the Department of Energy after fiscal year 2014 support a diversity of activities identified by and recommended under the Solar Technology Roadmap as described in section 102.

(d) **SPECIAL CONSIDERATION.**—As a criteria for providing awards under this Act, the Secretary shall consider areas with high unemployment.

(e) **COMPETITIVENESS.**—In carrying out section 105, the Department of Energy shall strongly consider projects utilizing solar technologies manufactured in the United States.

SEC. 102. SOLAR TECHNOLOGY ROADMAP.

(a) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Solar Technology Roadmap Committee established under section 103 shall develop and transmit to the Secretary of Energy and the Congress a Solar Technology Roadmap that—

(1) presents the best current estimate of the near-term (up to 2 years), mid-term (up to 7 years), and long-term (up to 15 years) research, development, and demonstration needs in solar technology; and

(2) provides guidance to the solar technology research, development, and demonstration activities supported by the Federal Government for the purposes of meeting national priorities in energy security, United States competitiveness, mitigation of adverse environmental impacts, and energy diversification.

(b) **CONTENTS.**—The Solar Technology Roadmap shall—

(1) identify research, development, and demonstration needs for a diversity of solar technologies to address—

(A) the key solar energy production challenges of intermittency, transience, storage, and scaling, including determining—

(i) which solar-related technological solutions are appropriate for various applications, locations, and seasons;

(ii) how to store excess solar energy in batteries, supercapacitors, compressed air, flywheels, hydrogen, synthetic fuels, thermal storage, or superconductors, or through other means;

(iii) how and when to integrate solar energy into the electricity grid effectively, including—

(I) the integration of solar technologies with a Smart Grid;

(II) electrical power smoothing;

(III) microgrid integration;

(IV) solar resource forecasting;

(V) long distance transmission options, including direct current and superconducting transmission; and

(VI) ways to address arbitrage over minutes, hours, days, weeks, and seasons with respect to the full range of project scales; and

(iv) how best to integrate solar technologies into buildings;

(B) modeling and simulation;

(C) the design, materials, and manufacture of solar technologies, as well as related factory sciences;

(D) the development of standards;

(E) the need for demonstration facilities;

(F) optimized packaging methods;

(G) environmental, safety, and health concerns including reuse, recycling, hazardous materials disposal, and photovoltaic waste issues; and

(H) other areas identified by the Secretary;

(2) identify opportunities for coordination with partner industries such as those for semiconductors, lighting, energy storage, Smart Grid, and wind that can benefit from similar advances;

(3) establish research, development, and demonstration goals with recommended timeframes with respect to solar technologies for—

(A) improving performance;

(B) decreasing cost of electricity generated;

(C) improving reliability; and

(D) decreasing potential negative environmental impacts and maximizing the environmental benefits of solar technologies;

(4) include recommendations, as appropriate, to guide solar technology research, development, and demonstration activities; and

(5) outline the various technologies and practices considered by the Committee and the benefits and shortcomings of each, as appropriate.

(c) **REVISIONS AND UPDATES.**—

(1) **REVISIONS.**—Once every 3 years after completion of the first Solar Technology Roadmap under this Act, the Solar Technology Roadmap Committee shall conduct a comprehensive review and revision of the Solar Technology Roadmap.

(2) **UPDATES.**—The Solar Technology Roadmap Committee shall update the Solar Technology Roadmap annually as necessary.

SEC. 103. SOLAR TECHNOLOGY ROADMAP COMMITTEE.

(a) **ESTABLISHMENT.**—Not later than 4 months after the date of enactment of this Act, the Secretary shall establish, and provide support for as necessary, a Solar Technology Roadmap Committee.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Solar Technology Roadmap Committee shall consist of at least 11 members. Each member shall be appointed by the Secretary from among subject matter experts representing—

(A) different sectors of the domestic solar technology industry, including manufacturers and equipment suppliers;

(B) national laboratories;

(C) academia;

(D) relevant Federal agencies;

(E) relevant State and local government entities;

(F) private research institutions; and

(G) other entities or organizations, as appropriate.

(2) **TERMS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term of a member of the Solar Technology Roadmap Committee shall be 3 years.

(B) **ORIGINAL TERMS.**—Of the members appointed originally to the Solar Technology Roadmap Committee, approximately $\frac{1}{3}$ shall be appointed for a 2-year term, approximately $\frac{1}{3}$ shall be appointed for a 3-year term, and approximately $\frac{1}{3}$ shall be appointed for a 4-year term.

(3) **LIMIT ON TERMS.**—A member of the Solar Technology Roadmap Committee may serve more than 1 term, except that such member may not serve a subsequent term unless 2 years have elapsed since the end of a previous term.

(4) **INDUSTRY PARTICIPATION.**—At least $\frac{1}{3}$ and not more than $\frac{1}{2}$ of the members of the Solar Technology Roadmap Committee shall be individuals described in paragraph (1)(A).

(5) **CHAIR.**—The Secretary shall select a Chair from among the members of the Committee. The Chair shall not be an employee of the Federal Government.

(6) **CONFLICTS OF INTEREST.**—The Secretary, in appointing members to the Committee, shall make every effort to ensure that—

(A) no individual appointed to serve on the Committee has a conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Secretary determines that a waiver is appropriate;

(B) the Committee membership is fairly balanced as determined by the Secretary to be appropriate for the functions to be performed; and

(C) the final report of the Committee will be the result of the Committee's independent judgment.

The Secretary shall require that individuals that are appointed or intended to be appointed to serve on the Committee inform the Department of Energy of any individual's conflicts of interest that are relevant to the functions to be performed.

(c) **EXPERT ADVICE.**—In developing the Solar Technology Roadmap, the Solar Technology Roadmap Committee may establish subcommittees, working groups comprised of experts outside the membership of the Solar Technology Roadmap Committee, and other means of gathering expert advice on—

(1) particular solar technologies or technological challenges;

(2) crosscutting issues or activities relating to more than 1 particular solar technology or technological challenge; or

(3) any other area the Solar Technology Roadmap Committee considers appropriate.

(d) **COMPENSATION AND EXPENSES.**—A member of the Solar Technology Roadmap Committee shall not be compensated for service on the Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) **FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Solar Technology Roadmap Committee.

SEC. 104. INTERAGENCY COORDINATION.

The Director of the Office of Science and Technology Policy shall review and coordinate Federal interagency activities identified in and related to the Solar Technology Roadmap as appropriate.

SEC. 105. SOLAR TECHNOLOGY DEMONSTRATION PROJECTS.

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary shall establish a program to provide grants for demonstration projects to support the development of solar energy production, consistent with the Solar Technology Roadmap as available.

(b) **IMPLEMENTATION.**—In carrying out the demonstration program under this section, to the extent practicable, the Secretary shall—

(1) include at least 10 photovoltaic technology projects that generate between 1 and 3 megawatts;

(2) include at least 3 but not more than 5 solar technology projects that generate greater than 30 megawatts; and

(3) make awards for projects that—

(A) are located and can be replicated at a wide range of sites;

(B) are located and can be replicated in a variety of regions and climates;

(C) demonstrate technologies that address intermittency, transience, storage challenges, and independent operational capability;

(D) facilitate identification of optimum techniques among competing alternatives;

(E) include business commercialization plans that have the potential for production of equipment at high volumes;

(F) improve United States competitiveness and lead to development of manufacturing technology;

(G) demonstrate positive environmental performance through life-cycle analysis;

(H) provide the greatest potential to reduce energy costs for consumers;

(I) promote overall electric infrastructure reliability and sustainability should grid functions be disrupted or damaged; and

(J) satisfy other criteria that the Secretary considers necessary to carry out the program.

(c) **GRANT AWARDS.**—Funding provided under this section may be used, to the extent that funding is not otherwise available through other Federal programs or power purchase agreements, for—

(1) a necessary and appropriate site engineering study;

(2) a detailed economic assessment of site-specific conditions;

(3) appropriate feasibility studies to determine whether the demonstration can be replicated;

(4) installation of equipment, service, and support;

(5) operation for a minimum of 3 years and monitoring for the duration of the demonstration; and

(6) validation of technical, economic, and environmental assumptions and documentation of lessons learned.

(d) **GRANT SELECTION.**—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Secretary shall conduct a national solicitation for applications for grants under this section. Grant recipients shall be selected on a merit-reviewed, competitive basis. The Secretary shall give preference to proposals that address multiple elements described in subsection (b).

(e) **LIMITATIONS.**—Funding shall not be provided under this section for more than 50 percent of the costs of the project for which assistance is provided. Not more than a total of \$300,000,000 shall be provided under this section for the period encompassing fiscal years 2011 through 2015.

SEC. 106. PHOTOVOLTAIC PERFORMANCE STUDY.

(a) **IN GENERAL.**—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to the Congress and the Solar Technology Roadmap Committee the results of a study that analyzes the performance of photovoltaic installations in the United States. The study shall assess the current performance of photovoltaic installations and identify opportunities to improve the energy productivity of these systems. Such study shall include—

(1) identification of the average energy productivity of current commercial and residential installations;

(2) assessment of areas where energy productivity is reduced, including wire loss, module mismatch, shading, dust, and other factors;

(3) identification of technology development and technical standards that improve energy productivity;

(4) analysis of the potential cost savings and energy productivity gains to the Federal, State, and local governments, utilities, private enterprise, and consumers available through the adoption, installation, and use of high-performance photovoltaic technologies and practices; and

(5) an overview of current government incentives at the Federal, State, and local levels that encourage the adoption of highly efficient photovoltaic systems and practices.

(b) **PUBLIC INPUT.**—The Secretary shall ensure that interested stakeholders, including affected industry stakeholders and energy efficiency advocates, have a meaningful opportunity to provide comments, data, and other information on the scope, contents, and conclusions of the study. All forums for the Department to receive this input from interested stakeholders shall be announced in the Federal Register.

SEC. 107. SOLAR ENERGY PROGRAM REAUTHORIZATION.

(a) **IN GENERAL.**—There are authorized to be appropriated to the Secretary to carry out section 101(a)—

(1) \$350,000,000 for fiscal year 2011;

(2) \$400,000,000 for fiscal year 2012;

(3) \$450,000,000 for fiscal year 2013;

(4) \$500,000,000 for fiscal year 2014; and

(5) \$550,000,000 for fiscal year 2015.

(b) **ROADMAP IDENTIFIED ACTIVITIES.**—The Secretary shall dedicate a percentage of funding received pursuant to subsection (a) for research, development, and demonstration activities identified by and recommended under the Solar Technology Roadmap in the following percentages:

(1) For fiscal year 2012, at least 30 percent.

(2) For fiscal year 2013, at least 45 percent.

(3) For fiscal year 2014, at least 60 percent.

(4) For fiscal year 2015, at least 75 percent.

(c) **SOLAR TECHNOLOGY ROADMAP.**—The Secretary may use up to \$2,000,000 of the funds appropriated pursuant to subsection (a) for each fiscal year to support the establishment and maintenance of the Solar Technology Roadmap.

(d) **EXTENSION OF AUTHORIZATIONS.**—Of funds authorized by subsection (a), there are authorized to be appropriated to the Secretary to carry out—

(1) section 602 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17171) \$12,000,000 for each of the fiscal years 2013 through 2015;

(2) section 604 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17172) \$10,000,000 for each of the fiscal years 2013 through 2015;

(3) section 605 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17173) \$3,500,000 for each of the fiscal years 2013 through 2015; and

(4) section 606 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17174) \$2,500,000 for each of the fiscal years 2013 through 2015.

SEC. 108. EXISTING PROGRAMS.

Except as otherwise specified in this Act, this Act shall supersede any duplicative solar research, development, and demonstration programs within the Department of Energy.

SEC. 109. REPEALS.

The following are hereby repealed:

(1) The Solar Energy Research, Development, and Demonstration Act of 1974 (42 U.S.C. 5551 et seq.), except for section 10.

(2) The Solar Photovoltaic Energy Research, Development, and Demonstration Act of 1978 (42 U.S.C. 5581 et seq.).

(3) Section 4(a)(2) and (3) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12003(a)(2) and (3)).

TITLE II—PHOTOVOLTAIC RECYCLING

SEC. 201. PHOTOVOLTAIC DEVICE RECYCLING RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) **DEFINITION.**—In this section, the term “photovoltaic device” includes photovoltaic cells and the electronic and electrical components of such devices.

(b) **IN GENERAL.**—In order to address the issues described in section 102(b)(1)(G), the Secretary shall award multiyear grants for re-

search, development, and demonstration activities to create innovative and practical approaches to increase reuse and recycling of photovoltaic devices and, through such activities, to contribute to the professional development of scientists, engineers, and technicians in the fields of photovoltaic and electronic device manufacturing, design, refurbishing, and recycling. The activities supported under this section shall address—

(1) technology to increase the efficiency of photovoltaic device recycling and maximize the recovery of valuable raw materials for use in new products while minimizing the life-cycle environmental impacts such as greenhouse gas emissions and water usage;

(2) expanded uses for materials from recycled photovoltaic devices;

(3) development and demonstration of environmentally responsible alternatives to the use of hazardous materials in photovoltaic devices and the production of such devices;

(4) development of methods to separate and remove hazardous materials from photovoltaic devices and to recycle or dispose of those materials in a safe manner;

(5) product design and construction to facilitate disassembly and recycling of photovoltaic devices;

(6) tools and methods to aid in assessing the environmental impacts of the production of photovoltaic devices and photovoltaic device recycling and disposal;

(7) product design and construction and other tools and techniques to extend the life cycle of photovoltaic devices, including methods to promote their safe reuse;

(8) strategies to increase consumer acceptance and practice of recycling of photovoltaic devices; and

(9) processes to reduce the costs and environmental impact of disposal of toxic materials used in photovoltaic devices.

(c) **MERIT REVIEW.**—Grants shall be awarded under this section on a merit-reviewed, competitive basis.

(d) **APPLICATIONS.**—Each application shall include a description of—

(1) the project that will be undertaken and the contributions of each participating entity;

(2) the applicability of the project to increasing reuse and recycling of photovoltaic devices with the least environmental impacts as measured by life-cycle analyses, and the potential for incorporating the research results into industry practice; and

(3) how the project will promote collaboration among scientists and engineers from different disciplines, such as electrical engineering, materials science, and social science.

(e) **DISSEMINATION OF RESULTS.**—The results of activities supported under this section shall be made publicly available through—

(1) development of best practices or training materials for use in the photovoltaics manufacturing, design, refurbishing, or recycling industries;

(2) dissemination at industry conferences;

(3) coordination with information dissemination programs relating to recycling of electronic devices in general;

(4) demonstration projects; and

(5) educational materials for the public produced in conjunction with State and local governments or nonprofit research organizations on the problems and solutions related to reuse and recycling of photovoltaic devices.

(f) **PHOTOVOLTAIC MATERIALS PHYSICAL PROPERTY DATABASE.**—

(1) **IN GENERAL.**—The Secretary shall establish a comprehensive physical property database of materials for use in photovoltaic devices. This database shall include—

(A) identification of materials used in photovoltaic devices;

(B) a list of commercially available amounts of these materials;

(C) amounts of these materials projected to be available through mining or recycling of photovoltaic and other electronic devices; and

(D) a list of other significant uses for each of these materials.

(2) **PRIORITIES.**—The Secretary, working with private industry, shall develop a plan to establish priorities and requirements for the database under this subsection, including the protection of proprietary information, trade secrets, and other confidential business information.

(3) **COORDINATION.**—The Secretary shall coordinate with the Director of the National Institute of Standards and Technology and the Administrator of the Environmental Protection Agency to facilitate the incorporation of the database under this subsection with any existing database for electronic manufacturing and recycling.

The Acting CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111-304. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GORDON OF TENNESSEE

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-304.

Mr. GORDON of Tennessee. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GORDON of Tennessee:

Page 4, line 21, amend paragraph (1) to read as follows:

(1) photovoltaics and related electronic components, including inverters, charge controllers, and energy monitors;

Page 5, line 16, insert "Federally-Funded Research and Development Centers," after "national laboratories,".

Page 6, lines 9 through 12, amend subsection (e) to read as follows:

(e) **LIMITATION.**—The Department of Energy shall provide awards to projects for research, development, and demonstration of solar technologies and solar manufacturing in the United States.

Page 8, line 9, strike "and".

Page 8, line 11, insert "and" after the semicolon.

Page 8, after line 11, insert the following new clause:

(v) the technologies used to condition solar energy, including inverters, DC/DC converters, and battery chargers;

Page 8, line 21, strike "and" and insert a semicolon.

Page 8, line 22, redesignate subparagraph (H) as subparagraph (I).

Page 8, after line 21, insert the following new subparagraph:

(H) ways to reduce regional disparity in the use of solar technologies; and

Page 9, line 8, strike "and".

Page 9, line 11, strike the semicolon and insert "and".

Page 9, after line 11, insert the following new subparagraph:

(E) improving the cost effectiveness and quality control of domestic manufacturing of implements and devices used in the production of solar energy;

Page 9, lines 12 and 15, redesignate paragraphs (4) and (5) as paragraphs (5) and (6), respectively.

Page 9, after line 11, insert the following new paragraph:

(4) identify best practices for Department of Energy national laboratories in their collaborations with institutions of higher education and private industry to more efficiently and effectively bring new solar technologies to the marketplace;

Page 10, after line 3, insert the following new subsection:

(d) **CONSULTATION.**—The Solar Roadmap Committee shall consult with the Department of the Interior, the National Park Service, the Department of Defense, and the General Services Administration on the potential for solar demonstration projects on Federal lands.

Page 10, line 15, insert "solar applications developers," after "including manufacturers".

Page 12, after line 21, insert the following new paragraph:

(7) **GEOGRAPHIC DISTRIBUTION.**—The Secretary shall consider individuals that represent diverse geographic regions of the United States for membership of the Committee.

Page 13, line 3, insert "applications," after "solar technologies".

Page 13, line 16, redesignate subsection (e) as subsection (f).

Page 13, after line 15, insert the following new subsection:

(e) **LIMITATION.**—The Committee shall provide guidance on technological goals and activities but, consistent with requirements for the selection of recipients of funding on a merit-reviewed, competitive basis under section 101(b), shall not recommend or select specific recipients of funds.

Page 14, lines 17 and 18, amend subparagraph (A) to read as follows:

(A) are located in geographically dispersed regions of the country and are not concentrated in any single geographical region of country;

Page 15, line 10, insert "as well as promote accessibility and community implementation of demonstrated technologies," after "energy costs".

Page 16, lines 3 and 4, amend paragraph (5) to read as follows:

(5) operation for a minimum of 3 years, using a monitoring methodology approved by Secretary; and

Page 16, after line 19, insert the following new subsection:

(f) **ORGANIC PHOTOVOLTAIC CELL TECHNOLOGIES.**—At least 1 demonstration project awarded under this section during fiscal year 2011 shall be for the demonstration of organic photovoltaic cell technologies.

Page 17, line 17, strike "and" and insert a semicolon.

Page 17, line 21, strike the period and insert "and".

Page 17, after line 21, insert the following new paragraph:

(6) assessment of current financing models available to consumers used to offset high upfront costs by accounting for the long term economic benefits of solar energy.

Page 18, line 5, and page 19, lines 18 and 22, redesignate sections 107 through 109 as sections 108 through 110, respectively.

Page 18, after line 4, insert the following new section:

SEC. 107. REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary shall commence a study evaluating potential applications of micro power stations using solar power technology in underserved communities lacking in basic electric or traditional power infrastructure, and make recommendations to Congress for increasing access to and implementation of solar energy technology in such underserved communities.

Page 20, after line 9, insert the following new section:

SEC. 111. SOLAR TECHNOLOGY EQUIPMENT THEFT.

(a) **PILOT PROGRAM.**—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall establish a pilot program to make grants for projects to protect against solar technology equipment theft, including projects for mapping of large-scale solar projects and equipment serial number registries.

(b) **REPORT TO CONGRESS.**—Not later than 1 year after the establishment of the pilot program under subsection (a), the Secretary of Energy shall transmit to the Congress a report on the effectiveness of projects supported under this section, which shall include recommendations for the continuation or alteration of the program under this section or any other appropriate Federal legislation.

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from Tennessee (Mr. GORDON) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

This amendment includes a number of good ideas from my colleagues who today were not fortunate enough to be on our committee, so I am happy to support them all, and I appreciate their contribution to making this a better bill.

The amendment also incorporates important clarifying language that the our staff worked out with our committee colleagues and partner, Dr. BARTLETT, to ensure that the road map committee only has the power to provide guidance on technological goals and activities and cannot recommend or select specific recipients of funds. This amendment provides further protection against any conflicts of interest on the road map committee, and I strongly urge my colleagues to support it.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not necessarily opposed to all of them.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, the manager's amendment includes 14 separate amendments that were submitted to the Rules Committee. I am

supportive of a number of the provisions, including those that promote solar demonstration projects on Federal lands and those that promote geographic diversity for members of the solar road map committee. Most of these amendments make minor changes, and I don't oppose those. I have some questions with a few of the provisions, which I hope the chairman might be able to speak to.

Mr. HASTINGS' amendment would fund community implementation of solar technologies, which I am not sure is an appropriate use of funds in the bill. Mr. POLIS' amendment seems to be the attempt to study financial incentives available to convince people to use solar energy, but I am uncertain what he really seeks to accomplish.

Can the chairman shed some light on the need for this language and whether this is an appropriate use of funds in the bill?

Finally, Mr. THOMPSON's amendment that would use funding in the bill for demonstration projects to protect against solar technology equipment theft, I am concerned about the cost of this project and whether or not this is an appropriate research and development project for the bill, it is a research and development project, and how big of a problem is this and what types of products are being stolen.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield to the gentlewoman from San Diego, Mrs. DAVIS, for as much time as she may consume.

Mrs. DAVIS of California. I thank my colleague for yielding the time.

Mr. Chairman, I rise today in strong support of H.R. 3585, the Solar Technology Roadmap Act. I think that it is so important.

I am very proud of my community of San Diego because we are known, as everyone is aware, for our perennial sunshine. I also wanted to assure our colleagues that we are not just basking in those rays; in fact, we are putting them to work. San Diego has been working to put that sun to use for some time.

Our city ranks first among California cities for use of solar energy according to a recent report by the Environment California Research & Policy Center. Our city's solar friendly policies, such as our quicker permitting for buildings that use solar power and a pilot program to offer homeowners incentives for solar installations, has made us really a bellwether for clean energy operations.

The other very, very critical issue that I want to applaud is our military and our Navy, because the Navy Region Southwest has taken great advantage of this wonderful resource that we have in our sun by investing in solar panels throughout San Diego bases, saving both energy and taxpayer dollars.

There are a number of parking lots that are shielded by solar panels, a number of the buildings that have been transferred over the years. So this kind of sustainability of many of our military installations and buildings in San Diego is critically important for us. It makes a huge difference.

I certainly hope that other cities can take a look at what we have been able to accomplish and that San Diego's leadership can serve as a road map for other cities. As we guarantee our country's leadership for providing a road map for financial and structural investments in the research and development of solar energy, we can continue to move forward with the kind of momentum that is really critical, and that is what this bill is providing.

The public-private partnerships that will result from this bill will help make solar energy more affordable and accessible for all Americans. I see in my own neighborhood the changes that are occurring, pilot projects, solar projects in front of homes throughout the community. That sends a very powerful message to people.

I am thrilled to be a cosponsor of this legislation, and I encourage my colleagues on both sides of the aisle to support H.R. 3585.

Mr. HALL of Texas. Mr. Chairman, I continue to reserve my time.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Ranking Member HALL, to respond to your question, the manager's amendment was a compilation of a variety of amendments that had been presented to the Rules Committee. In an effort to expedite the process here today, there was no mention of opposition to these. The minority staff had access to these amendments at the same time that we had them. We heard no opposition, so we tried to batch them together so that the process could move forward more expeditiously.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. MITCHELL. Mr. Chair, I rise in support of the Manager's Amendment to the Solar Technology Roadmap Act, H.R. 3585.

We're lucky in Arizona to enjoy over 300 days of sunshine. We have a real opportunity to brighten our state's future by investing in solar energy research and technology.

As solar technology advances, I believe that Arizona will be a leader in clean, alternative energy production. Refocusing our energy production on alternative sources such as solar is critical for our national security and the environment.

Moreover, investing in solar energy is vital to Arizona's economy.

With the help of solar tax credits, Abengoa Solar and Arizona Public Service are developing the world's largest solar energy plant outside of Gila Bend. The Solana solar generating station will create 1,500 to 2,000 jobs

and provide clean, emission-free energy for 70,000 homes. Solana is expected to ultimately spur \$1 billion in economic development.

H.R. 3585, the Solar Technology Roadmap Act, is critical in order to spur further research and development of solar technology. This legislation would establish a Solar Technology Roadmap Committee tasked with creating a Solar Technology Roadmap to evaluate near-term, mid-term, and long-term research, development, and demonstration needs in solar technology. This Committee would include stakeholders in the solar industry to provide insights on the deployment of this technology.

I would like to thank Chairman GORDON for working with me to ensure that the Solar Technology Roadmap would also address an important obstacle blocking the advancement of solar technology today—namely that this technology is expensive.

I offered an amendment to H.R. 3585 to ensure that the Solar Technology Roadmap includes research and development goals for improving the cost-effectiveness of domestic manufacturing of implements and devices used in the production of solar energy.

The Chairman graciously agreed to include my amendment in the manager's amendment.

If we are serious about making large-scale solar energy production a reality, it is critical that we focus our research efforts on ensuring that solar technology is affordable and competitive with other sources of energy.

I would also like to take a moment to thank Congresswoman GIFFORDS for her hard work on this bill.

I urge my colleagues to support the manager's amendment as well as the underlying legislation.

Mr. GORDON of Tennessee. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORDON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-304.

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BROUN of Georgia:

Page 18, lines 7 through 12, strike "section 101(a)" and all that follows through "2015" and insert "section 101(a) \$250,000,000 for each of the fiscal years 2011 through 2013".

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from Georgia (Mr. BROUN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BROUN of Georgia. Mr. Chairman, I yield myself as much time as I may consume.

Energy independence and innovation are essential to America's national as

well as economic security. Current rising energy costs only reinforce this critical need. Last summer's record-breaking prices of fuel exposed the consequences of the failure to have a comprehensive national energy strategy, one that makes America energy independent.

Many believe the debate is oil and gas versus wind, solar, and renewable sources of energy. That assumption is absolutely false. We need all of the sources of fuel that we know about, both current and any possible ones that we can develop in the future.

Today's bill focuses on one of those sources of very much needed energy, solar energy. The technological advances in solar-generated energy are growing every day. Specifically, during committee markup, our friend and colleague, Dr. EHLERS, shared with us an ingenious new technology that may only be a year away from the market, a solar shingle.

These new shingles, which are being developed by the private sector, will be able to produce more than enough energy to power almost any modern home. I hope they get on the market very quickly. These shingles have dual purposes—the protection of the home on the roof and providing a clean energy source to the home. Further, the costs to the consumer would eventually be comparable to regular wood shingles. This is the marketplace at its best.

Despite my strong support of these innovative and cleaner technologies, this Congress must recognize a simple fact: We do not have enough money to do all the programs that we would all like to do.

□ 1300

In order to balance the noble goals of this legislation with the overwhelming pressures placed on the budget, I offer this amendment which would freeze the amount of money authorized in this bill to \$250 million a year for 3 years.

In this fiscal year's Energy and Water appropriations bill, \$225 million was appropriated for solar energy programs. This is in addition to the \$117 million that was appropriated in the so-called stimulus—I call it the "non-stimulus" bill—earlier this year.

This is more than Congress can and should be doing for solar and other renewable resources; reduce and streamline regulatory burden in developing and building green technologies, actions which would not expand or increase our debt.

I urge my colleagues to support this commonsense, economically responsible amendment and reduce the burden of adding to the debt which will be passed along to our children and grandchildren.

Mr. Chairman, we have to stop the outrageous spending that this Congress is doing, and my amendment will help to do that.

I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. GORDON of Tennessee. I yield the gentlewoman from Arizona 3 minutes.

Ms. GIFFORDS. Mr. Chairman, I would like to respond to some of the concerns that are addressed in Mr. BROWN's amendment.

Mr. BROWN's amendment would freeze the authorization level for solar R&D at \$250 million per year, the same level last authorized for fiscal year 2009 in the Energy Policy Act of 2005. And note that at this funding level, it would almost be completely impossible to carry out the tasks of the robust demonstration program in this bill, in addition to the critical research that is required through the road map committee.

But I frankly believe that the best justification for the proposed authorizations in this bill comes from taking a look backward in time at the historical levels of investment in energy R&D in this country.

Mr. Chairman, between 1978 and fiscal year 2007, the United States Government spent \$30 billion on R&D for nuclear energy alone. We spent another \$24 billion on fossil fuel research. During that same time, however, we spent less than \$6.5 billion on solar energy. And more than half of that research was performed prior to 1985.

Now, maybe some people think these disparities are appropriate. Maybe they think that solar does not merit the same levels of investment because it is not able to provide as much energy as those technologies. However, looking at the research and where we are with the technology today, that is simply false.

Our solar resources are absolutely vast in scale, and they are capable of making a significant contribution to our energy needs. Using technology available today, solar power could meet the electricity demands of the entire United States on a square piece of land 100 by 100 miles, or 10,000 square acres. That is just one-quarter of the land currently covered by artificial lakes behind hydroelectric dams, which provide less than 7 percent of our Nation's electricity.

Scott Stephens, an engineer with the Solar Energy Technology Program at the Department of Energy, recently stated publicly that with the right incentives, solar power has the potential to provide 20 percent of America's electricity needs by 2030. That's equal to the amount of power currently provided by nuclear power plants. Yet to date, we have spent just one-tenth the resources developing solar technologies than we have spent in developing nuclear power. In the last 30 years, we have spent four times more money de-

veloping coal technology than solar, and burning coal is a technology that was developed 150 years ago.

At the end of the term covered by my bill, it would authorize \$550 million to solar R&D. At the peak of the energy crisis in the 1970s, we spent \$3 billion a year on nuclear power development and \$1.8 billion on fossil fuels, using 2007 dollars.

Let me be clear. I fully support having strong research programs in other types of energy, whether it's nuclear or coal and a variety of other important energy options. The funding levels in this bill just recognize and help us properly take advantage of the enormous solar resources that we have in the United States.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. GORDON of Tennessee. I yield the gentlewoman 1 additional minute.

Ms. GIFFORDS. To properly take advantage of the enormous solar resources we have in the United States, and the potential to accelerate new clean energy for our economy, it is time for our investment to match the scale of opportunity. In fiscal year 2011, the Solar Technology Roadmap would authorize \$350 million, which is only about 6 percent of today's energy R&D budget.

Mr. BROWN of Georgia. Mr. Chairman, I yield 2 minutes to my good friend, Mr. HALL from Texas.

Mr. HALL of Texas. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, Dr. BROWN's amendment is a fiscally conservative amendment that makes financial sense when our country is carrying a \$1.4 trillion debt. Instead of authorizing a total of \$2.25 billion, Dr. BROWN's amendment would authorize \$750 million, keeping the authorization level more in line with the incremental increases the solar program has been appropriated over the past several years, not to mention the \$117.6 million that the program has already received in the stimulus bill. This could be the amendment that would make the bill more acceptable.

Mr. GORDON of Tennessee. Mr. Chairman, I yield myself such time as I may consume.

Dr. BROWN is a valued member of our committee and has well deserved credentials for looking after the taxpayers' dollars. But I really think in this case it is being penny wise and pound foolish.

In the short time that I have, I want to make one quick point. The United States invented the technology for the solar industry now. Yet China is the largest manufacturer, exporter and deployer of solar in the world right now. The United States simply cannot compete with them in terms of wages. We do not want to work for \$2 or \$3 an hour. We do not want to have our kids do that. So we have to be ahead of them in technology.

For that reason, we are going to have to invest in that technology so that we can make our solar panels and our solar industry be such that we are not only manufacturing it, but we are also putting forth the best technology. That is why this investment is important. That is why this is an investment in our future and our kids.

And with that, Mr. Chairman, I yield back the balance of my time.

Mr. BROUN of Georgia. Mr. Chairman, if the philosophy is that government has to supply all the money for all the research and development in this country, particularly for energy resources or anything else, then it makes sense to pour more and more money into this kind of development, but we are stealing our grandchildren's future. They are going to live at a lower standard.

Mr. Chairman, we just simply have to stop the spending and control what we are doing. We cannot spend ourselves into economic prosperity. It's going to cost jobs in this country. We are going to go into an economic slump and a downturn if we don't stop spending money here in Congress.

So my amendment will certainly continue to fund solar energy, which we desperately need; but the private sector, Mr. Chairman, can do that also. Government is not the only source of funds. The private sector is already developing things, as I stated in my opening statement for these shingles.

We have to stop robbing our grandchildren's future.

And with that, Mr. Chairman, I urge all Members on both sides to support my amendment. It's a commonsense, fiscally responsible amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. BROUN of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. HASTINGS
OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-304.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HASTINGS of Florida:

Page 10, line 22, strike "and".

Page 10, line 23, redesignate subparagraph (G) as subparagraph (H).

Page 10, after line 22, insert the following new subparagraph:

(G) minority-serving institutions; and

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today to offer this amendment to H.R. 3585, the Solar Technology Roadmap Act, to guarantee minority-serving institutions are represented in the solar technology road map committee.

Mr. Chairman, I'm a bit melancholy because I'm here with two colleagues that I cut my eye teeth in Congress with from the Science Committee, Mr. GORDON, the now-Chair, and the ranking member, Mr. HALL. And it seems that 19 years kind of like went real fast. Somewhere along the way, I had hair then, Mr. GORDON's hair was black, and Mr. HALL's hair was white; but he had more of it at that time. But it's a pleasure, and it's refreshing to see the comity that existed when I came here 19 years ago continuing on this committee. And I applaud them in that regard for bringing significant bipartisan legislation to the floor.

As a Member representing the sunshine State of Florida, I feel that we must seize the opportunity to research and develop solar technology. Solar power is an innate source that can provide much advancement in the world of energy and technology. It is critical to ensure that members appointed to the solar technology road map committee are a diverse group of Americans who will carry out the mission of this act.

I believe that minority-serving institutions have a history of technical expertise, where many are actually land grant institutions, thus they have significant extension efforts which translate research into applied resources for the communities they serve.

My law school alma mater and the alma mater of Representative CORRINE BROWN and Representative KENDRICK MEEK, Florida Agricultural and Mechanical University in Tallahassee, Florida, has been a land grant institution educating African Americans and other Americans since 1890. The university offers an extensive catalog of degree programs with a strong and efficient research division. FAMU's research division has been involved in cutting-edge research that has led to numerous technological and scientific advancements.

Mr. Chairman, essentially, this amendment reminds the Secretary of Energy, responsible for implementing the solar technology road map resulting from this legislation, to incorporate diverse expertise. Involving institutions such as FAMU will ensure a full spectrum of voices contribute to determining the best course for seizing the enormous potential of solar technology.

I ask my colleagues for their support of this amendment, and I deeply thank Congresswoman GIFFORDS for offering the underlying legislation.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, this amendment seeks to ensure minority institutions are represented on the solar technology road map committee established in this bill. I certainly have no objections to this amendment.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman has 90 seconds remaining.

Mr. HASTINGS of Florida. Then I am pleased at this time to yield 90 seconds to my friend, Mr. CUELLAR.

Mr. CUELLAR. Mr. Chairman, I rise again to support the Solar Technology Roadmap Act and of course Mr. HASTINGS and the work that he has done. I had offered an amendment that got included to authorize the Secretary of Energy to study micropower solar power technology used in underserved communities that lack basic electric and traditional powers.

I think my friends from Texas are familiar with the colonias. They understand that this is important to provide power to those areas that have literally no electricity. And this particular bill and this particular amendment will go a long way to make sure that these communities are provided the support they need.

□ 1315

What this calls for is for the Secretary to provide a study to take the resources that we have, especially in south Texas, the sunlight, and put it to work to power these communities.

We have worked together to work and put some micro power stations to use in areas like Webb County in south Texas, and I believe that by getting these recommendations to be sent to Congress for increasing assets to solar energy and to help address the problems that exist in those low-income communities, this will go a long way. We can harness this 21st century technology to bring these areas out of 19th century conditions.

Mr. Chairman, I want to thank you very much, and also Ms. GIFFORDS, and our ranking member.

I urge Members to vote for the Hastings amendment, and of course for this bill.

Mr. Chairman, I rise today to encourage my colleagues to support the manager's amendment to the Solar Technology Roadmap Act.

I authored an amendment, included in this manager's amendment, to authorize the Secretary of Energy to study micro power solar power technology use in underserved communities that lack basic electric or traditional power infrastructure.

I thank the distinguished Chairman Ms. GIFFORDS for including my amendment in the manager's amendment. This important amendment will go a long way towards helping communities along the southern border.

In my home State of Texas, many of these communities are called colonias.

They are commonly found on the United States/Mexico border, in underdeveloped areas across the State, and also in areas of New Mexico, Arizona, and California.

These communities exist with conditions typically found only in developing nations—no plumbing, no roads, and no power.

Texas has both the largest number of colonias and the largest colonia population.

According to the State of Texas, about 400,000 Texans live in colonias.

The development of Texas colonias dates back to at least the 1950s, when developers created unincorporated subdivisions using agriculturally worthless land or land that lay in floodplains or in other rural properties.

They divided the land into small lots, put in little or no infrastructure, and then sold them to low-income individuals seeking affordable housing.

This study will hopefully take a resource that is vast in south Texas, sunlight, and put it to work to serve and power these communities.

I have worked in the past to put these micro power stations to use in Webb County, to provide small, isolated communities with power, and this amendment builds on that to hopefully expand power to so many more families of south Texas.

The manager's amendment includes my plan to direct the Secretary of Energy to present to Congress recommendations for increasing access to solar energy and to help address the problems that exist in these low income communities.

We can harness this 21st century technology to bring these areas out of 19th century conditions.

Mr. Chairman, I applaud your leadership on this important Manager's amendment, and I urge all my colleagues to vote "yes."

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. CARDOZA

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-304.

Mr. CARDOZA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. CARDOZA: Page 4, lines 1 through 3, amend subparagraph (B) to read as follows:

(B) solar thermal power technology, including linear concentrator systems, dish/en-

gine systems, power tower systems, and other means;

Page 14, line 15, strike "and".

Page 14, line 16, redesignate paragraph (3) as paragraph (4).

Page 14, after line 15, insert the following new paragraph:

(3) include at least 2 solar thermal technology projects, with thermal storage, that generate between 1 and 3 megawatts continuously for a 24-hour period from energy provided entirely by the sun; and

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. CARDOZA. Mr. Chairman, I rise today in support of my amendment, a measure that expands the type of technologies that the Department of Energy should consider when planning for future solar.

The Central Valley in California is home to many solar technology companies and to the University of California at Merced, a leader in solar research. However, my constituents tell me that they are unable to take advantage of several of the Department of Energy grant application processes because the Department has a very narrow view of the future of solar.

As someone with solar panels on my home in my hometown of Atwater, I understand the tremendous benefit that solar power will have on our country and economy, and I want to ensure that our current planning is done correctly. Instead of limiting the potential of solar power, we should be expanding that potential and letting the full imagination of American ingenuity take charge.

My amendment is very simple: it expands the type of technologies that the Department of Energy should consider when planning solar technology road maps, and it directs the Department to focus resources on different types of solar technology.

Specifically, my amendment expands the definition of solar technology to include solar thermal power technology and not just electronic photovoltaic technology. This would facilitate the funding of solar projects and replace all types of polluting technologies, including diesel.

Secondly, my amendment directs the Department of Energy's demonstration program to include solar thermal projects that operate using solar power only. Some solar plants are built with gas-fired plants next door to them to generate power when the sun is not available. If we as a country are going to wean ourselves away from dirty energy, then we must develop technologies that eliminate the use of pollutants completely and stop settling for hybrids. I know we can do better than this. And this amendment instructs the Department of Energy to

look harder and wider at these technologies.

I urge the passage of my amendment, and I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, this amendment would simply expand the types of technology the Energy Secretary can consider from solar thermal electric technology to solar thermal power technology and require the Secretary to include at least two solar thermal technology projects with thermal storage in the demonstration project funded under the bill. I see no problem with that, and I have no objection to the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CARDOZA. Mr. Chairman, I want to thank my colleague and my friend, the gentleman from Texas, for his support of this amendment.

I would like to yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I want to thank my colleague from California for this expansion, and my colleague on the other side for supporting his amendment.

I come to the floor because, in my own work as chairman of a subcommittee that engages in construction of courthouses and of Federal buildings throughout the United States, we have been trying to make the United States lead by example. The cost of all of this, I say to my colleague, will go down tremendously if the Federal Government is in this big time.

Your attention to thermal technology with regard to solar is very important. Just this morning, I went to speak to the International Brotherhood of Electrical Workers who are deeply engaged in this work in military institutions and the defense industries. Already we read that 30,000 jobs have come out of the stimulus just reported last week. And what is important about the stimulus is that every bit of construction is built around energy conservation; will not put on a roof, will not do an HVAC system, will not upgrade any part of a building unless at the center is energy conservation, because the taxpayers pay for this energy in leasing even. We do bulk leasing, which means we pay for the heat; we pay for the air conditioning. So to the extent that the gentleman is making us expand the horizons, he does the Nation a great service.

The Chinese are way ahead of us in research. They have trumped us even in manufacturing. This rushes us to manufacturing and moves the Nation

ahead so that we regain our leadership on technology, a leadership, I regret to say, that we have already lost in solar, but this bill and the gentleman's amendment helps us to quickly catch up.

I thank the gentleman for yielding.

Mr. HALL of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. CARDOZA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. CARDOZA). The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. KAPTUR

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-304.

Ms. KAPTUR. Mr. Chairman, I rise to offer an amendment designated as amendment No. 5 in House Resolution 846.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. KAPTUR:

Page 9, line 14, strike "and".

Page 9, line 15, redesignate paragraph (5) as paragraph (7).

Page 9, after line 14, insert the following new paragraphs:

(5) provide recommendations on the necessary steps required to strengthen the link between solar technology research and the commercialization of those technologies into full scale manufacturing, including the retooling and reworking of the Nation's existing technological and manufacturing base, as well as coordinating the national strategy in regions where solar technology clusters currently exist;

(6) provide recommendations to Federal agencies on corresponding strategies to accelerate domestic commercialization of newly developed solar technologies; and

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from Ohio (Ms. KAPTUR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Ms. KAPTUR. Mr. Chairman, first let me thank the distinguished gentleman from Arizona, Congresswoman GIFFORDS, for her leadership in developing this legislation, and the Democratic and Republican leadership of the Science and Technology Committee, Chairman BART GORDON of Tennessee and Ranking Member Mr. RALPH HALL of Texas.

Truly, for my region, which is one of the three leading solar centers in the hemisphere, Toledo, Ohio, and an area enduring great economic transition, solar energy is so much a part of our future.

My amendment is very straightforward. It directs the committee charged with outlining the needs of the solar industry to consider the outcomes for domestic solar manufacturing and commercialization in the United States. The amendment also asks the committee to consider the

policies of other Federal agencies for encouraging solar commercialization.

We know that while the United States has long been the leader in research and development of solar technologies—and let me hold one of them up, one of the newest solar inventions from my region which is actually going to be on all our roofs someday. It doesn't have glass in it, but it's seven layers, and it is part of the future of solar building technologies in this country. Our children and grandchildren will come to know it very well.

We have had a lot of creative geniuses out there developing solar patents and new technologies, but our country seems to have lost the lead in solar deployment and manufacturing. With dramatic advances in Germany, Spain, and China, our country needs a unified strategy for developing a competitive domestic solar industry.

For the last 100 years, our community, which has been known as the glass center of the world, has been devoting our best minds to the exploration of traditional energy resources. We are now converting and building on what we've known in the past to something new and innovative.

Regressive research and development practices and our reliance as a country on foreign oil helped precipitate our economic decline and strategic vulnerability. I have always believed that our dependence on imported petroleum is America's chief strategic vulnerability. In fact, in 2006 alone, \$270 billion, or one-third of the total \$836 billion U.S. trade deficit, resulted from imported petroleum. That's right, one-third of our trade imbalance is the result of imported oil and our oil addiction.

The economic, political and environmental future of our country lies in our ability to transition our economy from traditional energy sources and to ensure we produce and manufacture the clean power sources here at home. That, coupled with conservation and our building technologies, can make tremendous strides.

Between 1943 and 1999, the nuclear industry of our country received over \$145 billion in Federal subsidies. But the solar industry, by contrast, which is our future, only got about \$4.4 billion for solar energy development; that's less than 3 percent of what was received by the nuclear industry. If we are going to invest the billions needed in solar, and which we have no choice but doing, there needs to be a road map that guides our policies and promotes not just research and development, but leads to the creation of a domestic industry without outsourcing. We should be exporting, not outsourcing.

We must ensure that Federal policy takes these technologies from the drawing board to the manufacturing line as we've done in so many other industries; otherwise, we will find that

offshoring will occur as it has in other industries and that global trade practices will allow foreign imported solar production here, and our domestic manufacturers will not be able to keep pace.

As my colleagues join me on the floor and wonder why an amendment like this is necessary, let me provide you with an example from my hometown of Toledo; and as I mentioned, it is now one of the leading three solar centers in the hemisphere. Toledo, Ohio is a city in transition. Throughout the 20th century we were known as the glass capital of the world. With the world's glass giants—Libby-Owens-Ford, Owens-Illinois, Owens-Corning and Libby—all headquartered in our district, the city provided reliable transportation, cheap natural gas, and silicate and limestone building materials. As the glass industry advanced, the titans of glass spun off glass technologies into some of the early solar technologies that local talent created. In fact, the hottest stock on Wall Street in the last couple of years has been First Solar that is headquartered in our district. It was spun off from research at our University of Toledo hand in hand with our glass industry leaders.

Leaders coming from the glass and automotive industry in our region, such as Dr. Harold McMaster and Norman Nitschke, who were the founders of First Solar, and other entrepreneurs—Norm Johnson, Xunming Deng and his wife, Liwein Xu, Al Campa—these wonderful Americans are helping to build our future in places like Toledo.

The Acting CHAIR. The time of the gentleman from Ohio has expired.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. I yield the gentleman 1 additional minute.

Ms. KAPTUR. These private sector researchers at the University of Toledo have continued investing in these designs and have birthed new solar companies that will be the Fortune 500 of the next generation. Companies like Xunlight, Innovative Greenfields, Solar Fields, Calyxo, Willard & Kelsey—these were born because of an innovative incubation strategy that helped our researchers make the leap from science to manufacturing.

Mr. Chairman, the base bill and this amendment provide the direction to transform our solar industry and breathe life into our idle industrial economy to produce the advanced energy products of tomorrow and to restore America's energy independence.

I again compliment the gentleman from Arizona for her leadership, and I

thank both Chairman GORDON and Ranking Member HALL so very much for their time today.

I urge a "yes" vote on the amendment and the base bill.

[From the Wall Street Journal, Dec. 18, 2007]

TOLEDO FINDS THE ENERGY TO REINVENT ITSELF

(By Jim Carlton)

TOLEDO, OHIO.—This city became famous in the last century for being one of North America's leading glass centers. The industry has been in decline since the 1980s, but Toledo hopes to be known for its glass again. This time, though, the glass is being coated with thin layers of chemicals to produce ecofriendly "solar cells."

Toledo is among several old-line industrial cities trying to reinvent themselves—sometimes based on their older industries—to cash in on the demand for alternative energy. In 2006, solar start-up United Solar Inc. said it would open thin-film factories in Auburn Hills and Greenville, two Michigan towns hit hard by the automotive decline. And last year, a wind-generation plant began construction on the grounds of a shuttered Bethlehem Steel plant in Lackawanna, N.Y.

Industry officials say older industrial cities offer the clean-tech industry some advantages, including less community opposition to new plants. "The good thing about the Rust Belt is they want factories there," says Ron Kenedi, vice president of Sharp Corp.'s Solar Energy Solutions Group, which is based in Huntington Beach, Calif.

Recently, Norm Johnston, a former executive at Toledo glass companies, showed how Solar Fields LLC, a start-up he runs, was leveraging the old glass industry. Walking to the back of a 22,000-square-foot former machine shop in the nearby suburb of Perrysburg, he patted the blue metal casing on a 100-foot-long production line, which his company has designed to coat sheets of glass heated to more than 1,100 degrees with chemicals to make solar cells.

"I started in glass, and now I'm back in glass," says Mr. Johnston, whose start-up has recently been acquired by German solar-panel maker Q-Cells AG.

There is similar activity at several other sites in this metropolitan area of 600,000. Companies from Phoenix-based First Solar Inc. to Xunlight Corp. are opening factories in and around Toledo to create electricity-producing "thin-film" solar panels on glass and other materials. While not rated as efficient as the more prevalent silicon-based solar cells, thin film has taken off in the last year because of soaring demand for alternative energy and a world-wide silicon shortage. It is also cheaper to make than silicon cells.

In addition to First Solar, which in 1999 built a factory in Perrysburg that now employs about 600, the University of Toledo is receiving state grants to expand its solar research and incubate thin-film spinoffs. So far, the university has incubated four solar start-ups, including Solar Fields, Xunlight, Innovative Thin Films Ltd. and Advanced Distributed Generation LLC. Toledo's Regional Growth Partnership, a nonprofit economic development group, is also using state grants to help fund solar and other alternative energy start-ups.

"I think alternative energy is one of the major hopes for northwest Ohio," says John Szuch, chairman of Fifth Third Bank of Northwestern Ohio.

In Toledo, the repercussions of the new solar activity are already being felt.

Pilkington North America Inc., a Toledo-based unit of Japan's Nippon Sheet Glass Co., has become a major supplier to First Solar, offsetting some of the business it lost in the traditional glass industry. Pilkington officials estimate thin-film sales have grown to about 10% of revenue for its American building products division, prompting the company to beef up a research division that had been undergoing cuts. "It's the biggest thing going for us right now in terms of glass," says Todd Huffman, vice president of strategic planning for Pilkington.

But clean tech isn't necessarily a panacea. Only about 5,000 solar jobs have been created in the last five years in Toledo. Meanwhile, the number of manufacturing jobs lost since the 1980s is in the tens of thousands.

Cities like Toledo may also have trouble competing with domestic clean-tech hot spots like Silicon Valley, which are in closer proximity to venture capital sources. In addition, Toledo is competing against cheaper overseas locales. First Solar, for instance, is building four manufacturing plants in Malaysia. Company officials say the Perrysburg plant remains "critical" to the firm's future success.

Still, Toledo has come a long way. Stricken by manufacturing declines in the automotive and other big glass-consuming sectors, the city has been in an economic malaise for much of two decades. Its population loss in the 1990s was one of the fastest in the U.S.

Toledo acquired its Glass City moniker because of a long history of innovation in all aspects of the glass business. Owens-Illinois, Owens Corning, Glasstech and Tempglass have extensive ties here. As the traditional glass industry slowed, executives explored other uses for the material.

In 1989, local inventor and glass entrepreneur Harold McMaster invested some of his millions to launch one of the city's first solar start-ups. "He knew that sooner or later we would have to come up with a clean source of energy," says Alan McMaster, son of the now-deceased Mr. McMaster, an icon in the industry. Mr. McMaster's company, Glasstech Solar, became Solar Cells Inc., with research facilities at the University of Toledo and in a nearby city. In 1999, Solar Cells was acquired by a private-equity firm and became First Solar.

At the time, there was little demand in the thin-film industry. In 2002, British oil giant BP PLC pulled the plug on two thin-film plants it had had in the works for more than 10 years, amid issues including technical problems, according to a January report by the Department of Energy's National Renewable Energy Laboratory.

But rising energy costs and other events—including the blackout in the Northeast in August 2003—brought thin-film and other alternative energies back into favor. "We said, 'There's a business opportunity here if we had solar,'" recalls Solar Fields's Mr. Johnston. The university boosted its emphasis on thin-film research in 2001, and this year it shared in an \$18.6 million state grant to fund the solar industry.

The school is now using the money to beef up solar research in its McMaster Hall, where some labs have been packed with equipment like a magnetron gun, which is used to spray thin-film chemicals on glass and other surfaces.

Civic leaders in Toledo now say they have the ingredients in place to turn solar into a thriving industry. In a seafood restaurant overlooking the Maumee River one recent evening, business and academic leaders dis-

cussed the city's rising solar industry and traced back its roots. "How in the hell would we be in this business in the first place if it weren't for glass?" asked Harlan Reichle, a local real-estate executive.

TOLEDO'S MAKEOVER: GLASS CITY TO SOLAR VALLEY

(By Chris Bury)

In Toledo, once the glass-making capital of the country, most of the city's output over the years has gone into making everything from windshields to windows for cars and buildings.

But as the auto and construction industries have declined, so too, has Toledo's manufacturing sector.

For Glen Eason, a manufacturing worker, supplying the auto industry meant waiting for the ax to fall.

"I've been scared to death for the past 10 years, to tell you the truth," said Eason, a Toledo native and 30-year auto supply industry veteran.

Marty Vick, 58, also spent 30 years working at an auto supplier, making seats and dashboards, only to see his job disappear. His company laid off 117 people in January.

"I never thought I'd see the day that GM, Ford and Chrysler would be at the brink of bankruptcy," Vick said.

That has left entire cities, including Toledo, on the brink. With its smokestack industries dying out, Toledo saw the writing on the wall and did something about it.

WATCH THE STORY TONIGHT ON "WORLD NEWS"

AT 6:30 P.M.

To secure its future, Toledo, once known as the Glass City, embraced its past; Toledo is where glass was first mass-produced for bottles, buildings, and cars. Now, the city is turning those skills—and that tradition—to the sun.

New solar energy-related businesses are taking hold in what city officials and local executives hope will become Ohio's "solar valley."

"We didn't envision there would be some bailout of Toledo, so we had to do it ourselves," said Norm Johnston, CEO of Solar Fields, a solar startup company. "We want to move from being the 'rust belt' to being the 'renewable energy belt.'"

Solar Fields is on the forefront of the fast-growing "green industry," supplying panels that help power a National Guard base. It is one of dozens of new companies in Toledo that now make rivers of glass into solar cells, panels and coatings.

"Our goal is to create jobs. What we like and what our favorite color is—is green. But it's the green of cash that gives you good jobs," Johnston said.

TOWN HAS BRIGHTER MISSION WITH SOLAR POWER

In Ohio's "solar valley," 10,000 new jobs have taken root. Companies, like Xunlight, founded by researchers at the University of Toledo, are growing fast, working with experts to manufacture solar products and hiring new employees to become "green collar" workers.

"Last year, we grew 300 percent—from 20 employees to 80 employees today," said Xunming Deng, a physics professor-turned CEO of Xunlight Corp.

Executives hired from rust-belt companies, who are accustomed to downsizing, have a brighter mission in the solar business.

"In the last position, it was about how do we get rid of people," said Matt Longthorne, vice president of Xunlight. "And in this position, it's how do we hire people and get bigger."

Many of Xunlight's workers once made auto parts: everything from windshields to vinyl seats. Now they turn out thin, flexible solar modules that power homes and businesses.

What Vick gave up in hourly wages working for an auto supplier, he's gained in a brighter future—working in the solar industry, he has more job security than ever before.

"This is really high tech, cutting edge for me," Vick said. "It's really, really challenging and I like it."

Eason, who has also gone to a job in green technology, is enthusiastic, seeing his native Toledo switching gears. "Just to be part of something that's growing and something that's good for the planet and good for the people," Eason said. "Solar is going to be so immense. Solar is the new oil."

Toledo is bailing itself out from the faded glory of the Glass City to the shiny promise of the Solar Valley.

"You have all this wonderful energy that the sun is sending to us for free and we're devising ways to capture it and put it to use," Eason said. "In this area, we're in the forefront and everybody else is going to have to catch up with us."

[From the Economist, Aug. 13, 2009]

GREENING THE RUSTBELT

Xunlight Corporation, a small manufacturer of solar panels, sits on a quiet street in Toledo. It has a professor as its president, about 100 employees on its payroll—and a lot of bigwig visitors. In October 2008 Sarah Palin, then the Republican vice-presidential candidate, used Xunlight as the setting for a speech on energy policy. Other guests have included Ohio's governor, two senators and a congresswoman. And no wonder: the firm provided evidence to support a seductive hope, that the green economy can help to revive the suffering rustbelt.

As the battle over a cap-and-trade bill continues in Congress, the industrial Midwest finds itself playing an awkward role. The climate bill offers two big opportunities, to reduce global warming and boost the green economy in the process. And nowhere are green jobs more loudly promoted than in the rustbelt. On August 5th Barack Obama and Joe Biden, his vice-president, travelled to Indiana and Michigan, two ailing swing states, to announce new grants to develop electric cars. But hopes for those new green jobs are matched by fears that traditional ones will be lost. With the Senate due to debate a cap-and-trade bill next month, the rustbelt and its politicians are at the heart of the battle.

The industrial Midwest has long been in need of a renaissance. Its factories have been losing jobs for decades, since long before the recession hit. Michigan, home to America's biggest carmakers, had a 15.2% unemployment rate in June, compared with a national average of 9.5%.

Green investment presents new hope. The University of Massachusetts, Amherst, and the Centre for American Progress, a think-tank, estimated in June that the federal stimulus package and a climate bill would spur about \$150 billion in spending on clean energy each year for the next decade. That spending, in turn, would create an estimated 2.5m jobs, from academic researchers to factory workers making wind turbines. "This is an opportunity for American ingenuity to renew the manufacturing base," argues Phyllis Cuttino of the Environment Group at the Pew Charitable Trusts.

There are already signs of activity. The Great Lakes Wind Network, based in Ohio,

helps local firms sell goods to the wind business. Toledo remains one of the best examples of a town moving from the old economy to a newer one. It has been a hub for the glass manufacturing since the 19th century. Thanks to innovations in solar technology at the University of Toledo, it is now home to a cluster of firms such as Xunlight. State grants continue to help the university hatch companies. The Regional Growth Partnership, a local business group, provides venture capital.

In Michigan despair has bred particularly bold action. In the past five years Jennifer Granholm, the Democratic governor, has dangled more than \$1 billion to attract alternative-energy firms, with about \$700m in tax credits to develop electric-car batteries. Impressively, Michigan had the third-highest number of clean-tech patents from 1999 to 2008, behind only California and New York, reckons Pew. That number may rise. Last year Michigan passed a requirement for power companies to boost efficiency, along with an order that renewable sources account for 10% of the state's electricity by 2015. Investments from the federal stimulus will help too. In the share-out on August 5th, Michigan won more grants for electric cars than any other state.

Nevertheless, the clean-energy economy remains small. Though green jobs are increasing in number, they accounted for only 0.6% of jobs in Ohio in 2007, according to Pew. The shares in Michigan and Indiana were even smaller, at 0.4% and 0.5% respectively. Manufacturing, for all its troubles, is a behemoth in comparison, accounting for 14% of employment in Ohio, 15% in Michigan and 18% in Indiana in 2007. And it is a dirty giant, dependent on cheap coal. The Midwest emits an outsize share of carbon, according to a report from the Chicago Council on Global Affairs. Indiana is one of the worst offenders, spewing out 4% of America's carbon emissions in 2007 though it is home to only 2% of its population.

The fear is that a cap-and-trade bill may expand a promising new sector but devastate a struggling, larger one. Mitch Daniels, the Republican governor of Indiana, has worked hard to maintain his state's manufacturing base. A price on carbon, he argues, would threaten it.

The version of cap-and-trade passed in June by the House was meant to appease such critics. It includes help for manufacturers eager to retool for new industries. Allowances would be given away, not auctioned. And at the urging of a congressman from Michigan, the bill would, from 2020, tax imports from countries that do not restrict emissions. But some Democrats are still wary. Three of Indiana's five House Democrats voted against the bill.

Now a tough battle looms in the Senate. A new report from the Energy Information Administration (EIA) forecasts that the House bill would depress industrial shipments by 1% between 2012 and 2030 (see chart). But that assumes a quick expansion of nuclear plants, which is unlikely. In the EIA's worst-case scenario, shipments would drop 3.2%. "They're huxtering," huffs George Voinovich, Ohio's Republican senator, of the green enthusiasts. He wants more support for nuclear power and fears the House bill will transfer wealth from the heartland. On August 6th, ten of Mr Voinovich's Democratic colleagues, including six from the Midwest, wrote to Mr. Obama fretting that a bill would cripple manufacturing industry.

But in Toledo Xunlight's president, Xunming Deng, looks forward to a cap-and-

trade bill. "Of course there is a cost, but this is an investment for our economy, for our future," he says. There remains a danger, however, that compromise will produce a clunker of a bill—one that does little to slow climate change, little to revive the old economy and little to boost a new one. Much now depends on a handful of the states in the heartland.

Mr. HALL of Texas. Mr. Chairman, although I am not opposed to the amendment, I do have some concerns about this amendment.

While I agree with its intent to help commercialize the technologies that come around as a result of solar technology research, I am concerned that we may not want to spend research dollars retooling and refurbishing manufacturing facilities, some of which may be represented on the Solar Roadmap Committee. That's my problem with it.

□ 1330

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. GORDON of Tennessee. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Ohio will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. MARSHALL

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-304.

Mr. MARSHALL. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MARSHALL:

Page 14, line 15, strike "and".

Page 15, line 15, strike the period and insert "; and".

Page 15, after line 15, insert the following new paragraph:

(4) evaluate the potential to establish large photovoltaic facilities that produce at least 100 gigawatts, including an evaluation of the electrical grid, current, voltage, and energy storage requirements associated with large photovoltaic facilities.

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from Georgia (Mr. MARSHALL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. MARSHALL. Mr. Chairman, the bill includes authorization for \$300 million to the Energy Department for programs that will establish demonstration grants for solar technology projects. What my amendment does is include a requirement that the Department use some of this money to evaluate the potential benefits of very large solar projects.

The amendment is prompted by a January 2008 article that appeared in *Scientific American*, part of their Big Ideas series. Folks out there who want to read the article, I think you could probably just Google "Solar Grand Plan," *Scientific American*, January 2008, and you would see an excellent discussion by three scientists of the possibility that we could create in the Southwest a 3,000-gigawatt facility that delivers solar power to the Nation. It would produce enough solar power by 2050, according to these scientists, to meet 69 percent of our electricity needs and 35 percent of our overall energy needs.

The idea is that some 30,000 acres, or square miles, I am not sure which, but a large hunk of land in the Southwest would be covered by solar facilities. The energy would be collected during the day, distributed nationwide on an improved grid, a lot of that grid would probably be direct current, stored during the day underground in high pressure underground caverns, with the pressure released overnight in order to provide the power overnight.

One of the beauties of the suggestion is that it feeds back into the existing distribution facilities that we have, so we would not have to change, if we were using DC transmission, to DC power, but instead would continue using AC power in our existing facilities.

I don't know whether something like this will work, but if these scientists are right, the costs seem quite reasonable for the reward that we would realize. The energy is completely clean, it essentially frees us from dependence upon foreign sources of energy, and consequently meets both the security need and environmental need at the exact same time.

Big ideas like this require study and evaluation before they are put together in some sort of implementation project, and consequently we only contemplate in the amendment that there will be an evaluation of this kind of concept as opposed to actual demonstration projects.

The \$300 million that has been given to the Energy Department for these demonstration projects, no doubt they are going to be smaller projects, much smaller projects, than something as large as this. What we contemplate is that there be an evaluation of whether or not a 100-gigawatt solar facility makes sense and should be supported somehow by the Federal Government.

The authors of this *Scientific American* article printed in January of 2008 estimated that the Federal investment to accomplish what in essence would free us altogether from foreign sources of energy, the estimate of the Federal investment over a 20-year period of time, would be \$450 billion. Spread over a 20-year period of time, a \$450 billion investment that would actually give us

energy independence and an awful lot of clean energy seems to me to be something that we ought to be evaluating, and that is why I suggested the amendment.

With that, I request the adoption of my amendment.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, this amendment would require the Secretary to evaluate the potential to establish large solar facilities and evaluate the electrical grid, current, voltage, and energy storage requirements associated with large solar facilities, which I think this is a good time for.

We have no objection to this.

I yield back the balance of my time.

Mr. MARSHALL. Mr. Chairman, I thank the gentleman from Texas. It could well be that some of these facilities wind up in your State. I have spent a fair amount of time in your great State, and I have observed many of the times that I have been there that you have a lot of land available that could be put to good use for this kind of purpose.

Another thing in this article that these scientists point out is that once a solar facility like this is created, it requires a lot less continuing maintenance and care, unlike a lot of our other facilities that create power, and consequently it is just a win-win, and perhaps it will wind up being a win-win for Texas.

I yield whatever time I have left to the chairman.

Mr. GORDON of Tennessee. Thank you, Mr. MARSHALL. I want to let you know that the author of the study that you put forth testified before our committee. It was made part of the record. And you are absolutely right, the sun doesn't shine 24 hours a day, so we need to also find ways to be able to have the storage. I think it is a two-fer with this proposal, and we gladly accept your amendment.

The Acting CHAIR. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Georgia (Mr. MARSHALL).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. KLEIN OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-304.

Mr. KLEIN of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. KLEIN of Florida:

Page 5, line 9, strike "and".

Page 5, line 10, redesignate paragraph (7) as paragraph (8).

Page 5, after line 9, insert the following new paragraph:

(7) development of storage technologies that can be used to increase the usefulness and value of solar technologies; and

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from Florida (Mr. KLEIN) and a Member opposed each will control 5 minutes.

The gentleman from Florida is recognized.

Mr. KLEIN of Florida. Mr. Chairman, I would like to start by thanking Congresswoman GIFFORDS for introducing the Solar Technology Roadmap Act and Chairman GORDON for his leadership on bringing this important bill to the floor.

As a cosponsor of this legislation, I believe it makes a timely investment in clean energy technology that will stimulate economic growth and create jobs nationwide. My amendment would clarify that research activities on the development of solar energy storage technologies are eligible for funding in this bill.

Solar energy technology has significant potential to supply cheap, clean and renewable energy to American families and businesses. However, one of the major challenges with solar energy is that it can only be produced during daylight hours. That is obvious. Thus, it is only available at certain times, which may not necessarily correspond to the times it is most needed by the electric grid, when electricity is the most expensive, during peak hours, and the least efficient fuels are likely to be used.

To use a metaphor, the distribution of solar electricity to date is like trying to distribute water from rain without having reservoirs to catch and hold the water.

In my home State of Florida, we are known as the Sunshine State, and for good reason. Businesses in Florida have invested over \$1 billion in solar technology over the past 3 years, building the largest photovoltaic solar plant in North America and installing more solar power than almost every other State in the country. But without cost-effective storage technology, we cannot build upon this investment, not only in Florida but throughout the country, to eventually rely more heavily on solar power for our States' and our country's energy needs.

There are emerging storage technologies, including batteries, thermal storage and others, that can take solar energy when it is produced, store it, and then provide electricity to the grid at opportune times. These technologies have the power to make solar power more reliable, more cost-efficient, and more widely used as an alternative to fossil fuels for our energy needs. They

also have the potential to create thousands of new jobs right here in the United States as we develop technologies, manufacture products, and sell them all over the world.

Storage technology may also have a substantial impact on the way we purchase energy to power our homes and businesses, regardless of the energy source. With more advanced and more affordable storage technology, we may one day be able to purchase energy from utility companies during off-peak hours, when energy costs are low, and store the energy for when we need it. This would allow utility companies to run more efficiently by reducing demand during peak hours and utilize their plants in the middle of the night when demand is low, thus helping businesses and consumers purchase the energy at the lowest energy cost.

The development of solar energy technology will be critical to establishing solar power as a primary source of electricity in the United States and significantly altering the future of our energy infrastructure. Alternative renewable sources of energy, like solar, that can be generated right here in the United States will make household and business energy bills cheaper, improve our environment, and reduce our dependence on foreign oil, if we develop the technology to make it more efficient and cost-effective.

This amendment will emphasize the importance of devoting Federal research dollars in this bill to further advancing storage technology that will propel storage technology to the next level.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, this amendment would simply include research on solar energy storage technology as eligible for funding under the research and development program established in the bill.

I have no objection to this amendment.

I yield back my time.

Mr. KLEIN of Florida. Mr. Chairman, again, I would just yield myself such time as I may consume for purposes of closing.

The legislation under consideration today, as I said, presents an incredibly exciting opportunity for Florida and all the States in our Union to propel this technology forward and one day establish our country as a global leader in clean, renewable energy technology relating to solar power. I am confident that the Solar Technology Roadmap Act will substantially advance solar

technology in the United States, reduce its cost, and help America transition to a clean energy economy.

I urge adoption.

I yield the balance of my time to the gentleman from Tennessee.

Mr. GORDON of Tennessee. As my friend knows, even in Florida the sun doesn't shine 24 hours a day, so to make the most use of solar technology, storage is very important. I think there will be a combination there. That storage benefit, the technology, will also be used for wind power and other types of renewables.

So I think you have an excellent amendment. It makes a good bill even better, and I appreciate your addition to this bill.

Mr. KLEIN of Florida. I thank the chairman, and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. KLEIN).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. KLEIN of Florida. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 8 OFFERED BY MS. TITUS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-304.

Ms. TITUS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. TITUS:

Page 5, line 9, strike "and".

Page 5, line 10, redesignate paragraph (7) as paragraph (8).

Page 5, after line 9, insert the following new paragraph:

(7) development of solar technology products that are water efficient; and

Page 8, line 21, strike "and".

Page 8, line 22, redesignate subparagraph (H) as subparagraph (I).

Page 8, after line 21, insert the following new subparagraph:

(H) the development of solar technology products that are water efficient; and

The Acting CHAIR. Pursuant to the rule, the gentlewoman from Nevada (Ms. TITUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. TITUS. Mr. Chairman, I thank Chairman GORDON and Ms. GIFFORDS for your leadership on the important issue of energy research, development and deployment in the area of renewables.

My amendment, offered with Mr. TEAGUE of New Mexico and Mr. COHEN of Tennessee, simply requires that the solar energy research, development and

demonstration program and the solar technology road map that are authorized in this bill include an emphasis on the development of solar technology that is water-efficient.

We know that some of the sunniest States in the country, like my State of Nevada, are also among the driest. So while I strongly believe we must make significant investments to expand solar energy development across the Southwest, I also believe that we must ensure that investments are made in research and development of new solar technologies that use less water.

This point was brought out rather dramatically in a recent New York Times article entitled "Alternative Energy Projects Stumble on a Need for Water." In fact, depending on the technology, some solar plants can use more than 1 billion gallons of water a year for cooling.

It was quoted in the article, "When push comes to shove, water could become the real throttle on renewable energy." This was a statement made by Michael E. Webber, an assistant professor at the University of Texas in Austin, who studies the relationship between energy and water.

□ 1345

Now, to date, this conflict between energy and water has occurred mostly in the Southwest, where there are dozens of multibillion dollar solar power plants that are planned for thousands of acres in the desert.

While most forms of energy production include some kind of water, water's availability is especially limited in the sunny areas that are otherwise well suited for solar farms. So as we can see, this could possibly lead to a new-age version of a western water war. Long have we heard the saying in the West that whiskey is for drinking and water is worth fighting over. We don't want to see that happen again.

And furthermore, as we see more solar development spread across the country, it's likely that the water efficiency of solar technology will become a key concern, not just in the Southwest, but in areas that haven't historically dealt with water issues up until this point. Investing in research that, as we develop solar technologies, are water efficient is a win-win for the environment. We will use less fossil fuel and less water.

At the same time we do this, we have the potential to remove a major obstacle to the speedy siting of utility scale renewable energy projects. Those are occurring in States like mine where water concerns can slow the permitting process dramatically.

Investments in the development of solar technology products that are water efficient will save water, they will save energy, and they will ultimately bring down the cost of these products so that we can move more quickly to a clean energy economy.

So I thank you again, Mr. Chairman, and I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, I have no objection to this amendment. It's a good amendment, as solar energy can be a large user of water, and we're looking at ways to reduce the use of water in all forms of energy production. I think it's a very good amendment.

I yield back the balance of my time.

Ms. TITUS. Mr. Chairman, as Daniel Kammen, who is the Director of the Renewable and Appropriate Energy Lab at the University of California at Berkeley, stated, "As intensive renewable energy development spreads, water issues will follow." That's why I believe this amendment is an important addition.

I want to thank Mr. TEAGUE and Mr. COHEN for helping me with the amendment.

At this time, I will yield to the chairman, Mr. GORDON.

Mr. GORDON of Tennessee. I thank the gentlelady from Nevada.

Certainly, as we have had various hearings in the Science and Technology Committee, we've determined very easily that there is a nexus between water and energy. In most cases, it takes water to make energy and it takes energy to move water, and certainly in the area of large plants with solar thermal, there is a lot of use of water in that regard. To make those plants more efficient will help us to conserve water and help us with that nexus.

And again, I thank the gentlelady for this good amendment to this good bill.

Ms. TITUS. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Nevada (Ms. TITUS).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Ms. TITUS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Nevada will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. HEINRICH

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-304.

Mr. HEINRICH. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. HEINRICH: Page 9, line 18, redesignate subsection (c) as subsection (d).

Page 9, after line 17, insert the following new subsection:

(c) PUBLIC INPUT.—The Committee shall release a draft Roadmap to the public at least one month prior to publication in order to receive input from the public.

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from New Mexico (Mr. HEINRICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Mexico.

Mr. HEINRICH. Mr. Chairman, I rise today as a proud cosponsor of the Solar Technology Roadmap Act of 2010, and I want to especially thank my colleague from Arizona (Ms. GIFFORDS) for introducing and championing this important legislation.

As a member of the Sustainable Energy and Environment Coalition, I'm particularly proud to support this coalition priority. My home State of New Mexico averages more than 300 days of sunshine each year and is second in the Nation for solar energy potential, so I have a great appreciation for the positive impact that this bill will have.

In New Mexico, even in the midst of this difficult recession, we are adding jobs in the solar energy sector. Many New Mexicans, myself included, power their homes using solar energy, and Sandia National Labs is a world leader in developing new solar technologies, such as Stirling engines and multijunction solar cells.

The amendment I'm offering today would require the act's solar technology road map committee to release a draft road map at least 1 month prior to publication in order to ensure that the public has the opportunity to provide their input. Our government works best when the American public is included in the decisionmaking process. This amendment will ensure that the road map reflects the wisdom and experiences of individuals and businesses that already work in this quickly growing industry.

In order for our country to reach its potential in growing the clean energy economy, the Federal Government must invest wisely in research and development. Incorporating public comments will ensure that the solar road map is an efficient, effective blueprint for meeting our full potential in utilizing solar energy.

Mr. Chair, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, in light of the exemption from the Fed-

eral Advisory Committee Act in this bill for the road map committee, I think it's a good idea to make the draft road map available to the public for input. This will help shed additional light on the decisions of the road map committee. I would support the amendment.

I reserve the balance of my time.

Mr. HEINRICH. I would urge my colleagues' support.

I once again want to thank Chairman GORDON and Representative GIFFORDS for their leadership on this very important issue.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. HEINRICH. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Mexico (Mr. HEINRICH).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HEINRICH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Mexico will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. HIMES

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-304.

Mr. HIMES. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. HIMES:

Page 4, line 24, insert "including both solar thermal and concentrating solar photovoltaic technologies" after "solar power".

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from Connecticut (Mr. HIMES) and a Member opposed each will control 5 minutes.

The gentleman from Connecticut is recognized.

Mr. HIMES. Mr. Chair, I yield myself such time as I may consume.

I'd like to begin by thanking Chairman GORDON for his excellent work on this very, very important bill guiding us towards where this country needs to be in energy in the coming years and generations.

I rise today to offer an amendment which I think is about a topic at the forefront of everybody's minds right now, which is jobs, jobs, and jobs. This bill is about the creation of good, high-paying jobs for American workers and, in the process, restoring our competitiveness in one of the most important industries of the next century.

Mr. Chair, every new solar panel system we install in this country creates

new business for roofers, for electricians, for engineers, and for construction workers. But I'm most excited about what solar power can do for America's manufacturing.

I refuse to believe that America's days as a world leader in manufacturing are over. An industry report by Duke University found that by 2016, only 7 years from now, solar manufacturing could replace 500,000 jobs that have been lost, say, in the auto industry; 500,000 jobs, the manufacturing sector of the 21st century, if we make the right investments now.

Back when very few of us were talking about solar power, the U.S. was quietly leading the world in the production of solar technology. Well, through the 1990s, no country on Earth invested more in solar than we did. So how is it that here in 2009, only 5 percent, 5 percent of the world's solar panels are made in America? There's a one-word answer to that question, and that word is "investment."

Look at China. Through their Golden Sun program, the Chinese Ministries of Finance, Science and Technology and the National Energy Administration are subsidizing half of the construction and connection costs for on-grid solar power plants and 70 percent of the cost of off-grid installations from now until 2011. And American companies are following these investments.

First Solar, of Tempe, Arizona, recently signed an agreement to build a 2-gigawatt plant, 2 gigawatts, one of the largest solar plants in the world, in Ordos City in Inner Mongolia. Now, I have nothing against Mongolia, but I, for one, would prefer to see those jobs in Bridgeport or Stamford or any of the other American cities that saw their manufacturing sectors decimated in the last 50 years.

I'm especially excited about this bill because solar power is creating jobs right now in my district. Opel, Inc., of Shelton, Connecticut, is making and installing some of the most advanced solar technology anywhere on the market, and technology that is the subject of my amendment today.

Concentrated photovoltaic or CPV systems employ lenses and tracking systems to focus sunlight into a small beam concentrated on a photovoltaic surface. This relatively new technology is already showing dramatic potential. In May 2008, IBM demonstrated a prototype CPV using computer chip cooling techniques to improve an energy density of 2,300 suns.

As we accelerate our efforts to raise the efficiency and lower the cost of solar power, it is worth pointing out that CPV systems provide greater power production—20 to 40 percent more kilowatt hours—with lower costs and less land usage than any solar technology science has yet produced.

CPV technologies are an ideal source of scalable, utility-grade solar electric

power production that will move solar energy faster toward grid parity costs. My amendment merely clarifies that these leading-edge technologies will be included among those funded as part of the solar road map.

The global race to a clean energy economy is on, Mr. Chair, and millions of new jobs are on the line. We may have fallen behind a bit, but this is our chance to catch up.

I thank Mr. GORDON for his committee's excellent work, urge my colleagues to support this amendment, and reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL. Mr. Chairman, this amendment would simply clarify that solar thermal technologies and concentrating solar technologies will be included within the scope of the research and development program authorized by the bill. I have no objection to it.

I yield back the balance of my time.

Mr. HIMES. I would like to thank the gentleman from Texas (Mr. HALL) for his support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Connecticut (Mr. HIMES).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HIMES. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Connecticut will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. MURPHY OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-304.

Mr. MURPHY of New York. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. MURPHY of New York:

Page 13, lines 10 and 16, redesignate subsections (d) and (e) as subsections (e) and (f), respectively.

Page 13, after line 9, insert the following new subsection:

(d) REPORTING.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Committee shall submit a report to the Secretary and the Congress on its activities over the prior 12-month period.

The Acting CHAIR. Pursuant to House Resolution 846, the gentleman from New York (Mr. MURPHY) and a

Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MURPHY of New York. Mr. Chairman, I yield myself as much time as I may consume.

I rise today to offer a simple amendment that would require the solar technology road map committee to submit an annual report to the Secretary of Energy and to this Congress on its activities over the prior 12-month period.

For far too long, our Nation has operated without a comprehensive energy strategy. As a result, we spent \$475 billion importing foreign oil last year. That's more than our entire trade deficit. This is a crisis that we must address, and our working families and small businesses feel that every day as they see rising energy costs. And while I believe a successful energy strategy will require investments in a broad range of domestic energy sources—wind, solar, hydro, and nuclear—today's legislation is a critical step in the development of a strategy to more effectively develop and utilize solar technology and to move our Nation closer to energy independence.

□ 1400

I applaud Congresswoman GIFFORDS, Chairman GORDON, Ranking Member HALL for their hard work on this important issue.

Today's legislation creates a solar technology road map committee that will be charged with creating a road map to present the best estimate of the near-term, mid-term, and long-term research and development needs in the solar technology world, as well as provide guidance for solar technology research, development, and demonstration activities supported by our regular Federal Government.

This is a critical path for us, and it's one we've been working on in New York with our own efforts for many years, and one that I'm familiar with. Our efforts at NYSERDA in New York really helped a lot of small businesses in the solar community and in other energy technologies, businesses that I worked with when I was an investor helping those small businesses grow. And as we heard Congressman HIMES say a minute ago, this is the future of manufacturing in America, and this road map will be a critical element to moving us in the right direction.

Specifically, this bill requires that 30 percent of the DOE solar research and demonstration funding is awarded based on the recommendations of the committee in 2012, and that will rise to 75 percent in 2015.

My amendment simply requires that the committee report back their activities to the Department of Energy and to this Congress so that we can better evaluate the growing potential of solar technology and how we're

doing in terms of implementing that road map. I think that that kind of accountability is exactly what's been missing from our Federal Government for far too long, and this is the kind of information that we need as a Congress to hold people accountable for the spending of the Federal dollars that we're going to put there.

We're making important investment decisions, but we also need to hold everyone who is involved accountable for making sure that those decisions are moving us forward on the road map and are aimed in the right direction. This strategy will help us do that. My report will allow us to hold everyone who is involved accountable for doing it and being successful. That's critical to the American taxpayers whose money is being invested here.

With that, I would like to say thanks again to Chairman GORDON for his hard work and to Ranking Member HALL.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I rise to claim time in opposition to the amendment although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. HALL of Texas. Mr. Chairman, the amendment by this young man from New York would require the solar technology road map committee to submit an annual report to the Secretary of Energy and to the Congress of its activities over the prior 12-month period. I think he has a good amendment. I think this is a good-government amendment, and I support it.

I reserve the balance of my time.

Mr. MURPHY of New York. I appreciate the support from Ranking Member HALL.

I would just close by saying it is incredibly important that we watch every taxpayer dollar in these tough times. And we're making important investments here. They're going to have an economic impact; they're going to create jobs in our communities. But we need to be responsible. This report will lead to that kind of accountability and responsibility.

I yield back the balance of my time.

Mr. HALL of Texas. Mr. Chairman, in closing, I would like to make it perfectly clear that I support the use of solar energy and would like to see it become a larger player in supplying the energy needs of our country and of the world. I also want to make it perfectly clear I support further research and development to help solar energy achieve this goal.

I also respect the author, Ms. GIFORDS, to the extent that I was the lone Republican to attend her field hearing in Arizona.

However, I still have some reservations about certain provisions of the bill, mainly in the cost and some of the

restrictions that it places on the Department of Energy and the Secretary. For those who choose to vote against the bill, such a vote is not a vote against R&D into solar technologies. It's simply a vote against the way this bill wants to dictate how solar R&D should be done at the DOE.

With that said, I do plan to vote for the bill because I am so convinced of the value of even the slightest additional breakthrough solar energy-wise, and my observations of the very sincere and determined effort by the bill's author cause me to want to remain involved and hopefully continue to work with my colleagues to address our concern as the bill continues through the legislative process.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. MURPHY).

The amendment was agreed to.

Mr. GORDON of Tennessee. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURPHY of New York) having assumed the chair, Mr. WEINER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BACA) at 3 p.m.

SOLAR TECHNOLOGY ROADMAP ACT

The SPEAKER pro tempore. Pursuant to House Resolution 846 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3585.

□ 1501

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the

further consideration of the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes, with Mr. SERRANO (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 11 offered by the gentleman from New York (Mr. MURPHY) had been disposed of.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-304 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. BROUN of Georgia.

Amendment No. 5 by Ms. KAPTUR of Ohio.

Amendment No. 7 by Mr. KLEIN of Florida.

Amendment No. 8 by Ms. TITUS of Nevada.

Amendment No. 9 by Mr. HEINRICH of New Mexico.

Amendment No. 10 by Mr. HIMES of Connecticut.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 256, not voting 20, as follows:

[Roll No. 801]

AYES—162

Aderholt	Brown-Waite,	Diaz-Balart, L.
Akin	Ginny	Diaz-Balart, M.
Alexander	Buchanan	Dreier
Altmire	Burton (IN)	Duncan
Austria	Calvert	Emerson
Bachmann	Campbell	Fallin
Bachus	Cantor	Fattah
Barton (TX)	Cao	Flake
Biggert	Capito	Fleming
Bilirakis	Carter	Fortenberry
Bishop (UT)	Cassidy	Fox
Blackburn	Chaffetz	Franks (AZ)
Blunt	Coble	Frelinghuysen
Boehner	Cole	Gallely
Bonner	Conaway	Garrett (NJ)
Boozman	Crenshaw	Gerlach
Boustany	Culberson	Gingrey (GA)
Brady (TX)	Dahlkemper	Goodlatte
Bright	Davis (KY)	Granger
Broun (GA)	Deal (GA)	Graves
Brown (SC)	Dent	Guthrie

Hall (TX) Manzullo
 Harper Marchant
 Hastings (WA) McCarthy (CA)
 Heller McClintock
 Hensarling McCotter
 Herger McHenry
 Hoekstra McKeon
 Hunter McMorris
 Inglis Rodgers
 Issa Mica
 Jenkins Miller (FL)
 Johnson (IL) Miller (MI)
 Johnson, Sam Miller, Gary
 Jones Minnick
 Jordan (OH) Moran (KS)
 King (IA) Murphy (NY)
 King (NY) Myrick
 Kingston Neugebauer
 Kline (MN) Nunes
 Lamborn Olson
 Lance Paul
 Latham Paulsen
 LaTourette Pence
 Latta Petri
 Lee (NY) Pitts
 Lewis (CA) Poe (TX)
 Linder Posey
 LoBiondo Putnam
 Lucas Radanovich
 Luetkemeyer Rehberg
 Lummis Reichert
 Lungren, Daniel E. Rogers (AL)
 Mack Rogers (KY)

NOES—256

Ackerman DeGette
 Adler (NJ) Delahunt
 Andrews DeLauro
 Arcuri Dicks
 Baca Dingell
 Baird Doggett
 Baldwin Donnelly (IN)
 Barrow Driehaus
 Bartlett Edwards (MD)
 Becerra Edwards (TX)
 Berkley Ehlers
 Berman Ellison
 Berry Ellsworth
 Bilbray Eshoo
 Bishop (GA) Etheridge
 Bishop (NY) Farr
 Blumenauer Filner
 Boccieri Foster
 Bono Mack Frank (MA)
 Bordallo Fudge
 Boren Giffords
 Boswell Gonzalez
 Boucher Gordon (TN)
 Boyd Grayson
 Brady (PA) Green, Al
 Braley (IA) Green, Gene
 Brown, Corrine Griffith
 Burgess Grijalva
 Butterfield Gutierrez
 Camp Hall (NY)
 Capps Halvorson
 Capuano Hare
 Carnahan Harman
 Carney Hastings (FL)
 Carson (IN) Heinrich
 Castle Herseth Sandlin
 Castor (FL) Higgins
 Chandler Hill
 Childers Himes
 Christensen Hinchey
 Chu Hirono
 Clarke Hodes
 Clay Holden
 Cleaver Holt
 Clyburn Honda
 Cohen Hoyer
 Connolly (VA) Inslee
 Conyers Israel
 Cooper Jackson (IL)
 Costa Jackson-Lee
 Costello (TX)
 Courtney Johnson (GA)
 Crowley Johnson, E. B.
 Cuellar Kagen
 Cummings Kanjorski
 Davis (CA) Kaptur
 Davis (IL) Kennedy
 Davis (TN) Kildee
 DeFazio Kilpatrick (MI)

Rogers (MI)
 Rohrabacher
 Rooney
 Ros-Lehtinen
 Roskam
 Royce
 Ryan (WI)
 Scalise
 Schmidt
 Schock
 Sensenbrenner
 Shadegg
 Shimkus
 Shuster
 Simpson
 Skelton
 Smith (NE)
 Smith (TX)
 Souder
 Stearns
 Sullivan
 Terry
 Thompson (PA)
 Thornberry
 Tiahrt
 Tiberi
 Turner
 Upton
 Westmoreland
 Whitfield
 Wilson (SC)
 Wittman
 Wolf
 Young (FL)

Kilroy
 Kind
 Kirk
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kosmas
 Kratovil
 Kucinich
 Langevin
 Larsen (WA)
 Larson (CT)
 Lee (CA)
 Levin
 Lewis (GA)
 Lipinski
 Loebsack
 Lowey
 Lujan
 Lynch
 Maffei
 Maloney
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matheson
 Matsui
 McCarthy (NY)
 McCaul
 McCollum
 McDermott
 McGovern
 McIntyre
 McMahon
 McNerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Miller (NC)
 Miller, George
 Mitchell
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (VA)
 Murphy (CT)
 Murphy, Patrick
 Murphy, Tim
 Murtha
 Nadler (NY)
 Napolitano
 Neal (MA)
 Norton
 Nye
 Oberstar
 Obey
 Oliver

Ortiz
 Pallone
 Pascrell
 Pastor (AZ)
 Perlmutter
 Perriello
 Peters
 Peterson
 Pierluisi
 Pingree (ME)
 Platts
 Polis (CO)
 Pomeroy
 Price (NC)
 Quigley
 Rahall
 Rangel
 Reyes
 Rodriguez
 Ross
 Rothman (NJ)
 Roybal-Allard
 Ruppersberger
 Rush
 Ryan (OH)
 Sablan
 Salazar

Abercrombie
 Barrett (SC)
 Bean
 Buyer
 Cardoza
 Coffman (CO)
 Davis (AL)

Sánchez, Linda T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schauer
 Schuff
 Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Serrano
 Sessions
 Sestak
 Shea-Porter
 Sherman
 Shuler
 Sires
 Slaughter
 Smith (NJ)
 Smith (WA)
 Space
 Speier
 Spratt
 Stark
 Stupak
 Sutton

NOT VOTING—20

Doyle
 Engel
 Faleomavaega
 Forbes
 Gohmert
 Hinojosa
 Lofgren, Zoe

□ 1528

Messrs. RANGEL, PATRICK J. MURPHY of Pennsylvania, PERRIELLO, DONNELLY of Indiana, BRALEY of Iowa, ADLER of New Jersey, CARSON of Indiana, PLATTS, SESTAK, Ms. SPEIER, Ms. MATSUI, Ms. CASTOR of Florida, Ms. TITUS and Ms. MOORE of Wisconsin changed their vote from “aye” to “no.”

Messrs. OLSON and STEARNS changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. COFFMAN of Colorado. Mr. Chair, on rollcall No. 801. I was unavoidably detained. Had I been present, I would have voted “aye.”

Mr. PRICE of Georgia. Mr. Chair, on rollcall No. 801. I was unexpectedly delayed due to constituent business. Had I been present, I would have voted “aye.”

AMENDMENT NO. 5 OFFERED BY MS. KAPTUR

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio (Ms. KAPTUR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 395, noes 24, not voting 19, as follows:

[Roll No. 802]

AYES—395

DeGette
 Delahunt
 DeLauro
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Driehaus
 Duncan
 Edwards (MD)
 Edwards (TX)
 Ehlers
 Ellison
 Ellsworth
 Emerson
 Engel
 Eshoo
 Etheridge
 Fallin
 Farr
 Fattah
 Filner
 Blumenauer
 Boccieri
 Boehner
 Bonner
 Bono Mack
 Boozman
 Bordallo
 Boren
 Boswell
 Boucher
 Boustany
 Boyd
 Brady (PA)
 Brady (TX)
 Braley (IA)
 Bright
 Brown (SC)
 Brown, Corrine
 Brown-Waite, Ginny
 Buchanan
 Burton (IN)
 Butterfield
 Calvert
 Camp
 Campbell
 Cao
 Capito
 Capps
 Capuano
 Carnahan
 Carney
 Carson (IN)
 Carter
 Cassidy
 Castle
 Castor (FL)
 Chaffetz
 Chandler
 Childers
 Christensen
 Chu
 Clarke
 Clay
 Cleaver
 Clyburn
 Coffman (CO)
 Cohen
 Cole
 Conaway
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Crenshaw
 Crowley
 Cuellar
 Culberson
 Cummings
 Dahlkemper
 Davis (CA)
 Davis (IL)
 Davis (KY)
 Davis (TN)
 Deal (GA)
 DeFazio

Ackerman
 Aderholt
 Adler (NJ)
 Akin
 Alexander
 Altmire
 Andrews
 Arcuri
 Austria
 Baca
 Bachmann
 Bachus
 Baird
 Baldwin
 Barrow
 Bartlett
 Becerra
 Berkley
 Berman
 Biggart
 Bilbray
 Bilirakis
 Bishop (GA)
 Bishop (NY)
 Blackburn
 Blumenthal
 Boccieri
 Boehner
 Bonner
 Bono Mack
 Boozman
 Bordallo
 Boren
 Boswell
 Boucher
 Boustany
 Boyd
 Brady (PA)
 Brady (TX)
 Braley (IA)
 Bright
 Brown (SC)
 Brown, Corrine
 Brown-Waite, Ginny
 Buchanan
 Burton (IN)
 Butterfield
 Calvert
 Camp
 Campbell
 Cao
 Capito
 Capps
 Capuano
 Carnahan
 Carney
 Carson (IN)
 Carter
 Cassidy
 Castle
 Castor (FL)
 Chaffetz
 Chandler
 Childers
 Christensen
 Chu
 Clarke
 Clay
 Cleaver
 Clyburn
 Coffman (CO)
 Cohen
 Cole
 Conaway
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Crenshaw
 Crowley
 Cuellar
 Culberson
 Cummings
 Dahlkemper
 Davis (CA)
 Davis (IL)
 Davis (KY)
 Davis (TN)
 Deal (GA)
 DeFazio

Kind
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kline (MN)
 Kosmas
 Kratovil
 Kucinich
 Lamborn
 Lance
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Latta
 Lee (CA)
 Lee (NY)
 Levin
 Lewis (GA)
 Linder
 Lipinski
 LoBiondo
 Loebsack
 Lowey
 Lucas
 Luetkemeyer
 Lujan
 Lummis
 Lungren, Daniel E.
 Lynch
 Mack
 Maffei
 Maloney
 Manzullo
 Marchant
 Markey (CO)
 Markey (MA)
 Marshall
 Massa
 Matheson
 Matsui
 McCarthy (CA)
 McCarthy (NY)
 McCaul
 McCollum
 McCotter
 McDermott
 McGovern
 McHenry
 McIntyre
 McKinstry
 McKeon
 McMahon
 McMorris
 Rodgers
 McNerney
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Minnick
 Mitchell
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Murphy (CT)
 Murphy (NY)
 Murphy, Patrick
 Murphy, Tim
 Murtha
 Myrick
 Nadler (NY)
 Napolitano
 Neal (MA)
 Neugebauer
 Norton
 Nunes
 Nye
 Oberstar
 Obey
 Olson

Oliver	Ryan (WI)	Sullivan
Ortiz	Sablan	Sutton
Pallone	Salazar	Tanner
Pascarell	Sánchez, Linda	Taylor
Pastor (AZ)	T.	Teague
Paulsen	Sanchez, Loretta	Terry
Payne	Sarbanes	Thompson (CA)
Pence	Scalise	Thompson (MS)
Perlmutter	Schakowsky	Thompson (PA)
Perriello	Schauer	Thornberry
Peters	Schiff	Tiahrt
Peterson	Schmidt	Tiberi
Pingree (ME)	Schock	Tierney
Pitts	Schrader	Titus
Platts	Schwartz	Tonko
Polis (CO)	Scott (GA)	Towns
Pomeroy	Scott (VA)	Tsongas
Posey	Serrano	Turner
Price (NC)	Sessions	Upton
Putnam	Sestak	Van Hollen
Quigley	Shea-Porter	Velázquez
Radanovich	Sherman	Visclosky
Rahall	Shimkus	Walz
Rangel	Shuler	Wasserman
Rehberg	Shuster	Schultz
Reyes	Simpson	Waters
Rodriguez	Sires	Barton (TX)
Roe (TN)	Skelton	Becerra
Rogers (AL)	Slaughter	Berkley
Rogers (KY)	Smith (NE)	Waxman
Rogers (MI)	Smith (NJ)	Weiner
Rohrabacher	Smith (TX)	Welch
Ros-Lehtinen	Smith (WA)	Wexler
Roskam	Snyder	Whitfield
Ross	Souder	Wilson (OH)
Rothman (NJ)	Space	Wittman
Roybal-Allard	Speier	Wolf
Royce	Spratt	Woolsey
Ruppersberger	Stark	Wu
Rush	Stearns	Yarmuth
Ryan (OH)	Stupak	Young (FL)

NOES—24

Barton (TX)	Garrett (NJ)	Poe (TX)
Bishop (UT)	Hensarling	Price (GA)
Blunt	Johnson, Sam	Reichert
Broun (GA)	Lewis (CA)	Rooney
Burgess	McClintock	Sensenbrenner
Coble	Miller (FL)	Shadegg
Flake	Paul	Westmoreland
Franks (AZ)	Petri	Wilson (SC)

NOT VOTING—19

Abercrombie	Davis (AL)	Pierluisi
Barrett (SC)	Dreier	Richardson
Bean	Faleomavaega	Walden
Berry	Forbes	Wamp
Buyer	Gohmert	Young (AK)
Cantor	Hinojosa	
Cardoza	Lofgren, Zoe	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There are 2 minutes remaining in this vote.

□ 1534

Ms. BORDALLO changed her vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. KLEIN OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. KLEIN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 414, noes 5, not voting 19, as follows:

[Roll No. 803]

AYES—414

Ackerman	Courtney	Hoyer
Aderholt	Crenshaw	Hunter
Adler (NJ)	Crowley	Inglis
Akin	Cuellar	Inslee
Alexander	Culberson	Israel
Altmire	Cummings	Issa
Andrews	Dahlkemper	Jackson (IL)
Arcuri	Davis (CA)	Jackson-Lee
Austria	Davis (IL)	(TX)
Baca	Davis (KY)	Jenkins
Bachmann	Davis (TN)	Johnson (GA)
Bachus	Deal (GA)	Johnson (IL)
Baird	DeFazio	Johnson, E. B.
Baldwin	DeGette	Johnson, Sam
Barrow	Delahunt	Jones
Bartlett	DeLauro	Jordan (OH)
Barton (TX)	Dent	Kagen
Becerra	Diaz-Balart, L.	Kanjorski
Berkley	Diaz-Balart, M.	Kaptur
Berman	Dicks	Kennedy
Berry	Dingell	Kildee
Biggert	Doggett	Kilpatrick (MI)
Bilbray	Donnelly (IN)	Kilroy
Bilirakis	Doyle	Kind
Bishop (GA)	Driehaus	King (IA)
Bishop (NY)	Duncan	King (NY)
Bishop (UT)	Edwards (MD)	Kingston
Blackburn	Edwards (TX)	Kirk
Blumenauer	Ehlers	Kirkpatrick (AZ)
Blunt	Ellison	Kissell
Boccieri	Ellsworth	Klein (FL)
Boehner	Emerson	Kline (MN)
Bonner	Engel	Kosmas
Bono Mack	Eshoo	Kratovil
Boozman	Etheridge	Kucinich
Bordallo	Fallin	Lamborn
Boren	Farr	Lance
Boswell	Fattah	Langevin
Boucher	Filner	Larsen (WA)
Boustany	Fleming	Larson (CT)
Boyd	Fortenberry	Latham
Brady (PA)	Foster	LaTourette
Brady (TX)	Fox	Latta
Bright	Frank (MA)	Lee (CA)
Brown (SC)	Frelinghuysen	Lee (NY)
Brown, Corrine	Fudge	Levin
Brown-Waite,	Gallegly	Lewis (CA)
Ginny	Garrett (NJ)	Lewis (GA)
Buchanan	Gerlach	Linder
Burgess	Giffords	Lipinski
Burton (IN)	Gingrey (GA)	LoBiondo
Butterfield	Gonzalez	Loeb
Calvert	Goodlatte	Lowey
Camp	Gordon (TN)	Lucas
Campbell	Granger	Luetkemeyer
Cantor	Graves	Luján
Cao	Grayson	Lummis
Capito	Green, Al	Lungren, Daniel
Capps	Green, Gene	E.
Capuano	Griffith	Lynch
Carnahan	Grijalva	Mack
Carney	Guthrie	Maffei
Carson (IN)	Gutierrez	Maloney
Carter	Hall (NY)	Manzullo
Cassidy	Hall (TX)	Marchant
Castle	Halvorson	Markey (CO)
Castor (FL)	Hare	Markey (MA)
Chaffetz	Harman	Marshall
Chandler	Harper	Massa
Childers	Hastings (FL)	Matheson
Christensen	Hastings (WA)	Matsui
Chu	Heinrich	McCarthy (CA)
Clarke	Heller	McCarthy (NY)
Clay	Hensarling	McCaul
Cleaver	Herger	McCollum
Clyburn	Herseth Sandlin	McCotter
Coble	Higgins	McDermott
Coffman (CO)	Hill	McGovern
Cohen	Himes	McHenry
Cole	Hinche	McIntyre
Conaway	Hirono	McKeon
Connolly (VA)	Hodes	McMahon
Conyers	Hoekstra	McMorris
Cooper	Holden	Rodgers
Costa	Holt	McNerney
Costello	Honda	Meek (FL)

Meeks (NY)	Price (NC)	Skelton
Melancon	Putnam	Slaughter
Mica	Quigley	Smith (NE)
Michaud	Radanovich	Smith (NJ)
Miller (FL)	Rahall	Smith (TX)
Miller (MI)	Rangel	Smith (WA)
Miller (NC)	Rehberg	Snyder
Miller, Gary	Reichert	Souder
Miller, George	Reyes	Space
Minnick	Rodriguez	Speier
Mitchell	Roe (TN)	Spratt
Mollohan	Rogers (AL)	Stark
Moore (KS)	Rogers (KY)	Stearns
Moore (WI)	Rogers (MI)	Stupak
Moran (KS)	Rohrabacher	Sullivan
Moran (VA)	Rooney	Sutton
Murphy (CT)	Ros-Lehtinen	Tanner
Murphy (NY)	Roskam	Taylor
Murphy, Patrick	Ross	Teague
Murphy, Tim	Rothman (NJ)	Terry
Murtha	Roybal-Allard	Thompson (CA)
Myrick	Royce	Thompson (MS)
Nadler (NY)	Ruppersberger	Thompson (PA)
Napolitano	Rush	Thornberry
Neal (MA)	Ryan (OH)	Tiahrt
Neugebauer	Ryan (WI)	Tiberi
Norton	Sablan	Tierney
Nunes	Salazar	Titus
Nye	Sánchez, Linda	Tonko
Oberstar	T.	Tsongas
Obey	Sanchez, Loretta	Turner
Olson	Sarbanes	Upton
Oliver	Scalise	Van Hollen
Ortiz	Schakowsky	Velázquez
Pallone	Schauer	Visclosky
Pascarell	Schiff	Walz
Pastor (AZ)	Schmidt	Wasserman
Paulsen	Schock	Schultz
Payne	Schrader	Watson
Pence	Schwartz	Watt
Perlmutter	Scott (GA)	Waxman
Perriello	Scott (VA)	Weiner
Peters	Sensenbrenner	Welch
Peterson	Serrano	Westmoreland
Petri	Sessions	Wexler
Pierluisi	Sestak	Whitfield
Pingree (ME)	Shadegg	Wilson (OH)
Pitts	Shea-Porter	Wilson (SC)
Platts	Sherman	Wittman
Poe (TX)	Shimkus	Wolf
Polis (CO)	Shuler	Woolsey
Pomeroy	Shuster	Wu
Posey	Simpson	Yarmuth
Price (GA)	Sires	Young (FL)

NOES—5

Broun (GA)	Franks (AZ)	Paul
Flake	McClintock	

NOT VOTING—19

Abercrombie	Dreier	Towns
Barrett (SC)	Faleomavaega	Walden
Bean	Forbes	Wamp
Braley (IA)	Gohmert	Waters
Buyer	Hinojosa	Young (AK)
Cardoza	Lofgren, Zoe	
Davis (AL)	Richardson	

□ 1542

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MS. TITUS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Nevada (Ms. TITUS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 407, noes 9, not voting 22, as follows:

[Roll No. 804]

AYES—407

Aderholt	Culberson	Jackson-Lee
Adler (NJ)	Cummings	(TX)
Akin	Dahlkemper	Jenkins
Alexander	Davis (CA)	Johnson (GA)
Andrews	Davis (IL)	Johnson (IL)
Arcuri	Davis (KY)	Johnson, E. B.
Austria	Davis (TN)	Johnson, Sam
Baca	Deal (GA)	Jones
Bachmann	DeFazio	Jordan (OH)
Bachus	DeGette	Kagen
Baird	Delahunt	Kanjorski
Baldwin	DeLauro	Kaptur
Barrow	Dent	Kennedy
Bartlett	Diaz-Balart, L.	Kildee
Barton (TX)	Diaz-Balart, M.	Kilpatrick (MI)
Berkley	Dicks	Kilroy
Berman	Dingell	Kind
Berry	Doggett	King (IA)
Biggert	Donnelly (IN)	King (NY)
Billray	Doyle	Kingston
Bilirakis	Driehaus	Kirk
Bishop (GA)	Duncan	Kirkpatrick (AZ)
Bishop (NY)	Edwards (MD)	Kissell
Bishop (UT)	Ehlers	Klein (FL)
Blackburn	Ellsworth	Kline (MN)
Blumenauer	Emerson	Kosmas
Blunt	Engel	Kratovil
Bocciari	Eshoo	Kucinich
Boehner	Etheridge	Lamborn
Bonner	Fallin	Lance
Bono Mack	Farr	Langevin
Boozman	Fattah	Larsen (WA)
Bordallo	Filner	Larson (CT)
Boren	Fleming	Latham
Boswell	Fortenberry	LaTourette
Boucher	Foster	Latta
Boustany	Fox	Lee (CA)
Boyd	Frank (MA)	Lee (NY)
Brady (PA)	Frelinghuysen	Levin
Brady (TX)	Fudge	Lewis (CA)
Braley (IA)	Gallegly	Lewis (GA)
Bright	Garrett (NJ)	Linder
Brown (SC)	Gerlach	Lipinski
Brown, Corrine	Giffords	LoBiondo
Brown-Waite,	Gingrey (GA)	Loesack
Ginny	Lowey	Lowey
Buchanan	Gonzalez	Lucas
Burgess	Goodlatte	Luetkemeyer
Burton (IN)	Gordon (TN)	Luján
Butterfield	Granger	Lummis
Calvert	Graves	Lungren, Daniel
Camp	Grayson	E.
Campbell	Green, Al	Lynch
Cantor	Green, Gene	Mack
Cao	Griffith	Maffei
Capito	Grijalva	Maloney
Capps	Guthrie	Manzullo
Capuano	Gutierrez	Marchant
Carnahan	Hall (NY)	Markey (CO)
Carney	Hall (TX)	Markey (MA)
Carson (IN)	Halvorson	Marshall
Carter	Hare	Massa
Cassidy	Harman	Matheson
Castle	Harper	Matsui
Castor (FL)	Hastings (FL)	McCarthy (CA)
Chaffetz	Hastings (WA)	McCarthy (NY)
Chandler	Heinrich	McCauley
Childers	Heller	McCollum
Christensen	Hensarling	McCotter
Chu	Herger	McDermott
Clarke	Herseth Sandlin	McGovern
Clay	Higgins	McHenry
Cleaver	Hill	McIntyre
Clyburn	Himes	McKeon
Coble	Hinchey	McMahon
Coffman (CO)	Hirono	McMorris
Cohen	Hodes	Rodgers
Cole	Hoekstra	McNerney
Conaway	Holden	Meek (FL)
Connolly (VA)	Holt	Meeks (NY)
Conyers	Honda	Melancon
Cooper	Hoyer	Mica
Costa	Hunter	Michaud
Costello	Inglis	Miller (FL)
Courtney	Inslee	Miller (MI)
Crenshaw	Israel	Miller (NC)
Crowley	Issa	Miller, Gary
Cuellar	Jackson (IL)	Miller, George

Minnick	Rehberg	Smith (TX)
Mitchell	Reichert	Smith (WA)
Mollohan	Reyes	Snyder
Moore (KS)	Roe (TN)	Souder
Moore (WI)	Rogers (AL)	Space
Moran (KS)	Rogers (KY)	Speier
Moran (VA)	Rogers (MI)	Spratt
Murphy (CT)	Rohrabacher	Stark
Murphy (NY)	Rooney	Stearns
Murphy, Patrick	Ros-Lehtinen	Stupak
Murphy, Tim	Roskam	Sutton
Murtha	Ross	Tanner
Myrick	Rothman (NJ)	Taylor
Nadler (NY)	Roybal-Allard	Teague
Napolitano	Royce	Terry
Neal (MA)	Ruppersberger	Thompson (CA)
Neugebauer	Rush	Thompson (MS)
Norton	Ryan (OH)	Thompson (PA)
Nunes	Ryan (WI)	Thornberry
Nye	Sablan	Tiahrt
Oberstar	Salazar	Tiberi
Obey	Sánchez, Linda	Tierney
Olson	T.	Titus
Oliver	Sanchez, Loretta	Tonko
Ortiz	Sarbanes	Towns
Pallone	Scalise	Tsongas
Pascarell	Schakowsky	Turner
Pastor (AZ)	Schauer	Upton
Paulsen	Schiff	Van Hollen
Payne	Schmidt	Velázquez
Pence	Schock	Visclosky
Perlmutter	Schrader	Walz
Perriello	Schwartz	Wasserman
Peters	Scott (GA)	Schultz
Peterson	Scott (VA)	Waters
Pierluisi	Serrano	Watson
Pingree (ME)	Sessions	Watt
Pitts	Sestak	Waxman
Platts	Shadegg	Weiner
Poe (TX)	Shea-Porter	Welch
Polis (CO)	Sherman	Wexler
Pomeroy	Shimkus	Whitfield
Posey	Shuler	Wilson (OH)
Price (GA)	Shuster	Wilson (SC)
Price (NC)	Simpson	Wittman
Putnam	Sires	Wolf
Quigley	Skelton	Woolsey
Radanovich	Slaughter	Wu
Rahall	Smith (NE)	Yarmuth
Rangel	Smith (NJ)	Young (FL)

NOES—9

Altmire	Frank (AZ)	Petri
Broun (GA)	McClintock	Sensenbrenner
Flake	Paul	Westmoreland

NOT VOTING—22

Abercrombie	Deier	Richardson
Ackerman	Edwards (TX)	Rodriguez
Barrett (SC)	Ellison	Sullivan
Bean	Faleomavaega	Walden
Becerra	Forbes	Wamp
Buyer	Gohmert	Young (AK)
Cardoza	Hinojosa	
Davis (AL)	Lofgren, Zoe	

The Acting CHAIR (during the vote). There are 2 minutes remaining on this vote.

□ 1549

So the amendment was agreed to. The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. HEINRICH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Mexico (Mr. HEINRICH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 18, as follows:

[Roll No. 805]

AYES—420

Ackerman	Costa	Holden
Aderholt	Costello	Holt
Adler (NJ)	Courtney	Honda
Akin	Crenshaw	Hoyer
Alexander	Crowley	Hunter
Altmire	Cuellar	Inglis
Andrews	Culberson	Inslee
Arcuri	Cummings	Israel
Austria	Dahlkemper	Issa
Baca	Davis (CA)	Jackson (IL)
Bachmann	Davis (IL)	Jackson-Lee
Bachus	Davis (KY)	(TX)
Baird	Davis (TN)	Jenkins
Baldwin	Deal (GA)	Johnson (GA)
Barrow	DeFazio	Johnson (IL)
Bartlett	DeGette	Johnson, E. B.
Barton (TX)	Delahunt	Johnson, Sam
Becerra	DeLauro	Jones
Berkley	Dent	Jordan (OH)
Berman	Diaz-Balart, L.	Kagen
Berry	Diaz-Balart, M.	Kanjorski
Biggert	Dicks	Kaptur
Billray	Dingell	Kennedy
Bilirakis	Doggett	Kildee
Bishop (GA)	Donnelly (IN)	Kilpatrick (MI)
Bishop (NY)	Doyle	Kilroy
Bishop (UT)	Driehaus	Kind
Blackburn	Duncan	King (IA)
Blumenauer	Edwards (MD)	King (NY)
Blunt	Edwards (TX)	Kingston
Bocciari	Ehlers	Kirk
Boehner	Ellison	Kirkpatrick (AZ)
Bonner	Ellsworth	Kissell
Bono Mack	Emerson	Klein (FL)
Boozman	Engel	Kline (MN)
Bordallo	Eshoo	Kosmas
Boren	Etheridge	Kratovil
Boswell	Fallin	Kucinich
Boucher	Farr	Lamborn
Boustany	Fattah	Lance
Boyd	Filner	Langevin
Brady (PA)	Flake	Larsen (WA)
Brady (TX)	Fleming	Larson (CT)
Braley (IA)	Fortenberry	Latham
Bright	Foster	LaTourette
Broun (GA)	Fox	Latta
Brown (SC)	Frank (MA)	Lee (CA)
Brown, Corrine	Frank (AZ)	Lee (NY)
Brown-Waite,	Frelinghuysen	Levin
Ginny	Fudge	Lewis (CA)
Buchanan	Gallegly	Lewis (GA)
Burgess	Garrett (NJ)	Linder
Burton (IN)	Gerlach	Lipinski
Butterfield	Giffords	LoBiondo
Calvert	Gingrey (GA)	Loesack
Camp	Gonzalez	Lowey
Campbell	Goodlatte	Lucas
Cantor	Granger	Luetkemeyer
Cao	Graves	Luján
Capito	Grayson	Lummis
Capps	Green, Al	Lungren, Daniel
Capuano	Green, Gene	E.
Carnahan	Griffith	Lynch
Carney	Grijalva	Mack
Carson (IN)	Guthrie	Maffei
Carter	Gutierrez	Maloney
Cassidy	Hall (NY)	Manzullo
Castle	Hall (TX)	Marchant
Castor (FL)	Halvorson	Markey (CO)
Chaffetz	Hare	Markey (MA)
Chandler	Harman	Marshall
Childers	Harper	Massa
Christensen	Hastings (FL)	Matheson
Chu	Hastings (WA)	Matsui
Clarke	Heinrich	McCarthy (CA)
Clay	Heller	McCarthy (NY)
Cleaver	Hensarling	McCauley
Clyburn	Herger	McClintock
Coble	Herseth Sandlin	McCollum
Coffman (CO)	Higgins	McCotter
Cohen	Hill	McDermott
Cole	Himes	McGovern
Conaway	Hinchey	McHenry
Connolly (VA)	Hirono	McIntyre
Conyers	Hodes	McKeon
Cooper	Hoekstra	McMahon

McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)

Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Tiberi
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson

Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberti
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—18

Abercrombie
Barrett (SC)
Bean
Buyer
Cardoza
Davis (AL)

Dreier
Faleomavaega
Forbes
Gohmert
Gordon (TN)
Hinojosa

Lofgren, Zoe
Richardson
Walden
Wamp
Woolsey
Young (AK)

□ 1555

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. HIMES

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. HIMES) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 410, noes 6, not voting 22, as follows:

[Roll No. 806]

AYES—410

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Blibray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Christensen
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney

Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (IL)
Cuellar
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchev
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Israel

Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebach
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (MI)
Miller (NC)

Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarell
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall

Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)

Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Watson
Watt
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NOES—6

Broun (GA)
Flake

Franks (AZ)
McClintock

Paul
Sensenbrenner

NOT VOTING—22

Abercrombie
Barrett (SC)
Bean
Buyer
Cardoza
Davis (AL)
Davis (CA)
Dreier

Faleomavaega
Forbes
Gohmert
Hinojosa
Inslee
Lofgren, Zoe
Murphy (CT)
Richardson

Rothman (NJ)
Walden
Wamp
Waters
Waxman
Young (AK)

□ 1602

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. JACKSON of Illinois) having assumed the chair, Mr. SERRANO, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3585) to guide and provide for United States research, development, and demonstration of solar energy technologies, and for

other purposes, pursuant to House Resolution 846, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WESTMORELAND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage of H.R. 3585 will be followed by a 5-minute vote on suspending the rules and agreeing to H. Res. 175.

The vote was taken by electronic device, and there were—yeas 310, nays 106, not voting 16, as follows:

[Roll No. 807]

YEAS—310

Ackerman	Cleaver	Green, Al
Aderholt	Clyburn	Green, Gene
Adler (NJ)	Cohen	Griffith
Altmire	Connolly (VA)	Grijalva
Andrews	Conyers	Gutierrez
Arcuri	Cooper	Hall (NY)
Baca	Costa	Hall (TX)
Baird	Costello	Halvorson
Baldwin	Courtney	Hare
Barrow	Crenshaw	Harman
Bartlett	Crowley	Hastings (FL)
Barton (TX)	Cuellar	Heinrich
Becerra	Cummings	Heller
Berkley	Dahlkemper	Herseth Sandlin
Berman	Davis (CA)	Higgins
Berry	Davis (IL)	Hill
Biggert	Davis (TN)	Himes
Blibray	DeFazio	Hinche
Bishop (GA)	DeGette	Hirono
Bishop (NY)	Delahunt	Hodes
Blumenauer	DeLauro	Holden
Blunt	Dent	Holt
Boccheri	Diaz-Balart, L.	Honda
Bono Mack	Diaz-Balart, M.	Hoyer
Boren	Dicks	Israel
Boswell	Dingell	Jackson (IL)
Boucher	Doggett	Jackson-Lee
Boyd	Donnelly (IN)	(TX)
Brady (PA)	Doyle	Johnson (GA)
Braley (IA)	Driehaus	Johnson (IL)
Bright	Edwards (MD)	Johnson, E. B.
Brown, Corrine	Edwards (TX)	Kagen
Buchanan	Ehlers	Kanjorski
Butterfield	Ellison	Kaptur
Calvert	Ellsworth	Kennedy
Camp	Engel	Kildee
Cao	Eshoo	Kilpatrick (MI)
Capito	Etheridge	Kilroy
Capps	Farr	Kind
Capuano	Fattah	King (NY)
Carnahan	Filner	Kirk
Carney	Fortenberry	Kirkpatrick (AZ)
Carson (IN)	Foster	Kissell
Cassidy	Frank (MA)	Klein (FL)
Castle	Frelinghuysen	Kosmas
Castor (FL)	Fudge	Kratovil
Chandler	Gerlach	Kucinich
Childers	Giffords	Lance
Chu	Gonzalez	Langevin
Clarke	Gordon (TN)	Larsen (WA)
Clay	Grayson	Larson (CT)

LaTourette	Nye	Shea-Porter
Latta	Oberstar	Sherman
Lee (CA)	Obey	Shuler
Lee (NY)	Olver	Simpson
Levin	Ortiz	Sires
Lewis (CA)	Pallone	Skelton
Lewis (GA)	Pascarella	Slaughter
Lipinski	Pastor (AZ)	Smith (NJ)
LoBiondo	Paulsen	Smith (TX)
Loeb sack	Payne	Smith (WA)
Lowe y	Perlmutter	Snyder
Lujan	Perriello	Space
Lungren, Daniel E.	Peters	Speier
Lynch	Peterson	Spratt
Maffei	Pingree (ME)	Stark
Maloney	Platts	Stupak
Markey (CO)	Polis (CO)	Sutton
Markey (MA)	Pomeroy	Tanner
Marshall	Posey	Taylor
Massa	Price (NC)	Teague
Matheson	Putnam	Terry
Matsui	Quigley	Thompson (CA)
McCarthy (NY)	Rahall	Thompson (MS)
McCaul	Rangel	Thompson (PA)
McCollum	Reichert	Tiberi
McCotter	Reyes	Tierney
McDermott	Rodriguez	Titus
McGovern	Roe (TN)	Tonko
McIntyre	Rogers (AL)	Towns
McKeon	Rogers (MI)	Tsongas
McMahon	Rohrabacher	Turner
McNerney	Rooney	Upton
Meek (FL)	Ros-Lehtinen	Van Hollen
Meeks (NY)	Ross	Velázquez
Melancon	Rothman (NJ)	Visclosky
Michaud	Roybal-Allard	Walz
Miller (MI)	Ruppersberger	Wasserman
Miller (NC)	Rush	Schultz
Miller, George	Ryan (OH)	Waters
Minnick	Salazar	Watson
Mitchell	Sánchez, Linda T.	Watt
Mollohan	Sanchez, Loretta	Waxman
Moore (KS)	Sarbanes	Weiner
Moore (WI)	Schakowsky	Welch
Moran (VA)	Schauer	Wexler
Murphy (CT)	Schiff	Whitfield
Murphy (NY)	Schock	Wilson (OH)
Murphy, Patrick	Schrader	Wittman
Murphy, Tim	Schwartz	Wolf
Murtha	Scott (GA)	Woolsey
Nadler (NY)	Scott (VA)	Wu
Napolitano	Serrano	Yarmuth
Neal (MA)	Sestak	Young (FL)

NAYS—106

Akin	Galleghy	Miller (FL)
Alexander	Garrett (NJ)	Miller, Gary
Austria	Gingrey (GA)	Moran (KS)
Bachmann	Goodlatte	Myrick
Bachus	Granger	Neugebauer
Bilirakis	Graves	Nunes
Bishop (UT)	Guthrie	Olson
Blackburn	Harper	Paul
Boehner	Hastings (WA)	Pence
Bonner	Hensarling	Petri
Boozman	Herger	Pitts
Boustany	Hoekstra	Poe (TX)
Brady (TX)	Hunter	Price (GA)
Broun (GA)	Inglis	Radanovich
Brown (SC)	Issa	Rehberg
Brown-Waite,	Jenkins	Rogers (KY)
Ginny	Johnson, Sam	Roskam
Burgess	Jones	Royce
Burton (IN)	Jordan (OH)	Ryan (WI)
Campbell	King (IA)	Scalise
Cantor	Kingston	Schmidt
Carter	Kline (MN)	Sensenbrenner
Chaffetz	Lamborn	Sessions
Coble	Latham	Shadegg
Coffman (CO)	Linder	Shimkus
Cole	Lucas	Shuster
Conaway	Luetkemeyer	Smith (NE)
Culberson	Lummis	Souder
Davis (KY)	Mack	Stearns
Deal (GA)	Manzullo	Sullivan
Duncan	Marchant	Thornberry
Emerson	McCarthy (CA)	Tiahrt
Fallin	McClintock	Westmoreland
Flake	McHenry	Wilson (SC)
Fleming	McMorris	
Foxx	Rodgers	
Franks (AZ)	Mica	

NOT VOTING—16

Abercrombie	Dreier	Richardson
Barrett (SC)	Forbes	Walden
Bean	Gohmert	Wamp
Buyer	Hinojosa	Young (AK)
Cardoza	Inslee	
Davis (AL)	Lofgren, Zoe	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1620

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TRIBUTE TO CHUCK ATKINS OF THE SCIENCE AND TECHNOLOGY COMMITTEE

(Mr. GORDON Tennessee asked and was given permission to address the House for 1 minute.)

Mr. GORDON of Tennessee. Mr. Speaker, I rise to sadly announce a retirement. No, it's not mine; it's much worse. The chief of staff of the Science and Technology Committee, Chuck Atkins, is going to be retiring at the end of this year.

As all of us know, if we are going to run our business well and be successful, we have to have good friends that will give us advice. We have got to have an outstanding staff that will help us execute our work. Chuck has been both of those for me.

Chuck has served his country with distinction in a number of ways. From the jungles of Vietnam as a decorated marine, including a Purple Heart, to the Halls of Congress, Chuck has been a patriot.

He first came to Washington in 1993 with our former colleague Scotty Baesler, from Kentucky. Then in 1998, Chuck took on the chore of being the chief of staff for my personal office. Later, when I became ranking member of the Science and Technology Committee, Chuck took on those additional responsibilities as the staff director there.

In 2007, when I had the good fortune of you allowing me to serve you as the chairman of the Science and Technology Committee, Chuck then became the staff director for the committee. Quite frankly, he has been the key to our committee's success, skillfully putting together an outstanding staff, mentoring them, bringing them along to really perform to their maximum potential, and doing all of that, I am very pleased, in a bipartisan manner.

I will tell you one quick story there. When I first became elected, as you know, the majority staff has two-thirds to one-third, and so there was a big switch. Chuck went to the minority staff and said they could be the first ones to interview for our new expanded staff. After interviewing them, because

he wanted to get the very best that he could, our first five hires were from the Republican staff. All the other Republican staff members who didn't have a job, he said they could stay and help us work until they could find another job.

I think because of that, over the last 2½ years, we have been so successful in being able to pass 82 bipartisan bills and resolutions. Twenty-seven of those have been signed into law and many more are in the pipeline to be signed.

Chuck, thank you for a job well done. I hope that Chuck's wife, Merry, is listening. If so, Merry, thank you for putting up with Chuck for those late nights, and thank you for, I am sure, having to put up with the frustration that he would bring home from having to work with me.

Mr. HALL of Texas. Would the gentleman yield?

Mr. GORDON of Tennessee. Certainly.

I yield to my friend and ranking member of the Science and Technology Committee, Mr. HALL.

Mr. HALL of Texas. BART, I agree with you. I certainly want to pay tribute to Chuck Atkins.

He has been a loyal servant of this House. He is respected on both sides of the House. It has been a pleasure to work with him. I can say that he is really a man of integrity who led his staff admirably.

Part of the reason the Science and Technology Committee has such a bipartisan committee is because of staffers like Chuck Atkins who dedicated themselves to serving a cause greater than he felt himself to be. He served us in war and peace as a Vietnam veteran. He has a long history of serving our Nation, so it should come as no surprise he chose to come to Washington to give his services here.

Chuck, you are going to be missed. I hope you have a good retirement from the House of Representatives. Thanks to you for all you have done for the greatest good for the greatest number.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

CONDEMNING PERSECUTION OF BAHA'IS IN IRAN

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 175, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms.

WATSON) that the House suspend the rules and agree to the resolution, H. Res. 175, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 2, not voting 23, as follows:

[Roll No. 808]

YEAS—407

Ackerman	Costello	Hodes
Aderholt	Courtney	Hoekstra
Adler (NJ)	Crenshaw	Holden
Akin	Crowley	Holt
Alexander	Cuellar	Honda
Altman	Culberson	Hoyer
Andrews	Cummings	Hunter
Arcuri	Dahlkemper	Inglis
Austria	Davis (CA)	Israel
Baca	Davis (IL)	Issa
Bachus	Davis (KY)	Jackson (IL)
Baird	Davis (TN)	Jackson-Lee
Baldwin	Deal (GA)	(TX)
Barrow	DeFazio	Jenkins
Bartlett	DeGette	Johnson (GA)
Bishop (TX)	Delahunt	Johnson (IL)
Becerra	DeLauro	Johnson, E. B.
Berkley	Dent	Johnson, Sam
Berman	Diaz-Balart, L.	Jones
Berry	Diaz-Balart, M.	Jordan (OH)
Biggert	Dicks	Kagen
Bilbray	Dingell	Kanjorski
Bilirakis	Doggett	Kaptur
Bishop (GA)	Donnelly (IN)	Kennedy
Bishop (NY)	Doyle	Kildee
Bishop (UT)	Driehaus	Kilpatrick (MI)
Blackburn	Duncan	Kilroy
Blumenauer	Edwards (MD)	Kind
Blunt	Edwards (TX)	King (IA)
Boccieri	Ehlers	King (NY)
Bonner	Ellison	Kingston
Bono Mack	Ellsworth	Kirk
Boozman	Emerson	Kirkpatrick (AZ)
Boren	Engel	Kissell
Boswell	Eshoo	Klein (FL)
Boucher	Etheridge	Kline (MN)
Boustany	Fallin	Kosmas
Boyd	Farr	Kratovil
Brady (PA)	Fattah	Lamborn
Brady (TX)	Finler	Lance
Braley (IA)	Flake	Langevin
Bright	Fleming	Larsen (WA)
Broun (GA)	Fortenberry	Larson (CT)
Brown (SC)	Foster	Latham
Brown, Corrine	Fox	LaTourette
Brown-Waite,	Frank (MA)	Latta
Ginny	Franks (AZ)	Lee (CA)
Buchanan	Frelinghuysen	Lee (NY)
Burgess	Fudge	Levin
Burton (IN)	Gallagher	Lewis (CA)
Butterfield	Garrett (NJ)	Lewis (GA)
Calvert	Gerlach	Lipinski
Camp	Giffords	LoBiondo
Campbell	Gingrey (GA)	Loeback
Cantor	Gonzalez	Lowey
Cao	Goodlatte	Lucas
Capito	Gordon (TN)	Luetkemeyer
Capps	Granger	Lujan
Capuano	Graves	Lummis
Carnahan	Grayson	Lungren, Daniel
Carney	Green, Al	E.
Carson (IN)	Green, Gene	Lynch
Carter	Griffith	Mack
Cassidy	Grijalva	Maffei
Castle	Guthrie	Maloney
Castor (FL)	Gutierrez	Manzullo
Chaffetz	Hall (NY)	Marchant
Chandler	Hall (TX)	Markey (CO)
Childers	Halvorson	Markey (MA)
Chu	Hare	Massa
Clarke	Harman	Matheson
Clay	Harper	Matsui
Cleaver	Hastings (FL)	McCarthy (CA)
Clyburn	Hastings (WA)	McCarthy (NY)
Coble	Heinrich	McCaul
Coffman (CO)	Heller	McClintock
Cohen	Hensarling	McCollum
Cole	Herseth Sandlin	McCotter
Conaway	Higgins	McDermott
Connolly (VA)	Hill	McGovern
Conyers	Himes	McHenry
Cooper	Hinche	McIntyre
Costa	Hirono	McKeon

McMahon	Price (NC)	Smith (NE)
McNerney	Putnam	Smith (NJ)
Meek (FL)	Quigley	Smith (TX)
Meeks (NY)	Radanovich	Smith (WA)
Melancon	Rahall	Snyder
Mica	Rangel	Souder
Michaud	Rehberg	Space
Miller (FL)	Reichert	Speier
Miller (MI)	Reyes	Spratt
Miller (NC)	Rodriguez	Stark
Miller, Gary	Roe (TN)	Stearns
Miller, George	Rogers (AL)	Stupak
Minnick	Rogers (KY)	Sullivan
Mitchell	Rogers (MI)	Sutton
Mollohan	Rohrabacher	Tanner
Moore (KS)	Rooney	Taylor
Moore (WI)	Ros-Lehtinen	Teague
Moran (KS)	Roskam	Terry
Moran (VA)	Ross	Thompson (CA)
Murphy (CT)	Rothman (NJ)	Thompson (MS)
Murphy (NY)	Roybal-Allard	Thompson (PA)
Murphy, Patrick	Royce	Thornberry
Murphy, Tim	Ruppersberger	Tiahrt
Murtha	Rush	Tiberi
Myrick	Ryan (OH)	Tierney
Nadler (NY)	Ryan (WI)	Titus
Napolitano	Salazar	Tonko
Neal (MA)	Sanchez, Linda	Towns
Neugebauer	T.	Turner
Nunes	Sanchez, Loretta	Upton
Nye	Sarbanes	Van Hollen
Oberstar	Scalise	Velázquez
Obey	Schakowsky	Vislosky
Olson	Schauer	Walz
Olver	Schiff	Wasserman
Ortiz	Schmidt	Schultz
Pallone	Schock	Waters
Pascarella	Schrader	Watson
Pastor (AZ)	Schwartz	Watt
Paulsen	Scott (GA)	Waxman
Payne	Scott (VA)	Weiner
Pence	Sensenbrenner	Welch
Perlmutter	Serrano	Westmoreland
Perriello	Sessions	Wexler
Peters	Sestak	Whitfield
Peterson	Shadegg	Wilson (OH)
Petri	Shea-Porter	Wilson (SC)
Pingree (ME)	Sherman	Wittman
Pitts	Shimkus	Wolf
Platts	Shuler	Woolsey
Poe (TX)	Shuster	Wu
Polis (CO)	Simpson	Yarmuth
Pomeroy	Sires	Young (FL)
Posey	Skelton	
Price (GA)	Slaughter	

NAYS—2

Paul

NOT VOTING—23

Kucinich	Paul	Marshall
Abercrombie	Dreier	McMorris
Bachmann	Forbes	Gohmert
Barrett (SC)	Gohmert	Herger
Bean	Richardson	Hinojosa
Boehner	Inslee	Walden
Buyer	Linder	Wamp
Cardoza	Lofgren, Zoe	Young (AK)
Davis (AL)		

□ 1633

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3619, COAST GUARD AU- THORIZATION ACT OF 2010

Ms. MATSUI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 853 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 853

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. In the case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Transportation and Infrastructure or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

The SPEAKER pro tempore (Mr. CUELLAR). The gentlewoman from California is recognized for 1 hour.

Ms. MATSUI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. MATSUI. I ask unanimous consent that all Members have 5 legisla-

tive days within which to revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. MATSUI. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 853 provides a structured rule for consideration of H.R. 3619, the Coast Guard Authorization Act of 2010. The rule waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI. The rule provides 1 hour of general debate, with 40 minutes equally divided and controlled by the Chair and ranking minority member of the Transportation and Infrastructure Committee and 20 minutes equally divided and controlled by the Chair and ranking minority member of the Homeland Security Committee.

The rule provides that the amendment in the nature of a substitute recommended by the Transportation and Infrastructure Committee shall be considered as adopted and shall be considered as read.

The rule waives all points of order against the committee amendment. The rule makes in order the amendments printed in the Rules Committee report accompanying the resolution and waives all points of order against all amendments except those arising under clause 9 or 10 of rule XXI.

The rule makes in order 13 amendments, including all six of the Republican amendments that were submitted for consideration. In the case of sundry amendments reported by the committee, the question of their adoption shall be put to the house en gros and without division of the question. The Chair may not entertain a motion to rise unless offered by the Chair of the Committee on Transportation or his designee and may not entertain a motion to strike the enacting clause.

I want to thank both Chairman OBERSTAR and Chairman THOMPSON for the good work their committees have done on this bill. Thanks to these two committees, we are here today to strengthen the Coast Guard's ability to implement its responsibilities. It is critical that the Coast Guard has the necessary funds, resources, and personnel to carry out the missions we need it to conduct.

H.R. 3619 increases the authorized end strength for military personnel in the Coast Guard by 1,500 to a total of 47,000 personnel. It will also permanently increase to 6,700 the allowable number of officers in the service.

The legislation also establishes marine safety as a core mission of the Coast Guard. It responds directly to the many shortcomings in Coast Guard acquisition efforts that the committee has examined over the last several

years. For example, it prohibits the Coast Guard's use of a private sector lead system integrator, requires the Coast Guard to develop life-cycle cost estimates and prohibits contractor self-certification.

The Coast Guard Authorization Act of 2010 will strengthen our Nation's Coast Guard by making important investments and key changes now, the benefits of which we will see for years to come.

This bill also includes legislation that I offered earlier this year, and I want to thank Chairman OBERSTAR and Chairman CUMMINGS for including this important language in this bill. There is an urgent need for the reforms I've outlined in the Cruise Vessel Safety and Security Act. For far too long, American families have unknowingly been at risk.

Currently, cruise ships operate under foreign flags of convenience and are not required under U.S. law to report crimes occurring outside of our territorial waters. Leaving our territorial waters does not mean that cruise ships should be allowed to operate without basic laws that protect American citizens.

My legislation requires that all crimes that occur aboard cruise ships be reported to the Coast Guard and to the FBI. Without proper screening processes and accountability, these reprehensible and violent acts will be allowed to continue.

Under the status quo, criminals are left unpunished, and victims are left to fend for themselves. Unclear lines of jurisdiction are no longer an excuse for risking the safety of the millions of Americans who board cruise ships each year.

I first became aware of the need for increased protections for Americans when one of my constituents, Laurie Dishman, wrote to me for help in April of 2006. Laurie was the victim of a sexual assault while on a cruise vacation. She was given no assistance by the cruise line in properly securing evidence of the assault; no assistance in identifying her attacker, who was an employee of the cruise ship; and no assistance in prosecuting the crime once back on shore. Devastated, Laurie reached out to me.

I immediately called for hearings on this issue and began to work on the legislation that is now a part of this Coast Guard authorization bill. The congressional hearings, chaired by Chairman CUMMINGS, made apparent the gross inadequacies of current cruise safety provisions. Because of these hearings, it was discovered there has not been a single conviction of an accused rape on a cruise ship in recent history.

With ongoing news coverage of recent rapes on cruise ships, it is clear that legislation is both urgent and necessary. Many of my colleagues have

come to me with similar stories of constituents who have gone missing, been sexually attacked, or gone days, weeks or years without getting resolution. My legislation establishes stringent new standards to ensure the safety and security of passengers on cruise vessels.

Its reforms include requiring that vessel personnel be able to preserve evidence of crimes committed on the vessels and provide appropriate medical treatment to the victims of sexual assaults. Security, safety and accountability must all be strengthened to hold criminals accountable and end the cycle of serious crimes on cruise ships.

As this crucial legislation moves forward, it serves as proof to the victims of cruise crimes that progress is being made towards ensuring the safety of all Americans abroad. Laurie Dishman is here today to witness her cause move forward, and I want to thank her for her extraordinary courage and leadership.

This has been a long, difficult road for all cruise victims and their families. These reforms are truly common-sense and are even supported now by the Cruise Line Industry Association. That is why this measure is a victory in the fight for cruise passenger rights.

In much the same way, the Coast Guard Authorization Act is a major victory for people across our country who depend on the Coast Guard to keep their families safe.

□ 1645

Passage of the Coast Guard Authorization Act of 2010 will allow many important reforms to be enacted and will help protect Americans across the Nation.

Coast Guard authorization is long overdue. I urge my colleagues to vote in support of this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my friend the gentlewoman from California (Ms. MATSUI) for the time, and I yield myself such time as I may consume.

Always Ready. That's the motto of the United States Coast Guard. Since its establishment in 1790 by Alexander Hamilton, the Coast Guard is the only branch in our military that is always deployed.

As part of the Department of Homeland Security, the Coast Guard is tasked with maritime law enforcement, search and rescue for those in peril at sea, patrolling and protecting our ports, harbors and sea borders, marine environmental protection, helping manage offshore spills, facilitating maritime navigation and commerce, and so much more. In times of war, the Coast Guard also deploys with other service branches overseas.

The underlying legislation, the Coast Guard Authorization Act of 2010, being brought to the floor today authorizes approximately \$10 billion for the Coast Guard for fiscal year 2010. It increases the authorized end-strength by 1,500 members to a total of 47,000 personnel. The legislation also authorizes additional Coast Guard maritime security response teams to assist in detecting explosives and drug interdiction.

The Coast Guard is currently undergoing the largest single acquisition program in its history in order to upgrade and modernize its surface and air assets. The program currently known as Deepwater includes 91 new cutters, 124 new small boats, and 247 new or modernized airplanes, helicopters, and unmanned aerial vehicles.

According to the most recent acquisition program baseline, the Deepwater acquisitions are projected to cost \$24 billion and take 25 years to complete. The underlying legislation includes \$1.2 billion for acquisition of new vessels, aircraft and support systems under the Deepwater program for 2010.

The legislation also requires the Coast Guard to be responsible for the enforcement of any Federal security zone established around terminals and around tankers transporting "especially hazardous materials." The bill requires the Secretary of Homeland Security, through the Coast Guard, to conduct a pilot program in the maritime environment for the mobile biometric identification of suspected individuals to enhance our border security.

The legislation establishes a pilot program to test and deploy preventative radiological or nuclear detection equipment on Coast Guard vessels and fixed locations in port areas. It establishes a congressional nomination system for admission to the Coast Guard Academy in New London, Connecticut. That process is similar to those already in place for the other service academies. Mr. Speaker, in south Florida we are all admirers of the Coast Guard. We see it day in and day out save lives and help citizens.

While I support this important underlying legislation, I oppose the rule by which it is being brought to the floor. The last time that a Coast Guard authorization bill was enacted into law, the Republican majority at the time brought the legislation to the floor with a rule that allowed consideration of the bill under a modified open process, a modified open rule. That type of rule allows any Member of the House to offer any amendments to the legislation without having to receive the approval of the Rules Committee as long as the amendment is preprinted in the CONGRESSIONAL RECORD. That's why it is known as a modified open rule; any amendment can be brought forward, but you have to preprint it.

Even though we historically consid-

ered this bill under a modified open rule, today the majority has brought that precedent to an end. It has decided that that precedent should be disregarded and that the right of Members to offer amendments should be restricted. Yesterday afternoon in the Rules Committee, we in the minority asked for the traditional modified open rule, and yet the majority voted it down on a party-line vote. I thought that was somewhat ironic. The last time the House considered this legislation under the traditional modified open rule, we were criticized for offering a modified open rule. That was called restrictive. Well, now we have again—unnecessarily and breaking with precedent—a structured rule; in other words, only those amendments made in order can be considered.

So here we are, Mr. Speaker, yet again with another example of how the current majority restricts, unnecessarily and unfortunately, the procedural rights of all Members of this body.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, before I yield to my next speaker, I just want to say there were only six amendments to the bill submitted to the Rules Committee from the minority side of the aisle, and all six were made in order under this rule. It doesn't get more bipartisan than that.

With that, I would like to yield 2 minutes to my good friend, the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank my friend and colleague for yielding and rise in support of the rule and the underlying bill.

Mr. Speaker, a few years ago, Senator SUSAN COLLINS and I toured the Ports of Los Angeles and Long Beach. Mindful of the assault on the USS *Cole*, during a security briefing with the Coast Guard, I asked what sort of protections were in place to defend against threats from small boats. The response made my jaw drop. We were told that small boats were advised to observe a 100-foot security perimeter around large ships—as if an imaginary "Do Not Cross" sign would deter terrorists bent on mimicking the USS *Cole* attack and blowing themselves up.

Clearly, small boats continue to pose a critical security risk and deserve serious attention. The manager's amendment to the underlying bill contains a provision which I authored requiring the Coast Guard to conduct a study assessing whether transponders—such as radio frequency ID tags—on small boats can effectively mitigate the threat of small boat attacks in major ports. Such a system already exists in Singapore, and Coast Guard Commandant Thad Allen has suggested it may work in the United States. Transponders are not the only way to address the small boat threat and they may not be the best, but they have the potential to greatly increase situational awareness in U.S. ports.

Beyond the small boats provision, this bill contains two other measures I believe are critical. One is a requirement for an Inspector General's report evaluating port operation centers' relationships with State, local, and regional fusion centers. The other is a requirement for DHS to conduct a review of the potential consequences of an attack on a gasoline or chemical cargo ship in one of America's ports.

I thank Chairman OBERSTAR for including my small boats provision, and I thank the Rules Committee, especially my California colleague and friend, Ms. MATSUI, for bringing this bill to the floor.

Vote "aye" on the rule and the underlying legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would point out to my friend, Ms. MATSUI, that when she says the amendments that were asked to be made in order before the Rules Committee were made in order, yes, that's correct. The tradition, as I pointed out earlier, of this House for many decades with regard to this legislation—especially since it's legislation that enjoys such widespread and bipartisan support—the tradition is that Members didn't have to go and beg the Rules Committee for authorization to have their amendments debated if they simply preprinted those amendments in the CONGRESSIONAL RECORD. That was another important tradition in this House that has been violated unnecessarily, that has been reversed, ended unnecessarily by the new majority. That's what I pointed out.

I would like to yield 5 minutes to my good friend, Mr. LOBIONDO of New Jersey, the ranking member of the Coast Guard and Maritime Subcommittee.

Mr. LOBIONDO. I thank my friend from Florida (Mr. LINCOLN DIAZ-BALART).

I would like to start off by thanking Mr. OBERSTAR, Mr. MICA and Mr. CUMMINGS for their bipartisan effort to look at all the serious issues that are involved with this legislation and to bring together a pretty good product. But I am disappointed, as Mr. DIAZ-BALART is, because the traditions of this very bipartisan committee have been changed with the basis of the rule being closed. And while I understand and am appreciative that Republican amendments were made in order, I think that it is sad that such a long tradition—when the Republicans were in the majority, it was either an open or a modified open rule. It is almost a little bit amusing, but more sad than amusing that Republicans were criticized for even having a modified open rule just with a preprint requirement, and now there is no open rule at all.

I am going to support the bill. I have a few considerations that we will be talking about when the amendments come up. But once again, I am disappointed with the rule.

I do want to talk about one of the amendments that we will be talking about tomorrow—I think it is very timely—on the issue of piracy and how we deal with piracy, because just today there were two pirate attacks. Now, fortunately they were not on U.S. flag vessels. One, I believe, was on a Panamanian vessel—we think it was a cargo ship—where there were 26 hostages taken. The other attack was on an Italian ship. Fortunately, my understanding is that a Belgium warship was nearby and was able to aid and assist the Italians in thwarting the pirates. But this only brings to light the serious nature—and we can all recall with horror when pirates took a U.S. flag vessel. If it were not for the heroics of the captain, the crew, and a Navy SEAL team, we could have had a devastating consequence. Because of that pirate attack on a U.S. flag vessel, our committee—again, in a very bipartisan way, with Mr. MICA, Mr. OBERSTAR and Mr. CUMMINGS—looked at what we could do. We all believed that the best answer to this would be for Coast Guard or Navy personnel to be on U.S. flag ships, but we understand the reality that that's not going to happen. So we entered into a bipartisan agreement, which was in the underlying bill before someone on the majority—and I think from the Judiciary Committee—got involved with this issue. The underlying bipartisan agreement basically said that if attacked by a pirate ship, a U.S. flag vessel crew member could take action to defend the crew, could defend who was on the ship against the pirates and not be held liable; a commonsense approach. The Judiciary language complicates it and makes it almost impossible. It puts a crew member in an incredibly difficult situation to determine the legal entanglements in his own mind as he's being fired upon with an automatic weapon or a rocket-propelled grenade launcher. If you think about the intensity of the moment, this is an attack on America. An attack on a U.S. flag vessel is an attack on the America. Why wouldn't we let the crew member have the opportunity to defend U.S. interests without liability?

I think a bipartisan approach that was reached was exactly what this House is all about in understanding U.S. interests and what's best for the United States of America. The amendment tomorrow will deal with this further when the whole body will have an opportunity to listen to this debate and to make up their own minds whether it's going to be right to put a crew member in that impossible situation of having to decide, through the legal entanglement of a series of checkmarks in his own mind as they're coming under attack, whether to protect the crew and the ship.

Once again, I thank my colleagues who have worked on this bill. I am dis-

appointed with the rule. I will be voting against the rule, but I will be supporting the underlying bill.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Maryland, who is the Chair of the Subcommittee on Coast Guard and Maritime Transportation, Mr. CUMMINGS.

□ 1700

Mr. CUMMINGS. I thank Ms. MATSUI for yielding to me.

I rise in strong support of House Resolution 853, which would provide a structured rule to allow for consideration of the Coast Guard Authorization Act of 2010, H.R. 3619. I thank Mr. OBERSTAR and certainly Mr. MICA, and I thank Mr. LOBIONDO for his bipartisan efforts. Clearly, the bill is a work of just phenomenal bipartisanship.

H.R. 3619 is legislation that would provide an authorization for the United States Coast Guard, the fifth branch of our Armed Forces. I note that, unlike the Department of Defense services, the Coast Guard has not been authorized since 2006.

This legislation increases the authorized funding level for the service, as well as the number of military personnel allowed to be in the service. The legislation also addresses a number of other Coast Guard and maritime-related issues that have been considered by the Coast Guard Subcommittee and the full Committee on Transportation and Infrastructure over the past 3 years, including acquisition reform, fishing industry safety and implementation of the Coast Guard's marine safety program.

H.R. 3619 also includes the text of H.R. 3360, the Cruise Vessel Security and Safety Act of 2009, which was ordered reported by the Transportation Committee on July 30, 2009, and which would institute a number of new safety measures intended to assure that cruise vessels carrying passengers to and from the United States are as safe as possible.

Specifically, this legislation would include standards for the design and equipping of cruise vessel staterooms and cabins. It would require ships to employ trained medical personnel who can adequately treat the victims of sexual assault. The legislation would also make available on the Internet information on the number of crimes reported on each cruise line. H.R. 3360 was offered by Congresswoman MATSUI, and I applaud her for her diligent and very hard work on this legislation.

I also commend the victims of incidents on cruise ships, several of whom I know are watching today, including Laurie Dishman, who is here with us now. All of them testified before our subcommittee and helped inform the development of this legislation.

Adoption of H. Res. 853 would also make in order for consideration the

manager's amendment offered by the chairman of the full Committee on Transportation and Infrastructure, Congressman JIM OBERSTAR, as well as 12 other amendments.

I urge the adoption of H. Res. 853 so that we can move to provide a long overdue authorization for the Coast Guard, our thin blue line at sea.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve my time.

Ms. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD), a member of the Transportation and Infrastructure Committee.

Mr. BAIRD. Mr. Speaker, I thank the gentlelady for the time, and want to commend the chairman for his work on this bill, as well as the ranking member.

I rise in strong support of the Coast Guard Authorization Act. This bill makes important strides in strengthening the modern day mission of our Coast Guard. It is such a privilege to represent the fine young men and women who serve our country at Cape Disappointment in my own district.

Also included in this bill is language clarifying the rule related to the taxation of interstate waterway workers. In an effort to address an unfair tax situation of waterway workers, whose jobs require them to work in multiple States, I authored legislation in the 106th Congress called the Transportation Employment Fair Taxation Act. This legislation barred States from taxing a nonresident waterway worker who performs regularly assigned duties while engaged as a master, officer or crewman on a vessel operating on the navigable waters of more than one State.

As the House report for this legislation stated, the purpose of this legislation was to prohibit any State from taxing the income of a nonresident interstate waterway worker. The Senate version of this legislation was signed into law on November 9, 2000.

Unfortunately, a 2006 decision by one State's tax court is wholly inconsistent with the intent of the 2000 law. Due to the use of the word "of" instead of "in," the court believes it only applies to the waterways that are owned jointly by more than one State. This was clearly not the intent of the 2000 law. The legislative history and CONGRESSIONAL RECORD make clear it was not the intent of the law, and I happen to know a little about that intent because I authored the legislation.

This legislation today makes a slight wording change to clarify that the law is intended to apply to all interstate waterway workers on all waterways. It is my sincere hope that this minor change will make clear that States are prohibited from taxing the income of a nonresident interstate waterway worker, period. I want to make clear that

this was the intent of the law I authored in 2000, and this legislation before us today will reinforce that congressional intent.

Again, I thank the gentlelady for the time, and recommend passage.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. I thank the gentleman.

I rise in opposition to the rule. We have at the moment about 10 percent unemployment in the United States of America. Some of the oldest laws of our Republic are the cabotage laws, which reserve coastwise commerce for American-made, American-owned, American-crewed vessels. They also required that all repairs to those vessels take place in the United States of America, except for emergency repairs, and certainly prohibited the rebuilding of any vessel overseas.

In recent years, I have supplied to the United States Coast Guard photographs of a ship that was clearly rebuilt in the People's Republic of China. Just yesterday, I supplied to the Rules Committee those same photographs, a vessel that any amateur could look at and clearly see this isn't an emergency repair. It is the rebuilding of an American-flagged Jones Act vessel in the People's Communist Republic of China.

Having brought this to the attention of the Commandant, he said that the law reads, and I want people to hear this, A vessel is deemed to have been rebuilt in the United States only if the entire rebuilding, including the construction of any major component of the hull or superstructure, is done in the United States.

That seems pretty clear to me. Apparently it was not clear to the Marine Inspection Office of the Coast Guard. So I asked the Commandant of the Coast Guard for a clarification. "Why don't you come up with something, Mr. Commandant, that your folks will understand?"

He came up with a very simple amendment that said 10 percent of the weight of the vessel, if you are changing out 10 percent of the weight of the vessel, that is clearly a rebuild. It has to be done stateside.

I regret that an amendment drafted by the United States Coast Guard was rejected by the Rules Committee. I am told it was a concern about some foreign treaties, and I would remind Members this is language that goes back to 1956, prior to GATT.

So I am going to rise in opposition to this rule.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. LINCOLN DIAZ-BALART of Florida. I yield an additional 2 minutes to the gentleman.

Mr. TAYLOR. I would have thought with a Democratic majority that we

would have been about trying to repeal things like NAFTA, things like most-favored-nation status for China, and those things that limit American job opportunities here within our own country.

I am deeply disappointed in the ruling of the Rules Committee. Obviously, we need to get this bill to the floor, but we ought to be taking steps every chance we get to bring jobs home to America. The Rules Committee decided otherwise in a vote last night.

I thank the gentleman very much for the opportunity.

Ms. MATSUI. Mr. Speaker, before I yield to the next speaker, I just want to say that many of us on the Democratic side are sympathetic to the amendment offered by my colleague from Mississippi. We all think that we should build critical national security assets here at home in the United States.

However, there are also some concerns about whether the Taylor amendment would have exposed our country to reprisals at the WTO. Trade issues are very delicate right now with the world economy struggling so much. We should deal with the issues brought up by Mr. TAYLOR, but we should do so at a time when we are certain that we do not do more harm to our economy than good.

These issues certainly deserve more discussion and attention. My colleagues and I look forward to working with Mr. TAYLOR to address this very, very important topic.

With that, Mr. Speaker, I would like to yield 2 minutes to the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of H.R. 3619, the Coast Guard Authorization Act of 2010. This important legislation will not only provide vital resources to one of our Nation's key security and law enforcement services, but also has the potential to bolster the maritime shipping industry and create much-needed jobs.

The legislation requires the Great Lakes Maritime Research Institute to carry out studies of the maritime shipping system of the Great Lakes. My language, included in the manager's amendment, requires these studies to include an analysis of the number and types of jobs that rely on the shipping system and how they are distributed across key demographics. This information will help legislators better assess and respond to the needs of the Great Lakes marine transportation and labor force.

The Great Lakes shipping industry is a key component of our regional and national economic well-being. My language will provide vital information that will help develop the Great Lakes workforce and help us anticipate and meet future workforce challenges.

I urge my colleagues to support the Coast Guard Authorization Act.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I think Mr. TAYLOR brought out a very relevant and important example of why it was appropriate and important to follow what has been a decades-long tradition of allowing all Members with amendments to introduce them for consideration by the entire House simply by preprinting them in the CONGRESSIONAL RECORD.

Mr. TAYLOR should not have had to go to the Rules Committee and wait, and then ask, request, permission to have his amendment considered. In addition to having to wait and then ask for permission, he was denied permission to have his amendment considered, which is an important amendment.

He explained it in detail before the Rules Committee. In representation of his constituents and having developed an expertise throughout many years of service here, he communicated with the Coast Guard and basically came to an agreement on interpreting existing law, law that was passed before we entered into GATT and the international commitments that were referenced by my dear friend Ms. MATSUI. Existing law before those commitments is what Mr. TAYLOR is trying to refine, to technically make clear, in pursuance of the interests of his constituents and our Nation.

That idea should have been able to be debated. His proposal should be able to be debated and considered by the entire House. It is another example, and a concrete example, an important example, of why I believe it is inappropriate, Mr. Speaker, to limit the procedural rights of the Members of this House.

I thank my friend Ms. MATSUI for her courtesy, and all of those who have participated in this debate. I want to point out, and then I will reserve our time again—I believe you have more speakers—that when I refer to the breaking of tradition by the majority, in this instance the reversal of the tradition that allowed for Members to preprint their amendments and have them considered by the entire House, when we maintained that tradition, when we followed that tradition that is now reversed, we were criticized for not allowing in this instance a fully open rule, again because we maintained the tradition of the preprinting requirement known as the modified open rule, and we were criticized by the then-minority. And they promised, Mr. Speaker, to open the process further, to improve the process, to make it more transparent.

Well, that was another promise broken, because instead of improving, making more transparent the process that we were criticized for, instead of improving that process, they have further closed it. It is unfortunate.

I reserve my time.

□ 1715

Ms. MATSUI. Mr. Speaker, I just want to make a comment before I yield.

This legislation before us today is bipartisan and widely supported. It was reported by the Transportation and Infrastructure Committee by voice vote. During that bipartisan markup process, only two amendments were offered, and both were adopted by voice vote. The working relationship between Chairman OBERSTAR and Ranking Member MICA is well known because they work together, and that is what we're trying to do today. Today's rule is structured the way it is so to continue this tradition of working issues out before they become political in nature.

With that, I would like to yield 3 minutes to my friend, the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I want to start off by thanking Chairmen OBERSTAR and CUMMINGS and Ranking Member MICA for all of their hard work on this bill.

We've given the Coast Guard so much responsibility, and they have been up to every challenge. The Coast Guard has been protecting our shores for more than 200 years and have done an outstanding job. The Coast Guard was the first agency to react to the terrorist attacks on September 11, and was the only agency in the Bush administration to actually do their job during the evacuation and disaster of Hurricane Katrina. Today, we are finally providing the crucial agency the resources it needs to complete its new expanded mission.

As a Member from the State of Florida, which has 14 ports and numerous cruise lines, I have particular interest in the cruise industry. The cruise industry is an important economic engine in the State of Florida. Florida ranks first in the Nation for cruise industry expenditures, with over \$6 billion in direct spending, accounting for 33 percent of the total industry direct spending. Cruise industry spending generates more than 127,000 jobs and wages totaling over \$5 billion in income to Floridian workers, and over 5 million passengers embarked from Florida's five cruise ports in 2007.

Before coming to Congress, I owned, really, three travel agencies, and I can tell you that cruises are one of the most cost-effective, safe, and enjoyable vacations one can take. In fact, I just recently sent my mother on a cruise.

The cruise industry is highly regulated by the State, the Federal Government, and international laws. They ensure that their passengers are safe and have a sound security record. It is apparent from the FBI statistics that crimes against U.S. passengers on cruise ships are rare.

A leisure cruise is one of the most popular vacation options because of its

excellent safe record and a high quality of service provided on board.

I look forward to working with the committee members to continue to ensure that safety and well-being of passengers on cruise ships is maintained.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I continue to reserve.

Ms. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I rise in support of the rule in support of H.R. 3619, the Coast Guard Reauthorization Act. I'd like to thank my colleague from Minnesota, Chairman OBERSTAR, and his staff for their hard work on this bill.

Michigan's First Congressional District borders three of the five Great Lakes and contains 1,613 miles of shoreline, more than any other congressional district in the continental United States. The Coast Guard is not only the largest military resource in the area and a key defender of the Great Lakes, but is also of utmost importance to securing commerce routes and assisting the navigation.

I'd like to address a few provisions in the bill. First, the bill recognizes the need for a Coast Guard presence on the Great Lakes by authorizing \$153 million for a new Great Lakes icebreaker. During the winter months, 17 million tons of commerce moves through the Great Lakes, and icebreakers play an important role in keeping our channels open.

Ice-breaking capacity on the Great Lakes has dropped dramatically over the past few years. The Coast Guard Cutter *Acacia*, stationed in Charlevoix, Michigan, was decommissioned on June 7, 2006, after 60 years of service. The Canadian Government also recently decommissioned two of its icebreakers on the Great Lakes without replacing them. Without a sufficient cutter presence, the island communities, businesses, and individuals that rely on the Great Lakes shipping are put at risk. It's critical that Congress provide the funding for a new Coast Guard cutter and ensure the Coast Guard can meet its operational responsibility on the Great Lakes.

Secondly, I appreciate that section 1323 of the bill includes the authority to transfer the old Coast Guard facility and surrounding acres in Marquette, Michigan, to the city. In 2008, the city of Marquette sold 1.5 acres of Lake Superior waterfront property to the Coast Guard for \$1 to construct a new facility. The city also committed \$170,000 to reroute bike trails, make roadway improvements, and make infrastructure improvements in order to prepare the property for a new Coast Guard facility. In exchange, an agreement was reached between the city and the Coast Guard to transfer land that was then occupied by the Coast Guard to the

city upon completion of the new facility. In August 2009, the Coast Guard moved into a new facility. As such, remediation of the old parcel should be done by the Coast Guard without delay; however, remediation is not scheduled until fiscal year 2013. I hope the chairman and the Coast Guard will work with me and the city of Marquette to see that remediation is completed in a more timely manner. The city generously lived up to its end of the deal and we must ensure the Coast Guard does the same.

I also appreciate the inclusion of a provision that would facilitate a land transfer between the Coast Guard to the Cornerstone Christian Academy in Cheboygan, Michigan, of six acres of property the Coast Guard deems as excess property. This land is supported by the Coast Guard, the academy, and the Cheboygan community.

Finally, I appreciate Chairman OBERSTAR's past support for inclusion of a provision in the 2008 Coast Guard reauthorization bill to return a historic Fresnel lens to the Presque Isle Light-house station in Presque Isle, Michigan. I know the Coast Guard reauthorization bill passed by the Senate committee includes this language, and I hope the chairman will work with me on the issue as the bill goes forward. I hope an agreement can once again be reached on this matter.

Again, I thank the chairman for his work on crafting this bill. I thank the gentlewoman for yielding. I look forward to continuing to work with everyone on the Coast Guard issues.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, again, I thank my friend, Ms. MATSUI, for her courtesy during this debate with regard to this important underlying legislation that's being brought to the floor. I also thank Chairman OBERSTAR and Ranking Member MICA, as well as Chairman CUMMINGS and Ranking Member LOBONDO.

I'd like to, before proceeding, yield 5 minutes to my friend from Miami, Florida, the distinguished ranking member of the Foreign Affairs Committee, Ms. ROS-LEHTINEN.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my good friend, Mr. LINCOLN DIAZ-BALART, for his leadership on the Rules Committee.

Mr. Speaker, I'm pleased that today and tomorrow the House is debating the Coast Guard Authorization Act. The U.S. Coast Guard has over 42,000 men and women serving in active duty. These proud individuals are tasked with 11 specific missions ranging from coastal security to drug interdiction and marine safety. It is our duty to ensure that they are fully funded and equipped to carry out these responsibilities.

As the Representative of south Florida and the Keys, I know just how important their mission is. My congres-

sional district contains over 265 miles of U.S. coastline and includes the largest coral reef system in the continental United States. Two of the largest Coast Guard sectors in the U.S., Sector Miami, commanded by Captain James O. Fitton, and Sector Key West, commanded by Captain Pat DeQuattro, are located in my congressional district.

The men and women serving these Coast Guard sectors play key roles in fighting the flow of illegal drugs to our country. They deny smugglers the use of air and maritime routes into our country, and in fiscal year 2009, the U.S. Coast Guard seized 29,485 pounds of cocaine. But determined drug smugglers are using very sophisticated ships and technologies, and it will become increasingly difficult to prevent their illegal activities without providing the Coast Guard the fundamental resources that it needs. South Florida is an all-too-convenient transit hub for many of these smuggling operations, and I commend our local Coast Guard sectors for their ongoing efforts to fight the flow of illegal drugs into our neighborhoods.

As my constituents well know, the Coast Guard also saves thousands of lives every year. According to the latest statistics published by the Coast Guard, in 2008, Coast Guard Search and Rescue responded to 24,000 cases and saved 4,000 lives. Sector Miami responded to 858 Search and Rescue cases this year, with 1,410 lives saved and over \$12 million in property saved.

This year, Sector Miami also established the Coast Guard's first Cruise Ship Center of Expertise. This center provides a unique partnership between the Coast Guard and the cruise ship industry so that they're better able to meet the compliance with international safety standards as well as maritime security and environmental standards.

Ensuring that the brave men and women have the tools that they need in the Coast Guard to effectively patrol our coasts is one of my priorities. In Sector Key West, this past year alone, the Coast Guard was able to respond to 300 law enforcement cases as well as 645 rescue and search cases. At this sector, also, many treasured natural wonders are contained there, and they also responded to 152 pollution reports in the protection of the Florida Keys National Marine Sanctuary.

Sector Key West was also instrumental in coordinating with the National Oceanic and Atmospheric Administration, NOAA, the U.S. Environmental Protection Agency, EPA, and the State and local agencies in the successful artificial reefing of the 520-foot ex-USS *Vandenberg*. This was the second largest ship to become an artificial reef in the U.S.

Since the September 11 terrorist attacks, the Coast Guard has served as the primary agents responsible for our Nation's maritime security. This year,

they even deployed six patrol boats and 400 personnel to help protect Iraq's maritime oil infrastructure, train Iraqi naval forces, and enforce U.N. sanctions in the Arabian Gulf.

We can all agree that the brave men and women of our oldest, continuous seagoing service deserves more than just our respect and admiration. They deserve the appropriate funding to carry out their important missions. I urge all Members to recognize the crucial need to protect our Nation by strengthening the United States Coast Guard so that they may continue to live up to their motto, "Always Ready."

I thank the Speaker and I thank my good friend and colleague, Mr. DIAZ-BALART, for yielding me the time.

Ms. MATSUI. Mr. Speaker, I would inquire of the gentleman from Florida if he has any remaining speakers.

Mr. LINCOLN DIAZ-BALART of Florida. No, and I will wrap up my remarks shortly.

Ms. MATSUI. I have no speakers on my side. I'm prepared to close.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, again I thank my friend, Ms. MATSUI.

Over the past few months, the American people have written and called their Members of Congress, or they've made their opinions known at town hall meetings, asking their Congress Members whether they will pledge to read bills before they vote on them. The reason is that the people were outraged finding out that the majority has forced Congress to vote on a number of sweeping and often very expensive bills without giving Members time to understand or even to read them. For example, we were forced to vote on the final so-called stimulus bill, on the omnibus appropriations bill; or on the cap-and-trade bill, that one we were provided at 3 in the morning, and then a few hours later it was here on the floor. In some instances, much less than 24 hours.

□ 1730

That's no way to run this House. Our constituents are rightly upset. I think they should be. The distinguished Speaker said, "Members should have at least 24 hours to examine bills and conference reports before floor consideration." It's even on her Web site. Yet time and again, the distinguished Speaker and the majority leadership have refused to live up to their pledge.

That is why a bipartisan group of 182 Members of Congress have signed a discharge petition to consider a bill that would require that all legislation and conference reports be made available to Members and the general public for 72 hours before being brought to the House floor for a vote.

So that's why today I'll be asking for a "no" vote on the previous question so we can amend this rule and allow the House to consider that legislation, H.

Res. 554, a bipartisan bill by my friends and colleagues, Representatives BAIRD and CULBERSON.

Now, Members may be concerned that this motion would jeopardize the Coast Guard reauthorization bill, but I want to make clear the motion I am making provides for separate consideration of the Baird-Culberson bill within 3 days so that we can vote on the Coast Guard bill, and then once we're done, consider H. Res. 554.

I would ask, thus, Mr. Speaker, for the previous question to be defeated.

AMENDMENT TO H. RES. 853 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, insert the following new section:

SEC. 3. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) One hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March

15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution. . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

I yield back the balance of my time. Ms. MATSUI. Mr. Speaker, I yield myself the remainder of my time.

The rule before us today is a fair rule that includes a bipartisan group of Democratic and Republican amendments. All of the Republican amendments submitted to the Rules Committee are made in order by this rule. Furthermore, the underlying legislation strengthens and reforms a key component of our Nation's security forces.

Coast Guard authorization has been long in coming. That delay has meant inadequate authorization levels for ever-increasing demand. One of the good things this bill would do is encourage a larger, more educated merchant marine workforce by establishing a maritime career recruitment training and loan program. It will modernize the Coast Guard by reorganizing senior leadership and by establishing a firm foundation for a robust marine safety program. U.S. cruise ship passengers will also receive enhanced safety and security protections thanks to this legislation.

In total, the Coast Guard Authorization Act of 2010 will strengthen our Nation's Coast Guard and our national security for years to come.

I urge passage of the rule and the underlying legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of this rule and the underlying bill—H.R. 3619, the Fiscal Year 2010 Coast Guard Authorization Act.

I would like to commend the Rules Committee for approving a Rule that will allow for a robust debate. I am particularly pleased that it provides 20 minutes of debate on the port security title of the bill.

Over the past few weeks, we worked closely, and on a bipartisan basis, with Chairman OBERSTAR, Chairman CUMMINGS, Ranking Member MICA, and Ranking Member LOBIONDO to bring this critical security bill to the floor as expeditiously as possible.

The bill that we are considering today builds on H.R. 2830, the Coast Guard Authorization bill that the House approved by a vote of 395 to 7 last Congress. Unfortunately, despite strong bipartisan support, that measure was not ultimately enacted into law.

Like that bill, H.R. 3619 provides long-overdue resources to an agency that has been underfunded for many years, while providing the Coast Guard new tools to secure our Nation's maritime environment in this post-9/11 world.

With respect to port and maritime security, H.R. 3619 provides key new resources to help the Coast Guard execute this homeland security mission. Specifically, it provides 1,500 additional Service Members, more Maritime Security Response Teams and Canine Detection Teams.

The bill also includes an important Coast Guard acquisition reform provision that requires the Coast Guard to take over the management of the 25-year, \$24 billion Deepwater program.

Finally, I am pleased that the bill fosters greater diversity at the Coast Guard Academy—one of the Nation's fine military academies. Specifically, a provision I authored with Chairman CUMMINGS would, for the first time, allow Members of Congress to nominate candidates for the Coast Guard Academy. It also directs the Coast Guard to establish programs to identify young adults from Minority Serving Institutions who may be candidates for becoming Coast Guard officers.

Passage of H.R. 3619 will provide the Coast Guard with a cadre of diverse, bright candidates from non-coastal areas of the nation and has the potential of helping to improve the culture within the Coast Guard Academy.

In closing, I would like to urge my colleagues to join me in supporting this rule and the underlying bill.

Ms. MATSUI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 853, if ordered; and suspension of the rules with regard to House Resolution 836, if ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 171, not voting 25, as follows:

[Roll No. 809]

YEAS—236

Ackerman	Green, Gene	Murphy (NY)
Adler (NJ)	Griffith	Murphy, Patrick
Altmire	Grijalva	Nadler (NY)
Andrews	Gutierrez	Napolitano
Arcuri	Hall (NY)	Neal (MA)
Baca	Halvorson	Nye
Baldwin	Hare	Oberstar
Barrow	Harman	Oliver
Becerra	Hastings (FL)	Ortiz
Berkley	Heinrich	Pallone
Berman	Herseeth Sandlin	Pastor (AZ)
Berry	Higgins	Payne
Bishop (GA)	Hill	Perlmutter
Bishop (NY)	Himes	Perriello
Blumenauer	Hinchey	Peters
Bocieri	Hirono	Pingree (ME)
Boren	Hodes	Polis (CO)
Boswell	Holden	Pomeroy
Boucher	Holt	Price (NC)
Boyd	Honda	Quigley
Brady (PA)	Hoyer	Rahall
Braley (IA)	Israel	Rangel
Brown, Corrine	Jackson (IL)	Reyes
Butterfield	Jackson-Lee	Rodriguez
Capps	(TX)	Ross
Capuano	Johnson (GA)	Rothman (NJ)
Carnahan	Johnson, E. B.	Roybal-Allard
Carney	Kagen	Ruppersberger
Carson (IN)	Kanjorski	Rush
Castor (FL)	Kaptur	Ryan (OH)
Chandler	Kennedy	Salazar
Chu	Kildee	Sanchez, Linda
Clarke	Kilpatrick (MI)	T.
Clay	Kilroy	Sanchez, Loretta
Cleaver	Kind	Sarbanes
Clyburn	Kirkpatrick (AZ)	Schakowsky
Cohen	Kissell	Schauer
Connolly (VA)	Klein (FL)	Schiff
Conyers	Kosmas	Schrader
Cooper	Kratovil	Schwartz
Costa	Kucinich	Scott (GA)
Costello	Langevin	Scott (VA)
Courtney	Larsen (WA)	Serrano
Crowley	Larson (CT)	Sestak
Cuellar	Lee (CA)	Shea-Porter
Cummings	Levin	Sherman
Dahlkemper	Lewis (GA)	Shuler
Davis (CA)	Lipinski	Sires
Davis (IL)	Loeb sack	Skelton
Davis (TN)	Lujan	Slaughter
DeFazio	Lynch	Smith (WA)
DeGette	Maffei	Snyder
Delahunt	Maloney	Space
DeLauro	Markey (CO)	Speier
Dicks	Markey (MA)	Spratt
Dingell	Marshall	Stark
Doggett	Matheson	Stupak
Donnelly (IN)	Matsui	Sutton
Doyle	McCarthy (NY)	Tanner
Driehaus	McCollum	Teague
Edwards (MD)	McDermott	Thompson (CA)
Edwards (TX)	McGovern	Thompson (MS)
Ellison	McIntyre	Tierney
Ellsworth	McMahon	Titus
Engel	McNerney	Tonko
Eshoo	Meek (FL)	Towns
Etheridge	Meeks (NY)	Tsongas
Farr	Melancon	Van Hollen
Fattah	Michaud	Velazquez
Filner	Miller (NC)	Visclosky
Foster	Miller, George	Walz
Fudge	Mitchell	Wasserman
Giffords	Mollohan	Schultz
Gonzalez	Moore (KS)	Waters
Gordon (TN)	Moore (WI)	Watson
Grayson	Moran (VA)	Watt
Green, Al	Murphy (CT)	

Waxman
Weiner
Welch

Wexler
Wilson (OH)
Woolsey

Wu
Yarmuth

NAYS—171

Aderholt	Franks (AZ)	Miller, Gary
Akin	Frelinghuysen	Minnick
Alexander	Gallegly	Moran (KS)
Austria	Garrett (NJ)	Murphy, Tim
Bachmann	Gerlach	Myrick
Bachus	Gingrey (GA)	Neugebauer
Baird	Goodlatte	Nunes
Bartlett	Granger	Olson
Barton (TX)	Graves	Paul
Bilbray	Guthrie	Paulsen
Bilirakis	Hall (TX)	Pence
Bishop (UT)	Harper	Petri
Blackburn	Hastings (WA)	Pitts
Blunt	Heller	Platts
Boehner	Hensarling	Poe (TX)
Bonner	Herger	Posey
Bono Mack	Hoekstra	Price (GA)
Boozman	Hunter	Putnam
Boustany	Inglis	Rehberg
Brady (TX)	Issa	Reichert
Bright	Jenkins	Roe (TN)
Brown (GA)	Johnson (IL)	Rogers (AL)
Brown (SC)	Johnson, Sam	Rogers (KY)
Brown-Waite,	Jones	Rohrabacher
Ginny	Jordan (OH)	Rooney
Buchanan	King (IA)	Ros-Lehtinen
Burgess	King (NY)	Roskam
Burton (IN)	Kingston	Royce
Calvert	Kirk	Ryan (WI)
Camp	Kline (MN)	Scalise
Campbell	Lamborn	Schmidt
Cantor	Lance	Schock
Cao	Latham	Sensenbrenner
Capito	LaTourrette	Sessions
Carter	Latta	Shadegg
Cassidy	Lee (NY)	Shimkus
Castle	Lewis (CA)	Shuster
Chaffetz	Linder	Simpson
Childers	LoBiondo	Smith (NE)
Coble	Lucas	Smith (NJ)
Coffman (CO)	Luetkemeyer	Smith (TX)
Cole	Lummis	Souder
Conaway	Lungren, Daniel	Stearns
Crenshaw	E.	Sullivan
Culberson	Mack	Taylor
Davis (KY)	Manzullo	Terry
Deal (GA)	Marchant	Thompson (PA)
Dent	Massa	Thornberry
Diaz-Balart, L.	McCarthy (CA)	Tiahrt
Diaz-Balart, M.	McClintock	Tiberi
Duncan	McCotter	Turner
Ehlers	McHenry	Upton
Emerson	McKeon	Westmoreland
Fallin	McMorris	Whitfield
Flake	Rodgers	Wilson (SC)
Fleming	Mica	Wittman
Fortenberry	Miller (FL)	Wolf
Fox	Miller (MI)	Young (FL)

NOT VOTING—25

Abercrombie	Frank (MA)	Pascrell
Barrett (SC)	Gohmert	Radanovich
Bean	Hinojosa	Richardson
Biggart	Inslee	Rogers (MI)
Buyer	Lofgren, Zoe	Walden
Cardoza	Lowey	Wamp
Davis (AL)	McCauley	Young (AK)
Dreier	Murtha	
Forbes	Obey	

□ 1800

Messrs. RYAN of Wisconsin, CASSIDY, ISSA, and MASSA changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 213, nays 192, not voting 27, as follows:

[Roll No. 810]

YEAS—213

Ackerman	Halvorson	Nye
Adler (NJ)	Hare	Oberstar
Altmire	Harman	Obey
Andrews	Hastings (FL)	Oliver
Arcuri	Heinrich	Ortiz
Baca	Herseeth Sandlin	Pallone
Baldwin	Higgins	Pastor (AZ)
Barrow	Himes	Payne
Becerra	Hinchey	Perriello
Berkley	Hirono	Peters
Berman	Hodes	Peterson
Bocieri	Holden	Pingree (ME)
Boren	Holt	Polis (CO)
Boswell	Honda	Pomeroy
Boucher	Hoyer	Price (NC)
Boyd	Israel	Quigley
Brady (PA)	Jackson (IL)	Rahall
Braley (IA)	Jackson-Lee	Reyes
Brown, Corrine	(TX)	Rodriguez
Butterfield	Johnson (GA)	Rothman (NJ)
Capps	Johnson, E. B.	Roybal-Allard
Carnahan	Kagen	Ruppersberger
Carson (IN)	Kanjorski	Rush
Castor (FL)	Kaptur	Ryan (OH)
Chandler	Kennedy	Salazar
Chu	Kilpatrick (MI)	Sanchez, Linda
Clarke	Kilroy	T.
Clay	Kind	Sanchez, Loretta
Cleaver	Kirkpatrick (AZ)	Sarbanes
Clyburn	Kissell	Schakowsky
Cohen	Klein (FL)	Schauer
Connolly (VA)	Kosmas	Schiff
Conyers	Kratovil	Schrader
Cooper	Kucinich	Schwartz
Costa	Langevin	Scott (GA)
Costello	Langevin	Scott (VA)
Courtney	Larsen (WA)	Serrano
Crowley	Larson (CT)	Sestak
Cuellar	Lee (CA)	Shea-Porter
Cummings	Levin	Sherman
Dahlkemper	Lewis (GA)	Sires
Davis (CA)	Lipinski	Skelton
Davis (IL)	Loeb sack	Slaughter
Davis (TN)	Lujan	Smith (WA)
DeFazio	Lynch	Speier
DeGette	Maffei	Spratt
Delahunt	Maloney	Stark
DeLauro	Markey (CO)	Stupak
Dicks	Markey (MA)	Sutton
Dingell	Marshall	Teague
Doggett	Matheson	Thompson (CA)
Donnelly (IN)	Matsui	Thompson (MS)
Doyle	McCarthy (NY)	Tierney
Driehaus	McCollum	Titus
Edwards (MD)	McDermott	Tonko
Edwards (TX)	McGovern	Towns
Ellison	McIntyre	Tsongas
Ellsworth	McMahon	Van Hollen
Engel	McNerney	Visclosky
Eshoo	Meek (FL)	Wasserman
Etheridge	Meeks (NY)	Schultz
Farr	Melancon	Waters
Fattah	Michaud	Watson
Filner	Miller (NC)	Watt
Foster	Miller, George	Waxman
Fudge	Mitchell	Weiner
Giffords	Mollohan	Welch
Gonzalez	Moore (WI)	Wexler
Gordon (TN)	Moran (VA)	Wilson (OH)
Grayson	Murphy (CT)	Woolsey
Green, Al	Murphy, Patrick	Wu
	Nadler (NY)	Yarmuth
	Grijalva	
	Napolitano	
	Neal (MA)	

NAYS—192

Aderholt	Boehner	Calvert
Akin	Bonner	Camp
Alexander	Bono Mack	Campbell
Austria	Boozman	Cantor
Bachmann	Boustany	Cao
Bachus	Brady (TX)	Capito
Baird	Bright	Capuano
Bartlett	Brown (GA)	Carney
Barton (TX)	Brown (SC)	Carter
Bilbray	Brown-Waite,	Cassidy
Bilirakis	Ginny	Castle
Bishop (UT)	Buchanan	Chaffetz
Blackburn	Burgess	Chandler
Blunt	Burton (IN)	Childers

Coble	Jordan (OH)	Platts
Coffman (CO)	Kildee	Poe (TX)
Cole	King (IA)	Posey
Conaway	King (NY)	Price (GA)
Cooper	Kingston	Putnam
Costa	Kirk	Rehberg
Costello	Kline (MN)	Reichert
Crenshaw	Lamborn	Roe (TN)
Culberson	Lance	Rogers (AL)
Dahlkemper	Latham	Rogers (KY)
Davis (KY)	LaTourette	Rohrabacher
Deal (GA)	Latta	Rooney
Dent	Lee (NY)	Ros-Lehtinen
Diaz-Balart, L.	Lewis (CA)	Roskam
Diaz-Balart, M.	Linder	Ross
Duncan	LoBiondo	Royce
Ehlers	Lucas	Ryan (WI)
Ellsworth	Luetkemeyer	Scalise
Emerson	Lummis	Schmidt
Fallin	Lungren, Daniel	Schock
Flake	E.	Sensenbrenner
Fleming	Mack	Sessions
Fortenberry	Manzullo	Shadegg
Fox	Marchant	Shimkus
Franks (AZ)	Massa	Shuler
Frelinghuysen	McCarthy (CA)	Shuster
Gallegly	McClintock	Simpson
Garrett (NJ)	McCotter	Smith (NE)
Gerlach	McHenry	Smith (NJ)
Gingrey (GA)	McKeon	Smith (TX)
Goodlatte	McMorris	Snyder
Granger	Rodgers	Souder
Graves	Mica	Space
Griffith	Michaud	Stearns
Guthrie	Miller (FL)	Sullivan
Gutierrez	Miller (MI)	Tanner
Hall (TX)	Miller, Gary	Taylor
Harper	Minnick	Terry
Hastings (WA)	Moore (KS)	Thompson (PA)
Heller	Moran (KS)	Thornberry
Hensarling	Murphy (NY)	Tiahrt
Herger	Murphy, Tim	Tiberi
Hill	Myrick	Turner
Hoekstra	Neugebauer	Upton
Hunter	Nunes	Walz
Inglis	Olson	Westmoreland
Issa	Paul	Whitfield
Jenkins	Paulsen	Wilson (SC)
Johnson (IL)	Pence	Wittman
Johnson, Sam	Petri	Wolf
Jones	Pitts	Young (FL)

NOT VOTING—27

Abercrombie	Frank (MA)	Perlmutter
Barrett (SC)	Gohmert	Radanovich
Bean	Hinojosa	Rangel
Biggert	Inslee	Richardson
Buyer	Lofgren, Zoe	Rogers (MI)
Cardoza	Lowey	Velázquez
Davis (AL)	McCauley	Walden
Dreier	Murtha	Wamp
Forbes	Pascarell	Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1807

Mr. NEAL of Massachusetts changed his vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT FOR TEEN READ WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 836.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs.

DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 836.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 27, as follows:

[Roll No. 811]

YEAS—405

Ackerman	Cleaver	Guthrie
Aderholt	Clyburn	Hall (NY)
Adler (NJ)	Coffman (CO)	Hall (TX)
Akin	Cohen	Halvorson
Alexander	Cole	Hare
Altire	Conaway	Harman
Andrews	Connolly (VA)	Harper
Arcuri	Conyers	Hastings (FL)
Austria	Cooper	Hastings (WA)
Baca	Costa	Heinrich
Bachmann	Costello	Heller
Bachus	Courtney	Hensarling
Baird	Crenshaw	Herger
Baldwin	Crowley	Hersteth Sandlin
Barrow	Cuellar	Higgins
Bartlett	Culberson	Hill
Barton (TX)	Cummings	Himes
Becerra	Dahlkemper	Hinchey
Berkley	Davis (CA)	Hirono
Berman	Davis (IL)	Hodes
Berry	Davis (KY)	Hoekstra
Bilbray	Davis (TN)	Holden
Bilirakis	Deal (GA)	Holt
Bishop (GA)	DeFazio	Honda
Bishop (NY)	DeGette	Hoyer
Bishop (UT)	Delahunt	Hunter
Blackburn	DeLauro	Inglis
Blumenauer	Dent	Israel
Blunt	Diaz-Balart, L.	Issa
Boccieri	Diaz-Balart, M.	Jackson (IL)
Boehner	Dicks	Jackson-Lee
Bonner	Dingell	(TX)
Bono Mack	Doggett	Jenkins
Boozman	Donnelly (IN)	Johnson (GA)
Boren	Doyle	Johnson (IL)
Boswell	Driehaus	Johnson, E. B.
Boucher	Duncan	Johnson, Sam
Boustany	Edwards (MD)	Jones
Boyd	Edwards (TX)	Jordan (OH)
Brady (PA)	Ehlers	Kagen
Brady (TX)	Ellison	Kanjorski
Braley (IA)	Ellsworth	Kaputr
Bright	Emerson	Kennedy
Brown (GA)	Engel	Kildee
Brown (SC)	Eshoo	Kilpatrick (MI)
Brown, Corrine	Etheridge	Kilroy
Brown-Waite,	Fallin	Kind
Ginny	Farr	King (IA)
Buchanan	Fattah	King (NY)
Burgess	Filner	Kingston
Burton (IN)	Flake	Kirk
Butterfield	Fleming	Kirkpatrick (AZ)
Calvert	Fortenberry	Kissell
Camp	Foster	Klein (FL)
Campbell	Fox	Kline (MN)
Cantor	Franks (AZ)	Kosmas
Cao	Frelinghuysen	Kratovil
Capito	Fudge	Kucinich
Capps	Gallegly	Lamborn
Capuano	Garrett (NJ)	Lance
Carnahan	Gerlach	Langevin
Carney	Giffords	Larsen (WA)
Carson (IN)	Gingrey (GA)	Larson (CT)
Carter	Gonzalez	Latham
Cassidy	Goodlatte	LaTourette
Castle	Gordon (TN)	Latta
Castor (FL)	Granger	Lee (CA)
Chaffetz	Graves	Lee (NY)
Chandler	Grayson	Levin
Childers	Green, Al	Lewis (CA)
Chu	Green, Gene	Lewis (GA)
Clarke	Griffith	Linder
Clay	Grijalva	Lipinski

LoBiondo	Ortiz	Shea-Porter
Loebuck	Pallone	Sherman
Lucas	Pastor (AZ)	Shimkus
Luetkemeyer	Paul	Shuler
Lujan	Paulsen	Shuster
Lummis	Payne	Simpson
Lynch	Pence	Sires
Mack	Perlmutter	Skelton
Maffei	Perrillo	Slaughter
Maloney	Peters	Smith (NE)
Manzullo	Peterson	Smith (NJ)
Marchant	Petri	Smith (TX)
Markey (CO)	Pingree (ME)	Smith (WA)
Markey (MA)	Pitts	Snyder
Marshall	Platts	Souder
Massa	Poe (TX)	Space
Matheson	Polis (CO)	Speier
Matsui	Pomeroy	Spratt
McCarthy (CA)	Posey	Stark
McCarthy (NY)	Price (GA)	Stearns
McClintock	Price (NC)	Stupak
McCollum	Putnam	Sullivan
McCotter	Quigley	Sutton
McDermott	Rahall	Tanner
McGovern	Rangel	Taylor
McHenry	Rehberg	Teague
McIntyre	Reichert	Terry
McKeon	Reyes	Thompson (CA)
McMahon	Rodriguez	Thompson (MS)
McMorris	Roe (TN)	Thompson (PA)
Rodgers	Rogers (AL)	Thornberry
McNerney	Rogers (KY)	Tiahrt
Meek (FL)	Rohrabacher	Tiberi
Meeks (NY)	Rooney	Tierney
Melancon	Ros-Lehtinen	Titus
Mica	Roskam	Tonko
Michaud	Ross	Towns
Miller (FL)	Rothman (NJ)	Tsongas
Miller (MI)	Roybal-Allard	Turner
Miller (NC)	Royce	Upton
Miller, Gary	Ruppersberger	Van Hollen
Miller, George	Rush	Velázquez
Minnick	Ryan (OH)	Visclosky
Mitchell	Ryan (WI)	Walz
Mollohan	Salazar	Wasserman
Moore (KS)	Sánchez, Linda	Schultz
Moore (WI)	T.	Waters
Moran (KS)	Sanchez, Loretta	Watson
Moran (VA)	Sarbanes	Watt
Murphy (CT)	Scalise	Waxman
Murphy (NY)	Schakowsky	Weiner
Murphy, Patrick	Schauer	Welch
Murphy, Tim	Schiff	Westmoreland
Myrick	Schmidt	Wexler
Nadler (NY)	Schock	Whitfield
Napolitano	Schrader	Wilson (OH)
Neal (MA)	Schwartz	Wilson (SC)
Neugebauer	Scott (GA)	Wittman
Nunes	Scott (VA)	Wolf
Nye	Sensenbrenner	Woolsey
Oberstar	Serrano	Wu
Obey	Sessions	Yarmuth
Olson	Sestak	Young (FL)
Olver	Shadegg	

NOT VOTING—27

Abercrombie	Frank (MA)	Murtha
Barrett (SC)	Gohmert	Pascarell
Bean	Gutierrez	Radanovich
Biggert	Hinojosa	Richardson
Buyer	Inslee	Rogers (MI)
Cardoza	Lofgren, Zoe	Walden
Coble	Lowey	Wamp
Davis (AL)	Lungren, Daniel	Young (AK)
Dreier	E.	
Forbes	McCauley	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Less than 2 minutes remain in this vote.

□ 1816

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution.

S. RES. 315

In the Senate of the United States, October 21, 2009.

Whereas Cliff Hansen worked as a cattle rancher and was inducted into the National Cowboy Hall of Fame as a "Great Westerner;"

Whereas Cliff Hansen served as governor of the State of Wyoming from 1963-1967;

Whereas Cliff Hansen served the people of Wyoming with distinction in the United States from 1967-1978; and

Whereas Cliff Hansen was the oldest former Senator at the time of his death: Now, therefore be it

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Cliff Hansen, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Cliff Hansen.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2647) "An Act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 704

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H. Res. 704.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3619 and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

COAST GUARD AUTHORIZATION ACT OF 2010

The SPEAKER pro tempore. Pursuant to House Resolution 853 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3619.

□ 1817

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes, with Mrs. DAHLKEMPER in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the Chair and ranking minority member of the Committee on Transportation and Infrastructure and 20 minutes equally divided and controlled by the Chair and ranking minority member of the Committee on Homeland Security.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 20 minutes; the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING) each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chair, I yield myself 4 minutes in strong support of H.R. 3619, the Coast Guard Authorization Act of 2010, the annual authorization for the Coast Guard, which we have several times passed in the House, but which the other body has not acted upon.

It's unfortunate that the Coast Guard has gone so many years without a formal authorization bill. The appropriation committees, which I applaud, in both previous Republican management and the past 2 years under Democratic leadership, the appropriation committees have continued authority for Coast Guard programs and provided funding to previously established levels. But the Coast Guard needs the legislative framework. It needs the policy framework that we provide in the authorizing legislation.

We have passed essentially this bill in the 110th Congress. We are now going to do it again, I am quite confident. We have wonderful bipartisan support, and I am very earnestly hoping and working, talking to our colleagues in the other body, to get their action so we can send this bill to the President for his signature.

And to that end, I express my very great appreciation to the gentleman from Florida (Mr. MICA) who is the senior Republican on the committee and

who has been a partner in working, not only this legislation, but many, many other bills that we have brought through committee to the House floor and through to signature by the President, including even an occasion where we had to override a Presidential veto.

I express great appreciation to the gentleman from Maryland (Mr. CUMMINGS) who has taken on the responsibility of chairing the Coast Guard Subcommittee. The gentleman has applied himself diligently and vigorously to understand the workings of the Coast Guard, the issues of their mission, the needs of the various Coast Guard districts and of headquarters and has spent enormous amounts of time in chairing subcommittee hearings on the needs and issues of the Coast Guard and those maritime activities that depend upon or are regulated by the Coast Guard.

And I express appreciation to the gentleman from New Jersey (Mr. LOBRONDO), who in a previous Congress has chaired this subcommittee and was fair-minded, evenhanded and very diligent and has been a splendid partner in shaping the bill that we bring to the House, to the Committee of the Whole, today.

Our bill authorizes \$10 billion for the Coast Guard for fiscal 2010. It will increase the total end strength of the Coast Guard by 1,500 service personnel to a level of 47,000. Now that, I just have to point out, that compares to 39,000 authorized personnel in 1975, my first year in Congress, my first year in which I also served on the then-Merchant Marine and Fisheries Committee and on the Coast Guard Subcommittee. But since that time, Congress has added 27 new missions and responsibilities for the Coast Guard without substantially increasing the personnel or the funding for the Coast Guard to carry out those missions.

Now, the men and women who wear that unique color of blue uniform have prided themselves on being a multi-mission agency, and they have prided themselves on being able to carry out all these many responsibilities. But they are working shorthanded, they are working underfunded and they need this authorization bill, and they need this increased service personnel strength that we provide in the bill before us.

We authorized \$153 million for the design and construction of a new replacement icebreaker for the Great Lakes.

The CHAIR. The time of the gentleman has expired.

Mr. OBERSTAR. I yield myself an additional 2 minutes.

Last year, we had the situation where ships were moving in the upper lake, Lake Superior, and through the Sioux Locks beset with heavy ice cover, while the icebreaker Mackinaw was in the lower lakes on icebreaking mission. The Coast Guard has been provided funding for and have operated

harbor icebreakers. Well, fine, they can operate in the harbor, they can move slush ice around, but they can't break the big ice. And when our iron ore needs to move from the upper lake to the lower lakes steel mills, it's got to get through that heavy ice. And we need an icebreaker on duty in both the upper lake and the lower lakes. And this legislation will provide funding for a second major Mackinaw-class icebreaker.

Last year, U.S.-flag vessels that were moving coal, critical for lower lakes power plants, coal that comes all the way by train from the Powder River Basin to the lake head of Duluth-Superior, those ships and our iron ore vessels sustained one plus—1½ to a larger million dollars in damages to hulls because of a decreased icebreaking capability of the Coast Guard. Five of the Coast Guard's smaller size, 1,200-horsepower capability vessels are at the end of their service life. We need a Mackinaw-class vessel on the Great Lakes in addition to the one that is now operating.

We, in this bill, respond to the many shortcomings in Coast Guard acquisition efforts over the past several years and require the Coast Guard to develop lifecycle cost estimates for assets that will cost more than \$10 million, have a service life of at least 10 years, will prohibit contractors self-certification, an issue that arose in a 10-hour hearing Chairman CUMMINGS conducted, Mr. LOBIONDO was a part of this hearing.

The CHAIR. The time of the gentleman has again expired.

Mr. OBERSTAR. I yield myself 1 additional minute.

We went until late in the night to address this extraordinary failure of arm's length contractual relationship between the Coast Guard and its contractors. So the legislation takes the lessons learned in that intensive hearing and months-long investigation to establish the appointment of a chief acquisition officer as a qualified acquisition professional.

We held a hearing on mariner education and workforce in the Coast Guard Subcommittee, and we heard concerns that there will be a shortage of qualified and experienced personnel as the Coast Guard oversees expansion of industry import and export activities over the next decade. We will establish a recruitment and training and loan program so that we'll be able to establish a robust labor pool in the maritime industry.

The CHAIR. The time of the gentleman has again expired.

Mr. OBERSTAR. I yield myself an additional 15 seconds.

There are a number of other items in this bill that Mr. CUMMINGS will further detail in his remarks.

I reserve the balance of my time.

Mr. MICA. The gentleman from New Jersey (Mr. LOBIONDO) is going to control the time if he may.

The CHAIR. The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Thank you, Madam Chair.

Before my remarks, I would like to yield to the ranking member of the full committee, the gentleman from Florida (Mr. MICA), such time as he may consume.

Mr. MICA. Thank you so much for recognizing me. My remarks tonight will be somewhat abbreviated since I'm a bit hoarse, much to the pleasure of those that don't like to hear me; but I will, with some dismay to others, proceed.

First of all, I would urge my colleagues to support this legislation. We are going to have a manager's amendment in a few minutes that has some provisions that I have questions about. This bill to authorize the Coast Guard for 1 year is basically a good bill. I do have some questions with some of the provisions.

First of all, I have to thank Mr. OBERSTAR and Mr. CUMMINGS and certainly our ranking member, the gentleman from New Jersey (Mr. LOBIONDO). They have worked tirelessly. Particularly, I have to give a lot of credit to Mr. LOBIONDO. He absolutely loves the Coast Guard, I think, with all his heart and soul; and he is dedicated to the men and women who serve. So from our side of the aisle, I want to thank, again, Mr. OBERSTAR and Mr. CUMMINGS and staff, everyone working together. We have not passed a Coast Guard authorization since July of 2006, and this is an example of bipartisan effort. It's also an example of having introduced legislation and fine-tuning it. There were some problems with some of the initial submissions in the initial act that was submitted, and I think we've come a long way from that point.

I do want to, again, thank the men and women of the Coast Guard. They do a great job for safety and security of our Nation's coast, and they are there when we need them. We need this authorization now to provide both the policy, the programs and also the funding for that great organization.

□ 1830

When I became the ranking member, I remember one of the first calls I got was from the Coast Guard commandant. It wasn't a time that I particularly look on as a bright spot in the history of the Coast Guard. They had had a number of problems with developing a security class cutter. We had some 110-foot cutters that were being retrofitted to a greater length and for hopefully a longer useful life, and both of those programs had run aground. I think we have worked with the Coast Guard and helped them learn from their experience.

I think there was an attempt to possibly inject the government becoming a systems integrator, and heaven for-

bid that a smaller agency like the Coast Guard would be cast with that responsibility when it's even difficult for the Navy to take on that. But again, working with Members, I think they have crafted some good provisions in this legislation that will address some of the shortcomings that we see.

Mr. OBERSTAR has paid particular attention to the safety regime and also the structure of the senior Coast Guard leadership. This action today approves longstanding requests from the Coast Guard to modernize their command structure.

I think the bill also has some other excellent provisions in it. One of those that I take particular interest in is that the bill establishes a civil penalty for possession of illegal drugs on U.S. waters. It also includes enhanced tools for the Federal Government to apprehend and prosecute individuals who seek to smuggle undocumented persons into the United States. Both of these provisions will help the Coast Guard better carry out its law enforcement responsibilities. So there are a number of good provisions in here.

I do have questions about the manager's amendment. Mr. LOBIONDO and I are concerned about possible watering down of some of the provisions relating to piracy. Unfortunately, we've seen cases of mayhem and piracy on the open seas, and we want to give all the tools that we possibly can for enforcement on the high seas. We don't want to have a whole host of impediments to people protecting themselves or taking action against pirates. I believe that, again, an amendment that's offered by Mr. LOBIONDO, which I will strongly support, will restore some of the intention of having a strong anti-pirate provision and capability for our maritime personnel.

I also have some concerns in the legislation in several other areas; I won't get into them too much at this point. One in particular deals with the TWIC card, the Transportation Worker Identification Credential. The State of Florida has also had a demonstration of this technology and this card, along with three other States. They have some reservations about the provisions that are included in this legislation. I do have an amendment that deals with that, and that is another concern.

Finally, we also have a small provision in here I am pleased that I was able to help include, and that's establishing a congressional nomination system for admission to the Coast Guard Academy. Three of our other services have this; we don't have it for the Coast Guard. I think it will enhance the prestige of the Coast Guard Academy, and it will also help us assemble an even more capable, I think, and diverse student body.

I commend Chairman CUMMINGS, Mr. OBERSTAR and Mr. LOBIONDO, our Republican leader on this subcommittee, for their efforts.

Mr. OBERSTAR. I yield such time as he may consume to the distinguished chairman of the Subcommittee on the Coast Guard, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Madam Chair, as chairman of the Subcommittee on Coast Guard and Maritime Transportation, I rise today in strong support of the Coast Guard Authorization Act of 2010, H.R. 3619. I applaud Chairman OBERSTAR for his diligent work on this legislation, his detailed oversight of the Coast Guard, including his focus on ensuring that the service remains prepared to carry out all of its traditional missions, and for his leadership on the Committee on Transportation and Infrastructure.

I also thank Congressman MICA, the ranking member of the full committee, and Congressman LOBIONDO, the ranking member of the subcommittee, for their work on this legislation. I certainly thank Chairman BENNIE THOMPSON and Ranking Member PETER KING from the Homeland Security Committee for working so closely with us to move this very important legislation to the floor today.

This comprehensive legislation would authorize approximately \$10 billion to fund the Coast Guard's operations for fiscal year 2010. The legislation would also increase the level of military personnel authorized to be in the service by 1,500 servicemembers to 47,000 personnel. I have long said that the Coast Guard is our thin blue line at sea, and that thin blue line is now stretched as never before, as Mr. OBERSTAR has said, as it attempts to carry out its traditional missions while performing new Homeland Security responsibilities it assumed after 9/11.

The increase in the service's end strength that will be provided by the bill would be a first step in what must be the continued growth that will finally make the Coast Guard's size equal to the demands our Nation makes of it. By incorporating a number of bills that have passed the Committee on Transportation and Infrastructure, and in some cases the full House, this legislation will also address the most pressing issues facing our Coast Guard and our Nation's merchant mariners.

For example, this legislation incorporates H.R. 1665, the Coast Guard Acquisition Reform Act of 2009, which passed the House on July 29 by a vote of 426-0. I offered that legislation to modernize the Coast Guard's management of its billion-dollar annual acquisition program. This legislation responds directly to the shortcomings the committee and subcommittee examined in the Coast Guard's implementation of several Deepwater procurements by requiring the appointment of a Chief Acquisition Officer who can be a senior military officer or a member of the senior executive service, but who

must be a trained acquisition professional.

The legislation would also eliminate the use of private sector lead systems integrators and require the Coast Guard to develop tailored testing and evaluation programs and independent life-cycle cost estimates for its largest procurements.

H.R. 3619 also includes the Maritime Workforce Development Act, H.R. 2651, which would authorize the appropriation of \$10 million in each of fiscal years 2010 through 2015 to fund loans to help mariners in all stages of their careers obtain the training and certifications they need to move ahead.

In addition, H.R. 3619 would authorize a reorganization of the Coast Guard's senior leadership as proposed by the Commandant, Admiral Thad Allen; would make marine safety a core mission of the Coast Guard, and would require that those appointed to marine safety positions have the training necessary to effectively carry out this mission.

H.R. 3619 would also create a process through which Members of Congress could nominate students to attend the United States Coast Guard Academy as is done in all other Federal service academies. Data provided by the Coast Guard show that only approximately 15 percent of the incoming class of 2013 at the Coast Guard Academy was comprised of minority students. By comparison, the Naval Academy's class of 2013 was the most diverse class in that institution's history, with 35 percent of the incoming class of midshipmen being minorities. I strongly believe that initiating a nomination process will enable the Members of Congress to support and fully engage in the Coast Guard's ongoing efforts to expand diversity at the Academy and help ensure that the service's officer corps and future leaders truly reflect the diversity of our great Nation.

H.R. 3619 will provide a long overdue authorization for the Coast Guard and address the pressing issues that the committee and the subcommittee have examined through extensive oversight efforts during the past 3 years.

I strongly urge adoption of this legislation.

Mr. LOBIONDO. I yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague from New Jersey.

Mr. Chairman, I would like to engage in a colloquy about a provision in the manager's amendment.

Mr. OBERSTAR. Certainly. The gentleman has the time.

Mr. PETRI. I will yield to the gentleman for that purpose.

Could the chairman clarify that the provision concerning the delegation of certain Coast Guard functions to non-governmental classification societies is intended to direct that the authoriza-

tion to perform inspection services should be delegated by the Coast Guard to any classification society, foreign or domestic, provided that the government of a foreign classification society's home country accepts plans, reviews, examinations, inspections, certifications and other related services from the American Bureau of Shipping in a manner equivalent to that which the Coast Guard allows foreign classification societies from that country?

Mr. OBERSTAR. The gentleman has correctly stated the intention of the provision, that the delegation can be made to a foreign classification society if the government of the foreign country in which the foreign society is headquartered delegates the authority to the ABS, or if the Secretary enters into agreement with that foreign government to provide for reciprocal treatment of ABS.

Mr. PETRI. Thank you. And thank you for your leadership on this important matter.

Mr. OBERSTAR. I thank the gentleman for bringing this to our attention and for his advocacy for this issue.

Madam Chair, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Chairman OBERSTAR, thank you for your leadership. I stand in strong support of the Coast Guard Authorization bill.

First, I would like to recognize my colleague from Maryland, Chairman CUMMINGS. We have worked together as a team on many issues impacting the Baltimore region and the State of Maryland. He has shown leadership as chairman of the Coast Guard Subcommittee and has done a great deal to support the Coast Guard.

I think it is only fitting that within the space of 2 weeks we are passing the Coast Guard authorization and the FY10 Homeland Security appropriations bill which funds the Coast Guard. These two bills will allow us to keep the security of our Nation our top priority. Homeland Security is not a Democratic or Republican initiative; it is U.S.A. first.

The Coast Guard is a central part of our Nation's defenses and has been since 1790. Since 9/11, the Coast Guard's mission has greatly expanded. They handle everything from water rescues, to management of our ports, to drug interdictions off our Nation's coasts. In 2008, the Coast Guard set a record for drug interdiction. They confiscated more than 360,000 pounds of cocaine.

I would also like to acknowledge the men and women who work at the Coast Guard Yard at Curtis Bay near the Port of Baltimore. The men and women of this yard do an excellent job maintaining and repairing the entire Coast Guard fleet. We need to ensure they are given the opportunity to do the best that they can.

The leadership of Chairman OBERSTAR and Chairman CUMMINGS, along

with Ranking Members MICA and LoBIONDO, has given the Coast Guard the resources to do the job that they need to protect our country. Speedy passage of this authorization will help make our country safer, and I urge a favorable vote.

□ 1845

Mr. LoBIONDO. Madam Chairman, I yield myself such time as I may consume.

I would like to begin by thanking Mr. OBERSTAR, Mr. MICA and Mr. CUMMINGS. I think the model that this subcommittee works with could be an example for the entire Congress, the bipartisan nature in which we proceed. The opinions and ideas of all are respected and acted upon, and that is reflected in H.R. 3619, this Coast Guard Authorization Act.

However, I do have some serious concerns about a few matters—Mr. MICA touched on some of them—in the underlying bill, and some others that are being proposed in the manager's amendment. I hope the chairmen of the committee and the subcommittee will work with Ranking Member MICA and myself to address these concerns, if they are not cleared up today, as we move forward to a conference bill with the Senate.

This bill has been a long time in coming, as has been noted by Mr. MICA and Mr. OBERSTAR and Mr. CUMMINGS. We have worked on many of these provisions starting in the 109th Congress. Over that time, the absence of an authorization bill has had a real and negative impact on the Coast Guard.

Let me just stop for a minute and say I think we should all take a step back and recognize the tremendous job that the men and women of the Coast Guard have been doing, are doing, and will continue to do. They are true unsung heroes. They put themselves in harm's way, whether it is on a drug interdiction mission, whether it is in search and rescue, whether it is maritime antiterrorism, or in the global war on terrorism, which they have also been involved in.

We owe them a great debt of gratitude. We should continue to recognize the many sacrifices they are making on behalf of our country. I thank Admiral Allen and the leadership team, but especially the men and women of the Coast Guard.

But to carry on with my statement, despite the addition of several new missions and focus areas, the service has been capped at an end-strength number that has not been increased since 2004. The lack of an authorization bill has also prevented the Coast Guard from moving forward with a planned reorganization of its senior staff, from receiving expedited hiring authorities to bolster its acquisition staff—something that is desperately needed in this time when they are replacing assets—and

from exercising strengthened authorities to apprehend and prosecute alien smugglers by sea. The smugglers continue to try to improve their methods and the Coast Guard continues to respond. These are vital tools we are giving them with this authorization legislation.

This is an important bill, and I only hope our action this week will provoke an equal and prompt response from our counterparts in the United States Senate. We sometimes joke about it, we sometimes talk about it, but our ability to act on this side on an important measure like this should be followed up with the Senate. This is not the naming of a post office. There are literally lives that can be at stake here, and I hope the counterparts in the Senate will understand the severity of dealing with this in a timely manner.

In addition to authorizing much-needed funding for the Coast Guard in the coming fiscal year, the bill includes several important provisions which will improve the organization and capabilities of the Coast Guard. Under the bill, Coast Guard officers will enjoy improved flexibility to specialize in high-need mission areas without fear that they will be passed over for promotion in the process, something that is not true today.

The bill also includes the Coast Guard's proposed reorganization of its senior command structure, which will improve overall coordination of personnel, resources and capabilities to carry out all of their missions. This is increasingly important because of the needed flexibility of the changing of the mission, of the changing of the threat that the Coast Guard is protecting against, and this will be a vital component that will help them do their job.

H.R. 3619 also includes bipartisan language to overhaul the Coast Guard's acquisition program, something that Chairman OBERSTAR, Chairman CUMMINGS, and Ranking Member MICA have worked on very closely, to make sure that we can fine-tune this and make it much better as they recapitalize their major assets through the Deepwater program.

On balance, this is a very good bill, but it does include some provisions that need to be improved prior to enactment or signing by the President.

The bill continues to include language that would place unnecessary barriers in the way of approving and operating facilities that receive important energy and agricultural resources. While I understand this provision will be amended by the manager's amendment, we should look closely at whether the manager's amendment, the language therein, really improves the security, or merely sets up additional regulatory hurdles to the use of domestic energy resources, something that I don't think our country can afford.

I am likewise concerned with the proposal in the manager's amendment which would weaken language which was adopted on a bipartisan basis in the committee to provide protection from liability for vessel owners, operators, captains and crewmembers who take action to defend themselves from a pirate attack.

I want to spend just a couple more minutes talking about this. While I have an amendment on it, I think Mr. OBERSTAR, Mr. MICA, and Mr. CUMMINGS were very thorough in helping us work out the language in a bipartisan way to deal with this liability issue with the pirates.

I had an opportunity at the end of August and beginning of September to visit the East Coast of Africa and to visit a Navy SEAL team on the Manda Bay, which is in Kenya, just across from Somalia where the pirates are doing most of their activities.

Our SEAL team is training Kenyans. They are doing a magnificent job, but they pointed out that the threat is very real and the pirates, because of some successes, are expected to pick up their activity. Little did we realize that this activity was going to pick up today.

For those who did not hear my remarks earlier during the debate on the rule, we had two pirate attacks today. One pirate attack took 26 hostages, took them from a Panamanian-flagged cargo vessel, as I understand it, something that gives us all great concern. There was another attack on an Italian ship. Fortunately, there was a Belgian warship that was close enough to be able to get involved and thwart that effort.

An attack on a U.S. flag vessel happened barely 6 months ago. We all watched with great anxiety how our very heroic captain and crew of a U.S.-flagged vessel conducted themselves and the heroics of a Navy SEAL team to save the lives of Americans.

The language that was worked out that was in the underlying bill, before the majority on the Judiciary Committee decided to change this, was something that will work, that will give the protection from liability to our crewmembers that they need.

The language that was put in the manager's amendment by the Judiciary Committee will set up a legal tangle and a horrific situation for a crewmember trying to thwart an attack by pirates who may be firing upon them with automatic weapons or grenade launchers. Whatever the ammunition and firepower they have, this crewmember has to go through a legal tangle in their mind of five, six or seven things to understand what they can and can't do. This is an attack on U.S. interests. So I hope Members pay particular attention to the piracy amendment as we move forward with that.

Lastly, I am concerned with our inability to include language that would

establish uniform national standards for vessel discharges, including ballast water. I have spoken on numerous occasions with Mr. OBERSTAR, and I want to take particular note to thank Mr. OBERSTAR once again for his keen interest in solving this problem and bringing so many interested parties to the table. I know that Mr. OBERSTAR shares my concerns and that of many of my colleagues, both on the committee and in Congress, to address this issue through legislation this year. I thank him for his offer to work with us, and I look forward to bringing the bill to the floor in the very near future.

I plan to support the bill, even though I have a few reservations. I think it is a very important piece of legislation that we need to move forward, and I hope we will continue to improve the bill as we move through the process with amendments made in order today and as we move in a conference with the Senate. But I will continue to urge all of my colleagues on both sides of the aisle to support this legislation. It's good for the Coast Guard and it's good for America.

I reserve the balance of my time.

Mr. OBERSTAR. May I inquire of the time remaining on both sides?

The CHAIR. The gentleman from Minnesota has 5¼ minutes remaining; the gentleman from New Jersey has 2½ minutes remaining.

Mr. OBERSTAR. I thank the Chair.

I yield myself 10 seconds to thank the gentleman from New Jersey.

I like the slogan, "It's good for the Coast Guard and it's good for the country." I think that's all we need to say about this bill.

I yield 2 minutes to the distinguished gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. I thank the gentleman.

Mr. Chairman, I rise in support of today's Coast Guard Authorization Act, H.R. 3619. I commend the distinguished chairman and the ranking member for their work on this excellent piece of legislation. The Coast Guard is an integral part of making our country safe. They conduct daily missions to protect our ports, our waterways and the marine transportation system.

I authored a provision included in this bill to require the Coast Guard to step up border-security efforts on the navigable portions of the Rio Grande, which are international waters. Currently, the Coast Guard is only able to patrol a very small portion of the Rio Grande twice each quarter. This forces local agencies and the U.S. Border Patrol to concentrate the majority of their time and effort on the 1,200 miles of the river banks, instead of the international boundary waters of the Rio Grande.

Along the Rio Grande, the Federal and local officials are being confronted with a multitude of security issues, including border violence, narcotics traf-

ficking, human smuggling, and even diseased bodies floating down the river. By analyzing the current mission and identifying needs and determining how to increase the presence of the Coast Guard in this area, we can help address these local needs and keep our communities safe.

Also there is a piece of clarifying language included in the manager's amendment today that directs the Coast Guard, in conducting the analysis, to work with all necessary and appropriate entities, including Customs and Border Patrol, and local entities with local expertise. Increased cooperation and partnership between local entities and Federal entities will help identify the needs and more efficiently allocate resources. We will continue to fight to protect our communities and enhance security along the border.

Mr. Chairman, I applaud you for the continuing work you have been doing on this important bill, and I urge all my colleagues to vote "yes."

Mr. LOBIONDO. Madam Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding.

I rise in support of this bill, the Coast Guard reauthorization for fiscal year 2010. It is a shame that Congress has not been able to pass this reauthorization for the past 3 years, although it is not due to a lack of effort on the part of the House of Representatives.

Although there are many good provisions in this bill worth noting, I would like to talk briefly about a provision that was not included in this year's bill, ballast water management.

As an environmentalist and a protector of our Great Lakes, I believe we must act quickly and properly on ballast water management. Although aquatic invasive species enter into our ecosystems through many different pathways, such as natural migration, attaching themselves to ships and aquaculture, the most common pathway is through ballast water.

Ballast water is pumped onboard a ship to control its stability at sea. Ships often take on ballast water at a foreign port and discharge it at their USA destination port. When a ship pumps harbor water into its ballast tanks, it usually also sucks up aquatic species from that harbor. When those ballast tanks are emptied, those often-dangerous species are introduced into a new ecosystem and they may perpetuate as an invasive species.

Since some ships are capable of holding millions of gallons of ballast water, the potential for spreading invasive species is unavoidable. Once an invasive species takes hold in a new environment, it has the ability to disrupt the balance of an ecosystem and cause significant environmental and economic harm.

The amount of harm caused to this Nation enters the tens of billions of

dollars in damage each year. For example, zebra mussels have cost the various entities in the Great Lakes Basin an estimated \$5 billion for expenses related to cleaning water-intake pipes, purchasing filtration equipment and so forth. Sea lamprey control measures in the Great Lakes cost approximately \$10 million to \$15 million annually. On top of these expenses, there is the cost of lost fisheries due to these invaders.

For these reasons, combating aquatic invasive species is a central element of the Great Lakes Regional Collaboration strategy and the Great Lakes Restoration Initiative to protect and restore the Great Lakes.

Last year, I worked closely with Chairman OBERSTAR to include a title on Ballast Water Management in the Coast Guard bill, which would have created a uniform national standard for ballast water treatment. The goal was to have no living organisms in ballast water discharged by ships after 2013.

Although I would have liked this bill to once again include a provision on ballast water management, I am cognizant that this provision may be one of the reasons this bill has been held up in the Senate. However, I believe Congress must act, and that there must be a uniform national standard. A patchwork of different State laws is untenable, especially in the Great Lakes where a ship may visit numerous ports in numerous different States, not to mention Canada.

Therefore, I look forward to working with the Chairman to address ballast water management in another bill very soon. By spending millions of dollars preventing aquatic invasive species from entering our waters now, we can avoid spending billions of dollars trying to control and manage them once they are here. The adage, "an ounce of prevention is worth a pound of cure" may have never been more appropriate.

Mr. OBERSTAR. Madam Chairman, we have only one speaker left, which is myself. Does the gentleman from New Jersey have any time remaining?

The CHAIR. The gentleman from New Jersey has 30 seconds remaining.

Mr. LOBIONDO. Madam Chairman, once again I would like to thank Chairman OBERSTAR, Chairman CUMMINGS, Ranking Member MICA and our colleagues who have worked so hard on this. I want to reiterate how important this is for the men and women of the Coast Guard, who are putting their lives on the line every day for us, and to repeat what I said earlier, where I believe that this is one of those rare situations where we find a double win: It is very good for the Coast Guard, and it is very good for the United States of America.

Mr. OBERSTAR. Madam Chairman, I yield myself such time as I may consume.

I want to assure the gentleman from New Jersey and the gentleman from Michigan that the issue of ballast water will be dealt with. We are proceeding already. We have had staff-level discussions with both the Coast Guard Subcommittee staff and the

Water Resources staff on the Committee on Transportation and Infrastructure, Madam Chairman.

□ 1900

And I believe we can reach an agreement on setting a strong national standard and language that will establish that standard to override States' individual standards, as we have discussed in our several meetings, and I'm hopeful that we'll be able to do that within the month and bring that bill through committee to the floor on suspension if the product is acceptable on both sides of the aisle, and I'm confident we'll get there.

I'd consume the balance of my time to emphasize just a couple of points. One, which the gentleman from Maryland has already addressed, the Chair of the Subcommittee on Coast Guard, and that is diversity in the Coast Guard. It was a shock to me to see the appallingly low level of minority participation in the Coast Guard Academy and at the officer level within the Coast Guard.

I visited the Coast Guard Academy. I had lunch with the Commandant and with the head of the academic program and with a very, very astute, learned, talented young woman, African American cadet. But she was also not only distinguished by her caliber of academic performance and Coast Guard career performance, but she was practically the only one. And we have to change that. And we have included language inspired by Mr. CUMMINGS to give Members of Congress the same authority in nominating candidates for the Coast Guard as we do for the other service academies. I think that will make a major step toward diversifying the Coast Guard and reflecting America in all of its variations.

We also reorganize the senior leadership and overall structure of the Coast Guard. We spent a great deal of time in negotiations with the Commandant. I admire Commandant Allen. He's done a superb job for the Coast Guard. He resurrected FEMA during Katrina and put that agency back on a stable footing, and he, too, wants to restructure the Coast Guard.

The CHAIR. The time of the gentleman has expired.

Mr. OBERSTAR. Madam Chairman, I will include in the RECORD the balance of my remarks.

Madam Chairman, I rise today in strong support of H.R. 3619, the "Coast Guard Authorization Act of 2010". This is the annual authorization for the Coast Guard and is largely based on H.R. 2830, which passed the House on April 24, 2008. Unfortunately, the budget for the Coast Guard was last authorized in 2006. It is time for us to work together to ensure this Service gets what it needs to serve the American people.

I applaud Subcommittee on Coast Guard and Maritime Chairman CUMMINGS for his extensive oversight and support of the Coast

Guard. Through his leadership, H.R. 3619 is a comprehensive bill that will enable the Coast Guard to carry out the Service's many missions with additional funding, new resources, and increased training standards. In addition, the safety provisions included in H.R. 3619 will reduce marine casualties and loss of life.

H.R. 3619 authorizes \$10 billion for the Coast Guard for fiscal year 2010 and increases the Service's total end strength by an additional 1,500 service members to a total of 47,000 personnel.

H.R. 3619 also authorizes \$153 million for the design and construction of a new replacement icebreaker for the Great Lakes. Last year, U.S.-flagged ships operating on the Great Lakes sustained \$1.3 million in damages to their hulls due to the Coast Guard's decreased ice breaking capabilities. Five of the Service's Great Lakes ice breakers are nearing the end of their service life.

H.R. 3619 responds directly to the many shortcomings in Coast Guard acquisition efforts, developed over the last couple of years. It also requires the Coast Guard to develop life-cycle cost estimates for assets that are expected to cost more than \$10 million and to have a service life of at least 10 years. It prohibits contractor self-certification and requires the appointment of a Chief Acquisition Officer who is a qualified acquisition professional.

In 2007, the Subcommittee on Coast Guard and Maritime held a hearing on Mariner Education and Workforce. Industry personnel expressed concern that, as the nation's volume of imports and exports increase over the next 10 years, there will be a shortage of qualified and experienced personnel. H.R. 3619 authorizes \$10 million for the Secretary of Transportation to establish a maritime career recruitment, training and loan program to ensure a robust labor pool in the maritime industry.

H.R. 3619 also authorizes the Coast Guard to implement a reorganization of its senior leadership and overall structure. The Vice Commandant is promoted to full Admiral, and the Coast Guard's previous Atlantic and Pacific Area Commanders and Chief of Staff positions are eliminated. These positions will be replaced with four three-star positions, including: the Deputy Commandant for Mission Support; Deputy Commandant for Operations; Commander of Force Readiness Command; and Commander of Operations.

In August 2007, the Subcommittee held a hearing on the challenges facing the Coast Guard's marine safety program. H.R. 3619 will alleviate the concerns of industry and Congress that the Coast Guard's marine inspectors have diminished technical expertise and that the Coast Guard has overall lost its focus on marine safety in response to its increased security responsibilities since September 11, 2001. H.R. 3619 establishes marine safety as a core mission of the Coast Guard. It sets minimum qualifications and training standards for personnel within the marine safety workforce to ensure that marine inspectors are technical experts, and have an established career path to succeed in the Coast Guard.

Commercial fishing has a high rate of injuries and death, and is noted as one of the most dangerous jobs in the United States. From 1994 to 2004, more than 641 fishermen lost their lives and approximately 1,400 fishing

vessels were lost. H.R. 3619 requires training for fishing vessel operators, and enhances and clarifies the equipment requirements for these commercial fishing vessels.

H.R. 3619 also enhances the safety and security of cruise vessel passengers. Currently, there are no Federal statutes that explicitly require foreign-flagged cruise vessels to report alleged crimes to U.S. government officials, with the exception of foreign-flagged vessels operating in areas subject to the direct jurisdiction of the United States. For cruise vessels to which H.R. 3619 applies, owners will be required to keep a log book of certain crimes and theft of property valuing more than \$1000, and will have to make that information readily accessible to law enforcement personnel. Owners will be required to modify the design and construction standards of applicable cruise vessels to increase the length of their railings to help prevent passengers from falling overboard. Also, vessel owners will be required to provide appropriate medical treatment to the victims of sexual assaults.

I urge my colleagues to join me in supporting H.R. 3619.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, October 20, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives,
Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing you regarding H.R. 3619, the "Coast Guard Authorization Act of 2010," introduced on September 22, 2009. This legislation was initially referred to the Committee on Transportation and Infrastructure and sequentially referred to the Committee on Homeland Security on October 16, 2009.

In the interest of permitting this important legislation to proceed expeditiously to floor consideration, I have waived further consideration of H.R. 3619. I have done so with the understanding that waiving consideration of the bill should not be construed as the Committee on Homeland Security waiving, altering, or otherwise affecting its jurisdiction over subject matters contained in the bill which fall within its Rule X jurisdiction.

Further, I request your support for the appointment of Homeland Security conferees during any House-Senate conference convened on this or similar legislation. I also ask that a copy of this letter and your response be placed in the Congressional Record during floor consideration of this bill.

I look forward to working with you on this legislation and other matters of great importance to this nation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, October 20, 2009.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security,
Ford House Office Building, Washington, DC.

DEAR CHAIRMAN THOMPSON: I write to you regarding H.R. 3619, the "Coast Guard Authorization Act of 2010".

I agree that provisions in H.R. 3619 are of jurisdictional interest to the Committee on Homeland Security. I acknowledge that by forgoing further consideration, your Committee is not relinquishing its jurisdiction

and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 3619.

This exchange of letters will be inserted in the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 16, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Armed Services,
House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: This is to advise you that, as a result of your having consulted with us on provisions in H.R. 3619, the Coast Guard Authorization Act of 2010, that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to waive seeking a formal referral of the bill, in order that it may proceed without delay to the House floor for consideration.

The Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 3619 at this time, it does not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as the bill moves forward, so that we may address any remaining issues on matter in our jurisdiction. The Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

I would appreciate your including this letter in your committee report, or in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to our requests, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, JR.,
Chairman.

HOUSE OF REPRESENTATIVES, COM-
MITTEE ON TRANSPORTATION AND
INFRASTRUCTURE,
Washington, DC, October 19, 2009.

Hon. JOHN CONYERS, JR.,
Chairman, Committee on the Judiciary,
House of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR CHAIRMAN CONYERS: I write to you regarding H.R. 3619, the "Coast Guard Authorization Act of 2010".

I agree that provisions in H.R. 3619 are of jurisdictional interest to the Committee on the Judiciary. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on the Judiciary has jurisdiction in H.R. 3619.

This exchange of letters will be inserted in the CONGRESSIONAL RECORD as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 21, 2009.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and
Infrastructure, Rayburn House Office
Building.

DEAR CHAIRMAN OBERSTAR: I am writing to confirm our understanding regarding H.R. 3619, the "Coast Guard Authorization Act of 2010." The Committee on Energy and Commerce has jurisdictional interest in provisions of the bill. I am pleased that consultation between the Transportation and Infrastructure Committee and the Committee on Energy and Commerce has led to resolution of issues relating to language in these provisions.

In light of the interest in moving this bill forward promptly, I do not intend to exercise the jurisdiction of the Committee on Energy and Commerce by seeking sequential referral of H.R. 3619. I do this, however, with the understanding that forgoing consideration of H.R. 3619 at this time will not be construed as prejudicing this Committee's jurisdictional interests and prerogatives on the subject matter contained in this or similar legislation. In addition, we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference named to consider such provisions.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your cooperation on this matter.

Sincerely,

HENRY A. WAXMAN.

HOUSE OF REPRESENTATIVES, COM-
MITTEE ON TRANSPORTATION AND
INFRASTRUCTURE,
Washington, DC, October 21, 2009.

Hon. HENRY A. WAXMAN,
Chairman, Committee on Energy and Commerce,
House of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR CHAIRMAN WAXMAN: I write to you regarding H.R. 3619, the "Coast Guard Authorization Act of 2010".

I agree that provisions in H.R. 3619 are of jurisdictional interest to the Committee on Energy and Commerce. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Energy and Commerce has jurisdiction in H.R. 3619.

This exchange of letters will be inserted in the Congressional Record as part of the consideration of this legislation in the House.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

Mr. THOMPSON of Mississippi.
Madam Chairman, I yield myself as much time as I may consume.

Madam Chairman, I rise in strong support of H.R. 3619, a bill to authorize the activities of the United States Coast Guard. The legislation before us today builds on H.R. 2830, the Coast Guard authorization bill that the House approved by a vote of 395-7 last Congress. Like that bill, H.R. 3619 provides long overdue resources to an agency that has been underfunded for many years.

Specifically, H.R. 3619 authorizes approximately \$10 billion for FY 2010 to ensure that the Coast Guard has the resources it needs to live up to its motto, "Always Ready." Not only does it provide \$2 billion to the Coast Guard to secure our Nation's maritime environment in this post-9/11 world, H.R. 3619 strengthens our Nation's port and maritime security by authorizing 1,500 additional servicemembers, more Maritime Security Response Teams, an expansion of canine detection teams, a maritime biometric verification system for individuals interdicted at sea, the Coast Guard Port Assistance Program, and a public awareness program for recreational boaters to report suspicious activities on the water.

With the addition of the Oberstar amendment, this bill also makes a few refinements to the TWIC program. This program is called the Transportation Worker Improvement Card, Madam Chairman, and in so many instances, as we found out, people are still waiting for their TWIC card.

H.R. 3619 also requires the Coast Guard to lead the efforts to enforce security zones around vessels carrying certain dangerous cargos, such as liquefied natural gas. The bill takes a risk-based approach to ensure that limited resources are utilized appropriately. It also requires that necessary training be provided to any State and local entity that partners with the Coast Guard to protect a security zone.

There's a lot in this bill, in addition to provisions in the port security realm. This measure also brings new transparency and accountability standards for the Coast Guard's contracting with the private sector. It reforms the 25-year, \$24 billion Deepwater acquisition program. It also enhances security on cruise ships, provides a new process for Members of Congress to nominate candidates to the Coast Guard Academy, and creates a new Minority Service Institution Management Internship program.

In closing, Madam Chairman, I'd like to thank Chairman OBERSTAR and Chairman CUMMINGS for their efforts to bring this bill to the floor. I'd also like to express my appreciation to Ranking Member KING and his staff for working so cooperatively to move this bill expeditiously. I can only hope that we will see a similar commitment from the Senate colleagues. We need to get a final bill to the President for his signature as soon as possible.

I urge passage of this important legislation.

Mr. OBERSTAR. Will the gentleman yield?

Mr. THOMPSON of Mississippi. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I ran out of time under our allocation to express my great appreciation to the chairman for

the splendid cooperation we've had, one-on-one and staff-to-staff, in fashioning those portions of the bill that come under the jurisdiction of the Homeland Security Committee. It's been a pleasure working with the chairman and his staff and to get this language fashioned, and appreciate the splendid cooperation that we've had. I thank the gentleman.

Mr. THOMPSON of Mississippi. Madam Chairman, I reserve the balance of my time.

Mr. SOUDER. Madam Chairman, I yield myself such time as I may consume.

And while I have a general interest in this entire bill from the icebreakers for the Great Lakes to ballast water to the years that I've worked with Mr. CUMMINGS on narcotics issues, in particular, I am here tonight to address the homeland security portions of this bill. And first let me say that I also appreciate the strong bipartisan support within the Committee on Homeland Security that we traditionally enjoy when considering this very important legislation.

The bill before us proposes to authorize the activities of the United States Coast Guard for the fiscal year 2010. It increases the authorized force levels by 1,500 members and provides \$10 billion to execute the Coast Guard's many missions. Its consideration is long overdue, and as we've been saying over and over, it's about time the Senate followed along. The last time the Coast Guard had an authorization bill signed into law was 2006, and I'm very pleased that we can bring another authorization bill for the Coast Guard today. And I join, again, my colleagues in voicing my support for its timely consideration in the Senate.

In the immediate aftermath of September 11, Coast Guard forces around New York and New Jersey surged to ensure the safe evacuation of half a million people from Lower Manhattan. Coast Guard forces around the world changed their posture as they were given orders to set DEFCON III. Coast Guard cutters on-loaded their military complement of weapons and ammunition, and captains of the port around the country restricted or completely shut down vessel movements.

In 2002, with the passage of the Homeland Security Act, the Coast Guard's missions were placed into categories—safety and security. The Congress specifically identified port security, drug interdiction, and defense readiness as key homeland security missions. However, while much of the Coast Guard's funding increases over the past 8 years have gone toward these homeland security missions, I would argue that these missions were seriously underfunded prior to 9/11. In fact, prior to 9/11, the Coast Guard only expended about 2 percent of its available resources on its port security missions.

To those who argue the Coast Guard has moved too far from its safety and regulatory missions, one need only revisit the agency's response to Hurricane Katrina. Following the landfall of Hurricane Katrina, pre-positioned Coast Guard forces moved in quickly to answer tens of thousands of desperate calls for help. In fact, according to the Government Accountability Office, the Coast Guard participated in the rescue of over half of the estimated 60,000 left stranded by Hurricane Katrina. The agency itself was described as the "silver lining" in the storm that was the Federal response to Katrina. Now-Commandant Allen received many accolades for his efforts to improve and coordinate the Federal response in the aftermath.

I would like to state for the record that the Committee on Homeland Security should have held a markup on this legislation. By going through regular order in the committee, we could have added even more to this bill. That being said, I appreciate that Chairman THOMPSON, Ranking Member KING, Chairman OBERSTAR, and Ranking Member MICA, as well as the Subcommittee Chairmen CUMMINGS and LOBIONDO, for working with us to address some concerns in the manager's amendment and in the underlying port security title.

The port security title, as amended, would—and I want to again thank Ranking Member KING for his leadership—would, one, create a public awareness campaign to ensure suspicious activities on or near the water are reported to authorities. This is very critical. The Great Lakes area, all coastal areas, all border areas, having cooperation is absolutely essential because we simply do not have enough Coast Guard vessels. If commercial or recreational boaters see something, they should say something, and they need a way to report it.

Provide the Coast Guard a second elite counterterrorism Maritime Security Response Team to ensure nationwide coverage is available to address the most severe maritime threats.

Address several shortcomings of the Transportation Worker Identification Credential program, including clarifying that TWIC cards are only required by licensed mariners who access secure areas of facilities and vessels.

Expand the Coast Guard's successful biometrics at sea program. I'd like to thank my friend from Florida (Mr. BILIRAKIS) for his steadfast support of this program.

The Committee on Homeland Security has taken great efforts to ensure that the Coast Guard executes its security missions by allocating its limited resources based on risk. One of the more significant changes in the manager's amendment addresses the importance of risk-based methodology for security of all vessels caring dangerous

cargos and does not limit itself only to liquefied natural gas tankers.

In 2008, the Coast Guard identified over 12,500 shipments of dangerous cargo. However, because of very limited resources, Federal, State, and local law enforcement was only able to escort about 7 percent of these shipments.

In the short-term, the bill, as amended, would require the Coast Guard to guard those shipments that pose the greatest risk, with available Federal, State, and local resources. It will also require the Coast Guard to ensure all of its partners have the necessary training, equipment, and resources for that security mission.

While I think that this is a good bill with bipartisan support, I do have some concerns about issues not addressed in the bill, and I hope that the Committee on Homeland Security will take up in this Congress a number of these.

First, it is essential that the Coast Guard maintain a strong focus on counternarcotics. We need to have serious discussions about how to ensure greater coverage in the Pacific, including the need for oiler support. As the drug runners go farther out to sea, as they move terrorists and questionable people in those areas, we have to have the ability to go out and get them, and that means refueling capability; and how to better address the semisubmersible smuggling trend, that is, the minisubmarines that are increasingly bringing in huge loads of cocaine and, really, any contraband, could move chemical and biological weapons in through this procedure.

Additionally, we cannot ignore security in the Arctic region and what role the Coast Guard is playing and should be playing in that arena, where right now the Russians are dominating.

Thank you, Mr. Chairman, again for your bipartisan work on this bill. I look forward to working with you in the future on these important issues.

I reserve the balance of my time.

□ 1915

Mr. THOMPSON of Mississippi. Madam Chair, how much time do I have?

The CHAIR. The gentleman from Mississippi has 6 minutes remaining.

Mr. THOMPSON of Mississippi. Madam Chair, I yield 3 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Thank you, Mr. Chairman.

As the Homeland Security Subcommittee chairwoman with jurisdiction over maritime issues, I come to the floor in support of the Coast Guard Authorization Act of 2010. I want to thank both the chairman of Transportation and the chairman of Homeland Security for putting together this bill, and, of course, to the ranking members and the rest of the committee members.

Specifically, I am pleased that two provisions that I championed were included in this bill and the manager's amendment.

First, the legislation and manager's amendment will ensure that the Coast Guard adheres to sexual assault reporting standards, policies, and procedures that are consistent with our other services, and I am pleased that these reports will be made available to all of the committees of jurisdiction.

Sexual assault among our Nation's servicemembers is an extremely troubling problem, and I believe that the accurate reporting of these assaults, comprehensive policies and procedures for responding to these crimes are a critical part of addressing this problem.

And the second provision that I referred to will amend the port security title of the bill to make much-needed changes to the Transportation Worker Identification Credentialing program, or the TWIC card. I submitted an amendment to the Rules Committee on this topic, and I am glad that the chairman accepted it and put it in his manager's amendment. Thank you so much.

My provision does several things. It directs the Secretary to develop procedures with port owners and operators that will allow individuals who are in the process of getting their TWIC, but yet haven't received the card, access to secure and restricted areas as long as they are escorted. This will assist the many workers at our ports who are still unable to work, and many of them have been waiting to get that TWIC card, so it's important for them.

The provision also sets a 30-day limit for a time limit for processing the TWIC card application, and again, this is because it has taken so long when someone has applied to actually receive that card. In one case, one gentleman waited over a year to receive the card. It directs the Secretary to allow individuals to receive their TWIC card through the mail, sort of like we receive our reestablishment of our credit card rather than having to drive all the way back to the application center because for some people it could be 300 or 400 miles away. So why make a couple of trips when it could be sent through the mail and activated through the phone.

And, finally, the provision gives individuals greater access to TWIC enrollment by allowing them to submit their fingerprints to any Department of Homeland Security agency at any location rather than, again, having to go back to the enrollment center. This provision will help many individuals get back to work while protecting the security of our Nation's ports.

I thank the chairmen, both of you, for the time, and I ask my colleagues to support this important legislation.

Mr. SOUDER. May I inquire how much time each side has.

The CHAIR. The gentleman from Indiana has 3½ minutes remaining. The gentleman from Mississippi has 3 minutes remaining.

Mr. SOUDER. I yield myself such time as I may consume.

Once again, I want to thank the chairman of the Transportation Committee and Subcommittee and Chairman THOMPSON from our committee on behalf of Ranking Member KING and the full Homeland Security Committee for the bipartisan leadership and the many things that we can work together on.

In our Subcommittee on Border and Port Security and Terrorism, the Coast Guard is absolutely a key and integral part of that. The Homeland Security Committee needs to be engaged in this process as we work this through.

As you've heard from Congressman CUELLAR, who is also on our subcommittee, you think of the coast as the east and west coast or the Gulf of Mexico, but in fact the Rio Grande River, the Great Lakes, the Saint Lawrence Seaway, other rivers, the boundary waters area in northern Minnesota that Chairman OBERSTAR represents. A big percentage of our so-called land borders are actually water borders and trying to figure out proper training, how to handle the water, how we work with the air and marine divisions of CBP and integrate with the Coast Guard is critical to our borders. Obviously, port security comes under the Coast Guard. They're integrated in the State and local. They have amazing facilities.

We need to make sure, as this bill addresses, that the training is there but the resources are there and that we have these specialized teams. I think this bill goes a long way towards this, and we need to have the Senate take it up and pass it as well. But we need to stay ever vigilant because the Coast Guard is a key part of FEMA, it's a key part of fisheries, it's a key part of trying to protect our waters as well as trying to rescue people who fall into various places and save their lives. They are multi-task.

But a critical part of that is a homeland security mission, and I appreciate that we are able to work together in a bipartisan way on this bill.

I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Madam Chair, I yield myself as much time as I may consume.

Madam Chair, as the motto states, the brave men and women of the United States Coast Guard are always ready to safeguard the Nation in our ports, at sea and around the world. I am confident that this bill before the House today will assist the Coast Guard just as they assist American people every day. I urge my colleagues to give H.R. 3619 their strong support.

Mr. INSLEE. Madam Chair, every year, 15 billion gallons of oil are transported through

the Puget Sound and the Pacific Northwest waterways. Even a minor tanker spill could release enough oil to devastate our fragile and unique marine ecosystems of Puget Sound. In Washington State, we have been able to successfully keep our shores free from major oil spills by using tug boat escorts for laden tanker transit. The escorts reduce the risk of potentially disastrous oil spills by being ready and able to assist a tanker in a crisis or to begin the cleanup if the worst should happen. Puget Sound is also vulnerable to spills that happen in waters north of the border. Currently, Canada does not mandate tug escorts and the U.S. Coast Guard does not enforce escort requirements for ships entering U.S. waters from Canada. We share these waterways with our Canadian neighbors and I encourage working cooperatively to develop comprehensive rules to require tug escorts for laden tanker ships to protect both sides of our national borders from oil spills.

Puget Sound is a delicate and vast coastal ecosystem that is home to iconic species such as salmon, orca whales, western grebe, and rockfish. For centuries, coastal and regional communities have been dependent on the health of the Puget Sound for cultural, economic, and recreational uses. A major oil spill could disrupt Washington's environment, economy and coastal communities' way of life by severely damaging our ecosystem, shellfish and fishing industry, tribal communities, tourism and recreation.

I have seen the impacts on oil spills in Puget Sound first hand. During a recent incident in 2003, nearly 4,800 gallons of oil spilled into the Puget Sound near Point Wells, just north of Seattle and spread across the Sound to the shores of Kitsap County. The oil contaminated clams and crabs and polluted the sand and marsh grass.

Washington State has worked hard to protect our pristine marine waters and shorelines from oil spills and it is my hope that the U.S. Coast Guard, Canada and Washington State will work together to further protect these vital and important international waterways.

Therefore, I authored an amendment, which was accepted in the Manager's amendment, to encourage these negotiations. I thank Chairman OBERSTAR for his support and hope that we can continue to work together to protect Puget Sound.

Unfortunately, due to a matter in Washington state, I will be absent during the vote on both the rule and final passage of this bill. Had I been present, I would have supported the rule and the Coast Guard Authorization Act of 2010.

Mr. VAN HOLLEN. Madam Chair, I rise in support of the 2010 Coast Guard Authorization Act. This bill promotes the transportation safety, natural resources, and national security objectives of the country.

The bill authorizes \$10 billion for domestic and international Coast Guard operations and maintenance, search and rescue, workforce development and port, waterways and coastal safety programs. The bill will also help save money for U.S. taxpayers by requiring the Coast Guard to establish for the first time an acquisition policy based on a statement of need, an analysis of alternatives and an estimation of life-cycle costs.

The U.S. Coast Guard plays a vital role in the national security infrastructure of the country. In times of war, it falls under the command of the Navy. Among its current international missions are counter-piracy operations off the coast of Somalia. Because it is a major element of our national security efforts, it is key that Congress act on its reauthorization. Congress has not reauthorized the U.S. Coast Guard since 2006. I encourage my colleagues to join me in support of the 2010 Coast Guard Authorization Act. And I encourage my Senate colleagues to do the same.

Mr. GENE GREEN of Texas. Madam Chair, I rise in strong support of this bill and urge my colleagues to join me in supporting it.

The 29th District of Texas that I represent encompasses the Port of Houston—the largest port in the country per foreign tonnage. It drives economic activity in the region, and is home to one of the largest petro-chemical complexes in the world.

Because of this, security on the waterway is critical, and the Coast Guard has been exceptional in providing that security.

Last month a 458-foot motor vessel Chemical Supplier collided with a barge near Brady's Island, close to the Interstate 610 bridge. The Unified Command, led by the Coast Guard responded mitigating the oil spill, preventing further damage and minimizing disruption, and traffic was moving on the waterway again within three days.

Again, yesterday, a tanker ship collided with a supply vessel offshore Texas, about 40 miles southeast of Galveston, spilling 18,000 gallons of fuel oil into the Gulf of Mexico. The Coast Guard responded, contained the spill, and began cleanup later in the day with a DC-3 airplane dropping dispersants on the spill.

This bill is a strong bill, that provides the Coast Guard with the resources they need to meet the security and environmental demands they are tasked with.

The measure authorizes programs of the Coast Guard in FY 2010, and makes a number of changes dealing with acquisition systems, including the troubled Deepwater program to replace aging equipment, as well as changes to the leadership structure and career development. It requires the Coast Guard to set new regulations on marine and fishing safety, establishes marine safety as a Coast Guard function, and guarantees mariners the right of self-defense if under attack. The measure also increases penalties for knowingly bringing illegal aliens into the United States, and creates new penalties for ships under U.S. jurisdiction that do not comply.

As amended this bill will clarify existing law to ensure that the U.S. Coast Guard can continue to delegate the review and inspection of offshore facilities to the American Bureau of Shipping. Since the Merchant Marine Act of 1920, the United States Government has partnered with the Bureau to enhance safety and protect the environment. This partnership has been inadvertently jeopardized by a recent unrelated court case. Passage of the bill will continue today's high levels of offshore safety, ensure offshore projects are not delayed, and protect the jobs of hard working Americans.

Madam Chair, I again thank the Committee for their work on this bill and strongly urge my colleagues to join me in supporting it.

Ms. BORDALLO. Madam Chair, I rise today in strong support of H.R. 3619, the Coast Guard Authorization Act of 2010. In particular, I would like to express my support for Section 220, which requires that Coast Guard vessels homeported in Guam be repaired, overhauled and maintained at American facilities. This provision was included in H.R. 2830 the Coast Guard Reauthorization Act from the 110th Congress and which was included in a manager's amendment that was adopted on the floor. I appreciate Chairman OBERSTAR's and Chairman CUMMINGS's continued support for including this provision in this bill.

This section clarifies a current loophole in statute that will ensure that Coast Guard ships that protect the waterways of Guam and the Commonwealth of the Northern Mariana Islands as well as the Federated States of Micronesia will be repaired by American workers. Furthermore, the maintenance funds authorized and appropriated by this body will be re-invested in the American economy. This is a common sense provision that simply extends to Guam the same repair American provisions that already apply to the rest of the United States. Again, I would like to express my appreciation to Chairman OBERSTAR of the Committee on Transportation and Infrastructure and to Chairman CUMMINGS of the Coast Guard Subcommittee for their leadership on this bill and for including this provision.

Mr. COURTNEY. Madam Chair, I want to applaud my friend, Chairman JIM OBERSTAR, and his committee for putting together a strong bill that invests in the needs of our Coast Guard. This bill makes many key investments in the ability of our Coast Guard to protect our nation, guard our waterways, and make sure it is "always ready" to respond.

However, I rise today in reluctant opposition to this bill because of the very significant changes it makes to the admissions process for the United States Coast Guard Academy.

As many of my colleagues know, the Coast Guard Academy is located in my district, in New London, Connecticut. Established at Fort Trumbull in 1910 first as the School of Instruction to the U.S. Revenue Cutter Academy and then as the U.S. Coast Guard Academy after the consolidation of the Life Saving Service and the Revenue Cutter Service in 1915, the Academy has been a part of New London at its present site since 1932. Over its last century in New London, the Academy has helped to train, educate and shape generations of young leaders of the Coast Guard.

Today, the Coast Guard Academy is a highly competitive educational institution. Called "the best kept secret in higher education" by the Princeton Review, it is a challenging school that attracts driven, committed leaders who go on to serve our nation in the many diverse roles played by our Coast Guard today. In fact, the number of applicants who said that they were not seeking admission to one of the other service academies—that the Coast Guard Academy was their first choice—rose from 61 percent of the class of 2009 to 66 percent of the class of 2011.

As of July 2009, the Coast Guard Academy had 973 cadets enrolled representing 43 states and 15 foreign nations. For the newest class, the class of 2013, 1,672 completed the application process, 411 were offered appoint-

ments to the Academy, and 288 cadets—17 percent of those who applied—were sworn in. Nearly 80 percent of Academy graduates go on to graduate programs, with most paid for by the Coast Guard, and 85 percent of graduates choose to serve beyond their required five-year commitment.

The Academy is particularly proud of its high recruitment of women cadets. Of the total corps of cadets, 27 percent are women: 23 percent female in the class of 2010, 30 percent in the class of 2011, 28 percent in the class of 2012, and 29 percent in the class of 2013. Its success in this area sets the Coast Guard Academy apart from other service academies, and is worthy of recognition.

However, there are two areas in which both the Congress and the Coast Guard Academy agree that there is some work to do—the recruitment of underrepresented minorities in the cadet corps, as well as a lack of geographical diversity. I absolutely believe that, as a publicly funded institution, the Coast Guard Academy should represent a cross-section of our society, reflecting the racial, gender and geographic composition of our nation. Any young person, regardless of race, gender or geographic location, should have the opportunity to serve our nation as an officer in the Coast Guard.

In my ongoing discussions with the leadership of the Coast Guard Academy, they have made clear that some of their top priorities include increasing diversity, both of underrepresented minorities and geographical regions, and spreading the word about the excellent education it has to offer to a wider audience. While involving Members of Congress in the application process may be one of the answers to these challenges, there are likely other ways to achieve these goals that should be considered as well before taking this step.

For example, the Academy has significantly increased its efforts to get the word out about their unique institution and what they have to offer to underrepresented minority and geographic populations. For example, they are specifically directing recruitment efforts through mailings, advertising on online college search websites, and ramping up efforts to get recruiters in cities and regions with high minority populations, as well as those states and regions not typically represented at the Academy.

There is some indication that these efforts are paying off. For instance, compared to last year, inquiries to the Academy by minority students are up 40 percent to 1,800. And, online applications from minority students are up 34 percent to 317.

In addition, the Coast Guard Academy recently released a comprehensive Strategic Plan focusing on diversity, leadership, and character development. This plan outlines a clear goal of achieving 20–25 percent representation by underrepresented minorities by 2015, and in faculty and staff by 2020. This plan is getting off the ground now.

Even without congressional nominations, there is much each of us can do to contribute to the makeup of the Academy. For example, we can all include Coast Guard Academy admissions information our offices distribute related to service academy nominations, and direct interested constituents to the institution.

And, we can ensure that our websites include information about the Academy. Earlier this year, a survey of congressional websites showed that over half made no mention of the Coast Guard Academy and did not post a link or other information about the institution. In March, I circulated a "Dear Colleague" letter urging that Members make sure their websites reflect this important information—and I will continue to work with my colleagues to encourage them to do so.

I strongly believe that any change to the application process or the character of the institution must be carefully considered, hand in hand with the Academy, before moving forward. The manager's amendment to this bill included a provision to require the Government Accountability Office, GAO, to evaluate the Coast Guard Academy's efforts to improve minority and geographic diversity. While I strongly support this review and look forward to its findings, I am disappointed that this kind of evaluation was not done first before pursuing changes to the existing admissions process.

To this end, I reluctantly oppose the Coast Guard authorization bill, and hope to continue to work with my colleagues in the House and Senate, as well as the leadership of the Academy, to address these concerns.

Mr. HIMES. Madam Chair, I rise today in favor of the Cruise Vessel Security and Safety Act which has been included in the base bill of the Coast Guard Authorization Act of 2009.

It is expected that more than 12 million Americans will take a cruise vacation in 2009 alone. Passengers on cruises have an inadequate understanding of their potential vulnerability to crime, and those who may be victimized lack the information they need to understand their legal rights or to know who to contact for help in the immediate aftermath of a crime.

Cruise ships, which operate under foreign flags of convenience, are not required under U.S. law to report crimes that occur outside of U.S. territorial waters.

Travelers on water deserve the same protections as travelers on land, and taking a few extra measures to protect passengers will lead to more enjoyable, safer trips and better results for victims of crimes.

To enhance the safety of cruise passengers, the owners of cruise vessels need to upgrade, modernize, and retrofit the safety and security infrastructure on their vessels. They need to install peep holes in passenger doors, raise standard ship railings, install security video cameras and limit access to passenger rooms.

In addition, passenger vessel crew members must be trained on the appropriate methods for prevention, detection, evidence preservation, and reporting of criminal activities. In the event that a crime should occur, it is of utmost importance that the crime scene or any potential evidence is not tampered with before the FBI can begin its investigation.

I would be remiss if I did not take a moment to mention my predecessor, the Honorable Christopher Shays, and the fight he began to improve safety on cruise ships and protect cruise ship passengers years ago. Congressman Shays took on this charge after one of our constituents, George Smith, was the victim of a crime in international waters while on his

honeymoon in 2005. The investigation surrounding Mr. Smith's disappearance remains open to this day. Had the safety improvements and post-incident regulations mandated by the Cruise Vessel Security and Safety Act been in place in 2005, this horrible tragedy might have been prevented. I proudly stand alongside the Smith family and the Cruise Victims Association as they continue their fight for justice every day. Together, we work to honor Mr. Smith's death so no family will ever have to suffer again from this type of tragic crime.

Mr. DINGELL. Madam Chair, I rise today to commend Chairman OBERSTAR and Subcommittee Chairman CUMMINGS for their hard work on this legislation. I believe H.R. 3619 will go far towards ensuring that the U.S. Coast Guard has the financial resources and management structure in place to do their job efficiently and effectively.

More importantly I want to thank both gentlemen for helping to address my concerns regarding the bridge permitting process for the Ambassador Bridge Enhancement Project led by the U.S. Coast Guard.

Ultimately the U.S. Coast Guard found that the owner of the Ambassador Bridge had not provided the relevant information necessary to make a decision on a permit at this time; an outcome I commend, as I believe that while the Ambassador Bridge Enhancement Project may ultimately be a worthy undertaking, the owner of the bridge must go through the proper channels of federal permitting, abiding by federal law and regulation, and including all relevant environmental, safety and structural information as requested and as all other public operators do.

However, at the same time the U.S. Coast Guard was conducting their process, Federal Highway Administration was conducting a separate permitting process for a new public span, the Detroit River International Crossing.

The differences in these two processes, as well as differences in the level of community engagement and state government engagement, is of concern to me and many in Southeast Michigan.

The report language makes clear that there is a requirement that the Commandant of the USCG, with the Secretaries of Transportation and Homeland Security have to submit a report to the House Committee on Transportation and Infrastructure and other relevant committees regarding the existing coordination protocols for joint infrastructure responsibilities as well as recommended improvements to these protocols.

It is my hope that this will help to guide early coordination on the bridge permitting process and all other infrastructure projects, between the United States Coast Guard, U.S. Department of Transportation, the U.S. Department of Homeland Security, as well as the relevant State agencies.

I have long believed that the end result of the legislative process, the NEPA process, or in this instance the bridge permitting process, is drastically improved by working with all relevant stakeholders. Such processes always benefit from thoughtful, careful, informed deliberation in compliance with all relative federal law and regulation.

Again, I thank Chairman OBERSTAR and Chairman CUMMINGS for their support and their work on this matter.

Mr. THOMPSON of Mississippi. I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure, printed in the bill, is considered as adopted. The bill, as amended, is considered as an original bill for the purpose of amendment and is considered read.

The text of the bill, as amended, is as follows:

H.R. 3619

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

(a) *SHORT TITLE.*—This Act may be cited as the "Coast Guard Authorization Act of 2010".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title.

TITLE I—AUTHORIZATION

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

TITLE II—COAST GUARD

Sec. 201. Appointment of civilian Coast Guard judges.

Sec. 202. Industrial activities.

Sec. 203. Reimbursement for medical-related travel expenses.

Sec. 204. Commissioned officers.

Sec. 205. Coast Guard participation in the Armed Forces Retirement Home (AFRH) system.

Sec. 206. Grants to international maritime organizations.

Sec. 207. Emergency leave retention authority.

Sec. 208. Enforcement authority.

Sec. 209. Repeal.

Sec. 210. Merchant Mariner Medical Advisory Committee.

Sec. 211. Reserve commissioned warrant officer to lieutenant program.

Sec. 212. Enhanced status quo officer promotion system.

Sec. 213. Laser Training System.

Sec. 214. Coast Guard vessels and aircraft.

Sec. 215. Coast Guard District Ombudsmen.

Sec. 216. Coast Guard commissioned officers: compulsory retirement.

Sec. 217. Enforcement of coastwise trade laws.

Sec. 218. Academy nominations.

Sec. 219. Report on sexual assaults in the Coast Guard.

Sec. 220. Home port of Coast Guard vessels in Guam.

Sec. 221. Minority serving institutions.

TITLE III—SHIPPING AND NAVIGATION

Sec. 301. Goods and services.

Sec. 302. Seaward extension of anchorage grounds jurisdiction.

Sec. 303. Maritime Drug Law Enforcement Act amendment—simple possession.

Sec. 304. Technical amendments to tonnage measurement law.

Sec. 305. Adjustment of liability limits for natural gas deepwater ports.

Sec. 306. Period of limitations for claims against Oil Spill Liability Trust Fund.

Sec. 307. Merchant mariner document standards.

Sec. 308. Report on Coast Guard determinations.

Sec. 309. Ship emission reduction technology demonstration project.

Sec. 310. Phaseout of vessels supporting oil and gas development.

- Sec. 311. Arctic marine shipping assessment implementation.
- Sec. 312. Supplemental positioning system.
- Sec. 313. Dual escort vessels for double hulled tankers in Prince William Sound, Alaska.

TITLE IV—GREAT LAKES ICEBREAKER

- Sec. 401. Short title.
- Sec. 402. Findings.
- Sec. 403. Authorization of appropriations.

TITLE V—ACQUISITION REFORM

- Sec. 501. Short title.
- Sec. 502. Definitions.
- Subtitle A—Restrictions on the Use of Lead Systems Integrators

- Sec. 511. Procurement structure.

Subtitle B—Coast Guard Acquisition Policy

- Sec. 521. Operational requirements.
- Sec. 522. Required contract terms.
- Sec. 523. Life-cycle cost estimates.
- Sec. 524. Test and evaluation.
- Sec. 525. Capability standards.
- Sec. 526. Acquisition program reports.
- Sec. 527. Undefined contractual actions.
- Sec. 528. Guidance on excessive pass-through charges.
- Sec. 529. Acquisition of major capabilities: Alternatives analysis.
- Sec. 530. Cost overruns and delays.
- Sec. 531. Report on former Coast Guard officials employed by contractors to the agency.
- Sec. 532. Department of Defense consultation.

Subtitle C—Coast Guard Personnel

- Sec. 541. Chief Acquisition Officer.
- Sec. 542. Improvements in Coast Guard acquisition management.
- Sec. 543. Recognition of Coast Guard personnel for excellence in acquisition.
- Sec. 544. Coast Guard acquisition workforce expedited hiring authority.

TITLE VI—MARITIME WORKFORCE DEVELOPMENT

- Sec. 601. Short title.
- Sec. 602. Maritime education loan program.

TITLE VII—COAST GUARD MODERNIZATION

- Sec. 701. Short title.
- Subtitle A—Coast Guard Leadership
- Sec. 711. Admirals and Vice Admirals.
- Subtitle B—Marine Safety Administration
- Sec. 721. Marine safety.
- Sec. 722. Marine safety staff.
- Sec. 723. Marine safety mission priorities and long-term goals.
- Sec. 724. Powers and duties.
- Sec. 725. Appeals and waivers.
- Sec. 726. Coast Guard Academy.
- Sec. 727. Report regarding civilian marine inspectors.

TITLE VIII—MARINE SAFETY

- Sec. 801. Short title.
- Sec. 802. Vessel size limits.
- Sec. 803. Cold weather survival training.
- Sec. 804. Fishing vessel safety.
- Sec. 805. Mariner records.
- Sec. 806. Deletion of exemption of license requirement for operators of certain towing vessels.
- Sec. 807. Log books.
- Sec. 808. Safe operations and equipment standards.
- Sec. 809. Approval of survival craft.
- Sec. 810. Safety management.
- Sec. 811. Protection against discrimination.
- Sec. 812. Oil fuel tank protection.
- Sec. 813. Oaths.
- Sec. 814. Duration of credentials.
- Sec. 815. Fingerprinting.

- Sec. 816. Authorization to extend the duration of licenses, certificates of registry, and merchant mariners' documents.

- Sec. 817. Merchant mariner documentation.
- Sec. 818. Merchant mariner assistance report.
- Sec. 819. Offshore supply vessels.
- Sec. 820. Associated equipment.
- Sec. 821. Lifesaving devices on uninspected vessels.

- Sec. 822. Study of blended fuels in marine application.

- Sec. 823. Renewal of advisory committees.

TITLE IX—CRUISE VESSEL SAFETY

- Sec. 901. Short title.
- Sec. 902. Findings.
- Sec. 903. Cruise vessel security and safety requirements.
- Sec. 904. Study and report on the security needs of passenger vessels.

TITLE X—UNITED STATES MARINER PROTECTION

- Sec. 1001. Short title.
- Sec. 1002. Use force against piracy.
- Sec. 1003. Agreements.

TITLE XI—PORT SECURITY

- Sec. 1101. Maritime homeland security public awareness program.
- Sec. 1102. Transportation Worker Identification Credential.
- Sec. 1103. Review of interagency operational centers.
- Sec. 1104. Maritime security response teams.
- Sec. 1105. Coast Guard detection canine team program expansion.
- Sec. 1106. Coast Guard port assistance program.
- Sec. 1107. Maritime biometric identification.
- Sec. 1108. Review of potential threats.
- Sec. 1109. Port security pilot.
- Sec. 1110. Seasonal workers.
- Sec. 1111. Comparative risk assessment of vessel-based and facility-based liquefied natural gas regasification processes.

- Sec. 1112. Pilot Program for fingerprinting of maritime workers.

- Sec. 1113. Transportation security cards on vessels.

- Sec. 1114. International labor study.
- Sec. 1115. Maritime Security Advisory Committees.

- Sec. 1116. Seamen's shoreside access.
- Sec. 1117. Waterside security around especially hazardous material terminals and tankers.

- Sec. 1118. Review of Liquefied Natural Gas Facilities.

- Sec. 1119. Use of secondary authentication for transportation security cards.

- Sec. 1120. Report on State and local law enforcement augmentation of Coast Guard resources with respect to security zones and United States ports.

- Sec. 1121. Assessment of transportation security card enrollment sites.

TITLE XII—ALIEN SMUGGLING

- Sec. 1201. Short title.
- Sec. 1202. Findings.
- Sec. 1203. Checks against terrorist watchlist.
- Sec. 1204. Strengthening prosecution and punishment of alien smugglers.
- Sec. 1205. Maritime law enforcement.
- Sec. 1206. Amendment to the sentencing guidelines.

- TITLE XIII—MISCELLANEOUS PROVISIONS
- Sec. 1301. Certificate of documentation for GALLANT LADY.

- Sec. 1302. Waivers.
- Sec. 1303. Great Lakes Maritime Research Institute.

- Sec. 1304. Conveyance of Coast Guard Boat House, Nantucket, Massachusetts.

- Sec. 1305. Crew wages on passenger vessels.
- Sec. 1306. Technical corrections.
- Sec. 1307. Conveyance of decommissioned Coast Guard Cutter STORIS.
- Sec. 1308. Conveyance of Coast Guard HU-25 Falcon Jet aircraft.
- Sec. 1309. Decommissioned Coast Guard vessels for Haiti.
- Sec. 1310. Phaseout of vessels supporting oil and gas development.
- Sec. 1311. Vessel traffic risk assessment.
- Sec. 1312. Study of relocation of Coast Guard Sector Buffalo facilities.
- Sec. 1313. Conveyance of Coast Guard vessels to Mississippi.
- Sec. 1314. Coast Guard assets for United States Virgin Islands.
- Sec. 1315. Officer requirements for distant water tuna vessels.
- Sec. 1316. Assessment of needs for additional Coast Guard presence in high latitude regions.
- Sec. 1317. Study of regional response vessel and salvage capability for Olympic Peninsula coast, Washington.
- Sec. 1318. Study of bridges over navigable waters.
- Sec. 1319. Limitation on jurisdiction of States to tax certain seamen.
- Sec. 1320. Decommissioned Coast Guard vessels for Bermuda.
- Sec. 1321. Conveyance of Coast Guard vessels to Nassau County, New York.
- Sec. 1322. Newtown Creek, New York City, New York.
- Sec. 1323. Land conveyance, Coast Guard property in Marquette County, Michigan, to the City of Marquette, Michigan.
- Sec. 1324. Mission requirement analysis for navigable portions of the Rio Grande River, Texas, international water boundary.
- Sec. 1325. Conveyance of Coast Guard property in Cheboygan, Michigan.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 2010 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, \$6,838,291,000, of which—

(A) \$24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5));

(B) \$1,110,923,000 shall be available only for paying for search and rescue programs;

(C) \$802,423,000 shall be available only for paying for marine safety programs; and

(D) \$2,274,312,000 shall be available only for paying for ports, waterways, and coastal security.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,597,580,000, of which—

(A) \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended;

(B) \$1,194,780,000 is authorized for the Integrated Deepwater System Program; and

(C) \$45,000,000 is authorized for shore facilities and aids to navigation.

(3) To the Commandant of the Coast Guard for research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$29,745,000, to remain available until expended, of which \$500,000

shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,361,245,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, \$16,000,000.

(6) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operation and maintenance), \$13,198,000, to remain available until expended.

(7) For the Coast Guard Reserve program, including personnel and training costs, equipment, and services, \$133,632,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) **ACTIVE DUTY STRENGTH.**—The Coast Guard is authorized an end-of-year strength for active duty personnel of 47,000 for the fiscal year ending on September 30, 2010.

(b) **MILITARY TRAINING STUDENT LOADS.**—For fiscal year 2010, the Coast Guard is authorized average military training student loads as follows:

- (1) For recruit and special training, 2,500 student years.
- (2) For flight training, 165 student years.
- (3) For professional training in military and civilian institutions, 350 student years.
- (4) For officer acquisition, 1,200 student years.

TITLE II—COAST GUARD

SEC. 201. APPOINTMENT OF CIVILIAN COAST GUARD JUDGES.

(a) **IN GENERAL.**—Chapter 7 of title 14, United States Code, is amended by adding at the end the following:

“§ 153. Appointment of judges

“The Secretary may appoint civilian employees of the Department in which the Coast Guard is operating as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals as provided for in section 866(a) of title 10.”.

(b) **CLERICAL AMENDMENT.**—The analysis for such chapter is amended by adding at the end the following:

“153. Appointment of judges.”.

SEC. 202. INDUSTRIAL ACTIVITIES.

Section 151 of title 14, United States Code, is amended—

(1) by inserting “(a) **IN GENERAL.**—” before “All orders”; and

(2) by adding at the end the following:

“(b) **ORDERS AND AGREEMENTS FOR INDUSTRIAL ACTIVITIES.**—Under this section, the Coast Guard industrial activities may accept orders from and enter into reimbursable agreements with establishments, agencies, and departments of the Department of Defense.”.

SEC. 203. REIMBURSEMENT FOR MEDICAL-RELATED TRAVEL EXPENSES.

(a) **IN GENERAL.**—Chapter 13 of title 14, United States Code, is amended by adding at the end the following:

“§518. **Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States**

“In any case in which a covered beneficiary (as defined in section 1072(5) of title 10) resides on an island that is located in the 48 contiguous States and the District of Columbia and that

lacks public access roads to the mainland and is referred by a primary care physician to a specialty care provider (as defined in section 1074i(b) of title 10) on the mainland who provides services less than 100 miles from the location where the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary and, when accompanied by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age.”.

(b) **CLERICAL AMENDMENT.**—The analysis for such chapter is amended by adding at the end the following:

“518. Reimbursement for medical-related travel expenses for certain persons residing on islands in the continental United States.”.

SEC. 204. COMMISSIONED OFFICERS.

(a) **ACTIVE DUTY PROMOTION LIST.**—Section 42 of title 14, United States Code, is amended to read as follows:

“§42. **Number and distribution of commissioned officers on active duty promotion list**

“(a) **MAXIMUM TOTAL NUMBER.**—The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 6,700; except that the Commandant may temporarily increase that number by up to 2 percent for no more than 60 days following the date of the commissioning of a Coast Guard Academy class.

“(b) **DISTRIBUTION PERCENTAGES BY GRADE.**—

“(1) **REQUIRED.**—The total number of commissioned officers authorized by this section shall be distributed in grade in the following percentages: 0.375 percent for rear admiral; 0.375 percent for rear admiral (lower half); 6.0 percent for captain; 15.0 percent for commander; and 22.0 percent for lieutenant commander.

“(2) **DISCRETIONARY.**—The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign.

“(3) **AUTHORITY OF SECRETARY TO REDUCE PERCENTAGE.**—The Secretary—

“(A) may reduce, as the needs of the Coast Guard require, any of the percentages set forth in paragraph (1); and

“(B) shall apply that total percentage reduction to any other lower grade or combination of lower grades.

“(c) **COMPUTATIONS.**—

“(1) **IN GENERAL.**—The Secretary shall compute, at least once each year, the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages established by or under this section to the total number of commissioned officers listed on the current active duty promotion list.

“(2) **ROUNDING FRACTIONS.**—Subject to subsection (a), in making the computations under paragraph (1), any fraction shall be rounded to the nearest whole number.

“(3) **TREATMENT OF OFFICERS SERVING OUTSIDE COAST GUARD.**—The number of commissioned officers on the active duty promotion list below the rank of rear admiral (lower half) serving with other Federal departments or agencies on a reimbursable basis or excluded under section 324(d) of title 49 shall not be counted against the total number of commissioned officers authorized to serve in each grade.

“(d) **USE OF NUMBERS; TEMPORARY INCREASES.**—The numbers resulting from computations under subsection (c) shall be, for all purposes, the authorized number in each grade; except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of

that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

“(e) **OFFICERS SERVING COAST GUARD ACADEMY AND RESERVE.**—The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 3 of such title is amended by striking the item relating to section 42 and inserting the following:

“42. Number and distribution of commissioned officers on active duty promotion list.”.

SEC. 205. COAST GUARD PARTICIPATION IN THE ARMED FORCES RETIREMENT HOME (AFRH) SYSTEM.

(a) **IN GENERAL.**—Section 1502 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended—

(1) by striking paragraph (4);

(2) in paragraph (5)—

(A) by striking “and” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(C) by inserting at the end the following:

“(E) the Assistant Commandant of the Coast Guard for Human Resources.”; and

(3) by adding at the end of paragraph (6) the following:

“(E) The Master Chief Petty Officer of the Coast Guard.”.

(b) **CONFORMING AMENDMENTS.**—(1) Section 2772 of title 10, United States Code, is amended—

(A) in subsection (a) by inserting “or, in the case of the Coast Guard, the Commandant” after “concerned”; and

(B) by striking subsection (c).

(2) Section 1007(i) of title 37, United States Code, is amended—

(A) in paragraph (3) by inserting “or, in the case of the Coast Guard, the Commandant” after “Secretary of Defense”; and

(B) by striking paragraph (4); and

(C) by redesignating paragraph (5) as paragraph (4).

SEC. 206. GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.

Section 149 of title 14, United States Code, is amended by adding at the end the following:

“(c) **GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.**—After consultation with the Secretary of State, the Commandant may make grants to, or enter into cooperative agreements, contracts, or other agreements with, international maritime organizations for the purpose of acquiring information or data about merchant vessel inspections, security, safety, classification, and port state or flag state law enforcement or oversight.”.

SEC. 207. EMERGENCY LEAVE RETENTION AUTHORITY.

(a) **IN GENERAL.**—Chapter 11 of title 14, United States Code, is amended by inserting after section 425 the following:

“§426. **Emergency leave retention authority**

“With regard to a member of the Coast Guard who serves on active duty, a duty assignment in support of a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall be treated, for the purpose of section 701(f)(2) of title 10, a duty assignment in support of a contingency operation.”.

(b) **CLERICAL AMENDMENT.**—The analysis for such chapter is amended by inserting after the

item relating to section 425 the following new item:

“426. Emergency leave retention authority.”.

SEC. 208. ENFORCEMENT AUTHORITY.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by adding at the end the following:

“§99. Enforcement authority

“Subject to guidelines approved by the Secretary, members of the Coast Guard, in the performance of official duties, may—

“(1) carry a firearm; and
“(2) while at a facility (as defined in section 70101 of title 46)—

“(A) make an arrest without warrant for any offense against the United States committed in their presence; and

“(B) seize property as otherwise provided by law.”.

(b) CONFORMING REPEAL.—The first section added to title 46, United States Code, by the amendment made by subsection (a) of section 801 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1078), and the item relating to such first section enacted by the amendment made by subsection (b) of such section 801, are repealed.

(c) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“99. Enforcement authority.”.

SEC. 209. REPEAL.

Section 216 of title 14, United States Code, and the item relating to such section in the analysis for chapter 11 of such title, are repealed.

SEC. 210. MERCHANT MARINER MEDICAL ADVISORY COMMITTEE.

(a) IN GENERAL.—Chapter 71 of title 46, United States Code, is amended by adding at the end the following new section:

“§7115. Merchant Mariner Medical Advisory Committee

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established a Merchant Mariner Medical Advisory Committee (in this section referred to as the ‘Committee’).

“(2) FUNCTIONS.—The Committee shall advise the Secretary on matters relating to—

“(A) medical certification determinations for issuance of merchant mariner credentials;

“(B) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

“(C) medical examiner education; and

“(D) medical research.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—The Committee shall consist of 14 members, none of whom is a Federal employee, and shall include—

“(A) ten who are health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

“(B) four who are professional mariners with knowledge and experience in mariner occupational requirements.

“(2) STATUS OF MEMBERS.—Members of the Committee shall not be considered Federal employees or otherwise in the service or the employment of the Federal Government, except that members shall be considered special Government employees, as defined in section 202(a) of title 18, United States Code, and shall be subject to any administrative standards of conduct applicable to the employees of the department in which the Coast Guard is operating.

“(c) APPOINTMENTS; TERMS; VACANCIES.—

“(1) APPOINTMENTS.—The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

“(2) TERMS.—Each member shall be appointed for a term of three years, except that, of the

members first appointed, three members shall be appointed for a term of two years and three members shall be appointed for a term of one year.

“(3) VACANCIES.—Any member appointed to fill the vacancy prior to the expiration of the term for which that member’s predecessor was appointed shall be appointed for the remainder of that term.

“(d) CHAIRMAN AND VICE CHAIRMAN.—The Secretary shall designate one member of the Committee as the Chairman and one member as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

“(e) COMPENSATION; REIMBURSEMENT.—Members of the Committee shall serve without compensation, except that, while engaged in the performance of duties away from their homes or regular places of business of the member, the member of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

“(f) STAFF; SERVICES.—The Secretary shall furnish to the Committee the personnel and services as are considered necessary for the conduct of its business.”.

(b) FIRST MEETING.—No later than six months after the date of enactment of this Act, the Merchant Mariner Medical Advisory Committee established by the amendment made by this section shall hold its first meeting.

(c) CLERICAL AMENDMENT.—The analysis for chapter 71 of that title is amended by adding at the end the following:

“7115. Merchant Mariner Medical Advisory Committee.”.

SEC. 211. RESERVE COMMISSIONED WARRANT OFFICER TO LIEUTENANT PROGRAM.

Section 214(a) of title 14, United States Code, is amended to read as follows:

“(a) The president may appoint temporary commissioned officers—

“(1) in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted members of the Coast Guard, and from holders of licenses issued under chapter 71 of title 46; and

“(2) in the Coast Guard Reserve in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers of the Coast Guard Reserve.”.

SEC. 212. ENHANCED STATUS QUO OFFICER PROMOTION SYSTEM.

Chapter 11 of title 14, United States Code, is amended—

(1) in section 253(a)—

(A) by inserting “and” after “considered,”; and

(B) by striking “, and the number of officers the board may recommend for promotion”;

(2) in section 258—

(A) by inserting “(a) IN GENERAL.—” before the existing text;

(B) in subsection (a) (as so designated) by striking the colon at the end of the material preceding paragraph (1) and inserting “—”; and

(C) by adding at the end the following:

“(b) PROVISION OF DIRECTION AND GUIDANCE.—

“(1) In addition to the information provided pursuant to subsection (a), the Secretary may furnish the selection board—

“(A) specific direction relating to the needs of the Coast Guard for officers having particular skills, including direction relating to the need for a minimum number of officers with particular skills within a specialty; and

“(B) any other guidance that the Secretary believes may be necessary to enable the board to properly perform its functions.

“(2) Selections made based on the direction and guidance provided under this subsection shall not exceed the maximum percentage of officers who may be selected from below the announced promotion zone at any given selection board convened under section 251 of this title.”;

(3) in section 259(a), by inserting after “whom the board” the following: “, giving due consideration to the needs of the Coast Guard for officers with particular skills so noted in specific direction furnished to the board by the Secretary under section 258 of this title.”; and

(4) in section 260(b), by inserting after “qualified for promotion” the following: “to meet the needs of the service (as noted in specific direction furnished the board by the Secretary under section 258 of this title)”.

SEC. 213. LASER TRAINING SYSTEM.

(a) IN GENERAL.—Within one year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard shall test an integrated laser engagement system for the training of members of the Coast Guard assigned to small vessels in the use of individual weapons and machine guns on those vessels. The test shall be conducted on vessels on the Great Lakes using similar laser equipment used by other Federal agencies. However, that equipment shall be adapted for use in the marine environment.

(b) REPORT.—The Secretary shall submit a report to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 6 months after the conclusions of the test required under subsection (a) on the costs and benefits of using the system regionally and nationwide to train members of the Coast Guard in the use of individual weapons and machine guns.

SEC. 214. COAST GUARD VESSELS AND AIRCRAFT.

(a) AUTHORITY TO FIRE AT OR INTO A VESSEL.—Section 637(c) of title 14, United States Code, is amended—

(1) in paragraph (1), by striking “; or” and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(3) any other vessel or aircraft on government noncommercial service when—

“(A) the vessel or aircraft is under the tactical control of the Coast Guard; and

“(B) at least one member of the Coast Guard is assigned and conducting a Coast Guard mission on the vessel or aircraft.”.

(b) AUTHORITY TO DISPLAY COAST GUARD ENSIGNS AND PENNANTS.—Section 638(a) of title 14, United States Code, is amended by striking “Coast Guard vessels and aircraft” and inserting “Vessels and aircraft authorized by the Secretary”.

SEC. 215. COAST GUARD DISTRICT OMBUDSMEN.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following new section:

“§55. District Ombudsmen

“(a) IN GENERAL.—The Commandant shall appoint an employee of the Coast Guard in each Coast Guard District as a District Ombudsman to serve as a liaison between ports, terminal operators, shipowners, and labor representatives and the Coast Guard.

“(b) PURPOSE.—The purpose of the District Ombudsman shall be the following:

“(1) To support the operations of the Coast Guard in each port in the District for which the District Ombudsman is appointed.

“(2) To improve communications between and among port stakeholders including, port and

terminal operators, ship owners, labor representatives, and the Coast Guard.

“(3) To seek to resolve disputes between the Coast Guard and all petitioners regarding requirements imposed or services provided by the Coast Guard.

“(c) FUNCTIONS.—

“(1) COMPLAINTS.—The District Ombudsman may examine complaints brought to the attention of the District Ombudsman by a petitioner operating in a port or by Coast Guard personnel.

“(2) GUIDELINES FOR DISPUTES.—

“(A) IN GENERAL.—The District Ombudsman shall develop guidelines regarding the types of disputes with respect to which the District Ombudsman will provide assistance.

“(B) LIMITATION.—The District Ombudsman shall not provide assistance with respect to a dispute unless it involves the impact of Coast Guard requirements on port business and the flow of commerce.

“(C) PRIORITY.—In providing such assistance, the District Ombudsman shall give priority to complaints brought by petitioners who believe they will suffer a significant hardship as the result of implementing a Coast Guard requirement or being denied a Coast Guard service.

“(3) CONSULTATION.—The District Ombudsman may consult with any Coast Guard personnel who can aid in the investigation of a complaint.

“(4) ACCESS TO INFORMATION.—The District Ombudsman shall have access to any Coast Guard document, including any record or report, that will aid the District Ombudsman in obtaining the information needed to conduct an investigation of a complaint.

“(5) REPORTS.—At the conclusion of an investigation, the District Ombudsman shall submit a report on the findings and recommendations of the District Ombudsman, to the Commander of the District in which the petitioner who brought the complaint is located or operating.

“(6) DEADLINE.—The District Ombudsman shall seek to resolve each complaint brought in accordance with the guidelines—

“(A) in a timely fashion; and

“(B) not later than 4 months after the complaint is officially accepted by the District Ombudsman.

“(d) APPOINTMENT.—The Commandant shall appoint as the District Ombudsman a civilian who has experience in port and transportation systems and knowledge of port operations or of maritime commerce (or both).

“(e) ANNUAL REPORTS.—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the matters brought before the District Ombudsmen, including—

“(1) the number of matters brought before each District Ombudsman;

“(2) a brief summary of each such matter; and

“(3) the eventual resolution of each such matter.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of that chapter is amended by adding at the end the following new item:

“55. District Ombudsmen.”.

SEC. 216. COAST GUARD COMMISSIONED OFFICERS: COMPULSORY RETIREMENT.

(a) IN GENERAL.—Chapter 11 of title 14, United States Code, is amended by striking section 293 and inserting the following:

“§293. Compulsory retirement

“(a) REGULAR COMMISSIONED OFFICERS.—Any regular commissioned officer, except a commissioned warrant officer, serving in a grade below rear admiral (lower half) shall be retired on the first day of the month following the month in which the officer becomes 62 years of age.

“(b) FLAG-OFFICER GRADES.—(1) Except as provided in paragraph (2), any regular commissioned officer serving in a grade of rear admiral (lower half) or above shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

“(2) The retirement of an officer under paragraph (1) may be deferred—

“(A) by the President, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age; or

“(B) by the Secretary of the department in which the Coast Guard is operating, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.”.

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is amended by striking the item relating to such section and inserting the following:

“293. Compulsory retirement.”.

SEC. 217. ENFORCEMENT OF COASTWISE TRADE LAWS.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following:

“§100. Enforcement of coastwise trade laws

“Officers and members of the Coast Guard are authorized to enforce chapter 551 of title 46. The Secretary shall establish a program for these officers and members to enforce that chapter, including the application of those laws to vessels that support the exploration, development, and production of oil, gas, or mineral resources in the Gulf of Mexico.”.

(b) CLERICAL AMENDMENT.—The analysis for that chapter is further amended by adding at the end the following new item:

“100. Enforcement of coastwise trade laws.”.

(c) REPORT.—The Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Senate Committee on Commerce, Science, and Transportation within one year after the date of enactment of this Act on the enforcement strategies and enforcement actions taken to enforce the coastwise trade laws.

SEC. 218. ACADEMY NOMINATIONS.

(a) APPOINTMENT.—Section 182(a) of title 14, United States Code, is amended to read as follows:

“(a) CORPS OF CADETS; NUMBER; NOMINATION.—

“(1) The authorized strength of the Corps of Cadets (determined for any academic program year as of the day before the last day of the academic program year) is 1,000, excluding those foreign nationals admitted for instructions pursuant to section 195. Subject to that limitation, cadets are selected as follows:

“(A) Not more than 10 individuals, appointed by the Secretary of Homeland Security, in order of merit as established by competitive examination, from the children of members of the Armed Forces who were killed in action or died of, or have a service-connected disability at not less than 100 per centum resulting from, wounds or injuries received or diseases contracted in, or preexisting injury or disease aggravated by, active service, children of members who are in a ‘missing status’ (as defined in section 551(2) of title 37), and children of civilian employees who are in ‘missing status’ (as defined in section 5561(5) of title 5). The determination of the Department of Veterans Affairs as to service connection of the cause of death or disability is rated, is binding upon the Secretary.

“(B) Not less than one, nominated at large by the Vice President or, if there is no Vice President, by the President pro tempore of the Senate.

“(C) Not less than one, nominated by each Senator.

“(D) Not less than one, nominated by each Representative in Congress.

“(E) Not less than one, nominated by the Delegate to the House of Representatives from the District of Columbia, the Delegate in Congress from the Virgin Islands, the Resident Commissioner from Puerto Rico, the Delegate in Congress from Guam, the Delegate in Congress from American Samoa, or the Resident Representative from the Commonwealth of the Northern Mariana Islands.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner and the Resident Representative, is entitled to nominate 10 persons each year. Cadets who do not graduate on time shall not count against the allocations pursuant to subparagraphs (B)–(E). Nominees may be submitted without ranking or with a principal candidate and 9 ranked or unranked alternates. A nominee not selected for appointment under this paragraph shall be considered an alternate for the purposes of appointment under paragraph (2).

“(2) The Secretary may appoint, each academic program year, individuals who are either—

“(A) alternates nominated pursuant to paragraph (1) (C), (D), or (E); or

“(B) applicants who applied directly for admission.

“(3) In addition, the Secretary may appoint, each academic program year, individuals who are—

“(A) children of members of the Armed Forces who—

“(i) are on active duty (other than for training) and who have served continuously on active duty for at least eight years;

“(ii) are, or who died while they were, retired with pay or granted retired or retainer pay;

“(iii) are serving as members of reserve components and are credited with at least eight years of service;

“(iv) would be, or who died while they would have been, entitled to retired pay, except for not having attained 60 years of age; or

“(v) have been awarded the Medal of Honor;

the total number of whom cannot exceed 5 percent of the class to be admitted; however, a person who is eligible for selection under subsection (a)(1)(A) may not be selected under this subparagraph;

“(B) enlisted members of the Coast Guard or the Coast Guard Reserve, the total number of whom cannot exceed 5 percent of the class to be admitted;

“(C) graduates of the Coast Guard Scholars program, the total number of whom cannot exceed 30 percent of the class to be admitted; and

“(D) individuals who possess qualities that the Superintendent identifies to be of particular value to the Academy and the Service, the total number of whom cannot exceed 20 percent of the class to be admitted.

“(4) An individual shall be qualified for nomination, selection, and appointment as a cadet at the Academy only if the individual—

“(A) is a citizen or national of the United States; and

“(B) meets such minimum requirements that the Secretary may establish.

“(5) The Superintendent shall furnish to any Member of Congress, upon the written request of such Member, the name of the Congressman or other nominating authority responsible for the nomination of any named or identified person for appointment to the Academy.

“(6) For purposes of the limitation in subsection (a)(1) establishing the aggregate authorized strength of the Corps of Cadets, the Secretary may, for any academic program year, permit a variance in that limitation by not more

than 5 percent. In applying that limitation, and any such variance, the last day of an academic program year shall be considered to be graduation day.”.

(b) **TRANSITION.**—This section shall provide for the nomination, selection, and appointment of individuals, pursuant to section 182 of title 14, United States Code, who will matriculate in academic program year 2012 and thereafter, except that for—

(1) academic program year 2012, no less than 135 cadets of the corps (or 14 percent of the corps, whichever is smaller) shall be from nominations made pursuant to section 182(a)(1)(B)–(E);

(2) academic program year 2013, no less than 270 cadets of the corps (or 27 percent of the corps, whichever is smaller) shall be from nominations made pursuant to section 182(a)(1)(B)–(E); and

(3) academic program year 2014, no less than 405 cadets of the corps (or 41 percent of the corps, whichever is smaller) shall be from nominations made pursuant to section 182(a)(1)(B)–(E).

The Secretary is hereby authorized to take any additional action the Secretary believes necessary and proper to provide for the transition to the nomination, selection, and appointment process provided under this section.

(c) **MINORITY RECRUITING PROGRAM.**—

(1) **IN GENERAL.**—Chapter 9 of title 14, United States Code, is amended by adding at the end the following new section:

“§ 199. Minority recruiting program

“The Secretary of the department in which the Coast Guard is operating shall establish a minority recruiting program for prospective cadets at the Coast Guard Academy. The program may include—

“(1) use of minority cadets and officers to provide information regarding the Coast Guard and the Academy to students in high schools;

“(2) sponsoring of trips to high school teachers and guidance counselors to the Academy;

“(3) to the extent authorized by the Secretary of the Navy, maximizing the use of the Naval Academy Preparatory School to prepare students to be cadets at the Coast Guard Academy;

“(4) recruiting minority members of the Coast Guard to attend the Academy;

“(5) establishment of a minority affairs office at the Academy; and

“(6) use of minority officers and members of the Coast Guard Reserve and Auxiliary to promote the Academy.”.

(2) **CLERICAL AMENDMENT.**—The table of sections for that chapter is amended by adding at the end the following new item:

“199. Minority recruiting program.”.

SEC. 219. REPORT ON SEXUAL ASSAULTS IN THE COAST GUARD.

(a) **IN GENERAL.**—Not later than January 15 of each year, the Commandant of the Coast Guard shall submit a report on the sexual assaults involving members of the Coast Guard to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) **CONTENTS.**—The report required under subsection (a) shall contain the following:

(1) The number of sexual assaults against members of the Coast Guard, and the number of sexual assaults by members of the Coast Guard, that were reported to military officials during the year covered by such report, and the number of the cases so reported that were substantiated.

(2) A synopsis of, and the disciplinary action taken in, each substantiated case.

(3) The policies, procedures, and processes implemented by the Secretary concerned during the year covered by such report in response to

incidents of sexual assault involving members of the Coast Guard concerned.

(4) A plan for the actions that are to be taken in the year following the year covered by such report on the prevention of and response to sexual assault involving members of the Coast Guard concerned.

SEC. 220. HOME PORT OF COAST GUARD VESSELS IN GUAM.

Section 96 of title 14, United States Code, is amended—

(1) by striking “a State of the United States” and inserting “the United States or Guam”; and

(2) by inserting “or Guam” after “outside the United States”.

SEC. 221. MINORITY SERVING INSTITUTIONS.

(a) **MSI MANAGEMENT INTERNSHIP PROGRAM.**—

(1) **ESTABLISHMENT AND PURPOSE.**—The Commandant of the Coast Guard shall establish a two part management internship program for students at minority serving institutions (MSI) to intern at Coast Guard headquarters or a Coast Guard regional office, to be known as the “MSI Management Internship Program”, to develop a cadre of civilian, career mid-level and senior managers for the Coast Guard.

(2) **OPERATION.**—The MSI Management Internship Program shall be managed by the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, in coordination with National Association for Equal Opportunity in Higher Education, the Hispanic Association of Colleges and Universities, and the American Indian Higher Education Consortium and other non-profit educational organizations that can undertake effective recruitment efforts to attract minority students and students with disabilities.

(3) **CRITERIA FOR SELECTION.**—Participation in the MSI Management Internship Program shall be open to sophomores, juniors, and seniors at minority serving institutions, with an emphasis on such students who are majoring in management or business administration, international affairs, political science, marine sciences, criminal justice, or any other major related to homeland security.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$2,000,000 to the Commandant to carry out this subsection.

(b) **MSI INITIATIVES.**—

(1) **ESTABLISHMENT OF MSI STUDENT PRE-COMMISSIONING INITIATIVE.**—The Commandant of the Coast Guard shall establish an MSI component of the College Student Pre-Commissioning Initiative (to be known as the “MSI Student Pre-Commissioning Initiative Program”) to ensure greater participation by students from MSIs in the College Student Pre-Commissioning Initiative.

(2) **PARTICIPATION IN OFFICER CANDIDATE SCHOOL.**—The Commandant of the Coast Guard shall ensure that graduates of the MSI Student Pre-Commissioning Initiative Program are included in the first enrollment for Officer Candidate School that commences after the date of enactment of this Act and each enrollment period thereafter.

(3) **REPORTS.**—Not later than 90 days after the conclusion of each academic year with respect to which the College Student Pre-Commissioning Initiative and the MSI Student Pre-Commissioning Initiative Program is carried out beginning with the first full academic year after the date of the enactment of this Act, the Commandant shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce of the Senate a report on the number of students in the College Student Pre-Commissioning Initiative and the number of students in

the MSI Student Pre-Commissioning Initiative Program, outreach efforts, and demographic information of enrollees including, age, gender, race, and disability.

(4) **ESTABLISHMENT OF MSI AVIATION OFFICER CORPS INITIATIVE.**—The Commandant of the Coast Guard shall establish an MSI Aviation Officer Corps Initiative to increase the diversity of the Coast Guard Aviation Officer Corps through an integrated recruiting, accession, training, and assignment process that offers guaranteed flight school opportunities to students from minority serving institutions.

(5) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$3,000,000 to the Commandant to carry out this subsection.

(c) **COAST GUARD-MSI COOPERATIVE TECHNOLOGY PROGRAM.**—

(1) **ESTABLISHMENT.**—The Commandant of the Coast Guard shall establish a Coast Guard Laboratory of Excellence-MSI Cooperative Technology Program at three minority serving institutions to focus on priority security areas for the Coast Guard, such as global maritime surveillance, resilience, and recovery.

(2) **COLLABORATION.**—The Commandant shall encourage collaboration among the minority serving institutions selected under paragraph (1) and institutions of higher education with institutional research and academic program resources and experience.

(3) **PARTNERSHIPS.**—The heads of the laboratories established at the minority serving institutions pursuant to paragraph (1) may seek to establish partnerships with the private sector, especially small, disadvantaged businesses, to—

(A) develop increased research and development capacity;

(B) increase the number of baccalaureate and graduate degree holders in science, technology, engineering, mathematics (STEM), and information technology or other fields critical to the mission of the Coast Guard; and

(C) strengthen instructional ability among faculty.

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$2,500,000 to the Commandant to carry out this subsection, including for instrumentation acquisition and funding undergraduate student scholarships, graduate fellowships, and faculty-post doctoral study.

(d) **DEFINITION.**—For purposes of this section, the terms “minority serving institution”, “minority serving institutions”, and “MSI” mean a historically Black college or university (as defined in section 322 of the Higher Education Act of 1965), a Hispanic-serving institution (as defined in section 502 of such Act), a Tribal College or University (as defined in section 316 of such Act), a Predominantly Black institution (as defined in section 499A(c) of such Act), or a Native American-serving nontribal institution (as defined in section 499A(c) of such Act).

TITLE III—SHIPPING AND NAVIGATION

SEC. 301. GOODS AND SERVICES.

Section 4(b) of the Act of July 5, 1884, commonly known as the Rivers and Harbors Appropriation Act of 1884 (33 U.S.C. 5(b)), is amended—

(1) by striking “or” at the end of paragraph (2)(C);

(2) by striking the period at the end of paragraph (3) and inserting “; or”; and

(3) by adding at the end the following:

“(4) sales taxes on goods and services provided to or by vessels or watercraft (other than vessels or watercraft primarily engaged in foreign commerce).”.

SEC. 302. SEAWARD EXTENSION OF ANCHORAGE GROUNDS JURISDICTION.

Section 7 of the Rivers and Harbors Appropriations Act of 1915 (33 U.S.C. 471) is amended—

(1) by striking "That the" and inserting the following:

"(a) IN GENERAL.—The".

(2) in subsection (a) (as designated by paragraph (1)) by striking "\$100; and the" and inserting "up to \$10,000. Each day during which a violation continues shall constitute a separate violation. The"; and

(3) by adding at the end the following:

"(b) DEFINITION.—As used in this section 'navigable waters of the United States' includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988."

SEC. 303. MARITIME DRUG LAW ENFORCEMENT ACT AMENDMENT—SIMPLE POSSESSION.

Section 70506 of title 46, United States Code, is amended by adding at the end the following:

"(c) SIMPLE POSSESSION.—

"(1) IN GENERAL.—Any individual on a vessel subject to the jurisdiction of the United States who is found by the Secretary, after notice and an opportunity for a hearing, to have knowingly or intentionally possessed a controlled substance within the meaning of the Controlled Substances Act (21 U.S.C. 812) shall be liable to the United States for a civil penalty of not to exceed \$10,000 for each violation. The Secretary shall notify the individual in writing of the amount of the civil penalty.

"(2) DETERMINATION OF AMOUNT.—In determining the amount of the penalty, the Secretary shall consider the nature, circumstances, extent, and gravity of the prohibited acts committed and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other matters that justice requires.

"(3) TREATMENT OF CIVIL PENALTY ASSESSMENT.—Assessment of a civil penalty under this subsection shall not be considered a conviction for purposes of State or Federal law but may be considered proof of possession if such a determination is relevant."

SEC. 304. TECHNICAL AMENDMENTS TO TONNAGE MEASUREMENT LAW.

(a) DEFINITIONS.—Section 14101(4) of title 46, United States Code, is amended—

(1) by striking "engaged" the first place it appears and inserting "that engages";

(2) in subparagraph (A), by striking "arriving" and inserting "that arrives";

(3) in subparagraph (B)—

(A) by striking "making" and inserting "that makes"; and

(B) by striking "(except a foreign vessel engaged on that voyage)";

(4) in subparagraph (C), by striking "departing" and inserting "that departs"; and

(5) in subparagraph (D), by striking "making" and inserting "that makes".

(b) DELEGATION OF AUTHORITY.—Section 14103(c) of that title is amended by striking "intended to be engaged on" and inserting "that engages on".

(c) APPLICATION.—Section 14301 of that title is amended—

(1) by amending subsection (a) to read as follows:

"(a) Except as otherwise provided in this section, this chapter applies to any vessel for which the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage."

(2) in subsection (b)—

(A) in paragraph (1), by striking the period at the end and inserting ", unless the government of the country to which the vessel belongs elects to measure the vessel under this chapter.";

(B) in paragraph (3), by inserting "of United States or Canadian registry or nationality, or a vessel operated under the authority of the United States or Canada, and that is" after "vessel";

(C) in paragraph (4), by striking "a vessel (except a vessel engaged)" and inserting "a vessel of United States registry or nationality, or one operated under the authority of the United States (except a vessel that engages)";

(D) by striking paragraph (5);

(E) by redesignating paragraph (6) as paragraph (5); and

(F) by amending paragraph (5), as so redesignated, to read as follows:

"(5) a barge of United States registry or nationality, or a barge operated under the authority of the United States (except a barge that engages on a foreign voyage) unless the owner requests.";

(3) by striking subsection (c);

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(5) in subsection (c), as redesignated, by striking "After July 18, 1994, an existing vessel (except an existing vessel referred to in subsection (b)(5)(A) or (B) of this section)" and inserting "An existing vessel that has not undergone a change that the Secretary finds substantially affects the vessel's gross tonnage (or a vessel to which IMO Resolutions A.494 (XII) of November 19, 1981, A.540 (XIII) of November 17, 1983, or A.541 (XIII) of November 17, 1983, apply)".

(d) MEASUREMENT.—Section 14302(b) of that title is amended to read as follows:

"(b) A vessel measured under this chapter may not be required to be measured under another law."

(e) TONNAGE CERTIFICATE.—

(1) ISSUANCE.—Section 14303 of title 46, United States Code, is amended—

(A) in subsection (a), by adding at the end the following: "For a vessel to which the Convention does not apply, the Secretary shall prescribe a certificate to be issued as evidence of a vessel's measurement under this chapter.";

(B) in subsection (b), by inserting "issued under this section" after "certificate"; and

(C) in the section heading by striking "International" and "(1969)".

(2) MAINTENANCE.—Section 14503 of that title is amended—

(A) by designating the existing text as subsection (a); and

(B) by adding at the end the following new subsection:

"(b) The certificate shall be maintained as required by the Secretary."

(3) CLERICAL AMENDMENT.—The analysis at the beginning of chapter 143 of that title is amended by striking the item relating to section 14303 and inserting the following:

"14303. Tonnage Certificate."

(f) OPTIONAL REGULATORY MEASUREMENT.—Section 14305(a) of that title is amended by striking "documented vessel measured under this chapter," and inserting "vessel measured under this chapter that is of United States registry or nationality, or a vessel operated under the authority of the United States,".

(g) APPLICATION.—Section 14501 of that title is amended—

(1) by amending paragraph (1) to read as follows:

"(1) A vessel not measured under chapter 143 of this title if the application of an international agreement or other law of the United States to the vessel depends on the vessel's tonnage."; and

(2) in paragraph (2), by striking "a vessel" and inserting "A vessel".

(h) DUAL TONNAGE MEASUREMENT.—Section 14513(c) of that title is amended—

(1) in paragraph (1)—

(A) by striking "vessel's tonnage mark is below the uppermost part of the load line marks," and inserting "vessel is assigned two sets of gross and net tonnages under this section,"; and

(B) by inserting "vessel's tonnage" before "mark" the second place such term appears; and

(2) in paragraph (2), by striking the period at the end and inserting "as assigned under this section."

(i) RECIPROCITY FOR FOREIGN VESSELS.—Subchapter II of chapter 145 of that title is amended by adding at the end the following:

"§ 14514. Reciprocity for foreign vessels

"For a foreign vessel not measured under chapter 143, if the Secretary finds that the laws and regulations of a foreign country related to measurement of vessels are substantially similar to those of this chapter and the regulations prescribed under this chapter, the Secretary may accept the measurement and certificate of a vessel of that foreign country as complying with this chapter and the regulations prescribed under this chapter."

(j) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 145 of such title is amended by adding at the end the following:

"14514. Reciprocity for foreign vessels."

SEC. 305. ADJUSTMENT OF LIABILITY LIMITS FOR NATURAL GAS DEEPWATER PORTS.

Section 1004(d)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(d)(2)) is amended by adding at the end the following:

"(D) The Secretary may establish, by regulation, a limit of liability of not less than \$12,000,000 for a deepwater port used only in connection with transportation of natural gas."

SEC. 306. PERIOD OF LIMITATIONS FOR CLAIMS AGAINST OIL SPILL LIABILITY TRUST FUND.

Section 1012(h)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(h)(1)) is amended by striking "6" and inserting "3".

SEC. 307. MERCHANT MARINER DOCUMENT STANDARDS.

Not later than 270 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) a plan to ensure that the process for an application, by an individual who has, or has applied for, a transportation security card under section 70105 of title 46, United States Code, for a merchant mariner document can be completed entirely by mail; and

(2) a report on the feasibility of, and a timeline to, redesign the merchant mariner document to comply with the requirements of such section, including a biometric identifier, and all relevant international conventions, including the International Labour Organization Convention Number 185 concerning the seafarers identity document, and include a review on whether or not such redesign will eliminate the need for separate credentials and background screening and streamline the application process for mariners.

SEC. 308. REPORT ON COAST GUARD DETERMINATIONS.

Not later than 180 days after enactment of this Act, the Secretary of Homeland Security shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the loss of United States shipyard jobs and industrial base expertise as a result of rebuild, conversion, and double-hull work on United States-flag vessels eligible to engage in the coastwise trade being performed in foreign shipyards, enforcement of the Coast Guard's foreign rebuild determination regulations, and recommendations for improving the transparency in the Coast Guard's foreign rebuild determination process.

SEC. 309. SHIP EMISSION REDUCTION TECHNOLOGY DEMONSTRATION PROJECT.

(a) **STUDY.**—The Commandant of the Coast Guard shall conduct a study—

(1) on the methods and best practices of the use of exhaust emissions reduction technology on cargo or passenger ships that operate in United States waters and ports; and

(2) that identifies the Federal, State, and local laws, regulations, and other requirements that affect the ability of any entity to effectively demonstrate onboard technology for the reduction of contaminated emissions from ships.

(b) **REPORT.**—Within 180 days after the date of enactment of this Act, the Commandant shall submit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 310. PHASEOUT OF VESSELS SUPPORTING OIL AND GAS DEVELOPMENT.

(a) **IN GENERAL.**—Notwithstanding section 1211(d) of title 46, United States Code, foreign-flag vessels may be chartered by, or on behalf of, a lessee to be employed for the setting, relocation, or recovery of anchors or other mooring equipment of a mobile offshore drilling unit that is located over the Outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)) for operations in support of exploration, or flow-testing and stimulation of wells, for offshore mineral or energy resources in the Beaufort Sea or the Chukchi Sea adjacent to Alaska—

(1) for a 1-year period from the date the lessee gives the Secretary of Transportation written notice of the commencement of such exploration drilling if the Secretary determines, after publishing notice in the Federal Register, that insufficient vessels documented under section 1211(d) of title 46, United States Code, are reasonably available and suitable for these support operations and all such reasonably available and suitable vessels are employed in support of such operations; and

(2) for an additional period until such vessels are available if the Secretary of Transportation determines—

(A) that, by April 30 of the year following the commencement of exploration drilling, the lessee has entered into a binding agreement to employ a suitable vessel or vessels to be documented under section 1211(d) of title 46, United States Code, in sufficient numbers and with sufficient suitability to replace any foreign-flag vessel or vessels operating under this section; and

(B) after publishing notice in the Federal Register, that insufficient vessels documented under section 1211(d) of title 46, United States Code, are reasonably available and suitable for these support operations and all such reasonably available and suitable vessels are employed in support of such operations.

(b) **EXPIRATION.**—Irrespective of the year in which the commitment referred to in subsection (a)(2)(A) occurs, foreign-flag anchor handling vessels may not be employed for the setting, relocation, or recovery of anchors or other mooring equipment of a mobile offshore drilling unit after December 31, 2017.

(c) **LESSEE DEFINED.**—In this section, the term “lessee” means the holder of a lease (as defined in section 1331(c) of title 43, United States Code), who, prior to giving the written notice in subsection (a)(1), has entered into a binding agreement to employ a suitable vessel documented or to be documented under 1211(d) of title 46, United States Code.

(d) **SAVINGS PROVISION.**—Nothing in subsection (a) may be construed to authorize the employment in the coastwise trade of a vessel that does not meet the requirements of 1211 of title 46, United States Code.

SEC. 311. ARCTIC MARINE SHIPPING ASSESSMENT IMPLEMENTATION.

(a) **PURPOSE.**—The purpose of this section is to ensure safe, secure, and reliable maritime shipping in the Arctic including the availability of aids to navigation, vessel escorts, spill response capability, and maritime search and rescue in the Arctic.

(b) **INTERNATIONAL MARITIME ORGANIZATION AGREEMENTS.**—To carry out the purpose of this section, the Secretary of the department in which the Coast Guard is operating shall work through the International Maritime Organization to establish agreements to promote coordinated action among the United States, Russia, Canada, Iceland, Norway, and Denmark and other seafaring and Arctic nations to ensure, in the Arctic—

(1) placement and maintenance of aids to navigation;

(2) appropriate icebreaking escort, tug, and salvage capabilities;

(3) oil spill prevention and response capability;

(4) maritime domain awareness, including long-range vessel tracking; and

(5) search and rescue.

(c) **COORDINATION BY COMMITTEE ON THE MARITIME TRANSPORTATION SYSTEM.**—The Committee on the Maritime Transportation System established under a directive of the President in the Ocean Action Plan, issued December 17, 2004, shall coordinate the establishment of domestic transportation policies in the Arctic necessary to carry out the purpose of this section.

(d) **AGREEMENTS AND CONTRACTS.**—The Secretary of the department in which the Coast Guard is operating may, subject to the availability of appropriations, enter into cooperative agreements, contracts, or other agreements with, or make grants to individuals and governments to carry out the purpose of this section or any agreements established under subsection (b).

(e) **ICEBREAKING.**—The Secretary of the department in which the Coast Guard is operating shall promote safe maritime navigation by means of icebreaking where needed to assure the reasonable demands of commerce.

(f) **DEMONSTRATION PROJECTS.**—The Secretary of Transportation may enter into cooperative agreements, contracts, or other agreements with, or make grants to, individuals to conduct demonstration projects to reduce emissions or discharges from vessels operating in the Arctic.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated—

(1) to the Secretary of the department in which the Coast Guard is operating—

(A) \$5,000,000 for each of fiscal years 2011 through 2015 for seasonal operations in the Arctic; and

(B) \$10,000,000 for each of fiscal years 2012 through 2015 to carry out agreements established under subsection (d); and

(2) to the Secretary of Transportation \$5,000,000 for each of fiscal years 2011 through 2015 to conduct demonstration projects under subsection (f).

(h) **ICEBREAKERS.**—

(1) **ANALYSES.**—Not later than 90 days after the date of enactment of this Act or the date of completion of the ongoing High Latitude Study to assess Arctic polar ice-breaking mission requirements, which ever occurs later, the Commandant of the Coast Guard shall—

(A) conduct a comparative cost-benefit analysis of—

(i) rebuilding, renovating, or improving the existing fleet of icebreakers for operation by the Coast Guard,

(ii) constructing new icebreakers for operation by the Coast Guard; and

(iii) any combination of the activities described in clauses (i) and (ii), to carry out the missions of the Coast Guard; and

(B) conduct an analysis of the impact on mission capacity and the ability of the United States to maintain a presence in the Arctic regions through the year 2020 if recapitalization of the icebreaker fleet, either by constructing new icebreakers or rebuilding, renovating, or improving the existing fleet of icebreakers, is not fully funded.

(2) **REPORTS TO CONGRESS.**—

(A) Not later than 90 days after the date of enactment of this Act or the date of completion of the ongoing High Latitude Study to assess Arctic ice-breaking mission requirements, which ever occurs later, the Commandant of the Coast Guard shall submit a report containing the results of the study, together with recommendations the Commandant deems appropriate under section 93(a)(24) of title 14, United States Code, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(B) Not later than 1 year after the date of enactment of this Act, the Commandant shall submit reports containing the results of the analyses required under subparagraphs (A) and (B) of paragraph (1), together with recommendations the Commandant deems appropriate under section 93(a)(24) of title 14, United States Code, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(i) **ARCTIC DEFINITION.**—In this section the term “Arctic” has the same meaning as in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

SEC. 312. SUPPLEMENTAL POSITIONING SYSTEM.

(a) **FINDINGS.**—The Congress finds the following:

(1) In August 2006, the Department of Transportation and Department of Homeland Security sponsored the formation of an Independent Assessment Team to review the need for enhanced Loran (eLORAN) as a supplement to the Global Positioning System (GPS).

(2) In December 2006, the Independent Assessment Team unanimously recommended that eLORAN be completed and retained as the national backup system for critical safety of life, national and economic security, and quality of life applications currently that are reliant on position, time, or frequency from GPS.

(3) Based on the Independent Assessment Team report, the Department of Transportation and Department of Homeland Security jointly recommended in March 2007 that eLORAN be the national backup for GPS.

(4) The Department of Homeland Security formally announced on February 7, 2008, its intention to implement eLORAN as a national positioning, navigation, and timing system to complement the GPS in the event of an outage or disruption in service.

(5) A recent outage of GPS services in California due to an unintentional jamming incident resulted in the shutdown of the Coast Guard's maritime Differential Global Positions System program and the Automatic Identification System, caused disruption to vessel and aircraft operations, and severely degraded transmissions at over 150 cell phone base stations.

(6) In January 2009, the Independent Assessment Team reiterated its unanimous recommendation that the Federal Government commit to operating the eLORAN system as a backup to GPS for not less than a 20-year period.

(b) **REQUIRED ACTIONS.**—The Secretary of the department in which the Coast Guard is operating—

(1) shall establish eLORAN as the supplemental navigation system for the United States;

(2) shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(A) a plan for modernizing the remaining LORAN-C stations;

(B) a timeline for the completion of such modernization; and

(C) a comprehensive estimate of the costs associated with modernizing LORAN-C infrastructure to meet eLORAN specifications; and

(3) may not take action to terminate or decommission the LORAN-C program until 30 days after the Secretary certifies to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the eLORAN system is operational.

SEC. 313. DUAL ESCORT VESSELS FOR DOUBLE HULLED TANKERS IN PRINCE WILLIAM SOUND, ALASKA.

(a) IN GENERAL.—Section 4116(c) of the Oil Pollution Act of 1990 (46 U.S.C. 3703 note; Public Law 101-380) is amended—

(1) by striking “Not later than 6 months” and inserting the following:

“(1) IN GENERAL.—Not later than 180 days”; and

(2) by adding at the end the following:

“(2) PRINCE WILLIAM SOUND, ALASKA.—

“(A) IN GENERAL.—The requirement in paragraph (1) relating to single hulled tankers in Prince William Sound, Alaska, described in that paragraph being escorted by at least 2 towing vessels or other vessels considered to be appropriate by the Secretary (including regulations promulgated in accordance with section 3703(a)(3) of title 46, United States Code, as set forth in part 168 of title 33, Code of Federal Regulations (as in effect on March 1, 2009), implementing this subsection with respect to those tankers) shall apply to double hulled tankers over 5,000 gross tons transporting oil in bulk in Prince William Sound, Alaska.

“(B) IMPLEMENTATION OF REQUIREMENTS.—The Secretary of the Federal agency with jurisdiction over the Coast Guard shall carry out subparagraph (A) by order without notice and hearing pursuant to section 553 of title 5, United States Code.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date that is 90 days after the date of enactment of this Act.

TITLE IV—GREAT LAKES ICEBREAKER

SEC. 401. SHORT TITLE.

This title may be cited as the “Great Lakes Icebreaker Replacement Act”.

SEC. 402. FINDINGS.

Congress finds that—

(1) five of the Coast Guard’s Great Lakes icebreakers are nearing the end of their useful lives;

(2) two other Coast Guard icebreaking assets have experienced difficulty in heavy ice conditions;

(3) during the spring of 2008, United States-flag vessels operating on the Great Lakes suffered more than \$1,300,000 in damages to their hulls because the Coast Guard did not have enough assets available to keep Great Lakes shipping lanes open;

(4) during the 2006–2007 ice season, shipments of iron ore, coal, and limestone on the Great Lakes exceeded 20,000,000 tons;

(5) during the 2006–2007 ice season, the transportation of 10,400,000 tons of iron ore on the Great Lakes helped support 100,000 jobs at steel mills and 300,000 jobs at supplier industries by keeping those industries working during the winter season; and

(6) the 6,400,000 tons of coal shipped on the Great Lakes during the 2006–2007 ice season kept the Great Lakes region supplied with electricity.

SEC. 403. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$153,000,000 for necessary expenses of the Coast

Guard for the design, acquisition, and construction of a combined buoy tender-icebreaker to replace icebreaking capacity on the Great Lakes, to remain available until expended.

TITLE V—ACQUISITION REFORM

SEC. 501. SHORT TITLE.

This title may be cited as the “Coast Guard Acquisition Reform Act of 2009”.

SEC. 502. DEFINITIONS.

In this title, the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) COMMANDANT.—The term “Commandant” means the Commandant of the Coast Guard.

(3) LEVEL 1 ACQUISITION.—The term “Level 1 acquisition” means—

(A) an acquisition by the Coast Guard—

(i) the estimated life-cycle costs of which exceed \$1,000,000,000; or

(ii) the estimated total acquisition costs of which exceed \$300,000,000; or

(B) any acquisition that the Chief Acquisition Officer of the Coast Guard determines to have a special interest—

(i) due to—

(I) the experimental or technically immature nature of the asset;

(II) the technological complexity of the asset;

(III) the commitment of resources; or

(IV) the nature of the capability or set of capabilities to be achieved; or

(ii) because such acquisition is a joint acquisition.

(4) LEVEL 2 ACQUISITION.—The term “Level 2 acquisition” means an acquisition by the Coast Guard—

(A) the estimated life-cycle costs of which are equal to or less than \$1,000,000,000, but greater than \$300,000,000; or

(B) the estimated total acquisition costs of which are equal to or less than \$300,000,000, but greater than \$100,000,000.

(5) LIFE-CYCLE COST.—The term “life-cycle cost” means all costs for development, procurement, construction, and operations and support for a particular capability or asset, without regard to funding source or management control.

Subtitle A—Restrictions on the Use of Lead Systems Integrators

SEC. 511. PROCUREMENT STRUCTURE.

(a) IN GENERAL.—

(1) USE OF LEAD SYSTEMS INTEGRATOR.—Except as provided in subsection (b), the Commandant may not use a private sector entity as a lead systems integrator for an acquisition contract awarded or delivery order or task order issued after the end of the 180-day period beginning on the date of enactment of this Act.

(2) FULL AND OPEN COMPETITION.—The Commandant and any lead systems integrator engaged by the Coast Guard shall use full and open competition for any acquisition contract awarded after the date of enactment of this Act, unless otherwise excepted in accordance with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

(3) NO EFFECT ON SMALL BUSINESS ACT.—Nothing in this subsection shall be construed to supersede or otherwise affect the authorities provided by and under the Small Business Act (15 U.S.C. 631 et seq.).

(b) EXCEPTIONS.—

(1) NATIONAL DISTRESS AND RESPONSE SYSTEM MODERNIZATION PROGRAM; NATIONAL SECURITY CUTTERS 2 AND 3.—Notwithstanding subsections (a) and (e), the Commandant may use a private sector entity as a lead systems integrator for the Coast Guard to complete the National Distress

and Response System Modernization Program (otherwise known as the “Rescue 21” program) and National Security Cutters 2 and 3.

(2) COMPLETION OF ACQUISITION BY LEAD SYSTEMS INTEGRATOR.—Notwithstanding subsection (a), the Commandant may use a private sector entity as a lead systems integrator for the Coast Guard—

(A) to complete any delivery order or task order, including the exercise of previously established options on a delivery order or task order that was issued to a lead systems integrator on or before the date that is 180 days after the date of enactment of this Act without any change in the quantity of capabilities or assets or the specific type of capabilities or assets covered by the order;

(B) for a contract awarded after the date that is 180 days after the date of enactment of this Act for acquisition of, or in support of, the HC-130J aircraft, the HH-65 aircraft, or the C4ISR system, if the requirements of subsection (c) are met with respect to such acquisitions;

(C) for a contract awarded after the date that is 180 days after the date of enactment of this Act for acquisition of, or in support of, Maritime Patrol Aircraft, if the requirements of subsection (c) are met with respect to such an acquisition; and

(D) for the acquisition of, or in support of, additional National Security Cutters or Maritime Patrol Aircraft, if the Commandant determines that—

(i) the acquisition is in accordance with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation;

(ii) the acquisition and the use of a private sector entity as a lead systems integrator for the acquisition are in the best interest of the Federal Government; and

(iii) the requirements of subsection (c) are met with respect to such acquisition.

(3) REPORT ON DECISIONMAKING PROCESS.—If the Commandant determines under subparagraph (B), (C), or (D) of subsection (b)(2) that the Coast Guard will use a private sector lead systems integrator for an acquisition, the Commandant shall notify in writing the appropriate congressional committees of the Commandant’s determination and shall provide a detailed rationale for the determination, at least 30 days before the award of a contract or issuance of a delivery order or task order, using a private sector lead systems integrator, including a comparison of the cost of the acquisition through the private sector lead systems integrator with the expected cost if the acquisition were awarded directly to the manufacturer or shipyard. For purposes of that comparison, the cost of award directly to a manufacturer or shipyard shall include the costs of Government contract management and oversight.

(c) LIMITATION ON LEAD SYSTEMS INTEGRATORS.—Neither an entity performing lead systems integrator functions for a Coast Guard acquisition nor a Tier 1 subcontractor for any acquisition described in subparagraph (B), (C), or (D) of subsection (b)(2) may have a financial interest in a subcontractor below the Tier 1 subcontractor level unless—

(1) the subcontractor was selected by the prime contractor through full and open competition for such procurement;

(2) the procurement was awarded by the lead systems integrator or a subcontractor through full and open competition;

(3) the procurement was awarded by a subcontractor through a process over which the lead systems integrator or a Tier 1 subcontractor exercised no control; or

(4) the Commandant has determined that the procurement was awarded in a manner consistent with Federal acquisition laws and regulations promulgated under those laws, including the Federal Acquisition Regulation.

(d) **RULE OF CONSTRUCTION.**—The limitation in subsection (b)(1)(A) on the quantity and specific type of assets to which subsection (b) applies shall not be construed to apply to the modification of the number or type of any sub-systems or other components of a vessel or aircraft described in subparagraph (B), (C), or (D) of subsection (b)(2).

(e) **TERMINATION DATE FOR EXCEPTIONS.**—Except as described in subsection (b)(1), the Commandant may not use a private sector entity as a lead systems integrator for acquisition contracts awarded, or task orders or delivery orders issued, after the earlier of—

(1) September 30, 2011; or

(2) the date on which the Commandant certifies in writing to the appropriate congressional committees that the Coast Guard has available and can retain sufficient acquisition workforce personnel and expertise within the Coast Guard, through an arrangement with other Federal agencies, or through contracts or other arrangements with private sector entities, to perform the functions and responsibilities of the lead systems integrator in an efficient and cost-effective manner.

Subtitle B—Coast Guard Acquisition Policy **SEC. 521. OPERATIONAL REQUIREMENTS.**

(a) **IN GENERAL.**—No Level 1 or Level 2 acquisition program may be initiated by the Coast Guard, and no production contract may be awarded for such an acquisition, unless the Commandant has approved an operational requirement for such acquisition.

(b) **OPERATIONAL REQUIREMENT FOR ACQUISITION PROGRAMS.**—

(1) **IN GENERAL.**—The Commandant shall establish mature and stable operational requirements for acquisition programs.

(2) **ELEMENTS.**—Prior to establishing operational requirements under paragraph (1), the Commandant shall—

(A) prepare a preliminary statement of need, a concept of operations, an analysis of alternatives or the equivalent, an estimate of life-cycle costs, and requirements for interoperability with other capabilities and assets within and external to the Coast Guard; and

(B) in preparing the concept of operations under subparagraph (A), coordinate with acquisition and support professionals, requirements officials, operational users and maintainers, and resource officials who can ensure the appropriate consideration of performance, cost, schedule and risk trade-offs.

(c) **CONSIDERATION OF TRADE-OFFS.**—In establishing operational requirements under subsection (a), the Commandant shall develop and implement mechanisms to ensure that trade-offs among performance, cost, schedule, and risk are considered in the establishment of operational requirements for development and production of a Level 1 or Level 2 acquisition.

(d) **ELEMENTS.**—The mechanisms required under this section shall ensure at a minimum that Coast Guard officials responsible for acquisition management, budget, and cost estimating functions have the authority to develop cost estimates and raise cost and schedule matters at any point in the process of establishing operational requirements for a Level 1 or Level 2 acquisition.

SEC. 522. REQUIRED CONTRACT TERMS.

(a) **IN GENERAL.**—The Commandant shall ensure that a contract awarded or a delivery order or task order issued for an acquisition of a capability or an asset with an expected service life of 10 years and with a total acquisition cost that is equal to or exceeds \$10,000,000 awarded or issued by the Coast Guard after the date of enactment of this Act—

(1) provides that all certifications for an end-state capability or asset under such contract, delivery order, or task order, respectively, will

be conducted by the Commandant or an independent third party, and that self-certification by a contractor or subcontractor is not allowed;

(2) requires that the Commandant shall maintain the authority to establish, approve, and maintain technical requirements;

(3) requires that any measurement of contractor and subcontractor performance be based on the status of all work performed, including the extent to which the work performed met all performance, cost, and schedule requirements;

(4) specifies that, for the acquisition or upgrade of air, surface, or shore capabilities and assets for which compliance with TEMPEST certification is a requirement, the standard for determining such compliance will be the air, surface, or shore standard then used by the Department of the Navy for that type of capability or asset; and

(5) for any contract awarded to acquire an Offshore Patrol Cutter, includes provisions specifying the service life, fatigue life, and days underway in general Atlantic and North Pacific Sea conditions, maximum range, and maximum speed the cutter will be built to achieve.

(b) **PROHIBITED CONTRACT PROVISIONS.**—The Commandant shall ensure that any contract awarded or delivery order or task order issued by the Coast Guard after the date of enactment of this Act does not include any provision allowing for equitable adjustment that differs from the Federal Acquisition Regulation.

(c) **EXTENSION OF PROGRAM.**—Any contract, contract modification, or award term extending a contract with a lead systems integrator—

(1) shall not include any minimum requirements for the purchase of a given or determinable number of specific capabilities or assets; and

(2) shall be reviewed by an independent third party with expertise in acquisition management, and the results of that review shall be submitted to the appropriate congressional committees at least 60 days prior to the award of the contract, contract modification, or award term.

SEC. 523. LIFE-CYCLE COST ESTIMATES.

(a) **IN GENERAL.**—The Commandant shall implement mechanisms to ensure the development and regular updating of life-cycle cost estimates for each acquisition with a total acquisition cost that equals or exceeds \$10,000,000 and an expected service life of 10 years, and to ensure that these estimates are considered in decisions to develop or produce new or enhanced capabilities and assets.

(b) **TYPES OF ESTIMATES.**—In addition to life-cycle cost estimates that may be developed by acquisition program offices, the Commandant shall require that an independent life-cycle cost estimate be developed for each Level 1 or Level 2 acquisition program or project.

(c) **REQUIRED UPDATES.**—For each Level 1 or Level 2 acquisition program or project the Commandant shall require that life-cycle cost estimates shall be updated before each milestone decision is concluded and the program or project enters a new acquisition phase.

SEC. 524. TEST AND EVALUATION.

(a) **TEST AND EVALUATION MASTER PLAN.**—

(1) **IN GENERAL.**—For any Level 1 or Level 2 acquisition program or project the Coast Guard Chief Acquisition Officer must approve a Test and Evaluation Master Plan specific to the acquisition program or project for the capability, asset, or sub-systems of the capability or asset and intended to minimize technical, cost, and schedule risk as early as practicable in the development of the program or project.

(2) **TEST AND EVALUATION STRATEGY.**—The TEMP shall—

(A) set forth an integrated test and evaluation strategy that will verify that capability-level or asset-level and sub-system-level design and development, including performance and

supportability, have been sufficiently proven before the capability, asset, or sub-system of the capability or asset is approved for production; and

(B) require that adequate developmental tests and evaluations and operational tests and evaluations established under subparagraph (A) are performed to inform production decisions.

(3) **OTHER COMPONENTS OF TEMP.**—At a minimum, the TEMP shall identify—

(A) the key performance parameters to be resolved through the integrated test and evaluation strategy;

(B) critical operational issues to be assessed in addition to the key performance parameters;

(C) specific development test and evaluation phases and the scope of each phase;

(D) modeling and simulation activities to be performed, if any, and the scope of such activities;

(E) early operational assessments to be performed, if any, and the scope of such assessments;

(F) operational test and evaluation phases;

(G) an estimate of the resources, including funds, that will be required for all test, evaluation, assessment, modeling, and simulation activities; and

(H) the Government entity or independent entity that will perform the test, evaluation, assessment, modeling, and simulation activities.

(4) **UPDATE.**—The Coast Guard Chief Acquisition Officer shall approve an updated TEMP whenever there is a revision to program or project test and evaluation strategy, scope, or phasing.

(5) **LIMITATION.**—The Coast Guard may not—

(A) proceed past that phase of the acquisition process that entails approving the supporting acquisition of a capability or asset before the TEMP is approved by the Coast Guard Chief Acquisition Officer; or

(B) award any production contract for a capability, asset, or sub-system for which a TEMP is required under this subsection before the TEMP is approved by the Coast Guard Chief Acquisition Officer.

(b) **TESTS AND EVALUATIONS.**—

(1) **IN GENERAL.**—The Commandant shall ensure that the Coast Guard conducts developmental tests and evaluations and operational tests and evaluations of a capability or asset and the sub-systems of the capability or asset for which a TEMP has been prepared under subsection (a).

(2) **USE OF THIRD PARTIES.**—The Commandant shall ensure that the Coast Guard uses third parties with expertise in testing and evaluating the capabilities or assets and the sub-systems of the capabilities or assets being acquired to conduct developmental tests and evaluations and operational tests and evaluations whenever the Coast Guard lacks the capability to conduct the tests and evaluations required by a TEMP.

(3) **COMMUNICATION OF SAFETY CONCERNS.**—The Commandant shall require that safety concerns identified during developmental or operational tests and evaluations or through independent or Government-conducted design assessments of capabilities or assets and sub-systems of capabilities or assets to be acquired by the Coast Guard shall be communicated as soon as practicable, but not later than 30 days after the completion of the test or assessment event or activity that identified the safety concern, to the program manager for the capability or asset and the sub-systems concerned and to the Coast Guard Chief Acquisition Officer.

(4) **REPORTING OF SAFETY CONCERNS.**—Any safety concerns that have been reported to the Chief Acquisition Officer for an acquisition program or project shall be reported by the Commandant to the appropriate congressional committees at least 90 days before the award of any

contract or issuance of any delivery order or task order for low, initial, or full-rate production of the capability or asset concerned if they will remain uncorrected or unmitigated at the time such a contract is awarded or delivery order or task order is issued. The report shall include a justification for the approval of that level of production of the capability or asset before the safety concern is corrected or mitigated. The report shall also include an explanation of the actions that will be taken to correct or mitigate the safety concern, the date by which those actions will be taken, and the adequacy of current funding to correct or mitigate the safety concern.

(5) **ASSET ALREADY IN LOW, INITIAL, OR FULL-RATE PRODUCTION.**—If operational test and evaluation on a capability or asset already in low, initial, or full-rate production identifies a safety concern with the capability or asset or any sub-systems of the capability or asset not previously identified during developmental or operational test and evaluation, the Commandant shall—

(A) notify the program manager and the Chief Acquisition Officer of the safety concern as soon as practicable, but not later than 30 days after the completion of the test and evaluation event or activity that identified the safety concern; and

(B) notify the appropriate congressional Committee of the safety concern not later than 30 days after notification is made to the program manager and Chief Acquisition Officer, and include in such notification—

(i) an explanation of the actions that will be taken to correct or mitigate the safety concern in all capabilities or assets and sub-systems of the capabilities or assets yet to be produced, and the date by which those actions will be taken;

(ii) an explanation of the actions that will be taken to correct or mitigate the safety concern in previously produced capabilities or assets and sub-systems of the capabilities or assets, and the date by which those actions will be taken; and

(iii) an assessment of the adequacy of current funding to correct or mitigate the safety concern in capabilities or assets and sub-systems of the capabilities or assets and in previously produced capabilities or assets and sub-systems.

(c) **DEFINITIONS.**—In this section:

(1) **DEVELOPMENTAL TEST AND EVALUATION.**—The term “developmental test and evaluation” means—

(A) the testing of a capability or asset and the sub-systems of the capability or asset to determine whether they meet all contractual performance requirements, including technical performance requirements, supportability requirements, and interoperability requirements and related specifications; and

(B) the evaluation of the results of such testing.

(2) **OPERATIONAL TEST AND EVALUATION.**—The term “operational test and evaluation” means—

(A) the testing of a capability or asset and the sub-systems of the capability or asset, under conditions similar to those in which the capability or asset and sub-systems will actually be deployed, for the purpose of determining the effectiveness and suitability of the capability or asset and sub-systems for use by typical Coast Guard users to conduct those missions for which the capability or asset and sub-systems are intended to be used; and

(B) the evaluation of the results of such testing.

(3) **SAFETY CONCERN.**—The term “safety concern” means any hazard associated with a capability or asset or a sub-system of a capability or asset that is likely to cause serious bodily injury or death to a typical Coast Guard user in testing, maintaining, repairing, or operating the capability, asset, or sub-system or any hazard associated with the capability, asset, or sub-sys-

tem that is likely to cause major damage to the capability, asset, or sub-system during the course of its normal operation by a typical Coast Guard user.

(4) **TEMP.**—The term “TEMP” means a Test and Evaluation Master Plan for which approval is required under this section.

SEC. 525. CAPABILITY STANDARDS.

(a) **CUTTER CLASSIFICATION.**—The Commandant shall cause each cutter, other than a National Security Cutter, acquired by the Coast Guard and delivered after the date of enactment of this Act to be classed by the American Bureau of Shipping before final acceptance.

(b) **TEMPEST TESTING.**—The Commandant shall—

(1) cause all electronics on all aircraft, surface, and shore capabilities and assets that require TEMPEST certification and that are delivered after the date of enactment of this Act to be tested in accordance with TEMPEST standards and communication security (COMSEC) standards by an independent third party that is authorized by the Federal Government to perform such testing; and

(2) certify that the capabilities and assets meet all applicable TEMPEST requirements.

(c) **NATIONAL SECURITY CUTTERS.**—

(1) **NATIONAL SECURITY CUTTERS 1 AND 2.**—Not later than 90 days before the Coast Guard awards any contract or issues any delivery order or task order to strengthen the hull of either of National Security Cutter 1 or 2 to resolve the structural design and performance issues identified in the Department of Homeland Security Inspector General's report OIG-07-23 dated January 2007, the Commandant shall submit to the appropriate congressional committees and the Committee on Homeland Security of the House of Representatives all results of an assessment of the proposed hull strengthening design conducted by the Coast Guard, including—

(A) a description in detail of the extent to which the hull strengthening measures to be implemented on those cutters will enable the cutters to meet contract and performance requirements;

(B) a cost benefit analysis of the proposed hull strengthening measures for National Security Cutters 1 and 2; and

(C) a description of any operational restrictions that would have to be applied to either National Security Cutter 1 or 2 if the proposed hull strengthening measures were not implemented on either cutter.

(2) **OTHER VESSELS.**—The Commandant shall cause the design and construction of each National Security Cutter, other than National Security Cutters 1, 2, and 3, to be assessed by an independent third party with expertise in vessel design and construction certification.

(d) **AIRCRAFT AIRWORTHINESS.**—The Commandant shall cause all aircraft and aircraft engines acquired by the Coast Guard and delivered after the date of enactment of this Act to be assessed for airworthiness by an independent third party with expertise in aircraft and aircraft engine certification, before final acceptance.

SEC. 526. ACQUISITION PROGRAM REPORTS.

Any Coast Guard Level 1 or Level 2 acquisition program or project may not begin to obtain any capability or asset or proceed beyond that phase of its development that entails approving the supporting acquisition until the Commandant submits to the appropriate congressional committees the following:

(1) The key performance parameters, the key system attributes, and the operational performance attributes of the capability and asset to be acquired under the proposed acquisition program or project will be built to achieve.

(2) A detailed list of the systems or other capabilities with which the capability or asset to be

acquired is intended to be interoperable, including an explanation of the attributes of interoperability.

(3) The anticipated acquisition program baseline and acquisition unit cost for the capability or asset to be produced and deployed under the program or project.

(4) A detailed schedule for the acquisition process showing when all capability and asset acquisitions are to be completed and when all acquired capabilities and assets are to be initially and fully deployed.

SEC. 527. UNDEFINITIZED CONTRACTUAL ACTIONS.

(a) **IN GENERAL.**—The Coast Guard may not enter into an undefinitized contractual action unless such action is directly approved by the Head of Contracting Activity of the Coast Guard.

(b) **REQUESTS FOR UNDEFINITIZED CONTRACTUAL ACTIONS.**—Any request to the Head of Contracting Activity for approval of an undefinitized contractual action covered under subsection (a) must include a description of the anticipated effect on requirements of the Coast Guard if a delay is incurred for the purposes of determining contractual terms, specifications, and price before performance is begun under the contractual action.

(c) **REQUIREMENTS FOR UNDEFINITIZED CONTRACTUAL ACTIONS.**—

(1) **DEADLINE FOR AGREEMENT ON TERMS, SPECIFICATIONS, AND PRICE.**—A contracting officer of the Coast Guard may not enter into an undefinitized contractual action unless the contractual action provides for agreement upon contractual terms, specification, and price by the earlier of—

(A) the end of the 180-day period beginning on the date on which the contractor submits a qualifying proposal to definitize the contractual terms, specifications, and price; or

(B) the date on which the amount of funds obligated under the contractual action is equal to more than 50 percent of the negotiated overall ceiling price for the contractual action.

(2) **LIMITATION ON OBLIGATIONS.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the contracting officer for an undefinitized contractual action may not obligate under such contractual action an amount that exceeds 50 percent of the negotiated overall ceiling price until the contractual terms, specifications, and price are definitized for such contractual action.

(B) **EXCEPTION.**—Notwithstanding subparagraph (A), if a contractor submits a qualifying proposal to definitize an undefinitized contractual action before an amount that exceeds 50 percent of the negotiated overall ceiling price is obligated on such action, the contracting officer for such action may not obligate with respect to such contractual action an amount that exceeds 75 percent of the negotiated overall ceiling price until the contractual terms, specifications, and price are definitized for such contractual action.

(3) **WAIVER.**—The Commandant may waive the application of this subsection with respect to a contract if the Commandant determines that the waiver is necessary to support—

(A) a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code);

(B) an operation in response to an emergency that poses an unacceptable threat to human health or safety or to the marine environment; or

(C) an operation in response to a natural disaster or major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(4) **LIMITATION ON APPLICATION.**—This subsection does not apply to an undefinitized contractual action for the purchase of initial spares.

(d) **INCLUSION OF NONURGENT REQUIREMENTS.**—Requirements for spare parts and support equipment that are not needed on an urgent basis may not be included in an undefinitized contractual action by the Coast Guard for spare parts and support equipment that are needed on an urgent basis unless the Commandant approves such inclusion as being—

(1) good business practice; and

(2) in the best interests of the United States.

(e) **MODIFICATION OF SCOPE.**—The scope of an undefinitized contractual action under which performance has begun may not be modified unless the Commandant approves such modification as being—

(1) good business practice; and

(2) in the best interests of the United States.

(f) **ALLOWABLE PROFIT.**—The Commandant shall ensure that the profit allowed on an undefinitized contractual action for which the final price is negotiated after a substantial portion of the performance required is completed reflects—

(1) the possible reduced cost risk of the contractor with respect to costs incurred during performance of the contract before the final price is negotiated; and

(2) the reduced cost risk of the contractor with respect to costs incurred during performance of the remaining portion of the contract.

(g) **DEFINITIONS.**—In this section:

(1) **UNDEFINITIZED CONTRACTUAL ACTION.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “undefinitized contractual action” means a new procurement action entered into by the Coast Guard for which the contractual terms, specifications, or price are not agreed upon before performance is begun under the action.

(B) **EXCLUSION.**—Such term does not include contractual actions with respect to the following:

(i) Foreign military sales.

(ii) Purchases in an amount not in excess of the amount of the simplified acquisition threshold.

(iii) Special access programs.

(2) **QUALIFYING PROPOSAL.**—The term “qualifying proposal” means a proposal that contains sufficient information to enable complete and meaningful audits of the information contained in the proposal as determined by the contracting officer.

SEC. 528. GUIDANCE ON EXCESSIVE PASS-THROUGH CHARGES.

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Commandant shall issue guidance to ensure that pass-through charges on contracts, subcontracts, delivery orders, and task orders that are entered into with a private entity acting as a lead systems integrator by or on behalf of the Coast Guard are not excessive in relation to the cost of work performed by the relevant contractor or subcontractor. The guidance shall, at a minimum—

(1) set forth clear standards for determining when no, or negligible, value has been added to a contract by a contractor or subcontractor;

(2) set forth procedures for preventing the payment by the Government of excessive pass-through charges; and

(3) identify any exceptions determined by the Commandant to be in the best interest of the Government.

(b) **EXCESSIVE PASS-THROUGH CHARGE DEFINED.**—In this section the term “excessive pass-through charge”, with respect to a contractor or subcontractor that adds no, or negligible, value to a contract or subcontract, means a charge to the Government by the contractor or subcontractor that is for overhead or profit on work performed by a lower-tier contractor or subcontractor, other than reasonable charges for the direct costs of managing lower-tier contractors and subcontracts and overhead and profit based on such direct costs.

(c) **APPLICATION OF GUIDANCE.**—The guidance under this subsection shall apply to contracts awarded to a private entity acting as a lead systems integrator by or on behalf of the Coast Guard on or after the date that is 360 days after the date of enactment of this Act.

SEC. 529. ACQUISITION OF MAJOR CAPABILITIES: ALTERNATIVES ANALYSIS.

The Coast Guard may not acquire an experimental or technically immature capability or asset or implement a Level 1 or Level 2 acquisition, unless it has conducted an alternatives analysis for the capability or asset to be acquired in the concept and technology development phase of the acquisition process for the capability or asset. Such analysis shall be conducted by a federally funded research and development center, a qualified entity of the Department of Defense, or a similar independent third party entity that has appropriate acquisition expertise. Such alternatives analysis shall include—

(1) an assessment of the technical maturity of the capability or asset and technical and other risks;

(2) an examination of capability, interoperability, and other advantages and disadvantages;

(3) an evaluation of whether different combinations or quantities of specific capabilities or assets could meet the Coast Guard’s overall performance needs;

(4) a discussion of key assumptions and variables, and sensitivity to change in such assumptions and variables;

(5) when an alternative is an existing capability, asset, or prototype, an evaluation of relevant safety and performance records and costs;

(6) a calculation of life-cycle costs, including—

(A) an examination of development costs and the levels of uncertainty associated with such estimated costs;

(B) an examination of likely production and deployment costs and the levels of uncertainty associated with such estimated costs;

(C) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

(D) if they are likely to be significant, an examination of likely disposal costs and the levels of uncertainty associated with such estimated costs; and

(E) such additional measures the Commandant determines to be necessary for appropriate evaluation of the capability or asset; and

(7) the business case for each viable alternative.

SEC. 530. COST OVERRUNS AND DELAYS.

(a) **IN GENERAL.**—The Commandant shall submit a report to the appropriate congressional committees as soon as possible, but not later than 30 days, after the Chief Acquisition Officer of the Coast Guard becomes aware of the breach of an acquisition program baseline for any Level 1 or Level 2 acquisition program, by—

(1) a likely cost overrun greater than 10 percent of the acquisition program baseline for that individual capability or asset or a class of capabilities or assets;

(2) a likely delay of more than 180 days in the delivery schedule for any individual capability or asset or class of capabilities or assets; or

(3) an anticipated failure for any individual capability or asset or class of capabilities or assets to satisfy any key performance threshold or parameter under the acquisition program baseline.

(b) **CONTENT.**—The report submitted under subsection (a) shall include—

(1) a detailed description of the breach and an explanation of its cause;

(2) the projected impact to performance, cost, and schedule;

(3) an updated acquisition program baseline and the complete history of changes to the original acquisition program baseline;

(4) the updated acquisition schedule and the complete history of changes to the original schedule;

(5) a full life-cycle cost analysis for the capability or asset or class of capabilities or assets;

(6) a remediation plan identifying corrective actions and any resulting issues or risks; and

(7) a description of how progress in the remediation plan will be measured and monitored.

(c) **SUBSTANTIAL VARIANCES IN COSTS OR SCHEDULE.**—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the costs and schedule described in the acquisition program baseline for any Level 1 or Level 2 acquisition program or project of the Coast Guard, the Commandant shall include in the report a written certification, with a supporting explanation, that—

(1) the capability or asset or capability or asset class to be acquired under the program or project is essential to the accomplishment of Coast Guard missions;

(2) there are no alternatives to such capability or asset or capability or asset class which will provide equal or greater capability in both a more cost-effective and timely manner;

(3) the new acquisition schedule and estimates for total acquisition cost are reasonable; and

(4) the management structure for the acquisition program is adequate to manage and control performance, cost, and schedule.

SEC. 531. REPORT ON FORMER COAST GUARD OFFICIALS EMPLOYED BY CONTRACTORS TO THE AGENCY.

(a) **REPORT REQUIRED.**—Not later than December 31, 2009, and annually thereafter, the Comptroller General of the United States shall submit a report to the appropriate congressional committees on the employment during the preceding year by Coast Guard contractors of individuals who were Coast Guard officials in the previous 5-year period. The report shall assess the extent to which former Coast Guard officials were provided compensation by Coast Guard contractors in the preceding calendar year.

(b) **OBJECTIVES OF REPORT.**—At a minimum, the report required by this section shall assess the extent to which former Coast Guard officials who receive compensation from Coast Guard contractors have been assigned by those contractors to work on contracts or programs between the contractor and the Coast Guard, including contracts or programs for which the former official personally had oversight responsibility or decisionmaking authority when they served in or worked for the Coast Guard.

(c) **CONFIDENTIALITY REQUIREMENT.**—The report required by this subsection shall not include the names of the former Coast Guard officials who receive compensation from Coast Guard contractors.

(d) **ACCESS TO INFORMATION.**—A Coast Guard contractor shall provide the Comptroller General access to information requested by the Comptroller General for the purpose of conducting the study required by this section.

(e) **DEFINITIONS.**—In this section:

(1) **COAST GUARD CONTRACTOR.**—The term “Coast Guard contractor” includes any person that received at least \$10,000,000 in contractor awards from the Coast Guard in the calendar year covered by the annual report.

(2) **COAST GUARD OFFICIAL.**—The term “Coast Guard official” includes former officers of the Coast Guard who were compensated at a rate of pay for grade O-7 or above during the calendar year prior to the date on which they separated

from the Coast Guard, and former civilian employees of the Coast Guard who served at any level of the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, during the calendar year prior to the date on which they separated from the Coast Guard.

SEC. 532. DEPARTMENT OF DEFENSE CONSULTATION.

(a) **IN GENERAL.**—The Commandant shall make arrangements as appropriate with the Secretary of Defense for support in contracting and management of Coast Guard acquisition programs. The Commandant shall also seek opportunities to make use of Department of Defense contracts, and contracts of other appropriate agencies, to obtain the best possible price for capabilities and assets acquired for the Coast Guard.

(b) **INTER-SERVICE TECHNICAL ASSISTANCE.**—The Commandant may enter into a memorandum of understanding or a memorandum of agreement with the Secretary of the Navy to obtain the assistance of the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including the Navy Systems Commands, with the oversight of Coast Guard major acquisition programs. Such memorandum of understanding or memorandum of agreement shall, at a minimum, provide for—

(1) the exchange of technical assistance and support that the Coast Guard Chief Acquisition Officer, Coast Guard Chief Engineer, and the Coast Guard Chief Information Officer may identify;

(2) the use, as appropriate, of Navy technical expertise; and

(3) the temporary assignment or exchange of personnel between the Coast Guard and the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition, including Naval Systems Commands, to facilitate the development of organic capabilities in the Coast Guard.

(c) **TECHNICAL REQUIREMENT APPROVAL PROCEDURES.**—The Coast Guard Chief Acquisition Officer shall adopt, to the extent practicable, procedures that are similar to those used by the senior procurement executive of the Department of the Navy to approve all technical requirements.

(d) **ASSESSMENT.**—Within 180 days after the date of enactment of this Act, the Comptroller General shall transmit a report to the appropriate congressional committees that—

(1) contains an assessment of current Coast Guard acquisition and management capabilities to manage Level 1 and Level 2 acquisitions;

(2) includes recommendations as to how the Coast Guard can improve its acquisition management, either through internal reforms or by seeking acquisition expertise from the Department of Defense; and

(3) addresses specifically the question of whether the Coast Guard can better leverage Department of Defense or other agencies' contracts that would meet the needs of Level 1 or Level 2 acquisitions in order to obtain the best possible price.

Subtitle C—Coast Guard Personnel

SEC. 541. CHIEF ACQUISITION OFFICER.

(a) **IN GENERAL.**—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following:

“§56. Chief Acquisition Officer

“(a) **ESTABLISHMENT OF CHIEF ACQUISITION OFFICER.**—There shall be in the Coast Guard a Chief Acquisition Officer selected by the Commandant who shall be a Rear Admiral or civilian from the Senior Executive Service (career reserved) and who meets the qualifications set forth under subsection (b). The Chief Acquisition Officer shall serve at the Assistant Com-

mandant level and have acquisition management as that individual's primary duty.

“(b) **QUALIFICATIONS.**—

“(1) The Chief Acquisition Officer and any Flag Officer serving in the Acquisitions Directorate shall be an acquisition professional with a program manager level III certification and must have at least 10 years experience in an acquisition position, of which at least 4 years were spent in one of the following qualifying positions:

“(A) Program executive officer.

“(B) Program manager of a Level 1 or Level 2 acquisition.

“(C) Deputy program manager of a Level 1 or Level 2 acquisition.

“(D) Project manager for a Level 1 or Level 2 acquisition.

“(E) Any other acquisition position of significant responsibility in which the primary duties are supervisory or management duties.

“(2) The Commandant shall periodically publish a list of the positions designated under this subsection.

“(c) **AUTHORITY AND FUNCTIONS OF THE CHIEF ACQUISITION OFFICER.**—The functions of the Chief Acquisition Officer shall include—

“(1) monitoring the performance of programs and projects on the basis of applicable performance measurements and advising the Commandant, through the chain of command, regarding the appropriate business strategy to achieve the missions of the Coast Guard;

“(2) maximizing the use of full and open competition at the prime contract and subcontract levels in the acquisition of property, capabilities, assets, and services by the Coast Guard by establishing policies, procedures, and practices that ensure that the Coast Guard receives a sufficient number of sealed bids or competitive proposals from responsible sources to fulfill the Government's requirements, including performance and delivery schedules, at the lowest cost or best value considering the nature of the property, capability, asset, or service procured;

“(3) making acquisition decisions in concurrence with the technical authority of the Coast Guard, as designated by the Commandant, and consistent with all other applicable laws and decisions establishing procedures within the Coast Guard;

“(4) ensuring the use of detailed performance specifications in instances in which performance based contracting is used;

“(5) managing the direction of acquisition policy for the Coast Guard, including implementation of the unique acquisition policies, regulations, and standards of the Coast Guard;

“(6) developing and maintaining an acquisition career management program in the Coast Guard to ensure that there is an adequate acquisition workforce;

“(7) assessing the requirements established for Coast Guard personnel regarding knowledge and skill in acquisition resources and management and the adequacy of such requirements for facilitating the achievement of the performance goals established for acquisition management;

“(8) developing strategies and specific plans for hiring, training, and professional development; and

“(9) reporting to the Commandant, through the chain of command, on the progress made in improving acquisition management capability.”.

(b) **APPLICATION OF QUALIFICATION REQUIREMENT.**—Section 56(b) of title 14, United States Code, as amended by this section, shall apply beginning October 1, 2011.

(c) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is further amended by adding at the end the following:

“56. Chief Acquisition Officer.”.

(d) **ELEVATION OF DISPUTES TO THE CHIEF ACQUISITION OFFICER.**—Within 45 days after the

elevation to the Chief Acquisition Officer of any design or other dispute regarding a Level 1 or Level 2 acquisition, the Commandant shall provide to the appropriate congressional committees a detailed description of the issue and the rationale underlying the decision taken by the Chief Acquisition Officer to resolve the issue.

(e) **SPECIAL RATE SUPPLEMENTS.**—

(1) **REQUIREMENT TO ESTABLISH.**—Not later than 1 year after the date of enactment of this Act and in accordance with part 9701.333 of title 5, Code of Federal Regulations, the Commandant shall establish special rate supplements that provide higher pay levels for employees necessary to carry out the amendment made by this section.

(2) **SUBJECT TO APPROPRIATIONS.**—The requirement under paragraph (1) is subject to the availability of appropriations.

SEC. 542. IMPROVEMENTS IN COAST GUARD ACQUISITION MANAGEMENT.

(a) **PROGRAM AND PROJECT MANAGERS.**—An individual may not be assigned as the program manager for a Level 1 or Level 2 acquisition unless the individual holds a Level III acquisition certification as a program manager.

(b) **INTEGRATED PRODUCT TEAMS.**—Integrated product teams, and all teams that oversee integrated product teams, shall be chaired by officers, members, or employees of the Coast Guard.

(c) **TECHNICAL AUTHORITY.**—The Commandant shall maintain or designate the technical authority to establish, approve, and maintain technical requirements. Any such designation shall be made in writing and may not be delegated to the authority of the Chief Acquisition Officer established by section 55 of title 14, United States Code.

(d) **DESIGNATION OF POSITIONS IN THE ACQUISITION WORKFORCE.**—

(1) **IN GENERAL.**—The Commandant shall designate a sufficient number of positions to be in the Coast Guard's acquisition workforce to perform acquisition-related functions at Coast Guard headquarters and field activities.

(2) **REQUIRED POSITIONS.**—In designating positions under subsection (a), the Commandant shall include, at a minimum, positions encompassing the following competencies and functions:

(A) Program management.

(B) Systems planning, research, development, engineering, and testing.

(C) Procurement, including contracting.

(D) Industrial and contract property management.

(E) Life-cycle logistics.

(F) Quality control and assurance.

(G) Manufacturing and production.

(H) Business, cost estimating, financial management, and auditing.

(I) Acquisition education, training, and career development.

(J) Construction and facilities engineering.

(K) Testing and evaluation.

(3) **ACQUISITION MANAGEMENT HEADQUARTER ACTIVITIES.**—The Commandant shall also designate as positions in the acquisition workforce under paragraph (1) those acquisition-related positions located at Coast Guard headquarters units.

(4) **APPROPRIATE EXPERTISE REQUIRED.**—The Commandant shall ensure that each individual assigned to a position in the acquisition workforce has the appropriate expertise to carry out the responsibilities of that position.

(e) **MANAGEMENT INFORMATION SYSTEM.**—

(1) **IN GENERAL.**—The Commandant shall establish a management information system capability to improve acquisition workforce management and reporting.

(2) **INFORMATION MAINTAINED.**—Information maintained with such capability shall include the following standardized information on individuals assigned to positions in the workforce:

(A) Qualifications, assignment history, and tenure of those individuals assigned to positions in the acquisition workforce or holding acquisition-related certifications.

(B) Promotion rates for officers and members of the Coast Guard in the acquisition workforce.

(f) REPORT ON ADEQUACY OF ACQUISITION WORKFORCE.—

(1) IN GENERAL.—The Commandant shall report to the Congress by July 1 of each year on the scope of the acquisition activities to be performed in the next fiscal year and on the adequacy of the current acquisition workforce to meet that anticipated workload.

(2) CONTENTS.—The report shall—

(A) specify the number of officers, members, and employees of the Coast Guard currently and planned to be assigned to each position designated under subsection (d); and

(B) identify positions that are understaffed to meet the anticipated acquisition workload, and actions that will be taken to correct such understaffing.

(g) APPOINTMENTS TO ACQUISITION POSITIONS.—The Commandant shall ensure that no requirement or preference for officers or members of the Coast Guard is used in the consideration of persons for positions in the acquisition workforce.

(h) CAREER PATHS.—

(1) IDENTIFICATION OF CAREER PATHS.—To establish acquisition management as a core competency of the Coast Guard, the Commandant shall—

(A) ensure that career paths for officers, members, and employees of the Coast Guard who wish to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression of those officers, members, and employees to the most senior positions in the acquisition workforce; and

(B) publish information on such career paths.

(2) PROMOTION PARITY.—The Commandant shall ensure that promotion parity is established for officers and members of the Coast Guard who have been assigned to the acquisition workforce relative to officers and members who have not been assigned to the acquisition workforce.

(i) BALANCED WORKFORCE POLICY.—In the development of acquisition workforce policies under this section with respect to any civilian employees or applicants for employment, the Commandant shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

(j) GUIDANCE ON TENURE AND ACCOUNTABILITY OF PROGRAM MANAGERS.—

(1) ISSUANCE OF GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Commandant shall issue guidance to address the qualifications, resources, responsibilities, tenure, and accountability of program managers for the management of acquisition programs and projects. The guidance shall address, at a minimum—

(A) the qualifications that shall be required of program managers, including the number of years of acquisition experience and the professional training levels to be required of those appointed to program management positions;

(B) authorities available to program managers, including, to the extent appropriate, the authority to object to the addition of new program requirements that would be inconsistent with the parameters established for an acquisition program; and

(C) the extent to which a program manager who initiates a new program or project will con-

tinue in management of that program or project without interruption until the delivery of the first production units of the program.

(2) STRATEGY.—

(A) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Commandant shall develop a comprehensive strategy for enhancing the role of Coast Guard program managers in developing and carrying out acquisition programs.

(B) MATTERS TO BE ADDRESSED.—The strategy required by this section shall address, at a minimum—

(i) the creation of a specific career path and career opportunities for individuals who are or may become program managers, including the rotational assignments that will be provided to program managers;

(ii) the provision of enhanced training and educational opportunities for individuals who are or may become program managers;

(iii) the provision of mentoring support to current and future program managers by experienced senior executives and program managers within the Coast Guard, and through rotational assignments to the Department of Defense;

(iv) the methods by which the Coast Guard will collect and disseminate best practices and lessons learned on systems acquisition to enhance program management throughout the Coast Guard;

(v) the templates and tools that will be used to support improved data gathering and analysis for program management and oversight purposes, including the metrics that will be utilized to assess the effectiveness of Coast Guard program managers in managing systems acquisition efforts;

(vi) a description in detail of how the Coast Guard will promote a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service; and

(vii) the methods by which the accountability of program managers for the results of acquisition programs will be increased.

SEC. 543. RECOGNITION OF COAST GUARD PERSONNEL FOR EXCELLENCE IN ACQUISITION.

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall commence implementation of a program to recognize excellent performance by individuals and teams comprised of officers, members, and employees of the Coast Guard that contributed to the long-term success of a Coast Guard acquisition program or project.

(B) ELEMENTS.—The program required by subsection (A) shall include the following:

(1) Specific award categories, criteria, and eligibility and manners of recognition.

(2) Procedures for the nomination by personnel of the Coast Guard of individuals and teams comprised of officers, members, and employees of the Coast Guard for recognition under the program.

(3) Procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the Government, academia, and the private sector who have such expertise and are appointed in such manner as the Commandant shall establish for the purposes of this program.

(C) AWARD OF CASH BONUSES.—As part of the program required by subsection (A), the Commandant, subject to the availability of appropriations, may award to any individual recognized pursuant to the program a cash bonus to the extent that the performance of such individual so recognized warrants the award of such bonus.

SEC. 544. COAST GUARD ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

(A) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Commandant may—

(1) designate any category of acquisition positions within the Coast Guard as shortage category positions; and

(2) use the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(B) LIMITATION.—The Commandant may not appoint a person to a position of employment under this subsection after September 30, 2012.

TITLE VI—MARITIME WORKFORCE DEVELOPMENT

SEC. 601. SHORT TITLE.

This title may be cited as the “Maritime Workforce Development Act”.

SEC. 602. MARITIME EDUCATION LOAN PROGRAM.

(A) IN GENERAL.—Chapter 517 of title 46, United States Code, is amended by adding at the end the following:

“§51705. Maritime career training loan program

“(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a maritime career training loan program (in this section referred to as the ‘program’) in accordance with the requirements of this section.

“(b) PURPOSE.—The purpose of the program shall be to make maritime career training loans available to eligible students to provide for the training of United States mariners.

“(c) ADMINISTRATION.—The program shall be carried out by the Secretary, acting through the Administrator of the Maritime Administration.

“(d) DUTIES.—The Secretary shall—

“(1) allocate, on an annual basis, the award of loans under the program based on the needs of students;

“(2) develop an application process and eligibility criteria for the award of loans under the program;

“(3) approve applications for loans under the program based on the eligibility criteria and allocations made under paragraph (1); and

“(4) designate maritime training institutions at which loans made under the program may be used.

“(e) DESIGNATION OF MARITIME TRAINING INSTITUTIONS.—

“(1) IN GENERAL.—In designating maritime training institutions under subsection (d)(4), the Secretary—

“(A) may include Federal, State, and commercial training institutions and nonprofit training organizations, except that undergraduate students at the United States Merchant Marine Academy shall not be eligible for loans under the program;

“(B) shall designate institutions based on geographic diversity and scope of classes offered;

“(C) shall ensure that designated institutions have the ability to administer the program; and

“(D) shall ensure that designated institutions meet requirements to provide training instruction for appropriate Coast Guard-approved training instruction.

“(2) EXCLUSIONS.—The Secretary—

“(A) may exclude from participation in the program a maritime training institution that has had severe performance deficiencies, including deficiencies demonstrated by audits or program reviews conducted during the 5 calendar years immediately preceding the present year;

“(B) shall exclude from participation in the program a maritime training institution that has delinquent or outstanding debts to the United States, unless such debts are being repaid under or in accordance with a repayment arrangement satisfactory to the United States, or the Secretary in the Secretary’s discretion determines

that the existence or amount of any such debts has not been finally determined by the appropriate Federal agency;

“(C) may exclude from participation in the program a maritime training institution that has failed to comply with quality standards established by the Department of Labor, the Coast Guard, or a State; and

“(D) may establish such other criteria as the Secretary determines will protect the financial interest of the United States and promote the purposes of this section.

“(f) STATE MARITIME ACADEMIES.—

“(1) USE OF FUNDS FOR LOANS TO STUDENTS ATTENDING STATE MARITIME ACADEMIES.—The Secretary may obligate not more than 50 percent of the amounts appropriated to carry out this section for a fiscal year for loans to undergraduate students attending State maritime academies receiving assistance under chapter 515 of this title.

“(2) ACADEMIC STANDARDS FOR STUDENTS.—Students at State maritime academies receiving loans under the program shall maintain satisfactory progress toward the completion of their course of study as evidenced by the maintenance of a cumulative C average, or its equivalent, or academic standing consistent with the requirements for graduation, as determined by the institution.

“(g) LOAN AMOUNTS AND USE.—

“(1) MAXIMUM AMOUNTS.—The Secretary may not make loans to a student under the program in an amount that exceeds \$15,000 in a calendar year or \$60,000 in the aggregate.

“(2) USE OF LOAN PROCEEDS.—A student who receives a loan under the program may use the proceeds of the loan only for postsecondary expenses incurred at an institution designated by the Secretary under subsection (d)(4) for books, tuition, required fees, travel to and from training facilities, and room and board.

“(h) STUDENT ELIGIBILITY.—To be eligible to receive a loan under the program, a student shall—

“(1) be eligible to hold a license or merchant mariner document issued by the Coast Guard;

“(2) provide to the Secretary such information as the Secretary may require, including all current Coast Guard documents, certifications, proof of United States citizenship or permanent legal status, and a statement of intent to enter a maritime career;

“(3) meet the enrollment requirements of a maritime training institution designated by the Secretary under subsection (d)(4); and

“(4) sign an agreement to—

“(A) complete a course of instruction at such a maritime training institution; and

“(B)(i) maintain a license and serve as an officer in the merchant marine on a documented vessel or a vessel owned and operated by the United States for at least 18 months of service at sea following the date of graduation from the maritime program for which the loan proceeds will be used; or

“(ii) serve as an unlicensed merchant mariner on a documented vessel or a vessel owned and operated by the United States for at least 18 months of service at sea following the date of graduation from the maritime program for which the loan proceeds will be used.

“(i) ADMINISTRATION OF LOANS.—

“(1) CONTENTS OF LOAN AGREEMENTS.—Any agreement between the Secretary and a student borrower for a loan under the program shall—

“(A) be evidenced by a note or other written instrument that provides for the repayment of the principal amount of the loan and any origination fee, together with interest thereon, in equal installments (or, if the student borrower so requests, in graduated periodic installments determined in accordance with such schedules as may be approved by the Secretary) payable

quarterly, bimonthly, or monthly, at the option of the student borrower, over a period beginning 9 months from the date on which the student borrower completes study or discontinues attendance at the maritime program for which the loans are used at the institution approved by the Secretary and not exceeding 10 years;

“(B) include provision for acceleration of repayment of the whole, or any part, of such loan, at the option of the student borrower;

“(C) provide the loan without security and without endorsement;

“(D) provide that the liability to repay the loan shall be canceled upon the death of the student borrower, or if the student borrower becomes permanently and totally disabled, as determined in accordance with regulations to be issued by the Secretary;

“(E) contain a notice of the system of disclosure of information concerning default on such loan to credit bureau organizations; and

“(F) include provisions for deferral of repayment, as determined by the Secretary.

“(2) RATE OF INTEREST.—A student borrower who receives a loan under the program on or after January 1, 2010, and before October 1, 2015, shall be obligated to repay the loan amount to the Secretary, together with interest beginning in the period referred to in paragraph (1)(A), at a rate to be determined as follows:

“(A) For a loan for which the first disbursement is made on or after January 1, 2010, and before October 1, 2011, 5.6 percent on the unpaid principal balance of the loan.

“(B) For a loan for which the first disbursement is made on or after October 1, 2011, and before October 1, 2012, 4.5 percent on the unpaid principal balance of the loan.

“(C) For a loan for which the first disbursement is made on or after October 1, 2012, 3.4 percent on the unpaid principal balance of the loan.

“(3) DISCLOSURE REQUIRED PRIOR TO DISBURSEMENT.—

“(A) IN GENERAL.—The Secretary shall at or prior to the time the Secretary makes a loan to a student borrower under the program, provide thorough and adequate loan information on such loan to the student borrower. The disclosures required by this paragraph may be made as part of the written application material provided to the student borrower, as part of the promissory note evidencing the loan, or on a separate written form provided to the student borrower.

“(B) CONTENTS.—The disclosures shall include—

“(i) the address to which communications and payments should be sent;

“(ii) the principal amount of the loan;

“(iii) the amount of any charges collected at or prior to the disbursement of the loan and whether such charges are to be deducted from the proceeds of the loan or paid separately by the student borrower;

“(iv) the stated interest rate on the loan;

“(v) the yearly and cumulative maximum amounts that may be borrowed;

“(vi) an explanation of when repayment of the loan will be required and when the student borrower will be obligated to pay interest that accrues on the loan;

“(vii) a statement as to the minimum and maximum repayment term that the Secretary may impose, and the minimum monthly payment required by law and a description of any penalty imposed as a consequence of default, such as liability for expenses reasonably incurred in attempts by the Secretary to collect on a loan;

“(viii) a statement of the total cumulative balance, including the loan applied for, owed by the student borrower to the Secretary, and an estimate of the projected monthly payment, given such cumulative balance;

“(ix) an explanation of any special options the student borrower may have for loan consolidation or other refinancing of the loan;

“(x) a statement that the student borrower has the right to prepay all or part of the loan, at any time, without penalty;

“(xi) a statement summarizing circumstances in which repayment of the loan or interest that accrues on the loan may be deferred, and a brief notice of the program for repayment of loans, on the basis of military service, pursuant to the Department of Defense educational loan repayment program (10 U.S.C. 16302);

“(xii) a definition of default and the consequences to the student borrower if the student borrower defaults, together with a statement that the disbursement of, and the default on, a loan under this part shall be reported to a credit bureau or credit reporting agency;

“(xiii) to the extent practicable, the effect of accepting the loan on the eligibility of the student borrower for other forms of student assistance; and

“(xiv) an explanation of any cost the student borrower may incur in the making or collection of the loan.

“(C) INFORMATION TO BE PROVIDED WITHOUT COST.—The information provided under this paragraph shall be available to the Secretary without cost to the student borrower.

“(4) REPAYMENT AFTER DEFAULT.—The Secretary may require any student borrower who has defaulted on a loan made under the program to—

“(A) pay all reasonable collection costs associated with such loan; and

“(B) repay the loan pursuant to an income contingent repayment plan.

“(5) AUTHORIZATION TO REDUCE RATES AND FEES.—Notwithstanding any other provision of this section, the Secretary may prescribe by regulation any reductions in the interest rate or origination fee paid by a student borrower of a loan made under the program as the Secretary determines appropriate to encourage on-time repayment of the loan. Such reductions may be offered only if the Secretary determines the reductions are cost neutral and in the best financial interest of the United States.

“(6) COLLECTION OF REPAYMENTS.—The Secretary shall collect repayments made under the program and exercise due diligence in such collection, including maintenance of all necessary records to ensure that maximum repayments are made. Collection and servicing of repayments under the program shall be pursued to the full extent of the law, including wage garnishment if necessary. The Secretary of the Department in which the Coast Guard is operating shall provide the Secretary of Transportation with any information regarding a mariner that may aid in the collection of repayments under this section.

“(7) REPAYMENT SCHEDULE.—A student borrower who receives a loan under the program shall repay the loan quarterly, bimonthly, or monthly, at the option of the student borrower, over a period beginning 9 months from the date the student borrower completes study or discontinues attendance at the maritime program for which the loan proceeds are used and ending not more than 10 years after the date repayment begins. Provisions for deferral of repayment shall be determined by the Secretary.

“(8) CONTRACTS FOR SERVICING AND COLLECTION OF LOANS.—The Secretary may—

“(A) enter into a contract or other arrangement with State or nonprofit agencies and, on a competitive basis, with collection agencies for servicing and collection of loans under this section; and

“(B) conduct litigation necessary to carry out this section.

“(j) REVOLVING LOAN FUND.—

“(1) **ESTABLISHMENT.**—The Secretary shall establish a revolving loan fund consisting of amounts deposited in the fund under paragraph (2).

“(2) **DEPOSITS.**—The Secretary shall deposit in the fund—

“(A) receipts from the payment of principal and interest on loans made under the program; and

“(B) any other monies paid to the Secretary by or on behalf of individuals under the program.

“(3) **AVAILABILITY OF AMOUNTS.**—Amounts in the fund shall be available to the Secretary, without further appropriation—

“(A) to cover the administrative costs of the program, including the maintenance of records and making collections under this section; and

“(B) to the extent that amounts remain available after paying such administrative costs, to make loans under the program.

“(4) **MAINTENANCE OF RECORDS.**—The Secretary shall maintain accurate records of the administrative costs referred to in paragraph (3)(A).

“(k) **ANNUAL REPORT.**—The Secretary, on an annual basis, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the program, including—

“(1) the total amount of loans made under the program in the preceding year;

“(2) the number of students receiving loans under the program in the preceding year; and

“(3) the total amount of loans made under program that are in default as of the date of the report.

“(l) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for each of fiscal years 2010 through 2015—

“(1) \$10,000,000 for making loans under the program; and

“(2) \$1,000,000 for administrative expenses of the Secretary in carrying out the program.

“§51706. Maritime recruitment, training, and retention grant program

“(a) **STRATEGIC PLAN.**—

“(1) **IN GENERAL.**—Not later than one year after the date of enactment of this section, and at least once every 3 years thereafter, the Secretary of Transportation, acting through the Administrator of the Maritime Administration, shall publish in the Federal Register a plan that describes the demonstration, research, and multistate project priorities of the Department of Transportation concerning merchant mariner recruitment, training, and retention for the 3-year period following the date of publication of the plan.

“(2) **CONTENTS.**—A plan published under paragraph (1) shall contain strategies and identify potential projects to address merchant mariner recruitment, training, and retention issues in the United States.

“(3) **FACTORS.**—In developing a plan under paragraph (1), the Secretary shall take into account, at a minimum—

“(A) the availability of existing research (as of the date of publication of the plan);

“(B) the need to ensure results that have broad applicability;

“(C) the benefits of economies of scale and the efficiency of potential projects; and

“(D) the likelihood that the results of potential projects will be useful to policymakers and stakeholders in addressing merchant mariner recruitment, training, and retention issues.

“(4) **CONSULTATION.**—In developing a plan under paragraph (1), the Secretary shall consult with representatives of the maritime industry, labor organizations, and other governmental entities and parties with an interest in the maritime industry.

“(5) **TRANSMITTAL TO CONGRESS.**—The Secretary shall transmit copies of a plan published under paragraph (1) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

“(b) **DEMONSTRATION PROJECTS.**—

“(1) **IN GENERAL.**—The Secretary may award grants to a maritime training institution to carry out demonstration projects that implement the priorities identified in the plan prepared under subsection (a)(1), for the purpose of developing and implementing methods to address merchant mariner recruitment, training, and retention issues.

“(2) **GRANT AWARDS.**—Grants shall be awarded under this subsection on a competitive basis under guidelines and requirements to be established by the Secretary.

“(3) **APPLICATIONS.**—To be eligible to receive a grant for a project under this subsection, a maritime training institution shall submit to the Secretary a grant proposal that includes, at a minimum—

“(A) information demonstrating the estimated effectiveness of the project; and

“(B) a method for evaluating the effectiveness of the project.

“(4) **ELIGIBLE PROJECTS.**—Projects eligible for grants under this subsection may include—

“(A) the establishment of maritime technology skill centers developed through local partnerships of industry, labor, education, community-based organizations, economic development organizations, or Federal, State, and local government agencies to meet unmet skills needs of the maritime industry;

“(B) projects that provide training to upgrade the skills of workers who are employed in the maritime industry;

“(C) projects that promote the use of distance learning, enabling students to take courses through the use of media technology, such as videos, teleconferencing, and the Internet;

“(D) projects that assist in providing services to address maritime recruitment and training of youth residing in targeted high poverty areas within empowerment zones and enterprise communities;

“(E) the establishment of partnerships with national and regional organizations with special expertise in developing, organizing, and administering merchant mariner recruitment and training services; and

“(F) the establishment of maritime training programs that foster technical skills and operational productivity in communities in which economies are related to or dependent upon the maritime industry.

“(c) **PROJECTS AUTHORIZED.**—

“(1) **PROJECTS.**—The Secretary may award grants to carry out projects identified in a plan published under subsection (a)(1) under which the project sponsor will—

“(A) design, develop, and test an array of approaches to providing recruitment, training, or retention services to one or more targeted populations;

“(B) in conjunction with employers, organized labor, other groups (such as community coalitions), and Federal, State, or local agencies, design, develop, and test various training approaches in order to determine effective practices; or

“(C) assist in the development and replication of effective service delivery strategies for the national maritime industry as a whole.

“(2) **RESEARCH PROJECTS.**—The Secretary may award grants to carry out research projects identified in a plan published under subsection (a)(1) that will contribute to the solution of maritime industry recruitment, training, and retention issues in the United States.

“(3) **MULTISTATE OR REGIONAL PROJECTS.**—The Secretary may award grants to carry out multistate or regional projects identified in a plan published under subsection (a)(1) to effectively disseminate best practices and models for implementing maritime recruitment, training, and retention services designed to address industry-wide skill shortages.

“(4) **GRANT AWARDS.**—Grants shall be awarded under this subsection on a competitive basis under guidelines and requirements to be established by the Secretary.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for each of fiscal years 2010 through 2015—

“(1) \$10,000,000 for making grants under this section; and

“(2) \$1,000,000 for administrative expenses of the Secretary in carrying out this section.”.

(b) **CONFORMING AMENDMENT.**—The analysis for such chapter is amended by adding at the end the following:

“51705. Maritime career training loan program.

“51706. Maritime recruitment, training, and retention grant program.”.

TITLE VII—COAST GUARD MODERNIZATION

SEC. 701. SHORT TITLE.

This title may be cited as the “Coast Guard Modernization Act of 2009”.

Subtitle A—Coast Guard Leadership

SEC. 711. ADMIRALS AND VICE ADMIRALS.

(a) **ADMIRALS.**—Section 41 of title 14, United States Code, is amended by striking “an admiral,” and inserting “admirals;”.

(b) **VICE COMMANDANT.**—Section 47 of title 14, United States Code, is amended—

(1) in the section heading by striking “assignment” and inserting “appointment”; and

(2) in the text by striking “vice admiral” and inserting “admiral”.

(c) **VICE ADMIRALS.**—

(1) **IN GENERAL.**—Section 50 of title 14, United States Code, is amended to read as follows:

“§50. Vice admirals

“(a)(1) The President may designate 4 positions of importance and responsibility that shall be held by officers who—

“(A) while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade; and

“(B) shall perform any duties as the Commandant may prescribe.

“(2) The 4 vice admiral positions authorized under paragraph (1) are, respectively, the following:

“(A) The Deputy Commandant for Mission Support.

“(B) The Deputy Commandant for Operations and Policy.

“(C) The Commander, Force Readiness Command.

“(D) The Commander, Operations Command.

“(3) The President may appoint, by and with the advice and consent of the Senate, and reappoint, by and with the advice and consent of the Senate, to each of the positions designated under paragraph (1) an officer of the Coast Guard who is serving on active duty above the grade of captain. The Commandant shall make recommendations for those appointments.

“(4)(A) Except as provided in subparagraph (B), the Deputy Commandant for Operations and Policy must have at least 10 years experience in vessel inspection, marine casualty investigations, mariner licensing, or an equivalent technical expertise in the design and construction of commercial vessels, with at least 4 years of leadership experience at a staff or unit carrying out marine safety functions.

“(B) The requirements of subparagraph (A) do not apply to such Deputy Commandant if the

subordinate officer serving in the grade of rear admiral with responsibilities for marine safety, security, and stewardship possesses that experience.

“(b)(1) The appointment and the grade of vice admiral under this section shall be effective on the date the officer assumes that duty and, except as provided in paragraph (2) of this subsection or in section 51(d) of this title, shall terminate on the date the officer is detached from that duty.

“(2) An officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral—

“(A) while under orders transferring the officer to another position designated under subsection (a), beginning on the date the officer is detached from duty and terminating on the date before the day the officer assumes the subsequent duty, but not for more than 60 days;

“(B) while hospitalized, beginning on the day of the hospitalization and ending on the day the officer is discharged from the hospital, but not for more than 180 days; and

“(C) while awaiting retirement, beginning on the date the officer is detached from duty and ending on the day before the officer's retirement, but not for more than 60 days.

“(c)(1) An appointment of an officer under subsection (a) does not vacate the permanent grade held by the officer.

“(2) An officer serving in a grade above rear admiral who holds the permanent grade of rear admiral (lower half) shall be considered for promotion to the permanent grade of rear admiral as if the officer was serving in the officer's permanent grade.

“(d) Whenever a vacancy occurs in a position designated under subsection (a), the Commandant shall inform the President of the qualifications needed by an officer serving in that position to carry out effectively the duties and responsibilities of that position.”

(2) APPLICATION OF DEPUTY COMMANDANT QUALIFICATION REQUIREMENT.—The requirement under section 50(a)(4)(A) of title 14, United States Code, as amended by this subsection, shall apply on and after October 1, 2011.

(d) REPEAL.—Section 50a of title 14, United States Code, is repealed.

(e) CONFORMING AMENDMENT.—Section 51 of that title is amended—

(1) by amending subsections (a), (b), and (c) to read as follows:

“(a) An officer, other than the Commandant, who, while serving in the grade of admiral or vice admiral, is retired for physical disability shall be placed on the retired list with the highest grade in which that officer served.

“(b) An officer, other than the Commandant, who is retired while serving in the grade of admiral or vice admiral, or who, after serving at least two and one-half years in the grade of admiral or vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the highest grade in which that officer served.

“(c) An officer, other than the Commandant, who, after serving less than two and one-half years in the grade of admiral or vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade.”; and

(2) in subsection (d)(2) by striking “Area Commander, or Chief of Staff” and inserting “or Vice Admirals”.

(f) CONTINUITY OF GRADE.—Section 52 of title 14, United States Code, is amended—

(1) in the section heading by inserting “and admirals” after “Vice admirals”; and

(2) in the text by inserting “or admiral” after “vice admiral” the first time that term appears.

(g) CONTINUATION ON ACTIVE DUTY.—The second sentence of section 290(a) of title 14, United States Code, is amended to read as follows: “Of-

ficers, other than the Commandant, serving for the time being or who have served in the grade of vice admiral or admiral are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued in the grade of rear admiral.”

(h) TREATMENT OF INCUMBENTS; TRANSITION.—

(1) VICE COMMANDANT.—Notwithstanding any other provision of law, the officer who, on the date of enactment of this Act, is serving in the Coast Guard as Vice Commandant—

(A) shall continue to serve as Vice Commandant;

(B) shall have the grade of admiral with pay and allowances of that grade; and

(C) shall not be required to be reappointed by reason of the enactment of this Act.

(2) CHIEF OF STAFF, COMMANDER, ATLANTIC AREA, OR COMMANDER, PACIFIC AREA.—Notwithstanding any other provision of law, an officer who, on the date of enactment of this Act, is serving in the Coast Guard as Chief of Staff, Commander, Atlantic Area, or Commander, Pacific Area—

(A) shall continue to have the grade of vice admiral with pay and allowance of that grade until such time that the officer is relieved of his or her duties and appointed and confirmed to another position as a vice admiral or admiral; and

(B) for the purposes of transition, may continue, for not more than one year after the date of enactment of this Act, to perform the duties of the officer's former position and any other such duties that the Commandant prescribes.

(i) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 3 of title 14, United States Code, is amended—

(A) by striking the item relating to section 47 and inserting the following:

“47. Vice Commandant; appointment.”;

(B) by striking the item relating to section 50 and inserting the following:

“50. Vice admirals.”;

(C) by striking the item relating to section 50a; and

(D) by striking the item relating to section 52 and inserting the following:

“52. Vice admirals and admirals, continuity of grade.”

(j) TECHNICAL CORRECTION.—Section 47 of title 14, United States Code, is further amended in the fifth sentence by striking “subsection” and inserting “section”.

Subtitle B—Marine Safety Administration

SEC. 721. MARINE SAFETY.

(a) ESTABLISH MARINE SAFETY AS A COAST GUARD FUNCTION.—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following new section:

“§ 101. Marine safety

“To protect life, property, and the environment on, under, and over waters subject to the jurisdiction of the United States and on vessels subject to the jurisdiction of the United States, the Commandant shall promote maritime safety as follows:

“(1) By taking actions necessary and in the public interest to protect such life, property, and the environment.

“(2) Based on the following priorities:

“(A) Preventing marine casualties and threats to the environment.

“(B) Minimizing the impacts of marine casualties and environmental threats.

“(C) Maximizing lives and property saved and environment protected in the event of a marine casualty.”

(b) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end the following new item:

“101. Marine safety.”.

SEC. 722. MARINE SAFETY STAFF.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following new sections:

“§ 57. Marine safety workforce

“(a) DESIGNATION OF MARINE SAFETY WORKFORCE.—

“(1) IN GENERAL.—The Secretary, acting through the Commandant, shall designate those positions in the Coast Guard that constitute the marine safety workforce.

“(2) REQUIRED POSITIONS.—In designating positions under paragraph (1), the Secretary shall include, at a minimum, the following marine safety-related positions:

“(A) Program oversight.

“(B) Vessel and facility inspection.

“(C) Casualty investigation.

“(D) Pollution investigation.

“(E) Merchant Mariner licensing, documentation, and registry.

“(F) Marine safety engineering or other technical activities.

“(3) MARINE SAFETY MANAGEMENT HEADQUARTER ACTIVITIES.—The Secretary shall also designate under paragraph (1) those marine safety-related positions located at Coast Guard headquarters units, including the Marine Safety Center and the National Maritime Center.

“(b) CAREER PATHS.—The Secretary, acting through the Commandant, shall ensure that appropriate career paths for civilian and military Coast Guard personnel who wish to pursue careers in marine safety are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and members of the Armed Forces to the most senior marine safety positions. The Secretary shall make available published information on such career paths.

“(c) QUALIFICATIONS.—With regard to the marine safety workforce, an officer, member, or civilian employee of the Coast Guard assigned as a—

“(1) marine inspector shall have the training, experience, and qualifications equivalent to that required for a similar position at a classification society recognized by the Secretary under section 3316 of title 46 for the type of vessel, system, or equipment that is inspected;

“(2) marine casualty investigator shall have training, experience, and qualifications in investigation, marine casualty reconstruction, evidence collection and preservation, human factors, and documentation using best investigation practices by Federal and non-Federal entities; or

“(3) marine safety engineer shall have knowledge, skill, and practical experience in—

“(A) the construction and operation of commercial vessels;

“(B) judging the character, strength, stability, and safety qualities of such vessels and their equipment; or

“(C) the qualifications and training of vessel personnel.

“(d) APPRENTICESHIP REQUIREMENT.—Any officer, member, or employee of the Coast Guard in training to become a marine inspector, marine casualty investigator, or a marine safety engineer shall serve a minimum of one-year apprenticeship, unless otherwise directed by the Commandant, under the guidance of a qualified marine inspector, marine casualty investigator, or marine safety engineer. The Commandant may authorize shorter apprenticeship periods for certain qualifications, as appropriate.

“(e) BALANCED WORKFORCE POLICY.—In the development of marine safety workforce policies under this section with respect to any civilian employees or applicants for employment with the Coast Guard, the Secretary shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5,

take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

“(f) **MANAGEMENT INFORMATION SYSTEM.**—The Secretary, acting through the Commandant, shall establish a management information system for the marine safety workforce that shall provide, at a minimum, the following standardized information on persons serving in marine safety positions:

“(1) Qualifications, assignment history, and tenure in assignments of persons in the marine safety workforce.

“(2) Promotion rates for military and civilian personnel in the marine safety workforce.

“(g) **ASSESSMENT OF ADEQUACY OF MARINE SAFETY WORKFORCE.**—

“(1) **REPORT.**—The Secretary, acting through the Commandant, shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate by December 1 of each year on the adequacy of the current marine safety workforce to meet that anticipated workload.

“(2) **CONTENTS.**—The report shall specify the number of civilian and military Coast Guard personnel currently assigned to marine safety positions and shall identify positions that are understaffed to meet the anticipated marine safety workload.

“(h) **SECTOR CHIEF OF MARINE SAFETY.**—

“(1) **IN GENERAL.**—There shall be in each Coast Guard sector a Chief of Marine Safety who shall be at least a Lieutenant Commander or civilian employee within the grade GS-13 of the General Schedule, and who shall be a—

“(A) marine inspector, qualified to inspect vessels, vessel systems, and equipment commonly found in the sector; and

“(B) qualified marine casualty investigator.

“(2) **FUNCTIONS.**—The Chief of Marine Safety for a sector—

“(A) is responsible for all individuals who, on behalf of the Coast Guard, inspect or examine vessels, conduct marine casualty investigations; and

“(B) if not the Coast Guard officer in command of that sector, is the principal advisor to the Sector Commander regarding marine safety matters in that sector.

“(i) **SIGNATORIES OF LETTER OF QUALIFICATION.**—Each individual signing a letter of qualification for marine safety personnel must hold a letter of qualification for the type being certified.

“§58. Centers of Expertise for Marine Safety

“(a) **ESTABLISHMENT.**—The Commandant of the Coast Guard may establish and operate one or more Centers of Expertise for Marine Safety (in this section referred to as a ‘Center’).

“(b) **MISSIONS.**—The Centers shall—

“(1) be used to provide and facilitate education, training, and research in marine safety including vessel inspection and causality investigation;

“(2) develop a repository of information on marine safety; and

“(3) perform any other missions as the Commandant may specify.

“(c) **JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.**—The Commandant may enter into an agreement with an appropriate official of an institution of higher education to—

“(1) provide for joint operation of a Center; and

“(2) provide necessary administrative services for a Center, including administration and allocation of funds.

“(d) **ACCEPTANCE OF DONATIONS.**—(1) Except as provided in paragraph (2), the Commandant may accept, on behalf of a Center, donations to

be used to defray the costs of the Center or to enhance the operation of the Center. Those donations may be accepted from any State or local government, any foreign government, any foundation or other charitable organization (including any that is organized or operates under the laws of a foreign country), or any individual.

“(2) The Commandant may not accept a donation under paragraph (1) if the acceptance of the donation would compromise or appear to compromise—

“(A) the ability of the Coast Guard or the department in which the Coast Guard is operating, any employee of the Coast Guard or the department, or any member of the Armed Forces to carry out any responsibility or duty in a fair and objective manner; or

“(B) the integrity of any program of the Coast Guard, the department in which the Coast Guard is operating, or of any person involved in such a program.

“(3) The Commandant shall prescribe written guidance setting forth the criteria to be used in determining whether or not the acceptance of a donation from a foreign source would have a result described in paragraph (2).

“§59. Marine industry training program

“(a) **IN GENERAL.**—The Commandant shall, by policy, establish a program under which an officer, member, or employee of the Coast Guard may be assigned to a private entity to further the institutional interests of the Coast Guard with regard to marine safety, including for the purpose of providing training to an officer, member, or employee. Policies to carry out the program—

“(1) with regard to an employee of the Coast Guard, shall include provisions, consistent with sections 3702 through 3704 of title 5, as to matters concerning—

“(A) the duration and termination of assignments;

“(B) reimbursements; and

“(C) status, entitlements, benefits, and obligations of program participants; and

“(2) shall require the Commandant, before approving the assignment of an officer, member, or employee of the Coast Guard to a private entity, to determine that the assignment is an effective use of the Coast Guard’s funds, taking into account the best interests of the Coast Guard and the costs and benefits of alternative methods of achieving the same results and objectives.

“(b) **ANNUAL REPORT.**—Not later than the date of the submission each year of the President’s budget request under section 1105 of title 31, the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that describes—

“(1) the number of officers, members, and employees of the Coast Guard assigned to private entities under this section; and

“(2) the specific benefit that accrues to the Coast Guard for each assignment.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is further amended by adding at the end the following new items:

“57. Marine safety workforce.

“58. Centers of Expertise for Marine Safety.

“59. Marine industry training program.”.

SEC. 723. MARINE SAFETY MISSION PRIORITIES AND LONG-TERM GOALS.

(a) **IN GENERAL.**—Chapter 21 of title 46, United States Code, is amended by adding at the end the following new section:

“§2116. Marine safety strategy, goals, and performance assessments

“(a) **LONG-TERM STRATEGY AND GOALS.**—In conjunction with existing federally required strategic planning efforts, the Secretary shall

develop a long-term strategy for improving vessel safety and the safety of individuals on vessels. The strategy shall include the issuance each year of an annual plan and schedule for achieving the following goals:

“(1) Reducing the number and rates of marine casualties.

“(2) Improving the consistency and effectiveness of vessel and operator enforcement and compliance programs.

“(3) Identifying and targeting enforcement efforts at high-risk vessels and operators.

“(4) Improving research efforts to enhance and promote vessel and operator safety and performance.

“(b) **CONTENTS OF STRATEGY AND ANNUAL PLANS.**—

“(1) **MEASURABLE GOALS.**—The strategy and annual plans shall include specific numeric or measurable goals designed to achieve the goals set forth in subsection (a). The purposes of the numeric or measurable goals are the following:

“(A) To increase the number of safety examinations on all high-risk vessels.

“(B) To eliminate the backlog of marine safety-related rulemakings.

“(C) To improve the quality and effectiveness of marine safety information databases by ensuring that all Coast Guard personnel accurately and effectively report all safety, casualty, and injury information.

“(D) To provide for a sufficient number of Coast Guard marine safety personnel, and provide adequate facilities and equipment to carry out the functions referred to in section 93(c).

“(2) **RESOURCE NEEDS.**—The strategy and annual plans shall include estimates of—

“(A) the funds and staff resources needed to accomplish each activity included in the strategy and plans; and

“(B) the staff skills and training needed for timely and effective accomplishment of each goal.

“(c) **SUBMISSION WITH THE PRESIDENT’S BUDGET.**—Beginning with fiscal year 2011 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan not later than 60 days following the transmission of the President’s budget submission under section 1105 of title 31.

“(d) **ACHIEVEMENT OF GOALS.**—

“(1) **PROGRESS ASSESSMENT.**—No less frequently than semiannually, the Coast Guard Commandant and the Assistant Commandant for Marine Safety shall jointly assess the progress of the Coast Guard toward achieving the goals set forth in subsection (b). The Commandant and the Assistant Commandant shall jointly convey their assessment to the employees of the Assistant Commandant and shall identify any deficiencies that should be remedied before the next progress assessment.

“(2) **REPORT TO CONGRESS.**—The Secretary shall report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(A) on the performance of the marine safety program in achieving the goals of the marine safety strategy and annual plan under subsection (a) for the year covered by the report;

“(B) on the program’s mission performance in achieving numerical measurable goals established under subsection (b); and

“(C) recommendations on how to improve performance of the program.”.

(b) **CLERICAL AMENDMENT.**—The analysis for such chapter is amended by adding at the end the following new item:

“2116. Marine safety strategy, goals, and performance assessments.”.

(c) **CERTIFICATES OF INSPECTION.**—Section 3309 of title 46, United States Code, is amended by adding at the end the following:

“(d) A certificate of inspection issued under this section shall be signed by the senior Coast Guard member or civilian employee who inspected the vessel, in addition to the officer in charge of marine inspection.”.

SEC. 724. POWERS AND DUTIES.

Section 93 of title 14, United States Code, is amended by adding at the end the following new subsections:

“(c) **MARINE SAFETY RESPONSIBILITIES.**—In exercising the Commandant's duties and responsibilities with regard to marine safety, the individual with the highest rank who meets the experience qualifications set forth in section 50(a)(4) shall serve as the principal advisor to the Commandant regarding—

“(1) the operation, regulation, inspection, identification, manning, and measurement of vessels, including plan approval and the application of load lines;

“(2) approval of materials, equipment, appliances, and associated equipment;

“(3) the reporting and investigation of marine casualties and accidents;

“(4) the licensing, certification, documentation, protection and relief of merchant seamen;

“(5) suspension and revocation of licenses and certificates;

“(6) enforcement of manning requirements, citizenship requirements, control of log books;

“(7) documentation and numbering of vessels;

“(8) State boating safety programs;

“(9) commercial instruments and maritime liens;

“(10) the administration of bridge safety;

“(11) administration of the navigation rules;

“(12) the prevention of pollution from vessels;

“(13) ports and waterways safety;

“(14) waterways management; including regulation for regattas and marine parades;

“(15) aids to navigation; and

“(16) other duties and powers of the Secretary related to marine safety and stewardship.

“(d) **OTHER AUTHORITY NOT AFFECTED.**—Nothing in subsection (c) affects—

“(1) the authority of Coast Guard officers and members to enforce marine safety regulations using authority under section 89 of this title; or

“(2) the exercise of authority under section 91 of this title and the provisions of law codified at sections 191 through 195 of title 50 on the date of enactment of this paragraph.”.

SEC. 725. APPEALS AND WAIVERS.

(a) **IN GENERAL.**—Chapter 5 of title 14, United States Code, is further amended by inserting at the end the following new section:

“§ 102. Appeals and waivers

“Except for the Commandant of the Coast Guard, any individual adjudicating an appeal or waiver of a decision regarding marine safety, including inspection or manning and threats to the environment, shall—

“(1) be a qualified specialist with the training, experience, and qualifications in marine safety to effectively judge the facts and circumstances involved in the appeal and make a judgment regarding the merits of the appeal; or

“(2) have a senior staff member who—

“(A) meets the requirements of paragraph (1);

“(B) actively advises the individual adjudicating the appeal; and

“(C) concurs in writing on the decision on appeal.”.

(b) **CLERICAL AMENDMENT.**—The analysis for such chapter is further amended by adding at the end the following new item:

“102. Appeals and waivers.”.

SEC. 726. COAST GUARD ACADEMY.

(a) **IN GENERAL.**—Chapter 9 of title 14, United States Code, is further amended by adding at the end the following new section:

“§ 200. Marine safety curriculum

“The Commandant of the Coast Guard shall ensure that professional courses of study in ma-

rine safety are provided at the Coast Guard Academy, and during other officer accession programs, to give Coast Guard cadets and other officer candidates a background and understanding of the marine safety program. These courses may include such topics as program history, vessel design and construction, vessel inspection, casualty investigation, and administrative law and regulations.”.

(b) **CLERICAL AMENDMENT.**—The analysis for such chapter is further amended by adding at the end the following new item:

“200. Marine safety curriculum.”.

SEC. 727. REPORT REGARDING CIVILIAN MARINE INSPECTORS.

Not later than one year after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on Coast Guard's efforts to recruit and retain civilian marine inspectors and investigators and the impact of such recruitment and retention efforts on Coast Guard organizational performance.

TITLE VIII—MARINE SAFETY

SEC. 801. SHORT TITLE.

This title may be cited as the “Maritime Safety Act of 2009”.

SEC. 802. VESSEL SIZE LIMITS.

(a) **LENGTH, TONNAGE, AND HORSEPOWER.**—Section 12113(d)(2) of title 46, United States Code, is amended—

(1) by inserting “and” after the semicolon at the end of subparagraph (A)(i);

(2) by striking “and” at the end of subparagraph (A)(ii);

(3) by striking subparagraph (A)(iii);

(4) by striking the period at the end of subparagraph (B) and inserting “; or”; and

(5) by inserting at the end the following:

“(C) the vessel is either a rebuilt vessel or a replacement vessel under section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627) and is eligible for a fishery endorsement under this section.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **VESSEL REBUILDING AND REPLACEMENT.**—Section 208(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–627) is amended to read as follows:

“(g) **VESSEL REBUILDING AND REPLACEMENT.**—

“(1) **IN GENERAL.**—

“(A) **REBUILD OR REPLACE.**—Notwithstanding any limitation to the contrary on replacing, rebuilding, or lengthening vessels or transferring permits or licenses to a replacement vessel contained in sections 679.2 and 679.4 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Maritime Safety Act of 2009 and except as provided in paragraph (4), the owner of a vessel eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)), in order to improve vessel safety and operational efficiencies (including fuel efficiency), may rebuild or replace that vessel (including fuel efficiency) with a vessel documented with a fishery endorsement under section 12113 of title 46, United States Code.

“(B) **SAME REQUIREMENTS.**—The rebuilt or replacement vessel shall be eligible in the same manner and subject to the same restrictions and limitations under such subsection as the vessel being rebuilt or replaced.

“(C) **TRANSFER OF PERMITS AND LICENSES.**—Each fishing permit and license held by the owner of a vessel or vessels to be rebuilt or replaced under subparagraph (A) shall be transferred to the rebuilt or replacement vessel.

“(2) **RECOMMENDATIONS OF NORTH PACIFIC FISHERY MANAGEMENT COUNCIL.**—The North Pa-

cific Fishery Management Council may recommend for approval by the Secretary such conservation and management measures, including size limits and measures to control fishing capacity, in accordance with the Magnuson-Stevens Act as it considers necessary to ensure that this subsection does not diminish the effectiveness of fishery management plans of the Bering Sea and Aleutian Islands Management Area or the Gulf of Alaska.

“(3) **SPECIAL RULE FOR REPLACEMENT OF CERTAIN VESSELS.**—

“(A) **IN GENERAL.**—Notwithstanding the requirements of subsections (b)(2), (c)(1), and (c)(2) of section 12113 of title 46, United States Code, a vessel that is eligible under subsection (a), (b), (c), (d), or (e) (other than paragraph (21)) and that qualifies to be documented with a fishery endorsement pursuant to section 203(g) or 213(g) may be replaced with a replacement vessel under paragraph (1) if the vessel that is replaced is validly documented with a fishery endorsement pursuant to section 203(g) or 213(g) before the replacement vessel is documented with a fishery endorsement under section 12113 of title 46, United States Code.

“(B) **APPLICABILITY.**—A replacement vessel under subparagraph (A) and its owner and mortgagee are subject to the same limitations under section 203(g) or 213(g) that are applicable to the vessel that has been replaced and its owner and mortgagee.

“(4) **SPECIAL RULES FOR CERTAIN CATCHER VESSELS.**—

“(A) **IN GENERAL.**—A replacement for a covered vessel described in subparagraph (B) is prohibited from harvesting fish in any fishery (except for the Pacific whiting fishery) managed under the authority of any Regional Fishery Management Council (other than the North Pacific Fishery Management Council) established under section 302(a) of the Magnuson-Stevens Act.

“(B) **COVERED VESSELS.**—A covered vessel referred to in subparagraph (A) is—

“(i) a vessel eligible under subsection (a), (b), or (c) that is replaced under paragraph (1); or

“(ii) a vessel eligible under subsection (a), (b), or (c) that is rebuilt to increase its registered length, gross tonnage, or shaft horsepower.

“(5) **LIMITATION ON FISHERY ENDORSEMENTS.**—Any vessel that is replaced under this subsection shall thereafter not be eligible for a fishery endorsement under section 12113 of title 46, United States Code, unless that vessel is also a replacement vessel described in paragraph (1).

“(6) **GULF OF ALASKA LIMITATION.**—Notwithstanding paragraph (1), the Secretary shall prohibit from participation in the groundfish fisheries of the Gulf of Alaska any vessel that is rebuilt or replaced under this subsection and that exceeds the maximum length overall specified on the license that authorizes fishing for groundfish pursuant to the license limitation program under part 679 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Maritime Safety Act of 2009.

“(7) **AUTHORITY OF PACIFIC COUNCIL.**—Nothing in this section shall be construed to diminish or otherwise affect the authority of the Pacific Council to recommend to the Secretary conservation and management measures to protect fisheries under its jurisdiction (including the Pacific whiting fishery) and participants in such fisheries from adverse impacts caused by this Act.”.

(2) **EXEMPTION OF CERTAIN VESSELS.**—Section 203(g) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–620) is amended—

(A) by inserting “and” after “(United States official number 651041)”;

(B) by striking “, NORTHERN TRAVELER (United States official number 635986), and

NORTHERN VOYAGER (United States official number 637398) (or a replacement vessel for the NORTHERN VOYAGER that complies with paragraphs (2), (5), and (6) of section 208(g) of this Act”); and

(C) by striking “, in the case of the NORTHERN” and all that follows through “PHOENIX.”

(3) FISHERY COOPERATIVE EXIT PROVISIONS.—Section 210(b) of the American Fisheries Act (title II of division C of Public Law 105–277; 112 Stat. 2681–629) is amended—

(A) by moving the matter beginning with “the Secretary shall” in paragraph (1) 2 ems to the right; and

(B) by adding at the end the following:

“(7) FISHERY COOPERATIVE EXIT PROVISIONS.—

“(A) FISHING ALLOWANCE DETERMINATION.—For purposes of determining the aggregate percentage of directed fishing allowances under paragraph (1), when a catcher vessel is removed from the directed pollock fishery, the fishery allowance for pollock for the vessel being removed—

“(i) shall be based on the catch history determination for the vessel made pursuant to section 679.62 of title 50, Code of Federal Regulations, as in effect on the date of enactment of the Maritime Safety Act of 2009; and

“(ii) shall be assigned, for all purposes under this title, in the manner specified by the owner of the vessel being removed to any other catcher vessel or among other catcher vessels participating in the fishery cooperative if such vessel or vessels remain in the fishery cooperative for at least one year after the date on which the vessel being removed leaves the directed pollock fishery.

“(B) ELIGIBILITY FOR FISHERY ENDORSEMENT.—Except as provided in subparagraph (C), a vessel that is removed pursuant to this paragraph shall be permanently ineligible for a fishery endorsement, and any claim (including relating to catch history) associated with such vessel that could qualify any owner of such vessel for any permit to participate in any fishery within the exclusive economic zone of the United States shall be extinguished, unless such removed vessel is thereafter designated to replace a vessel to be removed pursuant to this paragraph.

“(C) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this paragraph shall be construed—

“(i) to make the vessels AJ (United States official number 905625), DONA MARTITA (United States official number 651751), NORDIC EXPLORER (United States official number 678234), and PROVIDIAN (United States official number 1062183) ineligible for a fishery endorsement or any permit necessary to participate in any fishery under the authority of the New England Fishery Management Council or the Mid-Atlantic Fishery Management Council established, respectively, under subparagraphs (A) and (B) of section 302(a)(1) of the Magnuson-Stevens Act; or

“(ii) to allow the vessels referred to in clause (i) to participate in any fishery under the authority of the Councils referred to in clause (i) in any manner that is not consistent with the fishery management plan for the fishery developed by the Councils under section 303 of the Magnuson-Stevens Act.”

SEC. 803. COLD WEATHER SURVIVAL TRAINING.

The Commandant of the Coast Guard shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the efficacy of cold weather survival training conducted by the Coast Guard in Coast Guard District 17 over the preceding 5 years. The report shall include plans for conducting such training in fiscal years 2010 through 2013.

SEC. 804. FISHING VESSEL SAFETY.

(a) SAFETY STANDARDS.—Section 4502 of title 46, United States Code, is amended—

(1) in subsection (a), by—

(A) striking paragraphs (6) and (7) and inserting the following:

“(6) other equipment required to minimize the risk of injury to the crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment; and”; and

(B) redesignating paragraph (8) as paragraph (7);

(2) in subsection (b)—

(A) in paragraph (1) in the matter preceding subparagraph (A), by striking “documented”; and

(B) in paragraph (1)(A), by striking “the Boundary Line” and inserting “3 nautical miles from the baseline from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes”;

(C) in paragraph (2)(B), by striking “lifeboats or liferafts” and inserting “a survival craft that ensures that no part of an individual is immersed in water”; and

(D) in paragraph (2)(D), by inserting “marine” before “radio”;

(E) in paragraph (2)(E), by striking “radar reflectors, nautical charts, and anchors” and inserting “nautical charts, and publications”; and

(F) in paragraph (2)(F), by striking “, including medicine chests” and inserting “and medical supplies sufficient for the size and area of operation of the vessel” and

(G) by amending paragraph (2)(G) to read as follows:

“(G) ground tackle sufficient for the vessel.”;

(3) by amending subsection (f) to read as follows:

“(f) To ensure compliance with the requirements of this chapter, the Secretary—

“(1) shall require the individual in charge of a vessel described in subsection (b) to keep a record of equipment maintenance, and required instruction and drills; and

“(2) shall examine at dockside a vessel described in subsection (b) at least once every 2 years, and shall issue a certificate of compliance to a vessel meeting the requirements of this chapter.”; and

(4) by adding at the end the following:

“(g)(1) The individual in charge of a vessel described in subsection (b) must pass a training program approved by the Secretary that meets the requirements in paragraph (2) of this subsection and hold a valid certificate issued under that program.

“(2) The training program shall—

“(A) be based on professional knowledge and skill obtained through sea service and hands-on training, including training in seamanship, stability, collision prevention, navigation, fire fighting and prevention, damage control, personal survival, emergency medical care, emergency drills, and weather;

“(B) require an individual to demonstrate ability to communicate in an emergency situation and understand information found in navigation publications;

“(C) recognize and give credit for recent past experience in fishing vessel operation; and

“(D) provide for issuance of a certificate to an individual that has successfully completed the program.

“(3) The Secretary shall prescribe regulations implementing this subsection. The regulations shall require that individuals who are issued a certificate under paragraph (2)(D) must complete refresher training at least once every 5 years as a condition of maintaining the validity of the certificate.

“(4) The Secretary shall establish a publicly accessible electronic database listing the names

of individuals who have participated in and received a certificate confirming successful completion of a training program approved by the Secretary under this section.

“(h) A vessel to which this chapter applies shall be constructed in a manner that provides a level of safety equivalent to the minimum safety standards the Secretary may establish for recreational vessels under section 4302, if—

“(1) subsection (b) of this section applies to the vessel;

“(2) the vessel is less than 50 feet overall in length; and

“(3) the vessel is built after January 1, 2010.

“(i)(1) The Secretary shall establish a Fishing Safety Training Grants Program to provide funding to municipalities, port authorities, other appropriate public entities, not-for-profit organizations, and other qualified persons that provide commercial fishing safety training—

“(A) to conduct fishing vessel safety training for vessel operators and crewmembers that—

“(i) in the case of vessel operators, meets the requirements of subsection (g); and

“(ii) in the case of crewmembers, meets the requirements of subsection (g)(2)(A), such requirements of subsection (g)(2)(B) as are appropriate for crewmembers, and the requirements of subsections (g)(2)(D), (g)(3), and (g)(4); and

“(B) for purchase of safety equipment and training aids for use in those fishing vessel safety training programs.

“(2) The Secretary shall award grants under this subsection on a competitive basis.

“(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

“(4) There is authorized to be appropriated \$3,000,000 for each of fiscal years 2010 through 2014 for grants under this subsection.

“(j)(1) The Secretary shall establish a Fishing Safety Research Grant Program to provide funding to individuals in academia, members of non-profit organizations and businesses involved in fishing and maritime matters, and other persons with expertise in fishing safety, to conduct research on methods of improving the safety of the commercial fishing industry, including vessel design, emergency and survival equipment, enhancement of vessel monitoring systems, communications devices, de-icing technology, and severe weather detection.

“(2) The Secretary shall award grants under this subsection on a competitive basis.

“(3) The Federal share of the cost of any activity carried out with a grant under this subsection shall not exceed 75 percent.

“(4) There is authorized to be appropriated \$3,000,000 for each fiscal years 2010 through 2014 for activities under this subsection.”

(b) CONFORMING AMENDMENT.—Section 4506(b) of title 46, United States Code, is repealed.

(c) ADVISORY COMMITTEE.—

(1) CHANGE OF NAME.—Section 4508 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

“§4508. Commercial Fishing Safety Advisory Committee”;

and

(B) in subsection (a) by striking “Industry Vessel”.

(2) MEMBERSHIP REQUIREMENTS.—Section 4508(b)(1) of that title is amended—

(A) by striking “seventeen” and inserting “eighteen”;

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking “from the commercial fishing industry who—” and inserting “who shall represent the commercial fishing industry and who—”; and

(ii) in clause (ii), by striking “an uninspected” and inserting “a”;

(C) by striking subparagraph (B) and inserting the following:

“(B) three members who shall represent the general public, including, whenever possible—

“(i) an independent expert or consultant in maritime safety;

“(ii) a marine surveyor who provides services to vessels to which this chapter applies; and

“(iii) a person familiar with issues affecting fishing communities and families of fishermen;”;

and

(D) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking “representing each of—”

and inserting “each of whom shall represent—”;

(ii) in clause (i), by striking “or marine surveyors;” and inserting “and marine engineers;”;

(iii) in clause (iii), by striking “and” after the semicolon at the end;

(iv) in clause (iv), by striking the period at the end and inserting “; and”; and

(v) by adding at the end the following new clause:

“(v) owners of vessels to which this chapter applies.”.

(3) **TERMINATION.**—Section 4508(e)(1) of that title is amended by striking “September 30, 2010,” and inserting “September 30, 2020.”.

(4) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

“4508. Commercial Fishing Safety Advisory Committee.”.

(d) **LOADLINES FOR VESSELS 79 FEET OR GREATER IN LENGTH.**—Section 5102(b)(3) of title 46, United States Code, is amended by inserting after “vessel” the following “, unless the vessel is built or undergoes a major conversion completed after July 1, 2010”.

(e) **CLASSING OF VESSELS.**—

(1) **IN GENERAL.**—Section 4503 of title 46, United States Code, is amended—

(A) by striking the section heading and inserting the following:

“§4503. Fishing, fish tender, and fish processing vessel certification”;

(B) in subsection (a) by striking “fish processing”; and

(C) by adding at the end the following:

“(c) This section applies to a vessel to which section 4502(b) of this title applies that is at least 50 feet overall in length and—

“(1) is built after July 1, 2010; or

“(2) undergoes a major conversion completed after that date.

“(d)(1) After January 1, 2020, a fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies shall comply with an alternate safety compliance program that is developed in cooperation with the commercial fishing industry and prescribed by the Secretary, if the vessel—

“(A) is at least 50 feet overall in length;

“(B) is built before July 1, 2010; and

“(C) is 25 years of age or older.

“(2) Alternative safety compliance programs may be developed for purposes of paragraph (1) for specific regions and fisheries.

“(3) A fishing vessel, fish processing vessel, or fish tender vessel to which section 4502(b) of this title applies that was classed before July 1, 2010, shall—

“(A) remain subject to the requirements of a classification society approved by the Secretary; and

“(B) have on board a certificate from that society.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 45 of title 46, United States Code, is amended by striking the item relating to such section and inserting the following:

“4503. Fishing, fish tender, and fish processing vessel certification.”.

(f) **ALTERNATIVE SAFETY COMPLIANCE PROGRAM.**—No later than January 1, 2017, the Secretary of the department in which the Coast Guard is operating shall prescribe an alternative safety compliance program referred to in section 4503(d) of the title 46, United States Code, as amended by this section.

SEC. 805. MARINER RECORDS.

Section 7502 of title 46, United States Code, is amended—

(1) by inserting “(a)” before “The”;;

(2) by striking “computerized records” and inserting “records, including electronic records,”; and

(3) by adding at the end the following:

“(b) The Secretary may prescribe regulations requiring a vessel owner or managing operator of a commercial vessel, or the employer of a seaman on that vessel, to maintain records of each individual engaged on the vessel on matters of engagement, discharge, and service for not less than 5 years after the date of the completion of the service of that individual on the vessel. The regulations may require that a vessel owner, managing operator, or employer shall make these records available to the individual and the Coast Guard on request.

“(c) A person violating this section, or a regulation prescribed under this section, is liable to the United States Government for a civil penalty of not more than \$5,000.”.

SEC. 806. DELETION OF EXEMPTION OF LICENSE REQUIREMENT FOR OPERATORS OF CERTAIN TOWING VESSELS.

Section 8905 of title 46, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

SEC. 807. LOG BOOKS.

(a) **IN GENERAL.**—Chapter 113 of title 46, United States Code, is amended by adding at the end the following:

“§11304. Additional logbook and entry requirements

“(a) A vessel of the United States that is subject to inspection under section 3301 of this title, except a vessel on a voyage from a port in the United States to a port in Canada, shall have an official logbook, which shall be kept available for review by the Secretary on request.

“(b) The log book required by subsection (a) shall include the following entries:

“(1) The time when each seaman and each officer assumed or relieved the watch.

“(2) The number of hours in service to the vessels of each seaman and each officer.

“(3) An account of each accident, illness, and injury that occurs during each watch.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following:

“11304. Additional logbook and entry requirements.”.

SEC. 808. SAFE OPERATIONS AND EQUIPMENT STANDARDS.

(a) **IN GENERAL.**—Chapter 21 of title 46, United States Code, is further amended by adding at the end the following new sections:

“§2117. Termination for unsafe operation

“An individual authorized to enforce this title—

“(1) may remove a certificate required by this title from a vessel that is operating in a condition that does not comply with the provisions of the certificate;

“(2) may order the individual in charge of a vessel that is operating that does not have on board the certificate required by this title to return the vessel to a mooring and to remain there until the vessel is in compliance with this title; and

“(3) may direct the individual in charge of a vessel to which this title applies to immediately

take reasonable steps necessary for the safety of individuals on board the vessel if the official observes the vessel being operated in an unsafe condition that the official believes creates an especially hazardous condition, including ordering the individual in charge to return the vessel to a mooring and to remain there until the situation creating the hazard is corrected or ended.

“§2118. Establishment of equipment standards

“(a) In establishing standards for approved equipment required on vessels subject to part B of this title, the Secretary shall establish standards that are—

“(1) based on performance using the best available technology that is economically achievable; and

“(2) operationally practical.

“(b) Using the standards established under subsection (a), the Secretary may also certify lifesaving equipment that is not required to be carried on vessels subject to part B of this title to ensure that such equipment is suitable for its intended purpose.

“(c) At least once every 10 years the Secretary shall review and revise the standards established under subsection (a) to ensure that the standards meet the requirements of this section.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is further amended by adding at the end the following:

“2117. Termination for unsafe operation.

“2118. Establishment of equipment standards.”.

SEC. 809. APPROVAL OF SURVIVAL CRAFT.

(a) **IN GENERAL.**—Chapter 31 of title 46, United States Code, is amended by adding at the end the following new section:

“§3104. Survival craft

“(a) Except as provided in subsection (b), the Secretary may not approve a survival craft as a safety device for purposes of this part, unless the craft ensures that no part of an individual is immersed in water.

“(b) The Secretary may authorize a survival craft that does not provide protection described in subsection (a) to remain in service until not later than January 1, 2015, if—

“(1) it was approved by the Secretary before January 1, 2010; and

“(2) it is in serviceable condition.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following:

“3104. Survival craft.”.

SEC. 810. SAFETY MANAGEMENT.

(a) **VESSELS TO WHICH REQUIREMENTS APPLY.**—Section 3202 of title 46, United States Code, is amended—

(1) in subsection (a) by striking the heading and inserting “FOREIGN VOYAGES AND FOREIGN VESSELS.—”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

“(b) **OTHER PASSENGER VESSELS.**—This chapter applies to a vessel that is—

“(1) a passenger vessel or small passenger vessel; and

“(2) is transporting more passengers than a number prescribed by the Secretary based on the number of individuals on the vessel that could be killed or injured in a marine casualty.”;

(4) in subsection (d), as so redesignated, by striking “subsection (b)” and inserting “subsection (c)”;

(5) in subsection (d)(4), as so redesignated, by inserting “that is not described in subsection (b) of this section” after “waters”.

(b) **SAFETY MANAGEMENT SYSTEM.**—Section 3203 of title 46, United States Code, is amended

by adding at the end the following new subsection:

“(c) In prescribing regulations for passenger vessels and small passenger vessels, the Secretary shall consider—

“(1) the characteristics, methods of operation, and nature of the service of these vessels; and

“(2) with respect to vessels that are ferries, the sizes of the ferry systems within which the vessels operate.”.

SEC. 811. PROTECTION AGAINST DISCRIMINATION.

(a) IN GENERAL.—Section 2114 of title 46, United States Code, is amended—

(1) in subsection (a)(1)(A), by striking “or” after the semicolon;

(2) in subsection (a)(1)(B), by striking the period at the end and inserting a semicolon;

(3) by adding at the end of subsection (a)(1) the following new subparagraphs:

“(C) the seaman testified in a proceeding brought to enforce a maritime safety law or regulation prescribed under that law;

“(D) the seaman notified, or attempted to notify, the vessel owner or the Secretary of a work-related personal injury or work-related illness of a seaman;

“(E) the seaman cooperated with a safety investigation by the Secretary or the National Transportation Safety Board;

“(F) the seaman furnished information to the Secretary, the National Transportation Safety Board, or any other public official as to the facts relating to any marine casualty resulting in injury or death to an individual or damage to property occurring in connection with vessel transportation; or

“(G) the seaman accurately reported hours of duty under this part.”; and

(4) by amending subsection (b) to read as follows:

“(b) A seaman alleging discharge or discrimination in violation of subsection (a) of this section, or another person at the seaman’s request, may file a complaint with respect to such allegation in the same manner as a complaint may be filed under subsection (b) of section 31105 of title 49. Such complaint shall be subject to the procedures, requirements, and rights described in that section, including with respect to the right to file an objection, the right of a person to file for a petition for review under subsection (c) of that section, and the requirement to bring a civil action under subsection (d) of that section.”.

(b) EXISTING ACTIONS.—This section shall not affect the application of section 2114(b) of title 46, United States Code, as in effect before the date of enactment of this Act, to an action filed under that section before that date.

SEC. 812. OIL FUEL TANK PROTECTION.

Section 3306 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(k)(1) Each vessel of the United States that is constructed under a contract entered into after the date of enactment of the Maritime Safety Act of 2009, or that is delivered after January 1, 2011, with an aggregate capacity of 600 cubic meters or more of oil fuel, shall comply with the requirements of Regulation 12A under Annex I to the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, entitled ‘Oil Fuel Tank Protection’.

“(2) The Secretary may prescribe regulations to apply the requirements described in Regulation 12A to vessels described in paragraph (1) that are not otherwise subject to that convention. Any such regulation shall be considered to be an interpretive rule for the purposes of section 553 of title 5.

“(3) In this subsection the term ‘oil fuel’ means any oil used as fuel in connection with the propulsion and auxiliary machinery of the vessel in which such oil is carried.”.

SEC. 813. OATHS.

Sections 7105 and 7305 of title 46, United States Code, and the items relating to such sections in the analysis for chapters 71 and 73 of such title, are repealed.

SEC. 814. DURATION OF CREDENTIALS.

(a) MERCHANT MARINER’S DOCUMENTS.—Section 7302(f) of title 46, United States Code, is amended to read as follows:

“(f) PERIODS OF VALIDITY AND RENEWAL OF MERCHANT MARINERS’ DOCUMENTS.—

“(1) IN GENERAL.—Except as provided in subsection (g), a merchant mariner’s document issued under this chapter is valid for a 5-year period and may be renewed for additional 5-year periods.

“(2) ADVANCE RENEWALS.—A renewed merchant mariner’s document may be issued under this chapter up to 8 months in advance but is not effective until the date that the previously issued merchant mariner’s document expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.”.

(b) DURATION OF LICENSES.—Section 7106 of such title is amended to read as follows:

“§ 7106. Duration of licenses

“(a) IN GENERAL.—A license issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a license issued to a radio officer is conditioned on the continuous possession by the holder of a first-class or second-class radiotelegraph operator license issued by the Federal Communications Commission.

“(b) ADVANCE RENEWALS.—A renewed license issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued license expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.”.

(c) CERTIFICATES OF REGISTRY.—Section 7107 of such title is amended to read as follows:

“§ 7107. Duration of certificates of registry

“(a) IN GENERAL.—A certificate of registry issued under this part is valid for a 5-year period and may be renewed for additional 5-year periods; except that the validity of a certificate issued to a medical doctor or professional nurse is conditioned on the continuous possession by the holder of a license as a medical doctor or registered nurse, respectively, issued by a State.

“(b) ADVANCE RENEWALS.—A renewed certificate of registry issued under this part may be issued up to 8 months in advance but is not effective until the date that the previously issued certificate of registry expires or until the completion of any active suspension or revocation of that previously issued merchant mariner’s document, whichever is later.”.

SEC. 815. FINGERPRINTING.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, is amended by adding at the end the following:

“§ 7507. Fingerprinting

“The Secretary of the Department in which the Coast Guard is operating may not require an individual to be fingerprinted for the issuance or renewal of a license, a certificate of registry, or a merchant mariner’s document under chapter 71 or 73 if the individual was fingerprinted when the individual applied for a transportation security card under section 70105.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by adding at the end the following:

“7507. Fingerprinting.”.

SEC. 816. AUTHORIZATION TO EXTEND THE DURATION OF LICENSES, CERTIFICATES OF REGISTRY, AND MERCHANT MARINERS’ DOCUMENTS.

(a) MERCHANT MARINER LICENSES AND DOCUMENTS.—Chapter 75 of title 46, United States Code, as amended by section 815(a) of this title, is further amended by adding at the end the following:

“§ 7508. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents

“(a) LICENSES AND CERTIFICATES OF REGISTRY.—Notwithstanding sections 7106 and 7107, the Secretary of the department in which the Coast Guard is operating may—

“(1) extend for not more than one year an expiring license or certificate of registry issued for an individual under chapter 71 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry or in response to a national emergency or natural disaster, as deemed necessary by the Secretary; or

“(2) issue for not more than five years an expiring license or certificate of registry issued for an individual under chapter 71 for the exclusive purpose of aligning the expiration date of such license or certificate of registry with the expiration date of a merchant mariner’s document.

“(b) MERCHANT MARINER DOCUMENTS.—Notwithstanding section 7302(g), the Secretary may—

“(1) extend for not more than one year an expiring merchant mariner’s document issued for an individual under chapter 71 if the Secretary determines that the extension is required to enable the Coast Guard to eliminate a backlog in processing applications for those licenses or certificates of registry or in response to a national emergency or natural disaster, as deemed necessary by the Secretary; or

“(2) issue for not more than five years an expiring merchant mariner’s document issued for an individual under chapter 71 for the exclusive purpose of aligning the expiration date of such merchant mariner’s document with the expiration date of a merchant mariner’s document.

“(c) MANNER OF EXTENSION.—Any extensions granted under this section may be granted to individual seamen or a specifically identified group of seamen.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter, as amended by section 815(b), is further amended by adding at the end the following:

“7508. Authority to extend the duration of licenses, certificates of registry, and merchant mariner documents.”.

SEC. 817. MERCHANT MARINER DOCUMENTATION.

(a) INTERIM CLEARANCE PROCESS.—Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall develop an interim clearance process for issuance of a merchant mariner document to enable a newly hired seaman to begin working on an offshore supply vessel or towing vessel if the Secretary makes an initial determination that the seaman does not pose a safety and security risk.

(b) CONTENTS OF PROCESS.—The process under subsection (a) shall include a check against the consolidated and integrated terrorist watch list maintained by the Federal Government, review of the seaman’s criminal record, and review of the results of testing the seaman for use of a dangerous drug (as defined in section 2101 of title 46, United States Code) in violation of law or Federal regulation.

SEC. 818. MERCHANT MARINER ASSISTANCE REPORT.

Not later than 180 days after the date of enactment of this Act, the Commandant of the

Coast Guard shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report regarding the feasibility of—

(1) expanding the streamlined evaluation process program that was affiliated with the Houston Regional Examination Center of the Coast Guard to all processing centers of the Coast Guard nationwide;

(2) including proposals to simplify the application process for a license as an officer, staff officer, or operator and for a merchant mariner's document to help eliminate errors by merchant mariners when completing the application form (CG-719B), including instructions attached to the application form and a modified application form for renewals with questions pertaining only to the period of time since the previous application;

(3) providing notice to an applicant of the status of the pending application, including a process to allow the applicant to check on the status of the application by electronic means; and

(4) ensuring that all information collected with respect to applications for new or renewed licenses, merchant mariner documents, and certificates of registry is retained in a secure electronic format.

SEC. 819. OFFSHORE SUPPLY VESSELS.

(a) **DEFINITION.**—Section 2101(19) of title 46, United States Code, is amended by striking “of more than 15 gross tons but less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title”.

(b) **EXEMPTION.**—Section 5209(b)(1) of the Oceans Act of 1992 (Public Law 102-587; 46 U.S.C. 2101 note) is amended by inserting before the period at the end the following: “of less than 500 gross tons as measured under section 14502, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title”.

(c) REMOVAL OF TONNAGE LIMITS.—

(1) **ABLE SEAMEN-OFFSHORE SUPPLY VESSELS.**—Section 7310 of title 46, United States Code, is amended by striking “of less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title”.

(2) **SCALE OF EMPLOYMENT: ABLE SEAMEN.**—Section 7312(d) of title 46, United States Code, is amended by striking “of less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title”.

(d) **WATCHES.**—Section 8104 of title 46, United States Code, is amended—

(1) in subsection (g), by inserting after “offshore supply vessel” the following: “of less than 500 gross tons as measured under section 14502 of this title, or less than 6,000 gross tons as measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title”;

(2) in subsection (d), by inserting “(1)” after “(d)”, and by adding at the end the following: “(2) Paragraph (1) does not apply to an offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title if the individuals engaged on the vessel are in compliance with hours of service requirements (including recording and record-keeping of that service) prescribed by the Secretary.”; and

(3) in subsection (e), by striking “subsection (d)” and inserting “subsection (d)(1)”.

(e) **MINIMUM NUMBER OF LICENSED INDIVIDUALS.**—Section 8301(b) of title 46, United States Code, is amended to read as follows:

“(b)(1) An offshore supply vessel of less than 6,000 gross tons, as measured under section 14302 of this title, on a voyage of less than 600 miles shall have at least one licensed mate. Such a vessel on a voyage of 600 miles or more shall have two licensed mates.

“(2) An offshore supply vessel of more than 200 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title, may not be operated without a licensed engineer.

“(3) An offshore supply vessel shall have at least one mate. Additional mates on an offshore supply vessel of at least 6,000 gross tons as measured under section 14302 of this title shall be prescribe in accordance with hours of service requirements (including recording and record-keeping of that service) prescribed by the Secretary.”.

(f) REGULATIONS.—

(1) **IN GENERAL.**—The Secretary of the department in which the Coast Guard is operating shall promulgate regulations to implement the amendments enacted by this section and chapter 37 of title 46, United States Code, for offshore supply vessels of at least 6,000 gross tons, before January 1, 2010.

(2) **INTERIM FINAL RULE AUTHORITY.**—The Secretary shall issue an interim final rule as a temporary regulation implementing this section (including the amendments made by this section), and chapter 37 of title 46, United States Code, for offshore supply vessels of at least 6,000 gross tons, as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code. All regulations prescribed under the authority of this paragraph that are not earlier superseded by final regulations shall expire not later than 1 year after the date of enactment of this Act.

(3) **INITIATION OF RULEMAKING.**—The Secretary may initiate a rulemaking to implement this section (including the amendments made by this section), and chapter 37 of title 46, United States Code, for offshore supply vessels of at least 6,000 gross tons, as soon as practicable after the date of enactment of this section. The final rule issued pursuant to that rulemaking may supersede the interim final rule promulgated under this subsection.

(4) **INTERIM PERIOD.**—After the date of enactment of this Act and prior to the effective date of the regulations promulgated to implement the amendments enacted by this section under paragraph (2), and notwithstanding the tonnage limits of applicable regulations promulgated prior to the date of enactment of this Act, the Secretary may—

(A) issue a certificate of inspection under section 3309 of title 46, United States Code, to an offshore supply vessel of at least 500 gross tons as measured under section 14502 of title 46, United States Code, or of at least 6,000 gross tons as measured under section 14302 of title 46, United States Code, if the Secretary determines that such vessel's arrangements, equipment, classification, and certifications provide for the safe carriage of individuals in addition to the crew and oil and hazardous substances, taking into consideration the characteristics of offshore supply vessels, their methods of operation, and their service in support of exploration, exploitation, or production of offshore mineral or energy resources;

(B) for the purpose of enforcing chapter 37 of title 46, United States Code, use tank vessel standards for offshore supply vessels of at least 6,000 gross tons after considering the characteristics, methods of operation, and nature of the service of the vessel; and

(C) authorize a master, mate, or engineer whom the Secretary decides possesses the experi-

ence on an offshore supply vessel under 6,000 gross tons to serve on an offshore supply vessel over at least 6,000 gross tons.

SEC. 820. ASSOCIATED EQUIPMENT.

Section 2101(1)(B) of title 46, United States Code, is amended by inserting “with the exception of emergency locator beacons,” before “does”.

SEC. 821. LIFESAVING DEVICES ON UNINSPECTED VESSELS.

Section 4102(b) of title 46, United States Code, is amended to read as follows:

“(b) The Secretary shall prescribe regulations requiring the installation, maintenance, and use of life preservers and other lifesaving devices for individuals on board uninspected vessels.”.

SEC. 822. STUDY OF BLENDED FUELS IN MARINE APPLICATION.

(a) SURVEY.—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall submit a survey of published data and reports, pertaining to the use, safety, and performance of blended fuels in marine applications, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation of the Senate.

(2) **INCLUDED INFORMATION.**—To the extent possible, the survey required in subsection (a), shall include data and reports on—

(A) the impact of blended fuel on the operation, durability, and performance of recreational and commercial marine engines, vessels, and marine engine and vessel components and associated equipment;

(B) the safety impacts of blended fuels on consumers that own and operate recreational and commercial marine engines and marine engine components and associated equipment; and

(C) to the extent available, fires and explosions on board vessels propelled by engines using blended fuels.

(b) STUDY.—

(1) **IN GENERAL.**—Not later than 36 months after the date of enactment of this Act, the Secretary, acting through the Commandant, shall conduct a comprehensive study on the use, safety, and performance of blended fuels in marine applications. The Secretary is authorized to conduct such study in conjunction with—

(A) any other Federal agency;

(B) any State government or agency;

(C) any local government or agency, including local police and fire departments; and

(D) any private entity, including engine and vessel manufacturers.

(2) **EVALUATION.**—The study shall include an evaluation of—

(A) the impact of blended fuel on the operation, durability and performance of recreational and commercial marine engines, vessels, and marine engine and vessel components and associated equipment;

(B) the safety impacts of blended fuels on consumers that own and operate recreational and commercial marine engines and marine engine components and associated equipment; and

(C) fires and explosions on board vessels propelled by engines using blended fuels.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of Homeland Security to carry out the survey and study under this section \$1,000,000.

SEC. 823. RENEWAL OF ADVISORY COMMITTEES.

(a) **GREAT LAKES PILOTAGE ADVISORY COMMITTEE.**—Section 9307(f)(1) of title 46, United States Code, is amended by striking “September 30, 2010,” and inserting “September 30, 2020.”.

(b) **NATIONAL BOATING SAFETY ADVISORY COUNCIL.**—Section 13110 of title 46, United States Code, is amended—

(1) in subsection (d), by striking the first sentence; and

(2) in subsection (e), by striking “September 30, 2010.” and inserting “September 30, 2020.”

(c) HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.—Section 18(h) of the Coast Guard Authorization Act of 1991 (Public Law 102-241 as amended by Public Law 104-324) is amended by striking “September 30, 2010.” and inserting “September 30, 2020.”

(d) LOWER MISSISSIPPI RIVER WATERWAY SAFETY ADVISORY COMMITTEE.—Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102-241) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “twenty-four” and inserting “twenty-five”; and

(B) by adding at the end the following new paragraph:

“(12) One member representing the Associated Federal Pilots and Docking Masters of Louisiana.”; and

(2) in subsection (g), by striking “September 30, 2010.” and inserting “September 30, 2020.”

(e) TOWING SAFETY ADVISORY COMMITTEE.—The Act to Establish a Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) There is established a Towing Safety Advisory Committee (hereinafter referred to as the ‘Committee’). The Committee shall consist of eighteen members with particular expertise, knowledge, and experience regarding shallow-draft inland and coastal waterway navigation and towing safety as follows:

“(1) Seven members representing the barge and towing industry, reflecting a regional geographic balance.

“(2) One member representing the offshore mineral and oil supply vessel industry.

“(3) One member representing holders of active licensed Masters or Pilots of towing vessels with experience on the Western Rivers and the Gulf Intracoastal Waterway.

“(4) One member representing the holders of active licensed Masters of towing vessels in offshore service.

“(5) One member representing Masters who are active ship-docking or harbor towing vessel.

“(6) One member representing licensed or unlicensed towing vessel engineers with formal training and experience.

“(7) Two members representing each of the following groups:

“(A) Port districts, authorities, or terminal operators.

“(B) Shippers (of whom at least one shall be engaged in the shipment of oil or hazardous materials by barge).

“(8) Two members representing the general public.”; and

(2) in subsection (e), by striking “September 30, 2010.” and inserting “September 30, 2020.”

(f) NAVIGATION SAFETY ADVISORY COUNCIL.—Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a) ESTABLISHMENT OF COUNCIL.—

“(1) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall establish a Navigation Safety Advisory Council (hereinafter referred to as the ‘Council’), consisting of not more than 21 members. All members shall have expertise in Inland and International vessel navigation Rules of the Road, aids to maritime navigation, maritime law, vessel safety, port safety, or commercial diving safety. Upon appointment, all non-Federal members shall be designated as representative members to represent the viewpoints and in-

terests of one of the following groups or organizations:

“(A) Commercial vessel owners or operators.

“(B) Professional mariners.

“(C) Recreational boaters.

“(D) The recreational boating industry.

“(E) State agencies responsible for vessel or port safety.

“(F) The Maritime Law Association.

“(2) PANELS.—Additional persons may be appointed to panels of the Council to assist the Council in performance of its functions.

“(3) NOMINATIONS.—The Secretary, through the Coast Guard Commandant, shall not less often than once a year publish a notice in the Federal Register soliciting nominations for membership on the Council.

“(b) FUNCTIONS.—The Council shall advise, consult with, and make recommendations to the Secretary, through the Coast Guard Commandant, on matters relating to maritime collisions, ramblings, groundings, Inland Rules of the Road, International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems. Any advice and recommendations made by the Council to the Secretary shall reflect the independent judgment of the Council on the matter concerned. The Council shall meet at the call of the Coast Guard Commandant, but in any event not less than twice during each calendar year. All proceedings of the Council shall be public, and a record of the proceedings shall be made available for public inspection.”; and

(2) in subsection (d), by striking “September 30, 2010.” and inserting “September 30, 2020.”

TITLE IX—CRUISE VESSEL SAFETY

SEC. 901. SHORT TITLE.

This title may be cited as the “Cruise Vessel Security and Safety Act of 2009”.

SEC. 902. FINDINGS.

The Congress makes the following findings:

(1) There are approximately 200 overnight ocean-going cruise vessels worldwide. The average ocean-going cruise vessel carries 2,000 passengers with a crew of 950 people.

(2) In 2007 alone, approximately 12,000,000 passengers were projected to take a cruise worldwide.

(3) Passengers on cruise vessels have an inadequate appreciation of their potential vulnerability to crime while on ocean voyages, and those who may be victimized lack the information they need to understand their legal rights or to know whom to contact for help in the immediate aftermath of the crime.

(4) Sexual violence, the disappearance of passengers from vessels on the high seas, and other serious crimes have occurred during luxury cruises.

(5) Over the last 5 years, sexual assault and physical assaults on cruise vessels were the leading crimes investigated by the Federal Bureau of Investigation with regard to cruise vessel incidents.

(6) These crimes at sea can involve attacks both by passengers and crew members on other passengers and crew members.

(7) Except for United States flagged vessels, or foreign flagged vessels operating in an area subject to the direct jurisdiction of the United States, there are no Federal statutes or regulations that explicitly require cruise lines to report alleged crimes to United States Government officials.

(8) It is not known precisely how often crimes occur on cruise vessels or exactly how many people have disappeared during ocean voyages because cruise line companies do not make comprehensive, crime-related data readily available to the public.

(9) Obtaining reliable crime-related cruise data from governmental sources can be difficult,

because multiple countries may be involved when a crime occurs on the high seas, including the flag country for the vessel, the country of citizenship of particular passengers, and any countries having special or maritime jurisdiction.

(10) It can be difficult for professional crime investigators to immediately secure an alleged crime scene on a cruise vessel, recover evidence of an onboard offense, and identify or interview potential witnesses to the alleged crime.

(11) Most cruise vessels that operate into and out of United States ports are registered under the laws of another country, and investigations and prosecutions of crimes against passengers and crew members may involve the laws and authorities of multiple nations.

(12) The Coast Guard has found it necessary to establish 500-yard security zones around cruise vessels to limit the risk of terrorist attack. Recently piracy has dramatically increased throughout the world.

(13) To enhance the safety of cruise passengers, the owners of cruise vessels could upgrade, modernize, and retrofit the safety and security infrastructure on such vessels by installing peep holes in passenger room doors, installing security video cameras in targeted areas, limiting access to passenger rooms to select staff during specific times, and installing acoustic hailing and warning devices capable of communicating over distances.

SEC. 903. CRUISE VESSEL SECURITY AND SAFETY REQUIREMENTS.

(a) IN GENERAL.—Chapter 35 of title 46, United States Code, is amended by adding at the end the following:

“§3507. Passenger vessel security and safety requirements

“(a) VESSEL DESIGN, EQUIPMENT, CONSTRUCTION, AND RETROFITTING REQUIREMENTS.—

“(1) IN GENERAL.—Each vessel to which this subsection applies shall comply with the following design and construction standards:

“(A) The vessel shall be equipped with ship rails that are located not less than 42 inches above the cabin deck.

“(B) Each passenger stateroom and crew cabin shall be equipped with entry doors that include peep holes or other means of visual identification.

“(C) For any vessel the keel of which is laid after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, each passenger stateroom and crew cabin shall be equipped with—

“(i) security latches; and

“(ii) time-sensitive key technology.

“(D) The vessel shall integrate technology that can be used for capturing images of passengers or detecting passengers who have fallen overboard, to the extent that such technology is available.

“(E) The vessel shall be equipped with a sufficient number of operable acoustic hailing or other such warning devices to provide communication capability around the entire vessel when operating in high risk areas (as defined by the United States Coast Guard).

“(2) FIRE SAFETY CODES.—In administering the requirements of paragraph (1)(C), the Secretary shall take into consideration fire safety and other applicable emergency requirements established by the U.S. Coast Guard and under international law, as appropriate.

“(3) EFFECTIVE DATE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the requirements of paragraph (1) shall take effect 18 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2009.

“(B) LATCH AND KEY REQUIREMENTS.—The requirements of paragraph (1)(C) take effect on the date of enactment of the Cruise Vessel Security and Safety Act of 2009.

“(b) VIDEO RECORDING.—

“(1) REQUIREMENT TO MAINTAIN SURVEILLANCE.—The owner of a vessel to which this section applies shall maintain a video surveillance system to assist in documenting crimes on the vessel and in providing evidence for the prosecution of such crimes, as determined by the Secretary.

“(2) ACCESS TO VIDEO RECORDS.—The owner of a vessel to which this section applies shall provide to any law enforcement official performing official duties in the course and scope of an investigation, upon request, a copy of all records of video surveillance that the official believes may provide evidence of a crime reported to law enforcement officials.

“(c) SAFETY INFORMATION.—The owner of a vessel to which this section applies shall provide in each passenger stateroom, and post in a location readily accessible to all crew and in other places specified by the Secretary, information regarding the locations of the United States embassy and each consulate of the United States for each country the vessel will visit during the course of the voyage.

“(d) SEXUAL ASSAULT.—The owner of a vessel to which this section applies shall—

“(1) maintain on the vessel adequate, in-date supplies of anti-retroviral medications and other medications designed to prevent sexually transmitted diseases after a sexual assault;

“(2) maintain on the vessel equipment and materials for performing a medical examination in sexual assault cases to evaluate the patient for trauma, provide medical care, and preserve relevant medical evidence;

“(3) make available on the vessel at all times medical staff who have undergone a credentialing process to verify that he or she—

“(A) possesses a current physician's or registered nurse's license and—

“(i) has at least 3 years of post-graduate or post-registration clinical practice in general and emergency medicine; or

“(ii) holds board certification in emergency medicine, family practice medicine, or internal medicine;

“(B) is able to provide assistance in the event of an alleged sexual assault, has received training in conducting forensic sexual assault examination, and is able to promptly perform such an examination upon request and provide proper medical treatment of a victim, including administration of anti-retroviral medications and other medications that may prevent the transmission of human immunodeficiency virus and other sexually transmitted diseases; and

“(C) meets guidelines established by the American College of Emergency Physicians relating to the treatment and care of victims of sexual assault;

“(4) prepare, provide to the patient, and maintain written documentation of the findings of such examination that is signed by the patient; and

“(5) provide the patient free and immediate access to—

“(A) contact information for local law enforcement, the Federal Bureau of Investigation, the United States Coast Guard, the nearest United States consulate or embassy, and the National Sexual Assault Hotline program or other third party victim advocacy hotline service; and

“(B) a private telephone line and Internet-accessible computer terminal by which the individual may confidentially access law enforcement officials, an attorney, and the information and support services available through the National Sexual Assault Hotline program or other third party victim advocacy hotline service.

“(e) CONFIDENTIALITY OF SEXUAL ASSAULT EXAMINATION AND SUPPORT INFORMATION.—The master or other individual in charge of a vessel to which this section applies shall—

“(1) treat all information concerning an examination under subsection (d) confidential, so that no medical information may be released to the cruise line or other owner of the vessel or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin, except that nothing in this paragraph prohibits the release of—

“(A) information, other than medical findings, necessary for the owner or master of the vessel to comply with the provisions of subsection (g) or other applicable incident reporting laws;

“(B) information to secure the safety of passengers or crew on board the vessel; or

“(C) any information to law enforcement officials performing official duties in the course and scope of an investigation; and

“(2) treat any information derived from, or obtained in connection with, post-assault counseling or other supportive services confidential, so no such information may be released to the cruise line or any legal representative thereof without the prior knowledge and approval in writing of the patient, or, if the patient is unable to provide written authorization, the patient's next-of-kin.

“(f) CREW ACCESS TO PASSENGER STATEROOMS.—The owner of a vessel to which this section applies shall—

“(1) establish and implement procedures and restrictions concerning—

“(A) which crew members have access to passenger staterooms; and

“(B) the periods during which they have that access; and

“(2) ensure that the procedures and restrictions are fully and properly implemented and periodically reviewed.

“(g) LOG BOOK AND REPORTING REQUIREMENTS.—

“(1) IN GENERAL.—The owner of a vessel to which this section applies shall—

“(A) record in a log book, either electronically or otherwise, in a centralized location readily accessible to law enforcement personnel, a report on—

“(i) all complaints of crimes described in paragraph (3)(A)(i),

“(ii) all complaints of theft of property valued in excess of \$1,000, and

“(iii) all complaints of other crimes, committed on any voyage that embarks or disembarks passengers in the United States; and

“(B) make such log book available upon request to any agent of the Federal Bureau of Investigation, any member of the United States Coast Guard, and any law enforcement officer performing official duties in the course and scope of an investigation.

“(2) DETAILS REQUIRED.—The information recorded under paragraph (1) shall include, at a minimum—

“(A) the vessel operator;

“(B) the name of the cruise line;

“(C) the flag under which the vessel was operating at the time the reported incident occurred;

“(D) the age and gender of the victim and the accused assailant;

“(E) the nature of the alleged crime or complaint, as applicable, including whether the alleged perpetrator was a passenger or a crew member;

“(F) the vessel's position at the time of the incident, if known, or the position of the vessel at the time of the initial report;

“(G) the time, date, and method of the initial report and the law enforcement authority to which the initial report was made;

“(H) the time and date the incident occurred, if known;

“(I) the total number of passengers and the total number of crew members on the voyage; and

“(J) the case number or other identifier provided by the law enforcement authority to which the initial report was made.

“(3) REQUIREMENT TO REPORT CRIMES AND OTHER INFORMATION.—

“(A) IN GENERAL.—The owner of a vessel to which this section applies (or the owner's designee)—

“(i) shall contact the nearest Federal Bureau of Investigation Field Office or Legal Attache by telephone as soon as possible after the occurrence on board the vessel of an incident involving homicide, suspicious death, a missing United States national, kidnapping, assault with serious bodily injury, any offense to which section 2241, 2242, 2243, or 2244 (a) or (c) of title 18 applies, firing or tampering with the vessel, or theft of money or property in excess of \$10,000 to report the incident;

“(ii) shall furnish a written report of the incident to the Secretary via an Internet based portal;

“(iii) may report any serious incident that does not meet the reporting requirements of clause (i) and that does not require immediate attention by the Federal Bureau of Investigation via the Internet based portal maintained by the Secretary of Transportation; and

“(iv) may report any other criminal incident involving passengers or crew members, or both, to the proper State or local government law enforcement authority.

“(B) INCIDENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—Subparagraph (A) applies to an incident involving criminal activity if—

“(i) the vessel, regardless of registry, is owned, in whole or in part, by a United States person, regardless of the nationality of the victim or perpetrator, and the incident occurs when the vessel is within the admiralty and maritime jurisdiction of the United States and outside the jurisdiction of any State;

“(ii) the incident concerns an offense by or against a United States national committed outside the jurisdiction of any nation;

“(iii) the incident occurs in the Territorial Sea of the United States, regardless of the nationality of the vessel, the victim, or the perpetrator; or

“(iv) the incident concerns a victim or perpetrator who is a United States national on a vessel during a voyage that departed from or will arrive at a United States port.

“(4) AVAILABILITY OF INCIDENT DATA VIA INTERNET.—

“(A) WEBSITE.—The Secretary of Transportation shall maintain a statistical compilation of all incidents described in paragraph (3)(A)(i) on an Internet site that provides a numerical accounting of the missing persons and alleged crimes recorded in each report filed under paragraph (3)(A)(i) that are no longer under investigation by the Federal Bureau of Investigation. The data shall be updated no less frequently than quarterly, aggregated by—

“(i) cruise line, with each cruise line identified by name; and

“(ii) whether each crime was committed by a passenger or a crew member.

“(B) ACCESS TO WEBSITE.—Each cruise line taking on or discharging passengers in the United States shall include a link on its Internet website to the website maintained by the Secretary under subparagraph (A).

“(h) ENFORCEMENT.—

“(I) PENALTIES.—

“(A) CIVIL PENALTY.—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than \$25,000 for each day during which the violation continues, except that the maximum penalty for a continuing violation is \$50,000.

“(B) CRIMINAL PENALTY.—Any person that willfully violates this section or a regulation

under this section shall be fined not more than \$250,000 or imprisoned not more than 1 year, or both.

“(2) **DENIAL OF ENTRY.**—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

“(A) commits an act or omission for which a penalty may be imposed under this subsection; or

“(B) fails to pay a penalty imposed on the owner under this subsection.

“(i) **PROCEDURES.**—Within 6 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, the Secretary shall issue guidelines, training curricula, and inspection and certification procedures necessary to carry out the requirements of this section.

“(j) **REGULATIONS.**—The Secretary of Transportation and the Commandant shall each issue such regulations as are necessary to implement this section.

“(k) **APPLICATION.**—

“(1) **IN GENERAL.**—This section and section 3508 apply to a passenger vessel (as defined in section 2101(22)) that—

“(A) is authorized to carry at least 250 passengers;

“(B) has onboard sleeping facilities for each passenger;

“(C) is on a voyage that embarks or disembarks passengers in the United States; and

“(D) is not engaged on a coastwise voyage.

“(2) **FEDERAL AND STATE VESSELS.**—This section and section 3508 do not apply to a vessel that is owned and operated by the United States Government or a vessel that is owned and operated by a State.

“(l) **OWNER DEFINED.**—In this section and section 3508, the term ‘owner’ means the owner, charterer, managing operator, master, or other individual in charge of a vessel.

“§3508. Crime scene preservation training for passenger vessel crew members

“(a) **IN GENERAL.**—Within 1 year after the date of enactment of the Cruise Vessel Security and Safety Act of 2009, the Secretary, in consultation with the Director of the Federal Bureau of Investigation and the Maritime Administrator, shall develop training standards and curricula to allow for the certification of passenger vessel security personnel, crew members, and law enforcement officials on the appropriate methods for prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment. The Administrator of the Maritime Administration may certify organizations in the United States and abroad that offer the curriculum for training and certification under subsection (c).

“(b) **MINIMUM STANDARDS.**—The standards established by the Secretary under subsection (a) shall include—

“(1) the training and certification of vessel security personnel, crew members, and law enforcement officials in accordance with accepted law enforcement and security guidelines, policies, and procedures, including recommendations for incorporating a background check process for personnel trained and certified in foreign countries;

“(2) the training of students and instructors in all aspects of prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment; and

“(3) the provision or recognition of off-site training and certification courses in the United States and foreign countries to develop and provide the required training and certification described in subsection (a) and to enhance security awareness and security practices related to the preservation of evidence in response to crimes on board passenger vessels.

“(c) **CERTIFICATION REQUIREMENT.**—Beginning 2 years after the standards are established under subsection (b), no vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crew member onboard who is certified as having successfully completed training in the prevention, detection, evidence preservation, and reporting of criminal activities in the international maritime environment on passenger vessels under subsection (a).

“(d) **INTERIM TRAINING REQUIREMENT.**—No vessel to which this section applies may enter a United States port on a voyage (or voyage segment) on which a United States citizen is a passenger unless there is at least 1 crew member onboard who has been properly trained in the prevention, detection, evidence preservation and the reporting requirements of criminal activities in the international maritime environment. The owner of such a vessel shall maintain certification or other documentation, as prescribed by the Secretary, verifying the training of such individual and provide such documentation upon request for inspection in connection with enforcement of the provisions of this section. This subsection shall take effect 1 year after the date of enactment of the Cruise Vessel Security and Safety Act of 2009 and shall remain in effect until superseded by the requirements of subsection (c).

“(e) **CIVIL PENALTY.**—Any person that violates this section or a regulation under this section shall be liable for a civil penalty of not more than \$50,000.

“(f) **DENIAL OF ENTRY.**—The Secretary may deny entry into the United States to a vessel to which this section applies if the owner of the vessel—

“(1) commits an act or omission for which a penalty may be imposed under subsection (e); or

“(2) fails to pay a penalty imposed on the owner under subsection (e).”.

(b) **CLERICAL AMENDMENT.**—The table of contents for such chapter is amended by adding at the end the following:

“3507. Passenger vessel security and safety requirements.

“3508. Crime scene preservation training for passenger vessel crew members.”.

SEC. 904. STUDY AND REPORT ON THE SECURITY NEEDS OF PASSENGER VESSELS.

(a) **IN GENERAL.**—Within 3 months after the date of enactment of this Act, the Secretary of the department in which the United States Coast Guard is operating shall conduct a study of the security needs of passenger vessels depending on number of passengers on the vessels, and report to the Congress findings of the study and recommendations for improving security on those vessels.

(b) **REPORT CONTENTS.**—In recommending appropriate security on those vessels, the report shall take into account typical crew member shifts, working conditions of crew members, and length of voyages.

TITLE X—UNITED STATES MARINER PROTECTION

SEC. 1001. SHORT TITLE.

This title may be cited as the “United States Mariner and Vessel Protection Act of 2009”.

SEC. 1002. USE FORCE AGAINST PIRACY.

(a) **IN GENERAL.**—Chapter 81 of title 46, United States Code, is amended by adding at the end the following new section:

“§8107. Use of force against piracy

“An owner, operator, time charterer, master, or mariner who uses force, or authorizes the use of force, to defend a vessel of the United States against an act of piracy shall not be liable for any injury or death caused by such force to any person participating in the act of piracy.”.

(b) **CLERICAL AMENDMENT.**—The analysis at the beginning of such chapter is amended by adding at the end the following new item:

“8107. Use of force against piracy.”.

SEC. 1003. AGREEMENTS.

To carry out the purpose of this title, the Secretary of the department in which the Coast Guard is operating shall work through the International Maritime Organization to establish agreements to promote coordinated action among flag- and port-states to deter, protect against, and rapidly respond to acts of piracy against the vessels of, and in the waters under the jurisdiction of, those nations, and to ensure limitations on liability similar to those established by section 8107 of title 46, United States Code, as amended by this title.

TITLE XI—PORT SECURITY

SEC. 1101. MARITIME HOMELAND SECURITY PUBLIC AWARENESS PROGRAM.

The Secretary of Homeland Security shall establish a program to help prevent acts of terrorism and other activities that jeopardize maritime homeland security, by seeking the cooperation of the commercial and recreational boating industries and the public to improve awareness of activity in the maritime domain and report suspicious or unusual activity.

SEC. 1102. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL.

(a) **IN GENERAL.**—Not later than 120 days after completing the pilot program under section 70105(k)(1) of title 46, United States Code, to test TWIC access control technologies at port facilities and vessels nationwide, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate and to the Comptroller General a report containing an assessment of the results of the pilot. The report shall include—

(1) the findings of the pilot program with respect to key technical and operational aspects of implementing TWIC technologies in the maritime sector;

(2) a comprehensive listing of the extent to which established metrics were achieved during the pilot program; and

(3) an analysis of the viability of those technologies for use in the maritime environment, including any challenges to implementing those technologies and strategies for mitigating identified challenges.

(b) **GAO ASSESSMENT.**—The Comptroller General shall review the report and submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an assessment of the report's findings and recommendations.

SEC. 1103. REVIEW OF INTERAGENCY OPERATIONAL CENTERS.

(a) **IN GENERAL.**—Within 180 days of enactment of this Act, the Department of Homeland Security Inspector General shall provide a report to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committees on Homeland Security and Governmental Affairs of the Senate concerning the establishment of Interagency Operational Centers for Port Security required by section 108 of the SAFE Port Act (Public Law 109-347).

(b) **REPORT.**—The report shall include—

(1) an examination of the Department's efforts to establish the Interagency Operational Centers;

(2) a timeline for construction;

(3) a detailed breakdown, by center, as to the incorporation of those representatives required by section 70107A(b)(3) of title 46, United States Code;

(4) an analysis of the hurdles faced by the Department in developing these centers;

(5) information on the number of security clearances attained by State, local, and tribal officials participating in the program; and

(6) an examination of the relationship between the Interagency Operational Centers and State, local and regional fusion centers participating in the Department of Homeland Security's State, Local, and Regional Fusion Center Initiative under section 511 of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53), with a particular emphasis on—

(A) how the centers collaborate and coordinate their efforts; and

(B) the resources allocated by the Coast Guard to both initiatives.

SEC. 1104. MARITIME SECURITY RESPONSE TEAMS.

(a) IN GENERAL.—Section 70106 of title 46, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) MARITIME SECURITY RESPONSE TEAMS.—

“(1) IN GENERAL.—In addition to the maritime safety and security teams, the Secretary shall establish no less than two maritime security response teams to act as the Coast Guard's rapidly deployable counterterrorism and law enforcement response units that can apply advanced interdiction skills in response to threats of maritime terrorism.

“(2) MINIMIZATION OF RESPONSE TIME.—The maritime security response teams shall be stationed in such a way to minimize, to the extent practicable, the response time to any reported maritime terrorist threat.

“(d) COORDINATION WITH OTHER AGENCIES.—To the maximum extent feasible, each maritime safety and security team and maritime security response team shall coordinate its activities with other Federal, State, and local law enforcement and emergency response agencies.”

SEC. 1105. COAST GUARD DETECTION CANINE TEAM PROGRAM EXPANSION.

(a) DEFINITIONS.—For purposes of this section:

(1) CANINE DETECTION TEAM.—The term “detection canine team” means a canine and a canine handler that are trained to detect narcotics or explosives, or other threats as defined by the Secretary.

(2) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(b) DETECTION CANINE TEAMS.—

(1) INCREASED CAPACITY.—Not later than 240 days after the date of enactment of this Act, the Secretary shall—

(A) begin to increase the number of detection canine teams certified by the Coast Guard for the purposes of maritime-related security by no fewer than 10 canine teams annually through fiscal year 2012; and

(B) encourage owners and operators of port facilities, passenger cruise liners, oceangoing cargo vessels, and other vessels identified by the Secretary to strengthen security through the use of highly trained detection canine teams.

(2) CANINE PROCUREMENT.—The Secretary, acting through the Commandant of the Coast Guard, shall—

(A) procure detection canine teams as efficiently as possible, including, to the greatest extent possible, through increased domestic breeding, while meeting the performance needs and criteria established by the Commandant;

(B) support expansion and upgrading of existing canine training facilities operated by the department in which the Coast Guard is operating; and

(C) as appropriate, partner with other Federal, State, or local agencies, nonprofit organizations, universities, or the private sector to increase the breeding and training capacity for Coast Guard canine detection teams.

(c) DEPLOYMENT.—The Secretary shall prioritize deployment of the additional canine teams to ports based on risk, consistent with the Security and Accountability For Every Port Act of 2006 (Public Law 109-347).

(d) AUTHORIZATION.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section for fiscal years 2008 through 2012.

SEC. 1106. COAST GUARD PORT ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 70110 of title 46, United States Code, is amended by adding at the end the following:

“(f) COAST GUARD ASSISTANCE PROGRAM.—

“(1) IN GENERAL.—The Secretary may lend, lease, donate, or otherwise provide equipment, and provide technical training and support, to the owner or operator of a foreign port or facility—

“(A) to assist in bringing the port or facility into compliance with applicable International Ship and Port Facility Code standards;

“(B) to assist the port or facility in meeting standards established under section 70109A of this chapter; and

“(C) to assist the port or facility in exceeding the standards described in subparagraphs (A) and (B).

“(2) CONDITIONS.—The Secretary—

“(A) shall provide such assistance based upon an assessment of the risks to the security of the United States and the inability of the owner or operator of the port or facility otherwise to bring the port or facility into compliance with those standards and to maintain compliance with them;

“(B) may not provide such assistance unless the port or facility has been subjected to a comprehensive port security assessment by the Coast Guard or a third party entity certified by the Secretary under section 70110A(b) to validate foreign port or facility compliance with International Ship and Port Facility Code standards; and

“(C) may only lend, lease, or otherwise provide equipment that the Secretary has first determined is not required by the Coast Guard for the performance of its missions.”

(b) SAFETY AND SECURITY ASSISTANCE FOR FOREIGN PORTS.—

(1) IN GENERAL.—Section 70110(e)(1) of title 46, United States Code, is amended by striking the second sentence and inserting the following:

“The Secretary shall establish a strategic plan to utilize those assistance programs to assist ports and facilities that are found by the Secretary under subsection (a) not to maintain effective antiterrorism measures in the implementation of port security antiterrorism measures.”

(2) CONFORMING AMENDMENTS.—

(A) Section 70110 of title 46, United States Code, is amended—

(i) by inserting “or facilities” after “ports” in the section heading;

(ii) by inserting “or facility” after “port” each place it appears; and

(iii) by striking “PORTS” in the heading for subsection (e) and inserting “PORTS, FACILITIES”.

(B) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

“70110. Actions and assistance for foreign ports or facilities and United States territories”.

SEC. 1107. MARITIME BIOMETRIC IDENTIFICATION.

(a) IN GENERAL.—Within one year after the date of the enactment of this Act, the Secretary

of Homeland Security, acting through the Commandant of the Coast Guard, shall conduct, in the maritime environment, a program for the mobile biometric identification of suspected individuals, including terrorists, to enhance border security and for other purposes.

(b) REQUIREMENTS.—The Secretary shall ensure the program required in this section is coordinated with other biometric identification programs within the Department of Homeland Security.

(c) COST ANALYSIS.—Within 90 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Appropriations and Homeland Security of the House of Representatives and the Committees on Appropriations and Homeland Security and Governmental Affairs of the Senate an analysis of the cost of expanding the Coast Guard's biometric identification capabilities for use by the Coast Guards Deployable Operations Group, cutters, stations, and other deployable maritime teams considered appropriate by the Secretary, and any other appropriate Department of Homeland Security maritime vessels and units. The analysis may include a tiered plan for the deployment of this program that gives priority to vessels and units more likely to encounter individuals suspected of making illegal border crossings through the maritime environment.

(d) DEFINITION.—For the purposes of this section, the term “biometric identification” means use of fingerprint and digital photography images.

SEC. 1108. REVIEW OF POTENTIAL THREATS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report analyzing the threat, vulnerability, and consequence of a terrorist attack on gasoline and chemical cargo shipments in port activity areas in the United States.

SEC. 1109. PORT SECURITY PILOT.

The Secretary of Homeland Security shall establish a pilot program to test and deploy preventive radiological or nuclear detection equipment on Coast Guard vessels and other locations in select port regions to enhance border security and for other purposes. The pilot program shall leverage existing Federal grant funding to support this program and the procurement of additional equipment.

SEC. 1110. SEASONAL WORKERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the effects that the Transportation Worker Identification Card (in this section referred to as “TWIC”) required by section 70105 of title 46, United States Code, has on companies that employ seasonal employees.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the results of the study, including—

(1) costs associated in requiring seasonal employees to obtain TWIC cards on companies;

(2) whether the Coast Guard and Transportation Security Administration are processing TWIC applications quickly enough for seasonal workers to obtain TWIC certification;

(3) whether TWIC compliance costs or other factors have led to a reduction in service;

(4) the impact of TWIC on the recruiting and hiring of seasonal and other temporary employees; and

(5) an assessment of possible alternatives to TWIC certification that may be used for seasonal employees including any security vulnerabilities created by those alternatives.

SEC. 1111. COMPARATIVE RISK ASSESSMENT OF VESSEL-BASED AND FACILITY-BASED LIQUEFIED NATURAL GAS REGASIFICATION PROCESSES.

(a) *IN GENERAL.*—Within 90 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall enter into an arrangement for the performance of an independent study to conduct a comparative risk assessment examining the relative safety and security risk associated with vessel-based and facility-based liquefied natural gas regasification processes conducted within 3 miles from land versus such processes conducted more than 3 miles from land.

(b) *REPORT.*—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Commandant, shall provide a report on the findings and conclusions of the study required by this section to the Committees on Homeland Security, Transportation and Infrastructure, and Energy and Commerce of the House of Representatives, and the Committees on Homeland Security and Governmental Affairs and Commerce, Science, and Transportation of the Senate.

SEC. 1112. PILOT PROGRAM FOR FINGERPRINTING OF MARITIME WORKERS.

(a) *IN GENERAL.*—Within 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish procedures providing for an individual who is required to be fingerprinted for purposes of obtaining a transportation security card under section 70105 of title 46, United States Code, to be fingerprinted at any facility operated by or under contract with an agency of the Department of Homeland Security that fingerprints the public for the Department.

(b) *EXPIRATION.*—This section expires on December 31, 2012.

SEC. 1113. TRANSPORTATION SECURITY CARDS ON VESSELS.

Section 70105(b)(2) of title 46, United States Code, is amended—

(1) in subparagraph (B), by inserting after “title” the following: “allowed unescorted access to a secure area designated in a vessel security plan approved under section 70103 of this title”; and

(2) in subparagraph (D), by inserting after “tank vessel” the following: “allowed unescorted access to a secure area designated in a vessel security plan approved under section 70103 of this title”.

SEC. 1114. INTERNATIONAL LABOR STUDY.

The Comptroller General of the United States shall conduct a study of methods to conduct a background security investigation of an individual who possesses a biometric identification card that complies with International Labor Convention number 185 that are equivalent to the investigation conducted on individuals applying for a visa to enter the United States. The Comptroller General shall submit a report on the study within 180 days after the date of enactment of this Act to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 1115. MARITIME SECURITY ADVISORY COMMITTEES.

Section 70112 of title 46, United States Code, is amended—

(1) by amending subsection (b)(5) to read as follows:

“(5)(A) The National Maritime Security Advisory Committee shall be composed of—

“(i) at least 1 individual who represents the interests of the port authorities;

“(ii) at least 1 individual who represents the interests of the facilities owners or operators;

“(iii) at least 1 individual who represents the interests of the terminal owners or operators;

“(iv) at least 1 individual who represents the interests of the vessel owners or operators;

“(v) at least 1 individual who represents the interests of the maritime labor organizations;

“(vi) at least 1 individual who represents the interests of the academic community;

“(vii) at least 1 individual who represents the interests of State or local governments; and

“(viii) at least 1 individual who represents the interests of the maritime industry.

“(B) Each Area Maritime Security Advisory Committee shall be composed of individuals who represents the interests of the port industry, terminal operators, port labor organizations, and other users of the port areas.”; and

(2) in subsection (g)—

(A) in paragraph (1)(A), by striking “2008;” and inserting “2010;”;

(B) by repealing paragraph (2);

(C) by striking “(1)”;

(D) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2).

SEC. 1116. SEAMEN'S SHORESIDE ACCESS.

Each facility security plan approved under section 70103(c) of title 46, United States Code, shall provide a system for seamen assigned to a vessel at that facility, pilots, and representatives of seamen's welfare and labor organizations to board and depart the vessel through the facility in a timely manner at no cost to the individual.

SEC. 1117. WATERSIDE SECURITY AROUND ESPECIALLY HAZARDOUS MATERIAL TERMINALS AND TANKERS.

(a) *ENFORCEMENT OF SECURITY ZONES.*—Consistent with other provisions of Federal law, any security zone established by the Coast Guard around a tanker containing an especially hazardous material shall be enforced by the Coast Guard. If the Coast Guard must enforce multiple simultaneous security zones, the Coast Guard shall allocate resources so as to deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code).

(b) *LIMITATION ON RELIANCE ON STATE AND LOCAL GOVERNMENT.*—Any security arrangement approved as part of a facility security plan approved after the date of enactment of this Act under section 70103 of title 46, United States Code, to assist in the enforcement of any security zone established by the Coast Guard around a tanker containing an especially hazardous material, or around an especially hazardous material terminal on or adjacent to the navigable waters of the United States and served by tankers carrying especially hazardous materials, may not be based upon the provision of security by a State or local government unless the State or local government has entered into a contract, cooperative agreement, or other arrangement with the terminal operator to provide such services and the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, ensures that the waterborne patrols operated as part of that security arrangement by a State or local government have the training, resources, personnel, equipment, and experience necessary to deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code).

(c) *DETERMINATION REQUIRED FOR NEW TERMINALS.*—The Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard,

may not approve a facility security plan under section 70103 of title 46, United States Code, for a new especially hazardous material terminal the construction of which is begun after the date of enactment of this Act unless the Secretary determines that the Coast Guard sector in which the terminal is located has available the resources, including State and local government resources in accordance with subsection (b), to carry out the navigation and maritime security risk management measures identified by the Coast Guard pursuant to the Ports and Waterways Safety Act.

(d) *ESPECIALLY HAZARDOUS MATERIAL DEFINED.*—The term “especially hazardous material” means anhydrous ammonia, ammonium nitrate, chlorine, liquefied natural gas, liquefied petroleum gas, and any other substance identified by the Secretary of the department in which the Coast Guard is operating as an especially hazardous material.

SEC. 1118. REVIEW OF LIQUEFIED NATURAL GAS FACILITIES.

(a) *NOTICE OF DETERMINATION.*—Consistent with other provisions of law, the Secretary of Homeland Security must notify the Federal Energy Regulatory Commission when a determination is made that the waterway to a proposed waterside liquefied natural gas facility is suitable or unsuitable for the marine traffic associated with such facility.

(b) *FEDERAL ENERGY REGULATORY COMMISSION RESPONSE.*—The Federal Energy Regulatory Commission shall respond to the Secretary's determination under subsection (a) by informing the Secretary within 90 days of notification or at the conclusion of any available appeal process, whichever is later, of what action the Commission has taken, pursuant to its authorities under the Natural Gas Act, regarding a proposal to construct and operate a waterside liquefied natural gas facility subject to a determination made under subsection (a).

SEC. 1119. USE OF SECONDARY AUTHENTICATION FOR TRANSPORTATION SECURITY CARDS.

The Secretary of Homeland Security may use a secondary authentication system for individuals applying for transportation security cards when fingerprints are not able to be taken or read to enhance transportation security.

SEC. 1120. REPORT ON STATE AND LOCAL LAW ENFORCEMENT AUGMENTATION OF COAST GUARD RESOURCES WITH RESPECT TO SECURITY ZONES AND UNITED STATES PORTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit to the Committees on Transportation and Infrastructure and Homeland Security of the House of Representatives and the Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate a report on the extent to which State and local law enforcement entities are augmenting Coast Guard resources by enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports and conducting port security patrols. At a minimum, the report shall specify—

(1) the number of ports in which State and local law enforcement entities are providing any services to enforce Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or to conduct security patrols in United States ports;

(2) the number of formal agreements entered into between the Coast Guard and State and local law enforcement entities to engage State and local law enforcement entities in the enforcement of Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or the conduct of port

security patrols in United States ports, the duration of those agreements, and the aid that State and local entities are engaged to provided through these agreements;

(3) the extent to which the Coast Guard has set national standards for training, equipment, and resources to ensure that State and local law enforcement entities engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or in conducting port security patrols in United States ports (or both) can deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code);

(4) the extent to which the Coast Guard has assessed the ability of State and local law enforcement entities to carry out the security assignments which they have been engaged to perform, including their ability to meet any national standards for training, equipment, and resources that have been established by the Coast Guard in order to ensure that these entities can deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code);

(5) the extent to which State and local law enforcement entities are able to meet national standards for training, equipment, and resources established by the Coast Guard to ensure that those entities can deter to the maximum extent practicable a transportation security incident (as that term is defined in section 70101 of title 46, United States Code);

(6) the differences in law enforcement authority, and particularly boarding authority, between the Coast Guard and State and local law enforcement entities, and the impact that these differences have on the ability of State and local law enforcement entities to provide the same level of security that the Coast Guard provides during the enforcement of Coast Guard-imposed security zones and the conduct of security patrols in United States ports; and

(7) the extent of resource, training, and equipment differences between State and local law enforcement entities and the Coast Guard units engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or conducting security patrols in United States ports.

SEC. 1121. ASSESSMENT OF TRANSPORTATION SECURITY CARD ENROLLMENT SITES.

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall prepare an assessment of the enrollment sites for transportation security cards issued under section 70105 of title 46, United States Code, including—

(1) the feasibility of keeping those enrollment sites open after September 23, 2009; and

(2) the quality of customer service, including the periods of time individuals are kept on hold on the telephone, whether appointments are kept, and processing times for applications.

(b) TIMELINES AND BENCHMARKS.—The Secretary shall develop timelines and benchmarks for implementing the findings of the assessment as the Secretary deems necessary.

TITLE XII—ALIEN SMUGGLING

SEC. 1201. SHORT TITLE.

This title may be cited as the “Alien Smuggling and Terrorism Prevention Act of 2009”.

SEC. 1202. FINDINGS.

The Congress makes the following findings:

(1) Alien smuggling by land, air and sea is a transnational crime that violates the integrity of United States borders, compromises our Nation's sovereignty, places the country at risk of terrorist activity, and contravenes the rule of law.

(2) Aggressive enforcement activity against alien smuggling is needed to protect our borders

and ensure the security of our Nation. The border security and anti-smuggling efforts of the men and women on the Nation's front line of defense are to be commended. Special recognition is due the Department of Homeland Security through the United States Border Patrol, United States Coast Guard, Customs and Border Protection, and Immigration and Customs Enforcement, and the Department of Justice through the Federal Bureau of Investigation.

(3) The law enforcement community must be given the statutory tools necessary to address this security threat. Only through effective alien smuggling statutes can the Justice Department, through the United States Attorneys' Offices and the Domestic Security Section of the Criminal Division, prosecute these cases successfully.

(4) Alien smuggling has a destabilizing effect on border communities. State and local law enforcement, medical personnel, social service providers, and the faith community play important roles in combating smuggling and responding to its effects.

(5) Existing penalties for alien smuggling are insufficient to provide appropriate punishment for alien smugglers.

(6) Existing alien smuggling laws often fail to reach the conduct of alien smugglers, transporters, recruiters, guides, and boat captains.

(7) Existing laws concerning failure to heave to are insufficient to appropriately punish boat operators and crew who engage in the reckless transportation of aliens on the high seas and seek to evade capture.

(8) Much of the conduct in alien smuggling rings occurs outside of the United States. Extraterritorial jurisdiction is needed to ensure that smuggling rings can be brought to justice for recruiting, sending, and facilitating the movement of those who seek to enter the United States without lawful authority.

(9) Alien smuggling can include unsafe or recklessly dangerous conditions that expose individuals to particularly high risk of injury or death.

SEC. 1203. CHECKS AGAINST TERRORIST WATCHLIST.

The Secretary of Homeland Security shall, to the extent practicable, check against all available terrorist watchlists those persons suspected of alien smuggling and smuggled individuals who are interdicted at the land, air, and sea borders of the United States.

SEC. 1204. STRENGTHENING PROSECUTION AND PUNISHMENT OF ALIEN SMUGGLERS.

Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(1) by amending the subsection heading to read as follows: “BRINGING IN, HARBORING, AND SMUGGLING OF UNLAWFUL AND TERRORIST ALIENS.—”; and

(2) by amending paragraphs (1) through (2) to read as follows:

“(1)(A) Whoever, knowing or in reckless disregard of the fact that an individual is an alien who lacks lawful authority to come to, enter, or reside in the United States, knowingly—

“(i) brings that individual to the United States in any manner whatsoever regardless of any future official action which may be taken with respect to such individual;

“(ii) recruits, encourages, or induces that individual to come to, enter, or reside in the United States;

“(iii) transports or moves that individual in the United States, in furtherance of their unlawful presence; or

“(iv) harbors, conceals, or shields from detection the individual in any place in the United States, including any building or any means of transportation;

or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

“(B) Whoever, knowing that an individual is an alien, brings that individual to the United States in any manner whatsoever at a place, other than a designated port of entry or place designated by the Secretary of Homeland Security, regardless of whether such individual has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such individual, or attempts or conspires to do so, shall be punished as provided in subparagraph (C).

“(C) Whoever commits an offense under this paragraph shall, for each individual in respect to whom such a violation occurs—

“(i) if the offense results in the death of any person, be fined under title 18, United States Code, and subject to the penalty of death or imprisonment for any term of years or for life;

“(ii) if the offense involves kidnapping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 of title 18, United States Code, without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be fined under title 18, United States Code, or imprisoned for any term of years or life, or both;

“(iii) if the offense involves an individual who the defendant knew was engaged in or intended to engage in terrorist activity (as defined in section 212(a)(3)(B)), be fined under title 18, United States Code, or imprisoned not more than 30 years, or both;

“(iv) if the offense results in serious bodily injury (as defined in section 1365 of title 18, United States Code) or places in jeopardy the life of any person, be fined under title 18, United States Code, or imprisoned not more than 20 years, or both;

“(v) if the offense is a violation of paragraph (1)(A)(i) and was committed for the purpose of profit, commercial advantage, or private financial gain, or if the offense was committed with the intent or reason to believe that the individual unlawfully brought into the United States will commit an offense against the United States or any State that is punishable by imprisonment for more than 1 year, be fined under title 18, United States Code, and imprisoned, in the case of a first or second violation, not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years;

“(vi) if the offense is a violation of paragraphs (1)(A)(ii), (iii), or (iv), or paragraph (1)(B), and was committed for the purpose of profit, commercial advantage, or private financial gain, be fined under title 18, United States Code, or imprisoned not more than 10 years, or both;

“(vii) if the offense involves the transit of the defendant's spouse, child, sibling, parent, grandparent, or niece or nephew, and the offense is not described in any of clauses (i) through (vi), be fined under title 18, United States Code, or imprisoned not more than 1 year, or both; and

“(viii) in any other case, be fined under title 18, United States Code, or imprisoned not more than 5 years, or both.

“(2)(A) There is extraterritorial jurisdiction over the offenses described in paragraph (1).

“(B) In a prosecution for a violation of, or an attempt or conspiracy to violate, subsection (a)(1)(A)(i), (a)(1)(A)(ii), or (a)(1)(B), that occurs on the high seas, no defense based on necessity can be raised unless the defendant—

“(i) as soon as practicable, reported to the Coast Guard the circumstances of the necessity, and if a rescue is claimed, the name, description, registry number, and location of the vessel engaging in the rescue; and

“(ii) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any

alien into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement set forth in clause (i) is satisfied by notifying the Coast Guard as soon as practicable after delivering the alien to emergency medical or law enforcement personnel ashore.

“(C) It is not a violation of, or an attempt or conspiracy to violate, clause (iii) or (iv) of paragraph (1)(A), or paragraph (1)(A)(ii) (except if a person recruits, encourages, or induces an alien to come to or enter the United States), for a religious denomination having a bona fide non-profit, religious organization in the United States, or the agents or officer of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

“(D) For purposes of this paragraph and paragraph (1)—

“(i) the term ‘United States’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States; and

“(ii) the term ‘lawful authority’ means permission, authorization, or waiver that is expressly provided for in the immigration laws of the United States or the regulations prescribed under those laws and does not include any such authority secured by fraud or otherwise obtained in violation of law or authority that has been sought but not approved.”

SEC. 1205. MARITIME LAW ENFORCEMENT.

(a) **PENALTIES.**—Subsection (b) of section 2237 of title 18, United States Code, is amended to read as follows:

“(b) Whoever intentionally violates this section shall—

“(1) if the offense results in death or involves kidnapping, an attempt to kidnap, the conduct required for aggravated sexual abuse (as defined in section 2241 without regard to where it takes place), or an attempt to commit such abuse, or an attempt to kill, be fined under such title or imprisoned for any term of years or life, or both;

“(2) if the offense results in serious bodily injury (as defined in section 1365 of this title) or transportation under inhumane conditions, be fined under this title, imprisoned not more than 15 years, or both;

“(3) if the offense is committed in the course of a violation of section 274 of the Immigration and Nationality Act (alien smuggling); chapter 77 (peonage, slavery, and trafficking in persons), section 111 (shipping), 111A (interference with vessels), 113 (stolen property), or 117 (transportation for illegal sexual activity) of this title; chapter 705 (maritime drug law enforcement) of title 46, or title II of the Act of June 15, 1917 (Chapter 30; 40 Stat. 220), be fined under this title or imprisoned for not more than 10 years, or both; and

“(4) in any other case, be fined under this title or imprisoned for not more than 5 years, or both.”

(b) **LIMITATION ON NECESSITY DEFENSE.**—Section 2237(c) of title 18, United States Code, is amended—

(1) by inserting “(1)” after “(c)”;

(2) by adding at the end the following:

“(2) In a prosecution for a violation of this section, no defense based on necessity can be raised unless the defendant—

“(A) as soon as practicable upon reaching shore, delivered the person with respect to which the necessity arose to emergency medical or law enforcement personnel;

“(B) as soon as practicable, reported to the Coast Guard the circumstances of the necessity resulting giving rise to the defense; and

“(C) did not bring, attempt to bring, or in any manner intentionally facilitate the entry of any alien, as that term is defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(3)), into the land territory of the United States without lawful authority, unless exigent circumstances existed that placed the life of that alien in danger, in which case the reporting requirement of subparagraph (B) is satisfied by notifying the Coast Guard as soon as practicable after delivering that person to emergency medical or law enforcement personnel ashore.”

(c) **DEFINITION.**—Section 2237(e) of title 18, United States Code, is amended—

(1) by striking “and” at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting “; and”; and

(3) by adding at the end the following:

“(5) the term ‘transportation under inhumane conditions’ means the transportation of persons in an engine compartment, storage compartment, or other confined space, transportation at an excessive speed, transportation of a number of persons in excess of the rated capacity of the means of transportation, or intentionally grounding a vessel in which persons are being transported.”

SEC. 1206. AMENDMENT TO THE SENTENCING GUIDELINES.

(a) **IN GENERAL.**—Pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend the sentencing guidelines and policy statements applicable to persons convicted of alien smuggling offenses and criminal failure to heave to or obstruction of boarding.

(b) **CONSIDERATIONS.**—In carrying out this section, the Sentencing Commission, shall—

(1) consider providing sentencing enhancements or stiffening existing enhancements for those convicted of offenses described in subsection (a) that—

(A) involve a pattern of continued and flagrant violations;

(B) are part of an ongoing commercial organization or enterprise;

(C) involve aliens who were transported in groups of 10 or more;

(D) involve the transportation or abandonment of aliens in a manner that endangered their lives; or

(E) involve the facilitation of terrorist activity; and

(2) consider cross-references to the guidelines for Criminal Sexual Abuse and Attempted Murder.

(c) **EXPEDITED PROCEDURES.**—The Commission may promulgate the guidelines or amendments under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

TITLE XIII—MISCELLANEOUS PROVISIONS

SEC. 1301. CERTIFICATE OF DOCUMENTATION FOR GALLANT LADY.

Section 1120(c) of the Coast Guard Authorization Act of 1996 (110 Stat. 3977) is amended—

(1) in paragraph (1)—

(A) by striking “of Transportation” and inserting “of the department in which the Coast Guard is operating”; and

(B) by striking subparagraph (A) and inserting the following:

“(A) the vessel GALLANT LADY (Feadship hull number 672, approximately 168 feet in length).”

(2) by striking paragraphs (3) and (4) and redesignating paragraph (5) as paragraph (3); and (3) in paragraph (3) (as so redesignated) by striking all after “shall expire” and inserting “on the date of the sale of the vessel by the owner.”

SEC. 1302. WAIVERS.

Notwithstanding section 12112 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation with a coastwise endorsement for the following vessels:

(1) OCEAN VERITAS (IMO Number 7366805).

(2) MAYA (United States official number 11073).

(3) ZIPPER (State of New York regulation number NY3205EB).

(4) GULF DIVER IV (United States official number 553457).

(5) M/V GEYSIR (United States official number 622178).

SEC. 1303. GREAT LAKES MARITIME RESEARCH INSTITUTE.

Section 605 of the Coast Guard and Maritime Transportation Act of 2004 (118 Stat. 1052) is amended—

(1) in subsection (b)(1)—

(A) by striking “The Secretary of Transportation shall conduct a study that” and inserting “The Institute shall conduct maritime transportation studies of the Great Lakes region, including studies that”;

(B) in subparagraphs (A), (B), (C), (E), (F), (H), (I), and (J) by striking “evaluates” and inserting “evaluate”;

(C) in subparagraphs (D) and (G) by striking “analyzes” and inserting “analyze”;

(D) by striking “and” at the end of subparagraph (I);

(E) by striking the period at the end of subparagraph (J) and inserting a semicolon;

(F) by adding at the end the following:

“(K) identify ways to improve the integration of the Great Lakes marine transportation system into the national transportation system;

“(L) examine the potential of expanded operations on the Great Lakes marine transportation system;

“(M) identify ways to include intelligent transportation applications into the Great Lakes marine transportation system;

“(N) analyze the effects and impacts of aging infrastructure and port corrosion on the Great Lakes marine transportation system;

“(O) establish and maintain a model Great Lakes marine transportation system database; and

“(P) identify market opportunities for, and impediments to, the use of United States-flag vessels in trade with Canada on the Great Lakes.”; and

(2) by striking subsection (b)(4) and inserting the following:

“(4) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out paragraph (1)—

“(A) \$2,400,000 for fiscal year 2010;

“(B) \$2,500,000 for fiscal year 2011;

“(C) \$2,600,000 for fiscal year 2012; and

“(D) \$2,700,000 for fiscal year 2013.”

SEC. 1304. CONVEYANCE OF COAST GUARD BOAT HOUSE, NANTUCKET, MASSACHUSETTS.

(a) **STATION BRANT POINT BOAT HOUSE.**—

(1) **REQUIREMENT.**—The Secretary of the department in which the Coast Guard is operating shall convey to the town of Nantucket, Massachusetts, all right, title, and interest of the United States in and to the buildings known as the Station Brant Point Boat House located at Coast Guard Station Brant Point, Nantucket, Massachusetts, for use for a public purpose.

(2) **TERMS OF CONVEYANCE.**—A conveyance of the building under paragraph (1) shall be made—

(A) without the payment of consideration; and

(B) subject to appropriate terms and conditions the Secretary considers necessary.

(3) REVERSIONARY INTEREST.—All right, title, and interest in property conveyed under this subsection shall revert to the United States if any portion of the property is used other than for a public purpose.

(b) LEASE.—

(1) REQUIREMENT.—The Secretary of the department in which the Coast Guard is operating shall enter into a lease with the town of Nantucket that authorizes the town of Nantucket to occupy the land on which the buildings conveyed under subsection (a) are located, subject to appropriate terms and conditions the Secretary considers necessary.

(2) LEASE TERM.—A lease under this subsection shall not expire before January 31, 2033.

(3) TERMINATION OF LEASE.—If the Secretary determines that the property leased under paragraph (1) is necessary for purposes of the Coast Guard, the Secretary—

(A) may terminate the lease without payment of compensation; and

(B) shall provide the town of Nantucket not less than 12 months notice of the requirement to vacate the site and move the buildings conveyed under subsection (a) to another location.

SEC. 1305. CREW WAGES ON PASSENGER VESSELS.

(a) FOREIGN AND INTERCOASTAL VOYAGES.—

(1) CAP ON PENALTY WAGES.—Section 10313(g) of title 46, United States Code, is amended—

(A) by striking “When” and inserting “(1) Subject to paragraph (2), when”; and

(B) by adding at the end the following:

“(2) The total amount required to be paid under paragraph (1) with respect to all claims in a class action suit by seamen on a passenger vessel capable of carrying more than 500 passengers for wages under this section against a vessel master, owner, or operator or the employer of the seamen shall not exceed ten times the unpaid wages that are the subject of the claims.

“(3) A class action suit for wages under this subsection must be commenced within three years after the later of—

“(A) the date of the end of the last voyage for which the wages are claimed; or

“(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.”.

(2) DEPOSITS.—Section 10315 of such title is amended by adding at the end the following:

“(f) DEPOSITS IN SEAMAN ACCOUNT.—By written request signed by the seaman, a seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

“(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

“(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

“(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

“(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited.”.

(b) COASTWISE VOYAGES.—

(1) CAP ON PENALTY WAGES.—Section 10504(c) of such title is amended—

(A) by striking “When” and inserting “(1) Subject to subsection (d), and except as provided in paragraph (2), when”; and

(B) by inserting at the end the following:

“(2) The total amount required to be paid under paragraph (1) with respect to all claims in a class action suit by seamen on a passenger vessel capable of carrying more than 500 passengers for wages under this section against a vessel master, owner, or operator or the employer of the seamen shall not exceed ten times the unpaid wages that are the subject of the claims.

“(3) A class action suit for wages under this subsection must be commenced within three years after the later of—

“(A) the date of the end of the last voyage for which the wages are claimed; or

“(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.”.

(2) DEPOSITS.—Section 10504 of such title is amended by adding at the end the following:

“(f) DEPOSITS IN SEAMAN ACCOUNT.—On written request signed by the seaman, a seaman employed on a passenger vessel capable of carrying more than 500 passengers may authorize, the master, owner, or operator of the vessel, or the employer of the seaman, to make deposits of wages of the seaman into a checking, savings, investment, or retirement account, or other account to secure a payroll or debit card for the seaman if—

“(1) the wages designated by the seaman for such deposit are deposited in a United States or international financial institution designated by the seaman;

“(2) such deposits in the financial institution are fully guaranteed under commonly accepted international standards by the government of the country in which the financial institution is licensed;

“(3) a written wage statement or pay stub, including an accounting of any direct deposit, is delivered to the seaman no less often than monthly; and

“(4) while on board the vessel on which the seaman is employed, the seaman is able to arrange for withdrawal of all funds on deposit in the account in which the wages are deposited.”.

SEC. 1306. TECHNICAL CORRECTIONS.

(a) COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2006.—Effective with enactment of the Coast Guard and Maritime Transportation Act of 2006 (Public Law 109-241), such Act is amended—

(1) in section 311(b) (120 Stat. 530) by inserting “paragraphs (1) and (2) of” before “section 8104(o)”; and

(2) in section 603(a)(2) (120 Stat. 554) by striking “33 U.S.C. 2794(a)(2)” and inserting “33 U.S.C. 2704(a)(2)”; and

(3) in section 901(r)(2) (120 Stat. 566) by striking “the” the second place it appears;

(4) in section 902(c) (120 Stat. 566) by inserting “of the United States” after “Revised Statutes”; and

(5) in section 902(e) (120 Stat. 567) is amended—

(A) by inserting “and” after the semicolon at the end of paragraph (1);

(B) by striking “and” at the end of paragraph (2)(A); and

(C) by redesignating paragraphs (3) and (4) as subparagraphs (C) and (D) of paragraph (2), respectively, and aligning the left margin of such subparagraphs with the left margin of subparagraph (A) of paragraph (2);

(6) in section 902(e)(2)(C) (as so redesignated) by striking “this section” and inserting “this paragraph”;

(7) in section 902(e)(2)(D) (as so redesignated) by striking “this section” and inserting “this paragraph”;

(8) in section 902(h)(1) (120 Stat. 567)—

(A) by striking “Bisti/De-Na-Zin” and all that follows through “Protection” and inserting “Omnibus Parks and Public Lands Management”; and

(B) by inserting a period after “Commandant of the Coast Guard”; and

(9) in section 902(k) (120 Stat. 568) is amended—

(A) by inserting “the Act of March 23, 1906, commonly known as” before “the General Bridge”; and

(B) by striking “491” and inserting “494,”; and

(C) by inserting “each place it appears” before “and inserting”.

(b) TITLE 14.—

(1) The analysis for chapter 7 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 149.

(2) The analysis for chapter 17 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 677.

(3) The analysis for chapter 9 of title 14, United States Code, is amended by adding a period at the end of the item relating to section 198.

(c) TITLE 46.—

(1) The analysis for chapter 81 of title 46, United States Code, is amended by adding a period at the end of the item relating to section 8106.

(2) Section 70105(c)(3)(C) of such title is amended by striking “National Intelligence Director” and inserting “Director of National Intelligence”.

(d) DEEPWATER PORT ACT OF 1974.—Section 5(c)(2) of the Deepwater Port Act of 1974 (33 U.S.C. 1504(c)(2)) is amended by aligning the left margin of subparagraph (K) with the left margin of subparagraph (L).

(e) OIL POLLUTION ACT OF 1990.—

(1) Section 1004(a)(2) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(2)) is amended by striking the first comma following “\$800,000”.

(2) The table of sections in section 2 of such Act is amended by inserting a period at the end of the item relating to section 7002.

(f) COAST GUARD AUTHORIZATION ACT OF 1996.—The table of sections in section 2 of the Coast Guard Authorization Act of 1996 is amended in the item relating to section 103 by striking “reports” and inserting “report”.

SEC. 1307. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER STORIS.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter STORIS, the Commandant of the Coast Guard shall convey, without consideration, all right, title, and interest of the United States in and to that vessel to the USCG Cutter STORIS Museum and Maritime Education Center, LLC, located in the State of Alaska if the recipient—

(1) agrees—

(A) to use the vessel for purposes of a museum and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) has funds available that will be committed to operate and maintain in good working condition the vessel conveyed, in the form of cash,

liquid assets, or a written loan commitment and in an amount of at least \$700,000; and

(3) agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of the vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver the vessel to a suitable mooring in the local area in its present condition.

(3) TREATMENT OF CONVEYANCE.—The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a conveyance under subsection (a) any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the operability and function of the vessel conveyed under subsection (a) for purposes of a museum and historical display.

SEC. 1308. CONVEYANCE OF COAST GUARD HU-25 FALCON JET AIRCRAFT.

(a) AUTHORITY TO CONVEY.—Notwithstanding any other law, the Commandant of the Coast Guard may convey to the Elizabeth City State University (in this section referred to as the “University”), a public university located in the State of North Carolina, without consideration all right, title, and interest of the United States in an HU-25 Falcon Jet aircraft under the administrative jurisdiction of the Coast Guard that the Commandant determines—

(1) is appropriate for use by the University; and

(2) is excess to the needs of the Coast Guard.

(b) CONDITIONS.—

(1) IN GENERAL.—As a condition of conveying an aircraft to the University under subsection (a), the Commandant shall enter into an agreement with the University under which the University agrees—

(A) to utilize the aircraft for educational purposes or other public purposes as jointly agreed upon by the Commandant and the University before conveyance; and

(B) to hold the United States harmless for any claim arising with respect to the aircraft after conveyance of the aircraft.

(2) REVERSIONARY INTEREST.—If the Commandant determines that the recipient violated subparagraph (A) or (B) of paragraph (1), then—

(A) all right, title, and interest in the aircraft shall revert to the United States;

(B) the United States shall have the right to immediate possession of the aircraft; and

(C) the recipient shall pay the United States for its costs incurred in recovering the aircraft for such violation.

(c) LIMITATION ON FUTURE TRANSFERS.—

(1) IN GENERAL.—The Commandant shall include in the instruments for the conveyance a requirement that any further conveyance of an interest in the aircraft may not be made without the approval in advance of the Commandant.

(2) REVERSIONARY INTEREST.—If the Commandant determines that an interest in the aircraft was conveyed without such approval, then—

(A) all right, title, and interest in the aircraft shall revert to the United States;

(B) the United States shall have the right to immediate possession of the aircraft; and

(C) the recipient shall pay the United States for its costs incurred in recovering the aircraft for such a violation.

(d) DELIVERY OF AIRCRAFT.—The Commandant shall deliver the aircraft conveyed under subsection (a)—

(1) at the place where the aircraft is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 1309. DECOMMISSIONED COAST GUARD VESSELS FOR HAITI.

(a) IN GENERAL.—Notwithstanding any other law, upon the scheduled decommissioning of any Coast Guard 41-foot patrol boat, the Commandant of the Coast Guard shall give the Government of Haiti a right-of-first-refusal for conveyance of that vessel to the Government of Haiti, if that Government of Haiti agrees—

(1) to use the vessel for the Coast Guard of Haiti;

(2) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or national emergency;

(3) to hold the United States Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the United States Government under paragraph (2); and

(4) to any other conditions the Commandant considers appropriate.

(b) LIMITATION.—The Commandant may not convey more than 10 vessels to the Government of Haiti pursuant to this section.

(c) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of a vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver a vessel to a suitable mooring in the local area in its present condition.

(3) TREATMENT OF CONVEYANCE.—The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

SEC. 1310. PHASEOUT OF VESSELS SUPPORTING OIL AND GAS DEVELOPMENT.

(a) IN GENERAL.—Notwithstanding section 12111(d) of title 46, United States Code, foreign-flag vessels may be chartered by, or on behalf of, a lessee to be employed for the setting, relocation, or recovery of anchors or other mooring equipment of a mobile offshore drilling unit that is located over the Outer Continental Shelf (as defined in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)) for operations in support of exploration, or flow-testing and stimulation of wells, for offshore mineral or energy resources in the Beaufort Sea or the Chukchi Sea adjacent to Alaska—

(1) for a 1-year period from the date the lessee gives the Secretary of Transportation written notice of the commencement of such exploration drilling if the Secretary determines, after publishing notice in the Federal Register, that insufficient vessels documented under section 12111(d) of title 46, United States Code, are reasonably available and suitable for these support operations and all such reasonably available and suitable vessels are employed in support of such operations; and

(2) for an additional period until such vessels are available if the Secretary of Transportation determines—

(A) that, by April 30 of the year following the commencement of exploration drilling, the lessee has entered into a binding agreement to employ a suitable vessel or vessels to be documented under section 12111(d) of title 46, United States Code, in sufficient numbers and with sufficient suitability to replace any foreign-flag vessel or vessels operating under this section; and

(B) after publishing notice in the Federal Register, that insufficient vessels documented under section 12111(d) of title 46, United States Code, are reasonably available and suitable for these support operations and all such reasonably available and suitable vessels are employed in support of such operations.

(b) EXPIRATION.—Irrespective of the year in which the commitment referred to in subsection (a)(2)(A) occurs, foreign-flag anchor handling vessels may not be employed for the setting, relocation, or recovery of anchors or other mooring equipment of a mobile offshore drilling unit after December 31, 2017.

(c) LESSEE DEFINED.—In this section, the term “lessee” means the holder of a lease (as defined in section 1331(c) of title 43, United States Code), who, prior to giving the written notice in subsection (a)(1), has entered into a binding agreement to employ a suitable vessel documented or to be documented under section 12111(d) of title 46, United States Code.

(d) SAVINGS PROVISION.—Nothing in subsection (a) may be construed to authorize the employment in the coastwise trade of a vessel that does not meet the requirements of section 12112 of title 46, United States Code.

SEC. 1311. VESSEL TRAFFIC RISK ASSESSMENT.

(a) REQUIREMENT.—The Commandant of the Coast Guard, acting through the appropriate Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act, shall prepare a vessel traffic risk assessment for Cook Inlet, Alaska, within one year after the date of enactment of this Act.

(b) CONTENTS.—The assessment shall describe, for the region covered by the assessment—

(1) the amount and character of present and estimated future shipping traffic in the region; and

(2) the current and projected use and effectiveness in reducing risk, of—

(A) traffic separation schemes and routing measures;

(B) long-range vessel tracking systems developed under section 70115 of title 46, United States Code;

(C) towing, response, or escort tugs;

(D) vessel traffic services;

(E) emergency towing packages on vessels;

(F) increased spill response equipment including equipment appropriate for severe weather and sea conditions;

(G) the Automatic Identification System developed under section 70114 of title 46, United States Code;

(H) particularly sensitive sea areas, areas to be avoided, and other traffic exclusion zones;

(I) aids to navigation; and

(J) vessel response plans.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—The assessment shall include any appropriate recommendations to enhance the safety, or lessen potential adverse environmental impacts, of marine shipping.

(2) CONSULTATION.—Before making any recommendations under paragraph (1) for a region, the Area Committee shall consult with affected local, State, and Federal government agencies, representatives of the fishing industry, Alaska Natives from the region, the conservation community, and the merchant shipping and oil transportation industries.

(d) PROVISION TO CONGRESS.—The Commandant shall provide a copy of the assessment to the Committee on Transportation and Infrastructure of the House of Representatives and

the Committee on Commerce, Science, and Transportation of the Senate.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Commandant \$1,000,000 for fiscal year 2010 to the conduct the assessment.

SEC. 1312. STUDY OF RELOCATION OF COAST GUARD SECTOR BUFFALO FACILITIES.

(a) **PURPOSES.**—The purposes of this section are—

(1) to authorize a project study to evaluate the feasibility of consolidating and relocating Coast Guard facilities at Coast Guard Sector Buffalo within the study area;

(2) to obtain a preliminary plan for the design, engineering, and construction for the consolidation of Coast Guard facilities at Sector Buffalo; and

(3) to distinguish what Federal lands, if any, shall be identified as excess after the consolidation.

(b) **DEFINITIONS.**—In this section:

(1) **COMMANDANT.**—The term “Commandant” means the Commandant of the Coast Guard.

(2) **SECTOR BUFFALO.**—The term “Sector Buffalo” means Coast Guard Sector Buffalo of the Ninth Coast Guard District.

(3) **STUDY AREA.**—The term “study area” means the area consisting of approximately 31 acres of real property and any improvements thereon that are commonly identified as Coast Guard Sector Buffalo, located at 1 Fuhrmann Boulevard, Buffalo, New York, and under the administrative control of the Coast Guard.

(c) **STUDY.**—

(1) **IN GENERAL.**—Within 12 months after the date on which funds are first made available to carry out this section, the Commandant shall conduct a project proposal report of the study area and shall submit such report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) **REQUIREMENTS.**—The project proposal report shall—

(A) evaluate the most cost-effective method for providing shore facilities to meet the operational requirements of Sector Buffalo;

(B) determine the feasibility of consolidating and relocating shore facilities on a portion of the existing site, while—

(i) meeting the operational requirements of Sector Buffalo; and

(ii) allowing the expansion of operational requirements of Sector Buffalo; and

(C) contain a preliminary plan for the design, engineering, and construction of the proposed project, including—

(i) the estimated cost of the design, engineering, and construction of the proposed project;

(ii) an anticipated timeline of the proposed project; and

(iii) a description of what Federal lands, if any, shall be considered excess to Coast Guard needs.

(d) **LIMITATION.**—Nothing in this section shall affect the current administration and management of the study area.

SEC. 1313. CONVEYANCE OF COAST GUARD VESSELS TO MISSISSIPPI.

(a) **AUTHORITY TO CONVEY.**—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to each recipient described in subsection (b) (in this section referred to as the “Sheriff’s Department”), without consideration all right, title, and interest of the United States in and to a Coast Guard trailerable boat, ranging from 17 feet to 30 feet in size, that the Commandant determines—

(1) is appropriate for use by the Sheriff’s Department; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) **RECIPIENTS.**—The recipients referred to in subsection (a) are the following:

(1) The Sheriff’s Department of Coahoma County, Mississippi.

(2) The Sheriff’s Department of Warren County, Mississippi.

(3) The Sheriff’s Department of Washington County, Mississippi.

(c) **CONDITION.**—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Sheriff’s Department under which the Sheriff’s Department agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Sheriff’s Department before conveyance; and

(2) to take the vessel “as is” and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(d) **DELIVERY OF VESSEL.**—The Commandant shall deliver the vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(e) **OTHER EXCESS EQUIPMENT.**—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Sheriff’s Department for use to enhance the operability of the vessel conveyed under the authority provided in subsection (a).

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Commandant may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 1314. COAST GUARD ASSETS FOR UNITED STATES VIRGIN ISLANDS.

(a) **IN GENERAL.**—The Secretary of Homeland Security may station additional Coast Guard assets in the United States Virgin Islands for port security and other associated purposes.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary for fiscal year 2010 such sums as are necessary to carry out this section.

SEC. 1315. OFFICER REQUIREMENTS FOR DISTANT WATER TUNA VESSELS.

Section 8103 of title 46, United States Code, is amended by adding at the end the follow new subsection:

“(1) **OFFICER REQUIREMENTS FOR DISTANT WATER TUNA VESSELS.**—

“(1) **CITIZENSHIP.**—Notwithstanding subsection (a), a purse seine tuna fishing vessel documented under chapter 121 fishing exclusively for highly migratory species under a fishing license issued pursuant to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Islands States and the Government of the United States of America in the treaty area (as that term is used in that treaty), or transiting to or from the treaty area exclusively for such purpose, may engage an individual who is not a citizen of the United States to fill a vacancy in a position referred to in subsection (a) (except for the master) if, after timely public notice of the vacancy, no United States citizens are readily available to fill the vacancy.

“(2) **RESTRICTIONS.**—

“(A) **IN GENERAL.**—An individual may not be engaged under paragraph (1) unless the individual holds a valid license or certificate issued—

“(i) in accordance with the standards established by the 1995 amendments to the Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW 95); and

“(ii) by an authority that the Secretary of the department in which the Coast Guard is operating recognizes as imposing competency and training standards equivalent to or exceeding those required for a issued under chapter 71.

“(B) **LIMITATION ON APPLICATION.**—Paragraph (1) applies only to engagement of an individual on a vessel that—

“(i) is homeported in American Samoa, Guam, or the Northern Mariana Islands; and

“(ii) has passed an annual commercial fishing vessel safety exam administered by a individual authorized to enforce this title.

“(3) **TREATMENT OF EQUIVALENT LICENSE.**—The Secretary of the department in which the Coast Guard is operating shall treat a license held by an individual engaged under paragraph (1) that was issued by a foreign government as meeting the requirements of section 8304 with respect to that engagement, if the Secretary determines that the standards for issuing that license are equivalent to the standards that apply under that section.”.

SEC. 1316. ASSESSMENT OF NEEDS FOR ADDITIONAL COAST GUARD PRESENCE IN HIGH LATITUDE REGIONS.

Within 270 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives assessing the need for additional Coast Guard prevention and response capability in the high latitude regions. The assessment shall address needs for all Coast Guard mission areas, including search and rescue, marine pollution response and prevention, fisheries enforcement, and maritime commerce. The Secretary shall include in the report—

(1) an assessment of the high latitude operating capabilities of all current Coast Guard assets, including assets acquired under the Deepwater program;

(2) an assessment of projected needs for Coast Guard forward operating bases in the high latitude regions;

(3) an assessment of shore infrastructure, personnel, logistics, communications, and resources requirements to support Coast Guard forward operating bases in the high latitude regions;

(4) an assessment of the need for high latitude icebreaking capability and the capability of the current high latitude icebreaking assets of the Coast Guard, including—

(A) whether the Coast Guard’s high latitude icebreaking fleet is meeting current mission performance goals;

(B) whether the fleet is capable of meeting projected mission performance goals; and

(C) an assessment of the material condition, safety, and working conditions aboard high latitude icebreaking assets, including the effect of those conditions on mission performance;

(5) a detailed estimate of acquisition costs for each of the assets (including shore infrastructure) necessary for additional prevention and response capability in high latitude regions for all Coast Guard mission areas, and an estimate of operations and maintenance costs for such assets for the initial 10-year period of operations; and

(6) detailed cost estimates (including operating and maintenance for a period of 10 years) for high latitude icebreaking capability to ensure current and projected future mission performance goals are met, including estimates of the costs to—

(A) renovate and modernize the Coast Guard’s existing high latitude icebreaking fleet; and

(B) replace the Coast Guard's existing high latitude icebreaking fleet.

SEC. 1317. STUDY OF REGIONAL RESPONSE VESSEL AND SALVAGE CAPABILITY FOR OLYMPIC PENINSULA COAST, WASHINGTON.

No later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall study through the National Academy of Sciences the need for regional response vessel and salvage capability for the State of Washington Olympic Peninsula coast. In conducting the study, the National Academy of Sciences shall consult with Federal, State, and tribal officials and other relevant stakeholders. The study shall—

(1) identify the capabilities, equipment, and facilities necessary for a response vessel in the entry to the Strait of Juan de Fuca at Neah Bay in order to optimize oil spill protection on Washington's Olympic Peninsula coast and provide rescue towing services, oil spill response, and salvage and firefighting capabilities;

(2) analyze the multimission capabilities necessary for a rescue vessel and the need for that vessel to utilize cached salvage, oil spill response, and oil storage equipment while responding to a spill or a vessel in distress, and make recommendations as to the placement of such equipment;

(3) address scenarios that consider all vessel types and weather conditions and compare current Neah Bay rescue vessel capabilities, costs, and benefits with other United States industry-funded response vessels, including those currently operating in Alaska's Prince William Sound;

(4) determine whether the current level of protection afforded by the Neah Bay response vessel and associated response equipment is comparable to protection in other locations where response vessels operate, including Prince William Sound, Alaska, and if it is not comparable, make recommendations regarding how capabilities, equipment, and facilities should be modified to achieve optimum protection; and

(5) consider pending firefighting and salvage regulations developed pursuant to the Oil Pollution Act of 1990.

SEC. 1318. STUDY OF BRIDGES OVER NAVIGABLE WATERS.

The Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a comprehensive study on the proposed construction or alteration of any bridge, drawbridge, or causeway over navigable waters with a channel depth of 25 feet or greater of the United States that may impede or obstruct future navigation to or from port facilities.

SEC. 1319. LIMITATION ON JURISDICTION OF STATES TO TAX CERTAIN SEAMEN.

Section 11108(b)(2)(B) of title 46, United States Code, is amended to read as follows:

“(B) who performs regularly assigned duties while engaged as a master, officer, or crewman on a vessel operating on navigable waters in 2 or more States.”.

SEC. 1320. DECOMMISSIONED COAST GUARD VESSELS FOR BERMUDA.

(a) IN GENERAL.—Notwithstanding any other law, upon the scheduled decommissioning of any Coast Guard 41-foot patrol boat and after the Government of Haiti has exercised all of their options under section 1309, the Commandant of the Coast Guard shall give the Government of Bermuda a right-of-first-refusal for conveyance of that vessel to the Government of Bermuda, if that Government of Bermuda agrees—

(1) to use the vessel for the Coast Guard of Bermuda;

(2) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or national emergency;

(3) to hold the United States Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the United States Government under paragraph (2); and

(4) to any other conditions the Commandant considers appropriate.

(b) LIMITATION.—The Commandant may not convey more than 3 vessels to the Government of Bermuda pursuant to this section.

(c) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of a vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver a vessel to a suitable mooring in the local area in its present condition.

(3) TREATMENT OF CONVEYANCE.—The conveyance of a vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94-469 (15 U.S.C. 2605(e)).

SEC. 1321. CONVEYANCE OF COAST GUARD VESSELS TO NASSAU COUNTY, NEW YORK.

(a) AUTHORITY TO CONVEY.—Notwithstanding the Federal Property and Administrative Services Act of 1949, the Commandant of the Coast Guard may convey to the Police Department of Nassau County, New York (in this section referred to as the “Police Department”), without consideration all right, title, and interest of the United States in and to two Coast Guard 41-foot patrol boats that the Commandant determines—

(1) is appropriate for use by the Police Department; and

(2) is excess to the needs of the Coast Guard and the Department of Homeland Security.

(b) CONDITION.—As a condition of conveying a vessel under the authority provided in subsection (a), the Commandant shall enter into an agreement with the Police Department under which the Police Department agrees—

(1) to utilize the vessel for homeland security and other appropriate purposes as jointly agreed upon by the Commandant and the Police Department before conveyance; and

(2) to take the vessel “as is” and to hold the United States harmless for any claim arising with respect to that vessel after conveyance of the vessel, including any claims arising from the condition of the vessel and its equipment or exposure to hazardous materials.

(c) DELIVERY OF VESSEL.—The Commandant shall deliver a vessel conveyed under the authority provided in subsection (a)—

(1) at the place where the vessel is located on the date of the conveyance;

(2) in its condition on the date of conveyance; and

(3) without cost to the United States.

(d) OTHER EXCESS EQUIPMENT.—The Commandant may further convey any excess equipment or parts from other Coast Guard vessels, which are excess to the needs of the Coast Guard and the Department of Homeland Security, to the Police Department for use to enhance the operability of a vessel conveyed under the authority provided in subsection (a).

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with a conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 1322. NEWTOWN CREEK, NEW YORK CITY, NEW YORK.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study on the public health, safety, and environmental concerns related to the underground petroleum spill on the Brooklyn shoreline of Newtown Creek, New York City, New York, in Greenpoint, Brooklyn, New York.

(b) FULL-SITE CHARACTERIZATION AND COLLECTION OF NEW FIELD EVIDENCE.—In carrying out the study under this section, the Administrator shall conduct a full-site characterization of the underground petroleum spill, including the investigation, collection, and analysis of new and updated data and field evidence on the extent of the petroleum spill, including any portion of the spill that has been diluted into surrounding waters, and any surrounding soil contamination or soil vapor contamination.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit a report containing the results of the study to the Committee on Environment and Public Works and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000.

SEC. 1323. LAND CONVEYANCE, COAST GUARD PROPERTY IN MARQUETTE COUNTY, MICHIGAN, TO THE CITY OF MARQUETTE, MICHIGAN.

(a) CONVEYANCE AUTHORIZED.—(1) The Commandant of the Coast Guard may convey as surplus property, under section 550 of title 40, United States Code, and other relevant Federal Laws governing the disposal of Federal surplus property, to the City of Marquette, Michigan (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, located in Marquette County, Michigan, that is under the administrative control of the Coast Guard, consisting of approximately 5.5 acres of real property, as depicted on the Van Neste survey (#204072), dated September 7, 2006, together with the land between the intermediate traverse line as shown on such survey and the ordinary high water mark, the total comprising 9 acres, more or less, and commonly identified as Coast Guard Station Marquette and Lighthouse Point.

(2) Except as provided in paragraph (3), any cost associated with the conveyance shall be borne by the City, including, but not limited to, closing costs, attorney fees, and the cost of surveys, inspections, title examinations, and deed preparation.

(3)(A) Except as provided in subparagraph (B), prior to the conveyance of the property, the Coast Guard shall perform and bear the cost of environmental remediation required under Federal law. Nothing in this section shall be construed to compel the Coast Guard to complete such remediation before 10 years from the date of enactment of this section.

(B) The City may assume the Coast Guard's responsibility to perform and bear the cost of the environmental remediation, provided that—

(i) the City provides written notice that it will assume responsibility for the performance of such remediation and the cost thereof; and

(ii) the City and the Coast Guard enter into a written agreement thereon.

(b) RETENTION OF CERTAIN EASEMENTS.—In conveying the property under subsection (a), the Commandant of the Coast Guard may retain such easements over the property as the Commandant considers appropriate for access to aids to navigation.

(c) LIMITATIONS.—The property to be conveyed under subsection (a) may not be conveyed under that subsection until—

(1) the Coast Guard has relocated Coast Guard Station Marquette to a newly constructed station;

(2) any environmental remediation required under Federal law with respect to the property has been completed; and

(3) the Commandant of the Coast Guard determines that retention of the property by the United States is not required to carry out Coast Guard missions or functions.

(d) **CONDITIONS OF TRANSFER.**—All conditions placed within the deed of title of the property to be conveyed under subsection (a) shall be construed as covenants running with the land.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Commandant of the Coast Guard.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Commandant of the Coast Guard may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

SEC. 1324. MISSION REQUIREMENT ANALYSIS FOR NAVIGABLE PORTIONS OF THE RIO GRANDE RIVER, TEXAS, INTERNATIONAL WATER BOUNDARY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall prepare a mission requirement analysis for the navigable portions of the Rio Grande River, Texas, international water boundary. The analysis shall take into account the Coast Guard's involvement on the Rio Grande River by assessing Coast Guard missions, assets, and personnel assigned along the Rio Grande River. The analysis shall also identify what would be needed for the Coast Guard to increase search and rescue operations, migrant interdiction operations, and drug interdiction operations.

SEC. 1325. CONVEYANCE OF COAST GUARD PROPERTY IN CHEBOYGAN, MICHIGAN.

(a) **CONVEYANCE AUTHORIZED.**—Notwithstanding any other provision of law, the Commandant of the Coast Guard is authorized to convey, at fair market value, all right, title, and interest of the United States in and to a parcel of real property, consisting of approximately 3 acres, more or less, that is under the administrative control of the Coast Guard and located at 900 S. Western Avenue in Cheboygan, Michigan.

(b) **RIGHT OF FIRST REFUSAL.**—The Cornerstone Christian Academy, located in Cheboygan, MI, shall have the right of first refusal to purchase, at fair market value, all or a portion of the real property described in subsection (a).

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Commandant of the Coast Guard.

(d) **FAIR MARKET VALUE.**—The fair market value of the property shall be—

(1) determined by appraisal, in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice; and

(2) subject to the approval of the Commandant.

(e) **COSTS OF CONVEYANCE.**—Any cost associated with the conveyance shall be borne by the purchaser, including, but not limited to—

(1) closing costs, attorney fees, and the cost of surveys, inspections, title examinations, and deed preparation; and

(2) environmental analyses, assessments, clearances, and, if required under Federal law, environmental remediation.

(f) **ENVIRONMENTAL REMEDIATION.**—Before conveyance of the real property described in

paragraph (a), purchaser shall perform any environmental remediation of the property that is required under Federal law.

(g) **CREDIT OF FUNDS.**—Notwithstanding any other provision of law, the net proceeds of a conveyance, authorized under subsection (a), shall—

(1) be credited to the Coast Guard Environmental Compliance and Restoration appropriations account current at the time collection is made;

(2) be made available, subject to appropriation, for environmental compliance and restoration purposes in conjunction with any disposal of any property under the administrative control of the Coast Guard; and

(3) remain available for such purposes until expended.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Commandant of the Coast Guard may require such additional terms and conditions in connection with the conveyance under subsection (a) as is considered appropriate to protect the interests of the United States.

The CHAIR. No amendment to the bill, as amended, is in order except those printed in House Report 111-311. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-311.

Mr. OBERSTAR. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

Page 10, line 14, strike "Department" and insert "department".

Page 11, line 5, after "Department of Defense" insert "and the Department of Homeland Security".

Page 17, line 1, strike "EMERGENCY".

Page 24, line 12, after "Coast Guard" insert "is operating".

Page 38, before line 7, insert the following new subsection:

(d) **REPORT.**—Within 12 months after the date of enactment of this Act, the Comptroller General of the United States shall report to Congress on the Coast Guard's efforts to recruit minority candidates to the Coast Guard Academy. The report shall include the following:

(1) The status of implementation of the Coast Guard's minority recruitment program.

(2) An assessment of the effectiveness of the program, including the number of minority applicants contacted by the Coast Guard Academy, the number of minority candidates who completed applications to the Academy, the number of minority candidates offered appointments to the Academy, and the number of candidates who accepted such appointments.

(3) A comparison of the Coast Guard's minority recruitment program with similar programs at other United States service academies.

(4) Recommendations for enhancing the Coast Guard's minority recruitment program.

(5) An assessment of the current geographic diversity of cadets currently enrolled at the Coast Guard Academy including information on the number of candidates from each State and region of the United States who were contacted by the Academy, the number of candidates from each State and region of the United States who completed applications to the Academy, the number of candidates from each State and region of the country offered appointments to the Academy, and the number of candidates from each State and region of the country who accepted such appointments.

(6) Recommendations for increasing the geographic diversity of the student population at the Coast Guard Academy.

Page 38, line 13, after "ture" insert "and the Committee on Homeland Security".

Page 44, line 11, strike "or".

Page 44, line 12, before the period insert "or an Asian American and a Native American Pacific Islander-serving institution (as defined in section 320 of such Act)".

Page 54, strike line 19 and all that follows through page 55, line 11, and insert the following:

(a) **STUDY.**—The Commandant of the Coast Guard, in conjunction with the Administrator of the Environmental Protection Agency, shall conduct a study—

(1) that surveys new technology and new applications of existing technology for reducing air emissions from cargo or passenger vessels that operate in United States waters and ports; and

(2) that identifies the impediments, including any laws or regulations, to demonstrating the technology identified in paragraph (1).

(b) **REPORT.**—Within 180 days after the date of enactment of this Act, the Commandant shall submit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate.

Page 57, line 25, strike "safe, secure, and reliable" and insert "safe and secure".

Page 58, line 7, strike "shall work" and insert "is encouraged to enter into negotiations".

Page 58, line 8, strike "establish" and insert "conclude and execute".

Page 58, line 14, strike "icebreaking escort" and insert "marine safety".

Page 59, line 13, strike "assure the reasonable demands of commerce" and insert "carry out the purposes of this section".

Page 59, line 17, after "emissions" insert "(including black carbon and other emissions that could contribute to climate change)".

Page 62, strike line 12 and all that follows through page 64, line 22, and insert the following:

SEC. 559. LORAN-C SIGNAL.

(a) Subject to subsection (b), the Secretary of Homeland Security may not operate the Loran-C signal after January 4, 2010.

(b) The limitation in subsection (a) shall take effect only if the Commandant of the Coast Guard certifies that—

(1) the termination of the operation of the Loran-C signal as of the date specified in subsection (a) will not adversely impact the safety of maritime navigation; and

(2) the Loran-C system infrastructure is not needed as a backup to the Global Positioning System or any other Federal navigation requirement.

(c) If the Commandant makes the certifications described in subsection (b), the Coast Guard shall, commencing January 4, 2010, terminate the operation of the Loran-C signal and commence a phased decommissioning of the Loran-C system infrastructure.

(d) Not later than 30 days after such certifications made pursuant to subsection (b), the Commandant shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report setting forth a proposed schedule for the phased decommissioning of the Loran-C system infrastructure in the event of the decommissioning of such infrastructure in accordance with subsection (c).

(e) If the Commandant makes the certifications described in subsection (b), the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may, notwithstanding any other provision of law, sell any real and personal property under the administrative control of the Coast Guard and used for the Loran-C system, by directing the Administrator of General Services to sell such real and personal property, subject to such terms and conditions that the Secretary believes to be necessary to protect government interests and program requirements of the Coast Guard.

Page 65, strike lines 12 and 13 and insert the following:

“(2) PRINCE WILLIAM SOUND, ALASKA.—The requirement in

Page 66, strike lines 1 through 6 and insert close quotation marks and a following period.

Page 66, after line 9, insert the following new subsection:

(c) RULEMAKING.—

(1) INTERIM FINAL RULE AUTHORITY.—The Secretary shall issue an interim final rule as a temporary regulation implementing this section (including the amendments made by this section) as soon as practicable after the date of enactment of this section, without regard to the provisions of chapter 5 of title 5, United States Code. All regulations prescribed under the authority of this paragraph that are not earlier superseded by final regulations shall expire not later than 1 year after the date of enactment of this Act.

(2) INITIATION OF RULEMAKING.—The Secretary may initiate a rulemaking to implement this section (including the amendments made by this section) as soon as practicable after the date of enactment of this section. The final rule issued pursuant to that rulemaking may supersede the interim final rule promulgated under this subsection.

Page 77, line 1, insert “or more” after “10”.
Page 79, line 6, insert “or more” after “10”.
Page 98, line 19, strike “10” and insert “15”.

Page 109, line 5, strike “or Level 2”.

Page 139, line 24, strike “and”.

Page 140, line 12, strike “and”.

Page 151, line 17, before the period insert “or marine safety engineer”.

Page 158, beginning at line 3, strike “and the Assistant Commandant for Marine Safety”.

Page 158, line 4, strike “jointly”.

Page 158, beginning at line 6, strike “and the Assistant Commandant”.

Page 158, line 7, strike “jointly convey their” and insert “convey the Commandant’s”.

Page 158, line 8, strike “Assistant Commandant” and insert “marine safety workforce”.

Page 176, line 4, strike “established” and insert “establish”.

Page 180, line 19, strike “major conversion” and insert “substantial change to the dimension of or type of the vessel”.

Page 181, line 10, strike “major conversion” and insert “substantial change to the dimension of or type of the vessel”.

Page 193, line 15, strike “Department” and insert “department”.

Page 210, after line 25, insert the following new sections:

SEC. ____ PILOT REQUIRED.

Section 8502(g) of title 46, United States Code, is amended—

(1) in paragraph (1), by inserting “and Buzzards Bay, Massachusetts” before “, if any,”; and

(2) by adding at the end the following:

“(3) In any area of Buzzards Bay, Massachusetts, where a single-hull tanker or tank vessel carrying 5,000 or more barrels of oil or other hazardous material is required to be under the direction and control of a Federal first class pilot, the pilot may not be a member of the crew of that vessel, and shall be a pilot licensed—

“(A) by the State of Massachusetts who is operating under a Federal first class pilot’s license; or

“(B) under section 7101 of this title as a Federal first class pilot who has made at least 20 round trips on a vessel as a quartermaster, wheelsman, able seaman, or apprentice pilot, or in an equivalent capacity, including—

“(i) at least 1 round trip through Buzzards Bay in the preceding 12-month period; and

“(ii) if the vessel will be navigating in periods of darkness in an area of Buzzards Bay where a vessel is required by regulation to have a pilot, at least 5 round trips through Buzzards Bay during periods of darkness.”.

SEC. ____ DELEGATION OF AUTHORITY TO CLASSIFICATION SOCIETIES REGARDING OFFSHORE FACILITIES.

(a) IN GENERAL.—Section 3316 of title 46, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary may delegate to the American Bureau of Shipping or another classification society recognized by the Secretary as meeting acceptable standards for such a society, for a United States offshore facility, the authority to—

“(A) review and approve plans required for issuing a certificate of inspection, a certificate of compliance, or any other certification and related documents issued by the Coast Guard pursuant to regulations issued under section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356); and

“(B) conduct inspections and examinations.

“(2) The Secretary may make a delegation under paragraph (1) to a foreign classification society only if—

“(A) the foreign society has offices and maintains records in the United States; and

“(B)(i) the government of the foreign country in which the foreign society is headquartered delegates that authority to the American Bureau of Shipping; or

“(ii) the Secretary has entered into an agreement with the government of the foreign country in which the foreign society is headquartered that—

“(I) ensures the government of the foreign country will accept plan review, inspections, or examinations conducted by the American Bureau of Shipping and provide equivalent

access to inspect, certify, and provide related services to offshore facilities located in that country or operating under the authority of that country; and

“(II) is in full accord with principles of reciprocity in regards to any delegation contemplated by the Secretary under paragraph (1).

“(3) If an inspection or examination is conducted under authority delegated under this subsection, the person to which the authority was delegated—

“(A) shall maintain in the United States complete files of all information derived from or necessarily connected with the inspection or examination for at least 2 years after the United States offshore facility ceases to be certified; and

“(B) shall permit access to those files at all reasonable times to any officer, employee, or member of the Coast Guard designated—

“(i) as a marine inspector and serving in a position as a marine inspector; or

“(ii) in writing by the Secretary to have access to those files.

“(4) For purposes of this subsection—

“(A) the term ‘offshore facility’ means any installation, structure, or other device (including any vessel not documented under chapter 121 of this title or the laws of another country), fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the sea; and

“(B) the term ‘United States offshore facility’ means any offshore facility, fixed or floating, that dynamically holds position or is temporarily or permanently attached to the seabed or subsoil under the territorial sea of the United States or the outer Continental Shelf (as that term is defined in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331)), including any vessel, rig, platform, or other vehicle or structure subject to regulation under section 30 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356).”.

(b) REVIEW AND APPROVAL OF CLASSIFICATION SOCIETY REQUIRED.—Section 3316(c) of title 46, United States Code, is amended by striking so much as precedes paragraph (2) and inserting the following:

“(c)(1) A classification society (including an employee or agent of that society) may not review, examine, survey, or certify the construction, repair, or alteration of a vessel in the United States unless the society has applied for approval under this subsection and the Secretary has reviewed and approved that society with respect to the conduct of that society under paragraph (2).”.

Page 215, line 11, strike “United States Coast Guard” and insert “Coast Guard”.

Page 215, beginning at line 15, strike “U.S. Coast Guard” and insert “Coast Guard”.

Page 218, line 17, strike “United States Coast Guard” and insert “Coast Guard”.

Page 221, beginning at line 12, strike “United States Coast Guard” and insert “Coast Guard”.

Page 226, beginning at line 5, strike “this section or a regulation under this section” and insert “the log book or reporting requirements required under subsection (g)”.

Page 230, line 22, strike “United States Coast Guard” and insert “Coast Guard”.

Page 231, strike lines 17 through 21 and insert the following:

“A person who uses force at sea to defend a vessel against an act of piracy shall not be liable for monetary damages in any action brought with respect to harm caused by such use of force to anyone engaging in such act

of piracy, unless the person using such force knew at the time that it was substantially in excess of what was reasonable in defending the vessel against such act of piracy.”

Page 235, line 5, after “local” insert a comma.

Page 235, line 13, strike “and”.

Page 235, line 15, strike the period and insert “; and”.

Page 235, after line 15, insert the following new subparagraph:

(C) architecture for integrated interagency targeting.

Page 237, strike lines 21 and 22 and insert the following: “Department of Homeland Security; and”.

Page 238, line 9, strike “2008” and insert “2010”.

Page 242, line 5, before the period insert “and facial and iris scan technology”.

Page 242, after line 5, add the following new subsection:

(e) STUDY ON COMBINATION OF FACIAL AND IRIS RECOGNITION.—

(1) STUDY REQUIRED.—The Secretary of Homeland Security shall carry out a study on the use by the Coast Guard of the combination of facial and iris recognition to rapidly identify individuals for security purposes. Such study shall focus on—

(A) increased accuracy of facial recognition;

(B) enhancement of existing iris recognition technology; and

(C) establishment of integrated face and iris features for accurate identification of individuals.

(2) PURPOSE OF STUDY.—The purpose of the study required by paragraph (1) is to facilitate the use of a combination of facial and iris recognition to provide a higher probability of success in identification than either approach on its own and to achieve transformational advances in the flexibility, authenticity, and overall capability of integrated biometric detectors and satisfy one of major issues with war against terrorists. The operational goal of the study should be to provide the capability to nonintrusively collect biometrics (face image, iris) in an accurate and expeditious manner to assist the Coast Guard in fulfilling its mission to protect and support national security.

Page 243, line 4, strike “Card” and insert “Credential”.

Page 243, line 23, strike “(3)” and insert “(4)”.

Page 244, line 1, strike “(4)” and insert “(5)”.

Page 244, strike line 5 and all that follows through page 245, line 2 (and redesignate accordingly).

Page 248, strike line 8 and all that follows through page 250, line 11, and insert the following:

SEC. ____ WATERSIDE SECURITY OF CERTAIN DANGEROUS CARGO.

(a) NATIONAL STUDY.—

(1) IN GENERAL.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, shall—

(A) initiate a national study to identify measures to improve the security of maritime transportation of certain dangerous cargo; and

(B) coordinate with other Federal agencies, the National Maritime Security Advisory Committee, and appropriate State and local government officials through the Area Maritime Security Committees and other existing coordinating committees, to evaluate the waterside security of vessels carrying, and waterfront facilities handling, certain dangerous cargo.

(2) MATTERS TO BE INCLUDED.—The study conducted under this subsection shall include—

(A) an analysis of existing risk assessment information relating to waterside security generated by the Coast Guard and Area Maritime Security Committees as part of the Maritime Security Risk Assessment Model;

(B) a review and analysis of appropriate roles and responsibilities of maritime stakeholders, including Federal, State, and local law enforcement and industry security personnel, responsible for waterside security of vessels carrying, and waterfront facilities handling, certain dangerous cargo, including—

(i) the number of ports in which State and local law enforcement entities are providing any services to enforce Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or to conduct security patrols in United States ports;

(ii) the number of formal agreements entered into between the Coast Guard and State and local law enforcement entities to engage State and local law enforcement entities in the enforcement of Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or the conduct of port security patrols in United States ports, the duration of those agreements, and the aid that State and local entities are engaged to provide through such agreements;

(iii) the extent to which the Coast Guard has set national standards for training, equipment, and resources to ensure that State and local law enforcement entities engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or in conducting port security patrols in United States ports (or both) can deter to the maximum extent practicable a transportation security incident;

(iv) the extent to which the Coast Guard has assessed the ability of State and local law enforcement entities to carry out the security assignments that they have been engaged to perform, including their ability to meet any national standards for training, equipment, and resources that have been established by the Coast Guard in order to ensure that those entities can deter to the maximum extent practicable a transportation security incident;

(v) the extent to which State and local law enforcement entities are able to meet national standards for training, equipment, and resources established by the Coast Guard to ensure that those entities can deter to the maximum extent practicable a transportation security incident;

(vi) the differences in law enforcement authority, and particularly boarding authority, between the Coast Guard and State and local law enforcement entities, and the impact that these differences have on the ability of State and local law enforcement entities to provide the same level of security that the Coast Guard provides during the enforcement of Coast Guard-imposed security zones and the conduct of security patrols in United States ports; and

(vii) the extent of resource, training, and equipment differences between State and local law enforcement entities and the Coast Guard units engaged in enforcing Coast Guard-imposed security zones around vessels transiting to, through, or from United States ports or conducting security patrols in United States ports;

(C) recommendations for risk-based security measures to improve waterside security

of vessels carrying, and waterfront facilities handling, certain dangerous cargo; and

(D) identification of security funding alternatives, including an analysis of the potential for cost-sharing by the public and private sectors as well as any challenges associated with such cost-sharing.

(3) INFORMATION PROTECTION.—In carrying out the coordination necessary to effectively complete the study, the Commandant shall implement measures to ensure the protection of any sensitive security information, proprietary information, or classified information collected, reviewed, or shared during collaborative engagement with maritime stakeholders and other Government entities, except that nothing in this paragraph shall constitute authority to withhold information from—

(A) the Congress; or

(B) first responders requiring such information for the protection of life or property.

(4) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary, acting through the Commandant, shall submit to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate a report on the results of the study under this subsection.

(b) NATIONAL STRATEGY.—Not later than 6 months after submission of the report required by subsection (a), the Secretary, acting through the Commandant, shall develop, in conjunction with appropriate Federal agencies, a national strategy for the waterside security of vessels carrying, and waterfront facilities handling, certain dangerous cargo. The strategy shall utilize the results of the study required by subsection (a).

(c) SECURITY OF CERTAIN DANGEROUS CARGO.—

(1) ENFORCEMENT OF SECURITY ZONES.—Consistent with other provisions of Federal law, the Coast Guard shall coordinate and be responsible for the enforcement of any Federal security zone established by the Coast Guard around a vessel containing certain dangerous cargo. The Coast Guard shall allocate available resources so as to deter and respond to a transportation security incident, to the maximum extent practicable, and to protect lives or protect property in danger.

(2) LIMITATION ON RELIANCE ON STATE AND LOCAL GOVERNMENT.—Any security arrangement approved after the date of enactment of this Act to assist in the enforcement of any security zone established by the Coast Guard around a vessel carrying a certain dangerous cargo or around a waterfront facility handling a certain dangerous cargo may not be based upon the provision of security by a State or local government unless the Secretary, acting through the Commandant of the Coast Guard, ensures that the waterborne patrols operated as part of that security arrangement by a State or local government have the training, resources, personnel, and experience necessary to carry out the security responsibilities that they have been engaged to perform in order, to the maximum extent practicable, to deter and respond to a transportation security incident.

(3) DETERMINATION REQUIRED FOR NEW FACILITIES.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may not approve a facility security plan under section 70103 of title 46, United States Code, for a new facility the construction of which is begun after the date

of enactment of this Act, that receives or ships through maritime commerce certain dangerous cargo unless the Secretary determines that there are sufficient resources available to ensure compliance with the facility security plan.

(4) **RESOURCE DEFICIENCY REPORTING.**—The Secretary, acting through the Commandant of the Coast Guard, shall provide to the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Homeland Security and Governmental Affairs of the Senate 90 days after the end of each fiscal year a report indicating—

(A) the number of security zones established for certain dangerous cargo shipments;

(B) the number of certain dangerous cargo shipments provided a waterborne security escort, subdivided by Federal, State, local, or private security; and

(C) an assessment as to any additional vessels, personnel, infrastructure, and other resources necessary to provide waterborne escorts to those certain dangerous cargo shipments for which a security zone is established.

(d) **DEFINITIONS.**—For the purposes of this section, the following definitions apply:

(1) **CERTAIN DANGEROUS CARGO.**—The term “certain dangerous cargo” means a material, or a group or class of material, in a particular amount and form that the Secretary, through the Commandant, determines by regulation poses a significant risk of creating a transportation security incident while being transported in maritime commerce.

(2) **AREA MARITIME SECURITY COMMITTEE.**—The term “Area Maritime Security Committee” means each of those committees responsible for producing Area Maritime Transportation Security Plans under chapter 701 of title 46, United States Code.

(3) **TRANSPORTATION SECURITY INCIDENT.**—The term “transportation security incident” has the same meaning as that term has in section 70101 of title 46, United States Code. Page 250, line 14, strike “DETERMINATION” and insert “RECOMMENDATION”.

Page 250, lines 17 and 23, strike “determination” each place it appears and insert “recommendation”.

Page 251, strike line 12 and all that follows through page 254, line 13.

Page 254, line 22, strike “September 23, 2009” and insert “the date of enactment of this Act”.

Page 255, after line 6, insert the following new section:

SEC. ____ . ASSESSMENT OF THE FEASIBILITY OF EFFORTS TO MITIGATE THE THREAT OF SMALL BOAT ATTACK IN MAJOR PORTS.

The Secretary of the department in which the Coast Guard is operating shall assess and report to Congress on the feasibility of efforts to mitigate the threat of small boat attack in security zones of major ports, including specifically the use of transponders or radio frequency identification devices to track small boats.

Page 255, line 25, strike “United States Coast Guard” and insert “Coast Guard”.

At the end of title XI (page 255, after line 6), add the following new sections:

SEC. ____ . REPORT AND RECOMMENDATION FOR UNIFORM SECURITY BACKGROUND CHECKS.

Not later than one year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Homeland Security of the House of Representatives a report that contains—

(1) a review of background checks and forms of identification required under State and local transportation security programs;

(2) a determination as to whether the background checks and forms of identification required under such programs duplicate or conflict with Federal programs; and

(3) recommendations on limiting the number of background checks and forms of identification required under such programs to reduce or eliminate duplication with Federal programs.

SEC. ____ . ANIMAL-PROPELLED VESSELS.

Notwithstanding section 70105 of title 46, United States Code, the Secretary shall not require an individual to hold a transportation security card, or be accompanied by another individual who holds such a card if—

(1) the individual has been issued a license, certificate of registry, or merchant mariner’s document under part E of subtitle II of title 46, United States Code;

(2) the individual is not allowed unescorted access to a secure area designated in a vessel or facility security plan approved by the Secretary; and

(3) the individual is engaged in the operation of a live animal-propelled vessel.

SEC. ____ . REQUIREMENTS FOR ISSUANCE OF TRANSPORTATION SECURITY CARDS; ACCESS PENDING ISSUANCE; REDUNDANT BACKGROUND CHECKS.

Section 70105 of title 46, United States Code, is amended by adding at the end the following new subsections:

“(n) **ESCORTING.**—The Secretary shall coordinate with owners and operators subject to this section to allow any individual who has a pending application for a transportation security card under this section or is waiting for reissuance of such card, including any individual whose card has been lost or stolen, and who needs to perform work in a secure or restricted area to have access to such area for that purpose through escorting of such individual in accordance with subsection (a)(1)(B) by another individual who holds a transportation security card.

“(o) **PROCESSING TIME.**—The Secretary shall review an initial transportation security card application and respond to the applicant, as appropriate, including the mailing of an Initial Determination of Threat Assessment letter, within 30 days after receipt of the initial application. The Secretary shall, to the greatest extent practicable, review appeal and waiver requests submitted by a transportation security card applicant, and send a written decision or request for additional information required for the appeal or waiver determination, within 30 days after receipt of the applicant’s appeal or waiver written request. For an applicant that is required to submit additional information for an appeal or waiver determination, the Secretary shall send a written decision, to the greatest extent practicable, within 30 days after receipt of all requested information.

“(p) **RECEIPT OF CARDS.**—Within 180 days after the date of enactment of the Transportation Security Administration Authorization Act, the Secretary shall develop a process to permit an individual approved for a transportation security card under this section to receive the card at the individual’s place of residence.

“(q) **FINGERPRINTING.**—The Secretary shall establish procedures providing for an individual who is required to be fingerprinted for purposes of this section to be fingerprinted at facilities operated by or under contract with an agency of the Department of the Secretary that engages in fingerprinting the public for transportation security or other security purposes.

“(r) **REDUNDANT BACKGROUND CHECKS.**—The Secretary shall prohibit a State or political subdivision thereof from requiring a separate security background check for any purpose for which a transportation security card is issued under this section. The Secretary may waive the application of this subsection with respect to a State or political subdivision thereof if the State or political subdivision demonstrates a compelling homeland security reason that a separate security background check is necessary.”.

SEC. ____ . HARMONIZING SECURITY CARD EXPIRATIONS.

Section 70105(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

“(6) The Secretary may extend for up to one year the expiration of a biometric transportation security card required by this section to align the expiration with the expiration of a license, certificate of registry, or merchant mariner document required under chapter 71 or 73.”.

SEC. ____ . ADMINISTRATION OF MARITIME SECURITY.

(a) **ESTABLISH MARITIME SECURITY AS A COAST GUARD FUNCTION.**—Chapter 5 of title 14, United States Code, is further amended by adding at the end the following new section:

“§ 103. Maritime security

“To protect life, property, and the environment on, under, and over waters subject to the jurisdiction of the United States and on vessels subject to the jurisdiction of the United States, the Commandant shall promote maritime security as follows:

“(1) By taking actions necessary in the public interest to protect such life, property, and the environment.

“(2) Based on priorities established by the Commandant including—

“(A) protecting maritime borders from all intrusions, reducing the risk from terrorism to United States passengers at foreign and domestic ports and in designated waterfront facilities, and preventing and responding to terrorist attacks and other homeland security threats;

“(B) protecting critical maritime infrastructure and other key resources; and

“(C) preventing, to the maximum extent practicable, a transportation security incident as defined in section 70101 of title 46.”.

(b) **CLERICAL AMENDMENT.**—The analysis at the beginning of such chapter is further amended by adding at the end the following new item:

“103. Maritime security.”.

(c) **MARITIME SECURITY STAFF.**—

(1) **IN GENERAL.**—Chapter 3 of title 14, United States Code, is further amended by adding at the end the following new sections:

“§ 60. Maritime security workforce

“(a) **DESIGNATION OF MARITIME SECURITY WORKFORCE.**—

“(1) **IN GENERAL.**—The Secretary, acting through the Commandant, shall ensure appropriate coverage of maritime security missions within the workforce in each sector.

“(2) **REQUIRED POSITIONS.**—In designating positions under paragraph (1), the Secretary shall include the following maritime security-related positions:

“(A) Program oversight.

“(B) Counterterrorism functions.

“(C) Counterintelligence functions.

“(D) Criminal investigations related to maritime security.

“(E) Port security enforcement.

“(F) Any other activities that the Commandant deems as necessary.

“(3) MARITIME SECURITY MANAGEMENT ACTIVITIES.—The Secretary shall also designate under paragraph (1) those maritime security-related management positions located at Coast Guard headquarters, Coast Guard Readiness Command, Coast Guard Operations Command, the Deployable Operations Group, and the Intelligence Coordination Center.

“(b) CAREER PATHS.—The Secretary, acting through the Commandant, may establish appropriate career paths for civilian and military Coast Guard personnel who wish to pursue careers in maritime security are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and member of the Armed Forces to the most senior maritime security positions. The Secretary shall make available published information on such career paths.

“(c) BALANCED WORKFORCE POLICY.—In the development of maritime security workforce policies under this section with respect to any civilian employees or applicants for employment with the Coast Guard, the Secretary shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, take into consideration the need to maintain a balance workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

“(d) SECTOR CHIEF OF MARITIME SECURITY.—

“(1) IN GENERAL.—The Commandant may assign, as appropriate, a Chief of Maritime Security who shall be at least a Lieutenant Commander or civilian employee within the grade GS-13 of the General Schedule in each Coast Guard sector.

“(2) FUNCTIONS.—The Chief of Maritime Security for a sector—

“(A) is responsible for all individuals who, on behalf of the Coast Guard, conduct port security operations, counterterrorism operations, intelligence and counterintelligence operations, and support national defense operations; and

“(B) if not the Coast Guard officer in command of that sector, is the principal advisor to the Sector Commander regarding maritime security matters in that sector.

“(f) SIGNATORIES OF LETTER OF QUALIFICATION.—Each individual signing a letter of qualification for maritime security personnel must hold a letter of qualification for the type being certified.

“§ 61. Centers of expertise for maritime security

“(a) ESTABLISHMENT.—The Commandant may establish and operate one or more centers of Maritime Security (in this section referred to as a ‘Center’).

“(b) MISSIONS.—The Centers shall—

“(1) be used to facility education, training, and research in maritime security including maritime domain awareness, counterterrorism policy and operations, and intelligence collection, fusion, and dissemination;

“(2) develop a repository on information on maritime security; and

“(3) perform any other function as the Commandant may specify.

“(c) JOINT OPERATION WITH EDUCATIONAL INSTITUTION AUTHORIZED.—The Commandant may enter into an agreement with an appropriate official of an institution of higher education to—

“(1) provide for joint operation of a Center; and

“(2) provide necessary administrative service for a Center, including administration and allocation of funds.

“(d) ACCEPTANCE OF DONATIONS.—

“(1) IN GENERAL.—The Commandant may accept, on behalf of a center, donations to be used to defray the costs of the Center or to enhance the operation of the Center.

“(2) GUIDANCE.—The Commandant shall prescribe written guidance setting forth the criteria to be used in determining if the acceptance of a donation is appropriate.”.

(2) CLERICAL AMENDMENT.—The analysis at the beginning of such chapter is further amended by adding at the end the following new items:

“60. Maritime security workforce.

“61. Centers of expertise for maritime security.”.

(d) POWERS AND DUTIES.—Section 93 of title 14, United States Code, is amended by adding at the end the following new subsection:

“(e) In exercising the Commandant’s duties and responsibilities with regard to maritime security, the Commandant shall designate a flag officer to serve as the principal advisor to the Commandant for maritime security. The designee shall have at least 10 years combined experience in operations, intelligence, counterterrorism, counterintelligence, port security, criminal investigations (except maritime casualty investigations), and port security or other maritime security functions, and at least four years of leadership experience at a staff or unit carrying out maritime security functions.”.

Page 268, line 10, insert “(a) IN GENERAL.—” before “Notwithstanding”.

Page 268, after line 23, insert the following:

(6) St. Mary’s Cement (United States official number 699114).

(b) DRYDOCK WAIVER.—Notwithstanding sections 12112, 55102, and 55103 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation the appropriate endorsement for engaging in the coastwise trade in Ketchikan, Alaska, for the Dry Dock #2, State of Alaska registration AIDEA FDD-2.

Page 269, after line 22, insert the following new subparagraph (and make appropriate conforming changes):

“(L) evaluate the employment base supported by the Great Lakes marine transportation system, including the number and types of jobs, and general demographics about the employees holding those jobs, such as their gender and age;

Page 290, strike line 13 and all that follows through page 292, line 24.

Page 300, strike line 3 and all that follows through page 301, line 19.

Page 307, after line 5, insert the following new subsection:

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

Page 308, strike line 1 and all that follows through line 20 and insert the following new paragraph:

(2) COSTS OF CONVEYANCE.—The City shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the transaction.

Page 310, line 16, add at the end the following new sentence: “In carrying out this section, the Secretary shall work with all appropriate entities to facilitate the collection of information under this section as necessary and shall report the analysis to the Congress.”.

Page 311, strike line 17 and all that follows through page 312, line 4, and insert the following new subsection (and redesignate accordingly):

(e) COSTS OF CONVEYANCE.—The purchaser shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental documentation costs, associated with the transaction.

At the end of title XIII (page 312, after line 22), add the following new sections:

SEC. ____ . DISCHARGES INCIDENTAL TO NORMAL OPERATION OF VESSELS.

Public Law 110-299 (122 Stat. 2995, 33 U.S.C. 1342 note) is amended in section 2(a) by striking “during the 2-year period beginning on the date of enactment of this Act” and inserting “during the period beginning on the date of enactment of this Act and ending December 18, 2013”.

SEC. ____ . TALL SHIP CHALLENGE RACE.

(a) FINDINGS.—The Congress finds that—

(1) The Tall Ship Challenge race will occur on the Great Lakes in 2010;

(2) the ships will race through all five Great Lakes, two Canadian provinces, and five American States for the first time;

(3) the ships will also promote water conservation education and training of youth; and

(4) thousands of Americans will visit the ships when they are in United States ports.

(b) ENSURING PARTICIPATION.—The Congress urges the Commandant of the Coast Guard to take all initiative necessary to ensure that tall ships can participate in the Tall Ship Challenge race in a safe manner including modifications to the pilotage requirements under the authority of section 2113 of title 46, United States Code.

SEC. ____ . HAITIAN MARITIME CADETS.

Section 51304 of title 46, United States Code, is amended by adding at the end the following:

“(e) HAITI.—The Secretary of Transportation, with the approval of the Secretary of State, may appoint individuals from Haiti to receive instruction at the Academy. Individuals appointed under this subsection are in addition to those appointed under any other provision of this chapter.”.

SEC. ____ . ALTERNATIVE LICENSING PROGRAM FOR OPERATORS OF UNINSPECTED PASSENGER VESSELS ON LAKE TEXOMA IN TEXAS AND OKLAHOMA.

(a) IN GENERAL.—Upon the request of the Governor of the State of Texas or the Governor of the State of Oklahoma, the Secretary of the department in which the Coast Guard is operating shall enter into an agreement with the Governor of the State whereby the State shall license operators of uninspected passenger vessels operating on Lake Texoma in Texas and Oklahoma in lieu of the Secretary issuing the license pursuant to section 8903 of title 46, United States Code, and the regulations issued thereunder, but only if the State plan for licensing the operators of uninspected passenger vessels—

(1) meets the equivalent standards of safety and protection of the environment as those contained in subtitle II of title 46, United States Code, and regulations issued thereunder;

(2) includes—

(A) standards for chemical testing for such operators;

(B) physical standards for such operators;

(C) professional service and training requirements for such operators; and

(D) criminal history background check for such operators;

(3) provides for the suspension and revocation of State licenses;

(4) makes an individual, who is ineligible for a license issued under title 46, United States Code, ineligible for a State license; and

(5) provides for a report that includes—

(A) the number of applications that, for the preceding year, the State rejected due to failure to—

(i) meet chemical testing standards;

(ii) meet physical standards;

(iii) meet professional service and training requirements; and

(iv) pass criminal history background check for such operators;

(B) the number of licenses that, for the preceding year, the State issued;

(C) the number of license investigations that, for the preceding year, the State conducted;

(D) the number of licenses that, for the preceding year, the State suspended or revoked, and the cause for such suspensions or revocations; and

(E) the number of injuries, deaths, collisions, and loss or damage associated with uninspected passenger vessels operations that, for the preceding year, the State investigated.

(b) ADMINISTRATION.—

(1) The Governor of the State may delegate the execution and enforcement of the State plan, including the authority to license and the duty to report information pursuant to subsection (a), to any subordinate State officer. The Governor shall provide, to the Secretary, written notice of any delegation.

(2) The Governor (or the Governor's designee) shall provide written notice of any amendment to the State plan no less than 45 days prior to the effective date of such amendment.

(3) At the request of the Secretary, the Governor of the State (or the Governor's designee) shall grant, on a biennial basis, the Secretary access to State records and State personnel for the purpose of auditing State execution and enforcement of the State plan.

(c) APPLICATION.—

(1) The requirements of section 8903 of title 46, United States Code, and the regulations issued thereunder shall not apply to any person operating under the authority of a State license issued pursuant to an agreement under this section.

(2) The State shall not compel a person, operating under the authority of a license issued either by another State, pursuant to a valid agreement under this section, or by the Secretary, pursuant to section 8903 of title 46, United States Code, to—

(A) hold a license issued by the State, pursuant to an agreement under this section; or

(B) pay any fee, associated with licensing, because the person does not hold a license issued by the State, pursuant to an agreement under this section.

Nothing in this paragraph shall limit the authority of the State to impose requirements or fees for privileges, other than licensing, that are associated with the operation of uninspected passenger vessels on Lake Texoma.

(3) For the purpose of enforcement, if an individual is issued a license—

(A) by a State, pursuant to an agreement entered into under to this section; or

(B) by the Secretary, pursuant to section 8903 of title 46, United States Code,

then the individual shall be entitled to lawfully operate an uninspected passenger vessel on Lake Texoma in Texas and Oklahoma without further requirement to hold an additional operator's license.

(d) TERMINATION.—

(1) If—

(A) the Secretary finds that the State plan for the licensing the operators of uninspected passenger vessels—

(i) does not meet the equivalent standards of safety and protection of the environment as those contained in subtitle II of title 46, United States Code, and regulations issued thereunder;

(ii) does not include—

(I) standards for chemical testing for such operators,

(II) physical standards for such operators,

(III) professional service and training requirements for such operators, or

(IV) background and criminal investigations for such operators;

(iii) does not provide for the suspension and revocation of State licenses; or

(iv) does not make an individual, who is ineligible for a license issued under title 46, United States Code, ineligible for a State license; or

(B) the Governor (or the Governor's designee) fails to report pursuant to subsection (b),

the Secretary shall terminate the agreement authorized by this section, provided that the Secretary provides written notice to the Governor of the State 60 days in advance of termination. The findings of fact and conclusions of the Secretary, if based on a preponderance of the evidence, shall be conclusive.

(2) The Governor of the State may terminate the agreement authorized by this section, provided that the Governor provides written notice to the Secretary 60 days in advance of the termination date.

(e) EXISTING AUTHORITY.—Nothing in this section shall affect or diminish the authority or jurisdiction of any Federal or State officer to investigate, or require reporting of, marine casualties.

(f) DEFINITIONS.—For the purposes of this section, the term “uninspected passenger vessel” has the same meaning such term has in section 2101(42)(B) of title 46, United States Code.

SEC. ____ IMPROVEMENTS TO REDUCE HUMAN ERROR AND NEAR-MISS INCIDENTS.

(a) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall transmit a report to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation that, using available data—

(1) identifies the types of human errors that, combined, account for over 50 percent of all oil spills involving vessels that have been caused by human error in the past 10 years;

(2) identifies the most frequent types of near-miss oil spill incidents involving vessels such as collisions, groundings, and loss of propulsion in the past 10 years;

(3) describes the extent to which there are gaps in the data with respect to the information required under paragraphs (1) and (2) and explains the reason for those gaps; and

(4) includes recommendations by the Secretary to address the identified types of errors and incidents to address any such gaps in the data.

(b) MEASURES.—Based on the findings contained in the report required by subsection (a), the Secretary shall take appropriate action, both domestically and at the International Maritime Organization, to reduce the risk of oil spills caused by human error.

SEC. ____ CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

Section 347 of the Maritime Transportation Security Act of 2002 (116 Stat. 2108; as amended by section 706 of Public Law 109-347 (120 Stat. 1946)) is amended—

(1) in subsection (c)(1), by striking “December 31, 2009” and inserting “December 31, 2011”;

(2) in subsection (d)(1), by striking “its proposed public aquarium” and inserting “a new building in compliance with the waterfront provisions of the City of Portland Code of Ordinances adjacent to the pier and bulkhead”; and

(3) in subsection (i), by adding at the end the following new paragraph

“(3) PUBLIC AQUARIUM.—For purposes of this section, the term ‘aquarium’ or ‘public aquarium’ as used in this section or in the deed delivered to the Corporation or any agreement entered into pursuant to this section, means any new building constructed by the Corporation adjacent to the pier and bulkhead in compliance with the waterfront provisions of the City of Portland Code of Ordinances.”.

SEC. ____ TUG ESCORTS FOR LADEN OIL TANKERS.

Within 1 year after the date of enactment of this Act, the Secretary of State, in consultation with the Commandant of the Coast Guard, is encouraged to enter into negotiations with the Government of Canada to ensure that tugboat escorts are required for all tank ships with a capacity over 40,000 deadweight tons in the Strait of Juan de Fuca, Strait of Georgia, and in Haro Strait. The Commandant shall consult with the State of Washington and affected tribal governments during negotiations with the Government of Canada.

The CHAIR. Pursuant to House Resolution 853, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Thank you, Madam Chair.

This amendment makes a number of improvements to the bill, some of which have been already alluded to by other speakers this evening.

First, we improve the enforcement of Coast Guard-imposed security zones around hazardous materials terminals and tankers. The Coast Guard will be required to coordinate, to be responsible for enforcing Federal security zones established by the Coast Guard around vessels containing certain dangerous cargo.

It specifies that the Coast Guard may not approve of a facility security plan for a new facility built after date of enactment of the act that will receive or ship certain dangerous cargo unless there are sufficient resources available to ensure compliance of the facility security plan.

It establishes an alternative licensing program for operators of uninspected passenger vessels on Lake Texoma. The States of Oklahoma and Texas bisect this lake, and there has been a great concern because of the long distance of this lake from the nearest Coast Guard facility and concerns of boaters on both sides of the

border, and they have expressed those concerns to me, to the Republican members of the committee, and to Mr. CUMMINGS.

So what we have provided for in this amendment is an authorization for the Coast Guard upon the request of the Governor of the State of Texas or the Governor of the State of Oklahoma to enter into an agreement with the requesting State in which that State will license operators of uninspected passenger vessels operating on Lake Texoma in lieu of the Coast Guard if the State's plan meets the equivalent standards of environmental protection.

The State's plan must provide equivalent safety to a Coast Guard-issued license and include drug testing, criminal background checks, and physical standards for operators. It must also provide for the suspension and revocation of State licenses for negligent operation of the vessel and safety standards.

I want to be very clear about the provisions. I think it's very important; but this is, I think, a very beneficial agreement that we've reached to resolve the concerns of parties on both sides of the border of Lake Texoma.

We authorize delegation of authority by the Coast Guard to classification societies and have already had an ample discussion of that matter with the gentleman from Wisconsin (Mr. PETRI).

We require the Coast Guard to conduct a study on the combination of facial and iris recognition for a nonintrusive collection of biometrics to assist the Coast Guard in its homeland security mission. We've had some discussion already of that aspect of the manager's amendment. I won't elaborate further.

We require the Government Accountability Office to investigate and report on the Coast Guard's efforts to recruit minority candidates to the Coast Guard's academy. The gentleman from Maryland (Mr. CUMMINGS) has discussed this, and I alluded to it in my general remarks. But we also want that assessment to include a report on geographic diversity at the academy and recommendations for increasing geographic diversity as well as minority diversity.

And we establish a process in this amendment for access to secure areas for individuals with a pending application for a transportation security card, which the gentleman from California has adequately discussed, and a uniform national standard for background checks for transportation security cards, which also has previously been discussed.

That is the sum of the manager's amendment, and I reserve the balance of my time.

Mr. LOBIONDO. Madam Chair, I rise to claim time in opposition to the amendment although I am not in opposition to the amendment.

The CHAIR. Without objection, the gentleman from New Jersey is recognized for 10 minutes.

There was no objection.

Mr. LOBIONDO. On balance, this amendment does more good than harm, and for that reason, as I mentioned, I will not oppose the amendment or the adoption thereof.

I do, however, want to raise several concerns I have with the amendment. The amendment before us now overhauls several important provisions that passed with wide bipartisan support in the committee. The language was added despite the continued objections of the minority.

The manager's amendment rewrites language that would confer protections against liability for U.S. mariners that act in self-defense against a pirate attack on U.S.-flagged vessels. We have all read the accounts on the attacks of the *Maersk Alabama* and the *Liberty Sun*. Do we really want future mariners to hesitate in the face of a pirate armed with automatic weapons while they determine whether or not their actions will be deemed by a court reasonable with a check-off list in their minds as an attack is taking place? I don't think so.

And with the two pirate attacks today, while they weren't U.S.-flagged vessels, they could have been, and we certainly don't want to have that kind of a situation.

So I strongly oppose this section of the amendment. And a little bit later in the debate, I'll offer an amendment to replace the language with the bipartisan agreement that we worked out within our committee.

I want to once again thank Chairman OBERSTAR for his acceptance of the language that would extend an existing exemption for fishing vessels and small commercial vessels from complying with certain vessel discharge requirements. This action will allow this segment to continue operations while Environmental Protection Agency surveys the magnitude of discharges from the vessels and whether regulations are necessary.

And I very much appreciate the chairman's commitment to continue to work with us on the goal of setting a single national standard, which makes the most sense of all, to regulate the discharge of ballast water and other incidental discharges from vessels.

□ 1930

It simply is unacceptable to require our maritime sector to comply with two Federal standards and with as many as 30 different State standards and, often, conflicting State standards for vessel discharges. So it is a situation, I think, we are all looking forward to trying to solve.

I also want to thank, once again, Chairman OBERSTAR for improving language regarding the security of the

vessels and of the facilities handling certain dangerous cargos. While I still believe too much of this provision is unnecessary and duplicative to current requirements under the Maritime Transportation Security Act of 2002, the language, Mr. Chairman, is a very marked improvement over the committee-reported amendment, and I thank you for your consideration.

I also thank Chairman OBERSTAR for his willingness to work with us on a variety of issues that we have encompassed in this bill, and I look forward to further consultation as the bill moves further down the line to enactment.

I reserve the balance of my time.

Mr. OBERSTAR. Madam Chair, how much time remains on our side?

The CHAIR. The gentleman has 6 minutes remaining.

Mr. OBERSTAR. I yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS), the chairman of the subcommittee.

Mr. CUMMINGS. Thank you, Mr. Chairman.

Madam Chair, I rise today in strong support of the manager's amendment.

I again commend Chairman OBERSTAR for his work on this legislation and for his dedication to effectively overseeing the Coast Guard and the entire marine transportation system. I also take this opportunity to thank the chairman for the support he has given me as a subcommittee Chair and throughout my membership on the Transportation and Infrastructure Committee.

The amendment offered by the chairman covers a number of subjects, and in the interest of time, I will note just a few of these:

This amendment would require that State and local law enforcement engaged in enforcing Coast Guard-imposed security zones around certain dangerous materials have the training, resources, personnel and experience they need to carry out the security responsibilities they have been engaged to perform. Further, the amendment would require the Coast Guard to report annually on the resource deficiencies they have pertaining to the enforcement of security zones around hazardous material shipments.

These provisions are not directed at any single material or terminal, but rather, they are intended to ensure that the most dangerous materials transported on the water are moved safely and that chemicals which could put entire communities at risk are secured against the threats which we know exist.

The manager's amendment would also address a number of other issues, including requiring an assessment of technologies that can combat the small-boat security threat, modifying several statutes governing the issuance of TWIC cards and addressing a critical licensing issue on Lake Texoma.

In the interest of time, I will end my statement here by urging the adoption of the manager's amendment and by, again, commending the work of the Chair.

Mr. LOBIONDO. Madam Chair, I yield back the balance of my time.

Mr. OBERSTAR. I yield myself such time as I may consume to acknowledge the concerns raised by the gentleman from New Jersey. They are proper and properly expressed.

Madam Chair, on the piracy issue, we had reached an agreement in committee, which I thought was done in a fair and equitable way, but there are other committees that have pieces of jurisdiction over this bill, and other concerns were expressed and accommodated. However, I continue to believe that the gentleman had the right approach. Mr. CUMMINGS, Mr. LOBIONDO and I had reached an agreement, and I still believe that is the better approach.

We had a discussion earlier about ballast water. I need not repeat what I said except to reaffirm that we will proceed vigorously in the pursuit of an accommodation of the concerns of the gentleman from New Jersey and of those of the gentleman from Michigan, which are almost identical to mine. We will reach agreement, and we will bring a bill to the floor in this session of Congress.

Madam Chair, this amendment makes a number of improvements to the bill, as reported by the Committee on Transportation and Infrastructure.

IMPROVES THE ENFORCEMENT OF COAST GUARD IMPOSED SECURITY ZONES AROUND HAZARDOUS MATERIALS TERMINALS AND TANKERS

Requires the Coast Guard to coordinate and be responsible for enforcing Federal security zones established by the Service around a vessel containing certain dangerous cargo.

If a security arrangement has been made with a State or local government to enforce a Coast Guard imposed security zone, the Coast Guard must ensure the waterborne patrols have the training, resources, personnel and experience necessary to carry out the security responsibilities to the maximum extent practicable to deter and respond to a transportation security incident.

Specifies that the Coast Guard may not approve a facility security plan for a new facility constructed after the date of enactment of this Act that will receive or ship certain dangerous cargo on the water unless there are sufficient resources available to ensure compliance of the facility security plan.

ESTABLISHES AN ALTERNATIVE LICENSING PROGRAM FOR OPERATORS OF UNINSPECTED PASSENGER VESSELS ON LAKE TEXOMA

Authorizes the Coast Guard upon the request of the Governor of the State of Texas or the Governor of the State of Oklahoma to enter into an agreement with the requesting State, whereby the State will license operators of uninspected passenger vessels operating on Lake Texoma in lieu of the Coast Guard if the State's plan meets equivalent standards of safety and environmental protection. The

State's plan must provide equivalent safety to a Coast Guard issued license and include drug testing, criminal background checks, and physical standards for operators. It also must provide for the suspension and revocation for State licenses for the negligent operation of the vessel and safety standards.

AUTHORIZES THE DELEGATION OF AUTHORITY BY THE COAST GUARD TO CLASSIFICATION SOCIETIES

Authorizes the Secretary to delegate the Coast Guard's authority to review and approve offshore facility plans and conduct inspections and examinations of offshore facilities to the American Bureau of Shipping (ABS) or another classification society that meets acceptable standards.

The delegation can be made to a foreign classification society if the government of the foreign country in which the foreign society is headquartered delegates the authority to the ABS, or if the Secretary enters into an agreement with that foreign government that provides for reciprocal treatment of ABS.

REQUIRES THE COAST GUARD TO CONDUCT A STUDY ON THE COMBINATION OF FACIAL AND IRIS RECOGNITION

The study requires an assessment of the capability of a non-intrusive collection of biometrics in an accurate and expeditious manner to assist the Coast Guard in its homeland security mission.

REQUIRES THE GOVERNMENT ACCOUNTABILITY OFFICE TO INVESTIGATE AND REPORT ON COAST GUARD'S EFFORTS TO RECRUIT MINORITY CANDIDATES TO THE COAST GUARD ACADEMY

The report shall include the status of the Coast Guard's minority recruitment program and assessment of the program's effectiveness. The study should include the following statistics on minority applicants: the number of applicants that were contacted by the Academy; the number who completed applications; the number that were offered appointments; and the number of applicants that accepted appointments.

The report should also include an assessment of the geographic diversity at the Academy and should make recommendations for increasing geographic diversity.

PROVIDES A PROCESS FOR ACCESS TO SECURE AREAS FOR INDIVIDUALS WITH A PENDING APPLICATION FOR A TRANSPORTATION SECURITY CARD

Requires the Coast Guard to coordinate with owners and operators subject to the Maritime Transportation Security Act of 2002 to allow an individual who has applied for, but has not received, a transportation security card to be escorted into secure areas to work by another worker who has a transportation security card.

ESTABLISHES PROCEDURES FOR WORKERS TO SUBMIT FINGERPRINTS FOR THE PURPOSE OF OBTAINING TRANSPORTATION SECURITY CARDS AT FACILITIES OPERATED BY, OR UNDER CONTRACT WITH, THE RELEVANT FEDERAL AGENCIES

Establishes a uniform, national standard for background checks for transportations security cards.

Directs the Secretary of the department in which the Coast Guard is operating to prohibit States or political subdivisions of States from requiring separate background checks for transportation security cards unless there is a compelling reason for the separate background checks.

I urge my colleagues to join me in supporting this amendment.

Mrs. CAPPS. Madam Chair, I rise in support of the manager's amendment and the underlying legislation.

I thank Chairman OBERSTAR for his hard work on this bill.

As someone who represents over 200 miles of coastline, I am keenly aware of the importance of the Coast Guard and this legislation.

H.R. 3619 provides the Coast Guard, including the 3 stations located in my congressional district, with the resources it needs to meet an ever-increasing workload—from search and rescue and terrorism protection to fisheries law enforcement and oil spill cleanup.

I also want to thank Chairman OBERSTAR for including the amendment I submitted to the Rules Committee within his manager's amendment.

My amendment would require the Coast Guard to report to Congress on the most frequent sources of human error that have led to oil spills from vessels, as well as on the most significant types of "near miss" incidents.

The amendment would also require the Coast Guard to use these findings to take appropriate action domestically and at the International Maritime Organization to reduce the risk of oil spills due to human error.

The consideration of this amendment, Madam Chair, could not be more timely.

Earlier this week we learned that more than 18,000 gallons of fuel oil spilled when two ships collided in the Gulf of Mexico.

By yesterday morning oil covered an area two miles long and a mile and a half wide.

This troubling incident reminds us that our fragile marine resources are still susceptible to disaster.

While efforts by the Coast Guard, states, and industry have reduced spills over the last two decades, accidents still occur and most are the result of human error.

Unfortunately, we currently lack the data and analysis we need to determine the causes of human errors and the ways to prevent them.

My amendment would begin filling in that gap so we can learn from the mistakes that have been made in the past and take action to avoid similar incidents in the future.

Madam Chair, with billions of gallons of oil passing through our nation's coastal waters every year, we must strengthen our oil spill safety programs.

And we must do everything we can to prevent future accidents like this week's collision in the Gulf of Mexico and the resulting spill.

I urge my colleagues to support the manager's amendment which takes appropriate action to reduce the risk of oil spilled because of human error.

Mr. OBERSTAR. I yield back the balance of my time, and I ask for a vote of approval of the manager's amendment.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MICA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-311.

Mr. MICA. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MICA:

Page 312, after line 22, add the following new section:

SEC. ____ . BACKGROUND CHECKS.

(a) **REPORT.**—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives a report that contains—

(1) a review of background checks and forms of identification required under State and local transportation security programs;

(2) a determination as to whether the background checks and forms of identification required under such programs conflict with Federal programs;

(3) a determination as to whether such background checks and forms of identification assist State and local governments in carrying out the safety, security, and law enforcement responsibilities of those governments; and

(4) recommendations on methods, procedures, and regulations that will—

(A) minimize redundant background checks and forms of identification required for access to port facilities; and

(B) facilitate the sharing of background check and identification data with State and local governments when the sharing of such data assists those governments in carrying out their safety, security, and law enforcement responsibilities.

(b) **LIMITATION WITH RESPECT TO VESSEL AND FACILITY SECURITY PLANS.**—The Secretary of the department in which the Coast Guard is operating shall not prohibit a State or political subdivision thereof from requiring a separate background check for entry into any area covered by a vessel or facility security plan required under subsection 70103(c) of title 46, United States Code.

The CHAIR. Pursuant to House Resolution 853, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MICA. I yield myself such time as I may consume.

Madam Chair, first of all, my colleagues, the amendment I have offered relates to the TWIC provisions, which refer to the trusted Transportation Worker Identification Credential. This is one of those cards I'm holding in my hand. It's called a TWIC card. Now, this is not the Colbert Report. It's not the Jon Stewart report, but it's almost a comedy of errors that we're here talking about a TWIC card 7 years after 9/11—the Transportation Worker Identification Credential.

Spent 7 years. We have a card. We've had four State demonstrations. We've spent millions of taxpayer dollars in developing this card, and I can't take this card and go over and put it in a reader like we can do with our voting cards, because we don't have a reader that reads this card. It gets worse.

We have no agreements with the States, like Florida, to allow States to require additional checks. In fact, the language of the manager's amend-

ment—and some of it was put in, I understand, by the Homeland Security Committee—makes the line between the States and the Federal Government even more difficult.

Now, the goal, I thought, was to have one card. The way we're going, we're going to end up with two cards. In fact, we have two cards in Florida now because this card doesn't even have a reader.

The second goal was to connect the dots so that information that we have we would have at the State, local and Federal levels. Remember 9/11 and what happened before we weren't able to connect the dots?

So the proviso that is in the bill does not allow us to connect the dots. The recently adopted manager's amendment includes a provision that directs the Government Accountability Office, the GAO, to make recommendations on limiting State and local criminal background checks—I'm not kidding. That's what's in here—and, from conducting such background checks, limiting our States. These provisions restrict the ability of State and local law enforcement officials to do their jobs. I oppose these provisions for those obvious reasons.

Some time ago in Florida, we had a commission that looked at the criminal activity at some of our ports, and we found very significant numbers of port workers, transportation workers, with criminal backgrounds. This goes in the opposite direction, this provision in this bill, and that is why I've offered this amendment today.

So my amendment directs the GAO to determine whether State and local background checks assist State and local law enforcement officials in carrying out their safety, security and law enforcement responsibilities, including their drug enforcement responsibilities.

In addition to asking the GAO for recommendations in minimizing redundant background checks, my amendment also seeks GAO recommendation, not to impede or to stop, but to facilitate the sharing of background check identification data with State and local governments.

I don't think this is an unreasonable request. I'm willing to work with folks on both sides of the aisle to make certain, if we ever get a Transportation Worker Identification Credential, that it does the job that we set out for it to do. So I pledge to work with the Homeland Security Committee, and I pledge to continue to work with my colleague, Mr. OBERSTAR. This is not the provision that we intended.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Chairman, I claim time in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. Madam Chairman, currently, all trans-

portation workers who work at our Nation's ports have a Transportation Worker Identification Credential, commonly referred to as a TWIC card.

This card costs around \$132, and it requires applicants to pass a security background check. Some ports have required transportation workers, including truckers and longshoremen, to have additional access badges and background checks prior to entering.

The TWIC program was supposed to simplify the process by eliminating duplicate background checks and by minimizing the burden on transportation workers. It does not make sense for States to require and to charge transportation workers for additional background checks when workers have already passed a stringent Federal background check.

Language in the manager's amendment eliminates duplicative background checks by prohibiting States from requiring transportation workers to undergo State security background checks in addition to TWIC. At the same time, the bill provides discretion to the Secretary of Homeland Security to allow a State to maintain its program if there is a compelling homeland security reason for a separate security check.

The House supported a single Federal credential for port workers with the approval of the Castor amendment to H.R. 2200, the Transportation Security Authorization Act, which was passed earlier.

The Mica amendment before us today would prohibit the TWIC from being the sole government-issued security card that maritime workers have to secure in order to work in our Nation's ports. Under the Mica amendment, a truckdriver or a port worker who needs to access ports in various States could be required to obtain a security credential from multiple States rather than being able to obtain a single Federal credential which would be accepted at ports around the country.

Mr. Chairman, I reserve the balance of my time.

Mr. MICA. May I inquire as to the time remaining on each side?

The Acting CHAIR (Mr. POLIS). There are 30 seconds remaining on the Republican side, and there are 2½ minutes remaining on the Democratic side.

Mr. MICA. I will just conclude by saying that, in fact, the way this is crafted, this does prohibit going in and getting additional information about bad guys. That is what this is all about. The way it is crafted it misses the mark about connecting the dots. It misses the mark of having one card. Unfortunately, the Federal Government has made a farce out of the TWIC card, and we're going further with this provision that has been provided in the manager's amendment.

I move my amendment at the appropriate time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR), the Chair of the full committee.

Mr. OBERSTAR. I thank the gentleman for yielding.

Mr. Chair, I share the frustration of the gentleman from Florida about the reader equipment, about the lack of continuity and about a number of other issues that he raised.

The problem I have is that the State of Florida requires one standard for truckdrivers with hazardous material, and it requires a different standard for those truckdrivers who enter ports. The State was moving in the direction of unifying those requirements, and if the State would do that, then I think we wouldn't have this kind of dichotomy and this problem. Therefore, I think the position of the Committee on Homeland Security has merit, and we should accept their position.

□ 1945

Mr. THOMPSON of Mississippi. Mr. Chairman, I would like to include in the RECORD a letter from the AFL-CIO Transportation Trades Department also opposing this amendment.

TRANSPORTATION
TRADES DEPARTMENT, AFL-CIO,
Washington, DC, October 22, 2009.

Re oppose the Mica amendment to the Coast Guard authorization bill.

DEAR REPRESENTATIVE: On behalf of the Transportation Trades Department, AFL-CIO (TTD), I urge you to oppose the Mica amendment to the Coast Guard Authorization Act of 2010 (H.R. 3619). TTD also supports final passage of the underlying bill and the Manager's amendment to be offered by Chairman Oberstar.

The Mica Amendment would allow states and local governments to impose additional and duplicative security background checks on workers who have access to vessels and port facilities. These workers are already required to hold a Transportation Worker Identification Credential (TWIC) and pass an extensive security vetting process that includes a criminal background check. One of the objectives of the TWIC program was to create a national security standard along with a national credential that would be accepted throughout the U.S. maritime industry. If states and others are allowed to impose different security standards, a worker who holds a TWIC and works at one port might be unable to enter other ports of vessels located in different jurisdictions. The patchwork of credentials and security checks that would be created by the Mica amendment is inconsistent with the national scope of the TWIC program and would impose additional fees on workers and their employers.

Finally, the Mica amendment would undermine language originally introduced by Rep. Castor that seeks to limit state and local security checks. This language has already been approved by the House as part of the TSA Reauthorization bill and is included in the Manager's amendment to H.R. 3619. Specifically, this language would prohibit a state or local government from adding on a separate security check for a purpose for which a federal transportation security card has already been issued. This clarifies that workers, for example, who have already ap-

plied for and received a TWIC should not be subject to additional and duplicate security checks for entering a port or a maritime vessel. This is a modest prohibition and can be waived by DHS if a state can demonstrate a compelling homeland security reason for imposing additional security checks.

Again, I urge you to oppose the Mica Amendment and vote for the Coast Guard Authorization Act of 2010 (H.R. 3619) when it is considered on the House floor.

Sincerely,

EDWARD WYTKIND,
President.

Again, Mr. Chairman, I rise in opposition to this amendment.

It's clear that it would provide an undue hardship on a number of individuals and States. It's duplicative.

We need one Federal card for security and identification purposes. The TWIC card has been approved by this Congress, and I urge opposition to this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The amendment was rejected.

AMENDMENT NO. 3 OFFERED BY MR. OBERSTAR

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-311.

Mr. OBERSTAR. Mr. Chairman, as the designee of the gentleman from Florida (Mr. HASTINGS), I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. OBERSTAR:

Page 312, after line 22, add the following new section:

SEC. ____ STUDY AND REPORT REGARDING EFFECTS RESULTING FROM CHANGES IN UNITED STATES IMMIGRATION POLICY TOWARD HAITI.

The Secretary of the department in which the Coast Guard is operating shall conduct a study and submit a report to Congress within 180 days after the date of the enactment of this Act examining the Coast Guard's current ability to respond to any possible short- and long-term effects resulting from changes in United States immigration policy toward Haiti. The study and report shall examine several likely scenarios and draw upon past experiences with changes to immigration policy with regards to Haiti.

The Acting CHAIR. Pursuant to House Resolution 853, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the amendment of the very distinguished gentleman from Florida (Mr. HASTINGS), who has a large constituency of persons of Haitian origin in his district, requires the Coast Guard to submit a report within 180 days after enactment to examine the Coast Guard's short- and long-term ability to respond to a possible mass migration resulting

from changes in U.S.-Haitian immigration policy. There was an increase in the number of Haitians attempting to enter the U.S. in the first quarter of this fiscal year, and every year thousands try to make unauthorized entries by water into the United States.

In 1992, President George H.W. Bush issued Executive Order 12807, which directed the Coast Guard to prevent undocumented migrants from entering the U.S. by stopping them at sea and sending them back to their country of origin. Well, there was one standard for Haitians and a different standard for Cubans.

Mr. Chairman, I lived 3½ years in Haiti. I have a great number of friends and students to whom I taught English during that year. I just recently visited Haiti for the 50th anniversary of the officers of the Haitian military academy, who were my English students.

Conditions in Haiti are wretched; 9 million people in a land of 10,000 square miles. That's land about one-third the size of my district with three times the population of the entire State of Minnesota.

These people, who are trying to leave Haiti for an opportunity in America are being exploited by unsavory ship captains who charge them \$5,000 to get on board a vessel that can accommodate 100 people. They will put 200 people on the ship, and then they will throw some of them overboard before they get into U.S. waters if they think that the overpopulation of the boat is endangering its passageway. This is awful.

This study will help the Congress, the U.S. Government better understand the problems of the people of Haiti and the challenges to the Coast Guard. It's an important amendment.

I reserve the balance of my time.

The Acting CHAIR. The Chair recognizes the gentleman from New Jersey (Mr. LOBIONDO) for 5 minutes.

Mr. LOBIONDO. Mr. Chairman, I claim time in opposition, but only to say we have no objection to the chairman's amendment.

I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield the balance of my time to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I rise in strong support of the amendment offered by Mr. HASTINGS.

This amendment will require the Coast Guard to study its ability to respond to the possible effects of a change in U.S. policy regarding immigration from Haiti.

While I agree with Mr. HASTINGS that it is past time for the U.S. to review our immigration policies towards Haiti, particularly as that Nation continues to suffer in the wake of the ongoing worldwide economic downturn and recurring natural disasters, we need to understand the full range of

consequences that such a policy change might bring.

The study requested by the gentleman's amendment will ensure that we have a thorough analysis of current conditions, as well as an analysis of past experiences to inform our consideration of immigration policy towards Haiti, as well as the development of the Coast Guard's plans and missions in the event that a policy change is made.

I support the gentleman's thoughtful amendment and his leadership on the issue and urge the adoption of the amendment.

Mr. HASTINGS of Florida. Mr. Chair, I rise today to offer an amendment to H.R. 3619, the Coast Guard Authorization Act of 2009, which directs the Secretary of the department in which the Coast Guard is operating to conduct a study and submit a report to Congress examining the Coast Guard's ability to respond to the effects of possible changes to U.S. immigration policies toward Haiti.

While it is certainly responsible to examine a worst-case scenario, my amendment also asks that the study look at what has happened in past experiences as we discuss the anticipated repercussions of changes in our immigration policy.

Changes in policies affecting Haiti are nothing new. In fact, it was just over 10 years ago that we here in Congress passed the Haitian Refugee Immigration Fairness Act, which affected far more Haitian nationals than any of the currently proposed policies would affect.

I firmly believe that what happened then and our current relations with the Haitian government will result in little change, if not a decrease, in Haitian interdictions.

However, my assurances are not enough.

Those who are critical or skeptical of Temporary Protected Status for Haitians often claim that any change could result in a massive surge, or might completely overwhelm the Coast Guard.

This is in spite of the fact that when we last adjusted the status of thousands of Haitian immigrants, we actually saw a decrease in interdictions, and despite the assurances from the Haitian government that they will do their part to ensure their citizens are aware that no new immigrants would qualify.

However, as of now, we have little more than speculation to ascertain what the results would be.

My amendment will help provide us with an objective perspective on the Coast Guard's expectations and their ability to continue to effectively guard our maritime borders.

TPS, or some other comparable relief, for our Haitian neighbors is long overdue and this administration has been stalling for far too long.

This study will hopefully help us show that our government has rationally and realistically examined all possible scenarios and we are well equipped to contend with any possible effects.

Mr. Chair, my amendment furthers this bill's commitment to ensuring the safety of those traveling on the high seas and protecting our national security, and I respectfully urge my colleagues to support this amendment.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. LOBIONDO

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-311.

Mr. LOBIONDO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LOBIONDO:
Page 312, after line 22, add the following new title:

TITLE —SERVICEMEMBER BENEFITS IMPROVEMENT

SEC. .01. SHORT TITLE.

This title may be cited as the "United States Coast Guard Servicemember Benefits Improvements Act".

SEC. .02. COAST GUARD HOUSING.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall conduct a study of military family housing and military unaccompanied housing available to members and officers of the Coast Guard.

(b) COMPONENTS OF THE STUDY.—The study required in subsection (a) shall include—

(1) an inventory of all military family housing and military unaccompanied housing units administered by the Coast Guard and their locations;

(2) a review of the physical condition of such units;

(3) a review of the availability of housing units administered by the Coast Guard to members and officers assigned to field units of the Coast Guard;

(4) a review of the availability of housing units administered by the other armed services to members and officers assigned to field units of the Coast Guard; and

(5) recommendations on statutory authorities that are necessary to improve availability of military housing to members and officers of the Coast Guard.

(c) REPORT.—The Secretary shall submit a report including the findings and recommendations of the study required under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. .03. CHILD DEVELOPMENT SERVICES.

Section 515 of title 14, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

"(b)(1) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide child development services.

"(2)(A) The Commandant is authorized to establish, by regulations, fees to be charged parents for the attendance of children at Coast Guard child development centers.

"(B) Fees to be charged, pursuant to subparagraph (A), shall be based on family income, except that the Commandant may, on a case-by-base basis, establish fees at lower rates if such rates would not be competitive with rates at local child development centers.

"(C) The Commandant is authorized to collect and expend fees, established pursuant to

this subparagraph, and such fees shall, without further appropriation, remain available until expended for the purpose of providing services, including the compensation of employees and the purchase of consumable and disposable items, at Coast Guard child development centers.

"(3) The Commandant is authorized to use appropriated funds available to the Coast Guard to provide assistance to family home daycare providers so that family home daycare services can be provided to uniformed servicemembers and civilian employees of the Coast Guard at a cost comparable to the cost of services provided by Coast Guard child development centers."

(2) by repealing subsections (d) and (e); and
(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

SEC. .04. CHAPLAIN ACTIVITY EXPENSE.

Section 145 of title 14, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) detail personnel from the Chaplain Corps to provide services, pursuant to section 1789 of title 10, to the Coast Guard."; and

(2) by adding at the end the following new subsection:

"(d)(1) As part of the services provided by the Secretary of the Navy pursuant to subsection (a)(4), the Secretary may provide support services to chaplain-led programs to assist members of the Coast Guard on active duty and their dependents, and members of the reserve component in an active status and their dependents, in building and maintaining a strong family structure.

"(2) In this subsection, the term 'support services' include transportation, food, lodging, child care, supplies, fees, and training materials for members of the Coast Guard on active duty and their dependents, and members of the reserve component in an active status and their dependents, while participating in programs referred to in paragraph (1), including participation at retreats and conferences.

"(3) In this subsection, the term 'dependents' has the same meaning as defined in section 1072(2) of title 10."

SEC. .05. COAST GUARD CROSS; SILVER STAR MEDAL.

(a) COAST GUARD CROSS.—Chapter 13 of title 14, United States Code, is amended by inserting after section 491 the following new section:

"§ 491a. Coast Guard cross

"The President may award a Coast Guard cross of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Coast Guard, when the Coast Guard is not operating under the Department of the Navy, distinguishes himself or herself by extraordinary heroism not justifying the award of a medal of honor—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force or international terrorist organization; or

"(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party."

(b) SILVER STAR MEDAL.—Such chapter is further amended—

(1) by striking the heading of section 492a and inserting the following:

“§ 492b. Distinguished flying cross”;
and

(2) by inserting after section 492 the following new section:

“§ 492a. Silver star medal

“The President may award a silver star medal of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Coast Guard, when the Coast Guard is not operating under the Department of the Navy, is cited for gallantry in action that does not warrant a medal of honor or Coast Guard cross—

“(1) while engaged in an action against an enemy of the United States;

“(2) while engaged in military operations involving conflict with an opposing foreign force or international terrorist organization; or

“(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.”.

(c) CONFORMING AMENDMENTS.—Such chapter is further amended—

(1) in section 494, by striking “distinguished service medal, distinguished flying cross,” and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,” in both places it appears;

(2) in section 496—

(A) in the matter preceding paragraph (1) of subsection (a), by striking “distinguished service medal, distinguished flying cross,” and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,”; and

(B) in subsection (b)(2), by striking “distinguished service medal, distinguished flying cross,” and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,”; and

(3) in section 497, by striking “distinguished service medal, distinguished flying cross,” and inserting “Coast Guard cross, distinguished service medal, silver star medal, distinguished flying cross,”.

(d) CLERICAL AMENDMENTS.—The analysis at the beginning of such chapter is amended—

(1) by inserting after the item relating to section 491 the following new item:

“491a. Coast Guard cross.”.

(2) by striking the item relating to section 492a and inserting the following new items:

“492a. Silver star medal.

“492b. Distinguished flying cross.”.

The Acting CHAIR. Pursuant to House Resolution 853, the gentleman from New Jersey (Mr. LOBIONDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I am offering this amendment, along with Mr. COBLE of North Carolina, to conform Coast Guard authorities to provide child care in development services, to support chaplain-led activities, and to issue medicals and commendations on a par with those available to the other branches of the military.

The Coast Guard is unique within the military community because it is located outside of the Department of De-

fense. While these authorities have been made available to the other military services, this amendment is necessary to provide the Coast Guard similar capabilities. This is a commonsense amendment which will improve services to servicemembers and their families.

The amendment also directs the Coast Guard to conduct a comprehensive study of military housing currently available to members of the Coast Guard and their families. While we had initially intended to reinstate authorities necessary to construct new Coast Guard housing—which I might add is desperately needed—through public-private partnerships, a scoring issue with the CBO has presented us from better addressing the deplorable condition of Coast Guard housing.

I know all Members want to provide the finest housing to these servicemen and -women who are giving so much to their country and who put their lives on the line each and every day to protect us. It is my hope that we will be able to work out a solution with Chairman OBERSTAR and the CBO to provide the service with the authority to improve their housing.

Mr. Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I claim the time in opposition, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from Maryland is recognized for 5 minutes.

There was no objection.

Mr. CUMMINGS. I rise today in strong support of the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO), the ranking member of the Subcommittee on Coast Guard and Maritime Transportation, and Mr. COBLE, a distinguished member of the subcommittee and a former member of the United States Coast Guard.

This amendment would require the Coast Guard to conduct a study of its family housing units, including requiring the development of a comprehensive inventory of such units and their physical condition. The study should also recommend legislative changes that could expand the availability of housing units. The state of the housing stock at some Coast Guard units is, frankly, appalling, and this is certainly the quality of life issue which is most often raised to the subcommittee by the Coast Guard members and their dependents.

I want to thank Mr. LOBIONDO for his concern about it. We have talked about it many times. It is one of my major conditions and that of our subcommittee.

The amendment offered by the gentleman would help us begin to understand the true extent of the Coast Guard's need for family housing, as well as the steps that we could take to

ensure that the need is met and given the budget scoring issues that seem to be impeding the development of new housing.

This amendment would also support several other quality of life initiatives and authorize the Coast Guard to award a Coast Guard Cross and the Silver Star Medal in recognition of heroic actions in service to our Nation.

These are all initiatives that I strongly support, and I applaud the leadership of our ranking member, Mr. LOBIONDO, and Mr. COBLE.

Let me also say that it's one thing for us to want our Coast Guard's men and women to go out and do a good job, but at the same time we must be concerned about their housing. Where they live, where they raise their children, where they take care of their families is so very, very important.

While we talk about thin blue line and how much we honor them and applaud them, if we say that in one breath and then the next breath do not do the things like this to help them live the very best lives that they can, that's something that's simply awfully wrong with the picture.

I applaud my colleague, and I urge adoption of the amendment.

I yield back the balance of my time.

Mr. LOBIONDO. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. LOBIONDO

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-311.

Mr. LOBIONDO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. LOBIONDO:
At the end of title II, add the following:

SEC. ____ . SUPPLEMENTAL POSITIONING SYSTEM.

(a) STUDY REQUIRED.—The Secretary, in consultation with the Secretary of Transportation and other heads of appropriate Federal departments, shall conduct a study to determine whether there is a continued need for a supplemental air and maritime navigation system as a backup to the Global Positioning System.

(b) STUDY COMPONENTS.—The study shall—
(1) analyze the impact of the termination of a supplemental system may have on maritime and aviation safety, including general aviation;

(2) review national navigational capabilities available in the event of a loss of the Global Positioning System;

(3) investigate the capabilities of currently available radionavigational technologies and systems, including the LORAN-C program currently operated by the Coast Guard as well as modernized LORAN systems, and costs and infrastructure requirements necessary to establish a supplemental system nationwide; and

(4) include recommendations for future courses of action.

(c) PUBLIC COMMENT.—The Secretary shall—

(1) publish in the Federal Register a draft report containing findings, conclusions, and recommendations from the study required by subsection (a);

(2) accept public comments regarding such draft report for a period of not less than 60 days after the date the draft report is published in the Federal Register; and

(3) consider any such public comments in the preparation of a final report under subsection (d).

(d) FINAL REPORT.—The Secretary shall submit a final report, including the findings and recommendations, of the study required under subsection (a) and responses to comments gathered under subsection (c) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the enactment of this Act.

(e) SECRETARY DEFINED.—As used in this section, the term “Secretary” means the Secretary of the department in which the Coast Guard is operating.

The Acting CHAIR. Pursuant to House Resolution 853, the gentleman from New Jersey (Mr. LOBIONDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer this amendment with my colleague, Mr. MICHAUD. This is a simple amendment which would require that the Department of Homeland Security, in consultation with the Department of Transportation, report to Congress on the decommissioning of the LORAN-C system. LORAN-C is a radio-based navigation and positioning system which many mariners use as a backup to GPS. It is also a primary means of navigation for bush pilots in Alaska.

At the request of the Obama administration, the FY10 Homeland Security Appropriations Act does not include funding to continue the system's operation. This is being done despite the fact that the Department of Homeland Security came to the conclusion in February of 2008 that a backup system to GPS is needed.

I am very concerned about the impact this will have on the safety of our waterways. In many regions around the country, the GPS can be found unreliable. I do not believe, as some in the administration have suggested, that we should go back to the days of navigating by sextant and lighthouse.

Our amendment would simply require the two departments to study the issue of whether a backup to the GPS is needed for safe navigation and report the findings to Congress.

Mr. Chairman, I urge all Members to support this commonsense amendment. I reserve the balance of my time.

Mr. CUMMINGS. Mr. Chairman, I claim time in opposition, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from Maryland is recognized for 5 minutes.

There was no objection.

Mr. CUMMINGS. Mr. Chairman, I rise in strong support of the amendment offered by the ranking member of the subcommittee, Mr. LOBIONDO, and Mr. MICHAUD of Maine.

This amendment would require the Coast Guard, together with the Department of Transportation along with other appropriate Federal agencies, to study whether we need a national navigational system to supplement and to serve as a backup to the Global Positioning System known as GPS.

In August of 2006, the U.S. Department of Transportation commissioned a study to assess whether a backup to GPS was needed. The study, conducted by the Institute for Defense Analyses, argued that a backup was needed because GPS is vulnerable to local interference and even intentional jamming.

The amendment offered by Mr. LOBIONDO and Mr. MICHAUD is a thoughtful amendment intended to ensure that we continue to deepen our understanding of our Nation's need for backup navigation aid systems in the event that the GPS is taken offline for some reason.

I support the amendment.

I yield back the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

□ 2000

AMENDMENT NO. 6 OFFERED BY MR. HIMES

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111-311.

Mr. HIMES. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HIMES:

Page 232, beginning at line 13, strike section 1101 and insert the following:

SEC. —. AMERICA'S WATERWAY WATCH PROGRAM.

(a) SHORT TITLE.— This section may be cited as the “America's Waterway Watch Act”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security should establish, within the Department of Homeland Security, citizen watch programs that promote voluntary reporting of suspected terrorist activity and suspicious behavior.

(c) AMERICA'S WATERWAY WATCH PROGRAM.—

(1) IN GENERAL.—There is hereby established, within the Coast Guard, the America's Waterway Watch Program (hereinafter in this section referred to as the “Program”).

(2) PURPOSE.—The Secretary of Homeland Security, acting through the Commandant of

the Coast Guard, shall administer the Program in a manner that promotes voluntary reporting of activities that may indicate that a person or persons may be preparing to engage or engaging in a violation of law relating to a threat or an act of terrorism (as that term is defined in section 3077 of title 18, United States Code) against a vessel, facility, port, or waterway.

(3) INFORMATION; TRAINING.—

(A) INFORMATION.—The Secretary, acting through the Commandant, may establish, as an element of the Program, a network of individuals and community-based organizations that enhance the situational awareness within the Nation's ports and waterways. Such network shall, to the extent practicable, be conducted in cooperation with Federal, State, and local law enforcement agencies.

(B) TRAINING.—The Secretary, acting through the Commandant, may provide training in—

(i) observing and reporting on covered activities; and

(ii) sharing such reports and coordinating the response by Federal, State, and local law enforcement agencies.

(4) INSTRUCTIONAL MATERIALS.—

(A) IN GENERAL.—The Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may—

(i) develop instructional materials that—

(I) provide information on inland waterways, ports and harbors, and coastal regions for a specific region, as well as specific vulnerabilities and threats common to a specific region; and

(II) promote voluntary reporting of activities that may indicate that a person or persons may be preparing to engage or engaging in a violation of law relating to a threat or an act of terrorism (as that term is defined in section 3077 of title 18, United States Code) against a vessel, facility, port, or waterway; and

(ii) distribute such materials to States, political subdivisions of the States, or non-governmental organization that provide instruction on boating or vessel operation in conjunction with any other instruction provided.

(B) DISSEMINATION.—The Secretary, acting through the Commandant —

(i) shall ensure that such materials are made available to any person or persons; and

(ii) is authorized to require, as a condition of receipt of funding or materials, pursuant to subparagraph (A), that the recipient of such funding or materials develops a program to reach the widest possible audience.

(C) ELIGIBILITY, FEDERAL ASSISTANCE.—The receipt, use, and dissemination of such materials shall not diminish the eligibility of any State, political subdivision of such State, or non-governmental organization to receive Federal assistance or reduce the amount of Federal assistance that such State, political subdivision of such State, or non-governmental organization that otherwise receive.

(5) VOLUNTARY PARTICIPATION.—Participation in the Program—

(A) shall be wholly voluntary;

(B) shall not be a prerequisite to eligibility for, or receipt of, any other service or assistance from, or to participation in, any other program of any kind; and

(C) shall not require disclosure of information regarding the individual reporting covered activities or, for proprietary purposes, the location of such individual.

(6) DEFINITIONS.—In this subsection:

(A) The term “covered activity” means any suspicious transaction, activity, or occurrence that involves, or is directed

against, a vessel or facility (as that term is defined in section 70101(2) of title 46, United States Code) indicating that an individual or individuals may be preparing to engage, or engaging, in a violation of law relating to—

(i) a threat to a vessel, facility, port, or waterway; or

(ii) an act of terrorism (as that term is defined in section 3077 of title 18, United States Code).

(B) The term “facility” has the same meaning such term has in section 70101(2) of title 46, United States Code.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the purposes of this section \$3,000,000 for fiscal years 2010 through 2015. Such funds shall remain available until expended.

(d) COORDINATION.—The Secretary shall coordinate the Program with other like watch programs. The Secretary shall submit, concurrent with the President's budget submission for each fiscal year, a report on coordination of the Program and like watch programs within the Department of Homeland Security to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives.

The CHAIR. Pursuant to House Resolution 853, the gentleman from Connecticut (Mr. HIMES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. HIMES. Mr. Chair, I yield myself such time as I may consume.

I would like to begin by thanking Chairman OBERSTAR and Chairman THOMPSON for their very diligent and intense work on this very important bill touching so closely to the topic of national security and making sure that our borders are secure and people are safe.

We have taken great strides in the last few years to ensure that our coasts, our rivers, our bridges, our tunnels, our ports and ships are safer than perhaps they were before. But the reality is that they are, as we all know, still vulnerable to attack.

With more than 95,000 miles of shoreline, more than 290,000 square miles of water and approximately 70 million recreational boats in the United States, the United States Coast Guard and local first responders simply cannot protect our Nation's waterways on their own. Individual citizens are often in the best position to notice suspicious activities that may be early indicators of terrorist activity. Any observations of suspicious or unusual activity could be extremely valuable to our national security, so we need a system in place to train volunteers to report their findings.

The amendment that I offer this evening strengthens, streamlines, and improves the national effort to engage local citizens in the fight to protect our waterways through the America's Waterway Watch Program. This program is an essential step toward improving our national maritime and homeland security outreach and awareness strategy, educating industry and

the public on the need to be vigilant and to report suspicious activity. The amendment aims to develop a system to collect and share these reports.

My amendment would authorize full funding for this program for the very first time, allowing the Coast Guard to fulfill the promise of the program by providing resources, training support and awareness of best practices to our Nation's small vessel owners, recreational boaters, tugboat operators, fishermen and marina operators, those people who are day in and day out closest to where activity is likely to occur.

In the spirit of national security and with the support of the United States Coast Guard and the House Homeland Security Committee, I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I seek to claim the time in opposition, although I am not opposed.

The Acting CHAIR. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. LOBIONDO. Mr. Chairman, we have no objection to the gentleman's amendment. The amendment would require the Coast Guard to establish the American Waterways Watch Program, which I understand is already in operation today. The language is identical to language that was offered by former Transportation Committee member from the State of Washington, DAVE REICHERT, as an amendment to the bill in the 110th Congress. So we have no object to its inclusion once again.

Mr. Chairman, I yield back the balance of my time.

Mr. HIMES. I thank my colleague and friend from New Jersey (Mr. LOBIONDO) and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Connecticut (Mr. HIMES).

The amendment was agreed to.

Mr. CUMMINGS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HIMES) having assumed the chair, Mr. POLIS, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes, had come to no resolution thereon.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ASTHMA IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 5 minutes.

Mr. KAGEN. Mr. Speaker, I appreciate having the opportunity to review with the Members of the House, and also with other people watching, one of the most important ailments of the country, and that is there is today an asthma epidemic all across these United States. The rate of asthma in terms of its incidence of morbidity and mortality has been increasing each and every year.

What we find here today is asthma in America has some numbers we all need to be aware of: 22 million people here in these United States suffer from symptoms of asthma. There are 4,000 deaths every year from people who have asthma that's totally out of control, undermedicated and undercared for. Too often today, patients will suffer from allergic reactions not just in the nose and the sinuses, which we call hay fever or allergic rhinitis, but also in the lungs, where we call it asthma, for asthma is nothing more than an allergic reaction within the lungs.

\$20 billion is what we spend every year treating and diagnosing this condition. We can and must do better. In terms of lost days of work, over 10 million days are lost because people are ill with their asthma symptoms, and 13 million school days are lost each and every year because children are underdiagnosed and undertreated with this important condition. We can and we must do better, and one way to do that is to guarantee that patients receive an accurate diagnosis.

Recently, in the health care debate here in the House, much attention has been paid to primary care or to the medical home model where every citizen in the country would have a primary care physician to go to to receive their medical care, not just for themselves, but for members of their family as well.

So how well are the primary care doctors doing when taking care of these asthma patients? In a number of double-blind crossover control studies, we find that asthma specialists have been delivering higher quality and lower costs to the care of these asthmatic patients. There has been a documented 95 percent reduction in hospitalization when taking patients once hospitalized with asthma and then following the patients, whether they are referred to primary care or to an asthma specialist. There has been a 95 percent reduction in hospitalization, a 77 percent reduction in visits to an emergency room, and a 77 percent reduction in days missed from work.

Clearly, the evidence reveals that specialty care for the diagnosis, treatment and management of this chronic and often fatal disease is best handled

by those who are specialists in the area. These facts have to be considered as we consider legislation that would compress people and, not force people, but guide them into primary care versus specialty care.

Throughout the country, specialists and primary care physicians have been working hand in hand and need to collaborate and cooperate when caring for patients, not just with asthma, but with all sorts of medical ailments.

And now that we are on the subject of health care reform, there are three essential elements that must be in a piece of legislation to pass this House and the Senate and to be signed by the President. They include not only no discrimination against any citizen due to preexisting conditions, but also transparency in the medical marketplace where every entity, every individual or business entity, that offers medical products or services for sale to the public should at all times openly disclose all of their prices and guarantee that everyone has an opportunity to know the price of a pill before they swallow it and to guarantee that everybody knows the price of a chest x ray or any other medical procedure before they actually have that procedure done.

Transparency, that sunshine that's needed to help create a medical marketplace, is critically important. No discrimination against any citizen and complete transparency will help create that medical marketplace.

But we also need to develop a standard health benefit plan, one that will guarantee that if you are sick and covered by that standard benefit plan, you'll be in your house, not the poorhouse, a standard plan that each and every insurance company must offer to every citizen within regional markets to guarantee that a marketplace creates that competition to drive down prices immediately, not in 2013, but in early 2010.

Asthma is an important condition. It's a very common condition, best managed by specialists who cooperate collaboratively with primary care physicians.

As we go forward to reform our health care system, I hope that the House leadership will understand how important it is to collaborate between primary care and specialty care and to guarantee that no discrimination, complete transparency in medical pricing, and the standard health benefit plan will exist in our legislation.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

Mr. DEAL of Georgia. Mr. Speaker, with my apologies to Charlie Daniels, I have some new words for one of his songs, and it goes like this:

Democrats went forth from Washington carrying a bill they wanted to seal. They were in a bind because they were way behind and looking for some doctors to deal.

You may think your health care is in pretty good shape, but give the Dems their due. They're willing to bet a fiddle of gold against medicine sold because they think they know better than you.

Mr. Speaker, I rise today to deliver a message to physicians and their patients across our great Nation. Don't be fooled by political attempts to buy off your support for a bill which the American people have already rejected. Despite the President's claim that health care reform will not add to the deficit, there is one very large problem: Medicare physician payment reform.

□ 2015

Just yesterday, Democrats in the other body attempted to force through a bill which purported to fix a fundamental flaw in the way Medicare pays physicians. Attempting to move this legislation outside of the context of a health care reform package only underscores the fact that the fix is not paid for, will add to the backs of all American taxpayers, and is being used as a political bait-and-switch to lure providers into supporting a flawed health care reform bill that has already been rejected by the people.

President Obama has made repeated promises that he will not sign a health care bill that "adds one dime to our deficit, either now or in the future, period." By that very logic, the bills that are now pending in the House and the Senate are dead on arrival if President Obama wishes to keep his promise to the American people.

The problems with the sustainable growth rate, commonly referred to as SGR, have forced this body to act repeatedly to override detrimental cuts to physician reimbursement that is prescribed by this flawed formula. At the very core of this issue is patient access to physicians which literally hangs in the balance. If these cuts are allowed to occur, seniors will face an unprecedented loss of access to care, and doctors will be unable to continue to treat seniors when payment rates are far below the cost of providing care.

With a looming 21.5 percent reduction in reimbursement scheduled to go into effect at the end of this year, it is not surprising that the administration would use this political leverage to advance an agenda for health care reform that on its own merit has been and continues to be rejected by many of the American people.

Aneurin Bevan, the Minister of Health of Great Britain, when asked how he convinced his country's physicians to go along with the government takeover of health care, said, "I stuffed their mouths with gold." Mr. Speaker, this Congress and the Obama administration are attempting to do the same with fool's gold. Instead of being honest and forthcoming with the American people, the administration and Democratic leadership in Congress are choosing simply to ignore the cost of fixing SGR using budgetary games that will

add another \$250 billion to the Federal deficit. Clearly, dimes aren't being added to the deficit, hundreds of billions of dollars are. This, of course, is in addition to billions of new taxes on individuals and small businesses and cuts to popular Medicare programs like Medicare Advantage.

What is at stake is our ability as a Nation to enact meaningful reforms which drive down cost, improve quality, and increase access to health care coverage of Americans by their own choosing. In fact, CBO estimates that tort reform alone would save Americans over \$54 billion over the next 10 years, and that's just one example. So much for bending the cost curve, though, because malpractice reform is being left behind to be fixed another day.

So to my colleagues and physicians looking to strike a deal on that fiddle of gold, remember, it is not your own soul that this legislation will steal; it is the soul of health care in America.

PROGRESSIVE CAUCUS HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Let me thank the Speaker for recognizing us today. And let me also thank Mr. JARED POLIS, who will be joining me today for the Progressive Caucus hour.

We come together every week to talk about a progressive vision for America, a progressive vision, one that says, look, we all count, we all matter, we all need health care, we all need clean air, clean water, food free of pesticides, and now we all need health care. We need health care that works for everybody. We need to cover the uninsured. We need to stop the escalating costs for those of us who may have health care but see our premiums rise and rise and rise, doubled over the last 10 years, doubling over the next 10.

So tonight, Mr. Speaker, we come together to talk about health care, to talk about the fact that we are within grasp of major health care reform. The American people not only want it, they demand it, and they demonstrated their interests in the last election, which not only landed Barack Obama in the White House, but landed us in firm majorities in both the House of Representatives and the Senate.

So let me invite you and yield to Mr. POLIS of the great State of Colorado, who will share a few remarks as we jump into this subject of health care.

Mr. POLIS. Mr. Speaker, I rise to share with you stories of real people and how health care impacts real American lives every day.

One of my constituents from Westminster, Colorado, Barbara Graham, contacted me the other day and shared her story that I want to share with you.

In 1970, Barbara's daughter was born with cystic fibrosis. The longest period of time she went without being hospitalized was 7 months. At that point, they had insurance, and Barbara told me that unlike today's insurance, it covered all of her stays and it didn't cost them an arm and a leg. Unfortunately, her daughter died 6 weeks before her eighth birthday. Her son was born with cystic fibrosis in 1976. He is still alive, but because of his condition, today he has no health insurance. He is self-employed, and he couldn't begin to afford the cost of insurance with a pre-existing condition like cystic fibrosis.

His and his mother Barbara's daily thoughts are, how long can they get help from the Cystic Fibrosis Foundation, from family members trying to patch together what they need to help with his medication and his needs? How long can her son stay healthy enough not to be hospitalized because hospital stays have cost him everything? He can never accumulate assets, his hospital stays wipe him out. The last time he was sick he was turned away. His mother has watched him where he can hardly get a breath of air without thinking that it might be his last.

Yes, Barbara tells me, our country needs help with the health care industry. Barbara says that having an illness and a preexisting condition is not elective, and it's a shame that insurance companies control how and when a person is treated. Barbara watched—and how difficult it is for any parent to watch—one of her children die because of our health care system, and she fears and she writes that she will probably watch her son die before his time because of his inability to access health care.

Barbara wants us in Congress to remember those who can't help themselves because of illness. Well, in the health care reform plan before us, we ban pricing discrimination based on preexisting conditions. Through creating exchanges, we allow people like Barbara's son, who is self-employed, to have access to a low-cost option with some of the same negotiating leverage that a 10,000 or 100,000-person company might have through an exchange which allows for great choices between many private insurers and the public option. He would also receive affordability credits depending on his income—for an individual up to 300 times poverty, up to about \$42,000 a year in income. Barbara's son will receive affordability credits to buy the insurance that he needs through the exchange, which will be affordable because they won't be able to discriminate based on his pre-existing condition.

It is for families like Barbara's and to make American families stronger that the United States Congress needs to pass health care reform.

Thank you, and I yield back to my friend from Minnesota.

Mr. ELLISON. Let me thank the gentleman for yielding. And I will be yielding back to the gentleman in a moment.

It's so important that we keep this conversation real, real people going through real things. I want to thank you for bringing the story of that family to the floor of the House today. They deserve to be heard.

This is the progressive message, the Progressive Caucus Special Order hour, and I just want to share a few things.

As the gentleman from Colorado talks about real stories, let me talk about things a little more globally. Let me say that there are highlights that you need to know about regarding whether the American people want health care or not.

The majority has now backed two key and controversial provisions, both the so-called "public option" and the new mandate requiring all Americans to carry health insurance. Polling has demonstrated that the American people support both. Independents and senior citizens, two groups crucial to the debate, have warmed to the idea of the public insurance option. Fifty-seven percent of all Americans now favor a public insurance option. The fact is, 56 percent of all Americans favor a provision mandating that all Americans buy insurance because Americans know that if you decide to not get insurance and all the rest of us do, when you get sick, we are surely going to take care of you. So everybody has to help out and do what's right as part of this.

The number rises to 71 percent, should the government provide subsidies for many low-income Americans to help them purchase insurance; 71 percent of Americans say that we should do that.

I want to yield back to the gentleman. Maybe if you have some more stories, you can share them; otherwise, I can keep running down how things are going more globally.

I also want to share some stories tonight, but if you've got a few ready to roll, let me hand it back to the gentleman from Colorado.

Mr. POLIS. I thank the gentleman from Minnesota.

I rise to share stories of real people that highlight the urgent need for health care reform.

Eileen Fink of Colorado Springs is what we might think of as a soccer mom. Her kids, she told me, have a reputation for being involved in sports. They are a healthy and athletic family, but they, like many American families, lost their health care insurance. They encourage their kids to power on, play sports, have fun, live a normal and happy childhood. No one in their family was reckless, but they had a bad year when they racked up several orthopedic injuries in a short time with no insurance. This could happen to any family. Their daughter racked up over

\$10,000 in bills after a fall that required reconstructive surgery and steel rods in her bones. Their other daughter fell ice skating, broke her wrist. That was a \$3,000 bill. Finally, their 14-year-old son broke his wrist, and feeling sorry for the family's financial predicament, he hid that for 9 days; he didn't tell his parents that his wrist was in pain or what he was suffering from. One night he finally said, Mom, I think I broke my wrist a while back, but I didn't want to make you cry about the bills. It turned out it was broken on a growth plate. The police came to question Eileen about the delay in treatment. Ultimately, it was her son who tried to protect his own family from the bills, hence the delay in treatment. What does that teach him about access to health care? Eileen feels terrible that her son suffered so long trying to save the family financially.

Eileen asked us in Congress to help hardworking families like hers. And she added that, by the way, my husband is Republican, but sees this as an important issue, too.

Families are bipartisan, families are nonpartisan. Whether they're registered to vote, whether they vote, whether they're Republican, when they're independent, whether they're green, whether they're libertarian, whether they're Democrat, what kind of system forces a 14-year-old kid not to tell his parents that he's hurt because he's worried about his mother crying because they can't afford the treatment?

Under health care reform now before Congress, families like the Fink family would have the option of getting insurance through the exchange, a low-cost option that people who are self-employed or work for small businesses would have that would give them the same negotiating power and leverage as multinational corporations. Families like the Finks would also receive affordability credits and have the guarantee that they would have no more than \$10,000 out of pocket in medical expenses each year, preventing them from bankruptcy and from having to worry and having to worry their children about the cost of medical care.

It is urgent that this United States Congress keep families like the Finks in mind, soccer moms and soccer dads across the country, any of whom could be affected by the breakdown and the failures of our current medical system.

It's for families like the Finks that I call upon my colleagues in the United States Congress to pass health care reform and send it to President Obama's desk before the end of the year.

Thank you. I yield to the gentleman from Minnesota.

Mr. ELLISON. Let me thank the gentleman for yielding.

The gentleman is doing a great job highlighting what Americans are going through. Americans of all descriptions—Americans in the suburbs,

Americans in the city, Americans in the rural areas, Americans in the East, the West, the Midwest, the South, all over America people need health care reform. They need it if they have health care through their job; they need it if they don't have it at all. We need health care reform and we need it now. The American people have sent a resounding message, and it's up to the American Congress to act now and not play politics.

□ 2030

Because, as the gentleman pointed out, even if you are a registered Republican, or a registered Democrat, no matter what you are registered for, the fact is that when you have an injury or an illness in your family and you have to consider what to do, given the costs that you will face or all the other implications, you don't really think about politics, you think about getting some care that you can afford. So the Congress has to be responsible and do the right thing.

Let me just say this, just a few stats. These are stats I am talking about. The gentleman from Colorado has been talking about real-life stories. Let me paint a more global picture for a moment, and I will yield back.

Forty-two percent of Americans have changed their health care coverage in the last 5 years. Thirty-eight percent of Americans worry they will lose their health care coverage in the next 5 years. That is a lot of people. Almost 40 percent are worried they will lose their health care coverage. That is a big deal.

The fact is that from 2003 to 2007, about 36 percent of Americans either experienced gaps in their insurance or relied on government insurance for all or part of their coverage. That is a lot of people, fully a third. Fully a third of Americans in that 4-year period had gaps in their insurance or had to rely on government to keep things afloat for their family. This is a big deal.

A few more stats I would like to share before I yield back to the gentleman from Colorado. According to The Urban Institute, as many as one in five uninsured Americans is uninsured because of a change in or loss of job. When you lose your job, you lose your health care insurance, unless you can keep up with COBRA. But then, of course, that is on you to pay for, and if you don't have a job, you might not be able to cover that COBRA.

The fact is that people are suffering in individual homes, in apartments, on farms that they live on across America, and they are struggling in large numbers when we aggregate them and look at them statistically. They are dealing with a lot of tough things out there, and it is time for Congress to act.

Let me say in 2008, the average cost of an individual plan was about \$4,704.

That is 2008. A family plan was \$12,608. \$12,000. That is an enormous amount of money in the course of a year. These numbers will double in the next 10 years, eating up a greater percentage of the family budget, chewing into expenditures that the family has to make for vital things just to be able to make it and just to be able to do well.

The reality is the time for change is now. No more delay, no more scare tactics, no more stories about community schools, about sex clinics; no more stories about death panels or stories about it is only covering the uninsured because everybody else has insurance. No, we need real reform for everybody. North, west, east, south, we need it now.

I yield back to the gentleman for another one of those great stories he has been sharing with us.

Mr. POLIS. I thank the gentleman from Minnesota. A friend of mine, a resident of Thornton, Colorado, but it might as well be Fresno, California, or Houston, Texas, or Mobile, Alabama, it doesn't matter, Lynn Zimmerman of Thornton shared her story with me. She wants to see a public health care option similar to Medicare in this country.

Two of her sons are working for minimum-wage jobs currently, and they can't afford health care insurance. Those in their community that earn between \$1,000 to \$1,200 a month can barely pay rent and car insurance, barely put food on the table. How can they expect to pay for health care on top of that, which they frequently, in the case of her two children, don't receive through their job? Their employers don't offer a health care package, and they are no longer college students so they can't be on Lynn's plan.

Lynn is a teacher, and a darn good one. But she shared with me that her health care plan has gotten so expensive that it is an issue every time the teachers union goes through negotiations with the district.

The district can't afford health care coverage for their employees. In order to afford the health care coverage, teachers have been taking pay cuts for a decade. They still get a nominal pay raise, but the portion of the health care plan has been raised more each time they negotiate, and their take-home pay has been cut.

Lynn tells us that the current insurance programs spend too much time and money trying to deny payment for procedures that are covered under their health care plan. Lynn suggests, and with a tremendous amount of common sense, why don't we get rid of the people pushing papers and denying coverage, the very people that are driving costs in our system?

That speaks to the critical reason of having a public option as an alternative, to provide real competition for insurance companies, so insurance

companies with exorbitant CEO pay, insurance companies that spend the money that we pay them with our premiums hiring people to deny the very claims that we retain them to pay out on, will be held competitive and forced to be competitive to retain their customers.

Having a public option which is revenue neutral—they will have only the premiums that we allocate to them to pay out in claims—will help keep the insurance companies honest in their competition as a critical component of health care reform.

Lynn finally implores Congress to act now and make good on our promise to the American people to improve the access and quality of health care so that Lynn's sons can have access to an exchange, a low-cost option that gives them buying insurance as individuals the same negotiating leverage as a multinational corporation with 100,000 people, that gives her sons affordability credits, for an individual up to about \$42,000 a year. Her sons making \$12,000 to \$15,000 a year will get affordability credits that will pay for almost all of the cost of insurance through the exchange.

What a transformative difference health care reform will make in the lives of the Zimmerman family and in the lives of millions of other American families like the Zimmerman family that are the backbone of America.

I yield back to the gentleman from Minnesota.

Mr. ELLISON. Let me join the gentleman from Colorado, Congressman POLIS, who is doing such a great job, in offering a few stories that people are dealing with out here today. We also want to just thank the gentlelady from the great State of Illinois. JAN SCHAKOWSKY is here joining us right now, and as she gets her bags straight and everything, I am going to just share one story from a family that is really, really working and pulling for real health care reform. Let me say I will just leave the last names out just to protect folks.

Kelly is 50 years old and her husband is 55. They are both retired employees. They are retired from an American company. After a 2004 horseback riding accident, Kelly was in a coma for 3 weeks. Her insurer, United Health Care, refused to cover her emergency surgery. To this day, Kelly has no memory of the incident.

David called UHC from the hospital in the waiting room to report the incident, but the company denied coverage, saying David hadn't reported the incident. On top of that, the company told David the hospital was out of network.

The company, the health insurance company, eventually paid about half of Kelly's medical costs, which left the family with about \$200,000 in bills. \$200,000 is a lot of money even if you already have a lot of money. But that is how much they had in bills.

They were able to hold on to their house, but only by selling almost everything else they owned and declaring bankruptcy. Yes, bankruptcy. Kelly tried to go back to her job in the computerized drafting field, but the brain damage was too severe and she just couldn't do the work anymore.

David, also retired after 20 years as a communications technician, he suffered an on-the-job injury to his spine. To this day they pay about \$1,645 a month, which is a lot of money, to the bankruptcy court, and hope to be out of debt one day.

So that is just one story. But their story could be dramatized by the number of people who file for bankruptcy because of medical debt. More than half of the bankruptcy filings are due to medical debt that is just crippling families. Health care reform will bring that nightmare to an end, so we look eagerly towards it.

I think the gentlewoman from Illinois is ready to hand it to the folks, so let me yield to the gentlelady and thank her for coming, JAN SCHAKOWSKY.

I yield to the gentlelady from Illinois.

Ms. SCHAKOWSKY. Thank you so much, Mr. ELLISON.

I was watching this wonderful Special Order on television. I wanted to share a couple of stories that I have, both from my district and from testimony we have recently had at a committee hearing.

I wanted to tell you about one of my constituents, Marie, who owns a candy store in Wilmette, Illinois. After she and her husband were denied coverage, they were finally able to find a policy that will cost them \$1,700 each month in premium and out-of-pocket costs. So how many small business entrepreneurs can afford that, particularly in today's economy?

Or take Jim Kelly of Glenview, Illinois, who works for a small business that can't afford to provide coverage to its workers. Jim and his wife are forced to take, in his words, "a risk."

"We are paying cash for our medication and hoping that nothing major happens until we are eligible for Medicare."

Americans shouldn't be asked to gamble their lives, and I think it is time for solutions.

Then in committee we heard from a man named, let's see, his name is Bruce Hetrick. This was a panel of small business owners. He said, "You should know that I am a hearing-impaired, migraine-suffering, diabetic cancer survivor who is also the father of a cancer survivor and the widower of a cancer victim. So I have experienced more than my fair share of the American health care system."

I would add, to say the least. He wasn't whining, believe me. This was a very brave guy. But he wanted to share some of his frustrations.

He said, "Health care and health coverage inflation is small business' enemy number one. My company pays 80 percent of employee premiums and 50 percent of dependent premiums. That is higher than typical firms like ours, but it helps us attract and retain good people. It also leaves us with a painful choice: Either the cost of health coverage cuts into our profits, or, if we pass it along to our customers, it renders us more expensive."

Then he gives us an example of something that happened to him.

"My late wife," he says, "Pamela Klein, who was also my business partner, was covered by our company's health insurance. In the last year of her life, the bill charges for Pam's cancer care totaled \$300,000. A few months before her death, our health insurance renewal came up. Lo and behold, the quoted increase for the health insurance portion of our benefits plan, just the increase, was a whopping 28 percent. That would have been devastating to our business and our employees. When Pam died just shy of the actual renewal date, I had our rates quoted. With Pam out of the mix, the increase for the very same health insurance coverage was just 10 percent."

A 28 percent increase reduced to 10 percent because of one person in need of care. That is the kind of thing that small businesses are facing. The underwriting is based on maybe 5, 10, 15 employees. And I wonder what an employer thinks when somebody perhaps with an obvious disability walks in? They have got to be thinking, can I really afford to hire this person? And that is not right in the United States of America.

I have got another one, but I will yield to either one of you to tell us your story.

Okay, let me tell you about Mick Landauer. He owns a small business, and he has been an owner for over 30 years, and one of the perks he offers, to quote him, "I offer the company's group insurance for those employees who desire coverage. The cost split is on a 50-50 basis, and those costs keep going up." He says, "The rates for employees have been rising tremendously. In order to keep them down, our deductible has been rising instead. Our monthly premiums are now around \$400 for an individual, \$800 for a family. The deductible is \$8,000 for an individual policy and \$16,000 for a family plan."

The muffler shop that he owns "pays for half the deductible with the plan we have now, which is a lot of money." He says, "Last year we had deductibles of \$4,000 for an individual and \$8,000 for a family. Two years ago the deductible was at \$2,000 for an individual and \$4,000 for a family." Then he says, "I expect deductibles to double once again, with monthly rates going up by \$500 or \$1,000."

"How can this be, you may ask," at the committee hearing? "It is because

one employee was born with a congenital heart disease. He visits a specialist twice a year. A routine visit may cost from \$1,200 to \$1,500. Any specialized tests will run \$10,000 and up. The employee with the heart condition, that is myself."

This is a business owner. "The only way I see to keep our monthly rates and deductibles reasonable is by removing myself from the company policy."

□ 2045

I will not be able to get health insurance anywhere else, as I turned down our company group plan that's available to me. So I ask you, what options do I have? Pay for my own medical costs, in which case I'd be forced to sell the business; quit going to doctors, including the congenital heart specialist; or maybe move to Canada, which has a national health plan and ultimately being forced to sell my business.

Are these the choices that we should give to anyone in our country? I think maybe I'll move to Canada in order to get covered? Or give up my business? This just isn't right. That's why the legislation with the robust public option is the answer for people like this.

Mr. ELLISON. I thank the gentlelady for yielding.

I'll next yield to the gentleman, Congressman POLIS.

Mr. POLIS. You know what strikes me with the moving stories that my colleagues the gentlelady from Illinois has shared and the gentleman from Minnesota? You know, it doesn't matter whether you're from Texas or Minnesota or Illinois or Arizona or Colorado or New York. Kids everywhere get broken wrists. People anywhere could have a congenital heart condition. These are not the fault of the individual. These are preexisting conditions. It could happen to you. It could happen to me. It could happen to your sister, your brother, your cousin.

We all want to have that there, something there in case our own family faces this kind of situation. We all want and should be demanding and can demand now, by supporting health care reform, preventing discriminating based on preexisting conditions, preventing exclusions based on preexisting conditions. The gentleman in the story that my colleague and friend from Illinois just shared with us would have access to an exchange, a low-cost option that would give him the same negotiating leverage as multinational companies with hundreds of thousands of people in buying his health care insurance, with a public option that would give him the choice and keep the competition and ensure that there was intense competition within the exchange.

Depending on people's income level, up to several hundred percent of the poverty line, they will get affordability credits. For a family of four, up to

\$70,000 a year in income, they'll get affordability credits. And if they don't get their insurance through work, they'll be able to purchase them on their own through the exchange. It doesn't matter. Could be somebody from Illinois, Minnesota, Colorado, California, Texas, New York. These are American families we're talking about, and health care reform can help make American families stronger.

I yield back to the gentleman from Minnesota.

Mr. ELLISON. I thank the gentleman for yielding.

You know, Congressman POLIS, you're hitting the square tonight, as is our colleague from Illinois, Congresswoman SCHAKOWSKY.

Let me just take a moment to talk about myths for a moment before I hand it back to the gentlelady from Illinois. The fact is that as we stand here on the House floor tonight talking about the urgency of health care reform now, we want to also convey the idea that this is something that every American can participate in and can get involved in and can call their Representatives to talk about the importance of reform. But let me just talk myths, as I said a moment ago.

There's this idea out there that the public option is some government takeover or even a government-run program. It isn't true. The fact is the public option is a program where you'd have private doctors, where you would have the doctors of your choice that you could go to. It would be a low-cost alternative. And it certainly wouldn't be some kind of a takeover thing that they're talking about.

The idea that mandated health care is a new tax is also false. We're paying already for people who aren't covered. If you show up at the emergency room, we're taking care of you, so we're already paying. It's not a new tax on anybody.

There are other fallacies we'll talk about, and we'll talk about more as the hour wears on, but the fact of the matter is there are myths out there that must be debunked. And the American people are smart and they know very well what's right and what's good, and that's why a full majority continue to support the public option.

Let me yield to the gentlelady from Illinois.

Ms. SCHAKOWSKY. I thought you'd be interested in this. We had testimony again in the committee from a man named Fred Walker who said, I thought it was my duty—he told his own story, but then he says, I thought it was my duty to ask friends, family, and mentors their opinion on this issue, and so he's paraphrased some of their responses, he says. Let's see.

Jack Grayson, owner of Seminole Realty, and my cousin who looks after me like a brother, told an unheard story about the 13-year battle his departed

wife, Peggy, had with cancer. And I quote, "The last few years our copays were \$3,000 to \$4,000 a month, and we had good insurance. What do the less fortunate do?" Peggy passed in 2000. Jacks says we have to help those who can't afford the proper care.

Bob Howes, my friend and keyboard player, delivers car paint 2 days a week and plays music for money as much as he can to survive. Bob has an ongoing battle with skin care and has run out of options for treatment. He's conceded death within a few years.

Bill Walker, my cousin who is an RN and sells pacemakers for St. Jude Medical Division. Bill travels a lot and likes the French and the Canadian system. Most of my middle-aged, right-wing buddies who live week to week could never afford health insurance. Their clock is ticking and they don't have a plan.

And then he says, I'd like to note that while polling my friends and family on October 15, I finally found someone who is very happy with their health care. Pete and Pat Lamb are dear family friends and over 70 years old. Their combination of Medicare and coinsurance has provided well for them.

So finally, the people on Medicare are the only people he found that were really happy with their health insurance. But we have a bill now that's before us, a couple of days now, 2009, historic year, we're going to be able to, if we do a bill with a robust public option, make sure that every American can afford health care, and we're going to end these horror health care stories.

Mr. ELLISON. The gentleman from Colorado.

Mr. POLIS. I thank the gentleman from Minnesota for the time.

I want to share with you the story of Gerry from Boulder, Colorado. Several years ago, Gerry wanted to have an MRI on his left shoulder to determine the cause of rotator cuff pain that was becoming increasingly bothersome and disabling, but it took his insurer, Anthem Blue Cross, over a year to approve the procedure. In the meantime, he had to deal with that pain every day.

Gerry also shared that when his son turned 25, he needed to have his own health care insurance policy. And his son is healthy but takes an antidepressant. As a result, the insurance companies list him, like tens of millions of other Americans, with the scarlet letter—a preexisting condition. And he has to pay over \$300 a month for a basic policy for a healthy 25-year-old, and that's despite the fact that his doctor wrote to the companies indicating the condition is very stable and is not currently in treatment.

Gerry's doctor now charges a membership fee so that he's able to have the ability to see less patients for longer amounts of time. He needs to have sev-

eral clerical staff just to handle the insurance claims of the different companies. Each company, of course, requires different information.

Gerry and his wife pay a combined \$7,200 a year in health insurance premiums, and they have coverage, but they still have to pay about \$10,000 a year out of pocket for prescription drugs.

Gerry shares with us that our system may work when you're young and healthy, but it fails as you age and need care. What kind of health care system fails when you need health care? When you don't need health care, it works. When you need health care, it fails.

Mr. ELLISON. Will the gentleman yield?

Mr. POLIS. I will.

Mr. ELLISON. How would you like to have a car like that?

I yield back.

Mr. POLIS. That's right. When you don't need to go somewhere, the car works fine. The minute you need to get to work, the minute you need to go somewhere to visit your family, the car doesn't work. What kind of car is that? That's a lemon.

Ms. SCHAKOWSKY. It works fine. Although, let's remember, you're continuing to pay premiums, often very high ones every single month, even when you don't need it.

Mr. POLIS. That's right. And let's say you get in one accident or one speeding ticket, you're uninsurable for the rest of your life and you can't drive.

Well, these are our bodies we are talking about, not cars. And if you have one illness, one preexisting condition, you are virtually, if you try to buy insurance on your own, uninsurable for the rest of your life through no fault of your own. And that's what Gerry's son is going through at 25. Just takes an antidepressant, healthy kid, can't get insurance, pays a lot for a very basic program that isn't even comprehensive.

There are tens of millions of American families like Gerry's and others that will benefit from us passing health care reform now.

Mr. ELLISON. Well, let me share a quick story, and this one I don't have written down, but it actually happened to me when I had a town hall forum in my district in Minneapolis, Minnesota, and we had a packed-out room.

And I had this friend who was actually helping me get boards that I was using for a presentation, and she's just a wonderful person and I've known her for many years. And she was running around getting boards, getting coffee, helping people out, just sort of getting people signed in who showed up. That's the kind of person that she is. She's just good people.

Anyway, she—after it was all over, it was pretty emotional. It wasn't bad,

but it was a strong and powerful time. She said—she gave me one of those looks, Mr. Speaker, where it's like she said to me, I've got to talk to you. And I said, Okay, because I could have said, you know, Don't you see all these people? I'm busy. I'll get with you. I'll call you. But the way she looked at me, I said, Okay. So I said, You guys hang on.

So we went over to sort of like the corner of the room as people were filing out and she looked at me with eyes full of water. She looked like she could cry at that moment, and she said, you know, I just need to tell you this. I'm 39 years old. I have two teenage sons. My mother and my mother's sister, my aunt, both had breast cancer, and we lost my aunt last year. My sister has had a positive diagnosis, a mammogram. She's being treated now. I don't know what to do because I know that I need to go get the exam, but I also know that if I get it, they're probably going to say I have a preexisting condition. I could be dropped.

This young woman, full of life, full of care and concern about everyone else, said to me, I'm too young to die. I've got teenagers. That's who she's worried about. She said, If I go get the test, they could drop me for having a preexisting condition. If don't get the test, I don't know what illness is growing within me, and I don't know what to do. I said, You know what? I'll make a personal pledge to do everything I can do to make sure that there's answers for you and your family, and that's my promise to you. And I shook hands with her that moment, and I'm down here on this floor today telling her story.

And I yield to the gentlelady from Illinois.

Ms. SCHAKOWSKY. You know, women are really discriminated in health insurance. The average woman, 40 years old, pays about 48 percent more for health insurance. And our committee did some research, in the Energy and Commerce Committee Oversight and Investigation Subcommittee, and we found that a 21-year-old woman was paying 143 percent more, healthy woman, than a healthy young man of the same age, 21 years old.

I think the worst story I have heard so far is a young woman—it has to do with reproductive—it has to do with what it is to be a woman, and we're discriminated against. And this woman went in and had a—had to have a cesarean section for her baby. Her insurance company told her that if she wanted to maintain her coverage after the cesarean section, she would need to be sterilized. I kid you not. People I've told that to gasp. We have the woman. We can, you know, present her. She's a real living person to whom that happened.

And then, a couple of men who were testifying before our committee, both

of them were recommended to get a divorce from their wives so that the wives could go on Medicaid and, therefore, they would get the health care that their—one, a hemophiliac child, and another who had needed a liver transplant. That was the answer that they were given. Get a divorce, and then your wife may, and child may be eligible for Medicaid.

What is going on in the United States of America when one woman is told to get sterilized and two couples are told to get a divorce? The choices, the options are wrong. We need a public option, a robust public option that gives people a choice of a plan that competes with the insurance industry that has brought us to this time of crisis right now. It has to stop.

□ 2100

It's only going to get worse if we don't pass legislation that gives people a real choice, real competition and start to bring some sanity to our non-system of health care in this country.

Mr. ELLISON. Let's kick it to the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. People wonder why there's such passion with this issue created on both sides of the aisle. It's because this issue is an issue of life and an issue of death.

One of my constituents from Boulder, Colorado, asked her name not be used for her very personal story but wanted me to share it with the people of the country and my colleagues in Congress.

She tells us that she doesn't even consider her story unusual. Her sister was 62 and hadn't been able to afford health care for most of her life even though she worked as a legal secretary.

Sixty years ago, her son, the niece of my constituent from Colorado, became very depressed at age 24. He was a part-time student, he didn't have access to any health care, let alone the mental care he so desperately needed. And 60 years ago on the night of July 4, he went to a park and shot and killed himself. The devastation to her sister and their entire family, as any of us know, is beyond words, beyond explanation.

"Isn't my nephew as important as any politician or rich person in this country?" And that could be a question that any of us asks. She writes that health care is a right for all citizens, and there must be a robust public option. This could be any American family.

We're talking about lives like the life of this young man with mental health parity, with access to mental health service. He first of all could have been on his parents' plan up to age 26 under our plan. If he wasn't able to participate in the parents' plan, he would of gotten affordability credits for his own plan to get insurance through the exchange, including a public option.

How many lives must senselessly end like this before Congress acts? It's sto-

ries like this that continue to multiply; and until Congress takes action, we're going to have more unnecessary deaths. And that's why people get so passionate about this issue. We're talking about life and death; we're talking about people from across the entire country and what health care reform really means to them and their loved ones and their security.

Mr. ELLISON. Let me thank the gentleman again.

The points are powerful. As you mentioned, the robust public option, I have to mention that the question emerges, Who wants a public option? Who wants it? Doctors want it. About 63 percent of all doctors say that they want a health care reform plan that includes both a public and private option. There's another 10 percent of doctors who say they want a public option only. They just want a single-payer like I want. And so that is a full two-thirds.

So doctors want it; two-thirds of doctors want it. Nurses want it. They're on record. Nurses want a public option health care reform. Congress wants it. Congress wants it, and we're going to show that and not too long from now. Faith communities have come forward and said, We want a public option. The President has publicly stated he prefers a public option. He's made this very clear. He's on record. Go out and Google it. And the American people want it, too.

The most recent poll showed 57 percent of Americans want a public option. It has been up there in the 60s, in the high 50s. We want a public option. We have to fight hard to get it. It won't be easy, but we're going to do it.

Let me just say this: a young man tells me he wants to know measures to encourage more medical students to enter primary care, what can we do about that and health care reform; and he also had some views that he wanted to express about tort reform.

But can I just ask you guys, either one of you would be interested in taking on this one. What about encouraging medical students to do primary care? Is that an important part of health care reform in your view?

Ms. SCHAKOWSKY. Absolutely. I think our legislation is going to create incentives for medical students to go into primary care, not necessarily a specialty, and to make sure that we help them afford their medical education, which is so important. Young people going through medical school can end up with tens of thousands of dollars' worth of debt. We want to make sure that it's affordable for young people to go into health care.

And the reason that primary care is so important is then we have the opportunity to keep our people healthy. We can take care of all of those things before they become sort of a crisis that's going to need some sort of surgery or some sort of dramatic or long-

term care. So that is built into the legislation. And, in fact, I am going to be speaking to some medical students this weekend who are very much supportive of our legislation because they know that it will give them an opportunity to go into primary care and be able to make a living and do what our country needs.

Mr. ELLISON. Let me offer a few other thoughts, that is, as we are embarking on this effort, we're on the House floor tonight—Progressive Caucus comes week after week. We've been talking about health care since summertime. We're going to have to get another topic but not until we get health care reform.

But I just want to take a moment to say this is an opportunity to talk about what real people are going through.

I want to tell folks about Courtney. She's 31 and a mother of a toddler. In college, she was diagnosed with Crohn's disease, a debilitating and chronic digestive illness, serious illness. If you have any experience with Crohn's disease, you know it's tough.

To control her disease, Courtney needed expensive medication, about \$1,500 worth of shots four times a month. After first approving the treatment, her health care provider, United Health Care, denied Courtney coverage of the medication 12 months later saying that the shots were no longer medically necessary.

Courtney and her doctor fought the insurer; and by January of 2009, the company reinstated coverage of the medication, but it was too late. Courtney's condition had already deteriorated, and she was in chronic pain with decreasing energy and quality of life. In May, she underwent major surgery, spending a week in the hospital and missing almost 2 months of work.

I yield to the gentleman from Colorado.

Mr. POLIS. Thank you. I thank the gentleman from Minnesota.

You alluded to other topics.

I want to take this opportunity to remind our viewers that for the cost of the war in Iraq and Afghanistan, not only could we cover every American with health care, but we would reduce the deficit by hundreds of billions of dollars over 10 years. And I know that that is a topic that many of us plan to return to as well.

But I would point out, to put things in perspective, there were those on the other side of the aisle that didn't ask, didn't worry how much it would cost to invade and occupy not one, two countries; didn't ask how long it might cost to be there 10 years, 20 years, how much to increase it 40,000 troops, 60,000 troops, 80,000 troops.

But there's a new-found commitment of fiscal responsibility when it comes to health care. And I am proud to say that the Democratic plan fully pays for

health care reform. Not only will it fully pay for health care reform, but it will reduce the budget deficit over 10 years and help rein in growing health care costs.

I think it's important to put a human face on what health care reform means for American families.

I want to share with my colleagues in the House the story of Deborah Abbott Brown from Boulder, Colorado. Deborah, like a lot of Americans, lost her job about a year ago in the recession so she was faced with COBRA payments. Her COBRA payments would have been \$1,800 a month to continue the health care for her family. She couldn't afford that. That was more than her mortgage payment, and at the same time she was losing her income. How could she afford \$1,800 a month in COBRA payments?

So she wanted to turn to—being responsible and wanting to keep her family with some kind of insurance—she turned to the individual insurance market in Colorado to try to find affordable coverage. She thought, You know, I'm willing to pay a reasonable amount and maybe we'll have some kind of high deductible or catastrophic plan. But she soon found out that her family was denied coverage on the individual market even though one of the companies she applied for was the same provider of the COBRA care that she couldn't afford.

The reason is that her husband, Deborah's husband, had recently turned 50, completed his baseline colonoscopy, as was recommended by his physician, and was told that the procedure counted as a surgery and in the individual market they would not offer insurance to anybody who had a surgical procedure in the last 3 months. Deborah was shocked. How can a common medical procedure when there were no findings be the basis for denying coverage?

That's when it dawned on Deborah, as it dawning on millions of Americans every day, that insurance companies work for their own profit. They unreasonably deny insurance in the individual market when they don't provide needed insurance profits. That's when Deborah became a convert and told us that's why the public option is a must.

This is a routine occurrence. Families across our country—California, Illinois, Minnesota, Texas—they want to do the right thing. She wanted to get COBRA, but for \$1,800 a month, she said let's find an affordable option. Oh, your husband had a routine preventative procedure that he should have had—and it was a good thing he had from a medical perspective—came out clean but, oh, he had a surgery in the last 3 months.

This is what American families are being told, and this is where we in Congress have a historic opportunity to fix and make a health care system that's good for American families.

I yield back.

Mr. ELLISON. Before I yield to the gentlewoman from Illinois, I've got a story here.

A 50-year-old woman with Morton's neuroma. Surgery was scheduled, but she was laid off and lost her insurance. Now she can barely walk, and she can't get to surgery.

So I yield to the gentlelady again.

Ms. SCHAKOWSKY. At this point, I just want to thank Mr. ELLISON, the gentleman from Minnesota, for coming down to the floor and helping to educate our Members of Congress and whoever may be watching about the dilemma that we face right now and how Congress can fix it, that we can gather all of these stories that we've been telling tonight and then work out a plan that actually addresses them. And if we don't take this opportunity to lift the burden of fear, of distress, and sometimes even death from American families, then shame on us.

It is time to act. We have a plan that can fix this problem. And we have just a few more weeks. We've got to do it before the end of this year.

And I just want to thank the gentlemen from Minnesota and from Colorado for contributing to the solution to these problems.

I yield back.

Mr. ELLISON. I thank the gentlelady for yielding.

I just want to point out this. Because you know, let's just face it, we all want bipartisanship. I want it. My dad's a Republican, and I love my dad, and my brother is, too, and I love him; and we debate, you know, tax policy and all of this kind of stuff. And we have a good time over dinner time whenever I can be in Detroit.

But the point is when it comes down to the basic necessities of life like health care, why can't we all come together on this thing? Why can't we say that, you know what, in the richest country not only in the world but in the history of the world, that 49 million people shouldn't be left in the cold and we shouldn't have people who have employer-based health care facing doubling of premiums every 10 years. We shouldn't have people being dropped and rescinding everything else for pre-existing conditions.

Let us have our values and form our behavior. We have a historic opportunity right here in front of us.

Because we are running out of time—the gentlelady from Texas has just joined us—we're going to give her an opportunity to share her experience on this tremendous fight that we're in right now.

I yield to the gentlelady from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. I thank the gentleman from Minnesota for his kindness.

It is typical what Members say. We could not avoid coming here to this

floor because of the enormity of the power of what you are presenting to the American public and our colleagues.

I am pleased to be with my colleague from Illinois and my colleague from Colorado. It indicates how widespread and how diverse the need for a public option, a vigorous public option, and health care reform actually is.

We're from many different areas. All of us have nuances to the needs for health care reform. Many of us have different hospital issues. But we have been working on this now for almost a year, and what I like about what I heard on the floor today is I heard Members saying that we now are at the hour of no return.

□ 2115

We're at Martin Luther King's, "If not now, then when?"

As I listen to a number of colleagues speaking about the lack of health care reform or health insurance—there are many numbers—I hear 18,000 people die every year without health insurance and because they don't have health insurance, and those numbers are mounting. I hear as well that there are people with breast cancer who are trying to get insurance, but they have a pre-existing disease, and that is called acne.

We heard of the tragic story, which happened about 7 years ago or about 5 or so years ago, of the leukemia victim, of the 8-year old, who literally had her parents take her to the insurance company's office in California and beg for the opportunity to have a bone marrow transplant, which they repeatedly denied over and over again. Tragically, that little girl lost her life.

So I just want to say to my colleagues that a vigorous public option is about lower premiums, saved dollars and saved lives, and I believe that now is the time.

To my dear friend, as you well know, you will be joining us in a very special hearing on Tuesday, October 27, in room 2141, when Members will open themselves up to hearing from those patients, or from those Americans, who will come to this Hill.

There will be no tickets. We will not bar you from coming to give witness to health crises that you've experienced alone and without help because you had no health insurance. A number of us will be hosting this hearing where we will listen to patients and doctors. We open it up, and we ask that you come to the Rayburn room—to the Judiciary Committee room—which is 2141, Rayburn, on Tuesday, October 27, with JACKSON-LEE, CONYERS, ELLISON, JOHNSON, BARBARA LEE, KUCINICH, CLARKE, WOOLSEY, and many others.

I'm going to yield to the gentleman by simply saying this: When you think of health care, let us not selfishly think of the people who, in essence,

have their own. Maybe they have employer-based insurance. Just look beyond. Look at your working neighbor. I would imagine that two houses on your block or more are without health care insurance. That is what we will be addressing on Tuesday, and that is what we will be doing when we take this vote as we go into this period of time of no return to vote for a health care bill that helps those who have helped America—a vigorous public option and, as well, health care reform that addresses the question of America's needs.

I yield back to the gentleman, and I thank him for his kindness.

Mr. ELLISON. Let me thank the gentlewoman from Texas. It was great to get her in at the end of this Progressive hour.

I just want to say that I just got a message which says, I'm a health care worker who continues to see people come into the hospital who are sicker than they should be due to no insurance.

Ms. JACKSON-LEE of Texas. Wow.

Mr. ELLISON. With that, I think the gentleman from Colorado is probably going to have the last word, but I just want to say this has been the Progressive hour. We come here week after week to talk about progressive values that make America better and stronger, and we're going to continue to do that.

So I yield to the gentleman, and I think you'll probably take us out.

Mr. POLIS. I thank the gentleman from Minnesota, and I thank you for your ongoing leadership and for fighting for working families and for fighting to make America stronger.

You know, there are a lot of slogans that are tossed out. What's in this bill, if you look at it, is not the government takeover of health care. There are not government-employed doctors or government-run hospitals. There are no death panels. Who would support that? I wouldn't support that.

Would you, Ms. JACKSON-LEE?

Ms. JACKSON-LEE of Texas. Absolutely not. Absolutely not.

Mr. POLIS. No. Who the heck would support it?

So what we're talking about supporting is making health care more affordable for American families. That's what we're talking about doing here.

I yield back.

Ms. JACKSON-LEE of Texas. And protecting seniors.

Mr. ELLISON. We might have about 10 more seconds, but I just want to say this has been the Progressive hour. I am so honored to appear with you great Members, with you great servants of the people.

I believe we're going to get a public insurance health care option with major health care reform. The time is now. Let's not back down.

We yield back.

THE IMPACT OF HEALTH CARE REFORM ON SMALL BUSINESS IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Colorado (Mr. COFFMAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. COFFMAN of Colorado. Thank you, Mr. Speaker.

Tonight, I am joined by Congressman DOUG LAMBORN of Colorado and by Congressman GLENN THOMPSON of Pennsylvania.

What we want to talk about tonight is the impact that health care reform, or the Democrat proposal, is having on small businesses throughout this country. It wasn't that long ago that the President's chief economic adviser, Christina Romer, looked at the proposal, H.R. 3200, and said that this could cost up to 5.5 million jobs. So it is important that we talk about why this happens.

About \$900 billion is the target for the cost of the proposal, of H.R. 3200, with half of it coming from Medicare and with half of it coming from increased taxes, surcharges and penalties.

So, with that, let me first refer to my colleague from Colorado, Congressman DOUG LAMBORN, to talk about the effects of these new taxes, surcharges and penalties on small business.

Mr. LAMBORN. Well, I thank the gentleman for yielding. Representative COFFMAN, I want to thank you for your leadership and for taking the time to speak on this important issue of the economic impact of H.R. 3200, the Democrats' health care proposal, here in the House. It's a little different from the one in the Senate, but there is an impact that it will have on small business.

I remember very fondly, Representative COFFMAN, when you and I served in the Colorado legislature together. It was before you were either the State treasurer or the Secretary of State in Colorado. I really knew at that time, as I think you knew with me, that we were proponents of small business and that we wanted to have lower taxes and a more favorable economic environment and climate for the State of Colorado so that young people would have jobs when they graduated from high school and college, so that we would have a strong economy and, I think, as a result of that, so that we would have a better quality of life.

Sure enough, with some other tax-saving kinds of measures the State voters passed, like TABOR, Colorado had the best business environment in the United States. Now it has slipped a little bit, but we're still, in the latest ranking I've seen, No. 4 in the country. That's an excellent thing. It's because of trying to hold the line on taxes. So I'm concerned that, when we talk

about H.R. 3200, the Waxman bill for health care which my colleagues on the other side of the aisle are promoting, it is going to have a negative impact.

For instance, House Democrats pay for a portion of their health care in this bill by imposing a 2 percent surtax on individuals with more than \$280,000 in income, or \$350,000 for a couple. That's a lot of money. Keep in mind that many small businesses file as individuals. They use the subchapter S type of status for their tax returns. So this is actually the income that a small business can have when it's hit with a 2 percent surcharge.

Mr. COFFMAN of Colorado. Will the gentleman yield back just for a moment?

Mr. LAMBORN. Yes, Representative COFFMAN.

Mr. COFFMAN of Colorado. Congressman LAMBORN, let's talk about that whole thing.

It starts out at 2 percent. As we know, in looking at section 313 of the bill, when we talk about the gross annual payroll of \$250,000 to \$300,000, it's at 2 percent. Then it moves up to 4 percent when going to \$350,000. Then with \$400,000 of gross annual payroll and above, it goes to 8 percent. So it's at 4, 6 and 8 percent.

Many small businesses which cannot afford health care insurance are going to be hit with a penalty of 8 percent. Clearly, they're going to have to make a decision: Either they're going to have to reduce that payroll to be able to pay that tax or they're going to have to close their doors—one of the two.

I think what Washington doesn't understand is that these small businesses are hanging on by their fingernails right now trying to keep their doors open, and unlike the Congress of the United States, they can't simply print money when they don't have it. So this is putting them in an impossible position. I think, simply, that the liberals in this Congress just don't get it. They're just not understanding the stresses of small businesses in America today, small businesses which have been, historically, the greatest job creators in our economy.

I yield back.

Mr. LAMBORN. I thank the gentleman.

Yes, you're right. You're exactly right. There is that 2 to 8 percent surcharge on small business or on individual income, and there's the 8 percent penalty if you don't provide government-approved health care for all of your employees.

So, when you add that all together, like you said, Barack Obama's own economic adviser, Christina Romer, said that there would be about 5 million jobs lost as a result of those tax increases, and this is the worst possible time to have tax increases on small business. Small business is the backbone of our Nation's economy. I think

the figure is 72 percent of new jobs created in this country are created through small business.

So, in the middle of a recession, is this the time to be raising taxes? I really don't think so. In Colorado alone, Representative COFFMAN, 16,500 small businesses will be required to pay this surtax.

I yield back.

Mr. COFFMAN of Colorado. At this time, I would like to recognize Congressman GLENN THOMPSON from the State of Pennsylvania.

Congressman THOMPSON, what do you think about this issue in terms of H.R. 3200, which is the Democratic bill before the Congress, and its impact on small business in the State of Pennsylvania?

Mr. THOMPSON of Pennsylvania. Well, it certainly will have.

First of all, I thank my good friends—both of my colleagues from Colorado—and I thank Mr. COFFMAN for hosting this very important session tonight because what we're talking about is truly the economic engine of this country, and that's small business. Small business is so important. It has been and always has been our economic engine. You know, small businesses employ half of the workforce, and they create 72 percent of all new jobs.

Old fables would refer to small businesses as the geese that laid the golden eggs, and last month, unfortunately, we lost 263,000 jobs in this country.

Now, we normally would encourage small business, with incentives, to help the economy and to grow those jobs and to maintain those good family-sustaining jobs—jobs that provide health care benefits in most of those positions. Well, unfortunately, instead, the Democrats are going to tax the few golden eggs that are left and will probably kill the goose.

According to data from the IRS, more than half of those targeted under the Democrats' health care surtax are small business owners. When you look at those businesses that are organized as S corporations or as limited liability corporations, they constitute over 60 percent of individuals who file their taxes as individuals who are making over \$200,000. These are small businesses. Out of those moneys, they pay a payroll every week. Then there will be the \$208 billion in new taxes on businesses that can't afford to pay now for their employees' health care.

I was in the little town of Emporium, which is in Cameron County. It's a great county. It's in the middle of my district. Unfortunately, unemployment there is significant. Cameron County unemployment is among the highest in the Commonwealth of Pennsylvania.

I was there. I was with a young lady who was an entrepreneur. She was somebody who had that American dream, that drive to strive for something better. She had created this

small business, and she had a payroll she was maintaining. In fact, it was early in the first couple years of this small business where she was at the point she was willing to sacrifice, and she wasn't taking a salary because she was dedicated to seeing this business be successful and because she was faithful to her employees and to the jobs that she had created. She chooses not to take a salary, and she doesn't offer health care. She would like to, but she can't.

□ 2130

She knows that under the proposals, any kind of mandation, any taxes, any penalties that would be incurred wouldn't result in health care for the employees she has. She wouldn't be able to sustain that business.

Mr. COFFMAN of Colorado. I yield to my fellow Congressman from the State of Colorado, Mr. JARED POLIS.

Mr. POLIS. Sometimes there is common sense that we share across the aisle. I have said from the start, I think this surtax is a bad idea.

To explain it, there is a set tax structure for those of us who haven't—and I have run small businesses, created over several hundred jobs. There is C corps, S corps, and LLCs. When we are talking about increasing this rate, this is the rate that affects S corps and LLCs. Those tend to be the small to midsize businesses, the backbone of America, a lot of family businesses, a lot of stores. I talked to a brewery in my town, those are the types of businesses that we are talking about.

The big corporations pay a tax rate of 35 percent. That is the corporate income tax rate. Currently, the marginal rate for these S corps and LLCs is also that same 35 percent. Now it's scheduled to go up, that rate for S corps and LLCs anyway, because the Bush tax cuts are set to expire.

Now, I support that. I expect that you might oppose that, but that will raise it to 39.6 percent. It is that very same rate that this surcharge is scheduled to impact that would increase it at the margins an additional 5 percent. It would actually go up to 44.6 percent. In many States, that means that small businesses would be taxed at above 50 percent.

Now, I am hopeful that in the final version they will make some adjustments to that surtax. I sure hope they do. But I think it's an excellent point to bring up to show this disparity between what large businesses and corporations are paying, 35 percent, and what our family-owned businesses and small businesses are paying, which could, under the taxation mechanism, be a higher one.

Now, there are several ways to address that. We could, of course, reduce the cost of the bill, and I hope that that's a path that my party takes. There also are alternative payment

mechanisms out there, some of which have been discussed in the Senate, some of which have more bipartisan support. I think it's critical, particularly in a recession, but at any time, that we make sure that however we pay for health care is not harmful to small business, which is the goose that laid the golden egg and the job engine that will lead us out of this recession.

Mr. COFFMAN of Colorado. In this proposal, that it is not—I think the Congressman well-stated it as to the issues on the income tax and that this is an additional burden, but this is on the payroll tax. This is a payroll tax. This is whether or not the business is profitable.

The business could be hit hard, could be stressed, losing money, trying to keep his doors open. If it cannot afford health care, then it will be hit with an 8 percent surcharge of its gross annual payroll.

We also have Congressman ROB BISHOP. I yield to Congressman BISHOP to address this issue.

Mr. BISHOP of Utah. I appreciate the gentlemen both from Pennsylvania and our good friends from Colorado, all over the place here from Colorado. If I am going to take you off on a stretch that you don't want to go into, I will stop and you can come back to me later.

I do want to try and hit this particular issue, because there are other options out there which we have not explored. There are those who are saying we have got to do something now, because if we don't do something now, we will lose the opportunity. It doesn't matter what it is, as long as we are doing something. That's not necessarily, I think, true.

If you look at the history and organization of this country, what the Founding Fathers wanted to do, and look at federalism, you will see why that is not necessarily true. The federalism system that we have is in line so that if something has to be uniform throughout this entire country, everyone has to be doing the exact same thing at the exact same moment. We are the only level that can do that.

But if you allow States to become involved in this particular system, these laboratories of democracy, you can have creativity, you can have justice because they are attuned to the demographics of each individual area. What's more important is, if you mess up, you don't destroy the entire country.

On this floor, we have heard of States that have tried to get involved in health care reform who have messed up. We aren't paying for that. There are States who are doing it the right way. I am proud that one of them is my State, because the President admitted and praised Utah in its efforts to do it, and it is going in the exact opposite direction of what we are talking about on the national level.

It is going to a system that is based on consumers getting individuals empowered to make choices in a system that comes up with, first of all, allowing three goals, of allowing real information so that you can allow consumers to prepare and choose and then provide an easy way of enrollment. It's not just about insurance, which I am afraid we end up talking about here in Washington. It's about the cost of health care. Because, let's face it, if we don't control the cost of health care, even with insurance, you still can't afford to do it.

Let me try to tell you exactly what they are doing right there, which is another avenue, which is essential to understanding as to what our opportunities are and what could happen if we go further with what is proposed with many of the leaders of this particular Congress.

Utah is establishing a health exchange, which means any licensed company in Utah can place their programs online. The entire amount of bureaucracy to run this is two State employees. So far, there are 66 individual plans that are out there. This is its first year, and the pilot program already has 136 small businesses with over 2,000 employees. They average 17 employees in each company going online to use this system. Now, that's important because you have already mentioned the cost that's implied by small business.

Only 43 percent of the small businesses in America provide insurance for their employees because they can't afford it any other way. Utah is even worse—only 32 percent. This is an effort to get around that problem.

What you allow is the workers to choose, not a one-size-fits-all that's chosen by the employer, but a program that fits the workers' needs. They can use that option with pretax dollars. The responsibility is with the consumer who gets an annual choice. With that, there is a pressure to keep prices down and to get quality up because everyone now is a consumer in the system.

Businesses in Utah like this because their overhead of mandatory insurance increases now cease, small businesses especially. The reason they are not giving insurance is they can't handle the insurance price increases. In this process, the worker gets money that the company would be paying and any money they want to use. Then they go into this plan, and from the 66 programs, they get to choose what is there.

Businesses now have a predictable cost of doing business, not arbitrary. Employees, if they don't like the one-size-fits-all, can have the opportunity of finding what they want to do.

It's easy to navigate. You go into a computer system, put age, family size. One thing we don't have today are

agents of insurance companies who now work with the employer to try to sell a plan. Now they work with individuals to try and service plans because they have freedom to go after any employee in the entire State.

It's also portable. If you change jobs and the insurance is still in the system, you take your insurance coverage with you. Even if you don't have a job, you can keep that same insurance coverage with you.

There are fewer uninsured, and those that are uninsured, the State of Utah now has a plan to handle this.

This is like when I go to the grocery store and I want to pick cereal. I go down the aisle and there is all these different choices of cereal for me to pick. I always pick the one with almonds because I like almonds, but there are a whole lot of people that don't like almonds. They get the chance to pick their cereal.

It is not the situation in which the government should be telling me what kind of program is right for me. Not even should the business be telling me what kind of program is right for me. I should be able to pick my own program. If you do that, you expand the consumer into the system, which puts pressure to lower the actual cost of health care. That's the real solution.

Now, the problem is we have some plans being presented both in the Senate and in the House. Those plans crush these State initiatives. Those plans not only cost hundreds of billions of dollars, they decrease choices. They have the potential of raising taxes. They destroy State initiatives. Utah and other States have found a better way.

What we need to do is make sure we have a system that empowers States to be creative to help consumers become involved, and that's not what is being proposed on the floor of this House and in the Senate. What is being proposed would destroy this initiative. It would take it off the table. That's the exact wrong direction.

We need to look at what the Founding Fathers had when they envisioned the concept of federalism and recognize that in federalism, in choice and in options is our salvation. It is the future. We need to embrace that, not a one-size-fits-all government mandate which has enormous impact, as the gentleman has been saying, especially on the small businesses of this country.

Mr. COFFMAN of Colorado. Let me go to Congressman THOMPSON and then we will go to Congressman LAMBORN.

Mr. THOMPSON of Pennsylvania. Well, I thank my good friend from Utah. I feel like I am in the wild, wild west between Utah and Colorado. It is very good to be with you here.

This is a very important topic. It comes down to that very bold sign you have there, Mr. COFFMAN, 5.5 million jobs. That's what we are at the risk of doing, going down the direction we are

going, which is not necessary. We have other alternatives. We have other bills, just like the idea that you outlined just a few minutes ago.

We have, as we look, you know, the National Federation of Independent Businesses, just one of the voices for small businesses, have been very clear about what it would like to see in health reform. It would like the ability to pool with other businesses to enjoy the economies of scale in purchasing health insurance. That's a fundamental part of what you just outlined. They want tax credits to be able to help them to be able to afford the insurance. I guess to come back to my opening analysis, but what we have here is an unhappy fable under the Democrats' health care plan in which no small business will live happily ever after.

I come out of a small business. I grew up in a small family sporting goods business. It was my job as a teenager to get up at 6 a.m. on Saturday morning to open the store that was down in the front yard in front of my parents' home where I grew up.

I have to tell you, 6 o'clock in the morning felt like the middle of the night then. I got up because of people coming in for either picking up their supplies for hunting or for fishing, and small business is what we did. I mean, we worked hard at it. My mom and dad had that.

They were looking for the American Dream, and they were willing to put whatever it took into it, the hours and the days. They created jobs and they created prosperity for other people, and they provided benefits for folks that worked for that family business.

I saw the toll that one of the biggest obstacles that ran up against being successful—and I am sad to say that the business does not exist today because those barriers eventually overtook it—it was government. It was government that did that business in, and it's government that's a barrier that impedes many, many of our small businesses. It was the taxes. It was the regulations. It was the mandates. Today we are talking about health care is one more mandate that is put on our small businesses.

Health care costs for small businesses across the country continue to outpace the rate of inflation. We know that we could do a better job of bringing the costs of health care down. But it's the path that we choose that is so important.

The path that the Democrats' plans are on will make matters worse. They will drive many small businesses out of existence, and we will lose jobs, many jobs. We have 5.5 million jobs at risk in this debate. But there are other paths that we can take, such as the ideas outlined by my good friend from Utah that we can take.

There is another bill that we have out there, Putting Patients First Act,

H.R. 3400. That's a good plan. It's been introduced. We have been talking about it for some time.

I think the American people really need to know and get to know more about this, because it does so many different things. It allows being able to access across State lines for health insurance. It provides that competition, which is healthy, and which is important. It addresses tort reform.

When we talk about fraud, abuse, and waste of health care, I came out of working in health care for 28 years. We tried, as health care professionals, professionally and ethically, we worked very hard to make sure that we used every health care dollar wisely to treat the patients that are there, to help make them better where we can. One of the largest wastes, I feel, is the cost of medical liability.

□ 2145

Nationwide, we spend \$26 billion annually in medical liability premiums, and in addition to that, the practice of defensive medicine. I understand defensive medicine. If you're practicing as a physician, when you come out of medical school, you may have \$250,000 in loans as a part of that education. If you're a specialist, it may be a half a million dollars.

And because of a lawsuit, and frequently a frivolous lawsuit, you're at risk of losing not just your practice, but your family's home. And because of that, you may order these tests to be able to treat specifically this patient at this time, but these other tests are ordered and put in the medical record to be able to establish that you followed a standard of care. It's to protect you in the event that you are sued.

Well, that probably is, at a minimum, \$100 billion a year annually in this country. So in terms of wasteful costs in health care that we could bring down, there is \$126 billion annually just by good tort reform.

H.R. 3400 does that. H.R. 3400 provides some commonsense approaches to medical liability and brings down that cost for everybody, which would bring down the cost of health care for our small businesses and individuals all across the Nation.

Mr. COFFMAN of Colorado. Thank you, Congressman THOMPSON.

Congressman LAMBORN, when we look at this, H.R. 3200, it not only says that there could be up to an 8 percent surcharge on a small business that doesn't have health insurance, the schedule goes to 8 percent if they have adjusted gross wages of \$400,000 or more, which isn't a lot for a small business, given the number of employees that it might have, but it also goes beyond that. And it says they have to pay 72.5 percent, at a minimum, of a federally qualified plan under the insurance exchange, and for the family, for a full-time employee, they have to cover about 65 per-

cent. And so what impact is that going to have for your folks in the Fifth Congressional District in Colorado?

Mr. LAMBORN. I thank the gentleman for yielding. That's an excellent question.

Just on Monday, I had a town hall meeting with standing room only. It was packed with 600 people there to listen to and debate and discuss health care. And I'm hearing their—and at other times from small business owners, Representative COFFMAN—and I brought with me some statements that small business owners in my district, which is Colorado Springs and surrounding counties and communities in Colorado, are saying about this Democratic proposal on health care.

Here is from a man who is a registered Democrat, "I do not believe the government can do a better job than the private market in providing health insurance." Another business owner said we need to put a halt to the rampant government spending. The estimated \$1.6 trillion for new government health care on top of all the other crazy government spending will bankrupt the economy and will require a significant raise to our taxes. As the owner of a small business in Colorado Springs, I can't afford to subsidize all of these government programs.

Another business owner said, I am opposed to any health care reform that includes a public option, co-op or any other government involvement by whatever name you may choose. My business training and life experiences have taught me that competition is created in a free market environment and that government only serves to interfere with this process. I do not agree that a public option will introduce efficiency and lower cost. And he goes on to say we should be buying insurance across State lines. We should have tort reform. We should do some of the free market reforms that we can and should do, instead of H.R. 3200.

Mr. COFFMAN of Colorado. Congressman BISHOP, when we talk about the issue of competition, you have mentioned some innovative things that Utah is doing. But it is amazing to me that right now, by law, we don't allow small businesses to band together for the purchase of health insurance to get the same kind of discounts that large corporations have. We have a law in the Federal books that provides an antitrust exemption for the insurance industry, and small businesses and individuals in particular are limited and can't purchase health insurance across State lines to get the most price-competitive policy, the best quality that they can afford.

What, in your view, is needed to fix this system? Because one of the reasons why we are talking about the public option is because the Democrats are saying there's not competition, there's not adequate competition, and so we

have to introduce government into this equation. Is there a free market solution to this?

Mr. BISHOP of Utah. I think you have gone to what I think is the crux of the two paths that are offered to the American people in this session. The one path is about a government option. But the only part about options is the title itself. It actually would be a government program that would then be given the power, by a small group of people, to establish what its competition would be. So what you're doing is having the heavy hand of government establishing what the options will be and giving them to all people whether they want them or not. That is indeed the very problem that small businesses are facing. There are options right now that do not take their needs into account.

What I think we are hearing, and what the gentleman from Pennsylvania talked about in House bill 3400, what Congressman SHADEGG has in his bill and what Congressman RYAN has in his bill is the idea that if you really want to solve this problem, you've got to attack what causes the price of health care to go up, and that is the lack of competition. Having a government option superimposed does not necessarily equate to more competition. In fact, it will lessen that competition; and that's what we are hearing from those who really understand the industry.

Even Margaret Thatcher in 1989 recognized that the health care system of Britain, which is, once again, a one-size-fits-all government mandate, even though there is a private option, does not necessarily help her people. She said it simply meant that once you put the heavy hand of the British Government on them, that it produced fewer doctors, fewer nurses and that patients, when they wanted to see a doctor, in some cases had to wait a few weeks, in other cases wait a few years, depending on the area in which they were.

Now, what we really need to do is look at other options that are out there that transform the debate so that what we're talking about is empowering individuals to make choices that meet their particular needs. That's what the State of Utah is doing. That's what the Price bill is doing. That's what the Shadeegg bill is doing.

And the sad part about our debate is we are not allowed to discuss those on the floor in any form other than in a Special Order in the evening. Look, we weren't here in session on Monday. We only did a few suspensions on Tuesday. We adjourned very early on Wednesday. It was a wonderful day. I was happy to go outside. But we adjourned early.

Those are times in which the Price bill and the Shadeegg bill should be brought to the floor and allowed to be debated, discussed and voted on to see if indeed these other kinds of options

that we have, these other kind of programs that inspire and empower individuals to make choices for themselves have some merit. That's what we should be doing here. Instead, the entire debate has been moved off the floor, out of committees, behind closed doors. That does not help.

Indeed, you have hit the objective. If we choose the wrong choice and have one Federal program that's going to be superimposed on everyone, we have the chance of doing great harm to our small business, which is the backbone of the American economy with 5 to 6 million people losing their jobs. That's what the danger is. We should have an open and honest debate about these other options which try to look uniquely outside the box, creatively. That's what Congress should be doing. And we're not doing any of that.

I yield back to the gentleman.

Mr. COFFMAN of Colorado. Thank you, Congressman BISHOP.

Congressman THOMPSON, when we talk about the safety net that exists today, and you came from the health care industry, the first bill that the President signed was the SCHIP bill that went four times above the poverty level to provide a public insurance program for children, so that's \$88,000 for a family of four, and States can do income disregards and raise the amount up more; we have Medicaid for the poor and disabled; we've got Medicare for elderly.

In my State, we have 183 community health clinics that, if you look at their Web site for the 2008 annual report, shows that they had about 400,000 patients in 2008, not patient visits, but patients that received preventive care, primary care, dental care and mental health services. This is in a State of 5 million that is publicly funded. Some of it folks can pay as they have the ability to. It's for the uninsured and the underinsured.

We have a high-risk insurance pool in the State of Colorado for everyone who buys an insurance product, pays a premium tax, and part of that goes into a pool for anybody, regardless of their income, that can't qualify for a public program; and irrespective of their pre-existing condition, they receive health insurance that is capped at 140 percent of the average premium price in the State of Colorado.

Can you address to us your view as a former health care professional about the safety net that exists in America?

Mr. THOMPSON of Pennsylvania. Absolutely, and I really appreciate that question. It's been one of the biggest disappointments. I came to this body out of health. I thought I would actually retire from nonprofit community health care, which meant my hospital would have provided me a discount on my nursing home bed. But instead, I have the privilege of coming here to work on behalf of the citizens of Pennsylvania's Fifth District.

And I came here knowing that we've got a pretty good health care system. And we can do better, and we can improve it, and improve on all four principles: access, affordability, quality and patient choice.

So I was excited when the President said we were going to work on health care. And I get here, and do you know what we're working on? We're working on access to health insurance; we're not working on access to quality health care. That's what we should be working on. That's what the American people deserve: we work on things like we've been talking about, H.R. 3400 and the different bills that are presented here that would improve health care in all four dimensions. But instead, we're talking about health care insurance. And I guess I should have had some indication of that when I looked at the individual that was selected.

Mr. COFFMAN of Colorado. Would the gentleman yield for a question?

Mr. THOMPSON of Pennsylvania. Absolutely.

Mr. COFFMAN of Colorado. Representative THOMPSON, the bill, H.R. 3200, strips hundreds of billions of dollars out of the Medicare system, and it effectively shuts down the Medicare Advantage program. The trustees of Medicare have already said that in 2017, not by 2017, but in 2017, Medicare is expected to go broke. So there's solvency issues in Medicare. And yet we're stripping hundreds of billions of dollars out of the Medicare system.

Can you speak to that and its impact on the elderly?

Mr. THOMPSON of Pennsylvania. Sure. Medicare actually is the central component of this debate for many different ways. And let me start with the question that you raised. The Democrats' health care bill, the accounting of it, cuts essentially \$128 billion from Medicare part A. Medicare part A pays for end-patient services. That pays for hospital services. It pays for up to 100 days if an individual, an older adult, is qualified in a skilled nursing facility, \$128 billion.

I have to tell you that most hospitals I know, and I have probably about 20 hospitals in my congressional district, I would say that my hospitals are like most, many in America, either in rural settings, certainly underserved urban areas. They are lucky to be making a margin of 3 to 4 percent annually. And to cut \$128 billion from part A will certainly impact—I think what it will do actually, it could very easily move towards bankrupting many of these facilities. Certainly Medicare part B, which is the Medicare coverage that individuals choose to purchase. It helps to pay for physician services. It helps to pay for therapy services, if you're an outpatient. And that's scheduled for \$130 billion in cuts for Medicare in order to fund this Democratic health care plan.

The Advantage plan you talked about is Medicare part C. Medicare Advantage is managed care Medicare, and it's essentially a plan where individuals choose to enroll. It gives them a little more flexibility. It provides them a little more coverage. It's a choice that they make. And the Medicare Advantage plan has really been targeted by my Democratic colleagues. And that's scheduled for, within this, \$133 billion in cuts.

Finally, the pharmaceutical program, one of the newest parts of Medicare, Medicare part D, that's the drug benefit that President Bush put in place here a few years ago. Under the Democrat's proposed health care plan, Medicare part D, the pharmaceuticals, the drugs, is scheduled for a cut of \$20 billion, totaling \$411 billion in Medicare cuts. Now, that impacts people. It impacts individual lives. It impacts jobs.

In my district, in a very rural district with rural counties, my hospitals are actually important economic engines. It's a place with some really good jobs. They're economic engines. They buy a lot of resources to operate the hospital. They try to buy them locally to support the local economy. And when you start to make these types of Medicare cuts on facilities, health care facilities that are at best in a banner year making a 4 percent margin, we're talking about closing those. We're talking about losing jobs. And that's not good for anyone.

You never want to see a hospital close. But in a city, you can make, I guess, an argument that if you close one hospital, somewhere in the city, probably within blocks, you'll find another one. In rural America, rural Pennsylvania, if you close a hospital and what you wind up with is a commute, that makes a difference between life and death.

Mr. COFFMAN of Colorado. Would the gentleman yield for a question? Congressman THOMPSON, we talked about cost shifting, and I know clearly there's cost shifting for uncompensated care, but there's also cost shifting for Medicare and Medicaid. The underfunding of those government programs have done much more in terms of cost shifting on to the private insurance market and have had a big factor in escalating premiums.

□ 2200

But when we talk about how government sets rates, it doesn't set rates really to the market, as a private company would have to do. It can set rates at an artificially low level because it doesn't have to respond to the market.

I wonder if you could address that, and why the public option would destroy private insurance?

Mr. THOMPSON of Pennsylvania. Absolutely. I see three reasons, three primary reasons why commercial

health insurance is so expensive. One is we need more competition, and that is allowing a broader pool. I am really interested in learning more about the model in Utah. It is intriguing. It sounds like a great model to look at. But more competition is important.

Secondly, it is the need for tort reform. I talked about those numbers, \$126 billion a year. It drives costs up. It drives the cost of providing care up. Therefore, commercial insurance goes up.

Finally, there is the necessary cost-shifting that occurs. Now, some of my colleagues in this body, particularly across the aisle, when you hear the term "cost shifting," they see that as an evil thing. When you come out of health care, you begin to understand what happens in health care.

I would say the primary reason that health insurance is so expensive is because government creates an entitlement, Medicare, medical assistance, and then from day one, after they created it, discovers they can't afford it and they systematically underfund it.

Let me talk about the numbers specifically. Medicare: For every dollar of cost that a hospital or a physician has, Medicare pays 80 to 90 cents, 80 to 90 percent. If it is medical assistance, that is 40 to 60 cents for every dollar of cost. If you are just operating on Medicare or medical assistance, a hospital and doctor, you could see, they have these costs and this reimbursement, they are not going to keep their doors open very long because they can't cover their costs.

So what they do is negotiate with commercial insurance, and commercial insurance average, average across the Nation, pays at least 140 percent; 140 percent of cost. Now, why do they do that? Well, they do that because in the negotiation process, doctors and hospitals need to achieve that 140 percent from commercial insurance to offset what medical assistance and Medicare, what the government doesn't pay.

So that is where the cost shifting occurs, because if you don't get that higher rate for commercial insurance, you are not going to be able to make payroll. You are not going to be able to invest in lifesaving technology. You are not going to be able to keep the lights on in the facility.

So, the fact is the government creates these new programs, with the best intentions, I am sure, but quickly finds that the costs are just so tremendous that they begin to systematically underfund those costs.

One of the biggest concerns I have with the public option, as I read H.R. 3200 in the Education and Labor Committee when we marked that bill up, is that the public option would pay Medicare rates. Medicare rates are 80 to 90 percent of costs, 80 to 90 cents for every dollar of cost.

I do believe that the public option will be cheaper than commercial insur-

ance because the public option will also underfund the cost of health care. And if the public option replaces the commercial insurance of today, that really today funds and keeps the lights on and our hospitals operating and our doctors in practice, we are going to lose health care providers.

Mr. COFFMAN of Colorado. Congressman BISHOP, you have talked about some of the health care reform measures before the Congress, some of the Republican measures. I think you referenced one by Congressman SHAD-EGG, and you referenced another one, let's see, Congressman SHADEGG and Congressman PRICE. I think you referenced two Republican health care proposals.

I think that everybody in the Congress agrees that reform is necessary, that the system isn't working as it should, that people are paying too much for health care, that we need to do more for the uninsured. It is a question of how we get there, and do we do a government takeover of the system by inserting a government-controlled health care plan, or are there market-based solutions.

I wonder if you could give your view on how you see reform.

Mr. BISHOP of Utah. I appreciate that, and I think the conversation you have had so far with Congressman THOMPSON is fascinating, because he has explained some of the problem you have when the government steps in to run the system.

If we look back at the history of the Medicaid portion, it does not give us a whole lot of confidence for moving forward and allowing the government to take a larger role in this area. Since Medicaid was founded in 1965, costs have escalated at 2.3 percent higher than the rate of inflation. Today, Medicare costs 37 times what it cost back then after being adjusted for inflation.

So when Congress first established Medicare, they thought it would cost \$238 million a year. That first year it was closer to \$17 billion. They projected by 1990 it would cost \$12 billion. The actual number was more like \$90 billion. And if as the gentleman suggests the government therefore has taken over those particular options and you no longer have this cost-shifting that you can go to the private sector, the only other option you have in the health care system to try and deal with those real costs—well, you can go bankrupt—but the only other option you have is cutting services that are given, which is why this debate is so significant and why these other bills we are talking about are so important that they be debated here on the floor.

So people can realize that rather than having the government explain what you can and cannot do, if you simply open up the option so individuals have a choice and become part of the system, there is a responsibility of

the consumer as part of the system, then these changes can happen.

In every other kind of insurance, you can buy insurance across State lines, for auto, for housing. Why not for medicine? A simple change in the Federal restrictions would allow that to take place. You can pool for almost everything, except in this area. Why not change those restrictions, which is what we are talking about.

Why not allow people to buy their own insurance with pre-tax dollars, not post-tax dollars? Why not simply allow a benefit to the small businesses the way big businesses have for HSAs? These are portable, so when a person leaves the employ of that company they still have a pot of money, and they still have some kind of security with them to go on.

These are the kind of ideas that are going to change the dynamic of the system, because, as has clearly been stated is, all we are talking about so far with leadership's plans they have been presenting is how to assure that everyone has insurance, not how to make health care affordable for all Americans, and the only way you can do that is by allowing the consumers to take responsibility, to have choices, to do the comparison shopping.

That is the entire program in Utah. It is a defined contribution approach. So the employer gives money to the employee, and that employee can then go online and look at everything out there and pick what is important for them, not necessarily what the company is offering. A small business that can't afford to do that can now give the employee money, they can add with their money if they want to, to go out and pick what is available from what are the options out there. And we can even expand that wider. That is the only way you get competition that will have the effect of adding pressure on the system to lower the price and to increase the quality.

We do that all the time. It is cheaper today to get your nose fixed than ever before because it is not covered by insurance. Individuals negotiate with doctors for medical services and the costs have come down. Laser eye surgery is cheaper today than ever before because employees negotiate with doctors and the prices are coming down.

Why don't we allow that system to work in other ways? That is what these other programs are talking about, allowing people to be empowered to make choices for themselves that they are competent and capable of doing, and with those kind of market forces now in the system, the cost will come down.

But it has never happened when the government has decided to step in and force those costs to come down. It didn't work with Medicare. It hasn't worked in foreign countries. And the real fear is if you are not destroying

jobs, you are destroying the quality of health care, because the only other option you are left with is minimizing what can be given to an individual, denying services. That is not where we want to go.

Unfortunately, if we only have this one bill that the leadership wants to put forward here, that is the end result of that bill. We need to beg leadership to allow other debates and other options to be fully vetted on this particular floor.

I may have gone too far off from what your initial question was, but that is still the bottom line. It is we should be empowering people with options and choices. That is not what the leadership of this House is trying to do with their particular bill, and that is why we need to bring these other bills to the floor for open discussion and open debate and an open vote.

I yield back to the gentleman from Colorado.

Mr. COFFMAN of Colorado. Thank you.

Congressman THOMPSON, there is a great deal of discussion, particularly among seniors, that are very concerned about changes in their health care—is their health care specifically going to be rationed? When we look at the fact we are stripping hundreds of billions of dollars out of Medicare to fund the public option, and the fact that Medicare has solvency problems of its own, it is projected to run out of money in 2017, so then we have a commission. If they revert to the public option, the services that are allowed to be provided in the public option are going to be defined by bureaucrats. It is not going to be about a doctor-patient relationship in terms of what is going to be provided. There is a commission, I believe, that is established to decide what services will be provided in the public option.

□ 2210

And seniors are concerned because 25 percent or more of health care is used in the latest stages of life. And so what does that mean for them? And maybe you could address that.

Mr. THOMPSON of Pennsylvania. Well, thank you. And actually, the commission is a body of individuals. But even more frightening to me is just the one lone bureaucrat, the Health Insurance Commissioner, as defined within House Resolution 3200.

And as we worked our way through this thousand-plus bill in the Education and Labor Committee over a course of 20 hours back in the very end of July, I found that many times there was so much left undefined, and everything was referred to according to the Health Insurance Commissioner, the Health Insurance Commissioner, the Health Insurance Commissioner.

Well, you know, our health care is, there's probably few things that we

could debate on this floor that's more intimate than our health care, and certainly few things that are as large a part of our economy. And our colleagues who were here just the previous hour from the Progressive Caucus talked about how those of us who oppose, those of us who oppose their health care plan, those of us who would support more smart government solutions, more free-market solutions to health care, that we have these scare tactics, and one of them is rationing. Rationing could never occur. Rationing just won't happen. Well, I've got news for them. Rationing happens today. And where does it happen? It happens, first and foremost, under the government plans.

Let me tell you about Medicare part B. You know, part of my background is I've had the privilege of working with older adults for my entire career, in rehabilitation services. The last number of many years of my career, 15 years I worked in skilled nursing as well, and I became licensed as a nursing home administrator. And I've talked briefly about the cuts to Medicare part B.

Medicare part B is slated for additional cuts of \$130 billion. And Medicare part B—think about the individuals who come into a nursing home. They come there because they're the sickest of the sick. They're there because they don't have any other alternatives in terms of the care, the health care that they require. They have intense needs. These are folks who have just a lot of very intense needs. And today, the government, under Medicare part B, if you need therapy services, it arbitrarily puts a number. There's a maximum amount of dollars.

And now I've been out of that for about 10 months, but it was somewhere around \$1,800 a year, \$1,800 to \$1,900 a year of therapy services. Arbitrary number. Now, that's rationing, in my line. You know, it doesn't matter the fact that you have maybe suffered a stroke or you have fallen or you have a debilitating weakness that you develop. Once you max out on that Medicare part B benefit, that's it. That's the upper limit of what you receive. So we have rationing today, and rationing occurs under the current, one of the current government programs for Medicare part B.

So I don't know where you—when you look at—you know, I've worked in the inpatient hospital side for almost 30 years as a part of my practice. As I said, a 2 to 4 percent margin is a banner year, okay? And out of that, you want to be able to, out of that 4 percent, give cost of living adjustments so you continue to retain the best and the brightest.

Personally, if somebody's going to use a scalpel on me, I want them to be the smartest person in the county, and we want to be able to retain, recruit, and retain those individuals. So 4 percent margin. Most of my hospitals, I

would say, are probably not doing that well, and most hospitals across the Nation are probably challenged and not doing that well. And then you have skilled nursing facilities where, honestly, nobody's getting rich operating skilled nursing facilities. They're providing good, compassionate care. They're treating people with intense needs, and yet, those are slated for significant cuts.

Specifically, in skilled nursing, \$14.6 billion in designated cuts. Now, this is out of the Senate Finance bill, the Baucus bill, Senator BAUCUS' bill, and so those cuts have to come somewhere, and they're going to come out of services. They're going to come out of—it won't come out of the compassion, because the people that work in those areas, they're truly dedicated to serving the needs of older adults and people with needs. But they will come out of the care. Those dollars have to impact access to services.

Mr. COFFMAN of Colorado. Thank you, Congressman THOMPSON, and thank you Congressman BISHOP. And we had Congressman LAMBORN from Colorado, DOUG LAMBORN earlier, and Congressman POLIS as well talked about these issues. I certainly hope that we can have a bipartisan solution on what I think is a very critical issue, and that really needs to involve both parties of Congress in a negotiation that we don't have right now. And I think that's a great tragedy that it hasn't been a bipartisan process. But I believe that there are market-based solutions that will not endanger this economy in terms of creating unemployment through the burdens on small business and driving the deficit and driving the debt of this country beyond what it is today. And from the Republican point of view, thank you.

FISCAL IRRESPONSIBILITY AND LIMITED GOVERNMENT

The SPEAKER pro tempore (Ms. PIN-GRÉE of Maine). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, today, during a rule debate, I voiced my concern over the breakneck increase in government spending in the U.S. I warned my fellow Americans that this reckless spending risked turning our country into a South American-style nation with a perpetually frail economy and government. One of my colleagues on the other side of the aisle retorted by highlighting the successes of nations such as Brazil or Argentina. That's very interesting.

Shortly after our exchange, I read that Argentina recently enacted a press restriction law that serves to muzzle media critics of the party of President Cristina Kirchner. It seems that the media was getting too aggres-

sive in exposing and critiquing the ruling party's corruption. Sounds like a really great model for free speech and expression; right?

I hope that the newly elected Congress of Argentina scraps this law, and that we, as Americans, realize the gift that our form of government is and work together to preserve it. And, contrary to the advice of my colleague, hopefully the United States does not use this country's success as a model for reform.

HEALTH CARE IN COLORADO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Colorado (Mr. POLIS) is recognized for half the remaining time until midnight.

Mr. POLIS. If the gentlelady from North Carolina would care to enter a brief dialogue on the issue, I recall the comments earlier, and there was a reference to, the gentlelady made a reference to a fear that America would look like the developing world, especially South America.

Ms. FOXX. I said some countries in South America.

Mr. POLIS. Some countries. Yeah, there's a dozen or so odd countries in South America.

Was that based on the solar energy bill or was this a more general comment? If we passed the solar energy bill we would look like South America or a different bill?

Ms. FOXX. No. I was talking about my concern for the spending that's going on here. And what I said was last week we heard from John Allison, who is the chairman of the board of Branch Banking and Trust Company, BB&T bank in North Carolina, one of the most successful banks in the country. And last week, Mr. Allison was here and was speaking to a group of us, and he cautioned us about the economic situation that we have. And he said, if we don't rein in spending almost immediately, he believes that we have fewer than 25 years left before we become a Third World country like countries in South America.

□ 2220

I was basically quoting him, although not quoting him verbatim.

Mr. POLIS. The topic, of course, at the time was the solar energy research bill. That was a bill that authorized some money, of course didn't actually spend any money. That would have to come through the appropriations process. But I take it the remarks that were made with regard to government expenditures were generally, not specifically, a solar energy bill.

The point that I made in response, certainly I stand by, is that America, which has experienced economic shrinkage as has much of the rest of the world, has actually suffered more

in this most recent recession than Brazil and Argentina, which have done very well in this fiscal year in 2009. Both have experienced economic growth, both having their currencies gain value against the dollar.

So I am not sure that—Mr. Allison's observations certainly weren't relating to the conditions of freedom of press or the various social ills that plague South American countries. I don't think it was a reference to the type of freedoms that we, as Americans, enjoy. We enjoy freedoms as Americans—and I am sure you would agree—independent of our economic condition whether we're in a recession or whether we're in a growth.

No matter how we're doing economically, we in America enjoy many freedoms that they don't enjoy in other countries. We have a vibrant democracy, we have freedom of the press, the right to assembly. And I don't believe that you or Mr. Allison, who I am not familiar with, or myself would feel those to be in jeopardy like South America.

Is that correct? We're talking about the economic condition?

Ms. FOXX. I was absolutely talking about the economic condition, and it was our exchange today.

I am glad to have a chance to have this colloquy with you. We do agree that we are the freest country in the world, and I hope you agree with me that we're the greatest country in the world as a result of that freedom. And I don't want anything to threaten any of our freedoms.

And I know you join me in that.

Mr. POLIS. I appreciate those comments, and I think those sentiments are shared by every Member of this body. That's why it's an honor and a privilege for me and you to serve the people of this country. And I certainly enjoy working with you on the Rules Committee in that capacity and look forward to continue working with you in service of the people of this country.

Ms. FOXX. I certainly feel the same way.

Thank you, Mr. POLIS.

Mr. POLIS. Thank you.

I rise today, Madam Speaker, to share with you and my colleagues here in the House, stories of real Americans and how health care reform affects us, affects them, for it affects every walk of American life. And many of my constituents have shared their stories with me and asked that I share their stories with my colleagues and with the American public. And perhaps my colleagues and the public might see in the stories something of themselves.

I want to share a story, not a happy one, but a story that one of my constituents named Kelly Lotts Andrews shared with me.

Kelly's father worked hard all of his life. He succeeded to a certain extent. He lived the American Dream, was very

successful in the broadcasting field. And Kelly says at one point her parents' combined worth was just over \$1 million. They had a successful career. They saved up. They had a house they made payments on. They built equity. They lived the American Dream. They were anticipating a comfortable retirement.

In their early sixties, as they were putting their affairs in order and preparing for what they thought would be a prosperous and long retirement, they decided to change health insurance companies. During the qualifications testing for the new insurance, Kelly's mother's liver enzymes were slightly off. So a couple of weeks later they asked her to redo the blood tests.

Kelly's parents were moving to a condo on the beach. So when they got settled, they found a doctor and got the required test done. Unfortunately, the doctor found a tumor on one of Kelly's mom's ovaries. The new insurance company then refused her coverage based on this preexisting condition, the scarlet letter of health care, even though she continued her coverage just before the diagnosis.

So without the insurance and without the hopes or ability of acquiring any, Kelly had to watch as her parents got rid of all of their assets, all of their savings, and all of their retirement funds—all became liquidated as her mother fought to stay alive and pay those hospital bills as uninsured Americans.

Kelly's mother lost the fight. After beating the odds by 5 months more than the doctors predicted, she passed away in 2004. Kelly's father, who is now 76, now, despite his successful career and doing the right thing and saving up, has no retirement funds, no savings, no house, and only his Social Security check as income.

There are millions of Americans who are denied coverage based on preexisting conditions.

One of the key things that we accomplish through health care reform is we prevent health insurance companies from discriminating or excluding based on preexisting conditions so at the very time in Kelly's mother's life where she needed health care the most, she would have had access to an affordable option through the exchange that's being created that would give families like Kelly's the financial security they need to plan for their retirement in a way where people can maintain their honor and their pride as families.

And it's for families like Kelly's that I ask my colleagues to join me in supporting health care reform.

Madam Speaker, I rise today to share a story with you that one of my constituents shared with me and asked that I tell my colleagues about to encourage them to support health care reform.

This is a woman from Broomfield, Colorado, who asked that her name not be used but wanted her story shared; but it just as easily could have been a woman from California, or Texas, Nevada, New York.

This woman is a retired educator. About 10 years ago she was diagnosed with rheumatoid arthritis. She knew what that diagnosis meant because her mother had lived with that crippling disease for 40 years. Soon after the diagnosis, she began to experience debilitating pain and had difficulty carrying out the most routine functions that you and I take for granted. Any physical exertion at all was very difficult.

She researched the disease on her own, with her sons, with her doctors. They found there were new medications on the market which showed promise, medications like Enbrel and Humira. She asked her rheumatologist about them. He said those medications might well work, but they were very expensive and not covered—not covered—by insurance.

This resident of Broomfield, Colorado, waited and suffered for years. Finally, her insurance did cover Enbrel and other drugs like it, and she was able to take this new medication. And she reports that the effect was nothing short of miraculous. She now has few symptoms and is able to resume a normal life.

The medication costs about \$3,000 a month, about \$36,000 a year. There's no way that she could pay for that on an educator's salary, and that's why she's thankful that she has insurance even though the costs are a major sacrifice financially. And she worries about those in her condition who have a chronic disease who don't have health care insurance, the years of pain and agony that she had to go through before the treatment was covered.

She tells us we need health care reform. We need preventative care for those with serious disease. She says in the long run, it will save a lot of money and be less strain on our economy to provide preventative care. She wants us to pass national health care to cover all who need it and get good medical care.

It's for American families like this, and like this story of a Broomfield resident that could have been in Anywhere, U.S.A., that I call upon my colleagues in the United States Congress to join me in passing health care reform.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you the story of a constituent of mine from Superior, Colorado. Now, Carla might as well be from Texas or California or Nevada, Anywhere, U.S.A. Carla works in the health care field. She's a registered nurse at Boulder Community Hospital. She sees a lot of cases. Many of the patients that Carla sees are in the ICU where she works be-

cause they can't afford health insurance and, as a result, don't have access to preventative care.

□ 2230

Carla told me that the catastrophic conditions that bring them to her hospital could either be prevented or treated successfully and less expensively in earlier stages, but because they don't have insurance, they wait until the ambulances have to be called.

Kelly shared with me that these unfortunate people have so much suffering and pain visited upon them that, in most cases, could be prevented.

Kelly, like a lot of Americans, has a very commonsense conclusion that I want to share with you on the floor of the House of Representatives. Kelly says many more dollars are spent treating these people, and often, it's too late anyway.

Preventative care, Madam Speaker, can save money and, if not more importantly, can save lives. By diagnosing cancer early, by treating diabetes, we can save money, save lives, and we can strengthen American families.

I call upon my colleagues in the House to join me in supporting affordability credits so working families can afford health care; in preventing pricing discrimination based on preexisting conditions; in creating exchanges and low-cost options so individuals and small companies can buy insurance and get the same negotiating leverage that multinational corporations get; and allow them access to inexpensive insurance, including a public option.

Carla has seen a lot as a registered nurse, and we have all seen a lot through the stories of our friends and families across this country, and that's why it's time to pass health care reform.

Thank you, Madam Speaker.

Madam Speaker, a number of my constituents from Colorado have asked me to share their stories about why we need health care reform. This story could be from someone anywhere. It could be from someone in Texas or in California or in New York. It happens to be someone from Westminster, Colorado. He asked that his name not be used, but he wanted me to share his story.

His story relates to the diabetes that he suffers from. His insurance insists that he use a generic brand of controlled medicines for his condition, but he participated in a study which found he could reduce his high triglycerides by 75 percent if he used the primary drug for treatment. As a matter of fact, his readings improved so much in the study that he was removed as a candidate. He was advised by his doctor of the reading and of the improvement, and the doctor decided that he had to go back on the generic drug, and had to wait to see if his reading went back to the previous condition.

This gentleman from Westminster feels that takes away his choice, just like the choice is taken away from tens of millions of American families, not only the families who don't have insurance but even the families who do have insurance but who have no real choice in which insurance provider they use.

Even after this gentleman from Westminster, Colorado, stated that the cost from generic to primary was affordable and that he, personally, was willing to pay the small difference between the two, the insurance company still made the decision on what drug he could use and whether it was working.

One of the many flaws in our health care system today is that consumers lack choices. Most Americans get their health care through an employer. Whatever the employer chooses, they get. If you're self-employed—an individual—in many markets, the insurance industry is dominated 50 percent, 70 percent or, in some markets, 80 percent by one or two insurance providers.

One of the critical aspects of health care reform that this body is undertaking is increasing insurance competition in the marketplace. Through the exchanges that are being created, we are creating a hypercompetitive environment where there can be dozens of insurance companies which are providing products and a public option because, surely, it's not fair to say to people, As a mandate, you have to have insurance, and by the way, here are some affordability credits to get it, and then throw them into bed with the sharks and say, You have to get it from the insurance companies.

It's great to have a public option there to help keep the insurance companies honest. By doing so, we give people like this gentleman from Westminster a real choice. If one insurer won't allow him to pay out-of-pocket the difference between the drug in the trial he was on, a drug which could prolong his life and save his health, you know what? He can switch.

As for small companies that insure through the exchange, each of the employees of those companies will be able to choose for themselves from any of the policies in the exchange. Yes, that's right.

Today, small businesses choose insurers, and if they're able to afford it, because Lord knows it costs small businesses a lot of money, every employee of that small business has that plan. Under the proposed Democratic plan, each employee of that small business would be able to pick from any of the insurance options within the exchange, giving this gentleman from Westminster, Colorado, and tens of millions of Americans across our country choices in health care insurance that they simply don't have today.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you a story of a resident of Boul-

der, Colorado, who asked that I share her story on the floor of the House of Representatives. Barbara lives in Boulder, Colorado, but she might as well live in Fresno, California, in Houston, Texas, or in Las Vegas, Nevada.

When Barbara was diagnosed with breast cancer, her private insurance plan said it wouldn't cover treatment because it maintained that the cancer was caused by fibrocystic breasts, which it claimed was a preexisting condition. Now, Barbara didn't believe that for a moment, and her doctor backed her up. Her doctor wrote a letter to the insurance company, saying, No, this was breast cancer, and it wasn't because of some preexisting condition. Barbara had to call the Colorado State Division of Insurance, and they called Golden Rule, which was the insurer.

All of a sudden, Golden Rule yielded a little bit, and said, Well, we'll cover the surgery on the affected breast but not a bilateral mastectomy.

Well, it took more calls and more fighting. She got some support from the State Division of Insurance. Finally, they found that the health insurance company agreed to pay for the bilateral mastectomy and breast reconstruction.

Barbara is now covered by Medicare plus a private insurance supplement, and Barbara says it's the best insurance she has ever had, and it's at way less a price than she has ever had to pay. She can go to any doctor she wants to get the treatment that she needs.

Barbara asked, Why wouldn't the under-65 group be delighted with the ability to have the same kind of insurance coverage?

When you hear about a public option, what you are hearing about is the ability to buy into Medicare early. Now, it's not exactly Medicare, but it's a Medicare-like program. Under the version of the public option, under the robust public option which I support, it will look very much like the Medicare system. It's pegged to Medicare. So this will enable people who are self-employed or who work for small businesses and who participate in the exchange to say, You know what? I'm 62. I'm 59. I'm going to buy into Medicare early. My premiums will go to Medicare. I'll have a provider network of Medicare.

Many people on Medicare are happy with Medicare. Now, again, be it public or private, no one is always happy with one's insurer. I had 22 town hall meetings during the recent recess, and I asked every group: Medicare might not be perfect, but aren't we happy that there is a Medicare? Where would we be if our country didn't have Medicare at all? I think we'll be asking the same question 10 or 20 years down the road: Where would we be if we didn't have a public option?

What a great way to provide real competition for insurance companies and to allow people to have access to a Medicare-like program at a younger age.

Thank you, Madam Speaker.

Madam Speaker, a number of my constituents have asked that I share their stories on the floor of the House of Representatives and with the people of the United States on why we need health care reform.

One gentleman from Niwot, Colorado, asked that his name not be used. He and his wife are healthy. They have a new baby son, who is also healthy. The mother returned to work when he was 12 weeks old, and they put him in daycare. Now, why?

She didn't need the salary. Her husband had a good salary that they felt they could live comfortably on. She likes her job, but she really wanted to be with the baby more. Don't they have savings? Well, they have a little money saved but only enough to carry 6 to 9 months of expenses. Then why, oh why, would a woman who wants to be with her baby have to go back to work?

It's very simple. They need health care insurance to fall back on if her husband is laid off, which is a real risk in his line of work. The idea of millions of Americans losing their jobs is a real risk for many American families. They wanted that peace of mind, and that's why she went back to work. Sure, they knew there was COBRA, but if they had to pay for that and if the tab had come to \$1,200 a month and if they had no income coming in, that would eat up their savings right away.

□ 2240

This woman from Niwot says, In our case, having affordable yet good health insurance would allow me to stay home with my son and free up my job for someone who actually needs the paycheck.

Health care reform can and will lead to stronger families, help provide jobs for those who need those jobs, and give peace of mind and security to families across the country like this family in Niwot, Colorado, and that's why they want us to pass health care reform.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you the story of Mike from Denver, Colorado. Mike shared a story with me and asked that I share it with my colleagues here in the House of Representatives.

Mike was diagnosed with non-Hodgkin's lymphoma in 2007. After his first week of chemotherapy, he contracted an infection and landed in the hospital. As anybody knows who has experienced a hospital stay, during the 2 weeks he was in this hospital he racked up an enormous bill, and of that bill about 80 percent was covered by insurance.

Now, Mike considers himself lucky that his out-of-pocket expenses were

just under \$22,000 a year. Now, lucky that his bill was only \$22,000. Now, Mike can't imagine how he could even begin to afford the total bill, which cost over \$120,000. But for many American family, \$22,000 is almost as bad as \$120,000, because it's money that we simply don't have.

Mike wanted me to share that every American deserves to be provided for in case of catastrophic medical emergency, because it's the right thing to do. You know, non-Hodgkin's lymphoma, cancer, heart disease, they can affect any one of us, our brothers, our sisters.

I have a friend in Boulder, is 41 years old, lives a healthy lifestyle, had a heart attack, he survived. Lived healthy, through no fault of his own he had a heart attack. Now, that's going to be a preexisting condition for him the rest of his life, just as for Mike, the non-Hodgkin's lymphoma is going to be a preexisting condition.

By preventing pricing discrimination based on preexisting conditions and providing affordability credits and empowering consumers to choose from a multitude of insurance options, including the public option, through the exchange, we can truly provide a better quality of health care to Americans for a lower price. That's why we need to pass health care reform.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you the story of Suzanne Perry of Parker, Colorado.

Now, Suzanne lives in Parker, but might as well be Los Angeles, California, might as well be Billings, Montana, might as well be Dallas, Texas. This is a story that could occur anywhere in this country. Suzanne is a breast cancer survivor. She had 13 of 16 positive lymph nodes and came very, very close to not making it.

Suzanne took a high dose of chemotherapy, radiation, bone marrow transplant, bilateral radical mastectomies to save her life. Because of those dramatic interventions, she has significant scar tissue under both arms that continues to tighten, making it very difficult for her to even lift her arms to write or to hug her four children.

The insurance company declined her doctor's request for scar-releasing surgery. They said, Oh, that is cosmetic. She had to take her case, Suzanne took her case all the way to the top of the insurance company's appeal chain.

When she arrived at the insurance company's conference room to discuss binding arbitration, there was a group of men sitting around the conference room holding copies of a picture of her bare chest, which had been submitted by doctors as evidence. Suzanne said, That was unquestionably intentional and felt demeaning and humiliating for me, and it certainly made it more difficult to present her case. Imagine going into a room filled with a bunch

of men all with pictures of you naked showing your breast and your scar tissue.

Ultimately, the arbitrator ruled that Suzanne could have the scar tissue released on one side but not the other. That was akin to untying one arm from behind my back but leaving the other one tied or perhaps akin to King Solomon's famous solution to the issue of whose child was it when he was presented with two mothers claiming the same child, and he recommended that they cut the child in half to find out which mother actually cared more for the fate of the child.

That's frequently what arbitrators do. They split the difference. That's a commonly known theme.

I have a business background, and in our judicial system, sometimes if you take a case to court, they might decide whole-hog one way or the other. If you go through a binding arbitration process, it's very, very common, doesn't always happen, but very common the arbitrator will try to split it down the middle. In this case, she can lift one arm but she can't lift the other.

By providing Americans more choice in health care coverage, we empower consumers to choose the insurance company of their choice. In a market system, it simply doesn't work if one or two companies and a monopoly or oligopoly have an 80 or 90 percent market share, as is the case with insurance in many markets today.

Through the exchange, we are providing a very vibrant and active marketplace where dozens and hundreds of insurance companies can compete, as does the public option. People like Suzanne will have the ability to go to other insurance companies to not be discriminated against based on their preexisting condition.

Hopefully, any insurance company that forces a woman to fight for a surgery she needs by showing up to a boardroom with 12 men and naked pictures of that woman's chest, that insurance company should lose business, and they will under any plan in which they face real competition, and that's exactly what the Democratic plan does. That's why Suzanne's story should be powerful testimony as to why my colleagues should join me in supporting health care reform.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you a very moving story from Lucius Day of Littleton, Colorado. Lucius wanted me to share the story of their family's experience with health care.

Lucius was married 56 years ago. He and his wife didn't have health insurance at that time. Few people did. But within a few years, they, as many American families, they got their health care benefits provided from their employers and they always had at least one member of the family who

was steadily employed. Lucius is, of course, now comfortably retired and he has Medicare. But, Lucius writes, his children haven't been as fortunate.

Their children have, like many Americans, experienced extended periods of unemployment and part-time employment. They have had extended periods of time under which they didn't have health care benefits and couldn't afford to purchase any meaningful health care insurance. On more than one occasion, one or more of Lucius's kids have been forced to rely upon emergency room health care, for which they were unable to reimburse their provider.

Lucius told me that all of the arguments against a government-provided health care option are, quote/unquote, nuts, and they are fundamentally flawed.

Lucius wanted me to share with you that we need public health care that covers the basic needs of everyone, and Lucius says if some want more health care, they can buy it, but everyone should have basic health care as a right, not a privilege.

Through health care reform, Lucius's kids would be receiving affordability credits. What that means is, if you make \$20,000, \$30,000 a year or if you are in a family of four, even if you make \$40,000, \$50,000, \$60,000 a year and you don't get insurance through your employer, it's very hard to afford insurance on your own for your family. What do we do under this plan? You receive affordability credits. They are vouchers you redeem for the health care product of your choice.

Now, that won't be enough, just that step in today's market, because the cost of buying health care, if you are on your own, is outrageous, particularly if you have a preexisting condition. So we take a couple additional steps. One, we create an exchange. What the exchange does is it gives every individual and small business the same buying power as a multinational corporation with hundreds of thousands of employees. They can get those same rates that used to be reserved for the big boys.

The other thing we do is prevent pricing discrimination and exclusions based on preexisting conditions. So Lucius's kids would have access, if we can pass health care reform today, to real health care insurance and security for them and their families.

I hope that Lucius's story helps my colleagues to understand the human face behind why it's so urgent for us to pass health care reform.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you a powerful story from Beth Hunt in Longmont. Beth asked that I share her story on the floor of the House of Representatives to help put a human face on health care reform for my colleagues.

□ 2250

Beth has a young family of four. It's a two-income household; but like a lot of two-income households, they're still struggling to get by. Beth gets her insurance through her job, and they cover the two kids under her plan. Her husband is a self-employed handyman. He works very hard; and as anybody knows who is a handyman or knows one, that can sometimes be a dangerous job. Beth can't cover her husband under her insurance because it was way too expensive. It would mean her checks from her job would go 100 percent completely to insurance with nothing to spare. Why? Well, her husband has high blood pressure. And they applied with many independent insurance companies, but they all denied him.

What are we supposed to do, asked Beth? Every day, I just hope, I just hope that nothing happens to him, Beth says, because they can't afford it. Beth says, I love him so much, and he deserves to have insurance. He works very hard at his job. Nobody is watching out for my husband. Nobody seems to care about us. Please help.

Health care reform will help Beth and her family. And here is how. Depending on the income level of the family, they're a family of four, if they make under \$72,000 a year under the House plan, they will receive affordability credits to buy insurance. That's vouchers that they get that they'll be able to take to the insurance provider of their choice.

Even if they make over \$72,000, if they make \$80,000 or \$90,000 they will finally have a low-cost option for Beth's husband. What is that option? It's the exchange. The exchange is a pool of individuals and small businesses that buy insurance together, effectively giving individuals that are covered, like Beth's husband who is in business for himself, the same kind of buying power and negotiating leverage in buying insurance that multinational corporations with hundreds of thousands of employees have. So they will be able to get that same favorable rate.

Another thing we do is prevent pricing discrimination and exclusions based on preexisting conditions. So just because Beth's husband has high blood pressure doesn't mean he won't be able to be covered, and they no longer will be able to deny him. He will be able to get inexpensive insurance through the exchange without pricing discrimination based on the preexisting conditions. That will afford families like Beth real financial security.

Health care reform will make families like Beth's and millions of other families across our country stronger, stronger because they have some degree of health care security, some degree of financial security, and they can go to bed every night without worrying

about what they're going to do if, God forbid, they have a medical emergency.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you a very powerful story from my home State of Colorado. But this story could be from San Francisco, California. It could be from Austin, Texas. It could be from Salt Lake City, Utah.

Carol from Denver is a single mom with two kids. Carol became disabled about 12 years ago while she was working at Burlington Northern Railroad. Because of that injury, in part, it's one of the reasons that led to her divorce because it became very hard for her and her husband. Carol got Kaiser Connections coverage through her church, but that only lasted 2 years. As soon as she had the coverage, she went in for severe headaches, and they found a brain tumor. Carol had surgery on the brain tumor, but they weren't able to remove all of it. And as soon as her 2 years were up, she was dropped. And of course, she is unable to get new coverage because of the scarlet letter that far too Americans wear: preexisting conditions.

Carol was still undergoing treatment when they dropped her, and she couldn't continue taking the medicines that they had her on for seizures that were also causing her headaches. Also 2 months after her brain surgery, her ex-husband passed away. Now she's the only one that is there to support her 11-year-old son.

Carol tried getting coverage through a public-private partnership in Colorado that wanted about \$500 a month. That would be almost half of her income. She makes just over \$1,000 a month. She can't afford the rent, food, gas, no extra money. Try surviving on \$1,000 a month. How are you going to spend \$500 a month on health care?

Carol shared with me that she is desperate to get health care coverage, but she feels she keeps hitting a brick wall. She says if there is anything to this health care reform that can help me at this time, I would be forever grateful.

Carol, there is. And I call upon my colleagues in the House of Representatives to pass health care reform.

What would it mean for Carol? Well, at her income level, she would receive affordability credits, that is effectively a voucher, that she would be able to take to the insurance provider of her choice and that would basically pay for the cost of health care insurance. Those affordability credits are on a sliding scale. So for a family of two, they go up to about \$45,000 a year in income. So even if you're making \$35,000 or \$40,000, you still get some affordability credits. But at \$12,000 or \$15,000, they basically cover about 100 percent of the cost of health care.

Now, that's not just any health care. That's health care through the exchange, which is a low-cost option for

anyone who is self-employed, buying insurance on their own, small companies. That will give Carol the choice of dozens, perhaps even hundreds, of insurance options in that exchange, one of which would be the public option. The others would be a plethora of private options that she would have the choice to choose.

Health insurance today is unattainable, unattainable for Carol and 45 million other Americans like her. By passing health care reform, we can help Carol and her 11-year-old son have a mother as he grows up. That's the face of health care reform.

As my colleagues cast their votes on health care reform in the coming weeks, I encourage them to remember Carol and her story, and the millions of others like her across this country.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you a powerful story from Jeannette Thorner of Colorado. Now, Jeannette happens to live in Colorado; but she might as well live in Houston, Texas; Salt Lake City, Utah; or Portland, Oregon. Her story could occur anywhere. It could occur to any of us.

Jeannette's husband is self-employed, and they have always been able to obtain their own health insurance. Now, in their younger years where they didn't have any health issues, it wasn't a problem. It was automatic. Like a lot of things, when you don't need it, it's there. But the real question is what happens when you need it.

In more recent years, Jeannette says it has been very difficult to get the coverage they need because of preexisting conditions, some of which she says aren't even serious. Approximately 3 years ago, Jeannette couldn't get insurance coverage because of acid reflux problems. And she had to go, finally, with American Republic Insurance Company who did insure her, but of course excluded any coverage related to acid reflux disorders. The premiums were higher than they were with the previous plan, and they've gone up every year, and the coverage isn't even as good as before and doesn't include any prescriptions. Doctors' visits are limited to three a year with a maximum payment of \$100.

Well, 2 years ago, Jeannette was diagnosed with stage three breast cancer. Now she has been in a constant battle, not only for her health, but a constant battle with her insurance company to cover tests and treatments. Even when it was 100 percent clear that Jeannette's policy covered her treatment, her insurance company initially refused payment.

Now, Jeannette was on a drug called Femara for several years, and it's a very expensive drug. They're a middle class family. They don't qualify for public assistance. The least expensive price in the U.S.A. for this drug with a discount card is \$350 a month. What

Jeannette does is she actually re-exports from another country for a lower cost. You're allowed to do that for your own personal use. And, unfortunately, many American families with no other alternatives are forced to resort to that. Jeannette's husband is now 67, and she is 64, almost there for Medicare. Jeannette knows there are many other people in her situation, and she asked us to do something.

What does health care reform do for Jeannette and others like her? First of all, we provide affordability credits, depending on your income level, so for a family of four, up to \$72,000 a year in income, you will receive vouchers or credits that will enable you to help pay for the insurance policy of your choice.

□ 2300

Secondly, you will have access to the insurance policy of your choice through an exchange. What is an exchange? Well, it is one large risk pool where there are many different insurance options available under one rubric. Effectively, the exchange has the negotiating leverage that previously only multinational corporations had, so an individual or small business seeking insurance will be able to get the same favorable negotiated rates that previously exclusively had been the domain of large corporations.

So we prevent pricing discrimination and exclusions based on preexisting conditions. Yes, Jeannette, your acid reflux would not be excluded. Yes, Jeannette, you would not have lost coverage with your prior carrier because they would not have been able to cut you because of acid reflux.

For families like Jeanette's across the United States, it is critical that this United States Congress act now to pass health care reform.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you a story from Colorado of a resident of Lafayette. He is the president of a nonprofit, statewide organization that operates across several States, a well-known organization based in Boulder, Colorado, an organization with a philanthropic mission of promoting access to good education for the citizens of the Western United States. They do good work, and I attest to that, having served on the Colorado State Board of Education and having worked with them and many others in the education community.

He writes that in 2000, his organization was paying \$11,150 a month for their share of health care costs for their roughly 40 employees. Today, the organization is paying \$24,500 a month. Eight years, it has more than doubled. And, he adds, this buys less health care, because they have had to reduce the breadth of health care over time.

Spending twice as much for less. Sound familiar? I hear this story from hundreds and hundreds of businesses, from nonprofits, from individuals.

It is getting worse, folks. The cost of not taking action means that 10 years from now we will be asking ourselves again, why did it double in cost? Why are we getting less for twice as much?

For organizations like this nonprofit, as well as other nonprofits and for-profit organizations and small companies, it is critical that we pass health care reform; rein in growing costs; give small employers access to exchanges that give them the same negotiating leverage that large corporations have; have a public option that provides real competition with insurance companies; and make sure that no one is forced to choose between one or two providers in a monopoly or duopoly.

Let's empower consumers with choice and let them choose the insurance company of their choice. By creating that market dynamic, we can rein in growth in health care costs and make sure that organizations like this one won't be telling the same story 10 years from now.

Thank you, Madam Speaker.

Madam Speaker, I rise today to share with you the story of Barrett. Now, I went to high school with Barrett. I hadn't heard from him in a couple of years, and I was honored when he chose to share his personal medical story, not just with me, but asked me to share it with the people of the country and my colleagues here in the United States Congress as a way to encourage them to help support health care reform.

Barrett has been living with diabetes, like many millions of Americans, for about 35 years. And yet, Barrett says, the biggest battle he faces is not the battle with the disease. The biggest battle that Barrett faces is his battle with the diseased health insurance system.

Barrett has no complications due to his diabetes, yet every year his insurance plan finds new and creative ways to increase his premiums with, of course, no benefits to him. For the last 7 years, Barrett used a product called Lantus insulin to survive, but his insurance company hasn't added it to its formulary. His insurance company states that it is not necessary to his overall health. Well, the reality is, says Barrett, "if I don't take it, I die." It sounds necessary to me.

Plain and simple, Barrett shared with me, insurance companies make more money from nonformulary drugs. Substantially more. The insurance companies and drug companies are turning huge profits. These two conglomerates understand there is a lot of money to be made.

"Let's face it," Barrett says, "the health insurance industry has become nothing more than legalized extortion."

You know, there are millions of Americans like Barrett; Americans who, because of a preexisting condi-

tion, through no fault of their own, any of us could be born with or develop diabetes, anybody could develop cancer. I had a friend with a healthy lifestyle, worked out and biked a lot, 41 years old, had a heart attack. You know, it can happen. That is going to be a pre-existing condition for the rest of his life.

Too many Americans bear the scarlet letter of preexisting conditions, like my friend Barrett.

In health care reform, we ban pricing discrimination and exclusions based on preexisting conditions, one.

Two, we empower consumers with choice through an exchange, forcing insurance companies, in some markets for the first time ever, to have real competition with one another, including a public option.

Three, we provide affordability credits to help middle class families afford health care.

Barrett asked, "What is the cost of my health to my wife and daughters?" Barrett says, "I would say it is worth more than the annual bonuses the executives get on top of their six-figure salaries."

Well, I agree with my friend Barrett. The life of Barrett, the health and financial security of his wife and family, the health and financial security of tens of millions of American families is worth more than the bonuses that insurance executives get.

I call upon my colleagues to support the Barretts of the world in your district and join me in supporting health care reform.

Thank you, Madam Speaker.

Madam Speaker, as we discuss health care in this body, and we have had a good and healthy and extensive debate on health care over the last 6 months, and we will continue to over the next month or two, I think it is important to remember the human face; the face of our constituents who put us here to represent them; the face of a family whose 11-year old boy broke his wrist skating and didn't want to tell his mother because he knew it would bring tears to her eyes because of the financial ruin it could cause the family; the story of somebody who is a breast cancer survivor who can't get coverage because of a preexisting condition.

This is the face of health care in America today. And we can do better, and we will do better, and I call upon my colleagues in the House of Representatives to say, enough is enough. Let's make a health care system that we can be proud of, that makes American families stronger, and promotes our economic growth and our financial health.

SUPPORT FREEDOM AND DEMOCRACY IN HONDURAS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for the remaining time until midnight.

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, it is no secret that there are many challenges to democracy in our hemisphere. There are a number of anti-democratic regimes within our hemisphere that are doing everything they can to expand their influence, to expand their anti-American, anti-democratic, anti-freedom agenda across the hemisphere. But tonight I want to speak about a little country in Central America that is fighting a heroic battle to stop that trend, to keep their democracy alive, to keep their freedoms, their rule of law, their electoral process intact, and that is Honduras.

The people of Honduras, Madam Speaker, have for decades had a democratic process. It has been a process that, frankly, has been a model for many around the world. They have great established democratic institutions. They have had presidential and other elections on regular cycles. And that took place again in November of 2005 when a new President was elected. Mr. Manuel Zelaya was elected.

What happened though, unfortunately, Madam Speaker, is that president then started going in the same direction as other authoritarian regimes had gone, like Mr. Chavez in Venezuela.

□ 2310

And he started violating the Constitution. He started violating the rule of law, not to mention obviously, other things like massive corruption and theft and allegations of ties with the narco—with drug trafficking. But again, he also was violating the Constitution.

On March 23, 2009, right almost at the end of this man's term, he then started an illegal effort to try to change the Constitution so that he could stay in power, remain as President after his term had expired. Now, it's very interesting, we need to understand something, that because Honduras had had dictatorships in the past, their Constitution, which is revered by the people there, was very clear that you could not do that. You could only serve one term as President and that's it for life. You could not do it again. Article IV of that Constitution states very clearly that a President's term may never—is one term, and that that part of the Constitution can never be amended. In other words, a President cannot try to stay on after his term.

March 25, the Office of the Public Prosecutor, as again I mentioned, because President Zelaya tried to start

the process so that he could remain in power, the Office of the Public Prosecutor begins investigating what President Zelaya is doing, focusing on the legality or the possible illegality of that proposed referendum to change the Constitution.

May 2009, because President Zelaya's actions were a clear violation of the Constitution, the Attorney General also petitioned the Administrative Law Tribunal to annul, to stop this illegal process that President Zelaya was trying to do, a referendum again so that he could keep himself in power.

May 11, 2009, the Office of the Public Prosecutor publicly states that the referendum violates the Constitution. On May 12, 2009, the Administrative Law Tribunal issues a temporary injunction, prohibiting this referendum that President Zelaya is trying to do to keep himself in power from taking place.

May 27, 2009, the Administrative Law Tribunal rules that the referendum violates the Constitution and orders suspension of all acts in its support. May 28, 2009, despite the referendum already having been declared illegal by the Administrative Law Tribunal, then President Zelaya continues to advocate for that referendum so that he can stay in power.

On May 29, 2009, the Administrative Law Tribunal clarifies its previous May 27 ruling, explaining that any and all acts that would lead to any vote or poll similar to the referendum that President Zelaya was trying to put forward is a violation of the Constitution.

On June 9, 2009, the appellate court, now, of the Administrative Law Tribunal unanimously, unanimously rules that Zelaya's actions violate the Constitution. I think you're starting to see a pattern here; that there is a broad consensus in the courts and everywhere that what Mr. Zelaya's trying to do to keep himself in power is in violation of their country's Constitution.

June 19, 2009, the Honduran appeals court orders the Honduran Armed Forces to not provide any support for this proposed referendum that the President was trying to do to keep himself in power.

June 24, 2009, Zelaya orders the chairman of the Joint Chiefs of Staff and the Secretary of Defense to violate the constitution and to carry out the referendum, which again has already been ruled unconstitutional. You know, why would he ask the Armed Forces to do that? Because under article 272 of that country's Constitution, it states that the Armed Forces is the one that carries out the elections and helps in the election. But the Armed Forces says, No, Mr. President, we're not going to violate the Constitution and the court rulings.

So when the chairman of the Joint Chiefs of Staff and the Secretary of Defense refuses to carry out the illegal

orders of the President to violate the Constitution, what does President Zelaya do? He fires them both. On June 25, 2009, the Office of the Public Prosecutor files a motion with the Honduran Supreme Court of Justice to reinstate the Joint Chiefs of Staff chairman, Mr. Velazquez.

June 25, same day, the Honduran Supreme Court of Justice now unanimously rules that Zelaya's dismissal of General Velazquez is another violation of the Constitution. Again, this constitutes one of multiple violations of the Constitution by President Zelaya, and he's trying to do all this so that he can stay in power, despite the Constitution.

Now, since this referendum that President Zelaya continues to try to do had been ruled illegal and they can't print the ballots, what does President Zelaya do? He has ballots printed in Venezuela by Hugo Chavez. Everybody in our country knows who Hugo Chavez is. Those ballots are then flown into the country to try to go ahead with this illegal referendum to change the Constitution, I repeat, so that Mr. Zelaya can stay in power.

Well, June 25, 2009, the Honduran Supreme Electoral Tribunal declares that the referendum violates the Constitution, once again, and orders that the Armed Forces take custody of those illegal ballots printed in Hugo Chavez's Venezuela. The same day, June 25, the Office of the Public Prosecutor files a criminal complaint against President Zelaya for treason, abuse of authority, and usurpation of power.

June 26, 2009, Zelaya makes public a secret executive order rescinding his original intent referendum, replacing it with another one, and basically, again, continuing to go forward to try to change the Constitution so that he can stay in power and stay in power as President. I don't know for how long he had the intention of staying in power.

June 27, Zelaya then leads a mob of supporters because, remember, the Armed Forces had held these illegal ballots. Well, he then leads a mob in violation of court orders of the Supreme Court, et cetera, and he breaks into where those ballots had been held by the military, a military base, and he takes them out with the intention of starting to distribute them, despite the fact that there had been multiple court rulings saying that they're illegal.

Well, then, June 28, 2009, the Honduran Supreme Court of Justice issues an arrest warrant for President Zelaya and orders the Armed Forces, orders the Armed Forces to arrest him. Remember, this is a court order by the Honduran Supreme Court of Justice ordering the military, and I mentioned before that the military are the ones in their Constitution who are responsible to enforce that. They order the military to go ahead and arrest him. So, yes, the Armed Forces carry out those

orders. Now, June 28, the legislature, the Congress of that country votes 124-4 also to remove President Zelaya because of his violation, multiple violations of the Constitution.

June 28, 2009, a special congressional commission issued a report on Zelaya's action, a special congressional commission, and based on this report the Congress votes 124-4 to remove Zelaya and replace him with the person who, in their Constitution, was next in line. And that was, who was available was the Speaker of the House, Mr. Micheletti. He becomes the President.

June 28, the Armed Forces, as a defender of the Constitution, decides that instead of imprisoning Mr. Zelaya as they had been told to do, following those court orders, instead of imprisoning him, what they do is they put him on an airplane and they send him to neighboring Costa Rica.

Now, that is what has happened. The democratic process continues in Honduras. The elections that were convened before this whole issue and this whole crisis started, those have continued to go forward. So here's the good news, that despite that challenge, the Honduran people, the democratic institutions, that democratic country is going forward with their elections. Those elections are going to be taking place the 29th of November. And obviously, we here in the United States and the world should be applauding, applauding that heroic people, the way that they're following their Constitution, they're preserving their institutions, they're preserving the rule of law, their freedom and their democracy. But, unfortunately, Madam Speaker, that's not the case.

Because of the pressure of individuals like the Castro dictatorship and Hugo Chavez, unfortunately, even the United States is now saying that the Honduran people should not have elections, that they don't deserve those elections, that they should not go forward with those elections.

□ 2320

Now, Madam Speaker, think of the sacrifice of the American people, particularly our men and women in uniform who have done so much and sacrificed so much so that people around the world can have elections.

And here we have a neighboring country, an ally of the United States, who is about to have elections, who is about to fulfill their people's dreams. They're going to have presidential elections, municipal elections, and congressional elections. Are we celebrating it? Are we encouraging them? Are we helping them? No. We're trying to stop them. We're trying to impose a dictatorship, and we're trying to stop them. How unfortunate and how shortsighted, Madam Speaker.

Madam Speaker, I am joined today by a number of individuals that I have the highest admiration and respect for.

I would like to first recognize Mr. ROSKAM from the State of Illinois. Mr. ROSKAM has been looking at this issue, has been analyzing this issue, speaking up on this issue. And it is a privilege to recognize him for 3 minutes.

Mr. ROSKAM. I thank the gentleman for yielding.

Madam Speaker, a couple of weeks ago I was out with a group of Members in Congress and my BlackBerry went off. And I read my BlackBerry, and there it was: it was a message, and it said that Senator DEMINT was going to be going to Honduras and the Senator from South Carolina was making that journey available to other Members of Congress who had a desire to go. And I made the decision, I said, Hey, I want to go down to see what's going on there, to see with my own eyes what's happening in Honduras.

I was joined by the gentleman from Illinois, Representative SCHOCK; the gentleman from Colorado, Representative LAMBORN. And the four of us went down on what's called a congressional delegation.

In we flew. It was a 1-day trip, a short trip. In we flew, and we landed in Honduras. And what a great privilege to meet with those people.

Let me tell you a little bit about that trip, Madam Speaker.

We met with President Micheletti and his leadership team. We met with the Honduran Supreme Court. We met with the leading presidential candidates who are running for office in the races that the gentleman from Florida mentioned that is going to convene on November 29 of this year. We met with the independent election commission, and we met with members of civil society, in other words, those people who are participants in the culture and economy and religious life of Honduras, including Americans who have lived down there, Madam Speaker, for as long as 25 years.

And as the four of us gathered and listened and asked questions of these folks who represented the leadership and a wide range of perspectives across Honduras, there is one word that comes to mind that was universal in how they were perceiving the United States of America. And that single word was "bewilderment."

They were bewildered because, from their perspective, they had been coloring within the lines. From their perspective, they look to the north at this Nation that they admire, this Nation that they have a relationship with, this Nation that they look to, and yet this Nation was looking at them askance.

Now, think about that. This is a Nation, the United States of America, that is willing to enter into conversations directly or indirectly with Ahmadinejad of Iran; we're willing to enter into conversations directly or indirectly with the Castro brothers of Cuba; but we are not willing to be in a

conversation with this group, this long-time ally, the country of Honduras.

Let me tell you where it breaks down from my perspective. We met with President Micheletti, and all of us who are Members of Congress and members of the general public, we've all been in meetings that have been highly manipulated and we know when there's a hustle going on, and you can kind of feel it. You know when it's scripted, when somebody is saying, Oh, you say this and you say this and you say this.

But I am telling you, in this meeting, there was a great deal of spontaneity. And that was true of all of these meetings, Madam Speaker, all five of these meetings that I just described, they were spontaneous.

And in the course of the meetings, President Micheletti admitted two mistakes. He was very transparent. He said, Look, we didn't have the authority to remove President Zelaya from the country. We didn't have the authority to do it. It was a mistake.

Now, he was charging the military base and so forth, but President Micheletti acknowledged that they didn't have the authority to do it.

He also said they didn't have the authority to shut down two television stations. They were small stations. They were broadcasting insurrection. We didn't have the authority to shut them down. It was a mistake. We regret it. We are moving to open them up, and so forth.

But I cannot even begin to convey to you the sense of bewilderment, Madam Speaker, that the Hondurans expressed.

Here we are, Members of the United States Congress, and we're seated with the Honduran Supreme Court. And I am thinking to myself, frankly, who am I or who are we to pass judgment on the Honduran Supreme Court on how they're interpreting their own Constitution, right?

But they say to us, Look—and they made it very, very clear—we issued the order that the military followed. The military didn't tell us what to do. We, a civilian supreme court, issued the order and told them what to do. And I think that that's pivotal.

When I was down there with Representative SCHOCK, who's joining us tonight, and others, it was clear to me there's more police officers, Madam Speaker, around the United States Capitol tonight than there are around the presidential palace around Honduras. So the characterization of this as a military coup is casting it, frankly, in a false light.

So all kinds of drama going back in the past, all kinds of situations as you look back in the past. Some mistakes, some not mistakes, some things characterized a certain way, some things not characterized a certain way.

Where do we go from here? We go to November 29.

Now we, as a country, historically, have looked to elections of a free people as the remedy moving forward. We have historically said, notwithstanding the background of a nation, if there is a free, fair, and open election, we are going to recognize and acknowledge the government that is subsequent to that.

And I wholeheartedly believe and I wholeheartedly hope that the Obama administration, Secretary Clinton will lay out a parameter by which the Honduran Government can satisfy the administration that they're going to move forward. In other words, if the Honduran people make a decision on November 29—and let's remember, President Zelaya, former President, is not going to be on the ballot; President Micheletti, who is currently in office for this collapsing duration of time, is not going to be on the ballot. It's several other individuals who campaigned, got their nominations. They're on the ballot for their parties. Those are the individuals who are campaigning for office. And when we met with those individuals, not a one of them had a suspicion that there was anything that was untoward in this upcoming election. They all felt it was going to be pure as the wind-driven snow.

Mr. MARIO DIAZ-BALART of Florida. Will the gentleman yield?

Mr. ROSKAM. Yes, I will.

Mr. MARIO DIAZ-BALART of Florida. You just mentioned the election that's going on. It is accurate to say, is it not, that that's a process that's been going on for about a year? And those candidates that you met with are the same candidates that have been in this process that were elected in open primary elections to represent their respective parties. So that has not changed. There is no change there. That process is the same, clean, clear democratic process that has been going on way before any of this controversy has been going on, and they're the same candidates, are they not?

Mr. ROSKAM. Reclaiming my time, they are exactly the same candidates, absolutely.

And when Representative SCHOCK and I met with the individuals who are those that are in charge of administering the elections, frankly, they made it very clear to us they were not happy to meet with us at the place where we had to meet. They felt like we shouldn't—they shouldn't be there in the presidential palace.

But they were humoring—they were accommodating us and being very gracious to us, but they made it very clear that they weren't happy to meet with us there. Why? Because their job is to ensure the integrity of the ballot.

So here's where we go. So we're looking at November 29, the Honduran people are going to make a decision. They're going to choose one of these nominees who has been nominated by

their party, and the United States Government then is going to have a decision to make.

□ 2330

I think it is wise. I think it drives toward stability. I think it drives toward prosperity and toward a really good, solid foundation for us, for the American people, to recognize the legitimately elected officials of that government that the Honduran people, themselves, choose on November 29.

I think it would be a devastating mistake if we were to look the Hondurans in the eye and say, You know, we really don't care who you choose. We're going to manipulate, and we're going to decide who your next president is going to be. Heaven help us if we go that route when we're a nation that historically has stood up and has said that we're going to stand for free, open and fair elections.

I'm the first to say—and I think you are, too, Mr. DIAZ-BALART—that if there were any nonsense to go on in an election, you would be the first one to jump in; but there has been no indication whatsoever, none, even from the presidential candidates who are currently running nor from the conversations that Representative SCHOCK and I had and that I know you had with others when you went with Ms. ILEANA ROS-LEHTINEN and others down to Honduras. So I think it is incumbent upon us to stand up, to stand with the Honduran people, to stand alongside them in this time of real turmoil.

In closing, I just want to make one observation. In the meeting that we had, the United States has, I think, unfortunately, cut off very pivotal aid right now to the country of Honduras. Yet, as one of the Honduran individuals said to me, You know, we can endure the lack of aid, but what good is aid to us if we give up our country?

I think, Madam Speaker, that is a good watchword, one upon which we need to rest our foreign policy, and I would encourage the Obama administration to take that to heart.

With that, I yield back to the gentleman.

Mr. MARIO DIAZ-BALART of Florida. I want to thank the gentleman.

The gentleman mentioned bewilderment and that the Honduran people are, frankly, in awe, wondering what is going on. All they want to do is to continue to have their democratic process—to have their elections that were prescheduled.

A person who asked that question and who tried to get some real answers is an individual you already met and who went with you to Honduras. He is a person who is, obviously, dedicated, who is young, but who has led a very productive life in public service. So I would like to recognize the other gentleman from your State, who was also down there with you—Mr. SCHOCK.

It's interesting. I know you had some of the same questions. I guess you asked the Library of Congress to look into it, right?

Mr. SCHOCK. Correct. Thank you, Mr. DIAZ-BALART.

Look, shortly after I was born, which was in the 1980s, much of Latin America and Central America was struggling with the issue of democracy. Through much of that decade, it was the goal of the administration and the goal of this country to promote and to transition to democracies in that region. So, through much of my life, I have watched these countries continue to grow, to continue to strengthen their relationships with the United States, to continue to be friends and allies to the United States. That was my understanding of that region of the country.

Now, I'm not an attorney. I'm not a constitutional law expert. I certainly do not know the Honduran Constitution chapter and verse. So when the events took place on June 28 and when our State Department and this administration quickly said, Well, this was a coup d'etat and that what occurred there was wrong and that what occurred there was a violation of their Constitution, and when they began demanding that the Honduran people and the government there turn back on the decisions they had made, I didn't know what to think. Before jumping to conclusions, before getting on board with our State Department's position or opposing our State Department's position, I enlisted the support of the many resources that we have as elected Members of Congress, namely, the Congressional Research Service.

In July, I wrote to the Congressional Research Service, and I asked them to look into the events that had occurred in Honduras. I asked them to look at the Honduran Constitution and to tell me chapter and verse whether or not what occurred there in Honduras was, in fact, in keeping with Honduran law or whether or not it was a violation of their Constitution.

The Congressional Research Service then reached out to the law library—to the Library of Congress—and I patiently waited for over 2 months for them to generate this report. In September, they provided this report on Honduras and on the constitutional law issues that we had raised about this situation. They did a very thorough analysis, and they went through, basically, chapter and verse of the Honduran Constitution and on what had occurred in Honduras.

Basically, they came to the conclusion that what had occurred there was in keeping with the Honduran Constitution, that the Congress and the Supreme Court have the authority to hold their elected representatives accountable, that they have the authority to vote and to take action when they believe that the leaders of their

country are dilatory in their duties and to ask that they be removed.

However, the report also found that the expulsion of Mr. Zelaya from the country was a violation of their Constitution, and they cited the portion of the Constitution that clearly says, even if you violate Honduran law, you are to be prosecuted, and you can be imprisoned, but you cannot be expelled from the country.

Now, it's pretty clear to me what was legal and what wasn't legal. In stepping back and in looking at the current State Department's position, I kind of scratched my head, and wondered, Well, where is their justification? Where is their chapter and verse? Where is their black-and-white outline of justifying their position which says that what occurred there was not legal? Other than to say, well, we don't like what happened, that we don't like the tone, that we don't like the precedent, and that we don't like the way it looks, I haven't seen a counterpoint. I haven't seen a counter report from the State Department that has gone through chapter and verse and has given a legal opinion on why this was a violation of the Honduran Constitution.

Furthermore, we can all have a debate here tonight about what should happen with those issues which we all agree should not have occurred, namely, the expulsion of Mr. Zelaya from the country, but what I want to say is this:

First of all, we as a country must uphold the rule of law, and we as a country must respect other countries' constitutions. Whether they're the way we would write the constitutions or whether we like the way the constitutions are written really is irrelevant. The fact of the matter is, for us to suggest otherwise—for us to suggest, well, your constitution has to look like our Constitution, and your process has to look like our process—really is giving us the symbol of the ugly American, if you will, in the world, that somehow we believe everyone should look like the United States of America in all of our forms, including in our Constitution. What is important, however, is that the constitution is written by the local citizens, that it is respected and that the rule of law is upheld.

I have to think back to just a year ago at about this time. Prior to my being in Congress, I was in the statehouse in Illinois. In December of last year, our legislature, of which I was a member, started a process according to our constitution in the State of Illinois to remove our duly elected leader—our Governor. Now, our Governor had not been convicted of any crime. He had not been indicted for any crime. He had not been brought to trial for any crime, but our constitution clearly said, in the State of Illinois, when a majority of the legislature deems that

the Governor is dilatory in his duties, it can have him removed, and our legislature followed that constitution, and had him removed.

I'm going to tell you right now that not everybody in the State of Illinois agreed. Certainly, not everyone in this country agreed with removing a sitting officeholder from office, namely, a Governor, prior to a conviction. However, it was allowed for in the constitution. You saw no one in the Federal Government, certainly not our President of this United States, who happens to come from Illinois, call out and say that this would somehow fly in the face of democracy or that some great injustice had occurred.

A few years earlier, in the same decade, the citizens of California decided that their Governor was dilatory in his duties and that their Governor, who was duly elected, who had not been convicted of any crime, and who had not gone to trial for any malfeasance, should be removed from office. However, their constitution required that his removal be done by a different process—through voter referendum and through a recall provision.

Now, the reason I point this out is that we have 50 States in the Union, and every State has a different constitution. Every State has a different process. Each process is different, and each process is unique. What is important is not that each process is the same but that the rule of law is upheld.

I would argue, Madam Speaker, that the same is true in Honduras. The Honduran people have a different Constitution. However, based on the findings of this law review and based on the findings of many legal experts, what occurred there up until the point of Mr. Zelaya's expulsion was in keeping with the Honduran Constitution.

What is important in moving forward is not necessarily whether or not Mr. Zelaya is held in the Brazilian Embassy or whether he is brought to trial or whether he gets amnesty or whatever. What is important is that we continue to promote democracy and that we continue to promote free and fair elections around the world, specifically in Honduras.

I can't help but think that, as we start to celebrate the elections that are upcoming in Afghanistan, which will take place in less than 2 weeks and where men and women from our Armed Forces have fought and died, much the similar in Iraq, we would look to a friend of the United States for over 30 years, a democracy in Central America, and say to them, You know what? Because of this issue with the removal of your president, we're not going to uphold democracy in your country. We're not going to seek free and fair elections in your country.

□ 2340

It seems preposterous, and so I really, tonight, am asking the State De-

partment, show us your plan. What is the end game for Honduras? What is the end game for democracy in that region?

My friends who join me here tonight, we only see one solution to continuing to promote democracy in that region, and it's free and fair and open elections in Honduras. Six candidates were nominated by their parties in May. Six candidates have campaigned for this position for nearly a year, and six candidates will be the options for the Honduran people to vote on on November 29.

Whomever the Honduran people vote for, the candidates for office we met with made it very clear they will support the outcome of the election. The interim President Micheletti made it very clear upon those elections he looks forward to surrendering the power to the incoming President and going back to his duties in the Congress.

The end of the game that I see is we need to be pushing for free and fair elections. We need to be pushing for the rule of law and democracy in Honduras and making sure that the will of the Honduran people is respected on November 29. We, as the United States of America, promoters of freedom around the world, send election observers, send the resources and the support necessary to ensure that free and fair elections occur on November 29 in Honduras.

Mr. MARIO DIAZ-BALART of Florida. I think you were very clear in illustrating exactly what did take place. You mentioned what is the end game, what is the solution? What is it that we should all strive for? It's elections. That solves the issue. Those elections are going to take place on November 29. That is a solution we should be applauding. We should be supporting those elections. Unfortunately, this administration is trying to do everything in its power to try to stop those elections from taking place.

Now, frankly, one of the people I most admire in this process who has done so much to help push for elections, particularly where they have not been able to do so for generations, who was an advocate of freedom around the world, I am anxious to hear, Mr. BURTON, what you have to say, because nobody knows and has fought for elections around the globe like you have. It's a privilege to have you here.

Mr. BURTON of Indiana. I thank the gentleman for yielding. Hopefully, in the not so distant future, we will see fair elections in your former native land of Cuba.

With that, let me just say I have heard in my years here in the Congress a lot of very thorough and eloquent expressions of concern about what's going on in foreign policy and foreign lands, but the young gentleman from Illinois just covered about everything

about as thoroughly as you possibly can.

The one thing that I think I might add is that there are those who say the elections should be postponed and that there are reasons for that. But, according to what I have been able to learn from our research is that the Supreme Court of Honduras rendered a decision after careful study, and they said that what was done was constitutional, it was within the law, and they upheld that decision, and they have said that the elections should go forth, and they are now in control of the election process, and I believe that it should go forth.

For the United States of America and our State Department and our very young and new President, whom I feel probably does not have the expertise that he requires to make these kinds of decisions, although I am sure that he would like to see his position supported, I think that we should support the Honduran people, support a free and fair election, and let our State Department know that the Members of the Congress here in Congress feel very strongly that they have made a miscalculation and a misdiagnosis of what the situation is or should be down in Honduras.

They should change their mind and come back and support the constitutional elective process in Honduras and let the elections go forth with our support. The United States of America should support the free election process in Honduras and our State Department should share that view, and that's why tonight you have a number of Congressmen here on the floor of the House who are saying to the administration and to the State Department, You have made a mistake.

As the young gentleman from Illinois said, this has been researched very thoroughly by our legal authorities and experts here in the Congress of the United States, and they have concluded that the only thing that was done that was not correct was forcing the former President out of the country. But it did not say anything that we would contradict the decision that was made by the administration that showed that there was some unconstitutional things done and supported by the previous President. The Supreme Court has rendered that decision and they said the election should go forth, and we should support that decision.

If I were talking to our Secretary of State, Hillary Rodham Clinton, or the President, I would say that the administration and the State Department should support that position.

I really appreciate you and your brother and the rest of the people that are here on the floor tonight, I really appreciate you staying so late. It's a quarter till 12. The people of this country, who I hope might be paying attention, will realize we feel this is ex-

tremely important for stability in our hemisphere, in our front yard, and we feel very strongly that the administration and the State Department should review this and come out in very strong support of the elective process which should be taking place very shortly.

Mr. MARIO DIAZ-BALART of Florida. I want to thank you for those words.

And, again, what we keep talking about is that there is a solution. There is a very simple solution. There's a very simple answer to this crisis, and that's the answer and the solution that men and women for generations, American men and women for generations have given their lives for, and that's for the ability of people to elect their leaders, for free and clear multiparty elections.

There are people that are in that process already, a process that has been going on for over a year, a process that has not been interrupted. How we cannot support that process is, frankly, beyond me.

I don't know. Maybe the gentleman from Michigan (Mr. MCCOTTER), who is one of the keen intellects in this body, can have some explanation as to how elections are not, all of a sudden, the answer, why the Honduran people should not have the right to elect their next President.

It is a privilege to have you, sir. I recognize Mr. MCCOTTER.

Mr. MCCOTTER. I thank the gentleman. I know we are heading toward the witching hour, so I will try to put some remarks in a very succinct fashion.

First, I would like to point out some of the principles which undergird our position in support of the Honduran people. One is that we, as Americans, understand our self-evident right to liberty is from God, not the government, and no tyrant nor terrorist can interfere with it. We also understand, as Americans, that our security is from strength, not surrender, and that our greatest strength is the expansion of liberty to others to ensure freedom for ourselves.

We also understand, as is painfully evident with Honduras, that the United States and all free people are targets of tyrants and terrorists, not because of our actions, but because of our existence. The existence of free people, the rule of law, the pursuit of one's happiness in accordance with one's inalienable rights is a threat to all tyrants and despots throughout the world, for their thrones are unstable in the presence of free people and oppressed people who are inspired by such examples.

With the Honduras situation, we see crystal clear that the United States, in many ways in our foreign affairs, has gotten away from these foreign principles and the concepts. The danger, not only to our allies like Honduras, is great.

I pose one example. Can this administration, for the edification of individuals like myself who may not grasp the intricacies and the genius of their foreign policy, explain one thing. What is the difference between women being shot in the streets of Iran for trying to be free and the difference between a constitutional democracy in Honduras following the rule of law to protect itself from a would-be tyrant?

This administration said these situations are distinguishable, because in the instance of the Iranians' murderous regime, that is an internal affair for the Iranian people; yet, when the free people of Honduras through the rule of law in defense of their constitutional democracy exercised their means of self-defense, we are told that that is of the utmost interest to the United States and we must demand an outcome in accordance with our will and the will of the OAS, which now includes Mr. Fidel Castro, no fan of elections.

□ 2340

Can you tell me why the freedom of the Iranian people is to be left in the hands of their murderers and why the freedom of the Honduran people is to be taken from theirs and put in the hands of butchers like Fidel Castro and others such as Chavez? I eagerly await a response, although I do not know that I will find it edifying, let alone satisfactory. I yield back.

Mr. MARIO DIAZ-BALART of Florida. I thank the gentleman. And also coming with us tonight is a person who also has a distinguished and effective record of fighting for human rights and freedom around the globe, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Well, I want to thank you for calling this Special Order, convoking it and focusing in on this very important, really critical subject. Winston Churchill talked about the fact that facts are better than dreams. There are facts with regard to the crisis in Honduras. The people of Honduras acted constitutionally. Their institutions acted constitutionally in removing a President who was acting unconstitutionally, and they removed him. The institutions, the democratic institutions of Honduras removed a President who had been acting unconstitutionally on June 28. Those are facts.

The Obama administration is wrong when, in this case, it sides with Chavez and Castro, Ortega, Correa, the other anti-democratic elements in this hemisphere who are pressuring for the imposition of the President who had violated the Constitution in Honduras for his return, his forceful return, unconstitutionally to power. The Obama administration is wrong. That's a fact.

Now, there's another fact that is of importance, and that is we saw a number of Members of Congress here almost at midnight, because of the importance of this issue, tell the American people that after thorough study, they have come to the conclusion that the Obama administration is wrong and that the Honduran people acted appropriately. It's a fact that there is a growing number of Members of Congress who are becoming involved, educated and are expressing themselves with regard to this issue. That's a fact that the Obama administration needs to take into consideration, because as was mentioned before, even if the situation were different, and even if the Hondurans had acted unconstitutionally in removing President Zelaya from power, the solution to the crisis should be evident to all: free and fair elections, especially when the candidates were chosen before the crisis began by all of the political parties.

So what is most not only incorrect, but almost inconceivable, Madam Speaker, is that the Obama administration is not only wrong with regard to what happened in Honduras, is not only wrong with regard to whom it is siding with and whom it is siding against, but that even if the administration were not wrong with regard to what has happened, the evident solution being the elections of November 29, are not being supported by the Obama administration, but the Obama administration is saying that they will not recognize the will of the Honduran people as expressed on November 29.

That is inconceivable—beyond wrong. That is inconceivable, Madam Speaker.

So, facts: Congress is aware of how wrong the administration is. Congress is aware that the Honduran people are proceeding with an election on November 29. The reason that the majority leadership is not bringing to the floor of this House a resolution to express support for the elections, the resolution was filed by Ms. ROS-LEHTINEN and others, expressing support for the elections that are going to be held November 29, the reason the majority leadership does not bring that resolution to the floor is because it would win a majority vote, because the fact is a growing number of Members of Congress, I maintain by now a majority of this House, are aware of the gross unfairness with which that small nation is being treated by this administration.

So I think it's important for the administration, Madam Speaker, to take note, tonight, almost at midnight, that Honduras, despite the pressure, despite the fact that it's a small country, is moving forward with elections. Those elections deserve not only support and respect, but commendation. And further efforts to deny the Honduran people their right of self-determination, their right to express themselves freely by secret ballot on November 29 is wrong.

That's a fact.

More and more people in this Congress are learning the facts. And I hope, Madam Speaker, that the administration takes note and reverses itself, backs off from not supporting elections, from not supporting free determination and, rather, supports the Honduran people.

I thank you, Congressman MARIO DIAZ-BALART, for focusing attention, for your leadership role on this critical issue. Not only do the people of Honduras deserve it, but the hemisphere requires the further attention of the American people to this critical issue. Thank you very much.

Mr. MARIO DIAZ-BALART of Florida. I want to thank the gentleman from Florida for really summing it up so well that, yes, regardless of what may have happened, the solution is there, it's evident. It's the elections that are coming up.

The American people need to understand, need to know that this administration, unfortunately, is siding, siding, is on the side, is siding with Hugo Chavez and Fidel Castro in trying to stop the democracy, the democratic process, the elections that are about to take place in Honduras. They need to know that.

This administration needs to understand that history will judge this administration if it does not reverse itself and sides with the people of Honduras, with their election, with their freedom. And also the Honduran people need to understand that we have great admiration for them, that we respect their process, their Constitution, and we commend them for going forward with their elections, their free, democratic, multi-party elections.

Thank you, Madam Speaker, and with that, I will yield back the remaining part of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today and tomorrow.

Mrs. BIGGERT (at the request of Mr. BOEHNER) for today after 4:30 p.m. and for the balance of the week on account of personal business.

Mr. BUYER (at the request of Mr. BOEHNER) for today after 12:30 p.m. and for the balance of the week on account of illness.

Mr. DREIER (at the request of Mr. BOEHNER) for today after 3:15 p.m. through Monday, October 26, on account of events in the district.

Mr. GOHMERT (at the request of Mr. BOEHNER) for today on account of attending a funeral.

Mr. HINOJOSA (at the request of Mr. HOYER) for today and the balance of the week.

Mr. WALDEN (at the request of Mr. BOEHNER) for today and the balance of the week on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. POLIS) to revise and extend their remarks and include extraneous material:)

Mr. KAGEN, for 5 minutes, today.

Mr. WEINER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. DEAL of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, October 29.

Mr. JONES, for 5 minutes, October 29.

Ms. ROS-LEHTINEN, for 5 minutes, October 23.

Mr. BURTON of Indiana, for 5 minutes, October 29.

Mr. GOHMERT, for 5 minutes, October 26, 27, 28 and 29.

Mr. INGLIS, for 5 minutes, October 26.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. PAULSEN, for 5 minutes, October 23.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1793. To amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

ADJOURNMENT

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Friday, October 23, 2009, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4222. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule — Internal Control Over Financial Reporting In Exchange Act Periodic Reports of Non-Accelerated Filers (RIN: 3235-AK48) received October 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4223. A letter from the Acting Assistant Secretary Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System (RIN: 1024-AD79) received October 1, 2009,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4224. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Hood Canal Bridge Cable Laying Operation, Hood Canal, WA [Docket No.: USCG-2009-0496] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4225. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sabine River, Orange, TX [Docket No.: USCG-2009-0359] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4226. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Cruise Ship Protection, Elliott Bay and Pier-91, Seattle, Washington [Docket No.: USCG-2009-0331] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4227. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; IJSBA World Finals, Lower Colorado River, Lake Havasu, AZ [Docket No.: USCG-2009-0194] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4228. A letter from the Attorney, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Mattaponi River, Wakema, VA [Docket No.: USCG-2009-0460] (RIN: 1625-AA08) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4229. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2009-0789] (RIN: 1625-AA11) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4230. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone and Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2009-0767] (RIN: 1625-AA11) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4231. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Calcasieu River, Hackberry, LA [Docket No.: USCG-2009-0317] (RIN: 1625-AA87) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4232. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones: Fireworks displays within the Captain of the Port Puget Sound Zone [Docket No.: USCG-2009-0752] (RIN: 1625-AA00) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4233. A letter from the Senior Import Policy Analyst, Import Administration, Department of Commerce, transmitting the Depart-

ment's final rule — Changes in Procedures for Florence Agreement Program [Docket No.: 080102004-9266-02; FDMS Docket No. ITA-2009-0002] (RIN: 0625-AA75) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4234. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Part A Premium for Calendar Year 2010 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement (RIN: 0938-AP43) received October 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4235. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2010 [CMS-8037-N] (RIN: 0938-AP42) received October 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4236. A letter from the Office Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2010 [CMS-8039-N] (RIN: 0938-AP48) received October 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KRATOVIL:

H.R. 3898. A bill to amend the Internal Revenue Code of 1986 to extend the temporary increase in limitations on expensing of certain depreciable business assets; to the Committee on Ways and Means.

By Mr. OLSON:

H.R. 3899. A bill to extend temporarily the duty on 1,3-bis(4-aminophenoxy)benzene (RODA); to the Committee on Ways and Means.

By Mr. OLSON:

H.R. 3900. A bill to extend temporarily the duty suspension on 4,4'-Oxydiphthalic anhydride (ODPA); to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. BOUSTANY, Mr. PASCRELL, Mr. CROWLEY, and Ms. TITUS):

H.R. 3901. A bill to amend the Internal Revenue Code of 1986 to enhance the administration of, and reduce fraud related to, the first-time homebuyer tax credit, and for other purposes; to the Committee on Ways and Means.

By Mr. HELLER:

H.R. 3902. A bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit and to eliminate the first-time homebuyer requirement and increase the adjusted gross income limitations with respect to such credit, and for other purposes; to the Committee on Ways and Means.

By Mr. REHBERG:

H.R. 3903. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion of interest from the gross income of individuals, to increase retirement plan contribution limitations, and to temporarily

suspend minimum distribution requirements for certain defined contribution plans; to the Committee on Ways and Means.

By Mrs. MALONEY (for herself, Mr. FRANK of Massachusetts, Ms. WATERS, Mr. MAFFEI, Mr. MILLER of North Carolina, Mr. HINOJOSA, Ms. MOORE of Wisconsin, Mr. HODES, Mr. CAPUANO, Mr. ACKERMAN, Mr. KANJORSKI, Mr. ELLISON, Mr. GUTIERREZ, Ms. SPEIER, Ms. ESHOO, and Mr. JONES):

H.R. 3904. A bill to amend the Truth in Lending Act to establish fair and transparent practices related to the marketing and provision of overdraft coverage programs at depository institutions, and for other purposes; to the Committee on Financial Services.

By Ms. BERKLEY (for herself, Mr. BRADY of Texas, Mr. DAVIS of Alabama, and Mr. NUNES):

H.R. 3905. A bill to amend the Internal Revenue Code of 1986 to repeal the 1-year termination of the estate tax, to increase the estate and gift tax unified credit, and to coordinate a reduction in the maximum rate of tax with a phaseout of the deduction for State death taxes; to the Committee on Ways and Means.

By Mr. TEAGUE:

H.R. 3906. A bill to amend title 38, United States Code, to authorize appropriations for the Department of Veterans Affairs program to provide financial assistance for supportive services for very low-income veteran families in permanent housing; to the Committee on Veterans' Affairs.

By Mr. DOYLE (for himself, Mr. SHERMAN, Ms. HIRONO, Mr. SMITH of New Jersey, Mrs. LOWEY, Ms. BERKLEY, Ms. ROYBAL-ALLARD, Mr. SHULER, Mr. KENNEDY, Mr. ABERCROMBIE, Mr. MCCOTTER, Mr. BARTLETT, Mr. LATOURETTE, Mr. ACKERMAN, Mr. OLVER, Mrs. CAPPS, Mrs. MALONEY, Mr. LOBIONDO, Mr. RANGEL, Mr. CASTLE, Ms. TSONGAS, Ms. SHEA-PORTER, Mr. ROTHMAN of New Jersey, Mr. PASCRELL, Mr. NADLER of New York, Mr. BROWN of South Carolina, Ms. DELAUNO, Mr. LEWIS of Georgia, Mr. MORAN of Virginia, Mr. GALLEGLY, and Mr. YOUNG of Florida):

H.R. 3907. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture.

By Mrs. HALVORSON:

H.R. 3908. A bill to amend the Internal Revenue Code of 1986 to provide the work opportunity tax credit with respect to a designated family member of a veteran with a service-connected disability if the veteran is unable to work; to the Committee on Ways and Means.

By Mrs. HALVORSON:

H.R. 3909. A bill to enhance the energy security of the United States by encouraging investments in renewable and alternative energy and to authorize appropriations for research in and development of fungible biofuels; to the Committee on Ways and Means, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSEN of Washington (for himself, Mr. YOUNG of Alaska, and Mr. HASTINGS of Washington):

H.R. 3910. A bill to authorize a single fisheries cooperative for the Bering Sea Aleutian

Islands longline catcher processor subsector, and for other purposes; to the Committee on Natural Resources.

By Mrs. MALONEY (for herself and Mrs. CAPITO):

H.R. 3911. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of North Carolina (for himself, Mr. WATT, Mr. PRICE of North Carolina, Mr. MCINTYRE, Mr. COBLE, Mr. ETHERIDGE, Mr. KISSELL, Mr. SHULER, Mr. BUTTERFIELD, and Mr. JONES):

H.R. 3912. A bill to require the Secretary of the Treasury to mint coins in commemoration of the opening of the International Civil Rights Center and Museum; to the Committee on Financial Services.

By Ms. NORTON:

H.R. 3913. A bill to direct the Mayor of the District of Columbia to establish a District of Columbia National Guard Educational Assistance Program to encourage the enlistment and retention of persons in the District of Columbia National Guard by providing financial assistance to enable members of the National Guard of the District of Columbia to attend undergraduate, vocational, or technical courses; to the Committee on Oversight and Government Reform.

By Mr. SALAZAR:

H.R. 3914. A bill to designate certain lands in San Miguel, Ouray, and San Juan Counties, Colorado, as wilderness, and for other purposes; to the Committee on Natural Resources.

By Mr. SCHOCK:

H.R. 3915. A bill to extend the temporary suspension of duty on phenyl (4,6-dimethoxypyrimidin-2-yl) carbamate; to the Committee on Ways and Means.

By Ms. SCHWARTZ (for herself and Mr. DOYLE):

H.R. 3916. A bill to amend the Internal Revenue Code of 1986 to permanently extend and modify the section 45 credit for refined coal from steel industry fuel, and for other purposes; to the Committee on Ways and Means.

By Mr. STUPAK (for himself and Mr. PITTS):

H.R. 3917. A bill to amend title XVIII of the Social Security Act to modernize and improve the Medicare payment methodology for radiopharmaceuticals under the hospital outpatient prospective payment system and to ensure equitable payment and patient access to certain low volume, high cost radiopharmaceuticals; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself, Mr. HERGER, Mr. POMEROY, Mr. LARSON of Connecticut, Mr. MICHAUD, and Ms. PINGREE of Maine):

H.R. 3918. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for qualified distributed thermal energy storage

property, and for other purposes; to the Committee on Ways and Means.

By Mr. BOUSTANY (for himself and Mr. KIND):

H. Con. Res. 202. Concurrent resolution celebrating the goals and ideals of 20th anniversary of The Society of Thoracic Surgeons National Database; to the Committee on Energy and Commerce.

By Mr. GINGREY of Georgia (for himself, Mr. LEWIS of Georgia, Mr. DEAL of Georgia, Mr. BISHOP of Georgia, Mr. LINDER, Mr. KINGSTON, Mr. SCOTT of Georgia, Mr. WESTMORELAND, Mr. PRICE of Georgia, Mr. MARSHALL, Mr. BARROW, Mr. JOHNSON of Georgia, and Mr. BROUN of Georgia):

H. Con. Res. 203. Concurrent resolution honoring the life and work of Furman Bisher; to the Committee on Oversight and Government Reform.

By Mr. HINCHEY (for himself, Mr. ROHRBACHER, Mr. CANTOR, Mr. COBLE, Mr. JONES, Mr. ROYCE, and Mr. SOUDER):

H. Con. Res. 204. Concurrent resolution expressing continued support for employee stock ownership plans; to the Committee on Education and Labor.

By Mr. BISHOP of Utah:

H. Res. 854. A resolution recognizing Weber State University for the 120th anniversary of its founding as an institution of higher education; to the Committee on Education and Labor.

By Mr. BLUNT (for himself, Mr. SKELTON, Mr. CLAY, Mr. AKIN, Mrs. EMERSON, Mr. LUETKEMEYER, Mr. GRAVES, Mr. CARNAHAN, Mr. CLEAVER, and Mr. BARTLETT):

H. Res. 855. A resolution expressing support for designation of May 1 as "Silver Star Service Banner Day"; to the Committee on Oversight and Government Reform.

By Mr. NADLER of New York (for himself, Mr. ACKERMAN, Mr. ARCURI, Mr. BARTLETT, Mr. BISHOP of New York, Ms. CLARKE, Mr. COOPER, Mr. COURTNEY, Mr. CROWLEY, Mr. ELLSWORTH, Mr. ENGEL, Mr. FORBES, Mr. HALL of New York, Mr. HIGGINS, Mr. HINCHEY, Mr. ISRAEL, Mr. JONES, Mr. KING of New York, Mr. LEE of New York, Mrs. LOWEY, Mr. MAFFEI, Mrs. MALONEY, Mr. MASSA, Mrs. MCCARTHY of New York, Mr. MCMAHON, Mr. MEEKS of New York, Mr. MURPHY of New York, Mr. ORTIZ, Mr. RANGEL, Mr. ROONEY, Mr. SERRANO, Ms. SLAUGHTER, Mr. TAYLOR, Mr. TONKO, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. WEINER, Mr. WITTMAN, Mr. WILSON of South Carolina, and Mr. HUNTER):

H. Res. 856. A resolution recognizing the Commissioning of the USS New York LPD 21; to the Committee on Armed Services.

By Mr. MCGOVERN:

H. Res. 857. A resolution expressing support for designation of the week of October 25, 2009, through October 31, 2009, as American Pharmacy Educator Week; to the Committee on Oversight and Government Reform.

By Mr. ENGEL (for himself, Mr. MACK, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. MEEKS of New York, Mr. BURTON of Indiana, Mr. SIRES, Mr. PAYNE, Mr. WEXLER, Mr. MEEK of Florida, Mr. MCGOVERN, Mr. FARR, Mr. HONDA, Mr. MORAN of Virginia, Mr. PIERLUISI, Mr. HINOJOSA, and Mr. SALAZAR):

H. Res. 858. A resolution congratulating the Inter-American Foundation (IAF) on its 40th anniversary and recognizing its signifi-

cant accomplishments and contributions; to the Committee on Foreign Affairs.

By Mr. PAYNE:

H. Res. 859. A resolution expressing strong support for lasting peace, democracy, and economic recovery in Somalia; to the Committee on Foreign Affairs.

By Mr. QUIGLEY (for himself, Mr. LIPINSKI, and Mr. JACKSON of Illinois):

H. Res. 860. A resolution supporting the initiatives of Chicago Wilderness and the Children's Outdoor Bill of Rights; to the Committee on Education and Labor.

By Mr. ROONEY:

H. Res. 861. A resolution supporting the goals and ideals of National Military Family Month; to the Committee on Armed Services.

MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

199. The SPEAKER presented a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 55 memorializing the United States Congress to appropriate funds specifically for the storm-proofing of interior pump stations in the parishes of St. Bernard and Plaquemines; to the Committee on Appropriations.

200. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 12 urging the United States Congress to continue the development, operation, and maintenance of the Ground-based Midcourse Defense System; to the Committee on Armed Services.

201. Also, a memorial of the Senate of the Commonwealth of Massachusetts, relative to a resolution memorializing the Congress of the United States to recognize the benefits of health information technology; to the Committee on Energy and Commerce.

202. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 254 memorializing the President and the Congress of the United States to work with the people of Illinois to guarantee quality, affordable healthcare for everyone in the state and the country; to the Committee on Energy and Commerce.

203. Also, a memorial of the General Assembly of the State of Louisiana, relative to House Concurrent Resolution No. 116 memorializing the United States Congress to require that satellite television providers broadcast local television stations; to the Committee on Energy and Commerce.

204. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 25 urging the United States Congress to classify hydroelectric power as a renewable and alternative energy source; to the Committee on Energy and Commerce.

205. Also, a memorial of the Senate of the State of Alaska, relative to Senate Joint Resolution 16 urging the Congress of the United States to provide a means for consistently sharing, on an ongoing basis, revenue generated from oil and gas development on the outer continental shelf with all energy-producing states; to the Committee on Natural Resources.

206. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 7 urging the Congress of the United States to open the coastal plain of the Arctic National Wildlife Refuge to oil and gas exploration, development

and production; to the Committee on Natural Resources.

207. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 18 urging the Congress of the United States to preserve Alaska's right to enact a law providing for the environmentally responsible exploration and development of oil and gas resources in the Arctic National Wildlife Refuge; to the Committee on Natural Resources.

208. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 17 affirming Michigan's sovereignty under the Tenth Amendment; to the Committee on the Judiciary.

209. Also, a memorial of the Senate of the State of Alaska, relative to Senate Joint Resolution 10 urging the Congress of the United States to adopt S. 371; to the Committee on the Judiciary.

210. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 27 memorializing the Congress of the United States to recognize the state's sovereignty under the Tenth Amendment; to the Committee on the Judiciary.

211. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 17 urging the United States Congress to reject H.R. 45; to the Committee on the Judiciary.

212. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 47 memorializing the United States Congress to maintain the current incentives for the exploration and production of domestic oil and natural gas; to the Committee on Ways and Means.

213. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 73 memorializing the President of the United States and the United States Congress to declassify intelligence information regarding Guantanamo Bay detention camp detainees and provide it to the Governor and Michigan State Legislature; to the Committee on Intelligence (Permanent Select).

214. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 205 memorializing the Congress of the United States to repeal the National Saltwater Angler Registry; to the Committee on Natural Resources.

215. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Concurrent Resolution No. 6 memorializing the President and the Congress of the United States, and the Department of Homeland Security to change requirements, agreements, and memorandums of understanding relating to the creation of Enhanced Drivers Licenses; to the Committee on Homeland Security.

216. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution 10 urging the United States Congress to encourage the Veterans Health Administration to improve its electronic claims filing process and its ability to use information contained in military records; jointly to the Committees on Veterans' Affairs and Energy and Commerce.

217. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 77 memorializing the Congress of the United States to oppose the implementation of a cap and trade program; jointly to the Committees on Energy and Commerce, Foreign Affairs, Education and Labor,

Science and Technology, Transportation and Infrastructure, Natural Resources, Agriculture, Ways and Means, and Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. ARCURI and Mr. FATTAH.
H.R. 32: Mr. BLUMENAUER.
H.R. 43: Mr. HARE, Mr. DELAHUNT, Mr. SCHIFF, Mr. JACKSON of Illinois, and Mr. LOEBSACK.
H.R. 176: Mr. SABLAN.
H.R. 204: Ms. RICHARDSON.
H.R. 208: Mr. MCCOTTER.
H.R. 213: Mr. BISHOP of Utah.
H.R. 294: Mr. MCCOTTER.
H.R. 391: Mr. BOREN.
H.R. 613: Ms. MARKEY of Colorado.
H.R. 615: Mr. FRANK of Massachusetts.
H.R. 635: Mr. CONYERS.
H.R. 644: Mr. ISRAEL.
H.R. 658: Mrs. MALONEY.
H.R. 678: Ms. SHEA-PORTER and Mr. BERMAN.
H.R. 690: Mr. RYAN of Wisconsin and Ms. WATSON.
H.R. 704: Mr. WESTMORELAND.
H.R. 734: Mr. COBLE, Ms. TSONGAS, and Mr. FORBES.
H.R. 767: Mr. MEEKS of New York.
H.R. 836: Mr. BARROW.
H.R. 840: Ms. JACKSON-LEE of Texas.
H.R. 847: Mr. CARNEY.
H.R. 995: Mrs. RICHARDSON.
H.R. 1079: Mr. LOEBSACK and Mr. BRALEY of Iowa.
H.R. 1094: Mr. WOLF.
H.R. 1132: Mr. MILLER of Florida, Mr. JACKSON of Illinois, Mr. MCNERNEY, Mr. SALAZAR, and Mr. KAGEN.
H.R. 1137: Mr. ROTHMAN of New Jersey.
H.R. 1175: Mr. TAYLOR and Mr. KAGEN.
H.R. 1191: Mrs. CHRISTENSEN.
H.R. 1204: Ms. SLAUGHTER and Mr. GRIF-FITH.
H.R. 1207: Mr. COHEN and Mr. HILL.
H.R. 1215: Mr. RODRIGUEZ, Mr. SIRE, Mr. REYES, Mr. ORTIZ, Ms. Velázquez, Ms. LEE of California, Ms. LINDA T. SANCHEZ of California, Mr. GONZALEZ, Mr. COSTA, Mr. BACA, Mr. SALAZAR, Mr. GUTIERREZ, Mr. CARDOZA, and Mr. PIERLUISI.
H.R. 1250: Mr. McDERMOTT.
H.R. 1255: Mr. FORBES.
H.R. 1308: Mr. RUSH.
H.R. 1346: Mr. SIRE.
H.R. 1351: Mr. WILSON of South Carolina, Mr. PRICE of Georgia, Mr. BROWN of South Carolina, and Mr. HARPER.
H.R. 1352: Mr. COURTNEY.
H.R. 1454: Mr. HINCHEY.
H.R. 1468: Mr. SAM JOHNSON of Texas.
H.R. 1521: Mr. GRIJALVA, Mr. MOLLOHAN, and Mr. ROHRBACHER.
H.R. 1549: Mr. ACKERMAN.
H.R. 1552: Mr. REBERG.
H.R. 1558: Ms. DEGETTE.
H.R. 1625: Mr. LOBIONDO and Mrs. CAPITO.
H.R. 1691: Mr. FORBES.
H.R. 1721: Ms. TSONGAS.
H.R. 1829: Ms. FOXX.
H.R. 1836: Mr. ARCURI.
H.R. 1837: Mr. MEEKS of New York.
H.R. 1844: Mr. FARR and Ms. SCHAKOWSKY.
H.R. 1850: Mr. ROTHMAN of New Jersey.
H.R. 1855: Mr. MCNERNEY.
H.R. 1873: Mr. LARSON of Connecticut.
H.R. 1908: Mr. HOLDEN.
H.R. 1928: Mr. SPACE.
H.R. 1995: Mr. LANCE, Mr. HOLT, and Mr. KENNEDY.
H.R. 2017: Mr. TONKO.
H.R. 2024: Mr. GUTHRIE.
H.R. 2046: Mr. HINCHEY and Mr. STARK.
H.R. 2132: Mr. CONNOLLY of Virginia and Ms. LEE of California.
H.R. 2134: Mr. RUSH.
H.R. 2138: Mr. TONKO.
H.R. 2214: Ms. TSONGAS.
H.R. 2246: Ms. BEAN.
H.R. 2279: Mr. MEEK of Florida and Ms. RICHARDSON.
H.R. 2298: Mr. YOUNG of Alaska.
H.R. 2412: Ms. SPEIER.
H.R. 2425: Mr. LANCE, Mr. CHANDLER, and Mr. DELAHUNT.
H.R. 2460: Mr. SESTAK, Mr. BACA, Mr. PAS-TOR of Arizona, and Ms. SPEIER.
H.R. 2480: Mr. GUTIERREZ.
H.R. 2502: Mr. MELANCON, Mr. HASTINGS of Florida, Mr. ARCURI, Mr. PERLMUTTER, and Ms. CLARKE.
H.R. 2504: Mr. MICHAUD.
H.R. 2517: Mrs. NAPOLITANO.
H.R. 2548: Mr. TIERNEY.
H.R. 2559: Mr. MICHAUD.
H.R. 2573: Mr. TONKO.
H.R. 2578: Mr. BISHOP of Georgia.
H.R. 2584: Ms. LINDA T. SANCHEZ of California, Mr. HOLT, Mr. SESSIONS, and Mr. TERRY.
H.R. 2590: Ms. SCHAKOWSKY.
H.R. 2597: Mr. BERMAN.
H.R. 2628: Mr. COLE, Mr. BLUMENAUER, and Mr. SULLIVAN.
H.R. 2672: Mr. CARTER.
H.R. 2681: Mr. FARR.
H.R. 2733: Mr. ROONEY, Mr. PAULSEN, Mr. BUCHANAN, Mr. RUPPERSBERGER, Mr. SCOTT of Georgia, and Mr. TIAHRT.
H.R. 2737: Mr. AL GREEN of Texas, Mr. McCAUL, Mr. BARRETT of South Carolina, Mr. ROGERS of Alabama, Mr. TIBERI, Mrs. McMORRIS RODGERS, Mr. WAMP, and Mr. DRIEHAUS.
H.R. 2743: Mr. STUPAK, Mr. OBERSTAR, and Mr. LEWIS of California.
H.R. 2785: Mr. FORBES.
H.R. 2807: Mr. MCGOVERN.
H.R. 2866: Mr. BLUNT, Mr. MOORE of Kansas, Mr. HASTINGS of Florida, Mr. CLEAVER, and Mr. KENNEDY.
H.R. 2894: Ms. DELAURO.
H.R. 2906: Mr. MCNERNEY.
H.R. 2914: Mr. FLEMING and Mr. WESTMORELAND.
H.R. 3017: Mr. BOSWELL and Mr. FALEOMAVAEGA.
H.R. 3050: Mr. ETHERIDGE.
H.R. 3070: Mr. FRANKS of Arizona.
H.R. 3077: Mr. COHEN, Mr. CONYERS, Mr. BLUMENAUER, and Mr. KILDEE.
H.R. 3078: Mrs. CAPITO.
H.R. 3110: Mr. FRANKS of Arizona.
H.R. 3156: Mr. McMAHON and Mr. RODRIGUEZ.
H.R. 3168: Mr. HODES and Mrs. BIGGERT.
H.R. 3217: Mr. GOODLATTE.
H.R. 3225: Mr. CLAY.
H.R. 3286: Mr. PASTOR of Arizona.
H.R. 3320: Mr. COHEN.
H.R. 3328: Ms. WATSON and Mr. GRAYSON.
H.R. 3335: Mr. ELLISON.
H.R. 3356: Mr. FRANKS of Arizona.
H.R. 3367: Mr. ETHERIDGE.
H.R. 3413: Mr. SHULER and Mr. ROGERS of Kentucky.
H.R. 3421: Mr. ROTHMAN of New Jersey, Mr. MCGOVERN, and Mr. PASTOR of Arizona.
H.R. 3429: Mr. GUTHRIE.
H.R. 3439: Mr. HILL, Mr. JOHNSON of Georgia, and Mr. CLAY.
H.R. 3467: Mr. HOLDEN, Ms. SUTTON, and Mrs. KIRKPATRICK of Arizona.

H.R. 3486: Mr. PASTOR of Arizona and Ms. PINGREE of Maine.

H.R. 3511: Mr. HARE, Mr. SIREs, Mr. YOUNG of Alaska, Mr. FALEOMAVAEGA, and Mr. GEORGE MILLER of California.

H.R. 3554: Mr. BOREN.

H.R. 3567: Mr. VAN HOLLEN and Mr. CONNOLLY of Virginia.

H.R. 3608: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3613: Mr. LATTA.

H.R. 3623: Mr. ROSS.

H.R. 3633: Mr. REYES.

H.R. 3639: Ms. KILROY.

H.R. 3650: Ms. WOOLSEY and Mrs. BONO MACK.

H.R. 3664: Mr. ALTMIRE and Mr. SIREs.

H.R. 3668: Mr. ISRAEL, Mr. PETERS, Mr. YOUNG of Alaska, Mr. MCGOVERN, Mr. LARSEN of Washington, Mr. TERRY, Mr. TIERNEY, Mr. SIMPSON, and Mr. WALZ.

H.R. 3688: Mr. PATRICK J. MURPHY of Pennsylvania.

H.R. 3692: Mr. FATTAH.

H.R. 3693: Mr. MANZULLO.

H.R. 3695: Mr. WHITFIELD.

H.R. 3700: Mr. GOODLATTE and Mr. LATHAM.
H.R. 3705: Ms. SCHAKOWSKY, Mr. FILNER, Ms. HIRONO, Mr. CAPUANO, Ms. WOOLSEY, Mr. BERMAN, Mr. BACA, Ms. EDWARDS of Maryland, Mr. REYES, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. CARSON of Indiana, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, and Mr. MEEK of Florida.

H.R. 3712: Mr. BUYER.

H.R. 3715: Mr. JOHNSON of Georgia.

H.R. 3721: Mr. TIERNEY.

H.R. 3725: Mr. KIRK.

H.R. 3731: Mr. EHLERS.

H.R. 3734: Mr. DONNELLY of Indiana, Mr. PASTOR of Arizona, Mr. PALLONE, Mr. PERLMUTTER, Mrs. BLACKBURN, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. HALL of New York, Mr. KUCINICH, Mr. ANDREWS, Mr. CUELLAR, Mr. ACKERMAN, Ms. BALDWIN, Mr. JOHNSON of Georgia, Ms. SUTTON, Mr. SESTAK, Mr. LOBIONDO, Mr. WEXLER, and Ms. TSONGAS.

H.R. 3749: Mr. SCALISE and Mr. ALTMIRE.

H.R. 3752: Mr. MASSA.

H.R. 3786: Mr. LEWIS of Georgia and Mr. DEFAZIO.

H.R. 3787: Mr. SPACE.

H.R. 3789: Mr. BOOZMAN and Mr. BOREN.

H.R. 3790: Mr. KISSELL, Mr. LOEBSACK, Mr. PERRIELLO, and Mr. MCINTYRE.

H.R. 3799: Ms. JACKSON-LEE of Texas.

H.R. 3802: Mr. HOEKSTRA.

H.R. 3803: Mr. ROGERS of Michigan.

H.R. 3810: Mr. WEXLER.

H.R. 3813: Mr. PLATTS.

H.R. 3827: Ms. LINDA T. SÁNCHEZ of California, Mr. FATTAH, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, and Mr. WEXLER.

H.R. 3838: Ms. DELAURO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BRALEY of Iowa, and Ms. SUTTON.

H.R. 3854: Ms. CLARKE and Mr. SKELTON.

H.R. 3855: Ms. WATSON, Mr. SERRANO, Ms. CHU, Mr. ACKERMAN, Mr. AL GREEN of Texas, Mr. HONDA, Mr. LYNCH, Mr. MEEKS of New York, Mr. WATT, and Mr. BECERRA.

H.R. 3885: Mr. MICHAUD.

H.R. 3887: Mr. CASSIDY.

H.J. Res. 11: Mr. GINGREY of Georgia, Mr. TURNER, and Mr. HOEKSTRA.

H.J. Res. 42: Mr. UPTON and Mr. LATHAM.

H. Con. Res. 42: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. WATSON.

H. Con. Res. 43: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. WATSON.

H. Con. Res. 128: Mr. LEWIS of Georgia, Mr. CAPUANO, Mr. ELLISON, and Mr. JACKSON of Illinois.

H. Con. Res. 160: Mr. MCCOTTER, Mr. CARSON of Indiana, Mr. KISSELL, and Mr. MORAN of Virginia.

H. Res. 89: Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. TOWNS, Mr. FATTAH, Mrs. MCCARTHY of New York, Mr. RANGEL, Mrs. DAHLKEMPER, Mr. SCALISE, and Mr. LAMBORN.

H. Res. 185: Mr. FORBES and Ms. BORDALLO.

H. Res. 458: Mr. ISRAEL.

H. Res. 542: Mr. POSEY.

H. Res. 554: Mr. BROUN of Georgia, Mr. CANTOR, Mr. SMITH of Nebraska, Mr. NUNES, Mr. LINDER, Mrs. EMERSON, Mrs. CAPITO, Mr. LATTA, Mr. BISHOP of Georgia, Mr. SHUSTER, Mr. DANIEL E. LUNGREN of California, Mr. CALVERT, Mr. FRELINGHUYSEN, Mr. LEWIS of California, Mr. MCCLINTOCK, Mr. PERRIELLO, Mr. CAMP, Mr. CASTLE, Mr. POE of Texas, Mr. HASTINGS of Washington, and Mr. PRICE of Georgia.

H. Res. 656: Mr. FORBES.

H. Res. 666: Mr. DAVIS of Illinois.

H. Res. 700: Ms. LINDA T. SÁNCHEZ of California.

H. Res. 704: Ms. ROS-LEHTINEN.

H. Res. 716: Mr. MARKEY of Massachusetts.

H. Res. 736: Mr. TIM MURPHY of Pennsylvania.

H. Res. 749: Mrs. SCHMIDT.

H. Res. 763: Mr. SMITH of New Jersey.

H. Res. 773: Mr. KINGSTON, Mr. BOREN, and Mr. ROSS.

H. Res. 787: Mr. SIREs.

H. Res. 796: Mr. WESTMORELAND.

H. Res. 801: Mr. CAPUANO.

H. Res. 819: Mr. ROONEY.

H. Res. 828: Mr. ADERHOLT.

H. Res. 831: Mr. BOOZMAN, Mr. EHLERS, Mr. COOPER, and Mr. JACKSON of Illinois.

H. Res. 835: Mrs. BACHMANN, Mr. HELLER, and Mr. KING of New York.

H. Res. 838: Mr. CANTOR, Mrs. MILLER of Michigan, Mr. MARIO DIAZ-BALART of Florida, Ms. CLARKE, Mr. CARNEY, Mr. SMITH of

New Jersey, Mr. PUTNAM, Mr. CAO, Mr. YOUNG of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. LOBIONDO, Mr. WOLF, Mr. ALTMIRE, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. ISSA, Mr. MILLER of Florida, Mr. BUCHANAN, Mr. WAMP, Mr. POSEY, Mr. MITCHELL, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, Mr. SIREs, Mr. TIM MURPHY of Pennsylvania, and Ms. KOSMAS.

H. Res. 840: Mr. HOEKSTRA and Mr. FORBES.

H. Res. 845: Mr. SMITH of Texas, Mr. RODRIGUEZ, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. CARTER, Mr. THORNBERRY, Mr. HENSARLING, Mr. CULBERSON, Mr. BURGESS, Ms. GRANGER, Mr. CONAWAY, Mr. MARCHANT, Mr. PAUL, Mr. BRADY of Texas, Mr. SESSIONS, Mr. POE of Texas, Mr. OLSON, and Mr. BARTON of Texas.

H. Res. 847: Ms. JENKINS, Mr. DAVIS of Kentucky, and Mr. CASSIDY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 704: Mr. DEAL of Georgia.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

72. The SPEAKER presented a petition of City and County of San Francisco, California, relative to petitioning the Congress of the United States to approve the three-year Ryan White HIV/AIDS Treatment Modernization Act Reauthorization; to the Committee on Energy and Commerce.

73. Also, a petition of Dos Palos — Oro Loma Joint Unified School District, California, relative to petitioning the Congress of the United States relief from drought and regulatory decisions severely reducing the amount of state and federal water supply deliveries to Fresno/Merced County agriculture; to the Committee on Natural Resources.

74. Also, a petition of Wetzel County Chamber of Commerce, West Virginia, relative to petitioning Congress to intervene in the loss of jobs from the Bayer and Ormet Corporations and possible closing of the Ormet Corporation in Monroe County, Ohio; jointly to the Committees on Ways and Means, Financial Services, Energy and Commerce, Transportation and Infrastructure, and Education and Labor.

EXTENSIONS OF REMARKS

IN MEMORY OF DON FISHER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Ms. PELOSI. Madam Speaker, I rise to pay tribute to the life and legacy of Donald Fisher, an innovative business leader and civic-minded philanthropist, who passed away on September 27, surrounded by his loving family. Don used his remarkable business success for the good of his community and our Nation and he will be long outlived by his legacy to the economy, the arts, education, the environment and sports.

A third-generation San Franciscan and graduate of Lowell High School, Don attended the University of California, Berkeley, where he was an all-American swimmer and water polo player. In 1969, Don and his wife Doris opened the first Gap store on Ocean Avenue in San Francisco, drawing from the City's culture to influence casual style in the U.S. and throughout the world.

Growing a single Gap store into a multi-national and multi-brand corporation, Don used his remarkable success to promote corporate philanthropy. In 1977, Doris and Don created the Gap Foundation to help underserved youth in developing countries where Gap Inc. conducted business. Don was a renowned art collector and served on the San Francisco Museum of Modern Art's Board of Trustees. Before his death, Don announced a partnership with the museum that will allow its visitors access to his extensive private collection of contemporary art.

Doris and Don were instrumental to the founding of the KIPP (Knowledge Is Power Program) schools, a national charter school program based in San Francisco that has grown from 2 schools to more than 80 across the country.

Don was an early supporter and a Board member of the Presidio Trust. He was committed to the creation of a world class urban national park from this former military base, for use by neighbors as well as the world.

Don was a proud son of San Francisco, and his work for the common good is seen not just in these examples but in every corner of our city. However, he was proudest of his family, and his children and grandchildren will carry on his work. I hope it is a comfort to Doris, his three sons, his grandchildren, and the many others who loved him that so many are mourning his loss at this sad time.

DR. CHRISTIAN SIZEMORE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. GRAVES. Madam Speaker, it is with great pleasure that I rise today to recognize the outstanding service of Dr. W. Christian Sizemore of Liberty, Missouri. Dr. Sizemore has been awarded the Alexander Doniphan Community Service Award. Dr. Sizemore has carried on Doniphan's legacy through a lifetime of service in the areas of higher education, healthcare and economic development.

Dr. Sizemore is a distinguished leader in higher education. He has served as president of three colleges, most recently serving as Chancellor of William Jewell College. His commitment to excellence in areas such as curriculum design, development of library and information science programs and capital campaigns has paved the way for future generations of students to meet the challenges of tomorrow.

Dr. Sizemore has also been long-involved in healthcare, having supervised nursing programs at three colleges. He is responsible for a physician's assistant program and led the development of the nation's first post-baccalaureate physician's assistant master's degree program.

Dr. Sizemore has also been extremely committed to furthering economic development in his community. He is currently the Director of Business Expansion for the Clay County Economic Development Council. He has served as a board member and officer in numerous chambers of commerce. He has also led the fund drive for Liberty's 175th Anniversary History Book and is the co-chair of the steering committee that built Freedom House, a facility that houses non-profit assistance agencies serving the Northland of Kansas City. Aside from his dedication to economic development, Dr. Sizemore has also served on countless boards within the community, including the Greater Kansas City American Red Cross and the North Kansas City Schools Community Partnership Advisory Board.

Madam Speaker, I ask that you join me in applauding Dr. W. Christian Sizemore for his selfless acts of generosity through volunteerism. I know Dr. Sizemore's colleagues, family and friends join with me in thanking him for his commitment to others and wishing him happiness and good health in his future endeavors.

A PROCLAMATION HONORING
NCCM RICHARD E. THOMPSON

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SPACE. Madam Speaker, Whereas, Richard E. Thompson dedicated his life and career to serving the United States Navy and the country he loves; and

Whereas, Richard E. Thompson nobly sought to recruit patriotic and talented volunteers for service in the United States Navy; and

Whereas, Richard E. Thompson served notably as Leading Petty Officer aboard the USS *Fletcher* DD-992 in Pearl Harbor;

Whereas, Richard E. Thompson served exceptionally as the Navy Recruiting Command's Career Recruiting Force Program Manager;

Whereas, Richard E. Thompson's accolades include three Navy Commendation Medals, 4 Navy Achievement Medals, 3 Meritorious Service Medals and a Military Outstanding Volunteer Award; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I applaud Richard E. Thompson for his distinguished record of service to the United States Navy and wish him well in his retirement.

PERSONAL EXPLANATION

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. CARNEY. Madam Speaker, on Wednesday, September 30, I deployed for active duty with my Navy Reserve unit. My deployment lasted through October 15 and I was unable to cast my vote on a number of recorded votes.

If I had been present, I would have voted: "Yes" on rollcall vote 743, "Yes" on rollcall vote 744, "Yes" on rollcall vote 745, "Yes" on rollcall vote 746, "Yes" on rollcall vote 747, "Yes" on rollcall vote 748, "Yes" on rollcall vote 749, "Yes" on rollcall vote 750, "Yes" on rollcall vote 751, "Yes" on rollcall vote 752, "Yes" on rollcall vote 753, "Yes" on rollcall vote 755, "Yes" on rollcall vote 756, "Yes" on rollcall vote 757, "Yes" on rollcall vote 758, "Yes" on rollcall vote 759, "Yes" on rollcall vote 760, "Yes" on rollcall vote 761, "Yes" on rollcall vote 762, "Yes" on rollcall vote 763, "Yes" on rollcall vote 764, "Yes" on rollcall vote 765, "Yes" on rollcall vote 766, "Yes" on rollcall vote 767, "Yes" on rollcall vote 768, "Yes" on rollcall vote 770, "Yes" on rollcall vote 771, "Yes" on rollcall vote 772, "Yes" on rollcall vote 773, "Yes" on rollcall vote 774, "Yes" on rollcall vote 775, "Yes" on rollcall

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

vote 776, "Yes" on rollcall vote 777, "Yes" on rollcall vote 778, "Yes" on rollcall vote 779, "Yes" on rollcall vote 780, "Yes" on rollcall vote 781, "Yes" on rollcall vote 782, "Yes" on rollcall vote 784, "Yes" on rollcall vote 785, "Yes" on rollcall vote 786, "Yes" on rollcall vote 787, "No" on rollcall vote 788, and "Yes" on rollcall vote 789.

HONORING THE 90TH ANNIVERSARY OF THE MARQUETTE LIONS CLUB

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. STUPAK. Madam Speaker, I rise to recognize the Lions Club of Marquette, Michigan as it celebrates its 90th anniversary in the community. Throughout its history the Lions Club has worked with city, county and state government to improve the lives of residents in Marquette and its surrounding areas. During its 90 years, the Club has made the needs of children and the health of residents across the Upper Peninsula top priorities, and has worked with the community on a wide range of projects.

In 1919, the Marquette Lions Club was the first Lions Club in Michigan to receive its charter. The club wasted no time in getting to work. In its first year the Club passed a resolution to establish a tourist camping ground, requested the city install street cobblestones to prevent the injury of horses and worked with members of the Marquette Rotary Club to support the Boy Scout movement.

Over the years the Marquette Lions Club has made the health and well being of children in Marquette and across the world a primary concern. Whether purchasing eye glasses for needy children in 1937, supporting Camp Sunnyside for mentally challenged youth in 1980 or holding fundraisers to allow a local family to be with their young child under going cardiac surgery in 2008, the Marquette Lions Club has given children throughout Northern Michigan a chance at a better life.

When Helen Keller proposed that Lions become Knights of the Blind at the National Convention of Lions in 1925, the Marquette Club began to recycle and purchase glasses for those in need. To date the club has recycled more than 150,000 eye glasses. The Club has continued this tradition championing causes such as Campaign SightFirst II to battle preventable blindness across the world. In 2007, the Club became the only model club in Single District 10 donating more than \$14,000 to this campaign. The Club has also participated in joint state projects including Leader Dogs for the Blind and the Michigan Eye Bank.

Over the years the Club has worked with Operation Lollypop to inoculate children in the area with the polio vaccine and with the March of Dimes to fight polio and work with victims of the disease. The Club has also worked with the Upper Peninsula Diabetes Outreach Network to eradicate complications, including blindness, from diabetes as well as provided equipment and funding to support those with diabetes.

The Marquette Lions Club has supported the Salvation Army for over 50 years by ringing red kettle bells and donating to the food bank, has made financial donations to agencies providing services to the disabled and financially challenged, and has supported district projects including Northwoods Airlifeline, Teaching Family Homes and Bay Cliff Health Camp.

Madam Speaker, the Marquette Lions Club has been a leader in community and humanitarian service since receiving its charter in 1919. It has worked tirelessly to provide support and resources to those in need by embodying the Lions motto: We Serve! I ask Madam Speaker, that you and the entire U.S. House of Representatives join me in thanking the members of the Marquette Lions Club for their generous service and recognizing the Club on its 90th anniversary.

100TH ANNIVERSARY OF THE GIRL SCOUTS OF AMERICA

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. FRELINGHUYSEN. Madam Speaker, as we prepare to mark the 100th anniversary of the founding of the Girl Scouts of America, I rise in support of H.R. 621, the Girl Scouts USA Commemorative Coin Act.

On March 12, 1912 Juliette "Daisy" Gordon Low assembled 18 young girls from Savannah, Georgia, for a local Girl Scout meeting. Low assembled these girls for this first meeting with several goals in mind. She believed that all girls should be given the opportunity to develop, physically, mentally, and spiritually, while at the same time, bringing girls out of isolated home environments and into the open air. These original Girl Scouts hiked, went on camping trips, played basketball, learned how to tell time by the stars, and studied first aid.

Within a few short years Ms. Low's Girl Scouts idea would spread across the Nation. Today there are over 3.4 million Girl Scouts in the United States, and 236,000 troops or groups worldwide in more than 90 countries. The United States contains more than 50 million women who are Girl Scout alumnae. Girl Scouts became an American Institution on March 16, 1950 when it was officially chartered by the United States Congress.

Girl Scouts has a long and rich heritage within my Congressional district. The Morris Area Girl Scout Council was established in 1929 at their Jockey Hollow location in Mendham Township. In 2007 the Morris Area Girl Scout Council merged with two other northern New Jersey Councils to form the Girl Scouts of Northern New Jersey. Girl Scouts of Northern New Jersey has three offices including two within my Congressional District in Riverdale, and Randolph.

Madam Speaker, I ask my colleagues to join me in honoring the extraordinary achievements made by millions of Girl Scouts for nearly one hundred years.

TRIBUTE TO PHILIP L. BROWN, SR.

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SARBANES. Madam Speaker, the State of Maryland and the American people lost a great educator and civil rights icon when Philip L. Brown Sr. passed away at his home in Annapolis, Maryland on October 16 at the age of 100. I rise to honor this man who was pivotal in the desegregation of our Nation's public schools. My heart goes out to his wife of over 77 years, Rachel; his sons Philip L. Brown Jr. and Errol E. Brown Sr.; his four grandchildren; his 10 great-grandchildren; and his six great-great-grandchildren during this very difficult time.

Philip L. Brown served as a teacher and administrator in the Anne Arundel County school system for more than 40 years. His commitment to civil rights began early in his career. In 1938, Mr. Brown and his wife, Rachel Hall Brown, formed the Colored Teachers Association which promoted equal pay for African American teachers. Their civil rights struggle helped change history in 1940 when Mr. Brown became part of a successful lawsuit seeking equal pay for Anne Arundel County teachers. This was one of several cases that laid the legal foundation for Brown v. Board of Education, the Supreme Court case that forced integration of our Nation's schools. Thurgood Marshall represented the teachers, arguing their case before a federal court in Baltimore.

Mr. Brown was born in Annapolis in 1909 and earned an elementary teacher's certificate in 1928 from the Bowie Normal School, now Bowie State University. He and his wife earned bachelor's degrees from Morgan State and master's degrees from New York University.

After his retirement in 1970, Mr. Brown wrote four books on the subject of African American history in Anne Arundel County.

Let us honor Philip L. Brown Sr. as an educator and civil rights pioneer and for his determination in bringing about equality in America.

IN HONOR OF PETER CANCRO

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. PALLONE. Madam Speaker, I rise today to honor Peter Cancro and his exemplary service to his community. Mr. Cancro is the founder and CEO of Jersey Mike's Subs, a sandwich franchise with more than 400 stores open and under development nationwide. Based in Manasquan, New Jersey, Jersey Mike's has a long history of community involvement and support.

Peter Cancro began his sandwich franchise at the age of 17 when he purchased the sandwich shop he worked in during high school. Since then, he has expanded the store to the rest of the nation, and he has turned his humble sandwich shop into a profitable, nationwide

franchise. Despite his title as CEO of the company, Mr. Cancro still enjoys jumping behind the counter to test his skills and demonstrate his passion for the product and the customer. He tries to instill this same passion into every Jersey Mike's store that he opens around the Nation.

Mr. Cancro has successfully spread his mission to bring customers the highest quality, freshest made sub in the industry and give back to the communities in which the company operates. In addition to delivering a quality product to customers around the nation, Mr. Cancro also actively contributes to his community. That is why he strongly encourages all of his employees at Jersey Mike's to become involved in their respective communities in order to build a more lasting relationship with their customers.

Madam Speaker, I sincerely hope that my colleagues will join me in thanking Mr. Cancro for his service to his community and to communities across the nation. His accomplishments will continue to benefit and inspire my constituents, as well as his many colleagues and friends for years to come.

A PROCLAMATION HONORING THE CUMBERLAND UNITED METHODIST CHURCH FOR ITS 200TH ANNIVERSARY

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SPACE. Madam Speaker,

Whereas, while remaining a pillar of faith in its community, Cumberland United Methodist has grown significantly from its initial parish; and

Whereas, Cumberland United Methodist has consistently and generously served those in need; and

Whereas, we acknowledge the varied community service projects and activities the Church sponsors throughout the year; now, therefore, be it

Resolved, that along with the residents of the 18th Congressional District, I congratulate Cumberland United Methodist for its 200 years of service to the community of Cumberland.

IN RECOGNITION OF THE LIFE OF MR. CLIFFORD "PETE" TOMLIN

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. ROGERS of Alabama. Madam Speaker, I respectfully request the attention of the House to pay recognition to the memory of much-loved "Bulldog," Mr. Clifford "Pete" Tomlin.

Mr. Tomlin died in September 2006 at the age of 42. He suffered from rheumatoid arthritis, but his ailment didn't stop him. Tomlin was named the Calhoun County's Outstanding Handicapped employee of the Year in 1989. Tomlin served as the voice behind the Annis-

ton High School Bulldogs including the varsity, junior varsity and junior high football games for both WHMA and WAMA radio stations in Anniston, Alabama.

Although Mr. Tomlin is sorely missed, he would be proud today to know the Press Box at Chink-Lott Stadium of Anniston High School will now proudly bear his name. Mr. Tomlin will always be remembered as the voice behind the football games at his alma mater and this great honor will help keep his spirit alive.

A TRIBUTE TO MR. WILLIAM MURPHY III

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to Mr. William Murphy III, of Wilmington, North Carolina, for his commitment to his community and as a dedicated man of public service. As a long-serving youth coach and a retired director at the Martin Luther King Jr. Community Center, he was an irreplaceable mentor for many inner city youth in his community. He was also a devoted family man and dear friend. Murphy passed away on October 18, 2009, and he will be dearly missed.

Driven by a strong love for his community and a deep investment in its youth, Mr. Murphy coached numerous sports during his lifetime, and most recently served as the head coach of the Wilmington Tigers minor league football team. In this capacity, Mr. Murphy was a valuable leader and role model, who pushed young athletes to achieve things they never thought possible and worked to shape their senses of integrity, character, discipline, and teamwork.

As a co-founder and Co-Chairman of the Congressional Caucus on Youth Sports, and as a former coach of over 130 young people in three different sports over 7 years, I have a deep, personal respect for Mr. Murphy's dedication to this cause. Over several decades, he has taught hundreds of youth and adults in the Wilmington area valuable lessons and skills that have made meaningful and lasting impact on their lives, and our community will always remain grateful.

Madam Speaker, may we never forget the goodness, humility, and character that defined the life of William Murphy. May God continue to bless his wife, Audrie, his five children, Portia, Glenda, William, Torey, Russell, and all of his loved ones, the work he did, and the greatness that he inspired within all who knew him.

PERSONAL EXPLANATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mrs. EMERSON. Madam Speaker, on rollcall No. 783 and rollcall No. 784 regarding the Homeland Security Fiscal Year 2010 Appropriations Conference Report, I am not re-

corded (because I was absent for my step daughter's wedding.) Had I been present, I would have voted "aye" on rollcall No. 783 and "aye" on rollcall No. 784.

A PROCLAMATION HONORING DREW GOODING FOR WINNING THE AMERICANISM ESSAY WRITING CONTEST

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SPACE. Madam Speaker, Whereas, Drew Gooding won the Elks Grand Lodge essay writing contest, demonstrating a mastery of thought and word; and Whereas, he has shown to take interest in upholding the values that make us a free nation; and

Whereas, Drew Gooding is honored for his patriotism and excellence in writing and; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Drew Gooding for his contributions to his community and country.

VOTES ON THURSDAY, OCTOBER 15 AND PRESIDENT BARACK OBAMA'S VISIT TO NEW ORLEANS

HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SCALISE. Madam Speaker, on Thursday, October 15, 2009, I was unable to cast votes in Congress due to my attendance at President Barack Obama's visit in New Orleans to discuss Hurricane Katrina related recovery issues.

It is critical that President Obama stand firm by his commitment to rebuild the Gulf Coast from the destruction caused by Hurricane Katrina. There are several top priorities for which I personally requested the President's direct assistance including his explicit support for Category 5 hurricane protection, including strengthening our levees, improving our interior drainage protection, and rebuilding our eroding coastline. Category 5 protection is vital to the safety of Louisiana's families and to the full recovery of our region. The Corps of Engineers must make a full commitment to move forward with the safest and strongest plan to provide our communities with comprehensive flood and storm protection, and the President's support of the Louisiana Congressional delegation's efforts to achieve this goal is critical to our successful recovery. Coastal restoration is an essential component of our flood protection efforts, as Louisiana loses about 25 square miles of coastline each year. These wetlands provide a natural buffer to protect us from storm surge, and without them, the potential for loss of life and property

damage increases significantly with each approaching storm. It is important that the Administration and Congress work together expeditiously to make significant investments in coastal restoration efforts.

While much has been done since Katrina to help restore the region, bureaucratic red tape remains a major hurdle to a successful recovery and continues to slow down our recovery and impair the abilities of our State and local governments to serve our citizens and respond to future disasters. If we have learned anything since Hurricane Katrina, it is that we cannot allow the same approach that failed us during Katrina to be followed again. FEMA must continue to work with our Congressional delegation and officials in Louisiana to expedite our recovery. During the town hall meeting, President Obama was asked to resolve the delays in our recovery, particularly with regard to Public Assistance projects and Community Disaster Loans, and to ensure that other states and communities do not have to face these challenges with future disasters.

There are too many lives and too much taxpayer money at stake to get it wrong again. I hope we will be able to continue discussing these efforts in the future and that this and future visits will help the President understand the very serious issues we are still facing.

IN HONOR OF MR. THOMAS PIGG

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to a true friend of the outdoors whose life was tragically cut short this summer.

Thomas Pigg, of Carlyle, Illinois, was an employee of the U.S. Army Corps of Engineers at Carlyle Lake for four years, and then at the Kaskaskia River Project for another three. He was an instructor at the Illinois Federation of Outdoor Recreation's Youth Skills Camp and was dedicated to exploring and preserving the natural treasures of his native Clinton County, especially the Carlyle Lake recreation area. Tom believed that our natural resources should be enjoyed by all and he worked tirelessly to see that the young people of our community had the opportunity to visit and benefit from having such a magnificent site as Carlyle Lake in their back yard.

Tragically, Tom's life was cut short by an automobile accident in July. I extend my heartfelt condolences to his father and step-mother, Daniel and Bonnie; his mother and step-father, Candace and Russel; his brothers, Andy and Wes; his sister, Katie; his step-brother, Corey; and the many members of his family and community who mourn his loss.

Tom's memory will live on at his beloved Carlyle Lake, however. This month, the Corps of Engineers will honor Tom's service and his devotion by dedicating a section of the lake as the Thomas M. Pigg Wetland Restoration Area. It is a fitting honor for a man who was taken from us too soon and it is a site to honor Tom's wish for future generations to enjoy our nation's wonderful natural resources.

PERSONAL EXPLANATION

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. PRICE of Georgia. Madam Speaker, on rollcall Nos. 790, 791, 792, 793, 794, 795, 796, 797, I was unable to record my vote due to a family illness.

Had I been present, I would have voted "yes" on all.

HONORING THE SERVICE OF MACK MARTIN BOYNTON

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. HILL. Madam Speaker, throughout his twenty-six year military career, Mack Martin Boynton was a leader among his fellow service men. Serving in the diving, salvage, and rescue operation, Mack developed many ways to streamline the repair of naval vessels. These techniques were able to save the country precious resources in the aftermath of the attack on Pearl Harbor. Thanks to his intellect and ingenuity, Mack became one of the youngest Warrant Officers in the Navy.

Mack continued his career as a member of the Underwater Demolition Team (UDT), a then newly-formed arm of the United States Navy. His commitment to service and dedication inspired others and led him to become one of the best recruiters for the UDT program. Mack continued his committed service through the Korean War, where he received the Bronze Star Medal and a commendation from Vice Admiral Joy for heroic action against the enemy. During his career he was involved in the early studies and implementation of the first Navy SEALs team.

With his sterling service record and considerable honors, Mack serves as an example of the caliber of individuals who we have the privilege of calling our servicemen. I am honored that Mack and his fellow Fifties Frogs have selected Clarksville, Indiana, to hold their annual reunion. When these heroic Americans convene their meeting here in Southern Indiana, we should pause, even if only for a moment, and give thanks to them for their contribution toward our freedom.

THE FORTIETH ANNIVERSARY OF SOUTH BAY FAMILY HEALTH CARE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Ms. HARMAN. Madam Speaker, I rise to recognize the achievements of South Bay Family Health Care on the 40th Anniversary of its founding. Since 1969, SBFHC has provided health care to underserved residents in the South Bay region of my congressional district,

growing from a single-site family planning clinic serving 1,600 patients per year, to a system of four comprehensive health clinics serving more than 16,000 patients per year. Today, it is one of Los Angeles County's leading community health clinics and largest safety net providers to the uninsured and underinsured.

SBFHC has evolved and adapted to meet changing community needs. In the mid-1980s, in response to the emerging HIV/AIDS crisis, it opened the first and only HIV/AIDS center in the South Bay. In 2002, it changed its model from a free clinic to a Federally Qualified Health Center with a sliding pay scale, making the clinic eligible for federal funding to expand its services and the number of people served.

Today, with a budget of \$9 million, SBFHC provides 70,000 visits per year. Its services cover a broad spectrum, covering preventative care, chronic disease management, prenatal and pediatric medicine, dental care, and social services including mental health and domestic violence prevention.

In an effort to bring service to patients, SBFHC sponsors a "Healthy Kids Express" mobile care center that provides immunizations and care for sick children at local school districts, community events and health fairs.

SBFHC also does fantastic work for minorities: 65 percent of their patients are Latino and 16 percent are African-American.

I also want to recognize the CEO of SBFHC, Jann Hamilton Lee, for her leadership and guidance to me as a member of my Medicine Cabinet—a bipartisan group of healthcare experts from my district who advise me on health policy.

My congratulations to Jann and everyone else who has proudly served the South Bay Family Health Center for 40 years of service. The residents of the South Bay—and your representative in Congress—are grateful.

HONORING THE 100TH ANNIVERSARY OF ST. LAWRENCE PARISH IN LAWRENCEVILLE, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to commemorate the 100th anniversary of the St. Lawrence Parish in Lawrenceville, Illinois. On October 18, 2009, a centennial liturgy was celebrated with Bishop Edward K. Braxton acting as the celebrant and homilist. A dinner was held after the service to honor the event.

On July 20, 1909, local Catholics met at Lawrenceville City Hall hoping to form their own parish. After land was purchased, 22 families celebrated the first mass in the unfinished church. Ruth August Diver was the first parishioner to be baptized in the new church on March 5, 1911. The finished church was dedicated in October of 1911. The parish has continued to expand, including the opening of a school in 1956.

I would like to congratulate the members of St. Lawrence Parish for reaching this milestone and wish them a blessed and joyous celebration as they mark 100 years of service to God and their community. I want to encourage the parish with the words of Matthew

5:16; "Just so, your light must shine before others, that they may see your good deeds and glorify your heavenly Father."

TRIBUTE TO JIM LIPTAK

HON. KEVIN MCCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. MCCARTHY of California. Madam Speaker, I rise today to honor Jim Liptak, a resident and community leader from Paso Robles, California, for his outstanding and exemplary leadership while serving as the 2009 President of the California Association of REALTORS®.

Jim has been a longtime successful leader in local real estate matters, reflecting immense enthusiasm, care, and commitment to his community. He has served the Paso Robles Association of REALTORS® in all levels of leadership and has served two terms as President since being named Realtor of the Year five times by his peers at the Paso Robles Association of REALTORS®.

Jim has also ably represented Paso Robles realtors and the Paso Robles community in the state and national association. He started his career in 1983 as a California Association of REALTORS® (C.A.R.) Director, winning an election for the position as a "Write-in Candidate." He has since served as Chair on over 5 committees and was a 1995 Chairman of the California Association of REALTORS® Legislative Committee, where he holds the record for most bills introduced in a single session, 17. In 1998 he became the Honorary Director for Life in the California Association of REALTORS®, and is the first realtor in Region 31 of the Central Coast to be named a National Association of REALTORS® Director. Since 2006, Mr. Liptak has been an Honorary Life Member by the Paso Robles Association of REALTORS®, and is a "National Ten Year Golden R" Member—President's Circle.

A true mark of leadership is the generosity of time and talents that one gives on behalf of his neighbors and communities. Jim Liptak exemplifies this time-honored tradition. I commend Jim for his service and leadership as President of the California Association of REALTORS® and wish him and his family well as he continues to serve our community.

RECOGNIZING DR. CHARLES ANTZELEVITCH

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. ARCURI. Madam Speaker, I rise today in recognition of Dr. Charles Antzelevitch for his 25 years of service as executive director and director of research at the world renowned Masonic Medical Research Lab (MMRL) in Utica, New York.

Dr. Antzelevitch truly embodies the American dream. After immigrating to this country from Israel as a child, he worked as a cab

driver in New York City and put himself through college before earning a doctorate at SUNY Upstate Medical. From there he went on to do his postdoctoral work at MMRL, eventually becoming a Gordon K. Moe Scholar and Professor of Pharmacology at SUNY Health Science Center in Syracuse, New York. Dr. Antzelevitch has distinguished himself as an award-winning scientist, editorial board member of several leading medical journals and member of numerous national medical research committees.

Under the exceptional leadership of Dr. Antzelevitch, MMRL has excelled in its mission to improve the health and quality of life for all humankind through its discovery of genetic mutations responsible for Brugada syndrome; Long QT syndrome, which is linked to sudden infant death syndrome; Short QT syndrome, which is linked to sudden cardiac death syndrome; and many other cardiac-related syndromes and illnesses.

An internationally renowned authority in the field of biomedical research, Dr. Antzelevitch has received too many awards and honors to enumerate. His contributions to scientific literature include 310 original papers and book chapters, over 250 abstracts and four books. MMRL, often referred to as a "gem in the crown" of Utica, is widely recognized as one of the top research laboratories in the world working on cardiac arrhythmias.

Other initiatives of Dr. Antzelevitch and MMRL, which include free screenings and four educational programs, demonstrate an unparalleled commitment to our local community. MMRL hosts a summer fellowship program and welcomes undergraduate, predoctoral and postdoctoral students, as well as the wider scientific and medical community, to use the lab's extensive library for research and reference.

Madam Speaker, I call on my colleagues to join me in honoring Dr. Antzelevitch for his distinguished 25-year career at MMRL and his ongoing service to our community. He is a father, mentor and friend to all who know him, and I wish him many more years of success and prosperity.

HONORING NAPA VALLEY HORSEMEN'S ASSOCIATION OF NAPA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today to honor the Napa Valley Horsemen's Association on the occasion of their 70th anniversary. NVHA was organized by a dedicated group of horse lovers to promote horses as a form of recreation in the Napa Valley. On October 17, 2009, the Association is celebrating this milestone at their clubhouse in Southwest Napa.

The Horsemen's Association has a long and storied history. NVHA held its first meeting on October 11, 1939, at the Napa Fairgrounds in the Home Economics Building. From there the club grew to 82 charter members by January 1940. On November 19, 1939, the club held

its first event, consisting of races, roping, horsemanship classes and jumping.

NVHA purchased the 32 acres at its present location on Foster Road in Napa in 1948. The site was a working dairy, and upon purchase the club members refurbished the milking barn to operate as a clubhouse and spent the next few years holding fundraisers to build the arenas and horse barns.

NVHA has been involved in supporting local equestrian events throughout its history and continues to do so today. The club boasts members who participate in all disciplines of riding, along with many members who simply enjoy horses. In addition to offering numerous shows, cattle events and speed events, NVHA also hosts educational clinics aimed at improving training, feeding and the keeping of local horses. In recent years, NVHA has partnered with the Bureau of Land Management to host adoption events for mustangs and burros. The club boasts an active youth group and also gives out annual scholarships to four local high school students who are studying equestrian or agricultural topics.

Madam Speaker, it is appropriate at this time that we honor the Napa Valley Horsemen's Association's illustrious history and numerous contributions to equestrianism in the Napa Valley. The Association continues to improve and thrive today, and I commend past and current board members for their commitment to this cause.

RECOGNIZING MRS. MINNIE HILL MCCLEAVE

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. BUTTERFIELD. Madam Speaker, on October 25, 2009 friends and family will gather to honor Mrs. Minnie Hill McCleave, a retired teacher who has had a tremendous impact on North Carolina's First Congressional District. On this special occasion, Mrs. McCleave's loved ones will join her to pay special tribute to this extraordinary woman.

Born on December 17, 1908, Mrs. McCleave will soon celebrate her 101st birthday. After graduating from State Normal High School in Elizabeth City, North Carolina, she earned a bachelors degree from Shaw University and later a masters degree from New York University.

Retiring on June 4, 1971 after 37 years, Mrs. McCleave served as a mathematics teacher at Elizabeth City's P. W. Moore High School and at Northeastern High School. To this day, the Cooper/McCleave Scholarship is presented in her honor annually at Northeastern High School to a student who excels in mathematics.

During her career, Mrs. McCleave earned the respect of her students, fellow teachers and the entire community. She fully dedicated herself to teaching because she cared so very deeply about the education of children. And, as we all know, good teachers like Mrs. McCleave make a remarkable difference in the lives of their students.

During her extraordinary teaching career, Mrs. McCleave inspired countless students.

She made an undeniable impression on every student, and many of them went on to do great things. Among her students were Superior Court Judge J.C. Cole, cardiologist Dr. Lindsey White, retired principal and Pasquotank County Commissioner Cecil Perry, Virginia Beach Health Director Dr. Venita Newby-Owens, retired U.S. Army General Hawthorn Proctor, cardiologist Dr. Kermit Brown, retired educator Eddie Davis and Elizabeth City-Pasquotank Public Schools Superintendent Linwood Williams. These accomplished people represent just a few of the many great students Mrs. McCleave helped inspire to reach their full potential.

Mrs. McCleave has also been a highly active member of Olive Branch Missionary Baptist Church.

Madam Speaker, I ask that my colleagues join me in recognizing Mrs. McCleave. She is truly a remarkable person deserving of our deepest gratitude for the enormous contributions that she made in the lives of children in eastern North Carolina and to the entire community.

RECOGNIZING THE CONTRIBUTIONS OF THE SHERIFF'S OFFICE IN HAYWOOD COUNTY, NORTH CAROLINA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SHULER. Madam Speaker, I rise today to commend the Haywood County Sheriff's Office for their outstanding commitment to serving our community. With a population of more than 50,000 and over 550 square miles in the county, the 100 dedicated individuals in the Haywood County Sheriff's Office must maintain constant vigilance to ensure the safety of all those they serve.

Haywood County's Sheriff, Bobby Suttles, has done a phenomenal job since he assumed his post in early 2009. The previous Sheriff, Tom Alexander, served his community honorably for over 22 years. Sheriff Suttles began working with Sheriff Alexander and the Haywood County Sheriff's Office in 1995, joining the team as a deputy. His exemplary service led him to become Chief Deputy in 2003, and he was thus the natural choice when Sheriff Alexander retired in February of 2009. As a community, we look forward to working with Sheriff Suttles as he continues the remarkable legacy inherited from Sheriff Alexander.

The Haywood County Sheriff's Office has an extremely distinguished history in the community. They are able to react immediately to new and unexpected challenges. One of the most successful projects implemented by the Haywood County Sheriff's Office is a special squad of deputies called the Sheriff's Emergency Response Team which focuses on woodland operations, land navigations and man tracking. These skills are invaluable to other facets of the Haywood County Sheriff's Office, for example the Team has assisted the county's Drug Enforcement Unit with the service of high risk warrants and drug surveillance.

The deputies on the Sheriff's Emergency Response Team undergo an additional sixteen hours of training per month and must maintain higher than average fitness standards. As this is a voluntary program, the deputies involved purchase much of the specialized equipment out of their own pockets, demonstrating their exemplary dedication and commitment.

In addition to their role as law enforcement professionals, the Haywood County Sheriff's Office also takes part in the Explorer Post program. This program affords young adults between 14 and 21 years of age access to community service projects that enable them to learn about the law enforcement profession. Participants have the opportunity to do "ride alongs" observing the work of deputies, participate in community fingerprinting, and take part in other events geared towards crime fighting and community involvement. Through this program they are also taught essential teambuilding and leadership skills.

Madam Speaker, I ask that my colleagues join me in support of the Haywood County Sheriff's Office and our dedicated law enforcement professionals across the country. Without these committed individuals, none of us would be able to enjoy the quality of life or the security we experience in our great Nation.

IN REMEMBRANCE OF MARIA LARRIUZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. TOWNS. Madam Speaker, I rise today to remember Maria Larriuz, a dedicated community servant and activist.

Maria Larriuz, born in 1934 and raised in Guayama, Puerto Rico, moved to New York in 1955 and married Angel Manuel Larriuz in 1958. They raised two children together: Angel Manuel Larriuz, Jr. and Bernice Burkarth.

Ms. Larriuz was an active leader in her community's trusted civic associations, contributing in a variety of roles to the New Lots Lions Club for the past 30 years and serving as secretary of the Homeowners Association, Inc. She was also a member of the Rosetta Democratic Club, helping District Leader Earl Williams at meetings, and served as a volunteer hostess for the inauguration of President Barack Obama earlier this year. Ms. Larriuz was also someone who championed breast cancer awareness and the high incidence of diabetes in her community.

Ms. Larriuz was honored on numerous occasions for her work, receiving the Melvin Jones Fellowship from the Lions Club and an award from the Knights of the Blind, and now rests eternally at the Pinelawn National Park with her loving husband who served our country.

Madam Speaker, I urge my colleagues to join me in remembering Maria Larriuz, whose extraordinary accomplishments will continue to be felt in her community for many years to come.

HONORING THE CONTRIBUTIONS OF RETIRED MONSIGNOR THOMAS A. DAVIS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. CUELLAR. Madam Speaker, I rise today to recognize retirement of Monsignor Thomas A. Davis and his dedication and service as a Pastor and community leader in Laredo, Texas.

Monsignor Davis was born in Tipperary, Ireland on May 31, 1933 to Joseph and Brigid Davis. He has conducted missionary work and been involved with the Catholic Church for many years. More than a half a century has passed since Monsignor Davis began. He has spent his career in five different nations, driven by his devotion and humble beginnings. He will retire on October 28, 2009.

He began his career in 1954 in Ireland and would spend six years in a Monastery. Thereafter, he would spend another six years at St. Kieran's Seminary in Ireland. In 1968, he was ordained for the Diocese of Corpus Christi, Texas. In the years following his ordainment, he earned his Masters in Education Degree from Our Lady of the Lakes College in 1974. The next few decades, he continued faith-based and Church involvement in Robstown, Texas to Arteaga, Mexico to help communities and churches. His work would continue as his passion with his faith grew stronger. His contributions to Laredo, Texas have proven monumental for the community, spending a total of 31 years at San Agustin Church, Mother Cabrini Church, and Saint Patrick's Church.

In 2003, Msgr. Davis established the Perpetual Adoration Chapel at St. Patrick's Church, which ensures Laredo residents have a place to go in times of need at any hour. This chapel is the only one of its kind in the area and is a great contribution to the efforts of the church and outreach.

Madam Speaker, I am honored to have had the time to recognize the faith and dedication of Monsignor Thomas A. Davis.

RECOGNIZING THE RETIREMENT OF THOMAS J. ORLOFF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. STARK. Madam Speaker, I rise to congratulate and honor Thomas J. Orloff on his recent retirement as district attorney of Alameda County. A third generation resident of Alameda County, his 15 years as district attorney capped an extraordinary career of 40 years of service as a prosecutor on behalf of the people of both Alameda County and California. Mr. Orloff joined the Alameda County District Attorney's office in 1970 after graduating from the University of California's Boalt Hall School of Law. He distinguished himself as a trial lawyer, prosecuting many high profile cases including leaders of the Black Panthers and the notorious BGF prison gang. In addition to his trial prosecutions, Mr. Orloff served

in many supervisory and administrative capacities including 5 years as the chief assistant district attorney.

Tom Orloff was elected district attorney, without opposition, in June 1994 and has been re-elected in June 1998, June 2002, and in June 2006, all unopposed. During his tenure, he established special units to emphasize prosecutions of domestic violence, stalking, gang violence, real estate fraud, and abuse of the elderly while expanding ongoing efforts to combat public assistance fraud, sexual assault and consumer and environmental crimes. Unlike most elected district attorneys, Tom recently personally tried and obtained the conviction of a street gang member who murdered San Leandro police officer Dan Niemi.

In addition to his work in Alameda County, Tom has given his time to the California and national prosecutors associations, serving as president and on the board of directors of the California District Attorney's Association and as a member of the board of directors of the National District Attorney's Association. Among many legal honors, he has been selected as a Fellow in the American College of Trial Lawyers. Active in Alameda County as well, Tom has for many years served on the board and as treasurer of the One Hundred Club which provides financial support to the survivors of Alameda County police officers and firefighters who are killed in the line of duty and on the advisory board of the Boys and Girls Club of Oakland.

Most importantly, I would like to commend Tom Orloff on his stewardship of the finest prosecutor's office in the country. Every day, since taking office in January 1995 Tom sat down behind the same desk Earl Warren used when he served as Alameda County District Attorney from 1925–1939. He proudly displayed on his office wall a framed indictment signed by both Warren and another Thomas Orloff, Tom's grandfather, then the foreman of the Alameda County grand jury. As only the fifth Alameda County District Attorney since Warren, Tom has guided a prosecutor's office that has seen remarkable stability and has been characterized by its innovation, creativity, and remarkable commitment to the highest ethical standards.

Prosecutors are the only lawyers who are ethically bound to serve two masters. The public prosecutor, as Justice Sutherland put it in his United States Supreme Court opinion: "is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one." (Berger v. United States (1935) 295 U.S. 78, 88.)

Like Earl Warren and the four others who separate them, Tom Orloff has demonstrated

a profound, personal commitment to the ethical administration of justice. More than anything else, this commitment, on the part of the elected district attorney, to ethics in criminal prosecution sets the Alameda County District Attorney's office apart from the rest. I know that Tom, while proud of his many personal accomplishments, takes his greatest pride and satisfaction in the office of the Alameda County District Attorney. In public life we are all too often confronted with many whose sole purpose in seeking or attaining public office often seems to be self-aggrandizement. Tom is that rare public servant who truly has served the public and who has put the interest of his office ahead of his own.

Tom has demonstrated courage and independence in making many hard and occasionally unpopular choices during his tenure as district attorney, authorizing the prosecution several years ago of several officers of the Oakland Police Department, known as the "Riders" who were accused of a variety of crimes including robbing, kidnapping and framing street-level drug dealers. Most recently, Tom filed murder charges against a Bay Area Rapid Transit police officer who shot and killed a BART passenger. The shooting was videotaped and received a very high level of publicity. This is reportedly the first murder charge lodged against an on-duty police officer in California history.

It should come as no surprise to learn that Tom Orloff has long led the way in hiring women and minority lawyers. Under his watch, and due to his personal commitment, the Alameda County District Attorney's office is now one of the most diverse prosecutor's offices in the country—a special challenge considering the debt most minority law school graduates carry and the small salaries starting prosecutors earn.

One of Tom's former colleagues wrote, many years before she became an associate justice of the California Supreme Court, "If our nation of laws is to remain both strong and free, we must have system of criminal justice in which every citizen can have confidence. The weight of maintaining this confidence falls on the shoulders of those lawyers who walk into court to represent the People. It is, as it should be, the highest calling of an American advocate." (Carol Corrigan, On Prosecutorial Ethics (1986) 13 Hastings Constitutional Law Quarterly 537.)

I have known Tom Orloff for many years. In the time he has served as Alameda County's district attorney he has given me the highest confidence that the administration of criminal justice in Alameda County was in the most capable hands possible. To me, he epitomized the prosecutor who always sought justice first. In determining whether to initiate criminal charges he always made what he felt was the right decision, not the popular decision. In the trial courtroom, he fought hard and he fought fair. More importantly, he instilled that ethic in all of his prosecutors. As a result, I share with the citizens of Alameda County an enduring and deeply felt confidence in the work of our criminal justice system. I wish Tom and his wife Pam a long, healthy and productive retirement.

HONORING ALAN H. JEPSON ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Ms. DELAURO. Madam Speaker, I could not be more pleased than to have this opportunity to rise today to pay tribute to a dear friend and outstanding member of the Milford community, Alan H. Jepson. I am proud to join family, friends, colleagues, and community leaders in thanking him for his many years of dedication and commitment as he celebrates his retirement from public life. It is difficult to put into words what Alan means to the Milford community—he is one-of-a-kind.

Alan is a rare individual who has dedicated a lifetime to public service. He bravely left high school after just three years to join the Navy during World War II and proudly served for two years, eight months, and twenty-four days. Upon his return from military service, he went back to high school, earned his diploma, and completed his college degree under the original GI Bill—in just three years, eight months, and twenty-four days. His first professional experience was as the Director of the Junior Achievement Program in Lynn and Salem, Massachusetts. It was this calling that brought him back to Connecticut in 1956 when he became Director of Junior Achievement for the City of New Haven. Moving his family to Milford, Connecticut, it was shortly later that Alan would begin his more than forty years in civic service.

In 1960 Alan was appointed as the Director of the Citizens' Action Commission where he worked with the City of New Haven in connection with the federal requirement of urban renewal. It was through this work that his interest in government, politics and eventually elected office was sparked. In 1962 he found himself chairing a charter revision commission for the City of Milford which required that he work with both Democrats and Republicans to accomplish. Just a year later he ran and was elected Mayor of Milford—a post which he held for six years. Today, Alan is retiring after serving seven terms as the Town City Clerk—an elected office for which it is said he now runs unopposed out of sheer respect and the knowledge that no one else can truly compete. His years of service to the City of Milford have earned him the respect, admiration, and esteem of his colleagues on both sides of the aisle.

Alan's commitment to civic service extends far beyond his professional contributions. He has volunteered countless hours to innumerable service organizations. Alan is the former president of the Milford Rotary, has served as a United Way campaign worker as well as on the board of directors of the local Red Cross, and is a former First President of Milford Progress, Inc. Alan was also very involved with the local Boy Scouts where he served as a Volunteer Merit Badge Counselor and instituted Boy Scout Civic Day and Girl Scout Civic Day to promote civic pride and government studies. Alan can also be found giving his words of wisdom as "Uncle Sam" at the

annual "Let Freedom Ring" bell ceremony on July 4th and volunteer reading at Milford public schools. And the list goes on. Alan Jepson is a reflection of all that we hope and expect community leaders to be. The City of Milford would not be the same without him so it was a fitting tribute when he was officially named and honored as a "living treasure." Alan's retirement marks the end of an era for the Milford community.

I am so proud to call Alan my friend. He and his late wife, Betty—a remarkable woman herself, welcomed me to their community with open arms and I will forever be grateful for their many years of special friendship and support. It is my privilege to stand today and extend my deepest thanks and appreciation to Alan H. Jepson and to wish him, his five daughters; Linda, Susan, Margo, Nancy, and Paula, as well as his eight grandchildren, three step-grandchildren, and three great-grandchildren all the best for many more years of health and happiness.

A TRIBUTE TO DEPUTY CHIEF
DAVID P. BARRERE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Deputy Chief David P. Barrere.

David Barrere began his career in law enforcement as a Patrol Duty Officer at the 63rd Precinct in Brooklyn, New York on April 25, 1990. He then was assigned to the 32nd Precinct in Harlem as a Patrol Supervisor in 1994, and subsequently as a Sergeant and a Lieutenant at the 75th Precinct for three additional years.

David Barrere was promoted to Captain in 1999, and served as Captain and Executive Officer of the 67th Precinct before his promotion to Commanding Officer of the 76th Precinct in Red Hook, Brooklyn. He continued his remarkable progression through the ranks of the New York Police Department in 2002 when he was assigned as Commanding Officer of the 114th Precinct in Astoria, Queens, where he was later promoted to Deputy Inspector and then to Inspector. In September 2005, he returned to Brooklyn to command the 75th Precinct.

Today, he serves as the Commanding Officer of the Central Robbery Section, where he was again promoted to Deputy Chief. Chief Barrere is currently writing his thesis in Criminal Justice while studying at Long Island University. He also graduated from the Police Management Institute at Columbia University.

Chief Barrere and his wife Patricia of 15 years are the proud parents of three children: Kristina, Jennifer, and David.

Madam Speaker, I urge my colleagues to join me in recognizing Deputy Chief David P. Barrere for his extraordinary record of service to New York's 10th Congressional District and to New York City at large.

PERSONAL EXPLANATION

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. POMEROY. Madam Speaker, on October 13, 2009, due to flight delays, I missed rollcall votes Nos. 772, 773, and 774. Had I been present, I would have voted in the following manner: rollcall No. 772—"yea"; rollcall No. 773—"yea"; and rollcall No. 774—"yea."

OCTOBER: DOMESTIC VIOLENCE
AWARENESS MONTH

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. REICHERT. Madam Speaker, the month of October is recognized around this country as "Domestic Violence Awareness Month" and I rise today to urge this House to continue advocating for victims of domestic violence and to continue the fight against domestic violence.

According to the National Coalition Against Domestic Violence, a non-profit organization working tirelessly and cooperatively against the scourge of domestic violence, an estimated 1.3 million women are victims of physical assault by an intimate partner each year. One in four women will experience domestic violence in her lifetime and, at this point, one in six have already experienced an attempted or completed rape. I spent 33 years of my life in law enforcement, often on the front lines combating acts of domestic violence. During that time, I saw many horrific things. I have seen lives end, communities shattered and families torn apart due to domestic violence. The human cost of domestic violence in this country is astronomical. It touches lives in big cities, small towns and everywhere in between. Domestic violence knows no boundaries.

Violence is often a destructive cycle. A boy who witnesses acts of violence between parents or caretakers is twice as likely to become a perpetrator of domestic violence as an adult. Even worse, children who witness abuse and are themselves abused are even more prone to acts of domestic violence in adulthood. Generations of Americans have failed to break this terrible cycle of violence and even more alarmingly, many of those same Americans refuse to properly identify acts of domestic violence and seek help or protection. I ask the members of this House to remember these facts throughout this month and to please do everything in their power to combat domestic violence in congressional districts across the country. Support the National Coalition Against Domestic Violence and other like minded organizations. Support local law enforcement. Support community organizations like the Boys & Girls Club and churches. Urge your constituents to be mindful of the devastating effects of domestic violence.

Domestic violence is debilitating to families, communities and the United States as a whole

and is entirely preventable. Every day, we have the opportunity to remind our constituents and our families to work together to rid our communities of domestic violence. As we make progress and fight against this injustice within, we must stay vigilant.

A TRIBUTE TO ED MCBRIDE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor my dear friend, Ed McBride. After I was appointed to the Chair of the House Administration Committee, our colleagues nicknamed me the "Mayor of Capitol Hill." Since he became a manager in the Government Relations Department in 1991, Ed has been known as Mayor of PECO.

Ed McBride started working at PECO on September 15, 1969 as a Transportation Mechanic. For those of us in government, and for the people we serve, Ed is PECO. He acts as a voice for the customers within the company and as a voice for the company and its employees in the community.

Madam Speaker, Ed McBride is the consummate professional. He is also a gentleman in every sense of the word. I'm proud to say that Ed is my colleague, my constituent and my friend. I ask every Member of Congress to join me in honoring his 40 years of service today.

HONORING HEATHER
CHRISTENSEN

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. MATHESON. Madam Speaker, Utah has lost a local treasure with the passing of Ms. Heather Christensen of American Fork, Utah.

Heather Christensen is remembered by her joyfulness. Her friends and family said she was always smiling, laughing, and positive. As the woodwind section instructor for the American Fork High School band, she was known to work 18 hours a day. Heather was known to arrive at school early in order to help individual students and make sure they had a good experience. Her close friends said she believed in positive reinforcement as a way to motivate students.

Heather died trying to save 46 American Fork high school band students on October 12, 2009. A bus carrying the band crashed on Interstate 15 as they were returning after winning a competition at Idaho State University in Pocatello. After witnessing the bus driver pass out, she reached for the wheel and tried to steer the bus back to the road but fell out a window as the vehicle rolled. About 30 students sustained minor injuries, but thanks to Heather's fast action, none had life-threatening injuries.

Heather was a very talented young woman, who played multiple instruments and sang.

Her family said she could play any instrument by ear and had perfect pitch. She was said to have been living her dream by working with the nationally recognized American Fork High band.

Heather grew up in American Fork and was the third of six children. She was the drum major at American Fork High School, and was also the student conductor for the school's a cappella choir. She went on to become a drum director at the University of Utah, where she earned both a bachelor's and masters in music education.

People have called Heather's actions heroic and I want to take a moment to honor this Utahn for her courage.

IN TRIBUTE TO INSPECTOR
JEFFREY MADDREY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of Jeffrey Maddrey, Inspector of the 75th Precinct and an honorable public servant.

Inspector Maddrey is a graduate of John Jay College, with a Bachelor of Arts degree in Criminology, and is also a graduate of Columbia University's Police Management Institute. Inspector Maddrey is presently pursuing a Master's Degree in Human Services Management and Leadership at St. Joseph's College.

Inspector Maddrey became a member of the New York City Police Department in 1991 at the age of 20. Upon graduation from the Police Academy, Inspector Maddrey was assigned to the 110th Precinct in Queens, New York. He was promoted Sergeant in 1998.

Upon his promotion to Lieutenant in 2001, he served in the 67th Precinct, then successfully in various capacities as Captain in the 72nd, 60th, and 70th Precincts, and Commander of the Brooklyn South Task Force. On January 1, 2006, Captain Maddrey was assigned to the 73rd Precinct as Commanding Officer. He was then promoted to Deputy Inspector in December of 2006 and Inspector in November of 2008. Inspector Maddrey is currently the Commanding Officer of the 75th Precinct and also a member of the National Organization of Black Law Enforcement Executives. His service to the residents of East New York, Brooklyn is exemplary.

Madam Speaker, I urge my colleagues to join me in recognizing Jeffrey Maddrey.

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. CAPUANO. Madam Speaker, last week I missed several rollcall votes. Had I been present I would have voted the following: rollcall No. 790—"yes"; rollcall No. 791—"yes"; and rollcall No. 792—"yes."

BECKY FAST HONORED AS "SOCIAL WORKER OF THE YEAR" BY KANSAS CHAPTER OF THE NATIONAL ASSOCIATION OF SOCIAL WORKERS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. MOORE of Kansas. Madam Speaker, since I took office in January, 1999, Becky Fast has worked as my constituent services director. My office has prided itself on a high level of constituent services, and for that Becky deserves much of the credit. I am proud and happy to announce that last Thursday, Becky was honored as "Social Worker of the Year" by the Kansas Chapter of the National Association of Social Workers. Vicki Arnett, LSCSW and the Chair of the Chapter LINC committee presented the award at the 62nd MoKan Clinical Institute in Overland Park (Ritz Charles) on Thursday, October 8, 2009. The Kansas Chapter, National Association of Social Workers represents the practice and profession of social work in Kansas. The event was a two day intensive training on familial sexual abuse with Michael Boniello, LSCSW and difficult ethical problems in social work with Frederic Reamer, Ph.D., of Rhode Island.

Although I was in Washington for scheduled votes, I was pleased to learn that Becky's father drove from Minnesota to Kansas to see her receive the award. I want to take this opportunity to congratulate Becky, and am honored to enter into the CONGRESSIONAL RECORD the remarks made by Vicki Arnett when she introduced Becky as the recipient of the 2009 Kansas Chapter of the National Association of Social Work "Social Worker of the Year":

Becky Fast originally was trained as a teacher. Through that work she found that many students and their families needed individual assistance through difficult circumstances. Becky went back to school and became a social worker. Since then, she has been working in different capacities to help improve services to many individuals. Her early work has included authoring several chapters in a book on serving the aged population as well as service manuals to implement such programs. She taught social policy for many years and helped bring attention to the importance of everyday advocacy in the political arena.

Becky practices Political Social Work. She has been the Director of Constituent Services for Congressman Dennis Moore since his victory in 1998. She is one of just a few social workers across the country to hold such a position. She has built the constituents program with a focus on applying social work values and skills to assisting people calling for help with federal programs. Her program serves as a model for other congressional offices and Becky willingly shares her knowledge. Over the years, Becky has mentored many social work interns and taught them the importance of listening to caller concerns and responding in a helpful way. She is constantly making connections to individuals and the community by establishing access to the Congressman and helping to suggest ways to solve problems.

Becky has taken advantage of her ability to connect to people to promote social workers and the profession. For example, she had

several conversations with then Governor Sebelius and they spoke about social work and delivering care to people. She was able to mention social work to President Clinton, and she facilitated a meeting with the Attorney General on social work safety. Many of the current Kansas State legislators keep social work on their mind because of Becky talking to them.

Most recently, after physical threats to the congressional office, and the town hall meetings had to be canceled for safety reasons, she was still preparing materials and was generous in giving time and attention to people expressing anger and frustration. She does not lose her cool in such situations. Becky was instrumental in securing federal funding to support the Teri Mathis Zenner Safety First conference in October. Becky was one of the original presenters for Dr. Nancy Humphreys Campaign School in Connecticut.

Becky has served as the Kansas Chapter, PACE Chair for several election cycles, served as the Treasurer on the Chapter Board of Directors and now serves as the Region Ten Representative on the National Board of Directors of NASW. She serves on a variety of committees and work groups and in the Kansas City area. Becky is well known across Kansas and everyone knows she is a social worker because she proudly states, "I am a social worker" as she does her work. Congratulations Becky for a well-earned and well-deserved recognition of the excellence you bring to the social work profession.

HONORING DR. JOHN WATERS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. KILDEE. Madam Speaker, I rise today to honor Dr. John Waters as he steps down as the President of the Genesee County Medical Society. Dr. Waters will be honored at the annual Presidents' Ball on November 7th in Grand Blanc, Michigan.

Dr. Waters became interested in a medical career at the age of 7. He was injured in an automobile accident and was hospitalized for a long time. Because of the care and compassion of his hometown physician, Dr. Waters decided to become a doctor. He earned a B.A. in psychology and a B.S. in biology from Quincy College. After graduating from Northwestern University Medical School he completed his residency at the University of Louisville, Department of Ophthalmology.

In addition to his medical practice at Complete Eye Care, he is a principal in the Surgery Center. Active in the community, Dr. Waters treats patients through the Genesee County Free Medical Clinic and works with the Greater Flint Health Coalition. He has provided free glaucoma and diabetic eye screenings in conjunction with FACED's Diabetic Sunday at area churches. He participated in Cover the Uninsured Week and Complete Eye Care received the "Community Caring Award" from Health Access.

Involved with the Genesee County Medical Society, he has served on the Board since 2000 and is a member of the Finance Committee. He also serves as part of the Genesee County delegation to the Michigan State Medical Society House of Delegates. His philosophy about being a doctor is: "I went into

medicine because of what someone did for me. We who are physicians should do the same for our patients. If we do what is right for them everything will fall into place for us." Dr. Waters and his wife, Meg, have two children, JT and Elizabeth.

Madam Speaker, I ask the House of Representatives to join me in applauding Dr. John Waters. I commend him for his dedication to treating and healing his patients and I wish him many, many more years working for better health in our community.

PERSONAL EXPLANATION

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. CARNEY. Madam Speaker, on Thursday, October 22, I was unfortunately delayed reaching the floor and unable to cast my vote on the first two recorded votes of the day.

Had I been present, I would have voted: "yes" on rollcall vote 798, and "yes" on rollcall vote 799.

INTRODUCTION OF THE OSTEOPOROSIS EARLY DETECTION AND PREVENTION ACT OF 2009

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mrs. MALONEY. Madam Speaker, today I am reintroducing bipartisan legislation, the Osteoporosis Early Detection and Prevention Act of 2009, along with my friend and colleague from West Virginia, Congresswoman SHELLEY MOORE CAPITO.

The Osteoporosis Early Detection and Prevention Act of 2009 will require private insurance plans to cover bone density testing for individuals most likely to develop osteoporosis. This bill will ensure that the individuals most likely to develop the disease will have access to screening tests, which could both improve health outcomes and save significant amounts of money.

Forty-four million Americans either suffer from osteoporosis or are at risk of developing it. One of every two American women and one of four American men, aged 50 or older, will suffer a bone fracture because of osteoporosis. This means that osteoporosis causes 1.5 million broken bones every year.

Osteoporosis has no symptoms and cannot be detected by an ordinary X-ray until 25 to 40 percent of bone mass has already been lost. As bone mass decreases, the risk of fractures increases exponentially. The disease is usually not diagnosed until a fracture occurs—but by then, the disease is so advanced that another fracture is extremely likely.

While there is currently no cure for osteoporosis, there are effective and inexpensive techniques both to detect and prevent. A bone density screening is non-invasive, painless, and reliable. If osteoporosis is diagnosed

early, drug therapy can reduce the risk of hip and spine fractures by 50 percent. The screening test costs, on average, between \$59 and \$300—compared to the more than \$35,000 it would cost to repair a hip fracture.

I believe that when we can improve health and save money at the same time, we should do just that. By requiring private health insurance plans to cover bone density screenings for the men and women who are most at risk for osteoporosis, we can prevent millions of painful hard-to-treat, costly, and completely unnecessary injuries.

RECOGNIZING THE CENTENNIAL OF FLOYDADA, TX

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. NEUGEBAUER. Madam Speaker, I am proud to congratulate the City of Floydada, TX, on the occasion of its centennial celebration. This 100 year milestone was commemorated by the dedication of the "Centennial Plaza" on October 2, 2009.

Floydada was officially incorporated in October 1909 with a population of approximately 500. In 1910, the Santa Fe Railroad arrived in town, sparking the growth and development of this community. Floydada has seen great changes over the past years from the building of new public facilities and fire stations to meeting the challenges of hard times in the 1930s.

Throughout its 100-year history, farming and ranching, as well as a sense of community and fellowship, have sustained Floydada.

Today, the Floydada community remains a stronghold for agriculture and authentic country living and has earned the title of "Pumpkin Capital of the U.S."

I am proud to recognize Floydada, the P.R.I.D.E. Committee, the Centennial Committee and over 4,000 residents of the city on the 100th anniversary of their wonderful community.

IN TRIBUTE TO THE HONORABLE BETTY J. WILLIAMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of a tireless leader in the community.

Born and raised in South Carolina, Betty Williams began her educational pursuits at North Carolina Agricultural and Technical State University. She then received her law degree from New York Law School. Always one to know the true importance of education, Ms. Williams obtained a Master's Degree in Social Work from Columbia University.

Betty Williams was elected to Kings County, Brooklyn Civil Court in November of 2000. On March 31, 2009, Justice Williams as appointed Acting Supreme Court Justice by the Chief

Administrative Judge of New York State, Ann Pfau. She continues to preside over the Misdemeanor Brooklyn Treatment Center, affording long-term substance abusers the opportunity to receive treatment instead of incarceration.

Justice Williams serves in various capacities as Co-Chairperson of the National Association of Women's Judges (NAWJ) Women in Prison Committee, attending the NAWJ's Fourth Annual Meeting with the Congressional Caucus for Women's Issues and National Women Leaders of the Judiciary, Chairperson of the New York State Chapter of the NAWJ Legislative Subcommittee and the past chairperson of the Chapter's Women in Prison Committee. Justice Williams is also a board member of the Downtown Brooklyn Waterfront Local Development Corporation, the Community Advisory Board of the Bayview Correctional Facility, and the New York Chapter of the NAWJ.

Justice Williams is a member of the Association of the Bar of the City of New York, the Metropolitan Black Bar Association, the Brooklyn Bar Association, the National Bar Association, the Kings County Criminal Bar Association, the Judicial Friends, the World Community of Social Workers, Church Women United, Inc., Delta Sigma Theta Sorority, and the St. Paul Community Baptist Church.

In recognition of her loyalty and service, Justice Williams has received numerous awards, including the National Sojourner Truth Meritorious Service Award, the Whitney M. Young Jr. Equal Justice for Children Service Award, the New York City Department of Education Leadership Award, the New York Law School Black Students Association Outstanding Achievement Award, and the North Carolina Agricultural and Technical State University Alumni Association's Julia S. Brook Achievement Award. Justice Williams was also the first woman in New York State to be awarded the Abraham Markoff Scholarship Award from the New York State Bar Association Workmen's Compensation Division.

Madam Speaker, I urge my colleagues to join me in recognizing this selfless and faithful public servant, Honorable Betty J. Williams.

PERSONAL EXPLANATION

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Ms. WASSERMAN SCHULTZ. Madam Speaker, on October 20, 2009, I missed the following rollcall votes due to a longstanding commitment away from Washington:

1. Rollcall vote No. 790, H.R. 3763, To amend the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses;

2. Rollcall vote No. 791, H.R. 3319, To designate the facility of the United States Postal Service located at 440 South Gullwing Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building";

3. Rollcall vote No. 792, H. Res. 558, Supporting the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and to

ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week.

If present, I would have voted "aye" on all matters.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Tuesday, October 13, 2009.

Had I been present, I would have voted "aye" on rollcall vote No. 772 (on motion to suspend the rules and agree to HR. 3689); "aye" on rollcall vote No. 773 (on motion to suspend the rules and agree to HR. 3476); and "aye" on rollcall vote No. 774 (on motion to suspend the rules and agree to H. Res. 659).

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Ms. McCOLLUM. Madam Speaker, I was absent from the Chamber on October 15, 2009 because I was in my district with Secretary of Transportation Ray LaHood reviewing an important community investment. On rollcall Nos. 780, 781, 782, 783, 784, 785, 786, 787, 788, and 789, had I been present, I would have voted "yea," and "no" on 783.

INTRODUCTION OF THE MAJOR GENERAL DAVID F. WHERLEY, JR. DISTRICT OF COLUMBIA NATIONAL GUARD RETENTION AND COLLEGE ACCESS ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Ms. NORTON. Madam Speaker, today I re-introduce the Major General David F. Wherley, Jr. District of Columbia National Guard Retention and College Access Act for technical reasons. I introduced this bill a month after the heartbreaking collision of two Red Line Metro trains here in the District of Columbia that took the lives of 9 area residents, 7 from the District, including a local hero, Major General David F. Wherley, Jr. I originally had introduced the District of Columbia National Guard Retention and College Access Act in May of this year, but after the Metro tragedy I said at the Wherleys' memorial service that I would rename this bill in honor of General Wherley, who not only served his country all his adult life and never forgot the men and women who served under him at home or at war, but was particularly attentive to the residents of the

District of Columbia, especially the city's most troubled youth. Thereafter, Congressman JOSÉ SERRANO, chair of the Appropriations Financial Services subcommittee, was good enough to offer this renaming in his appropriations bill and to appropriate the funds without authorization this year and in prior years.

Under General Wherley's command, the D.C. National Guard deployed several of its units in the Global War on Terrorism. General Wherley himself served courageously in both Iraq and Afghanistan, but at home he spent hours with me figuring out ways to get funds for programs for the District's children. We were always successful because he would show up, not only in my office, but wherever he was needed to go and get funds or to do service.

General Wherley was a full-service leader. He not only commanded the D.C. National Guard; he worked closely with me and with city officials on programs for our city, its disadvantaged youth, and on keeping our Guard competitive as a premier force at home as well as abroad. He became one of us when he and his wife, Anne, decided to purchase a co-op in Southeast, D.C., in the Capitol Hill community where they participated as hometown residents. Anne, who sadly also was killed in the train collision, was his high school sweetheart. At their joint memorial service, I only half-jokingly said that she did everything with him but run the D.C. Guard, because she was his helpmate in every aspect of his full and fruitful life.

As I highlighted when I originally introduced this bill earlier this session, the education incentives in my bill serve not only to encourage high quality recruits, but, when appropriated, have had the important benefit of helping the D.C. National Guard to maintain the force necessary to protect the federal presence because this funding helps equalize an important benefit compared with what is offered by Guard units in surrounding jurisdictions, which also are open to them.

A strong D.C. National Guard, able to attract the best soldiers is especially important, given the dual mission of the D.C. National Guard to protect the federal presence as well as hometown D.C. This unique responsibility distinguishes the D.C. National Guard from any other National Guard and accounts for the generosity of the Appropriations Committee in the past. However, while the appropriators treat funding for the D.C. National Guard as a programmatic request, under past administrations, the Office of Management and Budget has contended that these funds are earmarks, putting them in jeopardy for consistent funding. It therefore is imperative that this important educational incentive be authorized appropriately to ensure its permanent sustainability. That is what this bill does today.

I urge my colleagues to support this bill.

PET SAFETY AND PROTECTION ACT

HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. DOYLE. Madam Speaker, I rise today to reintroduce the Pet Safety and Protection

Act—legislation that I believe is essential to protect family pets, bring our nation's research policies into the 21st century, and end the unnecessary and illegal abuse of cats and dogs that's widespread in the Class B dealer system, which provides a number of animals to biomedical research labs.

Class B dealers are licensed by the U.S. Department of Agriculture to acquire animals from "random sources," including individuals who claim to have bred and raised the animals, but oftentimes haven't actually done so. Then the dogs and cats are sold to labs across the country that conduct important biomedical research.

Most scientists agree that animals with certain genetic characteristics or medical conditions are necessary for some types of medical research. So-called random sources are often the best sources for such animals. Unfortunately, the Class B dealer system that was set up to address this need has been plagued by widespread and flagrant violations of the Animal Welfare Act—including complaints that family pets have been swept up and sent to labs and used in biomedical research.

While USDA has tried to monitor Class B dealers and make sure these laws are followed, it simply has never had the resources to ensure the dealers' compliance. USDA's efforts, have, however, resulted in a number of investigations that forced many bad dealers out of the business. Today, 7 of the 10 remaining licensed Class B dealers are being investigated for alleged violations of the Animal Welfare Act. An additional dealer has had his license suspended for 5 years.

That record should give anyone an idea of the magnitude of the problems that exist in the current Class B dealer program. If anyone still doubts the need for action, I urge them to watch a 2006 HBO program documenting in graphic, disturbing detail the inhumane and illegal treatment of animals by Class B dealers. This remarkable documentary contains video footage shot undercover in a Class B dealer's facility. Among the abuses documented in this film are overcrowded cages, rotten food, food contaminated with feces, frozen drinking water, dogs with serious untreated injuries and diseases, and live dogs caged with the carcasses of dead dogs. This investigation also documented the beating, strangulation, and shooting of dogs by a Class B dealer.

I have been working for a number of years to pass legislation that would change the way animals with random source characteristics are acquired for biomedical research. This legislation, the Pet Safety and Protection Act, would prohibit the sale of dogs and cats by Class B dealers for experimentation. Its goal is to stop the illegal supply of dogs and cats to laboratories—as was intended when the Animal Welfare Act was first adopted by Congress in 1966. The Pet Safety and Protection Act also provides an alternative to Class B dealers for acquiring such animals. Research labs could acquire them from Class A dealers, from certain publicly owned and operated animal pounds, and through donations from people who have owned the animal for at least a year. I believe that this law would end the abuses running rampant in the Class B dealer system and make the process for acquiring animals necessary for medical research far more humane.

This legislation has the strong support of the Animal Welfare Institute and the Humane Society of the United States.

In previous years, this bill has been derailed by concerns that it might prevent or delay life-saving biomedical research. Consequently, the 110th Congress directed the National Academies to examine the issue and determine whether the Class B dealer system should be continued. Earlier this summer, the National Academies released its report on the Class B dealer system. The National Academies concluded that:

Although random source dogs and cats represent a very small percentage of animals used in biomedical research, this small number is not commensurate with their potential value, and it is desirable to assure continued access to animals with random source qualities. This access can be accomplished with existing alternative mechanisms other than Class B dealers and can be assured with additional effort. The Committee thus determined that Class B dealers are not necessary for supplying dogs and cats for NIH-funded research.

I believe that the National Academies study puts to rest any remaining concerns about the desirability of eliminating the Class B dealer system.

In closing, Madam Speaker, let me reiterate my belief that enactment of the Pet Safety and Protection Act is necessary to end the inhumane and illegal treatment of animals acquired and sold by Class B dealers, protect families' pets from being used for biomedical research without their permission, and achieve those goals without hindering essential biomedical research. I urge my colleagues to cosponsor this long overdue legislation.

NATIONAL SPINA BIFIDA AWARENESS MONTH

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. CASTLE. Madam Speaker, I rise today in recognition of October as National Spina Bifida Awareness Month, which aims to bring awareness to the nation's most common permanently disabling birth defect, affecting 3,000 pregnancies every year. New data from the Center for Disease Control and Prevention, CDC, reported this spring, indicates the number of Americans with spina bifida is actually 154,000—double what was previously thought. According to the Delaware Health Statistics Center, approximately one out of every fifty-six babies born in Delaware with birth defects suffers from spina bifida. Spina bifida occurs within the first month of pregnancy and leaves a permanent opening in the spinal column that subsequently impacts nearly every organ system. People with spina bifida face a host of complications, such as physical, developmental, educational and vocational challenges, among others.

The National Institution of Neurological Disorders and Stroke at the NIH supports research on neural tube defects. Studies have shown the addition of folic acid (0.4 mg of folic acid daily) to the diet of women of child bear-

ing age may significantly reduce the incidence of neural tube defects. An estimated 70 percent of neural tube defects, including spina bifida, are preventable through consumption of folic acid prior to pregnancy, and National Spina Bifida Awareness Month plays a critical role in conveying this prevention message to the public. As a 2005 study uncovered, the current system of care serving people with spina bifida does not fully meet current or anticipated needs, and physicians have little evidence-based research on which to build appropriate treatments. Increasing awareness of spina bifida will also focus attention on the need to expand and intensify evidence-based research to improve the quality of life of those living with spina bifida.

Mr. Christopher Malone, who is a board member of the Spina Bifida Association, visited my Washington office on October 2, 2009 to discuss the challenges facing children with spina bifida. When I listen to accounts from constituents like Christopher Malone, I am reminded of the enormous impact that spina bifida has had not only on those with this condition, but on their family members and friends.

I thank Mr. Malone and the members of Spina Bifida Association for their efforts and leadership over the last 36 years, and for their ongoing commitment to improving the quality of life of people affected by spina bifida. Too many Americans suffer needlessly from this birth defect when many cases are preventable.

Education and awareness, prevention, and research are key. During National Spina Bifida Awareness Month, I hope we will all take the time to learn more about spina bifida and support these endeavors.

IN RECOGNITION AND MEMORY OF TAYLOR CATHERINE FEDA

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. WILSON of South Carolina. Madam Speaker, I am honored to submit the following poem written by Ms. Taylor Catherine Feda of Columbia, South Carolina. Taylor sadly passed away on July 6, 2007. She is remembered as a kind and generous daughter and friend as well as an excellent student at Dutch Fork High School where she excelled in writing poetry.

Her parents, Jim and Michelin Feda of Irmo, were so kind to share the following poem penned by Taylor and included in the 2008 Dutch Fork High School literary magazine Revelations.

MONSTER

What do you find in the truth,
but something in it's most pure original form.

Something you must accept and respect on its own terms.

People can never really accept the truth,
They want to hide it with their own shades,
Or betray it as something more ideal for their needs and wants.

But maybe the truth is what we need,

And once we accept its purity,
Maybe it's exactly everything we want?

I'm sick of seeing the ones I care about leap
over the truth
and jump right off the ledge of thinking
straight,

or hoping things will change.
I'd like them to view things as I do,
With the glass half-full,

give or take a few sips of confidence in what
the outcome will be either way.

The truth is about acceptance, and betrayal,
love and hopeless mistakes of reading the
road signs that lead the other direc-
tion,

those road signs possibly leading to ditches
of deception or a simple glimpse of
happiness.

The truth is a monster that hurts people,
but somehow heals their vision of thinking
things are
perfect and surreal.

Let's accept it,
Embrace it,
Defy it.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Tuesday, October 20, 2009.

Had I been present, I would have voted "aye" on rollcall vote No. 790, on motion to suspend the rules and agree to H.R. 3763; "aye" on rollcall vote No. 791, on motion to suspend the rules and agree to H.R. 3319; and "aye" on rollcall vote No. 792, on motion to suspend the rules and agree to H. Res. 558.

IN TRIBUTE TO THE HON. DELORES J. THOMAS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. TOWNS. Madam Speaker, I rise today in recognition of a tireless leader in the community.

Born and raised in Boligee, Alabama, Delores Thomas began her career at Alabama State University, receiving a Bachelor of Arts Degree in Political Science. Shortly thereafter, Delores Thomas received her Juris Doctorate from the University of Georgia Law School. Upon successful completion of her Juris Doctorate, Delores Thomas was admitted to the State and Federal Bar Association in Georgia and New York.

Delores Thomas began her legal career as a staff and management attorney for the Housing Immigration and Unemployment Law Units at Brooklyn Legal Services. She also served as an Administrative Law Judge with the New York City Parking Bureau and was president and organizer for the Legal Services Staff Association for District 65 UAW.

Delores Thomas began years of succession to various judicial posts throughout her career. In March of 1994, Delores Thomas was appointed as Judge in the Housing part of Civil Court, handling landlord and tenant issues. In November of 2002, Justice Thomas was elected to the Civil Court bench, becoming the first African-American elected to a countywide judgeship.

Justice Thomas' most recent appointment is to the Supreme Court. While serving on the Supreme Court, Justice Thomas was assigned to the Matrimonial Trial Part of the Supreme Court. Justice Delores Thomas is currently one of four judges in Kings County, Brooklyn, and the only African-American judge assigned to hear and determine matrimonial cases pertaining to dissolution of marriages and custody of children.

Justice Delores Thomas serves as a member of various organizations, such as the Judicial Friends, the National Association of Women Judges, the Brooklyn Bar Association, the Brooklyn Women's Bar Association and the New York City Bar Association. In her civic capacity, Justice Delores Thomas is a member of Delta Sigma Theta Society, the Eastern Star Organization, and Church Women United, Inc.

Madam Speaker, I urge my colleagues to join me in recognizing this relentless and dynamic public servant.

CELEBRATING THE 30TH ANNIVERSARY OF THE SOUTHWEST COLLEGIATE INSTITUTE FOR THE DEAF

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. NEUGEBAUER. Madam Speaker, I proudly congratulate the Southwest Collegiate Institute for the Deaf on the occasion of their 30th anniversary celebration. This special milestone will be celebrated on November 6, 2009 with the dedication of the new Technical Training Center in addition to other celebratory events around the campus.

In the late 1970s, Dr. Douglas J.N. Burke, along with several members of the community, took action to meet the need for a postsecondary program to provide higher education and career training for the deaf in West Texas.

On November 6, 1979, SWCID was established by the Board of Trustees of the Howard Junior College District. The campus of SWCID would be an entity of Howard College and located at the former Webb Air Force Base in Big Spring, TX. In September 1980, SWCID first opened its doors to students, and was established as a state-supported institution on May 14, 1981.

Over the past 30 years, SWCID has strived to offer vocational and technical training, state of the art learning environments and technologies for deaf students, as well as courses for hearing individuals who have an interest in working with the deaf community.

I applaud Dr. Burke for his vision of creating this program for deaf students along with the countless groups and individuals who continue

to support his dream and the unique education being provided by this institution. A facility of this nature is of incredible benefit to deaf individuals so that they may learn the necessary technical skills to successfully enter into the job market.

It is a great honor to recognize the Southwest Collegiate Institute for the Deaf on 30 years of service to the deaf community of Texas and our Nation.

HONORING RICHARD LONG

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to Richard Long as he retires after 46 years of dedicated and extraordinary service to the United Automobile Workers. For the past nine years Richard has served as the National Community Action Program Director for the United Automobile Workers.

In 1963, Dick Long began working at the former Pontiac Motor Division and joined UAW Local 653. This began his life's work promoting better working conditions, not just for the men and women he saw daily on the shop floor, but for all workers. He began his service with the UAW as an alternate committeeman and quickly progressed into the UAW's top leadership tier. He became the chair of Sub Council 7, the largest sub council in the UAW during this time and in 1987 Dick was elected Vice President of Local 653 by his peers. A year later he was elected President. As the Chairman of the United Auto Workers/General Motors contract negotiations in 1993, Dick helped craft an agreement advantageous to both workers and the company. Stephen Yokich, then UAW President, tapped Dick to be his Administrative Assistant in 1998 and in 2000 Dick became the National Community Action Program Director.

As a national leader Dick was able to break down barriers for workers, and enhance their quality of life. I have known and worked with Dick for many years and have a deep appreciation for his wisdom and perseverance. His work exemplifies the ideals that the UAW has championed since its inception.

Dick's vision of a better life for UAW members and their families prompted him to work promoting education, teamwork, and social justice. He is active with many community organizations and the Democratic Party. In addition to his work, Dick and his wife Jackie have three children and six grandchildren.

Madam Speaker, it gives me great honor to recognize the accomplishments of Richard Long. He is a man of honor, intellect, and remarkable compassion. The members of the UAW and workers everywhere owe him a debt of gratitude for his foresight, commitment and actions. Because of Richard Long there is a greater respect between management and labor, better working conditions for members of the UAW, and better opportunities for their families. I consider him a dear friend and would like to thank him for a lifetime of hard work. I ask the House of Representatives to join me in applauding Richard Long and wish him a long and enjoyable retirement.

NINTENDO

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. REICHERT. Madam Speaker, I rise today in recognition of an innovative global business headquartered in Washington State named the best company in the world this year by Business Week magazine, Nintendo.

A company that employs many of my constituents, Nintendo is an electronics maker behind some of the most innovative and breathtaking technological advancements in the world over the past century, and is thriving in a less-than-adequate economic climate while positioning itself to surpass more challenges in the future. Over the past five years, Nintendo's sales have risen by more than 35 percent annually while its overall value averaged 38 percent growth.

Rather than shrinking and simply trying to weather the economic storm it is facing, Nintendo has expanded and used its unique brand of innovation to stay at the top of its game and produce "must-haves" such as the Wii console, and we all enjoy the Wii.

Like other global companies reliant on its own unique brand of innovation, Nintendo has invested huge sums of capital into its people and commanded a large share of the market. Nintendo is performing at a higher level than any other company in the world in 2009. I am honored to have worked with Nintendo in the past and plan to do the same moving forward. Technological innovation will continue to move this Nation and this world forward and I thank Nintendo for being a visionary leader in that innovation.

HONORING REVEREND DR. JOHNNY TILLER FOR SEVENTY YEARS OF PREACHING THE GOSPEL OF JESUS CHRIST

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. SHULER. Madam Speaker, I rise today to honor Reverend Dr. Johnny Tiller, who celebrated his 70th anniversary of preaching the Gospel of Jesus Christ on September 10, 2009. Reverend Tiller has dedicated his life to this work, and has pledged that he will continue to do so until God calls him home to heaven.

Reverend Tiller has spent his life preaching and ministering to the needs of those in western North Carolina. At the young age of 12, Reverend Tiller preached his first sermon at a cottage prayer meeting. In November of 1944, at only 18 years of age, Reverend Tiller became the first full-time pastor of Starnes Cove Baptist Church, in Asheville, North Carolina.

In November of 1993, after serving as a full-time pastor of four different churches over 49 years, Reverend Tiller retired from full-time ministry. Since retirement, he has served as interim pastor for six different churches and currently serves at Sunrise Baptist Church in

Asheville, North Carolina. He also has taught New Testament courses at Fruitland Baptist Bible Institute for the past 16 years. Reverend Tiller has preached on many radio stations, and has held numerous revivals and Bible study courses across the United States and around the world.

Madam Speaker, Reverend Dr. Johnny Tiller has done an exemplary service for the people of western North Carolina and throughout the world during his 70 years of ministry. His dedication and honorable commitment to serving God is truly a source of pride to western North Carolina. I urge my colleagues to join me today in honoring Reverend Tiller for his contributions to spreading God's word.

EARMARK DECLARATION

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. MACK. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act, 2010.

Project Name: Gulf Intracoastal Waterway, Southwest Florida

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act of FY 2010

Account: O&M

Legal Name of Requesting Entity: United States Army Corps of Engineers

Address of Requesting Entity: 441 G Street, NW., Washington, DC 20314

Description of Request/Justification of Federal Funding: \$1,313,000. This project would provide for maintenance dredging in four areas of the Gulf Intracoastal Waterway (GICW). The areas in need of maintenance dredging include the mouth of Caloosahatchee River (Miserable Mile in Lee County) and the Boca Grande Bayou area (Miller's Marina in Lee County) of the GICW.

Project Name: Naples to Big Marco Pass

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act of FY 2010

Account: O&M

Legal Name of Requesting Entity: United States Army Corps of Engineers

Address of Requesting Entity: 441 G Street, NW., Washington, DC 20314

Description of Request/Justification of Federal Funding: \$722,000. The Naples to Big Marco Pass, also known as the Gordon River Pass in Collier County, supports the commercial fishing, stone crab harvesting, sport fishing and tourism industries. The Pass also supports the County's marinas and is used by residential boaters. Typically, the Pass is dredged every four or five years. It was last dredged in 2002 and needs to be dredged this year because shoaling diminishes the water depth in the channel.

Project Name: Lee County, FL (Reimbursement)

Requesting Member: Congressman CONNIE MACK

Bill Number: H.R. 3183, Energy and Water Development and Related Agencies Appropriations Act of FY 2010

Account: Construction

Legal Name of Requesting Entity: United States Army Corps of Engineers

Address of Requesting Entity: 441 G Street, NW., Washington, DC 20314

Description of Request/Justification of Federal Funding: \$645,000; There are three sections to the Lee County shore protection project (Captiva, Gasparilla, and Estero Islands) which were authorized as federal shore protection projects. Lee County advanced the Gasparilla section, which was completed in the Spring of 2007. The funding will allow for the reimbursement of the federal share to the County for the Gasparilla beach re-nourishment project.

PERSONAL EXPLANATION

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. ETHERIDGE. Madam Speaker, I regret that a death in my family delayed my return to Washington this week. I was, therefore, unable to cast a vote on a number of rollcall votes on Tuesday, October 20, and Wednesday, October 21, 2009.

Had I been present on Tuesday, October 20, I would have voted "yes" on H. Res. 558, supporting the increased understanding of, and interest in, computer science and computing careers among the public and in schools, and to ensure an ample and diverse future technology workforce through the designation of National Computer Science Education Week; "yes" on H.R. 3319, designating the facility of the United States Postal Service located at 440 South Gulling Street in Portola, California, as the "Army Specialist Jeremiah Paul McCleery Post Office Building"; and "yes" on H.R. 3763, amending the Fair Credit Reporting Act to provide for an exclusion from Red Flag Guidelines for certain businesses.

Had I been present on Wednesday, October 21, I would have voted "yes" on H. Res. 811, expressing support for designation of October 2009 as "National Principals Month." No school can be great without a great principal, and my district is fortunate to have an outstanding group of principals. High-quality school leadership is critical to supporting America's next generation of leaders and innovators.

I also would have also voted "yes" on S. 1793, the Ryan White HIV/AIDS Treatment Extension Act of 2009; "yes" on H. Res. 837, recognizing Kentucky Wesleyan College for its service as an institution of higher education for over 150 years; "yes" on H. Res. 660, recognizing the distinguished history of the Laurinburg Normal Industrial Institute; and "yes" on S. Con. Res. 43, authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. CARTER. Madam Speaker, on October 20 and 21, 2009, I was unable to be present for all rollcall votes due to an unexpected delay. If present, I would have voted accordingly on the following rollcall votes: roll No. 790—"yea"; roll No. 791—"yea"; roll No. 792—"yea"; roll No. 793—"yea"; roll No. 794—"yea"; roll No. 795—"yea"; roll No. 796—"yea" and roll No. 797—"yea."

HONORING DONALD D. LAUB

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. COSTA. Madam Speaker, I rise today to pay special tribute to a man whose life and pursuits have exemplified the spirit of fortitude and the virtues of family demonstrated by so many of those who work to provide food and fiber to our great nation. Many factors have contributed to California's bountiful agriculture industry and the economic well-being of the State of California, but one underlying factor in California's agricultural success has been the fortitude of those such as Donald D. Laub. A long-time Fresno county agricultural leader and Easton-area grape grower, Donald passed away on Oct. 20, 2009.

Born on July 22, 1933, in Fresno, Don Laub was involved in farming for the majority of his 76 years. At the tender age of 9-years-old, Don was called upon to assist his mother Anna and twin brother Ronald in keeping the family farm going when his father Henry died in 1943. These early years of working the farm would set the foundation for Don's entire agricultural career.

In 1954, Don married Clara Fogal. The Laubs soon expanded the family farm to the Easton area of Fresno County with the purchase of prime vineyard land. Under Don's direction, Laub Ranches quickly became known for producing premium table grapes, raisins and wine grapes. As part of J&L Vineyards, Don was one of the first to embrace and actively use integrated pest management and trellis designs for table grapes. Four generations have now engaged in the family business. His grandson, Ryan Jacobsen, is executive director of the Fresno County Farm Bureau, and his mother, Debbie Jacobsen, Mr. Laub's daughter, became the first female president of the Fresno-area chapter in 2002. Through Don's example, they have endured many challenges, but all with the tenacity of a strong family farm ethic whose commitment has remained to agriculture as a business, as well as a way-of-life. Up until his untimely death, Don was still actively farming and pursuing new agricultural challenges for his business.

Mr. Laub was a respected leader in local agricultural and community organizations. For more than 50 years, Don was involved with

the Fresno County Farm Bureau, serving as the organization's president from 1986–88. He represented Fresno County on the California Farm Bureau Federation Board of Directors, and served on several advisory committees for the state and national Farm Bureau organizations. In 1996, Don received the Distinguished Service Award from the California Farm Bureau Federation. 1994 brought an extra-special time as both the Laub and his in-laws the Jacobsen, family, received the Fresno County Farm Bureau Distinguished Service Award in 1994. That same year, Don was selected as the Fresno County Agriculturalist of the Year. In 2001, J&L Vineyards received the Agricultural Business of the Year Award.

Renowned for his passion and dedication to agriculture, Don Laub also served on the boards of directors of the Ag One Foundation at Fresno State, California Association of Winegrape Growers, Farm Labor Alliance, the advisory committee for the U.C. Extension Field Station in Parlier, and for several wine industry boards and commissions. In the late-1980s, Don was appointed to serve on the federal Western Region Immigration and Naturalization Service Advisory Committee. He was later appointed to serve on the Big Fresno Fair Board of Directors and the Fresno County Planning Commission. Don was a member of the California Agricultural Leadership Program, Class III.

In addition to his service to agriculture, Don assumed leadership roles in the Easton community, having served as a trustee and president of the American Union Elementary School Board and Washington Union High School Board. He also served as a director of the Fresno County Public Schools Foundation. Don's passion for education was evident in his program to host inner-city school children from Los Angeles and Fresno on his farm during the 1990s to learn more about agriculture. Don served in the Biola Congregational Church, and on the boards of Twilight Haven Convalescent Home, Fresno County Civil Service Commission, and Fresno County Affordable Housing Task Force.

Donald D. Laub will always be remembered for his passion for Agricultural issues, dedication to his family and friends, and for his lifetime of service to his industry and community. He will be greatly missed, but his legacy will

continue throughout all of California's San Joaquin Valley.

CONGRATULATING JAKE SCHULTZ
FOR RECEIVING AN AWARD
FROM THE NATIONAL ELEMENTARY
SCHOOL HONORS SOCIETY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise to congratulate a fine young man, Jake Schultz, on his receiving an award of recognition from the National Elementary School Honors Society. A fifth-grade student at Sagemont School in Weston, Florida, Jake, and 24 of his classmates, have received this honor for outstanding academic achievement and for demonstrating responsibility at home, school, and in his community. While Jake's mother, my esteemed friend and colleague, Congresswoman DEBBIE WASSERMAN SCHULTZ, insisted on there being no official recognition, I nevertheless equally insist on acknowledging Jake's stellar accomplishments. I know that both of his parents are extremely proud.

Jake has demonstrated leadership and accomplishment not only through his hard work in school and excellent grades but also through his community activism. Jake's community service includes the American Cancer Society's Relay for Life, the Susan G. Komen Race for the Cure, the Turkey Trot for Kids in Distress, and his work with a Miami orphanage.

There is an old saying that "all work and no play makes a dull boy." To that end, I should point out that Jake also excels in his efforts outside the classroom. He enjoys playing shortstop for the Hawks, a local baseball all-star travel team, where he has served as both captain and co-captain. Both he and his sister, Rebecca, attend Hebrew School twice a week and have a demonstrated commitment to their faith, family, and friends.

Jake sets an excellent example for his friends and peers in his approach to leadership. I applaud Jake for this honor that he has worked so hard to achieve, and I urge him to continue his dedication to academic achievement and community and public service.

DR. PEDRO CELIS

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 22, 2009

Mr. REICHERT. Madam Speaker, I rise today in recognition of a distinguished constituent and, according to Hispanic Business Magazine, a man considered one of the most influential Hispanic Americans in the entire nation.

Dr. Pedro Celis, a celebrated Microsoft engineer and an engaged and informed individual living in my congressional district, was honored earlier this month as one of 100 influential Hispanic Americans. Alongside well known Hispanic Americans such as Supreme Court Justice Sonia Sotomayor and Secretary of Interior Ken Salazar, Dr. Celis is one of the most respected Hispanic American trailblazers in our great nation.

Born and raised in Monterrey, Mexico, Dr. Celis graduated from Monterrey Institute of Technology and earned his Ph.D. at the University of Waterloo in Canada. Aside from being a vital and innovative part of Microsoft's SQL Server Group, Dr. Celis served on President George W. Bush's Presidential Information Technology Advisory Committee. Further, Dr. Celis has served on a number of civic-minded organizations such as the Washington State Hispanic Chamber of Commerce, Families Northwest, Hispanic Alliance for Progress and many more. It is no surprise, then, that Dr. Celis has been a trusted advisor on many issues since I was elected to serve in this body.

I want to thank Dr. Celis for his spirit of service and innovation, his commitment to community and family and his outstanding representation of Hispanic Americans. I am so proud Dr. Celis has taken his rightful place among the most influential Hispanic Americans in the nation, I encourage him to continue using his intellect and perspective to drive America in the right direction, and on behalf of the House of Representatives, congratulate him on this prestigious recognition.

HOUSE OF REPRESENTATIVES—Friday, October 23, 2009

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

Dr. Barry C. Black, Chaplain of the United States Senate, offered the following prayer:

Almighty God, by whose providence our forebears brought forth a Nation conceived in liberty and dedicated to equal justice for all, give the Members of this body that same spirit as they seek to make a better world. May this quest for justice motivate them to eliminate those things that obstruct the coming of Your kingdom.

Each day, may they give primacy to prayer, seeking Your guidance as they strive to make decisions that honor You. Guide them by Your higher wisdom so that they will not give in to disappointment, doubt, or despair.

We pray in Your great name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Kansas (Mr. MORAN) come forward and lead the House in the Pledge of Allegiance.

Mr. MORAN of Kansas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute requests on each side of the aisle.

CONCERNS REGARDING FUNDING FOR HOME HEALTH CARE AGENCIES

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Madam Speaker, I rise today to address concerns I have with the cuts in home health care agencies in the reform package. I applaud the hard work that has gone into

crafting this legislation; however, I want to make sure that home health care services for our seniors are not interrupted in our efforts to target waste, fraud, and abuse in the Medicare system.

Home health care agencies, for example, are one of the most cost-effective ways to provide health care, especially in rural areas. In Maine, 86 percent of the home health care agencies will be operating in the red if we pass the cuts in the bill.

It is crucial that we address these cuts in a way that promotes efficient, high quality care, but does not put the access to health care in rural areas at risk. I am hopeful that we will be able to make this legislation better and provide quality, affordable health care to all Americans, so that Maine's seniors and home health care agencies in Maine will not be faced with an 86 percent cut in Medicare reimbursements that will force them to operate in the red.

SOUNDS LIKE SOMEBODY'S GETTING A TAX HIKE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, the new reformed, revised, special edition version of the Senate health care bill written in the dark, secret caverns of the Capitol is a whopping 1,500 pages long. Americans for Tax Reform did a word search on the bill and they found some interesting words.

Right here on this chart, the word "tax" is used 124 times. You know, that is the government's favorite word. "Taxes," 16 times; "excise tax," 12 times; "taxpayers," 79 times. Here is a bad one, "taxable," 158 times. That is a whole lot of taxes in this bill.

Of course, the words "tax exempt" are found only 15 times in the bill. There are some more bad words like "penalty" and "require" and "must." And here is a bad one, "shall," 2,585 times in this tax bill—I mean health care bill.

Mr. Speaker, these are some bad words, totaling 3,196 words about taking money from the American taxpayer.

Sounds like somebody is getting a tax hike. No wonder the bill was written in the secret caverns out of public view in this Capitol.

And that's just the way it is.

POSITIVE UPDATE ON RECOVERY PACKAGE

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, I rise today to give a positive update on the progress of the recovery package.

When the American Recovery and Reinvestment Act came before Congress earlier this year, I had to make a tough decision on how I would vote. I am happy that I voted for the recovery.

We have had recovery funds go towards improving infrastructure, funding our medical research, and improving our schools for our children. Just last week, my district received over \$20 million in stimulus funds to improve water quality and almost \$2 million in medical research funding.

The positive impacts of this legislation are being seen across the State of Ohio and the country. A report recently shows that the Recovery Act has saved or created about 1 million jobs. In fact, in the last month, unemployment has dropped in each the 12 counties that I represent in Ohio.

With almost three-fourths of the stimulus funds still set to be released, I expect to see additional jobs saved and created across the country and in my district. I am excited to see the progress that we are making and will continue to make.

SUCCESS IN AFGHANISTAN IS VITAL TO PROTECTING AMERICAN FAMILIES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, President Obama was correct when he stated as a candidate for President last year, "Our troops and our NATO allies are performing heroically in Afghanistan, but I have argued for years that we lack the resources to finish the job . . . And that is why, as President, I will make the fight against al Qaeda the top priority that it should be. This is a war we have to win."

Our President has chosen CENTCOM Commander David Petraeus and General Stanley McChrystal to implement a strategy in Afghanistan that would train Afghani security forces, destroy terrorist elements, prevent the Taliban from providing safe haven to terrorists, and promote political and civil development in Afghanistan.

Moving forward, we must provide the reinforcements that General McChrystal has requested. Indecision will only endanger our soldiers and empower our enemies.

I agree with Vice President Dick Cheney: The President is dithering. Democrats and Republicans should join, as President Obama said in his Democratic acceptance speech, to finish the fight against the terrorists.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

PROVIDING TRANSPARENCY IN HEALTH CARE PRICING

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, isn't it time we had transparency in all health care pricing? Wouldn't you like to know the price of a pill before you buy it? Wouldn't you like to know the price of the greatest discount a hospital offered at your location? Wouldn't you like to know the lowest price an insurance company accepted for payment in full for their health insurance policy?

This is a picture of several pills you can buy at a grocery store, and the price is always openly disclosed. Isn't it time that Congress passed legislation to guarantee that, at all times, any business entity that offers medical products and services for sale to the public openly disclose all of their prices and then accept the lowest price from everybody that they have accepted from anybody else? Isn't it time we had transparency in health care pricing?

THE FORGOTTEN U.S. TAXPAYER

(Mr. MORAN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Kansas. Mr. Speaker, I rise on behalf of the forgotten U.S. taxpayer. On Wednesday, Neil Barofsky, the special inspector general overseeing TARP, said that recouping the billions of dollars given to the insurer AIG and automakers GM and Chrysler "is far from certain." He also noted that \$50 billion set aside to help struggling homeowners lower their mortgage payments will yield "no direct return."

Also on Wednesday, the former chief of the Obama administration's task force on the auto industry, Steven Rattner, commented on the \$20 billion previously lent to GM, "I don't think we are going to see it again," meaning that all the money is gone.

What is wrong with this picture? \$50 billion here, \$20 billion there. What am I missing? How can we spend, spend, spend without any accountability?

I am concerned as I travel across Kansas, my great State, that I hear

countless Kansans express doubts that Congress and bureaucrats would make wise decisions with their tax dollars. They were right. With some of these unwise investment decisions that I mentioned today, I think a dose of Kansas commonsense is desperately needed in Washington, DC.

DOMESTIC VIOLENCE AWARENESS MONTH

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Mr. Speaker, many victims of domestic violence are afraid to tell their story. They are afraid to get help or don't know how. These men, women, and children need someone to stand up for them, to know where to turn. That is what Domestic Violence Awareness Month is all about. In fact, this October is the 20th anniversary of legislation to establish this event.

Domestic violence is shockingly common. One in four American women and almost 10 percent of men will be sexually or physically assaulted by a spouse, intimate partner, or acquaintance at some point in their life.

I strongly support full funding of domestic violence programs for fiscal year 2010. This money is sorely needed. According to a recent study, last year, on one day alone, 10,000 people were turned away from local domestic violence programs due to a lack of resources.

I pledge to work on behalf of domestic violence victims here in Congress. I want survivors to know how much I respect and commend them for their bravery, and I want them to know there are services and support groups that can help.

CONGRATULATING FORT BEND, TEXAS

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, I would like to congratulate my home county of Fort Bend, Texas, for having the third highest increase in jobs during the first quarter of last year among the Nation's largest 334 counties. It is impressive, given that of those 334 counties, only eight saw any job increase at all.

We already know what a special place Fort Bend is to live and raise a family. For more than 15 years, Fort Bend has been in the top 20 counties in the United States for economic excellence and population growth. Excellent schools, affordable housing, and extensive recreational facilities have attracted families with impressive demographic profiles. And this creates a local employment base that provides relocating companies with a diverse

mix of professional, technical, skilled, and unskilled labor with the highest educational attainment levels in the region.

I am very proud of Fort Bend County for this economic accomplishment, and my family and I feel very fortunate to call it home.

SENATE EXERCISING PETTY PARTISANSHIP ON UNEMPLOYMENT BENEFITS

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, exactly one month ago today the House cast aside partisanship to work together and overwhelmingly pass legislation to extend unemployment benefits, which are running out for an average of 7,000 Americans every day.

While my Republican colleagues in the House recognize that unemployment is an American issue that transcends politics, Senate Republicans are oblivious to the urgent need to pass legislation because people are hanging on by their fingernails. Instead, the Senate Republicans have a choke hold on legislation to extend unemployment insurance benefits, and Americans who need the help the House passed a month ago aren't going to get helped until Senate Republicans stop playing partisan games.

There are positive signs the economy has turned the corner, but the Senate Republicans know what everyone else knows, that unemployment always takes longer to recover. But they still have a choke hold on the bill, which is a choke hold on nurturing the economic recovery.

A caller to my office this morning put it best: There is one reason you may not be able to buy food for your family next week, and it is called the Senate Republicans. Maybe they are the ones who ought to be out of work.

Maybe then the Republicans in the Senate would understand what it means to look to Washington for leadership but see petty partisanship instead.

Release the choke hold and pass the bill to extend unemployment benefits. Thousands of Americans can wait no longer.

□ 0915

EXPRESSING CONCERN REGARDING THE EFFECT OF PROPOSED HEALTH CARE REFORM ON SMALL BUSINESSES

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Madam Speaker, I rise today to express my

concern about the majority party's proposed government takeover of health care and its devastating consequences for small businesses across the Nation. Despite continued calls from me and my Republican colleagues for a bipartisan approach that expands access to affordable health care to all Americans, the majority party insists on engaging in closed door meetings that ignore the input of a significant proportion of Congress and the millions of constituents they represent.

Among the most damaging elements of their proposal is a punitive new tax on small businesses that cannot afford to provide the coverage the Federal Government decides is acceptable. My Republican colleagues on the Education and Labor Committee offered numerous amendments to protect the small businesses that drive our economy from these and other burdensome mandates that threaten their viability, but our attempts were rejected.

Madam Speaker, it is time to push the reset button on this flawed proposal. Members of all political persuasions need to start fresh and work in good faith to bring meaningful health care reform to our constituents and keep our small businesses thriving.

COAST GUARD AUTHORIZATION ACT OF 2010

The SPEAKER pro tempore (Ms. CHU). Pursuant to House Resolution 853 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3619.

□ 0915

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes, with Mr. PASTOR of Arizona (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, October 22, 2009, amendment No. 6 offered by the gentleman from Connecticut (Mr. HIMES) had been disposed of.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-311.

Mr. FLAKE. I have an amendment at the desk designated No. 7.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. FLAKE:
Page 182, after line 14, insert the following:
(g) PROHIBITION ON EARMARKS.—None of the funds appropriated for the Fishing Safety

Training Grants Program pursuant to section 4502(i) of title 46, United States Code, as amended by this section, may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

The Acting CHAIR. Pursuant to House Resolution 853, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. This amendment is straightforward and, I believe, non-controversial. It should be familiar to those of us here. The underlying bill establishes a new competitive grant program called the Fishing Safety Training Grants program. This amendment would simply prevent the new grant program from being a vehicle for earmarking.

I try to offer this amendment as often as I can when new grant programs are established. The reason I do this is because, unfortunately, we have a history now of these grant programs being established and, even if the underlying legislation says that they are to be awarded on the basis of merit or on a competitive basis, then, oftentimes, a little down the road, many of these grant programs are earmarked, some of them, we have learned through sad experience, almost completely earmarked.

Competitive grant programs earmarked by Members of this body, we simply can't have that. Now, I question why the Federal Government is using taxpayer dollars to fund training for individuals who operate commercial fishing vessels. I think that that's something that commercial fishing organizations ought to do themselves. However, if we are going to do this, then we should at least ensure that these grants are awarded on a competitive basis and aren't earmarked.

And so I hope that this can be adopted. I should note that in the 110th Congress, this similar amendment was adopted to H.R. 2357, the Beach Protection Act. It was approved by a rollcall vote of 263-117. And in the 111th Congress, this amendment was accepted on three separate occasions, each time by voice vote.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I rise to claim the time in opposition, though I do not intend to oppose the gentleman.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized.

There was no objection.

Mr. OBERSTAR. I want to compliment the House's own version of Survivor Man, not only on surviving on a desert island and doing so very skillfully and astutely. Most of the time when Members of our body wind up with a story in The Washington Post, it's for some misdeed or misappropriation

of funds. This was a remarkable story of personal strength and courage that I suspect derives from the gentleman's own upbringing and mission abroad for the church, and for his ability to survive under difficult conditions.

He's also been a survivor on his campaign, Mr. Chairman, to limit earmarks. And this is one case in which our committee agrees with the gentleman. On Page 177, Lines 4 and 5, the bill reads: the Secretary shall award grants under this subsection on a competitive basis. But also, as the gentleman has pointed out, notwithstanding such language in other bills, there have been deviations from the programmatic language, often by the other body, but also, on occasion, in this body.

We feel that these grants ought to be awarded competitively and, for that reason, very specifically wrote this language into the bill. I suspect that after the vigorous hearings that Chairman CUMMINGS has held over the past 2½ years, exposing failures of the Coast Guard contracting program, that this language will be honored and will be adhered to.

As to the reason for the training grants, this is the deadliest industry by a great many measures. In fact, there is a program on television on fishing entitled "The Deadliest Catch," and it tracks those who put out to sea to earn their living in dangerous circumstances. The safety training grants will deal with those and other similar situations. So on the policy side, I simply want to defend the provision.

But I concur with the gentleman on his concern, and we will accept the amendment.

At this point, I would yield to the gentleman from Maryland, Chair of the subcommittee.

Mr. CUMMINGS. Thank you, Mr. OBERSTAR, for your comments. Thank you for yielding. I agree with you. We've already done basically what the gentleman wants done. And I just want to add something, Mr. OBERSTAR, and that is that this has been something that our subcommittee has—this fishing problem, and safety is something that we've taken extremely seriously. The Bureau of Labor Statistics names commercial fishing as the most hazardous occupation in the United States. For the 11-year period from 1994 through 2004, 641 fishermen and -women lost their lives on fishing vessels, and so we take it very seriously.

I also want to thank the gentleman for constantly making sure that we do what you're hoping that we would do. We did it. Congratulations. And so, therefore, I support the gentleman's amendment.

Mr. OBERSTAR. I reserve the balance of my time.

Mr. FLAKE. I thank the Chair, and I thank the chairmen of the committee

and subcommittee for their vigilance here to make sure that these awards, these grants, are awarded out on a competitive basis. That's what we're seeking here. I'm glad that's going to happen.

For the record, I found no earmarks on Jabonwod, the island that I stayed on. It was an incredible experience. Thanks for mentioning it.

I yield to the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. I'd like to rise in support of amendment, thank Mr. FLAKE, and say that the Republicans on the committee are supportive of the amendment.

Mr. FLAKE. I yield back the balance of my time.

Mr. OBERSTAR. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111-311.

Mr. FLAKE. I have an amendment at the desk designated as No. 8.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FLAKE:

Page 182, after line 14, insert the following:

(g) PROHIBITION ON EARMARKS.—None of the funds appropriated for the Fishing Safety Research Grant Program pursuant to section 4502(j) of title 46, United States Code, as amended by this section, may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

The Acting CHAIR. Pursuant to House Resolution 853, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment is identical. It simply deals with a separate grant program established by the underlying bill. This one would refer to the Fishing Safety Grant, the fishing Safety Research Grant program, whereas the last one was the Fishing Safety Training Grants program. So I believe the same arguments apply here.

And with that, if the gentleman will agree to accept the amendment again, then I'll be prepared to yield back the balance of my time. But for now, I'll reserve.

Mr. OBERSTAR. I rise to claim time in opposition, though I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Minnesota is recognized.

There was no objection.

Mr. OBERSTAR. The language of this provision is similar to the pre-

vious: to establish a Fishing Safety Research Grant program for academia, members of nonprofit organizations, businesses involved in fishing and mariculture, to conduct research on methods of improving the safety of commercial fishing industry, vessel design, survival equipment.

The gentleman ought to be very concerned about survival equipment. He's a survivor himself. Vessel monitoring systems, de-icing technology and severe weather detection, the gentleman had none of those on the island. He didn't have any equipment to detect severe weather or absence of water. He didn't have a water finder; he had to create his own water using the sun. So he's the antithesis of this language.

But the issue is not the underlying policy. The issue really is competitive basis award of grants. I think the gentleman's language will reinforce the purpose of the committee.

Does the gentleman from Maryland wish to be heard?

Mr. CUMMINGS. Once again, I thank you, Mr. Chairman, for laying that out. And I thank the gentleman for his vigilance with regard to these types of issues. Similar to the previous amendment offered by Mr. FLAKE, which prohibits earmarking of the grants to be awarded under the Fishing and Safety Training Grant program, this amendment would prohibit earmarking of the grants authorized by H.R. 3619. The Fishing Safety Research grant is a complement of the Fishing Safety Training program. The research grant program would provide funding to individuals in academia, members of nonprofit organizations and businesses involved in fishing and other maritime matters and other persons with expertise in the fishing industry to support research to identify measures that will improve safety in this industry. And of course these would be bid on a competitive basis.

But the one thing I did want to say, and I know that the chairman of the committee will agree with me, I must give a lot of credit to Congressman BARNEY FRANK, who worked tirelessly on these issues. And I know I've had at least 10 to 12 conversations with him. I know he's met with the chairman, and I just wanted to make sure that we gave him credit because he has championed this like nobody I've ever known, and I just wanted to say that.

Mr. OBERSTAR. I thank the gentleman for pointing that out, that the gentleman from Massachusetts (Mr. FRANK) has been a vigorous advocate for his fishing community, which is largely a Portuguese immigrant community of long ancestry; and he really has been a strong advocate, along with Mr. YOUNG of Alaska.

I reserve the balance of my time.

Mr. FLAKE. I yield back the balance of my time.

Mr. OBERSTAR. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

□ 0930

AMENDMENT NO. 9 OFFERED BY MRS. KIRKPATRICK OF ARIZONA

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111-311.

Mrs. KIRKPATRICK of Arizona. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. KIRKPATRICK of Arizona:

Page 312, after line 22, add the following new section:

SEC. ____ STRATEGY REGARDING DRUG TRAFFICKING VESSELS.

Within 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating, acting through the Commandant of the Coast Guard, shall develop a comprehensive strategy to combat the illicit flow of narcotics, weapons, bulk cash, and other contraband through the use of submersible and semi-submersible vessels. The strategy shall be developed in coordination with other Federal agencies engaged in detection, interdiction, or apprehension of such vessels. At a minimum, the strategy shall include the following:

(1) An assessment of the threats posed by submersible and semi-submersible vessels, including the number of such vessels that have been detected or interdicted.

(2) Information regarding the Federal personnel, technology and other resources available to detect and interdict such vessels.

(3) An explanation of the Coast Guard's plan, working with other Federal agencies as appropriate, to detect and interdict such vessels.

(4) An assessment of additional personnel, technology, or other resources necessary to address such vessels.

The Acting CHAIRMAN. Pursuant to House Resolution 853, the gentlewoman from Arizona (Mrs. KIRKPATRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

Mrs. KIRKPATRICK of Arizona. Mr. Chairman, I offer this amendment today because, while I speak about securing our borders to stop the illegal crossings of drugs, weapons, and people, it is important to remember that our physical border is just one line of defense.

Our fight against the drug cartels—which operate the smuggling routes—actually begins in the jungles of South America. Much of the cocaine that enters the United States today originates in South America before working its way north. For years, the United States, Colombian, and Mexican governments have increasingly cracked down on the major smuggling routes.

As these paths have been squeezed, the cartels have found new and innovative ways to move their product. Recently, the traffickers have begun resorting to semi-submersibles, which are submarine-like boats that skim just below the surface of the water.

To further avoid detection, these boats incorporate advanced technology, including a design that reduces their ability to be detected by radar and utilizing water-cooled exhaust mufflers to reduce their heat signal. They can travel up to 3,000 miles without stopping for refueling, allowing crews to move cocaine from secret shipyards along the Colombian coast to safe harbors in Mexico where they join the land trafficking routes that take the drugs across the land border and into the United States.

With these advances, semi-submersibles are extremely difficult for authorities to track or even locate once they take to sea.

With an estimated 70 boats being deployed this year alone with the sustaining cargo capabilities of up to 10 tons, it is not surprising that over one-third of the cocaine reaching the United States is shipped this way. Even worse, these boats can just as easily be used to smuggle weapons or potential terrorists into the country.

Although the Coast Guard does an excellent job with the resources available to stop these vessels, the fact remains that it is a tough task, and only a small percentage of semi-submersibles are captured.

My amendment calls on the Coast Guard to establish a comprehensive strategy to combat the illegal flow of narcotics, weapons, bulk cash, and other contraband through the use of semi-submersible and submersible vessels.

Mr. OBERSTAR. Will the gentleman yield?

Mrs. KIRKPATRICK of Arizona. Yes, I'll yield.

Mr. OBERSTAR. Even as we discussed this amendment, the U.S. Coast Guard has interdicted a self-propelled semi-submersible vessel in the Eastern Pacific with a multi-ton load of narcotics on board. Smuggling using submersible and semi-submersibles have become a part of the increasingly sophisticated smuggling operation.

We accept the gentleman's amendment.

Mrs. KIRKPATRICK of Arizona. Thank you.

As part of this plan, the Coast Guard will address what additional resources they need to get the job done so we can make sure they get the help they need. Our fight against the cartels is constantly evolving, and we must continue to support those on the front line in adapting new strategies.

Therefore, I hope my colleagues will join me in supporting this amendment. I reserve the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I rise to claim time in opposition although I am not in opposition.

The Acting CHAIR. Without objection, the Chair recognizes the gentleman from New Jersey for 5 minutes.

There was no objection.

Mr. LOBIONDO. As the gentlelady stated and the chairman stated, this is something that the Coast Guard plays a critical role in their interdiction. We have dealt with the issue of submersibles and semi-submersibles to combat the growing drug threat. We need to give the Coast Guard the authority to do this.

We're happy to support the amendment.

I reserve the balance of my time.

Mrs. KIRKPATRICK of Arizona. I reserve the balance of my time.

Mr. CUMMINGS. Will the gentlelady yield?

Mrs. KIRKPATRICK of Arizona. Yes, I'll yield.

Mr. CUMMINGS. Thank you very much.

I'll be very brief, Mr. Chairman.

First of all, I want to congratulate Mrs. KIRKPATRICK for this outstanding amendment. As our ranking member said, this is something the committee has been addressing for a while. But what we now want to do is make sure that the efforts of the Coast Guard are most effective and efficient, and the study and looking into this is what this is all about. And I think this will allow us to accomplish a lot more with regard to the equipment that we have.

I've actually seen these submersibles many times. As a matter of fact, I was just in Colombia and Mexico and actually saw them and saw they had been used to get around the Coast Guard.

And I know for a fact that they welcome this amendment, and I want to thank you very much because basically what you've done, Mrs. KIRKPATRICK, is you've made a very good bill even better.

Mrs. KIRKPATRICK of Arizona. I yield back the balance of my time.

Mr. LOBIONDO. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlelady from Arizona (Mrs. KIRKPATRICK).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. KRATOVIL

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111-311.

Mr. KRATOVIL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. KRATOVIL:

Page 312, after line 22, add the following new section:

SEC. ____ . REPORT ON THE EFFECT OF FACILITY INFRASTRUCTURE ON MISSION FULFILLMENT.

(a) STUDY.—The Commandant of the Coast Guard shall conduct a national study on the facility infrastructure requirements needed to fulfill the Coast Guard's prescribed missions and capabilities, and ensure that the department in which the Coast Guard is operating maintains the ability to utilize the latest technologies.

(b) REPORT.—Within 180 days after the date of enactment of this Act, the Commandant shall submit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The report shall include—

(1) an assessment of any current shortfalls in facility infrastructure, including the extent of the use of temporary trailers and an inventory of the number and type of new facilities needed to meet the Coast Guards' mission needs; and

(2) a plan for how the Commandant will develop the appropriate facility infrastructure, including timelines, budgets, and any additional legislative authority the Commandant determines is required to implement such plan.

The Acting CHAIR. Pursuant to House Resolution 853, the gentleman from Maryland (Mr. KRATOVIL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. KRATOVIL. Mr. Chairman, I rise in support of my amendment to H.R. 3619 because I believe it is our duty to ensure the Coast Guard has top-notch facilities and infrastructure in order to effectively play its part in keeping America safe.

My amendment requires the Commandant of the Coast Guard to conduct a national study on the facility infrastructure requirements needed to fulfill the Coast Guard's prescribed mission and capabilities. This amendment is needed to assess the prevalence and effects of the Coast Guard operating out of temporary facilities and buildings.

In Maryland's First District, my district, as an example, the Coast Guard is operating out of a double-wide temporary trailer shared with NOAA operations in Oxford, Maryland. The Oxford Coast Guard does not own its own pier and must lease space from a commercial pier nearly 1 mile away from the temporary trailer. This temporary arrangement could be, obviously, affecting operations and mission capability.

My amendment requires a report to Congress that must include an assessment of any shortfalls in facility infrastructure, including the extent of the use of temporary trailers, an inventory of the number and type of new facilities needed to meet the service's mission, and a plan for how the Commandant of the Coast Guard will develop the appropriate facility infrastructure, including timelines, budgets, and additional legislative authority

the Commandant determines is required to implement the plan.

Mr. Chairman, my amendment is a commonsense means towards ensuring those entrusted with protecting our coasts and shorelines are being given the right tools and facilities to do so effectively.

I urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I claim time in opposition although I am not in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. LOBIONDO. Mr. Chairman, we have no objection to the gentleman's amendment. The Committee on Transportation and Infrastructure has repeatedly requested information on the condition and the need for additional Coast Guard shoreside facilities. The gentleman's amendment would require the service to submit a report detailing current shortfalls and future shoreside needs.

We congratulate the gentleman. We fully support the amendment.

I yield back the balance of my time.

Mr. OBERSTAR. Will the gentleman yield?

Mr. KRATOVIL. The gentleman will yield.

Mr. OBERSTAR. I compliment the gentleman on this amendment. As Mr. LOBIONDO said just a moment ago, there are serious needs, a \$1 billion backlog in the Coast Guard's shore construction program, and the gentleman's amendment is right on point, and I commend him for offering it.

And if the gentleman would yield to the Chair of the subcommittee, I'd appreciate it.

Mr. KRATOVIL. I will yield.

Mr. CUMMINGS. I rise in very strong support of the amendment offered by my colleague from Maryland (Mr. KRATOVIL). This amendment will require the Coast Guard to develop a national inventory of its office buildings and other facilities to assess its facilities' shortfalls. However, we realize there is a service backlog, as the chairman just said, of \$1 billion, a shore facility repair backlog, that is.

So basically what this will do is allow the Coast Guard to more effectively and efficiently address this backlog.

And again, this is a very thoughtful amendment. I want to congratulate the Congressman and sponsor for submitting it. And again, I strongly support it and would urge our colleagues to vote for it.

Mr. KRATOVIL. Mr. Chairman, I want to thank the chairmen of the committee and the subcommittee for their leadership. I appreciate and also thank the other side of the aisle for their support and urge my colleagues to support this amendment.

I yield back my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. KRATOVIL).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. KRATOVIL. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. NYE

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111-311.

Mr. NYE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. NYE:

Page 312, after line 22, insert the following new section:

SEC. ____ AUTHORITY OF THE COAST GUARD TO CARRY OUT ITS HOMELAND SECURITY MISSIONS.

The provisions of this Act that relate to the Coast Guard's marine safety mission shall not impair the authority of the Coast Guard to carry out its homeland security missions, including—

(1) protecting ports, waterways, and marine transportation systems in the United States from acts of terrorism;

(2) safeguarding the United States' international borders from maritime intrusions by aliens seeking unlawful entry into the United States, and from individuals who aim to traffic in illegal drugs, firearms, and weapons of mass destruction in the United States;

(3) maintaining defense readiness, as one of the armed forces, to rapidly mobilize and deploy defensive security personnel during a national emergency;

(4) coordinating efforts with Federal, State, and local intelligence agencies to deter, detect, and take action against acts of terrorism;

(5) preventing human smuggling operations at ports, on waterways, and throughout the marine transportation system; and

(6) enhancing stability in the United States in support of the national security strategy of the United States as referred to in section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

The Acting CHAIR. Pursuant to House Resolution 853, the gentleman from Virginia (Mr. NYE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. NYE. Mr. Chairman, today I rise to urge my colleagues to support a commonsense, yet necessary, amendment which will make clear the Coast Guard's critical role in the homeland security of America.

The Coast Guard security mission is not new. Since 1790, the Coast Guard has served as America's principal law-of-the-sea entity with a maritime responsibility of 6 million square miles. However, today the Coast Guard must

manage multiple security responsibilities as it faces the extremely difficult challenge of enforcing increasingly complex laws against highly sophisticated adversaries.

Since 9/11, the U.S. has expanded dramatically its port security activities to the more than 300 U.S. ports and millions of Americans who live, work, or recreate near them. This is especially important to my constituents in Hampton Roads. I represent one of the largest ports in the United States, the Port of Virginia. The Port of Virginia is the deepest, newest, and biggest port on the east coast, capable of handling ships loaded 26 containers across.

Last month alone, Virginia's Norfolk International Terminal processed 89,359 container units. With the expanded reopening of the Panama Canal in 2014, the port will only grow, and it will be the mission of the Coast Guard to ensure the safety of all of those affected by its commerce.

The purpose of this amendment is simple. The Coast Guard is a multiple-mission armed force that must have uninhibited freedom to flex its military and security powers and respond to numerous concerns and threats in the maritime domain. This amendment makes clear that this is the most important mission of the Coast Guard, and nothing shall hinder that responsibility.

It is important to note that this amendment does not create new authorizations. It simply makes clear the continued importance of protecting our waterways and ports, maintaining defense readiness and coastal security, and securing our borders against aliens seeking to unlawfully enter the United States.

Americans deserve to know that they will continue to be safe from maritime threats. This amendment does just that by clarifying the Coast Guard's homeland security missions.

I commend to all of my colleagues this commonsense amendment, and I urge its support.

With that, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Chairman, we accept the gentleman's amendment.

Mr. CUMMINGS. Will the gentleman yield?

Mr. NYE. I will yield.

Mr. CUMMINGS. I want to thank the gentleman for yielding.

Mr. Chairman, I rise to support the amendment offered by the gentleman from Virginia (Mr. NYE). It's an outstanding amendment. This amendment states that none of the provisions relating to marine safety included in H.R. 3619 would impair the authority of the Coast Guard to carry out its homeland security missions.

I support the amendment and its intention, and I urge its adoption.

That said, the Transportation Committee and the Coast Guard Subcommittee have examined the Coast

Guard's performance of its marine safety mission in great detail and have significant concerns that the service has assigned inexperienced and unqualified individuals to conduct casualty investigations, vessel inspections, and other marine-safety functions.

The shortcomings in the program have been well documented by the Homeland Security's inspector general, by retired Coast Guard Vice Admiral James C. Card, and by the committee's own examination of the Cosco Busan allision in San Francisco. And so certainly the provisions of this amendment will be extremely helpful in helping us again help the Coast Guard be most effective and efficient in its efforts, and it can only improve the bill and improve an already great organization, the United States Coast Guard, our thin blue line at sea.

Mr. OBERSTAR. Mr. Chair, I support the amendment offered by the gentleman from Virginia (Mr. NYE) for the following reasons:

The amendment specifies that the marine safety provisions in H.R. 3619 shall not impair the authority of the Coast Guard to carry out its homeland security missions.

The Coast Guard constantly monitors maritime transit zones and the Service's law enforcement authority enables it to apprehend foreign fishing vessels engaged in poaching and interdict vessels carrying illegal drugs, firearms and undocumented migrants.

The Committee has held several hearings regarding the Coast Guard's marine safety program over the past three years. Commandant Thad Allen was very concerned about the condition of the marine safety program, so he asked retired Admiral Jim Card to conduct a thorough analysis of the program. Admiral Card confirmed all of the problems that had been raised by industry and mariners during these hearings. H.R. 3619 addresses these programmatic shortfalls in the marine safety program.

The Coast Guard is a multi-mission agency and it is important that it carries out all of its missions in an effective manner—from marine safety and search and rescue, to homeland security.

Therefore, I support the gentleman's amendment that clarifies that nothing in the marine safety portions of H.R. 3619 will affect the Coast Guard's legal authority to execute its homeland security mission.

I urge my colleagues to join me in supporting this amendment.

□ 0945

Mr. NYE. I thank the chairmen of the committee and the subcommittee for their support, and I yield back the balance my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. NYE).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. OBERSTAR

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111-311.

Mr. OBERSTAR. I rise as the designee of Mr. STUPAK to offer the amendment on his behalf.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. OBERSTAR:

At the end of title 11, add the following new section:

SEC. _____. The Commandant of the Coast Guard shall conduct a study and analysis of the feasibility of the restoring the Fresnel Lens in the Presque Isle Light House in Presque Isle, Michigan to operating condition to meet the safety needs of commerce and submit within 180 days the report to the Transportation & Infrastructure Committee after the date of enactment of this Act.

The Acting CHAIR. Pursuant to House Resolution 853, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, the Presque Isle Lighthouse at Presque Isle Township on the Upper Peninsula of Michigan is very important, has served a very important navigational purpose over many, many years on those stormy waters of Lake Superior. Those are treacherous waters. Unlike the ocean where waves have a long distance, hundreds of miles to play themselves out, the waters of the Great Lakes, and particularly of Lake Superior, even with a surface of 33,000 square miles, are short and choppy and harsh and brutal in the coming months of November, December, January, February.

The Presque Isle Lighthouse has saved many a mariner. It continues to operate, but its light has been replaced by one of more modern quality and capability with much greater candle power, much greater visibility, and longer distance than the Fresnel lens that the Coast Guard has used for probably 150 years; not only the Coast Guard, but other marine navigation services. Fresnel lenses are treasured historical pieces, but they are not navigational pieces any longer.

The gentleman's amendment would require the Coast Guard to do a study of the feasibility of reinstalling the Fresnel lens in the lighthouse in a condition so that it can provide safe navigation to commercial vessels on Lake Huron or at the juncture point of the upper waters and also serve as a supplement to the existing light.

I support the gentleman's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LOBIONDO. We are happy to support the gentleman's amendment.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. LOBIONDO

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111-311.

Mr. LOBIONDO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. LOBIONDO:

Page 312, after line 22, add the following new section:

SEC. _____. **USE OF FORCE AGAINST PIRACY.**

(a) IN GENERAL.—Notwithstanding title X of this Act, chapter 81 of title 46, United States Code, is amended by adding at the end the following new section:

“§ 8107. **Use of force against piracy**

“(a) **LIMITATION ON LIABILITY.**—An owner, operator, time charterer, master, or mariner who uses force, or authorizes the use of force, to defend a vessel of the United States against an act of piracy shall not be liable for any injury or death caused by such force to any person participating in the act of piracy.

“(b) **PROMOTION OF COORDINATED ACTION.**—To carry out the purpose of this section, the Secretary of the department in which the Coast Guard is operating shall work through the International Maritime Organization to establish agreements to promote coordinated action among flag-and port-states to deter, protect against, and rapidly respond to acts of piracy against the vessels of, and in the waters under the jurisdiction of, those nations, and to ensure limitations on liability similar to those established by subsection (a).”.

(b) **CLERICAL AMENDMENT.**—The analysis at the beginning of such chapter is amended by adding at the end the following new item:

“§ 8107. Use of force against piracy”.

The Acting CHAIR. Pursuant to House Resolution 853, the gentleman from New Jersey (Mr. LOBIONDO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. LOBIONDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, earlier this year, pirates attacked two American-flag vessels transiting waters off the Horn of Africa. If it were not for the heroic actions of our Special Forces, the bravery of the captain and the crew of these vessels, a terrible tragedy would have been at hand. Just yesterday we got reports that a Panamanian-flagged vessel had been seized by pirates with hostages being taken. We cannot allow this to continue.

Knowing this would be an ongoing problem, the bill, as it was reported from the Transportation and Infrastructure Committee, included a very carefully worked out bipartisan agreement that we worked with Mr. OBERSTAR, Mr. CUMMINGS, Mr. MICA, and myself that would shield U.S. merchant mariners, ship owners, operators, and captains from liabilities in U.S. courts following any action taken to

defend a U.S.-flagged vessel, for instance, taken to defend the United States of America against a pirate attack.

Unfortunately, the Judiciary Committee objected and requested Chairman OBERSTAR add language to his recently adopted manager's amendment that appears to be an entanglement for getting the right thing done. The way the Judiciary Committee has worded this in the manager's amendment, a crewmember would be forced to go through a checklist in his mind or her mind of what legal entanglements could occur because of this.

The language in the manager's amendment only grants relief liability to the crew owner, meaning the vessel owners or operators and captains would still be sued. They would not be held without harm. They would have monetary damages, possibly.

Our amendment restores this bipartisan agreement. It's a commonsense agreement, something that the people on the committee worked out. It makes no sense in the heat of an attack, when you have got pirates coming at a U.S.-flagged vessel with automatic machine gunfire, with rocket-propelled grenades, or whatever else may happen, to suggest that a crewmember is going to be able to take the time to check through what is substantially or in excess of whatever the case is. We need to protect American interests.

Under our amendment, an American crewmember would only need to prove that the person attacking the vessel was a pirate in order to receive liability relief.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. SCOTT of Virginia. Mr. Chairman, I fully share the desire of the sponsor of the amendment to effectively combat piracy on the high seas, but I hope this amendment will not be adopted.

As he has pointed out, the manager's amendment does address this issue and does so consistently with well-established, long-observed legal traditions which go back to the ancient civilizations of Rome and Babylon. The language in the bill, now with the manager's amendment, incorporated language of the Transportation and Infrastructure and the Judiciary Committee in place of what was in the introduced bill.

Now this amendment, unfortunately, goes too far. It grants absolute immunity within the United States on our lakes and rivers to violence against our own citizens. Now, the difference in the two provisions, one carefully crafted by the Judiciary Committee and now the

one being offered on the floor, is not about enabling ships' crews to respond to piracy. Both do that fine. The difference is that this amendment would eliminate all legal restraints. There will be no legal accountability, not even under criminal law. When they say no liability, the way the bill is drafted, it would be you could commit crimes against people and still be exempt.

Now, I can't imagine that the sponsor actually meant to do this. I think he is talking about civil liability. But when he says—the language in the bill, with the manager's amendment, says that you are totally immune unless you knew what you were doing was substantially in excess of what was necessary.

The language in the amendment, however, is not even limited to a civil liability. It's not even limited to during the attack. It could be after the attack when no one is under any danger, and there is no limit on what crimes can be committed at that point.

I would hope, whether this amendment is adopted or not, if there are still concerns about the amendment, that we would work together cooperatively as we go forward to make sure that we give the crewmembers all of the flexibility they need in these situations without going too far and allowing crime and torture and everything else under criminal law.

Mr. Chairman, I reserve the balance of my time.

Mr. LOBIONDO. Mr. Chairman, I yield such time as he may consume to the ranking member of the committee, Mr. MICA.

Mr. MICA. Mr. Chairman, while I know the Judiciary Committee may be well-intended—the Judiciary Committee has the responsibility to make certain and ensure that citizens' rights are protected—we are not talking about any act that is committed within waters of the United States. In fact, there are laws and definitions that rule enforcement and legal proceedings. We are talking about an act of piracy on the high seas.

We are talking about the way the Judiciary Committee has constructed this language that we now have a piracy or a pirate protection provision in the bill that we worked so hard on in a bipartisan manner to make certain that we give every tool possible to those who man our vessels, American-flagged vessels on the high seas, to take on pirates with whatever force they need. We don't need to have a test and read them their Miranda rights and a whole host of normal, civil procedures.

What we need to do is give those who are being attacked, when we see murder and mayhem on the high seas, give them the tools to respond adequately. Just like a citizen would defend their own home or their own property, we

have American-flagged vessels that deserve the protection of the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

I urge its adoption.

Mr. SCOTT of Virginia. Mr. Chairman, I would like to pose a couple of questions to the sponsor of the amendment, if he would respond.

My first question would be whether it's his intent, because the language under the amendment does not limit it to the high seas, is it your intent to limit this application to high seas?

I yield to the gentleman.

Mr. LOBIONDO. Well, under title 18, an act of piracy is defined as happening on the high seas. The intention is to defend against an act of piracy and, as defined by law, it has to be on the high seas.

Mr. SCOTT of Virginia. Reclaiming my time, I would ask another question, Mr. Chairman.

Is it your intent to limit this to the application of civil law and not criminal law? Would you exempt owners and operators from criminal acts?

Mr. LOBIONDO. Yes.

Mr. SCOTT of Virginia. Yes, you do exempt them from criminal acts?

Mr. LOBIONDO. For civil.

Mr. SCOTT of Virginia. Just civil.

Mr. LOBIONDO. Just civil.

Mr. SCOTT of Virginia. Reclaiming my time, Mr. Chairman, I think the wording, as it is, says that an owner-operator who uses force or authorized the use of force to defend a vessel of the United States against an act of piracy shall not be liable for any injury or death caused by such force.

That does not limit it, in its present version, to civil. It would actually exempt him from any liability, that would include criminal. I would hope that the gentleman, whatever happens to the amendment, would work cooperatively so that we would limit it to the intent as he has articulated today.

Mr. LOBIONDO. We certainly would be happy to work with you to make sure that we are in synchronization with what we are all understanding.

Mr. SCOTT of Virginia. Mr. Chairman, I yield back the balance of my time.

Mr. LOBIONDO. Just to close, again, the manager's amendment, the crewmember of the vessel would have to prove in court that he knew at the time, she knew at the time, that the defensive actions were not substantially in excess of what is reasonable. That's not what's going to happen if a piracy attack occurs.

I don't think any Members are going to even want to be close to voting for a piracy protection provision in line with what's going on. What does substantially in excess of reasonable mean? A crewmember is going to have to think through this checklist as a pirate attack is happening?

That's not what we have in mind. I don't think it's the right way to go. I

would urge all of our Members to vote in favor of this amendment to make sure that U.S. interests are protected.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the amendment printed in House Report 111-311 on which further proceedings were postponed:

Amendment No. 10 by Mr. KRATOVIL of Maryland.

AMENDMENT NO. 10 OFFERED BY MR. KRATOVIL

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. KRATOVIL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 398, noes 0, not voting 40, as follows:

[Roll No. 812]

AYES—398

Ackerman	Brown-Waite,	Davis (CA)
Aderholt	Ginny	Davis (IL)
Adler (NJ)	Buchanan	Davis (KY)
Akin	Burgess	Deal (GA)
Alexander	Burton (IN)	DeFazio
Altmire	Butterfield	DeGette
Andrews	Camp	Delahunt
Arcuri	Campbell	DeLauro
Austria	Cantor	Dent
Bachmann	Cao	Diaz-Balart, L.
Bachus	Capito	Diaz-Balart, M.
Baird	Capps	Dicks
Baldwin	Carnahan	Dingell
Barrow	Carney	Doggett
Bartlett	Carson (IN)	Donnelly (IN)
Barton (TX)	Carter	Doyle
Becerra	Cassidy	Driehaus
Berkley	Castle	Duncan
Berman	Castor (FL)	Edwards (MD)
Berry	Chaffetz	Edwards (TX)
Bilbray	Chandler	Ehlers
Bilirakis	Childers	Ellison
Bishop (NY)	Christensen	Ellsworth
Blackburn	Chu	Emerson
Blumenauer	Clarke	Eshoo
Blunt	Clay	Etheridge
Bocieri	Cleaver	Fallin
Boehner	Clyburn	Farr
Bonner	Coble	Fattah
Bono Mack	Coffman (CO)	Finer
Boozman	Cohen	Flake
Bordallo	Cole	Fleming
Boren	Conaway	Fortenberry
Boswell	Connolly (VA)	Foster
Boucher	Conyers	Fox
Boustany	Cooper	Frank (MA)
Boyd	Costa	Frank (AZ)
Brady (PA)	Costello	Frelinghuysen
Brady (TX)	Courtney	Fudge
Bright	Crenshaw	Gallegly
Brown (GA)	Crowley	Garrett (NJ)
Brown (SC)	Cuellar	Gerlach
Brown, Corrine	Cummings	Giffords
	Dahlkemper	Gingrey (GA)

Gonzalez	Mack	Ros-Lehtinen
Goodlatte	Manzullo	Roskam
Gordon (TN)	Marchant	Ross
Granger	Markey (CO)	Rothman (NJ)
Graves	Markey (MA)	Roybal-Allard
Grayson	Marshall	Royce
Green, Al	Massa	Ruppersberger
Green, Gene	Matheson	Ryan (OH)
Griffith	Matsui	Ryan (WI)
Grijalva	McCarthy (CA)	Sablan
Guthrie	McCarthy (NY)	Salazar
Gutierrez	McClintock	Sánchez, Linda
Hall (NY)	McCollum	T.
Hall (TX)	McCotter	Sanchez, Loretta
Halvorson	McDermott	Sarbanes
Hare	McGovern	Scalise
Harman	McHenry	Schakowsky
Harper	McIntyre	Schauer
Hastings (FL)	McKeon	Schiff
Hastings (WA)	McMahon	Schmidt
Heinrich	McMorris	Schock
Heller	Rodgers	Schrader
Hensarling	McNerney	Schwartz
Herger	Meek (FL)	Scott (GA)
Herseeth Sandlin	Meeks (NY)	Scott (VA)
Hill	Mica	Sensenbrenner
Himes	Michaud	Serrano
Hincheey	Miller (FL)	Sessions
Hirono	Miller (MI)	Sestak
Hodes	Miller (NC)	Shadegg
Hoekstra	Miller, Gary	Shea-Porter
Holden	Miller, George	Sherman
Holt	Minnick	Shimkus
Hoyer	Mitchell	Shuler
Hunter	Mollohan	Shuster
Inglis	Moore (KS)	Simpson
Israel	Moore (WI)	Sires
Issa	Moran (KS)	Skelton
Jackson (IL)	Moran (VA)	Slaughter
Jackson-Lee	Murphy (CT)	Smith (NE)
(TX)	Murphy (NY)	Smith (NJ)
Jenkins	Murphy, Patrick	Smith (TX)
Johnson (GA)	Murphy, Tim	Smith (WA)
Johnson (IL)	Murtha	Snyder
Johnson, E. B.	Myrick	Souder
Johnson, Sam	Napolitano	Space
Jordan (OH)	Neal (MA)	Speier
Kagen	Neugebauer	Spratt
Kanjorski	Norton	Stark
Kaptur	Nunes	Stearns
Kennedy	Nye	Stupak
Kildee	Oberstar	Sullivan
Kilpatrick (MI)	Obey	Sutton
Kilroy	Olson	Tanner
Kind	Olver	Taylor
King (IA)	Ortiz	Teague
King (NY)	Pallone	Terry
Kingston	Pascarell	Thompson (CA)
Kirk	Pastor (AZ)	Thompson (MS)
Kirkpatrick (AZ)	Paul	Thompson (PA)
Kissell	Paulsen	Tiahrt
Klein (FL)	Payne	Tiberi
Kline (MN)	Pence	Tierney
Kosmas	Perlmutter	Titus
Kratovil	Perriello	Tonko
Kucinich	Peters	Towns
Lamborn	Peterson	Tsongas
Lance	Petri	Turner
Langevin	Pierluisi	Upton
Larsen (WA)	Pingree (ME)	Van Hollen
Larson (CT)	Pitts	Velázquez
Latham	Platts	Visclosky
LaTourette	Poe (TX)	Walz
Latta	Polis (CO)	Wasserman
Lee (CA)	Pomeroy	Schultz
Lee (NY)	Posey	Waters
Levin	Price (GA)	Watson
Lewis (CA)	Putnam	Watt
Lewis (GA)	Quigley	Waxman
Linder	Radanovich	Weiner
Lipinski	Rahall	Welch
LoBiondo	Rangel	Westmoreland
Loeb sack	Rehberg	Whitfield
Lowey	Reichert	Wilson (OH)
Lucase	Reyes	Wilson (SC)
Luetkemeyer	Rodriguez	Wittman
Lujan	Roe (TN)	Wolf
Lummis	Rogers (AL)	Woolsey
Lungren, Daniel	Rogers (KY)	Wu
E.	Rohrabacher	Yarmuth
Lynch	Rooney	Young (FL)

NOT VOTING—40

Abercrombie	Barrett (SC)	Biggert
Baca	Bean	Bishop (GA)

Bishop (UT)	Forbes	Nadler (NY)
Braley (IA)	Gohmert	Price (NC)
Buyer	Higgins	Richardson
Calvert	Hinojosa	Rogers (MI)
Capuano	Honda	Rush
Cardoza	Inslee	Thornberry
Culberson	Jones	Walden
Davis (AL)	Loftgren, Zoe	Wamp
Davis (TN)	Maffei	Wexler
Dreier	Maloney	Young (AK)
Engel	McCaul	
Faleomavaega	Melancon	

□ 1040

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. ROGERS of Michigan. Mr. Chairman, on rollcall No. 812 I was not able to vote on the House floor on the amendment to H.R. 3619, the Coast Guard Authorization Act offered by Representative KRATOVIL due to a family matter. Had I been present, I would have voted "yea."

Mr. CALVERT. Mr. Chairman, on rollcall No. 812 the amendment offered by Representative KRATOVIL from Maryland, which requires the USCG to conduct a study on the facility infrastructure requirements needed to fulfill the Coast Guard's missions and capabilities and report the findings within 180 days. Had I been present, I would have voted "aye."

The Acting CHAIR. No further amendments being in order, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. PASTOR of Arizona, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3619) to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes, pursuant to House Resolution 853, he reported the bill, as amended pursuant to that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 853, the question on adoption of the further amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 385, nays 11, not voting 36, as follows:

[Roll No. 813]
YEAS—385

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (NY)
Blackburn
Blumenauer
Blunt
Bocciari
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Bright
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Camp
Campbell
Cantor
Cao
Capito
Capps
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cuellar
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.

Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fleming
Fortenberry
Foster
Fox
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Himes
Hinchey
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell

Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungrén, Daniel
E.
Lynch
Mack
Manzullo
Marchant
Markley (CO)
Markley (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarelli
Pastor (AZ)
Paulsen
Payne
Pence
Perlmutter

Perriello
Peters
Peterson
Petri
Pierree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta

Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner

NAYS—11

King (IA)
Paul
Royce
Ryan (WI)

Broun (GA)
Courtney
Flake
Franks (AZ)

Sensenbrenner
Shadegg
Tiahrt

NOT VOTING—36

Abercrombie
Baca
Barrett (SC)
Bean
Biggart
Bishop (GA)
Bishop (UT)
Boyd
Braley (IA)
Buyer
Calvert
Capuano
Cardoza
Culberson
Davis (AL)
Davis (TN)
Dreier
Forbes
Gohmert
Higgins
Hinojosa
Inslee
Jones
Lofgren, Zoe

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). One minute is left in the vote.

□ 1057

So the bill was passed.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ROGERS of Michigan. Mr. Speaker, on rollcall No. 813 I was not able to vote on the House floor on the passage of H.R. 3619, the Coast Guard Authorization Act due to a family matter. Had I been present, I would have voted "aye."

Mr. CALVERT. Mr. Speaker, on rollcall No. 813, final passage of the Fiscal Year 2010 U.S. Coast Guard Authorization Act, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. CARDOZA. Mr. Speaker, I was unable to be present for several votes taken on the House floor today, Friday, October 23, 2009, due to illness. As a result, I missed rollcall votes Nos. 812 and 813.

Had I been present: On rollcall vote No. 812 I would have voted "aye" and on rollcall vote No. 813 I would have voted "yea."

PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Mr. Speaker, I missed votes on Friday, October 23, 2009. If I were present, I would have voted: "aye" on rollcall No. 812, On Agreeing to the Kratovil of Maryland Amendment to H.R. 3619 and "yea" on rollcall No. 813, On Final Passage of H.R. 3619, the Coast Guard Authorization Act of 2010.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3619, COAST GUARD AUTHORIZATION ACT OF 2010

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 3619, to include corrections in spelling, punctuation, section numbering, cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

□ 1100

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, at this time, I'd like to yield to my friend, the gentleman from Maryland (Mr. HOYER) the majority leader, for the purposes of finding out about next week's schedule. And I yield.

Mr. HOYER. I thank the gentleman for yielding.

Mr. Speaker, on Monday the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business with votes postponed until 6:30 p.m. On Tuesday the House will meet at 10:30 a.m. for morning-hour debate and noon for legislative business. On Wednesday and Thursday the House will meet at 10 a.m. for legislative business, and on Friday the House will meet at 9 a.m.

We'll consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business today. In addition, Mr. Speaker, we will consider H.R. 3854, the Small Business Financing and Investment Act of 2009. We also will consider the conference report, H.R. 2996, on the Department of the Interior, Environment and Related Agencies Appropriations Act, and also a House joint resolution making further appropriations for fiscal year 2010, and for other purposes, otherwise known as a CR. The CR, as the gentleman from

Virginia knows, will run out on the 31st of this month.

I yield back.

Mr. CANTOR. I thank the gentleman. Mr. Speaker, I'd like to ask the gentleman about some reports that we've been hearing about other bills that could perhaps come to the floor next week, and I wonder if he could add some clarity to that. There have been reports that perhaps an estate tax bill would be coming to the floor next week. And I yield.

Mr. HOYER. I thank the gentleman. We're working with the Ways and Means Committee and would like to bring to this floor in the next few weeks, at least, if not next week, a bill to deal with the estate tax issue.

Mr. CANTOR. I thank the gentleman and, Mr. Speaker, would ask further whether we can expect that bill to include the statutory PAYGO provisions and whether that bill would be compliant with those provisions. And I yield.

Mr. HOYER. Yes on both questions. We will probably have, either in the bill or by rule, we'll adopt statutory PAYGO, which we pledged to do in our budget, as you know, and it will be compliant.

Mr. CANTOR. I thank the gentleman, Mr. Speaker, and I just wanted to reiterate so, in my understanding, that would mean that the estate tax bill would be paid for if it came to the floor of the House. I yield.

Mr. HOYER. I thank the gentleman for yielding. As the gentleman will recall, I would remind the House, Mr. Speaker, the budget that we passed provided for baseline spending for four items, that is to say, that the baseline which is, essentially, the premise that I think your party has adopted with respect to tax legislation, that the estate tax, the alternative minimum tax, the middle income tax cuts and the so-called "doc fix," the sustainable growth rates, would be scored at baseline, which means effectively you would not pay for them.

And I would expect us to comply with that budget provision, giving those four exceptions of which the estate tax is one.

Mr. CANTOR. I thank the gentleman. And I believe, Mr. Speaker, what I'm hearing is that neither the estate tax bill nor the other items included in the budget resolution passed would be paid for, and that there would be an assumption somehow that that money would just be taken care of. And I yield.

Mr. HOYER. I thank the gentleman for yielding. It's sort of like your assumptions when we have tax bills on the floor, yes.

Mr. CANTOR. Mr. Speaker, I thank the gentleman for that observation. Again, I just wanted to make the point that, again, as we are in unprecedented times incurring debt unlike we have ever in this country, that these obvi-

ously very important bills that need consideration are coming to the floor without being paid for contributing to the exacerbation of the debt situation on our children and their children. I would ask, Mr. Speaker, further—

Mr. HOYER. Would the gentleman yield?

Mr. CANTOR. I would yield to the gentleman, sure.

Mr. HOYER. The gentleman, of course, knows that if we don't act on the estate tax that there will be a great cost next year. The gentleman's aware of that which will itself exacerbate the budget.

Mr. CANTOR. Mr. Speaker, I'd respond to the gentleman, he and I both know that we actually have shared position on the fact that we need to address the uncertainty surrounding the cliff, if you will, in the estate tax expiration of the repeal.

But, again, if we are in the age of being very concerned about the deficit, the Members, I believe, on our side need to know that the bills coming to the floor are not paid for. They may be compliant with provisions in the budget resolution, but simply are not paid for. And the assumptions made about baseline are just those.

Mr. HOYER. Will my friend yield again?

Mr. CANTOR. I yield.

Mr. HOYER. Given my friend's concern, would the gentleman join me in supporting and getting the votes for a statutory PAYGO on its own? I yield back.

Mr. CANTOR. Mr. Speaker—

Mr. HOYER. Because of our concern about the deficit, which I share.

Mr. CANTOR. Mr. Speaker, I would say, that I, as well as other Members of our leadership and our conference certainly would be willing to engage in crafting solutions as to how we go about implementing PAYGO provisions without raising taxes because, as we know now, families across this country are hurting, small businesses are having difficulty keeping lights on. And now, certainly is not the time for us to see increased taxes on the working families or small businesses of this country.

Mr. Speaker, I would ask the gentleman further about what we could expect in terms of the reports surrounding the so-called "doc fix" on the sustainable growth rate formula and whether we can expect such a bill to come to the floor next week and whether that bill would be paid for. And I yield.

Mr. HOYER. I thank the gentleman for yielding. As you know, when the former administration was in office, we regularly passed the doc fix which, as you know, wasn't paid for. We think that's not appropriate. But we agree with you that now is not the time to raise taxes. However, we also understand that if we do not address the sus-

tainable growth rate for doctors, that Medicare recipients won't have doctors to go to. We want to ensure that Medicare recipients do in fact have providers who can meet their medical needs.

As a result, Senator REID, as you know, tried to pass the sustainable growth rate modification so there wouldn't be a 21 percent cut in January to doctors. Unfortunately, all of your party voted against that and 13 of my party voted against that, so it lost 47–53. But we believe that that's going to be addressed one way or another so that we assure and we intend to do that, to assure our Medicare recipients that they will not lose the services of their doctors.

Mr. CANTOR. Mr. Speaker, I'd ask the gentleman again, might we expect that bill to come to the floor next week? And if not, when could we expect such a bill to come to the floor? And I yield.

Mr. HOYER. I thank the gentleman for yielding. I'm not sure that we're going to have it next week, but I can assure the gentleman that we do intend to address the issue so that doctors do not confront a 21 percent cut in their Medicare reimbursements for Medicare patients, yes.

Mr. CANTOR. I thank the gentleman. And if I could, Mr. Speaker, turn the gentleman's attention to the question of the bill that Ranking Member ROSLEHTINEN and Chairman BERMAN are working on in terms of the Iran Refined Petroleum Sanctions Act. This is a bill, Mr. Speaker, that the gentleman has indicated to me, as well as to the chief deputy whip, Mr. MCCARTHY, last week that that bill would be coming to the floor within the next few weeks, and would ask the gentleman, does he expect the bill on the floor next week or the week following? And I yield.

Mr. HOYER. I thank the gentleman for the question. As I have said, Mr. BERMAN expected to mark up the bill, as is my expectation, and Mr. BERMAN will be marking up the bill. As the gentleman probably knows, that bill is subject to joint jurisdiction or co-jurisdiction by three other committees, the Oversight Committee, the Financial Services Committee and the Ways and Means Committee, so they will have to do their work on that bill as well.

But I do look forward to moving that bill, as the gentleman, as I've indicated in the past, and not only that, I want to say to the gentleman, I look forward to discussing it with him in the next couple of days.

Mr. CANTOR. I thank the gentleman for that, and appreciate his efforts to try and bring that bill to the floor. I know he and I share a commitment to try and make that happen as quickly as possible.

Mr. Speaker, I would ask the gentleman where we stand as far as the schedule for November and December.

As we know now, we are within a week or so of the October 30 targeted adjournment. I guess all of us understand that that is not going to be met. But we've not been given a schedule; and as the gentleman knows, Members on his side as well as ours are used to having some advance notice about scheduling their lives and when they can be home with their families, their constituents, when they will be asked to be here in Washington performing their duties. And I don't recall that we've ever been in a situation where there's not been an official schedule issued this far or this close up to an adjournment.

So I'm asking the gentleman, Mr. Speaker, if he could tell us, officially, what the schedule could be for the next month and the month succeeding that. And I yield.

Mr. HOYER. I thank the gentleman for yielding. I have, for at least 3 weeks now, been indicating what I thought the schedule was going to be in November. As you know, a little earlier this week I modified that. As I caveated when I announced that we would be meeting the first and third weeks of November, and not the second week of November—because Veterans Day, which all of our Members want to be home with those memorializing those we have lost in the defense of freedom and celebrating those who have served in defending freedom and democracy. Our Members want to be with their fellow citizens at home accomplishing that objective, including myself and, I'm sure, yourself.

The fact is, however, I also caveated that with, if we could pass health care we may use a portion of that week. Therefore, let me make it very clear officially, if you will, that I do not expect and do not plan that we'll be here Thanksgiving week. I expect us to be here the first and third weeks, from Monday through Friday of November.

On the second week of November, which starts with the 9th of November, I want Members to make available and ask their schedulers now for Saturday the 7th, Monday the 9th and Tuesday the 10th as possible dates, possible on which we would meet. The contingency will be whether or not we can move the health care bill, which we believe is the most important piece of legislation that we'll consider, and probably both sides believe that, whatever their view of what they're going to do on that legislation, that we will consider.

And if, in fact, it's possible to pass it prior to Tuesday the 10th, then we will possibly be in on Saturday the 7th, Monday the 9th and Tuesday the 10th. On Tuesday the 10th we would meet no later than 3 p.m.

In December—I've had discussions with the majority leader in the Senate. We are of the opinion that we certainly ought to make every effort and will make every effort to be out of this session, the first session of this Congress,

by Friday the 18th of December. The following week is Christmas week and we certainly, my view is, want to have people home on Christmas week. And I have no intention of meeting the following week either. We are in discussions about the first, the month of January, not just the first 2 weeks, but the month of January. I'm hopeful that fairly soon I'll be able to announce what we want to do on that.

□ 1115

As a matter of fact, I would be glad to have discussions with the gentleman from Virginia on that issue.

Mr. CANTOR. I appreciate that, Mr. Speaker, and I would just reiterate the custom, which is to release an official schedule so that, as he knows, Members can do their planning.

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. Yes.

Mr. HOYER. We all want that. But I think anyone who has served any time in the House or the Senate knows that as you begin to wind down a session—in this case the first session of this Congress—legislation passing between the two bodies dictates your schedule more than simply arbitrarily saying we'd like to be out on this day. And as a result, we will have to see where we are as we move along.

The Interior bill I was hopeful that we would consider 2 weeks ago, it's on the schedule for this coming week. As you know, we were unable to get to agreement. We now appear to have got an agreement in the conference, and we're ready to move forward.

Mr. CANTOR. I thank the gentleman.

Again, whether we are in or whether we are out, I don't think we're advocating a position of being out and certainly not completing work.

But, again, it is rather unprecedented where we are without the ability for us to have an official schedule, which is why I continue, Mr. Speaker, to prod on this issue.

Mr. Speaker, if I could then turn to the question of the piece of legislation that the gentleman referred to, health care reform, and about its timing and, frankly, the inclusion of a public option.

We've been hearing a tremendous number of reports—many of them conflicting—about what will be the timing of the health care bill coming on the floor of this House, what may be included. Again, we are in a position being kept in the dark, which is rather odd given the repeated insistence by this White House and the President—both as he is our President now and when he was a candidate for President, when he proclaimed that negotiations over important bills—and, of course, this would be one of them—would occur in the light of day and even appear on C-SPAN. That's obviously not been the case.

We've heard yesterday from the Speaker quoted in the press that she had the votes for a public option. We then have heard today reports indicating that there isn't the support on your side for a robust public option.

Again, this just underscores the fact that there is so much movement on one side of the aisle without any participation by the other.

So, Mr. Speaker, I would like to ask the gentleman to clarify and give us some clarity on this notion and whether he could define for us what is included in a robust public option, what is the difference between a robust public option or something else which seems to have now captured the interest of everybody in this body and certainly those in the press.

And I yield.

Mr. HOYER. I don't know that I am going to get into a long, extended discussion about the substance of this bill or we could be here until late tonight.

I will tell the gentleman, however, that no one ought to be surprised, having watched this bill being considered over the last 6 to 7 months, some 70-plus hearings that have been held over the last 2 years, to know this is a very difficult subject of great magnitude of impact on the American public and the American economy. One-sixth of our economy is health care expenditures.

No one should be surprised that it's receiving a lot of discussion and attention. No one should be surprised that there are differences as to how to get from where we are—which is a system that is escalating at a very rapid rate. Family costs are increasing by probably \$1,800 a year, families are being forced out of the market, and the uninsured grow. So we are trying to deal with that issue.

The fact is that in terms of the public option as has been discussed, there are a number of ways to provide an alternative assurance of coverage to individuals other than simply an exchange, which would be like the Office of Personnel Management's Federal employee health benefit exchange—which is private sector—folks competing for our business and the business of those that are employed by the Federal Government. There is a lot of discussion about that.

That discussion continues, and I will tell the gentleman that as the Speaker said and I've said, we will bring the bill to the floor when we think it's ready to come to the floor. And I've further asserted emphatically that we will give the 72-hours notice that we had indicated we would give.

I would tell you further that until such time as we've resolved what the bill is going to look like, it is impossible for CBO to give a final score.

We had pledged that we're going to be deficit free, that is to say the bill will be paid for, will not add to the deficit. The President indicated that in

his speech to the joint session, and we intend to do that.

So I tell the gentleman we're having continuing discussions on not just the public option, to which the gentleman refers, and to how that will be configured, but there are other matters as well of concern to the public and to all of us.

Mr. CANTOR. Mr. Speaker, I thank the gentleman.

I think the gentleman makes one of the points I am trying to convey, and that is these discussions, these continuing negotiations are occurring behind closed doors, they're occurring just on one side of the aisle in and around issues of health care that affect every American—young, old, Republican, Democrat, male, female. It is universal in its application, the issue of health care.

So it is troubling, at the very least, for us to sit here and witness these ongoing negotiations behind closed doors when we on our side, I think, have posited alternatives. The gentleman and I have met on discussions surrounding some points that we can agree upon.

But what's troubling right now is the insistence that we continue to read about that there be a public option. My office has received reports about their being three different public options that your side is considering.

Now, we've heard reports that you have whipped those three distinct public options. My question, Mr. Speaker, to the gentleman is, what are those three public options? I think the public deserves the right to know. The public has rejected the notion of a public option replacing their health care. That is really the impetus, I believe, that the gentleman would want to put on display about this discussion about the so-called public option and the three versions that are discussed.

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. I yield.

Mr. HOYER. I reject the gentleman's conclusion, which I think is incorrect, the premise that the public has rejected. In fact, as the gentleman probably knows, hopefully, the polling data indicates that the support for the public option has risen since August—has risen, I tell my friend. And there are a number of different ways to get there.

The Senate has one that's on public display, has been on the Internet. The House Education and Labor Committee has one option with Ways and Means that has been on the Internet. It's been on the Internet since July. Energy and Commerce has one—a different correlation of that—and it's been on the Internet since July. There have been a lot of discussions, and I would refer my friend to the Internet, and I am sure he has copies of all of those bills.

Nothing is secret, nothing is behind closed doors.

Now, are we having discussions with ourselves about how we want to get

there and with people who will vote for the bill?

The gentleman has made it very clear, I don't think your side is for a public option. We disagree on that. That is a fair disagreement. You're not for a public option, and I haven't talked to anybody on your side that's for a public option.

We disagree. We believe that the public option is an option that the public ought to have and not simply be in the sights of insurance companies who may or may not give them the price or the coverage that they could either afford or need. That's the difference. But I haven't talked to anybody on your side who wants a public option no matter how it is configured.

So very frankly, I will tell my friend that discussions with your side on a public option seem somewhat pointless.

Mr. CANTOR. Mr. Speaker, I'm a little taken aback by the gentleman's statement saying it's pointless for him to have discussions with Republicans regarding health care.

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. I will.

Mr. HOYER. I didn't say that.

The gentleman, as he cited, we had a meeting. Am I incorrect in saying that the gentleman indicated to me he was not for a public option? Is that an accurate statement?

Mr. CANTOR. The gentleman is not incorrect because Republicans believe that a public option doesn't bring about competition. I think both of us, Mr. Speaker, agree that competition is what is needed to bring down prices to increase access.

We believe that real competition comes from the ability for individuals to choose not just from two or three insurance companies that may have 50 percent of market share; we believe real competition comes from the ability for an individual to choose from a thousand different insurance plans for that individual and his or her family. That's where we begin to—that's what we can agree on. The competition brings down prices. We don't believe public option brings competition.

And that is the essence. The end shouldn't be public option.

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. I will yield when I finish.

And I would further say again to the gentleman's representation about where the American public is because of a poll that was taken this week, I think there have been numerous articles written on debunking the methodology behind that poll. In fact, the question when posed, do you support a public option to compete with private insurance, is and would yield a different response than if you were to ask, would you support a public option that replaces the current health care coverage that you have.

And, Mr. Speaker, this is our position. We believe that if you introduce a government that also makes the rules as a competitor, that there will no longer be an even playing field for competition, that you are on a path to single-payer health care in this country. That is the difference, Mr. Speaker. But I don't think that the gentleman is correct in his saying it is fruitless to have discussions surrounding health care because we have a difference of opinion.

And I yield.

Mr. HOYER. I thank the gentleman for yielding.

The gentleman misstates what I said. I said discussion regarding a public option when I had talked to nobody on your side who was for a public option.

It seems pointless, from my perspective, to talk to somebody about how a public option ought to be configured if, as you have just stated, you're not for a public option. Therefore, a discussion about a public option does in fact to me seem pointless.

Furthermore, let me say this: The gentleman was here when we—I believe you were here—when we adopted the current part D of the Medicare program. The gentleman will recall in that bill you provided for a public option. You provided for a public option to provide competition and availability of a health care prescription-drug coverage. Now, you provided it in the event that there was no private sector, or at least not more than one, available in any one segment of our society.

So I tell the gentleman, in your own bill—that I think you supported; I don't know that off the top of my head—but my presumption is you supported it or certainly the overwhelming majority of your party supported with very few Democratic votes, and that provided for an option of a public option.

Mr. CANTOR. I would say to the gentleman there are a lot of differences to the construct of the MMA, the legislation passed that created part D than what is being discussed today.

Mr. HOYER. I agree with that. But it did provide for an option of a public option.

Mr. CANTOR. Reclaiming my time.

So I would say if the gentleman is of that opinion that there is an ability to discuss things surrounding health care, then why is it that we continue to see closed door negotiations?

So the gentleman points to the different options, public options or versions thereof, being discussed in the three different committees in the House. Are those the public options that the gentleman and his side have whipped and are being discussed now behind closed doors?

□ 1130

Frankly, any imposition of a public plan is going to cost taxpayers and

small businesses money. I would certainly think the gentleman would share the notion that Republicans should be involved, and it would be of concern to both Republicans and Democrats throughout this country that the American people would want their right to know being realized in these discussions, which is my point as to why is it that we can't hear what these three different public options are and what the differences are therein.

Mr. HOYER. I would repeat, you know exactly what the options are. As I just told you, they are online. They have been discussed. They were discussed extensively in the committee on television. Surely the gentleman would not want the Speaker or anybody else to be misunderstood as the fact that your party doesn't have discussions among yourselves as to what options you want to pursue.

If that's your representation, frankly, I tell my friend, I don't think many people are going to believe that. Are we having discussions? We are. I don't believe either you individually or anybody that I have talked to on your side of the aisle is for a public option.

We are discussing how public option ought to be configured. You don't believe there ought to be a public option, period, for the reasons you have stated. We understand that. We have a difference of opinion on that.

Now, if you are for public option on some configuration, then if you will submit that to me, I would be glad to talk to you about it.

Mr. CANTOR. I thank the gentleman.

Mr. Speaker, we have always and continue to represent that we are ready to work with him, his leadership and the other side in crafting and affecting positive health care reform. Again, shutting down discussions is not a route to achieve that that could fairly produce what the American people want.

I don't think it could produce fairly or unfairly what the American people want if it is going to be about my way or the highway as far as health care discussions and a bill that passes on this floor.

I thank the gentleman.

ADJOURNMENT TO MONDAY, OCTOBER 26, 2009

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate, and further, when the House adjourns on that day, it adjourn to meet at 10:30 a.m. on Tuesday, October 27, 2009, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

SUFFERING AT HANDS OF HEALTH INSURANCE COMPANIES

(Mr. LUJÁN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJÁN. Mr. Speaker, I have heard from constituents across my district who are suffering at the hands of health insurance companies.

I have heard from doctors who do their best to treat those without insurance.

I have heard from entrepreneurs who want to start their own businesses but fear that they won't be able to find coverage for their sick children because they have preexisting conditions.

I have heard from women who can't replace their ill children's used catheters because they were denied by their insurance companies.

I have heard from small business owners struggling to afford coverage that their employees depend on.

They need us to act, they are asking us to act, they are demanding us to act, and that's why we must.

We need to fix our broken health insurance system. We need a health insurance system that works for men, for women, for children, seniors and families, for everyone. We need action to combat rising health care costs to make health care more accessible and to offer real choice.

We need a public option. We must demand a public option.

HONORING GREATER MIAMI YMCA

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to recognize the wonderful work of the YMCA of Greater Miami and the addition of its new chief development officer, Pat Morris.

Every day, YMCAs across the country help improve our communities and provide positive programs for youth and adults. Over the past year alone, the YMCA of Greater Miami has cared for 4,700 children. The Miami Y has coached and instructed more than 3,650 children in sports, held summer programs for more than 2,900 kids, and mentored over 100 teens.

The YMCA of Greater Miami is working with other community groups to build affordable homes for families and seniors and will open a brand-new preschool in the near future.

With the help of Pat Morris, the YMCA of Greater Miami will continue to foster positive growth in our neighborhoods.

I congratulate my good friend, Pat, for his position as chief development officer. He has dedicated himself to helping our south Florida community, first as cofounder of the community service organization Hands On Miami and now as a member of the YMCA team.

Congrats to the YMCA of Greater Miami, and I wish the agency continued success as they improve the lives of all of our neighbors.

AMERICANS SUPPORT IMMIGRATION ENFORCEMENT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, a recent survey by Rasmussen Reports shows that a growing majority of Americans want our immigration laws enforced.

Nearly two-thirds of those surveyed believe law enforcement officers should conduct surprise visits at locations where illegal immigrants are employed. Only 19 percent opposed the visits, compared to 24 percent last April. By a 13-point margin, Americans believe that the Federal Government should not prevent local law enforcement officers from checking on individuals' immigration status.

The Phoenix Business Journal and the Washington D.C. Examiner both reported the poll's findings, but coverage in news outlets that regularly cover immigration issues was glaringly missing.

Mr. Speaker, the media should report all of the facts, not omit those they disagree with.

WHERE ARE THE JOBS?

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I have one question. Where are the jobs?

We are now more than 7 months from passage of the so-called stimulus package, yet it is more apparent than ever that the bill has fallen woefully short. In my home State of West Virginia, the White House predicted that this legislation would create 20,000 jobs. Well, guess what? At this point, since February, the reality is that we have lost 13,000 jobs. Sadly, the stimulus isn't living up to its promise of job creation.

Additionally, the policies of this administration are actually contributing to job losses in my State. Cap-and-trade legislation will put an economic target on the back of our States, States like mine. Meanwhile, the EPA has continued to hold up mine permits across Appalachia, creating an unprecedented sense of unease and uncertainty that's already costing us mining jobs and threatening thousands more.

Mr. Speaker, my constituents deserve better now, and they certainly deserved better when we first debated this bill. I join them in asking: Where are the jobs?

HEALTH CARE REFORM SHOULD NOT BE ON BACKS OF OUR SMALL BUSINESSES

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN: Mr. Speaker, we need health care reform, but not on the backs of our small businesses. The proposed plan would impose more than \$820 billion in new taxes, something hardworking Americans and small businesses can't afford.

In a letter, Gilbert Travis of Travis Lumber Company in Mansfield, Arkansas, described how his company and many other lumber companies have been forced to cut back on the number of days a week in operation. Some have met an even worse fate—closure.

Gilbert is not optimistic that the outlook for these businesses will get better any time soon and writes there is no way the American economy, with its hardworking people, can afford the absolutely wasteful spending and tax increases that Washington is trying to impose at every angle they can possibly think of.

Mr. Speaker, I agree with Gilbert. We cannot be imposing new taxes on hardworking American businesses that are struggling to make ends meet in this economic climate. Let's craft a real reform that will decrease health costs, allowing more persons to get the care they deserve.

THE STIMULUS: IS THAT ALL THERE IS?

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX: Mr. Speaker, this is an appropriate time to ask: Is that all there is?

Yesterday, President Obama's economic adviser, Christina Romer, testified before Congress' Joint Economic Committee on the so-called stimulus plan. Her testimony was illuminating. She indicated that the stimulus plan's greatest impact on economic growth happened between April and September of this year. We lost hundreds of thousands of jobs during each of these months.

How could they possibly consider this a success? If the greatest impact of the trillion dollar stimulus is behind us and we still experience a terrible loss of jobs, that seems the opposite of success.

This whole scenario reminds me of a Peggy Lee song from 40 years ago, called, "Is That All There Is?"

Where are the jobs we were promised in this stimulus? According to President Obama's economic adviser, the main impact is behind us. Really? Is that all there is?

Republicans have better solutions to get Americans back to work that don't

involve reckless, ineffective borrowing and spending that drive us further into debt. Americans deserve better.

GOVERNMENT TAKEOVER OF OUR HEALTH CARE

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING: Mr. Speaker, as a physician, I must say the news coming out of Washington is all bad when it comes to the government takeover of our health care.

Just last night, Speaker PELOSI got the news that she does not have the votes to pass it. The Senate expects the debate to spill over into next year, and even Democrat candidates back home are turning against this crazy idea.

Why is this happening? Simply put, they can't find a way to pay for it. There are not enough taxpayers and insurance policyholders to pay the exploding tab, and the polls show a continued decline in support. Also, they can't depend on the wealth of the Federal Government anymore as we are broke, broke.

This is not a case of Republicans wanting sick people to die quickly. It is a case of wanting this sick, expensive, ineffective, and wasteful government takeover of health care to die quickly.

PEOPLE OF AMERICA TALKED TO US IN AUGUST

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN: Mr. Speaker, one of the problems we have here in Washington, DC, is we often seem to be disconnected with our folks back home. That is a problem. It's sort of an institutional problem, and that's bad enough. When we do it on purpose, that's even worse. We seem to have selective memory, maybe convenient amnesia.

The other side of the aisle appears to have forgotten that there is a month in the year called August. It was when the people of America talked to us, and they told us that they had grave concerns about the proposal that was before us with respect to health care.

Now we are told, well, look at the ABC poll instead. Forget about August. What else have they told us that we can forget about? Oh, that's right, Fox News doesn't exist.

August doesn't exist, Fox News doesn't exist. Maybe next month we will hear that the American people don't exist and we are just here creating a make-believe America with make-believe problems and make-believe solutions. Let's remember August where the real people live with the real problems and the real need for real solutions.

□ 1145

AFGHANISTAN

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE: For every American President, there are moments of decision, moments where the credibility of the United States and the fate of people in foreign lands hang in the balance. President Obama faces such a moment in Afghanistan. The President must decide whether to adequately equip our military in Afghanistan or lose the war to al Qaeda and the Taliban.

General Stanley McChrystal was brought on to implement the counter-insurgency strategy the President himself endorsed in March. And that commander has made it clear what resources he needs to get the job done. If we fail in Afghanistan, we risk that country turning into a training ground again for al Qaeda, increasing instability spilling over into nuclear-armed Pakistan. The consequences to our people would only be a matter of time.

Our soldiers and the people of Afghanistan cannot afford to wait any longer. Now is not the time to risk the hard-fought, blood-bought gains in this critical front in the war on terror by extended deliberations and indecision. Now is the time for our President to act decisively, to give our commanders and our soldiers the resources they need to win the war in Afghanistan and come home safe.

HEALTH CARE REFORM

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON: Mr. Speaker, I listened with great interest when our whip and the majority leader were talking a while ago about how they would like to work with us so we can reach some kind of agreement on the public option plan, the government plan. It brought to mind when President Obama came to our caucus, our conference, early on in his administration. He indicated he wanted to work with us and he wanted to have our input. He came with great fanfare, and the media was there saying here is this man, he wants openness, and he wants to work with the Republicans. This is the kind of President we need.

He smiled, he shook our hands, he left the room and then wouldn't talk to us anymore. We have had absolutely no input whatsoever into this health care plan, and yet the facade has been created that we have. And they blame us because things haven't happened. It's because their own caucus can't get together on a plan.

The American people know that there is chicanery going on behind

closed doors. And they promised us we would be able to participate in the planning for health care reform. Yeah. That was a lot of baloney then, and it's a lot of baloney now.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PERRIELLO). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONDURAS: A DEMOCRACY IN SPITE OF THE U.S. INTERVENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, there is trouble in Honduras, and the United States has chosen sides in this conflict. Here are the facts: the people of Honduras are holding an election on November 29. Honduras is a democracy. Their elections will fill 3,000 offices nationwide and all 128 seats of the national congress, and they will elect a new President.

They've had some trouble recently with their current President. Manuel Zelaya attempted to stay in office and be on the November ballot, which is not allowed by term limits in their Honduran Constitution. Zelaya wants to become a permanent President of Honduras and has tried to illegally change the Constitution to keep himself in power.

The people have followed the rule of law, however. They followed their own Constitution. Just as the people of this country would follow our Constitution under similar circumstances, they took proper, legal action to stop Zelaya's illegal behavior, and they removed him from office through the legal court system.

Article 239 of the Honduran Constitution states: "The citizen who has already held executive power"—that would be the President—"may not be President or designee. Anyone who violates this provision or proposes its reform and supports those who do directly or indirectly, must immediately cease the discharge of their duties, and shall be disqualified for 10 years from the exercise of any public function."

Those are pretty simple words. It sounds like the Constitution prevents Zelaya from trying to hijack the government.

The self-governing people of Honduras set forth in their Constitution that a tyrant could not abuse the process and become a dictator. They set rock solid term limits to one term for President. These good people legally removed Manuel Zelaya, the man who would be dictator, a tyrant, and a special friend of Hugo Chavez of Venezuela. Now that's special.

Here's how the people acted legally. After several attempts by legal means to prevent Zelaya from staying in power, the Office of Public Prosecutor filed a criminal complaint. The charges were treason, abuse of authority and usurpation of power in violation of the Honduran Constitution. The Supreme Court of Honduras agreed with the charges and issued an arrest warrant for the armed forces to arrest Manuel Zelaya. So Zelaya was legally arrested. And because he violated the Constitution, he was exiled from the country.

We should be applauding the people of Honduras for following their rule of law. In America, we honor the rule of law. We believe in self-determination and constitutional limits on government power, but we picked the wrong side in this case. We took the side of the tyrant versus the people of Honduras.

Now why would we do that? We cut off foreign aid to Honduras. We have refused to recognize the interim government that followed the rule of law. This is a Honduran Government that is doing everything despite America's interference to make sure that their elections take place as scheduled, to make sure their democracy survives according to the Constitution.

In the meantime, Zelaya, who was exiled, has slipped back into the country. He's holed up in the Brazilian Embassy. He's being funded by guess who? The Communist dictator, Hugo Chavez. Zelaya's thugs are targeting select groups with violent acts, including attacks on Christians. Zelaya is attempting to create chaos, but the popular will does not exist to return this would-be dictator to power. The people want their free elections to take place as scheduled.

One of our Senate colleagues, Senator DEMINT of South Carolina, recently returned from Honduras. He said that the only person he found in Honduras interested in putting Zelaya back in power was guess who? The American ambassador.

Mr. Speaker, it is a moral imperative that we back the rule of law, that we honor the decision of the democratically elected institutions of Honduras, that we support the elections in November, and that we recognize the new government, whoever wins the race.

Why do we, as a Nation, say we believe in self-determination but deny self-determination to Honduras? Why do we say we believe in a constitutional government but bash the nation of Honduras for following their own Constitution? Why do we support the likes of a deposed ruler like Zelaya? And how is it any of our business to determine who should be President of Honduras anyway?

Honduras has been an ally of the United States, yet appears to be another example of how we treat our allies worse than we treat our enemies.

We are on the wrong side of things when we stand by the bandit dictator Hugo Chavez and his buddy, Manuel Zelaya.

And that's just the way it is.

LET AMERICA'S HUMANITARIAN VALUES SHINE IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, Afghanistan appears to be headed for a runoff election in the next few weeks. The United States must insist and we must expect that a credible, democratic Afghan government emerges from this political process because so very much is at stake. A democratically elected government in Kabul that has the trust of the Afghan people is necessary because it's our best weapon in the fight against violent extremism in Afghanistan.

Such a government, a stable, honest government, would stabilize the country. It would encourage Afghanistan's neighbors to engage in a regional diplomatic effort. And it would be the strong partner America needs to deliver humanitarian and economic aid to the Afghan people. Afghanistan desperately needs this aid. It has seen two foreign invasions in the last three decades and years of political turmoil.

Afghanistan is also very, very poor. By some measures, it is just about the poorest country in the world. The United Nations issued its annual Human Development Index earlier this month, Mr. Speaker, and it ranks the countries of the world on criteria such as life expectancy, literacy, school enrollment and gross domestic product. Afghanistan ranked 181st out of 182 countries—next to the last.

That's why the United States must put far more emphasis on economic development, reconstruction, humanitarian aid and improved governance if we are to succeed in Afghanistan. To do this, we must redouble our efforts to bring a "civilian surge" of aid workers to Afghanistan. In fact, President Obama announced this initiative 7 months ago with a great deal of fanfare, but the results so far have been disappointing.

An adviser to General McChrystal, our commander in Afghanistan, told The New York Times last week that "our entire system of delivering aid is broken and very little of the aid is getting to the Afghan people." Another adviser said that the effort has been a "nightmare" and that "vast amounts of aid money have been wasted."

One of the reasons for this problem, Mr. Speaker, is the violence in the country. The aid workers who are on the ground now in Afghanistan are brave and truly dedicated. But some of them are understandably reluctant to

leave the relative safety of Kabul and venture out into the countryside.

There are several ways to improve this situation. Some American military personnel could be directed to protect the aid workers. The United States could step up its efforts to train the Afghan army and police so that they can provide local protection. The White House must also provide better benchmarks for measuring the progress of our civilian effort.

We must prove that we are doing a better job of delivering American humanitarian aid, and this can be accomplished with three extremely important goals: it would improve the lives of the Afghan people and give them a reason to reject violence. It would demonstrate that America offers the Afghan people a better future than the extremists offer them, and it would help to remove the impression that the American Army is an occupying army.

Mr. Speaker, if we want to succeed in Afghanistan, we must let America's humanitarian values shine through. That's the best way to help build a stable Afghanistan that can't be used by the Taliban or other extremists to threaten our security, their security, and the peace of our world.

□ 1200

TAKE A LESSON FROM PRESIDENT RONALD REAGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the Obama administration, led by its Council of Economic Advisors, indicated that if we spent \$1 trillion with the stimulus bill, that we would create 3.5 million new jobs. Well, here it is, what, 8, 9 months later, we've spent a great deal of the stimulus money, and instead of creating 3.5 million new jobs we've lost 3 million jobs. That's a 6.5 million job swing.

Yesterday, Dr. Christina Romer, the Chairman of the President's Council of Economic Advisors, said that the economic stimulus package, \$1 trillion—and remember, we're \$1.4 trillion in the hole this year—that the economic stimulus package at \$1 trillion wasn't going to work anymore for the next several months and we should expect the economy to continue to drift downward, with unemployment reaching 10 percent. The reason I bring this up is because 49 out of the 50 States have lost jobs while we spent \$1 trillion to create the jobs.

Now, just stop and think about that. We're throwing money at this situation as rapidly as possible, the government is getting its nose into every aspect of our economy, moving toward a European socialist-type economy, and the economy continues to drift downward.

And why is that? Because we're taking more and more money and spending it that we don't have, number one. And number two, they're going to tax us to death at a time when we're suffering economic calamity in this country.

What should we be doing? Well, Ronald Reagan came into office back in 1980 when Jimmy Carter had 12 percent unemployment—worse than now—and 14 percent inflation—worse than now—with a misery index of 26 percent. And they said you had to raise taxes because we had such problems, we had to have more money. Ronald Reagan said, well, I think we ought to cut taxes. And so they cut taxes across the board, and he was criticized severely for it.

They said, well, there is going to be a shortfall in money coming into the Treasury. We were bringing in \$500 billion a year in taxes at the time, and 4 years later we were bringing in \$1.3 trillion. Do you know why? Because when you cut taxes, you give people more disposable income, business has more money to invest. And so business invests, people buy more products because they have more money, because of that they produce more products, more jobs are created, and the economy expands. It makes common sense; if you have more money, you're going to be able to spend more money.

And so what happened was we had the longest period of economic expansion in the history of this country because we had a President that could see what really needed to be done—let the free enterprise system work and let people have more of their money to spend. Cut government spending and cut government taxes. Well, Reagan did the job.

So what are we doing today? We've got a government that thinks they should control everything, and they're moving toward a socialist economy very similar to what you see in France and England and other parts of the world that are really suffering and continue to suffer through economic chaos.

All I can say, if I were talking to the President, is, Mr. President, get real. Wake up. Forget this socialist nonsense. Take a look at the history book and look at what Ronald Reagan did. And if you would do that, and instead of raising taxes cut taxes, you would stimulate economic growth, put people back to work, and get this economy heading in the right direction.

I don't know if the President pays attention to what we're saying around here, Mr. Speaker, but if he does pay attention, I hope he'll listen and look at the history books and check out what Ronald Reagan did.

WALL STREET, WE ARE WATCHING YOU

The SPEAKER pro tempore. Under a previous order of the House, the gentle-

woman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this week, The New York Times reported that Credit Suisse, the largest Swiss bank, stated how it will overhaul compensation for its banking executives. The changes go into effect in January and include their compensation for 2009 and 2010.

Importantly, Credit Suisse ties compensation and bonuses to the firm's future performance and return on equity. In other words, if your decisions yield solid performance, you will be rewarded on that, not on arbitrary bonuses taken just because you can. I'd like to commend Credit Suisse's experience to other big banks in our country. We should follow suit in an even more rigorous reimposition of discipline.

By contrast, in a speech on September 9, 2009, Goldman Sachs' Chief Executive Officer Lloyd Blankfein put forth some principles on compensation. We asked when Goldman Sachs was going to implement those changes; we haven't heard back. But Credit Suisse already did it; they did it in line with the principles established by the G-20 in Pittsburgh earlier this year.

In their press release, Credit Suisse reaffirms the bank's commitment to fair, balanced, performance-oriented compensation policies that align long-term employee and shareholder interests.

So, once again, Wall Street could have led the charge and embraced, for the sake of our Nation, reforms of employee compensation which rewarded short-term gains and encouraged excessive risk-taking as well as increased moral hazard. Instead, Wall Street stood up only for themselves again, first, last, and always. They simply have too much power.

Moreover, Credit Suisse's approach claws back bonuses if the banks perform poorly. Why should America accept that if a bank performs poorly, that bonuses should be paid out when our taxpayers' money is propping them up and at risk? In particular, if the government saved your bank and therefore your pay despite your poor performance, why should you get a huge bonus? It makes no sense.

Congress and the administration, by allowing huge bonuses in the wake of huge bailouts, have ceded our people's power to Wall Street. These individuals are making three, four, five, six—10 times as much as the President of the United States.

Today, Obama pay czar, Kenneth Feinberg—who was not vetted by the Senate through normal procedures—is supposed to address this situation for our country. Feinberg is expected to cut the average pay only of the top earners at the seven bailed out firms, AIG, Bank of America, Citigroup, General Motors, Chrysler, GMAC, and

Chrysler Financial. Remember, the American taxpayer saved them all—for example, they saved Citibank from its downfall. So their jobs were saved, their companies were saved by us, yet they get bonuses?

Some say we would be a lot worse off if this lopsided approach had not been imposed, but far too many Americans find it hard to imagine that as they have lost their jobs, their homes, their access to credit, their sense of hope, and their self-respect. Meanwhile, they see Wall Street titans enriching themselves even more and the biggest banks getting even bigger. That's what is happening across our country.

Wall Street should have been leaders for our republic, helping the Americans whose money saved them, but their culture of ordinary greed continues to stampede forward. They simply don't care about the rest of us. The distance between those elites and our people are growing, and with each step the have-nots suffer more and pay for those that have far too much.

Amidst the compensation fiasco is the core problem: These megabanks are too unaccountable and too big—some call them “too big to fail.” As many have said, those institutions too big to fail are actually too big to exist. It's time to break up the biggest banks, sell off their healthy parts, and never let another bank or financial institution become too big to fail. Wall Street comeuppance is long overdue.

Main Street USA is paying close attention to your shenanigans. We don't intend to take the spotlight off until justice prevails and the stampeding bulls are put back in very tight cages.

[From the New York Times, Oct. 21, 2009]

CREDIT SUISSE OVERHAULS COMPENSATION (By Graham Bowley)

As Wall Street looks forward to a new era of blowout bonuses, the unthinkable is happening, at least at Credit Suisse, the big Swiss bank. It said on Tuesday that it would radically change the way it paid its employees.

In a break with longstanding industry practices, Credit Suisse intends to alter the mix of salaries and bonuses for its top employees, tie the bonuses to a specific financial measure and effectively claw back the payouts if the bank's fortunes dim.

The move will not necessarily reduce compensation at Credit Suisse, which is moving aggressively to compete with American banks on Wall Street. But the shift nonetheless brings Credit Suisse in line with pay practices endorsed in September by the Group of 20 nations and puts the bank ahead of resurgent rivals like Goldman Sachs, some of which are contemplating similar changes but have yet to make their plans public.

Goldman, for its part, announced new pay principles in May, which it says embrace best practices on compensation.

A year after Washington rescued the financial industry, bonuses are once again front and center as some big banks roar back in profitability. Goldman, for instance, is on track to award bonuses that could rival the record payouts it made at the height of the boom.

But the likelihood that Wall Street will enjoy big paydays as many ordinary Americans are struggling has angered some policy makers and created a public relations headache for banks. Many are struggling to defuse the resentment directed at the industry.

The Credit Suisse plan will cover roughly 2,000 employees in the United States. Top executives will receive a greater portion of their total compensation in the form of their monthly cash salaries, while bonuses will be split evenly between cash and stock.

The stock will vest over four years, and the cash portion will pay out in three. But both components will be adjusted based on the bank's performance over that period, with a particular emphasis on its return on equity, a closely watched financial measure. The performance of an executive's business will also be taken into account.

By tying payouts to a specific measure like return on equity, Credit Suisse will essentially be able to take back bonuses in the event the bank's fortunes take a turn for the worse. Credit Suisse earlier introduced a bonus plan linked to some of the bank's troubled assets.

Claw-back provisions are becoming increasingly common on posteris Wall Street. Critics say the industry's decades-old bonus culture, which focused on short-term profits, encouraged the excessive risk-taking that led to the crisis. Morgan Stanley introduced provisions for a portion of its employees' bonuses last year, and another Swiss banking giant, UBS, imposed similar rules on deferred pay.

But Credit Suisse executives and compensation experts said the bank's plan was the most detailed and comprehensive yet to take back pay if senior executives—and the bank—failed to perform adequately.

“As far as we know, we are the first major bank to announce a compensation structure that is consistent with the best practices laid out at the recent G-20 summit,” Brady W. Dougan, chief executive, said in a statement.

The bank is also introducing a minimum share ownership requirement for members of management committees and the executive board to align the most senior executives' pay with shareholders' interests, although it did not specify the new thresholds.

Lynn A. Stout, professor of securities law at the University of California, Los Angeles, said Credit Suisse's four-year stock deferral was at the outer limit of what many banks were considering.

She said many other banks were thinking of changing compensation practices along similar lines to rein in practices that made multimillionaires out of many financial executives during the housing bubble.

“You get a sense that there is a cultural shift in boardrooms and a new awareness about looking to the longer term,” she said.

At a meeting of the G-20 last month, leaders agreed on recommendations to defer bonus payouts for several years and reduce the incentives for people to take short-term gambles, although they avoided any explicit call for a ceiling on remuneration. The return to big profits at some banks and big bonus payouts, even at firms that received billion-dollar federal bailouts, has raised questions about whether compensation should be even more tightly controlled.

In the summer, the Securities Industry and Financial Markets Association, a financial industry trade group, put forward guidelines on best practices, which included tying bonuses more closely to long-term performance

and a more independent role for bank compensation committees.

The Federal Reserve is now preparing to release its own guidance on compensation for the more than 5,000 banks it regulates. It would cover staff at all levels within banks, not just at the most senior levels, and would apply to Goldman and Morgan Stanley, which became bank holding companies last year.

In broad scope, the new rules being considered depart from the largely hands-off approach that dominated bank regulation in the United States for the last three decades. They give banks freedom in how they structure their compensation. The rules are intended to inhibit pay plans that encourage reckless behavior by rewarding only short-term gains. But they would not stop million-dollar pay packages or address issues of fairness.

The stimulus bill that President Obama signed into law this year restricts companies that accept federal bailouts from paying bonuses that exceed one-third of an executive's total annual compensation.

Now, Kenneth R. Feinberg, the administration's pay czar, is due to publish by Oct. 30 his finding on pay at the seven major banks that still have not returned large amounts of federal support.

His report will include judgments on the 25 most heavily compensated executives at each of the banks—citing pay levels and composition of pay, and whether compensation is properly aligned with performance.

CREDIT SUISSE ANNOUNCES ITS COMPENSATION STRUCTURE FOR 2009 AND 2010

ZURICH.—October 20, 2009.—Credit Suisse today announced its compensation structure for 2009 and 2010. The new structure is consistent with the guidelines for best practice that were recently announced at the G-20 summit and reaffirms the Bank's commitment to fair, balanced and performance-oriented compensation policies that align long-term employee and shareholder interests.

Brady W. Dougan, CEO of Credit Suisse Group, said: “At a time of strong focus on executive compensation, we are announcing a compensation structure that enables us to strike the right balance between paying our employees competitively, doing what is right for our shareholders and responding appropriately to regulatory initiatives and political as well as public concerns.”

“We have been using deferred, share-based compensation instruments for many years and we continue to be committed to these principles. They are at the heart of our compensation structure for 2009 and 2010.”

“The changes to our compensation system follow a number of measures Credit Suisse has taken over the past two years in response to changes in the financial services sector. These measures include making adjustments to our business strategy, significantly reducing our risk exposures, including introducing a reduced-risk, capital-efficient business model in the Investment Bank, and strengthening our capital base.”

OVERVIEW OF KEY FEATURES

The changes announced today will be effective from January 1, 2010 and will apply to compensation awarded for the year 2009. The most important features of the structure are:

1. A shift in the mix of discretionary variable (bonus) and fixed compensation for Managing Directors and Directors, which will result in a change in the proportion of non-deferred compensation paid as fixed base salary.

2. The introduction of two new instruments for deferred variable compensation awarded to Managing Directors and Directors: Scaled Incentive Share Units (SISU) and Adjustable Performance Plan Awards (APPA). A significant proportion of this population's variable compensation will be delivered in these new type of awards (50% each).

SISU are similar to Incentive Share Units (ISU), an equity based instrument that has been in place for the past three years. The new SISU will deliver a base share amount on a four-year pro-rata basis. Delivery of additional shares will depend on the average share price as well as return on equity (RoE) over four years.

APPA is a cash-based award which will have a notional value that adjusts upward annually based on Credit Suisse's RoE over three years. A mechanism will adjust the outstanding awards downward, should the business area of the employee be loss-making.

The principles and instruments used for Managing Directors and Directors also apply to members of the Executive Board but not to employees at the level of Vice President or below.

In addition, Credit Suisse will introduce minimum requirements relating to Credit Suisse share ownership for members of Divisional and Regional Management Committees and for the Executive Board.

CONFORMITY WITH G20 GUIDELINES AND REGULATORY ENVIRONMENT

The new structure and the new vehicles are consistent with the guidelines for best compensation practices that were recently announced at the G-20 summit and reaffirm the Bank's commitment to fair, balanced and performance-oriented compensation policies that align long-term employee and shareholder interests. Credit Suisse will continue to refine the provisions of the plan as well as the governance process for compensation decisions and disclosure to shareholders, based on competitive factors and the evolving regulatory environment.

DETAILS OF THE CHANGES IN COMPENSATION 2009/2010

The following is a brief summary of the changes and the new compensation instruments announced today. A detailed description will be included in the Group's Annual Report 2009.

CHANGES TO BASE SALARY FOR MANAGING DIRECTORS AND DIRECTORS

In order to strike an appropriate balance between fixed and variable compensation, Credit Suisse is planning a shift in the mix of variable and fixed compensation for Managing Directors and Directors. This will result in the payment of an increased proportion of compensation in the form of fixed base salary. Employees up to and including Vice Presidents will continue to be reviewed for potential annual salary adjustments, consistent with previous practice.

VARIABLE COMPENSATION

Cash Awards

Discretionary variable compensation will continue to be paid in unrestricted cash for amounts below CHF 125,000 / USD 100,000 (or the local currency equivalent). For higher amounts, table will indicate the proportion of variable compensation subject to deferral. Deferred compensation will be split 50/50 between SISU and APPA.

SCALED INCENTIVE SHARE UNITS

Scaled Incentive Share Units (SISU) are similar to the existing Incentive Share Units (ISU) with a new element that increases or

decreases in value based on Credit Suisse's average RoE. As with traditional ISU, the base share amount vests annually, in the case of SISU on a four-year, pro-rata basis. My additional shares will vest on the fourth anniversary of the award date, based on the price of Credit Suisse Group AG registered shares. A new feature will link the final number of additional shares to an additional factor: If Credit Suisse's average RoE over the four-year period is higher than a pre-set target, the number of additional shares will be adjusted upwards, and if it is below the target, the number of additional shares will decrease.

ADJUSTABLE PERFORMANCE PLAN AWARDS

Adjustable Performance Plan Awards (APPA) will have a notional cash value subject to a three-year, pro-rata vesting schedule. Awards adjust upward on an annual basis using Credit Suisse's RoE in the respective year as a multiplier. However, should a business area be loss-making, outstanding APP awards held by employees of that business area will be adjusted downwards. The metrics within the revenue divisions will be based on each business area's financial contribution. The metrics for Shared Services, Regional Management and embedded support functions within the divisions will be based on the financial performance of Credit Suisse Group.

[From Reuters, Oct. 22, 2009]

CZAR TO SUBSTANTIALLY CUT PAY: SUMMERS (By Caren Bohan and Karey Wutkowski)

WASHINGTON (Reuters).—Top White House economic adviser Lawrence Summers said on Wednesday the administration's pay czar will "substantially reduce" the paychecks at firms that have received billions of taxpayer dollars.

"With respect to the companies that have been major recipients of federal support, Ken Feinberg is reviewing them . . . (and) will, I suspect, produce an outcome where they will be very substantially reduced," Summers told the Reuters Washington Summit.

Feinberg, the pay czar appointed by President Barack Obama in June, is expected to cut total compensation by an average of 50 percent for the top earners at seven bailed-out firms, sources familiar with the matter said on Wednesday.

The administration has faced public outrage, as Wall Street firms that were recently propped up by federal assistance have brought their bonuses back to pre-crisis levels even as the general population faces the highest unemployment level in 26 years.

Summers said Feinberg's rulings—which are expected to be publicly released in the coming days—will ensure taxpayers' interests come before those of shareholders and incumbent management at the beleaguered firms.

The seven bailed-out firms under Feinberg's jurisdiction are AIG, Bank of America, Citigroup, General Motors, Chrysler, GMAC and Chrysler Financial.

SEES FINANCIAL REFORM BY YEAR END

Summers also said he was still hopeful that legislation to broadly rewrite U.S. financial regulations would pass by the end of the year.

"I don't see any reason why it can't get done this year," Summers said.

Analysts following the debate on Capitol Hill have become increasingly skeptical that Obama can meet his goal of enacting it by year-end. Some say that early next year might be a more realistic time frame.

While some critics say the bill is not robust enough, Summers said he believed the

changes would have a chance to have a major impact on financial stability for years to come.

He said that while the administration wants to guard against efforts by the financial industry to water down the bill, he said the main principles behind it were not at risk.

"I've always put this in terms of some core principles," Summers said.

If an institution is big enough and interconnected enough that its failure could damage the financial system, then it must have a regulator that is accountable, he said. "And there has to be a plan in place for managing your failure if it comes."

Summers said the proposals under consideration achieve that goal.

TAXPAYERS FIRST

The administration is also committed to fundamentally reforming pay, starting at the firms that have received multiple government bailouts, Summers said.

"It is important where taxpayers have made a central contribution to make sure that taxpayer interests are being put first rather than those of shareholders and certainly rather than those of incumbent management and that's why Ken Feinberg is involved in reviewing compensation levels at the companies where the TARP has made the most major investments."

Officials have also proposed a broad crackdown on pay, including giving shareholders more say on compensation packages, forcing firms to disclose more on their pay practices and encouraging regulators to shut down risky compensation schemes.

"With respect to companies that are not currently recipients of major support, the focus is really going to be more on process and more on the incentives they create," Summers said.

Amid the rhetoric of a strong clampdown on compensation that encourages risk taking, the administration has been careful to say it does not believe in setting explicit caps.

Summers said the administration is sensitive to the need for firms to keep top talent and remain competitive, while not letting Wall Street return to its old ways.

"We are concerned that some in the financial sector would like to go back to the regulatory nonculture and risk management nonculture of the recent past. That wouldn't be acceptable to us," he said. "But the president's always said that we think it's very important that people succeed in America so framing this in terms of the goal being to reduce profits or to eliminate compensation, that would not be our approach."

[From Financial Times, Oct. 21, 2009]

UK BANK GOVERNOR CALLS FOR LENDERS' BREAK-UP

(By Chris Giles)

Banks should be split into separate utility companies and risky ventures, governor of the Bank of England Mervyn King urged last night, saying it was a "delusion" to think tougher regulation would prevent future financial crises.

Mr. King's call for a break-up of banks to prevent them becoming "too important to fail" puts him sharply at odds with the direction of domestic and international banking reform.

Mr. King borrowed Churchillian language in a speech in Scotland to highlight the burden banks had placed on taxpayers. "Never in the field of financial endeavour has so much money been owed by so few to so

many. And, one might add, so far with little real reform."

The forcefulness of Mr King's language reflects his belief that the structure of the banks needs to be put firmly on the international regulatory agenda, where focus has been on strengthening capital and regulating bankers' pay. The Bank governor wants to see the utility aspects of banking—payment systems and deposit taking—hived off from more speculative ventures such as proprietary trading. "There are those who claim that such proposals are impractical. It is hard to see why," he said.

Although he said ideas to force banks to hold debt that automatically turns into equity in a crisis were "worth a try", he downplayed their likely effect. "The belief that appropriate regulation can ensure that speculative activities do not result in failures is a delusion."

Many experts believe the governor will get his way on separation but by default rather than by design, because proposals for tighter capital regulations on risky parts of banking will make these unprofitable and banks will choose to ditch them.

U.S.-COLOMBIA FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to reaffirm my long-standing support for the Colombian people, the Colombian-American community in south Florida, and to urge my colleagues to approve the U.S.-Colombia Free Trade Agreement as soon as possible.

Colombia is one of our strongest allies in the fight against extremism and drug trafficking, not only in our hemisphere, but around the world.

When I was first elected, Colombia was under siege. Leftist rebel groups and drug cartels such as the FARC and the Medellin and Cali Cartels had taken over large areas of that country. Colombians were prisoners in their own land, fearful for their lives, and watching their country descend further into chaos and darkness. Now, however, after many years of bravery and sacrifice, the Colombian people and its government have taken back their country, and each year Colombia becomes more secure and more prosperous. Colombians have continued to do so despite the unrelenting attack and assault by known FARC sympathizers and supporters of Hugo Chavez and Fidel Castro to derail Colombia's progress. Well, the government and the people in Colombia have persevered.

At a time when U.S. interests throughout the hemisphere are under attack, Colombia has remained a steadfast ally, an indispensable partner in ensuring our security and freedom in the region. The pending U.S.-Colombia Defense Cooperation Agreement will further strengthen that alliance and will serve as a major boost to our joint efforts to fight narcotraffickers and leftist rebels.

In discussing this agreement last month, Secretary of State Hillary Clinton highlighted, "This agreement ensures that appropriate protections are in place for our servicemembers. It will allow us to continue working together to meet the challenges posed by narcotraffickers, terrorists, and other illegal armed groups in Colombia."

Together, the U.S. and Colombia have had enormous success in battling those groups, but much more remains to be done. This agreement will ensure that we are fully equipped to do so.

The United States and Colombia also share growing economic ties. The U.S. is the largest source of foreign investment in Colombia, which has quadrupled over the past 7 years. My own district in Miami, Florida, had nearly \$6 billion in total trade with Colombia in 1 year alone.

Colombia is Miami's number one trading partner in volume and second leading international market. But although U.S.-Colombian economic ties are strong, we have only just begun to tap their potential. That will require passage of the U.S.-Colombia Free Trade Agreement.

Unfortunately, the free trade agreement has been in limbo for 3 years, largely because of partisan opposition. But opponents fail to understand that the primary purpose of this trade pact is to eliminate Colombia's barriers to U.S. goods. Colombia would immediately eliminate a majority of its tariffs on U.S. exports, with all remaining tariffs eventually phasing out gradually. More exports means more sales, which means more jobs here in the U.S. The benefits would be felt immediately.

The U.S. International Trade Commission estimates that U.S. exports to Colombia would quickly increase by over \$1 billion, and that's not even counting a major increase in service-related exports.

Given today's difficult economic climate, with so many hardworking Americans striving to make ends meet, it is unbelievable that Congress continues to refuse to take the simple step to expand trade and create jobs in this country.

But there is more at stake, Mr. Speaker. By strengthening Colombia's ability to fight drug traffickers and fight leftist guerrillas, and by demonstrating that the U.S. will stand by its loyal ally, passage of this trade agreement will advance U.S. security and economic interests not only in that country, but throughout the hemisphere. That is why, Mr. Speaker, I urge my colleagues to approve the U.S.-Colombia Free Trade Agreement and to do so as soon as possible.

Again, I would like to commend the people of Colombia for their remarkable progress that they have achieved and express my ongoing support for the strong ties between our countries. We

are blessed in south Florida to have a wonderful, robust, patriotic, American-loving, Colombian-American community. They have, indeed, enriched our area.

DEMOCRATS' PLANS TO REFORM HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to talk about the Democrats' plans to "reform" our health care system.

You know, many promises have been made by the other side of the aisle about what these reforms would actually do, but now we actually have a definitive analysis, performed by the chief government actuary of the Centers for Medicare and Medicaid Services, to look at the consequences of these reforms. Well, Mr. Speaker, the diagnosis is not that good.

Both the President and his economic advisors have said that whatever bill the President signs he wants to make sure that he bends the cost curve. Well, how does the Democrat health care stack up to that pledge?

□ 1215

According to that chief actuary whom I just mentioned, total spending on health care would actually increase by \$750 billion more than if we did nothing at all. That's right. The Democrats' plan would bend the cost curve all right, but it would bend it in the wrong direction. You see, the real overall cost of this bill would be \$1.2 trillion. That's with a T. By 2019, the annual cost of the entitlement expansion would be \$236 billion, and that would be rising at an annual rate of 9 percent every year. After all of this spending, there would still be around 20-some-odd million uninsured Americans. So, for those folks who are trying to keep score of all of this, that comes out to be about \$35,000 per uninsured person out there.

Now, another promise that the President made was that he said, "if you like your current coverage, you keep it." Well, again, look back to that government actuary whom we talked about before. According to that chief actuary, that's not true if you're a senior on Medicare, because 8.5 million seniors on Medicare today would lose their current coverage, and they would be forced into some different coverage.

Also contained in the bill are what we call arbitrary, across-the-board payment cuts to hospitals, to nursing homes and to home health agencies. Again, let's see what the chief actuary says. The chief actuary says the cuts could force such organizations, such as nursing homes and home health agencies, to leave the Medicare program

and, thus, “possibly jeopardizing access to care for beneficiaries.” That doesn’t really sound like keeping the coverage you want, does it?

So maybe now, finally, the Democrat leadership in Congress will start to listen to at least a few of the ideas put forward by the Republicans. What we want to do is try to increase the access to health care coverage, to increase access to the health care delivery system and to make insurance more portable and affordable. What we want to do is try to reduce those long-term spending plans and to reduce the curve downward in order to bring down the cost of medical liability and to create a sustainable health care system.

Finally, at the end of the day, Republicans stand today, as we have always in the past, ready to work with the Democrats to enact real reform to our health care delivery system as soon as they are ready to work with us.

UNCLE SAM IS GOING BROKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, this is a poster of Uncle Sam going broke. America is going broke, and we are taking away the future economic security of our children, grandchildren and of everyone listening.

The national debt is racing toward \$12 trillion, and it is growing at rates that haven’t been matched since World War II. It will double over the next 10 years.

Maya MacGuineas, president of the Committee for a Responsible Federal Budget, hit the nail on the head in this week’s National Journal when she said, “It’s like fiscal jenga, where people are piling on more and more debt, and finally, something’s going to be the cause of it collapsing, but no one believes their thing is going to be the tipping point.”

Why is this Congress, Mr. Speaker, willing to keep piling on the debt? Why are we turning a blind eye toward our children and grandchildren?

The FY 2009 fiscal year ending September 30 registered a \$1.4 trillion deficit, leaving red ink as far as the eye can see, and leaving trillion dollar deficits as far as the eye can see. Medicare and Social Security add up to a massive \$57 trillion in promises Uncle Sam has made but can’t keep.

Make no mistake. Unsustainable spending has far-reaching implications for the United States. It touches every sector from health care to job creation, and it gives the foreign investors who hold America’s debt more control.

What is this administration doing? Is Congress prepared to let America sink? How can this Congress stand by record joblessness that is almost reaching 10 percent? Does Congress care?

Our manufacturing base is crumbling. The state of the dollar is falling. Foreign lenders own nearly 40 percent of our domestic economy, and China and Saudi Arabia have now become our bankers. If lawmakers in this body were serious about the debt and about the deficit issues that Americans are increasingly worried about, Congress would have an honest conversation and would do something about it.

In June of 2006, they stood in the same place, and spoke about the introduction of a bill called the SAFE Commission Act. They explained that the country is having trouble. It’s a bipartisan commission, and it puts every spending program on. It comes back and requires—it requires, Mr. Speaker—that Congress vote up or down. In a bipartisan manner, Congressman COOPER and I have had this bill in now for 3 years.

I have little faith that this Congress will act through regular order and will tackle this enormous, growing problem. It will take this approach: Instead of dealing with these issues, Congress will ignore them.

In closing, it reminds me of the Simon and Garfunkel song, which they sang in Central Park, called “The Boxer.” It says: Man hears what he wants to hear, and disregards the rest. I would change the words to say: Congress hears only what it wants to hear, and disregards the rest.

Therefore, this Congress is allowing Uncle Sam to go broke. It is time for us to deal with it in a bipartisan way for the good of our children, for the good of our grandchildren and for the good of everyone who lives in this country.

MOVING GUANTANAMO DETAINEES TO U.S. SOIL AND CONGRESSIONAL TRANSPARENCY

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 6, 2009, the gentleman from Michigan (Mr. HOEKSTRA) is recognized for 60 minutes as the designee of the minority leader.

Mr. HOEKSTRA. I thank the Speaker for the recognition.

Yesterday was a very interesting day in an open hearing in the Intelligence Committee. It’s something that doesn’t happen very often. We had the opportunity to hear from a small business person from Standish, Michigan—Dave Munson. The hearing was about congressional notification.

When is it the requirement of the executive branch, of the President and of the executive agencies, to fully brief Congress in a timely manner on the actions that they are taking?

The law is fairly clear. Congress needs to be fully and currently informed of intelligence matters.

So why would David Munson, a small business man from a small town in

northern Michigan, be testifying in front of the Intelligence Committee?

David Munson is asking that this Congress, that the Michigan legislature, that the city council in Standish, and that the citizens of Standish, Michigan be fully and completely informed and be on a timely basis informed on what this administration’s policies are for moving Guantanamo prisoners to the United States.

On January 22, the President made a statement that he now is finding is very, very difficult to finish. He promised that, within 12 months, the prison in Guantanamo would be closed and that the Gitmo detainees would be moved somewhere else, either overseas or perhaps to the United States. Many of us who have been working on this issue for years recognized how ill-advised the President’s statement could be.

President Bush had said that he wanted Guantanamo closed, and as he started taking a look at how he would make it happen, he found out it was very, very difficult to do. He diminished the number of detainees in Gitmo, but he wasn’t able to close it completely. President Obama, really with no analysis, said he would close it in 12 months. He has now found out how difficult that is.

Other countries don’t want to take these detainees. They don’t want to take them into their countries. We don’t want them in the United States. As soon as they move from Cuba to the United States, they get a whole new set of legal rights and legal authorities. So why would we want to do that for some of the most dangerous people in the world? Yet the President seems committed to moving these people to the United States.

One of the sites that he is supposedly investigating, or that the Department of Defense and the Department of Justice are considering, is a closed corrections facility in Standish, Michigan. The Department of Defense has been there. Mr. Munson believes that some of the elected officials in the community are having ongoing discussions with the Department of Defense about moving these detainees, these prisoners, to the State of Michigan even though the community is opposed.

Just like most of Michigan, this is a community that is hurting. We’ve got a 15.3 percent unemployment rate—the highest unemployment rate in the country, so we need an economic stimulus; but what the people of that community have said is we don’t need an al Qaeda stimulus in our community. If the President is considering moving these prisoners to Michigan, what they do want is transparency. They would like to know exactly what the status of the negotiations is.

Are there negotiations actually taking place? If there are, then they’d like to know: What’s the impact on our

community going to be? They'd like to have a better understanding.

As Mr. Munson said yesterday, exactly who are these individuals we're considering moving into our community? What are their backgrounds? Why are they being held in Gitmo? Why have we detained them for years? He would also like to know, as would other people in the community, if we've held these people in Gitmo for a number of years, what have we learned while we have held these people in detention? What kinds of risks and challenges might they pose to the people who are guarding them and to the community where they are housed? What has been our experience in holding al Qaeda and radical jihadists in prisons around the world? Have there been attempted prison breaks? Have there been attempted prison entries where people outside have targeted the communities where these facilities are held?

These are the kinds of questions that the people in Standish, Michigan and the people of Michigan want answers to. The people in Standish have asked for that information. The Michigan legislature has asked for transparency. I have asked for transparency as the ranking member of the Intelligence Committee, but consistently, Secretary Gates and the Obama administration have replied with stone silence. They are totally unwilling to share any information with elected officials or with the citizens of Standish about what their plans and intentions may or may not be.

For an administration that said we are going to be transparent, to have a hearing in the Intelligence Committee where we're saying we want to talk about transparency and about what some would say is a lack of transparency by the previous administration and now by this administration and about keeping Congress fully and completely informed on a timely basis, it was the perfect hearing in which to have that discussion.

What David Munson clearly articulated is that people in Michigan and people in Standish are concerned, and they want answers. This administration has been unwilling to keep the citizens of Standish informed on this issue. It is disappointing. This is a community that is concerned about their economic future. They are concerned about the character of their community. They are concerned about the future. With the closing of the corrections facility in Standish recently, the city faces some very, very tough economic times. The community faces tough economic times. A lot of people have lost their jobs because of the decisions that have been made by the State of Michigan.

So they're trying to wrestle, and they're trying to deal with those issues, but the thing that they realize

is that, as they move forward and as they look toward the future as to how they're going to fill it, they would just like some information. They would like some information and some transparency from this administration, and they're disappointed that they're not getting it.

Today, again, we reiterate the request to the Department of Defense, to the Department of Justice and to the Obama administration: Please, please be more transparent in what your plans and intentions are for the Gitmo detainees because there are two debates. There are many of us who believe that even considering moving the Gitmo detainees to U.S. soil is a genuinely bad idea.

□ 1230

Let's have that debate. Let's have that debate first, and then if somehow at the conclusion of that debate there are still people who believe that moving these individuals to the United States is a good idea, then let's be fully transparent as to the ramifications, the risks, and the implications to local communities.

What we have seen so far is that the Obama administration is totally unwilling to engage in the first debate as to why and what the benefits are to closing Gitmo and moving those prisoners to the United States. Now they have moved directly to the second, without any consideration or any dialogue on the first, and now they are doing the second one in total secrecy.

It is time to change that process. I think it is time to go back to the beginning of this process and reconsider that first decision that says we are going to close Gitmo. Then I think what we will find out is this second discussion may not even be needed.

PROVIDING HEALTH INSURANCE TO EVERY AMERICAN

Mr. HOEKSTRA. I want to just change the topic now to how to insure every American on health care.

A colleague of mine wrote an op-ed that was published in the Wall Street Journal recently that said there are different ways to ensure that every American has access to health insurance. People say, do Republicans have a plan? Of course we have plans. We have had plans for a number of years on ways to address the health crisis or the problems that we face in health care and with health insurance in America today. We were very, very clear that there is a plan that can do that. We also identified what some of the problems may be.

If you take a look at why we have some of the issues, go to your local hospitals. Go to your local doctors. Ask them, when someone comes in with government health care, Medicare or Medicaid, how are you reimbursed for the expenses that you incur? And what they will typically tell you is,

well, if someone comes in with a Medicaid card, for every dollar of expenses that we incur, we receive about 40 cents of reimbursement. If they come in as a Medicare patient, they will say, well, that is a little bit better. We get paid at about 60 cents for every dollar of expenses we incur.

You ask, why is the private sector being squeezed and why do you see the insurance rates in the private sector going up? It is because the government programs are terrible payers and the cost has to be borne by the private sector.

There are really five types of patients that will walk into a health care facility: those that are on Medicaid; those that are on Medicare; those that have private insurance; the fourth would be those that have no insurance, they are going to pay out of their pocket; and then the last would be uncompensated care, people that go into an emergency room or go into a doctor's office, they are sick, they are going to get the care, but they have no way to pay for the care that they are going to receive.

All of those, everything except the private insurance plans, they are all squeezing private insurance, and that is what is forcing private insurance plans to escalate their costs and their premiums very quickly. Think about what would happen if the government programs actually paid \$1 of reimbursement for \$1 of care given.

The other thing that we find is that our Tax Code incentivizes employer-provided health care, rewards health insurance companies by insulating them from accountability, and punishes those that lack employer-provided care. If individuals want to go out and buy health insurance for themselves, the Tax Code penalizes them, versus their neighbor who may be getting it from their employer. We need to fix this.

But the bottom line that we come to in terms of insurance and making sure that every American has access to insurance is to empower patients and to give them more choice. We are going to talk a little bit about the alternative plans that are out there in just a minute. But our focus is driving towards patient choice, patient affordability, providing the mechanisms in the Tax Code and through tax credits or subsidies to enable individuals to go out and access health care, rather than having the government-run health care.

It is a very, very different model between the two parties, one of which says we are going to empower individuals and give them access and they are going to keep the authority and the responsibility and the accountability and the opportunity to go out and buy their own health care, ensuring that they keep that power and that control.

We are not empowering anybody. That is a word that we use all too often

here, that we are “empowering.” No. Individuals already have that authority. The Constitution protects those kinds of individual rights and individual freedoms. They are not getting that from this Congress. They are getting that because that is what the Founding Fathers gave to them. Now what we want to do is create a framework so they are better able to use that power and have access to health care.

On this side of the aisle—and you saw it more recently with the passage of the Baucus bill out of committee over on the Senate side as well as in the bills that have come out in the House side—what do we see? What we see is, rather than individuals having the power, it is this body and Congress taking the power from individuals and taking it into this body and then giving it to Federal bureaucracies. And we know what happens when those decisions move from individuals to Washington.

As a matter of fact, there was an op-ed written in the *Investor Business Daily*, again written by Congressman SHADEGG and myself, and the title of that op-ed, as they put it on, we did not, but it says “Lies, Earmarks and Corruption All in One Bill.” You kind of take a look at it and say, that is a pretty harsh indictment of a piece of legislation moving its way through Congress. Let me tell you where John and I see some of the evidence of this.

People talk about this legislation and they say, well, it reduces the deficit by \$70 billion or \$80 billion over the first 10 years. And you look at it and say, yes, as my colleague before said, it is time for us to address the deficit. You say, yes, we are excited about that.

But then you peel back the layers and you say, but how does it do that? We have got this massive expansion of health care to more Americans and these types of things. How do we do that and save money? As you peel back the layers, it says, yes, the taxes start day one when this bill goes into effect, but the benefits or the expansion of health care really doesn't start until year 3 or 4. So we have got 10 years of taxes and only 7 years or 6 years of health care.

Well, what happens when we have 10 years of health care and 10 years of taxes? Same old thing. We are back to massive new deficits. Is that a lie? I don't know. But it sure looks like Enron-style accounting. People in the private sector have gone to jail for similar types of accounting.

They also indicate that they are going to pay for this with \$404 billion of cuts in Medicare and Medicaid. If there are those types of savings available in Medicare and Medicaid, let's do those right now. The reality is those types of savings aren't identified in Medicare and Medicaid. They never

have been. As a matter of fact, the other body now is considering a doctor fix. They are not going to put it into this health care bill. Why? Because it is an increase of \$250 billion of reimbursements to doctors. It is called the doc fix.

So rather than finding savings in Medicare and Medicaid, what they are identifying is massive new expenditures for Medicare and Medicaid; \$133 billion in cuts to Medicare Advantage.

Earmarks. There are State earmarks. Think about it. There are people from different States in this auditorium and on the floor of the House. There are new massive mandates in here for Medicaid, expansion of Medicaid.

You say, well, let's apply those equally across all 50 States. The mandates go across all 50 States. In 46 of those States, the States have to pick up their share of the costs of these new mandates. In Michigan, it would normally mean we would pick up 40 percent of the cost of these new mandates. But, for some reason, four States are exempted. The Federal Government will pick up 100 percent of the expanded Medicaid costs. Michigan is one of those States. I say to the other 46 States, thank you, in this case, for subsidizing Michigan health care.

There is another feature in here, another earmark, where there are going to be new taxes for individuals who have golden health insurance plans. What is the earmark? You would think this new tax would apply equally to all 50 States. Wrong. Seventeen States are exempted and only phase into this program over a period of time. You say thank you to the other 33 States, because you are now subsidizing, in this case, 17 States who will not have new taxes imposed on them.

Those Senators, those Members of the House, maybe were more effective in negotiating and saying, I will only vote for this health care if you exempt us from the Medicaid, the new Medicaid fees, or if you exempt our State from the new taxes.

It hardly seems fair. It hardly seems to have much to do with the delivery of quality and quantity of health care. It seems to reflect more on who has power and who does not have power in the process of designing this new legislation.

There is a better way. As I have gone through and as some of my colleagues have gone through and said, you know, let's take a look at health care. At one of my first town meetings, someone said, PETE, I know you came out of the business world. Now, you came out of Herman Miller and you came out of a marketing background, but you were working for a Fortune 500 company, and because you worked in product development, you spent a lot of time working with engineers. Take a look at our health care system from an engineer's standpoint.

What an engineer would do is they would look at this thing systemically. They would identify where the problems were in the system, what parts of the system were broken and what parts of the system actually worked. Then they would focus in like a laser on fixing the parts of the system that were broken and leave the rest of the system working. That is kind of where we are with health care.

Eighty-five percent of Americans have health care. Surveys indicate that most of these folks are satisfied with the health care that they are getting, but they are also compassionate and saying we ought to take a look at fixing the parts of the system that right now are barriers to other Americans getting health care.

So the question is, why not focus on those? I have introduced and sponsored a series of bills that say, let's take a look at these seven targeted fixes for health care reform. They address the issues of cost, so that we have more competition. We have the tax credits and the cost subsidies, so every American will have the resources to go out and buy insurance. And they will also have an opportunity to have more choice, and there will be more competition, so that prices should come down.

In terms of access, we are also going there, because we are saying we do need to do something. It is inherently unfair that individuals who have a pre-existing condition find it difficult, if not impossible, to access health care in America. Let's make sure that we put in place a process in our insurance system that allows people that have pre-existing conditions to make sure that they are covered and that they also have the opportunity to have the confidence that if they get a different illness or they get a different health care problem, that they are covered and they can be covered for their pre-existing condition and other things that may happen to them.

Then we put in a bill that deals with tort reform. All of these bills could be implemented immediately, and in 3 years we would find out how much impact we have had. As a matter of fact, these things could be implemented right now. We would have 3 years of experience in improving our current health care system, and in 3 years we could say, how much have these programs and these bills improved health insurance and health quality and quantity in America? If they are working, we could say, okay, maybe we have to tweak them, we have to modify them a little bit.

But why the 3-year window? Remember that under the President's plan, the health care programs don't kick in for 3 years.

□ 1245

And at the rate that we're going, you wonder why 3 years. It also happens to

be, means they'll kick in after the next election, so Americans who will lose their health insurance or will have to change their health insurance, they won't be hit with that reality until after the next Presidential election. Interesting timing.

But when we get to health care, there's a way to improve health care that says we're going to enable individuals, individual American citizens, to keep the power that they have to direct their health care, the choices that they have versus a plan that says we're going to have that choice and that opportunity and that freedom taken away from individuals and moved to the government and government bureaucracy where we see all the kinds of shenanigans that are going on in the current Senate bill and going on in the current House bills.

There is an alternative: Freedom versus massive government programs. And there are alternatives that go out and say, in a very targeted way, here's how we can address the issues and improve the access, the quality and the price of health care for every American and do it today, rather than waiting 3 years.

Mr. Speaker, I hope that this gets to be a much more open process than what we have today, a much more open process than what we have had up until this point. It appears that some are driven and they've bought into the idea that government needs to run health care. That is fundamentally wrong because if we move in that direction, it means we will grow government and we will take freedom away from Americans. That is the wrong way to address this problem.

Let's bring Republicans and Democrats together, and let's focus on providing individuals the tools that they need to be able to go out and get the quality and the quantity of health care that they need and that they want.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. JONES (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. MAFFEI (at the request of Mr. HOYER) for today on account of official business in district.

Mr. McCAUL (at the request of Mr. BOEHNER) for today on account of receiving St. Mary's Law School distinguished alumni award.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. WEINER, for 5 minutes, today.

Ms. WOOLSEY for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, October 30.

Mr. JONES, for 5 minutes, October 30.

Mr. BURTON of Indiana, for 5 minutes, October 30.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on October 22, 2009 she presented to the President of the United States, for his approval, the following bills.

H.R. 621. To require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

H.R. 2892. Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until Monday, October 26, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4237. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Catastrophic Risk Protection Endorsement; Group Risk Plan of Insurance Regulations; and the Common Crop Insurance Regulations, Basic Provisions (RIN: 0563-AC19) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4238. A letter from the OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule — TRICARE; Reimbursement of Critical Access Hospitals (CAHs) [DoD-2008-HA-0007] (RIN: 0720-AB21) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4239. A letter from the Deputy to the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's

final rule — Final Rule Regarding Limited Amendment of the Temporary Liquidity Guarantee Program To Extend the Transaction Account Guarantee Program With Modified Fee Structure (RIN: 3064-AD37) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4240. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Federal Home Loan Bank Boards of Directors: Eligibility and Elections (RIN: 2590-AA03) received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4241. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Post-Employment Restriction for Senior Examiners (RIN: 2590-AA19) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4242. A letter from the Acting Deputy General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Operating Fees (RIN: 3133-AD60) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4243. A letter from the Chief, PRAB, Office of Research & Analysis, Department of Agriculture, transmitting the Department's final rule — WIC Farmers' Market Nutrition Program (FMNP): Nondiscretionary Provisions of Public Law 108-265, the Child Nutrition and WIC Reauthorization Act of 2004 [FNS-2007-0008] (RIN: 0584-AD74) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4244. A letter from the Acting Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received October 6, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

4245. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer [Docket No.: 090206144-9697-02] (RIN: 0648-XQ95) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4246. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XR30) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4247. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XR20) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4248. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule —

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 0910090344-9056-02] (RIN: 0648-XR40) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4250. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fraser River Sockeye and Pink Salmon Fisheries; Notification of Inseason Orders; Correction [Docket No.: 0907301169-91204-01] (RIN: 0648-AY02) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4251. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Fishery Closure (RIN: 0648-XN78) received August 27, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4252. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the Commonwealth of Massachusetts [Docket No.: 0809251266-81485-02] (RIN: 0648-XR11) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4253. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.: 0910091344-9056-02] (RIN: 0648-XR33) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4254. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Tilefish Fishery; Quota Harvested for Part-time Category [Docket No.: 010319075-1217-02] (RIN: 0648-XP75) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4255. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 29 [Docket No.: 090206149-91081-03] (RIN: 0648-AX39) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4256. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Pelagic Fisheries; Squid Jig Fisheries [Docket No.: 080206127-91246-03] (RIN: 0648-AS71) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4257. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone

Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 0810141351-9087-02] (RIN: 0648-XR43) received September 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4258. A letter from the Assistant Attorney General, Department of Justice, transmitting a letter regarding the efforts to create a "National Strategy for Child Exploitation and Interdiction", pursuant to Public Law 110-401; to the Committee on the Judiciary.

4259. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Vessel and Facility Response Plans for Oil: 2003 Removal Equipment Requirements and Alternative Technology Revisions [Docket No.: USCG-2001-8661] (RIN: 1625-AA26) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4260. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Direct Final Rule; Safety and Security Zones: Pilgrim Nuclear Power Plant, Plymouth, MA [Docket No.: USCG-2009-0311] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4261. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Industry Director Directive #5 Tier I Mixed Service Costs received October 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4262. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on 2009 Required Minimum Distributions [Notice 2009-82] received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4263. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2009-47) received October 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4264. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Interim Final Rules for Sections 101 through 103 of the Genetic Information Non-discrimination Act of 2008 (RIN: 0938-AP37) received October 5, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4265. A letter from the Senior Advisor, Social Security Administration, transmitting the Administration's final rule — Payments to Beneficiaries Residing in Vietnam and Cambodia and Other Conforming Changes [Docket No.: SSA-2008-0047] (RIN: 0960-AG62) received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4266. A letter from the Chief Privacy Officer, Department of Homeland Security, transmitting the Department's fourth quarterly report for fiscal year 2009 from the Office of Security and Privacy, pursuant to Public Law 110-53, section 803; to the Committee on Homeland Security.

for printing and reference to the proper calendar, as follows:

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 2868. A bill to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes; with an amendment (Rept. 111-205, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1612. A bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, help restore the nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service; with amendments (Rept. 111-312, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Energy and Commerce. H.R. 3258. A bill to amend the Safe Drinking Water Act to enhance the security of the public water systems of the United States; with an amendment (Rept. 111-313). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the following actions were taken by the Speaker:

The Committees on Agriculture and Education and Labor discharged from further consideration. H.R. 1612 referred to the Committee of the Whole House on the State of the Union.

The Committee on the Judiciary discharged from further consideration. H.R. 2868 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MAFFEI (for himself, Mr. MCMAHON, Mr. BARTLETT, and Mr. THOMPSON of California):

H.R. 3919. A bill to amend the Internal Revenue Code of 1986 to provide for the designation of Clean Energy Business Zones and for tax incentives for the construction of, and employment at, energy-efficient buildings and clean energy facilities, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H.R. 3920. A bill to amend the Internal Revenue Code of 1986 to provide for a waiver of minimum required distribution rules applicable to pension plans for 2010; to the Committee on Ways and Means.

By Mr. DONNELLY of Indiana (for himself and Mr. GARY G. MILLER of California):

H.R. 3921. A bill to amend the Internal Revenue Code of 1986 to extend for 90 days the first-time homebuyer credit for taxpayers

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

who have entered into a binding contract before the termination of such credit; to the Committee on Ways and Means.

By Mr. KLEIN of Florida (for himself, Mr. MICA, Ms. HARMAN, Mr. PENCE, Mr. PETERS, Mr. KIRK, Mr. SHERMAN, Mr. WEXLER, Mr. ENGEL, Mr. SCHOCK, Ms. BERKLEY, Mr. BILIRAKIS, Mr. LINDER, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. HALL of New York, Mr. MACK, Mr. CROWLEY, Mr. WAXMAN, Mr. LEVIN, Mr. BRALEY of Iowa, Mr. INGLIS, Mr. KAGEN, Mr. LARSEN of Washington, Mr. SHULER, Mr. CARNEY, Mr. LANCE, Mr. ISRAEL, Ms. KILROY, Mr. HASTINGS of Florida, Ms. WASSERMAN SCHULTZ, Mr. HIMES, Mr. WEINER, and Mr. GUTIERREZ):

H.R. 3922. A bill to ensure that companies operating in the United States that receive United States Government funds are not conducting business in Iran, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on Financial Services, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POLIS:

H.R. 3923. A bill to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes; to the Committee on Natural Resources.

By Mr. FOSTER:

H. Res. 862. A resolution congratulating the staff, students, and faculty at the Illinois Mathematics and Science Academy for winning the 2009 Star Innovator in the Intel Schools of Distinction competition; to the Committee on Education and Labor.

By Ms. SHEA-PORTER (for herself, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. PAYNE, Mr. COURTNEY, Ms. LINDA T. SANCHEZ of California, Ms. SUTTON, Mr. NADLER of New York, Mr. MASSA, Ms. SCHWARTZ, Ms. CASTOR of Florida, Mr. BRALEY of Iowa, Mr. RODRIGUEZ, Mr. CARNEY, Mr. HOLT, Mr. PRICE of North Carolina, Mr. HIMES, Ms. WASSERMAN SCHULTZ, Mr. VISCLOSKEY, Mr. SNYDER, Ms. HIRONO, Ms. WATERS, Mr. PERLMUTTER, Mr. WALZ, Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, Ms. TSONGAS, Mr. MURTHA, Ms. DEGETTE, Ms. LEE of California, Mr. YARMUTH, Ms. WOOLSEY, Mrs. CAPPS, Mr. HODES, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Mr. HALL of New York, Mrs. NAPOLITANO, Ms. TITUS, Ms. KILROY, Ms. EDWARDS of Maryland, and Mr. SHERMAN):

H. Res. 863. A resolution recognizing the scourge of pneumonia, urging the United States and the world to mobilize cooperation and prioritize resources to fight pneumonia and save children's lives, and recognizing November 2 as World Pneumonia Day; to the Committee on Foreign Affairs.

By Mr. GRAYSON:

H. Res. 864. A resolution congratulating President Obama for winning of the 2009 Nobel Peace Prize; to the Committee on Foreign Affairs.

By Mr. KUCINICH (for himself and Mr. FILNER):

H. Res. 865. A resolution expressing the sense of the House of Representatives that the United States should adopt a target of 350 parts per million of atmospheric carbon dioxide by which to evaluate domestic and international climate change policies, and

for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. WAMP):

H. Res. 866. A resolution expressing support for designation of a National Veterans History Project Week to encourage public participation in a nationwide project that collects and preserves the stories of the men and women who served our nation in times of war and conflict; to the Committee on Veterans' Affairs.

By Ms. ROS-LEHTINEN (for herself, Mr. BERMAN, Mr. BURTON of Indiana, and Mr. ACKERMAN):

H. Res. 867. A resolution calling on the President and the Secretary of State to oppose unequivocally any endorsement or further consideration of the "Report of the United Nations Fact Finding Mission on the Gaza Conflict" in multilateral fora; to the Committee on Foreign Affairs.

By Mrs. DAVIS of California (for herself, Ms. FALLIN, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Ms. FUDGE, Ms. CHU, Ms. SHEA-PORTER, Mr. SESTAK, Mr. BARTLETT, Ms. BORDALLO, Mr. ABERCROMBIE, Ms. TSONGAS, Mr. WILSON of South Carolina, Ms. CASTOR of Florida, Mr. MASSA, Ms. SLAUGHTER, Mr. REYES, Ms. SPEIER, Ms. PINGREE of Maine, Ms. HARMAN, Ms. GIFFORDS, Ms. WASSERMAN SCHULTZ, Mrs. CAPPS, Ms. KAPTUR, Mr. ORTIZ, Mrs. CHRISTENSEN, Mrs. MALONEY, Ms. NORTON, Ms. SCHWARTZ, Mr. TURNER, Mr. ROGERS of Alabama, Mr. COURTNEY, Mrs. NAPOLITANO, Mrs. MCMORRIS RODGERS, Mr. LOESACK, Mr. HARE, Mr. FILNER, Mr. TAYLOR, Ms. MATSUI, Mr. MICHAUD, Mrs. BIGGERT, Mr. MORAN of Virginia, Mr. BOREN, Ms. SUTTON, Ms. BALDWIN, and Mr. SKELTON):

H. Res. 868. A resolution honoring and recognizing the service and achievements of current and former female members of the Armed Forces; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT (for himself, Mr. DREIER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SESSIONS, Ms. FOX, Mr. BOEHNER, Mr. CANTOR, Mr. MCCARTHY of California, Mr. CASTLE, Mr. DANIEL E. LUNGREN of California, Mr. BUCHANAN, Mr. WALDEN, Ms. JENKINS, Mr. PLATTS, Mrs. CAPITO, Mr. FRELINGHUYSEN, Mr. UPTON, Mr. GINGREY of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. WESTMORELAND, Mr. FLAKE, Mr. SHUSTER, Mr. PRICE of Georgia, Mr. RYAN of Wisconsin, Mr. LEE of New York, Mr. LANCE, Mr. KIRK, Mr. COFFMAN of Colorado, Mr. ROGERS of Alabama, Mrs. SCHMIDT, Mr. COBLE, Mr. FRANKS of Arizona, Mr. CAMP, Mr. MCCAUL, Mr. SULLIVAN, Mr. WITTMAN, Mr. HARPER, Mr. HELLER, Mr. EHLERS, Mr. BACHUS, Mr. SMITH of Texas, Mr. ROGERS of Michigan, Mr. BONNER, Mr. BOUSTANY, Mr. CASSIDY, Mr. DAVIS of Kentucky, Mr. HEN-

SARLING, Mr. SENSENBRENNER, Mr. SHADEGG, Mr. CULBERSON, Mr. SAM JOHNSON of Texas, Mr. CARTER, Mr. BARTON of Texas, Mr. SHIMKUS, Mr. SCALISE, Mr. PITTS, Mr. WOLF, Mr. SMITH of New Jersey, Mr. MCCOTTER, Mr. THOMPSON of Pennsylvania, Mr. FORTENBERRY, and Mr. GERLACH):

H. Res. 869. A resolution directing the Chief Administrative Officer to install cameras in the hearing room of the Committee on Rules; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 450: Mr. CARTER and Mr. MCCLINTOCK.
H.R. 571: Mr. COURTNEY, Mrs. LOWEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of New York, and Mrs. DAVIS of California.
H.R. 644: Mrs. CAPPS and Mrs. MALONEY.
H.R. 775: Mr. BROUN of Georgia, Mr. VAN HOLLEN, Ms. LINDA T. SANCHEZ of California, and Mr. CUELLAR.
H.R. 929: Mr. KING of New York.
H.R. 1132: Ms. SCHAKOWSKY and Mrs. HALVORSON.
H.R. 1207: Mr. RYAN of Ohio.
H.R. 1250: Mrs. CAPPS.
H.R. 1352: Mr. SHUSTER.
H.R. 1362: Mrs. DAVIS of California, Mr. TIBERI, Mr. THOMPSON of California, and Mr. HINCHEY.
H.R. 1616: Mr. COURTNEY, Mr. BOSWELL, and Ms. CHU.
H.R. 1831: Mr. PERLMUTTER and Mr. REYES.
H.R. 1884: Mr. BISHOP of New York, Mr. FOSTER, Ms. ROS-LEHTINEN, Mr. DAVIS of Illinois, Ms. HERSETH SANDLIN, and Mr. TERRY.
H.R. 1974: Mr. GORDON of Tennessee, Mr. BURGESS, Mr. WITTMAN, Ms. WASSERMAN SCHULTZ, Mr. POSEY, Mr. HOEKSTRA, Mr. LEE of New York, and Mr. UPTON.
H.R. 1987: Mr. FORTENBERRY.
H.R. 1990: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2024: Mr. SPACE.
H.R. 2102: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DOGGETT, Mr. AL GREEN of Texas, Mr. BERMAN, Mr. BISHOP of Georgia, Ms. BORDALLO, Mr. FATTAH, Mr. BOSWELL, Ms. HIRONO, Mr. ELLISON, Mr. GUTIERREZ, Mr. HASTINGS of Florida, and Mr. FILNER.
H.R. 2275: Mr. RANGEL, Mr. KAGEN, Mr. CUMMINGS, Mr. CARNAHAN, Mr. COSTELLO, Mr. PASCRELL, Mr. MARKEY of Massachusetts, and Mr. CONYERS.
H.R. 2279: Mr. RANGEL and Mr. HASTINGS of Florida.
H.R. 2377: Mr. KRATOVIL.
H.R. 2382: Mr. HARE.
H.R. 2406: Mr. CALVERT.
H.R. 2413: Mr. CUMMINGS, Mr. LEWIS of Georgia, Mr. HARE, and Ms. GIFFORDS.
H.R. 2452: Mr. GINGREY of Georgia.
H.R. 2534: Mr. SNYDER.
H.R. 2547: Mr. SCALISE.
H.R. 2548: Mr. FILNER.
H.R. 2567: Mr. PASTOR of Arizona.
H.R. 2642: Mrs. KIRKPATRICK of Arizona.
H.R. 2756: Mr. SCHRADER.
H.R. 2807: Mr. SESTAK and Mr. COHEN.
H.R. 2880: Mr. CONNOLLY of Virginia.
H.R. 3024: Mr. WAMP and Ms. TSONGAS.
H.R. 3044: Mr. ROGERS of Alabama, Mr. SKELTON, Mr. ROSKAM, Mr. FORBES, Mr. BUCHANAN, and Ms. PINGREE of Maine.
H.R. 3245: Mr. GEORGE MILLER of California.
H.R. 3286: Mr. BERMAN.

H.R. 3355: Ms. SCHWARTZ, Mr. LARSON of Connecticut, and Ms. PINGREE of Maine.

H.R. 3467: Mr. KRATOVIL.

H.R. 3519: Mr. GRAVES, Mr. CARNEY, Mr. FARR, Mr. ELLSWORTH, and Mr. BROWN of South Carolina.

H.R. 3524: Mr. AUSTRIA, Mr. SCHOCK, and Mr. KINGSTON.

H.R. 3669: Mr. GRIJALVA.

H.R. 3677: Mr. CALVERT.

H.R. 3702: Mr. BERRY.

H.R. 3711: Mr. BLUMENAUER.

H.R. 3715: Mr. FILNER.

H.R. 3731: Mr. HARE.

H.R. 3734: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3790: Mr. BUTTERFIELD, Mr. ARCURI, Mr. JOHNSON of Georgia, and Mr. HINCHEY.

H.R. 3799: Mrs. CHRISTENSEN.

H.R. 3827: Mr. JACKSON of Illinois.

H.R. 3906: Mr. MICHAUD.

H. Con. Res. 168: Mr. FRANK of Massachusetts, and Mr. SCALISE.

H. Res. 22: Mr. WELCH.

H. Res. 333: Mr. FILNER and Mr. OLVER.

H. Res. 704: Mr. HASTINGS of Florida, Mr.

MCCOTTER, and Ms. SUTTON.

H. Res. 729: Mr. CALVERT.

H. Res. 736: Mr. DAVIS of Kentucky, Mr. MCCOTTER, and Mr. HOLT.

H. Res. 747: Mr. GUTHRIE and Mr. LAMBORN.

H. Res. 749: Mr. GALLEGLY.

H. Res. 763: Mr. WOLF.

H. Res. 780: Mr. ROYCE, Mr. ROHRABACHER, Mr. KANJORSKI, Mr. RODRIGUEZ, Mr. EDWARDS of Texas, Mr. DICKS, Mr. SMITH of Washington, Mr. THOMPSON of Mississippi, Mr. SALAZAR, Mr. LUJÁN, Mr. SIRES, Mr. HASTINGS of Florida, Mr. PERLMUTTER, Mr. KISSELL, Mr. SHERMAN, Ms. KAPTUR, Mr. COHEN, Mr. ELLISON, Mr. DELAHUNT, Mr. ADLER of New Jersey, and Mr. TEAGUE.

H. Res. 787: Mr. MARKEY of Massachusetts.

H. Res. 798: Mr. ADLER of New Jersey, Mr. STARK, Ms. HIRONO, Mr. FARR, Mr. LEVIN, Mr. PASCRELL, Mr. PAYNE, Mr. WU, Mrs. MALO-

NEY, Mr. SCOTT of Virginia, Mr. ISRAEL, Mr. SIRES, Mr. LINDER, Ms. CORRINE BROWN of Florida, Mr. HIGGINS, Mr. KUCINICH, Ms. MCCOLLUM, Mr. INSLEE, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 839: Mr. MORAN of Virginia, Ms. SCHWARTZ, Mr. SMITH of Washington, Ms. LEE of California, Ms. HIRONO, Mr. BAIRD, Mr. HIMES, Mr. ADLER of New Jersey, Mr. PERLMUTTER, Ms. DELAULO, Mr. TIERNEY, Mr. SNYDER, Mr. FARR, Mr. DELAHUNT, Mr. WAXMAN, Mr. McDERMOTT, Ms. PINGREE of Maine, Mr. DRIEHAUS, Mr. ELLISON, Mr. CLEAVER, Mr. DANIEL E. LUNGREN of California, Mr. JONES, Mr. SCHRADER, Mr. YARMUTH, Mr. WU, Mr. MITCHELL, Mr. HINOJOSA, Mr. PRICE of North Carolina, Mr. ACKERMAN, Ms. WATSON, Ms. MCCOLLUM, Mr. MILLER of North Carolina, Mr. SIRES, Mr. MEEKS of New York, Mrs. LOWEY, Mr. GALLEGLY, Mr. COSTA, Ms. BERKLEY, and Mr. HINCHEY.

H. Res. 848: Mr. HOLDEN.

EXTENSIONS OF REMARKS

IN HONOR OF BILL COSBY, WINNER OF THE MARK TWAIN PRIZE FOR HUMOR

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. FATTAH. Madam Speaker, I rise today to congratulate a hometown hero and constituent of mine—the distinguished and very funny Philadelphian, William Henry Cosby, Jr.

Bill Cosby has been tickling the nation's funny-bone and prodding its conscience throughout his adult life. He has won a trophy room of honors, but none like this one. Bill Cosby's talents and his insight have earned him the 12th annual Mark Twain Prize for American Humor, awarded by the Kennedy Center on October 26, 2009. The star-studded and laugh-filled presentation will be shown on PBS nationally on Wednesday, November 4, always one of PBS's most popular and acclaimed programs.

Bill Cosby—aka Heathcliff Huxtable, friend of Fat Albert, “America's Dad”—is no stranger to the nation's viewers and comedy fans. Less well known, but looming large in terms of character and values, is the Bill Cosby who has served as role model, activist, educator, author, anti-violence crusader, fundraiser and valued citizen of his native Philadelphia.

Bill Cosby was born in the Germantown section of Philadelphia into a modest family that valued hard work—the son of a maid and a Navy cook. He was raised in the Richard Allen Projects, attending Channing Wister Elementary, Fitzsimons Junior High, Central and Germantown High Schools, playing various roles as class clown, class president, star athlete, shoe repair apprentice, produce seller, and ultimately Navy hospital corpsman.

As a young adult he began a lifetime relationship with Philadelphia's premier public institution of higher learning, Temple University. Building on his high school equivalency diploma, earned through correspondence courses, he enrolled in Temple in 1961 on a track and field scholarship, also playing full-back. Cosby, telling jokes as he earned a living, interrupted his studies to pursue show business, returned to academia and ultimately received a bachelor's degree from Temple.

Eventually Bill Cosby would become Doctor Cosby. He earned a masters and a doctorate from the University of Massachusetts, a springboard to his later involvement in advocating for educational opportunity. But Bill Cosby, proud alum, has never left the Temple family, happily donning the cherry and white for football and basketball games, cheering on the Owls during and after the tenure of his close friend, Coach John Chaney.

Cheerleading isn't all Bill Cosby has done for Temple. He has endowed scholarships (including one for graduates of Philadelphia

schools he attended), established a lecture series, generated the University's Cosby Scholarship Committee of the Provost's office, appeared at numerous fundraisers and alumni functions, and served as the public face for Temple on countless occasions.

Another side of the Bill Cosby Philadelphia Story is his anti-violence work. I have marched with Bill Cosby and my friend Bilal Qayyum through the streets of our city beneath the banner of Men United for a Better Philadelphia to denounce the scourge of violence, murder and gang activity. He has been outspoken—and raised considerable controversy—in denouncing the gang-minded culture and the negative, hateful cultural influences that fan street violence among our youth. He aimed his toughest words at parents, calling on them to step up and take responsibility for their children's education, safety and values.

Education has been another Cosby cause. He and I share the passion for leveling the playing field, providing every child the resources, the quality teachers and the full opportunity to achieve his or her dreams. Earlier this year he donned a T-shirt from Central High School to stand with Governor Ed Rendell and advocate for fairer school funding.

In his famous 2004 “Pound Cake Speech” Bill Cosby raised some hackles by telling African American parents they need to do a better job teaching their children morals at home. He chided those who “had forgotten the sacrifices of those in the civil rights movement” and declared that many young African Americans put too much emphasis on sports, fashion, and acting tough in the streets.

The controversies raised by Bill Cosby still ripple through communities of color, but the points he raises are valid. And of course he has never lost his sense of humor. In all these ways, Bill Cosby is a worthy recipient of the Mark Twain Prize and the legacy of Mark Twain himself.

I urge my colleagues in the House to join me in congratulating and thanking Bill Cosby, Philadelphian and American, upon this great occasion.

HONORING THE 125TH ANNIVERSARY OF BENSENVILLE, ILLINOIS

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. ROSKAM. Madam Speaker, I rise today to commemorate the 125th Anniversary of the incorporation of Bensenville, Illinois, in the heart of my Congressional District.

In 1884, the Village of Bensenville was incorporated, and George Cogswell became its first President.

In the years since its humble founding, Bensenville has become a center of culture

and commerce, serving as a home to businesses, professionals, churches and organizations that have made this a vibrant and thriving community. Over the years, Bensenville has developed a well-deserved reputation as an enjoyable place to live, work and raise a family.

On the occasion of this 125th Anniversary, we join together to celebrate Bensenville's legacy of growth and prosperity, and to look ahead to the opportunities facing our local community and our nation. Today both marks 125 years of working together to build a brighter future, and reminds us that our work continues.

Madam Speaker and Distinguished Colleagues, please join me in recognizing Bensenville Village President Frank Soto, the Village Board of Trustees and the citizens of Bensenville in wishing them happiness on this special occasion.

EARMARK DECLARATION

HON. GEOFF DAVIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. DAVIS of Kentucky. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I secured as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman GEOFF DAVIS

Bill Number: H.R. 3183

Account: Corps of Engineers—Investigations

Legal Name of Requesting Entity: U.S. Army Corps of Engineers—Huntington District

Address of Requesting Entity: 502 Eighth Street, Huntington, WV 25701

Description of Request: Appropriate \$1,793,000 for the Ohio River Basin Comprehensive Study, WV, KY, OH, PA, IL, VA, AL, TN, NY, MD, NC, MS & GA. Funds will help to complete the Reconnaissance Report and initiate the Feasibility Report. This project is an important use of taxpayer dollars because it is the first step in the development of a comprehensive analysis and strategy for the administration and management of the Ohio River Basin system. The project will eventually identify and document stakeholders and their needs for water resources products and services that are now or could be generated by the current system and will determine the current condition of the system infrastructure.

● This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING THE LIFE AND SERVICE
OF JOE MASELLI**HON. STEVE SCALISE**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. SCALISE. Madam Speaker, I rise today with a heavy heart to honor my friend Joe Maselli, the son of Italian immigrants who passed away on October 18, 2009. Joe Maselli was a proud New Orleanian for over 60 years. He may best be known as a proud and tireless advocate for the preservation of Italian heritage and culture, and a devoted family man.

Joe Maselli earned his Bachelor of Arts degree from Tulane University and served for three years in the U.S. Army.

Joe devoted much of his life to the celebration of the Italian cultural contribution to America. He helped create the Italian Village at the 1984 Worlds Fair in New Orleans, and founded the American-Italian Renaissance Foundation, as well as the American-Italian Sports Hall of Fame, which awards scholarships to up and coming athletes and scholars.

Joe was an Ethnic Affairs Advisor to Presidents Ford, Carter, and Reagan. In 1992, the Governor of Louisiana chose him to chair the Louisiana Quincentenary Commission honoring Louisiana's 500th Anniversary.

Even with all of Joe's accomplishments, he always put his family first. Joe is survived by his wife of 63 years, Antoinette Cammarata, their four children, and eight grandchildren, which I know he considered his greatest accomplishments.

I extend my sincere condolences to the Maselli family and will work to ensure that the distinguished legacy of my friend Joe Maselli is not forgotten by future generations.

COLUMN: NET NEUTRALITY ISN'T
A NEUTRAL TERM, AND IT ISN'T
GOOD FOR THE NET**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. SHIMKUS. Madam Speaker, I submit the following column, written by David Nicklaus of the St. Louis Post-Dispatch.

NET NEUTRALITY ISN'T A NEUTRAL TERM, AND IT ISN'T GOOD FOR THE NET

David Nicklaus, St. Louis Post-Dispatch

Some beats, like banking, need tougher cops, but others, like the Internet, are doing fine with no cop at all.

So when the chairman of the Federal Communications Commission weighs in on an important Internet issue by vowing to become "a smart cop on the beat," we should worry that the Web's best years, characterized by rapid growth with little regulation, may be behind it.

Of course, FCC Chairman Julius Genachowski doesn't characterize his stance that way. His idea of a "smart cop" is one who enforces the principle that all Internet traffic should be treated equally. And he argues that his brand of policing will encourage innovation, not stifle it.

The principle Genachowski endorsed this week—and one he intends to codify into FCC regulations—is referred to as net neutrality. Despite the lofty-sounding name, however, a net neutrality rule wouldn't be neutral. It would amount to favoring one group of Internet companies, the content creators, in an ongoing turf battle with broadband providers.

Broadband firms, like AT&T, Verizon and the cable TV industry, own the Internet's infrastructure. Companies like Google and eBay own the content that travels over those broadband networks.

These two groups obviously need each other, but that doesn't mean they have to like each other.

A net neutrality rule would require broadband providers to treat all content alike in terms of pricing and access. Without it, content companies worry they might face an extra fee for speedy delivery of bandwidth-gobbling applications, like video downloading sites or Internet telephone services.

Say Microsoft, for example, paid the fee, but Google didn't. Microsoft's site would get an unfair advantage, the net neutrality advocates argue, allowing the Verizons of the world to pick winners and losers—and perhaps to snuff out competitors of their own video and phone businesses.

The broadband companies counter that they have invested huge sums in Internet infrastructure, including \$70 billion last year alone. They generally don't use discriminatory pricing now, but some people in the industry think it would be one way to pay for a next-generation network that could carry far more data at faster speeds.

If those investments aren't made, the information superhighway will eventually look like I-70 at rush hour, with video file-sharers slowing things down for the folks who just want to read e-mail or check an airline schedule.

Scott Cleland, a consultant who runs the broadband-industry-backed site NetCompetition.org, says a strict net neutrality regime would discourage infrastructure investment and make the Internet less secure. If the network owners can't discriminate among forms of content, he argues, they would lose their ability to root out viruses and other malware.

Cleland may be overstating the security argument. Any reasonable FCC regulation would surely allow the broadband companies to police their networks for harmful files. His larger point, though, is a good one: Why risk messing up something that isn't broken?

Existing antitrust law should prevent, say, AT&T from discriminating against an Internet-phone competitor like Skype. Beyond such an obvious abuse, it's hard to see what harm can come from letting the broadband firms price their network however they want.

It's often said that on the Internet, information wants to be free. That four-letter word has two meanings—free as in zero cost, and free as in unregulated and unrestricted—and they are at odds in this debate.

If we impose regulations just to keep down the cost of certain services, we may find that we've lost the very freedom that makes the Internet so successful and so valuable.

CELEBRATING THE 100TH ANNI-
VERSARY OF STS. CONSTANTINE
& HELEN GREEK ORTHODOX
CHURCH IN PALOS HILLS, ILLI-
NOIS**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. LIPINSKI. Madam Speaker, I rise today to honor Sts. Constantine & Helen Greek Orthodox Church as they celebrate 100 years of community, faith and service. Throughout their history, the parishioners of Sts. Constantine & Helen Greek Orthodox Church have strived to embody their calling as members of the community of faith, and in doing so have served commendably as a pillar of the Palos Hills community.

Originally located on South Michigan Avenue in 1909, Sts. Constantine & Helen relocated in 1926 when a fire consumed the building, and then relocated to its new location on the corner of 111th Street and Roberts Road in Palos Hills with an opening ceremony in 1976.

Today, Sts. Constantine & Helen is as vibrant as ever under the faithful guidance of Rev. Nick Jonas, and the parish continues to serve the worship needs of over 400 families. The church is expecting some 1,200 participants at its centennial celebration on October 24, at which time Rev. Byron Papanikolaou will also mark his incredible 50th year with the congregation.

It is my honor to recognize Sts. Constantine & Helen Greek Orthodox Church on the occasion of its 100th anniversary. The parish has fulfilled a vision of a proud community that works together, learns together, and worships together. With its legacy of remarkable pastors and committed parishioners, the parish is truly deserving of this recognition.

HONORING THE FISHER HOUSE
AND THE REPUBLICAN CLUB OF
CENTRAL PASCO COUNTY, FLOR-
IDA**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor the Republican Club of Central Pasco County for their support of the Fisher House at the James A. Haley Veterans' Hospital in Tampa, Florida.

Military families are the first line of support for our servicemen and women: they sit up at night waiting for their phone call and they send them comforts from home to sustain them while they fight for our freedom a half a world away.

Some families are called on to support and encourage their loved ones long after they've returned from the battles of war. For them, the Fisher House often becomes their "home away from home".

Since it opened its doors in 2007, the Fisher House in Tampa has hosted more than 1,200

people. The 16,000-square-foot house can accommodate up to 21 families at a time, and averages 35 guests per night. The average length of stay is two months, but two families have been there since the house opened.

Nationwide, the Fisher House program has made available nearly three million days of lodging since the program originated in 1990. They are operated by the Department of Veterans Affairs and rely on donations to the Fisher House Foundation so that no family has to pay to stay at any Fisher House.

The Republican Club of Central Pasco County, Florida, continually supports the Fisher House Foundation and our military men and women. This weekend, they will host the 2nd biennial event, "A Night for Heroes" in support of the Fisher House Foundation.

Madam Speaker, just as our military men and women believe it is their duty to serve our Nation; it is our duty to support them. The Republican Club of Central Pasco County has truly answered the call. On behalf of this Congress, I thank them for their unyielding commitment to this most important cause.

PERSONAL EXPLANATION

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. CARDOZA. Madam Speaker, I was unable to be present for several votes taken on the House floor yesterday afternoon, Thursday, October 22, 2009, due to illness. As a result, I missed rollcall votes No. 801 through No. 811. Had I been present: on rollcall vote No. 801 I would have voted "no"; on rollcall vote No. 802 I would have voted "aye"; on rollcall vote No. 803 I would have voted "aye"; on rollcall vote No. 804 I would have voted "aye"; on rollcall vote No. 805 I would have voted "aye"; on rollcall vote No. 806 I would have voted "aye"; on rollcall vote No. 807 I would have voted "aye"; on rollcall vote No. 808 I would have voted "aye"; on rollcall vote No. 809 I would have voted "aye"; on rollcall vote No. 810 I would have voted "aye"; and on rollcall vote No. 811 I would have voted "aye."

HONORING THE CITY OF INVERNESS, CITRUS COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to congratulate the city of Inverness, Florida; they have been designated the "National City of the Year" by the veterans honor organization, the Forty & Eight.

Since 1920, the Forty & Eight organization has worked tirelessly to insure that the legacies of our service members endure alongside the freedom that they fought so selflessly to defend. They are committed to serving our veterans and their families: those who are still

with us, those who have gone before us and those whose fate is still yet unknown.

John Kaiserian is the Grand Chef de Train of the Forty & Eight and a member of Voiture 1219 of Citrus County, Florida. He cited several factors which contributed to the City of Inverness receiving top honors on both the state and national level. Among them were the city's numerous parades and ceremonies honoring veterans, monuments that they have erected to honor those killed in combat, the annual Patriotic Evening on July 3rd and the City's very own Liberty Park. He refers to Inverness as Citrus County's "veterans' city".

On September 9, 2009, City Manager Frank DiGiovanni, City Clerk Debbie Davis and Mayor Bob Plaisted traveled to Rochester, New York to proudly accept the award on the city's behalf. They recognized the support of local residents and veterans' organizations that made the award possible. They especially thanked the veterans for all they have given to this country: City Manager, Frank DiGiovanni said, "Loss of life is the ultimate sacrifice and many have given all".

Madam Speaker, the Forty & Eight organization captures the American spirit in communities all across the country. I am honored and very proud to recognize Inverness, Florida as the Forty & Eight "National City of the Year".

HONORING THE SORGE FAMILY OF SORGE'S RESTAURANT IN CORNING, NY

HON. ERIC J.J. MASSA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. MASSA. Madam Speaker, I rise today to honor a landmark in New York's 29th Congressional District and its proprietors, the Sorge Family of Sorge's Restaurant. Renato and his brother Remo Sorge came to the United States from Italy in 1936 and through hard work and determination realized the American Dream.

On June 5, 1951, Renato and Loretta Sorge opened Sorge's Restaurant at 68 W. Market St. in Corning, NY and it quickly became an area favorite. From its humble beginnings with a counter and 11 booths, the restaurant eventually grew, and expanded to the adjacent building and a seating capacity of 225 persons. Offering quality food and a welcoming atmosphere, it is easy to see how the restaurant became a Corning institution.

A true family business, Renato's sons, Joseph and Michael, followed in their parents' footsteps working in the restaurant part-time while growing up. They both eventually pursued restaurant management degrees at Cornell and SUNY Cobleskill, respectfully. Upon graduation, Joseph and Michael returned to Corning to carry on the Sorge Family tradition of providing the finest Italian/American food, and quality service at reasonable prices.

An unfortunate fire in December 2008 burned the original Sorge Restaurant; yet, this setback has not dampened the Sorge's spirits. Instead it serves as a testament to the Sorge Family commitment to the District as they have chosen to stay and rebuild this commu-

nity institution. The site is now recognized as an historic landmark.

As friends and family gather in Corning today to celebrate a new beginning at 68 W. Market St., it is my honor to recognize the Sorge Family and Sorge's Restaurant on behalf of the United States Congress.

HONORING THE FISHER HOUSE & THE REPUBLICAN CLUB OF WEST PASCO COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor the Republican Club of West Pasco County for their support of the Fisher House at the James A. Haley Veterans' Hospital in Tampa, Florida.

Military families are the first line of support for our servicemen and women: They sit up at night waiting for their phone call and they send them comforts from home to sustain them while they fight for our freedom a half a world away.

Some families are called on to support and encourage their loved ones long after they've returned from the battles of war. For them, the Fisher House often becomes their "home away from home".

Since it opened its doors in 2007, the Fisher House in Tampa has hosted more than 1,200 people. The 16,000-square-foot house can accommodate up to 21 families at a time, and averages 35 guests per night. The average length of stay is two months, but two families have been there since the house opened.

Nationwide, the Fisher House program has made available nearly three million days of lodging since the program originated in 1990. They are operated by the Department of Veterans Affairs and rely on donations to the Fisher House Foundation so that no family has to pay to stay at any Fisher House.

The Republican Club of West Pasco County continually supports the Fisher House Foundation and our military men and women. This weekend, they will host the 2nd biennial event, "A Night For Heroes" in support of the Fisher House Foundation.

Madam Speaker, just as our military men and women believe it is their duty to serve our nation; it is our duty to support them. The Republican Club of West Pasco County has truly answered the call. On behalf of this Congress, I thank them for their unyielding commitment to this most important cause.

HONORING DR. HO LUONG TRAN

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. HONDA. Madam Speaker, I rise today to honor Dr. Ho Luong Tran, President and CEO of the Asian & Pacific Islander American Health Forum (APIAHF) on the occasion of her retirement from the Forum to pursue new advocacy opportunities.

Dr. Tran has spent 7 years working with sincere, focused dedication to build APIAHF into a leading policy. Dr. Tran has been leading innovative legislative, policy, and community initiatives with an outstanding ability to establish coalitions among the public, private and community sectors for more than 20 years.

Under Dr. Tran's leadership, APIAHF has partnered with the W.K. Kellogg Foundation on a groundbreaking initiative, Health Through Action, to provide local communities with funding, training, and technical assistance to address health issues and strengthen a national network of advocates to create a broader health movement. During her tenure as the President and CEO of APIAHF, Dr. Tran has helped create the Native Hawaiian & Pacific Islander Alliance and the National Council of API Physicians.

Furthermore, she led the development of a national policy blueprint for Asian American, Native Hawaiians, and Pacific Islander health and enhanced the organization's national presence and reach in Washington D.C.

She has worked in health care since earning her degree at the University of Saigon in 1972. Her family fled Vietnam as refugees in 1978, an experience which has shaped and deepened her commitment to the health of her community. I have worked with Dr. Tran and the APIAHF since I was elected to Congress. Her leadership and the excellent work of the Health Forum have enabled the Congressional Asian Pacific American Caucus, the Congressional Hispanic Caucus, and Congressional Black Caucus to help significantly positively impact health policy and the conversation around health disparities.

Her leadership has been critical in the fight for greater understanding of the challenges facing the Asian American and Pacific Islander communities. I know the APIAHF will carry on her legacy of excellence and thank her for her unfailing commitment to improving the health of all Americans.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. PASCRELL. Madam Speaker, yesterday I missed the final three rollcall votes of the day. Unfortunately I missed these votes because I had to return to my district.

Had I been present I would have voted "yea" on rollcall vote No. 809, On Ordering the Previous Question—H. Res. 853—Providing for consideration of H.R. 3619, Coast Guard Authorization Act of 2010.

Had I been present I would have voted "yea" on rollcall vote No. 810, On Agreeing to the Resolution—H. Res. 853—Providing for consideration of H.R. 3619, Coast Guard Authorization Act of 2010.

Lastly, had I been present I would have voted "yea" on rollcall vote No. 811, On Motion to Suspend the Rules and Agree—H. Res. 836—Expressing support for Teen Read Week.

HONORING SANDOR KIRSCHKE

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in honor of Sandor Kirsche. Mr. Kirsche was born in Czechoslovakia in 1926 and arrived in Chicago after surviving Nazi persecution in concentration camps at both Auschwitz and Bundenwald. Sandor overcame his personal struggles, including the deaths of his brother and father, and dedicated his life to making the lives of Jewish Americans easier. To that end, he opened the first full-service kosher supermarket in the Chicago area and gave back to the community with a life's worth of charity and philanthropy.

In 1971, Sandor opened a kosher butcher shop, which initially lost money. But through his hard work, long hours, and perseverance, he expanded the store to include kosher fish and packaged goods. The existence of a kosher supermarket was invaluable to the Jewish community, who now had a place where people could purchase kosher goods. Today, the store is known as Hungarian Kosher Foods and is still family owned.

Anyone who met Sandor knew he was much more than a businessman, and understandably, everybody knew him. At his stores, he never just sold meats and canned goods. He was always ready with a smile and a story, and a piece of candy for his younger patrons. He kept up on issues in the community, history, politics, and spoke seven different languages. He fought tirelessly to bring his sisters to the United States, and after twenty years of never giving up, he was successful in bringing them here from Soviet Russia in 1972.

I am honored to recognize and remember Sandor Kirsche today. He exemplified family and community values even after overcoming great hardship. His uniquely American story is an example to not only the Chicago and Jewish communities, but to everyone who has ever faced long odds.

HONORING JACK E. ATCHISON, HERNANDO COUNTY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor an American Hero and Purple Heart recipient, Jack E. Atchison of Spring Hill, Florida. Wounded during an enemy attack in Vietnam, Sgt. Atchison's service to our nation will forever be remembered by this Congress.

Born in Oskaloosa, Iowa on March 11, 1934, Jack attended Park College in Missouri where he studied Hospital Administration. Following his schooling, he courageously served 21 years in our nation's military.

In December of 1965, Sgt. Atchison bravely participated in an attack to repel enemy forces from a strategic location. During the battle, a

bomb exploded in close proximity to Mr. Atchison, causing shrapnel wounds to his legs. In a genuine act of valor, despite his injuries, Mr. Atchison remained with his fellow wounded soldiers, and prepared them for transport via helicopter back to Flagon Embassy Hospital. Fortunately none of the 17 wounded American soldiers perished from this attack. The professional skill and personal devotion displayed by Sgt. Atchison reflect his immense commitment and sacrifice.

In addition to his Purple Heart, Sgt. Atchison was awarded the Bronze Star Medal, the Air Medal, the Army Commendation Medal, the Good Conduct Medal Bronze Clasp with 5 Loops, the National Defense Service Medal with OLC, the Korean Service Medal, the Vietnam Service Medal, the United Nations Service Medal, the Republic of Vietnam Campaign Medal with Device 1960, the Honor Medal 2nd Class (Vietnam), the Parachutist Badge, and the Combat Medical Badge.

Following his service in the military Jack went on to a successful career as the President of the South Georgia Real Estate Association. Jack has been married to his wife, Virginia, for 56 years and they have 5 children, Jackie, Katie, Cindy, Jack Jr., and Donna.

Madam Speaker, it is an honor to recognize Jack E. Atchison. He is a beloved American hero. On behalf of a grateful nation, this Congress, his family and friends, I thank him for his service and sacrifice to our country.

RESOLUTION HONORING THE SERVICE AND ACHIEVEMENTS OF WOMEN OF THE ARMED SERVICES AND FEMALE VET- ERANS

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce a resolution honoring the service and achievements of women in the Armed Forces and female veterans.

Every time I visit military installations, both at home and abroad, I am constantly impressed by the tremendous job our service members are doing.

And I am always particularly struck by the essential and natural role our brave service-women play in so many parts of our Armed Services.

There are close to 350,000 American women currently serving in our Armed Forces.

And it's hard to believe they were only granted permanent status in the regular and Reserve Armed Forces in 1948—because women were certainly making their mark well before then.

Women have voluntarily served in every military conflict in our country's history since the Revolutionary War.

They have been on the frontlines as nurses, waterbearers, and even saboteurs.

For years, dedicated women had to disguise themselves as men in order to enlist in our military.

Today, that's not the case—our service-women play an increasingly important role in

America's military forces, and our country is the better for it.

Women are flying helicopters and fighter aircrafts; they are saving lives as nurses and doctors; they are driving support vehicles and policing perimeters.

They do not seek special recognition, but I believe it is important to understand and recognize the additional burdens that are inherent in the many roles they play outside of work—as wives, mothers, and caretakers.

The resolution recognizes the sacrifices our servicewomen and their families make to keep our country safe.

As Chair of the House Armed Services Subcommittee on Military Personnel and Co-Chair of the Women's Caucus Task Force on Women in the Military and Veterans, I am privileged to honor the legacy of servicewomen in the past, the courage with which women serve today, and the enthusiasm of the young women who dream of serving this great nation in the future.

Madam Speaker, thank you for the opportunity to introduce this resolution today.

TOM CONNELLY MARKS THIRTY YEARS AS EXECUTIVE DIRECTOR OF MASSACHUSETTS CHAPTER OF NAHRO

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. FRANK of Massachusetts. Madam Speaker, on October 9th of this year, one of the leaders in increasing the supply of affordable housing in the State of Massachusetts, Tom Connelly, marked his 30th anniversary as the Executive Director of the Massachusetts Chapter of the National Association of Housing & Redevelopment Officials (MassNAHRO). I have benefitted enormously in my work on housing in the Committee on Financial Services from Mr. Connelly's good judgment, his broad and deep knowledge of all aspects of housing matters, and his passion for helping this become a fairer society.

NAHRO nationally has been a great partner for those of us trying to improve the housing situation for many in this country. One of the strong aspects of NAHRO's work is their continued recognition that for many low-income people, the answer for their housing needs is not homeownership but decent rental housing, and a failure to understand this is one of the contributing factors to the housing crisis that led to our current recession. NAHRO, MassNAHRO and Tom Connelly in particular have been supportive of appropriate efforts to promote homeownership, but they have also understood the importance for a very large number of low-income people of affordable rental housing, so they are not pushed into inappropriate home mortgages.

Madam Speaker, in his thirty years as Executive Director, Tom Connelly has set a high standard for organizational leadership and for housing policy. And I should add that among the contributions he has made to the field of housing is his daughter, Meredith, who works on housing matters for the Committee on Fi-

nancial Services and carries on her father's tradition of doing excellent work for the housing needs of low-income people.

Madam Speaker, I submit this statement for the RECORD because I hope that people will look at the work that Tom Connelly has done and that it will serve as a model for those interested in helping with housing issues.

CONGRATULATING IVAN "IKE" ACKERMAN

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. BRALEY of Iowa. Madam Speaker, I rise today to congratulate Ivan "Ike" Ackerman on his retirement as Mayor of the city of Waverly. At the end of the year, Ike Ackerman will be retiring after serving 12 years as Mayor.

Over the past 12 years, Mayor Ackerman has been a proven leader in moving the city of Waverly forward and bringing the community together. With Mayor Ackerman's command, the city of Waverly has seen successes from economic development to upgrading the city's wellness opportunities.

Waverly is one of northeast Iowa's fastest growing communities with a highly diversified economic base. Mayor Ackerman has focused on bringing new life to old Waverly through downtown revitalization, economic development and new recreational facilities.

During Mayor Ackerman's tenure the city of Waverly experienced the worst flooding the city had seen in decades. In June of 2008, the Cedar River reached a record high and 25 percent of the community was impacted by the dangerous waters. The city suffered millions of dollars in damages. With Mayor Ackerman's leadership the city is rebuilding, putting in place future mitigation plans, and revitalizing the community one day at a time.

With Mayor Ackerman's retirement we are losing years of institutional knowledge and a champion for the needs of Waverly residents. I am proud to represent Mayor Ackerman and the city of Waverly in Congress. I wish him the best in all his endeavors.

HONORING RICHARD H. BENNETT, PASCO, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor an American hero and Purple Heart recipient, Mr. Richard H. Bennett of Shady Hills, FL. A proud member of our Nation's military during Vietnam, Mr. Bennett honorably defended the freedoms that all Americans hold dear.

Born on August 10, 1949 to Harry and Claire Bennett in Canandaigua, New York, Richard began his service to the Army in June of 1969. Shortly thereafter he was deployed to Vietnam where he fought courageously, put-

ting his life on the line every day. During his tour he suffered shrapnel in his back on account of gunfire, wounds to his left arm and left leg due to an ambush firefight in the jungle, and was exposed to Agent Orange. Along with his Purple Heart Medal, Mr. Bennett is a recipient of the Vietnam Service Medal, the Republic of Vietnam Campaign Medal, the National Defense Service Medal, and the Combat Infantryman's Badge.

Following Mr. Bennett's service in the Army, he worked with "Somebody Loves You Ministries" helping the less fortunate improve their lives.

Madam Speaker, it is important to recognize Americans like Richard H. Bennett for their service to our Nation and for their commitment and sacrifices in battle. Our Nation, this Congress, and Mr. Bennett's family and friends, will always remember his bravery and dedication.

HONORING ELEANOR CAINES 100TH BIRTHDAY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. MICA. Madam Speaker, it is my pleasure to recognize the life of a wonderful American and personal friend, Eleanor Caines, as she celebrates her 100th Birthday.

I know that I join family and friends in extending our best wishes as she reaches this special life milestone.

It has been my privilege to know Eleanor for more than three decades as we attended Maitland's Episcopal Church of the Good Shepherd.

Nearly always several pews in front of the Mica family, Eleanor has been one of the most faithful parishioners of the congregation.

Her special smile, warm greeting and positive glow have brightened both the day and the path of those she meets!

A native of Asheville, North Carolina, whose family hailed from Massachusetts, Eleanor honorably served in the WACS during World War II. She and her late husband, Basil, who passed in 1982, resided in Central Florida.

Active in Church and community affairs, the Boston University graduate has faithfully been a strong supporter of veterans and university alumni affairs.

It is wonderful people like Eleanor Caines who every day of their lives have worked and contributed to make this a great nation. I know that I join her niece and nephew, Charlotte and David Hunt, family and friends at Mayflower and fellow parishioners at the Church of the Good Shepherd in extending our best wishes to Eleanor Caines as she celebrates this special birthday. I know my colleagues also join in saying thank you to a special American, Eleanor Caines!

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. BECERRA. Madam Speaker, I was unavoidably detained yesterday and missed roll-call No. 804. If present, I would have voted "yea."

RECOGNIZING NEW YORK CITY
COUNCIL RESOLUTION NO. 2166 IN
SUPPORT OF H.R. 22 AND 658

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. RANGEL. Madam Speaker, I rise today in support of the Council of the city of New York's Resolution No. 2166, calling upon the U.S. House to pass H.R. 658—the Access to Postal Services Act. Thanks to our work in Congress, H.R. 22—the U.S. Postal Service Financial Relief Act, has passed the House and similar legislation has cleared the Senate. This great legislation assists the U.S. Postal Service with financial expenses and stops the unnecessary closure of neighborhood post offices, increasing community input as the Postal Service reorganizes its branches throughout the city of New York.

If we do not follow-up with the speedy passage of H.R. 658, the Postal Service will be forced to close over 700 locations throughout the United States, including 53 locations in New York city alone. In addition to the borough of Queens, Manhattan will be adversely affected with the closure of 25 locations, which includes my Harlem community.

In my own district, the Tejada Post Office was almost a victim to these closures. The well-regarded institution was named after a member of the 3rd Battalion, 5th Marine Regiment who was killed during combat operations in Baghdad, Iraq on April 11, 2003. He died at the tender age of 26. But thanks to the help of people like District Leader Maria Luna, City Councilman Robert Jackson and Assemblyman Denny Farrell and Adriano Espallat, as well as Councilmember-Elect Ydanis Rodriguez, Community Board 12, and the Northern Manhattan Improvement Corporation, a grass-roots coalition came together and demanded that it remain open.

We ought to work to make sure that nothing of the sort happens in communities across this great nation. Both these bills will assist people in staying connected with the world, while not hoisting greater financial burdens on New Yorkers or other Americans who rely on these nearby post offices. Senior citizens and low-income Americans would be most vulnerable to these shutdowns, and as Americans, we ought to look after the most vulnerable in our society. May the Congress work as quickly as it can to alleviate this problem and ensure that these post offices remain open.

RECOGNIZING THE 10TH ANNIVERSARY OF JONESBOROUGH VETERANS PARK

HON. DAVID P. ROE

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. ROE of Tennessee. Madam Speaker, I am so proud to recognize and commend the town of Jonesborough and Washington County for its 10th year anniversary of the Jonesborough Veterans Park. In 1999, Washington County celebrated this park at the groundbreaking ceremony, and on Memorial Day of 2000, the Jonesborough Veterans' Park construction was completed.

Memorial Day of 2000 was extra special for veterans all throughout Washington County because of the Jonesborough Veterans Park.

Mr. Speaker, I introduced a Resolution, congratulating the Jonesborough Veterans Park for their 10th anniversary and for a decade of successful management and preservation of the park land. This will be a reminder that we in the First District are committed to honoring our veterans.

I want to thank the volunteers in Washington County who worked on this park and who remain dedicated to honoring our veterans.

CHAIRMAN SEUNG YOUN KIM'S
MESSAGE OF SUPPORT TO THE
PEOPLE OF AMERICAN SAMOA IN
AFTERMATH OF DEVASTATING
TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. FALEOMAVAEGA. Madam Speaker, I submit the following message of support from Seung Youn Kim, Chairman of the Hanwha Group, in response to the massive tsunami that struck American Samoa on Tuesday, September 29, 2009.

OCTOBER 1, 2009.

HON. ENI FALEOMAVAEGA,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN FALEOMAVAEGA: I would like to offer my deepest condolences to you and the people of Samoa for the losses and sufferings caused by the natural disaster yesterday.

Everyone in my family was shocked by seeing the devastated sites of Pago Pago and Leone through the media. I am greatly concerned on the tragic news, not as a bystander but a personal friend of yours.

I can only imagine the grief that you must feel and the immensity of the tasks you face, but I also know that you are a man of undefeatable courage who will once again lead the way out from this disaster. It is slightly relieving to me that acts of courage and kindness surfaced and that the U.S. government and the international society take the matter seriously moving quickly in aiding the region.

I heard that you have already flown out to Samoa, and I only wish I could come to the area and join you in person to help. I am per-

sonally committed to supporting you, pondering over how I could help you on the efforts for the recovery of Samoa and its people.

Once again, my heart and thoughts are with you and the people of Samoa wishing safety and hope for all those who have been affected.

Truly yours,

SEUNG YOUN KIM.

RECOGNIZING BETH SHOLOM
AHAVAS ACHIM SYNAGOGUE

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of Beth Sholom Ahavas Achim Synagogue in Chicago. On October 25, 2009, the congregation will celebrate its 50th anniversary with a special dinner and ceremony. I commend the entire congregation for its dedicated service to the Hollywood Park neighborhood and the surrounding communities. I would also like to recognize the contributions of Beth Sholom's spiritual leader, Rabbi Moshe Soloveichik. Rabbi Soloveichik is one of the most respected rabbis in the country and has been instrumental in the growth of Beth Sholom.

The Beth Sholom synagogue is a wonderful example of an active faith community whose members work to better themselves and those around them. The Orthodox Jewish faith is rich with tradition and an important part of both our diversity in Chicago and across the country. The congregation of Beth Sholom continues to enrich that tradition and pass it along to future generations.

The 50th anniversary celebration also honors an outstanding member of the congregation who passed away two years ago. Sandor Kirsche, a Holocaust survivor, opened Hungarian Kosher Foods, the first full-service kosher supermarket in the Chicago area, and was a member of Beth Sholom until his death. His service to the congregation and all of Chicago is greatly appreciated. Although he is missed, he will always be remembered.

I am honored to recognize Beth Sholom Ahavas Achim and Rabbi Soloveichik, and I am proud to have such active, thoughtful, and faithful men and women in my district.

CONGRATULATING TIM HURLEY

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Mr. BRALEY of Iowa. Madam Speaker, I rise today to congratulate Tim Hurley on his retirement as Mayor of the city of Waterloo. At the end of the year, Tim Hurley will be retiring after serving three terms as Mayor.

Over the past 6 years, Mayor Hurley has been a proven leader in moving the city of Waterloo forward and bringing the community together. With Mayor Hurley's command, the city of Waterloo has seen successes from

economic development to upgrading the city's recreational opportunities.

Mayor Hurley has been focused on four key initiatives: economic development, improved financial health of city government, improved delivery of government services and an improved city image. These are no small tasks, but Mayor Hurley has managed to turn them into a reality.

During Mayor Hurley's tenure, the city of Waterloo experienced the worst flooding the city had seen in decades. In June of 2008, the Cedar River reached a record high of 25.39 ft, 13.39 ft above flood stage and the city suffered millions of dollars in damages. With Mayor Hurley's leadership the city is rebuilding, putting in place future mitigation plans, and revitalizing the community one day at a time.

With Mayor Hurley's retirement we are losing a chief advocate for the needs of Waterloo residents. I am proud to represent Mayor Hurley and the city of Waterloo in Congress. I wish him the best in all his endeavors.

HONORING PAULA WELENC AND
THE TAMPA FISHER HOUSE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 23, 2009

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor Paula Welenc and the Fisher House at the James A. Haley Veterans' Hospital in Tampa, Florida.

Military families are the first line of support for our servicemen and women. Some families are called on to support and encourage their loved ones long after they've returned from the battles of war. For them, the Fisher House often becomes their "home away from home." At the Fisher House in Tampa, Florida, Paula Welenc is there to welcome them with open arms.

Paula is the manager of the Fisher House at the James A. Haley Veterans' Hospital in Tampa. She has been with the facility since it opened in July of 2007. A clinical social worker by profession, she spent twenty years on active duty in the United States Air Force. In 2004, after retiring from the Air Force, she and her family moved to Spring Hill, Florida where Paula was hired as the Department of Defense's Domestic Violence Victims Advocate at MacDill Air Force Base.

Paula's military and civilian backgrounds give her a unique understanding of the issues

facing our military families who are dealing with the illness or injury of their loved one.

In a recent newspaper article about the Fisher House in Tampa, Paula remarked, "We strive so hard to have this calm, relaxing, very comfortable setting for them while they're going through what might well be one of the most traumatic things that has ever happened in their life."

Since it opened its doors, the Fisher House in Tampa has hosted more than 1,200 people. The 16,000-square-foot house can accommodate up to 21 families at a time, and averages 35 guests per night. The average length of stay is two months, but two families have been there since the house opened.

Nationwide, The Fisher House Program has made available nearly three million days of lodging since the program originated in 1990. They are operated by the Department of Veterans Affairs and rely on donations to the Fisher House Foundation so that no family has to pay to stay at any Fisher House.

Madam Speaker, just as our military men and women believe it is their duty to serve our Nation; it is our duty to support them. Paula has truly answered the call. On behalf of this Congress and the families that have benefited from this program, I thank her for her unyielding commitment to this most important cause.

SENATE—Monday, October 26, 2009

The Senate met at 2 p.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Gracious God, we confess our need of Your presence and Your help for the journey ahead. You have promised that You will never fail or forsake us, so we place our trust in You, come what may.

Today, show Your will to the Members of this body in the maze of paths their feet may take. Lead them through the perplexity of issues to reach Your desired destination. Meet them in the thorny questions they confront, through the encircling gloom of indecision, as You open their ears and hearts to hear and heed Your guidance. Lord, keep them from embarking upon a path that is less than Your best.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK R. WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 26, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

Mr. REID. Mr. President, I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will turn to a period of morning business. Senators will be permitted to speak for up to 10 minutes each. As announced earlier, there will be no rollcall votes today. The next vote will occur at about 2:15, Tuesday, October 27. That vote will be on the confirmation of the nomination of Irene Berger to be U.S. district judge for the Southern District of West Virginia. Upon disposition of the nomination, the Senate will immediately proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 3548, the unemployment compensation extension. In addition to considering the unemployment bill this week, we hope to consider the Commerce-Justice-Science appropriations bill and the Military Construction appropriations bill. We also need to pass a continuing resolution before the end of the week because the current CR expires Saturday night. We also expect to pass the 6-month highway extension bill.

MEASURE PLACED ON THE CALENDAR—S. 1858

Mr. REID. Mr. President, I am told that S. 1858 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 1858) to require Senate candidates to file designations, statements, and reports in electronic form.

Mr. REID. Mr. President, I object to any further proceedings with regard to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

WALL STREET NARROW-MINDEDNESS

Mr. REID. Mr. President, the global economic crisis is very complicated. It

was born of both brazen, unabashed abuses and elaborate schemes alike. It brought complex concepts such as “mortgage-backed securities” and “credit default swaps” and “derivatives trading” into our everyday vocabulary. Prior to this financial meltdown, rarely did we hear the words “mortgage-backed security,” “credit default swaps” or “derivative trading,” but now they are in every newspaper we read. They are all over the television, all over radio. But when we peel back all the layers of this crisis, its foundation is nothing more than a simple concept: greed. When we cut through to the root causes of why so many families are hurting and why so many businesses are suffering, the core elements are evident: Excess, irresponsibility, and reckless risks.

Wall Street ran wild, then it ran out of steam. Last year's emergency required an urgent dose of medicine, and we supplied it. Our entire national economy was on the brink. Our entire world economy was on the brink. Our swift action prevented a terrible situation from getting even worse. For the past year, we have continued to act in strong, sensible, and prudent ways. We taxpayers did what we needed to do to help keep the economy afloat and didn't ask much from Wall Street in return. We would have gladly accepted a simple “thank you.”

So one can understand America's disgust upon realizing in recent days that Wall Street has ignored the lessons of last year. Reckless Wall Street traders continue to write themselves checks for billions of dollars—much of it our dollars. The Wall Street Journal found that major banks and securities firms are going to pay their employees \$140 billion this year. That is a record high, and 20 percent more than last year. But the greed is evident not only in salaries; it is in bonuses and other benefits also. The Washington Post reported that the Nation's biggest financial firms, including the firms that took nearly half the emergency TARP money, are actually increasing the perks they are handing out to their employees this year.

Here is what is happening on Wall Street today: CEOs are giving their traders huge incentives—usually cash bonuses—to swing for the fences and make deals that put their entire firms and the larger system at risk. That is the height of irresponsibility. It is the height of arrogance. Risky bets on exotic securities are precisely what sparked the financial crisis and fueled the housing crisis. These events devastated Nevada and many other States.

But that same carelessness continues, I am sad to say, on Wall Street today. A gluttonous glorification of the bottom line led to the credit crisis that has led so many hard-working families into bankruptcy and worse. But that same narrow-mindedness continues to guide financial firms today. Short selling and shortsightedness—rewarded with stratospheric salaries and bloated bonuses—contributed to a shameful culture of excess. Yet that same greed continues today.

A bonus that dwarfs an average American worker's entire annual salary is excessive. Doing so in a way that threatens our economy is dangerous, wrong, and a slap in the face to the American people. Main Street jobless rates and Wall Street bonuses should not rise at the same time. Seniors who rely on Social Security should not be shortchanged while the traders who threaten our economic security are rewarded. Taxpayer money that was supposed to keep our economic pillars from collapsing should not go directly from your savings to a brash broker's pocket.

If the executives who designed these windfalls came out of their corner offices, they would see how badly Americans are suffering. They would see how offensive these paydays are. They would see how desperately hard-working families are struggling to hold on to their jobs, to their homes, and to health care. And they would be ashamed.

We must put an end to the recklessness that got us into this mess. We cannot accept more of the same.

Last week, the Treasury Department announced that it would reasonably limit the excessive paychecks of the top executives at companies in which you and I and every American now own an equity stake. I support that plan. Then the Federal Reserve announced it will rein in banks that reward the riskiest practices—gamblers that endanger all of us. They should be reined in. I support that too.

In the near future, we will reform our financial industry through legislation commonly referred to as regulatory reform. We will make sure banks are compensating their employees in a prudent way. That means firms won't be able to throw cash at a trader who closes a big, risky deal—one that puts the whole bank at risk and that threatens taxpayers and the greater financial system as well.

The Treasury, the Fed, and the Congress will play their parts. Regulation has its role, but I have never believed government is the answer to everything. That is why Wall Street has to take responsibility for its own actions also.

This industry, more than any other, knows the importance of sending signals. The stock market hinges on hints, the trading floors run on rumors,

and these public companies live and die by the confidence they instill, the impressions they inspire, and the messages they send. So these firms—whether or not they owe the government for their survival—should be careful about what their actions say about them because the American people are listening closely. Greed got us into this mess; it will not get us out. If we are going to continue to recover and ultimately prosper, this perverse culture and destructive behavior cannot continue. How many more times must we learn the same lesson?

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST— H.R. 3548

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 174, H.R. 3548, and that the following amendments be the only first-degree amendments in order, except in the case where the second-degree or side-by-side amendment is indicated, with the majority amendment to be voted first in any sequence of a second-degree or side-by-side amendment; that general debate time on the bill be limited to 1 hour equally divided and controlled between the leaders or their designees; that debate time on any first-degree amendment be limited to 60 minutes equally divided and controlled in the usual form; and that debate on any second-degree or side-by-side amendment be limited to 30 minutes equally divided and controlled in the usual form:

Reid-Baucus substitute amendment No. 2668, to be modified, and that any debate time on this amendment be within the parameters of time available on the bill; Baucus side-by-side amendment regarding home buyer tax credit/net operating loss/tax relief; Isakson-Dodd amendment regarding home buyer tax credit—Mr. President, for everybody here, I note that the Baucus side-by-side relates to the Isakson-Dodd amendment and another amendment that was given to us earlier by Senator BUNNING; this covers both of those—McConnell amendment regarding tax relief; Johanns amendment regarding alternative substitute; Corker-Warner amendment regarding TARP; that upon disposition of the listed amendments, the use or yielding back of all time, the substitute amendment, as amended, if amended, be

agreed to; the bill, as amended, be read the third time, and the Senate then proceed to vote on passage of the bill.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, and I will have to object, I am going to offer a counter unanimous-consent request that includes a universe of eight amendments. The majority leader has six.

We would be happy to accept short time agreements. It strikes me that under my consent agreement we would finish about as rapidly as we would under the consent agreement the majority leader just propounded.

With that, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I say to the senior Senator from Kentucky that I think the amendments we have suggested are in keeping with what we are trying to do. We deal with a first-time home buyer tax credit. We deal with the loss carryback, which people talk about being very important. We talk about another bipartisan amendment offered by the Senator from Virginia and the Senator from Tennessee, setting up a program where there would be trustees to oversee the ownership we have in various TARP properties. I think we have been so reasonable.

I understand my friend, the Senator from Kentucky, not being able to agree at this time. I hope we can get this done. I do not want to have just a vote on cloture. I think probably on this we could do it, but I think it is the wrong message that we cannot work out some amendments.

I see no reason that we have to do immigration on this bill; that is what E-Verify is about. I don't know how many more times we have to pound on ACORN. We have voted on that many times already. I think we are being reasonable.

I think Senator BUNNING, if he would look at the amendment we have suggested, which is out of the Finance Committee—and it is my understanding it is bipartisan—which would cover net operating losses, then Senator BUNNING would get everything he asked for under his amendment. It is just where the money would come from. It is all paid for.

UNANIMOUS-CONSENT REQUEST— H.R. 3548

Mr. McCONNELL. Mr. President, again, the two consent agreements have a universe of six amendments on my friend's side and eight on our side. We are willing to agree to short time agreements on each amendment. I am fairly confident in saying it would not take much more floor time, if any, to pursue the underlying bill, which almost everyone supports, in a form that

would encompass the opportunity to offer eight amendments.

With that, I ask unanimous consent that the Senate proceed to immediate consideration of H.R. 3548, which was received from the House, and that the following amendments be the only amendments in order:

Reid-Baucus substitute; Baucus side-by-side amendment for housing tax credit; Isakson-Dodd, home buyer tax credit; Johanns, alternative substitute; Vitter, ACORN; Bennett-Thune, TARP sunset; Corker-Warner, TARP; Sessions, E-Verify; Bunning, operating losses.

I further ask unanimous consent that following the disposition of the above-listed amendments, the bill, as amended, be read the third time, and the Senate proceed to a vote on passage.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object, frankly, I think it is unfortunate that we could not just vote on extending the unemployment benefits for the masses in our country who are out of work and are desperate. There are thousands and thousands of people who are waiting for us to get something done.

The issues that are brought up are issues we can deal with, but it should not be at the expense of wasting all this time. We have been trying to get this done—the unemployment extension—for weeks. With each day that goes by more people in America have less money. If we want to talk about stimulating the economy, try giving a check to somebody who is out of work. They spend that money.

I will continue to try to be fair and reasonable with the Republicans, who are so bound and determined to slow us up on everything, including checks for people who are desperate for work. I hope we don't come to a point where we have to just vote on extending unemployment benefits. That would be unfortunate. The proposals they have made are unnecessary, but I am trying to go above and beyond what is fair. We are willing to step way in the other direction just to move things along. But to vote on immigration matters and on ACORN, which we have done so many times, is only dilatory.

Mr. MCCONNELL. Mr. President, as my good friend, the majority leader, knows, the easiest way to move it along is with a time agreement, as opposed to going through the normal processes in the Senate. I have a feeling the majority leader wants to object to my consent.

Mr. REID. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. MCCONNELL. Mr. President, the reason for having a consent agreement is to expedite the process, do it more quickly. We have two competing consent agreements: one with six amend-

ments and one with eight. Either one would move the process along. We will continue to talk about it and, hopefully, we can get this worked out in a way that is mutually satisfactory.

UNANIMOUS-CONSENT REQUEST— H.R. 3548

Mr. REID. Mr. President, these are not competing consent agreements. This is an effort to try to get something the American people should have—the most unfortunate people who have been out of work for an extended period of time—which is unemployment compensation checks.

I ask unanimous consent that we pass H.R. 3548 with no amendments; that is, benefits that will go to people who have been out of work for an extended period of time. This is an act to amend the Supplemental Appropriations Act of 2008 to provide for the temporary availability of certain additional emergency unemployment compensation. I hope we can move forward with that.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, we have just had a discussion about two consent agreements, each of which has a very limited number of amendments. There is no reason we cannot reach an agreement to take up the underlying bill, with a limited number of amendments, and finish the bill expeditiously.

Simply cutting people off and not allowing any amendments at all is not an acceptable approach. Therefore, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, it is not a question of having no amendments. We agreed to have six. I think that is unnecessary. My friends in the minority are continuing to slow-walk unemployment compensation, while people are desperate for these small checks that they get to keep the rent paid and pay for groceries for their kids. I think we should do this today, get it done now.

I understand there is an objection. I think it is unfortunate.

Mr. MCCONNELL. Well, Mr. President, the only thing that would slow this down would not be to reach a consent agreement. We will continue to talk to the majority leader and, hopefully, we can reach an agreement for a reasonable amount of amendments.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period of

morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Tennessee is recognized.

THE PUBLIC OPTION

Mr. ALEXANDER. Mr. President, I will let the majority leader make his own announcements, but there are a lot of discussions in the news media today that in a short period of time he intends to hold a press conference announcing that he will push ahead with the so-called public option in the health care legislation—one that currently includes an opt-out provision for States.

I don't know whether he intends to do that or whether he doesn't. He is entitled to make his own announcement, as I said. But it provides a good opportunity to talk about what we mean by a public option in health care, or a government-run health care plan, putting government in the health care business, and how it already works, and how it might work if States were allowed to opt out.

The reason it is easy to talk about this is—and the former Governor of Virginia, who is presiding, knows this as well as I do, and maybe better because he has been Governor more recently—we already have in existence in the United States today a public option health insurance program which States may opt out of. It is called Medicaid.

Medicaid is the largest government-run program we have in health care—even larger than Medicare. Medicare, for older people, has about 40 million persons who depend on it. Medicaid, which sometimes offers confusion, is a different program. It is a program for low-income Americans. It started out for women and children, but it gradually expanded, and today it has nearly 60 million Americans who depend on it. The health care legislation, which is coming forward in the Baucus bill out of the Finance Committee and the HELP Committee, on which I serve, and the bills in the House of Representatives—all those pieces of legislation would expand the Medicaid Program—not Medicare for seniors but the Medicaid Program—and send part of the bill for that expansion to the State.

So let's talk about that a little bit, particularly if it is true that the majority leader is about to propose that we have yet another government-run insurance program, giving the States the right to opt out, which sounds pretty good. Let's see how this one works that we already have, especially since the health reform bill that is headed our way would expand Medicaid, and according to the Congressional Budget Office, cost States an additional \$33 billion in State dollars and add 14 million people to Medicaid.

I guess the first thing to know about a government-run health insurance

program which States can opt out of is that they can't. I mean, in the real world, they can't. Not one has. Every State in America has Medicaid. The Federal Government pays roughly 60 percent of it; State taxpayers pay the rest. Most of the rules are written in Washington. States can ask for exemptions from the rules, but it is a long and burdensome process. It is not realistic to say the States can opt out of the Medicaid Program for low-income Americans. I suppose it might not be realistic, therefore, to say the States would be able to opt out of a new government-run program—a government-run, public-option program—that may be suggested by the majority leader. We should wait and see what he proposes, but I think we would be wise to pay attention to the fact that in the current government-run program we have today, no State finds it realistic to opt out.

Expanding Medicaid, which is what the health reform bill coming toward us on the floor proposes to do, is not just an expensive item for the Federal Government and for States, it is a terrible vehicle for health care reform. The current Governor of Tennessee—Governor Bredesen—a Democrat—has said putting more low-income Americans into Medicaid is not health care reform. Why would he say that? Because it makes it worse for those Americans as they seek to get access to care from doctors and hospitals and as they seek to get good, quality care. Plus, the program is riddled with so much fraud and abuse that, according to the Congressional Budget Office, \$1 out of every \$10 is stolen or wasted.

Most Governors who have struggled with Medicaid—and I am one of them—agree that its expansion is a bad idea. They unanimously have said to us in Congress that if you in Washington want to expand Medicaid, then you in Washington need to pay for Medicaid. That is the theory of no more unfunded mandates that every Governor whom I know about has agreed with for years. In fact, there was nothing that used to make me angrier as a Governor than for a distinguished politician in Washington to stand, make a speech, come up with a good idea, hold a press conference declaring a problem solved, and then send the bill to the States. So what does the Governor and the legislature and the mayor and the city council have to do? They have to cut services, they have to raise taxes, they have to run up tuition, they have to cut out some classes because somebody in Washington thought it was a good idea to do this. Well, that is what we are proposing to do with Medicaid. We are saying to the States: We have a great idea. We want to expand Medicaid by dumping another 14 million low-income Americans into this program, but congratulations, we are going to send you the bill to help pay for it.

The Washington Post quoted my home State Governor, Governor Bredesen, to whom I just referred, this way in regard to health care reform:

I can't think of a worse time for this bill to be coming. I would love to see it but nobody is going to put their State into bankruptcy or their education system into the tank for it.

One of the most painful letters I have ever read was from Governor Bredesen, which he sent on October 5, when he wrote about Tennessee's fiscal situation—similar to the condition in most States. He said:

By 2013 we expect to return to our 2008 levels of revenue and will have already cut programs dramatically—over \$1 billion. At that point we will have to start digging out—we will not have given raises to State employees or teachers for 5 years. Our pension plans will need shoring up. Our rainy day fund will be depleted . . . we will not have made any substantial investments for years . . . There will be major cuts to areas such as children's services. On top of these, there are the usual obligations that need to be met—Medicaid, for example, will continue to grow at rates in excess of the economy and our tax revenues.

Our idea of health care reform is to expand Medicaid and send Governor Bredesen a bill for \$735 million over the next 5 years, which we can't afford.

The other legislation, from the HELP Committee, would cost the States even more. According to an actuarial report from the Centers for Medicare and Medicaid Services, Medicaid represented 40 percent of the Federal Government's cost expenditures for health care; 41 percent of State health care costs. It is the largest source of general revenue-based spending in health services—larger than Medicare.

I can vividly remember, 25 years ago, 30 years ago, as Governor, every time I made up a budget, I would start with roads. That comes from the gas tax. I would go to prisons. The court said to fund that. I would go to K-12 grades. Our Presiding Officer, the former Governor of Virginia, has had this experience. That is pretty much a set thing. Then you get down to the end and what are you choosing between? You are choosing between higher education—the University of Tennessee or the University of Virginia—and Medicaid. What is happening? Medicaid is going up like a rocket and State spending for higher education is flat. Our great higher education systems across this country are under great stresses because of poor State funding because we have allowed Medicaid to grow out of control.

Not only do we do that, we are now about to expand it—about to expand it and send more of the bill to the States. The Governors are saying: Don't do that. Their revenues are down 17, 18, 20, 35 percent in some States. If you are going to pass it, they say: Pay for it. That is a question Governors should have a chance to ask and get an answer to.

According to the Texas Medicaid office, the current proposal to expand Medicaid will cost the State \$20 billion over the next 10 years. We are passing it, they are paying for that much of it. According to the South Carolina Governor's office, \$1.1 billion over 10 years. Governor Schwarzenegger has said for California it could be as high as \$8 billion a year.

A New York Times article, in late September, said this:

The recession is driving up enrollment in Medicaid at higher than expected rates, threatening gargantuan State budget gaps even as Congress and the White House seek to expand the government health insurance program for the poor and disabled . . .

The New York Times went on to say: . . . enrollment in state Medicaid programs grew by an average of 5.4 percent in the previous fiscal year, the highest rate in 6 years. . . . In eight states, the growth exceeded 10 percent.

So States have headlines such as this: "State Looks at \$1 Billion in Cuts." Their Medicaid is already growing at a rate faster than they can pay for, and we are sending them more bills than they can pay for.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ALEXANDER. I will be happy to yield.

Mr. DURBIN. We had a bill considered earlier this year—a stimulus bill—that sent \$80 billion to the States so they could deal with the expenses of Medicaid during the recession and also, obviously, their State's declining revenue, an attempt for us to help Governors facing the horrible decisions which the Senator described.

If I recall correctly, only three Republicans voted for President Obama's stimulus package to help these States with \$80 billion in aid. Would the Senator like to factor that into his conversation about sensitivity to what the States are facing?

Mr. ALEXANDER. I thank the distinguished assistant Democratic leader for raising the point. It is a point I would be delighted to address.

I voted against that proposal. That proposal was a backdoor effort in what was a so-called jobs bill to spend \$85 billion over 2 years for Medicaid. That is one reason why we have 10 percent unemployment today, because the money that was supposed to be for the stimulus was borrowed from the biggest deficits we have ever run up in history and spent on something other than jobs.

What it also did was it unrealistically lifted the level of Medicaid spending in Tennessee and every other State, forcing an expansion of that program, which I will go on to show in a minute is nearly cruel to the people who are dumped into the program because doctors and hospitals will not serve them.

So I was glad to vote against that program. I was sorry it passed because

it borrowed money we don't have to spend on programs that didn't create jobs, and it artificially lifted and expanded Medicaid, which is already bankrupting the States.

Medicaid expansion is not real health care reform. One reason is because 40 percent—according to a 2002 Medicare Payment Advisory Committee survey—of the physicians restrict access for Medicaid patients; meaning they will not take new Medicaid patients because reimbursement rates are so low. Only about half of U.S. physicians accept new Medicaid patients compared with more than 70 percent who accept new Medicare—those are the seniors—patients.

According to a 2002 study in the *Journal of American Academy of Pediatrics*, the national rate for pediatricians who accept all Medicaid patients was 55 percent. In Tennessee, it was lower than that. Why is that? It is because reimbursement rates are so low. Today, doctors who see patients who are on Medicare get paid about 80 percent of what private insurers pay. Doctors who see patients who are on Medicaid get paid about 61 or 62 percent of what private insurers pay. For doctors who see children, it is sometimes lower than that. So doctors don't see those patients. What is going to happen if we dump 14 more million low-income Americans into a system such as that? Those patients—especially those children—are going to have a harder time finding doctors and hospitals to take care of them. It would be akin to giving somebody a ticket and a pat on the back to a bus line that only operated 50 percent of the time.

Further, the quality of care for Medicaid patients is significantly lower than those with private insurance and even those with no insurance. According to a survey by the National Hospital Ambulatory Medical Care, Medicaid patients visit the emergency room at nearly twice the rate of uninsured patients. A 2007 study by the *Journal of the American Medical Association* found that patients enrolled in Medicaid were less likely to achieve good blood pressure control, receive breast cancer screening, have timely prenatal care than similar parents in private plans, and they had lower survival rates.

I mentioned this a little earlier. According to the Government Accountability Office, Medicaid—the program we are seeking to expand, the government-run insurance program that sounds so good, the so-called largest public option plan we have to date, the plan where about half the doctors will not take new patients who are on the program—had \$32.7 billion in improper payments in 2007 alone; 10 percent of the program's total spending is wasted.

So as we consider a so-called public option, I hope we will look at the public option we already have—called Med-

icaid—one which already has an opt-out provision for States, one which already has 60 million low-income Americans in it, one into which we plan to put 14 million more Americans, so that 50 percent of the doctors will say to new patients: I can't see you because the reimbursement rates are so low. Medicaid is the public option we have right now. States could opt out of it, but quality is low, fraud is high, costs are up, and Governors of States on both sides of the aisle are saying: We are headed toward bankruptcy at the present rate. If you are sending us more bills, if you want to expand it, pay for it. And doctors are turning away patients.

The American people deserve better than that. I am a cosponsor of a bipartisan bill that would actually reduce the number of patients on Medicaid. It is called the Wyden-Bennett bill. It adds no cost to the government. That bill is not being seriously considered.

The other approach that we Republicans believe we should take is focusing on reducing costs to the government, focus on reducing the cost of premiums; take four or five steps in the right direction and expand services to uninsured patients as we go. One way to do that, of course, would be the Small Business Health Insurance bill, which has broad support in both Houses, which would permit small businesses to come together and pool their resources. The estimates are that at least 1 million more Americans would be covered by employer insurance if that were to happen. Some estimates say many more millions.

But especially on a day when the press has it rumored that the majority leader may offer a new government-run insurance program with the States having the opportunity to opt out, I hope Americans will look carefully at the current government-run insurance program which States have the option to opt out of, but none do, and note that it has 60 million Americans—it is soon to have 74 million; half the doctors won't see new patients because of reimbursement rates; and \$1 out of \$10 is wasted. It is not a solution to health care and neither is a new public option.

I yield the floor and thank the Senator from Illinois for his question.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, I think we ought to step back and take a look at this health care debate. The Senator from Tennessee has raised some interesting questions that we should consider and discuss.

The reality in America today is that the cost of health care is out of control. We know it as individuals because the health care premiums keep going

up. In fact, the health insurance industry not only announced but threatened 2 weeks ago that if we pass health care reform, premiums are going to go up again. Businesses are now reporting they anticipate the cost of health insurance premiums to cover their employees to go up at least 15 percent next year.

This is not new. Unfortunately it has become a pattern, a pattern that continues to raise the cost of health insurance across America. Fewer businesses offer protection, fewer individuals can afford to buy health insurance, and that is the reality, where we are today.

We have put forward now five different proposals, and the sixth is coming, to deal with health care reform. President Obama challenged this Congress to work together on a bipartisan basis to solve this problem, to bring costs under control. During the course of our debate on it, we identified some other serious problems in our health care system. We know what the health insurance companies do to people across America. They hire literally hundreds if not thousands of employees to sit in front of computer terminals with a sign above them that says just say no, so when the doctor calls and says I wish to admit Mrs. Smith for surgery or I wish to keep her in the hospital an extra 2 days, the answer is no and the battle is on. I know this because I have been in the hospitals of my hometown of Springfield, IL, standing with doctors at the nurses desk as they call the health insurance clerks in faraway States and beg them to allow a person to stay in the hospital so she will be there the night before her surgery. They were turned down and one doctor turned to me and said, "I cannot in good conscience send this woman home. I am going to have her stay and we will fight them later on." I said, "Does this happen often?" And he said, "All the time."

Fighting health insurance for coverage when you need it the most, as they go through your application and find out that you did not put in some minor medical experience that you had—you know, it is not a fanciful story. In fact, it is a sad story. People have been turned down for coverage for health insurance when they need it the most for surgery because they failed to disclose they had acne when they were teenagers. It sounds as though I am making that up, but I am not. That is a fact. When they want to turn you down, any excuse will do. We know this is happening. People, because of pre-existing conditions, are being denied coverage. When they need their health insurance the most, after paying into it year after year, here comes that diagnosis that is going to require expensive treatment or a surgery or hospitalization or missing work, they find out the coverage is not going to be there or there is going to be a cap on the coverage.

We know these stories. We live with these stories. People are calling us, saying the health insurance company says no, they won't pay for it. And the battle is on. So part of health care reform is to deal with this health insurance reform too.

I have to say in all candor to my Republican colleagues, they have yet to come forward with any proposal for health care reform. They just say no. Whenever we come up with a proposal, it is not good enough, it doesn't reach the goals they want to reach. But when we ask them what would you do, they have nothing. When the HELP Committee, which is the Health, Education, Labor, and Pensions Committee of the Senate, now under the chairmanship of Senator HARKIN and then under the temporary chairmanship of Senator CHRIS DODD of Connecticut while Senator Kennedy was going through his cancer therapy—when they considered this bill they had literally hundreds of amendments, 500 amendments in open hearing as they went through this bill.

It is not a surprise. This is a big undertaking. Health care reform is the biggest domestic issue we have ever faced in this country—ever. It comprises one-sixth of our economy. There were 500-plus amendments, day after day, hour after hour, debating back and forth. At the end of the day, the bill was finished. The committee had adopted over 150 Republican amendments they had offered to the bill. Senator DODD believed it had a fair hearing—it is a bipartisan bill with input from both sides—and he called the roll in the committee to see if we could move the bill forward to the floor. Not one single Republican Senator would vote for it. Even after adding all those amendments they would not stand up and vote for the bill to move forward to the floor. Again, faced with the challenge of writing a bill, it is easier to stand back and say here is what is wrong with what you are doing. But in good faith they should step forward and be part of it.

Senator MAX BAUCUS in the Senate Finance Committee had one of the toughest assignments. He had to deal not only with policy but also with paying for it. That is what the Senate Finance Committee is all about. So what Senator BAUCUS did, for months, was to engage three Republican Senators on his committee: Senator GRASSLEY of Iowa, Senator ENZI of Wyoming, Senator SNOWE of Maine. Three Democratic Senators sat down with three Republican Senators and said let's come up with a bipartisan bill. Let's try to reach agreement among ourselves as to how to do this in a bipartisan fashion. Eventually, after literally months of trying, two of the Republican Senators left, leaving only Senator SNOWE of Maine, who ultimately supported the committee bill that came forward.

She is an unusual profile in courage in the Senate. She is the only Republican in the House or Senate who has ever voted in committee as a Republican to bring a bill forward on health care reform. It showed extraordinary courage on her part. But it also showed that despite the best efforts in both of these committees in open session and in closed meetings, we could not get Republican buy-in for health care reform. They are opposed to everything.

Unfortunately, to be opposed to everything is not a way to solve a problem. The current health care system in America is unsustainable. It costs too much. The costs are going up too fast—not just for individuals, families, and businesses, but for government as well. The health insurance companies are running roughshod over people who, when they need it the most, cannot count on the health insurance protection they thought they had purchased. It is a reality that in the bankruptcy courts across America today, two out of three people filing for bankruptcy in America are filing because of medical bills. It has grown over the last few years from one out of three to two out of three. Sadly, that percentage is going to continue to grow because you know what happens—a person goes in after an accident, a diagnosis, goes into the hospital for what appeared to be a brief stay and the next thing you know a bill comes rolling through for \$80,000 or \$100,000 or more. These bills pile up in an amazing fashion and you have no control over them. You are there at the instruction of your doctor, receiving the care the doctor said you should receive. You don't stop before the nurse leaves the room and say how much do those pills cost? It is the reality that we are helpless, defenseless, when we are in that position.

So people have these medical bills stack up in an attempt to find a cure or to save a life. At the end of the day, the health insurance doesn't cover them. They file for bankruptcy. But here is the statistic you should remember. In addition to 2 out of 3 people in bankruptcy because of medical bills, 74 percent of those people filing for bankruptcy because of medical bills have health insurance. They are not uninsured. They have health insurance that was not there when they needed it; health insurance that cut them off when they thought they had coverage; health insurance that had a limit on how much it would pay and they were left in a position where they were about to lose everything. They may be able to hang onto a truck or a toolkit or maybe even a small home, but their savings are gone, wiped out, because of a diagnosis or an accident.

That is the reality of where we are today and why we continue to engage this issue, despite the controversy that surrounds it.

Senator HARRY REID is the majority leader in the Senate and he has a tough

job. He is in the process of taking the two bills prepared by the Senate committees, bringing them together into something that can pass the Senate. It is hard. There are a lot of policy questions and a lot of strong feelings. Within the Senate Democratic caucus are members who are very conservative, moderate, and liberal. We have it all, a wide range. We agree on some things but there is disagreement when it comes to other things. One of the questions that came up, one of the issues of controversy, was about the so-called public option. In shorthand, the public option is an attempt to create some form of health insurance protection that is a not-for-profit plan—it doesn't have to worry about paying profits to shareholders; isn't going to buy a fortune's worth of advertising; doesn't have to hire a lot of clerks to say no but tries to keep costs under control and compete with private health insurance companies.

We should be concerned about this because, without a public option—and it is only an option—without a public option, these health insurance companies have virtually no restrictions on what they can charge us. I say that because health insurance—insurance in general but health insurance companies—enjoy special treatment under American law. There are only two businesses in America that are exempt from antitrust law. One happens to be organized baseball; the other, the insurance industry. You say: What does that mean? It means that back 110 years ago when they took a look at the insurance industry, they argued that because it was subject to State regulation in every State, it was not interstate business. Students of the Constitution know there is an interstate commerce clause there that gives the Federal Government authority when we are dealing with interstate business. So health insurance companies and insurance companies in general were judged to be State businesses and exempt from antitrust law.

Then fast forward about 50 years. The Supreme Court took a look at insurance companies and said this has changed. These are no longer small insurance companies regulated State by State. They are now doing business nationwide, and so the Court decided in the 1940s that the exemption from antitrust law would no longer apply. A Senator from Nevada serving at that time, Senator McCarran, offered the McCarran-Ferguson bill, which became law and exempted insurance companies from antitrust laws.

That is a long lead-in to where we are today. What it means is that the insurance companies, unlike any other businesses in America, can literally meet in a closed room and decide to fix their prices. They will decide what premiums they will charge for insurance policies all across America. They can

decide to allocate the market. One insurance company X, you take Chicago; insurance company Y, you take St. Louis; insurance company Z, you get New York. Any other business that tried to do that would be sued by the Federal Government for restraint of trade, for killing competition. But they are exempt and that is a fact.

So when the insurance companies, health insurance companies, tell us they are going to raise premiums, mark their words; they are going to do it and they have the power to do it and they can do it speaking as one and we cannot stop them under the current law as it exists. That is the reality.

The public option says there at least will be a choice out there for everybody who is in an insurance exchange, looking for a choice. There will at least be a choice out there that is not a private health insurance company: a not-for-profit company, not subsidized by the Federal Government, that is going to deal with providers across America to try to bring costs down.

The Senator from Tennessee said this public option is what Medicaid is but he is mistaken. Medicaid is different. Medicaid is a government insurance plan. What is the difference in this situation is there would be no government subsidy to this public option and the public option entity, the insurance company, the not-for-profit insurance company, would have to negotiate arm's-length transactions, negotiate with doctors and hospitals on the rates they would be paid. There is no government mandate on the rates paid. That is not the case in Medicaid at all. So the analogy falls apart. When the Senator from Tennessee says public option is basically Medicaid, it is not. Medicaid is a government plan, public option is not a government plan. Medicaid has government command and control when it comes to the amount they are paying. This plan has to negotiate arm's-length transactions. It is totally different.

I might say a word about Medicaid. I asked the Senator from Tennessee, earlier this year because of the recession, President Obama said: We think the States are in trouble. We think the governments are in trouble. With the recession, fewer people are working, fewer people are paying taxes, and the demand for government services is going up. So we need to help them. We came up with \$80 billion, \$85 billion to send back to the States in a rescue fund so they could get through this recession. Unfortunately, we didn't have the support from the other side of the aisle. So when the Senator from Tennessee comes in and says these governments are facing hard times, it is true they are, but the times would have been much harder for these governments without President Obama's stimulus package, which tried to help these States get through this rough period.

In the stimulus bill, the State of Tennessee received almost \$760 million in FMAP, which is basically Medicaid payments. There are only three Republican Senators who voted for it, not including the Senator from Tennessee. So when we tried to help the States deal with the expenses they face, many of those who are coming to the floor today did not vote for it. I think that needs to be part of the record.

Let me also say the costs are going up for health care in general, and that affects the cost of Medicaid. Medicaid is for the poorest people in America. Medicaid, by and large, when it comes to those under the age of 65, covers children. These are the children of poor families. The only compensation to the doctors and hospitals when they show up, if there is any, comes from Medicaid.

Also, it covers those who are elderly and very poor. You find some of them living in nursing homes across America. They have lost everything. They have nothing left. They have their Medicare and the help of Medicaid.

The argument that Medicaid is a bad system and poor system—it is easy to criticize that system, and it should be improved. What would we do without it? What would happen to these elderly people who have nowhere to turn and no savings, who are living the last months and years of their lives because of Medicare and Medicaid?

The States, of course, say the Federal Government should give them more money for Medicaid. I wish we could. In my State, incidentally, it is about a 50-50 split in Medicaid. For every dollar in Medicaid, 50 cents comes from the Federal Government and 50 cents from the State government. Other States are more generous with more money coming in.

The fact is, I know it is tough on governments to keep up with the expenses. What is the alternative? Is the alternative to ignore any health care for poor people? They will still get sick. As sick as they turn out to be, they will still show up at the hospital, and in our compassion we will treat them and the cure will be paid for by everybody else who has health insurance.

I might also say I believe the opt-out provision, which is being discussed as part of our approach, says we are going to create these public options, these not-for-profit health insurance companies in States across the Nation. But if a State decides through its Governor and its legislature they don't want to be part of it, they can opt out of the system.

I cannot think of a fairer approach. It will be tough for some States to do that because the public sentiment is pretty strong, almost 2 to 1 in favor of a public option. People understand they want to have a low-cost alternative and not be stuck with the premiums the private health insurance companies decide to charge.

So I say in response to my colleague from Tennessee, whom I respect and call a friend, I don't believe characterizing the public option as the same as Medicaid is a fair characterization, and I don't think opt out is an unfair approach. I think there is fairness to it, allowing each State to make the decision what it will do based on the needs of the people who live in that State, and the people in the State will have the final say at the next election as to whether the legislature and the Governor made the best choice.

EXTENDING UNEMPLOYMENT INSURANCE

Mr. DURBIN. Mr. President, it has been 18 days since the Senate Democrats tried to pass a strong unemployment insurance extension only to see the bill blocked by the other side of the aisle. Since that time, over 125,000 Americans trying to find work have lost their unemployment benefits; 125,000 families across America now have the hardest possible question to answer: How are we going to keep food on the table? How are we going to keep a roof over the heads of myself and my family? Unfortunately, we have been unable to move an extension of unemployment benefits on the floor of the Senate.

This is unusual because in times gone by, this was never even controversial. Extending unemployment benefits was expected. If the economy was in recession and jobs were lost, we stepped up, both parties, and said: We can debate a lot of things, but let's understand there are a lot of Americans in very difficult circumstances who need a helping hand. That is not this time. Unfortunately, at this point in time, it has become a politically controversial issue about whether to extend unemployment benefits to people.

I have heard from a lot of people back in Illinois. A week ago in Chicago, I met with a room full of unemployed people and talked with them about their expenses first hand—people who have been out of work for long periods of time and are desperate to find a job. These people were all in training to improve their skills to get a better chance at employment. They told me about losing their health insurance. They worry about losing their homes. They are depleting their savings. They don't know which way to turn.

That is the reality. Any image anyone has of people on unemployment enjoying it and lazily waiting for the next check I think would be completely obviated by a visit with people who are unemployed.

I hope all my colleagues on both sides of the aisle will sit down with these families who are asking us for unemployment benefits.

A 50-year-old woman in Machesney Park wrote me recently:

I have worked steadily since I was 16. I am now 51 and have only had to collect unemployment once in those 35 years. I received my last unemployment check the first week in September [of this year]. I [look for] work every day. If I could just find a part-time job at 25 to 35 hours a week, I could get by. . . .

[Our families] have exhausted our retirement accounts just to keep [paying the bills]. Now we fear not being able to survive when retirement comes. So I do want to thank you and wish to stress the urgency in getting this bill passed. Do not give up on us hard-working American citizens.

A wife and mother in Fox River Grove wrote me and said:

I am a 59-year-old educated woman who lost my job in April 2008. I was just informed that my unemployment benefits will run out in [30 days]. I have been actively looking all this time but there is little out there for me.

I can't believe that people are going to be turned away for benefits when there is nothing out there for us to do. . . .

After years of working, putting two kids through college (MBA and [another master's degree]), we thought at last we could save for our retirement. I guess now keeping our house should be [a higher priority]. My 94-year-old mother has moved in with us because she lost her house so we are trying to [help her get along].

Please convince Congress to extend unemployment [benefits] until we can see a light at the end of the unemployment tunnel.

A young lady from Chicago wrote me:

I have been out of work since January 2009. I am currently collecting unemployment benefits, but am nearing the end [of eligibility for benefits].

I don't have crazy outstanding bills, actually, I have no debt other than a \$300 credit card that has fallen into arrears. I'm just trying to get by living in the city of Chicago. I have \$12.58 in my checking account and \$5.81 in my savings account.

I don't have a mortgage. I don't eat out. I don't even have cable. No kids in school. No health club membership. I also don't have insurance. I know you're working on that for us now, and I appreciate that. But this unemployment bill needs to pass quickly because as I understand it, 20,000 Illinois residents will lose their benefits in the next few months and I am one of [them].

I spend 10 [or more] hours a day dividing my time between job searching and trying to drum up business for a small business I am trying to get started. . . .

Senator, please, please, please pass this bill. If not for me whose credit has been ruined by nonpayment of a \$300 bill, then for the 20,000 other Illinois residents who have much larger bills, mortgages and families counting on them.

How are we supposed to justify to the people we represent across America that we cannot take up and pass this extension of unemployment benefits? These unemployment benefits are paid from a fund that is collected from workers and their employers during the course of their work career. We put a little bit of money away each week on the chance that someone facing unemployment will need that money to get by.

These people are asking for an extension of their benefits from a fund into which they paid. It is deeply troubling to me that we can't help these people and thousands like them.

The Senator from Kentucky, Mr. McCONNELL, the Republican leader, came earlier and said the reason we can't do this is because we need to consider a few amendments to it.

Last week, the No. 2 man in the Republican leadership, Senator JON KYL of Arizona, said his side, the Republican side, wanted amendments to the unemployment compensation bill on "stuff that pertains to the subject—how do you pay for it, for example."

I will tell you that the list of amendments given to us to add to the unemployment bill go far beyond what the Senator from Arizona said. For example, there is a group of Senators over there who want to get into a debate about immigration. This is an important issue, don't get me wrong, and it is one we should take up and will take up, probably not this year but the beginning of next year. But to hold up unemployment benefits for these hard-working Americans whose citizenship has never been questioned so we can debate immigration? I don't believe that meets the test Senator KYL said we had to meet: that he would want amendments that pertain "to the subject—how you pay for it, for example."

Secondly, the Senator from Louisiana wants to offer an amendment about an organization called ACORN. You remember ACORN. Those are the folks who were caught on the videotapes counseling people on conduct that if it is not criminal should be criminal. Those employees of ACORN have been dismissed. I am sure they are being investigated, and they should be. What we saw on those tapes is not only troubling but could be actionable. I am not saying hold back at all with regard to ACORN.

In response to that, I offered an amendment calling for the GAO to do an investigation of all the Federal expenditures related to this agency. I want to find out if there is any other wrongdoing, whether we should cancel work that is being done, investigate payments that are being made. I want to get to the bottom of this. The House went further to cut off ACORN from any business with the Federal Government. They voted for that.

So to say this organization has been ignored is wrong. There is a lot that has been said and done about ACORN. The Obama administration cut them off on work on the census, and they are investigating their work in a lot of other areas. But to hold up this bill on unemployment benefits so we can again debate ACORN, how do you explain that to people in Louisiana and Illinois, folks who have lost their unemployment benefits? You have to say: Just hang on. We sure would like to send a check to take care of your family, but first we have to revisit the ACORN debate and go through all this all over again at some new level.

That, to me, is irresponsible. It is wrong for us to deny basic benefits

that people need when they are out of work so that people can come to the floor of the Senate and argue about issues that have nothing to do with these poor unemployed people and the struggles they are going through.

There are literally six unemployed people in America for every open job. It is no wonder they are having a hard time finding employment. It is starting to turn around ever so slightly, and I hope it turns around quickly. That is the reality.

In the meantime, could we not come to agreement, Democrats and Republicans, that this safety net is critically important; that the people affected by it couldn't care less what our party labels are, couldn't care less about another debate about ACORN? All they want to do is get by another day, week, or month in the hope they can find that job.

Time and again the Democratic leader has offered our Republican friends an alternative coming forward: doing this bill, passing it quickly, and sending it out so we can extend up to 20 weeks coverage of unemployment benefits in some of the States hit hardest by unemployment. But time and again the Republicans on the other side of the aisle have said no, as they have on so many other issues.

They don't have an alternative to paying unemployment benefits. They know we have to do it. We should do it. But they want to debate other issues. They don't have an alternative to health care reform. They don't like what we are proposing, but they don't have an alternative. They basically want to stay with the current system in America, which is not good for us in the long run.

What we need is more positive efforts toward cooperation, and I hope we will achieve it. For the people and families in Illinois, they have my assurance that I will continue to work to extend unemployment benefits so more and more Americans, not only in my State but across the Nation, will have the peace of mind knowing they can get through this tough recession.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. I ask unanimous consent to speak for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE PUBLIC OPTION

Mr. CORNYN. Mr. President, I listened to the majority leader, Senator

REID, talk about his melded bill, the combination of the Finance Committee bill and the HELP Committee bill that he has now completed merging behind closed doors. He said he is going to send it to the Congressional Budget Office to get a score or a cost estimate. My hope is we will all be able to see it soon. We have not been able to participate in the process since it has been a process taking place between the majority leader and presumably Senators DODD and BAUCUS, the chairmen of the two committees, without Republicans being present. So we don't know what is in it, and we don't know how much it costs. Certainly those are two critical questions the American people are asking and those of us who will be required to vote on this legislation at some point would like the answers to. When will we be able to see it? When will the American people be able to see it? How much will the bill cost?

Today, I wish to focus on another question: Why is it that some people in this country think another government-run health care plan is the answer? A government-run plan goes by a lot of different names. It is an attempt, in part, to obfuscate what people are trying to do. Sometimes people like to call it the public option because it sounds innocuous. Who could be against a choice, an option, if it is not mandatory? Others say they are not for a public option unless it has a trigger. Others talk about opting in, and we heard the majority leader talk about a bill he intends to introduce that provides an opt out for the States. The reality remains the same. We are talking about a brandnew entitlement program, a brandnew government-run health care program run out of Washington, DC, based on the fundamental and misguided belief that one size fits all for a nation of 300 million people.

Some of my colleagues believe a government plan is gaining momentum. I appeared yesterday on a Sunday television show with Senator SCHUMER, the distinguished Senator from New York, who said he thought Congress was right on the cusp of a public option or government-run plan. The more the American people find out about what is meant by the public option, the less they like it.

Last week, we saw the Washington Post-ABC News poll that supposedly said that support for a government-run plan was growing. In fact, support has fallen by 5 points since June. These numbers can be misleading. As the Presiding Officer knows, in politics and public opinion polling, he or she who gets to ask the questions or frame the questions, he or she who gets to decide what the sample is can have a dramatic impact on the answers given to a poll. It is absolutely the case that support for the so-called public option drops dramatically when we explain to people what it would actually do.

ABC News polling director Gary Langer wrote about this dynamic in June. He noted that while 62 percent initially favored a so-called public option, that number dropped from 62 percent to 37 percent once it was explained to people that it would put many private insurers out of business because they couldn't compete with the Federal Government and the so-called government plan.

In other words, support dropped when people realized they would not be able to keep what they have now—which is one of the President's promises—because many insurers would simply be driven out of business. Thus that promise President Obama has made time and time again would not be possible under the public option or government plan.

Today in the Washington Post, Fred Hiatt explained why a government plan would end up breaking President Obama's promise: A government plan would work like Medicare and Medicaid—those are two government plans—and they would, as Medicare and Medicaid do, pay providers at low rates.

As a matter of fact, last week we had a vote on a bill—actually, on a cloture motion on a motion to proceed—a technical vote but one that would have taken us to a bill to basically reverse the cuts in Medicare reimbursement rates to Medicare providers. But it was not paid for. It would have added \$300 billion to the national debt. So 13 Democrats joined with Republicans to defeat that. Hopefully, we will go back to the drawing board and come up with a bill that will be paid for.

But the point is, any new government plan, as Fred Hiatt pointed out, would work like Medicare and Medicaid and pay providers much less than they could get under private insurers. So providers would, as they do now, make up the difference by charging private plans more for the same services. This is a so-called cost-shifting phenomenon. Then private insurance premiums—if you have private coverage now—would increase for people who have health insurance coverage now. Ultimately, some of them would be forced to drop their private insurance because it would be more expensive, not less, which is what I thought the object of this exercise was about: how to bring down costs, not how to drive them up, and the cycle would continue until all private insurers would go out of business, and all Americans would find themselves on a single-payer, government-run health care plan. So much for the option in the public option.

So the fact is, the government plan would not be just a competitor; it would, in fact, act as a predator by calling the shots. Even as it takes the field, the government plan would undercut the private market and create another Washington monopoly.

Some people have described the so-called public option as a Trojan horse. I have used that phrase myself. But the person who actually devised the public option said this—his name is Jacob Hacker, and he is a professor at Berkeley—he put it this way last year:

Someone once said to me, "This is a Trojan horse for single payer," and I said, "Well, it's not a Trojan horse, right? It's just right there."

Professor Hacker said:

I'm telling you, we're going to get there, over time, slowly.

The truth is, we should not be creating another government plan when the ones we have now are not working very well at all.

As Robert Samuelson wrote in today's Washington Post:

Why would a plan tied to Medicare control health [care] spending, when Medicare hasn't?

He noted that from 1970 until 2007, Medicare spending had risen by 9.2 percent annually. Let me say that again. From 1970 to 2007, Medicare spending had risen by 9.2 percent annually. He says this is just one reason the so-called public option is what he called a "mirage."

We know there are current entitlement programs that have major unfunded liabilities. Medicare has a \$38 trillion unfunded liability and will effectively go bankrupt in 2017. Yet this bill, at least the Finance Committee bill—I presume the bill coming out of Senator REID's office will do the same—takes \$500 billion from Medicare to create a new entitlement plan, a new government-run health care plan, when Medicare itself has \$38 trillion in unfunded liabilities. It just does not seem to make any sense.

Medicaid, which, of course, primarily helps pay health care costs for the poor, reduces access to health care in many communities because reimbursement rates are so low that many providers simply cannot take new patients. As "60 Minutes" reported just last night, fraud and abuse in government health care programs cost taxpayers about \$90 billion a year. Does this sound like a model we want to hold out—a new government-run plan—when the ones we have now are broken and need fixing?

On the Medicare fraud and abuse, according to FBI special agent Brian Waterman, Medicare fraud is a bigger problem in South Florida than the drug trade. He said:

There are entire groups and entire organizations of people that are dedicated to nothing but committing fraud, finding a better way to steal from Medicare.

One former Federal judge looked at his Medicare statement and found that someone had billed the government for two artificial limbs on his behalf even though he still has the ones God gave him. In other words, he did not need any artificial limbs, but somebody

charged them to Medicare on his bill without his knowledge.

I agree with our colleague, Senator LANDRIEU from Louisiana, that a government plan would just replicate the same kinds of problems we have seen in Medicare and Medicaid. As she said:

Why don't we fix the two public options we have now instead of creating a [new] one?

Well, supporters of a government plan say we need to have more competition and give consumers more choice. I could not agree more. But this is not—this is not—the way to do it. Competition occurs when we have more private insurance companies competing in marketplaces, which would happen under some proposals made by our side of the aisle—if we would simply create a system where individuals could buy health insurance in any State across the Nation and were not just confined to buying health insurance in their own State. Competition increases when we get more insurance carriers to enter the market, not by creating a government plan that will drive them out of it.

We have proposed ways, as I have said, to increase the number of private insurance options in every State. We think if that is the goal, certainly we ought to be able to come together in a bipartisan way to accomplish that goal. But I do not know why in the world we would settle for a health care proposal that would ultimately drive people to a single-payer, government-run health care plan, would raise taxes on the middle class, raise premiums on those who have insurance now and depress the wages of those who have that health insurance now, and would cut, as I mentioned a moment ago, \$500 billion from a Medicare Program that is scheduled to go bankrupt in 2017. Why would we settle for something that would make things worse instead of better for more than 100 million Americans? Why would we vote to spend \$1 trillion or more on a new entitlement program without fixing the ones we have now?

Well, it is not just me saying that this so-called public option with the opt-out the majority leader has now proposed—which he admits does not have 60 votes, and the one Republican, Senator SNOWE, who said she would vote for the bill said she would not vote for a bill with a public option. So I am not sure why, with one Republican supporting the Finance Committee bill, they have now apparently rejected Senator SNOWE's support and opted for a strictly partisan proposal coming out of Senator REID's conference room.

But I also checked, and another health care expert whom I respect shares some of my views about the dangers of the so-called public option.

Secretary Mike Leavitt, who is the former Secretary of the Department of Health and Human Services, said:

Advocates for a public health-care plan continue to look for a way to give political cover to moderates while advancing their goal of implementing a government-run health-care system.

He said:

[Ultimately,] it is designed to undercut private insurance.

He said it is “dangerous for three reasons.” He said:

One, it would be cheaper for employers to stop offering private [coverage to their employees and to] funnel their employees into the government-run plan. Employers, not employees, would get to make that choice.

Secondly, he said:

[A] government-run plan would use the coercive force of government to dictate the prices that [are going to be] charged by others—by doctors, nurses, and hospitals—in a way that private entities cannot.

Third, he said this proposal is dangerous because a “government-run plan would be subsidized by American taxpayers, while private plans are not.” In other words, he says, if, in fact, States will be given a chance to opt out of the so-called public option, they would not have a chance to opt out of the tax dollars their taxpayers would spend in order to subsidize the so-called public plan.

As he concludes, he says:

The state “opt-in” is a transparently false choice. It is just another gimmick to try to find votes for an unwise policy that would increase the federal government's control over health care.

We can do better. We must do better. I urge my colleagues not to take the bait on this so-called public option, whether it has an opt-out or not, because it is just another disguised way to try to end up with a single-payer, government-run health care system out of Washington, DC.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first of all, let me say to my friend from Texas, the wake-up call is out there. People are fully aware of what is going on right now—the fact that you have a government option; you have a form of socialized medicine; you have something that has proven not to work in areas such as Canada and Great Britain and elsewhere. It is kind of interesting to me that we see those countries trying to emulate something we are doing at the same time we are edging over in their direction. I do not think that is going to work.

CAP-AND-TRADE

Mr. INHOFE. Mr. President, I will tell you something else I do not think is going to work. During the August recess, people were upset mostly about—because it was the most visible issue at the time—the prospect of socialized medicine for America. But at the same time, as a close second, there was an-

other issue that was very much of concern; that is, a cap-and-trade bill.

Just to refresh your memory, this goes all the way back almost 10 years when we had the Kyoto Treaty. That was back during the Clinton administration, and we were supposed to be ratifying the Kyoto Treaty, which would have been a big, massive cap-and-trade or tax increase. In fact, the analysis of that was done by the Wharton Econometric Survey, from the Wharton School of Economics.

The question put to them was, What would it cost if we ratified the Kyoto Treaty and lived by its emissions standards? The answer was it would be somewhere between \$300 billion and \$330 billion a year. I always go back, when I am trying to figure out what that would mean to individual families, and I recall that the Clinton-Gore tax increase of 1993 was the largest tax increase in three decades, increasing marginal rates, capital gains, inheritance taxes, and all other taxes. That was a \$32 billion tax increase. So that would be 10 times larger. That was the Kyoto Treaty. We did not ratify it.

Then along came the McCain-Lieberman bill in 2003 and then again the McCain-Lieberman bill of 2005, and the same thing was true. Other universities' analyses came in and tried to determine what the cost would be. I remember MIT came in and did an analysis of those bills, and it was somewhere in excess of \$300 billion a year. Then along came the Warner-Lieberman bill—not the current Senator WARNER but the past Senator Warner—and that was essentially the same.

What I am saying is, it does not really matter whether we are talking about Waxman-Markey or what we are going to be voting on sometime in the near future, I would assume, that is going to be a form of Waxman-Markey. By the way, I say that because when several Senators were trying to get information to analyze what it is we are going to be starting to have hearings on tomorrow and then ultimately marking up, they said the bill is a lot like Waxman-Markey, so just go look at the analysis of Waxman-Markey. If you want to do that, at least we now know there is a target out there. We have something we can talk about.

While I have serious problems with EPA's analysis of Waxman-Markey and its 38-page “meta-analysis” of Kerry-Boxer—that is 38 pages of a 923-page bill—the latter is not entirely EPA's fault. It is a drive to ram the Kerry-Boxer bill through the legislative process before people really know what it is. Now we know what it is because it is essentially the same thing we had in the Waxman-Markey bill that went through the House of Representatives.

It is kind of interesting. This massive tax increase called the Waxman-Markey bill passed the House after very little debate because it came up—in fact,

they finished it at 3 o'clock in the morning the day they voted on it, so people had not had a chance to read any of it. So it passed by 219 votes in the House of Representatives. That is barely a majority. It is one that was—interestingly enough, the last time they had a massive energy tax increase such as this, it was called the Btu tax of 1994. That passed the House by 219 votes, the same margin. Obviously, that was killed later on in the Senate, as I believe this will be.

I come to the floor now to talk about this because tomorrow we start hearings, exhaustive hearings, on Tuesday, Wednesday, and Thursday. They are not going to be talking about the specifics of the bill; it will just be more propaganda. The main thing we want to do is make sure everybody knows it is going to be a very large tax increase. It wasn't long ago that Representative JOHN DINGELL, who is a Democrat from Michigan—he said it right. He said: Cap and trade is “a tax, and a great big tax at that.”

So we have something we know we are going to be faced with. We know we are going to have hearings. The question has to be asked: If we know there are not votes to pass it in the Senate, why are we having our hearings now? I would suggest to my colleagues we are having them because there is a big party that is going to take place in Copenhagen. Every year, the United Nations throws this party. You might ask: The United Nations? Yes, that is where it all started, the IPCC. It is going to take place in Copenhagen during the middle of December. I thought it was interesting last night when President Obama announced he probably was not going to be going to this party in Copenhagen because it didn't look as if they had the votes to pass something in the Senate.

So I would only say to get ready. We are going to have more of the same. We went through it back during Kyoto, 10 years ago, and since then with four bills on the Senate floor and we are going to be talking about it more and more.

I just came from my office. This is kind of interesting. This is a hat signed by the Young Farmers and Ranchers, which is tied to the American Farm Bureau or the Oklahoma Farm Bureau, in this case. It says: “Don't Cap Our Future.”

When you stop and think about what would happen to the farmers—I hate to even single out farmers or any other groups because it is going to be just as punishing to the entire manufacturing base. It was interesting the other day, when we asked the question of the newly appointed Director of the Environmental Protection Agency, Lisa Jackson, as to what would happen if we were to pass the bill in the Senate and it would become law, as did the Waxman-Markey bill, how much would it

reduce CO₂ emissions. She said: Well, it wouldn't reduce them. Because if we act unilaterally in the United States, then things happen where—this isn't where the problem is. In fact, we know we would have a massive exodus of our manufacturing base to such countries as China, Mexico, India, and others.

But nonetheless, here are the farmers who are concerned about this because, if you look at the cost of fertilizer, one of the major ingredients there is natural gas, and you look at the cost of diesel and everything else, it is very serious.

Bob Stallman, the president of the American Farm Bureau, just the other day said:

Increased input costs will put our farmers and ranchers at a competitive disadvantage with producers in other countries that do not have similar greenhouse gas restrictions. Any loss of international markets or resulting loss of production in the United States will encourage production overseas in countries where production methods may be less effective than in the United States.

In other words, we can do it more efficiently in the United States, but if we don't have the energy, we will not be able to do it.

So I think the farmers, of all the people who should be concerned and are concerned, the wake-up call is out there. They better be ready when they come up with allocations. The allocations will not be available to us during the next 3 days of hearings. The allocations are something that are held back in secret so they can go to different elements of the society and say: Well, you are going to have an allocation where you can be a winner. They tried this with the Wheat Growers of America early on during the Warner-Lieberman bill, and they actually endorsed the bill until they realized it was a fraud and withdrew their endorsement.

I think Senator KIT BOND said it well. They did a study in the State of Missouri, and the study found that the proposed cap-and-trade legislation will cost the average Missouri farmer an additional \$11,000 a year in 2020 and more than \$30,000 a year by 2050.

So let me say to Tyler and to all my friends at the Oklahoma Farm Bureau: I have your hat, and I will wear it with dignity all the way to Copenhagen to make sure this thing doesn't pass.

I yield the floor.

THE PRESIDING OFFICER (Mrs. HAGAN). The Republican leader is recognized.

HEALTH CARE WEEK XV, DAY I

Mr. MCCONNELL. Madam President, as the debate over health care continues, I think it is important, once again, to remind the American people that every lawmaker in Washington recognizes the need for reform. Health care costs are rising at an unsustainable rate, and if we don't get

these costs under control, we can't expect to maintain the quality of care or the access to care most Americans currently enjoy. This is the primary problem with our system, and it is the primary reason our Nation is so engaged in this debate.

One of the proposed solutions for increasing access is the expansion of Medicaid. This afternoon, some of my Republican colleagues have been discussing why we, and many others from across the political spectrum, believe this is a very bad idea. The proposal that is being considered would expand Medicaid to about 14 million new people by 2019, including nearly 250,000 in my own State of Kentucky. On its face, this seems like a potentially effective way to increase the ranks of the insured. The reality is, however, it would make current problems much worse.

First of all, Medicaid is already in serious trouble. Leaving aside its exploding costs, the program is increasingly unable to match doctors with patients because a growing number of doctors refuse to see Medicaid patients. This is a serious problem already. It would be a far worse problem if the program is expanded to include millions more without any expansion in the number of doctors willing to see Medicaid patients.

So while the need to expand coverage is real, Medicaid is exactly the wrong program to choose as a foundation for achieving that goal. Senator ENZI, the ranking member of the Health Committee, put it best when he said:

Instead of trapping poor Americans in a substandard health care plan, we should be giving everyone more options to find the care they need. Senators get to choose between competing private plans; so should low-income Americans.

Another reason we shouldn't be looking to Medicaid as a solution to our problem is the States, which run the program, are begging us—begging us—not to. There is a simple reason why: The States simply don't have the money. The recession is hitting the States particularly hard, and expanding Medicaid would make their problems far worse. That is because, unlike the Federal Government in Washington, every State except one is either constitutionally or statutorily required to balance its budget. In other words, while lawmakers in Washington continue to ring up everything on the government credit card, States actually have to pay their bills at the end of the year. So if Washington tells them they have to expand Medicaid by \$1 billion, that is \$1 billion less they have for something else. For States, expanding Medicaid would almost certainly mean shrinking services or raising taxes in the middle of a recession.

It is easy to see why the bill writers would propose Medicaid as a solution. It is a lot easier for Washington to push its problems onto the States, but

in the context of reforming health care, this makes no sense at all. Expanding Medicaid would worsen the quality of care for those who already have Medicaid, and new enrollees would be entering a system with even fewer doctors per capita than there already are. Additionally, States could very well be bankrupted by the additional cost imposed by Washington, and even if they weren't, there is no doubt services would be reduced.

This is why Governors of both parties are insisting Washington not use Medicaid as a vehicle for expanding health care. Here is a sample of what we have heard. Governor Rendell, Democrat of Pennsylvania, put it this way:

We just don't have the wherewithal to absorb it without some new revenue source.

Gov. Bill Richardson, Democrat of New Mexico, said:

We can't afford [it] and [it's] not acceptable.

Bill Bredesen, a Democrat of Tennessee, called the plan:

The mother of all unfunded mandates.

Ted Strickland, the Democratic Governor of Ohio, summed it up like this:

The States, with our financial challenges right now, are not in a position to accept additional Medicaid responsibilities.

Senators who have worked in State government also recognize the problem. That is why so many of them from both parties are expressing serious misgivings about forcing States to expand Medicaid. Take one example. Senator NELSON of Nebraska, the former Governor, has explicitly said he would not support the new mandate. As he put it:

I will not support saddling the states with further obligations . . . you can take me out of the governor's office, but you can't take the governor out of me.

Even Senators who haven't said they oppose the idea are acknowledging the problem by working behind the scenes to have their States exempted from the mandate or to have it softened, a tacit admission of what the rest of us are saying; that expanding Medicaid is bad for States and bad if the goal is better health care.

Republicans tried to keep the idea out of the final health care bill, but those attempts were rejected. It is a shame, since there are a good many ways to increase access without expanding Medicaid—ways that would lead to better care and which wouldn't harm States financially. Increasing competition would lower costs and enable those who are currently uninsured to get good private coverage, private coverage that would provide them with far greater access to the care they need than Medicaid would and which would help lower overall costs for everyone. We should look to these ideas rather than looking to Medicaid as a solution to our problems, especially since so many people from both parties are massing against the idea of expanding Medicaid.

It is not too late to seek common-sense solutions to the problem of access. All of us acknowledge the problem. Now is the time to come up with a solution that all of us—Republicans and Democrats alike—support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

HEALTH CARE REFORM

Mr. KYL. Madam President, first of all, let me associate myself with the remarks of the Republican leader just now. I came to the floor because I wanted to reflect a little bit on what the majority leader said a few moments ago at a press conference. He announced that as a result of the efforts of a couple weeks of discussions behind closed doors—namely, in his office—he and a few other Democrats in the Senate have decided on what will be in the health care reform legislation. That is the first matter I wished to discuss, briefly.

The American people were told by the President they would be a full participant in the development of the legislation. They would know what it says. They would all be on C-SPAN. They would get to see everybody hash out all the details, and they would understand what the Senate was about to do. On the contrary, what has happened is, a small group of Senators on the Democratic side went behind closed doors in the Democratic leader's office, and they have been working now for many days to put together this piece of legislation. We still don't know exactly what it says, but the majority leader has described it very generally, and he has described one of the most contentious pieces. It will have government-run insurance, he assures us. Well, government-run insurance is a very controversial concept. Obviously, that is going to be the subject of a lot of debate. But the American people have a right to understand what this is all about, what it means.

I think the first thing I would like to do is to say that Republicans are going to stand for certain principles in the consideration of this legislation. The first thing is we are going to want to know what it says. The American people have a right to know what it says. So as we find out, little by little, as the majority leader trickles out details about what is in here—or maybe one of these days we will actually get a written copy and we can read it and understand what is in it—we will share that information with the American people.

They have a right to know what it costs. Obviously, one of the things that has to happen is that the Congressional Budget Office or CBO, which has this responsibility, needs to examine the legislation, do all of its cost estimates and revenue estimates, and tell

us what they think it costs. The American people have a right to know because they are very concerned about passing on the costs of this legislation to the next generation—to our kids and grandkids.

That brings up the third thing: How much will this increase the deficit? Does anybody believe that a \$1 trillion health care bill is not going to increase the deficit? I don't know of anybody who doesn't believe that it is going to increase the deficit. But by how much? A week ago, we had the first vote on the health care debate, and it was on a bill to borrow \$247 billion in order to ensure that physicians fees would not be cut. I am all for paying physicians. We need to pay physicians. My personal view is we need to pay them more, not less. But this legislation should have been part of the health care reform debate, because it is part of the overall cost of Medicare—for example, how much we reimburse physicians to take care of Medicare patients. No, that was going to be inconvenient because it would actually result in creating a larger deficit and, therefore, adding to our national debt. So we take that piece out and try to run it through as a separate bill—and by “we” I mean the majority leader. And he got a rude surprise. All of the Republicans said, of course, no, we should not do it that way, and 13 of his Democratic colleagues agreed. They cared about the deficit. They said: We don't want to add to the debt and, therefore, this is the wrong way to go about it. We need to find a better way.

Another question the American people need to have answered is not only how much will it cost but how much will it add to the deficit, and then how much will it add to the debt that our children and grandchildren will have to pay? Republicans believe that any legislation should provide protection to all patients, whether they be seniors on Medicare, folks relying on Medicaid, or people in the private sector. Nobody should interfere with their physician or get between them and their physician. That is a very sacred relationship—the doctor-patient relationship—and the government should not get in between that. But that is what government-run insurance is all about.

Republicans are going to insist on protection of the American people from a delay and denial of care. Why do we raise delay and denial of care? Throughout the legislation considered by the committee so far, there have been numerous provisions that will result in the delay and denial of care and, in the long run, rationing of health care. I have talked about that on the Senate floor. We will examine the legislation that has now come out from behind the majority leader's closed doors and see what kinds of protections they have built in. If it is not much different than the bills already considered, my guess is there won't be any

protections. Republicans will have to again present better ideas, our alternatives, that include protections for patients from having their care delayed and denied to the point that it is even rationed.

Another thing Americans are going to want to insist on with this new spending is they are not going to pay for it indirectly in the form of higher taxes or premiums. I think No. 5 or 6 on my list is that Republicans will want to provide protections so that the increased costs of the legislation are not passed on to the American consumer in the form of higher taxes or in the form of higher premiums.

Why am I concerned about that? Because, again, the CBO, which examined the legislation before the committees already, has said that the costs imposed on the insurance companies and others in the form of higher taxes will be passed through to their customers, to the beneficiaries, in the form of higher premiums. It is inevitable that when you have these taxes imposed among competing companies, in order for them to stay in business, they are going to have to pass some of these taxes on, and they are going to pass some of the increased fees on, and they are going to pass on the premium increases that will be required for them to satisfy the various government mandates.

Another question is, exactly what are the government mandates here? What are people going to be required to do that they don't have to do today? Most people have insurance today. It works for them and they don't want it interfered with. Under this legislation, every single American will be required under law to buy a product, an insurance product—not just any product, but the product defined by the Federal Government. If the government has the authority to make you buy something and has the authority to tell you what has to be in it, it also has the authority to tell the people who create that what they can and cannot put in their product. Sure enough, that is what they have done with the insurance companies. They have said to them that you all have to offer the exact value—four different kinds of policies; you have to offer at least the middle two, and you may offer the other two, but you cannot offer any less or any more, and they all have to have the same value, and we will mandate what they have to cover. Since we are going to have a “one policy includes everybody” product, the same insurance policy will have to provide the benefits I need, the benefits you need, the benefits the occupant of the chair needs, and the benefits the American people watching this need. Some of us are old, some are young, some are male, some are female, some have illness, and some don't. You have all kinds of conditions. If we can buy our own insurance, usu-

ally we can find a policy tailored to fit our needs, and it doesn't cost as much money because it doesn't cover as many things. When you have to have one policy that covers everything for everybody for any conceivable issue, you will have a huge policy with all kinds of things covered and with the concomitant costs—namely, costs that cover all of those things—meaning a premium. That is one of the reasons premiums will be increased.

I think another thing we are going to have to find out about this legislation is, does it do what the other bills do, which is cut Medicare? This is important, because we have made a promise to America's seniors, and a lot of us have a lot of seniors in our States. I certainly do in Arizona. We have made a promise to seniors that we will provide basic care in the form of Medicare. They will have to pay a certain amount and the government will pay a certain amount, and it will provide certain benefits. Well, the seniors have said: But we think maybe our benefits are going to be cut. The President, Senator BAUCUS, and others have said: No, no, don't worry, your benefits will not be cut. The people who tell you that are trying to scare you.

Let me quote a couple of things. Last week, a USA Today-Gallup poll showed that Americans overwhelmingly oppose cutting Medicare to pay for health care reform. Sixty-one percent of Americans oppose it—almost 2 to 1 in opposition to cutting Medicare in order to pay for health care reform.

How do we know it will cut benefits and that, therefore, seniors do have a right and a reason to be concerned? Let's go again to the nonpartisan CBO. What does it say about the legislation that has been debated so far? It estimates that the cost of the most moderate bill—and there are five bills all told, and now we have a new one coming out of the leader's office we have not read yet. But of the five bills, the most moderate is the so-called Baucus bill. According to the CBO, it would cut Medicare by nearly \$½ trillion—about \$450 billion. What do these cuts go to?

Here are the specifics: \$162.4 billion in permanent reductions for most Medicare-covered services, such as services supplied by hospitals, nursing homes, and hospice. Those are real benefits; \$117.4 billion in cuts to private Medicare plans, known as Medicare Advantage. Well over 30 percent of the people on Medicare in Arizona have this Medicare Advantage-type plan. And \$32.5 billion in cuts to home health care. This is something a lot of people count on, and that is a significant cut. There will be \$22.3 billion in savings from a new Medicare commission that will propose automatic cuts. A lot of people laugh and say these commissions always propose cuts and Congress never ends up adopting them. That

may well happen here. I know that one of two things will happen: Either we are not going to reduce expenses and we won't have enough money to pay for the new entitlement programs created by the legislation, because Congress won't follow the recommendations and adopt them, or it will and there will be real cuts in Medicare benefits. One of those things is true, and neither is a good result.

Here is what CBO said about Medicare benefits. Remember, \$117.4 billion is being cut from Medicare Advantage. CBO spoke to that. It confirms in writing, and also to the members of the Finance Committee when Dr. Elmendorf appeared before us, that the value of the extra benefits offered by Medicare Advantage will drop from \$135 per month to \$42 per month by 2019. It gradually goes down from \$135 to \$42 per month. What are these benefits? They include dental care, vision care, preventive screenings, chronic care management—a whole host of things that are important for America's seniors.

What is the annual value of the reduction in benefits per enrollee? It is only \$1,116. We are not cutting benefits for seniors? Only to the tune of \$1,116. We are cutting benefits, and seniors have a right to be concerned.

Those who argue that Republicans should not be pointing this out to seniors—those who want to muzzle or gag us from telling seniors this will happen I suggest should consult CBO and realize that what they are asking seniors to do is beyond what they should be required to do, which is to take these kinds of cuts for a new entitlement.

Let me share some comments from some of my constituents who have actually written to me about the kinds of cuts they will suffer under this legislation. I have gotten a lot of letters. I asked my staff to compile a few so that I could share with my colleagues where they are concerned about losing drug coverage, preventive care, and a decline in the overall quality of their care. This is what they talk about. They realize you cannot cut nearly \$½ trillion dollars and not cut care. That is what it is all about.

One patient wrote that the Medicare Advantage plan helps him afford the seven medications he takes every day. He said:

I have been on Medicare now for four years and . . . my Medicare Advantage plan is the best deal around for seniors. The benefits for my prescriptions are a lifesaver. I could not afford my prescriptions without my Medicare Advantage plan. Having numerous medical problems and taking over 7 prescriptions per day—that can add up.

Another senior wrote this, again, talking about the savings and preventive care that would be lost under the plans for Medicare Advantage:

Please do not cut Medicare Advantage. It provides me with so many savings on doctor visits and prescriptions, including preventive

care and the Silver Sneakers fitness program.

Let me digress for a moment. We hear a lot of talk about trying to get people healthier, to take care of their own bodies, as it were, and to provide incentives for people to eat better, have a better diet, to lose weight, not to smoke, and to go to the gym and work out a little bit. When we have a program that incents seniors to do these kinds of things, we should be happy to support that program and cut it only after great consideration, if at all. I suggest that we don't cut it. This constituent talks about that kind of preventive care. He says:

I will be 77 in a few weeks. I have not had any major surgery or hospitalization (thank God) and go to the fitness center three or four times weekly—something I could not do if Medicare Advantage is cut. I urge you not to cut this very important aid to senior citizens.

Another Medicare Advantage patient wrote to explain how the extra benefits she gets help her. She said:

I have never written to anybody in Congress because I didn't feel it necessary. Now I do because of the threat to cut my Medicare Advantage Plan.

When I turned 65 three years ago, I opted for a Medicare Advantage plan. I have been well taken care of and truly like my Health Net Ruby 3 plan and want to continue on it. For a small amount of \$38 extra a month, I not only get dental coverage, but also vision and benefits for a fitness program. These extra benefits have been a great savings for me, and I do not want to have them taken away. Please do not vote for a cut to my Medicare Advantage plan. I want to keep my benefits.

One more letter. This one, I thought, was especially touching. It is from a gentleman whose wife has pulmonary fibrosis and relies on Medicare Advantage for her treatments. They worry that the quality of her treatments will decline if Medicare Advantage is cut, as proposed by this legislation.

Here is what he said:

If we lose Medicare Advantage, we are in trouble. United Healthcare Secure Horizons has provided us with great doctors that understand the disease. . . . It would be disastrous if she got a lung infection and had to go on a bureaucratic waiting list rather than being able to call our primary doctor as we do now. Please do not let them cut this great program.

The reason I quoted that letter is because another one of the things that is touted as a way to bend the cost curve and provide better care in the process is to coordinate the care from the primary physician right on through to any specialists and, Heaven forbid, if an individual has to go into a hospital, have surgery, or even have posthospital care in some kind of a facility. One can see how that kind of continued or coordinated care could be a real advantage to people and also end up saving money in the long term for the individual, for the insurance company that may take care of them, or the U.S.

Government if we are paying for it as we do under Medicare Advantage, for example.

So here is a woman who talks about the fact that this kind of plan has been made available to her and why would we want to take it away. It has always been puzzling to me that because Medicare Advantage is actually administered by insurance companies, there seems to be something evil about it that a lot of our friends on the other side of the aisle would like to get rid of. They talk about having a government choice or a government option in their health care bill, but when it comes to options or choices for Medicare patients, they are not for that. They just want government only. They don't want the Medicare Advantage plan because it is actually administered by insurance companies.

What these companies do is provide a health maintenance organization-type of coverage where we have the continuum of care from the primary physician all the way through to whatever care may be required. This individual is talking about his wife being benefited by that kind of care. Why would we want to do away with that simply to save money so we can create a new entitlement? At the very time Americans are asking for better care, to ensure their care is not taken away from them, that is precisely what is being proposed by the other side.

Maybe I will be very surprised. Maybe we will finally have a chance to read the Reid bill or however the distinguished majority leader wishes to characterize it, and we will find they decided not to cut Medicare after all. If there are no Medicare cuts in the legislation, then I will be the first to come to the floor and say: Thank you. Thank you for not cutting seniors' Medicare. But if, in fact, as with the other bills that have been considered, this legislation ends up cutting Medicare anywhere from \$450 billion to \$500 billion, then I think the concerns that have been expressed to me by my constituents need to be taken into account, and Republicans will insist on protection for our constituents. People should not have to go through the difficulties that are projected by these real people if this legislation ends up cutting their benefits.

We just talked about a few of the things. We have additional things we are going to talk about later on this week, about the tax increases and how the tax increases are going to be passed on to all Americans, even though they may, first of all, be levied against a device manufacturer.

For example, if you have heart surgery and there is a stint that is used in your treatment, that is a very sophisticated device. There is going to be a tax on that device. You are going to get taxed on that device. It may be placed on the device itself. It will be in your

bill. When you look at your hospital bill, I guarantee you they are going to be passing it on to you.

There are other taxes. By the way, if you don't buy the insurance they require you to have, you are going to get a tax on that, too, administered by the friendly IRS, which raises a whole host of other problems. To have the Internal Revenue Service endorse a provision of this law is going to require a lot more folks down at the IRS to have the authority to look into your records and talk to your doctor and figure out whether you have bought insurance. If so, is it the right kind of insurance? Is it the kind of insurance the government says you have to have? If so, they will be happy to slap a tax on you, and you will have to pay for it. That is another tax you will be required to pay. There are others. As I said, we will talk about that later this week.

Then there are the premium increases. There was a real dispute about this issue. Folks said: We are not going to increase premiums after all. The whole exercise is to reduce the cost of health care, to cut premiums.

We said: That is a wonderful goal. We said: Let's see if you can come up with a goal that actually reduces health care premiums for people.

After all this time, it turns out they cannot do it. The Congressional Budget Office—again, the nonpartisan group of accountants we in the Congress have hired to analyze the cost of all these things and the effect of them—concluded that under this legislation that has been considered in the committees, the cost of the legislation, the cost of insurance is going to go up for the average family, not go down, compared to what it is costing them today.

There have been numerous studies on this issue. One of the studies broke it down by States and by region. They said the overall national increase, by the way, would be about \$3,300 per year increase cost in premium. Think about that. We are sporting a bill, the idea of which is to make health care less costly, but our insurance premiums are going to go up \$3,300 and our taxes are going to go up. Do you know the reason? You cannot spend \$1 trillion and add a whole lot more people to the rolls and not have it cost more money, and it will cost more money. Should it?

I think we can achieve these objectives, as I have said many times from this podium, with targeted solutions to the specific problems that exist without increasing taxes or premiums. We have demonstrated how we can do that. The study I spoke of, though, said in certain States, such as the State of Arizona from which I come, the cost is going to be far greater than \$3,300. In fact, it is going to be, I believe it was some \$7,400 per family per year increase. That is astounding. That is as much money as some people pay for their insurance to begin with.

This study demonstrated that the increases could be as much as 95 percent. I guess that makes sense. If it costs \$8,000 for a policy today, and it is going to be increased by \$7,400, that is almost a 100-percent increase. It is incredible we would think about doing that on the American people. Yet that is the result of this absolutely nonpartisan study that was done by an entity that looked into all the different factors. They didn't cherry-pick the information. I know there was another group that was criticized because the insurance industry had hired them. That is not the study of which I speak. I am talking about the Oliver Wyman study.

There are so many things about this legislation we are going to need to know and that the American people are going to need to know. We are going to have to have plenty of opportunity to both read the bill and know how much it costs. Then we need to know how much it puts us in debt.

If the answer is it is not going to put us in any more debt or create a big deficit, we will just keep raising taxes until we have enough money to take care of it, that is not the answer either. It is not the way to get out of a recession, it is not the way to help hard-working families, and it is not the way to treat people we are trying to help by reducing their health care costs.

I hope as the next several days unfold, we will be able to read this product, this bill that was written in the majority leader's office. Maybe we will be surprised that it does not raise taxes, that it does not raise premiums, that it does not reduce care or ration care, that it does not cut Medicare. But I am not going to hold my breath. My guess is it will do all of those things, and when the American people confirm that is the result of this so-called health care reform, I am not going to blame them for saying: Absolutely not. We want no part of reform if that is what you are talking about.

I am reminded of a line. I haven't tracked down where it is, so I will not attribute it. I thought it came from Charles Dickens' "A Tale of Two Cities."

There was a character, Madame Defarge, who may have said this. Again, the question of the French Revolution was on their minds. This person said: "Reform? Sir, don't talk of reform. Things are bad enough already."

That is apropos to this health care debate. We have costs going up right now. We don't need them to go up any more.

As another wag put it: You think health care is expensive now, wait until it is free. We all know there is no such thing as a free lunch. The money has to come from somewhere. As it turns out, in these bills, it is going to come from seniors, people who have private insurance and subsidize those

on government insurance, and it is going to come from all taxpayers, including those who make less than \$200,000 a year, who the President said would not be taxed. A large percentage of the money, I think 87 percent in one case, will come from people making less than \$100,000 per year. Some of the tax provisions specifically impact primarily people who make less than \$50,000 a year. Health care reform should be about making it better for the American people, not making it worse.

It is going to be very interesting when we finally have an opportunity to review the legislation that was created behind closed doors to see whether it is going to pass these tests. We want to read it. We want to know how much it costs. We want to know that it is not going to add to the deficit or the debt. We are going to want to know that it will not result in the delay and denial of our care. In effect, we are going to want to know that the protections that are important for our constituents are in place.

I think there are some better ways to do this. Again, we will talk about those another day. We have already talked about them.

In the event you are saying, what kind of ideas are the Republicans talking about, I will mention one and stand down here.

We have been talking a lot about health care premiums and health care costs because doctors have to practice defensive medicine because if they are not careful, if they do not order a lot of tests, send their patients to a lot of different specialists, they are liable to get sued for malpractice. With this jackpot justice system we have, it costs a lot of money. The defensive medicine some have said can amount to \$100 billion or well over \$100 billion a year. There are two studies that put it over \$200 billion a year. Another study said just the cost of malpractice insurance premiums for doctors represents 10 cents on every health care dollar spent.

If we could reform medical malpractice laws, we could not only make the delivery of health care less expensive, we could make it less difficult for physicians to do what they consider to be the right thing without fear of getting sued, and we could dramatically reduce the cost of health care premiums. This is a way to solve three problems that need to be solved, not cost a dime and, in fact, generate a huge amount of savings.

Why wouldn't we want to do this? As former Governor Dean of Vermont, former chairman of the Democratic National Committee, said on August 17 of this year at a townhall meeting in Virginia: The reason we haven't tackled medical liability reform is that we don't want to take on the trial lawyers.

I understand that. He is right. The Democratic majority did not want to

take on the trial lawyers. But that is exactly what is wrong with Washington today.

We know what the problems are, we know what a lot of the fixes are, but we wouldn't want to take on the special interests such as the trial lawyers because that would not be good for us politically.

Republicans are saying: Yes, we do. It is time to take on those special interests. It is time to focus solutions on specific problems rather than trying to reform the entire health care system, including with a big government-run insurance company, in order to solve a problem that can be solved in a less intrusive way, less government intervention, less government expenditure, more private freedom, more money left in our pockets, and a greater assurance at the end of the day that we are going to continue to receive high-quality health care and not have it denied to us because of someone sitting in Washington, DC.

I urge my colleagues, as the days go forward, not only to review this legislation for themselves but to share those results with our constituents. They are the people for whom we work. They are the people we represent. They need to know what is in it. They need to know how much it will cost. They need to know it will not add to the deficit. They need to know it will not affect their health care. They need to know they will be protected and their benefits will not be cut, and they will be protected. It is up to us to provide that protection for them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HATE CRIMES

Mr. SPECTER. Madam President, I have sought recognition, briefly, to talk about the legislation on hate crimes, which was passed last Thursday as part of the Defense authorization bill, and to note the very different attitude which is present today than was present in 1997, when Senator Kennedy first took the lead in introducing hate crimes legislation, which I co-sponsored with him at that time as well as Senators John Chafee, James Jeffords and Alfonse D'Amato, the only Republicans who appeared on the bill at that time.

There was some substantial opposition, very little appreciation of the effort to expand hate crimes to include sexual orientation and also disability. Even the Washington Post had an editorial on November 17 raising questions

about the wisdom of the legislation which we had introduced.

One of the concerns raised by the Post was that:

A victim of a biased-motivated stabbing is no more dead than someone stabbed during a mugging.

It seems to me, that missed the point. But even the Washington Post, at that time, challenged the rationale for expanding hate crimes. The Post also raised a comment about the disturbing aspect of the legislation is the lower threshold for Federal involvement, in any case.

Having had some experience as a district attorney, and knowing the practices of district attorneys having jurisdiction over a county—for example, my job was both the city and county of Philadelphia—that DAs do not have, in some areas, a very broad perspective.

Where the climate for a district attorney, an elected position, is not conducive to pursuing someone who has undertaken something which has a racial bias, a racial motivation or a motivation for a difference in sexual orientation, the cases are not brought.

That is precisely the kind of an area which warrants hate crimes legislation on the Federal level. But it has been a long battle, and the issue went through quite a few conferences. Thanks to the leadership of our distinguished majority leader, Senator HARRY REID, we have persisted. Senator REID has kept this issue front and center in the Senate, and Senator LEAHY, as chairman of the Judiciary Committee, and I in the past, in 2005–2006 in the 109th Congress, were pushing ahead on hate crimes legislation.

Senator LEVIN, as chairman of the Armed Services Committee, is to be commended for fighting it through and finally getting it through the conference. So it is quite a landmark move that the Congress has finally acted on it as we did last Thursday. There is a recognition that the Post was off base when it said:

A victim of bias-motivated stabbing is no more dead than someone stabbed during a mugging.

That suggests a misunderstanding of hate crimes, as Senator Kennedy and I wrote in an op-ed that:

Random street crimes don't provoke riots; hate crimes can and sometimes do.

A hate crime is broader than simply an attack against a victim, against the African American who was dragged through the streets in a small town in Texas which gave rise to the impetus for hate crimes legislation or the brutal attack on Matthew Shepherd in Wyoming. So this legislation is highly significant.

I ask unanimous consent that the text of the Washington Post editorial of November 17, 1997, and the reply op-ed piece by Senator Kennedy and myself, dated December 1, 1997, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE "HATE CRIME" PROBLEM

[From the Washington Post, Nov. 17, 1997]

Bill Clinton, at a White House conference last week, declared his support for a proposal by Sens. Edward Kennedy and Arlen Specter to broaden federal jurisdiction over that category of violence dubbed "hate crime." Federal law already permits judges to lengthen the sentences of defendants convicted of such crimes, defined as those in which a victim is targeted because of a particular identity. The Hate Crimes Prevention Act would go a step further than merely toughening sentences; it would significantly widen the Justice Department's latitude to prosecute local violent crimes that were motivated by bigotry. The bill is a can of worms.

The proposal is crafted as an amendment to a civil rights statute that makes it a crime to interfere violently with anyone's exercise of certain federally protected activities because of that person's race, religion or ethnicity. This law sometimes has enabled the federal government to prosecute violent civil rights abuses when state authorities were unable or unwilling to do so. The new proposal would add a section explicitly including sexual preference, gender and disability status within the law and allowing the government to prosecute bias-motivated attacks even when the victims are not engaged in a federally protected activity. It would open the door, proponents concede, for certain rapes and domestic violence cases to be prosecuted federally as hate crimes.

Folding sexual preference into the protection of the existing statute is clearly a good idea. The civil rights of gays and lesbians, after all, are sometimes targeted violently, and the federal government's anachronistic lack of authority to punish perpetrators of these assaults should be corrected. The disturbing aspect of the legislation is the lower threshold for federal involvement in any case. The government has an abiding interest in preventing attacks on the civil rights of its citizens. On the other hand, rape, murder and assault—no matter what prejudice motivates the perpetrator—are presumptively local matters in which the federal government should intervene only when it has a pressing interest. The fact that hatred lurks behind a violent incident is not, in our view, an adequate federal interest. The other conditions for federal involvement outlined in the proposal could prove too malleable to the Justice Department's desire to involve itself in a given case. We don't suggest that the proposal would lead to widespread federal involvement in routine criminal matters, but it is too permissive—and for the wrong reason.

The president's White House Conference on Hate Crimes, as it turned out, was less a discussion of these offenses than a kind of pep rally against the dreaded emotion itself.

That's fine as a bully-pulpit exercise, but the federal focus on what are called hate crimes must not wander too far from criminality. While the government has a simple obligation to protect us from crime, its relationship with hatred is necessarily more complicated. Government officials can denounce hatred and pass anti-discrimination laws, but when push comes to shove, most expressions of ugly intolerance are protected by the First Amendment. Proponents of the new measure argue that a swastika painted on a synagogue has a deeper impact on a community than does a routine act of van-

dalism, and that's true as far as it goes. But the victim of a bias-motivated stabbing is no more dead than someone stabbed during a mugging. Ultimately, we prosecute crimes, not feelings. Guiding how people feel about one another is only marginally a law enforcement concern.

[From the Washington Post, Dec. 1, 1997]

WHEN COMBATING HATE SHOULD BE A FEDERAL FIGHT

(By Edward M. Kennedy and Arlen Specter)

The Post's Nov. 17 editorial criticizing the measure we have introduced on hate crimes reflects a misunderstanding of our proposal to close the gaps in federal law and a failure to recognize the profound impact of hate crimes.

Hate crimes are uniquely destructive and divisive because they injure not only the immediate victim, but the community and sometimes the nation. The Post's contention that a victim of a bias-motivated stabbing is no more dead than someone stabbed during a mugging suggests a distressing misunderstanding of hate crimes. Random street crimes don't provoke riots; hate crimes can and sometimes do.

The federal government has a role in dealing with these offenses. Although states and local governments have the principal responsibility for prosecuting hate crimes, there are exceptional circumstances in which it is appropriate for the federal government to prosecute such cases.

Hate crimes often are committed by individuals with ties to groups that operate across state lines. The Confederate Hammerskins are a skinhead group that began terrorizing minorities and Jews in Tennessee, Texas and Oklahoma a decade ago.

Federal law enforcement authorities are well situated to investigate and prosecute criminal activities by such groups, and the federal government has taken the lead in successfully prosecuting these skinheads.

Hate crimes disproportionately involve multiple offenders and multiple incidents and in such cases, overriding procedural considerations—including gaps in state laws—may justify federal prosecution.

In Lubbock, Tex., three white supremacists attempted to start a local race war in 1994 by shooting three African American victims, one fatally, in three separate incidents in 20 minutes. Under Texas law, each defendant would have been entitled to a separate trial in a state court, and each defendant also might have been entitled to a separate trial for each shooting. The result could have been at least three, and perhaps as many as nine trials, in the state courts, and the defendants, if convicted, would have been eligible for parole in 20 years. They faced a mandatory life sentence in federal court.

Federal and local prosecutors, working together, decided to deal with these crimes under federal laws. The defendants were tried together in federal court, convicted and are serving mandatory life sentences. The victims and their families were not forced to relive their nightmare in multiple trials.

Federal involvement in the prosecutions of hate crimes dates back to the Reconstruction Era following the Civil War. These laws were updated a generation ago in 1968, but they are no longer adequate to meet the current challenge. As a result, the federal government is waging the battle against hate crimes with one hand tied behind its back.

Current federal law covers crimes motivated by racial, religious or ethnic prejudice. Our proposal adds violence motivated by

prejudice against the sexual orientation, gender or disability of the victim. Our proposal also makes it easier for federal authorities to prosecute racial violence, in the same way that the Church Arson Prevention Act of 1996 helped federal prosecutors deal with the rash of racially motivated church arsons.

The suggestion in the editorial that our bill tramples First Amendment rights is ludicrous. Our proposal applies only to violent acts, not hostile words or threats. Nobody can seriously suggest that the neo-Nazis who murdered Fred Mangione in a Houston nightclub last year because they "wanted to get a fag" were engaged in a constitutionally protected freedom of speech.

In addition, hate-crimes prosecution under our bill must be approved by the attorney general or another high-ranking Justice Department official, not just by local federal prosecutors. This ensures federal restraint and that states will continue to take the lead in prosecuting hate crimes.

From 1990 through 1996, there were 37 federal hate crimes prosecutions nationwide under the law we are amending—fewer than six a year out of more than 10,000 hate crimes nationwide. Our bill should result in a modest increase in the number of federal prosecutions of hate crimes.

When Congress passed the Hate Crimes Statistics Act in 1990, we recognized the need to document the scope of hate crimes. We now know enough about the problem, and it is time to take the next step.

As the Lubbock prosecution shows, combating hate crimes is not exclusively a state or local challenge or a federal challenge. It is a challenge best addressed by federal, state and local authorities working together. Our proposal gives all prosecutors another tool in their anti-crime arsenal. The issue is tolerance, and the only losers under our proposal will be the bigots who seek to divide the country through violence.

Mr. SPECTER. An additional comment or two. We have seen times change with respect to don't ask, don't tell. When this was put into operation, it seemed to me at the time—and I have said repeatedly in the intervening decade-plus that don't ask, don't tell has been in effect—that it has outlived its usefulness, its utility. I do not know that it ever had utility, but, if so, it certainly ought to be changed now.

There are men and women, regardless of sexual orientation, who serve with bravery and distinction in the military. Don't ask, don't tell ought to be repealed. There are limits as to what the President may be able to do through an executive order. So where congressional action is warranted, let it be enacted.

On a somewhat similar tone, times have changed with the Defense of Marriage Act since it was enacted back in 1996. Now we have seen the States of Connecticut, Iowa, and Massachusetts have legalized same-sex marriage. It is an issue where attitudes have changed very considerably. I think, just as we were finally able to get hate crimes legislation through, just as it is time to move ahead and move beyond don't ask don't tell, it is time to repeal the Defense of Marriage Act.

In the absence of any other Senator right now seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS INSURANCE PREMIUM INCREASES

Mr. HARKIN. Madam President, yesterday I got a call from my friend and my colleague from Pennsylvania, Senator SPECTER. He said: Have you read the New York Times yet?

I said: Well, no, as a matter of fact I have not.

He said: Well, there was a front page story in the New York Times on Sunday about what was happening with small businesses, in terms of their insurance rates going up unduly, huge increases.

I said: Well, no, I have not read about it. I will get the paper and read it.

It struck a chord with me because somehow, over the last several weeks, I have gotten an influx of inquiries to me personally and also into my office from small businesses in Iowa, some elsewhere but mostly from my State, wondering what was happening to the huge increases in their premiums this year.

They have always been used to increases in premiums, but these seemed unduly large. Plus, a lot of copays and deductibles were going up. So I went out and got the newspaper and read the story in the New York Times that Senator SPECTER pointed out to me. It was alarming.

As I said, I thought about all the inquiries that had come into any office. I said: Something is going on out there. Something is going on out there. So we have this health care bill now, reform, that will be going down to CBO, I guess today, for scoring.

I wish to commend Senator REID for his leadership. I was actually in Pittsburgh today giving a lecture on disability policy at the University of Pittsburgh law school, with former Attorney General Dick Thornburgh, who had endowed the law school with an endowment. They have a very strong legal scholarship program dealing with disability law at the University of Pittsburgh law school.

So I rushed back from there so I could be on the floor with Senator SPECTER to talk about this a little bit because there is something very funny going on.

When I was in the airport, I saw Senator REID had said he was sending the bill down to CBO for scoring. I commend Senator REID for his leadership

and for putting in a strong public option. I am told it is basically the public option the Senator from North Carolina worked so hard on in the committee to develop. I guess he married that up with the provisions from the Finance Committee bill that would allow States to opt out by 2014. I commend Senator REID for putting that strong public option in the bill. The vast majority of the American people want that. They see it as necessary for trying to keep some control on cost and leaving more choice and more competition for policyholders.

As a matter of fact, this would be a great help to small businesses, because small businesses could go on the exchange, and they would have that public option also available to them. I have said many times: The two biggest winners I can see in the health reform bill are small businesses and the self-employed. Small businesses are at the end of the line. They have been whipsawed all over the place. They have no bargaining power. The same with the self-employed. This bill will turn the tables by providing the exchanges and providing more help for small businesses. They will be much better able to negotiate and to pick and choose among different policies rather than what they have now.

Now in many cases they get one or two, and that is about it in a lot of States, one or two different insurance companies. In the New York Times article, some suggest the insurance companies are raising their rates to generate as much revenue as possible before health reform obliges them to change the way they do business.

Isn't that interesting. They are anticipating health reform passing so they want to jack up their premiums as much as possible before that happens. Others assert the industry is responding to Wall Street's demands for ever higher profits in the health insurance industry, that Wall Street is putting pressure on them to increase profit margins.

Again, I always have to ask: Why are we doing health reform? Are we doing health reform to help the health insurance industry or are we doing health reform to help the American people? That had to be our first response, that we are here to help the American people, not to help the health insurance industry.

I have had many small businesses tell me how tough it has been. I have a small newspaper in Iowa with 12 employees. The owner Art Cullen recently turned 50. Their insurance premiums for his small business jumped by 58 percent in 1 year and more than 100 percent in 2 years. They have a \$5,000 deductible.

I asked Art: Why don't you get another company? He said: I can't. I only have one in this area that will offer insurance. So that is why we need the exchanges, why we need health reform, so

that Art Cullen and his small business can join with other small businesses on these exchanges to get a better deal.

Mike Landeur owns a muffler shop. He has 10 employees. He offers insurance to them, but his premiums have jumped 66 percent in the last 3 years. His deductibles have gone from \$4,000 to \$16,000. Mike is expensive. He was born with a congenital heart disease, so he dropped himself from his company's policy. He is the owner, taking himself out of the pool. But he can't get any kind of individual insurance because of his preexisting condition. Now he is worried he will have to sell the small business, all because of excessive health insurance costs.

This is unconscionable. As we speak, the majority leader is sending his bill down to CBO. And make no mistake, the bill we are bringing to the floor will offer real solutions for small businesses. It will enable them to purchase insurance through an exchange so they can choose among multiple plans at lower costs than are now available in the small group market. Small businesses and the self-employed can go on the exchanges and, if they want, they also are eligible for the public option.

It will sharply reduce administrative overhead that drives up the cost of insurance through such practices and medical underwriting and preexisting condition exclusion clauses. We provide a new small business tax credit to make insurance more affordable for the most vulnerable small businesses. We make new investments in wellness and disease prevention for all businesses, including small businesses.

In addition, we will put a stop to the outrageous and unacceptable insurance industry practices that harm the ability of small employers to cover their workers. We will require that insurance companies document how much of each premium dollar is going for medical expenses. We will require that insurance companies document how much of each premium dollar goes for medical expenses, and we are going to require rebates for excessive overhead charges. We will end the broken status quo where insurance executives make tens of millions of dollars in salaries and bonuses while their small business customers go out of business because they can't afford health insurance. We will end the exceptional and unwarranted antitrust exemptions the industry has enjoyed without public benefit for far too long. We will end the ability of insurers to jack up premiums by as much as 160 percent, which is what they did for one small business, because they thought the group was "getting too old." Therefore, they jacked up their premiums by 160 percent.

I thank Senator SPECTER for having a keen eye and for giving me a heads up on this yesterday. There is something happening out there right now all over this country. Small businesses are

being inundated with higher costs and huge increases in their insurance premiums. To America's small business community, we have a simple message: Help is on the way. We will get this health reform bill done, and we are going to help small businesses and the self-employed.

I hope they can hang on long enough so we can get this bill through, hopefully before the end of the year, so that next year when their policies are up for renewal, we won't see these kinds of huge increases and gouging of small businesses.

We need reform. We always think about it in terms of individuals and how this affects individuals. But we also think about how it affects the majority of workers who work for small businesses who don't have the kind of large group power that maybe big businesses and bigger industries have. That is why this health reform bill is so important for everyone, but none more so than the small businesses and the self-employed.

I am hopeful, along with Senator SPECTER, that we can bring some more of this to light. I encourage anyone who has any evidence, stories, anything we can document of what the increases are to small businesses, please get them in to us. I have heard about enough of these to know it is not just a few here and there. It must be more widespread. We need those. Hopefully, we can shed more light on this as we move forward to bring the bill to the floor.

I thank my colleague for his leadership and for bringing this out. I look forward to working with him to try to help small businesses in Pennsylvania, Iowa, and everywhere else.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Before commenting further on the article in the New York Times, some of the things the distinguished chairman of the HELP Committee has said, it would be my hope that we would proceed, as Senator HARKIN related. I got hold of him yesterday morning after noting the Sunday Times, and then we proceeded to talk about a hearing which I hope we can do promptly. One of the witnesses whom I would like to see called, subject to the approval of the chairman, is Walter Rowen of the Susquehanna Glass Company in Columbia, PA who sought to renew his company's coverage for 2,000 employees and found out that the premiums had gone up by 160 percent. I talked to Mr. Rowen this afternoon and got more of the details of his situation.

As Senator HARKIN has commented, this is typical of a great many. Right in the middle of where we are now on this debate on the public option, I believe the case for the public option, a robust public option, would be

strengthened materially to document what the New York Times has said. Right now it is a newspaper article. It is a little different when there is a Senate hearing on the subject and you bring in people such as Walter Rowen who have demand for a 160-percent increase, and you question the insurance companies on what they are doing. If the New York Times is accurate, that small businesses will be asked to pay about a 15-percent increase for the next year—and this is substantially higher, and in a moment or two I will go through some of the specific quotations—and that they are responding to Wall Street because Wall Street is demanding more profits from their investors—that is specified in the article, and I will take it up in detail—and the comment is that the insurance companies are more frightened about Wall Street than they are about Congress. I suppose that was surprising to me that in the context of the times, the way Congress is moving ahead on comprehensive health care reform, insurance reform, that they at this point should be more concerned about Wall Street than Congress. I think Wall Street ought to be more concerned about Congress than insurance companies. I think Congress is finally going to act on quite a number of the abuses in so many lives. But if we are seeing here action by Wall Street pressuring the insurance companies to raise their profits before Congress acts, then we ought to find out. If there is any justification for insurance companies to raise their premiums, let's have them tell us. Let's bring in the insurance companies.

There are a lot of these famous pictures of a half a dozen corporate executives standing in front of a congressional hearing room, raising their right hands and swearing to tell the truth. And then we have some questions for them. I have questions for them. Why the increase? Is there an increase because health care costs have gone up?

One of the experts quoted in the New York Times article says 23 percent. Mr. Rowen faces 160 percent. Is there any justification except profiteering and acting ahead of congressional action?

I hope Senator HARKIN will have the hearing promptly. It will bolster the case for the public option. It will bolster the case to have alternatives to the private sector. What is often misunderstood is that the public option does not eliminate the private sector. The public option is what it says. It is an option, another course, another thing one can choose. It is precisely this kind of response to Wall Street—and I will not prejudge it until we hear the witnesses and have them sworn in and take their testimony—if it is true, that reemphasizes the need to have some competition, to have competition which will not knuckle to Wall Street. A public option will not knuckle to

Wall Street. We have talked informally. It is not easy to get a hearing organized fast, but Senator HARKIN and I, as is well known, passed the gavel on the chairmanship of the Subcommittee on Labor, Health and Human Services, and Education. We can proceed. I submit that now is the time to do so.

Mr. HARKIN. Madam President, I thank the Senator again for bringing this to light and urging us. I think we do need information. We do need to bring them in and check on what is happening with small business. We need to bring in some small businesses, some representatives of small businesses. I think we need to bring in some of those insurance people, find out what is going on here. How come premiums are going up so much this year? I think we were in a recession, were we not?

Mr. SPECTER. Madam President, I have seen Senator HARKIN cross-examine, and it is a sight to see.

Mr. HARKIN. Madam President, I am not in the former prosecutor's league in that regard, I can say that. But we are working on that. As the Senator knows, sometimes it is tough to get these hearings put together. But hopefully we will have something we can pull together by next week.

Mr. SPECTER. Madam President, I thank the chairman for that statement. Next week would be about right because it would come right as we are considering this legislation. I think it would shed a lot of light on the legislation and be a big boost for the public option.

I thank my colleague.

Mr. HARKIN. I thank my friend from Pennsylvania.

Mr. SPECTER. Madam President, I refer to some of the specifics in the New York Times article. Again, I cite this as a newspaper article. It is hearsay in an article, but we will have the hearings to find out the facts. But this is what some of the details in the article say: that small businesses "are seeing premiums go up an average of about 15 percent for the coming year—double the rate of last year's increase"; big employers "have more negotiating clout." "[S]ome experts say they think the insurance industry" is "under pressure from Wall Street" to raise its "premiums to get ahead of any legislative changes that might reduce their profits."

Well, if that is so, we ought to find out about it. And if they have a justification for the price increases, let them tell us what it is. Let them produce their books and records if they have a justifiable basis for their increase.

The New York Times article goes on to point out that "Edward Kaplan, a consultant with the Segal Company, said his clients were seeing renewals for coverage at prices 15 to 23 percent higher this year," where "they typi-

cally faced increases" in the past "of 7 to 12 percent."

Joshua Miley, a consultant with HighRoads, which analyzes benefit information for employers, said the "undercurrent of health reform is driving part of the renewal increases."

The article goes on to point out:

There is no question that insurers are under pressure from Wall Street . . . they have heard from angry investors disappointed by the companies' earnings.

The article further states:

While the industry is particularly vulnerable now in Washington, she said—

"She," meaning Sheryl Skolnick, an analyst for Pali Capital, referring to the insurance companies—

"it seems like they're more afraid of Wall Street."

The article goes on to point out that:

In August, when Walter Rowen, who owns Susquehanna Glass [Company] in Columbia, Pa., sought to renew his company's coverage for two dozen employees, he said his insurer demanded a 160 percent rate increase.

I called Mr. Rowen today and found out that he has had a family business since 1910, and they have had health insurance for about 20 years, and they cover 50 percent of the premiums for their employees. As prices have risen, they have sought deductibles to lower the rate, and then they paid the deductibles for their employees. It is cheaper to have deductibles, have the company pay them, than to pay the increase in costs. That is another factor which we ought to analyze. That ought not to be so.

His policy expired in October—this month—and he corroborated the New York Times story that he was told there would be 160 percent more. He has found other insurance, but he is paying \$22,000 annually. He hires invariably in the 28 to 32 category for small business, and between 20 and 24 of them are covered. Now he has been forced to go to the point where the employees are going to have to pay the deductible. If they do not have an illness, then there is no problem. If they do, then the deductible is obviously very, very expensive.

I join my colleague, the senior Senator from Iowa, in congratulating the—now he is the junior Senator from Iowa, pardon me, but close—he has been here since the election of 1984, a long time. I join Senator HARKIN in congratulating the majority leader for moving ahead with a public option in the legislation which he has melded together. I again thank Senator HARKIN for his initiative and willingness to move ahead and have a hearing.

Madam President, I have an excellent floor statement which I will not take the time to read, prepared by my expert in the field, John Myers, which I ask unanimous consent that the full text of the statement be printed in the CONGRESSIONAL RECORD, and I ask that the full explanation which I am giving

now be included. Sometimes the written statement just follows the oral extemporaneous statement and people reading the CONGRESSIONAL RECORD wonder why the Senator has repeated himself. Well, let it be understood what I have said is an extemporaneous statement, and this is the text prepared by my able staff assistant, and would ask that these comments be the preface to be included in the RECORD in full.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. SPECTER. Mr. President, yesterday the New York Times ran a front page article describing the difficulties faced by small businesses in the face of rising health costs [Small Business Faces Sharp Rise in Costs of Health Care; October 25, 2009]. Small business is the backbone of our economy and in today's economy we must ensure that small business has every opportunity to succeed.

The article highlights the plight of Walter Rowen, a constituent of mine. Mr. Rowen is the owner of Susquehanna Glass in Columbia, Pennsylvania. In August, when he sought to renew his company's coverage for his two dozen employees, his insurer demanded a 160 percent rate increase. He was told his work force was "getting too old and very expensive". He also found that any other health plan was likely to charge 30 to 50 percent more than he paid last year. Left with few options, Walter chose a less generous plan from a different carrier for 44 percent more.

Unfortunately, Mr. Rowen's story is not unique. Steep rises in insurance premiums are affecting small businesses across the nation. Small businesses are seeing renewal prices 15-23 percent higher compared to last year, according to Edward Kaplan, a benefits consultant with the Segal Company. As increases from 2008 to 2009 were considerably lower at 7-12 percent, it is hard to believe that a doubling of the rate of renewal costs in 1 year could be linked to medical costs alone. In the article Joshua Miley, a consultant who analyzes benefit information for employers, states that the undercurrent of health reform is driving part of the renewal increases. The idea that health insurance companies would increase rates to beneficiaries based on pending health care reform is disturbing. Michael A. Turpin, a former senior executive for United Health, and now a top official at USI holdings, an insurance brokerage firm, echoes Mr. Wiley's hypothesis: Insurance companies are "under so much pressure to post earnings, they're going to make hay while the sun is shining."

Clearly the primary concern of health insurers is not whether their customers receive the best possible health care for their money; it is how much money can be generated for the insurers' investors. This objectionable action illustrates why there is a need for a public option as part of health care reform. Currently, there is a lack of competition in the health insurance market. Instead of individuals or businesses having the freedom to shop for coverage that works for them, they have to take what insurance companies offer. This translates to higher prices, preexisting condition exclusions and denials when insurance is most needed. A public option can help by introducing competition across the country. This plan could constrain costs and make the insurers think twice about passing down double-digit rate increases to customers.

The American people deserve a choice in health insurance to keep the private insurers honest. Without competition from a public plan, health insurance costs have skyrocketed. As health reform moves forward, I encourage Majority Leader REID to include a public option to bring affordability and competition back to the market.

A recent survey conducted by Intuit Inc. revealed that 44 percent of small business owners intended to hire new employees in the next year, an encouraging indicator in our economic recovery. This survey also noted that nearly 90 percent of those small business owners surveyed said that health insurance benefits are integral to attracting good workers. However, 58 percent of those small employers do not offer health insurance, with nearly 50 percent stating that they can't afford it. This is a sobering statistic and one we should do everything in our power to address.

I commend the efforts of Chairmen HARKIN and BAUCUS to combat this issue. Proposed health reform legislation will include a tax credit for small businesses that provide health insurance to their employees. The HELP Committee bill provides a tax credit for small businesses of up to \$2,000 for a family or \$1,000 for an individual. The legislation will allow small businesses to join health insurance exchanges so that they can group together and gain the same market power as larger companies currently enjoy. Currently, perhaps most importantly, small businesses pay up to 18 percent more than large employers. These exchanges will help relieve the problem of small risk pools, which due to their size can see their costs grow significantly if one employee suffers an illness such as cancer. By increasing the size of these risk pools, costs will become more predictable and more affordable for small businesses. Proposed legislation will also tighten insurance ratings to prevent costs from being disproportionately placed on older workers. This is of particular importance for small businesses that might employ older individuals, an important part of our Nation's workforce.

There is an undeniable need to address the health care problems we suffer from today. The inequities of the current system must be fixed, especially for the 70 million people that are employed by or operate a small business. The decisions of health insurers to drastically increase health insurance prices before health reform is enacted demonstrates the need to promptly move forward with legislation that includes a public option.

Mr. SPECTER. Madam President, I thank the Chair.

TRIBUTE TO ROZITA VILLANUEVA LEE

Mr. REID. Madam President, I rise today to honor Rozita Villanueva Lee for her many years of advocacy on behalf of the Nevada Asian American/Pacific Islander community. Asians and Pacific Islanders refer to her as the mother of their communities in southern Nevada. Lee started as a former special assistant to former Governors George Arioshi of Hawaii and Robert Miller of Nevada. She then began advocating for Nevada's Asian and Pacific Islanders. Her Hawaii Polynesian connection led to her being the producer of

"Drums of the Island," the longest running Polynesian show on the Las Vegas strip.

As cofounder of the Asian Pacific's Forum in 1993 in response to the growing Asian Pacific Islander population and their need for a voice and representation, she championed many causes to address the challenges faced by her community including social justice advocacy and political representation. She was often the first person called regarding issues of the APIA community in Las Vegas. Lee helped facilitate the reorganization of a dormant Pacific Asian Chamber to what is now the Las Vegas Asian Chamber of Commerce serving as its founding chairperson. She also served as chairperson for the Philippine American Youth Organization, PAYO, helping the younger generation of Filipino ancestry establish a voice and an avenue to learn more about their culture and heritage. She fulfilled all these roles while serving as the conduit for many organizations including the Hawaiian Civic Club, Japanese American Citizens League, Organization of Chinese Americans and National Federation of Filipino American Association. In addition, she empowered cultural organization and their leaders within the Korean, Thai, Vietnamese, Indian, Pakistani and other APIA ethnic communities.

Rozita has been politically active also. She was the president of the Women's Democratic Club of Clark County and was leading her fellow Democrats to help bring about change. As a result, President Obama turned Nevada blue by winning Clark County with 380,765 votes. Mrs. Lee championed the Asian American Studies Bill in the Nevada State Legislature which was instituted by the Clark County Commission and became law. She has been actively serving as the chairperson for the Asian Pacific American Labor Alliance—APALA—in southern Nevada and has been the prime mover of political activism with the APIA for more than a decade. She initiated the first outreach to establish an APIA voting block through education and voter registration and was the liaison between the Philippine Ambassador and the Senate on behalf of the Filipino World War II Veterans. It is clear that Rozita is a dedicated community activist.

Rozita Villanueva Lee was named one of the most influential women in Las Vegas by the Women of Diversity, and one of 100 most influential Filipina women in the U.S. by Filipina Women's Network. The OCA Asian Pacific American organization awarded Rozita the Lifetime Achievement Award in 2007. I congratulate Rozita Lee on her success as a businesswoman, a Democratic activist, and as an advocate for Asian and Pacific Islanders.

CONSUMER CREDIT

Mr. UDALL of Colorado. Madam President, I rise today to discuss an issue of importance to all American consumers who rely on credit cards, especially during our economic downturn. More specifically, I would like to address two pieces of critically important legislation that would help consumers.

First, last week I introduced legislation to move up the effective date of credit card reforms outlined in the Credit CARD Act, which was signed into law by President Obama in May. The act gave credit card issuers nine months from the date of enactment to phase out their most egregious practices, including arbitrarily raising interest rates, raising interest rates on existing balances, and charging interest on debt paid on time—the latter a particularly underhanded tactic known as double-cycle billing.

Rather than phasing out these practices before the new requirements take effect, credit card issuers have increased them, squeezing as much as they can out of American consumers prior to the date the reforms are scheduled to go into effect. A Pew Charitable Trusts study to be released later this week will reveal that through the first 6 months of this year, the 12 largest credit card issuers raised interest rates an average of 20 percent, with many cardholders seeing rate increases in excess of 20 percent. This is happening despite the fact that these credit card companies, many of which received taxpayer bailout funds, are reaping the benefit—some might say government subsidy—of Federal interest rates at or near zero percent.

The bill I introduced last week, the Expedited CARD Reform for Consumers Act of 2009, will move the effective date of enactment for all reforms required under the Credit CARD Act to December 1, 2009. The majority of reforms are currently due to go into effect on February 22, 2010, with a few other reforms due to go into effect on August 22, 2010.

We all know how important short-term credit is to families and small businesses, especially during hard economic times. And we have all heard stories of people who have been victimized by the kind of unfair practices that the Credit CARD Act will end. But the truth is I have heard more stories from my constituents about these unfair and deceptive practices since the President signed the Credit CARD Act into law, than I did in the months leading up to the bill's passage. And that's saying something.

Through no fault of their own, many Coloradans have been victimized by their credit card issuer. For example, a constituent named Jean from Commerce City wrote to me:

Recently, CitiBank raised my [credit card] APR to 29.99 percent. I called and found out that they did not raise my rate because I'm

late, or have a bad FICO score, but because they sent me a letter with the option to opt OUT of a higher interest rate. I've had this card for over 15 years and never been late. I don't understand how taxpayers gave banks taxpayer money, banks report record profits, and banks still feel they can [take unfair advantage of] the common Joe. Basically our credit card companies took away our available credit and then raised our credit card rates even though we made payments on time. Please help the citizens of this country instead of helping the few executives at these banks. We really need your help, and in the long run this will help our country.

Likewise, northern Colorado small business owner Ginny Teel, whose company 10 til 2 helps pair businesses with professionals looking for part-time work, recently took to the airwaves to tell a similar story. In a Denver television news story, Ginny reported how her credit card company is doubling her interest rate, from 11 percent to 22 percent, for no reason. Like many small businesses, Ginny relied on her credit card to get her business up and running. In the letter to inform her of the rate increase, Wells Fargo states: "These changes are not a reflection of how you managed your account with us or your credit score." In other words, her credit card issuer is saying it is doubling her interest rate because it still can.

I have heard from hundreds of Coloradans with similar stories since the Credit CARD Act was passed.

For many American families and small businesses, credit cards are more than a convenience, they are a necessity. Short-term credit is sometimes the only way that families can pay for necessities or that small businesses can function. And a well-functioning credit card industry that treats its customers with fairness is absolutely essential to rebuilding our economy.

I first introduced legislation to end unfair and abusive credit card practices in 2005 as a Member of the House of Representatives, and I was honored to be a part of finally passing real reform earlier this year. But I am equally disappointed that credit card issuers would now bleed American consumers for as much as they can prior to the reforms taking effect.

My legislation is supported by consumer advocate organizations, including the member organizations of Americans for Fairness in Lending, as well as the National Small Business Association, whose members, like Ginny Teel, increasingly rely on credit cards for their small business needs.

During debate on the Credit CARD Act earlier this year, credit card companies told Congress they needed more time to implement the bill's reforms, and Congress accommodated them. Rather than phase out these practices, however, credit card companies have used this extra time to declare open season on their customers. If credit card companies can increase abuse on a moment's notice, then surely they can end consumer abuse in short order.

Credit card issuers have shown they cannot be trusted to act in the interest of the American consumer. It is time to force credit card companies to finally deal honestly with American taxpayers and comply with the reforms passed earlier this year.

I thank Senators SCHUMER, HARKIN, LEVIN, BINGAMAN, TESTER, and MERKLEY for cosponsoring the Expedited CARD Reform for Consumers Act. In addition, along with Senate Banking Committee Chairman DODD, today I cosponsored a bill that would immediately freeze interest rates on existing credit card balances. This is an important bill that will allow consumers to pay off their credit card debt at the interest rate they consented to when they took on that debt. It is a matter of fairness. I look forward to working with Chairman DODD and colleagues from both parties to pass these important bills as quickly as possible.

FIREARM DEATHS

Mr. LEVIN. Madam President, according to the latest data from the Centers for Disease Control and Prevention, CDC, 3,184 children and teens died from a firearm in the United States in 2006, a 6 percent increase from 2005. This breaks down to the life of an American child being taken every 2 hours and 45 minutes by someone wielding a gun. More than five times as many, or nearly 17,500 children and teens suffered a nonfatal gun injury that year, a 7 percent increase from the previous year.

The 2009 Children's Defense Fund's report "Protect Children, Not Guns" illustrates the problem even more pointedly. The report, which provides key findings on children's gun deaths, states that more preschoolers were killed by firearms in 2006 than were law enforcement officers in the line of duty.

This type of violence is preventable. It only requires action. The Children's Defense Fund's report makes a number of recommendations about how to protect children from gun violence. Among other things, they recommend schools provide nonviolent conflict resolution courses for all students and communities create positive activities for children and teenagers to reduce the influence of gangs and drugs. They also recommend passage of such common sense gun safety legislation as closing the gun show loophole, strengthening the Brady background check system and reauthorizing the assault weapons ban.

We cannot afford to sit and watch as so many young lives are irrevocably destroyed by gun violence. Passage of commonsense legislation would help end these types of tragedies.

REMEMBERING SPECIALIST JACOB WILLIAM SEXTON

Mr. BAYH. Madam President, I rise today to honor the life of Army SPC Jacob William Sexton. A member of Company A, 2nd Battalion 151st Infantry of the Indiana National Guard, Jacob was only 21 years old when his life came to a tragic end on October 12, 2009, while on leave from active deployment in Afghanistan.

Today, I join Jacob's family and friends in mourning his untimely death. Jacob will be remembered as a loving brother, son and friend to many. He is survived by his parents, Jeffery and Barbara; his three brothers, Joshua, Jeremiah and Jared; his paternal grandparents; maternal grandmother; and a community of friends and family members. Like two of his brothers, Jacob followed in the footsteps of his father, an Army veteran. His brother described Jacob as his father's best friend.

A native of Farmland, IN, Jacob enlisted in the National Guard after graduating from Monroe Central High School in 2006. He served his first tour in Iraq with the Winchester guard unit as a humvee driver. Upon returning home, he continued to serve his country by training other military humvee drivers and keeping charge of weapons and ammunition at Camp Atterbury. More recently, he was deployed near Kabul, Afghanistan, where he was described by his superiors as a model soldier with good morale and an excellent sense of humor.

While we struggle to express our sorrow over the loss of Jacob, we can take pride in the example he set as a soldier, a son, a grandson, and a brother. Today and always, he will be remembered by family, friends, and fellow Hoosiers as a true American hero, and we cherish the legacy of his service and his life.

It is my sad duty to enter the name of Jacob William Sexton in the record of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace.

I pray that the Sexton family can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

ADDITIONAL STATEMENTS

RECOGNIZING THE I HAVE WINGS BREAST CANCER FOUNDATION

• Mr. BUNNING. Madam President, today I would like to recognize the I Have Wings breast cancer foundation in Erlanger, KY. October is National Breast Cancer Awareness Month and I Have Wings has dedicated its efforts to the ongoing battle against breast cancer.

According to the American Cancer Society, this year over 190,000 new

cases of invasive breast cancer will be diagnosed in our Nation and an estimated 40,000 Americans will lose their fight with breast cancer. At the same time, today there are millions of women in our country who have been treated for breast cancer.

Throughout my tenure as a U.S. Senator, I have supported legislation to increase awareness, prevention, and funding for breast cancer. Too often we hear about a case of breast cancer that is caught at a late stage, leaving the patient and families with little hope. These stories remind us why we must continue to support and expand National Breast Cancer Awareness Month efforts.

The I Have Wings foundation is a leader in the fight against breast cancer. It strives to educate individuals, provides encouragement for those in need, and generously supports research efforts in Kentucky. And while efforts by I Have Wings and other breast cancer foundations often go unnoticed in the ongoing battle against this deadly disease, we must remember that they play an important role as an activist and educator in our communities.

Again, I commend the efforts of the I Have Wings foundation as our Nation continues to spread breast cancer awareness.●

REMEMBERING DANIEL MELNICK

● Mr. DODD. Madam President, I wish to speak in honor of a good friend and a friend to American cinema, Daniel Melnick, who passed away recently at the age of 77.

Those who know Hollywood will remember Daniel as a successful producer of film and television, and as a studio executive who believed in audacity and creativity—a filmmaker's studio executive, if you will.

He was a prodigy, becoming the youngest producer at CBS Television at the age of 19, where he worked on such series as the legendary "Get Smart," and producing his first feature film at MGM, the thrilling "Straw Dogs," before he turned 40. Over the next decade, he played a role in the development of films ranging from "Network" to "Kramer vs. Kramer" to "The China Syndrome," while serving as head of production at both MGM and Columbia.

As a film producer, Daniels's credits include "All That Jazz," "Altered States," "Footloose," "Roxanne," and "L.A. Story." Fittingly, his work as a producer was bold and vibrant—just the sort of films he encouraged as a studio executive.

In all, Daniel's films were nominated for more than 80 Academy Awards, and won more than two dozen Oscars.

I will remember Daniel as a warm, funny, breathtakingly creative friend whose beautiful house in Utah was the site of many wonderful get-togethers.

We are poorer for the loss, but richer for all he gave to our country and the arts.●

TRIBUTE TO LIEUTENANT COLONEL MICHEL G. JONES

● Mr. INHOFE. Madam President, today, I recognize the service LTC Michel "Shel" G. Jones, on the occasion of his retirement from active duty in the U.S. Army. Lieutenant Colonel Jones is an exceptional officer who has served our great Nation for more than 28 years, including 22 years on active duty and 6 years in the Iowa Army National Guard.

I have personally come to know and respect Lieutenant Colonel Jones over the 2½ years he served as an Army congressional liaison for the Army's weapons and tracked combat vehicles programs, to include the Army's Future Combat System. His expertise and commitment were instrumental in educating Members and staff in the Senate and House on Army combat systems, modernization programs and initiatives. His tireless efforts working with Members and staff of the Senate and House Armed Services Committees were instrumental in the successful authorization and appropriation of the Abrams tank, Bradley fighting vehicle, small arms and crew-served weapons, Stryker, elements of the Future Combat System and the Paladin Integrated Management programs.

Lieutenant Colonel Jones' congressional liaison assignment was only the capstone to what is an outstanding career of service to the Army and our Nation. He served as an armor officer in numerous command and staff positions. His operational assignments began in the Mojave Desert at Fort Irwin, CA, serving as a platoon leader at the National Training Center where he trained thousands of soldiers in desert warfare. He served as commander for Alpha Company, 4th Battalion 37th Armor, Heavy, followed by command of Headquarters and Headquarters Company, 2nd of the 70th Armor Battalion with the 1st Armored Division at Fort Riley, KS. After transitioning in to the acquisition career field, Lieutenant Colonel Jones was assigned to Fort Knox, KY, as a combat development officer and as a project manager for the Army's Future Combat System, FCS, in Detroit, MI.

The strength of our soldiers comes from their families. Lieutenant Colonel Jones' strength came from his wife Dynette, and his two sons Colton and Conner. This Nation is grateful for their commitment and personal sacrifices made throughout Shel's military service. We also thank his mother Joyce, who recently passed, and his father William "Gerry" Jones for raising such a fine son and patriot. Shel is from a military family. His father is a retired soldier and his brother, Dr.

Keith Jones, serves as a major in the National Guard. This Nation remains indebted to your service.

On behalf of the Senate and the United States of America, I commend Lieutenant Colonel Jones for his tireless efforts in the support of our Army, our military, and our Nation. As Shel and his family prepare to start a new life in the great State of Oklahoma, I congratulate him on completing an extremely successful military career and wish all of them the best in all their future endeavors.●

TRIBUTE TO KAREN M. ECKERT

● Ms. LANDRIEU. Madam President, today I celebrate the retirement of Karen M. Eckert after 37 years of excellent service to the federal government. Karen, a remarkable public servant under both the legacy Immigration and Naturalization Service and U.S. Citizenship and Immigration Services, and devoted resident of Buffalo, NY, retired on May 29, 2009.

Karen began her career as an immigration inspector at Niagara Falls, NY, in 1972 and quickly became knowledgeable in all areas of immigration. Her work has touched the lives of thousands—giving hope to countless immigrants and new citizens in pursuit of their dreams, as well as uniting adoptive parents with children in need of a loving home, while striving to protect children and underprivileged birth parents from exploitation.

Karen became a leading expert in intercountry adoption and child citizenship. In this role, she was invaluable in establishing the Child Citizenship Program in Buffalo, NY, drafting orphan regulations, and leading USCIS to take the steps necessary to implement the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

Her outstanding and distinguished service has been recognized through numerous awards, including an Angel in Adoption Award from the Congressional Coalition on Adoption Institute in 2003, the Department of Homeland Security Secretary's Meritorious Service Award in 2006 and the USCIS Director's Award in 2008 for her direction and participation in the Hague Implementation Working Group.

It is impossible to count the number of individuals who have personally benefited from Karen's professionalism, insights and dedication and she will be sincerely missed by her colleagues worldwide.

We congratulate Karen M. Eckert on her outstanding and distinguished career and for the inspiration she is leaving behind.●

RECOGNIZING WORLD WAR II VETERANS

● Mr. LUGAR. Madam President, today I wish to pay tribute to the American

men and women who served their country valiantly during World War II, and to a nonprofit organization known as HonorFlight which flies surviving veterans, at no expense to themselves, to Washington, DC, to visit the World War II Memorial. I wish to have printed in the RECORD a letter from Scott C. Stump, a veteran of the U.S. Marine Corps, describing the efforts of HonorFlight which will enable two Hoosier veterans, Harvey H. Hammerlund and Joseph B. Smrt, to visit the World War II Memorial this fall.

The letter follows:

DEAR SENATOR LUGAR: During World War II, 16 million American men and women selflessly, and unflinchingly served our country and defended our way of life for future generations. Now, more than 64 years since the end of that Great War, only three million of our World War II Veterans walk among us. Even more alarming, we are losing these veterans at the rate of 1,000 per day, which is causing their ranks to dwindle at an alarming rate. Now more than ever, we need to take pause and recognize these veterans and their contributions to making our great country what she is today. Part of that recognition, the National World War II Monument in Washington, DC, was completed and opened to World War II Veterans and the public on 29 April 2004.

Since its opening, the monument has been like a shining star, beckoning to our World War II Veterans. In fact, many of those veterans have had a dream of visiting this monument erected to the remembrance of "The Greatest Generation." Unfortunately, due to health, monetary, and other constraints, many World War II Veterans have been unable to visit "their" Memorial.

In 2005 that all began to change when a non-profit organization known as "HonorFlight" was born. Several dedicated individuals had a vision to fly any and all of our World War II Veterans to Washington, to see "their" Memorial, at absolutely no cost to the veterans. This wonderful, all volunteer force, began flying in 2005 and flew a total of 137 Veterans to see the Memorial that first year. Now, a brief four years later, there will be a total of over 42,000 veterans who have been able to fulfill their dreams and wishes of being able to visit Washington, DC and, most importantly, the World War II Memorial.

I would like to publicly thank HonorFlight and their network of dedicated volunteers for all of their efforts in making dreams come true. I am truly humbled to be a small part of such a great organization.

On this date, I would also like to recognize two very special World War II Veterans who are about to embark on a very special journey to Washington, DC. These two Hoosiers, both from the fertile farmlands of Starke County, answered their call to serve their country long ago, and in so doing served with honor, dignity, and courage.

Harvey H. Hammerlund was born on 21 December 1924 in rural Knox, Indiana. Harvey was a farm boy who enlisted in The United States Navy on 4 January 1944. Harvey served on The U.S.S. *Urban* 631 as an electrician. Harvey spent the remainder of the war traversing the hostile enemy-laden South Pacific. Mr. Hammerlund was discharged on 23 March 1946 at the rank of 3rd Class Petty Officer. Harvey returned home and was a farmer for the remainder of his

working years. Harvey was and is a leader in Starke County serving on various boards and committees, as well as being active with V.F.W. Post 748 in Knox. Harvey resides on his farm outside of Knox with Dee, his wife of 59 years.

Joseph B. Smrt was born on 14 February 1916 in North Judson, Indiana. Joe enlisted in The United States Army on 11 December 1942. Joe served in Patton's Third Army in the 94th Division Company B 19th Engineers. Joe proudly served all over Central Europe, including the epic "Battle of the Bulge" in Belgium. Mr. Smrt was discharged on 27 December 1945 but continued serving in The U.S. Army Reserves for the next 33 years, retiring as a Sergeant First Class. Joe worked and continues to work as a Surveyor as his profession and continues to be a pillar of the Starke County Community. Joe still lives in Knox with Ursula, his wife of 58 years.

Thank you, Senator LUGAR, for recognizing a great organization and two outstanding individuals. These two men have truly played a part in shaping the America that we know and love today.

Sincerely,

SCOTT C. STUMP.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NATIONAL EMERGENCY WITH RESPECT TO THE 2009 H1N1 INFLUENZA PANDEMIC IN THE UNITED STATES—PM 36

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to section 201 of the National Emergencies Act (50 U.S.C. 1621), I hereby report that I have exercised my authority to declare a national emergency in order to be prepared in the event of a rapid increase in illness across the Nation that may overburden health care resources. This declaration will allow the Secretary of Health and Human Services, if necessary, to temporarily waive certain standard Federal requirements in order to enable U.S. health care facilities to implement emergency operations plans to deal with the 2009 H1N1 influenza pandemic in the United States. A copy of my proclamation is attached.

Further, I have authorized the Secretary of Health and Human Services to exercise the authority under section 1135 of the Social Security Act to temporarily waive or modify certain requirements of the Medicare, Medicaid, and State Children's Health Insurance programs and of the Health Insurance Portability and Accountability Act Privacy Rule as necessary to respond to the pandemic throughout the duration of the public health emergency declared in response to the 2009 H1N1 influenza pandemic.

BARACK OBAMA.

THE WHITE HOUSE, October 23, 2009.

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on October 23, 2009, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 1793. A bill to amend title XXVI of the Public Health Service Act to revise and extend the program for providing life-saving care for those with HIV/AIDS.

The enrolled bill was subsequently signed during the session of the Senate by the President pro tempore (Mr. BYRD).

MESSAGES FROM THE HOUSE

At 2:04 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3585. An act to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 2647. An act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 5:19 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3619. An act to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3585. An act to guide and provide for United States research, development, and demonstration of solar energy technologies, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1858. A bill to require Senate candidates to file designations, statements, and reports in electronic form.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1927. A bill to establish a moratorium on credit card interest rate increases, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3472. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cold Pressed Neem Oil; Exemption from the Requirement of a Tolerance" (FRL No. 8434-5) received in the Office of the President of the Senate on October 21, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3473. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyriproxyfen; Pesticide Tolerances" (FRL No. 8795-3) received in the Office of the President of the Senate on October 21, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3474. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred on September 30, 2008, in Account 6880118 entitled the "Abatement, Control, and Compliance Loan Program Account"; to the Committee on Appropriations.

EC-3475. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2009-1785); to the Committee on Armed Services.

EC-3476. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Repeal of Test Procedures for Televisions" (RIN1904-AC09) received in the Office of the President of the Senate on October 21, 2009; to the Committee on Energy and Natural Resources.

EC-3477. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Change of Address for Region 4 State and Local Agencies; Technical Correction" (FRL No. 8973-6) received in the Office of the President of the Senate on October 21, 2009; to the Committee on Environment and Public Works.

EC-3478. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Stay of Clean Air Interstate Rule for Minnesota; Stay of Federal Implementation Plan to Reduce Interstate Transport of Fine Particulate Matter and Ozone for Minnesota" (FRL No. 8972-7) received in the Office of the President of the Senate on October 21, 2009; to the Committee on Environment and Public Works.

EC-3479. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources" (FRL No. 8972-6) received in the Office of the President of the Senate on October 21, 2009; to the Committee on Environment and Public Works.

EC-3480. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries" (FRL No. 8972-4) received in the Office of the President of the Senate on October 21, 2009; to the Committee on Environment and Public Works.

EC-3481. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kentucky: NOx SIP Call Phase II" (FRL No. 8972-2) received in the Office of the President of the Senate on October 21, 2009; to the Committee on Environment and Public Works.

EC-3482. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Revision to Clean Air Interstate Rule Sulfur Dioxide Trading Program" (FRL No. 8971-4) received in the Office of the President of the Senate on October 21, 2009; to the Committee on Environment and Public Works.

EC-3483. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjusted Items for 2010" (Rev. Proc. 2009-50) received in the Office of the President of the Senate on October 21, 2009; to the Committee on Finance.

EC-3484. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 205 Regarding Post-Death Events"

((RIN1545-BC56)(TD 9468)) received in the Office of the President of the Senate on October 21, 2009; to the Committee on Finance.

EC-3485. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rule 4221(e) Reciprocal Privileges" (Revenue Ruling 2009-34) received in the Office of the President of the Senate on October 21, 2009; to the Committee on Finance.

EC-3486. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance for Expatriates Under Section 877A" (Notice No. 2009-85) received in the Office of the President of the Senate on October 21, 2009; to the Committee on Finance.

EC-3487. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Immunology and Microbiology Devices; Classification of Respiratory Viral Panel Multiplex Nucleic Acid Assay" (Docket No. FDA-2009-N-0119) received in the Office of the President of the Senate on October 21, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3488. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes in Requirements for Signature of Documents, Recognition of Representatives, and Establishing and Changing the Correspondence Address in Trademark Cases" (RIN0651-AC26) received in the Office of the President of the Senate on October 21, 2009; to the Committee on the Judiciary.

EC-3489. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Fiscal Years 2006 and 2007 Annual Report to Congress for the Office of Justice Programs' Bureau of Justice Assistance; to the Committee on the Judiciary.

EC-3490. A communication from the Director, National Drug Control Policy, Executive Office of the President, transmitting the availability of a report relative to the Office of National Drug Control Policy in GAO-09-709 entitled "Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges"; to the Committee on the Judiciary.

EC-3491. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64)(Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8097)) received in the Office of the President of the Senate on October 21, 2009; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment:

S. 872. A bill to establish a Deputy Secretary of Homeland Security for Management, and for other purposes (Rept. No. 111-91).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 1863. A bill to extend the temporary suspension of duty on Terrazole; to the Committee on Finance.

By Ms. LANDRIEU:

S. 1864. A bill to extend the temporary suspension of duty on 2-Mercaptoethanol; to the Committee on Finance.

By Ms. LANDRIEU:

S. 1865. A bill to extend the temporary suspension of duty on Bifenazate; to the Committee on Finance.

By Mr. KERRY:

S. 1866. A bill to amend title 38, United States Code, to provide for the eligibility of parents of certain deceased veterans for interment in national cemeteries; to the Committee on Veterans' Affairs.

By Mr. CASEY:

S. 1867. A bill to extend the temporary suspension of duty on phenyl isocyanate; to the Committee on Finance.

By Mr. CASEY:

S. 1868. A bill to renew the temporary suspension of duty on hydroxylamine; to the Committee on Finance.

By Mr. CASEY:

S. 1869. A bill to extend temporarily the suspension of duty on mixed xylydines; to the Committee on Finance.

By Mr. CASEY:

S. 1870. A bill to extend the temporary suspension of duty on trichlorobenzene; to the Committee on Finance.

By Mr. CASEY:

S. 1871. A bill to extend the temporary suspension of duty on methanol, sodium salt; to the Committee on Finance.

By Mr. CASEY:

S. 1872. A bill to extend the temporary suspension of duty on 2-Phenylphenol; to the Committee on Finance.

By Mr. CASEY:

S. 1873. A bill to extend the temporary suspension of duty on 2, 3-Dichloronitrobenzene; to the Committee on Finance.

By Mr. CASEY:

S. 1874. A bill to extend the temporary suspension of duty on titanium dioxide; to the Committee on Finance.

By Mr. CASEY:

S. 1875. A bill to extend the temporary suspension of duty on Orgasol; to the Committee on Finance.

By Mr. CASEY:

S. 1876. A bill to suspend temporarily the duty on 11-Aminoundecanoic acid; to the Committee on Finance.

By Mr. CASEY:

S. 1877. A bill to suspend temporarily the duty on dry adhesive copolyamide pellets; to the Committee on Finance.

By Mr. CASEY:

S. 1878. A bill to extend and amend the temporary duty suspension on certain thin fiberglass sheets; to the Committee on Finance.

By Mr. CASEY:

S. 1879. A bill to clarify the tariff classification of certain fiberboard core and laminate boards and panels, and for other purposes; to the Committee on Finance.

By Mr. CASEY:

S. 1880. A bill to extend the temporary suspension of duty on Chlorotoluene; to the Committee on Finance.

By Mr. CASEY:

S. 1881. A bill to extend the temporary suspension of duty on bayderm bottom DLV-N; to the Committee on Finance.

By Mr. CASEY:

S. 1882. A bill to extend the temporary suspension of duty on certain ethylene-vinyl acetate copolymers; to the Committee on Finance.

By Mr. CASEY:

S. 1883. A bill to extend and modify the temporary suspension of duty on iminodisuccinate; to the Committee on Finance.

By Mr. CASEY:

S. 1884. A bill to suspend temporarily the duty on MDA50; to the Committee on Finance.

By Mr. CASEY:

S. 1885. A bill to suspend temporarily the duty on certain air pressure distillation columns; to the Committee on Finance.

By Mr. CASEY:

S. 1886. A bill to suspend temporarily the duty on Epilink 701; to the Committee on Finance.

By Mr. CASEY:

S. 1887. A bill to suspend temporarily the duty on Nourybond 276 Modifier; to the Committee on Finance.

By Mr. CASEY:

S. 1888. A bill to extend the temporary suspension of duty on 2-ethylhexyl 4-methoxycinnamate; to the Committee on Finance.

By Mr. CASEY:

S. 1889. A bill to extend the temporary suspension of duty on glass bulbs, designed for sprinkler systems and other release devices; to the Committee on Finance.

By Mr. CASEY:

S. 1890. A bill to suspend temporarily the duty on manganese flake containing at least 99.5 percent by weight of manganese; to the Committee on Finance.

By Mr. CASEY:

S. 1891. A bill to suspend temporarily the duty on standard grade ferroniobium; to the Committee on Finance.

By Mr. CASEY:

S. 1892. A bill to suspend temporarily the duty on methyl sulfonic acid; to the Committee on Finance.

By Mr. CASEY:

S. 1893. A bill to suspend temporarily the duty on Benzenamine, 4 Dodecyl; to the Committee on Finance.

By Mr. CASEY:

S. 1894. A bill to suspend temporarily the duty on N-Benzyl-N-ethylaniline; to the Committee on Finance.

By Mr. CASEY:

S. 1895. A bill to suspend temporarily the duty on p-Dodecyl aniline; to the Committee on Finance.

By Mr. CASEY:

S. 1896. A bill to suspend temporarily the duty on stainless steel single-piece exhaust gas manifolds; to the Committee on Finance.

By Mr. ROBERTS:

S. 1897. A bill to extend the temporary suspension of duty on phosphor zinc silicate; to the Committee on Finance.

By Mr. ROBERTS:

S. 1898. A bill to extend the temporary suspension of duty on yttrium oxide phosphor; to the Committee on Finance.

By Mr. ROBERTS:

S. 1899. A bill to extend the temporary suspension of duty on yttrium oxide phosphor; to the Committee on Finance.

By Mr. ROBERTS:

S. 1900. A bill to reduce temporarily the duty on Liberty, Rely, and Ignite herbicides; to the Committee on Finance.

By Mr. ROBERTS:

S. 1901. A bill to reduce temporarily the duty on Evergol; to the Committee on Finance.

By Mr. ROBERTS:

S. 1902. A bill to reduce temporarily the duty on Corvus herbicide; to the Committee on Finance.

By Mr. ROBERTS:

S. 1903. A bill to suspend temporarily the duty on 1,3-Dimethyl-1H-pyrazol-5-ol and 1,3-Dimethylpyrazol-5-one; to the Committee on Finance.

By Mr. ROBERTS:

S. 1904. A bill to extend the temporary suspension of duty on certain refracting and reflecting telescopes; to the Committee on Finance.

By Mr. ROBERTS:

S. 1905. A bill to suspend temporarily the duty on certain children's footwear covering the ankle; to the Committee on Finance.

By Mr. ROBERTS:

S. 1906. A bill to suspend temporarily the duty on certain children's footwear; to the Committee on Finance.

By Mr. ROBERTS:

S. 1907. A bill to suspend temporarily the duty on certain leather upper sports footwear; to the Committee on Finance.

By Mr. ROBERTS:

S. 1908. A bill to suspend temporarily the duty on certain sports footwear for women; to the Committee on Finance.

By Mr. ROBERTS:

S. 1909. A bill to extend the temporary suspension of duty on strontium magnesium phosphate-tin doped inorganic products; to the Committee on Finance.

By Mr. ROBERTS:

S. 1910. A bill to extend the temporary suspension of duty on calcium chloride phosphor activated by manganese and antimony; to the Committee on Finance.

By Mr. ROBERTS:

S. 1911. A bill to extend the temporary suspension of duty on mixture used in ceramic arc tubes; to the Committee on Finance.

By Mr. ROBERTS:

S. 1912. A bill to extend the temporary suspension of duty on calcium chloride phosphate; to the Committee on Finance.

By Mr. ROBERTS:

S. 1913. A bill to extend the temporary suspension of duty on resin cement based on calcium carbonate and silicone resins; to the Committee on Finance.

By Mr. ROBERTS:

S. 1914. A bill to extend the temporary suspension of duty on strontium halophosphate doped with europium; to the Committee on Finance.

By Mr. ROBERTS:

S. 1915. A bill to suspend temporarily the duty on certain footwear; to the Committee on Finance.

By Mr. ROBERTS:

S. 1916. A bill to temporarily suspend the duty on certain women's textile upper footwear; to the Committee on Finance.

By Mr. ROBERTS:

S. 1917. A bill to suspend temporarily the duty on certain leather upper sports footwear; to the Committee on Finance.

By Mr. ROBERTS:

S. 1918. A bill to suspend temporarily the duty on certain men's non-work footwear covering the ankle; to the Committee on Finance.

By Mr. ROBERTS:

S. 1919. A bill to suspend temporarily the duty on certain women's footwear; to the Committee on Finance.

By Mr. ROBERTS:

S. 1920. A bill to suspend temporarily the duty on certain sports footwear; to the Committee on Finance.

By Mr. ROBERTS:

S. 1921. A bill to extend the temporary suspension of duty on small particle calcium

chloride phosphor; to the Committee on Finance.

By Mr. ROBERTS:

S. 1922. A bill to extend the temporary suspension of duty on lanthanum phosphate phosphor; to the Committee on Finance.

By Mr. ROBERTS:

S. 1923. A bill to extend the temporary suspension of duty on a mixture of barium carbonate, strontium carbonate, calcium carbonate, and 1-methoxy-2-propanol acetate, for use as emitter suspension cathode coating; to the Committee on Finance.

By Mr. ROBERTS:

S. 1924. A bill to extend the temporary suspension of duty on compound barium magnesium aluminate phosphor; to the Committee on Finance.

By Mr. ROBERTS:

S. 1925. A bill to extend the temporary suspension of duty on yttrium vanadate phosphor; to the Committee on Finance.

By Mr. ROBERTS:

S. 1926. A bill to extend the temporary suspension of duty on compound of strontium chloroapatite-europium; to the Committee on Finance.

By Mr. DODD (for himself, Mr. REED, Mr. SCHUMER, Mr. MENENDEZ, Mr. BROWN, Mr. TESTER, Mr. MERKLEY, and Mr. UDALL of Colorado):

S. 1927. A bill to establish a moratorium on credit card interest rate increases, and for other purposes; read the first time.

By Mr. BAUCUS:

S. 1928. A bill to extend and modify the temporary suspension of duty on golf bag bodies made of woven fabrics of nylon or polyester sewn together with pockets, and dividers or graphite protectors, accompanied with rainhoods; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Ms. SNOWE):

S. 1929. A bill to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; considered and passed.

By Mr. CASEY:

S. 1930. A bill to amend the Internal Revenue Code of 1986 to enhance the administration of, and reduce fraud related to, the first-time homebuyer tax credit, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. DURBIN, Mr. CASEY, and Mr. MENENDEZ):

S. Res. 321. A resolution commemorating the lives and work of Jesuit Fathers Ignacio Ellacuria, Ignacio Martin-Baro, Segundo Montes, Amando Lopez, Juan Ramon Moreno, Joaquin Lopez y Lopez, and housekeeper Julia Elba Ramos and her daughter Celina Mariset Ramos on the occasion of the 20th anniversary of their deaths on November 16, 1989, at the Universidad Centroamericana Jose Simeon Canas located in San Salvador, El Salvador; considered and agreed to.

By Mr. LEVIN (for himself, Mr. BROWNBAC, and Mr. DURBIN):

S. Res. 322. A resolution expressing the sense of the Senate on religious minorities in Iraq; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 148

At the request of Mr. KOHL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 148, a bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

S. 229

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 229, a bill to empower women in Afghanistan, and for other purposes.

S. 453

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 453, a bill to authorize the Secretary of Housing and Urban Development to make grants and offer technical assistance to local governments and others to design and implement innovative policies, programs, and projects that address widespread property vacancy and abandonment, and for other purposes.

S. 512

At the request of Mr. KOHL, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 512, a bill to amend chapter 1 of title 9, United States Code with respect to arbitration.

S. 736

At the request of Mr. AKAKA, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 736, a bill to provide for improvements in the Federal hiring process and for other purposes.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 891

At the request of Mr. BROWNBAC, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 891, a bill to require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite from the Democratic Republic of Congo, and for other purposes.

S. 1156

At the request of Mr. HARKIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1156, a bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to reauthorize and improve the safe routes to school program.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1313

At the request of Mr. LUGAR, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1313, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 1345

At the request of Mr. REED, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1400

At the request of Mr. BROWNBAC, his name was added as a cosponsor of S. 1400, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 1470

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1470, a bill to sustain the economic development and recreational use of National Forest System land and other public land in the State of Montana, to add certain land to the National Wilderness Preservation System, to release certain wilderness study areas, to designate new areas for recreation, and for other purposes.

S. 1610

At the request of Ms. CANTWELL, the names of the Senator from Hawaii (Mr. INOUE) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1610, a bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States.

S. 1652

At the request of Mr. HARKIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1652, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1668

At the request of Mr. BENNET, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1668, a bill to amend title 38, United States Code, to provide for the inclusion of certain active duty service in the reserve components as qualifying service for purposes of Post-9/11 Educational Assistance Program, and for other purposes.

S. 1678

At the request of Mr. CARDIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit, and for other purposes.

S. 1681

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1683

At the request of Mr. BENNET, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1683, a bill to apply recaptured taxpayer investments toward reducing the national debt.

S. 1686

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1686, a bill to place reasonable safeguards on the use of surveillance and other authorities under the USA PATRIOT Act, and for other purposes.

S. 1730

At the request of Mr. FRANKEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1730, a bill to provide for minimum loss ratios for health insurance coverage.

S. 1731

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1731, a bill to require certain mortgagees to make loan modifications, to establish a grant program for State and local government mediation programs, to create databases on foreclosures, and for other purposes.

S. 1740

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1740, a bill to promote the economic security and safety of victims of domestic violence, dating violence, sexual assault, or stalking, and for other purposes.

S. 1744

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 1744, a bill to require the Administrator of the Federal Aviation Administration to prescribe regulations to ensure that all crewmembers on air carriers have proper qualifications and experience, and for other purposes.

S. 1748

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1748, a bill to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter.

S. 1781

At the request of Mrs. SHAHEEN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1781, a bill to provide for a demonstration program to reduce frequent use of health services by Medicaid beneficiaries with chronic illnesses by providing coordinated care management and community support services.

S. 1832

At the request of Ms. LANDRIEU, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1832, a bill to increase loan limits for small business concerns, provide for low interest refinancing for small business concerns, and for other purposes.

S. 1833

At the request of Mr. UDALL of Colorado, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1833, a bill to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes.

S. 1834

At the request of Mr. AKAKA, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1834, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. RES. 312

At the request of Mr. DODD, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. Res. 312, a resolution expressing the sense of the Senate on empowering and strengthening the United States Agency for International Development (USAID).

AMENDMENT NO. 2699

At the request of Mr. ISAKSON, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from

Georgia (Mr. CHAMBLISS), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of amendment No. 2699 intended to be proposed to H.R. 3548, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. REED, Mr. SCHUMER, Mr. MENENDEZ, Mr. BROWN, Mr. TESTER, Mr. MERKLEY, and Mr. UDALL, of Colorado):

S. 1927. A bill to establish a moratorium on credit card interest rate increases, and for other purposes; read the first time.

Mr. DODD. Mr. President, I rise today to offer legislation that would freeze interest rates on existing credit card balances until the full protections of the Credit Card Accountability, Responsibility, and Disclosure Act go into effect in February.

It is clear that credit card companies see gouging consumers as a viable means of padding their profits. When they realized that we were serious about ending these abusive practices, they unfortunately decided to make one last grab for the pocketbooks of American consumers before the law goes into effect.

Even before the Credit CARD Act passed, I heard from Connecticut residents who had seen their interest rates double or even triple with little warning and no explanation. As the law's implementation approaches, credit card companies have continued to jack up their customers' interest rates to get ahead of provisions in the Credit CARD Act that will permanently prohibit them from arbitrarily raising rates on existing balances.

To those of us who have worked to rein in credit card abuses, this greedy behavior is disturbing, although not surprising. But to the families in my home state of Connecticut and around the country who are struggling to make ends meet these days it is something worse.

Debt can crush families, driving them into bankruptcy and shattering the financial foundation they have worked so hard to build. It is impossible to get ahead when you're falling further and further behind each month. The anytime, any-reason rate hikes that credit card companies have used to enrich themselves have destroyed too many American families.

That is why we took action to stop unjustified rate hikes, and why it is an outrage that credit card companies are trying to jam consumers one last time before our law stops them.

I am not about to let this stand. In April, Senator SCHUMER and I wrote to the Federal Reserve, the Office of Thrift Supervision, and the National Credit Union Administration, calling on them to use their existing authority to implement an emergency freeze on interest rates.

The regulators, unfortunately, did not act. Therefore, on behalf of our constituents, we must. This legislation will immediately freeze interest rates to ensure that Americans are protected until the full Credit CARD Act goes into effect.

When it does, a provision I included in the legislation will hold credit card companies accountable for their recent behavior. Every 6 months, card companies will be required to review each account that they hit with a rate hike since January 1, 2009, and reduce the rate if the customer has become less of a credit risk or the circumstances that warranted the increase are no longer present.

I have directed Federal regulators to notify all credit card companies that they will be required to comply with this provision and to draft regulations that provide clear, strict rules to govern the reviews. Customers that did not deserve to have their rates raised in the first place should not have to be stuck with the higher rate after the Credit CARD Act takes effect.

Consumers have a responsibility to spend within their means and to pay what they owe. But credit card companies have a responsibility to deal with their customers honorably. And they most certainly do not have the right to rip off American families, especially when this Congress has already gone on the record opposing those actions.

Struggling middle class families won a huge victory when we passed the Credit CARD Act. Let us help them win another by ensuring that the credit card companies' reign of greed does not continue for even the short time before the law is implemented. I urge my colleagues to join me in this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit Card Rate Freeze Act of 2009".

SEC. 2. MORATORIUM ON RATE INCREASES.

During the period beginning on the date of enactment of this Act and ending 9 months after the date of enactment of the Credit Card Accountability Responsibility and Disclosure Act of 2009, in the case of any credit card account under an open end consumer credit plan—

(1) no creditor may increase any annual percentage rate, fee, or finance charge appli-

cable to any outstanding balance, except as permitted under subsection 171(b) of the Truth in Lending Act (as added by Public Law 111-24); and

(2) no creditor may change the terms governing the repayment of any outstanding balance, except as set forth in section 171(c) of the Truth in Lending Act (as added by Public Law 111-24).

SEC. 3. DEFINED TERMS.

For purposes of this Act—

(1) the term "annual percentage rate" means an annual percentage rate, as determined under section 107 of the Truth in Lending Act (15 U.S.C. 1606);

(2) the term "finance charge" means a finance charge, as determined under section 106 of the Truth in Lending Act (15 U.S.C. 1605);

(3) the term "outstanding balance" has the same meaning as in section 171(d) of the Truth in Lending Act (as added by Public Law 111-24); and

(4) the terms used in this Act that are defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602) and are not otherwise defined in this Act shall have the same meanings as in section 103 of the Truth in Lending Act.

SEC. 4. REGULATORY AUTHORITY.

(a) IN GENERAL.—The Board of Governors of the Federal Reserve System may issue such rules as may be necessary to carry out this Act.

(b) DATE OF ENACTMENT.—The provisions of this Act shall take effect upon the date of enactment of this Act, regardless of whether rules are issued under subsection (a).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 321—COMMEMORATING THE LIVES AND WORK OF JESUIT FATHERS IGNACIO ELLACURIA, IGNACIO MARTIN-BARÓ, SEGUNDO MONTES, AMANDO LÓPEZ, JUAN RAMON MORENO, JOAQUÍN LÓPEZ Y LÓPEZ, AND HOUSEKEEPER JULIA ELBA RAMOS AND HER DAUGHTER CELINA MARISSET RAMOS ON THE OCCASION OF THE 20TH ANNIVERSARY OF THEIR DEATHS ON NOVEMBER 16, 1989, AT THE UNIVERSIDAD CENTROAMERICANA JOSÉ SIMEÓN CAÑAS LOCATED IN SAN SALVADOR, EL SALVADOR

Mr. FEINGOLD (for himself, Mr. LEAHY, Mr. DURBIN, Mr. CASEY, and Mr. MENENDEZ) submitted the following resolution which was considered and agreed to:

S. RES. 321

Whereas in the early morning hours of November 16, 1989, 6 Jesuit priests and faculty members of the Universidad Centroamericana José Simeón Cañas ("UCA") located in San Salvador, El Salvador—Fathers Ignacio Ellacuría, Ignacio Martín-Baró, Segundo Montes, Amando López, Juan Ramon Moreno, and Joaquín López y López—and housekeeper Julia Elba Ramos and her daughter, Celina Mariset Ramos, were executed by members of the Salvadoran Army;

Whereas Father Ignacio Ellacuría, aged 59, was since 1979 rector of the UCA and was an

internationally-respected intellectual and advocate for human rights and for a negotiated solution to the Salvadoran civil conflict;

Whereas Father Ignacio Martín-Baró, aged 44, was the vice rector of the UCA, a leading analyst of national and regional affairs, the founder and director of the respected polling organization, the Public Opinion Institute, former dean of students, dean of the psychology department, an internationally-renowned pioneer in the field of social psychology, and pastor of the rural community of Jayaque;

Whereas Father Segundo Montes, aged 56, was dean of the department of social sciences, a sociology professor at the UCA, and the founder and director of the Human Rights Institute at the UCA, who did extensive work on Salvadoran refugees in the United States during the period of the Salvadoran conflict, including providing documentation and advice to Members of Congress on refugee issues;

Whereas Father Amando López, aged 53, was a philosophy and theology professor at the UCA, was the former director of the Jesuit seminary in San Salvador, and served as pastor of the Tierra Virgen community in Soyapango, a poor neighborhood in the periphery of San Salvador;

Whereas Father Juan Ramon Moreno, aged 56, was a professor of theology at the UCA, a former novice-master for the Jesuits, and a tireless pastoral worker and spiritual guide;

Whereas Father Joaquín López y López, aged 71, was one of the creators of the UCA and the founder, organizer, and director of Fe y Alegria (Faith and Joy), an organization to address the lack of education in El Salvador, which opened 30 educational centers in marginalized communities throughout El Salvador where 48,000 people received vocational training and education;

Whereas Julia Elba Ramos, aged 42, was the cook and housekeeper for the Jesuit seminarians at the UCA and the wife of Obdulio Lozano, the UCA gardener and groundskeeper;

Whereas Celina Mariset Ramos, aged 16, had finished her first year of high school at the José Damian Villacorta Institute in Santa Tecla, El Salvador and was staying with her mother the night of November 15, 1989;

Whereas the 6 Jesuit priests dedicated their lives to advancing education in El Salvador, protecting and promoting human rights and the end of conflict, and identifying and addressing the economic and social problems that affected the majority of the Salvadoran population;

Whereas the 6 Jesuit priests, as faculty and administrators at the UCA, educated many students throughout the 1970s and 1980s, students who subsequently became Salvadoran government, political, and civil society leaders, and thus helped facilitate communication, dialogue, and negotiations, even during the turbulent years of the armed conflict;

Whereas these 6 priests and 2 women joined the more than 75,000 noncombatants who perished during the Salvadoran civil war;

Whereas on December 6, 1989, Speaker of the House of Representatives Thomas Foley appointed the Speaker's Task Force on El Salvador consisting of 19 Members of the House of Representatives and chaired by Representative John Joseph Moakley of Boston, Massachusetts, to monitor the Salvadoran government's investigation into the murders of the Jesuit priests and 2 women and to look into related issues involving respect for human rights and judicial reform in El Salvador;

Whereas the Speaker's Task Force on El Salvador found that members of the high command of the Salvadoran military were responsible for ordering the murder of the Jesuits and 2 women and for obstructing the subsequent investigation into the crimes;

Whereas the United Nations Commission on the Truth for El Salvador (the "Truth Commission") was established under terms of the January 1992 Peace Accords that ended El Salvador's 12 years of war and was charged to investigate and report to the Salvadoran people on human rights crimes committed by all sides during the course of the war;

Whereas on March 15, 1993, the Truth Commission confirmed the findings of the Speaker's Task Force on El Salvador;

Whereas on September 28, 1991, a Salvadoran jury found 2 Salvadoran military officers guilty of the murders, including Salvadoran Army Colonel Guillermo Alfredo Benavides Moreno, the first time in Salvadoran history in which high-ranking military officers were convicted in a Salvadoran court of law of human rights crimes;

Whereas the UCA remains dedicated to advancing and expanding educational opportunity and providing the highest quality of academic excellence in its studies and courses and maintains a commitment to human rights and social justice;

Whereas the 28 Jesuit colleges and universities in the United States, which represent many of the highest quality academic communities in the Nation, have maintained a sense of solidarity with the UCA and the people of El Salvador and have annually observed the November 16th anniversary of the martyred Jesuits and women;

Whereas in the United States, in El Salvador, and around the world, university programs, academic and scholarly institutes, libraries, research centers, pastoral programs, spiritual centers, and programs dedicated to educational achievement, social justice, human rights, and alleviating poverty have been dedicated in the names of the Jesuit martyrs;

Whereas the international and Salvadoran outcry in response to the deaths of the 6 Jesuits and 2 women and the subsequent investigations into this crime served as a catalyst for negotiations and contributed to the signing of the 1992 Peace Accords, which have allowed the people and the Government of El Salvador to achieve significant progress in creating and strengthening democratic political, economic, and social institutions; and

Whereas November 16, 2009, marks the 20th anniversary of the deaths of the 8 spiritual, courageous, and generous priests, educators, and laywomen: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the lives and work of Father Ignacio Ellacuría, Father Ignacio Martín-Baró, Father Segundo Montes, Father Amando López, Father Juan Ramon Moreno, Father Joaquín López y López, Julia Elba Ramos, and Celina Mariset Ramos;

(2) extends sympathy to the families, friends, colleagues, and religious communities of the 6 Jesuit priests and 2 laywomen;

(3) recognizes the continuing academic, spiritual, and social contributions of the Universidad Centroamericana José Simeón Cañas ("UCA") in San Salvador, El Salvador;

(4) commends the 28 Jesuit colleges and universities in the United States for their solidarity with the UCA and annual remembrances of the Jesuit martyrs;

(5) continues to find inspiration in the lives and work of the Jesuit martyrs;

(6) remembers the seminal reports by Representative John Joseph Moakley and the Speaker's Task Force on El Salvador in investigating the murders of the 6 priests and 2 laywomen;

(7) acknowledges the role played by the Speaker's Task Force on El Salvador, Representative John Joseph Moakley, the Jesuit leadership of the UCA, and the Salvadoran judicial investigation and convictions in advancing negotiations to end the war, such that the deaths of the Jesuit martyrs and laywomen contributed directly to achieving the peace to which they had dedicated their lives;

(8) calls upon the people of the United States, academic institutions, and religious congregations to participate in local, national, and international events commemorating the 20th anniversary of the martyrdom of the 6 Jesuit priests and 2 laywomen;

(9) recognizes that, while significant progress has been made during the post-war period, social and economic hardships persist among many sectors of Salvadoran society; and

(10) calls upon the President, the Secretary of State, the Administrator of the United States Agency for International Development, and other Federal departments and agencies to support and collaborate with the Government of El Salvador and other public, private, nongovernmental, and religious organizations in efforts to reduce poverty and hunger and to promote educational opportunity, human rights, the rule of law, and social equity for the people of El Salvador.

SENATE RESOLUTION 322—EXPRESSING THE SENSE OF THE SENATE ON RELIGIOUS MINORITIES IN IRAQ

Mr. LEVIN (for himself, Mr. BROWNBACK, and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 322

Whereas threats against the smallest religious minorities in Iraq jeopardize the future of Iraq as a diverse, pluralistic, and free society;

Whereas according to the United States Commission on International Religious Freedom, there are grave threats to religious freedom in Iraq, particularly for the smallest, most vulnerable religious minorities in Iraq, including Chaldeans, Syrians, Assyrians, and other Christians, Sabean Mandeans, and Yazidis;

Whereas the February 2009 Country Report on Human Rights issued by the Department of State identifies on-going "misappropriation of official authority by sectarian, criminal, and extremist groups" as among the significant and continuing human rights problems in Iraq;

Whereas in recent years, there have been alarming numbers of religiously-motivated killings, abductions, beatings, rapes, threats, intimidation, forced conversions, marriages, and displacement from homes and businesses, and attacks on religious leaders, pilgrims, and holy sites, in Iraq, with the smallest religious minorities in Iraq having been among the most vulnerable, although Iraqis from many religious communities, Muslim and non-Muslim alike, have suffered in this violence;

Whereas the United States Commission on International Religious Freedom continues

to recommend that the President designate Iraq as a "country of particular concern", or CPC, under the International Religious Freedom Act of 1998, because of the ongoing, severe abuses of religious freedom in Iraq;

Whereas the Assyrian International News Agency reports that 59 churches have been bombed in Iraq between June 2004 and July 2009;

Whereas persecution and violence in Iraq have extended to church leaders as well, such as the March 2008 kidnap for ransom and killing of 65-year old Chaldean Catholic Archbishop Paulos Faraj Rahho;

Whereas members of small religious minority communities in Iraq do not have militia or tribal structures to defend them, do not receive adequate official protection, and are legally, politically, and economically marginalized;

Whereas control of ethnically and religiously mixed areas, including the Nineveh and Kirkuk governorates, is disputed between the Kurdistan regional government and the Government of Iraq, and Chaldeans, Syrians, Assyrians, and other Christians, Sabean Mandeans, Yazidis, Shabak, and Turkomen are caught in the middle of this struggle for control and have been targeted for abuses and discrimination as a result;

Whereas governments in the region report that approximately 2,400,000 refugees and asylum seekers have fled Iraq since 2003;

Whereas many religious minorities in Iraq, who made up about 3 percent of the population of Iraq in 2003, have fled to other areas in Iraq or to other countries, where they reflect a disproportionately high percentage of registered Iraqi refugees;

Whereas the flight of such refugees has substantially diminished their numbers in Iraq, and few show signs of returning to Iraq;

Whereas approximately 1,400,000 Christians were estimated to have lived in Iraq as of 2003, including Chaldean Catholics, Assyrian Orthodox, Assyrian Church of the East, Syriac Catholics, Syriac Orthodox, Armenians (Catholic and Orthodox), Protestants, and Evangelicals;

Whereas it is widely reported that only 500,000 to 700,000 indigenous Christians remain in Iraq as of 2009;

Whereas the Sabean Mandaean community in Iraq reports that almost 90 percent of the members of that community either fled Iraq or have been killed, leaving only about 3,500 to 5,000 Mandeans in Iraq as of 2009;

Whereas the Yazidi community in Iraq reportedly now numbers about 500,000, a decrease from about 700,000 in 2005;

Whereas the Baha'i faith, estimated to have only 2,000 adherents in Iraq, remains prohibited in Iraq under a 1970 law;

Whereas the ancient and once-large Jewish community in Iraq now numbers fewer than 10, and they essentially live in hiding;

Whereas in 2008, the United Nations High Commissioner for Refugees (UNHCR) reported that approximately 221,000 Iraqis returned to their areas of origin in Iraq, the vast majority of whom settled into neighborhoods or governorates controlled by members of their own religious community;

Whereas many of these returnees reported returning because of difficult economic conditions in their countries of asylum, principally Syria, Jordan, Egypt, and Lebanon; and

Whereas Chaldeans, Syrians, Assyrians, and other Christians, Sabean Mandeans, and Yazidis are not believed to be among these returnees: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States remains deeply concerned about the plight of vulnerable religious and ethnic minorities of Iraq and is particularly concerned for the Chaldeans, Syriacs, Assyrians, and other Christians, Sabeans, Mandaeans, Yazidis, Baha'is, Jews, and Muslim ethnic minorities, the Shabak and Turkomen, and other religious and ethnic minorities of Iraq;

(2) the United States Government and the United Nations Assistance Mission for Iraq should urge the Government of Iraq to enhance security at places of worship in Iraq, particularly where religious minorities are known to be at risk;

(3) the United States Government should continue to work with the Government of Iraq to—

(A) urgently train and deploy into the Iraqi police and security forces members of vulnerable minority communities in Iraq, including in Nineveh and other areas in which religious minorities are located, who are as representative as possible of those communities; and

(B) ensure that members of such communities—

(i) suffer no discrimination in recruitment, employment, or advancement in the Iraqi police and security forces; and

(ii) while employed in the Iraqi police and security forces, be assigned to their locations of origin, rather than being transferred to other areas;

(4) the Government of Iraq should, with the assistance of the United States Government—

(A) ensure that the upcoming national elections in Iraq are safe, fair, and free of intimidation and violence so that all Iraqis, including religious minorities, can participate in the elections; and

(B) permit and facilitate election monitoring by experts from local and international nongovernmental organizations, the international community, and the United Nations, particularly in minority areas;

(5) the Government of Iraq and the Kurdistan regional government should work towards a peaceful and timely resolution of disputes over territories;

(6) the United States Government and the United Nations Assistance Mission for Iraq should urge the Government of Iraq to work with minority communities and their representatives to develop measures to implement Article 125 of the Iraq Constitution, which guarantees “the administrative, political, cultural, and educational rights of the various nationalities, such as Turkomen, Chaldeans, Assyrians, and all the other constituents” in Nineveh and other areas where these groups are present;

(7) the Government of Iraq should take affirmative measures to reverse the legal, political, and economic marginalization of religious minorities in Iraq;

(8) the United States Government should direct assistance to projects that develop the ability of ethnic and religious minorities in Iraq to organize themselves civically and politically to effectively convey their concerns to government;

(9) the United States Government should continue to fund capacity-building programs for the Iraqi Ministry of Human Rights, the independent national Human Rights Commission, and a new independent minorities committee whose membership is selected by minority communities of Iraq;

(10) the Government of Iraq should direct the Iraqi Ministry of Human Rights to investigate and issue a public report on abuses against and the marginalization of minority

communities in Iraq and make recommendations to address such abuses;

(11) the Government of Iraq should, with the assistance of the United States Government and international organizations, help ensure that displaced Iraqis considering return to Iraq have the proper information needed to make informed decisions regarding such return; and

(12) the United States Government and international organizations should continue to work with the Government of Iraq to develop the legal framework necessary to address property disputes resulting when displaced Iraqis attempt to return to their homes in Iraq.

Mr. LEVIN. Mr. President, today I submit, with Senators BROWNBACK and DURBIN, a resolution expressing the concerns of the Senate over the plight of religious minorities in Iraq and calling on our government, the government of Iraq and the United Nations Mission in Iraq to take a series of steps designed to alleviate the dangers that members of these minority groups are confronting. Regardless of our position on the wisdom of the Iraq war, we can all acknowledge a tragic consequence of that war: the widespread persecution of religious minorities.

The statistics are chilling: of approximately 1.4 million Christians of various denominations living in Iraq in 2003, only 500,000 to 700,000 remain. Another minority group, the Sabeans, has seen its population decline by more than 90 percent. Iraq's Jewish community, once one of the largest in the Arab world, has almost ceased to exist.

What has happened to these hundreds of thousands? Many have fled Iraq; my own hometown of Detroit, long home to a large community of Christian immigrants from Iraq, knows firsthand the challenges for families abandoning their generations-long home for a strange new country.

Others have not had that opportunity. The United States Commission on International Religious Freedom reports that members of religious minorities “have experienced targeted intimidation and violence, including killings, beatings, abductions, and rapes, forced conversions, forced marriages, forced displacement from their homes and businesses, and violent attacks on their houses of worship and religious leaders.” Leaders and members of these minority groups have been kidnapped, assassinated or forcibly removed from their homes. The United Nations High Commissioner for Refugees reported that in 2008, there were an estimated 2.8 million internally displaced persons living in Iraq. Of that 2.8 million, nearly two out of three reported fleeing their home because of a direct threat to their lives, and, of that number, almost nine out of ten said they were targeted because of their ethnic or religious identity.

While violence has declined in Iraq overall, religious minorities continue to be the targets of violence and in-

timidation. Members of many minority groups who have fled other parts of the country have settled in the north, only to find themselves living in some of the most unstable and violent regions of Iraq.

Our resolution addresses this tragedy in several ways. It states the sense of the Senate that the fate of Iraqi religious minorities is a matter of grave concern. It calls on the U.S. government and the U.N. to urge Iraq's government to increase security at places of worship, particularly where members of religious minorities are known to face risks. It calls for the integration of regional and religious minorities into the Iraqi security forces, and for those minority members to be stationed within their own communities. It calls on the Iraqi government to ensure that minority citizens can participate in upcoming elections, and to enforce its constitution, which guarantees “the administrative, political, cultural, and educational rights” of minorities. And it urges a series of steps to ensure that development aid and other forms of support flow to minority communities.

I encourage the administration and the United Nations to address these steps without delay. I hope our fellow senators will join with Senator BROWNBACK, Senator DURBIN and me to voice the sense of the Senate on this important matter.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2700. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table.

SA 2701. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2702. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2700. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 5 the following:

SEC. 6. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds as follows:

(1) There has been concern expressed by some across our Nation, including on the Nation's airwaves, regarding whether Congress has the constitutional authority to legislate national health care reform.

(2) Certain citizens, commentators, and public officials have questioned whether the Tenth Amendment to the Constitution of the United States precludes the Federal Government from providing related health care benefits to its people.

(3) Numerous State legislative bodies have passed resolutions raising questions regarding the scope of the Tenth Amendment to the Constitution of the United States and the constitutionality of certain Federal programs.

(4) The Federal Government has a long and successful history of providing health care benefits to its citizens through Federal programs.

(5) Among other Federal initiatives, in 1930, Congress established the Veterans Administration, an entity that provided Federal benefits, including Federal health care benefits, to veterans of the Armed Forces, and the Veterans Administration was later merged into the Department of Veterans Affairs.

(6) In 1954, Congress established the Indian Health Service to provide medical and public health services to members of federally-recognized Indian tribes and Alaska Natives.

(7) In 1956 and 1966, respectively, Congress passed the Dependents' Medical Care Act (70 Stat. 250) and the Military Medical Benefits Amendments of 1966 (Public Law 89-614; 80 Stat. 862) in order to expand coverage to military personnel and dependents, and these programs were later merged into the TRICARE program, which provides health benefits for military personnel, military retirees, and their dependents.

(8) In 1965, the United States established the Medicare program to provide Federal health care benefits to United States citizens over the age of 65.

(9) In 1965, the United States established the Medicaid program to provide Federal health care benefits to individuals at, near, or below the Federal poverty line.

(10) In 1997, the United States established the State Children's Health Insurance Program to provide health insurance to certain children in families above the Federal poverty line.

(11) In 2009, the United States expanded the State Children's Health Insurance Program to cover an additional 4,000,000 children.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the following Federal benefit programs are in direct violation of the Tenth Amendment to the Constitution of the United States and should be terminated as soon as practicable: the Veterans Health Administration benefit programs, the Indian Health Service, TRICARE, Medicare, Medicaid, and the Children's Health Insurance Program.

SA 2701. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . 2-YEAR EXTENSION OF LOW-INCOME HOUSING CREDIT RULES FOR CERTAIN DISASTER AREAS.

Section 1400N(c)(5) of the Internal Revenue Code of 1986 is amended by striking "January 1, 2011" and inserting "January 1, 2013".

SA 2702. Mr. SANDERS submitted an amendment intended to be proposed by

him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 5 the following:

SEC. 6. LIMITATIONS ON THE USE OF FUNDS APPROPRIATED.

No funds appropriated under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110-252), as amended by this Act, shall be allocated to the following Federal benefit programs:

- (1) The Veterans Health Administration benefit programs.
- (2) The Indian Health Service.
- (3) TRICARE.
- (4) Medicare.
- (5) Medicaid.
- (6) The Children's Health Insurance Program.

ORDER OF PROCEDURE

Mr. SPECTER. Madam President, on behalf of our distinguished majority leader, I have been asked to do what is called wrap-up.

As in executive session, I ask unanimous consent that on Tuesday, October 27, the vote on confirmation of Executive Calendar No. 470 occur at 2:20 p.m., and that the 5 minutes immediately prior to the vote be available to Senator BYRD; further, that the other provisions of the previous order remain in effect; that upon confirmation and the Senate resuming legislative session, the Senate then proceed to a period of morning business until 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes, and that the time be equally divided and controlled between the leaders or their designees; that at 5:30 p.m. there be 30 minutes of debate prior to a vote on the motion to invoke cloture on the motion to proceed to H.R. 3548, with the time equally divided and controlled between the leaders or their designees; that at 6 p.m. the Senate proceed to vote on the motion to invoke cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL TEMPORARY EXTENSION OF SMALL BUSINESS PROGRAMS

Mr. SPECTER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1929, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1929) to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SPECTER. Madam President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1929) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) **IN GENERAL.**—Section 1 of the Act entitled "An Act to extend temporarily certain authorities of the Small Business Administration", approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111-66, is amended by striking "October 31, 2009" each place it appears and inserting "April 30, 2010".

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 30, 2009.

COMMEMORATING THE LIVES AND WORK OF EL SALVADORAN JE-SUITS AND OTHERS

Mr. SPECTER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 321, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 321) commemorating the lives and work of Jesuit Fathers Ignacio Ellacuría, Ignacio Martín-Baró, Segundo Montes, Amando López, Juan Ramon Moreno, Joaquín López y López, and housekeeper Julia Elba Ramos and her daughter Celina Mariset Ramos on the occasion of the 20th anniversary of their deaths on November 16, 1989, at the Universidad Centroamericana José Simeón Cañas located in San Salvador, El Salvador.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SPECTER. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 321) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 321

Whereas in the early morning hours of November 16, 1989, 6 Jesuit priests and faculty

members of the Universidad Centroamericana José Simeón Cañas ("UCA") located in San Salvador, El Salvador—Fathers Ignacio Ellacuría, Ignacio Martín-Baró, Segundo Montes, Amando López, Juan Ramon Moreno, and Joaquín López y López—and housekeeper Julia Elba Ramos and her daughter, Celina Mariset Ramos, were executed by members of the Salvadoran Army;

Whereas Father Ignacio Ellacuría, aged 59, was since 1979 rector of the UCA and was an internationally-respected intellectual and advocate for human rights and for a negotiated solution to the Salvadoran civil conflict;

Whereas Father Ignacio Martín-Baró, aged 44, was the vice rector of the UCA, a leading analyst of national and regional affairs, the founder and director of the respected polling organization, the Public Opinion Institute, former dean of students, dean of the psychology department, an internationally-renowned pioneer in the field of social psychology, and pastor of the rural community of Jayaque;

Whereas Father Segundo Montes, aged 56, was dean of the department of social sciences, a sociology professor at the UCA, and the founder and director of the Human Rights Institute at the UCA, who did extensive work on Salvadoran refugees in the United States during the period of the Salvadoran conflict, including providing documentation and advice to Members of Congress on refugee issues;

Whereas Father Amando López, aged 53, was a philosophy and theology professor at the UCA, was the former director of the Jesuit seminary in San Salvador, and served as pastor of the Tierra Virgen community in Soyapango, a poor neighborhood in the periphery of San Salvador;

Whereas Father Juan Ramon Moreno, aged 56, was a professor of theology at the UCA, a former novice-master for the Jesuits, and a tireless pastoral worker and spiritual guide;

Whereas Father Joaquín López y López, aged 71, was one of the creators of the UCA and the founder, organizer, and director of *Fe y Alegría* (Faith and Joy), an organization to address the lack of education in El Salvador, which opened 30 educational centers in marginalized communities throughout El Salvador where 48,000 people received vocational training and education;

Whereas Julia Elba Ramos, aged 42, was the cook and housekeeper for the Jesuit seminarians at the UCA and the wife of Obdulio Lozano, the UCA gardener and groundskeeper;

Whereas Celina Mariset Ramos, aged 16, had finished her first year of high school at the José Damian Villacorta Institute in Santa Tecla, El Salvador and was staying with her mother the night of November 15, 1989;

Whereas the 6 Jesuit priests dedicated their lives to advancing education in El Salvador, protecting and promoting human rights and the end of conflict, and identifying and addressing the economic and social problems that affected the majority of the Salvadoran population;

Whereas the 6 Jesuit priests, as faculty and administrators at the UCA, educated many students throughout the 1970s and 1980s, students who subsequently became Salvadoran government, political, and civil society leaders, and thus helped facilitate communication, dialogue, and negotiations, even during the turbulent years of the armed conflict;

Whereas these 6 priests and 2 women joined the more than 75,000 noncombatants who perished during the Salvadoran civil war;

Whereas on December 6, 1989, Speaker of the House of Representatives Thomas Foley appointed the Speaker's Task Force on El Salvador consisting of 19 Members of the House of Representatives and chaired by Representative John Joseph Moakley of Boston, Massachusetts, to monitor the Salvadoran government's investigation into the murders of the Jesuit priests and 2 women and to look into related issues involving respect for human rights and judicial reform in El Salvador;

Whereas the Speaker's Task Force on El Salvador found that members of the high command of the Salvadoran military were responsible for ordering the murder of the Jesuits and 2 women and for obstructing the subsequent investigation into the crimes;

Whereas the United Nations Commission on the Truth for El Salvador (the "Truth Commission") was established under terms of the January 1992 Peace Accords that ended El Salvador's 12 years of war and was charged to investigate and report to the Salvadoran people on human rights crimes committed by all sides during the course of the war;

Whereas on March 15, 1993, the Truth Commission confirmed the findings of the Speaker's Task Force on El Salvador;

Whereas on September 28, 1991, a Salvadoran jury found 2 Salvadoran military officers guilty of the murders, including Salvadoran Army Colonel Guillermo Alfredo Benavides Moreno, the first time in Salvadoran history in which high-ranking military officers were convicted in a Salvadoran court of law of human rights crimes;

Whereas the UCA remains dedicated to advancing and expanding educational opportunity and providing the highest quality of academic excellence in its studies and courses and maintains a commitment to human rights and social justice;

Whereas the 28 Jesuit colleges and universities in the United States, which represent many of the highest quality academic communities in the Nation, have maintained a sense of solidarity with the UCA and the people of El Salvador and have annually observed the November 16th anniversary of the martyred Jesuits and women;

Whereas in the United States, in El Salvador, and around the world, university programs, academic and scholarly institutes, libraries, research centers, pastoral programs, spiritual centers, and programs dedicated to educational achievement, social justice, human rights, and alleviating poverty have been dedicated in the names of the Jesuit martyrs;

Whereas the international and Salvadoran outcry in response to the deaths of the 6 Jesuits and 2 women and the subsequent investigations into this crime served as a catalyst for negotiations and contributed to the signing of the 1992 Peace Accords, which have allowed the people and the Government of El Salvador to achieve significant progress in creating and strengthening democratic political, economic, and social institutions; and

Whereas November 16, 2009, marks the 20th anniversary of the deaths of the 8 spiritual, courageous, and generous priests, educators, and laywomen: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the lives and work of Father Ignacio Ellacuría, Father Ignacio Martín-Baró, Father Segundo Montes, Father Amando López, Father Juan Ramon Moreno, Father Joaquín López y López, Julia Elba Ramos, and Celina Mariset Ramos;

(2) extends sympathy to the families, friends, colleagues, and religious communities of the 6 Jesuit priests and 2 laywomen;

(3) recognizes the continuing academic, spiritual, and social contributions of the Universidad Centroamericana José Simeón Cañas ("UCA") in San Salvador, El Salvador;

(4) commends the 28 Jesuit colleges and universities in the United States for their solidarity with the UCA and annual remembrances of the Jesuit martyrs;

(5) continues to find inspiration in the lives and work of the Jesuit martyrs;

(6) remembers the seminal reports by Representative John Joseph Moakley and the Speaker's Task Force on El Salvador in investigating the murders of the 6 priests and 2 laywomen;

(7) acknowledges the role played by the Speaker's Task Force on El Salvador, Representative John Joseph Moakley, the Jesuit leadership of the UCA, and the Salvadoran judicial investigation and convictions in advancing negotiations to end the war, such that the deaths of the Jesuit martyrs and laywomen contributed directly to achieving the peace to which they had dedicated their lives;

(8) calls upon the people of the United States, academic institutions, and religious congregations to participate in local, national, and international events commemorating the 20th anniversary of the martyrdom of the 6 Jesuit priests and 2 laywomen;

(9) recognizes that, while significant progress has been made during the post-war period, social and economic hardships persist among many sectors of Salvadoran society; and

(10) calls upon the President, the Secretary of State, the Administrator of the United States Agency for International Development, and other Federal departments and agencies to support and collaborate with the Government of El Salvador and other public, private, nongovernmental, and religious organizations in efforts to reduce poverty and hunger and to promote educational opportunity, human rights, the rule of law, and social equity for the people of El Salvador.

MEASURE READ THE FIRST TIME—S. 1927

Mr. SPECTER. Madam President, I understand that S. 1927, introduced earlier today by Senator DODD, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The bill clerk read as follows:

A bill (S. 1927) to establish a moratorium on credit card interest rate increases, and for other purposes.

Mr. SPECTER. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

Mr. SPECTER. Madam President, for anybody watching C-SPAN2—if anybody is watching—a word of explanation might be somewhat helpful. This is a procedure to set this particular resolution, S. Res. 1927, in procedural posture so that when I, as the

leader, ask for its second reading, and then say "I object to my own request," it is procedural, not a reversal of position.

ORDERS FOR TUESDAY, OCTOBER 27, 2009

Mr. SPECTER. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, October 27; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day and there be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half; that following morning business, the Senate proceed to executive session to consider the nomination of Irene Berger of West Virginia to be U.S. district court judge for the Southern District of West Virginia, as provided under the previous order.

Finally, I ask that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SPECTER. Madam President, under a previous order, tomorrow, at 2:20 p.m., the Senate will proceed to vote on the confirmation of the Berger nomination. Following the vote, the Senate will turn to a period of morning business until 5:30 p.m. The Senate will then resume the motion to proceed to H.R. 3548, and at 6 p.m. proceed to a cloture vote on the motion to proceed to H.R. 3548, the Unemployment Compensation Extension Act.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SPECTER. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:58 p.m., adjourned until Tuesday, October 27, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

P. DAVID LOPEZ, OF ARIZONA, TO BE GENERAL COUNSEL OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM OF FOUR YEARS, VICE RONALD S. COOPER, RESIGNED.

DEPARTMENT OF STATE

PHILIP S. GOLDBERG, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (INTELLIGENCE AND RESEARCH), VICE RANDALL M. FORT, RESIGNED.

DEPARTMENT OF HOMELAND SECURITY

CARYN A. WAGNER, OF VIRGINIA, TO BE UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KURT A. CICHOWSKI

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DAVID A. TEEPLES

HOUSE OF REPRESENTATIVES—Monday, October 26, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. RAHALL).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 26, 2009.

I hereby appoint the Honorable NICK J. RAHALL II to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

H.R. 3202, THE WATER PROTECTION AND REINVESTMENT ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Thank you very much, Mr. Speaker.

The United States is facing a challenge today in terms of fraying infrastructure from coast to coast. The need to rebuild and renew America has never been more critical; not only to strengthen our economy, to protect our health, to reduce global warming, it's important for our national and international competitiveness.

Mr. Speaker, nowhere is this more important than dealing with long-neglected water infrastructure, because as bad as things are on the surface with problems with our electrical grid, crumbling roads and bridges in poor repair, what is under the surface is an even worse condition. We have 72,000 miles of sewer pipe and water main that are over 80 years of age. Every year there are almost a quarter million water main breaks which cause everything from traffic jams to supply disruptions. Who can forget a few months ago when a main broke on River Road

here in metropolitan Washington and they had to send in a helicopter to rescue a stranded motorist?

Water infrastructure problems result in 1.3 million cases of waterborne disease each year, while sewer overflows during rainstorms send raw sewage into our oceans, our bays and our rivers, resulting in an estimated 1.8 to 3.5 million illnesses. The Environmental Protection Agency estimates that there is a \$534 billion gap between our current water investment and the projected needs over the next 20 years, just for water and wastewater.

To deal with that, Mr. Speaker, I have introduced the Water Protection and Reinvestment Act, H.R. 3202. At a time of economic problems for our country, this bill will create between 200,000 and 267,000 new jobs in engineering, construction and related industries. The bill is deficit neutral, attaching small fees to those activities and industries that benefit from clean water or who complicate our need to purify water. It will raise \$10 billion in a deficit neutral way.

Because of the need and because of the focused solution of this legislation, H.R. 3202 is supported by a broad cross-section of stakeholders. There are already 19 bipartisan Members of Congress who have signed on, but we have the Associated General Contractors, the American Society of Civil Engineers, the International Union of Operating Engineers, the National Utility Contractors Association as just some in the private sector. We have water utilities and government officials, from the National Association of Clean Water Agencies, the American Public Works Association, the Association of Floodplain Managers. And we have public interest groups, like American Rivers, the Rural Community Assistance Partnership, the Clean Water Network and the Alliance for Water Efficiency.

Mr. Speaker, by providing this funding through existing State revolving funds, money will be equitably distributed to all States. We have special provisions to ensure that small rural communities and large urban areas get funding specific to their needs. We can't afford to leave anyone or any community out.

I strongly urge my colleagues to reflect on what we have here in our community in Washington, D.C., and back home in our own districts. Too many of these systems rely on brick and water sewers that date back decades; in some cases centuries. The economy cannot

stand it, the health of our communities cannot put up with this neglect, and frankly the pressure on local taxpayers and ratepayers is such that they need and deserve our help.

I strongly urge that my colleagues who haven't yet examined this legislation do so, and that they join the bipartisan support for H.R. 3202, the Water Protection and Reinvestment Act.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LARSEN of Washington) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

O Lord our God, send forth Your light and Your truth. Let these be our guide. Lead this Congress and this Nation to the heights of Your holy mountain and to all the places You choose to dwell. We will come before You filled with joy and offer thanksgiving to You, our Redeemer.

So why do we seem downcast at times? Hope in God. Hope in God as our Savior. There is always a reason to praise the Lord. Again and again He will prove Himself our mighty God, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Guam (Ms. BORDALLO) come forward and lead the House in the Pledge of Allegiance.

Ms. BORDALLO led the Pledge of Allegiance as follows:

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HEALTH CARE REFORM OR SMALL BUSINESS DISASTER?

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, it's going to be a rough time to be a small business owner if the Democrat health care reform plan becomes law. Their government takeover of health care hits taxpayers with more than \$820 billion in tax hikes. This plan also includes a new \$540 billion tax on the so-called "rich" to bankroll this health care scheme.

The problem? According to IRS data, more than half of those who will be hit with this new tax are small business owners. Small businesses are our economy's engine for job growth. In fact, in the past, they have created 72 percent of all new jobs. If you're like me, you would like to see more job growth right now, not less. But small businesses will be hit hard by the new taxes in this plan, severely hampering their ability to create jobs and help us emerge from this economic downturn.

This doesn't sound like health care reform. It sounds like a disaster.

RAISING THE STATUTORY LIMIT ON THE NATIONAL DEBT IS BAD POLICY

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to express my concern for raising the national debt limit.

Last week, the U.S. Department of the Treasury reported that 2009 was the worst fiscal year in our country's history. This shouldn't be a surprise considering the amount of hard-earned taxpayer dollars that Washington has been spending at a record-setting pace. The massive stimulus bill that I opposed in February increased the national debt by \$925 billion to \$12.1 trillion.

I am extremely troubled by the recent media reports that show leaders of the majority party saying that the national debt limit has to be raised again, and soon. Mr. Speaker, we cannot spend and borrow our way to prosperity.

I have heard the anger of the American people and my constituents, and they aren't supportive of any more debt increases. I voted against this earlier this year, and I remain opposed to increasing the debt limit. If anything, Washington needs to decrease the debt limit and practice fiscal responsibility now.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 29, 2009.

Hon. NANCY PELOSI,
Speaker, The Capitol, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 23, 2009, at 1:21 p.m.:

That the Senate passed without amendment H.R. 1209.

That the Senate agreed to without amendment H.J. Res. 26.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

NATIONAL LAND REMOTE SENSING OUTREACH ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2489) to authorize a comprehensive national cooperative geospatial imagery mapping program through the United States Geological Survey, to promote use of the program for education, workforce training and development, and applied research, and to support Federal, State, tribal, and local government programs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2489

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Land Remote Sensing Outreach Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) **PROGRAM.**—The term "Program" means the National Land Remote Sensing Outreach Program established in section 3.

(2) **EDUCATIONAL INSTITUTION.**—The term "educational institution" means any public or private elementary or secondary school, or any institution of vocational, professional, or higher education (including a junior college or teachers' college).

(3) **GEOSPATIAL IMAGERY.**—The term "geospatial imagery"—

(A) means satellite land remote sensing image data registered to map or other spatial coordinates derived from features on the ground; and

(B) includes a wide range of graphical products that convey information about natural phenomena and human activities occurring on Earth's surface.

(4) **IMAGE DATA.**—The term "image data" means the raw, unprocessed form of data captured from a sensing instrument.

(5) **LAND REMOTE SENSING.**—The term "land remote sensing" means image data of land, coastal areas, or islands and reefs acquired from above the surface of the Earth by instruments on satellite platforms.

(6) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(7) **STATE.**—The term "State" means—

(A) each of the several States of the United States;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands; and

(G) the United States Virgin Islands.

(8) **INDIAN TRIBE.**—The term "Indian tribe" has the same meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

SEC. 3. NATIONAL LAND REMOTE SENSING OUTREACH PROGRAM.

(a) **IN GENERAL.**—The Secretary shall establish and maintain a national land remote sensing outreach program within the U.S. Geological Survey to advance the availability, timely distribution, and widespread use of geospatial imagery for education, research, assessment, and monitoring purposes in each State and the lands of an Indian tribe.

(b) **PURPOSES.**—The purposes of the program are—

(1) to increase accessibility to, and expand the use of, remote sensing data in a standard, easy-to-use format by Federal, State, local, and tribal governments, communities, educational institutions, and the commercial sector; and

(2) to assist each participating State and Indian tribe in establishing the cooperative infrastructure necessary to increase access to geospatial imagery for research and educational purposes.

(c) **ACTIVITIES.**—

(1) **NATIONAL LAND REMOTE SENSING OUTREACH PROGRAM.**—The Secretary shall—

(A) support geospatial imagery sharing, applied research, and educational programs of each participating State and Indian tribe;

(B) identify new geospatial imagery needs and infrastructure;

(C) share and cooperate in the development of geospatial imagery applications, education, and training infrastructure in each participating State and the lands of an Indian tribe;

(D) cooperate with participating States and Indian tribes to encourage the expansion of geospatial imagery mapping courses taught at appropriate educational institutions;

(E) encourage expansion of geospatial imagery research at appropriate educational institutions;

(F) encourage expansion of the knowledge and use of geospatial imagery products in the workforce through outreach programs, workshops, and other training opportunities;

(G) encourage participating States and Indian tribes to build partnerships with local governments to identify unique research and development needs and geospatial imagery application pilot programs;

(H) promote cooperation and sharing of expertise regarding geospatial imagery applications among participating States and Indian tribes; and

(I) provide a mechanism to enable the States and Indian tribes to transfer geospatial imagery and applications to the U.S. Geological Survey as appropriate.

(2) GRANTS.—

(A) *IN GENERAL.*—The Secretary is authorized to provide grants to qualified educational institutions, or to State, local, and tribal governments, or to consortia of these entities, on a competitive basis to—

(i) advance the interest of the Federal Government in promoting the use of imagery by educational institutions, States, localities, and Indian tribes; and

(ii) achieve the purposes of the Program described in section 3(b).

(B) MATCHING FUNDS.—

(i) *IN GENERAL.*—The Federal share of the cost of each program for which a grant is made under this Act may not exceed 75 percent of the total cost of the program.

(ii) *NON-FEDERAL CONTRIBUTION.*—In providing the non-Federal contribution required under this paragraph, a grantee—

(I) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, technology, or services; and

(II) may provide for such share through State sources or local sources, including private funds or donated services.

(iii) *WAIVER.*—The Secretary may waive the requirements of subparagraph (B), in whole or in part, with respect to any program if the Secretary determines that the grantee has made a good faith effort to obtain the non-Federal contribution at the local level but is unable to do so.

(3) FEDERAL PARTNER ADVISORY COMMITTEE.—

(A) *IN GENERAL.*—The Secretary shall establish and maintain a committee to advise the Director of the U.S. Geological Survey regarding the Program.

(B) *MEMBERSHIP AND APPOINTMENT.*—The advisory committee under subparagraph (A) shall be chaired by the U.S. Geological Survey and composed of such representatives of Federal and State agencies, tribal governments, and educational institutions as the Secretary may designate.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary \$10,000,000 to carry out this Act for each of fiscal years 2010 through 2019.

SEC. 5. SUNSET DATE.

This Act is repealed on the date that is 10 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, H.R. 2489 would authorize a nationwide program sponsored by the U.S. Geological Survey to help States, communities, and universities use satellite imagery for research and education.

I would like to commend the sponsor of this legislation, Representative

STEPHANIE HERSETH SANDLIN, for championing valuable uses of satellite imagery and for her work with the minority to improve the pending measure.

So I urge my colleagues to support H.R. 2489, which will facilitate remote sensing outreach partnerships in all 50 States and territories.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume on H.R. 2489.

The National Land Remote Sensing Outreach Act builds on a series of earmarks directed to the United States Geological Survey for nearly a decade. This program originally started out as “Ohio View” and has since expanded to more than 35 States, with hundreds of active member groups. This effort has been successful in increasing access to and uses of our Nation’s Earth observation satellite assets for education, research, hazardous monitoring, and natural resource management.

This legislation will finally move this program from one funded through earmarks without any oversight from Congress to an authorized Federal program with increased accountability, oversight, and taxpayer protections.

The final version of this legislation the House will consider today includes a number of improvements over the original introduced text. Specifically, this bill places a cap on the annual authorization for this program. This bill also now has a sunset date and requires a cost share from the partners who will work with the U.S. Geological Survey.

These are responsible, necessary changes. Congress should at all times seek to ensure taxpayer protections and oversight of government spending.

Mr. Speaker, I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I continue to reserve.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank my friend from Alaska for yielding.

I want to commend our good friend and colleague, Ms. HERSETH SANDLIN, from South Dakota, for her hard work in bringing this bill to the floor today. I understand she has been delayed by travel difficulties, but I am honored to be the lead Republican on this particular bill.

I am also pleased to indicate that the lead sponsor in the 110th Congress was Ralph Regula, Representative Ralph Regula. It was his vision that really started this program as “Ohio View” in 1998. It began as a pilot program through a partnership between the United States Geological Survey and several universities in the State of Ohio.

Originally called “Ohio View,” the program expanded nationwide beginning in 2000 and is currently active in

35 States across the country. The AmericaView program helps States and territories access the Federal Government’s nonclassified satellite and airborne imagery. It provides remote sensing data to communities in order to manage resources, plan for natural disasters, and respond to security threats.

The National Land Remote Sensing Outreach Act will maintain a nationwide AmericaView program and advance the availability of distribution and use of remote sensing data in each State. This bill will also expand remote sensing education as well as award grants to educational institutions and State and local governments to develop these programs.

There is a growing need for geospatial technology professionals, and this funding will bring remote sensing into K-12 classrooms across the country, strengthening students’ science skills.

The AmericaView program has been valuable to communities across the Nation. I believe it is an effective use of taxpayer money.

Again, I want to thank Congresswoman HERSETH SANDLIN for introducing the bill again this Congress, and I appreciate very much the work of the Natural Resources Committee in improving the legislation.

I urge my colleagues to support the bill.

Ms. HERSETH SANDLIN. Mr. Speaker, I rise today to urge support of H.R. 2489, the National Land Remote Sensing Outreach Act, bipartisan legislation that I introduced with my colleague STEVE LATOURETTE, that would authorize a program at the U.S. Geological Survey enhancing the use of satellite remote sensing data for research and education.

For almost a decade, the USGS has partnered with a nonprofit organization called AmericaView to help citizens, researchers, and public agencies solve real world problems using satellite imagery. Over these years, the USGS has provided satellite data and grants to AmericaView. AmericaView, in turn, has supported a network of university partners now in a total of 36 states: Alabama, Alaska, Arkansas, California, Colorado, Georgia, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Thanks to this outreach program, a great trove of satellite data and information, which is archived at the USGS Earth Resources Observation Data Center in Sioux Falls, South Dakota, is put to work throughout our country. Each state program tailors its efforts to each state’s needs, applying the data for use in a range of useful activities, including science education projects, the calculation of drought effects, designing irrigation protocols, or planning flood response. In short, USGS is enabling an amazing and varied array of remote

sensing data applications through these ongoing outreach efforts and partnerships.

Despite receiving appropriations in past fiscal years, the USGS geospatial imagery outreach program has never formally been authorized. Passing this legislation today will officially authorize the USGS' existing outreach activities, helping to boost the program's recognition, expand the program to additional states and territories, and provide for Congressional direction and oversight.

The legislation before us today was amended in Committee to reflect input from the Department of the Interior and colleagues on both sides of the aisle, and I'd like to thank the Administration and my colleagues for their willingness to work together on this bill. I'd also like to recognize the contributions of our former colleague, Representative Ralph Regula of Ohio, who introduced this legislation in the previous Congress.

I urge my colleagues to support H.R. 2489, the National Land Remote Sensing Outreach Act.

Mr. YOUNG of Alaska. Mr. Speaker, I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2489, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

JIMMY CARTER NATIONAL HISTORIC SITE BOUNDARY EXPANSION

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1471) to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1471

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOUNDARY EXPANSION.

Section 1 of Public Law 100-206 is amended—

(1) in subsection (a), by striking paragraph (3) and inserting:

“(3) preserve and interpret a southern agricultural-based rural community during the early to middle years of the 20th century.”;

(2) in subsection (b)(1), by striking “map entitled ‘Jimmy Carter National Historic

Site and Preservation District Boundary Map’, numbered NHS-JC-80000, and dated April 1987” and inserting “map titled ‘Jimmy Carter National Historical Park and Preservation District, Proposed Boundary Map’, numbered 330/80,019, and dated September 2009”;

(3) in subsection (b)(2)—

(A) by striking “and described more particularly as follows—” and inserting “or is needed to enhance the visitor experience, and includes—”;

(B) in subparagraph (C), by striking “15” and inserting “18”;

(C) in subparagraph (E), by striking “and” at the end;

(D) in subparagraph (F), by striking “Carter,” and inserting “Carter, and properties in the vicinity of the residence along West Church Street that are needed for administrative and visitor uses and to protect scenic values, not to exceed 10 acres;”;

(E) by adding at the end the following new subparagraphs:

“(G) the Billy Carter Service Station at 104 West Church Street, consisting of less than one acre;

“(H) the property at 147 Old Plains Highway, known locally as the ‘Haunted House’, where Jimmy and Rosalynn Carter resided from 1956 to 1961, consisting of approximately one acre;

“(I) the Georgia Welcome Center on State Route 280/27, consisting of approximately 18 acres; and

“(J) two corridors of land no wider than 50 feet each between the Georgia Welcome Center and the President Carter boyhood home for the purpose of establishing walking and biking trails while using, to the greatest extent practicable, the right-of-way for the Shoreline Excursion Train.”;

(4) in subsection (c)(1)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) after subparagraph (B), insert the following:

“(C) by donation only, other lands and interests in lands in the environs of Plains containing natural, cultural, or historic resources consistent with the purposes of the national historical park which, upon acquisition, shall be included in and administered as part of the national historical park.”;

(5) in subsection (c)(2), by inserting “, the Georgia Welcome Center (referred to in subsection (b)(2)(I)),” after “subsection (b)(2)(A))”.

SEC. 2. REDESIGNATION AS NATIONAL HISTORICAL PARK.

(a) REDESIGNATION.—Public Law 100-206 is amended—

(1) by striking “National Historic Site” each place it appears and inserting “National Historical Park”;

(2) by striking “historic site” each place it appears and inserting “national historical park”;

(3) in the section heading of section 1, by striking “NATIONAL HISTORIC SITE” and inserting “NATIONAL HISTORICAL PARK”;

(4) in the subsection heading of section 1(b), by striking “NATIONAL HISTORIC SITE” and inserting “NATIONAL HISTORICAL PARK”;

(5) in the section heading of section 3, by striking “HISTORIC SITE” and inserting “NATIONAL HISTORICAL PARK”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “Jimmy Carter National Historic Site” shall be

deemed a reference to the “Jimmy Carter National Historical Park”.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Public Law 100-206 is further amended by striking section 7.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. Mr. Speaker, the Jimmy Carter National Historic Site in Plains, Georgia, was established in 1987 to preserve the boyhood home and current residence of our 39th President. The former President and his wife have a lifetime tenancy in their home and are actively involved in the work of the park.

The pending measure would expand the current boyhood homesite from 15 acres to 18 acres and allow the National Park Service to acquire several additional properties. The bill would also redesignate the park from a national historic site to a national historical park.

Mr. Speaker, the sponsor of this legislation, Representative SANFORD BISHOP, is to be commended for his commitment to preserving this important piece of Presidential history. This is an excellent piece of legislation, and I urge Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is my understanding that President Carter is heavily involved in the land acquisition and park expansion authorized in this legislation. We have been made aware that one of the properties included in the expansion is a haunted house. This is no Halloween trick. The currently dilapidated structure will be rehabilitated by the National Park Service and eventually be made available to show the public where President Carter lived before his current estate was constructed.

I am also aware that President Carter is an avid hunter. He likes to stalk deer, dove, quail, turkey, and even the occasional squirrel. Fortunately, with the passage of an important Republican gun rights amendment to the Credit Card Reform Act last spring, President Carter will be able to legally transport his firearms to and from his

home and clean and load his firearms on his compound within the national park without fear of violating Federal law when this provision goes into effect in February 2010.

□ 1415

Right now, other Americans and the other 391 National Park units would be subject to criminal penalties for these actions.

President Carter has an excellent relationship with the National Park Service, which should be preserved. After all, the agency has the duty to preserve the legacy of his 4 years as President through the conservation of his high school, boyhood home and even his current residence within the park. The National Park Service dutifully handles many important tasks, including the day-to-day maintenance of his property and even of mowing his lawn.

Finally, it has been said that these new acquisitions will complete the story of Mr. Carters life. This is a noble goal. I can only assume that is why the legislation also includes the Federal takeover of Billy Carter's gas station.

Mr. BISHOP of Georgia. Mr. Speaker, I rise in support of H.R. 1471, which will expand and revitalize the Jimmy Carter National Historic Site, which is located in Plains, Georgia.

My Congressional District in Southwest Georgia includes Plains. Therefore I am pleased to sponsor this bipartisan legislation in the U.S. House of Representatives which, if passed, will bolster the local economy, enhance tourism, and provide people from around the world with a new insight into the life and career of the 39th President of the United States.

H.R. 1471 will

p and the national historic site's authorized boundaries from 15 acres to 18 acres and would allow the National Park Service to acquire several additional properties for the park, including a house that the Carter family lived in from 1956–1961. Additionally, the legislation will redesignate the park from a national historic site to a national historical park. It also would direct that the park service preserves, and interprets, a southern agricultural-based rural community during the early to middle years of the 20th century.

Last August, I took my whole staff on a visit to the Jimmy Carter National Historic Site, including his boyhood home and school, so they could get a better feel and understanding of the values that shaped this great Georgian. We listened to the messages recorded by the former President that tell visitors of his experiences as a child and young man and how they influenced his views and values. After touring the Depression-era farm, home and school where he grew into manhood, every one of my staff members, including a number from Georgia and several who are not, told me they were inspired by what they learned about the life of Jimmy Carter, just as I have been.

The eventual passage of this bill will ensure that the Jimmy Carter National Historic Site has the resources it needs to continue to in-

spire generation after generation of visitors. Additionally, the investments made in this property will positively impact the economic development of Plains and the surrounding Sumter County by providing increased opportunities for tourism.

The Jimmy Carter National Historic Site already does a remarkable job of helping people to understand the values that shaped this great Georgian. This bill will ensure that the site will continue to inspire generations of visitors, as well as grow and positively impact the economies of Plains. I urge my colleagues to support H.R. 1471.

Mr. YOUNG of Alaska. I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I again urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1471, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

STEPHEN MATHER WILDERNESS AND NORTH CASCADES NATIONAL PARK BOUNDARY ADJUSTMENT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2806) to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds as follows:

(1) In 1988, 93 percent of the North Cascades National Park Complex was designated the Stephen Mather Wilderness.

(2) A road corridor was deliberately excluded from the wilderness designation to provide for the continued use and maintenance of the upper Stehekin Valley Road.

(3) The upper Stehekin Valley Road provides access to Stephen Mather Wilderness trailheads and North Cascades National Park from the Lake Chelan National Recreation Area.

(4) Record flooding in 1995 and again in 2003 caused severe damage to the upper Stehekin Valley Road and led to the closure of a 9.9-mile section of the road between Car Wash Falls and Cottonwood Camp.

(5) The National Park Service currently does not have the flexibility to rebuild the upper Stehekin Valley Road away from the

Stehekin River due to the current location of the non-wilderness road corridor provided by Congress in 1988.

(6) It is a high priority that the people of the United States, including families, the disabled, and the elderly, have reasonable access to the National Parks system and their public lands.

(7) The 1995 Lake Chelan National Recreation Area General Management Plan calls for retaining vehicle access to Cottonwood Camp.

(8) Tourism associated with the North Cascades National Park Complex is an important part of the economy for rural communities in the area.

(9) Additional management flexibility would allow the National Park Service to consider retention of the upper Stehekin Valley Road in a manner that provides for no net loss of wilderness.

SEC. 2. AUTHORIZATION FOR BOUNDARY ADJUSTMENTS.

The Washington Park Wilderness Act of 1988 (Public Law 100-668) is amended by inserting after section 206 the following:

"SEC. 207. BOUNDARY ADJUSTMENTS FOR ROAD.

"(a) IN GENERAL.—The Secretary may adjust the boundaries of the North Cascades National Park and the Stephen Mather Wilderness in order to provide a corridor of not more than 100 feet in width along which the Stehekin Valley Road may be rebuilt—

"(1) outside of the floodplain between milepost 12.9 and milepost 22.8;

"(2) within one mile of the route, on the date of the enactment of this section, of the Stehekin Valley Road;

"(3) within the boundaries of the North Cascades National Park; and

"(4) outside of the boundaries of the Stephen Mather Wilderness.

"(b) NO NET LOSS OF LANDS.—

"(1) IN GENERAL.—The boundary adjustments made under this section shall be such that equal amounts of federally owned acreage are exchanged between the Stephen Mather Wilderness and the North Cascades National Park, resulting in no net loss of acreage to either the Stephen Mather Wilderness or the North Cascades National Park.

"(2) STEHEKIN VALLEY ROAD LANDS.—The newly designated wilderness shall include the lands along the route of the Stehekin Valley Road that are replaced by the reconstruction.

"(3) EQUALIZATION OF LAND.—If the lands described in paragraph (2) contain fewer acres than the corridor described in subsection (a), the Secretary may designate additional Federal lands in the North Cascades National Park as wilderness, but such designation may not exceed the amount needed to equalize the exchange and these additional lands must be selected from lands that qualify as wilderness under section 2(c) of the Wilderness Act (16 U.S.C. 1131(c)).

"(c) NO SALE OR ACQUISITION AUTHORIZED.—Nothing in this Act authorizes the sale or acquisition of any land or interest in land.

"(d) NO PRIORITY REQUIRED.—Nothing in this Act shall be construed as requiring the Secretary to give this project precedence over the construction or repair of other similarly damaged roads in units of the National Park System."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentlewoman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Guam?

There was no objection.

Ms. BORDALLO. I yield myself as much time as I may consume.

Mr. Speaker, H.R. 2806, sponsored by Natural Resources Committee Ranking Member DOC HASTINGS, would allow the National Park Service to adjust the boundary of the Stephen Mather Wilderness, inside North Cascades National Park, to provide for a new road corridor.

Flooding has repeatedly washed out significant portions of a road in the park. Today, the road is impassable for vehicles above what used to be the halfway point.

The pending measure would authorize the Secretary of the Interior to redraw the boundaries of the wilderness within prescribed parameters to provide a new corridor so that the road could be partially rerouted out of the floodplain and rebuilt to its original end. The bill would require that any boundary changes made to accommodate the road result in no overall loss of acreage to the wilderness area.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. I yield myself such time as I may consume.

Mr. Speaker, to ensure that a wilderness designation would not block public access to historic recreation sites, the 1988 law that established the Stephen Mather Wilderness area in the North Cascades National Park provided for a 100-foot-wide, non-wilderness corridor to the upper Stehekin Valley.

Unfortunately, flooding in 1995 and again in 2003 washed away parts of the road, and it remains impassable today.

Representative DOC HASTINGS' bill, H.R. 2806, restores the intent of Congress by allowing the relocation of the road to a less flood-prone site. This bill does not reduce the amount of wilderness in the park.

It is strongly supported by local officials and by former Senator Dan Evans, who sponsored the 1988 law. When the National Park Service solicited public comments on alternatives for the management of the area, over 90 percent of those comments favored keeping the road open.

I urge my colleagues to join ranking Republican DOC HASTINGS and Chairman NICK RAHALL in supporting this legislation.

I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I now would like to recognize for 1 minute the author of the bill, the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. I am not the author of the bill, but I have worked with Mr. HASTINGS. Thank you for that compliment.

Mr. Speaker, I want to speak in favor of this bill, and I thank Mr. HASTINGS for his working with us to perfect this bill in a couple of ways.

We have made the bill clear that we have constrained the Park Service's definition of where a potential road could be built. Mr. HASTINGS and I both felt that it was important for Congress to retain some authority over where the wilderness boundaries are so that we would not give unfettered control to the Executive branch. We also make clear in the bill that the passage of this bill is not intended, in any way shape or form, to instruct the Park Service to change their prioritization on what roads to build or not to build in the Park Service.

There are many needs in the Park Service. We know there is a constrained budget situation. We know there are many roads that have been washed out and that there are trails that have been washed out, and we do not intend in this bill to change any priority array as to what could be done to the Park Service.

Ms. BORDALLO. Mr. Speaker, again, I urge all Members to support this piece of legislation. I commend the author, Mr. HASTINGS from the State of Washington, for authoring this, and I ask that all Members support this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, H.R. 2806 is a limited bill that allows for continued public access to the North Cascades National Park from the community of Stehekin, Washington.

Stehekin, located at the western end of Lake Chelan, is the gateway to the North Cascades National Park and is accessible only by boat, floatplane, or a multi-day hike. From the town of Stehekin, the Stehekin Valley Road has long allowed residents and visitors to access some of the most beautiful scenery in the North Cascades in what is now the Park's Stephen Mather Wilderness.

At the July 30, 2009 hearing before the Subcommittee on National Parks, Forests and Public Lands, the Subcommittee heard testimony from local officials on how flood damage to the upper Stehekin Valley Road has limited public recreational access to the North Cascades National Park Complex. This reduced access has been particularly painful for the small, tourist-dependent community of Stehekin which serves as the gateway to the Park.

During legislative consideration of the Park's creation in 1988, Congress determined that Stehekin Road would remain outside of the wilderness boundary to ensure continued public access. Otherwise, no cars, mountain bikes, or other mechanized vehicles would have been allowed to transport area residents or Park visitors into the wilderness areas in the center of the Park north of Stehekin.

As the Stehekin River has shifted and damaged the road, the Park Service has been un-

able to rebuild the road out of the path of the river because of the narrow road corridor in the original Park designation. H.R. 2806 would simply allow the Secretary limited authority to adjust the road corridor out of the path of the Stehekin River, with no net loss of land to either the Park or the Stephen Mather Wilderness. These changes and road rebuilding would still be subject to review and comment under the National Environmental Policy Act.

This is a limited bill that protects the public access into the Park Complex promised at the Park's creation, and I encourage my colleagues to give their support to H.R. 2806 and the Stehekin community.

Ms. BORDALLO. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2806, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CASCADIA MARINE TRAIL STUDY ACT

Ms. BORDALLO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1641) to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF TRAIL FOR STUDY.

(a) **SHORT TITLE.**—This section may be cited as the "Cascadia Marine Trail Study Act".

(b) **DESIGNATION OF TRAIL FOR STUDY.**—Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following:

"() Cascadia Marine Trail, a series of water trail routes encompassing approximately 2,300 miles of shoreline in the State of Washington, extending from Point Roberts near the Canadian border to the southern reach of Puget Sound near Olympia. In conducting the study, the Secretary shall coordinate with appropriate Federal, State, local, tribal, and private entities, and may evaluate sites of recreational, scenic, or historic significance near the Cascadia Marine Trail for potential inclusion in the Trail. The Secretary shall also consider what activities may be limited by the designation, including existing activities, hunting, boating, or proposed infrastructure improvements."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Guam (Ms. BORDALLO) and the gentleman from Alaska (Mr. YOUNG) each will control 20 minutes.

The Chair recognizes the gentleman from Guam.

GENERAL LEAVE

Ms. BORDALLO. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Guam?

There was no objection.

Ms. BORDALLO. I yield myself such time as I may consume.

Mr. Speaker, the Puget Sound region of Washington State combines tremendous scenic beauty with numerous historic sites. Boaters and kayakers traveling these waters are surrounded by spectacular mountains and abundant wildlife.

Through 15 years of diligent work by local advocates and volunteers, 54 campsites on a 150-mile route along the coast now constitute the Cascadia Marine Trail. The pending measure would authorize a study of this trail for its potential inclusion in the National Trails System. So, by all accounts, this trail is certainly worthy of this consideration.

Mr. Speaker, I commend our colleague, Representative JAY INSLEE, for his hard work and for his dedication to this legislation. I support the passage of H.R. 1641, and urge all Members to do so as well.

I reserve the balance of my time.

Mr. YOUNG of Alaska. I yield myself such time as I may consume.

Mr. Speaker, H.R. 1641 has been adequately explained by the majority. As the current trail is being operated successfully at a local level, we are not aware of the need for this legislation.

Apparently, though, some believe there is a compelling need for Federal involvement where Americans paddle kayaks in the Puget Sound. As this bill provides for a study of the federalization of these water trails, possible objections will likely be held until the study is completed and until actual Federal control is to be proposed.

I reserve the balance of my time.

Ms. BORDALLO. Mr. Speaker, I yield as much time as he may consume to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Thank you.

Mr. Speaker, this bill simply provides for a study of feasibility of adding the Cascadia Marine Trail to the National Trails System.

This trail is entirely a water-based trail, extending from the Canadian border through the San Juan Islands, Puget Sound and south to our State capital of Olympia. Significant portions of this trail run through the waters of my district. It includes 2,300 miles of shoreline and 55 safe pullouts right now for camping areas of non-motorized, beachable watercraft.

Thousands of people have the potential of enjoying this trail. It was added as a national recreation trail in '94, and the Canoe Association designated the trail as an ACA-recommended water trail in 2005.

We know it's a beautiful spot. I've been there. I encourage everyone to give it a go. It gives users unique opportunities to see eagles, orca, otters, porpoises, and whales. It's quite a place to be, but we do think it's an appropriate study to consider its inclusion in our National Trails System given the national notoriety and publicity that this will entail, and it will allow people to really know about the trail.

I want to thank Chairman RAHALL and Subcommittee Chairman GRIJALVA for their work to move this forward. I would like to also acknowledge the National Park Service office in Seattle for their technical assistance. I want to thank my constituents who have been working on this now for at least two decades, particularly the Washington Water Trails Association, especially Don Crook, Reed Waite and Julie Anderson for their efforts, and John Kuntz, with the Olympic Outdoor Centers, and the Kitsap Paddle Club for their leadership.

It is supported by the Washington Water Trails Association, the National Parks Conservation Association, the Washington Wildlife and Recreation Coalition, and the Washington State Parks.

I want to thank the Speaker, Mr. LARSEN, for cosponsoring this bill, and I can guarantee anyone who will enjoy this national water trail that it never rains in Puget Sound.

Mr. YOUNG of Alaska. I have no further requests for time, and I yield back the balance of my time.

Ms. BORDALLO. Mr. Speaker, I, again, urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 1641, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECOGNIZING 120TH ANNIVERSARY OF WEBER STATE UNIVERSITY

Mr. PIERLUISI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 854) recognizing Weber State University for the 120th anniversary of its founding as an institution of higher education.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 854

Whereas Weber State University (WSU) was founded in 1889 as Weber State Academy; Whereas WSU celebrates its 120th anniversary this year;

Whereas WSU is a public university that offers associate's, bachelor's, and master's degrees, as well as professional, liberal arts, and technical certificates;

Whereas WSU is located in Ogden, Utah, and has an additional campus in Layton, Utah;

Whereas WSU serves more than 23,000 full-time and part-time students;

Whereas the WSU Wildcats have 14 intercollegiate programs that participate in the National Collegiate Athletic Association Division I athletics;

Whereas Weber State University promotes community involvement and community-based learning experiences for its students; and

Whereas Weber State University prides itself in its excellent teaching, commitment to meeting the needs of students, and ongoing service to the community: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Weber State University on the 120th anniversary of its founding as an institution of higher education; and

(2) recognizes the contributions of Weber State University to its students and community.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. PIERLUISI) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico.

GENERAL LEAVE

Mr. PIERLUISI. Mr. Speaker, I ask for 5 legislative days during which Members may revise and extend their remarks and insert extraneous material on House Resolution 854 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. PIERLUISI. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 854, which celebrates the 120th anniversary of Weber State University.

Founded in 1889, Weber State Academy eventually became what is now known as Weber State University. From its humble beginnings, Weber State has grown into a 400-acre campus in Ogden, Utah and a 105-acre campus in Layton, Utah.

The university takes great pride in serving the needs of its students while preparing them for life-long service to their community. Offering more than 200 undergraduate majors, WSU is home to the largest and most comprehensive undergraduate program in the State of Utah.

□ 1430

U.S. News & World Report cites WSU as one of the top 10 public master's institutions in the West. The campus features more than 100 student clubs and organizations, in addition to 14 athletic programs which compete in the NCAA Division I. While most of its students

are drawn from Utah, the campus is enriched by students hailing from the 50 States and 35 foreign countries.

The student body of WSU is an accomplished one, with a variety of campus programs achieving national recognition. For example, Wildcat athletes have qualified for the Olympic trials in track and captured the Big Sky Conference championship. The WSU Wind Ensemble was invited to the Los Angeles International Band and Orchestra Festival, and WSU theater students were selected to perform at the renowned Kennedy Center right here in Washington, D.C.

In addition to its esteemed academic and cultural reputation, Weber State University is known for its commitment to civic engagement and community service. The campus' Community Involvement Center seeks to engage students by providing opportunities of academic learning and community service. The center coordinates with community agencies and runs the AmeriCorps Education Award Program.

I congratulate Weber State University on 120 years of service and leadership and look forward to what the coming years have for this accomplished institution.

I thank the gentleman from Utah (Mr. BISHOP) for bringing forth this resolution to this floor and ask my colleagues to join Mr. BISHOP and me in supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself as much time as I may consume.

I also thank the gentleman from Puerto Rico for the kind words he said about one of the premier institutions in the top of Utah, which is Weber State University.

Today I rise in support of House Resolution 854, recognizing Weber State University on the 120th anniversary of the founding of that institution. It started, obviously, as a religious stake academy, the Weber Academy, in 1889. Then it has had several changes, going into, first of all, a 2-year college as Weber College, then a 4-year institution, Weber State College, and then eventually as Weber State University.

The first president or principal of that Weber Academy was Louis Moench, who was a German immigrant, a great educator as well as administrator and truly a Renaissance man, because he is also the author of one of my favorite religious hymns.

The second principal was David O. McKay, who went on to become the president of The Church of Jesus Christ of Latter-day Saints and one of the most revered religious figures in the Nation in his time.

The present president, President Milner, is the first female president of a 4-year college or university in the State

of Utah, and she does a magnificent job in leading the 23,000 students that comprise the campus in Ogden, as well as 3,500 students in the satellite campus in Davis County, as well as outreach programs that take place in Box Elder, Morgan, Davis and other counties throughout the State of Utah.

This is an institution which has set its goal on education excellence—does this well—as well as competitive excellence. It is a member of the Big Sky Conference, where last year it won the titles in the conference in both football, basketball and, I believe, women's soccer. At the same time, it is still ranked number 14 in its division in football this particular year.

It also has one of the State's largest nursing programs, the State's only dental hygiene program, the State's only police academy. Its proximity to Hill Air Force Base makes it a premier educational institution, not only for those continuing its education, for those who are working at Hill Air Force Base, but also for the servicemen who attend there and participate in part of their program.

Indeed, the theatrical production that the gentleman from Puerto Rico mentioned that was held here at the Kennedy Center was a student production of *Macbeth*, which I had the opportunity of watching—one of those light-hearted musical comedies coming at the end of a long day—but it was a spectacular production of which those students at Weber State University should be proud.

Like every institution that takes place, it is a community asset. It provides educational excellence for the people in that area, provides economic incentives for the people of that particular area, it is a source of community enlightenment and activities through its academic and art programs. With all of us, there is always some kind of interface that goes along with it.

One time, the president of Weber State University—at that time it was Weber State College—was Joseph Bishop, who I wish I could claim was a relative because he was intelligent, but I can't. During its great growth spurt, right after World War II, Weber State was led by Dr. Miller, an excellent president who I feel very close to because I was able to mow his mother's lawn because she was a neighbor of mine in Kaysville.

At the same time, my father-in-law played football at Weber State. My wife graduated from Weber State. Perhaps one of our greatest acknowledged alumna from Weber State is a Member of the House of Representatives today. Representative LYNN JENKINS from Kansas is a graduate of Weber State, which I didn't know until today. Now I know who to hit up for in the future.

I have a daughter that wants to attend the dental program at Weber

State, a daughter-in-law that wants to go to the nursing program at Weber State. We have very close ties to this particular institution. It's an institution that has received many honors. It is the recipient of the President's Higher Education Community Service Honor Roll for the third consecutive year, was listed in *Forbes* magazine, ranked 43rd among public colleges, selected to host the Council on Undergraduate Research in 2010 and the National Conferences on Undergraduate Research in 2012, numerous faculty teaching excellence awards.

In the Big Sky Conference in 2009 it won the Presidents' Cup, which recognizes not only accomplishments on the field of athletic endeavor but also in the field of classroom work. This was the fourth time in 7 years it received that particular honor.

I am very proud of Weber State University, in the top of Utah. I am proud what it does for students that I used to teach, what it does for the community, the standards that it sets as a standard of excellence in education, as well as what it does to add to community life for all of us who actually live in northern Utah.

I am appreciative of having this resolution here. I am appreciative of the recognition that the gentleman from Puerto Rico has given to this particular institution.

Mr. Speaker, if I could inquire if the gentleman from Puerto Rico has any other speakers.

Mr. PIERLUISI. I don't, Mr. Speaker. Mr. BISHOP of Utah. I don't have any other speakers.

Mr. Speaker, I yield back the balance of my time.

Mr. PIERLUISI. I ask that my colleagues support the resolution celebrating the 120th anniversary of Weber State University.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. PIERLUISI) that the House suspend the rules and agree to the resolution, H. Res. 854.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PIERLUISI. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

CONGRATULATING THE IOWA HAWKEYES WRESTLING TEAM

Mr. PIERLUISI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 368) congratulating the University of Iowa Hawkeyes wrestling team on winning the 2009 NCAA Division I National Wrestling Championships, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 368

Whereas the University of Iowa Hawkeyes wrestling team Head Coach Tom Brands was named the Big Ten Coach of the Year and led the team to its 22nd national title and his 2nd national title, and also led the team to its 33rd Big Ten Conference title and his 2nd conference title;

Whereas the Hawkeyes wrestling team was represented proudly by 9 NCAA Division I National Wrestling Championship qualifiers, including Chad Beatty, Jay Borschel, Daniel Dennis, Dan Erikson, Charlie Falck, Phillip Keddy, Brent Metcalf, Ryan Morningstar, and Alex Tsirtsis;

Whereas the Hawkeyes wrestling team was also represented proudly by NCAA Division I National Wrestling Championship finalist Brent Metcalf, who also won his second straight Big Ten title and earned Outstanding Wrestler honors at the Big Ten Championships;

Whereas the Hawkeyes wrestling team was also represented proudly by Dan Erikson, who won his first Big Ten title at the Big Ten Championships;

Whereas the Hawkeyes wrestling team was honored by having 5 All-Americans with Daniel Dennis, Dan Erikson, Phillip Keddy, Brent Metcalf, and Ryan Morningstar being named;

Whereas the Hawkeyes wrestling team had a final team score of 96.5 to place them 1st in the NCAA Division I standings;

Whereas the hard work and dedication of the Hawkeyes wrestling team's Brodie Ambrose, Mark Ballweg, Matt Ballweg, Chad Beatty, Jay Borschel, Jeret Chiri, Derek Coorough, Colby Covington, Daniel Dennis, Dan Erikson, Michael Fahrer, Charlie Falck, Grant Gambrall, Stew Gillmor, Tyler Halverson, Aaron Janssen, Jordan Johnson, Phillip Keddy, Jake Kerr, Nick Kolegraff, Brooks Kopsa, J.J. Krutsinger, Ryan Kurovski, Dan LeClere, Nick LeClere, T.H. Leet, Rick Loera, Luke Lofthouse, Montell Marion, Weston Marling, Matt McDonough, Brent Metcalf, Joe Moore, Nate Moore, Ryan Morningstar, Blake Rasing, Ethan Sebert, Joe Slaton, Alex Tsirtsis, Head Coach Tom Brands, Assistant Coach Terry Brands, Assistant Coach Doug Schwab, Strength and Conditioning Coach Jared Frayer, Volunteer Assistant Coach Mike Zadick, and Administrative Assistant Luke Eustice all contributed to an outstanding season culminating in the 2009 national title;

Whereas the current Hawkeyes wrestling team has continued the team's winning history, which includes 33 Big Ten Conference Championships and 22 NCAA Division I National Wrestling Championships;

Whereas the Hawkeyes wrestling team set the national collegiate dual meet attendance record of 15,955 when it hosted Iowa State December 6, 2008, at Carver-Hawkeye Arena and led the Nation with an average home dual meet attendance figure of 8,008 for the 2008-09 season;

Whereas the Hawkeyes wrestling team has a rich tradition and history of producing champions and outstanding collegiate athletes and coaches since the program began in 1911;

Whereas former Hawkeyes wrestling Head Coach and Olympic Gold Medalist, Dan Gable, helped establish one of the most successful wrestling programs in the Nation and is commended for his past leadership and guidance; and

Whereas the Hawkeyes wrestling team has brought honor to the team, the University of Iowa, the City of Iowa City, and the State of Iowa: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the University of Iowa Hawkeyes wrestling team for winning the 2009 NCAA Division I National Wrestling Championship; and

(2) congratulates the team on winning its 22nd national title since 1975 and finishing the season with a perfect 24-0 overall record and a perfect 8-0 conference record, ending the season on a 38-match winning streak.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. PIERLUISI) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico.

GENERAL LEAVE

Mr. PIERLUISI. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 368 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. PIERLUISI. I yield myself such time as I may consume.

Mr. Speaker, I rise today to congratulate the University of Iowa Hawkeyes wrestling team for their victory in the 2009 NCAA Division I National Wrestling Championship tournament.

On March 21, the college wrestling fans were treated to an exceptional wrestling match as the University of Iowa won its 22nd national team title with a final team score of 96.5 points, edging runner-up Ohio State University by only 4.5 points.

That was the closest margin of victory since Iowa won the 1999 team title by 2 points and only the second time in school history that the Hawkeyes won the NCAA title without an individual champion.

The Iowa Hawkeyes put together a remarkable season. The wrestling team was represented proudly at the NCAA national championship match with nine championship qualifiers. Brent Metcalf, a junior, won his second straight Big Ten title and earned Outstanding Wrestler honors. Dan Erikson, a junior, won his first Big Ten title of the Big Ten championships. In total, the 2009 team produced 15 All-Americans and 19 All-Academic Big Ten athletes.

The Hawkeyes wrestling team is a premier program. The extraordinary

achievement of this season is a tribute to the skill and dedication of the many wrestlers, coaches, students, alumni, families and fans that have helped to make the University of Iowa a wrestling powerhouse.

I want to extend my congratulations to Coach Tom Brands, who returned to his alma mater and led the team to a perfect 24-0 overall record, an 8-0 record in Big Ten dual matches, and a national championship in just his third season as a head coach. Impressive feats such as these are why Coach Brands was named the 2009 Coach of the Year by the Big Ten conference.

Congratulations are also in order for assistant coaches Terry Brands, Doug Schwab and Mike Zadick; strength and conditioning coach, Jared Frayer; and administrative assistant, Luke Eustice. They all played a vital part in the success of this talented team.

Last season's victory adds to a robust history. The University of Iowa Hawkeyes wrestling program began in 1911 and has produced a rich history of champions with 33 Big Ten conference championships and 22 NCAA Division I national championships.

Winning the national championship, finishing the season with a 24-0 overall record and winning the Big Ten Conference championship for the 33rd time has brought national acclaim to the University of Iowa. I know the fans of the university will revel in this accomplishment as they look forward to the 2010 season.

Mr. Speaker, I want to thank Congressman LOEBSACK for bringing this resolution forward. Once again, I congratulate the University of Iowa for their success.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Once again, the gentleman from Puerto Rico, I appreciate you bringing this resolution to the floor and rise today to support House Resolution 368 to congratulate the University of Iowa Hawkeyes on winning the 2009 NCAA Division I National Wrestling Championship. This is, indeed, an honor for all those who are working in that system, for all those who are associated with the University of Iowa, as well as the residents of the State of Iowa.

The University of Iowa was founded in 1847 as Iowa's first public institution of higher learning and, since that time, has gained international recognition for its academic, artistic and scientific accomplishments as a public university. It established the first law school and was the first U.S. public university to admit men and women on an equal basis. The University of Iowa's academic and athletic accomplishments have earned the University of Iowa Hawkeyes an international reputation for excellence.

This last school year, in 2009, the university's reputation was furthered by the accomplishments of this wrestling team. The University of Iowa wrestling team began in 1911 and has recently been named one of the top sports dynasties of the 20th century by Sports Illustrated.

Since its founding, the Hawkeye wrestling team has won 22 national championships, as was mentioned by the gentleman from Puerto Rico. The Hawkeyes competed in the first Big Ten meet clear back in 1926, won their first NCAA title in 1975. They won a streak of nine consecutive NCAA team championships from 1978 to 1986. In the 23 wrestling seasons since that time, the Hawkeyes have claimed 11 national championships. The University of Iowa Hawkeye wrestling team undoubtedly has a long and rich history of excellence.

At the head of the outstanding team sits Head Coach Tom Brands, who was named the Big Ten Coach of the Year and the National Wrestling Coaches Association's Coach of the Year in 2008. Coach Brands is a former gold medalist and made four straight U.S. World or Olympic teams.

□ 1445

He started as head coach with the University of Iowa's wrestling team in 2006 and has been leading the team to excellence since then. The 2009 wrestling season marked the Hawkeye wrestling team's most recent series of achievements. After a successful season, the Hawkeye team was proud to have nine of their athletes qualify for the Division I championships, and with a final score of 96.5, the Hawkeyes were in first place as the national champions.

I am honored to stand in this House today to congratulate and recognize the significant achievements of the players, coaches, and students whose dedication and hard work have led to the success of the University of Iowa Hawkeye wrestling program, as well as the 2009 Division I National Wrestling Championship.

As usual, there is always some kind of personal tie that comes to these types of resolutions. Again, I have people I have known from Utah who have specifically gone to this school, to this program, not just for the quality of the wrestling program it has, but for the quality of the education the institution provides. The State of Iowa should indeed be very proud of this particular institution.

I ask my colleagues to support this resolution.

Mr. Speaker, I have no other speakers for this particular resolution, and I yield back the balance of my time.

Mr. PIERLUISI. Mr. Speaker, I ask my colleagues to support the resolution congratulating the University of Iowa Hawkeye's wrestling team for

their victory in the 2009 NCAA Division I National Wrestling Championship tournament.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. PIERLUISI) that the House suspend the rules and agree to the resolution, H. Res. 368, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PIERLUISI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONGRATULATING SYRACUSE UNIVERSITY MEN'S LACROSSE TEAM

Mr. PIERLUISI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 562) congratulating Syracuse University for winning the National Collegiate Athletic Association Division I Men's Lacrosse Tournament.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 562

Whereas, on May 25, 2009, the Syracuse University Orange defeated the Cornell Big Red 10-9 in overtime, in the finals of the National Collegiate Athletic Association (NCAA) Division I Men's Lacrosse Tournament in Foxboro, Massachusetts;

Whereas the Orange now hold 11 men's lacrosse national titles, the most in NCAA History;

Whereas Orange head coach John Desko won his fifth NCAA title;

Whereas the Orange players, coaches, and staff are excellent representatives of Syracuse University;

Whereas the Orange showed tremendous spirit in the championship game, coming back from what appeared to be an insurmountable three-goal deficit with less than four minutes to go, only to win the game in overtime; and

Whereas the residents of Syracuse and fans are to be congratulated for their support, dedication, and pride in the team: Now, therefore, be it

Resolved, That the House of Representatives congratulates Syracuse University for winning the National Collegiate Athletic Association Division I Men's Lacrosse Tournament.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. PIERLUISI) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico.

GENERAL LEAVE

Mr. PIERLUISI. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 562 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. PIERLUISI. I yield myself such time as I may consume.

Mr. Speaker, I rise today to congratulate the Syracuse University men's lacrosse team for their victory in the 2009 National Collegiate Athletic Association Division I Men's Lacrosse Tournament.

On May 25, 2009, the Syracuse Orange men's lacrosse team celebrated their NCAA Division I championship title after a close 10-9 victory over the Cornell Big Red. This victory marks the 11th national championship for the Orange in lacrosse, the most in NCAA history. This is the second consecutive year that the Syracuse men's lacrosse team has successfully won this title. In addition, this win capped a season for the Orange that saw the team tie the NCAA record for the best 1-year win-loss improvement.

The game that secured the Orange's victory was especially exciting. Down three goals with four minutes to play and the ball in Cornell's possession, Syracuse staged an unlikely comeback. Scoring the definitive goal in sudden death overtime made for an exhilarating and especially exciting win for the team, showcasing their focus under pressure and excellent teamwork.

I congratulate John Desko on his fourth national title as coach of the Orange. In his 11 years as head coach at Syracuse, he has led the Orange to seven NCAA final appearances and nine Final Fours. Coach Desko serves as a wonderful mentor to his players both on and off the field.

I want to recognize the Syracuse Orange for their incredible season, characterized by tenacity, talent, and leadership. I am certain that this team will carry this momentum into next season.

Mr. Speaker, once again, I congratulate Syracuse University men's lacrosse team on their 2009 Division I NCAA championship title.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 562, congratulating Syracuse University for winning the National Collegiate Athletic Association Division I Men's Lacrosse Tournament.

It is estimated that lacrosse may have developed as early as the 12th century. It originated among Native American tribes in North America. In 1637, the game was first named lacrosse. The game underwent many modernizations during the 19th century, and the first intercollegiate lacrosse game was played in 1877. By the

early 1900s, students across North America were participating in the sport in high schools, colleges, and universities.

Syracuse University was founded in 1870. Today, the university serves over 19,000 full- and part-time undergraduate and graduate students. Syracuse University offers degrees in over 20 majors from 10 different schools and colleges. Syracuse Orange has 12 women's intercollegiate athletic teams and 8 men's intercollegiate athletic teams.

SU has 27 team national championships, including 11 men's lacrosse NCAA national championships. Syracuse University's men's lacrosse team added an 11th NCAA championship to their record this year. That is the most NCAA national lacrosse championships ever won by a single team.

Syracuse's team was coached by John Desko. In the final championship game, SU won against Cornell University in overtime in a thrilling game that ended 10-9. Junior Cody Jamieson scored the winning point 1 minute 20 seconds into the extra session.

It is truly an honor to stand before the House today to congratulate Syracuse University for winning the National Collegiate Athletic Association Division I Men's Lacrosse Tournament. I extend my congratulations to Syracuse University, the players, the coaches, and the students. I wish all involved continued success and ask my colleagues to support this resolution.

I yield back the balance of my time.

Mr. PIERLUISI. I ask my colleagues to support the resolution congratulating the Syracuse University men's lacrosse team for their victory in the 2009 National Collegiate Athletic Association Division I Men's Lacrosse Tournament.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. PIERLUISI) that the House suspend the rules and agree to the resolution, H. Res. 562.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PIERLUISI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONGRATULATING NORTH- WESTERN UNIVERSITY WOMEN'S LACROSSE TEAM

Mr. PIERLUISI. Mr. Speaker, I move to suspend the rules and agree to the

resolution (H. Res. 824) congratulating the Northwestern University Wildcats on winning the 2009 NCAA women's lacrosse championship, and to commend Northwestern University for its pursuit of athletic and academic excellence.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 824

Whereas the Northwestern women's lacrosse team serves as important role models to young athletes, demonstrating excellence on the athletic field and in the classroom;

Whereas Northwestern defeated North Carolina 21-7 to win the national championship on May 24, 2009;

Whereas Northwestern finished the season with a 23-0 record to win their fifth straight national championship; and

Whereas senior Hannah Nielsen won the Tewaaraton Trophy, given to the Nation's top player, and played a vital role in helping Northwestern to a 23-0 record in 2009, finishing her distinguished career as the Wildcats' all-time leader in points (398) after becoming the NCAA Division I all-time assist leader with 224: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates Northwestern University and its athletes, coaches, faculty, students, administration, and alumni on the winning of the 2009 NCAA women's lacrosse championship;

(2) recognizes and commends Northwestern University for its pursuit of athletic as well as academic excellence; and

(3) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Northwestern University President Henry S. Bienen, Athletic Director James Phillips, and Head Coach Kelly Amonte Hiller for appropriate display.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. PIERLUISI) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Puerto Rico.

GENERAL LEAVE

Mr. PIERLUISI. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 824 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. PIERLUISI. I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 824, which recognizes and congratulates the Northwestern University Wildcats for winning the 2009 NCAA Women's Lacrosse Championship and for pursuing athletic and academic excellence.

The Wildcats posted a 23-0 regular season record and broke NCAA records both for total points and total goals in a season. The team applied the lessons learned during their undefeated year and displayed their outstanding athletic skills and cohesive team strategy

in post-season play, trailing only once during the entire tournament.

On May 24, 2009, the University of North Carolina Tar Heels cut the Northwestern Wildcat's lead to two goals midway through the first half of the championship game. Northwestern responded with 10 consecutive goals to win its fifth straight NCAA championship in women's Division I lacrosse. The team's 21-7 victory over the Tar Heels set the record for goals scored in the title game.

Special congratulations are due to Coach Kelly Amonte Hiller, who now boasts a 20-1 record in the NCAA tournament. Amonte Hiller took over a program that had club status, and not only brought the team to official collegiate standings, but amassed five national championships and six conference titles in just eight seasons. The seniors on this team had one of the most successful collegiate athletic careers.

Recognition also should be given to senior Hannah Nielsen, who won the Tewaaraton Trophy for the second year in a row. This award is given to the Nation's top lacrosse player by the Tewaaraton Foundation.

Northwestern University succeeds not only on lacrosse fields, but in its classrooms as well. It ranks 12th in the 2010 national university rankings issued by U.S. News & World Report and boasts a 92.5 percent graduation rate, an amazing statistic for any university.

In addition to over 70 established majors, Northwestern University empowers students to choose or design non-traditional concentrations and offers a wide range of field experiences and internships. It is an institute of higher learning from which its graduates, including its athletes, go on to accomplish great things and make important contributions to our Nation.

Mr. Speaker, once again I congratulate the Northwestern University women's lacrosse team on its 2009 Division I NCAA championship title. I wish the program much success in the 2010 season.

I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 824, congratulating the Northwestern University Wildcats on winning the 2009 NCAA Women's Lacrosse Championship and to commend Northwestern University for its pursuit of athletic and academic excellence. As a graduate of Northwestern University School of Law myself, I am especially proud to join in honoring these talented women and the school they represent.

On May 24, 2009, the Northwestern University women's lacrosse team, the Wildcats, capped a perfect 2009 season by routing third ranked North Carolina 21-7 to capture its fifth straight national championship, finishing the year 23-0.

The Wildcats continued to etch its place as one of the top programs in the history of the sport, becoming just the second team to win five consecutive national titles. They are just two shy of Maryland's seven straight wins from 1995 to 2001, and the victory over the Tar Heels, 16-5, was Head Coach Kelly Amonte Hiller's 20th consecutive tournament victory.

At Northwestern University, these dynamic women demonstrate excellence on the athletic field as well as in the classroom. Founded in 1854, Northwestern University combines innovative teaching and pioneering research in a highly collaborative environment that transcends traditional academic boundaries. It provides students and faculty exceptional opportunities for intellectual, personal, and professional growth.

Northwestern is recognized both nationally and internationally for the quality of its educational programs at all levels. U.S. News & World Report consistently ranks the university's undergraduate and graduate programs among the best in the country. The Northwestern women's lacrosse team serves as an important role model to young athletes.

Congratulations to Northwestern University's president, Morton Schapiro; athletic director, James Phillips; head coach, Kelly Amonte Hiller; senior, Hannah Nielsen, who won the Tewaaraton Trophy given to the Nation's top player; the entire Wildcat team; the faculty, staff, and Northwestern students on this victory.

Today, we recognize and commend Northwestern University for its pursuit of athletic as well as academic excellence. I urge my colleagues to support House Resolution 824.

Mr. QUIGLEY. Mr. Speaker, I rise today in recognition of the Northwestern University Wildcats women's lacrosse team as the 2009 NCAA champion. This season marks the team's fifth straight national championship win and solidifies Northwestern University as a national leader both in academic and athletic excellence.

The Northwestern University women's lacrosse team is looked upon as a role model by young athletes in the Chicagoland area, maintaining the highest standard of excellence both in the classroom and on the field. Most noted, is senior Hannah Nielson. Hannah has been honored as the nation's top lacrosse player with the Tewaaraton Trophy due to her exemplary performance as the Wildcat's all-time leader in points and by helping to lead her team to 23-0 victory in 2009.

Furthermore, I would like to extend my congratulations to the 10 Wildcat seniors Hilary Bowen, Mary Kate Casey, Laura Clemente, Casey Donohoe, Meredith Franks, Caitlin Jackson, Ali Jacobs, Morgan Lathrop, Hannah Nielson and Meghan Plunkett who have finished their amazing collegiate careers with an 85-3 record including four American Lacrosse Conference titles and four NCAA national titles.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H. Res. 824, a resolution I introduced to congratulate the Northwestern University women's lacrosse team for winning its fifth consecutive national championship.

Mr. Speaker, the Northwestern University lacrosse team completed the 2009 season with a record-setting 21-7 victory over North Carolina in the NCAA championship game on May 24. It capped a perfect 23-0 season for head coach Kelly Amonte Hiller and her team, joining the 2005 team as the second undefeated team in school history.

The Wildcats faced numerous challenges in seeking their fifth consecutive championship, yet they rose to meet that challenge each and every time. For instance, when trailing Penn 12-11 with time running out in the first overtime period of the NCAA semifinals, Katrina Dowd flipped a miracle shot over her shoulder while falling to the turf, which somehow scored with 0.2 seconds remaining, tying the game at 12. The team went on to win the game in the second overtime period.

As a team, the Wildcats set NCAA single-season records for points (570) and goals (407), while also leading the nation in draw controls (16.9 per game). Individually, Hannah Nielsen became the NCAA's single-game (10), single-season (83) and career assist leader (224). Sixteen of Northwestern's 23 wins came against ranked opponents, and they were a perfect 10-0 at home, extending their home winning streak to 54, an NCAA record.

In addition to the team honors, six Wildcats were awarded All-American honors by the Intercollegiate Women's Lacrosse Coaches Association (IWLCA) and U.S. Lacrosse. Hannah Nielsen and Katrina Dowd were named to the first team, while Hilary Bowen, Meredith Frank and Danielle Spencer all earned second-team honors and goalkeeper Morgan Lathrop was a third-team selection.

In addition to being successes on the athletic field, this team is a success in the classroom as well. Fourteen members of the team were honored this year as being academic all-Big Ten honorees. The lacrosse team had 14 academic all-Big Ten honorees. And Senior Hilary Bowen was named ESPN the Magazine Women's At-Large Academic All-American of the Year.

Lastly, while this team's intelligence, athletic prowess and determination are evident, I would like to share a story that demonstrates the team's heart and commitment to their community. During the 5-year championship run, the Northwestern lacrosse team has made an enduring and lasting friendship with 10-year-old Jaclyn Murphy. The friendship began as the Wildcats did what they could to raise the spirits of a young girl diagnosed with a brain tumor. Today, that friendship between NU and Jaclyn continues to deepen. After seeing the impact the team had on his daughter, Jaclyn's father Denis started the Friends of Jaclyn Foundation, a non-profit organization created to raise public awareness regarding pediatric brain tumors. To date, over three dozen collegiate and high school teams have "adopted" children with brain tumors.

In conclusion Mr. Speaker, this team represents our nation's ideal of what the student athlete should be. Not only are the members

of this team fantastic athletes and stellar students, they are also wonderful people. I would like to recognize all the team members: Bea Conley, Danielle Spencer, Shannon Smith, Katrina Dowd, Rachel Fox, Kim Pantages, Erin Fitzgerald, Lizzie Abramson, Taylor Thornton, Alexandra Frank, Lacey Vigmostad, Colleen Magarity, Samantha Suntuoli, Ali Cassera, Amanda Macaluso, Brooke Matthews, Gabrielle Flibotte, Maggie Bremer, Kirstyn Atkinson, Maria Tedeschi, Jessica Russo, Alexa Delyra, Brittany Wilbon, Darby St. Clair-Barrie, Brianne LoManto, and Sara Harrington, as well the coaches Kelly Hiller, Lindsey Munday, Ann Elliot, and Scott Hiller. I feel privileged to represent this team in Congress and I urge my colleagues to support this resolution.

□ 1500

Mrs. BIGGERT. I yield back the balance of my time.

Mr. PIERLUISI. Having no additional speakers, Mr. Speaker, I ask that my colleagues support the resolution, congratulating the Northwestern University Wildcats for winning the 2009 NCAA Women's Lacrosse Championship.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. PIERLUISI) that the House suspend the rules and agree to the resolution, H. Res. 824.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PIERLUISI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Mr. PIERLUISI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 817) supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 817

Whereas domestic violence affects people of all ages as well as racial, ethnic, gender, economic, and religious backgrounds;

Whereas females are disproportionately victims and one in four women will experience domestic violence at some point in her life;

Whereas on average, more than three women are murdered by their husbands or boyfriends in the United States every day;

Whereas in 2005, 1,181 women were murdered by an intimate partner constituting 78 percent of all intimate partner homicides that year;

Whereas women ages 16 to 24 experience the highest rates, per capita, of intimate partner violence;

Whereas 1 out of 3 Native American women will be raped and 6 out of 10 will be physically assaulted in their lifetimes;

Whereas the cost of intimate partner violence exceeds \$5,800,000,000 each year, \$4,100,000 of which is for direct medical and mental health care services;

Whereas one-quarter to one-half of domestic violence victims report that they have lost a job due, at least in part, to domestic violence;

Whereas the annual cost of lost productivity due to domestic violence is estimated at \$727,800,000 with over 7,900,000 paid work-days lost per year;

Whereas some landlords deny housing to victims of domestic violence who have protection orders or evict victims of domestic violence for seeking help after a domestic violence incident, such as by calling 911, or who have other indications that they are domestic violence victims;

Whereas 92 percent of homeless women experience severe physical or sexual abuse at some point in their lifetimes;

Whereas approximately 40 to 60 percent of men who abuse women also abuse children;

Whereas approximately 15,500,000 children are exposed to domestic violence every year;

Whereas children exposed to domestic violence are more likely to attempt suicide, abuse drugs and alcohol, run away from home, and engage in teenage prostitution;

Whereas one large study found that men exposed to physical abuse, sexual abuse, and adult domestic violence as children were almost four times more likely than other men to have perpetrated domestic violence as adults;

Whereas nearly 1,500,000 high school students nationwide experienced physical abuse from a dating partner in 2003;

Whereas 13 percent of teenage girls who have been in a relationship report being hit or hurt by their partners and one in four teenage girls has been in a relationship in which she was pressured by her partner into performing sexual acts;

Whereas adolescent girls who reported dating violence were 60 percent more likely to report one or more suicide attempts in the past year;

Whereas there is a need for middle schools, secondary schools, and post-secondary schools to educate students about the issues of domestic violence, sexual assault, dating violence, and stalking;

Whereas 88 percent of men in a national poll reported that they think that our society should do more to respect women and girls;

Whereas a recently released multi-State study shows that the Nation's domestic violence shelters are addressing victims' urgent and long-term needs and are helping victims protect themselves and their children;

Whereas a 2008 National Census Survey reported that 60,799 adults and children were served by domestic violence shelters and programs around the Nation in a single day;

Whereas an additional 8,927 people requested help that day, but due to lack of resources, they were unable to be served;

Whereas there is a need to increase funding for programs aimed at intervening and preventing domestic violence in the United States; and

Whereas individuals and organizations that are dedicated to preventing and ending domestic violence should be recognized: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Domestic Violence Awareness Month; and

(2) expresses the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Puerto Rico (Mr. PIERLUISI) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes. The Chair recognizes the gentleman from Puerto Rico.

GENERAL LEAVE

Mr. PIERLUISI. Mr. Speaker, I request 5 legislative days during which Members may revise and extend and insert extraneous material on House Resolution 817 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

Mr. PIERLUISI. I yield myself as much time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 817, supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the House of Representatives that Congress should continue to raise awareness of domestic violence in the United States. I would also like to thank Congressman AL GREEN for bringing this resolution forward. It is an important bill and deserves much attention.

National Domestic Violence Awareness Month is recognized in the month of October. As such, communities and many groups hold events to educate the public about the violence that affects millions of women, men and children every single day. Domestic violence advocacy increases awareness and helps battered people seek the help they desperately need.

Domestic violence is the willful intimidation, assault, battery, sexual assault or other abusive behavior perpetrated by an intimate partner against another. It is an epidemic that affects men, women and children in every community regardless of age, sex, economic status, nationality or educational background.

One in every four women will experience domestic violence in her lifetime,

and those who report domestic violence are more likely to commit suicide. In addition, the costs of domestic violence exceed \$5.8 billion each year. As evidenced by these staggering statistics, domestic violence has far-reaching effects on society.

When we think of domestic violence, we often think of women being the victims, yet men suffer from domestic violence as well. Male victims are less likely than women to report violence and to seek services due to the stigma associated with being a male victim or concerns about not being believed. Both men and women respond to interpersonal violence with feelings of disbelief, ridicule and shame that only enhance their silence.

Our attention to domestic violence has grown, but we need to do more to raise awareness of this problem because it can serve as a dangerous, never-ending cycle. Whether domestic violence is present in couples or in marriages, children who witness violent behavior are more likely to carry domestic violence into their adult relationships.

Research shows that children witnessing domestic violence and living in an environment where violence occurs may experience some of the same trauma as abused children. They may become fearful, aggressive or withdrawn. Adolescents may exhibit risk-taking behaviors, such as abusing drugs and alcohol, running away, engaging in sexual promiscuity and participating in criminal activity. All of these behaviors have an effect on society as a whole, and we can break the chain of domestic violence through ongoing education and comprehensive universal support.

We must remember that domestic violence victims are our mothers, fathers, sisters and brothers. Congress must continue to lead in making our Nation aware of domestic violence and its impact on our society. We can galvanize public awareness for victims of domestic violence. Therefore, I urge my colleagues to support House Resolution 817.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I might consume.

I rise today in support of House Resolution 817, supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the House of Representatives that Congress should raise awareness of domestic violence in the United States and its devastating effects on families and communities and support programs designed to end domestic violence.

As the gentleman from Puerto Rico just mentioned, one in every four women will experience domestic violence in her lifetime. Boys who witness domestic violence are twice as likely

to abuse their partners and children when they become adults. The cost of intimate partner violence exceeds \$5.8 billion each year. As evident by these staggering statistics, domestic violence has a far-reaching effect on society.

Let me repeat the definition that the gentleman from Puerto Rico stated: domestic violence is the willful intimidation, assault, battery, sexual assault and/or other abusive behavior perpetrated by an intimate partner against another. It is an epidemic that affects individuals in every community regardless of age, economic status, religion, nationality, educational background or gender.

When we think of domestic violence, we often think of women being victims. However, men are victimized as well, and children are also affected. We think of violence as just violence, not domestic violence. But violence really begins at the home, and it really begins at the back of someone's hand, or whatever, rather than a stranger, and it goes throughout the community. Male victims are less likely to report the violence and seek services due to the stigma associated with being a male victim or not being believed or being denied the status of a victim. But both men and women experience the same dynamics of interpersonal violence, including experiences of disbelief, ridicule and shame that only enhance their silence.

Unfortunately, the youngest victims are the children who witness the abuse. Research has shown that children witnessing domestic violence and living in that environment may experience some of the same trauma as abused children. They may become fearful, aggressive or withdrawn. Adolescents may act out or exhibit risk-taking behaviors. Domestic violence harms the victim, the children, the abuser and the entire health of American families and communities. So we must raise awareness about this issue. The health of our country depends on it.

Therefore, I urge my colleagues to support House Resolution 817, and I would reserve the balance of my time.

Mr. PIERLUISI. I do have one additional speaker.

I would like to say that the victims of domestic violence in America—women, men, children—are looking up to us to take the lead, to make sure that this epidemic does not continue. They're particularly vulnerable, and they want us to relate to them; they want us to support them, and the best way we can do that is by being aware and by taking the lead and making sure that there are Federal programs as well as State initiatives that make sense and make a difference.

Without adding anything else, I now yield 5 minutes to the sponsor of this resolution, the gentleman from Texas, Congressman AL GREEN.

Mr. AL GREEN of Texas. Thank you very much.

Mr. Speaker, I am honored that leadership has brought this resolution, H. Res. 817, to the floor today. I believe that this resolution is important, and this likewise seems to be the case with my colleagues because this resolution has received the support of 57 Democratic and Republican cosponsors. This resolution has been a bipartisan effort. And for fear that I will forget, let me mention now that my colleague, the Honorable TED POE, will not be with us today, but he is here in spirit. He suffered the same fate as I; his plane is late in Houston, Texas. I was on the runway for 2 hours. I barely made it, but thank God that I did. I want the Members to know that he is solidly behind this resolution. This resolution, with reference to domestic violence, transcends party affiliation; it transcends ethnicity; it transcends gender; and it transcends the boundaries of human decency.

Many thank you's are in order. I want to thank the President, President Barack Obama, for declaring October National Domestic Violence Awareness Month. I would like to thank Speaker PELOSI because she has entered a statement recognizing this as Domestic Violence Awareness Month. The Congressional Women's Caucus deserves a sound round of thank you's because they have been involved in helping us to raise awareness year-round. I would like to thank Chairman GEORGE MILLER of the Education and Labor Committee for the outstanding work that he has done in helping us to get this resolution to the floor. His staff has done a stellar job. They have worked with my staff to make sure that the resolution arrived here timely. I would like to thank the ranking member, JOHN KLINE, for his work with the Honorable TED POE in helping us to get this resolution to the floor.

All of my colleagues are honorable, but I am mentioning TED in such a way simply because he is not here, and I know his heart is with us. I would like to thank the ranking member who is here today, Representative JUDY BIGGERT, for her help and for her kind words with reference to this resolution and Representative PIERLUISI from Puerto Rico for his efforts to help us get this resolution to the floor and for managing this resolution today.

At this time I want to call our attention to some history associated with this issue of domestic violence. Domestic Violence Awareness Month was first observed 22 years ago, and since that time, we've had additional legislation that has come into being that has made a difference with reference to helping us to end domestic violence. The Family Violence Prevention and Services Act of 1984 is an important piece of legislation. This piece of legislation helped us to acquire more emer-

gency shelters, crisis prevention programs and community education efforts. It truly has made a difference.

There also has been another piece of important legislation, the Violence Against Women Act of 1994, which created a new culture for the police officers who work these cases and the judges who hear these cases. These cases at one time were thought to be, unfortunately, family business, and there were too many persons who were involved in the business of law enforcement who did not make it their business. I'm honored that the Violence Against Women Act of 1994 has helped change this culture. I would also mention that the American Recovery and Reinvestment Act of 2009 was important because it contained \$225 million for violence against women programs. These programs are going to be of great benefit to a good many women.

Domestic violence awareness is growing, but it has not reached a point wherein we can rest on our efforts. At one time it was one of the most under-reported crimes in this country. As I indicated, too many police officers, too many judges, too many persons associated with enforcement did not make it their business. And although we have sought to do the business of helping women and men who are victims of domestic violence, there is still much work to be done. One survey indicates that in 1 day, more than 60,000 people received help. However, at the same time, on that same day, 9,000 requests went unanswered. There is still much work to be done. In my State of Texas, the Houston Area Women's Center has indicated that in the year 2008, 136 women were killed by their intimate partners, 11 children were killed, and 96 children lost their parents to domestic violence.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PIERLUISI. I yield the gentleman an additional 2 minutes.

□ 1515

Mr. AL GREEN of Texas. I thank the gentleman for yielding the additional time.

Ninety-six children were killed by domestic violence.

The national data on this is equally as appalling. More than three women are murdered by their husbands or boyfriends in the United States every day. One of every four women will experience domestic violence at some point in her lifetime. In 2005, 1,181 women were murdered by an intimate partner. Women from ages 16 to 24 experience the highest rates of domestic violence on a per capita basis. Six of 10 Native American women will be physically assaulted in their lifetimes. Ninety-two percent of homeless women will experience physical or sexual abuse at some point in their lifetimes. Forty to sixty percent of men who abuse women also abuse children.

Millions of children witness every year domestic violence. By at least one estimate, 15.5 million children witness domestic violence.

So we now come to a call to action. We should not allow anyone to have to live in fear within his or her home. We believe that this is an offense that can be eliminated. It will take much effort from us. We here in Congress will have to fund the programs that can make a difference. And without question, programs have been developed that can make a difference. Training is necessary to teach people how to live with each other without abusing each other. The police must enforce the laws, the judges must enforce the laws, and in the end we can live in a world where people can live safely in their homes without fear of being harmed by people that they have great affinity and affection for.

The National Network to End Domestic Violence (NNEDV), the National Coalition Against Domestic Violence (NCADV) along with 9 other national organizations is heralding the arrival of Domestic Violence Awareness Month and urging Congress, members of the media and the public to take a stand against domestic abuse.

The economic downturn is exacerbating domestic violence, and victims of domestic abuse urgently need everyone's help. Although the economy does not cause domestic violence, but in abusive relationships, factors associated with a bad economy can increase the frequency and severity of abuse. Job losses, the lack of affordable health care, the housing crisis and a host of other conditions are increasing abuse and leaving survivors with fewer options to escape. The demand for services is going up, but funding for services is going down.

Governmental entities, corporations and individuals are tightening their budgets and are funding life-saving programs at reduced levels across the nation.

In a national census survey conducted by the National Network to End Domestic Violence, in just one day in 2008 more than 60,000 victims sought services, yet nearly 9,000 requests for services went unmet due to lack of funding.

The most extreme example is California, where the governor completely eliminated state funding for domestic violence services. Other states have seen funding reductions, but California represents the most shocking of these reckless cuts.

This year, Domestic Violence Awareness Month is particularly meaningful. The movement against domestic abuse is celebrating the 15th anniversary of the Violence Against Women Act, originally authored by then-Senator Joe Biden. This year is also the 25th anniversary of the Family Violence Prevention & Services Act. Both are critical federal laws that provide funding for services and the justice system's responses to intimate partner abuse.

These laws have made an amazing difference in our ability to address domestic violence. Across the country, federal, state and local laws are working to serve countless survivors and saving lives, but we need to do more. Still, an average of three women are murdered daily by someone who says love you.' This is unacceptable and preventable. Domestic violence affects us all, and it tears at the fabric of our communities. Every day,

men, women and children experience the tragic effects of domestic violence.'

In recognition of Domestic Violence Awareness Month, let us renew efforts to invest in lifesaving shelters and other critical domestic violence services like counseling and emergency hotlines.

Members of Congress and the public can take a stand for survivors of abuse by supporting the Domestic Violence Awareness Month Resolution sponsored by Representative Al Green (D-TX) and Representative Ted Poe (R-TX), which has received bipartisan support of nearly 60 members of the House of Representatives.

Sincerely,

SUE ELSE,
*President, National
Network to End Do-
mestic Violence.*

RITA SMITH,
*President, National
Coalition Against
Domestic Violence.*

Additional National Organizations Endorsing the Domestic Violence Awareness Month Resolution: Break the Cycle, Casa De Esperanza, Congress of American Indians Task Force on Violence Against Women, Family Violence Prevention Fund, Legal Momentum, National Alliance to End Sexual Violence, National Organization of Sisters of Color Ending Sexual Assault, National Resource Center on Domestic Violence, Pennsylvania Coalition Against Domestic Violence.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume to close.

I really appreciate the gentleman from Texas (Mr. GREEN) being down here and speaking about his bill and about the background of domestic violence because it's been obviously going on for a long time. We have made great strides. As I have witnessed, we reauthorized the Violence Against Women Act, VAWA, several times. But it's been a long time coming and a long time to be recognized. And that's why this awareness month is so important so that we can really take a look and see how can we really end this and how can we do it to help the police, the families. But we have got to have the education, I think, that will help to stave that off. And the more we can do to recognize the causes of it and how to deal with it, the better.

I thank the author and I thank the gentleman from Puerto Rico for managing this bill, and I urge my colleagues to vote for it.

Mr. POE of Texas. Mr. Speaker, this resolution is to remind all of us that domestic violence here in the United States is as prevalent now as it has ever been. Millions of men, women and children across the country are affected by domestic violence each year.

In a day last year more than 60,000 victims sought and received help from domestic violence programs, and due to lack of funding and resources, 8,927 requests were left unmet. Some may even die because of the lack of services counties across the country are unable to provide for families affected by family violence. In Harris county Texas alone, filings for domestic violence are 18 percent above last year and 40 percent more than

2007. These numbers are not only staggering but they are unacceptable.

On October 10th, 2005 in Baltimore, Maryland Yvette Cade's estranged husband, Roger Hargrave, carried a soda bottle filled with gasoline to her work and poured it over her body. As she ran outside, she tripped in the parking lot and he set her on fire. Ms. Cade was attacked three weeks after; Prince George's County District Court Judge Richard Palumbo lifted a protective order against Hargrave. Judge Palumbo is being charged with misconduct, claiming he violated judicial standards when he dismissed the protective order against Hargrave despite Cade's protests. Ms. Cade has third-degree burns over 60 percent of her body and has had over 15 surgeries due to this horrific crime.

On January 29th, 2009 in Houston, Texas a man was accused of killing his estranged girlfriend's mother and then shooting himself. He had been charged with domestic violence days earlier, after he beat his 17-month-old daughter. Elaine Walker was shot trying to protect her daughter when Roydrick Jiles burst into the daughter's home. Auriel Walker had refused to see or talk to Jiles, after he beat her and their child several days before. She tried to stop him from breaking into their home and he then shot Elaine Walker, Auriel's mother. He then abducted his estranged girlfriend and their child until he shot himself.

Both of these stories prove that sometimes there are preliminary warning signs of domestic violence which, if not handled correctly, can often times lead to severe abuse and even death. Approximately 1.3 million women and 835,000 men are physically assaulted by an intimate partner annually in the United States. One in every four women will experience domestic violence in her lifetime.

Witnessing violence between one's parents or caretakers is the strongest risk factor of transmitting violent behavior from one generation to the next. Boys who witness domestic violence are twice as likely to abuse their own partners and children when they become adults.

We must continue to raise awareness in this country of how common domestic violence is, and without funding and proper resources local governments cannot combat this problem alone. It takes all of us, and informing people of this nationwide problem is the first step. And that's just the way it is.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of House Resolution 817 to support the goals and ideals of National Domestic Violence Awareness Month and to raise awareness of domestic violence in the United States.

When we discuss domestic violence, we are often surprised to discover that domestic violence happens to people of every socioeconomic background in the United States. Everyday, countless individuals become victims of acts perpetuated by intimate partners that seek to establish, maintain, or regain power and control in a relationship. These acts can be as basic as mental and verbal abuse and range to the more obvious physical and sexual abuse. Many times, the victims of these acts are the least likely people one would suspect to suffer from abusive situations, and for this reason domestic violence awareness month is so important.

It is also crucial to note that women are the most frequent victims of domestic violence, and it is estimated that one in every four women will experience domestic violence at some point in their life. Additionally, more than three women are murdered by their husbands or boyfriends in the United States every day, and in 2005 alone, 1,181 women were murdered by an intimate partner. These staggering numbers remind us that we must do all we can to end domestic violence, and particularly domestic violence against women.

Mr. Speaker, I encourage my colleagues to join me in supporting House Resolution 817 so that we can raise awareness about domestic violence and help to end it.

Ms. LINDA T. SANCHEZ of California. Mr. Speaker, I rise in support of the resolution to declare October 2009 the twenty-second Domestic Violence Awareness Month.

The first Domestic Violence Awareness Month was observed in 1987. Over these last 22 years, we have made major strides in making Americans safer and more secure and ensuring the victims of violence receive the services they need.

With the support of federal and state funds, the number of domestic violence shelters, rape crisis centers and service programs has increased significantly. These shelters offer victims a place to turn for help: for emergency shelter and crisis services, and also for legal assistance, transitional housing, and services for their children.

Not only have we strengthened our laws and justice system, we have also brought together victims advocates, law enforcement, and health care professionals to ensure more effective treatment for victims of domestic violence.

This month is an occasion to recognize dedicated law enforcement officers, special prosecutors, counselors, and shelter programs that understand that ending violence requires the efforts of an entire community. It is also a time to reiterate that domestic violence in any form is a crime. It does not matter whether the abuser is a family member; a current or past spouse, boyfriend, or girlfriend; an acquaintance; or a stranger. It is a crime, and it is wrong.

Today, I also commend those who have found the courage to leave an abusive relationship. When individuals get the resources they need, they become strong, and so do their families.

Despite all the gains we have made in reducing domestic violence, we must recognize that the work is not complete; too many are still victims, and too many live in fear on a daily basis. It will take all of us to fulfill the promise to end domestic violence and assault.

Ms. WOOLSEY. Mr. Speaker, domestic violence is a widespread problem. Over two million people a year are physically assaulted by an intimate partner, and an additional 1.3 million are the victims of stalking. H. Res. 817 is an important reminder that October is National Domestic Violence Awareness Month, and that we need to raise awareness of the problem and its serious consequences for victims and their families.

We know that the majority of these domestic violence victims are women, and they often need leave from work to address the effects of

this violence. While the Family and Medical Leave Act (FMLA, P.L. 103-3) allows employees to take unpaid leave from work for other situations (e.g. for birth, adoption or to care for a spouse, child under age 18, or parent who has a serious health condition), there is no leave for workers who are recovering from domestic abuse, sexual assault, or stalking, and who need medical attention, legal assistance, counseling, or to participate in other activities that take place during working hours.

H.R. 2515, the Domestic Violence Leave Act, which I have introduced, expands the FMLA to allow workers to take leave to address the consequences of domestic violence, sexual assault, or stalking. It also provides leave to workers so that they can care for a family member—spouse, parent or child, including an adult child—who is a victim of abuse. In addition, the bill extends all of the protections of the FMLA to “domestic partners,” and “children of a domestic partner.”

Our primary goal must be to stamp out domestic violence altogether. But until then, we need to help those victims who need time off to deal with its effects.

Ms. RICHARDSON. Mr. Speaker, I rise in strong support of H. Res. 817, which supports the goals and ideals of Domestic Violence Awareness Month and expresses the sense of the House of Representatives that Congress should raise awareness of domestic violence issues and support programs designed to end domestic violence.

Twenty-two years ago, the first Domestic Violence Awareness Month was observed and since 1989 legislation designating October as National Violence Awareness Month has passed every year. Domestic violence affects people of every age, race, ethnicity, religion, and gender. Women are most disproportionately affected and nearly one in four women will experience domestic violence during her lifetime. Every single day in the United States, more than three women are murdered by their significant other. Young women ages 16 to 24 experience the highest rates of intimate partner violence. Every year, over 15 million children are exposed to domestic violence and these children are more likely to abuse alcohol and drugs, attempt suicide, and become involved in teenage prostitution. These statistics are sobering.

In a struggling economy, domestic violence programs are needed more than ever. Earlier this year marked the 15th anniversary of the passage of the Federal Violence Against Women Act; however, more work must be done to protect victims of domestic violence. In my home State of California, cuts in state financing have led to elimination of funding for shelter services. This has translated to cuts in services and fewer victims being served. Ultimately, this sends a message that victims of domestic abuse are not a priority to our State.

Mr. Speaker, I ask my colleagues to join me in supporting the goals and ideals of Domestic Violence Awareness Month.

Mrs. BIGGERT. Mr. Speaker, I yield back the balance of my time.

Mr. PIERLUISI. Mr. Speaker, I ask my colleagues to vote for the resolution supporting the goals and ideals of National Domestic Violence Awareness Month, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. PIERLUISI) that the House suspend the rules and agree to the resolution, H. Res. 817, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 19 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1730

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETERS) at 5 o'clock and 30 minutes p.m.

DECLARATION OF A NATIONAL EMERGENCY WITH RESPECT TO THE 2009 H1N1 INFLUENZA PANDEMIC—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-73)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Energy and Commerce and the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 201 of the National Emergencies Act (50 U.S.C. 1621), I hereby report that I have exercised my authority to declare a national emergency in order to be prepared in the event of a rapid increase in illness across the Nation that may overburden health care resources. This declaration will allow the Secretary of Health and Human Services, if necessary, to temporarily waive certain standard Federal requirements in order to enable U.S. health care facilities to implement emergency operations plans to deal with the 2009 H1N1 influenza pandemic in the United States. A copy of my proclamation is attached.

Further, I have authorized the Secretary of Health and Human Services to exercise the authority under section 1135 of the Social Security Act to temporarily waive or modify certain requirements of the Medicare, Medicaid, and State Children's Health Insurance programs and of the Health Insurance Portability and Accountability Act Privacy Rule as necessary to respond

to the pandemic throughout the duration of the public health emergency declared in response to the 2009 H1N1 influenza pandemic.

BARACK OBAMA.
THE WHITE HOUSE, October 23, 2009.

MOTION TO INSTRUCT CONFEREES ON H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. DICKS. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

Mr. SIMPSON. Mr. Speaker, I have a motion to instruct at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Simpson moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2996 be instructed as follows:

(1) Insist on section 425 of the House bill (regarding a prohibition on funds to implement any rule requiring mandatory reporting of greenhouse gas emissions from manure management systems).

(2) That they shall not record their approval of the final conference agreement (as such term is used in clause 12(a)(4) of rule XXII of the Rules of the House of Representatives) unless the text of such agreement has been available to the managers in an electronic, searchable, and downloadable form for at least 72 hours prior to the time described in such clause.

Mr. DICKS. Mr. Speaker, I reserve a point of order against the instruction.

The SPEAKER pro tempore. A point of order is reserved.

Pursuant to clause 7 of rule XXII, the gentleman from Idaho (Mr. SIMPSON) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Idaho.

Mr. SIMPSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I get into the substance of this motion to instruct, I want to thank Chairman DICKS and his staff for listening to the views of the minority during our preconference deliberations. While we may not agree on everything in this Interior Appropriations conference agreement, our staff discussions have been very productive.

The motion I am offering today is very straightforward and does two things. First, it would insist on section 425 of the House bill regarding a prohi-

bition on funds to implement any rule requiring mandatory reporting of greenhouse gas emissions from manure management systems. Secondly, it would require that the Interior Appropriations conference report be available 72 hours prior to House consideration for the public and Members to read.

This motion to instruct simply insists upon the House-passed bill's position relating to the Latham amendment. The Latham amendment simply says that the EPA cannot implement a rule that requires mandatory reporting of greenhouse gas emissions from cow, pig, or chicken manure.

The Latham amendment was offered in full committee and was one of the very few amendments passed this year with strong bipartisan support. Every Democrat on the Appropriations Committee with agricultural interests in his district supported it, and no one made an effort to strike the language on the House floor. Now, of course anyone could have done that—excuse me, I was wrong. We didn't consider this bill under an open rule, so they would have had to go to the Rules Committee, but no one did go to the Rules Committee to get an amendment approved so that they could offer it on the floor. It was part of the House-passed Interior Appropriations bill and should be a part of the Interior Appropriations conference agreement.

According to the EPA, livestock manure management systems account for less than 1 percent of all human-induced greenhouse gas emissions in the United States. Over 85 percent—that's 85 percent—of greenhouse gas emissions from agriculture in total come from sources other than manure management systems, and these sources are not subject to the reporting rule. By the EPA's own admission, regulating these sources would be overly expensive and burdensome.

Members of the Agriculture Committee have been warning us for years of the danger of climate change rule-making outside of the legislative process. This EPA rule is clear evidence that the chickens have finally come home to roost, as have the cows and pigs.

If you have livestock or a family farm in your congressional district, you will want to support this motion to instruct. The simple truth is that the livestock industry is being hammered by the downturn in our national economy. If you are raising animals for food, you are either losing your shirt or you are going out of business. That's the truth. It's not an exaggeration. Frozen credit markets have left farmers and ranchers without the credit they need to run their day-to-day operations, and many have been forced to sell their land or declare bankruptcy.

It was only a few weeks ago that we added \$350 million to the Ag Appropria-

tions conference report to bail out the dairy industry, which is collapsing under the strain of the credit crisis and low milk prices. And in the Interior conference report, we're not only making it more difficult for farmers to succeed, we are setting them up to fail.

There is another irony here worth noting. The Interior Appropriations conference agreement is likely to include an exemption to a clean air rule affecting ships on the Great Lakes. Chairman OBEY recognized that the excesses of the EPA would place additional hardships upon an economy already devastated by the recession, so the chairman has done what anyone in his position would do to help his constituents—he took action. I happen to agree with him. That's no different from what TOM LATHAM is trying to do to help farmers, ranchers, and livestock producers in Iowa and across the country. The only difference is that Mr. LATHAM's amendment was in the original House bill and Chairman OBEY's rider was airdropped in at the last minute. So we are going to protect the Great Lakes on the one hand while we regulate farmers out of business on the other hand.

If the EPA had existed in Biblical times, there is no question in my mind that it would have regulated gas emissions from Noah's Ark. Poor Noah and his livestock; they could withstand a 40-day flood, but they would never have survived the EPA.

I encourage Members on both sides to take a step back and think about this. Let's use a little common sense here. I urge Members, especially if you support agriculture, farming, and the livestock industry, to support this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. DICKS. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. The reservation is withdrawn.

The gentleman from Washington is recognized for 30 minutes.

Mr. DICKS. I want my colleagues to know that these are two important issues. We are going to work on them, and we are going to do the very best we can.

EPA has come out with a ruling on this issue that wants to make sure that the largest people who have the biggest farms with the most cows, cattle, and pigs have to report, but we are working on this. We're going to do the best we can to come out with a credible position for the House of Representatives.

And we will do the best we can on the 72 hours, but we have to keep the government running. We have a responsibility to do that.

Mr. Speaker, I reserve the balance of my time.

Mr. SIMPSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentleman from Idaho, and I thank the Speaker for the recognition.

Mr. Speaker, the Senate included a one-sentence provision in the 2008 omnibus spending bill requiring the EPA to develop and publish a rule that mandates the reporting of greenhouse gas emissions for all sectors of the U.S. economy. That one sentence reads, "Of the funds provided in the Environmental Programs and Management Account, not less than \$3,500,000 shall be provided for activities to develop and publish a draft rule not later than 9 months after the date of enactment of this act, and a final rule not later than 18 months after the date of enactment of this act, to require mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the United States."

Mr. Speaker, this one sentence, incidentally, I will say—and I will say again later—never had a hearing. It was snuck in in this bill. That one sentence resulted in 1,302 pages, 42 volumes of regulations, and I hold here the 1,300 pages. The preamble of this regulation is 500 pages long. This is what this is, another 500 pages. So we've got 1,800 pages, and the Regulatory Impact Analysis of more than 200 pages. Mr. Speaker, here is another 200 pages. So, in total, this one sentence that was snuck in this bill has resulted in over 2,000 pages of new regulations for our country at a time that we're in a recession and people are hurting out there. This is the cost of more government.

The proposed rule generated about 17,000 comments. According to the EPA, this rule will cost employers \$115 million for the first year, and estimates about \$70 million each year after that just to comply with the new 2,000 pages here. Mr. Speaker, as a former small business owner and farmer, I would suggest these numbers are exceedingly low. And there is no estimate as to how much has already been spent by businesses trying to figure out whether or not they fall under the regulation, and if they do, how they're going to follow these new rules.

Congress tucked this sentence into an appropriations bill, again, without holding a single hearing. Let me reemphasize, not a single hearing goes into these 2,000 pages of regulations that are now being put on top of our economy. Consequently, the language provided no limitation or guidelines for the EPA and gave the agency unlimited authority to draft the new rule.

The EPA did its job; 1,300 pages in regulations are a testament to the Congress using the Appropriations Committee to shortcut the authorizing committee process.

The language we are debating today impacts the livestock industry. Within these 1,300 pages, the regulation requires a reporting of greenhouse gases from animal agriculture, which, on the surface, seems harmless enough. How-

ever, I want to stress that this regulation has a cost and, more importantly, it will do nothing to improve the environmental health of rural America. It doesn't make manure lagoons smell any better. It doesn't protect water wells or native species. It doesn't do one thing to improve the standard of living in rural Iowa or any part of this country. It has, however, improved the standard of living of people in metropolitan Washington, D.C., because this one sentence has kept a bunch of bureaucrats at EPA busy for the last year and a half.

Farmers work very hard day to day to try to preserve their environment, from learning how to keep their topsoil from washing away, to improving the quality of our water, to eliminating odor and turning waste products into energy. The health of the environment is critically important to the success of a farming operation.

□ 1745

American farmers have done a great job in finding ways to protect the environment without sacrificing their families' farms' incomes; but at a time when our Nation's farmers are facing some of the most difficult economic times in the last decade, we are introducing a new and costly Federal mandate. This regulation will generate additional input costs for an industry that can ill afford it.

Dairy has lost about \$12 billion in milk receipts from 2008–2009, about a 33 percent loss; pork, a loss of about \$2 billion, or 10 percent in receipts for hogs, and the industry is expected to lose another \$800 million this year; cattle, a loss of about \$5 billion, or 10 percent of its receipts; and poultry producers are going bankrupt.

If you're in livestock today, you are losing money. The EPA estimates the cost of reporting will be \$900 per facility. However, one instrument used to measure methane can cost about \$15,000, and it requires trained personnel to maintain, which adds further costs. So these farmers are going to have to hire an expert to sit there and monitor the machines. To me, that adds up to a little more than \$900 per facility.

To add further costs to production is simply foolish and irresponsible on the part of this Congress. This language should never have been added to a spending bill. That's why we have an authorizing committee and why Members representing agriculture are concerned about this climate change legislation.

You think about it. One sentence tucked into an appropriations bill generated 1,300 pages of regulations, 500 pages of preamble and 200 pages of regulatory impact analysis, and it regulates all sectors of the economy, agriculture just being a small slice.

We have cap-and-trade bills that have thousands of pages of legislative lan-

guage alone that Members of Congress want signed into law. This Congress intends to give the EPA a huge increase in spending this year, and I guess they're going to need it. Why? Because the EPA is going to have to hire a heck of a lot of new people to write those regulations, and regulations with equations like these have real costs to our economy.

Let me just show you what this regulation looks like. This is true. This is why farmers love Washington—when you have a paragraph that puts one of the formulas in these regulations that farmers have to comply with. Let me just read.

It says, "For all manure management system components listed in 98.360(b), except digesters, estimate the annual CH₄ emissions and sum for all the components to obtain total emissions from the manure management system for all animal types using equation JJ-1."

Well, this is equation JJ-1. You figure it out. We're going to have to have a bunch of mathematicians on the farm along with the EPA, apparently.

The regulation, as written, is onerous. The cost and scope is in serious question, and agriculture cannot afford another Federal mandate on this economy. Manure management is a serious issue. I know. I grew up and I live in Iowa, but this rule does nothing—and I emphasize again nothing—to improve the way farmers manage their manure.

Ladies and gentlemen, we stand up here every day, and we talk about the economic problems outside the beltway and about how much we want to work to provide assistance. When will it dawn on us that here in Washington we are part of that problem? Washington mandates costs on a daily basis, whether on farmers who feed us or on our constituents in low-income areas who have to pay more of their hard-earned dollars each month to cover the costs of our well-intentioned handiwork. We need to think about the impacts—\$200 here, \$1,000 here, \$200 million over there. Pretty soon, our employers are struggling to keep up with the government-generated cost-of-living increases.

I ask my colleagues to please support this motion to instruct. It is absolutely critical, not only in agriculture but for our constituents back home.

Mr. DICKS. Mr. Speaker, I just want to give a little background on this. I think the gentleman has a perspective, but I want to make sure that everyone understands what actually happened here.

The EPA administrator signed the proposed rule for the mandatory reporting of greenhouse gases from large emission sources in the United States on March 10, 2009. It was published in the Federal Register on April 10, 2009. The EPA received almost 17,000 written comments on the proposal, and it heard

from approximately 60 people at the two public hearings. The final rule reflects changes the EPA made as it carefully considered and responded to significant comments.

Now what has happened here is that thousands of small farmers would be exempted, and only the 90 largest manure management systems in the country would be required to report their emissions, those who annually emit as much in greenhouse gases as 58,000 barrels of oil. It is important for the EPA to receive information from these systems because the EPA needs reliable data on the greenhouse gas emissions from major facilities in all industries if we are going to be able to base our climate policy on a solid and thorough understanding of the problem.

So I think this rule, which is very close to where, I think, the conferees are going to come out, does the right thing. It exempts thousands of small farmers; but for the ones who have enormous operations, where large amounts of greenhouse gases are emitted, they have to report.

I think that's reasonable, and I think the process is reasonable. Congress directed that this be done. It was our committee that required a greenhouse gas registry so that we could make these decisions based on science, not on just political machinations. We did it on science. The EPA did it on science. I think it's a reasonable compromise.

I reserve the balance of my time.

Mr. SIMPSON. I would just remind the chairman that what we have is an authorizing committee that ought to be doing this and not the Appropriations Committee that ought to be doing this. This is the result of language put in an appropriations bill. We have authorizing committees like the Ag Committee which ought to be looking at this and overseeing it, not the Appropriations Committee.

Mr. Speaker, I yield such time as he may consume to the ranking member of the full committee, the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Speaker, I want to commend my friends, Chairman NORMAN DICKS and MIKE SIMPSON, for nearing the completion of their work on the Interior appropriations report as we speak. I look forward to discussing their work in greater detail over the next couple of days.

With regard to the motion to instruct, I would like to remind Members how important it is to you if this vote happens to reflect your constituency concerns—those constituents who have farms, ranches, livestock, et cetera in their districts. Without your support, the EPA will place an extraordinary and expensive burden on your constituents by regulating the emissions from cow, pig and chicken manure.

Now, I do know how intently my chairman, over the years, has opposed any kind of minor exemption in a proc-

ess like this, but the language that we are considering, which was presented by Mr. LATHAM in the committee, was adopted with bipartisan support by the full committee, and it passed the House with overwhelming support. As Mr. SIMPSON pointed out, no one even tried to remove this during the House proceedings.

However, today, as we discuss this commonsense motion to instruct, I can't help but wonder about the greater plan to finish our appropriations work. I remind Members that the clock is ticking. We are now 1 month into the 2010 fiscal year, and we still have a great deal of work to do if we plan to complete our appropriations business this year.

By my account, the House and Senate have now sent to the President 4 of the 12 appropriations conference reports. Presuming it gets there soon, the Interior conference report will be the fifth. That means that there are 7 spending bills left to complete before the end of the year.

For weeks and months now, the House has had very little substantive work to do. Week after week, the legislative calendar is fashioned to appear that the House is busy with the Nation's business, but Members and those portions of the public who watch carefully know better. Members on both sides of the aisle are frustrated with the House leadership for loading up the calendar with suspension bills, which are relatively insignificant, as the rest of our spending bills languish.

For example, the Defense spending bill has now cleared both the House and the Senate, and there aren't any obstacles to prevent this conference report from moving forward.

I care a great deal about our public lands and environment, but moving the Interior bill before the Defense bill makes no sense. In fact, it borders on the irresponsible. Rather than moving the Defense bill, one of the most important spending bills, that bill is lying on the shelf while our men and women are defending our freedom in places like Afghanistan and Iraq. It is unfortunate that Democrat leaders have prevented the Defense bill from moving forward while we have troops deployed overseas.

Even more disconcerting is the fact that Democrat leaders are talking about using the troop funding bill as a mechanism for increasing the debt limit to the tune of over \$13 trillion. There is no way, certainly, that that can be a reflection of our desire to honor the commitment of our military that is fighting overseas.

In addition, the Transportation-Housing spending bill cleared the House and Senate months ago, and that conference agreement should also be completed in short order. Instead, many of the best and brightest staffers on the Hill are left sitting on their

hands, with nothing to do, while they await direction on how this year's work will be wrapped up.

The way we are proceeding, one would presume we are headed for yet another massive take-it-or-leave-it omnibus package. It is my understanding that the Interior bill will also carry the next continuing resolution, which could last until the week of Christmas or maybe even until the end of the year.

For all of the bluster about passing appropriations bills by the August break, albeit by changing the rules to avoid tough amendment votes, the majority has very little to show for it now. So far, the only bill completed on time is that which contains the budget for the Congress, itself. We certainly wouldn't want to have our being unemployed while the people out there are struggling to pay their bills and their taxes and while the men and women who are fighting for us overseas are left languishing, awaiting this Defense appropriations bill.

Mr. DICKS. Mr. Speaker, I reserve the balance of my time.

Mr. SIMPSON. May I inquire of the Speaker as to how much time we have remaining?

The SPEAKER pro tempore. The gentleman has 10 minutes and 30 seconds remaining.

Mr. SIMPSON. I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. I want to thank Ranking Member SIMPSON for yielding me time. I have to say that I think that he is much better equipped to be the ranking member of the Interior Committee than I was when I was ranking member.

I also want to commend Chairman DICKS. I think nobody has been better prepared to be chairman of the Interior Committee than he has, and he has done an excellent job.

Yet, Mr. Speaker, we have an honest concern and an honest difference on whether we should have these regulations imposed on the American economy and on American agricultural jobs.

There is an onslaught of regulations going on now, and we forget that, when we hire all of these government workers, they have to do something, so we're reminded when they submit these regulations which do nothing but slow our economy and force more unemployment.

We also forget that it takes five private-sector jobs to pay for each and every one government job, but we very seldom get the opportunity to talk about how we're going to grow our economy in a positive fashion. Instead, we have to play defense on how we're going to save the jobs we have today. Regulations like this do nothing but force more jobs overseas. They do nothing more than raise unemployment.

Is there any belief, when we impose additional regulations as high as this pile is next to me, that it will do nothing less than move agricultural jobs out of America to other countries like Mexico, Brazil and Argentina? Are you convinced that any of those countries will do a better job of regulating this type of production? I don't think they will.

Do you think they will do a better job in Mexico or in Brazil or in Argentina of managing animal diseases? We do a very fine job here. When there is a problem, we respond immediately, but I don't see that in those other countries.

□ 1800

What we are doing by writing these regulations is forcing production of animals overseas where we will be more vulnerable as a world, where we will have less jobs as America. It's not the type of direction that I think our President wants to go. It's not the type of direction that I think Congress wants to go.

We see this not only in agriculture but we also have seen this in manufacturing, where as we grow the regulatory burden, the jobs move overseas. Today, 12 percent of the cost of making anything in America is consumed by just complying with the regulations. As a result we have seen jobs go offshore.

Now it's not because we have high wages; we want highly qualified workers. It's not because CEOs are greedy; they can only control so many costs. They cannot control the costs imposed upon their companies by the regulations that they are facing from the Federal Government today.

And we are doing this for what reason? So we can control greenhouse gases? I would defy anybody to show a measurable increase or decrease in greenhouse gases because of these regulations, and not only this year or next year, but in the next 50 or 100 years. This is not worth it. It doesn't meet the common sense. I would request that we keep the language that was passed in the Appropriations Committee by Mr. LATHAM and vote for this motion to instruct.

Mr. DICKS. I reserve the balance of my time.

Mr. SIMPSON. Mr. Speaker, I thank the gentleman from Washington for entertaining this motion to instruct.

I said earlier that we had authorizing committees to do this. Some have suggested maybe they don't do their job and the Appropriations Committee has to do it for them. I don't think that's right.

But I will tell you that in the only comprehensive climate change bill that's passed the House, the Waxman-Markey bill, it exempted all animal agriculture sources from greenhouse gas emissions reporting. We have two bills

now that have passed the House, and the House has stated they do not want to have to report animal emissions to the EPA, Waxman-Markey and the Interior appropriations bill that passed.

Now remember this legislation, or this amendment by Mr. LATHAM, was not in the original Interior bill as it came before the Appropriations Committee. It was added as an amendment. We affirmatively said we do not want the EPA to implement this rule on greenhouse gas emissions from animals. We affirmatively said it. It was not an oversight. That's what the committee said. When it came to the full House, no one offered an amendment to remove that language. I think that we ought to insist on the House language that is in this bill.

Now I am puzzled a little bit when the chairman says "we'll do our best" and then stands up and defends the rule. What is "our best"? I don't know where we are headed with this.

Let me tell you how this process works just a little bit. Preconferencing goes on between the House and the Senate, generally between the staffs; they talk with the Members of Congress and so forth, but the preconferencing goes on. Apparently the Senate didn't like the Latham amendment, and we caved. And we said, No, we'll drop the Latham amendment.

I think we need to insist on the Latham amendment. It's been the only expression by either body of the direction we ought to go, that we are opposed to this mandatory reporting by the EPA that's going to cost us, I think the gentleman from Iowa said, \$115 million a year. Remember, we just gave the dairy industry \$350 million because of the hardships they are currently suffering. And now we are going to impose these kinds of costs on them.

We need to go to conference, and when we say we're going to do the best we can, if, when we go to conference, if the pre-conferenced conference report does not have the Latham language in it, that means we can offer an amendment to put it in the language, in the appropriation bill. But if the Senate doesn't have the votes to pass it there, then it's dropped and it's out.

If it goes to conference with the language in, they have to get an amendment both past the House and the Senate to drop it. It's to our advantage and to the will of this House that it have the language in the pre-conferenced report before we go to conference, and apparently we've dropped it. So when the chairman says we'll do the best we can, I don't know exactly what that means.

Mr. DICKS. Will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from Washington.

Mr. DICKS. It means we got 99.9 percent of Latham. That's pretty good.

Mr. SIMPSON. Now I'm really confused. I'm really puzzled. I don't understand what the gentleman is saying.

Mr. DICKS. We all agree that for these small farmers, this makes no sense. The only people that are going to be under this rule are the people who are emitting the equivalent of 58,000 barrels of oil in these emissions. These are the biggest farmers in the country. They can afford to do this.

This is a compromise. The spirit of Latham has been adopted, but we regulate the small number of people, around 90 in the country, who have these very large emissions. I think it makes sense. I think it's a decent compromise.

Mr. SIMPSON. Reclaiming my time, I would yield to the gentleman from Iowa.

Mr. LATHAM. I thank the gentleman.

I don't know how you can say you have 99 percent when the amendment is eliminated. The fact of the matter is that we are going to be spending millions of dollars whether you are large producers or small producers to figure out who qualifies under this.

That's one of the major problems here is that nobody knows for sure who it is and who it isn't. You are going to have to spend as a large producer, small producer, whatever, a whole bunch of money to figure out whether or not you actually qualify.

The fact of the matter is, any of these costs are going to be passed down to the consumers. Now, I know, maybe another 30, 40 bucks a week out of a grocery bill isn't much for folks around here. But I tell you what, there are folks hurting at home, and that's a lot of money.

The idea that somehow this isn't going to affect the price of food, that it isn't going to affect the cost of agriculture; and to do nothing, just have no improvement as far as the environment, no improvement as far as waste management, as far as air emissions, it will do nothing except add cost to the end consumer. I'm sorry, but my producers out there know what this is going to cost them, each and every one of them, because they're going to have to go through a whole process to figure out what they can do and cannot do; it's going to add cost, and we're going to end up with the families today paying the bill at the grocery store because of onerous regulations exactly like this.

Mr. SIMPSON. Reclaiming my time, I will point out once again, this is the Appropriations Committee. The authorizing committee specifically exempts all animal agricultural source from greenhouse gas emission reporting. We got 100 percent of the legislation under the requirement the EPA can't oversee the emissions from the ships on the Great Lakes. We need to stand up strong, and we need to stand

up for what the House voted for, not once but twice, what the committee voted for. We need to stand up in the conference committee with the Senate.

I encourage the chairman to do just that. I encourage my colleagues to vote for this motion to instruct.

Mr. DEFAZIO. Mr. Speaker, today the House of Representatives is voting on a motion to instruct conferees to insist on language that would prevent any funding in this bill from being used to implement an EPA rule requiring the largest manure management systems to report annual greenhouse emissions.

The EPA rule was finalized in September 2009. It would require entities emitting only more than 25,000 metric tons of greenhouse gases per year—the equivalent of emissions from 58,000 barrels of oil—to report on annual emissions. According to the EPA, the rule will impact approximately 100 manure management systems across the country, five of which operate in the state of Oregon. Small farmers—those emitting less than 25,000 metric tons of greenhouse gases per year—would be completely exempt from the rule.

I applaud the EPA's rule and President Obama's leadership in taking serious action on climate change. After losing eight years under the Bush administration in addressing the most serious environmental challenge of our time, it's time for bold U.S. leadership. Compiling accurate and complete data on greenhouse gas emissions is a critical piece to crafting a smart and effective climate policy.

For these reasons, I intend to oppose the motion to instruct conferees before the House today. Congress should not place funding restraints on the EPA that would prevent the agency from executing its Supreme Court-confirmed authorities to regulate greenhouse gas emissions in the U.S.

Mr. SIMPSON. I yield back the balance of my time.

Mr. DICKS. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SIMPSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. DAHLKEMPER) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 368, by the yeas and nays;

House Resolution 562, de novo.

Proceedings on other postponed questions will resume later in the week.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

CONGRATULATING THE IOWA HAWKEYES WRESTLING TEAM

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 368, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. PIERLUISI) that the House suspend the rules and agree to the resolution, H. Res. 368, as amended.

The vote was taken by electronic device, and there were—yeas 367, nays 1, not voting 64, as follows:

[Roll No. 814]

YEAS—367

Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocciari

Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castle

Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Jones
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Dahlkemper
Davis (CA)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell

Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Green, Al
Green, Gene
Griffith
McKeon
Guthrie
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
Kingston
Kirkpatrick (AZ)
Kissell
Kline (MN)
Kosmas
Kratovil
Kucinich

Lamborn
Lance
Langevin
Larson (CT)
Latham
LaTourette
Latta
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Rush
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
McCarthy (NY)
McCaul
McClintock
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
Sherman
McMahon
McMorris
Rodgers
McNerney
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neugebauer
Nunes
Nye
Oberstar
Obey
Olson
Olver
Pallone
Pascarella
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Quigley

Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Schakowsky
Schauber
Schiff
Schmidt
Schock
Schradner
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Velázquez
Vislousky
Walden
Walz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—1

Berry

NOT VOTING—64

Abercrombie	Grijalva	Ortiz
Barrett (SC)	Gutierrez	Paul
Boyd	Hinchey	Payne
Brown, Corrine	Hoekstra	Putnam
Brown-Waite,	Holden	Richardson
Ginny	Johnson (IL)	Roe (TN)
Cao	Johnson, Sam	Rohrabacher
Capuano	King (NY)	Roskam
Carter	Kirk	Shadegg
Castor (FL)	Klein (FL)	Smith (WA)
Costa	Larsen (WA)	Souder
Crenshaw	Lee (CA)	Space
Culberson	Lipinski	Stark
Cummings	Maloney	Teague
Davis (AL)	Matsui	Thompson (CA)
Davis (IL)	McCarthy (CA)	Towns
Deal (GA)	McCollum	Van Hollen
Delahunt	Meek (FL)	Wamp
Diaz-Balart, L.	Melancon	Wasserman
Dreier	Miller, Gary	Schultz
Gerlach	Moore (WI)	Wexler
Grayson	Neal (MA)	Young (FL)

□ 1903

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: "Congratulating the University of Iowa Hawkeyes wrestling team on winning the 2009 NCAA Division I National Wrestling Championship."

A motion to reconsider was laid on the table.

CONGRATULATING SYRACUSE UNIVERSITY MEN'S LACROSSE TEAM

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 562.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. PIERLUISI) that the House suspend the rules and agree to the resolution, H. Res. 562.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 359, noes 1, not voting 72, as follows:

[Roll No. 815]

AYES—359

Ackerman	Arcuri	Barrow
Aderholt	Austria	Bartlett
Adler (NJ)	Baca	Barton (TX)
Akin	Bachmann	Bean
Alexander	Bachus	Becerra
Altmire	Baird	Berkley
Andrews	Baldwin	Berman

Biggert	Giffords	McCaul
Bilbray	Gingrey (GA)	McClintock
Bishop (GA)	Gohmert	McCotter
Bishop (NY)	Gonzalez	McDermott
Bishop (UT)	Goodlatte	McGovern
Blackburn	Gordon (TN)	McHenry
Blumenauer	Granger	McIntyre
Blunt	Graves	McMahon
Boccieri	Green, Al	McMorris
Boehner	Green, Gene	Rodgers
Bonner	Griffith	McNerney
Bono Mack	Guthrie	Meeks (NY)
Boozman	Hall (NY)	Mica
Boren	Hall (TX)	Michaud
Boswell	Halvorson	Miller (FL)
Boucher	Hare	Miller (MI)
Boustany	Harman	Miller (NC)
Brady (PA)	Harper	Miller, George
Brady (TX)	Hastings (FL)	Minnick
Braley (IA)	Hastings (WA)	Mitchell
Bright	Heinrich	Mollohan
Broun (GA)	Heller	Moore (KS)
Brown (SC)	Hensarling	Moran (KS)
Buchanan	Herger	Moran (VA)
Burgess	Hereth Sandlin	Murphy (CT)
Burton (IN)	Higgins	Murphy (NY)
Butterfield	Hill	Murphy, Patrick
Buyer	Himes	Murphy, Tim
Calvert	Hinojosa	Murtha
Camp	Hirono	Myrick
Campbell	Hodes	Nadler (NY)
Cantor	Holt	Napolitano
Capito	Honda	Neugebauer
Capps	Hoyer	Nunes
Cardoza	Hunter	Nye
Carnahan	Inglis	Oberstar
Carney	Inslee	Obey
Carson (IN)	Israel	Olson
Cassidy	Issa	Oliver
Castle	Jackson (IL)	Pallone
Chaffetz	Jackson-Lee	Pascarell
Chandler	(TX)	Pastor (AZ)
Childers	Jenkins	Paulsen
Chu	Johnson (GA)	Pence
Clay	Johnson, E. B.	Perlmutter
Cleaver	Jones	Perriello
Clyburn	Jordan (OH)	Peters
Coble	Kagen	Peterson
Cohen	Kanjorski	Petri
Conaway	Kaptur	Pingree (ME)
Connolly (VA)	Kennedy	Pitts
Conyers	Kildee	Platts
Cooper	Kilpatrick (MI)	Poe (TX)
Costello	Kilroy	Polis (CO)
Courtney	Kind	Pomeroy
Crowley	King (IA)	Posey
Cuellar	Kingston	Price (GA)
Dahlkemper	Kirkpatrick (AZ)	Price (NC)
Davis (CA)	Kissell	Quigley
Davis (KY)	Kline (MN)	Radanovich
Davis (TN)	Kosmas	Rahall
DeFazio	Kratovil	Rangel
DeGette	Kucinich	Rehberg
DeLauro	Lamborn	Reichert
Dent	Lance	Reyes
Diaz-Balart, M.	Langevin	Rodriguez
Dingell	Larson (CT)	Rogers (AL)
Doggett	Latham	Rogers (KY)
Donnelly (IN)	LaTourette	Rogers (MI)
Doyle	Latta	Rooney
Driehaus	Lee (NY)	Ros-Lehtinen
Duncan	Levin	Ross
Edwards (MD)	Lewis (CA)	Rothman (NJ)
Edwards (TX)	Lewis (GA)	Roybal-Allard
Ehlers	Linder	Royce
Ellison	LoBiondo	Ruppersberger
Ellsworth	Loebback	Rush
Engel	Lofgren, Zoe	Ryan (OH)
Eshoo	Lowe	Ryan (WI)
Etheridge	Lucas	Salazar
Fallin	Luetkemeyer	Sanchez, Linda
Farr	Lujan	T.
Fattah	Lummis	Sanchez, Loretta
Finler	Lungren, Daniel	Sarbanes
Flake	E.	Scalise
Fleming	Lynch	Schakowsky
Forbes	Mack	Schauer
Fortenberry	Maffei	Schiff
Foster	Manzullo	Schmidt
Fox	Marchant	Schock
Frank (MA)	Markey (CO)	Schrader
Franks (AZ)	Markey (MA)	Schwartz
Frelinghuysen	Marshall	Scott (GA)
Fudge	Massa	Scott (VA)
Galleghy	Matheson	Sensenbrenner
Garrett (NJ)	McCarthy (NY)	Serrano

Sessions	Stupak	Visclosky
Sestak	Sullivan	Walden
Shea-Porter	Sutton	Walz
Sherman	Tanner	Waters
Shimkus	Taylor	Watson
Shuler	Terry	Watt
Shuster	Thompson (MS)	Waxman
Simpson	Thompson (PA)	Weiner
Sires	Thornberry	Welch
Skelton	Tiahrt	Westmoreland
Slaughter	Tiberi	Whitfield
Smith (NE)	Tierney	Wilson (OH)
Smith (NJ)	Titus	Wilson (SC)
Smith (TX)	Tonko	Wittman
Snyder	Tsongas	Wolf
Speier	Turner	Woolsey
Spratt	Upton	Yarmuth
Stearns	Velazquez	Young (AK)

NOES—1

Berry

NOT VOTING—72

Abercrombie	Emerson	Neal (MA)
Barrett (SC)	Gerlach	Ortiz
Bilirakis	Grayson	Paul
Boyd	Grijalva	Payne
Brown, Corrine	Gutierrez	Putnam
Brown-Waite,	Hinchey	Richardson
Ginny	Hoekstra	Roe (TN)
Cao	Holden	Rohrabacher
Capuano	Johnson (IL)	Roskam
Carter	Johnson, Sam	Shadegg
Castor (FL)	King (NY)	Smith (WA)
Clarke	Kirk	Souder
Coffman (CO)	Klein (FL)	Space
Cole	Larsen (WA)	Stark
Costa	Lee (CA)	Teague
Crenshaw	Lipinski	Thompson (CA)
Culberson	Maloney	Towns
Cummings	Matsui	Van Hollen
Davis (AL)	McCarthy (CA)	Wamp
Davis (IL)	McCollum	Wasserman
Deal (GA)	McKeon	Schultz
Delahunt	Meek (FL)	Wexler
Diaz-Balart, L.	Melancon	Wu
Dicks	Miller, Gary	Young (FL)
Dreier	Moore (WI)	

□ 1911

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. COFFMAN of Colorado. Madam Speaker, on rollcall No. 815 I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Ms. LEE of California. Madam Speaker, today I missed rollcall vote No. 814 on H. Res. 368, congratulating the University of Iowa Hawkeyes wrestling team, and rollcall vote No. 815 on H. Res. 562, congratulating the Syracuse University lacrosse team. Had I been present, I would have voted "yea" on H. Res. 368 as amended, and "aye" on H. Res. 562.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested.

S. 1929. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ENERGY-EFFICIENCY RETROFITTING

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Madam Speaker, this May at a meeting of the Middle Class Task Force, Vice President BIDEN asked White House staff to develop a proposal that would grow clean-job opportunities and boost energy savings by retrofitting homes for energy efficiency.

In response, CEQ facilitated a broad interagency process to develop recommendations.

I commend those recently released recommendations and the leadership of our White House on energy policy. Through the Recovery Act's unprecedented investments in energy efficiency, we are making it easier for American families to retrofit their homes, helping them save money.

Existing techniques and technologies in energy-efficiency retrofitting can reduce energy use by up to 40 percent per home and lower total associated greenhouse gas emissions by up to 160 million metric tons annually. Retrofitting existing homes also has the potential to cut home energy bills by \$21 billion annually.

We must continue to drill and mine energy efficiency as our fuel of choice, like we drill for oil and mine for coal.

□ 1915

TEENS AGAINST DOMESTIC ABUSE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I rise in support of House Resolution 817, supporting the goals and ideals of National Domestic Violence Awareness Month.

Domestic abuse is a terrible and often hidden problem that plagues our Nation and affects millions of families every year. In my congressional district of south Florida, extraordinary groups such as Teens Against Domestic Abuse, or TADA, are working to raise awareness about domestic abuse.

TADA is Florida's first teen antidomestic violence advocacy group. Their commendable efforts, including working with the Women's Fund of Miami-Dade County, will be hosting an event called, "Break the Silence; Break the Cycle" on November 5 in Miami. This event will highlight the spreading frequency of domestic violence throughout the U.S. and how all socioeconomic and ethnic groups are impacted by this crisis.

TADA strives to educate children and teens about the prevalence of domestic abuse in all types of relationships. I encourage everyone in south Florida to

show their support on Thursday, November 5.

UNITED AMERICAN FAMILIES ACT

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUIGLEY. Madam Speaker, as we begin to consider substantial comprehensive immigration proposals, I strongly urge my colleagues to remember what it means to achieve comprehensive reform.

We cannot forget a very important immigrant group in this country, binational GLBT couples. If we are to consider here on this floor a proposal deemed "comprehensive," we must truly mean everyone. We must mean it when we say that you can be an American no matter the color of your skin, your religion, or who you love.

Congressman HONDA has been courageous enough to tackle the issue of amending the Nation's immigration laws to allow U.S. citizens and permanent residents to sponsor their same-sex partners for family-based immigration through the United American Families Act.

In this debate, we have talked about keeping families together, but we cannot turn a blind eye to the children who have been taken from a family because they have two moms or two dads and one doesn't live in this country.

We talk about doing what is right, what is fair, and what is just, but we neglect to imagine the pain and suffering these families are going through because we as a government think it's our right to tell the people who they can love.

FIVE REASONS THE PRESIDENT'S APPROVAL HAS PLUMMETED

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, the President's approval by the American people has dropped faster than any other President in over 50 years, according to Gallup. Let me offer five reasons why:

One, the President said he would cut the deficit in half; instead, it has tripled.

Two, the White House claimed the \$787 billion stimulus bill would keep unemployment below 8.5 percent; instead, it has jumped to 9.8 percent.

Three, Democratic leaders told us the energy bill would cost families only \$153 a year; instead, the Treasury Department admitted it could cost \$1,700 a year.

Four, the President said the health care bill would be negotiated in open meetings; instead, the decisions are being made behind closed doors.

Five, the President promised that if you like your health care insurance, you can keep it; instead, the non-partisan Congressional Budget Office found that, in fact, you can lose it.

Madam Speaker, it is no wonder that a majority of the American people now disagree with the President's policies, according to a recent CNN poll.

SAUDI ARABIA: MINORITY'S NEW ALLY

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Madam Speaker, the minority party has a new ally in its effort to obstruct clean energy legislation—the Saudi Arabian Government.

Here in the House I was proud to join my colleagues in passing legislation that would invest in clean energy technology, create new green jobs, and cut global warming pollution. Those same countries on whose foreign oil we are currently dependent are not supportive of legislation that would do these things.

As The New York Times reported on October 14—an article I will enter into the RECORD—Saudi Arabia will go to the international climate negotiations in Copenhagen with the goal of preventing ratification of an effective international treaty to reduce greenhouse gas pollution precisely because such a treaty would reduce American reliance on its oil.

The Senate is considering a bill analogous to what we already passed here in the House to cut global warming pollution and reduce our dependence on foreign oil. I hope Saudi Arabia's opposition to American energy independence will remind all of us how important it is for the Senate to act, and act now.

[From the New York Times, Oct. 14, 2009]

"STRIVING FOR NO" IN CLIMATE TALKS

(By Andrew C. Revkin)

UNFCCC Amid the throngs at climate talks, as shown in Bali here in 2007, officials from individual countries can make a big difference. Saudi Arabia has been pinpointed as an influential player.

In doing my reporting for the story in The New York Times today on Saudi Arabia's latest maneuvers in climate treaty talks (they are reviving longstanding demands for compensation for lost oil revenue), I found an interesting paper on the oil kingdom's involvement in climate talks by Joanna Depledge, a research fellow at Cambridge University focusing on climate negotiations.

The paper, "Striving for No: Saudi Arabia in the Climate Change Regime," was published last November in the journal *Global Environmental Politics*. It is the most comprehensive analysis I've seen of the role that Saudi Arabia and other oil exporters have played through two decades of global climate diplomacy. Dr. Depledge's conclusion is that this is a classic case of parties—in this case Saudi Arabia and other oil-rich states—getting involved in a process primarily to obstruct it. She concludes by noting hints that

the oil powers appear to be shifting these days to a more constructive role.

But many observers and participants in the interim climate talks that concluded in Bangkok last week saw scant signs of a cooperative approach. And the e-mail and statements from Saudi officials that Jad Mouawad and I cited in our article appear to display a willingness by Saudi Arabia to impede a deal in Copenhagen if it does not include concrete commitments of aid and investment to offset anticipated drop in oil flows as countries try to cut emissions.

In an e-mail message to me, Dr. Depledge warned that Saudi Arabia and its lead official on climate, Mohammad al-Sabban, should not be underestimated as they pushed for financial commitments. "I am absolutely sure that getting something on this will be a deal-breaker/maker for them," she wrote. "They are quite blunt about it. It is the strategy they have followed since 1991."

Dr. Depledge said she was hoping "that getting something on investment" in carbon capture and storage would "provide a win-win way of getting them on board."

"Al-Sabban is the most skillful and experienced negotiator in the process," she continued. "Others ignore him at their peril."

Access to the paper requires a subscription, so I will summarize its main points below. Here's part of the abstract:

A key starting point for the conduct of global negotiations under the U.N. system is that delegations are actively seeking an agreement that will meaningfully address the problem at hand. Sometimes, however, negotiations must contend with cases of obstructionism, that is, negotiators who are at the table with the aim of preventing an agreement. Given that they face no imperative of striking a deal, governments for whom "no" is the preferred outcome can have a disproportionately high impact on the negotiations, not only by formally blocking agreements, but on a day-to-day basis by slowing down progress or souring the atmosphere. This article examines Saudi Arabia's involvement in the climate change regime, and argues that the delegation has long played the role of obstructionist.

Dr. Depledge notes that Saudi Arabia and many other oil-exporting states only joined the Kyoto Protocol once it became clear it was going to take effect. "Saudi Arabia acceded in time to ensure that it would become a party—and therefore able to fully influence proceedings," she wrote.

She described a significant contrast between the stances of Saudi Arabia and another developing country exporting fossil fuels—in this case South Africa and its coal:

Although the South African economy is more diversified than that of Saudi Arabia, it is still highly dependent on the coal sector. South Africa is the world's second-largest coal exporter, with developed countries accounting for 80 percent of its coal exports. South Africa is much poorer than Saudi Arabia, and coal is more vulnerable to climate policy than oil, given its higher carbon content and the greater availability of alternatives. South Africa, however, has adopted a more balanced view of the risks posed by climate change and mitigation measures, translating into a far more constructive role in the negotiations. Saudi Arabia has simply sought to prevent or slow down progress, either on the general thrust of the negotiations or on specific agenda items.

Dr. Depledge described signs of a shift in the oil kingdom's stance, including its endorsement of science pointing to big impacts from a building human influence on climate

and commitment of money to pursue technologies for capturing carbon dioxide from the burning of fossil fuels and other new energy options.

But her conclusion was still cautionary:

The question is whether, and if so how, these developments will eventually feed through to changes in the Saudi delegation's approach to the negotiations themselves, especially leading up to the landmark Copenhagen meeting in December 2009. For now (up to the June 2008 sessions), any signs of a softening in the Saudi negotiating position remained well hidden.

THE WORST OF FRIENDS: OPEC AND G77 IN THE CLIMATE REGIME

(By Jon Barnett)

In the climate change negotiations the thirteen countries that are members of OPEC obstruct progress towards reducing emissions of greenhouse gases. Although these actions undermine sustainable development in developing countries, the larger Group of 77 (G-77) coalition nevertheless tacitly supports its OPEC members in the climate regime. This article explains the connection between OPEC's interests in oil exports and its inaction on climate change, and the divergence of these interests with those of the G-77. It argues that OPEC's influence within the G-77, and therefore the climate regime, stems from the desire to maintain unity within the G-77. This unity has and is likely to continue to cost the majority of developing countries in the form of delayed assistance for adaptation, the possibility of inadequate reduction in emissions under the second commitment period under the Kyoto Protocol, and continued dependence on increasingly expensive oil imports.

STRIVING FOR NO: SAUDI ARABIA IN THE CLIMATE CHANGE REGIME

(By Joanna Depledge)

The international relations literature often assumes that negotiators in global regimes are actively seeking a collective agreement to the problem on the table. There are cases, however, where a delegation may instead be "striving for no," that is, participating with the aim of obstructing a deal. This article explores the challenges surrounding such cases of "obstructionism," using the example of Saudi Arabia in the climate change regime. It examines the evidence for diagnosing Saudi Arabia as an obstructionist in that regime, the delegation's negotiating tactics, strategies for addressing obstructionism, and finally the repercussions for both the climate change regime, and Saudi Arabia itself. In conclusion, the article considers whether Saudi Arabia may be moving beyond obstruction.

RECOGNIZING 2009 TEKNE AWARD WINNERS

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Madam Speaker, I rise to congratulate the recent winners from my congressional district of the 2009 Tekne Awards from the Minnesota High Tech Association.

In the 10th year of these awards, the Tekne Awards continue to acknowledge companies and individuals who have demonstrated superior technology

advancement and leadership in Minnesota. Of the awards, I can proudly boast that 9 of the 14 winners are from my Third Congressional District.

On that note, I would like to recognize the following winners: Minnesota Thermal Science, SearchAmerica, Nonin Medical, Starkey Laboratories, Digital River, Access Genetics, XATA Corporation, and Laurie Toll from Maple Grove schools.

Madam Speaker, their accomplishments are proof positive that the spirit of American innovation and entrepreneurship is alive and well in Minnesota. I am proud to recognize these Minnesota companies and individuals for their hard work, and I congratulate them on their 2009 Tekne Awards.

DEMOCRATS COMPLAIN BUT DO NOTHING

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. You know, I get a big kick, Madam Speaker, out of my colleague from Virginia when he comes down and starts talking about that we're not for clean energy and we're not for solving the problems of the environment when the Democrat Party will not do anything to allow us to drill in the ANWR, offshore on the Continental Shelf, and use natural gas, which is a clean-burning fuel. They won't allow nuclear energy in this country. They think that the nuclear energy problem is bigger than the environmental problem, when 75 percent of the energy created in France is nuclear energy in a very safe way.

So I get a big kick out of my colleagues on the other side of the aisle complaining about how we're not for clean energy and helping clean up the environment when they won't do a darn thing to move in that direction by using natural gas, drilling for it when we have a 400- to 500-year supply, and actually going ahead with nuclear development in this country. Nuclear energy is the answer. Clean-burning natural gas is the answer, but they won't go along with it, and yet they come down here and complain day after day after day.

TERRORISTS CONTINUE TO THREATEN STABILITY AND FAMILIES IN IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, yesterday, cowardly homicide bombers murdered over 100 people in two car bombs in Baghdad, the deadliest mass slaughter in 2 years. The enemies of freedom in Iraq show

they intend to continue to kill innocent civilians to threaten stability in the region and American families.

President Obama correctly praised the courage and resilience of the Iraqi people and their determination to build strong institutions. Secretary of State Clinton made it clear that these terrorists would “not deter Iraqis from administering justice based on the rule of law and carrying out their legitimate responsibilities in governing Baghdad.” And Prime Minister Maliki underlined the need to fight the enemy of Iraq and America, recognizing al Qaeda as perpetrators of this heinous atrocity.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism. We appreciate the Kurdish Regional Government delegation, a dynamic part of Iraq, visiting Washington today.

AMERICAN SOLDIERS KILLED IN AFGHANISTAN

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Madam Speaker, today, we have learned of the passing of two of America's finest soldiers when an improvised explosive device exploded in Afghanistan. Killed was Private First Class Kimble Han or Lehi, Utah, as well as Eric Lembke of Tampa Bay, Florida.

Madam Speaker, I hope we will all pause to give thanks to the men and women who have served in our Armed Forces and that we remember their families and friends.

May God bless these fine soldiers, and may God bless the United States of America.

GOVERNMENT OBESITY

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the first stimulus bill was 1,000 pages long and cost \$1 trillion. We were, in essence, told, Pass this or America is doomed. It was railroaded through before anyone could even read the bill. Now we know why. It wasn't about creating jobs; it was about more government spending. Since then, 3 million more people have lost their jobs, over 15 million people are unemployed, and the unemployment rate just keeps growing.

And so the government's answer is, if at first you don't succeed, try, try again. So the government this year is going to have a second stimulus bill. The Federal Government has already spent more money this year than all previous years in American history combined.

The American people have had about all the big government spending they

can stand. With that kind of government success, it's time to try something else, like cut taxes instead of cutting jobs.

We cannot spend, borrow, and tax our way into more jobs or prosperity; big oppressive government just has proved it. Government needs a health care plan for compulsive, addictive government obesity.

And that's just the way it is.

IT IS TIME TO PASS HEALTH CARE REFORM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Madam Speaker, this very important health care debate couldn't be more timely. H1N1 is raging across America. Many questions are being asked. The Federal Government is working hard to produce the vaccine necessary to protect American families. We find that one in five children are impacted by H1N1.

In Houston, we held a congressional briefing with a number of my colleagues and we saw firsthand the importance of a public-private partnership, i.e., a public option in health care reform. We saw the need for county governments and city governments and clinics working with private pediatricians to help stem the tide of H1N1.

This is a time now to pass health care reform. This is also a time to stay focused on providing the information and, of course, the support in protecting America against the surge, if you will, or the pandemic of H1N1.

Health care is a priority, and we must pass health care reform and focus on working with our local governments and State governments to protect our children in America.

PAY ATTENTION TO THE AMERICAN PEOPLE

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Madam Speaker, recently the nonpartisan Galen Institute commissioned a national survey on the issue of health care; very interesting results.

Seventy-one percent of the American people are opposed to the requirement that all Americans must purchase health insurance or pay a penalty, which is part of the plan that is before this House.

Fifty-eight percent of the American people oppose increasing taxes on the working and middle class in order to help cover the uninsured, most of them strongly opposing that.

And, Madam Speaker, 71 percent of the American people are concerned that their own health insurance will

change if Congress passes health reform as proposed in this Congress.

Madam Speaker, isn't it about time we paid attention to the American people instead of ignoring them?

□ 1930

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

A TALE OF TWO COUNTRIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, Fortune magazine reported on October 20, 2009, a title story, “Big Banks, Take Your Money and Run.”

The New York Times today reported, “As Wall Street has returned to business as usual, industry power has become even more concentrated among relatively few firms.”

A handful of mammoth banks has brought our Nation, our credit system and our economy to its knees. Some call them “too big to fail.” One must ask:

Why should a few big players have so much power that they can force taxpayer bailouts for themselves, can shut off credit and can hold the reins of our economy in their hands?

A handful of firms are gobbling up our money and are killing off smaller banking institutions. Congress and this administration are just letting them do it. My friends, such concentration of financial power is dangerous to our country.

A few Wall Street firms are on the fast track to controlling all banking in this country. Rather than address this by breaking up these banks, some in Washington say they just want to regulate them better. If you believe that, you haven't paid any attention over this last year.

The biggest banks are getting bigger. In fact, a year ago, the biggest ones controlled 30 percent of the deposits in the country, according to Fortune magazine. Now they're up to 37 percent, and they're growing even faster. Here are their names: Bank of America, Wells Fargo, JPMorgan Chase, Citigroup, and PNC. PNC practically has price control power over western Pennsylvania and eastern Ohio right now.

These firms have already shown us that regulations mean nothing to them. They invent loopholes before Washington has even thought of them. Why wouldn't they again? Not all of their activities were by the book either. Fraud is rampant. Yet we cannot

even get a grip on fraud because there are not enough FBI agents to look into mortgage, corporate and securities fraud. We need 1,000 FBI agents, not a few hundred, to untangle what has really been going on.

Americans have a right to be angry about being cheated out of their money, their homes and their jobs; but how long will Congress and the administration tiptoe around the power grab? Wall Street goes right on, seizing all they can get their hands on, and they are holding onto the money so tightly they're not lending it. They're buying up one another and the smaller banks, rewarding themselves quite handsomely.

There is a clear solution: Break them up. It's overdue. The Governor of the Bank of England says to break them up. Why not? Why are we protecting Wall Street's bad boys?

Another terrible precedent: rewarding more hazard rather than preventing it. We've been there before, and look where it got us now. This brings to mind Charles Dickens' 19th-century English masterpiece, "A Tale of Two Cities," except this is the United States, and it is the 21st century, and it is a tale not of two cities but of two countries.

There is one country where the giant banks are making so much money that they are setting aside enough to pay each worker in their investment banking division a bonus of \$353,834. That country is Wall Street. The other country, where I come from—Toledo, Ohio and places like it—is where the median household annual income is not even one-tenth of what they get as bonuses. Our median income is \$35,216. That's not even one-tenth as much as JPMorgan Chase is setting aside just for bonuses for its investment banking employees.

In one country, banks make themselves too big to fail. They privatize their profits and they socialize the losses. In the other country, which I represent, families, which are too small to matter, lose their jobs to globalization and their homes to foreclosure.

In the other country, where I live, the unemployment rate exceeds 13 percent. Housing values have fallen more than 10 percent in a single year, and foreclosures are up 94 percent. The mortgage workouts Congress promised with all of those bills that were rushed through here are just an illusion. They're not happening.

There is something really wrong with this picture. There is something really wrong with our economy.

Even one of the Wall Street analysts picked up on it. He was quoted by the AP as saying, "Wall Street is picking up quite smartly while Main Street continues to suffer." Do you mean someone up there has finally noticed?

Madam Speaker, there is a solution here: Break them up. It's long overdue.

[From the New York Times, Oct. 26, 2009]
TRYING TO REIN IN "TOO BIG TO FAIL"
INSTITUTIONS

(By Stephen LaBaton)

WASHINGTON.—Congress and the Obama administration are about to take up one of the most fundamental issues stemming from the near collapse of the financial system last year—how to deal with institutions that are so big that the government has no choice but to rescue them when they get in trouble.

A senior administration official said on Sunday that after extensive consultations with Treasury Department officials, Representative Barney Frank, the chairman of the House Financial Services Committee, would introduce legislation as early as this week. The measure would make it easier for the government to seize control of troubled financial institutions, throw out management, wipe out the shareholders and change the terms of existing loans held by the institution.

The official said the Treasury secretary, Timothy F. Geithner, was planning to endorse the changes in testimony before the House Financial Services Committee on Thursday.

The White House plan as outlined so far would already make it much more costly to be a large financial company whose failure would put the financial system and the economy at risk. It would force such institutions to hold more money in reserve and make it harder for them to borrow too heavily against their assets.

Setting up the equivalent of living wills for corporations, that plan would require that they come up with their own procedure to be disentangled in the event of a crisis, a plan that administration officials say ought to be made public in advance.

"These changes will impose market discipline on the largest and most interconnected companies," said Michael S. Barr, assistant Treasury secretary for financial institutions. One of the biggest changes the plan would make, he said, is that instead of being controlled by creditors, the process is controlled by the government.

Some regulators and economists in recent weeks have suggested that the administration's plan does not go far enough. They say that the government should consider breaking up the biggest banks and investment firms long before they fail, or at least impose strict limits on their trading activities—steps that the administration continues to reject.

Mr. Frank, Democrat of Massachusetts, said his committee would now take up more aggressive legislation on the topic, even as lawmakers and regulators continue working on other problems highlighted by the financial crisis, including overseeing executive pay, protecting consumers and regulating the trading of derivatives.

Illustrative of the mood of fear and anger over the huge taxpayer bailouts was Mr. Frank's recent observation that critics of the administration's health care proposal had misdirected their concerns. Congress would not be adopting death panels for infirm people but for troubled companies.

The administration and its Congressional allies are trying, in essence, to graft the process used to resolve the troubles of smaller commercial banks onto both large banking conglomerates and nonbanking financial institutions whose troubles could threaten to undermine the markets.

That resolution process gives the government far more sweeping authority over the institution and imposes major burdens on

lenders to the companies that they would not ordinarily face when companies go into bankruptcy instead of facing a takeover by the government.

Deep-seated voter anger over the bailouts of companies like the American International Group, Citigroup and Bank of America has fed the fears of lawmakers that any other changes in the regulatory system must include the imposition of more onerous conditions on those financial institutions whose troubles could pose problems for the markets.

Some economists believe the mammoth size of some institutions is a threat to the financial system at large. Because these companies know the government could not allow them to fail, the argument goes, they are more inclined to take big risks.

Also, under the current regulatory structure, the government has limited power to step in quickly to resolve problems at nonbank financial institutions that operate like the failed investment banks Lehman Brothers and Bear Stearns, and like the giant insurer A.I.G.

As Wall Street has returned to business as usual, industry power has become even more concentrated among relatively few firms, thus intensifying the debate over how to minimize the risks to the system.

Some experts, including Mervyn King, governor of the Bank of England, and Paul A. Volcker, the former chairman of the Federal Reserve, have proposed drastic steps to force the nation's largest financial institutions to shed their riskier affiliates.

In a speech last week, Mr. King said policy makers should consider breaking up the largest banks and, in effect, restore the Depression-era barriers between investment and commercial banks.

"There are those who claim that such proposals are impractical. It is hard to see why," Mr. King said. "What does seem impractical, however, are the current arrangements. Anyone who proposed giving government guarantees to retail depositors and other creditors, and then suggested that such funding could be used to finance highly risky and speculative activities, would be thought rather unworldly. But that is where we now are."

The prevailing view in Washington, however, is more restrained. Daniel K. Tarullo, an appointee of President Obama's, last week dismissed the idea of breaking up big banks as "more a provocative idea than a proposal."

At a meeting Friday at the Federal Reserve Bank of Boston, the Federal Reserve chairman, Ben S. Bernanke, said in response to a question by a former Bank of England deputy governor that he would prefer "a more subtle approach without losing the economic benefit of multifunction, international firms."

Republican and Democratic lawmakers generally agree that the "too big to fail" policy of taxpayer bailouts for the giants of finance needs to be curtailed. But the fine print—how to reduce the policy and moral hazards it has encouraged—has provoked fears on Wall Street.

Even before Mr. Frank unveils his latest proposals, industry executives and lawyers say its approach could make it unnecessarily more expensive for them to do business during less turbulent times.

"Of course you want to set up a system where an institution dreads the day it happens because management gets whacked, shareholders get whacked and the board gets whacked," said Edward L. Yingling, president of the American Bankers Association.

"But you don't want to create a system that raises great uncertainty and changes what institutions, risk management executives and lawyers are used to."

T. Timothy Ryan, the president of the Securities Industry and Financial Markets Association, said the market crisis exposed that "there was a failure in the statutory framework for the resolution of large, interconnected firms and everyone knows that." But he added that many institutions on Wall Street were concerned that the administration's plan would remove many of the bankruptcy protections given to lenders of large institutions.

[From CNNMoney.com, Oct. 20, 2009]

BIG BANKS TAKE YOUR MONEY AND RUN

THE TITANS THAT SURVIVED LAST YEAR'S TUMULT HAVE GATHERED DEPOSITS BY THE BUSHEL. BUT THEY HAVE SHOWN LESS OF A KNACK FOR LENDING IT OUT

(By Colin Barr)

NEW YORK.—A river of cash has flowed into the biggest banks over the past year. But for borrowers, it has been more of a meandering stream.

Deposits at the top five bank holding companies soared 29% in the year ended June 30, according to the Federal Deposit Insurance Corp.

Yet only one of those banks—PNC (PNC, Fortune 500) of Pittsburgh—boosted its lending by the same magnitude, according to midyear data from regulatory filings.

At Bank of America (BAC, Fortune 500), JPMorgan Chase (JPM, Fortune 500) and Wells Fargo (WFC, Fortune 500), loan growth trailed deposit growth by a wide margin.

And Citigroup (C, Fortune 500), the bank that has received the most federal aid since the market meltdown of September 2008, reported a decrease in lending despite an increasing pool of deposits.

All told, the five biggest deposit-taking banks added \$852 billion in core deposits over the past year—essentially checking and savings accounts of less than \$100,000.

Over the same period, their loan portfolios rose by just \$564 billion.

This is noteworthy because these five banks received more than \$100 billion in direct taxpayer assistance via the Troubled Asset Relief Program (TARP)—a program that was set up to replenish the depleted capital levels of banks and allow them to boost lending to consumers and small businesses.

Some fear the lending gap could hamper chances of an economic recovery.

Federal Reserve governor Daniel Tarullo told Congress this month that commercial bank lending has declined through most of 2009, "with particularly severe consequences for small- and medium-sized businesses, which are much more dependent on banks than on the public capital markets that can be accessed by larger corporations."

Of course, the slower loan growth is hardly a shocker. Loan demand naturally drops off during a recession, as consumers and businesses pay down debt and build cash reserves.

The latest Fed senior loan officer opinion survey cited weaker demand for all sorts of loans—particularly industrial loans and commercial real estate loans.

JPMorgan Chase spokesman Tom Kelly "said that's why the bank's loan growth lagged its deposit growth."

"We continue to lend, but what happened in the market and the economy last year really spooked a lot of people. So they started parking cash at banks," he said.

Banks have also been reluctant to lend since they have been taking big hits as existing loans go sour as well.

Commercial net loan charge-offs hit 2.06% in the second quarter—their highest level since the government started tracking the data in 1988, according to the Federal Financial Institutions Examination Council.

Still, evidence that the banks are sitting on cash won't sit well with the growing chorus of bailout critics.

Big banks have come under fire for resisting plans to reduce the risk of another financial sector meltdown and for handing out huge pay packages at a time when jobs are disappearing.

Last week's disclosure that Goldman Sachs (GS, Fortune 500) has set aside \$16.7 billion for employee pay this year inflamed critics who question why bankers should reap the fruits of unlimited taxpayer support while the unemployment rate is at a 26-year high.

Many of the deposit gains came after big banks took over weakened competitors during last year's crisis.

JPMorgan Chase bought Washington Mutual after the Seattle-based savings and loan became the nation's largest bank failure.

Bank of America bought Countrywide and Merrill Lynch, both of which owned banks that were among the top 20 in deposits before their acquisition. BofA didn't immediately return a call seeking comment.

Wells Fargo and PNC both bulked up by buying bigger but deeply troubled rivals. Wells acquired Wachovia after it suffered a deposit run, while PNC purchased National City after its request for TARP funding was denied. PNC didn't comment.

"We are in fact lending to creditworthy customers," said Wells spokeswoman Julia Tunis Bernard. She said Wells extended \$471 billion in new loan commitments between October 2008 and the end of the second quarter—some 19 times the bank's TARP take.

Even Citi, which sat out last fall's frenzied game of banking musical chairs, still posted double-digit deposit growth as Americans fled other investments for the safety of federally insured banks. Citi didn't reply to a request for comment.

The top five firms—dubbed too-big-to-fail, or TBTF, for their implicit government support—now control 37% of the nation's deposits.

That's well above their average from earlier this decade, reviving questions about the risks of a financial system that's even more concentrated than the one that imploded last fall.

"The TBTF problem has not only moved beyond the banking system, it has become much too costly for taxpayers and the U.S. economy," University of Massachusetts researcher Jane D'Arista wrote in an August paper.

BORDER WAR—THE ZETAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, I bring you news from the second front—the war on the border between Mexico and the United States. Dangerous drug cartels are already in control of major stretches of the U.S.-Mexico border, and they're taking over whole Mexican border towns.

The Zeta drug cartel is the most violent and the most feared of the Mexi-

can drug cartels. Zetas have attacked Mexican towns in military-style operations at platoon-strength numbers. They have massacred hundreds of their competitors, often beheading and dismembering them. They have fought hour-long battles with the Mexican military in the streets of Matamoros. Madam Speaker, Matamoros is a border town on the Rio Grande River across from Brownsville, Texas.

Recently, shots came over that border, hitting buildings and a parking lot at a University of Texas branch in Brownsville. Authorities presumed this violence was from the drug cartels, themselves. The Zetas have moved into Matamoros. They also claim to control Nuevo Laredo, which is across from the Texas town of Laredo.

The Zetas have no fear of the authorities. There is no law or order in any of the towns they control, and they have assassinated police chiefs and local politicians. They own the towns. They have raised terror throughout Mexico—fighting their rivals, the Mexican Army and the police. The success of the Zeta cartel has forced other Mexican drug cartels into an arms race with military weaponry and tactics.

Who are these Zetas, and where do they come from?

Well, the Zetas were formed by deserters from the Mexican Army's veteran elite Airborne Special Forces Group. The Zetas also include former members from the Guatemalan Kaibiles Special Forces organization. We trained them here in America, at the School of the Americas, in the latest and best tactics and weaponry. When they got back home, they deserted from the military, and they went to work for the drug cartels. In essence, they declared war on the Mexican Government, and they became part of what they were trained to fight.

They make a lot more money in trafficking guns, drugs and people than they would ever have in working as a Mexican or a Guatemalan soldier, and they're using superior military training—that training they received at the expense of the United States. Trafficking in drugs, arms and human beings is a very lucrative business. Billions of dollars worth of merchandise is moved across our southern border every year.

The Zeta international trafficking cartel has evolved into a privately funded military army. They have the best military equipment money can buy, and they have transformed into an international gang, working even in the United States. Without a secure southern border, the violence will continue in Mexico, and only those who live in never-never land will think the problem will not get to the United States. The Zetas are an urban guerrilla organization which threatens to topple any semblance of law and order.

According to the Houston Chronicle, the “Zeta gunmen and their accomplices routinely blockade Matamoros’ downtown streets. Last winter, the gangsters mobilized thousands of people to briefly close the region’s bridges across the Rio Grande, halting trade” with the United States into Brownsville.

Now, the administration’s strategy is to look the other way and to pretend it’s not happening. Well, we cannot wish away this threat to public safety and to America’s national security. We must not allow the situation to continue to escalate unchecked, because violence is actually spilling out into the streets of America near our border towns. Our local law enforcement is overwhelmed. The border sheriffs need more assistance. They are not equipped or trained to handle these military-style incursions by the Zetas and by other drug cartels.

While the administration is stalling and deliberating about what to do in Afghanistan, the government is also giving little attention to our southern border, but this is not the first administration to neglect enforcing the rule of law on the southern border. There has been much rhetoric for years from the government about protecting the border, but like my grandfather used to say, “When all is said and done, more is said than done,” and that is especially by the government.

The Nation needs to understand there is a border war on our southern border. Immediate action is necessary, and the United States should conduct training on the southern border with our military. This will help deter incursions. Plus the Governors from Texas and New Mexico have asked for the National Guard to be sent to the border. So more National Guard troops should be sent to protect the dignity and the sovereignty of our Nation, because the first duty of government is to protect the people, to protect us from the invasion of the crime cartels.

The people who live on the border on both sides of the Rio Grande have a right to expect their government to protect them from the Zetas and from all other criminal cartel enterprises which illegally cross the border.

And that’s just the way it is.

H.R. 268—MILITARY CHAPLAINS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Madam Speaker, it is a sad day in America when our chaplains in the military cannot pray according to their faiths and consciences. Our troops are risking their lives in dangerous countries to protect the religious freedoms of others, but our own military does not always permit that

our military chaplains can pray according to his or her faith.

For this reason, I have introduced H.R. 268, which is a bill to ensure that every military chaplain has the prerogative to close a prayer outside of a religious service according to the dictates of the chaplain’s own conscience.

I have spoken with many, many chaplains who have served in conflicts from Vietnam to Desert Storm, and there never was any restriction on chaplains and on how they prayed until the mid-1990s. This suppression of religious freedom, the very principle on which this country was founded, is a pervasive problem that is affecting every branch of our Armed Forces and that is affecting chaplains of every denomination. As of 2008, 76 percent of the chaplains were Protestant, 9 percent Catholic, 1 percent Jewish, and 14.1 percent were of some other faith.

About 5 years ago, I was introduced to the case of Army Captain Chaplain Jonathan Stertzbach, an independent Baptist by training. Chaplain Stertzbach was called to perform a memorial service for a fallen soldier. In that division, he had to e-mail his prayer to the divisional chaplain. In the prayer, the divisional chaplain struck through the words “Jesus Christ.” He sent back the prayer with the strike-through of “Jesus Christ” to Jonathan Stertzbach. Chaplain Stertzbach went to the company commander, and asked permission not to pray.

The company commander says, Why not?

He says, Because I’ve been ordered not to close my prayer as I see fit, based on my conscience, and knowing that the deceased soldier had attended his chapel, a Christian chapel.

So the company commander said to Chaplain Stertzbach, You will pray, and you will pray as you see fit.

He did, and he closed his prayer in the name of his Savior, the Lord Jesus Christ. From that, the divisional chaplain removed Chaplain Stertzbach from his chapel.

In 2005, when I heard this story, I wrote a letter to Lieutenant General Stanley Green, the inspector general of the United States Army, and I asked for an investigation into this case involving Chaplain Stertzbach. I am pleased to say, Madam Speaker, that Chaplain Stertzbach was returned to his chapel. The inspector general found that he should never have been removed.

Madam Speaker, very briefly, I just want to read the bill, which is so simple. This is what it says: to ensure that every military chaplain has the prerogative to close a prayer outside of a religious service according to the dictates of the chaplain’s own conscience.

Madam Speaker, this is a sad day in America. I would be on this floor for a Jewish rabbi. I would be on this floor

for a Muslim who happened to be a chaplain in the military. I hope that my colleagues on both sides of the aisle will look at this bill, because all it says is that you can close your prayer based on your heart, based on the dictates of your faith outside the church on base, even over the body of a dead soldier.

□ 1945

Madam Speaker, as I close, I want to make it clear, because I see my friend on the floor who is of the Muslim faith, that I would be on this floor tonight for a Muslim chaplain who was told that he, an imam, could not close a prayer based on their faith.

Madam Speaker, I close by asking God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in our uniform. I ask God in His loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq.

Madam Speaker, I ask God to give wisdom, strength and courage to the President of the United States. And I ask three times, God, please, God, please, God, please continue to bless America.

FEBRUARY 6, 2005.

Department of the Army,
*The Inspector General, 1700 Army Pentagon,
Washington, DC.*

DEAR LTG STANLEY GREEN: It has come to my attention that in all branches of the military it is increasingly difficult for chaplains to pray in adherence to their faith. I have read reports, received letters, and seen documentation which verifies that suppression of religious freedom throughout our Armed Forces is a pervasive problem, affecting military chaplains from all denominations and religions. Of particular concern is an incident involving Army Captain Chaplain Jonathan Stertzbach of the 3-6 FA HHB in Iraq. I am writing to request that the Army Inspector General investigate whether Chaplain Stertzbach was illegally removed from his chapel.

This chaplain who is serving our troops in harm’s way in Iraq was asked by another unit, whose chaplain had to return home to start chemotherapy after cancer was discovered, to serve the spiritual needs of the unit’s soldiers in weekly movement to an undisclosed FOB (Forward Operating Base) as well as his own battalion. During one of the missions, tragically, one of the soldiers was killed in action. The unit’s Commanding Officer asked this chaplain to perform the memorial ceremony because he had bravely served the soldiers, and gone to the risk of conveying to the FOB (Forward Operating Base) weekly.

Before the memorial ceremony, the chaplain submitted two prayers and a meditation for the Division Chaplain and his direct supervising chaplain to review and was approved. The Brigade Chaplain, having just arrived from Fort Drum, attempted to remove the chaplain from administering the prayers of the memorial ceremony because he concluded his prayer in the name of Jesus Christ in a public forum. The chaplain, adhering to his conscience and faith tradition, said he would not strike the words Jesus Christ.

The unit’s Commanding Officer intervened, explaining that Chaplain Stertzbach volunteered to serve a different unit outside of his

assigned unit and placed his life in harm's way to provide for the needs of the unit's soldiers. The Commanding Officer instructed that Chaplain Stertzbach would pray according to his faith tradition and the prayers that he had already submitted. The Brigade Chaplain told him to qualify his prayer at the beginning with "Please pray according to your faith tradition, as I pray according to mine" and then close the prayer with "in thy name we pray, and in Jesus' name I pray." Chaplain Stertzbach delivered the memorial meditation and prayers for the fallen hero, but still followed orders with the 'qualifier' remaining in place.

After the incident, Chaplain Stertzbach's story reached the media. The Chaplain was directly contacted by the Washington Times and referenced in a Washington Times January story. Chaplain Stertzbach's incident was not printed, but he was quoted as saying the following:

"You need to allow people to pray according to their faith group. Many faith groups do not pray in general and generic terms. . . . For Christian groups, the name of Jesus is from where all the power comes."

I believe Chaplain Stertzbach answered questions fairly, accurately, and within his legal rights. Consequently, his answers to the media and the incident surrounding the memorial ceremony resulted in Chaplain Stertzbach's removal from his chapel.

I am concerned that Chaplain Stertzbach was removed without justification. Again, I am requesting that you investigate this incident and provide an explanation.

Sincerely,

WALTER B. JONES,
Member of Congress.

TRI-CAUCUS WELCOMES ALL INTERNS AND STAFF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. ELLISON) is recognized for 5 minutes.

Mr. ELLISON. Madam Speaker, I come here to read a statement that was recently issued by an organization here in our own Congress, our own body, known as the Tri-Caucus. The Tri-Caucus includes members of the Black Caucus, Hispanic Caucus and the Asian Caucus, and is made up of about 87 Members of this body.

The statement says as follows:

"Four of our colleagues, Representatives JOHN SHADEGG of Arizona, PAUL BROUN of Georgia, TRENT FRANKS of Arizona and SUE MYRICK of North Carolina recently requested the House Sergeant at Arms to launch an investigation of the civil rights group CAIR, or Council on American-Islamic Relations, to determine whether it was placing staff and interns in key congressional offices who they fear are acting as 'spies.'"

"This proposed investigation coincides with the launch of a book by Dave Gaubatz, an anti-Islamic activist and author of the book 'Muslim Mafia: Inside the Secret Underworld that's Conspiring to Islamize America.' It features an introduction by Representative MYRICK and was written after Gaubatz posed as an intern at CAIR in an effort to 'infiltrate' the group.

"These charges smack of an America 60 years ago where lists of 'un-American' agitators were identified. We should be affirming the importance of diversity and tolerance for all interns and staff who serve in Congress without suspicion of being identified as 'spies.'"

"The idea that we should investigate Muslim interns as spies is a blow to the very principle of religious freedom that our Founding Fathers cherished so dearly. If anything, we should be encouraging all Americans to engage in the U.S. political process, to take part in, and to contribute to, the great democratic experiment that is America."

"We all have experienced the sting of discrimination and we know that there will be challenges ahead. But our message should be firm that the America we believe in welcomes people of all backgrounds to the U.S. Congress."

"We ask these charges be disavowed and we issue a hearty welcome to interns and staff of all creeds, color, ethnicities and sexual orientation."

I read this statement and will submit it for the RECORD and again thank the leadership of the Tri-Caucus, Congresswoman BARBARA LEE, Congresswoman NYDIA VELÁZQUEZ and Congressman MIKE HONDA. I thank all of them.

IRAN SANCTIONS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, on Wednesday, the House Committee on Foreign Affairs will hold a long-overdue markup of the Iran Refined Petroleum Sanctions Act. Some of our colleagues are focusing exclusively on Iran's nuclear ambition, as it was the nuclear program in itself that was the catalyst for the concern.

But if Iran were comprised of a responsible, democratic government, would we be as apprehensive about their nuclear activities? Of course not. But we are talking about an Iranian regime which just this year conducted two missile tests and continues to work on the range of its missiles and on enabling them to carry a nuclear payload. We are talking about a regime whose leaders throughout the years have made it abundantly clear that they will stop at nothing to destroy the Jewish State of Israel. We are talking about an Iran which for nearly three decades has been designated by our U.S. Department of State as the world's leading state sponsor of global terrorism. The clerical regime is fomenting bloodshed and promoting chaos in the West Bank and Gaza and Lebanon and the Persian Gulf, as well as in Iraq, where it is actively assisting in the murder of our U.S. soldiers.

On the battlefields of Afghanistan, Iran is also playing a deadly subversive

role. As early as 2002, allegations emerged that Iran was supporting insurgent groups in Afghanistan, including its former archenemy, the Taliban. However, the first significant report of Iranian weapons in Afghanistan came in April of 2007. Then-chairman of the Joint Chiefs of Staff, General Peter Pace, announced: "We have intercepted weapons in Afghanistan headed for the Taliban that were made in Iran."

Since 2007, several large shipments have been seized near the Iranian border. U.S. officials say that Iranian-made weapons have been found in Afghanistan and used by Taliban-led insurgents. These weapons have included Tehran's signature roadside bomb, the explosively formed penetrator, EFP, AK-47s, as well as C-4 plastic explosives and mortars.

On August 29 of this year, just a few days before General McChrystal submitted his request to this administration, Afghan and NATO forces uncovered a weapons collection in Herat with EFPs, Iranian-made rockets and dozens of blocks of Iranian C-4 plastic explosives.

In the August 2009 declassified, leaked version of his assessment, General Stanley McChrystal stated that: "Iran plays an ambiguous role in Afghanistan, providing developmental assistance and political support to the Afghan government while the Iranian Qods force is reportedly training fighters for certain Taliban groups and providing other forms of military assistance to insurgents."

We cannot allow Iran to undermine U.S. efforts and kill our soldiers in Afghanistan. We cannot allow Iran to return Afghanistan to the status of a failed state and pave the way for attacks against the West using Afghanistan as its launching pad. We cannot allow Iran to develop nuclear weapons capabilities which threaten the United States and our allies.

If we are to be vigilant in protecting the lives of our men and women—military and civilian—in Afghanistan, we must increase the pressure on the Iranian regime and impose immediate sanctions on Iran. This should be our first option.

We don't have the luxury of time, to wait for an eventual Iranian response to U.S. diplomatic overtures. We cannot wait for the U.N. Security Council to come around. We cannot wait for our European and other allies to decide to do the right thing. The United States must lead by example. It is time to cut off the Iranian regimes's economic lifeline. As such, we should not stop at this week's Foreign Affairs Committee markup.

I urge the majority to bring the strongest possible form of the Iran Refined Petroleum Sanctions Act to the floor next week for a vote, followed by quick Senate action so that it gets to the President's desk before the end of the year. We must do this now.

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Madam Speaker, I came to Congress with a purpose, a purpose of working to preserve the way of life that we live in Kansas. I was born and raised in Kansas, and my home and family are still in Kansas. I never moved to Washington, D.C. because I love the sense of community and belonging that Kansas communities offer. Access to quality, affordable health care is one of those things that determine whether our communities survive and whether we have a future. This is why the current health care reform debate is so important to me, and I am extremely concerned about the direction that we are going.

During his campaign, President Obama stressed transparency and accountability in the health care debate. He said, I'm going to have all the negotiations around a big table and that the negotiations will be televised on C-SPAN so that people could see who is making the arguments on behalf of their constituents and who is making the arguments on behalf of drug companies or insurance companies.

But now the transparency that the President promised us is nowhere to be found, as several Democrat senators and White House staff hole themselves away to draft the health care reform bill behind closed doors. I understand the Democrats' desire to merge the two Senate committee bills, but this process concerns me because in this closed office, the future of health care for Kansans is being decided.

Does this small group understand the problems that cutting Medicare reimbursement rates will pose for Kansas hospitals, doctors, nurses and other health care providers? Kansas hospitals operate on razor-thin margins because they are already dramatically underpaid by Medicare. If these rates are further reduced, as the current reform bills propose, Kansas hospitals may be forced to close and access to health care for Kansans will be reduced.

Is this small group considering commonsense ideas that have been proposed by Members of Congress on both sides of the aisle that would make quality coverage more affordable and more accessible for more Americans? Some of those ideas that we have talked about include placing as much emphasis on wellness as we do on illness by giving employers and insurers flexibility to reward individuals who improve their health and manage their disease; encouraging medical students to become primary care physicians and nurses and incentivizing them to care for patients in underserved communities; permitting the sale of insurance across State lines, establishing high

risk pools and reinsurance pools to address preexisting conditions and providing incentives to low-income families to retain or purchase private health insurance that best meets their needs; reforming our medical liability system to reduce frivolous lawsuits that lead to inflated insurance premiums and the practice of defensive medicine; encouraging health care savings by offering individuals health savings accounts that enable families to take ownership of their health; and upgrading our outdated health records system through the use of new technology to streamline costs and reduce medical errors.

It is my hope that these issues are being addressed as the President and Democrat leaders craft the health care reform bill. I have traveled across my State, and I have heard many Kansans who have worries. They are concerned about their health care and about the future of their State and country. Kansans and all Americans deserve to know what their Representatives are voting on, and they deserve the assurance their business will be conducted in a deliberate and open way.

The President has expressed a desire to explore a wide range of options for health care reform. Kansans want commonsense reforms that enhance our current system and reduce health care costs. What we do not want is the trillions in new deficit spending, reduced choices for patients and doctors, and increased power in Washington D.C.

Health care reform must address the underlying reasons that health care costs keep increasing. We lower costs through reforms that eliminate the unnecessary overspending in our current system, not by shifting the costs of health care to taxpayers and mortgaging our children's future with exploding budget deficits.

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, sometimes I get so angry when I hear some of the things that are coming out of the Congress, I can hardly believe it, especially when we are talking about misinformation.

I would never impugn the integrity of my colleagues, but I have to tell you, it really bothers me when people like the Speaker of the House and the Majority Leader of the United States Senate give inaccurate information out and cite it as fact when in fact it isn't true. It's not true at all.

For instance, the Speaker of the House said, I'm very pleased that Democrat leaders will be talking, too, about the immoral profits being made by the insurance industry and how those profits have increased in the

Bush years. She went on to say that she welcomed the attention being drawn to insurers and their obscene profits.

I am not here to defend everything that the insurance industry does. Obviously there are a lot of things that we need to do to help solve the problems of health care. But misleading the American people by giving false information isn't the answer. Last year, the health insurance industry made a profit of about 2 percent, way down the list as far as corporate America is concerned. Over the past several years, the profit margin made by the health insurance industry runs around 5 to 6 percent, way down to the bottom of where corporate America ranks as far as making profits are concerned.

Yet the Majority Leader of the Senate and the Speaker of the House said that they're making obscene profits, and they're doing that to try to demonize the industry so they can ram through a public option that the American people really don't want. They don't want government coming between them and their doctor; and the way to start getting people to jump on the bandwagon is to give them misinformation.

□ 2000

Obviously the cost of health care has gone up. Obviously health care premiums have gone up. And yet they say, well, the reason for that is because the health industry is making these huge profits, obscene profits. Two percent? Two percent? It is not true. It is just not true that they are making obscene profits.

Now, we need to do something to solve the problem of health care. We need to lower the cost of health insurance. We need to come up with alternatives, such as medical savings accounts like my colleague just talked about here. We need to be able to buy insurance across State lines. There is a whole host of things we need to do. But misleading the public is not the answer.

That is not the only thing that really bothers me. The administration and the leadership in the House and Senate continues to try to do everything they can to dissuade people from believing the truth and believing what is really not true, to shut off debate, to shut off the First Amendment rights of people in this country.

For instance, right now, they tried to push through a gag order on Medicare Advantage companies. Humana was sending out to their policyholders information about what was going to happen if the public option passed. And what happened? There was a gag order requested by the Finance chairman of the Senate, requested by the Finance chairman of the Senate, so they couldn't get that information out. Well, the gag order was removed, but

the fact of the matter is they tried to stop the people from getting the facts, and that is just wrong. It is wrong. It is not up to the quality that we should expect of our legislators. Nevertheless, they tried to do that.

Now the administration is trying to put the hammer on the Chamber of Commerce, the U.S. Chamber of Commerce, which is the backbone of the free enterprise system in this country, in part, at least. The business and industry people of this country look to the Chamber of Commerce to give guidance to the government wherever necessary so they can work together with the government to come up with ways to make sure that the free enterprise system continues to work.

Because the Chamber of Commerce does not agree with the public option, does not agree with cap-and-trade and some other things, the administration is saying, oh, my gosh, they are bad. They are the demons. The U.S. Chamber of Commerce. Can you believe that? I can't. How far is the administration willing to go? How far is the Speaker of the House willing to go? How far is the majority leader of the Senate willing to go in misleading the American people by giving false information out? I think it is just dead wrong.

Then they are talking about doing something about the Fairness Doctrine, to shut down conservative talk radio.

An attempted boycott of Fox News, Rush Limbaugh, and Glenn Beck;

Congressional action to take away the anti-trust exemption from insurance companies;

A Gag Order on Medicare Advantage companies;

Reports in Politico about how the White House is seeking to limit the voice of the United States Chamber of Commerce;

Efforts by the Federal Election Commission to resurrect the so-called fairness doctrine to shut down conservative talk radio; and

The President himself saying he was going to keep a list of bondholders who didn't agree to the government takeover of GM or Chrysler.

My time may have expired, but I will be back, because we need to tell the American people the truth, the truth.

Madam Speaker, I include the following for the RECORD.

[From *The American Spectator*, Feb. 18, 2009]

OBAMA'S ENEMIES LIST

(By Mark Hyman)

After the Democratic convention, Obama campaign lawyer Robert Bauer warned TV stations against airing a TV ad that was embarrassing to Barack Obama. The commercial focused on the longtime relationship between Obama and Weather Underground terrorist Bill Ayers. Bauer sent letters to the Justice Department imploring the agency to pursue criminal action against those behind the ads. It was not lost on anyone at that time that Bauer was considered a candidate to be the next U.S. Attorney General.

A team of Obama campaign operatives, joined by major news outlets, descended on Wasilla, Alaska immediately after Governor Sarah Palin was introduced as Senator John

McCain's running mate. This was immediately followed by patently false reports claiming Palin imposed book bans, joined a fringe political party, charged rape victims for emergency room treatment and cut funding for special needs children.

In late August, the Obama campaign emailed an "Obama Action Wire" to thousands of supporters and liberal activists exhorting them to harass the offices of Chicago's WGN radio by flooding the station with angry phone calls and emails. Activists screamed insults to call-in screeners. The radio station's offense was that a long-time, respected radio host had the temerity to interview Ethics and Public Policy Center watchdog Stanley Kurtz. Kurtz had uncovered university records that documented a much closer relationship between Obama and Ayers than the presidential candidate had previously disclosed.

A few weeks later, state prosecutors and top sheriffs in Missouri who were prominent Obama supporters responded to a chilling Obama campaign request. They styled themselves as a "truth squad" and threatened to prosecute anyone including media outlets that printed or broadcasted material they deemed to be inaccurate about the Illinois Senator.

Obama contributors in the Justice Department's Civil Rights section (headed by \$2,000 Obama donor and former ACLU attorney Mark Kappelhof) urged preemptive prosecution of individuals the Obama campaign believed might disrupt the November election. A cited example of anticipated disruption was to send mailings of a non-violent nature addressing voting issues unfavorable to Obama.

In October, a question from a middle-class voter resulted in an answer from Obama indicating the Democratic nominee was in favor of "spread[ing] the wealth around." This voter became the symbol of middle-class America and Obama's response the touchstone of his neo-Marxist policies. Immediately thereafter, Democratic Ohio state officials scoured government data bases and confidential records in an effort to find embarrassing information on "Joe the Plumber" (e.g., he is divorced) that quickly found its way into the press.

In the final days of the campaign, three newspapers that had endorsed McCain were booted from the Obama campaign bus. The New York Post, Dallas Morning News, and Washington Times were unceremoniously shown the door only days after their papers' endorsements appeared. Obama campaign officials claimed the move was to make room for more important media outlets: Jet and Ebony entertainment magazines. Both publications were publishing fawning coverage of Obama.

Those heartened by the hope that a President Obama would be more tolerant of critics and criticism than a candidate Obama had their expectations dashed. In only his third full day as the 44th president Obama personally went on the offensive against a media personality. On January 23rd, Obama warned Congressional Republicans against listening to Rush Limbaugh. The man who offered to sit down with Holocaust denier and Iranian President Mahmoud Ahmadinejad without any preconditions whatsoever views an American radio talk show host as a dangerous threat.

In precedent-setting action, Obama moved his director of political affairs, a highly partisan post, from the Old Executive Office Building into the West Wing. Political operative Patrick Gaspard was given White House

access not experienced by his predecessors. Obama official Shauna Daly, a non-lawyer and career opposition researcher described as a "partisan dirt-digger," was assigned to the White House counsel office. The move signals not only a new low in partisan activities, but suggests the office assignment may be intended to hide Daly's political activities under the guise of the counsel's attorney-client privileges.

What America witnessed before the election and mere hours after Obama was sworn into office is just a sampling of what Americans can likely expect throughout an Obama presidency. One cannot help but reach the conclusion an Obama Enemies List is already being compiled and free speech restrictions are being considered. Fortunately for Obama he has no shortage of Congressional foot soldiers to help in his cause to muzzle critics and silence news outlets that refuse to adhere to Democratic talking points that are faxed directly into the network newscast teleprompters.

On Election Day, Senator Chuck Schumer likened conservative talk radio to pornography and argued it should be regulated. House Speaker Nancy Pelosi endorsed speech restrictions more than once during the election season. Senators Harry Reid, Dick Durbin and John Kerry have also advocated various limits to political speech. Senator Debbie Stabenow assured a liberal radio talk show host that regulating conservative speech is imminent. House Commerce Committee Chairman Henry Waxman is reportedly working on speech restrictions with acting FCC Chairman Michael Copps.

Imagine the gross violations against political speech that may very well occur when there are no checks and balances from a sycophantic Congress and there is complicity from the national news gatekeepers. The public may be very surprised at the lengths the Obama Administration may pursue to silence critics. Moreover, the self-anointed Praetorian Guard of the First Amendment will conveniently develop a case of amnesia regarding on which side of the debate they fall when it comes to press freedoms. Do not expect to see the New York Times editorialize against Obama and the Congress when it comes to protecting free speech rights aside from its own and that of like-minded, liberally biased press outlets.

The Clinton White House had its own enemies list and engaged in dirty practices that clearly broke the law. Clinton enemies audited by the IRS included Paula Jones, Juanita Broaddrick, Gennifer Flowers, White House Travel Office Director Billy Dale and the independent watchdog group, Judicial Watch, just to name a few.

Early in Clinton's first term, staffers improperly squirreled away more than 400 FBI files on prominent Republicans. This gave the Clintons access to confidential information on key Republicans they viewed as political threats.

Just weeks after the Monica Lewinsky broke in early 1998, then-Deputy Attorney General (and current Attorney General) Eric Holder engineered a federal grand jury investigation of *The American Spectator*. The magazine had long been a very successful critic of both Clintons, having broken several stories embarrassing for the President and First Lady. Fourteen months later, the federal prosecutor dropped the probe without filing any criminal charges. The probe may have achieved its purpose as it nearly bankrupted the magazine.

Much has been made by the political left of Richard Nixon's infamous enemies list. The

reality is while there was a Nixon's enemies list most of the names were those who did not receive presidential Christmas cards or White House reception invitations. This was a hardship that even the most vulnerable in American society could easily withstand.

The heavy-handed actions against Obama critics and opponents that occurred before he had government institutions firmly under his control should have had public interest watchdog groups up in arms. Because so many of such groups are ideologically aligned with Obama may explain why there was not even a peep. Conservative and balanced news outlets have the disturbing habit of holding accountable liberal public interest organizations that engage in dishonest or deceptive practices that the major news organizations just so happen to overlook.

How soon and how far the Obama Administration will extend its attacks against its critics and the political opposition may become evident in the days ahead. Spared any serious scrutiny by most news outlets during his very brief career in public office, Barack Obama has displayed an exceptionally thin skin when he has come under a microscope or when he has suffered political and public relations setbacks.

THE CLAIMS

"I'm very pleased that (Democratic leaders) will be talking, too, about the immoral profits being made by the insurance industry and how those profits have increased in the Bush years."—House Speaker Nancy Pelosi, D-Calif., who also welcomed the attention being drawn to insurers' "obscene profits."

CONTROLLING THE DEFICIT

THE SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGELIS) is recognized for 5 minutes.

Mr. INGLIS. Madam Speaker, we are looking at some scary numbers. Just in time for Halloween, we have the budget deficit numbers in; \$1.42 trillion for this year and an accumulated debt of \$13 trillion.

Now, this has happened before. We have been in a spot before with historical debt levels shown here on this chart. You can see after World War II we actually reached nearly 110 percent of GDP. Our debt was nearly 110 percent of GDP. But, as you can see, it has gone down, and now it is trending way high.

There is a big difference between this historical debt and the debt that we are experiencing now, because the question is: Who did we owe it to? After World War II, we owed 95 percent of the debt to ourselves. The U.S. public held 95 percent of the United States debt in 1945. Today, in 2009, only 54 percent is held by the U.S. public. China is holding 11 percent, and other foreign countries are holding 35 percent. So nearly 50 percent of our debt is owed to other countries. It is quite different than the scenario after World War II.

It is a shame, Madam Speaker, that we didn't adopt the more significant budget cuts of the Republican Study Committee budgets. Had we done that over the last 5 years, we would now be

looking at \$613 billion less in spending. We would have saved \$613 billion by enacting those most conservative budgets offered on this House floor.

If this keeps up, what we have got now is government spending now as a percentage of GDP, as you can see here under the Obama approach, fiscal year 2010 budget, with the out years being reflected in the long-term fiscal scenario of CBO, you can see that government spending as a percentage of GDP actually rises to nearly 50 percent, 50 percent of GDP being government spending. Under the Republican alternatives, you can see that we trend down after this most recent uptick, and we get down to the level of somewhere around 18 percent of GDP as a percentage of government spending.

Madam Speaker, I am here to say to my colleagues that we must do something. These are scary numbers, and we have got to act.

The key is to get to fiscal restraint and economic growth. Those things have to happen simultaneously. You do that by keeping taxes low, keeping regulation light, and getting litigation down. You do that by making wise energy policy that makes it so that energy can be the new tech boom that leads us out of the current recession.

I happen to believe that the road to recovery and the road to energy independence are one and the same. If we get on that road, we can lead our way out of this recession.

I happen to believe, too, that the upstate of South Carolina has a lot to offer in paving that road, making it so we can get to balanced budgets by economic growth and fiscal restraint, and improve the national security of the United States by breaking this addiction to oil, by finding these new sources of energy and making it so we can create jobs.

Madam Speaker, that is what we should be about here. I hope we can get to it.

THE NEW PELOSIAN CALENDAR

THE SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, tonight, I want to talk just briefly on the calendar, a little bit of historical note.

Julius Caesar took over the chaotic Roman calendar because, as Matt Rosenberg of About.com said, it was being exploited by politicians and others for their own political purposes and it had the effect of adding additional days, because in certain ways changing the timing of things made a difference politically.

So Julius Caesar, in the year 46 BC, established what we have been calling for years the Julian calendar. The Julian calendar was an improvement over

the Roman calendar, except for one thing; it was 11 minutes and 14 seconds too slow, and that added up to a full day off every 128 years.

Well, for a number of centuries, it didn't mean anything. But, over time, it meant something. And what happened was in the year 1582, the Pope, Pope Gregory XIII, concerned that Christianity's most important dates were falling behind with respect to the calendar, particularly Easter, which was based on the date of the vernal equinox, believed what we had to do was to adjust that calendar. So he issued what is known as a Papal bull establishing the new calendar, which actually corrected, fairly well, the problem. It would be comprising 365 days, with every fourth year adding an additional day, but no leap year in years ending in 00 unless they were divisible by 400.

Now, I am not a mathematician. I can't tell you how that works out, but it pretty near makes it perfect. The problem was, of course, there was a cleavage between the Catholics and the Protestants. So the Catholic countries adopted that in 1582.

It wasn't until 1752 that Great Britain decided to follow. As a matter of fact, that is a famous day in English history, because the British Calendar Act of 1751 meant that people went to bed on Wednesday, September 2, 1752, and woke up 12 days later. They lost 11 days in order to correct the calendar.

But this is the calendar that has been adopted around the world ever since that time, until recently. What do I mean by that? Well, here would be the Gregorian calendar for 2009. You see it does have 365 days. You see it does have an August. But we have found this year that August did not exist, because we have what I call the Pelosian calendar.

Under the leadership of the Democrats, we have been told to ignore what happened in August. Those town halls did not take effect. The American people did not express themselves. We did not hear outcries about what was happening in the Congress.

Rather, nothing occurred. You don't hear about it on this floor. You don't hear about it in the President's statements. You don't hear about it in the recommendations made by the Democratic side. And now, as we are moving forward on our calendar and told that we have a few days to make up, we forget about the 31 days.

I would like to say that the Pope took 11 days away from us, but it appears he was a piker. The Speaker has taken 31 days away from us. There was no August. There is no August. There were no town hall meetings. The American people did not rise up and say, Congress, listen to us. We don't want a public option. We want you to make some changes, but don't put us at jeopardy for losing the care and the coverage we currently have.

I must say, this is a historic moment, because it took us 1,600 years to change the calendar the first time. But now, by the magic of the congressional calendar, we have done it in just, well, less than 600 years.

There is something fundamentally wrong, extremely disappointing, that somehow we would have the temerity to tell the American people, You don't count, because we know better here in Washington, D.C. And, as a matter of fact, if you have a different idea, we are going to question that idea. We are going to question what you are doing.

Madam Speaker, give us back those 31 days.

PROVIDING NEEDED RESOURCES IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

Mr. WESTMORELAND. Madam Speaker, as the leader of coalition forces in a faltering Afghanistan, the United States appears indecisive at this critical juncture in the long war.

Madam Speaker, we owe it to the Afghan people, the Pakistani people, our allies and our own national security interests and our courageous U.S. troops to stiffen our spines and heed the recommendations put forth by General McChrystal. As a leading expert on counterinsurgency efforts, General McChrystal has rightly put the focus on winning over the Afghan civilians to our side by providing the security they so desperately want for their families and villages.

As an American and as a Member of this House, I hate to put U.S. soldiers in harm's way, whether it is on our own shores or halfway around the world. We all wish that we could remove our troops from the day-to-day, face-to-face conflicts with the insurgent forces in Afghanistan. We all wish that we could finish this job by dropping bombs on the bad guys from the safety of unmanned drones or conducting surgical strikes with Special Forces. These counterterrorism efforts hold much appeal and those tactics can win in many battles.

But there is a problem. Our own very recent experiences teach us that counterterrorism alone can't win this wider war.

□ 2015

We faced a similar crossroads in Iraq 3 years ago. American forces had suffered heavy casualties. The Iraqi Government was inept and corrupt. The Sunni insurgency and al Qaeda in Iraq ravaged the country. Our Nation then took a new course. We took a risk, a highly controversial one at the time, Madam Speaker, but that risk turned out to be an investment in Iraq's future, and it is an investment that has

paid off for the United States today. Today we have a measure of stability that no one could have predicted 3 years ago. As a result, we are positioned to draw down our troop levels there.

In fact, when President Obama was a candidate, he saw the success in Iraq as a chance to redirect our attention to Afghanistan. Then-Senator Obama said in August 2008: "Ending the war will allow us to invest in America, to strengthen our military and to finish the fight against al Qaeda and the Taliban in Afghanistan and the border region of Pakistan. This is the central front in the war on terrorism. This is where the Taliban is gaining strength and launching new attacks. This is where Osama bin Laden and the same terrorists who killed nearly 3,000 Americans on our own soil are hiding and plotting 7 years after 9/11. This is a war that we have to win. And as Commander in Chief, I will have no greater priority than taking out these terrorists who threaten America and finishing the job against the Taliban."

As President, Obama issued an important policy statement on Afghanistan in March. He said his goals were to "disrupt, dismantle and defeat al Qaeda in Pakistan and Afghanistan and to prevent their return to either country in the future." In that statement, President Obama said explicitly that we cannot allow the Afghan Government to fall again to the Taliban because "that country will again be a base for terrorists who want to kill as many of our people as they possibly can."

These are clear words, Madam Speaker. Those words, if they were U.S. policy, would give solace to our allies, to the Afghans, to the Pakistanis and to our own troops taking the fight to the Taliban. But our actual intentions in Afghanistan are not clear, even though General McChrystal's report states explicitly that without more troops in the next year, the United States faces mission failure where defeating the insurgents is no longer possible. That's the view of a respected general, the commander handpicked by President Obama, who works in Kabul and travels around Afghanistan every day.

So why is it that the Obama administration is sending mixed signals to the American public and to the rest of the world? Why is his national security adviser on Sunday morning talk shows saying that Afghanistan is not in imminent danger of falling to the Taliban? After many years of fighting in Afghanistan, after many years of two steps forward and one step back, we cannot flinch. We must let our allies, our military and the Afghans and Pakistanis know right now that we will do what it takes to provide stability and security.

Governing is about tough decisions. We must make the tough decisions to

give General McChrystal the troops he needs to finish this mission. We must protect the population and assure them that we're not going anywhere. That's our only hope of winning over the Afghan people who fear that if they work with us, they'll be slaughtered by the Taliban when the Americans leave. As President Obama said just 2 months ago: "This will not be quick nor easy. But we must never forget: This is not a war of choice. This is a war of necessity."

Let's hope that he has not forgotten.

CYBERSECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. I thank the Speaker for the recognition.

I come to the floor tonight to talk about cybersecurity. We all hear about data breaches. They're so common, it seems like you can hardly pick up the newspaper without reading about another occurrence. And unfortunately, the rate at which they're occurring is also increasing. A report in 2009 found that more electronic records were breached in 2008 than in the previous 4 years combined. Almost 10 million United States adults were victims of identity theft in 2008. These are expensive. A 2009 report found that the average cost of a data breach had risen to \$202 per customer from last year's \$197. Over \$600 is lost out of pocket per second to identity fraud, costing consumers and businesses over \$52 million a day.

Examining some of the sources of the breaches, 29 percent come from government and military, 28 percent are from educational institutions, 22 percent in general business, 13 percent in health care companies, 8 percent in banking, credit card and financial services. Within the government itself, on the May 2008 Federal Security Report Card, the Department of Interior, the Department of Treasury, the Department of Veterans Affairs and the Department of Agriculture all scored failing grades.

Within the military, the personnel data of tens of thousands of United States soldiers has been downloaded by unauthorized computer users. The data included Social Security numbers, blood type, cell phone numbers, e-mail addresses and the names of soldiers' spouses and children. A 2006 Department of Veterans Affairs data breach put almost 30 million veterans' names, addresses and Social Security numbers at risk.

Within the retail segment, in 2009, a Miami man was charged in the largest case of computer crime and identity theft ever prosecuted. He, along with two unknown Russian coconspirators, were charged with taking more than

130 million credit card and debit card numbers from late 2006 to early 2008, and they did it as an inside job. They reviewed lists of Fortune 500 companies, decided where to aim; they visited the stores to monitor the payment systems used; they placed sniffer programs on corporate networks; and the programs intercepted credit card transactions in real time and transmitted the numbers to computers in the United States, Netherlands and the Ukraine. An expert said the case provided more evidence that retailers and banks needed to strengthen, needed to harden, industry standards.

And finally, educational institutions. As I noted earlier, second only to government and data breaches are educational institutions, probably the most disturbing statistic. In 2007, the number of data security breaches in colleges and universities increased almost two-thirds from 2006, and the number of educational institutions affected increased by almost three-quarters. In August of 2005, hackers stole almost 400,000 electronic records of current, former and prospective students in my congressional district at the University of North Texas. The hackers got away with names, addresses, telephone numbers, Social Security account numbers and possibly credit card numbers.

So what can we do? Of the breaches, 87 percent are considered avoidable if reasonable controls had been in place. Madam Speaker, now is the time for Congress to enact a meaningful national standard to protect commercial and government data. This requires leadership at the top levels of an organization to take an active role in ensuring that their systems are secure. Federal Government subcontractors that have access to sensitive and personally identifiable information should be required to comply with the same standards as Federal agencies and departments. Finally, we must all be involved from the top down and the bottom up. We must encourage leaders of government agencies and private enterprises to actively manage and rigorously protect the data collected and stored within their institutions. We must make this a priority, and Congress should take up and pass House Concurrent Resolution 193.

This bipartisan resolution, introduced by myself and CHARLIE GONZALEZ of Texas, expresses the Sense of Congress for the need to pass meaningful legislation to protect commercial and government data from data breaches. There are a lot of disturbing statistics. Let's take action now so that the occurrence, cost and individuals affected do not continue to increase.

CONGRESS MUST BE TRANSPARENT WITH VITAL LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

Mrs. MILLER of Michigan. Madam Speaker, our Nation currently has an unemployment rate of nearly 10 percent. In my home State of Michigan, it's actually over 15 percent. In the last fiscal year, our Federal budget deficit was over \$1.4 trillion; and the Obama administration projects that over the next 10 years, our deficit will be over \$9 trillion.

When dealing with our budget, difficult times like these require very decisive actions. Unfortunately, over the last year or so, as this Congress has racked up record-breaking deficits, we have seen legislation brought to the floor that forced massive new debt on the American people while giving Members little or no time to read any of the legislation.

Last fall, the Bush administration and the leadership of this House asked the House to vote on a \$700 billion bailout for Wall Street with no strings attached on how the money would be spent. I was proud to vote "no" on that Wall Street bailout. Unfortunately, that bill did pass this House, and it became law. The result has been a program that has been widely rejected by the American people.

Then in February, President Obama asked Congress to pass an economic stimulus plan, and many on our side of the aisle were ready to help. In fact, we proposed a bill that, according to a formula used by President Obama's own economic advisers, would produce twice the jobs at half the cost. Instead, the Democrats crafted a bill behind closed doors. They filed a 1,073-page conference report in the middle of the night and asked Members of this House to vote on \$787 billion of deficit spending while not one single Member of this House, nor the American people, had the chance to read the bill before we cast our votes.

Then in June, this House voted on a cap-and-trade national energy tax that would fundamentally change our economy. This bill totaled 1,428 pages, including a 300-plus page manager's amendment. The Rules Committee and the Democratic leadership gave us about 16 hours to read the bill and the amendment before it was voted on. Only after the fact did we see a memo produced within the Obama administration that indicated that the bill would cost every single American household an average of \$1,700 per year in higher energy costs.

Madam Speaker, we will soon consider health care legislation that will have a far-reaching impact on one of the most personal issues facing every American, and that is how they will

protect the health of themselves and their families. Nobody knows what this legislation will look like. Nobody knows how much it will cost. Nobody knows when it will be brought to the floor. But every American has a vital stake in the outcome of the legislation.

Many Members of this House from both parties have had enough and are insisting that we bring transparency into the process before a vote is taken, and the American people are demanding the opportunity to be able to read the legislation that their Representatives will be voting on before the vote so that their voices can be heard. That is why I am proud to cosponsor H. Res. 554 which would require that all major legislation, significant amendments and conference reports be available in their entirety on the Internet so that Members can read the legislation before casting their votes and so that the American people can have some opportunity to have their voices heard. If legislation that will govern more than one-sixth of our economy comes to the floor, don't Members as well as the American people deserve a chance to at least read it?

President Obama ran last year on a platform of openness and transparency, but unfortunately, it has been business as usual in Washington. We have had limited to no transparency. We have not had a chance to read important legislation before asking for us to vote on this legislation. I would urge my fellow Members who have not signed on as cosponsors of this important resolution to join us in an effort to bring transparency to the process, to join us in demanding that we in Congress cast an informed vote on important legislation that will impact every American, to join us in allowing the American people to have their voices heard. The Members of this House and, most importantly, Madam Speaker, the American people deserve no less.

THE CONGRESSIONAL BLACK CAUCUS HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Ms. FUDGE. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks in the RECORD on this topic.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. FUDGE. I appreciate the opportunity to join my colleagues of the Congressional Black Caucus for this special hour. Currently, the CBC is chaired by the Honorable BARBARA LEE

from the Ninth Congressional District of California. My name is Representative MARCIA L. FUDGE, and I represent the 11th Congressional District of Ohio. CBC members work diligently to be the conscience of the Congress and provide dedicated and focused service to our congressional districts and families nationally and internationally. The vision of the founding members of the Congressional Black Caucus is to promote the public welfare through legislation designed to meet the needs of millions of neglected citizens. It continues to be a focal point for the legislative work and the political activities of the Congressional Black Caucus today. As Members of Congress, CBC members also promote civic engagement and active participation in the legislative process.

The United States is the world's longest-existing democracy. Americans understand that our ability to elect our leadership through a democratic process is precious, and we recognize the need for greater civic engagement. Madam Speaker, I have been joined by my friend and colleague, the Honorable SHEILA JACKSON-LEE from Texas.

I now yield to my friend.

Ms. JACKSON-LEE of Texas. Thank you so very much, Congresswoman FUDGE. Your opening remarks are framed excellently, the reason for our presence here tonight. There are many issues that the Congressional Black Caucus, led by Chairwoman BARBARA LEE, focus on. The disciplines of the members are varied. The chairmanships of the members are varied, including full chairmanships on a number of committees which really enhance the opportunity for a very full agenda.

As I listen to you speak about civic participation, I would venture to say—and probably would not be incorrect—that all of the members of the Congressional Black Caucus and our colleagues here, Republicans and Democrats, engaged in civic participation before being elected to the United States Congress.

□ 2030

They may have started in their early educational days, if you will, primary and secondary school. Some may have started in college. Some may have been activists or locally elected officials. But they understood under this democracy, as you have indicated, the importance of participatory process.

I have the privilege of serving on the House Judiciary Committee with Chairman JOHN CONYERS, and our committees embrace this whole question of fair election laws, the right to vote, and the protection of that privilege and that right to vote.

You may be well aware that in the early days of my tenure, if you will, there were a number of occasions during the presidential election years that

members of the Congressional Black Caucus came to the floor of the House to challenge the counting of the electoral college. You may be reminded that in the particular year of 2000, Ohio was in the crosshairs. I know how active you were, having gone to Ohio, having worked with you and, of course, your predecessor, walking the streets with you, remembering discussions that you had about ensuring that you had an election. As you recall, Ohio was quite upset and, therefore, it was the Congressional Black Caucus that went to the floor of the House, in particular your predecessor, the late Stephanie Tubbs Jones. We joined her in challenging the counting of the electoral votes of Ohio. Many people would wonder is that civic participation? And it is. It is making sure that any process is fair.

So I come to emphasize where we are today in pivotal elections that will be coming up on November 3, 2009. As I reflect on those elections, I want to remind people that the best of America was the times in which it moved to remove the barriers of voting. To remove the distinctions between slave and nonslave took a very long time. But to remove the distinction between landowner and nonlandowner were some of the first efforts to create an opportunity for all to vote.

In 1920, of course, there was the amendment to create the opportunity for women to vote. African Americans, however, and language minorities had longer periods of time, and the Voting Rights Act of 1965 came around and then its amendment, which, by the way, the language minority provision in the Voting Rights Act was placed in that act by the Honorable Barbara Jordan, my predecessor. But the idea was to increase participation.

And as I listen to my colleagues on the other side of the aisle recounting maybe the dismay that they have in some of the major changes that are being made by both this White House and Congress, might I say that it is a direct evidence of the vitality of the vote in 2008. It was not something that just developed. It was the message of the voters who went in huge numbers to the polls in November, 2008, ultimately electing President Barack Obama with the message of green energy or renewables or the opportunity for expanding the horizon on producing energy. And I come from oil and gas territory, and I frankly believe we have room for many of those energy types, but I recognize that green energy will be part of our future.

Likewise, the message came from the voters, because of their civic participation, on a vigorous public option in health care reform. So our colleagues are really speaking to the American people whose numbers say give us a vigorous public option.

This vote that is coming up, one or two of the most highlighted ones, of

course, are Virginia and, of course, New Jersey. I am not here to speak particularly about the ultimate outcome, but there are messengers, the Governor of New Jersey, for example, who is carrying the message of change in this whole question of public health insurance or public option in health care and the idea of full employment. Likewise, those opportunities or discussions are being heard in Virginia as well.

It is important in every election that is coming up in November of 2009 for the same momentum and the same participation to surge as it did in 2008. And I think this Special Order, if you will, is enormously crucial for the fact that people don't think of elections when you don't focus them on a presidential election. They really think of elections as that highlight, but you are coming to bring to our attention the vitality and the importance of elections every single year, city elections, county elections, Federal elections, and State elections.

Ms. FUDGE. Reclaiming my time, just to take that one step further, I think that people don't understand the significance of voting, as you suggest, all the time. What most people don't realize is that it is bodies like ours, which the gentlewoman from Texas talked about, who make decisions about things that people never think about. Just the very air we breathe, we make decisions about pollution and how much pollution can be in the air, about the quality of the food people eat, about the quality of their children's education. Those are decisions that are made by elected officials many, many times. I think that if people understood how significant it is to vote and how much change could be made by a vote, more people might be inclined to do it on a regular basis.

I yield.

Ms. JACKSON-LEE of Texas. I thank the gentlewoman. That is why I salute you as I join with you in the Congressional Black Caucus because many would not think of bringing this to the attention of the American people.

In addition, I want to salute the Congress and the Congressional Black Caucus because this Democratic majority took the lead on fair election laws right after the unfortunate, I call it, debacle in Ohio. We began to talk about rewriting the election laws to insist that certain parameters be in place to protect the voter, to protect the voter at the voting ballot, to assess the kinds of voting tools that are being used, to try to find consistency. As you know, the most important issue was this accountability, the ability to track the balloting in electronic balloting, to have a paper trail, as we call it. We're still fighting to get that done, but we were the voices to speak about that so that people could have the ability to challenge.

Right now in Harris County we had a very difficult race in 2008. A number of candidates lost. They posed a challenge because they believed there were ballot infractions. We are now in the midst of looking at a settlement agreement that I believe may not be the right kind of settlement agreement, that really didn't answer the concerns of those who were violated, whose votes were not counted and the candidates who did not prevail because we felt that there were inaccuracies in a voting system or a voting office, if you will, the officer who presided over the voting count—there were some infractions.

So even today in 2009 we should not be hesitant to remind voters that a vote is precious, every vote counts, and that it is important, as the United States Congress exists, that local elected officials exist, that State officials exist, they exist because of the vote. And I am hoping as we have the spotlight on States like Virginia and New Jersey that we will spotlight on the local elections and that civic participation is the direct relationship for the kind of outstanding leadership that you get.

I want to yield back on this point: We have local elections in Houston, Texas, local elections around the Nation. Not one single vote should be diminished in its value, for your life gets changed or your voice gets heard by that vote. And it is my commitment, as a member of the Congressional Black Caucus and a member of the House Judiciary Committee, to insist, if you will, on the idea of full participation of voters and making sure that we have the opportunity to protect the right to vote and to make sure that, as protectors of the right to vote, people take advantage of it and vote.

Ms. FUDGE. Thank you so very much.

I just want to just go one step further and talk about the power of the vote. There are so many people who believe that one vote doesn't make a difference. I could go through a litany of things that were decided by one vote, but I won't. But what I will say is this: Your vote is your voice. If you don't vote, then you have silenced yourself. So I think that it is important for us to understand and let the American people understand that no matter what the issue is, if you don't vote, what you've done is help the other side.

So let your voice be heard, because even though I wasn't in the House, obviously, when you took up this whole thing about revising the way we do elections, I am just so pleased that in my State as a result of that, we now have absentee voting for any person. It used to be you had to be a certain age or you had to be infirm or you had to be this. Now any single person with no reason whatsoever can request a vote from the comfort of their home. Espe-

cially when we have many, many issues as things get difficult and more and more communities are asking for resources, then they can sit and take their time and not be in a voting booth being rushed or feeling rushed because people are behind them.

I think it is something that really came out of that, and I appreciate and thank you and especially thank Stephanie Tubbs Jones for her work with it as well. But I just hope that people understand it is a responsibility. So many people fought to get us where we are today. It really is a responsibility to go out and vote.

Ms. JACKSON-LEE of Texas. If the gentlelady would yield for a moment, I want to use one example because I chair the Congressional Children's Caucus. I remember in the summer of 2008, I was begging for Federal dollars for summer youth jobs. You remember those programs.

Ms. FUDGE. Yes.

Ms. JACKSON-LEE of Texas. And they existed 10, 15 years ago, 5 years ago, or I know they existed in the previous Democratic administration. But we literally were starving for those dollars over the last 8 years in the previous administration. So because we didn't have those dollars, I put together what you call a Houston summer job pilot program, where I grabbed small businesses and corporations in the summer of 2008 just to give these young people an opportunity. I couldn't give thousands but I gave a few the opportunity to work and to be paid. We raised the money, the community raised the money, to be paid by these small businesses.

The community needs to know, the Nation needs to know, that in 2009 with change and a new President, on the basis of the vote, there were millions of dollars going into communities during the summer for summer youth jobs.

I want people to take a poll. It's interesting that I'm hearing my colleagues talk about where did the stimulus dollars go? Ask some teenager that had a summer youth job and worked and did legitimate work, cleaned parks, worked in various community services, because of the summer youth program. That came about through a vote that you made, the Nation made, in 2008, where you elected a President, President Barack Obama, who created this vision of stimulus dollars to energize the economy and put millions of young people to work who, by the way, saved money, bought clothes or bought school supplies or helped their family but charged the economy, which I am sure will be reflected as we look back over the summer months, those jobs were valuable input into the economy.

That is what a vote will do. And I hope that as you proceed on this Special Order tonight, it will be well recognized how important it is for the

vote to be cast and to be counted, and that will be our commitment as we continue to work together.

Ms. FUDGE. Thank you so very much. I appreciate the gentlewoman from Texas for joining me.

I just want to say this one thing: I was listening to one of my colleagues earlier ask what happened to the month of August? The month of August was spent, at least in my district, hiring 6,000 children to work summer jobs. The month of August was a time when I spent time talking to the people at home who want a public option. The month of August wasn't lost. But let me just say that in the event people believe it was, the month of October certainly isn't. And all the polls indicate that more people want a public option than not. So I just want to make that clear to make sure that the record was straight.

Madam Speaker, I want to continue with our hour this evening, and I just want to say to everyone who is listening that we all share in the responsibility to create a better America. One way to strengthen our government is through civic engagement, whether it is through voting, attending a town hall or other public discussion, or writing a letter to your Members of Congress. These e-mails, letters, and phone calls you make to your elected officials really do have an impact.

In my office my staff keeps a tally of all the phone calls we receive on the issues, which I review on a regular basis. One of my constituents, Paul Gordon, calls every week and sometimes several times a week. I may not always agree with Paul Gordon, but I appreciate his comments and encourage him and other constituents to share their views with me. And that's what happened in August, Madam Speaker. People shared their views. We learned a great deal from the dialogue we had in the month of August.

Madam Speaker, in last year's historic presidential election, voter turnout was at a record high, particularly in the African American community. To create change and hold elected officials responsible for their votes, Americans must continue to stay engaged on the issues year round, not just at election time. Moreover, African Americans must be involved in the debate. The stakes are high in every election, on every ballot, and between elections. Every voting day presents Americans with the same question: Will we be the masters of our own destinies or will we allow others to decide our fate? We must voice our opinions through civic engagement to positively change the course of our cities, towns, and the Nation. As Martin Luther King, Jr. said, Our lives begin to end the day, the very day, we become silent about things that matter.

I am proud to share a few stories of individuals from my district who are

actively engaged in the civic process. They come from various backgrounds and ages.

□ 2045

However, they all share a desire to help others and to make government responsive to the people.

There is a young woman named Artavia Hill from Euclid, Ohio. She is a shining example of a young person actively engaged in the political process. As president of the NAACP Cleveland Youth Council, she registered voters during Russ Parr's Back to School Bus Tour in August of this year. She also spearheaded the youth council's "Vote Hard, Step Hard: Stop the Violence" which was an event held at Cleveland State University in January where young people were encouraged to register to vote, they discussed the effects of violence on the city and listened to local candidates. Don't give up on our youth. Artavia Hill is not the only one doing things for Cleveland's community.

Dorothy Jones is another young northeast Ohioan committed to civic engagement. Her grandmother, Margaret Walker Fields, put Dorothy under her wing and taught her the importance of voting. During her childhood, Dorothy canvassed the 55th and Broadway area, and helped seniors fill out their absentee ballots. Because of her grandmother and the sense of reward she gets from helping others, she has devoted her life to public service. Dorothy now works for a council member in Cleveland.

It is people with passion like Pearl Livingstone that brought me and many others into politics. Pearl, a Shaker Heights resident, created a program where the Ohio Secretary of State's office sent letters to high school seniors congratulating them for graduating and encouraging them to vote. She also encouraged 17-year-olds, who would be 18 by election day, to register to vote. To support those efforts, she helped start a voting advocacy group in Cleveland to encourage young people to get out and vote. Pearl deserves praise for putting her energies toward engaging young people in the civic process and educating them on the powerful impact of voting.

And then there are seniors. Senior citizens are also very involved in the process. My friend, Dr. Jacklyn Chisholm, told me about one of her friends and mentors and someone I have known for many years, Ms. Dionne Thomas-Carmichael. Dr. Chisholm said Dionne is very involved in the community, from signing people up for voter registration, to participating in political campaigns, to galvanizing individuals to care about their communities by turning complaints into positive action through advocacy. She is proud of the years that she has spent on the frontline in grassroots political action.

I am always amazed by her energy and willingness to roll up her sleeves and get to work. She believes that we each have a responsibility to ourselves, our families, and our communities to make life better for others. To this end, she recognizes that the political process and advocacy are an important vehicle through which everyday people's voices are heard.

I want to talk just a bit about ex-offenders, sometimes the forgotten people in our society. But in Ohio, an ex-offender can register to vote immediately upon release from confinement even if on parole. The reinstated citizen can vote in the next scheduled election without any restrictions. While there are no barriers that prevent ex-offenders from voting in the State of Ohio, many ex-offenders are not aware that they have these rights. David Singleton who is the executive director of the Prison Reform Advocacy Center says: "States like Ohio, where all former prisoners can vote as soon as they are released, should take steps to ensure the ex-offenders fully understand this important right. When former prisoners believe they are stakeholders in their communities and have the power to contribute to civic life, they are more likely to succeed which is in all of our best interests. Our democracy suffers when the voices of all eligible voters, including former prisoners, are not heard. If 20 percent of the 34,000 ex-offenders on community supervision in Ohio are not voting because they erroneously believe they are ineligible to do so, then 6,800 potential votes have been lost. We want to ensure that ex-prisoners are not being disenfranchised on account of misinformation."

Count every vote. We have all seen why counting each and every vote in an election is so important. During the 2004 Presidential election, Ohio suffered unfortunate irregularities in the voting system, which caused confusion and disruption. That disenfranchisement of voters is why my dear friend, the late Congresswoman Stephanie Tubbs Jones, introduced the Count Every Vote Act while a Member of Congress. The Count Every Vote Act, or CEVA for short, sought to remedy many of the problems that voters continue to face all over this country. This bill is not yet law, but should be.

While the bill is not law and has not been reintroduced this year, I want to highlight some of the voter protection and enfranchisement provisions of this bill.

CEVA maintains that voters deserve a paper trail of their electronic vote. This must be done to ensure accuracy in counting and avoid technological glitches. The first portion of the bill focuses on voter verification and auditing procedures.

CEVA would require that all voting systems produce or require the use of

voter-verified paper ballot or record suitable for manual audits.

We must ensure that all Americans, including those with disabilities or language barriers, retain their right to cast a ballot. To that end, CEVA asks that the Federal Government require that at least one machine per precinct must allow voters with disabilities and language-minority voters to cast a vote in a private and independent manner.

I believe that the Federal Government should require all States to offer early voting. CEVA makes this proposal to encourage people to vote by allowing them to vote at times convenient for them and avoiding long lines on election day. As I mentioned before, for our democracy to function well, all Americans must have a pathway to participate in the election process. To that end, the bill proposes that all States end the practice of prohibiting convicted felons who have completed their prison term, parole or probation to vote. After all, they have served their time.

CEVA further proposes that we study the impact of making election day a Federal holiday. Creating such a day would give more voters time to cast ballots and allow more qualified people to serve as poll workers.

Our leadership and moral strength is only enhanced when we help others. We lift as we rise. To have a vibrant democracy, we must encourage the participation of all citizens and fight against efforts to disenfranchise voters. We must work to ensure that our citizens do not encounter barriers to their full participation in the election process. Whether it is seniors who need transportation to the voting booth or ex-offenders who are unaware of the reinstatement of the right to vote, we cannot sit by while our fellow Americans are excluded from the democratic process. We must also encourage voters to be educated and organized citizens in order to strengthen and empower our communities. At the end of the day, civic participation is both a duty and a right.

The legislative process affects all aspects of our lives and we cannot afford to remain silent. Your vote is your voice, so speak loud and clear. Members of Congress and all elected officials will hear you.

Next Tuesday is election day for many. Use the power of your one vote. When you do not vote, by default you cast a ballot against the person or proposal you prefer. Your missing vote is one less that the opposition has to overcome. Thus, your vote is for those with whom you disagree. Get out, use your voice, and vote.

FREE ENTERPRISE, THE FOUNDATION OF AMERICA'S ECONOMIC SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes as the designee of the minority leader.

Mr. KING of Iowa. Thank you, Madam Speaker. It is a privilege to address you here tonight on the floor of the House of Representatives in this great deliberative body that we once were and sometimes are and perhaps one day will be again in honor of the traditions that we have in this Congress. It has been a difficult year for this deliberative body, and one of the reasons for that I believe is the leadership of this House and the leadership of the majority party seem to be quite concerned about open public debate, quite concerned about limiting the amendments that come to the floor, and quite concerned about pushing a new President's agenda. This new President's agenda follows through a whole series of major moves from a business perspective. Some of them actually started before his election and some of them happened after his election and many of them happened after the President's inauguration. But we have witnessed here within the last 15 months or so the nationalization of huge business entities in America. It is framed by the \$700 billion TARP bailout and the \$787 billion stimulus plan. In the middle of all of that came the nationalization of three large investment banks, AIG, Fannie Mae, Freddie Mac, General Motors, and Chrysler. All of that adds up to about one-third of America's private sector being nationalized, much of it under the watch of this administration, but not all of it, in fairness, Madam Speaker.

The American people are nervous. They know that free enterprise is the foundation of America's economic system. That is so basic to the American people, the value of free enterprise, and it is so basic to the values of, let me say USCIS, the United States Citizenship and Immigration Services, that they have a whole stack of flashcards that are prepared for those who would study for the naturalization test, those immigrants who go through the process to become American citizens, the people we celebrate as Americans by choice, a whole series of flashcards, the history of America is on those flashcards. They are stacked that deep, and you can turn one after another over and you can understand about what George Washington and the Constitution and the Declaration and the Bill of Rights and the Fourth of July and the list goes on and on.

One of those flashcards, Madam Speakers, asks what is the economic system of the United States of America? You flip the card over and it says free enterprise capitalism is the eco-

nomics system of the United States of America. Yet one-third of it has been nationalized by the Federal Government, and no exit strategy seems to be in sight. As the American people watch this rush towards the socialization/nationalization of one-third of our economy, they also saw a cap-and-trade bill pushed through, about 12 hours from the time the bill was dropped until such time it was on the floor for debate without legitimate amendments.

The American people watched this and they understood intuitively, if not articulated on the streets, that they understood that freedom was being compromised. The principles of our free market system were being compromised. They also understood that a prudent government with people that hold the gavels that are fiscally responsible and a future President that might be fiscally responsible, I believe I have given up hope on this one, could actually set things up so we could work our way through the trillions of dollars of debt that we now have and work our way through the nationalization and begin to privatize, sell those shares back to General Motors, sell them back to Chrysler, privatize Fannie Mae, Freddie Mac, and require them to be capitalized like other lending institutions, regulate them like other lending institutions and sell those shares back in the marketplace, and for the Federal Government to divest themselves from their investment in this huge nationalization, AIG included.

□ 2100

Now, that could all happen under a future President and under a Congress that is dominated by people that just believe simply the opposite side of that flashcard that asks the question of anybody that wants to become an American citizen, what is the economic system of the United States? Flip it over, free enterprise capitalism. That compels the Federal Government to divest itself if, of course, we believe in the tenet that we require people to know if they're to become an American citizen and naturalize an American citizen.

So the American people saw this rush, they saw this push that went towards this nationalization of our one-third of our economy and the rush through cap-and-trade in the House, and now it is stalled in the Senate, thankfully. I hope it doesn't get brought up again. It is a tax on all of our energy. It is cap-and-tax.

But all of this went through in a rush, and the American people didn't have an opportunity to weigh in. Before they could catch up with what was going on, decisions were made. Those decisions were made behind closed doors—and sometimes the irrevocable decisions of the nationalization of these entities. And once they saw all that happen and they saw the Presi-

dent push hard for \$787 billion in bailout money—and, Madam Speaker, they saw every Republican vote “no” on that \$787 billion and they thought, at least there's a sign for hope here; Republicans are sticking together. But behind that came cap-and-trade, 12 hours from the bill drop until it was up on the floor for debate, no legitimate amendments allowed. And then they saw health care, a complete overhaul of the health care system coming at them as fast as a freight train of all the other things that came at them.

Now, thankfully, there was a delay for the break in August and the American people came together. There were hundreds and hundreds of town hall meetings that were held by many Members of Congress. I believe every Republican, and many Democrats, held numbers of town hall meetings and constituents filled the rooms. There is a case of a town hall meeting in Oklahoma that brought about 3,000 people. And there were many meetings around in my part of the country that brought in several hundred when a normal town hall meeting for a low intensity period of time might bring, oh, a couple dozen people in to talk to their Senator or their Congressman. But this was hundreds. And it's because the American people finally had an opportunity to step in and weigh in after they had seen this slide towards socialism that had taken place and the nationalization of these eight huge entities and one-third of our private sector economy nationalized.

The American people stood up and they filled the town hall meetings. They had their say, and they rejected this idea of a government option that would go directly in competition against our health insurance industries. They said, We don't need it. We don't want it. We don't want the Federal Government taking over our health care. They understand what happens. When you have a government-run insurance system, it becomes, often, the only insurance system that's there. We've seen this happen, Madam Speaker, with the case of the national flood insurance.

In 1968, the property and casualty companies were providing 100 percent of the flood insurance in America. Now, it wasn't a developed market like it is today, and I don't mean to characterize it that way because it wasn't. It was a lesser developed market. There was a lot less real estate in the floodplains in 1968 than there is today, a lot less developed real estate in the floodplains. But Congress decided that they wanted to engage in this to protect those homes and businesses that were occasionally flooded by high waters, so they passed the National Flood Insurance Act in 1968.

Today, 100 percent of the flood insurance available for purchase in America is the Federal flood insurance program.

There is not one single policy in the private insurance industry that you can buy flood insurance from. And the reason is because the Federal Government went in and dominated the market. They passed the National Flood Insurance Program—and I'm drawing this analogy, this comparison of what happens if we have a national health insurance public/government option, or, as Speaker PELOSI called it today, the "competitive option," or as, let me see—no, I need to correct that. Speaker PELOSI called it the "consumer option." It was Representative DEBBIE WASSERMAN SCHULTZ of Florida who called it the "competitive option."

So you have a public option, a government option, a government-run health insurance, the consumer option by PELOSI's language, or the competitive option by WASSERMAN SCHULTZ's language. But we know what happens when the Federal Government steps into an industry, as they did in 1968 in the flood insurance. In a few years, it had swallowed up the entire private sector flood insurance program and replaced it with the Federal flood insurance program.

In order to compete, the Federal Government also passed legislation which required that anyone who was borrowing money from a national bank and had property that was anywhere in the floodplain, they were compelled to buy the insurance. So, in order to get the loan, the people that were investing had to buy the flood insurance. So the Federal Government set the premiums, set the rules, required that people buy the flood insurance, and they lowered the premiums out of proportion to the risk and they squeezed out all the private sector. Once the private sector was squeezed out, then the Federal Government sitting there, charging premiums lower than the risk, had to come back here to this Congress to get money to backfill the hole in their budget.

So from 1968 until today, we've gone from no Federal flood insurance in 1968, at the moment the bill was passed, to 100 percent of the flood insurance in the United States is all federally owned and run. The premiums are lower than the actual claims, and so the Federal flood insurance program is \$19.2 billion in the red, with no daylight in sight. That's the way the Federal Government runs an insurance program, and that's the way the Federal Government may well run this public option that was announced today.

Now, I'm going to take you through a little bit of history, Madam Speaker, and then we will go to current events today. This is some history. This is 1993, 1994. This is HillaryCare. This is a chart that was in The New York Times back then, 15 years ago. And this is the government agencies that are created or linked by the Clinton health care plan, which was a takeover in our

health insurance industry and would have resulted, I believe, in a complete takeover of our delivery system as well.

All of these charts that are in here, you don't have to study them to understand. We should be very concerned. We should be very concerned about the kind of government and the kind of bureaucracy and the kind of hoops that patients would have to jump through in order to do business with the Federal Government that was going to step in and solve a problem that was urgent in 1993, supposedly so urgent that President Clinton had to come here to the floor of the House and from the well of the House address a joint session of Congress, September 22, 1993. House and Senate Members, gallery is full, pleading that they would adopt and pass HillaryCare.

I will say, to President Clinton's credit, even though they met behind closed doors and even though there was a lot of suspicion and a lot of frustration and people got angry, they at least wrote a bill. President Clinton had a bill. And when you have a bill, you've got something that you can at least either support or shoot at. You have some specificity. But what we're dealing with now is still a matter of concepts. We have concepts.

Now, we do have a bill, H.R. 3200, that passed out of the Energy and Commerce Committee here in the House, but in the Senate they're still dealing with concepts. They passed concepts out of the Senate Finance Committee. And it's pretty hard to shoot holes in people's concepts, and it's pretty hard to support them because they are amorphous and they can change.

So HARRY REID announced today that he will have a bill, and he told us a little bit about that, and the Congressional Budget Office is going to score it. But this is 1993. This is the black-and-white scary flowchart of what happens to our freedom if we turn our health care over to the government.

Madam Speaker, this is the modern flowchart. This is the flowchart that was created at the direction of Congressman KEVIN BRADY of Texas, a Ways and Means Committee member who drilled down into this language word by word, line by line, sentence by sentence, concept by concept to verify that this flowchart is accurate, that it does reflect H.R. 3200, it does reflect the bill that passed out of committee in the House.

When you look at the chart, Madam Speaker, you will see these organizations in white, these are existing, with the blue letters—the President, the Congress, Treasury, HHS, Veterans Administration, Defense Department, Labor Department, all of this exists. Any of these white boxes here exist, and those in color are all new. This is all new government agencies:

The Advisory Committee on Health Workforce and Evaluation, new. Insur-

ance mandate, health affordability credits, the Health Insurance Exchange Trust Fund, the Clinical Preventive Services Task Force; new ideas that people get in there because they've got some leverage. Health Benefits Advisory Committee, the Public Health Investment Fund here. Anything in color is all new, Madam Speaker.

So when the President says—and many of the Democrats say—that we need to provide competition in the health insurance industry, I would remind them, Madam Speaker, that this competition would be—the Federal Government would be one new health insurance company.

Today, we have 1,300 health insurance companies in America. Now, some of them may be operating under multiple labels in multiple States, but we have over 1,300 health insurance companies in America, and they offer approximately 100,000 different varieties of policies that one can purchase. Now, that is a lot of choice and it is a lot of competition.

So the President's argument that we need more competition in the health insurance industry, I think that is a legitimate criticism, especially in some of the States where there is almost, let me say, a de facto monopoly where one insurance company might provide 70 or 80 percent of the policies in that State. And so where that exists, it would be good to see more competition to help keep those prices down. But there is also a reason why a single company has gotten such a large market share, and that's because they have the leverage to be able to negotiate lower compensation rates because of the volume that they have.

But the best solution to this is not for the government to create an insurance company and to write new insurance policies, Madam Speaker. The best solution for this is to adopt the JOHN SHADEGG policy, his legislation, which allows for people in America to buy insurance across State lines. Some of the data that came out used New Jersey, for example; very, very high insurance premium rates and a lot of unreasonable mandates have to be included in New Jersey's premiums. But a young man about 25 years old—in fact, exactly 25 years old—that would buy a policy in New Jersey that would be comparable—and I put that comparable, it has to be a qualified statement—but a comparable policy in Kentucky, a young 25-year-old man would pay \$6,000 in annual premiums in New Jersey and \$1,000 in annual premiums in Kentucky.

Now, as it's envisioned by the federalist philosophy, each of the States would be incubators that would experiment. And in the real world, in an ideal world, people would look at the cost of that premium and they would move from New Jersey to Kentucky. JOHN

SHADEGG's bill bypasses that and it recognizes that Congress has the constitutional authority to regulate interstate commerce and to break down those barriers and allow people in New Jersey to buy insurance in Iowa or Kentucky or wherever they may decide. If we open this up so people can buy insurance across State lines, then you have all 1,300 health insurance companies competing against each other and you have all 100,000 policies that are all available for everybody in the United States. A simple fix.

The legislation is here. It has a good number of cosponsors. I will say the lion's share of the Republicans, I am confident, are on that bill. Why couldn't we do the simple solution to this complex problem of how you create competition and allow insurance companies to sell health insurance across State lines? Fix this problem of some States that have a little bit of competition and others that have a lot of competition. Give everybody the same competition. That will drive insurance prices down.

□ 2115

We don't have to create a government entity and stock it with billions of dollars in capital to get it jump-started and then undersell the premiums so they can pick up a market share in the Federal insurance plan; all we have to do is to put competition in. If that's what the President sincerely wants, competition, then all he has to do is give the nod and tell the people who tend to follow whatever he might suggest, that he would like to see JOHN SHADEGG's bill move. We could do that in this House in a day, send it over to the Senate, and I think it could be passed over in the Senate in a short period of time, too.

Although I won't say it's an emergency like a war, it's something that has come to the point where the American people understand the necessity of allowing Americans to buy insurance across State lines.

Well, instead, here is what Democrats in Congress and liberals want to do instead. If you look at these boxes of private insurers—those are the 1,300 insurance companies that I mentioned, and they're producing to this box. These are 100,000 health insurance policies, traditionally health insurance plans. Well, if H.R. 3200 becomes law, or many of the versions that we've seen, including, I believe, the version in the United States Senate, then you get a Health Choices Administration commissioner. This commissioner will write the rules for all of the insurance companies and for all of the insurance policies in America.

That just can't stand. That just can't hold, Madam Speaker, because then you have one of the competitors, which would be the Federal health insurance, this Health Choices Administration

and the public option people, writing the rules to regulate their competition.

Now, I would have liked that. Let's just say you're a football coach and you get to go out and recruit the players in the fashion you'd like and get to offer the scholarships that you'd like and get to keep as many people on the roster and on the team as you'd like and get to spend any amount of money for indoor practice and for travel and recruiting, but you get to write the regulations for your competition, which would be that you can't do any of these things. Who is going to win the tournament? Who is going to win the national championship? The entity which is competing and writing the rules for the people it's competing against.

It goes on here. It's ever thus in this Congress. People come to this Congress, and they say, I seek a level playing field, but in fact, many of them are seeking an advantage. Well, I suggest the advantage needs to go to the people who are seeking more freedom, and that's what's being diminished by this health care endeavor which is unfolding.

So briefly, Madam Speaker, before I yield to my good friend from Texas, who has been a relentless and undaunted opponent of, let me say, this government option that is coming at us, here are the things that unfolded in the Senate.

Just to recap, at the press conference at about 3:15 today which was held by the majority leader in the Senate, HARRY REID, he said that, in the proposal that he has put together—and he has pretty much had an ability to mix and match and write his own bill in the Senate—the States would have the choice of opting out of the program. They would have the choice to opt out. I think I know how that works. Then the States have to pass legislation to opt out. There could be a debate in the State House and in the State Senate. They'd have to get a Governor's signature to opt out. Then let's just say, for example, a State like, oh, Texas or Minnesota or Iowa decided to pass legislation to opt out of the government option.

Well, they don't get to opt out of the taxes that will be funding the government option. They would just opt out of being able to tap into the benefits that would be funded by the taxes. So it's unlikely anybody is going to opt out, because it's giving away something to other States, and it's subsidizing the other States.

Then he also leaves it open for nonprofit co-ops to sell insurance in competition with private companies. We know how that will work. Nonprofit co-ops, I presume that's open by the State-by-State version again, and it's not the co-ops that we understand. These would be set up as nonprofit organizations, and they would still be,

eventually, a camel's nose under the tent.

Another component of this says it would require most individuals to purchase insurance, and large businesses would not be required to provide insurance to their workers, but they would face penalties of as much as \$750 per employee if their employees qualified for Federal subsidies. Huh. So, if you don't provide the insurance and if you don't pay enough money to your employees so that they qualify, then an employer would be penalized \$750 per employee who qualified for public benefits. It's a little murky, but it sure looks to me like this is a high amount of leverage.

Then it also says that HARRY REID had a virtual free hand to craft this new measure.

So, as I look at the things that unfold, they have a filibuster proof majority in the Senate. I've continually heard, Madam Speaker, the criticism from Democrats that Republicans are obstructing and are holding up the show. Well, I would like to do that. I would like to kill this bill—dead, dead, dead. I'd like to tell the American people that the entire framework is wrong-headed, that it's rooted in socialized medicine and that it's not rooted in freedom. I'd like to obstruct this bill. I will try to do that. If I can, I'll surely take the blame or even the credit, and I'd be happy to share that credit with all of the others who might step up.

Truthfully, it's the Democrats' obstruction going on within their own caucus that's the problem. It's not a problem to me. I'm happy when they reach indecision because they will make a bad decision. They are determined to go down the path of socialized medicine, but they have a 79-vote advantage in the House of Representatives. There are 79 more Democrats than Republicans, and they're pointing their fingers at Republicans. The Democrats can't get their act together to pass legislation, but they point their fingers at Republicans.

The Senate is the same way. Obstructing Republicans—with what?—40 votes on a good day? There are 60 votes of Democrats in the Senate. This scenario has never been reached in the history of the United States of America—massive majorities for either party.

With Democrats in the House and with a filibuster-proof majority for Democrats in the Senate and with the most liberal President in the history of America, what possibly could come out of this that would be good for America's freedom? I pose that question not just rhetorically but literally, Madam Speaker.

I would be very happy to yield so much time as he may consume to my good friend, Doctor and Congressman MIKE BURGESS from Texas.

Mr. BURGESS. I thank the gentleman for yielding.

You know, I was on a conference call a little while ago when you started, and I saw you going through those charts. They do look terribly complex, and lest anyone who is watching your discussion of those charts thinks that, well, perhaps the good gentleman from Iowa is just engaged in a little political hyperbole or perhaps that he is overstating the case for the purposes of discussion, when you look at the bill, H.R. 3200, there are a lot of words contained in here.

We had this bill in my Committee on Energy and Commerce. It was also debated and voted on in the Committee on Ways and Means and in the Committee on Education and Labor. We all had the same bill. We all ended up with a little bit different product at the end. Well, this bill ended up being about 1,000 pages in my committee, so you could just imagine, with 1,000 pages, there is room for lots of twists and turns and rabbit runs and dead ends, as the gentleman from Iowa so eloquently expressed. That was July 31, and here we are near the end of October. So we have volume 1 and volume 2 of the same bill.

I would submit that the gentleman, if anything, is guilty of, perhaps, not having a graph that's complicated enough, because this bill has expanded beyond anyone's reasonable belief of what this bill should be.

Now, Madam Speaker, I would submit to you that 1,000-page bills scare people, and they scare people for a good reason. They scared people when we were in charge, and they scare people now. They scare people because they don't think we're going to read this. They don't think we're going to take this insurance ourselves. They know that their taxes are going to go up and that their freedoms are going to go down. So 1,000-page bills scare people.

We all agree that something needs to be done. Reform is necessary.

It would be so straightforward to pick those things that need attention, to work on those problems, to deliver for the American people, and not to scare them so close to Halloween with now a 2,000-page bill—or actually, it turns out to be about 2,400 pages. I realize parts of this are duplicative and that parts of this are even contradictory because no one has really gone through and has sorted out what Ways and Means did and what Energy and Commerce did. It's just kind of a merged product that we have now.

It really doesn't matter because this bill that was delivered to me on Friday afternoon really could go straight into the round file. The actual bill is being written in the Speaker's rooms even as we speak. I suspect the gnomes who work on bills are over there, crafting away on the legislative language, probably with heavy doses of input from

down at 1600 Pennsylvania Avenue. Certainly, if you looked around the room, I'll bet you wouldn't find any Republicans, and I'll bet you wouldn't even find any backbench Democrats.

Isn't it ironic that the President, who stood on the floor of this House and who said he'd be open and straightforward with the American people and who said that all of these processes would be aboveboard—in the daylight, on C-SPAN—has this all being conducted in the dark in the Speaker's office? The doors are closed and locked. Mr. KING is not allowed in the room. I'm not allowed in the room. No Republicans are in the room. Again, I rather suspect many of the rank-and-file Democrats are not allowed in the room as well.

What will happen now is this bill, which will be written in the Speaker's office, will come to us at some point. They have graciously consented 72 hours for us to read the bill. Will it be this big? I don't know. It certainly could be. It was 1,000 pages when it left our committee. It was 1,500 pages when it left the Senate committee. It's not likely that it has diminished in size with all of these people working on it. We have 72 hours to review the bill. Madam Speaker, the people of America will have 72 hours with the bill up on Thomas to review what's in there. Then we'll vote.

We'll vote, and it will be a vote we will cast not just to affect the rest of health care in the rest of our natural lifetimes but in the rest of our children's natural lifetimes and in the lifetimes of our children's children. That is the implication of what is contained herein. The American people don't trust us with a 1,000-page bill. They don't trust us with a 2,000-page bill, but there are some things they want fixed.

Isn't it ironic we've got over 50 pages in this bill which are dealing with the types of language services you must offer in hospitals and in doctors' offices, but there is not a single word about liability reform? Yet the Congressional Budget Office, in a letter to ORRIN HATCH last week—or in a letter to a member of the other body last week—said that we could save \$54 billion if we would enact the right kind of liability reform. Why wouldn't we do that?

We also had the event last week where the Nation's doctors were told, Sorry, we can't help you. You're going to get some bad pay cuts over the next 10 years, but there's just nothing we can do to stop it because we don't have the money to do so.

Well, why not take that \$54 billion? There's also other money we could find in other places. Why not find that money and why not help the doctors rather than say we can't do it?

So here we're going to ask our Nation's doctors to be our partners with us as we go through this. They're going

to have to live with whatever we pass for the next two or three generations of physicians, and we won't do those two simple things that are so important to the Nation's physicians—liability reform and payment reform in Medicare. It seems so simple. I would just have to ask:

Why is that too much trouble with all the king's horses and all the king's men working on this legislation?

I yield back to my friend from Iowa.

Mr. KING of Iowa. Reclaiming my time, as I listen to my friend from Texas talk, it occurs to me that I had one of those last weekend. I sat down, and I did an odd, surrealistic thing. I read through President Obama's campaign speeches, as Senator Obama, which went through the summer of 2008 right on up to the election on November 4 of last year. It was soaring rhetoric. It was moving. I didn't quite have a tingle go up my leg, but I was moved by the language. I had to stop sometimes and mentally pinch myself to ask: What has happened now compared to what I heard then?

Well, one of the things that really stands out is Barack Obama's pledge to unconditionally sit down with the Iranians—with Ahmadinejad. Without conditions, you know—dialogue is progress. That's what they think. So he made that pledge during his campaign. He has not backed off of that pledge to unconditionally sit down with Ahmadinejad. Yet I just ask the question:

Is anybody sitting down with President Obama who has an "R" behind his name and talking health care? Is there anybody in the House of Representatives, out of 178 Republicans, who is in negotiations with President Obama and who is having a discussion on health care? Is there anybody really reaching across the aisle from over there to look for some Republican components and solutions? Is there anybody in the United States Senate with an "R" behind his name who has been invited to the White House or who is sitting down with HARRY REID, or is it all NANCY PELOSI's office, HARRY REID's office and the Oval Office—all Democrats—all clustered together?

They do have the votes, you know, but this was the President who was going to bring in a new era of bipartisanship. When he found out that he didn't need Republican votes and that he didn't need Republican philosophy either, we ended up with this lurch to the left that continually comes at us over and over again out of this administration.

The gentleman spoke about liability reform and the proposal of \$54 billion in savings.

□ 2130

Here are some numbers that stand out to me. I think those numbers are conservative. The lowest numbers that

I have seen, as the percentage of the overall health care costs that are attributable to malpractice premiums, the litigation and defensive medicine that's a component of this, the lowest number I have seen is 5½ percent of the overall medical cost. Health insurance underwriters place that at 8.5 percent. That's \$203 billion a year. Now you won't save it all, but that's how big the pot, I think, likely is. Other numbers go on up to 10.1 percent; and then talk to your orthopedic surgeons and they will take you right on up to 35 percent because they are faced with it, and the OB/GYNs, the highest level of malpractice.

And we're losing places for women to have babies. The access to health care has been diminished because of the liability, but it's in the tune of hundreds of billions of dollars driven by the trial lawyers, and we can't find \$1, not one mention of lawsuit abuse reform in any of the legislation that's passed out of the committees here in the House or in the Senate. I think that's the starkest component of this. It's the most obvious that this isn't legislation that's designed to be good for the American people, it's designed to be good for the American Democrat politicians and the people who are brokering this behind those closed doors.

Again, I would yield to the gentleman from Texas.

Mr. BURGESS. I think you are accurate in your assessment. I spent the weekend talking to a good number of doctors back in Texas, and I will tell you there is a great deal of concern, a good deal of anxiety on the part of America's physicians as they watch us go through this process and recognize that at the end of the day their two biggest problems are no closer to being solved than they were when the President came to the American Medical Association and spoke to them in June of this past year.

It is, the gentleman mentioned, the monetary issues involved with liability reform. Those are truly significant, but there is no way to calculate the emotional toll, the emotional wear and tear that it takes on physicians and their families as they go through every episode of litigation. It is an unfortunate by-product of our system and, again, it is something where the Nation's doctors thought if nothing else, we'll give up a lot of our freedom, we'll give up a lot of our autonomy, but at least we'll have these two problems solved. It looks like at the end of the day they get to give up all that autonomy and all that freedom, and their problems are no closer to being solved than they were when we started this process.

Mr. KING of Iowa. As I mentioned on Medicare reform, just briefly before I yield, and that is, the President and the White House have identified—well, they haven't identified, they have al-

leged, that there are billions of dollars that can be gathered together in savings in Medicare fraud and abuse. In order to gain those kinds of savings, they insist that the legislation be passed, H.R. 3200 or some version of that legislation. They also want to cut \$500 billion out of Medicare reimbursement rates; and nationally, Medicare is underfunding the cost of delivery by, they pay about 80 percent of the costs of delivery.

I happen to represent, I believe, the most senior congressional district in all of America. Iowa has the highest percentage of its population over the age of 85 of any of the States. In the 99 counties in Iowa, of those 99, 10 of the 12 most senior counties are in my district. I believe I represent the most senior district in America, and our Medicare reimbursement rates are last in the Nation. The President proposes to cut them another half a trillion dollars in order to pay for and fund this growth in this huge national health care plan that they have.

Madam Speaker, America's seniors will not sit still for that kind of draconian cut into the health care that we have pledged to them. By the way, I will add one more point, and I think Congressman BURGESS will recognize this. Essentially it is the President's position, you'll find out what the savings will be in Medicare fraud when you pass my legislation. Then we'll use that to fund it.

That's what you call holding a right hostage to an ultimatum. We have a right to legitimate government. The ultimatum is pass my socialized medicine plan, and then we'll give you a legitimate government. We know where the secret is to all of this, but they won't happen to tell us. It's holding a right hostage to an ultimatum.

I would be happy to yield to the gentleman from Minnesota, who has made her mark on this Congress and on this country, MICHELE BACHMANN.

Mrs. BACHMANN. I thank the gentleman from Iowa and appreciate all that he has contributed to this conversation this evening, as well as my colleague, MIKE BURGESS from Texas, who did the very kind favor of coming to Minnesota and speaking as an expert on the health care issue. I know my constituents still tell me how much that meant to them, and I appreciated it as well.

I was very interested when the gentlemen were speaking about the lack of bipartisanship on this current bill. I would agree. I recall when all of us were filling this Chamber during the President's joint session to Congress, and he stood here in this room, addressed us, and he said if any of us have suggestions, we should come in and sit down with him, and he wants to hear those suggestions.

I was so pleased, I took him up on that. I wrote him a letter, told him

about positive alternatives that I had, bills that I had presented. I still haven't had the courtesy of a reply yet. I know there are a number of other Members that took the President up on that offer as well. I don't know what the President would be waiting for. I'm here. I'm ready. A lot of other Members have been anxious to go and meet with the President and give our positive alternatives. There's one that is actually fairly simple that we can do and it's this: Rather than the government owning our health care, rather than our employer owning our health care, we could change the Tax Code so that every American could own their own health care.

Quite simply, we would erase the boundaries between the various States. People could purchase any health insurance policy from any State in any amount. People could do that with their own tax-free money that they have set aside, and any expenses over and above what's in the tax-free account that they fully fund themselves, they can fully deduct on their income tax return. People can take their tax-free money, roll it over year after year and, upon their death, will it to their children.

Then we have true lawsuit abuse reform. That takes care of over 95 percent of the people in this country without spending trillions of dollars and getting our country more bankrupt than what it already is. Those who truly, through no fault of their own, can't afford to purchase health care, that's something we can take care of. Not a problem.

But why not offer and why not embrace first, before we build yet one more big government bureaucracy, why not try a simple, positive alternative that is free market oriented, that makes sense to people. Everywhere I go in Minnesota and talk to people about this option they say, Yes, why not offer that? Why not do it? Why not? Why not do that first before we embrace something that will cost so much money?

There are really two questions that we need to ask ourselves. With the current Democrat proposals that are before Congress, we just ask ourselves this: Will this bill give me more control over my health care? Or will it give government more control?

The bill that Dr. BURGESS held up in the air was about this thick. What was that, about 6 inches, perhaps, thick? That bill would give government almost all, virtually all control over a person's health care, rather than the individual. Then let's ask ourselves this question, and I think Congressman KING alluded to this: Will this cost me more money or less money?

Well, the government plan we know will cost more money. Estimates that have come out so far have said people's health insurance premiums could be estimated to rise by as much as \$4,000 a year; \$4,000 a year more.

How is this going to benefit the average family? The average family would be getting less health care, more rationing of care, and they would spend \$4,000 a year more. What about senior citizens? Senior citizens are paying attention to this debate. They're hearing that the Democrats that control the Senate, the Democrats control the House, the Democrats control the White House, they control every lever of power in Washington as Congressman KING rightly said. The Republicans aren't the one holding this bill up. We don't have the votes.

The Democrats have the majority of votes. But what do they plan to do? They plan to cut Medicare. That's right, Mr. Speaker, they plan to cut Medicare by \$500 billion. What does that mean for citizens? Less care, more cost, less care, rationing. That is not the future that they want to have.

What about people under 30? What do they have to look forward to in this bill? People under 30 are looking at having, perhaps, 8 to 12 percent of their income taken away to go to pay for health care. That's a direct new cost that government would impose on young people.

What about businessmen? Businessmen are looking at an 8 percent payroll tax. Most businesses don't even have an 8 percent profit margin. They don't know where they are going to get that 8 percent to pay for that additional amount.

What about the job creators in our country? They are looking at a 5.4 percent surtax on their income. That won't help right now and also, a 40 percent tax on insurance premiums. How do you like them apples?

That doesn't do anything to help anyone in this country bring down costs and expand care because here's the context of our time. Congressman KING had mentioned we are currently sitting at 9.8 percent unemployment, and the White House has told us that we will see probably 10 percent unemployment by the end of 2009, and we will see this level of employment on into next year.

The White House is telling us, high unemployment is the new normal. Well, maybe for this White House it's the new normal, but not for those of us on the Republican side of the aisle. We know it's possible to have lower unemployed and to create jobs in this country, and we can do it by having government spend less money and cut taxes.

Well, this bill would add 5½ million to the unemployment rolls if it goes through. Also, we have seen that the dollar has dropped 16 percent in the last 7 months in value. We have seen China, Russia, the United Nations call to take the dollar away as being our international currency and create some new form of currency. That's going to increase the lowering of our dollar.

We saw this year that the government has spent \$1.4 trillion more than

what they took in. That's more debt than all previous 43 Presidents put together. President Obama increased the size of the spending in the Federal Government 22 percent this year. In fact, he is increasing what we are spending on welfare next year by a third. How big is that number? That increase is more than what we spent on 8 years of the Iraq war. In fact, it's 25 percent more than what we spent on the Iraq war. We are burying ourselves and our kids in debt, and we are getting nothing to show for it. In fact, the Inspector General said in a report last week that there are untold billions of dollars that he can't account for out of that \$700 billion bailout that went to the banks and the auto companies and AIG. Billions. They can't even account for it.

In this context, we are going to give Members of this Congress 3 days to read the bill, and it might be over 6 inches high. This is not only an insult to Congress, this is an insult to the American people. We should have 3 months to read this bill so that we can truly debate and see, will this help America or will this hurt America? Will this take us out of debt? Will this put us more in debt? Will this give the average American more control over their health care or less control? Will this cost the average American more in their income or will it allow them to save? That's the context that we need to discuss this in and not just Republicans in the Chamber, but Democrats working together to truly craft the best possible solution that we could have.

But right now what we need to do is fix our economy and get people back to work. The rest of this will take care of itself. There are people out there tonight, Madam Speaker, who are suffering. They don't know if they are going to have a job tomorrow. They don't know where they are going to go to find food for the table. Well, let's rev up this economy. We can do that with our positive solutions, and let's move forward in the debate.

I will now hand it back to Stunning STEVE KING of Iowa.

Mr. KING of Iowa. I embarrassingly, modestly thank the gentlewoman from Minnesota for that delivery that covered so much territory and laid out so many facts.

I would like to take us back to a couple of principles, Madam Speaker, and that is this: Why did we start down this path? What has been the objective? What was the objective back here when it was HillaryCare, and what is the objective here when it is the color coded jellybean chart that we have from the Ways and Means Committee? The objective was two things. Here are the problems that they wanted to address.

□ 2145

The problems being—this is the President's position—health care costs

too much money in America as premise number one; and as premise number two, we have too many uninsured in America.

All right, let's take first the subject of health care costs too much in America. Well, it costs around 14.5 percent of our gross domestic product. Some have numbers that go a little higher, maybe 16 percent, or maybe a little more. Then we are advised, the most consistent data we see, the average for the industrialized world is about 9.5 percent of the GDP.

Well, we get the best results, so it isn't too expensive when you need it to save the life of a loved one. And we produce more than anybody else, also, and once that is indexed back to the overall average gross domestic product of the American people, that adjusts that number a little bit.

But be that as it may, Madam Speaker, do we spend too much money? That is debatable. Maybe we do, maybe we don't. But the solution is not, as the President proposes, to throw 1 or 2 trillion dollars at the problem. If you have a problem of spending too much money, it would go without saying that the solution is to spend less money, not more.

So I will submit that they premised the analysis on spending too much money for health care. That, supposedly, is worthwhile to transform the entire health insurance industry and the health care delivery system in America, because they allege we are spending too much money. They have a point on the money that is being spent. We can discuss that. We can save a lot of that just within the lawsuit abuse reform.

But, the American people know, if you are spending too much money, the solution is not to spend more. That should have never gotten a pass. As soon as a statement like that was uttered, it should have been cut off at the beginning, cut off at the pass, so-to-speak. So I hope that has dispatched that erroneous idea. If we spend too much money on health care, if that is the President's position, then let him propose a policy that spends less, not more.

Then, the second premise is we have too many in America that are uninsured. Well, everybody in America has access to health care. Somehow we have traveled down this road where a position has been taken that everyone in America has a right to first-class, high-quality health care.

Now, that is nice. If we decide to do that, then we should have an open, legitimate debate about it. But it is not a right. It is not a right. It is a benefit that Congress has agreed to make sure it was available for humanitarian reasons. We spend billions overseas in humanitarian aid, and we spend billions in this country to provide health care to anybody that shows up, because we

don't want to turn someone away and have them get sicker or die. That is the policy in America, but it is not a right.

Our rights are enumerated pretty clearly in the Bill of Rights. But when FDR, Franklin Delano Roosevelt, gave his famous "four freedoms" speech, he was stretching the rights; the freedom of speech, freedom of religion, freedom from want, and freedom from fear.

The freedom from want and freedom from fear are not rights. They never were rights, and they never can be turned into rights, because if they do, can you imagine freedom from want? Well, if we lose all of our wants, we lose all of our desires to make the world a better place. We lose our desire to make our life a better life and that of our family. If you don't want for anything, you sit around and whatever you need shows up. Who is going to provide that? Our entire economy would collapse around that kind of thing.

Freedom from fear. Fear of what? Freedom from want, perhaps. But those two were erroneous components of FDR's philosophy. But they live today, somehow, in the minds of the majority of the United States Congress and, it looks like, the majority of the United States Senate, but I don't believe the majority of the American people.

But even though everyone in this country has access to health care, no one has a right to it. They are trying to argue that everybody has a right now to a health insurance policy of their very own. Now, imagine a society that gets to that point and what that does to a society. But the argument is too many in America are uninsured.

So, Madam Speaker, here are the real numbers about those in America that are uninsured. This little pie chart shows the chart of 306 million Americans. Eighty-four percent, in this blue, those are those that are insured, that have a policy through their employer or they take care of it personally, whatever it might be. But they are insured. Then these little slots are the other categories.

One would think that we were trying to address uninsured Americans without affordable options. Well, here is the list of those Americans that are in this 47 million uninsured. That is the number we constantly see, 47 million.

In yellow, illegal immigrants, about 5.2 million. In black are the legal immigrants that are barred by law for a 5-year period. So you end up with 10.2 million of those.

Then you have individuals earning more than \$75,000 a year without health insurance that didn't bother to write a check for their premium. Presumably they could manage that with the money they are making. That is about 6 million.

Then you have those eligible for government programs. That is in green. That is 9.7 million.

Then you have those eligible for coverage under the employer but didn't sign up or opted out. That is 2 percent here. That number is actually 6 million.

Then the other category, eligible for government programs, 9.7 million.

We get down to this number. When you subtract from the 47 million all these categories that I have listed, those that would be covered under their employer if they would just sign up; those that are insurance eligible for government programs but don't bother to sign up; those that earn more than \$75,000; those that are immigrants, that are legal and illegal, disqualified for one reason or other; you add that all up and subtract it from 47 million, you get over to this red.

This would be the list, Madam Speaker, of the Americans without affordable options. That represents 12.1 million Americans, less than 4 percent of America's population, and that less than 4 percent are the people that presumably the President and the majority party, and in fact the minority party, would like to encourage that they get insured.

But they would upset and transform and overhaul 100 percent of the health insurance in America and 100 percent of the health care delivery system in America for the purposes of reducing this 4 percent number down to what, 2 percent? Maybe on a good day. That is what is going on here.

So, I believe it was Socrates that said if you start with a flawed premise, you end up with a flawed conclusion. If he didn't say that, Einstein did, or some other smart person. You don't have to be very smart to figure out that if you put the wrong formula in, you are going to get the wrong results out. Garbage in, garbage out.

We have, Madam Speaker, we have got garbage here. The idea that first we spend too much money on health care, and being able to spend more, 1 to 2 trillion dollars more is a solution, that is garbage. The garbage underneath it, certainly there is truth to spending too much money on health care in America. Let's debate that. Let's debate how we address that. We don't address it by spending more money. We address it by ending the lawsuit abuse that takes place in this country. We have got to reform that.

We passed that out of the House here in 2005. It came out of the Judiciary Committee where I and Mr. GOHMERT sat. We passed that here on the floor, and it was limited, the noneconomic damages, to \$250,000. That was a policy that was modeled after California at the time. Since then, Texas has adopted it and has seen their doctors that were leaving Texas turn around and come back, because now they can practice in Texas without a penalty.

So, just the tort reform component of this would save at least \$54 billion. But

I am suggesting the numbers I am looking at show that lawsuit abuse costs in the neighborhood of \$203 billion a year.

Now, over a 10-year span where these bills are estimated, that would be over \$2 trillion that goes to the trial lawyers and some of the plaintiffs, and also goes to the people that are doing the tests, the unnecessary tests that are part of the defensive medicine that takes place.

So, if health care costs too much money, Madam Speaker, the first solution would be to address lawsuit abuse. That is number one. We should be able to agree on that. But there is not one word in any of these bills about reforming the abuse of lawsuits that could be somewhere between the \$54 billion savings that was identified by Dr. Burgess a little earlier, on up to what I say is \$203 billion, and probably more, and \$2 trillion over the life of the bill. But not one dollar is going to be saved. In fact, there will be more spent because of this.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the ordering of a 5-minute Special Order speech in favor of the gentleman from Texas (Mr. GOHMERT) is vacated.

There was no objection.

TALKING ABOUT TRUTH, HONESTY, AND INTEGRITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Thank you, Madam Speaker. I do appreciate this time, and I do appreciate the comments from my friend Mr. KING from Iowa, and I do want to follow up on that subject, a little different approach from a little different angle, because I think it is important that we talk about truth, honesty, and integrity.

It is inappropriate on the House floor to accuse anybody else of lying who is a Member of Congress or the President. We are not going to do that tonight. But we are going to talk about what the truth really is, and people can compare the truth to things that have been said both here in the House and around this country by our leaders and let them figure out for themselves what is truth.

In fairness to the President, we heard him say repeatedly, "You have heard their lies. Where is their solution? Well, they don't have one."

Well, actually we have many, and we tried to get his attention. I know he said if we have proposals, if we have solutions, there is always an open door, and I have no doubt that he is correct

about that. I just have not been able to get past all those massive gates and armed guards in order to talk to the President about that. I am sure the door is open, just like he said. It is just I haven't been able to get there. One of my friends from Georgia has indicated he called for weeks and weeks to see if he could get an appointment and had been unable to.

So this is our opportunity to come to the floor and actually speak without all of the craziness and the hoopla and the political bantering.

I did notice last week on the floor right over there at that podium with an easel behind some friends across the aisle, Democrat after Democrat got up, and they had a poster and they kept pointing out and finishing their comments by saying, it has been so many days, where is their solution?

I would like to point my Democratic friends to the fact that if they are looking for the Republican solutions, we have many of them. We have tried to give them to them. We have tried to get them to the floor. We have tried to get them to be brought up in committees, because there are really some excellent solutions to health care reform, some great bills that actually do reform, instead of this stuff that is being attempted now.

Anyway, I want my friends across the aisle to know that if you are coming to the floor of the House of Representatives and asking where is the Republican solution, well, even though there are dozens and dozens of excellent proposals, solutions in bills, and I have one myself, they will not find those here on the floor of the House, because they control the House.

The Speaker controls the House. The Speaker has unbelievable power to influence the Rules Committee in what she believes. No matter who is Speaker, that Speaker has fantastic power to influence the Rules Committee. Then the Rules Committee has absolute power, despite what the Speaker says, to do what they wish.

Unfortunately, the Democratic friends can come to the floor of the House all they want to and say where is the Republican plan, where is their solution, and there won't be one here, because they have been effective in preventing us from bringing our solutions to the floor.

So I hope that that spirit of political bantering that they continually brought here, speaker after speaker, where is the Republican solution, they still don't have one, when are you going to bring one; it won't be found on the floor while they are in the majority. If they would like to give the majority back, like they are apparently working on, we will be glad to take that and immediately bring so many of the wonderful solutions that have been proposed.

I heard a wonderful comment recently. Someone said the Democratic

leadership say they want to reform health care. What they are trying to do is deform it. I would have to agree.

I note, also, that so much of the Democratic bills are proposing to have payment coming for those bills from cuts in Medicare that they say will be found in waste, fraud, and abuse.

□ 2200

Well, if they know there is that much in waste, fraud, and abuse in the health care system, then aren't the Congress, the House and the Senate, and the President being accessories if we don't bring that fraud to the attention of the other lawmakers so that we can immediately do something about it? Why would anybody want to allow fraud to continue unabated, costing taxpayers billions and billions and, they say, hundreds of billions of dollars, and they are not going to do anything about it unless we first give them this health care deform, or reform, as you may wish?

Now, for so long the only bill we had was H.R. 3200. This is half of it. The other half is in the other notebook I have here. And I divided it up so it was easier to carry. I was afraid that the way things have played out in the past with the crap-and-trade bill and also the stimulus bill and land omnibus that so much would be brought to the floor without the opportunity to properly review those things. And, of course, as we know in the crap-and-trade bill, it came to the floor the morning that 300 pages of amendments were filed around 3:08, 3:09 a.m. And right here from this podium, I had made a parliamentary inquiry, which we are allowed to do when there's a legitimate parliamentary question, I wanted to know where can I find a copy of the 300 pages of amendments.

Because, after all, normally right outside here in the Speaker's lobby, there are tables out there and they have copies of whatever we are taking up that day. There were no copies of the amendments out there. So I came on the floor, looked around at the Democratic whip table, the Republican whip table. There was no copy to be found anywhere. So I made a parliamentary inquiry as to whether or not we were supposed to have a copy of the amendments since we were actually voting on them right then. And I was told initially by the Speaker, well, there is a copy at the desk. And one of my Democratic friends came up and set four copies of something on the bottom level of the Clerk's table and then pointed to those. So I thought, well, I guess those are copies that they just brought in. So I went there, checked. They were not copies of the amendments. It was the minority report, two copies of that, and two copies of the thousand-plus-page bill, but none of the amendments.

So I came back, made another parliamentary inquiry, and was told that

there was one copy of the amendments at the desk. I made further inquiry because I'd been to the desk and couldn't find them, and I was pointed to the chair of the individual who actually had the copy, and she was dutifully going through the original copy of the bill and had the only copy anywhere about these parts of the amendments. And where the amendment would say at page such and such, delete line so and so, insert line so and so, and it would have injected language, she was inserting the language, lining out those.

So we know that kind of stuff goes on, that we vote on things that nobody could read together in one bill because there wasn't even an official copy of the entire bill here.

I made a further parliamentary inquiry since there was not an assimilated copy of the whole because, as you go through these bills and they're constantly referring to other sections, unless you have the correct language of the other sections, you can't really effectively read the bill.

So, anyway, we got this bill, H.R. 3200. There's no telling how many hundreds or thousands of hours that have been spent by individuals across this country reviewing it. I think many more outside Congress have reviewed it than inside. And I didn't the first week or so start going through and reading the bill because I was afraid there would be another 3:08 amendment that would massively change the thing. But then I figured this would give us an indication of where things were trying to be taken. And we heard repeatedly from the President, from leaders here, that if you like your health insurance policy, you're not going to lose it.

Well, page 16 of H.R. 3200 deals with that issue. And so that I am not accused of playing politics, I will just read this section. It's the "Protecting the Choice to Keep Current Insurance." That's section 102 of page 16 of H.R. 3200. Subsection (a), "Grandfathered Health Insurance Coverage Defined: Subject to the succeeding provisions of this section, for purposes of establishing acceptable coverage under this division, the term 'grandfathered health insurance coverage' means individual health insurance coverage that is offered and in force and effect before the first day of Y1 if the following conditions are met," Y1 being the year that this health care plan kicks in. Subdivision (1), "Limitation on New Enrollment. A, In general, except as provided in this paragraph, the individual health insurance issuer offering such coverage does not enroll any individual in such coverage if the first effective date of coverage is on or after the first day of Y1."

That means, of course, if an insurance policy adds an additional insured, someone else comes to work for the company who has bought this insurance and is added to the policy, the

policy is gone. It's not grandfathered. It doesn't meet the exception here. And it does have B, Dependent Coverage, you can add a dependent if it's a dependent of someone already on the policy.

Then subsection (2) of A, "Limitation on Changes in Terms or Conditions." This is a good one. "Subject to paragraph (3) and except as required by law, the issuer does not change any of its terms or conditions, including benefits and cost-sharing, from those in effect as of the day before the first day of Y1."

"Restrictions on Premium Increases," that's subparagraph (3). "The issuer cannot vary the percentage increase in the premium for a risk group of enrollees in specific grandfathered health insurance coverage without changing the premium for all enrollees in the same risk group at the same time as specified by the Commissioner." That's about more Federal control for sure.

Anyway, look at number 1 and number 2. And I was talking to some constituents. One was quite proud of his retirement policy from a large company that's been very successful here in the United States, and he says, Our union was very effective in getting us a very good policy. They've been very reasonable; so our company is very profitable, doing very well, and we have got great health insurance as retirees, and it looks great for the future, so I'm not really worried about having health care coverage. It doesn't affect me what you guys do. I've still got good coverage.

Wrong. He had not read page 16 regarding the grandfathered health insurance that he would be allowed to keep.

So I asked him, Will there be any additional people retiring that will be added to your policy?

He said, Well, of course. They retire all time.

There goes your policy. Because on page 16 it says you can't add another individual. You can't enroll another individual. So if you have more people retire from your wonderful company, then they're added to policy, your policy is gone, and you're kicked over under the Federal plan. So that brings us to here. I thought people ought to know that.

And I have heard some friends, wonderful Senators down the hall who had the best of intentions who said, well, you know, if we take out the public option, I think we could get this agreed to. I have heard some other Republicans indicate similar things.

□ 2210

The problem is they must not have read the Baucus bill or the House bill because this bill is not about health insurance coverage, it is about a government takeover, whether there is a public option in it or not.

How about page 21 of H.R. 3200. This is section 113, B, Study and Reports, one study, commissioner in coordination with the Secretary of Health and Human Services and the Secretary of Labor shall conduct, that is shall, meaning they have to, conduct a study of the large group insured and self-insured employer health care markets. Such studies shall examine the following: the types of employers by key characteristics, include size that purchased insured products versus those that self-insure.

Key characteristics are not defined. The government will decide what is a key characteristic of the individual's particular business. Maybe they need to know how much you keep in inventory in your business; how much you are paying your best employees in your little mom and pop business, we are going to study those under this. It is going to be required. Shall study.

It will compare the similarities and differences between typical insured and self-insured health plans. It will study, under C, the financial solvency and capital reserve levels of employers that self-insure by employer size. So we are not just going to look at the big ones, we will look at them by virtue of size. We will look at their financial solvency; how are they doing.

And since the Federal Government has never balanced any business activity that it has undertaken, this is going to be a real stretch as we send Federal agents into businesses around the country to help them figure out if they are making good decisions that are going to help them stay solvent so they can be sure to provide for their employers.

How about D, the risk of self-insured employers being able to pay obligations or otherwise becoming financially insolvent. How do you like that? The government is going to send in somebody to analyze your business for you to help you figure out if you are at risk.

Ms. FOXX. Will the gentleman yield? Mr. GOHMERT. I yield to my friend from North Carolina.

Ms. FOXX. I find it interesting that the government is going to do that to businesses that are being highly successful all across the country, and yet we find ourselves right now in a situation where we have the largest deficit ever in the history of this country, a debt so large it is almost incomprehensible, and yet our Federal Government is going to go out and analyze successful businesses to decide whether they are solvent. I find that—I can't even say the height of hypocrisy, it is beyond hypocrisy.

Mr. GOHMERT. If I can follow up on that point, the gentlelady raises a wonderful point. Here we are in the government. We are going to send out people to help examine businesses to see if they are making good decisions, and

yet the biggest spender, the biggest risk to the entire country is the Federal Reserve. We can't even get a look at what they are spending, but they are going to come in. I mean, this is the kind of stuff that revolutions are started over. The government will not let anybody know what they are doing. The Federal Reserve is scared to death that this Congress and the people in America will find out what businesses, what banks, what guarantees they have made, what money they have spent.

There has to be some pretty scary stuff for them to fight so hard to not open up their books so we can see what the Federal Reserve is doing, and yet at the same time we want to help people examine their businesses. And it brings again the wonderful example of flood insurance to the fore. That is there were numerous private insurance companies who were selling flood insurance. If this sounds familiar, it should.

The Federal Government said we are going to add a Federal option because we are not sure that the private insurance companies are being fair enough in what they are charging for flood insurance. So the Federal Government provided a Federal option. Well, the Federal Government began immediately running into the red because it was willing to take very little to insure people whose homes were constantly blown away by hurricanes and floods. Yes, build back, we will pay again next year.

So what has happened, they drove the private insurance companies out of business because they cannot continue to operate in the red like the Federal Government does. And continues to do, but there will be a day of reckoning. Instead, it drove the private companies out. It didn't provide an option. What it provided was ultimately there was no option. There is where we are today. There is the Federal Government's flood insurance, and the others got out of the business. That is where we see this headed.

That is why when we hear about a public option, a federally funded co-op, and even if they say we can work a compromise, we will put a trigger in. We will put it back here, we're sure it won't happen, but just in case there will be a trigger and it will kick in. Give me a break. Those triggers always happen, and the Federal Government takes over that whole issue.

People need to know the kind of stuff that is in here.

One other unbelievable thing, and I say "unbelievable" because we can't say anybody is lying, I guess, but we are told that this Federal plan is about providing people more options. Well, go to page 84 of H.R. 3200. You want to find out about more options, page 84, this says the commissioner shall specify the benefits to be made available under exchange participating health

benefit plans during each plan year consistent with subtitle C of title I of this section. It sets out what plans the commissioner will set up the conditions for, the terms of, and there will be one basic plan. The entity offers only one basic plan for such service area. So many areas in the country may have one policy offered. One policy. Now initially there will be insurance companies that want to try to participate who can offer that one policy, but there will be no flexibility. There is one policy and that's what they have to offer or they can't offer any insurance.

So instead of having the big, thick booklet like all Federal employees, including Members of Congress, have, they give us these great choices. Many insurance companies, many different types of policies. Now what you will have is a little bitty pamphlet that says here is the basic plan, and here are the companies that offer it. Now if you offer one basic plan and you want to go further, you can offer one enhanced plan, but you have to make that comply. They will all be the same, meeting the conditions that the commissioner sets out. And if you offer a basic and an enhanced plan, then you can offer a premium plan for that particular area.

So there is an optional offering for premium plus plans if you offer those three. You could have some areas where they have four or five policies. That is possible. They will be the same policies. Now there are over a thousand policies. Then we will have—probably most areas will have two or three at the most. Some will have one policy with different people offering it.

But there are provisions in here, there is some good language for an ACORN-type group or ACORN because this requires the commissioner shall, on page 99 and page 100, assist exchange eligible individuals in selecting exchange participating health benefit plans and obtaining benefits through such plans.

□ 2220

And then it says, The commissioner may work with other appropriate entities to facilitate the dissemination of information in this subsection, provide assistance described in paragraph two.

So they can hire ACORN folks to go out and give people the information they want them to have—hopefully not telling them how to set up prostitution rings, but probably try to confine themselves just to the health care. But ACORN is paid to do so many different things, it's reasonable to figure that they may give advice on several things at the same time, perhaps would tell you how to avoid tax problems for your prostitution ring, and then we'll tell you about how to sign up for the Federal plan as well. But anyway, that's all in there.

This is not about choices, though. This is going to eliminate choices like have never been eliminated in our country's history.

Ms. FOXX. Will the gentleman yield?

Mr. GOHMERT. I will yield to my friend.

Ms. FOXX. I appreciate your being able to quote chapter and verse in the bill. When I have spoken to groups and have told them particularly about the part you were reading earlier, that once there is any change in any health care plan that plan goes away, I remember when I read that—you know, this is very boring reading. We all know it's very boring reading, but when I read that, I went, Whoa, what is this? Every plan will go away if one little change occurs? And, you know, when I've talked to people about that and told them it was in there, I think a lot of people didn't believe me. I think they just thought that couldn't possibly be the case.

Did you get that kind of reaction from people when you explained that to folks?

Mr. GOHMERT. Reclaiming my time, I absolutely got that reaction from people. They didn't believe it. And that's why I would carry my copy of the bill and say, Here, you read it. You figure it out, because these are smart people and they would figure it out.

But let me tell you, most people wouldn't even get this far. But if you could get clear over to page 828 of the bill, this does not impose a tax. I want to be clear about that. The President is right, there is no new tax here. This is called a fee. It's a fee, not a tax, according to the proponents of this bill.

Anyway, section 4375, There is hereby imposed on each specified health insurance policy for each policy year a fee—not a tax, a fee—equal to the fair share per capita amount determined under section 9511(c)(1) multiplied by the average number of lives covered under the policy. The fee imposed by subsection A to be paid by the issuer.

That means there will be a fee, or, the truth is, many of us do call fees taxes. Some like to call them contributions. And I think that's very noble that we have people out there that make contributions on April 15 of each year to whatever whims happen to come before the Congress. But anyway, that is there. There are fees. There are lots of other fees mentioned.

But I'll tell you one of the most astounding things that I heard. It came a few weeks ago, is we know that the President, in his speech in this room, right there at that second level—at the second level, not the top, because we all know in here, this is the people's House, the Senate joins us, the President is not allowed to come in here without an invitation. And so we extended a unanimous invitation from the House, a unanimous invitation from the Senate. I thought about ob-

jecting if he was just going to come berate us, but as a Christian, I got to thinking, you know, what if he's coming to extend an olive branch and since the first time since March allow a Republican to have some input into this bill—even though we've been shut out for so long. What if he's coming in and saying, You know what, I heard the American people during August. I saw them rise up. I saw how upset they were, and I heard them, as I said I would over and over and over and over when I was running, and you know what? I want to work with you. I'm going to reopen the White House, and we'll start tonight as soon as this is over. We can just have an informal sit-down downstairs over in the New Visitor Center somewhere. Let's talk about this, you know, something to indicate that we were really going to work together. But instead, the President came in—and these are all words that he used in his speech. He said that those of us who are critical of the Democrat proposal are not engaged in honest debate. He said we were using scare tactics. He said we were making bogus claims. He said we were making wild claims.

The President said we were engaged in demagoguery, distortion, acrimony. Those are all words he used and leveled at us. He said we were cynical and irresponsible, that facts and reason are thrown overboard, that we were robbing the country of this opportunity, that we were killing—he used that word, “killing”—his good bill. And then two sentences before JOE WILSON used the “L” word, the President used the “L” word first when he said, That's a lie, plain and simple.

It's unfortunate that the President would come in throwing words around like that. We have rules against that kind of thing. The President doesn't have to play by the rules, as we saw by the Auto Task Force, doesn't have to play by the laws. You can always get the Congress to look the other way. You can always get judiciary to look the other way, find a lazy bankruptcy judge to sign stuff so he doesn't have to have all the hearings. And then one of the Supreme Court judges, bless her heart, Ruth Bader Ginsburg, put a freeze on for 24 hours. That was lifted off. All of the checks and balances the Founders put in place were completely emasculated, abrogated. There were no checks and balances. So the President's Auto Task Force was free to violate the law in so many ways, and did.

And here we're coming at it again, same kind of deal. But the unbelievable quote that I heard a few weeks ago, having been told by the President if we misrepresent his bill, he's going to call us out? I mean, those are fighting words. He's going to call us out? I'm not even sure I know what that means. In the old West, that meant you're going to have a duel. I guess that's

what Alexander Hamilton and Aaron Burr did. And that was over the issue of candor and honesty and comments that had been made.

So I felt like I was being demonized by the President because I've been reading from H.R. 3200, and at the time we had no other Democratic bill. So in a meeting with the Secretary of Health and Human Services, Secretary Sebelius, very gracious person, I had the opportunity to ask her in front of a number of other Members, since the President has constantly referred to this bill, my bill, this plan, my plan, used those words many, many times, said we would be called out if we misrepresented it, I said, Where can I get a copy of the President's bill so I can be sure not to misrepresent it? Her exact words were, I think he is talking about a set of principles. There is no bill. The President has no bill.

Now, they're working feverishly, apparently, behind closed doors. That does violate his promise that it would all be open, be covered on C-SPAN, all this stuff, that everybody would get to see the discussion so they could feel comfortable about the health care bill coming. None of that has happened. None of that has happened.

And so we come back to this point—that I know the gentlelady from North Carolina has looked into as well—about how many people don't have insurance, and we're told, at most, 15 percent. You're going to destroy health care as we know it, the best health care ever created in any country in the history of the world, because 15 percent of the population needs some assistance?

□ 2230

Are you going to change everything else?

Then we get down to brass tacks, and it turns out actually, if you take out illegal aliens and people who could afford the health insurance but who are young and who don't think they'll be sick so they don't buy it, then it may be as few as 3 to 5 percent that we're talking about. Dramatic drops. I mean it could be that 3 to 5 percent for which you're going to throw out the whole health care system the way we've come to know it when it just needs some serious things fixed. Throw out the whole thing?

I grew up in East Texas. I've lived in East Texas all my life, except for the 4 years when I was in the Army, because I love East Texas wisdom.

I had a guy in East Texas tell me—he said, You know, you're going to throw out the whole health care system because a small percentage of people don't have health insurance? He said, When my ice maker broke, I didn't remodel the kitchen. I fixed the ice maker.

That's pretty logical. Why don't we concentrate on those who need some help and concentrate on what needs

fixing? Instead, the information that we've been able to get indicates we're still going to have a vast number of people who will not have insurance once this bill is passed.

Oh, there's one other thing I wanted to mention. I see the gentlewoman from North Carolina has some wonderful posters.

I've heard friends from across the aisle repeatedly come to the floor and talk about all of the money that lobbyists are spending on health care lobbying and that they're just all over Washington. Well, it's interesting because they don't call me or my Republican friends. In fact, I had heard that some of them—and it has been reported in the news—that they've been told, if you talk to a Republican, don't expect to talk to me, and we're the ones who are making the decisions.

So, when they talk about all of the lobbyists' efforts in Washington, they're not directed towards Republicans, because they know we've got some great bills and that we've got some things that will fix the problems instead of create more problems. They're not coming to us. They're going to the Democrats. That's who they're going to, and that's the way the Democrats want it. Don't go to Republicans, say some of them. Just make sure you come to us.

So, anyway, I want to yield to my friend from North Carolina.

Ms. FOXX. Well, I thank the gentleman from Texas for taking on this Special Order tonight and for laying things out so well from H.R. 3200, which, as you've said, is the only bill on our side of the Congress that is out there. As you said again so eloquently, what the Senate has been working on has been behind closed doors.

I was really busy today. I heard there might be a bill released today, but I don't think it has been. I do want to talk about what you were saying about the fact that we are about to turn our whole economy upside down to take care of a small number of people who are lacking health insurance and who can't afford it.

As we know, at the beginning, our colleagues across the aisle and the President were saying there are 45 or 47 million people in this country who don't have health care. When they were challenged on that, they said, Okay, there are 45 to 47 million who don't have health insurance. Even the President, on the night he spoke to us in the joint session, took that number from 47 million down to 30 million because we had kept talking about illegal aliens who were here in the country and who were counted in that number. So he got it down to 30 million, but the number is really much, much smaller than that.

The ironic thing is that, in all of the legislation we've been hearing about, it looks as though 28 million people are

still not going to be covered by health insurance even if H.R. 3200 is passed or even if the bill out of the Senate is passed. So we're talking about, again, taking over the whole economy, putting us tremendously more in debt, spending \$1 trillion to serve approximately 1 million people if the numbers they have been using are accurate. Of course, we know that, most of the time, they're not accurate, but they're using the numbers.

Let's talk a little bit about who these people are. We have a few variations of the exact numbers that people are using. For example, in noncitizens, I think this says that there are 10 million. A chart that I had said 9.5 million, but if you're talking about starting out with 30 million, then what we're talking about again is of the 10 million who are not citizens and then of the approximately 9 million people who earn more than \$75,000 a year. I had the figure of 7.3 at \$84,000, but again, different people use different numbers. These people can afford health insurance if they want it, but they choose not to purchase it.

There are 10 million people who are eligible for government programs but who told people when they were questioned that they didn't have any insurance but that they were on either Medicaid or Medicare. They don't understand that Medicaid and Medicare are health insurance programs. So we've got 10 million there who are eligible for employer-sponsored insurance but who are not enrolled. Six million of these are people who just don't want to pay for health insurance and who are not going to pay for it if we have a plan that says you've got to be on it or pay a penalty.

So, on the chart that the gentleman from Iowa, STEVE KING, has been using, he has got 12 to 15 million Americans who don't have affordable insurance options. The number I had been using showed about 8 million people.

So we've got a really small number of people. We could take care of those people easily with a subsidy to help them get affordable insurance. We want to help working people, the working poor. That's who most of these people are. They work, but they can't afford insurance.

Republicans have a plan. As you pointed out earlier, we have several plans, and our plans deal with the things that folks most want. They want portability. People want to be able to take their health plans with them if they lose their jobs. Well, the way to do that is to give individuals the opportunities to take a tax deduction or a tax credit and buy their own health insurance. We have a system now where we give that preference to companies, but we don't give it to individuals.

So a simple thing to do would be to simply say you, as an individual, can

buy your health insurance, and you can take the same deduction that your employer has been taking all of these years. That won't cost the Federal Government a dime. We can also allow people to buy insurance across State lines. That can be done. It won't cost the Federal Government a dime. We can have across-the-board medical malpractice reform, and we can get rid of frivolous lawsuits. Texas, I know, has done that. California has done it. My own State of North Carolina has tried on several occasions to do it, but the Democrat-controlled legislature won't allow it to be done because they basically are beholden to trial lawyers.

So those are the three most important things that people want. They want accessibility and affordability. We can take care of those without spending any money whatsoever, but the Democrats seem intent on spending money.

This is really not about health care. I think we all know it. I think the examples my colleague from Texas was using from H.R. 3200 are very clear. This is about government control of our lives. This year in the House, we have already passed a bill that allows the government to take over all loan programs for students who are going to college. That's another takeover of our lives. The government has already taken over car companies, the car production companies. It's going to be having the government run every aspect of our lives.

I want to point out that part of the problem, again, is that we have a real difference in philosophy here in the United States. We have a difference of philosophy here in the House.

Republicans think that it's best for individuals to take care of themselves and to keep as much of their money as they possibly can.

□ 2240

Democrats want to take as much money from citizens as they can and let the government run their lives.

I just want to give a couple of examples of what's happened since the Democrats have taken control of the Congress. The spending has increased in 2009 alone, the stimulus funding and the budgets, we have looked at that and we have found that all Federal agencies will, on average, receive a 50 percent increase in appropriated funds from 2008 to 2010. At the same time, real family incomes fell by 3.6 percent last year.

The people in Washington in control of the purse don't act like there's any recession. They just keep spending, spending, spending. Another thing that's a real problem with this health plan that's being proposed here is that it's going to cause the loss of another 5½ million jobs.

Now I know many people who watch us, even when we read from sections of

the bills, think this just isn't possible. How could you have people in charge of this Congress who are so anti-capitalism, who are so anti all of the values that have made this country a great country? I know it's hard to believe, but it happens every day, and it continues to happen.

We have, again, a deficit right now, for last year, \$1.4 trillion. Yet since the year began, we are on target to have an increase of that next year of 12 percent. An article in today's Wall Street Journal points that out, and the increases are in what is called discretionary spending. I want to point out, in the mandatory spending programs, that's Medicare and Medicaid—and my colleagues know I hate those words mandatory spending, because there is no such thing. We simply allow things to go on automatic pilot, and they increase in spending every year because we've written it into the law. But we can change that. There is nothing mandatory about it. We allow it to be that way.

Medicare, this year, went up 9.8 percent, spending for Medicare, and spending on Medicaid went up 24.7 percent in the fiscal year that just ended October 1. We are to believe that by putting in a brand new health care program that purports to cover every citizen in the country, that we are going to reduce spending? Well, I have got some swampland in New Mexico I will sell you if you believe that story. It cannot happen. We cannot add people to the Medicare rolls and still spend less money. It just isn't going to happen.

I think it's incumbent on us here in the Congress, who understand the truth, who have read H.R. 3200, to come out here every night, every day, and explain to the American people we are not selling you a bill of goods, they are selling you a bill of goods, because all you have to do is read the bill, and you will see it and match up the numbers with what's been happening.

This is not rocket science, it's happening, and the American people are the poorer for it.

Mr. GOHMERT. I thank my friend from North Carolina for some wonderful insights. It does get very frustrating being a Member of the House of Representatives, because, I know, so much history, it never ceases to be an honor to get to serve here where so many wonderful, caring, selfless people have.

But at times you just wonder, do the American people not realize the power that they have to change what goes on in this body? The old adage is true: democracy ensures people are governed no better than they deserve. What breaks my heart is that the American people for too long have deserved a very poor government, apparently, because they have not gotten a very good government.

When my friend from North Carolina brings up the automatic increases in

spending every year, that is an issue that crosses party lines. Of course, when the Republicans took Congress, the majority, in 1994, then they worked very hard and they pushed the President, President Clinton. There was a lot of friction between the Congress and the President, but the Congress prevailed. We got a balanced budget and the President ultimately signed on. We got some accountability.

Then the Republicans got the White House in 2000 and began to have both the House, Senate and the White House. Spending got a little bit giddy. It was unfortunate. I know in 2006, while Republicans were still in the majority, that I was pushing for a zero baseline budget. What that means is we eliminate the automatic increases in every department in the Federal Government, and you start with zero increase. Because the game that's played in this town is you increase automatically every year. If you decrease a little bit from the automatic increase, than you are considered mean-spirited, that you are hurting people by making these draconian cuts when actually it's a decrease to the increase but not a decrease overall.

In 2006, when I pushed my zero baseline budget bill, my Republican leadership friends did not allow that bill to come to the floor. It didn't get voted on. It didn't get fixed. That certainly was not allowed when I re-filed it in the last Congress, and it doesn't look like this Democratic leadership this time will allow it either. But that's the kind of thing we are talking about.

The games that are played around here, this is in page 149 of H.R. 3200, section 313 is entitled in bold letters, all capital letters, "Employer Contributions in Lieu of Coverage." Most thinking people would call those tax, but this says it's an 8 percent tax, or it says it's an 8 percent contribution to the Federal Government.

In any event, we need transparency. The government, it seems these days, is rarely right. But the health insurance companies have not been right. As I explained to some folks in the health insurance business, they say they're in the health insurance business, but what we have in this country is not really health insurance; it's health management.

Insurance is what very few people had. When I was growing up in a small east Texas town, Mount Pleasant, very few people had health insurance. But some people did, and they would pay a little bitty premium, sometimes monthly, sometimes quarterly. That little bitty tiny health insurance premium would ensure against some unforeseeable event in the future, a catastrophic accident or illness that you just couldn't foresee, so you paid a premium just in case that ever came. That's called insurance.

When you buy car insurance, you are ensuring against an unforeseeable

event, an accident that you might have someday, or somebody hit you and they're not covered with the insurance. Something you can't foresee, you pay a premium in order to have that.

But with health insurance over the years, that got adjusted. It became not health insurance, but it became health management, so that big health insurance companies began to manage health care. They would cut deals with doctors. And I know Blue Cross has just forced them down to where some of them are getting hurt, but they continue the threat of, Well, we'll include these other doctors over here if you don't sign on, and then you'll be out of the loop, and we're the biggest health insurance folks on the block, so you'll be out of our loop; and they are able to talk them down.

Well, it's good to talk people down in price if it's the fair thing to do. But normally all of that has to be transparent and above board to be effective and to work. We don't have transparency in the health care business these days.

□ 2250

You can't just ask a hospital chief executive officer, as I have, how much a hospital room costs and get an answer, because they either don't know or it depends on whether it is the insurance company, the Federal Government, somebody paying cash, all these kinds of things. But I know from one personal relative, the bills they had for 2 days of hospital care was around \$10,000, and the health insurance company satisfied every one of them, paid in full all \$10,000 in costs, with \$800 from the insurance company. That is the kind of transparency we need. But that kind of transparency right now is protected by contracts, and the State and Federal law have continued to allow that kind of thing to go on. We need transparency.

For those that wondered, I have mentioned a solution. The bill I filed, H.R. 3478, deals with these issues. First of all, when you heard the President talk about his health care plan, the Democrats down the hall have talked about their plan, and at first they were so excited because it was going to come to just under \$900 billion. Then we find out we made a mistake; it is going to be over \$1 trillion. Whether it is the President's plan, over \$1 trillion, or the Baucus bill, over \$1 trillion, whatever it is, even around \$1 trillion, the last numbers we got from the census indicated there were about 119 million households in America.

If you divide 119 million households into \$1.19 trillion in the Democratic health care bill, the cost, because it is going to be around there—some have said it might be closer to \$2 trillion. They are probably right, but we don't know, they don't know, we don't know. But if you divide that by the number of

households in America, then it is an extra \$10,000 average per household for the Democrat new bill. And that doesn't even cover all the people they are saying need to be covered. It still leaves a gap, people uncovered.

So we need to get back to health insurance that people can afford that will get the health insurance companies back into the health insurance business. Of course, many of them came rushing to the White House and said they needed a seat at the table. I tried to explain, whether it is the AMA, the American Hospital Association, or individual health insurance companies, that you don't need a seat at the table when you are on the menu and your profession will be devoured. You may be able to negotiate it to be the third or fourth course, but are still going to be devoured. You don't want a seat at that table.

Anyway, my bill, when I saw that Medicare itself was apparently costing around \$10,000 average for every household in America to pay for a very small percentage of our population who needed health insurance, our seniors, for Medicare and Medicaid, over \$10,000 now apparently being paid per household average for that small part to have health care through Medicare and Medicaid, when I saw that, I thought, my goodness, this is outrageous.

I know my mother and other people pay all this extra money for supplemental coverage, wraparound coverage of Medicare. For what we are paying for Medicare and Medicaid, we would be better off to give them cash money, say, \$3,500 for a household with more than one person in it getting Medicare and Medicaid and SCHIP, just give them \$3,500 cash in a health savings account they control with a debit card that can only be used for health care, and then buy them health insurance that covers anything that is not elective. We can't be paying for people if they want liposuction, things like that. But if it is necessary health care, then provide insurance to cover everything beyond the \$3,500, and buy them that insurance.

Now, I have a bill we have been trying to get scored since August 19th. We have been trying. We have had all of the Republican prominent people involved in the committees—the Joint Tax Committee and the Energy and Commerce Committee. They have all been begging CBO to give a value to my plan. It also deals with illegal aliens and with people coming in who want visas. They would have to have health insurance. It gives transparency. It is a great bill.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today and until 3:30 p.m. on October 28.

Mr. BACA (at the request of Mr. HOYER) for October 23 on account of legislative business.

Mr. BOYD (at the request of Mr. HOYER) for today.

Ms. GINNY BROWN-WAITE (at the request of Mr. BOEHNER) for today on account of personal reasons.

Mr. CARTER (at the request of Mr. BOEHNER) for today on account of a travel delay.

Mr. CULBERSON (at the request of Mr. BOEHNER) for today on account of travel.

Ms. MCCOLLUM (at the request of Mr. HOYER) for today and until 3 p.m. October 27 on account of official business.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today on account of a scheduling conflict.

Mr. ORTIZ (at the request of Mr. HOYER) for today on account of travel delays due to inclement weather.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TONKO) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

(The following Members (at the request of Mr. MORAN of Kansas) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, October 29.

Mr. MCHENRY, for 5 minutes, today, October 27, 28, 29 and 30.

Mr. JONES, for 5 minutes, November 2.

Mr. DANIEL E. LUNGREN of California, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today, October 27, 28, 29 and 30.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

Mr. PAULSEN, for 5 minutes, today and October 27.

Mrs. MILLER of Michigan, for 5 minutes, today.

Mr. INGLIS, for 5 minutes, November 2.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. ELLISON, for 5 minutes, today.

ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker on Friday, October 23, 2009:

H.R. 2647. An act to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities

of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, October 27, 2009, at 10:30 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4267. A letter from the Co-Chair, Commission on War Time Funding, transmitting a report entitled "Defense agencies must improve their oversight of contractor business systems to reduce waste, fraud, and abuse"; to the Committee on Armed Services.

4268. A letter from the Assistant Secretary of Defense, Department of Defense, transmitting lists of procurement priorities provided by the Chiefs of the Reserve and National Guard components; to the Committee on Armed Services.

4269. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8091] received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4270. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID FEMA-2008-0020; Internal Agency Docket No. FEMA-8085] received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4271. A letter from the Assistant Secretary for Financial Stability, Department of Treasury, transmitting the Department's monthly report on its activities and expenditures under section 105(a) of the Emergency Economic Stabilization Act of 2008; to the Committee on Financial Services.

4272. A letter from the Assistant Secretary for Financial Stability, Department of the Treasury, transmitting the sixth major report entitled "Trouble Asset Relief Program: Treasury Actions Needed to Make the Home Affordable Modification Program More Transparent and Accountable"; to the Committee on Financial Services.

4273. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Reference to Ratings of Nationally Recognized Statistical Rating Organizations [Release Nos. 34-60789, IC-28939; File Nos. S7-17-08, S7-19-08] (RIN: 3235-AK17, 3235-AK19) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4274. A letter from the Acting Assistant Secretary ESA, Director of OWCP, Department of Labor, transmitting the Department's final rule — Claims for Compensation; Death Gratuity Under the Federal Employees' Compensation Act (RIN: 1215-AB66) received October 7, 2009, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Education and Labor.

4275. A letter from the Department Director, Regulations Policy and Management Staff, Deputy of Health and Human Services, transmitting the Department's final rule — Expanded Access to Investigational Drugs for Treatment Use [Docket No.: FDA-2006-N-0238] (RIN: 0910-AF14) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4276. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2009-0729; FRL-8430-3] (RIN: 2070-AB27) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4277. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

4278. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 13-09 informing of an intent to sign a Project Agreement with Australia; to the Committee on Foreign Affairs.

4279. A letter from the Chief, Listing Branch, Endangered Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Taxonomic Change of *Sclerocactus glaucus* (Uinta Basin Hookless Cactus), a Threatened Species, to Three Separate Species, *Sclerocactus brevispinus* (Pariette Cactus), *Sclerocactus glaucus* (Colorado Hookless Cactus), and *Sclerocactus wetlandicus* (Uinta Basin Hookless Cactus) [FWS-R6-ES-2009-0035, M09221050083-B2] (RIN: 1018-AW24) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4280. A letter from the Chief, Listing Branch, Endangered Species, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Listing *Lipidium papilliferum* (Slickspot Peppergrass) as a Threatened Species Throughout Its Range [FWS-R1-ES-2008-0096, MO 922105-0008-B2] (RIN: 1018-AW34) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4281. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Southwest Alaska Distinct Population Segment of the Northern Sea Otter [FWS-R7-ES-2008-0105] (RIN: 1018-AV92) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4282. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Final rule; approval of amendment with certain exceptions [SATS No. WY-035-FOR; Docket ID: OSM-2009-0003] received October 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4283. A letter from the Deputy Assistant Administrator For Regulatory Programs,

NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fishery; Amendment 12 to the Coastal Pelagic Species Fishery Management Plan [Docket No.: 071106669-81372-03] (RIN: 0648-AU26) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4284. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States [Docket No.: 080410547-9274-02] (RIN: 0648-AW70) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4285. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Secretarial Final Interim Action [Docket No.: 080521698-91087-03] (RIN: 0648-AW87) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4286. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 09100091344-9056-02] (RIN: 0648-XQ18) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4287. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Limited Access General Category Scallop Fishery to Individual Fishing Quota Scallop Vessels [Docket No.: 070817467-8554-02] (RIN: 0648-XQ36) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4288. A letter from the Regulations Officer/Attorney Advisor, FHWA, Department of Transportation, transmitting the Department's final rule — Interoperability Requirements, Standards, or Performance Specifications for Automated Toll Collection Systems [FHWA Docket No.: FHWA-06-23597] (RIN: 2125-AF07) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4289. A letter from the National Adjutant, Chief Executive Officer, Disabled American Veterans, transmitting the 2009 National Convention Proceedings of the Disabled American Veterans, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332; (H. Doc. No. 111—72); to the Committee on Veterans' Affairs and ordered to be printed.

4290. A letter from the Chief, Border Security Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Correction to Remove Obsolete Compliance Date Provisions from Electronic Cargo Information Regulations received October 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4291. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Customs Broker License Examination Appeals received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4292. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Happy Canyon of Santa Barbara Viticultural Area [Docket No.: TTB-2008-0008; T.D. TTB-82; Re: Notice No. 89] (RIN: 1513-AB52) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4293. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Field Directive on the Planning and Examination of IRC Sec. 263A issues in the Auto Dealership Industry [LMSB-4-0909-035] received October 1, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4294. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2009-29) received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4295. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2009-76] received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4296. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2009-77] received October 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4297. A letter from the Deputy Secretary of Veterans Affairs, Department of Defense, transmitting recommendations concerning the extension of the Senior Oversight Committee; jointly to the Committees on Armed Services and Veterans' Affairs.

4298. A communication from the President of the United States, transmitting notification of his declaration of a national emergency with respect to the 2009 H1N1 Influenza Pandemic in the United States, pursuant to 50 U.S.C. 1621(a); (H. Doc. No. 111—73); jointly to the Committees on Energy and Commerce and Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 3639. A bill to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes; with an amendment (Rept. 111—314). Referred to the Committee of the Whole House on the State of the Union.

Ms. VELAZQUEZ: Committee on Small Business. H.R. 3854. A bill to amend the

Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes (Rept. 111—315). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. BLACKBURN:

H.R. 3924. A bill to prohibit the Federal Communications Commission from further regulating the Internet; to the Committee on Energy and Commerce.

By Mr. McDERMOTT:

H.R. 3925. A bill to amend the Employee Retirement Income Security Act of 1974 to preclude preemption of a State cause of action relating to a denial of a claim for benefits under a health care plan; to the Committee on Education and Labor.

By Mr. BOSWELL (for himself, Mr. WALZ, Mr. HALL of New York, Mr. LOBIONDO, Mrs. DAHLKEMPER, Mr. BRALEY of Iowa, and Mr. LOEBSACK):

H.R. 3926. A bill to direct the Secretary of Defense and the Secretary of Veterans Affairs to jointly conduct a study on the incidence of breast cancer among members of the Armed Forces and veterans; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CORRINE BROWN of Florida (for herself, Mr. FILNER, Mr. BUYER, Mr. RANGEL, Mr. JONES, Ms. KILPATRICK of Michigan, Mr. PAYNE, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, Mr. MEEK of Florida, Mr. HASTINGS of Florida, Mr. JOHNSON of Georgia, Mr. SNYDER, and Mr. MICHAUD):

H.R. 3927. A bill to grant the Congressional Gold Medal to the Montford Point Marines; to the Committee on Financial Services, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself and Mr. EHLERS):

H.R. 3928. A bill to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes; to the Committee on Education and Labor.

By Mr. MELANCON:

H.R. 3929. A bill to provide an extension of the low-income housing credit placed-in-service date requirement for certain disaster areas; to the Committee on Ways and Means.

By Mr. SESTAK:

H.R. 3930. A bill to extend for 6 months the maximum COBRA continuation coverage period for individuals who were involuntarily terminated between April 1, 2009, and December 31, 2009, and to amend the American Reinvestment and Recovery Act of 2009 to extend the eligibility period and maximum assistance period for COBRA premium assistance under such Act; to the Committee on Education and Labor, and in addition to the

Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON (for herself, Mrs. NAPOLITANO, Ms. CHU, Mr. FILNER, Mrs. CAPPS, Mr. BACA, Ms. ROYBAL-ALLARD, Mrs. BONO MACK, Mr. FARR, Mr. HONDA, Mr. ISSA, Mr. SHERMAN, Ms. WOOLSEY, and Mrs. DAVIS of California):

H.R. 3931. A bill to amend the Internal Revenue Code of 1986 to extend for 2 years the election to treat the cost of a qualified film or television production as an expense which is not chargeable to a capital account; to the Committee on Ways and Means.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. LOBIONDO, Mr. GEORGE MILLER of California, Mr. BERMAN, Mr. BISHOP of New York, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. COHEN, Mr. CONYERS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Ms. DELAURO, Mr. DINGELL, Mr. DOGGETT, Mr. DOYLE, Mr. ELLISON, Mr. FATTAH, Mr. GRAYSON, Mr. GRIJALVA, Mr. HARE, Mr. HASTINGS of Florida, Mr. HIGGINS, Mr. HINOJOSA, Mr. HINCHEY, Ms. HIRONO, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KILDEE, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. ZOE LOFGREN of California, Mr. LYNCH, Mrs. MALONEY, Mr. MASSA, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MOORE of Wisconsin, Ms. ROYBAL-ALLARD, Mr. SABLAN, Ms. SCHAKOWSKY, Mr. SCHAUER, Mr. SERRANO, Mr. SHERMAN, Mr. STARK, Ms. SUTTON, Mr. WILSON of Ohio, and Ms. WOOLSEY):

H. Con. Res. 205. Concurrent resolution recognizing and honoring America's labor movement, supporting the designation of a National Labor History Month, and for other purposes; to the Committee on Education and Labor.

By Mr. PRICE of Georgia (for himself, Mr. PENCE, Mrs. BLACKBURN, Mr. AKIN, Mr. AUSTRIA, Mrs. BACHMANN, Mr. BACHUS, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mr. BONNER, Mr. BRADY of Texas, Mr. BROWN of Georgia, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BURTON of Indiana, Mr. CANTOR, Mr. CAMPBELL, Mr. CARTER, Mr. CASSIDY, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. COLE, Mr. CULBERSON, Mr. DAVIS of Kentucky, Ms. FALLIN, Mr. FORBES, Mr. FRANKS of Arizona, Ms. GRANGER, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. GRAVES, Mr. HALL of Texas, Mr. HARPER, Mr. HENSARLING, Mr. HERGER, Mr. HOEKSTRA, Mr. HUNTER, Mr. ISSA, Ms. JENKINS, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. JORDAN of Ohio, Mr. KING of Iowa, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATTA, Mr. LUETKEMEYER, Mrs. LUMMIS, Mr. MCCAUL, Mr. McCLINTOCK, Mr. MCHENRY, Mr. MCKEON, Mr. MARCHANT, Mr. MILLER of Florida, Mr. MORAN of Kansas, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. OLSON, Mr. PAULSEN, Mr. PITTS, Mr. POSEY, Mr. ROE

of Tennessee, Mr. ROONEY, Mr. RYAN of Wisconsin, Mrs. SCHMIDT, Mr. SHIMKUS, Mr. SMITH of Texas, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. WAMP, Mr. WESTMORELAND, and Mr. WILSON of South Carolina):

H. Res. 870. A resolution expressing gratitude and appreciation to the individuals and families who participated in the Taxpayer March on Washington on September 12, 2009; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 197: Ms. MARKEY of Colorado.
 H.R. 272: Ms. MATSUI and Mr. REHBERG.
 H.R. 273: Mr. BROWN of South Carolina.
 H.R. 391: Mr. LUETKEMEYER, Mr. SULLIVAN, and Mr. GARRETT of New Jersey.
 H.R. 422: Mr. PAUL.
 H.R. 600: Mr. CLAY.
 H.R. 644: Mr. NADLER of New York.
 H.R. 690: Ms. RICHARDSON.
 H.R. 930: Mr. ROTHMAN of New Jersey.
 H.R. 1126: Mr. FORBES.
 H.R. 1159: Mr. LARSON of Connecticut and Mr. CROWLEY.
 H.R. 1175: Mr. SPACE.
 H.R. 1210: Mr. GOODLATTE.
 H.R. 1239: Ms. RICHARDSON and Mr. BLUMENAUER.
 H.R. 1255: Mr. BROWN of Georgia.
 H.R. 1347: Ms. NORTON, Mr. TOWNS, and Mr. MASSA.
 H.R. 1412: Mr. MEEK of Florida.
 H.R. 1521: Mr. DOGGETT, Mr. ACKERMAN, and Ms. MCCOLLUM.
 H.R. 1547: Mrs. MYRICK.
 H.R. 1549: Mr. GUTIERREZ and Mr. PETERS.
 H.R. 1551: Mr. SCOTT of Virginia.
 H.R. 1691: Ms. RICHARDSON and Mr. DAVIS of Kentucky.
 H.R. 1766: Ms. NORTON.
 H.R. 1835: Mr. MEEKS of New York.
 H.R. 1898: Ms. ZOE LOFGREN of California.
 H.R. 2000: Ms. HIRONO and Mr. FRANKS of Arizona.
 H.R. 2016: Mr. QUIGLEY.
 H.R. 2021: Mr. GOODLATTE.
 H.R. 2256: Mr. BISHOP of Georgia.
 H.R. 2269: Mr. BERMAN.
 H.R. 2279: Ms. SCHWARTZ, Ms. KILPATRICK of Michigan, and Mr. CLEAVER.
 H.R. 2296: Mr. MOLLOHAN.
 H.R. 2324: Ms. DEGETTE and Mr. HONDA.
 H.R. 2373: Mr. HILL.
 H.R. 2381: Mr. BOCCIERI.
 H.R. 2404: Mr. THOMPSON of Mississippi.
 H.R. 2452: Mr. ARCURI, Mr. COURTNEY, and Mr. BACA.
 H.R. 2478: Mr. BOREN, Ms. TITUS, and Mr. CAMP.

H.R. 2502: Ms. RICHARDSON and Mr. CLAY.
 H.R. 2504: Mr. PETERSON.
 H.R. 2578: Mr. KENNEDY.
 H.R. 2698: Mr. MOORE of Kansas, Mr. KENNEDY, Mr. FILNER, and Mr. CONNOLLY of Virginia.
 H.R. 2735: Mr. MICHAUD.
 H.R. 2807: Ms. ZOE LOFGREN of California.
 H.R. 2817: Mr. CARSON of Indiana.
 H.R. 2819: Mr. DELAHUNT and Mr. KILDEE.
 H.R. 2866: Mr. CRENSHAW.
 H.R. 2894: Mr. RANGEL.
 H.R. 2897: Mr. DRIEHAUS, Mr. PETERS, and Mr. BOREN.
 H.R. 3024: Mr. WOLF and Mr. ROGERS of Kentucky.
 H.R. 3026: Ms. RICHARDSON.
 H.R. 3027: Ms. RICHARDSON.
 H.R. 3028: Ms. RICHARDSON.
 H.R. 3076: Mr. DEFazio.
 H.R. 3116: Mr. BRALEY of Iowa.
 H.R. 3149: Mrs. CHRISTENSEN.
 H.R. 3208: Mr. BOSWELL.
 H.R. 3227: Mr. RAHALL.
 H.R. 3259: Mr. HARE, Mr. WEXLER, Mr. PERLMUTTER, Mr. SERRANO, Mr. KUCINICH, Ms. KILROY, Mr. KILDEE, Mr. ALTMIRE, Ms. NORTON, Mr. ANDREWS, Mr. LARSON of Connecticut, Mr. GENE GREEN of Texas, Mr. BISHOP of New York, Mrs. NAPOLITANO, Ms. BERKLEY, Mr. GUTIERREZ, Ms. HIRONO, Ms. CHU, and Mr. SCOTT of Virginia.
 H.R. 3277: Mr. JACKSON of Illinois.
 H.R. 3321: Mr. LARSEN of Washington, Mr. STARK, and Ms. NORTON.
 H.R. 3380: Mr. HINCHEY and Ms. NORTON.
 H.R. 3439: Mr. HONDA.
 H.R. 3448: Ms. FOXX.
 H.R. 3491: Mr. HODES.
 H.R. 3554: Mr. DENT.
 H.R. 3560: Ms. SHEA-PORTER.
 H.R. 3578: Ms. ZOE LOFGREN of California.
 H.R. 3609: Mr. BOUSTANY.
 H.R. 3633: Mrs. MILLER of Michigan.
 H.R. 3639: Mr. ROTHMAN of New Jersey, Mr. MEEK of Florida, Mr. NADLER of New York, Mr. PATRICK J. MURPHY of Pennsylvania, and Mr. MARKEY of Massachusetts.
 H.R. 3679: Mr. HINCHEY.
 H.R. 3682: Mr. KAGEN and Mr. HILL.
 H.R. 3691: Mr. KLINE of Minnesota.
 H.R. 3721: Mr. ROTHMAN of New Jersey.
 H.R. 3734: Mr. WEINER, Mr. CLYBURN, and Mr. MEEK of Florida.
 H.R. 3750: Mr. RADANOVICH.
 H.R. 3753: Mr. PAYNE.
 H.R. 3767: Mr. MATHESON and Mr. CHAFFETZ.
 H.R. 3773: Ms. NORTON and Ms. LINDA T. SANCHEZ of California.
 H.R. 3778: Mr. RODRIGUEZ, Ms. ROSS-LEHTINEN, Mrs. MCCARTHY of New York, Mr. BOUCHER, and Mr. REYES.
 H.R. 3790: Mr. DRIEHAUS, Mr. GRIFFITH, and Mr. DELAHUNT.
 H.R. 3798: Mrs. CAPPS.
 H.R. 3810: Mr. CONYERS and Ms. HIRONO.

H.R. 3813: Mr. THOMPSON of Pennsylvania.
 H.R. 3827: Ms. SCHAKOWSKY, Ms. MOORE of Wisconsin, and Mr. ROTHMAN of New Jersey.
 H.R. 3838: Mr. COURTNEY, Mr. HIMES, Mr. STARK, and Mr. HASTINGS of Florida.
 H.R. 3885: Mr. MARKEY of Massachusetts, Mr. KISSELL, and Mr. RODRIGUEZ.
 H.R. 3916: Mr. POMEROY.
 H.R. 3919: Ms. KOSMAS.
 H.J. Res. 11: Mr. AKIN and Mr. CAMP.
 H.J. Res. 23: Mr. WITTMAN.
 H. Con. Res. 128: Mr. BISHOP of Georgia.
 H. Con. Res. 170: Mr. WALZ.
 H. Res. 22: Mr. MEEK of Florida.
 H. Res. 440: Mr. FLEMING and Mr. HIMES.
 H. Res. 711: Mr. HINCHEY.
 H. Res. 715: Mr. MCCOTTER.
 H. Res. 727: Mr. COURTNEY, Ms. SLAUGHTER, and Mr. SPACE.
 H. Res. 759: Mr. NEUGEBAUER, Mr. TIBERI, Mr. SOUDER, Mr. CRENSHAW, Mr. STUPAK, Mr. BRADY of Texas, Mr. BOUSTANY, Mr. SHAD-EGG, and Mr. BLUNT.
 H. Res. 764: Mr. PITTS and Mr. FRANKS of Arizona.
 H. Res. 783: Mr. HEINRICH and Ms. SUTTON.
 H. Res. 784: Mr. CONNOLLY of Virginia.
 H. Res. 787: Mr. JACKSON of Illinois.
 H. Res. 790: Mr. SPRATT and Mr. HEINRICH.
 H. Res. 812: Mr. SHULER and Mr. MCINTYRE.
 H. Res. 817: Ms. BORDALLO, Mr. CARSON of Indiana, Mr. CARNEY, Ms. CLARKE, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Ms. DELAULO, Mr. HARE, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mr. MAFFEI, Mr. PAULSEN, Ms. RICHARDSON, Ms. SPEIER, Ms. TSONGAS, and Ms. WATSON.
 H. Res. 831: Mr. GORDON of Tennessee, Mr. PENCE, Mr. CASSIDY, Mr. FOSTER, Mr. LYNCH, Mr. LEWIS of Georgia, and Mr. MORAN of Kansas.
 H. Res. 835: Mr. GINGREY of Georgia, Mr. FRANKS of Arizona, Mr. INGLIS, Mr. ROONEY, and Mr. AUSTRIA.
 H. Res. 847: Mr. WOLF, Ms. GINNY BROWN-WAITE of Florida, Mr. PENCE, Mr. MICA, Mr. KIRK, Ms. GRANGER, Mr. CHAFFETZ, Mrs. BIGGERT, and Mr. SMITH of Texas.
 H. Res. 852: Mr. PENCE.
 H. Res. 856: Mr. NYE, Mr. AKIN, Mr. PLATTS, Mr. LOBIONDO, Mr. SHUSTER, Ms. LORETTA SANCHEZ of California, and Mr. ABERCROMBIE.
 H. Res. 858: Ms. CLARKE, Mr. DELAHUNT, Ms. GIFFORDS, Ms. LEE of California, Mr. REYES, Ms. FOXX, Mr. FALCOMA, Mr. LEWIS of Georgia, and Mr. HINCHEY.
 H. Res. 861: Ms. GIFFORDS, Mr. SPRATT, Mr. SNYDER, Mr. WILSON of South Carolina, Mr. SHUSTER, Mr. MCKEON, Ms. SHEA-PORTER, Mr. BRIGHT, and Mr. TURNER.
 H. Res. 869: Mr. BURTON of Indiana, Mr. PENCE, Mr. CHAFFETZ, and Mr. PAULSEN.

EXTENSIONS OF REMARKS

RECOGNIZING THE 80TH ANNIVERSARY OF THE BUFFALO POST OF THE JEWISH WAR VETERANS

HON. CHRISTOPHER JOHN LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mr. LEE of New York. Madam Speaker, I rise today with great pride to commemorate the 80th anniversary of the Buffalo Post of the Jewish War Veterans.

Comprised of members of the Jewish faith who have served in the Wars of the United States of America, the Buffalo Post began meeting in 1929. Over the past 80 years, membership in the post has grown to more than 120 active participants.

The Jewish War Veterans have a proud tradition of patriotism and service to our country and to the Jewish community in the United States and abroad.

The Jewish War Veterans advocate for those who have fought our nation's battles to ensure that they receive the treatment and the respect they deserve from our grateful nation. Through their constant support of the state of Israel, fighting anti-Semitism around the world, and participating in civic betterment projects, the Jewish War Veterans Buffalo Post are having a strong positive impact and I thank them for their dedicated efforts.

Madam Speaker, in recognition of 80 years of proud service to our grateful nation, I ask that this Honorable Body join me in honoring the Buffalo Post of the Jewish War Veterans.

IN RECOGNITION OF THE PASSING OF SERGEANT LEONARD B. KELLER, MEDAL OF HONOR RECIPIENT AND AMERICAN HERO

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Sergeant Leonard B. Keller, a Vietnam veteran, Medal of Honor recipient, and American hero who passed away on October 18, 2009. Sergeant Keller spent a lifetime serving his country, his community, and his family, and I am proud to honor his life of dedication and service.

Leonard Keller was a true American soldier. Born in Rockford, Illinois in 1947, he was drafted in the spring of 1966 at the age of 19. After basic training at Fort Campbell, Kentucky and Advanced Infantry Training at Fort Polk, Louisiana, Sergeant Keller was assigned to the 60th Infantry, 9th Infantry Division at Base Camp Dong Tam in the Mekong Delta of Vietnam.

On May 2, 1967, in the Ap Bac Zone of Vietnam, another U.S. infantry company was

ambushed by the Vietcong, and Sergeant Keller's unit went to rescue their comrades. Soon after his unit was dropped by helicopter, they came under intense automatic machine gunfire from numerous bunkers and several enemy snipers. Despite several calls for retreat, Sergeant Keller charged forward directly towards the enemy position. Disregarding his safety, he and a fellow soldier began a systematic assault on the enemy bunkers, taking out seven different enemy positions. Eventually the entire North Vietnamese force broke ranks and retreated. After exhausting his ammunition, Sergeant Keller then returned to assist in the evacuation of the wounded. Many Americans owe their lives to the courageous actions of Len Keller that day. President Lyndon Johnson awarded the Medal of Honor to Sergeant Keller on September 19, 1968 "for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty."

Madam Speaker, on behalf of the United States Congress, I am privileged to honor Len Keller as a Vietnam War hero and Northwest Florida leader. Today we recognize his distinguished military and government service, as well as a lifetime of dedication to the United States of America. Our nation is proud and grateful for his courage, service, and patriotism. My wife Vicki and I offer our prayers for his entire family as we remember and honor the life of Leonard Keller. He will be truly missed.

TRIBUTE TO THE REPUBLICS OF TURKEY AND ARMENIA OPENING THEIR BORDER

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to congratulate the Republics of Armenia and Turkey for their ongoing efforts to open their joint border and normalize relations. On October 10, 2009, they signed protocols in Zurich, Switzerland, which establish diplomatic ties and reopen a border that has been closed since 1993. While the negotiations have at times been difficult and emotional, the agreement is an important first step to restoring full diplomatic relations between these neighboring states.

Madam Speaker, I also want to congratulate Secretary of State Hillary Clinton for her leadership in helping to move the process forward. In this connection, I would like to submit an October 14, 2009 Washington Post editorial entitled, "Opening a Border." The article does an excellent job of detailing the deft diplomatic work of Secretary Clinton to assist Turkey and Armenia in taking this historic step.

As the article states, the rapprochement between Turkey and Armenia is critical to the

United States since it promotes stability in the Caucasus region and could provide new avenues for gas and oil export to the West.

In closing, I commend Secretary Clinton and her colleagues at the State Department and offer my full support for their valiant efforts. The protocols have been sent to the parliaments of the respective countries. I hope they will be ratified quickly and open the door to a new era of diplomacy and friendship.

[From the Washington Post, Oct. 14, 2009]

OPENING A BORDER

Secretary of State Hillary Rodham Clinton executed some deft diplomacy last weekend as the leaders of Turkey and Armenia signed a potentially historic deal to establish normal diplomatic relations and reopen their borders. We say "potentially" because there are some big obstacles to implementing the accord, which we'll come back to. But Ms. Clinton helped to ensure that the signing ceremony in Zurich went forward after four hours of last-minute mediation. Not for the first time in her short tenure, she proved capable of overcoming an impasse and teasing out of a favorable outcome of the United States.

The rapprochement between these two nations matters to the United States for a number of reasons. It could help stabilize the volatile Caucasus region, open the way for new corridors for the export of gas and oil to the West, ease Russia's political domination of Armenia and remove a major irritant from U.S. relations with Turkey. The Obama administration worked diligently to promote the accord: Ms. Clinton made 29 phone calls to the leaders of the two nations. President Obama played a part by sidestepping a campaign promise to formally recognize the mass killing of Armenians by Turks during World War I as "genocide."

The genocide issue—and the refusal of some in the American Armenian community to compromise on it—still threaten to undo the deal. The opening of the border, closed since 1993, would be a huge benefit to impoverished and landlocked Armenia. But there is resistance to a provision of the accords that would set up a joint commission to study the study of the massacres. Opponents say this could give Turkey, which denies that a genocide took place, a means to filibuster the issue—and to stop the annual attempt by some in the U.S. Congress to pass a resolution declaring that genocide occurred. In fact, the issue is one best left to the two countries; that several U.S. Armenian groups have endorsed the accord is a victory for common sense.

A more formidable obstacle to the deal may be Armenia's unresolved dispute with another neighbor, Azerbaijan, over the ethnically Armenian enclave of Nagorno-Karabakh, which is occupied by Armenian along with neighboring Azeri territory. Turkish Prime Minister Recep Tayyip Erdogan took the courageous step of declining to make the settlement of this "frozen conflict" a precondition to his accord with Armenia—thereby inviting the wrath of Azerbaijan, which is an ally and energy supplier to Turkey. But Mr. Erdogan has said—most

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

recently last Sunday—that his government will not go forward with the deal unless Armenia executes at last a partial withdrawal from Azerbaijan. That would be a tough step for Armenian President Serzh Sargsyan and require considerable international support: more delicate work for Ms. Clinton.

HONORING THE MEMORY OF
ROBERT BROWN

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mr. PAYNE. Madam Speaker, I would like to ask my colleagues here in the United States House of Representatives to join me in honoring the memory of Robert Brown, the first African American mayor of Orange, New Jersey, which is in my congressional district.

Mr. Brown is remembered by family, friends, and colleagues as a big thinker, a role model and an excellent presenter. He was born in 1947 in Wetumpka, Alabama, but was raised in Albany, New York, where he was described as a stellar student and athlete. He earned a football scholarship to Central Connecticut State College. After college he moved to East Orange and received a law degree in 1973 from Rutgers University in Newark.

Mr. Brown moved to Washington, D.C., where he worked as counsel on the Judiciary Committee for the House of Representatives during the Watergate hearings. He moved back to East Orange in 1976, and served as a municipal prosecutor and as the Essex County public defender before opening a private practice. He was widely recognized for his outstanding oration ability, his skill as a lawyer, and his strong commitment to community service.

Our thoughts and prayers go out to his son, Remington, and brother, Raymond.

As friends and family gather to remember Robert Brown, we are reminded of the tremendous difference that one person can make in the lives of others. I know my colleagues here in the United States House of Representatives join me in honoring the memory of Mr. Brown and in paying tribute to this outstanding person who meant so much to all who knew him and to the entire city of Orange.

HONORING EBRAHIM ASHABI

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Ms. RICHARDSON. Madam Speaker, I rise today to honor Detective Ebrahim Ashabi, an 11-year veteran of the Long Beach, California, Police Department. I applaud his contributions to our community and wish him much future success.

Detective Ashabi's unique background has provided him with the tools to excel in his chosen profession. Born in Iran as a Shiite Muslim, Detective Ashabi lived through the Iranian Islamic Revolution of the late 1970s as well as the Iran-Iraq war. In 1982, Detective Ashabi

fled from Iran into the Kurdish area of Northern Iraq and then into Turkey. After a few months in Europe, he emigrated to the United States, where he lived in New York and Washington, DC.

In 1990, Detective Ashabi moved to the Los Angeles area and in 1997 joined the Long Beach Police Department. Detective Ashabi now serves in the Long Beach Police Department's Office of Counter Terrorism, protecting the citizens of Long Beach and the United States from domestic and foreign homeland security threats. He is responsible for analyzing, collecting, and investigating criminal intelligence as it relates to terrorism, organized crime, and extremist activities. Detective Ashabi shared his expertise earlier this year at a first response training conference and exposition for law enforcement, military, security, corrections, and federal agencies. He presided as a keynote speaker and presented "A Brief History of Radical Islam," to his colleagues. Detective Ashabi also provides invaluable assistance in investigations with other local, state, and federal law enforcement agencies, including the FBI's Joint Terrorism Task Force.

For the past five years, Detective Ashabi has trained law enforcement officers and his expertise is a tremendous asset to our community. Detective Ashabi holds a bachelor's degree in Public Administration from the University of La Verne and is currently working on his master's degree at California State University, Long Beach.

In closing, Madam Speaker, please join me in honoring the achievements of Detective Ebrahim Ashabi and wishing him continued success.

IN RECOGNITION OF MARY SHIRAH
UPON HER RETIREMENT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Ms. Mary Shirah, a Northwest Florida community leader who is retiring after fifteen years of public service as the Director of the Pregnancy Resource Center in Milton, Florida. Mary spent her career serving others, and I am proud to honor her dedication and service.

Born in 1927, Mary Shirah was a Navy wife. She married her husband, Henry, in 1946, and was married for 62 years until her husband passed away last year. Her family eventually settled in the Pensacola, Florida area, and found a home in the Pea Ridge community. In 1968, Mary went to work for Tupperware where a co-worker suggested that she volunteer at the Alpha Center in Pensacola, a resource center for pregnant women.

After working with the Alpha Center and encouraging her Women's Ministry Group at her church to participate, Mary decided to investigate the need for a similar center in Santa Rosa County. She went on to join the committee to find a director for the center and after much searching, the committee chose Mary to serve as the Executive Director. The Pregnancy Resource Center of Milton opened

on March 20, 1995. Until her retirement, Mary has served as the center's sole executive director. Under her leadership, the PRC serves an average of 300 families each year.

Madam Speaker, on behalf of the United States Congress, I am honored to recognize Mary Shirah for her service to Northwest Florida. Mary has worked tirelessly on behalf of the women of Santa Rosa County for the last 15 years. My wife Vicki and I wish all the best for her and her family, including sons Henry, Richard, and John, and her six grandchildren, as they embark on this next journey in their lives.

IN MEMORY OF MR. MICHAEL J.
BONASERA

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mr. RYAN of Ohio. Madam Speaker, it is with deep sadness that I inform the House of the death of Mr. Michael J. Bonasera of Warren, Ohio.

Michael J. Bonasera Sr. was born April 13, 1915 in Buffington, Pa., the son of Pasquale and Ninfa Danca Bonasera.

Michael was a 1934 graduate of Hickory High School and came to Warren in 1942 from Sharon, Pa., where he had lived since 1920.

He was a veteran of WWII, having served in the Army Transportation Corps., and attaining the rank of Sergeant. His military service included tours of duty in England and the Philippines.

Michael retired in 1980 from American Welding, where he was a machine operator for 32 years. He was an award-winning machinist, and was one of the first machinists to machine parts for jet and rocket engines. He was a great teacher and was able to pass on his vast knowledge to future generations of machinists.

He was a member of St. Mary's Church, and enjoyed traveling, golf, tending to his garden, and music, and had taught accordion lessons for 45 years. Most of all, he enjoyed spending time with his grandchildren and great-grandchildren.

Survivors include his wife of 67 years, Lena R. Maggiano Bonasera, whom he married Oct. 10, 1942; a daughter, Janet M. (Charles) Richards of Warren; two sons, Michael J. (Susan) Bonasera Jr. of Seattle and Atty. Thomas J. (Julie) Bonasera of Columbus; 14 grandchildren; seven great-grandchildren; and a son-in-law, Dan Matthews of Coos Bay, Ore.

He was preceded in death by a daughter, Mary Lee Matthews; a brother, Charles Bonasera; and his sisters, Constance LaMagro, Grace Ciolfi, Sunda Sebastian, Josephine Roman, Rose Russo and Mary Welch.

Calling hours were yesterday from 4 to 7 p.m. and this morning from 9 to 9:30 a.m. at the Peter Rossi & Son Memorial Chapel.

Burial will be at All Souls Cemetery.

The family requests that memorial contributions be made to the Susan G. Komen Breast Cancer Foundation, 26210 Emery Road, Suite 307, Cleveland, OH 44128.

EFFINGHAM ST. ANTHONY STATE
GOLF CHAMPIONS**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to honor the achievements of a talented group of student-athletes from Effingham, Illinois.

The Effingham St. Anthony boys golf team took state championship honors this month at the Illinois High School Association's finals at Prairie Vista Golf Course in Bloomington. The squad entered the final day tied with a competitive Mt. Carmel team, but St. Anthony's jumped out to an early lead in the final round and held on to clinch the title.

I want to congratulate Coach Phil Zaccari for his work with the team. But most of all, I want to congratulate the 2009 state champion boys golf squad from Effingham St. Anthony: Michael McHugh, Michael Koester, Derek Rohlfing, Kit Koerner, Lewis Martin and James Jansen. They have represented themselves, their school and their community in an exemplary fashion and I want to join with all the members of this House in wishing them continued success in their athletic and academic endeavors.

CONGREGATION BEIT KODESH

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mr. McCOTTER. Madam Speaker, I rise today in tribute to Congregation Beit Kodesh, which is celebrating its 50th anniversary this year.

In 1958, a small number of intuitive individuals started hosting Shabbat services at the Clarenceville Central Elementary School. This same year, over 200 people attended High Holiday services at the Botsford Inn in Farmington. The following year, the Livonia Jewish Congregation was formally organized. Over the next few years, the Congregation met at several different locations until negotiation with the Jewish Welfare Foundation allowed them to move into the May and Samuel Cohn Building.

Importantly, the Congregation has been served by three Rabbis over the years: Rabbi Nathaniel Steinberg (one year), Rabbi Martin Gordon (twenty-two years) and Rabbi Craig Allen (seven years). When no Rabbi is available, the lay people of the congregation carry out services. Currently, Rabbi Jason Miller, the associate director of the University of Michigan Hillel Foundation in Ann Arbor, is the Rabbinic Advisor.

In 1990, the congregation officially changed its name to Congregation Beit Kodesh in order to recognize members who live throughout the Tri-County area. Two years ago, they combined efforts with Bet Chaverim and began to hold Sunday School classes and activities together at Congregation Beit Kodesh. Notably, students play an important role in these congregations. For example, students attend reg-

ular Bar and Bat Mitzvah classes and volunteer at Yad Ezra. In addition, they contribute actively in the community by participating in the Matzos Factory at the Junior Community College, the annual Penny Harvest, and assisting the elderly with various projects. Finally, the synagogue also has an active Sisterhood, which sends relief packages to our soldiers and seeks to advance tolerance in the community.

In addition to being the only conservative synagogue in Western Wayne County, this distinguished congregation was the first in Metropolitan Detroit to elect a woman as president. While receiving very little financial assistance or recognition from the Jewish community, they remain very active and play an important role in the community.

Madam Speaker, for fifty years, Congregation Beit Kodesh has stood as a tribute to the strong efforts of Metropolitan Detroit's Jewish community. As their members commemorate this tremendous milestone, they embody a legacy of distinction and determination. While observing their Jewish customs, this small but significant family synagogue will continue to contribute to the community. Today, I ask my colleagues to join me in commemorating Congregation Beit Kodesh and recognizing their contributions to our community and country.

PERSONAL EXPLANATION

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mr. BISHOP of Georgia. Madam Speaker, I regret that I was unavoidably absent Friday morning, October 23, on very urgent business. Had I been present for the eleven votes which occurred Friday, I would have voted "aye" on H.R. 3619, rollcall vote No. 812; and I would have voted "aye" on H.R. 3619, rollcall vote No. 813.

CONGRATULATIONS TO DON
WEEKS**HON. PAUL TONKO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mr. TONKO. Madam Speaker, residents of New York's Capital Region have been blessed to wake up each morning to the voice of longtime radio host Don Weeks. Since 1980, Don has hosted the WGY morning radio show, entertaining listeners with a mix of comedy and insightful interviews, all delivered with a friendly, neighborly charm.

Throughout the years Don has always put the community first, lending his talent to local fund drives and other special events, from restocking food pantries to emceeding the annual Red Cross Hometown Heroes Awards breakfast. He has been honored with several New York State Broadcaster of the Year awards, and a Marconi Award from the National Association of Broadcasters.

We'd like to congratulate Don on the recent announcement that he will be inducted into the

New York State Broadcasting Hall of Fame. It is a fitting honor for a lifelong Capital Region resident who has dedicated his life to informing and entertaining others, and making our community a better place in which to live.

RECOGNIZING PASTOR CHRIS
WILLIAMSON ON THE OCCASION
OF SERVING AS HONORARY
CHAPLAIN**HON. MARSHA BLACKBURN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mrs. BLACKBURN. Madam Speaker, I ask my colleagues to join me in congratulating Pastor Chris Williamson of Franklin, Tennessee, as he serves as the House of Representatives Honorary Chaplain today.

The music industry brought Pastor Williamson to Middle Tennessee as a member of the Christian rap group, Transformation Crusade. As his music performance career concluded, however, he felt a calling to the pulpit.

In 1995, he founded the Strong Tower Bible Church and has built Strong Tower into one of Franklin's most dynamic and well-known churches. His commitment to racial reconciliation is evident through his work as an author, his mission work, as well as the intentional multi-ethnic and diverse background of his congregation. He is a devoted family man, and I appreciate the opportunity to represent his fine family in the Congress.

Please join me in honoring Pastor Williamson on his service to the House of Representatives today, and I wish him only the best in the years to come.

LABOR HISTORY MONTH
RESOLUTION**HON. LINDA T. SÁNCHEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to support a Resolution expressing the sense of the House that a "National Labor History Month" should be established.

Today, most Americans work in clean, well-lit, well-ventilated, air-conditioned workplaces. So it is all too easy to forget the desperate conditions in which our grandparents and their grandparents often toiled. Child labor was commonplace. Workers were subjected to dangerous work environments, and were often forced to put themselves at risk of death or serious injury in order to put food on the table for their families. Women were especially attractive employees—because you could pay them less for the exact same work. The labor movement played a leading role in ending these inhumane and unfair practices. And for this, all modern Americans owe a debt of gratitude.

In addition to fighting against the exploitation of workers, labor leaders also played a

significant role in the civil rights movement, fighting to end racial discrimination in the workplace. As early as World War II, labor leaders fought to end racial discrimination against African-Americans working in the defense industry. And Cesar Chávez's United Farmworkers Union fought not only for labor rights, but for equal rights for Latinos in countless walks of life. This resolution will help us pay tribute to those who put themselves on the line for all of America's working men and women.

What they fought for represents the best of the American character. I urge all my colleagues to support this bi-partisan effort to recognize the importance of the labor movement to America's history.

MASSAC COUNTY STATE GOLF CHAMPIONS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to honor the achievements of a talented group of student-athletes from Massac County, Illinois.

The Massac County High School girls golf team took state championship honors this month at the Illinois High School Association's finals at the Crab Orchard Golf Club in Carterville. The Lady Patriots put on an impressive showing at the state finals, finishing 39 strokes ahead of the runner-up. Tala Mumford, of Massac County, shot a 163 for the tournament and was honored as top individual performer.

I want to congratulate Coach Kim Hille for her work with the team. But most of all, I want to congratulate the 2009 state champion girls golf squad from Massac County: Tala Mumford, Sammi Weber, Taylor King, Kristen Faulkner, Laura Bremer and Peyton Helm. They have represented themselves, their school and their community in an exemplary fashion and I want to join with all the members of this House in wishing them continued success in their athletic and academic endeavors.

HONORING MARYBELL BRAZILE BAKEWELL

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Ms. RICHARDSON. Madam Speaker, I rise today to honor the life of Ms. Marybell Brazile Bakewell for her dedication to her family and community. Earlier this month, Ms. Bakewell passed away at Arcadia Methodist Hospital, at the age of eighty four.

Ms. Bakewell was born on April 10, 1925 and was the daughter of Edward and Camille Brazile. She spent over forty years in a loving relationship with her husband, Eddie Trepagnier. Ms. Bakewell graduated from Straights Business School where she received her secretarial certificate. As a result of hard

work and determination, she was hired full time at the National Maritime Union. She committed herself wholeheartedly to her job and remained working there for over forty years until she retired.

Ms. Bakewell was a native of New Orleans until she recently had to relocate to Los Angeles, California after her beloved city was destroyed by Hurricane Katrina. While living in New Orleans she was a life member of St. Peter Claver Catholic Church and the Sisters of The Holy Family. Ms. Bakewell spent her entire life staying connected to family, school, work, and her neighbors throughout the City of New Orleans. Her wit, charm, and uplifting spirit shall remain a legacy in the hearts of many.

Even though she can no longer be with us physically, I know that Ms. Bakewell is very proud of her family, including her two children, Danny J. Bakewell, Sr. and Pamela A. Bakewell, both of whom are prominent in Los Angeles civic affairs. She is also survived by eight grandchildren and six great grandchildren. Family was always the highlight of her life and she will forever be remembered as the Matriarch of the Bakewell Family.

Madam Speaker, I invite my colleagues to join me in paying tribute to her remarkable life and extending our condolences to her family.

IN MEMORY OF MR. ART FURUYA

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mr. SHIMKUS. Madam Speaker, I rise today to honor the life of Art Furuya, a decorated soldier, devoted husband and loving father.

Mr. Furuya was interned at the onset of World War II because of his Japanese heritage. At the age of 17, Furuya enlisted in the U.S. Army and served as a member of the 442nd Regimental Combat Team, a unit comprised entirely of Japanese-Americans and the most highly decorated unit in World War II. During the war, he became a lifelong friend with a fellow member of the 442nd Regimental Combat Team, Senator DANIEL INOUE. Mr. Furuya received two purple hearts for wounds he suffered on the battlefields of Italy and France.

After World War II, Mr. Furuya married his wife, Penny. They lived in Nashville for over 50 years, where they raised their family and were members of St. Paul United Church of Christ.

I extend my heartfelt condolences to Mr. Furuya's daughter, Anne; his sons, Don and Jim; and his two grandchildren. He was an example of how Americans can rise up to serve their country, even in the face of such great adversity.

PERSONAL EXPLANATION

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Ms. RICHARDSON. Madam Speaker, on Wednesday, October 21, 2009, I was in Long

Beach, California hosting Deputy Transportation Secretary John D. Porcari and Maritime Administrator David T. Matsuda at an important national transportation conference held in my district.

On Thursday, October 22, and Friday, October 23, I was in American Samoa and Samoa monitoring the ongoing relief and recovery efforts of FEMA and others currently underway in response to the devastating earthquake and tsunami that struck those islands on September 29. As the Member of Congress with the nation's largest concentration of Samoan Americans on the mainland and as a member of the Committee on Transportation and Infrastructure, undertaking this fact-finding mission was directly related to my representational, legislative, and committee responsibilities.

Because of these excused absences I was unable to return in time for rollcall votes 793 through 813.

Had I been present I would have voted as follows:

1. On rollcall No. 793, I would have voted "aye." S. 1793. Ryan White HIV/AIDS Treatment Extension Act of 2009.

2. On rollcall No. 794, I would have voted "aye." H. Res. 811. Expressing support for designation of October 2009 as "National Principals Month."

On rollcall No. 795, I would have voted "aye." H. Res. 837. Recognizing Kentucky Wesleyan College for their service as an institution of higher education for over 150 years.

On rollcall No. 796, I would have voted "aye." H. Res. 660. Recognizing the distinguished history of the Laurinburg Normal Industrial Institute.

On rollcall No. 797, I would have voted "aye." S. Con. Res. 43. Authorizing the use of the rotunda of the Capitol for the presentation of the Congressional Gold Medal to former Senator Edward Brooke.

On rollcall No. 798, I would have voted "aye." Motion on Ordering the Previous Question on the Rule for H.R. 3585—Solar Technology Roadmap Act of 2010 (H. Res. 846).

On rollcall No. 799, I would have voted "aye." H. Res. 846. Rule providing for consideration of H.R. 3585—Solar Technology Roadmap Act of 2010.

On rollcall No. 800, I would have voted "aye." H. Res. 797. Expressing the sense of Congress with respect to raising awareness and enhancing the state of cyber security in the United States, and supporting the goals and ideals of the sixth annual National Cyber Security Awareness Month (Representative CLARKE—Science and Technology).

On rollcall No. 801, I would have voted "no." Broun (GA) amendment. Changes the number of years for which the Committee is authorized from five to three; reduces to \$250,000,000 the amount authorized in each of the three years, from 2011 to 2013.

On rollcall No. 802, I would have voted "aye." Kaptur (OH) amendment. Requires the Roadmap Committee to provide recommendations to strengthen the use of research and development strategies in making domestic industry more competitive and to assist in the commercialization of solar technologies.

On rollcall No. 803, I would have voted "aye." Klein (FL) amendment. Includes research on solar energy storage technology as

eligible for funding under the Secretary of Energy's research and development program.

On rollcall No. 804, I would have voted "aye." Titus (NV)/Teague (NM)/Cohen (TN) amendment. Includes the development of solar technology products that are water efficient as a focus of the bill.

On rollcall No. 805, I would have voted "aye." Heinrich (NM) amendment. Requires the Solar Technology Roadmap Committee to release a draft Roadmap to the public at least one month prior to publication in order to receive public input.

On rollcall No. 806, I would have voted "aye." Himes (CT) amendment. Clarifies that solar thermal technologies and concentrating solar photovoltaic technologies will be included within the scope of the research and development program authorized by the bill.

On rollcall No. 807, I would have voted "aye." Final Passage of H.R. 3585. Solar Technology Roadmap Act of 2010.

On rollcall No. 808, I would have voted "aye." H. Res. 175. Condemning the Government of Iran for its state-sponsored persecution of its Baha'i minority and its continued violation of the International Covenants on Human Rights.

On rollcall No. 809, I would have voted "aye." Motion on Ordering the Previous Question on the Rule for H.R. 3619—Coast Guard Authorization Act of 2010 (H. Res. 853).

On rollcall No. 810, I would have voted "aye." H. Res. 853. Rule providing for consideration of H.R. 3619—Coast Guard Authorization Act of 2010.

On rollcall No. 811, I would have voted "aye." H. Res. 836. Expressing support for Teen Read Week.

On rollcall No. 812, I would have voted "aye." Kratovil (MD) amendment. Requires the Coast Guard to study the facility infrastructure requirements needed to fulfill the Coast Guard's missions and capabilities, and ensure that the department in which the Coast Guard is operating maintains the ability to utilize the latest technologies.

On rollcall No. 813, I would have voted "aye." Final Passage of H.R. 3619. Coast Guard Authorization Act of 2010.

Thank you, Madam Speaker.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Ms. WOOLSEY. Madam Speaker, on October 22, 2009, I was unavoidably detained and was unable to record my vote for rollcall No. 805. Had I been present I would have voted:

Rollcall No. 805: "yes"—Heinrich of New Mexico Amendment.

PERSONAL EXPLANATION

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mrs. BIGGERT. Madam Speaker, as indicated by the record on Thursday evening Oc-

tober 22nd, 2009, I was absent from votes on personal business for the remainder of the week. Had I been present, I would have voted the following way: Rollcall 809: On ordering the previous question—"nay;" Rollcall 810: Providing for consideration of H.R. 3619, Coast Guard Authorization Act of 2010 (H. RES. 853)—"nay;" Rollcall 811: Expressing support for Teen Read Week (H. RES. 836)—"yea;" Rollcall 812: On agreeing to the Kratovil amendment—"yea;" Rollcall 813: On final passage Coast Guard Authorization Act of 2010 (H. R. 3619)—"yea."

IN RECOGNITION OF CAMDEN, ARKANSAS'S AEROJET EMPLOYEES

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mr. ROSS. Madam Speaker, I rise today to recognize the nearly 600 employees at Aerojet-General Corporation's Camden, Arkansas, production facility and their achievement of the milestone shipment of their 5,000th MK 104 Dual Thrust Rocket Motor to Raytheon Missile Systems and the United States Navy.

Aerojet is a world-recognized aerospace and defense leader principally serving the missile, space propulsion and armaments markets. This most significant milestone will be commemorated with a celebration ceremony held in Camden, Arkansas, on Wednesday, October 28, 2009.

The MK 104 Dual Thrust Rocket Motor provides the main propulsion for the Standard Missile 2 (SM-2), the United States Navy's primary surface-to-air air defense weapon. SM-2 is an integral part of the AEGIS Weapon System aboard Ticonderoga-class cruisers and Arleigh Burke-class destroyers. The MK 104 Dual Thrust Rocket Motor also is the second stage propulsion for the Navy's newest defensive weapon, the Standard Missile 6 Extended Range Active Missile (SM-6), which will provide extended-range, anti-air warfare capability over both sea and land. The MK 104 is also utilized on the Standard Missile 3 (SM-3) for Aegis Ballistic Missile Defense (BMD) from sea missions.

Aerojet has manufactured the MK 104 Dual Thrust Rocket Motor since 1987 at its Camden facility. The Standard Missile family of products, which also include the MK 72 booster and MK 125 warhead, is a noteworthy element of Aerojet's industry-leading tactical propulsion portfolio produced in Camden, generating significant employment opportunities for the area.

On the occasion of this milestone, I am proud to recognize the dedicated, hardworking employees of Aerojet in Camden and their achievements so far. These Arkansans are working hard to ensure our men and women in uniform have the resources they need to carry out their missions effectively and quickly and they deserve our sincere appreciation.

an outstanding South Carolinian and a constituent of mine. Attorney Chandler was recently awarded the Order of the Palmetto, South Carolina's highest civilian honor.

Mr. Chandler is a native of Darlington, South Carolina. He graduated from The Citadel in 1968, and earned a law degree from the University of South Carolina in 1971. He is married to the former Sandra Heise of Sumter, South Carolina.

After earning his degrees, Mr. Chandler sought to serve his country and was commissioned a Captain in the United States Army's Judge Advocate Generals' Corps. During his tour of duty, Captain Chandler served as a prosecutor at the United States Army Disciplinary Barrack at Fort Leavenworth, Kansas. He later served for two years as a prosecutor and defense lawyer in the Federal Republic of Germany. He completed his military tour in Heidelberg serving as the Deputy Chief of Criminal Law for the Seventh Army, which included all of Europe and Turkey.

After four years of active duty, Mr. Chandler left the Army and became an associate in the Ralph Cothran Law Firm in Manning, South Carolina. In 1979, he formed the Law Firm of Coffey, Chandler & Kent, P.A. Today he serves as the firm's Managing Partner, and handles criminal defense and wrongful death civil litigation.

Mr. Chandler has served as General Counsel for the South Carolina Firefighters Association for the last 32 years. It was this service that captured the attention of South Carolina's Governor and prompted the Governor to award him the Order of the Palmetto. Mr. Chandler was honored for his work as co-author of South Carolina's present arson laws, and for his dedication to South Carolina's firefighters. He was surprised with the award during a recent dinner with members of the South Carolina Firefighters Association in Myrtle Beach.

Madam Speaker, I ask you and my colleagues to join me in congratulating Ray Chandler for his work on behalf of this country and his fellow man. He has demonstrated an extraordinary dedication to the firefighters of South Carolina, as their Counsel and one of their strongest advocates. Our nation and my home state are better for his service and leadership.

HONORING THE "AMAZING" GRACE WARREN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mr. HALL of Texas. Madam Speaker, I am honored to pay tribute today to a remarkable woman and my former legislative director who passed away this past May following a five-year battle with ovarian cancer—the "amazing" Grace Warren. Today would have been her birthday.

When I was first elected to the House of Representatives in 1980, I knew that Grace had served in key roles for my predecessor, Rep. Ray Roberts, and that she had worked on Capitol Hill for many years. I knew that her experience and knowledge would be valuable to the Fourth District of Texas, and she soon became an indispensable member of my staff as well as a good friend. Grace served as a legislative policy advisor and legislative director, specializing in health care issues along the way. At any time she could have translated her wealth of knowledge into a lucrative

TRIBUTE TO RAY CHANDLER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mr. CLYBURN. Madam Speaker, I rise today to pay tribute to Ray Chandler, Attorney,

career in the private sector, but Grace chose to remain a dedicated and loyal public servant and a forceful advocate for good public policy.

When referencing Grace or introducing her, it was my custom to refer to her as "Amazing Grace" because she either always had an answer for any question—or she could find it. She was a wonderful mentor to other staff and was respected and admired by so many in Washington, D.C., not only for her policy expertise but also for her caring heart.

In 2005 Grace was diagnosed with ovarian cancer, and she responded to this challenge in characteristic style. She researched as much as possible about the disease, consulted experts and patients, and prepared for battle on both a personal and policy level. She became a spokesperson and resource for ovarian cancer research advocacy groups in South Carolina and at the federal level. At the same time, she fought her personal battle with this dread disease by enduring surgeries, chemotherapy, and relapses—but always with a deep and abiding faith in her Creator and an undaunted spirit. Those of us who knew Grace marveled at her dignity, courage, strength and "amazing grace" throughout this difficult time.

In 2005 the House passed H. Res. 444, the "Gynecological Resolution for Advancement of Ovarian Cancer Education." The acronym for this bill is "GRACE," for it was with Grace in mind that I introduced this bill in Congress. This resolution underscores the seriousness of ovarian cancer, which is the fourth leading cause of cancer death among women in the United States. To date, unfortunately, only a small percentage of ovarian cancer cases are diagnosed in the early stages. More research is needed to develop early detection tools, a reliable screening test, prevention methods, enhanced therapies—and a cure.

Grace would urge us to work toward this goal, and so I urge my colleagues to support funding for ovarian cancer research that will save countless lives today and in the future. And today I also ask my colleagues to join me in paying our last respects to this woman who dedicated her life to the betterment of this institution and to our Nation and who leaves a legacy of service that will be fondly remembered—Grace Warren.

FOURTH GRADE HERO

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, October 26, 2009

Mr. POE of Texas. Madam Speaker, I am proud to honor Kaylin Mancera, a fourth grader in Groves, Texas, for her heroic actions. May 1, 2009, has been proclaimed "Kaylin Mancera Day" on behalf of the city of Groves.

The students at Groves Elementary went about their normal lunch period during socializing and laughing until a fourth grader, Kaylin Mancera had noticed her friend choking on her hamburger. Once Kaylin realized that her friend, Annie Gil needed help, she successfully performed the Heimlich maneuver undoubtedly saving her friends life.

Kaylin did not ask for assistance, but promptly performed the Heimlich on her own. Kaylin had learned how to perform the Heimlich from a poster that she passed by everyday at Van Buren Elementary, her former school. Luckily Kaylin was sitting close by and did not hesitate to respond.

It is likely that most children Kaylin's age would not have been so perceptive of such

visual instruction. Because of Kaylin's heroic actions, school officials have committed to a higher awareness of basic health and safety practices within the school.

On behalf of the Second Congressional District of Texas, I would like to honor Kaylin Mancera for her heroism. Her quick response on April 8, 2009, will be remembered and will have an impact on others around her.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, October 27, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 28

9:30 a.m.

Environment and Public Works

To continue hearings to examine S. 1733, to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy.

SD-406

Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee

To hold hearings to examine dark pools, flash orders, high frequency trading, and other market structure issues.

SD-538

10 a.m.

Energy and Natural Resources

To hold hearings to examine the role of natural gas in mitigating climate change.

SD-366

Homeland Security and Governmental Affairs

Business meeting to consider S. 1649, to prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction, S. 1862, to provide that certain Secret Service employees may elect to transition to coverage under the District of Columbia Police and Fire Fighter Retirement and Disability System, H.R. 553, to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, S. 1755, to direct the

Department of Homeland Security to undertake a study on emergency communications, H.R. 730, to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, S. 1825, to extend the authority for relocation expenses test programs for Federal employees, S. 1860, to permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms, H.R. 955, to designate the facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, as the "John 'Bud' Hawk Post Office", H.R. 1516, to designate the facility of the United States Postal Service located at 37926 Church Street in Dade City, Florida, as the "Sergeant Marcus Mathes Post Office", H.R. 1713, to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley "Wes" Watkins, H.R. 2004, to designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, as the "Akron Veterans Memorial Post Office", H.R. 2760, to designate the facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, as the "Johnny Grant Hollywood Post Office Building", H.R. 2972, to designate the facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, as the "Conrad DeRouen, Jr. Post Office", H.R. 3119, to designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, as the "Lim Poon Lee Post Office", H.R. 3386, to designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the "Iraq and Afghanistan Veterans Memorial Post Office", H.R. 3547, to designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the "Rex E. Lee Post Office Building", H.R. 2215, to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the "John J. Shiven Post Office Building", and the nominations of Rafael Borrás, of Maryland, to be Under Secretary of Management for Homeland Security, David S. Ferriero, of North Carolina, to be Archivist of the United States, National Archives and Records Administration, and Susan Tsui Grundmann, of Virginia, and Anne Marie Wagner, of Virginia, both to be a Member of the Merit Systems Protection Board.

SD-342

Judiciary

To hold hearings to examine effective strategies for preventing health care fraud.

SD-226

2 p.m.

Energy and Natural Resources
National Parks Subcommittee

To hold hearings to examine current and expected impacts of climate change on units of the National Park System.

SD-366

Aging

To hold hearings to examine 401(k) target date funds.

SD-562

Commission on Security and Cooperation in Europe

To hold hearings to examine advancing United States interests in the Organization for Security and Cooperation in Europe (OSCE) region.

SVC-212/210

2:30 p.m.

Homeland Security and Governmental Affairs

Contracting Oversight Subcommittee

To hold hearings to examine new Office of Management and Budget (OMB) guidance to combat waste, inefficiency, and misuse in federal government contracting.

SD-342

Commerce, Science, and Transportation

To hold hearings to examine combating distracted driving, focusing on managing behavioral and technological risks.

SR-253

OCTOBER 29

9:30 a.m.

Environment and Public Works

To continue hearings to examine S. 1733, to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy.

SD-406

10 a.m.

Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine reauthorization of the National Transportation Safety Board.

SR-253

Budget

To hold hearings to examine performance-informed budgeting, focusing on opportunities to reduce cost and improve service.

SD-608

Health, Education, Labor, and Pensions

To hold hearings to examine helping workers preserve retirement security through a recession.

SD-430

Judiciary

Business meeting to consider S. 448, to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, H.R. 985, to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 714, to establish the National Criminal Justice Commission, S. 1490, to prevent

and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, S. 139, to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information, S. 1624, to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, S. 1472, to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and the nominations of Barbara Milano Keenan, of Virginia, to be United States Circuit Judge for the Fourth Circuit, Carmen Milagros Ortiz, to be United States Attorney for the District of Massachusetts, and Edward J. Tarver, to be United States Attorney for the Southern District of Georgia, both of the Department of Justice, and Ketanji Brown Jackson, of Maryland, to be a Member of the United States Sentencing Commission.

SD-226

Joint Economic Committee

To hold hearings to examine the impact of the Recovery Act on economic growth.

2237, Rayburn Building

10:30 a.m.

Banking, Housing, and Urban Affairs

Housing, Transportation and Community Development Subcommittee

To hold hearings to examine modernizing affordable housing for seniors and people with disabilities.

SD-538

2:30 p.m.

Banking, Housing, and Urban Affairs

Business meeting to consider an original bill entitled "Comprehensive Iran Sanctions, Accountability and Divestment Act of 2009".

SD-538

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine Federal cyber defense.

SD-342

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 555, to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, S. 607, to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, S. 721, to expand the Alpine Lakes Wilderness in the State of Washington, to designate the Middle Fork Snoqualmie River and Pratt River as wild and scenic rivers, S. 1122, to authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements with State foresters authorizing State foresters to provide certain forest, rangeland, and watershed restoration and protection services, S. 1328 and H.R. 689, bills to provide for the exchange of administrative jurisdiction over certain Federal land between the Forest Service and the Bureau of Land Management, S. 1442, to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, establish a grant program for Indian Youth Service Corps, help restore the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service, and H.R. 129, to authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California.

SD-366

Intelligence

To receive a closed briefing on certain intelligence matters from officials of the intelligence community.

S-407, Capitol

NOVEMBER 5

10 a.m.

Veterans' Affairs

To hold hearings to examine Veterans' Affairs and Indian Health Service cooperation.

SR-418

NOVEMBER 18

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine managing Federal forests in response to climate change, focusing on natural resource adaptation and carbon sequestration.

SD-366

SENATE—Tuesday, October 27, 2009

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, lead our Senators to do Your will. As they find time to spend in Your presence, help them to discern what Your will is in ever clearer light. May the knowledge of the laws of sowing and reaping create in them a reverence for You, which is the beginning of wisdom. Give them courage in the midst of fear, faith in the midst of doubt, love in the midst of hatred, and hope in the midst of despair. Lord, build their interior strength until they reach unity in the faith and knowledge of You, attaining to the whole measure of Your fullness.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 27, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period

of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each. Following morning business, the Senate will proceed to executive session to consider the nomination of Irene Berger, of West Virginia, to be U.S. district judge for the Southern District of West Virginia. There will be 60 minutes for debate equally divided and controlled between Senators LEAHY and SESSIONS or their designees. The Senate will recess from 12:30 to 2:15 for the weekly caucus luncheons. At 2:20 p.m., the Senate will proceed to vote on the confirmation of the nomination. Upon disposition of the nomination, the Senate will turn to a period of morning business until 5:30, with the time equally divided and controlled between the two leaders or their designees. At 5:30, the Senate will resume consideration of the motion to proceed to H.R. 3548, the Unemployment Compensation Extension Act, with the time until 6 p.m. equally divided and controlled between the leaders or their designees. At 6 p.m., the Senate will proceed to vote on cloture on the motion to proceed to the unemployment bill. Therefore, Senators should expect a vote at 2:20 p.m. and another at 6 p.m. today.

MEASURE PLACED ON THE CALENDAR—S. 1927

Mr. REID. Mr. President, S. 1927 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 1927) to establish a moratorium on credit card interest rate increases, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE WEEK XV, DAY II

Mr. McCONNELL. Mr. President, from the outset of the health care debate, Americans have had one key test for reform: Will it make health care cost less? Will it make health care cost less? Well, over the past few months, a

number of independent groups have reached the conclusion that the legislation we have seen fails that test. In fact, it would make health care more expensive. So even aside from the issue of whether the so-called government option is in or out of the bill that hits the floor, I think it is fair to say it isn't what the American people were looking for.

Let's start with the independent, nonpartisan Congressional Budget Office. The CBO says the proposed fees and taxes on drug makers, medical labs, and medical device manufacturers would lead to higher health care premiums for Americans who get health insurance through their employers, and it says premiums will go up for people who choose to buy their own insurance. So whether you get insurance through your employer or whether you buy it on your own, your premiums go up. The Joint Committee on Taxation, another nonpartisan group, also looked at the legislation. It says that a proposed excise tax on insurers would also drive up the cost of employer-provided insurance. Here are two independent, nonpartisan groups looking at the health care legislation we have seen. They both conclude it will drive up the cost of health care.

Americans thought reform was supposed to lower costs, not raise them. Yet every day it seems we see further confirmation that the plans under discussion would lead to higher costs and more long-term spending and debt.

One study we have seen says the Democrats' tax on insurance plans would cost families nearly \$500 per year in higher premiums starting next year, long before any of the proposed benefits would kick in. Another study says that a family of four in my home State of Kentucky would see their premiums go up from about \$350 a month to nearly \$800 a month—a big increase. Even if these families were eligible for the subsidies in the Democratic bill, their premiums could still be about 50 percent higher than they are now. This is mind-boggling. Only in Washington would lawmakers propose a health care reform that actually raises costs and do so in the very same month the Federal Government recorded its largest deficit in history and at a time when unemployment approaches 10 percent.

Americans thought the whole point of reform was to lower costs. Yet the plans we have seen would do just the opposite, and the American people are taking notice. Americans are asking us to follow through on the initial pledge to lower health care costs, but that

means enacting reforms that would actually lead to lower costs, such as getting rid of junk lawsuits and incentivizing healthy choices. Americans want reform. Instead, the administration and its allies in the Senate are giving them higher premiums, higher taxes, and massive cuts to Medicare. Mr. President, that is not reform.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Iowa is recognized.

HEALTH CARE REFORM

Mr. GRASSLEY. Mr. President, with the words "health care reform," everybody would expect costs to go down, premiums to level off, and more people being served. But it seems as though the proposals that are before the Senate are going to increase taxes, cut Medicare, and increase health insurance premiums. I think anybody hearing that would say that is not health care reform or at least not the health care reform they expected Congress to pass.

So we are here in the Congress, soon about to consider a single bill that will personally affect the lives of every single American. Not often do we pass a bill that affects the lives of every single American, and not often do we pass a bill that restructures 17 percent of the U.S. economy—maybe never before.

As one Washington Times editorial pointed out—and I am going to quote from it, and it is here for the audience to read:

[The U.S. health care system] is bigger than Great Britain's entire economy. Imagine five bickering Congressional committees trying to redesign the British economy successfully in just a few weeks. No wonder people are getting nervous.

It is true, people are getting nervous. As I travel around Iowa, I hear a lot of concern about out-of-control government spending and a massive government takeover of our health care system. People are worried that health care reform will result in lower quality, less access, and government bureaucrats deciding what health insurance they can or can't have. On top of

all of that, Gallup released a poll last week saying 49 percent of Americans believe their personal costs will get worse—yes, worse—after health care reform is enacted. The poll also reported that only—and I emphasize "only"—22 percent actually think costs will go down. Less than one-quarter of the people polled actually thought health reform would accomplish its top priority: making health care more affordable.

I can't speak for my colleagues. I don't know what they are hearing from their constituents. But I know Iowans can't afford to pay more for health care. Costs are already rising three times faster than the rate of inflation. Costs are straining family budgets, and they are making it increasingly difficult for employers to offer health insurance.

The nonpartisan Congressional Budget Office, the Joint Committee on Taxation, and even the Office of the Actuary at the U.S. Department of Health and Human Services have told us what the American people already know: These massive partisan health care reform bills are going to make the problem worse.

Let me emphasize for the American people who might be listening that the people at the Congressional Budget Office, the Joint Committee on Taxation, and the Office of Actuary at the Department of HHS are professional, not political. They don't change from time to time when the makeup of Congress changes. They are there over a long period of time studying things in an intellectually honest way to tell it like it is. This is what they are saying: These massive partisan health care reform bills are going to make the problem worse.

So I wish to go to some analyses we have already received from these nonpartisan, intellectually honest organizations.

According to a September 22 letter from CBO to Chairman BAUCUS about the Finance Committee bill:

Premiums in the new insurance exchanges would tend to be higher than the average premiums in the current-law individual market.

So according to CBO, after these bills spend \$1 trillion, many of the people struggling to afford their premiums today will actually end up seeing those premiums go up if this bill is enacted. The Congressional Budget Office also commented on how the tax increases would also raise premiums.

During the Finance Committee markup, Senator CORNYN asked this question:

Would the new fees on health insurers be passed down to health care consumers?

Dr. Elmendorf, Director of CBO, responded by saying:

Our judgment is that, [the new fees] would raise insurance premiums.

The Joint Committee on Taxation confirmed that they came to the same

conclusion during the markup. Mr. Barthold, the director there, said:

Basic economics is that that fee will be reflected in higher premium costs.

Let's not forget that these new insurance fees begin next year, in the year 2010, 3 years before any of the reforms in the bill take effect. So it is irrefutable that premiums will go up for every single American starting next year as a result of a bill that came out of the Senate Finance Committee.

The Office of the Actuary with the U.S. Department of Health and Human Services—another nonpartisan, highly regarded set of expert analysts, by the way—has also looked at some of the Democratic health reform proposals.

In a memo released on October 21, the Department of Health and Human Services, Office of Actuary, provided an analysis of House bill H.R. 3200. In the memo, the Health and Human Services actuary writes that the House bill does bend the growth curve, meaning the inflationary increase in health care costs. Of course, a top priority for Congress and the White House was to bend that curve. Unfortunately, the chief actuary says the Democratic leadership and the White House have failed to tell the American public it bends the curve in the wrong direction—not downward but upward.

According to the HHS memo, health care spending would actually increase if the House bill became law. The actuary writes it this way:

In the aggregate, we estimate that for calendar years 2010 to 2019, national health expenditures would increase by \$750 billion, or 2.1 percent, over the updated baseline projection.

While some of the supporters of these partisan bills may not want to tell their constituents, we all know that as national spending on health care increases, American families will bear a burden through increased health insurance premiums.

Let me be very clear. As a result of the pending health care proposals, most Americans will pay higher premiums for health insurance.

Some of my colleagues will try to refute this claim by mentioning the taxpayer-funded subsidies included in these health care bills. It is interesting that they don't even try to deny, in the process of talking about taxpayer-funded subsidies, that premiums will still go up. They don't deny that. They just say the government—or let's say the taxpayers—are going to pick up the tab.

It is true the proposals we have seen so far include about \$½ trillion in cuts to Medicare and massive tax increases to pay for this new entitlement program. But once again, some of my colleagues fail to mention that most Americans would not qualify for these subsidies. Most Americans—about 160 million—get their health care through their employer.

But if you are one of those people who get their health care through an employer, you don't qualify for any subsidy until you spend 10 percent of your income on health care premiums.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Mr. GRASSLEY. I ask unanimous consent for an additional 7 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. The other side plans to throw much of your hard-earned dollars at it to make premiums appear affordable. But even with their \$1 trillion in spending, the Congressional Budget Office has confirmed that in 2019 only about 7 percent of those insured will be getting government subsidies.

So even though there will be a huge new taxpayer-funded subsidy program to help pay for these premium increases, most people would not actually qualify for any of that help. They will just be stuck with higher taxes—yes, higher taxes—less choices—yes, less choices—and higher health insurance premiums.

Some people may wonder what parts of the bill are driving up these costs. We have already identified the new insurance fee.

One analyst of the Federal policy group concluded that the insurance fee alone could raise premiums up to \$500 per year per family. Then there are the new benefit requirements.

Under the proposals we have seen so far, the Federal Government is now defining what kind of insurance you can buy anywhere in the United States. This means it will be illegal for insurers to sell or for you to buy many of the policies people are currently enrolled in.

By law, it will be illegal to buy policies that don't meet an actuarial value of 65 percent and cover a long list of mandated benefits.

The consulting firm Oliver Wyman has said that since this new Federal minimum standard is higher than many of the policies sold today, new enrollees will have to pay about 10 percent more to meet the new government benefit standard.

This is just under the Finance Committee bill. That 10-percent increase in premiums would be much higher under any of the House bills and the Senate HELP Committee proposals.

Once again, the other side of the aisle will point to a grandfathering policy that, as the President has said, will let you keep what you have. But they fail to mention that this grandfathering policy doesn't count if you ever plan to move or, two, your insurer stops offering coverage or, three, you want to change your policy to add vision or dental coverage.

If you meet any one of those criteria, the promise that you will be able to keep what you have doesn't apply to you.

Another factor that will drive up premiums is the new age rating rules. These rules set limits on the amount premiums can vary between younger and older enrollees.

Some of the proposals being considered would tighten this variation so much it will drive up premiums by almost 70 percent for younger, healthier enrollees. So all those so-called young invincibles we need to get into the health insurance pool, all the recent college graduates, will be hit hardest by the increase in premiums because of the proposed market reforms.

Taking all these factors into account, Oliver Wyman actuaries also concluded that individuals would pay as much as 73 percent more as a result of the policies in the Finance Committee bill. Small businesses could face about a 20-percent increase, which will lead to about 2.5 million less people getting coverage through their small business.

We can certainly debate all these numbers. Some may question whether rates will increase by that much. I am sure some will question the sources of these studies, although I should note we didn't take these estimates at face value. In fact, ever since the Gang of 6 meetings, we have had some of the best independent actuaries and insurance experts analyzing this data.

But even the people who want to debate the sources do not deny the fact that health insurance premiums will go up as a result of the bills we are considering. I am beginning to understand the game. I am actually beginning to wonder if the reason no one is denying it is because this is intentional.

If these bills drive up premiums in the private market, it is going to make it a lot easier to push for a government-run insurance program or a new entitlement program.

A Washington Post story over the weekend reinforced this concern:

[Senator] Reid's original inclination was to leave the public option out of the final bill . . . but his liberal colleagues began urging him two weeks ago to reconsider, after insurance industry forecasts that premiums would rise sharply under the Finance Committee bill.

Let's hope the Democratic leadership and the White House aren't willing to push a bill that forces 200 million people to pay higher premiums unless they enroll in a new government entitlement insurance program. But that is certainly what it sounds like.

Whatever the motive may be, the facts are undeniable. Health insurance premiums will increase for every individual and small business as early as next year as a result of the pending health bills. It will hit young, healthy people the hardest. It will cause small business to stop offering health insurance premiums. We have heard it from Joint Tax, we have heard it from CBO, and we have heard it from the Office of

the Actuary within the U.S. Department of Health and Human Services.

I wish to make sure all the American people hear it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, this health plan being forced on America under phony, tight timelines bites off too much, fails to deliver on promises, and passes the costs on to hard-working Americans.

When the 85 percent of Americans who already have health insurance hear the term "health care reform," they expect Washington to do something that lowers the cost of their health insurance premiums. That reaction should not be surprising, since the President and congressional leaders have explicitly promised that reform would lower health care costs to the average American family.

Unfortunately, the bills Congress has developed will do the exact opposite. These bills will increase health care costs.

Several recent reports have highlighted what I and some of my colleagues have been saying for months. The combination of increased taxes, expensive mandates, and new regulations in these bills will actually increase the cost of health care for most Americans. Unemployment is higher than it has been in decades. The housing market is in distress. There is an out-of-control Federal debt and deficit. More and more middle-class Americans are feeling squeezed by irresponsible decisions being made here in Washington. Unfortunately, the health care bill being put together by the majority leader behind closed doors—and not on the Web yet—is another example of irresponsible policies.

It is important for the American people to understand how these bills will actually increase their health care costs. I wish to highlight 10 specific ways these bills will increase premiums for Americans and individuals. Taken together, these provisions will increase costs, they will stifle competition, and they will take choices away from families, individual Americans, and small businesses.

Here are the top 10 ways the bills before Congress increase health care costs:

No. 1, the two committee bills rely on taxing the young to pay for the old is what the number crunchers call adjusted community rating. This means the premium charged to a healthy 22-year-old will have to increase to be much closer to the premiums charged to someone who is much older and sicker. This means young people will pay a lot more for health insurance premiums than they do today.

Over 40 percent of the uninsured are between the ages of 18 and 34, the same

age group that will be hit the hardest, with the highest price increases, if this bill passes. Experts estimate that in most States, premiums for the youngest 30 percent of the population will increase by 69 percent under the tight age bands being considered in one of the Senate bills. These extreme price increases will force the young and healthy out of the market. Most young people will probably do the math and decide, let's see, I can pay the \$750-a-year tax penalty rather than pay \$5,000 a year more for health insurance. If they get sick later, they can enroll in health insurance later.

No. 2, premiums will increase because of the new federally mandated requirements on health plans. The bill will mandate that most health care plans have to meet new, higher specified actuarial values. If you don't know the term "actuarial value," you are not alone. Let me put this as simply as I can. Actuarial value is a technical term that describes the amount of total health care spending that is paid for by the health plan; in other words, all the benefits and enrollee cost-sharing provisions a health care plan covers. Typically, as actuarial values increase, premiums increase and the cost-sharing requirement decrease. If you are healthy, you cannot opt for lower premiums or for higher copays than your government will tell you or you will pay the penalty.

The bottom line is, experts estimate that 50 percent of the individual market policies purchased today and about 20 percent of the policies purchased by small businesses today have actuarial values that are lower than what the Democrats think you should have, which means millions of Americans will be forced to buy more expensive plans. Compliance with these benefit requirements could cause premiums for the new purchasers to increase by about 10 percent for individuals and about 3 percent for small businesses. For small businesses, 3 percent is a high rate of profit.

No. 3, premiums will increase because of the new federally mandated benefit packages. All plans must include a long list of benefits regardless of what Americans need or want. Why should a 30-year-old single man be required to pay for ovarian cancer screening? Additionally, at least every year the Secretary of Health and Human Services will be required to define and update—perhaps increase—the categories of covered treatments, items, and services.

Not surprising, what this will mean is that the list of mandated benefits will inevitably get longer and further increase costs. If these bills are enacted, every disease advocacy group, drug manufacturer, and health care provider will hire more lobbyists to see that all health plans are required to cover their unique diseases, treatments, and procedures.

That is no way to run a health care program. I believe consumers rather than lobbyists should decide the benefits package that best meets their needs. Otherwise, there will be more mandates and higher costs.

If this bill becomes law, I would not be surprised if every plan in America is required to cover massages and acupuncture. I am not saying people should not get massages or acupuncture if they want to pay for them, but I don't think all Americans should be required to enroll in a plan that covers every single benefit.

No. 4, premiums will increase because of new excise taxes on medical devices and drugs. The official scorekeepers at the Congressional Budget Office and the Joint Committee on Taxation have been clear in stating that these taxes will be passed on to patients. That means consumers will see the prices of everything from power wheelchairs to pacemakers to prescription drugs, such as Prilosec, significantly increase. These price increases will also ultimately increase health insurance premiums for the millions of Americans who already have health insurance.

You don't use any of those? Remember, insurance is spreading the risks so you get to pay, too.

No. 5, premiums will increase because of the new excise tax on health insurance providers. The Congressional Budget Office and the Joint Committee on Taxation have said these taxes will be passed on to people in the form of higher premiums. This tax alone could raise premiums for a family by \$487 a year.

No. 6, premiums for health insurance will increase when 14 million more Americans are enrolled in the Medicaid Program. Several studies have highlighted how Medicaid's inadequate payments to doctors and hospitals directly increase costs to everybody else by forcing these providers to make up for their losses under Medicaid by shifting those costs on to private purchasers.

The current health reform bills include the biggest expansions of the Medicaid Program since it was created in 1965, while doing nothing to address Medicaid's inadequate doctor and hospital payment rates. If someone cannot see a doctor, they do not have insurance. This will mean billions of dollars in additional costs would have to be shifted on to individuals who already have health insurance, thereby driving up their premiums. Nearly 40 percent of doctors will not see Medicaid patients because of the low reimbursement rates.

As I said, if someone does not see a doctor, they do not have health care.

No. 7, premiums will increase for so-called Cadillac plans because of the new 40-percent excise tax. Companies will respond to this new tax by shifting the costs on to individuals who are the insured or by reducing the value of the

health care benefits they provide. Eventually, this tax will start hitting the Chevys and the Buicks, not just the Cadillacs.

Experts estimate that in many metropolitan areas the lowest option bronze plan—that is what we require—under the Finance Committee bill will be considered a so-called Cadillac plan as early as 2016. This does not even go into effect until 2013.

No. 8, premiums will increase because of the new fee to sell plans in the mandated exchanges. The Congressional Budget Office estimates plans would have to pay a surcharge to sell on the exchange, which would add about 3 percent to premiums.

No. 9, premiums will increase because of the new reinsurance program. This new program will cost Americans \$20 billion, and those costs will be passed on to someone, most like the healthy enrollees.

No. 10, premiums will increase because of the new tax for comparative effectiveness research. Washington bureaucrats will tax patients so the government can decide which treatments are acceptable and which treatments are denied. Rationing? We have seen this story before in other countries such as England. We know this will lead to the delay and denial of care for our seniors. It is no wonder that a recent Rasmussen poll noted that 59 percent of our Nation's seniors oppose the current legislation.

Taken together, the 10 policies I just described will cumulatively increase health insurance premiums for millions of Americans who currently have health insurance. It is another squeeze on our Nation's middle class.

In my home State of Wyoming, a healthy 35-year-old man can currently buy a high-deductible policy for about \$90 a month. The scorekeepers at the Congressional Budget Office estimate the silver plan under the Finance Committee bill will be \$392 a month.

The ACTING PRESIDENT pro tempore. The Senator has consumed 10 minutes.

Mr. ENZI. Mr. President, I ask for 5 additional minutes.

The ACTING PRESIDENT pro tempore. There is only 3 minutes on the Senator's time.

Mr. ENZI. I ask for 3 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENZI. The scorekeepers at the Congressional Budget Office estimate the silver plan under the Finance Committee bill will increase to \$392 a month. That is over a 300-percent increase. None of the folks I talked with from Wyoming can afford to pay 300 percent or more for their health insurance. In another economic time, this policy would be bad enough. In today's climate, it is irresponsible.

We all agree the health insurance market is broken and needs to be fixed. Everyone who wants health insurance should be able to get it, and they should not have to spend their hard-earned dollars to get it.

No American should be denied health insurance because they have cancer, diabetes, acne, or some other preexisting condition. No one should lose their health insurance because they forgot about an old injury when they filled out a form. No one should be denied health insurance, period.

These reforms are very important and long overdue. However, we can do better. These goals should be implemented in a way that drives down costs for the majority of Americans who already have health insurance. Congress needs to learn from the experiences of the States that have already enacted these types of reforms. The States did not pass reforms with the goal of increasing costs for a majority of their residents, but that is precisely what has happened over time.

We need to enact reforms that will actually reduce costs and make health insurance more affordable. That is what the American people want but, unfortunately, that is not what the current bills do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I wish to speak for up to 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNEMPLOYMENT INSURANCE BENEFITS

Mr. REED. Mr. President, I again rise to urge my colleagues, particularly from the other side, to join us in passing an extension of unemployment insurance, to stop blocking a program that is so necessary to every person in this country, not just those who are losing jobs but those who are fearful their jobs might be taken away.

This is a national issue, an emergency. It requires attention and action now, not weeks from now. For the last several weeks, we have been trying to get an agreement to proceed. Last week, Leader REID justifiably filed the first of what could be three cloture motions that some on the other side would insist we must proceed through until we can enact this important effort and benefit for 15.1 million unemployed Americans.

Everyone in Congress, regardless of party affiliation, is concerned about jobs. There is no unemployment crisis just in red States or in blue States or in purple States or any color States. This is a nationwide problem. It requires a nationwide solution, and one of the first steps is simply extending

unemployment benefits for the people who are running out of these benefits or who may, in fact, lose their employment and need these benefits.

We have to create jobs. That is the ultimate solution to the current economic crisis. We must have a sustainable and robust recovery. We are receiving some encouraging signs. It is estimated that when the gross domestic product for this quarter is reported, it will be about 3 percent, the first time GDP since the second quarter of 2008. But positive GDP is not the answer for people who are looking for work unsuccessfully. They need the benefits of extended unemployment compensation.

This legislation is very straightforward. It ensures that out-of-work Americans can provide for their families, can stay in their homes, and can maintain a sense of dignity while they continue to search for employment in a very difficult market.

Not only is it simply the right thing to do because it demonstrates some degree of recognition of the extraordinarily difficult situation facing so many in this Nation, but unemployment compensation insurance helps to aid the economy. You don't have to be an economist to understand that getting money to people who will spend it quickly on basic necessities spurs demand and helps prevent further erosion of the economy. Yet my colleagues on the Republican side continue to ignore the urgency of the situation.

As stated, last week the distinguished majority leader had to file a cloture motion to proceed to the House-passed unemployment insurance extension. This is unprecedented.

Congress has acted eight times—in 1958, 1961, 1971, 1974, 1982, 1991, 2002, and 2008—to establish temporary programs that provided additional weeks of unemployment compensation benefits beyond regular unemployment compensation and any extended benefits.

Let's take a moment to look back at the recent unemployment insurance extensions under both Democratic and Republican administrations.

President George Herbert Walker Bush signed an unemployment insurance bill into law that passed the Senate with near unanimous support. Not once, but twice—in November 1991 and February 1992, when the unemployment rate was 7 percent and 7.4 percent, respectively. And we are at a much more serious moment in our economic history today than those years ago.

In July 1992, President Clinton signed an unemployment insurance bill into law that passed with unanimous support in the Senate. The unemployment rate was 7.7 percent.

In March and November 1993, President Clinton signed two more bills into law that passed with overwhelming bipartisan support. The unemployment rate was 7 percent and 6.6 percent, respectively.

In the 1980s, President Reagan signed an unemployment insurance bill into law that unanimously passed a majority Republican Senate. The unemployment rate was 8.8 percent. Months earlier, it was double digits.

These past votes, under Republican and Democratic Presidents and majorities of both parties in the Senate, demonstrate the nonpartisan nature of extending unemployment insurance when the economy is weak and unemployment is high. It is that simple.

In fact, further reinforcing this notion is that the national unemployment rate has now risen to 9.8 percent and may not stabilize until next summer—much higher than the preceding incidents in which, on a bipartisan basis, under Republican and Democratic Presidents, we moved expeditiously to extend unemployment benefits.

Nearly 2 million Americans will exhaust their benefits by the end of the year, but as I speak on the Senate floor, hundreds of thousands of Americans have already exhausted their benefits.

Mr. President, 3,800 Rhode Islanders will benefit immediately from a Federal extension, a majority of whom have already exhausted their benefits going back, in some cases, several months. Hundreds more in my State exhaust their benefits each passing week.

So why are the Republicans sidetracking this legislation? Let's take a look at the list of amendments.

We all, as Senators, have a right to propose amendments, but when they are proposed simply to delay and not to constructively advance an issue, we have to look very skeptically at the amendments. There is an amendment concerning ACORN on which we have already voted. This seems to be just an attempt to delay not an attempt to responsibly legislate.

It is my understanding that Majority Leader REID has made many offers to the other side of the aisle so that the Senate can proceed to the immediate consideration of this critical legislation. It is disappointing these offers have been rejected.

This bill is about stabilizing our economy. It is about helping Americans who, through no fault of their own, cannot find work. It is about this body, the Senate, taking action on behalf of people.

I urge immediate consideration of this extension. I hope we can pass it tonight rather than be forced to another series of pointless and political cloture motions.

I want to briefly mention another proposal related to this issue that is important to consider which would help in this terrible crisis of unemployment.

I have introduced the Keep Americans Working Act to strengthen and

expand work share programs. These are programs in which 16 States, at the moment, pay a portion of unemployment benefits if the employer keeps the person on the payroll but reduces their hours to reduce costs and continues to pay their benefits—their pension and health care.

So far this year, approximately 137,000 layoffs have been averted in States that have this program. We have a breakdown of the 16 States. In 2008, 58,000 Americans were taking advantage of the work share program. They would work for 3 days a week, for example, and they would be off 2 days. They would receive unemployment compensation pro rata for those 2 days. The employer would keep benefits flowing, in terms of health care. They would have valuable workers not sent away from the firm but still engaged in productive activities.

I visited a firm in Rhode Island that has this program. It is wildly popular with not only the workers but also with the managers. In Rhode Island, we have jumped from 2,800 last year to 5,400 this year, and it is rising.

When I was at this plant, one of the workers said: This is the only way I can keep paying for my mortgage; this is the only way I can keep paying for the food we put on the table for our children. And the plant manager said: This is the only way I can keep a valuable worker so I can keep producing. I think it is a program that deserves close attention. This program in Rhode Island has helped many people avoid being completely laid off, and it has also helped the drain on the unemployment compensation fund because paying a pro rata share is a much better deal for the fund than paying the full benefits when someone is laid off completely.

There are 16 States, as indicated here. They rank from Arizona, California, Connecticut, Florida, Iowa, Kansas, Massachusetts, Maryland, Minnesota, Missouri, New York, Oregon, Rhode Island, Texas, Vermont, and Washington. Again, this program is not a one-State, one-region, one-area program. This is a national program which I hope can be emulated by the other States. It is a win-win, and I hope we can move forward and take up this legislation as a complement to what we are proposing in the extension of unemployment benefits.

The real key, though, ultimately is to get the jobs flowing again, and that is something we have to work on. That is something on which we have made some progress but not sufficient progress. We can't rest until there is confidence again that throughout this land people have a job, they feel confident they can keep it, they can provide for their families, and they can contribute to this great Nation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

ADDRESSING AMERICA'S PRIORITIES

Mr. DURBIN. Mr. President, I wish to commend my colleague from Rhode Island for his statement on the unemployment situation facing our country and also join in his remarks with some concern and dismay over the opposition of the Republican Senators to extending unemployment benefits.

Tens of thousands of people in my home State of Illinois and all across the United States have been unemployed for long periods of time and have now reached the end of their eligibility for unemployment compensation. They are still unemployed. They are still trying to keep their families together, pay the rent, put food on the table, pay for some medical bills, and they need unemployment compensation for that to continue. So we have proposed extending unemployment compensation benefits—the safety net for America—while they look for jobs and while this economy starts ever so slowly to turn around.

The opposition comes from the Republican side of the aisle. They oppose extending unemployment compensation benefits. You think: How could they rationalize that in an economy where there are six unemployed people for every available job? Their answer is: We have other, more important things we want to debate on the floor of the Senate.

Well, let's take a look at what those are. First, they want to return to the debate over an organization known as ACORN. ACORN is an organization that has not been in business in Illinois for 8 or 9 years, so I don't know any of the leaders in that organization personally. I can't say that I can recall working with them on any major issues. But you remember the videos a few weeks ago, those alarming videos of some ACORN employees who were apparently conspiring with people on how to break the law. Those employees have been fired, as they should have been. They should be investigated, and if they are guilty of criminal activity, they should be prosecuted. That is clear. But that is not enough for those who listen to the rightwing cable and TV shows. There has to be more.

Well, I have called for a full investigation of ACORN. I want the Government Accountability Office to find what Federal monies have been spent with that organization and make sure it was spent honestly and spent well. An investigation is appropriate. It is known as due process. But that is not enough for some on the Republican side of the aisle.

One Senator from Louisiana wants to go further. He wants to offer another amendment to flog ACORN, and he is holding up unemployment benefits in Louisiana and Illinois and across the Nation until he gets his amendment, until he can make his speech, until he

can beat on ACORN again. Well, that may be his idea of serving the public need. It is not mine. Let's save that debate for another day, if we have to have it at all. Let's not make thousands of people in Louisiana and Illinois—currently unemployed, desperate to keep their families together and a roof over the heads of their children—suffer because a Senator here wants to debate whether we can think of some new way to punish ACORN. You know, for most people, as President Obama said the other day in an interview, there are many more important things in life than this organization and the sorry conduct of a few employees. But for this Senator, it is enough to hold up unemployment compensation for literally hundreds of thousands of American people. That is the reality.

In addition, there is a program called E-Verify. E-Verify is a way to try to establish that a person applying for a job is actually a citizen. They want to use computers, accessed through telephones and computers, to determine whether the identity and the Social Security number given to the employer are, in fact, valid or illegal. It has been a tough program to get up and running. In fact, it is loaded with enough uncertainty and error that some question whether we should pursue it until we have worked out the details. Innocent people were caught up in the E-Verify early days and identified as not being legal when in fact they were. So what we have done is to extend this program for 3 years while we work out obvious problems with it.

One Senator on the other side of the aisle said it is not enough. I am going to hold up unemployment benefits, he says, until this program is extended permanently. Well, that is a worthy debate and topic, but is it worthy enough to deny unemployment compensation benefits to thousands of people out of work while we debate whether E-Verify should be extended 3 years or permanently? Doesn't seem to rise to the same level of importance, in my estimation.

That is what is holding up unemployment benefits for hundreds of thousands of people—amendments like that from the Republican side of the aisle which, to my way of thinking, don't really measure up to the gravity of the issue we are considering.

I wish those Senators from the States offering those amendments would go back home and meet some of these unemployed people, maybe sit down and buy them a cup of coffee, talk with them about what their lives have been like being out of work for 2 or 3 years, what it means to have no health insurance because you lost your job, folks who have exhausted their life savings and now don't know which way to turn. I get e-mails and letters every day from them, people across my State. And these are not folks who

have drifted in and out of work; many of them have worked uninterrupted for 25 or 30 years and now find themselves out in the street through no fault of their own. They are trying their darndest to find a job, to improve their skills so they are more marketable, and we should give them a helping hand.

Incidentally, the money that pays the unemployment compensation benefits comes from a fund to which they contributed. While we work, we put a little money away in a fund on the possibility that someday we will be out of work, and if it ever happens, then we are given at least enough money to get by while we look for a job, from that same fund. It is a basic insurance policy. These folks who are caught up in a tough recession need an extension of their benefits for some additional weeks—20 weeks is what our bill provides.

So for those who argue that this is some form of welfare, I would like to correct them. These are benefits paid out of funds paid in by workers across America and employers, and it is a fund that needs to be exercised right now, to be used right now for their benefit.

Mr. President, I am also concerned about some of the debate I have heard on the floor this morning from the other side when it comes to health care reform. I would like to stand here and compare the Democratic proposal for health care reform and the Republican proposal for health care reform. Now, that would be a good debate. But unfortunately I can't because there is no Republican proposal for health care reform.

One of the elements of our Democratic approach in the Senate will be something called opt-out. To put it in a nutshell, we are trying to create a not-for-profit health insurance company to compete with private health insurance companies so there will be actual competition—to keep them honest—and we try to bring costs down. We know private health insurance companies are exempt from antitrust laws. They can fix prices, they can allocate markets, they can jam through increases in premiums, and there is not much you can do about it since there is no competition. So a public option, a not-for-profit health insurance company, would be competitive.

There are some who argue against that and say that goes too far. Even though it is not government-run health insurance like single payer—it is a not-for-profit option—they say it goes too far. So the Democratic approach to health care reform says that individual States can decide whether they want to have a public option available to the people who live there. If the State of Iowa, whose Senator came to the floor this morning, decides they don't like a public option, they can opt out of the

public option. It is their choice. Each State can make that choice. That is what opt-out is all about.

Opt-out is also what the Republicans' strategy on health care is all about. They have opted out of this debate. Take an example: The Health, Education, Labor, and Pensions Committee considered over 500 amendments to health care reform. Among the amendments adopted were 150 Republican amendments, accepted in the committee. Some were technical, some were substantive, and in good faith they were debated and agreed to. Once 150 amendments were added to the health care reform bill in the HELP Committee. The vote was called, and when it was called, not a single Republican Senator would vote in favor of the bill they had just spent weeks amending.

It turns out there is only one Senator—Senator OLYMPIA SNOWE of Maine—who joined in the Finance Committee to report out a bill. She is the only Republican Member of Congress, House or Senate, who has actually voted for health care reform. All of the other Senators who have come to the floor criticizing what we are putting forward as our draft proposal on health care reform have not voted for it and have not produced an alternative.

The need is still there, and the need is very serious. Let me give an example, if I can, about the need in terms of a real-life story back in my State of Illinois.

There is a young man named Marcus Evans. Marcus reached a point in life where he couldn't walk upstairs without losing his breath, and he knew something wasn't right. He is 17 years old, and he began suffering from shortness of breath, which kept him out of pickup basketball games but even made it difficult for him to walk around his house. He went from doctor to doctor trying to figure out the problem, but he was uninsured—one of 47 million Americans uninsured.

The ACTING PRESIDENT pro tempore. The Senator's 10 minutes has expired.

Mr. DURBIN. I ask unanimous consent for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. So Marcus Evans, being uninsured, couldn't find a doctor to diagnosis his problem.

At the time, Marcus's mom was a working mother of two. She worked as a part-time dental assistant. She didn't receive health insurance through her job and her family did not qualify for Medicaid, which is health insurance for poor people.

For 3 years, Marcus tried to get medical care without success. He was repeatedly told that more tests couldn't be done. He was told they were just too

expensive, and he was basically told nothing was wrong. In fact, something was very wrong. Marcus Evans was suffering from t-cell lymphoma, a form of cancer that affects the lymph nodes. Do you know how he received the diagnosis? After Marcus's aunt called 911 because her nephew literally couldn't breathe, he was rushed to an emergency room where he received, finally, an MRI—his first MRI after years of visits to doctors with no diagnosis. That test revealed a significant malignant tumor pressing on his esophagus, which explained the symptoms he had been complaining about for more than 3 years.

Marcus said:

I nearly died before I got the proper health care. It took a lot for them to actually do the test.

Well, that is the situation that is familiar to millions of Americans—people who either don't have insurance or don't have much insurance. They are unable to afford health care premiums for preventive care out-of-pocket, and it takes a severe complication and a trip to an emergency room before they receive any appropriate medical care. They earn too much money for public aid and too little money to afford private health insurance.

For Marcus, a disease that could have been caught and treated when he was a high school student went undiagnosed for years as he tried and failed to get quality treatment. Instead of going away to college after graduating from high school, Marcus found himself stuck at home too sick and too scared to leave home.

Today, after chemotherapy and successful surgery, Marcus is in remission and working to put his young life together. His struggles aren't over. Most of his friends have debts from student loans; Marcus owes more than \$100,000 in medical bills at the age of 21—\$100,000—even after the hospital forgave him \$40,000 for his hospital stay.

Still, he is trying to move forward. He is enrolled as a part-time student at Chicago State. He has a little job with the city, a job that provides him at least some health insurance. It could have made a difference in his life many years ago.

Here is what he said:

I see the difference when you have insurance and when you don't. It's like night and day. When I didn't have insurance, they just pushed me aside.

Marcus doesn't blame the doctors who told him he was suffering from nothing more serious than asthma. He said he understands doctors were faced with an impossible choice caused by our Nation's dysfunctional health care system.

He said:

Doctors shouldn't have to worry about whether a patient has insurance. No decision should have to be made except let's take care of this person.

It is simple logic, common sense. That is what health care reform is all about, and it poses very fundamental questions for us in this country: Who are we? What do we stand for? Are we going to change the current system?

There are those fighting change in the system, and those leading the fight are health insurance companies. They are making plenty of money under the current system even though causes such as Marcus Evans' end up being untreated, and young men end up suffering as a result of it.

That is why this health care debate is so important. I hope at some point, a couple, maybe even three Republican Senators would step up and say: We want to be part of this historic debate. We don't want to stand on the sidelines and complain about the plays that are being called. We want to be into the actual field of battle to help craft a bipartisan bill.

So far they have turned us down every step of the way except for one Senator, Ms. SNOWE of Maine. I hope that can change, and I hope those who come to the floor every day and complain about health care reform will take 1 day to propose their suggestions. What do they want to do? If they want to stick with the current system, if they do not want to change health care as we know it today, have the courage to stand up and say just that. But, unfortunately, they have said over and over again: We want to criticize. We want to opt out. We don't want to be part of this debate.

That doesn't solve the problems our Nation faces.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, first let me compliment my colleague from Illinois. He is right that the health care system in this country is in need of repair or reform. He is right also about the people who are out there believing they are insured when in fact they are one serious illness away from bankruptcy.

Ten years ago in Fargo, ND, I met a woman who had \$600,000 in the bank. She said she had a job, she had health insurance, and she had equity in a home. Ten years later it was gone. She has a very serious illness. She is a quadriplegic and needs a substantial amount of care, and all those assets are gone. She had insurance and all those assets are gone because her insurance had a cap.

A lot of people don't know that. They say: I have health insurance. Their insurance often has a cap on how much the insurance company will pay in the aggregate, which means they are just one serious illness away from bankruptcy. That is just one among others of the reasons there needs to be some change with respect to the health care issue.

I think this will be difficult. I commend the majority leader for trying to put a bill together. It will come to the floor of the Senate. We will have an opportunity to review it and offer amendments, which is the way it should be. My hope is at the end of the day we will be able to advance the issue of health care and improve the health care system in this country.

FEDERAL RESERVE POLICY

Mr. DORGAN. Mr. President, I wanted to mention very briefly—and I will speak about this a bit more later—the daily news about the payment of very large bonuses by some of the largest financial firms that received TARP funds or other funds from the Federal Government to try to keep them afloat during difficult times last year. The notices of the bonuses and profits of those firms at this point are very troubling to me and to a lot of other people.

I want to mention that a group of us a while back wrote to the Federal Reserve Board asking the Federal Reserve Board to release information about how much money went out the back door of the Federal Reserve Board when, for the first time in history, they allowed investment banks to come to the loan window of the Federal Reserve Board and get direct loans. For the first time in history, last year, they did that.

Now the question is, Who got money from the Fed's direct window? Under what conditions did they get that money? How much money did they get? A lot of us have asked the Federal Reserve Board to release that information.

Is that information important? It sure is, to me. Are the companies that are now proposing to pay the very large bonuses the same companies that got money out of the direct loan window of the Fed for the first time in history? Probably. What conditions were attached to that money? What were the rates, if any? We would like to know the specifics.

On September 16, the Chairman of the Federal Reserve Board wrote back to us saying that releasing these names would hinder the Fed's assistance efforts.

That is just a specious argument. The American people's money is put at risk. The American people have the right to know how much money went out that direct lending window at the Fed. We have a right to know—Members of Congress, the American people have a right to know. The Federal Reserve Board is saying we don't have a right to know and they don't intend to tell us.

I am going to talk about this a bit more later. There was a related FOIA case in which a judge found the Federal Reserve had "improperly withheld

agency records." The judge called the Fed's argument that borrowers would be hurt if their names were released—the judge says "that was conjectural, without evidence of imminent harm."

Despite the fact that the judge has determined that, we still don't have a release of this information. In a news article of a congressional hearing, it said a Federal official said the Fed was "giving serious consideration" to releasing the names of firms that received assistance.

In the same article they quoted Fed General Counsel Scott Alvarez as saying at the hearing:

We would be happy to work with you to establish procedures for disclosure.

A few days following that a Bloomberg news article said:

The Fed had decided to appeal the ruling that had ordered the Fed to release the information.

The question is, Why does the Fed believe we and the American people do not have a right to know? It makes no sense to me. I am going to speak about this at greater length later, but, clearly, as big bonuses are going out the back door, don't we have a right to know how much money went in the front door from the Federal Reserve to these institutions? How much, at what rate, and so on? I am going to continue to ask these questions.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mrs. GILLIBRAND). Morning business has expired.

EXECUTIVE SESSION

NOMINATION OF IRENE CORNELIA BERGER TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Irene Cornelia Berger, of West Virginia, to be United States District Judge for the Southern District of West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I rise to speak on precisely the issue the clerk reported. That is something which is extremely important to me and also extremely important to the people of West Virginia, a historic decision we are going to make.

Today the Senate will consider the nomination of Judge Irene Berger to serve on the U.S. District Court for the

Southern District of West Virginia. I have had the pleasure of knowing Judge Berger for many years and having a very high regard for her and liking her very much for many years. I continue to be amazed by her tremendous intellect, her calmness—a very marvelous calmness which speaks of integrity and knowledge and fearlessness in the face of whatever may come up—and, of course, her complete dedication to public service, which I will talk about.

She is a phenomenal person and a true professional, which is why I am so proud to join with Senator BYRD in recommending her to the President for this judgeship. Without any doubt, Judge Berger is one of the most qualified people to serve on the Federal bench. She truly is unmatched—in her professionalism and in her experience and in her demeanor—for this position. She has the temperament that should be expected of any judicial nominee, which is not just calmness and the right demeanor, but she embraces the courtroom, masters the courtroom. She is in charge of the courtroom. It is a wonderful thing.

She is very smart, obviously. She is very fair. She is dispassionate, she is rational, she reaches her decisions in a very calm and deliberative way, showing respect and equal treatment to all claimants before her in the courtroom.

I think it is perhaps, and I would judge, her upbringing that helped Judge Berger to be the outstanding person and judge that she is today. She grew up in a very large family in one of the four poorest counties in the United States of America. She worked hard, got a good education, and ultimately earned her law degree from the West Virginia University College of Law.

Rather than seeking—which would make some sense in view of what she had been through—a high-paying job in a corporate law firm, which would have been hers just for the asking, so to speak, she decided to do what is natural to her, which is to give back to her community and to her State by devoting her entire 30-year legal career to serving her fellow West Virginians. In so doing, she has gained profound experience at nearly every level of our judicial system.

She began her career as a legal aid attorney, protecting the rights of our State's most vulnerable citizens, and then kept our communities safe by serving for 12 years as a prosecuting attorney in Kanawha County, WV, which is the county in which I live. She would go on to serve briefly as an assistant U.S. attorney for the Southern District of West Virginia before being appointed to fill a vacancy as a circuit judge for the Thirteenth Judicial Circuit of West Virginia, a position she held for 15 years.

As an attorney and a jurist, Judge Berger's hard work and determination

have earned her the unqualified respect of all of her peers. Federal judges—everybody has written in saying this is the best person.

After her initial appointment to the circuit court, the voters of Kanawha County, WV—and that was part of why that position in the court is different from the one she is now hopefully going to be voted into—voted three times to keep her in that office because of her reputation as an honest, thoughtful, and skilled jurist.

I think we all agree the Federal judicial system is fundamental to our democracy's continued vitality, and there is absolutely no one I trust more than Judge Berger to faithfully and skillfully serve in this enormously important role.

Those are words, of course, but they are words, in my case, that come from deep within me. The American people deserve to know when they enter the courtroom that their judge is committed to justice and to equality and will treat them fairly, and that is exactly the type of judge Irene Berger is and will continue to be if we make that possible.

She made that clear in her confirmation hearing by saying:

I want to say very strongly that I will ensure that all parties are treated fairly and equally. They will be heard equally, be they rich or be they poor.

Judge Berger has also remained an integral part of our community and our State. With her uncommon wisdom and insight she assumed leadership positions, obviously, within the court system and has been called to serve and agreed to serve on a number of boards of nonprofit organizations and educational institutions.

She's writ large in life in West Virginia, I just have to say that. Her honors and awards are many. I almost hesitate to mention them because that is what everybody does, but it should be said: West Virginia College of Law, Outstanding Woman of Law Award; YWCA Woman of Achievement; the American Bar Association Foundation Fellowship; West Virginia University's Outstanding Alumna; and the NAACP Image Award for Leadership, to name just a few.

I am perhaps most impressed by Judge Berger's courage and determination and her refusal to back down from any worthwhile challenge. She was one of the first students to integrate her local elementary school in McDowell County. That was not easy. McDowell County is the most southern county in West Virginia and, in fact, most of it is south of Richmond, VA.

She is the first in her family to attend college. That can only be admirable. That can only talk about sacrifice and determination in a close family unit, family values. She was the first African-American woman to serve as a circuit court judge in West Virginia.

If confirmed today, she would, I proudly say, become the first African-American Federal judge in the history of West Virginia. Granted, the history of West Virginians is not as long as the history of New York. But it goes back to 1863, I would say to the Presiding Officer, and we are very proud of that.

I would like to close by personally thanking Judge Berger and her family. Her dedication to her country and State means so much to me. I wish to see her confirmed. I am not a lawyer, but I have been in West Virginia a long time. I started as a VISTA volunteer. I know a good person when I see one.

Her willingness to assume this important role speaks volumes about her character as a person and as a judge. I would like to thank President Obama for his leadership in nominating Judge Berger for this position. He could not have selected a more qualified person. I cannot wait for them to meet.

Finally, I would also like to thank Majority Leader REID, Minority Leader MCCONNELL, Chairman LEAHY, Ranking Member SESSIONS, and the whole Judiciary Committee for allowing us to move forward on this critical nomination by, I will have to say, a unanimous vote for forwarding her nomination.

We can rest assured Judge Berger will serve with enormous honor and distinction, as her predecessor, the Honorable David A. Faber, served before her.

I am proud and all West Virginians deserve to be proud and are proud, even if they have no idea what is going on right now, as one of our own premier legal minds and unwavering leaders continues to serve our Nation and the cause of justice.

I yield the floor, and I ask unanimous consent that all quorum calls during the debate on the Berger nomination be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Madam President, I know time has been reserved for Members to debate the confirmation of a district court judge in West Virginia. I certainly support that confirmation. It is interesting that there are not too many Senators coming to talk about this particular judge, even though there was a request that we reserve time on the floor in order to debate the nomination.

I raise this because there are four nominees ready for confirmation to the

courts of appeal and six district court judges who are ready for confirmation, having been moved through the committee, who, for some reason, Republicans are now not allowing us to bring to the floor for confirmation. This is a deliberate effort to try to slow pace of the confirmation process of Federal judges appointed by President Obama.

I think this is wrong, and people should understand it. In my own circumstance in Maryland, we have a judge who has been approved by the committee for the circuit court of appeals, Judge Andre Davis. A hearing took place in April of this year. The Judiciary Committee reported out his confirmation by an affirmative vote of 16 to 3. This is clearly a nonpartisan recommendation. Judge Davis is highly respected by members of the bar in Maryland. He has 22 years' experience as a district court judge. He has handled all types of cases. He has been recommended as being fair and even-handed and is ideally suited to serve on the appellate court. He will add diversity to the court, being the third African American, when he is confirmed, and he will be confirmed. There have been anonymous holds put on appellate court judges on a rotating basis and, in some cases, on district court judges, in an effort to slow down the process.

When we get a chance to vote on his confirmation, whether it requires a cloture vote or not, he will be overwhelmingly approved, as he should be. He is well qualified to serve on the appellate court.

I am somewhat perplexed. Floor time is valuable. Time has been set aside now to talk about the confirmation of a West Virginia district court judge. Yet I don't see too many Members rushing down to speak. Why haven't we brought up the other six district court judges ready for action? Why haven't we brought up the four appellate judges, if there is a desire to debate, so we have time now. Let's debate the issue. If there is a need for a vote, let's determine how much time is necessary and then let's get a vote. If there is a sincere effort to filibuster, which I find regrettable, then notify the leadership. Let's schedule a cloture vote on these nominations.

The bottom line is, this is an abuse of the rights of an individual Member of the Senate, and certainly it is wrong for us to hold up the confirmation of judges who are prepared to take on this public responsibility. There is a bill pending that would create new judges. Why don't we fill the current vacancies? Why don't we get these appointments to the floor and vote on their confirmations?

I know in Maryland there is strong support for Judge Davis's confirmation. I hope we can work out arrangements and bring these nominations forward and carry out our responsibilities to vote up or down those who are nominated to serve on the Federal bench.

I know there have been accusations made back and forth. I opposed several of President Bush's nominees to the court. In each case, I made it clear I was prepared to vote at any time. I never delayed consideration of those appointments, including those to the appellate court. They were brought forward, and we voted them up or down. All I am saying to my Republican friends is let's bring these nominations to the floor of the Senate; let's get a chance to vote on these nominations; let's not schedule time to talk about a district court judge and that person's confirmation, when in reality there has been very little interest shown in coming forward.

I see the distinguished ranking member of the Judiciary Committee. He has been fair and has tried to work this out. I don't know what the issue is on his side on an individual Member objecting to other judges coming forward. I hope we will have a chance to bring forward other nominations so we may move forward with one of the principal responsibilities of a Senator, to act in the confirmation of Federal judges, to give advice and consent to the President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I rise to speak on President Obama's nominee to the district court for the Southern District of West Virginia, Judge Irene Cornelia Berger. The historic significance of her nomination should not be lost on anyone. If confirmed, she will be the first African American to serve on the Federal bench in the State of West Virginia. She has had a distinguished career. She has been a State judge for the last 15 years. Before that, she was a State prosecutor for 12 years and a lawyer for the Legal Aid Society. I enjoyed the dialogue we had during her confirmation hearing and was especially pleased to see her responses to the questions for the record. She indicated in those answers outright that she did not agree with the empathy standard President Obama has used, saying:

A judge should apply the law to the facts of a case without being influenced by sympathy or empathy.

She further stated that it is never proper for a judge to indulge his or her own sense of empathy in deciding what the law means. I wholeheartedly agree and am pleased to be able to support her nomination. The President's nominations deserve deference, although we do have a constitutional responsibility to examine the nominees, to ask the tough questions, to support them when we can and to oppose them when that is the appropriate action.

I commend Chairman LEAHY on the pace of his hearings. Last week, the committee held its 16th judicial nominations hearing. But I wish to set the

record straight about a few things. At this point in his Presidency, President Bush had nominated 60 judges, but only 22 nominees had hearings. In contrast, President Obama has nominated only 23 judges, including a Supreme Court nominee, which took a great deal of our time, as it rightly should. Yet 16 of his nominees have received hearings.

The Senate Judiciary Committee is doing its job. We are processing nominees at a reasonable pace, in a fair and bipartisan manner. There are those who say that Republicans are slow-walking nominees. I suggest that is a preemptive accusation to complain about something they think might happen. It is not happening, in my view. The raw numbers show that. Those same individuals also claim that the vacancy rate on the Federal courts is higher now and, therefore, we need to confirm more judges than we did during President Bush's first 2 years in office. However, the need to fill vacancies does not undercut the responsibility to properly vet those lifetime appointments.

Furthermore, we can only process the nominees we have before us. There are currently 22 circuit court vacancies but only 9 nominees before the Senate. There are 75 district court vacancies and only 10 nominees before the Senate. This chart shows that. These are the vacancies in blue and the red represents the circuit court nominees. These are the only nominations we have received so far. To date, President Obama has announced a total of only 23 nominees, one of which was a Supreme Court nominee. By this time, the Bush administration had sent the Senate 60 nominees, almost three times as many.

Over the past few weeks, I have heard the chairman of our committee come to the floor and state that the pace of confirmations is not acceptable. I wish to point out a few numbers to those who now say Democrats confirmed a significant number of President Bush's nominees. As I told the chairman, I hate to get into this. We have been doing this for a number of years, but I am not going to remain silent while the record is distorted. We need to talk about perspective, and if we are going to continue to have tit-for-tat, I will be down here to explain the other side of the question.

President Bush had fewer nominees confirmed than any two-term President in modern history. President Clinton had 377 confirmed; President Bush only got 326. President Clinton was also able to confirm two Supreme Court nominees. Under the Bush administration, the Democrats held up qualified nominees for years in some cases, denying an up-or-down vote even though a majority of the Senators were ready and willing to confirm.

There are those who say the Republicans are filibustering nominees, and to them, I say that is not correct. A

hold is not a filibuster. When a Member of this body has concerns about a nominee, they have a right to put a hold on that nominee. The majority leader has the prerogative to file cloture on that nomination. There were nominees that I have strongly opposed and have voted against, but I voted for cloture when the majority leader sought to bring up the nomination so the nominee would get an up or down vote. That is the way you overcome a hold.

Madam President, how much time do we have remaining?

THE PRESIDING OFFICER. The minority has 15 minutes remaining.

Mr. SESSIONS. I think most of us in this body who were here remember that soon after President Bush was elected in 2000, a group of well-known liberal professors—Laurence Tribe, Marsha Greenberger, and Cass Sunstein—he is the one who has recently been appointed by President Obama to one of his administration posts who believes animals should have lawyers appointed for them—met with the Democratic leadership. The New York Times reported at that time that they proposed changing the ground rules of the confirmation process. They proposed that Senators consider a nominee's ideology. For the first time in the history of the country, they proposed that the burden be shifted to the nominee to somehow prove they were worthy of the appointment instead of having the Senate respect the presumptive power of the President to make the nomination and then object if there was a disagreement. This was a major change in the history of the Senate. It was done by the Democrats when we had a Republican President.

It was clear to me then that as a result of that meeting, a majority of the Democratic Members of the Senate agreed. After the Democrats took control of the Senate a few months later when Senator Jeffords changed parties, the Senate confirmed only 6 of President Bush's 25 circuit court nominees. Five nominees had bipartisan support, and two were prior Clinton nominees. President Bush renominated two prior Clinton nominees. They confirmed them, but only a few others were confirmed. Yet the majority of President Bush's first nominees nominated on May 9, 2001, waited years for confirmation.

Priscilla Owen was nominated to the Fifth Circuit, a fabulous supreme court justice in Texas. It took 4 years for her to be confirmed. She was on the short list for the Supreme Court. She is a brilliant justice.

Now-Chief Justice John Roberts was nominated at that time for the DC Circuit—one of the most brilliant Justices I have ever seen come before the Senate. It took two years for him to be confirmed, and he had to go through two hearings.

Jeffrey Sutton, another brilliant nominee to the Sixth Circuit Court of Appeals, was confirmed but only after 2 years in 2003.

Deborah Cook was nominated for the Sixth Circuit—it took 2 years to get her nomination confirmed.

Dennis Shedd, nominated to the Fourth Circuit—it was a year and a half before he was confirmed.

Michael McConnell, a brilliant lawyer—and so is Dennis Shedd, but McConnell is a real intellectual—for the Tenth Circuit, it took a year and a half before he was confirmed.

Terrence Boyle waited almost 8 years, until his nomination lapsed at the end of President Bush's term. He never got a vote.

Perhaps the most disturbing story was that of Miguel Estrada, who was a brilliant, outstanding, well-qualified consensus nominee. He was nominated to the DC Circuit on May 9, 2001. He waited 16 months just to get a hearing—16 months—only to be confronted with unreasonable requests for more information. After almost 2½ years in limbo and a protracted 6-month long filibuster battle, we brought his name up a number of times, and he was blocked by filibuster. Mr. Estrada withdrew his name from further consideration, and we remain baffled as to why such a fine nominee was treated so poorly. His character was attacked and his nomination was ultimately blocked for no reason other than the fact that some said he was so capable he would have been on the short list for the U.S. Supreme Court.

I don't say all of this to say there is going to be payback. I do not believe in that. It is time for us to move forward with judicial nominees in the right way. I am saying this to set the record straight because I will not stand silent and have what is happening today be compared with the incredibly obstructive actions the Democrats took in early 2000.

That said, this Senate, when I think of many of its Members, understands that it would be wrong for us to be a rubberstamp for every nominee. We have a constitutional duty to vet nominees. As a minority party, we have a duty to ask the important questions that may not be asked at other points in the process.

During his campaign, President Obama pledged he would strive for a bipartisan administration, but the President has failed to put action behind those words in a number of instances. He has refused to renominate some of the noncontroversial consensus circuit court nominees who were not confirmed by the Senate in the last Congress, as President Bush did when he took office. For example, Glen Conrad had the support of his Democrat home State Senator. Yet he was never given a hearing before the end of the Bush administration. Peter Keisler had

broad bipartisan support from lawyers and colleagues throughout the country, a brilliant and capable nominee, but never got a vote. He was denied a vote by the Democratic leadership. In addition, Mr. Keisler was praised in the Justice Department Inspector General's report, one that dealt with the danger of politicizing the Department of Justice. The IG examined it and praised Mr. Keisler because he spoke and acted in opposition to those who appeared to have allowed political considerations to play a role in hiring decisions. He focused on the candidate's qualifications. But rather than being rewarded for his courage, he fell victim to the very partisan wrangling he stood against.

Now, I think President Obama chose to set an aggressive tone by nominating Judge David Hamilton, a former board member and vice president for litigation of the Indiana chapter of the ACLU, as his first circuit court nominee. Judge Hamilton's nomination is clearly controversial. It was only exacerbated by the rushed hearing schedule on his nomination. Indeed, I think it is fair to say he is outside the mainstream of even President Obama's nominees. Instead of embracing the constitutional standard of jurisprudence, Judge Hamilton has embraced this empathy standard, this feeling standard. Whatever that is, it is not law. It is not a legal standard. He has said that he believes a judge will "reach different decisions from time to time . . . taking into account what happened and its effect on both parties, what are the practical consequences."

Judge Hamilton also appears to have embraced the idea of a living Constitution. In 2003, he indicated in a speech that a judge's role included writing footnotes to the Constitution. I am not aware that a judge has the power to write footnotes to the Constitution, which has been ratified by we the people of the United States of America.

When Senator HATCH questioned him about these comments in a followup question, he retreated somewhat but then gave a disturbing answer in the next question about judges amending the Constitution or creating new rights through case law.

This judicial philosophy has clearly impacted his rulings. He issued a number of controversial rulings during his time as a district court judge and has been reversed in some very significant cases. So that is why he is having difficulty on the floor of the Senate and has not moved forward.

Yet the Democrats will not call up another nominee, Judge Beverly Baldwin Martin for the Eleventh Circuit, on whom everybody is prepared to vote.

Andre Davis, whom we have heard about before, has been nominated to the Fourth Circuit. We have had a number of battles over the failure to fill some of the vacancies on that

court. President Bush submitted a number of nominations and couldn't get them up for a vote. For example, Judge Robert Conrad, Judge Glen Conrad, Steve Matthews, and Mr. Rod Rosenstein. Mr. Rosenstein was nominated to a seat designated as a judicial emergency on November 15, 2007—the very seat for which Mr. Davis has now been nominated—and he was held up. These vacancies were basically maintained by our Democratic Senators from Maryland for 9 years. The ABA rated Mr. Rosenstein “unanimous well qualified.” He was unanimously confirmed as U.S. attorney for the District of Maryland. He held several positions in the Department of Justice under both Democrat and Republican administrations. But he waited 414 days for a hearing that never came. His nomination was returned in January of this year.

In 2008, a Washington Post editorial stated that:

Blocking Mr. Rosenstein's confirmation hearing . . . would elevate ideology and ego above substance and merit and would unfairly penalize a man who people on both sides of this question agree is well qualified for a judgeship.

So after a few weeks went by, the Democrats were already blaming the Republicans, saying they are not moving fast enough on Mr. Davis, who has some serious problems in his background, and I just have to say I am concerned about it. He has been reversed quite a number of times. But he certainly has had his hearing. He had a hearing 27 days after his nomination, and he was voted out of committee on a split vote just 36 days later.

There is no question that Mr. Davis is a good man, but his record is a cause for some concern. He has been reversed by the Fourth Circuit numerous times in cases where he misapplied the law, including six criminal cases where he threw out evidence that could have been used to help convict a criminal. He was reversed at least six times in cases that he had wrongly dismissed because there remained unresolved issues between the parties. He dismissed the case in its entirety and the parties had to appeal. Six times he was reversed at great expense and delay. If he didn't accurately assess the facts or apply the law in these more simple cases at the Federal trial court level—some of them are not so complicated; others are—is he qualified now to be on the Fourth Circuit? So these are the concerns we have.

Mr. Chen, a U.S. magistrate, was recently nominated for the Northern District of California. He stated that he finds “most rewarding . . . contributing to the development of the law via published opinion, especially if it comports with my view of justice.” That is pretty nice if you can develop the law—in other words, make law and make sure it comports with your view of the

law. A judge is supposed to be a neutral umpire. They are not supposed to use their moment on the bench to rewrite the law to make it say what they would like it to say. If they would like to write the law, let them run for Congress.

Mr. President, Judge Chen made a number of speeches and statements about which I am concerned. I will not go into that today. But these are some of the nominees who are going to have some difficulty on the Senate floor.

Most of the nominees, such as the one on whom we are about to vote, will go through in an expeditious manner. Too often a problem we are dealing with is that there is a philosophy out there—I don't think it is a legal philosophy but rather nonlegal—that it is legitimate for a judge to look outside the law in judging, and that it is legitimate for their personal policy preferences and those matters to impact their decisionmaking.

We are talking about a lifetime appointment to the Federal bench. There is no opportunity to examine the nominees after they have been confirmed. They should demonstrate that they will not render rulings that go beyond the plain meaning of the law.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I thank the Chair and just say that I intend to support this nominee. I will conclude by saying that those of us in the minority intend to give these nominees a fair hearing and to allow the majority of them to have up-or-down votes promptly. But those we think should be objected to will have a difficult time.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Madam President, I know my friend from Alabama mentioned the ongoing issues of filling the judicial vacancies. We can talk about individual cases, and I am more than happy to do that. But I think we need to look at the record, at the number of judges, the number of vacancies, and the record during the different administrations.

There is a disturbing trend that is developing with the Republicans blocking President Obama's confirmations by inaction, by not allowing us to, in fact, bring those nominations to the floor for a confirmation vote.

I am going to use two charts to point out the differences we have seen with Republicans using tactics to deny confirmation votes and the time during the years when President Bush made the appointments. During the Clinton years, we saw an increase in the number of vacancies that could not be brought to the floor for a vote. It reached 110 vacancies in the judicial branch at the end of the Clinton administration. The Democrats worked with the Republicans during President Bush's years, under times when Repub-

licans were in control and when Democrats were in control of Congress. The number went down to 53 percent when President Bush left office. We are now up to 94. We are seeing a significant increase in the number of unfilled positions. Yet there are noncontroversial nominees who have been approved by the Judiciary Committee who have not been brought to the Senate floor.

I will talk about the appellate court because we think it represents a deliberate effort to slow-walk the confirmation process.

When President Clinton was in office, we saw an escalating number of appellate court judges who were delayed and not acted upon—doubling from 16 to 32 when President Clinton left office. We know the appellate court is where most of the appellate decisions will be made because very few cases go to the Supreme Court. These are critical judges.

During President Clinton's years, the Republicans used every tactic they could to deny the confirmation of appellate judges. Look what Democrats did during President Bush, whether in the minority or majority. We not only reduced the number of vacancies on the appellate court, we brought it down—in 1 case, from 32 to 9. When President Obama took office, it was 13. It is now up to 21.

There are four nominees who have been approved by the committee who are ready for action right now on the floor of the Senate. This is an abuse of the rights of the minority. We need to vote on these confirmations. The appellate courts need these judges. The district courts need these judges. We have, right now, over 10 judges ready for a vote on the Senate floor, none of whom I believe will require an extraordinary vote because I think they are basically without controversy.

Let's get on with these responsibilities and bring these forward. These facts indicate that clearly there has been a deliberate effort, and it is not right. I ask my Republican friends to end this and let's bring up these matters for an up-or-down vote.

With that, Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

HEALTH CARE REFORM

Mr. KIRK. Madam President, as the Senate prepares to debate the critical reform of our Nation's health care system, I am privileged to stand at the Massachusetts desk from which the voice—that unmistakable, booming voice—of the most effective legislator of our time was heard throughout this Chamber that he loved for nearly a half century.

The voice of Senator Edward M. Kennedy called out against injustice, denial of opportunity, and needless suffering of every kind. Sometimes with humor, sometimes with indignation, he spoke skillfully and tirelessly as a

champion of working families, the poor, the disabled, and those engaged in a constant struggle for economic and social justice.

Of all the issues on which he led the Senate and our Nation, the one Ted Kennedy called the cause of his life was the battle for affordable, quality health care. He saw the need as universal—made real by experiences deeply personal. He was the father of three children who faced serious illnesses and received the finest health care in the world.

He understood firsthand the anguish of a parent who learns that a child is gravely ill. He found it unacceptable that some Americans receive quality health care while millions of others do not.

For almost 50 years, his voice thundered in this Chamber and across the Nation with a clear and compelling message: Affordable, quality health care must be a basic right for all, not a privilege for the few.

In Senator Kennedy's own maiden speech in this Chamber, he noted the conventional wisdom that freshman Senators should be seen and not heard. But he felt compelled to speak out on the Civil Rights Act of 1964 because it was the defining moral issue of that time.

As the newest of freshman Senators, who is honored to stand briefly in his place, I have no doubt about my obligation to Senator Kennedy, to the values and friendship we shared, to the citizens of Massachusetts, and to the country we love. So I am grateful for this opportunity to speak out at another defining moment for our Nation, on what I and Senator Kennedy believe to be the moral issue of this time.

At this moment, we are closer to realizing the long-held dream that all Americans have access to quality, affordable health care than at any time in our Nation's history. By seizing this moment, we will, at long last, put America on equal standing with other nations that long ago assured their citizens quality, affordable health care as a matter of right.

Despite the urging of Republican and Democratic Presidents alike, from Theodore Roosevelt to Bill Clinton, the United States remains the only industrial Nation that has yet to guarantee health care for all its citizens.

It has been 40 years since Edward Kennedy gave his first speech on this issue. In an address at the Boston University Medical Center, he declared the time had come to establish a national plan to provide affordable and quality health care for every American.

Rough estimates at the time suggested 25 million were without any coverage. Today we have 46 million uninsured Americans.

In the four decades since Ted Kennedy issued that challenge, despite the expenditure of trillions of dollars and a

passing of a generation, millions of Americans worry each day whether their health insurance will be there for them and for their children. They fear their insurance company will drop them if they are sick or set limits on their coverage that will leave them destitute. They wonder if their insurance will be adequate and if they are but one serious illness away from bankruptcy.

They ask why insurance companies are permitted to charge higher premiums for women than for men. They are afraid, if they lose their jobs, they will be unable to get new insurance because they have a preexisting condition. Worse, tens of millions of our fellow citizens go to bed each night praying their children will stay well because they have no insurance at all. They work hard, they play by the rules, they do everything possible to provide for their families, but they need every penny to put a roof over their heads and food on the table. In the end, they simply cannot afford health insurance.

After decades of falling short of the mark, quality, affordable health care for all Americans is, at long last, within their reach. Thanks to the leadership of Senator REID, Senator DODD, Senator BAUCUS, and others, in combining the bipartisan work of the Health and Finance Committees, and thanks to similar work being done in the House of Representatives and the leadership and support of President Obama, we are closer than ever to fixing our broken health care system.

Yes, there are issues yet to be resolved. In the days ahead, I, too, will advocate for a public option because we need to stimulate competition and reduce costs in the health care marketplace.

I will also speak for the so-called CLASS Act, a voluntary, self-funded, self-insured, deficit-reducing plan that will protect millions of Americans against the crushing cost of long-term services and support so necessary in their senior years.

But as this debate moves forward, we who are privileged to serve in this historic body, on both sides of the aisle, have the opportunity and the obligation to take the long view, to put aside partisan politics and come together to seize this unique and critical moment in our history.

Bipartisanship works for the people. Only 3 years ago, with Senator Kennedy's guidance, Democrats and Republicans in Massachusetts worked together to adopt a health reform plan approved by a Democratic legislature, signed by a Republican Governor, and implemented with essential support from a Republican President.

The experience of Massachusetts was bipartisan. It has helped to shape the legislation this Senate will soon consider. Our national legislation draws

ideas from both sides of the aisle and from all parts of the political spectrum. Similar to our Massachusetts reform, it will make a lifesaving and cost-saving difference for millions of Americans, whatever their station in life and whatever their political persuasion.

It is regrettable that efforts for reform in the Senate and the House have been under assault by special interests that have a financial stake in our failing health care system. As part of that opposition, they have attacked the success of our reform in Massachusetts. But let me set the record straight.

First, because of our bipartisan reforms, less than 3 percent of the Massachusetts population is without health insurance today, lower than any other State.

Second, the most respected independent fiscal watchdog concluded that Massachusetts implemented its reform in a fiscally responsible and financially sustainable way.

Third, unlike every other State, employer-based health insurance is increasing in Massachusetts.

Finally, according to a recent statewide poll by the Harvard School of Public Health, 79 percent of the public, and practitioners in every sector of the Massachusetts health care system, including physicians, strongly supports our bipartisan reform.

Let me quote a recent message from a Massachusetts doctor:

You will be glad to know that I just saw the very last uninsured patient in my panel of about 300 patients for whom I am the primary care physician. He is a 62-year-old diabetic electrician from Mattapan. He finally got his insurance last month—with help of [the reform law], we are now finally getting his eye exam, his blood work, and refilling all his prescriptions.

That is just one example of a substantial difference a bipartisan health reform measure has made in the lives of the people of the Commonwealth of Massachusetts. That is the kind of substantial difference bipartisan reform can make in the lives of people all across America.

I am the 100th Member, the most junior Member of this distinguished body. But I am hopeful that a newcomer's perspective will be received as a constructive contribution to this debate.

Let me be candid. At this moment, when American families are imperiled by economic hardship and uncertainty, it gives them no comfort to see the Senate so politically polarized over an issue that should be bringing us together on their behalf.

The accelerating health care and health costs crises strike fear in the hearts of the average American family. These crises should not be dividing this Chamber; they should be uniting us. These crises do not discriminate in their impact on our constituents. They are the common fears of Republicans and Democrats, Independents and the

unenrolled, old and young, urban and rural, businesses large and small, workers organized and unorganized, the self-employed and the unemployed, married and single, straight and gay, and Americans of every ethnic or racial heritage.

These are the people we are honored to represent. They expect us to work together in their common interests and, I submit, they deserve no less.

Years from now, history will look upon this debate and record that this was our opportunity to act on a defining domestic obligation of our time. During the coming weeks, I hope each of us will take the long view, think beyond the politics of the day, and come together in good faith to do what is right for our people.

When I accepted my oath of office a month ago, much was made of my being the 60th vote for health reform. This debate should not be about one party reaching 60 votes. It should be about 100 Senators reaching out to each other to reform a health care system that will better reflect the true values and character of our Nation.

As this debate continues, we would do well to pause for a moment to hear Ted Kennedy's voice in the quiet of our hearts. You and I know he will urge us to seize this moment to come together in this common cause and to make sure, at long last, that all Americans will have access to the quality, affordable health care they have long deserved and now so urgently need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I congratulate my colleague from Massachusetts, who has made his first comments on the floor of the Senate, what is traditionally called a maiden speech, and what was for many years a speech that often took months, if not, in some cases, years for a Senator to make. The times have changed and, indeed, the issues have changed. Now Senators, by custom, address the floor much before that kind of time period has elapsed.

Let me say I am glad that is the custom, and I am glad my colleague, PAUL KIRK, is here to share in his ability to be able to present his values and the values of Ted Kennedy and Massachusetts to the Senate, with respect to the issue he talked about today.

I cannot say that for many of us who sat here and listened to this, as we looked across the Senate at this desk, that there still is not an adjustment as we look there and do not see our friend Ted Kennedy but see, instead, the person who has been chosen to follow in his footsteps.

I know Ted Kennedy would be both enormously proud and enormously pleased that PAUL KIRK spoke the way he did today and chose to speak as he did about health care.

PAUL KIRK was in the Senate working for Ted Kennedy in 1969, when Ted Ken-

nedy first took up the great cause of health care. It was no accident that he came to be here working for Ted Kennedy, though it was somewhat of an effort because PAUL had chosen to work in the Presidential campaign of Robert Kennedy. When Robert Kennedy was assassinated, PAUL felt there was not a place in politics for him, and so he stepped back for a moment. It took Ted Kennedy a considerable amount of personal persuasion and effort to give him a sense that working in the Senate, working with him was the best way to try to carry on. That was the beginning of an extraordinary working partnership. I think PAUL worked with Ted Kennedy until about 1977 or so in the Senate, but he never stopped working with him as both a friend and an adviser. He went on to become the founder of the Presidential Debate Commission. He chaired the Democratic National Committee. He has chaired the Kennedy Library, and now he comes to us as an extraordinarily appropriate replacement, to the degree there can ever be a replacement—we all understand the difficulties of that—for our friend Ted Kennedy.

I thank him for his words today. I thank him for his willingness to come and serve at a difficult time. I thank him for being willing to go through all the gyrations one has to go through to meet the standards of the Ethics Committee of the Senate to serve just, knowingly, for 4½ months. That is a great statement both about his feelings about being chosen to fill the seat he fills but also about his commitment to public service.

I thank my colleague for his comments about health care. He is absolutely correct; we are on the cusp of a historic choice in this country, and I think it is more than fitting that PAUL KIRK, who knows Ted Kennedy's staff, who had such a close relationship with him, who shares his values so intensely, is here to be part of this vote.

He is absolutely correct. While he is the 60th vote, it may change some of our ability to move or not move, the thought he expressed about our desire to have all Senators join in this historic moment and weigh in, in a way that permits more of them to take part is exactly what the Senate is about.

I close by saying, as I looked across at PAUL, I thought about this transitional moment, of his first speaking and following in the footsteps of Ted Kennedy from that seat and that desk. It reminds all of us that we all come and we go here. It gives us a sense of the timelessness, if you will, of this institution. It reminds us that while we do change and we come and go, this institution is here, the Congress is here, the country is here, the demands of the people are here, and good people keep coming here to try to meet those demands and live out the best values for our Nation.

I congratulate my colleague for representing Massachusetts so effectively, for keeping faith with Ted Kennedy and this institution, and helping to remind us of the importance of the work ahead of us in the days ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, next to the door of Senator Kennedy's old office—now Senator KIRK's office—is a small brass plaque that Senator Kennedy had mounted near the door with an old Gaelic greeting: Cead Mile Failte—100,000 welcomes. With his first maiden speech on the floor of the Senate, I extend to Senator KIRK, my colleague, officially, Cead Mile Failte, 100,000 welcomes to this great body. The fact the Senator would stand and speak to an issue of such enduring significance, not only to the Nation but to Senator Ted Kennedy, is entirely fitting.

Forty-five years ago, Ted Kennedy gave his maiden speech on the floor of the Senate, addressing the moral issue of his time—the issue of civil rights. Over the years, he came to understand the issue of health care is an issue of civil rights. His son, Congressman PATRICK KENNEDY, tells the story when his dad was in the hospital recently recuperating from cancer, he would walk the wards. We can see him plodding along, going from room to room, talking to people about how they were doing and, more specifically, how they were paying for their medical care.

Ted never stopped caring about not only the many people he represented in Massachusetts and around the Nation but around the world. During the time he served in the Senate, he extended the reach of civil rights and opportunity through health care, with Medicaid and Medicare and COBRA and children's health insurance and so many other things that he was a part of. I am honored the Senator is here today, as he has said, to be the voice and the vote of Senator Edward M. Kennedy. The question asked is: Will the circle go unbroken? With the Senator's speech today, it is clear it is unbroken; that the Senator is carrying on the fine tradition not only of Senator Kennedy but of so many people who were inspired by his words over the years.

I congratulate my colleague on his maiden speech on the floor of the Senate.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I simply wish to rise and acknowledge the wise words of a good man and a good Senator in the great tradition of Ted Kennedy.

I thank the Senator, for his work, his commitment, and his dedication. With his help, we will complete the work Senator Kennedy started.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:32 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

EXECUTIVE SESSION

NOMINATION OF IRENE CORNELIA BERGER TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA—Continued

The PRESIDING OFFICER. Under the previous order, the senior Senator from West Virginia is recognized for 5 minutes.

Mr. BYRD. Mr. President, I am very pleased that the Senate will vote today to confirm West Virginia Circuit Court Judge Irene C. Berger for a seat on the U.S. District Court for the Southern District of West Virginia. I thank Chairman LEAHY and Ranking Member SESSIONS for moving the nomination forward. Along with my colleague, Senator JAY ROCKEFELLER, I was proud to recommend Judge Berger, for she is not only an outstanding jurist, she is also an exemplary person. A native of Berwind, in McDowell County, WV, Judge Berger has devoted her legal career to public service in West Virginia.

As a young attorney, she provided legal services to those who were most needy. As a prosecutor, Judge Berger obtained many high-profile felony convictions. Judge Berger has served as a circuit judge for the Thirteenth Judicial Circuit of West Virginia for 15 years—1½ decades—and she has devoted countless hours of service to her community.

Through her drive and determination, Judge Berger broke barrier after barrier. She was the first in her family to attend college. She was the first African-American woman to serve as a circuit judge in West Virginia. Embodying true mountaineer spirit and pride, Judge Berger's contributions to legal service and to education have been substantial. Sitting on the bench, she will continue her fine service to her community and to the great State of West Virginia.

I want to be the first to congratulate Judge Berger, and I thank my colleagues for their support of this very fine lady.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, it has taken nearly a month to obtain Republican consent to consider the nomination of Judge Irene Berger to the Southern District of West Virginia. Judge Berger is a consensus nominee

unanimously rated "well qualified" by the American Bar Association's Standing Committee on the Federal Judiciary, the highest rating possible. Her nomination has the support of both of West Virginia's highly respected Senators. Senator BYRD, as the senior member of the Senate, is the President pro tempore and is the longest serving Senator in history. Senator ROCKEFELLER is a senior member and the chairman of the Commerce Committee. I thank the Senators from West Virginia for their statements in support of the nomination, their work on this nomination, and their recommendations of outstanding judicial nominations for West Virginia over many years.

Republican delay in the confirmation of this consensus nominee continues a pattern that has been followed all year. Last week, the Senate was finally allowed to consider the nomination of Roberto A. Lange to the District of South Dakota. I regret that the Republican minority allowed 3 weeks to lapse since the nomination was reported unanimously by the Judiciary Committee before allowing the Senate to consider it. They also required 2 hours of debate on the nomination, though they used fewer than 5 minutes to discuss the merits of the nominee. In that 5 minutes, the ranking Republican on the Judiciary Committee endorsed the nomination. That nomination had the support of both Senator JOHNSON and Senator THUNE, a member of the Senate Republican leadership. Ultimately, Judge Lange's nomination was confirmed 100 to 0, but only after weeks of unnecessary delay.

The pattern is being repeated today with respect to Judge Berger. When confirmed, Judge Berger will be the first African American in the history of West Virginia to serve as a Federal judge. For the last 15 years, Judge Berger has served as a circuit judge in county court. Before that, she spent more than a decade as a State and Federal prosecutor.

So I ask, why has the Republican minority delayed consideration of this experienced and highly qualified jurist and of this historic confirmation for the last several weeks? Will any Republican explain why there will remain nine other judicial nominations reported favorably by the Judiciary Committee on which Senate Republicans continue to refuse to allow the Senate to proceed? Two were reported in June and have been stalled for more than 4 months.

Last week, the Senate also finally confirmed the nomination of Judge William Sessions of Vermont to chair the U.S. Sentencing Commission. An anonymous, unexplained Republican hold stalled that nomination for more than 5 months. The majority leader was forced to file a cloture petition in order to end the obstruction. Cloture

petitions were previously required to overcome Republican obstruction on the nominations of David Ogden to serve as the Deputy Attorney General and Tom Perez to serve as the Assistant Attorney General heading the Civil Rights Division.

I said last week before the Senate unanimously confirmed Judge Lange that these delays are a dark mark on the Senate. They prevent us from doing our work. Worse, this obstruction means that nominees must place their lives on hold for an undetermined amount of time. The Senate should be the conscience of the Nation. These needless and harmful delays, particularly in connection to consensus nominees, make the Senate look foolish.

Judge Berger's nomination is one of 13 judicial nominations reported favorably by the committee this year to fill circuit and district court vacancies on Federal courts around the country. The President has worked hard to consult with Republicans and Democrats alike to make consensus, well-qualified selections. Unlike his predecessor, he has not sought to turn judicial nominations into a partisan matter. Ten of these judicial nominations were reported by the Judiciary Committee without a single dissenting voice. Yet, due to the pattern of Republican delay, this is just the fourth of those nominations allowed to be considered by the Senate.

It is now October 27. By this date in George W. Bush's first year in office, the Senate had confirmed a total of 12 lower court judges, including 4 circuit court judges. We achieved those results with a controversial and confrontational Republican President after a midyear change in the Senate to a Democratic majority, in spite of the attacks of September 11, despite the anthrax-laced letters sent to the Senate that closed our offices, and working virtually around the clock on the PATRIOT Act. By comparison, this year the Republican minority has allowed action on only three judicial nominations to the Federal circuit and district courts, with only one circuit court confirmation all year. Judge Berger's confirmation will raise the total judicial confirmations to only one-third of that achieved by this date in 2001.

I made sure that President Bush's judicial nominations were treated better than President Clinton's had been by the Republican Senate majority. By contrast, Senate Republicans are making sure that President Obama's nominees are treated worse even worse than they treated President Clinton's nominees. By this junction in President Clinton's first year, the Senate had confirmed twice as many judicial nominees as we have this year.

This is all despite the fact that President Obama sent nominees to the Senate 2 months earlier than did President

Bush. This is despite bipartisan support from Republican Senators like Senator LUGAR, Senator THUNE, Senator Martinez, Senator ALEXANDER, Senator CHAMBLISS, and Senator ISAKSON for President Obama's judicial nominees to judicial vacancies affecting their home States.

When I served as chairman of the Senate Judiciary Committee during President Bush's first term, I did my best to stop the downward spiral that had affected judicial confirmations. Throughout my chairmanship, I made sure to treat President Bush's judicial nominees better than the Republicans had treated President Clinton's nominees. During the 17 months I chaired the Judiciary Committee in President Bush's first term, we confirmed 100 of his judicial nominees. At the end of his Presidency, although Republicans had chaired the Judiciary Committee for more than half his tenure, more of his judicial nominees were confirmed when I was the chairman than in the more than 4 years when Republicans were in charge.

Senate Republicans began this year threatening to filibuster every judicial nominee of the new President. They have followed through by dragging out, delaying, obstructing, and stalling the process. The result is that 10 months into President's Obama's first term, the Senate after today will have confirmed only four of his nominations for circuit and district courts while judicial vacancies skyrocket around the country. After reducing vacancies as low as 43 last year, even during the last year of President Bush's second term and a Presidential election year, vacancies have already more than doubled to 95 vacancies around the country in our Federal circuit and district courts. There are another 26 future vacancies already announced. These vacancies are at near record levels. We can do better. The American people deserve better. Justice should not be delayed or denied to any American because of overburdened courts.

When will Senate Republicans allow the Senate to consider the nominations of Judge Hamilton to the Seventh Circuit, Judge Davis to the Fourth Circuit, Judge Martin to the Eleventh Circuit, Judge Greenaway to the Third Circuit, Judge Honeywell to the Middle District of Florida, Judge Nguyen to the Central District of California, Judge Chen to the Northern District of California, Ms. Gee to the Central District of California, and Judge Seeborg to the Northern District of California?

President Obama made his first judicial nomination, that of Judge David Hamilton to the Seventh Circuit, in March, but it has been stalled on the Executive Calendar since early June, despite the support of the senior Republican in the Senate, Senator LUGAR. The nomination of Judge Andre Davis to the Fourth Circuit was reported by

the Judiciary Committee on June 4 by a vote of 16 to 3, but has yet to be considered by the Senate. The nomination of Judge Beverly Baldwin Martin to the Eleventh Circuit has the support of both of Georgia's Senators, both Republicans, and was reported unanimously from the Committee by voice vote on September 10 but has yet to be considered or scheduled for consideration by the Senate. The nomination of Judge Joseph Greenaway to the Third Circuit has the support of both New Jersey Senators and was reported unanimously from the Committee by voice vote on October 1 but has yet to be considered or scheduled for consideration by the Senate. All of these nominees are well-respected judges. All will be confirmed, I believe, if only Republicans would consent to their consideration by the Senate. Instead, the President's good efforts are being snubbed and these nominees stalled for no good purpose.

The Senate's failure to adhere to its tradition of regularly considering qualified, noncontroversial nominees has not been limited to filling vacancies on the Federal bench. The Republican minority has irresponsibly stalled nominations to critical posts in the Department of Justice, depriving the President, the Attorney General, and the country of the leaders needed to head important divisions at the Justice Department. These are important leaders of our Federal law enforcement efforts. Presidents of both parties, especially newly elected ones, are normally accorded greater deference to put in place appointees for their administrations.

Yet, 10 months in to President Obama's first term, five nominations to be Assistant Attorneys General remain stalled on the Senate's Executive Calendar due to Republican opposition and obstruction. These are the President's nominees to run 5 of the 11 divisions at the Justice Department—nearly half. By comparison, at this point in the Bush administration the Senate had confirmed nine Assistant Attorneys General and only one nomination was pending on the Senate Executive Calendar. The difference is that the Republican minority is refusing to consider these nominations.

The President nominated Dawn Johnsen to be the Assistant Attorney General in charge of the Office of Legal Counsel at the Justice Department on February 11. Her nomination has been pending on the Senate Executive Calendar since March 19. That is the longest pending nomination on the calendar by over 2 months. We did not treat President Bush's first nominee to head the Office of Legal Counsel the same way. We confirmed Jay Bybee to that post only 49 days after he was nominated by President Bush and only 5 days after his nomination was reported by the committee.

Mary Smith's nomination to be the Assistant Attorney General in charge of the Tax Division has been pending on the Senate's Executive Calendar since June 11—more than 4 months. We confirmed President Bush's first nomination to that position, Eileen O'Connor, only 57 days after her nomination was made and 1 day after her nomination was reported by the committee. Her replacement, Nathan Hochman, was confirmed without delay, just 34 days after his nomination.

President Obama's nomination of Ignacia Moreno to be the Assistant Attorney General in charge of the Energy and Natural Resources Division has been on the Senate Executive Calendar for over a month, even though it was reported by the Judiciary Committee by unanimous consent. By comparison, a Democratic majority in the Senate confirmed President Bush's controversial nomination of Thomas Sansonetti to the position only 1 day after it was reported by the Judiciary Committee.

Chris Schroeder's nomination to be the Assistant Attorney General in charge of the Office of Legal Policy has been pending on the Senate Executive Calendar since July 28. It was reported by voice vote without a single dissenting voice. President Bush's first nominee to head that division, Viet Dinh, was confirmed 96 to 1 only 1 month after he was nominated and only a week after he his nomination was reported by the committee. The three nominees to that office that succeeded Mr. Dinh—Daniel Bryant, Rachel Brand, and Elisabeth Cook—were each confirmed by voice vote in a shorter time than Professor Schroeder's nomination has been pending. Ms. Cook was confirmed 13 days after her nomination was reported by the committee even though it was the final year of the Bush Presidency. By contrast, the majority leader may have to file another cloture position in order to overcome Republican obstruction and obtain Senate consideration of Professor Schroeder's nomination.

Instead of withholding consents and filibustering President Obama's nominees, the other side of the aisle should join us in treating them fairly. We should not have to fight for months to schedule consideration of the President's judicial nominations and nomination for critical posts in the executive branch.

I look forward to congratulating Judge Berger and her family on her historic confirmation, and I thank the West Virginia Senators for their strong support of the nominee through another extended and unnecessary delay.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Irene Cornelia Berger, of West Virginia, to be United States District Judge for the Southern District of West Virginia?

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from South Carolina (Mr. DEMINT).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY) and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 328 Ex.]

YEAS—97

Akaka	Enzi	Merkley
Alexander	Feingold	Mikulski
Barrasso	Feinstein	Murkowski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Graham	Nelson (FL)
Bennet	Grassley	Pryor
Bennett	Gregg	Reid
Bingaman	Hagan	Reid
Bond	Harkin	Risch
Boxer	Hatch	Roberts
Brown	Hutchison	Rockefeller
Brownback	Inhofe	Sanders
Bunning	Inouye	Schumer
Burr	Isakson	Sessions
Burriss	Johanns	Shaheen
Byrd	Johnson	Shelby
Cantwell	Kaufman	Snowe
Cardin	Kerry	Specter
Carper	Kirk	Stabenow
Casey	Klobuchar	Tester
Chambliss	Kohl	Thune
Coburn	Kyl	Udall (CO)
Cochran	Landrieu	Udall (NM)
Collins	Lautenberg	Vitter
Conrad	LeMieux	Voinovich
Corker	Levin	Warner
Cornyn	Lieberman	Webb
Crapo	Lincoln	Whitehouse
Dodd	Lugar	Wicker
Dorgan	McCain	Wyden
Durbin	McCaskill	
Ensign	McConnell	

NOT VOTING—3

DeMint Leahy Menendez

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period of morning business until 5:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the leaders or their designees.

Mr. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent that during the pendency of the quorum call, the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF UNEMPLOYMENT BENEFITS

Mr. LEVIN. Mr. President, currently the Nation's unemployment rate is higher than it has been since 1983. In my home State of Michigan, the unemployment rate is 15.3 percent, 5.5 percent higher than the Nation's unemployment rate of 9.8 percent. Translated into real people, this means over 15 million Americans are unemployed, more than 740,000 of whom are living in Michigan. As of October 16, more than 44,000 Michiganians have exhausted their much needed unemployment benefits, and by the end of this year, the number will rise to almost 100,000 people. Since the beginning of this year, Michigan has been losing on average 27,000 jobs per month. Our people need help.

My constituents make a simple request: Please act so our benefits do not run out. These people are eager, even desperate for work. Until the economic recovery that appears to be starting begins creating new jobs, these Americans need our help. They need us to listen. They need us to help ensure they can still feed and clothe their families and remain in their homes.

Economists tell us that direct payments such as unemployment insurance are also the best, most efficient way to boost economic activity in a downturn. In fact, economists estimate that for every \$1 we provide Americans in extended unemployment benefits, we generate \$1.64 in new economic activity.

Michigan's families are waiting. America's workers are waiting. We must pass this legislation extending unemployment benefits. Every day that passes without doing so deepens the pain and suffering of our people.

Today's vote on cloture on the unemployment benefits extension is a crit-

ical vote for millions of Americans. I hope we rise to the occasion. The people of Michigan, the people who so desperately need work and cannot find it are waiting eagerly and hopefully.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, last week I spoke on the floor about the urgent need to pass an extension of unemployment insurance that would help 18,000 people from the State of Washington and millions of Americans across the country. I came here and told the story of three Washington State families who have lost their jobs in the most difficult time since the Great Depression and who desperately need the support that an extension would give them to get back on their feet. Unfortunately, despite the hard work of many of my colleagues on the floor, this small measure of financial stability has been delayed to families across the country who need it the most, families who right now, as we debate about whether we will get to the bill, are having a much more agonizing debate at home about how to make next month's rent or even next week's grocery budget if their unemployment runs out.

For these families, this bill will provide real help. It provides every single unemployed worker who has exhausted his or her benefits, regardless of the State they live in, an additional 14 weeks of support. It extends unemployment to laid off workers in States hardest hit by job losses, including my home State of Washington, by 6 weeks. It makes critical changes to help more families, like making sure an additional \$25 per week in benefits that Congress included in the recovery act doesn't count against someone who is seeking food stamps.

Washington State workers and Americans across the country have been hurt through no fault of their own. They are out there every day looking for work. While we are seeing some progress on the economic front, for many of them the job market is still discouraging. Unemployment is now at 9.8 percent. That is a 26-year high. Since this recession began back in December of 2007, over 7.4 million people have lost their jobs, and the 15 million Americans who are trying to find jobs are searching for an average of 6.5 months before something comes through for them.

While those statistics clearly point out the need for this legislation, the stories behind those statistics are even more of a call to action. Last week, I told of the stories that have been pouring into my office from people who are unemployed in my home State of Washington. These are workers who are not asking for a handout; they are just asking for a small measure of support as they work very hard to try to

get back on their feet. Today, I wish to share a couple more stories from the hundreds that have come into my office over the past few days urging me to do everything I can to get this bill passed.

I heard from a woman named Loretta Messick. She lives in Auburn, WA. She sent me a message just yesterday. She told me she has been working for more than 25 years, but she was recently laid off for the first time ever in her career. She said she is desperately looking for work, but she is not sure she is going to be able to find any before her benefits run out. She is working with her bank, she told me, to try and adjust her mortgage payments, but she told me that if unemployment runs out, she fears her family is very much in danger of losing their home.

Loretta is not alone. I also have a story from a woman named Patricia Obrist. She lives in Renton, WA. Patricia and her husband both had jobs in the construction industry—good jobs, she told me—but they were laid off when business slowed down for the companies they worked for. She told me she has only 8 weeks of unemployment benefits left and then, she said, she is going to have to start dropping expenses such as health care, the car payment, their mortgage. She asked me for just a little more time for her to find a job and to give her a chance to avoid losing everything she has worked so hard for.

For Loretta, for Patricia, for their families, and millions more like them, these questions haunt them every day: What will we do if support runs out? Where will we go when our savings are exhausted, when the credit card payments can no longer be met? What do we do when the bank will not wait any longer for a mortgage payment? Whom do we turn to?

In a time of national crisis, it is our job to make sure we are answering those questions. We can, by helping to provide a bridge to financial stability. We cannot sit on the sidelines. Doing so would only compound the problems we already face. More families will be pushed into bankruptcy, more homes will be foreclosed upon, more people will lose their health care, and less progress will then be made on the road to financial recovery for all of us. We can't sit by as working families are pushed to the brink by a financial crisis they did not create but they are paying for.

I hope all our colleagues listen to the voices of their constituents and join us in passing an unemployment extension that makes sure the struggles of America's laid-off workers are not ignored. This bill could not come at a more crucial time.

I wish to point out that these benefits would mean very little if we don't quickly get them into the hands of the people who need it most. The people of

our State workforce agencies, people such as the Employment Security Department in my home State, are critical to making that happen. Despite the increasing demand, they have been working tirelessly to serve unemployed claimants, and I know this time will not be any different. So I wish to take a second to applaud them for their efforts to make sure these funds are distributed as quickly as possible to eligible claimants.

I appreciate all those who have been working hard to bring the unemployment extension bill to the floor of the Senate. I urge us to act now. We should not block this with any other efforts, even though many of them are important. Our families are struggling. We cannot afford to see anybody else lose their health care or their home or their car or their financial stability. Let's pass this unemployment extension and then move on to continuing the other important work that comes before the Senate.

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I ask unanimous consent that when I am finished speaking the Senator from Illinois be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIPARTISANSHIP

Mr. THUNE. Mr. President, last week, something remarkable happened on the floor of the U.S. Senate—bipartisanship broke out. We had a vote where 40 Republicans were joined by 12 Democrats and 1 Independent to vote down a piece of legislation that would have added \$250 billion— $\frac{1}{4}$ trillion—to the Federal debt. That $\frac{1}{4}$ trillion, with interest, was \$300 billion.

It was highly anticipated, as we were heading toward that vote, that there would be enough support to pass it. But I think it tells Members in the Senate, and probably people around the country, that there is a certain amount of discomfort among Senators when it comes to spending, borrowing, and adding to the debt $\frac{1}{4}$ trillion. I think that is good. That is the kind of bipartisanship I wish we had more of in the Senate: bipartisanship in the interest of fiscal discipline. Fiscal sanity in this country would be a welcome prize for most Americans.

As we draw nearer to the next stage of the debate on health care—and I would argue that was sort of the first

vote on health care reform because it was a health care-related vote and, frankly, something many of us believe needs to be addressed. The physician reimbursement issue is an issue Congress deals with on a year-to-year basis. This would have put a 10-year solution in place, but, again, at a cost of \$250 billion—\$300 billion with interest—and not paid for, borrowed, put on the Federal debt, a Federal debt which is already growing at a record pace.

Last year, the deficit was \$1.4 trillion. The deficit this year is expected to be at a comparable range, and every single year, as we spend more than we are taking in, we borrow more and more from future generations. In fact, last year, in fiscal year 2009, which was just concluded, 43 cents out of every dollar that was spent by the Federal Government was borrowed. Yet we were talking about putting another $\frac{1}{4}$ trillion—\$300 billion with interest—on that Federal debt with the vote that was held last week.

So I was very pleased that bipartisanship did break out on the floor of the Senate and that we were able to defeat a piece of legislation that, frankly, would have saddled future generations with even more debt than they are already facing.

I think the next big issue in the debate over health care, Mr. President, has to do with whether—in the legislation that is being written behind closed doors—there is going to be a so-called public option, which is the phraseology that has now been adopted to describe what I would characterize as a government plan, and whether that government plan is going to have an opt-in for States, an opt-out for States, or whether it will have a trigger that will take effect somewhere down the road. All these questions, in my mind, belie the basic fundamental fact that what we are talking about is government-run health care.

Whether we have a State opt-in or a State opt-out or some sort of trigger, the conclusion is still the same: we are going to have a government plan that will compete with the private health care market and the opportunities that are available to most Americans. When you do that, of course, I think you put the competitive marketplace at an unfair disadvantage because the government, obviously, will have huge advantages, and eventually over time you will see more and more people pushed into that government plan, more and more employers will drop their coverage as people gravitate toward the government plan.

My point simply is this: Whether you call it a State opt-in or a State opt-out or a trigger, a government plan by any other name is still a government plan. What we are talking about is creating a mechanism whereby the Federal Government can enter into the marketplace and compete against the private

sector when it comes to offering health care insurance to people in this country. That, to me, is an unacceptable outcome and I hope one that will be defeated.

It seems to me at least that the vote last week perhaps is an indication that there already is some discomfort developing among Members here, in a bipartisan way, on the direction in which this health care debate is headed.

I think the No. 1 concern most Americans have when it comes to health care reform is the issue of cost. It really is. How are my day-to-day costs for health care going to be impacted by the debate occurring in Washington, DC? Is health care reform going to drive that cost down or is it going to increase it?

What we have questioned consistently with respect to all the proposals out there, including the more recent version released by the Senate Finance Committee of which we finally got a written copy last week, over 1,500 pages, currently being merged with the Senate HELP Committee legislation—again in a process which is very closed to most Members of the Senate where a handful of people in a room are developing this—we hope to see that merged version at some point here in the not too distant future and know what it is going to cost because I think that is a consideration all of us are going to be following very closely: What is this latest version going to cost?

For most Americans, the issue is going to come back to how it impacts my premiums. We have now seen the Congressional Budget Office, we have seen the Actuary at the Department of Health and Human Services, we have seen a number of independent studies that have said this is going to bend the cost curve up, not down. In other words, you are going to see overall health care costs increase, you are going to see premium costs increase for most Americans.

In fact, if you are one of the 185 million Americans who derive their health insurance through their employer, you are going to see higher premiums. There are those who are going to get their insurance through an exchange—18 million Americans—for whom subsidies are available. But if you are one of the 185 million Americans who get their health care insurance through their employer, you are not going to be eligible for a subsidy. You are, however, going to be paying the higher taxes that are associated with this and you are going to see your premiums go up.

The most recent, I guess, analysis of this, which was released last week by the Department of Health and Human Services, by the Chief Actuary there, suggested that overall spending for health care at the end of the 10-year period would be up 2.1 percent. In other words, today we spend about \$1 in

every \$6 of our entire economy—one-sixth of our GDP is spent on health care. In 2019, we will be spending 21.3 percent or over one-fifth of our entire economy on health care. So \$1 out of \$5 in our economy is going to pay for health care at the end of that period. What does that mean? It means health care spending is going to increase by about \$750 billion over that period of time. That is the wrong direction to go if you are talking about reform.

As I said before, most Americans, when they look at how this impacts them, want to know whether health care reform that is being acted on by Congress is actually doing something to impact the cost of their health care in a positive way—in other words, that the cost for their premiums, their health care premiums, is going down.

I say again, based upon all the analysis that has been done with respect to my State of South Dakota, I have seen several studies which suggest that if you buy your insurance in the individual marketplace, you could see your premiums go up as much as 47 percent. If you are a family buying in the individual marketplace, you could see your premiums go up as much as 50 percent. In fact, there have been some analyses done that suggested premiums could go up as much as 73 percent for some people.

What does that mean to the average American who is observing this debate? It means not only are you going to see taxes go up—according to the Congressional Budget Office and the Joint Tax Committee, the tax increases in the bill are going to hit the middle-income classes the hardest. In fact, about 90 percent of the tax burden will be borne by those making less than \$200,000 a year. According to the Joint Committee on Taxation, over 50 percent of the tax burden will be borne by those making less than \$100,000 a year. The taxes are clearly going to hit right at middle-class Americans. If you are a senior over 65, you are going to see significant cuts in Medicare because that is one of the ways the new expansion of this program, this new entitlement program, is financed and paid for. So you are going to see higher taxes, you are going to see cuts to Medicare, and then ironically, as I said earlier, you are going to see your premiums go up. The average American has to be sitting out there asking: What is the whole purpose of this exercise?

One of the things that has been advocated in the debate over health care reform is we have to cover the people who are not covered. There are a lot of Americans who do not have access to health care coverage today. That could be addressed. There are lots of ways that could be addressed, but the way it is proposed to be addressed here actually leaves 25 million Americans uncovered. So not only have you raised taxes, cut Medicare, and increased pre-

miums for people who already have insurance, you leave 25 million Americans without health care coverage. How can you, in any stretch of the word, characterize or define that as health care reform?

As the debate gets underway, I hope last week's vote was an indication, at least, of the initial stages of this debate; that there is some bipartisan support for constraining spending, for fiscal responsibility, and for fiscal discipline; and that as we get into this, we can move away from this discussion about a \$2 trillion expansion of the Federal Government financed with tax increases and Medicare cuts and premium increases for 185 million Americans who get their insurance through their employer and start focusing on things that actually would provide greater competition and would bend the cost curve down, would drive costs down for most Americans. We believe that is a fair place to start.

We think there are things that could be done that would accomplish that, one of which is allowing people to buy insurance across State lines, creating a bigger market, a more expansive market for people in this country. Another is to allow people to join larger groups and get the benefit of group purchasing power, small business health plans—legislation voted on a number of times here and always been defeated. We ought to address the issue of medical malpractice reform and defensive medicine, which costs, some estimates are, \$100 billion a year in terms of additional spending.

There are many solutions that we think make sense that actually do get at the issue of cost, which, as I said, is where I think most Americans are concerned about health care reform and where all the bills we have seen so far, including the one that was released by the Senate Finance Committee, fall short. It doesn't do anything to impact premiums, the health care costs for most Americans, at least those Americans who have health insurance; it raises them at the same time it raises taxes on working families in this country and cuts Medicare for senior citizens to the tune of \$½ trillion.

If you take a fully implemented 10-year time period for this—bear in mind that many of the tax increases in this bill are implemented immediately and the actual other provisions in the bill are implemented later on down the road in 2013. So you see a distorted view of what this bill really costs. The 10-year fully implemented cost is \$1.8 trillion, almost \$2 trillion. That amount, of course, is financed evenly between cuts in Medicare Programs and tax increases on people in this country.

I do not think that is what we want to see in terms of reform. It certainly is not what I think the American people are expecting Congress to do. They

are expecting health care reform that does do something about getting their costs under control. This bill, the last bill we have seen—of course, we have a bill that is being merged now behind these closed doors which we hopefully will see in the near future—falls short on that account, and that is why I hope there will be strong bipartisan opposition to this legislation, allowing us to start over and in a step-by-step process work in a way that will actually impact, in a positive way, the costs most people are paying for insurance in this country by driving the overall cost of health care down rather than up.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Illinois.

Mr. DURBIN. Mr. President, I applaud the remarks of the Senator from South Dakota about bipartisan cooperation on health care reform. We have been trying all year, and unfortunately there has only been one Republican Senator, Senator SNOWE of Maine, who has voted to report a bill from committee; not a single Republican Congressman—none—and no other Republican Senator.

In fact, when the Health, Education, Labor, and Pensions Committee considered this health reform bill—and it is a big one because it affects \$1 out of \$6 in our economy and virtually every American—there were over 500 amendments. Over 150 were offered by the Republican side of the aisle and adopted. There were 150 Republican amendments, and not one single Republican Senator would vote for the bill. That is frustrating.

Senator MAX BAUCUS, the chairman of the Senate Finance Committee, determined to get bipartisan support, sat down with three Republican Senators literally for months—Senator GRASSLEY of Iowa, Senator ENZI of Wyoming, and Senator SNOWE of Maine—and said: Let's do this together. Let's do a bipartisan bill. Eventually, one fell off, the other fell off, and finally Senator SNOWE was the only one who would vote for it.

I applaud the Senator from South Dakota calling for bipartisanship. We have tried. And the notion that we are going to throw out all we have done and start over—what, another 500 amendments in the HELP Committee? Another 150 Republican amendments, and then they are going to vote against the bill?

We have a bill moving forward. It is a painful, difficult process, and the other side has nothing except criticism. They basically tell us what is wrong with our bill, and when we ask them: What will you do to significantly change health care in America, they have nothing. The current system is unsustainable. The cost of the current system is going to break the backs of individuals and families and businesses and governments.

Just 2 weeks ago, the insurance industry told us: If you pass health care reform, we guarantee you we will raise premiums. And they will. Trust me, they will. How do I know that? They have done that consistently every year. They just announced a 15-percent increase in health insurance for next year for businesses. Fewer businesses will be able to offer health insurance. How can they say this with certainty? You would say it is like guaranteeing that the price of a certain commodity is going up.

What about competition? The fact is, there is little or no competition in health insurance. First, this is one of two businesses in America exempt from antitrust. That means the heads of the insurance companies selling health insurance can legally sit down together and collude and conspire on the premiums they are going to charge people across America. They can decide how much they will charge and agree among themselves that they are going to charge the same thing. And they can allocate markets in America and say, well, this particular market in Los Angeles belongs to this health insurance company, this market in Chicago belongs to this health insurance company, and it is legal—the McCarran-Ferguson law. It is legal.

When they threaten to raise health insurance premiums, mark my words, they can do it. The only thing that stops them is competition. If there is some other entity out there offering health insurance that is competitive, at a lower price, then we have competition. What do we call that? The public option.

The people who come to the floor and criticize the notion of a public option—I have yet to hear the first person come to the floor and criticize Medicare. We created Medicare over 40 years ago and said: If you are over the age of 50, we are going to give you peace of mind. You won't go to the hospital and lose your life savings because of medical bills. That is what Medicare is all about. It has worked. Seniors live longer, they get better care, they have their independence, and they can live by themselves longer, which is exactly what they want to do. And they are not exhausting their savings.

When I was a child growing up, it was not unusual for grandma or grandpa to come and move in with you because they reached a point in their lives where they didn't have anything, and their families brought them into that spare bedroom. It happened in my family and a lot of others. Then came Social Security, then came Medicare, and then came independence, where they could have the kind of independence they enjoy and want to have.

How many people have come to the floor criticizing the public option in government health insurance and calling for the abolition of Medicare?

None. Not one. Maybe somebody will. I have yet to hear it.

I am all for bipartisanship, but I hope we put it in context. If we are going to deal with cost, if we are going to make sure Medicare is financially sound for years to come, if we are going to make sure the abuses of the health insurance companies come to an end—whether preexisting conditions or caps on payments for medical care—then we have to pass legislation. Merely coming here and saying what is wrong with the existing bill is not enough.

There is also a need for bipartisanship when it comes to the unemployed in America. Here is something on which you would think we could all basically agree. If you are one of the unfortunate millions of Americans out of work, if you have reached the point where you do not have a regular paycheck and you are trying to keep the lights on in your house, trying to pay the rent or the mortgage, put food on the table for your kids and some clothing and basic needs of life, gasoline in the car, we have always said in that situation, the American family—that is all of us, the collective Nation of America—will come and help.

Unemployment benefits will be the first thing we will help you with so you have something, a check, to get by on while you are looking for another job. Sadly, this recession has been very deep and has gone on for a long period of time. Millions of Americans have exhausted their unemployment benefits, and we have extended their benefits, realizing we have not turned the corner as we hoped we would, and we still have to realize a lot of people will not be able to find jobs quickly.

It used to be this was done automatically. We said: Well, we may bicker and squabble over economic policy. We may disagree on a lot of issues, but we will agree on this issue. The safety net in America should be there for unemployed people. Unfortunately, that has not been the case when it comes to the unemployment benefits we need today.

We have tried, more than once, to bring to the floor of the Senate a bill to extend unemployment insurance for Americans who are still out of work and need help. As I said, it should not be a partisan issue. The unemployment rate is close to 10 percent across the Nation. In many areas of the country, including my home State, it is even higher. Each day that goes by more people are running out of their benefits.

Here is story from a man who has written me from Mt. Vernon, IL, in Jefferson County, southern Illinois:

I have been unable to find a job. I have been unemployed since May 2007. My employment benefits exhausted in September. I am 54 years old. I have worked in factories most of my adult life. Therefore I have gone back to school. I still need a job. I realize I am not the only one. Please help us. I have no health care insurance. I have no life insurance since

I lost my job. I am praying for our country. God bless you.

A woman from my hometown in Springfield, IL, writes:

Mr. Durbin, I lost my job when the economy went south at the end of last summer. I am 54 years old, and at that awkward age, cannot retire, and not as attractive to employers as a younger job candidate, no degree and not enough work years left to pay back a student loan to get a degree. I have two kids. I am trying to help them get through college. I went from earning \$30 an hour in telecom to \$8.25 hour an hour in retail. Without my unemployment benefits, even my modest house payments are going to become difficult. Can anything be done to move the extension through the Senate? I am down to my last couple of weeks of benefits. I have lots of office skills and experience but cannot quite compete in this tight job market. Thanks for being our voice in the Senate.

The unemployment rate in Illinois now is 10.5, in Peoria it is 11.1 percent, in Decatur it is 12.4 percent, in Kankakee it is 12.8 percent, and in Rockford it is 15 percent. Our State is not alone with these numbers.

In the 19 days since Republicans in the Senate blocked our move to pass a strong unemployment insurance extension bill, another 130,000 Americans who cannot find work have lost their benefits. If we did not pass the extension of unemployment insurance this week, we will put 200,000 families in a position of not being able to put food on the table. It is that stark. It is that real. Some 20,000 of those families live in my State.

How do I explain to my constituents why the Senate has not acted on this bill that we obviously need and need desperately? Well, we cannot pass it because on the Republican side of the aisle they want to offer amendments.

Do the amendments have anything to do with unemployment or the payment of unemployment benefits? No.

One amendment from a Senator from Louisiana is to, once again, for the fourth or fifth time in the Senate in the last few months, flog an organization known as ACORN. How many times are we going to take up the time in the Senate to go after this organization? I do not know. But as long as it is Exhibit A on rightwing radio and TV, Members will come to the floor and say: Well, let me do something that might be mentioned tomorrow on one of these talk shows.

Well, that might be an interesting political exercise if it was not at the expense of these people who are basically unemployed and running out of money. The Senator from Louisiana wants to offer this amendment the fourth or fifth time. By the end of this year, nearly 9,000 families in Louisiana will lose unemployment insurance benefits if we do not act; 38,000 families in Alabama; 4,000 families in Kentucky will have lost their benefits during the month of October alone; 5,000 families in Arizona will have lost their assistance this month.

I would like to believe, at some point, even though we like to give speeches on the floor—and I am doing it right now—that you might step back and say: It might be more important that we pass this bill and then give the speech afterward. I hope we can. We should not be surprised families need our help. Unemployment has jumped across America. We need to do more than just help Americans find work. We need to provide small businesses better access to credit so they can grow and create jobs. We need to think about what other incentives we can put in place to help all employers, large and small, create jobs. In the meantime, we need to fix the safety net.

I would like to ask my colleagues who come to the floor and ask for bipartisanship, can we be bipartisan when it comes to unemployment benefits? It is not just the Democrats who are out of work, it is Democrats, Republicans, Independents, folks who do not vote, folks who do not think much of us, and folks who may have thought a little bit more of us before we got into this mess. This is a time for bipartisanship. In about an hour we will have a chance to vote. Let's hope Members from both sides of the aisle will come forward and stand up for these families who are so desperate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for such time as I shall consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, reserving the right to object, and I am certainly not going to object, may I inquire how long my colleague will speak?

Mr. INHOFE. It will not be more than 15 minutes.

Mr. CARDIN. I ask unanimous consent that I be recognized immediately after the Senator from Oklahoma.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAP AND TRADE

Mr. INHOFE. Mr. President, this morning we had the first of 3 days of hearings we are having on the proposed Kerry-Boxer climate bill. It was one I never quite had an experience such as that before. Senator KERRY came in, was given 30 minutes to talk about the same thing Al Gore has been talking about for the last 15 years, without any chance to rebut.

What I would like to do is take a few of the statements. It is a very confusing issue we have because we do not have a lot to work with. We were given a draft of a bill with some analysis. I think it was a couple days ago—not time to get into it. But the bottom line

is, it is going to be the same thing, according to the EPA, as the Waxman-Markey bill.

So what I would like to do is use them interchangeably, since that was the response we got from the EPA when we made a request that we be given time to get an analysis, an EPA analysis of the bill. I think the words were: You do not need an EPA analysis of the bill because it is the same bill, for all practical purposes, as Waxman-Markey.

So that is what we have. I would like to go over it point by point. Senator KERRY is correct that cap and trade will impose higher costs in the form of higher prices for electricity and gasoline. I think we do know these costs are there.

According to the National Black Chamber of Commerce, the bill—which I will refer to as “the bill,” it could be Waxman-Markey, it could be Kerry-Boxer—the bill would increase gas prices by 19 cents a gallon by 2015, 38 cents a gallon by 2030, 95 cents a gallon by 2050. Also, electricity bills would rise by about 4 to 5 percent in 2020.

I say this because the head of the National Black Chamber of Commerce was an excellent witness. He brought the point home. Not only is this bill—this cap-and-trade bill—expensive, it would be something that would be regressive because the percentage of expendable income by a poor person is far greater than a rich person on such things as home heating and driving your cars. So his whole point was it was a regressive tax.

In a recent Energy and Natural Resources Committee hearing, Senator JEFF SESSIONS asked the government witnesses—the government witnesses were CBO, EPA, EIA, and the CRS—whether anyone disagreed with the finding that the net effect of cap and trade would be to reduce jobs. None did. Again, this morning, most of the witnesses responded in the same way.

Then Senator KERRY talked about the NASA scientists. “The best experts we have,” he said, “tell us that the last 10 years have been the hottest in decades on record.”

Of course, we know that we have—in fact, just the other day, last week, BBC, which is certainly no friend of skeptics, in their lead story said: What happened to global warming? This headline came out as a bit of a surprise; so, too, might the fact that the warmest year recorded globally was not 2008 or 2007 but 1998. It went on to say that for the last 11 years, we have not observed any increase in global temperatures. In fact, we have actually had the indication we are starting another cyclical cooling spell.

Senator KERRY said: That is why countries of the world, including India, China, and the United States, have agreed to limit the global rise in temperature to just 2 degrees Celsius. In

fact, this is not true. I am sure he thinks it is true or he would not have said it. But China is the world's leading emitter of CO₂. India is No. 3. India has been moving up. We have a quote from the top environmental minister in India, whose name is Jairam Ramesh: "India will not accept any emissions reduction target, period." He went on to say: "This is non-negotiable." You cannot get any more emphatic than that.

At the same time, when you talk about China, they may give you some lip service. Let's keep in mind, though, that China is cranking out coal-fired generating plants at two a week right now. So that does not show there is much interest in China to do anything close to what has been represented. The next statement made was that the pollution reduction measures in this bill are tightly focused on maximum impact.

Only companies emitting 25,000 tons of carbon each year are covered, 98 percent of America's businesses. The bill still covers three-quarters of America's carbon pollution. So what he is saying is that three-fourths, as near as I can determine, of the carbon that is emitted comes from only 2 percent of America's businesses.

The fact is, the Kerry-Boxer bill or "the bill," I will say—because it could be Markey or the same—contains no provision to stop the EPA's endangerment finding, which would trigger a flood of regulations under the Clean Air Act. As such, all the sources Senator KERRY mentions would be covered in some form of regulation under the act.

Second, Senator KERRY ignores the fact that the sources he mentioned would be severely impacted by higher energy prices, declines in productivity, fewer jobs in the sluggish economy that would arise because of Kerry-Boxer and Waxman-Markey.

I mentioned what the National Black Chamber of Commerce had said about that. I think that should stand. He stated: Third, climate change and our dependence on foreign oil are a threat to our national security. I agree with that. We are dependent upon foreign countries for our ability to run this machine called America.

Unfortunately, this is a very partisan subject because it is the Democrats who insist on having a moratorium on offshore drilling. The problems we are having right now—we have something, and this came out just last week. The new report from the Congressional Research Service reveals that America's combined recoverable natural gas, oil, and coal reserves are the largest on Earth.

We keep hearing people say: We do not have these reserves. We do. Far greater than Saudi Arabia's; they are No. 3. No. 4 is China. That is not even talking about including America's im-

mense oil shale and methane hydrate deposits. So we have the largest reserves and the capability, I believe, and I will make this statement and, hopefully, someone will refute it because I cannot find anything to the contrary; that is, we are the only country that will not develop its own natural resources.

They say we are dependent on other countries. Well, yes, we are because politically they will not let us develop our own resources. I would say that between the oil and gas and the coal—and of course we are all concerned about nuclear, we want to do everything we can to overcome the obstacle that such a small percentage of our energy comes from nuclear. However, that is not going to be here tomorrow. We need to start working on that now.

I am talking about things where we can get energy produced right in the United States and stop—we could actually stop our dependence on foreign oil just by developing our own natural resources.

Then Senator KERRY talked about 11 former admirals and high-ranking generals who issued a seminal report warning that climate change is a threat multiplier.

They talk about famines and catastrophes. These assertions, which were first made by Al Gore back when he did his science fiction movie, have all been refuted. Consequently, when I hear 11 former admirals and generals out of 4,000, if they could only find 11, I think they have a problem.

The other thing is the fact that the bills would do virtually nothing to stop the pandemics, droughts, floods, and the like. According to an analysis by Chip Knappenberger of Master Resource:

No matter how the economic and regulatory issues shake out, [Waxman-Markey] will have virtually no impact on the future course of the earth's climate.

He went on:

By the year 2050, the Waxman-Markey Climate Bill would result in a global temperature "savings" of about 0.05 degrees Celsius.

That reminds me, back in the 1990s we had an analysis by, at that time, one of the top scientists around. This was done by then-Vice President Al Gore. The guy's name was Tom Wigley, a top scientist. Vice President Gore gave him the chart. He said: If we were to sign on to the Kyoto Treaty, if we complied with its emissions requirements, how much would this reduce the temperature in 50 years?

The answer was 0.07 degrees Celsius. That is not even measurable. He didn't use that afterwards, but we found the report. Nonetheless it was there, and it is quite obvious.

Stop and think about the fact that we have gone through these natural cycles year after year. We have the cycles, and they show what we are going through. It reminds me—and I am old

enough to remember—of the middle 1970s when the same publication, *Time* magazine, and the rest of them, many of the same scientists said we would have to do something about global cooling because another ice age was coming, and we have to address it.

We have to keep in mind there is a lot of money in these statements. People like to think a disaster is occurring because there is a lot of money in it.

That reminds me of something else said this morning by Senator KERRY. He talked about Duke Energy and others. There are about five major corporations in America that joined a group called CAP USA. These were corporations that came in and said: We are stewards of the environment. We want to do something. We embrace cap and trade.

Then we stopped and did an analysis of the five that appeared before the committee only to find that without exception, each one of the five, if we were to have some type of a cap and trade—and it doesn't matter whether it was the Markey bill or the current Kerry-Boxer bill—if we were to do that, we know what the results would be because we have gone through this before over and over again. The idea that we could have something like this and not have the problems come has been disproven for a long period.

Let's go back to the Kyoto Treaty. We actually have had five debates on the Senate floor. We had the Kyoto Treaty, then in 2005 the McCain-Lieberman bill, then the 2003 McCain-Lieberman bill, then the 2008 Warner-Lieberman bill. In each case we had analyses done by the Wharton School of Economics, by MIT, and other groups. They all agreed it would be an expensive proposition. They said it would cost the American public between \$300 and \$400 billion a year.

I know that is difficult for people to understand. How does that impact me? But we do have an analysis that breaks that down. For the average family, it would cost about \$2,000 a year. In my State of Oklahoma, it would be more than that because the price would be higher in the central part of the United States than it would be on the east coast or the west coast.

The cost is going to be there, and it doesn't seem to make too much difference which of the five different approaches we soundly defeated in the past is under consideration. Senator KERRY also claims that India is working on its own domestic legislation to reduce carbon pollution. I already read what their top people have said. They have no intention of doing it. In fact, I have talked to people who are from China, people who are saying: We are sitting back and are kind of hoping maybe America will do this because, if they do, American manufacturers have to go someplace to find their energy.

Since we have rationed it in this country, if we should pass such a cap-

and-trade bill, then that would send more manufacturing jobs to places where there is no rationing.

I appreciate very much Lisa Jackson, the new Director of the EPA. Several weeks ago—she was there again this morning—she was on the witness stand. I asked a question: If we were to pass one of these bills like the Waxman-Markey bill, and we were to pass it unilaterally, how much would that reduce emissions globally?

The answer was, it wouldn't. I would go one step further. It will not reduce them unless we include Third World countries, the major emitters—China, India, Mexico, and these other countries. If we don't do that, then we will chase our manufacturing bases where there are no restrictions, and that would have the effect, common sense would dictate, of increasing CO₂ emissions.

We have gone through this now for 10 years. I think it is going to come to a climax in Copenhagen. Once every year the U.N. has this big party, and they have all these countries come in and say what they are going to do to try to stop emission of greenhouse gases.

I had one—I will not mention his name, but he was from the West African country of Benin—who was there the last time I attended one of these conferences. It was in Spain at that time, I believe. Milan, Italy. I went up to this individual and I said: You and I have talked about this before. You know there is no relationship between greenhouse gases and global warming.

He said: Yes, but this is the biggest party of the year. So you are going to have a lot of people to go to Copenhagen in December who really aren't strongly behind the effort of the United Nations.

One last time, it all started with the United Nations, the IPCC, the Intergovernmental Climate Change Program. It started there. They are the ones who are perpetrating this thing. As we get into the debate—and we will have more hearings tomorrow—I hope we will be in a position, before we send a bill to the floor from the Environment and Public Works Committee, to analyze it.

We have called upon the EPA to give us an analysis so that we will have something and we will know more specifically, is this just a warmed-over bill that passed the House, the Waxman-Markey effort, or is this something that is different? According to the EPA, it is about the same. I suggest it is about the same as it was back in 2005, 2003, and back during the Kyoto discussion.

We will move forward. We have seen certain incontrovertible truths that have come up. One is there is no question that if something like this is passed, something like the draft form we are discussing and having hearings on right now, if this should become a

reality it would be the largest tax increase in the history of America. The last large tax increase we had was in 1993. It was called the Clinton-Gore tax increase. It increased marginal rates, inheritance taxes, gasoline taxes, capital gains taxes, all the rest. We were pretty outraged at the size of that increase. That was a \$32 billion tax increase.

According to all the analyses we are looking at now, this would be 10 times the size of that tax increase.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. I ask unanimous consent that Senator KYL be recognized when I have completed my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, let me respond to my friend in regard to the global climate change bill that was introduced by Senators KERRY AND BOXER. Today Chairman BOXER started hearings before the Environment and Public Works Committee on the climate change bill. I agree with my colleague, we want to make sure we get this right. This is an important issue, and we want to take the time necessary to make sure this bill does what it needs to do.

There is a sense of urgency for many reasons. We can look globally at what is happening with climate change and the impact on the stability of countries. We now have climate migrants, those forced out of their homes because of rising sea levels.

I don't have to take my colleagues to Asia or Africa or Europe. I can take them to Maryland on the Eastern Shore, Smith Island is disappearing. The residents are concerned as to what is going to happen to their homes. I can show them in my own State the urgency of dealing with global climate change by talking to watermen who tell me the Chesapeake Bay is warming too quickly. As a result, the sea grasses are not surviving and juvenile crabs cannot survive, affecting the waterman's livelihood. There is a sense of urgency for the sake of our environment, for the sake of America being an international leader on this issue to move forward with global climate change.

Let me offer a reason with which I think everyone will agree: We need an energy policy that not only allows us to lead on the environmental issues but also helps us on the economic front. Clean energy will mean new jobs, good jobs in America. We developed the technology for alternative and renewable energy sources. Let's keep the jobs in America. These are good jobs. This bill means more jobs in America by investing in technology that other countries are now investing more in than America. They understand the future is going to be in wind power and solar

power and, yes, in nuclear power. This bill allows us to move forward so we can keep jobs in America.

Lastly, I think everyone will agree that from a strategic point, we need to use less energy and produce more in America. The bill Senator KERRY has brought forward will help us achieve those goals.

I look forward to debating global climate change and energy policy. I hope we can come together for the sake of the Nation, for the sake of the future, and develop an energy policy that not only will keep us safe, will not only help our economy, but will be responsible on international environmental issues and be an international leader.

UNEMPLOYMENT EXTENSION

Mr. CARDIN. Mr. President, shortly we will be voting on a cloture motion on the motion to proceed to the unemployment compensation issue. Senator DURBIN addressed this issue a few minutes ago. I want to underscore how important it is for us to move forward.

Yesterday I had the opportunity to visit one of our employment offices in Maryland. We have a one-stop location where people looking for work can come and get the services of not only governmental agencies but nonprofit agencies to help them find employment. I have been to these offices in the past in Maryland. I have had a chance to talk to people who are seeking employment.

When I walked into that office yesterday, I was shocked to see how many people were there. It was hard to get through the door. People were coming in desperate to try to find jobs because there are no jobs out there for them to find. They are desperate to be employed, not only for the sake of having income but for the dignity that comes with employment. We have a problem out there. I think we all understand that.

I will give you two people with whom I talked yesterday: Bernice from Anne Arundel County, a resident who worked for a mortgage company until it went out of business, she has been unemployed since September 2008. She is about ready to lose her UI benefits. She talked about how difficult it was for her to talk about this, how difficult it was for her to tell her story. All she wants is a job. She wants the dignity and income of a job.

Charlene from Baltimore talked about being employed by Business Manager for Watermark Media. She lost her job in September 2008 when the company went out of business. She is a very qualified individual. Yet she cannot find employment. Her UI ran out on October 25. Her husband is expected to lose his job this week, and it is possible she will lose her family home.

That is what we are talking about, people in our communities who are unemployed and cannot find employment.

We now know there is about 1.9 million Americans who will run out of unemployment benefits by the end of this year unless we act, unless we take action. That includes about 25,000 Marylanders who will find themselves without any benefits. Currently, there are over 15 million Americans who are unemployed and over 200,000 Marylanders who can't find jobs. We need to act. We need to act on behalf of Bernice and Charlene and the literally hundreds of thousands of Americans who shortly will be running out of their unemployment benefits.

The bill before us is an extension of an additional 14 weeks of benefits for every State in the country. The original bill that came over from the House had a trigger mechanism of 8.5 percent unemployment. I brought this chart to show my colleagues why it is important to extend benefits in every State in this Nation. I think Maryland is a typical State.

Our unemployment numbers may be a little bit lower than the national average. We are in the 7 percent unemployment rate. But look at the orange counties in my State of Maryland: Cecil County, 8.6 percent unemployment; Caroline County, 8.8 percent unemployment; Dorchester County, 10.9 percent unemployment; Somerset County, 9.5 percent; Washington County, one of the growth counties not far from here, 9.4 percent unemployment—some of those people commute to Washington to work—and then Baltimore City, the center of our State, 10.6 percent unemployment.

I thank the leadership for bringing forward an unemployment compensation proposal to extend benefits that apply to every State because we need it in Maryland. I could talk about minority unemployment and the fact that the African-American unemployment rate in this country is around 15 percent. The Latino unemployment rate is around 12 percent. There are pockets of unemployment in all of our States that are at extraordinarily high numbers, and that is why we need to extend the unemployment benefits.

Let me also point out that these are not benefits that aren't paid for. These are insurance benefits. They are paid for by the current workforce. They pay into a fund so we have money available in a recession to help those who lose their jobs and can't find employment. That is why it is called unemployment insurance benefits. It is there for this circumstance.

Is there anyone here who denies that we are not in a tough time if you are looking for a job? We all know that. So now is the time to extend unemployment benefits so people have income in order to be able to literally survive until our economy can rebound.

Let me also point out, I know there are a lot of us who are always looking for bills on which to put amendments.

I understand the frustration of some of my colleagues. Here is a bill, it is a tax bill, let's put a provision on it. Quite frankly, I have a few provisions I would like to see enacted into law. This is not the right bill to do it on. If we put amendments on this bill and let it go back to the House with issues that are unrelated to unemployment compensation, it could take a long time to reconcile those differences.

We already have some differences with the House with regard to the States that qualify. Let's reconcile that quickly so that individuals such as Charlene, who currently are losing their benefits, know soon that they are going to be able to continue to get these unemployment benefits. It is important that we act quickly to get the job done.

One last point for my colleagues. This is important. It is the right thing to do. It is what government is here for—to help people who are literally out of luck because of no fault of their own but the economy. It is what we are supposed to do as far as the right type of social programs to protect people during tough economic times. But there is a tradeoff that helps our economy. This money goes directly back into our economy. Every dollar we pay out in unemployment insurance benefits will come back and have a multiplier effect of more money than we give in benefits in helping our economy grow. So this is the right remedy to help our economy. It is the right thing to do for the 1.9 million Americans who otherwise would lose their benefits by the end of the year.

We have a chance in just a few minutes to move this bill forward so it can be reconciled with the House quickly, and then we can assure the people of our community that, indeed, we responded and provided the appropriate type of relief for those who cannot find employment today.

With that, Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Arizona.

AFGHANISTAN TROOP REQUEST

Mr. KYL. Mr. President, I believe it is now time for President Obama to move forward with General McChrystal's plan for executing the war in Afghanistan and to fully support his troop request.

The President has correctly called Afghanistan a "war of necessity." The counterinsurgency strategy that he announced last March is a good one, and it has been widely accepted. Having read General McChrystal's August report, I believe it may represent our only chance to successfully implement the March strategy, and it will require the forces that General McChrystal has recommended.

There is no reason to delay the decision regarding a troop increase until

after the Afghan election, a point that I will talk about in a moment. Our national security is at stake regardless of the government in Kabul. The outcome of the Afghan runoff election on November 7 will not change our mission there. Whether Abdullah or Karzai wins, our mission will be the same, and time is not on our side. General McChrystal's August report said we have only 1 year. It is now down to 10 months, and it will take time to get troops in-country.

I want the President to know and the American people to know that Republicans will support the President if he follows through on his strategy and provides General McChrystal with the resources he needs. But this must be done in a timely fashion. The strategy can only succeed if it is implemented within the next 10 months and with the resources that have been recommended.

The stakes are high in Afghanistan. When President Obama announced his strategy last March, he said:

If the Afghan government falls to the Taliban or allows al-Qaida to go unchallenged, that country will again be a base for terrorists who want to kill as many of our people as they possibly can.

Mr. President, he was right. The Afghan people are watching. When I was in Afghanistan this past April and visited with tribal elders in Kandahar, for example, it was very clear the Afghan people were looking to the United States for a commitment to their security. If we can't provide that security to them, they will be forced to make accommodations with the Taliban.

Pakistan is also under threat, as Secretary Clinton recently pointed out. She said:

The extremists in Pakistan, whatever their titles or whatever their affiliation, are increasingly threatening the authority of the state.

We all know if nuclear-armed Pakistan were to fall into extremists' hands, the world would face a monumental crisis. Moreover, if Pakistan senses a lack of commitment on our part, how long will it be until it seeks accommodation with al-Qaida and affiliated terrorist groups?

For these reasons, we must not short-change the mission in Afghanistan. General McChrystal was very clear about the need for more troops. In his assessment he said the following:

ISAF, [the International Security Assistance Force]—

Of which the United States is a part—requires an increase in the total coalition force capability and end strength.

During an August speech to the Veterans of Foreign Wars, President Obama made this pledge to our Armed Forces:

I will give you a clear mission, defined goals, and the equipment and support you need to get the job done. That is my commitment to you.

Of course, the President can now demonstrate that commitment by following the advice of his general and providing the resources that have been requested.

What exactly is General McChrystal's plan? Well, I think his assessment demonstrates both a thorough understanding of the Afghan people and the enemy we are fighting. He described the situation as:

Three regional insurgencies [that] have intersected with a dynamic blend of local power struggles in a country damaged by 30 years of conflict.

Not an easy situation, obviously, and he described the enemy as follows:

The conflict in Afghanistan can be viewed as a set of related insurgencies, each of which is a complex system with multiple actors and a vast set of interconnecting relationships among those actors. The most important implication of this view is that no element of the conflict can be viewed in isolation.

In other words, we can't defeat al-Qaida without also addressing its support networks—the Taliban and the so-called Haqqani groups. These are the groups that work with al-Qaida, protect it, and give it a place to hide when we attempt to deal with al-Qaida.

In order to effectively counter this enemy, General McChrystal proposed a comprehensive plan that would effectively implement the President's strategy—improve the performance of the Afghan security forces, prioritize responsible and accountable governance, gain the initiative to reverse the insurgency's momentum, and focus our resources on areas where vulnerable populations are the most threatened.

One of the key principles of General McChrystal's plan is increasing Afghan ownership of its own security. He said in his assessment:

ISAF, with the Afghan National Security Force, must shift its approach to bring security and normalcy to the people and shield them from insurgent violence, corruption, and coercion, ultimately enabling the Afghan government to gain the trust and confidence of the people while reducing the influence of insurgents.

Further, General McChrystal describes this step as necessary to fix what he calls the "crisis of confidence" in the Afghan Government and coalition forces.

General McChrystal has also said that more effective integration and partnership between Afghan and coalition forces will enable a more rapid expansion of the Afghan security force's capacity and responsibility for security. The same method was implemented in Iraq, resulting in a dramatic increase in the quality of Iraqi security forces.

So those who say we should only train more Afghan troops and police present a false choice. General McChrystal proposes a total counterinsurgency strategy with both more Afghan police and military forces; but

until they are trained sufficiently to do the job, an adequate and sufficient group of U.S. and NATO forces to both train the Afghan forces and provide the security that is necessary during that interim period of time.

General McChrystal stated in his assessment:

Ideally, the Afghan National Security Forces must lead this fight, but they will not have enough capacity in the near term given the insurgency's growth rate. In the interim, coalition forces must provide a bridge capability to protect critical segments of the population. The status quo will lead to failure if we wait for the ANSF to grow.

That is to say, the National Security Forces of Afghanistan.

So, again, to simply argue we should train more NATO and U.S. security forces in the interim is a false choice. We need to do both. But in order to do the former, we must do the latter; that is to say, we have to increase our own troop strength in order to have the ability to both hold the line and train the Afghan forces who will ultimately be able to provide security for that country.

Now to the matter of time. General McChrystal said in his assessment:

Time matters; we must act now to reverse the negative trends and demonstrate progress.

One of the key points the general made in his assessment was this: He said:

I believe the short-term fight will be decisive. Failure to gain the initiative and reverse insurgent momentum in the near term (next 12 months)—while Afghan security capacity matures—risks an outcome where defeating the insurgency is no longer possible.

As he said, time is of the essence. By the way, this 12-month clock started ticking in August when he submitted his report. So at this point, 10 months remain on the general's stopwatch to turn the tide of this war.

Even if the President makes the right call without further delay and gives General McChrystal the resources he needs to prosecute the strategy the President ordered in March, it will take months before additional troops are available for the mission.

Unlike Iraq where we did have at least a nominal infrastructure in place, in Afghanistan there are few roads and fewer other amenities and facilities with which to support the troops. All of that takes additional time to create.

The troop surge in Iraq didn't turn the tide of that war until 6 months after President Bush announced it. As I said, that was on terrain significantly easier to navigate than Afghanistan's mountainous border region where many of our soldiers are fighting today.

Coalition forces are losing ground to the Taliban with current troop numbers. According to General McChrystal:

Many indicators suggest the overall situation is deteriorating, despite considerable effort by ISAF.

So I submit that President Obama should delay no longer a decision to deploy troops that are necessary within this 12-month timeframe set out by General McChrystal in order to retake the momentum of this war.

Finally, I mentioned earlier the Afghan election should not delay the President's decision. I disagree with the argument some have made that there should be some sort of test to determine whether the Afghan Government will be a reliable partner before we decide to commit additional troops.

The very reason U.S. troops are fighting in Afghanistan is because there is no strong government to maintain security and fight corruption there. The point is to make it more reliable, to influence it to be less corrupt, and to protect the Afghan people so they will reject Taliban control and support their government.

We need to help foster a situation in which the Afghan Government can grow into an institution that can provide for its people. That is what a successful exit strategy will look like. We should not curtail our effort in Afghanistan because of a less-than-ideal political situation today.

President Karzai noted last week:

The [Afghan] institutions are just young toddlers in this democracy that resembles a toddler. It walks and falls. We have to understand that, and we have to accept the Afghan elections in the context of the Afghan situation and the poverty and lack of means in this country.

I add to that that President Karzai and his administration need to be more forceful in helping to bring those institutions about, to ensure that the election is not fraudulent and to ensure that his government is not corrupt and to do what is necessary to gain the trust of the Afghan people.

But are we likely to have more influence in achieving that result by deciding that we can't commit the troops necessary to carry out the recommendations of General McChrystal, all of which will probably push the Afghans further toward the Taliban or by making the point that we are going to help establish the kind of government that is reliable and we are going to do that by engaging in this counterinsurgency strategy with everything that it takes, including the additional troops that are required, and thereby have the kind of influence over the Afghan Government that will bring it into a more reliable situation and enable them to rely on the security we provide rather than making accommodation with the Taliban?

General McChrystal stated in his assessment that one of the key sources of the Taliban's strength is the perception by Afghans that a victory by the Taliban is inevitable. We need to make sure it is not. How can the United States expect to influence matters in Afghanistan if we are viewed as looking for a way out and not putting in

the troops General McChrystal has requested?

Very importantly, this same question applies to Pakistan. We ask Pakistan to help us fight the Taliban and al-Qaida and other terrorist groups who are active in Afghanistan. But if we are viewed as an unreliable partner because we are not willing to commit sufficient troops, the people of Afghanistan and Pakistan will hedge their bet with the terrorists and their supporters. That is what has happened there in the past.

When I went there last April and talked to Ambassador Holbrooke before I went, I said: Mr. Ambassador, what message would you like us to try to convey?

He said: Help them understand we are there for the long run. We are not going to cut and run; we are going to stay with them and help them and do whatever is necessary for them to gain control of their country.

I conveyed that message, and I believed it, and I want to believe it. But if we do not make the decisions to carry out this strategy the President announced in March, then the Pakistanis are going to be asking the same questions we did a few months ago: Will you be with us? Will you stand with us or are we going to have to make accommodations with people neither you nor we like very much? One individual said: Why would they make enemies with the people they are stuck with long after we have left? In other words, they don't live in a very good neighborhood. I think that is what General McChrystal's request is about—proof that we are committed to seeing this fight through against the common enemy.

Interestingly, we faced a similar situation in Iraq. If we had opted against the surge in 2007, at a time when Iraq's central government was extremely weak and unable to protect its citizens from the insurgency there, the Iraqi people most likely would not have been able to eventually take ownership of their own security. But they did.

Similarly, if President Obama were not to provide the additional troops General McChrystal needs, I believe we risk allowing Afghanistan to become the country it was on September 10, 2001—a result that none of us want.

In Iraq, the surge created the space for Prime Minister Maliki to take greater control and reduce corruption in the Iraqi Government, and a troop surge in Afghanistan would allow President Karzai—or a new President Abdullah if he were to win—to do the same.

A stable and legitimate government in Kabul is critical to the security of Afghanistan. But the United States cannot hinge its strategy on the current reliability of the Afghan Government, and the President should not wait until after the election to an-

nounce his troop decision. To do so would suggest that the United States doesn't have a core national interest of its own in Afghanistan, one based on our security. Yes, we aim to help establish the rule of law in Afghanistan, but our core national interest in that nation does not change based on who is elected in their November 7 runoff.

Mr. President, in conclusion, I believe General McChrystal's assessment really rises above the political fray. It offers an objective description of what is happening on the ground and what resources are needed to turn the tide of this war. This report may represent our only chance to successfully implement the President's March strategy—as I said, a strategy with which I think we all agree—and it will require the forces General McChrystal has recommended.

Regardless of the current status of the Afghan Government, we must foster a situation in which it can grow into a government that can provide basic services, and that will require, first of all, providing security for its people. Our influence over this process will be far greater if we make it clear that we are there to stay until our goals are achieved.

It has been 2 months since General McChrystal sent his assessment to Washington. I respectfully submit my recommendation to the President that he approve this full troop request and that he do so as soon as possible. If he does, as I said, I believe Republicans will be very supportive of his policy.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what is before the Senate at this time?

The PRESIDING OFFICER. The Senate is in morning business.

UNEMPLOYMENT BENEFITS EXTENSION

Mr. REID. Mr. President, in about 50 minutes the Senate will be called upon to vote on a motion to invoke cloture on a very important piece of legislation extending unemployment benefits for American workers.

Another 7,000 jobless Americans will lose their unemployment insurance today, just as 7,000 did yesterday and 7,000 more will tomorrow. The Republicans have held up this matter for approximately 3 weeks. What does that mean? It means that the first week, 49,000 Americans were people whose unemployment insurance ran out, and they had nowhere to turn. In 2 weeks—the math is simple—it was 98,000 Amer-

icans from all over America, including the State of Delaware and the State of Nevada. In 3 weeks, it was 147,000 people, just the same. These are people who are desperate. To say I am disappointed in the way Republicans have shown a complete lack of regard for the people behind those staggering numbers is an understatement. Approximately 150,000 people have been hurt as a result of the intransigence of the Republicans in the past weeks.

The Presiding Officer and the Senator speaking are from States that have small towns and cities; 150,000 is a huge city by Nevada standards. A city of 150,000—that is what has happened these last 3 weeks. That is 150,000 people without anywhere to turn. Their government is not helping them. They have likely begged and borrowed from family as much as they could. Their savings are gone.

We know that when the economy recovers, the unemployment rate is one of the last numbers to rebound. That is what economists call a lagging indicator. That is just the way it is and has always been. So even as the economy begins to turn around, jobs will turn around slower.

That fact, incidentally, is all the more reason for us to fix our economy faster, to stop putting off reforming a broken health insurance system that bankrupts so many families. In America today, people are at the courthouse filing bankruptcy. Last year in America, 750,000 people filed bankruptcy because of medical costs.

How many people do you think filed for bankruptcy in France, Germany, Japan, Switzerland, England, Canada? How many filed for bankruptcy as a result of health care costs? Zero. People say: Oh, socialized medicine. France, Germany, and Japan have private insurance.

Our health care system bankrupts many families. We need to do a lot of things to get us out of this hole we are in. The sooner we do these things, the sooner jobs will come back. But they are not back yet. The people of Nevada and others across the Nation are hurting. Unemployment is at a 26-year high in our country and at an alltime high in Nevada. We became a State in 1864. It is the highest unemployment rate we have ever had.

These good, hard-working people lost their jobs most of the time through no fault of their own, and many lost their health care along with it. They are having trouble finding new jobs, and so they are burning through whatever savings they have, if they have any, if they put away for their old age or children.

Some of these unemployed Americans are beginning their careers, some were at the prime of their careers, and some are scrambling to finish, with dignity, what they earned over decades of hard, honest work.

This is the Democrats' simple proposal. It is not very complicated at all: Let's support those families who have been the victims of this recession. They need to put food on the table, send their children to school, and pay the ever-rising medical bills.

If you want to do something that will help jump-start the economy, that will stimulate the economy, how about giving these people who are out of work and have been out of work for an extended period of time a check? What are they going to do with it? They are going to spend it. Why? Because they have to.

We are not asking for much, and we have the money to help them. Over the years, workers have contributed a little bit each paycheck to fund a safety net in the event they lost their jobs. It was insurance against unemployment. That is what it is called—unemployment insurance. That is exactly what has happened. Now they want to take that money—money set aside for this purpose—to keep them afloat until they land the next job.

We have a proposal—a paid-for proposal, one that does not add a dime to the deficit—to extend to workers their unemployment insurance by up to 14 weeks and up to 20 weeks in States such as Nevada that have been hit the hardest. We have the power and the ability to do it. That is what we should do. It is the right thing to do.

The Republican response to that idea might sound familiar. It is a word we have heard from them more and more in recent days. The Republican response in helping the unemployed is two letters: No. Republican Senators from Louisiana, Alabama, Arizona, and Kentucky are among those saying no to helping unemployed citizens in Louisiana, Alabama, Arizona, and Kentucky. I doubt that is the kind of legislating their constituents had in mind when they sent them to the U.S. Capitol and asked them to be their voice in Congress.

When we first brought up this bill 3 weeks ago, Republicans decided they would rather fight a partisan fight, as they have been doing now, than help unemployed men and women in their own States. This unemployment is not targeted to just a few States. The Republicans decided to make a political statement by demanding completely irrelevant amendments, amendments not germane, amendments that have little, if anything, to do with unemployment or even the economy, generally, and they decided the political statement was more important than helping constituents afford to pay bills. That is wrong. It is an outrage.

That day when we started this legislation, when we first brought it to the Senate floor to help unemployed Americans, Republicans said no. The sad part about it, they are still saying no. I hope, after all we have been through

and when that vote comes at 6 o'clock, we will have some brave souls step across the aisle and help us get this done.

When we started this process 3 weeks ago, they said no. The next morning, 7,000 people woke up without the unemployment insurance on which they had been counting. The next week we tried again. By now, we have 49,000 people who have lost their unemployment benefits. Once again, Republicans said no. Again, 7,000 Americans lost the help they needed to get by. Then, last week, we tried again. Once again, the Republicans said no. Again, we had a week of 7,000 people losing their work benefits.

In the days since Republicans first said no to helping unemployed Americans, we have about 150,000 who have lost the relief they desperately need. Today, while Republicans continue to waste time, to stall so we cannot get things done here, another 7,000 will be added to the approximately 150,000 who have already lost their unemployment insurance. If we do not act, that number, by the end of the year, will be 2 million. I wonder how much higher does that number have to climb before Republicans put people ahead of their partisan excuses.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak for 7 minutes on the Republican time of the time allotted after 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUDAN POLICY

Mr. BROWNBACK. Mr. President, I wish to draw the attention of the body today to a policy initiative that was put forward by the Obama administration last week. It is on a topic a lot of people have been involved in for a long period of time. It involves Sudan, Darfur, and the genocide taking place in Sudan. It now involves new policy steps the administration is proposing to take to build a relationship and overtures to the Sudanese Government.

This is engagement to the extreme because President Bashir of Sudan is an indicted war criminal whose government is conducting a genocide, as declared by the Congress of the United States and the administration. For the first time in the history of America, we would be engaging an individual who is both an indicted war criminal, being pursued by the International Criminal Court, and also who has conducted a

genocide in Darfur. We are talking about: OK. We need to start maybe engaging, and now there have been visas issued to top members of President Bashir's inner circle to come into the United States and discussion of a carrot-and-stick approach to Sudan, when he is running a genocide in Darfur and is an indicted war criminal. This is atrocious on its face. It is engagement to the extreme. It is wrong, and it would be harmful to long-term U.S. interests.

What happens the next time an individual is involved in genocide? Do we say: If you start behaving a little less worse on your genocide, we will start to give you some carrots to help you out. What about the next indicted war criminal, do we say: If you are a little less bad, if you only kill 500 a day instead of 1,000, we are going to start offering you carrots instead of sticks in this approach. This undermines the moral authority of the United States. It is the wrong thing to do.

I wish to give a couple historical examples.

Toward the end of World War II, Heinrich Himmler, who was No. 2 in charge—but after Hitler committed suicide was No. 1 in charge—of Nazi Germany reached out to the Allied commander, General Eisenhower, and wanted to start negotiating with him: If he could be allowed to live, they might negotiate some sort of settlement. Eisenhower completely ignored it and treated him like the war criminal he was. Can you imagine if we would have started negotiating with Himmler at that time?

Let me give some more recent examples. What about Serbian leader Karadzic, the so-called "Butcher of Bosnia," accused of slaughtering hundreds of thousands of innocent people? The State Department did not say: If you are a little less bad and don't kill quite as many people, we will start negotiating with you. They didn't say that. They put a \$5 million reward out to anybody who gave us information leading to his capture, and he currently resides in a prison in The Hague.

What about Charles Taylor, the "Butcher of Liberia," who ran on an election slogan—listen to this: "He killed my pa, he killed my ma, but I will vote for him." That was his election slogan. Taylor was directly involved in coordinating and supporting unthinkable atrocities over many years and, after ceding power, was indicted for war crimes and crimes against humanity.

Here is an indicted war criminal. Did we say to him: OK. Mr. Taylor, if you start not killing as many people, we will negotiate with you? Of course not. What the Congress did was offered and passed legislation giving a \$2 million reward for Taylor's capture, and he now sits in a prison in The Hague.

It would be unthinkable for us, in those circumstances, to say: OK. We

will start negotiating with these indicted war criminals, butchers of their own people, and we are going to start working with you because you are going to act a little less bad. Yet that is what we are talking about with President Bashir, an indicted war criminal, conducting a genocide in Darfur that we have declared.

We have had hundreds of thousands of people across America going to rallies to save Darfur, and now we are talking about a carrot-and-stick approach with him?

I say no. I say we cannot do this, and if we do this in this circumstance, what about future genocidal regimes? What about future indicted war criminals? Is there any standard upon which the United States can or will stand at those points in time or could we, at that point in time, if we do this in this particular case?

I am all for getting some form of movement on the north-south agreement so the south can vote next year and will probably vote to secede and form its own country in the south. I think that is prudent and wise, after many years of civil war and the negotiations that took place to get a north-south agreement. But I do not at all think you can trade that for us negotiating with this indicted war criminal.

I urge my colleagues not to support this effort on behalf of the administration to engage a genocidal regime in Khartoum.

I appreciate my colleagues' attention. I yield the floor.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, what is the pending business before the Senate?

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate prior to a vote on the motion to invoke cloture on the motion to proceed to H.R. 3548, with the time equally divided and controlled between the leaders or their designees.

Mr. BAUCUS. I thank the Chair.

Mr. President, the unemployment rate is now 9.8 percent. Before long economists expect it to top 10 percent. That means nearly 15 million Americans have lost their jobs—15 million. That is 15 million people looking for work. About 5 million people have been looking for work for more than 6

months. There are about 3 million job openings. That is 15 million people chasing 3 million jobs.

We are in what folks call the "Great Recession." Real people are facing real hardships every day. On September 15 of this year, the Finance Committee held a hearing on unemployment insurance benefits and where we would go from there. Senators discussed the effects of the current condition on beneficiaries, the business community, and the State unemployment systems. We considered proposals to support unemployed workers through the continuing recession.

A recent edition of the Federal Reserve's Beige Book reported that the economy is still stabilizing. Unfortunately, the labor market still remains weak. Companies are being cautious about adding permanent staff. Instead, they are asking more from their existing staff.

We need to continue our work to create jobs, and we also need to help our neighbors who are looking for work. That is what we did in the Recovery Act. We need to act on behalf of unemployed Americans and their communities. In helping our unemployed neighbors, we also can help to keep open the neighborhood grocery store and the neighborhood gas station. That is how unemployment insurance benefits not just people who are unemployed but helps communities.

In helping our unemployed neighbors, we also help to keep houses out of foreclosure. In helping our unemployed neighbors, we also help our economy and ourselves.

The House of Representatives passed a bill to give an additional 13 weeks of benefits to unemployed people in States with unemployment rates of 8½ percent or more. That is what the House did. I commend our colleagues in the House for their rapid response. But Leader REID and I want to make sure all Americans who have exhausted their benefits during these tough times get help.

Today we are joined by Senator REED of Rhode Island, Senator SHAHEEN, Senator DODD, and a total of 38 Senators in all in offering an amendment to the House bill. Our amendment would give 14 additional weeks of benefits to unemployed people who exhaust their benefits no matter what State they live in—14 additional weeks of benefits for everyone. Our amendment would also give 6 additional weeks of benefits on top of that to unemployed people who exhaust their benefits in States with 8½ percent unemployment or more. So 14 weeks to all States, and then an additional 6 weeks in those States where unemployment is 8½ percent or more.

The total cost of our package is \$2.4 billion and paid for with an extension of the Federal unemployment tax, or FUTA, until June 30, 2011.

Today we have a chance to lend support to unemployed Americans. In so doing, we have a chance to help our economy and ourselves. But first we have to proceed to the bill. I urge my colleagues to support this important legislation and vote for the motion to invoke cloture.

Mr. President, I yield 5 minutes to the Senator from New Hampshire, Mrs. SHAHEEN, who is one of the main cosponsors of the amendment. She is the real strong advocate of getting this legislation passed and a strong advocate for the people of her State, and I deeply appreciate her work.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I thank Senator BAUCUS for his very kind remarks and for his leadership to do something to help those workers who are unemployed across this country who are losing their benefits and don't know where to turn.

As Senator BAUCUS has said, the Senate is about to vote on a motion to advance the Unemployment Compensation Extension Act. I am disappointed that we still haven't been able to pass this extension, but this evening we can vote to overcome a procedural hurdle and take an important step forward.

As Senator BAUCUS has said, this is critical legislation that will help nearly 2 million jobless Americans who are about to have the safety net pulled out from under them. The bill provides 14 additional weeks of unemployment insurance to jobless workers in all 50 States, and in those States where unemployment is the highest, they would receive an additional 6 weeks.

For 3 weeks, this critical legislation has been delayed for nothing more than political reasons. In that time, more than 100,000 Americans have exhausted their unemployment benefits. The American people should be outraged about these delays. I hope today those in opposition will end their obstruction, will stop the political games, and will help us pass this bill to stimulate our economy and help those Americans who, through no fault of their own, can't find a job.

I am confident that when we finally get to the vote, this extension will garner the broad bipartisan support it deserves. That is because unemployment isn't a New England problem or a Montana problem or a southern problem. It isn't a Republican, an Independent, or a Democratic problem. It is a hardship that hits every community in every State in every part of our country.

I recently visited an unemployment office in Manchester, NH, and I heard from people who, despite their best efforts, are unable to find a job. They want to get back to work, but they face one of the worst job markets since the Great Depression. I want to share this afternoon a couple of stories I heard from unemployed workers and

those who have called my office pleading for help.

Carry-Ann is a 39-year-old single mother from Concord. She wrote that she has been out of a job for more than a year, and she has been relying on unemployment to support her two teenagers and to pay the mortgage. Carry-Ann qualified for a job training program, and she has been training for a career in health care.

That is appropriate, given the other debate that is going on in this body.

She has been training for that career in health care because she knows that is a sector that needs workers. But if her unemployment runs out, she wrote, she will lose her home and she will have to relocate, which means she would not be able to finish her job training program and will lose the prospects of getting a good new job.

Carry-Ann isn't asking for a handout. She is trying to gain self-sufficiency for herself and for her family by getting educated and gaining the skills she needs to build a career. But she will be unable to do so unless we pass this extension.

Richard is a 43-year-old from Somersworth, NH, one town over from where I live in the southern part of the State. He explained that he has been looking for work for over a year. He has been using his unemployment benefits to support his family. Richard used to have a management job, and at interviews he has been told time after time that he is overqualified and he would not be considered. Employers think he will leave their job as soon as better opportunities open.

But Richard has a family to support today and his benefits are going to run out soon. He is like many Americans looking for work right now. If we do nothing, he could lose his credit, his car, and his home.

Extending unemployment benefits will help Richard and Carry-Ann and their families and tens of thousands of others like them across this country. It will help them weather this storm.

As I have said many times, when we extend unemployment, we are not just helping jobless workers, we are also helping the businesses that provide the goods and services that unemployed workers need. People collecting unemployment spend their benefits immediately on necessities to keep their families going, which means these dollars get into communities almost as soon as the check arrives.

Economists say, dollar for dollar, extending unemployment benefits is one of the most cost-effective actions we can take to stimulate the economy. Passing this extension of unemployment benefits is the right choice for unemployed workers and for our communities.

Mr. President, this extension is long overdue. We owe it to those Americans who are out of work to pass this extension.

I yield the floor.

Mr. BAUCUS. Mr. President, if Senator SHAHEEN wishes to take more time, I am more than willing to extend it to her.

Mrs. SHAHEEN. I have finished, but I thank my colleague very much, and I yield the floor.

Mr. BAUCUS. I thank the Senator very much.

I say to my colleagues that now is a good time to speak on extending unemployment insurance, now that we are on the motion to proceed. We will vote fairly quickly, but if Senators do want to come over to express their views, now is the time to do so.

Pending the arrival of Senators, Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time during the quorum call be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask the Presiding Officer, how much time is remaining on each side?

The PRESIDING OFFICER. There is 7 minutes for each side.

Mr. BAUCUS. I yield to the Senator from North Dakota as much time as he wishes.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I appreciate the courtesy of the Senator from Montana.

The issue before us is very simple. When you have a severe economic downturn of the type we have had, a very deep recession, that is when you try to employ the economic stabilizers that help people who lose their jobs—unemployment insurance. The extension of unemployment insurance has almost always been nearly automatic because everyone understands the urgency of doing it. When many additional people have been unemployed for lengthy periods of time, you try to reach out and help.

The cloture vote tonight is on a motion to proceed, and it so demonstrates the dysfunction of the Senate these days. The motion to proceed is filibustered by the other side when we are trying to help some folks who have lost their jobs. Many have lost hope during a steep economic decline. We can't even get cooperation on a motion to proceed to try to address the extension of unemployment benefits. It is pretty unbelievable to me.

Last fall, I watched some of the same folks who were objecting to that rush to the starting line to see if we couldn't give hundreds of billions of

dollars to the biggest financial firms in the country that ran this economy into the ditch—let's give them a lot of money. But you know what, not when it comes to helping the folks at the bottom, those who have lost their jobs.

By the way, last month 263,000 Americans lost their jobs; last month—263,000. Just pick one out of 263,000 and think of somebody coming home from work and saying: Honey, I have lost my job; to say to their husband or wife: I have lost my job. It wasn't because I did a bad job, it was because they cut back at the plant or the office, so now I am unemployed. It was not their fault. The question is, What do we do when this happens? Normally when this happens, we extend unemployment benefits to those who are facing very difficult times.

This is the steepest, deepest economic decline since the 1930s. This country has been in very serious economic trouble for some long while now. It nearly fell off a cliff last October. So this action now should be almost automatic. But nothing, even common sense, is automatic around here because we are now struggling, at the end of today, a Tuesday, to get a cloture vote on a motion to proceed to do something that everybody knows we have a responsibility to do. It is almost unbelievable.

I want to say how frustrating it is that we do not get any cooperation on anything to move forward things that are of an urgent nature. I suppose this is not urgent, perhaps, unless you are unemployed and trying to figure out: How do we get the money to eat? How do we get the money to pay rent? How do we get the money to provide the funding for the kids to go to school? It is probably not urgent for people who are not in that situation, but if you are in that situation during a very severe economic downturn, this is urgent. We need to extend these benefits.

My colleague from Montana and his committee have worked on this and brought it to the floor. It would have been nice if they had gotten just a little cooperation so we would not have to go through this, file a cloture motion, wait 2 days for it to ripen, then 30 hours postcloture. What is the deal? I don't understand at all. Dig your heels in when it comes to trying to help the folks who need help the most and say the sky is the limit when it comes time to help those who have the most? That turns logic on its head, in my judgment.

My hope is that at 6 o'clock tonight when we vote, we will have the 60 votes. We should never have been put in the position to have to try to break a filibuster on a motion to proceed. We are not even on the bill; it is a motion to proceed to the bill. What an unbelievable lack of cooperation on something that is so essential during a steep economic downturn, to help those

whose jobs have been washed away, who desperately need help for themselves and their families. That is what we are trying to do.

I hope that perhaps following the disposition of this—and I hope we will get this done—we will get some additional cooperation on things that really matter.

I appreciate the time given me by the Senator from Montana.

I yield the floor.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum and ask consent that the time be equally charged to both sides.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 174, H.R. 3548, the Unemployment Compensation Extension Act of 2009.

Harry Reid, Patty Murray, Mark Udall, Roland W. Burris, Mark Begich, Byron L. Dorgan, Frank R. Lautenberg, Amy Klobuchar, Bill Nelson, Jack Reed, Carl Levin, Jeff Bingaman, Bernard Sanders, Sherrod Brown, Sheldon Whitehouse, Barbara Boxer, Kirsten E. Gillibrand, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 3548, the Unemployment Compensation Extension Act of 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The bill clerk called the roll.

The yeas and nays resulted—yeas 87, nays 13, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—87

Akaka	Brown	Chambliss
Alexander	Brownback	Cochran
Baucus	Burr	Collins
Bayh	Burris	Conrad
Begich	Byrd	Corker
Bennet	Cantwell	Crapo
Bennett	Cardin	Dodd
Bingaman	Carper	Dorgan
Boxer	Casey	Durbin

Ensign	Lautenberg	Risch
Feingold	Leahy	Roberts
Feinstein	LeMieux	Rockefeller
Franken	Levin	Sanders
Gillibrand	Lieberman	Schumer
Grassley	Lincoln	Shaheen
Gregg	Lugar	Shelby
Hagan	McCain	Snowe
Harkin	McCaskill	Specter
Hutchison	McConnell	Stabenow
Inouye	Menendez	Tester
Isakson	Merkley	Thune
Johnson	Mikulski	Udall (CO)
Kaufman	Murkowski	Udall (NM)
Kerry	Murray	Voinovich
Kirk	Nelson (NE)	Warner
Klobuchar	Nelson (FL)	Webb
Kohl	Pryor	Whitehouse
Kyl	Reed	Wicker
Landrieu	Reid	Wyden

NAYS—13

Barrasso	DeMint	Johanns
Bond	Enzi	Sessions
Bunning	Graham	Vitter
Coburn	Hatch	
Cornyn	Inhofe	

The PRESIDING OFFICER. On this vote, the yeas are 87, the nays are 13.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PENSION FUNDING

Mr. CASEY. Madam President, we are in the midst of a terrible economic recession. Over the course of the last year, we have lost millions of jobs. In Pennsylvania, for example, by comparison, the unemployment rate percentage is lower than a lot of States, but in many parts of our State it is at a historic high, or at least a 15-year high. What that means in Pennsylvania is that we have just about a half a million people out of work, even though some States have a much higher percent in their unemployment rate. So we have a half million people out of work.

The fact that we just had this vote on unemployment insurance is vitally important. It helps us meet a real need across the country. So we have an economic crisis. People are living through the loss of a job, the loss of a home, or both—in some ways, the loss of their hopes and their dreams. Unfortunately, even as we get through this, even as we begin to recover, and even as we are dealing with a longer term challenge to our economy, which is health care—which is one of the reasons I think we have to pass a bill this year—there are other threats we have to bear in mind. One of them involves not just busi-

nesses but, by extension, workers and families. I speak of the funding of pension plans.

A lot of businesses across the country—a lot of workers have come to Washington to remind us that this pension issue is a looming problem for a lot of businesses. I happen to be a member of the Health, Education, Labor, and Pensions Committee, and that is one of the issues we must deal with, and I think we will be dealing with, in the near term.

Millions of Americans, not just throughout our history our recent history but especially now, rely upon any kind of retirement vehicle, and one of those, of course, is a good pension plan. We need to give people in the twilight of their life the kind of security that comes with a pension plan. We also have to make sure workers have that same peace of mind as they make their way through this very difficult economy.

In 2006, the Pension Protection Act was passed by Congress. The main purpose of that act was to strengthen pension plans by implementing tougher funding rules. Most of the rules under the act took effect in 2008, and at that time the stock market was in turmoil. The combination of stronger pension funding rules in a chaotic stock market caused almost all pension plans to sustain a net loss, in essence.

I wish to turn to one chart that depicts that. One study released by Mercer stated that the combined loss for pension plans totaled \$469 billion for 2008. We can see the differential from 2007 where there was an overfunding of some \$60 billion. So in 2007, \$60 billion up; the next year lost over \$400 billion, down; to be exact, \$469 billion in terms of where we were in 2007 versus where we were at the end of 2008. Based upon this loss, pension plans have a funding deficit, a differential of \$409 billion—\$409 billion in 2008. In 2009, the pension funding deficit is expected to increase yet again despite recent recoveries in the stock market.

We have to do what we must to strengthen our economy and to give our workers and their families and our businesses some peace of mind. That might be the best way to describe it. So this is more than just a looming crisis, more than just a problem in the near term, it is a problem we have to deal with right now, in the next couple of months.

Recently, the House Ways and Means Committee held a hearing that focused on pension funding relief. They gave an example at the hearing. NCR Corporation, a 125-year-old global technology company, testimony at this hearing provided a specific example of how company pension plans have been affected. NCR, this global technology company, had a pension plan that was 110 percent funded as of January 1, 2008.

So at the beginning of 2008, they were funded at 110 percent. They were in

good shape, for the most part. The funding status, as those in the business know, is based on the amount of assets compared to the amount of liabilities. By January 1, 2009, just 1 year later, this same company, due to unprecedented losses in the market, had its funding percentage drop to 75 percent. So in 1 year, this company goes from 110 up of funding to 75 percent, a huge loss.

This is what it means in terms of dollars. The percentages only tell part of the story. Prior to the market loss, this company, NCR Corporation, expected to make payments totaling \$200 million over a 7-year period. That is what they could see down the road: \$200 million over that period. Instead, that payment has increased to \$1.5 billion—\$1.5 billion looking out ahead of them instead of \$200 million. So \$200 million becomes \$1.5 billion, and that is what we are going to see unless Congress provides some relief.

We have heard from countless companies across Pennsylvania and across the country that are in the same situation as this one example, the NCR company. The companies are not requesting a bailout. Let me say that again: They are not requesting a bailout. The companies are not requesting the American taxpayer to assist directly. The companies are simply asking Congress to extend the time period of recognizing the losses incurred during the market downturn.

In 2009—I will point to another study—Watson Wyatt reported that there would be \$32 billion in payments to fund pension plans in America. Without any relief from Congress in 2010, that amount will increase to over \$90 billion and increase to \$146 billion in 2011. So we go from, in 2009, \$32 billion, to 2010, and it keeps going up until we get to 2011, just 2 years from now, \$146 billion to pension plans in America.

American companies that are already struggling to break even today will have to decide between funding their pension plans and cutting jobs. In order to avoid losing more jobs, at a time when the national unemployment rate is 9.8 percent, Congress should act swiftly to extend the amortization period for recognizing certain losses in pension plan assets, including other temporary provisions that will provide funding relief. Any relief should apply to single- and multiemployer pension plans.

As companies recover from the economic recession, we should not discourage economic growth by requiring a pension payment that will require companies to cut jobs. Instead, Congress should provide targeted relief—targeted relief—that will enable companies to spread out the losses over an extended period of time, which will allow capital to be invested in activities that will promote growth.

Ultimately, the intention of any pension funding relief legislation is to ensure the survival of the pension plan system. The American people have a right to expect that pension plans be stable and secure for their future. In Congress, we should work to implement any legislation that provides a healthy pension system just in the same way we provide security with a reformed health care system. In exchange for ensuring a good pension, a secure pension, and a better health care system—that is what we are saying to the American workers and to American businesses—it is important that we be very honest with people, with our workers.

We are going to say to our workers: We want you to compete in a world economy; we want you to go out and get more education; we want you to enhance your skill level; we want you to have a broader-based skill level so that when the economy takes a turn or market forces lead to a change in the industry that you are employed in or lead to a change in our economy, you will have the skill and the knowledge and the training and the education to be able to adjust.

So we encourage people all the time to get more education. We encourage people all the time to enhance their skill level. But we will be more successful in achieving that goal and we will be more honest with workers if we can say to them: You don't have to worry as much as you used to about your pension or about health care.

That should be a large part of the bargain, a large part of the agreement we make with our workers and our businesses because, if we are going to compete in a world economy, if we are going to have a highly skilled workforce that does that for us over time, we cannot say to people: Go out and improve your skills, go out and get more education, but we are not sure we can help you with your retirement security or your health care security. We can't ask them to do three things at one time. We can't ask them to go to work every day and worry about whether they are going to have health care coverage or worry about whether their kids are going to be covered or worry about whether there is going to be a preexisting condition that will bar them from treatment or coverage.

We can't allow a situation to persist where we say to them: Go to work every day and continue to improve your skills and maybe get more education, but we are not sure we can help you on health care and, by the way, your pension plan might be at risk in the future; it may not be there for you when you retire.

We have to do something in a very strategic and focused way to take away some of that worry on health care and on pension and retirement security. If we do that, if we lessen that anxiety

for people, I believe we are going to have a much more successful strategy as it relates to telling people and encouraging our workers to get more education, to get a heightened degree of training. If we do that, we are going to have a much stronger long-term economy. But we can't ask people to do it all themselves—to bear the burden of health care, to bear the burden of retirement security, and to bear the full burden of their education, their training, and their skill development.

So that is why this pension issue, even in the midst of a health care debate, is so critically important.

Madam President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

MORNING BUSINESS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION—DOD AUTHORIZATION

Mr. HATCH. Mr. President, I rise today to discuss my decision to vote no for the fiscal year 2010 National Defense Authorization Act.

Throughout my career I have always been a staunch supporter of our men and women that serve our Nation. Their courage in the face of danger to preserve our freedom is inspiring. And my vote on the Defense authorization bill does not change that belief at all. In fact, I was pleased to include legislation in this year's bill that will require the Secretary of Defense to review and establish a long-term plan to sustain the solid rocket motor industrial base. This review will be vital to ensure we maintain a robust industrial base and our ultimate strategic defense for decades.

I have always been impressed with the great working relationship I have enjoyed with my esteemed colleagues on the Armed Services Committee and their professional staffs. My vote by no means diminishes my respect for the Armed Forces.

Unfortunately, the congressional majority has decided to needlessly inject controversy into what should have been a bipartisan effort to fund and support our troops in a time of war. I am, of course, speaking of the decision

to attach the unrelated hate crimes provisions to this legislation. For one reason or another, the Democrats have once again decided that, even with their overwhelming majorities in the House and Senate, the Federal hate crimes legislation cannot be debated and passed on its own merits and that, instead, this divisive legislation should become part and parcel with our efforts to provide our military with much-needed resources.

I have long been opposed to this approach with regard to hate crimes. Make no mistake, none of us are indifferent to the problems associated with violence motivated by prejudice and violence. However, I believe that the approach provided for in this bill would needlessly expand the powers of the Federal Government at the expense of the States. Worst of all, it would do so without a demonstrated need. Indeed, a few months back, I asked the Attorney General—who supports this legislation, by the way, in a hearing whether there was any evidence of a trend that these crimes were going unpunished at the State level. He stated without reservation that there was no such evidence and that, in fact, the States were, by and large, doing a fine job in this area. If that is the case, what is the purpose of this legislation? Why are we going to expand the law enforcement powers of the Federal Government into what are essentially State crimes when these crimes are already being handled adequately by the States? I have yet to hear a decent answer to that question.

Now, some of us may be tempted simply to vote for the Defense authorization bill with the hate crimes provisions attached simply because the balance of the bill is good and worthy of support. Well, I worry that if we go along with this now, what will they add to so-called “must pass” bills in the future? I believe that when it comes to funding our troops, we should do our best to speak in a unified voice. By taking this path, it seems that the majority would rather make a political statement than offer the military our bipartisan support. For that, I am greatly disappointed.

OBJECTION TO S. 1782

Mr. GRASSLEY. Mr. President, I would like to alert my colleagues that I intend to object to any unanimous consent agreement for the consideration of S. 1782, the Federal Judiciary Administrative Improvements Act of 2009. This legislation will increase the Federal outlays for the judicial branch and does not have an offset to the spending increases.

In particular, I object to two provisions in S. 1782. First, this legislation will increase Federal expenditures by allowing senior executives in the Federal courts, the Federal Judicial Cen-

ter, and the Sentencing Commission to carry over more annual leave days from 1 year to another. The bill would change the current allowance, 240 hours—30 days—to 720 hours—90 days. This provision is a limited benefit to a number of senior executives and will cost Federal taxpayers millions of dollars.

Second, the legislation includes a provision increasing the salaries of the four division directors at the Federal Judicial Center. This provision would increase the salary from Executive Schedule V—\$139,600—to Executive Schedule IV—\$149,000. While this is only a slight increase to the spending outlays, it is the wrong message to send the American taxpayers when nearly 10 percent of the workforce is unemployed.

Americans across the country are tightening their belts and finding ways to save money. Social Security beneficiaries are fighting to stretch their dollars because they will not see a cost-of-living increase for 2010 for the first time in nearly three decades. To expand benefits in the judicial branch for a chosen group of senior executives is the wrong thing to do when everyone is making sacrifices and millions of Americans are looking for work.

If the Senate majority insists on offering S. 1782 for consideration notwithstanding my objection, at the very least, I will insist on offering S. 657, the Sunshine in the Courtroom Act as an amendment and request a rollcall vote. Unless this amendment is afforded a vote, I will continue to object to any unanimous consent agreement regarding S. 1782. In this time of financial uncertainty, we should not be providing senior executives in the judiciary increased benefits absent legislation that will bring some sunshine to the courts by allowing media coverage of court proceedings.

ADDITIONAL STATEMENTS

TRIBUTE TO NORTH CAROLINA WWII VETERANS

• Mrs. HAGAN. Mr. President, I am proud to recognize a group of 102 World War II veterans from the Triad region of North Carolina who are traveling to Washington, DC, on October 28 to visit the memorials and monuments that recognize the sacrifices of our Nation's invaluable servicemembers.

The Triad Flight of Honor sponsored this trip to the Nation's Capital for surviving World War II veterans in the Triad area. Our veterans will visit the World War II, Korean, Vietnam, and Iwo Jima Memorials.

This will be the second Triad Flight of Honor trip. The organization flew their inaugural group of veterans to Washington, DC, on October 3, 2009. I had the honor of visiting with that

group of veterans when they returned to Greensboro, NC. I was joined by my father-in-law, MG (Ret) Charles T. Hagan, Jr., U.S. Marine Corps Reserve, a World War II veteran, just before he died. Two more Triad flights for the spring of 2010 have already been scheduled, and hundreds of veterans in the area are hoping to participate.

World War II was the defining period for a generation that bravely answered the call to serve our country. Young men and women, driven to protect America, enlisted in droves. Unfortunately, too many of those brave servicemembers met an untimely death on the battlefields of Europe and the South Pacific. More than 400,000 American servicemembers were slain during the course of the long war, and over 60 million people worldwide were killed, including 40 million civilians. The Allied Forces' ultimate victory is a testament to the brave soldiers, sailors, airmen, and marines who put their lives on the line to fight for liberty and freedom.

This week, 102 Triad veterans will see the memorials dedicated to their service. I thank the Triad Flight of Honor for making these trips a reality.

I ask the Senate to join me in honoring these brave veterans who are true North Carolina heroes.●

TRIBUTE TO DR. JAMES MICHAEL SMITH

• Mr. JOHNSON. Mr. President, today I recognize Dr. James Michael Smith on his inauguration as the 16th President of Northern State University in Aberdeen, SD. Dr. Smith comes to Northern State from Bowling Green State University where he had served as vice president for economic development. He is a veteran organizational leader, with experience leading educational institutions at both the K-12 and postsecondary levels. Prior to joining the senior administrative team at BGSU, Dr. Smith was dean of the School of Education at Indiana University South Bend. Dr. Smith also served in administrative capacities at West Texas A&M and Butler University. He will begin his tenure with the knowledge that Northern State University has been named for the third year in a row to the U.S. News and World Report's Top Public Undergraduate Institutions in the Midwest. Dr. Smith has said NSU is “excited to once again be named to this prestigious list, and will continue to build momentum at Northern State by focusing on new programs, expanded technology and increased graduate offerings.” Everyone in the region is excited to help him join in these goals.

At the investiture of Dr. Smith, history will literally be at his fingertips. The pen used in this ceremony will be the same one used to swear in the 15 Northern presidents before him. It was

used to sign the bill that created the Northern Normal and Industrial School in 1901 and it went up in the space shuttle Discovery in 1991.

I would like to offer Dr. James Smith the very best as he begins his tenure with one of South Dakota's finest institutions of higher learning.●

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY RELATIVE TO THE ACTIONS AND POLICIES OF THE GOVERNMENT OF SUDAN AS DECLARED IN EXECUTIVE ORDER 13067 OF NOVEMBER 3, 1997—PM 37

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the Sudan emergency is to continue in effect beyond November 3, 2009.

The crisis constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency in Executive Order 13067 of November 3, 1997, and the expansion of that emergency in Executive Order 13400 of April 26, 2006, and with respect to which additional steps were taken in Executive Order 13412 of October 13, 2006, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the sanctions against Sudan to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, October 27, 2009.

MESSAGE FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1471. An act to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit

as a National Historical Park, and for other purposes.

H.R. 1641. An act to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail.

H.R. 2806. An act to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 6:44 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 1209. An act to require the Secretary of the Treasury to mint coins in recognition of the celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

H.J. Res. 26. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1641. An act to amend the National Trails System Act to provide for a study of the Cascadia Marine Trail; to the Committee on Energy and Natural Resources.

H.R. 2806. An act to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1927. A bill to establish a moratorium on credit card interest rate increases, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Gladys Commons, of Virginia, to be an Assistant Secretary of the Navy.

*Christine H. Fox, of Virginia, to be Director of Cost Assessment and Program Evaluation, Department of Defense.

Air Force nomination of Lt. Gen. Mark A. Welsh III, to be General.

Army nomination of Colonel Kelly J. Thomas, to be Brigadier General.

Army nomination of Col. David L. Weeks, to be Brigadier General.

Army nomination of Lt. Gen. William B. Caldwell IV, to be Lieutenant General.

Army nomination of Maj. Gen. Keith M. Huber, to be Lieutenant General.

Army nominations beginning with Brigadier General Joseph J. Anderson and ending with Brigadier General Perry L. Wiggins, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009, (minus 1 nominee: Brigadier General Robert M. Brown)

Navy nomination of Vice Adm. David J. Dorsett, to be Vice Admiral.

Navy nomination of Vice Adm. Robert S. Harward, Jr., to be Vice Admiral.

Navy nomination of Vice Adm. Harry B. Harris, Jr., to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Robert B. O. Allen and ending with Ted K. Winright, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Air Force nomination of Christopher J. Ogrady, to be Lieutenant Colonel.

Air Force nomination of Michael R. Spencer, to be Lieutenant Colonel.

Air Force nominations beginning with Scott A. Paffenroth and ending with Robert M. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009.

Air Force nominations beginning with Misael C. Alonso and ending with Derrick B. Willsey, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009.

Air Force nominations beginning with Dana J. Albalade and ending with Luz E. Rodriguez, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009.

Army nomination of Charles T. Kirchmaier, to be Lieutenant Colonel.

Army nomination of Bruce P. Crandall, to be Colonel.

Army nominations beginning with Kenneth E. Duvall and ending with Randall B. Zeegers, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Army nominations beginning with Jennifer E. Choate and ending with Rodney E. Rudolph, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Army nominations beginning with Lear E. Dutton and ending with Marcus C. White, which nominations were received by the Senate and appeared in the Congressional Record on September 30, 2009.

Army nominations beginning with Daniel T. Ames and ending with Thomas B. Wheatley, which nominations were received by the Senate and appeared in the Congressional Record on September 30, 2009.

Army nominations beginning with Kenneth E. Lawson and ending with Kristina D. Moeller, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009.

Army nominations beginning with Lawrence C. Dennis and ending with John H. Tatum, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009.

Army nominations beginning with Barry R. Baron and ending with Istvan Szasz, Jr., which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009.

Marine Corps nomination of Bradley L. Lowe, to be Colonel.

Navy nomination of Daniel A. Freilich, to be Captain.

Navy nominations beginning with Robert R. Liu and ending with Natasha L. Flemens, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Irwin Elstein and ending with Douglas A. Tomlinson, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Russell P. Bates and ending with Timothy G. Nasello, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Oscar D. Antillon and ending with Matthew T. Williams, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Doyle S. Adams and ending with Eugene Wozniak, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Ryan M. Anderson and ending with Brent E. Troyan, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Ruben A. Alcocer and ending with Michael P. Yunker, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Anacleto B. Ancheta, Jr. and ending with Lawrence S. Zoback, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Osmel Alfonso and ending with Marjorie A. Wytzka, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with William M. Anderson and ending with Jeffrey R. Wessel, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nominations beginning with Paul J. Alea and ending with Geoffrey W. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Navy nomination of Raul L. Barrientos, to be Lieutenant Commander.

Navy nominations beginning with Ricardo B. Eusebio and ending with David L. Wilkey, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009.

By Mr. ROCKEFELLER for the Committee on Commerce, Science, and Transportation.

Erroll G. Southers, of California, to be an Assistant Secretary of Homeland Security.

Paul K. Martin, of Maryland, to be Inspector General, National Aeronautics and Space Administration.

*Anne S. Ferro, of Maryland, to be Administrator of the Federal Motor Carrier Safety Administration.

*Cynthia L. Quarterman, of Georgia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

*Elizabeth M. Robinson, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration.

*Patrick Gallagher, of Maryland, to be Director of the National Institute of Standards and Technology.

*Coast Guard nomination of Capt. John S. Welch, to be Rear Admiral (Lower Half).

*Coast Guard nominations beginning with Captain Daniel B. Abel and ending with Captain Christopher J. Tomney, which nominations were received by the Senate and appeared in the Congressional Record on August 6, 2009.

Mr. ROCKEFELLER. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nomination of Thomas J. Riley, to be Lieutenant.

Coast Guard nomination of Shadrack L. Scheirman, to be Lieutenant.

Coast Guard nomination of Chad R. Harvey, to be Lieutenant.

Coast Guard nomination of Michele L. Schallip, to be Lieutenant.

Coast Guard nominations beginning with Edgars Auzenbergs and ending with Michael F. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Coast Guard nominations beginning with Melinda D. McGurer and ending with Royce W. James, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Coast Guard nominations beginning with Nicholas A. Bartolotta and ending with Jerald L. Woloszynski, which nominations were received by the Senate and appeared in the Congressional Record on September 21, 2009.

Coast Guard nominations beginning with Ladonn A. Allen and ending with James A. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on September 30, 2009.

Coast Guard nominations beginning with Jennifer L. Adams and ending with Bradford W. Youngkin, which nominations were received by the Senate and appeared in the Congressional Record on October 15, 2009.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 1931. A bill to enhance the ability of Congress to oversee matters pertaining to nuclear nonproliferation identified in the findings and recommendations of the December 2008 Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, and for other purposes; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself and Mr. BENNET):

S. 1932. A bill to amend the Elementary and Secondary Education Act of 1965 to allow members of the Armed Forces who served on active duty on or after September 11, 2001, to be eligible to participate in the Troops-to-Teachers Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. WHITEHOUSE, and Mr. UDALL of New Mexico):

S. 1933. A bill to establish an integrated Federal program that protects, restores, and conserves natural resources by responding to the threats and effects of climate change, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. KERRY, and Mrs. SHAHEEN):

S. 1934. A bill to amend the Internal Revenue Code of 1986 to prevent the avoidance of tax on income from assets held abroad, and for other purposes; to the Committee on Finance.

By Mrs. MURRAY:

S. 1935. A bill to extend the temporary suspension of duty on certain boots constructed by hand of natural rubber; to the Committee on Finance.

By Mr. TESTER (for himself and Mr. BAUCUS):

S. 1936. A bill to extend the Federal recognition to the Little Shell Tribe of Chippewa Indians of Montana, and for other purposes; to the Committee on Indian Affairs.

By Mr. BROWNBACK:

S. 1937. A bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. SCHUMER, Mr. THUNE, and Ms. KLOBUCHAR):

S. 1938. A bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving; to the Committee on Environment and Public Works.

By Mrs. GILLIBRAND (for herself, Mr. SPECTER, Mr. SCHUMER, Mr. TESTER, and Ms. LANDRIEU):

S. 1939. A bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. GILLIBRAND:

S. 1940. A bill to require the Secretary of Veterans Affairs to carry out a study on the effects on children of exposure of their parents to herbicides used in support of the United States and allied military operations in the Republic of Vietnam during the Vietnam era, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURRIS (for himself, Mr. KERRY, and Mr. KIRK):

S. Res. 323. A resolution honoring Edward W. Brooke, III, former United States Senator for the Commonwealth of Massachusetts, on the occasion of his 90th birthday; to the Committee on the Judiciary.

By Mr. GRAHAM:

S. Res. 324. A resolution designating November 1, 2009, as "National Hemangioma Treatment Awareness Day"; considered and agreed to.

By Mr. REID (for himself, Mrs. GILLIBRAND, Mr. UDALL of Colorado, Mr. BINGAMAN, Mr. BENNETT, and Mr. MENENDEZ):

S. Res. 325. A resolution designating October 25 through October 31, 2009, as "National Hispanic Media Week" in honor of the Latino Media of America; considered and agreed to.

ADDITIONAL COSPONSORS

S. 211

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 543

At the request of Mr. DURBIN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 543, a bill to require a pilot program on training, certification, and support for family caregivers of seriously disabled veterans and members of the Armed Forces to provide caregiver services to such veterans and members, and for other purposes.

S. 607

At the request of Mr. UDALL of Colorado, the names of the Senator from Utah (Mr. BENNETT), the Senator from Washington (Ms. CANTWELL) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 607, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that are subject to ski area permits, and for other purposes.

S. 653

At the request of Mr. CARDIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor

of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 1002

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1002, a bill to provide for the acquisition, construction, renovation, and improvement of child care facilities, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from Washington (Mrs. MURRAY), the Senator from Massachusetts (Mr. KERRY), the Senator from Alaska (Mr. BEGICH) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1147

At the request of Mr. KOHL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1147, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from California (Mrs. BOXER) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1400

At the request of Ms. STABENOW, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1400, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 1410

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of S. 1410, a bill to establish expanded learning time initiatives, and for other purposes.

S. 1411

At the request of Mrs. GILLIBRAND, her name was added as a cosponsor of

S. 1411, a bill to amend title V of the Elementary and Secondary Education Act of 1965 to encourage and support parent, family, and community involvement in schools, to provide needed integrated services and comprehensive supports to children, and to ensure that schools are centers of communities, for the ultimate goal of assisting students to stay in school, become successful learners, and improve academic achievement.

S. 1422

At the request of Mrs. MURRAY, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1423

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1423, a bill to amend title XIX of the Social Security Act to require coverage under the Medicaid Program for freestanding birth center services.

S. 1425

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 1442

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1442, a bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce, and the Interior to provide service-learning opportunities on public lands, establish a grant program for Indian Youth Service Corps, help restore the Nation's natural, cultural, historic, archaeological, recreational, and scenic resources, train a new generation of public land managers and enthusiasts, and promote the value of public service.

S. 1518

At the request of Mr. BURR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1518, a bill to amend title 38, United States Code, to furnish hospital care, medical services, and nursing home care to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune.

S. 1535

At the request of Mrs. FEINSTEIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1535, a bill to amend the Fish and Wildlife Act of 1956 to establish additional prohibitions on shooting wildlife from aircraft, and for other purposes.

S. 1536

At the request of Mr. SCHUMER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1536, a bill to amend title 23, United States Code, to reduce the amount of Federal highway funding available to States that do not enact a law prohibiting an individual from writing, sending, or reading text messages while operating a motor vehicle.

S. 1576

At the request of Mrs. SHAHEEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1576, a bill to require the Secretary of Agriculture to establish a carbon incentives program to achieve supplemental greenhouse gas emission reductions on private forest land of the United States, and for other purposes.

S. 1606

At the request of Mr. WHITEHOUSE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1606, a bill to require foreign manufacturers of products imported into the United States to establish registered agents in the United States who are authorized to accept service of process against such manufacturers, and for other purposes.

S. 1610

At the request of Ms. CANTWELL, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to repeal the shipping investment withdrawal rules in section 955 and to provide an incentive to reinvest foreign shipping earnings in the United States.

S. 1612

At the request of Mrs. LINCOLN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1612, a bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes.

S. 1619

At the request of Mr. DODD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1619, a bill to establish the Office of Sustainable Housing and Communities, to establish the Interagency Council on Sustainable Communities, to establish a comprehensive planning grant program, to establish a sustainability challenge grant program, and for other purposes.

S. 1628

At the request of Mr. UDALL of Colorado, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1628, a bill to amend title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities.

S. 1685

At the request of Mr. SANDERS, the name of the Senator from New York

(Mrs. GILLIBRAND) was added as a cosponsor of S. 1685, a bill to provide an emergency benefit of \$250 to seniors, veterans, and persons with disabilities in 2010 to compensate for the lack of a cost-of-living adjustment for such year, and for other purposes.

S. 1780

At the request of Mrs. LINCOLN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1780, a bill to amend title 38, United States Code, to deem certain service in the reserve components as active service for purposes of laws administered by the Secretary of Veterans Affairs.

S. 1789

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1789, a bill to restore fairness to Federal cocaine sentencing.

S. 1821

At the request of Mr. KOHL, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1821, a bill to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes.

S. 1825

At the request of Mr. LIEBERMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1825, a bill to extend the authority for relocation expenses test programs for Federal employees, and for other purposes.

S. 1832

At the request of Ms. LANDRIEU, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1832, a bill to increase loan limits for small business concerns, provide for low interest refinancing for small business concerns, and for other purposes.

S. 1834

At the request of Mr. AKAKA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1834, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. RES. 312

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 312, a resolution expressing the sense of the Senate on empowering and strengthening the United States Agency for International Development (USAID).

S. RES. 316

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

S. RES. 317

At the request of Ms. KLOBUCHAR, the names of the Senator from California (Mrs. BOXER) and the Senator from North Carolina (Mrs. HAGAN) were added as cosponsors of S. Res. 317, a resolution supporting the goals and ideals of National Domestic Violence Awareness Month and expressing the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA:

S. 1931. A bill to enhance the ability of Congress to oversee matters pertaining to nuclear nonproliferation identified in the findings and recommendations of the December 2008 Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, and for other purposes; to the Committee on Foreign Relations.

Mr. AKAKA. Mr. President, I rise today to introduce the Strengthening the Oversight of Nuclear Nonproliferation Act of 2009. This legislation will enhance the ability of Congress to oversee nuclear nonproliferation shortcomings that were identified in the Commission on the Prevention of Weapons of Mass Destruction, WMD, Proliferation and Terrorism's Commission December 2008 report.

Just last month, President Obama chaired a session of the United Nations Security Council, where the Security Council unanimously cosponsored and adopted Resolution 1887, which seeks to "create the conditions for a world without nuclear weapons . . . in a way that promotes international stability." Among other actions, the Security Council called on Nations to minimize the use of highly enriched uranium, strengthen export controls on sensitive nuclear technologies, improve nuclear security practices and standards, strengthen efforts to counter the threat of nuclear terrorism, and support the International Atomic Energy Agency's, IAEA, ability to verify the uses of nuclear materials and facilities.

The proliferation of WMD is among the greatest threats facing national

and international security. We need to commit ourselves to strengthening our nuclear nonproliferation efforts and to take the actions supported by the United Nations Security Council and the Commission.

The bill I am introducing today would require an annual report by the President's Coordinator for WMD Proliferation and Terrorism to address the Commission's findings regarding United States nuclear nonproliferation efforts. The report will provide an assessment of IAEA capabilities to detect possible military diversions of nuclear materials; will address actions taken to upgrade the physical security of civilian nuclear facilities in the United States; will identify the measures taken to minimize the use of weapons usable highly enriched uranium; will document the steps taken to implement the Energy Development Program under the Nuclear Non-Proliferation Act of 1978; will compare the security standards at civilian nuclear facilities to those at military facilities; and will detail what the U.S. is spending to promote civilian nuclear energy abroad.

The challenges of nuclear proliferation are global in nature and require sustained international collaboration. This bill would further our international efforts by requiring an additional report on the progress of United States Government cooperative efforts with the Director General of IAEA to examine how IAEA could better meet its nuclear safeguard goals; promote the transparency of foreign visitors to safeguarded sites; acquire and implement near-real-time surveillance at sensitive sites; use fees to fund inspections; and require advance notice and analysis of transfers of dual-use nuclear technologies.

I have long been a proponent of improving our nonproliferation efforts. Last month, I introduced the Energy Development Program Implementation Act, S. 1675, to support non-nuclear, alternative energy development in developing countries. In addition to this, I called for the Government Accountability Office to examine proliferation risks in IAEA's Technical Cooperation Program and chaired numerous hearings on improving our Nation's nonproliferation capabilities. We should remember that nuclear technology that can be used for peaceful uses may in some cases be used to support dangerous, clandestine programs.

I believe that promoting greater international cooperation toward nonproliferation is crucial. This bill would make the U.S. an even stronger partner in these efforts and enhance the ability of Congress to help tackle the dangers of nuclear proliferation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening the Oversight of Nuclear Nonproliferation Act of 2009".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Energy and Natural Resources of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Energy and Commerce of the House of Representatives.

(2) COMMISSION.—The term "Commission" means the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established by section 1851 of the Implementing Recommendation of the 9/11 Commission Act of 2007 (Public Law 110-53; 121 Stat. 501).

(3) COORDINATOR.—The term "Coordinator" means the President's Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established by section 1841(b)(1) of the Implementing Recommendation of the 9/11 Commission Act of 2007 (50 U.S.C. 2931(b)(1)).

(4) DEPUTY COORDINATOR.—The term "Deputy Coordinator" means the Deputy United States Coordinator for the Prevention of Weapons of Mass Destruction Proliferation and Terrorism established under section 1841(b)(2) of the Implementing Recommendation of the 9/11 Commission Act of 2007 (50 U.S.C. 2931(b)(2)).

(5) HIGHLY ENRICHED URANIUM.—The term "highly enriched uranium" means uranium that contains at least 20 percent of the uranium isotope 235.

(6) IAEA.—The term "IAEA" means the International Atomic Energy Agency.

(7) SPECIAL NUCLEAR MATERIAL.—The term "special nuclear material" has the meaning given the term in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

SEC. 3. REPORT ON UNITED STATES NUCLEAR NONPROLIFERATION EFFORTS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Coordinator shall submit to the appropriate congressional committees an unclassified report, with classified annexes as necessary, on the findings and recommendations of the Commission described in subsection (b).

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A description of the financial incentives the United States Government used during the previous year to promote civilian nuclear energy abroad, including the types, amounts, and recipients of such financial incentives.

(2) A description of the actions the United States Government has taken for improving the secure civilian storage of, and minimizing the use and export of, weapons usable highly enriched uranium during the pre-

vious year, and the amount the United States Government spends annually to fuel United States civilian reactors that use highly enriched uranium.

(3) A description of the actions that have been taken by the United States Government to implement title V of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3261 et seq.) during the previous year and any obstacles pertaining to its implementation with recommended actions.

(4)(A) A description of the steps the United States Government has taken during the previous year to upgrade the physical security of civilian nuclear facilities in the United States that store or handle special nuclear material.

(B) A comparison of the current physical security standards used at civilian nuclear facilities in the United States that store or handle special nuclear material to those standards used by the United States Armed Forces to secure such materials.

(5) A United States Government assessment of the capabilities of the IAEA, completed in consultation with all relevant United States Government agencies, including the Office of the Director of National Intelligence, including—

(A) the ability of IAEA to meet its own timely detection inspection goals;

(B) the ability of IAEA to afford timely detection of possible military diversions and whether or not the IAEA has met its own timely detection inspection goals; and

(C) recommendations for whether and how the IAEA should update its definitions of how much special nuclear material is needed to create a nuclear bomb and how long it takes to convert such special nuclear material into nuclear bombs.

(c) ABSENCE OF THE COORDINATOR AND THE DEPUTY COORDINATOR.—The President shall submit the report required under this section if neither the Coordinator nor the Deputy Coordinator have been appointed pursuant to section 1841(b)(3) of the Implementing Recommendation of the 9/11 Commission Act of 2007 (50 U.S.C. 2931(b)(3)).

SEC. 4. REPORT ON UNITED STATES WORK WITH IAEA ON NUCLEAR NONPROLIFERATION.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Coordinator shall submit to the appropriate congressional committees an unclassified report, with classified annexes as necessary, on the findings and recommendations of the Commission under subsection (b).

(b) CONTENT.—The report required under subsection (a) shall include details about the progress of the work of the United States Government with the IAEA Director General to—

(1) establish a safeguards user fee, whereby countries with inspected facilities would be assessed a fee to help cover the costs of IAEA inspections;

(2) assess whether the IAEA can meet its own inspection goals, whether those goals afford timely detection to account for a bomb's worth of special nuclear material, whether there are situations in which achieving those goals is not possible, and what corrective actions, if any, might help the IAEA to achieve its inspection goals;

(3) promote transparency at suspect sites and to encourage IAEA member states to maintain a registry, made available to other IAEA members upon request, of all foreign visitors at safeguarded sites;

(4) provide for the acquisition and implementation of near-real-time surveillance equipment in the use of safeguards, including

at sites where nuclear fuel rods are located; and

(5) require that the transfer of all items on the Nuclear Suppliers Group dual-use and trigger lists be reported to the IAEA in advance and develop a system to process and analyze the information.

(C) ABSENCE OF THE COORDINATOR AND THE DEPUTY COORDINATOR.—The President shall submit the report required under this section if neither the Coordinator nor the Deputy Coordinator have been appointed pursuant to section 1841(b)(3) of the Implementing Recommendation of the 9/11 Commission Act of 2007 (50 U.S.C. 2931(b)(3)).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the reporting requirements under sections 3 and 4 for fiscal year 2010 and each subsequent year thereafter.

By Mr. MCCAIN (for himself and Mr. BENNET):

S. 1932. A bill to amend the Elementary and Secondary Education Act of 1965 to allow members of the Armed Forces who served on active duty on or after September 11, 2001, to be eligible to participate in the Troops-to-Teachers Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. MCCAIN. Mr. President, today I am pleased to be joined by Senator MICHAEL BENNET in introducing the Post-9/11 Troops to Teachers Enhancement Act. This legislation would allow more veterans and school districts to participate in the Troops to Teachers program. In addition to expanding the program, the proposed bill would create an advisory board that would be charged with improving awareness and participation of the program, ensuring that the program meets the needs of our schools and veterans. I hope that my colleagues in the Senate will also support this important piece of legislation.

In 1994, Congress authorized the Department of Defense, DOD, to oversee a new national program, Troops to Teachers, which was designed as a Transition assistance program for retiring or separating members of the military to obtain their teaching credentials and place these teachers in schools throughout the country. The program was reauthorized by Congress in 1999. That reauthorization transferred responsibility for oversight and funding from the DOD to the Department of Education and authorized \$10,000 bonuses to participants who agreed to teach in “high-need” schools. Troops to Teachers was later incorporated and reauthorized under the No Child Left Behind Act of 2001. Since its inception, over 11,000 teachers have been hired by school districts across the Nation, of which many are non-traditional first-time teachers.

Teaching is among the most honorable professions in our society. I believe we should encourage military veterans to enter the teaching profession

and that this bipartisan bill would further enhance the Troops-to-Teachers program. Simply put, the proposed legislation would reduce the years of military service requirements from 6 to 4, extend the eligibility to all schools that receive Title I funds, and create an advisory board that would coordinate and make recommendations to Congress in regards to the program.

Current eligibility guidelines for the Troops to Teachers require that members of the military have 6 years of service and that members of the guard and reserve have 10 years of service with a commitment to serve an additional 3 years. The requirement of 6 years active duty is leaving many single enlistment contract 4 year veterans and/or Guard members out of consideration. Lowering the required years of service would expand eligibility and create a larger pool of potential teachers for this program.

Under the current Troops to Teachers program, participants who agree to teach for 3 years in a “high need” schools are eligible to receive a \$5000 stipend to offset the cost of teacher certification. The proposed legislation would extend the eligibility for the stipend to any eligible teacher who agrees to teach 3 years in a school that is in a district receiving Title I funds. The proposed bill would retain the optional bonus of \$10,000 which is available to individuals who take jobs in low-income schools. This legislation would result in a 49 percent in the number of eligible schools for the program. For my home State of Arizona, over 600 additional schools would become eligible to participate in the program.

A recent GAO Report revealed that although Troops to Teachers is a successful program, it suffers from a lack of coordination and oversight. To remedy this concern, the proposed legislation would create an advisory board that consists of a representative from the Department of Defense, the Department of Education, and representatives from state offices and veteran’s service organizations to make recommendations on ways to improve and expand the program.

Our veterans make excellent candidates to impart the virtues of serving to a cause to the next generation and instill the value of learning as a means to self-improvement and much nobler ends. Their unique experiences bring a more diverse teaching environment to our children and grandchildren.

By Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. WHITEHOUSE, and Mr. UDALL of New Mexico):

S. 1933. A bill to establish an integrated Federal program that protects, restores, and conserves natural resources by responding to the threats and effects of climate change, and for other purposes; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, today I am introducing the Natural Resources Climate Adaptation Act. I am pleased that Senators WHITEHOUSE, BAUCUS, and TOM UDALL have joined me as original cosponsors.

The science is clear that climate change is happening and numerous scientific reports as well as the everyday experience of many Americans—demonstrate that the impacts have already begun to affect ecosystems across the country. This bill recognizes that quick action is needed to insure the long-term viability of ecosystems on which our communities as well as our fish and wildlife depend. It will support and enable Federal and State agencies and other interested parties to address the negative impacts of climate change on our natural resources in the most effective possible ways.

We know that healthy, functioning ecosystems are vital to human health, economic viability, and fish and wildlife populations. I believe that we are at a critical juncture in protecting our valuable natural resources. In solving the climate change problem we must ensure the well-being of our natural world if we are to have a thriving economy and a healthy environment. This is the reason I am introducing this bill.

This is not a problem that is hypothetical. Climate change impacts are irrevocably affecting our natural world and the health of our communities today, and these impacts will increase. We must act now.

We often forget that healthy ecosystems are essential to human as well as wildlife needs. They are necessary to provide us, for example, with a clean and abundant drinking water supply, clean air to breathe, and a well-functioning economy in addition to habitat for a diversity of fish, wildlife, and plant species. Not to mention a place to take our children fishing, and to enjoy the personal inspiration of the natural world.

My home State of New Mexico is a dry State and the challenges associated with climate change are already impacting our land and our water supplies. There are already many competing demands for our limited water resources which will only be heightened by the effects of climate change. Existing threats to our public lands such as wildfires and deforestation may become more prevalent. New Mexico’s Bandelier National Park has recently been identified as one of the “25 National Parks in Peril” due to climate change related impacts and other treasures within our State may also be in jeopardy of degradation if actions are not taken to protect them.

Our landowners, ranchers, water managers, and State officials are working to evaluate and mitigate the current and expected impacts of a warming climate on our State’s natural resources and water supply. For instance,

in 2005 the New Mexico Climate Change Council and Advisory Group prepared a report summarizing the potential impacts of climate change in New Mexico and the State Engineer's office prepared an additional report on the impacts of climate change on the water supply and water management strategies. These reports are being used to guide State officials in addressing these issues. In addition, New Mexico has joined other western States to form the Western Regional Climate Initiative to coordinate efforts at reducing greenhouse gases.

The legislation introduced today seeks to complement existing natural resources-related programs in New Mexico and other States across the country. This legislation supports and facilitates the development and dissemination of scientific research on climate change between Federal agencies, States, Indian tribes and interested stakeholders. This ongoing research will in turn play a significant role in guiding these entities in the management of our natural resources.

This bill also establishes several forums to encourage effective coordination and communication in creating a Federal strategy and subsequent Federal and State adaptation plans that will help natural resources adjust to a changing climate. Finally, the Act provides additional funding for existing Federal and State wildlife conservation programs to be used exclusively for adaptation-related activities.

The Natural Resources Climate Adaptation Act follows on the good work of several of my colleagues in both the House and the Senate. Chairman RAHALL and Subcommittee Chairman GRIJALVA have developed legislation in this area, and their own adaptation bill, H.R. 2192, was incorporated into the broader cap-and-trade legislation that passed the House of Representatives earlier this year.

Senators KERRY and BOXER have adopted provisions similar to this bill in their climate legislation at the request of two leaders on the Environment and Public Works Committee: Senators BAUCUS and WHITEHOUSE. The legislation I am introducing today is complementary to the work that has already been done. My cosponsors and I share the same goal of making sure natural resources adaptation is included in any climate change legislation that comes before the Senate.

Many Americans already recognize the critical need for this legislation. A coalition of over 600 diverse groups has written to Congress describing the current and potential negative impacts of climate change on our natural resources and urging us to include language in any climate bill to address those impacts. By way of example, the groups in this coalition include environmental organizations, local Rod & Gun Clubs, fisheries coalitions, sci-

entific research groups, and religious groups.

If we fail to act to address the impacts of climate change on our American landscape, the negative effects will be felt by all of us. I am committed to working through this legislation and other means to ensure that we do what is necessary to protect our precious natural resources from one of the greatest challenges ever faced.

I would like to thank Senators BAUCUS, WHITEHOUSE, and TOM UDALL for their leadership on this issue and their cosponsorship of this bill. I look forward to working with them and our colleagues to pass legislation to carry out this important purpose.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Natural Resources Climate Adaptation Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to integrate Federal agency activities to respond to ongoing and expected impacts of climate change (including, if applicable, ocean acidification, drought, invasive species, flooding, and wildfire) by protecting, restoring, and conserving the natural resources and associated ecosystem services of the United States; and

(2) to provide financial support and incentives for authorized programs, strategies, and activities to protect, restore, and conserve natural resources and associated ecosystem services in response to threats and effects of climate change.

SEC. 3. DEFINITIONS.

In this Act:

(1) **BOARD.**—The term "Board" means the Natural Resources Adaptation Science Advisory Board established by section 4(e)(1).

(2) **COASTAL STATE.**—The term "coastal State" has the meaning given the term "coastal state" in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(3) **CORRIDORS.**—The term "corridors" means areas that—

(A) provide connectivity, over different time scales, of habitats or potential habitats; and

(B) facilitate terrestrial, marine, estuarine, and freshwater fish, wildlife, or plant movement necessary for migration, gene flow, or dispersal, to respond to the ongoing and expected impacts of climate change.

(4) **ECOSYSTEM SERVICES.**—

(A) **IN GENERAL.**—The term "ecosystem services" means the provision, by a healthy ecosystem, of natural resources to improve human health and livelihood.

(B) **INCLUSIONS.**—The term "ecosystem services" includes—

(i) a clean and abundant water supply;

(ii) carbon storage;

(iii) biodiversity;

(iv) pollination services;

(v) wildlife habitat;

(vi) recreation; and

(vii) a scenic or historic landscape.

(5) **HABITAT.**—The term "habitat" means the physical, chemical, and biological properties that fish, wildlife, or plants use for growth, reproduction, survival, food, water, or cover.

(6) **INDIAN TRIBE.**—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(7) **NATURAL RESOURCES.**—The term "natural resources" means land, wildlife, fish, air, water, estuaries, plants, habitats, and ecosystems.

(8) **NATURAL RESOURCES ADAPTATION.**—The term "natural resources adaptation" means the protection, restoration, and conservation of natural resources so that natural resources become more resilient, adapt to, and withstand the ongoing and expected impacts of climate change.

(9) **PANEL.**—The term "Panel" means the Natural Resources Climate Change Adaptation Panel established under section 5(a).

(10) **PLAN.**—The term "plan" means a natural resources adaptation plan completed under section 7(a)(1).

(11) **PROGRAM.**—The term "program" means the National Fish and Wildlife Habitat and Corridors Information Program established by the Secretary under section 4(d)(1).

(12) **RESILIENCE; RESILIENT.**—The terms "resilience" and "resilient" mean—

(A) the ability to resist or recover from disturbance; and

(B) the ability to preserve diversity, productivity, and sustainability.

(13) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(14) **STATE.**—The term "State" means—

(A) a State of the United States;

(B) the District of Columbia;

(C) American Samoa;

(D) Guam;

(E) the Commonwealth of the Northern Mariana Islands;

(F) the Commonwealth of Puerto Rico; and

(G) the United States Virgin Islands.

(15) **STATE PLAN.**—The term "State plan" means a State natural resources adaptation plan prepared by a State under section 8(a).

(16) **STRATEGY.**—The term "Strategy" means the Natural Resources Climate Change Adaptation Strategy developed under section 6(a).

SEC. 4. NATURAL RESOURCES ADAPTATION SCIENCE AND INFORMATION.

(a) **COORDINATION.**—Not later than 90 days after the date of enactment of this Act, the Secretary and the Secretary of Commerce (acting through the National Oceanic and Atmospheric Administration) (referred to in this section as the "Secretaries"), working with all other relevant Federal agencies, shall establish procedures for coordinating among Federal agencies the development and dissemination of science and information necessary to address the ongoing and expected impacts of climate change on natural resources.

(b) **DEVELOPMENT AND DISSEMINATION OF SCIENCE.**—The Secretaries shall—

(1) conduct and sponsor research, and facilitate the coordination of research among Federal agencies, to develop scientific strategies and mechanisms for natural resources adaptation;

(2) make available to Federal agencies, and other interested governmental or private entities, technical assistance to address the ongoing and expected impacts of climate change on natural resources; and

(3) assist Federal agencies in the development of natural resources adaptation plans required by section 7.

(c) **SURVEY.**—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Secretaries and the Secretary of Agriculture shall issue a climate change impact survey, in coordination with other relevant Federal agencies, that—

(1) identifies natural resources considered likely to be adversely affected by climate change;

(2) includes baseline monitoring and ongoing trend analysis; and

(3) in consultation with States and Indian tribes and with input from stakeholders, identifies and prioritizes necessary monitoring and research that is most relevant to the needs of Federal natural resource managers to address the ongoing and expected impacts of climate change and natural resources adaptation.

(d) **WILDLIFE HABITAT AND CORRIDORS INFORMATION.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary, in cooperation with the States, Indian tribes, and other Federal land managers, shall establish a program to be known as the “National Fish and Wildlife Habitat and Corridors Information Program”.

(2) **PURPOSES.**—The purposes of the program are—

(A) to develop with States and Indian tribes a comprehensive national geographic information system database of maps, models, data, surveys, informational products, and other geospatial information regarding fish and wildlife habitat and corridors that—

(i) is based on consistent protocols;

(ii) takes into account regional differences; and

(iii) uses available geographical information system databases and other tools, including the National Biological Information Infrastructure maintained by the Secretary and nongovernmental organizations; and

(B) to facilitate the use of the database described in subparagraph (A) by Federal, State, local, and tribal decisionmakers to incorporate qualitative information on fish and wildlife habitats and corridors at the earliest practicable stage for use in—

(i) prioritizing and targeting natural resources adaptation strategies and activities, including strategies and activities that enhance the ability of species to respond to shifting habitat; and

(ii) avoiding, minimizing, and mitigating the impacts on fish and wildlife habitat and corridors when locating energy development, water, transmission, transportation, and other land use projects;

(3) **FINANCIAL AND OTHER SUPPORT.**—The Secretary may provide support to the States and Indian tribes, including financial and technical assistance, for activities that support the development and implementation of the program.

(4) **CONSULTATION.**—In consultation with States and Indian tribes, the Secretary shall make recommendations on the manner by which the information collected and managed under the program may be incorporated into relevant Federal and State plans that affect fish and wildlife, including—

(A) land management plans;

(B) State comprehensive wildlife conservation strategies; and

(C) applicable conservation plans of Indian tribes.

(e) **NATURAL RESOURCES ADAPTATION SCIENCE ADVISORY BOARD.**—

(1) **ESTABLISHMENT.**—The Secretaries and the Secretary of Agriculture shall—

(A) not later than 180 days after the date of enactment of this Act, establish and appoint the members of a Natural Resources Adaptation Science Advisory Board; and

(B) on an ongoing basis, coordinate the activities of the Board.

(2) **MEMBERSHIP.**—The Board shall be composed of not fewer than 10 and not more than 20 members—

(A) who have expertise in fish, wildlife, plant, aquatic, coastal and marine biology, ecology, hydrology, climate change effects, or other relevant scientific disciplines;

(B) who represent a balanced membership among Federal, State, tribal, and local representatives, and diverse interests, including institutions of higher education and relevant nongovernmental organizations and conservation organizations; and

(C) at least ½ of whom are recommended by the President of the National Academy of Sciences.

(3) **DUTIES.**—The Board shall—

(A) advise all relevant Federal agencies on the state of the science regarding—

(i) the ongoing and expected impacts of climate change; and

(ii) scientific strategies and mechanisms for natural resources adaptation; and

(B) identify and recommend priorities for ongoing research needs on the issues described in subparagraph (A).

(4) **AVAILABILITY TO THE PUBLIC.**—The advice and recommendations of the Board shall be made available to the public.

(f) **NATIONAL CLIMATE CHANGE AND WILDLIFE SCIENCE CENTER.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish the National Climate Change and Wildlife Center within the United States Geological Survey.

(2) **FUNCTIONS.**—In collaboration with Federal and State natural resources agencies and departments, Indian tribes, institutions of higher education, and other partner organizations, the Center shall—

(A) assess and synthesize current physical and biological knowledge relating to the impacts of climate change on fish, wildlife, plants, and associated habitat;

(B) prioritize scientific gaps in the knowledge in order to forecast the ecological impacts of climate change on fish, wildlife, and plants at the ecosystem, habitat, community, population, and species levels;

(C) develop and improve tools to forecast, adaptively manage, and monitor the impacts of climate change on fish, wildlife, plants, and associated habitats, including predictive models, and risk assessments; and

(D) develop capacities for synthesizing data and for sharing standardized data and methodology.

SEC. 5. NATURAL RESOURCES CLIMATE CHANGE ADAPTATION PANEL.

(a) **ESTABLISHMENT.**—Not later than 90 days after the date of the enactment of this Act, the President shall establish a Natural Resources Climate Change Adaptation Panel.

(b) **DUTIES.**—The Panel shall—

(1) develop the Strategy; and

(2) serve as a forum for interagency consultation on the implementation of the Strategy.

(c) **MEMBERSHIP.**—The Panel shall be composed of—

(1) the Administrator of the National Oceanic and Atmospheric Administration;

(2) the Chief of the Forest Service;

(3) the Director of the National Park Service;

(4) the Director of the United States Fish and Wildlife Service;

(5) the Director of the Bureau of Land Management;

(6) the Director of the United States Geological Survey;

(7) the Commissioner of Reclamation;

(8) the Director of the Bureau of Indian Affairs;

(9) the Director of the Minerals Management Service;

(10) the Administrator of the Environmental Protection Agency;

(11) the Administrator of the Federal Emergency Management Agency;

(12) the Chief of Engineers; and

(13) the heads of other Federal agencies, as determined by the President.

(d) **CHAIRPERSON.**—The Chair of the Council on Environmental Quality shall serve as the Chairperson of the Panel.

SEC. 6. NATURAL RESOURCES CLIMATE CHANGE ADAPTATION STRATEGY.

(a) **IN GENERAL.**—Not later than 1 year after the date of the enactment of this Act, the Panel shall develop a Natural Resources Climate Change Adaptation Strategy.

(b) **DEVELOPMENT.**—In developing and revising the Strategy, the Panel shall—

(1) base the strategy on the best available science;

(2) develop the strategy in close cooperation with States and Indian tribes;

(3) coordinate with other Federal agencies, as appropriate;

(4) consult with local governments, conservation organizations, scientists, private sector interests, and other interested stakeholders; and

(5) provide public notice and opportunity for comment.

(c) **CONTENTS.**—The Strategy shall—

(1) assess the vulnerability of regions and types of natural resources to climate change, including short-term, medium-term, long-term, and cumulative impacts;

(2) describe current research and monitoring activities at the Federal, State, tribal, and local level related to—

(A) the ongoing and expected impacts of climate change on natural resources; and

(B) scientific strategies and mechanisms for natural resources adaptation;

(3) identify and prioritize research and data needs; and

(4) provide direction to Federal agencies, and make guidance available to States, Indian tribes, local governments, and other interested parties for use in responding to the impacts of climate change, including—

(A) actions that Federal agencies should implement through their natural resources adaptation plans and recommendations for actions that States, Indian tribes, local governments, and other interested parties may implement to promote natural resources adaptation; and

(B) a timeline for implementation of the Strategy; and

(5) describe specific mechanisms for ensuring communication and coordination—

(A) among Federal agencies; and

(B) between Federal agencies and State natural resource agencies, Indian tribes, interested private landowners, conservation organizations, and other countries that share jurisdiction over natural resources with the United States.

(d) **REVISION.**—After the Panel adopts the initial Strategy, the Panel shall review and revise the Strategy every 5 years to incorporate—

(1) new information regarding the ongoing and expected impacts of climate change on natural resources; and

(2) new advances in the development of strategies and mechanisms for natural resources adaptation.

SEC. 7. FEDERAL AGENCY NATURAL RESOURCES ADAPTATION PLANS.

(a) DEVELOPMENT.—Not later than 1 year after the date of development of the Strategy, each Federal agency with representation on the Panel shall—

(1) complete a natural resources adaptation plan for that Federal agency;

(2) provide opportunities for public review and comment on the plan;

(3) coordinate with the plan of each other Federal agency with representation on the Panel; and

(4) submit the plan to the President for review and submission to Congress.

(b) REQUIREMENTS.—Each plan shall—

(1) implement the Strategy;

(2) include a timeline for implementation of the plan;

(3) describe and prioritize proposed natural resources adaptation actions for natural resources managed or impacted by activities authorized by the Federal agency;

(4) describe how the Federal agency will modify or establish other plans, programs, activities, or actions in accordance with applicable authority, if necessary, to implement the plan;

(5) provide for the inclusion of climate change and impact data in natural resources management decisions;

(6) establish monitoring protocols—

(A) to assess the effectiveness of the natural resources adaptation actions taken by the Federal agency pursuant to the plan; and

(B) to update those actions to respond to monitoring results, other new information, and changing conditions;

(7) establish a process for providing written guidance to Federal natural resource managers for implementing the natural resources adaptation actions identified in the plan;

(8) identify and assess gaps in data and information useful in developing the plan; and

(9) establish protocols to collect, integrate, and share standardized climate change and impact data with Federal, State, tribal, and nongovernmental organizations, private landowner partners, and the general public.

(c) PRESIDENTIAL REVIEW AND SUBMISSION TO CONGRESS.—

(1) REVIEW.—Not later than 30 days after the date of submission of a plan to the President, the President shall—

(A) review the plan for consistency with the requirements of this Act; and

(B) if consistent, submit the plan to Congress in accordance with this subsection, together with a statement confirming the consistency of the plan with this Act.

(2) INCONSISTENCY.—If the President finds a plan of a Federal agency to be inconsistent with this Act, the President shall direct the agency to submit a revised plan not later than 60 days after the finding.

(3) SUBMISSION TO CONGRESS.—The President shall submit plans determined to be consistent with this Act to—

(A) the Committee on Natural Resources of the House of Representatives;

(B) the Committee on Energy and Natural Resources of the Senate;

(C) the Committee on Environment and Public Works of the Senate; and

(D) any other committees of the House of Representatives or the Senate with principal jurisdiction over the Federal agency.

(d) IMPLEMENTATION.—On submission by the President to Congress, each Federal agency shall, pursuant to and consistent with applicable authority, implement the plan.

(e) REVISION AND REVIEW.—Not less than every 5 years, each Federal agency with representation on the Panel shall review and re-

vise the plan of the Federal agency to incorporate the best available science regarding—

(1) the ongoing and expected impacts of climate change on natural resources; and

(2) the scientific strategies and mechanisms for natural resources adaptation.

SEC. 8. STATE NATURAL RESOURCES ADAPTATION PLANS.

(a) REQUIREMENT.—In order to be eligible for funds under section 9, not later than 1 year after the development of the Strategy, each State shall prepare a State natural resources adaptation plan to address the ongoing and expected impacts of climate change on natural resources within the State.

(b) CONTENTS.—A State plan shall—

(1) include actions for addressing the ongoing and expected impacts of climate change on natural resources that—

(A) describe and prioritize proposed natural resources adaptation actions for natural resources managed or impacted by activities authorized by the State;

(B) include a time frame for implementing the natural resources adaptation actions;

(C) are incorporated into a revision of the State wildlife action plan (also known as the State comprehensive wildlife strategy) that has been—

(i) submitted to the United States Fish and Wildlife Service; and

(ii) approved, or is pending approval, by the United States Fish and Wildlife Service; and

(D) are developed—

(i) with the participation of the relevant State agencies considered appropriate by the Governor of the State; and

(ii) in coordination with other States and Indian tribes that share jurisdiction or cooperative management responsibilities over natural resources with the State; and

(2) identify and assess gaps in data useful in developing the State plan.

(c) REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary and, in the case of parts of the State plan relating to a coastal State, the Secretary of Commerce shall review each State plan, and approve the State plan if the State plan—

(A) meets the requirements of subsection (b); and

(B) is consistent with the other requirements of this Act.

(2) DEADLINE.—The Secretary and, as applicable, the Secretary of Commerce shall approve or disapprove the State plan by written notice not later than 180 days after the date of submission of the State plan (or a revised State plan).

(3) RESUBMISSION.—Not later than 90 days after the date of resubmission of a State plan that has been disapproved under this subsection, the Secretary and, as applicable, the Secretary of Commerce, shall approve or disapprove the resubmitted State plan by written notice.

(d) PUBLIC INPUT.—In developing the State plan, a State shall solicit and consider the input of local governments, the public, and independent scientific input.

(e) COORDINATION WITH OTHER PLANS.—The State plan shall, if appropriate, integrate the goals and measures set forth in other natural resources conservation strategies established pursuant to applicable law (including regulations), including—

(1) the National Fish Habitat Action Plan;

(2) plans under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(3) the Federal, State, and local partnership known as “Partners in Flight”;

(4) federally approved coastal zone management plans under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.);

(5) federally approved regional fishery management plants and habitat conservation activities under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(6) the National Coral Reef Action Plan;

(7) recovery plans for threatened species and endangered species under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(8) habitat conservation plans under section 10 of that Act (16 U.S.C. 1539);

(9) the plans for imperiled species of other Federal agencies, States, and Indian tribes;

(10) plans under subtitle F of title IX of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10361 et seq.) and other applicable law;

(11) the hazard mitigation plans of States and Indian tribes;

(12) the water management plans of States and Indian tribes;

(13) State property insurance programs; and

(14) other State-based strategies that implement natural resources adaptation activities to remediate the ongoing and expected effects of climate change.

(f) UPDATING.—Each State plan shall be updated at least every 5 years.

(g) FUNDING.—

(1) IN GENERAL.—Funds allocated to States under section 9 shall be used only for activities consistent with a State plan approved by the Secretary and, as appropriate, the Secretary of Commerce.

(2) FUNDING PRIOR TO THE APPROVAL OF A STATE PLAN.—Until the earlier of the date that is 3 years after the date of the enactment of this Act or the date on which a State plan is approved, a State shall be eligible to receive funding under section 9 for natural resources adaptation activities that are—

(A) consistent with the comprehensive wildlife strategy of the State and, where appropriate, other natural resources conservation strategies; and

(B) in accordance with a work plan made available to relevant Federal agencies.

(3) PENDING APPROVAL.—During the period for which approval of a State plan by the applicable Secretary is pending, the State may continue to receive funds under this Act pursuant to the work plan described in paragraph (2)(B).

SEC. 9. NATURAL RESOURCES CLIMATE CHANGE ADAPTATION FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury a separate account, to be known as the “Natural Resources Climate Change Adaptation Fund” (referred to in this section as the “Fund”).

(b) AVAILABILITY OF AMOUNTS.—

(1) IN GENERAL.—All amounts deposited into the Fund shall be available without further appropriation or fiscal year limitation.

(2) PAYMENTS.—Subject to the requirements of programs authorized as of the date of enactment of this Act, the Secretary and the Secretary of Agriculture may distribute payments from the Fund in accordance with subsection (c).

(c) DISTRIBUTION OF AMOUNTS.—

(1) STATES.—Of the amounts made available for each fiscal year to carry out this Act, 38.5 percent shall be provided to the Secretary for distribution to States to carry out natural resources adaptation activities in accordance with natural resources adaptation plans approved under section 8, and shall be distributed as follows:

(A) 32.5 percent shall be available to State wildlife agencies in accordance with the apportionment formula established under the second subsection (c) (relating to the apportionment of the Wildlife Conservation and Restoration Account) of section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c); and

(B) 6 percent shall be available to State coastal agencies pursuant to the formula established by the Secretary of Commerce under section 306(c) of the Coastal Management Act of 1972 (16 U.S.C. 1455(c)).

(2) NATURAL RESOURCES ADAPTATION.—Of the amounts made available for each fiscal year to carry out this Act—

(A) 17 percent shall be allocated to the Secretary for use in funding—

(i) natural resources adaptation activities carried out—

(I) under endangered species, migratory species, and other fish and wildlife programs administered by the National Park Service, the United States Fish and Wildlife Service, the Bureau of Indian Affairs, and the Bureau of Land Management;

(II) on wildlife refuges, National Park Service land, and other public land under the jurisdiction of the United States Fish and Wildlife Service, the Bureau of Land Management, the Bureau of Indian Affairs, or the National Park Service;

(III) by the Bureau of Reclamation;

(IV) by the United States Geological Survey; and

(V) in Indian Country or on Native village or Regional Corporation land in Alaska; and

(ii) the implementation of the program;

(B) 5 percent shall be allocated to the Secretary for natural resources adaptation activities carried out through cooperative grant programs, such as—

(i) the cooperative endangered species conservation fund authorized under section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535);

(ii) programs under the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(iii) the Neotropical Migratory Bird Conservation Fund established by section 9(a) of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6108(a));

(iv) the Coastal Program of the United States Fish and Wildlife Service;

(v) the National Fish Habitat Action Plan dated April 24, 2006 (including any revisions or amendments made to the National Fish Habitat Action Plan after April 24, 2006);

(vi) the Partners for Fish and Wildlife Program, as carried out by the Secretary under section 4 of the Partners for Fish and Wildlife Act (16 U.S.C. 3773);

(vii) the Landowner Incentive Program, as established by the Secretary in the matter under the heading “LANDOWNER INCENTIVE PROGRAM” under the heading “UNITED STATES FISH AND WILDLIFE SERVICE” of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006 (Public Law 109-54; 119 Stat. 504);

(viii) the Wildlife Without Borders Program of the United States Fish and Wildlife Service;

(ix) the Migratory Species Program and Park Flight Migratory Bird Program of the National Park Service;

(x) the Water for America or other programs carried out by the Bureau of Reclamation; and

(xi) programs under—

(I) subtitle A of title VI of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1015 et seq.);

(II) subtitle F of title IX of the Omnibus Public Land Management Act of 2009 (42 U.S.C. 10361 et seq.); and

(III) other applicable law;

(C) 3 percent shall be allocated to the Secretary to provide financial assistance to Indian tribes to carry out natural resources adaptation activities through the Tribal Wildlife Grants Program of the United States Fish and Wildlife Service or other programs; and

(D) 12 percent shall be allocated for acquisition of land or interests in land to carry out natural resources adaptation activities as follows:

(i) $\frac{1}{2}$ shall be allocated to the Secretary of Agriculture to provide financial assistance to States and Indian tribes to carry out natural resources adaptation activities through the acquisition of land and interests in land under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(ii)(I) The remainder $\frac{1}{2}$ shall be deposited in the Land and Water Conservation Fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-5) to be further allocated as follows:

(aa) $\frac{1}{2}$ of the funds provided by this subparagraph shall be allocated to the Secretary to carry out natural resources adaptation activities through the acquisition of land and interests in land under section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-8), to be made available on a competitive basis to States, in accordance with the natural resources adaptation plans of States, and to Indian tribes, and in accordance with subclause (IV).

(bb) $\frac{1}{2}$ of the funds provided by this subparagraph shall be allocated to the Secretary to carry out natural resources adaptation activities through the acquisition of lands and interests in land under section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9).

(cc) $\frac{1}{2}$ of the funds provided by this subparagraph shall be allocated to the Secretary of Agriculture to carry out natural resources adaptation activities through the acquisition of land and interests in land under section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9).

(II) Deposits in the Land and Water Conservation Fund under this clause shall—

(aa) be supplemental to funds provided under section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6), which shall remain available for nonadaptation needs; and

(bb) be available to carry out this Act without further appropriation or fiscal year limitation.

(III) Amounts under subclause (I)(aa) shall be made available—

(aa) notwithstanding section 5 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-7); and

(bb) in addition to any funds provided pursuant to appropriations, the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), or any other authorization.

(iii) In allocating funds under this subparagraph, the Secretary and the Secretary of Agriculture shall take into consideration factors including—

(I) the availability of non-Federal contributions from State, local, or private sources;

(II) opportunities to protect fish and wildlife corridors or otherwise to link or consolidate fragmented habitats;

(III) opportunities to reduce the risk of severe wildfires, drought, extreme flooding, or

other climate-related events that are harmful to fish and wildlife and people; and

(IV) the potential for conservation of species or habitat types at serious risk due to climate change.

(3) NATIONAL FOREST AND GRASSLAND ADAPTATION.—Of the amounts made available for each fiscal year to carry out this Act, 5 percent shall be allocated to the Forest Service, through the Secretary of Agriculture—

(A) to fund natural resources adaptation activities (including water-related adaptation activities) carried out in national forests and national grasslands under the jurisdiction of the Forest Service; and

(B) to carry out natural resources adaptation activities on State, tribal, and private forest land carried out under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) and other authorized cooperative grant programs.

(4) COASTAL, ESTUARINE, AND MARINE SYSTEM ADAPTATION.—Of the amounts made available for each fiscal year to carry out this Act, 7 percent shall be allocated to the Secretary of Commerce, working in cooperation with other Federal agencies, States, Indian tribes, local governments, scientists, and other conservation partners, to fund coastal, estuarine, and marine natural resources adaptation activities, through programs such as—

(A) the coastal and estuarine land conservation program administered by the National Oceanic and Atmospheric Administration;

(B) the community-based restoration program for fishery and coastal habitats established under section 117 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (16 U.S.C. 1891a);

(C) the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) that are specifically designed to strengthen the ability of coastal, estuarine, and marine resources, habitats, and ecosystems to adapt to and withstand the ongoing and expected impacts of climate change;

(D) the Open Rivers Initiative;

(E) the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(F) the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.);

(G) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(H) the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1401 et seq.);

(I) the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.); and

(J) the Estuary Restoration Act of 2000 (33 U.S.C. 2901 et seq.).

(5) ESTUARINE AND FRESHWATER ECOSYSTEM ADAPTATION.—Of the amounts made available for each fiscal year to carry out this Act, 7.5 percent shall be allocated to the Administrator of the Environmental Protection Agency and 5 percent shall be available to the Secretary of the Army for use by the Corps of Engineers, working in cooperation with other applicable Federal agencies, for natural resources adaptation activities for—

(A) large-scale freshwater aquatic ecosystems, such as the Everglades, the Great Lakes, Flathead Lake, the Missouri River, the Mississippi River, the Colorado River, the Sacramento-San Joaquin Rivers, the Ohio River, the Columbia-Snake River System, the Apalachicola, Chattahoochee, and Flint River System, the Connecticut River, Middle Rio Grande River, and the Yellowstone River;

(B) large-scale estuarine ecosystems, such as Chesapeake Bay, Long Island Sound, Puget Sound, the Mississippi River Delta, the San Francisco Bay Delta, Narragansett Bay, and Albemarle-Pamlico Sound;

(C) freshwater and estuarine ecosystems, watersheds, and basins identified and prioritized by the Administrator of the Environmental Protection Agency or the Corps of Engineers, working in cooperation with other Federal agencies, States, tribal governments, local governments, scientists, and other conservation partners;

(D) estuary habitat restoration projects authorized by the Estuary Restoration Act of 2000 (33 U.S.C. 2901 et seq.);

(E) aquatic restoration and protection projects authorized by section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330); and

(F) other appropriate programs and activities.

(d) **USE OF FUNDS BY FEDERAL AGENCIES.**—Funds allocated to Federal agencies under this section shall only be used for natural resources adaptation activities consistent with a natural resources adaptation plan approved under section 7.

(e) **STATE COST SHARING.**—Notwithstanding any other provision of law, a State that receives a grant under this section shall use funds from non-Federal sources to pay not less than 10 percent of the costs of each activity carried out under the grant.

SEC. 10. ADDITIONAL PROVISIONS REGARDING INDIAN TRIBES.

(a) **FEDERAL TRUST RESPONSIBILITY.**—Nothing in this Act alters the Federal trust responsibility to any Indian tribe, or any treaty or other right of any Indian tribe.

(b) **APPLICATION OF OTHER LAW.**—The Secretary may apply the provisions of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) in the implementation of this Act.

By Mr. BAUCUS (for himself, Mr. KERRY, and Mrs. SHAHEEN):

S. 1934. A bill to amend the Internal Revenue Code of 1986 to prevent the avoidance of tax on income from assets held abroad, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, I am pleased to introduce the Foreign Account Tax Compliance Act of 2009.

The bill gives the IRS powerful tools to find US taxpayers who are hiding their money in offshore accounts. It includes strong incentives for individuals to properly report income from assets held in offshore accounts. The days of sending your money offshore to avoid paying US taxes are over.

This package is the result of a collaborative effort with the House and has the support of the White House and the Treasury Department. It is fully consistent with the policies in the preliminary draft of offshore compliance proposals that I released in March of this year to detect, deter, and discourage offshore tax evasion.

The bill is a practical solution to a very challenging problem. For the first time, the tax law would authorize the IRS to receive information reports from foreign financial institutions disclosing the identities of their US account holders and the amounts being held in the accounts.

Individuals with offshore accounts would be required to provide details of those accounts on their tax returns.

Trust rules would be significantly strengthened to prevent the true beneficiaries from hiding behind a nominee owner.

It will not be so easy to hide your money from Uncle Sam anymore.

Following the recommendation of the Government Accountability Office, the IRS would have more time, up to 6 years, to find and examine unreported and misreported offshore transactions.

Robust penalties would be in place for those who still try to skirt the rules.

This bill would improve tax compliance without raising taxes on anyone. These are taxes that already are legally owed.

Those who game the tax system by hiding their money in offshore accounts, like those in the recent UBS scandal, unfairly shift the tax burden to honest taxpayers who comply with their tax obligations. The IRS estimates that up to 52,000 individuals hid billions of dollars in offshore accounts through UBS.

Offshore tax evasion is a significant part of the tax gap and it has gone on long enough.

I believe this bill will be a turning point in putting an end to offshore tax evasion.

I look forward to working with my Colleagues here in the Senate and in the House to enact this important piece of legislation this year.

By Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. SCHUMER, Mr. THUNE, and Ms. KLOBUCHAR):

S. 1938. A bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving; to the Committee on Environment and Public Works.

Mr. ROCKEFELLER. Mr. President, today I am introducing comprehensive, bipartisan legislation to reduce deaths and injuries caused by drivers texting and holding cell phones. I am delighted to have four original cosponsors join me today: Senator HUTCHISON, the ranking member of the Senate Commerce, Science and Transportation Committee; Senator LAUTENBERG, the chairman of the Senate Commerce Committee's Surface Transportation and Merchant Marine Infrastructure, Safety and Security Subcommittee; Senator SCHUMER, and Mr. THUNE, the ranking member of the Surface Transportation and Merchant Marine Subcommittee.

According to the Department of Transportation, distracted drivers last year killed 5,800 people. Distraction was a factor in 16 percent of all traffic fatalities. In addition, distracted drivers injured 515,000 people, which accounted for 22 percent of all people injured in traffic accidents.

Distracted driving covers a range of activities: Eating, reaching for an object, texting, or using a cell phone. An analysis of 5,471 passenger vehicle crashes investigated by the National Highway Traffic Safety Administration, NHTSA, found that 18 percent of drivers just prior to the crash were engaged in at least one non-driving activity, which included cell phone use.

We all know that the explosion of cell phone use and texting in the past three years has brought distracted driving to a new level of danger. Now we have the new data, provided by the same researchers who record seat belt use levels for NHTSA: at any given daylight hour, 11 percent of vehicles are driven by a person holding a handheld electronic device. That translates into 812,000 drivers not paying full attention to driving at any given moment of the day, which makes our roads more dangerous for everyone.

The statistics regarding deaths and injuries caused by distracted drivers provide the foundation for us to act. But the tragic, individual stories of deaths and injuries to innocent people compel us to act.

In October 2008, 29-year-old Tiffany DeGroft was exchanging text messages with her boyfriend while driving her Jaguar on Braddock Road in Centreville, Virginia. The text messages indicate that her boyfriend was upset. His last text message read: "Why aren't you answering me now?" Tiffany DeGroft did not answer because her car had missed a curve in the road. She was killed on impact. A Fairfax County detective said, "We found the phone on the floor in the open position. I suspect she was actually reading the text."

While that story is tragic, it becomes even more so when the person texting doesn't kill himself or herself, but innocent persons instead.

In September 2008, 13-year-old Margay Schee in Marion County, FL, was riding home from school in a school bus. A truck driver, who by his own admission was distracted by a cell phone conversation, slammed into the back of the bus, which had its flashers on while stopped. The bus caught fire, killing Margay in a vehicle that is designed to protect children.

In September 2006, college student Reggie Shaw sent 11 text messages over 30 minutes to his girlfriend as he drove his truck along a two-lane highway in rural Utah. Shaw sent the last text message one minute before he called police about the accident. Investigators concluded that Shaw sent that last text message just as he crossed the yellow line of the rural highway, striking an oncoming car. James Furaro and Keith O'Dell, both rocket scientists, were killed instantly.

Unlike some highway safety issues that are complicated to address, this one is not. Writing and reading text messages while driving a 2,000-pound

vehicle is dangerous—not only for the driver, but also for the driver's passengers and everyone else using the roads. Crashes involving commercial vehicles—such as trucks and buses—can result in even more catastrophic accidents than passenger cars. An 80,000-pound truck will crush a small car like a soda can.

Texting takes a driver's eyes off the road for at least four seconds at a time—long enough at high speeds to travel the length of a football field. Under those circumstances, there is no time to react to a stopped car, a stop sign, or another road hazard. In fact, a recent study by the Virginia Tech Transportation Institute on behalf of the Federal Motor Carrier Safety Administration, FMCSA, found that motor vehicle operators who are texting are 23 times more likely to cause a crash, or near-crash, than a non-distracted driver. Deaths and injuries to innocent people are the inevitable and tragically avoidable result.

In 2006, the National Transportation Safety Board, after investigating several accidents, made a recommendation to the FMCSA to ban cell phone use by commercial driver's license holders who have endorsements to carry passengers or drive school buses. I commend the Transportation Secretary's recent actions to begin addressing these recommendations. But I am concerned that the Department of Transportation should be doing more to eliminate these unsafe driver distractions.

Several States have taken action to ban texting while driving, and to limit cell phone use to hands-free devices. But not enough states have done so. Since Constitutional considerations prohibit the federal government from directing states to enact traffic laws, we at the federal level can only give states funding incentives to act with regard to passenger vehicle drivers. That is why I am today introducing the Distracted Driving Prevention Act of 2009.

First, this legislation would create a grant program to send money to states that enact laws to prohibit texting and hand-held cell phone use while driving. While we wish the states would enact these common-sense safety measures on their own, the history of highway safety tells us that many states will fail to act unless we give them an incentive to do so.

To qualify for a federal grant, a state must enact an absolute ban on texting while driving. No exceptions. There should be no exception for a driver taking his or her eyes off the road. For states to receive the grant, the prohibition on texting must have significant penalties, including increased fines and other penalties for a driver who causes an accident while texting.

The second requirement for a State to receive a grant is to enact a law

that bans holding a cell phone while driving. When people drive, both hands should be on the wheel. The grant program does not ask states to completely ban cell phone use by drivers; our legislation would allow the use of a hands-free device during a phone call. We also allow states to make exceptions for holding a cell phone to call for emergency services.

States qualifying for the grant must completely ban cell phone use by drivers under the age of 18. A driver under 18 years old may not even use a hands-free device. For these inexperienced drivers, the additional distraction of using a cell phone can be deadly. Many parents already encourage their teenage drivers to not use a cell phone while driving. But having the police enforce this law will be even more effective.

With more States enacting a ban on texting and hand-held cell phone use, we need to get the message out so that drivers obey the law. Our legislation would create a new national education campaign based upon the tremendous success of the recent drunk driving and seat belt advertising campaigns. These advertising campaigns are not only an opportunity to remind people of the law, but also a means by which to educate drivers about the dangers of texting and cell phone use. This education can change driver behavior even when law enforcement might not be present.

In addition to nationwide advertising, we also will direct NHTSA to target some local markets with advertising in states and cities that have already passed texting and cell phone use laws.

Unlike passenger vehicle drivers, a truck driver's vehicle is also his or her office space. Devices to receive directions, follow-up on orders, or maintain contact with dispatchers are necessary to perform a truck driver's duties. These devices, too, can become distractions, as they require eyes and attention to be removed from the roadway. Therefore, this legislation would require the Secretary of Transportation to issue regulations within one year specifically on the use of electronic and wireless devices by commercial motor vehicle drivers and those who operate certain school buses. The Secretary would be authorized to ban the use of certain devices if the Secretary determines that they interfere with the safe operation of a commercial motor vehicle. The bill also would allow the Secretary to permit exceptions for emergency uses. We need to make sure that commercial motor vehicle drivers are operating their trucks and buses in the safest manner possible.

Furthermore, this legislation will require that states, as part of their federal grant for data collection, begin collecting distracted driving data about each vehicle crash, starting with

the police reports of the crash. By requiring law enforcement officers to inquire about the possible role that texting or cell phone use might have played in a crash, and requiring states to collect that data, we can better understand the scope and causes of the distracted driving problem.

To bolster the new data collection at the state level, this legislation would require the Transportation Secretary to establish a dedicated program at the Transportation Department to study all forms of distracted driving across all modes of transportation. Better research is essential to finding the best strategies for reducing deaths and injuries caused by distracted driving.

This legislation also charges the Federal Communications Commission with studying potential initiatives to raise awareness and reduce the problems caused by distracted driving. By bringing aboard the agency with oversight of wireless carriers, we add another stakeholder that can help us develop creative solutions to address this problem.

One last note about this legislation: it is paid for. The grant program that encourages states to enact a primary seat belt law has run a surplus in recent years as the number of states enacting a new primary seat belt law has slowed. Any state that enacts a new primary seat belt law in 2010 and 2011 would still receive their safety belt grant. But the remainder of the funding for that program will be redirected for the nationwide distracted driving advertising campaigns, and sent as grants to states that prohibit texting and hand-held cell phone use.

Creating incentives for states to take action against distracted driving, launching a nationwide campaign to educate drivers about the dangers of texting and cell phone use, and collecting better data about driver behavior will result in fewer deaths and injuries on our nation's roads.

I ask my colleagues to support this comprehensive bill that will save lives and prevent injuries by reducing distracted driving.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 323—HONORING EDWARD W. BROOKE, III, FORMER UNITED STATES SENATOR FOR THE COMMONWEALTH OF MASSACHUSETTS, ON THE OCCASION OF HIS 90TH BIRTHDAY

Mr. BURRIS (for himself, Mr. KERRY, and Mr. KIRK) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 323

Whereas Edward W. Brooke, III, served in the United States Senate with great dedication, integrity, and professionalism as a

trusted colleague from the Commonwealth of Massachusetts;

Whereas Edward Brooke was the first African American elected by popular vote to the United States Senate and was the first African American to serve in the United States Senate since the Reconstruction Era;

Whereas Edward Brooke served on the Commission on Civil Disorders under President Lyndon B. Johnson, where his work on discrimination in housing served as the basis for the Fair Housing Act of 1968 (42 U.S.C. 3601 et seq.);

Whereas Edward Brooke was awarded the Presidential Medal of Freedom on June 23, 2004;

Whereas Edward Brooke was awarded the Congressional Gold Medal on October 28, 2009;

Whereas Edward Brooke's long and distinguished career in public service included serving in the United States Army during World War II, as Attorney General for the Commonwealth of Massachusetts, and as chairman of the board of the National Low Income Housing Coalition; and

Whereas Edward Brooke celebrated his 90th birthday on October 26, 2009: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and honors the unprecedented and enduring achievements and contributions made by Edward W. Brooke, III, during his distinguished career of public service to the United States; and

(2) congratulates and expresses best wishes to Edward Brooke on the celebration of his 90th birthday.

SENATE RESOLUTION 324—DESIGNATING NOVEMBER 1, 2009, AS “NATIONAL HEMANGIOMA TREATMENT AWARENESS DAY”

Mr. GRAHAM submitted the following resolution; which was considered and agreed to:

S. RES. 324

Whereas hemangiomas are the most common benign tumors that occur in infancy;

Whereas hemangiomas appear at birth, or within the first several months of life;

Whereas, each year, approximately 400,000 children in the United States are born with hemangiomas and other vascular anomalies;

Whereas hemangiomas and other vascular anomalies can have a negative effect on the emotional development of a child;

Whereas awareness of the impact of hemangiomas and vascular anomalies on children, their families, and society will lead to improvements in the care of children with hemangiomas;

Whereas the National Institutes of Health supports research on the treatment of, and cure for, hemangiomas and other vascular anomalies;

Whereas The Hemangioma Treatment Foundation has the unique mission of providing treatment to children affected with hemangiomas and other vascular anomalies; and

Whereas The Hemangioma Treatment Foundation is dedicated to finding a cure for hemangiomas and other vascular anomalies: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 1, 2009, as “National Hemangioma Treatment Awareness Day”; and

(2) respectfully requests that the Secretary of Senate transmit a copy of this resolution to The Hemangioma Treatment Foundation.

SENATE RESOLUTION 325—DESIGNATING OCTOBER 25 THROUGH OCTOBER 31, 2009, AS “NATIONAL HISPANIC MEDIA WEEK” IN HONOR OF THE LATINO MEDIA OF AMERICA

Mr. REID (for himself, Mrs. GILLIBRAND, Mr. UDALL of Colorado, Mr. BINGAMAN, Mr. BENNET, and Mr. MENENDEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 325

Whereas for almost 470 years the United States has benefitted from the work of Hispanic writers and publishers;

Whereas there are over 800 Hispanic newspapers with a circulation of 17,800,000, and over 550 Hispanic magazines with a circulation of 31,600,000;

Whereas Hispanic television and radio programs respond to the bilingual needs of the United States Latino population;

Whereas market research estimates that the reach of Spanish language television is nearly universal;

Whereas 1 in 8 Americans is served by a Hispanic publication throughout the Nation;

Whereas the Latino print media generated \$1,400,000,000 in revenue last year, despite adverse economic conditions;

Whereas the Hispanic press informs many Americans about significant political, economic, and social issues of our day;

Whereas the Hispanic press in the United States focuses in particular on informing and promoting the well being of our country's Hispanic community; and

Whereas commemorating the achievements of the Hispanic press acknowledges the important role the Hispanic press has played in United States history: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 25 through October 31, 2009, as “National Hispanic Media Week” in honor of the Latino Media of America; and

(2) encourages the people of the United States to observe the week with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2703. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table.

SA 2704. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2705. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2699 submitted by Mr. ISAKSON (for himself and Mr. DODD) and intended to be proposed to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2706. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2707. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for

the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2703. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, after line 22, add the following:
SEC. 205. EB-5 REGIONAL CENTER PROGRAM.

Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking “pilot” each place it appears; and

(2) in subsection (b), by striking “for 15 years”.

SA 2704. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, after line 9, add the following:

SEC. 6. EB-5 REGIONAL CENTER PROGRAM.

Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking “pilot” each place it appears; and

(2) in subsection (b), by striking “for 15 years”.

SA 2705. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 2699 submitted by Mr. ISAKSON (for himself and Mr. DODD) and intended to be proposed to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 5, line 22, strike all through page 7, line 9, and insert the following:

(b) DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36 of such Code is amended by striking “or” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting a comma, and by adding at the end the following new paragraphs:

“(3) the taxpayer fails to attach to the return of tax for such taxable year a properly executed copy of the settlement statement used to complete such purchase, or

“(4) the taxpayer fails to attach to the return of tax for such taxable year a certified statement of the taxpayer's eligibility for the tax credit issued by the real estate reporting person (as defined in section 6045(e)(2)) with respect to such purchase.”.

(c) RESTRICTION ON MARRIED INDIVIDUAL ACQUIRING RESIDENCE FROM FAMILY OF

SPOUSE.—Clause (i) of section 36(c)(3)(A) of such Code is amended by inserting “(or, if married, such individual’s spouse)” after “person acquiring such property”.

(d) CERTAIN ERRORS WITH RESPECT TO THE FIRST-TIME HOMEBUYER TAX CREDIT TREATED AS MATHEMATICAL OR CLERICAL ERRORS.—Paragraph (2) of section 6213(g) of such Code, as amended by this Act, is amended by striking “and” at the end of subparagraph (N), by striking the period at the end of subparagraph (O) and inserting “, and”, and by inserting after subparagraph (O) the following new subparagraph:

“(P) an entry on a return claiming the credit under section 36 if—

“(i) the Secretary obtains information from the person issuing the TIN of the taxpayer that indicates that the taxpayer does not meet the age requirement of section 36(b)(3),

“(ii) information provided to the Secretary by the taxpayer on an income tax return for at least one of the 2 preceding taxable years is inconsistent with eligibility for such credit, or

“(iii) the taxpayer fails to attach to the return the form described in paragraph (3) or (4) of section 36(d).”.

(e) INVESTIGATION AND PROSECUTION; REPORT.—The Commissioner of Internal Revenue shall take such steps as are necessary to investigate and prosecute instances of fraud related to the first-time homebuyer tax credit under section 36 of the Internal Revenue Code of 1986. The Commissioner of Internal Revenue shall provide reports to Congress on the status of the investigatory and prosecutorial actions not later than 90 days after the date of the enactment of this Act, and quarterly thereafter.

(f) EFFECTIVE DATE.—

SA 2706. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

SEC. ____ . WAIVER OF RECAPTURE OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY.

(a) IN GENERAL.—Paragraph (4) of section 36(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(E) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES, ETC.—

“(i) IN GENERAL.—In the case of the disposition of a principal residence by an individual (or a cessation referred to in paragraph (2)) after December 31, 2008, in connection with Government orders received by such individual, or such individual’s spouse, for qualified official extended duty service—

“(I) paragraph (2) and subsection (d)(2) shall not apply to such disposition (or cessation), and

“(II) if such residence was acquired before January 1, 2009, paragraph (1) shall not apply to the taxable year in which such disposition (or cessation) occurs or any subsequent taxable year.

“(ii) QUALIFIED OFFICIAL EXTENDED DUTY SERVICE.—For purposes of this section, the term ‘qualified official extended duty service’ means service on qualified official extended duty as—

“(I) a member of the uniformed services,

“(II) a member of the Foreign Service of the United States, or

“(III) as an employee of the intelligence community.

“(iii) DEFINITIONS.—Any term used in this subparagraph which is also used in paragraph (9) of section 121(d) shall have the same meaning as when used in such paragraph.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dispositions and cessations after December 31, 2008.

SEC. ____ . EXTENSION OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended—

(1) by striking “This section” and inserting “(1) IN GENERAL.—This section”, and

(2) by adding at the end the following:

“(2) SPECIAL RULES FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.—In the case of any individual who serves on qualified official extended duty service outside the United States for at least 90 days in calendar year 2009 and, if married, such individual’s spouse—

“(A) paragraph (1) shall be applied by substituting ‘December 1, 2010’ for ‘December 1, 2009’,

“(B) subsection (f)(4)(D) shall be applied by substituting ‘December 1, 2010’ for ‘December 1, 2009’, and

“(C) in lieu of subsection (g), in the case of a purchase of a principal residence after December 31, 2009, and before July 1, 2010, the taxpayer may elect to treat such purchase as made on December 31, 2009, for purposes of this section (other than subsections (c) and (f)(4)(D)).”.

(b) COORDINATION WITH FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.—Paragraph (4) of section 1400(c) of such Code is amended by inserting “(December 1, 2010, in the case of a purchase subject to section 36(h)(2))” after “December 1, 2009”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased after November 30, 2009.

SEC. ____ . EXCLUSION FROM GROSS INCOME OF QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.

(a) IN GENERAL.—Subsection (n) of section 132 of the Internal Revenue Code of 1986 is amended—

(1) in subparagraph (1) by striking “this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure” and inserting “the American Recovery and Reinvestment Tax Act of 2009”, and

(2) in subparagraph (2) by striking “clause (1) of”.

(b) EFFECTIVE DATE.—The amendments made by this act shall apply to payments made after February 17, 2009.

SEC. ____ . INCREASE IN PENALTY FOR FAILURE TO FILE A PARTNERSHIP OR S CORPORATION RETURN.

(a) IN GENERAL.—Sections 6698(b)(1) and 6699(b)(1) of the Internal Revenue Code of 1986 are each amended by striking “\$89” and inserting “\$110”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after December 31, 2009.

SEC. ____ . TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax

Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 0.5 percentage points.

SA 2707. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2847, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 203, between lines 23 and 24, insert the following:

TITLE VI—CONGO CONFLICT MINERALS

SEC. 601. FINDINGS.

Congress finds the following:

(1) The Democratic Republic of Congo was devastated by a civil war carried out in 1996 and 1997 and a war that began in 1998 and ended in 2003, which resulted in widespread human rights violations and the intervention of multiple armed forces or armed non-state actors from other countries in the region.

(2) Despite the signing of a peace agreement and subsequent withdrawal of foreign forces in 2003, the eastern region of the Democratic Republic of Congo has continued to suffer from high levels of poverty, insecurity, and a culture of impunity, in which illegal armed groups and military forces continue to commit widespread human rights abuses.

(3) According to a study by the International Rescue Committee released in January 2008, conflict and related humanitarian crisis in the Democratic Republic of Congo have resulted in the deaths of an estimated 5,400,000 people since 1998 and continue to cause as many as 45,000 deaths each month.

(4) Sexual violence and rape remain pervasive tools of warfare used by all parties in eastern region of the Democratic Republic of Congo to terrorize and humiliate communities, resulting in community break down which causes a decrease in the ability of affected communities to resist control by illegal armed forces and a loss of community access to minerals. Sexual violence and rape affect hundreds of thousands of women and girls, frequently resulting in traumatic fistula, other severe genital injuries, and long-term psychological trauma.

(5) A report released by the Government Accountability Office in December 2007 describes how the mismanagement and illicit trade of extractive resources from the Democratic Republic of Congo supports conflict between militias and armed domestic factions in neighboring countries.

(6) In October 2002, the United Nations Group of Experts on the Democratic Republic of Congo called on member states of the United Nations to adopt measures, consistent with the guidelines established for multinational enterprises by the Organization for Economic Co-operation and Development, to ensure that enterprises in their jurisdiction do not abuse principles of conduct that they have adopted as a matter of law.

(7) In February 2008, the United Nations Group of Experts on the Democratic Republic of Congo stated, “individuals and entities buying mineral output from areas of the eastern part of the Democratic Republic of Congo with a strong rebel presence are violating the sanctions regime when they do not exercise due diligence to ensure their mineral purchases do not provide assistance to illegal armed groups” and defined due diligence as including the following:

(A) Determining the precise identity of the deposits from which the minerals they intend to purchase have been mined.

(B) Establishing whether or not these deposits are controlled or taxed by illegal armed groups.

(C) Refusing to buy minerals known to originate, or suspected to originate, from deposits controlled or taxed by illegal armed groups.

(8) In its final report, released on December 12, 2008, the United Nations Group of Experts on the Democratic Republic of the Congo found that official exports of columbite-tantalite, cassiterite, wolframite, and gold are grossly undervalued and that various illegal armed groups in the eastern region of the Democratic Republic of Congo continue to profit greatly from these natural resources by coercively exercising control over mining sites from where they are extracted and locations along which they are transported for export.

(9) United Nations Security Council Resolution 1857, unanimously adopted on December 22, 2008—

(A) broadens existing sanctions relating to the Democratic Republic of Congo to include “individuals or entities supporting the illegal armed groups . . . through illicit trade of natural resources.”; and

(B) encourages member countries to ensure that companies handling minerals from the Democratic Republic of Congo exercise due diligence on their suppliers.

(10) Continued weak governance in the Democratic Republic of Congo has allowed the illicit trade in the minerals columbite-tantalite, cassiterite, wolframite, and gold to flourish, which empowers illegal armed groups, undermines local development, and results in a loss or misuse of tax revenue for the Government of the Democratic Republic of Congo. The development of stronger governance and economic institutions that support legitimate cross-border trade in such minerals would—

(A) help prevent the exploitation of such minerals by illegal armed groups; and

(B) enable the hundreds of thousands of people who depend on such minerals for their livelihoods to benefit from such minerals.

(11) Metals derived from columbite-tantalite, cassiterite, wolframite, and gold from the Democratic Republic of Congo are used in diverse technological products sold worldwide, including mobile telephones, laptop computers, and digital video recorders.

(12) In February 2009, the Electronic Industry Citizenship Coalition and the Global e-Sustainability Initiative released a statement asserting that—

(A) use by the information communications technology industry of mined commodities that support conflict in such countries as the Democratic Republic of Congo is unacceptable; and

(B) electronics companies can and should uphold responsible practices in their operations and work with suppliers to meet social and environmental standards with respect to the raw materials used in the manufacture of their products.

(13) Notwithstanding the extensiveness of the supply chains of technological products and the extensiveness of the processing stages for the metals derived from columbite-tantalite, cassiterite, wolframite, and gold used in such products, companies that create and sell products that include such metals have the ability to influence the situation in the Democratic Republic of Congo by—

(A) exercising due diligence in ensuring that their suppliers provide raw materials in a manner that does not—

(i) directly finance armed conflict;

(ii) result in labor or human rights violations; or

(iii) damage the environment;

(B) verifying—

(i) the country from which the minerals used to derive such metals originate;

(ii) the identity of the exporter of the minerals; and

(iii) that all appropriate tax payments are made; and

(C) committing to support mineral exporters from the Democratic Republic of Congo who—

(i) fully disclose their export payments; and

(ii) certify that their minerals do not—

(I) directly finance armed conflict;

(II) result in labor or human rights violations; or

(III) damage the environment.

SEC. 602. STATEMENT OF POLICY.

It is the policy of the United States, as affirmed by the Democratic Republic of Congo Relief, Security, and Development Promotion Act of 2006 (Public Law 109-456; 22 U.S.C. 2151 note) and consistent with United Nations Security Council Resolution 1857 (2008), to promote peace and security in the eastern Democratic Republic of Congo by supporting efforts of the Government of the Democratic Republic of Congo, other governments in the Great Lakes Region of Africa, and the international community—

(1) to monitor and stop commercial activities involving the natural resources of the Democratic Republic of Congo that contribute to illegal armed groups and human rights violations in the Democratic Republic of Congo; and

(2) to develop stronger governance and economic institutions that can facilitate and improve transparency in the cross-border trade involving the natural resources of the Democratic Republic of Congo in order to reduce exploitation by illegal armed groups and promote local and regional development.

SEC. 603. INVESTIGATION, REPORTS, AND STRATEGY REGARDING COLUMBITE-TANTALITE, CASSITERITE, WOLFRAMITE, GOLD, AND HUMAN RIGHTS ABUSES IN THE DEMOCRATIC REPUBLIC OF CONGO.

(a) **SUPPORT OF MANDATE OF UNITED NATIONS GROUP OF EXPERTS ON THE DEMOCRATIC REPUBLIC OF CONGO.**—The President, acting through the Secretary of State, the United States Permanent Representative to the United Nations, and other appropriate United States Government officials, shall use the voice and vote of the United States at the United Nations Security Council to renew the mandate and strengthen the capacity of the United Nations Group of Experts on the Democratic Republic of Congo to investigate links between natural resources and the financing of illegal armed groups, and ensure that the Group of Experts’ recommendations are given serious consideration.

(b) **MAP OF MINERAL-RICH ZONES AND ARMED GROUPS IN DEMOCRATIC REPUBLIC OF CONGO.**—

(1) **IN GENERAL.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of State shall, consistent with the recommendation from the United Nations Group of Experts on the Democratic Republic of Congo in their December 2008 report, work with other member states of the United Nations and local and international nongovernmental organizations—

(A) to produce a map of mineral-rich zones and armed groups in the eastern region of the Democratic Republic of Congo; and

(B) to make such map available to the public.

(2) **UPDATES.**—The Secretary of State shall update the map required by paragraph (1) not less frequently than once every 180 days until the Secretary of State certifies that no armed party to any ongoing armed conflict in the Democratic Republic of Congo or any other country is involved in the mining, sale, or export of columbite-tantalite, cassiterite, wolframite, or gold, or the control thereof, or derives benefits from such activities.

(c) **GUIDANCE FOR COMMERCIAL ENTITIES.**—The Secretary of State shall, consistent with the recommendation from the United Nations Group of Experts on the Democratic Republic of Congo in their December 2008 report, work with other member states of the United Nations and local and international nongovernmental organizations to provide guidance to commercial entities seeking to exercise due diligence on their suppliers to ensure that the raw materials used in their products do not—

(1) directly finance armed conflict;

(2) result in labor or human rights violations; or

(3) damage the environment.

(d) **STRATEGY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, working with the Administrator of the United States Agency for International Development, submit to the appropriate congressional committees a strategy to address the linkages that exist between human rights abuses, armed groups, and the mining of columbite-tantalite, cassiterite, wolframite, and gold in the Democratic Republic of Congo.

(2) **CONTENTS.**—The strategy required by paragraph (1) shall include the following:

(A) A plan to assist the Government of the Democratic Republic of Congo and other governments in the region in establishing and effectively implementing the necessary frameworks and institutions to formalize and improve transparency in the trade of columbite-tantalite, cassiterite, wolframite, and gold.

(B) An outline of assistance currently being provided and an assessment of future assistance that could be provided by the Government of the United States to help the Government of the Democratic Republic of Congo strengthen the management and export of natural resources in the eastern region of the Democratic Republic of Congo.

(C) A description of punitive measures that could be taken against individuals or entities whose commercial activities are supporting illegal armed groups and human rights violations in eastern Democratic Republic of Congo.

(e) **ANNUAL HUMAN RIGHTS REPORTS.**—In preparing those portions of the annual Country Reports on Human Rights Practices relating to the Democratic Republic of Congo or countries that share a border with the Democratic Republic of Congo, the Secretary of State shall ensure that such reports include a description of any instances or patterns of practice that indicate that the extraction and cross-border trade in columbite-tantalite, cassiterite, wolframite, or gold has negatively affected human rights conditions or supported specific human rights violations, sexual or gender-based violence, or labor abuses in the eastern region of the Democratic Republic of Congo, during the period covered by each report.

(f) ANNUAL ORGANIZATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT INVESTMENT COMMITTEE REPORT.—In preparing the United States' annual report to the Organization for Economic Co-operation and Development Investment Committee, the Secretary of State shall include a description of efforts by the United States to ensure, consistent with the Organization for Economic Co-operation and Development Guidelines for Multinational Enterprises, that enterprises under United States jurisdiction are exercising due diligence to ensure that their purchases of minerals or metals are not originating from mines and trading routes that are used to finance or benefit illegal armed groups in the Democratic Republic of Congo.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State for fiscal year 2010 such sums as may be necessary for the Secretary to carry out the provisions of this section.

(h) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations, the Committee on Foreign Relations, and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Appropriations, the Committee on Foreign Affairs, and the Committee on Financial Services of the House of Representatives.

(2) HUMAN RIGHTS REPORTS.—The term "Human Rights Reports" means all reports submitted by the Secretary of State to Congress under sections 116 and 502B of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n and 2304).

SEC. 604. DISCLOSURE TO SECURITIES AND EXCHANGE COMMISSION OF ACTIVITIES RELATING TO COLUMBITE-TANTALITE, CASSITERITE, AND WOLFRAMITE INDUSTRIES.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

"(m) DISCLOSURE TO COMMISSION OF ACTIVITIES RELATING TO COLUMBITE-TANTALITE, CASSITERITE, AND WOLFRAMITE INDUSTRIES.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Commission shall promulgate rules requiring any person described in paragraph (2)—

"(A) to disclose annually to the Commission the country of origin of columbite-tantalite, cassiterite, or wolframite related to any of the activities described in paragraph (3);

"(B) if disclosure is required under subparagraph (A) and the country of origin disclosed under subparagraph (A) is the Democratic Republic of Congo or an adjoining country, to disclose annually to the Commission the mine of origin of such columbite-tantalite, cassiterite, and wolframite; and

"(C) if disclosure is required under subparagraph (A) or subparagraph (B) for columbite-tantalite, cassiterite, or wolframite, to submit along with such disclosure an independent audit of the supply chain of such columbite-tantalite, cassiterite, or wolframite to ensure that such disclosure is accurate.

"(2) PERSON DESCRIBED.—A person is described in this paragraph if the person—

"(A) is required to file reports to the Commission under subsection (a); and

"(B) either—

"(i) engages in activities described in paragraph (3); or

"(ii) controls a person that engages in activities described in paragraph (3).

"(3) ACTIVITIES DESCRIBED.—An activity described in this paragraph is—

"(A) the commercial exploration, extraction, importation, exportation, or sale of columbite-tantalite, cassiterite, or wolframite; or

"(B) the use of such minerals, derivatives of such minerals, components that include such minerals, or components that include derivatives of such minerals in the manufacture of a product for sale.

"(4) REVISIONS AND WAIVERS.—The Commission may revise or temporarily waive the requirements described in paragraph (1) if the Commission determines that such revision or waiver is—

"(A) necessary for the protection of investors; and

"(B) in the public interest.

"(5) TERMINATION OF DISCLOSURE REQUIREMENTS.—The disclosure requirements of this subsection shall terminate if the President—

"(A) determines that—

"(i) no armed party to any ongoing armed conflict in the Democratic Republic of Congo or any other country—

"(I) is involved in an activity described in paragraph (3)(A) with respect to columbite-tantalite, cassiterite, or wolframite; or

"(II) derives benefits from such activity; or

"(ii) a regional framework has been established and effectively implemented to monitor and regulate the activities described in paragraph (3)(A) with respect to columbite-tantalite, cassiterite, or wolframite in the Democratic Republic of Congo so that such activities do not finance or benefit illegal armed groups; and

"(B) notifies the Commission of the determination under subparagraph (A).

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission for fiscal year 2010 such sums as may be necessary for the Commission to carry out the provisions of this subsection.

"(7) DEFINITIONS.—In this subsection, the following definitions shall apply:

"(A) ADJOINING COUNTRY.—The term 'adjoining country', with respect to the Democratic Republic of Congo, means a country that shares an internationally recognized border with the Democratic Republic of Congo.

"(B) CONTROL.—The term 'control' means—

"(i) in the case of a corporation, ownership of at least 50 percent of the voting stock of the corporation; and

"(ii) in the case of any other entity, ownership of interests representing at least 50 percent of the voting capital of the entity.

"(C) FOREIGN PERSON.—The term 'foreign person' means a person—

"(i) in the case of an individual, who is an alien as such term is defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); or

"(ii) in the case of a partnership, corporation, or other entity, that is organized under the laws of a foreign country or that has its principal place of business in a foreign country.

"(D) PERSON.—The term 'person' has the meaning given the term in section 3(a) but does not include—

"(i) any foreign nongovernmental organization that—

"(I) has consultative status with the United Nations Economic and Social Council; or

"(II) has been accredited by a department or specialized agency of the United Nations; or

"(ii) a foreign person whose business activities are strictly limited to providing goods and services that are—

"(I) intended to relieve human suffering;

"(II) intended to promote welfare, health, religious, or spiritual activities;

"(III) used for educational or humanitarian purposes;

"(IV) used for journalistic activities; or

"(V) used for such other purposes as the Secretary of State may determine serve the foreign policy interests of the United States."

SEC. 605. SENSE OF CONGRESS ON ASSISTANCE FOR AFFECTED COMMUNITIES AND SUSTAINABLE LIVELIHOODS.

(a) SENSE OF CONGRESS ON ASSISTANCE FOR AFFECTED COMMUNITIES.—It is the sense of Congress that the Administrator of the United States Agency for International Development should expand and better coordinate programs to assist and empower communities in the eastern Democratic Republic of Congo whose livelihoods depend on the mineral trade, particularly—

(1) communities affected by sexual and gender-based violence; and

(2) individuals displaced by violence.

(b) SENSE OF CONGRESS ON FUTURE YEAR FUNDING.—It is the sense of Congress that the Secretary of State and the Administrator should work with the appropriate congressional committees to increase assistance in fiscal years beginning after fiscal year 2009 for communities affected by violence in the Democratic Republic of Congo, specifically—

(1) to provide medical treatment, psychological support, and rehabilitation assistance for survivors of sexual and gender-based violence;

(2) to provide humanitarian relief and basic services to people displaced by violence;

(3) to improve living conditions and livelihood prospects for artisanal miners and mine workers; and

(4) to alleviate poverty by reconstructing infrastructure and revitalizing agricultural production.

(c) SENSE OF CONGRESS ON COORDINATION OF ASSISTANCE.—It is the sense of Congress that the United States should work with other countries, on a bilateral and multilateral basis—

(1) to increase protection and services for communities in the eastern Democratic Republic of Congo at risk of human rights violations associated with the mineral trade, particularly women and girls;

(2) to strengthen the management and trade of natural resources in the Democratic Republic of Congo; and

(3) to improve the conditions and livelihood prospects of artisan miners and mine workers.

SEC. 606. REPORT.

Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes the following:

(1) An assessment of the effectiveness of the provisions of this Act and section 13(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(m)), as added by section 5, in promoting peace and security in accordance with section 3.

(2) A description of the problems, if any, encountered by the President, officials described in section 4(a), the Securities and Exchange Commission, and the Administrator of the United States Agency for International Development in carrying out the provisions of this Act and such section 13(m).

(3) A description of the adverse impacts of carrying out the provisions of this Act and such section 13(m), if any, on communities in the eastern Democratic Republic of Congo.

(4) Recommendations for legislative or regulatory actions that can be taken—

(A) to improve the effectiveness of the provisions of this Act and such section 13(m) to promote peace and security in accordance with section 3;

(B) to resolve the problems described pursuant to paragraph (2), if any; and

(C) to mitigate the adverse impacts described pursuant paragraph (3), if any.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 27, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 27, 2009, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on October 27, 2009, at 9:30 a.m. in Room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Legislative Hearing on S. 1733, Clean Energy Jobs and American Power Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CARDIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 27, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DOMESTIC AND FOREIGN MARKETING, INSPECTION AND PLANT AND ANIMAL HEALTH AND THE SUBCOMMITTEE ON PRODUCTION, INCOME PROTECTION, AND PRICE SUPPORT

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition and Forestry, Subcommittee on Domestic and Foreign Marketing, Inspection and Plant and Animal Health and the Subcommittee on Production, Income Protection, and Price Support, be authorized to meet during the session of the Senate on October 27, 2009, at 2:30 p.m. in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following member of my staff during the pendency of this nomination: Troy Ware.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL HEMANGIOMA TREATMENT AWARENESS DAY

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 324, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 324) designating November 1, 2009, as "National Hemangioma Treatment Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 324) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 324

Whereas hemangiomas are the most common benign tumors that occur in infancy;

Whereas hemangiomas appear at birth, or within the first several months of life;

Whereas, each year, approximately 400,000 children in the United States are born with hemangiomas and other vascular anomalies;

Whereas hemangiomas and other vascular anomalies can have a negative effect on the emotional development of a child;

Whereas awareness of the impact of hemangiomas and vascular anomalies on children, their families, and society will lead to improvements in the care of children with hemangiomas;

Whereas the National Institutes of Health supports research on the treatment of, and cure for, hemangiomas and other vascular anomalies;

Whereas The Hemangioma Treatment Foundation has the unique mission of providing treatment to children affected with hemangiomas and other vascular anomalies; and

Whereas The Hemangioma Treatment Foundation is dedicated to finding a cure for hemangiomas and other vascular anomalies: Now, therefore, be it

Resolved, That the Senate—

(1) designates November 1, 2009, as "National Hemangioma Treatment Awareness Day"; and

(2) respectfully requests that the Secretary of Senate transmit a copy of this resolution to The Hemangioma Treatment Foundation.

NATIONAL HISPANIC MEDIA WEEK

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of S. Res. 325, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 325) designating October 25 through October 31, 2009 as "National Hispanic Media Week" in honor of the Latino Media of America.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 325) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 325

Whereas for almost 470 years the United States has benefitted from the work of Hispanic writers and publishers;

Whereas there are over 800 Hispanic newspapers with a circulation of 17,800,000, and over 550 Hispanic magazines with a circulation of 31,600,000;

Whereas Hispanic television and radio programs respond to the bilingual needs of the United States Latino population;

Whereas market research estimates that the reach of Spanish language television is nearly universal;

Whereas 1 in 8 Americans is served by a Hispanic publication throughout the Nation;

Whereas the Latino print media generated \$1,400,000,000 in revenue last year, despite adverse economic conditions;

Whereas the Hispanic press informs many Americans about significant political, economic, and social issues of our day;

Whereas the Hispanic press in the United States focuses in particular on informing and promoting the well being of our country's Hispanic community; and

Whereas commemorating the achievements of the Hispanic press acknowledges the important role the Hispanic press has played in United States history: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 25 through October 31, 2009, as "National Hispanic Media Week" in honor of the Latino Media of America; and

(2) encourages the people of the United States to observe the week with appropriate programs and activities.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, as amended by Public Law 110-315, appoints the following individuals to the Advisory Committee on Student Financial Assistance: David Gruen of Wyoming and William Luckey of Kentucky.

Mrs. SHAHEEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY,
OCTOBER 28, 2009

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Wednesday, October 28; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for the

transaction of morning business for 2 hours, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of the motion to proceed to H.R. 3548, the Unemployment Compensation Extension Act of 2009, postcloture; and that time during any period of morning business, recess or adjournment count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. SHAHEEN. Mr. President, cloture was invoked on the motion to proceed to the unemployment extension legislation. It is my hope that some of

the postcloture debate time can be yielded back and that we can proceed to the bill tomorrow.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mrs. SHAHEEN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:10 p.m., adjourned until Wednesday, October 28, 2009, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, October 27, 2009:

THE JUDICIARY

IRENE CORNELIA BERGER, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA.

HOUSE OF REPRESENTATIVES—Tuesday, October 27, 2009

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 27, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

SHANNON MELENDI AWARENESS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Madam Speaker, October 20, 2009 should have marked the 35th birthday of Shannon Denise Melendi; instead, she will be forever the 19-year-old victim of kidnapping and rape whose life was tragically ended at the hands of a ruthless killer.

Shannon was a gifted young college sophomore from Miami attending Emory University in Atlanta. In Miami, at Southwest High School, my alma mater, she was president of the junior and senior class and a champion orator who was captain of the debate team for 3 years. She was also in the National Honor Society and graduated cum laude in the top 3 percent of her class.

As a member of the Legal Eagles club, Shannon was an aspiring attorney whose ultimate goal was to sit on the Supreme Court. During her senior year, Shannon even spoke before the United Nations and Congress.

With grand dreams and a promising future ahead of her, nothing could have turned out to be more tragic than her

disappearance. The news was devastating to her home community as it was to the Atlanta area where she had already established herself as a bright individual with an even brighter future.

She disappeared without a trace on March 26, 1994 while working at a part-time job at a softball country club. Shortly after, the first 10,000 posters and 60 billboards went up in Atlanta with Shannon's picture declaring her missing. Not long after that, her father, Luis Melendi, had the signs changed to "kidnapped."

Calvin "Butch" Hinton was named as a suspect. He was a coworker and an umpire she knew through her part-time job. Many pieces of evidence linked him to the disappearance of Shannon, but unfortunately not enough for a solid case. In a strange twist of fate, this demented man burned down his own home to keep the authorities from investigating him further, but he was sentenced to 9 years in prison for fraud when he tried to collect insurance on that house fire.

Then, more than 11 years after Shannon had disappeared, Hinton had just been released from prison when he was rearrested and placed on trial for Shannon's murder. After many heart-wrenching moments in the trial, the verdict came back guilty and Hinton was sentenced to life in prison.

Because of the atrocious acts of this horrible man, a bright young life was extinguished and the world is forever poorer because of it. Chillingly, though, this murderer is up for parole in 2011. With the confessed perpetrator behind bars, we have the comfort of knowing that no other person can fall victim to him, and that is why we should fight to keep him there in prison. Unfortunately, many perpetrators are roaming the streets today still preying on the most innocent of victims. Let us make sure that Calvin Hinton is not one of them.

Shannon's parents, Luis and Yvonne, as well as her sister, Monique, are still active today in efforts to protect children by strengthening our laws and protecting and educating youth and their families about violence and perpetrators. They honor their daughter and their sister, Shannon, and the countless other children like Shannon through their work. Shannon's story must serve as a reminder to students that they must always be aware of their surroundings and stay safe.

As a mother and grandmother, I cannot imagine the heartache the

Melendis have gone through. Luis Melendi still speaks to high school seniors about the dangers posed by perpetrators and reminds them that this could happen to anyone. Last week, on what should have been their daughter's 35th birthday, the Melendi family spoke to the students at Coral Shores High School in Tavernier to keep Shannon's memory alive and to drive home the idea of being aware and being safe. With these efforts and the laws that we pass, we can help protect our Nation's youth.

It is in honor and remembrance of Shannon Melendi that I urge my colleagues to remain champions and protectors of our youth. Through the life of Shannon Melendi we know that even though it was short, we can make sure that the lessons learned from her murder last eternally.

I thank the Speaker for the time, and we will always remember Shannon.

REVITALIZING OUR ECONOMY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, the challenge for all America, not just the new administration and Congress, but our communities, our businesses, especially American families, is how to revitalize our economy. There is a great deal of contention occasionally here in Washington, D.C. about the best approach, but this problem takes on a new urgency as the experts now tell us that while the economy appears to be recovering, the jobs aren't: A jobless recovery, posing special problems for Americans from coast to coast.

But beyond the problems with the economy, there are serious issues dealing with the state of repair of America; our electrical grid is inadequate and unreliable, too many roads and bridges are in serious disrepair, and there are problems with inadequate or non-existent sewage collection and leaking water mains. And there is environmental damage in sites from coast to coast with Superfund, brownfields, even unexploded ordnance and military toxics on military defense locations.

The opportunity and the challenge is to combine the problems with the economy with what we need to do to rebuild and renew America. Luckily, this is a solution that is overwhelmingly supported by the vast majority of Americans—Republicans, Democrats, and Independents. This is a solution that in

times past has been able to bring together people in Congress to deal with the revitalization of our infrastructure.

We have opportunities right now. There is pending a reauthorization of the Surface Transportation Act. If Congress acts, and the administration signs it, this could mean 6 million jobs revitalizing transportation from coast to coast, border to border.

I have legislation, House bill 3202, a water trust fund, that would enable communities to deal with serious problems like leaking water mains. We lose 6 billion gallons of water a day, enough to fill Olympic size swimming pools from here to Pittsburgh. Coincidentally this bill can help fix these problems while putting hundreds of thousands of more Americans to work dealing with those problems.

The administration has requested, and we have introduced, legislation to reintroduce the Superfund tax to deal with the problems of Superfunds again that are found in every State of the Union. Left unattended, the pollution actually gets worse and migrates, becoming more expensive to clean up over time. This is an opportunity to solve the environmental problem and return this land to productive use.

This is something that America supports. The time for the Obama administration and this Congress to unite on a vision to rebuild and renew America is now, to enact it into law and provide appropriate funding. This action will pay dividends to Americans for decades to come, making our communities more livable and our families safer, healthier, and more economically secure.

AARP GETS FREE PASS IN HEALTH CARE DEBATE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Madam Speaker, does America's biggest senior citizens organization, AARP, get a free pass in the ongoing health care reform debate?

Speaker PELOSI recently called insurance companies "immoral villains," and Senator JAY ROCKEFELLER derided their tactics as "rapacious," yet the majority has simultaneously relied on an organization that has received billions of dollars in windfall profits from those same insurers as an "independent" source to support their government takeover of health care—AARP.

The Democrat majority has even relied on AARP's support for legislation, S. 1776, that would increase the Federal debt by nearly \$250 billion to fund physician reimbursements, even though the bill would raise seniors' Medicare premiums by over \$60 billion. AARP opposed unpaid-for legislation as recently as December for the very same reason.

An analysis of Democrats' rhetoric and actions provides evidence why AARP may have changed its position. In exchange for its support of a government takeover of health care, AARP has received special considerations regarding several provisions in health reform legislation that could benefit the organization quite handsomely.

While the AARP Web site claims that the organization supports "guaranteeing that all individuals and groups wishing to purchase or renew coverage can do so regardless of age or pre-existing conditions," a review of the New York State Insurance Commissioner's Web site finds that AARP-branded Medigap coverage imposes a 6-month waiting period for individuals with preexisting conditions. Yet section 111 of H.R. 3200 would exempt Medigap policies from new limits on preexisting condition restrictions, thus allowing AARP to continue to deny Medigap individuals with serious health conditions.

The health reform bill approved by the Senate Finance Committee would eliminate the tax deductibility for all insurance company executive salaries over \$500,000. However, as drafted by the committee, the legislation would exempt AARP from this requirement, even though fully 38 percent of its \$1.1 billion in 2008 revenue came directly from royalty fees paid by United Health Care—more than AARP received in membership dues, grant revenue, and private contributions combined.

But for Chairman BAUCUS' exemption, AARP salaries would in fact be subject to the penalties in the Finance bill. In 2008, then CEO William Novelli received total compensation of \$1,005,830, more than 78 times the average annual Social Security benefit of \$12,738.

According to a story published today in the Washington Post, AARP collected \$650 million in royalties and other fees last year from the sale of insurance policies, credit cards, and other products that carry the AARP name. One of the main products that AARP pushes are so-called Medigap insurance policies for senior citizens. These policies supplement existing Medicare policies that seniors already have.

So what's the big deal? Well, in case you missed it, AARP is helping push the Democrats' big government version of health care reform. They've been a vocal proponent of the government-run health care proposal before Congress. Interestingly, the proposal before Congress slashed funding for a Medicare program called Medicare Advantage. This program is especially popular with seniors in my district. About 40,000 seniors in my district enjoy the benefits of a Medicare Advantage plan, but these plans will be killed off under the Democrats' government takeover

of health care, and AARP has been pushing this brand of health care reform.

AARP has the right to offer services to its members, but pushing for a version of health care reform that will hurt millions of seniors who have Medicare Advantage plans and that will almost certainly increase shares of AARP's Medigap policies is a very dangerous conflict of interest.

AARP has hundreds of millions of dollars in insurance revenue on the line in today's health care debate. I think America's seniors deserve to know the facts about how health care reform will affect them, and it appears that AARP may have a few too many dogs in this race to be an impartial source of information.

□ 1045

CHOOSING HEALTH CARE REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. I thank the Speaker.

I rise today to support the economic engine of America—our small businesses. Small businesses represent more than 99 percent of all businesses in this country and employ more than 50 percent of the private sector, non-farm workforce. In fact, 25 percent of the total job growth from 1992 to 2005 came from those small businesses with fewer than 20 employees. For all businesses, large and small, the employment growth rate during that period was 19 percent, demonstrating that small businesses led the way to economic growth. Simply put, the health of America's small businesses is the health of the American economy.

Unfortunately, the cost of keeping the employees of small businesses healthy is imperiling the financial health of many of these same businesses. Under our current health care system, where larger companies pool their risks over larger workforces to purchase insurance for lower rates, small businesses are paying up to 18 percent more per employee for health care coverage than their larger competitors. Sadly, it's easy to see how this happens. Indianapolis small businessman Bruce Hetrick testified at a House committee hearing earlier this year that his wife and business partner, Pam, got cancer and the insurance company said that the premiums for the 15-person firm would rise 28 percent. When his wife tragically passed away 1 month prior to the higher premium taking effect, the insurance company still increased the entire firm's premium by 10 percent. Due to the current health care system, one illness in a small business can have drastic consequences for everybody.

In fact, from 1999 to 2007, for all businesses, large and small, the employer

contribution for health insurance coverage for families increased 120 percent, from \$4,247 to \$9,325. Employees did not fare any better, as their own individual premiums increased almost 118 percent in that time period. While large businesses were better situated to keep costs down due to bigger risk pools, reduced administrative costs and lower insurance broker fees, small businesses often have but one unpalatable option with respect to health care.

More and more small businesses are unable to afford health insurance for their employees. In 1995, 68 percent of small businesses offered health care. Only 38 percent offered health care this year. While just 10 percent of employees at large businesses are uninsured, 29 percent of employees at firms with fewer than 25 employees have no health insurance. Those small businesses that currently offer health care often are forced to reduce benefits due to those increasing costs. Family deductibles are roughly 60 percent more for companies with fewer than 50 employees.

Without reform, Madam Speaker, small businesses will have to continue reducing benefits and increasing costs. According to the National Business Group on Health, in 2010, and I quote, employers and employees will face shockingly higher health care costs. Madam Speaker, those premiums are projected to increase another 10 to 20 percent—next year. This year, small businesses will pay \$156 billion for their employees' health care. Without reform, those costs will more than double to \$339 billion by 2018, just 9 years hence. Over the next decade, small businesses will suffer the cumulative impact of these increased costs of between \$546 billion and \$855 billion. In other words, absent reform, small businesses' health care costs will hit \$2.4 trillion in this time period.

As they have done over the last few years, small businesses will be forced to choose between their economic health and the health of their employees. Without health care reform, the increased costs over the next decade will force many small businesses to lay off employees. Those increased costs represent up to 178,000 employees—178,000 Americans who can lose their jobs because their employers can no longer afford the cost of health care.

Fifty-seven percent of existing small businesses already have had to eliminate health care coverage, and more soon will be forced to do the same. Twenty-nine percent of small business employees have no insurance of any kind. According to the Kaiser Family Foundation's recent survey, 8 percent of existing businesses said they will eliminate health care entirely this next year.

Increasing health care costs are crippling our small businesses and small business employees. Although every

company faces increasing costs, under the existing health insurance system the economic burden falls disproportionately on small businesses.

Madam Speaker, I support health insurance reform that will lower the cost of health care to these small businesses and their employees; and I urge adoption of reform.

HEALTH CARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DANIEL E. LUNGREN) for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, we are engaged in a serious debate on health care reform in this country, and there are those who believe that the only way to solve this problem is through a Washington, D.C., Federal Government takeover of health care. And I say that advisedly because I've looked at the bills that are the serious bills in the Senate and the House that are going to be presented to us at some point in time, or at least parts of them are.

One of the things that is obvious to me is that these bills stand on a number of different principles, and one of them is that there will be a requirement that every living man, woman and child must have health care insurance as defined by the Federal Government or be subject to a fine. Now they call it a tax but it is truly a fine. And the question is whether that is an appropriate exercise of authority by the Federal Government.

Some people say, Why do you even get involved in this sort of thing? Why would you even ask that question? Well, because the history of this Nation is a history of a nation that was established on the concept of individual liberty, freedom with responsibility. And because it was, our Constitution gave us a limited Federal Government, a Federal Government that could not do everything and anything it wishes to do. It is perhaps the inconvenient truth in this debate, or perhaps I should say the Constitution is the inconvenient truth.

Let me just cite what James Madison, often called the Father of the Constitution, said in the Federalist Papers, the documents that were written and then placed upon the public in order to get States to ratify the Constitution. This is what he said:

In the first place, it is to be remembered that the general government is not to be charged with the whole power of making and administering laws. Its jurisdiction is limited to certain enumerated objects.

Congress, in other words, can't get up in the morning and just say, Well, we see a problem; therefore, we're going to fix it and we're going to impose the authority of the Federal Government upon this problem by way of our solution.

Think of this: The President of the United States spoke here from the rostrum behind me in his joint session to the Congress a little over a month and a half ago; and at that time he argued that an individual mandate was constitutional, or was lawful because, he said, it is similar to what you have to do to drive in this country. You have to have insurance to drive on the public road. But there's a fundamental difference. If you analyze all the legal authority on this question, it is not that you have a right to drive on public roads, it is a privilege, and therefore it can be conditioned by the purchase of insurance.

What we're saying here is your right to breathe in the United States, to continue to exist in the United States, will now be conditioned on you buying health insurance; and if you don't, you will be fined, we are now told \$1,500, and if you don't pay the fine you can be jailed; not because you want to enter into the United States as an immigrant, not because you're asking anything of the United States but, rather, for the right to exist in the United States.

There are those who say that the commerce clause is so expansive, it can include everything. Well, the courts have told us it is not that expansive. Even as they have broadened its application, they have said it is limited to an economic activity that affects interstate commerce. And if we are going to say that the right for you to breathe in the United States, the right for you to exist in the United States, is an impact on interstate commerce, there is nothing left that the Federal Government cannot do.

That's why this debate over health care is important for many different reasons. But if we are going to allow the government to take away our liberty, to allow the Federal Government to say there is nothing you can do in this country, including breathe, unless you have the permission of the Federal Government to act in a certain way, and if you don't act in that certain way, you will be fined, and if you do not pay the fine you will be jailed, there is absolutely nothing left of the freedom that this country was based upon.

The former Vice President of the United States likes to talk about inconvenient truths. The great inconvenient truth in this country is the U.S. Constitution. Let us not fail in our fidelity to it.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 55 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at noon.

PRAYER

The Reverend Chris Williamson, Strong Tower Bible Church, Franklin, Tennessee, offered the following prayer:

Our Father, we thank You for this opportunity to gather together and seek Your wisdom. We acknowledge You as our great God and king, and it is our desire to do the things that please You.

In centuries past, You have proven Your love to us, and You have blessed us bountifully to the degree that we constantly ask You to bless America.

But Father, in these pressing times, we rise up and America chooses to bless You. We bless You for Your love. We bless You for Your grace. We bless You for Your power, and we bless You for Your son, the Lord Jesus Christ.

Please guide these men and women as they discuss matters today that affect so many people in our great Nation.

We promise to give Your name all of the praise for any good thing that happens as a result of our meeting together.

These and many other blessings we ask in the name of our Savior, Jesus Christ, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. LANCE) come forward and lead the House in the Pledge of Allegiance.

Mr. LANCE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

HONORING THE REVEREND CHRIS WILLIAMSON

The SPEAKER pro tempore. Without objection, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 1 minute.

There was no objection.

Mrs. BLACKBURN. Mr. Speaker, I ask my colleagues to join me today in welcoming Pastor Chris Williamson of Franklin, Tennessee, as he serves as our honorary chaplain for today.

He brings with him today the associate pastor from his church, Anthony Hendrix, and also a longtime friend of mine, Scott Roley, who is now the senior pastor of Christ Community Church.

The music industry is really what brought Pastor Williamson to middle Tennessee, and as his music performance career ended, however, he really felt a calling to the pulpit.

In 1995, he founded the Strong Tower Bible Church and has built Strong Tower into one of Franklin's most dynamic and well-known churches. My colleagues will be interested to know that Congressman JOE PITTS' son and his family attend Strong Tower. His commitment to racial reconciliation is evident through his work as an author, his mission work, as well as the intentional multiethnic and diverse background of his congregation. He is a devoted family man, and I appreciate the opportunity to represent his fine family in Congress.

Please join me in honoring him on his service to the House of Representatives today, and I wish him only the best in the years to come.

HEALTH CARE REFORM

(Mr. BOSWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSWELL. Mr. Speaker, I rise today in support of the important strides Congress is making toward our Nation's health care reform.

I am pleased the Senate will be including a public option in their version of the health reform bill. A public option is absolutely essential. America's health insurance industry needs a mechanism that will level the playing field and protect consumers. The public option that we create must be fair and pay doctors and hospitals accordingly.

Many of us are very concerned that our rural doctors and hospitals are having many troubles. That is why I support language that will direct the Institute of Medicine to study the Medicare reimbursement formula and direct the Secretary of Health and Human Services to fix these flawed reimbursements.

Medical professionals in my home State of Iowa were recently ranked second by the Commonwealth Foundation for providing some of the best care in the Nation. Yet when we are reimbursed by Medicare, they receive half as much per enrollee compared to many other States. Without fair pay, these providers will be pushed further into the red and out of Iowa and other States with the same problem.

The studies that we have proposed to revise Medicare reimbursement rates and create quality measures will pave the way.

HEALTH CARE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker and my colleagues, as we stand here, the health care bill is being written in secret in Speaker PELOSI's office and over in the Senate by Senate Majority Leader HARRY REID, even though the President of the United States during his campaign made clear that these negotiations ought to be out in the public and we ought to have C-SPAN cameras in there to allow the American people to see who is fighting for what side. Yet, it is not happening. It is being written in secret.

And no wonder it is being written in secret because the Democrat majorities are doing exactly what the American people don't want: a big government-run plan. I wonder if the 53 new agencies, boards, commissions and mandates that were in the original House bill will continue to be in this bill that is being written in secret.

But this bill is in secret for one big reason. It is going to cost over \$1 trillion. It is going to raise taxes. It is going to have mandates on individuals. It is going to destroy jobs, and it is going to cut Medicare for our seniors.

What cuts to seniors are going to be in this bill? No one knows. All I know is that there were \$162 billion worth of cuts to Medicare Advantage in the original House bill, \$162 billion, and I have 27,000 Medicare Advantage enrollees in my district. And according to the Congressional Budget Office, some 80 percent of them are likely to lose their health coverage under this proposal.

Republicans have better solutions. Just go to healthcare.gop.gov and see the Republican solutions that will help make our current system work better and not have this big government takeover of our health care delivery system.

BOOSTING SMALL BUSINESS LENDING

(Mr. MICHAUD asked and was given permission to address the House for 1 minute.)

Mr. MICHAUD. Mr. Speaker, I rise today in strong support of the President's effort to boost small business lending.

Later this week, we will be taking up a bill that my colleagues and I on the Small Business Committee drafted to do just that. Each year, the bill is expected to support \$44 billion in small business lending, helping to save or create 1.3 million jobs annually. Small businesses are the backbone of Maine's economy, and they are key to our economic recovery.

The recession and credit crunch have hurt small businesses' access to capital, and they cannot afford inaction.

This bill will give them additional resources when they need it the most. I urge the Senate to join the House in passing a strong bill that we can get to the President's desk as soon as possible.

HEALTH CARE

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I rise in the midst of the increasing momentum we detect on the other side to push through a government takeover of health care in our country. To me, it is about four distinct questions.

One, does anyone believe that the passage of a \$1 trillion bill, does anyone believe that won't aggravate the deficit? I think the answer is resoundingly "no."

Secondly, if it is going to be \$1 trillion, who is going to pay for that? Well, we know that the majority is talking about small businesses and seniors paying for that.

Third, does anyone really think that the health care overhaul being proposed is going to make your health care better? I don't think so.

And lastly, is there any guarantee that this government is not going to get in between you and your doctor? Mr. Speaker, I say to that, the answer is "no."

We Republicans have a better way. We believe we can accomplish reform aimed at the discrete problems that exist, to fix those, and then expand health care opportunities for those who do not currently have it.

HEALTH CARE

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, the other side talks about the health care reform bill costing a lot of money. Right now, consumers in America are spending millions and millions of dollars paying that to the insurance companies. One-third of the health care dollar goes to no such thing as health care; it goes to the insurance companies. That's why the Democratic proposal restricts the amount of money that insurance companies can spend on bureaucracy. That's where the out-of-pocket expenses actually go to health care. That sounds like a smart idea to me.

Furthermore, the insurance companies can no longer discriminate against preexisting conditions, no longer can discriminate against people who need health care. That sounds like a good idea.

Finally, talking about reducing deficit spending, this bill requires insurance companies to keep costs under

control. That saves the government money and reduces the deficit because the biggest spender in health care is the Federal Government through entitlements.

I don't know why the other side is so hell-bent on protecting insurance companies' medical inflation that only adds to the deficit in this country.

HEALTH CARE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, at nearly \$1 trillion in spending and tax increases, the Democrat health care bill is a bad deal for taxpayers; but it is a worst deal for American seniors, and senior citizens deserve to know about it.

Included in the Democrat health care plan are massive cuts in Medicare Advantage, \$162 billion in reductions in this popular program. As a result, Medicare Advantage plans will drop out of the program, limiting seniors' choices and causing many to lose their current health care coverage through Medicare Advantage. This will have an exceptionally negative impact in rural areas, like my district of eastern Indiana.

According to the Congressional Budget Office as well, the Democrat's health care plan will increase the cost of Medicare prescription drug premiums by 20 percent in the next decade.

The President said, If you like your current plan, you can keep it. Well, after looking at the Democrats' plan for seniors, I guess he wasn't talking about senior citizens when he said that.

HEALTH CARE

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, no doubt, the national discussion over health care reform has been emotional for all Americans. People from every corner and every background of our country have had a chance to tell their story, to weigh in on this issue.

Many of the stories we have heard from our constituents back home have been personal—they have been heart-breaking—about struggles with the health care system. Those kinds of experiences can sometimes be difficult and they can be emotional to share, but they have played an important part in the conversation.

Because we are starting to see that in our uniquely American way, all of that passion is being channeled to productive change. We are close to bringing forward a potentially life-changing bill.

Just think about what this means. For the first time, millions of unin-

sured Americans can have access to health insurance and all of us will have health security knowing we can't lose our coverage. Ultimately, voting on reform means voting to give millions of Americans peace of mind.

HEALTH CARE

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. Mr. Speaker, this morning I find myself reflecting on a recent town hall meeting where nearly 1,000 people showed up, many of them seniors, and they were not happy. In eastern Washington in my congressional district, it is estimated that 20,000 seniors may lose their health care because of the cuts to Medicare Advantage. H.R. 3200 cuts \$162 billion from that program, and they are cuts that hit especially those who live in rural communities the hardest.

The Obama administration promised Americans that if they liked their doctor, they could keep their doctor; if they liked their health insurance plan, they could keep it. But I guess that doesn't apply to seniors.

These are real cuts to Medicare Advantage, and it will mean canceled insurance policies and higher premiums. For those living on a fixed income, this could mean less money for food, clothing, and shelter.

House Republicans are committed to a step-by-step approach to addressing health care that will start by reducing the cost drivers. We should pass these cost control reforms rather than financing a government takeover on our Seniors.

□ 1215

EDUCATION REFORM

(Ms. HIRONO asked and was given permission to address the House for 1 minute.)

Ms. HIRONO. Mr. Speaker, one of the most notable improvements I've seen since the beginning of this administration is the importance the President has placed on education.

I know I'm not alone in recognizing how President Obama and Education Secretary Duncan have changed the tone in the education community. Last Friday, David Brooks used his column in the New York Times to praise the President and the Secretary for their efforts in raising the bar on education reform. Partnering with Congress, they have set high standards and are providing \$5 billion in competitive grants to those States that can best demonstrate their commitment to reform. As a result, there is real excitement among the States to put their best education reform foot forward as they gear up for the competition for these grants.

At a time when the U.S. is falling behind other countries in educational attainment and at a time when State budgets are stretched thin, we need to focus more, not less, on strengthening education in our country to enable us to compete in the global economy.

HEALTH CARE

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, last month, President Obama stood right behind me here in our Chamber and delivered an address to a joint session of Congress in which he said, "Anyone who mischaracterizes our bill, we will call you out." His next line was, "I will not accept the status quo."

Well, Mr. Speaker, we all know that no one—no one—wants to accept the status quo. I've been listening to my California constituents, and they've been saying that we need to have exactly what our colleague from Washington (Mrs. MCMORRIS RODGERS) described as a step-by-step approach. They know and understand that a massive government takeover of health care is not the answer to our problem; in fact, it could exacerbate the problem, especially with the proposed Medicare cuts that will hurt our seniors.

We need to do things like allow people to purchase insurance across State lines, giving them a chance to have the best quality product at the lowest possible price. We need real medical liability reform, which, according to the Congressional Budget Office, will bring about a savings of \$54 billion. We need to have the step-by-step approach that Mrs. MCMORRIS RODGERS said that we need. Let's make it happen.

HEALTH CARE

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS of Maryland. Mr. Speaker, we are so close to achieving quality, affordable and accessible health care for all Americans.

If we were playing football, the team in support of consumer choice, the public option, is in the red zone, and we are determined not to go three-and-out as we've done for the last six decades. At last, we are going to take health care reform with a robust public option right across the goal line. Yesterday, the Senate Majority Leader helped "move the chains" when he inserted a strong public option in the Senate health care bill. This move down the field positions us one step closer to meaningful reform.

Now my colleagues in the House and I are keeping our offensive line strong in support of a robust public option,

but it's time to score this touchdown for the American people, for the middle class, for working people and the young people, including those in the Hillside program at Central High School who bear the burden and brunt of this failed health care system.

The status quo is unacceptable and it's a losing strategy. Including a robust public health option is real consumer choice; it's the logical option to scoring the goal and achieving success.

FUTURE ACCESS TO QUALITY HEALTH CARE

(Mr. SESSIONS asked and was given permission to address the House for 1 minute.)

Mr. SESSIONS. Mr. Speaker, I rise today to address the looming health care debate here in Washington, D.C.

The American people know the truth about the Democrat health care proposal. We know that it's full of mandates, full of taxes, and will result in further job losses, but it also cuts reimbursement to physicians and hospitals and creates an even larger access problem.

In the proposed health care reforms, congressional Democrats are racing to create an unsustainable government-run health care plan that would reimburse physicians and hospitals no more than 30 to 60 percent of market rates.

Public safety-net hospitals like Parkland Hospital—which serves as a critical health care provider to many in Dallas, Texas—need to keep their doors open to make this plan successful. My Republican colleagues and I believe that we need to guarantee physicians and hospitals adequate reimbursement for their services to ensure the American people have access to a delivery system that works—not mandates, not taxes, and not job losses.

HEALTH CARE

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise this afternoon to tell you about a constituent of mine who is waiting on Congress to pass comprehensive health insurance reform.

Karen Rozzell resides in Colonie, New York. She had to quit her job as a cashier because her diabetes got so bad she couldn't stand and she hasn't been able to find other work. When she left her job, she and her husband lost their insurance. They thought they could rely on COBRA, but it cost them too much and they were forced to let their insurance lapse. Her husband, a painter, doesn't have access to health insurance through his employment.

As a diabetic, Karen should be seeing a doctor regularly, but she doesn't. A couple of years ago she was hospital-

ized for a staph infection; she was only able to stay in the hospital until the infection was cleared up. She signed herself out before her doctors wanted her to because she knew she couldn't afford the cost. It took her years to pay that bill.

After living without insurance, her husband was diagnosed with chronic obstructive pulmonary disease, but the cost of his treatment and medication is out of reach for them. She told me she worries every time her husband sneezes.

No one in this country deserves to live in fear like this. We need health care reform.

CONGRESS—LISTEN TO THE VOICES OF THE AMERICAN PEOPLE

(Mr. McCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOTTER. In Michigan, the people know what the most important issue facing this Congress is: It's called jobs. My State has a 15.3 unemployment rate; it is expected to rise. And yet what we see in Congress is an unwillingness of the majority to listen to the concerns of the American people. They want this economy fixed; they want to provide for the livelihood of their families; they wish to pursue their happiness. And yet they watch a Congress that is willfully intent upon passing a partisan, government-run health care bill despite the voices of the American people.

I suggest that if we are to restore sanity and prosperity to these uncertain times, that this Congress start to listen to the voices of their constituents and start to act accordingly. That is why we have a representative government.

HEALTH CARE

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Mr. Speaker, need I remind this body that between the years 2000 and 2006, the party opposite controlled the White House, the House of Representatives, and the Senate. What did they do for the American people regarding health care? Nothing; nothing at all. They didn't do anything to help the American people. And now that the Democratic Caucus is within a hair's breadth of delivering real reform, all we hear about is death panels, sex school clinics, and now, oh, my God, the Democrats are after the seniors.

Seniors of America, in 1965, when Medicare was passed, only 22 Republicans voted for it; probably none will vote for health care reform now. Remember that at the polls.

JOBS AND HEALTH CARE

(Mr. MCCARTHY of California asked and was given permission to address the House for 1 minute.)

Mr. MCCARTHY of California. Mr. Speaker, as a former small business owner, I know that success is measured by results. If you don't achieve results, you have to rethink your approach to make your business successful. The same cannot be said of this Congress. Bipartisan stimulus ideas to help small businesses grow jobs were ignored. Instead, a \$1 trillion spending bill was crafted behind closed doors with the stated purpose to create 3.5 million jobs. The results? We now find ourselves with an unemployment rate not seen in over 25 years. In my home State of California alone, the White House predicted that 396,000 jobs would be created. Well, 336,000 jobs, and counting, have been lost. So where are the jobs?

Now in addressing health care, the Democratic majority is again crafting a bill behind closed doors. Can we expect the same lack of results? Likely. Because how do you save money for American families and small businesses by raising taxes and once again ignoring bipartisan ideas, like lawsuit abuse reform?

Our families deserve better; our small businesses deserve better; America deserves better.

HEALTH CARE REFORM

(Mr. PIERLUISI asked and was given permission to address the House for 1 minute.)

Mr. PIERLUISI. Mr. Speaker, I rise in strong support of Congress' efforts to reform our Nation's health care system. Too many Americans have no health insurance or are a job loss away from losing their insurance, and reform will give them access to secure, affordable coverage.

The House bill will also benefit the vast majority of Americans who already have insurance. Your insurance company will no longer be able to deny you coverage or raise your rates because of a preexisting condition. Your insurance company will no longer be able to drop or reduce your coverage when you get sick.

Mr. Speaker, I represent nearly 4 million U.S. citizens from Puerto Rico. My fellow delegates from the territories and I have fought hard to make certain that the House bill is fair to our constituents who are no less American than their fellow citizens in the States and are no less deserving of care.

Thanks to the determined efforts of our leadership, I am confident that the House bill will ensure that quality health coverage will be available for all Americans, whatever their financial means and wherever they happen to reside.

GOVERNMENT TAKEOVER
SLASHES MEDICARE FUNDING

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, what does a government takeover of health care mean for seniors? It's simple. According to the Congressional Budget Office, the Democrats' health care and tax increase bill slashes funding for Medicare Advantage plans used by millions of seniors across the country.

All told, the Democrat plan cuts \$162 billion from Medicare Advantage. That will directly affect the 40,000 seniors in my mostly rural North Carolina district who enjoy Medicare Advantage plans. With such huge cuts, Medicare Advantage plans are expected to disappear, limiting seniors' choices and causing real hardships for seniors in rural areas who simply don't have many options.

So much for the President's promise that "if you like your current plan, you can keep it." Sure, this promise is true, unless of course you're one of the millions who will lose their plan.

The bottom line is this one-size-fits-all government-run plan and tax increase combination is bad news for America's seniors.

HEALTH REFORM

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, I am very encouraged by the progress being made on health insurance reform in this Congress. Where we are in this health care debate is truly historic. However, we're not there yet, and we cannot let this opportunity pass us by.

For millions of people without insurance, health reform will mean access to affordable, quality coverage. But what will it mean for people who already have coverage? For them, health reform will create stronger consumer protections that ensure coverage isn't dropped or scaled back when they get sick. It will ensure a lower out-of-pocket cost to make coverage more affordable, and it will provide greater access to routine checkups and preventive care. It will ensure real competition and transparency in the health insurance market so the American people are getting the best plans at an affordable price.

In short, health reform will mean security and stability for millions of Americans, and we should not make them wait any longer for these commonsense reforms. The time to act is now. This is a historic opportunity for the American people, and this Congress cannot let them down.

DEMOCRAT HEALTH CARE
PROPOSAL HARMS SENIORS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Democrats are proposing \$163 billion in cuts to the Medicare Advantage program as part of their government takeover of health care. A crucial program, Medicare Advantage offers seniors greater choice and affordability, the primary goal of health insurance reform. But Democrats want to cut funding for this program.

Squeezing senior citizens out of their current health insurance plan in order to impose new taxes and unworkable government mandates onto American families is not the way to reform health insurance. We need targeted reforms that will expand opportunities to get insurance, like association health plans and purchasing insurance across State lines.

The Republican Study Committee, led by Dr. TOM PRICE, has offered H.R. 3400 to promote affordability and accessibility for American families and small businesses.

The American people have a choice on how we reform. We do not need a big government takeover which will destroy 1.6 million jobs, according to the NFIB, the voice of small business.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

□ 1230

HOUSEHOLD VIOLENCE

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, October is Domestic Violence Awareness Month, and now, more than ever, it is time to draw attention to household violence that results in more than 2 million injuries and 1,200 deaths among women each year.

Estimates of assaults on women by partners range from approximately 2 million to 4 million annually. Sadly, we have no real idea of how many incidents of violence actually occur each year because so many go unreported.

Those unreported incidents are the reason Domestic Violence Awareness Month is so vital. Only when we are no longer afraid to speak out about domestic violence will we empower those who currently suffer in silence. In my State of Illinois alone, there were 114,921 reported cases of domestic violence in 2006.

It is for those thousands of women and the countless others who suffer silently that I speak today. It is for those women that I encourage my colleagues to pass House Resolution 817, which supports the goals and ideals of

National Domestic Violence Awareness Month.

HEALTH CARE

(Mr. TURNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TURNER. Mr. Speaker, if the government's handling of the outbreak of H1N1 flu, known as swine flu, is any indication of how it will administer a public health care option, we should all be greatly concerned. With the media reporting that lines of hundreds of people wait for H1N1 vaccinations, it took a Presidential national emergency declaration just to cut through the bureaucratic red tape.

If this Congress is serious about health care reform, why not start with simple principles on which most of us can agree, such as prohibiting insurance companies from denying coverage based on preexisting conditions, portability of health care coverage, investing in medical research to ensure quality care, deductibility of health insurance premiums, ensuring access to health savings accounts, limiting frivolous lawsuits which raise health care costs, and allowing small businesses to group together to negotiate insurance plans.

Instead of the President's sweeping overhaul, which will likely result in pitfalls, we should look at simple reforms to adhere to mutually agreed upon principles ensuring that those who have health insurance can keep it and those who don't can obtain it.

PROTECT COWORKERS FROM ASSAULT AND ATTACK

(Mr. MELANCON asked and was given permission to address the House for 1 minute.)

Mr. MELANCON. Mr. Speaker, many of us have heard the terrible story of Jamie Leigh Jones, the employee of a U.S. defense contractor who was brutally attacked and sexually assaulted by coworkers while working in Iraq in 2005. Instead of being allowed to seek justice, Jamie Leigh was held in a shipping container by company employees so she couldn't report the crime.

When Jamie Leigh returned to the United States, she learned that a clause in her contract barred her from taking her case to court. Instead, it forced her into a company-run arbitration process; the same company that failed to protect her in the first place.

It is our responsibility to make sure that this horrific story can never happen again. No American citizen should ever have to sign away his or her rights to justice in order to get a job. Not a dime of taxpayer money should go to companies that would rather sweep an assault under the rug than allow our justice system to work.

The Franken amendment will forbid Federal dollars from going to companies that engage in these practices. If we fail to enact this measure, we have failed to protect the rights and values we were sworn to uphold when we took our oath of office. We cannot let this happen again.

U.S. DOLLAR ALARM BELLS

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Mr. Speaker, for decades the U.S. dollar has been used to price virtually all of the world's commodities, with nearly every country having U.S.-backed securities in reserve; yet this could all change.

There is growing evidence suggesting that foreign investors are losing faith in the dollar as a secure instrument. Several important countries like China, India, Russia, France, and the Arab States voiced their concern over the role of the U.S. dollar as the reserve currency in world trade. Many have suggested a new world currency take its place.

A primary concern for those investing in the United States is the growing U.S. debt and staggering deficits. Yet, despite this, the majority party continues to push ahead with an agenda that taxes, spends, and borrows, including a health care proposal that could cost as much as \$800 billion to \$1 trillion over the next decade.

How many alarm bells must be set off before Washington gets serious about tackling our ever-growing debt and budget deficits?

BREAKING THE STALEMATE ON PUBLIC OPTION

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, we need to stop ranting and start reasoning. Health care providers have pushed against the public option, citing payment as one of their primary concerns. Instead of seeing the issue within the lens of payments based on Medicare rates versus negotiated ones, I believe we can attract health care providers to the public option with a new incentive to break the stalemate. Malpractice is a primary psychological, emotional issue with doctors, dentists, hospitals, administrators, and pharmacists.

Additionally, it is a principal issue of economic obsession with providers who bitterly resent paying for liability insurance. When it comes to you, it is not petty. If there is malpractice, you certainly want to contact an attorney.

Progressives have always championed community health centers. My proposal expands the liability program used by these community health centers.

HEALTH CARE

(Mr. BONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONNER. Mr. Speaker, there is an old saying, common in south Alabama, that we need to practice what we preach. Well, if reports are accurate, it sounds like Congress will be moving forward with health care legislation that contains a government-run public option, no matter how hard the Democratic leadership might try to rebrand this poison pill.

Well, I am going to oppose with every ounce of me a Federal takeover of our health care system. I couldn't agree more with our friend Dr. JOHN FLEMING of Louisiana, who has introduced a resolution that says that any Member of Congress who votes for a public option should be the first one to sign up for it. After all, if a public option is good enough for you, Mr. and Mrs. Taxpayer, then your elected Representative should be the first to try it out.

This is especially true for our seniors who are looking at draconian cuts to Medicare, cuts to Medicare Advantage, and, according to the CBO, a 20 percent increase in their prescription drug premiums over the next decade, not to mention higher taxes for all Americans, just to help pay for this major step towards socialized medicine.

Practicing what we preach means just that. Congress won't ask the American people to take any poison that we don't take first.

HEALTH CARE

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, our Republican colleagues continue to amaze me with the creativity that they display in finding new ways to say "no" to health care reform.

First, a few weeks ago, it was Senator JOHN ENSIGN who said in the Finance Committee in the Senate, I am against the public option because—get this—it might work; people will like it. He was against it because people will like a public option.

Now, when we find out that the Senate has proposed an opt-out for the States, we are hearing from our opponents who say, well, they won't opt out, they just won't opt out. I wonder why. Probably because it would be effective in providing competition and choice for their constituents, for citizens of America who need affordable, secure health care.

That's what our efforts are for. That's what this bill is about. We need Republicans to stop saying "no" and to say "yes" to the health care that Americans deserve.

DON'T ROB SENIORS OF THEIR HEALTH CARE

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, as a family physician for over 30 years, I could have never imagined that the Democrats would come up with such a crazy idea as ObamaCare paid for on the backs of the American seniors.

As it stands today, \$162 billion will be cut from Medicare Advantage, forcing seniors to buy Medigap insurance like that sold by AARP, one of the many special interest groups the President cut a sweetheart deal with behind closed doors. There is also another \$350 billion that will be cut from the regular Medicare, which will directly remove access to medical care for this, the Nation's Greatest Generation.

In rural areas like much of my district in Louisiana, seniors will lose access to critical medical care as home health, doctors, and hospitals—they will all be closing their doors.

I call on Speaker PELOSI to stop this horrible attack on the health and welfare of our senior citizens now.

HEALTH CARE

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Mr. Speaker, the mantra of our Republican colleagues here in the House is "Just say 'no.' We like the status quo."

Well, that was their mantra when it came to the Recovery Act, which has now helped improve the stock market. Housing starts are up, and, in Colorado, unemployment is down from 7.8 percent in July to 7 percent today. The trend is right.

In Colorado, we have some 42 projects, transportation projects, as a result of the Recovery Act. We have increases in energy. We have wind companies coming. We have solar companies coming to Colorado. It has been a success, to their chagrin.

Now we hear "Just say 'no.' We like the status quo" when it comes to health care. This country can't stand the status quo when it comes to health care. Premiums are up, deductibles are up, discrimination exists against people with prior illnesses. That's got to change.

We are going to vote "yes" and stop this inequity in health care.

HEALTH CARE

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I rise today to talk about an issue of great importance—health care. The potential

bill before us should concern all Americans. While I have numerous issues with this bill, I will highlight two.

The first is abortion. There is no language to exclude abortion coverage in this bill. An overwhelming majority of Americans are against Federal tax dollars paying for abortion; yet this bill opens the door to do just that.

Second, cuts to our seniors. This bill is paid for out of the pockets of our seniors, with \$162 billion coming from Medicare Advantage, a plan millions of our American seniors, including 17,000 in my district, enjoy.

Mr. Speaker, we can do better than this. Let us not pass a bill that could harm our most vulnerable, our infants, and our elderly.

HEALTH CARE

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY of Georgia. Mr. Speaker, my patients' health care reform should not be written behind closed doors.

When Democrats came to Congress, they pledged, led by Speaker PELOSI, the most open Congress in history; yet, now, they are planning a costly government takeover of health care in the dark of night without any public input.

Mr. Speaker, a \$1 trillion, 2,000-page blended plan that will dictate how Washington will run our health care system deserves real transparency, not just empty promises about openness.

Speaker PELOSI, my patients deserve better. Your legislation is going to tell them what type of health care their family can receive and what Medicare benefits will be cut from our seniors.

Mr. Speaker, even if the Democrat majority is going to prevent minority participation, my patients deserve to know what's going on behind these closed doors in the dark of night. If this bill really is the right prescription for reform in the health care system, then it will stand up to the light of day.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that House Rules require that they address their remarks to the Chair.

HEALTH CARE

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, when I was home recently, I spoke to a constituent who had lost his job because he had contracted gall bladder cancer. He was using every

dime of his unemployment benefits to pay for the treatment necessary to keep him alive.

He is an example of the millions of Americans who have either lost their health care because they got sick and lost their job or the millions more who are just one paycheck or one illness away from losing their own. We have to have an answer for those individuals and for those families.

The Republican strategy of stopping health care reform at no cost provides no answer for the people of this country who have been waiting too long for a solution. It's time for this House to get beyond politics and start to provide real answers for the millions of individuals and families like that gentleman, who has his life put at stake by his lack of health care, and come together. Put politics aside and pass health care reform that will lower costs and expand access for the people of this country.

HEALTH CARE

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Mr. Speaker, Republicans have health care solutions, but our solutions don't involve breaking promises to America's seniors. Our solutions don't involve slashing Medicare Advantage, a program that 7,400 seniors from my district rely on day in and day out. Our solutions don't involve massive cuts to Medicare that will go far beyond reducing waste and do real harm to current programs that Kansas seniors enjoy.

One of the President's stated goals for health care reform is to increase choice and competition in health care. Rather than moving forward with a plan that will reduce choice and have harmful effects on our seniors across the Nation, it is time to sit down and have an honest discussion about how we can extend health care coverage without a government takeover and without cutting Medicare.

□ 1245

HEALTH CARE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, my mother is 83 and not in the best of health. When I see what is being proposed in this House, health care agendas that take away from seniors like her, I get a cold shiver down my spine. Medicare and Medicare Advantage are lifelines for many elderly Americans, especially in my area of south Florida.

How can this House justify \$162 billion in cuts to Medicare Advantage?

Why in this economic recession are we limiting the choices for seniors or causing many to lose their current health care coverage? For seniors in my congressional district, cuts to Medicare Advantage would be disastrous.

The Congressional Budget Office says that Medicare prescription drug premiums will increase by 20 percent because of the Democrat plan. I know, and my constituents know, that seniors simply cannot afford this.

The health care reform bill makes it tougher on seniors to get the coverage and the treatment they deserve after a lifetime of hard work and sacrifice. Of course we need health care reform, but reform should not be on the backs of our seniors.

HEALTH CARE

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Speaker, Americans are growing tired of having to speculate about what is in a 1,000-plus page bill that is still being drafted in secret behind closed doors. The American people want transparency in this process, and they want real bipartisan reform. They want a step-by-step approach.

Why don't we work together out in the sunshine and add even a few of the elements Republicans have presented in our 53 health care alternatives?

One of these alternatives is my OPTION Act, H.R. 3889, that among other things would, number one, make the purchase of health insurance more affordable to more people. It would allow transparency in health care pricing; make all health care-related expenses tax deductible for everybody; and allow for individuals to keep their health insurance once they leave their jobs or shop across State lines.

We must bring health care reform back from the partisan abyss and give the American people real bipartisan health care reform.

RECOVERY ACT AIDING UPSTATE NEW YORK

(Mr. MAFFEI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAFFEI. Mr. Speaker, I rise today to talk about some of the recent investments that the Recovery Act has made in my home district in upstate New York.

A few weeks ago, Secretary of Energy Steven Chu came to Syracuse to tour some of our innovative renewable energy research facilities. When he was in town, we announced more than \$1.4 million in funding for energy efficiency programs in the city of Syracuse alone.

The doors, windows, heating and cooling system at City Hall will be switched to a high efficiency, energy saving model. This is a great investment, because not only does it provide for lower carbon emissions, it will actually reduce the energy bills that Syracuse taxpayers will have to foot.

This weekend, I announced energy efficiency funding for the town of Irondequoit. Irondequoit has already had an impressive energy plan in place, so they will make the most of the \$440,000 grant. Irondequoit will pursue projects like replacing lightbulbs at often-used public parks and creating a Deputy Commissioner of Public Works for Sustainability.

In my district, Mr. Speaker, the Recovery Act is making smart short-term and long-term investments. It is giving communities in my district the flexibility of making improvements and creating jobs.

HEALTH CARE

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. This Saturday, as Americans celebrate Halloween, we should learn a valuable lesson from the frightening results Dr. Frankenstein's medical experimentation had.

Today, Congress is debating its own dangerous health care experiment. Stitched together in hidden laboratories from parts of at least five different bills and countless special interests, the final health care monster will ultimately hurt American seniors.

In Montana alone, more than 26,000 seniors choose to use Medicare Advantage. The nonpartisan Congressional Budget Office warns of \$162 billion in cuts to this popular program. Those will hurt those Montana seniors. Worse, this plan will increase the cost of prescription drug premiums for seniors by 20 percent over the next 10 years.

When it comes to America's health care system, the stakes are too high for reckless legislative experimentation. No one will remember how the monster was made, but they will remember the damage it did.

HEALTH CARE

(Mr. HIMES asked and was given permission to address the House for 1 minute.)

Mr. HIMES. Mr. Speaker, we are treated this afternoon to a steady stream of people rising, despite what they say, in opposition to fundamental health care reform. This long line of speakers, what do they have in common, apart from their party affiliation? They have really good health care, and they have got jobs guaranteed until January of 2011.

What about the millions of Americans who find themselves without jobs

today and who, as they think about what the future holds, also think about and worry about and are terrified by the fact that their child may not be able to see a doctor when that child needs to?

We should talk about tort reform. We should talk about interstate competition of insurance. But only the bill being discussed now, not in secret, only the bill being discussed now provides for the coverage of those many millions of Americans who have lost their job in this recession. That is serious business, and that is what this House should continue to focus on.

HEALTH CARE

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, the people of my district are frustrated and they are scared. They feel like their Federal Government is out of control. Now Speaker PELOSI is playing a game of hide-and-seek with a health care system that comprises one-fifth of our GDP.

The American people would like to know what you are hiding as they seek to find out what is in this bill, this massive, government-run health care bill. Perhaps you are hiding the fact that this will lead to government bureaucrats taking over control of seniors' health care.

Maybe you are hiding the fact that this bill is designed to include \$163 billion in cuts to Medicare Advantage. These cuts will have an exceptionally harmful impact on seniors in rural areas, forcing many seniors into a one-size-fits-all government-run health care plan.

I would like to know, but I haven't seen the details of the bill because I don't know where they are hiding today. If you claim that it is true that the American people want government to take over health care, why is this process so closed and secretive, Madam Speaker?

The American people and our seniors deserve to know better. Madam Speaker, where are you?

OPENING OF THE JAMES A. FARLEY MEMORIAL BRIDGE

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, earlier this week I attended the opening of the James A. Farley Bridge in Stony Point, New York. Eight months ago, that bridge was 80 years old and structurally deficient, one of 13 deficient bridges on the list issued by DOT after the I-35 bridge collapse in Minnesota.

This Monday, just yesterday, thanks to the hard work of so many, we celebrated the early opening of its replacement. This project is more than just a bridge; it is an investment in our community, in our country and in our future. It created jobs that cannot be outsourced, while strengthening the local communities.

The new bridge will hold three lanes of traffic and sidewalks on either side, keep our communities connected, reduce congestion, and strengthen the Route 9W corridor, providing faster response times for local EMS and less noise for neighborhoods with reduced detoured traffic.

We should celebrate the cooperation between Federal, State and local government officials, especially the supervisors, Howard Phillips and Phil Marino from Stony Point and Haverstraw, the two towns joined by the bridge. I would like to congratulate them and all the workers on a job well done.

HEALTH CARE

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, we have been told that the public option is now back on the table, but we have to call it by some other name. Well, I have done a little work on the criminal justice side, and we used to have something called prior acts evidence. You look at what someone has done in the past and you see how that allows you to interpret what they are doing now.

So let's look at what we have done with the issue of student loans. Oh, yes, we got rid of the private option for student loans this month, because the President and the Democrats said the government has to take it over. And now we have in this bill an effort to try and get rid of the only private option in Medicare. It is called Medicare Advantage.

But forget about that, because when they tell us now the private option is just an option for competition and they are not going to take over by government the health care system, trust them with that. Forget about the prior evidence. Give them the benefit of the doubt.

The American people aren't fooled. They look at what they have done before, they look at what they are doing now, and they are telling us, help us stop them. Help us stop them.

HEALTH CARE

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, you know, I will tell you what

is scary. What is scary is the woman who came into my office a few weeks ago who shared her story with me to tell me about her breast cancer experience that she had just been through for the third time. She told me how I as a breast cancer survivor was fortunate because when I was diagnosed all I had to worry about was fighting the cancer. When she was diagnosed, she also one day later lost her job and, with it, her health insurance. So not only did she have to battle breast cancer, but she also was faced with battling how she was going to get her health care taken care of so she could get well from breast cancer and continue to be the survivor that she has been for many, many years.

Americans are tired of the party of "no." Americans are tired of obstacle after obstacle standing at that podium insisting on making up things that just aren't true.

There are bills out there that are available and accessible to anyone to look at. This has been an open and transparent process. But the bottom line is there are 46 million people that don't have health insurance. We need to provide stability and security to those that do and bring the costs down.

I challenge our colleagues on the other side of the aisle to work with us on true health care reform, instead of being the party of "no."

HEALTH CARE

(Mr. LATTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, I come from northwest Ohio. I know that many of my colleagues from around this House go home every weekend, and it wasn't very long ago I was home and I was speaking with one of our small business owners.

He came up to me and said, BOBBY, I have a question to ask you. He said, Where are we on this health care?

I told him. I said, This is where it looks like we are going.

He said, Do you think it is going to pass?

I said, I am not really sure right now. But he said, You know what? I am going to tell you something. I have been trying to read these bills to the best of my ability to find out what is in them. I am going to tell you right now, if this bill passes, there is no way I can survive. I am going to have to close up.

We are talking about people and their health care, and it is very important. There is not one person in this Chamber that would say we should not be doing something about health care in this country. But we also have people out there trying to put jobs out there so people can work. And when I looked around that business where he was, you start saying, Where are these

people going to go after this? We have over 10 percent unemployment in Ohio, and it is getting tougher. The worst is yet to come.

Mr. Speaker, the American people want health care reform, but we have to do it responsibly.

HEALTH CARE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, the people may be wondering what is going on here today. Well, you are watching the charge of the light brigade. The Republicans believe that they can just throw themselves into it and they will stop it. But they are not going to stop it.

The other night, Tuesday night, New York City, a friend of mine had a problem. He called a doctor's office and got the first question, which is always, What kind of insurance do you have?

He said, Well, I don't have any insurance. I am from out of the country.

They said, Oh, well, you can come in and see the doctor, but you have to bring \$250 in cash or the doctor will not see you.

He said, I don't have that kind of cash.

They said, Well, tough luck. Go to the emergency room.

Now, that is the health care system that my colleagues in the light brigade want to protect. Keep trying to protect it, guys. It ain't going to work. The American people want a change, and they are going to get one.

□ 1300

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that the rules of the House require that Members address their comments to the Chair.

HEALTH CARE

(Mr. CASSIDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASSIDY. Mr. Speaker, as a substitute for a plan that actually controls health care costs, the Senate majority leader has devised a gimmick. Under the plan announced yesterday, the Federal Government imposes billions of dollars of taxes on all 50 States, imposes billions in unfunded mandates via the Medicaid program, increasing the debt load of every citizen, creating a new government-run insurance program that, according to the CBO's official analysis, is more expensive than the status quo. Individual States can opt out, but their citizens

cannot opt out of the taxes, and they can't opt out of the debt, and they can't opt out of the job losses that will result from these higher taxes and debt.

Real reform will not require gimmicks or job loss. States should not have to pass laws to save themselves. Real health reform lowers costs by empowering patients. If we give patients direct control over health care dollars and the information they need for value-conscious decisions, we will have reform.

HEALTH CARE

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, the debate we're having today is between two groups—those who believe we can improve America and those who believe we can't improve America. We believe we can improve American energy; they believe we can't. We believe we can improve health care; they believe we can't. We believe we can stop insurers from preventing us from having coverage because we have a preexisting condition; they believe we can't. We need some more Republicans and fewer Republican's because saying we can't improve America is not up to the standards that America was built on. We can stop insurance companies. Let's get some more of these Republican's to become Republicans and help us reform health care in this country.

HALLOWEEN HEALTH CARE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, in the dark caverns of the Capitol where the trolls roam at night, the Halloween health care bill is being drafted by a secret few. The bill is being written in secret so no one, especially seniors, see it.

Mr. Speaker, what is being cooked up in the dungeons of this building? Is it just too scary for people to know about? Well, probably so. You see, it takes \$500 billion from Medicare and gives that money to the national Halloween health care bill. That's a frightening nightmare for people, especially seniors. And more importantly, it turns America's health over to the government.

Does anyone actually think the government can do it better? The Halloween health care bill will probably have the competence of FEMA, the efficiency of the post office, and the compassion of the IRS. The bill may be ready just in time for Halloween, and it will be a treat for the special interest groups, but it's a trick on the American people, especially the seniors. No wonder they're scared of it.

And that's just the way it is.

HEALTH CARE

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, this past Sunday the front page of The New York Times reported a survey of insurance brokers across America who have now predicted that the increase in insurance rates for small businesses in 2010 will be 15 to 23 percent. Last year it was 7 to 12 percent. So if your premium as a small business for a worker was \$4,500 in 2008, it will be \$5,500 in 2010. That is the Halloween surprise for small businesses in America today. There is no group in America that takes a harder hit than the self-employed and small group markets who have no mechanism to pool their risk that large employers and people in the Congress benefit from, as members of the Federal Employee Health Benefits plan.

This bill will create a national purchasing exchange so that the risk-takers in America will actually have the opportunity to provide and buy affordable health insurance for themselves and their employees. It is for America's capitalism and for America's entrepreneurs that the need to fix this market is the most critical, and that is why it is time to stop listening to the voices of "no" and move forward with real health care reform that will make America's economy grow and be viable.

HEALTH CARE

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROE of Tennessee. As a physician with over 30 years experience in treating patients, I came to Washington to participate in the great health care debate. Everyone in this Chamber agrees, we need health care reform. I will tell you, to be the first, I want to opt out of the public option. We've tried that in Tennessee, and it was a fiscal disaster. Costs tripled in less than 10 years, quality decreased, and access decreased.

What are we going to do? We're going to take \$400 billion to \$500 billion away from our senior citizens' health care while in 2011, we're going to add 3 million to 3.5 million baby boomers each year. That's 30 million more people. Guess what: They can do the math. Decreased access, decreased quality, and increased costs will be the result of this right here.

Americans should ask themselves one question at the end of the day: When this huge, 1,000-page, incomprehensible bill, which I've read every page of, comes to fruition, will the health care that I get and my family gets and that

my doctor is able to provide for me, will it improve? The answer is "no."

HEALTH CARE

(Ms. SUTTON asked and was given permission to address the House for 1 minute.)

Ms. SUTTON. Mr. Speaker, what we're seeing here is, we are on the brink of passing health care reform in this country. Why are we doing that? We're doing this for my constituents and constituents across the country. We're doing it for the grandparents who I saw on Sunday, whose 12-year-old granddaughter, a life full of promise, is awaiting a transplant, but she might not be able to get that transplant. They have optimistic signs that she would be fine, but she might not get that because her health insurance is about to reach its cap.

And we're doing it for the elderly gentleman who I met. He had a part of his arm stripped away because he had melanoma as a young man. He never had another day of sickness regarding melanoma in his life, but he has dodged health care issues forever because he couldn't get insurance because of his preexisting condition. Now he's on Medicare, and he has that system that is working for him.

But that's not how it should be in this country. You shouldn't have to wait to be 65 in order to access affordable, quality health care. We're better than that, and we're going to give the American people better than that.

HEALTH CARE

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COFFMAN of Colorado. Mr. Speaker, the House of Representatives will soon be debating a health care reform proposal on the floor of this Chamber. The biggest question in this proposal will be whether or not we should have a government-controlled health insurance option called the public option that is targeted to cost about \$900 billion, half of which is on the backs of the taxpayers and small businesses of this country in the form of higher taxes, surcharges and fees, and the other half is money stripped out of the Medicare system; hundreds of billions of dollars stripped out of Medicare.

When the proponents tell you that if you like the insurance that you have, you can keep it, they're not referring to the 10 million seniors who are on the Medicare Advantage Program that will be phased out. Mr. Speaker, it's important that the proponents of the public option be honest with the seniors of this country in terms of what it will do to them.

HEALTH CARE

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, the news from the Senate that they will include a public option in the health reform bill is encouraging, as we in the House prepare to vote on comprehensive reform. It is also precisely what the majority of Americans want. They want true competition in the health insurance market, and only the public option can do that. If the current insurance market had wanted to provide equitable and affordable health coverage for Americans, we wouldn't have 47 million uninsured people.

These are our constituents, our neighbors, even our family members. It's the young mother who called me to tell me that her daughter, born with spina bifida, was being denied a life-saving surgery. I urge my colleagues to join me in welcoming the news from the Senate. Let's pass real health reform now.

HEALTH CARE

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, the jury is out. The jury is looking right now, and they're wondering, What's going on with health care? We've heard all this evidence here today. Some say this; some say that. But the Democrats say, We're going to make it better, the government can do it better, and we're going to make it better. Our experience says, Wait a minute; the government doesn't do things very well.

So where's the evidence that it is going to do it better? Well, hold on. It's still behind closed doors. When we come out from underneath those closed doors, we'll give you 72 hours to try to figure out what we're doing, and then we're going to make you vote. I think the American people and the jury of the American public want this thing out in the sunlight. Open the doors. Share the information. Let us know what's going on, Mr. Speaker. That's what the American people need to know. Their health care is at stake.

HEALTH CARE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Well, the Republicans are invoking Freddy Krueger and saying that he wrote the Democrats' health plan, and it's going to be dangerous for Americans. Really scary.

I'll tell you what's scary. Scary is losing your job and being confronted with a bill for continued health insur-

ance that eats up two-thirds of your benefits. Even more scary—and this has happened to people in my district—is having your company go bankrupt and being told that your health insurance will cost more than your unemployment benefits. That is, if you can get it; if you've never been sick, if your kids have never been sick. You can go into the private market and buy a policy that exceeds your unemployment insurance. Of course if you have ever been sick, a preexisting condition, forget about it.

The Republicans promised 132 days ago that they would have their own health care plan. Where is it? Now 132 days later, you know why we don't have it, why there is a resounding silence on that side? Because if you are going to take care of people with health care, you have to take on their two biggest benefactors, the pharmaceutical industry and the insurance industry. And that's the last thing the Republicans want to do, take on their biggest campaign benefactors. We have to take on pharmaceuticals, take on the insurance industry and have meaningful reform for all Americans.

DEMOCRAT HEALTH PLAN HURTS AMERICAN SENIORS

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Washington. Mr. Speaker, the Democrats, contrary to what we have been hearing, are behind closed doors, writing a sweeping change to our health care system. Unfortunately, a government takeover of health care, as we know, would raise taxes, eliminate choices, fine small businesses, and cut Medicare by more than \$500 billion. According to the non-partisan Congressional Budget Office, the proposed cuts would result in millions of seniors losing their current plan, including 100,000 in my State of Washington. I have spoken with many hospitals in my district who say that Medicare cuts would have serious consequences on them.

We need reform, Mr. Speaker, but Americans deserve better than secret deals. I support proposals to make purchasing insurance more affordable, expand health savings accounts, help small businesses afford their benefits and end lawsuit abuse. It's time to begin open, transparent, bipartisan work on legislation that actually increases choices and lowers cost.

HEALTH CARE

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Ladies and gentlemen, I have a viewer's guide for what's going to be going on on this side of the aisle

this morning and this afternoon. What essentially it comes down to is my Republican friends don't want you, the American people, to have what they have.

They say they don't want any government-run health care, but 55 of them have Medicare. You don't see them sending that back. They say that they don't want the plan that we have, which would create more choices for the American people. Well, they don't want you to have what they have. Go to the Web site for the Federal Employees Health Benefit plan and see what a great plan they have, but they don't want you to have more choice.

Frankly, I don't know what it is they do want. They said 131 days ago they were going to have a plan. You hear that sound? That's the sound of their plan. They don't seem to have one. I have heard us talk about all this stuff going on behind closed doors. My friends, there are five committees, five bills. You can read them. I know it's a lot of words, but you can see exactly what the plan is. Listen to the American people. Give them what you in Congress have, a public option, like Medicare; and choices, like the insurance plan you have.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that the rules of the House require that remarks be addressed to the Chair.

□ 1315

HEALTH CARE

(Mr. WITTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WITTMAN. Mr. Speaker, today, millions of Americans cannot afford or do not have access to health insurance.

Since 1999, health care insurance premiums have more than doubled for most Americans. Virginians are not immune to the Nationwide trend in health care. For the last several years, health care premiums in Virginia have increased at approximately 10 percent a year, and today, more than 1.1 million Virginians are uninsured.

From the hourly worker in Newport News, Virginia, who must somehow find room in his or her budget to pay for health insurance, to the small business owner in Fredericksburg, Virginia, who voluntarily chooses to provide health insurance as a benefit to his or her employees but, with the slowing economy, is finding it incredibly difficult to absorb increased health insurance costs, Virginians are struggling to find affordable health care.

I've been traveling around my district, and have held dozens of meetings

with constituents and with my 150-plus-member health advisory council, and thousands of e-mails are pouring into my office each week. In addition, I have also hosted multiple town hall meetings and tele-town hall meetings.

What I am hearing from my constituents is that they do not want to be forced into a new government-run health care plan that will limit their choices of doctors and of medical treatment options. Equally as important is to protect our small businesses, which are the backbone of our economy, from being penalized.

I hope that we will take this opportunity to craft legislation across the aisle that will make health care more affordable, that will enhance access for all Americans, that will ensure patients are getting their health care, and that will guarantee that doctors and patients, not insurance companies, are making important health care decisions.

HEALTH CARE

(Mr. SARBANES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARBANES. Hang on, America. Help is on the way.

Mr. Speaker, a bill that will create insurance coverage for millions of people who have no insurance coverage now is on the way. A bill that will provide better coverage for those who are underinsured and that will deal with preexisting condition exclusions from coverage provisions is on the way. A bill that will strengthen Medicare is on the way. A bill that will improve our delivery system is on the way. A bill that will strengthen the health care workforce is on the way.

That is what is coming. The simple proposition we need to test here and what Americans want to know is, when it comes to the insurance industry, are we going to go on living in their world and playing by their rules or are they going to start living in our world and playing by our rules? That's the question here.

The bill we're putting forward is finally going to make the insurance industry adhere to good practices. That's why we're going to pass this bill. We're going to do it for the citizens of this country.

HEALTH CARE

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, somewhere in this Capitol, behind closed doors, the Democrats, by themselves, are writing a health care reform bill that is going to cost the taxpayers of this country more than \$1 trillion.

Added on top of the enormous debt that we already have, this legislation is also going to include mandates that are going to risk millions of American jobs. At a time when we have nearly 10 percent unemployment and nearly 15 million people in this country looking for work, they're going to pass legislation that's going to cost millions of more jobs if they attempt to mandate on small businesses, which are struggling, an additional obligation of an 8½ percent payroll tax.

In addition, this is going to harm our senior citizens in a multitude of ways. Those of them who are on Medicare Advantage plans, like thousands in my congressional district in Virginia, are going to lose the opportunity to participate in those plans as they take \$162 billion in cuts out of that portion of Medicare and \$400 billion in cuts from Medicare overall.

Save our seniors. Vote against this bad plan.

HEALTH CARE

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, we need health care reform right now. We need it on behalf of the 47 million people who don't have insurance. We need it on behalf of the 217 in my district who don't have any insurance.

They talk about costs. What costs are going to go up if we don't do anything about health coverage?

Right now, many of our seniors are suffering. They're wondering how they're going to pay their health care bills, how they're going to put food on the table and how they're going to take care of themselves. A lot of youth are asking: How are we going to provide health insurance for a lot of us who don't have it?

We owe it to the American people. This is not about maintaining the status quo, and this is not about protecting the insurance companies. This is about doing something for the American people. It's time that we have a health plan that covers all Americans to make sure that we're not left out, to make sure that everybody has the ability to enjoy their quality of life and to be able to say: You know what? I know that I'm going to get coverage, and it doesn't matter where I am.

I am not going to maintain the status quo. With the Republicans, it's all about maintaining the status quo, and that's not what America wants. We need to make sure that we have a health plan.

HEALTH CARE

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute.)

Mr. ALEXANDER. Mr. Speaker, Senate Majority Leader HARRY REID has

included an opt-out plan into this health care plan. We all know that it is still just a government-run plan that's going to require a vote of the legislature.

Now, do we really think that the Governor and the legislature are going to vote for a plan that opts them out of the plan but yet requires the taxpayers of that State to pay for that plan? Why, of course not.

Whether it's opt-out, opt-in, trigger plan—whatever it's called—it's still a government-run plan that's going to create an unfair advantage for the government against private insurance, causing many people to lose their plans.

I am not going to vote for a plan that raises taxes, that cuts benefits or that drives a Washington bureaucrat between the patients whom I represent and the physicians.

HEALTH CARE

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker and Members of the House, during my recent trips back to my congressional district, I spent time with many small business owners who are still in business and who are able to continue to keep their doors open, but they do so by cutting back the health care benefits to themselves and to their workers. In some cases, they're getting rid of health care, and they lament that fact because they are very fond of their workforce. They believe that they're very productive and that they've helped them, but they simply cannot afford it.

They're part of a larger movement in this country of businesses, both large and small, to get out of the health care field and to stop offering these benefits, in some cases, to new hires and, in some cases, to all of their employees. We're seeing this with a record number of companies. Why are they doing that?

It's for the same reason that families are struggling. It's because the costs of health care continue to go up and up and up. It's crushing America's families and it's crushing America's businesses.

That's why we're going to have in the next couple of weeks a vote on health care in this House and in the Senate, and we will send a bill to the President's desk so that, finally, we will have real competition in this system and so that insurance companies will no longer run this system for their fun and profit.

The time for change is coming. It is time now for health care for all Americans.

HEALTH CARE

(Ms. FALLIN asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. FALLIN. Mr. Speaker, one of the groups which is suffering under the tough economic times is seniors.

Some are still working to earn enough money just to make ends meet. Some are on fixed incomes, and every slight increase in expenses can cause them to experience difficult times.

That's why I'm very concerned about the Democrats' health care proposal to make massive cuts to Medicare Advantage plans, which would take benefits away from our senior citizens, even though President Obama has promised Americans that, if they like their health care plans, they can keep them.

The Democrats' plan to cut Medicare Advantage will limit choices; it will cause seniors to lose their coverage; it will increase prescription drug premiums by as much as 20 percent. It will even have an exceptionally harmful impact on seniors in rural areas when we try to force them into a one-size-fits-all government plan.

I will not support a health care plan that cuts benefits for millions of our seniors, who have worked their entire lives paying into this system. We can't ask our seniors on fixed incomes to pay higher costs, and we can't force seniors off of their health care plans they choose.

As a Republican, I am for health care reform, but it's wrong to finance health care reform on the backs of our seniors.

HEALTH CARE

(Mr. SCOTT of Georgia asked and was given permission to address the House for 1 minute.)

Mr. SCOTT of Georgia. Mr. Speaker, ladies and gentlemen, America is a great country. It is the greatest country on the face of the Earth.

The reason that it is the greatest country on the face of the Earth is that, at great moments of crisis, this country has risen to the occasion. When it was during the Depression, we rose to the occasion. When we needed Social Security, we rose to the occasion. With Medicare, we rose to the occasion.

Also at that time, there were the naysayers. There were people who would just say "no." That's what my friends on the other side of the aisle did. Where is their plan? They have no plan.

At this moment of crisis, we Democrats are standing here, and are saying America deserves better. America deserves the best. Now, they talk about our being in the dark with plans? We've had health care debates. We've had meetings. We've had bills moving through three houses in this Congress—two in the House and in the Senate. Republicans have had their shot. We need this bill. Let's stand up for America and have health care.

HEALTH CARE

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, the Republicans were just castigated for being the party of "no," and I would submit that it is just the opposite, and this is why.

The President of the United States, in a historic move, gave a speech to the joint session of the House. He said, if any Republicans have positive ideas, they need to come to me, and I'll be happy to sit down with them.

Well, I wrote a letter to the President, taking him up on that wonderful offer, and said, I have a positive alternative, Mr. President. Could I sit down and share that with you? I'm still waiting by my desk for that return phone call, and I have yet to receive the courtesy reply as have multiple of my Republican colleagues offered to the President to share with him their positive alternatives.

The party of "no" is the party that locks the door on Republicans to even prevent them from coming into a committee room to offer our positive alternatives. We have them. What has the majority offered? They've offered to cut Medicare to senior citizens by \$500 billion. Is that a positive alternative? We have loads of them. We're the party of "yes."

Stop being the party of "no."

HEALTH CARE

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, all of the American people need health care now. Reform must come, and it's coming to the floor very soon.

For those who are pleased with their health care insurance, they can keep it. Their costs might even go down with reform. What we want to do is rescue the insurance from under anti-trust-ignoring insurance companies. We all pay insurance, and we like insurance, but no one wants to be abused by any system, and we have seen that happen.

The hospitals are attempting to perform all of this uncompensated care. With this reform, it will be different. I suppose that correcting preexisting conditions and getting sick will cause some to lose health care support. We must make this change.

You know, I keep hearing what the Republicans are saying, but Mr. Speaker, but that's not what the plan says.

REPEATING OUR MISTAKES

(Mr. McCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. McCLINTOCK. Mr. Speaker, today's unemployment rate of 9.8 percent last reached that level in 1983. President Ronald Reagan responded by cutting taxes and by reducing regulatory burdens on the economy, and he produced the biggest peacetime economic expansion in our Nation's history.

Today, President Obama is doing exactly the opposite. ObamaCare, cap-and-trade and the other measures promise the biggest tax increases and the heaviest regulations that we've ever seen.

Three Presidents within the last 100 years have responded to recessions by reducing taxes and regulations. Warren Harding, John F. Kennedy, and Ronald Reagan all produced rapid and dramatic economic recoveries.

We've had two Presidents in those 100 years who reacted to recessions by doing the opposite—Herbert Hoover in the early 1930s, who radically increased taxes and spending and who imposed unprecedented burdens on trade, and the other is Barack Obama.

As they say, those who refuse to learn from history are condemned to repeat it.

HEALTH REFORM

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I have to admit that I've never heard someone quote Herbert Hoover as being so bad and President Obama as being so good. We have to remember that Herbert Hoover was actually a Republican.

Mr. Speaker, am I supposed to have the floor or do the Republicans have it part time?

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 minute.

Mr. GENE GREEN of Texas. Thank you, Mr. Speaker.

I rise in strong support of a national health care plan that provides comprehensive health care for every American.

Three House committees had many public hearings and public votes on the bill, H.R. 3200. Democrats are using the same public rules that the Republicans used when they were in charge. They just don't like them because they don't have the majority now.

We have so many people uninsured in our country. My own district has the highest uninsured in the country of people who have private insurance—35 percent of our district has private health care, and over 40 percent is uninsured because they can't afford it or their employers don't provide it.

We've given private insurance companies plenty of time to cover the 39 million U.S. citizens who don't have health care, but they can't do it because they can't make a profit on

someone like that. So that's why we need a public option. H.R. 3200 will help that. We will have health care for everyone.

□ 1330

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Members are requested not to traffic the well when another Member is under recognition.

HEALTH CARE REFORM

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute.)

Mr. MILLER of Florida. Mr. Speaker, the constituents of the First District of Florida and the people across this country have spoken loud and clear: We do not want a public option or government-run health care.

But I guess the Democrats can't hear from behind closed doors.

The majority leaders have turned a deaf ear to the American people and continue to insist on a public option. Whether it be an exchange, a co-op, single payer, or whether States opt in or opt out, the fact is the majority party leaders, behind closed doors, are crafting a final health care bill that would force a public option down our throats.

If a robust public option is absolutely critical to health insurance for Americans, then why does this increased coverage not occur until at least 5 years after enactment?

This health care reform bill is a farce and should be voted down. Americans don't want government-run health care as their only option.

HEALTH CARE

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Mr. Speaker, as I sit here and listen to one after another of the Republicans here in Congress finding reasons not to move ahead, not to find that uniquely American solution to helping every American have access to health insurance, the fact is that we have to do more. We have to act right now to ensure that every American has access to insurance coverage; that that insurance coverage is affordable, and that it is meaningful; that it covers preexisting conditions and provides for ongoing care for chronic diseases; that we can ensure that Americans get quality care and the right care, including for our seniors.

Legislation we have coming before us protects seniors, makes sure that they see lower copayments for primary care,

that they see lower copayments for prescription coverage.

The fact is that we can contain costs and help enable every American to have access to health insurance coverage. This is a moral imperative. It's an economic imperative for our families and for our businesses and for our Nation.

Fifty million Americans without health insurance, 14,000 a day being uninsured. It's time to get this done. It's time to act.

HEALTH CARE

(Mr. KING of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KING of Iowa. Mr. Speaker, this whole health care debate started out clear back during the Obama-Hillary debate during the Presidential campaign.

President Obama has come to two premises: One is we spend too much money on health care. The proposed solution from Democrats? Spend a lot more, \$1 to \$2 trillion more.

The second premise: That too many are uninsured, 47 million or, as we just heard, 39 million. When you subtract from 47 million illegal aliens and immigrants and those who qualify under their employer and those who make over \$75,000 a year and those who qualify for government programs, you're down to 12.1 million, not 47. That's less than 4 percent of the population.

They seek to overhaul 100 percent of the health insurance industry in America and 100 percent of the health care delivery system in America to do what? To reduce that number of uninsured from 4 percent down to something like perhaps 2 and, in the process, put in place the framework for socialized medicine.

Additionally, they give us an opt-out. Well, here's what I'll opt out of: I'll opt out of funding abortions. I'll opt out of funding illegals. I'll opt out of lawsuit abuse, tax increases, and Medicare cuts.

HEALTH CARE

(Ms. FUDGE asked and was given permission to address the House for 1 minute.)

Ms. FUDGE. Mr. Speaker, I have been listening to a lot of this today, and I just feel that it's time that the American people hear the truth.

The truth is that more than 60 percent of the American people want health care reform. The truth is that seniors pay much too much for their prescriptions and for their medications. The truth is that the American people are being mistreated by their insurance companies as they exist today. And the truth is that Democrats are working to fix the problem and not just be obstructionist.

LET'S MOVE FORWARD ON A JOB AGENDA FOR AMERICANS, NOT AN AGENDA OF GOVERNMENT- RUN HEALTH CARE

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, it seems that the Democrat majority in this town is determined to install a government-run health care system which will be costly, inefficient, and provide bad care. We all know that.

I happen to support something that's directionally opposite to that, something called the Patients' Choice Act, which, instead of putting new bureaucracies in between people and their doctors, it would eliminate some of the existing bureaucracies and get employers and the government out of the way between people and their doctors so that they can control their own health care.

But you know what? As important as the health care debate is here, do you know what people in America want right now? Jobs. They want jobs. And if there is one thing this plan that the Democrats are proposing will do, it will cost even more Americans their jobs.

Mr. Speaker, I would ask you and I would ask the President where are the jobs you promised? Let's move forward in America on a job agenda, not an agenda of government-run health care.

HEALTH CARE

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I have been here 18 years fighting for health care for Americans. There are, regardless of whose numbers you use, millions of uninsured people in this country and tens of millions who are underinsured and have become, in many respects, the prime justification for moving forward with one of the most aggressive health care reform agendas in modern history.

However, despite the unquestionable need for intervention, some have sought to dominate the health care debate with fear-mongering, misinformation, and blind opposition to key reform elements without offering substantive and high-quality alternatives. This perpetuation of fictions and misinterpretations is off base and has steered the health care discussion off course.

One thing I asked Americans all summer long as we got to this point was name me the day in the last 10 years that your health care went down. Name the day. You name the day.

HEALTH CARE

(Mr. COLE asked and was given permission to address the House for 1 minute.)

Mr. COLE. Mr. Speaker, the Democratic health care bill now being drafted behind closed doors is bad for seniors, bad for taxpayers, and bad for the quality of America's health care system.

It will cut Medicare spending on seniors. It will cost taxpayers \$1 trillion, and it will push the American medical system toward an underfunded, over-regulated, government-run health care system. We can do better than that.

Republicans have offered in good faith positive proposals putting patients first, reforms that protect the doctor-patient relationship, increase accessibility, and truly make health care more affordable. However, these ideas have never been heard in the back rooms of the Capitol where the Democrats are crafting their own partisan proposals.

Mr. Speaker, the majority's proposals continue to ignore medical liability reform, something the President himself said would be addressed. Tort reform has yet to be raised in the deliberations of our Democratic majority.

Mr. Speaker, we cannot allow the government to stand between patients and health care. Americans are smart enough to know the difference between no choice and a real choice.

THE TEA PARTY MINORITY

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, the TEA Party minority didn't succeed this summer as they thought they had, so they have come to the floor this afternoon. And they are not going to succeed any more on the floor than they succeeded with the noise of the summer. And how do we know it? The public option has come roaring back.

The people got through the noise, and they understand now to a fare-thee-well. In fact, my greatest fear is that now more people want the public option than will qualify for the public option in the bill, once they came to understand the relationship between what they're paying for insurance, that health insurance has been going up at a rate three times their wages, and that is why the wages of the residents of our country have been flat for decades. Once they understood that, they put two and two together.

The American people are smart. They are smarter than the TEA Party crowd that has taken to the floor this afternoon.

EXPRESSING CONCERN REGARDING THE EFFECT OF PROPOSED HEALTH CARE REFORM ON SENIOR CITIZENS

(Mr. KLINE of Minnesota asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Mr. Speaker, I rise today to express my concern about the consequences of the majority party's proposed health reform to the members of our Greatest Generation.

As my colleagues have stated over and over today, the bill under consideration in the House would pose a major threat to our senior citizens. I'm especially troubled by the legislation's consequences for the more than 10 million Americans who rely on Medicare Advantage for their health care coverage.

In my home State of Minnesota, more than 230,000 senior citizens rely on Medicare Advantage. More than 17,000 of these men and women live in my district. And as their Representative, I simply cannot abide limiting their choices, let alone stripping them of their coverage completely. These are Minnesotans who, if they like their insurance, can't keep it.

Mr. Speaker, we can do better. Let's push the reset button and start over in a bipartisan way to write legislation, not behind closed doors, but out in the open.

HEALTH CARE REFORM FOR SMALL BUSINESSES

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, I came to Congress in January to make a difference for my community, to make a difference for my district.

Today, I heard from one of my constituents who owns a small business, a printing company in northwestern Pennsylvania. This small business owner received notification that health care premiums for his business are increasing by 51.1 percent this year. That dwarfs the 14 percent increase of last year and the 20 percent increase from the previous year and dwarfs the 28 percent increase that I saw in my own small business when I was still working there.

Anyone who has ever worked in a small business knows that these costs are unsustainable. This small business owner told me that his business' new family rate will be in excess of \$1,700 per month. He wrote, "I don't know what can be done, but it is small businesses like mine that cannot afford these increases."

Mr. Speaker, we must not allow our small businesses to suffer so unnecessarily when something can be done. This is a clear and urgent need to pass health care reform legislation. I encourage my colleagues on both sides of the aisle to embrace reform.

HEALTH CARE

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, if we were really debating health care, you could wonder if some of these things could be said with a straight face.

This isn't about health care; it's about control. Who's going to control these decisions? This entire debate could be put on a bumper sticker that says, simply, "Who Decides?" The majority wants Washington decisions and we want individual decisions.

Mrs. Clinton summed it up best 15 years ago in the last health care debate. She said, We can't trust the American people to make these decisions.

But the majority can't keep their hands off this trillion dollar decision; so they put into one of the bills things like \$1.6 billion for streetlights. How many people are going to get insured with that? Or \$10 billion to shore up union—their friends—insurance funds? I wonder how many people are going to get insured with that. Or the payoff to the trial lawyers, who cause us to spend \$200 billion a year in defensive medicine to prevent being sued, who's helping them?

Mr. Speaker, this is about control.

THE PARTY OF "NO"

(Mr. DOYLE asked and was given permission to address the House for 1 minute.)

Mr. DOYLE. Well, I guess all day we're going to hear from the party of "no," no health care plan, no ideas for America.

To the people who have lost their jobs and can't get health insurance because the insurance companies said, No, you have a preexisting condition, they say "no." Well, our party has an answer for that. Our health care plan will stop that.

For people in this country who have filed bankruptcy because insurance companies stopped paying on their chronic conditions, this party over here says "no." Well, Democrats say "yes." Our health care bill will cure that.

For our senior citizens who need help with their drugs and closing the doughnut hole, the party of "no" doesn't have a plan. This health care bill will help close the doughnut hole.

So I say to my friends over there, the negative nabobs of negativity, "no" is not a solution for America. Democrats have a plan that will cover all Americans and provide health care and reform this insurance industry that has abused so many people in this country.

□ 1345

HEALTH CARE

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, for the first time since 1975, seniors will not be receiving a Social Security cost-of-living increase in fiscal year 2010. And now on top of that, seniors are worried about their Medicare plans. In almost every senior center that I have visited in my district in the last few months, 50 percent of the residents have told me they are on Medicare Advantage plans. These seniors like the plans that they have, and they want to keep them.

The administration has said many times that if you like the health care plan you have, you can keep it. That will not happen with Medicare Advantage, and seniors are upset and angry.

Let's support health care reform for all Americans that doesn't harm the plans that seniors rely on. Let's help all Americans.

HEALTH CARE

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, what we are seeing today is terribly disappointing. Health care reform is necessary and it is urgent. There are powerful forces in this country who are determined to keep 47 million Americans without health insurance, and this same group is opposed to giving competition to the insurance industry.

If we don't reform health care, Medicare costs will surely bankrupt our Nation. That is a fact. If we don't reform the cost of employer-sponsored insurance, we will bankrupt companies and families. If we don't act now, uncompensated care will close the doors of rural hospitals in my district and your districts across the country.

We are ready to move forward. Democrats are ready to make this bold and visionary decision. I am disappointed we don't have help from the other side.

HEALTH CARE

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, I rise today to call attention to another job-killing proposal that only Washington could dream up. Only here would people proclaim to lower the cost of health care by taxing it and making it more expensive.

Just today it has been reported that House leadership is now likely to include a \$20 billion excise tax on medical devices as part of their health care reform bill. This new proposal will halt innovation and ultimately make health care more expensive for patients.

One week ago I held a field hearing in my district about the impact of this innovation tax. I heard from companies both large and small that there will be resultant job losses and cuts to research and development.

Mr. Speaker, these proposed taxes are a very wrong-headed approach. Let's get back on the right track and remove this tax so we can keep the jobs we have and make sure that we continue the innovation that is alive and well in both Minnesota and in our Nation.

HEALTH CARE

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, in these delaying tactics that we see from the other side, let's not lose track of the big picture. The health care reform legislation taking shape recognizes the different ways that Americans get their health care and helps each one. Those who get their health coverage through their employment will find that insurance companies cannot yank them around, or cut them off if their health treatment becomes expensive, or discriminate against them for pre-existing conditions.

Those who get their health care through Medicare will keep the Medicare they know and love; only it will be better. Closing the gap in the coverage of prescription medicine, the so-called doughnut hole, and moving toward a more patient-based, less procedure-based system. And those not well served by today's existing system, small businesses, employees and employers, people between jobs, individual contractors and consultants, can get their coverage at lower group rates and can get assistance in paying those premiums. And overall, this will hold down the rising cost of health care in America.

HEALTH CARE

(Mr. HARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARPER. Mr. Speaker, do we have good doctors in this country? Do we have good surgeons? Do we have good hospitals? And do we have reasonable access to that care? The answer is clear that we do.

Do you believe that a government takeover of our health care system will make health care better or worse? Do you really trust the Federal Government to take over this important part of our lives? The last thing that we need is to have some government bureaucrat standing between you and your doctor on making these important decisions.

Finally, the Democratic health care plan will hurt seniors by cutting Medicare. This Democratic plan will push unfunded mandates to my home State of Mississippi in the average amount of \$360 million a year for the next 10

years. My district and our country simply can't afford this.

HEALTH CARE

(Mr. SCHAUER asked and was given permission to address the House for 1 minute.)

Mr. SCHAUER. Mr. Speaker and colleagues, I am from the State of Michigan, where people are losing their health insurance every day. Businesses are struggling to pay for health insurance for their employees.

I rise today to give voice to one of my constituents, Mike Gossett, who works for Apollo Express, a trucking company in Jackson, Michigan. He says he is a partner in this company of 70 full- and part-time employees. They have 42 employees on their health insurance program. Just this year, they received notice of a 15 percent increase in their health insurance rates for next year. He tells me this happens each and every year, and they are looking for answers. He fears that they will be forced to continue to decrease their coverage where they will just be able to offer catastrophic coverage for their employees.

Our families and our businesses are paying more and more every year and getting less and less. He is calling upon us, Democrats and Republicans, to fix this problem. That's why I am here in Congress, and I hope we can work together to pass health care reform.

HEALTH CARE

(Mr. JORDAN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. JORDAN of Ohio. Mr. Speaker, it happened last week. Who would have thought that in the United States of America, a Federal Government pay czar, a Federal Government bureaucrat, would tell a private American citizen how much money they can make. But it happened last week.

And now if the majority party has their way, coming soon to you and your family, a Federal takeover of health care with all of the taxes and all of the bureaucrats getting between you and your family.

Mr. Speaker, pay czar, car czar, energy czar, a \$1.4 trillion deficit, sometimes I actually think the other party won't be happy until government runs everything. Sometimes I actually think the other party won't be happy until they have an IV hooked up to the taxpayer wallet and they can hit the drip button every time they want.

What we need is common sense, what we need is real reform, not more government.

HEALTH CARE

(Mr. FARR asked and was given permission to address the House for 1 minute.)

Mr. FARR. Mr. Speaker, I rise in strong support of a bill that obviously some people in this room haven't read. And some people in this room don't realize that in order to get results, you have got to do the positive. You have to work hard and you have to vote "yes." Voting "no" doesn't provide any leadership; it just keeps the status quo.

But remember, part of this bill is going to have everybody in America have the same kind of insurance that we in Congress have. They don't want to admit that. They don't want to give up that insurance. They won't say "no" to that insurance. They won't say "no" to the TRICARE insurance that spouses and children of military folks get. That's what we are going to open it up to. That is the Medicare rates. They won't say "no" to Medicare for senior citizens. They just say "no" to the bill that is going to try to solve it for everybody else who doesn't have access to health care and can't afford health care and has preexisting conditions and can't get health care.

Also, insurance companies are raising premiums right now, all over this country, including the rates that we here in Congress will have to pay. And the party of "no" has said nothing about that. Read the bill. Yes, read the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would ask Members to respect the gavel and allow each Member the opportunity to have their say.

HEALTH CARE

(Mr. POSEY asked and was given permission to address the House for 1 minute.)

Mr. POSEY. Mr. Speaker, 57 percent of Americans believe the majority's health care plan will raise their health care costs. Only 18 percent believe it lowers costs. Fewer than 1 in 4 Americans believe this plan will improve the quality of health care in America. And according to the Rasmussen poll out yesterday, this is a fact.

So what is Washington's response? To press on. The omnipresent defenders of the nonexistent problems of 80 percent of Americans are crafting another plan, in secret, one they haven't even read yet.

The American people have given this plan a vote of no confidence. Given the hundreds of billions of dollars in budget shortfalls for health plans Washington already runs—Medicare, Medicaid, SCHIP—is it any wonder the American people don't believe what they are being told about this?

It is time to go back to the drawing board, and we on this side of the aisle stand ready, willing, and able to work with you in a bipartisan fashion for the

best interests of the people of this great country.

HEALTH CARE

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, I rise today to discuss the important responsibility in front of us on health care reform. We are at a momentous time in our history. For the first time, we have a bill that has been approved by all five committees of jurisdiction. And although there are still details to be worked out, for the first time the majority of us have consensus on the structures and goals of this bill. We have never gotten this far, and I feel privileged to be in the House of Representatives at this time.

So now is not the time to say "no," to instill false fear, and to derail this important effort. We must work together to make sure that what we end up passing is the best it can be for the American people because the cost of doing nothing is too great. Without reform, the cost of health care for the average American family is expected to rise \$1,800 every year, with no end in sight. If we don't act now, this problem is only going to get worse. If we don't act, 14,000 Americans will continue to lose their health insurance every single day. We are in a unique moment.

HEALTH CARE

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, my friends on the majority side have stood before this body today asking about the Republican alternative, where it is. Well, I would ask my friends on the majority side, where is their bill? The three committees in the House of Representatives each passed different bills back in the summer. Those bills haven't been merged. The Senate passed a conceptual document. Legislative language is not yet public on that bill.

We will have a Republican alternative, and I can tell you right now what will not be in it. There won't be individual mandates that millions of Americans can't afford. There won't be employee mandates that thousands of small businesses can't afford. There won't be a health care choices administration that tells the private insurance sector what kind of coverage they have to provide. And there won't be a comparative research bureaucracy that could easily lead to rationing of care.

There will be a national pool that covers all preexisting conditions. There will be subsidies for low-income Americans. There will be some sort of a compensation package for our health care

providers. So I would ask my majority: Where is their bill?

HEALTH CARE

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I am sad today. I hear my Republican colleagues just getting up to say "no." I tell my Republican colleagues, we have one of the greatest problems that we have ever confronted in this country. Health care has doubled in the last 8 years, and it will double in the next 8. And by the year 2020, health care costs will be \$25,000.

The bankruptcy of the steel industry, the bankruptcies in the auto industry and the small business industries are directly a cause from this.

Listen to Daniel Webster and see what Daniel Webster had to say. He said this—it is on the wall up there, and I urge my Republican colleagues to look at it—Let us develop the resources of our land, call forth its power, build up its institutions, promote all of its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered.

I urge my colleagues to join us in this. Let us sign together to move forward a bill that offers greatness to our country.

□ 1400

JOBS, JOBS, JOBS

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, a little memory check: Do we remember when the administration promised that by spending almost \$1 trillion, unemployment would go no higher than 8 percent? Well, now it's close to 8 percent.

But not only has this administration failed to create jobs, it is rushing to enact other bills, other legislation that would lead to the loss of millions of more jobs.

The cap-and-trade bill would cost the loss of 2 to 3 million jobs a year here in the United States. This health care proposal could cost Americans 4.7 million jobs and lead to \$1 trillion in new spending and cuts in Medicare.

Mr. Speaker, it's time to stop spending trillions of dollars in wasteful government programs. It's time to stop targeting our senior citizens. What will it take, Mr. Speaker, for this administration and this Congress to finally start focusing on creating jobs?

HEALTH CARE

(Ms. WOOLSEY asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, our chance to make health care available to and affordable for the people of the United States is here. I prefer that we include the robust public option in our final plan because, first, it saves more than \$110 billion over any other plan, it covers far more people, and it provides real competition to private health insurers, which in turn will provide lower cost and higher quality for the people that are insured in the United States.

This is what we need. This is what we need to do for the people of our country. And now is the time for us to get on with it and do it.

HEALTH CARE

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Over 200 years ago, the Founding Fathers foresaw the health care problems that we have today and they proposed a solution. We call it federalism. See, if something has to be done the same way at the same time by everybody, only the government can do it. But if you want creativity or to take into account different circumstances for justice, then States are, as Louis Brandeis said, the "laboratory of democracy."

My State of Utah has instituted a health care reform the right way based on consumer choice and options where business has stable cost, workers have affordable portable options, and it's designed for the demographics of Utah. But if the Pelosi bill or the Baucus bill were to be passed the way they are written today, that State innovation is destroyed.

All solutions and intellect are not here in this city. Creative solutions can happen when the Federal Government gets off the backs of individuals with their mandates and regulations and out of their pockets with their taxes; then real people have the ability to find truly creative solutions if we, the Congress, let them.

HEALTH CARE

(Ms. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. RICHARDSON. I would like to show you the headlines from my community; "It's Official: It's a Stinker." And what's a stinker? That, according to the U.S. Census and the American Community Survey, in the largest county in this Nation, 22.3 percent of the people do not have health care insurance. In my district, Long Beach, 18.8 percent; in Compton, 25.5 percent. That's one out of four people are walking around and do not have health care. And that's important to all of us.

Why are we the only industrialized nation that doesn't provide health care? Why is it that for my friends on the other side of the aisle we can spend billions for a war, but we can't spend the same for health care? Something is wrong.

We applaud the Congress and the Senate and Senator REID for stepping up. We need to do this, and we need to do it now. I'm not willing to look one out of four constituents in the face and say you're not good enough. Everyone deserves health care. And, oh, by the way, it helps all of us.

HEALTH CARE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, if you like your current plan, it had better not be Medicare Advantage because the Democrat health plan proposal cuts \$162 billion from that program for our seniors. The reason is twofold; they need cuts to pay for their new government-run health care program and they think insurers in the program are overpaid by 14 percent. Tell that to the 25 percent of seniors who are enrolled in the program nationwide. I guess they weren't included in the folks who can "keep their plan if they like it."

Perhaps the Democrats didn't look at the plus side of Medicare Advantage. Studies show that those in the program spend fewer days in the hospital and experience fewer readmissions. A study in California showed that those enrolled in Advantage plans spent 30 percent fewer days in the hospital and were 15 percent less likely to be readmitted to the hospital. I would say that accounts for a huge savings.

The Congressional Budget Office also says the Democrats' health care plan would increase seniors' Medicare prescription drug premiums by 20 percent over the next decade. I thought reform was supposed to be improvements, not a plan to soak our seniors.

HEALTH CARE

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Georgia. Mr. Speaker, the men and women of this great Nation are not stupid, even though there have been strident, permanent and significant efforts to mislead them; that reached its heyday in August. But now we're talking about a public option because the people are speaking now.

And so I want to salute the American people; you want affordable health care, which means you are sick and tired of the rise in premiums, the cost of premiums and the number of denials

that you are getting after dutifully paying those premiums for years and years. So I want to congratulate the American people; you are about to have a victory with respect to health care.

PUBLIC OPTION TRIGGER

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Mr. Speaker, frustrated this summer by diligent and watchful Americans, the President, the Speaker and the Senate Majority Leader have been unable to create a single-payer health plan, the single largest expansion in the cost, size and authority of the Federal Government in 70 years. But rather than give up, the Democrat leadership have decided to float an idea as a misdirection play to get what they want. They call it a trigger; I call it a wolf in sheep's clothing.

While some might argue that a trigger would lower health care costs, Americans are awake and watching and they know better. They see this wolf and realize that a trigger paves the road toward government control of health care and the loss of individual choice of health care decisions.

On this Halloween week, I urge the Speaker to take off the mask of reform and focus on health care solutions that don't include the government takeover of health care. The American people deserve honesty in this debate and won't be scared into supporting a trigger.

HEALTH CARE

(Mr. LUJÁN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUJÁN. Mr. Speaker, our constituents have asked us to put them first, not say no and support the status quo. I ask my colleagues from the other side, from both sides, to listen to them and help them.

I have a constituent who has had health problems since she was 21, who has spent her life shackled by high copays, inaccessible insurance, and little care, and is asking us to help her. She has endured through two bankruptcies and many undertreated health problems that cause her pain every day.

Another constituent is facing increases of 20 percent each year in premiums for her business. Each year, these insurance costs are skyrocketing, and neither she nor her employees can afford them.

Throughout the country, the American people are asking us to help, but we keep hearing "no"—"no" to those with illnesses and "no" to those who struggle with the high cost of health care.

Let us do what's right. Let's come together. Let's have the courage to say yes for the American people.

HEALTH CARE

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute.)

Mr. FRELINGHUYSEN. Mr. Speaker, as the House majority debates with itself in secret on the future of health care, the American people are justified and worried about what is being discussed behind those closed doors.

As I always do, I have spent months listening to seniors across my district, and they are particularly concerned about how so-called "reform" will affect their Medicare and the medical care on which they rely every day.

Let me tell you, they are wise. They know that the so-called "Medicare savings" that are proposed to pay for the Speaker's \$1 trillion reform bill sounds an awful lot like Medicare cuts to them. In fact, there are \$500 billion in cuts to Medicare over 10 years in the bill, cuts that affect them, the doctors that treat them, and the hospitals who care for them.

Specifically, the majority plans to slash the Medicare Advantage program by more than \$120 billion. Experts believe that nearly 3 million seniors will be thrown off Medicare Advantage and millions more will pay out-of-pocket expenses or face reduced benefits. We can't let this happen.

OPTING OUT OF THE GOVERNMENT TAKEOVER

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, yesterday we learned an interesting thing: the Senate health care bill will include a fig leaf opt-out of the government-run health care plan. Now, that brings up some interesting points and questions: Will Americans also be allowed to opt out of the rest of the government takeover of health care? Will they be able to opt out of the \$800 billion in tax increases? Will they be able to opt out of the \$500 billion in slashes to Medicare? Will they be able to opt out of forcing millions of Americans onto government-run medicine? Will they be able to opt out of a government bureaucrat getting between doctors and patients? The truth is, Mr. Speaker, anyone who seriously thinks an opt-out is the answer to all of these harmful provisions has already opted out of reality.

What the American people know is that there are positive solutions like H.R. 3400 and the others included from the Republican Study Committee and the Republican Conference. The American people want patients empowered and they want positive reforms. That's what we should be working on.

HEALTH CARE

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, it's nice to see our colleagues on the other side of the aisle engaged in the health care issue. Unfortunately, it's in a negative manner again with no positive recommendations for us to move forward.

You know, this is what happened back in the 1990s when we tried health care reform; there was unanimous Republican opposition to that effort. And, of course, during the 8 years of the Bush administration, we had no effort to deal with a health care plan.

So now where do we stand? Well, back in the 1990s, the average family paid about \$7,000 to \$9,000 for a family policy; today, they're paying \$12,000 to \$14,000. We know that within another decade, if we don't do something today, they're going to be paying \$29,000 to \$36,000 for a family health policy. Now, that might be okay if we were healthier as a result, but out of 110 countries surveyed, we are 72nd. Seventy-one countries are healthier than we are.

Our health care system isn't working. It's too expensive, we're not getting what we're paying for, and it's got to change. Now!

COMMONSENSE HEALTH CARE REFORM

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORTENBERRY. Mr. Speaker, Terry recently wrote me, "Congressman, I can buy a car in Iowa, beer in Kansas, a fishing license in South Dakota, land in Colorado, but health insurance? No place but Nebraska."

Mr. Speaker, in these difficult times people are hurting. Families, and especially seniors, need more affordable options, from what they put on their table to what they put in their medicine cabinets.

My constituent, Terry, pointed out a commonsense reform—purchasing health insurance across State lines. There are other reforms, such as appropriately addressing preexisting conditions, promoting a culture of health and wellness to drive down costs, creating new insurance risk pool models for small businesses and families, strengthening community health centers, and expanding opportunities for health savings accounts. These changes could mark a truly bipartisan policy effort that increases competition among health insurance companies and benefits all Americans.

REFORM HEALTH CARE NOW

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, the President said our health care is too costly. I agree. But the Democrat plan doesn't reform or eliminate the \$1 trillion in waste. So you will pay more—not just your children or your grandchildren, but you. How? Their plan has a wheelchair tax, a hospital bed tax, asthma device tax, artificial hip tax. Diabetes supplies, medicines, home oxygen equipment, all taxed. Have a heart attack? There's taxes on heart monitors, heart valves and pacemakers. Have health insurance? They tax you if you have it and tax you if you don't. Employer paid insurance? They tax them if they will and they tax them if they won't. States can opt out of the government-run plan, but you still have to pay the taxes. It's taxation without hospitalization.

Let's reform Medicare. Reform Medicaid. Reform health care. Cut the waste. Improve quality. Let people buy across State lines, join groups, make insurance personal, portable, permanent. Millions of Americans are begging us to fix the problems, not finance the problem. Millions of Americans can't all be wrong.

□ 1415

HEALTH CARE

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, I rise today in support of liability reform.

I have heard from people all across my district in Ohio about how much they need health insurance reform. I have heard from Dawn, a small business owner who has a story that is truly heartbreaking.

Due to a doctor's mistake when her son was 23 days old, Dawn's son was left with lifelong brain damage. For the past 10 years, she and her husband have struggled to find insurance for her son. When no insurance would cover him, they were forced to pay out of pocket for all of his doctors' appointments, physical therapy, and they are currently living at the poverty level. Between the two of them, they have held as many as five jobs to try to cover their son's medical expenses.

Last year, in my district in Ohio, there were 1,270 health care-related bankruptcies. Without comprehensive health care insurance reform, Dawn's family could be the next one.

We are at a breaking point. We must come together and bring security and stability to our health care system for families like Dawn's and for everyone else in this country.

HEALTH CARE

(Mr. WHITFIELD asked and was given permission to address the House for 1 minute.)

Mr. WHITFIELD. Mr. Speaker, there are many provisions of the Democratic health care bill that we support, like taking care of the preexisting condition problem.

But we also oppose cutting Medicare by \$500 billion over 10 years. We oppose taking \$155 billion out of the hospital account. We oppose reducing Medicare Advantage by \$123 billion. We oppose taxing, putting a surtax on small business men and women, thousands of them. We oppose individuals being penalized 2.5 percent of their gross income if they do not buy a policy. We oppose requiring employers to pay 8 percent of the gross wages of their employees if they do not provide insurance. Then, after all of that, there still is \$200 billion needed to pay for this expensive health care bill.

Those on this side of the aisle are willing to work with the other side of the aisle if they would simply open the door and give us the opportunity.

HEALTH CARE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I respect a great deal my colleague from Kentucky who is on the Energy and Commerce Committee, but I heard him mostly talk about what he opposes.

That's the problem with the Republican mantra on health care reform. They are opposed to so many things, but we really don't know what they are supportive of. The fact of the matter is from the very beginning we tried to include both sides of the aisle on this health care reform, but essentially what we heard from the Republican side was they didn't like this, they didn't like that, and, ultimately, they didn't like anything.

Now we are forced, I suppose, to bring a bill to the floor which probably will get mostly or maybe only Democratic support, but it will cover everyone. It will provide that universal health care that has been so lacking with so many people now who can't find health insurance or find it increasingly unaffordable. The public option is a very important part of that, because basically it will create competition and bring down costs for the average American.

We are moving forward now. We would like to have bipartisan support. But if we don't, we are still moving forward, because we know that the promise of health care for every American is really crucial.

PROTECTING AMERICAN SENIORS

(Mrs. MILLER of Michigan asked and was given permission to address the

House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, as Democratic leaders retreat behind closed doors to craft their government takeover of health care, American seniors are rightly concerned about what \$500 billion in cuts in Medicare will mean to them.

Throughout this process, Democrats have made clear that they intend to force American seniors to carry a large share of the cost of reform, and this includes eliminating Medicare Advantage. Democrats understand how negative the reaction will be when seniors learn that they are scrapping this program, so they have placed a gag order on companies that provide this coverage, stopping them from communicating with seniors on the ramifications of this change.

That's right, the Democrats who promised transparency and accountability have gone behind closed doors to craft legislation and have used the power of government to stop dissenters from communicating with American seniors. Well, American seniors are right to be concerned.

With the job-killing tax increases the Democrats are also talking about, American workers need to be concerned as well, Mr. Speaker. Perhaps that is why the Democrat majority will not allow us to have 72 hours to read the bill before it's voted on.

HEALTH CARE

(Mr. ROSKAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSKAM. Mr. Speaker, if you are from the northwest suburbs of Chicago, today you woke up and you looked at the Chicago Tribune and you read an article that said your property taxes are going to go up 20 percent. If you turned on the radio, you probably heard folks talking in Chicagoland about unemployment at 10.5 percent in Illinois, a number that we have not seen since the early 1980s. If you have been listening to the debate in Washington, D.C., in the past couple of weeks, you have been hearing about this crushing debt that is coming on you, your children, and your grandchildren.

I went this afternoon to the Bureau of the Public Debt in downtown Washington and watched within a twinkling of an eye \$44 billion that was borrowed on a 2-year note. That type of attitude and the attitude of spending and spending and spending is becoming weary for the folks that I represent in the Sixth District of Illinois.

It's time for this Congress to discipline itself and come up with a health care plan that meets people's needs but doesn't break the bank.

HEALTH CARE

(Mr. CULBERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Mr. Speaker, the people in Texas that I represent oppose the Pelosi-Obama government takeover health care bill by a margin of 77 percent because we understand in Texas that our health care system needs a tune-up, not a trade-in. We need to focus, as the conservative minority has, on reducing the cost of health insurance and making it affordable and portable.

We, in the conservative minority, the temporary minority, have authored legislation that will make insurance portable across State lines, that will bring down the cost of health insurance by enacting tort reforms nationwide to protect doctors from frivolous litigation as we did in Texas. In Texas, we adopted tort reform, and the cost of health insurance dropped for all Texans, and about 400,000 additional Texans got health insurance who could not before.

We need to make sure that the greatest health care system ever created in the history of the world is protected, that we protect the doctor-patient relationship. Let's focus on reducing the cost of health insurance, making it affordable and portable.

Give our health care system a tune-up, not a trade-in.

GOVERNMENTAL TAKEOVER OF HEALTH CARE AND THE DETRIMENTAL EFFECT IT WILL HAVE ON OUR SENIORS

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to highlight the Democrats' plan to pay for their government takeover of health care by cutting nearly \$162 billion of Medicare at the expense of our seniors.

Across the Nation, nearly 11 million seniors chose Medicare Advantage plans as their preferred coverage. Of those 11 million, over 11,000 seniors in the First District of South Carolina, an area with many retirees, may have their coverage dropped or benefits cut if the Democrats have it their way.

Despite the President's promise that if you like your current plan you can keep it, it is clear that some seniors will eventually be forced into a government-run plan. Additionally, the CBO has said that the Democrats' plan will increase seniors' Medicare prescription drug costs by 20 percent over the next decade.

As Medicare dangerously approaches bankruptcy, Democrats must open the process up to Republicans to work to repair this rapidly failing program and

protect our seniors from rising drug costs, limited coverage, and reduced quality of care. Republicans vow to honor our seniors by blocking Washington's bureaucrats from overregulating their health care and by providing options and the best quality coverage for all Americans.

HEALTH CARE

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, my colleagues in the majority have repeatedly promised that under their public option plan, individuals can keep the coverage they currently have and nothing will change except they will have more choices at a lower cost.

As I speak with employers and small businesses in my district, the truth is vastly different. Several employers in the district I represent have candidly stated that dropping private insurance for employees, instead of paying a mandatory 8 percent surtax, makes the most economic sense for their business. Employees will no longer have the choice to keep the coverage they currently have under this scenario.

Raising taxes, eliminating choices for Americans, and placing the government in charge of health care, that hardly strikes me as a choice. The hardworking Americans in the 22nd District of Texas and cities and towns across America were promised a choice.

I ask my colleagues on the other side of the aisle, where is the choice in this government-mandated care?

HEALTH CARE

(Mrs. LUMMIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LUMMIS. Mr. Speaker, I would like to express what is my greatest hope and my greatest concern in 1 minute.

My greatest concern is that, by using Medicare as a means to fund this new program, you will be taking more money away from rural areas that are already inadequately reimbursed by Medicare for their costs. For example, in Casper, Wyoming, the hospital is only reimbursed at 32 cents on the dollar for Medicare actual costs.

We are underreimbursing now and having to subsidize Medicare. The government is not meeting its obligation to Medicare. My greatest hope is that Democrats will read the 40-plus Republican bills to reform health care and choose the best among them and bring those to the floor so we can discuss them and debate them.

We have over 40 bills that you can use for great ideas to reform health

care in a way that will make it available to all Americans.

HEALTH CARE

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, there are 20 million uninsured Americans who just can't afford insurance, others who have lost insurance when they lost their jobs. Still others have a preexisting insurance condition and have been frozen out of the insurance market. Then there are frivolous lawsuits which drain very limited health care dollars. Of course, we find that our best insurance providers can't sell their insurance across the country. They are frozen out. There is no competition.

These are problems that Republicans are anxious to work with Democrats on. I plead with my Democratic colleagues, don't hold health care reform hostage, dependent on the enactment of some socialistic experiment with government-run health care.

What's going to happen? What's being demanded here is a transformation of our system rather than a reform of our system. That transformation of our system will hurt seniors. It will take people who now have insurance in small business and put them out of a job as well as with no insurance. Of course, it will not improve the situation but will be very costly for the American people.

SENIOR CITIZENS' MEDICARE COVERAGE

(Mr. FRANKS of Arizona asked and was given permission to address the House for 1 minute.)

Mr. FRANKS of Arizona. Mr. Speaker, it is so ironic that this Congress is debating the means of covering the uninsured while Democrats are planning to cut the existing coverage of those who need it most—our senior citizens.

Nearly 70,000 of those senior citizens will be affected and live in my district, Mr. Speaker. Those senior citizens will experience drastic changes to their Medicare coverage as a result of the \$500 million Medicare Advantage cut imposed by the Democrats' bill, H.R. 3200.

Democrats may silence all of our Republican bills, but they are wrong if they believe Republicans will keep silent and allow senior citizens in America, who have already spent the majority of their lives contributing to this Nation, to be forced to give up the health care coverage they so vitally need in order to pay for a socialist, government takeover of health care which has failed in every State and in every country that has been unwise enough to allow it to happen.

□ 1430

HEALTH CARE

(Mr. SCALISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCALISE. Mr. Speaker, right now, while the Democrats who are running Congress are meeting behind closed doors to rewrite a government takeover of health care, the American people are asking why are they being left out?

Senior citizens know that they are being left out of this health care bill because they are looking at the \$400 billion in cuts to Medicare that President Obama and Speaker PELOSI's bill will impose upon them, including almost the elimination of Medicare Advantage, which is a program that over 100,000 in Louisiana want and like and will be denied under their bill.

Small businesses and families are wondering why they are being left out of these discussions when they look at over \$800 billion in new taxes that American families will have to pay, many of which make below \$70,000, which violates one of the President's pledges.

What the American people want is real health care reform, and that is why we have brought a number of bills, including H.R. 3400, which actually goes in and addresses the problems, like preexisting conditions, addressing those problems like lowering the cost so that people can have portability and buy across State lines, and actually passing real Medicare liability reform to lower the cost of health care.

Let's fix the problems that are broken, not break what is working.

HEALTH CARE

(Mr. LUETKEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUETKEMEYER. Mr. Speaker, this morning I had the opportunity to meet with a group of Honor Flight veterans at the World War II veterans memorial. These ladies and gentlemen are our heroes. One of them came up to me and said, Congressman, please don't let them take my Medicare away. That is a solemn promise.

They are concerned about the quality of care, about the costs they are going to incur. This is something that is extremely important to our seniors.

Over the weekend, I had an opportunity to talk to a businessman. He came up and said, Congressman, please don't let them implement these mandates and these excessive taxes on me. I can't survive as a business.

The American people are looking over these proposals and they are saying "no." A while ago we heard that it is not leadership unless you vote

"yes." I say it is time we start listening to the people and doing what they want. They have looked at these issues, they have looked at these proposals, and they have said "no." I think we need to listen to them, because they are the ones who are going to pay the bills, they are the ones that are going to be impacted by it, and they say "no."

HEALTH CARE REFORM

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, I am sick and tired of all of the lines in the sand on health care reform. This is something that we have to do, something we cannot afford not to do. To quote Fannie Lou Hamer, on behalf of African Americans and all who are uninsured and underinsured, "We are sick and tired of being sick and tired."

This Congress has an obligation to end this, and those who continue to misrepresent the facts need to stop. The bills being put together will end insurance discrimination and the dropping of coverage when one needs it most. We will provide a public plan for those who choose to use it, and, if we do it right, we will reduce the high cost of insurance and will end those insurance horror stories.

With our bill, we will ensure security for our seniors, affordability for the middle class, access to quality health care for the poor and our responsibility to our children. We can do this without adding to the deficit.

So I think everyone needs to get up off of that hard line and come together around the most important thing we can do in our time here—give every American the possibility of health, wellness, and a decent quality of life.

HEALTH CARE

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. Mr. Speaker, this majority has just run a \$1.4 trillion deficit for fiscal year 2009, even as we are told a new health care entitlement will reduce red ink by \$871 billion over 10 years. But let's look at history and what has happened since the government has got involved in health care.

Prior to the creation of Medicare and Medicaid in 1965, health care inflation ran slightly faster than overall inflation. In the years since, medical inflation has climbed 2.5 percent faster than the cost increases elsewhere in the economy.

Let's start with Medicaid. House Ways and Means in 1965 estimated that the first 5 years' cost would be \$238

million. Instead, it hit more than \$1 billion, and costs have kept climbing since.

Let's look at this. In 1965, Medicare, another government program, was projected to cost \$12 billion by 1990. It cost \$110 billion. Medicare hospital, 1965 projected 1990 costs, \$9 billion; actual cost, \$67 billion.

Let's look at history and see what happens when the government gets involved.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members should heed the gavel.

HEALTH CARE

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, Wisconsinites might want to know that just recently our Blue Cross Blue Shield program announced that people in their twenties under this health care bill will see a 199 percent increase in their health insurance premiums. People in their forties will see a 122 percent increase in their health insurance premiums. People in their fifties will see a dramatic double-digit increase in their health insurance premiums.

Mr. Speaker, 214,000 Wisconsinites might want to know that their Medicare Advantage plan that they enjoy will be either dramatically more expensive or will go away completely. The American taxpayer might want to know that government estimators are telling us that this bill will cost \$1 trillion to \$2 trillion in a new health care entitlement, which will surely add more deficit and debt to future generations.

The shame of all of this, Mr. Speaker, is that we could fix what is broken in health care without breaking what is working in health care. Republicans have offered 40 different pieces of legislation in an attempt to get bipartisan compromise, to make sure that the uninsured get insured, that people with preexisting conditions get health care, and we do this without breaking the bank, without raising taxes and without creating new debt and deficit and entitlements.

SIMPLE UNIVERSAL HEALTH CARE ACT OF 2009

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. I am introducing the Simple Universal Health Care Act, a plan which will let the uninsured opt into a system which is an identical

twin to the health care that we have in Congress. This plan removes restrictions on preexisting conditions. It allows employers to opt in and maintain the current tax benefits for providing coverage. The administrative costs will be around \$15 million, not billion, not \$1.2 trillion, and would be paid for by the insurance companies, leaving the taxpayers with no cost.

This plan offers a variety of options, and companies compete for customers, thus holding down the cost and maximizing benefits without a government takeover of health care, without using taxpayer dollars, without taking money from Medicare or raising taxes on small business.

The SUH Act is a simple, affordable private-sector approach to making sure all people have access to health insurance, and I encourage Members of both sides of the aisle to support this simple solution.

HEALTH CARE

(Mr. GUTHRIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTHRIE. Mr. Speaker, as a Member of Congress, I not only have the responsibility of looking out for future generations, but also a duty to ensure that we are doing all we can to take care of our seniors. Real reform needs to make health care more affordable and more accessible. Unfortunately, the bills being crafted by the majority could threaten the health care benefits seniors already receive while raising premiums.

The plan currently in the House makes massive cuts to Medicare which the Congressional Budget Office anticipates will increase seniors' Medicare prescription drug premiums by 20 percent over the next decade.

For those who live on a fixed income, the possibility of having to pay more is very worrisome.

Their plan also includes cutting \$162 billion from Medicare Advantage, a program widely supported by the seniors because of its choices and affordability.

We should focus on ensuring Medicare continues to be there for our seniors, not cutting their benefits to fund an unproven proposal.

PROPOSED HEALTH CARE REFORM WOULD BE HARMFUL FOR NORTH TEXAS BUSINESSES

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, in August, in addition to the town halls in my district, I hosted two roundtables with small- and medium-sized businesses in North Texas. Parts of health

care reform are going to affect business, like it or not. They are going to see a tax increase, a new employer mandate, and penalties for noncompliance.

The North Texas business representatives said they needed more tools, not more regulation, to make health care affordable for small and medium businesses. With regard to an employer mandate, one panelist explained this would add to the burden during what are arguably tough economic times.

An individual who was the health benefits manager at a large manufacturing plant in Denton said, Our employees are already very well taken care of without mandates. If more gets mandated on us, then we are going to have to look at what we will cut, what we are going to take away in order to be competitive.

Another individual said, If we had to furnish health insurance, if it is mandated on us, we just simply will not be able to afford to do so. We will have to cut jobs.

I promised to take the lessons learned back to Washington, D.C., as we continue to work on health care reform. Most Americans today are actually concerned more about jobs and the economy than the current health care proposals that we are debating here in Congress.

Washington should be working to help businesses create jobs, not writing penalties for those who are trying to provide employment.

MEDICARE CUTS WOULD IMPACT OUR SENIORS

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, as a heart surgeon, I saw patients firsthand in our current government-run programs, like Medicare, who lacked real access to a doctor, leaving them out of the system. Many of our Medicare patients and seniors out there know exactly what I am talking about.

So I ask the Democratic leadership, how can you cut \$500 billion, a half-trillion dollars, from Medicare, and not hurt access and quality for our seniors? I also ask our Democratic leadership, how can you create a government-run health care takeover that fails to control costs or improve quality?

We can do better. I know we can do better. We can achieve commonsense solutions in a bipartisan way. But the current Democratic-led bills do not do that. They do not constitute meaningful reform.

We need to work together to strengthen Medicare, to put it on a better and sounder financial footing, to ensure that it will be there for our seniors when they need health care. We need to lower costs for all seniors, and

for all Americans, for that matter, by increasing competition in the health insurance marketplace, promoting wellness programs and limiting frivolous lawsuits.

Let's put the doctor and patient back in control of health care.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members must heed the gavel, please, and adhere to the 1-minute limitation.

HEALTH CARE

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, as the backbone of our economy, small businesses create over 72 percent of all new jobs. It defies logic that House Democrats would pay for their government takeover of health care by actually raising taxes on these same businesses by \$820 billion.

During a serious economic downturn, we should be pursuing policies that will create jobs and put us on the path to recovery. Instead, these tax hikes will cost an additional 5.5 million jobs.

History shows that the American economy is at its strongest when taxes are lower and small businesses are permitted to keep more of their money to invest and grow.

Mr. Speaker, higher taxes for government-run health care is a bad deal for the American people.

IN SUPPORT OF MEDICARE ADVANTAGE

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Mr. Speaker, I have heard repeatedly from the seniors about their high satisfaction with Medicare Advantage and their fears of losing it. The Senate Finance plan would slash \$123 billion from Medicare Advantage.

Over 10 million seniors are currently enrolled in the Medicare Advantage plan, and, according to CBO Director Elmendorf, those proposed cuts to Medicare Advantage will force reduced benefits for many seniors, over 100,000 seniors in the three counties that I represent. This is in stark contrast to "if you like your insurance, you can keep it."

Director Elmendorf states very clearly that under the Senate Finance plan, Medicare Advantage enrollees will suffer reduced benefits.

We must preserve Medicare Advantage for those who are benefiting from the peace of mind that it provides, and strengthen it for those seniors that have not yet turned 65.

□ 1445

JUST SAY "NO"

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, one of the interesting debate points that we are listening to today is the assertion that somehow what we need to do is just allow people to sell insurance across State lines, and that's going to solve all our problems. Well, first of all, you can buy insurance today across State lines. What we don't do is allow somebody who incorporates in a State with very weak protections and minimal provisions to go in and undercut the laws of other States that seek to protect their citizens. You can buy insurance as you see fit. It's just that people who are going to play in a market have to play by the rules, and if somebody cheats, then there is an opportunity to use the local insurance commissioner to protect the consumer.

Under the legislation that we're proposing, the only thing that changes is that for the first time, some of the States that haven't protected their consumers will have higher standards. This is a good thing.

HEALTH CARE

(Mr. ROGERS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Kentucky. Mr. Speaker, the senior citizens in my district are scared, literally scared. They ask me, What are the Democrats planning to do to my Medicare and Medicaid? And I have to tell them, I really don't know because the Democrats are hiding behind closed doors in the dark and keeping the rest of us out of the picture. So we don't know for sure. Except we do know this: They are planning massive cuts to Medicare, upwards of \$500 billion, and massive cuts to Medicare Advantage that will result in a loss of health care for millions of seniors. According to the Congressional Budget Office, that Advantage cut would be around \$162 billion. As a result, Medicare Advantage plans will drop out of the program, limiting seniors' choices and causing many of them to lose their current health care coverage. Cuts to Medicare Advantage will have an exceptionally harmful effect on seniors in rural areas like mine. I urge us to reject this plan.

HEALTH CARE

(Mr. LATOURETTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATOURETTE. Mr. Speaker, all throughout history, there's been the big lie, and we've got the big lie going here again.

It goes like this: Republicans won't let us have health care reform.

Republicans are the Party of No.

Why are Republicans stopping us from reforming health care?

Well, I'm going to tell you something—the Democrats have won the last two elections because we did such a bang-up job. But the fact of the matter is, there are 257 of them. There are only 177 of us, although it looks like a bigger number over here today. We couldn't stop a one-car parade. This health care discussion is a fight between the left and the far left. And sadly for the Democratic majority, they've got people in their party that think that this health care proposal proposed by the far left is wacky. It takes \$500 billion out of Medicare. You do nothing with the lawyers as they file lawsuits and cause doctors to practice defensive medicine.

This is a bad bill. They can't even get their own team to row the boat, but they want to say, Republicans don't want to reform health care.

HEALTH CARE

(Mrs. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. EMERSON. Mr. Speaker, health care reform has gripped the Congress for the better part of a year now, and we're finally getting to the core of this debate: cost. Without an affordable system of health care, we'll forever have problems with access. But too many good bipartisan proposals to lower costs have been ignored—eliminating international barriers to market access for U.S. consumers, speeding new generics to market, promoting comparative effectiveness research, and better decision-making tools for doctors and their patients.

You may ask, Why? It's real simple. The administration made an \$80 billion deal with the big drug companies that prevents us from offering our proposals to save consumers money on their medicine. Our constituents who often have trouble paying for their medicines today will continue subsidizing the people from other countries who pay half of what we do for the same drugs. So this \$80 billion deal actually makes more money for big drug companies because it will encourage more people to take brand-name pills instead of generics, increasing the market share and profits of the drug companies. No wonder they were so quick to accept this deal, and what a scam the administration has fallen prey to.

HEALTH CARE

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Mr. Speaker, I'm going to read the comments in a

letter I received from Mr. Bradley Ball, one of my constituents in New Hampshire, because I don't think his voice is being heard on the floor today. He said that he was lucky enough to have insurance, but he had to pay for it himself, almost \$7,000 a year. He said, "So to keep my current health care policy is just less than \$7,000 a year, and my copay for Thalidomide could be as low as \$810 a month. That translates into \$16,620, rounding off, just including that one medication in health care expenses for a year. Of course there are more. My monthly income is \$1,660, \$19,920 a year, through disability and pensions. How can I pay for my other expenses—heat, electricity, food, clothing, shelter, et cetera, on the remaining \$3,300 I will have each year? Do I have some savings? Yes. But very soon I am going to run out of all my possibilities. What will you have me do next?"

Then he goes on to say that he could live if we could get the prescriptions for him and help him pay his health insurance. And then he says, "I don't think that in the United States of America this is what anyone would wish on anyone else. I know you would not want to be in this situation. I don't care whether it's called a right or a privilege, the current system is broken. Please help fix it."

WHEN WILL YOU LISTEN?

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, last week I received a call that every Member of Congress fears: a plant with 1,100 jobs in a town of 9,000 residents closed its doors. We want to be there for them, and we will be there for them as the symptoms of a bad economy entangle their lives. But Americans are asking you a larger question today. The question is, When will this government listen to the voice of wisdom, shouting for us to address the causes of a bad economy and not just the symptoms?

As one of 17 Members of Congress who voted against every one of your bailout stimulus bills, I watched you ignore that voice of wisdom as you saddled our grandchildren with a debt that they will wear for decades as a badge of dishonor for your deafness. I watched as you ignored it as you tried to impose your energy agenda, knowing it would stifle America's competitiveness and kill jobs. And I watched as you ignore it while you try to tax our existing jobs into oblivion.

Mr. Speaker, today Americans are asking a simple question: When will you listen?

HEALTH CARE

(Mr. HINOJOSA asked and was given permission to address the House for 1 minute.)

Mr. HINOJOSA. Mr. Speaker, I am here representing the families in my congressional district that need health care reform to happen now. In my district, almost half of my constituents go without insurance. They face some of the most expensive costs and are afflicted with high rates of chronic diseases, such as diabetes and heart disease. Congress has neglected these problems for far too long. Those that are suffering the most and need the most care do not have access to the affordable coverage they need.

What's in it for you? Stability, security and quality. Let me summarize our Democratic plan like this: No discrimination for preexisting conditions like diabetes, heart conditions or cancer. No drop in your coverage because you become sick. No refusal to renew your coverage if you've paid in full and become ill. No more job or life decisions made based on loss of coverage. No need to change doctors or plans if you like the coverage you have. No copays for preventive and wellness care. No excessive out-of-pocket expenses, deductibles or copays. No yearly or lifetime cost caps on what insurance companies cover.

I urge my colleagues to support the Democratic proposal.

HEALTH CARE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, how does Speaker PELOSI plan to pay for her \$1.2 trillion government takeover of health care? Simple—higher taxes, higher premiums and cuts in Medicare. What does this mean to mom and dad back home? It means 6 million will be forced off of their Medicare Advantage Program. It means their doctor will now be assigned to them by a government bureaucrat, not by their own choice.

In the rural area that I represent, they're facing \$83 billion in cuts, so rural nursing homes will close down. And for seniors in Medicare part D, a 20 percent increase in drug costs.

This is not a good plan. If the kitchen sink is leaking, you don't take a wrecking ball to the whole kitchen. You fix the sink. We need targeted, market-oriented reforms to make health care more affordable and more accessible for everyone, especially our seniors on a fixed income.

HEALTH CARE

(Mr. REICHERT asked and was given permission to address the House for 1 minute.)

Mr. REICHERT. Mr. Speaker, so much is at stake, and the well-being of Americans is on the line. And it's clear that we need health care reform, but that reform must protect and strengthen the health care of all Americans.

The current overhaul bill would make \$500 billion in cuts to Medicare, \$156 billion in cuts to Medicare health plans and would affect 14 million Americans across this Nation. This is not the kind of reform we need.

Also, Mr. Speaker and seniors, pay close attention to this: There is an unusual advocate for these massive cuts to seniors' health care. It's AARP, who receives nearly 40 percent of its revenue from selling health insurance products. Why would AARP support a bill cutting benefits for its members? Are they truly looking out for the best interests of seniors? Could it be that AARP has a hidden profit agenda?

This morning's Washington Post explores this issue in an article entitled, AARP: Reform Advocate and Insurance Salesman. I urge people to read it. I do believe there is a conflict of interest here, Mr. Speaker, and I will continue asking the questions necessary to ensure we protect our seniors' health care.

HEALTH CARE

(Mr. TIBERI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIBERI. Mr. Speaker, throughout the course of this debate on health care, we've heard a lot about cracking down on waste, fraud and abuse. I support that. In fact, I wrote a letter to the chairman of the Ways and Means Committee and the chairman of the Government Reform Committee asking that we hold hearings on the issue. I haven't heard back. Why would we need hearings when this bill now is being written behind closed doors, behind closed doors for no one else to see?

And it appears to me, Mr. Speaker, that the majority's plan for paying for this in part is on the backs of seniors. In my district, a third of my seniors are on Medicare Advantage plans. They like what they have. Under the Democrat bill, they will not be able to keep it because it will be cut.

Now, Mr. Speaker, we can only guess at this point what the health care bill will look like because it's being written behind closed doors. Only time will tell. So much for openness and transparency.

PROPOSED HEALTH CARE REFORM HURTS SENIORS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, we need to contain the cost of health care to

make it more affordable for all Americans, but we cannot do this by cutting the services to our senior citizens. We have the responsibility to ensure that we don't harm the health care they currently have through Medicare. But the legislation supported by the White House, Speaker PELOSI and Senator REID doesn't protect that care.

Included in this health care plan is more than \$162 billion in cuts to Medicare Advantage. More than 25,700 residents of Arkansas' Third Congressional District are enrolled in this program, and I know the positive impact it makes in the lives of Arkansans and all American seniors. This is bad practice to cut from critical services like Medicare Advantage and something that I cannot support.

Rather than cut services, we need to examine how we can save money by getting rid of the waste and fraud in Medicare. Mr. Speaker, we can craft a bill that allows access to quality and affordable health care without sacrificing services to our seniors.

COMPETITION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, there's been a lot of talk about choices and competition recently. We're hearing now that some on the other side of the aisle want to rename the "public option" the "competitive option."

Will the competitive option negotiate with doctors like private insurance? No. Will the competitive option be subject to thousands of different State mandates on coverage? No. Will a competitive option be subject to State and local taxes? No. Will the competitive option face an endless assault of lawsuits costing billions of dollars? No.

Senate Leader REID has brought forth a bill that would allow individual States a choice to opt out of the competitive public option. What we're not sure of is whether people in these States will be able to opt out of the billions of new taxes mandated by the bill. Like most Federal programs, the States will either accept the program or watch their citizens' tax dollars go to other participating States.

The government option offers few choices, and its competitive advantages will mean that in a very short time, millions of Americans will end up with no option, just the government.

□ 1500

SENIORS AND HEALTH CARE REFORM

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADERHOLT. Mr. Speaker, there is bipartisan consensus that Congress must help with affordability, with access and with the availability of health care for American families. There is no question that Congress must act and that we must address the issues, but the current Democrat health plan is not going in a bipartisan direction. Not only is the current Democrat health plan the wrong approach; it could harm various groups of Americans who need and who depend on quality health care the most.

One of the groups is seniors. In my home State of Alabama, seniors make up about 14 percent of the population. That's higher than the national average. The seniors in Alabama and all over America deserve something better than the government takeover of health care.

The House Democrat plan includes massive cuts to Medicare that will result in Medicare Advantage plans dropping out of the program, limiting seniors' choices and causing many to lose their current health care coverage, and cuts to Medicare Advantage will have an exceptionally harmful impact on seniors in rural areas.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

SENIORS AND HEALTH CARE REFORM

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, in my State of Florida, millions of seniors rely on Medicare for their health care, including 130,000 in my district alone.

On Monday, I held my annual seniors' health fair, which provides free health screenings to area seniors and which gives me an opportunity to continue getting their input on health care reform.

The overwhelming consensus from seniors in my district is that the Democrats' health care reform proposals would lead to fewer choices, to higher costs and to reduced quality. Of particular concern to many of the seniors I spoke with was whether they would be able to keep their existing coverage.

The House bill calls for \$163 billion in cuts to Medicare Advantage, which is wildly popular with Florida seniors. The cuts will result in health care providers dropping out of the program, undermining choice and jeopardizing the more than 50,000 seniors in the Ninth District who rely on Medicare Advantage for their care.

We must not harm the health care seniors already receive.

HEALTH CARE

(Mr. CRENSHAW asked and was given permission to address the House for 1 minute.)

Mr. CRENSHAW. Mr. Speaker, it has been pointed out that our Democratic colleagues have been drafting this health care plan behind closed doors, in the darkness of night; but yesterday, one of them emerged in the Senate—the majority leader—and he announced the best way to proceed with this plan is to have a government option with an opt-out provision for the States.

What does that mean? Nobody knows. How do you opt out? Nobody knows. How long do you have to be in before you opt out? Nobody knows. What if all of the States decide to opt out? Nobody knows.

We do know a couple of things: Number one, we do know under this Democratic plan your taxes are going to go up. We do know under this Democratic plan your Medicare benefits are going to go down. We do know under this Democratic plan there are going to be more bureaucrats controlling your health care.

So they're trying to keep us in the dark, but we know enough to know this: This is a bad plan and there is a better way.

HEALTH CARE

(Mr. AKIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKIN. Mr. Speaker, when people get into the details of health care, I think they sometimes miss seeing the very big picture. The big picture here is that the Pelosi and the Democrat health care plan has this final destination, which is that it's going to be run by some czar or commissar in the Federal Government.

I guess the question I have is: On what sense of faith is this decision made?

Is it the efficiency of the Post Office, perhaps, that inspires them or the compassion of the IRS, or is it, perhaps, the Department of Energy that was created to make sure we wouldn't be dependent on foreign oil or, perhaps, the Department of Education, which was studied some years ago, and it was determined in the study that, if a foreign power had done what the Department of Education has done to America, it would be considered an act of war?

Why do we want to destroy the health care system that 100 million Americans enjoy in order to just simply socialize it and to turn it over to some czar in Washington, D.C.?

That's an act of faith that's just too hard to follow.

HEALTH CARE

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Mr. Speaker, across this country, we have millions of people who are concerned. Deep in their bellies, when they go to sleep at night, husbands and wives are concerned about putting food on their tables; they're concerned about their jobs, their futures, their kids, and their country.

We have an opportunity to help them.

You listen to the Democratic side of the aisle, and you hear them say, Oh, just trust us—\$787 billion on the credit card. That will help the economy.

It hasn't.

Unemployment is getting worse. It's over 10 percent in many parts of this country. Cash for Clunkers: Oh, yeah, that will be a great program. We'll pull money out of everybody's wallets, and we'll hand it to a select few. It hasn't worked.

I, for one, do not trust the Federal Government, and the one-size-fits-all, slam-it-down-your-throat Federal solution to government health care is not the solution for the United States of America. We need Americans across this country to rise up and to say, No, we are not going to stand for it anymore. We're going to be in control of our government.

May God bless the United States of America. May God bless the men and women, our troops, who are serving across this country.

HEALTH AND THE ECONOMY

(Mr. SOUDER asked and was given permission to address the House for 1 minute.)

Mr. SOUDER. Mr. Speaker, we are actually having a debate today far beyond health care, far beyond the economy. Not many businessmen are probably listening to this debate as they're too busy working to make a profit so other Americans can be employed.

As we face rising unemployment in a stagnant economy, the Democrats propose a government takeover of health care and of taxes on small business to pay for that government takeover of health care. They have an energy proposal that will cripple American manufacturing and that will enact endless regulations, increasing the cost of making things in America.

On this floor, Democrats have repeatedly confused gross profits and net profits. In the student loan debate, the person before me even confused revenue with net profits. He said he was going to take the revenue from the private companies and use it for government purposes.

From the President on down the party line, there has been a philo-

sophical attack on the concept of profit and capital. Government does not create jobs. It redistributes profits. Profits create jobs. Capital creates jobs. That is why our system is called capitalism. This economy cannot recover if the leadership of our country has no basic understanding of how our economic system works, and we will not have growth by destroying the capitalist system.

HEALTH CARE

(Mr. CAMP asked and was given permission to address the House for 1 minute.)

Mr. CAMP. Mr. Speaker, the health care of every American is too important to risk on one gigantic piece of legislation, especially one being written in secret and behind closed doors.

The Democrat plan, or at least the last time any of us saw it, was over 1,000 pages long. It contained hundreds of billions of dollars in new taxes—taxes on families earning as little as \$20,000 a year and taxes on small businesses. Even if our national unemployment rate were not 9.8 percent, or over 10 percent in my home State of Michigan, these massive new taxes would create an undue burden on families and on employers. To raise taxes while these Americans are losing their jobs is irresponsible.

To what end do Democrats raise these taxes? What do we get for these tax increases? While the Democrats' health care tax increases go into effect immediately, Democrats delay their so-called "reforms" for years to come. This plan is literally immediate pain for no gain.

Again, the health care of every American is too important to risk on this secretly negotiated 1,000-page bill.

HEALTH CARE

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, President Obama has promised he wouldn't raise taxes on working Americans or go into debt for health care. Both promises are violated by the Democrat plan for health care.

The Congressional Budget Office's score of almost \$1 trillion for the Baucus bill is based on 10 years of revenues but on only 7 years of expenditures. This is a dishonest budget gimmick that hides the true cost.

Is anyone so foolish to believe that a \$1 trillion spending program won't translate into higher taxes and fees on working Americans or into higher deficits or both?

The nonpartisan Joint Committee on Taxation has confirmed that just the penalties for not purchasing government-approved coverage will translate into higher taxes on middle class families, in addition to possible jail time—

a direct contradiction of President Obama's promise.

When the President's and the Democrats' actions do not match their rhetoric, the American people should know.

THE BACK TO WORK TAX CREDIT ACT

(Mr. ROONEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROONEY. Mr. Speaker, 3 million Americans have lost their jobs since the Democratic stimulus plan passed. It was supposed to create 4 million jobs. National unemployment was at 8 percent when the stimulus passed, and now it's approaching 10 percent. In Florida, in my district, it's over 11 percent, and even in St. Lucie County, it exceeds 15 percent unemployment.

Now is not the time for partisan bickering but, rather, for bipartisan solutions. That's why I've joined with Democrat and fellow freshman JOHN BOCCIERI from Ohio to introduce a bill to get Americans back to work.

This week, we're introducing the Back to Work Tax Credit Act, a commonsense bill to expand the current work opportunity tax credit to the long-term unemployed.

The time for action is now. My neighbors in Florida and all over America deserve real solutions from Washington, not just talk and further inaction.

HEALTH CARE

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, this morning, I had what was, for me, a very emotional meeting in my office. Representatives from the home health care industry were there, lamenting the fact that tens of billions of dollars will be cut from home health care in this bill that we may have to vote on.

It was emotional for me because I thought of my mother, who, during the last months of her life, would have liked nothing more than to be home, and her family wanted her there. She would have been happier, and probably would have lived longer, but because of limitations of funds and because of regulations, she had to be in an institution. The toughest moment of my life was when I would go there to visit her, and she would say, "I want to go home."

Please, we've got to get it right. This bill doesn't get it right. It's just one more place where it doesn't get it right. Let's get it right before we finish it.

HEALTH CARE

(Mr. SHIMKUS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, given 1 minute, what should I talk about?

Should I mention how Federal tax dollars will be used to fund abortion? Should I highlight the fact that tax dollars will go to fund illegal immigration since there is no verification? Should I talk about the thousands of seniors in my district who will lose their Medicare Advantage accounts?

I should, but I will primarily mention what the real plan is here, and that is to use a public option to enact a one-payer system. If you don't believe me, ask Chairman FRANK; Congresswoman SCHAKOWSKY; the head of the Democratic National Committee, Howard Dean; and last but not least, President Obama. They've always had that as their stated objective.

HEALTH CARE

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to highlight the concerns my constituents continue to raise in the ongoing health care debate. Rather than listening to me, let's listen to them in their own words.

This is from a woman in Nitro: "While I agree that changes are needed to today's system, I don't believe that a new government-run health insurance plan is the right solution. The government plan will shift costs to employers, which could force more and more businesses to stop offering benefits to their workers. I like my current coverage, and don't want to be forced into a government program."

Or a quote from a gentleman in Scott Depot: "Congress must not let government get between my family and my doctor. Please protect patient freedom, and expand our health care options with real reforms—focused on patients, not on politics."

Or another quote from West Virginia: "I see my country being spent into destruction and my daughter's and grandson's future being thrown away by reckless politicians. What in the world are they trying to do? Myself and other mothers that I am in communication with are watching with great interest to see what is going on with the public health care plan, which we can't afford."

Yes, we want health reform, but we want a thoughtful, bipartisan approach that will result in solid reform.

□ 1515

HEALTH CARE

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Alabama. Mr. Speaker, the Democrat majority likes to say this is about choice and competition when, in fact, they know this is about a road to universal, government-run health insurance.

The President says if we get this public option, you will have a choice between your insurance company. If you like it, you can keep it; if you don't, you can go into the public option. What he doesn't say is that after 2 or 3 years of this so-called competition, the private-sector companies won't be there any longer.

The fact is our insurance companies have to make a profit. They have to pay taxes, they have to meet Federal regulations, and if they have a tough year, they have to just eat it and hope they can do better the next year. If they have a couple of tough years, they go out of business.

This new government plan does not have to make a profit, will not have to pay taxes because it's the government, will not have to meet the same regulations because it's the government, and if it has a bad year, it's going to be subsidized by us.

If anybody in the majority tells you that we're not going to put money into this program, they're not being straight with you. And if they say they're going to let this program go under because it has tough times meeting its obligations, they're not being straight with you.

It will be subsidized. It will be unfair competition. It will end up with no private-sector competition, and we will all wind up in universal health care.

IT'S TIME FOR CONGRESS TO GET TO WORK ON REAL HEALTH CARE REFORM

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. Mr. Speaker, yesterday the House voted on two resolutions congratulating sports teams for winning national championships. Today, we're considering four non-controversial suspensions, just four, and one of them marking the anniversary of the birth of Confucius.

Congress just doesn't get it. We should be working on real health care reform that lowers costs and expands access to all, such as real liability reform which is not on the table. We should be working to make America more energy independent and lower costs for all. We should be working to rein in Federal spending and addressing the \$60 billion in Medicare and Medicaid fraud that we saw on "60 Minutes" on Sunday. Instead, we are congratulating sports teams and marking the birthdays of ancient philosophers.

I hope my colleagues across the aisle will get down to some real reform so that the American people can start trusting Congress again.

THE HEALTH CARE PLAN SHOULD NOT BE FINANCED BY RAIDING MEDICARE

(Mr. LATHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATHAM. Mr. Speaker, as millions go without health insurance and costs skyrocket, I strongly believe we need commonsense reforms so that all American families can have access to affordable health coverage.

But the plan should not be financed by raiding the Medicare program and shifting costs onto the backs of our seniors. Seniors are being asked to shoulder the burden while getting virtually none of the benefits.

H.R. 3200 cuts Medicare by a total of \$500 billion over the next 10 years. This includes cuts to hospitals, nursing homes, life-saving imaging services, and home health care services. The bill cuts payments to Medicare Advantage plans by \$172 billion, which, according to the CBO, will force more than 3 million seniors out of plans that could no longer operate.

More than 61,000 Iowa seniors and nearly 20 percent of Medicare beneficiaries nationwide are enrolled in that type of plan, which lowers premium costs by rolling health and drug coverage into one plan and negotiating with the health care providers.

MEDICARE CUTS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, in order to pay for a government-run health care plan, Democrats obviously plan to cut Medicare. They call it a "savings," but it is cutting essential programs and services that are now available for our seniors.

I'm particularly concerned about the \$117 billion in cuts in the Medicare Advantage program. In my district, there are over 20,000 seniors that are enrolled in Medicare Advantage. You cannot expect that they will continue to have the same level of coverage after you cut this program by \$117 billion. Hasn't that been the President's promise all this time? If you like your insurance, you can keep your insurance?

My constituents want to keep their insurance coverage through Medicare Advantage. But cutting \$117 billion will cause providers to simply exit the Medicare Advantage program, reducing options for these seniors and preventing them from keeping the insurance of their choice.

HEALTH CARE

(Mr. MCCAUL asked and was given permission to address the House for 1 minute.)

Mr. MCCAUL. Mr. Speaker, last August we went home to our constituents and we listened to the American people. The American people were loud and clear in their message, and it was: Congressman, we do not support the government's taking over our health care system.

Then we came back to Washington, DC, away from our constituents. We've been up here for about 2 months now, and what are we seeing? We're seeing the public option being put back on the table.

And what did the President say? Well, we know what he said on the campaign. He said basically, I'm going to have all the negotiations around a big old table and we'll have the negotiations televised on C-SPAN.

Have we seen that? I don't think so.

What are we seeing today? We're seeing three Senators behind closed doors in the darkness of the night negotiate a health care plan for this entire Nation.

Sunlight is the best disinfectant. We need to bring these negotiations out on the table. Republicans need to be at the table. We have good ideas. We have good solutions. But they are not being heard and the voice of the American people is not being heard.

HEALTH CARE

(Mr. SHUSTER asked and was given permission to address the House for 1 minute.)

Mr. SHUSTER. Mr. Speaker, health care reform should empower all Americans to choose a health care plan that offers them choice and affordability. However, the Democratic plan will only lead to higher taxes, cuts in benefits, and government's taking away our seniors' health care choices.

For seniors on fixed incomes, the prospect of being forced to pay more for health care could become a frightening reality. The Democrat plan would raise Medicare prescription drug premiums by 20 percent over the next decade and deny seniors the choice of keeping their current coverage. The Democrat plan includes \$163 billion in cuts to Medicare Advantage. Up to 38,000 seniors in my district would be negatively affected by these cuts. Nothing should ever come between seniors and their doctors; yet this is exactly what the Democrat bill does.

The American people and our Nation's seniors deserve better than this reckless rush to reform.

NINE MONTHS SINCE THE STIMULUS BILL PASSED; YET AMERICANS CONTINUE TO LOSE THEIR JOBS

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Mr. Speaker, there's been a lot of talk from my friends on

the other side of the aisle about the so-called improvement in the United States economy. Unfortunately, all the talk comes without the data to back it up.

Nine months ago, Congress had an opportunity to provide a real shot in the arm to our economy, and yet Americans continue to lose their jobs. While the Democratic leadership continues to push for radical and expensive changes to the American economy, such as a government-run health care system, cap-and-trade legislation, the question that should be asked every day on Capitol Hill is, simply, Where are the jobs?

When the leadership spent \$800 billion of Americans' hard-earned tax dollars with lightning speed with no review in February on the so-called "stimulus bill," the White House promised that unemployment would not exceed 8 percent. We are now at 9.8 percent nationally, 12 percent in California, and 15 percent in parts of my congressional district.

Congress certainly does not have all the answers—it rarely does—but what Congress can do is straightforward: Reduce the Federal tax burden on families and business, reduce spending, and target spending where we have real infrastructure projects.

HEALTH CARE

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADY of Texas. Mr. Speaker, over the past few months, we have held over 50 town hall meetings and forums on health care reform in our district. Recently, we held one in The Woodlands with a panel of doctors to talk about health care. One of them was Dr. Peter Shedden, a Canadian-born neurosurgeon, who practices in The Woodlands. He was trained in Canada, is very complimentary about the way they trained physicians. He shared his experiences.

He told us how his father died after he was refused kidney dialysis, even as the disease entered the acute phase, because he was over 70 years old. He told us, "You've got to know somebody" to get to the front of the line. He said, "There are no second opinions in the Canadian system . . . After age 70, if you get sick, you're done."

Because of the long waiting lists, he told us ER doctors are forced to make a quick evaluation of whether or not someone is "salvageable" when they come in the door. He said, "Within 48 hours, you'd better show you are going to improve; otherwise, your breathing tube is taken out and you move on . . . because there is nowhere for you to go." He also said many patients come from Canada to Texas to seek his treatment.

So before we go to a national, government-run system, I have one question for those proponents of that bill: When was the last time you went to Canada for your health care?

CONSTITUENT HEALTH CARE SURVEY RESULTS

(Mr. McKEON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKEON. Mr. Speaker, a few weeks ago, I held a town hall meeting in my district. It was widely publicized. We had a great turnout. We had about 1,200 people there. This is a district that was won by President Obama 49-48 percent, even though I'm a Republican, and I just thought it would be interesting to tell the other side what my constituents think just in case they're listening.

Do you support the health care reform plan proposed by President Obama and the congressional Democrats? Yes, 12 percent; no, 81 percent.

Overall how would you rate the quality of health care in this country? Excellent, 27 percent; good, 46 percent; fair, 11 percent; poor, 11 percent.

Do you believe the Federal Government has a responsibility to ensure health care coverage for all Americans? Yes, 15 percent; no, 65 percent.

Do you support the creation of a government-run public insurance option to compete with private insurance? Yes, 15 percent; no, 71 percent.

Mr. Speaker, I think at least in my district the American people have spoken loudly and clearly that they don't want this Democrat government-run plan.

HEALTH CARE

(Mr. AUSTRIA asked and was given permission to address the House for 1 minute.)

Mr. AUSTRIA. Mr. Speaker, included in the Democrats' health plan are massive cuts to Medicare Advantage that could result in a loss of health care for millions of seniors.

In my State of Ohio, this isn't good. Cuts to Medicare Advantage will have an exceptionally harmful impact to seniors in areas that I represent in Ohio, rural areas, forcing many seniors into a one-size-fits-all, government-run health care plan.

The CBO also said the Democrats' health care plan will increase seniors' Medicare prescription drug premiums by 20 percent over the next decade.

It is time that Congress listen to our constituents, listen to the American people, and have an open, bipartisan debate on health care reform.

THE DEMOCRATS' HEALTH CARE PLAN: WE SIMPLY CANNOT AFFORD IT

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, Robert Samuelson is a long-time economics columnist for The Washington Post. He is considered to be a very middle-of-the-road writer, neither liberal nor conservative.

In yesterday's Post, he wrote a column entitled, "Public Plan Mirage." Mr. Samuelson wrote that the public option "is mostly an exercise in political avoidance: It pretends to control costs and improve access to quality care when it doesn't."

He wrote that it is a mirage because it uses "free market rhetoric to expand government power" and added that the public plan "would probably doom today's private insurance."

The so-called opt-out provision is a mirage, too, because it does not allow people to opt out of paying for the program. No State could really opt out, because its citizens would then be paying medical bills for people in other States without receiving any benefits in return.

Medicare and Medicaid have both cost about 10 times more than was predicted. This new health care plan will also cost many times more than is predicted now. We simply cannot afford it.

□ 1530

HEALTH CARE

(Mr. SULLIVAN asked and was given permission to address the House for 1 minute.)

Mr. SULLIVAN. Mr. Speaker, a \$1.5 trillion government takeover of our health care system is not the answer. People were not even consulted about this. When I was home in August, physicians, patients, doctors, providers were not informed. The stakeholders were not even told about the Obama health care plan before it came out. This is not the answer.

And people are suffering right now. Our economy is not doing too well. People are losing jobs. And an \$818 billion tax increase on small business is not the way to reform our health care system. It is the wrong approach.

Republicans have a better way. We want people to have choice. One thing the Republicans want, we want people with preexisting conditions to get coverage and we want health insurance to go down, but we want to make sure that the bureaucrats don't get in the way of the doctor-patient relationship. That is what this plan does. There are 31 bureaucracies in place, bureaucracies and czars between you, the patient, and the doctor. That is the wrong approach.

We don't need an Obama health care plan. We need one that gives choice. We need one where people have an option to have a relationship with their doctor, and we need one that doesn't tax small business, especially right now when people are suffering and the economy is not doing that well.

HEALTH CARE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, yesterday the Senate majority leader announced his decision to push health care legislation with a public option, better known as government control. He said, "We've spent countless hours over the last few days in consultation with Senators."

What the Senate majority leader did not say was that these negotiations took place behind closed doors with the media and American people shut out. Recent polls show when the American people have the facts, they oppose the Democrats' proposals by a wide margin.

During his campaign, then-Senator Obama promised he would, "have all the negotiations around a big table" and "televised on C-SPAN" to "allow people to stay involved in this process."

Democratic leaders have failed to be open and candid with the American people about the decisionmaking process. The public deserves to have all of the facts regarding a health care plan that would raise premiums and cut benefits.

HEALTH CARE

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, there is much we don't know about the health care legislation being developed behind closed doors somewhere here in the Capitol. But this much we do know: the promises being made that this legislation won't add a dime to the deficit just don't hold water. Any characterization of this legislation as being deficit neutral is based on an assumption that we will obtain significant savings from Medicare, that we will somehow over the next 10 years summon up the courage to tell seniors that the benefits they currently are receiving are too lavish, and that they will need to sacrifice some of their current coverage to pay for those who don't currently have coverage.

Mr. Speaker, this type of courage doesn't reside with this Congress. We recently passed legislation to shield high-income seniors from a slight increase in Medicare part B premiums. If we have to shield seniors who make

more than \$170,000 annually from paying another \$20 monthly, how are we going to find \$500 billion in savings from Medicare over the next 10 years? It simply doesn't add up.

WHERE ARE THE JOBS?

(Mr. LOBIONDO asked and was given permission to address the House for 1 minute.)

Mr. LOBIONDO. Mr. Speaker, the people in the 2nd Congressional District of New Jersey are asking, Where are the jobs? They have watched as this Congress has passed bailouts for AIG, for GM and for Chrysler. They watched as this Congress passed a huge bailout for Wall Street, and then followed up with a stimulus bill that had very little thought and that isn't providing the jobs for our citizens. They are not too big to fail, so they are not getting help.

The unemployment rate nationally is about 9.8 percent. In most of my district, it is at least a couple of points higher than that. People are struggling. People want to understand when are we going to get spending under control, and when are we going to understand that we should pay attention to the real people, the people who have their connection to the real world, not the people who are connected to Wall Street, not the people who are getting multimillion dollar bonuses after running companies into the ground, but the people who are just trying to make America go.

HEALTH CARE

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, the rule of medicine is do no harm, and the rule here in the House of Representatives should be to build on the success of some of our States.

What are the Republican ideas for medical care reform? First, the Medical Rights Act, which says Congress should make no law interfering with decisions that you have made with your doctor.

Secondly, no reform is serious unless it has lawsuit reform in the United States.

And third, you should be given a right as an American to buy coverage from any State in the Union if you find a plan that is less expensive or more flexible for yourself or for your business.

We should avoid the mistakes of some States and repeat the successes of others. The smoking hole of health insurance in the United States is the State of New Jersey. No lawsuit reform, incredible administrative burden, it costs \$5,500 a patient to insure someone in New Jersey. The best State in

the country, California, where they have cut their costs to half of the New Jersey rate, but they have rock and rolling lawsuit reform in their State. What we should do is not pass the bill that is coming up next week, a \$400 billion tax increase in the teeth of the Great Recession and a \$400 billion cut for Medicare.

HEALTH CARE

(Mr. MORAN of Kansas asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Kansas. Mr. Speaker, many Kansans ask if health care reform will allow them the choices of options that Members of Congress and other Federal employees enjoy under the Federal Employees Health Benefits Program. That is a good question.

I sponsored legislation calling for Members of Congress who support a government-run health plan to automatically enroll in the soon-to-be-created public plan. In some of the health care bills crafted by Congress, Members of Congress have been exempt from participation. I am concerned that expansion of government-run health care will lead to rationing of care and higher taxes. If Members of Congress are so convinced the public government-run option will deliver quality, affordable care, then Members of Congress should be willing to enroll right alongside with the American people. Congress should not have a better health care plan than they are willing to provide the American people, especially since the American people are paying for both.

HEALTH CARE

(Mr. MICA asked and was given permission to address the House for 1 minute.)

Mr. MICA. Mr. Speaker, there is quite a bit of talk right now about the spread of the H1N1 virus, but I want to talk about amnesia in Washington. You might recall on September 12, hundreds of thousands of Americans from every State and every locality, community, converged upon Washington, and they left us some messages. And sometimes the people in Washington have forgotten those messages. One they left to me and the Congress in a petition was: serve us honorably and responsibly. They demand no more taxes. Stop spending our money. Exercise our freedoms; you will not take them away. Halt the dismantling of America. First, say "no" to cap-and-trade; second, say "no" to government-run health care.

Members, unfortunately, have amnesia around here. But I just wanted to bring forward the petition the people brought me from north central and really all of Florida petitioning their government: no government-run health care.

HEALTH CARE

(Mr. HUNTER asked and was given permission to address the House for 1 minute.)

Mr. HUNTER. This is an interesting debate about health care. The interesting thing about this is that Congress could fix it. We could increase portability. We could make it so there aren't any more frivolous lawsuits. We could make it so there is more access, so it is cheaper, and there are more tax incentives for health care. But we aren't doing that.

What we have with health care in this country is a leaky faucet, and liberal Democrats want to tear down the entire house for that one leaky faucet. We could fix the faucet without a 1,200-page bill that is so complex that 90 percent of the American people can't understand it.

We could fix health care and do it responsibly, and we could do it gradually. Unfortunately, it looks like we will be voting to tear down the entire house. I say we just fix the leaky faucet, reform health insurance in this country, and fix things one at a time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CUMMINGS). Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Motion to instruct on H.R. 2996, by the yeas and nays;

Motion to suspend on H.R. 2489, by the yeas and nays;

Motion to suspend on H. Res. 854, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 2996 offered by the gentleman from Idaho (Mr. SIMPSON) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

The vote was taken by electronic device, and there were—yeas 267, nays 147, not voting 18, as follows:

[Roll No. 816]

YEAS—267

Aderholt
Adler (NJ)
Akin

Alexander
Altmire
Arcuri

Austria
Baca
Bachmann

Bachus
Barrow
Bartlett
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Cassidy
Castle
Chaffetz
Childers
Cleaver
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Driehaus
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emerson
Etheridge
Fallin
Farr
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)

Gohmert
Goodlatte
Gordon (TN)
Graves
Grayson
Green, Gene
Griffith
Guthrie
Gutierrez
Halvorson
Hare
Harper
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Holden
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kind
King (IA)
King (NY)
Kingston
Kirk
Kissell
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Loeb sack
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Markey (CO)
Marshall
Massa
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Turner
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (NY)
Murphy, Tim

Myrick
Neugebauer
Nunes
Nye
Oberstar
Olson
Ortiz
Paul
Paulsen
Pence
Perriello
Peterson
Petri
Pitts
Platts
Poe (TX)
Pomeroy
Posey
Price (GA)
Putnam
Rahall
Rehberg
Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Royce
Rush
Ryan (OH)
Ryan (WI)
Salazar
Scalise
Schauer
Schmidt
Schock
Schradler
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Turner
Upton
Walden
Walz
Wamp
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

Clay
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Crowley
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards (MD)
Ellison
Engel
Eshoo
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Grijalva
Hall (NY)
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hoyer
Inslee

Abercrombie
Barrett (SC)
Cao
Castor (FL)
Deal (GA)
Gerlach

Jackson (IL)
Jackson-Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Klein (FL)
Kucinich
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maffei
Maloney
Markey (MA)
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meeks (NY)
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Obey
Oliver
Pallone
Pastor (AZ)
Perlmutter

NOT VOTING—18

Granger
Hall (TX)
Hoekstra
Israel
Johnson, Sam
Kirkpatrick (AZ)

Peters
Pingree (ME)
Polis (CO)
Price (NC)
Quigley
Rangel
Reyes
Rothman (NJ)
Roybal-Allard
Ruppersberger
Sánchez, Linda
T.
Sarbanes
Schakowsky
Schiff
Schwartz
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Snyder
Stark
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Woolsey
Wu
Yarmuth

Pascarell
Payne
Radanovich
Sanchez, Loretta
Scott (VA)
Smith (WA)

□ 1612

Messrs. PALLONE, BRADY of Pennsylvania, Ms. CLARKE, Mr. SHERMAN, Ms. BERKLEY, Messrs. CUMMINGS, NADLER of New York, ACKERMAN, DOYLE, DAVIS of Illinois, LARSON of Connecticut, HIGGINS, Mrs. DAVIS of California, Messrs. SARBANES, LEWIS of Georgia, LYNCH, GEORGE MILLER of California, Ms. SLAUGHTER, Messrs. WU, MCGOVERN, Ms. WASSERMAN SCHULTZ, Ms. BEAN, Messrs. BERMAN, ANDREWS, Ms. JACKSON-LEE of Texas, and Mr. SERRANO changed their vote from “yea” to “nay.”

Messrs. BERRY, MANZULLO, AKIN, SCHAUER, BISHOP of New York, Ms. MARKEY of Colorado, Messrs. BISHOP of Georgia, STUPAK, BACA, Mrs. BIGGERT, Messrs. LOEBSACK, HARE, and CANTOR changed their vote from “nay” to “yea.”

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATIONAL LAND REMOTE SENSING OUTREACH ACT

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2489, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2489, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 379, nays 33, not voting 20, as follows:

[Roll No. 817]

YEAS—379

Ackerman	Chandler	Gordon (TN)
Aderholt	Childers	Graves
Adler (NJ)	Chu	Grayson
Alexander	Clarke	Green, Al
Altmire	Clay	Green, Gene
Andrews	Cleaver	Griffith
Arcuri	Clyburn	Guthrie
Austria	Coffman (CO)	Gutierrez
Baca	Cohen	Hall (NY)
Bachmann	Cole	Halvorson
Bachus	Connolly (VA)	Hare
Baird	Conyers	Harman
Baldwin	Cooper	Harper
Barrow	Costa	Hastings (FL)
Bartlett	Costello	Hastings (WA)
Barton (TX)	Courtney	Heinrich
Bean	Crenshaw	Heller
Becerra	Crowley	Herseth Sandlin
Berkley	Cuellar	Higgins
Berman	Cummings	Hill
Berry	Dahlkemper	Himes
Biggert	Davis (AL)	Hinchey
Bilbray	Davis (CA)	Hinojosa
Bilirakis	Davis (IL)	Hirono
Bishop (GA)	Davis (KY)	Hodes
Bishop (NY)	Davis (TN)	Holden
Bishop (UT)	DeFazio	Holt
Blackburn	DeGette	Honda
Blumenauer	Delahunt	Hoyer
Blunt	DeLauro	Hunter
Bocieri	Dent	Inglis
Boehner	Diaz-Balart, L.	Inslee
Bonner	Diaz-Balart, M.	Jackson (IL)
Bono Mack	Dicks	Jackson-Lee
Boozman	Dingell	(TX)
Boren	Doggett	Jenkins
Boswell	Donnelly (IN)	Johnson (GA)
Boucher	Doyle	Johnson (IL)
Boustany	Dreier	Johnson, E. B.
Boyd	Driehaus	Jones
Brady (PA)	Edwards (MD)	Kagen
Brady (TX)	Edwards (TX)	Kanjorski
Braley (IA)	Ehlers	Kaptur
Bright	Ellison	Kennedy
Brown (SC)	Ellsworth	Kildee
Brown, Corrine	Emerson	Kilpatrick (MI)
Brown-Waite,	Engel	Kilroy
Ginny	Eshoo	Kind
Buchanan	Etheridge	King (IA)
Burgess	Fallin	King (NY)
Butterfield	Farr	Kirk
Buyer	Fattah	Kissell
Calvert	Filner	Klein (FL)
Camp	Fleming	Kline (MN)
Cantor	Forbes	Kosmas
Cao	Fortenberry	Kratovil
Capito	Foster	Kucinich
Capps	Foxy	Kind
Capuano	Frank (MA)	Langevin
Cardoza	Frelinghuysen	Larsen (WA)
Carnahan	Fudge	Larson (CT)
Carney	Gallegly	Latham
Carson (IN)	Giffords	LaTourette
Carter	Gingrey (GA)	Latta
Cassidy	Gohmert	Lee (CA)
Castle	Gonzalez	Lee (NY)
Chaffetz	Goodlatte	Levin

NAYS—147

Ackerman
Andrews
Baird
Baldwin
Bean
Becerra

Berkley
Berman
Blumenauer
Brady (PA)
Brown, Corrine
Butterfield

Capps
Capuano
Carson (IN)
Chandler
Chu
Clarke

Lewis (CA) Napolitano Shimkus
 Lewis (GA) Neal (MA) Shuler
 Linder Nunes Shuster
 Lipinski Nye Simpson
 LoBiondo Oberstar Sires
 Loeb sack Obey Skelton
 Lofgren, Zoe Oliver Slaughter
 Lowey Ortiz Smith (NE)
 Lucas Pallone Smith (NJ)
 Luetkemeyer Pastor (AZ) Smith (TX)
 Luján Perlmutter Snyder
 Lummis Perriello Souder
 Lungren, Daniel Peters Space
 E. Peterson Speier
 Lynch Pingree (ME) Spratt
 Mack Pitts Stark
 Maffei Platts Stupak
 Maloney Polis (CO) Sullivan
 Markey (CO) Pomeroy Sutton
 Markey (MA) Posey Tanner
 Marshall Price (GA) Taylor
 Massa Price (NC) Teague
 Matheson Putnam Terry
 Matsui Quigley Thompson (CA)
 McCarthy (CA) Rahall Thompson (MS)
 McCarthy (NY) Rangel Thompson (PA)
 McCaul Rehberg Thornberry
 McCollum Reichert Tiahrt
 McCotter Reyes Tiberi
 McDermott Richardson Titus
 McGovern Rodriguez Tonko
 McHenry Roe (TN) Towns
 McIntyre Rogers (AL) Tsongas
 McKeon Rogers (KY) Turner
 McMahon Rogers (MI) Upton
 McMorris Rohrabacher Van Hollen
 Rodgers Ros-Lehtinen Velázquez
 McNerney Roskam Ross
 Meek (FL) Rothman (NJ) Visclosky
 Meeks (NY) Roybal-Allard Walden
 Melancon Ruppertsberger Walz
 Mica Michaud Rush Wamp
 Miller (FL) Ryan (OH) Wasserman
 Miller (MI) Ryan (WI) Schultz
 Miller (NC) Salazar Waters
 Miller, Gary Sánchez, Linda
 Miller, George T. Watson
 Minnick Sarbanes Watt
 Mitchell Schakowsky Weiner
 Mollohan Schauer Welch
 Moore (KS) Schiff Westmoreland
 Moore (WI) Schmidt Wexler
 Moran (KS) Schock Whitfield
 Moran (VA) Schrader Wilson (OH)
 Murphy (CT) Schwartz Wilson (SC)
 Murphy (NY) Scott (GA) Wittman
 Murphy, Patrick Serrano Wolf
 Murphy, Tim Sessions Woolsey
 Murtha Sestak Wu
 Myrick Shea-Porter Yarmuth
 Nadler (NY) Sherman Young (AK)
 Young (FL)

NAYS—33

Akin Hensarling Paulsen
 Broun (GA) Herger Pence
 Burton (IN) Issa Petri
 Campbell Jordan (OH) Poe (TX)
 Coble Kingston Rooney
 Conaway Lamborn Royce
 Culberson Manzullo Scalise
 Duncan Marchant Sensenbrenner
 Flake McClintock Shadegg
 Franks (AZ) Neugebauer Stearns
 Garrett (NJ) Paul Tierney

NOT VOTING—20

Abercrombie Hall (TX) Payne
 Barrett (SC) Hoekstra Radanovich
 Castor (FL) Israel Sanchez, Loretta
 Deal (GA) Johnson, Sam Scott (VA)
 Gerlach Kirkpatrick (AZ) Smith (WA)
 Granger Olson Waxman
 Grijalva Pascrell

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1620

Mr. LAMBORN changed his vote from “yea” to “nay.”

Mr. CANTOR changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: “A bill to authorize a national cooperative geospatial imagery program through the United States Geological Survey to promote use of remote sensing data.”.

A motion to reconsider was laid on the table.

RECOGNIZING 120TH ANNIVERSARY OF WEBER STATE UNIVERSITY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 854, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. PIERLUISI) that the House suspend the rules and agree to the resolution, H. Res. 854.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 20, as follows:

[Roll No. 818]

YEAS—412

Ackerman	Brown, Corrine	Cummings
Aderholt	Brown-Waite,	Dahlkemper
Adler (NJ)	Ginny	Davis (AL)
Akin	Buchanan	Davis (CA)
Alexander	Burgess	Davis (IL)
Altmire	Burton (IN)	Davis (KY)
Andrews	Butterfield	Davis (TN)
Arcuri	Buyer	DeFazio
Austria	Calvert	DeGette
Baca	Camp	Delahunt
Bachmann	Campbell	DeLauro
Bachus	Cantor	Dent
Baird	Cao	Diaz-Balart, L.
Baldwin	Capito	Diaz-Balart, M.
Barrow	Capps	Dicks
Bartlett	Capuano	Dingell
Barton (TX)	Cardoza	Doggett
Bean	Carnahan	Donnelly (IN)
Becerra	Carney	Doyle
Berkley	Carson (IN)	Dreier
Berman	Carter	Driedhaus
Berry	Cassidy	Duncan
Biggert	Castle	Edwards (MD)
Bilbray	Chaffetz	Edwards (TX)
Bilirakis	Chandler	Ehlers
Bishop (GA)	Childers	Ellison
Bishop (NY)	Chu	Ellsworth
Bishop (UT)	Clarke	Emerson
Blackburn	Clay	Engel
Blumenauer	Cleaver	Eshoo
Blunt	Clyburn	Etheridge
Boccieri	Coble	Fallin
Bonner	Coffman (CO)	Farr
Bono Mack	Cohen	Fattah
Boozman	Cole	Filner
Boren	Conaway	Flake
Boswell	Connolly (VA)	Fleming
Boucher	Conyers	Forbes
Boustany	Cooper	Fortenberry
Boyd	Costa	Foster
Brady (PA)	Costello	Fox
Brady (TX)	Courtney	Frank (MA)
Braley (IA)	Crenshaw	Franks (AZ)
Bright	Crowley	Frelinghuysen
Broun (GA)	Cuellar	Fudge
Brown (SC)	Culberson	Gallegly
Garrett (NJ)		
Giffords		
Gingrey (GA)		
Gohmert		
Gonzalez		
Goodlatte		
Gordon (TN)		
Graves		
Grayson		
Green, Al		
Green, Gene		
Griffith		
Guthrie		
Gutierrez		
Hall (NY)		
Halvorson		
Hare		
Harman		
Harper		
Hastings (FL)		
Hastings (WA)		
Heinrich		
Heller		
Hensarling		
Herger		
Herseth		
Sandlin		
Higgins		
Hill		
Himes		
Hinchey		
Hinojosa		
Hirono		
Hodes		
Holden		
Holt		
Honda		
Hoyer		
Hunter		
Inglis		
Inslee		
Issa		
Jackson (IL)		
Jackson-Lee		
(TX)		
Jenkins		
Johnson (GA)		
Johnson (IL)		
Johnson, E.B.		
Jones		
Jordan (OH)		
Kagen		
Kanjorski		
Kaptur		
Kennedy		
Kildee		
Kilpatrick (MI)		
Kilroy		
Kind		
King (IA)		
King (NY)		
Kingston		
Kirk		
Kissell		
Klein (FL)		
Kline (MN)		
Kosmas		
Kratovil		
Kucinich		
Lamborn		
Lance		
Langevin		
Larsen (WA)		
Larson (CT)		
Latham		
LaTourette		
Latta		
Lee (CA)		
Lee (NY)		
Levin		
Lewis (CA)		
Lewis (GA)		
Linder		
Lipinski		
LoBiondo		
Loeb sack		
Lofgren, Zoe		
Lowey		
Lucas		
Luetkemeyer		
Luján		
Lummis		
Lungren, Daniel		
E.		
Lynch		
Mack		
Maffei		
Maloney		
Manzullo		
Marchant		
Markey (CO)		
Markey (MA)		
Marshall		
Massa		
Matheson		
Matsui		
McCarthy (CA)		
McCarthy (NY)		
McCaul		
McClintock		
McCollum		
McCotter		
McDermott		
McGovern		
McHenry		
McIntyre		
McKeon		
McMahon		
McMorris		
Rodgers		
McNerney		
Meek (FL)		
Meeks (NY)		
Melancon		
Mica		
Michaud		
Miller (FL)		
Miller (MI)		
Miller (NC)		
Miller, Gary		
Miller, George		
Minnick		
Mitchell		
Mollohan		
Moore (KS)		
Moore (WI)		
Moran (KS)		
Moran (VA)		
Murphy (CT)		
Murphy (NY)		
Murphy, Patrick		
Murphy, Tim		
Murtha		
Myrick		
Nadler (NY)		
Roskam		
Ross		
Rothman (NJ)		
Roybal-Allard		
Ruppertsberger		
Rush		
Ryan (OH)		
Ryan (WI)		
Salazar		
Sánchez, Linda		
T.		
Sarbanes		
Schakowsky		
Schauer		
Schiff		
Schmidt		
Schock		
Schrader		
Schwartz		
Scott (GA)		
Serrano		
Sessions		
Sestak		
Shea-Porter		
Sherman		
Shuler		
Simpson		
Sisk		
Shadegg		
Shea-Porter		
Sherman		
Shimkus		
Shuler		
Snyder		
Souder		
Space		
Speier		
Spratt		
Stark		
Stearns		
Stupak		
Sullivan		
Sutton		
Tanner		
Taylor		
Teague		
Terry		
Thompson (CA)		
Thompson (MS)		
Thompson (PA)		
Thornberry		
Tiahrt		
Tiberi		
Tierney		
Titus		
Tonko		
Towns		
Tsongas		
Turner		
Upton		
Van Hollen		
Velázquez		
Petri		
Visclosky		
Walden		
Walz		
Wamp		
Wasserman		
Schultz		
Waters		
Watson		
Watt		
Waxman		
Weiner		
Welch		
Westmoreland		
Wexler		
Whitfield		
Wilson (OH)		
Wilson (SC)		
Wittman		
Wolf		
Woolsey		
Wu		
Yarmuth		
Young (AK)		
Young (FL)		

NOT VOTING—20

Abercrombie	Grijalva	Payne
Barrett (SC)	Hall (TX)	Posey
Boehner	Hoekstra	Radanovich
Castor (FL)	Israel	Sanchez, Loretta
Deal (GA)	Johnson, Sam	Scott (VA)
Gerlach	Kirkpatrick (AZ)	Smith (WA)
Granger	Pascrell	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1629

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. DICKS, MORAN of Virginia, MOLLOHAN, CHANDLER, HINCHAY, OLVER, PASTOR of Arizona, PRICE of North Carolina, OBEY, SIMPSON, CALVERT, LATOURETTE, COLE, and LEWIS of California.

There was no objection.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-74)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the Federal Register for publication the enclosed notice stating that the Sudan emergency is to continue in effect beyond November 3, 2009.

The crisis constituted by the actions and policies of the Government of Sudan that led to the declaration of a national emergency in Executive Order 13067 of November 3, 1997, and the expansion of that emergency in Executive Order 13400 of April 26, 2006, and with respect to which additional steps were taken in Executive Order 13412 of

October 13, 2006, has not been resolved. These actions and policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared with respect to Sudan and maintain in force the sanctions against Sudan to respond to this threat.

BARACK OBAMA.

THE WHITE HOUSE, October 27, 2009.

□ 1630

GRANTING A FEDERAL CHARTER TO THE MILITARY OFFICERS ASSOCIATION OF AMERICA

Mr. VAN HOLLEN. Madam Speaker, together with my colleague WALTER JONES, I ask unanimous consent to take from the Speaker's table the bill (S. 832) to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The text of the bill is as follows:

S. 832

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANT OF FEDERAL CHARTER TO MILITARY OFFICERS ASSOCIATION OF AMERICA.

(a) GRANT OF CHARTER.—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1403 the following new chapter:

“CHAPTER 1404—MILITARY OFFICERS ASSOCIATION OF AMERICA

“Sec.

“140401. Organization.

“140402. Purposes.

“140403. Membership.

“140404. Governing body.

“140405. Powers.

“140406. Restrictions.

“140407. Tax-exempt status required as condition of charter.

“140408. Records and inspection.

“140409. Service of process.

“140410. Liability for acts of officers and agents.

“140411. Annual report.

“140412. Definition.

“§ 140401. Organization

“(a) FEDERAL CHARTER.—Military Officers Association of America (in this chapter, the ‘corporation’), a nonprofit organization that meets the requirements for a veterans service organization under section 501(c)(19) of the Internal Revenue Code of 1986 and is organized under the laws of the Commonwealth of Virginia, is a federally chartered corporation.

“(b) EXPIRATION OF CHARTER.—If the corporation does not comply with the provisions of this chapter, the charter granted by subsection (a) shall expire.

“§ 140402. Purposes

“(a) GENERAL.—The purposes of the corporation are as provided in its bylaws and articles of incorporation and include—

“(1) to inculcate and stimulate love of the United States and the flag;

“(2) to defend the honor, integrity, and supremacy of the Constitution of the United States and the United States Government;

“(3) to advocate military forces adequate to the defense of the United States;

“(4) to foster the integrity and prestige of the Armed Forces;

“(5) to foster fraternal relations between all branches of the various Armed Forces from which members are drawn;

“(6) to further the education of children of members of the Armed Forces;

“(7) to aid members of the Armed Forces and their family members and survivors in every proper and legitimate manner;

“(8) to present and support legislative proposals that provide for the fair and equitable treatment of members of the Armed Forces, including the National Guard and Reserves, military retirees, family members, survivors, and veterans; and

“(9) to encourage recruitment and appointment in the Armed Forces.

“§ 140403. Membership

“Eligibility for membership in the corporation, and the rights and privileges of members of the corporation, are as provided in the bylaws of the corporation.

“§ 140404. Governing body

“(a) BOARD OF DIRECTORS.—The composition of the board of directors of the corporation, and the responsibilities of the board, are as provided in the articles of incorporation and bylaws of the corporation.

“(b) OFFICERS.—The positions of officers of the corporation, and the election of the officers, are as provided in the articles of incorporation and bylaws.

“§ 140405. Powers

“The corporation has only those powers provided in its bylaws and articles of incorporation filed in each State in which it is incorporated.

“§ 140406. Restrictions

“(a) STOCK AND DIVIDENDS.—The corporation may not issue stock or declare or pay a dividend.

“(b) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member of the corporation during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or employee of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

“(c) LOANS.—The corporation may not make a loan to a director, officer, employee, or member of the corporation.

“(d) CLAIM OF GOVERNMENTAL APPROVAL OR AUTHORITY.—The corporation may not claim congressional approval or the authority of the United States Government for any of its activities.

“(e) CORPORATE STATUS.—The corporation shall maintain its status as a corporation incorporated under the laws of the Commonwealth of Virginia.

“§ 140407. Tax-exempt status required as condition of charter

“If the corporation fails to maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986, the charter granted under this chapter shall terminate.

“§ 140408. Records and inspection

“(a) RECORDS.—The corporation shall keep—

“(1) correct and complete records of account;

“(2) minutes of the proceedings of the members, board of directors, and committees of the corporation having any of the authority of the board of directors of the corporation; and

“(3) at the principal office of the corporation, a record of the names and addresses of the members of the corporation entitled to vote on matters relating to the corporation.

“(b) INSPECTION.—A member entitled to vote on any matter relating to the corporation, or an agent or attorney of the member, may inspect the records of the corporation for any proper purpose at any reasonable time.

“§ 140409. Service of process

“The corporation shall comply with the law on service of process of each State in which it is incorporated and each State in which it carries on activities.

“§ 140410. Liability for acts of officers and agents

“The corporation is liable for any act of any officer or agent of the corporation acting within the scope of the authority of the corporation.

“§ 140411. Annual report

“The corporation shall submit to Congress an annual report on the activities of the corporation during the preceding fiscal year. The report shall be submitted at the same time as the report of the audit required by section 10101(b) of this title. The report may not be printed as a public document.

“§ 140412. Definition

“In this chapter, the term ‘State’ includes the District of Columbia and the territories and possessions of the United States.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by inserting after the item relating to chapter 1403 the following new item:

“1404. Military Officers Association of America 140401”.

Mr. VAN HOLLEN. Madam Speaker, I am proud to rise in support of S. 832, a bill to grant a federal charter to the Military Officers Association of America. My colleague WALTER JONES and I joined with 140 cosponsors to introduce the House companion, H.R. 2017.

S. 832 recognizes the dedication, service and accomplishments of military officers and their families, and the enduring contribution of MOAA to the military and veterans' communities, and the nation.

I want to thank Senators BILL NELSON and BOB CORKER for their hard work in helping successfully report the Senate bill.

MOAA has been seeking a federal charter for 15 years. Despite bipartisan and bicameral support, the bill had never previously received a floor vote in either chamber.

MOAA serves a membership of 370,000 active, reserve and retired officers and their spouses in every branch of the military.

The variety of services MOAA provides includes:

The MOAA Scholarship Fund, which provides interest-free loans and grants to students of military families;

Supplemental health insurance; and

Personalized career transition assistance services for members and spouses;

The Military Officers Association has had a distinguished record of protecting and improv-

ing earned compensation and benefits for the entire military and veterans' community. Thanks to the support of Members of this Body and our colleagues in the Senate, MOAA has led efforts that resulted in enactment of major legislative accomplishments including:

TRICARE for Life, landmark legislation that provides lifetime government-sponsored health coverage for military retirees and their family members;

The Post-9/11 GI Bill, which provides cost-free education at any public college or university in the country for the current generation of Iraq and Afghanistan veterans;

Elimination of a dollar-for-dollar offset to military retired pay for retirees with VA service-connected disabilities of 50% to 100%;

Access to continuous TRICARE health coverage for currently serving National Guard and Reserve families and for reservists who qualify for reserve retirement but are not yet in receipt of reserve retired pay at age 60;

Elimination of financial penalties for retired regular officers who pursue second careers in the Federal civil service; and

Upgrades in compensation and transition services for severely wounded warriors, their families and the survivors of those who have made the ultimate sacrifice in defense of the nation.

MOAA serves a vital role in helping inform and shape public policy on national defense matters and by ensuring that the needs of the entire active duty, National Guard and Reserves, military retirees, survivors, veterans and their family members are given voice in the public forum.

I want to also congratulate MOAA for being recognized by “The Hill” newspaper for the third year in a row as the top advocacy organization representing veterans.

MOAA has long tradition of servant-leadership to the entire military and veterans community. The Association provides a variety of services not only to its members but to military men and women of all ranks and to veterans.

I am pleased to recommend a Federal Charter be granted to the Military Officers Association of America and ask for unanimous consent that S. 832 be passed.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1298

Mr. ALEXANDER. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1298.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas

and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

WELCOMING HIS ALL HOLINESS BARTHOLOMEW, ARCHBISHOP OF CONSTANTINOPLE, NEW ROME, ECUMENICAL PATRIARCH

Mr. CARNAHAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 838) welcoming to the United States and to Washington, DC, His All Holiness Bartholomew, Archbishop of Constantinople, New Rome, Ecumenical Patriarch on his upcoming trip on October 20, 2009, through November 6, 2009, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 838

Welcoming to the United States and to Washington, DC, His All Holiness Bartholomew, Archbishop of Constantinople, New Rome, Ecumenical Patriarch on his upcoming trip on October 20, 2009, through November 6, 2009.

Whereas Ecumenical Patriarch Bartholomew is the spiritual leader of nearly 300,000,000 Orthodox Christians around the world and millions of Orthodox Christians in the United States;

Whereas Ecumenical Patriarch Bartholomew is head of the largest Christian denomination headquartered in the Muslim world and convener of an ecumenical meeting which produced the first condemnation by Muslim religious leaders of the 9/11 attack on the United States as an anti-religious act;

Whereas the Ecumenical Patriarchate, located in Istanbul, Turkey, is the spiritual home of the world's oldest and second largest Christian church;

Whereas within the 2,000-year-old Sacred See of the Ecumenical Patriarchate, the New Testament was codified and the Nicene Creed was created;

Whereas the disappearance of the See would mean the end of a crucial link between the Christian and the Muslim world since the continuing presence of the Ecumenical Patriarchate in Turkey is a living testimony of religious co-existence since 1453;

Whereas Ecumenical Patriarch Bartholomew received on his first official visit to the United States in 1997, the Congressional Gold Medal, presented by the United States on behalf of the Congress in recognition of his outstanding and enduring contributions to religious understanding and peace, and was recognized by the United States in a manner reserved for a very small number of world leaders;

Whereas the legislation bestowing the Congressional Gold Medal on Ecumenical Patriarch Bartholomew had one of the highest numbers of Members of the United States House of Representatives cosponsoring it in Congressional history;

Whereas His All Holiness is one of the few living persons to have been awarded the highest Congressional honor, the Congressional Gold Medal, which has been bestowed only on the most eminent individuals, such as George Washington, Winston Churchill, and Pope John Paul II;

Whereas Ecumenical Patriarch Bartholomew is recognized in the United States and abroad as a leader in the quest for world peace, greater religious understanding, and respect for the Earth's environment;

Whereas Ecumenical Patriarchate Bartholomew was selected by Time Magazine as number 11 among 2008's 100 most influential people in the world;

Whereas Ecumenical Patriarch Bartholomew enhanced greater religious understanding by initiating a joint declaration that it is man's duty to protect the earth, signed by himself and Pope John Paul II, the spiritual leaders of nearly 1 out of every 5 people in the world;

Whereas Ecumenical Patriarch Bartholomew is called "the Green Patriarch" by leaders of the international environmental community;

Whereas Ecumenical Patriarch Bartholomew received the prestigious Sophie Prize of Norway for his environmental work;

Whereas the prize money was donated by His All Holiness to UNICEF's fund for destitute children and for environmental projects;

Whereas Ecumenical Patriarch Bartholomew has led symposia of international environmental leaders regarding the Adriatic, Aegean, Arctic, Baltic, and Black Seas, as well as the Amazon, Danube, and Mississippi Rivers, and His All Holiness was honored in New York through the Scenic Hudson River Initiative;

Whereas the Religious, Science, and Environmental (RSE) symposia are organized under the auspices of His All Holiness Ecumenical Patriarch Bartholomew, who originally conceived the movement in 1988 at a meeting of environmental and religious leaders for the purpose of establishing common ground on environmental issues between representatives of faith communities, scientists, and environmental nongovernmental organizations;

Whereas patrons of past symposia have included Prince Philip, Duke of Edinburgh; Jacques Santer and Romano Prodi, former Presidents of the European Commission; and Kofi Annan, former United Nations Secretary-General;

Whereas the symposia have also reached out across different faiths and denominations, revealing the wisdom of diverse theological traditions, as well as a common imperative to protect the natural world;

Whereas during the 2002 Adriatic Sea Symposium, Pope John Paul II and Patriarch Bartholomew signed a joint declaration underlining the spiritual duty of caring for God's creation in the interest of future generations; and

Whereas the outstanding accomplishments of Ecumenical Patriarch Bartholomew have been formally recognized and honored by numerous governmental, academic, and other institutions around the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) welcomes to the United States and to Washington, DC, His All Holiness Bartholomew, Archbishop of Constantinople, New Rome, Ecumenical Patriarch, and recognizes the importance to the United States and the world of the Ecumenical Patriarch's recent environmental seminar conducted on the Mississippi River with some of the world's leading environment experts;

(2) recognizes the importance to the United States and to the world of Ecumenical Patriarch Bartholomew's leadership on matters of environment, peace, and religion, and en-

courages United States foreign policy makers to continue to urge Turkey to grant religious freedom and property rights to the Ecumenical Patriarchate as well as to reopen the theological school at Halki; and

(3) expresses its support for Ecumenical Patriarch Bartholomew's noble efforts for the betterment of humankind.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CARNAHAN) and the gentleman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CARNAHAN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CARNAHAN. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

I would like to thank my colleague, the gentleman from Florida (Mr. BILIRAKIS), a member of the House Foreign Affairs Committee and a leading voice in the Congress on issues concerning the Ecumenical Patriarch, for introducing this resolution.

We are all pleased to welcome Ecumenical Patriarch Bartholomew, the spiritual leader of nearly 300 million Orthodox Christians around the world, to the United States and to our Nation's Capital. Elected as the 270th Archbishop of the historic throne of Constantinople, Ecumenical Patriarch Bartholomew has been a tireless advocate for religious freedom, Muslim-Christian dialogue and international environmental protection.

Known as the Bridge Builder and the Patriarch of Peace, Ecumenical Patriarch Bartholomew has provided hope to those who have survived under Communist oppression and has also traveled throughout the Muslim world, advocating for religious tolerance and understanding.

Sitting at the crossroads between East and West, the Ecumenical Patriarchate itself is a testament to half a millennium of Christian-Muslim coexistence. In fact, Ecumenical Patriarch Bartholomew has strived to communicate his message of tolerance and understanding directly to millions of Muslims around the world.

Another important theme of Ecumenical Patriarch Bartholomew's has been environmental protection which has earned him the title of Green Patriarch. It is fitting then that the Ecumenical Patriarch began his visit to the United States in New Orleans and convened a symposium on the environmental health of the Mississippi River.

This marks the eighth environmental symposium Ecumenical Patriarch Bar-

tholomew has held since 1995. In 2002, at the Adriatic Sea Symposium, Pope John Paul II and Ecumenical Patriarch Bartholomew signed a historic joint declaration, underlining the spiritual duty of caring for God's creation in the interest of future generations.

Madam Speaker, while I am pleased that we've come here today and expressed our strong support for Ecumenical Patriarch Bartholomew and his leadership on many important issues, we must also remember that the Patriarchate itself operates under numerous onerous restrictions imposed by the Government of Turkey, the country where the Patriarchate is located. The Patriarchate's property rights, its freedom to open religious schools and other issues of religious freedom must be properly addressed by the Turkish Government. Indeed, the very future of the Ecumenical Patriarchate is endangered by the Turkish requirement that the Ecumenical Patriarch be a natural-born citizen of Turkey. As the Greek Orthodox population of Turkey has dwindled to less than 3,000 persons, the pool of potential future Ecumenical Patriarchs has virtually dried up. This archaic requirement that the Patriarch be a natural-born Turkish citizen was born in the difficult post-World War I environment in which the modern Republic of Turkey was created. It is certainly unworthy of the self-confident regional power that Turkey has become, and we call on Turkey to end this requirement, and end it now, before it strangles the Patriarchate.

I urge my colleagues to join me in welcoming His All Holiness Bartholomew, Archbishop of Constantinople, New Rome, Ecumenical Patriarch and honoring all he has done to promote peace, religious understanding and the protection of our environment. I strongly support this resolution, and I urge all my colleagues to do likewise.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I am so pleased and honored to yield such time as he may consume to my good friend from Florida (Mr. BILIRAKIS), an esteemed member of our Committee on Foreign Affairs and the author of this important resolution.

Mr. BILIRAKIS. Madam Speaker, I rise today with great pride to offer House Resolution 838, as amended, which welcomes His All Holiness Bartholomew, Archbishop of Constantinople, New Rome, Ecumenical Patriarch, as he visits the United States. I would like to recognize Foreign Affairs Committee Chair BERMAN and Ranking Member ROS-LEHTINEN for working with me to move this important resolution to the House floor expeditiously.

Consideration of this resolution underscores the importance and demonstrates Ecumenical Patriarch Bartholomew's relevance in the world as a

spiritual leader, the leader of nearly 300 million Orthodox Christians around the world and millions of Orthodox Christians right here in the United States.

I was blessed to have been raised in the Greek Orthodox Church. As a child, I served as an altar boy in St. Nicholas Greek Orthodox Church in Tarpon Springs, Florida, as do three of my sons today.

Ecumenical Patriarch Bartholomew is the 273rd successor of the founder of the Eastern Orthodox Church, St. Andrew the Apostle. Madam Speaker, Ecumenical Patriarch Bartholomew must ensure that the faith in the Holy See endures. The Ecumenical Patriarchate is the spiritual home of the world's oldest and second-largest Christian church located in Istanbul, Turkey.

Ecumenical Patriarch Bartholomew has a record of reaching out and working for peace and reconciliation among all faiths and has fostered dialogue among Christians, Jews and Muslims. In fact, His All Holiness convened an ecumenical meeting which produced the first condemnation by Muslim leaders of the 9/11 attack on the United States as an anti-religious act, an accomplishment that has yet to be repeated by any other world or religious leader. Indeed, His All Holiness was the second living person in U.S. history allowed to be honored in the United States Capitol Rotunda as a recipient of the Congressional Gold Medal, the highest congressional honor, previously bestowed on such historic figures as George Washington, Pope John Paul II and Winston Churchill.

Ecumenical Patriarch Bartholomew was honored by Time magazine in its selection of His All Holiness as number 11 among 2008's 100 most influential people in the world. He has been recognized in the United States and abroad as a leader in the quest for world peace, greater religious understanding and respect for the Earth's environment.

This resolution also recognizes the need for religious freedom and property rights to be granted to the Ecumenical Patriarchate as well as the need for the theological school at Halki to be reopened, both of which deserve our full support.

I urge my colleagues to support this resolution recognizing the importance of Ecumenical Patriarch Bartholomew's visit to the United States and his work on behalf of world peace, the environment and religious freedom.

Mr. CARNAHAN. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. SPACE).

Mr. SPACE. Madam Speaker, I rise today in support of House Resolution 838, welcoming to the United States His All Holiness Ecumenical Patriarch Bartholomew, Archbishop of Constantinople, New Rome. This visit of the Ecumenical Patriarch is a significant occasion for Orthodox Christians, Greek

Americans and all Americans in general.

As a Greek American and as an Orthodox Christian myself, I am humbled by the visit of the leader of my church who is renowned for his work on peace and religious understanding and tolerance around the world. Patriarch Bartholomew has also distinguished himself by working diligently to bring attention to our environment, calling his followers to take heed of their physical and spiritual impact on this Earth.

All of us have been fortunate to live our lives and raise our families in a nation where we are free to worship and we can seek the spiritual guidance of our church leaders without fear. In too many places in the world, this is not possible.

I would like to thank my colleague from Missouri for his reference to the Government of Turkey and would, by these remarks, appeal upon the State of Turkey to embrace a sense of religious tolerance that has, regrettably, been missing. As one of over 300 million who follow the Orthodox faith, I look to Ecumenical Patriarch Bartholomew for spiritual guidance and leadership, and it fills me with great pride to welcome His Holiness to the United States.

I would like to thank my colleague and good friend from the State of Florida (Mr. BILIRAKIS) for introducing this resolution, and I am honored to be an original cosponsor. As a member of the Orthodox Church, as a Greek American, as a proud Member of this Congress, I strongly urge support for this resolution.

□ 1645

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Madam Speaker, it is my great honor to rise in support of this important resolution put forth by my good friend from Florida (Mr. BILIRAKIS). I thank him for his leadership.

This resolution welcomes the Ecumenical Patriarch on his visit to the United States, which is coming up this November. Patriarch Bartholomew is the spiritual leader for over 300 million Orthodox believers around the world, millions of whom live right here in the United States.

As the leader of the oldest and second largest church in the world, the Patriarch has been an inspirational advocate for peace and religious tolerance. In fact, the Ecumenical Patriarchate in Istanbul has been an iconic symbol for religious co-existence since 1453, when the Muslim ruler and the Patriarch at that time signed an accord for the continuation of the Orthodox Church in what became a predominantly Muslim country.

Today, Patriarch Bartholomew continues to reach out to leaders of various religious faiths to encourage dialogue and understanding. In fact, fol-

lowing the horrendous attacks on our country on September 11, 2001, Patriarch Bartholomew convened an interfaith conference with representatives from the Christian, Jewish and Muslim religions—a conference that resulted in the first condemnation by Muslim leaders of those terrorist attacks. Patriarch Bartholomew has also been a global leader in efforts to protect our environment. He has sponsored symposia with international environmental leaders on initiatives to protect our clean oceans and to protect our rivers.

Despite his many contributions and the commitment to peace and understanding, the Ecumenical Patriarch continues to endure restrictions imposed by the Turkish Government. The prohibitions on the Patriarchate's right to own property and its right to determine for itself the requirements for Patriarchal succession must end. The closing of the theological school in Halki must be reversed. Such actions restrict the religious freedom of millions of Orthodox believers, and they threaten the future of the Patriarchate, itself.

I am pleased that this resolution clearly states the need for the lifting of these bureaucratic restrictions on the Ecumenical Patriarchate, and on the occasion of the Patriarch's visit to the United States, we again call on the Turkish Government to end them.

Madam Speaker, I reserve the balance of my time.

Mr. CARNAHAN. Madam Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. I thank the gentleman for yielding.

Madam Speaker, I rise in support of H. Res. 838. It is, indeed, a privilege to join with my colleagues in welcoming to the United States and honoring His All Holiness Ecumenical Patriarch Bartholomew, Archbishop of Constantinople and New Rome.

I want to thank Congressman BILIRAKIS for his leadership in developing this resolution.

As Ecumenical Patriarch, His All Holiness is the spiritual leader of the world's Orthodox Christians. Orthodox Christians constitute the second largest Christian domination in the world, numbering some 300 million. From the Phanar, located in modern day Istanbul, the Ecumenical Patriarch has challenged all of us through his unparalleled work in interfaith dialogue to respect each other's faiths and cultures.

He is a true messenger of peace and justice. Each day, the Ecumenical Patriarch reminds us through his good deeds and good words that we must reach beyond the value of material goods and look at one another as the brethren of a single family. The role of pastor to the world, the Ecumenical role of His All Holiness arises from the

fact that he is the successor of the Apostle Andrew, who established the church in Rome's eastern provinces while his brother, Peter, established the church in Rome.

Unfortunately, while the Ecumenical Patriarchate in Istanbul is more than 1,700 years in existence, today, its survival is threatened because of the continued denial of religious freedom and human rights that is perpetuated by the government of the Republic of Turkey. The plight of this ancient and noble religious center exemplifies the ongoing struggle for international religious freedom that so many people of so many faiths continue to endure.

The United States must call upon its ally Turkey to restore the full rights of the Patriarchate, including property rights, and to reopen the Halki Theological Seminary.

I am particularly drawn to the Patriarch's efforts to promote environmentalism. He has been called the Green Patriarch for his powerful commitment to restoring our planet. He initiated a joint declaration that it is man's duty to protect the Earth, signed by himself and Pope John Paul—the spiritual leaders of nearly one out of every five people in the world.

The moral force of his message is unassailable. Humankind must ensure that it exists in a world where there is fresh air to breathe, clean water to drink and pure soil from which to harvest our food. From the Phanar, the Ecumenical Patriarch has inspired millions of Christians, Jews, Muslims, and people of all faiths with his call upon humanity to honor its responsibility as a steward of the Earth's natural bounty.

We are so privileged to have Ecumenical Patriarch Bartholomew in the United States and to honor him for his continuing efforts to achieve a more peaceful and harmonious world.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of H. Res. 838, a bill to welcome His All Holiness Bartholomew, Archbishop of Constantinople, to the United States and to Washington, DC.

As the spiritual leader of nearly 300,000,000 Orthodox Christians around the world and millions of Orthodox Christians in the United States, Ecumenical Patriarch Bartholomew is recognized here and abroad for his leadership in the quest for world peace, for his work to promote responsible stewardship of the environment and for his global efforts to spread religious tolerance.

In addition to receiving the 1997 Congressional Gold Medal and the Sophie Prize of Norway for managing to raise the environmental awareness of 300 million members of the Orthodox Churches, His Holiness was recognized in 2008 by Time Magazine as one of the world's most influential people. Time Magazine said His Holiness was recognized for his successful efforts to "stake out a clear moral and spiritual vision that is dominated by his concern for the environment."

I am proud to stand in recognition of the pioneering efforts of His Holiness in linking faith to the environment, for his tireless efforts to promote justice and human rights and for his global spiritual leadership.

I welcome His Holiness to the United States and urge my colleagues to join me in support of this resolution.

Ms. TITUS. Madam Speaker, I rise today in support of H. Res. 838. I am proud to be a co-sponsor of this important resolution which welcomes His Holiness Bartholomew, Archbishop of Constantinople, New Rome, to the United States of America.

His Holiness Ecumenical Patriarch Bartholomew has been a tireless advocate for religious freedom, Muslim-Christian dialogue, and international environmental protection. He has been internationally recognized for his work to improve our worldwide community in many ways.

His work in the Muslim world advocating for religious understanding and tolerance and his efforts with victims of soviet oppression have earned him the title of "Patriarch of Peace." In 2008, His Holiness was named one of the 100 most influential people in the world by Time Magazine.

Madam Speaker, while I am pleased that the House of Representatives is expressing our strong support for Ecumenical Patriarch Bartholomew and his leadership on many important issues, it is equally as important that I address the fact that the Patriarchate itself operates under numerous unfair restrictions imposed by the Turkish Government, where the Patriarchate is located. Unfortunately, the Patriarchate's property rights, its ability to open religious schools, and other issues of religious freedom must be properly addressed by the Turkish Government. I hope that the United States and the world community will work with the Government of Turkey to end this terrible crime of inhibiting religious freedoms.

I am pleased to welcome His Holiness Ecumenical Patriarch Bartholomew to the United States and I look forward to joining with our country's leaders to formally welcome His Holiness to Washington. I look forward to learning from him and working with the Greek Orthodox Community in the United States to bring full religious freedom to the Patriarchate. His Holiness has been instrumental in bringing light to those who have lived in darkness and helping those who need it most. We all benefit from his teachings.

I urge my colleagues to support the resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time on this important resolution, and I yield back the balance of my time.

Mr. CARNAHAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the rules and agree to the resolution, H. Res. 838, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARNAHAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ENCOURAGING IRAN TO REUNITE JOSHUA FATTAL, SHANE BAUER, AND SARAH SHOURD WITH THEIR FAMILIES

Mr. CARNAHAN. Madam Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 45) encouraging the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

S. CON. RES. 45

Whereas on July 31, 2009, officials of the Government of Iran took 3 United States citizens, Joshua Fattal, Shane Bauer, and Sarah Shourd, into custody near the Ahmed Awa region of northern Iraq, after the 3 United States citizens reportedly crossed into the territory of Iran while hiking in Iraq;

Whereas officials of the Government of Iran have confirmed that they are holding the 3 United States citizens; and

Whereas officials of the Government of Iran have allowed consular access by the Embassy of the Government of Switzerland (in its formal capacity as the representative of the interests of the United States in Iran) to the 3 young United States citizens in accordance with the Vienna Convention on Consular Relations, done at Vienna April 24, 1963: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) encourages the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to communicate by telephone with their families in the United States; and

(2) encourages the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CARNAHAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CARNAHAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CARNAHAN. I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. Con. Res. 45, a resolution encouraging the Government of Iran to allow the American prisoners Joshua Fattal, Shane Bauer and Sarah Shourd to reunite with their families in the United States as soon as possible.

On July 31, 2009, these three American hikers were taken into custody by Iranian officials near northern Iraq. They were seized because the Iranians said they had crossed into Iranian territory while on a hike in a rural region near the Iraq-Iran border.

The three hikers certainly had no malicious or devious intentions. The area they were hiking through, part of Iraqi Kurdistan, is mountainous but not obscure. In fact, it is becoming increasingly popular with tourists. If the three Americans did, indeed, cross into Iranian territory, they almost certainly did so unknowingly and unintentionally.

At the time of her capture, 31-year old Sarah Shourd was teaching English in Damascus, Syria, where she was living with her boyfriend, Shane Bauer—a writer and photojournalist. Their friend and fellow University of California—Berkeley alumnus, Joshua Fattal, was traveling with them in Iraqi Kurdistan. Their adventure in Iraq turned into a nightmare when they were seized by the Iranians.

This important resolution calls on the Government of Iran to provide these three innocent, young Americans, at a minimum, the opportunity to speak with their families by phone. It also encourages the Government of Iran to free them so they can be reunited with their families in the United States as soon as possible.

Of course, Joshua, Shane and Sarah are not the only Americans currently being held in Iran. The Iranian-American scholar, Kian Tajbakhsh—an urban planner with a doctorate from Columbia University—was arrested in July, and was sentenced last week to 15-years' imprisonment for his involvement in the peaceful demonstrations that followed the July 12 election fraud.

Another Iranian-American, 71-year old Reza Taghavi, has been imprisoned since May 2008 without a trial or formal charges.

In April, this body passed House Concurrent Resolution 36, regarding the case of the former FBI agent, Robert Levinson, who has been missing in Iran since 2007.

As the United States and the international community engage Iran on its nuclear weapons program, we must not forget the plight of these innocent Americans. I commend Undersecretary of State William Burns for raising this issue with his Iranian counterpart at the October 1 Geneva meeting. I encourage him to continue to do so at all subsequent meetings with Iranian officials until our fellow citizens are freed.

A New York Times editorial this past Saturday said it well, entitled "More Iranian Injustice." The editorial called for the immediate release of the imprisoned Americans, and it went on to read, "Iran may sit at the negotiating table with the United States and other world powers, but it will never earn the respect it craves if it continues these kinds of human rights abuses."

I commend Senator ARLEN SPECTER for introducing this timely resolution in the Senate, and I commend our colleague from Pennsylvania, ALLYSON SCHWARTZ. This deserves our deep appreciation for their leadership on this issue.

Madam Speaker, we care passionately about the freedom of our fellow citizens, and it is in that spirit that I urge all of my colleagues to support this important resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Madam Speaker, on July 31 of this year, the Iranian regime detained three U.S. citizens—Joshua Fattal, Shane Bauer and Sarah Shourd—who were hiking in northern Iraq and who allegedly strayed across the border by accident. Almost 3 full months later, Iran still holds them captive. This case should alert us once again to the true nature of the Iranian regime.

Almost 30 years ago, on November 4, 1979, this regime took 53 American hostages at the U.S. Embassy in Tehran, and it held them for 444 days. Three decades later, this is a regime that continues to hold American citizens hostage. This is a regime that remains the largest state sponsor of terrorism in the world—from Beirut to Buenos Aires. This is a regime that continues to support Iraqi and Afghan violent Islamist groups, which are responsible for the deaths of Americans. This is a regime that openly seeks to wipe out our ally, the democratic, Jewish State of Israel, off the map, and it acts accordingly. This is a regime that continues to relentlessly pursue unconventional weapons and the missiles to carry them.

Using conventional means, Iran has inflicted considerable damage on U.S. citizens, on our interests and on our allies during its 30-year war against America.

I strongly support Senate Concurrent Resolution 45, which draws attention to the fact that Iran continues to hold U.S. citizens hostage. The regime must release these young Americans immediately and unconditionally, and the United States and other responsible nations must fully recognize the nature of the regime, and they need to apply every form of economic and political pressure in our arsenal—now, not later—to compel the regime to abandon its dangerous course.

Madam Speaker, with that, I reserve the balance of my time.

Mr. CARNAHAN. Madam Speaker, I yield 3 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. I appreciate the opportunity to speak on this resolution.

Madam Speaker, I rise in support of three young American citizens who have been detained by the Government of Iran for nearly 3 months now.

On July 31, 2009, Joshua Fattal, Shane Bauer and Sarah Shourd were taken into custody after purportedly crossing into the Iranian territory while hiking in Iraqi Kurdistan. It is a peaceful region of northern Iraq which has become increasingly popular as a hiking destination for many Westerners. During the hike, it seems they accidentally crossed over an unmarked border into Iran.

As a result, these three young Americans, all graduates of the University of California-Berkeley, have since been detained in Iran. While Swiss diplomats were finally permitted access to Josh, Sarah and Shane on September 29, the three have still not been allowed to have any contact with their families.

In response to this action, I have sponsored in the House—and Senator ARLEN SPECTER has spearheaded in the Senate—Senate Concurrent Resolution 45, which encourages the Government of Iran to allow Josh, Shane and Sarah to communicate by telephone with their families in the United States. More importantly, it also encourages the Government of Iran to allow them to reunite with their families here in the United States as soon as possible.

□ 1700

This resolution was unanimously passed by the Senate on October 6.

Josh, whose family is from Montgomery County, Pennsylvania, which I represent; Sarah; and Shane did not commit any malicious acts. They were three young Americans who have traveled extensively throughout the world seeking to learn about different societies and different cultures. Unfortunately, they made a single mistake: They got lost. For that they have been held for nearly 3 months with almost no contact with the outside world.

As a mother, I can well imagine the pain and frustration the families of the three young adults feel as they wait, hoping, doing all that they can but with little power to compel action by Iran to free their children. I know, especially through my conversations with Mrs. Fattal, how important this resolution is to them and their families.

I urge the Government of Iran to reunite Josh, Sarah, and Shane with their families, and I ask my colleagues to support this concurrent resolution and the strong but compassionate plea for action that it contains.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CARNAHAN. Madam Speaker, I am pleased now to yield 3 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. I thank the gentleman for yielding, and I thank him also for carrying this resolution.

Madam Speaker, I am in strong support of Senate Concurrent Resolution 45, which encourages the Government of Iran to allow the three American citizens detained in Iran to reunite with their families as soon as possible.

Since July 2009—I think it was July 31—Joshua Fattal, Shane Bauer, and Sarah Shourd have been detained by the Government of Iran after inadvertently, inadvertently, crossing the unmarked border with Iran while attempting to hike in the mountains in Iraqi Kurdistan. Now, Sarah is a constituent, but Joshua and Shane, they are all graduates of the University of California in Berkeley, which is located in my district.

I have had the opportunity to talk with family members of Sarah, and I know how difficult it is for them during these trying times and I know how they are doing everything they can do to seek their release.

Reports indicate that for 3 months, the families of these young American citizens have had no contact with the detained, whether in person or by telephone. The lack of information regarding the whereabouts and welfare of their loved ones, as well as any indication of a timeline for their release, is deeply troubling.

Under article 36 of the Vienna Convention, consular officers shall be provided access to an arrested, detained, or imprisoned national without delay. I was relieved to hear that on September 30, 2009, Swiss officials were finally granted consular access to the three detained American citizens. However, like my colleagues, like all of us, we are deeply concerned that these officials and the three lack freedom of communication, which is also provided for by the Vienna Convention on Consular Relations.

This resolution importantly calls upon the Government of Iran to allow for Joshua, Shane, and Sarah to communicate by telephone with their families in the United States, who continue to passionately appeal to the Government of Iran for their timely and safe release. On September 22, President Ahmadinejad stated his intent to ask the Iranian judiciary to “expedite the process” of this case, as well as to “look at the case with maximum leniency.”

In accordance with this resolution, I hope that the Government of Iran will live up to its promise and act without delay to ensure that these young American citizens may be reunited with their families and loved ones.

I stand in support of this resolution today. I want to thank the State De-

partment and all of our colleagues for doing so much to try to gain the release of these three young individuals as soon as possible.

I thank my colleagues for their support of this resolution.

Mr. CARNAHAN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 45.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARNAHAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING CONFUCIUS' 2560TH BIRTHDAY

Mr. CARNAHAN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 784) honoring the 2560th anniversary of the birth of Confucius and recognizing his invaluable contributions to philosophy and social and political thought.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 784

Whereas September 28, 551 B.C., is recognized as the date on which Confucius was born in the town of Qufu, in what is now the Shandong Province of China;

Whereas Confucius, who is one of the greatest thinkers, teachers, and social philosophers in history, developed a philosophy that has deeply influenced, and continues to influence, the social and political thought of countries around the world, including China, Korea, Japan, Taiwan, and Vietnam;

Whereas Confucius counseled introspection, self-cultivation, sincerity, and the observance of respect within social relationships as a means of achieving justice and attaining morality in personal and public life, reflecting a moral fiber of the highest degree;

Whereas the teaching of Confucius that “what one does not wish for oneself, one ought not to do to anyone else; what one recognizes as desirable for oneself, one ought to be willing to grant to others” is a model for ethical behavior and for the promotion of harmony among us;

Whereas Confucius taught that an ideal government is founded upon loyalty, respect for elders, and recognition of the importance of family; and

Whereas Confucius taught that politicians must be models of truthfulness and morality, which serves as a reminder to all of our duty to serve with the utmost honor and respect: Now, therefore, be it

Resolved, That the House of Representatives honors the 2,560th anniversary of the

birth of Confucius and recognizes his invaluable contributions to philosophy and social and political thought.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CARNAHAN) and the gentlewoman from Florida (Ms. ROSELEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CARNAHAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CARNAHAN. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

This resolution before us honors the birth of Confucius over 2,000 years ago and recognizes his contributions to philosophy and social and political thought. I would like to thank my friend, the gentleman from Texas (Mr. AL GREEN) for introducing this resolution.

According to Chinese tradition, Confucius was born in 551 B.C. to a poor but noble family. He became a high-level government minister but later resigned his position after becoming disillusioned with the misbehavior and corruption of the rulers in feudal China.

Confucius then embarked on a long journey throughout the small kingdoms that made up China with a devoted group of students, expounding his political philosophy. He would return home to spend his last years teaching and compiling his wisdom into a set of texts that would become known as the “Confucian Classics.”

After his death, Confucius would serve as the “spiritual ancestor” of later teachers, historians, philosophers, and literary scholars whose lives and works figure prominently in Chinese intellectual history. Indeed, he would become not only China's preeminent philosopher but also Asia's most influential thinker as well.

Confucius' birth over 2½ millennia ago was not only celebrated in China late last month but throughout Asia, including South Korea, Japan, and Taiwan.

He taught respect for one's elders and for understanding one's responsibility to others within the existing social structure. He believed that government officials should be chosen for their virtue and ability, not for their birth.

Confucius believed that the purpose of the government was the welfare of the people. And perhaps most importantly, he taught that a ruler who was not righteous and humane would forfeit the “Mandate of Heaven” and, thus, lose the right to govern.

Confucius' teaching developed into a system of philosophy known as Confucianism, which would have profound impact on the thought and life of East Asia. Some have compared his influence with that of Socrates in the West.

I strongly support this resolution and urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this resolution commemorating the 2,560th anniversary of the birth of that sage of Chinese culture, the philosopher Confucius.

Confucius is not only revered in his native China but also in Taiwan, Korea, Japan, and Vietnam. Confucius is best remembered for his promotion of social harmony and his emphasis on the virtues of education. His teachings have long provided an ethical guidepost for millions of people living throughout East and Southeast Asia.

Confucius is another philosopher who taught us the golden rule: "Do not do to others what you do not want done to yourself." Confucius also taught that the path to both virtue and success is led through the discipline of study. His famous saying that "a journey of a thousand miles begins with a single step" encouraged his disciples never to give up no matter what the hardships.

Inspired by him, thousands of Chinese, Taiwanese, Korean, Japanese, and Vietnamese scholars and scientists have made enormous contributions to the world's pool of knowledge. Young American scholars, drawn from these Asian communities influenced by Confucianism, have made impressive contributions to the mosaic of American life in the fields of science, law, medicine, engineering, music, and art.

So it is fitting today to pass this resolution honoring the birthday of a man who has been called "China's greatest teacher."

Madam Speaker, I reserve the balance of my time.

Mr. CARNAHAN. Madam Speaker, I am pleased now to yield 5 minutes to the sponsor of this bill, the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Madam Speaker, I think it appropriate that you be in the chair today because in Houston, Texas, in your district, I believe, we have a statue that has been erected in honor of Confucius. So I come here today and I thank you, Madam Speaker, and I thank the leadership for allowing this resolution to come to the floor. I thank the Honorable HOWARD BERMAN, the chairperson of the Committee on Foreign Affairs, for allowing the resolution to pass the committee. I thank the Honorable ILEANA ROS-LEHTINEN for allowing us to work with her and to manage this piece of legislation on the floor. I

thank the Honorable RUSS CARNAHAN for acting as Democratic manager of the amendment.

This resolution honors the 2,560th anniversary of the birth of Confucius, recognizing his contributions to philosophy and to social and political thought. This resolution is a reflection of the diversity that we celebrate in the United States of America.

We are 46.9 million Hispanic and Latinos, 37.6 million African Americans, 16 million foreign-born naturalized citizens, 14 million Asian and Pacific Islanders. We speak 337 different languages. In my district, we have and we are African American, Latino, Vietnamese, Indian, Pakistani, Chinese, Nigerian, Somali, Ethiopian, Eritrean, Sudanese, Turkish, Ghanaian, and Taiwanese. And there are probably some that I have missed and I apologize to any constituent that was not properly mentioned.

On September 26, in our district, as I indicated earlier, this year, a bronze statue of Confucius was dedicated in Hermann Park in Houston, Texas.

I am honored to tell you that today on the suspension calendar we honored His All Holiness Bartholomew, Archbishop of Constantinople, and I commend my colleague for bringing this to the attention of the House. It is not unusual for us to honor persons who are not Americans for their contributions to America and to global society. We have honored many persons, including Tony Blair, Prime Minister of the United Kingdom; Nicholas Sarkozy, President of France; Her Majesty Queen Beatrix of the Netherlands; and we've also honored the Honorable Desmond Tutu and Nelson Mandela, both of South Africa. We have honored events. We have honored what is known as the religious and historical event that is the Festival of Diwali, which was presented to this House in September of last year. And I am proud to say today that we are going to honor Confucius, an Asian teacher, scholar, and philosopher.

Confucius was born in 551 B.C., was one of the great thinkers of his time and of all time. He was a teacher of prosperity and a preacher of peace. He developed Confucianism, a philosophy that has deeply influenced the social and political thought of countries around the world, including China, Korea, Japan, Taiwan, and Vietnam, to name a few. He emphasized that personal introspection, self-cultivation, respect of social relationships, personal and governmental morality, justice and sincerity reflect a moral fiber of the greatest and highest degree.

□ 1715

He preached that politicians must always represent truth and morality. He taught the philosophy of reciprocity: never impose upon others what you would not choose for yourself.

He taught the "silver rule" which complements the Golden Rule: do not do unto others as you would not have do unto you.

He taught the importance of shame in an orderly society by indicating, If people be led by laws, and uniformity sought to be given by punishments, they will try to avoid punishment, but have no sense of shame. However, if they be led by virtue, and uniformity is sought to be given them by rules of propriety, they will have a sense of shame, and moreover will become good.

I would note that shame promotes good to prevent punishment, whereas punishment precedes bad, to promote good.

He reminded all that, When you have faults, do not fear to abandon them. In different words what he said was, It is virtuous to know one's faults and change. He explained that self-respect begets self-respect when he made this quote, Respect yourself and others will respect you.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CARNAHAN. I yield the gentleman an additional 1 minute.

Mr. AL GREEN of Texas. He gave us with a great degree of simplicity a quote that I believe is one of his greatest when he articulated, To understand nothing is to understand everything.

I am honored to present this resolution today. I believe that the diversity that we celebrate in this country, the diversity that I have in my district which is 36 percent African American, 31 percent Anglo, 21 percent Latino, and 12 percent Asian, in my district I believe that my constituents are honored to have persons of Asian ancestry who honor and celebrate Confucius. But I think as a philosopher who has transcended time, he is someone we should recognize in the House of Representatives.

I beg that my colleagues would support this resolution, comparable to many others that we have had on the floor of the House.

Mr. HONDA. Madam Speaker, I rise today to support House Resolution 784, honoring the 2560th anniversary of the Birth of Confucius and recognizing his invaluable contributions to philosophy, and social and political thought. This resolution is sponsored by my friend and executive board member of the Congressional Asian Pacific American Caucus (CAPAC), Congressman AL GREEN of Texas.

Confucius was born on September 28, 551 BC in the town of Qufu, in what is now the Shandong Province of China. Though he grew up in poverty, Confucius recognized the value of education in creating an informed and knowledgeable society. He lived his life by this principle and traveled throughout China as a teacher to counsel others in introspection, self-cultivation, sincerity, and the observance of respect within social relationships as a means of achieving justice and attaining morality in the personal and public life. In a chaotic time of internal feuds and wars, Confucius established

a peaceful intellectual and personal evolution in the minds and hearts of the Chinese people. He began a global effort to move society in an enlightened direction, and his teachings in the principles of self-transformation, humaneness, strength of mind, and an orderly society have contributed to our advancement.

In addition to being known for his commitment to education and self-enlightenment, Confucius's thought also included the principle that politicians must be models of truth and morality. He believed that government must adopt the practice of moral correctness and that politicians must rule with justice and sincerity. These principles have helped build the foundation for political philosophy, and have been a cornerstone for past and future leaders in representing their constituents. Confucius's philosophical teachings have been studied by scholars throughout the world, and his words of wisdom have inspired many generations of dedicated followers.

Confucius is considered to be one of the greatest philosophers, whose teachings and philosophy still influence millions of people around the world today. I am proud to be a cosponsor of House Resolution 784 to honor Confucius's birth, life, and teachings. This resolution recognizes the importance of Confucius's edicts in today's society, and conveys the House of Representatives's deepest respect to this important philosopher.

I would especially like to thank Congressman GREEN for making this resolution a priority on the House floor. As a member of CAPAC, Congressman GREEN is a committed and conscientious advocate on behalf of Asian American and Pacific Islander communities. I commend his efforts to recognize Confucius's great contributions to society, and I join him in asking you to support House Resolution 784.

Ms. ROS-LEHTINEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CARNAHAN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the rules and agree to the resolution, H. Res. 784.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARNAHAN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. CARNAHAN. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 832.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCMAHON). Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HALLOWEEN HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, this year at Halloween, the Feds will be going door to door playing trick or treat on seniors by taking their Medicare coverage. When they knock, seniors should not answer the door. When they peek through the peephole, the bureaucrats will be dressed as snake oil salesmen because they are cutting Medicare parts A, B, C and D. They are going to try to sell seniors on the new bill which we call Medicare part E, but it doesn't cover one senior citizen. Not one. Just call it Halloween health care because it is really scary.

What is in this Halloween health care bill? Well, just look at the latest and greatest Senate bill. You know, that is the bill that is being drafted in the dark corners and the dungeons of the Capitol where the light of transparency and truth never reaches.

The nonpartisan Congressional Budget Office says the Halloween health care will do the following things: It will cut Medicare part A for hospitals by \$128 billion. It will cut Medicare part B for doctor reimbursement \$130 billion. It will rob Medicare part C, Medicare Advantage, off \$133 billion. We are not through yet. And yes, Medicare part D for prescription drugs is cut \$20 billion. The total: \$411 billion cut for seniors and Medicare. That is enough to scare everybody.

This new Medicare part E takes a half-trillion dollars out of Medicare, but it doesn't cover the seniors. In this new Medicare part E, the "E" stands for everybody else, including those in the country illegally.

I know, they keep talking about and saying that illegals will not be covered. But when attempts were made to require proof of citizenship to sign up for Halloween health care handouts, the amendments were voted down. The bill also raises \$424 billion in new taxes.

Now why would they do that when the country is in a recession? The country is broke. We don't have the money. Well, Halloween health care will cost a trillion dollars, and they have to get the money from somewhere. We can't afford another thousand-page, trillion dollar bill. Our seniors are going to pay for more than half of the tab out of Medicare, and not one

single senior will get more coverage out of this new health care bill.

Here is where it really gets dicey. The new Halloween health care proposal still rations health care services based on age. If you need a pacemaker, the snake oil salesmen are going to look at your age, the cost in what they call survivability rates. If the bureaucrats think your health care needs are just too expensive, they will hand out pain pills instead of approving that new pacemaker. That is what they already do in other countries where the government runs the health care system. In England it is called, and get this, the Quality Adjusted Life Years, and they have the power to make these life-and-death decisions on seniors.

When the Federal Government is in charge of health care, they are the only game in town and this so-called public option will be costly. You think health care is expensive now, just wait until it is free.

There are commonsense health care reforms we can all agree on. We don't have to have the government take over the whole system to fix what is specifically wrong with the system. That is like pulling all of your teeth when you have a toothache.

Halloween health care will be another thousand page, trillion-dollar bill. It will raise Medicare and other premiums, raise taxes, and slash Medicare coverage for seniors. This is not reform, that's abuse. But that is Halloween health care and it is coming to your door. Trick or treat.

And that's just the way it is.

MILITARY STRATEGY FOR AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, tonight I want to read a few paragraphs from an article written by Andrew Bacevich. It was in the American Conservative in May of this year, and the title is "To Die For a Mystique: The lessons our leaders did not learn from the Vietnam War."

"In one of the most thoughtful Vietnam-era accounts written by a senior military officer, General Bruce Palmer once observed, 'With respect to Vietnam, our leaders should have known that the American people would not stand still for a protracted war of an indeterminate nature with no foreseeable end to the U.S. commitment.'

"General Palmer thereby distilled into a single sentence the central lesson of Vietnam: to embark upon an open-ended war lacking clearly defined and achievable objectives was to forfeit public support, thereby courting disaster. The implications were clear: never again."

I further read from the article, "To Die For a Mystique."

“To cite General Palmer’s formulation, the citizens of this country at present do appear willing to ‘stand still’ when considering the prospect of war that goes on and on. While there are many explanations for why Americans have disengaged from the Long War, the most important, in my view, is that so few of us have any immediate personal stake in that conflict.”

Again, that was from the book written by General Bruce Palmer.

Mr. Speaker, I further read from this article. This is the close. “The President who vows to ‘change the way Washington works’ has not yet exhibited the imagination needed to conceive of an alternative to the project that his predecessor began.

“The urgent need is to demystify that project, which was from the outset a misguided one. Just as in the 1960s we possessed neither the wisdom nor the means needed to determine the fate of Southeast Asia, so today we possess neither the wisdom nor the means necessary to determine the fate of the Greater Middle East. To persist in efforts to do so—as the Obama administration appears intent on doing in Afghanistan—will simply replicate on an even greater scale mistakes like those that Bruce Palmer and John Kerry once rightly decried.”

Mr. Speaker, I read this for this reason: I want to first say to the President, thank you for taking the time and thank you for being very careful in making your decision as to what our future plans are for Afghanistan. And, Mr. Speaker, I wanted to read this because Andrew Bacevich knows better than anyone. He fought in Vietnam for this country. He later became a professor at West Point. And during the Iraq war, he buried his son, a lieutenant, who was a graduate of West Point who was killed for this country. So I think we need to be very careful as we move forward, and I want to again say to the President, please take your time, make the right decisions for this country.

I have the privilege of having Camp Lejeune Marine Corps Base in my country. I have gotten to know a lot of marines, both active duty and retired. I recently spoke to a general that I cannot name because I don’t have his permission, but if I did, he would be well known to the Marine Corps.

□ 1730

He said to me 3 weeks ago, Please tell your colleagues on both sides of the aisle to move very carefully, to have a full, understood plan and a defined plan as to what we’re supposed to accomplish in Afghanistan. Again, this general fought in Vietnam for this country.

So with that, Mr. Speaker, I will close as I always do by asking God to please bless our men and women in uniform. I ask God to please bless the fam-

ilies of our men and women in uniform. I ask God, in His loving arms, to hold the families who have given a child dying for freedom in Afghanistan and Iraq. I will ask God to bless the House and Senate, that we will do what is right. I will ask God to give wisdom, strength and courage to the President of the United States, that he will do what is right in the eyes of God. And three times I will ask, God please, God please, God please continue to bless America.

RYAN WHITE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so proud to represent one of the most beautiful, most diverse regions in our country, south Florida. Sadly, though, our local paradise, well known for its sunny weather, its world-class beaches, its artistic style, also is one of the areas hardest hit by the HIV/AIDS epidemic. We are continually confronted with the challenge of providing adequate and timely treatment to those impacted by this terrible disease.

The number of people suffering from HIV/AIDS in south Florida has increased immensely over the past few years. We have over 32,000 people currently diagnosed in my home county of Miami-Dade, and it ranks second among large metropolitan areas for people living with AIDS. On top of this, Florida ranks third in the Nation on the number of AIDS cases. These individuals need our assistance in fighting this terrible disease.

There are wonderful programs designed to mitigate the terrible consequences of HIV/AIDS. One of the most innovative, one of the most effective is the Ryan White HIV/AIDS Treatment Program. This program funds HIV/AIDS treatment for low-income, uninsured, and underinsured people. Ryan White provides funding to cities, to States, as well as directly to select clinics and care providers for core medical and support services.

In 2009, my home State of Florida received over \$209 million in funding through Ryan White to assist countless low-income Americans living with HIV/AIDS. This life-saving program was set to expire this month. Thankfully, Mr. Speaker, this amazing program was granted a 3-year extension through the Ryan White HIV/AIDS Treatment Extension Act, and I thank my colleagues for this.

With strong bipartisan support, this bill was overwhelmingly approved. I voted for and the House passed this legislation, and we should all be proud of that. Passage assures the continuity of this vital program. It will allow us to help States, communities, and families cope with the impact of the HIV/AIDS

epidemic while creating a support system for those dealing with the disease.

I am constantly working to improve the quality and the availability of care for persons with HIV/AIDS and their families and their support system. It is my mission to promote awareness and education so that each day we can help assure that fewer people will be afflicted with this disease.

I have seen firsthand the impact this disease has had on so many individual lives and families in my community, and I know that extending this important program is not just a priority, but a necessity.

The Ryan White program is the largest federally funded program in the United States for people living with HIV/AIDS. It has been the largest supplier of services for those living with HIV/AIDS in the United States as well.

As a payer of last resort, the Ryan White Act offers a method of payment for treatment unlike Medicare or Medicaid. In the United States, over 500,000 people a year benefit from the Ryan White program. I know that through the extension of Ryan White, we can—indeed, we will—save and improve the lives of countless individuals in my congressional district and throughout our great country of the United States of America.

RECOGNIZING HANOVER PUBLIC SCHOOLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, our country faces many serious challenges, but it’s sometimes useful to know that good things are still happening out there in the real world, out there across our country, and mostly away from Washington, D.C. So Mr. Speaker, I recognize tonight the Hanover Public Schools for their commitment to providing quality education.

Located in the community of Hanover in northern Kansas, the school serves about 175 students from the surrounding rural area. Though Hanover Public Schools are small by most standards, their accomplishments are great. The students, teachers, and administrators at Hanover Public Schools are dedicated to excellence in education. This excellence is evident by the recognitions that they have received.

For the past 3 consecutive years, Hanover High School has received the Kansas Governor’s Achievement Award. This award is given to the top 5 percent of schools in Kansas that meet the highest standards on Kansas assessments. Only five other schools in our State have received this award 3 years in a row.

Not only has Hanover High School been recognized as one of the best

schools in the State of Kansas, it has also been honored nationally. For the second year in a row, Hanover High School has been cited by U.S. News and World Report as one of the top schools in the country.

Having a well-rounded education means more than what can just be learned in the classroom. Students at Hanover Public Schools have also excelled in extracurricular activities. During the 2008-2009 school year, Hanover High School became State champions not in one, but in two sporting events. Last November, the Hanover High School football team took first place at State in the eight-man division. And after placing second at last year's State tournament, this year's Hanover High School basketball team placed first in the 1A division. The team finished with a perfect record, winning all 28 games.

The success of Hanover Public Schools serves as a model for other schools in our State and across the country. That success could not be possible without the strong support of the Hanover community. Small-town values and small community ties have produced generations of successful graduates.

I commend the Hanover Public Schools for their success and for achieving their mission, to create a learning environment dedicated to developing lifelong learners and responsible citizens.

My congratulations to the students, staff, faculty, the Board of Education, and the community. I am honored today to recognize this outstanding school in the State of Kansas.

HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY of Georgia. Mr. Speaker, I thank you, and I thank my leadership on the Republican side for allowing me to control the time during this Special Order hour this evening. And surprise, surprise, we're going to be talking about health care reform.

Mr. Speaker and my colleagues, we all know that this is something that has been on the front burner for the entire 7, 8, 9 months of this 111th Congress. It has certainly been a priority of the President; the President has said so on many occasions. In fact, President Obama indicated that reforming our health care system is the number one priority of his administration. First and foremost, it is the thing that he is willing to spend political capital, whatever it takes, to have comprehensive health care reform and to have it before the end of this first year of his first term.

I certainly can see that the President, Mr. Speaker, has followed through on that pledge. I personally feel that he has made a mistake on that. I don't think that the American people believe that fixing our health care system to the extent that we literally would throw out everything that we've got and let the Federal Government essentially take over lock, stock and barrel our health care system—which accounts for something like 16 percent of our total economy—at a time when our economy is literally, figuratively in the tank. We're sitting here with a 10.5 percent unemployment rate across the country and 15 million people out of work. It has even affected my own family very, very personally, one of my four children. They say, Mr. Speaker, that when your neighbors lose their job it's a recession, but when you lose your job all of a sudden it's a depression. I know that feeling right now, and a lot of people across this country know that feeling.

When we adjourned for the August recess, the District Work Period that's traditional in this Congress, all Members go back home, they may squeeze in a little family vacation, but you've got about a month, August, it has been traditional probably for 100 years that Congress has done that. And we got an earful, did we not, Mr. Speaker, during those 4 to 5 weeks of these town hall meetings that Members had all across the country? And by a factor of 10, the attendance had increased that much.

On a typical town hall meeting in my 11th District of Georgia in the nine counties I represent—and we would always try to have our town hall meetings at a time that was most convenient to our constituents, that would be easy for them to get to, maybe at a senior center, and try not to schedule it during suppertime or during prime time TV evenings—you might get 50 people on a good night, maybe 75 people when they were really ginned up about something.

Well, in my case, in the 11th of Georgia, we were getting 750 people, 1,100, 1,500—in one instance 2,000 in some of the town hall meetings we had. And we were seeing the same thing all across the country, whether they were Republican districts or Democratic districts. Mr. Speaker, what these constituents were saying—many of them, of course, were seniors—they're most concerned about the economy, of course, because they're on a fixed income. My mom is one of those. God bless my mom, Helen Gannon Gingrey, originally from Manhattan, New York City, but lived in the South most of her life. She is 91 years old now on a fixed income, relies on Social Security and Medicare and Medicare part B and part D. She's a little disappointed she's not going to get a COLA this year. But these folks showed up at these town hall meetings telling us, We don't want to pay for

some new government-run health care system from A to Z that's going to be paid for on our backs. And what they're referring to, of course, is mostly the cuts, the deep cuts that the bills in the House and the Senate propose to take out of the hide of the Medicare program.

I'm going to be joined, Mr. Speaker, by a number of my Republican colleagues. In fact, tonight the participants in our hour are going to be for the most part the doctors on the Republican side. We have a caucus, a group that we call the GOP Doctors Caucus; there are about 15 of us in that group. We have a number of M.D. physicians. We have a doctor of psychology, we have a doctor of optometry, we have a couple of dental doctors, and people that have spent before coming to Congress—and some of us now have been here 8, 10, 15 years even, but before coming here our day job, if you will, our profession was delivering health care. We were health care providers.

□ 1745

We keep our licenses active, I think most of us do, and we keep up with medical issues, realizing, of course, that Congress is not necessarily forever, particularly young ones who may want to go back and go back into the practice of medicine. Those doctors will be with me tonight.

When I totaled up, I asked my colleagues, well, how long did you practice? Some of them are OB/GYN doctors, some of them are orthopedic surgeons. There is a gastroenterologist. There is a family practice, a couple of doctors do family practice, just all across the spectrum. In the aggregate, we probably have about 400 years of clinical experience. That says something about our age, Mr. Speaker.

But as an example, I spent 31 years, from the day I graduated from medical school, practicing medicine either as a family doctor in a small town or while I was in training during my internship and my residency and then 26 years of being a part of an OB/GYN group and delivering over 5,000 babies in my hometown, which became my adopted hometown. My hometown is Augusta, Georgia, but Marietta, Georgia, in Cobb County is where I now live and practiced for 26 years.

Mr. Speaker, we feel we have a lot to bring to the table. It's so disappointing we get to do these things at night—as I say, my colleagues will join me and I will yield to them when they arrive—because this is our only opportunity. It's a shame we are in the minority. God forbid that it happens to the other side one of these days, and they will understand the feeling, but when you have got that knowledge of a particular profession, you would think, wouldn't you, that the Speaker of the House, the leadership, the minority

side, both Chambers, they would open their arms and say, for goodness sakes, come on in here. Come on here behind this green door where we are trying to work out how we are going to do this health reform bill and tell us a little bit how it was when you were seeing patients and practicing and what were the things that would upset people about insurance, health insurance companies and denial of coverage or not being able to get insurance because of preexisting conditions. Also, Doctor, what do you think is causing the 10 percent, 12 percent rate of inflation in the cost of health insurance premiums year after year after year? Why is that?

Could it be this? I have heard some people say that maybe it's a medical malpractice issue and doctors ordering a lot of defensive unnecessary tests because they are afraid that if they are dragged into a court of law someone would say, well, you know, we have got, plaintiff's attorney, I have got this expert witness here from California. They will say, well, looking at the chart, I see where, Doc, you didn't order a fizzle phosphate level on this patient or some other esoteric test that nobody has ever heard of and say, ah, you know, you are guilty of malpractice. Doctors order everything, almost to the point of the patient coming to the hospital, have blood drawn one day and becomes anemic the next morning for all the testing that's done.

Again, I bring up this point, Mr. Speaker, because we should be participating. We should be doing it on a bipartisan basis. If we would, if we had done it—and it's still not too late, my colleagues. It is still not too late. It's not soup yet. We have yet to vote on these bills that have come through committee on the House side or come through the committees on the Senate side. They haven't reached the floor of either Chamber. So there is plenty of time to amend, to start over. We don't need to rush it any more than we need to rush the decision to send the troops to Afghanistan.

The President, Mr. Speaker, made it very clear, as did his advisers and this administration, well, you know, you can't, you shouldn't knee-jerk now. I know what the General said. I know he said what his needs are, but we need to think about this. We need to get it right. It's better to get it right than to do it quickly.

Well, I sure wish they would take the same attitude toward reforming one-sixth of our economy, and I think that we could do that. There is no rush.

I will tell you where there is a rush though, Mr. Speaker. There is a rush in putting people back to work and stemming this tide of unemployment and all these jobs just disappearing and now 15 million people in this country out of work. That should be the President's number one priority.

But, anyway, we are going to talk about these issues tonight, and there are a lot of thoughts that my colleagues have, as I see them begin to join me. I am going to try to go in order of those that walked on the floor.

The first person that I am going to call on is our former majority whip, minority whip, someone who has been a part of the leadership with distinction on the Republican side of the aisle, and I am speaking of the gentleman from Missouri, ROY BLUNT.

I yield to Mr. BLUNT.

Mr. BLUNT. I thank my good friend from Georgia for yielding and appreciate the doctors letting me join them here for a few minutes.

Most of our doctors in the House, Republican doctors in the House have been on the Health Care Solutions Group that we worked hard on all year to have alternatives, alternatives to government-run health care, alternatives to create access to health insurance, health coverage for people, even people with preexisting conditions.

When I joined the doctors on the floor one day last week, there were 15 bills stacked up in notebooks behind, on the dais, Mr. Speaker, that talked about the 15 things that Republicans would like to do. We don't think they have to be in a 1,500-page bill. In fact, the things we have talked about, like access for everyone, allowing people to stay on their parents' plan until they were older, then they have to leave the plan today, medical liability reform, more competition in the system, associated health plans, all of those things could happen individually.

It would be great if all 11 bills that I personally cosponsored would pass and none of them conflict with the others. We think that's the way to move forward.

But our doctors are consistently our best leaders on this issue, because they know all the problems that come up in health care, all the challenges that come up in health care, the importance of the doctor-patient relationship and how important it is that you don't have someone come between the doctor and the patient.

I know, Mr. Speaker, that I and others have been criticized for saying that in the Canadian system, if you want to have a procedure done, you have to get permission from the government. Often that has been interpreted to mean that we are saying you couldn't possibly have that procedure done. What we are saying is not that. What we are saying is that somebody besides your doctor decides whether you get that procedure done or not.

A well-read Wall Street Journal article back in the spring talked about the 57-year-old Canadian that even wanted to pay for his own hip replacement procedure and wasn't allowed to do it. It doesn't mean that you couldn't get a

hip replacement. It just means he couldn't get one. It just means some bureaucrat decided he couldn't get one.

We are going to be talking in the next few days, because of the apparent nature of the closed door, behind closed doors negotiation, we are going to be talking again about this government-run health care plan. The government option would be government-run health care as a competitor. My belief, sincerely, is that the government would not compete fairly. It would drive the other competitors eventually out of business. Now, this new wrinkle, Doctors, to the government-run option is, well, the States could opt out.

Now, I was never in the State legislature, but I worked in a capitol building that had lots of legislators in it. Many of my colleagues were in the legislature, and they know and I know, and the majority knows, that if the government-run option is cheaper—and it will be because they, like Medicare and Medicaid, don't have to pay the whole bill—if it's cheaper, no legislature is going to opt out and say people in this State are going to become the example of standing against government-run health care. We are not going to have in this State that cheaper competitor until the other competitors go away. That's just not going to happen. This idea that somehow this is any kind of a compromise doesn't stand any scrutiny.

And then the other big issue over the next few days will be this issue of why seniors and people who have been told their entire working career since 1965, and anybody who started work after 1965 has had Medicare, a Medicare deduction from their paycheck every single paycheck, now to be told we are going to cut Medicare benefits for half a trillion dollars to pay for this new government plan, if seniors figure this out in the next 10 days, this will not happen. If seniors understand how this bill would theoretically be paid, this would not happen.

Whether it's the elimination, as is proposed, of Medicare Advantage for a whole lot of seniors, one out of four, or whether it's finding \$300 billion in cuts in Medicare to pay a majority of the costs, that \$500 billion in Medicare Advantage and cuts in Medicare to pay a majority of the cost, now everybody who will walk on this floor is surely for finding any legitimate savings in Medicare, but, my friends, if we are going to find savings in Medicare, we should use them to save Medicare.

Everybody else that walks onto this floor knows that Medicare is supposedly in significant trouble beginning as early as 2017. Why do you take savings from a program already in big trouble and say we will use these savings to pay for some new program? It won't make sense to seniors or anybody who really, frankly, doesn't like the idea that they have paid into this

program out of every single paycheck they have ever had, and the Congress and United States is not going to allow that program to be solvent in order to start down another road of more health care.

Mr. GINGREY of Georgia. I appreciate the gentleman's comments.

I am sure the gentleman would agree with me that it's really disingenuous to take \$500 billion out of the Medicare program over the next 10 years and then, at the same time, tell seniors that, oh, by the way, next year you are going to get to pay \$110 a month for your Medicare part B—I think it's \$98 a month, \$98.50 now—and we are going to raise it to \$110 a month at the same time that we are going to cut \$500 billion out of the program.

Mr. BLUNT. That's exactly right, you know, one out of every four seniors on Medicare Advantage, that would go away under any proposal out there right now. The administration apparently told the providers of those Medicare Advantage plans that they couldn't tell people that there was legislation that would eliminate the plan.

Now, after a lot of appropriate outrage about that administration decision, that gag order to these plans, apparently now they are going to say, okay, you can tell them the truth. What a step forward that is. You can tell people in Medicare the truth about this. If people in Medicare find out the truth about that, and they figure out the truth about the other way to pay for this new government program and they start calling Members of the Congress of the United States, this will not go forward and we will be back to where my friend from Georgia said we should be, where we start over. We work together. We do the things that will fix what's broken in the system, but we also ensure that we keep what's working. More is working in health care than is broken.

If we are not careful about this, we will eliminate what's really working and will actually encourage the things that are broken. None of us here on the floor at this minute want to do that, and hopefully none of our colleagues will either, and we can all work together in new ways.

Again, I thank the doctors for the incredible credibility and knowledge base that they bring to this discussion. I know they are going to continue to be at the forefront of this debate between now and the end of the year, and, if possible, if it takes until next year. This is one-sixth of the economy. This is the most important thing to every family, people in your family being well. We ought to take the time that it needs to do this right.

Mr. GINGREY of Georgia. I want to thank the gentleman from Missouri and thank the gentleman for his work in leading Leader BOEHNER's task force on health care reform on the Republican side.

My doctor colleagues that are with me tonight were a part of that small group of about 15. We worked on coming up with meaningful reform issues in an incremental way over the last several months. I think we had a good plan that we submitted to the President, Mr. Speaker, and we are still waiting to hear back from him on that, unfortunately.

Before I yield to my good friend from Louisiana, in fact, my two good friends from Louisiana—I am going to start with Dr. CASSIDY, the gastroenterologist from Baton Rouge—I just want to say one thing. I have got this one poster. Dr. MURPHY may have some other posters when he arrives, but we have a second opinion.

□ 1800

The GOP Doctors Caucus is the second opinion. The Republican minority, 178 of us, Mr. Speaker, we have a second opinion, and that second opinion is, no government-run health care.

We listened to our constituents during the August recess, and that is what they told us loud and clear. Somebody might dig up some ABC-Washington Post poll that says people want government-run health care. I would suggest, Mr. Speaker, to all of the Members on both sides of the aisle, go back and check with your constituents, like I did last night during a tele-town hall meeting, when all of the seniors were on the phone and said, Goodness gracious, Congressman, we don't need that.

I will make this point, and then yield to Dr. CASSIDY. There has been so much gnashing of teeth and wringing of hands and pulling of hair over the last several months, Mr. Speaker, trying to say how are we going to pay for this thing? It is going to cost a minimum of \$1 trillion. And then President Obama said, No, we are going to limit the expenditure to \$900 billion, but we are going to pay for it all. I won't sign a bill that adds one dime to the deficit.

So, you figure out, well, we are going to tax here, we are going to tax there. We are going to take \$500 billion out of Medicare, as the gentleman from Missouri just talked about, Medicare Advantage. We are going to gut that program. And, hey, we have come up with \$900 billion and we are going to do this government-run health care. What in the world, Mr. Speaker, have we accomplished?

I want to use this analogy. It would be like a family 25 or 30 years ago scrimping and saving and cutting down on food and clothing and family vacation and college education for the children to save up enough money, and you finally save up enough money and you buy an Edsel.

My colleagues, I hope you all remember the Edsel. I am not knocking Ford Motor Company, but I think most of you are old enough to remember the

Edsel. You saved up enough money, yes, you have sacrificed, and you bought an Edsel.

That is what it seems to me, Mr. Speaker, what the Speaker, Speaker PELOSI, and the leader, Leader REID and the President and his advisers, many of them holdovers from the Clinton administration, that is what they are wanting us to do. They want us to buy an Edsel. I don't care whether it is paid for or not, it is a bad deal.

With that, I yield to my friend from Louisiana, Dr. BILL CASSIDY.

Mr. CASSIDY. Thank you, Dr. GINGREY.

I think Congressman BLUNT made some great points. One of them is we want reform, but we want reform that works. Actually, I want to compliment President Obama, because of the three things we want in reform, one is to control costs so we can increase access to quality care. I think he has nailed it. My concern is the approach to achieving these will not work.

I am also concerned that the Democratic proposals before us attempt to achieve that through gimmickry. They are using gimmicks to try and convince the American people that they are achieving the appropriate goal that President Obama has laid out, that it will not add to our deficit.

I was struck today that on the Senate side they are saying that States can opt out of the public option. I am wondering, can you opt out of the taxes that will go into offsetting it? Can you opt out of the debt that the Congressional Budget Office says will accumulate? Can you opt out of losing the jobs that the increased taxes and the increased national debt will inevitably lead to? No. All you can opt out of is the benefit that is offered. You cannot opt out of the high cost that goes into providing this marginal benefit.

I am also struck that there is this tax that they are creating for the American people, and on some similar criticism, it is truly bipartisan. The bill before the Senate Finance Committee that Mr. REID says that we can opt out of is funded by about \$350 billion in taxes. If I may quote Speaker PELOSI, she says that these savings, these taxes, if you will, come off the backs of the middle class.

So I think we have a bipartisan criticism of the bill that is before the Senate right now. I think we would agree on the Republican side with Speaker PELOSI that the "savings" in those bills, that \$350 billion, comes off the backs of the middle class. Indeed according to the Joint Committee on Taxation, families earning less than \$200,000 pay 87 percent of these taxes.

This is remarkable. During the presidential campaign it was stated that if you earn less than \$250,000, your taxes will not go up. Yet, now, through these various accounting gimmicks, we are seeing indeed 87 percent of these new

taxes will come off of those who earn less than \$200,000.

There are other gimmicks in this as well. It is pushing the cost of an expansion of Medicaid. And for those watching who don't worry about—I used to work in a hospital for the uninsured. For 20 years I have spent my life trying to bring health care to the people who don't have insurance. Medicaid is the safety net insurance program that is partly funded by the Federal Government and partly by the State government.

Now, in this plan before both the House and the Senate, both plans, they are going to expand Medicaid. In the Senate plan, they are going to make the State taxpayers pay for this expansion. That is really great. It looks like we are saving money on the Federal level, but all we are doing is shoving that cost upon a taxpayer, it is just through the State income tax or property tax or sales tax, not through the Federal tax.

That is a gimmick. If you want to say it is the taxpayer paying for it, absolutely she is paying for it. And so this expansion, this increased cost is going to lead to increased taxes, but it will be through the State tax code, not the Federal. There is the sleight of hand that is being passed off as fiscal responsibility.

Now, on the other hand, we agree on the goals. We want to have quality health care, accessible to all at an affordable price. But we can see that this kind of bargain being offered by the Democratic proposals is really not controlling costs at all. It is merely shifting it onto State taxpayers or it is using taxes upon the middle class to fund.

I like to say they are using new tax dollars in the old wineskin of an old health care delivery system. Just as we know that new wine in old wineskins will not work, so we know that these new taxes, these savings off the back of the middle class, as Speaker PELOSI says, will not work in the old wineskin of an old delivery system.

Republicans, on the other hand, I think we truly want a transformation of how health care is delivered. The Republican proposal I have signed on to, and I think several of my colleagues have, H.R. 3400, is wonderful in the sense that it empowers patients to make cost-conscious decisions.

If I might yield to my friend from Shreveport, he has got this great anecdote of how Health Savings Accounts in his business worked not only to hold down costs, but how by empowering his employees, also improved our health, if I may yield.

Mr. GINGREY of Georgia. Dr. CASSIDY, if you will yield back to me and I will yield to our good friend from Shreveport. That, of course, is our family practice doc who spent many years, and he will tell us about that, seeing

lots of patients in south Louisiana, Dr. JOHN FLEMING.

I do yield to Dr. FLEMING at this time.

Mr. FLEMING. I thank the gentleman. And thank you, Dr. GINGREY, for having this hour. You have shown tremendous leadership over the last few months and even before that, of course, but particularly the last few months in being willing to control time for us to have these discussions. Of course, Dr. CASSIDY, my colleague from Louisiana, has been deeply involved in this issue, and we have all worked together, I think, as a great team, the GOP Doctors Caucus.

I will get to that anecdote in just a moment. I think it is an important one. But let me stay with the subject just for a moment about the gimmickry, because I think that is essential to our discussion. I will develop it very carefully, but quickly, and also point out that this is an important part of the macroeconomics of health care that everyone must understand, and that is this: Currently Medicare and Medicaid, which are the current government-run health care systems, do not pay for the service that they are providing.

Let me repeat that: These programs, Medicare and Medicaid, do not pay, at least completely, for all of the services that are provided, because the government requires and forces doctors, if you will, hospitals and other organizations, to provide care for less than the 100 percent reimbursement. Physicians, nurses, hospitals, home health agencies and so forth actually have to settle for less.

So, how is it that we can stay in business, we in the health care industry, and get by on less? The answer is that the private insurance market, a much bigger market, subsidizes to the tune of about \$1,700 to \$2,400 per year per family. If it were not for that subsidy, it would collapse. Yet and still, Medicare is scheduled to run out of money by 2017.

Now, how long is 2017? This is 2009. That is about 8 years that we are going to run completely out of money. Nobody in Washington is advancing any solutions to that.

All right, where did the gimmickry begin? Remember that in the time period from about 1997 to 2003, Congress decided in its infinite wisdom that Medicare will be subject to a limitation on the budgetary increases from year-to-year. We call that the sustained growth rate, SGR for a lot of people. But because it was recognized even in the first year that such cuts would block access to health care by patients, it has never been enforced. So it has been a bookkeeping gimmickry that now has created an incremental difference of about \$250 billion, and growing. And even the other day the Senate attempted to resolve this.

Mr. GINGREY of Georgia. If the gentleman will yield for one second, Mr. Speaker, for clarification, that limitation based on that formula, Dr. FLEMING, applies to the doctors, doesn't it, all the health care providers? This is not applicable to the hospitals. They are reimbursed under a different system.

Mr. FLEMING. That is correct. It is just physicians only. It is actually part B, which is mainly physicians. It simply says if you guys can't keep your billing and your costs and everything down in totality, we will just cut across-the-board. Well, that is an impractical solution. It is gimmickry. It would never work. Now we have a \$250 billion gap that is not being paid for. The Senate the other day tried to address that and failed to, because they knew it would be dumped on to the budget.

Let's advance, fast forward to this bill today. Right now this plan for approximately \$500 billion that will be cut from Medicare, \$160 billion or so of that would be a direct cut out of Medicare Advantage, which, as you know, is the more generous private system that is funded by Medicare dollars. If that happens, then those who are on Medicare Advantage, such as Humana Gold, will have to go back into the regular Medicare system and they will have to purchase Medigap insurance that they didn't have to purchase before. Again, seniors taking on the added burden.

On top of that is another \$300 billion to \$350 billion coming directly out of Medicare on the basis of some future savings, some future efficiencies that no one has been able to figure out.

So where are we today, Mr. Speaker? Basically \$250 billion of doctor cuts, which have never been cut and will never be cut and are growing, that is going to end up in the budget at some point, another part of the deficit; another \$350 billion which everybody in this room has known will never be paid for, but yet somehow it is being booked by the CBO as some savings. It is just continuous gimmickry. That is the only way this bill will ever be paid for, is gimmicks, which really means it is going to be taxpayers and premium holders.

Then to go back and kind of summarize, my point here is that, as Dr. CASSIDY points out, the only way that this is going to be an efficient health care system in terms of cost is the decision-making has to be in the exam room between the doctor and the patient, and one of the best methods to do that was a plan started in 2003 or so, Health Savings Accounts.

□ 1815

All this does is allow the employer—and government could do this, too, for Medicare and Medicaid—to put money in the bank that can be used at the discretion of the patient to buy medications or whatever, and it's his money or her money to use efficiently.

Just an example of how it works, we implemented this with my own private health plan with my companies a few years ago, and instead of our rates going up an average of 15 percent per year, they're going up an average of 3 percent per year. I was giving this discussion to my employees one day, and one of my employees piped up and said, Well, look, if we go to this health savings account idea, that's going to mean that I'm going to have to pay out of my health savings account \$100, \$150 a month for inhalers.

I said, Well, let me suggest to you this: Why don't you stop smoking? You will save money from the tobacco. You will be able to stop your inhalers, and then you'll just be banking all this extra money, which will end up removing any deductible you're going to have in the future. She came back to me 3 months later and said, I stopped smoking. I no longer have to use inhalers, and I've got extra money every week.

I wanted to pull together some of these salient points that have to go with the gimmickry and how we're going in the wrong direction. Expanding government control is going to expand cost. Instead, we should be looking inwardly and bringing it down to the doctor-patient level where the decisions can really be made efficiently.

With that, I will yield back.

Mr. GINGREY of Georgia. Dr. FLEMING, thank you for those comments. Before I yield one more time to Dr. CASSIDY, just following through on this point that you are making, you may have mentioned one of the companies, Safeway and others who have testified up here—I don't know if they have been before the entire House or Senate, but certainly they have met with Members on our side of the aisle and explained some of the things that they're doing in regard to incentivize people to take care of themselves, to take better care of themselves, to realize there is a personal responsibility issue here. You pointed out in regard to smoking cessation, to not be using recreational drugs, to exercise on a regular basis. Certainly if you are overweight, particularly massively overweight, get on a good program. In fact, some of these companies, Dr. FLEMING, I think they have programs in-house where it's free, and these employees are incentivized by a reduction in their monthly premiums for health insurance, their copay, their deductible.

When we were marking up the bill, the health reform massive H.R. 3200, a 1,200-page bill in the Energy and Commerce Committee of the House of Representatives, we had an amendment on the Republican side of the aisle to actually expand this program that Safeway and others had initiated to allow even more incentives. You know, for the life of me, Mr. Speaker, I do not understand even to this day—and it's been 6 weeks ago July 30 that we

passed the bill in the Energy and Commerce Committee—that amendment was voted down strictly on a party-line vote. Maybe one of these days they'll explain it to me. But to actually get healthier employees so there is less absenteeism, they have a longer work life, and to incentivize them with giving them monetary breaks in the cost of their health insurance, why in the world would we not want to do that?

Mr. FLEMING. Would the gentleman yield for a moment?

Mr. GINGREY of Georgia. Yes.

Mr. FLEMING. That is a great point you make. What I would like to say is that something we have all observed as physicians is that while we all recognize collectively that, yeah, we should lose weight, we should exercise, and we shouldn't smoke, we, as human beings, tend to not address those issues until something comes up, until it affects us immediately in day-to-day life. The beauty of systems such as Safeway's is that they implement a financial impact, both positive and negative, that encourages healthy behavior before you ever get to a point where you go, You know what, I'm going to have to have heart stents or bypass surgery. Now I am going to make changes. Why not make the changes 5 years in advance? Then you don't have to go through that. Look at all the money you save and the health that you have as a result of that.

I yield back.

Mr. GINGREY of Georgia. I thank the gentleman for yielding back. His final point was, give them the incentive when it really matters, not wait until it's too late.

With that, I will yield back to the gentleman from Baton Rouge, Dr. CASSIDY.

Mr. CASSIDY. I am actually going to disagree with my colleague from Shreveport—and by the way, he is from north Louisiana, not south. The point being is that these gimmicks only pay for on paper. So the Congressional Budget Office, which makes an assessment, Does this achieve the goal of controlling cost? Because as President Obama points out, controlling cost is important. These gimmicks only control it on paper. Ultimately, this would be paid for not by gimmicks, but it will be paid for by taxpayers or by debt. Ultimately, that debt will come from taxpayers again. That's why I think Speaker PELOSI says of the savings—this is a public statement—The savings in the bills before the Senate side, the Democratic bills before the Senate, will come off the backs of the middle class, and these taxes will continue to be paid for by the middle class.

I have learned in my practice—because, again, I have worked in a public hospital. I have worked in a government-run hospital where the nurses, doctors, med techs, therapists do their absolute best to bring health care to

those who otherwise would not have it, a true safety net hospital. But when there is no money, the lines lengthen. When there is no money, something has to give. Now as it turns out, either we're going to raise taxes, we're going to borrow money, or their lines are going to grow; and our reform goals of controlling cost and, thereby, increasing access to quality care will not be achieved.

On the other hand, let me just kind of amplify on your health savings account. The Kaiser Family Foundation has a study—I believe the Web site is kff.org—and they looked at a family of four with a health savings account and a wraparound catastrophic policy versus a family of four with a traditional insurance policy. They found that the cost of the patient-empowering health savings account with a wraparound catastrophic policy was 30 percent cheaper than the traditional insurance policy, that 27 percent of folks who had the health savings account with the wraparound catastrophic policy were previously uninsured, and that these folks who now have insurance access preventive services as frequently as a family with a traditional policy. We achieve the goals. By empowering patients, we, the folks buying those policies, lower their cost. By lowering their cost, folks who were previously uninsured now have access to insurance and, once having access to the insurance, are accessing the primary and preventive services as frequently as those who are paying 30 percent more for their insurance. The goals of insurance have got to be that.

Now, again, I'll go back to the analogy I used earlier. We can either put the new financing, the new tax dollars in the old wineskin of a top-down, government-controlled, bureaucratic health care delivery system or we can use new wineskins, and I think the new wineskins that the Republican Party wants to use are patient-empowering. How do we empower patients to make a decision that's good not only for their health but also for their pocketbook? And by so doing, you lower cost. People previously uninsured can now afford it, and once they have their insurance, they're able to access those primary and preventive services. As practicing physicians, as a guy that's been working in a safety net hospital for some time, that seems the wineskin for us.

Mr. GINGREY of Georgia. I appreciate the gentleman for being with us. Mr. Speaker, I can't quote the chapter and verse, but obviously the gentleman's been reading the Good Book. It's somewhere in the Old Testament. I know about those wineskins as well, and I really appreciate his analogy and his great insight on health care reform.

We've been joined by another member of the GOP Doctors Caucus, and I will yield to him momentarily. But Mr.

Speaker, as we heard from our colleagues from Louisiana—north Louisiana. I'll get that straight one of these days. Shreveport is not New Orleans. But they brought out some excellent points. There was some commentary about health savings accounts. I think most of our colleagues surely understand that program now, and maybe many of them—I bet many of them—I know that was the insurance plan that a lot of the doctors in Congress had when they were in practice, and Dr. BURGESS may want to talk about that in just a minute when I yield to him. But a high deductible—in other words, you don't get first-dollar coverage on your health insurance. You have more out-of-pocket expense, but your monthly premium is much lower than your standard first-dollar coverage-type policy. I mean, it might be less expensive by a factor of four, and you can fund it by putting in money. Your employer can do that. You can do it yourself. Family members can do it and get a tax break from doing that. But up to the limit of your deductible, every year you can fund these plans, and for the out-of-pocket expenses, whether it's an annual physical or Lord knows if somebody breaks their ankle playing soccer or something, you know, you pay for that out of this health savings account. If at the end of the year you haven't spent all that money, and you don't have to get into the catastrophic coverage, then that rolls over to the next year. And if you take good care of yourself and you exercise personal responsibility, which does include exercise, maybe at the end of 20 years, a young person has an account that has enjoyed the miracle of compounding, and they may have accumulated \$125,000 in an account by the time they are 65 and they're eligible for Medicare.

Mr. Speaker, these are great programs, and I, personally, would like to see them expanded. In fact, I would suggest that we could make some changes in the law in regard to COBRA, where if a person loses their job through no fault of their own, that they are able to continue to stay on the company group health plan, except they have to pay all of the premium, plus 2 percent administrative costs. They can do that for 18 months while they're trying to get another job and get other coverage. Well, most people when they're out of a job, they can't afford that. They can't afford to pay those premiums. So why not let them, during that 18-month period, switch over to one of these health savings accounts that has a high deductible and a low monthly premium? This is an incremental thing that could be done and that Members on our side of the aisle have suggested. Just as we have a number of other incremental things, like equalizing the tax treatment, setting up State-administered high-risk pools,

absolutely giving government subsidies to those who are low income but not low enough to be eligible for Medicaid or some other safety net program, let people buy insurance across State lines.

I live in Georgia. Why can't I shop on the Internet for a policy that's offered in Florida, South Carolina or Alabama, my neighboring States, that fits my needs better and is more cost effective, less expensive, something that I can afford? We have done all of these things, made these suggestions. And yes, also on the Republican side, Mr. Speaker, we have a number of comprehensive bills. Some of my colleagues on the floor tonight have written and introduced comprehensive health care reform that would be cheaper than what the Democrats want to do with H.R. 3200, with the majority in the Senate, with what they want to do, the bill that Senator REID, the majority leader, is about to put on the Senate floor. But I would say that probably my colleagues on this side of the aisle would tell you in all honesty, yeah, we have better bills and they're less expensive, but you know what, we don't even recommend that we pass those right now when the unemployment rate is over 10 percent and the economy is in the tank, people are suffering, and 15 million have lost their jobs. We might want to do it next year or the year after that. Eventually we'll do it—probably better in an incremental way—but it is not the number one priority of the Republican Party to totally reform our health care system, throw out the baby with the bath water, spend \$1.5 trillion and have the economy get worse and more and more people lose their job. This is not the number one priority.

With that, Mr. Speaker, I want to yield to my OB/GYN colleague and classmate, someone who I am proud to serve with on the Energy and Commerce Committee, MICHAEL BURGESS, an OB/GYN doctor from the Dallas-Fort Worth area, a great Member.

Mr. BURGESS. I thank the gentleman for yielding.

I actually didn't intend to come over here talking about HSAs. But having initiated the discussion, I do want to just mention that the HSA is a way to save significantly on the premium. I currently have an HSA. It costs me about half of what a PPO insurance cost last year. Most importantly, in addition to an insurance card, I also have a debit card, and that debit card is something I can use to pay for expenses that occur throughout the year, and as Dr. GINGREY pointed out, the money in that account does roll over at the end of the year. It does not go away if it is not used at the end of the year.

□ 1830

You know, earlier today, we had many people come down to the floor of

the House and speak on the issue of health care reform. One of the criticisms that was leveled at Republicans was that we were doing nothing but obstructing the process and that we had no ideas of our own. I did feel obligated to just touch on that point for a moment.

Let's be honest. We do not have the numbers. We do not have the organization. There is no way that the Republicans in this body can obstruct anything that the Democrats wish to do. They have a 40-seat majority in the House. They have all kinds of ways of getting to 218, and really, because they are the majority party, it is up to them to do it. True, they don't have much Republican support, but tell me: If you have an excess of 40 votes and if you can't pass your own bill, it tells you that something may be wrong with the bill, that it's not something wrong with Republicans. Something is wrong with the bill the Democrats have crafted.

More to the point, what makes a bill bipartisan? Is it because you can pick off a couple of Republicans at the final vote and can record a couple of Republican "yeas" in the final tally as the vote is passed? No. What makes a bill bipartisan is inviting the minority party in at the beginning and encouraging them to have their ideas as well as the ideas from the majority. That's exactly what didn't happen through this discussion.

In November, I reached out to the transition team. I told them I didn't leave a 25-year medical practice to sit on the sidelines while we discussed health care. I was thanked very much for my interest. Never heard back. I reached out to the chairman of my committee, the Committee on Energy and Commerce. Again, I reiterated that I did not give up a career to sit on the sidelines. Again, no response from the committee.

There was ample opportunity early in the year, as these bills were being crafted, to bring members of the minority party in and to get their ideas on paper, on record. Maybe there was room for some horse trading. Who knows? The problem is we never tried.

Then 5 weeks ago on the floor of this House, when the President came and spoke to us—and this is the same President who said he would meet with Hugo Chavez and with Ahmadinejad without preconditions but who won't meet with congressional Republicans without preconditions. This is the same individual who, as a candidate in 2004, said there are not just blue States and red States. There is the United States. This individual was elevated in the eyes of the Nation as someone who could rise beyond partisanship. Yet we see a city today that is absolutely immobile because of partisanship.

The fact of the matter is they've got the votes. They've got the votes on

their side in the House of Representatives and in the Senate. They have a 60-vote majority in the Senate. There is nothing they can't pass if they want to. Please do not attribute the lack of passage of this bill to Republican obstruction. Again, I'd like to take credit for it, but the fact is we don't have the numbers.

The American people deserve a great deal of credit because, during the month of August, they spoke up and gave many Members pause, and caused them to reflect on where we were going with this bill. Unfortunately, today, it's almost as if August did not happen, because we're going full speed ahead with the direction they intended to go in the first place. Never mind what we heard or saw during the month of August.

I know the time is tight. I'll yield back to the gentleman the balance of my time.

Mr. GINGREY of Georgia. I thank the gentleman from Texas for yielding back, and I thank him for his comments.

Mr. Speaker, I'm going to yield the remaining time that we have. I wish we had more. When you're having fun, it goes fast. We've been joined by my co-chairman of the GOP Doctors Caucus, clinical psychologist Dr. TIM MURPHY from Pennsylvania. He is my classmate and is president of our class. He is going to take the rest of the time. Dr. MURPHY served with me—or I should say I served with him on the Energy and Commerce Committee, and I'm proud to yield time and the concluding remarks to Dr. TIM MURPHY.

Mr. TIM MURPHY of Pennsylvania. Thank you, Doctor. I appreciate that.

You know, the big question becomes: Are we going to reduce the cost of health care or are we going to increase it?

During the President's inaugural address, he said our health care is too costly. I could not agree more, and that has been our passion to reduce health care costs, and I still want to work with the President and with my friends on the other side of the aisle to make that work, but there are a couple of questions here.

If you're on Medicare, if you're sick or if you have health insurance under the plans being proposed, you may pay more. Let's review that really quickly.

First of all, with \$500 billion cut from Medicare, there will be less to hospitals, less to skilled nursing facilities, \$5 billion cut from inpatient rehab facilities, \$56 billion cut from home health care, and fewer payments to doctors for drug programs, for part D and for Medicare Advantage, which has a lot of preventative services.

Those are a lot of cuts. When you're taking away preventative services and when you're taking away money from the programs that we know save money, such as disease management—

and that's important—they're going to end up with higher costs.

The second thing is, in taxing the sick, the proposal that's being kicked around the Senate now is increased taxes on all of these medical devices: heart monitors, heart valve rotators, pacemakers, artificial hearts—I hope you don't have a heart attack, because it will cost you more—defibrillators, hearing aids, hospital beds, nebulizers, artificial hips. There are a number of things. There are wheelchairs and ventilators. All will be taxed, including the insurance plans because it comes down to this:

With the insurance taxes, you get taxed if you do have it and taxed if you don't. If the employers offer insurance, they may tax employers if they do offer it and tax them if they won't.

Finally, there are issues with States. If States have an opt-out provision where they do not have to have as a provision in their State where they will have this health insurance plan run by the Federal Government, they may still pay the taxes, and that becomes taxation without hospitalization.

Look, there's a lot we can do to fix this system. There's a lot we can do to reform Medicare. There are so many problems with the Medicare system, not just the fraud and abuse. I believe Congress will work on that, but it's just how things are run there, and we need a more effective and efficient system to make changes in how we operate with Medicare.

Why does it take months to get a power wheelchair for someone? Why do you need such expensive procedures to get a crutch? Why do we have so many things that cost so much money? It's because they're done ineffectively and inefficiently.

Let's change that. Let's make Medicare and Medicaid work better for people. If we're going to do anything so that the Federal Government can run it better, shouldn't we start off by making the government run it better? Let's cut the waste. Let's improve the quality. Let people cross State lines, as so many of my colleagues have said. In a survey in my district, 70 percent of people said that they wanted that.

Let people join groups and have the purchasing power of the group. Let's make insurance permanent because millions of Americans are begging Congress to work together with both sides of the aisle to fix the problems. That's what we should be doing. Millions of Americans can't all be wrong. Let's not dismiss Americans as being frivolous with all of that.

With that, Dr. GINGREY, I yield back to you for the remainder of our time here. Let's continue to work together as a Congress and as a Nation to fix this problem, not just to finance the problems.

Mr. GINGREY of Georgia. Dr. MURPHY, thank you so much.

I failed to mention to my colleagues, Mr. Speaker, that Dr. MURPHY is also an author, and has written a number of books on child psychology, and he knows of what he speaks.

I think the theme tonight, Mr. Speaker, is to try to present Members who are knowledgeable on the subject matter. If we were talking about the law, if we were talking about national defense, there would be the people like JOE SESTAK and Colonel JOHN KLINE on our side of the aisle. You'd listen to those folks. I hope that our colleagues will understand that we're trying to do this in a bipartisan way to help impart knowledge. Knowledge is power, and we hope and pray every day that God will give us all wisdom and that we'll make the right decisions and that we'll reform our health care in a way that doesn't destroy what really is the best health care system in the world.

With that, Mr. Speaker, I thank you for the time. I yield back.

HEALTH CARE REFORM

The SPEAKER pro tempore (Mr. QUIGLEY). Under the Speaker's announced policy of January 6, 2009, the gentleman from Wisconsin (Mr. KAGEN) is recognized for 60 minutes as the designee of the majority leader.

Mr. KAGEN. Thank you very much, Mr. Speaker. I feel very flattered that you have provided me with sufficient time to explain some of the problems and solutions that we're looking at in helping to solve our crisis in health care across America.

By way of background, my name is STEVE KAGEN. For the first time in my life, I ran for public office in 2006, and I was elected and reelected in 2008. I grew up in Appleton, Wisconsin; went to public schools; went to the University of Wisconsin; studied molecular biology; went to medical school. I went back home to Appleton with my wife, Gayle, to raise a family in 1981, practicing allergy, asthma and immunology.

Over the years, what has been happening to my patients is they've been having more and more difficulty paying for their prescription drugs. What has been happening to my friends I went to high school with is they've had more and more difficulty running their businesses and having access to affordable health care.

The health care costs in this country have simply gone through the roof. It's becoming more and more impossible for people to pay for, not only their medically necessary and life-saving prescription drugs, but also their health care coverage that they so dearly need. It's not just difficult for families. It's difficult for small businesses. It's difficult for large businesses.

Recently, I received an e-mail from a large employer in Green Bay, Wisconsin—home of the world champion a

long time ago, the Green Bay Packers. This very large employer-CEO said: KAGEN, keep the public option on the table. I just got my quote from Blue Cross, and they're jacking it up by 29 percent in 2010.

People have to understand that, if we don't address this crisis and begin to solve it immediately in 2010, they'll either have a job with no health care coverage or no job at all, and good luck with the coverage you can get.

Now I'd like to share with you some of the personal stories and comments from people in Northeast Wisconsin, and I trust that they're very much the same as they might be all across this great land.

Ned writes from Dunbar, Wisconsin: The part D doughnut hole needs to be eliminated.

Well, Ned, you're right, and we're working very hard on the Democratic side, and I'm sure the Republicans will go along with the idea of closing the doughnut hole in Medicare part D. Medicare part D, after all, was a prescription drug plan which was written by and for the insurance industry, which was nothing more than a windfall profit of billions and billions of dollars for Big Pharma. It wasn't intended to help my patients. It wasn't intended to help the senior citizens who live in Northeast Wisconsin. It was written by and for Big Pharma, and they're the ones that had the windfall profit. Ned needs help now because he needs to be able to go to the pharmacy and pay for his prescription drugs without having to go to the bank before doing so.

Jack from Kaukauna writes: I need help. Prescription drugs are most important to very many seniors on limited incomes.

In these economic times, those people who are most at risk are people who are living on fixed incomes, not only because they may not receive a cost-of-living adjustment but also because they have fixed incomes. They're not getting the interest payments they were before on their investments.

So it is for Ned, for Jack and for everybody who is living on fixed incomes that we must write a bill here in the House that will guarantee access to affordable prescription drugs, and we have to do it soon.

Eleanor from Green Bay, Wisconsin writes: Drug prices rise since part D. One of my husband's drugs in December 2005 was \$144; in January of 2007, \$189. A \$45 rise in 14 months is too much.

They need help now with prescription drugs, and we intend to provide it in the legislation that we're writing.

Deb from Florence, Wisconsin writes: I have no health insurance. We cannot afford it.

Well, we've got to make sure that the prices are driven down. Ordinary people, both seniors and hardworking fam-

ilies, students alike—everybody understands there is a crisis in affordable health care.

Here is a note from Carl from Greenleaf, Wisconsin: I have a pacemaker, and feel better than I had a year ago. I don't know why I had to pay \$1,725 every 3 months for insurance with a \$3,500 deductible.

You know, one of the games that's being played by the health insurance corporations, which are pretty much Wall Street-run, is to increase the premium and also to increase the deductible. What ends up happening is the patients are paying for their own health care with their deductibles, and then they're paying for the health insurance corporations' profits as well.

Sheila from Weyauwega, Wisconsin: Family businesses need affordable insurance for health care.

I think she's right.

It goes on. Pat from Green Bay: Health care issues are critical. We need to develop a plan to help the elderly and the uninsurable.

You know, one of the ideas on the Senate side is to create a high-risk pool, in other words, to allow for some discrimination where the insurance companies would be cherry-picking you out if you were an expensive date, if you had health care issues and cost a lot to care for.

In my view, I think that's an act of discrimination, and one of the greatest ideas in the Democrat bill, which is moving through the House, is the idea that we're going to bring an end to discrimination in health care. No longer will a health insurance corporation be allowed to cherry-pick you or your children or your family out of the risk pool. No longer will they be allowed to say "no" to you because of a preexisting condition or because of the way you were born.

□ 1845

And to families like the Wendel family here next to me, they need access to that affordable health care now. And like many, many families across the country who have preexisting conditions—heck, these days who doesn't—we have to bring an end to discrimination. President Obama agrees, the Senate agrees, and so does the House. But to create a toxic risk pool, so to speak, of these patients with preexisting conditions I feel is a wrong direction, and I hope that the Senate turns this around. We cannot allow for any discrimination against any citizen due to preexisting conditions.

Well, one of the problems in practicing medicine today is that Medicare may not cover all of the overhead costs of caring for patients even when you provide high-quality care. And I'm going to use my great State of Wisconsin as an example. A State where we have covered nearly 97 percent to 98 percent of every citizen within the

State by one form of coverage or another.

According to studies in quality care, Wisconsin ranks number 2 in the Nation, the 1st being the State of Minnesota, our neighbor. But when it comes to where we rank with the rates paid to health plans to provide coverage, the Medicare Advantage monthly payment rates in Wisconsin are number 44 in the country. In other words, we are paying on average \$765. States like Florida, Louisiana, New York, and Texas are some of the highest in the country, where in Florida the Medicare Advantage programs are taking \$1,013 as an average monthly payment.

The Medicare Advantage plans that we have available in northeast Wisconsin are wonderful. They're affordable. They're great. They should be measured in terms of the quality of their service, and if they don't measure up, they should be eliminated. We have to seek out and root out and eliminate all wasteful practices in spending in health care, beginning with our hospitals and also within the Medicare system.

I heard my colleagues on the other side of the aisle make the case that there was some cutting coming up in Medicare. Well, I'd say what we're trying to do is make your tax dollars go further. We want to be able to invest our tax dollars and get the highest quality care available anywhere at the lowest possible price.

This is something that northeast Wisconsin knows a great deal about. We have a health care facility called ThedaCare, and the ThedaCare Center for Healthcare Value has been able to drive down the cost of caring for patients at a hospital by 25 percent. By lowering the cost, at the same time they have also improved the quality. Higher quality care at a lower price. This is something that should be replicated across the country, and if it were, we would be able to save in every year \$40 billion of savings. Now, this is not a cut to Medicare; this is about making your tax dollars stretch and go further. Higher quality care at a lower price. This is exactly what you would want.

Now, what happens when you talk about the total Medicare patient spending at hospitals and clinics? When you look at that, New York, per patient, is spending about \$9,564; Wisconsin, \$6,978. Wow, about a 30 percent increase.

I was very proud to work with other Members in the Midwest from the State of Nebraska over to Ohio to bring about an agreement with the leadership of the House that we have to address a Medicare payment discrepancy, a disparity, an unfairness. Something you may not know, but if you retire

from the State of Wisconsin, Minnesota, or anywhere in the upper Midwest, including the State of Washington in the Northwest, your Social Security check will follow you wherever you go and it will be the same amount in the State of Washington or the State of Wisconsin when you retire, let's say, for example, to Arizona, New Mexico, Texas, or even into Florida. But the same cannot be said about Medicare. Your Medicare tax dollars that you've been paying in for your entire working life may not follow you when you move out of the upper Midwest or the Northwest.

So we have reached an agreement with the Speaker of the House to begin to address this payment disparity with Medicare, and at the same time we took up the conversation about how are we going to pay for medical services with your hard-earned tax dollars. Well, with Medicare and Medicaid, what we are seeking to do is to make certain that we reward physicians and hospitals for higher quality care and the value of that care that they're offering and delivering, and we intend to measure it. We intend to change the payment mechanism away from the volume of tests and care that you're receiving and more towards rewarding value. Not volume but, yes, to the value. And I think physicians and hospitals across the country will welcome this idea of moving up.

Well, there's another topic that is very important. When I, as cochairman of the Congressional Business Owners Caucus, had a listening session with employers and the representatives here who came to Washington who represent them, groups such as the Small Business Majority and the Franchise Owners of America and others, they had some very simple requests. They asked us for immediate results where we would lower the cost of care. Lower costs have to be gotten immediately or as soon as possible. Why? Because the businesses can't survive with their current overhead. The single greatest component of their overhead is the cost for health care, and they want very much to see Congress help them to drive it down. And one way to do that is to provide transparency in health care pricing.

Imagine this: You go to the grocery store. You put the food you're looking to buy for yourself and your family in the cart. You go to the checkout counter. They put it in the bag, and you take it home. You've never seen the price and they never billed you at the cash register. You simply take what you feel you need, go home, eat it, feed it to your family, and then later, a month or so later, they send you the bill. That would be unimaginable in this country. But that's what's happening in this health care, because you really don't know the price when you go to the hospital, to the doctor.

You don't know the price, and the price really is whatever they can get.

And I will get one picture here to take a look at. I will hold it in front of the Wendel family. This is a little picture I took at a grocery store. It's got Bayer Aspirin, generic aspirin, and then there's a flavored aspirin as well. And for 20 percent less, you can buy the generic aspirin. The price is openly disclosed, and if I take this off the counter and so do you, when we get to the cash register, we get to pay the same openly disclosed price.

I think it's time, and I think you might agree, that we need to have open and transparent pricing throughout the health care industry. That way you will know the price of a pill before you swallow it. And I'm sure you would agree with that. We don't have that yet, but we're working hard to get it.

Now, immediate results in 2010, it's a difficult challenge. And joining me here on the floor is Mr. MURPHY.

Thank you, Mr. MURPHY. I yield to you in this fine hour to help reassure people across America that we have been studying this problem for a number of decades and we are beginning to take action on their behalf.

Mr. MURPHY of Connecticut. I thank the gentleman for convening us here on the House floor.

I think that transition is important. There are a lot of people back in our districts and people on the Republican side of the aisle who say, You're moving too fast. Slow it down. Why does this have to happen this year? Why don't we wait until next year or why don't we wait until the year after that or maybe 5 years from now or maybe do a little piece now and see how that works and 10 years from now come back and check it out and make a little different adjustment?

Your point is exactly right. We've been debating this for 50 years. We have been on a journey to try to make good on our promise as the most affluent and most powerful Nation in the world to the millions of Americans who, through no fault of their own, wake up every day and go to bed every night sick just because they can't afford a doctor, not because they aren't trying to do the right thing and get insurance and health coverage for themselves and their families. We have been talking about this for a very long time. We have been doing a lot of talking. I think you can go back to probably every campaign that's been waged for the last 50, 60 years since this concept was first introduced by Harry Truman. And we are now to a point where we can actually do something about it.

Now, this specific proposal that we are debating right now has been debated here in Congress and throughout this country for coming on 12 months now. As many of us hope, we'll get a bill to the President's desk by the end of the year. We will have started this

process in January or February of this year with legislative hearings, debated it out in public, debated it in five different committees in the United States House of Representatives and Senate, in countless, thousands of town hall meetings throughout this country, and we're going to end up with what I think is going to be a pretty sound product. And it's because we took time. It's because we didn't rush it through in the first 100 days of the Obama administration, because this House decided to step back from an original self-imposed deadline of passing it by the August break, because we have stepped back and taken the time to get this right. But our constituents can't wait any longer.

I'm always afraid of legislating by anecdote, Mr. KAGEN. I mean, we should be legislating here based on facts and data and statistics. But when it comes to whether or not we should pass reform, both the data and the anecdotes are on our side. So we're happy to talk about the real facts that underlie the necessity for change. The fact that this chart plainly illustrates. The fact that health care costs are bankrupting this Nation, comprising 5.2 percent of our economy in 1960 to 2009 when health care costs comprised almost 18 percent of our economy. It's predicted to go up over the next 8 years to 20 percent; \$1 in every \$5 in this country soon to be spent on health care costs, a cost internalized by every business and manufacturer that's trying to compete and sell products throughout the globe. The facts are on our side when we talk about our need to control health care costs so that it doesn't cripple this economy.

When it comes to families in this country who have seen, just over the last 10 years, a 119 percent increase in the premiums that they pay for health care, and the worker contribution that workers specifically make has gone up 117 percent during that same time, a 10-year 119 percent increase in health care costs. The facts are on our side, but so are the anecdotes.

This morning, I came down to the House floor, as maybe Mr. KAGEN did, because we saw a lineup of dozens of our Republican colleagues to give 1-minute speeches on the House floor. We have the ability on mornings like this to give unlimited amounts of 1-minute speeches on the House floor. And our Republican friends were here to deliver a message: Stop health care reform. Don't let it happen. Don't pass it. We want to preserve, essentially, the status quo.

I know some of our friends get up and talk about cross-State purchasing and tort reform, which are laudable goals, but they don't solve the problem. They are working largely around the margins of the root causes of the crisis within our health care system. The message was pretty loud and clear:

Stop this health care bill from happening. And the hope, I think, for some people on the Republican side is that by doing that, they can provide a world of hurt to the Democratic President of the United States.

So I came down and interrupted that long train of Republican Members saying to stop health care reform by telling a story that I'll share with you, Mr. KAGEN, again tonight.

At one of the roundtable discussions that I held back in my district, a gentleman who lives in New Britain, Connecticut, came and told a very simple story. He had gotten a job at the Carnival Ice Cream factory in my district, one of the, frankly, success stories of New Britain, Connecticut, a new company which has located several hundred jobs in an old abandoned factory footprint. And he got sick, unfortunately. He was a good worker but he got sick. He got really sick. He got cancer, gallbladder cancer, and that gallbladder cancer caused him to miss enough days of work that he got laid off. He got fired.

He's now collecting insurance, unemployment benefits, and he is devoting almost every dime of those checks to pay for health care costs. He has lost his job because of his cancer. He is now having trouble paying for food because of his cancer. He can't wait any longer. And for all of this talk that I hear from conservative talk show hosts and Republican Members of Congress about preserving freedom and defending liberty, what kind of freedom does that guy have? What kind of liberty does he have every day when he wakes up having contracted a potentially life-threatening disease that has taken away from him the ability to make a living and now sucks every dime of out of his pocket to pay for that treatment? What kind of freedom is that?

□ 1900

If we really want to talk about preserving freedom and liberty in this country, then let's talk about the ability to wake up every day and know that you are going to be able to get care for yourself and your family when you get sick. That's freedom.

And so I reject the notion that this has gone too fast and that we haven't taken our time. And I reject the notion that people out there, like the family you talked about and the gentleman I talked about in my district, can wait any longer for this Congress to wake up and realize that this current system does not work for all of the businesses that are being run into bankruptcy due to the incredible expansion of health care costs, due to the families and small businesses that have had 120 percent escalation in their costs, and the millions of Americans who have gotten sick and lost their jobs because they can't afford health care, Mr. KAGEN.

Mr. KAGEN. Thank you for your comments. Everybody who has a

human heart has feelings about people who are in need.

I went into health care, into medicine, became a physician because I wanted to help people out. But what good is it to be a doctor if you write a prescription that people can't afford to pay for? What good is it to be a doctor if people can't afford to come in and get the tests that they require?

We have the right ideas. We have heard a lot from many people who reject change. No, no, no. No, you can't do this, you can't do that. They are trying to create a great deal of fear. It is easy to scare and frighten people when you hand them the wrong information and threaten their livelihood and lives. That is what this is. If people don't have access to the care they need, their lives and their livelihood are at risk.

In northeast Wisconsin, the greatest cause of bankruptcy is health care costs, people who can't make their payments. We have the right idea of fixing things as quickly as we can. We intend to close the doughnut hole beginning in the first year by closing it by 50 percent. That is a step in a positive direction. We intend to do things for people rather than the Wall Street-run corporations who today are controlling our health care industry.

I can tell you as a doctor, in the room with me was the patient and their family, and that invisible person in the room was also the health insurance corporation who would be telling my patients where to get their tests, what tests they could have, and how much they are going to be paying for it. I think it is time to move the insurance industry out of our examination rooms. And the focus of the Democrats here in the House is to make certain that that happens, to guarantee that you have control of your health care decisions. It is between the patient and the doctor and the patient's family.

In the health care legislation that we are putting together, the winners, first of all, will be Medicare patients, because with our legislation, with the efforts we are about to make, there will be no deductibles and no out-of-pocket expenses for prevention services.

The other winners, the biggest winners in this legislation in my view as a business owner, is small businesses, because small businesses can't afford to continue to pay 30 percent more per year. They will have it as a big win because we are going to pool small businesses together in large risk pools, large buying groups, to leverage down the prices for them. Just like the big businesses get discounts, today the numbers are almost unbelievable. If you are in small business, you are paying anywhere from 18 percent more than a large business, or 60 percent more, even though you live and work and recreate in the same location.

Another big winner is people who have coverage now. You will be able to

keep it and hopefully at a lower cost. We want these insurance companies to compete against one another. Today they are exempt from the antitrust laws. That allows them to talk about where they are going to sell and compete and where they are not, or to conspire about prices. We want to eliminate that. Whether or not that gets into the bill is yet to be determined.

If you don't have coverage now, coverage will be available to you through some credits. We are going to help those, a helping hand up. It is not a handout; it is a helping hand up.

In my State of Wisconsin, with the fix to the geographical disparities, where a doctor or hospital might get paid \$40 for a service and the same service would be compensated by Medicare in Florida about \$200, we are going to address that. So Wisconsin hospitals and Wisconsin physicians, you are going to get an increase in compensation for your services through Medicare very shortly.

Overall the big winner will be our economy because when we drive down the cost of health care and improve the quality, you will have an opportunity as a small business owner to hire more people, to invest not in the Wall Street-run health insurance corporation, but to invest in your business and acquire the equipment you need to expand and hire more people so we can begin to work our way through this recession.

Mr. MURPHY of Connecticut. In Connecticut, we have an organization of thousands of small businesses who have joined together to make the push that you are talking about, Mr. KAGEN. They have figured out that the status quo doesn't work for them. It is actually run by one gentleman in particular who runs a small company who doesn't provide benefits for his employees because he surveyed the landscape of insurance options he could purchase, and he realized that there was no way he could afford it. For the margins he was making on his maintenance business and for the small number of employees that he had, that offered him no bargaining leverage with the insurance companies. He couldn't buy insurance for his employees and he desperately wanted to.

This is a guy who has some tragic personal and family stories with respect to health care concerns, so he knows more than anybody how important it is to have health care insurance and how health care costs can bankrupt you. When he found out that he couldn't afford it and keep the business up and running, he wanted the employees to have a wage to bring home, rather than fire half of them in order to give the remaining half health care, so he started an organization of small businessmen who have bound together in Connecticut. I don't know the latest numbers, but it is in the thousands,

and they are pushing for health care reform, both at the State and Federal level.

And just to underscore what you have said again, it is a simple concept that when you have five employees and you are negotiating with the insurance company, and an insurance company in many States that has almost no competitors, they can take or leave you. If you don't want to pay their price, there is no reason to give you a lower price because you are only five employees. Even worse, if you are an individual negotiating only on behalf of yourself, you have absolutely no leverage. If you can't pay that insurer's price, they will be happy to move on to the next person who can pay their price.

In the 50 percent of the States in this country that have one insurer that controls more than half the market, the balance is even further thrown off. So what we are doing is simple economics. We are saying, instead of Joe and Mary and Sally, and Joe's garage and Mary's factory all negotiating on their own, let's put Joe and Mary and Sally all together into one pool. And let's put all of the rest who are negotiating on their own or negotiating as small businesses together, and then let's make the insurance companies bid to be able to provide insurance to those Joes and Marys and Sallys, and we will let the 10 insurers who give us the best price in, and the others out. All of a sudden they have leverage for the first time ever, and they do it within a marketplace. It is a marketplace that is structured.

Mr. KAGEN. Do you mean capitalism?

Mr. MURPHY of Connecticut. It is capitalism. It is not unbrokered, unfettered capitalism but it is capitalism nonetheless where private health care companies offer the lowest price that they can, and they get business if they offer that lowest price. That doesn't happen today in this marketplace.

We are simply changing the rules of the marketplace to give a little better deal to those small businesses and individuals who right now are getting screwed in the marketplace.

Now, frankly, I think this isn't a Democratic idea, it is not a liberal idea or a conservative idea or a Republican idea. But for some reason when the Republicans ran this place for 12 years, they didn't come up with it. For some reason, even though they profess to be for the end of the preexisting condition exclusion, they had 12 years and they didn't come up with that idea. Although they profess to be for changing the way that we pay for medicine, as you talked about tonight, so we stop reimbursing just volume for volume sake and start reimbursing for quality health care systems, they had 12 years to implement that, and they didn't do it.

So again, I draw issue with a lot of my Republican friends who say we have

gone too fast. And I draw issue with my Republican friends who say don't do anything, and I draw issue with some of my Republican friends who have found recent religion on this subject, because they have had a long time to implement some of these reforms, and it has unfortunately taken a change in the leadership of this House and the Senate to get it done.

Mr. KAGEN. I think what you are trying to say, it is hard to negotiate when you have a gun held at your head. How do you negotiate as a single purchaser against a large corporation? You can't negotiate; it is a take it or leave it.

We did something in Wisconsin where we created a prescription-drug program for senior citizens in low-income situations. I think it is the best prescription-drug plan in America. We have got about 103,000 senior citizens in a buying group, and that buying group leveraged down their prescription drugs tremendously. It is life saving. It saves taxes because when you are healthy you don't end up in the emergency room where it is expensive on the government who cares for these elderly seniors and low income.

So senior care saves lives and tax dollars, and it is exactly the same kind of concept that we did with the SCHIP, the State health insurance plan for low-income children. But let's not mix the metaphors, senior care and SCHIP are not government-run health care. It is private doctors, private hospitals, private drug companies who provide the care and get paid through a government system. It is very fair. It is a level playing field.

So senior care is a wonderful model, a prescription-drug program that really works for senior citizens who are in lower-income situations.

Now I think a buying group is a good idea. Who do you think would stand against having large risk pools and lowering the cost of insurance coverage? My guess is going to be the Wall Street insurance corporations, for one. I think they would be against that, don't you?

Mr. MURPHY of Connecticut. And I would add to that list, Mr. KAGEN, some of the other industries that have profited off of the scattering of purchasing power. Pharmaceutical companies have also made a killing off our current policy, really founded initially in the Medicare part D benefit, that refused to centralize purchasing power, thus guaranteeing some pretty generous profits.

Mr. KAGEN. A buying group drives down the price in a competitive, openly disclosed price situation. When you have a very competitive medical marketplace where the power and the leverage and the purchasing power of people buying together, that is when you drive down the price.

But I want to burn this point into the American people: We are not talking

about government-run health care. The government, hey, if you get sick, don't call your congressman, call your doctor. Today, you are calling your insurance agent to make sure that you can go to the doctor or hospital of your choice. We want people to have choices when you call your doctor. Ask your doctor for help, don't call your congressman or your governor.

Earlier today, I met with World War II veterans. They took the honor flight where they flew from Wisconsin this morning to see the World War II memorial that they hadn't visited before. There were over 80 of them. The youngest is about 85, and the oldest is about 92. What a great honor and pleasure it was for me to greet them and listen to some of their stories and to thank them for their service.

□ 1915

One senior came up to me, a World War II veteran, and he's much like a lot of people in the country, and here's his quote: "I don't want the government involved in deciding my health care choices, period." I said, Sir, I want to thank you, and I will share that quote on the House floor tonight with my colleagues so all of America will hear your voice. That's my job; I'm listening and transmitting their message. And then I asked him, How is the VA treating you? "Good. That's different." Well, it's different in some senses because he has earned his benefit and he is receiving the benefit at the Veterans Administration clinic and hospital, and it's a benefit well deserved. We're fighting very hard to move those benefits up and to guarantee that it gets out to every veteran. But you see, it isn't that much different. It is government run, and he's happy with the service.

Now I will be the first to admit, as a doctor practicing in the VA hospitals in the 1970s, beginning in 1973, it was terrible, it was disgusting, it was to the point of becoming inhumane. Our shelves were not bare, but close to it. We didn't have the newer drugs to help our veterans who came back from Vietnam, in particular, and many World War II veterans. It got to the point where at one time I had to kidnap a patient and take him several blocks away in Chicago to a real hospital to get him the surgery that he needed because our operating room wasn't open after hours.

Things have changed. This Congress, the 110th and the 111th Congress have stepped up for our veterans, increasing by 77 percent—the biggest increase in the history of the VA—its funding. We're not at the top yet, but we're getting there, and we intend to invest in our veterans' care. The government isn't going to be your doctor. We're not talking about government-run health care.

Two others things that some World War II veterans were concerned about:

KAGEN, now in that bill, are you putting in money for illegal abortions? Are you putting in money for people who are here outside the law, here illegally, who immigrated here but did it illegally? And the answer is no and the answer is no.

You're going to hear, unfortunately, a great deal of misinformation, but it is our intention to work with Members of all parties to guarantee that your tax dollars are going to you, who earned it like our veterans, and to make sure those benefits go towards legal causes.

I yield.

Mr. MURPHY of Connecticut. I thank you, Mr. KAGEN, because there is obviously a tremendous amount of misinformation.

I think the reason why there is momentum right now in this country in favor of health care reform is that as we have taken the time over the summer and the fall to confront this misinformation, we have made people understand that there is a difference between rhetoric and reality when it comes to health care. A tremendous amount of people who are driving the rhetoric have no interest in connecting that to reality because their agenda is not to really influence the contours of the health care reform bill, their agenda—and I'm talking about some Republicans, but I'm more talking about the folks who are in the entertainment news media—their agenda is to sell air time and to sell commercials and to say outrageous things that get them some attention in the world, and you can do that best by distorting.

So it is our job to come down here to the House floor, to go out and stand at town hall meetings, on town greens, in supermarkets—wherever it may be—to talk about the reality here.

I caught, as I entered the Chamber, Mr. KAGEN, you talking about Medicare. This is such an important piece of this debate. I actually caught some of our Republican colleagues down here earlier with a list of Medicare cuts that are in the bill. Listen, everybody seems to agree on both sides of the aisle that something is wrong with Medicare, right, that we have more money going out than coming in? Medicare is going to go bankrupt someday at the current pace—it's certainly not going to be around for me, and it may not even be around for some people who are becoming current beneficiaries today. So everybody agrees that we've got to do something about it.

Well, here's the problem: There are only two things you can do to fix Medicare, you have to start slowing the amount of money that goes out that we pay, or you have to start increasing the amount of money that comes in. Now, the second one isn't very attractive because that's increased payroll taxes, that's more money coming out of people's paychecks—and I'm not

sure that a lot of Republicans are for that. So if you're not for more money coming into Medicare, the only way that you save it is by stopping the money from going out. And what this bill does is it slows the rate of Medicare growth, of overall Medicare spending, without cutting or harming benefits for seniors, and in fact improving them.

Now people might say, How do you do that? That doesn't sound right. That sounds like political double-speak. How do you cut Medicare costs but maintain Medicare benefits? Well, the problem as you've talked about already this evening is that we have all sorts of medical systems and hospitals and some physicians out there that are billing for all sorts of extra procedures and extra treatments that aren't adding any value. We have a lot of hospitals out there who do a procedure on somebody, send them home before they're ready to go home, and they show up again and again and again and again in the hospital, and we pay them every time that they come back.

And then we have a system of reimbursement to drug companies and insurance companies that are paying them 120 percent of the cost of actually providing the service, as we do for our Medicare Advantage plans. So how we have done this is by starting to tailor health care payments—not benefits—health care payments to hospitals and providers and drug companies and insurance companies to promote value, not volume—and you've said this already today, Mr. KAGEN—and then we take most of those savings and apply it to the overall health care bill to try to get people coverage that don't have it, but we take some of those savings and make benefits better, as you said, closing the doughnut hole, eliminating all copayments for preventative services, increasing for the first time in the last 6 years the amount of money that doctors get on a routine basis to provide care for patients.

So we need to dispel this mythology out there that the Medicare growth restraints in this bill are benefit cuts. They're not. They are payment cuts and payment reductions that are going to save Medicare in the long run. And if Republicans want to come down to this floor and argue against any restraint of growth in Medicare, then if they want Medicare to survive in the long run, Mr. KAGEN, they then have to be prepared to argue for more taxes to pay for it.

Mr. KAGEN. But isn't that elimination of wasteful spending?

Mr. MURPHY of Connecticut. It is. You're talking about waste, fraud and abuse. Now fraud, we've got to do a better job of rooting out fraud in Medicare, but no matter how tight you get on fraud, it's never going to get you all the way out of bankruptcy. So you've got to get to the other pieces here,

which are waste and abuse. If you ask me, medical procedures performed on me or on my family that don't add any value to my health but do add reimbursements to the doctor and hospital that I go to, that's waste, and we shouldn't be paying for it.

Mr. KAGEN. There are three other ways we could help to save money to reduce the cost of health care. The first idea is not a new one, we did it in Wisconsin with Senior-Care; we negotiated for deeper, steeper cuts and discounts from prescription drug makers. We need to be able to negotiate with pharmaceutical companies for deeper discounts for all of Medicare, for all the VA, for all the Coast Guard, and for all of us.

The men and women I saw today at the World War II monuments, they fought for this country, not only for themselves and their family, they fought for the entire country. So why can't we allow a veteran, who has a deep discount for a prescription drug, why can't we give that same discount to his wife and his family? What about his neighbors? What about his whole town? What about the whole country?

If we have a steep discount that we're benefiting from as we invest our tax dollars in the health care of our veterans, that discount should be spread out to all Americans who are here legally. So let's begin to negotiate for deeper discounts for prescription drugs for all of us.

The second thing we must do is to encourage hospitals to cut their overhead costs, to deliver care more efficiently, to make sure that our tax dollars are stretched to the very limit, not by cutting quality, but by cutting their cost of care. It has been done in a number of institutions, one of them in my district I mentioned earlier, which is the ThedaCare health care system. We have to take that model and replicate it across the country. In over 10 years, we will save \$400 billion. That's called the elimination of wasteful spending. It's becoming more efficient. We have to do that not just in the corporate world and the business world, but in our hospitals. After all, we just proved in the sands of Iraq that we can deliver world-class health care in a tent in a desert. Then maybe we can do the same by getting skinny, getting leaner in our hospital system.

So negotiating for steeper discounts from drug companies, driving down the cost of care in hospitals. And the third, the biggest savings yet to come, is prevention, which is why we want people to get to a primary care doctor and make sure we diagnose things early because you're a cheaper date; your illnesses are better managed through prevention. And that the government can't do for you. That's something that you have to do with your family in the personal choices you make, in consultation with your own family and personal physicians.

Mr. MURPHY of Connecticut. I think that last point is important, but also important to understand the limitations. Prevention is critical, and there are all sorts of personal choices that we can make and be incentivized to make through the way that our benefit is structured to try to be healthier. But again, I come back to some of the arguments against it. I hear over and over again opponents of health care reform sort of putting the burden on individuals, like it's their fault. There are a lot of people who have gotten sick because of choices they made—bad eating habits, smoking, unhealthy lifestyles. There are millions of people out there who could have made better choices and avoided getting sick, but there are millions more who got sick through no fault of their own. We have to understand—and I agree, I'm not disagreeing with my friend, but as important as personal responsibility is in health care, it seems to sometimes be the only answer that we hear from the opponents of health care reform, that why should the government get involved in remaking the insurance markets? Why should we get involved in remaking our Medicare bargain? Why don't we just tell people to stop getting sick? Well, you know what, there are some people out there that can make better choices, but there are a lot of other people out there—like the gentleman that I spoke about who contracted gallbladder cancer that have no power over that, and we've got to have a system that answers for those people.

I just want to turn it over to our colleague here, because it happened to be as we were starting to talk about the transformation of our health care payment system that one of the champions of that transformation came down to the floor. So I will kick it back to you, and then you can kick it over to Mr. BRALEY.

Mr. KAGEN. I was a little concerned that you were going to blame all the lawyers; I'm glad you didn't do that. But when we bring this subject up about reducing costs, many people on the other side have been screaming that if we just got tort reform, we could really drive down the cost.

I wonder, Mr. BRALEY from Iowa, if you could address this issue and other issues that we haven't yet discussed?

Mr. BRALEY of Iowa. Well, I think one of the things that people always overlook is the cost of patient safety on our health care delivery system. The Institutes of Medicine, which is the foremost authority in terms of independent, nonpartisan medical research has looked at this in three studies they did in the last decade there: patient safety treatise on to err is human; their patient safety study; and also their study of medication errors. Their conclusions were interesting because they concluded that the cost of preventable medical errors on our

health care system every year is between \$17 and \$28 billion of preventable medical errors. That's the added cost in additional health care that's imposed on people who are injured due to preventable medical errors.

So if you multiply those numbers over the 10-year life of this bill that's being scored by CBO, you're looking at an opportunity cost loss by not focusing on patient safety of somewhere between \$170 and \$280 billion. That's why patient safety should be the primary focus of any health care reform, and that's what the Institute of Medicine concluded.

That is why when we were coming up with a solution to the enormous problem of over-utilization in certain parts of the country—it's a well-known problem—it costs, according to medical economists, somewhere between \$500 and \$700 billion a year, which would be \$5 to \$7 trillion over the 10-year period that's being scored by CBO. You could pay for everything in this health care bill five to seven times with those types of savings.

Mr. KAGEN. But if I can interrupt for a minute, this internal conversation about the CBO, Congressional Budget Office—for those of you listening, the CBO, the Congressional Budget Office, only counts money that goes into and out of the United States Treasury. They don't measure those savings, do they?

Mr. BRALEY of Iowa. Well, they don't because they don't have the opportunity to look at what portion of those would be directly related to Medicare, Medicaid patient and the cost shifting that takes place when we ask other people to carry the burden of fixing those problems.

But I want to focus more on what's in the photograph next to you, because we stand on this floor every day and talk about policy.

□ 1930

To a lot of people policy is vague. It's hard to understand. It's complex. But you, Dr. KAGEN, have put a human face on health care. I want to spend just a few minutes talking about the human drama of health care that nobody seems to really be talking about.

When I was out at my 17 town hall meetings in my district this summer and people were complaining about this health care bill and who was going to benefit from it, I would always bring them back to the human side of health care. I would talk about my nephew's 18-month-old son, Tucker Wright, who lives in Malcom, Iowa.

Tucker was 18 months old when he was diagnosed with liver cancer. He had two-thirds of his liver removed. He faces a very uncertain medical future. The medical costs, as you know better than anyone, Dr. KAGEN, were astronomical from that surgery and from the followup and from the constant

monitoring that has to be done on a young patient with such a serious medical condition. He is almost certain to get another form of cancer before he reaches the age of 18.

His parents are the classic example of what we want responsible adults to do. They are both employed in full-time employment. They had health insurance coverage. But with a lifetime cap on benefits in most private health insurance policies available now, his parents are locked into jobs that they cannot leave. If they do, under our current health care delivery model, they will be denied future payments for his health care needs, which are enormous, because of something called pre-existing condition exclusions.

It's more than that, because I have attended fund-raisers for this adorable little boy, because even with good health insurance, they have tens of thousands of dollars of uninsured and underinsured health care needs. You have seen that human drama play out, and I would like you to talk about the toll that that takes on the families that you cared for in Wisconsin.

Mr. KAGEN. Well, I will tell you about Brandon Rudie, who is a 2-year-old who, through no fault of his own, accidentally fell below the lawnmower of the father cutting the lawn. They busted through the cap. They stand to lose not just their jobs but their home. We had a bake sale to try to come up with money for Brandon, who lost much of his face and some facial structure. He is going to have to go through a lot of surgery that this family cannot afford.

The days of having bake sales to pay for a child's health care needs must come to an end.

I yield to Mr. KLEIN from Florida. Thank you for joining us.

Mr. KLEIN of Florida. Well, it's my pleasure to join my colleague from Iowa, Mr. BRALEY, and Mr. MURPHY from Connecticut and Dr. KAGEN. We have been doing this now for a couple of years together and it's an honor to represent our respective communities.

I am from Florida, a wonderful place to live, great place for retirees to come. As you know, a lot of people retire to Florida or retire to other places, and they know that they have got Medicare.

Medicare was something that was set up many, many decades ago, and I think just about every American wants Medicare because they know they have got security. They have got the security to know that they are not going to fall into a situation where, as an older person, that they are going to have a medical expense that will be out of control. They may have a nest egg they have put aside after all those hard years of work.

When Medicare was originally set up, it was set up as a way to cover hospitalization and significant medical costs; it was doctors and providers and

things like that. What happened that's a good thing over the years is we have got some tremendous scientists and medical researchers who have come up with some really good prescription medications that keep people healthy and keep people alive longer, and that's a good thing. We have to thank the great companies and great people in the United States that make our pharmaceutical industry the envy of the world.

However, the problem, the down side of all of this goodness, is the cost. Unfortunately, the cost has just gotten out of control, out of control for private businesses who have to pay for it as part of the medical plans, out of control for Medicare and for anybody who has to provide, to buy their medicine.

As a matter of fact, there was an argument a couple of years ago about you shouldn't be able to buy your medicines from Canada. What absurdity. Many times it's the same medicines that are produced in the United States, sold to Canada, and you can buy it for a lot less. We all understood that. We tried to fix that. The previous administration didn't allow us, but that's obviously being fixed now.

One of the things that was passed is the part D part of the Medicare prescription drug plan, and it's called the prescription drug plan because people who are Medicare patients can now get a prescription drug plan that can cover a lot of their costs, and that is really a lifesaver.

I take some of these pharmaceutical products. I have got a little hereditary problem with cholesterol. I take Lipitor, which many people do. I will mention it by name because it is what it is. My father, who is 80 years old, he is really a wonderful man and still plays tennis three times a week, but he takes Lipitor. He has blood pressure—these are the things that keep him alive today. If he didn't have them he probably would maybe had some serious illness.

But the problem when the Medicare prescription drug plan was constructed is they created something in the middle called the doughnut hole. For those people who pay a few thousand dollars of medical expenses or it's counted up to a certain point, at a certain point they have to pay 100 cents on the dollar. If you have chronic medical problems—and there are a lot of our senior citizens that do—all of a sudden they go to the pharmacy and they have to pay \$160 for this and \$640 for that, and all of a sudden thousands of dollars out of their pocket.

You know, the story you just told about the young people who have had their serious illnesses, what about those senior citizens in our hometowns that are making decisions about medicine or food or a mortgage payment or medicine? That's not where this country should be.

Good news, good news. In the bill that's being proposed right now, we are going to phase out this doughnut hole, reduce it in size and allow people from day one to buy medicines at a lower cost and eliminate it eventually. It's very expensive to do, but it has to be done over time.

Originally, the way they talked about this was it was going to start in 2015 or 2020. Great news. Last week, it's part of the whole discussion, the bill is still a work in process, but many of the things that many of us have been fighting for—I have been fighting for this, I know, as my colleagues have from day one of getting elected—was helping close the doughnut hole. The good news is we fought and we just now got an agreement in the House that on January 1 of next year we will start that process of closing the doughnut hole and reducing those out-of-pocket prescription costs for our seniors.

It makes you feel good because this is something that I have heard from so many people and, you know, I know my own dad and his costs, and he and his wife hit that doughnut hole. This is real. If we can do whatever we can to keep people out of hospitals and having a peace of mind and quality of life, that's exactly what all of this is about.

Mr. BRALEY of Iowa. I think one of the things we have been talking about is how you put a human face on complex health care policy. When we were out in our districts, we got a lot of feedback about the public health insurance option and people saying don't do anything to disrupt our private health insurance system.

I had a recent meeting with a young woman, 20 years old, Hannah Rodriguez is her name. She is a student at the University of Northern Iowa in my district. She sat down to interview me, and one of the first things I noticed about her is she had a cleft palate, 20 years old in the United States of America. She was so excited because she said she was soon going to have her final surgery to fix her cleft palate.

I said to her, Well, what's taken so long for you to get this surgery? She says, Well, my mom and dad don't make much money and they have been saving up money to have this surgery done. I said, Well, why isn't this covered under your health insurance? Your folks have health insurance, don't they? She said, Yes, but this is considered cosmetic surgery.

Think about that. A young woman, for 20 years, born with a birth defect, just like cystic fibrosis, just like cerebral palsy, all of which are covered under a regular health insurance policy, and this young woman has been struggling with this for 20 years. That's why we have to fix this broken health care system.

Mr. KAGEN. Thank you, Mr. BRALEY.

I will summarize by saying that we are working hard to fix what's broken.

We are going to improve what we already have and make sure that it's at a price we can all afford to pay. What kind of nation, what kind of nation would we be if we didn't take this positive step forward?

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Mr. Speaker, it is a privilege to address you on the floor of the House. I have the chance to do so, perhaps, with some people that have expertise in the subject matter that I heard just go through my ears a little bit ago, and that would be where do we save money when it comes to this cost of health care in America?

I listened to the gentleman from Iowa (Mr. BRALEY) talk about 17 to 28 billion in added costs of preventive medicine. Preventive medicine. When I first heard that, I actually misunderstood his point. I thought surely he was talking about defensive medicine, but, I am sorry, it wasn't the case. It was preventive medicine.

This amorphous target of how you save money on health care by watching your diet and being physically fit and getting regular checkups, yes, that's important. But his discussion of \$17 to \$28 billion multiplied across 10 years, actually, when you look at it, it pales in comparison to the overall costs that are included in the lawsuit abuse in the health care in America.

I will submit these numbers, that the lowest number that I find is that the costs of medical malpractice, Mr. Speaker, and the liability insurance and the defensive medicine that definitely takes place so that doctors can protect themselves from lawsuit abuse adds up to a number of something like, a lowest number is 5½ percent of the overall health care costs. The health insurance underwriters put that at 8½ percent of the overall costs. That's \$203 billion a year, and this is still a low number. If we take Mr. BRALEY's analysis and multiply it times 10 for the 10-year life of this bill, that comes in to over \$2 trillion, the costs of the defensive medicine that's taking place and the funding that goes into the pockets of the trial lawyers.

I talked to an orthopedic surgeon who had told me that 95 percent of the tests that he runs are unnecessary, that his diagnosis actually will apply. It will be there, but he has to protect himself for that 5 percent that he may need to be right. But the 95 percent are there, money that's wasted, he said completely wasted, in order to protect him from lawsuits that come from trial lawyers.

It's interesting that a trial lawyer would come to the floor of the House of Representatives and talk about the

value of preventive medicine but not the cost of defensive medicine. That's a subject that I will never hear defended on this side of the aisle. If anybody over there would like to ask me to yield, I would be happy to take this up how many trial lawyers might be in that large caucus that has a 79-vote advantage over Republicans and still wants to blame Republicans for their socialized medicine bill not being passed in the House of Representatives.

Those are the circumstances and the facts, Mr. Speaker. Actually, I believe it's a 78-vote advantage, and it lets the Speaker be able to have 39 votes to take a walk and still have 218 votes to take a socialized medicine bill.

Now, you would think that if you had roughly 80 people swirling around over there that are extra over the number of Republicans, you might be able to turn your sights on the people in their own caucus, Mr. Speaker, and resolve this issue, instead of coming back here to the floor as the gentleman did, Mr. MURPHY, and point his finger at Republicans and accuse Republicans of not having solutions.

Oh, yes, we have solutions, Mr. Speaker. We have many solutions. In fact, I have in my hand here the health care solutions, not just from the Republicans, just from, oh, a little more than half of us, the conservative Republicans that are members of the Republican Study Committee. This report was produced by the Republican Study Committee, and the chairman, of course, is TOM PRICE of Georgia, a medical doctor himself and a lead thinker and a real national voice on health care, along with many of the doctors that we have in our caucus.

I looked down through the list of legislation that has been offered by Members on the Republican side of the aisle, and I see my name there, yes, but I also see names such as Mr. ISSA of California, Mr. FORTENBERRY of Nebraska, Mr. STEARNS of Florida, Mr. LATTA of Ohio, Mr. ROYCE of California, Mr. SCALISE of Louisiana, Dr. GINGREY of Georgia, MARSHA BLACKBURN of Tennessee, and KENNY MARCHANT of Texas. It goes on and on, the mountain of legislation that has been introduced by Republicans.

It's quite interesting that another gentleman from Georgia this morning, Mr. DAVID SCOTT, made the allegation that Republicans had no solutions. Well, Mr. PRICE followed him over to the side of the floor and offered to give him this stack of Republican solutions. He smiled nicely, but he refused to take it. Now, we don't always get a nice smile from the other side, but they refused to accept this whole stack of ideas. This is just a list of ideas. This isn't bills. These are a list of ideas. These are pieces of legislation that Republicans have seen fit to put into language for law and introduce into the CONGRESSIONAL RECORD and

seek to get it passed into committee and try to offer these health care solutions as amendments to the overall markup of H.R. 3200, the bill that is the House version of this national takeover of our health care, or at least the framework to do so, Mr. Speaker.

□ 1945

So, it is something the American people need to see through. I can express frustration. I can speak from facts and I can speak from a level of experience being engaged in this debate. The American people, Mr. Speaker, need to focus on what is true and what isn't; what is honest and what is just; and what is, I don't want to describe it as dishonest, I will describe it as political hyperbole designed to reach a conclusion that I don't believe is in the best interests of the American people.

So I come to the floor this night to raise this issue and to enlighten I believe yourself, Mr. Speaker, and in the process the American people. And I will start out again, take us to this Medicare issue that was brought up by the other side.

Now, their argument is that there are billions of dollars to be saved in Medicare. And so they only want to cut Medicare by half a trillion dollars, \$500 billion in cuts to Medicare, and they will argue that Republicans want to raise the fees on payroll in order to fund Medicare if we are not willing to slash Medicare to our seniors by half a trillion dollars.

I recall watching a spokesman for the AARP on television one day arguing that, well, that half a trillion dollars in cuts to Medicare really isn't that much money. It is a small percentage of the overall layouts. Half a trillion dollars. What could they possibly be getting that would offset a half a trillion dollar cut directly to their members?

Here are some of the places that these cuts come from: \$133 billion, and now the most recent number that came out within the last few days is actually \$162 billion, cut from Medicare Advantage. A lot of those people are in my State, Iowa. Of course, they are senior citizens, and they want to have some extra options and they are willing to invest in Medicare Advantage. But since this is the only component of the Medicare program that actually has the private sector engaged in it, which keeps the costs down, the Democrats want to scrap Medicare Advantage.

They seem to despise free enterprise and despise economic competition. So this \$133 billion apparently has grown to a minus \$162 billion right out of the pockets of our seniors, taking away their Medicare Advantage, killing the rest of it after they have already landed a severe blow on this year.

Here is a minus \$128.8 billion from our hospitals. I don't have any hospitals that tell me they are being overpaid in Medicare, and I don't expect if

I did have they would tell me that. But I can tell you the national number for Medicare reimbursement rates is only 80 percent of the cost of delivering that service—80 percent of the cost.

Now, some of these doctors and nurses and health care practitioners are actually in business for a profit, Mr. Speaker, and I don't begrudge them that profit. I hope there is competition, and the more profit they make, the more competition it is likely to attract. Some of these hospitals are for-profit hospitals; they all are not. So we can't begrudge them that profit. That is what has driven the United States of America.

In fact, over in my desk at 1131 Longworth there is a stack of flash cards in there that are produced by USCIS, the United States Citizenship Immigration Service. They are laminated glossy cards with a red background and pictures on them, and they are there so, let me say, naturalizing Americans that seek to pass the naturalization test to become American citizens can study on these flash cards the things they need to know.

For example, Who was the father of our country? George Washington. It has the question on the front side, George Washington on the back side. Who saved the Union in the Civil War? Front question. Back side, Abe Lincoln.

Question, What is the economic system of the United States of America? Flip the card over, answer: Free enterprise capitalism, Mr. Speaker. I mean, that is like the simplest no-brainer question for the economy of the United States that we require of anyone that wants to naturalize to become an American citizen in this country; they have to know it is a free enterprise system.

Yet we have people in this Congress that are constantly assaulting the free enterprise system. We have seen the nationalization of one-third of our private sector just in the last one year, one-third, according to The Wall Street Journal. And this health care industry, one-sixth of our overall economy, perhaps another 18 percent. If you add those together, we are very close to if not exceeding over half of our economy being nationalized, meaning a Federal Government takeover of management and running the show and calling the shots and freedom disappearing, all of that within, what, a year or a year and a couple of months, Mr. Speaker?

It is appalling to think that we have had an all-out frontal assault on free enterprise while at the same time we are testing our immigrants who want to become Americans to make sure they understand that this Nation is for free enterprise, that that is the basis of our economy. It is appalling. It is ironic.

It is disingenuous to take this attack against the free enterprise system in

America and go against Medicare Advantage, the only free enterprise component of Medicare, to knock all of that out, which is what they propose to do in H.R. 3200, and go after our hospitals and ding them for \$128.8 billion, when many of the hospitals and many of the hospitals that I represent are taking a high percentage of Medicare patients, and every time they take a patient, they know that they are losing money, and it has to be picked up somewhere else or they can't keep their doors open. So it requires cost shifting, and that is where we get the medical costs that seem out of line.

Then you can go on down through the line. Cutting home health care by \$56 billion. Cutting Medicare Commission, \$22.2 billion. Cutting Medicare Improvement Fund by \$22.3 billion. Part D, \$19.8 billion. We will be down to aspirins in no time. Skilled nursing facilities, \$14.6 billion. Cut part B schedules, except for physician services, \$23.1 billion. You go on down, CMS, innovation center, hospices, accountable health care organizations; \$800 million out of the power wheelchairs component of that. That must be MCCASKILL out of Missouri. And comparative effectiveness, \$300 million. The list goes on. Medigap \$100 million.

This stack here takes us up there in the neighborhood of \$500 billion cut out of Medicare. And what do we hear from the other side? "Well, we are always going after waste, fraud and abuse." "There will be always be abuse," I heard a gentleman say, "so we are going after the waste and the fraud."

Are we? If they know where the waste and the fraud is, rather than pointing to categories, tell me. Tell me, Mr. Speaker, what is it that is going on in Medicare in my State, in my hospitals and the clinics in my district, that is waste, fraud or abuse, when they are receiving on the national average 80 percent of the cost of delivering that service. I don't have anybody in my district that is making money off of Medicare. But Iowa is the lowest reimbursement State in the Union, and that is the biggest reason why.

So we have the lowest reimbursement rates in the entire United States of America. We rewrote that bill in 2003, and Iowa got a little better off. They climbed a little bit up out of that 50th in the Nation for reimbursement rates for Medicare. They closed the gap a little, but we never got up to 49th.

Who was number one in the Nation at the time in reimbursement rates for their citizens? Louisiana. Who got the most per capita out of the entire 2003 Medicare rewrite legislation and the prescription-drug component of that? Louisiana.

We look across this country, and Democrat after Democrat says "there is waste, fraud and abuse in my Medicare." Well, maybe it is in yours. It is

not in mine. But you want to cut mine, not yours. You will defend those reimbursements to your districts. You won't let us adjust those rates. You have a little package over there which I support, and I have worked with some of the people on that side of the aisle, and I appreciate the effort they put in. They deserve more of the credit than I can certainly take on this, although I did write some language into the 2003 bill that allowed for consideration for cost and quality.

But this is supposedly a component of a negotiation that we will get, and that number is something like \$8 billion that would be rolled back in to help compensate cost and quality. But it is pretty vague. You can't get your fingers on it. The language isn't there. We don't really know whether it is cost and quality or whether it is demography and geography. I mean, that is the question now. If it is going to be demography and geography, that is what Democrats usually want to do.

So I suspect that they want to change the rates so that people that live in their chosen areas that meet their demographics will get a higher reimbursement rate. And I can only conclude that that means that they will target minorities and inner cities. And I think that every American should be considered as one of God's children, regardless of what their ethnicity or national origin is and regardless of where they live.

So, if you take that off the table, and I sure would like to because it pits Americans against Americans and causes some people to focus on skin color instead of the content of our character, but if we could take that off the table, it is still geography, and they will define the demography that gives them the advantage. They will still take away our Medicare Advantage and decrease and gain themselves an advantage to their constituents, without regard to justice and equity.

Now, justice and equity would look at this and conclude that the States with the lowest reimbursement rate should be in a position to get the greatest bump up. But even if that is not the case, what if it would be the States and the locales and the metropolitan service areas that had the best cost and quality ratios in America? Who ranks number one in cost and quality? And shouldn't we reward the people that produce the best product for the best value?

Now, my State will rank in the top five in every broad health care results analysis that comes out. Every objective, broad health care results analysis that comes out, I will be in the top five. Sometimes we are number one in some categories, and sometimes it moves across the spectrum. But they will be in the top five in quality because of the result that they get, because a lot of people that are there put

their hearts and their heads and their souls into this and their backs and their hands and all their know-how and resources, and they get a good result.

So that is the quality. But they are rewarded with the lowest reimbursement rate in Medicare in the Nation. So they get a low cost, because they aren't being paid for the service that they are providing. They produce a high quality anyway. And I am saying that we need to recognize the best cost and quality combination in America and reward those.

If you want to go out and find a half a trillion dollars in savings in Medicare, don't come to my State. Don't come to my district. We are producing the best combination of cost and quality in America. Go to those places then where Medicare reimbursement rates are high and results are low and advise them that they are going to have to get their standards up, but you are going to reduce their reimbursement rate, if that is your determination, to take half a trillion dollars out of this. That is my suggestion.

This is the chart. This is the reality. To cut Medicare and argue that there is waste, fraud and abuse everywhere, slash it across-the-board and starve the people that are doing the best good for the least amount of dollars is unjust, and there is no equity there for anybody involved, not the providers, not the practitioners, not the patients, not the senior citizens in this district that I represent, which I believe is the most senior congressional district in America.

The Fifth District of Iowa and Iowa itself has the highest percentage of the population over the age of 85. And then of 99 counties in Iowa, 32 of them are in my district, and in that 32 county district, we have 10 of the 12 most senior counties in Iowa. So, 10 of the 12 most senior counties in Iowa in the most senior State in the Nation results in, I believe, the most senior congressional district in America. And we are looking at a half-trillion dollar cut across this country because some people have to figure out a way to pay for this \$1 trillion to \$2 trillion bill.

Now, this takes us to this conclusion that was drawn by President Obama while in debate with Hillary Clinton in the presidential primary process last year, in 2008. And I think it was a given that going into this presidential contest on the Democrat side, Hillary Clinton clearly owned the field as far as knowing her health care issues. And here is a point as to why I say that, Mr. Speaker.

She produced this for America, working in conjunction with her husband, Bill Clinton, who, by the way, came to this floor and spoke from this well on September 22, 1993, to plead with and entreat a joint session of Congress, House and Senate Members and the galleries full, to adopt his concepts and

write into law a national health care act that would completely take over at that time one-seventh of the U.S. economy. And Hillary Clinton was instrumental in that.

□ 2000

She held the meetings and put together a bill. Some were closed-door meetings. That sounds a bit familiar these days. I remember my frustration at the door being closed with Hillary Clinton and a big table full of people who were sliding papers around, arguing and hammering out the destiny of America. I have always had an aversion about turning people loose to go make decisions for Americans or Iowans behind closed doors.

I recall a policy that needed to be handled when I was in the Iowa Senate. They appointed six Democrats and six Republicans; the 12 apostles, I called them. They put themselves in a room and closed the door. They all swore an oath that they wouldn't talk about the product they were working on until they all agreed to come to a conclusion and sign off on this document, and then that's what they did. One of my close friends was in that room and would not utter a word of what was going on, what was being negotiated inside that room, and of course I didn't pry very hard because I respected his integrity.

But you know what happens, Mr. Speaker, when they meet behind closed doors, when they meet in secret, when they appoint themselves as the people that are the—how shall I say—the sole repository of wisdom inside the room when they close the door. They come out. And once they reach a consensus inside the room, they produce a document or a philosophy, and they all sign off, either in ink or verbally, and they go out and stand together behind the microphones. Then they say, We have produced the best product possible. We've had the right brains in the room, and I am really optimistic about what we've done. This is the right thing for America or Iowa or whatever group it is that they're seeking to impose this policy on. And invariably they will say, Don't amend this because if you do, this perfectly balanced specimen that we have would be knocked out of balance, and it won't be able to function properly.

It actually reminds me of former Secretary of the Treasury Paulson when last year, on September 19, he came to the Hill and asked this Congress to write him a check for \$700 billion. His response to us and his presentation to us was, I've been looking at this for 13 months. You've only been looking at it for 24 hours. I have thought of everything. Whatever you think of will knock it out of balance. Don't try to amend this. You will destroy the overall product. This is a perfectly balanced vehicle.

Well, it doesn't take much to perfectly balance a vehicle when it hap-

pens to be not a blank check but a check for \$700 billion, signed by the American taxpayers and borrowed from the Chinese to be paid with interest and principal by grandchildren yet to be born. Those were about all the details that were in there, and I had to write some in myself as I speak about it; not in the language itself. That's what came out with the \$700 billion TARP piece.

By the way, the Wall Street Journal came out today with some regret that they supported that \$700 billion. Now they would like to see the plug pulled and the money paid back to the American taxpayer and no more doled out in the fashion that it was. That's an inside-the-closed-doors rush to judgment. And right now we've got behind-the-closed-doors negotiations taking place in the House of Representatives, in the United States Senate; people frantically negotiating at different stages with doors closed. Maybe three Senators over on the Senate side right down that hall, Mr. Speaker. A few more House Members maybe.

I've talked about some of these things that are ironic, but here is the irony: As President Obama was campaigning—and I will have to circle back to the Hillary issue in a moment. But as President Obama was campaigning, he said that he would open up unconditional negotiations with Iran. That meant to a lot of us, Mr. Speaker, that we envisioned Barack Obama sitting down across the table with Ahmadinejad or the Mullahs and maybe asking them if they would just be nice people and shut down their nuclear weapons operations.

Now aside from how that makes the United States look and how it rewards people for threatening Israel and the United States, aside from that, Mr. Speaker, it seems ironic to me that the President is meeting with people like HARRY REID, NANCY PELOSI, a handful of Democrats, and they're crafting legislation behind closed doors, yet he's not willing to sit down with people like MITCH MCCONNELL, JOHN BOEHNER and ERIC CANTOR. What is it about that, Mr. Speaker, that the President of the United States would announce that he's willing to do unconditional bilateral negotiations with Iran, Ahmadinejad, because he is the boss there. If you will remember, he won an election, an election supported by the White House—or the result, at least, supported by the White House. To sit down with Ahmadinejad potentially or the Mullahs but not the leaders in the Republican Party or the leaders on the health care issue—and we have many on our side—is a real irony. I was about to make the case that during the campaign, Hillary Clinton made the argument that her version of health care—now it wasn't exactly this. She had some alterations because 14 years have gone by, and we know that the shape of

this body isn't the same that it will be after 14 years of wear and tear. But this is the 14-year-old, now 15-year-old flow chart of HillaryCare.

I believe that her background in this is what drove President Obama into taking positions on health care that now he is seeking to sustain in the same way that he's seeking to sustain his Executive Order that closes Gitmo, Guantanamo Bay, on January 22 of next year. The difficulty of accomplishing such a thing looms now over the Justice Department in an imposing dark cloud, a hasty Executive Order, a policy in health care that was hammered out in the face of, I'll say, persistent, skillful debate on the part of Hillary Clinton. But this is her plan. This is from the New York Times back in '93-'94, shortly before Senator Phil Gramm stood down that hallway on the floor of the United States Senate and said, This plan passes "over my cold, dead political body." A lot of people thought that Phil Gramm was wrong, that this health care bill couldn't be killed. Phil Gramm wasn't the only one lined up to kill it, Mr. Speaker. There were many of us that did, but he was a man that was in the lead. He was one of the generals fighting this war to fold this scary flow chart and end the effort to take over what was at that time one-seventh of our economy. He inspired people in the House, people in the Senate and people all across America with his belief and conviction that this could be killed.

So this scary flow chart, this thing that I've said a number of times scared the living daylight out of me when it showed up in the paper, and I ended up with a laminated chart. And I do think it's someplace in my archives. But I hung it on the wall in my construction office in that '93-'94 era, and it stayed there all the way through the nineties. When I got to wondering about government and how I was going to keep a construction business operating in the middle of the tax increases and the changes in regulation and the burden that I had of government, I would look at that chart, and I would see that it had been buried by the leadership of Phil Gramm and others and by the American people, it gave me great heart that the common sense at the core and the heart, soul and conviction of the American people prevailed over this scary flow chart, which is a complete takeover of the health care system, and almost every one of these boxes would have become and our future would have been these proposed organizations, proposed agencies.

Now we have a new flow chart, not the 1993-94 version. Fifteen years later, we have the 2009 version. Mr. Speaker, if you observe this, the white boxes are existing entities out there. Here is the private sector entity, private insurers. Here are the traditional health insurance plans that they produce. You can

go on around and see what exists along here. The Office of Civil Rights is there. The Office of Minority Health is there. But there are at least 31 new agencies and now, on a more careful inspection, it grows this up to more than 50 new agencies created by H.R. 3200.

This is a scary proposition. HillaryCare, scary in black and white, was scary enough to scare some of us into public life. It didn't scare me out of the private sector because this was killed. It was killed by the American people; but it helped motivate me to come into public life. I wonder if that had not been proposed to the American people whether I would be standing here opposing this or even in the United States Congress today. This takeover now of one-sixth of the American economy is a scary proposition. This takeover of a good share of our freedom, the freedom to buy the health insurance policy of our choice, the freedom to move to another State if we don't like the accommodations and the regulations that we have, the freedom to go without health insurance if we chose choose to do so, the freedom to take our risk and then be able to accept the profits that come from that, and pay the price if we take the risk.

Here are the few premises that President Obama has hung his hat on as a means of counteracting the very active and informed health care approach in the primary that Hillary Clinton mounted. He was forced to take a position on health care, so here are the two conclusions that he drew. One is, we spend too much money on health care. We have to fix that. The other one was, we have too many uninsured. We have to fix that. So somehow they've morphed along and have gotten away from the idea that, you know, there are rights and there are responsibilities. It seems to be that the point that they would like to make is a point that you're more likely to hear of in Western Europe than you are in the United States of America, and that is an argument that people have a right to a health insurance policy. The policy. I mean, everybody has access to health care. It may not be the best. They may go into a public health clinic. I know some awfully good practitioners there that have committed themselves to working in that environment, and I see high-quality care when I walk into those in my district. So maybe they go into a public health clinic. Maybe they walk into the emergency room, and it does run up some costs. But everybody has access to health care in America. Whether they have a dime, whether they have \$1 billion or whether they're in the hole and they have a negative net worth, they have access to health care. That is not the issue.

So they make a new issue which is too many uninsured. I will go to that chart in a moment. But I want to make the other point and it's easier to make,

and that is President Obama's premise that we spend too much money on health care in America. You can argue that, and you can debate it. We're at around 14.5 percent on up to maybe more than 16 percent of our GDP is spent on health care in America. They'll point to numbers that show that about 9.5 percent of the GDP of the other industrialized world is spent on health care, some above, some below that number. Well, you know, this is all in the eye of the beholder. Those that are receiving this health care that need it, the lifesaving procedures, they will tell you that it is worth the price. But I won't belabor that because we get into anecdotes to no end. I will just say this, if President Obama is right—and I am not conceding that point. But if he is right, for the sake of conjecture, I would make this point. His solution for spending too much money on health care is, spend more. Spend \$1 trillion to \$2 trillion more on health care, and then somehow it magically fixes the problem of spending too much.

You heard the words from one of the gentlemen that spoke in the previous hour. It's counterintuitive. It's kind of hard to rationalize. Well, it is. It's not just counterintuitive. Mr. Speaker, it's completely illogical to make a point and take a drive for the presidency and seek to impose upon the American people through the leverage and the majorities in the Congress, the Pelosi majority here, the Harry Reid majority down that hallway, a \$1 trillion to \$2 trillion health care plan. Because we spend too much money, now we'll spend \$1 trillion to \$2 trillion more.

And now one of the President's moving targets—I feel like a cat chasing a ball of string here—but one of the President's moving targets now is, Well, it's got to be under \$1 trillion, in the \$900 billion range. So write me a bill that does that because we can't take the political hit of something that's over \$1 trillion. So they brought the doctors fix to the floor of the Senate the other day, and the doctors fix was \$247 billion to try to fix the adjustment rates for our doctors that are underpaid in some of these cases. It failed on the floor of the Senate, and 13 Democrats voted with Republicans. How can this be? That was a way to take that \$247 billion out of this government health care bill so that the bill didn't go over \$1 trillion. If they would have passed that, the doctors fix wouldn't be a part of it, they wouldn't have to put it in there, and they could keep it all under the \$1 trillion category. We're really here with AARP making a public statement that \$500 billion is a very small percentage of the overall outlays, and they can take a hit and have their reimbursements reduced in the category I showed in this chart earlier, by \$500 billion, and still their hearts are cold.

How can they do that? I have a chart here that shows me a little bit about why AARP might do that. A couple of points here. One of them is that there is a section in H.R. 3200 that would exempt Medigap policies from new limits on preexisting condition restrictions.

□ 2015

Well, AARP's Medigap insurance, which they sell and which they collect a good deal of premiums on—and it's the lion's share of the profits that AARP makes—continues to deny Medigap claims to individuals with serious health conditions. There is a preexisting condition clause written into Medigap policies, and H.R. 3200 would preserve the preexisting condition component for AARP. So I presume that is one of the reasons AARP can watch \$500 billion be cut out of Medicare as long as they preserve their preexisting condition component of their Medigap insurance, which is so they can stay in that business.

There are several others on the list, but that's the easiest one to understand.

The President wants to solve a problem with spending too much money by spending more—\$1 trillion to \$2 trillion more. The Democrats in the Senate, HARRY REID, sought to blur that and sought to exempt the doctors fix so that they could keep their, I'll call it, socialized medicine bill down below \$1 trillion. The \$247 billion piece of legislation that dealt with the doctors fix independently was shot down in the Senate, and it could not receive a majority vote.

So let me get that other part of the President's position illustrated, Mr. Speaker.

This is the other position of the President's. The first, remember, is that we spend too much money. Therefore, we'll spend more. It's not logical because it's not logical. Here is the other one. We have 47 million uninsured in America—too many uninsured. Thus, we must insure them all because people on this side of the aisle believe that having your own health insurance policy is somehow intuitively withdrawn from the Constitution as a right that comes down from God, that flows through the Declaration of Independence, that shows up somewhere in the Constitution and maybe in the Bill of Rights, and that now they can divine that and hand that over to everybody in America, legal and illegal, no matter who you are.

I know that there are a good number of Democrats who have actually endorsed legislation that says that every human being in America—every person in America, would be the language—has a right to one's own health care, to receive it for free and that health care practitioners will be salaried employees who are working for the government. That would be a 1981 bill that I

happened to read the other day, introduced by Ron Dellums and JOHN CONYERS. JOHN CONYERS is still here, and he's still pushing the same kind of issues.

This is the 47 million, Mr. Speaker, the 47 million who are uninsured. Now, that's the highest number that anybody defends. We could take this on down to, maybe, 39 million, but here is how you do the math:

These two categories right here are illegal aliens and immigrants. Add those both together, and it comes to 10.2 million. They're not part of the 47 million. They're not part of the people who, I think, we ought to impose upon taxpayers to fund their insurance.

I want to take illegal aliens and immigrants out of this equation of those who would be handed gift-wrapped health insurance policies. I want to subtract from that list the Americans who have the means to provide their own insurance. Those Americans making over \$75,000 a year can find ways to write checks for their health insurance premiums. They don't. Nine million of them who are making over \$75,000 a year don't.

Here, this is 9.7 million who are those eligible for a government program but who are not enrolled—mostly Medicaid. They don't bother to sign up. Why would they sign up for another program if we hand them silver-plattered health insurance policies? All they have to do is walk in and sign up, but they don't—9.7 million.

Here are those who are eligible for employer-sponsored insurance but who are not enrolled—6 million. Hmm. They told their employers "I don't want it" or they don't bother to sign up.

Now, all of these people who I've described are the people who, I don't believe, the American people want to hand silver-plattered, gift-wrapped health insurance policies. For the ones who are left, we do have some compassion. Those are the Americans without affordable options. That's 12.1 million people. They are the Americans without affordable options.

Right before I yield to the gentleman from Texas, I want to show you what it looks like when you look at all of America. This is 47 million. This is 47 million in America's population. Here we are. Eighty-four percent are with health insurance. This is 306 million Americans in this circle.

These folks in these categories here are the ones who I say I don't want to insure and that the Americans don't want to insure—illegals and those with the money and those who are already qualified, et cetera.

Yet, as to this red sliver here, this tiny, little piece of the pie, that's 12.1 million people. That's less than 4 percent of the overall U.S. population—Americans without affordable options. Now, it would be nice to help these people. I'm open to doing some of those

things, and we've got some proposals here on the RSC's list to do that.

Yet the real bottom line is that Democrats and the President, behind closed doors, are putting together a policy that they want to ram down our throats which will maybe reduce this 4 percent number down to 2, but the price would be to transform completely 100 percent of the health insurance industry in America and to start down the path of a complete transformation of 100 percent of the health care delivery system in America. It's the best health insurance system in the world. It's the best health care delivery system in the world.

We have a whole list of fixes, some of which we've passed out of this House but which were blocked by the trial lawyers and the Senate in the last few years. It's the Republicans who preserve your free enterprise; it's the Republicans who preserve our freedom, Mr. Speaker, and it's the Republicans who will reduce these costs in our health care and who will reduce this number of 4 percent slightly, not by a big amount, maybe by a percent or so or two. That's about half. All of this is coming out of the lists here of the Republican Study Committee and of the list of the 10 things that I carry around in my pocket which are the solutions that I propose.

So, Mr. Speaker, I recognize that the most tenacious, resilient and, perhaps, entertaining Member of the United States Congress, who is from East Texas, is here tonight. Whenever I see Congressman LOUIE GOHMERT on the floor, I want to hear what's on LOUIE's mind.

I'd be so happy to yield as much time as he may consume to the gentleman from East Texas, Mr. LOUIE GOHMERT, the judge.

Mr. GOHMERT. Thank you, and I appreciate the gentleman, my dear friend from Iowa, for yielding.

It is interesting when we talk about people who do not have coverage. As my friend from Iowa knows, earlier today, there were a great many 1-minute speeches given by Republicans and numerous 1-minute speeches given by Democrats.

A Democrat, whom I happen to like a great deal—he has always been most gracious to me—gave a 1-minute in which he pointed out that he had a friend who had called a doctor's office, seeking help with a medical problem.

The doctor's office asked the question, Do you have health insurance? He responded that he did not.

They said, Well, we will see you, but you'll need to bring \$250 to pay for the visit and treatment, to which he responded, as I recall, Look, I'm not from this country. I don't have \$250.

The doctor's office responded, Well, then you'll need to go to the emergency room.

So this individual is going to get health care, is going to have it pro-

vided. Obviously, somehow this person got into this country, and we don't know if he was legally here or illegally here. My friend across the aisle, my Democratic friend, said that's why we've got to have this universal health care bill. That's why we've got to pass this so that people like his friend could have health insurance and could be covered and would not have to go to the ER to get, apparently, his free care.

Well, that, I think, really points out a distinct difference between the approaches of the two parties. That is why, even though the Democrats have about 40 votes more than they need to pass any bill they want to, they still haven't got the votes they need, because our Democratic friends have indicated they can't support the bill that has been presented to them. Yet they take the opportunity to blame Republicans. We're not on board.

When you have someone come into this country—and let's give him the benefit of the doubt—who's here legally, he comes into this country and immediately demands free health care? I mean, that's incredible that somebody would have that kind of demand.

I know that, in China just recently, someone from the United States was over there, and required a test. He was required to pay the money up front before he could get his testing. That goes on. China, for example, and Europe have been chastising the United States for squandering money—imagine that.

Here you have the Democratic position that somebody from another country who is visiting here, who is not a citizen, who is maybe here legally or illegally should be able to call up and demand that any doctor in the country he wants to see should be forced to see him even though he can't pay for it. It is amazing to me because, you know, I thought the Civil War was fought and won to show, among other things, that the Constitution did not allow people to become or to be made slaves. That's what would happen to the health care profession if you were to allow that kind of thing. By golly, the heavy-handed government is going to demand that you, Doctor—you who went through so many years of training and education and through all those sleepless nights while working as an intern and as a resident—will be required to provide free health care to someone who just comes into this country.

I was recently with a group that went over to the Middle East. We flew on a commercial airline—that is a long flight—and one of our congressional friends said that the lady next to him seemed well-to-do and that she had commented during the long flight that her husband worked with Hamas. Well, we recognize Hamas as being a terrorist organization, and here she's very cavalier about it. Well, he works for Hamas. During the course of the trip,

she also volunteered that her son-in-law is with Hamas. Eventually, she said they were about to have their second grandchild, and with this grandchild, they were going to do as was done with the first: This daughter who was pregnant was going to fly over to the United States right before the baby was due, at the end of August, and have the baby. She pointed out that their family liked the option of having American citizens in their family. That's why they call them "anchor babies." That would allow them—her husband with Hamas and her son-in-law with Hamas—to come into the United States as an excuse because they're raising an American citizen. So they get visas. They come over here. They have babies. As she pointed out to a fellow Member of Congress, not knowing who he was: Do you know what the best thing about it is? She'll fly home with her new grandbaby, and she won't have to pay a dime.

That's what's going on, and that's what our friend across the aisle was pointing out earlier today that he thinks should go on, that people should be able to come into this country and demand free health care from whom-ever. Most of the people I know on our side of the aisle take the position that this country is such a blessing and that, through this country, we've been the most philanthropic country in the history of the world. We've been able to help people around the world in times of crisis, and we're willing to do so in times of crisis; but if we take on the health care expense of the whole world as much as we're doing with pharmaceutical costs—and we seem to be subsidizing the pharmaceutical costs. If we do that with all of the health care costs for anybody who wants to just come in and get free health care—anybody who wants to at any time anybody wants to—we will bankrupt this Nation. This blessing that we've been handed will not be around to be passed on to our descendants.

You know, we've heard over and over—and I get so tired of hearing it because it's so untrue—that Republicans have no solutions. This is a bill that I've filed. It's a health care solution that, I think, trumps anything that I've heard any of the Democrats point out since we now know from Secretary Sebelius that the President, even though he keeps talking about "my bill" and "my plan" actually doesn't have any bill. He's talking about a set of principles. That was quite a revelation.

Anyway, in my bill, section 301 reads that, notwithstanding any other provision of law, a consular officer defined in section 101(a) of the Immigration and Nationality Act, 8 U.S.C. 1101(a), may not issue or renew an immigrant visa to an alien unless the alien presents evidence, which may be in the form of an attestation, by a sponsoring

employer or individual in the United States in whose household the alien intends to reside who will be responsible for providing the requisite coverage, that the alien and the alien's spouse and children who are accompanying or following to join the alien will be covered by a high-deductible health care plan as defined in section 223 and will be an account beneficiary of a health savings account under such section after the alien's admission to the United States as an immigrant for the duration of the alien's residence in the United States or be subject to removal.

In other words, the long and short of this is, under my bill, we welcome immigrants coming into this country. We welcome them. It has made this country strong. Yet, since it's a matter of national security that we not let non-American citizens bankrupt this country, then in the future, if they allow my bill to come to the floor for a vote, anyone wanting to come in will have to prove that they will be covered, that their health insurance needs will be covered. They'll be met before they get visas. If their health insurance expires before their visas do, they will be subject to removal from the country. That would help provide some sanity.

□ 2030

And I know my dear friend from Iowa was with me when we journeyed to the United Kingdom, over to England, to talk about immigration over there, and we had one conversation with some people with the British Government. And it was a bipartisan trip. There were people from both parties who were there. But a lady, she may have been on their type of Social Security, but she pointed out that before you can receive Social Security in the United Kingdom, they require, as I understood, that you be there paying into their system for at least 5 years before you could get a dime. And one of our friends from the other party was outraged: But that's discrimination based on national origin. You shouldn't be forcing them to pay in before they can receive. That doesn't seem fair. And she very calmly, and with that beautiful English accent, pointed out that, Well, in this country we happen to think it's fair that before you receive benefits from everyone else in the country, you help pay into the benefits pool.

Mr. KING of Iowa. Reclaiming my time, I thank the gentleman from Texas.

I recall that conversation. And just to give a balanced view of this, the lady was with the British Embassy and had a Ph.D. in Africa studies and a delightful intellect.

And I remember in part of that discussion and debate that I engaged with her, she made the statement that she believed that there was more freedom in China than there is in the United States.

"Why would you come to that conclusion?" was my question. And her answer was, "Well, because they have access to health care, free health care, in China."

I don't know that it is free in China, but that's the difference in a British viewpoint and an American viewpoint. We know what our rights are. We established those rights in the matter of wresting our freedom out of the British Crown. They're still under the Crown, so theirs have evolved in a different way. But we received a lot of the underlying principles of freedom. And they are delineated in our Constitution and in our Bill of Rights, and the foundation for them is in the Declaration, the rights that come from God.

So we see rights differently in America than anyplace else in the world, and it's awfully hard to talk about freedom with people who speak English that have a different definition of the word "freedom." So if there is more freedom in China because they don't have to earn their own health insurance policy, I'd say there is less freedom in China because they don't have to. We get to struggle here. We get to try. The people that excel and take personal responsibility need to have an opportunity.

Jimmy Carter would be the person I would quote on this. I don't know if he ever lived by it, but Jimmy Carter once said, and I think it was when he was in Iowa campaigning for the Presidency and establishing the first-in-the-Nation caucus. He said, I believe the people that work should live better than those that don't. That's Jimmy Carter. And I don't know that he lived by it, but I believe those words made a lot of sense. That's why I remembered them.

I yield to the gentleman from Texas.

Mr. GOHMERT. I appreciate the gentleman's yielding.

And I note interesting headlines in the news this evening. For example, one article says, the headline, "Reid Targets Government Takeover of Health Insurance." Another says, "Snowe," talking, I'm sure, about Senator SNOWE, "Rejects Reid Public Option Plan." Another says, "Democratic Senator Lincoln, Public Option a Non-starter." Another headline, "Lieberman Backs GOP Filibuster of the Public Option." Another Gallup poll: "Conservatives Outnumber Moderates."

So these can't be too good of news. This article from Monday says that in an appearance at a Florida senior center during the day, Speaker NANCY PELOSI suggested a new name for the same approach to ease the opposition, talking about the public option. She suggested, "the consumer option." Representative DEBBIE WASSERMAN SCHULTZ, a friend from across the aisle, Democrat from Florida, appearing at PELOSI's side, used the term "competitive option."

The article says, "Critics say that by any name, the approach amounts to a

government takeover of the insurance industry," with which I would tend to agree. This article quotes Senator OLYMPIA SNOWE of Maine, the only Republican to vote with Democrats on health care so far this year, issued a statement saying she was "deeply disappointed" in the approach the Democratic leader had chosen.

But, anyway, it can't be too good of news for ramming this bill down America's throat and forcing us to take care of people who come into this country and immediately demand free health care.

We just have a difference of opinion across the aisle as to how that should be handled, but I also do know that we have friends across the aisle that simply do not believe that that will restore our country's ability to avoid bankruptcy by ensuring and providing health care to the world.

Mr. KING of Iowa. I thank the gentleman.

Reclaiming my time, I know that we are very near the end of this. But, Madam Speaker, the point that I would like to leave you with tonight is this: There was a time just 3 years ago when the American people rose up. They rejected a policy that was being driven through the House and the Senate, a bipartisan policy driven by the President and Democrats and Republicans that was called "comprehensive immigration reform." I called it "comprehensive amnesty." They rose up. They jammed the telephone lines, and they killed that bill.

This bill, this bad bill, affects more Americans. It does not have bipartisan support. It has only Democrat support, and they're behind closed doors. The American people can rise up, Madam Speaker, and they can jam the telephone lines and they can stall the United States Senate and they can do so in the House of Representatives as well. They can convey this message to kill this bad bill so we can start all over with some real solutions, real solutions, among them the list that I have: tort reform, buy insurance across State lines, portability, full deductibility, association health care plans, health savings accounts, transparency in billing, electronic medical records, preserve catastrophic insurance, extend COBRA. That's just the top 10 on my list.

And here's what I'd reject. I would say that if we are going to be able to opt out, as HARRY REID said yesterday, well, I'm going to opt out of this: I'll opt out of abortions. I'll opt out of funding illegal aliens. I'll opt out of the lawsuit abuses that are costing us billions every year. I'll opt out of the tax increases and the Medicaid cuts.

Madam Speaker, I want to kill this bill, and I appreciate your indulgence.

HEALTH CARE REFORM

The SPEAKER pro tempore (Ms. PIN-GREE of Maine). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 60 minutes.

Ms. JACKSON-LEE of Texas. Madam Speaker, let me express my appreciation for having the opportunity to share with my colleagues.

Listening to my good friends who have spent the last hour giving us the reason why, and usually in that question there is a sense of hopelessness and frustration, I rise today to speak of the answer, why not? After some 60 or so years since the 1930s, 1940s, 1950s, and 1960s when America has attempted to travel on the journey of health care reform, why not in 2009?

Frankly, I believe that we can. And as I listened to my good friend Congressman GRAYSON some few days ago on this very floor and he asked individuals who tragically had lost loved ones because of the tragedy, the inequality of lack of health coverage, health care insurance, I join him, and I ask that those who are sick today in America and want to be heard, that they are sick and getting sicker because of no health care insurance, I would like you to write in on my Web site, United States Congress, Congresswoman SHEILA JACKSON-LEE. Let us hear from you. For as we have lost, tragically, those who have passed, those countless families responding to a call for them to express their sadness and to provide us with this information, I know that there are those who are now suffering with their sickness alone because they have no health insurance.

So, today, I rise to the floor to give sort of a summary of a hearing that was held today in Judiciary that allowed individuals to come to that room and for members to listen to them on their stories about those family members that are sick. Yes, some did die, but they spoke of their sickness. And I am delighted but saddened that those stories had to be told. The room had doctors, patients coming together around the question of why not? And if not now, then when? The Congresspersons came from States as far away as Ohio and Texas. They came from Washington, DC. They came from Michigan and Arizona and New York to listen to these various Americans coming from faraway places, as far away as California, to talk about the tragedy of sickness and being alone.

Let me, first of all, start with the obvious question of what happens when America becomes sick? Well, right now we're in the midst of a pandemic of H1N1. It has risen to the level of national headlines. The President has declared a national emergency. In fact, newspaper articles are being written that one in five children will become infected with influenza-type ailments.

So we know that our children are being impacted negatively.

On this past Monday in my own congressional district, I held a hearing with leaders from the public health sector, the private health sector, Ben Taub Hospital, Harris County Hospital District, Harris County Health Department, the City of Houston Health Department, our school districts, community citizens and leaders, who indicated that, as we work with our Government, the Federal Government, here's how you can do better.

But as I was listening to their testimony, I could just think of sick people, in this instance sick with H1N1. And what will my colleagues say if this turned into the raging pandemic where lines and lines of people wrapped around buildings, where people were languishing in their apartments and home because they were sick and could not access doctors?

As a member of the Homeland Security Committee, we were founded and created after 9/11, the tragedy of unpreparedness in some circles. It was defined as people and this Nation not being prepared. So, for example, our first responders who addressed this question, our public health workers, our Public Health Corps here in the United States Federal Government, FEMA, and others were doing what they could do, but they were overcome by the fact that so many people did not have access to medical care.

□ 2045

There were those who might have been able to be cared for who were hesitant to go to a doctor. One, they could not access one, and, two, they didn't have the resources. Maybe they didn't have enough community federally qualified clinics, which is in H.R. 3200. Or maybe they had been denied insurance because they had a preexisting disease and they said they could take care of it themselves. They were on various over-the-counter drugs when in actuality they should have seen a doctor. Maybe they should have seen a doctor at the first signs of the symptoms of this ailment and maybe they could have kept others from being infected. Health care becomes part of a national crisis.

I listened to some challenge to the Constitution about the right to health care. I frankly believe that the Bill of Rights does embrace this concept because the Fifth Amendment suggests the question of due process. And one does not have due process under the Constitution if your neighbor can have health insurance and save his children from the scourge of H1N1, not losing their lives because they might have vulnerabilities as a child, and you cannot.

So, Madam Speaker, everything is intertwined. It is an action and a reaction. As I listened to the hearing, I

made several remarks. This the Monday congressional briefing where Members of our delegation joined us and they listened to the idea or to the fact that H1N1 is more widespread now than ever before. Health authorities say almost 100 children have died from the flu, and 46 States now have widespread flu activity. More than 5,000 people have reportedly died from swine flu since it emerged this year and developed into a global epidemic.

The World Health Organization said Friday since more countries have stopped counting individual swine flu cases, the figures are considered an underestimate. The flu has infected millions of Americans and killed nearly 100 children in the United States. The chief of the Centers for Disease Control and Prevention said Friday that over 1,000 people have died as a result, with 46 States reporting widespread H1N1 activity.

What happens as this is compounded by the millions who are uninsured?

Specifically, in Houston, Texas, there were two swine flu deaths confirmed on Wednesday, October 21, 2009, that have brought the H1N1 death toll in Houston up to 15. The 15-count death toll includes residents of many different areas surrounding Harris County. The State reported one new influenza-associated pediatric death last week. What do we say to that child's parents? I don't know whether they did not have health coverage, but I can assure you that there will be those infected who do not. The child who died was an 11-year-old with significant underlying medical conditions. The child was not vaccinated for influenza for the current season. Not H1N1, but the regular flu shot. I can only imagine that there might have been some difficulty in that child receiving that flu shot. So many are in that predicament. So many do not have access to doctors and clinics and health insurance; or a vigorous, robust public option which would help the millions of those who now languish who may be working, but do not have the ability to access health insurance.

So I want to thank my colleagues and my chairman of the Judiciary Committee, Chairman JOHN CONYERS, for co-hosting and granting me the opportunity to act on my idea, and that was for this Congress to listen to the sick. And woe, did we listen to the sick today. From 9 a.m. to 2 p.m., we listened to people's stories. And so I share with you, Madam Speaker, some of the excerpts of these stories.

I have in the backdrop what America will do if this surge, this pandemic of H1N1, begins to filter into every nook and cranny and find the uninsured, those who could not earlier get a flu shot, those who don't have access to a physician to determine what they have. No doctor to give them Tamiflu, no place to go. Not because our very

fine Federal authorities will not be having the opportunity to work with local and State authorities to provide offsite places for the H1N1 vaccination to take place as we get the doses and as they are being produced, but who knows of those who will go unattended because of their lack of understanding or lack of information or lack of ability to access a medical professional. Maybe they will crowd into the emergency rooms and make it a national and unending crisis.

In the hearing today, we mentioned the Vietnam War, where we tragically lost 50,000 of our brave and courageous treasures of the United States. We acknowledged their sacrifice and expressed the horror of that loss of life, although applauding their service to this country and never forgetting it.

But, Madam Speaker, without health insurance as I stand here today, we are losing 45,000 Americans every single year, a war that does not seem to have a peace table where we can sit down and resolve this conflict of those with no insurance because we are stuck, if you will, and people are not listening to the American people to be able to provide for a passage of H.R. 3200 with a vigorous public option, a bill that eliminates the preexisting conditions, that provides for opportunity for small businesses to be covered, that provides for the children's health insurance, that closes prescription part D, the horrible doughnut hole that no senior ever wanted to hear about, that protects Medicare and expands Medicaid and opens the doors of opportunity for all Americans.

Madam Speaker, The Wall Street Journal has never been a paper of great liberalism. They tell it like it is. However, many people not believe these numbers. A Wall Street Journal-NBC poll of today, October 27, 2009: Nearly three-quarters of Americans believe it is extremely or quite important to give Americans the choice between a government-run care plan and a private plan in any final health care bill, according to the latest Wall Street Journal and NBC news poll. Some 73 percent said it was important to do so; 45 percent called it extremely important; and 27 percent said it was quite important.

What more do we need to do to make it clear that we need to put that kind of bill on the floor of the House and the Representatives of the people need to vote to ensure that the sick are responded to. The sick that work, the sick that pay taxes, the sick that have children, the sick that own homes, before catastrophic illnesses causes them to go into foreclosures.

The strength of the support continues to come from many Democrats around the Nation. But let me tell you something: It is extremely important to include the fact that more than one in three Republicans, 34 percent, want

a public option and view it as being extremely important. As did 39 percent of Independents; 40 percent almost of Independents want a public option.

Now, some are arguing for a lot of different issues. I, likewise, will be advocating to keep St. Joseph Hospital open. Physician-owned hospitals have a meritorious role in this Nation. They take care of the sickest of the sick. But as we do this, the question becomes why not in taking care of the sick.

So, let me begin recounting some of the stories that were told to us from 9 a.m. today, October 27, in the House Judiciary Committee room until 2 p.m. It was certainly an appropriate forum, a place of justice where people's rights are judged as we work through legislative issues, making sure that every person has a voice.

I listened to some of my colleagues speak about the life and times of Dr. Martin Luther King, who himself understood that there was a necessity in this Nation to speak for the vulnerable, in his leadership of the Poor People's March, in his voice on the 1963 March on Washington, and in his own eulogy on April 3, 1968, in speaking about this Nation reaching the promised land, knowing that he might not get there with us, but that we as a Nation, as a people, could find the kind of promised land that would provide people with equality for all.

I am very glad to have been able to hear from the General Board of the Church and Society of the United Methodist Church. James Winkler, the general secretary, came to this hearing today to speak of the commitment of his church body, recognizing their role. In 35 congregations across the United States, he said there are far too many people in our pews who have fallen through the cracks in our broken health care system and they are not able to afford insurance and they are ineligible for Medicaid. I ask the question again, why not?

He spoke to us about Barbara, an attorney. Her husband and her children were covered by health insurance through her law firm. She developed cancer, received needed treatment; and, fortunately, the cancer went into remission. A few years later, however, the cancer came back, and the family was slated to be dropped from their health insurance. Sound familiar? Pre-existing disease. Barbara faced a decision no one should have to face, whether or not to divorce her husband so that he and their children could receive health insurance. The question is, is this our America?

So we can listen to a long list of woes, a long list of proposals of what bills many may have. And I have the greatest respect for my colleagues. Obviously, when we drop legislation, we are sincere about it. But, Madam Speaker, there will be many opportunities to address some of the very good

ideas that many of our Members have. I look forward to an ongoing debate on health care, but we ask the question, Why not? In the middle of a surge of a pandemic of H1N1, the swine flu, countless persons in their homes right now as we speak, maybe even suffering, doctoring themselves because they have no access to a physician.

The General Board of the Church and Society of the of the United Methodist Church and James Winkler, the general secretary, added this to his testimony today. Michael, a college student, was hit by a drunk driver and spent 3 days in a trauma hospital. Five months before the accident, he was dropped from his parents' health insurance because he turned 25 years of age. The very same population of 18 to 25 that a vigorous public option will help.

How many parents are out there right now knowing that their child is going to graduate from college, or even knowing that their college's health insurance plan is not enough. Your child could be on a vigorous public option. Michael was ineligible for Medicaid because he had also held down a job while attending college to assist in his hospital expenses. During his 3-day hospital stay, he accumulated \$97,000 in medical expenses and is now in the midst in a long physical rehabilitation, including major dental reconstructive surgery. His mother managed to convince her employer to add COBRA benefits for this young man at an added cost of over \$1,000 per month to what she is already paying for the rest of her family. Now the family faces financial ruin because of the accident.

These are tragic stories that we hear over and over again. James Winkler proceeded to say that the growing cost of health care means that many of our clergy and their families have inadequate health care and that many of our local churches have had to resort to part-time pastoral leadership. Many of our lay employees go without health benefits because of the high cost.

Madam Speaker, the stories of the sick, those that live that are begging this Congress to provide a vigorous and robust public option. Our speakers were many, but I am grateful that they were willing to share their testimony.

What about the documentary film producer? One would think that she would have the world in the palm of her hands. What an exotic life. Natalie Noel was willing to come to this place and express the pain of what she has seen in her filming of New Orleans and the survivors of Hurricane Katrina, but also to tell her story of what happened personally to her.

□ 2100

Natalie Noelle, a journalist with news from Indian country, she is also an independent filmmaker; and, as she said proudly because she lives, a breast cancer survivor. She is a native of Mo-

bile, Alabama, and of course she knew well of the civil rights movement.

Since August, 2007, she, working with a media company, had been co-producing "Reinventing Paradise." This is a heart-wrenching documentary that tells the dramatic stories of Gulf Coast residents who suffered unimaginable hardships. As she was in the midst of doing this, she became devastatingly sick with the disease of breast cancer. But as she was talking about her own story, she told us again about the people who are still suffering in New Orleans in the area, people who, with great strength of spirit and inspiring self-determination, are struggling to rebuild their lives, homes and communities.

But the people are also faced with physical and psychological problems, and they have little or no access to care, no access to care. Even in a video that she showed in that room, an EMS worker began crying because of the many people that she had to pick up for mental health challenges; they were in crisis, and there were no health facilities for them to go to.

She told this story as she began to tell of her fight as well. And her fight was that she, too, took ill and was enormously ill with cancer. Her story was one of courage, but it was devastating. In the middle of doing her movie "Reinventing Paradise" she was diagnosed with stage three breast cancer. She was suddenly hearing surgeons recommend an immediate mastectomy. "At the time I had private insurance with Alabama's single dominant carrier and a comfortable apartment in Mobile." And let me, Madam Speaker, for a moment just highlight that.

What the robust public option will do will provide the competitive edge that we don't have, will in fact save Americans \$110 billion. Can I simply ask the question, why not? Why would we reject that underlying premise, that a vigorous robust option as documented by the CBO that will save \$110 billion and it will provide an opportunity for your premiums to go down? And in States where there is only one or two insurers, you will have a competitive element. You won't close them down in no way. So much of our health insurance is based on employer-based insurance, but you will give the opportunity for low-cost insurance and you would have answered the question that Noelle is speaking to us now. This is her voice. Soon I was undergoing multiple surgeries, several courses of chemotherapy, radiation, experiencing pain that I cannot begin to describe. I know there are breast cancer survivors who live today because of that regimen, but I also know that there are probably those who are struggling alone. Some may be recently getting the news and wondering how they will be able to continue their health care. Let us hear your story.

"Unable to work, I lost my hair, my apartment, and found myself

marginalized, humiliated, hopeless. My insurance was canceled." Are there sick who hear us today and tonight who could tell that story, your insurance was canceled? In a public option, no preexisting disease will disallow you from having insurance.

"My insurance was canceled," but her testimony is, "Thankfully it was canceled after covering my first year or so of treatment, but my medical bills continued to pile up." She began crawling back to life with the help of a former business partner and the support of friends.

She recently moved to Pennsylvania where she was able to receive physical therapy and to complete her healing process because of the public medical assistance program that the State of Pennsylvania has in place. Can you imagine, she had to crawl her way back to a State that would allow her to finish her health care?

What is the answer to the question, why not? It is simply that we must pass H.R. 3200 for the sick, the sicker, and the sickest.

I want to make mention now of some of the doctors that came because I will tell some of their stories. But I wanted to have a poster that they actually brought. They wanted us to read off these names—the American Academy of Family Physicians, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American College of Physicians, the American College of Surgeons, the American Medical Association, the American Medical Student Association, the American Osteopathic Association, Doctors for America, the National Medical Association, the National Physicians Alliance and SCIU, the Committee of Interns and Residents, Doctors Council and National Doctors Alliance. They wanted us to know that all of these members stand for health care reform. And the large print says, Did you know half a million doctors support health care reform? Did you know that they support health care reform?

Many of these doctors were present with us in this hearing. Remember, this was a hearing for the sick, the sickest, and those family members who had suffered, and doctors came to share with us stories. And so as many as I can share with you tonight, I will do so.

What about Joan S., Kosloff, whose son, Eric, lost his battle because of lack of access to health care? Joan cried with us in that hearing. Joan was comforted by the other witnesses. But her son, Eric, who had a strong constitution, had bounced back from other illnesses, had previous bouts with substance abuse but was recovering and was leading his life as a lawyer who handled pro bono cases. He was an advocate for those who could not speak for themselves, and he was working on

behalf of those people. Around October 15, 2006, he was visiting in Philadelphia from Atlanta. The family noticed after a brunch and a happy time that he had a bad cold and suggested that he go to a doctor when you get home, your cough sounds terrible.

Occasionally, he went to the ER at an Atlanta public hospital. They prescribed an antibiotic and sent him home. Remember, he didn't have a doctor. He went to the emergency room. This has been the plight of Americans all over this country; their doctor is an emergency room. Those doctors are overwhelmed. I've gone sometimes with my mom, who is not Eric's age, but is 83. I know full well by being in emergency rooms often that what you see is an inundated system.

And so he went to the emergency room. That was his doctor. They sent him home. He took the medicine and he didn't get better. His mother spoke to him after the first trip to the ER and heard him still coughing. On November 18 he returned to the ER—remember, not to a doctor, not to a primary care provider, which, by the way, H.R. 3200 will provide enhanced opportunities for primary care physicians as well their specialists and other medical professionals, such as nurses and nurse practitioners and others who will help in the medical system. He returned to the ER and was given a painkiller because he complained of severe head and neck pain. It had codeine in it. His mother said, I can't imagine giving codeine medication to a recovering substance abuser, and I cannot understand why the emergency room doctors did not want to find the reason for his head and neck pain.

I don't know if Eric took the medication they gave him. Eric's daughter came to visit him and they went to a friend's house. The next night he became violently ill and threw up. Remember, this person is walking around, not seeing any primary care physician, not under constant care, no insurance. His roommates called his wife to pick up their daughter. She wanted to take Eric to the hospital, but he told her he just wanted to sleep. He then fell into a semicoma and his housemates took care of him and notified the authorities.

Finally, they called 911. An ambulance took Eric to the same hospital he had been to 4 days previously. He never regained consciousness. No doctor, no health insurance. Of course if he had a primary care physician he might have been diagnosed with meningitis and bacterial pneumonia.

These are stories of Americans who didn't deserve to die, who wanted to live a full life, who were making good on their life and wanted to raise their children. This is a picture of Eric as his mother wanted us to see, vibrant, happy, serving those indigent clients that he wanted to serve, providing them with justice.

What about Dr. Rebekah Gee—and I call her a miracle—another accident victim hit broadside, both she and her husband, by an SUV while they were riding on a motorcycle. She says in the hearing room that she was lucky. She is the daughter of a university president and she had access to the best medical care and services in the country. I told her that she was a miracle. She is practicing OB/GYN now after that terrible tragic accident. And her husband did lose his life. But she admitted that they did not have insurance, he did not have insurance, and she is where she is today because of the position her father had and the willingness of their care to be at cost or not charged.

In my rehabilitation center, I spoke to a young woman whose husband got into a car accident—this is her talking about when she was being rehabilitated. He was severely mentally damaged. A family with three children, she had stayed at home and he had worked several jobs. Not only did this young woman have to deal with the fact that her husband would never be the same, but she would have to put all the money that she saved towards medical bills and lose her hope for helping her children's financial future. This was someone who was with her in the rehabilitation center. An accident or illness is punishment enough. That family, she was trying to say to us, was unlike her because she had resources through her father. Even though as a married couple they had no health insurance that would have covered her illness, she was in the same facility with a young woman who had children, whose husband was severely mentally damaged through an accident, and that person was going to have to pay. That was a sick husband, a sick family member, and they were going to have to pay and pay and pay and pay because they had no insurance.

We listened to the sick, but they were not worn out, they were not hateful, they were not angry. They were hurt, and they were pleading for us to do something for them. They were pleading for H.R. 3200. They were pleading and pleading and pleading and asking us to care. They were asking for a robust public option to bring down costs in insurance premiums that employers and others provide.

They were asking us to care about having insurance for 18- to 30-year-olds who were in the prime of their life, but who are also at the beginning of their careers or they are in college. They're asking us to care about hardworking families who, because of the expenses of the day, did not have enough money to pay for insurance.

And so I ask not why, but I ask the question why not?

And what about the story of a young doctor, so highly credentialed—George Washington University, faculty ap-

pointment, fellowship at NIH and internship at Vanderbilt University. Long before she earned a master's in public health from Harvard and a medical degree from the University of Chicago, she had dreams. She grew up as a child of a single parent in Detroit, Michigan. She saw the diseases that came about through inequity and disparities in health care. She saw family members not have access to health care. And this young girl, now a doctor, had a dream; she wanted to serve those people. She wanted to serve you and you and you that are now sitting in America with no health insurance. She wanted to be your doctor, your primary care physician.

□ 2115

But yet, in the system that we have, she could not find a way to serve the poor, to serve individuals that did not have access to health care and, in this instance, access because there are probably no federally qualified community health clinics, not enough. These individuals did not either enroll or qualify for Medicaid. These individuals didn't have H.R. 3200 or health care reform to provide a robust public option. She couldn't find a way.

So, in her own words, Dr. Anthony said she boycotted and is boycotting America's medical system today. She boycotted hospital care. She left the hospital treatment system because she could not treat patients because there were these oversight boards that would stop her from treating people who did not have insurance. They could be in the hospital, but they would be sent home, and she would feel empty because she was not able to provide them with care.

She told us about patients like her Aunt Chris who couldn't afford health insurance and, therefore, went without preventive screening and was diagnosed with invasive cervical cancer. She said she would never forget waiting for months to get her appointment at Cooke County or standing at the hospital pharmacy waiting in line wrapped around the corner just to drop off the prescription for her medication. Sadly, her aunt died in July of this year.

There are patients like her grandfather, who died in May from complications of CHF, leaving his retired wife with medical bills greater than the combined salaries of two physicians, or patients like her who were denied health insurance from private insurance when they were unemployed.

She boycotted the health insurance system because she, in her own words, said that she was disgusted and disheartened by the reality that 90 percent of the patients I choose to serve as a doctor, my family and community, could not get an appointment to see me if their life depended on it. She had difficulty sleeping at night.

Then she tells the story, this credentialed doctor tells the story of

having boycotted the system, and becoming unemployed, she joined the 47 million uninsured when she first moved to the District of Columbia. COBRA was offered for approximately a thousand dollars a month, but she was unemployed and she owed \$217,000 in medical school loans and simply could not afford it.

The private insurance companies denied her application for private insurance, including BCBS, Aetna, and Kaiser. She assumed her premiums would be higher due to the height and weight ratio, but I never imagined I would be flat out denied. Let me just say that again so I can get it right.

She accepted the fact that she was going to have to pay very high premiums. She was willing to accept that. She has already got \$217,000 in medical expenses. She thought maybe her physique would cause her to have increased payments. But can you imagine this credentialed doctor could not get health insurance at all? She was denied.

Madam Speaker, the loss of health insurance is not a respecter of age. It is not a respecter of your economic status. It's not a respecter of region. It's not a respecter of racial disparities or what race you are. It is an equal opportunity offender. It will attack those who suffer disparities because they are African American or Hispanic or Asian or if you are older or if you are younger or if you have a preexisting disease or if you have lost your job.

It is not a respecter of anyone. If you happen to have been wealthy and fallen upon hard times and lost everything, if your home has been foreclosed, you will fall into the trap of having no access to health care under this present system. I don't believe we can tolerate this kind of system anymore.

What about the story of a young physician who wants to ensure that he does what his life dream was, Dr. Alex Blum, who is a physician, a pediatric physician, who is concerned about making sure that he treats the sick children that are out there right now whose parents don't have health insurance and they may not be enrolled in the Children's Health Insurance Program because it has not been expanded as we plan to do in this legislation, H.R. 3200. But let me tell you his story, personally, what happened to him.

Six years ago, he says, when he was a medical student at Howard University College of Medicine in Washington, DC, he spent the summer doing an internship at the Centers for Disease Control in Atlanta. Don't we applaud that, a young doctor goes down to be an intern at a Federal agency? It speaks to the call of President Obama for those young people to serve. He probably could have gotten any other kind of internship. He became very sick. He went to the emergency room, was told he was in acute kidney failure. The prob-

lem was that his medical school insurance only covered him if he got sick near Washington, DC, not Atlanta, near Washington, DC.

So all of you parents, like myself, that have college-age children—they have graduated since—who want to go all the way around the world, in fact, they want to go way around the world; they want to work maybe down in New Orleans, as my son did, way away from his school, in order to be able to work at that time—he was in college—with Hurricane Katrina survivors; or my daughter, who went to the Mississippi Delta, way away from her school, to be able to help and work with those in that region. This young man went to the CDC. What parent could understand that he did not have health insurance because he had to be in the Washington, DC area?

It didn't cover me in Atlanta, he said. I qualified as underinsured. Aware that we could not afford out-of-pocket payment for a renal dialysis unit as was being recommended, my dad—his dad, a physician—drove him through the night from Atlanta, waking him every few minutes to see if he was responsive.

Let me see if I can get that. Here you are driving, trying to get through the dark of night. You have got a child that you love sitting in the seat going in and out of the consciousness, and you are trying to make sure that you are checking on that child, rushing up to get within the guidelines and boundaries of Washington, DC, so that you can get medical care. Until we finally reached Washington, DC, the next morning, even those of us who choose to enter the profession of caring for others are not immune to the dysfunctional health care system.

I thought that was a powerful statement that he, himself, had this concern. He is, of course, concerned about the 47 million uninsured and the 87 million underinsured Americans who deserve better. He trained in pediatric medicine at a county hospital outside of Los Angeles. At this county hospital, he cared for uninsured children, those enrolled in SCHIP and Medicaid. What he enjoyed most about working within that system was that he provided high-quality care to those who needed it the most.

His patients on Medicaid and SCHIP were able to easily see subspecialists. But he has a story here, and let me just tell it to you quickly.

He once cared for a 9-month-old boy who had a swollen face covered in a rash on his forehead and cheeks and raw in his neck folds. Any of us who picked up a bouncing baby, and we know how much we love to just nestle and kiss it. And just think of this baby with this rash. And many of us who are moms and dads know how babies can get chafe. This was raw rash, as he described it. How painful this must have

been for that little 9-month-old who couldn't express himself. He sat before me and scratched his arms and trunk and uncontrollably to the point of bleeding. Because of his constant scratching, his skin had started to harden. He had uncontrolled eczema, and his mother told me, in tears, how she had not been able to obtain a referral to a dermatologist, the county pediatric dermatologist, one afternoon a month, clinic time.

That same day, to prevent the mother from receiving a large medical bill, I did what I normally do. I got on the phone to a private insurance company and asked the insurance bureaucrat to agree to pay for the visit. As my other patients had to wait for me, I wasted time on the phone trying to solicit preapproval from an insurance company, but I could not sway the insurance gatekeeper. I tried my hardest to make this bureaucrat understand the child's bloody scabs, the mother's tears, but to no avail. The dermatologist took pity on the child and he did what physicians often do, he saw the child for free.

What a tragedy in this Nation. How can one accept this predicament? I ask the question, why not?

I thank Dr. Blum for going the extra mile, as so many of our doctors do day after day and time after time. I know it well, as my area includes the Texas Medical Center, Texas Children's Hospital, Hermann Memorial, Baylor, Methodist, St. Luke's, MD Anderson, and many others; St. Joseph's, the Doctors Hospital on Tidwell, so many where doctors just say yes. They just say yes.

But can you imagine? What could I have done? What do you think Dr. Blum could have done? Could he have taken a BlackBerry picture, an iPhone picture of this 9-month-old baby? Could he have squeezed it through the telephone for this bureaucrat to be able to answer?

A vigorous public option has to be the answer for there to be the kind of reality that we cannot allow this kind of system to continue to take the lives of the sick, the sick who want to live, the sick who deserve to live. This kind of condition is one that I believe can be enormously unacceptable.

Let me share with you some additional stories that I believe are important to make the story complete. We were very pleased to have at our hearing today the wife of Senator Fulbright, Harriet Mayor Fulbright, who came to advocate—she did not have to do that—for a vigorous public option. She could have continued her philanthropic work. We certainly know of the great work of her husband, Senator J. William Fulbright, and the legacy that he had left.

But she wanted to tell us of a condition that she was suffering. She had experienced anemia. There was a lot of

different testing of what was her condition. Finally, she got a diagnosis. It involved cancer.

She had a doctor at Johns Hopkins whom she liked, as she said, from the start. He finally told her that even though the chemo was indeed killing the cancer, it was also causing such damage to my immune system that he felt I needed a second opinion. So he suggested that she go to another specialist at Dana-Farber Cancer Institute.

She saw another doctor, and in a few months her life began to improve. The complete transformation you now see, and she was before us, and she looked wonderful, came slowly, but it was like a miracle, she said. I am not and cannot be cured, but I am in complete remission.

She went on to say it came about because of a medical team extending around the world, doctors who shared research findings and techniques freely, swapping patient stories in an effort to treat us all with greater efficiency and compassion, brainstorming ideas about how to spread the word about this disease so that future patients would not go through a year of more frustration.

She wanted to emphasize to us it was because she had health insurance of the kind that would allow that to happen. But she came to tell us that she was not satisfied that her life was saved, that she was sick, sicker and the sickest person that she could have imagined, but now she has the opportunity to play with her grandchildren because she had health insurance. But she testified today, as a sick person formerly, now in remission, that she wants to see a vigorous public option.

Again, we want to hear from the sick, the sicker and the sickest, because they are, in fact, the reason why we need to pass health care reform. H.R. 3200 is health care reform legislation that will, in fact, provide us the opportunity to save lives.

Madam Speaker, you know I mentioned earlier 50,000-plus of our brave men and women died in Vietnam, how many we lost in World War II and World War I and our other wars and, of course, the gulf war and the Iraq war, Afghanistan, as we are still on the front lines.

□ 2130

Those are enormous tragedies and treasure that is lost.

I am very grateful that one of my constituents that I have great admiration for that we lost just recently, Dr. Michael E. DeBakey, whom we had the privilege of naming the veterans hospital after, was the doctor that created the MASH unit.

Now, with modern technology we are seeing our soldiers come home from the battlefield, even different from Vietnam, and even though we have lost

a high toll in Iraq and Afghanistan, we are saving lives because of a public health system, the military doctors who are in the field taking care of these brave men and women, allowing them to come home to their families, a government health care system.

I want the men and women who may live to serve in the United States military, or the child that may grow up to join the United States military, to be able to live if they would have access to health care and a vigorous public option, so that that 9-month-old baby who could not speak for himself laying on that table blistering his own body, uncontrollably scratching, and not knowing, just being a baby, an infant, that someone would be so callous as to refuse a treatment that could have occurred right there. Short of that doctor saying yes, that baby would have gone home with that mom.

Or the accident victim, the story that I heard in my own community, where a car was totaled with a mom and a couple of her daughters' friends, and where one child may have refused to go to the hospital, was told not to go because that family member could not afford the cost of the hospital, of the cost of the ambulance to take the child to the hospital. It was ultimately worked out that the child could see a doctor.

But I don't blame that parent or that family member. You have got to understand what that means, what that means to those who are paying rent, providing for three and four children, who are being the parent that we ask them to be, trying to provide for all the children.

Or maybe the parent that stood up in my town hall meeting and said to me, "What do we do? I have insurance. I went to the doctor. I took it there and the doctor said, 'This insurance is not worth the paper it is written on. What it says is it provides you with emergency care.' My son needs a physical in order to go into school." In order to start school, he needs a physical.

So many of us as Members of Congress in our town hall meetings on health care reform heard those stories. I told my staff immediately, we are going to get her the care that she needs. We are going to get that son a physical. We referred her and made sure that she got the very next day or within a day or two into one of the Federally qualified clinics. She knew nothing about it.

There are not very many in our community in Houston. We want to build up in Texas. They are growing. We are looking to invest in one with Rev. Ethan Ogletree, who is looking to put one in the Greenspoint area. We are looking to work with the Acres Home community to ensure that we have one there. And others are planning such clinics. Out of H.R. 3200, we will find the opportunity and the language and

the provision to establish Federally qualified community clinics.

But that young man was able to get into one that our office provided him the access to, because that family did not know about that opportunity, so that he could get a physical and be able to return at that time to school.

Madam Speaker, I don't know how many more stories we need to hear. There are so many. I know that there are people who are sick, who are denied the access to a physician, or themselves make the decision that they are not going to go and get medical care. They are going to take care of themselves. They may try to ask a pharmacist and get some over-the-counter drugs.

As one testified in our hearing as well, another film producer who was willing to say in her story that she wound up asking friends who had similar conditions, can I borrow your medicine? Dianne, who was a TV producer, she told us that story. Many people do that.

Madam Speaker, many of them as well not only do that, but they cut their medicine in half, or they don't take their medicine. How many seniors do that?

So we have to fix this system so that the cost of prescription drugs for seniors does not price them out of caring for themselves and taking the medicine that they have. We must fix the system so that Medicare costs do not cause Medicare to not be able to serve all of the seniors and those that need it.

By the way, Madam Speaker, if we just count the lives that were lost pre-1965 before Medicare and look at the life expectancy term now, how much it has grown. I did not know my paternal grandfather. My grandmother told me that he died in the 1930s at home with pneumonia, not seeing any doctor, not having any insurance. That was America during that time. Congress even from that time, the 1930s, the 1940s, the 1950s and the 1960s, tried to do health care reform. How many lives, countless lives, were lost because of the fact that we did not have health insurance?

So this hearing today was a moment in history, one that I was so very proud to be a part of. We heard from Dr. Lucy Perez, a past president of the National Medical Association, who insisted eloquently that we should have the right kind of health care reform that brings down premiums and allows access for all Americans.

We heard from Dr. Aziz, a renowned and respected cardiologist. He has extensive training in heart and lung transplants and was a co-director of the heart transplant program at the University of Washington. This doctor advocated for a vigorous public option because he wanted to be able to use his skills on those who may not be the wealthiest in America. He wanted to cure the heart problems and lung problems through surgery of those who now

languish in their apartments and homes because they do not have health care insurance, who have not seen a doctor, whose health is deteriorating, whose heart disease is growing and expanding.

I do want to make mention of the fact that Eric in his death shared his liver so that someone else might live. Can you imagine that person who needed that liver not having health insurance? Can you imagine that kind of continuing crisis in America?

It is important to note that doctors like Dr. Murphy came as well to speak about the importance of letting the message of doctors from around the country come out. The poster board that I had that indicated that all these doctors from all of these organizations are in fact supporting, they are supporting, health care reform.

The question is not why, but the question is why not? We thank him for his presence. And we thank Elizabeth Wiley, who came as a medical student and indicated that 62,000 medical students across America are supporting a vigorous public option.

I believe, Madam Speaker, that the stories of the sick, as we mourn those who have lost their lives, are potent and powerful. As we listened in the waning hours of this hearing and listened to many, many others, Dr. Ben Carson joined in by telephone and told us, this great surgeon, of the need for full access and the need for the ability to be heard on this issue.

Madam Speaker, I close by simply saying if the question is asked why, we ask why not? A vigorous public option will save lives; 45,000 die every single year. And to the sick who are listening, let us hear from you, because we will be propelled by the cause and necessity of providing you, the sick, with good health care so that you might live.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the ordering of a 5-minute Special Order speech in favor of the gentleman from Texas (Mr. GOHMERT) is vacated.

There was no objection.

PROVIDING AFFORDABLE, ACCESSIBLE HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Madam Speaker, it is always an honor to be here on this floor where so much history has been made. I can't help but think of the quote from Thomas Jefferson: "The natural course of things is for liberty to yield and government to gain."

What we have been faced with and what is being negotiated behind closed

doors, interesting negotiations, there are no Republicans that have been allowed anywhere near, despite all the promises of the most open government that we would have once President Obama was in the White House and Speaker PELOSI was Speaker and HARRY REID was the Majority Leader in the Senate. Those things just simply have not materialized.

I keep hearing people, and I have heard them on both sides of the aisle, say we want health insurance for everyone. What I want for everyone is health care; health care that is affordable, health care that is accessible.

Health insurance? I gave a speech to health insurance folks here last year and I pointed out, you think you are selling insurance, but this is not insurance. You are selling management by health insurance companies of health care. It is not insurance.

Look it up. Insurance is not paying a company to manage everything for you. Insurance is when you pay a little premium, a small premium, sometimes monthly, sometimes quarterly, sometimes for a whole year. You pay that to ensure against some unforeseeable event out there in the future.

Now, when I was growing up in East Texas, there were precious few people that had any insurance, but the ones that did, they paid a tiny premium to insure against some catastrophic illness overtaking them or some terrible accident that left them in need of expensive health care, and that insurance would cover them.

For the rest of us, if you got sick, you knew exactly what the cost was at each doctor's clinic, at the hospital, and you also knew if you got sick and had to go to the doctor's office what it would cost. But if it was more than you could pay, then there was usually someone near the front counter who could work out a monthly payment for you to pay. But, as a patient, you had control of your health care.

I have been intrigued. It just leaves you with a broken heart to hear all the troubling stories from our colleagues across the aisle about the tragedies of sickness or accident. But I have heard the same thing except, many-fold more, about socialized medicine.

As an exchange student in the Soviet Union in 1973, I had a chance to see socialized medicine up close and personal, the way it gets after it has existed for a number of years. People rarely ever saw the same doctor when they went.

The doctors, it was not an honor to be a doctor there. College students with whom I came in contact and got to know, if they had a parent, a father or mother that was a doctor, they were not all that thrilled to tell you. They were tickled to death to tell you if they had a parent that was assistant to the assistant manager of a factory, but not so much of doctors.

Here in the United States, doctors traditionally have been paid well, and it has inspired the very best and brightest among us to aspire to go to medical school and become doctors to help people. And what seems to have been missing from heartrending story after heartrending story are any good stories.

□ 2145

So if someone is visiting the United States, and the only exposure that they have to hearing about our health care is from the stories from our friends across the aisle, they would certainly want to avoid U.S. hospitals, U.S. doctors and U.S. clinics because of all the terrible tragedies that seem to be the only thing that occur; when the fact is, this country provides a better level of care than anywhere not only in the world but in history.

I've had doctors who were historians indicate that before 1910—not even a full 100 years ago—before 1910, if you went to the doctor, the odds were about 50-50 that you would actually be helped by going to the doctor instead of being harmed by going to the doctor. Just down the road out here you can get to Mount Vernon, to George Washington's home. We have a beautiful painting over here similar to the one hanging in the White House of George Washington, all 6-foot-3½. Though some say he was not that tall, they knew he was that tall when they measured him on the slab after his death. But he died at an age that was unexpected for him because he seemed to be in such good health. He had been out marking trees that were going to be cut down. He didn't know that he might someday get a carbon credit for them, so he had marked them to be cut down. It was during the cold and during the rain, and he got a cold. He didn't get out of his wet clothing very quickly. He had dinner the night he came back. He didn't do much about the cold. But before long, it began to overtake him.

One of his closest friends in the world was his doctor, Dr. Craik. I think he was bled three times, and they just could not understand why they kept draining out the bad blood, as they thought, out of the great father of our country, and he just seemed to not be getting better. They didn't know the damage they were doing to this giant of a man.

But we get past 1910, and because of the free market system in this country, health care has been elevated to a level never before seen in the history of mankind. What is missing in some of the stories that have been told are some of the stories that I have personally heard and have become familiar with.

Sue Clark lives in Tyler. She told me that she emigrated from England. Her mother got cancer living in England and, as is normally the case with socialized medicine, there, in Canada and

soon to be here if the health care bill either the House or the Senate is talking about makes its way and gets passed, signed into law, people will go on lists the same way here. So when the President says, We're cutting \$500 billion or so in Medicare, but we're not going to deny coverage to anyone, not going to deny treatment, what we see in these other countries is that they're not technically denied treatment or care. They're put on lists. And as it goes with socialized medicine, in order for the socialized medicine health care system not to go broke, people end up dying on the list, waiting to get their health care coverage.

That's what Sue said happened with her mother. Because her mother got cancer in England, she died of the cancer, which would have been an unnecessary outcome, had she been living in the United States, as Sue said. Sue got cancer here in the United States. She didn't go on a list. She is a secretary, as I recall, and she said she didn't go on a list. She knows she's alive today because she emigrated from England and got away from the socialized government, single-payer health care, whatever you want to call it, public option. Over there it's not a public option. It's a public requirement. But, anyway, her mother died of cancer because she was in a country that had the kind of health care that those across the aisle—many of them that is, not all of them—are aspiring to give us here.

By the same token, I know personally of incredible stories, of people who didn't have money for health care and doctors provided it, doctors who answered the call in the middle of the night and came rushing down to help, even though they knew there was a good chance they wouldn't get paid. Doctors, hospitals and clinics providing free care. I come back to my friends across the aisle who seem to indicate, like the one indicated earlier today that the guy was told because he was not from here in the United States and because he didn't have health insurance and because he didn't have \$250 to pay cash, he could not demand and require that the doctor he wanted to see had to see him. My friend across the aisle was upset about that. He was told he'd have to go to the emergency room to get that treatment.

I've also talked to physicians who said that if there was any way to require even a \$5 copay, it would root out so many of the people that just show up at the emergency room with colds, things like I get—maybe because of the stress or I'm not getting more than 2 or 3 hours sleep so often around here. We get colds. I don't go to the hospital. I don't go to the doctor. We have got great over-the-counter medical supplies. So you can go pick them up. I don't use insurance for those kinds of things. You just get what you need. I am familiar with what it costs. When I

went out on my own as an attorney and left the big firm I started with, I was determined not to steal any clients, as I knew some lawyers had been accused of doing. So I started out with next to nothing. That first year that I was on my own, my adjusted gross income was \$12,000. We had a daughter who was about 2, and the only thing we could afford to give her that Christmas was a free puppy dog that my late mother had found and thought my daughter would love, and she did.

I know something about having to scrape and scrimp and build a business. Within 3 years of going out on my own, I ended up paying more in income tax than I ever made at the big firm where I went to work after I got out of the Army service. So I know something about scrimping. I know something about not having the money to give your child everything you want. I understand. But the free market system, when allowed to work properly, can do amazing things.

But I'm telling you, Madam Speaker, and I would tell the world, I don't want health insurance companies or the government managing my health care. I want to make those decisions, and I want everybody else to have that same freedom. I want them to have coverage where they can afford it, and I want them to have the best health care that is available in this country, and that's doable. But not by socializing medicine.

You hear the stories over and over. We heard about a company in Canada which, in order to attract the best and brightest employees, was offering them the added perk that if you get sick and need surgery or need testing, we'll put you on a plane and fly you to the United States to get it done within 24 hours. That's what they were offering as part of their contract because you couldn't get that in Canada, working up there. But here if we emulate those systems, you go on lists.

The seniors, having lived on this Earth for so long, they understand what's going on. They understand when you talk about cutting Medicare \$500 billion what that means, that they're expected to do as Robert Reich recently said, You know, they're not going to get the health care they need at the end of their lives; it's too expensive. Basically, we'll let them die within a couple of months.

If you remember the President's own town hall meeting at the White House, there was a lady there named Pam Sturm. She had said that her mother was 99, close to 100. Her own doctor said that he couldn't do any more unless she got a pacemaker, but that seemed awfully old to be getting a pacemaker. Everyone else said, Yeah, sure. Go for it, except, according to Ms. Sturm, the arrhythmia specialist. But he had never met her mother. Well, her doctor contacted the arrhythmia spe-

cialist and said, You really need to meet this lady before you make that medical call. Don't just do it off a list. You really need to meet her. He met her, and according to Pam, the specialist saw her and saw her joy of life, and he said that he, indeed, was going forward with the pacemaker. It's been 5 or 6 years since then. She's now 105 and doing well, according to Pam.

Now the question she asked the President, she wanted to know under President Obama's plan what treatment someone elderly could have, and asked this question: "Outside the medical criteria for prolonging the life for somebody who is elderly, is there any consideration that can be given for a certain spirit, a certain joy of living, a quality of life? Or is it just a medical cutoff at a certain age?"

I watched the video, and I typed this up so I could have every comment exactly right. President Obama said, "We're suggesting—and we're not going to solve every difficult problem in terms of end-of-life care." My English teacher mother taught eighth grade English for most of her adult life, actually taught me English my whole life and got frustrated with me quite a bit. But I know that she would outline that sentence and say, The President needs to clean that up, just as she did with some of mine.

Anyway, he apparently is talking and thinking and trying to come up with an answer, kind of beating around the bush. But he goes on and says, "A lot of that is going to have to be—we as a culture and as a society starting to make better decisions within our own families and—and for ourselves."

The President goes on and says, "But what we can do is make sure that at least some of the waste that exists in the system that's not making anybody's mom better, that is loading up on additional tests or additional drugs that the evidence shows is not necessarily going to improve care, that at least we can let doctors know and your mom know that, you know what, maybe this isn't going to help; maybe you're better off not having the surgery but taking a painkiller."

That is the President's answer. How ironic. She had just explained that her mother had lived 5 or 6 years, a very joyful life after the pacemaker, and here the President is saying, Maybe you're better off not having that pacemaker surgery but just take a painkiller.

The seniors get that. They understand what that means to them, and they don't need a death panel to read them the writing on the wall that comes from that kind of approach to health care.

I had one senior say that she's concerned that they're cutting health care costs for seniors because they know that's where all the wisdom—not all of it but a great deal of most of the wisdom resides. The longer you are

around, hopefully the greater your wisdom grows. I know from having been a judge that it is true. You live and you learn. Unfortunately, there are those who just live. Very unfortunate. Some never get to that learning part.

But we have seniors who have lived and learned. They've seen the threats of fascism. They've seen the threats of communism. The greatest generation that provided us the protection and afforded us the opportunity to enjoy the blessings we enjoy, and now we say, "You know what, maybe you're better off taking a painkiller"? What have we come to? You know, are we so self-absorbed, and we look at the money that we're throwing around from this body. We're supposed to have the purse strings and have some self-restraint as an obligation to those who sent us here, and yet we pass a bill to spend \$770 million on wild horse habitat to buy them another area the size of West Virginia so they can roam around more when we have 3 million or so people, I understand, who have lost their habitats? Why aren't we taking care of their needs by creating new jobs and creating the ability to afford health care?

My health care, my health insurance here in Congress, is part of the same big thick booklet that all other Federal employees get to have, but it was costing over \$1,000 a month. It was just too much. So I elected to go with a health savings account, and it went to \$300—well, it's under \$300 a month, but a majority of that goes into my own health savings account. I've had some disagreements with the insurance company. I hear lots of people say, Everybody in America ought to be able to have what our Congress has for health care insurance.

□ 2200

My answer to that is you don't want my insurance. I'm changing it at the end of the year. I don't like it. I'm changing it at the end of the year. But what you want is not the insurance I've got right now, I don't think. What you want are my choices, because I've got a big, thick book like everybody else in here, and all the clerks, all the support staff and personnel, all the Federal employees have the same opportunities. It's not exclusive to Members of Congress.

I do support I believe it's H.R. 615 that JOHN FLEMING came up with that a number of us have signed onto. I think it's a good bill, that Congress shouldn't pass any health care system created at least with legislation that we do not put ourselves on. It seems fair to me. But people should have choices, and that will bring about better health care options for people.

But you have health insurance companies right now managing health care. It's not insurance. They're just taking care of people's health care. And it re-

mind me that—and someone, Madam Speaker, may be interested in taking this idea and actually going public and trying to sell the public on the idea. Maybe it will work. It sure worked in health care. And that is to tell people, You know what? Gasoline goes up. Sometimes it goes down, but it seems like more often it's going up. So why don't we tell the American public, Look, we will provide you what we will call gasoline insurance. You pay us a truckload of money every month, and we'll give you a copay and a deductible, and then we will pay your gasoline bill above that every month. How does that sound? Well, that's what people are doing with health insurance, and they're paying an awful lot of money.

The same thing is true with Medicare and Medicaid. When you take the total expenditures for Medicare and Medicaid in the year 2007—we're still looking for 2008 full-year numbers, don't have them yet—we were approaching \$10,000 average for every household in America to pay for Medicare and Medicaid. A small percentage of the population is on Medicare and Medicaid; yet the average is \$10,000 for every household in America just to pay for Medicare and Medicaid. That just seems outrageous. There's an easier way. I filed a bill that has a solution. There are lots of other people that have suggested solutions.

I want health insurance companies to get back into the business of insurance, and the way to do that is to have a high deductible policy and to provide tax incentives for companies to pay into employees' own personal health savings accounts, not like the old kind where if you don't use it by the end of the year, you lose it. No. If you don't use it, it rolls over to the next year, and it will accumulate and grow. And statisticians tell us that young people in their twenties and thirties, the vast majority of them, if they do that, will have such tremendous accumulated amounts in their health savings account by the time they reach retirement age that they won't need nor want Federal assistance with their health care decisions or payments because they can address it themselves with their own health care savings account and with the money that they have stored up. We provide tax advantages for businesses to do that.

Now, I do agree with those on both sides of the aisle, and not everybody agrees but I think we do have some joint agreement, on the fact that we should have health insurance policies where the insurance company just can't up and cancel the insurance policy after you find out you have some dreaded disease. That seems grossly unfair. And I would agree that would be fair, and the Federal Government can do that. We can be about making sure there is a level playing field and there's fairness across the country. That's what we are supposed to do.

This body was never intended to run everyone's life in the United States. But you give control, you give the cost to the Federal Government of all health care in America, well, that can't be paid for by the Federal Government unless they get it from the people living in America; so they're forced to tax Americans more to pay for their health care, and then you have the Federal Government, whose role is supposed to be that of referee, not only being referee but being the player.

I mean, we are constantly, it seems, most every day having people come in who are having problems with the Veterans Administration or the Social Security Administration, and it is such a nightmare dealing with the Federal Government when they are the player and the referee. There's nobody else to go around. The Federal Government is it; whereas, if it took its role from our original Constitution, it would be the referee.

I heard someone call into my friend Sean Hannity's show and he was berating health insurance companies, and he said, One of your precious health insurance companies had to settle a lawsuit for \$3 million dollars and that's why the Federal Government ought to be providing the health insurance for health care.

Well, he didn't know what he was talking about because what that shows is you don't want the Federal Government in the business of being both the player and the referee because they don't play fair when they're the only player and the referee. They treat you as some of our veterans have been treated or, should I say, mistreated. What you want is the Federal Government to be the referee.

To me, if the insurance company got tagged for \$3 million for some heinous way they handled somebody's situation, that means the Federal Government is doing its job. It provided an arena in the judiciary system where people could have a right of redress. That's what we are supposed to do. And by having such a heavy hammer as the arena of redress, forcing the free market players out there to play by the rules, to be fair and don't mistreat people, we do a better job when that is what we concentrate on; not telling automakers how to make cars or taking control of all these other areas that we seem to have taken control of in the last year or so.

I want to go back to the comment of Thomas Jefferson: "The natural course of things is for liberty to yield and the government to gain."

Of course, it was John Adams that commented, "In my many years I have come to the conclusion that one useless man is a shame, two is a law firm, and three is a Congress." What a wise man John Adams was.

With regard to health insurance, my bill that has been filed we have been

trying to get CBO scoring on. But it may be recalled that earlier this year after CBO came out with a score on a Democratic bill that upset the White House, the head of CBO, the Congressional Budget Office that does all the scoring that people constantly refer to as this unbiased source, the head was called over to the White House, called to the woodshed at the White House. And lo and behold, after that trip to the White House, it's amazing how CBO seemed to try to reach out and help the majority party, the majority in the House, the majority in the Senate, and the White House.

□ 2210

So Senator BAUCUS can rush in a bill, rush in something that is not even a bill, just a plan, and get them to score it. Well, I was told back in June that they would not score my health care bill unless I could get it into the form of a bill that could be filed here in the House.

Well, I couldn't get my bill. I had the plan all drafted, what we wanted in it, and I could not get Legislative Counsel to put it into the form which is required in order to file it normally. And so we pushed and pushed. I told Newt Gingrich about my health care plan. He said you need to get that in bill form and get it scored. That should score. Well, I tried and tried. I was told, well, you are in the minority party and besides that, you are not on the Energy and Commerce Committee. So I got the highest-ranking Republican, JOE BARTON, who was extremely helpful. He made the request. He and his office started pushing to get my plan into a bill form so I could file it. That wasn't good enough. We got other Republicans. We kept pushing and pushing. It took about a month, but we finally got it into bill form so we could go about getting it scored by CBO.

We got it filed on July 31, and there are some amendments that we have prepared in this bill here that I am holding that we will file shortly. But we have been trying to get it scored by CBO. We made the official request August 19. We were told by CBO what we had heard from the Legislative Counsel Office, you are not in the majority. We knew that. I'm smarter than I look, perhaps. Then we were told, and you are not on the committee of jurisdiction, Energy and Commerce. So we got again Ranking Member JOE BARTON to assist and make the request. That was done in September. And then we were told later, you know what, you don't have anybody from the joint commission, tax commission, who has made this request. So we got the highest-ranking Republican on the commission to make the request.

Senator KAY BAILEY HUTCHINSON down in the Senate had requested a scoring as a Senate amendment, and she has not been successful in getting CBO to score that.

What happened to the fair government we were going to get when this Obama administration took over? What happened to the fairness and the openness and treating both parties alike? We have been shut out of all negotiations. Unless the President has allowed a Republican into the White House to talk health care in the last few weeks, we had heard that it had been since March since a Republican had been allowed in.

When he stood there at that second level during the joint session and said, Look, if you have solutions, my door is always open. Well, lots of us have filed bills. Lots of other Republicans have plans that they would like to get into bills, but they can't get Legislative Counsel's assistance. I am still plugging to get CBO's assistance to score my bill. But amazingly, they fall prey to the gimmickry of the Baucus bill of saying, oh, well, 10 years of revenue and 5 or 6 years of cost may come close to balancing out and only costing the country just under \$900 billion. But as we know, that has been bumped up to over \$1 trillion. What happened to the openness and fairness? We have solutions. We held them up so the President would see we have solutions. We would love to talk to him, to someone drafting the bills, because they are good ideas.

As I mentioned back during the days when I was on the active deacon status of my church, sometimes people would say we all ought to be of the same mind here in this body. And my comment was, unless one person has a 100 percent lock on God's truth all the time, we ought to listen to each other. In a deacon body, you need to do so prayerfully and seeking truth in God's grace and help. In this body, it wouldn't hurt to do that either. We ought to listen to somebody. There seems to be such an atmosphere of arrogance when someone will say that there is not one single thing that nearly half of the Congress can contribute.

We all have basically the same number of constituents. There are the same number of constituents who elected Speaker PELOSI that elected me from my district. But it means just under half of the country is now not allowed input into the bills that are being passed and put together in this body. We have some proposed solutions, and the great thing is, as I have continued to talk to Democrats and Republicans, I find new things that will make my bill better.

So one of the things that we deal with is this issue of people owning their own policy. That is required in my bill. An employer will have the tax advantage, the business expense, of paying for employees' health care insurance, but that will change in the respect that it will now be the employee's policy. So that means if the employee goes elsewhere or is fired, the

business goes out of business, it is still the employee's policy and they can keep paying. We will get rid of COBRA. I saw that after I left the Bench and started running for Congress. My health care was going to go up so dramatically under COBRA that I couldn't afford it. My wife and I cashed out every asset we had except our home in order to make the run for Congress. So I do know something about sacrifice. It is kind of tough when you know you can't provide your children what you know you could have if you had stayed in the private sector, but that is what we did.

I came representing my constituents with their expectation that everybody, as Speaker PELOSI and President Obama and Senator REID have promised, that everybody would have input, and we have been shut out. It really is a tragedy.

For seniors, since Medicare came into existence, seniors have never had complete coverage nor control of their own health care. The Government has had that control. They would have to find out if the Government was going to cover a medication or a procedure. They would have to find out from the government. The only thing worse I can imagine would be if we had a system like Canada or England where the government puts you on a list. And as one individual told me from Canada, that his father needed bypass surgery and he went on a list. He was told we do make adjustments in the lists based on our own determination. I can just picture some guy in a cubicle looking at the list, I think I will move this guy, not this one. He said he guessed wrong with my dad. He needed the bypass surgery very quickly, he didn't get it, and he died on the list, waiting to get bypass surgery for a number of months.

We want people to control their own destiny and have access to affordable health care. I saw across America it was currently costing over \$10,000; in 2007, it had gone from \$8,500 to \$9,200 a household. For every household in America, on average they were paying nearly \$10,000 to cover the people on Medicare and Medicaid.

We would be better off to say to our beloved seniors, you know what, we can do better if we just pay for what you need and we put cash money in your Health Savings Account. If you are an individual living alone, \$2,500, if it is two or more, \$3,500 in your household Health Savings Account, and then we will buy you health insurance to cover everything over that.

□ 2220

You control the first amount, up to \$2,500 or \$3,500, with a debit card that is coded so it will only pay for health care treatments, medications, over the counter, prescription drugs, the things you need for your health care; and then

health insurance, a private health insurance company, would provide insurance for everything over that that was not elective. We're not going to pay for liposuction, but if it's not elective, then it would take care of it. We're better off doing that for seniors; then they have absolute control of their own destiny and they have full coverage so people like seniors and our families would not have to buy supplemental Medicare coverage.

I know that scares AARP. The loss of revenue would be just so traumatic to AARP. I get it. I understand that. But it would be better for AARP's members if they didn't have to buy the supplemental coverage from AARP, if they didn't have to buy wraparound coverage from some outside source, if we took care of it and gave them what they deserve for handing us the greatest country with the greatest freedoms in the history of the world. We owe that to them. That's what we owe to those who have gone on before us.

To those who are coming behind, my heart breaks. We're spending money like it grows on trees. Of course we're printing it like it grew on trees. Instead, we're cutting down massive forests and printing it. Chairman Bernanke told us he wasn't monetizing the debt, and we find out it appears the Federal Reserve is buying our debt with newly printed money. I wish that we could get Madam Speaker to bring the bill to the floor that has over 300 cosponsors—it only takes 218 to pass—that would require an audit of the Federal Reserve, but we can't get that to the floor.

In any event, we owe future generations so much better than we're giving them. And I just keep thinking about how absurd, if a parent brought a bunch of kids and grandkids into a bank and said, I need a loan because I can't stop spending, I'm just spending wildly, it's more than I earn, it's more than I could ever get, but I need a loan so I can just keep spending—you know, \$25 million on rare dogs and cats that don't even live in the United States, \$770 million for wild horses, \$400 billion for a land omnibus bill, \$800 billion for a stimulus package that won't stimulate anything, hasn't saved jobs, it doesn't appear, just a few thousands of jobs while there has been millions lost; \$800 billion for that? And don't think that I exclude the TARP bailout, that ridiculous bill that never should have been passed through this House 1 year ago. That's part of the problem, spending money like crazy.

Can you imagine that parent saying, give me the loan, and see all my kids and grandkids back here? I am going to swear that when I'm gone and quit spending—because I'm dead—they're going to pay it all back to you. That is what we are doing. We owe them so much better after what we got in this country, and we're leaving them debt

they will never be able to pay off and they will have to pass to their children and their children's children.

With us and this arrogant spending that's going on in this body—and I know it didn't just start with the Democratic majority, but they've kicked it in exponentially since taking the majority and especially since January. They won the majority on promising America they would bring down the spending, and it's been exponential, it seems, since then. We owe future generations so much better.

So we're told, gee, the initial H.R. 3200, it was probably going to cost \$1 to \$2 trillion. We were told the Baucus bill is going to be over \$1 trillion. Folks, the last numbers we were able to get is around 119 million households in America, you divide 119 million households into \$1.19 trillion—which is a conservative estimate of any of the Democrats' bills—and what you have is an additional \$10,000 per household for their health care bill that will not cover all Americans, but will cover a lot of illegal immigrants in this country. My bill deals with that.

By the way, this bill I have before me, it would be a choice for seniors; if you want to keep Medicare, keep it, but I know in my heart that when you see what an advantage it would be to have the government give you a health savings account with cash in it and the government pay for the insurance to cover anything over that, that's the way people will want to go. And then eventually we will be able to bring down dramatically the cost. And as the young people move up, it costs less and less and we get this spending under control.

But one of the things that we've heard is about how many people come into this country knowing they've got a health care problem, knowing they may need heart surgery, come in, present to the hospital, get heart surgery. See, you can do that in this country; you can't necessarily do that in other countries. But we've got to rein that in.

In my bill, there is a specific provision that says, if you want a visa to come into this country—whether it's a migrant worker visa or whether it's a travel visa or whether it's coming in for some extended stay to work here—you have to show that you will be covered by health insurance either by your employer, by the household in which you're going to reside, that you will be part of their health insurance, you have to show that document or you don't get a visa. It is a matter of national security that we not let people coming in bankrupt the country. We've got to get this under control.

The law of the land is—and has been and allowed to stand—if you're illegally in this country and you present for health care, you'll get it. We believe in abiding by the law, and so that

will be addressed, that will be taken care of. You will get the health care. But because it is, again, a matter of national security that you not be allowed to bankrupt our country, then if you're here illegally and get free health care, then you will be deported. And since we can't let you keep coming in to bankrupt this country, if you come back in, then it would be a crime. It's not considered a crime right now, but if you come in illegally, get free health care, and then after being deported come back in, that would be a crime under this bill.

Another thing we need, though, is transparency. These are all part of Republican solutions. And it's in this bill. It's in other people's bills. Transparency. People don't know what it costs for health care. I have seniors get scared. They say, wow, that costs \$30,000? Oh, my goodness. Thank goodness for Medicare because I only have \$10,000 in the bank. I could never have paid for that. Well, guess what? It didn't cost \$30,000. It probably didn't cost more than \$3,000 for that \$30,000 in care.

As I've mentioned before, I know of a specific instance where \$10,000 in 2 days of hospital care, ambulance, doctors, testing was paid in full by a health insurance company for \$800. Americans ought to be able to do the same thing. It shouldn't just be Blue Cross or some other health care insurance company. Americans ought to be able to get the same good deal that insurance companies or the government can get, and they could do that if they had their health savings account and start saving. And even if someone is self-employed or wants to put in money of their own, they can do that. That's pretax money if they're willing to do that. Those are the kind of things that would help us.

With regard to transparency, under this bill, health care providers would be required to provide you the exact cost of the treatment of whatever it is you're getting in the way of health care from the health care provider before the treatment.

□ 2230

They also, under my bill, would have the right to know if you are providing that service to anyone else cheaper. They have the right to know how much it is. Chances are, if a health care provider is providing it cheaper to one than they will with a health savings account or somebody with cash, then that person with cash or the health savings account will take their little debit card down the road, like we used to do growing up. The truth is we used to go back and forth between doctors. My parents were looking for a good deal and didn't have money to waste, and so you knew what things cost and we might go to a different doctor. But you might know in advance. That's the

way it ought to be now. You ought to know, and you might get the same deal, Madam Speaker, that Blue Cross gets. That's in this bill.

Another thing would be that insurance companies—and that's in this bill, and JOHN SHADEGG is the one that talked about it so adamantly for so long. It's a good idea. Insurance companies should be able to cross State lines.

I have been looking on the Internet lately for some new term life insurance—and I am not giving out my e-mail address, because I sure don't want any more of the spam that I keep getting—but you can get that online. People are competing across the country, and there are some very good rates on life insurance.

You ought to be able to do that with health care insurance. People ought to be able to get as good of health care plans no matter who they are. But, unfortunately, under H.R. 3200, and basically the Baucus bill, as I understand it—I haven't read it like I have 3200—you will not have a lot of choices. There will be one basic plan. There will be one enhanced plan. There will be one premium plan. It may be that you are in an area of the country where you only have one policy, the basic policy. The terms will be dictated by the Federal Government.

It's not choices. You may have a number of companies initially that offer those, but if there is a public option, then, just like with the flood insurance, the Government will put private insurance companies out of business and you will have one choice of company; that's the Federal Government. You will have one plan, and that's what's dictated. My bill avoids that problem.

There are lots of solutions out there, but I do want people to know that, again, when they are told that you can keep your own insurance company, here is the House bill here, 3200, Section 102, the grandfathered health insurance coverage means an individual has insurance coverage. In order to keep this, you have to meet these requirements:

The insurance issuer offering such coverage does not enroll any individual in such coverage if the first effective date of coverage is on or after the first day of Y1. You can't add a single individual to your policy. If you do, you will lose the policy. It's a retirement medical policy, and one more person retires and goes on, that's gone. You are back under the Federal bill here.

Then the second is the issuer does not change any of its terms or conditions, including benefits and cost sharing. That means nobody is going to be keeping their own health insurance policy is exactly what it means.

The other stuff, even if you take out the public option, this kind of stuff that you can find in our 1,000-page bill—and I bet this kind of stuff is in

the Baucus Senate bill, studying reports. It shall, the commissioner, Secretary of Health and Human Services, Secretary of Labor, shall conduct a study of the large group insured, self-insured employer health care markets.

It will include types of employers by key characteristics, including size that purchase insured products versus those that self-insure. Similarities and differences between typical insured, self-insured health plans. The financial solvency and capital reserve levels of employers that self-insure by employer size. The risk of self-insured employers not being able to pay obligations or otherwise becoming financially insolvent. You get that, being able to pay obligations.

That means we are going to send in—we have never balanced anything around here for very long. We are going to send in a Federal agent to help people in private business, that we think you are not making good decisions and so we are going to help you run your business because you are not making good calls. We are doing a study. I mean, this opens the door for the Federal Government to come in and service people in a way they don't want to be serviced.

We don't need the Federal takeover of health care. We just don't. We need a referee. We do not need the Federal Government to be the player. That's the way it always works out.

I would encourage, Madam Speaker, anyone in this body or anybody across America who would like to know exactly what the President's plan says, because he has referred to it constantly, my bill, my plan, this bill, this plan, contact the White House if they would be interested and ask for a copy of the President's bill. Anybody on this floor can do that, anybody across America. What you will find is what we finally found—the President has no bill. There is no bill. There is no President's bill, nothing there. All those claims about my bill, this bill, my bill, it's not there, doesn't exist. They finally admitted it.

Madam Speaker, I am so hopeful that Americans will speak out and make sure that their Representatives or their Senators and the President know how they feel about the government taking over another aspect of their lives, and I hope and pray that doesn't happen.

Madam Speaker, I yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GERLACH (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legis-

lative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. CARNAHAN) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.
Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GRAYSON, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, November 3.

Mr. JONES, for 5 minutes, November 3.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. CARTER, for 5 minutes, October 28.

Mr. DEAL of Georgia, for 5 minutes, October 28.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1209. An act to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

H.J. Res. 26. Joint Resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

A BILL PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on October 26, 2009 she presented to the President of the United States, for his approval, the following bill.

H.R. 2647. To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.

ADJOURNMENT

Mr. GOHMERT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Wednesday, October 28, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4299. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Congestion Management Rule for John F. Kennedy International Airport and Newark Liberty International Airport [Docket No.: FAA-2008-0517; Amendment No. 93-93] (RIN: 2120-AJ48) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4300. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Congestion Management Rule for LaGuardia Airport [Docket No.: FAA-2006-25709; Amendment No. 93-92] (RIN: 2120-AJ49) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4301. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Little River, CA [Docket No.: FAA-2009-0617; Airspace Docket No. 09-AWP-5] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4302. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Platteville, WI [Docket No.: FAA-2009-0512; Airspace Docket No. 09-AGL-9] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4303. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Pueblo, CO [Docket No.: FAA-2009-0349; Airspace Docket No. 09-ANM-6] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4304. A letter from the Regulations Officer/Attorney Advisor, FHWA, Department of Transportation, transmitting the Department's final rule — Interoperability Requirements, Standards, or Performance Specifications for Automated Toll Collection Systems [FHWA Docket No.: FHWA-06-23597] (RIN: 2125-AF07) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4305. A letter from the Assistant Chief Counsel, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Revision of Requirements for Emergency Response Telephone Numbers [RSPA Docket No.: 2006-26322 (HM-206F)] (RIN: 2137-AE21) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4306. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes Equipped with a Digital Transient Suppression Device (DTSD) In-

stalled in Accordance with Supplemental Type Certificate (STC) ST00127BO [Docket No.: FAA-2009-0521; Directorate Identifier 2008-NM-187-AD; Amendment 39-16034; AD 2009-20-11] (RIN: 2120-AA64) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4307. A letter from the Assistant Chief Counsel, Department of Transportation, transmitting the Department's final rule — Hazardous Materials; Minor Editorial Corrections and Clarifications [Docket No.: PHMSA-2009-0237 (HM-244B)] (RIN: 2137-AE50) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4308. A letter from the Paralegal, Department of Transportation, transmitting the Department's final rule — Bus Testing; Phase-In of Brake Performance and Emissions Testing, and Program Updates [Docket No.: FTA-2007-0011] (RIN: 2132-AA95) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4309. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30686; Amdt. No. 3339] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4310. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30685 Amdt. No. 3338] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4311. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Restricted Area R-2502A; Fort Irwin, CA [Docket No.: FAA-2009-0490; Airspace Docket No. 09-AWP-3] (RIN: 2120-AA66) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4312. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG-100 Gliders [Docket No.: FAA-2009-0897; Directorate Identifier 2009-CE-048-AD; Amendment 39-16036; AD 2009-20-13] (RIN: 2120-AA64) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4313. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200 and -300 Series Airplanes [Docket No.: FAA-2008-0682; Directorate Identifier 2001-NM-237-AD; Amendment 39-16025; AD 2009-20-02] (RIN: 2120-AA64) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4314. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Franklin, NC [Docket No.: FAA-2008-0986; Airspace Docket No. 08-ASO-15] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4315. A letter from the Program Analyst, Department of Transportation, transmitting

the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No.: 30689; Amdt. No. 483] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4316. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -100B, -100B SUD, -200B, -200C, -200F, -300, -400, -400D, -400F, and 747SR Series Airplanes [Docket No.: FAA-2009-0293; Directorate Identifier 2008-NM-221-AD; Amendment 39-16035; AD 2009-20-12] (RIN: 2120-AA64) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4317. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace, Modification of Class E Airspace; Bunnell, FL [Docket No.: FAA-2009-0327; Airspace Docket No. 09-ASO-11] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4318. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and E Airspace, Removal of Class E Airspace; Aguadilla, PR [Docket No.: FAA-2009-0053; Airspace Docket No. 09-ASO-11] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4319. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Teledyne Continental Motors O-470, IO-470, TSIO-470, IO-520, TSIO-520, IO-550, and IOF-550 Series Reciprocating Engines [Docket No.: FAA-2009-0367; Directorate Identifier 2009-NE-10-AD; Amendment 39-16023; AD 2009-19-06] (RIN: 2120-AA64) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4320. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class D Airspace and Amendment of Class E Airspace; North Bend, OR [Docket No.: FAA-2008-0006; Airspace Docket No. 08-NM-1] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4321. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310-203 and -222 Airplanes and Model A300 B4-620 Airplanes [Docket No.: FAA-2009-0431; Directorate Identifier 2007-NM-174-AD; Amendment 39-16029; AD 2009-20-06] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4322. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No.: FAA-2007-0390; Directorate Identifier 2007-NM-260-AD; Amendment 39-16028; AD 2009-20-05] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4323. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Glaser-Dirks Flugzeugbau GmbH Model DG-100 Gliders [Docket No.: FAA-2009-0881; Directorate Identifier 2009-CE-050-AD;

Amendment 39-16027; AD 2009-20-04] (RIN: 2120-AA64) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4324. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No.: FAA-2008-1117; Directorate Identifier 2008-NM-106-AD; Amendment 39-16026; AD 2009-20-03] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4325. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DORNIER LUFTAHRT GmbH Models Dornier 228-100, Dornier 228-101, Dornier 228-200, Dornier 228-201, and Dornier 228-202 Airplanes [Docket No.: FAA-2009-0574 Directorate Identifier 2009-CE-028-AD; Amendment 39-16030; AD 2009-20-07] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4326. A letter from the Chief, Trade & Commercial Regs. Branch, Department of Homeland Security, transmitting the Department's final rule — Foreign Repairs to American Vessels [CBP Dec. 09-04] (RIN: 1505-AB71) received October 19, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BARTON of Texas (for himself, Mr. SHIMKUS, Mr. BONO MACK, Mr. TERRY, Mr. SULLIVAN, Mr. BURGESS, Mrs. BLACKBURN, and Mr. WALDEN):

H.R. 3932. A bill to expand the authority of the Secretary of Health and Human Services to impose debarments in order to ensure the integrity of drug, biological product, and device regulation, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RANGEL (for himself, Mr. NEAL of Massachusetts, Mr. STARK, Mr. LEVIN, Mr. VAN HOLLEN, Mr. MEEK of Florida, Mr. DAVIS of Illinois, and Ms. LINDA T. SANCHEZ of California):

H.R. 3933. A bill to amend the Internal Revenue Code of 1986 to prevent the avoidance of tax on income from assets held abroad, and for other purposes; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 3934. A bill to amend title 5, United States Code, to require at least biennial review of the per diem allowances and the maximum reimbursement amounts established for official travel by Federal employees to localities that include, or that are adjacent to localities that include, certain military installations; to the Committee on Oversight and Government Reform.

By Mr. LATOURETTE:

H.R. 3935. A bill to establish a temporary minimum price for Class II and Class III milk under Federal milk marketing orders, and for other purposes; to the Committee on Agriculture.

By Mr. POMEROY (for himself and Mr. TIBERI):

H.R. 3936. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to allow time for pensions to fund benefit obligations

in light of economic circumstances in the financial markets of 2008, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY:

H.R. 3937. A bill to establish a health benefits program, based on the Federal employees health benefits program, to provide health insurance coverage for the President, Vice President, and Members of Congress, and citizens not eligible for coverage under the Federal employees health benefits program; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADERHOLT:

H.R. 3938. A bill to suspend temporarily the duty on certain nonwoven polypropylene zippered sleeping bag carry cases, not under 77.5 cm in circumference and not exceeding 106.7 cm in circumference; to the Committee on Ways and Means.

By Mr. FARR (for himself, Mr. PAUL, Mr. COHEN, Mr. ROHRBACHER, Mr. FRANK of Massachusetts, Mr. HINCHHEY, Mr. KUCINICH, Mr. WAXMAN, Mr. MICHAUD, Ms. BALDWIN, Mr. BERMAN, Mrs. CAPPS, Mr. GRIJALVA, Mr. POLIS of Colorado, Mr. STARK, Ms. WOOLSEY, Mr. SHERMAN, Mr. HONDA, Mr. MCGOVERN, Ms. SCHAKOWSKY, Ms. ESHOO, Ms. BERKLEY, Mr. MORAN of Virginia, and Mr. GEORGE MILLER of California):

H.R. 3939. A bill to amend title 18, United States Code, to provide an affirmative defense for the medical use of marijuana in accordance with the laws of the various States, and for other purpose; to the Committee on the Judiciary.

By Ms. BORDALLO:

H.R. 3940. A bill to authorize the Secretary of the Interior to extend grants and other assistance to facilitate a political status public education program for the people of Guam; to the Committee on Natural Resources.

By Mr. BURGESS:

H.R. 3941. A bill to amend the Internal Revenue Code of 1986 to eliminate the temporary increase in unemployment tax; to the Committee on Ways and Means.

By Mr. BURGESS (for himself, Mr. BRADY of Pennsylvania, Mr. GORDON of Tennessee, Mr. MARSHALL, Ms. ESHOO, Ms. MCCOLLUM, Mr. HENSARLING, Mr. MCCOTTER, Mr. SESSIONS, Mr. WITTMAN, Mr. WOLF, Ms. ZOE LOFGREN of California, and Mr. PLATTS):

H.R. 3942. A bill to provide for the issuance of a veterans health care stamp; to the Committee on Oversight and Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COURTNEY (for himself, Mr. PETRI, and Ms. MATSUI):

H.R. 3943. A bill to amend the Elementary and Secondary Education Act of 1965 to allow members of the Armed Forces who served on active duty on or after September

11, 2001, to be eligible to participate in the Troops-to-Teachers Program, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 3944. A bill to amend part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grant funds to be used for Troops-to-Cops program; to the Committee on the Judiciary.

By Mr. SPRATT:

H.R. 3945. A bill to suspend temporarily the duty on Himic Anhydride; to the Committee on Ways and Means.

By Mr. STUPAK (for himself and Mrs. MILLER of Michigan):

H.R. 3946. A bill to amend the Federal Water Pollution Control Act to prohibit the sale of dishwashing detergent in the United States if the detergent contains a high level of phosphorus, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Texas:

H. Res. 871. A resolution directing the Attorney General to transmit to the House of Representatives certain documents, records, memos, correspondence, and other communications regarding medical malpractice reform; to the Committee on the Judiciary.

By Mr. MACK (for himself and Mr. KLEIN of Florida):

H. Res. 872. A resolution calling for the Bolivarian Republic of Venezuela to be designated a state sponsor of terrorism for its support of Iran, Hezbollah, and the Revolutionary Armed Forces of Columbia (FARC); to the Committee on Foreign Affairs.

By Mr. ROHRBACHER (for himself and Mr. DAVIS of Tennessee):

H. Res. 873. A resolution establishing a United States Consulate in the Kurdistan Region of Iraq; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 99: Mr. SESSIONS.

H.R. 104: Mr. WATT.

H.R. 182: Mr. MAFFEI.

H.R. 345: Mr. THOMPSON of Pennsylvania.

H.R. 413: Mr. JACKSON of Illinois, Ms. WATSON, Mr. BARROW, Mr. PRICE of North Carolina, Mr. SERRANO, Mr. HALL of New York, Mr. HINCHHEY, Mr. WEXLER, and Ms. MCCOLLUM.

H.R. 442: Mr. LINDER.

H.R. 503: Ms. TSONGAS, Mr. TONKO, and Mr. KILDEE.

H.R. 510: Mr. NYE and Mr. HOLDEN.

H.R. 517: Mr. MCMAHON.

H.R. 534: Mr. JONES.

H.R. 537: Mr. HILL.

H.R. 644: Mr. GEORGE MILLER of California.

H.R. 678: Mr. WOLF, Mr. SCHIFF, Mr. KENNEDY, and Ms. SUTTON.

H.R. 690: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 697: Ms. TSONGAS.

H.R. 734: Ms. DEGETTE and Mr. QUIGLEY.

H.R. 769: Mr. ROTHMAN of New Jersey.

H.R. 795: Mr. CARSON of Indiana.

H.R. 816: Mr. BACHUS.

H.R. 848: Ms. SUTTON.

H.R. 868: Mr. SMITH of New Jersey and Mr. ROSS.

H.R. 877: Mr. LATTA.
H.R. 901: Mr. RANGEL and Mr. ELLISON.
H.R. 1074: Mr. UPTON.
H.R. 1182: Mr. MCHENRY, Mr. HASTINGS of Washington, Mr. BOREN, Mr. SERRANO, Mr. DELAHUNT, Mr. NADLER of New York, and Mr. FATTAH.
H.R. 1207: Mr. BISHOP of Georgia.
H.R. 1240: Mr. DUNCAN.
H.R. 1283: Mr. PIERLUISI.
H.R. 1300: Mr. PENCE.
H.R. 1326: Mr. CLAY and Mr. BUCHANAN.
H.R. 1340: Ms. BALDWIN.
H.R. 1378: Ms. VELÁZQUEZ, Mr. SPACE, Mr. KRATOVL, Mr. PRICE of North Carolina, Mr. PLATTS, Mr. HALL of New York, Mr. MITCHELL, Mr. CONYERS, Mr. MORAN of Virginia, Mr. PETERS, Mr. ROGERS of Alabama, Mr. TIERNEY, Mr. NYE, and Mr. MASSA.
H.R. 1423: Mr. LATOURETTE, Mr. PETERS, Mr. DAVIS of Illinois, Mr. CARSON of Indiana, and Ms. DEGETTE.
H.R. 1479: Ms. CHU.
H.R. 1522: Mr. BOREN and Mr. HALL of New York.
H.R. 1526: Mr. WELCH, Mr. WITTMAN, and Mr. PERRIELLO.
H.R. 1548: Mr. TERRY.
H.R. 1549: Mr. WEINER, Ms. WOOLSEY, and Ms. SUTTON.
H.R. 1585: Mr. WALZ.
H.R. 1670: Mr. BERMAN.
H.R. 1708: Mr. LEVIN.
H.R. 1826: Mrs. MCCARTHY of New York.
H.R. 1835: Mr. DANIEL E. LUNGREN of California and Mr. WITTMAN.
H.R. 1844: Mr. HONDA.
H.R. 1960: Mr. TIAHRT.
H.R. 1977: Mr. MASSA.
H.R. 2000: Mr. MURPHY of New York, Mr. MARKEY of Massachusetts, and Mr. HILL.
H.R. 2006: Mr. DAVIS of Illinois and Mr. KRATOVL.
H.R. 2017: Mr. PERRIELLO.
H.R. 2136: Mr. SCOTT of Virginia, Mr. MINNICK, Mr. KILDEE, Mr. SHERMAN, Mr. HINCHEY, and Mr. WHITFIELD.
H.R. 2138: Mr. BISHOP of New York.
H.R. 2161: Ms. KILPATRICK of Michigan.
H.R. 2194: Mr. EDWARDS of Texas and Mr. TANNER.
H.R. 2227: Mr. KLINE of Minnesota.
H.R. 2254: Mr. HIMES, Mr. KLINE of Minnesota, Ms. KILROY, Mr. ANDREWS, Ms. TSONGAS, and Mrs. KIRKPATRICK of Arizona.
H.R. 2273: Ms. HARMAN.
H.R. 2279: Mr. FRANK of Massachusetts, Mr. MCGOVERN, and Mr. ORTIZ.
H.R. 2296: Mr. UPTON.
H.R. 2365: Mr. TIM MURPHY of Pennsylvania.
H.R. 2372: Mr. WILSON of South Carolina.
H.R. 2382: Mr. HALL of New York.
H.R. 2452: Mr. MILLER of Florida, Mr. STEARNS, and Mr. WELCH.
H.R. 2478: Mr. DEFazio.
H.R. 2579: Mr. POLIS and Mr. JOHNSON of Georgia.
H.R. 2642: Mr. COURTNEY.
H.R. 2699: Mr. CONNOLLY of Virginia.
H.R. 2708: Mr. MCDERMOTT.
H.R. 2715: Mr. MCCLINTOCK.
H.R. 2799: Mr. CARSON of Indiana, Mr. BROUN of Georgia, and Mr. REHBERG.
H.R. 2807: Mrs. NAPOLITANO.
H.R. 2831: Mr. KRATOVL.
H.R. 2894: Ms. KOSMAS.
H.R. 2900: Mr. CASSIDY.
H.R. 2931: Mr. HEINRICH.
H.R. 2964: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2999: Mr. BARROW, Mr. FARR, Mr. ROGERS of Michigan, Mr. YOUNG of Florida, Mrs. NAPOLITANO, and Mr. MCGOVERN.

H.R. 3053: Mr. TOWNS.
H.R. 3185: Mr. GRIJALVA.
H.R. 3186: Mr. BOREN.
H.R. 3407: Ms. KOSMAS.
H.R. 3421: Mr. DOGGETT and Mr. HINOJOSA.
H.R. 3458: Mr. MCDERMOTT.
H.R. 3463: Mr. TIAHRT and Mr. SCHOCK.
H.R. 3486: Mr. MCCOTTER and Mr. MCMAHON.
H.R. 3559: Ms. BERKLEY.
H.R. 3564: Mr. CONYERS, Mr. GRIJALVA, and Mr. RANGEL.
H.R. 3577: Mr. ROGERS of Alabama and Mr. COSTELLO.
H.R. 3596: Ms. WATERS, Mr. ROTHMAN of New Jersey, Mr. ELLISON, and Mr. SHERMAN.
H.R. 3613: Mr. PAUL, Mr. BARTLETT, and Mr. CAO.
H.R. 3633: Mr. MORAN of Virginia.
H.R. 3634: Mr. KILDEE, Mr. SCHAUER, Mrs. MILLER of Michigan, Mr. LEVIN, Ms. KILPATRICK of Michigan, and Mr. DINGELL.
H.R. 3635: Mr. SCALISE.
H.R. 3641: Ms. TITUS, Mr. BISHOP of New York, Mr. MCNERNEY, Mr. MCMAHON, Mr. SCOTT of Virginia, Mr. BARTLETT, Mr. SCHAUER, Mr. BARROW, Mr. WITTMAN, Mr. KRATOVL, and Mr. HUNTER.
H.R. 3650: Mr. LEVIN, Mr. ABERCROMBIE, Mrs. CHRISTENSEN, Mr. HONDA, Mr. KENNEDY, Mr. MURPHY of New York, Mr. CAO, Mr. GRIJALVA, and Mr. THOMPSON of California.
H.R. 3652: Mr. LATHAM.
H.R. 3654: Ms. BORDALLO.
H.R. 3667: Mr. GRAYSON.
H.R. 3688: Mr. MCCAUL, Mr. ROE of Tennessee, and Mrs. EMERSON.
H.R. 3691: Mr. BILIRAKIS.
H.R. 3710: Mr. KILDEE and Mr. ISRAEL.
H.R. 3712: Mr. RANGEL, Mr. BURGESS, Mr. CUMMINGS, Mr. NADLER of New York, and Mr. JACKSON of Illinois.
H.R. 3731: Mr. MEEK of Florida.
H.R. 3734: Mr. LYNCH and Mr. MCGOVERN.
H.R. 3778: Mr. THOMPSON of Pennsylvania.
H.R. 3789: Mr. CANTOR.
H.R. 3790: Mr. KENNEDY, Mr. COURTNEY, Mr. ORTIZ, Ms. CASTOR of Florida, Mrs. DAHLKEMPER, and Mr. KING of New York.
H.R. 3791: Ms. CHU.
H.R. 3798: Mr. RANGEL.
H.R. 3810: Mr. PAYNE.
H.R. 3827: Mr. GUTIERREZ.
H.R. 3837: Mr. LANCE, Mr. LOEBSACK, and Mr. DRIEHAUS.
H.R. 3855: Mr. ELLISON and Ms. LEE of California.
H.R. 3885: Mr. MEEK of Florida, Mrs. BLACKBURN, and Mr. MINNICK.
H.R. 3905: Mr. SCHOCK, Mr. PAUL, Mr. ROSS, Mrs. BLACKBURN, Mr. SIMPSON, Mr. NYE, and Mr. ROONEY.
H.R. 3921: Mr. BARTLETT, Mr. BOREN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAUL, and Mr. ROONEY.
H. J. Res. 11: Mr. LAMBORN.
H. Con. Res. 42: Mr. CARSON of Indiana.
H. Con. Res. 43: Mr. CARSON of Indiana.
H. Con. Res. 128: Mr. CONYERS.
H. Con. Res. 160: Mr. RAHALL, Mr. BUCHANAN, and Mr. BOCCIERI.
H. Con. Res. 170: Mr. MCHENRY.
H. Con. Res. 198: Mr. HIMES, Mr. CUMMINGS, Ms. GINNY BROWN-WAITE of Florida, and Mr. SIREN.
H. Res. 89: Mr. PERLMUTTER, Mr. ALEXANDER, and Mr. ORTIZ.
H. Res. 278: Mr. FARR and Mr. FATTAH.
H. Res. 554: Mr. TIM MURPHY of Pennsylvania, Mr. NYE, and Mr. BUCHANAN.
H. Res. 605: Mr. NADLER of New York.
H. Res. 611: Ms. SCHAKOWSKY.
H. Res. 704: Mr. BISHOP of Utah, Mr. CONYERS, and Mr. BISHOP of Georgia.

H. Res. 708: Ms. KILROY, Mr. GRAVES, Mrs. NAPOLITANO, Mr. MASSA, Mr. BOSWELL, Mr. BUCHANAN, Mr. BERMAN, Mr. LUETKEMEYER, Mr. CUELLAR, Mr. BROUN of Georgia, Mr. SHIMKUS, Mr. ROE of Tennessee, Mr. KIRK, Mr. SNYDER, Mr. TIAHRT, Mr. LATOURETTE, and Mr. MACK.
H. Res. 711: Mr. BUTTERFIELD.
H. Res. 713: Mr. COBLE, Mr. PASCRELL, Ms. CLARKE, Mr. QUIGLEY, Mr. HIGGINS, Ms. FUDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK of Michigan, and Mr. WATT.
H. Res. 715: Mr. LAMBORN.
H. Res. 764: Mr. CAO and Mr. LAMBORN.
H. Res. 780: Mr. ISSA and Mr. RANGEL.
H. Res. 831: Mr. WAMP and Mr. CARDOZA.
H. Res. 839: Mr. SHERMAN, Ms. SCHAKOWSKY, Mr. ENGEL, Mr. INGLIS, Mr. GRIJALVA, Mr. MANZULLO, and Mr. CROWLEY.
H. Res. 845: Mr. ORTIZ, Mr. JONES, Mr. HALL of Texas, Mr. REYES, Mr. GENE GREEN of Texas, Mr. AKIN, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, Mr. BARTLETT, Mr. BISHOP of Utah, and Mr. FRANKS of Arizona.
H. Res. 847: Mr. CARTER, Mr. CAO, Ms. FOXX, Mr. GARRETT of New Jersey, Mr. BURGESS, Mr. WALDEN, and Mr. NUNES.
H. Res. 848: Mr. BOSWELL.
H. Res. 856: Mr. MCKEON and Mr. PATRICK J. MURPHY of Pennsylvania.
H. Res. 863: Mr. SIREN, Ms. GIFFORDS, Mr. RANGEL, Mrs. EMERSON, Mrs. MCCARTHY of New York, Ms. ROS-LEHTINEN, Mr. JONES, Mr. COBLE, Mrs. BIGGERT, Mrs. MALONEY, Mr. WEXLER, Mr. ELLISON, Mr. ENGEL, and Ms. WATSON.
H. Res. 866: Ms. BORDALLO, Mrs. EMERSON, Mrs. CAPPS, Mrs. MALONEY, Mr. HOYER, Mr. CHILDERS, Mr. LEVIN, and Mr. DREIER.
H. Res. 867: Mr. PAULSEN, Mr. CANTOR, Mr. BLUNT, Mr. MCCOTTER, Mrs. BACHMANN, Mr. ROE of Tennessee, Mr. BUCHANAN, Mr. SESSIONS, Mr. LOBIONDO, Mr. TOWNS, Ms. BERKLEY, Mr. MORAN of Kansas, Mr. FALEOMAVAEGA, Mr. KLEIN of Florida, Mr. TIAHRT, Mr. LATTA, Mr. SHIMKUS, Mr. ENGEL, Mr. MACK, Mr. MCMAHON, Ms. CHU, Mr. CROWLEY, Mr. MCHENRY, Mr. CAMPBELL, Ms. JENKINS, Mr. ISRAEL, Mr. WAXMAN, Mr. BISHOP of Utah, Mr. LINDER, Mr. HASTINGS of Washington, Mr. BRADY of Texas, Mr. WEXLER, Mr. SIREN, Mr. MEEK of Florida, Mr. ROSS, Mr. KINGSTON, Mr. HASTINGS of Florida, Mr. LAMBORN, Mr. SCHIFF, and Mr. KING of New York.
H. Res. 868: Mr. GONZALEZ, Ms. ROS-LEHTINEN, Mr. WITTMAN, Ms. FOXX, and Mr. ROONEY.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative VELÁZQUEZ, or a designee, to H.R. 3854, the Small Business Financing and Investment Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1298: Mr. ALEXANDER.

EXTENSIONS OF REMARKS

HONORING OLGA MURRAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Ms. WOOLSEY. Madam Speaker, I rise today to honor Olga Murray of Sausalito, California, for her commitment to helping destitute children in one of the poorest countries of the world. In 1984, at the age of 60, Ms. Murray founded the Nepal Youth Opportunity Foundation, NYOF, which assists thousands of children through programs operated by the Nepalese themselves.

The mission of NYOF, which arose from Murray's vision, is to "transform the lives of impoverished Nepalese children by providing them with what should be every child's birthright—education, housing, medical care, and loving support." Inspired by these compelling words, NYOF's programs include homes for neglected and abandoned children, education programs and scholarships from grade school through graduate school, and even random acts of kindness.

But Murray may be best known for her innovative Indentured Daughters program which frees young girls from servitude. Among Tharu farmers, families in poverty sell their girls as young as 6 years old to serve in bondage to higher-caste families around the country where they perform menial labor under difficult conditions and are sometimes beaten and forced into prostitution. Often, the parents believe their daughters will actually be better off. Although the practice is now illegal, the prohibition is not enforced.

Murray's solution is to offer the parents a pig or goat in exchange for not selling their daughters as the animal is worth more if bred or butchered. She also pays the daughters' \$100 per year school expenses and has funded construction of 36 classrooms to accommodate them. Murray has saved thousands of young girls this way and inspired Nepalese charities to follow her lead in saving even more.

Murray is a prodigious fundraiser for NYOF, recognized as one of the most effective organizations of its kind. However, it is her personal passion and loving joy for her work and the people of Nepal that are the secret of her success. She has received numerous prestigious awards including Unsung Heroes of Compassion from the Dalai Lama, a medal from the King of Nepal, the Mannington Stand on a Better World Award, and the St. Vincent de Paul Society Frank Brennan Award for Outstanding Service to the Poor.

Madam Speaker, I admire Ms. Murray's commitment to creating opportunities for the children of Nepal. The children of the world are our future, and we can be inspired by people like Olga to make this world a better place.

TRIBUTE TO SISTER DOROTHY ANN KELLY

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mrs. LOWEY. Madam Speaker, I rise to pay tribute to Sister Dorothy Ann Kelly, OSU, whose extraordinary life of service as an educational leader and visionary, a champion for social justice and interfaith understanding, and a mentor to thousands of women and men will be celebrated by the Alumnae/i Association of the College of New Rochelle on Saturday, November 7, 2009.

Sister Dorothy Ann, the 11th president of the College of New Rochelle, died suddenly on March 27, 2009, ending her 60-year affiliation with the college, from which she had graduated in 1951. At the time of her death, she was in her 6th year as Provincial Prioress of the Eastern Province of the Ursulines of the Roman Union, the order of Roman Catholic nuns that she had entered in 1952.

Sister Dorothy Ann started her 25-year tenure as CNR president in the early 1970s, at a time when many all-women's colleges across the country were foundering. She gave new life to CNR by establishing its School of New Resources to educate adult students on six branch campuses in urban New York City neighborhoods. A commuter student from the Bronx, who had attended CNR on a scholarship, Sister Dorothy Ann saw the School of New Resources as furthering the original mission of the college to make higher education more accessible to those who weren't being well served. Two other schools were also established at CNR during her presidency—the School of Nursing and the Graduate School—earning her the unofficial title as "second founder" of the college.

Her immeasurable talents as an effective, inspiring, tenacious and energetic leader soon brought her expanded roles in higher education. In 1978, she was named the first woman chair of the Commission of Independent Colleges and Universities of the State of New York, and 9 years later, became the first woman chair of the National Association of Colleges and Universities.

Sister Dorothy Ann's influence and impact were also felt in other arenas, on the local, national and even international scene. In 1974, she became one of the first members of the Executive Committee of the Inter-Religious Council of New Rochelle, and maintained that association until her death. Shortly thereafter, convinced that the violence in northern Ireland had to be stopped, she not only hosted Nobel Peace Prize winners Mairead Corrigan Maguire and Betty Williams several times at the college, but also served as the first president of a New York-based group formed to finance the Northern Ireland Peace People.

And in 1995, she was appointed by President Bill Clinton as a member of the official U.S. Delegation to the United Nations Fourth World Conference on Women in Beijing.

Her achievements and contributions to numerous organizations and causes won her wide recognition, with honors including induction into the Westchester County Women's Hall of Fame and honorary degrees from six U.S. colleges and universities. But far more meaningful and lasting are the heartfelt tributes from the thousands whose lives she touched—and improved—through her landmark efforts to expand educational opportunities and increase understanding among peoples of all faiths, races and cultural backgrounds. I urge you to join me in honoring Sister Dorothy Ann Kelly's remarkable legacy of service and commitment to making this a better world.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. KLEIN of Florida. Madam Speaker, I rise today to submit a record of how I would have voted on October 26, 2009. Had I voted, I would have voted "yea" on rollcall No. 814 and "aye" on rollcall No. 815.

WATER POLITICS IN THE MIDDLE EAST

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. QUIGLEY. Madam Speaker, I rise today because a water crisis threatens to destabilize Iraq and the entire Middle East.

Iraqi leaders warn that disaster areas suffering from the water crisis, like Basra, provide a breeding ground for insurgents.

Refugees fleeing the water crisis have deserted their homes and constitute the biggest movement of Iraqi refugees since the Iran war of the 1980s. The Iraqi military has had to intervene, and it's only a matter of time before the water crisis becomes a security crisis that imperils regional peace.

Just how serious is this water crisis?

The Euphrates River, which once supported empires in the cradle of civilization, is now barely fit for human use. In some areas it's "A slick black ooze, fit only for scores of bathing water buffalo." In other areas, salinity levels have risen so high that towns have been evacuated, their citizens unable to drink the fetid water.

In Basra, for example, low water levels in the Tigris and Euphrates have brought salt

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

water rushing in from the Persian Gulf. Rising salinity levels threaten the viability of local agriculture so much that Amer Suleiman, Basra's agriculture director, will soon declare Basra a "disaster area" and warns that "if things continue to deteriorate there is no hope for Basra to recover."

What can be done about Iraq's water crisis? What can be done to replenish the Tigris and Euphrates?

The first solution is to reform Iraq's careless water management system.

Nibras al Mamouri, a professor of water resources at Baghdad's College of Agriculture, says "poor irrigation techniques and a lack of incentives to stop wasting so much water" are partly to blame for the current shortage.

The second solution, an international solution, reminds us that a water crisis in Iraq has consequences for the entire Middle East.

The Iraqi government, rightly or wrongly, has blamed the water crisis on its neighbors, principally Turkey and Syria but also Iran.

To resolve the water crisis, Iraq must negotiate a more equitable water sharing agreement—

(1) With Turkey, which controls the headwaters of both rivers—

(2) With Syria, through which the rivers pass—

(3) And with Iran, which controls two other rivers—the Karun and the Karkheh—that feed into the Faw Peninsula and Basra.

Turkey, Syria, and Iraq, responding to the water crisis, met earlier this month in Ankara to discuss a solution. But little has been achieved so far—neither Turkey nor Syria has been particularly sympathetic to Iraq, especially since each faces its own water shortage.

The difficulty of reaching an agreement underscores the unique diplomatic challenge posed by water politics. River water cannot belong to only one country because it flows between many countries. This is complicated by the fact that water flows in only one direction, and that upstream countries affect water levels downstream, but not vice versa.

Turkey, for example, which controls the headwaters of both the Tigris and the Euphrates, can control water flows to downstream countries, such as Syria and Iraq. Syria and Iraq begin any water negotiation with Turkey at an a priori disadvantage. But without greater Turkish cooperation, water shortages could spell disaster for Syrian and Iraqi agriculture, and spillover effects could destabilize the region.

The planned Ilisu dam, to be built on the Turkish part of the Tigris, is especially controversial in Iraq, which has already accused Turkey of choking the Euphrates with hydroelectric dams.

Some Iraqi leaders even suggest that water is being used as a weapon against Iraq and threaten war.

Tayseer al Mashadani, an Iraqi member of parliament, warns that "Iraq's water crisis . . . could lead us into war with one of our neighbors. The new war on Iraq is a war of water." But, before we accept the inevitability of war, we should reflect on words from the late Senator Simon: "Water," he said "can be a catalyst for war and can also create peace between nations."

In the Middle East we have an extraordinary opportunity to make cooperative water sharing serve the cause of peace.

Our voice carries a lot of weight in the region, and we should use that weight to support a water sharing agreement between Iraq, Turkey, Iran, and Syria.

The consequences of failure are too great.

IN MEMORY OF MR. JOSEPH A. MANENTE

HON. TIM RYAN—

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. RYAN of Ohio. Madam Speaker, it is with deep sadness that I inform the House of the death of Mr. Joseph A. Manente of Girard, Ohio.

GIRARD—Joseph A. Manente, 74, died Sunday, Sept. 20, 2009, at St. Elizabeth Health Center in Youngstown.

He was born June 13, 1935, in Girard, a son of Carmen and Gabriella Carson Manente.

He was a veteran of the U.S. Army and a member of St. Rose Church, Girard.

He retired from the Girard Post Office.

He is survived by his wife, Betty Miller Manente; two children, Lisa Manente Leschinsky of Girard and Greg of Hartford; two brothers, Anthony Manente of Austintown and Sam Manente of Mineral Ridge, and three grandchildren.

He was preceded in death by five brothers and sisters.

Calling hours will be from 5 to 8 p.m. Wednesday at McClurkin Funeral Home, Girard.

A Mass of Christian Burial will be held at 11 a.m. Thursday at St. Rose Church with prayers at 10:30 at the funeral home.

Interment will be at Girard City Cemetery.

RECOGNIZING MICHAEL P. SULLIVAN AS THE CHAUTAUQUA LEADERSHIP NETWORK'S 2009 LEADERSHIP AWARD RECIPIENT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. HIGGINS. Madam Speaker, it is my pleasure today to recognize my friend, Michael P. Sullivan, the Director of Institution Relations and Public Affairs at Chautauqua Institution, as the recipient of Chautauqua Leadership Network's 2009 Leadership Award.

The Chautauqua Leadership Network's mission is to identify and nurture regional leaders. They provide a framework for an emerging network of skilled civic trustees and help the community to meet the challenges of today and the opportunities of tomorrow.

The Chautauqua Leadership Network's Leadership Award is given to the person whose activities have done the most to further the mission of the Chautauqua Leadership Network; and there is no question that Mr. Sullivan is a commendable choice. His professional undertakings have had a profoundly positive effect on Chautauqua County.

Since 1998, Mr. Sullivan has been responsible for all marketing, public relations, and communication activities for the Chautauqua Institution. He previously worked as Director of Public Relations and Marketing at Highland Hospital in Rochester. As a member of the Public Relations Society of America, Mr. Sullivan earned his APR (Accredited in Public Relations) and served as president of the Rochester Chapter of Delegates to the PRSA National Assembly.

I would like to congratulate Mike for achieving this honor. I am pleased and honored to recognize Mr. Sullivan as the recipient of the Chautauqua Leadership Network's 2009 Leadership Award. This award honors Michael's years of guidance, leadership, and devotion to not only the Institution, but Chautauqua County as well.

CONGRATULATING KRISTINE WALTER AND DARREN ROSE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate and honor both Kristine Walter and Darren Rose for their past and present role in Leadership Fresno. Kristine Walter is the current chairman of this worthy, community-building organization, and Darren Rose was elected the incoming chairman beginning in July 2010.

The Leadership Fresno Steering Committee is comprised of alumni from previous Leadership Fresno classes. Kristine was president of Class 21, and Darren, District Director for California's 19th Congressional District, is in Class 23. Leadership Fresno has provided a place for community leaders to learn more about Fresno, network with other community-focused and concerned citizens, and offered innovative ways to work together to improve and change the greater Fresno area for the better.

The vision and leadership provided by this noteworthy organization is influential and effective in building communities in Fresno. Each year, Leadership Fresno coordinates a two-day retreat in August and continues building into the leadership class all year through the completion of the program the following June. The program includes seminars and projects, all leading to the improvement of community problems and concerns.

I am proud of the work done in the Fresno area by Kristine Walter in her capacity as chairman of the Leadership Fresno steering committee, and I am excited to see the work that Darren Rose will implement in the coming year. Please join me in congratulating both of these exemplary community leaders.

HONORING THE BOOK LAUNCH OF
"FILIPINOS IN CARSON AND THE
SOUTH BAY" BY FLORANTE
PETER IBANEZ AND ROSELYN
ESTEPA IBANEZ

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Ms. RICHARDSON. Madam Speaker, I rise today to call attention to a very significant event that occurred in my district last Friday, October 23, 2009. That day marked the public introduction of an important new book, "Filipinos in Carson and the South Bay." I am proud that the co-authors of this book are my constituents, Mr. Florante Peter Ibanez, and his wife, Roselyn Estepa Ibanez. Florante is a library manager at Loyola Law School and adjunct professor at Loyola Marymount University where he teaches a course entitled "The Filipino American Experience." Rose serves as the board chair for the Filipino American Library and works for the City of Los Angeles in the Department of Neighborhood Empowerment.

Their work, "Filipinos in Carson and the South Bay," chronicles the rich history and significant contributions made by Filipino Americans to the City of Carson, the state of California, and the United States. It is an extensively researched and meticulously documented history of the Filipino experience. In addition to the general population, students of history, political science, anthropology, sociology, and other academic disciplines will find this work a welcome addition. I thank Florante Peter Ibanez and Roselyn Estepa Ibanez for undertaking this enormous task and salute their achievement.

Madam Speaker, October 2009 has been proclaimed Filipino American History Month in my home state of California and the U.S. Senate adopted a similar resolution earlier this month. It is my hope and expectation that the House will act very soon and favorably on H. Res. 155, a resolution I am proud to co-sponsor. This resolution will put the House on record in strong support of observing October as Filipino American History Month.

Madam Speaker, it is my honor and privilege to represent the people of the 37th Congressional District of California, which is one of the most ethnically, culturally, and racially diverse congressional districts in the country. This is especially true of Carson, one of the major cities in the district. Carson is comprised of roughly equal populations of Hispanics, African Americans, Caucasians, and Asian/Pacific Islanders. The majority of Asian Pacific Americans are Filipinos who settled there as early as the 1920s to work on the farms or in factories, or serve in the U.S. Armed Forces, or to start their own businesses, or to serve their community as doctors, lawyers, and members of the clergy.

In the years since the descendants of these pioneers have prospered and made Carson and the South Bay one of the most livable communities in the nation and a preferred destination for Filipinos looking to start a new life in our country.

The vibrant Filipino community in Carson and the South Bay hosts an annual Festival of

Philippine Arts and Culture which is one of Southern California's oldest, largest, and most heavily attended community festivals.

Madam Speaker, the authors, Florante Peter Ibanez and Roselyn Estepa Ibanez, chronicle the remarkable story of the Filipino experience in Carson and the South Bay. Their book adds a long overdue chapter to the American story. I ask my colleagues to join with me in honoring Florante Peter Ibanez and Roselyn Estepa Ibanez and applauding their major contribution to Filipino American History Month.

**ANSWERING THE CALL IN THE
WAKE OF GULF'S FUEL DEPOT
EXPLOSION IN PUERTO RICO**

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. RANGEL. Madam Speaker, I rise to thank President Barack Obama for his steadfastness in dealing with the state of emergency in my beloved Puerto Rico. An explosion at the fuel storage complex in Cataño ignited a fire on Friday, October 23rd, that burned for two days, spewing thick, toxic smoke across the Caribbean region and forcing hundreds of people on the island to evacuate their homes. The fire affected 21 of the fuel depot's 40 tanks. The damages are now estimated at \$6.4 million.

In a press statement issued by the office of the President's Press Secretary, President Obama swiftly declared that an emergency exists in the Commonwealth of Puerto Rico. Furthermore, the President ordered federal aid to supplement Governor Fortuno's funds and other local response efforts in the area struck by explosions and fire.

The President's action authorizes the Department of Homeland Security's Federal Emergency Management Agency to coordinate all disaster relief efforts. The purpose of this swift action is to alleviate the hardship and suffering caused by the emergency on the locals, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act. This will save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe in the municipalities of Bayamón, Cataño, Guaynabo, San Juan, and Toa Baja.

Although it's true that we can't personally drive those fire engines and we can't personally distribute aid, there are still lots of other ways in which we can all help. I, and my fellow colleagues here in Congress, can make sure that our government does not stray from its initial commitments and that bureaucratic red tape does not impede any relief efforts to the affected area. We can also appeal to constituents in our own home districts to give to the local charities that are involved in this effort, like the Red Cross or Catholic Charities.

We must never forget that our country's strength lies not just in the size of our military, but also in the depth of our compassion. Any effort will go a long way in relieving the suffering that continues to be felt by our fellow citizens and Commonwealth neighbors to the south.

**PUTTING THE PRICE OF GOING
GREEN IN CONTEXT**

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. WHITFIELD. Madam Speaker, I rise today to highlight an article by Dr. Kurt House entitled, "Putting the Price of Going Green in Context." The following column was coauthored by Benjamin Urquhart, a research associate at Harvard University's Center for the Environment, and Mark Winkler, a Ph.D. student at Harvard's School of Engineering and Applied Sciences.

Over time, the global energy infrastructure must change because the continued combustion of fossil fuels is altering Earth's climate in potentially dangerous ways and because the large wealth transfer from mostly democratic oil-importing countries to mostly autocratic oil-exporting countries is proping up repressive regimes worldwide. So, we know that the world's energy infrastructure must change. But, the interesting questions are: how big an investment are we willing to make to bring about that change and how fast are we willing to make that investment?

Many groups have tried to answer these questions. In the last year alone former Vice President Al Gore, Google, oilman T. Boone Pickens, Greenpeace, and the International Energy Agency all have published hypothetical scenarios for how the United States could transform its energy infrastructure over the next two decades. Gore's "Repower America" calls for generating 100-percent renewable electricity by 2020. Google's "Clean Energy 2030" would eliminate coal- and oil-burning power plants by 2030, while retaining natural gas power plants to maintain grid stability. Greenpeace is strongly anti-nuclear, while Pickens promotes wind power and natural gas as alternatives to foreign oil.

The quantity of new electricity-generating capacity proposed in the Gore and Google plans has led to criticism that they are unrealistically expensive. We try to place such commentary in a more quantitative context by comparing the industrial and financial commitments necessary to achieve the Google and Gore plans to two large-scale, government-led efforts from the twentieth century—the industrial buildup that accompanied World War II and the construction of the Interstate Highway System. These massive projects serve as tangible benchmarks for the magnitude of financial commitment and public support that will be required to rebuild the U.S. power sector.

Let's start with a bit of history: The U.S. industrial commitment to World War II was staggering. At its peak, the war occupied almost 40 percent of the nation's total economic capacity, and it required massive quantities of raw materials—at least 100 megatons of steel to build among other things more than 80,000 tanks, 250,000 planes and helicopters, and 15 million tons of munitions. The inflation adjusted annual cost of the war effort averaged close to \$700 billion between 1943 and 1945, while the total cost of the war effort topped \$2.5 trillion (in 2006 dollars).

In comparison, constructing the Interstate Highway System demanded a less intensive effort—but one of far longer duration. With the majority of its 47,000 miles covered by 11

inch-thick concrete—and weighing an impressive 700 megatons—it remains the largest public works project in U.S. history. During its peak years of construction, from 1970 to 1980, 17 megatons of concrete were used annually to create 1,100 miles of roadway a year, at a real annual expense of almost \$11 billion, or about 0.3 percent of the nation's annual economic output over that time. The project—from its start in 1956 until its symbolic completion in 1995—cost the nation close to \$350 billion (again, in 2006 dollars).

How do current energy transformation plans compare to these massive governmental efforts?

To determine the answer, we calculated the overnight capital cost—the cost of a project without interest payments, as if it were finished in one night—as well as the requirements in steel and concrete for the Gore and Google plans. We also calculated expenditures for the U.S. Energy Information Agency's (EIA) Annual Energy Outlook, the traditional policy-neutral, business-as-usual scenario. We then compared the total and annual expenditures of capital, steel, and concrete using World War II as a baseline for capital and steel consumption, and the highway project as a baseline for concrete consumption. (Note: Although the cost of steel and concrete also are included in the total capital numbers, we wanted straight comparisons for the total mass of steel and concrete to complement the more traditional capital comparisons.)

The results are summarized in two charts we have generated. The first chart shows that achieving Gore's vision of removing fossil fuels from electricity production by 2020 will require 50 percent of the capital and 60 percent of the steel required to wage World War II as well as 25 percent of the concrete that was used to construct the Interstate Highway System. (Google's requirements are a bit higher because its forecast assumes a higher U.S. growth rate for electricity consumption.) The other chart shows that the annual expenditures required to achieve the Gore and Google plans would require 60 and 90 percent, respectively, of the concrete used annually for the highway system and about 20 percent of the steel consumed annually during the peak of war spending.

Take a moment to consider these numbers. Achieving either plan would require both an annual investment of concrete equal to the amount used to build the Interstate Highway System and an annual steel investment equal to one-quarter of that required to defeat the Axis powers. This is a massive industrial investment! Furthermore, these are only the steel and concrete requirements; the quantity of photovoltaic panels, for example, required to achieve the Gore or Google plan would be 28 and 74 times current global production, respectively.

The material requirements to achieve the Gore plan are significantly lower than those required to achieve the Google plan primarily due to their radically different estimates for the growth in electricity production. Google estimates that U.S. electricity production will grow by 4 percent to roughly 1,024 gigawatts by 2020, which essentially matches the EIA's forecast. The Gore plan, on the other hand, assumes that U.S. electricity production will decrease by a staggering 27 percent! That decrease—Gore claims—will result from huge increases in energy efficiency, but the EIA forecast already includes significant efficiency improvements.

We should note that the energy plans would last longer than World War II, making

the annual rate of spending about 15 percent of the peak annual war expenses (\$100 billion—\$124 billion versus \$800 billion per year). Also, because the U.S. economy is about six times larger today than it was in the 1940s, these costs represent a much smaller fraction of the country's total economic output (about 1 percent of gross domestic product). Put another way, the economic demands of the war effort were equivalent to diverting two days of every worker's five-day work week, the energy plans—over their lifespans—would demand only about 24 minutes from every worker's week.

Although each plan has other aspects that merit critical analysis (e.g., estimated capacity factors, load growth rates, and balance of peak and base-load power) our analysis yields an interesting conclusion regarding the required financial and industrial investments. Specifically, we have identified two precedents for large-scale, governmental projects with industrial and financial investments that exceed the total requirements of both the Gore and Google plans. When measured against historical extremes, the cost and physical requirements of these ambitious energy plans are within the country's reach.

That doesn't mean they'll be cheap. After all, fighting World War II was incredibly expensive—the modern economic equivalent would be passing a \$700 billion stimulus package every eight weeks for the next three years. Furthermore, defeating the fascist powers was of utmost importance as those powers represented a material and immediate threat to every living person in the free world. Although we strongly believe that the world's energy infrastructure must change, we don't believe that either climate change or energy-driven trade imbalances are remotely as scary today as Hitler was in 1941; and thus, while we could rebuild the energy system as we rebuilt industry for the war effort, the impetus to do so is far smaller today than in the 1940s.

Rather than waging war, rebuilding our energy infrastructure according to these plans would be more like keeping the peace: Consider that were the government doing all of this spending, it would require an annual budget of about one-third the average peacetime budget of the Defense Department. When we recall that Defense employs more than 3 million people, includes a massive research, design, and procurement system, and maintains a system of facilities worldwide, we get a sense of the magnitude of these proposed energy plans.

Another important fact to consider is that neither the Gore plan nor the Google plan assumes that the government will pay for everything transforming the U.S. power sector entails. Rather, both groups believe—admirably, in our opinion—in the endless capabilities of the American entrepreneur. In other words, these plans are betting that free enterprise will spring into action with the necessary capital. (With one proviso: Said entrepreneurs are given the proper policy incentives such as a stiff price on carbon emissions.) While we also believe in the power of individual initiative coupled with enlightened policy, we are cognizant of the fact that both World War II and the Interstate Highway System were entirely funded by U.S. taxpayers. So taking on an industrial transformation similar in scope to either the war effort or the highway system with mostly private capital is—to put it modestly—a challenging proposition.

PERSONAL EXPLANATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. THOMPSON of California. Madam Speaker, on October 26, 2009, I was unavoidably unable to cast my votes for rollcall 814 and rollcall 815. Had I been present, I would have voted "aye."

RECOGNIZING MR. RICHARD REUSS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. KIRK. Madam Speaker, I rise today to recognize Mr. Richard Reuss of Glenview, Illinois, who recently retired after thirty years as an Advisor to the Great Lakes Fishery Commission. Mr. Reuss and I share a passion for the Great Lakes and I thank him for his tireless work over the past three decades to protect and improve the fishery.

Mr. Reuss represented the public-at-large on the Commission's Committee of Advisors since he was first nominated to serve in 1980 by Governor James Thompson. The Committee is charged with advising the Commission about all matters relating to fish stocks shared by Canada and the United States, as well as providing an avenue for citizens to be heard on issues that matter to them. Mr. Reuss's responsibility was to consider ways in which all citizens could benefit from protecting and restoring the Great Lakes and then to provide the best advice possible to the Great Lakes Fishery Commission about how the Commission could better achieve its objectives.

As an Advisor, Mr. Reuss was a consistent and strong advocate for the Great Lakes. He stayed in regular contact with boaters, fishers, and elected officials, was constantly up to date on Great Lakes issues, and worked tirelessly to keep the Commission and others informed. For years, he volunteered his time to help educate fishers and citizens about the Great Lakes, the sea lamprey problem, and ways in which we could all work together to improve the resource. He was particularly outspoken about the need for effective invasive species measures, whether they be measures to control sea lampreys, to prevent Asian carp, or to address the ballast water vector. In 2004, the commission honored Mr. Reuss with the C.D. "Buzz" Besadny Award for Fostering Great Lakes Partnerships, the Commission's highest recognition.

For the first time in its 50-year history, the Commission has created the position of Advisor Emeritus and has asked Mr. Reuss to serve in that capacity. So, while Mr. Reuss is formally retiring from the Committee of Advisors, the Commission and the Great Lakes community will not lose his invaluable service.

I am proud to honor Mr. Richard Reuss as he retires from the Great Lakes Fishery Commission's Committee of Advisors and I ask my colleagues to join me in thanking him for his remarkable service to the Great Lakes.

HEALTH CARE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. LEWIS of California. Madam Speaker, there are still at least three very different versions of a massive health care package being discussed in the House of Representatives. There is no firm agreement on whether we will have a "public option" or what form it might take. And yet we are being told that this plan **MUST** be passed before Thanksgiving.

Rushing this package to a vote is a huge mistake. It is dangerous to the futures of all of our constituents. This year our federal deficit has surpassed \$1.4 trillion. And yet, the Democrat majority wants to expand government in this healthcare bill, adding hundreds of billions more to our deficit.

The work on this bill is being done out of sight of every member except the select few chosen by the majority leadership. Americans deserve transparency in this process, not Chicago-style strong arm tactics.

That is why I have introduced a resolution calling for the final language, of the healthcare package to be available for 30 days before it comes to the floor for a vote.

**COMMEMORATING THE LIFE OF
U.S. ARMY RESERVE CAPTAIN
BENJAMIN A. SKLAVER**

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Ms. DeLAURO. Madam Speaker, I rise to commemorate the life and mourn together with his family the death of an American hero, CPT Benjamin A. Sklaver of Hamden, Connecticut.

A captain the 422nd Civil Affairs Battalion, 3rd Infantry Division serving his second tour of duty, Benjamin Sklaver was killed in an ambush on Friday, October 2, while on patrol in Afghanistan. Struck down at the age of 32, he leaves behind a legacy of humanitarian works and honorable deeds that would do any man or woman proud.

Captain Sklaver was, as his friend Jake Herrle deemed him, "a combatant of peace," and his career of good works took him from Malawi to Djibouti and from Uganda to Central Asia. He served as a crisis relief specialist, helping people all around the world get back on their feet after hard times. Compelled to national service by his patriotism and to humanitarian action by his Jewish faith, Sklaver was at once a proud soldier and a humble man of peace. Along with his firearm and ammunition, he carried schoolbooks and drinking water. He constructed not only forts and bunkers, but roads, schools, and dormitories. He brought not war and destruction in his wake, but infrastructure and peace.

Before serving in Afghanistan as an army reservist, Sklaver—a graduate of Tufts University as well as its Fletcher School of Law and Diplomacy—had worked for FEMA in New York and the CDC as an international emer-

gency and refugee health analyst. And he was the co-founder of and director of ClearWater Initiative, an organization which aspired to provide clean drinking water to refugees displaced by an international emergency.

In the past two years, Sklaver's leadership at ClearWater had managed to provide over 6,500 people in Uganda with clean drinking wells. To the thousands of lives he changed in Uganda, Sklaver was known as "Moses Ben." But to his grieving family—his parents, Gary and Laura; his siblings, Anna and Samuel; his fiancée, Beth; her son, Danny; and her parents, Barbara and Jimmy Segaloff—he was simply Ben, a warm, kind, and generous young man with so much life ahead of him, taken from us all too early.

Connecticut mourns, and America mourns, this family's loss.

**REMEMBERING HORACE
D'ANGELO, JR.**

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. KILDEE. Madam Speaker, I ask the House of Representatives to join me in remembering the life and work of Horace D'Angelo Jr. Mr. D'Angelo passed away on October 14th and a memorial service will be held in his honor on October 28th in Madison Heights, Michigan.

Horace D'Angelo Jr. earned a BA and MA in Business Administration from Michigan State University and he embarked on a career in nursing home administration. He was the innovator behind the Caretel Inn concept of providing nursing care in a residential setting. He has opened Caretel Inns throughout Michigan including two in my district in Linden and Frankenlust Township. His commitment to providing the best care for our most vulnerable citizens was recognized by the Multiple Sclerosis Society when in 2003 they bestowed their da Vinci Award on the Caretel concept. The da Vinci Award is given for, "the most innovative and assistive technologies that enable equal access and opportunity for all people, regardless of ability," and is given in the fields of applied research, creation of products and design of buildings.

He was a founding member of the Assisted Living Federation of America and served on the board of Michigan Assisted Living of America. Horace is survived by his wife, Lorrie, his two children, Michael and Cara, brother, Jim, and sister, Diana.

Madam Speaker, I ask the House of Representatives to join me in offering condolences to the relatives and friends of Horace D'Angelo Jr. as they come together in paying tribute to his life and work. The field of nursing home care has been changed by his compassion and commitment to providing expert care for the elderly.

**RECOGNIZING JESUS P.
CARRILLO'S 38 YEARS OF PUBLIC
SERVICE**

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. REYES. Madam Speaker, I rise today to recognize Jesus P. Carrillo of El Paso, Texas, for his 38 years of distinguished public service.

Mr. Carrillo began his career with the United States Border Patrol in June 1971. Over his distinguished career, Mr. Carrillo served as a Border Patrol Agent, Special Agent, Undercover Special Agent and Senior Special Agent. During his time with the Border Patrol, Mr. Carrillo gained the respect of his colleagues and his work was ultimately honored by former Attorney General Janet Reno when she awarded Mr. Carrillo with the Attorney General's Award in 1995. Mr. Carrillo fully embraced the Border Patrol's mission of securing our Nation's borders, and he served with great honor and distinction.

In his time as a public servant, Mr. Carrillo was the subject of several threats and attempts on his life. His service is a reminder of the many risks that confront Border Patrol agents each day and why we owe them our sincere gratitude for their bravery, service and sacrifice. Before coming to Congress, I served for 26½ years in the Border Patrol, and I will always remain a part of that special family. I know first-hand the challenges and dangers that the agents face each day, and as a Member of Congress, I remain committed to ensuring that they have the resources and support that they need. I commend Mr. Carrillo for his 38 years of public service and sacrifice to protect our country and the City of El Paso.

**HONORING THE HONORABLE
GIANFRANCO CONTE**

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. BRADY of Pennsylvania. Madam Speaker, I rise to honor our colleague from the Republic of Italy, the Honorable Gianfranco Conte.

As President of the Finance Commission in the Italian Parliament, Hon. Conte has worked tirelessly to strengthen the cultural, economic, and commercial ties between the United States and Italy.

Hon. Conte's efforts have bolstered the relationship between the United States and Italy, and I ask my colleagues to join me in thanking Hon. Conte for his commitment to a flourishing international partnership.

RECOGNIZING THE CITY OF
DESTIN'S 25TH ANNIVERSARY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. MILLER of Florida. Madam Speaker, I rise to honor the City of Destin, Florida upon the occasion of its 25th anniversary.

The City of Destin has a rich historical heritage dating back to the American Indian tribes who lived along the Emerald Coast of Florida. In 1528, Panfilo de Narvaez first came ashore in the Destin area. In 1693, another Spanish explorer, Don Francisco Tapia surveyed the Florida coast and first entered Destin's East Pass into what is now known as Choctawhatchee Bay.

The first lasting settlement came in the mid-1800's when Captain Leonard Destin and his family moved from New England to build a colonial home at the location of the Monroe Point military reservation. While living on the East Pass peninsula, he met and married Martha McCullom. Their descendants formed the backbone of the Destin community. Captain Destin and his family established a large fishing town that lives on to this day and is known as the "World's Luckiest Fishing Village."

The residents of the South Okaloosa County area voted to incorporate the City of Destin on November 6, 1984. The first municipal election was held on January 8, 1985, and less than a week later the Mayor and City Council were sworn in. Twenty-five years later, Destin has grown from a sleepy fishing village into one of the Emerald Coast's premier tourist destinations with over 12,000 residents.

Madam Speaker, my wife Vicki and I wish to congratulate the City of Destin on its 25th anniversary. We wish them all the best for continued success as a community.

IN RECOGNITION OF THE LIFE OF
MR. LEA FITE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the memory of my friend, Mr. Lea Fite, of Jacksonville, Alabama.

Mr. Fite was born in Anniston, Alabama, and was later married to Judy. They were blessed with four children, Laurie, Wes, Trae and Jared. Lea attended Jacksonville University and owned several supermarkets across Calhoun County.

Mr. Fite was elected to the Calhoun County Commission in 1998 and then to the Alabama House of Representatives in 2002. He served tirelessly on behalf of his constituents in the 40th District.

Mr. Fite unexpectedly passed away on October 26, 2009. He will be sorely missed, but remembered as a man who gave selflessly for his fellow Alabamians. He was a man of principle, of dignity, and a true American and Alabamian who was always willing to lend a hand whenever needed.

A USEFUL QUOTE

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. SMITH of Texas. Madam Speaker, a friend and constituent of mine, Adriel "Squeaky" McGill, from San Antonio, Texas, has given me a quote that I feel has present-day application. I submit it for the benefit of my colleagues and citizens everywhere.

The following quotation, from 1790 by Dr. Alexander Tytler, Professor of General History, University of Edinburgh, is still instructive:

A Democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largess out of the public treasury. From that moment on the majority always votes for the candidate promising the most benefits from that public treasury, with the result that a democracy will always collapse from a loose fiscal policy (burden of large public debt), always to be followed by a dictatorship.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. ORTIZ. Madam Speaker, on October 26, 2009, my flight to Washington, DC, was delayed because of inclement weather, and I missed rollcall votes 814 and 815. If I had been present, I would have voted as follows: rollcall vote 814, "yea," rollcall vote 815, "yea."

THE COOPER-WOLF SAFE
COMMISSION BILL

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. WOLF. Madam Speaker, the national unemployment rate is 9.8 percent with nearly half of the states reporting increases in the month of September. And it is growing—it could reach 10 percent.

The national debt is approaching \$12 trillion, and the '09 fiscal year registered a staggering \$1.4 trillion in red ink. Meanwhile the House is expected to consider a health insurance reform package with a price tag nearing \$900 billion, with a Government run public option.

America is going broke.

We have watched the dollar slide—recently reaching a 14-month low against all other major currencies—which if not addressed this could lead to even higher consumer prices.

We can't spend our way out of this mess, and it won't magically get better without action from Congress.

The country is in trouble and it's time to stop the bleeding.

The action that will lead to a solution is the bipartisan commission JIM COOPER and I have

proposed with every spending program on the table with tax policy. Over 75 members of the House support this idea.

Senate Budget Chairman KENT CONRAD and ranking member GREGG have similar legislation in the Senate. So do Senators VOINOVICH and LIEBERMAN.

The Cooper-Wolf SAFE Commission bill is an opportunity to create a renaissance in this country for our children and our grandchildren.

KATHRYN RUSSELL

HON. THOMAS S.P. PERRIELLO

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. PERRIELLO. Madam Speaker, today I recognize the untimely passing of Kathryn Russell, who was killed in a car accident on the evening of October 22, 2009. She will be sorely missed by her friends, family, and community as well as independent farming advocates throughout the country. My heart goes out to her husband Wayne and their children Holly, Lynn, Laura, Emily, Beth, Charlotte, Caleb, and Hannah.

Kathryn returned to her grandparents' roots by beginning her farm over a decade ago and was a valued member of the North Garden community in Albemarle County, Virginia. As the owner of Majesty Farms and a founder and leader of the Virginia Independent Consumers and Farmers Association, she worked to protect family farms, locally grown food, and to promote ecological and economic sustainability. Kathryn took great pride in her work and believed strongly in the importance of community-based farming to create a vibrant local economy and a healthy citizenry. I can personally attest to her fearlessness and tirelessness in promoting traditional farming. She was an ardent skeptic of big government and corporate agriculture, and often saw through attempts by both to consolidate power at the expense of consumers and small farmers. While she was a strident advocate, she was also patient enough to help those of us who needed a little extra educating to get up to speed on these issues. Today, there are too few farmers like Kathryn Russell and her husband Wayne. I have strong hopes that she has passed on her legacy to her eight children and four grandchildren, and that they will maintain her memory by continuing the work toward lasting rural communities for generations to come.

HONORING COLONEL GINA GROSSO

HON. JOHN H. ADLER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. ADLER of New Jersey. Madam Speaker, I would like to congratulate Colonel Gina Grosso and the fellow recipients of National Association of Women Business Owners' 2009 Beyond the Glass Ceiling Award. As Joint Base and 87th Air Base Wing Commander,

Colonel Grosso was awarded this year's Trailblazer Award for her work overseeing the unification of Joint Base McGuire-Dix-Lakehurst, N.J.

Colonel Grosso entered the Air Force in 1986 as a Reserve Officer Training Corps distinguished graduate from Carnegie-Mellon University. She has held several command and staff positions throughout her career and her command tours include a Headquarters Squadron Section, Military Personnel Flight, Mission Support Squadron, and command of the Air Force's sole Basic Military Training Group.

As commander, Colonel Grosso provides installation support to more than 40 mission commanders at McGuire, Dix, and Lakehurst, the Department of Defense's first and only joint base with consolidated Air Force, Army, and Navy installations. She is responsible for providing mission ready expeditionary Airmen to combatant commanders in support of joint and combined operations.

Madam Speaker, I ask that my colleagues join me in commending Colonel Gina Grosso. She is truly a trailblazer and an outstanding leader deserving of this award.

RECOGNITION OF OCTOBER AS NATIONAL SPINA BIFIDA AWARENESS MONTH

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. QUIGLEY. Madam Speaker, I rise today in recognition of October as National Spina Bifida Awareness Month. During the month of October, the Spina Bifida Association seeks to bring awareness to the nation's most common permanently disabling birth defect—affecting 3,000 pregnancies every year. New data from the Center for Disease Control and Prevention (CDC) has found that there are 154,000 Americans with Spina Bifida, double what was previously thought. Increasing awareness of Spina Bifida will also focus attention on the need to expand and intensify evidence-based research to improve the quality of life of those living with Spina Bifida.

Spina Bifida is a disease that occurs within the first month of pregnancy and leaves a permanent opening in the spinal column, which subsequently impacts nearly every organ system. People with this birth defect face many complications—including physical, developmental, educational and vocational challenges, to name just a few. All women of childbearing age are at risk for having a Spina Bifida affected pregnancy.

Too many Americans suffer needlessly from this birth defect when many cases are preventable. An estimated 70 percent of neural tube defects, including Spina Bifida, are preventable through consumption of folic acid prior to pregnancy. National Spina Bifida Awareness Month plays a critical role in conveying this prevention message to the public. As a 2005 study uncovered, the current system of care for people with Spina Bifida does not fully meet current or anticipated needs, and physicians have little evidence-based re-

search on which to build appropriate treatments. A greater commitment to prevention and improving quality of life for those affected by Spina Bifida is absolutely necessary.

Drs. Cheng and Yerkes, who are pediatric urologists at Children's Memorial Hospital in the 5th Congressional District of Illinois, and are on the Professional Advisory Council of the Spina Bifida Association, visited my Washington office on October 20, 2009 to discuss the challenges facing children with Spina Bifida. I thank Drs. Cheng and Yerkes and the Spina Bifida Association for all of their efforts and leadership over the years.

I stand ready to work with my constituents and the Spina Bifida Association to help elevate awareness of this condition and its prevention. I urge my colleagues to learn more about Spina Bifida, to meet with affected constituents, and to support the Spina Bifida Association in its important endeavors.

IN RECOGNITION OF GERALD BARNES ON HIS 90TH BIRTHDAY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. MILLER of Florida. Madam Speaker, I rise to honor Mr. Gerald Floyd Barnes upon the occasion of his 90th birthday. Mr. Barnes has spent a lifetime serving others, and it is a privilege to recognize him on his accomplishments today.

Gerald Barnes was born on October 30, 1919 in Baker, Florida. He is one of five children born to Ottis and Vera Barnes, and he is a life-long Northwest Florida resident. When he was five years old, Gerald and his family moved to Milton, Florida. In 1942, he married Irene Russell. They have two children and four grandchildren. When World War II ended, Gerald joined his father in the grocery business, later opening his own store in downtown Milton—Barnes Supermarket.

Gerald began his life of elected public service in 1950. He served on the Milton City Council between 1950 and 1962, and then was elected as County Commissioner for Santa Rosa County in 1966. In 1972, Gerald was elected as the Clerk of the Court for Santa Rosa County where he served for twenty years. During this time, he has also served as a deacon of First Baptist Church of Milton, working in various roles including Director of the Junior Department and Director of the Adult Department. Gerald is also a member of The Gideons International and the Kiwanis Club of Milton.

Madam Speaker, Gerald Barnes is a Northwest Florida community leader who has spent a lifetime serving the public. My wife Vicki and I wish him a happy birthday and his entire family all the best for the future.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Mr. CARTER. Madam Speaker, on October 26, 2009, I was unable to be present for all rollcall votes due to an unexpected travel delay.

If present, I would have voted accordingly on the following rollcall votes:

Roll No. 814—aye;

Roll No. 815—aye.

PERSONAL EXPLANATION

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Ms. RICHARDSON. Madam Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

On Monday, October 26, and Friday, October 23, I was unavoidably delayed on my return to Washington from American Samoa and Samoa where I had been monitoring ongoing relief and recovery efforts of FEMA and others currently underway in response to the devastating earthquake and tsunami that struck those islands on September 29. As the Member of Congress with the nation's largest concentration of Samoan Americans on the mainland and as a member of the Committee on Transportation and Infrastructure, undertaking this fact-finding mission was directly related to my representational, legislative, and committee responsibilities.

Because of this excused absence I was not present for rollcall votes 814 through 815.

Had I been present I would have voted as follows:

1. On rollcall No. 814. I would have voted aye. H. Res. 368—Congratulating the University of Iowa Hawkeyes wrestling team on winning the 2009 NCAA Division I National Wrestling Championships (Rep. Loebsack—Education and Labor).

2. On rollcall No. 815, I would have voted aye. H. Res. 562—Congratulating Syracuse University for winning the National Collegiate Athletic Association Division I Men's Lacrosse Tournament (Rep. Maffei—Education and Labor).

DEPARTMENT OF THE INTERIOR ASSISTANCE FOR POLITICAL STATUS EDUCATION PROGRAM FOR GUAM

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 27, 2009

Ms. BORDALLO. Madam Speaker, today I have introduced a bill to authorize the Secretary of the Interior to award grants and extend assistance to the Government of Guam for the purpose of helping to facilitate a political status public education program for the people of Guam.

This bill is introduced in recognition of the Secretary of the Interior's administrative responsibility for the economic, social and political development of the territory of Guam. Executive Order 10077 signed in 1949 transferred the administration of Guam from the Secretary of the Navy to the Secretary of the Interior, and Congress has provided certain levels of self-government for the people of Guam since the enactment of the Organic Act of Guam in 1950.

However, the political status of the territory of Guam remains unresolved. The Guam Legislature has passed local laws authorizing the

holding of a political status plebiscite. Any plebiscite requires a public education program to inform the people of Guam of various political status options.

This bill specifically authorizes federal assistance for such a public education program. Federal funding for political status public education programs is not without precedent. U.S. Public Law 101-45 provided \$3,500,000 to the Territory of Puerto Rico to "participate in the legislative process involving the future political status of Puerto Rico." Additionally, the now independent Republic of Palau was appropriated by U.S. Public Law 101-219, "such

sums as may be necessary for a further referendum on approval of the Compact, if one is required, or other appropriate costs associated with the approval process in Palau."

The people of Guam have expressed their desire for a new political status in the past, however, such political status aspirations were not realized, despite past efforts by Guam's representatives, the administration and Congress. As a result, a commission of the Government of Guam has been established to prepare for a new plebiscite.

I look forward to working with my colleagues to review this bill.

SENATE—Wednesday, October 28, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK UDALL, a Senator from the State of Colorado.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Father of all, we praise and glorify Your Holy Name. You are the fountain of life, the source of all goodness, and the center of our joy.

Today, fill our lawmakers with Your blessings. Bless them with the courage to follow You as they maintain confidence in the power of Your providence. Bless their labors that they will live to see a harvest of justice and peace in our Nation and world. Bless their family members with health and safety, for You are our refuge and strength. Bless us all, that one day we may dwell in Your house forever.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 28, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK UDALL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of Colorado thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period

of morning business for up to 2 hours, with Senators permitted to speak for up to 10 minutes each. The majority will control the first hour, the Republicans will control the second hour. Following morning business, the Senate will proceed to the motion to proceed to H.R. 3548.

I would direct a question to the Chair. What time does the 30 hours postcloture run out?

The ACTING PRESIDENT pro tempore. The time expires at 12:26 a.m. Thursday.

Mr. REID. Mr. President, I hope we can work something out with the Republicans. We are going to have that vote as soon as we can. I am sorry that we might have to do it in the morning. I think we should be able to avoid that. The vote was held later than I wanted it because a Senator was quite ill. I hope we can work something out. We have bipartisan support, and that is just not words.

We have significant numbers of Republicans and Democrats who want to do two things—one, to do something about the first-time home buyers tax credit. There has been general agreement by a significant number of Senators, Democrats and Republicans, to get this done. The legislation is before this body now. We also have the loss carryback, which is extremely important for businesses at this time, also widely agreed upon. It was originally sponsored by Senator BUNNING, and now Senator BAUCUS and others have agreed to this—not two or three Senators but significant numbers on both sides. We could get those done. We have given the Republicans a request to do it in 2 hours, and Senators said they don't even need that much time to get this done.

Mr. McCONNELL. Mr. President, would the majority leader yield?

Mr. REID. I would be happy to yield.

Mr. McCONNELL. I would just say to my friend, we have a lot of fights around here over things we disagree on, but on this particular measure, this is an unnecessary impasse that we have. We have come very close to a very modest number of amendments. My side would be more than happy to accept time agreements on all of the amendments. I want to second what the majority leader says, that I hope we can indeed work out an agreement for a modest number of amendments with time agreements and wrap up this bill because I certainly share his view that most Members support the underlying measure and the additions to which the majority leader has referred.

Mr. REID. Mr. President, first of all, the other amendments are vexatious.

They are argumentative. They are not germane. They are not relevant to this legislation. But it seems that this year, every time we get where we try to get something done, we have had stalling. We had a Senator out here yesterday who had done the work to find out how many times we have been stopped from doing things. Almost 60 times on absolute filibusters we have had to invoke cloture and 30-some-odd times on just objecting to legislation going forward.

The other amendments the Republican leader has suggested are amendments that are not related to this legislation, and there is wide disagreement from Republicans and Democrats. Why do we need to do that? We don't need to. It is only an effort to slow things down. We are not going to agree to that. It is not necessary.

Let's get these things done. We will move to something as quickly as we get rid of this, and they can move the nongermane, nonrelevant amendments on those, but let's get this done. I don't know when we can do this legislation for the first-time home buyers. It has been a tremendous boon to real estate all over America today. Has it been a perfect program? Of course not. But the good part of the amendments—two amendments we are talking about—is they are fully paid for. It doesn't run up the national debt by 10 cents—by nothing. Let's get this done and then move on and start arguing about other things. There is nothing to argue about here. We are not going to go to those amendments.

I had a caucus yesterday in which the Presiding Officer and a number of other Senators throughout the Chamber were there. We have done this time after time, and quite frankly we are tired of it. It is not necessary. There is no reason to have these amendments that are just rifleshoots at trying to embarrass people, and these two amendments don't embarrass anyone. They are good for the country. I hope we can get them done.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GETTING OUR WORK DONE

Mr. McCONNELL. Mr. President, my good friend the majority leader used to say frequently when he was in the minority that the price of being in the majority in the Senate is you have to take votes in order to advance bills in a smooth process.

My understanding is that we were within one amendment of reaching an agreement several days ago. I think we are not that far away from an agreement that would allow us to expedite consideration of the bill, move it along, and be fair to the minority. I think everyone knows it is not uncommon in the Senate—in fact, it is routine—for there to be amendments offered by both sides that are not directly related to the bill. So there is nothing extraordinary about this.

Let me repeat, we would be more than happy to enter into a short time agreement on the amendments we were discussing with the majority and try to wrap up this bill at the earliest possible time, certainly earlier than we would wrap it up if we let all of this time run until after midnight tonight.

HEALTH CARE WEEK XV, DAY III

Mr. McCONNELL. Mr. President, after months of hearing that Americans don't want government-run health care, Democratic leaders in Washington have made their decision: They are going to include it in their health care bill whether Americans want it or not.

Supporters of the government-run plan say they are only advocating one more option among many. What they don't say is that the option they are advocating would soon be the only option. The others would simply fade away.

It is not that hard to understand. Private health plans would fade away because a government-run plan would use the deep pockets of the Federal Government to set artificially low prices or absorb a loss, making it impossible for private plans to compete. Private plans would either become so expensive that only the very wealthy could afford them or they would go out of business altogether.

If you want to know what happens after that, just ask somebody who lives in a country that has already gone down the road of government-run health care for all. What we have seen in those countries is what we would see here: rationing, denials, and delay. In the United Kingdom, for example, a government board sets guidelines on who gets to use certain drugs and treatments. This means that even if a treatment is effective, it can be withheld from patients because of the amount of money it costs the government. This is what happens when government gets involved in the health care business.

A government plan won't come cheap either. We don't know all the details that Democratic leaders put into their bill behind closed doors, but we do know it will cost over \$1 trillion in the middle of a terrible recession. It will cost \$1 trillion at a time of near 10 percent unemployment; \$1 trillion just a

few weeks after the Treasury Department said the administration ran up the largest annual deficit in U.S. history; \$1 trillion at a moment when the U.S. Government is financing 9 out of 10 new mortgages and already owns most major U.S. automakers, along with large parts of the finance and insurance industries. It will cost \$1 trillion at a time when government spending accounts for a bigger share of the national economy than at any time since the Second World War. It will cost \$1 trillion when Congress is about to make a public admission that it can't handle its own finances by raising the debt ceiling.

Now is not the time for a \$1 trillion experiment in government health care. Now is the time to buckle down financially and to find commonsense reforms in the area of health care that actually save people money by driving down costs.

Americans asked for lower costs, and they didn't get it. What they got instead was more government, more spending, more debt. This is why so many Americans feel as though they have been taken for a ride in this debate, and it is also why a lot of our friends on the other side are concerned about the bill that is headed to the Senate floor. Americans have issued their verdict. They have been clear. They have said that enough is enough—no government plan, no more debt, no more government takeovers.

Democratic leaders may continue to insist on a bill that most Americans oppose, but it is the wrong approach. A government-owned, government-operated insurance plan was a bad idea before, and it is a bad idea now.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 2 hours, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

The Senator from Alaska is recognized.

HEALTH CARE REFORM

Mr. BEGICH. Mr. President, for the next hour, I will be joined on this floor by my freshman colleagues as we talk with the American people about the

importance of health reform. We are committed to ending the status quo. We have had enough of constituents being denied coverage because of existing conditions. We are tired of skyrocketing health insurance premiums hurting small business. We have had it up to here with the lack of choices and affordability in our States. So today my colleagues and I will be talking about why health reform will work and how it is working already.

There are many pilot programs, State initiatives, and private programs showing results right now. There are other very good ideas pending in the health reform bills. Our general theme this morning is innovation that works.

First, we will hear from the Senator from New Mexico, TOM UDALL, who will discuss how we must address the very real health care challenges facing rural Americans. Senator UDALL will share with us rural health innovation that works.

I yield time to Senator UDALL.

Mr. UDALL of New Mexico. Mr. President, I seek recognition.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. UDALL of New Mexico. Mr. President, let me thank the Senator from Alaska for being down here and helping all of the freshman Senators work through these health care issues we have been discussing. We have had Senator WARNER play that role, I think, and several others. I think Senator SHAHEEN from New Hampshire has also done that. It is important to realize that all of us in the freshman class believe we need health care reform. We have to have health care reform.

Last week, during our gathering of freshman Senators in this Chamber, I talked about how health care reform must benefit rural America.

As I explained then, rural Americans face unique challenges in finding quality, affordable health care. And rural health care systems face increased strain due to doctor shortages and inefficient and insufficient funding.

Successful reform hinges, in large part, on how we meet the challenges of health care in rural America. But what many may not realize is that rural America, precisely because of these challenges, has become an incubator for the very innovation that will help us achieve our goal.

Rural America is trying to meet these health care challenges head-on with innovative programs in communities across the country. In the process, they are offering a blueprint for the Nation as we work to enact reform that will benefit all Americans, no matter where they call home.

In my home State, several innovative programs are already paying dividends. The two I wish to talk about today are the result of partnerships between our rural communities and one of our key

academic institutions, the University of New Mexico, our big teaching hospital in New Mexico.

Academic health centers, such as the one at UNM, have the potential to be hubs of knowledge and expertise, not just for the communities where they are physically based but for the entire State.

UNM recognized this potential and reached out to partners in rural areas throughout New Mexico. They asked two basic but often overlooked questions: What do you need? How can we help?

What emerged from these conversations was the development of a statewide Health Extension Rural Office program. Through this program, which we call HERO for short, agents live and work in communities they serve, and they act as liaisons and resources to health partners in the area. We know this extension model for agriculture, and we are proving it can work for health services too.

Here is one example. In the frontier county of Hidalgo, in southwest New Mexico, HERO agents discovered the community needed help recruiting local health professionals.

To meet that need, HERO helped establish a partnership between UNM and community providers to offer free local housing for UNM medical residents during their regular rural rotation.

It was a win-win for everybody. Hidalgo County got increased access to doctors and other specialists. The doctors got free housing during their rural rotations. UNM increased its profile and reputation in Hidalgo County. The communities got the opportunity to persuade these young doctors to continue their medical careers in that area.

That is just one example of HERO's work.

In addition to increasing the number of doctors in a community, HERO also helps develop plans for addressing health issues such as diabetes and teen pregnancy, for retaining pharmacy services after a community loses its only pharmacist or for establishing a one-stop-shopping model for medical, dental, behavioral health, and social services.

In addition to its work with the HERO project, UNM also is achieving breakthroughs in the delivery of medical care through a project founded by one of its physicians, Dr. Sanjeev Arora. It is called Project ECHO, which is short for Extension for Community Healthcare Outcomes.

Back in 2002, Dr. Arora was a physician specializing in hepatitis C. He had become increasingly frustrated with the lack of treatment options for the thousands of New Mexicans suffering from the disease.

Many of these patients lived in the States' rural and frontier areas. There weren't enough specialists to treat

them, and local providers often didn't have the expertise to provide treatment themselves.

What Dr. Arora did was establish what he calls a one-to-many knowledge network, which includes a specialist and up to 40 rural providers. The doctors meet by videoconference to co-manage patients and to eventually teach these rural medical professionals to be minispecialists themselves.

Over the years, what began as a program designed to treat hepatitis C patients has grown and expanded. Today, it includes more than a dozen knowledge networks and telehealth clinics on a wide variety of specialties, including HIV, diabetes, pediatric obesity, and psychotherapy.

In closing, I believe these two programs, along with the other initiatives discussed by my freshman colleagues today, are strong reminders that American innovation doesn't always begin in the Halls of Congress or down the street on Pennsylvania Avenue.

Historically, the greatest American innovation is a grassroots phenomenon, bubbling up from individuals and communities across America, from enterprising folks who recognize a problem and work together to develop a solution that best meets their needs.

This health care reform remains a work in progress. It is our job as legislators to seek out programs such as HERO or Project ECHO, to seek out these best practices, to find programs that work, and to expand that knowledge and ingenuity for the benefit of all Americans.

I thank the Chair and yield the floor.

Mr. BEGICH. Mr. President, I thank Senator UDALL for his comments about ECHO and HERO. It shows what is happening at the grassroots level. We are for innovation that works and brings quality of care, lowers the cost, and getting better delivery of the services out there. I thank the Senator for bringing those examples of what is working in his own State to the American people and stating what we are for in this process.

Next, my colleague from Illinois will join us, Senator BURRIS, who will discuss the important competition in the health care reform debate and how it can improve innovation.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I thank my colleagues. I join my colleagues this morning to speak out on this very important issue.

I am proud to join my freshman colleagues on the floor once again. And I am glad to be talking about the innovation that will come with meaningful health care reform.

I agree with the points my colleagues have raised on this issue. Health reform will certainly spark employer innovation, to the great benefit of the

American consumer. And that is a good reason to support reform. But few people are talking about the kind of innovation that will come about only if we include a public option in our reform package.

So that is what I would like to discuss today.

A public option means competition in the private market. As any businessman will tell you, competition breeds innovation. But this is especially true of the competition we can expect with a public option. That is because a public plan will not only encourage reform and innovation in private companies—it will actually step up and take the lead, just as Medicare has done in the past.

In fact, a recent study shows that many private companies have adopted the innovations, such as improved payment methods and rigorous reviews of technology and treatment, that were developed under the Medicare system.

That speaks volumes about the potential for innovation under a new plan that has the broad base, accountability, and transparency that only a public option could provide.

The public option would be in a position to test and implement meaningful changes to the way health coverage works. These innovations will help to streamline the health care system, save money, and reduce the administrative costs that have run rampant among private insurance providers.

The public sector will lead the way, and private companies will adopt their innovations. We have already seen this with Medicare—and with a broader public option, this trend is bound to increase. That is because, without competition, private corporations simply don't have any incentive to innovate.

There is no reason to spend money on research when you have a virtual monopoly over the insurance market. There is no reason to develop new ways to improve coverage when you can increase premiums at will without incurring much risk.

Certainly, private companies specialize in finding innovative ways to deny people's coverage—but that is the only kind of innovation we're likely to see from them. And I think America has had enough of that.

A public plan would be entirely different. The recent study indicates that a public option would be at the forefront of improving coverage, through innovations such as:

pioneering technologies and inventive treatments, improving efficiency, expanding access, lowering costs, evaluating the quality of care to help payers and purchasers get maximum value, coordinating care for those with chronic illnesses, and finding better ways to reward high-quality primary care providers.

These are only a few of the innovations we could hope to see with a public option. And all of these developments would be shared with the private

sector. This would help reduce costs, restore accountability, and improve health outcomes for every American.

Mr. President, that is why we need the competition and innovation that only a public option can provide. It is time to lower the cost of health coverage. It is time to restore accountability to the system. It is time to make sure every American has access to quality, affordable health care.

A public option will spur new innovations that will help us get there.

That is why I will not back any insurance plan that does not carry with it this major issue of a public option.

I yield the floor.

Mr. BEGICH. Mr. President, I thank Senator BURRIS for his comments. The words he uses—"rewards quality, innovation, reduced costs, accountability, and competition"—are what we stand for. The other side does not. By the comments the Senator has laid out, he has detailed his views and what competition can do in controlling the costs.

Next is Senator SHAHEEN, who will join us to discuss three health care innovations in her State of New Hampshire. She will share the success of the Center for Informed Choice, the medical home pilot and community partnership for improved public health.

I yield to Senator SHAHEEN.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Mr. President, I am pleased to, once again, join my freshman Democratic colleagues to make the case for health care reform. I wish to recognize and thank Senator BEGICH for his leadership and coordination of this effort this morning.

Today, as you have heard, I will discuss three exciting initiatives in New Hampshire that are transforming our health care system. These innovative ideas are shaping the debate and are changing the way we think about health care. They are revolutionizing how we deliver necessary health care services, and they are transforming our payment mechanisms. Most importantly, these initiatives go to the heart of this debate. They focus on the needs of patients, they make the system more efficient, and they use our dollars more wisely.

The Center for Informed Choice at the Dartmouth Institute for Health Policy and Clinical Practice is dedicated to one simple idea: that patients deserve to be equal partners in making choices about their health care.

We know when patients and their families have good information about procedures, treatments, and therapies, they make good decisions. The researchers at Dartmouth found that 40 percent of the time, patients who are fully involved in the decisionmaking process during the course of their medical care choose the less invasive and

lower cost medical procedures. Forty percent of the time, patients choose the less invasive, lower cost procedures.

More importantly, their research shows these patients have better clinical outcomes and higher rates of satisfaction as the result of their treatment. The providers at Dartmouth put this research into practice. They recognized it can be hard to decide whether to have surgery, to have a test, or to continue with a treatment. So they offer patients a variety of resources to help. Patients can talk to a counselor. They can do research in the library or talk to medical professionals. They can find out all their treatment options. They can learn what other people have done and fully understand recovery time and the impact on their quality of life. And they can do all of this online.

I have been to the center. It is very impressive what they do. Soon this information is going to be available to the public online.

Armed with information, these patients become empowered and equal partners in their health care. This is the direction that health care reform must take.

Another exciting initiative in New Hampshire is our medical home pilot program. With close to 40,000 patients involved, the medical home is changing the way health care is delivered in New Hampshire. You see, a medical home is about collaboration. It is about a team of health professionals who are working together to provide individualized care for each patient.

In New Hampshire, our medical home pilot has integrated the use of electronic medical records that import hospital, radiology, and laboratory tests directly into the patient's record. New Hampshire medical home model offers two important services to patients, including same-day scheduling and secure e-mail communications with their doctors. Unquestionably, the pilot is changing the way health care is delivered in New Hampshire.

My third initiative I wish to talk about deals with changes that are happening at the local level to improve health in New Hampshire. In the western part of New Hampshire is a small city called Keene that has set its goal on becoming the healthiest community in America by 2020. So for all my freshman colleagues, they have to share this with the cities in their States and let them know we plan to be first in Keene, NH.

The citizens of Keene took a look at the data and found out that our State's leading cause of death is heart disease related to tobacco use, poor diet, and physical inactivity. The folks in Keene realized that we spend a disproportionately high amount of money on our medical costs instead of focusing on prevention and wellness.

The citizens of Keene took action. Led by a local hospital, Keene estab-

lished a coalition of partners from all sectors of the community, including education, private business, nonprofit organizations, and municipal and State government. This coalition, which is called Keene Vision 2020, has made it a priority to engage citizens in healthy lifestyles. They have sponsored educational briefings, screenings, health clinics, health fairs, and Keene's Vision 2020 promotes the local farmer's market, and it has established a local walking group. All of this is done with one goal in mind: to be healthy.

I have no doubt that Keene will be a healthier community in 2020, and I have no doubt that the preventive measures in which citizens have become engaged will lower our health care costs well into the future. We should all applaud and encourage this sort of community-wide commitment to prevention and wellness and to public health.

This is an exciting time. Congress is closer than ever before to passing comprehensive health reform. Time and time again we have heard we cannot continue on the present trajectory. I am pleased to point out these exciting initiatives underway in New Hampshire that demonstrate we can improve the quality of care and lower our health care costs.

I yield back to Senator BEGICH.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Mr. President, I thank the Senator from New Hampshire again for addressing innovative health care, to reward quality, create innovation, reduce costs and making sure we are accountable for our actions in regard to health care. This is what this side of the aisle is for—innovation and new ideas to bring some competitiveness to the process and lowering the cost of health care.

Next, we will hear from Senator MERKLEY of Oregon. My fellow freshman joins us to discuss how critical it is for the Senate to act now on health care reform because the cost of inaction is too great.

I yield time to Senator MERKLEY.

Mr. MERKLEY. Mr. President, I thank Senator BEGICH.

My colleagues have been pointing out the importance of innovation. Senator BURRIS addressed how competition and the public option would increase innovation. Senator SHAHEEN just noted some of the models and efforts in her State. We need to share the insights of that throughout this Nation so we can take the best practices to produce the best quality results in every corner of our Nation.

I rise to speak about a different aspect of innovation; specifically, that in order for our citizens to benefit from this innovation, health care needs to be affordable. Currently, health care is on a road to unaffordability and inaccessibility. If we do not pass health care

reform, costs will eat up a bigger and bigger share of the gross domestic product and our families' budgets.

More families will lose their insurance because they simply cannot afford it. Many other families will be forced into personal bankruptcy as medical bills spiral out of control. And, much worse, some Americans will die because of inadequate or delayed care. We cannot continue on this path.

First, health care has become increasingly unaffordable and will only get worse. This is true whether we look at it through a macroeconomic perspective, the family perspective, or the small business perspective. Looking at the economy as a whole, in 2008, health care spending in the United States reached \$2.4 trillion. It is projected to reach \$3.1 trillion by 2012, and if it continues in that fashion, it will reach \$4.3 trillion by 2016. Add up those 10 years and what we find is we will be spending \$30 trillion to \$40 trillion for health care in just a 10-year period.

If we frame this through the family perspective, the cost increases are felt all over the Nation through double-digit annual increases in premiums. Workers are paying \$1,600 more in premiums annually for family coverage now than they did 10 years ago. To put it differently, for many families, the cost has doubled over the last 8 years, and the cost will double again over the next 8 or 10 years. The result is that families who could afford health care a few years ago cannot afford it today, and many who can barely afford it today will not be able to afford it tomorrow.

Our small businesses feel the pain as well. At the Hawthorne Auto Clinic in Portland, the cost of premiums has gone from 9 percent of the payroll to 18 percent of the payroll in the last 5 years. That is a huge amount of money diverted from hiring more staff or increasing wages for the staff or from investing in more capital equipment. These costs are hurting our families and damaging our small businesses.

Second, as costs go up, more and more Americans will lose coverage. We are used to hearing there are 45 million Americans uninsured. But a recent study from the University of North Carolina estimates that 6 million Americans have been added to the ranks of the uninsured since 2007—6 million more uninsured since 2007—putting the number of Americans uninsured at 51 million to 52 million.

According to the Kaiser Family Foundation, more than 80 percent of the uninsured are from working families. Members of the family have jobs.

Take Karen Jeffrey from Ashland, OR. When she moved to Oregon from Hawaii, she tried to buy new insurance. Because she had suffered from a broken hip and a bout of cancer 15 years earlier, she could not find affordable coverage. So Karen is simply waiting until

she can qualify for Medicare at age 65. If a medical emergency strikes before that arrives, that medical incident will be devastating. If we do not act now, rising health care costs will cause financial ruin for millions of families.

A recent study in the American Journal of Medicine found that 62 percent of all bankruptcies filed in 2007 were from medical expenses. Of those who filed for bankruptcy due to medical problems, about three-fourths had health insurance. Even with insurance, many Americans are underinsured and devastated by a medical emergency. The impact of these bankruptcies reverberates throughout our families, throughout our economy. Every year 1.5 million families lose their home to foreclosure as a result of unaffordable medical costs.

We also know families pay with their lives. In September, a Harvard Medical School study showed that 45,000 people die in the United States each year, 1 every 12 minutes, because of a lack of health insurance and cannot get good care—45,000 Americans each year. That is more than the number of Americans who died in the Revolutionary War. It is roughly equal to the number of our soldiers who died in combat in Vietnam over a 16-year period. It is the equivalent of 30 Titanics sinking every year—Americans dying because of unaffordable health care.

We need health care reform that drives innovation. We have a tremendous number of models around the States to promote and improve, but we need to make health care affordable in order to get that innovation into the hands and benefits of our citizens. That is why we must proceed with health care reform now. There is no time to waste.

Mr. President, I thank Senator BEGICH for moderating this discussion and putting in the spotlight the role and importance of innovation.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Mr. President, I was here at the opening of the session, and I heard the Republican leader say—and I agree with his actual comment—that the American people have been taken for a ride. The Senator from Oregon just described the ride—the ride right over the cliff of cost of insurance that is no longer affordable, with 45,000 people who die every year because of their inability to access affordable health care. The Republican leader is right, the American people have been taken for a ride—a ride over the cliff.

What we are showing today is innovation, new ideas, new approaches that bring quality, affordable health care to millions of Americans and the 45,000 Senator MERKLEY talked about who die each year because of lack of health care.

I thank the Senator from Oregon for reminding us of those statistics and

making sure we do not forget what we are here to do.

Next, I am pleased to hear from Senator KIRK. The Senator from Massachusetts joins us to discuss the Community Living Assistance Services and Support Act, or the CLASS Act. Yesterday, the Senator made his first speech on the floor of the Senate. It was enjoyable, exciting, and very to the point when it came to health care.

Today I look forward again to his comments regarding health care, especially the CLASS Act. I yield time to Senator KIRK.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KIRK. Mr. President, I thank Senator BEGICH for his leadership this morning on important issues that are concerning the American people. I thank the Senator from Alaska and my other colleagues in the freshman class for advancing the important measures that the American people are anxious to see enacted to improve their health security future and their economic future as well. I also thank my colleagues for their kindness and courtesies in welcoming me to the Senate and to be a part of this impressive and distinguished team as we do what is our responsibility for the American people.

This morning I wish to address a legislative initiative that will assist our senior or infirm citizens as part of our health care reform initiative.

Today in the United States, there are approximately 200 million people who are elderly or disabled. These individuals are some of our most vulnerable and often they are forgotten. But they always had a friend and advocate in Senator Ted Kennedy. He was the premier legislative innovator.

Senator Kennedy understood the current system is not working; that it cried out for innovation. He knew it was wrong that in order for individuals with disabilities and the elderly to receive the services and support they needed, they had to stop working, spend down their savings, abandon their dreams, abandon their homes, and possibly go into a permanent facility—all the wrong incentives for individuals who deserve dignity in those fragile years. All this, he felt, was directly contrary to our idea of living the American dream.

Senator Kennedy was not one to sit idly by. He acted. He acted to try to help as many of these men and women as possible. The Community Living Assistance Services and Supports Act—known as the CLASS Act—was at the heart of his efforts to help people with functional limitations and their families obtain the services and support they needed in order to keep their independence and continue as active members of their communities. I am honored to take up that worthy cause.

Here is how the CLASS Act will help the middle class. Under the act, a worker in Massachusetts or any other State can choose to pay into a voluntary insurance program through affordable payroll deductions. After 5 years of those deductions, they would be eligible for a daily cash benefit of \$50 if they became disabled. That money can make a huge difference in allowing a disabled person to live with independence and with dignity. For example, it can pay for having a ramp installed in their home or pay for needed transportation or purchase a computer to work from home and remain self-sufficient.

Some have said this innovation is unsustainable; that it is just another government benefit that will become unaffordable in the years to come. But the Congressional Budget Office and other independent auditing agencies estimate the CLASS Act will be able to maintain its solvency for 75 years. The plan is self-funded and is a cost saver for Medicaid since fewer people would need to push themselves into poverty in order to enroll in Medicaid and receive the care they need. The CLASS Act will correct that disincentive.

The CLASS Act is a realistic answer to the serious problems of our current system and it is important to the lives of millions of Americans. Disability could suddenly strike any of us in the years ahead. As we work to provide health insurance to the tens of millions of Americans who do not have it, it is hard to understand why we should not meet the needs of millions of people with disabilities and the elderly who desperately need our help.

I hope very much that our colleagues will support the CLASS Act as an innovative and necessary part of the current health reform bill, and I look forward to further opportunities to advance this measure, and ultimately as a part of the needed health reform bill that is coming to the floor that will help and serve the American people through its ultimate enactment.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Mr. President, I thank Senator KIRK for describing the CLASS Act, an important program for long-term care, and the legacy of Senator Kennedy and his work regarding that innovation.

At this time, we will hear from my colleague from North Carolina, Senator HAGAN, who will discuss how wellness programs are a key component of comprehensive health care reform and how they have an impact on long-term outcomes for American citizens.

Senator HAGAN.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I am joining my colleagues on the floor

today to discuss how health care reform will support innovative private sector programs that will save taxpayers money and make our Nation healthier in the long run. I wish to take this opportunity to discuss groundbreaking work at SAS, a software company based in Cary, NC.

Since 1985, SAS has established itself as a global leader in employer-sponsored wellness programs. Although SAS provides health insurance for its employees, almost 90 percent of their families use the company's on-site health care center, and more than 50 percent, including the company's CEO, use the health care center as their primary care provider.

SAS started providing wellness programs to its employees because the company realized the value of having healthy employees—they are more productive, they are more loyal—which translates into low employee turnover and reduced recruitment and retention costs. Disease prevention and wellness also translate into lower health care costs for the company as employees take better care of themselves.

Recently, one SAS employee—a man in his 30s—was told he had early signs of Type 2 diabetes. Through their diabetes self-management program and other onsite SAS resources, this man was able to make real changes in his lifestyle, eating habits, weight and exercise, and now he no longer meets the diagnostic parameters for diabetes.

I also recently visited Lenoir Memorial Hospital in Kinston, NC, where this hospital provides their employees and members of this community with access to a gym and a wellness program. More than 40 percent of the hospital's employees participate because of incentives the hospital provides for basic preventive screenings. People who don't work at the hospital—people in the community—can pay a low monthly fee to use the gym, including its indoor and outdoor track, weights, and yoga classes. Many of the people who use the facility are middle-aged and older. Health care staff monitor the facility and help create a comfortable and safe environment for everyone who comes to exercise. This opportunity is a benefit to the entire community.

Two weeks ago, I visited the showroom of the North Carolina furniture manufacturers Mitchell Gold and Bob Williams. This company currently employs 550 North Carolinians, and for the past 10 years the company has provided their employees with a free annual health fair, where employees can receive preventive exams at no cost. This spring, more than 200 women received free mammograms from a mobile unit that came to the plant. The company recently started a part-time, onsite medical clinic to address their employees' medical needs.

Companies such as SAS, Lenoir Memorial Hospital, and Mitchell Gold and

Bob Williams reap tremendous economic benefits from their investments in these wellness programs. In 2008 alone, SAS saved more than \$5 million in productivity and insurance costs as a result of its onsite health care center.

Businesses across our country can improve worker productivity and save money by encouraging their employees to adopt healthier lifestyles. Obesity, chronic heart disease, and diabetes continue to rise in America at a significant cost to our health care system. The time to be innovative is now.

In the health care reform bill, we are building on these successful wellness programs and encouraging all employers to invest in the health and well-being of their employees. Specifically, in the Health, Education, Labor and Pensions Committee bill, employers can offer their employees who participate in a wellness program a discount of up to 30 percent in their health insurance premiums. Currently, the average employee insurance premium is \$250 a month, or \$3,000 a year. This 30-percent discount would mean a savings of \$900 per year to that employee.

Expanding employer wellness programs will bring the cost of health care down and will make America a healthier nation.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. I thank Senator HAGAN for once again showing this morning another innovative approach to reducing health care costs for Americans today and into the future; and how wellness and prevention are critical for the long-term benefits of the American people in reducing health care costs—not by just a small amount but significant amounts, as she laid out.

Next we will hear from our colleague from Colorado, Senator BENNET, who joins us to discuss how innovation and patient-centered care can improve our health care system.

I yield time to Senator BENNET.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. BENNET. Mr. President, I thank the Senator from Alaska for organizing this presentation this morning. It is a pleasure to be here with my freshman colleagues to talk about health care reform in this country, something that is long overdue if we are going to end the double-digit cost increases our working families face every year and if we are to see small businesses continue to grow and thrive in this country and lead us out of the recession we are in.

As the Presiding Officer knows, in our State we have suffered a lot from a health care system that doesn't work. We see more and more of our families losing their insurance and fewer and fewer of our employers able to offer insurance, which is something they want to do for their employees. So it is high

time for us to get these costs under control, and that will take innovation. In our State, we haven't waited on Washington. There are great examples of Coloradans who have pulled together to deliver high-quality health care at a lower cost.

A great example of what I am talking about is in Mesa County where Grand Junction is located. They have instituted what they call transitional care, where they have reduced the readmission rates at the hospital to about 2 percent. The national average is roughly 20 percent. One out of every five Medicare patients who is released from the hospital winds up in the hospital in the same month they were released. There are a lot of reasons for that. Those of us who have small children or are caring for parents know how many times we have to tell the same story over and over as we make our way from one doctor's office to the next. Many people forget to fill out their prescriptions or they do not have the kind of instructions they need to be able to take responsibility for their own care. In Mesa County they have solved that problem by creating a transitional model that makes sure when patients leave the hospital they do so with a coach—a coach who helps them go from the emergency room to their primary care physician and their mental health provider to get the care they need over a period of time.

I was very pleased that Chairman BAUCUS included in the Finance Committee version of this health care reform legislation the piece I wrote based on the work in Grand Junction that will compensate—reimburse—providers who set up a model such as the one in Mesa County that actually saves money. That is truly what this is all about—this tortuous path we have been on to try to get health care reform done—to have a very excellent end point which makes sure we are reducing the cost to our working families and, at the same time, increasing quality; that we are making sure we are not devoting a fifth of our gross domestic product to health care when every other industrialized country in the world, with whom we are competing, is devoting less than half that to health care.

There are probably a lot of details in this legislation that still need to be worked out, and I am sure there is room for improvement—there is always room for improvement—but the American people cannot go through one more decade like the last decade of having poorer and poorer coverage at a higher and higher cost. That is not the way our system should work. We can do better than that as Americans. We have shown we can do better than that in Colorado, in our State, and I am so pleased there are going to be communities all over the country that will have the opportunity to learn from

each other and provide better transitional care for patients and more patient-centered care as we move through this health care debate.

I thank the Senator from Alaska for organizing this, and I yield the floor to him.

THE PRESIDING OFFICER. The Senator from Alaska.

MR. BEGICH. Mr. President, I thank the Senator from Colorado for talking about the importance of why we need to do this but also reminding us of the small business component of all this and how important it is not only for the individual policyholder but the small business that is struggling every single day.

I thank him for reminding us, and I will now make my comments, and talk a little about what people have said today but also to hopefully blunt a few of the myths.

I want to thank my freshman colleagues who have spoken this morning. It is truly wonderful to hear the many different ideas, innovative reforms that are already working, and about the new proposals that will help us achieve the overall goal of reform: Tens of millions more Americans covered, with access to more choices and premiums that individuals and small businesses can afford.

In these final few moments of my time, I want to preempt what may come on the floor from the other side of the aisle later today, from those who will have listened to these presentations about innovation and excellence. They are likely to respond the way they have always responded to reform ideas—by just saying no.

The bill is still being written, but we have already seen the tactics of the other side. They say this is a purely partisan exercise and that the Democrats are not listening to Republicans. They bring a big, thick, mock bill to the floor and say it is too big and we will never read it. They say the bills need to be on the Internet or democracy is somehow in jeopardy.

With all due respect to my colleagues on the other side, the Republicans, I beg to differ. For starters, I brought my prop—actually it is not a prop; it is the real deal. What I am holding are the actual Republican amendments that were accepted to the HELP bill; 161 amendments, 300 pages of the bill—almost a third came from them. This is the stack that doesn't even include the additional Republican amendments accepted in the Finance Committee. These are not proposed amendments; these are the Republican amendments that were accepted and reported out of the HELP Committee.

I have two questions. First, are the critics of health reform saying that the size of the eventual bill really matters, that the Senate leadership somehow should be embarrassed because a major piece of legislation that will affect one-

sixth of our entire economy is not offered in some big-type Cliff Notes? We are already hearing that. By the way, all the bills have already been on the Internet for weeks, in some cases for months. The merged Senate version will be on the Internet and so will the final bill from the conference committee after the House and Senate work out their differences.

My second question is this: I wonder how many of my colleagues across the aisle have actually read these Republican amendments, because there are some very good ideas. I know the Republicans are quick to say the committee only accepted technical amendments, but that doesn't appear to be true for all cases.

An amendment by Senator BURR says the HELP Committee's community health insurance option must follow State insurance regulation. This is not trivial. It refers to important matters such as solvency, consumer protection, and much more. The amendment helps to ensure a level playing field between the public option and all the other health plans in each State's insurance market. That is hardly technical.

The bipartisan amendment supported by Senators GREGG and ENZI and ALEXANDER allows employers to give bigger incentives to employees who participate in workplace wellness programs, which I think is a great idea. It is something I implemented when I was the mayor of Anchorage, AK.

My own Alaska colleague, Senator MURKOWSKI, had other good ideas to add to the HELP bill, including improving student loan repayments to help medical professionals who agree to work in medically underserved areas—another very good idea.

I hope my point is clear. There is a lot to be done by all of us, and there has already been good work by Members on both sides of the aisle. So let's talk about the merits of health reform, let's debate the policy, and let's lay out our legitimate differences and then work together on solutions.

My freshman colleagues have described it well over the past hour. When it comes to reform, there are many examples of excellence already underway. We need to support such innovation, expand it, and make it part of a nationwide effort to give all Americans access to health insurance and basic medical care. There is still time for all of us to work together. We need health reform now, and we know it will work.

I yield time at this point to the Senator from Colorado, MARK UDALL.

THE PRESIDING OFFICER (MR. BENNET). The Senator from Colorado is recognized.

MR. UDALL of Colorado. Mr. President, I thank the Senator from Alaska for convening the important discussion we have had here this morning. As you have heard and we have all heard over

the last hour, my colleagues and I agree that the point of health care reform is to bring affordable, quality health care to all Americans. The bill we will debate here on the floor in the coming weeks will include important insurance reforms to make that a reality.

I want to ask you though, Mr. President, and everybody watching, will we have succeeded in our mission if we merely put an insurance card in every American's pocket? Comprehensive health care reform needs to be about a lot more than that. We have heard about the difficult fiscal challenges that await us if we do nothing. Putting our economy on a sustainable path for the future means we have to address this unsustainable growth in health care spending that you so eloquently addressed earlier in your remarks.

One of the best ways we can do that is by preventing illness in the first place. The good news is that many communities and providers all over the country are doing just that. We can recognize their innovative successes and incentivize others to follow in this reform package. If we do that, we will have a big impact on patient health as well as on the Nation's bottom line.

I wish to talk about a program in Colorado that has been getting results. The Northwest Colorado Visiting Nurse Association, which has been working with the Department of Public Health, local physicians, and others, operates the Aging Well program. It focuses on prevention, and it connects rural Coloradans over age 50 with services and information to help them remain active, healthy, in their homes, and out of the hospital. Patients receive health screenings, exercise classes, and courses on managing conditions such as arthritis or chronic pain. Aging Well has been a great success. Listen to these numbers from a recent survey: 98 percent of participants reported improved fitness, 60 percent visited their doctor less often, and 18 percent reduced their medication needs. This saves dollars and improves lives.

Health insurance reform legislation includes funding to start similar programs aimed at keeping those just shy of their Medicare years—I have to confess, like me—active and healthy. The goal is to allow Americans to avoid spending their golden years worrying about illnesses that could have been prevented in the first place. To complement these programs, additional grants would give these organizations the tools to promote healthy living for all ages, reduce obesity, tobacco use, and mental illness.

Health reform would also require insurers to provide full coverage for preventive services at no cost to enrollees. That is music to the ears of any American who has skipped a recommended mammogram or an annual physical exam because the cost was too great.

Let me talk about children as well. There are grants in our health reform package for school-based health clinics so that children who lack easy access to a doctor can get preventive care right at school. These clinics have been shown to save \$2 for every \$1 they spend. This results in fewer emergency room visits and hospital visits, and we deliver health care before problems become more serious.

Let me turn back to adults in the workplace. Reform would bring wellness programs to the workplace by providing grants for employers. Companies that have implemented wellness programs have already seen big savings. PepsiCo is one such company. They offer onsite screenings, programs to help employees lose weight, exercise incentives, and other measures. As a result, they have saved nearly \$120 per participating employee per month, which has resulted in a 2-year savings of over \$22 million. Even better than the dollars involved here, participants demonstrated lower health risks and better health outcomes. This is one more way reform will pave the way and provide incentives for more companies to follow suit for their employees.

Reform is also a great deal for seniors. For the first time, Medicare will pay for annual wellness visits. Reform would create incentives for Medicare patients who alter their behavior in order to lower their blood pressure and better control their diabetes. Medicare will cover recommended preventive services now, which is at no additional cost to seniors. In sum, contrary to what we have heard from some on the other side, Medicare benefits will be improved by the reform that is being proposed.

Let me conclude by pointing out that this legislation makes the wise choice of building on our wellness efforts that are already working. We know preventive care enables doctors and other health care providers to detect diseases earlier, when treatment is the most effective, averting more serious and costly problems later on. But it also empowers each and every one of us to take charge of improving the quality of our lives, and when done correctly it is a crucial component of efficiently and responsibly addressing health care spending.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. BEGICH. Mr. President, I thank Senator UDALL for once again pointing out how prevention and wellness works and how some real hard dollars make a difference in health care. As I close, I again thank my colleagues, the freshmen, for once again coming this week and making our point clear on innovation and the impact it will have on bringing accountability and a better product for the consumer, ensuring that we reduce costs through innovation.

I heard this morning some one-liners from the other side that say "rationing, delay, deny" is what we are all about over here. Absolutely wrong. What we are about is ensuring that the current rationing going on by insurance companies, the delay by insurance companies, and the denials by insurance companies stop so our consumers have good-quality, long-term health care.

As I said earlier when the Senator from Oregon was talking, I heard again this morning that the American people were being taken for a ride. My comment was that I agree with the other side; they are—right over the cliff. It is time to take action and have health care reform.

Is it a perfect bill when we are all here on the floor at some point discussing it? It may not be. But is it better than where we are today? Absolutely, because today is literally taking the American people right over the cliff. So it is in the best interests of the American people to move forward and create a better system that is more accountable with better quality.

I appreciate my freshman colleagues for standing up today and laying out new, innovative approaches that are working across this country.

I yield my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I ask to be recognized as in morning business for 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

HEALTH CARE REFORM

Mr. GREGG. Mr. President, one of the first rules in health care that doctors learn and health care providers learn is to do no harm. So, as we move down the road of this health reform effort, I think we ought to have that as our watchword also. The health reform effort which we pursue should do no harm to a lot of the elements of our health care system which are doing pretty well.

For example, there are a large number of Americans who get health insurance from the private sector—about 170 or 180 million—who are quite happy with their health care. They may have concerns with their insurance companies, legitimately, but they think their health care is pretty good. In fact, American health care is excellent.

As we move down this road toward health reform, we should not harm those folks. We should not push them into a public plan by creating a system which basically disincentivizes their employers to give them health care, incentivizes employers to pay a penalty rather than pay a health care premium, and moves people over to what are called health exchanges in a public plan. But that is exactly what the bill did as it left the HELP Committee, and

who knows what it is going to do when it comes out of the secret room where it is being written right now, but I wouldn't be surprised if that is exactly what it does when it returns from this secret room. That will be harmful—harmful to all Americans who have health insurance and like what they have. They like the doctors they see, and they don't want to have the Federal Government basically supplying their health care and putting them under a bureaucracy where the Federal Government stands between them and their doctors.

There are also a lot of senior citizens in this country today who are on something called Medicare Advantage. They find this to be an excellent Medicare Program. It gives them a lot of options they don't have under traditional Medicare, and they like it.

Under the Finance Committee plan, Medicare Advantage would have been eviscerated. Most Americans who get Medicare Advantage would lose it—that simple—because the Finance Committee is anticipating a \$400 billion reduction in Medicare spending, with the vast majority of that—or the majority of that coming out of the Medicare Advantage program, essentially eliminating Medicare Advantage as an option. People who are on Medicare Advantage would be pushed back into traditional Medicare. I don't think they are going to be very happy with that. That does them harm. That should not happen.

As part of the "do no harm" we should be pursuing in health care, we should not cut Medicare in order to fund a brandnew entitlement for people who are younger and who are not on Medicare, for the most part—who obviously are not on Medicare—and cause people who are on Medicare and who are quite comfortable with what they are getting under Medicare, specifically Medicare Advantage, to lose that option in order to fund a brandnew entitlement with \$400 billion in Medicare cuts.

In the new "do no harm" issue, there is the issue of innovation. Innovation is one of the great advantages our health care system has. You do not see innovation in England, of any significance, where they have a nationalized system. You do not see innovation in Canada, where they have a nationalized system, because innovation takes investment. To bring a new drug to the market requires 12 years and almost \$1 billion. Someone has to put up that billion dollars. Somebody has to be willing to take a risk with their money, that they are willing to invest in this very chancy undertaking of trying to bring a new drug to the market, a new drug which will help millions of Americans, potentially.

But it takes money and it takes a willingness to invest in that type of research. Money follows return. If you

set up a government-run program—which, inevitably, in order to reduce costs has to control prices—you reduce returns. It is absolutely guaranteed that if this country moves to a single-payer, government-run system, the innovation that is occurring in the area of pharmaceuticals and biologics, in the area of devices, will be dramatically chilled because there is not going to be the investment capital to pursue that type of innovation.

Granted, the government can try to do it through government research. But we know government research can never replace the creativity of the private sector and the risk-taking of a broader market that involves billions of dollars of investment.

But we also know investment follows return. If you use a government plan, which essentially can only save money by controlling prices and, thus, reduces returns significantly or reduces the number of years companies have control over the drug they produce, as is being proposed by the majority under the biologics-generic proposal down to 4 or 5 years, then you will not get the initial investment. Those dollars will go somewhere else. They will go into software, they will go into some other technology or some other activity where the return will be something they think is better.

So innovation will be chilled, significantly chilled. That does harm. That will do significant harm because one of the great things about our system, as I mentioned earlier, is that we are bringing these new drugs to the market, these new pharmaceuticals, these new biologics, these new devices which are saving lives and making people's lives better.

No other country is doing that at the rate we are doing it because our country has a system which encourages that sort of entrepreneurship and innovation. But that will be dramatically affected if we go down the road as proposed, at least by the bill that was produced by the HELP Committee, which the majority leader said he endorses, a bill that has a public plan in it.

In the "do no harm" category, who are the people we want to have take care of us? I know when I was in high school and in college, the best and brightest people I ran into wanted to be doctors. I liked that because I knew those folks, who were a lot smarter than I was, were going to be taking care of myself and my family if I went to see a doctor.

Almost universally we know the best and brightest people in our society, for the most part, go into medicine. They become doctors. That has been our culture for a long time. But that culture will change, change fundamentally, when every doctor in this country is working for the government, when basically the doctors become bureaucrats. What sort of incentive is there

going to be for the best and brightest to move into medicine then? I think we do significant harm if we undermine that character of our culture.

Lastly—and this is the point I wished to talk about mostly—doing no harm, in a financial sense, means not creating programs which we cannot afford, for which we end up passing the bill on to our children. We know the proposal, as passed by the Finance Committee, costs between \$1 and \$2 trillion.

They will tell you: Oh, it only costs \$800 billion. But that is because they used "Bernie Madoff" accounting. They said: We have a 10-year bill. We are going to spend 5 years on the program. We are going to pay for 5 years of the program, but we are going to have 10 years of income to pay for it. We are going to score as if it is a real bill over 10 years.

That is absurd. You would go to jail if you did that in the private sector, which Bernie Madoff did. But he has been released. He is on work release, I think, down here working with the Democratic majority on how to score this bill.

But as a practical matter, you have to match the full 10 years of expenditures with the full 10 years of what is alleged to be income. So if you have this plan fully phased in over 10 years, the cost, by our estimate, the Budget Committee staff estimate on the Republican side—and it is a reasonable cost estimate—is about \$1.8 trillion. The income alleged to occur under this bill—remember, it is coming from Medicare reductions and from taxes and fees—is alleged to be about \$900 billion.

If you give them the benefit of the doubt, if they get all the income they claim they are going to get, you are still about \$1 trillion off. Well, who pays for that? That goes on the debt. Our kids pay for that.

By the way, we skipped over one little item, which costs \$250 billion, called the doctors fix. That is not even scored in this exercise, but we know we have to do it—more sleight of hand on the accounting side, a little bit more Bernie Madoffism. The real price of this bill is somewhere between \$1 and \$1.5 trillion, unpaid for. The total bills' real cost is somewhere over \$2 trillion. We are talking 10-year figures here.

So you are going to grow the government by \$2 trillion because you are going to create this brandnew entitlement, and you are going to take \$400 billion from the Medicare recipients and use that to pay for it. Then you are going to take \$500 billion in fees and taxes and you are going to use that to pay for it.

Well, you are about \$1.2 trillion short. So who pays for that? Our kids. More debt. The problem we have today is, we have too much debt. We have too much debt. The debt is the threat to this country.

I ask for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. We are facing a situation where our national debt is rising so fast because we are running deficits of over \$1 trillion a year for the next 10 years. That is what is projected in the President's budget. We are essentially going to put ourselves in a position where we are going to be similar to a dog chasing its tail. We can never catch up with the amount of debt we are putting on the books.

Now we are talking about putting a \$2 trillion expansion of the government on top of a government that already has a projected debt of 80 percent of gross domestic national product, which means our kids are going to inherit a country they cannot afford to live in because their standard of living will be reduced in order to try to meet the obligations we are putting on their backs. It is not fair. It is not right.

Clearly, if we are going to do health reform, it should be done in a fiscally responsible way. It is not fiscally responsible to grow this government by \$2 trillion, take money from Medicare to pay for it, and pass the majority of the cost of that bill on to our kids with more debt. It is not a responsible thing to do.

So in the arena of "do no harm," what is presently proposed around here is going to do a lot of harm. That is unfortunate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask to be informed when I have spoken for 9 minutes.

The PRESIDING OFFICER. The Senator will be informed.

Mr. KYL. Let me say, the Senator from New Hampshire has it right on target. I asked a bunch of my constituents how many believe, if we create a new \$1 trillion health care program, it is not going to run up the public debt. Not one hand went up.

I think the American people realize what the Senator from New Hampshire said is absolutely right. You cannot create this kind of a new government takeover of health care in this country and health insurance and not have it cost a lot of money, No. 1, and not have it run up the debt, No. 2.

In fact, one of two things is true. You know, half of this is paid for allegedly by cutting Medicare \$500 billion, although we do not know what the final bill will be. Maybe it is \$450 billion, but let's say \$½ trillion to round it off. One of two things is true: Either Congress will end up not making all the cuts in Medicare because we have never had the ability to do that in the past because we know it will cut benefits for seniors, in which case we are going to run up another \$500 billion debt—the American people know that—or, for the

first time, we are going to make the cuts and seniors are going to see their Medicare benefits cut.

One of those two things is true. Yet our friends on the other side say: Oh, no, no, no. We are not going to have any new debt. Besides that, we are not going to lose any benefits. Well, one of those two things is going to happen. Either we are going to be more in debt or we are going to lose a lot of benefits for seniors.

This week, of course, all the talk is about a new government-run insurance plan. It has lots of different names. It is called opt-out or opt-in or trigger or co-op or consumer or public option.

The Speaker of the House this morning was talking about this. She said: I do not think we should call it public option. I think we should call it consumer option.

Well, let's dwell on this for a second. Is this being paid for or run by consumers? No. It is being run by the U.S. Government here in Washington. Is it being run by the public? No, it is not being run by the public. It is being run by the government here in Washington. This is government-run insurance. That is what it is. It is a government insurance company that they want to compete with the private companies.

The supporters of this are very honest about this. They say they want them to compete. After all, why shouldn't the private insurance companies have some competition from a government-run insurance company? So let's stop the phony characterization of it in some way that sounds a little better, that sounds like it is not government-run insurance. It is government-run insurance. Let's call it by what it is.

Strangely, when it comes to Medicare, these same people who are all for competition suddenly go silent. They are not so much for competition in Medicare. That is what we created with a program called Medicare Advantage. We have the government-run part of Medicare, and you can have that if you want it or you can buy one of these private insurance plans called Medicare Advantage. Well, people on the other side of the aisle do not like Medicare Advantage because it is private. It is a private insurance company. Usually, they are health maintenance organizations or HMOs. They provide a lot of extra benefits to their enrollees and the enrollees love it.

I get all kinds of letters from Arizonians who are on Medicare Advantage and they do not want us to eliminate it. Of course, that is what is going to happen under this legislation. They cut \$120 billion out of Medicare Advantage because they do not want the private insurance companies that provide Medicare Advantage to be competing with Medicare, the government-run entity.

So we are all for competition in the private sector today. We need to have a

new government insurance company competing. But we are not for competition when it comes to Medicare, we want to keep that government run. The bottom line is this: The left, in this body and in the other body and in the country at large, wants a single-payer government system. They know they cannot get there in one jump. So they are going to do it in two jumps.

First will be with all the government involvement in this bill, including a government-run insurance company. Then, when everybody gets covered under that, they can move to a single-payer system and, voila, you no longer have a viable private sector.

This is not just me talking. The Lewin Group, probably the most respected health care consulting firm, had a study earlier this year in which they said 119 million Americans would be signed up within, I believe it is, 2 or 3 years, under this legislation, with the government-run insurance company.

But here is the interesting figure: 88 million of those people already have insurance. They do not need a new government-run program. They have insurance provided by their employer. The dirty little secret is, when the President and others say: If you like your insurance, you get to keep it, that is not right. Because all the incentive is for your employer to shift you to the government-run plan. That is a lot cheaper for the employer to do that. So you may like your plan, you may want to keep it, but you do not get to keep it if your employer says: Sorry, it is cheaper for me to put you on the government plan. I am not going to offer you coverage anymore.

Lewin says that will happen to 88 million Americans. This is not a small matter. Of course, it is also true on Medicare Advantage. If you like your Medicare Advantage plan, as my constituents do, Arizona has one of the highest percentages of seniors signed up with Medicare Advantage, well, that is tough.

We are going to cut \$120 billion out of Medicare Advantage and the value of that plan is going to be cut by about—from roughly \$140-something in value down to roughly \$40-some dollars in value, meaning you are going to be losing just under \$100 in actuarial value off your Medicare Advantage plan because of what we are doing here.

All this because those on the left do not like the private sector providing insurance and want it eventually to go all government. The first step to that is this government-run insurance.

On Monday, the majority leader announced a new tweak on this, a new variation. In order to try to placate some who do not like the government-run concept, he will say: Well, we will let the States opt out. What exactly does that mean? Nobody knows. Somebody has written a bill or at least has written a concept. Nobody that I know

of has seen it. Certainly Republicans have not seen it. This was cooked up in the majority leader's office with people from the administration and some other Democratic Senators, and they came up with the idea that maybe it would not sound so bad if they let States opt out.

What exactly does that mean? Well, first of all, I do not know. But does it mean everybody has to pay for it, but if you do not want to accept the benefits, you can opt out of the benefits? How many States are going to go for that? Who knows what it means?

Somebody said: Well, how about an opt-in? I said: Well, you ought to ask the Democrats that. It would seem to make more sense than an opt-out if you are going to have the program. Of course, you should not have it in the first place, but at least, if you have it, shouldn't you give people the option of deciding whether they want it and whether they have to pay for it? If they do not want to pay for it and do not want the benefits, well, maybe then it is a little different proposition. But that is not a good idea either, because you are still creating the basic government-run insurance company, and that is also what is wrong with the so-called trigger.

The idea of the trigger is, well, if the Secretary of Health and Human Services decides in her opinion that not enough people can get insurance at the right cost, then we are going to have the government-run insurance company take over. National, paid for by the Federal Government, created by the Federal Government—this is government-run insurance.

A co-op. That idea seems to have pretty well fallen off.

But all of these ideas—whether it is a co-op or consumer or public or opt-in or opt-out, it all amounts to the same thing: It is government-run insurance. We do not need it. It is bad. It is a problem—or a solution looking for a problem.

There are times where there is not that much competition. Why? Because they are generally small States without very much population. The last thing they need is one more insurance company coming in splitting up the pie. They need a large risk pool to provide the basis for them to be able to write insurance. And you split the risk pool up even more with yet another insurer, and you are not solving any kind of a problem.

The final thing they said: Well, we need the government-run insurance to keep the insurance companies honest. That is what the State insurance commissioners are for. We have several former State insurance commissioners—the Senator from Maine, Ms. COLLINS; the Senator from Nebraska, Mr. NELSON; the other Senator NELSON—all former insurance commissioners, and they know their job was to

keep the insurance companies honest. I have not heard anybody say the insurance companies are not honest. I heard them say: Well, they make way too much money. Well, obviously, that to some extent can be controlled by the individual States. But it is also the case—

The PRESIDING OFFICER. The Senator has consumed 9 minutes.

Mr. KYL. I appreciate that, Mr. President. I will conclude with this point: A study that came out in the papers earlier this week demonstrated that insurance companies ranked 35th on the list of the most profitable companies, making a profit of something like 2 percent. So the bottom line is, people say: Well, we either want to punish the insurance companies or give them more competition or keep them honest. All of these are excuses for offering government-run insurance that, at the end of the day, is simply a step toward a single-payer system in this country. That is not the kind of reform Americans want.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I appreciate the comments of my colleague from Arizona and before him my colleague from New Hampshire in pointing out what happens when you deal with a Federal Government insurance company. If you want to call it Federal Government, Inc., whatever you want to call it, what you are essentially talking about when the Federal Government takes greater control of any part of our economy but certainly one-sixth of our economy with health care, which is what health care represents—\$1 in every \$6 of our economy is spent on health care in this country—what you typically get is fewer choices and higher costs. That is certainly the case here because you are going to see fewer choices.

I think most Americans realize that if the Federal Government has more control, more intervention, more involvement in health care in this country, it is going to ratchet down the availability of choice and there will be fewer freedoms for people in this country because the Federal Government is going to start saying what has to be in a certain health care policy. It is going to start getting in the way of that fundamental relationship between physicians and their patients. You are going to have more and more governmental intervention, and that ultimately is something I think most Americans have great reservations and great apprehension about.

In fact, if you look at the bills, the various bills that are before the Congress today—and there are three that have been reported out in the House, two now in the Senate—they vary a little bit in terms of particulars, but they are consistent in terms of their overall themes. They are all going to raise

taxes. They are going to raise taxes not just on the rich, not just on people with high incomes, they are going to raise taxes on ordinary Americans. All the studies bear that out. The Congressional Budget Office says that. The Joint Tax Committee says that. They are going to cut Medicare for seniors, particularly those who have Medicare Advantage. So Medicare benefits are going to be slashed if this bill becomes law. And they are going to all lead to higher premiums. That is the remarkable thing about this legislation. All these bills that are before Congress right now, which propose to control costs and to lower costs for people in this country, all lead to the same result; that is, higher costs for health care in the form of higher premiums.

I want to point out something in the bill the Finance Committee produced.

By the way, they are still merging these bills behind closed doors. There are a handful of people who are writing this bill. Contrary to the assertions of the President last year when he was campaigning that this was going to be on C-SPAN, it was going to be a wide-open process, and the American public was going to be able to participate and engage in this, this is all occurring behind closed doors. The specifics of this legislation are being written right now and probably will end up being hundreds of pages, perhaps even thousands of pages. But they all come back to the basic characteristics I mentioned earlier: higher taxes, Medicare cuts, and higher premiums for Americans.

What is interesting about this chart I have in the Chamber is there are Americans who will be put into an exchange who would be able to get some subsidies to help purchase insurance. Obviously, there are a lot of people in this country who do not have access to insurance today, and that is what we all—Members on both sides in the Senate—want to address: How do we provide more Americans access to affordable health care in this country? So there are some who get subsidies and who would be able to buy insurance through an exchange. That is about 18 million Americans. But if you are among the 185 million Americans who currently have health insurance, you will pay higher taxes and your premiums will end up going up.

What is ironic about this is 18 million Americans will get subsidies through these exchanges, but there are still 25 million Americans under the Finance Committee bill who will not have insurance when this is all said and done. So you actually have more people without insurance than would actually get subsidies under this plan that is being proposed by the Finance Committee, financed by the 185 million people who are going to pay higher taxes and also who are going to see their premiums go up. Now, I am not saying that. That is what the Congressional Budget Office

and the Joint Tax Committee have said. That is what every independent study that has looked at this has said.

By the way, last week there was an analysis that came out, done by the Actuary at the Department of Health and Human Services here in Washington, DC, that said overall spending on health care under this proposal—and when I say “this,” I am talking about the House proposal. Again, they are very similar in their characteristics, and in some of the particulars they differ. But in the House proposal, it would go up by 2.1 percent. If you remember, today we spend about \$1 in every \$6 in our economy on health care. At the end of the 10-year period, according to the Actuary at the Department of Health and Human Services, we are going to be spending more than \$1 in every \$5. So 21.3 percent of every \$1 in our economy is going to go to health care because under these proposals, health care costs are going to go up over and above the rate of inflation. In other words, if we do nothing today, you are going to have normal inflationary health care costs, which are going to increase the cost of health care. Enacting this legislation would increase the cost of health care 2.1 percent above that, or \$750 billion over 10 years. That is what the Actuary at the Health and Human Services Department said—\$750 billion in spending on health care above and beyond what would be normal if we did nothing with health care inflation in this country. So it would add 2.1 percent to the amount we spend as a percentage of our GDP, to where 21.3 percent of our entire economy would be spent on health care.

So you have health care costs going up, you have taxes going up, according to the Congressional Budget Office and the Joint Tax Committee, on people who are making less than \$200,000 a year. And even half of the tax burden, over 50 percent, according to the Joint Committee on Taxation, would be borne by those who make less than \$100,000 a year.

The amazing thing about this, from the analysis that has been done, is that someone who is making 150 percent of the poverty level, which is \$32,200 a year, because of the way the provisions in this bill would interact, would actually end up with an effective marginal tax rate of 59 percent—a 59-percent tax rate—because they would lose subsidies as they make more money. So the incentive for someone in a lower income category to make more money is going to go away because with every dollar they make, their effective marginal tax rate is going to go up. It would be 59 percent for someone making \$32,200 in this country today. That is for people whose income is 150 percent of the poverty level.

So to suggest for a minute these tax increases and these tax policies and the

way this bill is financed are not going to impact average Americans, working-class Americans, is absolutely wrong. It is false. That is what the Joint Tax Committee and the Congressional Budget Office have said.

But probably the worst thing: If you are one of these 185 million Americans, as shown right here, who are paying the burden in the form of higher taxes, you are going to see, at the end of all this, that after all the promises that we are going to get costs under control, your health care costs are going to go up and your taxes are going to go up. If you are a senior citizen, your Medicare benefits go down. And guess what. Your health care costs, your insurance premiums are going to go up. That is what has been said consistently.

Doug Elmendorf, the Director of the Congressional Budget Office, said:

Our judgment is that piece of the legislation would raise insurance premiums.

He goes on to say:

Those projected premium amounts include the effect of the fees that would be imposed under the proposal on manufacturers and importers of brand name drugs and medical devices, on health insurance providers, and on clinical laboratories. Those fees would increase costs for the affected firms, which would be passed on to purchasers and ultimately would raise insurance fees by a corresponding amount.

That is a direct quote from the Congressional Budget Officer Director, Doug Elmendorf.

He also said, when asked the question about, Would these taxes be passed on in the form of higher premiums, that roughly dollar for dollar they would be passed on in the form of higher premiums.

Some of the independent studies that have been done out there suggest that if you are buying in the individual market as an individual, you are going to see up to a 73-percent increase in your health insurance premiums; if you are a small business, up to a 20-percent increase. The studies vary. I have looked at my State. They break it down, some of these analyses, State by State. In my State of South Dakota, if you are buying in the individual marketplace as an individual, you would see a 49-percent increase. If you are buying in the individual marketplace as a family, you would see a 50-percent increase. If you are someone who is in a small group market, you would see smaller increases but still double-digit increases—14 percent, 15 percent above the normal rate of inflation. In other words, if we do nothing, if we do absolutely nothing, you are going to have normal inflationary increases in health care costs, which I think are hurting a lot of small businesses. But if we do what is being proposed here, it is going to be way worse because the overall cost of health care, according to the Actuary at the Department of Health and Human Services, the overall cost of health care above and beyond the

rate of inflation is going to be \$750 billion over 10 years or a 2.1-percent increase in overall health care costs. It translates, as I said earlier, into individuals, small businesses, and families paying higher health insurance premiums, higher costs for their health care, higher taxes.

If you are among the 185 million Americans, again, who are not in the exchange, who do not get subsidies, you are going to pay higher taxes and you are going to see your health insurance premiums go up.

There are a lot of people—a total of 282 million people—who are not going to be in the exchange. There are a lot of people who derive their health care through the government: Medicare and Medicaid. So there are a total of about 282 million people in this country who are not going to get subsidies and 18 million who will.

By the way, again, 25 million Americans will still not be covered. There will be more not covered than would be able to get subsidies through these exchanges to buy insurance.

The Democrats are saying: Trust us. They said that on the stimulus. They said unemployment would not go above 8 percent.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. THUNE. I will wrap up with this, Mr. President. “Trust us” is not enough for the American people. The American people need real, meaningful health care reform that will drive costs down, not up. These proposals drive it up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I wish to say that the presentation by the Senator from South Dakota, Mr. THUNE, is a strong one and a compelling one. I am also very impressed with his knowledge of the facts and his in-depth analysis of what we are apparently facing. I say “apparently” because so far, as has unfortunately been the case, the majority leader has not shared with at least this side of the aisle or anyone I know of on this side of the aisle any of the specifics of the latest proposal. That is very unfortunate.

As the Senator from South Dakota mentioned, the President of the United States, when campaigning, stated categorically that there would be C-SPAN cameras, that there would be Republicans, there would be an open process, and he was specifically addressing the issue of health care reform.

Americans grow cynical from time to time about the things we say during political campaigns. I can only conclude that the statement made by the President during the campaign contributes mightily to not only the issue of health care reform but also the cynicism about real change in Washington. Change has not taken place; the majority rules.

I certainly agree those abuses were committed when Republicans were in the majority in this body, and I saw it, and I fought against it. But it was stated just a little over a year ago that when health care reform came to its period of consideration by the Senate, when the negotiations went on, C-SPAN cameras and Republicans would be present so the American people would be able to see, in the President's words, "who is there representing the pharmaceutical companies and who is representing the American people."

Well, if we open it up now, if we opened the doors not far from here, we would see that already a deal has been cut with the pharmaceutical companies. It is an \$80 billion deal done in return for \$100 million or so in positive ads and in return for punishment to average American citizens because the administration agreed to a prohibition of importation of prescription drugs from Canada that could sometimes save as much as 60 percent on life-saving pharmaceutical drugs; as well as the elimination of or opposition to competition amongst drug companies to provide prescription drugs to Medicare recipients.

So what they have done by buying off the pharmaceutical companies—by the way, according to the latest reports I read this morning, the head of the pharmaceutical lobby makes over \$2 million a year—we have now penalized the American people by preventing them from having choice, as well as seeing the influence of special interests in this country and in our deliberations. It is very unfortunate.

There is a great deal of cynicism out there amongst the American people. It is manifest through tea parties and in other ways. Polling data shows the great dissatisfaction the American people have about the way we do business. That cynicism has been authenticated by the process we are going through.

I would again urge the majority leader to invite us in to sit down. We have some constructive ideas. We have some thoughts as to how we can reform health care in America. We know there needs to be reform. We have people such as my colleagues, two doctors—Dr. COBURN and Dr. BARRASSO—on our side of the aisle, who have extensive hands-on experience with these issues. Why can't we at least at some point—which we should have done a long time ago—be allowed to have input into the behind-closed-doors process that is taking place as we speak?

H1N1 PREPAREDNESS

Mr. President, I wish to also say a few words this morning about an issue that is of great concern to me and is of greater concern throughout the country; that is, the availability of vaccines in order to combat swine flu, known as H1N1. There are long lines around the country. There is scarcity. There is great concern amongst the American

people about this problem. Unfortunately, just last week, in a hearing before the Homeland Security Committee, the Secretary of Health and Human Services assured us that it was no problem and that there would be plenty of supplies on hand.

The previous administration conducted the initial analysis, as we know, and worked with the World Health Organization to estimate the magnitude of this worldwide pandemic. A plan was put in place and stakeholders began executing their roles in protecting the public health.

In the fall of 2005, in response to the government's lessons from combating avian flu, Congress provided \$6.1 billion in the 2006 supplemental appropriations for pandemic planning across several Federal departments and agencies. Since then, annual funding has been provided to the Centers for Disease Control and the FDA and activities in Health and Human Services to continue work on vaccine development, stockpiling of countermeasures, and assistance to States.

In late April of this year, Margaret Chan, the World Health Organization's Director General, declared "a public health emergency of international concern" when the first cases of the H1N1 virus were reported in the United States. National and State plans were in place and orders for vaccines were processed. Among other actions, officials released antiviral drugs from the national stockpile, developed and released diagnostic tests for the H1N1 virus, and developed guidance for the clinical management of patients and the management of community and school outbreaks. The administration requested \$9 billion in emergency supplemental appropriations to address the situation.

On June 26 the President signed an appropriations bill which provided \$1.9 billion immediately and an additional \$5.8 billion contingent upon a Presidential request documenting the need for and proposed use of the additional funds. In total, from 2004 through 2009, Health and Human Services alone has received almost \$9 billion for pandemic flu preparedness. Again, this doesn't account for the other billions to other agencies.

However, for the \$9 billion and counting the government has spent on preparing for pandemic outbreaks, Americans have only experienced frustration at vaccine shortages and the long lines for the limited supply of H1N1 vaccines that are available. This should make all Americans extremely nervous about the government possibly taking control of our health care system.

Three months ago we were told—this is important. Three months ago we were told the CDC expected 120 million to 160 million doses by the end of October. Two months ago the administration's estimate of vaccine availability

dropped to 40 million by mid October, with 20 million additional doses rolling out every week. Last week, the estimate dropped again. Now only about 28 million doses are expected to be available by the end of October. Yet the CDC estimates there are at least 45 million high-risk Americans, including pregnant women and children, in need of the vaccine. So according to my math, we are about 20 million doses short.

Unfortunately, the outbreak of the flu is widespread and deaths are accumulating. The Washington Post reported yesterday:

As of October 17, 46 States were reporting "widespread" influenza activity and many doctors' offices have been swamped with swine flu patients . . . The U.S. Government has ordered enough vaccine to make up to 251 million doses if needed, but production has been slower than originally anticipated. A total of 11.3 million doses of vaccine have been shipped to U.S. doctors and hospitals and clinics as of Wednesday, according to the CDC, out of a total of 14.1 million doses that manufacturers had shipped to warehouses by that time. By Friday, 16.1 million doses of vaccine had been shipped to warehouses.

In Arizona, State officials estimated a need of 900,000 to 1 million vaccines for my State's 6.5 million residents.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCAIN. I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. However, Arizona has only received 263,000 vaccines as of yesterday. According to the Arizona Republic, the swine flu vaccine was only available at 35 of the 113 planned clinics in Maricopa County. The article quoted the county's director of public health as stating:

It's a very frustrating situation where we are just not getting what we need. Right now, it is completely out of everyone's control.

On October 24, the Arizona Republic reported:

The lines were long, but the desire intense Saturday as hundreds, possibly thousands, of people waited up to three hours to get in one of today's rarest experiences: a swine-flu shot.

The doses available represented a little more than 1 percent of Maricopa County's population. People were turned away if they did not fall into the high-risk group.

Congress needs to know more information. Obviously, the hearing we had in the Homeland Security Committee last week was, at best, misleading as to the magnitude of this problem. We need more information from the government, and we need to act now and find out how we are going to get enough swine flu vaccine to take care of the citizens of this country. We have already invested \$9 billion. I don't think we have a lot to show for it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I will be recognized for the remainder of our time. Would the Chair tell me when I have 1 minute left, please?

The PRESIDING OFFICER. The Senator will be informed.

HEALTH CARE REFORM

Mr. COBURN. Mr. President, I listened the last few weeks on the Senate floor to many of my colleagues on both sides of the aisle. I happen to be one of two physicians in the Senate. I still practice. I saw 11 patients Monday morning in an office in Muskogee, OK. I saw some sick kids, saw some women, some senior citizens, saw people having difficulties with pregnancies. I was kind of struck, as I watched and listened, to where we are in the country today.

We have a lot of problems in front of us, including the financial problems, our unemployment problems, the fact that we need to get our economy up and going. But I saw something my staff sent me that explained and gave a great big, huge answer to me. It became crystal clear. It was a guy holding a poster. I have added a few things to his poster, but in essence here is what it said.

On the top line it said: "Medicare is broke." That is true. We all know that. It runs a negative cash balance, total negative cash balance starting in 2017, probably 2014. So 5 years from now, the vast majority of the funds from Medicare are not going to come from Medicare taxes. They are going to come from the citizens of this country through their regular taxes or we are going to borrow it from our kids.

The States are broke because they have Medicaid, and they are all struggling mightily right now, so Medicaid is broke.

What else is broke? The Post Office is broke. We know that. We just gave them \$2 billion to get them out of their cash flow, but they are going to run about an \$8 billion, \$10 billion deficit next year.

The census is broke. We know that. It is going to cost 2½ times what it cost the last time, and we are not even sure we are going to get an accurate census.

The highway trust fund is broke. We are getting ready to have a bill on the Senate floor in the very next few days or weeks that will extend the life of the highway trust fund. It is going to take \$248 billion from our grandkids with a wink and a nod and say it is not broke. It is not any different from what we were trying to do on the Medicare doctor fix, on the reimbursement fix. So the highway trust fund is broke.

Fannie Mae is broke. Freddie Mac is broke. Medicare is broke. Medicaid is broke. The country is broke.

Here in the midst of all of this, we are getting ready to add a \$1 trillion program run by the very same individuals who have Medicare broken, Medicaid broken, highway trust fund broken, Post Office broken, census broken, Fannie Mae broken, Freddie Mac broken, and we are supposed to trust us to design a system to fix the problem.

There is no question there are some problems in health care. The biggest problem is that it costs too much. I see that every day when I practice medicine. I have seen it for 25 years. It is exacerbated now.

Most people won't agree with my assessment, but one of the reasons the costs are so high isn't just technology—and certainly it isn't the insurance industry—it is the demands we place on the system through Medicare and Medicaid. I get to experience that every day—the added costs that go into the health care system because I have to do something the way Medicare wants me to do it, not the way I would do it normally. I have to cross the T's and dot the I's for Medicare.

It is ironic that right now, as we are sitting here, there is a hearing going on on strategies to address Medicare fraud. We have a bill that is getting ready to come to the floor that doesn't have any of that in it. Why didn't we have that hearing 6 months ago when we asked for it? Or a year ago when we asked for it? Two years ago, we did have one in my subcommittee, where we found out that HHS doesn't even know how much Medicaid fraud there is, and they underestimate their Medicare fraud by 50 percent, according to GAO. We are almost at 20 percent fraud. And now we are having a hearing, after a bill is written, to find out new strategies for it.

Why? It is because there is no defense that we could ever muster or maintain against the accusation that we have allowed a system to have this kind of fraud in it. Yet we are supposed to turn around and ask the American people to trust us to fix what is wrong in health care. There are significant things wrong in Medicare. It costs way too much. It doesn't have to cost way too much. But we have put that into the system.

Let me, for a minute, defend American medicine. If you are sick anywhere in the world, the best place to get sick is in this country. We have a 30- to 50-percent higher cancer cure rate than anybody in the world. If you have an acute coronary syndrome, heart attack, or stroke, we have the best hope for the best outcome and the best survivability for you. If, in fact, you have an orthopedic problem, whether it is a fractured hip or leg, or you need a new joint, this is the best place in the world to get the best care with the least complications, with the best outcome of anyplace in the world.

There have been a lot of people critical of the bad parts in health care, and

they should be. But what we are about to do is to damage the very best health care in the world to fix what is wrong with that system. So rather than to preserve what is good, we are going to take over—we are already at 61-percent government-run health care; 61 percent of all health care is run by the government today. Add it up—whether it be military health care, Indian health care, VA health care, Medicaid, Medicare, SCHIP, or the Federal employees health care, FEHBP. Sixty-one percent of health care is run through the government today. You may say, how in the world can we have the cost go out of line? It is because we have health care bills that will not address the real costs.

Instead of having a monstrous bill that costs \$1 trillion—actually far more than that, about \$2.8 trillion the full first 10 years it is in effect. Rather than doing that, we ought to fix the easy things first, such as the fraud in Medicare. It is not hard to fix. We pay and chase. We have known that for years. We tried to do something about it, but we cannot do anything about it. We assume that when you bill Medicare, you bill them right and we pay you. If you don't do it right, we try to figure out, rather than having active live intervention to determine that you did a certified procedure or used a certified product. So we could save, in health care, \$60 to \$70 billion a year just in government programs if we fix the fraud.

We can save another \$100 billion a year if, in fact, we incentivize or change the tort system in this country, because what we know is that 80 percent of all lawsuits are frauds in health care. They all get dropped. They never get paid attention to. But they get filed, hoping to extort money out of our insurance companies that cover doctors. Of the remaining 20 percent, 89.9 percent of those are found in favor of the providers. So what that says is less than 3 percent of all the suits that are filed are legitimate, and those poor people who win the 3 percent—60 percent of the money doesn't go to them; it goes to the system.

What else could we do? We can change the Tax Code so that if you are an individual, you get the same tax benefit that corporations do when they buy their employees health insurance. No, we won't do that. We have not done that in this bill. So if, in fact, you are well-to-do or you have the benefit of employer-paid health care, you get \$2,700 worth of health benefit a year; but if you are a single man or woman trying to raise a child, and are self-employed, you get \$100 worth of tax benefit. So we totally side with those who are well-to-do, in terms of the tax benefits in this country, rather than help the people out there trying to buy individual health insurance.

We can create a transparent market. We can mandate tomorrow that for all

insurance sold you have to put out the quality, your payment terms, and you have to put out the prices you will pay, and the same with every provider in health care, so that you can know what you are going to get, what it will cost, and the likelihood of the outcome beforehand.

Finally, we could encourage the sale of insurance products across State lines to force competition into the insurance market. There is no question they need competition. They have it inside, but it is mandated down to the State level. So the only way you will ever create real competition and force competition in health care is to make them all compete against each other, which will give you the ability to buy what you want for your family, what you think you need, and get the care you want, at a price you can afford. We are not going to do that with this plan or any of the plans that have been offered. We are going to see the cost of insurance go up, not down.

Finally, we could have group health associations, where businesses can come together across State lines and join an association and have buying power in the insurance industry. That has been blocked in this body for 4 years.

So we can do four or five things, and none of those would cost any money. None of that would require us to steal money from Medicare Advantage and Medicare to create a new program, rather than to fund the sustainable portion of Medicare. So as we look at health care—and there is no question we have problems, and I want to see them fixed—it is important to put it into perspective. We have failed at everything we have done, in terms of being effective stewards, when it comes to health care programs through the Federal Government. They are neither efficient nor highly effective. We are getting ready to ask the American people to trust us with another couple trillion dollars over the next 10 years to create a new system, demonstrating the fact that we don't know how to run and won't be responsible for the systems we have. We are going to create a new system, and the idea is to just trust us. Our actions which have demonstrated a lack of financial stewardship of the health care programs today ought to give us all great caution that somehow the Federal Government knows what it is doing when it comes to health care. The proof is that we absolutely have no idea what we are doing. That is why there is an \$85 trillion unfunded liability on Medicare. That is why there are over \$100 trillion in unfunded liabilities when it comes to Medicare, Social Security, Medicaid, and SCHIP that we will never be able to take care of, which we will shove over onto our kids and grandkids. But trust us, we can get it right this time.

We can create 88 new programs—that is what is in this—new bureaucracies,

new government programs, with 150,000 new employees. And if you think that 150,000 employees won't stand between you and your provider, you have another thought coming. They are going to write rules and regulations that will cripple the ability for you to make decisions about your health care in your family. It is going to slow your access to health care and raise your cost of health care.

There are ways to get out of this. There are ways to lower the costs. There are ways to not grow the government and make more health care available to hundreds of thousands and millions of American citizens. The first health care bill introduced was the Patients Choice Act, filed in this Congress by myself and RICHARD BURR. It saves money rather than costing money. It saves \$70 billion in the first 10 years. It saves the States \$1 trillion in the first 10 years. It is the opposite of what we have coming. It is a patient-centered plan rather than a government-centered plan. It puts patients in charge rather than government bureaucrats and Senators. The last thing I want to happen to my patients and me—I am 61 years old, and it will not be long before I am eligible for Medicare—is somebody in Washington making a decision about what my family and I can get. And whether I can afford it is up to me. But what I can get, and where I can get it, ought to be totally and 100 percent left in my hands as an individual who is free in this country.

I have one final point. In this bill is a mandate that you have to buy insurance. You have to buy insurance. If you own your own home, you don't have to buy homeowners insurance. If you don't want to have general liability on your property, you don't have to do it. If you choose not to drive a car, you don't have to buy auto insurance. By the way, 25 percent of the people who own a car don't buy it or they buy it and they cancel it. We know that. That was the latest statistic. So we are going to tell everybody in America that you no longer have the freedom to make a choice, that if you have the assets and you choose not to buy health insurance, you are going to get a fine—a misdemeanor—from the Federal Government. We are going to take away your freedom to make a decision you think is in your best interest.

I note that I have a limited amount of time. With that, I call on the American public to pay very close attention not to what we say and are going to do in the next few weeks in Washington but look at what we have done in the past. I don't think you can trust us with health care the way we are going. We have not demonstrated we can do that. The person to trust on health care is you. We can fix what is wrong without bringing another 20 percent of health care into the Federal Government and shackling our children forever.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 3548, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to H.R. 3548, a bill to amend the Supplemental Appropriations Act of 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I have come to talk specifically about the urgency of passing the unemployment benefit extension.

I want to take a moment to respond to my friend from Oklahoma, who was essentially bashing the Government's ability to provide any kind of structure or opportunity for health care, saying that the Federal Government cannot be trusted to provide access to health care for people. I suggest that the 40 million people who receive their health care through Medicare—seniors over age 65 and people with disabilities—would probably disagree with that. I think my 83-year-old mother would wrestle me to the ground if I tried to take away her Medicare card. She has access to choose her own doctor and procedures.

This is a system that involves the public and private sectors, and it was in fact established in 1965 by the U.S. Government to make sure seniors and people with disability have health care. Also, those who are poor in this country and have lost their jobs and are fearful of losing their health care, families, and low-income seniors who need to go into nursing homes would probably disagree with my friends from Oklahoma about Medicaid, even though there are many challenges that we need to work on in terms of rates and so on.

Medicaid is a safety net for many Americans. That is the difference, in some cases, for seniors in nursing homes between life and death.

I am proud the Federal Government also stepped up on Medicaid. I also think the Children's Health Insurance Program, which was started in the nineties for low-income working families to make sure that if someone is working in a job and does not have health insurance, at least their children can be taken care of with a low-

cost policy they pay for. But we established and created a way for families to get health insurance. I think those folks would probably disagree with the statement as well.

In many regards, the VA—and while there are certainly challenges and issues and we all push through to make sure our constituents are served—has been in the forefront of health information technology, electronic medical records, and so on. The VA is a system that works for our veterans as it should. When it is not well funded, as it has not been in the past with the previous administration, we stepped up to increase the funding repeatedly to make sure our veterans have what they need through a Federal Government health care system.

Finally, I will just say, there are our military and military retirees as well whom, I am proud to say, our country has supported through providing a health care system.

We can talk more about health care at another time. But I do think this ongoing effort to be critical of anything we do collectively as a country, through a democratic process of government, that somehow that is bad, I find that interesting, when we are saying to those around the world they should go to our system. We, together through our system, have made sure there are opportunities for many Americans, most Americans, if you count the employer-based health care system, the tax credits, the incentives for employers, the government policy. In some way, our government has been involved in incentivizing health care. The question now is, Do we complete the job? I am very hopeful we will complete the job for every American and tackle health care costs that are crippling our businesses, our government, and our families.

I wish to speak about something else that is of tremendous urgency for families. I was very pleased that last night, finally, after 3 weeks of blocking our ability to get to this bill to extend unemployment benefits, we have the opportunity to get to a vote. Eighty-seven Members voted to proceed to the bill. I don't understand, when 87 Members vote to proceed to the bill, why we could not have done this sooner.

Since we started to try to get to this bill, to this point today, 143,000-plus people have lost their unemployment insurance benefits—just in the last 3 weeks, over 143,000 people, who have done nothing but work all their lives, play by the rules, the job goes away, they are trying to find another job and, in the meantime, keep a roof over the head for their family, food on the table, turn on that electric, turn on that heating system, which is going to cost even more to the family budget—just keep things going.

We know 7,000 people today will lose their unemployment benefits; 7,000 peo-

ple tomorrow will lose their unemployment benefits; 7,000 people the next day. We have been trying to build on what we did in the Recovery Act. I am so grateful our President immediately wanted to extend unemployment benefits. We did not have to struggle, as we did for 8 years, to try to make that happen. President Obama gets it, and it was in the recovery package.

Now we come to a position where we need to extend it. The House passes it, and we spend 3 weeks procedurally trying to get to this bill so we can consider it.

There are amendments that will be offered. There are amendments that are very good amendments that I support, such as extending the first-time home buyers tax credit, help for our businesses in this economy, adjusting tax issues of net operating loss, positive things, bipartisan things. But fundamentally, the question I have is why did it take us so long to get to the substantive discussion on this bill?

That leads me to the second matter about which I wish to talk.

Since the beginning of this year, we have seen 82—yesterday it was 81, now it is 82 times, as of this week, that we have seen Republican objections to moving America forward, forcing us to go to a vote, such as yesterday, where 87 people said yes. Why did it take a vote? Why did it take 3 weeks? If people were sincere about moving this country forward, about solving problems, all the talk of bipartisanship and all our efforts to create that, we would not get no, no, no; I object, I object, I object. That is all we hear as we try to move forward to solve some of the most critical issues facing the country, facing families, facing businesses—the economy, internationally with wars. Over and over again, things that should take 2 hours take 2 weeks.

It is time to say enough is enough. We have done this too long this year. Now is enough. It is time to get on with the business, the people's business, and to, frankly, call it like it is.

I wish to go through a few of the 82—not all of them—a few of the 82 objections because we started the year with efforts to block the President from getting his team in place.

We know there was an election. Somebody won. They have a right to have their team in place to govern. That is how this works. Yet right out of the box, the day after the swearing in, January 22, there was an objection to calling up the Jackson nomination, the Sutley nomination, the Solise nomination, the Rice nomination—objection, objection, objection. We can go on through point by point.

I will jump down to April 21, when there was an objection to scheduling a vote on Christopher Hill to be the Ambassador to Iraq. We are in the middle of a war, years of a war, and there was an objection to moving that nomina-

tion for most of April, but then he was confirmed with 73 votes.

This, obviously, was not about the fact that there was not a majority of people—overwhelmingly, over two-thirds of the Senate wanted to have this vote, wanted to confirm the Ambassador to Iraq, but yet there were objections and slow-walking and slow-walking and slow-walking, trying to slow down the business of governing and getting things done for this country.

Two days later, there was an objection to moving forward to the nomination of Thomas Strickland, the Assistant Secretary for Fish and Wildlife. Ultimately, he was confirmed with 89 votes. What took so long?

Seconds after that objection, there was an objection to Kathleen Sebelius as Secretary of Health and Human Services, right as we were first beginning to respond to the H1N1 virus, and we didn't even have a Secretary of Health and Human Services. Yet there was an objection.

Seconds after that, there was an objection to David Hayes to be Deputy Secretary of Interior. They filibustered this nomination. We had to go through all these procedural votes. In the end, he was confirmed unanimously. So even the person who objected to going to this nomination ultimately supported the nomination, which leads one to ask: What is the motivation of what is going on here?

In May, they objected to proceeding to the Family Smoking Prevention Tobacco Control Act. Ultimately, it passed with 79 votes in June. Twice we had to file procedural motions, cloture motions to get the credit card bill in front of the Senate. Ultimately, it passed with 90 votes.

In July, we had to file again. We had to go through the slow process, start the 30-hour clock, another 30-hour clock, waste time on the floor trying to get the Homeland Security bill up, which passed with 84 votes.

The Defense authorization bill, another absolutely critical bill that everyone agrees must move forward for our troops, for our security, was held up on the floor most of the month of July and ultimately passed with 87 votes.

In September, the Interior funding bill, the same thing. It ultimately passed with 77 votes. Finally, last week, Republicans objected to even going to the conference committee.

When we look at this, we have a bill that passes with 87 votes on Defense authorization, goes to conference committee, comes back, another objection, have to do a cloture vote, run the clock, and then the bill passes with 68 votes.

That leads us back to where we are today. Twice there were objections to bringing up the extension of unemployment compensation for millions of

American families, middle-class families who are caught in the middle of an economic tsunami. They did not create it.

It is our job to create the economic framework to support the jobs that need to be created. We are focused on that, laser focused on that. Every piece we do relates to jobs, whether it is health care, energy policy or financial reform. Whatever it is, it all comes back to jobs. But we take 3 weeks to get in front of us a bill on which ultimately, last night, 87 people voted to proceed.

We have a new President of the United States this year. There was an election. There is a new Congress. We know there are differences on substance, and that is what a democracy is all about, honest differences. I have differences on specific policy issues. But what we see here is a conscious strategy that has to stop. It has gone on all too long. We have many challenges as a country that need to be addressed. We have families in crisis who need us to act, and this has to stop.

We can no longer continue to see this number go up from 82 to 85 to 90. Who knows where this will end, who knows, in terms of objecting to moving forward, objecting to taking up bills.

We have one of the most important issues that I know I will ever address or have worked on in my time in the House or Senate coming before us on health care reform. We have differences. We have people of good will who have differences. We will have a motion whether to even proceed to the bill and debate those differences. Yet my assumption is that almost all—hopefully not all—almost all the Republicans in the Senate will vote no to even proceeding to discuss it.

We are in one of the most important times in our country's history. We don't have time for this. We don't have time for these ongoing antics that just burn the time on the clock, stop us from taking votes, stopping us from getting the team in place so the administration can do their work, stopping us from solving problems, extending unemployment compensation, focusing on jobs, focusing on health care costs, tackling what we need to do for clean energy. We don't have time. The American people don't have time. Our country doesn't have time to waste on items that are blocked that eventually have overwhelming support.

We know there are times when we all feel passionately about something, when there are divisions in the Senate, when we choose to stop moving forward. We all have been in that position, and I respect that decision. I certainly hold that as a right of mine, as it is for each of us. But what we are seeing over and over are efforts to slow-walk the business of this country, of solving problems, and then when we get to the end, such as yesterday, there

are 76 votes or 90 votes or it is unanimous. That is what I am objecting to—the strategy of stopping the people's business from getting done. I hope as we go forward on health care and go into the new year, we will be able to focus on the substance of things, debate that vigorously—as we will—but stop what is the gratuitous objection over and over and over just for the purpose of saying no.

I strongly urge my colleagues to support the unemployment extension legislation that is in front of us. There is a sense of urgency. As I indicated before, we have a situation where we have over 148,000 people, just in the last 3 weeks, who have lost unemployment benefits—7,000 people, every day we debate this, every day it goes back to the House, every day before it goes to the President. It is time to get this done.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I come to the floor to talk about the pending business before the Senate, the unemployment insurance extension, and I rise today to say that it should come as a surprise to no one that we have a jobs crisis in America. To help fix it in the short term, we need to extend unemployment insurance benefits to help families who are suffering through the worst job market in many years, not obstruct and stonewall to score political points.

I sometimes wonder whether my colleagues understand that people's lives are in the balance. It is not a time for political grandstanding, not a time to once again say no—no to everything, no to the people who need help. This is not a time for amendments about ACORN or E-Verify—amendments that have been offered and voted on on the floor of the Senate time and time and time again. It is nice that those people who offer them get their paychecks direct deposited every 2 weeks. This is not the time to offer those amendments again after the job crisis this administration inherited.

Unemployment in New Jersey is at 9.8 percent, just shy of double-digit unemployment, and the experts tell us it will get worse before it gets better. This is not the time to keep saying no, especially when we are trying to come out of the policies of the last 8 years that brought us to these present economic circumstances, the policies of the last administration that favored the bottom line over the lives of people—Wall Street over Main Street—and sent millions of jobs overseas, leaving

us vulnerable to any economic downturn, let alone one as severe as the one we were left with.

When the economy sheds 263,000 jobs in 1 month alone, it is a crisis. When 14.9 million Americans are unemployed, and we know that there are only 3 million jobs available, it is not the time to say no. When over a third of all unemployed—more than 5 million Americans—have been jobless for 6 months or longer, and 500,000 Americans will exhaust their unemployment benefits this month—1.5 million by the end of the year—we have to say yes to extending unemployment benefits.

We could recite the numbers all day. We could hold up chart after chart showing State by State the unemployment figures. But as the Presiding Officer knows, from his own comments on the Senate floor, the numbers don't tell us what this is all about. It is about people and their lives and their hopes, and the look on their faces when the bill comes due and the fear that they could stand to lose everything. Everywhere I go, when I am back home, someone comes up to me and I see that look on their face. It is a look of panic. It is a look of anguish. They lost their job after the holidays, their benefits are about to run out, they lost their health care, they are behind on their mortgage, their husband or wife is working two part-time jobs to try to make up. The story of these troubled times is not in the numbers, it is in the faces of those families who are looking to us for help.

The numbers are significant, but they are merely a snapshot frozen in time. The truth of joblessness in this country is an ever-changing story of men and women who are one check away from ruin—mothers and fathers who have struggled all their lives to make ends meet, who had a good job for years, made a decent wage, then saw 8 years of government policies that favored Wall Street over Main Street. They watched their companies downsize for greater productivity and send jobs overseas. They watched their friends being laid off. They went to bed at night praying that they would not be next, and then they got the news: They were next.

But they had hope because of the wisdom of Franklin Roosevelt, who on August 14, 1935—74 years ago—signed into law the Social Security Act, which included the first provisions for unemployment insurance. The Republican opposition in his day called him a socialist and they tried everything they could to stop the New Deal, notwithstanding an economy in depression. For F.D.R., the story was not in the numbers, it was in the faces of the people in grainy black and white photographs, of bread lines and old women selling apples on street corners.

Today the faces of the unemployed are no different. Their need for help is

the same, and our duty to provide it is the same.

This is about them. It is about real people who maybe, just maybe—if we have the will and the wisdom to do what is obviously right sooner rather than later—will look across the kitchen table tonight, knowing they are able to hold on just a little longer.

I know there are those who have bought into the notion that government is the problem for everything; that it can do nothing right and should stay out of just about everything; that the free market should be left to its own devices and everyone should fend for themselves without government oversight or involvement. Those are the same views that fought the New Deal. They fought against Social Security and Medicare and civil rights. They supported Reaganomics. They told us the government was the problem and Wall Street knows best.

I think history, especially recent history, has proven them wrong. Good, well-run, decent, honest government can be part of the solution. This is one of those times when it is government's responsibility to act. Extending unemployment insurance is what we, as responsible government leaders, must do when there are those in the community who have no other option. This is not a time to say no. To delay voting on this bill is to turn our backs on millions across this Nation who are still unemployed and facing financial disaster. To look into their faces and say no is not who we are as a people or what we stand for as a nation. We are a community, united by shared values and common concerns, not a nation of 300 million disconnected individuals. The plight of any one of us should be a concern to all of us.

The Federal Government stepped in at the right time to help companies we determined were too big to fail—not for the sake of them failing but for the sake of what they would do to our national economy. We said they were too big to fail. I say the American people are too big to fail. Now we have to step in and help them. This is America. We do not let the situation get the best of us. We take it as an opportunity, as Franklin Roosevelt did, to renew the promise of this Nation, to recommit ourselves to the concept and spirit of community—one nation, indivisible.

Whether that means 20 more weeks of Federal aid for those who still cannot find a job, those who wake up every day with the want ads in one hand and their resume in another trying to figure out how they can match them up and get that job, or whether it is providing incentives to home owners to boost the economy, we have always risen to the challenge. We have done it before, and we can do it again. This is our chance for each of us in this Chamber to do what is right for every American who is looking to us for a little

help and a little hope. It is not the time to say no again.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Madam President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BENNETT. Thank you, Madam President.

We are in a time when we are talking about money; we are talking about debt; we are talking about taxes; we are talking about stimulus; and we are talking about health care. I wish to put the whole situation with respect to money into some perspective.

Having been a businessman, I did my best to try to draw up a balance sheet for the United States. This is a very simplified balance sheet. It is in summary numbers only. But by going to the Federal Reserve Board and the Social Security and Medicare trustees and the Census Bureau, I have come up with the following balance sheet for citizens of the United States.

We start out with assets and liabilities. These are personal assets and personal liabilities. It is amazing to me that the number of household assets on a per-person basis is this high, but it is. If you take all of the personal assets in the United States, lump them together, and then divide them by the number of people in the United States, you get personal assets of \$218,000 per person, and personal liabilities or household debt of only \$45,000 per person. So the balance sheet looks pretty good.

However, as citizens of this country, we have debt beyond our personal debt. So when we add the national debt and each individual's share of it to the balance sheet, that adds an extra \$37,982, so that the amount of debt goes up when you add each individual's share of the national debt.

The national debt is not the only debt we have. Let's add State and local government debt on a per-person basis, and it goes up another \$7,500. But that is not the only debt we have. We have obligations, each one of us, with respect to Social Security. There is a Social Security liability and the present value of that Social Security liability is another \$17,251 per person.

All right. It still looks like a pretty good balance sheet. With the assets at \$218,000, this is about half. But there

are two other liabilities we have to put on the balance sheet. The first one is the present value of Medicare hospital insurance. Over the next 75 years, the present value of that unfunded liability is \$43,616 per person, almost as much as the total amount of debt that each one of us has as an individual. Now the balance sheet is looking a little scarier.

But we have one more item we have to put on the balance sheet, and that is the present value of Medicare supplemental medical insurance, and that is another \$79,095 per person. So when you add it all up, this is the balance sheet we are facing today: \$218,000 in assets, and \$231,000 in liabilities. If this were a corporation with this balance sheet, we would say the corporation is underwater.

As we begin to break this down, we realize that the Medicare liability is more than everything else put together. The Medicare liability is more than our personal debts, our share of the national debt, our share of State and local debts, and our share of Social Security. The Medicare liability is more than all of that put together. Is it any wonder, then, that the No. 1 issue we should be talking about when we are talking about health care is how to get the health care costs under control; to use the terms that the budgeteers use, how to turn the cost curve downward on health care. We can talk about earmarks. We can talk about spending on appropriations bills. We can talk about holding down discretionary spending on other issues. All of those things are worth talking about, but they are dwarfed by the challenge of turning down the cost curve on health care.

I have said this before, but it still works: One of the statements that has gotten into American folklore is a statement attributed to Willie Sutton. Willie Sutton was a bank robber. Not very many people knew much about his robbing banks, but he kept doing it. He would get arrested, he would get out on parole or he would leave prison and he would rob another bank. Finally someone said to him: Willie, why do you keep robbing banks? He said: Because that is where the money is.

If we are going to talk about the balance sheet that every American faces in debt and debt obligations, we have to talk about health care because that is where the money is: more for health care liabilities than everything else put together.

Let's discuss this question of turning the cost curve down. How good a job have we done as a government in making projections as to the cost of health care? On the second chart, let's look at the years and at the projections. In 1965 when Medicare was first proposed, we made a cost projection. We, the government, made a cost projection as to how much it would cost us, and that is represented by that red bar there on that

chart. Then the actual numbers came in, and they are represented by the green bar on the chart. Let's look at 1965 Medicare hospital insurance. That is a separate program. The cost projection is there in the red bar; the actual figures that came in are in the green bar. In 1987, we added Medicaid, and the Congress told the people: Medicaid won't cost much at all. You see, it is hard to find even on the chart. The actual cost was 17 times the projection that was made. In 1988 we added Medicare for home care. It was going to cost a little more. Once again, the gap between the red bar and the green bar—it has always cost more. We did a little better with SCHIP, but SCHIP is still a relatively new program, created in 1997, so the disparity between the projection and the reality is relatively small, but, once again, the reality has been greater than the projection.

There is one exception, and that is Medicare Part D, and that is the final pair there. The red bar shows what was projected that Medicare Part D would cost and the green bar shows, almost magically, this one costs less than the projection. Why?

I wish to quote from an editorial in the Wall Street Journal where they quote from White House Budget Director Peter Orszag. Peter Orszag was the head of the Congressional Budget Office at the time that cost projection was made. This is what the Journal has to say:

But as White House budget director Peter Orszag told Congress when he ran the Congressional Budget Office, the "primary cause" of these cost savings is that—

quoting from Orszag

the pricing is coming in better than anticipated, and that is likely a reflection of the competition that is occurring in the private market.

I will repeat that: That is a reflection of the competition that is occurring in the private market.

The Journal goes on to point out something I recall, because I was here during that debate. I was part of that debate. The Journal says:

Liberal Democrats fought that private-competition model (preferring government drug price controls), just as they are trying to prevent private health plans from competing across state borders now.

The lesson here is that spending on nearly all federal benefit programs grows relentlessly once they are established. This history won't stop Democrats bent on ramming their entitlement into law. But every Member who votes for it is guaranteeing larger deficits and higher taxes far into the future. Count on it.

The history of cost containment with respect to health care is not a pleasant one. The history of predicting what health care will cost is not a pleasant one. The only example we have where costs have come in lower than projected has been in that circumstance where competition in the private sector has been protected. That has been

the core of the bill Senator RON WYDEN and I have introduced as the Healthy Americans Act: private competition absent a government plan. We look at the history and see that will turn the cost curve down. That will begin to save money.

CBO examined our bill. Peter Orszag was the head of CBO when they looked at our bill and said it is revenue neutral—that is a good start—and then likely to save money in the future. They didn't put a number on it, but the Lewin Group has put a number on it and said that the Healthy Americans Act, cosponsored by Senator WYDEN and myself, would save \$1.3 trillion over the next 10 years. I don't know whether that number is right or wrong. I do know. It is wrong. I don't know how far wrong it is. But the point is it demonstrates turning the cost curve down rather than turning the cost curve up. And that is what we have to do, as our balance sheet reminds us so dramatically.

Let me talk briefly about the idea of a government-run plan, a public option, or whatever it is we want to call it, as the way to turn the cost curve down. Once again, the history of government plans is not encouraging as far as turning the cost curve down as we look at Medicare and how little it was supposed to cost and how dramatically much it has cost.

Let me quote Robert Samuelson from his column that appeared in the Washington Post recently:

Medicare has low marketing costs because it's a monopoly. But a non-monopoly public plan would have to sell itself and would incur higher marketing costs. Private insurers' profits (included in administrative costs) also explain some of Medicare's cost advance. But profits represent only 3 percent of the insurance industry's revenue. Moreover, accounting comparisons are misleading when they don't include the cost of Medicare's government-supplied investment capital.

So we are trying to mix apples with oranges when we say, look at the low administrative costs with Medicare and the high administrative costs with private insurance. Medicare can do it cheaper. Every projection about Medicare doing it cheaper has demonstrated not to work out.

Samuelson says this:

The promise of the public plan is a mirage. Its political brilliance is to use free-market rhetoric (more "choice" and "competition") to expand government power. But why would a plan tied to Medicare control health spending, when Medicare hasn't?

... A favored public plan would probably doom today's private insurance.

I think that is true. That is one of the reasons I am opposed to that kind of thing.

Samuelson goes on to make this final comment:

Many would say: Whoopee! Get rid of the sinister insurers. Bring on a single-payer system. But if that's the agenda, why not debate it directly? It's not insurers that cause high health cost; they're simply the middle-

men. It's the fragmented delivery system and open-ended reimbursement. Would strict regulation of doctors, hospitals and patients under a single-payer system provide control? Or would genuine competition among health plans over price and quality work better?

That's the debate we need.

I agree. That is the debate we need. That is the debate that focuses on, how do you get this cost curve under control? How do you start to turn it down? How do you get the kind of score that Senator WYDEN and I have gotten from CBO that says our plan is revenue neutral and that others say will save \$1.3 trillion over the next 10 years, compared to the cost history of government-run plans that say they are only going to cost this much and end up costing that much and driving us to this kind of present value liability—twice as much as everything else put together. That is a staggering thing to contemplate, but that brings us back to what I said in the beginning. The core of this debate should be focused on how we turn the cost curve down.

I have one more comment to make with respect to that. As I have worked with Senator WYDEN over the last 3½ years to try to understand this issue and come up with solutions to it that make marketplace sense rather than political sense, I have come to a great truth that we don't seem to be discussing in this debate at all, and that is this: The greatest cost control factor in health care is quality. The best health care is the cheapest. And we have built into the system now incentives that drive us away from the best care. Most of the perverse incentives that drive us away from the best care and to the highest costs are in Medicare. They are in the Medicare system that has gone 10 times, 20 times above its original cost, and they are still there, and the care they produce is less than the maximum care people can get when they go to the places that give us the best health care.

It is parochial for me to repeat this, but I am happy to do it on every occasion. Dartmouth has done a study as to where the best care is available throughout the United States, and they said it is in three cities: Seattle, WA; Rochester, MN; and Salt Lake City, UT. And then they say that if every American got his or her health care in Salt Lake City, UT, it would be the best in the United States and one-third cheaper than the national average, and that is because of a variety of reasons. They practice the best health care, and they have focused on outcomes rather than the kinds of perverse incentives that are built into government-run programs.

We have a lot to do and a long time to go before this health care debate is finished, but I hope we recognize that hanging over us, regardless of everything else we say with respect to health care, is the fiscal reality that our current value obligations for

health care dwarf every other debt we have in the United States. Personal household debt, the national debt, State and local debt, and Social Security debt all put together do not add up to the amount of health care debt we are facing.

The challenge of turning the cost curve on health care down is the No. 1 issue we should be addressing as we are talking about this. The irony of it is, if we are successful based on what we know, we can get the cost curve down and produce a better health care outcome and result.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Madam President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Madam President, I will talk about the extension of unemployment benefits, which is as important as health care in the next 2 months to this country, to our economy, and to people's way of life. What we do in the next day or two on the unemployment extension is paramount.

Some 400,000 Americans across the Nation, in every State—it doesn't matter if it is JOHN MCCAIN's State or Barack Obama's State or if it is a big or small State—400,000 Americans exhausted their Federal jobless benefits last month. More than 14,000 Ohioans are among the 200,000 Americans who will lose their benefits this month if we don't act. By the end of the year, more than 64,000 Ohioans will exhaust their unemployment benefits if there is no extension coming from the House, Senate, and the White House. Despite my Republican colleagues' efforts to dismiss the statistics, these are not just numbers; they are people in every State in our Nation.

Let me tell you about some Ohioans who deserve more consideration than they are getting from my Republican colleagues.

Sandra from Van Wert County in western Ohio, on the Indiana border, wrote this in a letter:

There were more than 300 of us who were locked out of our factory in April 2008—only a handful getting new jobs.

Mr. President, this is a small town where 300 jobs are very hard to replace.

Several of us went back to school for more education, but unfortunately, only one person in our class has even gotten a job.

It is not that we are just sitting around collecting unemployment. We are trying to improve our skills and to be gainfully employed.

I had 30 years of employment at the same company and now I am on my own and my unemployment runs out in 2 weeks. There are a lot of people who are running out of unemployment every day.

I have used all but \$200 of my savings and I know others in the same situation. Please help us.

I thought a lot about this issue as I read these letters in my office and on the floor. Part of the problem is that not very many colleagues really know any unemployed workers. Not very many people here spend time as a single parent trying to make ends meet or spend time with somebody who is laid off because of a plant closing. We don't spend enough time with small business owners, with a mom-and-pop operation, maybe running a store or something, and they cannot make it because people have lost jobs in their community. We don't spend our time with people who are really suffering. We don't see them enough.

Let me tell you about Dawn from Cuyahoga County in northeastern Ohio, the Cleveland area. She wrote:

I lost my job two years ago and my mother passed away 6 months afterward. If not for a friend who allows me to sleep on a couch, I would be homeless.

I have worked hard ever since I was 15, but now I find myself applying for so many positions over and over.

I consider myself lucky when I get the exceedingly rare call for an interview. But if the proposed [unemployment] extension doesn't pass soon, I honestly don't know how I'll survive.

Please, Senator, make whoever's blocking this extension see reason. There are a lot of us in Ohio who are really hurting.

I know there are a lot of people in Charlotte, Raleigh, and Durham in the Presiding officer's State and in Galion, Zanesville, and Xenia in my State who are trying to find jobs. They are barely getting along on their unemployment checks. If the unemployment runs out, they cannot get anything. It has to be extended before it runs out. That is why time is of the essence.

Every day Republicans delay and obstruct, more Americans and their families will slip into poverty. It is not just a human tragedy, it is another blow to the tough economy this country is enduring. Poverty reduces consumer spending and increases the need for public assistance. That is two steps back without one step forward.

Let's not forget that unemployment insurance is not retroactive. As I said a minute ago, once unemployment insurance is exhausted, whether today or last week or last month, they are not eligible for the extension. So we have to do this. Every day we wait hurts another hundreds and hundreds of families in Ohio and North Carolina and all over this country.

The Senate bill would extend unemployment insurance for 14 weeks in all States, plus an additional 6 weeks in high-unemployment States—those States above 8.5 percent unemployment, such as Ohio. This means unemployed workers in Ohio, such as Sandra and Dawn, whose letters I shared, would receive a total of 20 weeks' additional unemployment compensation. They are not choosing to just sit home and get unemployment. As you can see

from some of the letters, people are driving from rural areas, driving county by county, to urban areas, knocking on doors over and over to find jobs.

The unemployment insurance in the Recovery Act has kept 800,000 people out of poverty. That means fewer Americans on Medicaid, fewer Americans with income assistance, food stamps, and other public assistance programs. This isn't welfare; this is an insurance policy. Every paycheck, workers pay something into the insurance fund.

It is not just what it does to help workers, but every dollar in Federal extended benefits produces \$1.64 in economic growth. It is not as if they are taking this money, this check of \$200 or \$300 a week in unemployment benefits, and investing in a factory in China. It is not as if they are blowing this money. They are using this money to buy school clothes for their kids, to buy food, maybe even to go to a movie once every month or two. Maybe they are putting a little money in the church plate. Whatever they are doing, they are spending this money, not holding it. That is why it is \$1.64 in economic growth with every dollar we send into a community. In the first 6 months following passage of the Recovery Act, unemployment insurance pumped about \$19 billion into the economy. I wonder how many jobs and how much more economic activity would have been lost without unemployment insurance putting dollars into workers' pockets, into local communities, boosting consumption, and saving jobs.

How much longer are we going to let people like Melody, from Geurnsey County in east central Ohio, go without the insurance they so desperately need.

Melody wrote to me saying:

We need help in Guernsey County and all around Ohio.

I look for work every week, traveling 75 to 100 miles, going to counties in every direction from Noble, Belmont, Muskingum, Harrison, Washington, Coshocton, and Licking.

She goes to that entire area where she lives looking for a job.

And after making phone calls, I've been told not to call back because there are no jobs.

My unemployment is running out. What am I supposed to do until I find a job?

Again, that is Melody from Guernsey County.

It is unacceptable, irresponsible, and par for the course that the Republicans want to play politics and come up with amendments that don't have anything to do with extending unemployment benefits, but it helps them with messaging for the next election and scores political points with the newspapers back home and scores big political points with talk radio, which cheers them on and says: Keep trying to embarrass the Democrats.

The fact is, these workers at home are not Democratic workers, they are

not Republican workers, they are not Independent workers. These are people who have lost their jobs. These are people who need assistance. These are people who want to go back to work. These are people who will benefit not just from the unemployment check they get to keep their heads above water but the money they put into the community so there will be job growth in the months ahead, and the people will, in fact, get back to work so they will not need their unemployment benefits.

We need our Republican colleagues to start putting Americans first, ahead of their reelection campaigns, ahead of their message campaigns, ahead of their appeals to talk radio, and start helping to move us forward on the extension of unemployment benefits not tomorrow, not next week but this afternoon.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

(The remarks of Mr. KAUFMAN pertaining to the introduction of S. 1959 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KAUFMAN. Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURRIS). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, 3 weeks ago we came to the floor of the Senate and asked our Republican colleagues to join us in a bipartisan effort to extend unemployment compensation benefits for those across America who have lost their jobs. This fairly routine and common political request was met with opposition from the Republican side. It came as a surprise because we know the unemployment we face in this country is not confined to States represented by Democratic Senators, it is nationwide. The recession has cost us so many jobs and, sadly, I am afraid that, although there are signs of recovery, it will be some time before many unemployed people actually do get back to work.

It is said there are six unemployed people for every available job. The frustration that creates for those who are unemployed is obvious. So the object of our request was to ask our Republican colleagues to join us in extending unemployment insurance benefits for those who are about to see them expire.

Unfortunately, the Republican side objected, and they objected because they said they wanted to offer some amendments. It is not unusual to offer an amendment to anything that comes to the Senate floor, but in the case of an emergency such as this, an economic emergency where people have, within the last few weeks or months, seen their livelihood extinguished because they have no job and no benefits coming in, it is a little hard to understand why some Members on the Republican side of the aisle insist on offering amendments that have virtually nothing to do with unemployment.

Let me give one example. The Senator from Louisiana wants to offer an amendment that would, once again, punish an organization known as ACORN. ACORN is not in Illinois—it has not been for many years—so I don't know on a personal basis, but from what I read, it is an organization involved in grassroots organizing. It helps organize States to pass increases in the minimum wage in each State. They have also organized to register voters in many States. They have been involved in counseling people who are about to lose their homes to avoid foreclosure.

Having said those good things, there were clearly acts of wrongdoing by employees of ACORN. In fact, a couple were videotaped. What we saw on those videotapes, a few weeks ago, was nothing short of outrageous. The employees involved were fired by ACORN. I have suggested, if there is any criminal activity associated with it, it should be investigated and prosecuted, no ifs, ands or buts. But, unfortunately, this has become a big cause on rightwing radio and TV: go after ACORN. Some Senators are inspired by that to come to the floor on a frequent basis and offer ACORN amendments—one after another after another. We think some four or five different amendments have been offered, ways of punishing ACORN.

The House has already passed an amendment saying ACORN cannot do business with the Federal Government. There have been amendments offered—I have offered one of them—calling for a complete investigation of the organization. Other appropriations bills have limited any expenditures involving this organization. So it is not as if it has been ignored or glossed over or excuses are being made. There is a full investigation being ordered, action taken against it.

But for some Senators, particularly one from Louisiana, it is not enough.

We have to go back and debate ACORN again. We have to debate it on a bill for unemployment benefits for hundreds of thousands of Americans.

Another Senator wants to extend a program called E-Verify. E-Verify, conceptually, is sound; that is, you could verify whether a person applying for employment is, in fact, a citizen; that you could have a number or computer contact verifying the name and Social Security number of the person. It is sound in principle, but it turns out in operation it has been a problem. Many times, the numbers have not matched when they should have, people have been disqualified from jobs when they should not have been, and the system clearly needs to be repaired and improved. It will last for 3 more years, this system, if we do nothing. A Senator from Alabama has come to the floor and said he wants to make this a permanent program, despite some of the obstacles and problems we currently have with it.

So a Senator from Louisiana wants to flog ACORN, this organization, again; a Senator from Alabama wants to extend a law beyond the 3 years it is going to be in existence to make it permanent; and they are holding up unemployment benefits for people all across America. We are now doing nothing in the Senate except making speeches because these Senators insist on their amendments and will not agree to unemployment benefits until they get them.

Twenty-one days after we requested an extension of unemployment benefits, the Republican Senators and leadership are continuing to hold us up. Two hundred thousand Americans will lose their unemployment insurance this month if the Republicans continue to obstruct a vote to extend the benefits. To put it in perspective, around 200,000 people live in Birmingham, AL, and in Montgomery and in Mobile. The Republicans are refusing to help roughly the number of people who live in the three biggest cities in that State, all because a Senator wants to vote to extend, permanently, the E-Verify Program.

Around 200,000 people live in Baton Rouge, LA, and in Shreveport as well. Republicans are refusing to help roughly the number of people who live in those two biggest cities in Louisiana outside New Orleans, all because the Senator from Louisiana wants one more chance to give one more speech for one more amendment about ACORN. Yes, one more.

Meanwhile, here is what I learned from one of my constituents in Chicago who wrote and said:

I have been out of work 9 of the last 12 months. I have applied for over 200 jobs and I still am unemployed. I am educated, worked since I was 15 years old and cannot find work. I have applied for everything from hourly to above my skill level including city and state jobs and have not heard from most.

Further, Peoples Gas cut off my service this week—for months I have let them know what I was able to pay and have paid it, they still cut off my service. What are we citizens to do. . . .

My son and I will be living on the street any day. Where is the help?

That is from one of my writers from Chicago. Here is a letter from a woman in Genoa, IL.

. . . I am currently one of many who is unemployed and almost out of benefits. I have 2 young children I am responsible for and have made a full time effort to look for work. I have applied at gas stations, McDonald's, restaurants, everywhere. There are just no jobs. Can you please tell me if the Senate will be voting on the extension [of unemployment benefits] sometime soon? I am expecting my last check next week and then I don't know what I am going to do about keeping a roof over mine and my children's heads.

Please help us from becoming homeless. Any kind of response on this issue would be greatly appreciated. Thank you.

How can my colleagues on the Republican side hear stories like that, if they are even listening to these unemployed people, and refuse to help so they can come to the floor and debate their amendments? For goodness' sake, tomorrow is another day. There will be another chance to give a speech and debate an amendment. Why wouldn't you let the unemployment compensation benefits go forward for people such as those who have written to me? The unemployment rate in my State is 10.5 percent, and I think it is my duty to help these people with a safety net that will help them get by while they are just one out of six applicants for every available job. While they struggle to keep food on the table and a roof over their heads, we ought to be doing our part in the Senate.

Apparently, yesterday when we voted to go to the unemployment benefits, 13 Republican Senators voted no, against moving to the extension of unemployment benefits. In case some of those Senators missed it, here are the unemployment rates in the States represented by the Republicans who voted against even debating an extension of unemployment insurance: Texas, 8.2 percent; Mississippi, 9.2 percent; Missouri, 9.5 percent; Alabama, 10.7 percent; Kentucky, 10.9 percent; South Carolina, 11.6 percent. I don't understand it. How could you represent a State with over 10 percent unemployment and vote against unemployment benefits for the people there who are searching for jobs? That, to me, does not represent family values. It doesn't represent what this Senate ought to be about. For goodness' sake, it doesn't represent the kind of bipartisanship that was always behind voting for unemployment benefits.

This Republican obstruction, when it comes to something this basic, is fundamentally unfair. It is way past time. We should not be playing games and posturing. We ought to stop the poli-

tics. We ought to be voting in the next 5 minutes so we can respond to the people who write to us in desperation and tell them, in fact, we are moving the bill forward so they will have the basics in life to take care of their families.

HEALTH CARE

I also wish to say a word or two about health care because that is the issue that, while we work on others, is coming to the floor soon for a historic debate. Senator REID, the Democratic majority leader, has sent a bill to the Congressional Budget Office to score it, which basically means to find out will it cost us money. If so, will it add to the deficit? Will it reduce the costs of health care? The Congressional Budget Office is doing that analysis at this current time.

It is clear we desperately need this because we find fewer and fewer businesses offering health insurance across America, and the cost of health insurance is going up so fast people cannot afford it. The New York Times reported that insurance brokers and benefits consultants say small business clients are going to see premiums go up on health insurance an average of about 15 percent for the coming year. That is double the rate of last year's increase. When Republican Senators come to the floor—and they did this morning—and say: Let me tell you, if you pass health care reform, the cost of health insurance will go up, what they don't say is, if you don't pass health care reform, health insurance costs will go up anyway and possibly higher. What we are trying to do is slow the rate of growth in the cost of health care across America.

In one national survey, nearly three-quarters of small businesses that did not offer benefits cited high premiums as the reason. So as the premium costs go up and businesses offer less coverage, individuals have to go out on their own and it is even more expensive. Small businesses pay up to 18 percent more than large firms. What we have tried to do in the health care reform we are working on is to give small businesses a chance. I joined with Senator BLANCHE LAMBERT LINCOLN of Arkansas as well as Senators SNOWE and COLLINS of Maine in introducing the SHOP bill, which has become part of the health care reform.

It is an effort which we put together with the help of the National Federation of Independent Businesses and the National Realtors Association and the SEIU labor union to try to find a way that small businesses could afford health insurance, allow them to pool into larger groups, allow them to shop from a market of health insurers so they would have some choice to lower the cost, the overhead costs they face, and to lower the premium costs, so small businesses could offer health insurance.

But it is not just small businesses that are stuck. Many Americans actually stay in jobs today because they are afraid that if they move from one job to another, they will lose their health insurance. Even business owners, the risk takers among us who have so often led us out of the recession, are less willing to take that risk when it comes to people who are sick and need employment.

Melissa Wilhelm in Chicago knows what I am talking about. Melissa spent years as a research associate, then decided it was time for a change in her professional life. She felt she had outgrown the position she was in. She said: I did not want to put the widget in the hole every day.

Melissa had good reason to want the most out of each day. Only a couple of years earlier, at the age of 35, Melissa had been diagnosed with stage IV lymphoma, an aggressive type of cancer that affects the lymph nodes. As frightening as her diagnosis was, one thing Melissa did not worry about was how she was going to pay for her cancer treatment. She had a good health insurance policy. In fact, she had two, one through her employer and another one through her graduate school.

In 2006, thank God, Melissa went into remission. It was after her recovery that Melissa decided it was the time for a career change. She wanted to start her own education consulting company.

Knowing her medical history, she knew her first step was to meet with a health insurance agent. Melissa said the agent actually laughed in her face. Getting affordable health insurance as a self-employed cancer survivor is apparently a laughable request in the world of insurance. Melissa was not alarmed at that point. She qualified for 18 months of COBRA coverage and assumed she would have enough time to shop around. But a couple of months later, she came home from vacation to bad news: her COBRA insurance had been terminated. She apparently missed paying one monthly payment. It had been sent to the wrong place. But for COBRA, since she missed the payment, it was the end of the story, the end of her coverage. She was not refunded the \$2,000 she had already paid in premiums; they just cut her off. Suddenly, she became one of the uninsured, a cancer survivor without insurance.

She had one last option: the Illinois Comprehensive Health Insurance Plan, our State's high-risk pool, a pool for those individuals unable to buy health insurance otherwise. But the coverage would not come cheap; it would cost her \$780 a month, plus a \$2,000 deductible—a price she had no choice but to pay. As she waited for her coverage to be finalized, she put off checkups and CAT scans. It was risky, but, as she said: I did not want to drag myself and

my family into bankruptcy. Those apparently were the choices: go to the doctor or face bankruptcy—not much of a choice in modern-day America.

We know health care costs are a major factor in two out of three bankruptcies in our country today. How many families can even entertain the idea of paying \$25,000 a month for chemotherapy? Not many. And none of us should ever be in a position where professional growth is not an option because it means giving up health care coverage.

Melissa said: People do not have the ability to leave their jobs. They cannot afford to be more productive or more challenged. That is not the American spirit. And Melissa is right.

Melissa was living the American dream, pursuing new goals and opportunities with the entrepreneurial spirit we need in this country. But she was stopped—stopped cold because of her lack of health insurance.

Melissa eventually succeeded and started her business as an educational consultant. She is currently helping evaluate Chicago public schools at risk of failure and developing good practices so that students can do better. With a Ph.D. in child development policy, Melissa is certainly up to the task. I think we can use more people like her, determined to improve their lives even though they have to battle cancer and the health insurance companies at the same time. Health care reform will free more people to leave dead-end or unfulfilling jobs and to pursue new goals without fear of becoming uninsured.

Today, many of the unemployed spend countless hours trolling job sites, motivated at least in part by the desperate need for health care. What if these people had a safety net, a health care option outside of employer-provided health care? Maybe, like Melissa, they would strike out on their own, open the restaurant or the business they always wanted to open. Maybe those businesses would grow, employ more people.

It is clear that small businesses suffer in today's health insurance market more than most. It is extremely difficult for those businesses to compete against big firms that are able to spread the cost of unexpected illness across a large pool.

The bottom line is this: We have a health care reform bill that is now being carefully reviewed, as it should be. It is one we will debate at length. The critics will come to the floor, as they did this morning, and will tell us what is wrong with the bill. But the fact of life is, those who are criticizing the bill have no alternative. Their alternative is to stay with the current system.

The current system of health care in America is too expensive, the cost is going up too quickly, fewer and fewer

people are insured each year, and more of us are bearing the costs of the insured as they are treated in hospitals and by doctors who pass along that cost to other people.

We are the victims of health insurance companies which on a whim can deny coverage, can claim there was a preexisting condition unreported or a cap on the amount of money they will pay, or the fact that you are sick, they just do not want to be there. That is the reality of what we face today.

Those on the other side of the aisle who will not participate have opted out of the health care debate and really have little room to criticize unless they want to step forward with their own proposal and their own plan. And the honest answer is, they don't have one. They don't have an answer.

I hear from many of my constituents who ask me what we are going to do to get this economy moving again. That is our highest priority. But in addition to that we have to liberate families and businesses and individuals from the fear they have of health insurance they can't afford, health insurance companies that just say no, or the fact that losing or changing a job can cost them the peace of mind they need to protect their families.

We can do a lot more for the American people. I hope we will have the cooperation of the Republican side in doing this. It would be great if we had a bipartisan bill. I hope my colleagues on the other side of the aisle will come around and be part of the solution.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first let me thank my colleague and friend from Illinois for, as usual, his articulate, right-on-the-money and right-to-the-point remarks which I agree with.

Right now, many middle-class families are facing the prospect of losing the unemployment benefits they are relying on to get them through this recession. Out-of-work Americans consider these benefits a lifeline. But too many Republicans are treating this like a political football. If Congress does not act to extend these benefits, nearly 2 million Americans will lose their unemployment insurance by the end of the year—2 million. They have families, people who depend on them. And 90,000 of those are in my home State of New York. That is 2 million people—90,000 in New York—who have been trying to find work and are now going to have their safety net pulled out from under them. Well, we cannot pull the rug out from under so many Americans. We owe it to them to do the right thing and extend unemployment insurance.

It is a mystery to me why so many on the other side of the aisle are blocking passage of this legislation. Everywhere I go in New York—downstate,

upstate, large cities, urban suburbs, rural areas—people come up to me with a pleading look in their eyes: Can you please renew, extend unemployment benefits?

What in the heck are we waiting for? Why are we putting people through this agony? So far, Republicans have been opposed to this extension as they seek to extract political amendments out of Leader REID. It is just another example—the latest one—of a stalling strategy. On one legislative priority after another, their motto has been the 1980s slogan “Just say no.” But if there is one thing this recession and budding recovery has taught us, it is that America can't recover leaving behind our workforce.

There is a general view that since much of the first stimulus package has not yet impacted the economy, a second one is not necessary. But unemployment benefits are the quickest, most effective form of economic stimulus, and they are aimed at the weak point of this economic recovery, which is jobs. The dollars get out the door fast and will be spent by those who don't have another source of income at a time when we need to boost consumer demand.

So I plead with my colleagues on the other side of the aisle: Stop playing the games, and let's just pass unemployment insurance. I know there are lots of extraneous amendments on all kinds of issues that you wish to debate. Leader REID has been very generous in allowing debate after debate on these amendments, much to the chagrin, frankly, of many on this side of the aisle. This is one time when we should put the games aside. We should just unite. My guess is that unemployment insurance extension will get a large high vote on both sides of the aisle. Stop playing politics with this benefit extension. Extending unemployment benefits is crucial to ensuring that as our economy picks back up we do not leave the recession's victims in the dust.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I rise today to join my distinguished colleague from New York, Senator SCHUMER, to express my strong support for extending unemployment benefits for workers around this country who continue their struggle to find jobs in this weak economy.

The problem is especially acute in my home State of Rhode Island, but this is a national problem, and it is

creating significant unhappiness, significant distress, and significant woe in families all around the country as they approach the end of their unemployment benefits and cannot find a job. And the end is coming up for so many people. We really need to do something about it.

Right now, we are on a motion to proceed to the Unemployment Compensation Extension Act of 2009. We are not actually on the bill yet because our colleagues on the other side of the aisle are using every available form of procedural delay. It is not hard to figure out why they are doing it. There are only so many days in the year. There are only so many days the Senate can be in session. And when they force these votes and when they force delays, what they are doing is burning the work time of the Senate. They would like to burn the work time of the Senate because that inhibits the President, that inhibits us, it inhibits progress, and that presently is their motivation. They are the party of no. And because they do not have the votes for a lot of this stuff, until they can get to it, they are the party of slow. And we have had innumerable—I think the record right now is that we are at 82 efforts—to filibuster or force the majority leader to file cloture. We have had votes forced on judges. Some of the judges went through with huge margins by the time the vote actually came, but they wanted to burn the time. Indeed, as the Presiding Officer, the distinguished Senator from Illinois, may recall, the other day we voted on a judge, and the vote was 100 to 0. Yet they had to force a vote. Why? To burn the time of the Senate to prevent progress.

This should be one bill where they would stand down from their mission to be the party of no and the party of slow. Because since October 8—when they first put up the procedural obstacles to this bill—to now, 7,000 Americans a day have lost their coverage. They have come to the end of their unemployment coverage. It has expired, and they have lost their incomes.

As the Senator from Illinois, the distinguished Presiding Officer, so distinctly knows, there are millions and millions of families in this country who live paycheck to paycheck and when they lose their jobs, they live unemployment check to unemployment check while they desperately seek work to feed their families and put a roof over their heads.

This bill—if we could get to it, and if we could vote on it—would provide a badly needed lifeline to those Americans, and I would hope at some point our Republican colleagues would relent and simply let us make this decision, which is in everyone's best interest. It is inhumane, frankly, to put those families—7,000 a day—through the torment of coming to the end of their income and having to think about losing their

houses, losing their cars, not paying for their prescriptions, not paying for their food, worrying about their children—all of that. That is an awfully high price to score political points on this floor and to be the party of slow and the party of no. I would hope their point of view will change.

I want to, first, applaud the efforts of my senior Senator from Rhode Island, JACK REED. He has long been a champion of helping the unemployed, and he has played a critical role in getting this legislation to the floor for the Senate's consideration. Notwithstanding the fact that our Republican colleagues are interfering with allowing us to pass this legislation, Senator REED's leadership on this issue has been remarkable, has been commendable, and we in Rhode Island are fortunate to have his service.

One of the reasons Senator REED is so concerned about this is because our home State—the State of Rhode Island—has the third highest unemployment rate in the Nation. We broke 13 percent last month. That is the highest level Rhode Island has seen for unemployment since World War II.

According to the Bureau of Labor Statistics, over 74,000 Rhode Islanders are currently looking for work. There are 74,000 families with a wage earner out of work in a State with just over 1 million people. At that level, there are very few Rhode Islanders who are not touched in some way by our unemployment crisis.

Families are struggling through this recession in every State, but the situation is particularly dire in States such as Rhode Island, Michigan, and Nevada where the unemployment level has hit double digits and is climbing still. People who have worked their entire lives have been unable to find work this year. The economies of the worst hit States are getting worse, and the unemployment benefits continue to run out.

I have heard from hundreds of constituents who fear they will be unable to keep their families fed or keep the electricity on or keep up with their prescription drugs when their unemployment benefits expire. My State is in economic crisis, and we need help.

One of my constituents, Carole, from Centerdale has degrees in architecture and business, but she has been unable to find work for 18 months. She has two children. They are 12 and 15. Her unemployment benefits have run out. Without more help, she may lose her home.

I send out my good wishes to Carole and my thoughts to her for a complete recovery. She has recently suffered a heart attack. She is recovering nicely, and I wish her well in her health. But we could do a lot for her if we could clear this bill so she did not have to look at her 12-year-old and her 15-year-old and, in this market, say: I don't know where our income is coming from

now because this government cut off the unemployment benefits.

Another constituent is Patricia. She is a 51-year-old woman from Warwick. She has been unemployed for 17 months. She spends over \$300 a month for her prescriptions, and she can no longer afford to keep up the COBRA payments that will protect her if she gets seriously ill. Without assistance, she may need to go into bankruptcy.

I tell just these two stories, although there are thousands more from those 74,000 Rhode Island families, because the statistics are sobering—13 percent unemployment, the highest level since World War II. That is a deeply distressing statistic. But behind those statistics are these personal stories, over and over again, thousands of examples of human suffering, human courage, that we must not ignore as we quarrel over irrelevant amendments and do not get to the business of helping these people in their hour of need.

I am pleased that in addition to the 14 weeks of benefits this legislation would provide to unemployed workers in all States, workers in States with the worst job markets would receive an additional 6 weeks. That additional time is desperately needed by Rhode Islanders, who, day after day, week after week, pore through the want ads looking for the job postings and hoping that the next interview will be the one that puts them back on their feet again.

I am confident the economy of Rhode Island and the economy across the country will recover. It always does. But right now it looks as though it will take time. Economists say the stock market tends to be a leading indicator of recovery, while employment numbers are lagging indicators of recovery. This means the recent uptick in the stock market should lead to more jobs being available in the future. But until then, unemployed Rhode Islanders such as Carole and Patricia, unemployed Americans across our country, need their government to help provide the bridge to those better days.

I implore my colleagues to join me in supporting swift passage of this urgently needed and—I hope once we cut through the fuss—ultimately non-controversial unemployment benefits extension.

I thank the Presiding Officer and yield the floor.

THE PRESIDING OFFICER. The Senator from Tennessee.

MR. ALEXANDER. Mr. President, I enjoyed the comments of the distinguished Senator from Rhode Island. He is one of the most thoughtful and intelligent Members of the Senate. I always enjoy listening to him. But I have a different characterization of what we are doing in the Senate.

He pointed out that the majority leader believed it was necessary to cut off debate 82 times; that was a record.

I do not believe I would be bragging about that. This is the Senate. What that means is the majority leader has said to the minority: Be quiet. Don't debate. We don't want your amendments—82 times.

The House of Representatives is the place where we have the train that runs through according to the majority. That is not the Senate. Senator BYRD, the senior Democrat, the senior Senator, has written four big volumes about the history of this body and what is unique about the Senate. Our Founders said: We will have one popular body where there is one man one vote, one woman one vote, and whoever has the majority the train runs through. So whatever Speaker PELOSI wants, Speaker PELOSI gets. That was the view of the Founders more than two centuries ago. But we are going to have a little bit different Senate.

Do you know what the idea of the Founders was, the Founders, whom we revere and admire? Unlimited debate. Unlimited amendment. That is the Senate. That is the only reason we have it. There is no need for the Senate if we do not have that.

When Alexis de Tocqueville, the young Frenchman, came to this country in the 1830s and wandered around our Nation and wrote that perceptive book, "Democracy in America," which every serious student of the American Constitution in our country discovers, he saw one thing he worried most about in the new American democracy, and it was, in his words, the tyranny of the majority. He said the Senate was the one institution which helped work against the tyranny of the majority.

So this is the body that protects the minority view. It does slow things down. In the case we are talking about, unemployment compensation, we have already voted to limit debate on unemployment compensation. That is what we are talking about today.

I see the Republican whip on the Senate floor. As I recall, the vote to limit debate on unemployment compensation was overwhelmingly bipartisan, was it not?

Mr. KYL. Mr. President, could I just interrupt?

Mr. ALEXANDER. Of course.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Thank you.

To answer my colleague quickly, I think the vote was 87 to 13, or in that general range. Almost all Republicans voted to conclude the unemployment compensation legislation by getting to the process where we could offer amendments and then have a vote on the final passage.

But I would ask my colleague from Tennessee, have Republicans been afforded the opportunity to offer five amendments? How about four amendments, three, two, one? Obviously not. Have Republicans been afforded the op-

portunity to offer any amendments, I would ask my colleague? Then I have a follow-up question.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senator from Arizona and I be allowed to engage in a colloquy on this subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I believe the answer is no. If I am not mistaken—if I am not mistaken—I say to my friend from Arizona, the Democratic side has a nongermane amendment they would like the Senate to bring up, and I believe the Republican side has a nongermane amendment we would like to bring up. They are saying: Because we are in the majority, we are going to run over you. That is the tyranny of the majority. That is what Alexis de Tocqueville warned against, and we are saying: No, you are not. We are elected from Arizona and Tennessee to represent our constituents. If you are going to run over us, we might as well go home.

Mr. KYL. Mr. President, if I could further inquire of my colleague, is it not the Senator's understanding that of all of the issues the American people are concerned about today, the No. 1 issue is jobs and economic recovery—how do they get back to work?

When our friends from the Democratic side say: We need to hurry up and extend unemployment compensation, my guess is the vote on that will be overwhelming. I will support it. I am sure my colleague will support it. That is not the question. The question is, Instead of just continuing to extend unemployment compensation for all of the increased number of Americans who are out of work, what are we going to do to put people back to work?

Then I have one other question to ask my colleague. I may not be correct that it is the No. 1 issue in public opinion surveys, but I recall it is pretty high on the list.

Mr. ALEXANDER. Mr. President, I think the Senator is exactly right, and we on the Republican side—and I believe some Democrats do as well—have some proposals about how to restart housing. We would like to deal with that on this issue as well. But the Senator is exactly correct. The No. 1 issue for most Americans is what to do about jobs. Unemployment is about at the rate of 10 percent.

Mr. KYL. Mr. President, if I could further inquire, the first thing we want to do is find out how much this unemployment extension is going to cost. I think the number is about \$2.4 billion. The second thing we want to find out is, how is it going to be paid for? I understand it is proposed to be paid for by a continuation of a tax on payroll; that is to say, employers and employees will have to pay a certain percentage of the employee's wage to the Federal Government in order to provide funds to those who are unemployed.

Some of us are concerned if our goal is to put people back to work, to allow companies to hire more people, that the worst thing we would want to do is impose another tax on hiring, another tax on employees or, to be totally accurate, to extend the existing tax on workers, on payroll, as a way of paying for the extension of unemployment benefits. Perhaps a better way to pay for that would be, for example, to take the \$2.4 billion out of unspent and unobligated stimulus funds, which was \$780-some billion, half of which is not going to be spent for the next 8 years—or over the period of the next 8 years.

One of the amendments we wanted to offer was not just to extend unemployment benefits but to pay for it in a way that would not harm job creation, as is contemplated under the bill. Am I correct in that?

Mr. ALEXANDER. The Senator from Arizona is correct. And as a member of the Finance Committee, he has once again come up with a very good suggestion. He understands better than some appear to that if we add taxes to payrolls, it makes it more likely that payrolls will be smaller or there will be fewer jobs. So if we can find a way to pay for unemployment compensation that does not add to the debt and does not add to payroll taxes, that is worth taking a little time to do.

Mr. KYL. I know my colleague wanted to talk about student loans, so I will close my point here.

The whole point, when colleagues and friends of ours on the other side of the aisle say: Well, Republicans are just trying to slow this down; the answer is: No, we could have been done with this bill 24 hours ago. All that was necessary was a simple agreement between the majority leader and the minority leader that the minority would get a couple of amendments. One of them is an amendment to say, Let's pay for this worthy cause of extending unemployment benefits in a more sensible way with respect to job creation; at least in a way that isn't going to cost us jobs, to prevent employers from hiring more people. Let's pay for it by taking some of the unobligated stimulus funds that won't be spent for another 6 or 7 years and achieve our goal in that way. But no, no agreement to do that. The majority says no amendments, take it or leave it.

If you ask for amendments, then you are slowing the process down and somehow standing in the way of those who are unemployed. The benefits haven't run out yet. We are going to pass this before the benefits run out. That is not the question. You can either come down here and make a pitch to people to make it sound as though you are trying to help them and the other side is not or you can try to do things the right way. I submit that on this, the right way is to pay for it in a way that doesn't cost jobs because our goal here ought to be to put people back to work.

I would also say that if the majority were serious about getting this legislation completed, they would not in the middle of the process have parachuted onto the floor a bill that around here was called the "doc fix"—a most unfortunate term—a bill that was going to add \$250 billion to our debt in relationship to the reimbursement of physicians who provide Medicare benefits. The minority didn't do that. Republicans didn't do that.

My point is that a week ago we could have had an agreement to conclude work on the extension of unemployment benefits that would have taken maybe 24 hours, maybe 48 at the most. We would have had the benefit of voting on a couple of amendments, which I think are very well taken, directly relating to the subject, germane amendments, but for some reason the majority has not seen fit to permit that to happen.

So as friends around the country consider what is the reason for this being slowed down, I hope there would be a better appreciation of the reason why this has been delayed. A, we didn't ask for the delay. The delay was occasioned by action by the majority leader by, first, going to another bill and, secondly, by filing cloture and, third, by not agreeing to allow the minority to have a couple of amendments.

Finally, I would say I wish we did have that opportunity because I think when we do support this, it will be a better bill by not only taking care of those who find themselves without a job today but helping to find a way to get them back to work, and that ought to be our primary goal.

I thank my colleague for yielding.

Mr. ALEXANDER. Mr. President, if the Senator from Arizona has another minute, I thank him for coming to the floor because he has pointed out the value of taking a little time on these important pieces of legislation. He has suggested a way we can not only extend unemployment compensation benefits, which almost all of us want to do, but a way to pay for it in a way that creates more jobs rather than fewer.

There is another example. The Senator from Rhode Island was complaining about the 82 times that the majority leader has invoked cloture, and I was saying that was nothing to brag about. We should be complaining about that, because that is 82 times he has cut us off. In general, he has allowed during this year a fair amount of amendments, a fair amount of debate. But take the health care bill for a moment. It takes a little time. Over in the House I hear they may run that through in 3 days. That is not going to happen here. When we have time to stop and think about it—the same thing happens on this floor that happened last week. We had our first vote on health care and the question was, Shall we raise the debt $\frac{1}{4}$ trillion dol-

lars?, and 13 Democrats joined all Republicans and said no.

We have another important vote coming up soon that might be called a procedural vote but, in fact, is a vote for or against a bill.

Mr. KYL. Mr. President, if I could comment on that, that is another very important point. I think Americans very much want to engage in a debate about health care reform. I think Republicans are anxious to engage in that debate here on the Senate floor. But, first you have to have a bill. You can't just have a debate on the floor; you have to have a bill you are debating.

We are told there is a bill. It was written in the majority leader's office with some people from the White House and a couple of other Democratic Senators, and then the bill was sent to the Congressional Budget Office to be scored, for a cost estimate to be developed. I know several people have said, Could we see the bill? Could you share that bill so the American people can see what we are talking about here? So far, no luck. No bill. If we are talking about getting this debate going on health care, one would think that we would get the bill written, we would get it out there, we would all get a chance to read it, our constituents would have a chance to understand what is in it and, by the way, know how much it costs.

I ask my colleague from Tennessee, are Republicans doing anything to slow down the bill or making it public or understanding it?

Mr. ALEXANDER. We are here every day. We want to do what the Senator from Arizona said. We want to read the bill and we want to know what it costs because when we hear about it—and the Senator from Arizona was a part of the Finance Committee that developed one bill; I was a part of the HELP Committee that developed another bill. What we hear is that instead of lowering premiums, which is the idea for 250 million Americans, it will probably raise premiums; that it will raise taxes; that it will cut Medicare by \$450 billion.

Now we learn from the majority leader this week that there will be a new government-run insurance program. We are going to put the government in the insurance business with a "State opt-out," whatever that might mean. I am a former Governor. I am wondering, Does that mean we can opt out of the taxes as well as the benefits? So the Senator from Arizona is right. We are here. We are ready to go to work. We are anxious to read the bill, but it is being written behind closed doors.

Mr. KYL. Mr. President, I would say to my colleague, the minority leader yesterday in a press conference talked about this bill that has been written. I am not actually even sure it has been written. Obviously, we have never seen it. All the majority leader has chosen

to talk about publicly is the so-called public option. So maybe that one feature of it has been written.

My point is it isn't Republicans who are slowing anything down. As far as this health care debate is concerned, I think we are very anxious to engage in that debate now. As my colleague from Tennessee pointed out, we are not going to be in debate on a bill which is going to raise taxes, raise premiums, cut benefits under Medicare, increase the deficit, reduce the quality of our health care, and I am not going to vote to begin work on that kind of a bill, but I certainly will vote to begin work on a bill which meets the primary objective.

There are two primary things we need to try to resolve. One is to make sure we could get insurance to about 18 million Americans who can't afford it and don't have it, and the other is to keep premiums from going up. As the Senator from Tennessee pointed out, under the legislation that came out of the Finance Committee and out of the House of Representatives, insurance premiums go up more than they otherwise would have—according to who? The Congressional Budget Office, the nonpartisan entity that we all ask to analyze these things. There are many other studies that came to the same conclusion.

So I am not anxious to begin working on a bill that does those things, but so far we haven't seen any bill.

Mr. ALEXANDER. If I could ask one more question of the Senator from Arizona, who is giving a lot of time to this discussion. I thought this health care debate was supposed to be about reducing costs—the cost to the government and the cost to people buying premiums. Whatever happened to that goal?

Mr. KYL. Well, I would say to my colleague, something happened to it on the way to the Senate, I guess. Because, first, the bill is going to cost somewhere between \$800 billion and \$1 trillion. That is obviously money that isn't being spent today that will be spent tomorrow. I don't know of any American who believes you can have a \$1 trillion new government program and not add to the debt, but we are told: Wait for the details; we will show you.

There is only one way to make sure it doesn't add to the debt: Raise taxes so much that you cover the costs of it. Then that gets to the other half of the equation. What about for the American people? Are we going to be better off? No. It turns out we are going to have our taxes increased by \$400 billion, Medicare cut by almost \$500 billion—by the way, if it is ever cut. There is a question about whether we will ever achieve those savings; we never have in the past—in which case the bill is then out of balance by \$500 billion; \$500 billion in debt. So either there is going to

be a big debt there or seniors are going to see their benefits lost.

But I wandered off the point. My colleague was asking, Wasn't the exercise here to reduce costs. Yes. And what will the bills do? It will increase costs for the Federal Government so, therefore, the taxpayers. It will increase costs for all Americans in the form of higher taxes, some imposed directly on us. For example, if we don't comply with the government forcing us to buy insurance, the Congressional Budget Office says other taxes will be passed directly through to us. For example, there is a tax on the manufacturers of medical devices. If you have an angioplasty or some kind of heart problem and they put a little stent in there, one of those very high tech items, that is going to get taxed. Why should you be taxed on something that makes you well? I can't understand that. But in any event, the tax is first on the manufacturer and it will be passed on to the consumer, so increased taxes.

Finally, my colleague asked about premiums. According to CBO, the premiums will go up over what they otherwise would have been. The Oliver Wyman study that I think is very credible on this said the average would be \$3,300 per year per person. In my State of Arizona, it was over \$7,000, an increase in insurance premiums over what it otherwise would be. When Americans see that, they are going to say, Where is the reform? This is a lot worse than it was before.

Mr. ALEXANDER. I thank the Senator from Arizona. All of this got started because the Senator from Rhode Island had complained that the Democratic leader had to cut off debate 32 times, and my response was that was nothing to brag about; that is what the Senate is for. That is how the Founders created it.

I appreciate the Senator from Arizona pointing out that in the case of unemployment compensation, we all want to extend the benefits. We think we may have a way to do that in a way that creates more jobs rather than taxes on jobs. In the case of health care, yes, we want to go slow enough to be able to do two things: Read the bill, know what it costs, because we want to make sure that if we pass a health care bill, we are not the Congress of higher premiums, higher taxes, Medicare cuts, and adding to the debt. I think the American people want to make sure we do that as well. So I am grateful that we have the Senate. We are always a little more grateful for those rules when we are in the minority, because they protect our rights to represent the people who elect us and to ask us to offer amendments. But the American people have been served very well by a Senate that has different rules and procedures.

STUDENT LOANS

I wish to say a word about a subject which has nothing to do with health

care and nothing to do with climate change, which is the other subject I have been in hearings on today, but it is a subject that will affect millions of families in America, and that is the question of going to college and student loans.

All of us can imagine the anxious moments in our family lives—and there are a number of them, including when a baby is born or when the daughter goes out on her first date; when someone is sick; when a child goes off to college. But one of the most anxious moments comes just after the first of every year when, in millions of homes across America, students and their parents wait to see if they have been admitted to college and to which college. The next anxiety comes when they turn to the various options they have to see whether they can afford to go to that college.

Fortunately, in America we have the best system of higher education. We not only have the best colleges; we have almost all of the best colleges. We have 6,000 autonomous institutions of one kind or another—public, private, religious, secular, profit, non-profit—among which students may choose. Second, even though prices have been going up, we have bent over backward in this country to try to make it possible for the largest number of Americans to attend college. Seventy-seven percent of Americans who attend college—nearly 20 million—have a Federal grant or Federal loan to help them do that.

So just after January—and I want to paint this picture—in homes across America, we have millions of students, millions of families who are waiting for their college admissions and then will turn to the question of: Can I get some help paying the bills? Specifically, we have 14 million—if next year is anything like last year and the year before—14 million of those students who will be going to college on 35 campuses who will be borrowing \$60 million through the Federal Family Education Loan Program—what we call the traditional student loan program.

We have two types of loan programs. We basically have one through two thousand lenders, profit and nonprofit, across the country. For example, we have an organization called Edsouth in Tennessee that is nonprofit. It offers a variety of student loan options to Tennessee students. It has five regional outreach counselors to provide college and career planning, financial aid training, college admissions assistance, and financial literacy. It makes 443 presentations at Tennessee schools through college fairs, guidance visits, and presentations. It works with 12,000 Tennessee students to improve their understanding of college admissions and the financial aid process. Last year, Edsouth provided training to over 1,000 school counselors and distributed 1.5 million financial aid brochures.

The various lending institutions—profit and not-for-profit—are usually in these communities and easy for these 14 million students to get to. There is another group of students—about a fourth to a third in total—who choose to go another route in getting a student loan, called direct lending. They borrow directly from the government. This was set up as a pilot program when I was the Secretary of Education in the early 1990s. It was set up to see whether the traditional student loan program, which is through your local bank or nonprofit, was working right, and what was best for students.

Students and colleges have voted over the years with their practices. For example, in Tennessee, most Tennessee campuses and most Tennessee students choose the traditional student loan program. At the University of Tennessee, where I was once president, in Knoxville, there are 30,000 students, and 11,000 have a Federal loan. They get that through the traditional loan program, not the government direct loan program. At Maryville College, in my hometown, where my parents went, 824 of 1,100 students have a Federal loan. They get that through the traditional loan program. At Carson-Newman, at Jefferson City, where I am going Friday to help inaugurate a new president, with 2,000 total students, 1,259 have a Federal loan. I can go through each of the institutions in our State. You can see the number of families that any change in the student loan program affects, and if you add the anxiety that comes with receiving your college admission and worrying about whether you can pay the bill—you can see the problem that causes.

The reason I came to the floor is that for those 14 million students—more or less—who, in January, February, and March, would be expected to turn to the traditional student loan program, we are about to have a 14-million car pile-up on the interstate highways of American education because of action taken by the U.S. Department of Education.

The Secretary of Education—a man I greatly admire—has sent a letter to the various schools—3,500 or so campuses—that now use the traditional loan program, and he said you better get ready for the government-run program, and you need to do it because I may not be able to continue to offer the traditional loans.

That is a big mistake. I want to point out the reasons. First, there is not time to switch, even according to a New York Times article.

I ask unanimous consent to have printed in the RECORD the Secretary's letter to the campuses and the New York Times article.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WASHINGTON, DC,
October 26, 2009.

As this academic year moves forward, it is hard to believe we already need to consider the 2010–2011 year to come. In doing so, I am writing to seek your assistance and offer mine in taking the necessary steps to ensure uninterrupted access to federal student loans by ensuring your institution is Direct Loan-ready for the 2010–2011 academic year.

Eighteen months ago, uncertainty in the financial markets seriously threatened the availability of Federal Family Education Loan (FFEL) Program loans for the upcoming 2008–09 academic year. Congress acted quickly to provide the Department of Education with unprecedented temporary authority to directly finance loans made through FFEL Program lenders. The goal was to ensure that every student or parent with a need for a federal loan would be able to get one, whether or not the student's educational institution had taken the steps to provide loans through the Direct Loan Program (where loan access was not affected). This stopgap measure, the Ensuring Continued Access to Student Loans Act (ECASLA), was helpful in assisting FFEL Program lenders in making \$61.3 billion in new loans to students and their parents this past year. And the bulk of those funds—some \$46.3 billion—was provided by the Department of Education.

While many institutions like yours continued to use the FFEL Program loan delivery process last year, more than 500 others responded to the uncertainty by switching to the Direct Loan Program. These colleges' move to direct lending happened in an efficient and effective manner, without any interruption of service to students, and the number of Direct Loans increased by nearly two-thirds compared to the previous year. As you know, the Direct Loan Program provides students with the same types of loans, with essentially the same terms, as those made in the FFEL Program.

I do not anticipate any major loan access problems during the remainder of this academic year because Congress's temporary measure remains in effect. However, while there are encouraging signs that the financial markets are rebounding, the most prudent course of action is for you to ensure that your institution is Direct Loan-ready for the 2010–2011 academic year. That way, loan access for your students will be assured. As you may know, President Obama has proposed that Congress make the loan system more reliable by moving to a 100 percent Direct Loan delivery system. In any event, under current law, ECASLA will expire, and the continued participation of FFEL Program lenders will be in question.

The Department of Education stands ready to assist with any questions you and your staff may have about becoming Direct Loan-ready. Many institutions have already taken the initial step of contacting us to ensure the appropriate transition steps have been taken at Federal Student Aid to begin the process. If your school has not taken this initial step, we recommend that you do so. Please also reach out to your technology, financial aid, and business offices to make sure they are working together to ensure federal loan access for your students and their parents. If they are unsure of the steps to take, please have them contact our school relations center, or e-mail us with questions.

Thank you for your attention to this important matter.

ARNE DUNCAN,
Secretary of Education.

[From the New York Times, Oct. 27, 2009]
COLLEGES ARE PUSHED TO CONVERT LOAN
SYSTEM

(By Tamar Lewin)

Congress has not given final approval to legislation ending federal subsidies for private student loans for college. But Secretary of Education Arne Duncan sent a letter Monday to thousands of colleges and universities urging them to get ready to use the government's Direct Loan Program in the 2010–11 school year.

The House of Representatives last month passed the Student Aid and Fiscal Responsibility Act, expanding the government's direct lending and ending the current program of government subsidies and loan guarantees for private lenders. Under that law, all colleges would be required to convert to the federal Direct Loan Program by July 1.

But the Senate has yet to take action on the legislation, and it is uncertain whether it will do so before the health care debate is resolved.

Meanwhile, most of the nation's 5,000 colleges and universities have not taken the necessary steps to convert to direct federal lending. The letter, sent to some 3,000 campuses that have never used direct lending, was an effort to prod them into action.

"Some campuses are thinking they'll wait until Congress acts, but to wait is to endanger loan access for students," said Robert Shireman, the deputy under secretary of education.

In the past year, Mr. Shireman said, about 500 institutions have switched from the subsidized program, the Federal Family Education Loan program, into direct federal lending.

A year and a half ago, when uncertainty in the financial markets threatened the availability of private loans, Congress passed a stopgap law to ensure that families with financial need could get student loans, even if their college was not in the federal direct loan program.

But that temporary legislation, which colleges used to make billions of dollars worth of new loans in the past year, will expire in June. And even if Congress does not act to end the subsidized lending program and require direct federal lending, there is no guarantee that any lenders will continue with the private loan program.

Private lenders are fighting to stop the switch to direct federal lending. And at their third-quarter earnings conference call last Wednesday, executives of Sallie Mae, a private lender, spoke of the "transition risks," saying many schools' financial aid offices are thinly staffed, have only just finished processing loans for this academic year and would have trouble making the transition to a new lending system in time for next year.

Mr. Shireman said that for most colleges and universities, it takes three weeks to four months to make the switch, which requires changing computer programs and retraining financial aid administrators.

Mr. ALEXANDER. The Secretary's assistant says it takes at least 3, 4 months for colleges to switch their computers around, so instead of offering aid through a traditional program, they offer it through the government direct loan program. There will be a lot of confusion in January, February, March and April. There is not time to switch.

Second, the Secretary has gotten ahead of himself. The President has

proposed a Washington takeover of the student loan program, but this Washington takeover requires congressional approval. We have more than one branch of government in this town. I know the House of Representatives has passed the President's request, but there's one more—the United States Senate has not approved the President's request, and I hope it does not. It is a bad idea.

So I hope the Secretary will write another letter and say I have changed my mind, given the lateness of the situation in the year—we are almost to November—and the fact that it takes up to 4 months for any college to make a changeover, and because most students will begin to receive their college admissions in January and February, et cetera. I hope the Secretary will say I am going to take a little different approach and work with Congress, recognizing that the Congress has to approve this proposal as well.

First, we are going to extend the law that was passed a couple of years ago, which provides emergency financing to back up all of the traditional student loans that are made. That has worked out very well. The institutions participating have paid large fees to the government and students have gotten their loans. We can extend that another year. It doesn't expire until June.

Second, the Secretary might say that I am going to work with Congress to make some changes in the existing student loan program to make it right. We can talk about ways to do that.

Third, I hope he will say I am going to work with Congress to set up a transition time that is appropriate for any colleges that want to move from the traditional student loan program to the government-run direct loan program.

When time comes for us to debate and act on whether there should be a Washington takeover of student loans, I am going to say, no, there should not be. I have a little history here. I think the American people have had enough Washington takeovers—banks, insurance companies, General Motors, et cetera. The President can argue that he inherited a lot of that. But this takeover is truly voluntary.

Nobody is asking the Secretary of Education to become the banker of the year. I would rather he become the Secretary of the year. I think he could do that. I think he is an outstanding Secretary, one of the best appointees—maybe the best—of the new President. The Presiding Officer is from Illinois, and he knows Arne Duncan very well. I would like to see him reward teachers and setting higher standards, instead of making 20 million student loans every year. I want him to be the educator of the year, not the banker of the year. Deep in his heart, maybe he wishes that as well.

The administration has told us about this latest Washington takeover that is starting next year, and that the nearly 20 million students who want government-run direct loans should all line up at offices designated by the U.S. Department of Education. This will, the argument goes, save taxpayers \$87 billion in subsidies that now go to greedy banks. In anticipation, Members of Congress—we—have already spent the \$87 billion for more Pell grants, community college improvements, and other new programs. That sounds very good. Banks are punished, students are helped and, most important, Congressmen look real good.

Here is what they have not told you. Your friendly government, for all this, will overcharge you, the student—and use the profit to pay for the new programs that make the Congressmen look good. Yes, those of you who borrow student loans—the 20 million—the Education Department is going to borrow the money at 2.8 percent from the Treasury and loan it to the students at 6.8 percent, and spend the difference on administrative costs and new government programs. That means a student will spend a few more months or years working to pay off the student loan in order to help pay for someone else's education and help the Congressmen's reelection.

There are a few other things the government ought to tell you. The \$87 billion isn't real. According to a letter in July from the nonpartisan CBO to New Hampshire Senator GREGG, the savings are closer to \$47 billion. If we use the same cost scoring analysis that the CBO required when we passed the Troubled Assets Relief Program, or TARP, the savings I think are less than that, since the government assumes it can make 19 million loans each year for what it now costs to make 4 million loans.

Finally, the government needs to disclose to these 20 million students who are thinking about going to college next year that getting your loan will become about as enjoyable as waiting in line for your driver's license. Today there are 2,000 lenders—banks and non-profit institutions—competing to offer government-backed students loans at 4,400 campuses. I mentioned earlier the kinds of services they provide. That is all about to change. There will only be one student loan banker under this proposal, the U.S. Secretary of Education. I wouldn't have wanted that job when I was in that position, and I cannot imagine any Education Secretary wanting that job. There will be no competition to make it easier to get your loan.

Imagine 20 million students and families trying to call a Federal call center to make their arrangements to go to college. It is true that during the last 20 years subsidies the government paid to lenders to make student loans were

excessive. Congress took steps to correct that 2 years ago. If there is still \$87 billion, or \$47 billion, in real savings, then the subsidies are too high and we should lower them and give the savings to students, not trick students by overcharging them to pay for more government programs and run up the Federal debt in the process. Seven-eighths of the students who applied for Federal aid using the Free Application for Federal Student Aid had an average loan of about \$25,000. Assuming a standard 10-year repayment at 6.8 percent, which is the rate set by Congress, these students would pay roughly \$9,400 in interest. But we could use the savings to reduce the interest rate by as much as 1.5 percent—down to 5.3—and those students would pay only \$7,100 in interest, a savings of \$2,200.

If this Washington takeover goes through, every one of the 19 million-plus student loans made in 2010 should carry this warning label: Beware, your Federal Government is overcharging you so your Congressman can take credit for starting a new government program. Enjoy the extra hours you work to pay off your student loan.

Mr. President, I see my colleague from South Dakota on the floor and my colleague from Nebraska, so I will conclude.

The Secretary of Education should change his mind, withdraw his letter, and work with Congress to extend the temporary law and improve the student loan program and reassure students that they don't have to be anxious about standing in line in January for a loan.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AFGHANISTAN

Mr. FEINGOLD. Mr. President, in 2002, then-Senator BIDEN chaired a series of Senate Foreign Relations Committee hearings on U.S. policy toward Iraq. These hearings challenged many prevailing assumptions and called into question the wisdom of invading Iraq. To the detriment of our Armed Forces, our counterterrorism efforts, and the standing of the United States around the world, our government ignored those prescient warnings.

Our country is again contemplating sending tens of thousands of troops into battle, this time as an escalation of the 8-year war in Afghanistan. In fact, the escalation has already begun, with an additional squadron to begin deploying in November.

Sadly, the impact of our expanding military engagement in Afghanistan is becoming increasingly and painfully clear, as October has become the deadliest month for U.S. troops since the war began, and more servicemembers have been killed this year than in the first 4 years combined.

I commend Senator John Kerry for holding a series of exceptional hearings

in the Foreign Relations Committee over the past month on U.S. policy in this critical region. Expert witnesses have provided a sober analysis of the situation there.

I urge my colleagues, if they have a chance, to read the transcripts of these hearings and consider the opinions of this diverse group of former military officials, intelligence officers, diplomats, academics, and experts in the region. Of course, a handful of the witnesses supported an escalation of our military involvement in Afghanistan, but the majority of the regional experts—including CIA veterans who have deep experience in the region—questioned whether the stated aims of our military strategy are achievable or necessary in order to deny al-Qaida an uncontested safe haven in Afghanistan. Many expressed concern that our current military-focused approach may be making things worse.

President Obama has refocused our attention on the Afghanistan-Pakistan region, and for this I give him great credit. I am also pleased to see this administration is taking the time to have serious discussions about our strategy and the many possible alternatives. We must find a way to relentlessly pursue al-Qaida's global network without destabilizing this critical region, overstretching our military or needlessly spending money we do not have. This will require a smaller, more targeted, and sustainable military strategy combined with far more robust regional diplomatic engagement.

I would like to go over what I consider to be some of the myths that are being used to support the notion of a significant buildup of troops in Afghanistan.

One is that preventing a potential al-Qaida safe haven in Afghanistan is more important than addressing existing safe havens elsewhere. That is not what we heard at the hearings.

The committee's hearings have revealed that calls for an open-ended or increased military presence in Afghanistan are based upon several flawed assumptions or myths. The first common myth is that preventing a potential al-Qaida safe haven in Afghanistan is more important than other potential safe havens. Again and again, we hear that if we do not send more troops, the Taliban will regain control of Afghanistan and again provide a safe haven in which al-Qaida could reestablish training facilities or launch attacks on the United States. That statement may be true, but it contains a number of assumptions that need to be closely examined. Will more troops make a difference? How likely is it the Taliban will actually regain control of Afghanistan? Even if it does, what will its relationship be with al-Qaida? But the biggest unasked question is: What are the costs of pursuing this strategy and is it necessary to address the very real threat posed by al-Qaida?

Al-Qaida already has a safe haven in Pakistan and is operating in other countries around the globe. Addressing this global threat requires a smart and sustainable use of our resources around the world, including in Afghanistan, rather than disproportionately directing our resources toward only one of many potential safe havens.

Several witnesses called into question even the likelihood that the Taliban would overrun Kabul. Even if the Taliban were to continue to exert control over certain areas, experts challenged the simplistic assumption that al-Qaida would then be able to reestablish the kind of operational freedom it had in Afghanistan prior to 9/11.

Moreover, sending more troops to Afghanistan may not prevent an al-Qaida safe haven there. As General McChrystal noted in his own assessment, even if we send additional troops, they would necessarily be focused on limited areas and would still leave substantial portions of the country outside the control of the Afghan Government or U.S. forces.

Several witnesses questioned whether we can afford to dedicate so many resources to one country when we face a global adversary. Instead, as Robert Grenier, the former CIA station chief in Islamabad during the 2001 invasion in Afghanistan, testified:

The best that we can hope for is not a permanent elimination of a safe haven [in Afghanistan] . . . but rather the elimination of an uncontested safe haven. [W]e need to be in a place where we can continue to play the game, which means that we need to be able to do that on a sustainable basis. . . . What we are currently doing I believe is not sustainable either by us or by the Afghans.

We have to have a sustainable, targeted counterterrorism strategy that can contest potential safe havens and, thus, prevent al-Qaida from regaining the footing they had in the 1990s. Trying to achieve total elimination of such safe havens through a large-scale, open-ended military mission is not only infeasible, it is physically and politically unsustainable and could provoke even greater instability in the region. It is time we develop a counterterrorism policy for Afghanistan that places it in the context of al-Qaida's many current and potential safe havens, including in Yemen, Somalia and North Africa and many other places around the world.

A second oft-cited myth is, we already tried engaging in such a limited counterterrorism operation in Afghanistan after the 2001 invasion and the situation on the ground only deteriorated.

On the contrary, the strategy of the United States in Afghanistan, over the past 6 years, has been uncoordinated and neglected and much of the limited resources went to pursuing militants in Afghanistan while al-Qaida was rebuilding in Pakistan. This strategy failed not because it was targeted at al-

Qaida but because it generated resentment among the local population and created a groundswell of opposition. It also failed because it turned a blind eye to the corruption and lack of legitimacy of both the Afghan and Pakistani Governments. The previous administration's extreme reliance on Pervez Musharraf not only failed to achieve our immediate counterterrorism goals, but it undermined the perception among the Pakistani population that we were working with them against mutual threats. As a result, we lost a crucial opportunity to eliminate al-Qaida and the Taliban from, and bring stability to, Afghanistan.

By contrast, the Obama administration has focused on Pakistan and supported the emergence of a civilian government that shares our counterterrorism goals. We have a strong interest in Pakistan's continued military operations. We must remain engaged so any tactical successes are accompanied by rules of engagement that protect the civilian population and ensure humane treatment of displaced persons, which are essential to ensuring that these successes actually result in strategic victories.

Much more remains to be done, including efforts to strengthen responsive civilian governance and encourage Pakistan to tackle the deeper socioeconomic problems that the Director of National Intelligence has testified are driving instability in that country. None of this will be easy, but counterterrorism in Pakistan will not be achieved through our escalation in Afghanistan. One thing is certain. At no point in the last 8 years has this kind of comprehensive, focused strategy for Pakistan been attempted.

In Afghanistan, I am not suggesting we would necessarily just limit ourselves to what some have called an over-the-horizon presence. We may need to maintain bases and consider a range of counterterrorism options. But we will never return to the neglect and strategic drift of the pre-9/11 period, nor should we resume the unfocused mission we saw for much of the previous administration.

This recognition is why several witnesses testified that a targeted counterterrorism strategy, which has never been tried before, would likely succeed in denying al-Qaida an uncontested safe haven. This sustainable strategy, along with a flexible timetable for the withdrawal of troops of the United States from Afghanistan, could easily reduce the perception that we are engaging in an open-ended military occupation of that country.

As to a third myth, there are many who argue that a larger military presence is required in order to stabilize Afghanistan. However, many of the experts testified that an increase of foreign troops in Afghanistan will likely provoke additional militancy.

Reports indicate that militancy in both Afghanistan and Pakistan has increased over the years. According to Milt Bearden, the former CIA station chief in Islamabad: "40,000 troops will beget 40,000 more enemy" We must appreciate that our military presence may well be counterproductive and, in fact, driving the conflict, creating more militants than it is eliminating.

Indeed, it may even be undermining our ability to divide our enemies. CIA veterans Robert Grenier and Mark Sageman testified that, in Mr. Grenier's words, Afghans "tend to coalesce against what is perceived as an outsider."

It is not surprising, then, that many of the witnesses who appeared before the Foreign Relations Committee agreed that a political solution is essential to stability in Afghanistan. As Mr. Bearden testified, there is no "military solution—for us or the Afghans."

We can and will relentlessly pursue al-Qaida. We have to find a way to do so that does not further destabilize the region. Increasing our troop levels in Afghanistan will only make this more difficult.

As to a fourth myth, another frequently cited myth is we must maintain a large military presence in Afghanistan in order to prevent the destabilization of Pakistan. In reality, our massive military footprint in Afghanistan has contributed to instability in Pakistan.

Several witnesses agreed the majority of Pakistanis would not welcome an increased military presence in Afghanistan. Mr. Grenier stated:

I think that a large increase in U.S. presence in Afghanistan would not be welcomed by the majority of Pakistanis. I think that it would make the struggle seem all the more starkly one of the U.S. against Muslims as opposed to the U.S. supporting Afghans in their own struggle.

As former British diplomat Rory Stewart testified, the "stabilized Pakistan" rationale for a military presence in Afghanistan also ignores "the real drivers of the problems in Pakistan. Pakistan will not stand or fall on Afghanistan. It's about the Pakistani government, it's about the Pakistani military, it's about the Pakistani economy and the Pakistani society . . . by and large, Afghanistan is far less important to the future of Pakistan than we're suggesting."

In fact, our presence in Afghanistan could be counterproductive. CIA veteran Paul Pillar recently testified in the House that "an expanded U.S.-led counterinsurgency in Afghanistan would be more likely to complicate rather than to alleviate the task of Pakistani security forces insofar as it succeeded in pushing additional militants across the Durand line." We need to carefully consider the unintended

consequences of sending additional troops to Afghanistan, lest we further destabilize its nuclear-armed neighbor, Pakistan.

The Afghanistan hearings provided a crucial forum to question conventional wisdom, justifying our current and proposed military strategy. These expert witnesses have challenged many of the assumptions underlying many of the myths I outlined.

In his testimony before the House, Pillar warned that:

An expanded military effort in the cause of counterinsurgency in Afghanistan would be unwarranted. The benefits in terms of ultimately adding to the safety and security of the American people would be marginal and questionable. At best, the difference such an effort would make in the terrorist threat facing Americans would be slight. At worst, the effort would be counterproductive and would not reduce the threat at all. Even at its best, the benefit would be, in my judgment, outweighed by the probable costs of the counterinsurgency.

There is strong consensus that we must not abandon Afghanistan, and the lack of strategy and focus on this region that occurred over the past 6 years must not be repeated. But there has also been significant agreement among the witnesses that we continue to greatly overestimate the potential benefits and underestimate the risks associated with maintaining or expanding a large, open-ended military presence.

I urge my colleagues, again, to review this excellent testimony from these hearings. We need to reduce our unsustainable military presence in Afghanistan in order to pursue al-Qaida without further destabilizing the region and work through diplomatic channels and the provision of assistance to support the emergence of legitimate, competent governments in both countries that will be effective partners in fighting terrorism.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNES. Mr. President, I rise this afternoon to speak to the pending issue, which is the extension of unemployment benefits.

The pending proposal basically says we would extend benefits for 14 weeks for all States. There would be an additional 6 weeks attached for those States that had unemployment that exceeded 8.5 percent.

You don't have to look very far around this country to see people are struggling. In fact, just an hour or so ago, I was pulled aside by a member of the media. He said: There are numbers coming out tomorrow that indicate some improvement here and there. What would your reaction to that be?

I said: You know, until we see improvement with unemployment, we will never convince the American people that things are better.

We are hearing 10 percent unemployment. I hope not, but some predict we

will actually go over that number around Christmastime or the first of the year.

People across this country are struggling. Jobs are being cut. People are being laid off. As I said, many experts are predicting that unemployment could get into the double digits before we see any improvement.

I am not here to say the extension of unemployment benefits is the wrong course of action. Not at all. I am not here to dispute any of these assertions about how difficult this economy is for people. But what I am here to do today is to say this: If we are going to consider a bill of this nature, of this importance to people, I believe it is important that we, as Senators, have the ability to come to the floor to submit an amendment, to make our best case on the amendment, to ask for a vote on that amendment, and then see where it ends up.

The original stimulus bill—and again I emphasize, the stimulus bill—extended unemployment benefits for 33 weeks. So very clearly the majority of this body, considering the issue of extending unemployment at the time the stimulus was passed, said we should use stimulus funds. I would argue that the same logic applies today. This extension should also be from stimulus funds, and that is what my amendment would simply say.

Here are the reasons why: The stimulus bill, quite simply, did not provide the jobs that were promised. Put forth whatever excuse you want to put forth. Argue that maybe you didn't think the economy was as bad as it is, although I must admit I find that hard to imagine. But whatever the argument, the stimulus bill did not provide the promised jobs. The bill in front of us today would do this: It would levy a tax on our job creators—our businesses—of \$2.4 billion to finance it. It is an 18-month tax on small businesses, which are the backbone of our job creators and certainly the backbone of our economy in the State of Nebraska.

The interesting thing about this extension of unemployment benefits is that it would expire in December but the taxes would live on for month after month after that expiration.

So you see, I think it is appropriate to come to the Senate floor to make the case that we should not be taxing the job creators in order to support those who are out of work and looking for a job. We should be encouraging those job creators to do all they can to add another job to bring these people back to employment.

To make this relevant to the citizens back home in Nebraska, this will have a \$17 million impact on our businesses. That is \$17 million that will not be spent on creating a single new job. It is \$17 million that won't be spent to hire new workers.

I have talked to many of these businesses in our State, and they are say-

ing to me: MIKE, we are doing all we can to try to keep people employed. I don't want to do layoffs or any more layoffs, they tell me. But what we are saying to businesses is: We know you are struggling, we know you are fighting this brave battle to keep these families with a job, but here is another tax extension, and could you also go out and hire some new workers? This is simply out of touch—exactly what Washington was criticized for during our August townhall meetings.

A lot of jobs could be created if we expand this from my small State of Nebraska to a nationwide phenomenon. Think of the jobs that could be created with \$2.4 billion spent on salaries instead of on taxes.

I have this amendment which basically says this: A more sensible approach would be to use a very small portion of the unspent stimulus money to finance this extension. Don't tax these small businesses. The stimulus was sold as a shot in the arm. It was going to jump-start the economy. But that goal has proven very elusive. In fact, it has even been very difficult to get the money flowing. And don't take MIKE JOHANNES' word on this. The Congressional Budget Office says that some of the stimulus money won't even be spent until 2018, 9 years from now. CBO predicts \$22 billion will be spent in 2014, about 5 years from now. I don't know a single person who could argue that is a shot in the arm.

The Chair of the President's Council of Economic Advisers, Christina Romer, recently said:

Most analysts predict that the fiscal stimulus will have its greatest impact on growth in the second and third quarters of 2009.

She goes on to say:

By mid 2010, the fiscal stimulus will likely be contributing little to growth.

This baffles and frustrates the American people.

Piling more taxes on people who hire to help those without jobs makes no sense when you recognize that originally a portion of the stimulus money was set aside to extend unemployment. Why not use a small—very small—portion of the overall sum to provide an extension?

Mr. President, I just want the opportunity to have an amendment that we can vote on, to be able to make the case that my amendment is a better alternative than what we are doing today. It uses unobligated stimulus funds to pay for the extension. It just simply says to the Office of Management and Budget: Go to the unused accounts—and having been a Cabinet member myself, I will tell you that those funds will be found—and allocate that money to help these people instead of taxing the job creators. My amendment requires only 1 percent—I repeat, 1 percent—of the original stimulus to pay for unemployment benefits. Why not use the money parked in these

accounts—which literally is years away from being allocated—to stimulate this economy?

I would respectfully argue that my option gives all Americans a break. It allows the unemployed workers to have that important safety net while they struggle to find a job; it helps businesses that are fighting to stay open and to keep their employees in place, to keep that job in the family, and, my hope, to hire new workers; and it allows us to use taxpayer dollars—taxpayers who are tired of seeing their tax dollars wasted—in a way that I believe they would approve of.

Given the opportunity to submit this amendment on the floor of the Senate, I could ask for its support and we could send a message to the American people that we are listening to their concerns. This amendment immediately puts money back into the economy to pay the bills or wages and to put food on the table. Unfortunately, it appears increasingly likely that I will not be allowed to offer the amendment.

Mr. President, I have not been here a long time. I have been here about the same time as the Presiding Officer. But I have to tell you, one of the things that impresses me so much about this great body, this deliberative Senate, is that we have the ability, whether we are in the majority or the minority, to offer an idea, to craft an amendment—oftentimes that we get from a citizen back home—and to come to the floor and offer that amendment, make our best case, and then get a vote. It is a remarkable system. But what is happening these days is that precious right is being taken away from us.

I think this amendment makes sense. There may be many who will disagree with me. There will be many who will agree with me. All I am asking for is that I be given the right to offer the amendment, to make the case, and then to get a vote on this idea.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, let me begin by suggesting that at a moment in American history when we probably have more serious problems than at any time since the Great Depression, I find it rather sad and distressing that time after time the response of our Republican colleagues is no, no, no; filibuster, filibuster, filibuster. In fact, what we are seeing now is that the filibuster is the norm. Most Americans think it takes a majority to pass something. Not around here. Our Republican friends, I think, have broken the all-time world's record for bringing forward filibusters—my understanding is 81 in this session alone.

So here you have a crisis in health care, a crisis in the economy, a crisis in global warming, a crisis in foreign policy, a crisis in terms of our national debt, and yet our Republican friends

say: No, no, no; filibuster, filibuster, filibuster. So it is easy to understand why the American people are extremely frustrated with what is going on here.

The election in November was all about the American people saying very loudly and clearly: We did it their way for 8 years. We gave the tax breaks to the billionaires that these folks wanted. We went into a war we should never have gotten into. We drove up the national debt to a recordbreaking level. We ignored the crisis in global warming and forfeited enormous opportunities to create jobs addressing that. We did it their way.

Now let me tell you the results of having done it their way.

During the Presidency of George W. Bush, over 8 million Americans slipped out of the middle class and into poverty. Today, nearly 40 million Americans are living in poverty.

During the 8 years of the Bush administration, 7.8 million Americans lost their health insurance. Today, these guys still do not want to address the issue of soaring health care costs and 46 million Americans uninsured.

Under President Bush, 4½ million manufacturing jobs in this country were lost in the Midwest and other parts of this country. We are seeing desolation in areas where workers used to earn good wages, producing real products. In my own small State of Vermont, we have lost 10,000 manufacturing jobs over the last 6 or 7 years.

During the Bush era, 3.2 million American workers lost their pensions—pensions they were dependent upon in order to provide some security when they retired. Incredibly, during that period, median household income declined by over \$2,100.

My colleagues may have seen an article in USA TODAY recently which mentioned that from 2000 to 2008, middle-class men experienced an 11.2-percent drop in their incomes. Do you believe that—11.2 percent? That is a reduction of \$7,700, adjusting for inflation, during the Bush era. Middle-class women in this age group saw a 4.8-percent decline in their incomes as well.

We did it their way, and the middle class is on the verge of collapse, poverty is increasing, more and more people are losing their health insurance, and the national debt has exploded. And then, after hearing President Bush tell us how robust the economy was, Secretary of the Treasury Paulson saying how strong the economy was, they walked into Congress over a year ago and said: Seems we made a little bit of a mistake. The economy is not actually robust. If we don't get \$700 billion within the next couple of weeks, the entire world's financial system will collapse. Sorry about that. We not only have many hundreds of supervisors and the Fed, we have the whole Federal bureaucracy looking at what is going

on—we kind of missed it. We are sorry about that.

What ended up happening, as everybody in America knows, the economy plunged as a result of Wall Street greed and illegal behavior and recklessness; the conversion of Wall Street to a gambling casino, to all the deregulation that these guys fought for for years—both parties, by the way, not just Republicans—we ended up with the greatest economic decline since the Great Depression.

Let me tell you a little bit about where we are today when we talk about the need to extend unemployment benefits. We hear the official unemployment statistic of 9.8 percent. That is bad. But that only tells literally half of the story. If we add to the 9.8 percent who are unemployed all those in high unemployment areas who have given up looking for work or who are not part of the official statistic, and we add to that number people who want to work full time but are working part time, do you know what we end up with? We end up with 27.2 million Americans who are unemployed or underemployed. This is over 17 percent of our population.

That is a disaster. That is an absolute disaster causing massive suffering for working families all over this country.

I rise today in the midst of that economic disaster in strong support of the Emergency Unemployment Compensation Act. I am proud to be an original cosponsor of this legislation. I thank Majority Leader REID and Senator BAUCUS, the chairman of the Finance Committee, for their leadership on this legislation. We are in the midst of the worst economic crisis since the Great Depression, and the suffering, from California to Vermont, is enormous.

I am sure my colleagues get the same letters I get:

I lost my job, I am looking for a new job, there is no job available.

I lost my job, I got a new job, but it only pays half of what my old job did.

I lost my job and I lost my health insurance and maybe I am 1 of the 1 million people this year who are going to go bankrupt because of medically related illnesses.

I am a young person, I graduated high school, I want to get a job. I can't find a job.

I graduated college, I can't find a job. That is what we are looking at. We have to address that problem.

As bad as the current situation is, what we also understand is that long-term unemployment is soaring. It is a bad thing if somebody loses their job. That is always bad. If they get a new job in a couple of weeks, that is one thing. But what is happening now is we are looking at 5.4 million Americans who have been unemployed for over 6 months. That is the highest on record. We have a crisis of long-term unemployment. The average length of unemployment is now 27 weeks, the longest

since World War II. In the midst of serious unemployment numbers, the fact we are looking at long-term unemployment at record-breaking levels tells us it is absolutely imperative to extend and increase, expand unemployment benefits.

There are fewer jobs in America today than there were in the year 2000, even though the workforce has grown by over 12 million since that time. We now have the fewest manufacturing jobs at any time since April of 1941. Can you believe that? We have fewer manufacturing jobs, blue-collar jobs, the jobs that made the middle class, since April of 1941.

The American people need our help. That is why it is so important that we pass this legislation and why it is so important that we do this in a bipartisan way. I hope our Republican friends will finally stop saying no and say yes to American working families. This bill provides an additional 14 weeks of unemployment benefits to all 50 States. That is important to me. It is important to me because while I do understand there are States which have a lot higher unemployment rates than the State of Vermont, the truth is there is long-term unemployment in 50 States in America, and I believe we should be extending unemployment for all of our workers.

If we do not pass this legislation, by the end of this year nearly 2 million Americans will see their unemployment benefits expire, including some 2,000 people in the small State of Vermont. In the midst of the worst economic crisis since the Great Depression, and at a time when long-term unemployment is extremely high, we cannot turn our backs on jobless Americans by letting their unemployment insurance expire. That would be driving people into the abyss. We cannot do that. This bill will allow workers who have lost their jobs during the severe recession to get the help they deserve while they try to find new jobs to support their families.

The American people are looking to the Congress for help. These are tough times all over this country. We cannot turn our backs on hard-working Americans who are trying as best they can to keep their families above water. I hope we pass this legislation and we pass it as soon as possible.

I yield the floor.

Mr. THUNE. Mr. President, I want to speak to the bill before the Senate right now and also to an amendment I would like to have voted on as a part of the underlying legislation. But I do want to also react to some of the remarks made by my colleague from Vermont.

When it comes to some of the legislation some are trying to jam through the Congress this year, we believe it is OK to say no to some things. We think it is OK to say no, for example, to 1,500-

page bills written behind closed doors, in secret. We think it is OK to say no to higher health care premiums for our constituents in our home States and most Americans in this country who currently have health insurance. It is OK to say no to trillion-dollar spending bills that don't do anything to create jobs. We think it is OK to say no to higher taxes for small businesses and working families who are going to get hit by many of the proposals in front of the Congress, including the health care bill which, according to the Congressional Budget Office, more than half the tax burden is going to fall on families making under \$100,000 a year.

We think it is OK to say no to energy taxes that will kill jobs and wreck the economy. We think it is OK to say no to a \$2 trillion expansion of the Federal Government in Washington to create a new health care entitlement that will be financed with higher taxes, Medicare cuts, and borrowing from future generations. We think it is OK to say no to a \$½ trillion in Medicare cuts that are going to impact senior citizens across this country. It is also OK to say no to the extension of what has become a TARP slush fund, what has become a political slush fund that is now being used for lots of things for which it was not intended.

I do not apologize for saying no to bad policies that are going to wreck the economy, cost Americans jobs, and put more and more of our future generations at risk because we are saddling them with a burden of debt that they will be carrying forever into the future. I think it is OK for people in this Chamber to stand up to bad policies and to say no.

I am going to continue to defend the right of my colleagues in the Senate, whether I agree with them or not. A lot of my colleagues on the other side, they have things they want to do. Some of them I do not agree with. That is why we have the Senate. It is to come here and resolve our differences and try to reach common ground if that is possible. But if there are bad things being proposed, I don't think there is anything wrong with saying no—to higher taxes, higher health care premiums, more borrowing, and more debt we are putting on future generations. I don't particularly have a problem with that.

I do think it is important, however, that we act on legislation that will create jobs, that will provide a better, stronger economic future for people in this country, and that will address the needs of the people who are hurting because of this economic downturn. The legislation we have before us will do just that, and I voted to proceed to that legislation last night so we could have this debate, so we could get on this bill, so we could provide an additional 14 weeks of assistance to people who need unemployment benefits be-

cause of what is happening in our economy and this country.

I do not think we will find a lot of disagreement that we need to take those steps that are necessary. I will say the amendment offered by the Senator from Nebraska, Mr. JOHANNIS, is a germane, legitimate amendment that ought to be voted on. All he is saying is, if we are going to do this, we ought to figure out a way to pay for it that doesn't lead to higher taxes on small businesses.

I think that is a fair vote to have. It is totally related to the underlying bill. But the underlying bill that would provide and extend unemployment insurance benefits to people in this country who are suffering as a result of the economic downturn, we are not objecting to that. Nobody here is. In fact, we could finish that in the next hour or two if the majority would agree to allow a couple of amendments to be voted on.

Having said that, I do have an amendment on which I think it is important to get a vote, and the reason it is important to get a vote on it now is because we are not going to get many opportunities. The TARP program expires at the end of this year. If Congress doesn't take steps to end it, the Treasury Department can extend it. The reason that is important is because the TARP program has gotten far afield from anything it was designed to do. It was designed to stabilize the economy last year at a very difficult time. So we voted to extend \$700 billion in this authority for the Federal Reserve to go out, to buy some of these troubled assets in various financial firms. They decided to take equity positions.

I think it is a very different use of the funds than what many of us intended when we voted for it, but that having been said, it was done to stabilize the financial system in the country. That was a year ago. I think it is fair to say it is not an emergency anymore. In fact, many of the TARP funds that have been extended are now being extended to other types of industries. We have seen the auto industry, to the tune of about \$80 billion, come in and get TARP assistance. We have seen insurance companies get TARP assistance. We have even seen TARP assistance made available to help modified home mortgages in this country to the tune of \$50 billion, on which the Congressional Budget Office says we will never see any return.

The TARP has become—I hate to call it a political slush fund. I hate to refer to it that way, but at a minimum it has become a revolving fund that can now be used by the Treasury for all kinds of purposes. In fact, I think from statements that have been made by the Treasury Secretary, the indications are they expect to reuse a lot of those funds even after they are paid back by

some of the institutions that have gotten assistance.

So we have the \$700 billion TARP authority out there. With payments that have been paid back, there is now over \$300 billion that is unused. This is about \$213 billion that was never used. And with payments that have now come back from some of the institutions that received assistance, there is a little over \$300 billion of unobligated funds in the TARP account. Why is that significant? It is significant because if we do not use those funds for some other purpose than for which they were intended, those funds will be to retire the Federal debt. To me, that is probably as good a use of funds as we could possibly find right now.

We had a deficit last year of \$1.4 trillion. We are looking at trillion-dollar deficits as far as the eye can see. If the predictions of the Congressional Budget Office are accurate, in the next 5 years we will double the Federal debt. In the next 10 years we will triple the Federal debt to the point where every American, every household in this country is going to owe \$188,000 of debt.

So as a young couple gets married and starts out in their life together, they are going to get a wedding gift from the Federal Government, a big fat IOU for \$188,000. The best thing we can do in addition to extending unemployment benefits to people who have lost their jobs and whose coverage is running out is to try to get this debt under control so we are not passing on this enormous liability to future generations.

I would argue if we allow this situation to go unabated, if we continue to borrow money at the rate we are borrowing it today, and we continue racking up debt at the rate we are today, it is going to create all kinds of economic consequences down the road in the form of, perhaps, higher interest rates; we could see inflation pick up down the road. Nobody sees that in the near term, but in the long term, when we start having to print money to monetize our debt, and we are paying back our debt with cheaper dollars, the people who are buying our debt are going to start saying: Wait a minute. I want a better return on my investment.

So the interest rates start to pick up, and that could have some very disastrous consequences for our economy when it comes to homeowners and small business owners and people who are trying to get student loans. There are all kinds of consequences from this incredible binge of borrowing that we are on as a country.

I think the best we can do if we have got unobligated funds in the TARP authority right now is use those funds to pay down that Federal debt. That is what my amendment does. I am co-authoring it with the Senator from Utah, Mr. BENNETT. But we believe we

ought to end the TARP authority this year when it is set to expire. If Congress is not heard on this, then the Treasury has the authority to extend it.

I wish to at least have Congress heard. Congress, after all, created the TARP fund. It seems to me that if it is going to be extended, Congress ought to have a vote on that. As I said, that extension or that expiration date is looming. It is December, the end of December of this year. So if Congress is going to be heard, that is going to have to happen in the very near future.

So I wish to see a vote by the Senate on whether we believe that TARP ought to be extended, ought to continue to be used for all of these other ancillary purposes I mentioned that are unrelated to the underlying purpose for TARP when it was created a year ago, and whether we are going to say we think it is a priority that we start paying down this gargantuan Federal debt that is growing by the day, and the interest payments are growing with it.

I wish to see, on this opportunity, this legislation that is moving through here, a vote on whether we can extend TARP. My amendment is one page. In fact, it is only four lines long. It is very simple. It is here for everyone to take a look at. It will not take very long to figure out what it does. I cannot imagine why the majority would not want to have a vote on whether we are going to allow a \$700 billion authority of the Federal Government to continue to use these funds, why Congress would not want to be heard when, in fact, it was the Congress that created this program in the first place.

My amendment is very simple. All it says is when TARP expires at the end of the year, it ends. That does not mean that the Treasury does not have the authority to wind down some of the assets in some of the places where it has already invested those TARP dollars. Not at all. All it simply says is the moneys that are not expended out of that account will be used to pay down the Federal debt and no additional moneys will be extended to other programs or other uses.

Some people might say: Well, what if we have another emergency? If we have another emergency, Congress can act again. That is what we do. We are the legislative branch of the government. We have the power of the purse. There is not any reason to think that if for some reason it became clear that a TARP-like authority was necessary down the road that the Congress would not take the necessary steps to address that emergency.

But in the meantime, we have a \$700 billion out there which, as people are making payments back in, are now going back out. We have got about \$300 billion right now of head room in that fund. It seems to me we ought to take

that \$300 billion and apply it to paying down the Federal debt, so that future generations of Americans are not having their future mortgaged because we have not been able to live within our means.

It is a one-page amendment, four lines long. The bill that I am told is being written on health care, which is 1,500 pages, the last version of it that I heard or saw—we have not seen the current version of it. But that 1,500-page bill is being written behind closed doors.

This, on the other hand, is one page, four lines long—a very simple, straightforward amendment. It would not take us probably but a half an hour to debate it and vote on it. If the majority does not want to have a vote on this amendment, I am not sure why, because it would seem to me that the Senate would want to weigh in on one of the most important issues of the day, and that is whether we are going to take some of these unexpended funds and use them, apply them to paying down the Federal debt.

With regard to the debate before us on unemployment insurance, it needs to be extended. There is no debate about that. In fact, I think there will be a big bipartisan vote when it happens.

But why wouldn't we, in the interest of having a vote, a fair debate and a vote on amendments, allow amendments such as this which, as I said, because of the expiration date being December 31, it is unlikely, in my view, that Congress is going to get an opportunity, if we do not vote on this now, to vote on whether a \$700 billion expenditure of taxpayer dollars is going to be extended. And, if in fact, it has served its purpose—and it has not—then why would we not use that unexpended authority, that unobligated balance to pay down the Federal debt which, I would argue, I think most Americans would agree is one of the most difficult and protracted problems that is going to face the country going forward.

I guess I would simply say that this, in my view, is related to the debate we are having. Because the debate we are having is about the economy. It is about people who have been displaced and who have lost jobs and extending assistance to them, which they need and which we are all supportive of doing.

But if you are talking about things we can do to bring greater stability to the American economy, to provide a better and a brighter and more secure future for future generations, and to try and get this economy back on track, I think it would be a great message to send to the American people that the TARP, which was created for a specific purpose for a specific time, has accomplished that purpose. We do not believe it ought to become a slush

fund for other activities. The unexpended balances in that fund ought to be used to pay down the Federal debt and to provide a better and a brighter future for the taxpayers of tomorrow, unencumbered by a huge mountain of debt that is going to be passed down to them if we are not able to get our fiscal house in order.

I hope the majority will come around to the view that let's have a vote, let's have a 30-minute or hour debate on a couple of these amendments. Let's pass this bill and be done with it. But it seems to me, at least, for some reason—I am not sure what that is—the majority does not want to have a vote on what I think is a very consequential issue of our time, and a very consequential issue for the future of this country.

I yield the floor.

THE PRESIDING OFFICER (Ms. STABENOW.) The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 15 minutes.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, I wish to talk about another one of those consequential issues of our day that we have been talking about a lot lately. That is health care reform. I wish to start by asking a question of my colleagues and anyone who is within the sound of my voice, and that would be: Before we create a new government-run health care plan, why don't we fix the ones we already have? Why don't we do more to fight fraud, waste, and abuse in Medicare and Medicaid?

Of course, Medicare is a government-run plan for seniors. It is part of a commitment we made that people who have achieved a certain age will have health care available to them, and that is a commitment we need to keep. Medicaid, conversely, is for low-income individuals. It is a State-Federal Government share program. But like a new government plan could be dressed up in many different ways, kind of like a child on Halloween, like some calling a government plan a public option, or some talking about opt-outs, opt-ins, and triggers, once the mask comes off, what we are left with is plain and simply another government-run health care plan.

When I was on the floor on Monday and talking about our current government plans, Medicare and Medicaid, I pointed out the very serious fiscal problems that both of these programs have and ones that we should attend to before we go creating another government-run plan with perhaps its own set of fiscal problems.

For example, Medicare, which is health care for our seniors, has \$38 trillion in unfunded liabilities and will go bankrupt in 2017 unless Congress acts sooner.

Medicaid, we know, has its own share of problems. It actually reduces access to health care. It promises access on the one hand but denies that access because of unrealistically low reimbursement rates to health care providers. So many health care providers in my State, in Texas and elsewhere, simply will not accept a Medicaid patient. What good is Medicaid, what good is Medicare, if you cannot find a physician who is willing to see you? It is not much good at all.

I agree with our colleague, Senator LANDRIEU of Louisiana, who has asked why don't we fix the two public options we have now instead of creating a new one. This afternoon I wish to talk about how we need to fix another problem with our government plans; that is, how we should do more to fight waste, fraud, and abuse.

I noted earlier this week that both Medicare and Medicaid combined have, by some estimates, as much as \$90 billion lost in taxpayer dollars each year, stolen from the intended beneficiaries of those two important government plans.

"60 Minutes" ran a story on this on Sunday which included the story of a former Federal judge who discovered that someone had billed the government for two artificial limbs on his behalf, even though he still has the ones God gave him when he was born. Someone is using his name and in this instance his billing number in order to defraud the American taxpayer. We ought to be doing more to stop it.

This morning in the Judiciary Committee, we discussed health care fraud. We listened to some witnesses from the Justice Department. Basically what I concluded from that hearing is there are more bad guys than there are good guys, and we are stuck with a lack of resources to deal with this. We need to change the way we approach it to prevent fraud and waste on the front end rather than on trying to chase it down on the back end.

According to the Department of Health and Human Services, \$32.7 billion—\$32.7 billion—of Medicaid funds were consumed last year by waste, fraud, and abuse. That is about 10 percent of Medicaid's total costs, which were \$333 billion.

Medicare has similar problems. Medicare fraud may consume up to 15 to 20 percent of the \$454 billion in the Medicare budget. According to Harvard Professor Malcolm Sparrow, that means the amount lost to fraud would be between \$70 to \$90 billion each year.

Some of the examples of waste, fraud, and abuse should be embarrassing. For example, between 2000 and 2007, more than \$90 million of claims were ordered by dead doctors. According to a report of the Senate Permanent Committee on Investigations last year, some of these dead doctors have been very productive. They have been ordering Medicare benefits for up to 10 years.

This past August in Houston the FBI discovered that a doctor and his wife had defrauded health care providers of more than \$31 million, one doctor and his spouse, \$31 million. They claimed to have administered a number of injections and other treatments that never, in fact, occurred but they still charged the taxpayer for them and were paid because of Medicare fraud.

Defrauding the Federal Government and the Federal taxpayers through their health care programs is so lucrative that Mafia figures and other criminals are getting into the act. According to the Associated Press this month, members of a Russian-Armenian crime ring in Los Angeles were indicted for bilking Medicare of more than \$20 million. A week after the FBI issued search warrants related to Medicare fraud in Miami, the body of a potential witness was found in the back seat of a car, riddled with bullets.

Violent criminals are moving into defrauding the government and the American taxpayer because the risks and rewards look better to them than, for example, the drug trade. According to this same AP story, a Medicare scammer could easily net \$25,000 a day, while risking a relatively modest 10 years in prison if convicted on a single count. A cocaine dealer, by comparison, could take weeks to make that amount, while risking life in prison. So it is a matter of incentives, risks, and rewards. Apparently, the risk of committing Medicare and Medicaid fraud is so low and so lucrative that it has continued to grow and grow.

We know vulnerability in government programs also facilitates drug abuse. According to a General Accounting Office study of five States released last month, the General Accounting Office found that about 65,000 Medicaid beneficiaries in these States each visited 6 or more providers for the same type of controlled substance. Each of these 65,000 Medicaid beneficiaries visited 6 or more providers for the same type of controlled substance. These controlled substances included Valium, Ritalin, and various amphetamine derivatives. Together, these 65,000 Medicaid beneficiaries charged taxpayers \$63 million to feed their habits—in just 2 years.

Sometimes providers aid and abet these drug addicts. The GAO reported that a Florida physician was sentenced to life in prison after writing multiple prescriptions for controlled substances to patients whom he knew were drug abusers. Tragically, five people died as a result of the drugs this doctor prescribed.

We know there is a better way to deal with the fraud in the two public options or government-run plans that currently exist. We do not have to accept the 3- to 10-percent loss in taxpayer dollars because of fraud, waste, and abuse. That is 3 to 10 percent of the taxpayer dollars.

Let's just compare that for a second to another industry that deals with huge amounts of money and millions of transactions: the credit card industry. According to the Center for Health Transformation, the credit card industry processes more than \$2 trillion in payments every year from 700 million credit card transactions, used at millions of vendors. Yet fraud in that industry is a fraction of what exists with Federal Government programs. It is at least 100 times higher.

Then—more close to home—private health insurance companies do a much better job of fighting fraud, waste, and abuse than do government bureaucrats. I know everyone likes to bash the insurance industry, but in this area they sure beat any government plan I have seen. Fraudulent claims in the private sector are much lower. They are roughly 1.5 percent of all the claims submitted, according to a new book called "Stop Paying the Crooks," edited by Jim Frogue. This is because the private sector operates with a different paradigm, a different strategy. They use a "detect and prevent" strategy, as opposed to the Federal Government, which will pay first and then we will chase the crooks later on. Because, as I said earlier, there are more bad guys than good guys and our efforts to combat fraud are underresourced, this "pay first and chase the crooks down" is not working at all. We need to change that paradigm to one that more closely follows the private sector strategy of "detect and prevent" rather than "pay and chase."

So why isn't the Federal Government doing a better job of fighting fraud? We heard testimony this morning, as I said, from representatives of the Department of Justice and the Department of Health and Human Services. I congratulated them, first of all, for their service to our country. They have had some modest successes with stepped-up investigations and prosecutions for health care fraud. I say "modest" because the volume of the problem, the enormity of the problem, dwarfs any of their successful efforts. Still, the administration—I will give them credit—is trying to get their hands around the problem.

Regarding Medicaid, for example, the inspector general of HHS released a report in August. He said the data collected by the Medicaid Statistical Information System was not timely or accurate enough to help fight fraud, waste, and abuse. Data from the Medicaid Program takes a year and a half to be publicly available, by which time the crooks will have already gotten the money and escaped, perhaps long retired in the Caribbean.

This morning, the administration told us they were going to conduct a national fraud summit. I can tell you, sometimes having a meeting is a substitute for doing something about the

problem. So having a summit is fine in and of itself, but I do not have a whole lot of confidence that another meeting or summit is going to solve this problem. Instead, we need to give the Federal Government—and our law enforcement personnel, in particular—and those custodians of the Federal tax dollars better tools to be able to solve the problem.

I have offered a number of pieces of legislation designed to help fight health care fraud in Medicare and Medicaid. For example, earlier this year, I introduced something I call the STOP Act, which is called the Seniors and Taxpayers Obligation Protection Act. This legislation would give Federal agencies greater tools and authority to detect waste, fraud, and abuse before they happen. The STOP Act has bipartisan sponsors, and I believe its provisions should be a part of what we do to reform our health care system.

I had also offered an amendment to the bill in the Finance Committee that would have made sure we fixed the fraud already existing in Medicaid before we expanded the program. Specifically, my amendment would have said that Medicaid had to reduce its improper payment rate to 3.9 percent. That may sound like a lot, and it is still too high, but it is actually the average of improper payment rates across the Federal Government. So my suggestion in my amendment was, just be average. Yet my amendment was voted down largely along partisan lines.

Fraud is not the only problem we see in government health care programs, but it is one reason I am skeptical of the so-called public option or government insurance companies or government takeovers of the rest of the health care sector that they do not currently control. It is a serious problem we ought to address rather than just creating a new plan with a similar set of problems and see 3 to 10 percent of the amount of money we spend on this new program lost to crooks and other criminals.

Madam President, 61 percent of the American people, in one poll, said they believe the issues of fraud and waste in Medicare and Medicaid should be addressed before—before—we create a new government-run program. I believe we should listen to the American people. I believe we should fix the current government-run programs before we create another one.

So, Madam President, I leave with a few more questions that I think must be addressed, will be addressed over the weeks and months ahead.

First of all, we know Senator REID, along with help from Democratic leadership, has merged the Finance Committee bill with another Senate committee bill behind closed doors and sent it to the Congressional Budget Office to be scored or a cost estimate provided. I would like to ask, why can't we

see the bill? Why can't we see the bill? Why can't the American people see the bill so they can read it for themselves online and they can tell us how they will either be positively or negatively affected by the provisions in another thousand-page bill?

Secondly, I would like to ask—and I guess we will find out sooner or later, but we do not know now—how much will it cost? Will this be another trillion-dollar-plus bill?

Third, I would like to know how much this bill will raise premiums on people who already have health insurance coverage—as virtually every opinion we have heard surveying the Finance Committee bill, the HELP Committee bill, and the House committee bills has said that Federal controls on health insurance plans will actually raise premiums. So we need to know how much the Reid bill—that is going to come to the floor, that has been written behind closed doors, that we need to see posted on the Internet—we need to know how much it is going to cost. We need to know how much it is going to raise insurance premiums for people who already have health care coverage.

The next question is, How much is it going to raise taxes on the middle class? I know some people around here think you can impose taxes on insurance plans, you can impose fees on medical device providers, you can do all of this, and it will be absorbed by those entities, by those companies, when expert after expert tells us what we know, what our common sense tells us; that is, those costs will be passed down to the consumer and they will be passed down to the taxpayer to pay for them, middle-class taxpayers. How much will this bill raise taxes on the middle class?

Then I think the American people would like to know—and this was in the Finance Committee bill; we will find out, I assume, at some point whether the Reid bill does the same thing—there was roughly \$½ trillion in cuts to Medicare. Yes, that is right. It is the same Medicare plan that is scheduled to go bankrupt by 2017. Yet the proposal is, let's take another half-trillion-dollar chunk out of this fiscally unsustainable program, with \$38 trillion in unfunded liabilities. We are going to take that, we are going to cannibalize from that plan to create yet another government plan or a public option, as some like to say around here.

Well, I think these are all important questions, and I wish I had the answers to them. I know constituents call my office. They write me. They e-mail me. They tell me in person: We are pretty worried about what we see coming out of Washington these days—with the spending and the debt, the responsibilities we should be meeting today, ourselves, but which we are kicking down

the road and going to ask our children and grandchildren to pay for.

This particular subject is one that will affect all 300 million Americans. I know they will be paying close attention, as they should, to the debate as we go forward.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. KYL. Madam President, I wish to talk for a moment about health care since, hopefully, one of these days we will be able to begin a debate on a piece of national health care legislation. I wish to make it clear that Republicans support sensible health care reform, but we believe the bill the majority will bring to the floor could create a whole new set of health care problems. We don't have the specifics yet, but I think we can be sure that certain things are true.

First, the bill is a Washington takeover of health care that will raise taxes, cut Medicare by nearly \$½ trillion or more, and increase premiums as new taxes on the insurance industry and medical device manufacturers are passed on to consumers. This much we know. Before any bill is considered and as we debate the legislation, we think it is important to remember Americans have some rights in this process.

They have the right, for example, to have access to all the specifics of the bill and to have time to weigh it and to give us their reactions, their concerns. Let's not forget we function as a result of their consent, the consent of the governed.

Americans also have the right to know what the legislation is going to cost them and their families, including what it will cost their children and grandchildren 10 or 20 or 30 years from now. They have a right to know what it will cost the Treasury and how much debt will have accrued. By the way, if Medicare is a model for the new Washington-run health care program, how can anyone believe it is going to be deficit neutral? In fact, I asked people at a townhall meeting: How many people here believe you can have a \$1 trillion health care bill and not add to the national debt? Not a single hand, of course, was raised.

We also have the right to know about the unintended consequences of the bill. A lot of my constituents are concerned because of a Lewin Group prediction that 119 million people will end up on the Washington-run insurance plan. That is of great concern to them, among other things. They also are con-

cerned this will interfere with their sacred doctor-patient relationship. They have a right to have their concerns taken seriously.

I think one of the guarantees we need to give to our constituents is that the President can keep his pledge not to raise taxes on the American people, as he pledged not to increase taxes by one single dime on middle-income Americans. Yet as we read the legislation that has come out of the various committees, taxes are raised on Americans.

Republicans will insist on these protections, these guarantees for our constituents: protections from increased premiums, from Medicare cuts and from increased taxes and, perhaps most importantly, protection from rationing of health care, the delay and denial of care that comes from things such as Medicare cuts of \$½ trillion.

We support legislation that features cost-saving measures Americans can support, things such as medical liability reform. But what we want to ensure is that our constituents do not have to suffer high taxes, high premiums, a bill that cuts Medicare and ends up rationing their health care. Americans deserve better.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I wish to speak about jobs and unemployment. I know we are in this period postcloture on the effort to extend unemployment benefits. Frankly, I have great difficulty understanding why we should have to be going through this kind of procedural obstacle in order to extend unemployment benefits to the many Americans who need those benefits. So I hope we can get through that. I hope we can go ahead and pass the extension of unemployment benefits. Frankly, that does not begin to address the overall employment and job needs of the country. I think we all recognize that. I wish to talk a little bit about that today.

Frankly, we need additional policies to create jobs. Even as Congress and the President focus on other critical challenges facing the country, including health care reform and climate change and energy, at the same time those issues are being discussed, we need to also prioritize job creation.

While there has been considerable debate about whether the Recovery Act is working, whether it has raised the gross domestic product, whether it is creating jobs, most economists tell us the Recovery Act has boosted the gross domestic product by 2 to 4 percentage points during the past 6 months. With two-thirds of the funds not yet spent, the Recovery Act certainly has the potential to create or save 4 million jobs, as the administration has expected it would and as all of us hope it does.

I have divided my remarks into three parts. First, I wish to describe the scale of the job-creation problem the

country faces. Because of the anemic job creation we have seen in this country over the last 9 years, the economy is short by about 12 million jobs from what we actually need in order to have reasonable employment. Second, there is considerable evidence—and this is the second subject I will address—there is considerable evidence that this recession is much worse than it was expected to be. Critics of the Recovery Act are missing this fundamental point. The Recovery Act is working, but the recession is more severe than the Recovery Act was designed to address. Accordingly, we need to do more.

Finally, I will propose four ideas to create jobs I think Congress should hold hearings on and fully debate. These are, by no means, the only good ideas, but given the size of the problem we face, Congress should consider all ideas that have a potential to create jobs.

I have two charts that illustrate the scale of the job-creation problem. Let me start by putting up this first chart. The black line on this chart shows the monthly change in the number of jobs since January of 2001. The red number, which is right here, this red area represents 100,000 jobs. That is an important number to understand. It is the break-even number. Because our population is constantly growing, we need to create about 100,000 new jobs every month just to maintain our unemployment and our employment level. That is 100,000 jobs per month just to keep unemployment from going up. Every time the black line—this black line you see here—every time that black line is in the red area, which is most of the time in the last 9 years, we are not creating enough jobs to break even and the jobs deficit is getting larger and more Americans are out of work.

As my colleagues can see, for most of the past 9 years, the number of new jobs has been far short of where it needs to be. From 2001 to 2004, the jobs deficit grew by 5.8 million jobs. Even when job creation was above the break-even level—and that is this period where this black line is above the red-dish area on the chart—even in that period, it was never high enough to dig us out of the hole we had created in the previous years.

The second chart I wish to show is labeled "The Jobs Deficit." It shows the total jobs deficit that has accumulated over the past 9 years. It illustrates the cumulative effect of 9 years of slow job creation and job losses. The country had 132.5 million jobs in December of 2000. If job creation had kept pace with population growth, today we would have 143 million jobs, but it has not. Today, we are 12 million jobs short of that number. The chart shows how that has happened. Today we have only 131 million jobs. We actually have fewer jobs today than we had before President Bush took office.

The takeaway from these charts is this: The job situation for Americans is dismal. Congress needs to act quickly so new job-creation policies will overlap with and will complement the remaining Recovery Act funds that will be invested this next year. There is no danger of doing too much to create jobs, as I see it. We should learn from Japan's lost decade. Japan was plagued by weak economic growth and lackluster job creation all through the 1990s. Its lost decade, as that period is referred to, was caused by the bursting of an asset price bubble similar to what triggered the financial crisis we experienced last year. The primary lesson from Japan's lost decade is, intermittent stimulus policies are ineffective. We need to take sustained and overwhelming action to reenergize our economy.

Let me speak for a moment about the current recession and data about the current recession. In January of this year, the prospects for the economy were truly grim. The country had lost jobs in every month in 2008—over 3 million jobs in total. Over 1.6 million jobs were lost in just October, November, and December of 2008. The financial system had suffered a massive self-inflicted wound, causing the biggest crisis since the Great Depression. The prognosis was far from clear. American families in every State were worried about their jobs, their homes, their children's futures, and economists were making dire predictions about what would happen in 2009.

So that was what was happening when we began January of this year. Yet, in January, while the Recovery Act was being designed, these predictions still substantially underestimated how bad the recession would turn out to be. The 54 economists regularly surveyed by the Wall Street Journal said, on average, gross domestic product would shrink by 3.3 percent in the first quarter of 2009. There were only 4 of those 54 economists who predicted the gross domestic product would decline by as much as 5 percent. Yet now we know the economy actually contracted by 6.4 percent in that first quarter, twice as much as the economists had projected. Over the entire year, that is a difference of \$420 billion or more than half the size of the Recovery Act.

The effect on jobs and on unemployment was also underestimated. This same group of 54 economists thought job losses would average 154,000 per month in 2009. There were only 3 of those economists who thought it would be more than 300,000 per month. So far this year, the country is losing, in fact, an average of 458,000 jobs every month—3 times more than economists predicted.

In January, these same 54 economists thought the unemployment rate would be 8.2 percent in the first half of 2009.

Mark Zandi, at Moody's economy.com, estimated unemployment would be less than 7.5 percent in the first quarter of 2009 and 8.5 percent in the second quarter if the Recovery Act was not enacted. The administration said, if the Recovery Act was not enacted, unemployment would be less than 8 percent in the first half of this year and would peak at 9 percent in 2010. Those were the estimates if the Recovery Act was not enacted. Yet we now know the unemployment rate was already 8.1 percent in February. It grew to 8.5 percent in March and 9.5 percent in the second quarter. Even with the Recovery Act, the unemployment rate is worse than anyone predicted it would be without the Recovery Act.

In January, the administration said that enacting the Recovery Act would keep the unemployment rate below 8 percent. Critics are trying to score political points based on that estimate. But as I have said, the unemployment rate was already 8.1 percent in February, when there had hardly been enough time for the ink to dry on the Recovery Act, let alone for the stimulus funds to be obligated and spent.

In short, with perfect hindsight, it is obvious this recession is much worse than economists had predicted it would be. More jobs have been lost than economists predicted. I say this not to disparage those professionals, only to point out we need to do more to create jobs because the situation is worse than almost anyone thought it would be.

The Recovery Act is working, but the problem is bigger than the Recovery Act was designed to solve. We must all recognize this. Congress and the administration need to work together to enact additional policies to create jobs. We need a combination of policies both to encourage hiring and to increase the demand for goods and services.

I want to talk briefly about four ideas that have been proposed that Congress needs to look at, and look at them hopefully sooner rather than later.

First is a job creation tax credit. Last week, the Economic Policy Institute released a new and noteworthy version of this idea, developed by John Bishop of Cornell and Timothy Bartik of the Upjohn Institute. The EPI proposes to give businesses a tax credit worth 10 to 15 percent of the cost of creating new jobs. Such a credit would help businesses choose to take the risk of expanding and hiring more workers. The authors estimate their job creation tax credit would create 2.8 million new jobs in 2010 that would not otherwise be created. In addition, 2.3 million jobs would be created in 2011 under their proposal, as they predicted, for a total of 5.1 million new jobs over a 2-year period. Their proposal is to put this job creation tax credit into place for 2 years. According to EPI, the cost

to taxpayers for each job would be between \$4,600 and \$15,000. That is expensive, but it is well worth considering if their analysis is correct.

Critics say the job creation tax credit will not work, that only more demand for a business's products and services will cause the business to hire more employees. While there is some truth to this, it is also the case that entrepreneurs frequently start new businesses or expand existing businesses before having a steady stream of new orders. This is the fundamental idea behind innovation. In other words, businesses often create new jobs before there is a confirmed increase in demand. Moreover, a similar but more difficult-to-use tax credit was enacted in 1977 and is thought to have created 700,000 jobs by the end of 1978.

Critics also say that businesses will use tricks to game the system and fraudulently claim the tax credit. This is certainly possible. If Congress pursues this idea, we need to take care to design the credit to eliminate that problem. Already the authors of the proposal recommend that the credit be based on the increase in a business's Social Security wage base, so that a business could not fire and rehire employees in order to claim the credit.

Some of these criticisms may be valid, but there is enough promise in this idea that we need to take the time to fully explore and consider it.

The second idea I want to mention is the possibility of enacting an investment tax credit for manufacturing. Such a credit would subsidize the cost of building new factory space or purchasing new machinery. This credit could be tied to research and development that has been done in the United States in order to ensure Americans get the maximum benefit from that R&D or the credit could be more broadly designed and made available for all manufacturing investments. Manufacturing jobs are critical to the long-term health of our economy, and we need additional policies to create those jobs.

Third, we in Congress need to consider providing additional aid to States. This could be accomplished through the expansion of the Federal role or the Federal share of Medicaid, as we have done in the past. It could be done through additional education funds or other direct grants. The Recovery Act included \$144 billion in aid to States and localities, but now we know the total budget shortfall of States is projected to be nearly \$360 billion over the next 2 years. Thirty-nine States will face budget shortfalls in 2011. Without additional help, States will have to cut services and raise taxes, making the recession worse and slowing job creation even more. As Nobel laureate Paul Krugman has written, there is a real danger that the States will become "50 little Herbert

Hoovers" by cutting back on spending, laying off workers, and raising taxes all at the worst possible moment. Enacting additional aid to States could have immediate benefits by curtailing plans to cut State programs. Direct aid to States would complement the new tax credits I have mentioned. It would be a fast, effective way to stabilize and increase demand for goods and services.

Finally, Congress should explore the idea of providing emergency bridge loans to families to help families stay in their homes. The government did provide bridge loans to Wall Street. American homeowners should get the same assistance. The amount of the loan would be equal to up to 2 years of mortgage payments and could be repaid over 10 or 15 years. These bridge loans would also complement the job creation tax credit and the manufacturing investment tax credit by preventing a fall-off in the demand for consumer goods and services. Senator Jack Reed and Congressman Barney Frank have proposed similar ideas to provide bridge loans to homeowners. All of these ideas should be fully discussed and considered.

Over the longer term, Congress and the administration need to consider proposals that address the structural flaws in our economy, including reforming financial regulation, fixing our unemployment compensation system, so that it assists more workers in our economy, and creating additional countercyclical economic policies that would automatically be triggered during a recession. I hope to discuss some of these issues in the coming weeks.

The four proposals I have outlined today are ideas that could create jobs in the short and medium term. Congress should hold hearings on these and other job creation proposals. We should act quickly to address this issue. If the trend this year continues, another 15,000 jobs will be lost each day we wait. If we do nothing, unemployment is projected to climb past 10 percent next year, more families will lose their homes, our economy will grow weaker, making it more difficult for the United States to compete in the global market. Even as Congress continues working on other strategic challenges such as health care, energy, and climate change—and I support taking action in those areas—we must give renewed priority to job creation in order to strengthen the long-term competitiveness of the United States and the prosperity of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that I be able to have a facsimile of the successful rocket test brought onto the floor for demonstration purposes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. NELSON of Florida. Madam President, I ask unanimous consent that the Senator from Nevada be able to follow in the order. He was kind enough to let me go ahead so I might be able to then sit in the chair and preside at the appointed hour.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida is recognized.

SUCCESSFUL ROCKET TEST

Mr. NELSON of Florida. Madam President, this is a facsimile of the rocket that was a successful test today, called the Ares I rocket. The test flight was the Ares IX-X for "experimental." It wanted to show all of the flight control systems. It was an exceptionally successful test. It was only intended to go into suborbit.

The stages that were live were the first four of the five stages of the solid rocket booster, which presently are identical to the solid rocket boosters—the two big candlestick-type things on either side of the space shuttle orbiter and the big external tank, what makes up the stack that we refer to as the space shuttle.

In the design of the new rocket that was extraordinarily successful today, they have added a fifth segment. Instead of that being loaded with solid propellant—which, by the way, has the consistency of a pencil eraser—a dummy fifth stage was constructed, with the same weight and flight characteristics, along with the second stage of the rocket—again, designed and configured and weighed to be exactly what would be the second stage of the rocket. And then, with the upper part here, the capsule looks a lot like the old Apollo capsule, but instead holding six or seven astronauts instead of the three in the Apollo—the crew being known as Orion. And then we have the escape rocket, these rockets here, so that if you had a malfunction and explosion at any time in the first couple of minutes of flight, you could eject the capsule with the humans on board, and it would parachute back. We don't have that capability, for example, in the space shuttle today because, for the first 2 minutes of flight, you are basically married to those solid rocket boosters. If anything goes wrong, there is no escape possibility on the space shuttle. The new rocket is designed so that it has that increased safety factor.

What I wanted to point out to the Senate is that, with this success today—and there is some question about whether it is this rocket—the President will decide, along with his NASA administrator, Marine GEN Charlie Bolden, whether they want to complete this rocket in its present architecture, as the way for us to get into space after the space shuttle has shut down or if they want some other kind of configuration.

But the fact is we had a very successful test today. What I want to say to

the Senate is that it is another example of the ability of this country and its people, in science and technology, in its engineering prowess, in its can-do spirit, in its ability to build on experiences that we have had in the past, in order that we can create machines we can marry up with humans and explore the unknown.

Most every child in America in school knows of the Hubble space telescope. That was put up by an astronaut crew. Remember, its lens had been erroneously ground, and it was blind once it was put up. We had to send a second astronaut crew up in a space shuttle, retrieve it, put new glasses on it, and they have had three servicing missions on the Hubble space telescope over the course of the last decade and a half. Of course, Hubble has peered out into the unknown, back to the origins of the universe, to the light that was emitted shortly after the big bang. And with the new upgrades to the Hubble space telescope, we are even going to be able to look back further in time in the universe. This is the prowess, the genius of America. This is what we do not want to give up.

I congratulate the team at NASA for the tremendous success they had today. Whether it is this rocket for the future or some other derivative, America has exhibited her can-do and successful spirit again this morning.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

POLICY CZARS

Mr. ENSIGN. Madam President, I rise today to talk about the growing number of so-called policy czars in the current administration and the impact it is having on the Senate's oversight function over the executive branch.

I will begin by saying that I am not here to question the President's constitutional or statutory authority to name advisers. I think we all can agree that the President is entitled to surround himself with experts to help coordinate policy and to provide advice. However, as many of my colleagues are aware, there are some 18 new policy advisers, or czars, in the White House whose job descriptions may be a bit blurred.

While some media reports cite more than 18, I think we can reasonably say that there are at least 18 new positions that have not been established by statute, are not confirmed by the Senate, and have not existed before.

Early in his administration, President Obama sent a memorandum to the heads of the executive departments and agencies stating that "a democracy requires accountability, and accountability requires transparency."

Despite this charge, the President has taken it upon himself to nominate a number of advisers who appear to wield a great amount of power and who are seemingly without public accountability.

I am not the only one who is concerned with this lack of accountability. We have seen members of the President's own party express concerns over this unusually high number of policy advisers in the White House.

In February of this year, Senator ROBERT BYRD, the constitutional conscience of the Senate, wrote to the White House and said:

The rapid and easy accumulation of power by the White House staff can threaten the constitutional system of checks and balances.

Like the senior Member of the Senate, I too am concerned that the Obama administration is creating what can be perceived as a shadow Cabinet by creating policy positions that do not follow the same advice and consent of the Senate as other relevant policy positions in the White House.

In September, Senator FEINGOLD, the chairman of the Constitution Subcommittee of the Senate Judiciary Committee, sent a letter to the White House requesting information on the roles and responsibilities of the czars in question. His letter was specifically focused to ensure that these advisers are not in violation of the appointments clause of the Constitution.

Article II, section 2 of the Constitution says the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by law. . . ."

Unfortunately, because we know so little about the roles and responsibilities about the czars in question, it is simply not possible to determine whether the czars are actually officers and, therefore, constitutional.

In response to Senator FEINGOLD's letter to the administration last month, the White House claimed that the one and only role of the 18 positions in question is to advise the President. Yet when we look at the press releases and Executive orders announcing these policy advisers, they seem to have far more authority than strictly advising the President.

Take, for example, Executive Order No. 13507 on April 8, 2009, announcing the establishment of the White House Office of Health Reform. The order states the office, run by a director, will "develop and implement strategic initiatives" and "work with Congress."

Is it not the role of the Secretary of Health and Human Services to implement strategic initiatives? In the White House press release announcing

key members of his energy and environmental team, President Obama announced that Carol Browner, the new Assistant for Energy and Climate Change, would be "indispensable in implementing an ambitious and complex energy policy."

Again, the administration is leaning on its newly created czar positions to implement policy. This question of policy implementation was brought up during a hearing last week in the Homeland Security and Governmental Affairs Committee which I attended. Senator COLLINS, who also wrote the White House with others in September questioning the increasing number of czars in the administration asked the panel of constitutional law experts about the issue of implementing policy.

Dr. James Pfiffner, a university professor at George Mason's School of Public Policy, testified that "with respect to the implementation of health policy, I think that's very troubling."

Lee Casey, a former attorney-adviser in the Office of Legal Counsel at the U.S. Department of Justice, testified that "by law," these czars "cannot implement." Casey did suggest, however, that Congress could ask what the administration means by "implement."

I believe that is the true question here. What exactly are these czars doing? Are they simply advising the President, or are they actually implementing policy?

A few of my colleagues have come to the Senate floor to offer amendments prohibiting funds to these czars if they are directing actions to the Cabinet officials who have been confirmed by the Senate. Other amendments would ensure that the czars will respond to reasonable requests to testify before Congress, therefore, allowing our proper oversight in this body. Unfortunately, these amendments were defeated on procedural grounds.

I even offered an amendment during the Finance Committee's health reform markup that will require the czar handling health care issues be subject to Senate confirmation. My amendment was defeated on a party-line vote.

What is the answer? How can Congress and the American public feel confident the people who are appointed by the executive branch are appropriately carrying out the duties they are supposed to?

More importantly, how can we be sure the balance of power does not get out of balance? I think we all have the right to know exactly what these policy czars are doing, to whom they are reporting, and who is responsible and accountable if something goes wrong.

If the President can answer these questions for us, I think we will all feel better about this process.

HEALTH CARE REFORM

Madam President, I wish to talk briefly about the health care reform

bill that is going to be coming before this body in just a couple of short weeks.

There are certain facts that we know. We have not seen the bill because it has just been written and given to the Congressional Budget Office for the official scoring to be done. What we do know about the bill, though, is that there is over a \$400 billion cut in Medicare. We know that. We know that people who currently have health care, their premiums will go up. That is according to the Congressional Budget Office. We know for many Americans—and mostly this will fall on people making less than \$250,000 a year—their taxes will go up. We know also there will be government bureaucrats making decisions on health care. We also know people who currently have policies they like, especially those who have Medicare Advantage, millions will lose their current policy because over \$120 billion is being taken out of the Medicare Advantage Program.

We need to ask ourselves a couple of very fundamental questions. Does anyone really believe we can have a trillion-dollar health care bill and not add one dime to our deficit, as the President promised? Does anybody seriously believe that? How does adding a government-run plan, this so-called public option, which mirrors the Medicare Program, actually fix the health care problem when Medicare itself is going bankrupt?

Everyone agrees Medicare is going bankrupt. Yet we want to add a new government entitlement program into our health care system? That is going to fix the problem?

Do the American people really trust Washington, politicians, and bureaucrats to run their health care system? I believe we need to design a patient-centered health care system instead of a government system or an insurance company system. Let's design a health care system which makes health care more affordable and more accessible by encouraging people to make healthier choices, such as quitting smoking, eating better, and exercising more. That will improve people's quality of life, but it will also lower the cost of health care for all Americans.

Let's enact real medical liability reform to stop the practice of defensive medicine which, once again, will lower the cost of health care in the United States. It will save the government over \$50 billion, and it will save the private sector a similar amount, and these are both conservative estimates.

Lastly, instead of taking \$400 billion out of Medicare to fund a new entitlement program, let's work on getting the fraud out of Medicare and let's use that savings to preserve that system that has been so incredibly important for seniors for the last several decades.

I believe we need to start over. We do need to take a bipartisan approach to

health care reform. We need to actually forget about whether we are Republicans or Democrats and let's just be Americans. Let's sit down together ahead of time, not based on ideology but based on what systems can work in America for the American people to achieve better quality, lower costs in our health care system today that puts the patient at the center of our health care system instead of a government bureaucrat or an insurance company.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that at the conclusion of my remarks, the Senator from Pennsylvania, Mr. CASEY, be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I thank him for his courtesy in allowing me to precede his remarks this evening.

HEALTH CARE REFORM

A little more than a year ago, President Obama said:

I can make a firm pledge. Under my plan, no family making less than \$250,000 a year will see any form of tax increase. Not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes.

We have not seen the bill yet—the bill written in the majority leader's office—but it is probably fair to assume that the Finance Committee bill will cover most of the tax provisions.

So how does the President's commitment fare under the Finance Committee bill? It turns out that the bill will raise your taxes. In fact, it will raise them in several ways.

First, the Finance Committee bill would levy a host of new taxes on millions of Americans—and I am not just talking about the wealthy—in fact, primarily on middle-income Americans who I think will tell you they already have enough taxes to worry about.

Let me discuss the specific elements of this bill. The first one is on taxing flexible savings accounts. Under current law, employees can make contributions to flexible spending accounts. Many middle-income families enjoy the benefits of these accounts which allow them to set aside tax-free income for their medical expenses. In fact, the Employers Council on Flexible Compensation estimates that the median income for those 35 million Americans who have an FSA is \$55,000. The bill would limit their contributions to \$2,500. So the less they can contribute, the more their taxable income rises. The total cost for taxpayers? It is \$15 billion over 10 years.

The Finance bill would also tax many Americans through their insurance plan by imposing a 40-percent excise tax on certain high-cost plans. So while another part of the bill taxes you if you don't buy insurance, this provision will tax you if you buy too much.

So tax No. 2, if you don't buy insurance; tax No. 3, if you buy more than Washington thinks you should.

Tax No. 4, Americans who suffer catastrophic illnesses and the chronically ill would face a harmful change in the IRS Code, the Tax Code. Currently, catastrophic medical expenses are deductible if they exceed 7.5 percent of income. The bill would raise that threshold to 10 percent. Mr. President, 87 percent of Americans who would be hit by this tax earn less than \$100,000 a year. Seniors, who already face hardships through Medicare cuts, would be exempt from this tax for only 4 years.

In addition to raising these four taxes, the bill taxes insurance which would be passed on to everyone who buys health insurance. Specifically, the bill would impose an annual \$6.7 billion so-called fee on the insurance industry. The entire amount collected by this tax: \$67 billion over 10 years would be passed on to patients in the form of higher premiums, according to the Congressional Budget Office. That is tax No. 5.

The bill would also impose a new tax on medical devices, \$40 billion over 10 years. The entire cost of this tax, too, would be passed on to patients in the form of higher premiums, according to the CBO.

The medical device tax will be assessed against thousands of products such as contact lenses, stethoscopes, hospital beds, artificial heart valves, and advanced diagnostic equipment, thereby increasing costs for consumers, physician practices, hospitals, and the sickest patients who require the most care.

There is serious, bipartisan concern over this provision. But the last time we looked, it is still in the bill.

So here are six ways Americans earning less than \$250,000 will be taxed, contrary to the President's promise. Some are direct taxes, such as the IRS tax if you don't buy the exact insurance policy Washington says you must. Others are indirect but a tax nonetheless because the first target, be it the device manufacturer or the insurance company, will, according to the CBO, pass it on directly to you.

The bottom line, Mr. President, is that the tax provisions in the bill will, in fact, violate a fundamental promise President Obama has made about health care—not to raise taxes on middle-income Americans. The American people have a right to expect some guarantees from Washington. Keeping the President's promise on tax increases is one of them. But that is not the direction in which this bill is moving. This bill would increase taxes on working families, seniors, and the chronically ill by more than one-half trillion dollars over 10 years. Republicans have better ideas, starting with protection from taxes and premium increases. The whole point of health care

reform is to make things better for American families. These taxes only make things worse.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise to speak about the unemployment insurance issue and the bill that is before the Senate.

Sometimes in a bad economy and when we have so many families, so many communities that are hurting, maybe the best way to convey information, other than a personal story, is in the few words of a headline. Unfortunately, in Pennsylvania today—and I am sure this is true in many communities throughout the country—the headlines in just the last 24 or 48 hours have told the whole story or at least most of the story.

This is a headline you may not be able to see clearly, so I will read it. This is from the Times Tribune, my hometown newspaper. This was from yesterday: "Jobless rate hits 9.5 percent." The subhead says: "Regional unemployment reaches highest level since December '93; highest in 15 years in northeastern Pennsylvania." Then we go to southwestern Pennsylvania—Pittsburgh and that region, some 5 hours by car from where I live—and this is what the Pittsburgh Post-Gazette said on the same day, October 27: "Region's jobless rate hits 23-year high in southwestern Pennsylvania." That is a part of our State that has been hit hard over a couple of decades now by the loss of manufacturing jobs and steel jobs. We know that tragic story. So a corner of the State that was doing much better than the national average is having its numbers go up. Northeastern Pennsylvania is at a 15-year high and southwestern Pennsylvania is at a 23-year high in unemployment.

But this last one might tell the story even more graphically for those who have a sense of the Pennsylvania economy. This is from the Harrisburg Patriot-News. This is from our capital city, Harrisburg, but it is in a region of the State that is more south central Pennsylvania, which has had a lower unemployment rate historically and more recently. "Jobless rate in region hits 26-year high." The subhead reads as follows: The midstate is faring better than the State as a whole and the Nation, but we are still hurting. Professional and retail jobs disappeared while health care and education held steady. But other than those two sectors, all the other sectors are hurting—Dauphin County, 8.4 percent—right where the capital is; Cumberland County, 7.2 percent; Lebanon County 7.4; Perry County, 8.8.

For some parts of our country, one might say: Well, 7.2 or 7.4 sounds a lot better than a lot of communities. But you have to put it in the context of this region of Pennsylvania, where the unemployment rate is usually at 4 or 5

percent. So we are way above that now, and it is in places where we don't expect it.

Unfortunately, in Pennsylvania, as I am sure is true in many States—in the State of Florida, the Presiding Officer's home State, I am sure he sees this—this isn't limited to big urban areas. Philadelphia has a lot of unemployment, but there are small rural counties in northwestern Pennsylvania and now we see even in south central Pennsylvania that are hurting. And in some places, it is not just 7.2 or 7.4 but 11 and 12 and 13 percent in a very small area in terms of population.

So these job figures and these headlines tell the whole story. And we know now, just as we knew weeks ago, that the Senate has stalled too long on providing an extension of unemployment insurance. Think of it this way: Each day, 7,000 Americans lose their unemployment benefits. Over 23,000 Pennsylvanians have lost unemployment insurance just through the month of September, and that number is expected to go to over 60,000 by the end of the year. Pennsylvania ranks fifth highest in the Nation with respect to the number of persons who will lose unemployment benefits by the end of the year if the Senate and the Congress overall do not act.

As I mentioned before, our statewide unemployment rate is about 8.8 percent. Someone living in another State might say: Well, that is not nearly as high as this State or another State. But 8.8 percent in Pennsylvania means roughly half a million people are unemployed. And there are some people here in the Senate who say: Well, we shouldn't act on this now. We don't have time for it. We don't think it is important to act. Well, I would like to have them say that to the half million people in Pennsylvania who are out of work or the tens of thousands right now who are losing their unemployment insurance month after month, week after week.

The legislation that is before the Senate would provide needed relief by extending benefits to all States by 14 weeks. At the expiration of those 14 weeks, if a State has an unemployment rate of higher than 8.5 percent, it would receive an additional 6 weeks of unemployment insurance benefits. So it contemplates an extension for everyone by 14 weeks and then additional help if a State is above the 8.5-percent level.

I have to commend the work of our majority leader, Senator REID, who has made this a central focus, as it should be, in the midst of a recession.

One of the biggest challenges we face in the midst of a recovery—even the beginnings of a recovery—is that you don't see the unemployment rate get much better. You don't see the jobless number come down. The unemployment figure is often the last number to

come down during a recession. But for an economist or a Senator or anyone else to say: Well, the unemployment rate is a lagging indicator, that is not much comfort to someone who is out of work, and it is not a very good reflection on the urgency of the problem. So we have to be concerned with the unemployment rate even in what we hope is the beginning of a recovery.

Even though our economy has shown promising signs of a recovery, which I just spoke of, the rate of unemployment is far too high. In order to boost our economy, passage of this unemployment extension would benefit so many communities.

Another way to look at this is not just from the vantage point of the most important thing here, which is helping those who are unemployed, though that is reason alone to get this passed, but also what we will get for the rest of our economy, the kind of positive impact it has. It certainly has a positive impact for someone out of work—that is obvious—for his or her family and their community. But there is another way to measure it as well. Moody's chief economist, Mark Zandi, who is not a partisan either way, is a skilled and capable economist who says that every dollar spent in unemployment benefits generates \$1.63 in new demand. So if you spend \$1, you get \$1.63 back. There is a return on investment for the overall economy when we target resources for unemployment insurance.

The Congressional Budget Office, quoted widely in our health care debate, has also stated that unemployment benefits are one of the most cost-effective forms of economic stimulus. I mentioned some of the rates throughout Pennsylvania, throughout both urban and rural areas. All of these communities—whether a small town, a rural area, suburban or urban area—would benefit by keeping our citizens at work and not facing the threat of joblessness. I think it also helps our overall economy.

We have tried to move the unemployment extension through the Senate two times by the so-called unanimous consent process. A lot of things move through the Senate by agreement on both sides. So you would think that would be the case in the midst of a recession, in the midst of these unemployment numbers, in the midst of week after week of bad news on jobs. And we know the unemployment rate doesn't choose between a Republican area and a Democratic area. The unemployment rate does not have a Republican or Democratic flavor to it. Everyone is out of work no matter who they are or of what party. But what has happened? We tried to move the unemployment extension through the Senate by unanimous consent, and the Republican side of the Senate blocked it both times. We could have had this done weeks ago but for one reason: the Sen-

ate Republicans blocking the unemployment extension going forward.

It is tragically and I think painfully ironic that we are having to face this difficulty with our Republican colleagues because I keep hearing the following argument in the context of another topic. We are having an argument as to what our President should do with regard to our policy in Afghanistan and Pakistan. We hear people on the other side of the aisle, and pundits around Washington, saying the President has to decide on Afghanistan right now. They were saying that 3 or 4 or 5 weeks ago. They didn't want to give him more than a few days to decide on what our policy should be. I have a strong disagreement with that. I think when you are committing men and women on a field of battle, you ought to have a policy that you have thought about and where all the options are analyzed and reviewed thoroughly, completely, and with the kind of scrutiny we should apply to that question. Some Republican Members of the Senate wanted to move very quickly and wanted to have the President decide in a matter of days—not weeks but days. They wanted him to make up his mind on Afghanistan in days. Yet when we went to them with the sense of urgency about unemployment insurance and an extension of that, where you can literally document the impact of a delay on real people's lives and real jobs and real communities across our country, many of them in Republican communities, what do we hear from the other side? No, we don't think we want to do that right now.

So they want what I think is a kind of dangerous and, I would argue, irresponsible speed on a decision about war, the grave question of war, but they want to delay and block and be an impediment to an extension of unemployment insurance, which is an urgent problem. We can document exactly the number of people who are running out of their unemployment insurance. We can document the exact number of people who are out of work in a State or in a community.

So I think they have it backward. I think when it comes to a question such as the President is facing regarding Afghanistan, he should take a couple of weeks to analyze it, and thank goodness he has. But on unemployment insurance, I think it is a much simpler question: We are either going to extend it now and help people who are out of work or not. And I think it is long overdue for the Republicans in the Senate to release their hold or their blockade of this.

So we tried on October 8, and now it is late October. Over 140,000 Americans have lost their coverage in the past 20 days—140,000 Americans—because we have people on the Republican side of the aisle blocking what we have tried to do. Thousands of Americans have

withdrawn their last dollars from their savings accounts over the past 20 days. Thousands of Americans have been wondering for the past 20 days how they are going to provide a meal for their families or keep a roof over their head, pay the mortgage, pay the bill for their electricity, or make an investment in their children's future.

Every day for the last several weeks, Jackie, from Monaca, PA, out in southwestern Pennsylvania, which, as I said, is suffering a 23-year high in unemployment, has called our office. She is wondering whether we are going to pass a bill. Her benefits expired at the end of September. So this isn't theoretical to Jackie and to her family and to many people like her. She used the last of her savings to pay her rent at the beginning of the month and now is struggling to get by on nothing—nothing right now. She waits every day to see if we will provide her with just a lifeline—not some handout, not some promise, but a lifeline to get from here to there, to get her over the bridge, so to speak, from where she is now to where she hopes to be in a couple of weeks or months. She looks for work and she tries to keep up with her bills, but her story is similar to that of thousands of others who have been directly impacted by the Senate Republican blockade. It is vitally important we pass this legislation right now.

Finally, I will conclude with a comment about health care in the context of the unemployment rate and our economy. In addition to the obvious problem with unemployment insurance benefits that we should pass and get done, a lot of people are losing their health care at the same time. The recovery bill, the bill we passed and the President signed back in March, the Recovery and Reinvestment Act, provided a subsidy of 65 percent, where an individual pays 35 percent of the coverage for so-called COBRA coverage for those who were involuntarily terminated from their job. This subsidy only lasted for 9 months and is expected to expire at the end of the year.

Following passage of an unemployment insurance extension, we should also, in addition, push for an extension of the COBRA health care subsidy. If we pass an unemployment insurance extension and do not provide an extension of COBRA health care subsidy, Americans who are out of work will have to decide between using their unemployment check to pay for a drastic increase in their monthly premium or no health insurance, no health coverage at all. I urge the Senate to swiftly pass not only the unemployment extension but, when we get to it in the next couple days or weeks, an immediate extension of COBRA and health care.

We have to do both to protect people from the ravages of this economy which, as I said before, knows no party,

which is not a partisan issue. It is an issue that affects all of America, urban and rural, big city and small town. We have to continue to push hard. I urge my colleagues on the other side of the aisle, the Senate Republicans, to allow this to go forward because, if they do not, I think their own constituents are going to be as harmed as many of my constituents are, in both parties.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I think it is important, as we approach this monumental debate on health care reform and health insurance reform, to understand what it is we are trying to achieve at the end of the day. I don't think there are very many people in America who would say the present system of health insurance and health care delivery is sufficient, given the fact there is uncertainty as to whether someone will be able to continue in their health insurance and whether, even if that health insurance is available, it is going to be affordable today. Availability and affordability are two of the goals. As we go through this amendatory process once the bill comes to the floor, we have to remember that is the goal.

If you listen to our good friend, the Senator from Arizona, he ticks off a whole bunch of things he says are additional taxes, fees, and so forth on the people. Let's examine that.

First of all, if you do nothing, we have a system that is not serving our people. I am going to round the percentages, but this is approximately the case: About half the American people get their health insurance through their employer in a group policy. Indeed, what we are finding out, as those policies are being renewed, is employers are coming back to their employees and are saying: We have this humongous increase in premium we are going to have to pay to continue to give you the same benefits in group health insurance policies. One of the executives of one major telecommunications company told me they were forced, by the insurance company, to endure a 47-percent increase in premiums and, he said, we negotiated that down from a 53-percent increase.

Let's not lose sight, as we get into the nits and gnats, of what we are trying to achieve. About half of us are insured through group policies through our employers. Then there is another 16 percent of us or so for whom our health care is taken care of by Medi-

care. There is another 10 percent of us whose health care is taken care of by Medicaid—because we are either poor enough or we are disabled enough to qualify under the Federal law that has a joint Federal-State financial responsibility. Generally, that split is about 55 percent of Medicaid paid by the Federal Government and 45 percent paid by the State government.

How much of the entire populace of the country have we already talked about? About half employer-based health insurance, about another 15 or so percent Medicare, another 10 percent—we are up to about three-quarters of the American people.

What is the remaining 25 percent? About 5 percent of us, we don't have an employer or our employer doesn't offer it, but we desperately need health insurance. Where do we get it? We go to an insurance company and we get an individual policy. Of course, since it is only our life, there is not a big pool of people to spread that health risk over. Guess what happens to our premiums if we have an individual policy. The premiums go through the roof. Oh, by the way, don't even try to get an insurance policy on your health if you have a pre-existing condition.

What does that leave in the American population with regard to health care through health insurance? About 20 percent don't have any health insurance. They are uninsured. A major part of this health reform bill that will come to this floor in a few weeks is to try to bring them into the system, the uninsured, and get them insured. Why? First of all, it certainly makes sense, from a quality of life standpoint, that we have someone able to get preventive care from a doctor before it turns into an emergency. But that is not now the case. They don't have health insurance, they can't afford it or they choose not to get it—but they get health care. Where do they get it? They go to the most expensive place, which is the emergency room, at the most expensive time, and that is when the sniffles have turned into pneumonia. Of course, the care is exceptionally more costly.

By the way, who pays for that? All the rest of us back here pay for that. Do you know how we pay for it? With our increased premiums on the policies we are paying for, either individually or through our group employer-sponsored health insurance. Do you know what that cost is? It is, on the average in America, about \$1,000 more per year for a family insurance policy that we are paying to take care of those people who are uninsured but still get health care.

When you come out here for the nits and the gnats, saying: It is wrong here, we are going to have a fee here and a tax there, let's not lose sight of the goal of what we are trying to do, which is bring everybody into the system, let the principle of insurance operate for

you, where you spread the health risk over millions of lives so you bring down the health costs, get a system of health insurance for those who are uninsured and those who cannot afford insurance and especially those who are getting stuck in the wallet through individual policies—get them into a health insurance exchange, where there is competition and where there is no barrier if you have a previous existing condition; so you have a guarantee you can get health insurance, and it is going to be at a competitive price.

We have had a rhubarb in this country over something known as a public option. Most people do not realize that 90 percent of the American people will not be affected by a public option. But the 10 percent who will be getting their health insurance in the previously uninsured or unaffordable group, who is now going to get it in this health insurance exchange, where insurance companies are going to come in and compete for that business—that public insurance company, if it is in existence by the time the final bill passes, will compete in that health insurance exchange against those insurance companies on an even-stein competitive basis.

Let's remember the goal. We are trying to bring in folks who cannot get insurance, the folks who do not have insurance but still get health care that all the rest of us pay for. It lowers our bills over here by not having to pay for them. When we bring them into the system, into this new health insurance exchange, those who do not have health insurance—some of them cannot afford it, but they are not poor enough to qualify for Medicaid in their State—the bill that will come to the floor will provide a series of subsidies according to the person's income, based on their percentage of the poverty level, that will assist them to get that health insurance in the private insurance sector.

I come back to the beginning, the reason I asked the Senator from Pennsylvania if he would sit in the chair so I could come back to my desk and make a response in response to Senator KYL.

Is everyone satisfied with what we have? Clearly no. Is health insurance available to everybody? The answer is no. Is it affordable for everybody? The answer is no. Can it be streamlined by us changing the health delivery system, which we want to do? That clearly is the case.

We can do it with electronic records and accountable care organizations. We can do it by following the patient, instead of the patient going to this specialist and this specialist and this specialist, and none of the specialists are talking to each other and they are duplicating all of the tests. We can put primacy on a primary care physician who will follow that patient. We can do

it with those kinds of delivery reforms. This is the desirable goal. This is why we have to have health insurance and health care reform.

My final point is this: The previous Senator who spoke, the Senator from Nevada, said we are going to take a lot of money out of Medicare. In the bill that is coming to this floor, the money that is coming out of Medicare is the money that is going to be contributed to the reform of the system coming from the Medicare providers, not the Medicare beneficiaries, in other words, not the senior citizens.

The Senator says: But there is \$120 billion that is coming out of Medicare Advantage. Well, what was Medicare Advantage? Medicare Advantage is a fancy term for a Medicare HMO. You know what a Medicare HMO is? It is an insurance company. When it was originally set up 10 or 15 years ago, a Medicare HMO was going to save money to the Federal Government, Medicare, by paying only 95 percent of what Medicare fee for service did.

But then the people in the rural areas did not get it, so it did not work. Along comes this famous prescription drug bill 6 years ago, and added to it is this fancy new thing called Medicare Advantage that creates an advantage for the insurance companies by giving them an additional 14 percent of reimbursement over the standard Medicare fee for service.

Guess who gets to keep most of that. The insurance company gets to decide what they are going to do with most of it. It is true that in the 75 percent that the insurance company keeps per Medicare senior citizen in Medicare Advantage, that money often is given as a break to the senior citizen in things such as copays and the premium payments for Medicare Part B and Medicare Part D.

That is why this Senator in the Finance Committee offered an amendment that would say: Okay, we are going to get Medicare back to being standardized where we are not going to give a cushy 14-percent extra to the insurance companies called Medicare Advantage. Instead, we are going to start getting that on a more competitive basis over time to bring those payments down. But it would not be fair to take it away from the seniors who already have it, so this Senator offered an amendment to grandfather in the seniors who have it now.

So do we need health reform? You bet we do. And the Senator from Utah is over here. I commend him. Because he and I are cosponsors on another health reform bill that is even more visionary than what the two of us think is going to come to the floor. But it is a recognition that we have to reform the present system.

I want to take this opportunity to try to set the record straight on some of the statements that have been made

here. I look forward to continuing this debate on all sides of the issues as the bill comes to the floor.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Delaware.

MR. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

THE PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO IRIS MORALES

MR. KAUFMAN. I rise once again to recognize the service of one of America's great Federal employees. Right now the Congress, the President, and the American public are engaged in historic discussions about the future of our health insurance system. This is one of the most important issues facing the country.

The dedicated public servant I will speak about today works for a government-run health insurance program already serving 44 million Americans. Medicare was established in 1965. Its mission is to provide coverage for all Americans over the age of 65. At the time of its creation, Medicare faced criticism from those who were apprehensive of a government-run health insurance program. Today, however, Medicare is praised as a great success. Indeed, its fiercest defenders sit on both sides in this Chamber.

Medicare continues to protect nearly one out of every seven Americans against what would be otherwise prohibitive medical costs. The reason for its success is not only that it provides a much needed service to America's seniors; one of its greatest strengths is that the men and women who administer Medicare benefits are among the most outstanding Federal employees. They work for an agency called the Centers for Medicare and Medicaid Services or CMS. The CMS employee I will talk about today has worked as a Medicare benefits administrator for 11 years. Iris Morales joined the CMS Chicago Regional Office after having first served several years in the Navy. She has been on the front line as a benefits administrator helping to set at ease those who contact the CMS with inquiries about their coverage.

Iris has called her job incredibly rewarding, and she is one of so many Medicare administrators who spend their days solving problems for America's seniors. On one day she might work to make sure a cancer patient has access to lifesaving chemotherapy. On the next Iris might reassure beneficiaries that their copayments are low enough for them to afford critical treatments.

Iris is set to retire next year, and when she does, she will join the ranks of Medicare beneficiaries herself. I know that Iris, as a beneficiary, will receive from those helping her in the

years to come the same kind of attention to detail, diligence, and professionalism she has demonstrated through her years at CMS.

Iris Morales and all of the hard-working employees of CMS are proof of the constructive and important role our government already plays in ensuring Americans' access to affordable health care. I hope my colleagues will join me in recognizing this unsung hero and all of the employees at CMS. I honor their contributions, and I thank them for the great job they do every day. I know that America's seniors are grateful for their patience, their caring, and their service to the Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TARP

Mr. BENNETT. Mr. President, it has been a little over a year since a group of us met in the Foreign Relations Committee room headed by the distinguished Senator from Connecticut, Mr. DODD, to talk about the financial crisis we were facing and how we would deal with that. We came out of that meeting, held a press conference where we sounded perhaps more optimistic than we should have at the time about having a solution to that problem. And out of that has come now a name that is well known throughout the country called TARP. We did not call it that at the time.

But we talked it through in a completely bipartisan and substantive way and voted for the rescue package that came out of that discussion. I voted for that package. I voted for the original disbursement of TARP. I stand by that vote a year later. It was the right vote, the right situation, the right time, and the right thing to do.

But I will share now some of the thoughts that went into my participation in that particular meeting and some of the things that came out of it. In anticipation of the meeting, I called some people whose judgment I trust and discussed this. I was told Treasury cannot physically push \$700 billion out the door. You cannot sign that many contracts. That is far too much money.

The suggestion I made was: Why don't we give them \$50 billion, because I was told that is the most they could spend in any one month. Why don't we give them \$50 billion for 5 months or \$250 billion and see how it works before we buy into the \$700 billion number that Secretary Paulson was talking about.

No, Secretary Paulson let us know he had to have \$700 billion as the headline. He could not calm down the markets, the international markets, unless he had a number that big. We talked it

over in that room and came up with this solution, which I think was a good one. We would give them a \$700 billion headline, because we authorized \$700 billion, but we actually only gave him \$350 billion and said he would have to come back to the Congress for the second \$350.

Also in that group—and it was not by any means my suggestion or anyone else's suggestion—it was overwhelmingly the consensus: We have to put some controls in here. We have a congressional oversight committee that we created. We have to create an inspector general. I remember one of the members of the group saying: I do not trust any Treasury Secretary, no matter how bright he is, with \$700 billion and absolutely no reporting or transparency or control situation.

One of the things that was discussed and that I thought was put in the bill was that when the money starts to come back—because, understand, TARP was not a bailout program in the sense that we gave money to people never to recover anything. It was a program where we were acquiring things, either acquiring collateral or acquiring stock. When the money starts to come back, it will be used to pay down the national debt. If we are going to expend \$700 billion to stabilize the system, when the \$700 billion comes back, it goes to reduce the debt that was created when it went out. That was my understanding of the agreement we made.

Well, I voted for the TARP and I voted for the first \$350 billion. After we came to the second tranche, the second \$350 billion, listening to the inspector general and listening to what the congressional oversight committee had to say, and looking at how well the first \$350 billion had worked in stabilizing the situation and getting us past the panic we were facing, I voted against the second \$350 billion because I was afraid it would turn into somewhat of a bailout fund that could be used for things other than acquiring assets that could be liquidated and bring money back to the Treasury. That is indeed what has happened, because much of the money went for things very different than that which we were talking about in that room that morning.

The amendment I will offer to the bill, when we get on the bill, will be to sunset TARP at the end of this year. This is where we are. Treasury is sitting on about \$370 billion in the TARP fund right now. The recession certainly is not over and the challenge in our economy is still there with tremendous force. But the crisis we were facing when we had that meeting is over, and Treasury, to deal with that kind of a crisis, no longer needs that money.

The fear I have is that Treasury is starting to recycle the money and it is not going to pay down the national debt. It has become something of a

slush fund to say: All right, if we have a circumstance here where we wish to spend some money, we cannot get it from the Congress, let's take it out of the TARP. If there is a situation over here where we think it might be helpful, and we cannot get the Congress to support us, let's take it out of the TARP. The temptation, sitting on \$370 billion, to spend that money, is overwhelming.

When Secretary Geithner came before the Banking Committee or the Joint Economic Committee—I am sorry, I cannot, with my memory right now, put the exact committee to it—the question arose about repaying the national debt rather than recycling the money. He said the lawyers from the Treasury Department had looked at the act of Congress, and they made it clear we in the Congress had made it clear the money could be recycled, it could be relent, it could go out again. That came as a great surprise to me because I thought the conversation we had in that room, as the bill was being written, made it clear the money had to go to pay down the national debt. But I am not in a position to sue the Treasury and argue with their lawyers, and even if we did over the actual meaning of what was in the bill, it would take so many years to adjudicate there is no point in it.

But it comes as a great surprise, as I say, to me that as the money comes back in—and money is coming back in from TARP—it does not go to pay down the national debt, and that it is being treated as a revolving fund, almost a revolving credit card, if you will, that the Treasury can use for the purposes it deems well.

So I will offer an amendment that will sunset TARP at the end of this year. I will point out, the inspector general and the congressional oversight committee we set up on that occasion still have a number of questions about TARP and the way it is being used, and there is great concern that the transparency we had hoped for is not there.

I had come to the decision to offer this amendment for myself and Senator THUNE—and we will do so, if we are allowed to, when we get on the bill—long before the Wall Street Journal offered an editorial. But on October 27, the Wall Street Journal had an editorial entitled "Rolling up the TARP," which I ask unanimous consent be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENNETT. The lead paragraph I wish to quote. It says:

The Troubled Asset Relief Program will expire on December 31, unless Treasury Secretary Timothy Geithner exercises his authority to extend it to next October.

They obviously did not know about my amendment or I am sure they would have endorsed it.

We hope he doesn't. Historians will debate TARP's role in ending the financial panic of 2008, but today there is little evidence that the government needs or can prudently manage what has evolved into a \$700 billion all-purpose political bailout fund.

We supported TARP to deal with toxic bank assets and resolve failing banks as a resolution agency of the kind that worked with savings and loans in the 1980s. Some taxpayer money was needed beyond what the FDIC's shrinking insurance fund had available. But TARP quickly became a Treasury tool to save failing institutions without imposing discipline (Citigroup) and even to force public capital onto banks that didn't need it. This stigmatized all banks as taxpayer supplicants and is now evolving into an excuse for the Federal Reserve to micro-manage compensation.

I think we take the decision for Secretary Geithner and we sunset TARP on December 31, and that will be the amendment I will offer when we get on the bill.

EXHIBIT 1

[From the Wall Street Journal, Oct. 27, 2009]
ROLLING UP THE TARP

The \$700 billion for banks has become an all-purpose bailout fund.

The Troubled Asset Relief Program will expire on December 31, unless Treasury Secretary Timothy Geithner exercises his authority to extend it to next October. We hope he doesn't. Historians will debate TARP's role in ending the financial panic of 2008, but today there is little evidence that the government needs or can prudently manage what has evolved into a \$700 billion all-purpose political bailout fund.

We supported TARP to deal with toxic bank assets and resolve failing banks as a resolution agency of the kind that worked with savings and loans in the 1980s. Some taxpayer money was needed beyond what the FDIC's shrinking insurance fund had available. But TARP quickly became a Treasury tool to save failing institutions without imposing discipline (Citigroup) and even to force public capital onto banks that didn't need it. This stigmatized all banks as taxpayer supplicants and is now evolving into an excuse for the Federal Reserve to micro-manage compensation.

TARP was then redirected well beyond the financial system into \$80 billion in "investments" for auto companies. These may never be repaid but served as a lever to abuse creditors and favor auto unions. TARP also bought preferred stock in struggling insurers Lincoln and Hartford, though insurance companies are not subject to bank runs and pose no "systemic risk." They erode slowly as customers stop renewing policies.

TARP also became another fund for Congress to pay off the already heavily subsidized housing industry by financing home mortgage modifications. Not one cent of the \$50 billion in TARP funds earmarked to modify home mortgages will be returned to the Treasury, says the Congressional Budget Office.

As of the end of September, Mr. Geithner was sitting on \$317 billion of uncommitted TARP funds, thanks in part to bank repayments. But this sum isn't the limit of his check-writing ability. Treasury considers TARP a "revolving fund." If taxpayers are ever paid back by AIG, GM, Chrysler,

Citigroup and the rest, Treasury believes it has the authority to spend that returned money on new adventures in housing or other parts of the economy.

A TARP renewal by Mr. Geithner could thus put at risk the entire \$700 billion. Rep. Jeb Hensarling (R., Texas) and former SEC Commissioner Paul Atkins sit on TARP's Congressional Oversight Panel. They warn that the entire taxpayer pot could be converted into subsidies. They are especially concerned about expanding the foreclosure prevention programs that have been failing by every measure.

TARP inspector general Neil Barofsky agrees that the mortgage modifications "will yield no direct return" and notes charitably that "full recovery is far from certain" on the money sent to AIG and Detroit. Mr. Barofsky also notes that since Washington runs huge deficits, and interest rates are almost sure to rise in coming years, TARP will be increasingly expensive as the government pays more to borrow.

Even with the banks, TARP has been a double-edged sword. While its capital injections saved some banks, its lack of transparency created uncertainty that arguably prolonged the panic. Federal Reserve Chairman Ben Bernanke and former Treasury Secretary Hank Paulson recently admitted to Mr. Barofsky what everyone figured at the time of the first capital injections. Although they claimed in October 2008 they were providing capital only to healthy banks, Mr. Bernanke now says some of the firms were under stress. Mr. Paulson now admits that he thought one in particular was in danger of failing. By forcing all nine to take the money, they prevented the weaklings from being stigmatized.

says Mr. Barofsky, "In addition to the basic transparency concern that this inconsistency raises, by stating expressly that the 'healthy' institutions would be able to increase overall lending, Treasury created unrealistic expectations about the institutions' conditions and their ability to increase lending."

The government also endangered one of the banks that they considered healthy at the time. In December, Mr. Paulson pressured Bank of America to complete its purchase of Merrill Lynch. His position is that a failed deal would have hurt both firms, but this is highly speculative. Mr. Barofsky reports that, according to Fed documents, the government viewed BofA as well-capitalized, but officials believed that its tangible common equity would fall to dangerously low levels if it had to absorb the sinking Merrill.

In other words, by insisting that BofA buy Merrill, Messrs. Paulson and Bernanke were spreading systemic risk by stuffing a failing institution into a relatively sound one. And they were stuffing an investment bank into one of the nation's largest institutions whose deposits were guaranteed by taxpayers. BofA would later need billions of dollars more in TARP cash to survive that forced merger, and when that news became public it helped to extend the overall financial panic.

Treasury and the Fed would prefer to keep TARP as insurance in case the recovery falters and the banking system hits the skids again. But the more transparent way to address this risk is by buttressing the FDIC fund that insures bank deposits and resolves failing banks. The political class has twisted TARP into a fund to finance its pet programs and constituents, and the faster it fades away, the better for taxpayers and the financial system.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Connecticut.

Mr. DODD. Madam President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, before I get to the substance of my remarks, let me comment briefly, if I can, on the comments of my colleague and friend from Utah, Senator BENNETT. He has been an invaluable Member when it comes to these issues of economics in our country. His background and experience has brought a wealth of talent to this institution at some very critical moments.

I want my colleagues to know, as the new chairman of the Banking Committee after the election of 2006, I happened to have been in the position of being asked to manage a situation that began, as many will recall, back in September of last year. September 18 is a date which will be forever emblazoned in my mind and memory. It was on that evening that a small group of us were asked to gather in the office of the Speaker of the House, where Chairman Bernanke of the Federal Reserve Bank and Secretary Paulson, the Secretary of the Treasury, announced to us that we had a matter of days to act as a Congress or we would face a meltdown of our financial system in this country and elsewhere.

In some ways, it was the economic equivalent to 9/11. It took all the oxygen out of the room, I can tell you. I was sitting next to DICK SHELBY, my friend from Alabama. As I say, there were about 10 or 12 of us in that room that evening who received that message.

Within 2 weeks, from September 18 to the end of the month, we ended up voting here on the floor that night—we all sat in our chairs, as we do on rare occasions when there is a moment of significant import. Every single Member cast a ballot from their seat.

I knew that evening, by the way, as I listened to the call of the roll, that there were several of our colleagues here who were 40 days away from the election, and that probably they were going to lose their seats if they supported the proposal. And they did. But they did what I thought was the courageous and right thing to do. And 74 people voted that night in favor of it; 25 against. Our colleague from Massachusetts was not here that evening, Ted Kennedy. There were 99 Senators.

As long as I live, I will never forget that vote that evening because I think it is what the Founders sort of had in mind. We recall—those of us who were here, I am sure my friend from Florida remembers, it made the townhall meetings pale by comparison—the reaction over those 2 weeks across the Nation. There will be historians who debate the wisdom of the specifics of the bill.

But I recall with great clarity the morning my friend from Utah just described, with about five of us in the room, and that was S-116, one floor down from where we stand this evening. We met to try and fashion together something on a bipartisan basis that we could present to our colleagues and the administration and others that would incorporate the protections we thought we could pull together in a space of days to respond to this, and with the necessary resources.

BOB BENNETT was the author, as I recall, who insisted we break up this proposal into two parts so we would have a chance to evaluate the success of it. I think it was a remarkable and very valuable suggestion that contributed significantly to the outcome of that vote. It also offered those an opportunity at a later date to determine whether to proceed with it.

There were differences of opinion about that, and, again, historians will debate this. But the people of this country ought to know that a guy named BOB BENNETT from the State of Utah, along with several others, played a role which I think helped save our country at a critical moment. We have a lot of disagreements around here. I am a Democrat from New England. He is a Republican from Utah, although, as he well knows, my wife's family is from Utah, so I have some Utah connections. But it was one of those moments where I think Americans would like to think we can act around here when a crisis occurs.

While we differ and disagree on a lot of issues, as he knows, despite our friendship—as long as I live, in the years I have served here, that morning, that occasion, and the events that followed in the short days afterwards, I think, helped keep this country on a stable footing and we avoided the kind of depression and collapse that could have occurred.

I did not intend to speak about this, but since he addressed the issue—I have kept a lot of notes about those 2 weeks. I have copious notes, almost 500 pages of them, that describe the events of those 2 weeks in great detail because I was involved in every meeting and every drafting session. So I can tell you down to every dotted “i” and crossed “t” what happened during those 2 weeks. It was a moment of great import, and I thank my friend from Utah for his contribution to all of that.

Madam President, I want to address the issue of the Unemployment Compensation Extension Act. I am sorry we are still here debating this. This legislation was introduced nearly 3 weeks ago, and twice the adoption of this bill has been stopped, despite overwhelming support. Yesterday 87 of us voted to get us one step closer to extending unemployment benefits. We all would prefer to be talking about how

we can get people back to work than extending benefits. It would be far better for the Nation if we could talk about what we are doing to create jobs.

But in the interim, while we have not created as many jobs as we would like, providing benefits is crucial. Let me take a moment to add that we would not be here at all without the work of our colleague from New Hampshire, Senator JEANNE SHAHEEN, who has championed this issue over the last month or so as a new Member. We are neighbors in New England, but she speaks for the country when she talks about the importance of this issue and what a difference it has made in the lives of families, as they struggle to keep their homes and provide the necessary resources for their children and others.

As part of this effort—and I know there is some debate—I wanted to also recognize my colleague and friend from Georgia, JOHNNY ISAKSON. The two of us have been working, as many of my colleagues know, on a proposal to extend and expand the first-time home buyer tax credit. Senator ISAKSON has been the leader on this issue. I commend him for it, and I want to thank him and his staff for their work to get this extension before the credit runs out on November 30.

Already we have seen the impact of this credit on jump-starting the housing sector. Sales of existing homes rose 9.4 percent in September—the highest level in 2 years. Extending this credit, in our view, temporarily through the slowest housing sales months would help maintain the recovery.

The great fear everyone has is that without swift action these good signals we have been getting—and while certainly not a recovery yet, they are an indication we may be heading now in the right direction—will stall during these critical cold months, and the winter months are difficult months for the housing sector. I think inaction would be a great mistake.

This legislation he and I have authored would extend the current credit through the spring, increase the income limitations, and provide a slightly smaller credit to the so-called move-up market—not just first-time home buyers, but the move-up market—helping to make more than 70 percent of current home buyers eligible for this credit.

I want to stress, as my colleague from Georgia has on numerous occasions, including during a hearing I held only a few days ago of the Senate Banking Committee—where he testified eloquently, I might add, that this tax credit needs to be temporary. Democrats and Republicans on the committees, I think, were deeply impressed with how knowledgeable JOHNNY ISAKSON is about real estate issues. He spent more than three decades in the business and knows it well, and he

impressed, I think, all of us with his knowledge of this industry and what a critical component it is of our economy.

That aspect he advocated for, as I mentioned before, is that the effectiveness of this credit depends on it being temporary, which it is. That will encourage, we believe, prospective home buyers to buy that home now—those who are thinking about it. Extending it continuously would not.

I want to indicate to my colleagues that this credit should remain temporary and not become a tax extender that we extend year after year after year after year, as we do in certain other areas of our economy.

But neither the unemployed nor prospective home buyers will be helped by stalling on the speedy passage of this legislation.

Every night for 3 weeks now—going back to the unemployment compensation issue—we have gone home and not had to worry about how we are going to make those mortgage payments or feed our families. We are Senators, and so we have these jobs that provide us with more than a decent income, and we never have to feel that gnawing worry about whether there is going to be enough money to allow us to keep our homes or to see to it that our families are going to have the basic necessities they need.

Every night—every night—7,000 more Americans in our Nation have exhausted their unemployment benefits. So for 3 weeks—7,000 people a day have had their jobless benefits run out. They do not have jobs. They do not have benefits to help them. These are hard-working people who contribute to our economy and contribute to our country, their families, and their neighborhoods. They have been good providers. And because of a collapsing economy—which they did not create—they find themselves in the dire circumstances where they are unable to meet those obligations at home.

Over the years I have been in this body, we have come together during critical moments like this—never quite as serious as this one—and have extended those benefits to people because we know how important it is to them. We have been able to come together to get it done. Yet now, for nearly 3 weeks, we have been stalled in our effort to provide needed relief.

I mentioned early we provided relief for the banks, \$700 billion in relief, in less time than it is taking us to provide relief to jobless workers. That is what BOB BENNETT and I were doing. We had a crisis in the country. So we worked on the legislation for 2 weeks. From September 18 to October 1, that is how long it took for us to come together and vote 74 to 25 to provide \$700 billion to stabilize the financial institutions in this country. I think we did the right thing. History will debate it.

Here we have been nearly 3 weeks and we can't even come up with unemployment compensation for the 7,000 people every day who are losing these benefits.

You explain that to the American public. This collapse occurred in our economy not because they did anything wrong, but because they lost their job. Here we are still 3 weeks later dithering about whether we can get some special amendment we would like added that has nothing to do with this issue—ACORN payments or other proposals. I don't question the sincerity of people, but why would they allow that to obstruct an extension of jobless benefits that hundreds of thousands of Americans so desperately need?

In total, since playing politics with this issue, 140,000 Americans have exhausted their benefits. That is my math. We know this is important. Last night we had 87 votes to move to the motion to proceed, but here we are running out 30 more hours while another 7,000 people are losing those benefits.

So I don't have to tell my colleagues how vital this lifeline is for families back home in their states. They all know it. People can't find work. They need a little help to put food on the table and make ends meet until they can find that job again. Unfortunately, this recession is hitting families in all of our States.

According to the National Employment Law Project, nearly 14,500 people in my home State of Connecticut and 400,000 people nationwide have already exhausted all of their unemployment benefits. By the end of the year, that will rise to 20,000 people in my State, 1.4 million people across the country.

One of my constituents wrote in desperation the following:

I have been without benefits for two months now. I have a family of 5. Every day is a struggle. My husband and I have been looking for work every day. There are no jobs! Something has to change. I ran out of my benefits. Please have someone help not only me, but everyone that is without work.

It is not just these people who will suffer when these benefits run out; it will be their children. It will be the local businesses whose customers can't afford to buy their products anymore. It will be the local governments who lose tax revenues that pay the salaries of our policemen and firefighters.

We have a good bill that I worked on with Senator BAUCUS, Senator REID, and, as I said, Senator SHAHEEN of New Hampshire, who has been our champion on this issue. Our new freshman Senator from New Hampshire has led the way, and again, her leadership has been invaluable.

Madam President, 140,000 people over 3 weeks whose benefits have run out while Republicans have stood in the way of this important legislation, I think, deserve better. We managed to

give the banks \$700 billion in 2 weeks; we ought to be able to take care of people who are losing their benefits by passing a bill that they need so desperately.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Thank you, Madam President. I wish to thank Senator DODD from Connecticut for his kind words and for all of the work he has done to try and move an unemployment extension for people, and for his eloquence in talking about the need to help those people who are currently running out of their benefits. As is the Senator from Connecticut, I am here one more time to voice my support for the Unemployment Compensation Extension Act.

I am pleased, as the Senator from Connecticut is, that yesterday the Senate voted by an overwhelming majority to move this legislation forward. But like the Senator from Connecticut, I remain very disappointed that even with 87 votes to move forward, we are still here today. Another day has gone by, a day when 7,000 more workers have lost their benefits, and the opponents of this extension are still playing politics to hold up the help that so many people around the country need.

During the delay of the past 3 weeks, more than 100,000 Americans have exhausted their unemployment benefits. Without this extension, nearly 2 million jobless workers will lose their benefits by the end of the year. The American people should be outraged by this continued delay.

I would like to read an e-mail I got this morning from Jane McDermott from Stoddard, NH. Jane has been unemployed for over a year, and she will exhaust her remaining benefits in the next 2 weeks. She writes:

Right now, receiving unemployment means I can eat and I can pay for my medication. Those of us who are still unemployed still have bills and property taxes to pay. With the rug being pulled out from under us, it means being on the edge of homelessness.

She writes to me:

I urge you to make this fight a priority. Here in New Hampshire there are many, including myself, who depend on having heat, lights, and even enough gas in our cars to search for employment each and every day, especially over the holidays.

She signs her e-mail: Sincerely, Jane McDermott from Stoddard.

Jane McDermott is out looking for work every day, but with more than six people out of work for every job opening, she hasn't been able to find that new job. She is like millions of hard-working Americans from every community and every State and every part of our country. This is just one out of dozens of calls and e-mails my office gets every single day.

So I urge my colleagues to stop playing politics and to pass this extension. It is the right thing to do for our un-

employed workers, and it is the right thing to do to stimulate our economy. Let's not let one more day go by without extending unemployment benefits for the tens of thousands who need them all across this country.

Madam President, I yield the floor.

Mr. UDALL of New Mexico. Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent to speak as in morning business for 1 hour. I also ask unanimous consent to engage in a colloquy with other Senators who may join me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Madam President, first, let me speak on the issue that Senator JEANNE SHAHEEN spoke about before me just briefly. I wish to compliment her for being such a champion for extending unemployment compensation. We are talking about people who, in many cases, through no fault of their own, lost employment. They may well be the only provider for their family. They don't have the wherewithal to support their family.

We have in this recession, this deep recession we are in the middle of, several times for people like that, extended unemployment benefits. Senator SHAHEEN and Senator DODD and others who have spoken have described the personal circumstances people are in. We can't believe we can't move this legislation along to extend unemployment compensation benefits. These people need help in the recession and most likely they are the dollars that will be spent in the economy.

I wish to describe the procedure that has occurred. We had 87 Senators vote on a motion to proceed. The first thing we did to get on to a piece of legislation such as this unemployment benefits compensation legislation was we filed a motion to proceed because we didn't have the consent of the Republican leadership. We were then required to let that motion for cloture ripen over a 2-day period. So as many have watched, there hasn't been necessarily a lot of debate. It has ripened. We had the vote after 2 days—87 votes. Then, after 87 said we should move forward on the motion to proceed, there was a 30-hour postcloture period.

Well, what has happened with that is we also haven't had that much debate occurring on the Senate floor, but the time continues to run. So these delay

tactics—they are called filibuster tactics, but in a way it isn't a filibuster. There is nobody here filibustering most of the time. So it is a delay tactic to do something the Nation needs.

So I compliment all of the Senators who are standing up for this legislation. I know Senator WHITEHOUSE is also one who believes we should pass unemployment compensation legislation very quickly.

HEALTH CARE REFORM

Madam President, we are here again this evening as a group of Senators—Senator WHITEHOUSE has joined me—to strongly support the inclusion of a public option in health care reform legislation. I encourage other Senators who support the public option to come down and join us.

We were heartened earlier this week when majority leader HARRY REID announced that he would include a public option in the bill he is merging from the Senate Finance and HELP Committees. Senator REID showed real leadership in developing a compromise that includes the public option, something that a wide majority of Americans support and want included in this reform.

This is another step in the direction of meaningful reform, but we are by no means finished with this debate. We expect defenders of the status quo, as well as those who continue to put insurance company profits over people, to step up their attacks and step up their misinformation campaign. The bottom line is that a public option is the best proposal on the table to help keep the insurance companies honest. It will insert much needed competition into the insurance market, and it will give Americans another affordable, quality choice for their health insurance needs.

So with all of that said tonight, I want to continue by highlighting a story out of New Mexico. It is a letter I received from a woman from Placitas, NM. She is a small business owner who wrote to tell me about a rate increase notice she got from her health insurer. She was told to expect a 9- or 10-percent increase next year. For two people, that will mean \$2,300 a month in premiums she will have to pay. Here is what she wrote:

We can't afford it. I am now faced with the likelihood of having to drop insurance which for two cancer survivors is not the right answer.

I know I speak for many of my colleagues here tonight when I say our offices get dozens and dozens of e-mails and letters like this each and every week. Americans are struggling, and they are looking to us for relief from an impossible situation they cannot fight or win.

There was a story in the newspaper over the weekend that I think illustrates how urgent this situation has become. It illustrates why a public option must be a part of this reform. In

the newspaper it was reported that many small businesses are facing the steepest rises in insurance premiums they have seen in years. That is saying a lot considering that insurance premiums have already more than doubled over the past 9 years.

In this news story, insurance brokers and benefits consultants said their small business clients are seeing premiums go up an average of about 15 percent for next year and in some places as high as 23 percent. That is double the rate of last year's increases which were already unacceptably high. Do you know why these small businesses are seeing such big increases? This report said it is because insurers are trying to raise their premiums ahead of anything we do legislatively that might reduce their profits.

Health insurance companies are only looking out for themselves and their own profits. It is up to us to look out for hard-working Americans. It is up to us to look out for America's entrepreneurs, those small business men and women whose companies employ some 40 percent of American workers.

With that, I will open the floor to my colleagues. Let's talk about what a public option would mean for small businesses and how difficult it is for American entrepreneurs to keep their heads above water as health insurance companies continue to raise their rates, deny them coverage, or drop them completely when they place a claim to be reimbursed.

I see Senator WHITEHOUSE here. He has been a champion throughout this process in terms of the public option. I will yield to him. I also see Senator DURBIN here, our majority whip, who I hope will join us, who has also been an incredible champion when he stands up in leadership time and throughout the day on the public option.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Madam President, I thank the Senator from New Mexico for organizing this time.

What do we mean by a public option? To begin with, I will explain a little what our public option is and why it is so important. Then I have some stories from people in Rhode Island who have contacted me and who are exactly the reason we need to do this.

The first thing you will hear is our friends on the other side saying that the public option is a government takeover of the health care system, that it is going to squeeze out private providers and it will be subsidized by taxpayers and all these things. I know something about the public option that came out of the HELP Committee because, along with SHERROD BROWN and KAY HAGAN, I wrote it. So I know a little bit about what it does. Those things are just not true.

The design of the public option is that it exists State by State. In each

State, it has to stay solvent. It can't lose money. The government puts up the money any insurance company needs to start with, the initial capital. After that, the public option in each State, from its revenues, the premiums it charges, has to make money and stay solvent. If not, it fails like any other company. Secretary Sebelius of HHS is mandated to make sure each State's operation runs on a solvent basis. So there is no taxpayer bailout. It is head-to-head competition on a level playing field, and the insurance companies, frankly, should not be frightened of it. They are, but the reason they are has a lot to do with their bad practices and very little to do with anything about the design of the public option.

One of the reasons we need it, to give a little background on this, you have to remember where our national health expenditures are going. Look at this chart. This is how much we spend on health care.

I was born in 1955, when we were spending \$12.5 billion a year on health care in this country. We probably spend that much a day now. In 1979, just after I graduated from college, by then we had gone from roughly \$12 billion a year to \$220 billion a year. In 1987, which was about when my daughter was born, we were over \$500 billion or \$½ trillion a year. In 1992, we were at \$849 billion a year. In 2009, we are at \$2.5 trillion a year. You can see the shape of the curve on the chart. It is not going out and leveling off. It is getting steeper and steeper. Costs are going through the roof, and the private insurance industry is driving that.

There are big savings that can be achieved. The President of the United States, President Obama, and his Council of Economic Advisers issued a report in July of this year that said:

Efficiency improvements in the U.S. health care system potentially could free up resources equal to 5 percent of the U.S. GDP.

They continued:

It should be possible to cut total health expenditures by about 30 percent without worsening outcomes . . . which would again suggest that savings on the order of 5 percent of GDP could be feasible.

If you do the math, based on GDP, 5 percent is more than \$700 billion a year—that is \$700 billion with a “b”—in excess costs in our health care system. So we have a big target this public option can shoot for.

People say: Well, if there is no subsidy involved, how is it that the public option is going to be able to compete against these private insurers and save costs? Well, three ways:

No. 1, no profits necessary; they will be not-for-profit. In Rhode Island, about a year ago, United Health Care, a big private insurance company which has a 16-percent market share in Rhode Island—and we are a small State; we are not like Illinois or even New Mexico; we are only a million people. So

this is a company in a State of a million people with only a 16-percent market share, and they asked to remove \$37 million in profits from that 1 year out of the State to go back and pay for salaries of CEOs and shareholders and all that. Think how much \$37 million could have been delivered in health care to 16 percent of the insured population of Rhode Island, a State of only a million people, if it didn't have to go out in profit. So that is one thing. Profits don't have to be sucked out of the system.

Second is administrative costs. One of the reasons this cost keeps going up is because the administrative costs of the insurance companies go up. In 2000, while these costs were going up, they were raising their administrative costs by more than 100 percent. What did they do with those administrative costs? They make it more difficult for you to get care and harder for your doctor to get permission to give you the treatment you need.

You hear the other side talking about government bureaucrats standing between you and health care. They don't stand between you and your health care; insurance company bureaucrats stand between you and your health care. And they are getting better at it all the time. The armamentarium they are creating to make it difficult for providers to get paid and get authority to go forward is getting more complex and expensive every year.

In addition to the fact that those costs have doubled, gone up more than 100 percent, what do the doctors and hospitals have to do? They have to fight back or else they will get rolled.

So you have this whole other cost. I went to the Cranston Community Health Center, a wonderful community health center in Cranston, RI. They told me that 50 percent of their personnel are not dedicated to providing health care but are dedicated to fighting with the insurance companies to get paid and to get prior authorization. On top of that, 50 percent of their personnel—they pay almost \$300,000 a year to fancy consultants whom they have to hire to fight back against the insurance industry.

So one thing they can stop doing is taking the profits out. Another thing they can do is to wind down all that administrative cost, stop torturing the doctors and hospitals, let them wind down their administrative costs, and bring down the arms race over claims payments and approval we are living with right now. That is something a public option can do in addition to not taking out profits.

The third thing is to reform the health care system. We have all heard the testimony and seen the steps we put into our legislation to improve the quality of health care. When you improve the quality of health care, it

saves money. It is interesting the way that works. When you improve the infection rate in intensive care units, people get out sooner and they don't get those postoperative infections, and it costs about \$60,000 for infections, on average. It saves money. Everybody is out sooner and the costs are less. In Michigan, in 15 months, they saved \$150 million and 1,500 lives just by cleaning up and preventing infections in hospital intensive care units.

So you can save money and save lives if you are focused on improving quality instead of torturing the doctors and the providers and denying care and trying to throw people out when they get sick. It is a different way of going about the business. But it is something a public option can do.

The same logic applies to the prevention of illness. We don't do anywhere near enough to prevent illness in this country. A public option is willing to invest in prevention. We will invest in health information technology and in promoting better public health records for everybody. We will make sure people understand the value of the treatments they get, how much they cost, and whether they work. People will make better decisions about their care.

Finally, through the public option we will be able to stop paying doctors and hospitals for doing more and more tests and procedures and pay them for results. That will help change the direction of American medicine. That is how you get to the \$700 billion a year the President's Council on Economic Advisers said could be saved in our health care system.

People talk about the Lewin Group, which is a knowledgeable group about health insurance and health care costs. Here is what they say:

Current levels of spending could be reduced by limiting excess consumption, managing disease, promoting competition and improving transactions.

Here are the sources of potential excess costs. Right now, they are at \$2.4 billion, the total cost. You can save \$151 billion in excess costs from incentives to overuse services; \$519 billion in excess costs from poor care management and lifestyle factors; \$135 billion from excess costs due to competition and regulatory factors; \$203 billion from excess costs due to transactional inefficiency. That is a fancy way of talking about administrative warfare between insurers and doctors.

There are big savings to be had out there, and this legislation builds in those tools—quality, prevention, transparency, information technology, and payment reform. The key to making them all work their best is a public option that will pick them up and do the job for the American people.

The question fundamentally for this legislation is, Do you trust the private insurance industry? Do you trust the people who, if you have a preexisting

condition, won't let you in the door or will deny coverage for that? Do you trust the people who, the first time you show up after having been a loyal customer for years, the first thing they do is go back to look at the form to see if you filled it out wrong so they can throw you off because suddenly you became ill and expensive? Do you trust the people who, when you get sick and your doctor recommends treatment, butt in and say: No, no, no, we don't want you to get that treatment; we want something different than what your doctor recommends. They will say it is because of quality, but what you will notice is that every single time the insurance company steps in to prevent your care from coming from your doctor, what they recommend is something that is cheaper for them. They have never once said: Wait a minute, what the doctor recommended is not right, you need a more expensive regime of care because we want to treat you right. No, they say: Sorry, that is too expensive; we are cutting you off. Do you trust that industry to lead America out of this cost problem and into this new future? I don't. That is why we need the public option. And I think there are other reasons.

Mr. DURBIN. Will the Senator yield for a question?

Mr. WHITEHOUSE. Yes, I am happy to.

Mr. DURBIN. One of the aspects of the bill now being considered by the Congressional Budget Office is the opt-out provision. We have heard from the Republican side of the aisle for as long as this debate has gone on about their resistance and opposition to the idea of so-called government-run health care.

I have yet to hear the first Republican Senator come to the floor and suggest we eliminate Medicare, which is a government-run health care program which some 40 million Americans use every day to protect themselves when they need health insurance; nor have they suggested eliminating Medicaid, which involves health insurance for the poorest in America. Some 40 million to 50 million Americans are covered by Medicaid. They have not suggested eliminating veterans health care, another government health care program which helps millions of those who served our country; nor have they suggested eliminating the Children's Health Insurance Program, a creation of the Federal Government, so that literally millions of children across America have this kind of protection and the parents have peace of mind.

By my estimation, more than a third of the people in America have protection from government health insurance. Although our friends on the Republican side are critical of government health insurance, they do not want to eliminate any part of it, but they are arguing that basically Americans do not like it.

The polls say otherwise. When you ask the American people, throughout this debate, they say: We are generally confused, but we do know one thing; that is, if we have a chance to get Medicare for everybody, two out of three would like to see that. That is a government health program that two out of three Americans would like.

Senator HARRY REID, the Democratic majority leader, prepared a bill with a public option with an opt-out provision. I ask the Senator from Rhode Island what the opt-out provision will mean for those political leaders or people or legislatures or Governors in the States who might come to the same conclusion as our Republicans here, that they are opposed to any form of a public option that might involve the government.

Mr. WHITEHOUSE. The opt-out plan, as I understand it, would allow States to decide they don't want a public option in their State, so they don't have to have one. Each of us comes here representing a State. My colleague is the very distinguished majority whip, but he is also the Senator from Illinois. Our distinguished friend, Mr. UDALL, is the Senator from New Mexico.

The health care our constituents get is delivered to them almost entirely in our States. So one would think it would be satisfying to the people on the other side who object to a public option that they could go home and they could say: You know what. This public option is a terrible idea. You know what I have done. I have worked out an opt-out and have protected you from it. It is only these crazies in places such as Rhode Island who want to take advantage of the public option. But I have saved you, and it is their funeral.

The way we designed it, as I mentioned earlier, is State to State it has to be solvent. There is no cross-subsidization, that one State has to carry the water for another State. They would not have to pay for Rhode Island's costs if they got out of control, whether they have a public option or they do not. So they are protected.

One would think that would be an adequate argument for them. The fact that it is not an adequate argument suggests to me there is a little bit more at stake; that the real party in interest is not the constituents of their own States, it is the private insurance industry.

Mr. DURBIN. If the Senator will yield, to put clarity and a final point on this, if this is enacted into law and a Governor or some leaders in any given State decide that the public option in their State, giving the people who live in that State an additional choice when it comes to the health insurance they want to buy, if they decide that is too extreme, too socialistic, too French—whatever they happen to decide—they could initiate an effort

to eliminate the public option under this law so it would not apply to anyone living in their State. Whether these are the folks inspired by the tea party folks or others, they have their chance. They have the last word as to whether there will be a public option in their State.

Mr. WHITEHOUSE. Absolutely, it is wide open, as the distinguished majority whip has pointed out. The choice would entirely be theirs.

I suspect what we would see is, many people who are railing against the public option right here would find that their States, when they actually had the choice, would take it. Ninety-four percent of U.S. insurance markets are deemed highly concentrated by the U.S. Department of Justice. That is like the alarm going off in those markets, saying that if you find anti-competitive behavior, because that market is highly concentrated, you focus on it. You have to act.

Ninety-four percent of our major urban areas are in that situation. So to add another choice for those consumers I think is something that when practical people look at it in real life and see what its effects will be in real people's homes and in their jobs and in their finances and in their world, it will be a lot harder to keep it going, but it will be their choice.

Mr. DURBIN. If I can make one last point in a question. I know the Senator from Rhode Island is a former prosecutor, as is the Senator from New Mexico. When we come to the competitive nature of insurance companies—I know the Senator from Rhode Island was with me at a hearing recently in the Senate Judiciary Committee on the McCarran-Ferguson law, which in the 1940s exempted insurance companies—in this case, health insurance companies and medical malpractice insurance companies—from antitrust regulations, so that literally the executives of insurance companies—in this case health insurance companies—could all meet in a room and decide what the premiums would be in any given place in America, across the Nation. They could meet together and come to a common agreement as to which States would be dominated by which companies and, as I understand the McCarran-Ferguson law, the Federal Government would have no power to stop them.

We can stop virtually any other group of companies trying to do the same anticompetitive things, but there is no power to stop the health insurance companies because of McCarran-Ferguson under our Federal antitrust laws.

I say to the Senator from Rhode Island, does this not also suggest that when the health insurance companies threaten they are going to raise premiums, we ought to take them seriously? They have the power to do it, and they certainly have a long, rich

history of doing that. So when they say: If you pass health care reform, we are going to raise premiums, count on it; they are going to do it.

If we do not create the competition of a not-for-profit public option health insurance company, they literally will not face competition.

Mr. WHITEHOUSE. Yes, exactly correct. Unless they are involved in boycott or coercion, they can fix prices, carve up territories, do innumerable anticompetitive things that any other industry in America would have to answer for in a court of law. They get a pass on it because of the McCarran-Ferguson Act. But it shows, as the Senator from Illinois is pointing out, how vitally important competition is because that public option, I doubt it is going to sit down with private insurance industry and fix prices or carve up territories. It will have a public purpose and a public function, and it will be serving the people rather than the shareholders of the insurance company.

Mr. UDALL of New Mexico. Madam President, I say to Senator WHITEHOUSE, let me join in here with him and Senator DURBIN because the thing he pointed out—and that is the crux of this argument, right here on this chart—that when we talk about a public option—and the Senator has hit it over and over again and Senator DURBIN mentioned it—it is competitiveness. That is what we want to see, competitiveness. We are not talking about a government takeover. We are not talking about single payer. We are not talking about all these things our friends on the other side of the aisle say about this reform. We are talking about making the system more competitive.

People may not realize that in many of our States, when you talk about insurance company monopolies, there are States where more than 75 percent are covered by just two insurers. So we have the State of Montana with two insurers, more than 75 percent of the market. Look at Minnesota, Iowa, all these darker States, Maine. These States have very little competition going on.

What the Senator talked about is, No. 1, the Federal Government cannot move in. I don't know if Senator DURBIN heard this. But at the beginning, there was a big national news article that said the insurance companies are getting ready to raise the rates because they know reform is coming, and there is not a single thing the Federal Government can do about it. We have a great antitrust unit over in the Justice Department, but they cannot do anything about it because we have these laws in place.

This is, once again, what we are going to see. This is the pattern in the past: Skyrocketing insurance premiums, sky-high insurance company profits. In the last 7 years, a 428-percent increase, and all that is going on

while these 47 million Americans are without insurance, premiums doubled in 9 years, and these huge CEO salaries.

I think the public option is the key to bringing competitiveness to this market. I am glad the Senator from Rhode Island and the Senator from Illinois are working in committee to see that our antitrust units may be able to get involved in these kinds of situations in the future.

(Mr. BENNET assumed the chair.)

Mr. WHITEHOUSE. If the distinguished Senator will yield, the way this works out in individual people's lives—it is important for us as policymakers to understand what the Senator from New Mexico pointed out; that is, a 428-percent increase in insurance company profits in just 7 years, while they are turning people down and pushing them off coverage, even 47 million Americans uninsured, denying their claims, while the profits are going up like that. That is a very important story.

But then you get down to the actual people who get tangled up in this and what it does to their lives. Nicole from Providence, RI, wrote to me. In 2008, her doctor prescribed a number of tests she needed to take because she was experiencing stomach problems. Similar to many Americans who have gotten into these nightmares, they come in thinking they are all set, they have good health insurance.

Nicole thought she had good health insurance. She never imagined she would have any problem covering her medical costs. But the insurance company, once it started getting the bills, went scurrying around through its files and started to look for a way to get out of having to pay. Sure enough, they decided that her condition was "pre-existing." The magic word so they don't have to pay. Sure enough, they denied thousands of dollars of Nicole's claims.

So now there is Nicole. She thought she had insurance. She thought everything was fine. She had this stomach illness. She had to take these tests. She sends in the bills to the insurance company and they say: No, sorry, that is preexisting. So she is scrambling to pay off thousands and thousands in debt. That starts you off into the whole set of other problems, those administrative costs I was talking about. Those administrative costs are spent fighting patients, fighting their clients.

Here is Nicole constantly on the phone trying to get the correct documentation from her doctor to the insurance company, trying to get it to match up, and it never does and the bills keep coming. It is not only that she did not get the health care she needed and the company would not pay for it, it is when she tries to sort it out, she gets into this bureaucratic nightmare with that bureaucracy that grew

109 percent just in this decade arming up to fight people such as Nicole.

Here is what she concluded. This is a regular person from Providence, RI, snarled in the health insurance system. She says:

I have a full-time job with a good salary. I own a home. I have health insurance. I am a middle-class American doing everything I think I should. And yet I am now saddled with thousands of dollars in medical bills that I cannot afford to pay.

The stories go on and on of people in this system. Coreen from Cranston, RI, wrote me. She has health insurance through her employer, but the insurance company jacked up its premiums so high this year that her husband's employer was forced to switch to a high-deductible plan. She has a deductible of \$2,000. So now Coreen and her husband take turns who is going to see the doctor, depending on which one of them they think is the most ill. The healthier one doesn't go and lets the one they think is sicker go. Do they know? Of course not, they are not experts, they are not doctors, but they have to make this decision because they have had this limitation put on their policy.

She wrote to me:

We have no other option but to be held hostage by our insurer. In our current system, people come second and profits come first.

For all the big picture stuff we are talking about, it is important to remember that all these big pictures come down to homes and families and people and workers all across this country, all of whom find that this health care system is a nightmare for them under the private health insurance regime.

Mr. DURBIN. If the Senator will yield, I would like to note that I received a similar letter from a man in Illinois who had a \$5,000 deductible because he had a history of illness. So in order to buy health insurance he could afford, he had to be willing to first put out \$5,000 in cash out before they would cover the first dollar. He was told by his doctor, because of an examination, that he would need a colonoscopy, which is rather common and certainly a thoughtful thing to do when there is an indication. But he found it would cost him \$3,000 out-of-pocket for a colonoscopy, and he would have to pay that because the insurance plan didn't cover it. He didn't have the \$3,000.

Mr. WHITEHOUSE. May I inquire back if the insurance company, to the Senator's knowledge, actually checked to see if by taking the \$3,000 colonoscopy they might find out something about his health so that in the long run everybody would save money because they did the test at the right time?

Mr. DURBIN. Well, I don't know the answer to that, but I would suspect that they did not because the concern

for that insurance company is the bottom line for that quarter. They are not concerned, as they should be, about the long-term health of this man. If there is an indication that leads to a colonoscopy, it makes common sense that you would do it because things discovered early can often be treated successfully, and things that you don't treat can turn into very expensive and deadly diseases.

Mr. WHITEHOUSE. The public option, therefore, might be much more adept and likely at making that investment in the constituent's health because it is worth spending \$3,000 for a colonoscopy if it will help prevent a catastrophic illness later on.

Mr. DURBIN. That is the key word, "prevent." We have to move toward a new mindset that health insurance companies don't think about—wellness and prevention. If we put a little money into those, we can keep people healthier and keep costs down.

I am sure the Senator from Rhode Island and the Senator from New Mexico will recall the visit we had from the CEO of a major grocery store chain—Safeway/Dominix—and how they decided for their management to try to do preventive care. I recall the CEO telling us that because of preventive care, they have been able to keep their health insurance, which is a self-insured plan, even for 3 straight years without increases.

So prevention and wellness not only keep people healthier but reduce cost. But if you were trying to drive the bottom line and just said no to people who need a colonoscopy or need a mammogram or prostate cancer treatment, diabetes maintenance—if you are saying no to all of those things and those people—the ultimate cost in human life and in dollars goes through the roof.

Mr. UDALL of New Mexico. If the Senator will yield, the Senator from Illinois has hit on an example that comes home to me because I had a gentleman write to me from a small community in New Mexico—Pena Blanca—about his wife. He said his wife had reached the age of 50, and she wanted to do what she could in preventive care, which is what we want to encourage, as the Senator is talking about, to get out in front of illnesses and try to do that preventive care. So she wanted a colonoscopy, and she went to the insurance company that said: Well, it is going to cost you \$3,000. They didn't have \$3,000, so she had to forgo the colonoscopy. That was when she was 50 years of age.

At 54 years of age, she was diagnosed with colon cancer. So he writes to me saying that his wife is dying and he is in this situation now where he realizes if they had had that kind of preventive care, he would have his wife with him and would have her with him a lot longer.

It demonstrates what the Senator has just said, that if we reorient our

health care system to prevention, to wellness, if we use the public option—we use the nonprofit method—we will then be moving in the direction of getting way out in front of these illnesses rather than having tragedies such as this gentleman from the small town of Pena Blanca, NM, describes. It is a crying shame to see that kind of thing happen to a family.

As Senator WHITEHOUSE has said, we talk about all these things—sky-rocketing premiums and profits and everything—but it comes down to families and individuals with serious health care problems. In many cases, those problems are not being dealt with in our health care system.

Mr. WHITEHOUSE. The story the Senator just told, reminds me of one. I do regular community dinners around Rhode Island. I go to a community, and we put out nothing fancy—pasta and meatballs, a salad and punch, and we invite people to come in and just have a general discussion about the issues that concern them.

At one of my recent community dinners, a lady spoke about some difficult run-ins with the health care system. The worst part of it was about her sister, who had the same situation as the Senator's constituent. She did not have health coverage and she missed an appointment with the doctor. She didn't want to put out the money, so she went without. By the time she actually did go to the doctor, the condition had worsened.

The doctor told the woman at my dinner: Your sister's condition, if she had come in earlier, we could have cured her. But as advanced as it is now, I don't think there is much we can do about it. They tried what they could, and it was very expensive, obviously, but ultimately they could not save her.

So when we don't get this right, and when people forgo health care because they can't afford it, and because our system is set up to not pay for things that are essential preventive care, people lose their lives. It is a matter of statistics and it is a matter of cost and it is a matter of tragedy, but ultimately it is also a matter, for many people, of life and death.

Mr. DURBIN. If the Senator would yield once again, I would like to make note for the record that we are on the Senate floor this evening, and we have time to speak on this important issue because the Republicans are blocking our efforts to pass a bill that sends unemployment compensation to literally hundreds of thousands of Americans who have been out of work for a long time and need these checks to keep their families together. They have now resisted us for 21 days to extend unemployment benefits to these people across America. I am sure in each of our States, as I found in Illinois, many of these unemployed people have also lost their health insurance as a result of losing their jobs.

I would like to ask either or both of the Senators to comment on what this health care reform proposal that we are talking about would do for a person who has either lost a job or is in a low-income category; someone who is scraping by with a low-wage job, hoping for something better, or maybe that is the best they can come up with.

Would either of the Senators like to respond as to what this legislation, our health care reform bill, is proposing?

Mr. UDALL of New Mexico. Well, Mr. President, to talk a little about that situation, I think it is important to understand, first of all, that we have so many people out there who are uninsured—absolutely uninsured. As Senator DURBIN has described, many times they lose their job and they lose their insurance, and that is what this reform is all about. We are not going to have that connection any longer. We are going to say to Americans: You are going to have your health care coverage, and if you go from job to job, you are going to be able to continue your health care coverage. If you are unemployed, you are going to be able to continue your health care coverage.

That is a big new step for us, to take people who didn't have insurance, who were subject to the vagaries of existence out there, and point the way to where they are going to get insurance. They are going to get help for their families, and I would just say that we are at the right place at the right time. Things have aligned.

We have President Obama, we have a Democratic Senate, we have a Democratic House, and we need to get this done in this time period. We know we are going to be opposed. Our friends on the other side are going to do the same thing the Senator mentioned on unemployment benefits. They are going to stand up and use every trick in the book. They are going to use all these filibuster rules, and they are going to make us file everything. But we will stay here long nights, we will stay through to the end so that we can help the individuals like those we have been talking about to get insurance regardless of what their personal circumstances are, regardless of things such as preexisting conditions and serious illnesses and getting dropped by insurance companies.

Senator WHITEHOUSE.

Mr. WHITEHOUSE. I would add another element in responding to Senator DURBIN's question. They may very well be eligible for Medicaid or Medicare, in which case they would go on to those programs. But, if not, they would very likely be eligible under this health care reform for a significant subsidy to help them pay for health insurance.

What is interesting about the way that works is that they do not have to go into a government program to get the subsidy. We are trying to make health insurance more available to

more middle-class families. So what they do is go to the health insurance exchange, which is like a market for health insurance or, if they work for a big company or the State or county or Federal Government, there is a period where they go and sign up for the health insurance they want.

Your H.R. person says: OK, now is the time to choose your policy for the coming year. They give you your choices and you select from your choices. You have a labor agreement or a contract agreement or a statutory provision that lets you know how much your employer is going to contribute, but you get to choose, just like the Federal Employees Health Benefits Plan we are in—that all Federal employees are in.

That is the model, so that somebody who can't afford the insurance they want will get their stipend from the government and then they will go to the exchange and be able to choose. That is why it is called the public option. If there is a public option in that State, they will be able to choose the public option. If they do not like the public option, they can choose Aetna or Blue Cross or Wellpoint or Cigna or whoever is doing business in that State and buy through the exchange.

So for people in the circumstance the Senator talks about, who are in economic straits, this will be an easier way to buy health insurance. It will be a way they can afford health insurance, and it is a way that leaves the choice up to them. That is where the public option comes in because when they have that choice, I think for a lot of Americans looking at the way costs are going and looking at the way they get treated by the health insurance companies, they are going to say: The choice between all those for-profit health insurers, that is no choice at all. That is, which enemy do you have to sign up for? I use the word "enemy" because I have had people tell me the terrible thing about getting ill in this country is that they have to, on the one hand, fight the disease and, on the other hand, fight the insurance company. And they do see them, when they get involved in that, as the enemy.

When they have a choice between a whole bunch of insurance companies and they all share the purpose of trying to throw them off coverage if they are sick, trying to deny them coverage when they get sick, trying to deny the claims their doctor puts in, trying to interfere with what their doctor wants them to do to get better, if those are all their choices, that is not much of a choice.

That is where the public option can provide a real choice to people when they come in. They will have the dignity of being able to make that choice for themselves and their family through this program in our reform.

I see we are joined by the distinguished Senator from Colorado, Mr. BENNET.

(Mr. UDALL of New Mexico assumed the chair.)

Mr. BENNET. I have been listening to the debate, and I wanted to join in and respond to Senator DURBIN's question about people leaving their insurance carrier and going on Medicare and Medicaid today, if they are eligible; and if they are not eligible, they are just out of luck. I think it is important, as we think about what this reform will bring, to remind people about what is happening with the status quo as it exists right now.

We are having all this debate about whether a public option is a good idea, whether the other insurance reforms are a good idea, accusations that this is just a government takeover of health care. What people are ignoring is what is happening right before our eyes.

In my State, median family income has actually declined by over \$800 over the last 10 years. That is before this recession we are in right now. In the country it has gone down \$300. In my State, the cost of health premiums over that same period of time went up 97 percent—it doubled. We are saying to working families, you are going to earn less but the cost of health insurance is going to go up by twice. Not only that, but the cost of higher education is going to go up 50 percent. Working families are getting squeezed.

What is happening is—because they are having double-digit cost increases every year, because small businesses are spending 18 percent more than large businesses to cover their employees—we are seeing already fewer and fewer people getting insurance from their employer. The number of people who are insured by employers in my State is dropping like a stone. The number of small businesses that are able to offer insurance anymore to their employees is dropping like a stone, which is heartbreaking to a lot of people because a lot of these businesses are family businesses where they pride themselves on having offered insurance for many years.

Where do these people end up in this debate we are having right now about a public option versus not? If they are poor enough, they end up on Medicaid, a government program. If they are not, they end up going to the emergency room where they get uncompensated care that we all pay for as taxpayers.

In the case of my city, in Denver, we have an excellent public hospital. They did a study 3 years ago that showed that in 1 year they spent \$180 million treating people who were uncompensated, who were employed by small businesses. These are people working for a living every day but who do not have insurance. Who pays that bill? We, the taxpayers.

What I would say to people on the other side, or even on our side who are

saying this is a bad idea, to give people more choice, more option, is that the system we have right now is landing people in public government options or landing them in the emergency room where the taxpayers are having to cover them with uncompensated care. We are just doing it in the least intentional way possible. We are doing it in the least thoughtful way possible and in many respects doing it in the most expensive way possible. People are not getting the kind of preventive care they ought to be getting, the screenings they ought to be getting on the front end so they don't show up in the hospital emergency room when they are dreadfully sick.

When I hear the objections to this and I realize how painful the status quo is right now for working families and small businesses—in the State of Colorado, but I also know in other States as well—I wonder sometimes what people are fighting against. What we are fighting for is a much more intentional approach to coverage, a much more intentional approach to quality, a much more intentional and rational approach to how we finance all of this.

It has been a pleasure to hear you tonight. I wanted to come and be part of the discussion.

Mr. WHITEHOUSE. Of course, anybody in the situation Senator BENNET described, if they don't like the idea of a public option under this legislation they are completely free to not sign up for it. Nobody in America will be forced into the public option. We don't even connect the subsidy, the stipend that makes health care affordable for American families, to the public option. We give it at the exchange in this legislation.

If you want to spend your government stipend to help make health care more affordable on Blue Cross, on Aetna, on Cigna, on whoever does business in your home State, you are welcome to do that. The public option is an absolute free choice. There is not a single person in this room, not a single person in the United States who, if the public option passes and they choose not to participate, has any adverse consequence at all.

The one thing they may have happen to them if the public option is successful is—if it is not sucking profits out of the system, if it is not building that huge administrative superstructure to fight with the doctors and hospitals so that they have to build a matching one to fight back from, if they are actually investing in, as you say, prevention and quality improvement and electronic health records and paying doctors in a sensible way so they don't have to run up procedures to get paid—if they do all that successfully, they will drive down the cost. Because it is competitive, those private insurance companies will have to follow. What you may get if you do not like the pub-

lic option is you will get your stipend just like anybody else, if you are in the right income category. You will say I don't like the public option. I have no business with anything to do with the government health care, I don't want any part of it, I am going to the private sector—and you can buy that. You may in that circumstance actually see your private sector insurance rates come down because of nothing you did but because of the public option being out there and being competitive.

If the public option is uncompetitive and its rates go up, that is not going to hurt you. You are still in that private insurance company anyway. It is a 'heads I win, tails you lose' situation for you; you are the winner on both sides.

Mr. BENNET. If the Senator will yield, there is one other important component to this that people in my State have been talking to me about a lot over the last 6 weeks or so. It has become clear that as part of this reform, because this is the way insurance needs to work if you are going to cover everything, as part of this reform there is a requirement that everybody have insurance.

People are saying to me: MICHAEL, I want you to make sure you give me as many options as possible. If you are going to make a requirement as part of this, I want to maximize my choice. I want to be able to look at everything, whatever you call it—whether it is private insurance or public option, non-profit plans—I want to be able, they say, to make the best decision that is in the interest of my family or make the best decisions in the interests of my business.

I don't know why we would want to say on the one hand we are going to require you to have insurance and on the other hand say we are going to constrain the range of choices that you can make on behalf of your family. We should not be making those choices here in Washington. Those are choices our families should be making for themselves.

Mr. DURBIN. If the Senator from Rhode Island will yield, on his chart on national health expenditures, I have heard my colleagues on the other side of the aisle, the Republican side, come to the floor many times and decry this whole effort because it was going to cost \$1 trillion. We are not sure if that will be the exact number, but take it as an example. We are talking about \$1 trillion over the next 10 years. If you accumulate the cost of health care in America over the next 10 years, starting this year at \$2.5 trillion, and assuming it goes up to at least \$3 trillion, maybe \$3.5 trillion, it seems to me we are dealing, over that period of time, with an accumulated cost of health care in America over 10 years of \$30 to \$35 trillion, I think, is probably a fair estimate.

Mr. WHITEHOUSE. I agree.

Mr. DURBIN. One trillion dollars as a percent of that comes out to less than 3 percent of the overall cost of the system and the savings we are trying to build into this approach, by trying to find ways to reduce costs, to reduce the fraud and waste that is part of health care today, to give people options so that they have more competition, bringing down the cost of premiums—I would say to my friends on the other side of the aisle arguing that \$1 trillion is a huge sum, certainly when you deal with \$1 trillion it is, but in comparison to the overall cost of health care over the next 10 years it is less than 3 percent of what we anticipate. And it is largely made up of savings within the current system. I think that is the point they miss when they use that figure on the floor so frequently.

Mr. WHITEHOUSE. I think the Senator has made a very good point. I add to it by going back to the figures from the President's Council of Economic Advisers that suggest we could save \$700 billion every year out of this health care system if we could wring the excess costs out of it—the unnecessary MRIs because you don't have an electronic health record and you have to go out and replicate it because you don't have the file with you; the totally unnecessary staff fighting with each other over who should get paid and who should not get paid; the \$60,000 it requires, on average, when you get a hospital-acquired infection in the intensive care unit. If you could prevent it, you save. Those are the kinds of numbers that add up to these numbers. If you could save \$700 billion a year—I am not saying you could do it, but it is a big target out there—investing \$1 trillion over 10 years to get a piece of that back only makes sense. It is plain business sense.

If you were in the manufacturing sector and if you had an assembly line and that assembly line was creating costs like this, so the price of your product had to go up and up and you were having all those casualties, people were getting their hands caught in the machine and mangled and it was lighting up on fire because it was running out of oil, and you were having all these problems with the system, somebody would come in and say: You know what, you ought to spend a little money upfront to get a good system put in to fix up your assembly line because you will save costs in the long run. That is all we are expecting to do right now, is get those. There are so many disasters in the health care system right now, and to get that cleaned up and put a little money down for that, that is only good common business sense, particularly when there is a big target such as that \$700 billion a year savings and, as you said, the cost of the next 10 years will be well north of \$30 trillion if we do not do anything about this.

(Mr. BENNET assumed the Chair.)

Mr. UDALL of New Mexico. Mr. President, the example on the savings is right there, in the examples before us. We just talked about Medicaid. Medicaid has a 3-percent administrative cost. We are talking about a program, when I go into my townhall meetings and visit with people, people say they like Medicaid, they like what they have. Here is a program that is running with 3 percent administrative costs.

When we talk about the insurance companies, because of what the Senator mentioned, how they fight the claims and you have to get all these people in the doctor's office trying to prove claims, and then back and forth—doctor's offices many times told me 50 percent of the people in the office are there doing this administrative work because of what the insurance companies have created.

When you ask the big question to insurance companies, how much is your administrative cost on the health insurance industry—30 percent. I think there is enormous room for improvement when we are talking about the hundreds of billions of dollars that are out there, from 3 percent in Medicare to 30 percent or more in the health insurance industry.

There is no doubt that the savings can be squeezed out of this system. That is what the public option does. That is what we have been tonight talking about, night after night. I am so thankful that Senator WHITEHOUSE, in the HELP Committee, his service in the HELP Committee, volunteered to write the public option for that health bill. That contributed so much to this debate. It gave us the outside parameters for what we are debating right now, and our leader, Senator REID, has now stepped forward and said he wants a public option with this opt-out provision.

Mr. WHITEHOUSE. If I may step in—

Mr. UDALL of New Mexico. Please.

Mr. WHITEHOUSE. It was a team effort. I want to make sure that Senator BROWN of Ohio, our friend SHERROD BROWN gets recognized. He had a very important role in it. As the Senator knows, he is very committed on this issue and fights very hard to protect the interests of consumers. Senator KAY HAGAN, our friend from North Carolina, also was extremely helpful. Because she has a more conservative perspective than we do, there was a wide range of views that were brought together. I think that is reflected in the fact that when the so-called Blue Dogs, the conservative Democrats over in the House, wanted to work out a public option, the public option they signed off on was the Senate HELP public option.

I think it has good appeal for conservative Democrats as well as progres-

sive Democrats, that it reaches across the whole aisle. I hope by the time the dust settles, reasonable Senators of the other party will also join us in this because it only makes sense. If, as the President's Council of Economic Advisers says, it is "possible to cut total health expenditures by about 30 percent without worsening outcomes," if there is 30 percent of waste and fighting you are talking about, and it adds up to \$700 billion as the President's Council of Economic Advisers said, and if you add up the numbers from the Lewin Group, this here—they actually anticipate bigger savings, they anticipate \$1 trillion a year in potential savings if—you could get all the excess costs out—it is \$1 trillion a year—it is a phenomenal target to shoot for.

That is why making the public option competitive is such a good idea.

With this cost we cannot keep doing the same old thing and subsidizing. We have to change the direction of the health care system and the public option will do that.

Mr. UDALL of New Mexico. We are near the end of our hour right here. I wish to read one more letter and then Senator WHITEHOUSE may have some concluding remarks. But I think this letter drives home what we have been talking about all night. I received a letter from a man in Carlsbad, NM. This man's wife was denied insurance benefits after she fell at the school where she is a teacher. And here is what he said:

Her orthopedic surgeon told us that her fall aggravated her degenerative condition in her knees and spine. He felt he could no longer treat her without surgery and recommended that she have both knees replaced. She had one knee replaced . . . , but before she could have the other knee replaced or her back treated, she was summoned to Albuquerque where she had to appear before a panel of three doctors.

The lead doctor on this panel rules that she needed no further treatment of any kind. One of the doctors wrote a dissenting opinion, but her coverage was cut off. The dissenting doctor later apologized to my wife, stating that he hated serving on those panels because the lead doctor always ruled in favor of the insurance company and against the patient.

The health insurance industry cannot be trusted. Without the public option the American people will not have the choice they deserve. The public option would bring needed competition to the industry. I strongly urge you to support the public option.

That is my constituent writing me. He has really hit it on the head. I think the gentleman from Carlsbad said it best when he said: The public option would bring needed competition to the industry.

You saw this chart earlier here about the lack of competition and how we have these insurance companies with a monopoly. Right now health insurance companies are basically monopolies or duopolies, at best. In New Mexico, we have two companies that hold 65 percent of the market. This kind of control means there is no incentive for

competition. There is no incentive to drive down those costs. A public option would insert that competition back into the market and it would keep those insurance companies honest.

I thank Senator WHITEHOUSE, Senator DURBIN, Senator BENNET from Colorado, for being down here. We have been doing this for weeks now and we are going to continue this. I do not know if you have any concluding remarks. But I think this has been a very productive session. I hope we will continue until we get health care reform done and with a public option as part of it.

Mr. WHITEHOUSE. Only to thank the Senator for organizing this time so we could engage in this colloquy on a matter that is so important to Americans on a matter where so much of what has been said has been so misleading and unhelpful.

The chance we have to talk about the actual public option as it is in real life, not some overheated imaginary public option that has been cooked up by the other side for the purpose of knocking it down, I think is very helpful to help the American people understand the direction we are trying to go. The Senator's role in getting this done is very much appreciated.

Mr. UDALL of New Mexico. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHANISTAN

Mr. WHITEHOUSE. Mr. President, I have just returned from Afghanistan. I was there over the weekend. I wanted to take a moment and share a few impressions. I traveled with Senator BURR, who is a colleague of mine on the Intelligence Committee, and with Senator LEMIEUX of Florida. We visited Kabul, Jalalabad, and a military location further out in the field.

It was my third trip to Afghanistan. That makes me no expert. But I do hope my observations might be of some interest or use to my colleagues. Before I begin, our colleagues should know the perception in Kabul of how extremely valuable the efforts of our colleague Senator KERRY have been. It was clear the resolution that we saw to the election dilemma could not have happened without Senator KERRY.

The more our officials in Afghanistan knew about that situation, the stronger their views were about Senator KERRY's irreplaceable role. Even President Karzai commented on it in our meeting with him. So a well earned "well done" to our colleague and friend.

While the situation in Afghanistan is obviously complex and difficult, the best news for us is that the Taliban remains very unpopular. The Taliban's strength comes from the fact, not unreasonably, that many Afghans are terrified of them.

If the Taliban are willing to ride into town and cut off the ears of the village elder's son in front of the whole village, it requires considerable courage and confidence on their part in us and the Afghan Government for that village to stand up to those Taliban.

The Afghan people do not lack courage. Indeed, their courage and resistance in standing up to the Soviet invasion are among the reasons the Cold War is over, and why America is largely out of the shadow of that nuclear threat. When we think of our role in Afghanistan, it is worth considering our obligations in the light of what their struggle against the Soviet Union has meant for our country, our safety and our liberty. So courage is not something that Afghans lack.

But there is a compelling need for the Afghan people to feel confidence in their government and confidence in us. The best avenue to increasing Afghani confidence in their government will be reducing government corruption. It is a pernicious cancer throughout much of the Afghan Government.

Once this election is settled—and I will assume that President Karzai will emerge victorious—President Karzai can then turn his attention to his new administration. And then I think it is vital—and it is unanimously seen to be vital by the officials I spoke to—that vigorous efforts against corruption be a leading part of President Karzai's commitment to the Afghan people.

Confidence in us is equally important, but confidence in us must be measured against its counterweight, which is dependence on us. President Karzai, his ministers, and his challenger, Dr. Abdullah, are extremely grateful for the sacrifice that America has made for the benefit of their people, and they do not hesitate to say so. But at the same time, it is a realistic human impulse to be pleased if someone else will do something for you that you would otherwise have had to do yourself.

So, on the one hand, assuring the Afghan people of our reliable and enduring commitment to their struggle, while, on the other hand, ensuring that the Afghan Government meets its responsibilities, rather than just relying on us to fight their war, is the difficult balance we must achieve.

The more President Karzai—after this election is settled—can assume the mantle of a wartime President and accept responsibility that he is the military leader of this struggle, as well as the newly elected leader of Afghanistan, the better it will be. But it also seems to me that a strategic agree-

ment with the Afghan Government, a strategic agreement that more clearly lays out the responsibilities and the commitments on either side, would be a good vehicle to set that balance.

The confidence of the Afghan people in our steadfastness is necessary to their willingness to fight this enemy, and the Afghan Government stepping up clearly to its responsibilities is necessary to our willingness to fight this enemy. Together, where those goals intersect, we can win. Divided, we cannot.

Sorting this out will not be easy. For too many years, we have been "muddling through" in Afghanistan. President Obama's appointee, General McChrystal, has now called for a new strategy. I think the President is wise and patient to think this through carefully as he leads us out of the muddle and develops a winning strategy.

No one I spoke to in Afghanistan thought the need for new troops was immediate. The 21,000 additional troops President Obama sent are still being absorbed. Winter is coming with its seasonal lull in the violence. Questions about Pakistan's role supporting the Taliban in Afghanistan are unresolved, questions whose answers will make our challenge in Afghanistan either far more easy or far more difficult. This is not simple and should not suddenly be rushed now, after years of muddling.

In evaluating the decision that President Obama faces, it is worth considering the actual report that General McChrystal provided. We have heard a lot about it, and most of it has had to do with the immediate deployment of troops.

The report, if you look at it, has a slightly different cast. In his report, General McChrystal identified "two fundamental changes"—that is his quote—"two fundamental changes" that are required.

One is this—and I quote—

ISAF must focus on getting the basics right.

ISAF is International Security Assistance Force. It is the international force that America leads in Afghanistan. Here is one: "ISAF must focus on getting the basics right."

Two:

ISAF must also adopt a new strategy.

Those are his one and two points—"getting the basics right" and "adopt a new strategy."

To continue quoting General McChrystal's report:

The key take away from this assessment is the major need for a systematic change to our strategy and the way we think and operate.

Let me quote that again:

The key—

This is the McChrystal report quoted verbatim—

The key take away from this assessment is the major need for a systematic change to

our strategy and the way we think and operate.

That is the task on which the President has embarked, and after years of muddling, I think he is entitled to a reasonable time to get it right.

I would like to highlight three of the areas that General McChrystal emphasized in his report.

I will quote again. One:

Tour lengths should be long enough to build continuity and ownership of success.

Afghan society is deeply complex, personal, and it is governed by codes of conduct and honor. Our decisionmakers on the ground need to know the social terrain to be effective. That message has been loud and clear from my trips to that country. But the conclusion from the general is that "Tour lengths should be long enough to build continuity and ownership of success." This will be hard on our troops and their families, and it will also be hard on the back-office bureaucracies that have to accommodate this. But that is what he said. There it is.

This is another quote. Two:

ISAF must operate differently. Preoccupied with force protection, ISAF has operated in a manner that distances itself, both physically and psychologically, from the people they seek to protect.

An example of this is that the reconstruction of a bridge or a school is good and important and valuable, but if the convoy of MRAPs ran everybody off the road in all the villages that they went through on the way to that school or bridge, the signal that we are there to help is lost.

This is a hard point that General McChrystal has made: reducing the cocoon of force protection around our civilian and military personnel creates greater exposure to casualties. General McChrystal has faced this point squarely.

Third, and somewhat amazingly—I will quote again—

Major insurgent groups outperform GIROA and ISAF at information operations.

Again, ISAF is the International Security Assistance Force. GIROA is the acronym for the Government of the Islamic Republic of Afghanistan. So I plug that into the quote and it says: Major insurgent groups outperform the Government of the Islamic Republic of Afghanistan and the International Security Assistance Force at information operations.

I will tell you, for a country that invented Madison Avenue advertising and public relations, this is a bitter pill. And this was confirmed during our trip. Although we saw a few areas that gave us hope, overall, officials acknowledged that information operations appear to be operating with far less sophistication and energy than tactical military operations.

I have the impression that for too long this function has been seen really as information supply rather than in-

formation combat. Everybody in this Chamber has gotten here—or at least almost everybody has gotten here—after having won an election in which they had to engage in prolonged information combat against the other side to get their message across. Our information operations do need to be improved in Afghanistan, and it is commendable that General McChrystal has recognized it.

Let me be clear. This is not propaganda. This is not making up a lot of spin. This is getting the facts out faster and better. As General McChrystal noted in his report—and I quote again—"this is 'a deeds-based' information environment," but we do have the deeds. We have villages peaceful. We have markets opened. We have Taliban fighters turning in their guns to seek reconciliation.

We have, on the negative side, horrific Taliban atrocities that offend Afghan culture as well as our own—so that we can tell a winning and truthful story to the Afghan people, but, as General McChrystal has acknowledged, we have to get better at this.

I will conclude with an expression of gratitude and a final observation. We should be extraordinarily grateful to our Americans serving in Afghanistan, not just for their courage and sacrifice, which are remarkable in themselves, but also for their skill to fight an enemy of lunatics, criminals, and fanatics for whom no brutality is too offensive, while, at the same time, protecting the civilian population within which the enemy operates—all while protecting the values we Americans hold dear. That is no small trick.

The men and women who have developed this to an unprecedented level of competence—even mastery—deserve our commendation: the Rangers, on long and arduous patrols through harsh terrain; the special operations teams, working by night to disable enemy leaders; the interrogators, working far from home to develop intelligence about this enemy, well within the bounds of decency and the norms of military conduct, and very successfully; the analysts, at work 24/7, processing that intelligence to maintain nearly immediate situational awareness for our forces; the pilots, delivering goods and personnel wherever and whenever required; and the vast support structure that keeps those aircraft operational in one of the harshest environments on Earth; the marines, clearing and rebuilding villages in Helmand Province, not just rebuilding villages but rebuilding trust and security for those families; our silent services, whose only reward is their success and the respect of their peers; the reconstruction teams, working to bridge barriers of culture and language, and our own bureaucratic barriers, to rebuild the infrastructure of civilized life: schools for girls, roads to mar-

ket—that is all just a slice of the courage, devotion, and skill that Americans are bringing to this challenge.

My final observation is this: Whenever I have been on three visits now, American soldiers of all ranks have a tangible respect and affection for their Afghan counterparts. The Afghan soldier could be centuries behind us technologically, but he comes from a martial tradition lasting thousands of years, producing men who are brave, resourceful, hardy, principled, and willing to fight.

I remember a bearded special forces officer telling me about the commandoes he was training, that when he went out on patrol with them, he had no hesitation. They called each other brothers. And he said there was not a man in his group who would not lay down his life to protect him. For all the difficulties we will face—and this is not easy—I think this aspect provides a platform for some optimism about growing an effective Afghan national military and police to assume its necessary role protecting Afghanistan's security and sovereignty and speeding our return home.

I thank the Presiding Officer. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENGAGEMENT WITH BURMA AND THE 2010 ELECTIONS

Mr. MCCONNELL. Mr. President, I rise today on the floor of the Senate to discuss events involving the troubled country of Burma.

Earlier this year, I encouraged Secretary of State Clinton to make Burma a priority and to see how the United States could better achieve its policy objectives toward the regime. Several weeks ago, the administration unveiled its review of existing Burma policy. The result is that the administration has undertaken a diplomatic effort with the State Peace and Development Council, SPDC, in pursuit of the fundamental U.S. goals of peace, democracy and reconciliation in Burma.

Let me say that I wish the administration well with its diplomatic efforts.

I am hopeful this policy will meet with some success. In addition, I believe that this interaction should not be limited to talks merely with the SPDC but should also include discussions with the National League for Democracy, NLD, and representatives from Burma's ethnic minorities. That said, I am not sanguine about the prospects for engagement with the regime. The military junta has shown no inclination whatsoever to compromise on any issue that might jeopardize the regime's hold on power. According to news reports, in July of this year, just weeks before the unveiling of the new Burma policy, the State Department at the highest levels offered to drop the U.S. investment ban against Burma if the regime released Aung San Suu Kyi. This was a major test of how the regime would respond to diplomatic engagement, providing a golden opportunity for the SPDC to demonstrate that it had indeed changed its spots. Instead of accepting this offer and freeing Suu Kyi, the regime promptly sentenced her to an additional 18 months of imprisonment. That does not augur well for diplomatic engagement.

As part of its new strategy, the administration indicated that, while it will place a high priority on diplomatic engagement, it will maintain the economic sanctions in place against the regime. It seems to me that, as matters now stand, there are three significant tests of whether or not the junta's relationship with the United States has improved to the degree that we should even consider moving away from a policy of sanctions: No. 1, the release of all political prisoners, including Suu Kyi; No. 2, the free and fair conduct of the 2010 elections; and No. 3, Burma's compliance with its international obligations to end any prohibited military or proliferation related cooperation with North Korea. Short of tangible and concrete progress in these areas, the removal of sanctions seems to make little sense. It is after all the most significant leverage our government has over the SPDC. Sanctions make clear that the military junta has not achieved legitimacy in the eyes of the West.

It is that search for international legitimacy that has apparently driven the SPDC to hold elections next year. But the 2010 elections are fraught with problems. As a preliminary matter, for these elections to be meaningful, the new "constitution" should be amended to provide for truly open electoral competition and democratic governance. As it stands now under the junta's charter, if Suu Kyi's party the NLD won 100 percent of the contestable parliamentary seats in next year's election it would still not control the key government ministries: Defence and Home Affairs. No matter what they will remain firmly under military control. Moreover, the NLD cannot

amend the constitution to improve the charter because the military is guaranteed a quarter of the parliament's seats. That means the junta can block any constitutional change. Finally, Suu Kyi may not even hold a position in the government; she is excluded from office by the charter. I would say to my Senate colleagues, this is hardly a prescription for democratic governance.

But putting the flaws in the constitution to one side, there would need to be a profound change in the political environment in Burma for next year's elections to be meaningful. For example, candidates would need to be permitted to freely speak, assemble, and organize. So far as I can tell, none of that has occurred. There would also need to be international election monitors allowed in the country well in advance of election day. This was not permitted during the 2008 "referendum." Simply holding an election is not enough; the elections must pass muster.

With respect to next year's balloting, the NLD, the clear winner of the 1990 elections which the regime abrogated, faces a Hobson's choice. It can either participate in the elections which are almost certain to be unfair and thereby legitimize the flawed constitution or boycott the elections and be treated as a member of an unlawful organization. Participation means casting aside its 1990 victory; nonparticipation means becoming outlaws. I am likely to support the NLD in whatever decision the party makes in this regard though I am not blind to the profound dilemma it faces.

I would just close by paying special tribute to Aung San Suu Kyi. Her grace and courage are an inspiration not only to the people of Burma but to us all. Her imprisonment is a reminder of the paramount importance of the need for freedom and justice in her homeland. I want her to know that I stand with her in her efforts to bring freedom and reconciliation to the people of Burma.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. PAIGE BAKER

• Mr. JOHNSON. Mr. President, today I pay tribute to Dr. Paige Baker, superintendent of Badlands National Park. Dr. Baker is retiring from the National Park Service at the end of this year, and his leadership at the park will be greatly missed. I have enjoyed working with Dr. Baker in his capacity as superintendent and want to take this opportunity to recognize his dedication to public service.

Dr. Baker grew up on the Fort Berthold Indian Reservation in western North Dakota. Education has been a strong theme throughout his life, and his commitment to educating others is evident in his work at the Badlands. He

attended college at the University of Mary in Bismarck and went on to earn both his master's and doctorate in education administration at Pennsylvania State University. Prior to joining the National Park Service, he worked at several universities and for the Bureau of Indian Affairs. In 2004, he became superintendent of the Casa Grande Ruins National Monument in Arizona. In late 2005, Dr. Baker came to southwestern South Dakota to serve as superintendent of the Badlands National Park. The Baker family has been kind to the National Park Service and South Dakota; his brother Gerard Baker serves as superintendent of Mount Rushmore National Memorial.

At the Badlands, Dr. Baker has overseen the management of a unique and treasured landscape visited by more than a million people each year. Badlands National Park encompasses 244,000 acres of some of the most spectacular scenery in the world. The Badlands formations contain rich geology and paleontological resources, and the mixed-grass prairie within the park offers visitors from around the world the chance to view bison, bighorn sheep, and other wildlife. Dr. Baker's charismatic and respected leadership has no doubt had a positive impact on the experience of each visitor to the park.

The Badlands also have strong historical and spiritual significance to the Lakota people. Dr. Baker has expanded visitors' understanding of the Badlands through interpretation programs that recognize the cultural significance of the area. Among his most significant contributions, Dr. Baker has helped to improve relationships with tribes and bridge cultural divides. He has brought Native and non-Native students to the Badlands to learn from one another and find common ground. He has also fostered greater communication with tribes, particularly with regard to the South Unit of the Badlands that is currently comanaged with the Oglala Sioux Tribe. Dr. Baker has brought a level of understanding and respect to these multi-faceted issues that deserves recognition.

In closing, I thank Dr. Baker for his service at Badlands National Park and wish him all the best in his retirement. Dr. Baker's work at the Badlands will leave a lasting legacy, and I congratulate him on his accomplishments. •

RECOGNIZING IBEC CREATIVE

• Ms. SNOWE. Mr. President, our Nation has long recognized that small businesses are the true innovators in our economy. Indeed, according to the U.S. Small Business Administration, our Nation's 27 million small firms generate a majority of the innovation coming from American businesses and produce 13 times more patents per employee than their larger counterparts. But to continue this trend, we need a

new, younger generation of entrepreneurs to rise to the forefront and open their own small businesses. That is why I am proud to rise today to recognize the entrepreneurial spirit and ingenuity of a young woman from my home State of Maine whose graphic and Web design company is providing clients with, in her words, "fresh ideas that grow results."

iBec Creative was founded in 2006 by entrepreneur Becky Stockbridge. As a senior at the University of Southern Maine, Ms. Stockbridge wrote a business plan to start a Web and graphic design business for medical professionals. She realized that this critical segment of our economy was in desperate need of innovative and creative ways to promote their expertise, including through brochures, logos, and informational Web sites. With a \$4,200 grant from the Libra Future Fund, a Maine-based nonprofit organization that supports young entrepreneurs, as well as free office space awarded by the Maine Center for Enterprise Development, she embarked upon her fledgling entrepreneurial career. To overcome a slow start, Ms. Stockbridge soon began designing Web sites and graphic designs for small businesses in other fields and by seizing upon these additional opportunities, she greatly broadened her client base.

In her continued efforts to present clients with cutting-edge technology, Ms. Stockbridge's innovative assortment of development, design, and monitoring services have turned iBec Creative into a well-respected five-person small company with an expected \$350,000 in revenue for 2009. iBec currently specializes in providing a wide range of marketing and consulting services to its clients, such as Web design and search engine optimization, SEO, consulting, branding, internet marketing, traditional marketing, and project management. Additionally, iBec Creative utilizes emerging media to promote its clients various brands.

Ms. Stockbridge's creativity, vigor, and entrepreneurial commitment were recently recognized by BusinessWeek as she was named a 2009 finalist in the America's Best Young Entrepreneurs competition. She is the only person nominated from my home State of Maine and the first finalist from Maine since the contest began 5 years ago. Ms. Stockbridge is competing against 24 other young entrepreneurs from around the Nation in this unique online challenge, and I look forward to hearing about her successful outcome at the end of the competition.

iBec Creative is a remarkable small business whose story demonstrates how community involvement and encouragement can help entrepreneurs of all ages realize their aspirations and dreams. I commend Becky Stockbridge for her innovation and determination and wish Ms. Stockbridge and everyone

at iBec Creative the best of luck with their burgeoning business.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:33 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2489. An act to authorize a national cooperative geospatial imagery program through the United States Geological Survey to promote use of remote sensing data.

The message also announced that the House has passed the following bill, without amendment:

S. 832. An act to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Messrs. DICKS, MORAN of Virginia, MOLLOHAN, CHANDLER, HINCHEY, OLIVER, PASTOR, PRICE of North Carolina, OBEY, SIMPSON, CALVERT, LATOURETTE, COLE, and LEWIS of California as managers of the conference on the part of the House.

At 11:40 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1929. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The President pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill and joint resolu-

tion, which had previously been signed by the Speaker of the House:

H.R. 1209. An act to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

H.J. Res. 26. A joint resolution proclaiming Casimir Pulaski to be an honorary citizen of the United States posthumously.

At 6:12 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3632. An act to provide improvements for the operations of the Federal courts, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 1694. An act to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 177. Concurrent resolution raising the awareness of the need for crime prevention in communities across the country and expressing support for designation of October 1, 2009, through October 3, 2009, as "Celebrate Safe Communities" Week, and October as "Crime Prevention Month".

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3632. An act to provide improvements for the operations of the Federal courts, and for other purposes; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 177. Concurrent resolution raising the awareness of the need for crime prevention in communities across the country and expressing support for designation of October 1, 2009, through October 3, 2009, as "Celebrate Safe Communities" Week, and October as "Crime Prevention Month"; to the committee on the Judiciary.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 3617. An act to provide an extension of Federal-aid highway, highway safety, motor

carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

S. 1963. A bill to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 1692, a bill to extend the sunset of certain provisions of the USA PATRIOT Act and the authority to issue national security letters, and for other purposes (Rept. No. 111-92).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Rafael Borrás, of Maryland, to be Under Secretary for Management, Department of Homeland Security.

*David S. Ferriero, of North Carolina, to be Archivist of the United States.

*Susan Tsui Grundmann, of Virginia, to be Chairman of the Merit Systems Protection Board.

*Susan Tsui Grundmann, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2016.

*Anne Marie Wagner, of Virginia, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2014.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ISAKSON:

S. 1941. A bill to suspend temporarily the duty on certain acrylic synthetic staple fiber; to the Committee on Finance.

By Mr. ISAKSON:

S. 1942. A bill to suspend temporarily the duty on certain acrylic synthetic staple fiber; to the Committee on Finance.

By Mr. ISAKSON:

S. 1943. A bill to suspend temporarily the duty on certain acrylic synthetic staple fiber; to the Committee on Finance.

By Mr. ISAKSON:

S. 1944. A bill to suspend temporarily the duty on Regent 800; to the Committee on Finance.

By Mr. ISAKSON:

S. 1945. A bill to suspend temporarily the duty on Triticonazole; to the Committee on Finance.

By Mr. ISAKSON:

S. 1946. A bill to extend the temporary suspension of duty on Solvent Red 227; to the Committee on Finance.

By Mr. ISAKSON:

S. 1947. A bill to extend the temporary suspension of duty on 2-Aminothiophenol; to the Committee on Finance.

By Mr. ISAKSON:

S. 1948. A bill to extend the temporary suspension of duty on 3,4-Dimethoxybenzaldehyde; to the Committee on Finance.

By Mr. ISAKSON:

S. 1949. A bill to extend the temporary suspension of duty on Pyromellitic Dianhydride; to the Committee on Finance.

By Mr. ISAKSON:

S. 1950. A bill to suspend temporarily the duty on mixtures of Chlorsulfuron (2-Chloro-N-[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)aminocarbonyl]benzenesulfonamide) and metsulfuron methyl (Methyl 2[[[(4-methoxy-6-methyl-1,3,5-triazin-2-yl)amino]carbonyl]amino]sulfonyl] benzoate) and inert ingredients; to the Committee on Finance.

By Mr. ISAKSON:

S. 1951. A bill to suspend temporarily the duty on Gum Rosin; to the Committee on Finance.

By Mr. ISAKSON:

S. 1952. A bill to suspend temporarily the duty on Firestorm; to the Committee on Finance.

By Mr. CASEY:

S. 1953. A bill to suspend temporarily the duty on p-toluidine; to the Committee on Finance.

By Mr. CASEY:

S. 1954. A bill to suspend temporarily the duty on p-nitrotoluene; to the Committee on Finance.

By Mr. CASEY:

S. 1955. A bill to suspend temporarily the duty on acrylic resin solution; to the Committee on Finance.

By Mr. CASEY:

S. 1956. A bill to suspend temporarily the duty on Benzenamine, 4 Dodecyl; to the Committee on Finance.

By Mr. SCHUMER:

S. 1957. A bill to amend the Public Utility Regulatory Policies Act of 1978 to authorize the Secretary of Energy to make loans to publicly owned electric utilities to finance and refinance projects to comply with any Federal energy efficiency resource standard, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASEY:

S. 1958. A bill to suspend temporarily the duty on medium molecular weight solid epoxy resin; to the Committee on Finance.

By Mr. KAUFMAN (for himself, Mr. LEAHY, Mr. SPECTER, Mr. KOHL, Mr. SCHUMER, and Ms. KLOBUCHAR):

S. 1959. A bill to improve health care fraud enforcement; to the Committee on the Judiciary.

By Ms. COLLINS:

S. 1960. A bill to suspend temporarily the duty on propylene glycol alginates; to the Committee on Finance.

By Ms. COLLINS:

S. 1961. A bill to suspend temporarily the duty on certain alginates; to the Committee on Finance.

By Ms. COLLINS:

S. 1962. A bill to reduce temporarily the duty on sodium alginate; to the Committee on Finance.

By Mr. AKAKA:

S. 1963. A bill to amend title 38, United States Code, to provide assistance to care-

givers of veterans, to improve the provision of health care to veterans, and for other purposes; read the first time.

By Mr. AKAKA:

S. 1964. A bill to require disclosure of financial relationships between brokers and dealers and mutual fund companies, and of certain commissions paid by mutual fund companies; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. LANDRIEU:

S. 1965. A bill to authorize the Secretary of the Interior to provide financial assistance to the State of Louisiana for a pilot program to develop measures to eradicate or control feral swine and to assess and restore wetlands damaged by feral swine; to the Committee on Environment and Public Works.

By Mr. DODD (for himself, Mr. CORKER, and Mr. DURBIN):

S. 1966. A bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. CRAPO:

S. 1967. A bill to extend the suspension of duty on formulations of thiamethoxam, difenoconazole, fludioxonil, and mefenoxam; to the Committee on Finance.

By Mr. CRAPO:

S. 1968. A bill to extend the suspension of duty on mixtures of difenoconazole and mefenoxam; to the Committee on Finance.

By Mr. CRAPO:

S. 1969. A bill to extend the suspension of duty on difenoconazole; to the Committee on Finance.

By Mr. CRAPO:

S. 1970. A bill to suspend temporarily the duty on mixtures containing ethyl (R)-2-[4-(6-chloro-1,3-benzoxazol-2-yl)oxy]phenoxy]propionate (Fenoxaprop-p-ethyl) (CAS No. 71283-80-2), 5-hydroxy-1,3-dimethylpyrazol-4-yl 2-mesyl-4-(trifluoromethyl)phenyl ketone (Pyrasulfotole) (CAS No. 365400-11-9), 2,6-dibromo-4-cyanophenyl octanoate (Bromoxynil octanoate) (CAS No. 1689-99-2), and 2,6-dibromo-4-cyanophenyl heptanoate (Bromoxynil heptanoate) (CAS No. 56634-95-8) (provided for in subheading 3808.93.15); to the Committee on Finance.

By Mr. CRAPO:

S. 1971. A bill to extend the suspension of duty on Mesosulfuronmethyl; to the Committee on Finance.

By Mr. CRAPO:

S. 1972. A bill to extend the temporary suspension of duty on mixtures of methyl 4-iodo-2-[3-(4-methoxy-6-methyl-1,3,5-triazin-2-yl)ureidosulfonyl] benzoate, sodium salt (Iodosulfuron methyl, sodium salt) and application adjuvants; to the Committee on Finance.

By Ms. CANTWELL:

S. 1973. A bill to extend the temporary suspension of duty on suspension system stabilizer bars; to the Committee on Finance.

By Ms. CANTWELL:

S. 1974. A bill to suspend temporarily the duty on certain flavored green tea in immediate packings of a content not exceeding 3 kilograms; to the Committee on Finance.

By Ms. CANTWELL:

S. 1975. A bill to suspend temporarily the duty on flavored green tea (not fermented); to the Committee on Finance.

By Ms. CANTWELL:

S. 1976. A bill to extend the temporary suspension of duty on magnesium peroxide; to the Committee on Finance.

By Ms. CANTWELL:

S. 1977. A bill to extend and modify the temporary suspension of duty on 9,10-

Anthracenedione; to the Committee on Finance.

By Ms. CANTWELL:

S. 1978. A bill to suspend temporarily the duty on modified steel leaf spring leaves; to the Committee on Finance.

By Mr. CASEY:

S. 1979. A bill to suspend temporarily the duty on certain fiberglass sheets used to make ceiling tiles; to the Committee on Finance.

By Mr. CASEY:

S. 1980. A bill to suspend temporarily the duty on certain fiberglass sheets used to make flooring substrate; to the Committee on Finance.

By Mr. CASEY (for himself and Mr. SPECTER):

S. 1981. A bill to provide for the liquidation or reliquidation of certain line items in entries of tailored garments from Costa Rica; to the Committee on Finance.

By Mr. BROWN (for himself, Ms. STABENOW, Mr. LEVIN, Mr. FEINGOLD, and Mr. SPECTER):

S. 1982. A bill to renew and extend the provisions relating to the identification of trade enforcement priorities, and for other purposes; to the Committee on Finance.

By Mr. WICKER:

S. 1983. A bill to extend the temporary suspension of duty on certain used compression-ignition internal combustion piston engines used in remanufacture; to the Committee on Finance.

By Mr. WICKER:

S. 1984. A bill to extend the temporary suspension of duty on certain used fuel pumps used in remanufacture; to the Committee on Finance.

By Mr. WICKER:

S. 1985. A bill to extend the temporary suspension of duty on certain used gear boxes used in remanufacture; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. KLOBUCHAR, Mr. TESTER, Mr. HARKIN, and Mr. KERRY):

S. 1986. A bill to amend the Help America Vote Act of 2002 to require States to provide for same day registration; to the Committee on Rules and Administration.

By Ms. KLOBUCHAR:

S. 1987. A bill to suspend temporarily the duty on certain aluminum vacuum mugs with lids; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 1988. A bill to suspend temporarily the duty on certain bamboo vases; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 1989. A bill to suspend temporarily the duty on certain children's wallets; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 1990. A bill to suspend temporarily the duty on certain plastic children's wallets; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 1991. A bill to suspend temporarily the duty on certain coupon holders; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 1992. A bill to suspend temporarily the duty on certain inflatable air mattresses; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 1993. A bill to suspend temporarily the duty on certain reusable fabric [cotton] bags; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 1994. A bill to suspend temporarily the duty on certain reusable fabric bags; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 1995. A bill to suspend temporarily the duty on certain soap and lotion pumps; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 1996. A bill to suspend temporarily the duty on certain swimming pools; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 1997. A bill to extend the temporary suspension of duty on Propargite; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 1998. A bill to extend temporarily the suspension of duty on cerium sulfide pigments; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 1999. A bill to extend temporarily the suspension of duty on certain high tenacity rayon filament yarn; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 2000. A bill to suspend temporarily the duty on 3-Bromo-N-[4-chloro-2-methyl-6-[(methylamino)carbonyl]phenyl]-1 H-pyrazole-5-carboxamide (Chlorantraniliprole); to the Committee on Finance.

By Mr. CHAMBLISS:

S. 2001. A bill to extend temporarily the suspension of duty on certain high tenacity rayon filament yarn; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 2002. A bill to reduce temporarily the rate of duty on 2-chloro-N-(4'-chlorobiphenyl-2-yl)-nicotinamide; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 2003. A bill to reduce temporarily the rate of duty on Methyl N-(2-[[1-(4-chlorophenyl)-1H-pyrazol-3-yl]-oxymethyl]phenyl)-N-methoxycarbonyl; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 2004. A bill to suspend temporarily the duty on certain acrylic synthetic staple fiber; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 2005. A bill to suspend temporarily the duty on certain acrylic synthetic staple fiber; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 2006. A bill to reduce temporarily the duty on certain acrylic synthetic staple fiber; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 2007. A bill to suspend temporarily the duty on 2-butyne-1,4-diol, polymer with (chloromethyl)oxirane, brominated, dehydrochlorinated, methoxylated and triethyl phosphate; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 2008. A bill to extend temporarily the suspension of duty on 4,4N-Oxydipthalic anhydride; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 2009. A bill to extend temporarily the suspension of duty on 3,3',4,4'-Biphenyltetracarboxylic dianhydride; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 2010. A bill to suspend temporarily the duty on Daminozide; to the Committee on Finance.

By Mr. BARRASSO:

S. 2011. A bill to extend temporarily the suspension of duty on nylon woolpacks used to package wool; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2012. A bill to extend the temporary suspension of duty on triacetoneamine; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2013. A bill to extend the temporary suspension of duty on crotonaldehyde; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. Res. 326. A resolution recognizing the 40th anniversary of the George Bush Intercontinental Airport in Houston, Texas; considered and agreed to.

By Ms. KLOBUCHAR (for herself, Mr. LEAHY, Mr. KOHL, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. CRAPO, Ms. COLLINS, Mr. SPECTER, Ms. LANDRIEU, Ms. STABENOW, Mr. KAUFMAN, Mr. DURBIN, Mr. BROWN, Mr. BURRIS, Mr. WHITEHOUSE, Mr. LAUTENBERG, Mrs. BOXER, and Mrs. HAGAN):

S. Res. 327. A resolution supporting the goals and ideals of National Domestic Violence Awareness Month 2009 and expressing the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence; considered and agreed to.

ADDITIONAL COSPONSORS

S. 384

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 384, a bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes.

S. 546

At the request of Mr. REID, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 801

At the request of Mr. AKAKA, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 801, a bill to amend title 38, United States Code, to waive charges for humanitarian care provided by the Department of Veterans Affairs to family members accompanying veterans severely injured after September 11, 2001, as they receive medical care from the Department and to provide assistance to family caregivers, and for other purposes.

S. 827

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a

cosponsor of S. 827, a bill to establish a program to reunite bondholders with matured unredeemed United States savings bonds.

S. 870

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 870, a bill to amend the Internal Revenue Code of 1986 to expand the credit for renewable electricity production to include electricity produced from biomass for on-site use and to modify the credit period for certain facilities producing electricity from open loop biomass.

S. 1030

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1030, a bill to amend the Internal Revenue Code of 1986 to eliminate the reduction in the credit rate for certain facilities producing electricity from renewable resources.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from Rhode Island (Mr. REED), the Senator from Louisiana (Mr. VITTER) and the Senator from Massachusetts (Mr. KIRK) were added as cosponsors of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1076

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1076, a bill to improve the accuracy of fur product labeling, and for other purposes.

S. 1147

At the request of Mr. KOHL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1147, a bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

S. 1301

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1301, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 1422

At the request of Mrs. MURRAY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1422, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from South Da-

kota (Mr. JOHNSON) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1556

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1556, a bill to require the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies, and for other purposes.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1681

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1681, a bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers.

S. 1756

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1756, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the appropriate standard of proof.

S. 1822

At the request of Mr. MERKLEY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1822, a bill to amend the Emergency Economic Stabilization Act of 2008, with respect to considerations of the Secretary of the Treasury in providing assistance under that Act, and for other purposes.

S. 1833

At the request of Mr. UDALL of Colorado, the names of the Senator from California (Mrs. BOXER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 1833, a bill to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes.

S. 1834

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1834, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 1927

At the request of Mr. DODD, the names of the Senator from Colorado (Mr. BENNET), the Senator from Michigan (Mr. LEVIN), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from California (Mrs. BOXER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1927, a bill to establish a moratorium on credit card interest rate increases, and for other purposes.

S. 1928

At the request of Mr. BAUCUS, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1928, a bill to extend and modify the temporary suspension of duty on golf bag bodies made of woven fabrics of nylon or polyester sewn together with pockets, and dividers or graphite protectors, accompanied with rainhoods.

S. 1930

At the request of Mr. CASEY, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 1930, a bill to amend the Internal Revenue Code of 1986 to enhance the administration of, and reduce fraud related to, the first-time homebuyer tax credit, and for other purposes.

S. RES. 316

At the request of Mr. MENENDEZ, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KAUFMAN (for himself, Mr. LEAHY, Mr. SPECTER, Mr. KOHL, Mr. SCHUMER, and Ms. KLOBUCHAR):

S. 1959. A bill to improve health care fraud enforcement; to the Committee on the Judiciary.

Mr. KAUFMAN. Mr. President, it is no longer a secret that fraud represents one of the fastest growing and most costly forms of crime in America today. In no small part, our current economic crisis can be attributed to unchecked mortgage fraud. Mortgage fraud itself was spurred by rampant accounting fraud, which enabled crooked executives to fatten their larders on a bubble of fake equity. And on the back-end, securities fraud, in the form of market manipulation and insider trading, hastened the eventual market crash and maximized its impact on Main Street and average American investors. In response, this body passed

the Fraud Enforcement Recovery Act, FERA, which directed critical resources and tools to anti-financial fraud efforts.

FERA was passed in response to an unprecedented financial crisis. Americans should expect Congress to do more than simply react to crises after their most destructive impacts have already been felt. We owe it to our constituents to be proactive and to seek out and solve problems on the horizon so that disaster can be averted.

In the midst of the debate concerning comprehensive health care reform, we must be proactive in combating health care fraud and abuse. Each year, criminals drain between \$72 and \$220 billion from private and public health care plans through fraud. We pay these costs as taxpayers and through higher health insurance premiums. As we take steps to increase the number of Americans who are covered by health insurance, and to improve the health care system for everyone, we must also ensure that law enforcement has the tools that it needs to deter, detect, and punish health care fraud.

The Finance and HELP committees have worked long and hard to find ways to fight fraud and bend the cost curve down. They have done a great job. There's more work to be done, however, which is why today I, along with Senators LEAHY, SPECTER, KOHL, SCHUMER, and KLOBUCHAR, introduce the Health Care Fraud Enforcement Act of 2009.

This bill makes straightforward but critical improvements to the Federal sentencing guidelines, to health care fraud statutes, and to forfeiture, money laundering, and obstruction statutes. The bill would also make available more Federal resources to activities specifically designed to target health care fraud. Taken together, these measures send a strong and unmistakable signal to those who would engage in health care fraud that they will be caught, and they will be punished.

The bill makes important changes to the Federal sentencing guidelines to ensure that health care fraud offenses will be punished commensurate with the cost that these offenders inflict upon our health care system. Health care represents $\frac{1}{5}$ of our national economy, and so unchecked health care fraud has the potential to inflict devastating harm to our national prosperity.

Despite the enormous losses in many health care fraud cases, analysis from the United States Sentencing Commission suggests that health care fraud offenders often receive shorter sentences than other white collar offenders in cases with similar loss amounts. And according to statements from cooperating health care fraud defendants, many criminals are drawn to health care fraud because of this low risk-to-

reward ratio. For this reason, the bill directs the Sentencing Commission to increase the offense score of health care fraud offenses by two to four levels, depending on the dollar amount involved in the crime.

The bill also clarifies that courts should refuse to entertain arguments by defendants that they can avoid stiff punishment because only a portion of their fraudulent claims were likely to be paid.

In addition, the bill updates the definition of "health care fraud offense" in the Federal criminal code to include violations of the anti-kickback statute, the Food, Drug and Cosmetic Act, and certain provisions of ERISA. These changes will allow the full panoply of law enforcement tools to be used against all health care fraud.

The bill also strengthens whistleblower actions based on medical care kickbacks, which tempt by health care providers to churn unnecessary medical care at great risk to patients and great cost to the taxpayer. By making all payments that stem from an illegal kickback subject to the False Claims Act, this bill leverages the private sector to help detect and recover money paid pursuant to these illegal practices.

The Department of Justice has had success both prosecuting illegal kickbacks and pursuing False Claims Act matters based on underlying violations of the Anti-Kickback Statute. Nevertheless, defendants in such FCA cases continue to mount legal challenges that sometimes defeat legitimate enforcement efforts.

For example, a court recently held that, even though a device company may have paid a kickback to a doctor to use a particular medical device, the bill to the government for the procedure to implant the device was not false or fraudulent because the claim was submitted by the innocent hospital, and not by the guilty doctor. In other words, a claim that results from a kickback and that is fraudulent when submitted by a wrongdoer is laundered into a "clean" claim when an innocent third party finally submits the claim to the government for payment. This has the effect of insulating both the payor and the recipient of the kickback from False Claims Act liability. This obstacle to a successful action particularly limits the ability of the Department of Justice to recover from pharmaceutical and device manufacturers, because in such instances the claims arising from the illegal kickbacks typically are not submitted by the doctors who received the kickbacks, but by pharmacies and hospitals that had no knowledge of the underlying unlawful conduct.

This bill remedies the problem by amending the anti-kickback statute to ensure that all claims resulting from illegal kickbacks are "false or fraudu-

lent," even when the claims are not submitted directly by the wrongdoers themselves. I want to emphasize that in such circumstances, neither anti-kickback nor False Claims Act liability will lie against the innocent third party that submitted the claim.

The bill also addresses confusion in the case law over the appropriate meaning of "willful" conduct in health care fraud. Both the anti-kickback statute and the health care fraud statute include the term "willfully." In both contexts, the Ninth Circuit Court of Appeals has read the term to require proof that the defendant not only intended to engage in unlawful conduct, but also knew of the particular law in question and intended to violate that particular law.

This heightened mental state requirement may be appropriate for criminal violations of hyper-technical regulations, but it is inappropriate for these crimes, which punish simple fraud. The Finance Committee health care reform bill, America's Healthy Future Act, addresses this problem for the anti-kickback statute, but not for the general health care fraud offense. Accordingly, the Health Care Fraud Enforcement Act tracks the Finance bill and clarifies that "willful conduct" in this context does not require proof that the defendant had actual knowledge of the law in question or specific intent to violate that law. As a result, health care fraudsters will not receive special protection that they don't deserve.

Next, the bill provides the Department of Justice with critical subpoena authority for investigations conducted pursuant to the Civil Rights for Institutionalized Persons Act, also known as CRIPA.

Pursuant to that important statute, the Civil Rights Division of the Department of Justice investigates conditions in publicly operated institutions, such as nursing homes, mental health institutions, facilities for persons with disabilities, residential schools for children with disabilities, as well as jails and prisons, where there has been an allegation of pattern or practice of violating residents' Federal civil rights. Under CRIPA, only injunctive relief is available; the statute does not provide for the award of damages.

CRIPA investigations commonly concern allegations of inadequate medical and mental health care, unsafe living conditions, and the failure to protect residents from harm. The majority of CRIPA investigations are conducted with the voluntary cooperation of state and local jurisdictions. When unlawful conditions are identified, CRIPA investigations are typically resolved through a negotiated settlement agreement that addresses the reforms necessary to correct policies, procedures and practices to address the identified deficiencies.

Some jurisdictions, however, have refused to cooperate with the Division. CRIPA does not authorize the Department of Justice to issue subpoenas for documents, records, or even for access into the institution that is the target of the investigation. As a result, investigations have been hamstrung and the effectiveness of CRIPA to remedy systemic abuse of institutionalized persons has been unnecessarily limited.

For example, in a CRIPA investigation of a county nursing home in New Jersey, the local jurisdiction would not cooperate. The Division's investigation revealed inadequate medical and mental health care, unlawful restraint, and inadequate nutrition and hydration. In one particularly serious incident, which occurred weeks after a meeting with the county officials to request their cooperation with the investigation, a resident was fed so quickly by staff that she aspirated and died. Emergency room physicians extracted a volume of mashed potatoes from the resident's lungs that filled a Ziploc bag. Another nursing home resident slowly starved to death because staff improperly positioned that resident's feeding tube. The Division was compelled to file suit, resulting in a negotiated settlement more than 4 years after the investigation began. To be sure, these abuses are a civil rights issue that demand attention even in the absence of fraud prevention. But substandard care also represents fraud and waste, because taxpayers have paid for the provision of satisfactory medical services at facilities that fall under CRIPA jurisdiction.

The absence of subpoena authority enables non-cooperating jurisdictions to obstruct and delay the Division in its mission to ensure that the Federal rights of persons in the custody of state and local officials are respected. The resultant litigation when jurisdictions exploit the absence of subpoena power is extraordinarily costly, yet the substantive outcome, appropriate injunctive relief, is the same.

The bill addresses the problem by authorizing the Department of Justice to issue subpoenas for access to any institution that is the subject of an investigation related to a violation of CRIPA, and for any documents, records, materials, files, reports, memoranda, policies, procedures, investigations, video or audio recordings, and quality assurance reports of such institution.

In a final substantive change, the bill corrects an apparent drafting error by providing that obstruction of criminal investigations involving administrative subpoenas under HIPAA, the Health Insurance Portability and Accountability Act of 1996, should be treated in the same manner as obstruction of criminal investigations involving grand jury subpoenas.

Finally, the Health Care Fraud Enforcement Act provides the resources

needed for law enforcement to uncover and go after these frauds. Health care fraud cannot be fought effectively without more investigators and prosecutors. This bill authorizes the appropriation of \$20,000,000 each year from 2011 through 2016 for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any health care benefit program. The bill authorizes the United States Attorneys' Offices to be appropriated an additional \$10,000,000 each year for this purpose, the Criminal Division of the Department of Justice, \$5,000,000 each year, and the Civil Division of the Department of Justice, \$5,000,000 each year.

As we move toward meaningful health care reform, we must ensure that criminals who engage in health care fraud, and those who contemplate doing so, understand that they face swift prosecution and substantial punishment. Congress should move quickly to pass this legislation so that American taxpayers can be confident that their government has the tools and resources necessary to protect its investment in the health and welfare of our Nation.

I urge my colleagues to support the Health Care Fraud Enforcement Act of 2009.

Mr. LEAHY. Mr. President, I am pleased to join Senator KAUFMAN, as well as Senators SPECTER, KOHL, SCHUMER, and KLOBUCHAR, to introduce the Health Care Fraud Enforcement Act of 2009. This legislation builds on the impressive steps the administration has already taken to step up health care fraud prevention and enforcement, and on the real progress represented by the anti-fraud provisions of the Finance and Health, Education, Labor and Pension Committee bills already before Congress. I was glad to contribute to those efforts.

I feel strongly, though, that more needs to be done. This bill will provide prosecutors with needed tools for the effective investigation, prosecution, and punishment of health care fraud. By making modest but important changes to the law, it ensures that those who drain our health care system of billions of dollars each year, driving up costs and risking patients' lives, will go to jail, and that their fraudulent gains will be returned to American taxpayers and health care beneficiaries.

For more than 3 decades, I have fought in Congress to combat fraud and protect taxpayer dollars. This spring, I introduced with Senator GRASSLEY and Senator KAUFMAN the Fraud Enforcement and Recovery Act, the most significant anti-fraud legislation in more than a decade. When that legislation was enacted, it provided law enforcement with new tools to detect and prosecute financial and mortgage fraud. Now, as health care reform

moves through the Senate, I want to make sure we do all we can to tackle the fraud that has contributed greatly to the skyrocketing cost of health care.

The scale of health care fraud in America today is staggering. According to conservative estimates, about three percent of the funds spent on health care are lost to fraud—more than \$60 billion a year. In the Medicare program alone, the Government Accountability Office estimates that more than \$10 billion was lost to fraud just last year. While Medicare and Medicaid fraud is significant, it is important to remember that health care fraud does not occur solely in the public sector. Private health insurers also see billions of dollars lost to fraud. That fraud is often harder for the Government to track. Private companies have less incentive to report it, and in some cases, are responsible for the fraudulent practices themselves. Reining in private sector fraud must be a part of any comprehensive health care reform.

The Health Care Fraud Enforcement Act of 2009 makes a number of straightforward, important improvements to existing statutes to strengthen prosecutors' ability to combat health care fraud. The bill would increase the Federal sentencing guidelines for health care fraud offenses. Despite the enormous losses in many health care fraud cases, offenders often receive shorter sentences than other white collar criminals. This lower risk is one reason criminals are drawn to health care fraud. By increasing the Federal sentencing guidelines for health care fraud offenses, we send a clear message that those who steal from the Nation's health care system will face swift prosecution and substantial punishment.

The bill also provides for a number of statutory changes to strengthen fraud enforcement. For example, it would expand the definition of a "Federal health care fraud offense" to include violations of the anti-kickback statute and several other key health care-related criminal statutes, which will allow for more vigorous enforcement of those offenses, including making their proceeds subject to criminal forfeiture. It would also amend the anti-kickback statute to ensure that all claims resulting from illegal kickbacks are considered false claims for the purpose of civil action under the False Claims Act, even when the claims are not submitted directly by the wrongdoers themselves. All too often, health care providers secure business by paying illegal kickbacks, which needlessly increase health care risks and costs. This change will help ensure that the government is able to recoup from wrongdoers the losses caused by false health care fraud claims. The bill clarifies the intent requirement of another key health care fraud statute in order to facilitate effective, fair, and vigorous enforcement.

The bill also provides the Department of Justice with limited subpoena authority for civil rights investigations conducted pursuant to the Civil Rights for Institutionalized Persons Act. This provision allows the Government to more effectively investigate conditions in publicly operated institutions, such as nursing homes, mental health institutions, and residential schools for children with disabilities, where there have been allegations of civil rights violations.

Lastly, the bill provides needed resources for criminal and civil enforcement of health care fraud laws. It authorizes the appropriation of \$20,000,000 a year to the Department of Justice from 2011 through 2016 for investigations, prosecutions, and civil or other proceedings relating to fraud and abuse in connection with any health care benefit program. Studies indicate a return on investment of anywhere from \$6 to \$15 in Government recovery of fraud proceeds for every \$1 spent on health care fraud enforcement, so this is a prudent and needed investment.

We all agree that reducing the cost of health care for American citizens is a critical goal of health care reform. We in Congress must do our part by ensuring that, when we pass a health care reform bill, it includes all the tools and resources needed to crack down on the scourge of health care fraud. This bill is an important part of that effort.

By Mr. AKAKA:

S. 1963. A bill to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes; read the first time.

Mr. AKAKA. Mr. President, today I am introducing landmark legislation that will provide critical assistance to veterans and their family caregivers. The Caregiver and Veterans Omnibus Health Services Act of 2009, contains provisions from S. 252, the Veterans Health Care Authorization Act of 2009, and S. 801, the Caregiver and Veterans Health Services Act of 2009. The Committee reported both S. 252 and S. 801, and but they are being held by a single Senator. Today, I reintroduce these vital improvements to veterans' health care as S. 1963.

The bipartisan provisions contained in S. 1963 provide needed assistance and support to family members and others who are serving as caregivers for the most seriously injured veterans of the conflicts in Iraq and Afghanistan. This assistance includes health care, counseling, support and a living stipend. They also expand services for women veterans, those with traumatic brain injury, and veterans that live in rural areas. Because the Nation's veterans and their caregivers cannot wait any longer for this help, I am introducing S. 1963, and asking that it be immediately placed on the Calendar.

S. 1963 has one simple theme: that every veteran deserves access to high quality health care, whether that care is provided by VA, or by a family caregiver. The Congress has previously recognized the contributions of caregivers. S. 1963 also contains many other important veterans' health improvements, including expanding services for women veterans; telemedicine technologies; transportation grants; and scholarship and loan repayment programs; and eliminating copayments for catastrophically disabled veterans. States which have an especially high number of veterans living in rural areas, such as Montana, Nevada, Wyoming, Florida, Arizona, Arkansas, Virginia, Idaho, Oklahoma, and New Mexico, would benefit greatly from the provisions in the bill which are designed to improve health care for rural veterans.

By Mr. AKAKA:

S. 1964. A bill to require disclosure of financial relationships between brokers and dealers and mutual fund companies, and of certain commissions paid by mutual fund companies; to the Committee on Banking, Housing, and Urban Affairs.

Mr. AKAKA. Mr. President, today, I am introducing the Mutual Fund Transparency Act of 2009. Mutual funds are vital investment vehicles for middle-income Americans that provide diversification and professional money management. Many working families rely on their mutual fund investments to pay for their children's education, prepare for retirement, and attain other financial goals.

I first introduced a version of this legislation in 2003. That fall, appalling abuses of investor trust were exposed. Ordinary investors were being harmed by the greed of brokers, mutual fund employees, and institutional and large investors. The transgressions made it clear that the boards of mutual fund companies were not providing sufficient oversight and failed to adequately protect the interests of their shareholders.

After the introduction of my bill, Securities and Exchange Commission, SEC, Chairman William Donaldson proposed several rules that mirrored the provisions in my bill, including a requirement that funds relying on certain exemptive rules have an independent chairman and that 75 percent of board directors be independent. However, legal actions taken against the SEC by the Chamber of Commerce and subsequent inaction under his successor, Chairman Christopher Cox, have prevented the adoption of these rules. The SEC needs additional statutory authority to finish these reforms and ensure that investors can rely on independent mutual fund boards to protect their interests.

My bill will ensure the independence of mutual fund boards, increase the

transparency of fees and expenses of mutual funds, and impose a fiduciary duty on all investment advisors.

I have included in this legislation a number of provisions intended to ensure the independence of mutual fund boards. Poor board governance was a contributing factor to the mutual fund scandals in 2003. Independent directors must have a dominant presence on the board to ensure that investors' interests are the top priority. Once again, my legislation requires mutual fund boards to have an independent chairman and that 75 percent of their members be independent. The legislation strengthens the definition of an independent director. These changes will ensure that the interest of investors will be the paramount priority of the board.

My legislation will ensure that investors are provided with relevant and meaningful disclosures from which they can make better informed decisions. Mr. President, my bill will increase the transparency of the complex financial relationship between brokers and mutual fund companies in ways that are both meaningful and easy to understand for investors. Shelf-space payments and revenue-sharing agreements between mutual fund companies and brokers present conflicts of interest that must be disclosed to investors. Without such disclosures, investors cannot make informed financial decisions. Investors may believe that brokers are recommending funds based on the expectation of solid returns or low volatility, when the broker's recommendation may be influenced by hidden broker commissions. I have included a point-of-sale disclosure requirement in my legislation. In my bill, investors would have to be provided with the amount of differential payments and average fees for comparable transactions. My legislation also requires that confirmation notices be provided for mutual fund transactions, which will indicate how their broker was compensated.

Investors are not provided with a complete and accurate idea of the expenses involved with owning a particular fund. Consumers often compare the expense ratios of funds when making investment decisions. However, expense ratios fail to take into account the cost of commissions in the purchase and sale of securities. To further increase the transparency of the actual costs of the fund, brokerage commissions must be counted as an expense in filings with the SEC and included in the calculation of the expense ratio. Currently, brokerage commissions are disclosed to the SEC, but not to individual investors. Brokerage commissions are only disclosed to investors upon request. My bill strengthens brokerage commission disclosure provisions and ensures that commissions will be included in a document that investors have access to and can utilize.

The inclusion of brokerage commissions in the expense ratio creates an incentive to reduce the use of soft dollars. Soft dollars can be used to lower expenses since most purchases using soft dollars do not count as expenses and are not calculated into the expense ratio. This change will make it easier for investors to know the true cost of the fund and compare the expense ratios of funds meaningfully.

When I reintroduced a version of this bill in 2005, I added a provision pertaining to the fiduciary duty of brokers. Although I have modified that provision for the current bill, my intent to apply a fiduciary duty to brokers remains the same. This is an essential provision because it ensures that all financial professionals have the same responsibility to act in the best interests of their clients whether they are an investment advisor or a broker.

We must improve the financial literacy of mutual fund investors so that they can make more sound investment decisions. I have included a requirement that the SEC study financial literacy among mutual fund investors. The SEC would be required to develop a strategy to increase the financial literacy of investors that results in positive change in investor behavior. In addition, the bill requires the Comptroller General of the United States to conduct a study on mutual fund advertising and make recommendations to improve investor protections and ensure that investors can make informed financial decisions when purchasing shares.

We must enact this vital legislation to help protect the investments that our working families make in mutual funds. These reforms are long overdue. I will build upon the administration's regulatory modernization proposal on fiduciary duty for brokers and pre-sale disclosure of mutual fund expenses.

I look forward to working with my friend, SEC Chairman Mary Schapiro, to bring about structural reform in the mutual fund industry and increase disclosures in order to provide useful and relevant information to mutual fund investors.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mutual Fund Transparency Act of 2009".

SEC. 2. DISCLOSURE OF FINANCIAL RELATIONSHIPS BETWEEN BROKERS AND DEALERS AND MUTUAL FUND COMPANIES.

(a) IN GENERAL.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b))

is amended by adding at the end the following:

"(13) CONFIRMATION OF TRANSACTIONS FOR MUTUAL FUNDS.—

"(A) IN GENERAL.—Each broker and dealer shall disclose in writing to customers that purchase the shares of any open-end or closed-end company registered under section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a-8) or any interest in a unit investment trust or municipal securities registered under this title used for education savings plans—

"(i) the amount of any compensation received or to be received by the broker or dealer in connection with such transaction from any sources; and

"(ii) such other information as the Commission determines appropriate.

"(B) REVENUE SHARING.—The term 'compensation' under subparagraph (A) includes any direct or indirect payment made by an investment adviser (or any affiliate of an investment adviser) to a broker or dealer for the purpose of promoting the sales of securities of an entity described in subparagraph (A), and payments made by an underwriter of the fund to a broker or dealer.

"(C) TIMING OF DISCLOSURE.—The disclosure required under subparagraph (A) shall be provided or sent to a customer not later than the date of the completion of the transaction.

"(D) LIMITATION.—The disclosures required under subparagraph (A) may not be made exclusively in—

"(i) a registration statement or prospectus of an entity described in subparagraph (A); or

"(ii) any other filing of an entity described in subparagraph (A) with the Commission.

"(E) COMMISSION AUTHORITY.—

"(i) IN GENERAL.—The Commission shall issue such final rules or regulations as are necessary to carry out this paragraph, not later than 1 year after the date of enactment of the Mutual Fund Transparency Act of 2009.

"(ii) FORM OF DISCLOSURE.—Disclosures under this paragraph shall be in such form as the Commission shall require by rule.

"(F) DEFINITIONS.—In this paragraph—

"(i) the terms 'open-end company' and 'closed-end company' have the same meanings as in section 5 of the Investment Company Act of 1940 (15 U.S.C. 80a-5);

"(ii) the term 'unit investment trust' has the same meaning as in section 4 of the Investment Company Act of 1940 (15 U.S.C. 80a-4); and

"(iii) the term 'education savings plan' means a qualified tuition program described in section 529(b)(1)(A)(ii) of the Internal Revenue Code of 1986."

(b) DISCLOSURE OF BROKERAGE COMMISSIONS.—Section 30 of the Investment Company Act of 1940 (15 U.S.C. 80a-29) is amended by adding at the end the following:

"(k) DISCLOSURE OF BROKERAGE COMMISSIONS.—The Commission, by rule, shall require that brokerage commissions as an aggregate dollar amount and percentage of assets paid by an open-end or closed-end company or a unit investment trust or issuer of municipal securities during the 5-year period preceding the date of the transaction be included in any disclosure of the amount of fees and expenses that may be payable by the holder of the securities of such company for purposes of—

"(1) the registration statement of that company; and

"(2) any other filing of that company with the Commission, including the calculation of expense ratios."

SEC. 3. MUTUAL FUND GOVERNANCE.

(a) INDEPENDENT FUND BOARDS.—Section 10(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-10(a)) is amended—

(1) by striking "shall have" and inserting the following: "shall—

"(1) have";

(2) by striking "60 per centum" and inserting "25 percent";

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(2) have as chairman of its board of directors an interested person of such registered company; or

"(3) permit any person (other than an interested person, as described in paragraph (1)) to serve as a member of its board of directors, unless that person—

"(A) is approved or elected by the shareholders of such registered investment company at least once every 5 years; and

"(B) has been found, on an annual basis, by a majority of the directors who are not interested persons, after reasonable inquiry by such directors, not to have any material business or familial relationship with the registered company, a significant service provider to the company, or any entity controlling, controlled by, or under common control with such service provider, that could reasonably be interpreted as a conflict of interest or cast doubt on the independence of the director."

(b) ACTION BY INDEPENDENT DIRECTORS.—Section 10 of the Investment Company Act of 1940 (15 U.S.C. 80a-10) is amended by adding at the end the following:

"(i) ACTION BY BOARD OF DIRECTORS.—No action taken by the board of directors of a registered investment company may require the vote of a director who is an interested person of such registered investment company.

"(j) INDEPENDENT COMMITTEE.—

"(1) IN GENERAL.—The members of the board of directors of a registered investment company who are not interested persons of such registered investment company shall establish a committee comprised solely of such members, which committee shall be responsible for—

"(A) selecting persons to be nominated for election to the board of directors; and

"(B) adopting qualification standards for the nomination of directors.

"(2) DISCLOSURE.—The standards developed under paragraph (1)(B) shall be disclosed in the registration statement of the registered investment company."

(c) DEFINITION OF INTERESTED PERSON.—Section 2(a)(19) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)(19)) is amended—

(1) in subparagraph (A)—

(A) in clause (iv), by striking "two" and inserting "5"; and

(B) by striking clause (vii) and inserting the following:

"(vii) any natural person who has served as an officer or director, or as an employee within the preceding 10 fiscal years, of an investment adviser or principal underwriter to such registered investment company, or of any entity controlling, controlled by, or under common control with such investment adviser or principal underwriter;

"(viii) any natural person who has served as an officer or director, or as an employee within the preceding 10 fiscal years, of any entity that has within the preceding 5 fiscal years acted as a significant service provider to such registered investment company, or of any entity controlling, controlled by, or

under the common control with such service provider;

“(ix) any natural person who is a member of a class of persons that the Commission, by rule or regulation, determines is unlikely to exercise an appropriate degree of independence as a result of—

“(I) a material business or professional relationship with the investment company or an affiliated person of such investment company;

“(II) a close familial relationship with any natural person who is an affiliated person of such investment company; or

“(III) any other reason determined by the Commission.”; and

(2) in subparagraph (B)—

(A) in clause (iv), by striking “two” and inserting “5”; and

(B) by striking clause (vii) and inserting the following:

“(vii) any natural person who is a member of a class of persons that the Commission, by rule or regulation, determines is unlikely to exercise an appropriate degree of independence as a result of—

“(I) a material business or professional relationship with such investment adviser or principal underwriter or affiliated person of such investment adviser or principal underwriter;

“(II) a close familial relationship with any natural person who is an affiliated person of such investment adviser or principal underwriter; or

“(III) any other reason, as determined by the Commission.”.

(d) DEFINITION OF SIGNIFICANT SERVICE PROVIDER.—Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-2(a)) is amended by adding at the end the following:

“(54) SIGNIFICANT SERVICE PROVIDER.—

“(A) IN GENERAL.—Not later than 270 days after the date of enactment of the Mutual Fund Transparency Act of 2009, the Commission shall issue final rules defining the term ‘significant service provider’.

“(B) REQUIREMENTS.—The definition developed under paragraph (1) shall include, at a minimum, the investment adviser and principal underwriter of a registered investment company for purposes of paragraph (19).”.

SEC. 4. FINANCIAL LITERACY AMONG MUTUAL FUND INVESTORS STUDY.

(a) IN GENERAL.—The Securities and Exchange Commission shall conduct a study to identify—

(1) the existing level of financial literacy among investors that purchase shares of open-end companies, as that term is defined under section 5 of the Investment Company Act of 1940, that are registered under section 8 of that Act;

(2) the most useful and understandable relevant information that investors need to make sound financial decisions prior to purchasing such shares;

(3) methods to increase the transparency of expenses and potential conflicts of interest in transactions involving the shares of open-end companies;

(4) the existing private and public efforts to educate investors; and

(5) a strategy to increase the financial literacy of investors that results in a positive change in investor behavior.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Securities and Exchange Commission shall submit a report on the study required under subsection (a) to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Financial Services of the House of Representatives.

SEC. 5. STUDY REGARDING MUTUAL FUND ADVERTISING.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on mutual fund advertising to identify—

(1) existing and proposed regulatory requirements for open-end investment company advertisements;

(2) current marketing practices for the sale of open-end investment company shares, including the use of unsustainable past performance data, funds that have merged, and incubator funds;

(3) the impact of such advertising on consumers; and

(4) recommendations to improve investor protections in mutual fund advertising and additional information necessary to ensure that investors can make informed financial decisions when purchasing shares.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report on the results of the study conducted under subsection (a) to—

(1) the Committee on Banking, Housing, and Urban Affairs of the United States Senate; and

(2) the Committee on Financial Services of the House of Representatives.

SEC. 6. POINT-OF-SALE DISCLOSURE.

(a) IN GENERAL.—Section 15(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b)), as amended by section 2 of this Act, is amended by adding at the end the following:

“(14) BROKER AND DEALER DISCLOSURES IN MUTUAL FUND TRANSACTIONS.—

“(A) IN GENERAL.—Each broker and dealer shall disclose in writing to each person that purchases the shares of an open-end or closed-end company registered under section 8 of the Investment Company Act of 1940 (15 U.S.C. 80a-8) or any interest in a unit investment trust or municipal securities registered under this title—

“(i) the source and amount, in dollars and as a percentage of assets, of any compensation received or to be received by the broker or dealer in connection with such transaction from any sources;

“(ii) the amount, in dollars and as a percentage of assets, of compensation received in connection with transactions in shares of other investment company shares offered by the broker or dealer, if materially different from the amount under clause (i);

“(iii) comparative information that shows the average amount received by brokers and dealers in connection with comparable transactions, as determined by the Commission; and

“(iv) such other information as the Commission determines appropriate.

“(B) REVENUE SHARING.—The term ‘compensation’ under subparagraph (A) shall include any direct or indirect payment made by an investment adviser (or any affiliate of an investment adviser) to a broker or dealer for the purpose of promoting the sales of securities of a registered investment company.

“(C) TIMING OF DISCLOSURE.—The disclosures required under subparagraph (A) shall be made to permit the person purchasing the shares to evaluate such disclosures before deciding to engage in the transaction.

“(D) LIMITATION.—The disclosures required under subparagraph (A) may not be made exclusively in—

“(i) a registration statement or prospectus of a registered investment company; or

“(ii) any other filing of a registered investment company with the Commission.

“(E) COMMISSION AUTHORITY.—The Commission shall promulgate such final rules as are

necessary to carry out this paragraph not later than 1 year after the date of enactment of the Mutual Fund Transparency Act of 2009.”.

(b) FIDUCIARY DUTIES.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following new subsection:

“(k) STANDARD OF CARE.—Notwithstanding any other provision of this title or the Investment Advisers Act of 1940, the Commission shall promulgate rules, not later than 1 year after the date of enactment of the Mutual Fund Transparency Act of 2009 to provide that the standard of care for all brokers and dealers in providing investment advice about securities to retail customers or clients (and such other customers or clients as the Commission may by rule provide) shall be the fiduciary duty established under the Investment Advisers Act of 1940, including, without limitation, the duty to act solely in the best interest of the customer or client, without regard to the financial or other interest of the broker or dealer providing the advice.”.

OCTOBER 21, 2009.

Hon. DANIEL K. AKAKA,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR AKAKA: We are writing to express our strong support for your efforts to ensure that professionals who advise America's investors are held to the highest standard of care—the fiduciary standard. Section 6(b) of the Mutual Fund Transparency Act of 2009 (“MFTA”) would clearly establish that brokers are subject to a fiduciary duty with respect to investment advice provided to retail investors. This provision eliminates a regulatory gap that has long exposed investors to unscrupulous and harmful sales practices by brokers.

Under current law, brokers are subject to a general suitability standard when providing investment advice to their retail clients. Under a suitability standard, a broker is not required to ensure that his recommendations are what is best for his clients, but only what is generally suitable. The suitability standard allows brokers to recommend investments, for example, based on the amount of compensation the broker receives rather than what is in the best interest of the client. The suitability standard does not even require brokers to disclose their compensation so that their clients can evaluate conflict of interest payments for themselves.

In contrast, investment advisers are subject to a strict fiduciary duty under the Advisers Act. As such, they are required to make recommendations only if they are in the client's best interest and to disclose all material conflicts. By applying the fiduciary standard under the Advisers Act to brokers, Section 6(b) of the MFTA ensures that the protection of a fiduciary standard for retail advisory clients will not depend on an arbitrary regulatory distinction between brokers and investment advisers, but will be applied rationally to provide all Americans who receive investment advice with the regulatory protection that they expect and deserve.

We wish to express our enthusiastic support for your proposal to establish a fiduciary duty for brokers and are available to provide whatever assistance you may need in this respect.

Respectfully submitted,

MERCER BULLARD,
Founder and President,
Fund Democracy, Inc.

BARBARA ROPER,

Director of Investor Protection, Consumer Federation of America.

DENISE VOIGT CRAWFORD,
Texas Securities Commissioner and President, North American Securities Administrators Association, Inc.

ELLEN TURF,
CEO, National Association of Personal Financial Advisors.

KEVIN R. KELLER,
Chief Executive Officer, Certified Financial Planner Board of Standards, Inc.

MARVIN W. TUTTLE JR.,
CAE, Executive Director and CEO, Financial Planning Association.

OCTOBER 21, 2009.

Hon. DANIEL K. AKAKA,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR AKAKA: We are writing to express our enthusiastic support for the Mutual Fund Transparency Act of 2009 because your bill will benefit fund shareholders in three significant respects. First, it will strengthen the independence of mutual fund boards to help ensure that the gross abuses of trust committed by fund managers in connection with the recent mutual fund scandal will not be repeated. Second, the bill will require that fund shareholders be provided with full and understandable disclosure of brokers' fees and conflicts of interest, and that when brokers provide individualized investment advice they will be held to the same fiduciary standards to which all other investment advisers are held. Third, the bill will promote competition through increased price transparency, and thereby improve services and reduce costs for the almost 100 million Americans who have entrusted their financial security to mutual funds.

FUND GOVERNANCE

The mutual fund scandal that erupted in September 2003 and continues to be litigated to this day revealed "a serious breakdown in management controls in more than just a few mutual fund complexes." As noted by the Securities and Exchange Commission:

The breakdown in fund management and compliance controls evidenced by our enforcement cases raises troubling questions about the ability of many fund boards, as presently constituted, to effectively oversee the any management of funds. The failure of a board to play its proper role can result, in addition to serious compliance breakdowns, in excessive fees and brokerage commissions, less than forthright disclosure, mispricing of securities, and inferior investment performance."

The Act directly addresses the governance weaknesses revealed by the scandal by strengthening the independence of fund directors. It plugs loopholes that have allowed former executives of fund managers and other fund service providers, among others, to qualify as "independent" directors when their independence is clearly compromised by their former positions. The Act also ensures that the board's agenda will be set by an independent chairman, and not by the CEO of the fund's manager, as is common practice today, and that independent direc-

tors will control board matters and the evaluation of independent nominees. The Act's requirement that independent directors seek shareholder approval at least every five years will enhance the accountability of independent directors to the shareholders whose interests they are supposed to serve.

The Act's requirement that funds have an independent chairman and a 75 percent independent board of directors is critical in light of the SEC's failure to take final action on rules imposing similar requirements. Even if these rules were adopted, they would not prevent fund managers from terminating independent chairmen or reducing independent representation on the board to the statutory minimum of 40 percent. The SEC's rules would apply only when the funds choose to rely on certain exemptive rules. If there were a conflict between the fund's independent directors and the fund manager, the fund manager could simply stop relying on the rules and seek to install its own executives in a majority of board positions. More importantly, independent directors know that the protection given them by the SEC is limited, and they therefore will be less likely to stand up for shareholders than they would be if—as you have proposed—the SEC's proposals were codified.

FIDUCIARY DUTIES AND FULL DISCLOSURE FOR ALL INVESTMENT ADVISERS

Recent regulatory investigations and enforcement actions have uncovered persistent and widespread sales abuses by brokers. Regulators have found that brokers have systematically overcharged investors for commissions, routinely made improper recommendations of B shares, accepted undisclosed directed brokerage payments in return for distribution services, and received revenue sharing payments that create incentives to favor funds that pay the highest compensation rather than funds that are the best investment option for their clients.

Five years ago, the Commission promised that it would address the problems that have so long plagued brokers' sales practices, but the Commission's efforts have fallen far short of the mark. Its proposals failed to require full disclosure of brokers' compensation, much less the disclosure of information that would enable investors to fully evaluate their brokers' conflicts of interests. The new disclosure requirements that you have proposed will ensure that brokers will be subject to a fiduciary duty and their conflicts of interest will be fully transparent to investors. Investors will be able to view the amount the broker is being paid for the fund being recommended compared with the (often lesser) amount the broker would receive for selling a different fund, which cannot help but direct investors' attention to the conflict of interest created by differential compensation structures. We especially applaud your proposal to ensure that all broker compensation, including revenue sharing payments, is disclosed in the point-of-sale document, which ensures that disclosure rules will not create an incentive for brokers to favor revenue sharing as a means of avoiding disclosure.

Remarkably, in the wake of a longstanding pattern of brokers' sales abuses, the Commission has effectively repealed Congress's narrow exemption from advisory regulation for brokers who provide only "solely incidental" advice. The Commission's strained interpretation of "solely incidental" advice to include any advice provided "in connection with and reasonably related to a broker's brokerage services" has effectively stripped advisory clients of the protections

of an entire statutory regime solely on the ground that the investment advice happens to be provided by a broker. The Commission's position flatly contradicts the text and purpose of the Investment Advisers Act, which, as the Supreme Court has stated: "reflects a congressional recognition 'of the delicate fiduciary nature of an investment advisory relationship,' as well as a congressional intent to eliminate, or at least to expose, all conflicts of interest which might incline an investment adviser—consciously or unconsciously—to render advice which was not disinterested."

Your proposal restores crucial components of Congress's carefully constructed regulatory scheme for the distinct and complementary regulation of brokerage and advisory services. It properly recognizes that a "fiduciary, which Congress recognized the investment adviser to be," is also what consumers expect an investment adviser to be, as is generally the case when professional services are provided on a personalized basis. The Act also recognizes the importance of "expos[ing] all conflicts of interest which might incline an investment adviser—consciously or unconsciously—to render advice which was not disinterested," by requiring full disclosure of such conflicts of interests and other material information at the time that the prospective client is deciding whether to enter into the relationship.

FEE DISCLOSURE AND PRICE COMPETITION

Your fee disclosure provisions will do double duty, by addressing conflicts of interest and brokers' sales abuses while also promoting competition, thereby improving services and driving down expenses. Requiring brokers to disclose the amount of differential payments and average fees for comparable transactions will provide the kind of price transparency that is a necessary predicate for price competition and the efficient operation of free markets. In addition, the requirement that funds disclose the amount of commissions they pay will ensure that the fund expense ratio includes all of the costs of the fund's operations and will enable investors to make more informed investment decisions. The best regulator of fees is the market, but the market cannot operate efficiently when brokers and funds are permitted to hide the actual cost of the services they provide.

FINANCIAL LITERACY AND FUND ADVERTISEMENTS

Finally, we strongly agree that there is a need for further study of financial literacy, including especially information that fund investors need to make informed investment decisions and methods to increase the transparency of fees and potential conflicts of interest. Your proposed study of mutual fund advertisements is also timely, as the regulation of fund ads continues to permit misleading touting of outsized short-term performance and other abuses.

Mutual funds are Americans' most important lifeline to retirement security. The regulation of mutual funds, however, has not kept pace with their enormous growth. We applaud your continuing efforts to enhance investor protection, promote vigorous market competition and create wealth for America's mutual fund investors through effective disclosure and truly independent board oversight.

Respectfully submitted,
MERCER BULLARD,
Founder and President, Fund Democracy, Inc.

BARBARA ROPER,
*Director of Investor
Protection, Con-
sumer Federation of
America.*

KEN McELDOWNNEY,
*Executive Director,
Consumer Action.*

IRENE E. LEECH,
*Virginia Citizens Con-
sumer Council.*

WALTER DARTLAND,
*Consumer Federation
of the Southeast.*

DAMON SILVERS,
*Director of Policy and
Special Counsel,
AFL-CIO.*

DENISE VOIGT CRAWFORD,
*Texas Securities Com-
missioner and Presi-
dent, North Ameri-
can Securities Ad-
ministrators Associa-
tion, Inc.*

By Ms. LANDRIEU:

S. 965. A bill to authorize the Secretary of the Interior to provide financial assistance to the State of Louisiana for a pilot program to develop measures to eradicate or control feral swine and to assess and restore wetlands damaged by feral swine; to the Committee on Environment and Public Works.

Ms. LANDRIEU. Mr. President, I rise today to introduce a bill that will be an important component in our efforts to rebuild Louisiana's vast wetlands. Today, the coastline of my home state is the site of one of the Nation's most pronounced ecological disasters: the massive erosion of Louisiana's coastal wetlands. Few are aware that the marsh and wetlands along Louisiana's coast comprise some 40 percent of the Nation's total salt marshes. Louisiana's coastline is a national treasure. Yet, this national treasure is disappearing at an alarming rate due to a number of natural and man-made factors, including the destruction of wetlands caused by non-native feral pig populations that are literally eating away the coast. The loss of our wetlands threatens not only our teeming wildlife, but also land, lives, energy infrastructure, and navigation.

That is why I rise today, to introduce the Feral Swine Eradication and Control Pilot Program Act of 2009, address the challenges these species pose to our efforts to reverse coastal wetland deterioration.

Every 30 minutes, a portion of Louisiana's coast the size of a football field is converted from healthy marsh into open water. Since 1930, 1.2 million acres have been lost—an area roughly the size of Delaware. Scientists predict that Louisiana will lose another 700 square miles of coastal wetlands by 2050—an area the size of the greater Washington, D.C. and Baltimore metro areas.

Louisiana's coastal land loss problems are caused by a number of natural

and man-made factors. The primary factor has been the leveeing of the Mississippi River for purposes of flood control and navigation. Historically, the river would flood seasonally, taking silt from the Midwest and depositing it across the Mississippi Delta. Levees provided the needed flood protection, yet prevented vital land-building sediments and nutrients from replenishing and elevating deteriorating marshes. Additional activity added to the problem, including dredging thousands of miles of access canals for petroleum extraction and navigation. Those canals accelerated saltwater intrusion, further weakening the marsh.

Another human activity that resulted in significant wetland loss was the introduction of two invasive species to the marshland habitat: the nutria and the feral pig. These non-native species are consuming our wetlands at an alarming rate. Nutria were initially introduced by those who wanted to raise them for their furs. Their population exploded in the wild and their appetite for marsh grass is boundless. Scientists estimate that nutria are currently affecting an estimated 100,000 acres of coastal wetlands.

The feral hog is another exotic species which has expanded its range throughout most of Louisiana. Feral swine cause extensive damage to natural wildlife habitat. In Louisiana, the wild omnivores compete with native wildlife for food resources; prey on young domestic animals and wildlife; and carry diseases that can affect pets, livestock, wildlife and people. Scientists now believe that the feral hogs are not only wreaking enormous damage to the marsh, but are also negatively impacting native freshwater mussels and insects by contributing *E. coli* to water systems.

According to the Louisiana Department of Wildlife and Fisheries, the wild pig is the most prolific large mammal in North America and given adequate nutrition, its populations in an area can double in just 4 months.

As I mentioned earlier, Louisiana's landscape has already been ravaged by the nutria rodent. In 2002, the first program was created to combat the increasing nutria populations. This program, the Coast-wide Nutria Control Program, CNCP, incentivized trappers to catch nutria in return for monetary compensation. This program has proven successful at decreasing nutria populations and significantly reducing their impact to coastal wetlands.

However, more effort was needed to further reduce the nutria damage to wetlands, both in Louisiana and in other marshy environments, including Maryland's Chesapeake Bay. The Nutria Eradication and Control Act was enacted in 2003 to provide a critical supplement of funding to strengthen the Coast-wide Nutria Control Program. In July, I joined my friend and

colleague Senator CARDIN in introducing the reauthorization of the Nutria Eradication and Control Act. These two measures have been instrumental in reducing the nutria damage to Louisiana's wetlands.

Now, it is my hope that we can achieve similar success with the problem of feral hogs. Feral swine are listed by the World Conservation Union, IUCN, as one of the top 100 invasive species worldwide. If action is not taken to control the feral swine population, our biologists fear these animals will undo much of the progress Louisiana has made in controlling the nutria population. It is my hope that with the help of my colleagues, we can pass this bill to help eradicate these pests from our vanishing coastline once and for all.

The bill I am introducing today authorizes the Secretary of the Interior to allocate funding to create a pilot program modeled off of the Nutria Eradication and Control Act. This program will assess the nature and extent of damage to the wetlands in Louisiana and develop methods to eradicate or control the feral swine population, and restore the coastal areas damaged by this invasive species.

It is a small program, but rewards it could reap are potentially vast. Consider this, Louisiana's wetlands are not only the home to our famed wildlife, they are also the most effective protection we have against future storm damage.

Coastal wetlands are the last barrier between the sea and the land. Wetlands reduce high winds and absorb the deadly storm surges that often accompany hurricanes. Scientists estimate that every 3 to 4 miles of wetlands can absorb enough water to reduce the height of a storm surge by 1 foot. That protects the millions of hardworking men and women who live along Louisiana's coast.

But I would also like to remind my colleagues of the vital strategic importance these wetlands serve to the Nation's energy security: Louisiana is one of the economy's largest producers of energy. Without wetlands as a buffer, storms could devastate the Nation's critical energy infrastructure.

It is for all of these reasons that this legislation is crucial. I ask that my colleagues support its prompt passage.

By Mr. FEINGOLD (for himself,
Ms. KLOBUCHAR, Mr. TESTER,
Mr. HARKIN, and Mr. KERRY):

S. 986. A bill to amend the Help America Vote Act of 2002 to require States to provide for same day registration; to the Committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, today I will reintroduce, along with Senators KLOBUCHAR, TESTER, HARKIN and KERRY, the Same Day Registration Act of 2009, a bill that would significantly

increase voter participation by allowing all eligible citizens to register to vote in federal elections on Election Day or the same day that they vote.

In many ways, the machinery of our democracy needs significant repair. We live in an age of low turnout and high cynicism. The American people have lost faith in our election system, in part because they are not confident that their votes will be counted or that the ballot box is accessible to each and every voter regardless of ability, race, or means.

What we see instead are long lines at polling places; faulty voting machines; under-trained, under-paid, over-worked poll workers; partisan election administrators; suspect vote tallies; caging lists; intimidation at the polling place; misleading flyers; illegal voter-file purges; and now, the Supreme Court approving discriminatory voter ID laws. If people cannot trust their elections, why should they trust their elected officials?

Three years ago, Professor Dan Tokaji, a leading election law expert, called for a "moneyball approach to election reform." Named after Michael Lewis' book about the Oakland A's data-driven hiring system, Tokaji's approach is quintessentially progressive, as that term was understood at the turn of the century. "I mean to suggest a research-driven inquiry," Tokaji wrote, "in place of the anecdotal approach that has too often dominated election reform conversations. While anecdotes and intuition have their place, they're no substitute for hard data and rigorous analysis."

This bill embodies the moneyball approach to election reform. In stark contrast to many so-called election reform proposals, this bill addresses a real problem—low voter turnout; it targets a major cause of the problem—archaic registration laws; and it offers a proven solution—same day registration SDR sometimes known as Election Day registration, EDR.

The bill is very simple: it amends the Help America Vote Act to require every state to allow eligible citizens to register and vote in a Federal election on the day of the election, or on any day where voting is permitted, like during early voting. Voters may register using any form that satisfies the requirements of the National Voter Registration Act, including the Federal mail in voter registration form and any state's standard registration form. North Dakota, which does not have voter registration, is exempted from the bill's requirements.

The bill itself is simple, but it addresses a significant problem: the low voter turnout that has plagued this country for the last 40 years. We live in a participatory democracy, where our government derives its power from the consent of the governed, a consent embodied in the people's exercise of their

fundamental right to vote. It is self evident that a participatory democracy depends on participation.

This may be a government of the people, Mr. President, but the people are not voting. Since 1968, American political participation has hovered around 50 percent for Presidential elections and 40 percent for congressional elections. Even in 2008, a record-breaking year, national turnout was only 61.7 percent of the voting age population. The U.S. may be the only established democracy in the world where the fact that nearly 40 percent of the electorate stayed home is considered cause for celebration.

In fact, our predecessors in the Senate would be surprised to find us celebrating such low turnout: a 1974 report by the Senate Committee on the Post Office and Civil Service bemoaned the "shocking" drop in turnout in the 1972 election. And what was the number that so troubled the Committee? Fifty-five percent.

The report went on: "[i]t is the Committee's conviction that our disquieting record of voter participation is in large part due to the hodgepodge of registration barriers put in the way of the voter. Such obstacles have little, if anything, to recommend them. At best, current registration laws in the various states are outmoded and simply inappropriate for a highly mobile population. At worst, registration laws can be construed as a deliberate effort to disenfranchise voters who desperately need entry into the decision-making processes of our country."

What a shame, that the Committee's findings are still valid. Our archaic registration laws have been reformed, but they are still archaic. We have passed a number of important bills designed to combat low turnout, but turnout is still low. America is even more mobile than it was in 1974, and yet our registration laws are still out of touch with the reality that more than 40 million Americans move every year. Worst of all, our registration laws still fall especially hard on the young, the old, and the poor.

We have long known that complicated voter registration requirements constitute one of the major barriers to voting. In fact, many states adopted voter registration in order to prevent certain segments of the population from voting. Alexander Keyssar, the preeminent scholar on the history right to vote in this country, writes that although "[r]egistration laws emerged in the nineteenth century as a means of keeping track of voters and preventing fraud; they also served—and were intended to serve—as a means of keeping African-American, working-class, immigrant, and poor voters from the polls."

It is time for a fundamental change. A large body of research tells us that unnecessarily burdensome voter reg-

istration requirements are the single largest factor in preventing people from voting. Simply put, voter registration restrictions should not keep eligible Americans from exercising their right to vote. The solution to this problem is same day registration.

Decades of empirical research confirm same day registration's positive impact on turnout. As one academic paper states, "the evidence on whether EDR augments the electorate is remarkably clear and consistent. Studies finding positive and significant turnout impacts are too numerous to list." Mr. President, studies indicate that same day registration alone increases turnout by roughly 5 to 10 percentage points.

In general, States with same day registration boast voter turnout that is 10-12 percentage points higher than States that require voters to register before Election Day. Turnout in Minnesota and Wisconsin, which implemented same day registration over 35 years ago has been especially high: in 2004, for example, when national turnout was just 55 percent, 78 percent of eligible Minnesotans and 75 percent of eligible Wisconsinites went to the polls. The last time national voter turnout was above 70 percent, it was 1896, there were only 45 States, and the gold standard was the dominant campaign issue.

Critics might worry about the possibility of fraud, but same day registration actually makes the registration process more secure. Voters registering when they vote do so in the presence of an elections official who verifies the voter's residency and identity on the spot. Mark Ritchie, Minnesota's Secretary of State, points out that same day registration "is much more secure because you have the person right in front of you—not a postcard in the mail. That is a no-brainer. We have 33 years of experience with this."

In contrast to most election reforms, the cost of same day registration is negligible. A recent survey of 26 local elections officials in six same day registration States found that "officials agreed that incidental expense of administering EDR is minimal." In fact, same day registration may actually result in a net savings because it significantly reduces the use of provisional ballots. Provisional ballots, which are required by the Help America Vote Act, are expensive to administer. The Congressional Budget Office estimates that provisional ballots cost State and local governments about \$25 million a year.

In some States the number of provisional ballots cast is surprisingly large. For example, in 2004, more than 4 percent of California's registered voters cast provisional ballots—that is 644,642 provisional ballots. In Ohio, 157,714 provisional ballots were cast, about 2 percent of all registered voters.

In contrast, in 2004 only 0.03 percent of voters in SDR states cast a provisional ballot. In Wisconsin, only 374 provisional ballots were cast. In Maine, only 95 provisional ballots were cast. In fact, only 952 provisional ballots were cast in all the SDR states combined in 2004. To be sure, this bill is no cure-all: it does not address long lines, deceptive flyers, and faulty voting machines. Other bills, good bills, address those issues.

The bottom line is this: the Same Day Registration Act would substantially increase civic participation, improve the integrity of the electoral process, reduce election administration costs, and reaffirm that voting is a fundamental right. It has been proven effective by more than 30 years of successful implementation in Minnesota and Wisconsin and decades of empirical research. Same day registration is good for voters, good for taxpayers, and good for democracy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Same Day Registration Act".

SEC. 2. SAME DAY REGISTRATION.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended—

(1) by redesignating sections 304 and 305 as sections 305 and 306, respectively; and

(2) by inserting after section 303 the following new section:

"SEC. 304. SAME DAY REGISTRATION.

"(a) IN GENERAL.—

"(1) REGISTRATION.—Notwithstanding section 8(a)(1)(D) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6), each State shall permit any eligible individual on the day of a Federal election and on any day when voting, including early voting, is permitted for a Federal election—

"(A) to register to vote in such election at the polling place using a form that meets the requirements under section 9(b) of the National Voter Registration Act of 1993; and

"(B) to cast a vote in such election.

"(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this section, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

"(b) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means, with respect to any election for Federal office, an individual who is otherwise qualified to vote in that election.

"(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) for the regularly scheduled general election for Federal office occurring in November 2010 and for any subsequent election for Federal office."

(b) CONFORMING AMENDMENTS.—

(1) Section 401 of such Act (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and 304".

(2) The table of contents of such Act is amended—

(A) by redesignating the items relating to sections 304 and 305 as relating to sections 305 and 306, respectively; and

(B) by inserting after the item relating to section 303 the following new item:

"Sec. 304. Same day registration."

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 326—RECOGNIZING THE 40TH ANNIVERSARY OF THE GEORGE BUSH INTERCONTINENTAL AIRPORT IN HOUSTON, TEXAS

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was considered and agreed to:

S. RES. 326

Whereas the George Bush Intercontinental Airport in the City of Houston, Texas (referred to in this resolution as "IAH"), was first opened for operation on June 8, 1969;

Whereas in 1997, IAH was named in honor of the Nation's 41st President, George Herbert Walker Bush, a longtime resident of Houston who, as a member of the Houston congressional delegation, was present at the 1969 opening of the airport;

Whereas IAH is the largest airport in Houston, serving over 43,000,000 passengers in 2008, is the 8th largest airport in the United States and the 16th largest in the world for total passengers served;

Whereas more than 700,000,000 people have passed through IAH's gates since its opening;

Whereas IAH has grown to become a world-class international gateway offering service to more than 109 domestic and 65 nonstop international destinations in over 32 countries;

Whereas in 1990, the city of Houston named the IAH international arrivals building, now the IAH Terminal D, in honor of the distinguished Congressman for the 18th District of Texas, George Thomas "Mickey" Leland, a renowned antipoverty activist who died tragically in 1989 while on a humanitarian visit to Ethiopia;

Whereas IAH operates the largest passenger international arrivals facility in the Nation and was selected by the Department of State and the Department of Homeland Security as the first "Model Port" for its efficiency in welcoming international passengers arriving in the United States;

Whereas IAH is a regional and world leader in air cargo processing, consolidation, and distribution;

Whereas IAH is a critical component of the Houston economy, supporting more than 151,000 jobs and contributing over \$24,000,000,000 in economic benefits to the Houston region; and

Whereas IAH serves 30 airlines and is the headquarters and major hub for award-winning Continental Airlines, which is celebrating its 75th anniversary in 2009: Now, therefore, be it

Resolved that the Senate—

(1) recognizes the 40th anniversary of the founding of the George Bush Intercontinental Airport; and

(2) congratulates officials of the George Bush Intercontinental Airport, the Houston

Airport System, and the city of Houston, Texas, for the airport's record of excellent service to the citizens of Houston and the national air transportation system.

SENATE RESOLUTION 327—SUPPORTING THE GOALS AND IDEALS OF NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH 2009 AND EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD CONTINUE TO RAISE AWARENESS OF DOMESTIC VIOLENCE IN THE UNITED STATES AND ITS DEVIATING EFFECTS ON FAMILIES AND COMMUNITIES, AND SUPPORT PROGRAMS DESIGNED TO END DOMESTIC VIOLENCE

Ms. KLOBUCHAR (for herself, Mr. LEAHY, Mr. KOHL, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. CRAPO, Ms. COLLINS, Mr. SPECTER, Ms. LANDRIEU, Ms. STABENOW, Mr. KAUFMAN, Mr. DURBIN, Mr. BROWN, Mr. BURRIS, Mr. WHITEHOUSE, Mr. LAUTENBERG, Mrs. BOXER, and Mrs. HAGAN) submitted the following resolution; which was considered and agreed to:

S. RES. 327

Whereas the President has designated October 2009 as "National Domestic Violence Awareness Month";

Whereas domestic violence affects people of all ages as well as racial, ethnic, gender, economic, and religious backgrounds;

Whereas females are disproportionately victims of domestic violence, and 1 in 4 women will experience domestic violence at some point in her life;

Whereas on average, more than 3 women are murdered by their husbands or boyfriends in the United States every day;

Whereas in 2005, 1,181 women were murdered by an intimate partner constituting 78 percent of all intimate partner homicides that year;

Whereas women ages 16 to 24 experience the highest rates, per capita, of intimate partner violence;

Whereas 1 out of 3 Native American women will be raped and 6 out of 10 will be physically assaulted in their lifetimes;

Whereas the cost of intimate partner violence exceeds \$5,800,000,000 each year, \$4,100,000 of which is for direct medical and mental health care services;

Whereas ¼ to ½ of domestic violence victims report that they have lost a job due, at least in part, to domestic violence;

Whereas the annual cost of lost productivity due to domestic violence is estimated at \$727,800,000 with over 7,900,000 paid workdays lost per year;

Whereas some landlords deny housing to victims of domestic violence who have protection orders or evict victims of domestic violence for seeking help after a domestic violence incident, such as by calling 911, or who have other indications that they are domestic violence victims;

Whereas 92 percent of homeless women experience severe physical or sexual abuse at some point in their lifetimes;

Whereas approximately 40 to 60 percent of men who abuse women also abuse children;

Whereas approximately 15,500,000 children are exposed to domestic violence every year;

Whereas children exposed to domestic violence are more likely to attempt suicide,

abuse drugs and alcohol, run away from home, and engage in teenage prostitution;

Whereas one large study found that men exposed to physical abuse, sexual abuse, and adult domestic violence as children were almost 4 times more likely than other men to have perpetrated domestic violence as adults;

Whereas nearly 1,500,000 high school students nationwide experienced physical abuse from a dating partner in a single year;

Whereas 13 percent of teenage girls who have been in a relationship report being hit or hurt by their partners and 1 in 4 teenage girls has been in a relationship in which she was pressured by her partner into performing sexual acts;

Whereas adolescent girls who reported dating violence were 60 percent more likely to report one or more suicide attempts in the past year;

Whereas there is a need for middle schools, secondary schools, and post-secondary schools to educate students about the issues of domestic violence, sexual assault, dating violence, and stalking;

Whereas 88 percent of men in a national poll reported that they think that our society should do more to respect women and girls;

Whereas a recently released multi-State study shows conclusively that the Nation's domestic violence shelters are addressing victims' urgent and long-term needs and are helping victims protect themselves and their children;

Whereas a 2008 National Census Survey reported that 60,799 adults and children were served by domestic violence shelters and programs around the Nation in a single day;

Whereas those same understaffed programs were unable to meet 8,927 requests for help that day;

Whereas there is a need to increase funding for programs aimed at intervening and preventing domestic violence in the United States; and

Whereas individuals and organizations that are dedicated to preventing and ending domestic violence should be recognized: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Domestic Violence Awareness Month 2009; and

(2) expresses the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2708. Mr. CASEY (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2699 submitted by Mr. ISAKSON (for himself and Mr. DODD) and intended to be proposed to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table.

SA 2709. Mr. UDALL of Colorado (for himself, Mr. SCHUMER, Mr. TESTER, Mr. MERKLEY, Mr. WHITEHOUSE, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2708. Mr. CASEY (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 2699 submitted by Mr. ISAKSON (for himself and Mr. DODD) and intended to be proposed to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 5, line 4, strike all through page 7, line 9, and insert the following:

(a) AGE LIMITATION.—

(1) IN GENERAL.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) AGE LIMITATION.—No credit shall be allowed under subsection (a) with respect to the purchase of any residence unless the taxpayer has attained age 18 as of the date of such purchase and is otherwise not eligible to be claimed as a dependent (as defined in section 152) on another tax return. In the case of any taxpayer who is married (within the meaning of section 7703), the taxpayer shall be treated as meeting the age requirement of the preceding sentence if the taxpayer or the taxpayer's spouse meets such age requirement.”.

(2) CONFORMING AMENDMENT.—Subsection (g) of section 36 of such Code is amended by striking “subsections (c) and (f)(4)(D)” and inserting “subsection (b)(3), (c), and (f)(4)(D)”.

(b) DOCUMENTATION REQUIREMENTS.—

(1) IN GENERAL.—Subsection (d) of section 36 of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting a comma, and by adding at the end the following new paragraphs:

“(3) the taxpayer fails to attach to the return of tax for such taxable year a properly executed copy of the settlement statement used to complete such purchase, or

“(4) the taxpayer fails to attach to the return of tax for such taxable year a certified statement of the taxpayer's eligibility for the tax credit issued by the real estate reporting person (as defined in section 6045(e)(2)) with respect to such purchase.

Such certified statement shall be issued in such form and manner as prescribed by the Secretary and prepared based on the reasonable facts and circumstances made known to the reporting person from the taxpayer. The reporting person shall not be held liable due to false statements or facts made by the taxpayer, unless such reporting person had reasonable means to determine such statements or facts were false.”.

(2) ENSURING ELECTRONIC FILING.—The Commissioner of Internal Revenue shall develop rules that enable the Internal Revenue Service to enforce the documentation requirements resulting from the amendments made by paragraph (1) without hindering electronic means of filing tax returns.

(c) RESTRICTION ON MARRIED INDIVIDUAL ACQUIRING RESIDENCE FROM FAMILY OF SPOUSE.—Clause (i) of section 36(c)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting “(or, if married, such individual's spouse)” after “person acquiring such property”.

(d) CERTAIN ERRORS WITH RESPECT TO THE FIRST-TIME HOMEBUYER TAX CREDIT TREATED AS MATHEMATICAL OR CLERICAL ERRORS.—Paragraph (2) of section 6213(g) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of subparagraph (M), by striking the period at the end of subparagraph (N) and inserting “, and”, and by inserting after subparagraph (N) the following new subparagraph:

“(O) an entry on a return claiming the credit under section 36 if—

“(i) the Secretary obtains information from the person issuing the TIN of the taxpayer that indicates that the taxpayer does not meet the age requirement of section 36(b)(3),

“(ii) information provided to the Secretary by the taxpayer on an income tax return for at least one of the 2 preceding taxable years is inconsistent with eligibility for such credit, or

“(iii) the taxpayer fails to attach to the return the form described in paragraph (3) or (4) of section 36(d).”.

(e) INVESTIGATION AND PROSECUTION; REPORT.—The Commissioner of Internal Revenue shall take such steps as are necessary to investigate and prosecute instances of fraud related to the first-time homebuyer tax credit under section 36 of the Internal Revenue Code of 1986. The Commissioner of Internal Revenue shall provide reports to Congress on the status of the investigatory and prosecutorial actions not later than 90 days after the date of the enactment of this Act, and quarterly thereafter.

(f) EFFECTIVE DATE.—

SA 2709. Mr. UDALL of Colorado (for himself, Mr. SCHUMER, Mr. TESTER, Mr. MERKLEY, Mr. WHITEHOUSE, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ EXPEDITED CARD REFORM FOR CONSUMERS ACT.

(a) SHORT TITLE.—This section may be cited as the “Expedited CARD Reform for Consumers Act of 2009”.

(b) EARLIER EFFECTIVE DATE FOR THE CREDIT CARD ACT OF 2009, GENERALLY.—Section 3 of the Credit Card Accountability Responsibility and Disclosure Act of 2009 (15 U.S.C. 1602 note) is amended by striking “become effective 9 months after the date of enactment of this Act,” and inserting “take effect on December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009, the effective date shall be February 22, 2010.”.

(c) EARLIER EFFECTIVE DATES FOR SPECIFIC PROVISIONS TO PREVENT FURTHER ABUSES.—

(1) REVIEW OF PAST CONSUMER INTEREST RATE INCREASES.—Section 148(d) of the Truth in Lending Act (15 U.S.C. 1665c(d)) (as added by section 101(c) of the Credit Card Accountability Responsibility and Disclosure Act of 2009) is amended—

(A) by striking “9 months after the date of enactment of this section” and inserting

"December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009, the effective date shall be February 22, 2010,"; and

(B) by striking "become effective 15 months after that date of enactment" and inserting "take effect on December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009, the effective date shall be August 22, 2010".

(2) REQUIREMENT THAT PENALTY FEES BE REASONABLE AND PROPORTIONAL TO THE VIOLATION.—Section 149(b) of the Truth in Lending Act (15 U.S.C. 1665d(b)) (as added by section 102(b) of the Credit Card Accountability Responsibility and Disclosure Act of 2009) is amended—

(A) by striking "9 months after the date of enactment of this section," and inserting "December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009, the effective date shall be February 22, 2010,"; and

(B) by striking "become effective 15 months after the date of enactment of the section" and inserting "take effect on December 1, 2009, except that for a depository institution, as defined in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)), with fewer than 2 million credit cards in circulation on the date of the enactment of the Expedited CARD Reform for Consumers Act of 2009, the effective date shall be August 22, 2010".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, November 10, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on policy options for reducing greenhouse gas emissions.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by email to Gina_Weinstock@energy.senate.gov.

For further information, please contact Jonathan Black at (202) 224-6722 or Gina Weinstock at (202) 224-5684.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. BINGAMAN. Mr. President, the Subcommittee on National Parks had

previously announced a hearing to be held on Wednesday, November 4, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC. In addition to the bills previously listed, the following bill will be included:

H.R. 1287, to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to allison_seyferth@energy.senate.gov.

For further information, please contact David Brooks at (202) 224-9863 or Allison Seyferth at (202) 224-4905.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Thursday, November 5, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 1757, to provide for the prepayment of a repayment contract between the United States and the Uintah Water Conservancy District, and for other purposes; S. 1758, to provide for the allocation of costs to project power with respect to power development within the Diamond Fork System, and for other purposes; and S. 1759, to authorize certain transfers of water in the Central Valley Project, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Gina_Weinstock@energy.senate.gov.

For further information, please contact Tanya Trujillo at (202) 224-5479 or Gina Weinstock at (202) 224-5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 28, 2009, at 9:30 a.m., to conduct a hearing entitled "Dark Pools, Flash Orders, High Frequency Trading, and Other Market Structure Issues."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 28, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on October 28, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on October 28, 2009, at 9:30 a.m., in room 406 of the Dirksen Senate Office Building to hold a hearing entitled "Legislative Hearing on S. 1733, Clean Energy Jobs and American Power Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 28, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Ms. STABENOW. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on October 28, 2009, at 10 a.m., in room SD-226 of the Dirksen Office Building, to conduct a hearing entitled "Effective Strategies for Preventing Health Care Fraud."

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Ms. STABENOW. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be

authorized to meet during the session of the Senate on October 28, 2009, at 2:30 p.m. to conduct a hearing entitled, "Achieving the President's Objectives: New OMB Guidance to Combat Waste, Inefficiency, and Misuse in Federal Government Contracting."

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Ms. STABENOW. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on October 28, 2009, from 2-4:30 p.m. in room 562 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on October 28, 2009, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Ms. STABENOW. Mr. President, on behalf of Senator MARK UDALL, I ask unanimous consent that a fellow in his office, Matt Bowen, be granted floor privileges for the duration of the month of October.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that Lauren Bateman, Caren Street, and Maria Urbina, from Senator REID's office, be granted the privilege of the floor for the month of October.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 504, 505, 506 to and including 511, except the nomination of BG Michael J. Walsh, 512 to and including 514, 519, 520, and all nominations on the Secretary's desk in the Air Force, Army, Coast Guard, Marine Corps, and Navy; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations be printed in the RECORD; provided further that the President be immediately notified of the Senate's action; and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS

IN THE DEPARTMENT OF DEFENSE

Gladys Commons, of Virginia, to be an Assistant Secretary of the Navy.

Christine H. Fox, of Virginia, to be Director of Cost Assessment and Program Evaluation, Department of Defense.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Mark A. Welsh, III

IN THE ARMY

The following named officers for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be brigadier general

Colonel Kelly J. Thomas

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. David L. Weeks

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. William B. Caldwell, IV

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Keith M. Huber

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Joseph J. Anderson
Brigadier General Mark S. Bowman
Brigadier General Robert B. Brown
Brigadier General Edward C. Cardon
Brigadier General Walter L. Davis
Brigadier General Genaro J. Dellarocco
Brigadier General William F. Grimsley
Brigadier General Michael T. Harrison, Sr.
Brigadier General David R. Hogg
Brigadier General Karl R. Horst
Brigadier General Reuben D. Jones
Brigadier General Brian A. Keller
Brigadier General Stephen R. Lanza
Brigadier General Michael S. Linnington
Brigadier General Francis G. Mahon
Brigadier General Joseph E. Martz
Brigadier General William C. Mayville, Jr.
Brigadier General James C. McConville
Brigadier General James M. McDonald
Brigadier General Phillip E. McGhee
Brigadier General Patricia E. McQuiston
Brigadier General William N. Phillips
Brigadier General Dana J. H. Pittard
Brigadier General David E. Quantock
Brigadier General Michael S. Repass
Brigadier General Todd T. Semonite
Brigadier General Thomas W. Spoehr
Brigadier General Kurt J. Stein
Brigadier General Michael J. Terry
Brigadier General Simeon G. Trombitas

Brigadier General Keith C. Walker
Brigadier General Perry L. Wiggins

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. David J. Dorsett

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Robert S. Harward, Jr.

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Vice Adm. Harry B. Harris, Jr.

IN THE COAST GUARD

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. John S. Welch

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Captain Daniel B. Abel
Captain Vincent B. Atkins
Captain Stephen E. Mehling
Captain Karl L. Schultz
Captain Sandra L. Stosz
Captain Cari B. Thomas
Captain Christopher J. Tomney

IN THE AIR FORCE

PN981 AIR FORCE nominations (51) beginning ROBERT B. O. ALLEN, and ending TED K. WINRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN1099 AIR FORCE nomination of Christopher J. Ogrady, which was received by the Senate and appeared in the Congressional Record of October 15, 2009.

PN1100 AIR FORCE nomination of Michael R. Spencer, which was received by the Senate and appeared in the Congressional Record of October 15, 2009.

PN1101 AIR FORCE nominations (4) beginning SCOTT A. PAFFENROTH, and ending ROBERT M. TAYLOR, which nominations were received by the Senate and appeared in the Congressional Record of October 15, 2009.

PN1102 AIR FORCE nominations (4) beginning MISAEL C. ALONSO, and ending DERRICK B. WILLESEY, which nominations were received by the Senate and appeared in the Congressional Record of October 15, 2009.

PN1103 AIR FORCE nominations (6) beginning DANA J. ALBALATE, and ending LUZ E. RODRIGUEZ, which nominations were received by the Senate and appeared in the Congressional Record of October 15, 2009.

IN THE ARMY

PN366 ARMY nomination of Charles T. Kirchmaier, which was received by the Senate and appeared in the Congressional Record of April 23, 2009.

PN984 ARMY nomination of Bruce P. Crandall, which was received by the Senate

and appeared in the Congressional Record of September 21, 2009.

PN985 ARMY nominations (5) beginning KENNETH E. DUVALL, and ending RANDALL M. ZEEGERS, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN986 ARMY nominations (11) beginning JENNIFER E. CHOATE, and ending RODNEY E. RUDOLPH, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN1039 ARMY nominations (11) beginning LEAR E. DUTTON, and ending MARCUS C. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of September 30, 2009.

PN1040 ARMY nominations (19) beginning DANIEL T. AMES, and ending THOMAS B. WHEATLEY, which nominations were received by the Senate and appeared in the Congressional Record of September 30, 2009.

PN1104 ARMY nominations (2) beginning KENNETH E. LAWSON, and ending KRISTINA D. MOELLER, which nominations were received by the Senate and appeared in the Congressional Record of October 15, 2009.

PN1105 ARMY nominations (5) beginning LAWRENCE C. DENNIS, and ending JOHN H. TATUM, which nominations were received by the Senate and appeared in the Congressional Record of October 15, 2009.

PN1106 ARMY nominations (13) beginning BARRY R. BARON, and ending ISTVAN SZASZ JR., which nominations were received by the Senate and appeared in the Congressional Record of October 15, 2009.

IN THE COAST GUARD

PN889 COAST GUARD nomination of Thomas J. Riley, which was received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN890 COAST GUARD nomination of Shadrack L. Scheirman, which was received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN891 COAST GUARD nomination of Chad R. Harvey, which was received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN892 COAST GUARD nomination of Michele L. Schallip, which was received by the Senate and appeared in the Congressional Record of August 6, 2009.

PN977 COAST GUARD nominations (9) beginning Edgars Auzenbergs, and ending Michael F. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN978 COAST GUARD nominations (4) beginning Melinda D. McGurer, and ending Royce W. James, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN979 COAST GUARD nominations (64) beginning Nicholas A. Bartolotta, and ending Jerald L. Woloszynski, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN1035 COAST GUARD nominations (114) beginning Ladonn A. Allen, and ending James A. Williamson, which nominations were received by the Senate and appeared in the Congressional Record of September 30, 2009.

PN1095 COAST GUARD nominations (256) beginning Jennifer L. Adams, and ending Bradford W. Youngkin, which nominations were received by the Senate and appeared in the Congressional Record of October 15, 2009.

IN THE MARINE CORPS

PN987 MARINE CORPS nomination of Bradley L. Lowe, which was received by the

Senate and appeared in the Congressional Record of September 21, 2009.

IN THE NAVY

PN988 NAVY nomination of Daniel A. Freilich, which was received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN989 NAVY nominations (5) beginning ROBERT R. LIU, and ending NATASHA L. FLEMENS, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN990 NAVY nominations (11) beginning IRWIN ELSTEIN, and ending DOUGLAS A. TOMLINSON, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN991 NAVY nominations (7) beginning RUSSELL P. BATES, and ending TIMOTHY G. NASELLO, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN992 NAVY nominations (58) beginning OSCAR D. ANTILLON, and ending MATTHEW T. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN993 NAVY nominations (55) beginning DOYLE S. ADAMS, and ending EUGENE WOZNIAK, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN994 NAVY nominations (30) beginning RYAN M. ANDERSON, and ending BRENT E. TROYAN, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN995 NAVY nominations (90) beginning RUBEN A. ALCOCER, and ending MICHAEL P. YUNKER, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN996 NAVY nominations (87) beginning ANACLATO B. ANCHETA JR., and ending LAWRENCE S. ZOBACK, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN997 NAVY nominations (136) beginning OSMEL ALFONSO, and ending MARJORIE A. WYTZKA, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN998 NAVY nominations (28) beginning WILLIAM M. ANDERSON, and ending JEFFREY R. WESSEL, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN999 NAVY nominations (201) beginning PAUL J. ALEA, and ending GEOFFREY W. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of September 21, 2009.

PN1107 NAVY nomination of Raul L. Barrientos, which was received by the Senate and appeared in the Congressional Record of October 15, 2009.

PN1108 NAVY nominations (4) beginning RICARDO B. EUSEBIO, and ending DAVID L. WILKEY, which nominations were received by the Senate and appeared in the Congressional Record of October 15, 2009.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

RECOGNIZING THE 40TH ANNIVERSARY OF THE GEORGE BUSH INTERCONTINENTAL AIRPORT

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 326, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the title of the resolution.

The bill clerk read as follows:

A resolution (S. Res. 326) recognizing the 40th anniversary of the George Bush Intercontinental Airport in Houston, Texas.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 326) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 326

Whereas the George Bush Intercontinental Airport in the City of Houston, Texas (referred to in this resolution as "IAH"), was first opened for operation on June 8, 1969;

Whereas in 1997, IAH was named in honor of the Nation's 41st President, George Herbert Walker Bush, a longtime resident of Houston who, as a member of the Houston congressional delegation, was present at the 1969 opening of the airport;

Whereas IAH is the largest airport in Houston, serving over 43,000,000 passengers in 2008, is the 8th-largest airport in the United States and the 16th-largest in the world for total passengers served;

Whereas more than 700,000,000 people have passed through IAH's gates since its opening;

Whereas IAH has grown to become a world-class international gateway offering service to more than 109 domestic and 65 nonstop international destinations in over 32 countries;

Whereas in 1990, the city of Houston named the IAH international arrivals building, now the IAH Terminal D, in honor of the distinguished Congressman for the 18th District of Texas, George Thomas "Mickey" Leland, a renowned antipoverty activist who died tragically in 1989 while on a humanitarian visit to Ethiopia;

Whereas IAH operates the largest passenger international arrivals facility in the Nation and was selected by the Department of State and the Department of Homeland Security as the first "Model Port" for its efficiency in welcoming international passengers arriving in the United States;

Whereas IAH is a regional and world leader in air cargo processing, consolidation, and distribution;

Whereas IAH is a critical component of the Houston economy, supporting more than 151,000 jobs and contributing over \$24,000,000,000 in economic benefits to the Houston region; and

Whereas IAH serves 30 airlines and is the headquarters and major hub for award-winning Continental Airlines, which is celebrating its 75th anniversary in 2009: Now, therefore, be it

Resolved, by the Senate, That the Senate—
(1) recognizes the 40th anniversary of the founding of the George Bush Intercontinental Airport; and

(2) congratulates officials of the George Bush Intercontinental Airport, the Houston Airport System, and the city of Houston, Texas, for the airport's record of excellent service to the citizens of Houston and the national air transportation system.

SUPPORTING THE GOALS OF THE NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH 2009

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 327, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 327) supporting the goals and ideals of National Domestic Violence Awareness Month 2009 and expressing the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 327) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 327

Whereas the President has designated October 2009 as "National Domestic Violence Awareness Month";

Whereas domestic violence affects people of all ages as well as racial, ethnic, gender, economic, and religious backgrounds;

Whereas females are disproportionately victims of domestic violence, and 1 in 4 women will experience domestic violence at some point in her life;

Whereas on average, more than 3 women are murdered by their husbands or boyfriends in the United States every day;

Whereas in 2005, 1,181 women were murdered by an intimate partner constituting 78 percent of all intimate partner homicides that year;

Whereas women ages 16 to 24 experience the highest rates, per capita, of intimate partner violence;

Whereas 1 out of 3 Native American women will be raped and 6 out of 10 will be physically assaulted in their lifetimes;

Whereas the cost of intimate partner violence exceeds \$5,800,000,000 each year, \$4,100,000 of which is for direct medical and mental health care services;

Whereas ¼ to ½ of domestic violence victims report that they have lost a job due, at least in part, to domestic violence;

Whereas the annual cost of lost productivity due to domestic violence is estimated at \$727,800,000 with over 7,900,000 paid workdays lost per year;

Whereas some landlords deny housing to victims of domestic violence who have protection orders or evict victims of domestic violence for seeking help after a domestic violence incident, such as by calling 911, or who have other indications that they are domestic violence victims;

Whereas 92 percent of homeless women experience severe physical or sexual abuse at some point in their lifetimes;

Whereas approximately 40 to 60 percent of men who abuse women also abuse children;

Whereas approximately 15,500,000 children are exposed to domestic violence every year;

Whereas children exposed to domestic violence are more likely to attempt suicide, abuse drugs and alcohol, run away from home, and engage in teenage prostitution;

Whereas one large study found that men exposed to physical abuse, sexual abuse, and adult domestic violence as children were almost 4 times more likely than other men to have perpetrated domestic violence as adults;

Whereas nearly 1,500,000 high school students nationwide experienced physical abuse from a dating partner in a single year;

Whereas 13 percent of teenage girls who have been in a relationship report being hit or hurt by their partners and 1 in 4 teenage girls has been in a relationship in which she was pressured by her partner into performing sexual acts;

Whereas adolescent girls who reported dating violence were 60 percent more likely to report one or more suicide attempts in the past year;

Whereas there is a need for middle schools, secondary schools, and post-secondary schools to educate students about the issues of domestic violence, sexual assault, dating violence, and stalking;

Whereas 88 percent of men in a national poll reported that they think that our society should do more to respect women and girls;

Whereas a recently released multi-State study shows conclusively that the Nation's domestic violence shelters are addressing victims' urgent and long-term needs and are helping victims protect themselves and their children;

Whereas a 2008 National Census Survey reported that 60,799 adults and children were served by domestic violence shelters and programs around the Nation in a single day;

Whereas those same understaffed programs were unable to meet 8,927 requests for help that day;

Whereas there is a need to increase funding for programs aimed at intervening and preventing domestic violence in the United States; and

Whereas individuals and organizations that are dedicated to preventing and ending domestic violence should be recognized: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Domestic Violence Awareness Month 2009; and

(2) expresses the sense of the Senate that Congress should continue to raise awareness of domestic violence in the United States and its devastating effects on families and communities, and support programs designed to end domestic violence.

MEASURES READ THE FIRST TIME—H.R. 3617 AND S. 1963

Mr. WHITEHOUSE. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will state the bills by title.

The bill clerk read as follows:

A bill (H.R. 3617) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

A bill (S. 1963) to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

Mr. WHITEHOUSE. Mr. President, I ask for a second reading en bloc and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bills will receive their second reading on the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, and after consultation with the Republican leader, pursuant to Public Law 106-286, appoints the following Member to serve on the Congressional-Executive Commission on the People's Republic of China: The Honorable GEORGE LEMIEUX of Florida.

ORDERS FOR THURSDAY, OCTOBER 29, 2009

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, October 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first hour and the majority controlling the second hour; further, that any time during morning business, adjournment or recess of the Senate count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:06 p.m., adjourned until Thursday, October 29, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

EXECUTIVE OFFICE OF THE PRESIDENT

PHILIP E. COYLE, III, OF CALIFORNIA, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE ROSINA M. BIERBAUM.

SELECTIVE SERVICE SYSTEM

LAWRENCE G. ROMO, OF TEXAS, TO BE DIRECTOR OF THE SELECTIVE SERVICE, VICE WILLIAM A. CHATFIELD, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

ANULI L. ANYACHEBELU
MYRNA C. CALLISON
DANNY B. JAGHAB
JOHN M. STANG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

ANTHONY C. BOSTICK
BRIAN J. GENTILE
CHRIS E. HANSON
ANNETTE K. HILDABRAND
KELLY A. MANN
JAMES T. SHEETS
JOSEPH G. WILLIAMSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

RISA D. BATOR
MONA O. BINGHAM
ANN M. BLUNT
TRACI E. CRAWFORD
MARGARET A. DIXON
RICHARD L. EVANS, JR.
KEVIN T. GALLOWAY
LENA F. GAUDREAU
STEPHEN K. HALL
RICHARDSON D. JAMES
GARY M. LANG
GLENDA J. LOCK
WILLIAM J. MORAN, JR.
MARIE C. MORENCY
JOHN A. NERGES
JENNIFER L. PETERSEN
SHELLEY A. RICE
KIMBERLY A. SMITH
ORTIZ S. TILLMAN
STEPHANIE C. WILCHER
THOMAS R. YARBER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

JAMES R. ANDREWS
PAUL D. BLIESE
KARL C. BOLTON
MARK W. BOWER
JOHN D. BUTLER
NOEL J. CARDENAS
SCOTT A. CARPENTER
THOMAS C. DELK
RICK G. DICKINSON
RAYMOND S. DINGLE
WILLIAM S. DRENNON
EMERY B. FEHL
CHERYL L. FILBY
JONATHAN C. FRISTOE
WILLIAM T. GOFORTH
WENDY L. HARTER
EVELYN JACKSON
RONALD L. KROGH
JOHN P. LAMOUREUX
ALEJANDRO LOPEZDUKE
TIMOTHY P. LYONS
MATTHEW E. MATTNER
REBECCA I. PORTER
DAVID G. RICHARDSON
CAROL Z. RYMER
JOHN A. SMITH
ANDREA M. STAHL
KEVIN J. STEVENS
RANDY STORY
SCOTT A. SVABEK
MICHAEL A. SWALKO
MICHAEL J. TALLEY
JERRY S. THOMAS
STEVEN A. TOFT
VICKIE L. TUTEN

ROBERT L. VONTERSCH
SHANDA M. ZUGNER

CONFIRMATIONS

Executive nominations confirmed by the Senate, Wednesday, October 28, 2009:

DEPARTMENT OF DEFENSE

GLADYS COMMONS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

CHRISTINE H. FOX, OF VIRGINIA, TO BE DIRECTOR OF COST ASSESSMENT AND PROGRAM EVALUATION, DEPARTMENT OF DEFENSE.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. JOHN S. WELCH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPTAIN DANIEL B. ABEL
CAPTAIN VINCENT B. ATKINS
CAPTAIN STEPHEN E. MEHLING
CAPTAIN KARL L. SCHULTZ
CAPTAIN SANDRA L. STOSZ
CAPTAIN CARI B. THOMAS
CAPTAIN CHRISTOPHER J. TOMNEY

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. MARK A. WELSH III

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL KELLY J. THOMAS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DAVID L. WEEKS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. WILLIAM B. CALDWELL IV

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KEITH M. HUBER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL JOSEPH J. ANDERSON
BRIGADIER GENERAL MARK S. BOWMAN
BRIGADIER GENERAL ROBERT B. BROWN
BRIGADIER GENERAL EDWARD C. CARDON
BRIGADIER GENERAL WALTER L. DAVIS
BRIGADIER GENERAL GENARO J. DELLAROCO
BRIGADIER GENERAL WILLIAM F. GRIMSLEY
BRIGADIER GENERAL MICHAEL T. HARRISON, SR.
BRIGADIER GENERAL DAVID R. HOGG
BRIGADIER GENERAL KARL R. HORST
BRIGADIER GENERAL REUBEN D. JONES
BRIGADIER GENERAL BRIAN A. KELLER
BRIGADIER GENERAL STEPHEN R. LANZA
BRIGADIER GENERAL MICHAEL S. LINNINGTON
BRIGADIER GENERAL FRANCIS G. MAHON
BRIGADIER GENERAL JOSEPH E. MARTZ
BRIGADIER GENERAL WILLIAM C. MAYVILLE, JR.
BRIGADIER GENERAL JAMES C. MCCONVILLE
BRIGADIER GENERAL JAMES M. MCDONALD

BRIGADIER GENERAL PHILLIP E. MCGHEE
BRIGADIER GENERAL PATRICIA E. MCQUISTON
BRIGADIER GENERAL WILLIAM N. PHILLIPS
BRIGADIER GENERAL DANA J. H. PITTARD
BRIGADIER GENERAL DAVID E. QUANTOCK
BRIGADIER GENERAL MICHAEL S. REPASS
BRIGADIER GENERAL TODD T. SEMONITE
BRIGADIER GENERAL THOMAS W. SPOEHR
BRIGADIER GENERAL KURT J. STEIN
BRIGADIER GENERAL MICHAEL J. TERRY
BRIGADIER GENERAL SIMEON G. TROMBITAS
BRIGADIER GENERAL KEITH C. WALKER
BRIGADIER GENERAL PERRY L. WIGGINS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. DAVID J. DORSETT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ROBERT S. HARWARD, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. HARRY B. HARRIS, JR.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT B. O. ALLEN AND ENDING WITH TED K. WINRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

AIR FORCE NOMINATION OF CHRISTOPHER J. OGRADY, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF MICHAEL R. SPENCER, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH SCOTT A. PAFENROTH AND ENDING WITH ROBERT M. TAYLOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 15, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH MISAEEL C. ALONSO AND ENDING WITH DERRICK B. WILLSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 15, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH DANA J. ALBALATE AND ENDING WITH LUZ E. RODRIGUEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 15, 2009.

IN THE ARMY

ARMY NOMINATION OF CHARLES T. KIRCHMAIER, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF BRUCE P. CRANDALL, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH KENNETH E. DUVAL AND ENDING WITH RANDALL M. ZEEGERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

ARMY NOMINATIONS BEGINNING WITH JENNIFER E. CHOATE AND ENDING WITH RODNEY E. RUDOLPH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

ARMY NOMINATIONS BEGINNING WITH LEAR E. DUTTON AND ENDING WITH MARCUS C. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 30, 2009.

ARMY NOMINATIONS BEGINNING WITH DANIEL T. AMES AND ENDING WITH THOMAS B. WHEATLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 30, 2009.

ARMY NOMINATIONS BEGINNING WITH KENNETH E. LAWSON AND ENDING WITH KRISTINA D. MOELLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 15, 2009.

ARMY NOMINATIONS BEGINNING WITH LAWRENCE C. DENNIS AND ENDING WITH JOHN H. TATUM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 15, 2009.

ARMY NOMINATIONS BEGINNING WITH BARRY R. BARON AND ENDING WITH ISTVAN SZASZ, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 15, 2009.

IN THE COAST GUARD

COAST GUARD NOMINATION OF THOMAS J. RILEY, TO BE LIEUTENANT.

COAST GUARD NOMINATION OF SHADRACK L. SCHEIRMAN, TO BE LIEUTENANT.

COAST GUARD NOMINATION OF CHAD R. HARVEY, TO BE LIEUTENANT.

COAST GUARD NOMINATION OF MICHELE L. SCHALLIP, TO BE LIEUTENANT.

COAST GUARD NOMINATIONS BEGINNING WITH EDGARS AUZENBERGS AND ENDING WITH MICHAEL F. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

COAST GUARD NOMINATIONS BEGINNING WITH MELINDA D. MCGURER AND ENDING WITH ROYCE W. JAMES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

COAST GUARD NOMINATIONS BEGINNING WITH NICHOLAS A. BARTOLOTTA AND ENDING WITH JERALD L. WOLOSZYNSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

COAST GUARD NOMINATIONS BEGINNING WITH LADONN A. ALLEN AND ENDING WITH JAMES A. WILLIAMSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 30, 2009.

COAST GUARD NOMINATIONS BEGINNING WITH JENNIFER L. ADAMS AND ENDING WITH BRADFORD W. YOUNGKIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 15, 2009.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF BRADLEY L. LOWE, TO BE COLONEL.

IN THE NAVY

NAVY NOMINATION OF DANIEL A. FREILICH, TO BE CAPTAIN.

NAVY NOMINATIONS BEGINNING WITH ROBERT R. LIU AND ENDING WITH NATASHA L. FLEMENS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

NAVY NOMINATIONS BEGINNING WITH IRWIN ELSTEIN AND ENDING WITH DOUGLAS A. TOMLINSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

NAVY NOMINATIONS BEGINNING WITH RUSSELL P. BATES AND ENDING WITH TIMOTHY G. NASELLO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

NAVY NOMINATIONS BEGINNING WITH OSCAR D. ANTILLON AND ENDING WITH MATTHEW T. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

NAVY NOMINATIONS BEGINNING WITH DOYLE S. ADAMS AND ENDING WITH EUGENE WOZNIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

NAVY NOMINATIONS BEGINNING WITH RYAN M. ANDERSON AND ENDING WITH BRENT E. TROYAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

NAVY NOMINATIONS BEGINNING WITH RUBEN A. ALCOCER AND ENDING WITH MICHAEL P. YUNKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

NAVY NOMINATIONS BEGINNING WITH ANACLATO B. ANCHETA, JR. AND ENDING WITH LAWRENCE S. ZOBACK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

NAVY NOMINATIONS BEGINNING WITH OSMEL ALFONSO AND ENDING WITH MARJORIE A. WYTZKA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

NAVY NOMINATIONS BEGINNING WITH WILLIAM M. ANDERSON AND ENDING WITH JEFFREY R. WESSEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

NAVY NOMINATIONS BEGINNING WITH PAUL J. ALEA AND ENDING WITH GEOFFREY W. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 21, 2009.

NAVY NOMINATION OF RAUL L. BARRIENTOS, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH RICARDO B. EUSEBIO AND ENDING WITH DAVID L. WILKEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 15, 2009.

HOUSE OF REPRESENTATIVES—Wednesday, October 28, 2009

The House met at 10 a.m. and was called to order by the Speaker.

PRAYER

Rabbi Jacob Luski, Congregation B'Nai, St. Petersburg, Florida, offered the following prayer:

Loving God, we are grateful to You for this moment of meditation, which can help us to catch our breath in the midst of our busy, crowded, and often self-centered day.

Lift us, lest we be too gloomy to hope, too proud to change, or too timid to venture.

Help us to be guides into unborn tomorrows rather than merchants dealing with yesterdays; to be creative co-operators in the world as it should be, rather than clever competitors in the world as it is.

Help us to appreciate one another and to respect the many and varied ways that we serve You.

Bless all the Members of this House of Representatives. Grant them wisdom so that they may govern our great Nation with justice and compassion.

Guardian of life and liberty, may our Nation always merit Your protection. May the spirit of love and shalom of peace renew our country, our communities, and our world.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) come forward and lead the House in the Pledge of Allegiance.

Mrs. DAHLKEMPER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING RABBI JACOB LUSKI

The SPEAKER. Without objection, the gentleman from Florida (Mr. YOUNG) is recognized for 1 minute.

There was no objection.

Mr. YOUNG of Florida. Madam Speaker, our guest chaplain today is

Rabbi Jacob Luski of Congregation B'Nai Israel in St. Petersburg, Florida.

Rabbi Luski is a longtime friend and constituent and one of our community's most respected religious leaders. He has served his congregation faithfully for 32 years and is an important leader in a number of community organizations, including serving as a Jewish chaplain ministering to our veterans for the last 20 years at the Veterans Medical Center at Bay Pines.

Madam Speaker, Rabbi Luski is a 1971 graduate of Georgia Tech with a bachelor of science degree in industrial management. He went on to the Jewish Theological Seminary in New York City and was ordained there in 1977, and he earned his doctorate of divinity degree there in 2003.

Something very interesting about Rabbi Luski: He was born in Havana, Cuba, on November 2, 1949, which makes him, in just a couple of days, 60 years old. But he left Cuba 50 years ago at the age of 10 and came to the United States with his family. Rabbi Luski has with him this morning his mother, his father, and his sister.

Madam Speaker, it is an honor for me to welcome Rabbi Luski to the House this morning, along with his wife, Joanne, and one of his four children, Rachel.

Thank you for your inspiring life story, Rabbi, and for your devotion to your synagogue and to the people of our community and for your friendship of many, many years.

CONFERENCE REPORT ON H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. DICKS submitted the following conference report and statement on the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes:

CONFERENCE REPORT (H. REPT. 111-316)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2996), making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

REFERENCES

SECTION 1. Except as expressly provided otherwise, any reference to "this Act" contained in any division of this Act shall be treated as referring only to the provisions of that division.

DIVISION A—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96-487 (16 U.S.C. 3150(a)), \$959,571,000, to remain available until expended; of which \$3,000,000 shall be available in fiscal year 2010 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred.

In addition, \$45,500,000 is for the processing of applications for permit to drill and related use authorizations, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation that shall be derived from \$6,500 per new application for permit to drill that the Bureau shall collect upon submission of each new application, and in addition, \$36,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2010 so as to result in a final appropriation estimated at not more than \$959,571,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That notwithstanding section 430 of division E of Public Law 111-8, the amount of \$1,000,000 made available to the Bureau of Land Management for the shipment and storage of oil shale core samples in the State of Colorado, as described in the table entitled "Congressionally Designated Spending" contained in the joint explanatory statement, is rescinded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$8,626,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94-579, including administrative expenses and acquisition of lands or waters, or interests therein, \$29,650,000, to be derived from the Land and Water Conservation Fund and to remain available until expended: Provided, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111-8 (123 Stat. 524), the amount of \$2,000,000 made available for the Henry's Lake ACEC in the State of Idaho (as described in the table entitled "Congressionally Designated Spending" contained in section 430 of that joint explanatory statement) shall be made available for the Upper Snake/South Fork River ACEC/SRMA in the State of Idaho.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; \$111,557,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND
(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102-381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used through fiscal year 2015 for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f-1 et seq., and Public Law 106-393) derived from treatments funded by this account shall be deposited through fiscal year 2015 into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: Provided, That not to exceed \$600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and

other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579, as amended, and Public Law 93-153, to remain available until expended: Provided, That, notwithstanding any provision to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Projects funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the bureau upon receipt of the written commitment. Appropriations for the Bureau of Land Management (BLM) shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors or for the sale of wild horses and burros that results in their de-

struction for processing into commercial products: Provided further, That title I of division E of the Omnibus Appropriations Act, 2009, is further amended, under the heading "Department of the Interior—Bureau of Land Management—Administrative Provisions" in the second paragraph: (1) by striking the phrase "mining law administration" and inserting "from mining claim holders the mining claim maintenance fees and location"; and (2) by striking "those": Provided further, That section 28f(a) of title 30, United States Code, is amended by striking the phrase "for years 2004 through 2008," and replacing it with "to the extent provided in advance in Appropriations Acts,". Section 28g of title 30, United States Code, is amended by striking the phrase "and before September 30, 2008," and replacing it with "to the extent provided in advance in Appropriations Acts,". Section 28i of title 30, United States Code, is amended by striking "28k" and replacing it with "28l".

UNITED STATES FISH AND WILDLIFE SERVICE
RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, \$1,269,406,000, to remain available until September 30, 2011 except as otherwise provided herein: Provided, That \$2,500,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: Provided further, That not to exceed \$22,103,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed \$11,632,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species listed pursuant to subsection (a)(1) prior to October 1, 2009: Provided further, That of the amount available for law enforcement, up to \$400,000, to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate: Provided further, That of the amount provided for environmental contaminants, up to \$1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; \$37,439,000, to remain available until expended: Provided, That funds provided under this heading in Public Law 111-8, division E for Kealia Pond National Wildlife Refuge, Nisqually National Wildlife Refuge, Patuxent Research Refuge, Tennessee National Wildlife Refuge, and Mammoth Springs National Fish Hatchery may be reallocated to acquire migratory bird survey aircraft and for construction at Neosho National Fish Hatchery.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the

United States Fish and Wildlife Service, \$86,340,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding 16 U.S.C. 4601-9, not more than \$4,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004, including not to exceed \$120,000 for administrative expenses: Provided, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended, \$85,000,000, to remain available until expended, of which \$29,000,000 is to be derived from the Cooperative Endangered Species Conservation Fund, of which \$5,145,706 shall be for the Idaho Salmon and Clearwater River Basins Habitat Account pursuant to the Snake River Water Rights Act of 2004; and of which \$56,000,000 is to be derived from the Land and Water Conservation Fund.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$14,500,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, as amended (16 U.S.C. 4401-4414), \$47,647,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act, as amended, (16 U.S.C. 6101 et seq.), \$5,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4214, 4221-4225, 4241-4246, and 1538), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261-4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301-5306), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301-6305), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601-6606), \$11,500,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$90,000,000, to remain available until expended: Provided, That of the amount provided herein, \$7,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That \$5,000,000 is for a competitive grant program for States, territories, and other jurisdictions with approved plans, not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting \$12,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall ap-

portion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That any amount apportioned in 2010 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2011, shall be reapportioned, together with funds appropriated in 2012, in the manner provided herein.

ADMINISTRATIVE PROVISIONS

The Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including expenses to carry out programs of the United States Park Police), and for the general administration of the National Park Service, \$2,261,559,000, of which \$9,982,000 for planning and interagency coordination in support of Everglades restoration and \$98,622,000 for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments shall remain available until September 30, 2011.

PARK PARTNERSHIP PROJECT GRANTS

For expenses necessary to carry out provisions of section 814(g) of Public Law 104-333 relating to challenge cost-share agreements, \$15,000,000, to remain available until expended for Park Partnership signature projects and programs: Provided, That not less than 50 percent of the

total cost of each project or program is derived from non-Federal sources in the form of donated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit: Provided further, That, of the amount made available under this heading, \$10,000,000 shall be derived from the transfer of prior year unobligated balances available in the National Park Service recreation enhancement fee program established by title VIII, division J, Public Law 108-447.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, \$68,436,000, of which \$4,600,000 shall be for Preserve America grants as authorized by section 7302 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11).

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333), \$79,500,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2011; of which \$25,000,000 shall be for Save America's Treasures grants as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11): Provided, That of the funds provided for Save America's Treasures, \$10,200,000 shall be allocated in the amounts specified for those projects and purposes in accordance with the terms and conditions specified in the joint explanatory statement of the managers accompanying this Act.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, \$232,969,000, to remain available until expended: Provided, That, beginning in fiscal year 2010 and thereafter, procurements for the removal and restoration of the Elwha and Glines Canyon dams as authorized in Public Law 102-495 may be issued which include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18: Provided further, That funds provided under this heading shall be made available without regard to the requirements of section 8(b) of Public Law 102-543, as amended.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2010 by 16 U.S.C. 4601-10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$126,266,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$40,000,000 is for the State assistance program and of which \$9,000,000 shall be for the American Battlefield Protection Program grants as authorized by section 7301 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11).

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 407(d) of Public Law 105-391, franchise fees

credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants authorized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109-432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

UNITED STATES GEOLOGICAL SURVEY SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; \$1,111,740,000, to remain available until September 30, 2011, of which \$65,561,000 shall be available only for cooperation with States or municipalities for water resources investigations; of which \$40,150,000 shall remain available until expended for satellite operations; of which \$7,321,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost; and of which \$2,000,000 shall be available to fund the operating expenses for the Civil Applications Committee: Provided, That none of the funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition

of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 5, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; for energy-related or other authorized marine-related purposes on the Outer Continental Shelf; and for matching grants or cooperative agreements, \$175,217,000, to remain available until September 30, 2011, of which \$89,374,000 shall be available for royalty management activities; and an amount not to exceed \$156,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, and from cost recovery fees: Provided, That notwithstanding 31 U.S.C. 3302, in fiscal year 2010, such amounts as are assessed under 31 U.S.C. 9701 shall be collected and credited to this account and shall be available until expended for necessary expenses: Provided further, That to the extent \$156,730,000 in addition to receipts are not realized from the sources of receipts stated above, the amount needed to reach \$156,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That the term "qualified Outer Continental Shelf revenues", as defined in section 102(9)(A) of the Gulf of Mexico Energy Security Act, division C of Public Law 109-432, shall include only the portion of rental revenues that would have been collected at the rental rates in effect before August 5, 1993: Provided further, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, \$15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That for the costs of administration of the Coastal Impact Assistance Program authorized by section 31 of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1456a), in fiscal year 2010, MMS may retain up to 4 percent of the amounts which are disbursed under section 31(b)(1), such retained amounts to remain available until expended.

For an additional amount, \$10,000,000, to remain available until expended, which shall be derived from non-refundable inspection fees col-

lected in fiscal year 2010, as provided in this Act: Provided, That to the extent that such amounts are not realized from such fees, the amount needed to reach \$10,000,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$6,303,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

ADMINISTRATIVE PROVISION

Notwithstanding the provisions of section 35(b) of the Mineral Leasing Act, as amended (30 U.S.C. 191(b)), the Secretary shall deduct 2 percent from the amount payable to each State in fiscal year 2010 and deposit the amount deducted to miscellaneous receipts of the Treasury.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, \$127,180,000, to remain available until September 30, 2011: Provided, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, \$35,588,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ADMINISTRATIVE PROVISION

With funds available for the Technical Innovation and Professional Services program in this Act, the Secretary may transfer title for computer hardware, software and other technical equipment to State and tribal regulatory and reclamation programs.

BUREAU OF INDIAN AFFAIRS OPERATION OF INDIAN PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, \$2,335,965,000,

to remain available until September 30, 2011 except as otherwise provided herein; of which not to exceed \$30,000 may be for official reception and representation expenses; of which not to exceed \$74,915,000 shall be for welfare assistance payments: Provided, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster; and of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed \$166,000,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2010, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; of which not to exceed \$568,702,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2010, and shall remain available until September 30, 2011; of which \$25,000,000 shall be for public safety and justice programs as authorized by the Emergency Fund for Indian Safety and Health, established by section 601 of Public Law 110-293 (25 U.S.C. 443c); and of which not to exceed \$59,895,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed \$43,373,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2009 for the operation of Bureau-funded schools, and up to \$500,000 within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, 2009, of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2011, may be transferred during fiscal year 2012 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2012: Provided further, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483, \$225,000,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to

cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2010, in implementing new construction or facilities improvement and repair project grants in excess of \$100,000 that are provided to grant schools under Public Law 100-297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(b), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in 25 U.S.C. 2504(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2507(e): Provided further, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, within eighteen months of the date of enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction: Provided further, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99-264, 100-580, 101-618, 108-447, 109-379, 109-479, 110-297, and 111-11, and for implementation of other land and water rights settlements, \$47,380,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, \$8,215,000, of which \$1,629,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed \$93,807,956.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with retermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, \$3,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements,

compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the Revolving Fund for Loans Liquidating Account, Indian Loan Guaranty and Insurance Fund Liquidating Account, Indian Guaranteed Loan Financing Account, Indian Direct Loan Financing Account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter schools operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106-113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101-301, the Secretary shall continue to distribute indirect and

administrative cost funds to such grantee using the section 5(f) distribution formula.

DEPARTMENTAL OFFICES
OFFICE OF THE SECRETARY
SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, \$118,836,000; of which not to exceed \$25,000 may be for official reception and representation expenses; and of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which \$12,136,000 for consolidated appraisal services is to be derived from the Land and Water Conservation Fund and shall remain available until expended: Provided, That, for fiscal year 2010 up to \$400,000 of the payments authorized by the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907) may be retained for administrative expenses of the Payments in Lieu of Taxes Program: Provided further, That no payment shall be made pursuant to that Act to otherwise eligible units of local government if the computed amount of the payment is less than \$100: Provided further, That for fiscal years 2008 through 2012 the Secretary may reduce the payment authorized by 31 U.S.C. 6901–6907, as amended, for an individual county by the amount necessary to correct prior year overpayments to that county: Provided further, That for fiscal years 2008 through 2012 the amount needed to correct a prior year underpayment to an individual county shall be paid from any reductions for overpayments to other counties and the amount necessary to cover any remaining underpayment is hereby appropriated and shall be paid to individual counties using current fiscal year funds.

INSULAR AFFAIRS
ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$85,195,000, of which: (1) \$75,915,000 shall remain available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) \$9,280,000 shall be available until September 30, 2011 for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided fur-

ther, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, \$5,318,000, to remain available until expended, as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99–658 and Public Law 108–188.

ADMINISTRATIVE PROVISIONS
(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108–188 and Public Law 104–134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere requirements, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR
SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$65,076,000.

OFFICE OF INSPECTOR GENERAL
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$48,590,000.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$185,984,000, to remain available until expended, of which not to exceed \$56,536,000 from this or any other Act, shall be available for historical accounting: Provided, That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, "Operation of Indian Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Salaries and Expenses" account: Provided further, That funds made

available through contracts or grants obligated during fiscal year 2010, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That, notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That, notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of \$15.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, \$794,897,000, to remain available until expended, of which not to exceed \$6,137,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of hazardous fuels reduction activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109–154), or related partnerships with State, local, or non-profit youth groups; (3) small or micro-businesses; or

(4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: Provided further, That no less than \$125,000,000 in prior-year wildfire suppression balances shall be made available in addition to amounts provided in this Act for that purpose.

**FLAME WILDFIRE SUPPRESSION RESERVE FUND
(INCLUDING TRANSFERS OF FUNDS)**

For deposit in the FLAME Wildfire Suppression Reserve Fund created in title V, section 502(b) of this Act, \$61,000,000, to remain available until expended.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), \$10,175,000, to remain available until expended: Provided, That Public Law 110-161 (121 Stat. 2116) under this heading is amended by striking "in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act" and inserting in lieu thereof "including any fines or penalties".

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and Public Law 101-337, as amended (16 U.S.C. 191j et seq.), \$6,462,000, to remain available until expended.

WORKING CAPITAL FUND

For the acquisition of a departmental financial and business management system and information technology improvements of general ben-

efit to the Department, \$85,823,000, to remain available until expended: Provided, That none of the funds in this Act or previous appropriations Acts may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93-638: Provided further, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in 40 U.S.C. 3306(a)) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: Provided further, That all funds received pursuant to the two preceding provisos shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center.

ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

**EMERGENCY TRANSFER AUTHORITY—
DEPARTMENT-WIDE**

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of

Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for "wildland fire operations" and "FLAME Wildfire Suppression Reserve Fund" shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

AUTHORIZED USE OF FUNDS

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose.

REDISTRIBUTION OF FUNDS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2010. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

TWIN CITIES RESEARCH CENTER

SEC. 106. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104-134, as amended by Public Law 104-208, the Secretary may accept and retain land

and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by 16 U.S.C. 460zz.

PAYMENT OF FEES

SEC. 107. The Secretary of the Interior may use discretionary funds to pay private attorney fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with *Cobell v. Salazar* to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in *Cobell v. Salazar*.

MASS MARKING OF SALMONIDS

SEC. 108. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 109. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

PROHIBITION ON USE OF FUNDS

SEC. 110. (a) Any proposed new use of the Arizona & California Railroad Company's Right of Way for conveyance of water shall not proceed unless the Secretary of the Interior certifies that the proposed new use is within the scope of the Right of Way.

(b) No funds appropriated or otherwise made available to the Department of the Interior may be used, in relation to any proposal to store water underground for the purpose of export, for approval of any right-of-way or similar authorization on the Mojave National Preserve or lands managed by the Needles Field Office of the Bureau of Land Management, or for carrying out any activities associated with such right-of-way or similar approval.

CONTRIBUTION AUTHORITY

SEC. 111. Title 43 U.S.C. 1473, as amended by Public Law 111-8, is further amended by striking "in fiscal years 2008 and 2009 only" and inserting "in fiscal years 2010 through 2013".

USE OF COOPERATIVE AGREEMENTS

SEC. 112. For fiscal year 2010, and each fiscal year thereafter, the Secretary of the Interior may enter into cooperative agreements with a State or political subdivision (including any agency thereof), or any not-for-profit organization if the agreement will: (1) serve a mutual in-

terest of the parties to the agreement in carrying out the programs administered by the Department of the Interior; and (2) all parties will contribute resources to the accomplishment of these objectives. At the discretion of the Secretary, such agreements shall not be subject to a competitive process.

ICE AGE NATIONAL SCENIC TRAIL

SEC. 113. Funds provided in this Act for Federal land acquisition by the National Park Service for Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

CONFORMING AMENDMENT

SEC. 114. Notwithstanding any other provision of law, Sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (30 U.S.C. 1719 and 1720) shall, for fiscal year 2010 and each fiscal year thereafter, apply to any lease authorizing exploration for or development of coal, any other solid mineral, or any geothermal resource on any Federal or Indian lands and any lease, easement, right of way, or other agreement, regardless of form, for use of the Outer Continental Shelf or any of its resources under sections 8(k) or 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k) and 1337(p)) to the same extent as if such lease, easement, right of way, or other agreement, regardless of form, were an oil and gas lease, except that in such cases the term "royalty payment" shall include any payment required by such lease, easement, right of way or other agreement, regardless of form, or by applicable regulation.

OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 115. (a) In fiscal year 2010, the Minerals Management Service (MMS) shall collect a non-refundable inspection fee, which shall be deposited in the "Royalty and Offshore Minerals Management" account, from the designated operator for facilities subject to inspection by MMS under 43 U.S.C. 1348(c) that are above the waterline, except mobile offshore drilling units, and are in place at the start of fiscal year 2010.

(b) Fees for 2010 shall be:

(1) \$2,000 for facilities with no wells, but with processing equipment or gathering lines;

(2) \$3,250 for facilities with one to ten wells, with any combination of active or inactive wells; and

(3) \$6,000 for facilities with more than ten wells, with any combination of active or inactive wells.

(c) MMS will bill designated operators within 60 days of enactment of this Act, with payment required within 30 days of billing.

PROHIBITION ON USE OF FUNDS, POINT REYES NATIONAL SEASHORE

SEC. 116. None of the funds in this Act may be used to further reduce the number of Axis or Fallow deer at Point Reyes National Seashore below the number as of the date of enactment of this Act.

YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS, AMENDMENT

SEC. 117. Section 101(a)(1) of Public Law 109-131 is amended by striking "2009" and inserting "2013".

SAN JUAN ISLAND NATIONAL HISTORIC PARK AUTHORIZATION

SEC. 118. Section 4 of Public Law 89-565, as amended (16 U.S.C. 282c), relating to San Juan Island National Historic Park, is amended by striking "\$5,575,000" and inserting "\$13,575,000".

JAPANESE AMERICAN CONFINEMENT SITES, AMENDMENT

SEC. 119. Section 1(c)(2) of Public Law 109-441 is amended by adding after subparagraph (D) the following new subparagraph:

"(E) Heart Mountain, depicted in Figure 6.3 of the Site Document."

NORTHERN PLAINS HERITAGE AREA, AMENDMENT

SEC. 120. Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1240) is amended—

(1) by redesignating subsections (g) through (i) as subsections (h) through (j), respectively;

(2) in subsection (h)(1) (as redesignated by paragraph (1)), in the matter preceding subparagraph (A), by striking "subsection (i)" and inserting "subsection (j)"; and

(3) by inserting after subsection (f) the following:

"(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN HERITAGE AREA.—

"(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in the Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

"(2) PROPERTY REMOVAL.—

"(A) PRIVATE PROPERTY.—At the request of an owner of private property included in the Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

"(B) PUBLIC PROPERTY.—On written notice from the appropriate State or local government entity, public property included in the Heritage Area shall be immediately withdrawn from the Heritage Area."

PEARL HARBOR NAVAL COMPLEX, JOINT TICKETING

SEC. 121. (a) DEFINITIONS.—In this section:

(1) HISTORIC ATTRACTION.—The term "historic attraction" mean a historic attraction within the Pearl Harbor Naval Complex, including—

(A) the USS Bowfin Submarine Museum and Park;

(B) the Battleship Missouri Memorial;

(C) the Pacific Aviation Museum-Pearl Harbor; and

(D) any other historic attraction within the Pearl Harbor Naval Complex that—

(i) the Secretary identifies as a Pearl Harbor historic attraction; and

(ii) is not administered or managed by the Secretary.

(2) MONUMENT.—The term "Monument" means the World War II Valor in the Pacific National Monument in the State of Hawaii.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) VISITOR CENTER.—The term "Visitor Center" means the visitor center located within the Pearl Harbor Naval Complex on land that is—

(A) within the Monument; and

(B) managed by the Secretary, acting through the Director of the National Park Service.

(b) FACILITATION OF ADMISSION TO HISTORIC ATTRACTIONS WITHIN PEARL HARBOR NAVAL COMPLEX.—

(1) IN GENERAL.—In managing the Monument, the Secretary may enter into an agreement with any organization that is authorized to administer or manage a historic attraction—

(A) to allow visitors to the historic attraction to gain access to the historic attraction by passing through security screening at the Visitor Center; and

(B) to allow the sale of tickets to a historic attraction within the Visitor Center by—

(i) employees of the National Park Service; or

(ii) the organization that administers or manages the historic attraction.

(2) TERMS AND CONDITIONS.—In any agreement entered into under paragraph (1), the Secretary—

(A) shall require the organization administering or managing the historic attraction to pay to the Secretary a reasonable fee to recover administrative costs of the Secretary associated with the use of the Visitor Center for public access and ticket sales;

(B) shall ensure that the liability of the United States is limited with respect to any liability arising from—

(i) the admission of the public through the Visitor Center to a historic attraction; and

(ii) the sale or issuance of any tickets to the historic attraction; and

(C) may include any other terms and conditions that the Secretary determines to be appropriate.

(3) **USE OF FEES.**—The proceeds of any amounts collected as fees under paragraph (2)(A) shall remain available, without further appropriation, for use by the Secretary for the Monument.

(4) **LIMITATION OF AUTHORITY.**—Nothing in this section authorizes the Secretary—

(A) to regulate or approve the rates for admission to a historic attraction;

(B) to regulate or manage any visitor services within the Pearl Harbor Naval Complex (other than the services managed by the National Park Service as part of the Monument); or

(C) to charge an entrance fee for admission to the Monument.

(5) **PROTECTION OF RESOURCES.**—Nothing in this section authorizes the Secretary or any organization that administers or manages a historic attraction to take any action in derogation of the preservation and protection of the values and resources of the Monument.

ASSISTANCE FOR THE REPUBLIC OF PALAU

SEC. 122. (a) **IN GENERAL.**—Subject to subsection (c), the United States Government, through the Secretary of the Interior shall provide to the Government of Palau for fiscal year 2010 grants in amounts equal to the annual amounts specified in subsections (a), (c), and (d) of section 211 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note) (referred to in this section as the “Compact”).

(b) **PROGRAMMATIC ASSISTANCE.**—Subject to subsection (c), the United States shall provide programmatic assistance to the Republic of Palau for fiscal year 2010 in amounts equal to the amounts provided in subsections (a) and (b)(1) of section 221 of the Compact.

(c) **LIMITATIONS ON ASSISTANCE.**—

(1) **IN GENERAL.**—The grants and programmatic assistance provided under subsections (a) and (b) shall be provided to the same extent and in the same manner as the grants and assistance were provided in fiscal year 2009.

(2) **TRUST FUND.**—If the Government of Palau withdraws more than \$5,000,000 from the trust fund established under section 211(f) of the Compact, amounts to be provided under subsections (a) and (b) shall be withheld from the Government of Palau.

GOLDEN GATE NATIONAL RECREATION AREA, FORT BAKER AMENDMENT

SEC. 123. Section 120 of title I of H.R. 3423 (Appendix C) as enacted into law by section 1000(a)(3) of division B of Public Law 106–113 is amended by striking the last sentence.

POINT REYES NATIONAL SEASHORE, EXTENSION OF PERMIT

SEC. 124. Prior to the expiration on November 30, 2012 of the Drake's Bay Oyster Company's Reservation of Use and Occupancy and associated special use permit (“existing authorization”) within Drake's Estero at Point Reyes National Seashore, notwithstanding any other provision of law, the Secretary of the Interior is au-

thorized to issue a special use permit with the same terms and conditions as the existing authorization, except as provided herein, for a period of 10 years from November 30, 2012: Provided, That such extended authorization is subject to annual payments to the United States based on the fair market value of the use of the Federal property for the duration of such renewal. The Secretary shall take into consideration recommendations of the National Academy of Sciences Report pertaining to shellfish mariculture in Point Reyes National Seashore before modifying any terms and conditions of the extended authorization. Nothing in this section shall be construed to have any application to any location other than Point Reyes National Seashore; nor shall anything in this section be cited as precedent for management of any potential wilderness outside the Seashore.

NATIONAL PARK SYSTEM, SPECIAL RESOURCE STUDY

SEC. 125. (a) **IN GENERAL.**—The Secretary of the Interior (referred to in this section as the “Secretary”) shall conduct a special resource study of the national significance, suitability, and feasibility of including the Honouliuli Gulch and associated sites within the State of Hawaii in the National Park System.

(b) **GUIDELINES.**—In conducting the study, the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System described in section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

(c) **CONSULTATION.**—In conducting the study, the Secretary shall consult with—

(1) the State of Hawaii;

(2) appropriate Federal agencies;

(3) Native Hawaiian and local government entities;

(4) private and nonprofit organizations;

(5) private land owners; and

(6) other interested parties.

(d) **THEMES.**—The study shall evaluate the Honouliuli Gulch, associated sites located on Oahu, and other islands located in the State of Hawaii with respect to—

(1) the significance of the site as a component of World War II;

(2) the significance of the site as the site related to the forcible internment of Japanese Americans, European Americans, and other individuals; and

(3) historic resources at the site.

(e) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the findings, conclusions, and recommendations of the study required under this section.

CONTROL OF BORDER

SEC. 126. None of the funds made available by this Act may be used to impede, prohibit, or restrict activities of the Secretary of Homeland Security on public lands to achieve operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367) over the international land and maritime borders of the United States with respect to section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note).

NATIONAL HERITAGE AREA, OPT OUT PROVISION

SEC. 127. Any owner of private property within an existing or new National Heritage Area may opt out of participating in any plan, project, program, or activity conducted within the National Heritage Area if the property owner provides written notice to the local coordinating entity.

PLACEMENT OF PLAQUE AT WORLD WAR II MEMORIAL

SEC. 128. Notwithstanding any other law, the Secretary of the Interior shall install in the area

of the World War II Memorial in the District of Columbia a suitable plaque to commemorate the extraordinary leadership of Senator Robert J. Dole in making the Memorial a reality on the National Mall: Provided, That the Secretary shall design, procure, prepare and install the plaque: Provided further, That the Secretary of the Interior is authorized to accept and expend contributions toward the cost of preparing and installing the plaque, without further appropriation: Provided further, That Federal funds may be used to design, procure, or install the plaque.

MARTIN LUTHER KING, JR. MEMORIAL AUTHORITY, EXTENSION

SEC. 129. Section 508(b)(2) of the Omnibus Parks and Public Lands Management Act of 1996, as amended (40 U.S.C. 8903 note; 110 Stat. 4157, 114 Stat. 26, 117 Stat. 1347, 119 Stat. 527, 122 Stat. 5034) shall be amended by striking “November 12, 2009” and inserting “September 30, 2010”.

JOHN ADAMS MEMORIAL AUTHORITY, EXTENSION

SEC. 130. Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by Public Law 107–62 and Public Law 107–315 shall continue to apply through September 30, 2010.

TITLE II

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, \$846,049,000, to remain available until September 30, 2011.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; and not to exceed \$9,000 for official reception and representation expenses, \$2,993,779,000, to remain available until September 30, 2011: Provided, That of the funds included under this heading, not less than \$608,441,000 shall be for the Geographic Programs specified in the explanatory statement accompanying this Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$44,791,000, to remain available until September 30, 2011.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$37,001,000, to remain available until expended, of which up to \$500,000 shall be made available for preliminary planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada.

HAZARDOUS SUBSTANCE SUPERFUND
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611) \$1,306,541,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2009, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,306,541,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, \$9,975,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2011, and \$26,834,000 shall be paid to the "Science and Technology" appropriation to remain available until September 30, 2011.

LEAKING UNDERGROUND STORAGE TANK TRUST
FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, as amended, \$113,101,000, to remain available until expended, of which \$78,671,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act, as amended; \$34,430,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code, as amended: Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

OIL SPILL RESPONSE

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, \$18,379,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$4,970,223,000, to remain available until expended, of which \$2,100,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended (the "Act"); of which \$1,387,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended: Provided, That for fiscal year 2010, to the extent there are sufficient eligible project applications, not less than 20 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and not less than 20 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities; \$17,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater

facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; \$13,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: Provided further, That, of these funds: (1) the State of Alaska shall provide a match of 25 percent; (2) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (3) the State of Alaska shall make awards consistent with the State-wide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities; \$156,777,000 shall be for making special project grants and technical corrections to prior-year grants for the construction of drinking water, wastewater and storm water infrastructure and for water quality protection in accordance with the terms and conditions specified for such grants in the joint explanatory statement of the managers accompanying this Act, and, for purposes of these grants, each grantee shall contribute not less than 45 percent of the cost of the project unless the grantee is approved for a waiver by the Agency; \$100,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended, including grants, inter-agency agreements, and associated program support costs; \$60,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005, as amended; \$20,000,000 shall be for targeted airshed grants in accordance with the terms and conditions of the joint explanatory statement of the managers accompanying this Act; and \$1,116,446,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which \$49,495,000 shall be for carrying out section 128 of CERCLA, as amended, \$10,000,000 shall be for Environmental Information Exchange Network grants, including associated program support costs, \$18,500,000 of the funds available for grants under section 106 of the Act shall be for water quality monitoring activities, \$10,000,000 shall be for competitive grants to communities to develop plans and demonstrate and implement projects which reduce greenhouse gas emissions and, in addition to funds appropriated under the heading "Leaking Underground Storage Tank Trust Fund Program" to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act, as amended, \$2,500,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, as amended: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2010 and prior years where such amounts represent costs

of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2010, and notwithstanding section 518(f) of the Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to federally recognized Indian tribes pursuant to sections 319(h) and 518(e) of that Act: Provided further, That for fiscal year 2010, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act and section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: Provided further, That for fiscal year 2010, in addition to the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.2486 percent of the funds appropriated for the Clean Water State Revolving Fund program under the Act may be reserved by the Administrator for grants made under title II of the Clean Water Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and the United States Virgin Islands: Provided further, That for fiscal year 2010, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: Provided further, That not less than 30 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and not less than 30 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), except that for the Clean Water State Revolving Fund capitalization grant appropriation this section shall only apply to the portion that exceeds \$1,000,000,000: Provided further, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL
PROTECTION AGENCY

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For fiscal year 2010, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member Tribes, to assist the Administrator in implementing Federal environmental programs for Indian Tribes required or authorized

by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 110-94, the Pesticide Registration Improvement Renewal Act.

Title II of Public Law 109-54, as amended by title II of division E of Public Law 111-8 (123 Stat. 729), is amended in the fourth paragraph under the heading "Administrative Provisions" by striking "2011" and inserting "2015".

The Administrator is authorized to transfer up to \$475,000,000 of the funds appropriated for the Great Lakes Initiative under the heading "Environmental Programs and Management" to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

From unobligated balances to carry out projects and activities funded through the "State and Tribal Assistance Grants" and "Hazardous Substance Superfund" accounts, \$40,000,000 are permanently rescinded: Provided, That no amounts may be rescinded from amounts that were designated by Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with other Federal agencies, shall carry out and submit to Congress the results of a study on domestic and international black carbon emissions that shall include an inventory of the major sources of black carbon, an assessment of the impacts of black carbon on global and regional climate, an assessment of potential metrics and approaches for quantifying the climatic effects of black carbon emissions (including its radiative forcing and warming effects) and comparing those effects to the effects of carbon dioxide and other greenhouse gases, an identification of the most cost-effective approaches to reduce black carbon emissions, and an analysis of the climatic effects and other environmental and public health benefits of those approaches.

For fiscal year 2010 the requirements of section 513 of the Federal Water Pollution Control Act (33 U.S.C. 1372) shall apply to the construction of treatment works carried out in whole or in part with assistance made available by a State water pollution control revolving fund as authorized by title VI of that Act (33 U.S.C. 1381 et seq.), or with assistance made available under section 205(m) of that Act (33 U.S.C. 1285(m)), or both.

For fiscal year 2010 the requirements of section 1450(e) of the Safe Drinking Water Act (42 U.S.C. 300j-9(e)) shall apply to any construction project carried out in whole or in part with assistance made available by a drinking water treatment revolving loan fund as authorized by section 1452 of that Act (42 U.S.C. 300j-12).

TITLE III RELATED AGENCIES DEPARTMENT OF AGRICULTURE FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$312,012,000, to remain available until expended: Provided, That of the funds provided, \$66,939,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$308,061,000, to remain available until expended, as authorized by law; of which \$76,460,000 is to be derived from the Land and Water Conservation Fund; and of which \$2,000,000 may be made available to the Pest and Disease Revolving Loan Fund established by section 10205(b) of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 2104a(b)).

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,551,339,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(i)): Provided, That, through fiscal year 2012, the Secretary may authorize the expenditure or transfer of up to \$10,000,000 to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, \$556,053,000, to remain available until expended, for construction, capital improvement, maintenance and acquisition of buildings and other facilities and infrastructure; and for construction, capital improvement, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: Provided, That \$90,000,000 shall be designated for urgently needed road decommissioning, road and trail repair and maintenance and associated activities, and removal of fish passage barriers, especially in areas where Forest Service roads may be contributing to water quality problems in streams and water bodies which support threatened, endangered or sensitive species or community water sources: Provided further, That funds provided herein shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the decommissioning of unauthorized roads not part of the official transportation system shall be expedited in response to threats to public safety,

water quality, or natural resources: Provided further, That funds becoming available in fiscal year 2010 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$63,522,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, \$1,050,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended (16 U.S.C. 4601-516-617a, 555a; Public Law 96-586; Public Law 76-589, 76-591; and Public Law 78-310).

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$50,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUSTAINANCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96-487), \$2,582,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, \$2,103,737,000, to remain available until expended: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred

for such purposes: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That, notwithstanding any other provision of law, \$8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: Provided further, That of the funds provided, \$350,285,000 is for hazardous fuels reduction activities, \$11,600,000 is for rehabilitation and restoration, \$23,917,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$71,250,000 is for State fire assistance, \$9,000,000 is for volunteer fire assistance, \$20,752,000 is for forest health activities on Federal lands and \$11,428,000 is for forest health activities on State and private lands: Provided further, That no less than \$75,000,000 in prior-year wildfire suppression balances shall be made available in addition to amounts provided in this Act for that purpose: Provided further, That of the funds provided for hazardous fuels reduction, \$10,000,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f): Provided further, That amounts in this paragraph may be transferred to the "State and Private Forestry," "National Forest System," and "Forest and Rangeland Research" accounts to fund State fire assistance, volunteer fire assistance, forest health management, forest and rangeland research, the Joint Fire Science Program, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: Provided further, That up to \$15,000,000 of the funds provided under this heading for hazardous fuels treatments may be transferred to and made a part of the "National Forest System" account at the sole discretion of the Chief 30 days after notifying the House and the Senate Committees on Appropriations: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That up to \$15,000,000 of the funds provided herein may be used by the Secretary of Agriculture to enter into procurement contracts or cooperative agreements, or issue grants, for hazardous fuels reduction activities and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That funds made available to implement the Community Forest Restoration Act, Public Law 106-393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire

management, in an aggregate amount not to exceed \$50,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: Provided further, That of the funds provided for hazardous fuels reduction, not to exceed \$5,000,000, may be used to make grants, using any authorities available to the Forest Service under the State and Private Forestry appropriation, for the purpose of creating incentives for increased use of biomass from national forest lands: Provided further, That funds designated for wildfire suppression shall be assessed for cost pools on the same basis as such assessments are calculated against other agency programs.

FLAME WILDFIRE SUPPRESSION RESERVE FUND
(INCLUDING TRANSFERS OF FUNDS)

For deposit in the FLAME Wildfire Suppression Reserve Fund created in title V, section 502(b) of this Act, \$413,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE
(INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft from excess sources to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901-5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions five days after the Secretary notifies the House and Senate Committees on Appropriations that all fire suppression funds appropriated under the headings "Wildland Fire Management" and "FLAME Wildfire Suppression Reserve Fund" shall be fully obligated within 30 days: Provided, That all funds used pursuant to this paragraph must be replenished by a supplemental appropriation which must be requested as promptly as possible.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106-

224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107-107 (7 U.S.C. 8316(b)).

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the reprogramming procedures contained in the joint explanatory statement of the managers accompanying this Act.

Not more than \$78,350,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than \$19,825,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center.

Funds available to the Forest Service shall be available to conduct a program of up to \$5,000,000 for priority projects within the scope of the approved budget, of which \$2,500,000 shall be carried out by the Youth Conservation Corps and \$2,500,000 shall be carried out under the authority of the Public Lands Corps Healthy Forests Restoration Act of 2005, Public Law 109-154.

Of the funds available to the Forest Service, \$4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101-593, of the funds available to the Forest Service, \$3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefiting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That authorized investments of Federal funds held by the Foundation may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98-244, \$3,000,000 of the funds available to the Forest Service shall be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefiting National Forest System lands or related to Forest Service programs: Provided, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99-663.

An eligible individual who is employed in any project funded under title V of the Older American Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older American Act of 1965 (42 U.S.C. 3056(c)(2)).

Funds available to the Forest Service, not to exceed \$55,000,000, shall be assessed for the purpose of performing fire, administrative and other facilities maintenance. Such assessments shall occur using a square foot rate charged on the same basis the agency uses to assess programs for payment of rent, utilities, and other support services.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

The 19th unnumbered paragraph under heading "Administrative Provisions, Forest Service" in title III of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Public Law 109-54, is amended by striking "2009" and inserting "2014".

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$3,657,618,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) and 238b for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That \$779,347,000 for contract medical care, including \$48,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: Provided further, That \$18,251,000 is provided for Headquarters operations and information technology activities and, notwithstanding any other provision of law, the amount available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service: Provided further, That of the funds provided, up to \$32,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That \$16,391,000 is provided for the methamphetamine and suicide prevention and treatment initiative and \$10,000,000 is provided for the domestic violence prevention initiative and, notwithstanding any other provision of law, the amounts available under this proviso shall be allocated at the discretion of the Director of the Indian Health Service and shall remain avail-

able until expended: Provided further, That funds provided in this Act may be used for annual contracts and grants that fall within two fiscal years, provided the total obligation is recorded in the year the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: Provided further, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed \$398,490,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2010, of which not to exceed \$5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements: Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service, tribes and tribal organizations operating health facilities pursuant to Public Law 93-638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400, et seq.): Provided further, That the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$394,757,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: Provided further, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States De-

partment of Housing and Urban Development: Provided further, That not to exceed \$2,700,000 from this account and the "Indian Health Services" account shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed \$500,000 shall be placed in a Demolition Fund, to remain available until expended, and be used by the Indian Health Service for the demolition of Federal buildings.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; uniforms or allowances therefor as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121, the Indian Sanitation Facilities Act and Public Law 93-638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

None of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, \$79,212,000.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR) in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; section 118(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended; and section 3019 of the Solid Waste Disposal Act, as amended, \$76,792,000, of which up to \$1,000 per eligible employee of the Agency for Toxic Substance and Disease Registry shall remain available until expended for Individual Learning Accounts: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2010, and existing profiles may be updated as necessary.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$3,159,000:

Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, as amended, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$11,147,000: Provided, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: Provided further, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board: Provided further, That of the funds appropriated under this heading, \$600,000 shall be for a study by the National Academy of Sciences to examine the use and storage of methyl isocyanate including the feasibility of implementing alternative chemicals or processes and an examination of the cost of alternatives at the Bayer CropScience facility in Institute, West Virginia.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$8,000,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99-498, as amended (20 U.S.C. 56 part A), \$8,300,000.

SMITHSONIAN INSTITUTION SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, \$636,161,000, to remain available until September 30, 2011, except as otherwise provided herein; of which not to exceed \$19,117,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of African American History and Culture, and the repatriation of skeletal remains program shall remain available until expended; of which \$1,553,000 is for fellowships and scholarly awards; of which \$250,000 may be made available to carry out activities under the Civil Rights History Project Act of 2009 (20 U.S.C. 80s et seq.), to remain available until expended; and including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, \$125,000,000, to remain available until expended, of which not to exceed \$10,000 is for services as authorized by 5 U.S.C. 3109.

LEGACY FUND

(INCLUDING RESCISSION OF FUNDS)

For the purpose of developing a public-private partnership to facilitate the reopening of the Arts and Industries Building of the Smithsonian Institution, \$30,000,000, to remain available until expended, for repair, renovation and revitalization of the building: Provided, That such funds shall be matched on a 1:1 basis by private donations: Provided further, That major in-kind donations that contribute significantly to the redesign and purpose of the reopened building be considered to qualify toward the total private match: Provided further, That privately contributed endowments, which are designated for the care and renewal of permanent exhibitions installed in the Arts and Industries Building, be considered as qualifying toward the total private match: Provided further, That this appropriation may be made available to the Smithsonian Institution incrementally as private funding becomes available: Provided further, That any other provision of law that adjusts the overall amount of the Federal appropriation for this account shall also apply to the privately contributed requirement: Provided further, That the unobligated balances provided under this heading in Public Law 110-161 and Public Law 111-8 are hereby rescinded.

NATIONAL GALLERY OF ART SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended

by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$110,746,000, of which not to exceed \$3,386,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, \$56,259,000, to remain available until expended: Provided, That of this amount, \$40,000,000 shall be available for repair of the National Gallery's East Building façade: Provided further, That notwithstanding any other provision of law, a single procurement for the foregoing Major Critical Project may be issued which includes the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232.18: Provided further, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$23,000,000: Provided, That of the funds included under this heading, \$500,000 is available until expended to implement a program to train arts managers throughout the United States.

CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$17,447,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$12,225,000, to remain available until September 30, 2011.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$167,500,000 shall be available to the National Endowment for the

Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$167,500,000, to remain available until expended, of which \$153,200,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and \$14,300,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act including \$9,500,000 for the purposes of section 7(h): Provided, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants of up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant-making purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$2,294,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: Provided further, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study or education.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956a), as amended, \$9,500,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665, as amended), \$5,908,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-71i), including services as authorized by 5 U.S.C. 3109, \$8,507,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representational expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$49,122,000, of which \$515,000 for the Museum's equipment replacement program, \$1,900,000 for the museum's repair and rehabilitation program, and \$1,264,000 for the museum's exhibition design and production program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, \$23,200,000 shall be available to the Presidio Trust, to remain available until expended.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION SALARIES AND EXPENSES

For necessary expenses, including the costs of construction design, of the Dwight D. Eisenhower Memorial Commission, \$3,000,000, to remain available until expended.

CAPITAL CONSTRUCTION

For necessary expenses of the Dwight D. Eisenhower Memorial Commission for design and construction of a memorial in honor of Dwight D. Eisenhower, as authorized by Public Law 106-79, \$16,000,000, to remain available until expended.

TITLE IV GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

LIMITATION ON CONSULTING SERVICES

SEC. 401. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

RESTRICTION ON USE OF FUNDS

SEC. 402. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

OBLIGATION OF APPROPRIATIONS

SEC. 403. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

PROHIBITION ON USE OF FUNDS FOR PERSONAL SERVICES

SEC. 404. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 405. Estimated overhead charges, deductions, reserves or holdbacks from programs,

projects, activities and subactivities to support government-wide, departmental, agency or bureau administrative functions or headquarters, regional or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

GIANT SEQUOIA

SEC. 406. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*Sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2009.

TRANSFER OF FUNDS AUTHORITY

SEC. 407. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer provided in, this Act or any other Act.

MINING APPLICATIONS

SEC. 408. (a) **LIMITATION OF FUNDS.**—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) **EXCEPTIONS.**—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) **REPORT.**—On September 30, 2010, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) **MINERAL EXAMINATIONS.**—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

CONTRACT SUPPORT COSTS

SEC. 409. Notwithstanding any other provision of law, amounts appropriated to or otherwise designated in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103-138, 103-332, 104-134, 104-208, 105-83, 105-277, 106-113, 106-291, 107-63, 108-7, 108-108, 108-447, 109-54, 109-289, division B and Continuing Appropriations Resolution, 2007 (division B of Public Law 109-289, as amended by Public Laws 110-5 and 110-28), Public Laws 110-92, 110-116, 110-137, 110-149, 110-161, 110-329, 111-6, and 111-8 for payments for contract

support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2009 for such purposes, except that the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet contract support costs of ongoing contracts, grants, self-governance compacts, or annual funding agreements.

FOREST MANAGEMENT PLANS

SEC. 410. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 411. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

INTERNATIONAL FIREFIGHTER COOPERATIVE AGREEMENTS

SEC. 412. In entering into agreements with foreign fire organizations pursuant to the Temporary Emergency Wildfire Suppression Act (42 U.S.C. 1856m-1856o), the Secretary of Agriculture and the Secretary of the Interior are authorized to enter into reciprocal agreements in which the individuals furnished under said agreements to provide wildfire services are considered, for purposes of tort liability, employees of the fire organization receiving said services when the individuals are engaged in fire suppression or presuppression: Provided, That the Secretary of Agriculture or the Secretary of the Interior shall not enter into any agreement under this provision unless the foreign fire organization agrees to assume any and all liability for the acts or omissions of American firefighters engaged in fire suppression or presuppression in a foreign country: Provided further, That when an agreement is reached for furnishing fire suppression or presuppression services, the only remedies for acts or omissions committed while engaged in fire suppression or presuppression shall be those provided under the laws applicable to the fire organization receiving the fire suppression or presuppression services, and those remedies shall be the exclusive remedies for any claim arising out of fire suppression or presuppression activities in a foreign country: Provided further, That neither the sending country nor any legal organization associated with the firefighter shall be subject to any legal action, consistent with the applicable laws governing sovereign immunity, pertaining to or arising out of the firefighter's role in fire suppression or presuppression, except that if the foreign fire organization is unable to provide immunity under laws applicable to it, it shall as-

sume any and all liability for the United States or for any legal organization associated with the American firefighter, and for any and all costs incurred or assessed, including legal fees, for any act or omission pertaining to or arising out of the firefighter's role in fire suppression or presuppression.

CONTRACTING AUTHORITIES

SEC. 413. In awarding a Federal contract with funds made available by this Act, notwithstanding Federal Government procurement and contracting laws, the Secretary of Agriculture and the Secretary of the Interior (the "Secretaries") may, in evaluating bids and proposals, give consideration to local contractors who are from, and who provide employment and training for, dislocated and displaced workers in an economically disadvantaged rural community, including those historically timber-dependent areas that have been affected by reduced timber harvesting on Federal lands and other forest-dependent rural communities isolated from significant alternative employment opportunities: Provided, That notwithstanding Federal Government procurement and contracting laws the Secretaries may award contracts, grants or cooperative agreements to local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or micro-business or disadvantaged business: Provided further, That the contract, grant, or cooperative agreement is for forest hazardous fuels reduction, watershed or water quality monitoring or restoration, wildlife or fish population monitoring, or habitat restoration or management: Provided further, That the terms "rural community" and "economically disadvantaged" shall have the same meanings as in section 2374 of Public Law 101-624: Provided further, That the Secretaries shall develop guidance to implement this section: Provided further, That nothing in this section shall be construed as relieving the Secretaries of any duty under applicable procurement laws, except as provided in this section.

LIMITATION ON TAKINGS

SEC. 414. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

HUNTERS POINT ENVIRONMENTAL CLEANUP

SEC. 415. In addition to the amounts otherwise provided to the Environmental Protection Agency in this Act, \$8,000,000, to remain available until expended, is provided to EPA to be transferred to the Department of the Navy for cleanup activities at the Treasure Island Naval Station—Hunters Point Annex.

EXTENSION OF GRAZING PERMITS

SEC. 416. The terms and conditions of section 325 of Public Law 108-108, regarding grazing permits at the Department of the Interior and the Forest Service shall remain in effect for fiscal year 2010.

NATIONAL COUNCIL ON THE ARTS MEMBERSHIP

SEC. 417. Section 6 of the National Foundation on the Arts and the Humanities Act of 1965 (Public Law 89-209, 20 U.S.C. 955), as amended, is further amended as follows:

(1) In the first sentence of subsection (b)(1)(C), by striking "14" and inserting in lieu thereof "18"; and

(2) In the second sentence of subsection (d)(1), by striking “Eight” and inserting in lieu thereof “Ten”.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS AUTHORIZATION

SEC. 418. The item relating to “National Capital Arts and Cultural Affairs” in the Department of the Interior and Related Agencies Appropriations Act, 1986, as enacted into law by section 101(d) of Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a), is amended—

(1) in the second sentence of the first paragraph, by striking “\$7,500,000” and inserting “\$10,000,000”; and

(2) in the second sentence of the fourth paragraph, by striking “\$500,000” and inserting “\$650,000”.

ALASKA NATIVE HEALTH CARE SERVICES

SEC. 419. (a) Notwithstanding any other provision of law and until October 1, 2011, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93-638 (25 U.S.C. 450 et seq.) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

(b) Nothing in this section shall be construed to prohibit the disbursement of funds to any Alaska Native village or Alaska Native village corporation under any contract or compact entered into prior to May 1, 2006, or to prohibit the renewal of any such agreement.

(c) For the purpose of this section, Eastern Aleutian Tribes, Inc., the Council of Athabascan Tribal Governments, and the Native Village of Eyak shall be treated as Alaska Native regional health entities to which funds may be disbursed under this section.

EXTENSION OF FOREST BOTANICAL PRODUCT AUTHORITIES

SEC. 420. Section 339(h) of the Department of the Interior and Related Agencies Appropriations Act, 2000, as amended, concerning a pilot program for the sale of forest botanical products by the Forest Service, is further amended by striking “September 30, 2009” and inserting “September 30, 2014”.

TIMBER SALE REQUIREMENTS

SEC. 421. The Forest Service shall use the residual value approach to appraising all timber sales in Alaska's Region 10 that contain a component of Western red cedar and shall only offer sales that contain a component of Western red cedar that are not deficit. Western red cedar shall be appraised using lower 48 State domestic values if the timber might be eligible for shipment to the lower 48 States. All of the Western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices in the contiguous 48 United States. Western red cedar shall be deemed “surplus to the needs of domestic processors in Alaska” if the Forest Service determines it is surplus or if the timber sale holder has presented to the Forest Service documentation that the Forest Service determines is valid of the inability to sell Western red cedar logs from a given sale to domestic Alaska processors at a price equal to or greater than the log selling value stated in the contract. All additional Western red cedar volume not sold to Alaska or to contiguous 48 United States domestic processors may be exported to foreign markets if the Forest Service determines it is surplus to the needs of the 50 States. All Alaska yellow cedar may be sold at prevailing export prices if the Forest Service determines it is surplus to the needs of the 50 States.

COLORADO COOPERATIVE CONSERVATION AUTHORITY

SEC. 422. Section 331(e) of the Department of the Interior and Related Agencies Appropriations Act, 2001, (Public Law 106-291), as added by section 336 of division E of the Consolidated Appropriations Act, 2005 (Public Law 108-447), concerning cooperative forestry agreements known as the Colorado Good Neighbor Act Authority is amended by striking “September 30, 2009” and inserting “September 30, 2013”.

GEOTHERMAL ENERGY RECEIPTS

SEC. 423. All monies received by the United States in fiscal year 2010 from sales, bonuses, rentals, and royalties under the Geothermal Steam Act of 1970 shall be disposed of as provided by section 20 of that Act (30 U.S.C. 1019), as in effect immediately before enactment of the Energy Policy Act of 2005 (Public Law 109-58), and without regard to the amendments contained in sections 224(b) and section 234 of the Energy Policy Act of 2005 (42 U.S.C. 17673).

PROHIBITION ON USE OF FUNDS

SEC. 424. Notwithstanding any other provision of law, none of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under title V of the Clean Air Act (42 U.S.C. 7661 et seq.) for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production.

GREENHOUSE GAS REPORTING RESTRICTIONS

SEC. 425. Notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

REPORT ON USE OF CLIMATE CHANGE FUNDS

SEC. 426. Not later than 120 days after the date on which the President's fiscal year 2011 budget request is submitted to Congress, the President shall submit a report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2009 and fiscal year 2010, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix.

PROHIBITION ON USE OF FUNDS

SEC. 427. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

GUANTANAMO BAY DETAINEES, FUNDING RESTRICTIONS

SEC. 428. (a) None of the funds made available in this or any other Act may be used to release an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI).

(b) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI),

the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purpose of detention, except as provided in subsection (c).

(c) None of the funds made available in this or any other Act may be used to transfer an individual who is detained, as of June 24, 2009, at Naval Station, Guantanamo Bay, Cuba, into the continental United States, Alaska, Hawaii, or the District of Columbia, into any of the United States territories of Guam, American Samoa (AS), the United States Virgin Islands (USVI), the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands (CNMI), for the purposes of prosecuting such individual, or detaining such individual during legal proceedings, until 45 days after the plan described in subsection (d) is received.

(d) The President shall submit to Congress, in classified form, a plan regarding the proposed disposition of any individual covered by subsection (c) who is detained as of June 24, 2009. Such plan shall include, at a minimum, each of the following for each such individual:

(1) A determination of the risk that the individual might instigate an act of terrorism within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were so transferred.

(2) A determination of the risk that the individual might advocate, coerce, or incite violent extremism, ideologically motivated criminal activity, or acts of terrorism, among inmate populations at incarceration facilities within the continental United States, Alaska, Hawaii, the District of Columbia, or the United States territories if the individual were transferred to such a facility.

(3) The costs associated with transferring the individual in question.

(4) The legal rationale and associated court demands for transfer.

(5) A plan for mitigation of any risks described in paragraphs (1), (2), and (7).

(6) A copy of a notification to the Governor of the State to which the individual will be transferred, to the Mayor of the District of Columbia if the individual will be transferred to the District of Columbia, or to any United States territories with a certification by the Attorney General of the United States in classified form at least 14 days prior to such transfer (together with supporting documentation and justification) that the individual poses little or no security risk to the United States.

(7) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer and the actions taken to mitigate such risk.

(e) None of the funds made available in this or any other Act may be used to transfer or release an individual detained at Naval Station, Guantanamo Bay, Cuba, as of June 24, 2009, to the country of such individual's nationality or last habitual residence or to any other country other than the United States or to a freely associated State, unless the President submits to the Congress, in classified form, at least 15 days prior to such transfer or release, the following information:

(1) The name of any individual to be transferred or released and the country or the freely associated State to which such individual is to be transferred or released.

(2) An assessment of any risk to the national security of the United States or its citizens, including members of the Armed Services of the United States, that is posed by such transfer or release and the actions taken to mitigate such risk.

(3) The terms of any agreement with the country or the freely associated State for the acceptance of such individual, including the amount

of any financial assistance related to such agreement.

(f) In this section, the term “freely associated States” means the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau.

(g) Prior to the termination of detention operations at Naval Station, Guantanamo Bay, Cuba, the President shall submit to the Congress a report in classified form describing the disposition or legal status of each individual detained at the facility as of the date of enactment of this Act.

JUNGO DISPOSAL SITE EVALUATION

SEC. 429. Using funds made available under this Act, the Director of the United States Geological Survey may conduct an evaluation of the aquifers in the area of the Jungo Disposal Site in Humboldt County, Nevada (referred to in this section as the “site”), to evaluate—

(1) how long it would take waste seepage (including asbestos, discarded tires, and sludge from water treatment plants) from the site to contaminate local underground water resources;

(2) the distance that contamination from the site would travel in each of—

(A) 95 years; and

(B) 190 years;

(3) the potential impact of expected waste seepage from the site on nearby surface water resources, including Rye Patch Reservoir and the Humboldt River;

(4) the size and elevation of the aquifers; and

(5) any impact that the waste seepage from the site would have on the municipal water resources of Winnemucca, Nevada.

BUYOUT AND RELOCATION

SEC. 430. (a) As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) is encouraged to consider all appropriate criteria relating to the buyout and relocation of residents of properties in Treece, Kansas, that are subject to risk relating to, and that may endanger the health of occupants as a result of risks posed by, chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)).

(b) For the purpose of the remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that includes permanent relocation of residents of Treece, Kansas, any such relocation shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(c) Nothing in this section shall in any way affect, impede, or change the relocation or remediation activities pursuant to the Record of Decision Operable Unit 4, Chat Piles, Other Mine and Mill Waste, and Smelter Waste, Tar Creek Superfund Site, Ottawa County, Oklahoma (OKD980629844) issued by the Environmental Protection Agency Region 6 on February 20, 2008, or any other previous Record of Decision at the Tar Creek, Oklahoma, National Priority List Site, by any Federal agency or through any funding by any Federal agency.

AGRICULTURAL RESEARCH AUTHORIZATION

SEC. 431. Section 404(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(c)) is amended—

(1) in paragraph (1), by striking “Agricultural Research Service” and inserting “Agricultural Research Service and the Forest Service”; and

(2) by adding at the end the following:

“(3) AUTHORITY OF SECRETARY.—To carry out a cooperative agreement with a private entity under paragraph (1), the Secretary may rent to the private entity equipment, the title of which is held by the Federal Government.”.

NATIONAL FOREST FOUNDATION

SEC. 432. Section 403(a) of the National Forest Foundation Act (16 U.S.C. 583j-1(a)) is amended, in the first sentence, by striking “fifteen Directors” and inserting “not more than 30 Directors”.

CABIN USER FEES

SEC. 433. Notwithstanding any other provision of law, none of the funds made available by this or any other Act may be used by the Secretary of Agriculture to increase a recreation residence user fee for calendar year 2010 by more than 25 percent of the recreation residence user fee applicable to the recreation residence for calendar year 2009.

PROHIBITION ON NO-BID CONTRACTS

SEC. 434. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Service Act of 1949 (41 U.S.C. 253) or chapter 137 of title 10, United States Code, and the Federal Acquisition Regulations, unless:

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes; or

(2) such contract is authorized by the Indian Self-Determination and Education and Assistance Act (Public Law 93-638, 25 U.S.C. 450 et seq., as amended) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

POSTING OF REPORTS

SEC. 435. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

NATIONAL CONSERVATION AREA MAP AMENDMENT

SEC. 436. Section 1971(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note; Public Law 111-11) is amended by striking “December 18, 2008” and inserting “September 20, 2009”.

TAR CREEK SUPERFUND SITE

SEC. 437. (a) IN GENERAL.—To expedite the cleanup of the Federal land and Indian land at the Tar Creek Superfund Site (referred to in this section as the “site”), any purchase of chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (or a successor regulation)), from the site shall be—

(1) counted at twice the purchase price of the chat; and

(2) eligible to be counted toward meeting the federally required disadvantaged business enterprise set-aside on federally funded projects.

(b) RESTRICTED INDIAN OWNERS.—Subsection (a) shall only apply if the purchase of chat is made from 1 or more restricted Indian owners or an Indian tribe.

(c) APPLICABLE LAW.—The use of chat acquired under subsection (a) shall conform with applicable laws (including the regulations for

the use of chat promulgated by the Administrator of the Environmental Protection Agency).

NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 438. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES

SEC. 439. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term “underserved population” means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

ENERGY AND WATER DEVELOPMENT, TECHNICAL CORRECTION

SEC. 440. Section 208(a)(2)(E) of the Energy and Water Development and Related Agencies Appropriations Act, 2010 is amended by striking “\$45,000,000” and inserting “\$5,000,000”.

AWARDS TO FOR-PROFIT ENTITIES

SEC. 441. Specific projects contained in the report of the Committee on Appropriations of the House of Representatives accompanying this Act (H. Rept. 111–180) that are considered congressional earmarks for purposes of clause 9 of rule XXI of the Rules of the House of Representatives, when intended to be awarded to a for-profit entity, shall be awarded under a full and open competition.

PROHIBITION ON USE OF FUNDS

SEC. 442. None of the funds made available for the Environmental Protection Agency in this Act may be expended by the Administrator of the Environmental Protection Agency to issue a final rule that includes fuel sulfur standards applicable to existing steamships that operate exclusively within the Great Lakes, and their connecting and tributary waters.

AUTHORIZATION FOR REFINANCING

SEC. 443. The Administrator of the Environmental Protection Agency shall allow the State of Mississippi to refinance the Clean Water State Revolving Loans made to the Hancock Water and Sewer District and the Hancock Utility Authority for a period not to exceed one year with the payment schedule amortized over that additional period.

INCORPORATION OF CONGRESSIONALLY REQUESTED PROJECTS

SEC. 444. Within the amounts appropriated in this Act, funding shall be allocated in the amounts specified for those projects and purposes delineated in the table titled “Incorporation of Congressionally Requested Projects” included in the joint explanatory statement of the managers accompanying this Act, except that such funding appropriated for land acquisition, construction, and capital improvement and maintenance may be reallocated to other projects in that table funded by the same appropriation account if such reallocation has been approved by the House and Senate Committees on Appropriations; and, such funding appropriated for “National Park Service—Historic Preservation Fund” for Save America’s Treasures grants may be reallocated to be used for competitive grants under the Save America’s Treasures program if such reallocation has been approved by the House and Senate Committees on Appropriations.

TITLE V—FLAME ACT OF 2009

SEC. 501. SHORT TITLE.

This title may be cited as the “Federal Land Assistance, Management, and Enhancement Act of 2009” or “FLAME Act of 2009”.

SEC. 502. FLAME WILDFIRE SUPPRESSION RESERVE FUNDS.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term “Federal land” means—

(A) public land, as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702);

(B) units of the National Park System;

(C) refuges of the National Wildlife Refuge System;

(D) land held in trust by the United States for the benefit of Indian tribes or members of an Indian tribe; and

(E) land in the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) FLAME FUND.—The term “FLAME Fund” means a FLAME Wildfire Suppression Reserve Fund established by subsection (b).

(3) RELEVANT CONGRESSIONAL COMMITTEES.—The term “relevant congressional committees” means the Committee on Appropriations, the Committee on Natural Resources, and the Com-

mittee on Agriculture of the House of Representatives and the Committee on Appropriations, the Committee on Energy and Natural Resources, and the Committee on Indian Affairs of the Senate.

(4) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to—

(i) Federal land described in subparagraphs (A), (B), (C), and (D) of paragraph (1); and

(ii) the FLAME Fund established for the Department of the Interior; and

(B) the Secretary of Agriculture, with respect to—

(i) National Forest System land; and

(ii) the FLAME Fund established for the Department of the Agriculture.

(b) ESTABLISHMENT OF FLAME FUNDS.—There is established in the Treasury of the United States the following accounts:

(1) The FLAME Wildfire Suppression Reserve Fund for the Department of the Interior.

(2) The FLAME Wildfire Suppression Reserve Fund for the Department of Agriculture.

(c) PURPOSE OF FLAME FUNDS.—The FLAME Funds shall be available to cover the costs of large or complex wildfire events and as a reserve when amounts provided for wildfire suppression and Federal emergency response in the Wildland Fire Management appropriation accounts are exhausted.

(d) FUNDING.—

(1) CREDITS TO FUNDS.—A FLAME Fund shall consist of the following:

(A) Such amounts as are appropriated to that FLAME Fund.

(B) Such amounts as are transferred to that FLAME Fund under paragraph (5).

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the FLAME Funds such amounts as are necessary to carry out this section.

(B) CONGRESSIONAL INTENT.—It is the intent of Congress that, for fiscal year 2011 and each fiscal year thereafter, the amounts requested by the President for a FLAME Fund should be not less than the amount estimated by the Secretary concerned as the amount necessary for that fiscal year for wildfire suppression activities of the Secretary that meet the criteria specified in subsection (e)(2)(B)(i).

(C) SENSE OF CONGRESS ON DESIGNATION OF FLAME FUND APPROPRIATIONS, SUPPLEMENTAL FUNDING REQUEST, AND SUPPLEMENT TO OTHER SUPPRESSION FUNDING.—It is the sense of Congress that for fiscal year 2011 and each fiscal year thereafter—

(i) amounts appropriated to a FLAME Fund in excess of the amount estimated by the Secretary concerned as the amount necessary for that fiscal year for wildfire suppression activities of the Secretary that meet the criteria specified in subsection (e)(2)(B)(i) should be designated as amounts necessary to meet emergency needs;

(ii) the Secretary concerned should promptly make a supplemental request for additional funds to replenish the FLAME Fund if the Secretary determines that the FLAME Fund will be exhausted within 30 days; and

(iii) funding made available through the FLAME Fund should be used to supplement the funding otherwise appropriated to the Secretary concerned for wildfire suppression and Federal emergency response in the Wildland Fire Management appropriation accounts.

(3) AVAILABILITY.—Amounts in a FLAME Fund shall remain available to the Secretary concerned until expended.

(4) NOTICE OF INSUFFICIENT FUNDS.—The Secretary concerned shall notify the relevant congressional committees if the Secretary estimates

that only 60 days worth of funds remain in the FLAME Fund administered by that Secretary.

(5) TRANSFER AUTHORITY.—If a FLAME Fund has insufficient funds, the Secretary concerned administering the other FLAME Fund may transfer amounts to the FLAME Fund with insufficient funds. Not more than \$100,000,000 may be transferred from a FLAME Fund during any fiscal year under this authority.

(e) USE OF FLAME FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), amounts in a FLAME Fund shall be available to the Secretary concerned to transfer to the Wildland Fire Management appropriation account of that Secretary to pay the costs of wildfire suppression activities of that Secretary that are separate from amounts for wildfire suppression activities annually appropriated to that Secretary under the Wildland Fire Management appropriation account of that Secretary.

(2) DECLARATION REQUIRED.—

(A) IN GENERAL.—Amounts in a FLAME Fund shall be available for transfer under paragraph (1) only after that Secretary concerned issues a declaration that a wildfire suppression event is eligible for funding from the FLAME Fund.

(B) DECLARATION CRITERIA.—A declaration by the Secretary concerned under subparagraph (A) may be issued only if—

(i) in the case of an individual wildfire incident—

(I) the fire covers 300 or more acres; or

(II) the Secretary concerned determines that the fire has required an emergency Federal response based on the significant complexity, severity, or threat posed by the fire to human life, property, or resources; or

(ii) the cumulative costs of wildfire suppression and Federal emergency response activities for the Secretary concerned will exceed, within 30 days, all of the amounts previously appropriated (including amounts appropriated under an emergency designation, but excluding amounts appropriated to the FLAME Fund) to the Secretary concerned for wildfire suppression and Federal emergency response.

(3) STATE, PRIVATE, AND TRIBAL LAND.—Use of a FLAME Fund for emergency wildfire suppression activities on State land, private land, and tribal land shall be consistent with any existing agreements in which the Secretary concerned has agreed to assume responsibility for wildfire suppression activities on the land.

(f) TREATMENT OF ANTICIPATED AND PREDICTED ACTIVITIES.—For fiscal year 2011 and subsequent fiscal years, the Secretary concerned shall request funds within the Wildland Fire Management appropriation account of that Secretary for regular wildfire suppression activities that do not meet the criteria specified in subsection (e)(2)(B)(i).

(g) PROHIBITION ON OTHER TRANSFERS.—The Secretary concerned may not transfer funds from non-fire accounts to the Wildland Fire Management appropriation account of that Secretary unless amounts in the FLAME Fund of that Secretary and any amounts appropriated to that Secretary for the purpose of wildfire suppression will be exhausted within 30 days.

(h) ACCOUNTING AND REPORTS.—

(1) ACCOUNTING AND REPORTING REQUIREMENTS.—The Secretary concerned shall account and report on amounts transferred from the respective FLAME Fund in a manner that is consistent with existing National Fire Plan reporting procedures.

(2) ANNUAL REPORT.—The Secretary concerned shall submit to the relevant congressional committees and make available to the public an annual report that—

(A) describes the obligation and expenditure of amounts transferred from the FLAME Fund; and

(B) includes any recommendations that the Secretary concerned may have to improve the

administrative control and oversight of the FLAME Fund.

(3) **ESTIMATES OF WILDFIRE SUPPRESSION COSTS TO IMPROVE BUDGETING AND FUNDING.**—

(A) **IN GENERAL.**—Consistent with the schedule provided in subparagraph (C), the Secretary concerned shall submit to the relevant congressional committees an estimate of anticipated wildfire suppression costs for the applicable fiscal year.

(B) **INDEPENDENT REVIEW.**—The methodology for developing the estimates under subparagraph (A) shall be subject to periodic independent review to ensure compliance with subparagraph (D).

(C) **SCHEDULE.**—The Secretary concerned shall submit an estimate under subparagraph (A) during—

(i) the first week of March of each year;
(ii) the first week of May of each year;
(iii) the first week of July of each year; and
(iv) if a bill making appropriations for the Department of the Interior and the Forest Service for the following fiscal year has not been enacted by September 1, the first week of September of each year.

(D) **REQUIREMENTS.**—An estimate of anticipated wildfire suppression costs shall be developed using the best available—

(i) climate, weather, and other relevant data; and
(ii) models and other analytic tools.

(i) **TERMINATION OF AUTHORITY.**—The authority of the Secretary concerned to use the FLAME Fund established for that Secretary shall terminate at the end of the third fiscal year in which no appropriations to, or withdrawals from, that FLAME Fund have been made for a period of three consecutive fiscal years. Upon termination of such authority, any amounts remaining in the affected FLAME Fund shall be transferred to, and made a part of, the Wildland Fire Management appropriation account of the Secretary concerned for wildland suppression activities.

SEC. 503. COHESIVE WILDFIRE MANAGEMENT STRATEGY

(a) **STRATEGY REQUIRED.**—Not later than one year after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture, acting jointly, shall submit to Congress a report that contains a cohesive wildfire management strategy, consistent with the recommendations described in recent reports of the Government Accountability Office regarding management strategies.

(b) **ELEMENTS OF STRATEGY.**—The strategy required by subsection (a) shall provide for—

(1) the identification of the most cost-effective means for allocating fire management budget resources;
(2) the reinvestment in non-fire programs by the Secretary of the Interior and the Secretary of Agriculture;
(3) employing the appropriate management response to wildfires;
(4) assessing the level of risk to communities;
(5) the allocation of hazardous fuels reduction funds based on the priority of hazardous fuels reduction projects;
(6) assessing the impacts of climate change on the frequency and severity of wildfire; and
(7) studying the effects of invasive species on wildfire risk.

(c) **REVISION.**—At least once during each five-year period beginning on the date of the submission of the cohesive wildfire management strategy under subsection (a), the Secretary of the Interior and the Secretary of Agriculture shall revise the strategy to address any changes affecting the strategy, including changes with respect to landscape, vegetation, climate, and weather.

This division may be cited as the “Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010”.

DIVISION B—FURTHER CONTINUING APPROPRIATIONS, 2010

SEC. 101. The Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68) is amended by striking the date specified in section 106(3) and inserting “December 18, 2009”.

SEC. 102. Section 129 of the Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68) is amended by striking “2009” and inserting “2008”, and such amendment shall apply as if included in such public law on the date of its enactment.

SEC. 103. Subsections (c)(1) and (e)(3) of section 9503, and subparagraphs (A), (B), and (C) of section 9504(b)(2), of the Internal Revenue Code of 1986 are each amended by inserting “the last amendment to” after “on the date of the enactment of”.

SEC. 104. The Continuing Appropriations Resolution, 2010 (division B of Public Law 111–68) is amended by adding after section 164 the following new sections:

“**SEC. 165.** In addition to amounts provided in section 101, amounts are provided for ‘Small Business Administration—Business Loans Program Account’, for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans as authorized by section 7(a) of the Small Business Act, at a rate for operations of \$80,000,000.

“**SEC. 166. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.**—For mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2010, if the dollar amount limitation on the principal obligation of a mortgage determined under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) for any size residence for any area is less than such dollar amount limitation that was in effect for such size residence for such area for 2008 pursuant to section 202 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 620), notwithstanding any other provision of law or of this joint resolution, the maximum dollar amount limitation on the principal obligation of a mortgage for such size residence for such area for purposes of such section 203(b)(2) shall be considered (except for purposes of section 255(g) of such Act (12 U.S.C. 1715z–20(g))) to be such dollar amount limitation in effect for such size residence for such area for 2008.

“(b) **DISCRETIONARY AUTHORITY FOR SUBAREAS.**—Notwithstanding any other provision of law or of this joint resolution, if the Secretary of Housing and Urban Development determines, for any geographic area that is smaller than an area for which dollar amount limitations on the principal obligation of a mortgage are determined under section 203(b)(2) of the National Housing Act, that a higher such maximum dollar amount limitation is warranted for any particular size or sizes of residences in such sub-area, the Secretary may, for mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2010, increase the maximum dollar amount limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section), but in no case to an amount that exceeds the amount specified in section 202(a)(2) of the Economic Stimulus Act of 2008.

“**SEC. 167. (a) LOAN LIMIT FLOOR BASED ON 2008 LEVELS.**—For mortgages originated during calendar year 2010, if the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation determined under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) or section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1754(a)(2)) re-

spectively, for any size residence for any area is less than such maximum original principal obligation limitation that was in effect for such size residence for such area for 2008 pursuant to section 201 of the Economic Stimulus Act of 2008 (Public Law 110–185; 122 Stat. 619), notwithstanding any other provision of law or of this joint resolution, the limitation on the maximum original principal obligation of a mortgage for such Association and Corporation for such size residence for such area shall be such maximum limitation in effect for such size residence for such area for 2008.

“(b) **DISCRETIONARY AUTHORITY FOR SUBAREAS.**—Notwithstanding any other provision of law or of this joint resolution, if the Director of the Federal Housing Finance Agency determines, for any geographic area that is smaller than an area for which limitations on the maximum original principal obligation of a mortgage are determined for the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, that a higher such maximum original principal obligation limitation is warranted for any particular size or sizes of residences in such sub-area by higher median home prices in such sub-area, the Director may, for mortgages originated during calendar year 2010, increase the maximum original principal obligation limitation for such size or sizes of residences for such sub-area that is otherwise in effect (including pursuant to subsection (a) of this section) for such Association and Corporation, but in no case to an amount that exceeds the amount specified in the matter following the comma in section 201(a)(1)(B) of the Economic Stimulus Act of 2008.

“**SEC. 168.** Notwithstanding any other provision of this joint resolution, for mortgages for which the mortgagee issues credit approval for the borrower during calendar year 2010, the second sentence of section 255(g) of the National Housing Act (12 U.S.C. 1715z–20(g)) shall be considered to require that in no case may the benefits of insurance under such section 255 exceed 150 percent of the maximum dollar amount in effect under the sixth sentence of section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

“**SEC. 169.** Notwithstanding any other provision of this joint resolution, other than section 106, up to \$200,000,000 of the funds provided by Public Law 111–8 that are available on October 1, 2009, in the ‘Tenant-Based Rental Assistance’ account may be available to adjust allocations for public housing agencies to prevent termination of assistance to families.”.

And the Senate agree to the same.

DAVID R. OBEX,
NORMAN D. DICKS,
JAMES P. MORAN,
ALAN B. MOLLOHAN,
BEN CHANDLER,
MAURICE D. HINCHEY,
JOHN W. OLVER
ED PASTOR,
DAVID E. PRICE,

Managers on the Part of the House.

DIANNE FEINSTEIN,
ROBERT C. BYRD,
PATRICK J. LEAHY,
BYRON L. DORGAN,
BARBARA A. MIKULSKI,
HERB KOHL,
TIM JOHNSON,
JACK REED,
BEN NELSON,
JON TESTER,
DANIEL K. INOUE,
LAMAR ALEXANDER,
THAD COCHRAN,
ROBERT F. BENNETT,
JUDD GREGG,
LISA MURKOWSKI,

SUSAN M. COLLINS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2996), making appropriations for the Department of the Interior, Environment and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 2996 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 111-180 or Senate Report 111-38 that are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

Except as expressly provided otherwise, any reference to "this Act" or "at the end of this statement" shall be treated as referring only to the provisions of this division.

DIVISION A—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

REPROGRAMMING GUIDELINES

The following are the procedures governing reprogramming actions for programs and activities funded in the Department of the Interior, Environment and Related Agencies Appropriations Act.

Definitions.—"Reprogramming," as defined in these procedures, includes the reallocation of funds from one budget activity, budget line-item or program area, to another within any appropriation funded in this Act. In cases where either the House or Senate Committee report displays an allocation of an appropriation below those levels, that more detailed level shall be the basis for reprogramming.

For construction, land acquisition and forest legacy accounts, a reprogramming constitutes the reallocation of funds, including unobligated balances, from one construction, land acquisition, or forest legacy project to another such project. The construction, land acquisition and forest legacy projects and amounts identified in the "Incorporation of Congressionally Requested Projects" table at the end of this statement of managers may be reprogrammed, but only pursuant to Section 444 of this Act.

A reprogramming shall also consist of any significant departure from the program described in the agency's budget justifications. This includes proposed reorganizations, especially those of significant national or regional importance, even without a change in funding. Any change to the organization table presented in the budget justification shall be subject to this requirement.

General Guidelines for Reprogramming.—

(a) A reprogramming should be made only when an unforeseen situation arises; and then only if postponement of the project or the activity until the next appropriation year would result in actual loss or damage.

(b) Any project or activity, which may be deferred through reprogramming, shall not later be accomplished by means of further reprogramming; but, instead, funds should

again be sought for the deferred project or activity through the regular appropriations process.

(c) Except under the most urgent situations, reprogramming should not be employed to initiate new programs or increase allocations specifically denied or limited by Congress, or to decrease allocations specifically increased by the Congress.

(d) Reprogramming proposals submitted to the House and Senate Committees on Appropriations for approval shall be considered approved 30 calendar days after receipt if the Committees have posed no objection. However, agencies will be expected to extend the approval deadline if specifically requested by either Committee.

Criteria and Exceptions.—A reprogramming must be submitted to the Committees in writing prior to implementation if it exceeds \$1,000,000 annually or results in an increase or decrease of more than 10 percent annually in affected programs, with the following exceptions:

(a) With regard to the Tribal priority allocations of the Bureau of Indian Affairs, there is no restriction on reprogrammings among these programs. However, the Bureau shall report on all reprogrammings made during a given fiscal year no later than 60 days after the end of the fiscal year.

(b) With regard to the Environmental Protection Agency, State and Tribal Assistance Grants account, the Committee does not require reprogramming requests associated with States and Tribes Partnership Grants.

Assessments.—"Assessment" as defined in these procedures shall refer to any charges, reserves, or holdbacks applied to a budget activity or budget line item for costs associated with general agency administrative costs, overhead costs, working capital expenses, or contingencies.

(a) No assessment shall be levied against any program, budget activity, subactivity, budget line item, or project funded by the Interior, Environment, and Related Agencies Appropriations Act unless such assessment and the basis therefore are presented to the Committees on Appropriations in the budget justifications and are subsequently approved by the Committees. The explanation for any assessment in the budget justification shall show the amount of the assessment, the activities assessed, and the purpose of the funds.

(b) Proposed changes to estimated assessments, as such estimates were presented in annual budget justifications, shall be submitted through the reprogramming process and shall be subject to the same dollar and reporting criteria as any other reprogramming.

(c) The Committees direct that each agency or bureau which utilizes assessments shall submit an annual report to the Committees which provides details on the use of all funds assessed from any other budget activity, line item, subactivity, or project.

(d) In no case shall contingency funds or assessments be used to finance projects and activities disapproved or limited by Congress, or to finance programs or activities that could be foreseen and included in the normal budget review process.

Quarterly Reports.—All reprogrammings between budget activities, budget line-items, program areas or the more detailed activity levels shown in the Statement of the Managers, including those below the monetary thresholds established above, shall be reported to the Committees within 60 days of the end of each quarter and shall include cumulative totals for each budget activity,

budget line item, or construction, land acquisition, or forest legacy project.

Land Acquisitions, Easements, and Forest Legacy.—Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91-646), unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with these procedures.

Land Exchanges.—Land exchanges, wherein the estimated value of the Federal lands to be exchanged is greater than \$1,000,000, shall not be consummated until the Committees have had a 30-day period in which to examine the proposed exchange. In addition, the Committee shall be provided advance notification of exchanges valued between \$500,000 and \$1,000,000.

Budget Structure.—The budget activity or line item structure for any agency appropriation account shall not be altered without advance approval of the House and Senate Committees on Appropriations.

Report Language.—Any limitation or directive contained in either the House or Senate report which is not contradicted by the other report nor specifically denied in the conference report shall be considered as having been approved by both Houses of Congress.

RENEWABLE ENERGY AND PUBLIC LANDS

The conferees understand that renewable energy will become a more significant source of power for the Nation and that the Department of the Interior and the Forest Service will play a prominent role in its development. However, the conferees are concerned about the impacts these projects may have on the landscape and water resources, particularly those for wind and solar power. Proposed solar projects can each cover several square miles and the newest wind turbines are over 500 feet tall. Appropriate siting of these projects and cost-appropriate size limitations are critical to ensuring that the pristine landscapes, limited water resources, and magnificent views of the country's public lands and coastlines are protected.

Accordingly, within 180 days of enactment, the conferees direct the Department of the Interior to submit a report in consultation with the Forest Service on the criteria used for siting renewable energy projects, including the extent to which protection of scenic landscapes, ridgetops, water resources, habitat including that for endangered species, and shorelines will be considered. The report should also provide a detailed strategic plan on how the Department and the Forest Service will coordinate the development of such projects, particularly in areas where there is mixed ownership or management by the Department of the Interior, Forest Service, Department of Defense, and non-Federal landowners. Additionally, the report should identify specifically what areas of the public lands and the Outer Continental Shelf will be considered for projects based on: (1) their potential for renewable energy generation; (2) what additional transmission lines will be necessary to connect these new sources of power to the energy grid; (3) where these transmission lines will be placed; (4) the methodology to be used to limit the size of solar troughs and photovoltaic facilities, and (5) the impact on water resources.

The report should also include an analysis of the useful life of renewable energy sites and provide an explanation of how the infrastructure will be removed from the public lands when it is no longer functional. The conferees believe that some mechanism, such as a bond put forth by the permittees, should

be utilized by the Department and the Forest Service so that the government does not have to pay for the removal of these large facilities after they are no longer viable.

The Department of the Interior and Forest Service should consult with the Congress on a regular basis as they proceed with the development of policies and the preparation of environmental documents and permitting of renewable energy projects.

The conferees believe that renewable energy developers should have less difficulty permitting their projects on disturbed private lands than on pristine public lands, in order to facilitate greater species protection and stewardship of public resources and public lands. The conferees recommend that the Secretary evaluate whether a cooperative agreement with States under Section 6 of the Endangered Species Act, the establishment of a Section 4(d) rule under the same Act, or the creation of a template "general habitat conservation plan" would improve the permitting process for solar projects on private lands in the California desert.

GLOBAL CLIMATE CHANGE SCIENCE AND ADAPTATION

The conference agreement includes a major investment in science and management related to impacts of global warming. Overall, the bill provides over \$400,000,000, including funds for the Department of the Interior climate change initiative and substantial investments at the Environmental Protection Agency, Forest Service, and Smithsonian Institution. The conference agreement supports direction provided by both the House and the Senate regarding this issue. This includes the need for a national strategy for dealing with climate change, as well as continued development of the National Climate Change and Wildlife Science Center at the U.S. Geological Survey as a model for further implementation of an integrated approach to climate change science and adaptation by the Interior Department bureaus. The conference agreement also includes a provision in Section 426 requiring a detailed report on the Administration's obligations, expenditures and activities regarding climate change programs. The conferees expect that the next budget request will include cross-cutting tables for all Federal climate change related activities including climate change observation, science, and management implementation of adaptation and mitigation.

The conferees note the previous direction provided within the fiscal year 2009 appropriations act directing the Secretary of the Interior to develop a national strategy to assist fish, wildlife, plants, and associated ecological processes in becoming more resilient, adapting to, and surviving the impacts of climate change. This conference agreement provides ample funds to accomplish substantial scientific and management activities, but this needs to be done within the context of an integrated approach among the various Federal departments, States, Tribes and other institutions. The conferees urge the Council on Environmental Quality, working closely with the Department of the Interior as the lead department, to develop a national, government-wide strategy to address climate impacts on fish, wildlife, plants, and associated ecological processes. It should provide that there is integration, coordination, and public accountability to ensure efficiency and avoid duplication. The conferees expect to receive a timeline and a blueprint for the completion of such a national strategic planning effort, as well as regular updates as progress is made.

The conferees are encouraged by aspects of the recent Interior Department Secretarial Order addressing the impacts of climate change on America's water, land and other natural and cultural resources, as well as the draft Fish and Wildlife Service national strategy for climate change adaptation, mitigation and engagement. However, it is essential that further departmental implementation of the Secretary's order on climate change build upon the successful National Climate Change and Wildlife Science Center (NCCWSC) and its approach to provide regional science application centers focused on fauna, flora and ecological processes as previously described in Congressional direction and the budget request. The future identity and activities of the NCCWSC must be distinct and accountable, while also working with other departmental and national efforts on climate change science and applications.

LAND ACQUISITION

The conferees are concerned that lands acquired with funds appropriated via the Land and Water Conservation Fund are being, or have been, made available for uses inconsistent with the recreation, conservation or public access for which they were purchased. Accordingly, the conferees direct the Secretary of the Interior and the Secretary of Agriculture to notify the House and Senate Committees on Appropriations before any land use or management decision is made that will change the use of the land from conservation or recreational use. Additionally, the conferees encourage the Secretaries of Agriculture and Interior to include land acquisition projects that provide increased access to our Federally-owned public lands to provide opportunities for the public to recreate and enjoy our nation's natural resources.

The conferees direct the agencies to use inholdings funding to acquire high priority lands that are threatened by development and are partially or entirely bordered by land currently owned by the Federal government. The conferees have been advised that each of the land management agencies has unique inholding acquisition policies and practices that have not been coordinated with each of the other agencies. It is the intention of the conferees that there be a single set of policies for implementing Land and Water Conservation Fund acquisitions to the maximum extent possible. Therefore, the Secretaries of the Interior and Agriculture are directed to jointly examine the policies and practices of each land management agency and submit a report on findings and recommendations to the House and Senate Committees on Appropriations by June 30, 2010.

The conferees continue to be concerned about the delays in obtaining adequate appraisals for acquisition of Federal lands. Consistent with the language included in the House report, the conferees direct the Department of the Interior to revisit the Department-wide appraisal services consolidation and immediately address the undue delays in obtaining appraisals for Federal land acquisition projects.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT MANAGEMENT OF LANDS AND RESOURCES (INCLUDING RESCISSION OF FUNDS)

The conference agreement provides \$958,571,000 for Management of Lands and Resources instead of \$950,496,000 as proposed by the House and \$965,721,000 as proposed by the

Senate. The detailed allocation of funding by activity for this account is included in the table at the end of the statement. In addition to the directions provided in the House and Senate committee reports, the conference agreement also provides the following directions:

Range Management.—Within the funds provided for range management, the agreement designates \$1,000,000 to help reduce the backlog in grazing permits. The conferees recognize that the increasing numbers of expiring permits, increased costs for processing, and litigation, has resulted in a significant backlog and workload in processing permits. This funding should be targeted to those areas where litigation is causing significant delays.

Cultural Resources Management.—The conference agreement includes \$500,000 above the request for cultural resource activities in wilderness lands as authorized by the Omnibus Public Lands Act of 2009. The Senate had recommended \$1,000,000 for this activity.

Wild Horse and Burro Management.—The conference agreement provides \$63,986,000 for wild horse and burro management, an increase of \$23,373,000 above the fiscal year 2009 level. This is a 58 percent increase, by far the largest increase ever provided for this program. The conference agreement requires the Bureau to follow the Senate direction for this program. The conferees note that the bill language proposed by the Senate within administrative provisions provides that funds shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the BLM or its contractors, or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

Wildlife Management.—Within the funds provided for wildlife management, the conference agreement includes increases of \$500,000 each above the request for the general wildlife and plant conservation programs as was proposed by the House.

Threatened and Endangered Species Management.—The conference agreement includes the Senate-proposed additions of \$200,000 for the general program and \$300,000 for redband trout and salmon habitat assessment and restoration in Nevada.

Realty and Ownership Management.—The conference agreement includes the Senate proposed additions of \$100,000 for the general cadastral survey program and \$300,000 for the Utah Rural Cadastral Data Program.

The conferees strongly encourage the BLM to apply the necessary resources to complete landscape scale assessments by the end of fiscal year 2010 on the Mojave Basin and Range, Central Basin and Range, Sonoran Desert, and the Colorado Plateau. These assessments should, at a minimum, include spatial analyses of priority conservation areas, renewable energy potential, invasive species, and wildfires.

Resource Protection and Maintenance.—The conference agreement includes a \$500,000 increase for law enforcement and the Senate proposed addition of \$1,000,000 for travel and transportation plans for lands authorized by the Omnibus Public Lands Act of 2009.

National Monuments and Conservation Areas.—The conference agreement includes a \$2,500,000 general program increase above the request for national monuments and conservation area management.

Bill Language.—The conference agreement includes a \$1,000,000 rescission of funds provided in fiscal year 2009 for oil shale core samples; this project was accomplished from other funding sources. A technical change is

included to correct language regarding mining claim maintenance fees and location fees.

CONSTRUCTION

The conference agreement includes the funds requested for Construction, plus additions recommended by the Senate of \$36,000 for architectural and engineering services and \$2,000,000 for the California National Historic Trail visitor center interpretative displays in Nevada. The funding includes:

State	Project	Amount
AK	Anchorage Field Office—Campbell Airstrip Safety Fencing	\$190,000
AZ	Gila District—Browning Ranch House Preservation	124,000
AZ	Lake Havasu—Partners Point Waterline	110,000
CA	California Radio Fencing and Grounding Improvement	537,000
CA	Hollister Field Office—El Toro Creek Parking Project	1,209,000
CA	Barstow—Sawtooth Campground and Trail	541,000
CO	Grand Junction Field Office—Bridgeport Access Trail	176,000
ID	Salmon Field Office—Lemhi River Total Maximum Daily Load Road Maintenance	1,588,000
ID	Salmon Field Office—Sharkey Hot Springs Renovation	287,000
NV	California National Historic Trail Interpretive Center	2,000,000
UT	Salt Lake District—Five Mile Pass Recreation Site Facility	362,000
UT	West Desert District—Knolls Facility	381,000
UT	Pelican Lake Recreation Site Reconstruction	697,000
	Subtotal, projects	8,202,000
	Architectural and engineering services	424,000
	Total	8,626,000

LAND ACQUISITION

The conference agreement includes \$29,650,000 instead of \$26,529,000 as proposed by the House and \$28,650,000 as proposed by the Senate. The conference agreement includes the following distribution of funds:

State	Project	Amount
CA	California Wilderness	\$1,500,000
CA	Johnson Canyon Area of Critical Environmental Concern	1,500,000
CA	King Range National Conservation Area	2,000,000
CA	Lacks Creek Area of Critical Environmental Concern	750,000
CA	Santa Rosa and San Jacinto Mountains National Monument	500,000
CA	Upper Sacramento River Area of Critical Environmental Concern	2,800,000
MT	Blackfoot River Special Recreation Management Area	4,500,000
MT	Meeteetse Spires Area of Critical Environmental Concern	1,500,000
NM	La Cienega Area of Critical Environmental Concern/El Camino Real De Tierra Adentro National Historic Trail	3,000,000
NM	Lesser Prairie Chicken Habitat Area of Critical Environmental Concern	1,500,000
OR	Cascade-Siskiyou National Monument	1,000,000
OR	Sandy River/Oregon National Historic Trail	2,100,000
WY	Craig Thomas Little Mountain Special Management Area	2,000,000
	Subtotal, Line Item Projects	\$24,650,000
	Acquisition Management	2,000,000
	Inholdings, Emergencies, and Hardships	3,000,000
	Total, BLM Land Acquisition	29,650,000

Bill Language.—The conference agreement includes bill language making available \$2,000,000 for the Upper Snake/South Fork River Area of Critical Environmental Concern/Special Resource Management Area from funds appropriated in FY 2009 for the Henry's Lake Area of Critical Environmental Concern, as proposed by the Senate.

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides \$111,557,000 as requested and proposed by both the House and the Senate for Oregon and California Grant Lands. The detailed allocation of funding by activity is included in the table at the end of the statement.

FOREST ECOSYSTEM HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

The conference agreement includes language, as in the past, allowing funds made available in the Forest Ecosystem Health and Recovery Fund to be used for various forestry purposes including planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem restoration activities. This authority is extended through fiscal year 2015 as proposed by the House.

RANGE IMPROVEMENTS

The conference agreement includes an indefinite appropriation of not less than \$10,000,000 to be derived from public lands receipts and Bankhead-Jones Farm Tenant Act lands grazing receipts. This was requested and was proposed by both the House and the Senate. Receipts are used for construction, purchase, and maintenance of range improvements, such as seeding, fence construction, weed control, water development, fish and wildlife habitat improvement, and planning and design of these projects.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The conference agreement includes an indefinite appropriation estimated to be \$31,255,000 for Service Charges, Deposits, and Forfeitures as requested and proposed by both the House and the Senate. The appropriation is offset with fees collected under specified sections of the Federal Land Policy and Management Act of 1976 and other Acts to pay for reasonable administrative and other costs.

MISCELLANEOUS TRUST FUNDS

The conference agreement includes an indefinite appropriation estimated to be \$20,130,000 for Miscellaneous Trust Funds as requested and proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS

The conference agreement includes the Administrative Provisions as requested, and includes two additional items proposed by the Senate. The first provides authority for the BLM to carry out operations by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. The second provides that appropriations shall not be available for destruction of healthy, unadopted, wild horses and burros in the care of the BLM or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products. The agreement also includes a technical correction to a minor amendment made in fiscal year 2009 regarding mining claim maintenance and location fees.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement includes \$1,269,406,000 instead of \$1,248,756,000 as proposed by the House and \$1,244,386,000 as proposed by the Senate. The detailed allocation of funding by program area and activity is included in the table at the end of the statement. In addition to the directions included in the House and Senate Committee reports, the conference agreement includes the following directions:

Ecological Services.—The conference agreement includes \$311,227,000 instead of \$295,127,000 as proposed by the House and \$305,677,000 as proposed by the Senate.

Within the funds provided for the listing program there is \$11,632,000 for critical habi-

tat and \$10,471,000 for listing. Within the funds for candidate conservation, there is \$1,000,000 for sage grouse conservation in Idaho and a general increase of \$1,000,000. There is an increase in the consultation program of \$2,500,000 for increased monitoring and record-keeping pursuant to recommendations by the GAO.

Within the funds for the recovery program, there is \$3,000,000 for responding to the State of the Birds report, \$1,000,000 for the livestock loss demonstration program, \$1,900,000 for increased research and monitoring on white nose syndrome in bats, \$350,000 for Lahontan cutthroat trout restoration, \$1,500,000 for endangered species grants to be administered by the National Fish and Wildlife Foundation, \$350,000 for sea elder conservation efforts, \$500,000 for whooping crane breeding facilities in Louisiana, and an increase of \$200,000 for additional wolf monitoring in western States.

The conferees support the requested funding for aplomado falcon and California condor recovery. The Service is encouraged to continue to support these ongoing, successful recovery efforts.

The conferees intend that the funding included for the State of the Birds report be used to begin to initiate actions in response to the recently published multi-agency report, *The State of the Birds, United States of America, 2009*. This report provides a comprehensive overview of the crises and challenges confronting birds in every part of the country. The situation for native birds in Hawaii is particularly dire. Seventy-one known species of Hawaiian birds have gone extinct. Predator control and habitat preservation are critical to the survival of the 31 species of endangered birds remaining in Hawaii. The conferees therefore recommend that a significant portion of this funding be used to develop a comprehensive strategy, hire staff, and begin on the ground projects to recover endangered and threatened bird species in Hawaii.

The conference agreement includes \$1,000,000 for the Wolf Livestock Loss Demonstration Project as authorized by the Omnibus Public Lands Management Act of 2009. These funds will be used to provide grants to States and Indian Tribes to assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves, and to compensate livestock producers, as appropriate, for livestock losses due to such predation. This is a new demonstration program and the conferees encourage the agencies to act quickly to implement the program.

The Service should implement program guidelines that establish criteria for the disbursement of funds to ensure that the funds are spent efficiently and effectively with a minimum potential for waste and abuse. The Service should consult with representatives from the relevant agencies and key stakeholders to create the guidelines. The guidelines should ensure that each participating State/Tribe allocates money evenly between compensation and non-lethal activities specified in the Act and, in order to work towards reducing depredations overall, that only livestock owners who demonstrate reasonable use of nonlethal methods will remain eligible for compensation after one initial incident of reimbursable depredation.

The conferees recommend \$1,900,000 for research, monitoring, and related activities to respond to the massive mortality in bats from white nose syndrome (WNS) in the northeastern and Appalachian States. This is an increase of \$1,400,000 over the Senate proposed amount. WNS is spreading rapidly and

poses threats of extinction to several bat species. The Service is spearheading efforts to better understand this deadly disease and learn how to limit its spread, working in conjunction with the U.S. Geological Survey, National Park Service, U.S. Forest Service, State and local partners, scientists, caving groups and conservation organizations.

Within the funds for the partners for fish and wildlife program, there is \$6,000,000 for climate change projects, \$1,000,000 for invasive species management in Hawaii, \$350,000 for the Natural Resources Economic Enterprises Program at Mississippi State University, \$500,000 for milfoil control in Maine lakes, and \$500,000 for stream bank restoration in Georgia.

Within the funds provided, the conferees have included \$750,000 for the Secretary of the Interior to contract with the National Academy of Sciences to conduct studies in support of sustainable water and environmental management of the Sacramento-San Joaquin Delta in California. A study shall be completed no later than March 15, 2010, addressing questions drafted by the Secretary on the subjects of (1) whether the science supports the assumptions and conclusions in the biological opinions regarding the Bureau of Reclamation operations in the Central Valley, and (2) whether lesser restrictions on pumping could avoid jeopardy to the species.

There are program increases of \$1,000,000 for the coastal program, \$250,000 for the national wetlands inventory and \$500,000 for the environmental contaminants program.

National Wildlife Refuge System.—The conference agreement provides \$503,279,000 for the National Wildlife Refuge System as proposed by the House, instead of \$488,629,000 as proposed by the Senate.

Within the funds provided for the refuge system there are increases over the request of \$16,000,000 for wildlife and habitat management, \$1,000,000 for the volunteer program, \$2,000,000 for refuge law enforcement, and \$1,000,000 for conservation planning. Within the funding provided for refuge system maintenance, there is a \$2,000,000 increase for annual maintenance and a \$2,000,000 decrease for deferred maintenance. Within the funds provided for wildlife and habitat management, the Service is directed to provide \$1,200,000 for invasive rat eradication on Palmyra Atoll to protect native bird populations.

The conferees remain concerned about the situation on the southwest border and encourage the Service to direct a portion of the increase for law enforcement to the southwest.

The conferees are concerned that the Service is not dedicating sufficient resources to the management of the new marine national monuments and urge the Service to increase resources for managing the monuments and partnering with other Federal, international, and private entities.

Migratory Bird Management, Law Enforcement, and International Affairs.—The conference agreement provides \$134,743,000 for migratory bird management, law enforcement and international affairs instead of \$133,593,000 as proposed by the House and \$133,573,000 as proposed by the Senate.

Within the funds provided for migratory birds, law enforcement and international programs, there are increases of \$500,000 for new urban treaties as a part of the Department-wide youth initiative, \$1,000,000 for joint ventures under the North American Waterfowl Management Plan, \$2,000,000 for law enforcement operations, \$1,000,000 for the wildlife without borders program, and

\$150,000 for the Caddo Lake Ramsar Center. The increase for joint ventures is intended to provide all approved joint ventures with sufficient base funding.

The conferees are aware of the impacts of the chytrid disease on amphibian species worldwide. Amphibian species are disappearing at over 200 times their historic rate. The conferees urge the Service to use a portion of the increase provided for the wildlife without borders program to work with the international conservation community to establish conservation and captive breeding programs as well as to support the development and testing of novel methods to combat amphibian chytrid to conserve the most imperiled of these species.

Fisheries.—The conference agreement provides \$148,345,000 for the fisheries program instead of \$144,195,000 as proposed by the House and \$143,695,000 as proposed by the Senate.

Within the funds provided for fisheries and aquatic resource conservation, there is: \$2,150,000 to conduct scientific review of the Klamath, North Coast, and Central Valley hatchery operations in California; \$1,000,000 for mass marking fisheries in the Great Lakes; \$500,000 general increase for fish hatchery operations; \$500,000 for native freshwater mussel recovery; \$1,300,000 to establish a Fisheries Resource Office in West Virginia to focus on aquatic species restoration and management in the Appalachian Highlands; \$2,000,000 to control the spread of and eradicate invasive quagga and zebra mussels; and \$200,000 for sea otter and Steller sea lion conservation in Alaska.

The conference agreement includes \$2,000,000 above the President's request for the Service to respond to the urgent nationwide problem of invasive mussels entering lakes and rivers in the U.S. These mussels crowd out native species and encrust any hard surface, including municipal water supply pipes and boat motors. They are easily spread by watercraft from one location to another and are nearly impossible to eradicate once established. For example, the infestation of quagga mussels in Lake Mead was first found in 2007. The number of quagga mussels has grown to 3 trillion since then and is likely irreversible. Today, infestation by quagga and zebra mussels and Asian clams is threatening the pristine waters of Lake Tahoe. The introduction of these aquatic nuisance species to the Lake Tahoe region could have devastating effects to the regional economy, including effects on recreation, tourism, property values, and other infrastructure. Therefore, the conferees strongly encourage the Service to devote a significant portion of the increase to the study, construction, staffing, and other expenses necessary for watercraft inspection and decontamination stations to be located away from boat and vessel ramps at Lake Tahoe, Echo Lake, and Fallen Leaf Lake. The conferees recommend that such inspection and decontamination stations be located on each of the seven roads leading to the Lake Tahoe region. Further, the conferees believe that the Service should increase its coordination with local, State and Federal entities, including the U.S. Forest Service, to prevent quagga mussels and other aquatic invasive species from entering the Lake Tahoe ecosystem.

Climate Change Adaptive Science.—The conference agreement includes \$20,000,000 for climate change adaptive science, as proposed by both the House and the Senate.

The conferees have included the requested funding for climate change activities. Consistent with language included elsewhere in

this statement, the Service is directed to implement its climate change activities, including the landscape conservation cooperatives, within the scope of the Service's national strategy for climate change, the Secretary's order on climate change, and the National Climate Change and Wildlife Science Center in the U.S. Geological Survey. Additionally, the Service should fully integrate these activities with other Federal agencies, States, Tribes and other partners.

General Administration.—The conference agreement provides \$152,812,000 for general administration as proposed by the Senate instead of \$153,562,000 as proposed by the House.

Within the funds provided for general administration there is an increase of \$750,000 for necessary maintenance at the National Conservation Training Center. Funding for the National Fish and Wildlife Foundation is \$7,537,000 as proposed by the Senate.

Sale of Surplus Property.—The conference agreement includes the proposed reduction of \$1,000,000 due to the sale of surplus property.

CONSTRUCTION

The conference agreement includes \$37,439,000 instead of \$21,139,000 as proposed by the House and \$39,741,000 as proposed by the Senate. The conference agreement includes the following distribution of funds:

State	Project	Amount
National Wildlife Refuge Projects:		
CA	Don Edwards San Francisco Bay National Wildlife Refuge—Salt Pond Restoration.	\$4,000,000
GU	Guam National Wildlife Refuge, Invasive Species Fence Construction.	866,000
HI	Kilauea Point National Wildlife Refuge—Lighthouse Repair.	1,000,000
IN	Big Oaks National Wildlife Refuge, Old Timbers Dam Rehabilitation.	100,000
MN	Fergus Falls Wetland Management District, Stang Lake Dam.	175,000
MS	Theodore Roosevelt National Wildlife Refuge—Visitor Center/Office.	2,000,000
OK	Wichita Mountains Wildlife Refuge, Lake Rush Dam.	4,100,000
WA	Turnbull National Wildlife Refuge, Lower Pine Lake Dam.	250,000
WV	Canaan Valley National Wildlife Refuge—Trails.	850,000
WV	Ohio River Islands National Wildlife Refuge—Erosion Control.	800,000
Mult.	National Wildlife Refuge System Visitor Facility Enhancements.	3,000,000
Mult.	National Wildlife Refuge System Green Energy Projects.	2,000,000
National Fish Hatchery Projects:		
AZ	Willow Beach National Fish Hatchery, Water Treatment.	482,000
PA	Allegheny National Fish Hatchery, Fish Production and Electrical Systems.	1,500,000
WA	Quinalt National Fish Hatchery, Replace Electric Fish Barriers.	1,000,000
WV	White Sulphur Springs National Fish Hatchery—Water Supply System.	1,500,000
WY	Jackson National Fish Hatchery, Replace Water Supply Line.	1,650,000
Mult.	National Fish Hatchery System Visitor Facility Enhancements.	400,000
Mult.	National Fish Hatchery System Green Energy Projects.	600,000
Other Projects:		
NV	Nevada Water Catchments	150,000
	Subtotal, Line Item Projects	26,423,000
	Dam & Bridge Safety Inspections	1,855,000
	Nationwide Engineering Services	9,161,000
	Total, FWS Construction	37,439,000

LAND ACQUISITION

The conference agreement includes \$86,340,000 instead of \$69,250,000 as proposed by the House and \$82,790,000 as proposed by the Senate. The conference agreement includes the following distribution of funds:

State	Project	Amount
AK	Alaska Maritime National Wildlife Refuge	\$300,000
AK	Togiak National Wildlife Refuge	325,000
AK	Yukon Delta National Wildlife Refuge	365,000

State	Project	Amount
AL	Bon Secour National Wildlife Refuge	500,000
AZ	Leslie Canyon National Wildlife Refuge	500,000
CA	Grasslands Wetland Management Area	1,000,000
CA	San Joaquin River National Wildlife Refuge ..	2,000,000
CT	Stewart McKinney National Wildlife Refuge ..	2,000,000
DE	Prime Hook National Wildlife Refuge	1,000,000
FL	Crystal River National Wildlife Refuge, Three Sisters Spring	1,500,000
FL	St. Marks National Wildlife Refuge	500,000
GA	Bond Swamp National Wildlife Refuge	1,200,000
HI	James Campbell National Wildlife Refuge	7,400,000
IA	Driftless Area National Wildlife Refuge	450,000
IA, MN	Northern Tallgrass Prairie National Wildlife Refuge	500,000
IA, MN, WI, IL	Upper Mississippi River National Wildlife & Fish Refuge	1,200,000
IL	Cypress Creek National Wildlife Refuge	500,000
IN	Patoka River National Wildlife Refuge	1,150,000
KY	Clarks River National Wildlife Refuge	750,000
LA	Red River National Wildlife Refuge	1,000,000
LA	Upper Ouachita National Wildlife Refuge	500,000
MA, CT, VT, NH	Silvio Conte National Wildlife Refuge	2,500,000
MD	Blackwater National Wildlife Refuge	2,000,000
ME	Maine Coastal Islands National Wildlife Refuge	1,000,000
ME	Rachel Carson National Wildlife Refuge	3,000,000
MO	Big Muddy National Fish & Wildlife Refuge ..	300,000
MS	Panther Swamp National Wildlife Refuge	500,000
MT	Red Rock Lakes National Wildlife Refuge	1,000,000
MT	Rocky Mountain Front Conservation Area	3,750,000
ND, SD	Dakota Tallgrass Prairie Wetland Management Area	1,000,000
ND	North Dakota Wetland Management Area	1,000,000
NE	Rainwater Basin Wetlands Management District	500,000
NH	Lake Umbagog National Wildlife Refuge	1,000,000
NJ	Cape May National Wildlife Refuge	2,000,000
NJ	Edwin B. Forsythe National Wildlife Refuge ..	1,100,000
NJ	Great Swamp National Wildlife Refuge	1,000,000
NJ	Wallkill National Wildlife Refuge	1,400,000
NM	Sevilleta National Wildlife Refuge	500,000
OR	Nestucca Bay National Wildlife Refuge	1,000,000
PA	Cherry Valley National Wildlife Refuge	750,000
PA, CT, NJ, NY	Highlands Conservation Act	4,000,000
RI	John H. Chafee National Wildlife Refuge	900,000
SC	Ernest F. Hollings ACE Basin National Wildlife Refuge	500,000
SC	Waccamaw National Wildlife Refuge	600,000
TN	Chickasaw National Wildlife Refuge	500,000
TX	Balcones Canyonlands National Wildlife Refuge	1,000,000
TX	Laguna Atascosa National Wildlife Refuge ..	500,000
TX	Lower Rio Grande Valley National Wildlife Refuge	1,000,000
TX	San Bernard National Wildlife Refuge, Austin's Woods Unit	1,250,000
UT	Bear River Migratory Bird Refuge	1,300,000
VA	Back Bay National Wildlife Refuge	545,000
VA	Great Dismal Swamp National Wildlife Refuge	500,000
VA	James River National Wildlife Refuge	1,000,000
VA	Rappahannock River National Wildlife Refuge, Bowers Property	500,000
WA	Nisqually National Wildlife Refuge	500,000
WA	Turnbull National Wildlife Refuge	1,500,000
WA	Willapa National Wildlife Refuge	750,000
	Subtotal, Line Item Projects	66,785,000
	Acquisition Management	10,555,000
	Cost Allocation Methodology	2,000,000
	Exchanges	2,000,000
	Inholdings, Emergencies, and Hardships	5,000,000
	Total, FWS Acquisition	86,340,000

Bill Language.—The conference agreement includes bill language allowing the Service to fund limited administrative costs for the Highlands Conservation Act program administration.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The conference agreement provides \$85,000,000 for the Cooperative Endangered Species Conservation Fund instead of \$100,000,000 as proposed by the House and \$85,001,000 as proposed by the Senate.

The detailed allocation of funding by program area and activity is included in the table at the end of the statement.

NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides \$14,500,000 for payments to counties authorized by the National Wildlife Refuge Fund, as proposed by the Senate, instead of \$14,100,000 as proposed by the House.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides \$47,647,000 for the North American Wetlands

Conservation Fund instead of \$52,647,000 as proposed by the House and \$45,147,000 as proposed by the Senate. A detailed allocation of funding by activity is included in the table at the end of this section of the statement.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

The conference agreement provides \$5,000,000 for Neotropical Migratory Bird Conservation, as proposed by the Senate instead of \$5,250,000 as proposed by the House.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides \$11,500,000 for the Multinational Species Conservation Fund as proposed by both the House and the Senate. The detailed allocation of funding by program area and activity is included in the table at the end of the statement.

STATE AND TRIBAL WILDLIFE GRANTS

The conference agreement provides \$90,000,000 for State and Tribal Wildlife Grants instead of \$115,000,000 as proposed by the House and \$80,000,000 as proposed by the Senate. The detailed allocation of funding by program area and activity is included in the table at the end of the statement. In addition to the directions included in the House and Senate Committee reports, the conference agreement includes the following directions:

The conference agreement includes \$12,000,000 for competitive grants, including \$7,000,000 for Tribes and \$5,000,000 for States. The conferees are supportive of these competitive grant programs as a way to promote wildlife conservation. The conferees direct the Service to report to the House and Senate Committees on Appropriations on the use of these competitive funds in fiscal year 2008 and 2009, including the types of grants administered and the extent to which these grants were coordinated with other State and Tribal conservation plans. The Service should submit this report within 90 days of enactment of this Act.

The conference agreement includes \$78,000,000, an increase of \$15,000,000 above the fiscal year 2009 enacted level for the State and Tribal apportioned grants. The conferees recognize the need for States, Tribes and Territories to update their plans to respond to climate change, but feel that this can be done within the framework of the required plan updates. Therefore, the conferees have not included language directing a portion of these funds for additional planning efforts focused on climate change. The conferees consider climate change to be an integral component of State and Tribal wildlife action plan implementation and recommend that the States use the increased funding provided for on-the-ground conservation projects to adapt and mitigate the effects of climate change on wildlife populations.

Bill Language.—The conference agreement modifies bill language included in the House and Senate bills changing the State share of implementation grants to 35 percent instead of 25 percent as proposed by the House and 50 percent as proposed by the Senate. In addition, the conference agreement does not include language included by the House that limits funding to States or territories that do not have approved wildlife action plans. The conferees understand that all States, territories and other jurisdictions now have approved plans.

The conference agreement does not include requested funds for Federal Aid in Wildlife Restoration.

ADMINISTRATIVE PROVISIONS

Bill Language.—The conference agreement includes language, as in the Senate bill, al-

lowing the Service to carry out the operations of programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. This language was previously included in the Resource Management account.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides \$2,261,559,000 for the Operation of the National Park System instead of \$2,260,684,000 as proposed by the House and \$2,261,309,000 as proposed by the Senate. The detailed allocation of funding by program and activity for this account is included in the table at the end of the statement. The conference agreement also includes the following specific funding levels and directions:

Resource Stewardship.—Within the amount provided, the conference agreement provides the request of \$10,000,000 for the Climate Impacts Initiative as proposed by the House instead of \$8,000,000 as proposed by the Senate. The agreement also provides \$1,250,000 for the Enhanced Ocean and Coastal Resources program, as proposed by the House instead of \$2,000,000 as proposed by the Senate.

Visitor Services.—Within the amount provided, the conference agreement provides \$247,386,000 for Visitor Services as proposed by the Senate instead of \$246,511,000 as proposed by the House. The conferees have provided \$375,000 for the web learning component of the Interpretative Renaissance Plan and redirect \$1,000,000 of the request to a new pilot program for teaching American history and civics in the National Parks as proposed by the Senate. The conferees further direct the Service to work with the Department of Education to develop curriculum and bring scholars to park units to instruct students and teachers and within 90 days of enactment provide a report to the House and Senate Committees on Appropriations concerning the status of the pilot program.

Facilities Operations and Maintenance.—The conference agreement provides \$702,013,000 as proposed by the House instead of \$703,013,000 as proposed by the Senate. Within the amount provided, the conferees provide \$4,388,000 for the facility management software system.

Bill Language.—The conference agreement includes language to limit the amount for maintenance, repair or rehabilitation projects to \$98,622,000 as proposed by the House instead of \$99,622,000 as proposed by the Senate.

National Mall Concerts.—As proposed by the House, the conferees direct the National Park Service to increase funding for this program by \$350,000 over the level provided in fiscal year 2009.

Sesquicentennial Civil War Planning.—The conferees encourage the National Park Service, in collaboration with the Civil War Preservation Trust and other organizations, to update the content of its website and the information available at its Civil War parks and to employ modern technology and adaptive and interactive media to present this information to the public.

Regional Reorganizations.—The conferees have recently become aware of a planned reorganization of the Northeast Regional Office of the Park Service. The conferees appreciate the Service's willingness to provide information about the planned reorganization and ask that the Service continue to report to the House and Senate Committees on Appropriations its plans for managing the current programs administered by the Boston Regional Office and Service proposals to

further change the staffing plan for that of-fice.

Sequoia National Park.—The conferees are aware that the Department of the Interior has been negotiating the renewal terms of a special use permit for the Kaweah hydro-electric project inside Sequoia National Park. Initial proposals from the Department would have resulted in a 2,545 percent fee increase to the operator. The conferees find that situation unacceptable. As such, the Department is directed to continue its negotiations in an effort to reach a fair, cost-effective agreement for the terms of a 10-year special use permit.

Mississippi River Study.—The conferees note that the Mississippi River is one of the Nation's great natural treasures, an integral part of the country's history, and a critical transportation artery for modern commerce. As such, the protection and preservation of natural resources along the Mississippi River, and the telling of the history of this great resource is an important and worthy goal. The conferees therefore direct the Service to identify those natural and cultural resources most in need of protection and preservation and to begin to craft a plan that would address these needs. In undertaking this task, the Service shall consult with the various Federal, State and local units of government along the corridor, and with non-governmental organizations and partner coalitions working on preservation and interpretation initiatives within or along the corridor.

PARK PARTNERSHIP PROJECT GRANTS

The conference agreement provides \$15,000,000 for Park Partnership Project Grants instead of \$25,000,000 as proposed by the House. Of the amount provided, \$10,000,000 will be proportionally derived from the unobligated balance in the recreation fee account. The conferees urge the Director to fund signature projects and programs consistent with the original intent of the program. The conferees direct the Service to provide a report within 90 days of enactment of this Act that (1) outlines the status of the projects announced in January 2009; and (2) provides the criteria to be used to select new projects. After the Service competes the remaining funds for new projects, the Service will provide the House and Senate Committees on Appropriations a complete description of the new projects selected and describe the funds allotted for each project from both Federal and non-Federal sources.

Bill Language.—The conferees have included language that authorizes the National Park Service to use a portion of the high unobligated recreation fee balance to fund projects selected through the Park Partnerships Program.

Recreation Fees.—The conferees remain concerned by the National Park Service's ineffective management of its recreation fee revenues which has led to high unobligated carryover balances over many years. It is clear that dramatic changes are needed to address this problem.

The conferees understand that the Service, in response to Congressional expressions of concern, has developed a phased plan to aggressively reduce the recreation fee carry-over balance which was more than \$270,000,000 at the beginning of fiscal year 2009. Further, the conferees recognize that existing authority provides the Service sufficient flexibility to address this challenge by reducing the allocation of fee revenues to the largest collecting parks from 80 percent to 60 percent as needed. The conferees encourage

the Park Service to exercise this authority fully to meet its goal, as outlined by the Service, to reduce the end-of-year carryover balance to no more than \$80,000,000 by January, 2011.

When implemented fully, this plan will redirect funds away from collecting parks with high carryover balances to fund nationally ranked projects that can be commenced quickly. Parks will receive at least 60 percent of their annual collections, which is the minimum allowed by law. To allow these changes to take effect, the conferees will not direct specific changes to the management of the fee program at this time. However, the conferees will closely monitor the implementation of this effort to ensure it dramatically reduces recreation fee carryover balances and results in more efficient use of fee revenues. Lastly, the conferees reserve the option of taking future action to ensure adequate management of recreation fee dollars.

NATIONAL RECREATION AND PRESERVATION

The conference agreement provides \$68,436,000 for the National Recreation and Preservation program instead of \$59,386,000 as proposed by the House and \$67,438,000 as proposed by the Senate. The detailed allocation of funding by program and activity for this account is included in the table at the end of the statement. The conference agreement also includes the following specific funding levels and directions:

Cultural Programs.—The conferees have included bill language in General Provisions, Department of the Interior, amending the Japanese-American Confinement Site Grants program by authorizing land acquisition grants at the Heart Mountain Relocation Center, WY, as proposed by the House. Similar House bill language authorizing land acquisition grants and donations at Minidoka National Historic Site is not included. At the request of the Department, the conferees have withdrawn the language because of an unresolved issue involving a pre-existing right-of-way and crossing agreement for the Southwest Intertie Project's renewable energy transmission line within or near the Minidoka National Historic Site boundary. The conferees urge the Secretary to resolve the issue quickly, giving fair consideration to the existing rights of all land and permit holders, refraining from acquiring any donations of land or interests therein during the 90 day period following enactment of this Act so that a suitable resolution can be reached, and reporting any progress to the House and Senate Committees on Appropriations within 90 days of enactment of this Act. The conferees remain supportive of the Secretary's renewable energy initiative and also recognize that the Federal government has an obligation to preserve lands for the Minidoka National Historic Site and other relocation centers and to provide for their preservation and interpretation. Accordingly, the conferees have provided \$350,000 for land acquisition and \$3,000,000 for the Japanese-American Confinement Site Grants program.

Heritage Partnership Program.—Within the amount provided, the conference agreement provides \$16,805,000 for commissions and grants as proposed by the House instead of \$16,732,000 as proposed by the Senate. The increase above the request will provide at least \$150,000 to new heritage areas without approved plans.

Preserve America.—The conference agreement provides \$4,600,000 for Preserve America. The conferees have funded this program under the National Recreation and Preservation account, instead of the Historic Preser-

vation Fund account as proposed by the House.

Statutory or Contractual Aid.—The conference agreement provides \$5,850,000 for Statutory or Contractual Aid, instead of \$1,900,000 as proposed by the House and \$5,350,000 proposed by the Senate. The funds provided are to be distributed as follows:

State	Project	Amount
CA	Angel Island Immigration Station, PL 109-119	\$1,000,000
CA	Yosemite National Park Schools, PL 109-131	400,000
DC	Seawall Belmont House, PL 99-498	1,000,000
HI	National Tropical Botanical Garden, PL 111-11	500,000
HI	Native Hawaiian Culture & Arts Program, PL 99-498	500,000
MD	Star Spangled Banner National Historic Trail	500,000
MD, VA, DC	Chesapeake Bay Gateways, PL 107-308	1,000,000
NH	Lamprey Wild & Scenic River, PL 90-542	200,000
VT, NY	Hudson-Fulton-Champlain Quadricentennial, PL 110-229	750,000
Total, Line Item Projects		\$5,850,000

Bill Language.—The conference agreement includes language which designates the amount for Preserve America grants.

HISTORIC PRESERVATION FUND

The conference agreement provides \$79,500,000 for the Historic Preservation Fund instead of \$91,675,000 as proposed by the House and \$74,500,000 as proposed by the Senate. The conference agreement funds the Preserve America program in the National Recreation and Preservation account as proposed by the Senate. The detailed allocation of funding by program and activity for this account is included in the table at the end of the statement. The conference agreement also includes the following specific funding levels and directions:

Save America's Treasures.—The conference agreement includes a total of \$25,000,000 for Save America's Treasures. Of this amount, \$14,800,000 is for competitive grants and the balance of the funds are to be distributed as follows:

State	Project	Amount
AL	Historic Fort Payne Coal and Iron Building Rehabilitation	\$150,000
AL	Historic Montevallo Main Hall Renovation	150,000
AL	Swayne Hall, Talladega	490,000
CA	Mission Santa Barbara, Santa Barbara	650,000
CO	Shenandoah-Dives Mill National Historic Landmark	150,000
CT	Harriet Beecher Stowe Center Preservation	150,000
CT	Sterling Opera House Renovation	150,000
FL	Freedom Tower, Miami, FL	500,000
GA	Morehouse College (King papers)	200,000
IA	Des Moines Art Center, Des Moines	200,000
ID	Historic Old Pen Site Stabilization Project	150,000
IL	Repairs to Historic Chicago Landmark	50,000
KS	Colonial Fox Theater, Pittsburg	500,000
KY	Judge Joseph Holt House Historic Restoration	150,000
MA	Hancock Shaker Village Restoration	150,000
MA	Stockbridge Mission House Renovation	117,000
MD	Harmony Hall Restoration	100,000
MI	Big Sable Lighthouse, Ludington	100,000
MN	CSPS Sokol Hall	150,000
MN	Restoration of Historic Coe Mansion	150,000
MS	Madison County Courthouse	500,000
MS	Medgar Evers site, Jackson	250,000
MT	City of Bozeman Main Street Historic District Restoration	150,000
NC	Bellamy Mansion Slave Quarters	100,000
NJ	Georgian Court Mansion Restoration	200,000
NJ	South Orange Village Hall Restoration	150,000
NV	Lincoln County Courthouse, Pioche	200,000
NY	Historic Owego Municipal Building Rehabilitation	150,000
NY	Hudson River Sloop Clearwater Restoration	150,000
NY	Richardson Olmsted Complex, Buffalo	200,000
NY	Strand Theater, Plattsburgh	200,000
NY	Tarrytown Music Hall Restoration	150,000
NY	Village Park Historic Preservation	150,000
OR	Wallowa County Courthouse, Enterprise	200,000
PA	Hatborough Union Library Restoration	38,000
PA	Saylor Cement Kilns Historic Preservation	200,000
PR	San Juan North Portal Restoration	150,000
RI	Warwick City Hall, Warwick	350,000
SC	Chesterfield Courthouse Restoration	150,000
SC	Cypress Historic Meeting Compound	200,000
SC	Modjeska Simkins Home Restoration	150,000
SD	State Theater, Sioux Falls	200,000
TN	Blount Mansion, Knoxville	250,000

State	Project	Amount
UT	Historic Fisher Mansion Restoration Project	150,000
VA	Belgian Building Preservation	150,000
VA	Chesterfield County Historic Preservation	150,000
VA	Fort Ward Park Preservation	75,000
WA	Schooner Adventuress Restoration	180,000
WI	Bayfield Historic Courthouse Restoration	150,000
WV	Capitol Theater, Wheeling	200,000
WV	Claymont Court Historic Site Restoration	150,000
WV	Cottrill's Opera House Restoration	150,000
Total, Line Item Projects		\$10,200,000

Bill Language.—The conference agreement includes language which designates the amount for Save America's Treasures and incorporates the projects into law by reference.

CONSTRUCTION

The conference agreement provides \$232,969,000 for Construction instead of \$213,691,000 as proposed by the House and \$219,731,000 as proposed by the Senate. The detailed allocation of funding by program and activity for this account is included in the table at the end of the statement. The conference agreement also includes the following specific funding levels and directions:

Line Item Construction.—The bill allocates funding for line item construction projects and activities as follows:

State	Project	Amount
AK	Katmai, replace failing infrastructure at Brooks Camp.	\$6,471,000
AZ	Chiricahua, Replace Failing Sewer Systems	2,410,000
AZ	Grand Canyon, employee housing	16,890,000
AZ	Saguaro National Park Trail Improvements	398,000
CA	Golden Gate National Recreation Area (Alcatraz).	1,400,000
CA	Joshua Tree National Park Visitor Center	300,000
CA	Manzanar National Historical Site	900,000
CA	Point Reyes, restore critical dune habitat	2,803,000
CO	Mesa Verde curation center	11,675,000
CO	Mesa Verde Visitor Information Center	10,500,000
DC	African American Civil War Memorial, security enhancements.	220,000
DC	National Capital Region, GW Memorial Parkway, Theodore Roosevelt rehabilitation site.	1,706,000
DC	National Capital Region, preserve and protect Meridian Hill Park.	3,844,000
FL	Castillo de San Marcos National Monument	500,000
FL	Everglades Mod Waters (NPS)	4,200,000
FL	Everglades Mod Waters (COE)	4,200,000
GA	Fort Pulaski, replace Cockspur Lighthouse re-treatment.	1,577,000
IN	George Rogers Clark NHP, restore and rehabilitate historic Wabash River floodwall.	3,600,000
IN	Restore Good Fellow Lodge, Indiana Dunes National Lakeshore.	1,000,000
MA	New Bedford Whaling National Historical Park (Bourne bldg).	1,500,000
MI	Keweenaw National Historical Park (Quincy Smelting Works).	1,000,000
MI	Keweenaw National Historical Park Union Building.	1,380,000
MO	Harry S. Truman NHS, rehabilitate interior grounds of Historic Noland House and install interpretive exhibits.	1,018,000
MT	Glacier NP, safety improvements at Many Glacier Hotel.	8,507,000
NC	Blue Ridge Parkway, repair Craggy Gardens retaining and guardwalls.	2,728,000
NJ	Gateway NRA, Sandy Hook Repair of Historic Gun Batteries.	800,000
NJ, PA	Delaware Water Gap NRA, demolish and remove hazardous structures.	2,234,000
NY	Fire Island Land Trust Historic Restoration	250,000
OH	Cuyahoga Valley National Park Site and Structure Rehabilitation Program.	500,000
OK	Chickasaw National Recreation Area Visitor Center.	500,000
OR	Crater Lake Visitor Education Center	350,000
PA	Delaware Water Gap NRA, rehabilitate Childs Park.	3,048,000
PA	Flight 93 National Memorial	725,000
PA	Valley Forge National Park Visitor Center	325,000
TN	Great Smoky Mountains National Park (curatorial facility).	1,500,000
TN	Great Smoky Mountains National Park (Tremont/Cosby water).	1,940,000
TN	Moccasin Bend National Archeological District	500,000
UT	Timpanogos Cave National Monument Inter-agency Visitors Center.	1,600,000
UT	Utah Public Lands Artifact Preservation Act, PL 107-329.	1,000,000
VA	Fort Hunt NCO Quarters Restoration	250,000
WA	Olympic National Park, restore Elwha River ecosystem and fisheries.	20,000,000
WI	Apostle Islands Lighthouse Restoration	2,000,000
WI	Ice Age National Scenic Trail	265,000
WV	Harpers Ferry National Historical Park	275,000

State	Project	Amount
WV	New River Gorge National River	1,025,000
WY	Grand Teton National Park, construct critical housing.	13,174,000
Total, Line Item Projects		\$142,988,000

Everglades.—The conference agreement includes \$8,400,000 for the Modified Water Deliveries Project at Everglades National Park as proposed by the House. This includes \$4,200,000 which the President had requested in the budget for the Army Corps of Engineers. These funds will allow for continuous work on the Tamiami Trail bridge and road modifications as a first step to return water flow to the Park. It is critical that the bridging of the Tamiami Trail be completed at the earliest possible date so that flows can be restored between Everglades National Park and the State-managed Water Conservation Areas.

Paterson Great Falls National Historical Park.—Of the amount provided, the conferees have included \$500,000 for the Park Service's general management plan for the Paterson Great Falls National Historical Park.

Castillo de San Marcos National Monument.—The conferees have included \$500,000 for preliminary planning and design of the Castillo de San Marcos National Monument restoration project with the understanding that construction will not commence until fee simple title of the affected property is conveyed to the Federal government by the City of St. Augustine, FL and the State of Florida.

Bill Language.—The conference agreement includes language for the Everglades Modified Water Projects as proposed by the House. The agreement also authorizes a single contract for the full scope of the Elwha Dam project. The conference agreement does not include statutory language proposed by the House to authorize a special resources study along the Mississippi River. The conferees have addressed this issue in report language under the Operation of the National Park System account. The conference agreement also provides that construction funds for the Quincy Smelter stabilization project at Keweenaw National Historical Park shall be made without regard to requirements in section 8(b) of Public Law 102-543, as amended.

LAND AND WATER CONSERVATION FUND (RESCISSION)

The conference agreement rescinds \$30,000,000, as in previous years, in annual contract authority. There are no plans to use this authority in fiscal year 2010.

LAND ACQUISITION AND STATE ASSISTANCE

The conference agreement includes \$126,266,000 for Land Acquisition and State Assistance instead of \$113,222,000 as proposed by the House and \$118,586,000 as proposed by the Senate. The conference agreement includes the following distribution of funds:

State	Project	Amount
AL	Little River Canyon National Preserve.	\$1,500,000
AR, OK	Ft. Smith National Historic Site	362,000
AZ	Petrified Forest National Park	4,575,000
CA	Golden Gate National Recreation Area.	5,000,000
CA	Mojave National Preserve, Joshua Tree National Park, Death Valley National Park.	1,000,000
CA	Santa Monica Mountains National Recreation Area.	1,000,000
GA	Chattahoochee River National Recreation Area.	3,100,000
ID	Minidoka National Historic Site	350,000
KY	Cumberland Gap National Historical Park.	1,150,000
MI	Sleeping Bear Dunes National Lakeshore.	1,000,000

State	Project	Amount
MO	Harry S. Truman National Historic Site.	1,300,000
MS	Natchez National Historical Park	264,000
NC	Guilford Courthouse National Military Park.	880,000
NH	Appalachian National Scenic Trail	1,375,000
NM	Petroglyph National Monument	1,000,000
OH	Cuyahoga Valley National Park	4,000,000
PA	Appalachian National Scenic Trail	1,820,000
SC	Congaree National Park	1,320,000
TN	Shiloh National Military Park	250,000
TX	Big Thicket National Preserve	5,000,000
TX	Fort Davis National Historic Site	500,000
TX	Palo Alto Battlefield National Park	4,120,000
VA	Fredericksburg and Spotsylvania National Military Park.	200,000
VA	Prince William Forest Park	425,000
VA, NC	Blue Ridge Parkway	1,250,000
VI	Virgin Islands National Park	3,250,000
VT	Appalachian National Scenic Trail	625,000
WA	Mt. Ranier National Park	2,150,000
WA	Olympic National Park	3,000,000
WA	San Juan Island National Historical Park.	6,000,000
WI	Ice Age National Scenic Trail	2,000,000
Mult.	Civil War Battlefield Grants	9,000,000
Subtotal, Line Item Projects ..		68,766,000
Acquisition Management		9,500,000
Inholdings and Exchanges		5,000,000
Emergencies, and Hardships		3,000,000
Total, National Park Service Land Acquisition.		86,266,000
Stateside conservation grants		37,200,000
Administrative expenses		2,800,000
Total, Assistance to States		40,000,000
Grand Total, Land Acquisition and State Assistance.		\$126,266,000

The funding provided for the Virgin Islands National Park includes \$2,250,000 for the Maho Bay property and \$1,000,000 for the Hawksnest Bay property.

The conferees have included report language under National Recreation and Preservation guiding the acquisition of lands or interests therein at the Minidoka National Historic Site.

ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFER OF FUNDS)

The bill continues administrative provisions applicable to the National Park Service as proposed by the House and the Senate.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides \$1,111,740,000 for Surveys, Investigations and Research instead of \$1,105,744,000 as proposed by the House and \$1,104,340,000 as proposed by the Senate. The detailed allocation of funding by activity for this account is included in the table at the end of the statement. In addition to the guidance included in both the House and Senate committee reports, the conference agreement provides the following direction:

Geographic Research and Remote Sensing.—The conference agreement includes the House proposed bill language and direction concerning the Civil Applications Committee, and provides \$1,650,000 above the budget request for its operation.

Geologic Hazards Assessments.—The conference agreement includes the following increases to the request: \$1,000,000 for LIDAR and high risk seismology activities and \$250,000 for the Global Seismographic Network as proposed by the House; and \$250,000 for the UH-Manoa/HVO volcano research/monitoring partnership in Hawaii as proposed by the Senate.

Geologic Resource Assessments.—The conference agreement includes the Senate proposed increase of \$650,000 to continue the Nye County minerals assessment project, NV.

Ground Water Resources.—The conference agreement includes the following increases

to the request: \$300,000 for the South Arkansas Sparta Aquifer Recovery Initiative and \$280,000 for the McHenry County groundwater and storm water protection study as proposed by the House; and \$900,000 to continue the San Diego Formation mapping project as proposed by the Senate.

Hydrologic Research and Development.—The conference agreement includes the following increases to the request: \$1,000,000 for the U.S.-Mexico Transboundary Aquifer Assessment Program; \$200,000 for the Hood Canal Dissolved Oxygen Study, WA; and \$400,000 for the Survey's participation in the work of the Long Term Estuary Assessment Group, LA.

Hydrologic Networks and Analysis.—The conference agreement includes the following increases to the request, as proposed by the Senate: \$346,000 for Lake Champlain Basin streamflow monitoring/toxic studies; \$500,000 for a water resources assessment of Maryland's Coastal Plain and Piedmont aquifer systems; and \$500,000 for water resources monitoring, investigations and research in Hawaii. The Survey is encouraged to consider maintaining its activities at the San Pedro River Basin, AZ, as authorized by section 321 of Public Law 108-136.

Biological Research.—The conference agreement includes the following increases to the request: \$220,000 for the Conte Anadromous Fish Research Lab, MA; \$1,000,000 for San Francisco Bay Salt Ponds restoration monitoring/research; \$750,000 for general genetics and genomic research; \$600,000 for tropical ecosystems and watershed health research; \$2,000,000 within biological information management and delivery to support the coordinators of the national network of State conservation data agencies; \$750,000 for National Biological Information Infrastructure activities; and \$350,000 for the design and testing of monitoring protocols on invasive species, including zebra mussels, in the Columbia River Basin in collaboration with Washington State University and its partners. The Survey is encouraged to conduct further research and analyses regarding the alarming interaction of endocrine disruptors on water quality and fish development.

Enterprise Information.—The conference agreement includes the \$2,000,000 requested for USGS participation in the Department of the Interior's 21st Century Youth Conservation Corps initiative.

Global Climate Change Research Program.—The conference agreement includes \$58,177,000 as requested and proposed by both the House and the Senate for the global climate change research program. Additional funds for climate change related research are also in other budget activities. The agreement includes \$15,000,000 as requested for the National Climate Change and Wildlife Science Center (NCCWSC), including support for a national office, regional hubs, and intra- and extra-mural research. The NCCWSC should oversee and coordinate research on the potential effects of climate change on wildlife, fish, and flora including both terrestrial and aquatic habitats. Locations for the regional centers are to be selected through a collaborative process that engages other Federal, State and Tribal agencies, universities, and other partners. Additional direction concerning the adoption of an integrated approach to climate change science and management is in the front of this statement.

MINERALS MANAGEMENT SERVICE ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement includes \$175,217,000 for Royalty and Offshore Min-

erals Management, as proposed by the Senate instead of \$174,317,000 as proposed by the House. The detailed allocation of funding by program area and activity is included in the table at the end of the statement.

In addition, the use of \$166,730,000 in receipts and cost recovery fees is included, as proposed by both the House and the Senate. The conference agreement includes \$900,000 to continue the Center for Marine Resources and Environmental Technology project in Mississippi.

The conferees support the Administration's efforts to secure a balanced energy portfolio that carefully weighs what is in the best interest of our energy-dependent nation with what is in the best interest of our natural environment. Future coordinated efforts to pursue additional oil and gas resources in the Outer Continental Shelf (OCS) must include the opportunity to apply advanced technologies, be based on the best available science, and take into account the potential environmental impacts of such potential development. Therefore, the conferees direct the Minerals Management Service, pursuant to the National Environmental Policy Act, to conduct a Programmatic Environmental Impact Statement (PEIS) to evaluate potential significant environmental effects of multiple geological and geophysical activities in the Atlantic OCS and provide a detailed timeline for completion of the PEIS no later than 90 days after enactment of this Act. The conferees believe this request is consistent with the Department's stated desire to fill in information gaps relating to resource potential in the OCS.

The conferees note that over the last several years there have been expanded areas available for oil and gas leasing in the Beaufort and Chukchi Seas and approved exploration plans involving seismic testing and exploratory drilling in these waters. These waters currently host a rich diversity of wildlife and fish resources and are critical to the survival of the subsistence culture of the Inupiat people of Arctic Alaska. To ensure sound science-based planning with regard to these important resources, a continuing comprehensive assessment of the health, biodiversity, and functioning of Arctic marine and coastal ecosystems, including the impacts of industrial activities and of climate change is needed. To inform this continuing assessment, the conferees believe that there should be scientific analysis conducted by an independent entity to assess existing scientific information and identify any relevant additional information to ensure adequate environmental review of proposed industrial activities in the region. This assessment should also include recommendations for obtaining the identified relevant scientific information.

OIL SPILL RESEARCH

The conference agreement includes \$6,303,000 for Oil Spill Research as proposed by both the House and Senate.

ADMINISTRATIVE PROVISION

The conference agreement continues language from the fiscal year 2009 enacted bill on a legislative matter which deducts two percent of State royalties to help cover Federal administrative costs, resulting in a \$45,000,000 scoring credit for the bill.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

The conference agreement includes \$127,180,000 for Regulation and Technology as proposed by both the House and the Senate. In addition, there is also an indefinite appro-

priation estimated to be \$100,000 for civil penalties for a total program level of \$127,280,000. The detailed allocation of funding by program area and activity is included in the table at the end of the statement.

ABANDONED MINE RECLAMATION FUND

The conference agreement includes \$35,588,000 for the Abandoned Mine Reclamation Fund instead of \$32,088,000 as proposed by the House and \$39,588,000 as proposed by the Senate. The detailed allocation of funding by program area and activity is included in the table at the end of the statement.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$2,335,965,000 for the Operation of Indian Programs instead of \$2,300,099,000 as proposed by the House and \$2,309,322,000 as proposed by the Senate. The detailed allocation of funding by program area and activity is included in the table at the end of the statement. In addition to the directions included in the House and Senate Committee reports, the conference agreement includes the following directions:

Tribal Government.—The conference agreement includes \$429,778,000 instead of \$422,862,000 as proposed by the House and \$418,572,000 as proposed by the Senate. Within the funds for Tribal government, there is \$166,000,000 for contract support costs, an increase of \$18,706,000 over the fiscal year 2009 enacted level.

Human Services.—The conference agreement includes \$136,996,000 as proposed by the House instead of \$138,059,000 as proposed by the Senate.

Trust—Natural Resource Management.—The conference agreement includes \$175,618,000 instead of \$174,768,000 as proposed by the House and \$161,618,000 as proposed by the Senate. Within the funds for trust resource management, there is an increase of \$12,000,000 for rights protection programs, \$350,000 for the Upper Columbia United Tribes, \$500,000 for the Cheyenne River Sioux Tribe's prairie management program, and a general increase of \$2,000,000 for fish hatchery operations within the fish, wildlife and parks program.

The conferees direct the Bureau to distribute the increase provided for rights protection using a merit-based process for programs with existing memoranda of understanding, legal settlements, treaty rights, or past merit-based funding history, in accordance with language included in the administration's budget justification.

Trust—Real Estate Services.—The conference agreement includes \$152,493,000 as proposed by both the House and the Senate.

Education.—The conference agreement includes \$799,400,000 instead of \$796,300,000 as proposed by the House and \$797,900,000 as proposed by the Senate. Within the funds provided there are increases of \$500,000 for Haskell and SIPI colleges, and \$600,000 for United Tribes Technical College and Navajo Technical College. The increases provided should be divided proportionally between the respective schools. There is also a general increase of \$2,000,000 for Tribal colleges and universities and \$2,000,000 for student transportation.

Public Safety and Justice.—The conference agreement includes \$328,855,000 as proposed by the Senate instead of \$303,855,000 as proposed by the House. Within the funds provided for public safety and justice, law enforcement there are increases of \$10,000,000 for criminal investigation, \$5,000,000 for detention and corrections, \$1,000,000 for special

initiatives, \$1,000,000 for Indian police academy, \$3,000,000 for program management, and \$5,000,000 for Tribal courts.

The conferees commend the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation for their initiative in addressing their law enforcement needs by constructing a justice center to house their adult and juvenile detention and rehabilitation center, Tribal courts, and police department. The conferees encourage the Bureau of Indian Affairs to work with the Shoshone-Bannock Tribes to ensure that the Center and the programs it will provide will operate effectively. Additionally, the conferees encourage the Bureau to consider establishing regional detention centers at new or existing facilities as it works to combat the crime problem in Indian Country.

Community and Economic Development.—The conference agreement includes \$44,910,000 as proposed by the House instead of \$43,910,000 as proposed by the Senate. Within the funds for community and economic development, there is an increase of \$1,000,000 for community development programs for training and apprenticeship opportunities.

Executive Direction and Administrative Services.—The conference agreement includes \$267,915,000 as proposed by both the House and the Senate.

The conferees intend that the Department will utilize funds available in the Operation of Indian Programs account or the Indian Land Consolidation account for estate planning assistance as provided for under Section 207(f) of the Indian Land Consolidation Act (25 U.S.C. 2206(f)).

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$225,000,000 for Construction as proposed by the Senate instead of \$200,000,000 as proposed by the House. The detailed allocation of funding by program area and activity is included in the table at the end of the statement. In addition to the directions included in the House and Senate Committee reports, the conference agreement includes the following directions:

Public Safety and Justice.—The conference agreement includes \$64,407,000 as proposed by the Senate instead of \$39,407,000 as proposed by the House. Within the funds provided there are increases of \$20,000,000 for detention center replacement and \$5,000,000 for employee housing for new and existing housing needs in remote areas to promote recruitment and retention of law enforcement officers.

INDIAN LAND AND WATER CLAIMS SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The conference agreement includes \$47,380,000 for Indian Land and Water Claims Settlements and miscellaneous payments to Indians as proposed by both the House and the Senate. The detailed allocation of funding by program area and activity is included in the table at the end of the statement.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides \$8,215,000 for the Indian Guaranteed Loan Program Account as proposed by both the House and the Senate.

INDIAN LAND CONSOLIDATION

The conference agreement provides \$3,000,000 for Indian Land Consolidation as proposed by both the House and the Senate.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY SALARIES AND EXPENSES

The conference agreement provides \$118,836,000 for the Office of the Secretary as

requested and as proposed by both the House and the Senate. The detailed allocation of funding by program and activity is included in the table at the end of the statement. The conference agreement also includes the following directions:

Bill Language.—The conference agreement includes language that within the appropriated amount, \$12,136,000 is to be derived from the Land and Water Conservation Fund for consolidated appraisal services and remain available until expended, as requested and as proposed by the House. In addition, of the funds provided \$25,000 may be used for official reception and representation activities, as proposed by the Senate instead of \$15,000 as proposed by the House. Language also is included permitting the Secretary for fiscal years 2008–2012 to correct prior year overpayments and underpayments to counties under the Payments In Lieu of Taxes program as proposed by the Senate.

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides \$85,195,000 for Assistance to Territories instead of \$83,995,000 as proposed by the House and \$81,095,000 as proposed by the Senate. The detailed allocation of funding by activity for this account is included in the table at the end of the statement. The conference agreement follows the House proposed bill and report language, including \$900,000 above the request for critical wastewater system repairs and improvements in the U.S. Virgin Islands. The conference agreement also includes \$1,200,000 within the technical assistance activity to be used by the Secretary to assist American Samoa with recovery from the catastrophic tsunami which hit the islands on September 29, 2009.

COMPACT OF FREE ASSOCIATION

The conference agreement provides \$5,318,000 for the Compact of Free Association as requested and proposed by the House and the Senate. The detailed allocation of funding by program is included in the table at the end of the statement. As proposed by the House, the bill language regarding the authority to use a USDA loan program in Guam is included under the Administrative Provision heading for Insular Affairs.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes the Administrative Provision proposed by the House. Similar language was under both the Assistance to Territories and the Compact of Free Association headings in the budget request and the Senate proposal. This language will allow the Interior Department to transfer certain funds designated for Guam to the U.S. Department of Agriculture, when requested by the Governor of Guam, as a subsidy for direct or guaranteed rural development loans to Guam for construction and repair projects. This language, which does not supplant any existing USDA authority, will help the government of Guam respond to extensive change as the military relocates major facilities and personnel to Guam.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides \$65,076,000 for the Office of the Solicitor as requested and as proposed by both the House and the Senate. The detailed allocation of funding by program and activity is included in the table at the end of the statement.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides \$48,590,000 for the Office of the Inspector Gen-

eral as requested and as proposed by both the House and the Senate. The detailed allocation of funding by program and activity is included in the table at the end of the statement.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$185,984,000 for the Office of the Special Trustee for American Indians, Federal Trust Programs as proposed by both the House and the Senate. The conference agreement does not include bill language added by the Senate that directs funding to estate planning. The detailed allocation of funding by program area and activity is included in the table at the end of the statement.

Bill Language.—The conference agreement includes bill language, as in previous years, limiting the amount of funding that can be used for historical accounting.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$919,897,000 for Department of the Interior Wildland Fire Management instead of \$932,780,000 as proposed by the House and \$904,637,000 as proposed by the Senate. The conference agreement also includes an additional \$61,000,000 for the new Department of the Interior FLAME Wildfire Suppression Reserve Fund as described below. The Senate had included \$75,000,000 for a contingency reserve fund within this account, whereas the House had included \$75,000,000 in a separate Wildland Fire Suppression Contingency Reserve account as was in the budget request. The detailed allocation of funding by activity for these accounts is included in the table at the end of the statement. The conferees note that the funding provided includes the use of \$125,000,000 in prior year non-emergency funds because the suppression activity had very large carry-over balances from fiscal year 2009. In addition to the directions provided in the House and Senate committee reports, the conference agreement also provides the following directions:

Wildfire Preparedness.—The conference agreement provides \$290,452,000 as proposed by the House instead of \$289,192,000 as proposed by the Senate.

Wildfire Suppression Operations.—The conference agreement includes \$383,797,000 for wildland fire suppression instead of \$369,797,000 as proposed by the House and \$294,797,000 as proposed by the Senate. The Senate recommendation included an allocation of \$75,000,000 within the suppression amount for a wildfire suppression contingency reserve. The conferees note the use of \$125,000,000 in prior year funding. An additional \$61,000,000 for suppression activities is provided in the new FLAME Wildfire Suppression Reserve Fund. The conferees note that the Forest Service wildland fire suppression accounts are provided an additional \$1,410,505,000, including \$413,000,000 in the new Forest Service FLAME Wildfire Suppression Reserve Fund. Thus, the sum for wildfire suppression for both Departments, including both the suppression and the FLAME Wildfire Suppression Reserve Fund accounts, is \$1,855,302,000. This sum is equal to the request and \$526,164,000 above the fiscal year 2009 funding level. This is the largest funding increase ever provided for non-emergency wildfire suppression activities.

The conferees reiterate that both the Interior Department and the Forest Service

should ensure that cost containment is an important priority when suppressing wildland fires. Both Departments must examine and report promptly to the Congress and on agency websites, using independent panels, on each and every individual wildfire incident which results in suppression expenses greater than \$10,000,000.

The conferees intend that amounts provided through the FLAME Fund, together with amounts provided through the Wildland Fire Management appropriations account, should fully fund anticipated wildland fire suppression requirements in advance of the fire season and prevent future borrowing from non-fire programs. To satisfy this requirement, the conferees direct the Secretaries to develop new methods for formulating fire suppression funding estimates for the Wildland Fire Management and FLAME Fund appropriations accounts as part of their fiscal year 2011 budget request. In formulating these estimates, the conferees expect the Secretaries to consider data regarding actual prior-year fire suppression expenditures, predictive modeling, and any other criteria that they deem appropriate, consistent with the direction provided in this Act. It is the intent of conferees to provide sufficient funds for FLAME Wildfire Suppression Reserve accounts to preclude the necessity for transferring funds from other non-fire programs and activities except in unusual circumstances.

Other Wildland Fire Management Operations.—The conference agreement provides \$206,206,000 for hazardous fuels reduction activities at the Department of the Interior as requested and proposed by the Senate instead of \$233,089,000 as proposed by the House. The conference agreement provides the requested funding for the other subactivities as was proposed by both the House and the Senate.

Bill Language.—The conference agreement includes the House proposed language allowing up to \$50,000,000 to be transferred between the Interior Department and the Forest Service when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects. Bill language is included that directs the Department to make no less than \$125,000,000 in prior year non-emergency suppression funds available for wildfire suppression purposes in addition to amounts otherwise provided. The agreement also includes the Senate proposed language stating that wildfire suppression funds may be used for support of Federal emergency response actions.

The conference does not include the Wildland Fire Contingency Reserve Fund which was in the request and the House recommendation. Instead, funds are provided for the FLAME Wildland Fire Suppression Reserve Fund, as described below.

FLAME WILDFIRE SUPPRESSION RESERVE FUND (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$61,000,000 for the new Department of the Interior FLAME Wildfire Suppression Reserve Fund established in the FLAME Act of 2009 (Title V of this Act). The Senate had included \$75,000,000 within the Wildland Fire Management account for a suppression reserve, whereas the House had included, as requested, \$75,000,000 for a separate Wildland Fire Suppression Contingency Reserve Fund. Further direction on the use of this new account is provided in Title V.

A similar account in the Forest Service is also provided an additional \$413,000,000. The conferees note that this is the first year for this new account, so adjustments will be re-

quired by the Federal wildfire community. The funding provided this year as a beginning allocation is equal to the actual expenditures during fiscal year 2009 by the Department of the Interior on large wildfire suppression events, as defined by the FLAME Act of 2009. The conferees have established these funding levels to give the Department of the Interior and the Forest Service some degree of funding flexibility as they develop appropriate procedures and infrastructure for the FLAME Funds. However, these levels are not intended to represent a final method for calculating FLAME Fund budget requests. Instead, as provided in Title V, the conferees expect the agencies to develop new methods for formulating fire suppression funding estimates for the Wildland Fire Management and FLAME Fund appropriations accounts as part of their fiscal year 2011 budget request.

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement provides the requested amount, \$10,175,000, for the Central Hazardous Materials Fund as proposed by both the House and the Senate.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides \$6,462,000 for the Natural Resource Damage Assessment Fund as requested and as proposed by both the House and the Senate. The detailed allocation of funding by activity is included in the table at the end of the statement.

WORKING CAPITAL FUND

The conference agreement provides \$85,823,000 for the Working Capital Fund as proposed by the Senate, instead of \$75,823,000 as proposed by the House.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

(INCLUDING TRANSFERS OF FUNDS)

Sec. 101. Retains a provision included by both the House and the Senate providing Secretarial authority to transfer program funds for expenditures in cases of emergency.

Sec. 102. Retains a provision included by both the House and the Senate providing for expenditure or transfer of funds by the Secretary in the event of actual or potential emergencies including forest fires, range fires, earthquakes, floods, volcanic eruptions, storms, oil spills, grasshopper and Mormon cricket outbreaks, and surface mine reclamation emergencies.

Sec. 103. Retains a provision included by both the House and the Senate providing for use of appropriated funds for purchase and replacement of motor vehicles, contracts, rental cars and aircraft, certain library memberships, and certain telephone expenses.

Sec. 104. Retains a provision included by both the House and the Senate permitting the transfer of funds between the Bureau of Indian Affairs and the Office of the Special Trustee for American Indians.

Sec. 105. Retains a provision included by both the House and the Senate permitting the redistribution of Tribal priority allocation and Tribal base funds to alleviate funding inequities.

Sec. 106. Retains a provision included by both the House and the Senate permitting the conveyance of the Twin Cities Research Center of the former Bureau of Mines for the benefit of the National Wildlife Refuge System.

Sec. 107. Retains a provision included by both the House and the Senate allowing the

Secretary to pay private attorney fees for employees and former employees incurred in connection with Cobell v. Salazar.

Sec. 108. Retains a provision included by the House requiring the U.S. Fish and Wildlife Service to mark hatchery salmon.

Sec. 109. Continues a provision included by both the House and the Senate authorizing the Secretary of the Interior to acquire lands for the operation and maintenance of facilities in support of transportation of visitors to Ellis, Governors, and Liberty Islands.

Sec. 110. Retains a provision included by the Senate, directing the Secretary of the Interior to make certain certifications with respect to existing rights-of-way.

Sec. 111. Retains a provision included by the House allowing the Minerals Management Service to accept contributions to complete environmental documents prior to energy exploration and production through 2013.

Sec. 112. Retains a provision included by the Senate extending permanently the authority of the Secretary to enter into cooperative agreements where such agreements are in the interest of the Department of the Interior.

Sec. 113. Retains a provision included by the House authorizing funds provided for land acquisition at the Ice Age National Scenic Trail to be granted to a State, a local government, or any other land management entity.

Sec. 114. Retains a provision included by the House providing the Secretary with civil and criminal penalty authority for revenue collection of solid minerals, geothermal, and offshore alternative energy activities. This authority would correct existing deficiencies in sections 109 and 110 of the Federal Oil and Gas Royalty Management Act (FOGRMA). The Senate bill contained a similar provision.

Sec. 115. Retains a provision included by the House allowing the Minerals Management Service to charge outer continental shelf oil and gas operators a fee for the required MMS inspections.

Sec. 116. Retains a provision included by the Senate prohibiting the use of funds to reduce the number of Axis and Fallow deer at Point Reyes National Seashore.

Sec. 117. Retains language included by the Senate extending the authorization for certain school payments at Yosemite National Park until 2013.

Sec. 118. Retains language included by the House amending authority for land purchase at San Juan Island National Historic Park.

Sec. 119. Modifies a provision included by the House amending the boundary of Heart Mountain. The agreement does not include language amending the boundary of Minidoka National Historic Site authorization.

Sec. 120. Retains language included by the Senate amending the Northern Plains National Heritage Area Act by including a private property opt-in provision to clarify that private landowners will not have to include their land in the Northern Plains National Heritage Area unless they provide written consent for inclusion.

Sec. 121. Retains language included by the Senate authorizing the Secretary of the Interior to enter into a joint ticketing agreement at the U.S.S. Arizona Memorial in Hawaii with certain nonprofit entities for the convenience of visitors.

Sec. 122. Retains language included by the Senate extending the authorization of certain payments to the Republic of Palau for fiscal year 2010.

Sec. 123. Retains language included by the Senate amending Golden Gate Recreation Area to allow for concurrent jurisdiction. This change will allow the National Park Service to enhance its law enforcement and fire protection services.

Sec. 124. Modifies language included by the Senate providing the Secretary discretion to issue a special use permit to Drake's Bay Oyster Company within Drake's Estero at Point Reyes National Seashore.

Sec. 125. Retains language included by the Senate directing the Secretary of the Interior to conduct a special resource study of the Honouliuli Gulch and associated sites in Hawaii.

Sec. 126. Modifies language included by the Senate regarding the security along the southwest border.

Sec. 127. Retains language included by the Senate allowing property owners to opt-out of a National Heritage Area plan, project or activity.

Sec. 128. The agreement includes a new provision proposed by the Senate which directs the Secretary of the Interior to commemorate the leadership of Senator Robert J. Dole in bringing about the World War II Memorial on the National Mall.

Sec. 129. The agreement includes a new provision proposed by the Senate to extend the Martin Luther King, Jr. Memorial authority until September 30, 2010.

Sec. 130. The agreement includes a new provision proposed by the Senate to extend the John Adams Memorial authority until September 30, 2010.

The conference agreement does not include language regarding elk management in Theodore Roosevelt National Park as proposed by the Senate.

TITLE II—ENVIRONMENTAL PROTECTION AGENCY SCIENCE AND TECHNOLOGY

The conference agreement provides \$846,049,000 for Science and Technology programs instead of \$849,649,000 as proposed by the House and \$842,799,000 as proposed by the Senate. The conference agreement also transfers \$26,834,000 from the Hazardous Substance Superfund account to this account. The detailed allocation of funding by program area and activity for this account is included in the table at the end of the statement. The conference agreement also includes the following specific funding levels and directions:

Homeland Security.—From within the amount provided, the conference agreement fully funds the remaining two Water Security Initiative pilot projects.

Research/National Priorities.—The conference agreement provides \$5,700,000 for this program and allocates the funds as proposed by the House instead of a competitive grant program proposed by the Senate. The conferees have agreed to the following allocation of funds: \$2,000,000 for the Water Environment Research Foundation; \$1,700,000 for the Water Research Foundation; \$1,000,000 for the Southwest Consortium for Environmental Research and Policy; and \$1,000,000 for the Consortium for Plant Biotechnology Research.

Research: Human Health and Ecosystems.—The conference agreement includes no less than \$11,442,000 for endocrine disruptor research. In addition, the conferees direct a portion of the increase provided for the Integrated Risk Information System Health Assessments to expedite the risk assessment for trichloroethylene (TCE). The conference agreement includes an additional \$3,000,000 for children's environmental health research

instead of \$5,000,000 as proposed by the House. Of this amount \$2,000,000 is directed to increase the base program for centers of excellence on children's environmental health and is to be divided equally among the four centers. The conferees urge that at least one of these centers focus on child care settings. The remaining \$1,000,000 is directed to accelerate research on the effects of environmental chemicals and toxins on children.

Air Quality Research.—The conferees encourage the Agency to establish a competitively awarded, national research facility to help address many of the issues relating to air quality, as noted in the House report. The conferees note the need for additional air quality research such as that conducted by the University of California, Riverside.

Hydraulic Fracturing Study.—The conferees urge the Agency to carry out a study on the relationship between hydraulic fracturing and drinking water, using a credible approach that relies on the best available science, as well as independent sources of information. The conferees expect the study to be conducted through a transparent, peer-reviewed process that will ensure the validity and accuracy of the data. The Agency shall consult with other Federal agencies as well as appropriate State and interstate regulatory agencies in carrying out the study, which should be prepared in accordance with the Agency's quality assurance principles.

Health Effects of Fuel Efficiency and Emission Reduction Efforts.—The conferees are aware that efforts to improve fuel efficiency and to reduce greenhouse gas emissions will require careful evaluation for potential consequences for human health and the environment. To ensure that the Agency can meet the need for this critical information in a timely and credible manner, the conferees encourage the Agency to work with experienced and independent extramural research partners to strengthen ongoing human health research and assessment efforts on alternative fuels, engines, and emission reduction technologies.

Black Carbon.—The conferees have included a modified version of language originally proposed by the Senate in the Administrative Provisions section requiring the Administrator to complete and transmit a study on black carbon to the House and Senate Committees on Appropriations, the House Energy and Commerce Committee and Senate Environment and Public Works Committee no later than 18 months after the date of enactment of this Act. The conferees agree that the Administrator shall carry out the study in consultation with other relevant Federal partners. The conferees further direct the Agency to fund this study from within amounts provided to the Office of Air and Radiation in either the Science and Technology account or the Environmental Programs and Management account or a combination of funds from each account. Bill language has been included in the Administrative Provisions section mandating this report.

Great Lakes Emission Control Areas.—Language has been included in the General Provisions section concerning the rule to control emissions from new marine compression-ignition engines. EPA is conducting a rulemaking (74 Fed. Reg. 44442) regarding fuel sulfur standards that will apply to vessels including those that are powered by large marine diesel engines, called Category 3 engines. While these standards can achieve significant health and welfare benefits, they can also impose significant costs on the industry and on a region whose economy is al-

ready reeling. EPA has received comments detailing significant negative economic impacts for carriers that operate Category 3 engines vessels exclusively within the Great Lakes and their connecting and tributary waters and therefore for the economy of the region. Because of these economic impacts, EPA should include waiver provisions similar to those in other EPA rules in the final rule—one to waive the 10,000 ppm sulfur standard for Great Lakes Category 3 diesel engine vessels that burn residual fuel if EPA determines that 10,000 ppm residual fuel is not available; and one to waive fuel requirements for an owner/operator of a Great Lakes Category 3 diesel engine vessel based upon a showing of serious economic hardship. It is important that EPA structure such a waiver provision similar to the other fuels rules, where parties can apply for and receive a waiver in sufficient time prior to the implementation of the requirements. Finally, EPA should perform a study and issue a report within six months that evaluates the economic impact of the final rule on Great Lakes carriers.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

The conference agreement provides \$2,993,779,000 for Environmental Programs and Management activities instead of \$3,022,054,000 as proposed by the House and \$2,878,780,000 as proposed by the Senate. The detailed allocation of funding by program area and activity for this account is included in the table at the end of the statement. The conference agreement also includes the following specific funding levels and directions:

Brownfields.—The conference agreement provides the request of \$1,246,000 for the Smart Growth Program. As proposed by the Senate, the agreement does not provide the requested funds for additional personnel. The House had proposed to fund one-half of the increase.

Compliance.—From within the amount provided, the conferees direct \$25,070,000 for compliance assistance and centers and \$9,702,000 for compliance incentives.

Environmental Protection/National Priorities.—The conference agreement provides \$16,950,000 for this program and allocates the funds as proposed by the House instead of a competitive grant program as proposed by the Senate. The conferees have agreed to the following allocation of funds: \$13,000,000 for the National Rural Water Association; \$2,500,000 for the Rural Community Assistance Partnership; \$700,000 for the Water Systems Council/WellCare program; and \$750,000 for the National Biosolids Partnership.

Geographic Programs.—The conference agreement provides \$608,441,000 for this program area instead of \$628,941,000 as proposed by the House and \$478,696,000 as proposed by the Senate. The detailed allocation of funding by specific geographic program area is included in the table at the end of the statement. In addition to these specific amounts, the conference agreement includes the following directives for certain programs.

Great Lakes Restoration Initiative.—The conference agreement provides \$475,000,000 for this new initiative. The conferees support the Administration's efforts to restore the Great Lakes and have agreed to the request to fund an interagency restoration effort, led by the Environmental Protection Agency. In addition, the conferees have agreed to consolidate and expand funding for the Agency's Great Lakes National Program Office and Great Lakes Legacy Act programs within this new program-project.

Bill language has been included to allow the Agency to transfer funding to or establish interagency agreements with other Federal agencies, and to make grants to relevant entities as appropriate. The conferees direct the Agency to work with the other Federal agencies to ensure these funds supplement and expand, not supplant, base Great Lakes programs when compared to fiscal year 2009 levels. The Agency is directed to provide, starting on March 1, 2010, annual reports that provide funding allocations by Agency and that identify any adjustments from the request. Beginning in 2011 and each year thereafter, the Agency is directed to provide detailed yearly program accomplishments and compare specific funding levels allocated for participating Federal agencies from fiscal year to fiscal year. This includes programs funded at or below \$500,000 that may not otherwise be identified in cross-cut budgets. The Agency and its Federal partners are expected to limit overhead.

The Agency is directed to use the Great Lakes Regional Collaboration Strategy as a guide to maximize funding for actual restoration activities that achieve measurable results. A substantial portion of the funds shall be provided for restoration activities conducted by non-Federal partners to accomplish restoration objectives where appropriate and cost-effective. The conferees direct the Agency and the other Federal agencies to exercise maximum flexibility to minimize non-Federal match requirements in recognition of the exceptional economic circumstances of the region and the significant ongoing investments made by non-Federal partners.

To guide the activities of the Great Lakes Restoration Initiative through fiscal year 2014, including funding decisions in fiscal year 2011 and future years, the conferees direct the Agency to develop a comprehensive, multi-year restoration action plan that will lead to the restoration of the Great Lakes. The action plan should build upon the foundation of the Great Lakes Regional Collaboration Strategy, utilize input from Great Lakes stakeholders, outline Federal agency actions to help protect and restore the chemical, physical, and biological integrity of the Great Lakes Basin ecosystem, and include targets and measurable objectives expected for fiscal years 2010 through 2014. The Agency should ensure that the goals, objectives, and targets of the Action Plan are aligned with those of the Great Lakes State, local and Tribal governments. The plan should also include a description of the process used to track and measure progress, target restoration priorities and adapt and modify those priorities in the outyears. In addition, the conferees expect the Agency to establish a process that:

- (1) Allows the Great Lakes area governors, mayors, Tribal leaders, regional organizations and other stakeholders to provide advice, guidance, and recommendations that will assist the Agency in making annual decisions on restoration priorities, activities, projects, and funding levels that reflect the highest priority needs;
- (2) Coordinates restoration activities in the U.S. with those of the Canadian and provincial governments;
- (3) Engages an independent, scientific panel to review the scientific credibility of the plan to optimize the likelihood of successful restoration at appropriate scales; and,
- (4) Ensures monitoring and reporting on the progress of the Great Lakes Restoration Initiative, using scientific research to revise

restoration priorities as needed, and adapt and modify activities beginning in fiscal year 2011.

In considering the appropriate science for the process, the Agency shall consider that independent scientific reviews are the preferred method for some elements and activities to ensure that the best available science guides efforts to restore the Great Lakes. However, the Agency may selectively use and scale these scientific reviews so that the rate of progress is optimized at the same time scientific validation is ensured. The Agency shall determine those elements for which additional scientific validation is needed to expedite restoration while providing the Agency with the basis for optimizing successful restoration programs and projects to advance the goals, objectives, and restoration priorities of the action plan.

The conferees support funding Habitat and Wildlife Protection and Restoration through the National Oceanic and Atmospheric Administration at the Department of Commerce, as proposed by the Administration, and expect that funds will be expended on land conservation priorities that meaningfully contribute to the goals of the Initiative through the Coastal and Estuarine Land Conservation Program (CELCP). As with the other funds provided for the Great Lakes Restoration Initiative, the conferees further expect that these funds would supplement, rather than replace, CELCP funds provided in any other appropriations bill for priority projects in the Great Lakes region.

Chesapeake Bay.—The conference agreement includes \$50,000,000 for this program. In light of the new Executive Order on the Bay, which places additional demands on and expectations of the Agency and States, the conferees have included an increase above the request. The conferees direct the Agency to report within 30 days of enactment a proposed allocation of the additional funds. The conferees expect this allocation to recognize that the funds are intended to support additional regulatory and accountability programs to control urban, suburban and agricultural runoff in the watershed. The allocation should emphasize increases to State grant programs to support and expand the States' regulatory and enforcement capabilities.

Puget Sound.—The conference agreement includes \$50,000,000 for this program. From within the funds provided, \$4,000,000 is included for the Puget Sound Ecosystem Research Initiative at the University of Washington's College of the Environment. These funds are to conduct, coordinate, and disseminate scientific research to inform policy decisions necessary to carry out the Puget Sound Action Agenda. The remaining funds are for the Agency's intramural costs, cooperative agreements, interagency agreements, contracts and competitive grants, including a competitive grant to manage implementation of the Action Agenda. Prior to announcing any requests for proposals for competitive grants, the conferees expect the Agency to coordinate with the State on priorities for the proposals.

San Francisco Bay.—The conference agreement includes \$7,000,000 to continue its competitive grant program to restore the San Francisco Bay watershed and improve water quality. The Agency shall use no more than five percent of the funds provided for the costs of administering the program.

Long Island Sound.—The conferees direct the Agency to work with the appropriate stakeholders to determine the proper allocation of funds between the Long Island Sound

Restoration Act and the Long Island Sound Stewardship Act. The Agency is directed to report to the Committees on the final distribution of the funds.

Other Geographic Activities.—The conference agreement includes \$2,000,000 for a competitive grant program to protect the Potomac Highlands. The conferees recognize the Agency's commitment to protecting the Potomac Highlands through conservation and ecological restoration initiatives. The Agency shall use no more than 10 percent of the funds for intramural costs, with the remaining funds awarded on a competitive basis for projects identified in the Highlands Action Plan.

Information Exchange/Outreach.—The conference agreement provides \$129,972,000 for this program area. Within this amount, the conferees direct the following levels: \$6,515,000 for children and other sensitive populations; \$50,480,000 for Congressional, intergovernmental, external relations; \$9,038,000 for environmental education; and, \$16,860,000 for the exchange network. The conference agreement does not include additional funding for the Office of Children's Health Protection as proposed by the House.

IT/Data Management/Security.—The conference agreement provides \$104,320,000 for this program. The conferees direct that funding for the Agency's library system be exempted from this reduction.

Legal/Science/Regulatory/Economic Review.—The conference agreement provides \$123,788,000 for this program. The conferees have not provided funds for the Performance Track program. The conferees direct the Agency to provide, at a minimum, the requested level for the Smart Growth Program. The conference agreement reflects the reduction to the Regulatory/Economic-Management and Analysis program as proposed by the House.

Operations and Administration.—The conference agreement provides \$501,895,000 for this program, which includes a \$5,000,000 reduction to the request for the Financial System Modernization Project. The Agency may take the remaining \$5,000,000 reduction from rent, utilities and/or security savings.

Water: Ecosystems.—From within the amount provided, the conference agreement includes \$22,400,000 for the National Estuary Grant Program instead of \$28,000,000 proposed by the House and \$16,800,000 proposed by the Senate. This increase will provide \$800,000 to each National Estuary Program funded under section 320 of the Clean Water Act.

Water Quality Protection.—From within the amount provided, the conference agreement includes \$208,437,000 for the Surface Water Protection program.

Bill Language.—Language is included which mandates the amount allocated to the Geographic Programs.

National Vehicle Mercury Switch Recovery Program.—The conferees are aware that the National Vehicle Mercury Switch Recovery Program is an effective way to reduce mercury emissions from end-of-life vehicles. The conferees have not included bill language as proposed by the Senate; however, the conferees remain concerned that the program's operating fund and bounty fund have both been depleted since August, 2009. The conferees urge the Agency to assist program stakeholders in exploring all options to ensure the program's continued operation.

OCS Air Permits.—The conferees are concerned about the ability of the Agency to effectively carry out its responsibilities to process oil and gas permits in the Outer Continental Shelf (OCS) in Alaska and the Eastern Gulf of Mexico. The Agency is directed to

allocate sufficient funds and personnel to process OCS air permits in a timely manner consistent with all environmental laws. Within 90 days of enactment of this Act, the Agency is directed to report to the House and Senate Appropriations Committees on its progress to comply with this directive, provide a detailed timeline for issuance of the pending permits, and submit its plan to address this issue consistently among all affected regional offices. Lastly, the conferees expect the Agency to set clear, reasonable national guidelines for issuing OCS air permits.

Gulf of Maine.—The conferees urge the Agency to undertake a study of pollution and water quality issues in the Gulf of Maine with the assistance of regional stakeholders to determine whether a comprehensive restoration plan should be developed for this region.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides \$44,791,000 for the Office of Inspector General as requested and as proposed by both the House and the Senate. The detailed allocation of funding by program area and activity for this account is included in the table at the end of the statement. The conference agreement also includes \$9,975,000 to be transferred from the Hazardous Substance Superfund account to this account.

The conference agreement again includes bill language which authorizes the Agency's Inspector General (IG) to serve as the IG for the Chemical Safety and Hazards Investigation Board (the Board). The conferees have not included language in the Board's section of the bill to transfer funds from the Board's account to this account, as proposed by the House. The Office of the Inspector General (OIG) has confirmed that it has sufficient funds in fiscal year 2010 to perform its duties as IG for the Board. The conferees expect the OIG to continue to expand reviews of the Board beyond those mandated in law to include follow up on earlier GAO recommendations.

The conferees also are concerned by the numerous reorganization proposals submitted by the Agency's OIG and the lack of sufficient notice regarding such proposals. The conferees direct the IG to submit a report describing any proposed reorganization within the OIG at least 90 days before any reorganization is to take effect. Any report filed shall describe the purpose and need for the reorganization, the impact to personnel and anticipated costs. The submission also should contain charts of the current and proposed organizational structure.

The conferees have included language in the Administrative Provisions section expressing their displeasure with the inadequate OIG analysis of the Agency's unliquidated balances.

BUILDINGS AND FACILITIES

The conference agreement provides \$37,001,000 for Buildings and Facilities activities instead of \$33,001,000 as proposed by the House and \$35,001,000 as proposed by the Senate. The detailed allocation of funding by program area and activity for this account is included in the table at the end of the statement.

Bill Language.—The conferees have included modified language, as proposed by the Senate, directing the Agency to use up to \$500,000 provided under this heading to begin preliminary planning and design work to consolidate the numerous offices and laboratories in the Las Vegas, NV area into a single sustainable building complex. As part of

its planning and design process, the conferees expect the Agency to develop precise estimates of total cost savings from improved administrative efficiencies, workspace proximity and reductions in water and energy consumption of such a consolidation. Given recent legislative and executive mandates for Federal agencies to display leadership in adopting sustainable technologies such as the Energy Independence and Security Act of 2007, the EPAct of 2005, Executive Orders 13423 and 13514, and the American Recovery and Reinvestment Act, the conferees expect this project to further the Agency's mission to set an example for energy efficiency and environmental stewardship. Further, the conferees urge the Agency to include full funding for the next phase of this project as part of the Agency's fiscal year 2011 budget request.

HAZARDOUS SUBSTANCE SUPERFUND (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$1,306,541,000 for the Hazardous Substance Superfund program as proposed by the House instead of \$1,308,541,000 as proposed by the Senate. The conference agreement includes bill language to transfer \$9,975,000 to the Inspector General account and \$26,834,000 to the Science and Technology account as proposed by both the House and the Senate. The detailed allocation of funding by program area and activity for this account is included in the table at the end of the statement. The conference agreement also includes the following specific direction:

Operations and Administration.—The conference agreement provides \$6,068,000 for human resources management as proposed by the House instead of \$8,068,000 as proposed by the Senate. The conferees have provided only a small increase above the fiscal year 2009 level because the Agency's budget assumes a personnel decrease in this account.

Brookfield Avenue Landfill.—The conferees encourage the agency to reevaluate the inclusion of the Brookfield Avenue Landfill in Staten Island, NY on the Superfund National Priority List as proposed by the House.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

The conference agreement provides \$113,101,000 for the Leaking Underground Storage Tank Trust Fund Program, as recommended by the House instead of \$114,171,000 as proposed by the Senate. From within this amount, the conference agreement provides the request of \$34,430,000 for the Energy Policy Act grants as proposed by the House instead of \$35,500,000 as proposed by the Senate. The detailed allocation of funding by program area and activity for this account is included in the table at the end of the statement.

OIL SPILL RESPONSE

For the Oil Spill Response account, the conference agreement provides the request of \$18,379,000 as proposed by both the House and the Senate. The detailed allocation of funding by program area and activity for this account is included in the table at the end of the statement.

STATE AND TRIBAL ASSISTANCE GRANTS

The conference agreement provides \$4,970,223,000 for the State and Tribal Assistance Grants (STAG) instead of \$5,215,446,000 as proposed by the House and \$4,954,274,000 as proposed by the Senate. The detailed allocation of funding by program area and activity for this account is included in the table at the end of the statement. The conference agreement also includes the following specific funding levels and directions:

Infrastructure Assistance.—The bill provides \$3,853,777,000 for infrastructure assistance instead of \$4,100,000,000 as proposed by the House and \$3,843,000,000 as proposed by the Senate.

State Revolving Funds.—The conference agreement provides \$2,100,000,000 for the Clean Water State Revolving Fund (SRF) and \$1,387,000,000 for the Drinking Water State Revolving Fund. Both amounts are at the Senate proposed levels. These funds, combined with the STAG Infrastructure Grants, provide a total of \$3,643,777,000 for water and wastewater infrastructure improvements. Bill language provides that not less than 30 percent of the funds for each State drinking water SRF capitalization grant and 30 percent of the funds made available for State clean water SRF capitalization grants above \$1,000,000,000 shall be used by the States to provide forgiveness of principal, negative interest loans or grants, or any combination of these. The conferees believe that priority for additional subsidies should be given to projects in communities that could not otherwise afford such projects and directs the Agency and the States to track how these subsidies are used and by what types of communities.

Mexican Border Infrastructure.—The conference agreement provides \$17,000,000 for the Mexico Border program instead of \$20,000,000 as proposed by the House and \$10,000,000 as proposed by the Senate. From within the amount provided, \$2,500,000 is directed to the El Paso and Brownsville, TX projects as in prior years. The conferees direct the Agency to reduce unliquidated balances in this program and expedite construction of projects along the border.

Targeted Airshed Grants.—The conference agreement includes \$20,000,000 for this program as proposed by the Senate to reduce air pollution in the Nation's most polluted air districts. Of these funds, \$10,000,000 shall be divided equally between the San Joaquin Air Pollution Control District and the South Coast Air Quality Management District. These grants shall continue emission reduction activities in the transportation, agriculture and ports sectors and shall be matched at least on a one-to-one basis. The remaining funds are for competitive grants to reduce air pollution in nonattainment areas that the Agency determines are ranked as the top five most polluted areas relative to annual ozone or particulate matter_{2.5} standards. The Agency is expected to follow the program directives included in the Senate report.

Brownfields.—The conference agreement includes \$100,000,000 for Brownfields programs as proposed by the House instead of \$101,000,000 as proposed by the Senate. From within the amount provided, the conferees direct \$1,800,000 for the Technical Assistance to Brownfields Communities program and expect the Agency to expand this program in future years.

STAG Infrastructure Grants.—The conference agreement includes \$156,777,000 for infrastructure assistance grants instead of \$160,000,000 as proposed by the House and \$150,000,000 as proposed by the Senate. Bill language has been included to incorporate these projects into law by reference and to require a local match of 45 percent of the total project costs as proposed by the House and Senate. The conferees note that technical corrections to prior year project designations have been included as part of the table below.

The conferees have agreed to the following distribution of funds:

	State	Project	Amount
1.	AK	City of Buckland for construction of a piped water and sewer system	\$500,000
2.	AK	City of Homer for planning and design of a new drinking water system	500,000
3.	AK	City of Kodiak for water and sewer improvements	300,000
4.	AK	City of Soldotna for a water and wastewater improvements project	500,000
5.	AK	Municipality of Skagway for a wastewater treatment facility expansion project	300,000
6.	AL	City of Brewton for a wastewater improvements project	300,000
7.	AL	East Alabama Water Sewer and Fire Protection District for wastewater system planning	275,000
8.	AL	Fayette County for the construction of a drinking water reservoir	6,000,000
9.	AL	The City of Enterprise for the Enterprise Southeast lagoon upgrade project	500,000
10.	AL	The City of Sulligent for a water well and storage tank project	500,000
11.	AL	Washington County Commission for the Washington County sanitary sewer extension	500,000
12.	AR	Cabot Waterworks for wastewater improvements	500,000
13.	AR	City of Dardanelle for water treatment plant expansion	300,000
14.	AR	City of Forrest City for water infrastructure improvements	300,000
15.	AR	City of Warren for water infrastructure improvements	300,000
16.	AR	Fort Chaffee Redevelopment Authority for water system improvements	300,000
17.	AR	The City of Fayetteville for Elkins Outfall Sewer Line sewer replacement	500,000
18.	AZ	City of Safford for water infrastructure improvements	300,000
19.	AZ	The Pascua Yacqui Tribe for the master drainage plan	1,000,000
20.	AZ	The Town of Chino Valley for water and wastewater infrastructure	500,000
21.	AZ	The Town of Miami for sewer collection system upgrades	220,000
22.	CA	Big Bear Department of Water and Power for Big Bear Lake water system infrastructure improvements	750,000
23.	CA	Carlsbad for Vista-Carlsbad joint wastewater project	500,000
24.	CA	City of East Palo Alto for the East Palo Alto water supply and stormwater management improvements	875,000
25.	CA	City of Eureka for the Martin Slough interceptor project	875,000
26.	CA	City of Galt for Wastewater Treatment Plant Upgrades	500,000
27.	CA	City of Rialto for Inland empire groundwater remediation and drinking water system improvements	300,000
28.	CA	City of Santa Monica for the Santa Monica water system reliability project	875,000
29.	CA	City of Westminster for Stormwater System improvements	875,000
30.	CA	Helix Water District for the El Monte Valley groundwater recharge project	500,000
31.	CA	Monterey County Water Resources Agency for the Lower Carmel River and Lagoon Floodplain restoration and enhancement project	500,000
32.	CA	Municipal Water District of Orange County for water supply improvements	875,000
33.	CA	Palmdale Water District for water main replacement	500,000
34.	CA	Shasta County for Elk Trail Water System Improvements	875,000
35.	CA	South Montebello Irrigation District for water system infrastructure improvements	550,000
36.	CA	South Pasadena for Wilson Reservoir replacement	300,000

37.	CA	The City of Arcadia for the Arcadia and Sierra Madre joint water infrastructure project	500,000
38.	CA	The City of Bell for Sewer Infrastructure Modernization	675,000
39.	CA	The City of Calimesa for storm drain improvements	500,000
40.	CA	The City of Cathedral City for South City Improvement District groundwater protection	500,000
41.	CA	The City of Ceres for East Service Road sanitary sewer extension	500,000
42.	CA	The City of Culver City for storm water improvements	500,000
43.	CA	The City of Los Angeles for the Elysian Park water recycling project	500,000
44.	CA	The City of Ridgecrest for wastewater treatment facility infrastructure	400,000
45.	CA	The City of San Jose for the San Jose Redevelopment Area sewer main rehabilitation	300,000
46.	CA	The City of San Juan Capistrano for ground water recovery plant expansion and regional distribution facility	625,000
47.	CA	The City of Temple City for storm drain installation	200,000
48.	CA	The City of Vallejo for Mare Island sanitary sewer and storm drain improvements	750,000
49.	CA	Western Municipal Water District for Arlington Desalter Biotenitrification	625,000
50.	CO	City of Monte Vista for wastewater facility consolidation	300,000
51.	CO	City of Rifle for drinking water infrastructure improvements	300,000
52.	CT	City of Norwich for wastewater treatment facility improvements	300,000
53.	CT	The Mattabasset District for wastewater treatment facility upgrades	500,000
54.	CT	The Town of Prospect for drinking water infrastructure	495,000
55.	CT	Town of East Lyme for drinking water system improvements	300,000
56.	DE	New Castle County for Turkey Run interceptor improvements	300,000
57.	DE	Sussex County Council for the Johnson's Corner wastewater improvement project	300,000
58.	FL	City of West Palm Beach for water infrastructure improvements	500,000
59.	FL	Jacksonville Water and Sewer Expansion Authority for septic tank replacement	500,000
60.	FL	Santa Rosa County for Navarre Beach water clarifier	220,000
61.	FL	South Seminole and North Orange County Wastewater Transmission Authority for wastewater infrastructure improvements	500,000
62.	FL	St. Johns River Water Management District for the East-Central Florida Integrated Water Resources Project	300,000
63.	FL	The City of Clearwater for wastewater treatment facility improvements	500,000
64.	FL	The City of Homestead for water utility upgrades	500,000
65.	FL	The City of Opa-Locka Public Works Division for wastewater infrastructure improvements	500,000
66.	FL	The City of Quincy for inflow and infiltration improvements	440,000
67.	FL	The City of Sunrise for a water reclamation system	1,000,000
68.	FL	City of Tampa for reclaimed water expansion project	300,000
69.	GA	City of Rome for construction of a new drinking water transmission main	300,000
70.	GA	Fort Valley Utility Commission for wastewater reclamation facility	500,000
71.	GA	Metropolitan North Georgia Water Planning District for multiple water and wastewater system improvements	500,000
72.	GA	The City of Atlanta for sewer system infrastructure improvements	500,000
73.	GA	The City of Crawfordville for the sewer rehabilitation	500,000

74.	GA	The City of Kingsland for water and sewer infrastructure	500,000
75.	GU	Guam Waterworks Authority for Wastewater Infrastructure Improvements	600,000
76.	HI	County of Kauai for the Waimea Wastewater Treatment Plant expansion project	1,000,000
77.	HI	Hawaii County for the Hawaii Ocean View Estates drinking water source development project	220,000
78.	HI	Hawaii County for the Kapulena drinking water source development project	739,750
79.	HI	Maui County for infrastructure improvements at the Kamole Water Treatment Plant	1,000,000
80.	HI	Maui County for Kaa Force main replacement	1,000,000
81.	IA	City of Boone for wastewater and stormwater infrastructure improvements	300,000
82.	IA	City of Clinton for construction of a new wastewater treatment facility	300,000
83.	IA	City of Keokuk for a stormwater and sewer separation project	300,000
84.	IA	City of Ottumwa for wastewater and stormwater infrastructure improvements	300,000
85.	IA	The City of Garner for wastewater treatment infrastructure improvements	500,000
86.	ID	City of American Falls for construction of a wastewater treatment facility	300,000
87.	ID	Granite Reeder Water and Sewer District for construction of a sewage collection system	300,000
88.	ID	The City of Buhl for wastewater treatment infrastructure	750,000
89.	IL	City of Decatur for water infrastructure improvements	250,000
90.	IL	City of Lexington for water infrastructure improvements	100,000
91.	IL	City of Peoria for sewer and stormwater improvements	300,000
92.	IL	Naperville Heritage Society, Naperville, for stormwater management at Naper Settlement	500,000
93.	IL	Sharpsburg and Neighboring Area Water System for infrastructure	500,000
94.	IL	The Village of Buckner for a water storage tank	352,000
95.	IL	The Village of Carol Stream for Tubeway Drive storm water lift station rehabilitation	192,500
96.	IL	The Village of Hopedale for wastewater treatment facility upgrades	180,000
97.	IL	The Village of Johnsburg for wastewater treatment infrastructure	500,000
98.	IL	The Village of Park Forest for sanitary sewer infrastructure	500,000
99.	IL	Will County for Ridgewood water and wastewater infrastructure improvements	550,000
100.	IL	Macoupin County for water infrastructure improvements	250,000
101.	IN	City of Tipton for drinking water and wastewater infrastructure upgrades project	300,000
102.	IN	Clinton County Government for the Eastside Regional stormwater improvements	500,000
103.	IN	The City of Portage for water infrastructure improvements	800,000
104.	IN	Wadesville-Blairsville Regional Sewer District for the sanitary sewer system project	500,000
105.	KS	City of Buhler for construction of an adsorption media drinking water treatment facility	600,000
106.	KS	City of Iola for drinking water and wastewater pipe improvements project	300,000
107.	KS	City of Junction City for construction of a drinking water project	250,000
108.	KS	City of Marion for construction of a wastewater project	150,000
109.	KS	City of Russell for replacement of cast iron drinking water lines	400,000

110.	KS	Pottawatomie County for construction of a main pump wastewater station	400,000
111.	KS	The City of DeSoto for water treatment infrastructure improvements at the Sunflower Army Ammunition Plant	500,000
112.	KS	The City of Rose Hill for the Berlin Drainage Project	500,000
113.	KY	City of Burgin for upgrades to the drinking water distribution system	340,000
114.	KY	City of Eubank for a water line replacement project	200,000
115.	KY	City of Franklin for a sewer line replacement project	100,000
116.	KY	City of Vine Grove for construction of additional sewer lines	840,000
117.	KY	Fleming County for a sewer collection expansion project	620,000
118.	KY	Franklin County Fiscal Court for the Farmdale Area wastewater treatment plant	900,000
119.	KY	Owensboro-Daviess County Regional Water Resource Agency for the Locust Hills Subdivision sewer installation project	220,000
120.	KY	Perry County Sanitation District No. 1 for wastewater treatment infrastructure	500,000
121.	KY	The City of Paris for combined utilities water plan improvements	500,000
122.	KY	The City of Tompkinsville for a water treatment plant backwash lagoon project	189,750
123.	KY	The City of Wurtland for the Wurtland/Greenup/Lloyd regional sewer project	500,000
124.	LA	City of Baton Rouge for East Baton Rouge Parish wastewater system improvements	300,000
125.	LA	City of Lake Charles for wastewater system improvements	300,000
126.	LA	Lafayette Utilities System for drinking water and wastewater line relocations and upgrades project	300,000
127.	LA	St. Tammany Parish for Bayou Chinchuba Regional water retention	500,000
128.	LA	The City of Monroe for a wastewater treatment system	500,000
129.	LA	City of Grambling for drinking water system improvements	300,000
130.	MA	City of Gloucester for Essex Avenue Wastewater Treatment Facility Upgrade	500,000
131.	MA	City of Marlborough for infrastructure upgrades at the Westerly Wastewater Treatment Facility	300,000
132.	MA	Pioneer Valley Planning Commission for the Connecticut River CSO	871,500
133.	MA	The Cities of Fall River and New Bedford and the Towns of Acushnet, Mansfield, Norton, and Foxboro for Bristol County CSO upgrades	750,000
134.	MA	The City of Malden for citywide lead water service replacement	500,000
135.	MD	City of Frostburg for combined sewer overflow improvements	300,000
136.	MD	Maryland Department of the Environment for Salisbury cast iron distribution pipe	500,000
137.	MD	The City of Rockville for sanitary sewer rehabilitation	750,000
138.	MD	The Town of Chesapeake Beach for WWTP Enhanced Nutrient Removal Upgrade and Expansion	700,000
139.	MD, DC, VA	Washington Suburban Sanitary Commission (MD), Washington Area Sewer Authority (DC), and Fairfax County Public Works Department (VA) for water and wastewater infrastructure improvements at the Blue Plains Wastewater Treatment Plant	1,200,000
140.	ME	City of Portland for a combined sewer overflow and storm water runoff improvements project	1,250,000

141.	ME	Limestone Water and Sewer District for design and construction of new wastewater pipes and pumping stations	550,000
142.	ME	The Town of Machias for sewer system upgrades	500,000
143.	MI	City of Port Huron for combined sewer overflow improvements	300,000
144.	MI	Lansing Board of Water & Light for Lansing energy efficient drinking water system	500,000
145.	MI	Oakland/Macomb County Drain Drainage District for interceptor improvements	500,000
146.	MI	The City of Detroit DEGC for East Riverfront wastewater infrastructure	500,000
147.	MI	The City of Grand Rapids for Eastside CSO separation	500,000
148.	MI	Wayne County for the Rouge River Wet Weather Demonstration Project	500,000
149.	MN	City of Faribault for wastewater infrastructure improvements	150,000
150.	MN	City of St. Cloud for water infrastructure improvements	300,000
151.	MN	Grand Rapids Public Utilities Commission for wastewater facilities improvements	1,000,000
152.	MN	South Bend Township for water and sewer infrastructure	500,000
153.	MN	The City of Maple Plain for water treatment facility infrastructure	500,000
154.	MO	City of Lee's Summit for a wastewater infrastructure improvements project	1,500,000
155.	MO	City of New Haven for consolidation and replacement of wastewater pump stations	300,000
156.	MO	PWSD #1 of McDonald County for wastewater infrastructure	465,000
157.	MO	The City of East Prairie for stormwater and sewer infrastructure	200,000
158.	MO	The City of Saint Joseph for stormwater and wastewater infrastructure	500,000
159.	MS	Black Bayou Water Association for drinking water improvements	250,000
160.	MS	City of Batesville for design and construction of wastewater improvements projects	275,000
161.	MS	City of Carthage for a wastewater improvements and rehabilitation project	275,000
162.	MS	City of Pearl for rehabilitation of wastewater gravity mains	277,000
163.	MS	City of Ridgeland for construction of a new potable water well	200,000
164.	MS	Hinds County Board of Supervisors for planning and design of a centralized wastewater system	300,000
165.	MS	Leflore County Board of Supervisors for a stormwater project	143,000
166.	MS	Mississippi Band of Choctaw Indians for rehabilitation of wastewater pump stations	380,000
167.	MS	Tunica County Utility District for construction of a wastewater treatment facility	400,000
168.	MT	Butte-Silver Bow Consolidated Government for drinking water improvements for the City of Butte	500,000
169.	MT	City of Bozeman for water treatment facility improvements	500,000
170.	MT	City of Missoula for wastewater facility improvements	200,000
171.	MT	Crow Tribe in Crow Agency for wastewater infrastructure improvements	300,000
172.	MT	Em-Kayan County Water and Sewer District for infrastructure improvements	290,600
173.	NC	City of Raleigh Public Utilities Department for the Dempsey E. Benton Water Treatment Plant Backwash Waste Facility	500,000
174.	NC	Greenville Utilities Commission for construction of a wastewater pumping station	300,000
175.	NC	McDowell County for water system improvements	500,000
176.	NC	Town of Ahoskie for wastewater system improvements	300,000

177.	NC	Town of Cary Public Works and Utilities Department for Western Wake regional wastewater management facility	1,000,000
178.	ND	City of Valley City for drinking water system improvements	400,000
179.	ND	City of Washburn for drinking water treatment facility upgrades	400,000
180.	ND	Stutsman Rural Water District, Stutsman County for drinking water system improvements	400,000
181.	NE	City of Plattsmouth for combined sewer overflow improvements	1,200,000
182.	NE	The City of Omaha for CSO controls	500,000
183.	NH	City of Berlin for replacement and upgrades of water lines and mains	450,000
184.	NH	City of Keene for a wastewater treatment facility upgrades project	300,000
185.	NH	City of Manchester for the Phase II combined sewer overflow abatement program	450,000
186.	NH	City of Nashua for combined sewer overflow improvements	300,000
187.	NH	Conway Village Fire District for water and wastewater treatment extension project	300,000
188.	NH	Town of Winchester for a wastewater treatment facility upgrades project	300,000
189.	NJ	City of Hackensack for the Clay Street area combined sewer overflow improvement project	300,000
190.	NJ	City of New Brunswick for water pumping station improvements	300,000
191.	NJ	City of Orange Township for drinking water system improvements	300,000
192.	NJ	City of Perth Amboy for drinking water infrastructure improvements	300,000
193.	NJ	Monmouth County for water and wastewater infrastructure improvements	500,000
194.	NJ	Passaic Valley Sewerage Commission for a Combined Sewage Overflow Project	750,000
195.	NJ	The Borough of Califon for Railroad Ave./Main St. stormwater improvements	500,000
196.	NJ	The Borough of Fort Lee for CSO abatement upgrades	500,000
197.	NJ	The Borough of Hopatcong for drinking water infrastructure improvements	500,000
198.	NM	The Pueblo of San Felipe for wastewater infrastructure	400,000
199.	NM	City of Carlsbad for a water reuse project	300,000
200.	NM	City of Portales for wastewater treatment plant improvements	300,000
201.	NV	City of Boulder City for water infrastructure improvements	290,000
202.	NV	City of Carson City for the Marlette-Hobart water system improvements	350,000
203.	NV	City of Fernley for a wastewater infrastructure project	300,000
204.	NV	Las Vegas Paiute Tribe for water infrastructure improvements	550,000
205.	NV	Lyon County Utilities for wastewater infrastructure improvements at Mound House	500,000
206.	NY	Gowanus Canal Conservancy for Gowanus Canal water quality improvement	300,000
207.	NY	Onondaga County for storm water infrastructure improvements	400,000
208.	NY	Rockland Co. Sewer District No. 1 for Ramapo wastewater treatment	500,000
209.	NY	The City of Glen Cove for water and stormwater infrastructure improvements	500,000
210.	NY	The City of New York, New York City Department of Parks and Recreation for Bronx River stormwater management	550,000
211.	NY	The City of Rochester for the Highland Reservoir	600,000
212.	NY	The City of White Plains for a drinking water transmission line	500,000
213.	NY	The Town of Pendleton for the replacement of grinder pumps	500,000
214.	NY	The Town of Urbana for water and wastewater infrastructure	500,000
215.	NY	The Village of Saugerties for water and wastewater infrastructure improvements	800,000

216.	NY	Westchester Joint Water Works for water main rehabilitation	517,000
217.	NY	Nassau County for Bay Park STP outfall project	300,000
218.	NY	Saratoga Hospital in Saratoga, NY for water supply improvements	300,000
219.	OH	Belmont County Commissioners for construction of sanitary sewer system	400,000
220.	OH	Butler County Commissioners for the Ross Township sewer project	500,000
221.	OH	City of Fostoria for the planning, design and construction of a new sanitary pump station and force main	500,000
222.	OH	City of Fremont for combined sewer overflow improvements	500,000
223.	OH	Knox County for construction of wastewater collection and treatment system	400,000
224.	OH	Muskingum County Commissioners for Maysville sewer improvements	500,000
225.	OH	Ottawa County for the Ottawa County sanitary sewer project	500,000
226.	OH	The City of Ashland for a waterline replacement project	500,000
227.	OH	The City of Stow for sanitary sewer system infrastructure	500,000
228.	OH	The City of Vandalia for airport access road water and sewer extensions	500,000
229.	OH	The City of Worthington for sanitary sewer improvements	500,000
230.	OH	The Village of Dillonvale for water meter replacement	100,000
231.	OH	The Village of Tiro for a water distribution system	500,000
232.	OH	Trumbull County Commissioners for wastewater infrastructure improvements	300,000
233.	OK	City of Enid for planning, design and construction of a wastewater treatment plant	300,000
234.	OK	Lawton Ft. Sill Chamber of Commerce for Lawton Industrial Park Expansion for Water and Sewer Line Extensions	750,000
235.	OR	City of Vernonia wastewater system improvements	300,000
236.	OR	Umatilla County for Milton-Freewater stormwater system improvements	300,000
237.	PA	Allegheny County Sanitary Authority for the Three Rivers Wet Weather Demonstration Program	225,000
238.	PA	Chester County Economic Development Council for the Upper Worthington Infrastructure Improvement Project	225,000
239.	PA	Findlay Township Municipal Authority for water and sewer upgrades	500,000
240.	PA	Haines Aaronsburg Municipal Authority for water line interconnection	250,000
241.	PA	Hegins-Hubley Authority for facility improvements	68,000
242.	PA	Lehigh County Authority for the Vera Cruz wastewater collection system	500,000
243.	PA	Municipal Authority of the City of Lower Burrell for Wildlife Lodge Road sanitary sewer extension	800,000
244.	PA	Northampton, Bucks County Municipal Authority for wastewater infrastructure improvements	500,000
245.	PA	The City of Reading for wastewater infrastructure improvements at Fritz's Island	500,000
246.	PA	Thornbury Township for Cheyney University/Thornbury Township wastewater treatment facility improvements	250,000
247.	PA	Tri-County Joint Municipal Authority for water treatment infrastructure	393,000
248.	PA	Westmoreland County Industrial Development Corporation for wastewater infrastructure replacement	300,000
249.	PA	York City Sewer Authority for wastewater facility infrastructure	225,000
250.	RI	City of Cranston for wastewater infrastructure	400,000
251.	RI	City of East Providence for drinking water infrastructure improvements	400,000
252.	RI	The City of Newport for UV disinfection system improvements	500,000

253.	RI	Town of North Providence for storm water infrastructure improvements	400,000
254.	SC	Laurens Commission of Public Works for construction of a pump station, water lines and water tank	300,000
255.	SC	The City of Rock Hill for the Phase II Hagins-Fewell Neighborhood Infrastructure Improvement Project	600,000
256.	SC	The Town of Coward for drinking water and wastewater improvements	500,000
257.	SD	City of Elk Point for water and wastewater infrastructure improvements	400,000
258.	SD	City of Lead for water and wastewater infrastructure improvements	400,000
259.	SD	City of Rapid City for wastewater infrastructure improvements	300,000
260.	SD	Brant Lake Sanitary District for wastewater infrastructure improvements	400,000
261.	TN	Campbell County Government for Campbell County waterline improvements	500,000
262.	TN	City of Tusculum for planning, design and construction of a wastewater treatment facility and collection system	500,000
263.	TN	Dickson County Water Authority for construction of a drinking water system	250,000
264.	TN	Hancock County for a drinking water extension project	500,000
265.	TN	Springville Utility District of Henry County for drinking water system improvements	500,000
266.	TN	The City of Harrogate for wastewater system improvements	500,000
267.	TX	City of Beaumont for a sewer line rehabilitation project	400,000
268.	TX	City of Lubbock for a treated drinking water pipeline project	200,000
269.	TX	City of Lufkin for design and construction of drinking water infrastructure, storage and treatment capacity	400,000
270.	TX	City of Nacogdoches for construction of two detention ponds	500,000
271.	TX	City of Round Rock for planning, design and construction of a regional water supply system	300,000
272.	TX	The City of Andrews for Andrews arsenic filtration pilot project	400,000
273.	TX	The City of Austin for Austin Sanitary Sewer Overflow Prevention	500,000
274.	TX	The City of Baytown for water and wastewater infrastructure improvements	500,000
275.	TX	The City of Crystal City for water infrastructure improvements	500,000
276.	TX	The City of Gainesville for the water treatment plant expansion project	500,000
277.	TX	The City of Joshua for the Joshua drainage project in Johnson County	1,000,000
278.	TX	The City of La Vernia for drinking water infrastructure	500,000
279.	TX	The City of Petersburg for elevated water tank replacement	439,000
280.	TX	The City of Temple for industrial park wastewater line and interceptor	500,000
281.	UT	City of Lindon for channel improvements in a stormwater detention and management area	500,000
282.	UT	City of Taylorsville for stormwater infrastructure improvements and upgrades	500,000
283.	UT	Clearfield City for a drinking water and wastewater improvements project	300,000
284.	UT	Draper City for construction of a culinary reservoir	500,000
285.	UT	South Salt Lake City for a waterline replacement project	300,000
286.	UT	Weber County for the Weber County storm water master plan	500,000
287.	VA	Caroline County for the Dawn Community Decentralized Wastewater System project	300,000
288.	VA	Halifax County Service Authority for Maple Avenue wastewater plant upgrades	500,000
289.	VA	The City of Alexandria for a water reuse project	500,000
290.	VA	The City of Alexandria, Arlington County for Four Mile Run infrastructure improvements	500,000

291.	VA	The City of Falls Church for storm water infrastructure	500,000
292.	VA	Town of Onancock for wastewater treatment system improvements	300,000
293.	VT	Ferrisburgh Fire District #1 for water infrastructure improvements	300,000
294.	VT	Town of Guilford for drinking water system improvements	375,000
295.	VT	Village of Waterbury for wastewater system improvements	825,000
296.	WA	City of Puyallup for wastewater pump and main force upgrades	500,000
297.	WA	Cowlitz Public Utility District in Cowlitz County for replacement of wastewater infrastructure	400,000
298.	WA	Jefferson County Department of Community Development for the Port Hadlock wastewater system	1,000,000
299.	WA	The City of Buckley for emergency intertie booster station	333,850
300.	WA	The City of Lacey for regional reclaimed water project	500,000
301.	WA	The City of Rock Island for wastewater system infrastructure	500,000
302.	WA	The City of Seattle for the Magnuson Park Wetlands project	500,000
303.	WA	The City of South Bend for the Willapa Regional wastewater facilities project	500,000
304.	WA	The City of Tacoma for the Tacoma downtown sustainable storm drainage system	1,500,000
305.	WA	West Sound Utility District for the Port Orchard reclaimed water distribution system	165,000
306.	WA	Whatcom County for stormwater system improvements	300,000
307.	WI	City of Janesville for wastewater treatment plant improvements	400,000
308.	WI	City of Waukesha Water Utility for drinking water system improvements	400,000
309.	WI	Milwaukee Metropolitan Sewerage District for the replacement of a central sewer system	400,000
310.	WI	The City of Abbotsford for water treatment infrastructure	1,000,000
311.	WI	The City of Park Falls for sewer infrastructure	550,000
312.	WI	The Village of Athens for wastewater treatment facility upgrades	1,000,000
313.	WI	The Village of Stetsonville for a public drinking water system	1,000,000
314.	WV	Marshall County Sewerage District for wastewater infrastructure improvements	800,000
315.	WV	Ohio River Valley Sanitation Commission of organic detection system improvements	1,200,000
316.	WV	The Town of Rowlesburg for drinking water infrastructure improvements	500,000
317.	WV	Town of Moorefield for wastewater treatment facility upgrades	2,500,000
318.	AL	Fayette County for water system upgrades	
319.	AL	The City of Thomasville for a water facility project	
320.	AL	The City of Thomasville for regional water supply distribution	
321.	AL	The City of Thomasville for the Southwest Alabama Rural/Municipal Water System	
322.	AL	The City of Thomasville for water infrastructure improvements	
323.	CA	San Bernardino Municipal Water Department for the Inland Empire alternative water supply project	
324.	IL	The City of Quincy for drinking water system improvements	
325.	KS	City of Manhattan for a water mainline extension project	
326.	KS	The City of Manhattan for the Konza Water Main Extension project	
327.	KS	The City of Prescott for a wastewater treatment plant construction	
328.	KS	The City of Wichita for a storm water technology pilot project	

329.	MO	Johnson County for a drinking water and wastewater infrastructure project
330.	MO	Pemiscot Consolidated Public Water Supply District 1 for a drinking water source protection infrastructure project
331.	MO	PWSD #1 of McDonald County for wastewater infrastructure expansion
332.	MO	The Gravois Arm Sewer District for a wastewater infrastructure project
333.	SD	The City of Lake Norden for drinking water infrastructure improvements

Categorical Grants.—The bill provides \$1,116,446,000 for categorical grants instead of \$1,115,446,000 as proposed by the House and \$1,111,274,000 as proposed by the Senate. Within this program area, the conference agreement includes:

Climate Change Initiative Grants for Local Communities.—The conference agreement includes \$10,000,000 to continue this competitive grant program, which provides assistance to local governments to establish and implement climate change initiatives. The Agency is expected to follow the program directives included in the House report.

Section 106 Water Quality Grants.—The conferees are very concerned by recent reports that EPA and the States are not keeping pace with Clean Water Act enforcement requirements and believe that increased oversight and enforcement efforts related to water quality are essential. The conferees recognize that Section 106 grants are the primary tool for funding State water quality and enforcement programs and have agreed to provide the requested funding increase of \$10,769,000 above the fiscal year 2009 enacted level. The Agency is directed to ensure that the increased funds are used to strengthen State permitting and enforcement efforts and to ensure that these funds supplement and expand, not supplant, base State enforcement program resources. Consistent with recommendations from both the House and the Senate, the conference agreement does not include language proposed by the President regarding water quality monitoring. The conferees direct the Agency to follow the historic allocation criteria between State capacity-building and national surveys.

Bill Language.—Language is included within the STAG account, instead of in the Administrative Provisions section as proposed by the House, to address green infrastructure projects funded from the State Revolving Funds. The language, including technical modifications, clarifies that the type of projects eligible for the 20 percent green infrastructure set-aside includes environmentally innovative activities as proposed by the Senate. Language is included to provide for additional subsidies from the State Revolving Funds as proposed by the House in the Administrative Provisions section.

Language is included, as proposed by the Senate, to provide direction on the allocation of funds to address drinking water and waste water infrastructure needs of Alaska Native villages, including that not less than 25 percent of those funds be used for projects in regional hub communities.

The conferees have included language as proposed by the House to increase the set-asides for Tribes and territories from the State Revolving Funds instead of language proposed by the Senate.

As noted below, the conferees have modified language, as proposed by the Senate, making technical corrections to prior year infrastructure grants. These project corrections are now incorporated into law by inclusion in the table above.

Technical Corrections to Prior Year STAG Infrastructure Grants.—As proposed by the Senate, technical corrections to prior-year infrastructure grants are as follows:

AL—Item number 9 in House Report 107-272 for the Southeast Alabama Regional Water Authority for a water facility project shall be made available to the City of Thomasville for that project.

AL—Item number 20 in House Report 107-272 for the Alabama Regional Water Authority for the Southwest Alabama Rural/Municipal

Water System shall be made available to the City of Thomasville for that project.

AL—Item number 20 in House Report 108-10 for the Southwest Alabama Regional Water Authority for water infrastructure improvements shall be made available to the City of Thomasville for that project.

AL—Item number 31 in House Report 108-401 for the Southwest Alabama Regional Water Supply District for regional water supply distribution shall be made available to the City of Thomasville for that project.

AL—Item number 30 in House Report 108-401 for the Tom Bevill Reservoir Management Area for construction of a drinking water reservoir shall be made available to Fayette County for water system upgrades.

CA—Item number 44 in the joint explanatory statement to accompany P.L. 111-8 for the San Bernardino Municipal Water District for the Inland Empire alternative water supply project shall be made available to the San Bernardino Municipal Water Department for that project.

IL—Item number 95 in the joint explanatory statement to accompany P.L. 111-8 for the Village of Crestwood for water storage improvements shall be made available to the City of Quincy for drinking water system improvements.

KS—Of the funds made available for item number 96 in the joint explanatory statement to accompany P.L. 110-161 for the City of Prescott for a wastewater treatment plant construction, \$170,800 shall be made available to the City of Prescott for that wastewater treatment plant construction and \$129,200 shall be made available to the City of Wichita for a storm water technology pilot project.

KS—Item number 108 in the joint explanatory statement to accompany P.L. 111-8 for the City of Manhattan for a sewer mainline extension project shall be made available to City of Manhattan for a water mainline extension project.

KS—Item number 111 in the joint explanatory statement to accompany P.L. 111-8 for the Riley County Board of Commissioners for the Konza Sewer Main Extension shall be made available to the City of Manhattan for the Konza Water Main Extension Project.

MO—Item number 154 in the joint explanatory statement to accompany P.L. 111-8 for the City of Warrensburg for a drinking water and wastewater infrastructure project shall be made available to Johnson County for that project.

MO—Item number 151 in the joint explanatory statement to accompany P.L. 111-8 for the City of Gravois Mills for wastewater infrastructure shall be made available to the Gravois Arm Sewer District for that project.

MO—Item number 155 in the joint explanatory statement to accompany P.L. 111-8 for McDonald County for a wastewater infrastructure expansion project shall be made available to PWSO #1 of McDonald County for that project.

MO—Item number 131 in the joint explanatory statement to accompany P.L. 110-161 for the City of Hayti, Pemiscot Consolidated Public Water Supply District 1 for a water storage tank shall be made available to Pemiscot Consolidated Public Water Supply District 1 for a drinking water source protection infrastructure project.

SD—Item number 245 in the joint explanatory statement to accompany P.L. 111-8 for the City of Lake Norden for wastewater infrastructure improvements shall be made available to the City of Lake Norden for drinking water infrastructure improvements.

Hancock, County, MS State Revolving Fund Loans.—The agreement includes a general

provision that directs EPA to extend loan repayment periods for the Hancock County, MS Water and Sewer District and the Hancock Utility authority by one year in order to allow the community to explore all possible remedies to avoid defaulting on loans. The conferees see this as an extraordinary action based upon the devastating effect of Hurricane Katrina on Hancock County. Due to the population loss and economic impact caused by Hurricane Katrina, the community has sought, and been granted, this one year extension.

ADMINISTRATIVE PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

The conference agreement includes language proposed by the House to extend until 2015 authority provided in P.L. 109-54 (as amended by Title II of Division E of Public Law 111-8) which provides special hiring authority for the Agency's Office of Research and Development. The conferees believe that it is in the public's best interest to have elite scientists at the EPA addressing human health-related issues, and that they should be compensated at or near market rates. To that end, for the past five years the House and Senate Committees on Appropriations have been supportive of extending to the EPA on a pilot basis the authorities originally granted the Department of Health and Human Services under Title 42 U.S.C. § 209. The conference agreement extends this authority for another five years, through FY 2015. The conferees are aware that the National Academy of Sciences is in the process of assessing and evaluating the EPA's use of Title 42 authority, and the conferees look forward to its report. Further, the conferees urge the EPA to work with the appropriate authorizing committees to seek more permanent authorization. The conferees understand that the EPA has made 11 Title 42 appointments to date utilizing Sections 209(g) and 209(h) authorities, but has not utilized Section 209(f) authority. The conferees direct the EPA to notify the Appropriations and Authorizing Committees prior to announcing any position to be filled utilizing Section 209(f) authority.

Modified language is included to authorize the Administrator to transfer up to \$475,000,000 of funds appropriated for the Great Lakes Restoration Initiative. Language authorizing a green infrastructure set-aside from the State Revolving Funds has been included in the STAG account as proposed by the Senate instead of in the Administrative Provisions section as proposed by the House. Language proposed by the House authorizing subsidized assistance from the State Revolving Funds has been included in the STAG account. The conference agreement modifies language proposed by the House to provide specific wage rate requirements for the Clean Water and Drinking Water State Revolving Funds.

Rescission.—The conference agreement modifies rescission language proposed by the House and the Senate and rescinds \$40,000,000 from the STAG and Superfund accounts. Based on information provided by the Agency, the conferees have expanded the scope of the rescission to include the Superfund account. For the STAG component of the rescission, the conferees direct the Agency to use unobligated balances from prior year categorical and other grant programs. Unlike in previous years, the Agency is not to include as part of the rescission unobligated

balances from prior year special project infrastructure grants. The conferees are concerned about the method by which the Agency has selected infrastructure grants as eligible for rescission and therefore will not allow the use of these types of funds for this specific rescission. The conferees further direct the Agency to report within 90 days of enactment of this Act the status of unobligated balances from the Title II Construction Grants program and a proposed plan to resolve legal and administrative impasses to either the use of these funds or their rescission.

In light of the significant amount of unliquidated obligations remaining on prior year grants, the conferees direct the Agency to improve procedures to ensure that grant funds are expended in a timely manner. In addition, the conferees are very concerned about the quality of information and analysis provided by the Office of the Inspector General (OIG) concerning the Agency's unliquidated obligation balances. Any future submissions from the OIG on this topic should, at a minimum, identify the appropriation account for each program with unliquidated obligations. In addition, the OIG should not submit any estimates unless and until it has met with the Agency to review each obligation and determine together whether or not it is actually available for rescission. Only after consultation with and agreement from the Agency, should the OIG report to Congress as available for rescission any funds attached to grants with active performance periods.

Black Carbon Study.—The conferees have included a modified version of the language proposed by the Senate requiring the Agency to conduct a study on black carbon emissions and have provided additional direction under the Science and Technology account.

TITLE III—RELATED AGENCIES DEPARTMENT OF AGRICULTURE FOREST SERVICE

The conference agreement provides a total of \$5,297,256,000 for all Forest Service accounts instead of \$5,420,138,000 as proposed by the House and \$5,368,758,000 as proposed by the Senate (including the entire \$834,000,000 proposed by the Senate in their section 431 version of the FLAME Act). The detailed allocation of funding by appropriation account and budget activity is included in the table at the end of the statement.

The conference agreement concurs with the House proposed language encouraging the Forest Service to accelerate the longleaf pine restoration effort using funds provided within the National Forest System, State and Private Forestry, and Forest and Rangeland Research accounts.

FOREST AND RANGELAND RESEARCH

The conference agreement provides \$312,012,000 for Forest and Rangeland Research instead of \$308,612,000 as proposed by the House and \$307,012,000 as proposed by the Senate. The detailed allocation of funding by activity for this account is included in the table at the end of the statement. In addition to the directions provided in the House and Senate committee reports, the conference agreement also provides the following directions:

Research and Development Programs.—The conference agreement includes the \$5,000,000 funding increase and the directions proposed by the House concerning the global climate change program increase and the Senate proposed increase above the request of \$400,000 to increase the budget request for the Center for Bottomlands Hardwood Research, MS, for

a total of \$800,000. The House proposed fixed cost increase is not included. The conferees reiterate their support for the amount requested for the Northeastern States Research Cooperative and expect the Service to allocate funds among participating entities.

Forest Inventory and Analysis.—The conference agreement includes an increase of \$5,000,000 above the request as recommended by the Senate. The Senate directions concerning this program should be followed.

STATE AND PRIVATE FORESTRY

The conference agreement provides \$308,061,000 for State and Private Forestry instead of \$307,486,000 as proposed by the House and \$276,946,000 as proposed by the Senate. The detailed allocation of funding by activity for this account is included in the table at the end of the statement. In addition to the directions provided in the House and Senate committee reports, the conference agreement also provides the following directions:

Forest Health Management.—The conference agreement provides an increase of \$2,000,000 above the request for high priority work in the Federal program as described by the House. The cooperative program includes the \$2,000,000 increase for emerald ash borer urban restoration as recommended by the House as well as the Senate proposed \$750,000 increase for gypsy moth activities. The conferees encourage the Service to pursue additional emerald ash borer response activities such as those discussed by the Senate to help the State of Wisconsin, within the normal program.

As detailed below, the conference agreement also allows up to \$2,000,000 within the cooperative forest health management program to be made available for the Pest and Disease Revolving Loan Fund established by Public Law 110-246.

Cooperative Fire Protection.—The conference agreement includes an increase of \$4,000,000 for State Fire Assistance as recommended by the House, which should be targeted for activities related to implementing State-wide Assessment and Resource Strategy plans.

Forest Stewardship.—The conference agreement includes the House proposed increase of \$1,000,000 for the Chesapeake Bay program but the agreement does not include the other increases proposed by the House.

Forest Legacy.—The Forest Legacy program is funded at a total level of \$79,460,000, of which \$3,000,000 is derived from prior-year unobligated funds. This includes \$6,200,000 for program administration, \$500,000 to initiate the community forest program, and \$72,760,000 for forest legacy projects. The Service should fund projects in priority order according to their competitively-selected national priority list for fiscal year 2010.

Urban and Community Forestry.—The conference agreement includes the following projects proposed by the House: \$150,000 for the Baltimore Urban Forestry Watershed Demonstration Cooperative Project; \$300,000 to support the Menomonee Valley Partners Inc., Urban Forestry Project in Milwaukee, WI; and \$1,000,000 to continue the Seattle-Tacoma regional urban forestry restoration effort, WA.

Economic Action Program.—The conference agreement includes the following projects proposed by the Senate: \$300,000 to the Missouri Forest Foundation for a biomass demonstration project; \$200,000 to the Utah Department of Agriculture for a fuels-for-schools biomass utilization project; \$2,500,000 to the Service's Region 5, for small forest products infrastructure assistance grants in California; \$500,000 to the State of Vermont

for the Vermont Wood Products Collaborative; and \$500,000 to the Blue Mountain Community Renewable Council for the Calaveras Healthy Impact Product Solutions biomass utilization project (CHIPS) in Calaveras, California. An additional \$1,000,000 above the request is also provided to increase the budget request for the Wood Education and Resource Center in Princeton, WV, for technical assistance and business development activities, for a total of \$1,900,000.

International Program.—The conference agreement provides \$9,818,000 for the International program, an increase of \$750,000 above the request.

Bill Language.—The conference agreement includes language proposed by the Senate within the National Forest System account, which allows up to \$2,000,000 to be made available to the Pest and Disease Revolving Loan Fund as established by section 10205(b) of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 2104 a(b)).

NATIONAL FOREST SYSTEM (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$1,551,339,000 for the National Forest System instead of \$1,564,801,000 as proposed by the House and \$1,552,429,000 as proposed by the Senate. The detailed allocation of funding by activity for this account is included in the table at the end of the statement. The House proposed increases within several budget activities for climate change adaptation are not included. In addition to the directions provided in the House and Senate committee reports, the conference agreement also provides the following directions:

Land management planning.—The conference agreement includes \$399,000 above the request to partially offset fixed cost increases.

Inventory and Monitoring.—The conference agreement includes \$1,807,000 above the request to partially offset fixed cost increases.

Recreation, Heritage, and Wilderness.—The conference agreement does not include the House proposed increases for fixed costs or the youth and conservation initiative. The agreement does include an increase of \$5,000,000 above the request to assist priority recreation operations.

Wildlife and Fisheries Habitat Management.—The conference agreement includes \$1,543,000 above the request to partially offset fixed cost increases.

Forest Products.—The conference agreement does not include the Senate proposed increase for regions with recently closed and at-risk mills but does include an increase above the request of \$6,513,000 to offset fixed costs. The conferees expect the Service to consider regional needs to maintain at-risk forest products infrastructure as it allocates the fixed cost increase. The Senate proposed increase of \$1,250,000 to increase the budget request for the Tongass National Forest timber pipeline program, AK, is included.

Vegetation and Watershed Management.—The conference agreement includes \$3,500,000 above the request to expand efforts to fund cleanup activities associated with marijuana eradication on national forest lands and \$2,174,000 above the request to partially offset fixed cost increases.

Minerals and Geology Management.—The conference agreement includes \$590,000 above the request to partially offset fixed cost increases.

Land Ownership Management.—The conference agreement includes \$1,234,000 above the request to partially offset fixed cost increases.

Law Enforcement Operations.—The conference agreement includes an increase of

\$10,000,000 above the request to expand the Service's marijuana eradication activities on national forest system lands as proposed by the Senate and discussed during House floor action. The conferees have retained Senate direction regarding the allocation of this increase.

Bill Language.—The conference agreement provides three-year authority for the Forest Service to transfer up to \$10,000,000 to the Department of the Interior, Bureau of Land Management, for certain wild horse and cadastral survey work they perform on behalf of the Service.

CAPITAL IMPROVEMENT AND MAINTENANCE (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$556,053,000 for Capital Improvement and Maintenance instead of \$560,673,000 as proposed by the House and \$513,418,000 as proposed by the Senate. The conferees note that they have agreed to offset these funds with a \$18,000,000 scoring credit, as proposed by the House and Senate. The detailed allocation of funding by activity for this account is included in the table at the end of the statement. In addition to the directions provided in the House and Senate committee reports, the conference agreement also provides the following directions:

Facilities Capital Improvement.—The conference agreement provides for the following projects: \$595,000 increase for facilities improvements on the Monongahela National Forest, WV; an increase of \$800,000 above the budget request to continue construction of research stations in Hawaii, for a total of \$1,460,000; \$500,000 to complete construction of a Cherokee National Forest work center, TN; \$1,900,000 for relocation of the Northern Great Plains Interagency Dispatch Center on the Black Hills National Forest, SD; and \$475,000 to redesign the Ratcliff Lake Recreation Area and campground, TX.

Road Capital Improvement.—The conference agreement includes an increase of \$1,521,000 for road improvements for the Monongahela National Forest, WV.

Trail Maintenance and Capital Improvement.—The conference agreement includes the House proposed \$2,000,000 increase for fixed costs and the \$1,200,000 designated for Sawtooth National Recreation Area, ID trail construction and maintenance. The agreement also includes the Senate-proposed increase of \$100,000 to the Lake Tahoe Basin Management Unit for improvements to the Tahoe Rim Trail, NV, to be conducted by the Tahoe Rim Trail Association.

Legacy Road and Trail Remediation.—The conference agreement provides \$90,000,000 for the legacy road and trail remediation program. The Service should follow the direction as described by the House.

Bill Language.—The conference agreement includes the House proposed language concerning the availability of funds for decommissioning of roads. The conference agreement includes the Senate proposed language limiting funds to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

LAND ACQUISITION

The conference agreement includes \$63,522,000 for Land Acquisition instead of \$36,782,000 as proposed by the House and \$67,784,000 as proposed by the Senate. The conference agreement includes the following distribution of funds:

State	Project	Amount
CA	Angeles National Forest, Bighorn Mine	\$1,750,000

State	Project	Amount
CA	Angeles National Forest, Shoemaker Canyon	500,000
CA	Humboldt-Toiyabe National Forest	2,400,000
CA	Los Padres National Forest, Big Sur Eco-system	1,500,000
CA	San Bernardino National Forest, Garner Home Ranch	500,000
CA	Tahoe and El Dorado National Forests, Sierra Nevada Checkerboard	1,000,000
CO	Uncompahgre National Forest	1,000,000
FL	Florida National Scenic Trail	500,000
FL	Osceola National Forest, Pinhook Swamp Wildlife Corridor	500,000
GA	Chattahoochee-Oconee National Forest	1,200,000
ID	Sawtooth National Recreation Area, Piva Parcel	400,000
IN	Hoosier National Forest	825,000
KY	Daniel Boone National Forest	900,000
MI	Ottawa National Forest, Great Lakes/Great Lands	1,500,000
MN	Chippewa/Superior National Forest, Minnesota Wilderness	900,000
MO	Mark Twain National Forest, Missouri Ozark	500,000
MT	Gallatin and Custer National Forests, Greater Yellowstone Area	2,000,000
MT	Helena National Forest, Blackfoot Challenge	1,000,000
MT	Lewis and Clark National Forest	1,500,000
NC	Pisgah National Forest, Catawba Falls Access & Trail Acquisition	713,000
NC	Uwharrie National Forest, Uwharrie Trail	500,000
NH	White Mountain National Forest	434,000
NM	Gila National Forest, Bear Creek Ranch	3,000,000
PA	Allegheny National Forest	500,000
SD	Black Hills National Forest, Lady C Ranch	1,640,000
TN	Cherokee National Forest, Rocky Fork	6,000,000
UT	Bonneville Shoreline Trail	1,500,000
UT	Dixie National Forest	2,500,000
UT	Uinta & Wasatch-Cache National Forests, High Uintas	1,500,000
VT	Green Mountain National Forest	2,250,000
WA	Mt. Baker-Snoqualmie / Wenatchee National Forests, Cascades Ecosystem	1,000,000
WA	Mt. Baker-Snoqualmie National Forest, Wild Sky Wilderness	1,700,000
WA, OR	Wallowa-Whitman National Forest, Hells Canyon National Recreation Area	1,500,000
WI	Chequamegon-Nicolet National Forest, Wisconsin Wild Waterways	2,125,000
WV	Monongahela National Forest, Cummings Tract	985,000
WV	Monongahela National Forest, Dolly Sods Conservation Area	2,800,000
Subtotal, Line Item Projects		51,022,000
Acquisition Management		8,000,000
Equalization		1,000,000
Inholdings		3,500,000
Total, Forest Service Land Acquisition ..		63,522,000

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The conference agreement includes \$1,050,000 as requested and as proposed by both the House and the Senate for Acquisition of Lands for National Forests Special Acts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

The conference agreement includes \$250,000 as requested and as proposed by both the House and the Senate for Acquisition of Lands to Complete Land Exchanges.

RANGE BETTERMENT FUND

The conference agreement includes \$3,600,000 as requested and as proposed by both the House and the Senate for the Range Betterment Fund.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

The conference agreement includes \$50,000 as requested and as proposed by both the House and the Senate for Gifts, Donations and Bequests for Forest and Rangeland Research.

MANAGEMENT OF NATIONAL FOREST LAND FOR SUBSISTENCE USES

The conference agreement includes \$2,582,000 as requested and as proposed by both the House and the Senate for Management of National Forest Lands for Subsistence Uses.

WILDLAND FIRE MANAGEMENT (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$2,178,737,000 for Forest Service Wildland Fire

Management instead of \$2,370,288,000 as proposed by the House and \$1,817,637,000 as proposed by the Senate. The conference agreement also includes an additional \$413,000,000 for the new Forest Service FLAME Wildfire Suppression Reserve Fund established in the FLAME Act of 2009 (Title V of this Act). The Senate had included \$282,000,000 for a contingency reserve fund within Wildland Fire Management, whereas the House had included \$282,000,000 in a separate Wildland Fire Suppression Contingency Reserve account, as requested. The Senate recommendation also included in section 431 an additional \$834,000,000 for the inter-departmental FLAME Fund and an additional \$10,000,000 in a separate Collaborative Forest Landscape Restoration Fund.

The detailed allocation of funding by activity for the wildfire accounts is included in the table at the end of the statement. The conferees note that the funding provided includes the use of \$75,000,000 in prior year funds because the suppression activity had large, non-emergency carry-over balances from fiscal year 2009. In addition to the directions provided in the House and Senate committee reports, the conference agreement also provides the following directions:

Wildfire Preparedness.—The conference agreement provides \$675,000,000 as requested for preparedness but not the funds recommended by the House and the Senate for fixed costs or firefighter retention. The conferees have retained direction directing the Secretary of Agriculture, after notifying the House and Senate Appropriations Committees, to adjust allocations between preparedness and suppression funds to ensure that readiness needs are fully funded for this fiscal year. However, the conferees are concerned that these shifts of aviation, personnel and overhead costs to the suppression appropriation have continued to grow exponentially and cloaked the true cost of the agency's readiness needs. The conferees believe an analysis of base preparedness requirements must be an essential element of the firefighting budget reforms proposed in Title V and has provided additional direction to that effect within the description of that title. Further, the conferees note that firefighter retention initiatives for fiscal year 2010 will be fully funded by prior-year appropriations as appropriate to maintain experienced and qualified staffing.

The conferees reiterate the House and Senate direction concerning readiness required for public safety and the requirement that the Forest Service provide a copy of its report on Federal air tanker needs, including an estimate of replacement costs, within 30 days of enactment of this Act.

Wildfire Suppression Operations.—The conference agreement includes \$997,505,000 for wildland fire suppression instead of \$1,128,505,000 as proposed by the House and \$369,505,000 as proposed by the Senate. As noted above, the Senate had also included \$834,000,000 in section 431 for an inter-departmental FLAME fund. The conferees note the use of \$75,000,000 in prior year funding. An additional \$413,000,000 for suppression activities is provided in the new Forest Service FLAME Wildfire Suppression Reserve Fund. The conferees note that the Department of the Interior wildland fire suppression accounts are provided \$444,797,000, including \$61,000,000 in the new Department of the Interior FLAME Wildfire Suppression Reserve Fund. Thus, the sum for wildfire suppression for both Departments, including both the suppression and the FLAME Wildfire Suppression Reserve Fund accounts is

\$1,855,302,000. This total is equal to the request for all wildfire suppression accounts and is \$526,164,000 above the fiscal year 2009 funding level. This is the largest non-emergency funding increase ever provided for wildfire suppression.

The conferees note that additional direction concerning the use of the new Forest Service and Interior Department FLAME Wildfire Suppression Reserve Funds is included in Title V accompanying the FLAME Act of 2009. In particular, the conferees note that direction has been provided to the Service in Title V relating to the formulation of future fire suppression budget estimates for Wildland Fire Management and FLAME Fund appropriations. The use of the FLAME funds is entirely consistent with the risk-informed wildfire suppression reforms discussed in the budget request, including expanded use of the Wildland Fire Decision Support System, which will result in strengthened oversight and accountability of suppression spending.

The conferees reiterate that both the Interior Department and the Forest Service should ensure that cost containment is an important priority when suppressing wildland fires. Both Departments must examine and report promptly to the Congress and on agency websites, using independent panels on each and every individual wildfire incident which results in suppression expenses greater than \$10,000,000.

The conferees note that bill language included in the Administrative Provisions provides authority for the Forest Service to transfer non-wildfire funds for emergency wildfire suppression once all the funds in this account and the new FLAME Wildfire Suppression Reserve Fund will be exhausted within 30 days.

Hazardous Fuels Reduction.—The conference agreement provides \$350,285,000 for hazardous fuels reduction activities at the Forest Service instead of \$378,086,000 as proposed by the House and \$340,285,000 as proposed by the Senate. The agreement provides a \$25,000,000 increase for this program; the Service is directed to allocate this increase to areas that face the highest risk of catastrophic wildfire based on fuel loads and values at risk. The conference agreement also includes \$10,000,000 for fuels reduction and restoration activities authorized by the Collaborative Forest Landscape Restoration Act (P.L. 111-11) within this account instead of within a separate appropriations account as proposed by the Senate. The conferees expect the Service to follow direction included in the Senate report regarding the submission of forest landscape projects funded through this new program no later than March 1, 2010. The agreement does not include the general program increase recommended by the House. The agreement includes the House recommendation of \$5,000,000 for certain biomass grants as was requested.

Rehabilitation.—The conference agreement includes the \$100,000 increase proposed by the House for the San Bernardino, CA, urban youth conservation corps. The conferees note that there have been extreme wildfires in recent years, which will require extensive rehabilitation and restoration activities. The Service is urged to provide a detailed assessment of future needs and accomplishments in the next budget request.

Forest Health Management.—The conference agreement includes general program increases above the fiscal year 2009 level of \$3,500,000 for Federal lands forest health management and \$1,500,000 for cooperative lands forest health management.

State Fire Assistance.—The conference agreement includes a general program increase of \$15,000,000. This will help the States accomplish national fire plan activities including hazardous fuels reduction and implementation of community wildfire protection plans. The agreement also includes the following increases above the request as proposed by the Senate: \$4,000,000 for the South Lake Tahoe Public Utility District to increase the budget request for the Lake Tahoe Community Fire Protection Project to fund water system improvements by local utility districts to enhance firefighting capability, for a total of \$5,000,000; \$2,000,000 for fire risk reduction activities by California Fire Safe Council chapters, including activities in the Lake Tahoe Basin, for a total of \$5,000,000; and \$250,000 for the City of Reno, NV to fund firefighting equipment for the wildland-urban interface. The conferees have agreed that a 25 percent local match shall be required for Fire Safe Council grants.

Bill Language.—The conference agreement modifies the language in the budget request and House recommendation concerning procurements and cooperative agreements for hazardous fuels and associated monitoring activities so it is limited to \$15,000,000. The conference agreement includes Senate-proposed language: (1) allowing up to \$15,000,000 in hazardous fuels funding to be transferred to the National Forest System account at the sole discretion of the Forest Service Chief 30 days after notifying the Committees on Appropriations; and (2) concerning the use of funds on adjacent non-Federal lands and the availability of funds to implement the Community Forest Restoration Act. As previously noted, modified language is also included that allows \$10,000,000 of funds made available for hazardous fuels reduction to be deposited in the Collaborative Forest Restoration Fund. Bill language is included that directs the Forest Service to make no less than \$75,000,000 in prior year non-emergency wildfire suppression funds available for wildfire suppression purposes in addition to amounts otherwise provided. The agreement includes the House proposed language allowing up to \$50,000,000 to be transferred between the Interior Department and the Forest Service when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

The conference agreement does not include the Wildland Fire Contingency Reserve Fund, which was in the request and the House recommendation. Instead, funds are provided for the FLAME Wildland Fire Suppression Reserve Fund, as described below.

FLAME WILDLAND FIRE SUPPRESSION RESERVE FUND

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$413,000,000 for the new Forest Service FLAME Wildland Fire Suppression Reserve Fund established in the FLAME Act of 2009 (Title V of this Act). The Senate had included \$282,000,000 within the Wildland Fire Management account for a suppression reserve, whereas the House had included, as requested, \$282,000,000 for a separate Wildland Fire Suppression Contingency Reserve Fund. Further direction on the use of this new account is provided in Title V. The conferees note that funding provided this year as a beginning allocation is equal to the actual expenditures during fiscal year 2009 by the Forest Service on large wildfire suppression events, as defined by the FLAME Act of 2009 (Title V of this Act). A similar account in the Department of the Interior is also provided an additional \$61,000,000. The conferees

have established these funding levels to give the Department of the Interior and the Forest Service some degree of funding flexibility as they develop appropriate procedures and infrastructure for the FLAME Funds. However, these levels are not intended to represent a final method for calculating FLAME Fund budget requests. Instead, as provided in Title V, the conferees expect the agencies to develop new methods for formulating fire suppression funding estimates for the Wildland Fire Management and FLAME Fund appropriations accounts as part of their fiscal year 2011 budget request.

The conferees appreciate the Administration's recognition that budgeting for wildfire suppression using the 10-year rolling average has failed to keep pace with actual funding requirements and has led to significant disruption as agencies borrow from non-fire program accounts when funds are exhausted. The conferees intend that, for fiscal year 2010 and beyond, amounts provided through the FLAME Fund, together with amounts provided through the Wildland Fire Management account, should fully fund anticipated wildland fire suppression requirements and prevent future borrowing from non-fire programs.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE (INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes administrative provisions similar to previous years. This includes limiting transfers to the USDA for reimbursable charges to the requested amount and allowing up to \$55,000,000 to be assessed for fire, administrative and other facilities maintenance. The House recommended language continuing a provision concerning the use of funds for certain Puerto Rico school expenses is included. The conference agreement provides \$3,000,000 for the National Forest Foundation and \$3,000,000 for the National Fish and Wildlife Foundation; it is acceptable for these foundations to make grants to Federal recipients, including Forest Service offices. As recommended by the House, the Government Accountability Office should conduct an independent analysis of centralized business services of the Forest Service, including a comprehensive review of the purchase card program.

The bill language concerning transfers of funds for certain emergency wildfire suppression needs has been modified from the versions recommended by either the House or the Senate to be consistent with the FLAME Act of 2009. Non-wildfire suppression funds may not be transferred unless all other funds, including both those in the Wildland Fire Management account and the FLAME Wildfire Suppression Reserve Fund, will be fully exhausted within 30 days. The Service should take its first fire suppression transfers from unobligated balances, if available, from the Knutson-Vandenberg Trust Fund and other permanent and trust fund accounts, and use those balances, as appropriate, before transferring funds from discretionary accounts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE INDIAN HEALTH SERVICES

The conference agreement provides \$3,657,618,000 for Indian Health Services as proposed by the House, instead of \$3,639,868,000 as proposed by the Senate. The detailed allocation of funding by program area and activity for this account is included in the table at the end of the statement. The conference agreement also includes the following directions:

Domestic Violence Prevention.—The conference agreement provides a total of \$10,000,000 as proposed by the House for domestic violence and sexual assault prevention and treatment, instead of \$7,500,000 as proposed by the Senate. From within those funds, the Indian Health Service (IHS) is directed to implement a nationally coordinated Sexual Assault Forensic Examiner/Sexual Assault Response Team (SAFE/SART) program to be used to fund IHS and Tribally managed hospitals, clinics and/or other facilities that provide 24/7 emergency care through competitive grants, 638 contracts and/or program awards to build local SAFE and SART capacity. In addition, the Service is directed to expand its national domestic violence grant program through competitive grants, 638 contracts and/or program awards to address the growing need for these services.

As the need for domestic violence programs increases, so do the number of cases that need to be prosecuted. However, there have been reports that the Department of Health and Human Services policy on witness subpoenas impedes the ability of IHS personnel to present evidence or testimony in these cases. This can cause the cases to be dropped and the perpetrators to potentially walk free. This scenario is simply unacceptable. Therefore, the Department and the Service are directed to reevaluate and revise this policy to ensure that IHS personnel are able to testify and present evidence in these cases and to report to the House and Senate Committees on Appropriations on their revised policy within 90 days of enactment of this Act.

Dental Health.—The conference agreement provides \$152,634,000 for dental health programs as proposed by the House, instead of \$151,384,000 as proposed by the Senate. Of those funds, \$1,000,000 is for the Headquarters Division of Oral Health to expand the dental residency program and \$250,000 is to expand the summer extern program. In addition, the Service is directed to further its dental health efforts by utilizing a portion of the health information technology funds to refine and expedite the deployment schedule of the electronic dental record system.

Urban Indian Health Program.—The conference agreement provides \$43,139,000 as proposed by the House for urban health programs, instead of \$38,139,000 as proposed by the Senate. The increase is provided to assist the Service in addressing shortfalls within this program that have accumulated over the last several years. Bill language from previous years has not been included because the conferees are satisfied that the Administration does not intend to eliminate this program.

INDIAN HEALTH FACILITIES

The conference agreement provides \$394,757,000 for Indian Health Facilities as proposed by both the House and the Senate. The detailed allocation of funding by program area and activity for this account is included in the table at the end of the statement. The conference agreement also includes the following directions:

The conferees remain concerned about the systemic weaknesses in the IHS inventory management system, as identified by the Government Accountability Office (GAO). A recently released follow-up investigation by the GAO suggests these weaknesses persist. The conferees expect the Service to ensure that the provision of health care services is not adversely affected by these problems and demonstrate that it is working aggressively to strengthen administration and account-

ability. The Service is directed to evaluate its inventory management system, identify and correct any deficiencies, and provide a detailed report to the House and Senate Committees on Appropriations on its efforts within 60 days of enactment of this Act.

The conferees are concerned about the persistent backlog of Indian Health Service health facilities construction projects serving American Indians and Alaska Natives. The conferees believe that the joint venture program provides a cost-effective means to address this backlog and to increase access to health care services for American Indians and Alaska Natives. The conferees are aware that IHS is currently reviewing competitive applications from Tribes and Tribal organizations to participate in the 2010 joint venture program and encourage the Service to move forward with the process in an expeditious manner.

NATIONAL INSTITUTES OF HEALTH NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The conference agreement provides \$79,212,000 for the National Institute of Environmental Health Sciences as requested and as proposed by both the House and the Senate.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

The conference agreement provides \$76,792,000 for the Agency for Toxic Substances and Disease Registry as requested and as proposed by both the House and the Senate. The conferees continue to be concerned with the CDC's administrative costs. The conferees are aware that the CDC plans to commission a study on administrative costs. The conferees direct the ATSDR to submit the results of that study, as soon as it becomes available. If necessary, the House and Senate Committees on Appropriations may consider a cap on administration expenses.

Bill Language.—The conference agreement includes language that provides up to \$1,000 per eligible employee of the ATSDR for Individual Learning Accounts as proposed by the House.

OTHER RELATED AGENCIES EXECUTIVE OFFICE OF THE PRESIDENT COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

The conference agreement provides \$3,159,000 for the Council on Environmental Quality and Office of Environmental Quality as requested and as proposed by both the House and the Senate. The conference agreement also includes the following directions:

Appalachian Surface Coal Mining Interagency Plan.—The conferees expect the Council on Environmental Quality to abide by the language in Senate Report 111-38 referencing the Administration's Interagency Action Plan to "diversify and strengthen the Appalachian regional economy." The conferees direct the Council, in coordination with the Appalachian Regional Commission, to provide a detailed report no later than March 31, 2010, on how the Administration intends to achieve its goals.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

The conference agreement provides \$11,147,000 for the Chemical Safety and Hazard Investigation Board instead of \$10,547,000 as proposed by the House and \$11,195,000 as

proposed by the Senate. The conference agreement includes language that: limits the Board to not more than three career SES positions; directs that EPA's Inspector General serve as the Board's Inspector General; and instructs the Board to utilize the personnel in EPA's Office of Inspector General. The conferees have not included language to transfer funds from the Board's account to the EPA OIG account, as proposed by the House. The Inspector General has confirmed that he has sufficient funds in fiscal year 2010 to perform this function. The conference agreement also includes the following specific funding levels and directions:

Methyl isocyanate report.—The conference agreement includes bill language that designates \$600,000 for a National Academy of Sciences report on the use and storage of methyl isocyanate and alternatives at the Bayer CropScience facility in Institute, WV.

OFFICE OF NAVAJO AND HOPI INDIAN

RELOCATION

SALARIES AND EXPENSES

The conference agreement provides \$8,000,000 for the Office of Navajo and Hopi Indian Relocation, Salaries and Expenses as requested and proposed by both the House and the Senate.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT PAYMENT TO THE INSTITUTE

The conference agreement provides \$8,300,000 for the Institute of American Indian and Alaska Native Culture and Arts Development as requested and proposed by both the House and the Senate.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

The conference agreement includes \$636,161,000 for the Salaries and Expenses account of the Smithsonian Institution, instead of \$634,161,000 as requested and as proposed by both the House and the Senate. The detailed allocation of funding by program area and activity is included in the table at the end of this section of the statement. The increase above the request is designated for the museum-wide collections care initiative to assist the Institution in strengthening its efforts to preserve priceless historical collections. The conference agreement includes bill language proposed by the House concerning two-year funding availability. Language is also included in the bill as proposed by the Senate stipulating that from within the funds provided, \$250,000 will be used to carry out activities under the Civil Rights History Project Act of 2009.

The conferees note that some Smithsonian Institution collections, such as the priceless military uniform collection at the National Museum of American History, may be stored in unsatisfactory conditions. The conferees urge the Smithsonian to take the necessary steps to preserve these irreplaceable historical collections and ensure that preservation of its collections is made a high priority.

FACILITIES CAPITAL

The conference agreement includes \$125,000,000 as requested and as proposed by the Senate instead of \$140,000,000 as proposed by the House for the Facilities Capital account.

LEGACY FUND

(INCLUDING RESCISSION OF FUNDS)

The conference agreement includes a net increase of \$234,000 as proposed by the Senate for the Legacy Fund instead of no appropriation as proposed by the House. The conference agreement includes the Senate proposal to rescind \$29,766,000 in prior year balances in this account and appropriate

\$30,000,000 for revitalization of the Arts and Industries building on the National Mall, provided the funds are matched on a 1:1 basis with private contributions.

The conference agreement does not include the House recommended administrative provision, which allowed the fiscal year 2008 Legacy Fund appropriation to be transferred into the Facilities Capital account, to be used under the terms and conditions of that account.

NATIONAL GALLERY OF ART SALARIES AND EXPENSES

The conference agreement provides \$110,746,000 for the Salaries and Expenses account of the National Gallery of Art as proposed by both the House and the Senate. Bill language is included which allows up to \$3,386,000 for the Special Exhibition Program, as proposed by both the House and the Senate. The detailed allocation of funding by activity for this account is included in the table at the end of this section of the statement.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The conference agreement provides \$56,259,000 for the Repair, Restoration and Renovation account as proposed by the House instead of \$54,499,000 as proposed by the Senate. Bill language is included which provides \$40,000,000 for the repair of the East Building exterior marble facade, as proposed by the House. The conferees have provided this significant increase in light of the considerable public safety hazard posed by the deterioration of the facade. In addition, the agreement includes bill language as proposed by the Senate to allow for a single contract for the full scope of this project.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

The conference agreement provides \$23,000,000 for the Operations and Maintenance account instead of \$25,000,000 proposed by the House and \$22,500,000 proposed by the Senate. Bill language has been included as proposed by the House directing \$500,000 toward the Center's efforts to assist arts organizations nationwide with tools to manage the challenges posed by the economy. Such assistance should address issues including board governance, budgeting, marketing, and technology. The Kennedy Center is directed to submit a spending plan for these funds no later than 30 days after enactment of this Act.

CAPITAL REPAIR AND RESTORATION

The conference agreement provides \$17,447,000 for the Capital Repair and Restoration account as proposed by both the House and the Senate.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

The conference agreement provides \$12,225,000 for the Woodrow Wilson International Center for Scholars as proposed by the House instead of \$10,225,000 as proposed in the request and by the Senate. Within the overall increase, \$650,000 is provided for the Kissinger Institute on China and the United States, which was established by the Center last year, and other related Asia programs. While the conferees understand that the Institute was originally to be supported solely with private contributions, the downturn in the economy has slowed the response to the Center's initial fundraising efforts. This program support will allow the Institute to

move forward with its first initiatives at a critical stage in its development. An additional amount of \$600,000 is provided for necessary administrative costs that were not covered in the request. Language has been included in the bill, as proposed by the House, to make the Center's appropriation available for two years in order to accommodate any issues that may arise because of discrepancies between the obligation of grant monies and the fiscal year calendar.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS GRANTS AND ADMINISTRATION

The conference agreement provides \$167,500,000 for the National Endowment for the Arts (NEA) instead of \$170,000,000 as proposed by the House and \$161,315,000 as requested and proposed by the Senate. The detailed allocation of funding by program area for this account is included in the table at the end of the statement.

The conferees commend the National Endowment for the Arts for promoting literacy and reading in the United States through the highly acclaimed Big Read program. The Big Read engages communities of all sizes and Americans of all ages by celebrating the literary works of American writers. Since 2005, the NEA has awarded grants—leveraged with millions of private sector dollars—in every State and virtually every Congressional district in the United States. The NEA study, *Reading on the Rise*, released last year, documents a definitive increase in the number of American adults who read with the biggest increase in young adults aged 18–24. This new growth reverses two decades of downward trends cited in previous NEA reports. The conferees remain committed to the Big Read program and direct the NEA to report to the House and Senate Committees on Appropriations, no later than 60 days after enactment of this Act, with a detailed funding plan for the continuation of this popular and successful program.

Bill Language.—The conference agreement includes three provisions in Title IV, General Provisions, which relate to the NEA. The first, Section 417, concurs with the administration's request to reinstate four positions on the National Council on the Arts that were eliminated in 1996. This expansion will enable the National Endowment to receive counsel and advice from a more diverse body that represents a broader array of arts disciplines and fields.

Sections 438 and 439 include the full text of language regarding program priorities and grant guidelines, which in recent years has been incorporated by reference to sections 309 and 311 of P.L. 108–447. These provisions are in addition to the instructions provided under the agency's most recent authorization regarding the awarding of grants. The conferees have taken this step in light of recent controversies in order to restate for the Endowment and the general public the guidelines within which the agency is expected to conduct its work and distribute taxpayer dollars in support of the arts.

Finally, the conferees note that section 402 of Title IV, General Provisions, prohibits any agency, including the NEA, from any activity, publication or distribution of literature that “in any way (emphasis added) tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress. . . .” The conferees urge the NEA to take immediate steps to ensure that all em-

ployees are aware of these provisions when conducting any activities funded by this appropriation.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

The conference agreement provides \$167,500,000 for the National Endowment for the Humanities (NEH) instead of \$170,000,000 as proposed by the House and \$161,315,000 as requested and proposed by the Senate. The conferees do not agree with the proposal to fund the National Capital Arts and Cultural Affairs grant program through the NEH. Instead, the conferees agree to continue administering the National Capital Arts and Cultural Affairs grant program through the Commission of Fine Arts as proposed by both the House and Senate. The detailed allocation of funding by program area for this account is included in the table at the end of this section of the statement.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

The conference agreement provides \$2,294,000 for the Commission of Fine Arts, as requested and proposed by both the House and the Senate.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

The conference agreement provides \$9,500,000 for the National Capital Arts and Cultural Affairs grant program as proposed by the Senate instead of \$10,000,000 as proposed by the House. Language is included in the bill in title IV, General Provisions, to adjust the authorized funding level for this program to \$10,000,000 and increase the maximum allowable grant level to \$650,000 per recipient per year in agreement with the House proposal. The Senate bill did not contain this provision.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

The conference agreement provides \$5,908,000 for the Advisory Council on Historic Preservation as requested and as proposed by both the House and the Senate.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

The conference agreement provides \$8,507,000 for the National Capital Planning Commission, as requested and proposed by both the House and the Senate.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

The conference agreement provides \$49,122,000 for the United States Holocaust Memorial Museum as proposed by the Senate, instead of \$48,551,000 as requested and as proposed by the House. The increase above the request is provided to sustain the additional security measures that were implemented by the Museum earlier this year immediately following the tragic shooting of an employee there. The conferees understand that further steps may be taken upon completion of a security review by the Department of Homeland Security based on the findings contained therein.

PRESIDIO TRUST

PRESIDIO TRUST FUND

The conference agreement provides \$23,200,000 for the Presidio Trust Fund as proposed by the House, instead of \$17,230,000 as proposed by the Senate.

DWIGHT D. EISENHOWER MEMORIAL
COMMISSION

SALARIES AND EXPENSES

The conference agreement provides \$3,000,000 for the Dwight D. Eisenhower Memorial Commission for salaries and expenses as proposed by the Senate, instead of \$2,000,000 as proposed by the House.

CAPITAL CONSTRUCTION

The conference agreement provides \$16,000,000 for the Dwight D. Eisenhower Memorial Commission for capital construction as proposed by the Senate, instead of \$10,000,000 as proposed by the House.

TITLE IV—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

Sec. 401. Retains a provision included by both the House and the Senate on consulting services.

Sec. 402. Retains a provision included by both the House and the Senate limiting certain activities related to support or opposition to legislative proposals.

Sec. 403. Retains a provision included by the House which provides that appropriations in the bill are available only for the current fiscal year, unless otherwise stated.

Sec. 404. Retains a provision included by both the House and the Senate prohibiting funds for certain personal services.

Sec. 405. Retains a provision included by both the House and the Senate which limits overhead charges, deductions, reserves or holdbacks for certain functions.

Sec. 406. Retains a provision included by the Senate prohibiting the sale of giant sequoia trees.

Sec. 407. Retains a provision included by the House limiting transfer of funds except as provided in this or other Acts.

Sec. 408. Retains, with minor technical changes, a provision included by both the House and the Senate limiting funds for patents for mining or mill site claims.

Sec. 409. Modifies a provision included by both the House and the Senate limiting payments for BIA and IHS contract support costs in past years to the funds available in law.

Sec. 410. Retains a provision included by both the House and the Senate regarding Forest Service land management planning.

Sec. 411. Retains a provision included by the House and the Senate limiting certain mineral, oil and gas leasing activities within the boundaries of certain National Monuments.

Sec. 412. Retains, with minor technical changes, a provision included by both the House and the Senate concerning wildfire suppression assistance with foreign countries.

Sec. 413. Retains a provision included by both the House and the Senate pertaining to the awarding of Federal contracts by the Secretaries of Agriculture and Interior in certain disadvantaged communities.

Sec. 414. Modifies a provision which restricts funding for acquisition of land from being used for declarations of taking or complaints in condemnation.

Sec. 415. Retains a provision included by the Senate regarding the clean-up activities at the Treasure Island Naval Station—Hunters Point Annex.

Sec. 416. Retains, with minor technical changes, a provision included by both the House and the Senate continuing for one year certain authorities to renew grazing permits or leases administered by the Forest Service or Department of the Interior.

Sec. 417. Retains a provision included by both the House and the Senate that amends

the authorization for the National Council on the Arts.

Sec. 418. Retains a provision included by the House that amends the authorization for the National Capital Arts and Cultural Affairs program.

Sec. 419. Retains a provision included by the Senate that places a two-year prohibition on the ability of Alaska Native villages to assume the administration of health services contracts under certain circumstances, and clarifying that the Eastern Aleutian Tribes, Inc., the Council of Athabaskan Tribal Governments, and the Native Village of Eyak be considered regional health entities for purposes of disbursement of funds.

Sec. 420. Retains a provision included by the House extending the pilot program for the sale of forest botanical products by the Forest Service through fiscal year 2014.

Sec. 421. Modifies a provision included by the Senate making Alaska red cedar timber available to domestic mills.

Sec. 422. Retains a provision included by both the House and the Senate extending the authority for the Colorado Cooperative Conservation Authority until 2013.

Sec. 423. Retains a provision included by the House reverting the formula for geothermal receipts to the distribution used before 2005.

Sec. 424. Retains a provision included by the Senate regarding greenhouse gas reporting requirements associated with livestock production. The House version contained minor technical differences.

Sec. 425. Retains a provision included by the Senate regarding greenhouse gas reporting requirements for animal waste.

Sec. 426. Modifies a provision included by the House regarding reporting of climate change expenditures.

Sec. 427. Retains a provision included by the Senate prohibiting the distribution of funds to ACORN or its subsidiaries.

Sec. 428. Modifies a provision included by the House that prohibits detainees from Guantanamo Bay from being transferred or released into the United States or its territories except under certain circumstances.

Sec. 429. Retains a provision included by the Senate authorizing an aquifer study of the Jungo disposal site in the Humboldt National Forest.

Sec. 430. Retains a provision included by the Senate encouraging the EPA Administrator to reassess the cost effectiveness of the buyout and relocation of residents in Treece, KS due to certain environmental risks.

Sec. 431. Modifies a provision included by the Senate changing the authority for Forest Service research on biobased products.

Sec. 432. Retains a provision included by the Senate modifying the composition of the board of the National Forest Foundation.

Sec. 433. Modifies a provision included by the Senate limiting the ability of the Secretary of Agriculture to increase recreational residence user fees.

Sec. 434. Modifies language included by the Senate prohibiting no-bid contracts and grants.

Sec. 435. Modifies language included by the Senate requiring public disclosure of certain reports.

Sec. 436. Retains language included by the Senate modifying the "Beaver Dam Wash National Conservation Area" map.

Sec. 437. Retains language included by the Senate to expedite the cleanup of Federal and Indian land at the Tar Creek Superfund site.

Sec. 438. Restates the full text of bill language delineating the grant guidelines for the National Endowment for the Arts.

Sec. 439. Restates the full text of bill language delineating the priorities for the programs managed by the National Endowment for the Arts.

Sec. 440. Contains new language making a technical correction to the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Sec. 441. Contains new language restricting awards to for-profit entities with funds from this Act.

Sec. 442. Contains new language limiting the Environmental Protection Agency from implementing fuel standards for certain vessels in the Great Lakes.

Sec. 443. Contains new language concerning State revolving loans made to the Hancock Water and Sewer District and the Hancock Utility Authority in Mississippi.

Sec. 444. Modifies language included by both the House and the Senate regarding the incorporation of Congressionally requested priorities.

The conference agreement does not include a provision included by the Senate prohibiting the use of funds in this or any other Act for competitive sourcing studies and associated activities involving the Forest Service.

The conference agreement does not retain language included by the Senate expressing the sense of the Senate that the National Vehicle Mercury Switch Recovery Program effectively addresses mercury pollution and should continue. Instead, the conferees have included language on this issue as part of the joint explanatory statement for the Environmental Programs and Management account.

The conference agreement does not include a provision included by the House that required bonus bids for lease sales of coal to be paid at the time of sale rather than over a five-year period.

The conference agreement does not include a provision included by the House that prevented the Secretary of the Interior from transferring funding to the Secretary of Energy for certain energy research purposes.

The conference agreement does not include a provision included by the House that allowed funding under the Secure Rural Schools Act to be used for certain purposes.

The conferees have not agreed to statutory language proposed by the Senate in its section 424 regarding limitations on the use of certain funds made available through the American Recovery and Reinvestment Act (P.L. 111-5) to the Forest Service. The conferees note that the Service was given legal authority under the Recovery Act to fund \$250,000,000 of hazardous fuels reduction, forest health and ecosystem restoration projects, including urban forestry projects, using all authorities available to the Service through the State and Private Forestry appropriation. However, the conferees believe that greater priority should have been given to projects that both create jobs and reduce fire risk. The conferees note that there appears to be an inadequate relationship between the geographical allocation of project funding by the Forest Service and the need for jobs to reduce unemployment. Further, the conferees remain troubled by the lack of transparency and the lack of communication from the Service and the Department of Agriculture related to the project selection process. The Service is directed to provide to the House and Senate Appropriations Committees, within 30 days of enactment of this Act, a comprehensive list of all projects selected for Recovery Act funding; a detailed description, including proposed accomplishments, for each project; and a detailed description of criteria used to select each

project. Finally, the conferees direct that no additional funds from the Recovery Act be expended on urban and community forestry projects unless previously announced by the Secretary, and that in the future, any additional projects will be devoted to activities that directly reduce fire hazards on public and private lands.

TITLE V—FEDERAL LAND ASSISTANCE, MANAGEMENT AND ENHANCEMENT ACT OF 2009 (FLAME ACT OF 2009)

Title V of the conference agreement includes the FLAME Act of 2009. This Act is very similar to the FLAME Act included in sections 431 and 432 in the Senate recommended bill and H.R. 1404, which passed the House of Representatives on March 26, 2009. The conference agreement has strengthened the workability and usefulness of the previous FLAME Acts while retaining most major provisions. The main change is the creation of FLAME Wildfire Suppression Reserve Funds in both the Forest Service and the Department of the Interior, and the appropriation of funds for these funds under normal appropriation accounts within title I and title III. These changes also make the FLAME Act consistent with other wildfire suppression reforms recommended in the Administration budget request. This includes risk-informed wildfire suppression reforms discussed in the budget request, and expanded use of the Wildland Fire Decision Support System, which will result in strengthened oversight and accountability of suppression spending.

The conferees expect the budget reforms provided through this title, together with changes to the agencies' appropriations accounts in titles I and III, will lead to improved transparency regarding the true costs of fire preparedness and suppression activities. The conferees expect these budget reforms to be accompanied by a commitment from the Administration that fire readiness and suppression activities will not be funded at the expense of other programs, and that any non-fire program transfers will be accounted for and reported to the appropriate Congressional committees in a transparent manner and will be promptly repaid.

Section 501. Short Title.—Section 501 consists of the short title of the Act, the Federal Land Assistance, Management and Enhancement Act of 2009 or, for short, the FLAME Act of 2009.

Section 502. FLAME Wildfire Suppression Reserve Funds.—Section 502 includes the major portions of the FLAME Act of 2009.

The FLAME Act of 2009 includes a clear purpose statement: the FLAME Funds shall be available to cover the costs of large or complex wildfire events and as a reserve when amounts provided for wildfire suppression and Federal emergency response in the

Wildland Fire Management appropriation accounts are exhausted (section 502 (c)).

The Department of the Interior and the Forest Service each are authorized to have their own account, but there are the same requirements for the two accounts (section 502 (b)). The FLAME reserve accounts are transfer accounts, from which each Secretary may transfer funds into their respective Wildland Fire Management account for wildfire suppression activities, if certain conditions are met. These conditions require a Secretarial declaration and are nearly the same as required in the previous Senate and House FLAME acts: either the wildfire event is large or complex, or the respective wildland fire suppression account will be exhausted within 30 days (section 502 (e)).

The conferees intend that amounts provided through the FLAME Fund, together with amounts provided through the Wildland Fire Management appropriations account, should fully fund anticipated wildland fire suppression requirements in advance of fire season and prevent future borrowing from non-fire programs. To satisfy this requirement, the conferees direct the Secretaries to develop new methods for formulating fire suppression funding estimates for the Wildland Fire Management and FLAME Fund appropriations accounts as part of their fiscal year 2011 budget request. In formulating these estimates, the conferees expect the Secretaries to consider data regarding actual prior-year fire suppression expenditures, predictive modeling, and any other criteria that they deem appropriate, consistent with the direction provided in this title. Further, as noted previously, the conferees expect the Service to analyze current readiness requirements and to submit a realigned preparedness budget in fiscal year 2011 that accurately reflects anticipated readiness costs instead of relying on large-scale shifts to the suppression appropriation.

In addition, each Secretary is given authority to transfer up to \$100,000,000 per fiscal year to the other department's FLAME Wildland Fire Suppression Reserve Fund if one department has much greater expenses than the other (section 502 (d)(5)). A Congressional intent statement indicates that the President should request funding for the FLAME funds so that large or complex wildfire event activities are funded adequately. The Act includes Sense of Congress statements that: (1) future FLAME appropriations in excess of funds needed for large or complex fires should be designated as amounts necessary to meet emergency needs (section 502 (d)(2)(C)(i)); and (2) each Secretary should make a supplemental budget request for wildfire suppression if their FLAME fund will be exhausted in 30 days (section 502 (d)(2)(C)(ii)).

The FLAME Act of 2009 retains many provisions of the Senate recommendation and

H.R. 1404. This includes the definitions (section 502 (a)) and the authorization of such amounts as are necessary to carry out the section (section 502 (d)(2)(A)). The Act retains the provision that funds are available until expended (section 502 (d)(3)) and the requirement that the Secretary notify the Congressional Committees if the Secretary estimates that only 60 days of funds remain in the respective FLAME fund (section 502 (d)(4)).

As in the previous versions of the FLAME Act, the FLAME funds cannot be used until the Secretary makes a declaration that the wildfire event is large or complex, or that the cumulative costs of suppression and Federal emergency activities will exceed within 30 days all available funds (section 502 (e)). The conferees expect the Agencies to develop a streamlined declaration process that minimizes the administrative burden and ensures that funding is made available for eligible wildfire events in an expedited manner.

As in previous versions of the FLAME Act, the FLAME funds may be used for State, private and Tribal land wildfire suppression activities consistent with any existing agreements (section 502 (e)(3)). The Act retains the prohibition on transfers of non-fire funds for wildland fire suppression unless amounts in the FLAME funds and all other funds previously provided for wildland fire suppression will be exhausted within 30 days (section 502 (g)). The Act retains accounting and reporting requirements (section 502 (h)) and retains the requirement that estimates of wildfire suppression costs be provided to the Congress in an orderly fashion (section 502 (h)(3)).

As in the Senate recommended version, the FLAME Act of 2009 includes a termination clause if no appropriations to, or withdrawals from, each FLAME fund have been made for three consecutive fiscal years (section 502 (i)). The conference agreement includes an additional provision that if such termination occurs, remaining funds in each FLAME fund shall be transferred to and made a part of the Wildland Fire Management appropriation account of that Secretary (section 502 (i)).

Section 503. Cohesive Wildfire Management Strategy.—Section 503 consists of the requirement for the Secretaries of Agriculture and the Interior to submit a joint report to Congress within one year that contains a cohesive wildfire management strategy consistent with recommendations described in recent reports of the Government Accountability Office. Nearly identical language was in the Senate recommended section 432 and similar language was in section 3 of H.R. 1404.

INTERIOR AND ENVIRONMENT
[Incorporation of Congressionally Requested Projects]

Agency	Account	State	Project	Amount
Bureau of Land Management	Management of Lands and Resources	NV	Redband Trout and Salmon habitat assessment and restoration	\$300,000
Bureau of Land Management	Management of Lands and Resources	UT	Utah Rural Cadastral Data Program	\$300,000
Bureau of Land Management	Construction	NV	California National Historic Trail Interpretive Center	\$2,000,000
Bureau of Land Management	Land Acquisition	CA	California Wilderness	\$1,500,000
Bureau of Land Management	Land Acquisition	CA	Johnson Canyon Area of Critical Environmental Concern	\$1,500,000
Bureau of Land Management	Land Acquisition	CA	Santa Rosa and San Jacinto Mountains National Monument	\$500,000

INTERIOR AND ENVIRONMENT—Continued
[Incorporation of Congressionally Requested Projects]

Agency	Account	State	Project	Amount
Fish and Wildlife Service	Resource Management	AK	Sea Otter and Steller Sea Lion Education and Conservation	\$200,000
Fish and Wildlife Service	Resource Management	AK	Stellers and Spectacled Sea Eider Research	\$350,000
Fish and Wildlife Service	Resource Management	CA	National Academy of Sciences California Delta Study	\$750,000
Fish and Wildlife Service	Resource Management	CA	Review of the Klamath, North Coast, and Central Valley Hatchery Operations in California	\$2,150,000
Fish and Wildlife Service	Resource Management	GA	Georgia Streambank Restoration	\$500,000
Fish and Wildlife Service	Resource Management	HI	Hawaii invasive species management	\$1,000,000
Fish and Wildlife Service	Resource Management	HI	Palmyra Atoll NWR rat eradication	\$1,200,000
Fish and Wildlife Service	Resource Management	ID	Idaho Sage-Grouse Management Plan	\$1,000,000
Fish and Wildlife Service	Resource Management	LA	Endangered Whooping Crane Propagation Facility	\$500,000
Fish and Wildlife Service	Resource Management	ME	Maine lakes invasive species/habitat restoration	\$500,000
Fish and Wildlife Service	Resource Management	MI	Mass Marking of Hatchery Fish in the Great Lakes	\$1,000,000
Fish and Wildlife Service	Resource Management	MS	Mississippi State Natural Resources Economic Enterprise Program	\$350,000
Fish and Wildlife Service	Resource Management	NV	Lahontan Cutthroat Trout	\$350,000
Fish and Wildlife Service	Resource Management	TX	Caddo Lake Institute of Texas	\$150,000
Fish and Wildlife Service	Resource Management	WV	National Conservation Training Center	\$750,000
Fish and Wildlife Service	Resource Management	WV	West Virginia Fisheries Resource Office	\$1,300,000
Fish and Wildlife Service	Construction	CA	Don Edwards San Francisco Bay National Wildlife Refuge, Salt Ponds Restoration	\$4,000,000
Fish and Wildlife Service	Construction	HI	Kilauea Point National Wildlife Refuge, Lighthouse Repair	\$1,000,000
Fish and Wildlife Service	Construction	MS	Theodore Roosevelt National Wildlife Refuge, Visitor Center/Office	\$2,000,000
Fish and Wildlife Service	Construction	NV	Nevada Water Catchments	\$150,000
Fish and Wildlife Service	Construction	WV	Canaan Valley National Wildlife Refuge, Trails	\$850,000
Fish and Wildlife Service	Construction	WV	Ohio River Islands National Wildlife Refuge, Erosion Control	\$800,000
Fish and Wildlife Service	Construction	WV	White Sulphur Springs National Fish Hatchery, Water Supply System	\$1,500,000
Fish and Wildlife Service	Land Acquisition	CT	Stewart McKinney National Wildlife Refuge	\$2,000,000
Fish and Wildlife Service	Land Acquisition	FL	Crystal River National Wildlife Refuge	\$1,500,000
Fish and Wildlife Service	Land Acquisition	HI	James Campbell National Wildlife Refuge	\$7,400,000
Fish and Wildlife Service	Land Acquisition	IA	Driftless Area National Wildlife Refuge	\$450,000
Fish and Wildlife Service	Land Acquisition	KY	Clarks River National Wildlife Refuge	\$750,000
Fish and Wildlife Service	Land Acquisition	LA	Red River National Wildlife Refuge	\$1,000,000
Fish and Wildlife Service	Land Acquisition	MA, CT, VT, NH	Silvio O. Conte National Wildlife Refuge	\$2,500,000
Fish and Wildlife Service	Land Acquisition	ME	Maine Coastal Islands National Wildlife Refuge	\$1,000,000
Fish and Wildlife Service	Land Acquisition	NE	Rainwater Basin Wetlands Management District	\$500,000
Fish and Wildlife Service	Land Acquisition	NH	Lake Umbagog National Wildlife Refuge	\$1,000,000
Fish and Wildlife Service	Land Acquisition	NJ	Great Swamp National Wildlife Refuge	\$1,000,000
Fish and Wildlife Service	Land Acquisition	NJ	Wallkill National Wildlife Refuge	\$1,400,000
Fish and Wildlife Service	Land Acquisition	PA	Cherry Valley National Wildlife Refuge	\$750,000
Fish and Wildlife Service	Land Acquisition	RI	John H. Chafee National Wildlife Refuge	\$900,000
Fish and Wildlife Service	Land Acquisition	UT	Bear River Migratory Bird Refuge	\$1,300,000

INTERIOR AND ENVIRONMENT—Continued
[Incorporation of Congressionally Requested Projects]

Agency	Account	State	Project	Amount
Fish and Wildlife Service	Land Acquisition	VA	Great Dismal Swamp National Wildlife Refuge	\$500,000
Fish and Wildlife Service	Land Acquisition	VA	Rappahannock River National Wildlife Refuge, Bowers property	\$500,000
Fish and Wildlife Service	Land Acquisition	WA	Turnbull National Wildlife Refuge	\$1,500,000
National Park Service	Statutory or Contractual Aid	CA	Angel Island Immigration Station	\$1,000,000
National Park Service	Statutory or Contractual Aid	CA	Yosemite National Park schools, PL 109–131	\$400,000
National Park Service	Statutory or Contractual Aid	DC	Sewall Belmont House	\$1,000,000
National Park Service	Statutory or Contractual Aid	HI	National Tropical Botanical Garden, PL 111–11	\$500,000
National Park Service	Statutory or Contractual Aid	HI	Native Hawaiian Culture & Arts Program, PL 99–498	\$500,000
National Park Service	Statutory or Contractual Aid	MD	Star Spangled Banner National Historic Trail	\$500,000
National Park Service	Statutory or Contractual Aid	MD, VA, DC	Chesapeake Bay Gateways	\$1,000,000
National Park Service	Statutory or Contractual Aid	NH	Lamprey Wild & Scenic River, PL 90–542	\$200,000
National Park Service	Statutory or Contractual Aid	VT, NY	Hudson-Fulton-Champlain Quadricentennial, PL 110–229	\$750,000
National Park Service	Construction	AZ	Saguaro National Park Trail Improvements	\$398,000
National Park Service	Construction	CA	Golden Gate National Recreation Area (Alcatraz)	\$1,400,000
National Park Service	Construction	CA	Joshua Tree National Park Visitor Center	\$300,000
National Park Service	Construction	CA	Manzanar National Historical Site	\$900,000
National Park Service	Construction	DC	African American Civil War Memorial, security enhancements	\$220,000
National Park Service	Construction	FL	Castillo de San Marcos National Monument	\$500,000
National Park Service	Construction	IN	Restore Good Fellow Lodge, Indiana Dunes National Lakeshore	\$1,000,000
National Park Service	Construction	MA	New Bedford Whaling National Historical Park (Bourne bldg)	\$1,500,000
National Park Service	Construction	MI	Keweenaw National Historical Park (Quincy Smelting Works)	\$1,000,000
National Park Service	Construction	MI	Keweenaw National Historical Park Union Building	\$1,380,000
National Park Service	Construction	NJ	Gateway NRA, Sandy Hook Repair of Historic Gun Batteries	\$800,000
National Park Service	Construction	NJ	Paterson Great Falls National Historic Park	\$500,000
National Park Service	Construction	NY	Fire Island Land Trust Historic Restoration	\$250,000
National Park Service	Construction	OH	Cuyahoga Valley National Park Site and Structure Rehabilitation Program	\$500,000
National Park Service	Construction	OK	Chickasaw National Recreation Area Visitor Center	\$500,000
National Park Service	Construction	OR	Crater Lake Visitor Education Center	\$350,000
National Park Service	Construction	PA	Flight 93 National Memorial	\$725,000
National Park Service	Construction	PA	Valley Forge National Park Visitor Center	\$325,000
National Park Service	Construction	TN	Great Smoky Mountains National Park (curatorial facility)	\$1,500,000
National Park Service	Construction	TN	Great Smoky Mountains National Park (Tremont/Cosby water)	\$1,940,000
National Park Service	Construction	TN	Moccasin Bend National Archeological District	\$500,000
National Park Service	Construction	UT	Timpanogos Cave National Monument Interagency Visitors Center	\$1,600,000
National Park Service	Construction	UT	Utah Public Lands Artifact Preservation Act, PL 107–329	\$1,000,000
National Park Service	Construction	VA	Fort Hunt NCO Quarters Restoration	\$250,000
National Park Service	Construction	WI	Apostle Islands Lighthouse Restoration	\$2,000,000
National Park Service	Construction	WI	Ice Age National Scenic Trail	\$265,000
National Park Service	Construction	WV	Harpers Ferry National Historical Park	\$275,000

INTERIOR AND ENVIRONMENT—Continued
[Incorporation of Congressionally Requested Projects]

Agency	Account	State	Project	Amount
National Park Service	Construction	WV	New River Gorge National River	\$1,025,000
National Park Service	Land Acquisition	AL	Little River Canyon National Preserve	\$1,500,000
National Park Service	Land Acquisition	CA	Mojave National Preserve, Joshua Tree National Park, Death Valley National Park	\$1,000,000
National Park Service	Land Acquisition	CA	Santa Monica Mountains National Recreation Area	\$1,000,000
National Park Service	Land Acquisition	KY	Cumberland Gap National Historical Park, Fern Lake	\$1,150,000
National Park Service	Land Acquisition	MI	Sleeping Bear Dunes National Lakeshore	\$1,000,000
National Park Service	Land Acquisition	NH	Appalachian National Scenic Trail	\$1,375,000
National Park Service	Land Acquisition	NM	Petroglyph National Monument	\$1,000,000
National Park Service	Land Acquisition	OH	Cuyahoga Valley National Park	\$4,000,000
National Park Service	Land Acquisition	PA	Appalachian National Scenic Trail	\$1,820,000
National Park Service	Land Acquisition	TN	Shiloh National Military Park	\$250,000
National Park Service	Land Acquisition	TX	Fort Davis National Historic Site	\$500,000
National Park Service	Land Acquisition	VA	Fredericksburg and Spotsylvania National Military Park, Binns property	\$200,000
National Park Service	Land Acquisition	VT	Appalachian National Scenic Trail	\$625,000
National Park Service	Land Acquisition	WI	Ice Age National Scenic Trail	\$2,000,000
U.S. Geological Survey	Surveys, Investigations & Research	AR	South Arkansas Sparta Aquifer Recovery Initiative	\$300,000
U.S. Geological Survey	Surveys, Investigations & Research	AZ, NM	U.S.—Mexico Transboundary Aquifer Assessment Program	\$1,000,000
U.S. Geological Survey	Surveys, Investigations & Research	CA	San Diego formation mapping	\$900,000
U.S. Geological Survey	Surveys, Investigations & Research	CA	San Francisco Bay Salt Ponds restoration monitoring/research	\$1,000,000
U.S. Geological Survey	Surveys, Investigations & Research	HI	Volcano research/monitoring partnership UH-Manoa/HVO	\$250,000
U.S. Geological Survey	Surveys, Investigations & Research	HI	Water resources monitoring, investigations and research	\$500,000
U.S. Geological Survey	Surveys, Investigations & Research	IL	McHenry County groundwater and stormwater protection	\$280,000
U.S. Geological Survey	Surveys, Investigations & Research	LA	Long Term Estuary Assessment Group support	\$400,000
U.S. Geological Survey	Surveys, Investigations & Research	MA	Conte Anadromous Fish Research Lab	\$220,000
U.S. Geological Survey	Surveys, Investigations & Research	MD	Coastal plain & fractured rock study	\$500,000
U.S. Geological Survey	Surveys, Investigations & Research	NV	Nye County minerals assessment project	\$650,000
U.S. Geological Survey	Surveys, Investigations & Research	VT	Lake Champlain Basin streamflow monitoring/toxic studies	\$346,000
U.S. Geological Survey	Surveys, Investigations & Research	WA	Columbia River Basin, design/test monitoring protocols-invasive species	\$350,000
U.S. Geological Survey	Surveys, Investigations & Research	WA	Hood Canal Dissolved Oxygen Study	\$200,000
Minerals Management Service	Royalty and Offshore Minerals Management	MS	Center for Marine Resources and Environmental Technology	\$900,000
Bureau of Indian Affairs	Operation of Indian Programs	Multi	Upper Columbia United Tribes, resource management program	\$350,000
Bureau of Indian Affairs	Operation of Indian Programs	ND	United Tribes Technical College	\$400,000
Bureau of Indian Affairs	Operation of Indian Programs	NM	Navajo Technical College	\$200,000
Bureau of Indian Affairs	Operation of Indian Programs	SD	Cheyenne River Sioux Tribe, prairie management program	\$500,000
Insular Affairs	Assistance to Territories	VI	Critical Wastewater System Repairs and Improvements	\$900,000
Environmental Protection Agency	Science & Technology	CO	Water Research Foundation	\$1,700,000
Environmental Protection Agency	Science & Technology	GA	Consortium for Plant Biotechnology Research	\$1,000,000
Environmental Protection Agency	Science & Technology	TX	Southwest Consortium for Environmental Research and Policy (SCERP)	\$1,000,000
Environmental Protection Agency	Science & Technology	VA	Water Environment Research Foundation	\$2,000,000

INTERIOR AND ENVIRONMENT—Continued
[Incorporation of Congressionally Requested Projects]

Agency	Account	State	Project	Amount
Environmental Protection Agency	Environmental Programs and Management	CA	San Francisco Bay competitive grant program	\$7,000,000
Environmental Protection Agency	Environmental Programs and Management	DC	Rural Community Assistance Partnership	\$2,500,000
Environmental Protection Agency	Environmental Programs and Management	DC	Water Systems Council Wellcare Program	\$700,000
Environmental Protection Agency	Environmental Programs and Management	OK	National Rural Water Association	\$13,000,000
Environmental Protection Agency	Environmental Programs and Management	VA	National Biosolids Partnership	\$750,000
Environmental Protection Agency	Environmental Programs and Management	VT	Lake Champlain environmental improvement program	\$4,000,000
Environmental Protection Agency		WA	Puget Sound Ecosystem Research Initiative at the University of Washington	\$4,000,000
Environmental Protection Agency	Buildings and Facilities	NV	Las Vegas Facilities Consolidation Study	\$500,000
Environmental Protection Agency	Other	CA	Hunters Point Naval Shipyard environmental cleanup	\$8,000,000
Environmental Protection Agency	STAG—Other	AK	Alaska Native Villages water infrastructure program	\$13,000,000
Environmental Protection Agency	STAG—Other	CA	Emissions Reduction Grants to the South Coast Air Quality Management District and San Joaquin Air Pollution Control District	\$10,000,000
Environmental Protection Agency	STAG—Other	TX	The cities of El Paso and Brownsville for water and wastewater infrastructure	\$2,500,000
US Forest Service	Research	MS	Center for Bottomlands Hardwood Research	\$800,000
US Forest Service	State & Private Forestry	CA	Blue Mountain Community Renewable Council for the Calaveras Healthy Impact Product Solutions biomass utilization project	\$500,000
US Forest Service	State & Private Forestry	CA	Region 5, USFS for small forest products infrastructure assistance grants	\$2,500,000
US Forest Service	State & Private Forestry	MD	Baltimore Urban Forestry Watershed Demonstration Cooperative Project	\$150,000
US Forest Service	State & Private Forestry	MO	Missouri Forest Foundation for biomass demonstration project	\$300,000
US Forest Service	State & Private Forestry	UT	Utah Department of Agriculture for a fuels-for-schools biomass utilization project	\$200,000
US Forest Service	State & Private Forestry	VT	State of Vermont for the Vermont Wood Products Collaborative	\$500,000
US Forest Service	State & Private Forestry	WA	Seattle-Tacoma Regional Urban Forestry Restoration Project	\$1,000,000
US Forest Service	State & Private Forestry	WI	Menomonee Valley Partners Inc; Urban Forestry Project	\$300,000
US Forest Service	State & Private Forestry	WV	Wood Education and Resource Center in Princeton	\$1,900,000
US Forest Service	National Forest System	AK	Tongass National Forest timber pipeline program	\$2,500,000
US Forest Service	Capital Improvement and Maintenance	HI	PSW, Hawaii Research Field Stations	\$1,460,000
US Forest Service	Capital Improvement and Maintenance	ID	Sawtooth National Recreation Area trail construction and maintenance	\$1,200,000
US Forest Service	Capital Improvement and Maintenance	NV	Lake Tahoe Basin Management Unit for trail improvements by the Tahoe Rim Trail Association	\$100,000
US Forest Service	Capital Improvement and Maintenance	SD	Relocation of the Northern Great Plains Interagency Dispatch Center on the Black Hills National Forest	\$1,900,000
US Forest Service	Capital Improvement and Maintenance	TN	Complete construction of a Cherokee National Forest work center	\$500,000
US Forest Service	Capital Improvement and Maintenance	TX	Redesign Ratcliff Lake Recreation Area and Campground	\$475,000
US Forest Service	Capital Improvement and Maintenance	WV	Facilities improvements on the Monongahela National Forest	\$595,000
US Forest Service	Capital Improvement and Maintenance	WV	Road improvements for the Monongahela National Forest	\$1,521,000
US Forest Service	Land Acquisition	CA	Angeles National Forest, Bighorn Mine	\$1,750,000
US Forest Service	Land Acquisition	CA	Angeles National Forest, Shoemaker Canyon	\$500,000
US Forest Service	Land Acquisition	CA	Humboldt-Toiyabe National Forest	\$2,400,000
US Forest Service	Land Acquisition	CA	Los Padres National Forest—Big Sur Ecosystem	\$1,500,000
US Forest Service	Land Acquisition	CO	Uncompahgre National Forest	\$1,000,000
US Forest Service	Land Acquisition	FL	Florida National Scenic Trail	\$500,000

INTERIOR AND ENVIRONMENT—Continued
[Incorporation of Congressionally Requested Projects]

Agency	Account	State	Project	Amount
US Forest Service	Land Acquisition	FL	Osceola National Forest, Pinhook Swamp Wildlife Corridor	\$500,000
US Forest Service	Land Acquisition	GA	Chattahoochee-Oconee National Forest	\$1,200,000
US Forest Service	Land Acquisition	ID	Sawtooth National Recreation Area, Piva Parcel	\$400,000
US Forest Service	Land Acquisition	IN	Hoosier National Forest	\$825,000
US Forest Service	Land Acquisition	KY	Daniel Boone National Forest	\$900,000
US Forest Service	Land Acquisition	MN	Chippewa/Superior National Forest—Minnesota Wilderness	\$900,000
US Forest Service	Land Acquisition	MT	Gallatin and Custer National Forests—Greater Yellowstone Area	\$2,000,000
US Forest Service	Land Acquisition	MT	Lewis and Clark National Forest	\$1,500,000
US Forest Service	Land Acquisition	NC	Pisgah National Forest, Catawba Falls Access & Trail Acquisition	\$713,000
US Forest Service	Land Acquisition	NC	Uwharrie National Forest, Uwharrie Trail	\$500,000
US Forest Service	Land Acquisition	NM	Gila National Forest—Bear Creek Ranch	\$3,000,000
US Forest Service	Land Acquisition	SD	Black Hills National Forest—Lady C Ranch	\$1,640,000
US Forest Service	Land Acquisition	TN	Cherokee National Forest—Rocky Fork	\$6,000,000
US Forest Service	Land Acquisition	UT	Bonneville Shoreline Trail	\$1,500,000
US Forest Service	Land Acquisition	UT	Dixie National Forest	\$2,500,000
US Forest Service	Land Acquisition	VT	Green Mountain National Forest	\$2,250,000
US Forest Service	Land Acquisition	WA	Mt. Baker-Snoqualmie National Forest—Wild Sky Wilderness	\$1,700,000
US Forest Service	Land Acquisition	WI	Chequamegon-Nicolet National Forest—Wisconsin Wild Waterways	\$2,125,000
US Forest Service	Land Acquisition	WV	Monongahela National Forest, Cummings Tract	\$985,000
US Forest Service	Land Acquisition	WV	Monongahela National Forest, Dolly Sods Conservation Area	\$2,800,000
US Forest Service	Wildland Fire Management	CA	California Fire Safe Councils	\$5,000,000
US Forest Service	Wildland Fire Management	CA	Lake Tahoe Community Fire Protection Project	\$5,000,000
US Forest Service	Wildland Fire Management	CA	San Bernardino Urban Youth Conservation Corp	\$100,000
US Forest Service	Wildland Fire Management	NV	City of Reno to fund firefighting equipment for the wildland-urban interface	\$250,000

**DISCLOSURE OF EARMARKS AND CON-
GRESSIONALLY DIRECTED SPENDING
ITEMS**

Following is a list of Congressional earmarks and Congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the con-

ference report or the accompanying joint statement of managers, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Neither the conference report nor the joint statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House or Senate rules. Pursuant to

clause 9(b) of rule XXI of the rules of the House of Representatives, neither the conference report nor the joint statement of managers contains any Congressional earmarks, limited tax benefits, or limited tariff benefits that were not (1) committed to the conference committee by either House or (2) in a report of a committee of either House on this bill or on a companion measure.

INTERIOR AND ENVIRONMENT
[Presidentially Directed Spending Items]

Agency	Account	State	Project	Amount	Administration	Requester(s)	
						House	Senate
Bureau of Land Management	Construction	AK	Anchorage Field Office, Campbell Airstrip Safety Fencing	\$190,000	The President		
Bureau of Land Management	Construction	AZ	Gila District, Browning Ranch House Preservation	\$124,000	The President		
Bureau of Land Management	Construction	AZ	Lake Havasu, Partners Point Waterline	\$110,000	The President		
Bureau of Land Management	Construction	CA	Barstow, Sawtooth Campground	\$541,000	The President		
Bureau of Land Management	Construction	CA	California Radio Fencing and Grounding Improvement	\$537,000	The President		
Bureau of Land Management	Construction	CA	Hollister Field Office, El Toro Creek Parking Project	\$1,209,000	The President		
Bureau of Land Management	Construction	CO	Grand Junction Field Office, Bridgeport Access Trail	\$176,000	The President		
Bureau of Land Management	Construction	ID	Salmon Field Office, Lemhi River Road Maintenance	\$1,588,000	The President		
Bureau of Land Management	Construction	ID	Salmon Field Office, Sharkey Hot Springs Renovation	\$287,000	The President		
Bureau of Land Management	Construction	UT	Pelican Lake Recreation Site Reconstruction	\$697,000	The President		
Bureau of Land Management	Construction	UT	Salt Lake District, Five Mile Pass Recreation Site Facility	\$362,000	The President		
Bureau of Land Management	Construction	UT	West Desert District, Knolls Facilities	\$381,000	The President		
Bureau of Land Management	Land Acquisition	CA	California Wilderness	\$1,500,000	The President		Feinstein
Bureau of Land Management	Land Acquisition	CA	King Range National Conservation Area	\$2,000,000	The President		
Bureau of Land Management	Land Acquisition	CA	Lacks Creek Area of Critical Environmental Concern	\$750,000	The President		
Bureau of Land Management	Land Acquisition	CA	Upper Sacramento River Area of Critical Environmental Concern	\$2,800,000	The President		
Bureau of Land Management	Land Acquisition	MT	Blackfoot River Special Recreation Management Area	\$4,500,000	The President	Rehberg	Baucus; Tester
Bureau of Land Management	Land Acquisition	MT	Meeteetse Spires Area of Critical Environmental Concern	\$1,500,000	The President	Rehberg	Baucus; Tester
Bureau of Land Management	Land Acquisition	NM	La Cienega Area of Critical Environmental Concern/EI Camino Real De Tierra Adento National Historic Trail	\$3,000,000	The President	Lujan	Bingaman; Udall, Tom
Bureau of Land Management	Land Acquisition	NM	Lesser Prairie Chicken Habitat Area of Critical Environmental Concern	\$1,500,000	The President		Bingaman; Udall, Tom
Bureau of Land Management	Land Acquisition	OR	Cascade-Siskiyou National Monument	\$1,000,000	The President	Pelosi	Merkley; Wyden

INTERIOR AND ENVIRONMENT—Continued
[Presidentially Directed Spending Items]

Agency	Account	State	Project	Amount	Requester(s)		
					Administration	House	Senate
Bureau of Land Management	Land Acquisition	OR	Sandy River/Oregon National Historic Trail	\$2,100,000	The President	Blumenauer	Merkley; Wyden
Bureau of Land Management	Land Acquisition	WY	Craig Thomas Little Mountain Special Management Area	\$2,000,000	The President		
Fish and Wildlife Service	Construction	AZ	Willow Beach National Fish Hatchery, Water Treatment	\$482,000	The President		
Fish and Wildlife Service	Construction	GU	Guam National Wildlife Refuge, Invasive Species Fence Construction	\$866,000	The President		
Fish and Wildlife Service	Construction	IN	Big Oaks National Wildlife Refuge, Old Timbers Dam Rehabilitation	\$100,000	The President		
Fish and Wildlife Service	Construction	MN	Fergus Falls Wetland Management District, Stang Lake Dam	\$175,000	The President		
Fish and Wildlife Service	Construction	OK	Wichita Mountains Wildlife Refuge, Lake Rush Dam	\$4,100,000	The President		
Fish and Wildlife Service	Construction	PA	Allegheny National Fish Hatchery, Fish Production and Electrical Systems	\$1,500,000	The President		
Fish and Wildlife Service	Construction	WA	Quinault National Fish Hatchery, Replace Electric Fish Barriers	\$1,000,000	The President		
Fish and Wildlife Service	Construction	WA	Turnbull National Wildlife Refuge, Lower Pine Lake Dam	\$250,000	The President		
Fish and Wildlife Service	Construction	WY	Jackson National Fish Hatchery, Replace Water Supply Line	\$1,650,000	The President		
Fish and Wildlife Service	Land Acquisition	AK	Alaska Maritime National Wildlife Refuge	\$300,000	The President		
Fish and Wildlife Service	Land Acquisition	AK	Togiak National Wildlife Refuge	\$325,000	The President		
Fish and Wildlife Service	Land Acquisition	AK	Yukon Delta National Wildlife Refuge	\$365,000	The President		
Fish and Wildlife Service	Land Acquisition	AL	Bon Secour National Wildlife Refuge	\$500,000	The President		
Fish and Wildlife Service	Land Acquisition	AZ	Leslie Canyon National Wildlife Refuge	\$500,000	The President		
Fish and Wildlife Service	Land Acquisition	CA	Grasslands Wetland Management Area	\$1,000,000	The President		
Fish and Wildlife Service	Land Acquisition	CA	San Joaquin River National Wildlife Refuge	\$2,000,000	The President		
Fish and Wildlife Service	Land Acquisition	DE	Prime Hook National Wildlife Refuge	\$1,000,000	The President		Carper; Kaufman
Fish and Wildlife Service	Land Acquisition	FL	St. Marks National Wildlife Refuge	\$500,000	The President		
Fish and Wildlife Service	Land Acquisition	GA	Bond Swamp National Wildlife Refuge	\$1,200,000	The President		
Fish and Wildlife Service	Land Acquisition	HI	James Campbell National Wildlife Refuge	\$7,400,000	The President	Abercrombie; Hirono	Akaka; Inouye
Fish and Wildlife Service	Land Acquisition	IA, MN	Northern Tallgrass Prairie National Wildlife Refuge	\$500,000	The President		Harkin; Klobuchar

Fish and Wildlife Service	Land Acquisition	IA, MN, WI, IL	Upper Mississippi River National Wildlife & Fish Refuge	\$1,200,000	The President		
Fish and Wildlife Service	Land Acquisition	IL	Cypress Creek National Wildlife Refuge	\$500,000	The President		
Fish and Wildlife Service	Land Acquisition	IN	Patoka River National Wildlife Refuge	\$1,150,000	The President		Lugar
Fish and Wildlife Service	Land Acquisition	LA	Red River National Wildlife Refuge	\$1,000,000	The President		Landrieu
Fish and Wildlife Service	Land Acquisition	LA	Upper Ouachita National Wildlife Refuge	\$500,000	The President		
Fish and Wildlife Service	Land Acquisition	MA, CT, VT, NH	Silvio O. Conte National Wildlife Refuge	\$2,500,000	The President	Hodes; Courtney; Murphy (CT); Oliver	Dodd; Gregg; Kennedy; Kerry; Leahy; Lieberman
Fish and Wildlife Service	Land Acquisition	MD	Blackwater National Wildlife Refuge	\$2,000,000	The President	Kratovil	Cardin
Fish and Wildlife Service	Land Acquisition	ME	Rachel Carson National Wildlife Refuge	\$3,000,000	The President	Pingree (ME)	Collins; Snowe
Fish and Wildlife Service	Land Acquisition	MO	Big Muddy National Wildlife Refuge	\$300,000	The President		
Fish and Wildlife Service	Land Acquisition	MS	Panther Swamp National Wildlife Refuge	\$500,000	The President		
Fish and Wildlife Service	Land Acquisition	MT	Red Rock Lakes National Wildlife Refuge	\$1,000,000	The President		
Fish and Wildlife Service	Land Acquisition	MT	Rocky Mountain Front Conservation Area	\$3,750,000	The President	Rehberg	Baucus; Tester
Fish and Wildlife Service	Land Acquisition	ND	North Dakota Wetland Management Area	\$1,000,000	The President		
Fish and Wildlife Service	Land Acquisition	ND, SD	Dakota Tallgrass Prairie Wetland Management Area	\$1,000,000	The President	Herseth Sandlin	Johnson
Fish and Wildlife Service	Land Acquisition	NJ	Cape May National Wildlife Refuge	\$2,000,000	The President	LoBiondo; Sires; Rothman (NJ)	Lautenberg; Menendez
Fish and Wildlife Service	Land Acquisition	NJ	Edwin B. Forsythe National Wildlife Refuge	\$1,100,000	The President	Adler (NJ); LoBiondo; Sires; Rothman (NJ)	Lautenberg; Menendez
Fish and Wildlife Service	Land Acquisition	NM	Sevilleta National Wildlife Refuge	\$500,000	The President		Bingaman
Fish and Wildlife Service	Land Acquisition	OR	Nestucca Bay National Wildlife Refuge	\$1,000,000	The President	Schrader	Merkley; Wyden
Fish and Wildlife Service	Land Acquisition	PA	Cherry Valley National Wildlife Refuge	\$750,000	The President	Kanjorski	Casey; Specter
Fish and Wildlife Service	Land Acquisition	SC	Ernest F. Hollings ACE Basin National Wildlife Refuge	\$500,000	The President		
Fish and Wildlife Service	Land Acquisition	SC	Waccamaw National Wildlife Refuge	\$600,000	The President		
Fish and Wildlife Service	Land Acquisition	TN	Chickasaw National Wildlife Refuge	\$500,000	The President		
Fish and Wildlife Service	Land Acquisition	TX	Balcones Canyonlands National Wildlife Refuge	\$1,000,000	The President		Hutchison
Fish and Wildlife Service	Land Acquisition	TX	Laguna Atascosa National Wildlife Refuge	\$500,000	The President		
Fish and Wildlife Service	Land Acquisition	TX	Lower Rio Grande Valley National Wildlife Refuge	\$1,000,000	The President	Ortiz	Hutchison
Fish and Wildlife Service	Land Acquisition	TX	San Bernard National Wildlife Refuge-Austin's Woods Unit	\$1,250,000	The President	Paul	
Fish and Wildlife Service	Land Acquisition	UT	Bear River Migratory Bird Refuge	\$1,300,000	The President	Bishop (UT)	Bennett; Hatch
Fish and Wildlife Service	Land Acquisition	VA	Back Bay National Wildlife Refuge	\$545,000	The President	Nye	Warner; Webb
Fish and Wildlife Service	Land Acquisition	VA	James River National Wildlife Refuge	\$1,000,000	The President	Moran (VA); Scott (VA)	Warner; Webb

INTERIOR AND ENVIRONMENT—Continued
[Presidentially Directed Spending Items]

Agency	Account	State	Project	Amount	Administration	Requester(s)	
						House	Senate
Fish and Wildlife Service	Land Acquisition	WA	Nisqually National Wildlife Refuge	\$500,000	The President		
Fish and Wildlife Service	Land Acquisition	WA	Willapa National Wildlife Refuge	\$750,000	The President		
National Park Service	Construction	AK	Katmai, replace failing infrastructure at Brooks Camp	\$6,471,000	The President		
National Park Service	Construction	AZ	Chiricahua, Replace Failing Sewer Systems	\$2,410,000	The President		
National Park Service	Construction	AZ	Grand Canyon, employee housing	\$16,890,000	The President		
National Park Service	Construction	CA	Point Reyes, restore critical dune habitat	\$2,803,000	The President		
National Park Service	Construction	CO	Mesa Verde curation center	\$11,675,000	The President		
National Park Service	Construction	CO	Mesa Verde Visitor Information Center	\$10,500,000	The President	Salazar	
National Park Service	Construction	DC	National Capital Region, GW Memorial Parkway, Theodore Roosevelt rehabilitation site	\$1,706,000	The President		
National Park Service	Construction	DC	National Capital Region, preserve and protect Meridian Hill Park	\$3,844,000	The President		
National Park Service	Construction	GA	Fort Pulaski, replace Cockspur Lighthouse revetment	\$1,577,000	The President		
National Park Service	Construction	IN	George Rogers Clark NHP, restore and rehabilitate historic Wabash River floodwall	\$3,600,000	The President		
National Park Service	Construction	MO	Harry S. Truman NHS, rehabilitate interior grounds of Historic Noland House and install interpretive exhibits	\$1,018,000	The President		
National Park Service	Construction	MT	Glacier NP, safety improvements at Many Glacier Hotel	\$8,507,000	The President		
National Park Service	Construction	NC	Blue Ridge Parkway, repair Craggy Gardens retaining and guardwalls	\$2,728,000	The President		
National Park Service	Construction	NJ, PA	Delaware Water Gap NRA, demolish and remove hazardous structures	\$2,234,000	The President		
National Park Service	Construction	PA	Delaware Water Gap NRA, rehabilitate Childs Park	\$3,048,000	The President		
National Park Service	Construction	WA	Olympic National Park, restore Elwha River ecosystem and fisheries	\$20,000,000	The President		
National Park Service	Construction	WY	Grand Teton National Park, construct critical housing	\$13,174,000	The President		
National Park Service	Land Acquisition	AR, OK	Ft. Smith National Historic Site	\$362,000	The President		
National Park Service	Land Acquisition	AZ	Petrified Forest National Park	\$4,575,000	The President		
National Park Service	Land Acquisition	CA	Golden Gate National Recreation Area	\$5,000,000	The President		Feinstein

National Park Service	Land Acquisition	GA	Chattahoochee River National Recreation Area	\$3,100,000	The President		Chambliss; Isakson
National Park Service	Land Acquisition	ID	Minidoka National Historic Site	\$350,000	The President		
National Park Service	Land Acquisition	MO	Harry S. Truman National Historic Site	\$1,300,000	The President		
National Park Service	Land Acquisition	MS	Natchez National Historical Park	\$264,000	The President		
National Park Service	Land Acquisition	NC	Gulford Courthouse National Military Park	\$880,000	The President		
National Park Service	Land Acquisition	SC	Congaree National Park	\$1,320,000	The President	Clyburn	Graham
National Park Service	Land Acquisition	TX	Big Thicket National Preserve	\$5,000,000	The President	Brady (TX)	Cornyn; Hutchinson
National Park Service	Land Acquisition	TX	Palo Alto Battlefield National Park	\$4,120,000	The President		
National Park Service	Land Acquisition	VA	Prince William Forest Park	\$425,000	The President		
National Park Service	Land Acquisition	VA, NC	Blue Ridge Parkway	\$1,250,000	The President		
National Park Service	Land Acquisition	VI	Virgin Islands National Park	\$3,250,000	The President	Christensen	
National Park Service	Land Acquisition	WA	Mt. Rainier National Park	\$2,150,000	The President	Reichert; McDermott	Cantwell; Murray
National Park Service	Land Acquisition	WA	Olympic National Park	\$3,000,000	The President		
National Park Service	Land Acquisition	WA	San Juan Island National Historical Park	\$6,000,000	The President	Larsen (WA)	Cantwell; Murray
Environmental Protection Agency	Environmental Programs and Management	CA	San Francisco Bay competitive grant program	\$7,000,000	The President		Feinstein
Environmental Protection Agency	Environmental Programs and Management	VT	Lake Champlain environmental improvement program	\$4,000,000	The President		Leahy
Environmental Protection Agency	STAG—Other	AK	Alaska Native Villages water infrastructure program	\$13,000,000	The President		Murkowski
US Forest Service	Research	MS	Center for Bottomlands Hardwood Research	\$800,000	The President		Cochran
US Forest Service	State & Private Forestry	WV	Wood Education and Resource Center in Princeton	\$1,900,000	The President		Byrd
US Forest Service	National Forest System	AK	Tongass National Forest timber pipeline program	\$2,500,000	The President	Young (AK)	Begin; Murkowski
US Forest Service	Capital Improvement and Maintenance	AK	Chugach NF, Porcupine Creek Campground Reconstruction	\$1,911,000	The President		
US Forest Service	Capital Improvement and Maintenance	AK	PNW, Juneau Lab Collocation Phase 1	\$4,980,000	The President		
US Forest Service	Capital Improvement and Maintenance	AK	Tongass NF, Thorne Bay Quads Phase 2 and 3	\$906,000	The President		
US Forest Service	Capital Improvement and Maintenance	AR	Ozark-St. Francis NF, Pleasant Hill Ranger District Office Addition & Renovation	\$1,500,000	The President		
US Forest Service	Capital Improvement and Maintenance	AZ	Kaibab NF, Kaibab Lake Campground	\$818,000	The President		
US Forest Service	Capital Improvement and Maintenance	AZ	Prescott NF, Lynx Southshore Recreation Area	\$450,000	The President		
US Forest Service	Capital Improvement and Maintenance	AZ	Tonto NF, Needle Rock Campground, Phase 1	\$668,000	The President		

INTERIOR AND ENVIRONMENT—Continued
[Presidentially Directed Spending Items]

Agency	Account	State	Project	Amount	Requester(s)		
					Administration	House	Senate
US Forest Service	Capital Improvement and Maintenance	CA	Angeles NF, Pyramid Lake Rehabilitation	\$1,069,000	The President		
US Forest Service	Capital Improvement and Maintenance	CA	Inyo NF, Ancient Bristlecone Pine Visitor Center	\$2,105,000	The President		
US Forest Service	Capital Improvement and Maintenance	CA	Klamath NF, Oak Knoll Work Center	\$1,028,000	The President		
US Forest Service	Capital Improvement and Maintenance	CA	Lassen NF, Merrill Campground Phase 3	\$1,115,000	The President		
US Forest Service	Capital Improvement and Maintenance	CA	San Dimas, Energy Conservation and Renewable Generation	\$400,000	The President		
US Forest Service	Capital Improvement and Maintenance	CA	Six Rivers NF, Smith River National Recreation Area Warehouse	\$996,000	The President		
US Forest Service	Capital Improvement and Maintenance	CA	Stanislaus NF, Long Barn Barracks	\$1,126,000	The President		
US Forest Service	Capital Improvement and Maintenance	CO	Arapaho/Roosevelt NF, Pawnee Campground/Picnic Area, Phase 1	\$1,240,000	The President		
US Forest Service	Capital Improvement and Maintenance	CO	Arapaho/Roosevelt NF, Shadow Mountain Village Exterior Bldg Rehabilitation	\$668,000	The President		
US Forest Service	Capital Improvement and Maintenance	CO	Grand Mesa/Uncompahgre/Gunnison NF, Lottis Creek Recreation Area Rehabilitation	\$1,312,000	The President		
US Forest Service	Capital Improvement and Maintenance	CO	RMRS, Ft. Collins Prospect Renovation Planning & Design	\$370,000	The President		
US Forest Service	Capital Improvement and Maintenance	HI	PSW, Hawaii Research Field Stations	\$1,460,000	The President	Abercrombie, Hirono	Akaka, Inouye
US Forest Service	Capital Improvement and Maintenance	ID	ID Panhandle NF, Nursery Roof Replacement	\$450,000	The President		
US Forest Service	Capital Improvement and Maintenance	ID	ID Panhandle NF, Outlet Campground Phase 1	\$760,000	The President		
US Forest Service	Capital Improvement and Maintenance	ID	Payette NF, Seasonal Housing	\$2,130,000	The President		
US Forest Service	Capital Improvement and Maintenance	ID	Salmon-Challis NF, Central Idaho Fire Aviation Center	\$2,400,000	The President		
US Forest Service	Capital Improvement and Maintenance	MI	Hiawatha NF, Clear Lake Environmental Education Center	\$480,000	The President		
US Forest Service	Capital Improvement and Maintenance	MI	Ottawa NF, Watersmeet Administrative Site Phase 3	\$2,000,000	The President		
US Forest Service	Capital Improvement and Maintenance	MN	Chippewa NF, Walker Administrative Site Phase 1	\$1,000,000	The President		
US Forest Service	Capital Improvement and Maintenance	MN	NRS, Grand Rapids Lab Renovation	\$379,000	The President		
US Forest Service	Capital Improvement and Maintenance	MN	NRS, St. Paul Elevator and Roof Replacement	\$475,000	The President		
US Forest Service	Capital Improvement and Maintenance	MS	SRS, Wood Products Insect Laboratory	\$1,000,000	The President		

US Forest Service	Capital Improvement and Maintenance	MS	SRS, Oxford HVAC Replacement	\$432,000	The President	
US Forest Service	Capital Improvement and Maintenance	MT	Custer NF, Camp Crook Water System	\$564,000	The President	
US Forest Service	Capital Improvement and Maintenance	MT	Lewis & Clark NF Interpretive Center Health and Safety Improvements	\$386,000	The President	
US Forest Service	Capital Improvement and Maintenance	MT	Regional Office, Aerial Fire Depot Roofing	\$381,000	The President	
US Forest Service	Capital Improvement and Maintenance	MT	RMRS, Bozeman Research Complex	\$906,000	The President	
US Forest Service	Capital Improvement and Maintenance	MT	RMRS, Tenderfoot Creek, Experimental Forest Administrative Site	\$495,000	The President	
US Forest Service	Capital Improvement and Maintenance	NJ	NRS, Silas Little Experimental Forest Re-model	\$253,000	The President	
US Forest Service	Capital Improvement and Maintenance	NM	Cibola NF, Magdalena Ranger Station, Phase 1	\$1,568,000	The President	
US Forest Service	Capital Improvement and Maintenance	OR	Deschutes NF, Alingham Guard Station Water System Phase 2	\$250,000	The President	
US Forest Service	Capital Improvement and Maintenance	OR	Malheur NF, Prairie City Offices & Warehouse	\$1,800,000	The President	
US Forest Service	Capital Improvement and Maintenance	OR	Siuslaw/Corvallis Collocation—East Wing Replacement	\$4,100,000	The President	
US Forest Service	Capital Improvement and Maintenance	PA	Meadow Ponds Dam Rehabilitation	\$400,000	The President	
US Forest Service	Capital Improvement and Maintenance	PR	ITF, Sabana Woodshop Renovation	\$519,000	The President	
US Forest Service	Capital Improvement and Maintenance	SC	Francis Marion NF, Burrells Ford Campground Rehabilitation	\$355,000	The President	
US Forest Service	Capital Improvement and Maintenance	SC	Francis Marion NF, Ranger District Office Phase 2	\$1,080,000	The President	
US Forest Service	Capital Improvement and Maintenance	TN	Cherokee NF, Tellico River Corridor Recreation Rehabilitation, Phase 3	\$330,000	The President	
US Forest Service	Capital Improvement and Maintenance	UT	Dixie NF, Pine Valley Recreation Area Reconstruction, Phase 3	\$450,000	The President	
US Forest Service	Capital Improvement and Maintenance	VA	George Washington/Jefferson NF, Elizabeth Furnace Water/Sanitation Rehabilitation	\$265,000	The President	
US Forest Service	Capital Improvement and Maintenance	WA	Gifford Pinchot NF, Johnston Ridge Observatory Deferred Maintenance	\$410,000	The President	
US Forest Service	Capital Improvement and Maintenance	WA	Mt. St. Helens National Volcanic Monument	\$1,195,000	The President	
US Forest Service	Capital Improvement and Maintenance	WI	FPL, Freight Elevator Replacement	\$785,000	The President	
US Forest Service	Capital Improvement and Maintenance	WV	NRS, Parsons Lab Renovation	\$254,000	The President	
US Forest Service	Capital Improvement and Maintenance	WY	Bighorn NF, South Fork Campground Rehabilitation	\$490,000	The President	
US Forest Service	Capital Improvement and Maintenance	WY	Medicine Bow/Routt NF, Walden Bunkhouse	\$1,080,000	The President	
US Forest Service	Land Acquisition	CA	Angeles National Forest, Bighorn Mine	\$1,750,000	The President	Chu
						Feinstein

INTERIOR AND ENVIRONMENT—Continued
[Presidentially Directed Spending Items]

Agency	Account	State	Project	Amount	Administration	Requester(s)	
						House	Senate
US Forest Service	Land Acquisition	CA	Los Padres National Forest—Big Sur Ecosystem	\$1,500,000	The President	Farr	Feinstein
US Forest Service	Land Acquisition	CA	San Bernardino National Forest—Garner Home Ranch	\$500,000	The President		
US Forest Service	Land Acquisition	CA	Tahoe and El Dorado National Forests—Sierra Nevada Checkboard	\$1,000,000	The President		Feinstein
US Forest Service	Land Acquisition	GA	Chattahoochee-Oconee National Forest	\$1,200,000	The President	Marshall	Chambliss
US Forest Service	Land Acquisition	IN	Hoosier National Forest	\$825,000	The President		Lugar
US Forest Service	Land Acquisition	MI	Ottawa National Forest—Great Lakes/Great Lands	\$1,500,000	The President	Stupak	Levin; Stabenow
US Forest Service	Land Acquisition	MN	Chippewa/Superior National Forest—Minnesota Wilderness	\$900,000	The President	Oberstar	Klobuchar
US Forest Service	Land Acquisition	MO	Mark Twain National Forest—Missouri Ozark	\$500,000	The President		
US Forest Service	Land Acquisition	MT	Gallatin and Custer National Forests—Greater Yellowstone Area	\$2,000,000	The President	Rehberg	Tester, Baucus
US Forest Service	Land Acquisition	MT	Helena National Forest—Blackfoot Challenge	\$1,000,000	The President	Rehberg	Baucus; Tester
US Forest Service	Land Acquisition	NH	White Mountain National Forest	\$434,000	The President		
US Forest Service	Land Acquisition	NM	Gila National Forest—Bear Creek Ranch	\$3,000,000	The President	Teague	Bingaman; Udall; Tom
US Forest Service	Land Acquisition	OR, WA	Wallowa Whitman National Forests, Hells Canyon National Recreation Area	\$1,500,000	The President		Wyden; Merkley
US Forest Service	Land Acquisition	PA	Allegheny National Forest	\$500,000	The President		
US Forest Service	Land Acquisition	SD	Black Hills National Forest—Lady C Ranch	\$1,640,000	The President	Herseth Sandlin	Johnson
US Forest Service	Land Acquisition	TN	Cherokee National Forest—Rocky Fork	\$6,000,000	The President	Price (NC)	Alexander; Burr; Corker
US Forest Service	Land Acquisition	UT	Unita and Wasatch-Cache National Forests—High Uintas	\$1,500,000	The President		Bennett; Hatch
US Forest Service	Land Acquisition	VT	Green Mountain National Forest	\$2,250,000	The President		Leahy
US Forest Service	Land Acquisition	WA	Mt. Baker-Snoqualmie/Wenatchee National Forests—Cascades Ecosystem	\$1,000,000	The President		Murray
US Forest Service	Land Acquisition	WI	Chequamegon-Nicolet National Forest—Wisconsin Wild Waterways	\$2,125,000	The President		Kohl
US Forest Service	Wildland Fire Management	CA	California Fire Safe Councils	\$5,000,000	The President		Feinstein
US Forest Service	Wildland Fire Management	CA	Lake Tahoe Community Fire Protection Project	\$5,000,000	The President		Boxer; Feinstein

INTERIOR AND ENVIRONMENT
[Congressionally Directed Spending Items]

Agency	Account	State	Project	Amount	Requester(s)	
					House	Senate
Bureau of Land Management	Management of Lands and Resources	NV	Redband Trout and Salmon habitat assessment and restoration	\$300,000	Reid	
Bureau of Land Management	Management of Lands and Resources	UT	Utah Rural Cadastral Data Program	\$300,000	Bennett	
Bureau of Land Management	Construction	NV	California National Historic Trail Interpretive Center	\$2,000,000	Reid	
Bureau of Land Management	Land Acquisition	CA	Johnson Canyon Area of Critical Environmental Concern	\$1,500,000	Feinstein	
Bureau of Land Management	Land Acquisition	CA	Santa Rosa and San Jacinto Mountains National Monument	\$500,000	Bono Mack	
Fish and Wildlife Service	Resource Management	AK	Sea Otter and Steller Sea Lion Education and Conservation	\$200,000	Young (AK)	
Fish and Wildlife Service	Resource Management	AK	Stellers and Spectacled Sea Eider Research	\$350,000	Young (AK)	
Fish and Wildlife Service	Resource Management	CA	National Academy of Sciences California Delta Study	\$750,000	Feinstein	
Fish and Wildlife Service	Resource Management	CA	Review of the Klamath, North Coast, and Central Valley Hatchery Operations in California	\$2,150,000	Thompson (CA)	
Fish and Wildlife Service	Resource Management	GA	Georgia Streambank Restoration	\$500,000	Johnson (GA); Scott (GA); Marshall	Chambliss
Fish and Wildlife Service	Resource Management	HI	Hawaii invasive species management	\$1,000,000	Abercrombie; Hirono	Akaka; Inouye
Fish and Wildlife Service	Resource Management	HI	Palmyra Atoll NWR rat eradication	\$1,200,000	Inouye	
Fish and Wildlife Service	Resource Management	ID	Idaho Sage-Grouse Management Plan	\$1,000,000	Simpson	Crapo; Risch
Fish and Wildlife Service	Resource Management	LA	Endangered Whooping Crane Propagation Facility	\$500,000	Cao	Landrieu
Fish and Wildlife Service	Resource Management	ME	Maine lakes invasive species/habitat restoration	\$500,000	Collins; Snowe	
Fish and Wildlife Service	Resource Management	MI	Mass Marking of Hatchery Fish in the Great Lakes	\$1,000,000	Dingell	Levin; Stabenow
Fish and Wildlife Service	Resource Management	MS	Mississippi State Natural Resources Economic Enterprise Program	\$350,000	Harper	Cochran; Wicker
Fish and Wildlife Service	Resource Management	NV	Lahontan Cutthroat Trout	\$350,000	Reid	
Fish and Wildlife Service	Resource Management	TX	Caddo Lake Institute of Texas	\$150,000	Hutchison	
Fish and Wildlife Service	Resource Management	WV	National Conservation Training Center	\$750,000	Byrd	
Fish and Wildlife Service	Resource Management	WV	West Virginia Fisheries Resource Office	\$1,300,000	Mollohan	
Fish and Wildlife Service	Construction	CA	Don Edwards San Francisco Bay National Wildlife Refuge, Salt Ponds Restoration	\$4,000,000	Feinstein	

INTERIOR AND ENVIRONMENT—Continued
[Congressionally Directed Spending Items]

Agency	Account	State	Project	Amount	Requester(s)	
					House	Senate
Fish and Wildlife Service	Construction	HI	Kilauea Point National Wildlife Refuge, Lighthouse Repair	\$1,000,000		Inouye
Fish and Wildlife Service	Construction	MS	Theodore Roosevelt National Wildlife Refuge, Visitor Center/Office	\$2,000,000		Cochran; Wicker
Fish and Wildlife Service	Construction	NV	Nevada Water Catchments	\$150,000		Reid
Fish and Wildlife Service	Construction	WV	Canaan Valley National Wildlife Refuge, Trails	\$850,000		Byrd
Fish and Wildlife Service	Construction	WV	Ohio River Islands National Wildlife Refuge, Erosion Control	\$800,000		Byrd
Fish and Wildlife Service	Construction	WV	White Sulphur Springs National Fish Hatchery, Water Supply System	\$1,500,000		Byrd
Fish and Wildlife Service	Land Acquisition	CT	Stewart McKinney National Wildlife Refuge	\$2,000,000	DeLauro	Dodd; Lieberman
Fish and Wildlife Service	Land Acquisition	FL	Crystal River National Wildlife Refuge	\$1,500,000	Brown-Waite, Ginny	Martinez; Nelson, Bill
Fish and Wildlife Service	Land Acquisition	IA	Driftless Area National Wildlife Refuge	\$450,000		Harkin
Fish and Wildlife Service	Land Acquisition	KY	Clarks River National Wildlife Refuge	\$750,000		McConnell
Fish and Wildlife Service	Land Acquisition	ME	Maine Coastal Islands National Wildlife Refuge	\$1,000,000		Collins; Snowe
Fish and Wildlife Service	Land Acquisition	NE	Rainwater Basin Wetlands Management District	\$500,000		Nelson, Ben
Fish and Wildlife Service	Land Acquisition	NH	Lake Umbagog National Wildlife Refuge	\$1,000,000	Hodes	Gregg; Shaheen
Fish and Wildlife Service	Land Acquisition	NJ	Great Swamp National Wildlife Refuge	\$1,000,000	Frelinghuysen; Sires; Rothman (NJ)	Lautenberg; Menendez
Fish and Wildlife Service	Land Acquisition	NJ	Wallkill National Wildlife Refuge	\$1,400,000	Garrett (NJ); Rothman (NJ)	Lautenberg; Menendez
Fish and Wildlife Service	Land Acquisition	RI	John H. Chafee National Wildlife Refuge	\$900,000		Reed; Whitehouse
Fish and Wildlife Service	Land Acquisition	VA	Great Dismal Swamp National Wildlife Refuge	\$500,000	Forbes	Warner; Webb
Fish and Wildlife Service	Land Acquisition	VA	Rappahannock River National Wildlife Refuge, Bowers property	\$500,000	Wittman; Moran (VA)	Warner; Webb
Fish and Wildlife Service	Land Acquisition	WA	Turnbull National Wildlife Refuge	\$1,500,000		Murray
National Park Service	Statutory or Contractual Aid	CA	Angel Island Immigration Station	\$1,000,000	Pelosi; Woolsey	Boxer; Feinstein
National Park Service	Statutory or Contractual Aid	CA	Yosemite National Park schools, PL 109–131	\$400,000		Feinstein
National Park Service	Statutory or Contractual Aid	DC	Sewall Belmont House	\$1,000,000		Landrieu
National Park Service	Statutory or Contractual Aid	HI	National Tropical Botanical Garden, PL 111–11	\$500,000	Abercrombie	Akaka; Inouye

National Park Service	Statutory or Contractual Aid	HI	Native Hawaiian Culture & Arts Program, PL 99-498	\$500,000	Abercrombie; Hirono	Akaka; Inouye
National Park Service	Statutory or Contractual Aid	MD	Star Spangled Banner National Historic Trail	\$500,000	Ruppersberger; Sarbanes; Cummings	Cardin
National Park Service	Statutory or Contractual Aid	MD, VA, DC	Chesapeake Bay Gateways	\$1,000,000	Sarbanes; Moran (VA); Cummings; Hoyer; Kratovil	Cardin; Mikulski
National Park Service	Statutory or Contractual Aid	NH	Lamprey Wild & Scenic River, PL 90-542	\$200,000	Shea-Porter	Gregg; Shaheen
National Park Service	Statutory or Contractual Aid	VT, NY	Hudson-Fulton-Champlain Quadracentennial, PL 110-229	\$750,000	Hinchey	Leahy
National Park Service	Save America's Treasures	AL	Historic Fort Payne Coal and Iron Building Rehabilitation	\$150,000	Aderholt	
National Park Service	Save America's Treasures	AL	Historic Montevallo Main Hall Renovation	\$150,000	Bachus; Aderholt	
National Park Service	Save America's Treasures	AL	Swayne Hall, Talladega	\$490,000	Rogers (AL)	Sessions
National Park Service	Save America's Treasures	CA	Mission Santa Barbara, Santa Barbara	\$650,000		Feinstein
National Park Service	Save America's Treasures	CO	Shenandoah-Dives Mill National Historic Landmark	\$150,000	Salazar	
National Park Service	Save America's Treasures	CT	Harriet Beecher Stowe Center Preservation	\$150,000	Larson (CT)	Dodd; Lieberman
National Park Service	Save America's Treasures	CT	Sterling Opera House Renovation	\$150,000	DeLauro	
National Park Service	Save America's Treasures	FL	Freedom Tower, Miami	\$500,000		Martinez
National Park Service	Save America's Treasures	GA	Morehouse College (King papers)	\$200,000	Marshall; Lewis (GA)	Isakson
National Park Service	Save America's Treasures	IA	Des Moines Art Center, Des Moines	\$200,000		Harkin
National Park Service	Save America's Treasures	ID	Historic Old Pen Site Stabilization Project	\$150,000	Simpson	Crapo; Risch
National Park Service	Save America's Treasures	IL	Repairs to Historic Chicago Landmark	\$50,000	Davis (IL)	
National Park Service	Save America's Treasures	KS	Colonial Fox Theater, Pittsburg	\$500,000		Brownback; Roberts
National Park Service	Save America's Treasures	KY	Judge Joseph Holt House Historic Restoration	\$150,000	Guthrie	
National Park Service	Save America's Treasures	MA	Hancock Shaker Village Restoration	\$150,000	Olver	Kennedy; Kerry
National Park Service	Save America's Treasures	MA	Stockbridge Mission House Renovation	\$117,000	Olver	
National Park Service	Save America's Treasures	MD	Harmony Hall Restoration	\$100,000	Hoyer	
National Park Service	Save America's Treasures	MI	Big Sable Lighthouse, Ludington	\$100,000		Levin; Stabenow
National Park Service	Save America's Treasures	MN	CSPS Sokol Hall	\$150,000	McCollum	
National Park Service	Save America's Treasures	MN	Restoration of Historic Coe Mansion	\$150,000	Ellison	
National Park Service	Save America's Treasures	MS	Madison County Courthouse	\$500,000		Cochran; Wicker
National Park Service	Save America's Treasures	MS	Medgar Evers site, Jackson	\$250,000		Cochran
National Park Service	Save America's Treasures	MT	City of Bozeman Main Street Historic District Restoration	\$150,000	Rehberg	
National Park Service	Save America's Treasures	NC	Bellamy Mansion Slave Quarters	\$100,000	McIntyre	

INTERIOR AND ENVIRONMENT—Continued
[Congressionally Directed Spending Items]

Agency	Account	State	Project	Amount	Requester(s)	
					House	Senate
National Park Service	Save America's Treasures	NJ	Georgian Court Mansion Restoration	\$200,000	Smith (NJ), Rothman (NJ)	Lautenberg, Menendez
National Park Service	Save America's Treasures	NJ	South Orange Village Hall Restoration	\$150,000	Payne, Pascrell	
National Park Service	Save America's Treasures	NV	Lincoln County Courthouse, Pioche	\$200,000		Reid
National Park Service	Save America's Treasures	NY	Historic Owego Municipal Building Rehabilitation	\$150,000	Hinchey	
National Park Service	Save America's Treasures	NY	Hudson River Sloop Clearwater Restoration	\$150,000	Hinchey	
National Park Service	Save America's Treasures	NY	Richardson Olmsted Complex, Buffalo	\$200,000	Higgins	Gillibrand; Schumer
National Park Service	Save America's Treasures	NY	Strand Theater, Plattsburgh	\$200,000		Gillibrand; Schumer
National Park Service	Save America's Treasures	NY	Tarrytown Music Hall Restoration	\$150,000	Lowey	
National Park Service	Save America's Treasures	NY	Village Park Historic Preservation	\$150,000	McHugh	
National Park Service	Save America's Treasures	OR	Wallowa County Courthouse, Enterprise	\$200,000		Merkley; Wyden
National Park Service	Save America's Treasures	PA	Hatborough Union Library Restoration	\$38,000	Schwartz	
National Park Service	Save America's Treasures	PA	Saylor Cement Kilns Historic Preservation	\$200,000	Dent	
National Park Service	Save America's Treasures	PR	San Juan North Portal Restoration	\$150,000	Pierluisi	
National Park Service	Save America's Treasures	RI	Warwick City Hall, Warwick	\$350,000	Langevin	Reed; Whitehouse
National Park Service	Save America's Treasures	SC	Chesterfield Courthouse Restoration	\$150,000	Spratt	
National Park Service	Save America's Treasures	SC	Cypress Historic Meeting Compound	\$200,000	Brown (SC)	
National Park Service	Save America's Treasures	SC	Modjeska Simkins Home Restoration	\$150,000	Clyburn	
National Park Service	Save America's Treasures	SD	State Theater, Sioux Falls	\$200,000		Johnson
National Park Service	Save America's Treasures	TN	Blount Mansion, Knoxville	\$250,000	Duncan	Alexander
National Park Service	Save America's Treasures	UT	Historic Fisher Mansion Restoration Project	\$150,000	Bishop (UT)	Bennett; Hatch
National Park Service	Save America's Treasures	VA	Belgian Building Preservation	\$150,000	Scott (VA)	
National Park Service	Save America's Treasures	VA	Chesterfield County Historic Preservation	\$150,000	Forbes	
National Park Service	Save America's Treasures	VA	Fort Ward Park Preservation	\$75,000	Moran (VA)	
National Park Service	Save America's Treasures	WA	Schooner Adventuress Restoration	\$180,000	Dicks	
National Park Service	Save America's Treasures	WI	Bayfield Historic Courthouse Restoration	\$150,000	Obey	
National Park Service	Save America's Treasures	WV	Capitol Theater, Wheeling	\$200,000		Byrd
National Park Service	Save America's Treasures	WV	Claymont Court Historic Site Restoration	\$150,000	Capito	
National Park Service	Save America's Treasures	WV	Cottrill's Opera House Restoration	\$150,000	Mollohan	
National Park Service	Construction	AZ	Saguaro National Park Trail Improvements	\$398,000	Giffords	

National Park Service	Construction	CA	Golden Gate National Recreation Area (Alcatraz)	\$1,400,000		Feinstein
National Park Service	Construction	CA	Joshua Tree National Park Visitor Center	\$300,000	Lewis (CA)	
National Park Service	Construction	CA	Manzanar National Historical Site	\$900,000		Feinstein
National Park Service	Construction	DC	African American Civil War Memorial, security enhancements	\$220,000	Norton	
National Park Service	Construction	FL	Castillo de San Marcos National Monument	\$500,000	Mica	
National Park Service	Construction	IN	Restore Good Fellow Lodge, Indiana Dunes National Lakeshore	\$1,000,000	Visclosky	
National Park Service	Construction	MA	New Bedford Whaling National Historical Park (Bourne bldg)	\$1,500,000		Kennedy; Kerry
National Park Service	Construction	MI	Keweenaw National Historical Park (Quincy Smelting Works)	\$1,000,000		Levin
National Park Service	Construction	MI	Keweenaw National Historical Park Union Building	\$1,380,000	Stupak	Levin; Stabenow
National Park Service	Construction	NJ	Gateway NRA, Sandy Hook Repair of Historic Gun Batteries	\$800,000	Pallone	
National Park Service	Construction	NJ	Paterson Great Falls National Historic Park	\$500,000	Pascrell	
National Park Service	Construction	NY	Fire Island Land Trust Historic Restoration	\$250,000	Israel; Bishop (NY)	
National Park Service	Construction	OH	Cuyahoga Valley National Park Site and Structure Rehabilitation Program	\$500,000	LaTourette; Sutton	
National Park Service	Construction	OK	Chickasaw National Recreation Area Visitor Center	\$500,000	Cole	
National Park Service	Construction	OR	Crater Lake Visitor Education Center	\$350,000	Walden; Blumenauer	Merkley; Wyden
National Park Service	Construction	PA	Flight 93 National Memorial	\$725,000	Shuster	Specter
National Park Service	Construction	PA	Valley Forge National Park Visitor Center	\$325,000	Sestak	
National Park Service	Construction	TN	Great Smoky Mountains National Park (curatorial facility)	\$1,500,000		Alexander
National Park Service	Construction	TN	Great Smoky Mountains National Park (Tremont/Cosby water)	\$1,940,000		Alexander; Corker
National Park Service	Construction	TN	Moccasin Bend National Archeological District	\$500,000	Wamp	
National Park Service	Construction	UT	Timpanogos Cave National Monument Interpretation Visitors Center	\$1,600,000	Matheson	Bennett
National Park Service	Construction	UT	Utah Public Lands Artifact Preservation Act, PL 107-329	\$1,000,000		Bennett; Hatch
National Park Service	Construction	VA	Fort Hunt NCO Quarters Restoration	\$250,000	Moran (VA)	
National Park Service	Construction	WI	Apostle Islands Lighthouse Restoration	\$2,000,000	Obey	
National Park Service	Construction	WI	Ice Age National Scenic Trail	\$265,000	Obey	
National Park Service	Construction	WV	Harpers Ferry National Historical Park	\$275,000		Byrd

INTERIOR AND ENVIRONMENT—Continued
[Congressionally Directed Spending Items]

Agency	Account	State	Project	Amount	Requester(s)	
					House	Senate
National Park Service	Construction	WV	New River Gorge National River	\$1,025,000		Byrd
National Park Service	Land Acquisition	AL	Little River Canyon National Preserve	\$1,500,000	Rogers (AL)	Sessions
National Park Service	Land Acquisition	CA	Mojave National Preserve, Joshua Tree National Park, Death Valley National Park	\$1,000,000		Feinstein
National Park Service	Land Acquisition	CA	Santa Monica Mountains National Recreation Area	\$1,000,000	Berman; Sherman	Feinstein
National Park Service	Land Acquisition	KY	Cumberland Gap National Historical Park, Fern Lake	\$1,150,000	Rogers (KY)	McConnell
National Park Service	Land Acquisition	MI	Sleeping Bear Dunes National Lakeshore	\$1,000,000		Levin; Stabenow
National Park Service	Land Acquisition	NH	Appalachian National Scenic Trail	\$1,375,000	Hodes	Gregg; Shaheen
National Park Service	Land Acquisition	NM	Petroglyph National Monument	\$1,000,000	Heinrich	Bingaman
National Park Service	Land Acquisition	OH	Cuyahoga Valley National Park	\$4,000,000	Sutton; LaTourette; Ryan (OH)	Brown; Voinovich
National Park Service	Land Acquisition	PA	Appalachian National Scenic Trail	\$1,820,000		Specter
National Park Service	Land Acquisition	TN	Shiloh National Military Park	\$250,000		Alexander; Corker
National Park Service	Land Acquisition	TX	Fort Davis National Historic Site	\$500,000	Rodriguez	Hutchison
National Park Service	Land Acquisition	VA	Fredericksburg and Spotsylvania National Military Park, Brms property	\$200,000	Wittman	
National Park Service	Land Acquisition	VT	Appalachian National Scenic Trail	\$625,000		Leahy
National Park Service	Land Acquisition	WI	Ice Age National Scenic Trail	\$2,000,000	Baldwin; Obey	
U.S. Geological Survey	Surveys, Investigations & Research	AR	South Arkansas Sparta Aquifer Recovery Initiative	\$300,000	Ross	
U.S. Geological Survey	Surveys, Investigations & Research	AZ, NM	U.S.—Mexico Transboundary Aquifer Assessment Program	\$1,000,000	Grijalva; Pastor (AZ)	Bingaman
U.S. Geological Survey	Surveys, Investigations & Research	CA	San Diego formation mapping	\$900,000		Feinstein
U.S. Geological Survey	Surveys, Investigations & Research	CA	San Francisco Bay Salt Ponds restoration monitoring/research	\$1,000,000	Stark; Lofgren, Zoe; Honda; Pelosi	Feinstein
U.S. Geological Survey	Surveys, Investigations & Research	HI	Volcano research/monitoring partnership UH-Manoa/HVO	\$250,000		Inouye
U.S. Geological Survey	Surveys, Investigations & Research	HI	Water resources monitoring, investigations and research	\$500,000		Inouye; Akaka
U.S. Geological Survey	Surveys, Investigations & Research	IL	McHenry County groundwater and stormwater protection	\$280,000	Manzullo	
U.S. Geological Survey	Surveys, Investigations & Research	LA	Long Term Estuary Assessment Group support	\$400,000		Landrieu

U.S. Geological Survey	Surveys, Investigations & Research	MA	Conte Anadromous Fish Research Lab	\$220,000	Olver		
U.S. Geological Survey	Surveys, Investigations & Research	MD	Coastal plain & fractured rock study	\$500,000	Cummings	Cardin; Mikulski	
U.S. Geological Survey	Surveys, Investigations & Research	NV	Nye County minerals assessment project	\$650,000		Reid	
U.S. Geological Survey	Surveys, Investigations & Research	VT	Lake Champlain Basin streamflow monitoring/toxic studies	\$346,000		Leahy	
U.S. Geological Survey	Surveys, Investigations & Research	WA	Columbia River Basin, design/test monitoring protocols-invasive species	\$350,000		Murray	
U.S. Geological Survey	Surveys, Investigations & Research	WA	Hood Canal Dissolved Oxygen Study	\$200,000	Dicks		
Minerals Management Service	Royalty and Offshore Minerals Management	MS	Center for Marine Resources and Environmental Technology	\$900,000	Childers	Cochran; Wicker	
Bureau of Indian Affairs	Operation of Indian Programs	Multi	Upper Columbia United Tribes, resource management program	\$350,000	McMorris Rodgers	Cantwell; Crapo; Murray; Risch	
Bureau of Indian Affairs	Operation of Indian Programs	ND	United Tribes Technical College	\$400,000	Pomeroy	Conrad; Dorgan	
Bureau of Indian Affairs	Operation of Indian Programs	NM	Navajo Technical College	\$200,000		Bingaman; Udall, Tom	
Bureau of Indian Affairs	Operation of Indian Programs	SD	Cheyenne River Sioux Tribe, prairie management program	\$500,000	Hereth Sandlin	Johnson	
Insular Affairs	Assistance to Territories	VI	Critical Wastewater System Repairs and Improvements	\$900,000	Christensen		
Environmental Protection Agency	Science & Technology	CO	Water Research Foundation	\$1,700,000	Kissell; Rehberg; Moran (VA)	Kennedy; Kerry; Reid	
Environmental Protection Agency	Science & Technology	GA	Consortium for Plant Biotechnology Research	\$1,000,000	Towns; Rogers (MI); Rehberg; Stupak; Conyers; Price (NC); Abercrombie; Lewis (GA); Rogers (KY)	Hagan; Levin; McConnell; Murray; Stabenow	
Environmental Protection Agency	Science & Technology	TX	Southwest Consortium for Environmental Research and Policy (SCERP)	\$1,000,000	Reyes; Pastor (AZ)	Bingaman; Udall, Tom	
Environmental Protection Agency	Science & Technology	VA	Water Environment Research Foundation	\$2,000,000	Price (NC); Moran (VA)	Begich; Bond; Brown; Burris; Cardin; Collins; Kennedy; Kohl; Lautenberg; Schumer; Snowe	
Environmental Protection Agency	Environmental Programs and Management	DC	Rural Community Assistance Partnership	\$2,500,000	Olver; Rogers (KY)	Baucus; Begich; Bingaman; Brown; Collins; Crapo; Johanns; Johnson; Klobuchar; Leahy; Lincoln; Merkley; Risch; Rockefeller; Shaheen; Tester; Udall, Mark; Wyden	
Environmental Protection Agency	Environmental Programs and Management	DC	Water Systems Council Welfare Program	\$700,000	Langevin; Latham; Arcuri; Boswell	Baucus; Bingaman; Grassley; Harkin; Reed; Whitehouse	
Environmental Protection Agency	Environmental Programs and Management	OK	National Rural Water Association	\$13,000,000	Etheridge; Jones; Kennedy	Barasso; Bingaman; Bond; Burr; Cantwell; Casey; Chambliss; Collins; Conrad; Corker; Crapo; Dorgan; Durbin; Enzi; Gillibrand; Graham; Grassley; Hagan; Hatch; Inhofe; Isakson; Johanns; Johnson; Kennedy; Kerry; Leahy; Levin; Lieberman; Lincoln; Menendez; Pryor; Reed; Risch; Roberts; Sanders; Schumer; Shaheen; Snowe; Specter; Stabenow; Thune; Udall, Mark; Udall, Tom; Vitter; Webb; Whitehouse; Wicker; Wyden	
Environmental Protection Agency	Environmental Programs and Management	VA	National Biosolids Partnership	\$750,000	Moran (VA)		

INTERIOR AND ENVIRONMENT—Continued
[Congressionally Directed Spending Items]

Agency	Account	State	Project	Amount	Requester(s)	
					House	Senate
Environmental Protection Agency	Environmental Programs and Management	WA	Puget Sound Ecosystem Research Initiative at the University of Washington	\$4,000,000	Smith (WA): McDermott; Dicks; Baird	
Environmental Protection Agency	Buildings and Facilities	NV	Las Vegas Facilities Consolidation Study	\$500,000		Reid
Environmental Protection Agency	Other	CA	Hunters Point Naval Shipyard environmental cleanup	\$8,000,000		Feinstein
Environmental Protection Agency	STAG—Other	CA	Emissions Reduction Grants to the South Coast Air Quality Management District and San Joaquin Air Pollution Control District	\$10,000,000	Cardoza; McInerney; Costa	Boxer; Feinstein
Environmental Protection Agency	STAG—Other	TX	The cities of El Paso and Brownsville for water and wastewater infrastructure	\$2,500,000	Reyes; Ortiz	Cornyn; Hutchison
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AK	City of Buckland for construction of a piped water and sewer system	\$500,000		Begich; Murkowski
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AK	City of Homer for planning and design of a new drinking water system	\$500,000		Murkowski
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AK	City of Kodiak for water and sewer improvements	\$300,000	Young (AK)	Begich
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AK	City of Soldotna for a water and wastewater improvements project	\$500,000		Begich; Murkowski
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AK	Municipality of Skagway for a wastewater treatment facility expansion project	\$300,000		Begich; Murkowski
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AL	City of Brewton for a wastewater improvements project	\$300,000		Sessions
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AL	East Alabama Water Sewer and Fire Protection District for wastewater system planning	\$275,000	Rogers (AL)	Sessions
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AL	Fayette County for the construction of a drinking water reservoir	\$6,000,000	Aderholt	Shelby
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AL	The City of Enterprise for the Enterprise Southeast lagoon upgrade project	\$500,000	Bright	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AL	The City of Sulligent for a water well and storage tank project	\$500,000	Aderholt	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AL	Washington County Commission for the Washington County sanitary sewer extension	\$500,000	Bonner	Sessions
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AR	Cabot Waterworks for wastewater improvements	\$500,000	Berry	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AR	City of Dardanelle for water treatment plant expansion	\$300,000		Lincoln; Pryor

Environmental Protection Agency	STAG Water and Wastewater Project	AR	City of Forrest City for water infrastructure improvements	\$300,000	Lincoln; Pryor
Environmental Protection Agency	STAG Water and Wastewater Project	AR	City of Warren for water infrastructure improvements	\$300,000	Lincoln; Pryor
Environmental Protection Agency	STAG Water and Wastewater Project	AR	Fort Chaffee Redevelopment Authority for water system improvements	\$300,000	Lincoln; Pryor
Environmental Protection Agency	STAG Water and Wastewater Project	AR	The City of Fayetteville for Elkins Outfall Sewer Line sewer replacement	\$500,000	Boozman
Environmental Protection Agency	STAG Water and Wastewater Project	AZ	City of Safford for water infrastructure improvements	\$300,000	Kyl
Environmental Protection Agency	STAG Water and Wastewater Project	AZ	The Pascua Yacqui Tribe for the master drainage plan	\$1,000,000	Pastor (AZ); Grijalva
Environmental Protection Agency	STAG Water and Wastewater Project	AZ	The Town of Chino Valley for water and wastewater infrastructure	\$500,000	Kirkpatrick (AZ)
Environmental Protection Agency	STAG Water and Wastewater Project	AZ	The Town of Miami for sewer collection system upgrades	\$220,000	Pastor (AZ)
Environmental Protection Agency	STAG Water and Wastewater Project	CA	Big Bear Department of Water and Power for Big Bear Lake water system infrastructure improvements	\$750,000	Lewis (CA)
Environmental Protection Agency	STAG Water and Wastewater Project	CA	Carlsbad for Vista-Carlsbad joint wastewater project	\$500,000	Bilbray
Environmental Protection Agency	STAG Water and Wastewater Project	CA	City of East Palo Alto for the East Palo Alto water supply and stormwater management improvements	\$875,000	Eshoo
Environmental Protection Agency	STAG Water and Wastewater Project	CA	City of Eureka for the Martin Slough interceptor project	\$875,000	Boxer; Feinstein
Environmental Protection Agency	STAG Water and Wastewater Project	CA	City of Galt for Wastewater Treatment Plant Upgrades	\$500,000	Lungren, Dan
Environmental Protection Agency	STAG Water and Wastewater Project	CA	City of Rialto for Inland empire groundwater remediation and drinking water system improvements	\$300,000	Boxer
Environmental Protection Agency	STAG Water and Wastewater Project	CA	City of Santa Monica for the Santa Monica water system reliability project	\$875,000	Feinstein
Environmental Protection Agency	STAG Water and Wastewater Project	CA	City of Westminster for Stormwater System improvements	\$875,000	Feinstein
Environmental Protection Agency	STAG Water and Wastewater Project	CA	Helix Water District for the El Monte Valley groundwater recharge project	\$500,000	Hunter
Environmental Protection Agency	STAG Water and Wastewater Project	CA	Monterey County Water Resources Agency for the Lower Carmel River and Lagoon Floodplain restoration and enhancement project	\$500,000	Farr
Environmental Protection Agency	STAG Water and Wastewater Project	CA	Municipal Water District of Orange County for water supply improvements	\$875,000	Boxer; Feinstein
Environmental Protection Agency	STAG Water and Wastewater Project	CA	Palmdale Water District for water main replacement	\$500,000	McKeon

INTERIOR AND ENVIRONMENT—Continued
[Congressionally Directed Spending Items]

Agency	Account	State	Project	Amount	Requester(s)	
					House	Senate
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CA	Shasta County for Elk Trail Water System Improvements	\$875,000		Feinstein
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CA	South Montebello Irrigation District for water system infrastructure improvements	\$550,000	Napolitano	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CA	South Pasadena for Wilson Reservoir re-placement	\$300,000	Schiff	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CA	The City of Arcadia for the Arcadia and Sierra Madre joint water infrastructure project	\$500,000	Dreier	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CA	The City of Bell for Sewer Infrastructure Modernization	\$675,000	Roybal-Allard	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CA	The City of Calimesa for storm drain improvements	\$500,000	Lewis (CA)	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CA	The City of Cathedral City for South City Improvement District groundwater protection	\$500,000	Bono Mack	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CA	The City of Ceres for East Service Road sanitary sewer extension	\$500,000	Cardoza	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CA	The City of Culver City for storm water improvements	\$500,000	Watson	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CA	The City of Los Angeles for the Elysian Park water recycling project	\$500,000	Becerra	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CA	The City of Ridgecrest for wastewater treatment facility infrastructure	\$400,000	McCarthy (CA)	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CA	The City of San Jose for the San Jose Redevelopment Area sewer main rehabilitation	\$300,000	Honda; Lofgren, Zoe	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CA	The City of San Juan Capistrano for ground water recovery plant expansion and regional distribution facility	\$625,000	Calvert	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CA	The City of Temple City for storm drain installation	\$200,000	Schiff	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CA	The City of Vallejo for Mare Island sanitary sewer and storm drain improvements	\$750,000	Miller, George	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CA	Western Municipal Water District for Arlington Desalter Biodegradation	\$625,000	Calvert	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CO	City of Monte Vista for wastewater facility consolidation	\$300,000		Bennet
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CO	City of Rifle for drinking water infrastructure improvements	\$300,000	Salazar	Udall, Mark
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	CT	City of Norwich for wastewater treatment facility improvements	\$300,000	Courtney	Dodd; Lieberman

Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	CT	CT	The Mattabasset District for wastewater treatment facility upgrades	\$500,000	Larson (CT)	Lieberman
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	CT	CT	The Town of Prospect for drinking water infrastructure	\$495,000	DeLauro	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	CT	CT	Town of East Lyme for drinking water system improvements	\$300,000	Courtney	Dodd
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	DE	DE	New Castle County for Turkey Run interceptor improvements	\$300,000	Castle	Carper; Kaufman
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	DE	DE	Sussex County Council for the Johnson's Corner wastewater improvement project	\$300,000	Castle	Carper; Kaufman
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	FL	FL	City of West Palm Beach for water infrastructure improvements	\$500,000	Klein (FL); Wexler	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	FL	FL	Jacksonville Water and Sewer Expansion Authority for septic tank replacement	\$500,000	Crenshaw	Martinez
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	FL	FL	Santa Rosa County for Navarre Beach water clarifier	\$220,000	Miller (FL)	Nelson, Bill
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	FL	FL	South Seminole and North Orange County Wastewater Transmission Authority for wastewater infrastructure improvements	\$500,000	Kosmas; Mica	Martinez
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	FL	FL	St. Johns River Water Management District for the East-Central Florida Integrated Water Resources Project	\$300,000	Posey	Martinez; Nelson, Bill
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	FL	FL	The City of Clearwater for wastewater treatment facility improvements	\$500,000	Young (FL); Bilirakis	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	FL	FL	The City of Homestead for water utility upgrades	\$500,000	Diaz-Balart, Mario	Nelson, Bill
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	FL	FL	The City of Opa-Locka Public Works Division for wastewater infrastructure improvements	\$500,000	Meek (FL)	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	FL	FL	The City of Quincy for inflow and infiltration improvements	\$440,000	Boyd	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	FL	FL	The City of Sunrise for a water reclamation system	\$1,000,000	Wasserman Schultz; Hastings (FL)	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	FL	FL	City of Tampa for reclaimed water expansion project	\$300,000		Martinez; Nelson, Bill
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	GA	GA	City of Rome for construction of a new drinking water transmission main	\$300,000		Isakson
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	GA	GA	Fort Valley Utility Commission for wastewater reclamation facility	\$500,000	Bishop (GA)	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	GA	GA	Metropolitan North Georgia Water Planning District for multiple water and wastewater system improvements	\$500,000	Scott (GA); Kingston; Deal; Johnson (GA); Gingrey (GA); Lewis (GA)	Chambliss
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	GA	GA	The City of Atlanta for sewer system infrastructure improvements	\$500,000	Lewis (GA); Johnson (GA); Bishop (GA); Barrow; Scott (GA)	Chambliss, Isakson

INTERIOR AND ENVIRONMENT—Continued
[Congressionally Directed Spending Items]

Agency	Account	State	Project	Amount	Requester(s)	
					House	Senate
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	GA	The City of Crawfordsville for sewer rehabilitation	\$500,000	Barrow	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	GA	The City of Kingsland for water and sewer infrastructure	\$500,000	Kingston	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	GU	Guam Waterworks Authority for Wastewater Infrastructure Improvements	\$600,000	Bordallo	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	HI	County of Kauai for the Waimea Wastewater Treatment Plant expansion project	\$1,000,000	Abercrombie; Hirono	Inouye
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	HI	Hawaii County for the Hawaii Ocean View Estates drinking water source development project	\$220,000		Inouye
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	HI	Hawaii County for the Kapulea drinking water source development project	\$739,750		Inouye
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	HI	Maui County for infrastructure improvements at the Kamole Water Treatment Plant	\$1,000,000		Inouye
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	HI	Maui County for Kaa Force main replacement	\$1,000,000		Inouye
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	IA	City of Boone for wastewater and stormwater infrastructure improvements	\$300,000		Grassley; Harkin
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	IA	City of Clinton for construction of a new wastewater treatment facility	\$300,000	Braley (IA)	Grassley; Harkin
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	IA	City of Keokuk for a stormwater and sewer separation project	\$300,000		Grassley; Harkin
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	IA	City of Ottumwa for wastewater and stormwater infrastructure improvements	\$300,000	Loebach	Harkin
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	IA	The City of Garner for wastewater treatment infrastructure improvements	\$500,000	Latham	Grassley
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	ID	City of American Falls for construction of a wastewater treatment facility	\$300,000	Simpson	Crapo; Risch
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	ID	Granite Reeder Water and Sewer District for construction of a sewage collection system	\$300,000		Crapo; Risch
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	ID	The City of Buhl for wastewater treatment infrastructure	\$750,000	Simpson	Crapo; Risch
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	IL	City of Decatur for water infrastructure improvements	\$250,000		Durbin
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	IL	City of Lexington for water infrastructure improvements	\$100,000		Durbin
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	IL	City of Peoria for sewer and stormwater improvements	\$300,000	Schock	Burris

Environmental Protection Agency	STAG Water and Wastewater Project	IL	IL	Naperville Heritage Society, Naperville, for stormwater management at Naper Settlement	\$500,000	Biggart	
Environmental Protection Agency	STAG Water and Wastewater Project	IL	IL	Sharpshurg and Neighboring Area Water System for Infrastructure	\$500,000	Shimkus	
Environmental Protection Agency	STAG Water and Wastewater Project	IL	IL	The Village of Buckner for a water storage tank	\$352,000	Costello	
Environmental Protection Agency	STAG Water and Wastewater Project	IL	IL	The Village of Carol Stream for Tubeway Drive storm water lift station rehabilitation	\$192,500	Roskam	
Environmental Protection Agency	STAG Water and Wastewater Project	IL	IL	The Village of Hopedale for wastewater treatment facility upgrades	\$180,000	Schock	
Environmental Protection Agency	STAG Water and Wastewater Project	IL	IL	The Village of Johnsburg for wastewater treatment infrastructure	\$500,000	Bean	
Environmental Protection Agency	STAG Water and Wastewater Project	IL	IL	The Village of Park Forest for sanitary sewer infrastructure	\$500,000	Jackson (IL)	Burris
Environmental Protection Agency	STAG Water and Wastewater Project	IL	IL	Will County for Ridgewood water and wastewater infrastructure improvements	\$550,000	Halvorson	Burris; Durbin
Environmental Protection Agency	STAG Water and Wastewater Project	IL	IL	Macoupin County for water infrastructure improvements	\$250,000		Durbin
Environmental Protection Agency	STAG Water and Wastewater Project	IN	IN	City of Tipton for drinking water and wastewater infrastructure upgrades project	\$300,000		Lugar
Environmental Protection Agency	STAG Water and Wastewater Project	IN	IN	Clinton County Government for the Eastside Regional stormwater improvements	\$500,000	Buyer	
Environmental Protection Agency	STAG Water and Wastewater Project	IN	IN	The City of Portage for water infrastructure improvements	\$800,000	Visclosky	
Environmental Protection Agency	STAG Water and Wastewater Project	IN	IN	Wadesville-Blairsville Regional Sewer District for the sanitary sewer system project	\$500,000	Ellsworth	
Environmental Protection Agency	STAG Water and Wastewater Project	KS	KS	City of Buhler for construction of an adsorption media drinking water treatment facility	\$600,000		Brownback
Environmental Protection Agency	STAG Water and Wastewater Project	KS	KS	City of Iola for drinking water and wastewater pipe improvements project	\$300,000		Roberts
Environmental Protection Agency	STAG Water and Wastewater Project	KS	KS	City of Junction City for construction of a drinking water project	\$250,000	Moran (KS)	Brownback; Roberts
Environmental Protection Agency	STAG Water and Wastewater Project	KS	KS	City of Marion for construction of a wastewater project	\$150,000		Brownback
Environmental Protection Agency	STAG Water and Wastewater Project	KS	KS	City of Russell for replacement of cast iron drinking water lines	\$400,000		Brownback
Environmental Protection Agency	STAG Water and Wastewater Project	KS	KS	Pottawatomie County for construction of a main pump wastewater station	\$400,000		Brownback
Environmental Protection Agency	STAG Water and Wastewater Project	KS	KS	The City of DeSoto for water treatment infrastructure improvements at the Sunflower Army Ammunition Plant	\$500,000	Moore (KS)	Roberts

INTERIOR AND ENVIRONMENT—Continued
[Congressionally Directed Spending Items]

Agency	Account	State	Project	Amount	Requester(s)	
					House	Senate
Environmental Protection Agency	STAG Water and Wastewater Project	KS	The City of Rose Hill for the Berlin Drainage Project	\$500,000	Tiaht	
Environmental Protection Agency	STAG Water and Wastewater Project	KY	City of Burgin for upgrades to the drinking water distribution system	\$340,000		McConnell
Environmental Protection Agency	STAG Water and Wastewater Project	KY	City of Eubank for a water line replacement project	\$200,000		Bunning
Environmental Protection Agency	STAG Water and Wastewater Project	KY	City of Franklin for a sewer line replacement project	\$100,000		Bunning
Environmental Protection Agency	STAG Water and Wastewater Project	KY	City of Vine Grove for construction of additional sewer lines	\$840,000		McConnell
Environmental Protection Agency	STAG Water and Wastewater Project	KY	Fleming County for a sewer collection expansion project	\$620,000		Bunning; McConnell
Environmental Protection Agency	STAG Water and Wastewater Project	KY	Franklin County Fiscal Court for the Farmdale Area wastewater treatment plant	\$900,000	Chandler	Bunning
Environmental Protection Agency	STAG Water and Wastewater Project	KY	Owensboro-Daviess County Regional Water Resource Agency for the Locust Hills Subdivision sewer installation project	\$220,000	Guthrie	Bunning
Environmental Protection Agency	STAG Water and Wastewater Project	KY	Perry County Sanitation District No. 1 for wastewater treatment infrastructure	\$500,000	Rogers (KY)	
Environmental Protection Agency	STAG Water and Wastewater Project	KY	The City of Paris for combined utilities water plan improvements	\$500,000	Chandler	
Environmental Protection Agency	STAG Water and Wastewater Project	KY	The City of Tompkinsville for a water treatment plant backwash lagoon project	\$189,750	Whitfield	
Environmental Protection Agency	STAG Water and Wastewater Project	KY	The City of Wurtland for the Wurtland/Greenup/Lloyd regional sewer project	\$500,000	Davis (KY)	
Environmental Protection Agency	STAG Water and Wastewater Project	LA	City of Baton Rouge for East Baton Rouge Parish wastewater system improvements	\$300,000		Landrieu; Vitter
Environmental Protection Agency	STAG Water and Wastewater Project	LA	City of Lake Charles for wastewater system improvements	\$300,000		Landrieu
Environmental Protection Agency	STAG Water and Wastewater Project	LA	Lafayette Utilities System for drinking water and wastewater line relocations and upgrades project	\$300,000		Landrieu; Vitter
Environmental Protection Agency	STAG Water and Wastewater Project	LA	St. Tammany Parish for Bayou Chinchuba Regional water retention	\$500,000	Scalise	
Environmental Protection Agency	STAG Water and Wastewater Project	LA	The City of Monroe for a wastewater treatment system	\$500,000	Alexander	Landrieu; Vitter
Environmental Protection Agency	STAG Water and Wastewater Project	LA	City of Grambling for drinking water system improvements	\$300,000		Landrieu

Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	MA	City of Gloucester for Essex Avenue Wastewater Treatment Facility Upgrade	\$500,000	Tierney	
Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	MA	City of Marlborough for infrastructure upgrades at the Westerly Wastewater Treatment Facility	\$300,000	McGovern	Kennedy; Kerry
Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	MA	Pioneer Valley Planning Commission for the Connecticut River CSO	\$871,500	Oliver; Neal	Kennedy; Kerry
Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	MA	The Cities of Fall River and New Bedford and the Towns of Acushnet, Mansfield, Norton, and Foboro for Bristol County CSO upgrades	\$750,000	Frank (MA); McGovern	Kennedy; Kerry
Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	MA	The City of Malden for citywide lead water service replacement	\$500,000	Markey (MA)	
Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	MD	City of Frostburg for combined sewer overflow improvements	\$300,000		Mikulski
Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	MD	Maryland Department of the Environment for Salisbury cast iron distribution pipe	\$500,000	Kratovil	
Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	MD	The City of Rockville for sanitary sewer rehabilitation	\$750,000	Van Hollen	Cardin
Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	MD	The Town of Chesapeake Beach for WWTP Enhanced Nutrient Removal Upgrade and Expansion	\$700,000	Hoyer	
Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	MD, DC, VA	Washington Suburban Sanitary Commission (MD), Washington Area Sewer Authority (DC), and Fairfax County Public Works Department (VA) for water and wastewater infrastructure improvements at the Blue Plains Wastewater Treatment Plant	\$1,200,000	Edwards (MD); Ruppersberger	Cardin; Mikulski; Warner
Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	ME	City of Portland for a combined sewer overflow and storm water runoff improvements project	\$1,250,000	Pingree (ME)	Collins
Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	ME	Limestone Water and Sewer District for design and construction of new wastewater pipes and pumping stations	\$550,000	Michaud	Collins; Snowe
Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	ME	The Town of Machias for sewer system upgrades	\$500,000	Michaud	Snowe
Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	MI	City of Port Huron for combined sewer overflow improvements	\$300,000		Levin; Stabenow
Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	MI	Lansing Board of Water & Light for Lansing energy efficient drinking water system	\$500,000	Rogers (MI)	Levin; Stabenow
Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	MI	Oakland/Macomb County Drain Drainage District for interceptor improvements	\$500,000	Miller (MI); Levin	Levin; Stabenow
Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	MI	The City of Detroit DEGC for East Riverfront wastewater infrastructure	\$500,000	Klipatrick (MI)	Levin; Stabenow
Environmental Protection Agency	STAG Water Project	Water and Wastewater Infrastructure	MI	The City of Grand Rapids for Eastside CSO separation	\$500,000	Ehlers	

INTERIOR AND ENVIRONMENT—Continued
[Congressionally Directed Spending Items]

Agency	Account	State	Project	Amount	Requester(s)	
					House	Senate
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MI	Wayne County for the Rouge River Wet Weather Demonstration Project	\$500,000	Dingell; Peters	Levin; Stabenow
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MN	City of Faribault for wastewater infrastructure improvements	\$150,000		Klobuchar
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MN	City of St. Cloud for water infrastructure improvements	\$300,000		Klobuchar
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MN	Grand Rapids Public Utilities Commission for wastewater facilities improvements	\$1,000,000	Oberstar	Klobuchar
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MN	South Bend Township for water and sewer infrastructure	\$500,000	Walz	Klobuchar
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MN	The City of Maple Plain for water treatment facility infrastructure	\$500,000	Paulsen	Klobuchar
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MO	City of Lee's Summit for a wastewater infrastructure improvements project	\$1,500,000		Bond
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MO	City of New Haven for consolidation and replacement of wastewater pump stations	\$300,000		Bond
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MO	PWSD #1 of McDonald County for wastewater infrastructure	\$465,000	Blunt	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MO	The City of East Prairie for stormwater and sewer infrastructure	\$200,000	Emerson	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MO	The City of Saint Joseph for stormwater and wastewater infrastructure	\$500,000	Graves	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MS	Black Bayou Water Association for drinking water improvements	\$250,000	Thompson (MS)	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MS	City of Batesville for design and construction of wastewater improvements projects	\$275,000		Cochran
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MS	City of Carthage for a wastewater improvements and rehabilitation project	\$275,000		Cochran; Wicker
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MS	City of Pearl for rehabilitation of wastewater gravity mains	\$277,000		Cochran
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MS	City of Ridgeland for construction of a new potable water well	\$200,000		Cochran; Wicker
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MS	Hinds County Board of Supervisors for planning and design of a centralized wastewater system	\$300,000		Cochran; Wicker
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MS	Leflore County Board of Supervisors for a stormwater project	\$143,000	Thompson (MS)	Cochran
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	MS	Mississippi Band of Choctaw Indians for rehabilitation of wastewater pump stations	\$380,000		Cochran; Wicker

Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	MS	Tunica County Utility District for construction of a wastewater treatment facility	\$400,000		Cochran; Wickler
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	MT	Butte-Silver Bow Consolidated Government for drinking water improvements for the City of Butte	\$500,000	Rehberg	Baucus; Tester
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	MT	City of Bozeman for water treatment facility improvements	\$500,000	Rehberg	Baucus; Tester
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	MT	City of Missoula for wastewater facility improvements	\$200,000	Rehberg	Tester
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	MT	Crow Tribe in Crow Agency for wastewater infrastructure improvements	\$300,000		Baucus
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	MT	Em-Kayan County Water and Sewer District for infrastructure improvements	\$290,600	Rehberg	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NC	City of Raleigh Public Utilities Department for the Dempsey E. Benton Water Treatment Plant Backwash Waste Facility	\$500,000	Miller (NC); Price (NC)	Hagan
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NC	Greenville Utilities Commission for construction of a wastewater pumping station	\$300,000		Burr; Hagan
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NC	McDowell County for water system improvements	\$500,000	Shuler	Burr
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NC	Town of Aleshie for wastewater system improvements	\$300,000	Butterfield	Hagan
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NC	Town of Cary Public Works and Utilities Department for Western Wake regional wastewater management facility	\$1,000,000	Price (NC); Miller (NC)	Burr; Hagan
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	ND	City of Valley City for drinking water system improvements	\$400,000	Pomeroy	Conrad; Dorgan
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	ND	City of Washburn for drinking water treatment facility upgrades	\$400,000	Pomeroy	Conrad; Dorgan
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	ND	Stutsman Rural Water District, Stutsman County for drinking water system improvements	\$400,000	Pomeroy	Conrad; Dorgan
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NE	City of Plattsmouth for combined sewer overflow improvements	\$1,200,000		Nelson, Ben
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NE	The City of Omaha for CSO controls	\$500,000	Terry	Nelson, Ben
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NH	City of Berlin for replacement and upgrades of water lines and mains	\$450,000		Gregg
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NH	City of Keene for a wastewater treatment facility upgrades project	\$300,000		Gregg; Shaheen
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NH	City of Manchester for the Phase II combined sewer overflow abatement program	\$450,000		Gregg
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NH	City of Nashua for combined sewer overflow improvements	\$300,000		Shaheen

INTERIOR AND ENVIRONMENT—Continued
[Congressionally Directed Spending Items]

Agency	Account	State	Project	Amount	Requester(s)	
					House	Senate
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NH	Conway Village Fire District for water and wastewater treatment extension project	\$300,000	Gregg	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NH	Town of Winchester for a wastewater treatment facility upgrades project	\$300,000	Gregg	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NJ	City of Hackensack for the Clay Street area combined sewer overflow improvement project	\$300,000	Rothman (NJ)	Lautenberg; Menendez
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NJ	City of New Brunswick for water pumping station improvements	\$300,000		Lautenberg; Menendez
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NJ	City of Orange Township for drinking water system improvements	\$300,000	Payne	Lautenberg; Menendez
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NJ	City of Perth Amboy for drinking water infrastructure improvements	\$300,000	Sires	Lautenberg; Menendez
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NJ	Monmouth County for water and wastewater infrastructure improvements	\$500,000	Holt	Lautenberg; Menendez
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NJ	Passaic Valley Sewerage Commission for a Combined Sewage Overflow Project	\$750,000	Pascrell; Sires; Payne; Rothman (NJ)	Lautenberg; Menendez
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NJ	The Borough of Califon for Railroad Ave./Main St. stormwater improvements	\$500,000	Lance	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NJ	The Borough of Fort Lee for CSO abatement upgrades	\$500,000	Rothman (NJ)	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NJ	The Borough of Hopatcong for drinking water infrastructure improvements	\$500,000	Frelinghuysen	Lautenberg; Menendez
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NM	The Pueblo of San Felipe for wastewater infrastructure	\$400,000	Lujan	Udall, Tom; Bingaman
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NM	City of Carlsbad for a water reuse project	\$300,000	Teague	Bingaman; Udall, Tom
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NM	City of Portales for wastewater treatment plant improvements	\$300,000		Bingaman; Udall, Tom
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NV	City of Boulder City for water infrastructure improvements	\$290,000		Reid
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NV	City of Carson City for the Marlette-Hobart water system improvements	\$350,000		Ensign; Reid
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NV	City of Fernley for a wastewater infrastructure project	\$300,000	Heller	Ensign; Reid
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NV	Las Vegas Paiute Tribe for water infrastructure improvements	\$550,000		Reid
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	NV	Lyon County Utilities for wastewater infrastructure improvements at Mound House	\$500,000	Heller	

Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NY	Gowanus Canal Conservancy for Gowanus Canal water quality improvement	\$300,000	Velazquez	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NY	Onondaga County for storm water infrastructure improvements	\$400,000	Maffei	Schumer
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NY	Rockland Co. Sewer District No. 1 for Ramapo wastewater treatment	\$500,000	Engel	Gillibrand
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NY	The City of Glen Cove for water and stormwater infrastructure improvements	\$500,000	King (NY)	Gillibrand
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NY	The City of New York, New York City Department of Parks and Recreation for Bronx River stormwater management	\$550,000	Serrano	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NY	The City of Rochester for the Highland Reservoir	\$600,000	Slaughter	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NY	The City of White Plains for a drinking water transmission line	\$500,000	Lowe	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NY	The Town of Pendleton for the replacement of grinder pumps	\$500,000	Lee (NY)	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NY	The Town of Urbana for water and wastewater infrastructure	\$500,000	Massa	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NY	The Village of Saugerties for water and wastewater infrastructure improvements	\$800,000	Hinchey	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NY	Westchester Joint Water Works for water main rehabilitation	\$517,000	Lowe	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NY	Nassau County for Bay Park STP outfall project	\$300,000	King (NY); McCarthy (NY)	Gillibrand; Schumer
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	NY	Saratoga Hospital in Saratoga, NY for water supply improvements	\$300,000		Schumer
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	OH	Belmont County Commissioners for construction of sanitary sewer system	\$400,000	Wilson (OH)	Voinovich
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	OH	Butler County Commissioners for the Ross Township sewer project	\$500,000	Driehaus	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	OH	City of Fostoria for the planning, design and construction of a new sanitary pump station and force main	\$500,000	Latta	Voinovich
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	OH	City of Fremont for combined sewer overflow improvements	\$500,000		Brown; Voinovich
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	OH	Knox County for construction of wastewater collection and treatment system	\$400,000	Space	Voinovich
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	OH	Muskingum County Commissioners for Maysville sewer improvements	\$500,000	Space	Brown
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	OH	Ottawa County for the Ottawa County sanitary sewer project	\$500,000	Kaptur	Voinovich
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	OH	The City of Ashland for a waterline replacement project	\$500,000	Bocieri	

INTERIOR AND ENVIRONMENT—Continued
[Congressionally Directed Spending Items]

Agency	Account	State	Project	Amount	Requester(s)	
					House	Senate
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	OH	The City of Stow for sanitary sewer system infrastructure	\$500,000	La Tourette	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	OH	The City of Vandalia for airport access road water and sewer extensions	\$500,000	Turner	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	OH	The City of Worthington for sanitary sewer improvements	\$500,000	Kilroy	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	OH	The Village of Dillonvale for water meter replacement	\$100,000	Wilson (OH)	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	OH	The Village of Tiro for a water distribution system	\$500,000	Latta	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	OH	Trumbull County Commissioners for wastewater infrastructure improvements	\$300,000	Ryan (OH)	Voinovich
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	OK	City of Enid for planning, design and construction of a wastewater treatment plant	\$300,000		Inhofe
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	OK	Lawton Ft. Sill Chamber of Commerce for Lawton Industrial Park Expansion for Water and Sewer Line Extensions	\$750,000	Cole	Inhofe
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	OR	City of Vernonia wastewater system improvements	\$300,000	Wu	Merkley; Wyden
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	OR	Umatilla County for Milton-Freewater stormwater system improvements	\$300,000	Walden	Merkley; Wyden
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	PA	Allegheny County Sanitary Authority for the Three Rivers Wet Weather Demonstration Program	\$225,000	Doyle	Casey; Specter
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	PA	Chester County Economic Development Council for the Upper Worthington Infrastructure Improvement Project	\$225,000		Specter
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	PA	Findlay Township Municipal Authority for water and sewer upgrades	\$500,000	Murphy, Tim	Casey; Specter
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	PA	Hanes Aaronsburg Municipal Authority for water line interconnection	\$250,000	Thompson (PA)	Specter
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	PA	Hegins-Hubley Authority for facility improvements	\$68,000	Holden	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	PA	Lehigh County Authority for the Vera Cruz wastewater collection system	\$500,000	Dent	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	PA	Municipal Authority of the City of Lower Burrell for Wildlife Lodge Road sanitary sewer extension	\$800,000	Murtha	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	PA	Northampton, Bucks County Municipal Authority for wastewater infrastructure improvements	\$500,000	Murphy, Patrick	

Environmental Protection Agency	STAG Water and Wastewater Project	PA	The City of Reading for wastewater infrastructure improvements at Fritz's Island	\$500,000	Gerlach	Casey; Specter
Environmental Protection Agency	STAG Water and Wastewater Project	PA	Thornbury Township for Cheyney University/Thornbury Township wastewater treatment facility improvements	\$250,000	Sestak	
Environmental Protection Agency	STAG Water and Wastewater Project	PA	Tri-County Joint Municipal Authority for water treatment infrastructure	\$393,000	Murtha	
Environmental Protection Agency	STAG Water and Wastewater Project	PA	Westmoreland County Industrial Development Corporation for wastewater infrastructure replacement	\$300,000		Casey; Specter
Environmental Protection Agency	STAG Water and Wastewater Project	PA	York City Sewer Authority for wastewater facility infrastructure	\$225,000	Platts	Casey; Specter
Environmental Protection Agency	STAG Water and Wastewater Project	RI	City of Cranston for wastewater infrastructure	\$400,000		Reed; Whitehouse
Environmental Protection Agency	STAG Water and Wastewater Project	RI	City of East Providence for drinking water infrastructure improvements	\$400,000		Reed; Whitehouse
Environmental Protection Agency	STAG Water and Wastewater Project	RI	The City of Newport for UV disinfection system improvements	\$500,000	Kennedy	Reed; Whitehouse
Environmental Protection Agency	STAG Water and Wastewater Project	RI	Town of North Providence for storm water infrastructure improvements	\$400,000	Kennedy	Reed; Whitehouse
Environmental Protection Agency	STAG Water and Wastewater Project	SC	Laurens Commission of Public Works for construction of a pump station, water lines and water tank	\$300,000	Barrett (SC)	Graham
Environmental Protection Agency	STAG Water and Wastewater Project	SC	The City of Rock Hill for the Phase II Hagins-Fewell Neighborhood Infrastructure Improvement Project	\$600,000	Spratt	Graham
Environmental Protection Agency	STAG Water and Wastewater Project	SC	The Town of Coward for drinking water and wastewater improvements	\$500,000	Clyburn	
Environmental Protection Agency	STAG Water and Wastewater Project	SD	City of Elk Point for water and wastewater infrastructure improvements	\$400,000		Johnson
Environmental Protection Agency	STAG Water and Wastewater Project	SD	City of Lead for water and wastewater infrastructure improvements	\$400,000		Johnson
Environmental Protection Agency	STAG Water and Wastewater Project	SD	City of Rapid City for wastewater infrastructure improvements	\$300,000	Herseth Sandlin	Johnson; Thune
Environmental Protection Agency	STAG Water and Wastewater Project	SD	Brant Lake Sanitary District for wastewater infrastructure improvements	\$400,000		Johnson
Environmental Protection Agency	STAG Water and Wastewater Project	TN	Campbell County Government for Campbell County waterline improvements	\$500,000	Davis (TN)	Alexander
Environmental Protection Agency	STAG Water and Wastewater Project	TN	City of Tusculum for planning, design and construction of a wastewater treatment facility and collection system	\$500,000		Alexander; Corker
Environmental Protection Agency	STAG Water and Wastewater Project	TN	Dickson County Water Authority for construction of a drinking water system	\$250,000	Tanner	Alexander
Environmental Protection Agency	STAG Water and Wastewater Project	TN	Hancock County for a drinking water extension project	\$500,000		Alexander; Corker

INTERIOR AND ENVIRONMENT—Continued
[Congressionally Directed Spending Items]

Agency	Account	State	Project	Amount	Requester(s)	
					House	Senate
Environmental Protection Agency	STAG Water and Wastewater Project	TN	Springville Utility District of Henry County for drinking water system improvements	\$500,000	Tanner	Alexander; Corker
Environmental Protection Agency	STAG Water and Wastewater Project	TN	The City of Harrogate for wastewater system improvements	\$500,000	Wamp	Corker
Environmental Protection Agency	STAG Water and Wastewater Project	TX	City of Beaumont for a sewer line rehabilitation project	\$400,000		Hutchison
Environmental Protection Agency	STAG Water and Wastewater Project	TX	City of Lubbock for a treated drinking water pipeline project	\$200,000		Cornyn; Hutchison
Environmental Protection Agency	STAG Water and Wastewater Project	TX	City of Lufkin for design and construction of drinking water infrastructure, storage and treatment capacity	\$400,000	Gohmert	Cornyn; Hutchison
Environmental Protection Agency	STAG Water and Wastewater Project	TX	City of Nacogdoches for construction of two detention ponds	\$500,000	Gohmert	Hutchison
Environmental Protection Agency	STAG Water and Wastewater Project	TX	City of Round Rock for planning, design and construction of a regional water supply system	\$300,000	Carter	Cornyn
Environmental Protection Agency	STAG Water and Wastewater Project	TX	The City of Andrews for Andrews arsenic filtration pilot project	\$400,000	Conaway	
Environmental Protection Agency	STAG Water and Wastewater Project	TX	The City of Austin for Austin Sanitary Sewer Overflow Prevention	\$500,000	Smith (TX)	Cornyn
Environmental Protection Agency	STAG Water and Wastewater Project	TX	The City of Baytown for water and wastewater infrastructure improvements	\$500,000	Poe (TX); Paul	
Environmental Protection Agency	STAG Water and Wastewater Project	TX	The City of Crystal City for water infrastructure improvements	\$500,000	Rodriguez	
Environmental Protection Agency	STAG Water and Wastewater Project	TX	The City of Gainesville for the water treatment plant expansion project	\$500,000	Burgess	Cornyn
Environmental Protection Agency	STAG Water and Wastewater Project	TX	The City of Joshua for the Joshua drainage project in Johnson County	\$1,000,000	Edwards (TX)	
Environmental Protection Agency	STAG Water and Wastewater Project	TX	The City of La Vernia for drinking water infrastructure	\$500,000	Cuellar	
Environmental Protection Agency	STAG Water and Wastewater Project	TX	The City of Petersburg for elevated water tank replacement	\$439,000	Neugebauer	
Environmental Protection Agency	STAG Water and Wastewater Project	TX	The City of Temple for industrial park wastewater line and interceptor	\$500,000	Carter	Hutchison
Environmental Protection Agency	STAG Water and Wastewater Project	UT	City of Linton for channel improvements in a stormwater detention and management area	\$500,000		Bennett; Hatch
Environmental Protection Agency	STAG Water and Wastewater Project	UT	City of Taylorsville for stormwater infrastructure improvements and upgrades	\$500,000		Bennett; Hatch

Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	UT	Clearfield City for a drinking water and wastewater improvements project	\$300,000		Bennett; Hatch
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	UT	Draper City for construction of a culinary reservoir	\$500,000		Bennett
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	UT	South Salt Lake City for a waterline replacement project	\$300,000	Matheson	Bennett; Hatch
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	UT	Weber County for the Weber County storm water master plan	\$500,000	Bishop (UT)	Bennett; Hatch
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	VA	Caroline County for the Dawn Community Decentralized Wastewater System project	\$300,000	Wittman	Warner; Webb
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	VA	Halifax County Service Authority for Maple Avenue wastewater plant upgrades	\$500,000	Perniello	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	VA	The City of Alexandria for a water reuse project	\$500,000	Moran (VA)	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	VA	The City of Alexandria, Arlington County for Four Mile Run infrastructure improvements	\$500,000	Moran (VA)	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	VA	The City of Falls Church for storm water infrastructure	\$500,000	Moran (VA)	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	VA	Town of Onancock for wastewater treatment system improvements	\$300,000	Nye	Warner; Webb
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	VT	Ferrisburgh Fire District #1 for water infrastructure improvements	\$300,000		Sanders
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	VT	Town of Guilford for drinking water system improvements	\$375,000		Leahy
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	VT	Village of Waterbury for wastewater system improvements	\$825,000		Leahy; Sanders
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	WA	City of Puyallup for wastewater pump and main force upgrades	\$500,000		Murray
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	WA	Cowlitz Public Utility District in Cowlitz County for replacement of wastewater infrastructure	\$400,000		Murray
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	WA	Jefferson County Department of Community Development for the Port Hadlock wastewater system	\$1,000,000	Dicks	Murray
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	WA	The City of Buckley for emergency intertie booster station	\$333,850	Reichert	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	WA	The City of Lacey for regional reclaimed water project	\$500,000	Smith (WA)	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	WA	The City of Rock Island for wastewater system infrastructure	\$500,000	Hastings (WA)	Cantwell
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	WA	The City of Seattle for the Magnuson Park Wetlands project	\$500,000	McDermott	
Environmental Protection Agency	STAG Water and Wastewater Project	Infrastructure	WA	The City of South Bend for the Willapa Regional wastewater facilities project	\$500,000	Baird	

INTERIOR AND ENVIRONMENT—Continued
[Congressionally Directed Spending Items]

Agency	Account	State	Project	Amount	Requester(s)	
					House	Senate
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	WA	The City of Tacoma for the Tacoma downtown sustainable storm drainage system	\$1,500,000	Dicks	Cantwell
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	WA	West Sound Utility District for the Port Orchard reclaimed water distribution system	\$165,000	Dicks	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	WA	Whatcom County for stormwater system improvements	\$300,000		Cantwell
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	WI	City of Janesville for wastewater treatment plant improvements	\$400,000		Kohl
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	WI	City of Waukesha Water Utility for drinking water system improvements	\$400,000		Kohl
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	WI	Milwaukee Metropolitan Sewerage District for the replacement of a central sewer system	\$400,000		Kohl
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	WI	The City of Abbotstford for water treatment infrastructure	\$1,000,000	Obey	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	WI	The City of Park Falls for sewer infrastructure	\$550,000	Obey	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	WI	The Village of Athens for wastewater treatment facility upgrades	\$1,000,000	Obey	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	WI	The Village of Stetsonville for a public drinking water system	\$1,000,000	Obey	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	WV	Marshall County Sewerage District for wastewater infrastructure improvements	\$800,000		Byrd
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	WV	Ohio River Valley Sanitation Commission of organic detection system improvements	\$1,200,000		Brown; Byrd
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	WV	The Town of Rowlesburg for drinking water infrastructure improvements	\$500,000	Mollohan	
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	WV	Town of Moorefield for wastewater treatment facility upgrades	\$2,500,000	Capito	Byrd
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AL	Fayette County for water system upgrades			Shelby
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AL	The City of Thomasville for a water facility project			Shelby; Sessions
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AL	The City of Thomasville for regional water supply distribution			Shelby; Sessions
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AL	The City of Thomasville for the Southwest Alabama Rural/Municipal Water System			Shelby; Sessions
Environmental Protection Agency	STAG Water and Wastewater Infrastructure Project	AL	The City of Thomasville for water infrastructure improvements			Shelby; Sessions

Environmental Protection Agency	STAG Water and Wastewater Project	CA	San Bernardino Municipal Water Department for the Inland Empire alternative water supply project		Feinstein
Environmental Protection Agency	STAG Water and Wastewater Project	IL	The City of Quincy for drinking water system improvements		Durbin
Environmental Protection Agency	STAG Water and Wastewater Project	KS	City of Manhattan for a water mainline extension project		Brownback; Roberts
Environmental Protection Agency	STAG Water and Wastewater Project	KS	The City of Manhattan for the Konza Water Main Extension project		Brownback; Roberts
Environmental Protection Agency	STAG Water and Wastewater Project	KS	The City of Prescott for a wastewater treatment plant construction		Brownback; Roberts
Environmental Protection Agency	STAG Water and Wastewater Project	KS	The City of Wichita for a storm water technology pilot project		Brownback; Roberts
Environmental Protection Agency	STAG Water and Wastewater Project	MO	Johnson County for a drinking water and wastewater infrastructure project		Bond
Environmental Protection Agency	STAG Water and Wastewater Project	MO	Pemiscot Consolidated Public Water Supply District 1 for a drinking water source protection infrastructure project		Bond
Environmental Protection Agency	STAG Water and Wastewater Project	MO	PWSD #1 of McDonald County for wastewater infrastructure expansion	Blunt	Bond
Environmental Protection Agency	STAG Water and Wastewater Project	MO	The Gravois Arm Sewer District for a wastewater infrastructure project		Bond
Environmental Protection Agency	STAG Water and Wastewater Project	SD	The City of Lake Norden for drinking water infrastructure improvements		Johnson
US Forest Service	State & Private Forestry	CA	Blue Mountain Community Renewable Council for the Calaveras Healthy Impact Product Solutions biomass utilization project	\$500,000	Feinstein
US Forest Service	State & Private Forestry	CA	Region 5, USFS for small forest products infrastructure assistance grants	\$2,500,000	Feinstein
US Forest Service	State & Private Forestry	MD	Baltimore Urban Forestry Watershed Demonstration Cooperative Project	\$150,000	Cummings
US Forest Service	State & Private Forestry	MO	Missouri Forest Foundation for biomass demonstration project	\$300,000	Bond
US Forest Service	State & Private Forestry	UT	Utah Department of Agriculture for a fuels-for-schools biomass utilization project	\$200,000	Bennett
US Forest Service	State & Private Forestry	VT	State of Vermont for the Vermont Wood Products Collaborative	\$500,000	Leahy
US Forest Service	State & Private Forestry	WA	Seattle-Tacoma Regional Urban Forestry Restoration Project	\$1,000,000	Dicks
US Forest Service	State & Private Forestry	WI	Menomonee Valley Partners Inc; Urban Forestry Project	\$300,000	Moore (WI)
US Forest Service	Capital Improvement and Maintenance	ID	Sawtooth National Recreation Area trail construction and maintenance	\$1,200,000	Simpson

INTERIOR AND ENVIRONMENT—Continued
[Congressionally Directed Spending Items]

Agency	Account	State	Project	Amount	Requester(s)	
					House	Senate
US Forest Service	Capital Improvement and Maintenance	NV	Lake Tahoe Basin Management Unit for trail improvements by the Tahoe Rim Trail Association	\$100,000	Reid	
US Forest Service	Capital Improvement and Maintenance	SD	Relocation of the Northern Great Plains Interagency Dispatch Center on the Black Hills National Forest	\$1,900,000	Hereth Sandlin	Johnson
US Forest Service	Capital Improvement and Maintenance	TN	Complete construction of a Cherokee National Forest work center	\$500,000		Alexander
US Forest Service	Capital Improvement and Maintenance	TX	Redesign Ratcliff Lake Recreation Area and Campground	\$475,000	Barton (TX)	
US Forest Service	Capital Improvement and Maintenance	WV	Facilities improvements on the Monongahela National Forest	\$595,000		Byrd
US Forest Service	Capital Improvement and Maintenance	WV	Road improvements for the Monongahela National Forest	\$1,521,000		Byrd
US Forest Service	Land Acquisition	CA	Angeles National Forest, Shoemaker Canyon	\$500,000	McKeon	Feinstein
US Forest Service	Land Acquisition	CA	Humboldt-Toiyabe National Forest	\$2,400,000		Feinstein
US Forest Service	Land Acquisition	CO	Uncompahgre National Forest	\$1,000,000	Salazar	Bennet; Udall; Mark
US Forest Service	Land Acquisition	FL	Florida National Scenic Trail	\$500,000	Young (FL); Kosmas; Wexler; Mica; Meek (FL); Klein (FL); Diaz-Balart; Lincoln	
US Forest Service	Land Acquisition	FL	Oseola National Forest, Pinhook Swamp Wildlife Corridor	\$500,000	Crenshaw	Nelson; Bill
US Forest Service	Land Acquisition	ID	Sawtooth National Recreation Area, Piva Parcel	\$400,000	Simpson	
US Forest Service	Land Acquisition	KY	Daniel Boone National Forest	\$900,000	Rogers (KY)	McConnell
US Forest Service	Land Acquisition	MT	Lewis and Clark National Forest	\$1,500,000	Rehberg	Tester; Baucus
US Forest Service	Land Acquisition	NC	Pisgah National Forest, Catawba Falls Access & Trail Acquisition	\$713,000	Price (NC); Shuler	Burr
US Forest Service	Land Acquisition	NC	Uwharrie National Forest, Uwharrie Trail	\$500,000	Coble	
US Forest Service	Land Acquisition	UT	Bonneville Shoreline Trail	\$1,500,000	Bishop (UT)	Bennett; Hatch
US Forest Service	Land Acquisition	UT	Dixie National Forest	\$2,500,000	Matheson	Bennett; Hatch
US Forest Service	Land Acquisition	WA	Mt. Baker-Snoqualmie National Forest—Wild Sky Wilderness	\$1,700,000	Larsen (WA); McDermott	Murray
US Forest Service	Land Acquisition	WV	Monongahela National Forest, Cummings Tract	\$985,000	Rahall	
US Forest Service	Land Acquisition	WV	Monongahela National Forest, Dolly Sods Conservation Area	\$2,800,000	Mollohan; Capito	Byrd

US Forest Service	Wildland Fire Management	CA	San Bernardino Urban Youth Conservation Corp	\$100,000	Baca	
US Forest Service	Wildland Fire Management	WV	City of Reno to fund firefighting equipment for the wildland-urban interface	\$250,000		Reid

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
TITLE I - DEPARTMENT OF THE INTERIOR				
BUREAU OF LAND MANAGEMENT				
Management of Lands and Resources				
Land Resources:				
Soil, water and air management.....	40,568	58,621	58,971	+18,403
Range management.....	71,881	73,493	74,183	+2,312
Forestry management.....	10,242	10,443	10,543	+301
Riparian management.....	22,127	22,518	22,718	+591
Cultural resources management.....	15,766	15,631	16,131	+365
Wild horse and burro management.....	40,613	67,486	63,986	+23,373
Subtotal.....	201,197	248,192	246,542	+45,345
Wildlife and Fisheries:				
Wildlife management.....	35,074	35,447	36,582	+1,518
Fisheries management.....	13,415	13,640	13,765	+350
Subtotal.....	48,489	49,087	50,357	+1,868
Threatened and endangered species.....	21,713	22,112	22,612	+899
Recreation Management:				
Wilderness management.....	17,881	18,221	18,421	+540
Recreation resources management.....	45,857	49,471	49,971	+4,114
Subtotal.....	63,738	67,692	68,392	+4,654
Energy and Minerals:				
Oil and gas.....	79,478	90,336	69,336	-10,142
Oil and gas permit processing fund.....	36,400	45,500	45,500	+9,100
(Pilot offices, Sec. 365, permit processing fund)...	(21,000)	---	(21,000)	---
Subtotal, Oil and gas, including permit processing fund.....	115,878	135,836	114,836	-1,042
Oil and gas offsetting permit processing fees.....	-36,400	-45,500	-45,500	-9,100
Coal management.....	9,533	9,739	9,739	+206
Other mineral resources.....	10,402	10,614	10,614	+212
Subtotal, Energy and minerals.....	99,413	110,689	89,689	-9,724
Realty and Ownership Management:				
Alaska conveyance.....	33,382	34,109	34,109	+727
Cadastral survey.....	12,904	12,463	12,863	-41
Land and realty management.....	33,779	50,660	50,660	+16,881
Subtotal.....	80,065	97,232	97,632	+17,567
Resource Protection and Maintenance:				
Resource management planning.....	48,132	48,961	49,961	+1,829
Resource protection and law enforcement.....	27,525	27,957	28,457	+932
Hazardous materials management.....	16,894	17,159	17,159	+265
Subtotal.....	92,551	94,077	95,577	+3,026
Transportation and Facilities Maintenance:				
Operations.....	5,984	6,067	6,067	+83
Annual maintenance.....	31,388	32,003	32,003	+615
Deferred maintenance.....	36,485	35,085	35,085	-1,400
Subtotal.....	73,857	73,155	73,155	-702
Land and resources information systems.....	16,581	16,754	16,754	+173
Mining Law Administration:				
Administration.....	34,696	36,696	36,696	+2,000
Offsetting fees.....	-34,696	-36,696	-36,696	-2,000

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Workforce and Organizational Support:				
Information systems operations.....	15,204	15,406	15,406	+202
Administrative support.....	50,118	51,377	51,377	+1,259
Bureauwide fixed costs.....	89,572	91,277	91,277	+1,705
Subtotal.....	154,894	158,060	158,060	+3,166
Challenge cost share.....	9,500	9,500	9,500	---
National Monuments and Conservation Areas.....	28,196	28,801	31,301	+3,105
(National Landscape Conservation System, total program)	(66,705)	(72,135)	(74,635)	(+7,930)
Rescission of Oil Shale Activities.....	---	---	-1,000	-1,000
Emergency appropriations, ARA (P.L. 111-5).....	125,000	---	---	-125,000
Total, Management of lands and resources.....	1,015,194	975,351	958,571	-56,623
Appropriations.....	(890,194)	(975,351)	(959,571)	(+69,377)
Rescissions.....	---	---	(-1,000)	(-1,000)
Emergency appropriations.....	(125,000)	---	---	(-125,000)
Total discretionary, excluding emergencies.....	(890,194)	(975,351)	(958,571)	(+68,377)
Construction				
Construction.....	6,590	6,590	8,626	+2,036
Emergency appropriations, ARA (P.L. 111-5).....	180,000	---	---	-180,000
Total, Construction.....	186,590	6,590	8,626	-177,964
Land Acquisition				
Land Acquisition:				
Acquisitions.....	11,425	21,650	24,650	+13,225
Emergencies, hardships and inholdings.....	1,500	1,500	3,000	+1,500
Acquisition management.....	1,850	1,879	2,000	+150
Total, Land acquisition.....	14,775	25,029	29,650	+14,875
Oregon and California Grant Lands				
Western Oregon resources management.....	95,611	97,052	97,052	+1,441
Western Oregon information and resource data systems..	2,152	2,153	2,153	+1
Western Oregon transportation & facilities maintenance	11,053	11,202	11,202	+149
Western Oregon construction and acquisition.....	313	317	317	+4
Western Oregon National Monument.....	820	833	833	+13
Total, Oregon and California Grant Lands.....	109,949	111,557	111,557	+1,608
Range Improvements				
Improvements to public lands.....	7,873	7,873	7,873	---
Farm Tenant Act lands.....	1,527	1,527	1,527	---
Administrative expenses.....	600	600	600	---
Total, Range Improvements.....	10,000	10,000	10,000	---
Service Charges, Deposits, and Forfeitures				
Rights-of-way processing.....	19,908	17,340	17,340	-2,568
Energy and minerals cost recovery.....	2,900	2,900	2,900	---
Recreation cost recovery.....	1,000	1,000	1,000	---
Adopt-a-horse program.....	375	375	375	---
Repair of damaged lands.....	5,500	5,500	5,500	---
Cost recoverable realty cases.....	840	840	840	---
Timber purchaser expenses.....	100	100	100	---
Commercial film and photography fees.....	200	200	200	---
Copy fees.....	3,000	3,000	3,000	---
Subtotal (gross).....	33,821	31,255	31,255	-2,566
Offsetting fees.....	-33,821	-31,255	-31,255	+2,566
Total, Service Charges, Deposits & Forfeitures..	---	---	---	---

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Miscellaneous Trust Funds and Permanent Operating Funds				
Current appropriations.....	20,130	20,130	20,130	---
Payment from proceeds, sale of water.....	-46	---	---	+46
Naval oil shale reserves, mineral leasing receipts....	-12,996	---	---	+12,996
	=====	=====	=====	=====
TOTAL, BUREAU OF LAND MANAGEMENT.....	1,343,596	1,148,657	1,138,534	-205,062
Appropriations.....	(1,038,642)	(1,148,657)	(1,139,534)	(+100,892)
Rescissions.....	(-46)	---	(-1,000)	(-954)
Emergency appropriations.....	(305,000)	---	---	(-305,000)
Total discretionary, excluding emergencies.....	(1,008,466)	(1,118,527)	(1,108,404)	(+99,938)
	=====	=====	=====	=====
UNITED STATES FISH AND WILDLIFE SERVICE				
Resource Management				
Ecological Services:				
Endangered species:				
Candidate conservation.....	10,670	10,592	12,592	+1,922
Listing				
Critical habitat.....	10,458	10,632	11,632	+1,174
Listing.....	8,808	9,471	10,471	+1,663
Subtotal.....	19,266	20,103	22,103	+2,837
Consultation.....	53,462	56,863	59,383	+5,901
Recovery.....	74,575	76,599	85,399	+10,824
Subtotal, Endangered species.....	157,973	164,157	179,457	+21,484
Habitat conservation:				
Partners for fish and wildlife.....	52,943	57,841	60,191	+7,248
Project planning.....	32,048	35,235	35,985	+3,937
Coastal programs.....	14,738	14,946	15,946	+1,210
National wetlands inventory.....	5,328	5,398	5,648	+320
Subtotal, Habitat conservation.....	105,055	113,420	117,770	+12,715
Environmental contaminants.....	13,242	13,500	14,000	+758
Subtotal, Ecological Services.....	276,270	291,077	311,227	+34,957
National Wildlife Refuge System:				
Refuge operations:				
Wildlife and habitat management.....	199,859	214,778	230,778	+30,919
Refuge visitor services.....	75,571	78,973	79,973	+4,402
Refuge law enforcement.....	36,089	36,684	38,684	+2,595
Conservation planning.....	11,789	12,021	13,021	+1,232
Subtotal.....	323,308	342,456	362,456	+39,148
Refuge maintenance.....	139,551	140,823	140,823	+1,272
Subtotal, National Wildlife Refuge System.....	462,859	483,279	503,279	+40,420
Migratory Birds, Law Enforcement & International Conservation:				
Migratory bird management.....	50,846	53,025	54,525	+3,679
Law enforcement operations and maintenance.....	62,667	63,839	65,839	+3,172
International affairs.....	13,204	13,229	14,379	+1,175
Subtotal.....	126,717	130,093	134,743	+8,026

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Fisheries:				
National fish hatchery system operations.....	48,649	50,271	54,421	+5,772
Maintenance and equipment.....	19,048	18,367	18,367	-681
Aquatic habitat and species conservation.....	55,411	60,198	61,498	+6,087
Aquatic invasive species.....	5,352	6,244	6,244	+2,892
Marine mammals.....	3,371	5,615	5,815	+2,444
Subtotal.....	131,831	140,695	148,345	+16,514
Climate Change Adaptive Science Capacity:				
Climate Change Planning.....	---	10,000	10,000	+10,000
Climate Change Adaptive Science Capacity.....	---	10,000	10,000	+10,000
Subtotal.....	---	20,000	20,000	+20,000
General Administration:				
Central office administration.....	38,652	40,485	40,485	+833
Regional office administration.....	42,305	43,340	43,340	+1,035
Servicewide operational support.....	34,620	38,440	36,440	+1,820
National Fish and Wildlife Foundation.....	7,537	8,537	7,537	---
National Conservation Training Center.....	19,171	25,260	25,010	+5,839
Subtotal.....	143,285	154,062	152,812	+9,527
Disposal of excess property - operational savings.....	---	-1,000	-1,000	-1,000
Emergency appropriations, ARA (P.L. 111-5).....	165,000	---	---	-165,000
Total, Resource Management.....	1,305,962	1,218,206	1,269,406	-36,556
Appropriations.....	(1,140,962)	(1,218,206)	(1,269,406)	(+128,444)
Emergency appropriations.....	(165,000)	---	---	(-165,000)
Total discretionary, excluding emergencies.....	(1,140,962)	(1,218,206)	(1,269,406)	(+128,444)
Construction				
Construction and rehabilitation:				
Line item construction.....	25,267	18,775	26,423	+1,156
Bridge and dam safety.....	1,350	1,855	1,855	+505
Nationwide engineering services.....	8,970	9,161	9,181	+191
Subtotal.....	35,587	29,791	37,439	+1,852
Anadromous fish program (cancellation of balances).....	-54	---	---	+54
Emergency appropriations, ARA (P.L. 111-5).....	115,000	---	---	-115,000
Total, Construction.....	150,533	29,791	37,439	-113,094
Appropriations.....	(35,587)	(29,791)	(37,439)	(+1,852)
Recessions.....	(-54)	---	---	(+54)
Emergency appropriations.....	(115,000)	---	---	(-115,000)
Total discretionary, excluding emergencies.....	(35,533)	(29,791)	(37,439)	(+1,906)
Land Acquisition				
Fish and Wildlife Service:				
Acquisitions - Federal refuge lands.....	28,315	45,445	66,785	+38,470
Inholdings/emergencies and hardships.....	3,000	5,000	5,000	+2,000
Exchanges.....	1,500	2,000	2,000	+500
Acquisition management.....	8,140	10,555	10,555	+2,415
Cost Allocation Methodology.....	1,500	2,000	2,000	+500
Total, Land Acquisition.....	42,455	65,000	86,340	+43,885
Cooperative Endangered Species Conservation Fund				
Grants to States.....	10,001	14,001	11,000	+999
HCP planning grants.....	7,642	12,642	10,000	+2,358
Snoke River Water Rights Act of 2004.....	5,146	5,146	5,146	---
Administration.....	2,518	2,518	2,854	+336
(Subtotal, Cooperative ES fund grants & admin).....	(25,307)	(34,307)	(29,000)	(+3,693)
Species recovery land acquisition.....	14,186	29,685	15,000	+814
HCP land acquisition.....	40,508	36,008	41,000	+492
(Subtotal, Cooperative ES fund, land acquisition).....	(54,694)	(85,693)	(56,000)	(+1,306)
Total (gross).....	80,001	100,000	85,000	+4,999

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Cancellation of prior-year balances.....	-4,500	---	---	+4,500
Total, Cooperative Endangered Species Conservation Fund.....	75,501	100,000	85,000	+9,499
National Wildlife Refuge Fund				
Payments in lieu of taxes.....	14,100	14,100	14,500	+400
North American Wetlands Conservation Fund				
Wetlands conservation.....	40,941	50,540	45,742	+4,801
Administration.....	1,706	2,107	1,905	+199
Total, North American Wetlands Conservation Fund	42,647	52,647	47,647	+5,000
Neotropical Migratory Bird Conservation Fund				
Migratory bird grants.....	4,750	4,750	5,000	+250
Multinational Species Conservation Fund				
African elephant conservation.....	2,000	2,000	2,000	---
Rhinoceros and tiger conservation.....	2,500	2,500	3,000	+500
Asian elephant conservation.....	2,000	2,000	2,000	---
Great ape conservation.....	2,000	2,000	2,500	+500
Marine turtle conservation.....	1,500	1,500	2,000	+500
Total, Multinational Species Conservation Fund..	10,000	10,000	11,500	+1,500
State and Tribal Wildlife Grants				
State and tribal wildlife apportioned grants.....	63,000	63,000	78,000	+15,000
Tribal competitive grants.....	7,000	7,000	7,000	---
State competitive Grants.....	5,000	5,000	5,000	---
Climate change planning.....	---	40,000	---	---
Total, State and tribal wildlife grants.....	75,000	115,000	90,000	+15,000
Federal Aid in Wildlife Restoration				
Federal Aid in Wildlife Restoration.....	---	28,000	---	---
Wildlife Conservation and Appreciation Fund				
Cancellation of prior-year funds.....	-487	---	---	+497
TOTAL, U.S. FISH AND WILDLIFE SERVICE.....	1,720,451	1,637,494	1,646,832	-73,619
Appropriations.....	(1,445,502)	(1,637,494)	(1,646,832)	(+201,330)
Rescissions.....	(-5,051)	---	---	(+5,051)
Emergency appropriations.....	(280,000)	---	---	(-280,000)
Total discretionary, excluding emergencies.....	(1,440,451)	(1,637,494)	(1,646,832)	(+206,361)
NATIONAL PARK SERVICE				
Operation of the National Park System				
Park Management:				
Resource stewardship.....	315,886	347,328	346,078	+30,192
Visitor services.....	226,249	247,386	247,386	+21,137
Park protection.....	346,417	368,698	368,698	+22,281
Facility operations and maintenance.....	677,699	705,220	702,013	+24,314
Park support.....	417,223	441,854	441,854	+24,631
Subtotal, Park Management.....	1,983,474	2,110,486	2,106,029	+122,555

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
External administrative costs.....	148,055	155,530	155,530	+7,475
Emergency appropriations, ARA (P.L. 111-5).....	146,000	---	---	-146,000
Total, Operation of the National Park System....	2,277,529	2,266,016	2,261,559	-15,970
Appropriations.....	(2,131,529)	(2,266,016)	(2,261,559)	(+130,030)
Emergency appropriations.....	(146,000)	---	---	(-146,000)
Total discretionary, excluding emergencies.....	(2,131,529)	(2,266,016)	(2,261,559)	(+130,030)
Park Partnership Project Grants				
Signature projects matching program.....	---	25,000	15,000	+15,000
Use of carryover balances - recreational fee program..	---	---	-10,000	-10,000
Total, Park Partnership Project Grants.....	---	25,000	5,000	+5,000
National Recreation and Preservation				
Recreation programs.....	575	591	591	+16
Natural programs.....	10,008	10,713	10,713	+705
Cultural programs.....	22,655	23,026	25,026	+2,371
International park affairs.....	1,625	1,655	1,655	+30
Environmental and compliance review.....	423	434	434	+11
Grant administration.....	3,096	1,753	1,753	-1,343
Heritage Partnership Programs.....	15,702	15,736	17,814	+2,112
Preserve America.....	---	---	4,600	+4,600
Statutory or Contractual Aid.....	5,600	---	5,850	+250
Total, National Recreation and Preservation.....	59,684	53,908	68,436	+8,752
Historic Preservation Fund				
State historic preservation offices.....	42,500	46,500	46,500	+4,000
Tribal grants.....	7,000	8,000	8,000	+1,000
Save America's Treasures.....	20,000	20,000	25,000	+5,000
Preserve America.....	---	3,175	---	---
Emergency appropriations, ARA (P.L. 111-5).....	15,000	---	---	-15,000
Total (gross).....	84,500	77,675	79,500	-5,000
Cancellation of prior-year balances.....	-516	---	---	+516
Total, Historic Preservation Fund.....	83,984	77,675	79,500	-4,484
Appropriations.....	(69,500)	(77,675)	(79,500)	(+10,000)
Rescissions.....	(-516)	---	---	(+516)
Emergency appropriations.....	(15,000)	---	---	(-15,000)
Total discretionary, excluding emergencies.....	(88,984)	(77,675)	(79,500)	(+10,516)
Construction				
General Program:				
Line item construction and maintenance.....	149,223	116,825	142,988	-6,235
Emergency and unscheduled.....	2,975	3,975	3,975	+1,000
Housing.....	6,000	5,000	5,000	-1,000
Dam safety.....	2,500	2,500	2,500	---
Equipment replacement.....	14,516	14,516	14,516	---
Planning, construction.....	10,100	10,117	10,117	+17
Construction program management.....	34,552	38,535	38,535	+3,983
General management plans.....	13,292	14,523	15,338	+2,046
Use of prior-year balances.....	---	---	---	---
Subtotal.....	233,158	205,991	232,969	-189
Emergency appropriations, ARA (P.L. 111-5).....	589,000	---	---	-589,000
Cancellation of Federal infrastructure improvement balances.....	-637	---	---	+637
Total, Construction.....	821,521	205,991	232,969	-588,552
Appropriations.....	(233,158)	(205,991)	(232,969)	(-189)
Rescissions.....	(-637)	---	---	(+637)
Emergency appropriations.....	(589,000)	---	---	(-589,000)
Total discretionary, excluding emergencies.....	(232,521)	(205,991)	(232,969)	(+448)

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Land and Water Conservation Fund (rescission of contract authority).....	-30,000	-30,000	-30,000	---
Land Acquisition and State Assistance				
Assistance to States:				
State conservation grants.....	19,000	27,200	37,200	+18,200
Administrative expenses.....	1,000	2,800	2,800	+1,800
Subtotal.....	20,000	30,000	40,000	+20,000
Cancellation of prior-year state assistance balances	-1,000	---	---	+1,000
Subtotal (including cancellation of funds).....	19,000	30,000	40,000	+21,000
National Park Service:				
Acquisitions.....	30,940	49,527	68,766	+37,826
Emergencies and hardships.....	2,500	3,000	3,000	+500
Acquisition management.....	9,250	9,473	9,500	+250
Inholdings.....	2,500	6,000	5,000	+2,500
Subtotal.....	45,190	68,000	86,266	+41,076
Total, Land Acquisition and State Assistance.....	64,190	98,000	126,266	+62,076
Urban Parks and Recreation				
Cancellation of prior-year balances.....	-1,300	---	---	+1,300
TOTAL, NATIONAL PARK SERVICE.....	3,275,608	2,696,590	2,743,730	-531,878
Appropriations.....	(2,559,061)	(2,726,590)	(2,773,730)	(+214,669)
Rescissions.....	(-33,453)	(-30,000)	(-30,000)	(+3,453)
Emergency appropriations.....	(750,000)	---	---	(-750,000)
Total discretionary, excluding emergencies.....	(2,525,608)	(2,696,590)	(2,743,730)	(+218,122)
UNITED STATES GEOLOGICAL SURVEY				
Surveys, Investigations, and Research				
Geographic Research, Investigations, & Remote Sensing:				
Land remote sensing.....	61,718	62,057	63,707	+1,889
Geographic analysis and monitoring.....	10,598	11,135	11,135	+537
National geospatial program.....	69,816	70,748	70,748	+932
Subtotal.....	142,132	143,940	145,590	+3,458
Geologic Hazards, Resource and Processes:				
Geologic hazards assessments.....	90,585	91,263	92,763	+2,178
Geologic landscape and coastal assessments.....	72,381	74,351	74,351	+1,970
Geologic resource assessments.....	79,176	81,367	82,017	+2,841
Subtotal.....	242,142	246,981	249,131	+6,989
Water Resources Investigations:				
Hydrologic monitoring, assessments and research:				
Ground water resources program.....	9,008	8,234	9,714	+706
National water quality assessment.....	65,056	66,507	66,507	+1,451
Toxic substances hydrology.....	10,767	11,084	11,084	+317
Hydrologic research and development.....	13,421	12,222	13,822	+401
National streamflow information program.....	22,406	27,732	27,732	+5,326
Hydrologic networks and analysis.....	30,128	30,041	31,387	+1,259
Subtotal.....	150,786	155,820	160,246	+9,460

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Federal-State program.....	64,078	65,561	65,561	+1,483
Water resources research institutes.....	6,500	6,500	6,500	---
Subtotal, Water Resources Investigations.....	221,364	227,881	232,307	+10,943
Biological Research:				
Biological research and monitoring.....	146,416	157,765	160,685	+14,269
Biological information management and delivery.....	21,965	22,196	24,946	+2,981
Cooperative research units.....	16,949	19,313	19,313	+2,364
Subtotal.....	185,330	199,274	204,944	+19,614
Enterprise Information:				
Enterprise information security and technology.....	25,176	26,263	26,263	+1,087
Enterprise information resources.....	17,478	19,706	19,706	+2,228
Subtotal.....	42,654	45,969	45,969	+3,315
Science support.....	67,430	69,225	69,225	+1,795
Facilities.....	102,123	106,397	106,397	+4,274
Global climate change research.....	40,628	58,177	58,177	+17,549
(National Global Warming & Wildlife Science Center)...	(10,000)	(15,000)	(15,000)	(+5,000)
(Climate Change Science, total program).....	(45,452)	(67,452)	(67,452)	(+22,000)
Emergency appropriations, ARA (P.L. 111-5).....	140,000	---	---	-140,000
TOTAL, UNITED STATES GEOLOGICAL SURVEY.....	1,183,803	1,097,844	1,111,740	-72,063
Appropriations.....	(1,043,803)	(1,097,844)	(1,111,740)	(+67,937)
Emergency appropriations.....	(140,000)	---	---	(-140,000)
Total discretionary, excluding emergencies.....	(1,043,803)	(1,097,844)	(1,111,740)	(+67,937)
MINERALS MANAGEMENT SERVICE				
Royalty and Offshore Minerals Management				
Offshore Energy and Minerals Management:				
Renewable energy.....	---	21,413	21,413	+21,413
Leasing and environmental program.....	54,963	59,461	59,461	+4,498
Resource evaluation.....	33,698	34,385	35,285	+1,587
Regulatory program.....	57,268	60,261	60,261	+2,993
Information management program.....	20,270	20,454	20,454	+184
Subtotal.....	166,199	195,974	198,874	+30,675
Royalty Management:				
Compliance and asset management.....	47,965	50,940	50,940	+2,975
Revenue and operations.....	38,719	38,434	38,434	-285
Subtotal.....	86,684	89,374	89,374	+2,690
General Administration:				
Executive direction.....	2,741	2,818	2,818	+77
Policy and management improvement.....	4,236	4,328	4,328	+92
Administrative operations.....	17,654	20,029	20,029	+2,375
General support services.....	26,589	28,524	28,524	+1,935
Subtotal.....	51,220	55,699	55,699	+4,479
Total (gross).....	304,103	341,047	341,947	+37,844
Use of receipts and cost recovery fees.....	-146,730	-166,730	-166,730	-20,000
Total, Royalty and Offshore Minerals Management.....	157,373	174,317	175,217	+17,844
Oil Spill Research				
Oil spill research.....	6,303	6,303	6,303	---
Subtotal, Minerals Management Service.....	163,676	180,620	181,520	+17,844
Administrative Provisions				
State royalty administrative cost deduction.....	-47,000	---	-45,000	+2,000
TOTAL, MINERALS MANAGEMENT SERVICE.....	116,676	180,620	136,520	+19,844

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and Technology				
Environmental restoration.....	159	160	160	+1
Environmental protection.....	88,425	94,771	94,771	+6,346
Technology development and transfer.....	15,386	15,663	15,663	+277
Financial management.....	510	516	516	+6
Executive direction.....	15,676	16,070	16,070	+394
Subtotal.....	120,156	127,180	127,180	+7,024
Civil penalties.....	100	100	100	---
Total, Regulation and technology.....	120,256	127,280	127,280	+7,024
Abandoned Mine Reclamation Fund				
Environmental restoration.....	34,123	12,864	16,364	-17,759
Technology development and transfer.....	3,970	4,032	4,032	+62
Financial management.....	6,836	6,981	6,981	+125
Executive direction.....	8,017	6,231	6,231	+214
Subtotal.....	52,946	32,088	35,588	-17,358
Reversion of prior year balances.....	-8,500	---	---	+8,500
Total, Abandoned Mine Reclamation Fund.....	44,446	32,088	35,588	-8,858
=====				
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT.....	164,702	159,368	162,868	-1,834
=====				
BUREAU OF INDIAN AFFAIRS				
Operation of Indian Programs				
Tribal Budget System				
Tribal Government:				
Aid to Tribal government.....	33,586	33,195	33,195	-401
Consolidated Tribal government program.....	68,933	71,659	71,659	+2,726
Self governance compacts.....	144,397	147,762	147,762	+3,365
Contract support.....	147,294	152,794	166,000	+18,706
Indian self determination fund.....	---	2,000	2,000	+2,000
New Tribes.....	311	311	311	---
Tribal government program oversight.....	8,000	8,851	8,851	+851
Subtotal.....	402,531	418,572	429,778	+27,247
Human Services:				
Social services.....	33,538	33,766	33,766	+228
Welfare assistance.....	74,915	74,915	74,915	---
Indian child welfare act.....	10,798	11,143	11,143	+345
Housing improvement program.....	13,614	12,620	12,620	-994
Human services Tribal design.....	444	455	455	+11
Human services program oversight.....	4,139	4,097	4,097	-42
Subtotal.....	137,448	136,996	136,996	-452
Trust - Natural Resources Management:				
Natural resources, general.....	4,454	4,641	4,641	+187
Irrigation operations and maintenance.....	11,922	11,970	11,970	+48
Rights protection implementation.....	18,250	18,451	30,451	+12,201
Tribal management/development program.....	5,679	4,786	5,636	-43
Endangered species.....	1,234	1,249	1,249	+15
Integrated resource information program.....	2,130	2,130	2,130	---
Agriculture and range.....	24,363	28,912	28,912	+4,549
Forestry.....	43,203	43,854	43,854	+651
Water resources.....	10,018	10,084	10,084	+66
Fish, wildlife and parks.....	7,429	9,410	11,410	+3,981
Minerals and mining.....	12,474	18,622	18,622	+6,148
Resource management program oversight.....	6,554	6,659	6,659	+105
Subtotal.....	147,710	160,768	175,618	+27,908
Trust - Real Estate Services.....	150,087	152,493	152,493	+2,406

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Education:				
Elementary and secondary programs (forward funded)...	499,470	516,702	518,702	+19,232
Post secondary programs (forward funded).....	---	50,000	50,000	+50,000
Subtotal, forward funded education.....	499,470	586,702	568,702	+69,232
Elementary and secondary programs.....	75,126	77,379	77,379	+2,253
Post secondary programs.....	115,272	125,691	126,791	+11,519
Education management.....	26,265	26,528	26,528	+243
Subtotal, Education.....	716,153	796,300	799,400	+83,247
Public Safety and Justice:				
Law enforcement.....	255,077	283,152	303,152	+48,075
Tribal courts.....	14,508	19,704	24,704	+10,196
Fire protection.....	1,200	999	999	-201
Subtotal.....	270,785	303,855	328,855	+58,070
Community and Economic Development.....	43,589	43,910	44,910	+1,321
Executive Direction and Administrative Services.....	260,327	267,915	267,915	+7,588
Emergency appropriations, ARA (P.L. 111-5).....	40,000	---	---	-40,000
Total, Operation of Indian Programs.....	2,168,630	2,278,809	2,335,965	+167,335
Appropriations.....	(2,128,630)	(2,278,809)	(2,335,965)	(+207,335)
Emergency appropriations.....	(40,000)	---	---	(-40,000)
Total discretionary, excluding emergencies.....	(2,128,630)	(2,278,809)	(2,335,965)	(+207,335)
Construction				
Education.....	128,837	112,994	112,994	-15,843
Public safety and justice.....	39,399	39,407	64,407	+25,008
Resources management.....	40,306	38,385	38,385	-1,921
General administration.....	2,060	2,064	2,064	+4
Construction management.....	7,066	7,150	7,150	+64
Emergency appropriations, ARA (P.L. 111-5).....	450,000	---	---	-450,000
Total, Construction.....	667,668	200,000	225,000	-442,668
Appropriations.....	(217,688)	(200,000)	(225,000)	(+7,312)
Emergency appropriations.....	(450,000)	---	---	(-450,000)
Total discretionary, excluding emergencies.....	(217,688)	(200,000)	(225,000)	(+7,312)
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians				
White Earth Land Settlement Act (Admin).....	625	625	625	---
Hoopa-Yurok settlement fund.....	250	250	250	---
Pyramid Lake water rights settlement.....	142	142	142	---
Nez Perce/Snake River.....	15,210	15,463	15,463	+253
Navajo Water Resources Development Trust Fund.....	---	6,000	6,000	+6,000
Duck Valley Water Rights Settlement.....	---	12,000	12,000	+12,000
Puget Sound regional shellfish settlement.....	3,000	5,000	5,000	+2,000
Pueblo of Isleta settlement.....	2,400	2,400	2,400	---
Soboba Band/Luiseno Indian Settlement.....	---	5,500	5,500	+5,500
Total, Miscellaneous Payments to Indians.....	21,627	47,380	47,380	+25,753
Indian Guaranteed Loan Program Account				
Indian guaranteed loan program account.....	8,186	8,215	8,215	+29
Emergency appropriations, ARA (P.L. 111-5).....	10,000	---	---	-10,000
Subtotal.....	18,186	8,215	8,215	-9,971
Indian Land Consolidation Account				
Indian land consolidation account.....	---	3,000	3,000	+3,000
TOTAL, BUREAU OF INDIAN AFFAIRS.....	2,876,131	2,537,404	2,619,560	-256,571
Appropriations.....	(2,376,131)	(2,537,404)	(2,619,560)	(+243,429)
Emergency appropriations.....	(500,000)	---	---	(-500,000)
Total discretionary, excluding emergencies.....	(2,376,131)	(2,537,404)	(2,619,560)	(+243,429)

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
DEPARTMENTAL OFFICES				
Office of the Secretary				
Departmental direction.....	14,292	14,678	14,678	+386
Management and coordination.....	32,526	33,503	33,503	+977
Hearings and appeals.....	7,658	7,868	7,868	+210
Central services.....	41,978	47,851	47,851	+5,875
Bureau of Mines workers compensation/unemployment.....	623	599	599	-24
Indian Arts and Crafts Board.....	1,177	1,201	1,201	+24
Appraisal services.....	8,012	12,136	12,136	+4,124
National Museum of American Latino Commission.....	1,000	1,000	1,000	---
Total (gross).....	107,264	118,836	118,836	+11,572
Federal Substance Management Account (cancellation of balances).....	-108	---	---	+108
Total, Office of the Secretary.....	107,156	118,836	118,836	+11,680
Insular Affairs				
Assistance to Territories				
Territorial Assistance				
Office of Insular Affairs.....	8,850	9,280	9,280	+430
Technical assistance.....	11,018	11,000	15,302	+4,284
Maintenance assistance fund.....	2,241	2,241	2,241	---
Brown tree snake.....	2,631	2,631	3,000	+369
Insular management controls.....	1,453	1,453	---	-1,453
Coral reef initiative.....	1,000	1,000	1,000	---
Water and wastewater projects.....	1,000	1,000	1,900	+900
Guam infrastructure.....	---	2,000	2,000	+2,000
Subtotal, Territorial Assistance.....	28,193	30,605	34,723	+6,530
American Samoa				
Operations grants.....	22,752	22,752	22,752	---
Northern Marianas				
Covenant grants.....	27,720	27,720	27,720	---
Subtotal, discretionary.....	22,752	22,752	22,752	---
(mandatory).....	(27,720)	(27,720)	(27,720)	---
Total, Assistance to Territories.....	78,665	81,077	85,195	+6,530
Compact of Free Association				
Compact of Free Association - Federal services.....	2,818	2,818	2,818	---
Mandatory payments - program grant assistance.....	2,000	2,000	---	-2,000
Discretionary payments - program grant assistance.....	---	---	2,000	+2,000
Enewetak support.....	500	500	500	---
Total, Compact of Free Association.....	5,318	5,318	5,318	---
Total, Insular Affairs.....	83,983	86,395	90,513	+6,530
Office of the Solicitor				
Legal services.....	45,938	47,255	47,255	+1,317
General administration.....	14,966	16,635	16,635	+1,669
Ethics.....	1,148	1,186	1,186	+40
Total, Office of the Solicitor.....	62,050	65,076	65,076	+3,026
Office of Inspector General				
Audit and investigations.....	36,773	38,866	38,866	+2,093
Administrative services and information management.....	9,180	9,724	9,724	+544
Emergency appropriations, ARA (P.L. 111-5).....	15,000	---	---	-15,000
Total, Office of Inspector General.....	60,953	48,590	48,590	-12,363
Appropriations.....	(45,953)	(48,590)	(48,590)	(+2,637)
Emergency appropriations.....	(15,000)	---	---	(-15,000)

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Office of Special Trustee for American Indians*				
Federal Trust Programs				
Program operations, support, and improvements.....	179,485	183,728	183,728	+4,243
(Office of Historical Accounting).....	(56,445)	(56,536)	(56,536)	(+91)
Executive direction.....	2,163	2,256	2,256	+93
Total, Office of Special Trustee for American Indians.....	125,199	125,448	125,448	+249
*Indian Land Consolidation is requested in the Bureau of Indian Affairs in FY 2010				
=====				
TOTAL, DEPARTMENTAL OFFICES.....	495,790	504,881	508,999	+13,209
Appropriations.....	(480,898)	(504,881)	(508,999)	(+28,101)
Rescissions.....	(-108)	---	---	(+108)
Emergency appropriations.....	(15,000)	---	---	(-15,000)
Total discretionary, excluding emergencies.....	(451,070)	(475,161)	(481,279)	(+30,209)
=====				
DEPARTMENT-WIDE PROGRAMS				
Wildland Fire Management				
Fire Operations:				
Preparedness.....	281,767	285,452	290,452	+8,685
Fire suppression operations.....	335,191	369,797	383,797	+48,606
Emergency appropriations (P.L. 111-32).....	50,000	---	---	-50,000
Subtotal, Fire operations.....	666,958	655,249	674,249	+7,291
Other Operations:				
Hazardous fuels reduction.....	203,053	205,089	206,206	+3,153
Burned area rehabilitation.....	20,305	20,305	20,305	---
Fire facilities.....	6,137	6,137	6,137	---
Joint fire science.....	6,000	6,000	6,000	---
Rural fire assistance.....	7,000	7,000	7,000	---
Subtotal, Other operations.....	242,495	244,531	245,648	+3,153
Subtotal, Wildland fire management.....	909,453	899,780	919,897	+10,444
Emergency appropriations, ARA (P.L. 111-5).....	15,000	---	---	-15,000
Use of prior-year funds.....	---	---	-125,000	-125,000
Total, Wildland fire management.....	924,453	899,780	794,897	-129,556
Appropriations.....	(859,453)	(899,780)	(794,897)	(-84,556)
Emergency appropriations.....	(65,000)	---	---	(-65,000)
Wildland Fire Suppression Contingency Reserve Fund				
Wildland fire suppression contingency reserve fund....	---	75,000	---	---
FLAME Wildfire Suppression Reserve Account				
FLAME wildfire suppression reserve account.....	---	---	61,000	+61,000
Total, All wildland fire accounts.....	924,453	974,780	855,897	-68,556
Total discretionary, excluding emergencies.....	(859,453)	(974,780)	(855,897)	(-3,556)
Central Hazardous Materials Fund				
Central hazardous materials fund.....	10,148	10,175	10,175	+27
Natural Resource Damage Assessment Fund				
Damage assessments.....	3,979	4,022	4,022	+43
Program management.....	1,755	1,825	1,825	+70
Restoration support.....	604	615	615	+11
Total, Natural Resource Damage Assessment Fund..	6,338	6,462	6,462	+124

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Working Capital Fund				
Financial and Business Management System (FBMS).....	73,435	85,823	85,823	+12,388
=====				
TOTAL, DEPARTMENT-WIDE PROGRAMS.....	1,014,374	1,077,240	958,357	-56,017
Appropriations.....	(949,374)	(1,077,240)	(958,357)	(+8,983)
Emergency appropriations.....	(65,000)	---	---	(-65,000)
=====				
TOTAL, TITLE I, DEPARTMENT OF THE INTERIOR.....	12,191,131	11,040,098	11,027,140	-1,163,991
Appropriations.....	(10,183,289)	(11,070,098)	(11,058,140)	(+874,851)
Rescissions.....	(-47,158)	(-30,000)	(-31,000)	(+16,158)
Emergency appropriations.....	(2,055,000)	---	---	(-2,055,000)
Mandatory.....	(59,850)	(59,850)	(57,850)	(-2,000)
Total discretionary excluding emergencies.....	(10,076,281)	(10,980,248)	(10,989,290)	(+893,009)
=====				
TITLE II - ENVIRONMENTAL PROTECTION AGENCY				
Science and Technology				
Air toxics and quality.....	105,132	122,256	122,256	+17,124
(EISA/Renewable Fuels Rule).....	(8,000)	(21,300)	(21,327)	(+13,327)
Climate protection program.....	18,826	18,975	18,975	+2,147
Enforcement.....	15,087	15,946	15,946	+859
Homeland security.....	63,716	71,332	66,332	+2,614
(Water Security Initiative).....	(14,982)	(23,728)	(18,728)	(+3,744)
(Decontamination).....	(26,407)	(25,430)	(25,430)	(-977)
(Laboratory preparedness & response).....	(494)	(500)	(500)	(+6)
(Safe buildings).....	(1,976)	(2,000)	(2,000)	(+24)
Indoor air.....	1,120	1,157	1,157	+37
IT / Data management / Security.....	3,969	4,073	4,073	+104
Operations and administration.....	73,835	72,882	72,882	-953
(Rent).....	(34,521)	(33,947)	(33,947)	(-574)
(Utilities).....	(18,547)	(19,177)	(19,177)	(+630)
(Security).....	(11,889)	(10,260)	(10,260)	(-1,729)
Pesticide licensing.....	5,671	6,463	6,463	+792
Research: Clean air.....	98,427	104,073	104,073	+5,646
(Research: Global change).....	(17,866)	(20,909)	(20,909)	(+3,023)
Research: Clean water.....	106,164	110,363	110,363	+4,199
Research: National priorities.....	5,450	---	5,700	+250
Research: Human health and ecosystems.....	229,403	245,381	248,381	+18,978
(Research: Computational toxicology).....	(15,156)	(19,602)	(19,602)	(+4,446)
(Research: Endocrine disruptor).....	(11,486)	(11,442)	(11,442)	(-44)
(Research: Fellowship).....	(9,651)	(10,894)	(10,894)	(+1,243)
Research: Land protection.....	13,586	13,782	13,782	+196
Research: Sustainability.....	21,157	24,107	24,107	+2,950
Research: Pesticides and toxics.....	26,949	27,839	27,839	+890
Water: Human health protection.....	3,555	3,720	3,720	+165
(Transfer from Superfund).....	(26,417)	(26,834)	(26,834)	(+417)
=====				
Total, Science and Technology.....	790,051	842,349	846,049	+55,998

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Environmental Programs and Management				
Air toxics and quality.....	195,151	203,265	203,265	+8,114
Brownfields.....	22,957	25,254	23,904	+947
Climate protection program.....	94,271	111,634	111,634	+17,363
(Energy star).....	(49,735)	(50,748)	(50,748)	(+1,013)
(Methane to markets).....	(4,498)	(4,582)	(4,582)	(+84)
(Greenhouse gas reporting registry).....	(6,388)	(17,005)	(17,005)	(+10,617)
Compliance.....	128,826	136,631	134,631	+5,805
Enforcement.....	209,157	223,943	223,943	+14,786
(Environmental justice).....	(6,993)	(7,203)	(7,203)	(+210)
Environmental protection: National priorities.....	17,450	---	16,950	-500
Geographic programs:				
Great Lakes Restoration Initiative.....	---	475,000	475,000	+475,000
Chesapeake Bay.....	31,001	35,139	50,000	+18,999
Great Lakes*.....	23,000	---	---	-23,000
San Francisco Bay.....	5,000	5,000	7,000	+2,000
Puget Sound.....	20,000	20,000	50,000	+30,000
Long Island Sound.....	3,000	3,000	7,000	+4,000
Gulf of Mexico.....	4,578	4,638	6,000	+1,422
Lake Champlain.....	3,000	1,434	4,000	+1,000
Lake Pontchartrain.....	978	978	1,500	+522
CARE(Community Action for a Renewed Environment)....	2,000	2,448	2,448	+448
Other geographic activities.....	3,402	3,493	5,493	+2,091
Subtotal.....	95,959	551,130	608,441	+512,482
*funding moved to Great Lakes Initiative in 2010				
Homeland security.....	23,406	23,901	23,901	+495
(Decontamination).....	(3,542)	(3,443)	(3,542)	---
Indoor air.....	25,895	26,649	26,649	+754
Information exchange / Outreach.....	126,343	131,825	129,972	+3,629
(Children and other sensitive populations:				
Agency coordination).....	(6,071)	(6,515)	(6,515)	(+444)
(Environmental education).....	(8,979)	(9,038)	(9,038)	(+59)
International programs.....	19,664	20,349	20,349	+685
(Mexico Border).....	(5,561)	(5,047)	(5,047)	(-514)
IT / Data management / Security.....	99,025	109,320	104,320	+5,295
Legal/Science/Regulatory/Economic review.....	118,123	128,231	123,788	+5,665
Operations and administration.....	479,197	511,895	501,895	+22,898
(Rent).....	(160,366)	(162,040)	(157,040)	(-3,326)
(Utilities).....	(10,973)	(13,514)	(13,514)	(+2,541)
(Security).....	(25,676)	(27,997)	(27,997)	(+2,321)
Pesticide licensing.....	116,081	119,187	119,187	+3,126
Resource Conservation and Recovery Act (RCRA).....	116,891	122,131	122,131	+5,240
Toxics risk review and prevention.....	93,259	102,903	102,903	+9,644
(Endocrine disruptors).....	(8,488)	(8,659)	(8,659)	(+161)
Underground storage tanks (LUST / UST).....	11,946	12,451	12,451	+505
Water: Ecosystems				
Great Lakes Legacy Act*.....	37,000	---	---	-37,000
National estuary program / Coastal waterways.....	28,557	28,967	32,567	+6,010
Wetlands.....	22,539	23,336	23,336	+797
Subtotal.....	86,098	50,303	55,903	-30,193
*funding moved to Great Lakes Initiative in 2010				
Water: Human health protection.....	101,585	105,726	105,726	+4,141
Water quality protection.....	210,817	223,836	221,836	+11,019
Total, Environmental Programs and Management....	2,392,079	2,940,564	2,993,779	+601,700

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Office of Inspector General				
Audits, evaluations, and investigations.....	44,791	44,791	44,791	---
Emergency appropriations, ARA (P.L. 111-5).....	20,000	---	---	-20,000
(Transfer from Superfund).....	(9,975)	(9,975)	(9,975)	---
(Transfer from Chemical Hazards Safety Board).....	(300)	(150)	---	(-300)
Total, Office of Inspector General.....	64,791	44,791	44,791	-20,000
Appropriations.....	(44,791)	(44,791)	(44,791)	---
Emergency appropriations.....	(20,000)	---	---	(-20,000)
Buildings and Facilities				
Homeland security: Protection of EPA personnel and infrastructure.....	8,070	8,070	8,070	---
Operations and administration.....	26,931	28,931	28,931	+2,000
Total, Buildings and Facilities.....	35,001	37,001	37,001	+2,000
Hazardous Substance Superfund				
Air toxics and quality.....	2,295	2,596	2,596	+301
Audits, evaluations, and investigations.....	9,975	9,975	9,975	---
Compliance.....	1,351	1,247	1,247	-104
Enforcement.....	187,776	196,034	196,034	+8,258
(Environmental justice).....	(818)	(822)	(822)	(+4)
(Superfund: Enforcement).....	(166,148)	(173,176)	(173,176)	(+7,028)
(Superfund: Federal facilities enforcement).....	(9,872)	(10,378)	(10,378)	(+506)
Homeland security.....	56,571	56,561	56,561	-10
(Laboratory preparedness and response).....	(9,588)	(9,621)	(9,621)	(+33)
(Decontamination).....	(10,613)	(10,774)	(10,774)	(+161)
Information exchange / Outreach.....	1,433	1,433	1,433	---
IT / Data management / Security.....	17,679	17,923	17,923	+244
Legal/Science/Regulatory/Economic review.....	1,582	1,641	1,641	+59
Operations and administration.....	134,643	139,923	137,923	+3,280
(Rent).....	(45,353)	(44,300)	(44,300)	(-1,053)
(Utilities).....	(3,042)	(3,397)	(3,397)	(+355)
(Security).....	(6,524)	(8,299)	(8,299)	(+1,775)
Research: Human health and ecosystems.....	3,377	3,395	3,395	+18
Research: Land protection.....	20,905	21,401	21,401	+496
Research: Sustainability.....	79	---	---	-79
Superfund cleanup				
Superfund: Emergency response and removal.....	195,043	202,843	202,843	+7,800
Superfund: EPA emergency preparedness.....	9,442	9,791	9,791	+349
Superfund: Federal facilities.....	31,306	32,203	32,203	+897
Superfund: Remedial.....	604,992	605,000	605,000	+8
Superfund: Support to other Federal agencies.....	6,575	6,575	6,575	---
Subtotal.....	847,358	856,412	856,412	+9,054
Emergency appropriations, ARA (P.L. 111-5).....	600,000	---	---	-600,000
Total, Hazardous Substance Superfund.....	1,885,024	1,308,541	1,308,541	-576,483
Appropriations.....	(1,285,024)	(1,308,541)	(1,308,541)	(+21,517)
Emergency appropriations.....	(600,000)	---	---	(-600,000)
(Superfund transfer to Inspector General).....	(-9,975)	(-9,975)	(-9,975)	---
(Superfund transfer to Science and Technology).....	(-26,417)	(-26,634)	(-26,634)	(-417)
Total discretionary, excluding emergencies.....	(1,285,024)	(1,308,541)	(1,308,541)	(+21,517)
Leaking Underground Storage Tank Trust Fund (LUST)				
Compliance.....	817	788	788	-29
IT / Data management / Security.....	162	162	162	---
Operations and administration.....	2,057	2,190	2,190	+133
(Rent).....	(696)	(696)	(696)	---
Research: Land protection.....	475	484	484	+9

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Underground storage tanks (LUST / UST).....	109,066	109,477	109,477	+411
(LUST/UST).....	(11,105)	(11,855)	(11,855)	(+750)
(LUST Cooperative agreements).....	(62,461)	(63,192)	(63,192)	(+731)
(Energy Policy Act grants).....	(35,500)	(34,430)	(34,430)	(-1,070)
Emergency appropriations, ARA (P.L. 111-5).....	200,000	---	---	-200,000
Total, Leaking Underground Storage Tank Trust Fund.....	312,577	113,101	113,101	-199,476
Appropriations.....	(112,577)	(113,101)	(113,101)	(+524)
Emergency appropriations.....	(200,000)	---	---	(-200,000)
Total discretionary, excluding emergencies.....	(112,577)	(113,101)	(113,101)	(+524)
011 Spill Response				
Compliance.....	277	317	317	+40
Enforcement.....	2,117	2,406	2,406	+289
IT / Data management / Security.....	24	24	24	---
Oil.....	13,953	14,397	14,397	+444
Operations and administration.....	598	498	498	-98
(Rent).....	(538)	(438)	(438)	(-100)
Research: Land protection.....	720	737	737	+17
Total, 011 Spill Response.....	17,687	18,379	18,379	+692
State and Tribal Assistance Grants (STAG)				
Clean water state revolving fund (SRF).....	689,080	2,400,000	2,100,000	+1,410,920
Drinking water state revolving fund (SRF).....	829,029	1,500,000	1,387,000	+557,971
STAG infrastructure grants.....	145,000	---	158,777	+11,777
Alaska Native villages.....	18,500	10,000	13,000	-5,500
Brownfields projects.....	97,000	100,000	100,000	+3,000
Diesel emissions grants (Energy Policy Act).....	60,000	60,000	60,000	---
Targeted watershed grants.....	15,000	---	20,000	+5,000
Mexico border.....	20,000	10,000	17,000	-3,000
Subtotal, Infrastructure Assistance Grants.....	1,873,609	4,080,000	3,853,777	+1,980,168
Categorical grants:				
Beeches protection.....	9,900	9,900	9,900	---
Brownfields.....	49,495	49,495	49,495	---
Environmental information.....	10,000	10,000	10,000	---
Hazardous waste financial assistance.....	101,346	106,346	103,346	+2,000
Homeland security.....	4,950	---	---	-4,950
Lead.....	13,564	14,564	14,564	+1,000
Climate change grants to local governments.....	10,000	---	10,000	---
Nonpoint source (Sec. 319).....	200,857	200,857	200,857	---
Pesticides enforcement.....	18,711	18,711	18,711	---
Pesticides program implementation.....	12,970	13,520	13,520	+550
Pollution control (Sec. 106).....	218,495	229,264	229,264	+10,769
(Water quality monitoring).....	(18,500)	(18,500)	(18,500)	---
Pollution prevention.....	4,940	4,940	4,940	---
Public water system supervision.....	99,100	105,700	105,700	+6,600
Radon.....	8,074	8,074	8,074	---
Sector program.....	1,828	1,828	---	-1,828
State and local air quality management.....	224,080	226,580	226,580	+2,500
Toxics substances compliance.....	5,099	5,099	5,099	---
Tribal air quality management.....	13,300	13,300	13,300	---
Tribal general assistance program.....	57,925	62,875	62,875	+4,950
Underground injection control (UIC).....	10,891	10,891	10,891	---
Underground storage tanks.....	2,500	2,500	2,500	---
Wetlands program development.....	16,830	16,830	16,830	---
Subtotal, Categorical grants.....	1,094,855	1,111,274	1,116,446	+21,591
Emergency appropriations, ARA (P.L. 111-5).....	6,400,000	---	---	-6,400,000
Total, State and Tribal Assistance Grants.....	9,368,464	5,191,274	4,970,223	-4,398,241
Appropriations.....	(2,968,464)	(5,191,274)	(4,970,223)	(+2,001,759)
Emergency appropriations.....	(6,400,000)	---	---	(-6,400,000)
Total discretionary, excluding emergencies.....	(2,968,464)	(5,191,274)	(4,970,223)	(+2,001,759)

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Rescission (various EPA accounts).....	-10,000	-10,000	-40,000	-30,000
TOTAL, TITLE II, ENVIRONMENTAL PROTECTION AGENCY	14,855,674	10,486,000	10,289,864	-4,565,810
Appropriations.....	(7,645,674)	(10,486,000)	(10,329,864)	(+2,684,190)
Rescissions.....	(-10,000)	(-10,000)	(-40,000)	(-30,000)
Emergency appropriations.....	(7,220,000)	---	---	(-7,220,000)
Total discretionary, excluding emergencies.....	(7,635,674)	(10,486,000)	(10,289,864)	(+2,654,190)
TITLE III - RELATED AGENCIES				
DEPARTMENT OF AGRICULTURE				
FOREST SERVICE				
Forest and Rangeland Research				
Forest inventory and analysis.....	60,770	61,939	66,939	+6,169
Research and development programs.....	235,610	239,673	245,073	+9,463
(Global Climate Change Science).....	(26,857)	(26,857)	(31,857)	(+5,000)
Rescission.....	---	-1,000	---	---
Total, Forest and rangeland research.....	296,380	300,612	312,012	+15,632
State and Private Forestry				
Forest Health Management:				
Federal lands forest health management.....	54,110	55,282	57,282	+3,172
Cooperative lands forest health management.....	46,292	45,823	48,573	+2,281
Subtotal.....	100,402	101,105	105,855	+5,453
Cooperative Fire Protection:				
State fire assistance.....	35,000	35,147	39,147	+4,147
Volunteer fire assistance.....	6,000	7,000	7,000	+1,000
Subtotal.....	41,000	42,147	46,147	+5,147
Cooperative Forestry:				
Forest stewardship.....	27,000	28,369	29,369	+2,369
Forest Legacy.....	57,445	91,060	79,460	+22,015
Use of prior year balances.....	-8,000	---	-3,000	+5,000
Subtotal.....	49,445	91,060	76,460	+27,015
Urban and Community Forestry:				
Economic action programs.....	29,541	29,327	30,377	+836
Forest resource information and analysis.....	4,973	---	5,000	+27
Forest resource information and analysis.....	5,000	5,035	5,035	+35
Subtotal, Cooperative Forestry.....	115,959	153,791	146,241	+30,282
International forestry.....	8,500	9,068	9,818	+1,318
Total, State and Private Forestry.....	285,861	308,111	308,061	+42,200
National Forest System				
Land management planning.....	48,833	45,518	45,917	-2,916
Inventory and monitoring.....	167,580	168,695	170,502	+2,922
Recreation, heritage and wilderness.....	277,635	280,117	285,117	+7,482
Wildlife and fish habitat management.....	139,385	141,471	143,014	+3,629
Grazing management.....	50,000	49,949	50,714	+714
Forest products.....	332,666	328,959	336,722	+4,056
Vegetation and watershed management.....	180,437	182,286	187,960	+7,523
Minerals and geology management.....	85,470	86,650	87,240	+1,770
Landownership management.....	93,299	94,372	95,606	+2,307
Law enforcement operations.....	135,500	135,047	145,047	+9,547
Valles Caldera National Preserve.....	4,000	3,500	3,500	-500
Undistributed funding increase.....	---	---	---	---
Rescission.....	-5,000	-10,000	---	+5,000
Total, National Forest System.....	1,509,805	1,506,564	1,551,339	+41,534

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Capital Improvement and Maintenance				
Facilities				
Maintenance.....	70,851	86,134	86,134	+15,283
Construction.....	55,602	44,606	48,876	-6,726
Subtotal, Facilities.....	126,453	130,740	135,010	+8,557
Roads				
Maintenance.....	162,500	166,885	166,885	+4,385
Construction.....	66,325	68,115	69,636	+3,311
Subtotal, Roads.....	228,825	235,000	236,521	+7,696
Trails				
Maintenance.....	49,100	61,746	63,846	+14,746
Construction.....	31,915	20,335	21,535	-10,380
Subtotal, Trails.....	81,015	82,081	85,381	+4,366
Deferred Maintenance.....	9,100	9,141	9,141	+41
Legacy road remediation.....	50,000	50,000	90,000	+40,000
Protecting National Forests Initiative.....	---	50,000	---	---
Subtotal, Capital improvement and maintenance.....	495,393	556,962	556,053	+60,660
Deferral of road and trail fund payment.....	-13,000	---	-18,000	-5,000
Emergency appropriations, ARA (P.L. 111-5).....	650,000	---	---	-650,000
Total, Capital improvement and maintenance.....	1,132,393	556,962	538,053	-594,340
Appropriations.....	(482,393)	(556,962)	(538,053)	(+55,660)
Emergency appropriations.....	(650,000)	---	---	(-650,000)
Land Acquisition				
Forest Service:				
Acquisitions.....	39,275	21,684	51,022	+11,747
Acquisition management.....	8,000	7,000	8,000	---
Cash equalization.....	1,000	---	1,000	---
Critical inholdings/wilderness protection.....	1,500	---	3,500	+2,000
Total, Land Acquisition.....	49,775	28,684	63,522	+13,747
Acquisition of lands for national forests, special acts.....	1,050	1,050	1,050	---
Acquisition of lands to complete land exchanges.....	250	250	250	---
Range betterment fund.....	3,600	3,600	3,600	---
Gifts, donations and bequests for forest and rangeland research.....	50	50	50	---
Management of national forest lands for subsistence uses.....	5,000	2,582	2,582	-2,418
Wildland Fire Management				
Fire operations:				
Wildland fire preparedness.....	675,000	675,000	675,000	---
Wildland fire suppression operations.....	993,947	1,128,505	997,505	+3,558
Emergency appropriations (P.L. 111-32).....	200,000	---	---	-200,000
Subtotal, Fire operations.....	1,868,947	1,803,505	1,672,505	-196,442
Other operations:				
Hazardous fuels.....	328,086	315,285	350,265	+22,199
Rehabilitation.....	11,500	9,000	11,600	+100
Fire plan research and development.....	23,917	23,917	23,917	---
Joint fire sciences program.....	8,000	8,000	8,000	---
Forest health management (federal lands).....	17,252	14,440	20,752	+3,500
Forest health management (co-op lands).....	9,928	7,000	11,428	+1,500
State fire assistance.....	55,000	50,000	71,250	+16,250
Volunteer fire assistance.....	9,000	7,000	9,000	---
Subtotal, Other operations.....	462,683	434,642	506,232	+43,549
Subtotal, Wildland fire management.....	2,331,630	2,238,147	2,178,737	-152,893

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Emergency appropriations, ARA (P.L. 111-5).....	500,000	---	---	-500,000
Use of prior-year funds.....	---	---	-75,000	-75,000
Total, Wildland fire management.....	2,831,630	2,238,147	2,103,737	-727,893
Appropriations.....	(2,131,630)	(2,238,147)	(2,103,737)	(-27,893)
Emergency appropriations.....	(700,000)	---	---	(-700,000)
Wildland Fire Suppression Contingency Reserve Fund				
Wildland fire suppression contingency reserve fund....	---	282,000	---	---
FLAME Wildfire Suppression Reserve Account				
FLAME wildfire suppression reserve account.....	---	---	413,000	+413,000
Total, All wildland fire accounts.....	2,831,630	2,520,147	2,516,737	-314,893
(Total discretionary, excluding emergencies)....	2,131,630	2,520,147	2,516,737	+388,517
Total, Forest Service without Wildland fire.....	3,264,164	2,706,465	2,780,519	-483,645
Appropriations.....	(2,614,164)	(2,706,465)	(2,780,519)	(+166,355)
Emergency appropriations.....	(650,000)	---	---	(-650,000)
Total discretionary, excluding emergencies.....	(2,614,164)	(2,706,465)	(2,780,519)	(+166,355)
TOTAL, FOREST SERVICE.....	6,095,784	5,226,612	5,297,256	-798,538
Appropriations.....	(4,750,784)	(5,237,612)	(5,297,256)	(+546,462)
Rescissions.....	(-5,000)	(-11,000)	---	(+5,000)
Emergency appropriations.....	(1,350,000)	---	---	(-1,350,000)
Total discretionary, excluding emergencies.....	(4,745,784)	(5,226,612)	(5,297,256)	(+551,462)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

Indian Health Services

Clinical Services:

IHS and tribal health delivery				
Hospital and health clinic programs.....	1,597,777	1,751,883	1,754,383	+156,606
(Indian Healthcare Improvement Fund).....	(15,000)	(45,543)	(45,543)	(+30,543)
(Domestic Violence Prevention Initiative).....	(7,500)	(7,500)	(10,000)	(+2,500)
(Health Information Technology).....	(2,500)	(16,251)	(16,251)	(+13,751)
Dental health program.....	141,936	151,384	152,634	+10,698
Mental health program.....	67,748	72,786	72,786	+5,038
Alcohol and substance abuse program.....	183,769	194,409	194,409	+10,640
(Methamphetamine treatment and prevention).....	(16,391)	(16,391)	(16,391)	---
Contract care.....	634,477	779,347	779,347	+144,870
(Catastrophic health emergency fund).....	(31,000)	(48,000)	(48,000)	(+17,000)
Subtotal.....	2,625,707	2,949,809	2,953,559	+327,852

Preventive Health:

Public health nursing.....	59,885	64,071	64,071	+4,186
Health education.....	15,723	16,682	16,682	+959
Community health representatives program.....	57,796	81,828	81,628	+3,832
Immunization (Alaska).....	1,823	1,934	1,934	+111
Subtotal.....	135,227	144,315	144,315	+9,088

Urban health program.....	36,189	38,139	43,139	+6,950
Indian health professions.....	37,500	40,743	40,743	+3,243
Tribal management.....	2,586	2,586	2,586	---
Direct operations.....	65,345	68,720	68,720	+3,375
Self-governance.....	6,004	6,066	6,066	+62
Contract support costs.....	282,398	389,490	398,490	+116,092
Emergency appropriations, ARA (P.L. 111-5).....	85,000	---	---	-85,000
Total, Indian Health Services.....	3,275,956	3,639,668	3,657,618	+381,662
Appropriations.....	(3,190,956)	(3,639,668)	(3,657,618)	(+466,662)
Emergency appropriations.....	(85,000)	---	---	(-85,000)
(Non-contract services).....	(2,841,479)	(2,880,521)	(2,878,271)	(+236,792)
(Contract care).....	(634,477)	(779,347)	(779,347)	(+144,870)
Total discretionary, excluding emergencies.....	(3,190,956)	(3,639,668)	(3,657,618)	(+466,662)

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Indian Health Facilities				
Maintenance and improvement.....	53,915	53,915	53,915	---
Sanitation facilities.....	95,857	95,857	95,857	---
Construction facilities.....	40,000	29,234	29,234	-10,766
Facilities and environmental health support.....	178,329	193,087	193,087	+14,758
Equipment.....	22,067	22,664	22,664	+597
Emergency appropriations, ARA (P.L. 111-5).....	415,000	---	---	-415,000
Total, Indian Health Facilities.....	805,168	394,757	394,757	-410,411
Appropriations.....	(390,168)	(394,757)	(394,757)	(+4,589)
Emergency appropriations.....	(415,000)	---	---	(-415,000)
Total discretionary, excluding emergencies.....	(390,168)	(394,757)	(394,757)	(+4,589)
=====				
TOTAL, INDIAN HEALTH SERVICE.....	4,081,124	4,034,625	4,052,375	-28,749
Appropriations.....	(3,581,124)	(4,034,625)	(4,052,375)	(+471,251)
Emergency appropriations.....	(500,000)	---	---	(-500,000)
Total discretionary, excluding emergencies.....	(3,581,124)	(4,034,625)	(4,052,375)	(+471,251)
=====				
NATIONAL INSTITUTES OF HEALTH				
National Institute of Environmental Health Sciences...	78,074	79,212	79,212	+1,138
AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY				
Toxic substances and environmental public health.....	74,039	76,792	76,792	+2,753
=====				
TOTAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES..	4,233,237	4,190,629	4,208,379	-24,858
Appropriations.....	(3,733,237)	(4,190,629)	(4,208,379)	(+475,142)
Emergency appropriations.....	(500,000)	---	---	(-500,000)
=====				
OTHER RELATED AGENCIES				
EXECUTIVE OFFICE OF THE PRESIDENT				
Council on Environmental Quality and Office of Environmental Quality.....	2,703	3,159	3,159	+456
CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD				
Salaries and expenses.....	10,199	10,547	11,147	+948
(Transfer to EPA, IG).....	(300)	(150)	---	(-300)
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION				
Salaries and expenses.....	7,530	8,000	8,000	+470
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT				
Payment to the Institute.....	7,900	8,300	8,300	+400
SMITHSONIAN INSTITUTION				
Salaries and Expenses				
Museum and Research Institutes:				
Museum and Research Institutes.....	---	---	---	---
Anacostia Community Museum.....	1,994	2,048	2,048	+54
Center for Folklife and Cultural Heritage.....	2,219	2,282	2,282	+63
National Museum of African American History and Culture.....	12,329	12,167	12,167	-162
National Museum of American History.....	22,037	22,209	22,209	+172
National Museum of the American Indian.....	31,996	32,870	32,870	+874
Archives of American Art.....	1,784	1,858	1,858	+74
Arthur M. Sackler Gallery/Freer Gallery of Art.....	5,906	6,113	6,113	+207
Cooper-Hewitt, National Design Museum.....	3,937	4,103	4,103	+166
Hirshhorn Museum and Sculpture Garden.....	4,272	4,412	4,412	+140
National Museum of African Art.....	4,392	4,504	4,504	+112
National Portrait Gallery.....	5,651	5,867	5,867	+216
Smithsonian American Art Museum.....	8,789	9,145	9,145	+356
National Air and Space Museum.....	17,474	18,119	18,119	+645
National Museum of Natural History.....	46,138	47,728	47,728	+1,590
National Zoological Park.....	22,437	23,190	23,190	+753

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
Smithsonian Astrophysical Observatory.....	23,612	24,323	24,323	+711
Museum Conservation Institute.....	3,031	3,119	3,119	+88
Smithsonian Environmental Research Center.....	3,443	3,596	3,596	+153
Smithsonian Tropical Research Institute.....	12,611	14,546	14,546	+1,935
Subtotal, Museums and Research Institutes.....	234,052	242,199	242,199	+8,147
Program Support and Outreach:				
Outreach.....	9,720	9,969	9,969	+249
Communications.....	2,161	2,328	2,328	+167
Institution-wide programs.....	7,839	8,839	10,839	+3,000
Office of Exhibits Central.....	2,872	2,982	2,982	+110
Major scientific instrumentation.....	3,822	3,822	3,822	---
Museum Support Center.....	1,800	1,858	1,858	+58
Smithsonian Institution Archives.....	1,968	2,064	2,064	+96
Smithsonian Institution Libraries.....	9,624	10,008	10,008	+384
Subtotal.....	39,806	41,870	43,870	+4,064
Administration.....	69,229	76,484	76,484	+7,265
Facilities services:				
Facilities maintenance.....	87,046	72,935	72,935	+5,289
Facilities operations, security and support.....	180,245	198,087	198,087	+17,842
Subtotal.....	247,891	271,022	271,022	+23,131
Inspector General.....	2,422	2,576	2,576	+154
Total, Salaries and Expenses.....	593,400	634,161	636,161	+42,761
Facilities Capital				
Vitalization.....	104,500	89,300	89,300	-15,200
Facilities planning and design.....	18,500	35,700	35,700	+17,200
Emergency appropriations, ARA (P.L. 111-5).....	25,000	---	---	-25,000
Total, Facilities Capital.....	148,000	125,000	125,000	-23,000
Non-emergency.....	(123,000)	(125,000)	(125,000)	(+2,000)
Emergency.....	(25,000)	---	---	(-25,000)
Legacy Fund				
Legacy Fund.....	15,000	---	30,000	+15,000
Rescission of prior year balances.....	---	---	-29,766	-29,766
Total, Legacy Fund.....	15,000	---	234	-14,766
TOTAL, SMITHSONIAN INSTITUTION.....	756,400	759,161	761,395	+4,995
Appropriations.....	(731,400)	(759,161)	(791,161)	(+59,761)
Emergency appropriations.....	(25,000)	---	---	(-25,000)
Total discretionary, excluding emergencies.....	(731,400)	(759,161)	(761,395)	(+29,995)
NATIONAL GALLERY OF ART				
Salaries and Expenses				
Acquisition and utilization of art collections.....	34,734	35,142	36,902	+2,168
Operation and maintenance of buildings and grounds.....	26,643	29,267	29,267	+624
Protection of buildings, grounds and contents.....	22,252	23,776	23,776	+1,524
General administration.....	19,759	20,801	20,801	+1,042
Total, Salaries and Expenses.....	103,388	108,986	110,746	+5,358
Repair, Restoration and Renovation of Buildings				
Base program.....	17,368	56,259	56,259	+38,891
TOTAL, NATIONAL GALLERY OF ART.....	122,756	165,245	167,005	+44,249

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS				
Operations and maintenance.....	21,300	22,500	23,000	+1,700
Capital repair and restoration.....	15,064	17,447	17,447	+2,383
	=====	=====	=====	=====
TOTAL, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.....	36,364	39,947	40,447	+4,083
	=====	=====	=====	=====
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS				
Salaries and expenses.....	10,000	10,225	12,225	+2,225
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES				
National Endowment for the Arts				
Grants and Administration				
Grants				
Direct grants.....	54,100	59,524	63,235	+9,135
Challenge America grants.....	9,800	10,000	10,000	+200
National Initiative: American Masterpieces.....	13,300	10,000	10,000	-3,300
State partnerships				
State and regional.....	42,000	41,724	42,961	+961
Underserved set-aside.....	9,000	11,292	12,529	+3,529
Subtotal.....	51,000	53,016	55,490	+4,490
Subtotal, Grants.....	128,200	132,540	138,725	+10,525
Program support.....	1,750	1,850	1,850	+100
Administration.....	25,050	26,925	26,925	+1,875
Emergency appropriations, ARA (P.L. 111-5).....	50,000	---	---	-50,000
Total, Arts.....	205,000	161,315	167,500	-37,500
Appropriations.....	(155,000)	(161,315)	(167,500)	(+12,500)
Emergency appropriations.....	(50,000)	---	---	(-50,000)
Total discretionary, excluding emergencies.....	(155,000)	(161,315)	(167,500)	(+12,500)
National Endowment for the Humanities				
Grants and Administration				
Grants				
Federal/State partnership.....	35,000	38,515	40,370	+5,370
Preservation and access.....	16,000	16,250	17,116	+1,116
Public programs.....	14,500	14,750	15,616	+1,116
Research programs.....	14,500	16,000	16,866	+2,366
Education programs.....	14,500	14,750	15,616	+1,116
Program development.....	400	750	750	+350
We The People Initiative grants.....	15,800	14,500	14,500	-1,300
Digital Humanities Initiatives.....	4,000	4,000	4,866	+866
Subtotal, Grants.....	114,700	119,515	125,700	+11,000
Matching Grants				
Treasury funds.....	5,000	4,800	4,800	-200
Challenge grants.....	9,300	9,500	9,500	+200
Subtotal, Matching grants.....	14,300	14,300	14,300	---
Administration.....	26,000	27,500	27,500	+1,500
Total, Humanities.....	155,000	161,315	167,500	+12,500
	=====	=====	=====	=====
TOTAL, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES.....	360,000	322,630	335,000	-25,000
Appropriations.....	(310,000)	(322,630)	(335,000)	(+25,000)
Emergency appropriations.....	(50,000)	---	---	(-50,000)
Total discretionary, excluding emergencies.....	(310,000)	(322,630)	(335,000)	(+25,000)
	=====	=====	=====	=====

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
(Amounts in thousands)

	FY 2009 Enacted	FY 2010 Request	Conference	Conference vs. Enacted
COMMISSION OF FINE ARTS				
Salaries and expenses.....	2,234	2,294	2,294	+60
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS				
Grants*.....	9,500	10,000	9,500	---
*requested in National Endowment for the Humanities in FY 2010 President's request				
ADVISORY COUNCIL ON HISTORIC PRESERVATION				
Salaries and expenses.....	5,498	5,908	5,908	+410
NATIONAL CAPITAL PLANNING COMMISSION				
Salaries and expenses.....	8,328	8,507	8,507	+179
UNITED STATES HOLOCAUST MEMORIAL MUSEUM				
Holocaust Memorial Museum.....	47,260	48,551	49,122	+1,862
PRESIDIO TRUST				
Operations.....	17,450	17,230	23,200	+5,750
DWIGHT D. EISENHOWER MEMORIAL COMMISSION				
Salaries and expenses.....	2,000	3,000	3,000	+1,000
Capital construction.....	---	16,000	16,000	+16,000
Total, DWIGHT D. EISENHOWER MEMORIAL COMMISSION.	2,000	19,000	19,000	+17,000
TOTAL, TITLE III, RELATED AGENCIES.....	11,735,153	10,855,945	10,969,844	-765,309
Appropriations.....	(9,815,153)	(10,866,945)	(10,999,610)	(+1,184,457)
Rescissions.....	(-5,000)	(-11,000)	(-29,766)	(-24,766)
Emergency appropriations.....	(1,925,000)	---	---	(-1,925,000)
Total discretionary, excluding emergencies.....	(9,810,153)	(10,855,945)	(10,969,844)	(+1,159,691)
TITLE IV - GENERAL PROVISIONS				
Forest Service Marina fees.....	1,000	---	---	-1,000
EPA Hunter's Point Remediation (section 414).....	8,000	---	8,000	---
Compact payments, Palau (section 117).....	---	---	12,000	+12,000
Cabin user fee (S. Sec. 430).....	---	---	2,000	+2,000
Geothermal Energy Receipts(section 419).....	---	---	-15,000	-15,000
TOTAL, TITLE IV, GENERAL PROVISIONS.....	9,000	---	8,000	-1,000
GRAND TOTAL.....	38,790,958	32,382,043	32,294,848	-6,496,110
Appropriations.....	27,653,116	32,433,043	32,395,614	+4,742,498
Rescissions.....	-62,158	-51,000	-100,766	-38,608
Emergency appropriations.....	11,200,000	---	---	-11,200,000
Discretionary total.....	27,579,108	32,325,193	32,239,998	+4,660,890

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2010 recommended by the Committee of Conference, with comparisons to the fiscal year 2009 amount, the 2010 budget estimates, and the House and Senate bills for 2010 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2009	38,790,958
Budget estimates of new (obligational) authority, fiscal year 2010	32,382,043
House bill, fiscal year 2010	32,354,850
Senate bill, fiscal year 2010	32,153,734
Conference agreement, fiscal year 2010	32,294,848
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2009	-6,496,110
Budget estimates of new (obligational) authority, fiscal year 2010	-87,195
House bill, fiscal year 2010	-60,002
Senate bill, fiscal year 2010	+141,114

DIVISION B—FURTHER CONTINUING APPROPRIATIONS, 2010

Division B provides further continuing appropriations for agencies and activities that would be covered by the regular fiscal year 2010 appropriations bills not yet enacted into law. Specifically, language is included amending the first fiscal year 2010 continuing resolution (division B of Public Law 111-68) to extend its general expiration date to December 18 2009, to add certain additional necessary extensions, and to make technical corrections.

DAVID R. OBEY,
NORMAN D. DICKS,
JAMES P. MORAN,
ALAN B. MOLLOHAN,
BEN CHANDLER,
MAURICE D. HINCHEY,
JOHN W. OLVER,
ED PASTOR,
DAVID E. PRICE,

Managers on the Part of the House.

DIANNE FEINSTEIN,
ROBERT C. BYRD,
PATRICK J. LEAHY,
BYRON L. DORGAN,
BARBARA A. MIKULSKI,
HERB KOHL,
TIM JOHNSON,
JACK REED,
BEN NELSON,
JON TESTER,
DANIEL K. INOUE,
LAMAR ALEXANDER,
THAD COCHRAN,
ROBERT F. BENNETT,
JUDD GREGG,
LISA MURKOWSKI,
SUSAN M. COLLINS,

Managers on the Part of the Senate.

HEALTH CARE REFORM: WILL WE STAND FOR THE PEOPLE OR FOR THE INSURANCE COMPANIES?

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Madam Speaker, health care is a basic right in a democracy and a moral responsibility of our government consistent with the preamble and the Constitution itself; yet we are being told that it's not possible to have the kind of single-payer health system which every industrialized democracy in the world has.

We compromised single-payer with a public option. We're being asked to compromise a public option with negotiated rates. In conference, we'll be asked to compromise negotiated rates with a trigger.

In all of this, in each and every step, the insurance companies win. They get \$900 billion in new taxpayer subsidies. They get to raise their premiums, increase their copays and their deductibles, while the public is forced to pay for private insurance, and the insurance companies win big.

If this is the best we can do, then it's time to ask ourselves whether the two-party system is truly capable of representing the American people or whether it's become so compromised by special interests that it can't even protect the health of our own people.

This is a moment of truth for the Democratic Party in particular. Will we stand for the people or for the insurance companies? Will we have a true public option or will we be co-opted?

THE LIBERTY TREE AXED BY THE FEDERAL COMMUNICATIONS COMMISSION

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, talk radio today is like the Liberty Tree in Revolutionary War times.

The first Liberty Tree was in Boston where the Sons of Liberty would gather around a large elm tree in the public square. They would talk about the issues of the day and voice their political opinions. Anyone could speak. But the British military cut down the Liberty Tree because colonists spoke out against taxes and the King.

Now it sounds like the redcoats over at the FCC are trying to put the ax to the Liberty Tree of free speech again. They say they need to protect the American people from hearing things that are just too controversial. So their answer is to control the speech content of those radio rebels. The redcoats at the FCC say they must determine what the masses hear.

Mr. Speaker, the notion that anyone in the Federal Government has the right to censor political speech is an affront to a free people. The Constitu-

tion protects political speech because it's sacred. We defeated the British because they wanted to control speech, and now it's time for those who still believe in the First Amendment to defy the redcoats at the FCC.

And that's just the way it is.

INTRODUCING LOCOMOTIVE TAX CREDIT

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, I rise today to announce that I am introducing new legislation to create and save valuable manufacturing jobs and support our Nation's rail transportation industry.

The Locomotive Fleet Investment and Tax Credit Act of 2009 creates a 30 percent tax credit to encourage the purchase, sale, and manufacture of long-haul freight, passenger, and switch locomotives.

The locomotive industry in the United States provides more than 125,000 direct jobs and supports thousands more. This tax credit will create jobs by helping boost the sale of freight long haul, passenger, and switch locomotives by making fleet investment more affordable for our Nation's rail companies.

In addition to saving and creating jobs, my bill will help put more efficient, cleaner-burning locomotives in service, which can lower air pollution in the long term.

I urge my colleagues to support my bipartisan legislation to create jobs, support manufacturing, and enhance our national rail system.

A HEALTHY DOLLAR WILL PROMOTE A HEALTHY ECONOMY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the Democrat Big Government agenda in Washington is destroying jobs.

Every dollar borrowed and spent by this Democrat majority, a total of \$1.4 trillion this year alone, threatens the value of our currency.

Among the negative consequences of a weak dollar is the increased costs to American families for goods and services, especially gas to run cars and businesses. CQ Weekly reports money going into commodities instead of the dollar drives up oil prices. Along with the majority's refusal to allow for the exploration of more American oil and natural gas, the decline of the value of the dollar leads to rising oil prices. This is painful to struggling families. It costs jobs and undercuts our economy.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 additional 1-minute speeches on each side of the aisle.

We must restore fiscal sanity. We cannot borrow and spend our way to prosperity, a devastating truth with the lack of jobs created by the Democrats nearly \$1 trillion porkulus bill.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

THE HEALTH CARE BILL

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, one of the most bizarre assertions from some of our Republican friends from the other side of the aisle is that there is some massive health bill that's being cooked up in secret, that they are being denied knowledge, that they don't know what's going on.

Mr. Speaker, everybody on Capitol Hill who wants to know can find out what is in the legislation. They can not just go online, but the news accounts, television shows, and trade publications. In fact, yesterday, in the Wall Street Journal it was outlined again.

There are some sticking points yet to be resolved, as those are being debated, they're public knowledge. People know about the public option, options.

Indeed, the notion that somehow we could keep a secret in our little Capitol Hill village of 5,000 compulsive leakers is laughable. Everybody knows that to be the case. If Republicans were still confused or couldn't figure it out themselves they could have just listened to some of their colleagues who were talking about how they disagreed with what was in the bill. They should talk to each other.

THE BRIDGE LOAN TO NOWHERE

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, last December Treasury lent General Motors \$13 billion, another \$6 billion last spring, and in June, just days before GM declared bankruptcy, the White House gave another \$30 billion, just in time to convert taxpayer loans into government ownership.

That's \$49 billion given to GM, and taxpayers now own 61 percent of the company.

Last Wednesday, ex-car czar Steve Rattner estimated that the taxpayers' stake in GM has lost \$25 billion, a nearly 50 percent loss. While sales of the privately owned Ford Motors fell only 6 percent, the government-owned GM saw a 45 percent decline.

How much should taxpayers expect to lose from the "Bridge Loan to Nowhere"?

Despite pledges of transparency, the "Bridge Loan to Nowhere" comes with none. American taxpayers are in the

dark about the basic details of \$49 billion given to GM.

Congress, and the American people, should see the financial and operating information for GM. Taxpayers should be treated like shareholders of any other major company.

HEALTH REFORM IS GOOD FOR SENIORS

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Central to finding a uniquely American solution to our Nation's health care challenges is a focus on strengthening Medicare for our Nation's seniors.

Our health care reform efforts renew our commitment to the health and security of America's seniors by ensuring the long-term fiscal health of Medicare and improving the quality of care for our seniors. The House bill adds valuable new benefits for our seniors and improves access to primary care.

I strongly advocated for ending the copayment that seniors pay for preventive services. Right now seniors pay up to 20 percent of the cost of services such as mammograms, colonoscopies, and vaccines. As of January 1, 2011, seniors will no longer have to pay the copay for preventive services. This is a major win for America's seniors.

Health care reform also sets us on a path to close the coverage gap in the Medicare part D prescription drug plan known as the "doughnut hole." In 2011, Medicare will pay \$500 more and will continue to add benefits until we eliminate this gap in coverage for drug services.

Health care reform is a win for seniors. Now is the time to act.

□ 1015

HEALTH CARE

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, as a doctor for over 30 years, I have become a pretty good judge of truth telling. We have heard Democratic leadership try to convince us that ObamaCare is going to pass, and with a "robust" public option.

It has become obvious there are not enough votes in Congress, and suddenly, the terms are changing. Within a few days, a whole new vernacular has emerged to describe the public option. This includes the opt-in and the opt-out option; the trigger—no offense to Roy Rogers' horse; the competitive option; and finally, the consumer option. Mr. Speaker, this is not a marketing problem; it is an idea problem.

To my Democrat colleagues, let me suggest a frequently spoken idiom: if

you put lipstick on porcine, it is still porcine. Or if you prefer a Louisiana colloquialism: this dog won't hunt.

This bill will add 750 billion real dollars to the deficit, not to mention taxes and higher premiums on the middle class, all while covering relatively few more Americans. Fortunately, there are enough Democrats in both Houses who see past this sham and fear their voters more than their leadership, as they well should.

HEALTH CARE

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, Democratic leadership is committed to making any health care reform bill available to the public for at least 72 hours before a floor vote, and I am glad they have because the American people deserve a chance to see what we are doing.

But, there is one group that has made it clear that they don't need 72 hours to decide where they stand on health care, and it is our Republican colleagues. We could give them 72 days, and they would still know that they are going to say "no" no matter what is in that bill. They don't need time to read our bill to know they are against giving affordable, quality health care to every American.

The truth is that the Republicans haven't given us one minute to read their bill. You know why? They don't have a bill. It has been 133 days since Republican leadership promised a bill from their side, and all we hear is "no." And now some members of the party, their party, are giving us ideas like privatizing Medicare and increased subsidies to insurance companies.

Mr. Speaker, the American people know it is time for reform, and it is time the Members of this House stand up for them and give the American people the health care they deserve.

IRANIAN TRIALS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last week the Iranian Government handed down death sentences to three activists who protested this year's stolen election in Iran. There are at least 140 other demonstrators who will be subject to these sham trials, and unfortunately, there may be more executions as the regime seeks to restore their iron rule.

The charges were phony, the trials were held in secret, the outcome rigged, and now the Iranian Government is only identifying condemned men by their initials. The Iranian Government is clearly on shaky footing; and according to some reports, they

imported Hezbollah and Hamas radicals who wore face masks and who couldn't speak Farsi to harass and beat the demonstrators.

Unfortunately, we continue to negotiate with this brutal regime, legitimizing their autocratic rule, even though they are so weak they must resort to hiring brutal thugs from other nations.

The President should act swiftly, without regard to Russian objections to institute international sanctions that will support freedom for the Iranian people and undermine the vicious rulers who persecute them.

HEALTH CARE

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, at the end of President Bush's term, this House was faced with a TARP bill. The American public likes bipartisanship, and we had bipartisanship on that bill. There were Democrats and Republicans who voted "no," but there were Democrats and Republicans who voted "yes." Just about everyone agrees that bill saved us from going over the abyss into a Great Depression similar to 1933. It was a moment of bipartisanship and a moment I was proud to participate in.

When President Obama became President, bipartisanship ended. The ARRA—which everybody agrees, the stimulus package, has helped our economy and provided millions of jobs in State and local government and education and other places and provided jobs in the private sector—didn't have a single vote on the Republican side. Not one single vote.

And now on health care, we see not one single vote coming from the Republican side. Doing nothing is not the answer. Everybody knows the health system needs reform.

In my city, the emergency room at Charity Hospital, the public hospital, is about to close. People are having great problems paying their premiums. We need health reform, and we need bipartisanship.

HEALTH CARE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, sometimes I like to say Washington, D.C., is the world capital of unintended consequences. That seems to be becoming more true every day.

The American people want health care reform that lowers the cost of health insurance and lowers the cost of health care. But a new study produced by Indiana's leading provider of health insurance yesterday shows that the cost of health insurance under the

Democratic bill will actually go up for most Americans. That's right. You heard that right.

According to a 238-page study by the actuaries at WellPoint, the Democratic plan, with its mandates and regulations, will actually drive up premiums for small business owners and individuals. Get this, young and healthy consumers will be hardest hit. For young and healthy Americans, their premiums could actually triple in some States. And for a family of four, premiums would more than double.

Now the White House has denounced this, and I know there will be denunciations here on the floor of this study; but the reality is the experts in the industry are pointing out regulations and mandates are going to result in Democrat health care reform meaning higher cost of health insurance to Americans.

P.J. O'Rourke had it right when he said if you think health care is expensive now, wait until it is free.

HEALTH CARE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong support of national comprehensive health care reform for all Americans. Our district has the highest number of uninsured adults in the Nation.

Since 1965, Medicare has proven to be one of the great success stories of the Federal Government. It is the second most popular government-run program behind Social Security. That's why I strongly support national health care reform that includes the national public option similar to Medicare.

Some of our Republican colleagues have been quick to say that H.R. 3200, America's Affordable Health Care Choices Act, endangers traditional Medicare and eliminates the Medicare Advantage program. These assertions are not true. The fact is that H.R. 3200 does not use funds from the Medicare trust fund to pay for reform. Instead, it eliminates waste and fraud within the Medicare program and abolishes the infamous doughnut hole that was created under a Republican Congress in 2003 on the prescription drug plan and strengthens the financial health of Medicare.

In 2003, a Republican Congress created the Medicare Advantage program, and insurance companies have been benefiting ever since.

FILIPINO AMERICAN HISTORY MONTH

(Mr. AUSTRIA asked and was given permission to address the House for 1 minute.)

Mr. AUSTRIA. Mr. Speaker, while we celebrate Filipino American History

Month in October, unfortunately the Philippines has been devastated by multiple typhoons in the past few weeks, and our thoughts and prayers are with the Filipino people.

My father came to the United States from the Philippines to finish medical school. He became a U.S. citizen and lived the American dream. I am aware of at least two other Members of Filipino descent, and I am proud to be a first-generation Filipino American elected to Congress, which is why I cosponsored House Resolution 780 which recognizes Filipino American History Month.

I would like to take this opportunity to acknowledge the economic, cultural, social, and many other contributions of Filipino Americans. Our Nations have been brought together as partners by crucial events throughout history, and even though we are separated by an ocean, the two countries are connected by their long-standing relationship.

Mr. Speaker, may the long-standing relationship between the Philippines and the United States remain strong.

HEALTH CARE

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, the American people elect us to serve as innovators and problem solvers. I am an engineer; I see a problem, and I come up with a solution. The Democratic Party is a party of solutions, especially when it comes to health insurance reform.

So I ask you today, Mr. Speaker, where are the Republican solutions? One hundred and thirty-three days ago, my friends from the Republican side of the aisle said they were going to have a comprehensive plan. Where is that plan, and just what are those solutions?

Democrats have already pledged to make the merged health reform bill public for 72 hours before it is considered on the floor. Will Republicans promise to do the same?

Given the status quo of health insurance coverage in the United States, it appears as if Republicans want to continue to deny coverage for preexisting conditions, force families into bankruptcy because of health care costs, stifle the growth of business, and continue to play politics as usual by defending insurance companies and pharmaceutical companies. Then they should also be happy to be labeled the party of "no."

HEALTH CARE

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute.)

Mr. GINGREY of Georgia. Mr. Speaker, health care reform should not hurt

my patients, many of which are seniors. Somewhere in this Capitol Building, behind closed doors and away from the public view, the Speaker and her liberal allies are rewriting the health care bill that they want. We don't know what is going to be included in that health care reform bill, despite the allegations of my friend Representative BLUMENAUER earlier this morning. But one thing is for certain; it will gut our Medicare program.

Our seniors have suffered tremendously since this recession began. Many of their 401(k)s are now 201(k)s; they have lost 50 percent of their value. Yet, my Democratic colleagues don't think the seniors have paid enough. So they are asking our seniors to foot the bill for health insurance reform by cutting \$500 billion from the Medicare program. These cuts will result in seniors losing benefits under the Medicare Advantage program, such as vision, dental, hearing, and even annual checkups. These cuts will result in longer wait times and even make it harder for senior patients to find a doctor.

Mr. Speaker, I say again: health care reform should not hurt our seniors.

HEALTH CARE

(Mr. WU asked and was given permission to address the House for 1 minute.)

Mr. WU. Mr. Speaker, this Congress is doing health insurance reform this fall. What does that mean for middle income Americans? It means an insurance company can no longer decide to deny you coverage because of a pre-existing condition, or jack up your rates because of preexisting conditions.

It means it will be against the law for insurance companies to drop your coverage when you become sick.

It means insurance companies will no longer be able to place an arbitrary cap on the amount of coverage that you receive.

It means there will be a yearly limit on how much you can be charged for out-of-pocket expenses because no one should go bankrupt because they get sick.

It means 35 to 40 million additional Americans will be covered with health insurance. That is virtually every legal resident of America.

This set of health insurance reforms means that America will finally get the health care coverage that it deserves.

HEALTH CARE

(Mr. ANDREWS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, if you listen to America's senior citizens and ask them what they want with respect to Medicare, I think this is what you hear. Seniors want to continue to have

their benefits left alone and be able to choose the doctor and hospital they want. Under our plan, they do.

Seniors want to pay less for their prescription drugs which are rising at a rapid pace. Under our plan, they will.

Seniors want to be sure that their doctors will continue to provide quality care for them because they trust and rely on those doctors so much. Under our bill, doctors will get more of what they richly and fairly deserve. They will get paid what they deserve.

Now, the other side has engaged in a scare campaign to scare America's seniors. I think what most scares America's seniors is the irresponsibility of proposing nothing about America's health care crisis. That is what the minority offers.

We offer a better way, a brighter way, and a safer way for America's seniors.

CHARITABLE GIVING

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I rise in opposition to the unwise proposal made by the White House earlier this year to lower the tax deduction for charitable giving. Independent studies have concluded this proposal could result in a drop of as much as \$4 billion in charitable donations.

Charities in the Tampa Bay area have recently indicated the threat of this proposal becoming law has already contributed to a sharp decline in donations, forcing some of them to shut their doors down.

Every year, Americans give hundreds of billions of dollars to charity. In turn, they provide funding to shelters, food banks, health care clinics, and a host of other charitable programs which benefit the needy. During this recession, their services are needed more than ever. Limiting charitable contributions is the wrong course of action and will end up hurting those who need it the most, particularly as we approach the holidays.

□ 1030

OLDER AMERICANS LACK HEALTH INSURANCE

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it has been 133 days since the Republicans promised to present their health insurance reform legislation, and we still have no alternative plan from them.

The fastest growth group of uninsured Americans is older Americans age 50 to 64. Saying "no" to health in-

surance reform hurts millions of Americans who lack health insurance.

There was a 36 percent increase in the number of older Americans without insurance from 2000 to 2009. It used to be if you worked most of your life here in America you could retire to someplace warm and sunny like my home State of Florida. There were 7.1 million uninsured people age 50 to 64 in 2007. How can we allow more than 7 million Americans over 50—many who have worked their entire life—to go without health insurance? They certainly can't afford to retire when they're worried about how to pay for their medical bills.

Republicans point to a bunch of different solutions offered by their Members, including dismantling or privatizing Medicare. So which plan do they stand behind? Americans deserve to know.

HEALTH CARE

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Connecticut. Mr. Speaker, we are entering the final stages of crafting a health care bill that gives the American people what they want—more choice in health care options, lower cost for families and small businesses, and insurance that's fair to American families once again.

We've worked long days and nights here in Washington to craft a bill that addresses the challenges that people in Connecticut and across this country face. And the American people have been able to read our bills and monitor the debate on television and on the Internet and be able to interact with us when we come back home. Meanwhile, where have our Republican colleagues been? Sitting on the sidelines, talking about solutions, but sharing nothing with the public. And they have kept us waiting for the last 133 days without a bill.

Well, it's time for Republicans to get in the game because health care struggles of the American people aren't getting any easier, and they can't afford to wait.

IT'S TIME TO END "DON'T ASK, DON'T TELL"

(Ms. SPEIER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SPEIER. Mr. Speaker, I rise to commend our former colleague and current Secretary of the Army, John McHugh. He rightly stated last week-end that the United States Army—the proudest and most professional fighting force on Earth—is fully capable of accepting openly gay and lesbian Americans into service and ending the

unworkable and unconscionable policy of “don’t ask, don’t tell.”

We have all heard the tired arguments of why all Americans who choose to serve should not be allowed to serve, but those arguments belong to an intolerant past. The men and women who make up today’s Armed Forces are modern, highly informed Americans who have grown up in an era more accepting of individual differences. As Secretary McHugh said, “The Army has a big history of taking on similar issues with predictions of doom and gloom that did not play out.”

At long last, the United States military is ready to be representative of all the people of the United States. It’s time now for Congress to act and send legislation to the President asking him to end “don’t ask, don’t tell” once and for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PAS-
TOR of Arizona). Pursuant to clause 8 of
rule XX, the Chair will postpone fur-
ther proceedings today on motions to
suspend the rules on which a recorded
vote or the yeas and nays are ordered,
or on which the vote incurs objection
under clause 6 of rule XX.

Record votes on postponed questions
will be taken later.

ADDITIONAL TEMPORARY EXTEN- SION OF SMALL BUSINESS PRO- GRAMS

Ms. VELÁZQUEZ. Mr. Speaker, I
move to suspend the rules and pass the
bill (S. 1929) to provide for an addi-
tional temporary extension of pro-
grams under the Small Business Act
and the Small Business Investment Act
of 1958, as amended.

The Clerk read the title of the bill.

The text of the amendment is as fol-
lows:

Amendment:

Strike out all after the enacting clause and
insert:

SECTION 1. ADDITIONAL TEMPORARY EXTEN- SION OF AUTHORIZATION OF PRO- GRAMS UNDER THE SMALL BUSI- NESS ACT AND THE SMALL BUSI- NESS INVESTMENT ACT OF 1958.

(a) IN GENERAL.—Section 1 of the Act enti-
tled “An Act to extend temporarily certain
authorities of the Small Business Adminis-
tration”, approved October 10, 2006 (Public
Law 109-316; 120 Stat. 1742), as most recently
amended by section 1 of Public Law 111-66, is
amended by striking “October 31, 2009” each
place it appears and inserting “January 31,
2010”.

(b) EFFECTIVE DATE.—The amendments
made by subsection (a) shall take effect on
October 30, 2009.

The SPEAKER pro tempore. Pursuant
to the rule, the gentlewoman from
New York (Ms. VELÁZQUEZ) and the
gentleman from Missouri (Mr. GRAVES)
each will control 20 minutes.

The Chair recognizes the gentle-
woman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask
unanimous consent that all Members
may have 5 legislative days to revise
and extend their remarks and include
extraneous material on the bill under
consideration.

The SPEAKER pro tempore. Is there
objection to the request of the gentle-
woman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I
yield myself as much time as I may
consume.

The legislation before us will extend
the Small Business Administration’s
broad array of critical programs until
the end of January. This will allow
small businesses to go on using the val-
uable services of the SBA while the
House and the Senate continue our
work to comprehensively reauthorize
the Small Business Administration.

Already this year we have made im-
portant progress toward reauthorizing
the SBA. In May, the House passed leg-
islation reauthorizing the agency’s en-
trepreneurial development programs.
In July, we approved a measure to up-
date the Small Business Innovation Re-
search Initiative. And later this week,
the House will consider H.R. 3854, a bill
to comprehensively update the SBA’s
capital access initiatives. Passing the
bill before us today will let us com-
plete our work on these measures and
conference them with our counterparts
in the Senate.

The SBA clearly needs to be modern-
ized in order to meet today’s chal-
lenges. I look forward to sending leg-
islation to the President’s desk that will
bring all of these various initiatives up
to date. In the meantime, this bill of-
fers the appropriate amount of time to
continue our work while ensuring the
agency can continue serving small
businesses.

I urge my colleagues to support this
legislation.

I reserve the balance of my time.

Mr. GRAVES. Mr. Speaker, I rise
today in support of the chairwoman’s
request to suspend the rules and pass S.
1929, as amended.

The bill is very simple. It is a clean
extension that prolongs the authoriza-
tion of all programs authorized by the
Small Business Act, the Small Busi-
ness Investment Act, and any program
operated by the Small Business Admin-
istration for which Congress has al-
ready appropriated the funds. This ex-
tension is going to last until January
31, 2010.

This extension is essential because
the authorization of various programs
operated by the SBA ceases on October
31, 2009. Over the past two Congresses,
our committee has worked in a bipar-
tisan fashion and reported out a num-
ber of bills to reauthorize and extend
the programs operated by the SBA. De-

spite our efforts to come to terms with
various differing aspects of our and the
other body’s legislation, the extension
passed earlier this year will expire be-
fore the legislative process can run its
course.

The work needed to help America’s
entrepreneurs revitalize the economy
simply cannot be accomplished within
the timeframe outlined in the current
legislation. We not only need to reau-
thorize these critical programs, but
also update them to respond to the re-
ality that is the 21st century. The
extra time contained in this legislation
allows us to fully explore and imple-
ment the ideas that will give our Na-
tion’s entrepreneurs the tools they
need to be successful.

Without enactment of this extension,
a number of vital programs that the
SBA operates would cease to function.
Given the continued importance that
small businesses play in the revitaliza-
tion of the American economy, we can-
not allow the SBA authorization to run
out. Passage of this legislation will en-
able the House and Senate to continue
to work in an industrious manner to
address necessary changes to SBA pro-
grams.

I urge all of my colleagues to suspend
the rules and pass S. 1929, as amended.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I
yield 3 minutes to the gentleman from
Oregon (Mr. WU).

Mr. WU. I thank the gentlelady.

Mr. Speaker, I rise in support of S.
1929, as amended by the House. We have
been working diligently on reauthor-
izing key programs of the SBA, includ-
ing the Small Business Innovative Re-
search and the Small Business Tech-
nology Transfer programs.

While progress has been made, a tem-
porary extension of SBA programs is
necessary to provide more time for us
to continue working and provide sta-
bility to the SBA. S. 1929, as passed by
the Senate, would extend SBA pro-
grams through April 30, 2010.

While I believe it is important to pro-
vide stability for SBA, 6 months is sim-
ply too long of a time to extend the
programs because we need to keep our
focus on a comprehensive reauthoriza-
tion of SBIR and STTR. By extending
the program for 6 months, we would
delay this process. We would be putting
off important work that needs to be
done, such as permitting technology
and venture capital participation in
SBIR to a larger extent, changing
grant sizes and other important things
to turn the program into an innovation
program as well as a small business
program.

S. 1929, as amended by the House,
will provide a 3-month extension that
will provide stability to the SBA but
also ensure that we continue to work
expeditiously to pass reauthorization
bills for SBIR and STTR.

I commend the chairwoman for her leadership on the Small Business Committee and working to keep small businesses in their important role as we work toward an economic recovery. Small business is the heart of our innovation economy, and we have to have the tools to keep them active and thriving in a 21st century economy.

Mr. GRAVES. Mr. Speaker, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I urge a "yes" vote on this vote, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, S. 1929, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ALLOWING FUNDING FOR THE INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM

Mr. BOUCHER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1694) to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS GRANTS.

(a) Notwithstanding section 3006(a)(2) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note), sums made available to administer the Public Safety Interoperable Communications Grant Program under section 309(j)(8)(E) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(E)) shall remain available until expended, but not beyond September 30, 2012.

(b) The period for performance of any investment approved under the Program as of the date of enactment of this Act shall be extended by one year, but not later than September 30, 2011, except that the Assistant Secretary of Commerce for Communications and Information may extend, on a case-by-case basis, the period of performance for any investment approved under the Program as of that date for a period of not more than 2 years, but not later than September 30, 2012. In making a determination as to whether an extension beyond September 30, 2011, is warranted, the Assistant Secretary should consider the circumstances that gave rise to the need for the extension, the likelihood of completion of performance within the deadline for completion, and such other factors as the Assistant Secretary deems necessary to make the determination.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Louisiana (Mr. CAO) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before the House today is Senate 1694, a measure to enable funding for the Interoperable Emergency Communications Grant Program to remain available through fiscal year 2012. In the absence of this measure, the funds for the program could not be expended by the recipients of grants under the program after the end of this year.

The bill before the House has been approved in the other body, and it is identical to House bills previously introduced by the gentlelady from California (Ms. HARMAN) and by the gentleman from Louisiana (Mr. CAO). The bill extends the Public Safety Interoperable Communications Grant Program that is jointly administered by the U.S. Department of Commerce through the National Telecommunications and Information Administration and by the U.S. Department of Homeland Security.

The funds, which are awarded as grants to first responders under the program, derive from proceeds of the auction by the Federal Communications Commission of the 700 megahertz spectrum, which became available as TV broadcasters ceased their analog television broadcasts in association with the digital television transition. The program had its genesis in recommendations by the 9/11 Commission concerning the well-acknowledged shortcomings in interoperable communications capabilities among first responders nationwide.

As required by law, the Department of Commerce's Office of the Inspector General conducted an annual assessment of that Department's management of this grant program. It found that the NTIA within the Department of Commerce had met the statutory guidelines and requirements for making awards and for reviewing and approving the grantees' communications plans, but the Office of Inspector General also found that the congressional deadline which exists in current law had not allowed the States a sufficient amount of time within which by the end of this year to expend the grant funds that they receive under this program. That inability of States to expend all of these moneys by the end of this year is what necessitates the passage of the measure that is before us today.

□ 1045

Ms. HARMAN's measure was approved by the Subcommittee on Communications, Technology, and the Internet of

our House Energy and Commerce Committee on the 8th of October, and her measure was approved by the full committee on October 15. It has been endorsed by, among others, the National Governors Association, the Major Cities Chiefs Association, the Association of Public-Safety Communications Officials—International, the Telecommunications Industry Association, the National Emergency Management Association, and mayors of the cities of New York, Houston, and Los Angeles. S. 1694 passed the other body by unanimous consent on October 14, and we're taking up the Senate measure today so that upon approval in the House, it can go directly to the President for signature without further delay.

I want to say thank you this morning to the gentleman from Florida (Mr. STEARNS), who is the ranking Republican member of the Subcommittee on Communications, Technology, and the Internet, and also the gentleman from Texas (Mr. BARTON), who is the ranking member on our full committee, for the bipartisan manner in which we have processed the legislation through the Energy and Commerce Committee. I commend both Ms. HARMAN and Mr. CAO for their leadership.

Mr. Speaker, with the conclusion of these comments, I reserve the balance of my time.

Mr. CAO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1694, with an identical version in the House, H.R. 3633 and H.R. 3348, is an important bill because it would provide an additional 2 years for public safety officials, first responders, and firefighters to use communications grants. This will help many districts, especially ones like mine, where officials are still replacing and upgrading equipment. Only people who have lived through the horrors such as Katrina realize the importance of this grant.

After Katrina, much of the communications systems in the Second Congressional District and throughout southeast Louisiana were down for a period of several weeks. First responders were trying to save lives and trying to fight crime, while at the same time they were unable to communicate with one another. So, with this grant, it will provide cities such as New Orleans the time to rebuild their emergency operations centers. That includes replacing the building in which they were housed as well as replacing an entire interoperable system. Some emergency personnel are still using radios on loan from FEMA 4 years after the storm because, without an extension, the Public Safety Interoperable Communications Grant Program would have expired next year. My district could not fully take advantage of it.

Other areas in the Gulf Coast and Midwest that were struggling to rebuild after disasters were also having

trouble completing or even applying for communications grants because of the short window of the program. It became clear that the need for this program extended beyond those areas when we began to receive calls and letters of support from States like Vermont, Montana, Texas, and California, who all voiced the same concern—they needed more time to use these grants, and they needed Congress' help.

The International Association of Fire Fighters, National Emergency Management Association, and Association of Public Safety Officials all lent their support to this effort. I would like to thank them for helping get this bill up for a vote.

I would also like to thank the staff on the Energy and Commerce Committee for their fast, bipartisan work on getting this bill to the floor, and I would also like to extend my thanks to the gentlewoman from California, Congresswoman JANE HARMAN, who took the initiative to file H.R. 3633 when there was a slim chance that my own bill, H.R. 3348, would have a chance of passing. So I would like to thank her for her initiative in making sure that this important extension gets passed so that we can help people who need help.

I would also like to thank my colleagues on the floor who have shown the bipartisan support and spirit to support this bill today.

Mr. Speaker, it doesn't seem that I have any other speakers, so I will yield back the balance of my time.

Mr. BOUCHER. Mr. Speaker, I recognize myself for 2 minutes.

Let me again thank the gentleman from Louisiana and the gentlewoman from California (Ms. HARMAN) for bringing this measure before us today. It is a bipartisan measure.

It is necessary that we pass this legislation in order to assure that first responders are able to expend the funds that are awarded to them under the Emergency Communications Grant Program. That program expires at the end of this year, and the Inspector General at the Department of Commerce found that awardees under that program simply within that timeframe do not have the time necessary in order to make good on these grants and expend those for communications equipment. So by extending this program until the end of fiscal year 2012, we provide the time that is necessary.

It is appropriate legislation, completely bipartisan, and I encourage that the House adopt this bill.

Ms. ESHOO. Mr. Speaker, I rise today in support of S. 1694, the Extension of Public Service Interoperability Communications, PSIC, Grant Program, and I'm proud to be one of the first to have cosponsored this important piece of legislation. I thank my colleague from California, Ms. HARMAN, for her hard work in helping to create the PSIC program and for her support of public safety funding.

The funds available under these PSIC grants must have a more flexible timeline so that our public safety agencies can take full advantage of this program and develop interoperability plans that work for their communities. These funds are essential to public safety interoperability plans nationwide.

I've long supported funding for public safety interoperability, both as a member of the Energy and Commerce Committee and in my role as Co-Chair of the E911 Caucus.

First Responders must have the best resources available to them during a crisis. Just as importantly, different emergency agencies must have the ability to communicate with one another to provide essential information. The inability to communicate could have life or death consequences. We knew this hard fact long before 9/11/2001, but we saw it demonstrated in the starkest terms on that day. We should never have to say "what if?" We must take the question mark out of interoperable communications and ensure that we have efficient systems in place as soon as possible.

It's been over eight years since we learned the important lessons, of September 11, but we're still taking the initial steps toward interoperability. These grants are just the tip of the iceberg. We need to develop more funding resources and encourage the rapid deployment of available spectrum for public safety interoperability. I'm committed to making certain that we have adequate spectrum rollout for this purpose and I support funding initiatives that will provide interoperability opportunities throughout the Nation.

Thank you again for your personal commitment to keeping our first responders and all Americans safe.

Mr. WELCH. Mr. Speaker, I want to thank Representative HARMAN for introducing legislation to provide additional time for States to utilize Federal grants made available through the Public Safety Interoperable Communications Grant Program, PSIC. I am proud to be a sponsor of this legislation and commend her for her ongoing leadership on this critical issue.

The PSIC grant program funds State projects that provide public safety personnel with interoperable communications equipment and training for system users. The Act appropriated \$1 billion for the program from the proceeds of the auction of analog spectrum reclaimed by the digital television transition.

In our current fiscal environment, public safety needs this assistance more than ever.

Unfortunately, under current law, funding for these critical interoperability projects will expire in September 2010.

Given the enormous importance of interoperable public safety communications during times of crisis, we need to allow States the time and funds necessary to complete projects already underway or in planning stages. If adopted, Representative HARMAN's legislation will provide this necessary time.

S. 1694 represents the best approach to this problem because (1) it minimizes the regulatory burden on public safety; (2) it creates incentives for public safety to act quickly and (3) it protects public money. More specifically:

The proposed legislation allows all States an automatic one-year extension. This will reduce the regulatory burden on States associ-

ated with individual extension requests. Some states may not need more than a year and they can avoid filing an extension request altogether.

The automatic one-year extension also incentivizes States that are on track for completion to complete work rapidly so they do not have to go through the extension request process.

But those States that need more than one year to complete projects will have the flexibility to request an additional year if the head of NTIA determines that their circumstances warrant an extension.

The criteria enumerated in the proposed legislation will ensure that the Assistant Secretary's decisions are based on a complete evaluation of the extension request. This discretion allows the Assistant Secretary to protect public money and ill-advised or mismanaged projects may not be eligible for continued funding.

S. 1694 has widespread support. A number of organizations, including the National Governors Association and the Association of Public Communications Officers, APCO, have all expressed support for Representative HARMAN'S bill.

Representative HARMAN'S bill is identical to a bipartisan measure introduced in the Senate by Senators ROCKEFELLER and HUTCHISON. If we pass this bill today we have a decent chance of making this extension happen in time for public safety to plan and budget accordingly.

One of the painful lessons our Nation learned in the aftermath of the terrorist attacks of September 11 from the response to Hurricane Katrina was how critical it is for first responders to be able to communicate seamlessly with one another when responding to an emergency. This is as true in a city like LA as a rural State like Vermont, where emergency personnel are sparse in many parts of the State and it is often necessary for multiple jurisdictions to work together when responding to a call. If we are going to ask our first responders to put their lives on the line and work together to protect us, we must provide them with the tools they need to do their jobs effectively.

I urge my colleagues on both sides of the aisle to join me in supporting this important legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, today I rise in support of legislation, S. 1694, offered by Ms. HARMAN. This bipartisan bill is critical to promoting interoperable emergency communications capabilities for the Nation's first responders. This important piece of legislation provides our Nation's first line of defense with the tools and equipment necessary to carry out their life-saving responsibilities.

As Chairman of the Committee on Homeland Security, it remains unsettling that most of the public safety communications failures uncovered during the terrorist attacks on 9/11 and Hurricane Katrina in 2005 still exist today. Those tragic events will forever be engrained in the minds of every American. We learned a shattering lesson from those major incidents: that when our Nation's first responders cannot communicate during a manmade or natural disaster, lives are lost.

Today, we have the opportunity to act with what Reverend Dr. Martin Luther King, Jr. coined as, "the fierce urgency of now." Interoperable communications—the ability of emergency responders to communicate in real-time, when needed, and as authorized—remains an unaccomplished goal. Therefore, we must commit to the American people that we will do our due diligence and address the daily challenges—both human and technological—that first responders face with interoperable emergency communications post-haste.

I would like to applaud Ms. HARMAN for her leadership in the effort to bring our Nation's first responders one step closer to achieving interoperable communications by closing a loophole in the Public Safety Interoperable Communications, PSIC, grant program.

Specifically, S. 1694, which is a companion bill to H.R. 3633, appropriately extends next year's statutory deadline to spend PSIC grant funds to September 30, 2012. The PSIC program is an important grant program for the public safety community and has provided nearly \$1 billion of funding to State and local to purchase equipment, deploy new communications systems, and train personnel.

As a condition to receive grants under the PSIC program, States and local governments must develop Statewide Communications Interoperability Plans, SCIPs. The Department of Homeland Security faced delays in approving the SCIPs, creating the challenge for State and local grantees to spend the grant funds by the end of next year.

S. 1694 makes an important change and gives grantees the much needed time and flexibility to do their due diligence and avoid wasteful spending. This bipartisan bill allows for State and local governments to properly invest in public safety communications systems that will achieve the goal of implementing nationwide interoperability.

I support S. 1694 and urge my colleagues to join me in this supporting our Nation's first responders.

Mrs. CAPPS. Mr. Speaker, I rise today in strong support of S. 1694, the Public Safety Interoperable Communications Grant Program Extension Act of 2009.

This grant program, due to expire at the end of this year, is a vital component of a nationwide fully interoperable communications network for our first responders. It provides grants to States so they may purchase expensive, yet essential, interoperable communications equipment.

This simple, straightforward extension would assist States in establishing their portion of a nationwide interoperable network. We cannot afford to let this program expire.

There are two primary reasons to support this bill.

First, interoperability is essential for the safety of Americans. We all know the devastating consequences that occur when our first responders and public safety entities cannot communicate in the face of incredible disaster. Tragedies such as 9/11 and Hurricane Katrina instantly come to mind.

Interoperability was a key recommendation of the 9/11 Commission and one of the foremost reasons Congress passed legislation to "free-up" spectrum by transitioning to digital television.

First responders need to be able to communicate effortlessly—lives depend on it.

Second, we want to ensure the communications networks established by States are thorough, effective, and efficient.

The Department of Homeland Security has set deadlines for all States to develop Statewide Communications Interoperability Plans and Congress established the grant program to help States purchase the equipment to implement these plans.

Unfortunately, the deadline for the program has not afforded States sufficient time to comply with the program requirements.

By extending the deadline for applications for this grant program, we are enabling public safety entities to do the right thing—to carefully and thoroughly design their interoperable plans before they spend millions of taxpayer dollars on equipment.

Of course, the sooner interoperable communications networks come online, the better. But we do not want to unwisely rush their implementation or effectively punish those entities that do their due diligence in the planning stages. We must extend this vital grant program.

Mr. Speaker, I am grateful to my colleague Rep. HARMAN who had the foresight to introduce this legislation. I urge my colleagues to support S. 1694, the Public Safety Interoperable Communications Grant Program Extension Act of 2009.

Mr. BOUCHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, S. 1694.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CAO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the matter before the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

NATIONAL METASTATIC BREAST CANCER AWARENESS DAY

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 787) expressing support for designation of October 13, 2009, as National Metastatic Breast Cancer Awareness Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 787

Whereas metastatic breast cancer refers to Stage IV breast cancer when cancer cells travel from the breast, either through the bloodstream or the lymphatic system, to other parts of the body, including the bones, liver, lungs, or brain, and continue to grow in their new location;

Whereas an estimated 192,370 women and 1,910 men in the United States will be diagnosed with invasive breast cancer, and 62,280 women will be diagnosed with in situ breast cancer;

Whereas nearly 30 percent of women diagnosed with early stage breast cancer will develop Stage IV advanced or metastatic breast cancer;

Whereas in developing countries, the majority of women with breast cancer are diagnosed with advanced stage or metastatic disease;

Whereas the statistic that 155,000 women and men are presently living with metastatic breast cancer in the United States underscores the immediate need for increased public awareness;

Whereas there currently is no cure for metastatic breast cancer, and metastatic breast cancer frequently involves trying one treatment after another with the goal of extending the best quality of life as possible;

Whereas scientists and researchers are conducting important research projects to achieve breakthroughs in metastatic breast cancer research;

Whereas metastatic breast cancer is rarely discussed during Breast Cancer Awareness Month, however those living with the disease should never feel isolated or ignored;

Whereas metastatic Breast Cancer Awareness Day emphasizes the urgent need for new, targeted breast cancer treatments that will provide a high quality of life and long life expectancy for patients by making Stage IV cancer a chronic, but not fatal disease;

Whereas the House of Representatives is an institution that can raise awareness in the general public and the medical community of breast cancer; and

Whereas October 13, 2009, would be an appropriate date to designate as National Metastatic Breast Cancer Awareness Day: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the designation of National Metastatic Breast Cancer Awareness Day;

(2) encourages all people in the United States to become more informed and aware of metastatic breast cancer; and

(3) respectfully requests the Clerk of the House to transmit a copy of this resolution to the Metastatic Breast Cancer Network.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentlewoman from North Carolina (Mrs. MYRICK) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of House Resolution 787. This resolution expresses support for designating October 13, 2009, as National Metastatic Breast Cancer Awareness Day.

Metastatic breast cancer refers to stage IV breast cancer, the most advanced stage of this form of cancer. At this point, cancer cells have spread beyond the breast and underarm lymph nodes to other areas of the body. Sadly, there is no cure for breast cancer once it has reached this stage.

Breast cancer is the second most commonly diagnosed cancer in women. The National Institutes of Health estimates that nearly 195,000 new cases will be diagnosed in 2009, the majority of which occur among women. Nearly 30 percent of women diagnosed with early stage breast cancer will develop metastatic breast cancer; and despite this startling statistic, advanced breast cancer is rarely discussed during National Breast Cancer Awareness Month.

This resolution supports designation of National Metastatic Breast Cancer Awareness Day. It encourages all people in the U.S. to become more informed and aware of metastatic breast cancer and requests that the Clerk of the House transmit a copy of this resolution to the Metastatic Breast Cancer Network.

Earlier this month, my subcommittee held a hearing on four pieces of legislation that focus on prevention, early diagnosis, and treatment of breast cancer. During this hearing, we heard from four of my colleagues who have sponsored legislation to address this important health issue. Those are Congressman NADLER, Congresswoman DELAURO, who is also the sponsor of this resolution today, Congresswoman WASSERMAN SCHULTZ, and Congresswoman CASTOR. We also heard testimony from a number of advocacy groups and the National Cancer Institute.

Mr. Speaker, this hearing and the resolution before us today underscore the importance of early detection of breast cancer and ensuring that, once diagnosed, women receive the best quality treatment available. As House Resolution 787 highlights, it's especially important that women with metastatic breast cancer feel supported rather than feeling isolated or ignored.

As National Breast Cancer Awareness Month draws to a close, I would like to take this opportunity to comment on the important issues raised with respect to the experience of breast cancer patients in today's medical environment. These patients and many others lack access to preventive services that are recommended by experts. Many patients lack coverage of the medical care that they need. That's precisely

why we are hard at work trying to pass health reform legislation that will improve access to quality and affordable health care for every American.

If enacted, America's Affordable Health Choices Act of 2009, currently H.R. 3200, will make dramatic improvements in our efforts to battle breast cancer. Specifically, it will provide affordable access to insurance. H.R. 3200 would prohibit insurers from excluding patients or charging higher premiums because of preexisting conditions. It would offer protection against high out-of-pocket costs by limiting deductibles and copayments and precluding insurance companies from establishing limits on annual or lifetime benefits. H.R. 3200 would also prohibit insurers from rescinding or dropping insurance policies on the basis of health status.

This bill would also provide coverage of preventive services in Medicare, Medicaid, and within the newly established Health Insurance Exchange, free of cost sharing. This means that services like mammograms would be available free of copays. Early detection and treatment can help reduce the number of patients who ever get to stage IV while we continue our efforts to find a cure for those who do.

I am pleased to join my colleagues today in raising awareness about breast cancer, and particularly stage IV breast cancer.

Of course I want to thank, in particular, the gentlewoman from Connecticut, Congresswoman DELAURO, and my colleague from New Jersey, Congressman LOBIONDO, for their leadership.

Let me just say about Congresswoman DELAURO, she has been basically a champion on every aspect of breast cancer since I've been here. I think, really, without her efforts, we would not have gone as far as we have in terms of providing meaningful research and treatment. So it's certainly no surprise that she is the prime sponsor of this resolution today.

I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I am very proud to be here today to support Representative DELAURO's Metastatic Breast Cancer Awareness Day resolution.

As has already been mentioned many times this month, October is National Breast Cancer Awareness Month, and we see it all over by the pink ribbons everywhere, media campaigns. Throughout the last 30 days, there has been good exposure. The month is nearly over, but the need for breast cancer awareness and education continues all year long.

October 13 has been recognized as National Metastatic Breast Cancer Awareness Day, and I would like to thank the Metastatic Breast Cancer Network for their continued community outreach.

Awareness and education has assisted in the annual decline in deaths from breast cancer. The Centers for Disease Control has stressed the importance of women receiving regular mammograms, which can help doctors diagnose breast cancer in its early stages, which was my fortunate experience. It is because of these successful programs and National Breast Cancer Awareness Month that encourage early diagnosis before the cancer cells travel from the breast to other parts of the body, including the most well-known and, unfortunately, the places they go the most often, the bones, the liver, the lungs, and the brain. And that describes metastatic breast cancer.

□ 1100

It's commonly known as stage IV breast cancer because it is diagnosed when the cancer has spread to one or more of these distant sites in the body. For all intents and purposes, it is the scariest form of the disease and one that is very difficult to fight. People face reality when they're first diagnosed and are told that they're at stage IV. For others, it's a diagnosis they face later on as they go through their treatment, which is happening to one of my friends currently.

For these women, time is truly of the essence, and the support of family, friends and of the medical professionals is crucial. Sadly, metastatic breast cancer is deadly in most cases, but the good news is that research continues to make great strides in survival rates and in the quality of life for these patients. So I am very proud to support this resolution to designate October 13 as Metastatic Breast Cancer Awareness Day.

I thank my good friend, Representative DELAURO, who is also a cancer survivor, I might add—long term—for sponsoring this bill.

With that, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the sponsor of the legislation, the gentlewoman from Connecticut (Ms. DELAURO). I can't say enough about her. Her championing on the issues of breast cancer research, treatment, et cetera, are really always out there.

Ms. DELAURO. I thank the gentleman for the time, and I also want to say to him thank you for your very, very kind words. It has been my honor to work in partnership with Congressman PALLONE. He is enormously committed to health care and to health care reform but with particular interest to women's health issues. He has been a strong partner in his championing of these efforts on the committee which he chairs.

I also want to say a "thank you" to my colleague Congressman LOBIONDO for cosponsoring this resolution with me today and a particular "thank you"

to my colleague and good friend, Congresswoman MYRICK, for all of her efforts and stamina. We are a band of sisters in this effort. Thank you so very, very much.

Mr. Speaker, following the lead of eight States across the Nation—Colorado, Georgia, Illinois, Maine, Maryland, Michigan, Washington, and my home State of Connecticut—this resolution expresses support for designating October 13, 2009, as National Metastatic Breast Cancer Awareness Day.

Right now in America, it has been said that 15,000 men and women around the country are living with metastatic, or stage IV, breast cancer. It means that the cancer cells have traveled from the breast to other areas in the body, such as to the liver, lungs, bones or brain, and the cells are now growing there. There is no cure for breast cancer once it has metastasized, and most of today's current medical treatments are focused only on extending the best quality of life for the patient.

Breast cancer is the second leading type of cancer among women. In this year alone, 192,000 women—over that number—and 1,900 men in the United States will be diagnosed with the disease, and over 62,000 women will die from it. Thirty percent of women diagnosed with earlier stages of the illness will eventually suffer from metastatic breast cancer. The later it is diagnosed, the more likely it is that the cancer has or will metastasize.

Missed opportunities of early detection is a major reason why women in developing countries, as well as right here in the United States with our own most vulnerable citizens, are more likely diagnosed with late-stage breast cancer. Without adequate access to preventative medical care, the health of the poor here and around the world is already at extreme risk.

For all of these reasons and more, we believe that Congress should support this resolution and should get behind National Metastatic Breast Cancer Awareness Day on October 13. Not only will such a day help to emphasize the urgent need for new and targeted breast cancer treatments for stage IV cancer patients, but it will raise awareness, and it will save lives.

I know firsthand. I'm a cancer survivor—ovarian cancer. I was fortunate enough to have been diagnosed at stage 1. If it had not been caught early by my doctor or if the cancer had metastasized, there is a good chance I would not be standing here today. We need to promote awareness of metastatic cancers in any way that we can so that women and men will know how to get timely mammograms and cancer screenings that might just save their lives.

Even as doctors and scientists search for a cure for metastatic breast cancer, it is up to us to help make the treat-

ment affordable for women in need and to pass comprehensive health insurance reform now, not later. Too many women with breast cancer today are forced to make decisions based on their finances and not on what is best for their health. All too often, as they bravely battle their illnesses, they must also fight high out-of-pocket costs and denied claims. If they become too sick to work, they must face the terrifying prospect of losing their coverage altogether.

While today we express our support for a National Metastatic Breast Cancer Awareness Day, I hope very soon in the future we will reaffirm our commitment to breast cancer patients by passing meaningful health insurance reform.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PALLONE. I yield the gentlewoman 1 additional minute.

Ms. DELAURO. Today's resolution has the support of several key organizations, including Living Beyond Breast Cancer, breastcancer.org, The Wellness Community, Breast Cancer Network of Strength—formerly Y-ME—and the Young Survivor Coalition.

By drawing attention to this disease, we can help medical researchers find ways to provide a higher quality of life and a longer life expectancy for patients. We can help make stage IV cancer a chronic but not a fatal disease, and we can encourage the women and men we love to stay aware of metastatic breast cancer and to protect themselves through regular checkups and screenings.

I strongly urge my colleagues to support this resolution.

Mrs. MYRICK. Mr. Speaker, at this time, I am very pleased to yield so much time as he may consume to the other sponsor of the legislation, the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. Thank you, Congresswoman MYRICK, and thank you to Congressman PALLONE and to Congresswoman DELAURO for their advocacy on this very important issue.

Mr. Speaker, I rise in very strong support of the resolution designating October 13 as National Metastatic Breast Cancer Awareness Day.

We have heard a lot of statistics. They are staggering, and they are staggering because, much of the time, some of this can be prevented. The resolution recognizes the need to raise the level of awareness and to increase research on treatments that will provide a higher quality of life and longer life expectancies for patients living with and fighting metastatic breast cancer.

I participated in an American Cancer Society cancer awareness event about 2 weeks ago on a Sunday in my district in southern New Jersey. On a Sunday morning, in a driving Nor'easter rain-

storm with very high winds and with rain coming down in buckets, we had hundreds of people who showed up because they believed that their involvement would make a difference. They were helping to raise the level of awareness. They were helping to get the message out that we can challenge this terrible disease and that we can make progress.

Metastatic breast cancer refers to stage IV breast cancer, which is when cancer cells travel and then do terrible things in other locations of the body. We know that, in this year, there will be in excess of 190,000 women, almost 2,000 men and, very, very tragically, in excess of 62,000 women who will lose their lives.

So I am a very proud cosponsor of this resolution. I encourage all of my colleagues to join in support of this. All of America should understand that, united and together, we can make a difference. We can make a difference against this dreaded disease.

Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Thank you, Mr. PALLONE, for yielding time to me to speak on this bill and on the bill that was just considered.

Mr. Speaker, I am proud to be a member of the Health Subcommittee of the Energy and Commerce Committee. I regret the fact that it has taken us so many months to get to a place where we are almost ready to consider comprehensive health care reform. I strongly support it, especially with a robust public option. Yet this is a good day because, today we will pass a more limited bill that identified a huge problem, metastatic breast cancer.

I have been fortunate not to have cancer, but there are many cancer survivors in this body, some of whom have survived breast cancer. I am the sister of Dr. David Lakes, who is an oncologist in Northern California and who was voted Healer of the Year in Marin County for the work he has done with those who suffer from metastatic breast cancer. I am very proud of him.

I am very proud of the sponsors of this legislation, who understand how critical it is not just to focus on the fact of this disease, but, as Ms. DELAURO said a few minutes ago, on how to make it a chronic disease and not a killer. So I strongly support this legislation.

As the author of Legislation to extend the PSIC Grant Program, the Public Safety Interoperable Communications Grant Program, which was debated just moments ago, I urge us to continue the program which provides \$1 billion in grants to State and local governments for interoperable communications systems, which, obviously, will be needed in the event of the next terrorist attack or natural disaster.

Eight years after 9/11, we have not fixed one of the two major problems on

that day. One problem was that we failed to connect the dots. The other was that we could not communicate in realtime among our first responders to the catastrophe both in New York and in Washington. Nationally, we still lack an interoperable communications network. That will require more work by Congress and the FCC to build out the now vacant 700 megahertz analog spectrum so that, nationally, all of our first preventers, or responders, can communicate.

In the meantime, it is significant that our communities will be able to access additional Federal funds because of the action recommended moments ago to pass S. 1694 which is identical to H.R. 3633—an action that means the bill will become law.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PALLONE. I yield to the gentlewoman 1 additional minute.

Ms. HARMAN. Let me finally say that the PSIC extension legislation is supported by the major city police chiefs, the National Governors Association, the National Emergency Management Association, the Association of Public-Safety Communications Officials, the Telecommunications Industry Association, mayors in Los Angeles, New York and Houston, the Los Angeles County Sheriff—Lee Baca—and many others because they know that having interoperable communications in our cities and regions is critical.

Just as metastatic breast cancer is an emergency that we must deal with, so is the lack of a truly national interoperable communications capability. We took a big step this morning. I hope we will take a bigger step later this year.

I thank Chairman PALLONE for the work that he does on the Health Subcommittee. I am proud to be a member.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman for yielding.

Mr. Speaker, I had not planned to speak on this resolution when I came to the floor, but after listening to Ms. DeLauro's eloquent discussion of it, I felt duty-bound to weigh in as well in very strong support.

There isn't a woman in my family who has not died from breast cancer—both of my grandparents, all of my aunts, of which I had several, and my mother. My sister, thank goodness, is a survivor, and has just celebrated the birth of her first grandchild herself; but it is in our family, and I cannot tell you how important this resolution is to increase the awareness of this deadly disease.

By the time my mother passed away, her breast cancer had metastasized throughout her body, and as she lay

there with her family around her, she couldn't help but ask why she was still there. It broke our hearts to see this woman who had raised us so well and who was so strong in our family literally fall apart before our very eyes.

So I hope that this resolution will increase the awareness of this dreaded disease that hits almost every household in the United States and that causes such pain and suffering. Let us be aware of it, and let us use this opportunity to educate our fellow citizens so that they can receive the treatment they need in a timely manner so they do not suffer as my entire family has.

I want to thank the gentlewoman from Connecticut, and want to urge all of my colleagues to give this resolution a resounding thumbs up.

□ 1115

Mrs. MYRICK. Mr. Speaker, I yield back the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of House Resolution 787 designating October 13th as National Metastatic Breast Cancer Awareness Day.

At a health care public forum I held in my district on October 25th, I had the great pleasure of meeting a woman of true inspiration.

Kristen Martinez of Colebrook, at the age of 31, was diagnosed with Stage 4 metastatic breast cancer. She had no idea the severe back pains and chronic fatigue were clear symptoms of cancer, but they were signs the cancer spread to her bones. As she stated, she was forced to face her own mortality as diagnosis touched her life during a time when she "was on top of the world."

Kristen, like many women living with metastatic breast cancer, has faced a constant cycle of switching from different treatment methods. In her own words, Kristen said "living with metastatic breast cancer has been a journey filled with every emotion one could imagine." But as a testament to her own personal strength, she has faced the illness head-on.

She has become an advocate on behalf of young women across our nation living with breast cancer. As an active member of the Metastatic Breast Cancer Network, Young Survival Coalition, a graduate of the National Breast Cancer Coalition's Project Lead and a volunteer patient advocate for breast cancer survivors, Kristen has provided motivation and encouragement for fellow women facing this debilitating disease.

In her own right, she has emerged from this battle as a stronger woman, devoted to giving back to her community and the young women of our nation. I am proud to co-sponsor this resolution with my good friend Representative ROSA DELAURO, on behalf of Kristen Martinez and over 155,000 women and men who are presently living with metastatic breast cancer.

Mr. PALLONE. Mr. Speaker, I would just urge everyone to support this resolution. I particularly want to thank the survivors, Mrs. MYRICK, Ms. DELAURO, and Ms. WASSERMAN SCHULTZ.

They just spend so much time devoted to this issue, whether it's re-

search, treatment, to try to find a cure or to just raise awareness. I never cease to be amazed by their efforts. I want to thank them and I urge everyone to pass the resolution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and agree to the resolution, H. Res. 787.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

SUPPORTING A NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 790) supporting the goals and ideals of a national day of remembrance on October 30, 2009, for American nuclear weapons program workers and uranium miners, millers, and haulers, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 790

Whereas hundreds of thousands of men and women have served this Nation in building its nuclear defense since World War II;

Whereas these dedicated American workers paid a high price for their service and have developed disabling or fatal illnesses as a result of exposure to beryllium, ionizing radiation, toxic substances, and other hazards that are unique to the production and testing of nuclear weapons;

Whereas these workers were put at individual risk without their knowledge and consent in order to develop a nuclear weapons program;

Whereas these patriotic men and women deserve to be recognized for their contribution, service, and sacrifice towards the defense of our great Nation; and

Whereas, on May 20, 2009, the Senate passed S. Res. 151, designating a national day of remembrance on October 30, 2009, for nuclear weapons program workers: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of a national day of remembrance for American nuclear weapons program workers and uranium miners, millers, and haulers; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to recognize a national day of remembrance for past and present workers in America's nuclear weapons program.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Ohio (Mr. JORDAN) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which they may revise and extend their remarks and include any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present House Resolution 790 for consideration. This legislation expresses our support for the goals and ideals of a national day of remembrance on October 30, 2009, in honor of America's nuclear weapons program workers and uranium miners, millers and haulers.

House Resolution 790 was introduced by my friend and colleague, Representative SHELLEY BERKLEY of Nevada, on October 1, 2009, and it enjoys the support of over 50 Members of Congress. In addition, the United States Senate unanimously approved a companion measure to this legislation, Senate Resolution 151, on May 20, 2009.

Mr. Speaker, House Resolution 790 seeks to honor the hundreds of thousands of uranium and nuclear weapons workers who have served our Nation at great personal sacrifice since World War II and during the height of the Cold War. Regrettably, many of these dedicated workers developed disabling and fatal illnesses, including cancer and lung disease, as a result of their workplace exposure to beryllium, ionizing radiation and other hazards associated with the development and testing of nuclear weapons.

As noted in 2007 by Denver's Rocky Mountain News, which published a report on the human costs associated with the domestic production and development of nuclear weapons, nearly 37,000 Americans have suffered from serious illness as a result of their exposure to radiation and toxic chemicals during their employment at above-ground nuclear weapons test sites and underground uranium mines. The same publication additionally reported that at least 4,000 of these nearly 37,000 individuals have died as a result of illnesses associated with their work.

Moreover, it's important to note that these statistics were only based on government figures, tracking those individuals that have been approved for compensation. As additionally noted by the Rocky Mountain News, many other nuclear weapons and uranium workers may have been affected, though they have yet to apply for compensation or have had their claims denied due to the difficulty in establishing a causal connection between their illness and their work.

Mr. Speaker, these dedicated workers have served our Nation at great risk

and sacrifice to not only themselves but to further generations of their families. It is my hope that we can honor their service and sacrifice through the passage of House Resolution 790.

I urge my colleagues to join me in supporting Ms. BERKLEY, who is the lead sponsor of this resolution, in expressing our support for the goals and ideals of a national day of remembrance for American nuclear and uranium workers.

Mr. Speaker, I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Let me, too, thank Mr. LYNCH and Ms. BERKLEY for this legislation. Please join me in supporting House Resolution 790 to honor the patriots who have served their country in the nuclear weapons program. The development of the American nuclear weapons program depended upon the commitment, the sacrifice and the service of hundreds of thousands of workers since World War II.

The sacrifice of these workers for America's security and technological advancement is patriotism at its finest. All Americans owe a debt of gratitude to all the workers in America's nuclear weapons program. We should honor their contributions with a national day of remembrance for nuclear weapons program workers and uranium miners, millers and haulers. Therefore, I urge you to support House Resolution 790 to show our appreciation for all these men and women whose sacrifices to protect our Nation have benefited us all.

Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, at this point I would like to recognize for 5 minutes Representative SHELLEY BERKLEY of Nevada, the lead sponsor of this resolution.

Ms. BERKLEY. I thank the gentleman for yielding.

I'd particularly like to thank my colleagues, Representatives TOWNS and ISSA, for expediting the floor consideration of this resolution, because it is very time sensitive. I would also like to thank Mr. WAMP for his work on this resolution and for joining me as a lead cosponsor.

Mr. Speaker, I rise in strong support of House Resolution 790 and in support of the hundreds of thousands of men and women who served this Nation in building and maintaining our nuclear defenses since World War II.

In my home State of Nevada, we have thousands and thousands of our fellow citizens who have worked at the Nevada test site, the essential Nevada test site, and put themselves at great risk to make sure America had a first-rate nuclear weapons program. From the nuclear scientists, to the janitors, to the secretaries, and the drivers,

these people devoted their lives in defense of their country, creating a nuclear weapons program for our Nation's security and defense. Many were unwittingly exposed to beryllium, ionizing radiation and other toxic substances and hazards.

Many of these extraordinary workers have since developed deadly diseases, mostly cancer, as a result of their work at the Nevada test site and other sites around the country—in Georgia, Kentucky, New Mexico, Ohio, and Texas, just to name a few.

And so we stand here today to honor these heroes and to call upon our fellow Americans to do so as well. In my home State of Nevada, the Atomic Testing Museum—on the grounds of the University of Nevada, Las Vegas, where my colleague Congresswoman DINA TITUS taught and is an expert in this field—will host an event on October 30, this Friday, to honor and remember those who sacrificed in order to protect our great Nation.

Whatever one may think of America's nuclear program, we can all agree on one thing: these workers deserve our thanks and our gratitude for their work and for their subsequent sacrifices. I thank them. I thank my colleagues once again for their support. I urge my colleagues to vote strongly and resoundingly in favor of this resolution.

Mr. JORDAN of Ohio. Mr. Speaker, I yield as much time as he may consume to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. I thank the distinguished ranking member and chairman of the subcommittee and the ranking member and chairman of the full committee, and especially Ms. BERKELEY for her initiative on this important resolution.

One of the greatest privileges of my service here over the last 15 years is representing Oak Ridge, Tennessee, which played a critical role in the defense of our country, from the Manhattan Project forward. As we know, since 1942, almost three-quarters of a million people have worked in this industry, the nuclear industry.

Some of our citizens in this country have been called during war to serve in the uniform of our country. Some volunteered, some mandatorily; many were in tanks, in airports, ships, submarines. Many were in our plants and our facilities doing the same kind of work in a different venue, just as patriotic, just as sacrificial, and they haven't received, at different times, the due that they deserve. But the day after tomorrow, October 30, 2009, all across the country in different places, people will come together for this important commemoration, a day of recognition and remembrance, remembering those that have gone on.

As the chairman said, many have died from the very illnesses that they got from their service and their sacrifice. Their families suffered a lot

with them because they became ill doing this work in very difficult and unhealthy environments.

Years ago here, in the Congress, about 10 years ago, I was one of the original authors of the legislation to compensate those people that became ill, commonly known as the Sick Worker Legislation, the acronym is EEOICPA, the hardest one to memorize. With a Democratic administration—the Clinton administration—and a Republican Congress, we hammered out and forged a benefit program for these sick workers.

I want to thank on the floor of the House today Senator Fred Thompson, who stood up as a Republican with me at the time and others in a bipartisan way to provide this benefit to these families. Many of these families received \$150,000 for the direct illnesses that they received from their extraordinary sacrifice.

As we remember those that have died, we need to thank as a Nation all of those who became ill because of their exposure to these very chemicals and these toxicities that have been talked about on the floor today, but also recognize those that are still out there that are working that have survived. Maybe they've retired. It's so very important that we do this, because these are patriots who helped us win the Cold War and helped us create the deterrent that has kept the world safer.

This nuclear industry is important. These facilities are important. The Department of Energy has played an important role, we knew it as the Atomic Energy Commission at that time, which evolved into the Department of Energy. It's a labor of love to work in a bipartisan way, in the Congress, to have this official day of recognition and remembrance for all of these workers, past and present and future, frankly, because we are still cleaning up the legacy of this Cold War investment. That's an important investment as well for our country to make.

It's an honor and a privilege to co-author this resolution with Congresswoman BERKLEY. Again, I want to close by thanking her for taking this initiative, because it is an important step. While many of us, because the House will be in session on Friday, October 30, will not physically be there at these remembrances, we are there with you 100 percent in a bipartisan way as the Congress of the United States comes together. The Senate passed their resolution on May 20 for this official day of recognition and remembrance for all of these nuclear workers through the years and into the future.

The United States of America and the Congress of the United States thanks you and recognizes you and remembers those who have given so much in defense of our liberties.

□ 1130

Mr. LYNCH. Mr. Speaker, I yield 2 minutes to the cosponsor of this resolution, the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the gentleman for yielding. I also would like to thank Congresswoman BERKLEY for her leadership in introducing this resolution and the supporters on both sides of the aisle. In particular, I want to thank Congressman WAMP for his extremely eloquent testimonial just now.

I rise in strong support of House Resolution 790. For decades during the Cold War, hundreds of thousands of Atomic Energy Commission employees, including thousands of workers at the Iowa Army Ammunition Plant in my district, labored in hazardous conditions at our Nation's nuclear weapons facilities. In the end, many of these workers sacrificed their health for the security of our Nation, working with beryllium, asbestos, uranium and radiation, without knowing the impacts these materials would later have on their health. But for far too long, their service and sacrifice have not been properly honored. They are truly the unheralded heroes of the Cold War.

That will begin to change on October 30th, happily; October 30th marks the first national day of remembrance for our country's nuclear workers. On this day, our country will pause to pay tribute to our Cold War heroes, many of whom have paid a high price for their service. The resolution that we are considering today urges all Americans to recognize the men and women who have served our country selflessly and with great dedication in its nuclear facilities.

I have had the distinct honor of meeting some of the Iowans who worked on Line One of the Burlington Atomic Energy Commission plant. These are the workers who assembled, disassembled, modified and tested weapons in Iowa between 1949 and 1975. They are true patriots, and their service was critical to our country's security throughout the uncertain decades of the Cold War.

I urge all Americans to reflect upon their work and their sacrifices, and I urge my colleagues to support this critical resolution.

Mr. JORDAN of Ohio. Mr. Speaker, I reserve my time.

Mr. LYNCH. Mr. Speaker, at this time I would like to yield 2 minutes to another lead cosponsor of this measure, the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Speaker, I thank the gentleman from Massachusetts, as well as Ms. BERKLEY and Mr. WAMP, for proposing this day of remembrance.

On November 11th, our Nation recognizes Veterans Day by honoring the sacrifices of the men and women of our armed services. But we need to ac-

knowledge another group of patriots who sacrificed in the defense of this Nation.

This group of American citizens served for over 60 years to develop and ultimately construct the United States nuclear arsenal. The legacy of thousands of men and women who labored in the mines, nuclear fuel processing facilities and nuclear weapons assembly plants across the United States should be remembered forever, in particular for ending the cold war.

Thousands of these cold war scientists, managers, engineers and workers who secretly worked in both building and decommissioning the United States' nuclear arsenal are suffering adverse health effects of their work with and around toxic and radioactive materials.

Colorado's former Rocky Flats nuclear weapons facility, which is just a few miles from my house, and its thousands and thousands of workers, played an integral part to enhance the security of our Nation. These workers helped bring an end to the cold war. As we work to ensure that these workers receive the medical care and coverage they deserve, we need to offer them our thanks for their courageous service to our Nation. We continue to urge the administration to promptly respond to the various applications they have made for compensation and health care.

I rise in support today and ask that we pass House Resolution 790, to designate Friday, October 30th, the Cold War Patriots National Day of Remembrance for the services these men and women provided to our Nation.

Mr. JORDAN of Ohio. Mr. Speaker, we continue to reserve.

Mr. LYNCH. Mr. Speaker, I would now like to yield 3 minutes to another lead cosponsor of this resolution, the gentleman from Nevada (Ms. TITUS).

Ms. TITUS. Mr. Speaker, I rise today in strong support of House Resolution 790, a resolution supporting the goals and ideals of a national day of remembrance on October 30th, 2009, for American nuclear weapons program workers and uranium miners, millers, and haulers. I would like to thank my good friend and colleague, Congresswoman BERKLEY, for introducing this important resolution.

The national day of remembrance recognizes the contributions of heroes whose efforts on the front line of the Cold War changed history. Their service to our Nation was instrumental in the effort to create a nuclear deterrent that helped defeat the forces of Communism. Too often, their efforts are not recognized the way the veterans of other wars have been. But just as our veterans of other battles served with distinction to protect our Nation, so too did the workers at atomic weapons facilities.

More than half a million Americans have worked since 1942 to create and

maintain the United States nuclear arsenal. And while they did not face the dangers of conventional warfare, unfortunately, too many of these workers were left with the lasting scars of a battle that was waged in labs and test facilities across the country.

Many former workers suffered from radiation and toxic exposure in their work on our nuclear forces. These workers from around the country deserve our support and are entitled to the care and benefits they have earned from their service during a period of our history when the threat of nuclear war was ever-present. Just as we care for our soldiers returning home from the battlefield, it is our responsibility to care for the workers from our nuclear weapons facilities who have been exposed to dangerous materials that harm their health.

I especially salute the workers at the Nevada Test Site, also known as the National Sacrifice Zone, and thank them for their service. For more than four decades, they tested nuclear weapons that contribute to the safety and security of our Nation.

I have been privileged to work with many of them as a board member of the Nevada Test Site Historical Foundation and as a sponsor of State legislation to help facilitate the creation of the Atomic Testing Museum in Las Vegas so their incredible story can be made available for all to see and contemplate.

The UNLV Oral History Program has also amassed hundreds of interviews with test site workers and preserved their experiences and reflections on life in the shadow of the mushroom cloud for scholars, journalists and other people of interest to have access to.

So I thank you again, Mr. Speaker, and the other sponsors of this important resolution. I urge its passage.

Mr. JORDAN of Ohio. Mr. Speaker, we continue to reserve.

Mr. LYNCH. Mr. Speaker, at this point I would like to yield 2 minutes to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today in support of House Resolution 790, designating October 30th, 2009, as American nuclear weapons program workers remembrance day. I want to thank my good friend, the gentlelady from Nevada, for introducing this resolution.

During World War II, countless men and women across the country sacrificed to ensure victory for our common ideals of democracy and freedom and to defeat tyrannical forces committing grave atrocities. This sacrifice continues to be true of the men and women who work in the nuclear weapons program, including uranium miners, millers, and haulers.

In my home State of Tennessee, the Oak Ridge National Security Complex remains at the forefront of nuclear

weapons development and manufacturing, providing security for the American people and our allies. These facilities have provided employment opportunities for East Tennesseans for decades.

Unfortunately, throughout the years, nuclear workers have endured many physical dangers, including exposure to ionic radiation and other toxic substances. These patriotic workers are, at the very least, owed recognition of their great sacrifices. That is why I rise today in support of this resolution.

As we look back to remember America's nuclear weapons program workers, it is important to look forward in our attempts to develop and improve protective equipment in order to create a safer workplace. We have made strides in protecting nuclear workers in recent times, and this government has a responsibility to continue that commitment.

So, Mr. Speaker, I rise to say to these workers in Tennessee and around this great country, thank you for your service that continues to contribute to our national peace and security. Your patriotic sacrifices do not go unnoticed.

Mr. JORDAN of Ohio. Mr. Speaker, we have no other speakers. We yield back the balance of our time.

Mr. LYNCH. Mr. Speaker, again I urge my colleagues to join with Ms. BERKLEY and Mr. WAMP on the other side of the aisle to recognize and honor America's nuclear industry and uranium workers through the passage of House Resolution 790.

I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 790, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING 150TH ANNIVERSARY OF JOHN BROWN'S RAID IN HARPERS FERRY, WEST VIRGINIA

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 568) recognizing the 150th anniversary of John Brown's raid in Harpers Ferry, West Virginia, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 568

Whereas Harpers Ferry, West Virginia, located at the confluence of the Shenandoah and Potomac Rivers was first noted for its beauty by our Founding Father, Thomas Jefferson;

Whereas it was designated by George Washington as a site for a Federal armory and arsenal that helped it grow into a bustling factory town where the first interchangeable parts for guns were created that supplied Lewis and Clark on their journey of westward expansion;

Whereas Harpers Ferry, best known as the site of John Brown's Raid on October 16-18, 1859, was targeted as an ideal location for initiating an uprising in the South that would end slavery because of its Federal armory and arsenal;

Whereas John Brown and his provisional army of 21 men captured the bridge, arsenal, armory, Hall's Rifle Works, along with hostages, and slave owners John Allstadt and Lewis Washington;

Whereas the fighting continued and on the morning of October 18, 1859, Lt. Col. Robert E. Lee and Lt. J.E.B. Stuart ordered 90 Marines to storm the engine house and captured John Brown and his 4 remaining men after they refused to surrender;

Whereas a total of 16 men were killed or mortally wounded in John Brown's Raid including, an unidentified slave, Thomas Boerly, George W. Turner, Mayor Fontaine Beckham, Heyward Shepherd, Luke Quinn, and 10 of Brown's men, William Leeman, John H. Kagi, Jeremiah G. Anderson, William Thompson, Dauphin Thompson, Brown's sons Oliver and Watson, Stewart Taylor, Lewis S. Leary, and Dangerfield Newby;

Whereas Brown and his men were tried in Charles Town, Virginia (present day West Virginia), and were convicted to death by hanging for the charges of murder, conspiring with slaves to rebel, and treason against the State of Virginia, however, their actions ultimately forced the Nation to consider the future of slavery in a turn of events that would lead to the Civil War and the freedom of 4,000,000 slaves;

Whereas Harpers Ferry stands as a testament to the antislavery and civil rights movements with the establishment of Storer College, created to educate newly freed slaves and later became the site of the Nation's first Niagara Movement meeting with an address delivered by African-American leader and scholar, W.E.B. Du Bois whose speech inspired the civil rights movement and the creation of the National Association for the Advancement of Colored People in 1909; and

Whereas in a year when we celebrate the 150th anniversary of John Brown's raid and the outbreak of America's Civil War, let us recognize the important role Harpers Ferry has played in our Nation's history: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 150th anniversary of John Brown's raid in Harpers Ferry, West Virginia.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Ohio (Mr. JORDAN) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am pleased to present House Resolution 568 for consideration. This resolution recognizes the 150th anniversary of John Brown's raid at Harpers Ferry in what is now West Virginia. The measure before us was introduced on June 19th, 2009, by my friend and colleague Representative CAPITO of West Virginia and enjoys the support of over 50 Members of Congress.

Mr. Speaker, the controversial but passionate abolitionist John Brown organized the raid in Harpers Ferry, which served as a precursor to the Civil War and as a driving force behind the abolishment of the unjust institution of slavery. This moment in our Nation's history also stands as a testament to the strength and courage of all of those Americans who have advanced the antislavery and civil rights movements, not only in our country, but beyond our borders as well.

Intent on leading an uprising in the South that would end the practice of slavery in the summer of 1859, John Brown began to develop a plan to raid the Federal armory and arsenal in the small town of Harpers Ferry, located in present-day West Virginia. In preparation for the raid, Brown rented the nearby Kennedy farmhouse, and with his small provisional army of 21 men, with arms supplied by northern abolition groups, he took residence several miles from the arsenal site.

On the night of October 16th, 1859, Brown and his men advanced towards Harpers Ferry and quickly succeeded in capturing both bridges along the Shenandoah River, the U.S. Armory and Arsenal, the U.S. Rifle Works on Hall's Island, and several hostages, including Lewis Washington, grand-nephew of John Washington, and John Allstadt.

By the morning of October 17th, 1859, news of the raid had spread, and as a result, local farmers and militia swiftly descended on Brown and his men and surrounded the arsenal. A bloody battle thereafter ensued, and by the afternoon of October 17th, President James Buchanan had ordered a detachment of 90 United States Marines to march on Harpers Ferry under the command of Lieutenant Colonel Robert E. Lee of the United States 2nd Cavalry.

On the morning of October 18th, 1859, Lee ordered his men to storm the engine house adjacent to the arsenal, resulting in the capture of John Brown and his remaining men. Sixteen men were killed in the raid at Harpers Ferry, including 10 of John Brown's men.

Brown subsequently faced charges of murder, conspiring with slaves to rebel, and treason against the State of Virginia. On November 2nd, 1859, following a 5-day trial, Brown was con-

victed of all charges and sentenced to hang on the gallows.

Brown's address to the Virginia court on the last day of his trial evidenced his strong conviction regarding the justness of his actions at Harpers Ferry, when he said:

"Had I interfered in the manner which I admit, had I so interfered in behalf of the rich, the powerful, the intelligent, the so-called great, or in behalf of any of their friends, and suffered and sacrificed what I have in this interference, it would have been all right, and every man in this court would have deemed it an act worthy of reward rather than punishment."

□ 1145

Brown was thereafter executed on December 2, 1859, and through his death, the slave liberation movement gained a hero.

Mr. Speaker, the raid organized by John Brown at Harpers Ferry in October of 1859 was a critical moment in our Nation's history and served to move our country forward in its struggle to abolish slavery. As noted by his good friend, Frederick Douglass, who, while opposing Brown's violent tactics, said, "If John Brown did not end the war that ended slavery, he did at least begin the war that ended slavery."

Let us recognize the important place in our history that John Brown and the raid on Harpers Ferry played in the history of our Nation's civil rights movement through the passage of House Resolution 568. I urge my colleagues to join myself and the lead sponsor of this measure, Mrs. CAPITO of West Virginia, in supporting this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 568, recognizing the 150th anniversary of John Brown's raid in Harpers Ferry, West Virginia. And I will be brief because I want to save the bulk of our time for Mrs. CAPITO, who is the sponsor of this bill and has done a great job with it.

John Brown's life should remind us all that freedom is priceless. He did what he saw was necessary to combat an inhuman evil, the enslavement of human beings. Although it did cost him his life, the memory of Harpers Ferry is a testimony to how strong action is sometimes necessary to protect what is honorable and what is right.

John Brown's raid on Harpers Ferry on October 16th through October 18th, 1859, was an attempt by the part of John Brown to start an armed slave revolt.

Harpers Ferry was the site for the federal arsenal and seizing the location would allow Brown and his men to arm thousands of Southern slaves. Out of context, Harpers Ferry may seem like a rash violent act. But in light

of pre-Civil War tensions, the raid was the impassioned start of a larger battle where liberty was on the line.

John Brown's raid on Harpers Ferry, although unsuccessful, helped galvanize the Northern abolitionist movement into stronger direct action.

He was able to show them how morality would not be enough to persuade the South to abandon slavery—which was essential to their rural plantation economy.

John Brown's life should remind us all that freedom is priceless. He did what he saw necessary to combat an inhuman evil—the enslavement of human beings. Although it did cost him his life, the memory of Harpers Ferry is a testimony to how strong action is sometimes necessary to protect what is honorable and what is right.

After the Civil War, Frederick Douglass said in a lecture he gave honoring John Brown, "His zeal in the cause of freedom was infinitely superior to mine. Mine was as the taper light; his was as the burning sun. I could speak for the slave. John Brown could fight for the slave. I could live for the slave; John Brown could die for him". Passing the resolution to commemorate the 150th anniversary of John Brown's raid on Harpers Ferry honors what this man save his life to achieve—freedom for all peoples.

Mr. Speaker, I reserve the balance of my time.

Mr. LYNCH. I continue to reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Speaker, I yield such time as she may consume to a good friend, the distinguished gentlewoman from West Virginia (Mrs. CAPITO), the sponsor of this legislation.

Mrs. CAPITO. I thank Mr. LYNCH and Mr. JORDAN for their great descriptions of John Brown's raid and the importance to our Nation's history. I'd also like to thank Chairman TOWNS and Ranking Member ISSA for bringing this resolution forward.

In my home State of West Virginia, we're very proud of our rich history and heritage. We proudly boast that ours is the only State formed as a result of the Civil War when we seceded from Virginia and joined the Union to become the 35th State. In 1863, we were signed into our statehood very proudly by President Abraham Lincoln. Yet, as any good history teacher will tell you, the abolitionist movement in our State has roots deeper than the Civil War itself.

This month, we are celebrating the 150th anniversary of John Brown's historic raid on Harpers Ferry, which is just a short distance from our Nation's Capital, which helped to ignite the abolitionist movement and led to the War Between the States.

Our State motto is "Mountaineers are Always Free," and it is those principles that guided John Brown into his controversial raid. I rise today to note this year's anniversary and also celebrate the full heritage and history of this West Virginia town, Harpers Ferry, which is located beneath the foothills of the Blue Ridge Mountains.

Long before its first settlement, Harpers Ferry's natural beauty caught the attention of Thomas Jefferson, who stood above the confluence of the Shenandoah and Potomac Rivers and noted that the region's beauty was "worth a voyage across the Atlantic." And I must say, its splendor is equally as captivating today as it was more than 220 years ago, particularly at this time of year when visitors, thousands of visitors, are now flocking to Harpers Ferry National Park to take in the beautiful autumn colors.

Jefferson's fellow statesman George Washington was similarly impressed with the community's strategic location and in 1794 recommended that Congress designate Harpers Ferry, which was then in Virginia, as a site for a Federal Armory and Arsenal.

With the establishment of the armory, the community grew into a bustling factory town, where John Hall created the first interchangeable parts for firearms. His inventions led to the mass production of thousands of muskets and rifles, many of which would supply Lewis and Clark on their journey of westward expansion.

But as we all well know, it was John Brown's 1859 historic raid which truly established Harpers Ferry's place in our history. That summer, John Brown settled into a nearby farm in Maryland under the alias of Isaac Smith and laid plans to seize the armory and lead a revolt to spread across the South with hopes of ending slavery.

As the gentleman from Massachusetts mentioned, on the night of October 16, 1859, 150 years ago, he gathered with his provisional army of 21 men and seized the town, taking the town's bridges, Halls Rifle Works, the Federal Armory and Arsenal, and several hostages. As the fighting continued, news of the revolt spread across the region until Lieutenant Colonel Robert E. Lee and Lieutenant J.E.B. Stuart ordered 90 marines to storm the engine house where John Brown and his men had taken refuge.

Upon his capture, John Brown was tried and convicted of murder, conspiring to rebel, and treason. He was sentenced to death by hanging in another historic town just down the road from Harpers Ferry, in present-day Charles Town, where on the day of his death, in addition to what the gentleman said, he wrote, "I am now quite certain that the crimes of this guilty land will never be purged away but with blood."

Unfortunately, we now know that his words held true as it took the bloody and divisive struggle of the Civil War to finally bring freedom to a people long enslaved. John Brown's raid will forever be known as one of the seminal events which led to the Civil War. His death brought the slavery debate to the forefront of our Nation divided. In the North, Brown was considered a

"martyr," and in the South, he was a "terrorist." Yet, regardless of how he may be revered in history, his bold actions helped lead the fight for freedom and the end of slavery.

After once again proving its geographic importance during the Civil War, Harpers Ferry became an epicenter for the fight for equality and civil rights movement. It became the home to Storer College, an integrated institution to educate newly freed slaves, with the campus later serving as the site of the Nation's first Niagara Movement meeting. It was at that meeting where the scholar W.E.B. Du Bois delivered his address which led to the creation of the NAACP, an organization which this year celebrated its 100th anniversary.

Mr. Speaker, as you can see, Harpers Ferry is a town rich in history, and it is only fitting that during the 150th anniversary of John Brown's raid, the Harpers Ferry National Park has held several commemorative events, particularly last weekend to recognize the sesquicentennial and remember the contributions made by those who have come before us.

I simply call on the rest of my colleagues to support the passage of H. Res. 568, and I would also encourage those near-and-far Americans to visit Harpers Ferry and the surrounding area to share in the deep history and tradition that we have in our State of West Virginia that's also part of what we will be commemorating later, that is, the 150-year anniversary of the beginning of the Civil War here in our Nation.

Mr. LYNCH. Mr. Speaker, I have no further requests for time, and I continue to reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time and urge passage.

Mr. LYNCH. Mr. Speaker, in closing, we ask Members on both sides to support Mrs. CAPITO on her resolution, House Resolution 568.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 568.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING HISPANIC HERITAGE MONTH

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 783) recognizing His-

panic Heritage Month and celebrating the vast contributions of Hispanic-Americans to the strength and culture of the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 783

Whereas from September 15, 2009, through October 15, 2009, the United States celebrates Hispanic Heritage Month;

Whereas the presence of Hispanics in North America predates the founding of the United States, and, as among the first to settle in the New World, Hispanics and their descendants have had a profound and lasting influence on the history, values, and culture of the United States;

Whereas since the arrival of the earliest Spanish settlers more than 400 years ago, millions of Hispanic men and women have come to the United States from Mexico, Cuba, and other Caribbean regions, Central America, South America, and Spain, in search of freedom, peace, and opportunity;

Whereas Hispanic-Americans have contributed throughout the ages to the prosperity and culture of the United States;

Whereas the Bureau of the Census now lists Hispanic-Americans as the largest ethnic minority within the United States with a population of 46,900,000, comprising 15 percent of the Nation's total population;

Whereas according to the Bureau of the Census, 16 States have at least a half-million Hispanic residents, including Arizona, California, Colorado, Florida, Georgia, Illinois, Massachusetts, Nevada, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, Texas, Virginia, and Washington;

Whereas according to the Bureau of the Census, Hispanics are the largest minority group in 20 States, including Arizona, California, Colorado, Connecticut, Florida, Idaho, Iowa, Kansas, Massachusetts, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, Oregon, Rhode Island, Texas, Utah, Washington, and Wyoming;

Whereas according to the Bureau of the Census, there are 1,600,000 Hispanic-owned businesses operating in areas including construction, administrative and support, waste management and remediation services, and retail and wholesale trade that generated \$222,000,000,000 in revenue in 2002, up 19 percent from 1997;

Whereas according to the Bureau of the Census, the rate of growth of Hispanic-owned businesses between 1997 and 2002 tripled to 31 percent compared with the national average of 10 percent for all businesses;

Whereas Hispanic-Americans serve in all branches of the United States Armed Forces and have fought valiantly in every war in the history of the United States;

Whereas according to the Bureau of the Census, there are 1,100,000 Hispanic veterans of the United States Armed Forces;

Whereas the Medal of Honor is the highest United States military distinction, awarded since the Civil War for "conspicuous gallantry and intrepidity at the risk of life above and beyond the call of duty";

Whereas 43 men of Hispanic origin have earned this distinction;

Whereas many Hispanic-Americans are dedicated public servants, holding posts at the highest levels of government, including Cabinet Secretaries, Members of the House of Representatives, the Senate, and the Supreme Court; and

Whereas Hispanic-Americans have a deep commitment to faith, family, and community, an enduring work ethic, and a perseverance to succeed: Now, therefore, be it
Resolved, That the House of Representatives—

- (1) recognizes Hispanic Heritage Month;
- (2) celebrates the vast contributions of Hispanic-Americans to the strength and culture of the United States; and
- (3) encourages the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Ohio (Mr. JORDAN) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as you may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am proud to present House Resolution 783 for consideration. This resolution recognizes Hispanic Heritage Month and celebrates the vast contributions of Hispanic Americans to the strength and culture of these United States.

The measure before us was introduced on September 29 by my colleague and friend Representative MARIO DIAZ-BALART of Florida and enjoys the support of nearly 60 Members of Congress.

Mr. Speaker, each year Americans observe National Hispanic Heritage Month from September 15 to October 15 in celebration of the many contributions of Hispanic Americans to our Nation. This observance began in 1968, following President Lyndon Baines Johnson's designation of a Hispanic Heritage Week, and was expanded to cover the 30-day period of September 15 to October 15 by President Ronald Reagan in 1988.

Notably, September 15 marks the anniversary of the independence days of Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua. In addition, the 30-day period of observance also covers the anniversary of the independence days of Mexico and Chile, as well as the anniversary of the arrival of Christopher Columbus in the Americas.

Mr. Speaker, according to the most recent United States Census Bureau estimate, the Hispanic American population in the United States is roughly 47 million people, which is about 15 percent of the Nation's population, making American citizens of Hispanic ancestry our Nation's largest ethnic or racial minority. Moreover, the Census

Bureau has also recognized our Nation's Hispanic population as the fastest-growing minority group and notes that 16 States, including California, New York, Florida, Texas, and my home State of Massachusetts, currently include at least a half million Hispanic residents. The Census Bureau additionally estimates that there are approximately 1.1 million Hispanic American veterans, proud veterans, of the United States Armed Forces.

Over the course of several generations, American life has been deeply enriched by Hispanic contributions in the fields of government, the arts, sports, education, and countless other areas. Within the past 2 years alone, we have witnessed historic firsts for Americans of Hispanic heritage that evidence the historical, cultural, and social significance of Hispanic Americans as a vital part of our Nation.

Founded in December 1976, the Congressional Hispanic Caucus currently consists of 24 Members of Congress. In August of 2009, the United States Senate confirmed Sonia Sotomayor as the first Hispanic American to serve on the United States Supreme Court. In February of 2009, the United States Senate also confirmed Hilda Solis as the Nation's first Hispanic American woman to serve as our Secretary of Labor. And in April of 2008, renowned Hispanic American author Junot Diaz became the first Dominican American author to receive the Pulitzer Prize for fiction and only the second Hispanic American author ever to win the prestigious award.

Hispanic American activists such as Cesar Chavez have fought tooth and nail to organize workers and attain the basic rights that all Americans deserve. Baseball greats, including Roberto Clemente, Juan Marichal, and Rod Carew, have helped to make America's pastime the great international sport it is today. Musicians such as Tito Puente and Carlos Santana have delighted millions with their music. And actors such as Benicio Del Toro and Jimmy Smits continue to entertain us in films and television. And celebrated authors, including Richard Rodriguez and Sandra Cisneros, continue to advance America's rich literary history with their works.

Mr. Speaker, let us take this opportunity to honor the contributions of these and all Americans of Hispanic ancestry to the historical, cultural, and social fabric of our Nation through the recognition of Hispanic Heritage Month. I urge my colleagues to join me in supporting House Resolution 783.

Mr. Speaker, I reserve the balance of my time.

□ 1200

Mr. JORDAN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Please join me in recognizing Hispanic Heritage Month to celebrate the

lasting influence Hispanic Americans have had throughout the United States.

Mr. Speaker, the United States Census Bureau lists Hispanic Americans as the largest ethnic minority. The Hispanic culture has a privileged place of influence in the United States history.

Hispanic Americans have nobly served the United States Government throughout our history. They have served with distinction in the U.S. military, fighting for our Nation in all major American conflicts.

A total of 43 Hispanic men have earned the Medal of Honor, the highest United States military distinction for their service above and beyond the call of duty to our country. Hispanic Americans are members of the Senate, the House of Representatives, and with the appointment of Justice Sotomayor, the United States Supreme Court.

The work ethic of Hispanic Americans have helped make them into American entrepreneurs. The number of Hispanic-owned businesses has grown into the millions. Between 1997 and 2002, Hispanic-owned businesses have increased at an astounding rate of 31 percent.

Join me in honoring the countless achievements of Hispanic Americans that have been instrumental in shaping our Nation into what it is today.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, we have no further speakers, and I continue to reserve our time.

Mr. JORDAN of Ohio. Mr. Speaker, I would yield as much time as he may consume to my distinguished colleague, the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, a lot has been said, but a lot needs to be said. I would like to thank the chairman and everyone else for bringing this resolution to the floor. We have heard from both of the speakers previously about the great and positive impact that Hispanics have had in this country. Yes, it is a large population and a growing population. It is important that this celebration, which started in 1968 when Congress authorized President Johnson to proclaim National Hispanic Heritage Week and was expanded in 1988 to a month-long celebration. It is important that we recognize and celebrate the contributions of this important part of our country.

The chairman mentioned some notable people who have done so much for this country, but you don't need to frankly look too far from Capitol Hill, or too far from this room, this Chamber right now, to recognize some of those who have done so much for our country.

One of the families that I greatly admire is the family of the person who is Speaker right now, the Salazar brothers, who have given so much for this country, generation after generation.

Previously, Justice Sotomayor was mentioned as another one of the those notable Hispanics whose contributions have been felt for many, many years, and who will continue to be felt for many, many years. It is appropriate that we are here celebrating, and that today Congress joins this celebration, this recognition of such an important part of the fiber of the United States of America, of the Hispanic community of this great country.

I thank all of you for bringing this forward. I urge my colleagues to support this resolution.

Ms. RICHARDSON. Mr. Speaker, I rise today in strong support of H. Res. 783 which recognizes Hispanic Heritage Month and celebrates the vast contributions that Hispanic Americans have made to the United States in the past and that they continue to make today.

One of the most recent contributions of the Hispanic community came when Sonia Sotomayor was nominated and confirmed to the Supreme Court, becoming the first Latino to serve on our Nation's highest court. Other history-making Hispanic Americans include the Secretary of Labor, Hilda Solis, and the Secretary of the Interior, Ken Salazar. By making these nominations, President Obama showed his commitment to have executive and judicial branches that reflect the diversity of our Nation and include the voice of the Hispanic community.

But the contributions of Hispanic Americans are not limited to the executive or judicial branches. Today, we have over 20 Hispanic Members of Congress. NYDIA VELÁZQUEZ was the first Puerto Rican elected to Congress in 1992 and she has since become the first Hispanic woman to chair a full committee. Congresswoman LUCILLE ROYBAL-ALLARD became the first Mexican-American woman elected to Congress in 1992. The 111th Congress would not be the same diverse, dynamic body without the input of its Latino Members.

Mr. Speaker, we need to look to the Federal Government for evidence of how Hispanic Americans contribute to this country. The 37th Congressional District of California, which I am privileged to represent, is home to a considerable number of Latinos who are making a difference every day.

My city is a city of heroes, of people who work hard to better themselves but who never forget where they come from. I want to share an amazing story with you today about one of our local heroes, Leslie Jimenez. Leslie overcame adversity and graduated from Compton High School, a school that at that time had a very low rate of graduating seniors. Not only did Leslie graduate, but she went on to attend and graduate from Harvard University, too. This fall, Leslie returned to Compton and began teaching advanced placement biology and anatomy and physiology through Teach for America. Leslie took her success and chose to give back to her community and serve as a role model to other Latino students.

Mr. Speaker, I have much hope for the future because Hispanic Americans and all Americans are working together to ensure equality and advancement not only of the Latino community, but of all communities. I look forward to celebrating the accomplish-

ments of Hispanic Americans this year and for years to come.

Mr. BACA. Mr. Speaker, I rise today in strong support of H. Res. 783, resolution recognizing Hispanic Heritage Month and celebrating the vast contributions of Hispanic Americans to the culture of the United States.

I'd like to thank my friend Representative MARIO DIAZ-BALART, for sponsoring this important resolution; which I am proud to cosponsor.

Economically, culturally, and politically, Latinos are a vital part of this Nation.

The Hispanic community in America is over 47.5 million people strong, and has an annual purchasing power of well over a trillion dollars.

From science, to sports, business, government, and the arts, Hispanic Americans have made significant contributions that have strengthened our Nation and our culture. And earlier this year, the Hispanic community continued to make history with the confirmation of Justice Sonia Sotomayor as the first Hispanic to serve on the U.S. Supreme Court.

As former chair of the Congressional Hispanic Caucus, it gives me great pleasure to see the continued progress and growth of our Hispanic American community.

I urge my colleagues to recognize the importance of the Hispanic community to our Nation, and vote in favor of the Hispanic Heritage Month resolution.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong support of House Resolution 783, which recognizes Hispanic Heritage Month and celebrates the vast contributions of Hispanic-Americans to the strength and culture of the United States.

In 1968, President Lyndon Johnson introduced Hispanic Heritage Week, which was later expanded to Hispanic Heritage Month in 1988 by President Ronald Reagan. This year, Americans commemorated the history of Hispanic-Americans and their numerous contributions to our country from September 15, 2009, to October 15, 2009.

The estimated Hispanic population of the United States as of July 1, 2008, was 46.9 million. Hispanic-Americans constitute 15 percent of the Nation's total population, comprise 62.2 percent of my district in Houston, Texas, and are the fastest-growing minority group in the United States. Their contributions to our society are evident in many areas including the arts, architecture, literature, military, and our government.

In congratulate all Hispanic-Americans on their rich history and culture, and recognize Hispanic Heritage Month as an important time to commemorate the great achievements and contributions of Hispanic-Americans to the United States.

As a cosponsor of this important resolution, I urge my colleagues to support its passage.

Ms. SUTTON. Mr. Speaker, I rise today in strong support of H. Res. 783 to recognize Hispanic Heritage Month. This resolution celebrates the vast contributions that Hispanic-Americans have made to the history, values and culture of our great nation.

Since the arrival of the earliest Spanish settlers more than 400 years ago, millions of Hispanic men and women have come to the U.S. from Europe, Central and South America, Puerto Rico and Cuba in search of freedom, peace and opportunity.

Their commitment to these American principles has contributed immensely to the prosperity and cultural development of our nation.

With a population totaling 47.5 million, Hispanics represent the fastest-growing ethnic group in America.

According to a 2000 U.S. Census Bureau report, three of the top 10 counties with the highest Hispanic population in the country lie at least partly within Ohio's 13th District.

More than 24,000 Hispanics and Latinos reside in my district, representing nearly 4 percent of the population. In the city of Lorain, Hispanics make up 20 percent of the population.

And, like all Americans today, Latinos remain focused on the economy and its recovery.

Hispanic-Americans in my district are supported by community centered organizations, such as El Centro de Servicios Sociales.

Located in the City of Lorain, El Centro is a Hispanic-Latino non-profit advocacy organization. It works to provide social, educational, cultural and development services that are essential to members of our communities.

Our country's success rests on the longstanding ideal that anyone—regardless of ethnicity, gender, race or religion—can achieve the American dream.

With Hispanic culture rooted deeply in my district, I am proud to celebrate the contributions and heritage of our country's Hispanic community. And, it is my honor to serve Hispanic Americans as a member of Congress.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in support of House Resolution 783, Recognizing Hispanic Heritage Month and celebrating the vast contributions of Latino Americans to the strength and culture of the United States. The rich history of the United States is strengthened by the important contributions of Latinos, who have played major roles in building this country and making it a better place.

From the Revolutionary War to the conflicts we are fighting overseas today, Latinos have proudly served this country and willingly sacrificed their lives for the preservation of our great nation. In addition to serving in the armed forces, Latinos have helped our country take great steps forward in the fields of medicine and science and have contributed greatly to the advancement of business, education, civil rights, and politics.

I am proud to represent the First District of Connecticut, whose cultural fabric has been greatly enriched by the Latino community. I am especially proud of the accomplishments of SAMA, the Spanish American Merchants Association, a Connecticut nonprofit with more than 300 members that provides technical assistance, educational programs and loan programs for small businesses in the community. SAMA's Empresario Latino Development Center is the small business premier provider of educational resources, material, and training in English/Spanish for entrepreneurs in the State of Connecticut.

I ask my colleagues to join me in recognizing Hispanic Heritage Month and ask that we continue to celebrate the many contributions of Latinos to our nation in the months to come.

Mr. JORDAN of Ohio. Mr. Speaker, I have no further speakers, I urge the

passage of H. Res. 783, and I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, in closing, I would simply ask that Members on both sides of the aisle join with the gentleman from Florida in supporting H. Res. 783, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 783.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL FIREFIGHTERS MEMORIAL DAY

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 729) expressing support for designation of a "National Firefighters Memorial Day" to honor and celebrate the firefighters of the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 729

Whereas firefighters are often the first to respond to an emergency, whether the emergency is a fire, transportation accident, natural disaster, act of terrorism, medical emergency, or spill of hazardous materials;

Whereas firefighters tirelessly promote fire prevention and safety to protect our Nation;

Whereas people often do not recognize the important and dangerous work of firefighters;

Whereas the United States has more than 1,000,000 firefighters, 71 percent of whom are volunteer firefighters and approximately 15,000 of whom are female;

Whereas there are 1,600,000 fires, on average, in the United States each year;

Whereas approximately 30,000 fire departments operate within the United States;

Whereas a fire department responds to a fire in the United States every 20 seconds;

Whereas fire departments respond to nearly 2,000,000 calls in the United States each year without hesitation;

Whereas approximately 100 firefighters die in the United States each year in the line of duty;

Whereas 343 New York City Fire Department firefighters died in the line of duty at the World Trade Center on September 11, 2001;

Whereas an estimated 32,500 structure fires were intentionally set in the United States in 2007, resulting in 295 civilian deaths;

Whereas 103 on-duty firefighter fatalities occurred in 2008–2009 on the fire ground, 11 at other emergency calls, 39 while responding to or returning from alarms, 7 during train-

ing activities, and 17 during other on-duty activities;

Whereas approximately 3,600 people die in the United States each year as a result of fires, and over 19,000 are injured;

Whereas October 9 is the anniversary of the Great Chicago Fire of 1871, in which more than 300 people lost their lives;

Whereas President Harding declared the week of October 9 to be "Fire Prevention Week" in 1922;

Whereas the National Fallen Firefighters Memorial Service takes place each year at the National Fire Academy in Emmitsburg, Maryland, on the Sunday before Fire Prevention Week;

Whereas the National Fallen Firefighters Foundation sponsors the annual memorial service to pay tribute to firefighters who died in the line of duty during the previous year;

Whereas given its significance, the Sunday before Fire Prevention Week would be an ideal day to commemorate Federal, State, and local firefighters killed or disabled in the line of duty;

Whereas the Congress created the National Fallen Firefighters Foundation to honor America's fallen firefighters and their families; and

Whereas in 2001, President George W. Bush signed Public Law 107–051 requiring that the flag of the United States at all public buildings be flown at half staff in honor of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the President to designate a day as "National Firefighters Memorial Day" to commemorate Federal, State, and local firefighters killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe such a day with appropriate ceremonies and respect.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am proud to present House Resolution 729 for consideration. This resolution seeks to honor our brave firefighters across the United States, as well as commemorate those firefighters who have been disabled or killed in the line of duty by expressing the support of the House of Representatives for the designation of a National Firefighters Memorial Day.

The measure before us was introduced on September 10 by my col-

league, Representative TED POE of Texas, and enjoys the support of nearly 60 Members of Congress.

Mr. Speaker, according to the National Fire Protection Association, there are over 1.1 million firefighters serving throughout more than 30,000 fire departments across the Nation, including over 300,000 career firefighters, and over 800,000 volunteer firefighters. As we have witnessed time and again, whether in the midst of the terrorist attacks on September 11, in the aftermath of hurricanes Katrina and Rita, or in the face of the daily emergencies faced by our local communities, these brave men and women are always on the front lines in the event of a local, State, or national crisis, and are willing to serve and safeguard their fellow citizens, at great risk to their own personal safety.

According to the United States Fire Administration, which annually collects data on firefighter fatalities across the country, last year witnessed 118 on-duty firefighter fatalities, including the deaths of 66 volunteer firefighters and 34 career firefighters. In addition, the United States Fire Administration has provisionally reported that to date this year, there have been 77 firefighter fatalities, including deaths of two heroic firefighters from my own home State of Massachusetts, firefighter Paul J. Roberts of the Beverly fire department, and fire fighter Kevin M. Kelly of my own Boston fire department.

Notably, the bravery and self-sacrifice demonstrated by our local, State, and Federal firefighters are not limited to their public service on behalf of their fellow citizens, communities, and country here at home. Many of these exceptional public servants are currently deployed overseas in Iraq, Kuwait, Afghanistan, and other nations in the Middle East, as well as serving on aircraft carriers in support of our military and reconstruction missions abroad, including Operation Iraqi Freedom and Operation Enduring Freedom.

As reported just last week by the International Association of Firefighters, 16 IAFF members are currently serving together at Kirkuk Regional Air Base in Iraq as members of the 22nd Air Force Reserve Command. Collectively, these soldiers represent 11 IAFF affiliates and constitute one of the largest numbers of IAFF members to serve together in Iraq.

Mr. Speaker, our brave local, State, and Federal firefighters stand as a shining example of the public service and principle of shared sacrifice that has come to define our Nation. It is my hope that we can honor their dedication to their fellow citizens, as well as commemorate the lives of our fallen firefighters, through the passage of House Resolution 729. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, we have some important legislation before us today. House Resolution 729 expresses support for designation of a National Firefighters Memorial Day, and I am honored to be the sponsor of this legislation. Also, I want to thank Chairman TOWNS for bringing this legislation to the floor, and the other 59 cosponsors of this legislation.

The legislation is to honor the dedication and sacrifices of firefighters and the dedication they make every day to keep families and our communities safe. In 2007, there were over 1.1 million firefighters in the United States. Of these, about a third are professional firefighters in the sense that they are career firefighters. But the other 825,000 are all volunteer firefighters. What that means, Mr. Speaker, is they volunteer their services to protect the communities they live in and the people who live around those communities, but they have other jobs to support their families.

One of the volunteer fire departments in Harris County, Texas, is the Atascocita fire department. They still drive around with those reds trucks with the big American flag on the back, something that started after 9/11.

There are 30,000 fire departments that operate in the United States. It is time for the Nation to recognize and honor the bravery and create a National Firefighters Memorial Day to honor Federal, State, and local firefighters who have been killed or disabled in the line of duty. These brave men and women deserve our respect and our gratitude. The time has come for us to create a National Firefighters Memorial Day.

Congress, several years ago, created a National Law Enforcement Memorial Day that we honor and recognize even here on this Capitol grounds every May 15, and it is time that we also recognize and elevate the sacrifices that firefighters have made to a national memorial day as well.

This past Easter Sunday in Houston, Texas, we had two Houston firefighters killed in a house fire saving two people. They were Captain James Harlow who had been a veteran of the fire department for many years, and a rookie, Damian Hobbs. This happened to be his very first fire, and he was killed in that tragic incident. The people in that house were rescued, but after the fire was over with and before the two firefighters were brought from that house, other firefighters from the Houston area came to the home and assembled in two lines as their bodies were brought from the ashes of that fire.

Firefighters are a unique and rare breed. They not only protect and serve our communities, but they are very loyal to each other. The last firefighters killed in the Houston area were also important firefighters, and their names are:

Grady Burke was killed in a fire started by a man that was trying to light a crack pipe.

Kevin Kulow was killed in the El Festival ballroom in a fire set by a man who was trying to get back at his estranged wife. The building burned down, and Officer Kulow was killed.

Captain Jay Jahnke was killed in a high-rise fire in the Galleria area of Houston, Texas.

Also, two firefighters were killed while they were putting out a fire at a McDonald's restaurant in southwest Houston. Their names were Lewis Mayo and Kim Smith.

All communities are affected by fires, and all communities are affected by the fact that firefighters, men and women that wear that uniform, sometimes are disabled, injured, or killed protecting the rest of us.

Mr. Speaker, there is a fire in the United States every 20 seconds. There are 1.6 million fires in the United States every year. Some of those are caused by accident, but many of those are caused by arson. Every year there is an average of 100 firefighters somewhere in the 50 States and our territories that are killed in the line of duty, and some of those are volunteers and some of those are career firefighters. In 2008, there were 118 firefighters killed in the line of duty.

Of course we all remember September 11, 2001, which raised the awareness of the first responders in our country and what they do for the rest of us. When on September 11, 2001, as many people remember when the World Trade Center was attacked, when the Pentagon was attacked, and when there was a plane that crashed trying to protect the rest of us from an attack in Pennsylvania, someone had to respond to those tragedies, and they were our first responders.

Many of the firefighters that responded at the World Trade Center went into those buildings and never came out. Later on September 11, 2001, while many people like myself were watching the video of what was taking place specifically in New York City, observed that when those planes crashed into the World Trade Center, the north and south tower, a lot of folks, thousands of people, good people, but when those planes hit the World Trade Center, Mr. Speaker, those people were running as hard as they could to get away from that terror in the sky. There were other people that when those planes hit the World Trade Center, when they hit the Pentagon over here, they were running as hard as they could to get to that terror that occurred at the World Trade Center and at the Pentagon.

□ 1215

Who were those people? Well, they were the Port Authority in New York, they were New York City police offi-

cers, and they were firefighters and emergency medical technicians.

While it is important for us to always remember the 3,000 people that were killed on September 11, 2001, it's equally important for us to remember the hundreds that got to live because those first responders ran into those burning buildings and saved other people. Of those responders, there were 37 Port Authority officers killed, there were 23 New York City police officers, and there were 343 firefighters, including 41 of those who were emergency medical technicians. They gave their lives so that others could live.

That is what they do; that is what firefighters do. When they hear the alarm, they know they are going to danger, but because they are a special breed, a rare breed, they do that. They do that because their community and the people are important. And they rush into that fire, whether it's a home that's burning in Houston, Texas, or whether it's an attack on America in New York City. So we honor them by passing this resolution to give them a special memorial day.

Every year in October, we recognize the sacrifice and the commitment that these firefighters do for this country and for the people of this Nation.

And that's just the way it is.

I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, in closing, I want to thank the gentleman for offering this resolution. I want to thank him for his kind words and eloquent words on behalf of our firefighters. I offer my own condolences to the families of Houston—the Harlow, Burke, Kulow, Jahnke, Mayo and Smith families—as well as in my own State, the Roberts family and Beverly and Kevin Kelley's family out of Local 718 in Boston because their loss has been so recent and heartfelt.

I want to also mention BILL PASCRELL of New Jersey, who on our side is a true champion of the cause of firefighters for all the reasons that the gentleman has articulated.

I thank the gentleman. And I ask all our colleagues on both sides of the aisle to support this resolution honoring American firefighters by passing House Resolution 729.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in strong support of House Resolution 729, which expresses the sense of Congress that a day be designated to honor America's firefighters who have made enormous sacrifices through loss of life and limb in their service to protect our communities.

There are over 1 million firefighters in the U.S., and each time they respond to an emergency, they risk their own personal safety to help others. Each year, roughly 100 firefighters die in the line of duty.

The City of Houston has one of the largest fire departments in the country with almost 4,000 firefighters and about 100 fire stations. Since the modern-day Houston Fire Department was formed, over 60 firefighters have

lost their lives in the line of duty. Two of these died this year alone.

It is therefore imperative that we take this moment to show our appreciation for the services they provide and the sacrifices that so many have made.

As a cosponsor of this resolution, I urge my colleagues to support House Resolution 729, which calls for the President to formally commemorate these brave men and women by designating a National Firefighters Memorial Day.

Mrs. MILLER of Michigan. Mr. Speaker, I rise today in strong support of H. Res. 729, to designate a National Firefighters Memorial Day to honor the courage, bravery, service and sacrifice of the Firefighters of the United States.

Firefighters are the backbone of our communities. Of the 1,000,000 firefighters in America, 71 percent are volunteer firefighters. They are often the first to respond to an emergency, whether the emergency is a fire, transportation accident, natural disaster, act of terrorism, medical emergency, or spill of hazardous materials. These great men and women respond to nearly 2 million calls each year without hesitation. They have an unwavering dedication to protecting those that are in distress.

First responders are often under-appreciated and taken for granted until crisis strikes and the public reaches out for help and rescue. Against all common sense and natural instinct, firefighters rush to the scene of an emergency and into harm's way without the slightest hesitation. While our natural instinct is to run away from the fire—our fire fighters are running in.

Without the promise of any fame, fortune, or so much as a simple "thank-you", firefighters remain constantly vigilant and ready to serve. On that horrendous September day in 2001, we lost 343 firefighters in the line of duty.

In responding to approximately 1.6 million fires set each year, we see our firefighters rushing to the scene saving countless lives and sometimes giving theirs in return.

I know sometimes younger people idolize professional athletes and cheer for their favorite sports teams. And the same could be said for some adults too. But if you really want to see true teamwork search no further than your local fire station. It is here where men and women work together and count on each other to protect lives. Their service demonstrates courage, camaraderie, and bravery.

It is time that we honor those men and women who have given their lives and those that were disabled in the line of duty. I urge the President to designate a day as National Firefighters Memorial Day and I urge my colleagues to support this very important legislation.

Mr. QUIGLEY. Mr. Speaker, I rise today to speak in support of designating a National Firefighters Memorial Day. The dedicated men and women who have lost their lives in the line of duty will never be forgotten and I express my deepest gratitude for the brave work they did protecting their communities.

Firefighters are the ones running into a burning building when everyone else is running out. The sacrifices they and their families make on a daily basis are as incredible as

they are honorable. These men and women embody the spirit, commitment and sacrifice that define America.

The images of firefighters on September 11, 2001 left an indelible mark on all Americans. We saw firefighters entering flaming buildings, putting others' lives ahead of their own, and standing tall when they were needed most. Their courage continues to both haunt and inspire us.

But we must remember that everyday firefighters across the country are still performing heroic acts and saving lives. Since 2006, 313 firefighters have died on the job. And every year, another 40,000 are injured. Firefighters are constantly called on to put themselves in harm's way and those that are no longer with us deserve to be recognized and celebrated.

I want to thank Representative POE for bringing House Resolution 729 to the Floor and urge the rest of my colleagues to join me in designating a National Firefighters Memorial Day to commemorate the lives of our fallen firefighters.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in support of House Resolution 729, a resolution honoring and celebrating this nation's firefighters with a "National Firefighters' Memorial Day." In today's economic climate, we cannot forget the irreplaceable services that firefighters and first responders perform in our communities, often receiving as compensation only the personal fulfillment of making a difference.

Take, for example, the volunteer fire department of Portland, Connecticut, a small town in the southern part of my district. The fire department in Portland was established in 1884 when a group of twenty-five members of the community recognized that a bucket brigade was insufficient to fight the blazes that were devastating their downtown. They decided they could not stand by idly while friends and neighbors lost their homes and businesses. Today, the Portland volunteer fire department boasts sixty members, and the original firehouse still stands on Portland's Main Street, a symbol of the central role that our first responders play in our communities.

The technology of firefighting has evolved significantly since the early days of the Portland volunteer fire department. I am proud to say that the fire department in Hartford is one of less than fifty departments, out of over 33,000 across the country, to earn the highest possible ranking for fire protection. This honor is no doubt a result of Hartford's position on the cutting edge of first responder technology. Hartford's fire department has been a trailblazer in using GIS mapping and GPS technology to make every first responder aware of hydrant locations, water main diameters, engine locations, and building footprints across the city, all to better serve Connecticut's capital city.

Firefighters in Connecticut's First District also serve the thousands of people who use Bradley Airport each day. The Connecticut Commission on Fire Prevention and Control, established in 1975, is located in Windsor Locks, Connecticut, near the airport. Its facilities, with classrooms, a dive rescue training pool, burn structures, a training yard, and airplane and tanker props for passenger extrication drills, provide a state-of-the-art campus

to train and coordinate first responder efforts across the state. It is because of Connecticut's dedication to providing resources and support to its firefighters that we boast some of the best in the nation.

Connecticut's first district hosts thirty-seven fire houses, including Hartford's. Twenty-seven of these, including Portland's, are completely volunteer operations. Even when the men and women who make up these fire houses aren't selflessly protecting the lives of their friends and neighbors, you can see them out in their communities. They are working day jobs, teaching young people and engendering their passion for fire safety through school visits and Explorer programs, and participating in carnivals, spaghetti suppers, and fundraisers to pay for the equipment and training they need to stay at the top of their profession. The services that firefighters and first responders provide are priceless. The very least we can do is honor our first responders with a "National Firefighters' Memorial Day," and recognize the crucial role they play in promoting our safety, security, and well-being.

Mr. LYNCH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 729.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 831) supporting the goals and ideals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children in foster care awaiting families, celebrating children and families involved in adoption, recognizing current programs and efforts designed to promote adoption, and encouraging people in the United States to seek improved safety, permanency, and well-being for all children.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 831

Whereas there are nearly 500,000 children in the foster care system in the United States, approximately 130,000 of whom are waiting for families to adopt them;

Whereas nearly 54 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is more than 2 years;

Whereas, for many foster children, the wait for a permanent, adoptive, "forever" family in which they are loved, nurtured, comforted, and protected seems endless;

Whereas the number of youth who "age out" of the foster care system by reaching adulthood without being placed in a permanent home has increased by more than 60 percent since 1998, as nearly 28,000 foster youth "aged out" of foster care during 2007;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas, while 3 in 10 people in the United States have considered adoption, a majority of them have misconceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of people in the United States believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children in the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of people in the United States believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care, and financial support in the form of an adoption assistance subsidy is available to adoptive families of eligible children adopted from foster care and continues after the adoption is finalized until the child is 18, so that income will not be a barrier to becoming a parent to a foster child who needs to belong to a family;

Whereas significant tax credits are available to families who adopt children with special needs;

Whereas the Department of Health and Human Services, Administration for Children and Families, in a partnership with the Ad Council, supports a national recruitment campaign for adoptive parents;

Whereas the Collaboration to AdoptUsKids features a photolisting Website for waiting foster children and prospective adoptive families at www.adoptuskids.org, and in Spanish at www.adoptel.org;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, 25,000 children have joined forever families during National Adoption Day;

Whereas in 2008, adoptions were finalized for over 4,600 children through more than 325 National Adoption Day events in all 50 States, the District of Columbia, and Puerto Rico;

Whereas National Adoption Month celebrates the gift of adoption, recognizing the adoptive and foster families who share their hearts and homes with children in need, and raises awareness of the need for families for the many waiting children, particularly older children and teens, children of color, members of sibling groups, and children with physical and emotional challenges; and

Whereas November 2009 is National Adoption Month, and November 21, 2009, is National Adoption Day, and activities and information about both are available at www.childwelfare.gov/adoption/nam/activities.cfm: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child in foster care deserves a permanent and loving family;

(3) recognizes the significant commitment of taxpayers to support adoption, including the \$1,900,000,000 provided to support adoption through the Title IV-E Adoption Assistance program, as well as the assistance provided through the Title IV-E Foster Care program to 130,000 children waiting for adoptive families, among other important programs; and

(4) encourages the citizens of the United States to consider adoption of children in foster care who are waiting for a permanent, loving family.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in strong support of H. Res. 831, a resolution supporting the goals and ideals of National Adoption Day and National Adoption Month.

I am pleased to have worked with Congresswoman BROWN-WAITE, Congressman TIBERI, and Congressman McDERMOTT on this legislation.

On any given day, there are over a half million children in our Nation's foster care system, of which nearly 130,000 are waiting for a permanent home through adoption. While 51,000 children found a family to call their own last year through adoption, far too many children in the foster care system remain waiting for some level of permanency.

Adoption provides children who are unable to return to their biological homes with the opportunity to be raised in a safe and loving home, providing them a level of stability that generally cannot be found in foster care.

Adoption is an important option for many children in the foster care system. It allows children to be raised as a member of a new family, a family that will provide the love, security and support that every child deserves.

The Fostering Connections to Success and Increasing Adoptions Act supported adoption as an important pathway to permanency. This historic law also recognized the need to support multiple avenues to permanency, given that adoption may not be the best option for all children and families.

I have worked with Representative JIM McDERMOTT and my colleague from Illinois, former Representative Jerry Weller, to include language in the fostering connections law to provide additional opportunities to children in fos-

ter care via kinship guardianship. Kinship guardianship gives a child a permanent home with their grandparent or other relative, providing the same level of love, security and support that an adoption home provides but without the termination of parental rights.

An evaluation of Illinois' subsidized guardianship waiver found that children in kinship guardianship fair as well as those in other permanency settings on measures of well-being, including school performance, engagement in risky behaviors, and access to community resources.

A recent GAO report identified kinship guardianship as a key Federal policy to decrease the overrepresentation of African American children in our Nation's child welfare system. African American children enter foster care at higher rates and remain in foster care for longer periods of time when compared to children from other racial or ethnic groups.

Indeed, African American children make up nearly one-third of the children waiting for adoption in this country. There are a variety of reasons why these children remain in the system longer, with one reason being that adoption is not equally availed by families from different races and ethnicities, especially among African American and Native American communities. Research shows that allowing a child to achieve permanency with a relative enhances their development and long-term well-being by maintaining their cultural identity and sense of family belonging, which, understandably, is particularly important for African American and Native American children.

I personally know the value of kinship guardianship because Illinois has been a leader in developing and demonstrating the effectiveness of pioneering child welfare reforms such as kinship guardianship and extension of foster care to age 21, also included in the fostering connections legislation.

In addition to seeing the positive effects of kinship caregiving Statewide, I have seen the importance of kinship guardianship in Chicago. My congressional district has the highest percentage of children living with kinship caregivers in the Nation, followed by the First Congressional District of Illinois with the second highest percentage, and the Second District with the 10th highest percentage in the Nation.

I am proud that the fostering connections law worked to increase adoption and other avenues to permanency such as kinship guardianship to help children find the permanent, safe homes they deserve.

Despite the reforms that we have achieved in this legislation, more work needs to be done to improve the experiences of all children and all families in the system and to end racial disparities that continue to persist.

This spring, I joined with Representative JIM McDERMOTT and TODD PLATTS to introduce legislation that would provide Federal funding to support evidence-based early childhood home visitation programs. These programs provide important home-based instruction and services to pregnant mothers and families with preschool-age children that help to improve the health and educational outcomes of children and their parents.

A growing body of evidence has found that early childhood home visitation programs serve as an effective child abuse prevention strategy, reducing the incidence of child abuse and neglect by nearly 40 percent. Home visiting also produces significant health benefits to children and their families, such as improved child health, child development, parenting skills, and school readiness.

I am pleased that it was included as part of the health care reform proposal that was reported out of the Ways and Means Committee. A similar proposal was included in the health proposal that was reported out of the Senate Finance Committee earlier this month.

I look forward to continuing to work with my colleagues to improve our Nation's foster care system through adoption, guardianship, home visitation programs, and other important initiatives.

I ask my colleagues to join me in supporting the ideals and goals of National Adoption Day and National Adoption Month by voting in favor of H. Res. 831.

Mr. Speaker, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 831, recognizing the goals and ideals of National Adoption Day and Month.

As you know, November 21 will mark this year's annual National Adoption Day celebration. All across the country communities will gather together to celebrate the adoptions that have been finalized this year and those that we hope to finalize in the following year.

It is this spirit of community and family that makes National Adoption Day so effective and so very important in the lives of the Nation's nearly 500,000 foster children. Since the tradition began in the year 2000, over 25,000 children have joined families on this very important day.

As someone who gave birth to two children—and I also adopted an older, hard-to-place child—I know what having a family means to so many children, and in particular to older children. My oldest daughter, following in her mom's footsteps, she and her husband 1 year ago adopted a baby at birth. So whether it's at birth or when the child is older, it is a wonderful,

wonderful experience for any family. I am happy to report that little Joey just celebrated his first birthday.

□ 1230

Although we don't often consider it, each year thousands of children also age out of the foster care system. Each year they grow older, it becomes harder and harder to place them with forever families. In so many cases, adoption is the key to breaking the cycle of abuse for children who would otherwise languish in dangerous homes.

Perhaps it goes without saying how important it is for children to grow up in loving and supportive families; yet, with thousands and thousands of children still being denied this most fundamental opportunity, Congress must do all that it can to support their efforts to find a home for these children.

As such, the Federal Government has rightly stepped in to relieve the financial burden on adoptive families and, in doing so, has made adoption more affordable to people of all income levels. But much still remains to be done. The resolution that we are considering today is an important affirmation and reaffirmation of our commitment to improving the lives of foster children everywhere.

I thank my colleagues on both sides of the aisle for their support and attention to this matter. If you don't think that taking a child into your home and loving that child makes a real difference, let me tell you something that my adopted daughter just told me this week. Now, remember, she was in a very, very poor situation as she was growing up. She told me that she met a man who epitomizes what her dad represented. Her dad was my deceased husband, Harvey Waite. So she learned what a true family man really was through our adoption.

With that, Mr. Speaker, I urge adoption of this resolution, and I reserve the balance of my time.

Mr. DAVIS of Illinois. I want to thank Representative BROWN-WAITE for her introduction of this legislation and also for her remarks.

It's my pleasure now to yield such time as he might consume to the chairman of the Income Security and Family Support Subcommittee, the gentleman from Washington, Representative JIM McDERMOTT, one of the real champions of child welfare in this country and one who knows exactly what is needed to make sure that children have safe and comfortable environments in which to live.

Mr. McDERMOTT. Mr. Speaker, I want to begin by acknowledging my colleagues, the gentleman from Illinois (Mr. DAVIS) and the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for bringing this resolution to the floor.

This is an issue that deserves our unanimous support, and I'm sure it will have it. H. Res. 831 really expresses the

ideals and the goals of National Adoption Day and National Adoption Month. Every child deserves to be raised in a home that is safe, loving and is permanent. Unfortunately, this basic principle is not a reality for the 129,000 children who are currently in our Nation's foster care system waiting for a permanent home to call their own.

Last year, the Congress passed bipartisan, bicameral legislation that dramatically reformed our Nation's foster care and adoption program. The Fostering Connections to Success and Increasing Adoptions Act was designed to improve the outcomes of children's lives in the foster care system as well as increase the number of children who find permanency through placement with a grandparent or other relative or through adoption. The new law helps States provide greater financial assistance to relative caregivers who choose to become the legal guardian of a foster child and also promotes the adoption of children with special needs and improves the Adoption Incentive Program.

While my colleagues and I were able to accomplish a great deal last year in improving foster care and adoption programs, our work is far from over. We must ensure that families are given the postadoption support they need when they welcome an adopted child into their home. Any of us who have raised a child know that it's difficult to do, but it is an immensely rewarding endeavor, and when the Federal Government has an ability to encourage these connections, we ought to do so.

There are a wealth of families interested in adopting a child out of foster care. A study last year showed that there are 600,000 women in the United States seeking to adopt. The majority of these women said they would consider adopting older youth, siblings, or children with special needs. We can and must do a better job of connecting these would-be parents to kids growing up in foster care.

It's my hope that this bill and the resolution connected to it will lead to an overall increase in the awareness of National Adoption Day and will help us close the gap so that it is possible to imagine a Nation where every child, indeed, lives in a safe and secure home.

We must also do a better job of keeping kids out of the foster care system to begin with. Today, we provide some or more financial assistance to States to remove children from homes and place them in care than we do in providing support to children in at-risk homes where they are living in their homes.

At this time last week, I delivered remarks in front of a group of current and former foster youth, and the topic of discussion was: How can we better address the stresses of crises in the home that bring families to the door of

the system in the first place? The point I heard over and over again from these young adults was, My parents weren't bad people. They just needed some extra help and guidance to keep our family together.

Keeping children safely with their biological parents is almost always in the child's best interest. In an effort to move us in that direction, I have introduced bipartisan legislation with Representative DANNY DAVIS and TODD PLATTS to provide States with mandatory grant funding to support an evidence-based voluntary home visitation program.

The President took Representative DAVIS' idea and put it in his budget. We put it in H.R. 3200, which is the health care bill that is now about to be considered in this body.

The home visitation program provides services to pregnant women and families with preschool-aged children that are designed to enhance the child's health, well-being, and development. I am pleased that the proposal was introduced and that it made its way into the health care bill. We expect it will pass out of here in a few days.

I ask my colleagues to join me in supporting H. Res. 831 and to recommit ourselves to working on legislation that improves the lives of all children and families and improves our child welfare system. The 129,000 children who are awaiting a permanent family deserve nothing less from this Congress.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I have no additional Members wishing to speak on this. I will just certainly agree with my colleagues that this is a very worthwhile resolution and one that I hope Americans who have room in their hearts and their homes to adopt someone will take very, very seriously. Adoption is a long process and one that should be taken very seriously, but it's one that has many, many rewards.

I would encourage my colleagues to vote in favor of this resolution.

I yield back the balance of my time.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 831.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. To close, Mr. Speaker, let me just commend Representative BROWN-WAITE, Chairman McDERMOTT, Mr. TIBERI, and all those who have worked on bringing this legislation to the floor. Our children are, indeed, the future, and it's our responsibility to provide every opportunity that we possibly can for them. I think

this legislation and this resolution all combine to help make America a better place for children, so I would ask that all Members support it.

Mr. CAMP. Mr. Speaker, I am pleased to rise today in support of H. Res. 831, a resolution that recognizes the successes of federal efforts to encourage adoption, and honors National Adoption Day and Month.

As an avid adoption supporter, I believe that Congress must continue to promote the adoption of children into safe and loving homes. Through our work in 1997 as part of the Adoption and Safe Families Act, and more recently through the Fostering Connections to Success and Increasing Adoptions Act of 2008, Congress has made significant advances in providing more options for children in need.

Yet, far too many children, nearly 130,000, are waiting in foster care programs throughout our country for families to adopt them. These children should be given every opportunity to lead successful lives, and one way to make that happen is to increase the adoption of these children into safe, permanent, loving homes.

That is why National Adoption Day and Month are so important. This year, National Adoption Day will take place on November 21, and is designed for communities around the country to highlight adoptions. Last year there were events in all 50 states during which the adoptions of 4,000 children were finalized.

This year is especially important, as the National Adoption Day is celebrating its 10-year anniversary. This is a significant achievement from its humble beginnings, when Los Angeles County Judge Michael Nash started "Adoption Saturdays" to help facilitate the adoption of foster children.

I have been honored to participate in National Adoption Day over the past several years. To be part of such a special occasion reinforces the need for further efforts to move kids into adoptive homes.

I would also like to highlight the efforts of the Congressional Coalition on Adoption Institute to promote adoption through its annual Angels in Adoption Awards Ceremony, held in September. This event also highlights those that have opened their hearts and their homes.

This year, I was honored to nominate Sarah and Steve Rosinski, from Traverse City, Michigan, as Angels in Adoption. Steve and Sarah became foster parents when a young boy name Logan was placed in their home. Coming from a difficult family, Logan needed special attention and care. The Rosinskis gave him the love and support he needed to thrive and made him a permanent addition to their family by adopting him in 2007.

They now are fostering a baby girl, also coming to them with early challenges—again, putting the child's best interests first, they are working on a reunification plan with her family. The Rosinskis have never asked for recognition for what they have done, they have simply done what is right. This is what National Adoption Day is all about.

I first got involved by helping families with their adoption proceedings as their attorney. I strongly believe that we have the ability and the opportunity to help encourage adoption and help those in the foster care system. That

is why it is so important to recognize the families who make extraordinary efforts to welcome children into their family and highlight the importance of National Adoption Day and Month.

Mr. LINDER. Mr. Speaker, I join my colleagues today in support of this resolution supporting National Adoption Day and Month. I join in recognizing all of the children in foster care awaiting loving adoptive families as well as the many caring adults who have opened their hearts and homes to take in foster or adopted children.

During 2007 an estimated 783,000 children were served by the foster care system, with 494,000 children in care at the end of the year, including 12,236 in my home State of Georgia. In 2006 across the U.S., 50,941 adoptions were completed with public child welfare agency involvement. Significantly, the rate of adoption from foster care has increased from 5.5 percent in 1995 to 10 percent in 2006. That improvement has been driven by specific policies—including the landmark Adoption and Safe Families Act of 1997—designed to increase the rate of adoption.

While that is welcome progress, there is more work to be done. Congress took additional steps last year with the passage of bipartisan legislation designed to promote more adoption, especially of children in foster care. As that law, the Fostering Connections to Success and Increasing Adoptions Act of 2008, is implemented, I look forward to reviewing the continued progress we will hopefully be making in improving the lives of children. When it comes to promoting more adoption instead of more foster care, we certainly have a solid track record to build on, and cause for optimism.

Beyond the legislation now in place, I call on Congress and the American people to continue working to improve educational opportunities for foster youth, as for all youth. Foster youth face particularly high hurdles in graduating from high school on time, or even at all. The reasons are many, including the multiple home placements that often cause young people in foster care to bounce not just from home to home but also from school to school. Overcoming these challenges is a key goal of last year's legislation, and one that will take the concerted efforts of many in the child welfare and education communities, in addition of course to the dedication of young people and their foster and adoptive parents. Giving each young person a solid chance of success in life starts with ensuring each and every student finishes at least high school and has the basic skills to find and keep a stable, well-paying job.

I urge all Members to support this resolution, and work with the many dedicated faith-based and other groups in their districts who promote adoption not only in November, but in every month of the year. We should all work toward the day when every child will be in a safe and loving permanent home, either with their own parents or, if they cannot adequately care for them, with loving adoptive parents.

Along the way, it is right to recognize both those who have already opened their hearts and homes to these special young people, as well as those who will do so in the future.

They deserve our thanks and admiration for the tremendous commitment of love and devotion they show every day.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of House Resolution 831 to support the goals and ideals of National Adoption Day and National Adoption Month. This resolution seeks to promote awareness of adoption and the foster care system and remind all of us of the importance that adoption plays in the lives of countless Americans across the country.

Today there are nearly half a million children in foster care in the United States with roughly 130,000 waiting for families to adopt them. The awareness and encouragement that National Adoption Day and Month brings have helped numerous children find loving families. It is expected that 4,500 foster care children will be adopted this year on National Adoption Day which takes place on November 21.

Mr. Speaker, a loving family can have a lifelong impact on a child, and it is important that we acknowledge the sacrifices and celebrate the importance that every party in the adoption process has. I encourage my colleagues to join me today in supporting House Resolution 831 so that we can continue to recognize the on-going efforts of America's adoptive families and their adopted sons and daughters.

Mr. DAVIS of Illinois. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 831.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CELEBRATE SAFE COMMUNITIES WEEK AND CRIME PREVENTION MONTH

Mr. COHEN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 177) raising the awareness of the need for crime prevention in communities across the country and expressing support for designation of October 1, 2009, through October 3, 2009, as "Celebrate Safe Communities" Week, and October as "Crime Prevention Month".

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 177

Whereas communities across the country face localized increases in violence and other crime;

Whereas local law enforcement-community partnerships are an effective tool for crime prevention and addressing the fear of crime;

Whereas the National Sheriffs' Association (NSA) and the National Crime Prevention Council (NCPC) are leading national resources providing community safety and crime prevention tools tested and valued by local law enforcement agencies and communities nationwide;

Whereas the NSA and the NCPC have joined together to create the "Celebrate Safe Communities" (CSC) initiative in partnership with the Bureau of Justice Assistance, Office of Justice Programs, Department of Justice;

Whereas in its premiere year, 153 communities in over 32 States and the District of Columbia participated in "Celebrate Safe Communities";

Whereas "Celebrate Safe Communities" will take place the first week of October 2009 to help kickoff recognition of October as "Crime Prevention Month";

Whereas "Crime Prevention Month" was established 25 years ago to encourage public education on being alert to criminal activity within their communities;

Whereas "Celebrate Safe Communities" is designated to help local communities highlight the importance of law enforcement-community partnerships to keep communities safe places to live, learn, work, and play;

Whereas "Celebrate Safe Communities" will enhance the public awareness of vital crime prevention and safety messages and motivate people in the United States of all ages to learn what they can do to stay safe from crime;

Whereas "Celebrate Safe Communities" will help promote year-round support for locally based and law enforcement-led community safety initiatives that help keep families, neighborhoods, schools, and businesses from crime;

Whereas the week of October 1, 2009, through October 3, 2009, would be an appropriate week to designate as "Celebrate Safe Communities" Week; and

Whereas the month of October is designated as "Crime Prevention Month": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) supports the designation of "Celebrate Safe Communities" Week;

(2) supports "Crime Prevention Month";

(3) commends the efforts of the thousands of local law enforcement agencies and their countless community partners educating and engaging residents of all ages in the fight against crime;

(4) asks communities across the country to consider how "Celebrate Safe Communities" can help them highlight local successes in the fight against crime;

(5) encourages the National Sheriffs' Association and the National Crime Prevention Council to continue to promote through "Celebrate Safe Communities" and year-round, individual and collective action, in collaboration with law enforcement and other supporting local agencies, to reduce crime and build safer communities throughout the United States; and

(6) encourages government agencies, civic groups, schools, businesses, and youth organizations to educate the public, showcase their accomplishments, and explore new partnerships during "Crime Prevention Month".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. I ask unanimous consent that all Members have 5 legislative days to revise and extend their re-

marks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. I yield myself as much time as I may consume.

Mr. Speaker, this resolution, H. Con. Res. 177, recognizes the importance of citizen and community involvement in an effort to prevent crime and express support for the designation of October 1 through October 3 as Crime Prevention Week and October as National Crime Prevention Month.

Celebrate Safe Communities is a relatively recent crime prevention initiative of the Justice Department in partnership with the National Sheriffs' Association and the National Crime Prevention Council.

The goal of this initiative is to strengthen the partnership between citizens and law enforcement. In Memphis, my hometown, Stevie Morris formed a group called FFUNN, which works with young people to prevent crime. There are neighborhood associations. Neighborhood Watch is an effective group that works in the community, and so are Crime Stoppers programs.

During the first week in October, communities throughout the country held events, educating the public about crime prevention and public safety programs. Not only do these events highlight crime prevention, but they encourage citizens to become personally involved in these programs. That's what the FFUNN group in Memphis and Stevie Moore did.

Similarly, during the month of October, communities and law enforcement organizations commemorate Crime Prevention Month, promoting awareness of important issues such as victimization, volunteerism, and creating safer, more caring communities. The monthlong celebration highlights successful crime prevention efforts at the local, State, and national levels, all of which are important in our communities.

I thank the gentleman from Washington (Mr. REICHERT) for introducing this resolution. I urge my colleagues to support it.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself as much time as I may consume.

I want to thank the gentleman from Michigan (Mr. STUPAK) and the gentleman from Washington, Sheriff REICHERT, for introducing this legislation.

H. Con. Res. 177, which is Celebrate Safe Communities Week, supports the designation of October 1, 2009, through October 3 as Celebrate Safe Communities Week and October as Crime Prevention Month. H. Con. Res. 177 also calls attention to the need for crime

prevention in communities across the country.

In 1984, the National Crime Prevention Council established Crime Prevention Month to encourage public education on awareness and prevention of criminal activity within communities and neighborhoods. Every year since then, government agencies, volunteer groups, schools and businesses have reached out to the public to do just that.

In conjunction with the ninth National Crime Prevention Month, the National Sheriffs' Association and the National Crime Prevention Council, in partnership with the Department of Justice, they all came together to create the Celebrate Safe Communities initiative. In its very first year, the program recruited 153 communities in 32 States as well as the District of Columbia to participate in the weeklong event.

This year, from October 1 through October 3, Celebrate Safe Communities Week kicked off their recognition of October as Crime Prevention Month. Crime Prevention Month and Celebrate Safe Communities Week strive to enhance the public's awareness of local law enforcement-led community safe initiatives, thus motivating people in the United States to learn what they can do to stay safe from criminal conduct in their communities.

While Celebrate Safe Communities Week highlights the importance of citizens protecting themselves through crime prevention, initiatives also stress the importance of community participation with local law enforcement agencies after a crime has taken place.

□ 1245

Volunteer organizations have proven to be invaluable in their coordination with law enforcement officials and with other community leaders. After all, a partnership of those who have firsthand knowledge of their neighborhoods is, without a doubt, the most effective way of attacking crime head on.

This resolution reminds us that prevention is critical to the fight against crime in our society. This resolution also reminds us that crime is a local problem. There is no better time than Crime Prevention Month and Celebrate Safe Communities Week for citizens to start learning how they can take control in protecting their families and their communities.

I urge all of my colleagues to support H. Con. Res. 177.

I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. CAO).

Mr. CAO. I would like to thank the gentleman from Texas for yielding.

Mr. Speaker, I rise today in support of House Concurrent Resolution 177 to raise awareness of the need for crime prevention in communities across the country. The fight to reduce crime remains a top issue for my constituents in the Second Congressional District. Unfortunately, New Orleans, like any other great city in this country, is struggling to fight the issue of violent crime, and this has been the case for 9 straight years.

Last month in New Orleans, an innocent 3-year-old girl was shot following a violent 11-hour stretch that saw 12 people shot and two people fatally wounded. Last week, an unsuspecting man was shot just two blocks away from a New Orleans school, and just this weekend, New Orleans was hit by a spate of eight armed robberies.

That is why we must work to require local and Federal law enforcement agencies to coordinate their efforts in cities like New Orleans. We should provide resources for drug and violent crime sweeps, funding for additional prosecutors, and we should help create a police and court system database to help track and prosecute criminals.

This resolution to designate October 1, 2009–October 3, 2009, as Celebrate Safe Communities Week and October as Crime Prevention Month will be an important step in fighting crime not only in my district but around the country.

Mr. Speaker, I strongly urge my colleagues to join the national fight against crime and to support House Concurrent Resolution 177.

Mr. COHEN. Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield as much time as he wishes to consume on this resolution to the author of the resolution, the gentleman from Washington, Sheriff REICHERT.

Mr. REICHERT. I stand here today, Mr. Speaker, as a former sheriff. I also stand here today as a former member of the law enforcement community for 33 years. This is a new world for me, and it's a proud moment for me to be here to introduce this bill and to have the support that we have here today from both sides of the aisle.

I know from firsthand experience the challenges associated with our communities and with keeping them safe. The truth is that safety and security are the business of every citizen. We all have to work together to make this country safe, to make our communities safe, to keep our neighborhoods safe. We always have to remain vigilant, and we always have to watch out for our neighbors' homes and for our own homes to keep them safe. Together, we will raise awareness about crime prevention and about what we can do to keep our own homes safe and our entire communities safe.

So I am pleased today to support my resolution to designate the first week

of October as Celebrate Safe Communities Week and recognize October as Crime Prevention Month.

I want to thank my colleagues from across the aisle—Mr. STUPAK from Michigan—for joining me in sponsoring this important effort.

Crime affects everyday decisions—where we go in public, where we travel, what neighborhoods we visit, and where we might stop to shop for services or goods. Although the national crime rate has gone down in recent years, many cities and communities have actually seen a rise in crime rates over the past year or so. I've seen the devastation that even perceived crimes can cause and the harmful effects on our communities, especially for our children.

Children sometimes will feel threatened even going to school, and we've had to pass laws for school safety and school violence. It's a sad state of affairs today when we recognize that our children are sometimes not even safe on the school grounds or on the playgrounds of our schools across the country. Sometimes it causes them to even turn inward and to feel insecure and unsafe, and their schoolwork even suffers. They, themselves, may even turn to crime.

People of all ages and of all walks of life can be affected by crime. As we know, increases in crime can harm the economy. Residents can stay away from local businesses in certain neighborhoods because they might feel it's unsafe to shop there and to do business there.

Crime also affects the comfort and willingness of residents to work with law enforcement on community safety initiatives. Sometimes community policing efforts in working with a community will suffer if we don't all engage in ensuring our communities are safe. By engaging with communities in efforts such as Celebrate Safe Communities Week and Crime Prevention Month, connections to deter and to prevent violence can be made between members of law enforcement and their communities in order to serve and protect the public.

This initiative spotlights communities' crime prevention efforts; it enhances public awareness of violent crime prevention and safety messages; and it recruits year-round support for ongoing prevention activities that help keep neighborhoods safe from crime. Crime Prevention Month highlights the positive effects that prevention efforts have on a community through community efforts events, public service organizations, public service announcements, and other coordinated activities.

I am pleased that the House has chosen to recognize these important community efforts while respecting the work of our law enforcement officers in their responding without hesitation to

every call that comes over the radio. We'd rather receive fewer calls and see less violence in our communities. It all starts with prevention.

I urge my colleagues to support this resolution.

Mr. POE of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, as I mentioned earlier, in Memphis, we've got many programs similar to these that have been discussed.

The Freedom from Unnecessary Negotiations with Stevie Moore is in the community, often visited by our sheriff, Mark Luttrell, who was named National Sheriff of the Year, with District Attorney General Bill Gibbons and with others, who visit and have cook-outs, who talk about crime and who get the community oriented with their law enforcement officers—where they'll be wanting to report and work with the law enforcement officers. It has been a successful program.

Crime Stoppers is a successful program where people get rewarded for turning in criminals. They get rewarded with financial incentives.

The Neighborhood Watch programs are great programs where people work together to be aware of crime.

These are all important, and this is an important effort to fight against crime, and that's why I ask everybody to support this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 177.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FEDERAL JUDICIARY ADMINISTRATIVE IMPROVEMENTS ACT OF 2009

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3632) to provide improvements for the operations of the Federal courts, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Judiciary Administrative Improvements Act of 2009".

SEC. 2. SENIOR JUDGE GOVERNANCE CORRECTION.

(a) IN GENERAL.—Section 631(a) of title 28, United States Code, is amended in the first

sentence by striking "(including any judge in regular active service)" and all that follows through "was appointed)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 3. REVISION OF STATUTORY DESCRIPTION OF THE DISTRICT OF NORTH DAKOTA.

(a) IN GENERAL.—Section 114 of title 28, United States Code, is amended to read as follows:

"§ 114. North Dakota

"North Dakota constitutes one judicial district.

"Court shall be held at Bismarck, Fargo, Grand Forks, and Minot."

(b) CURRENT CASES AND JURIES NOT AFFECTED.—

(1) PENDING CASES NOT AFFECTED.—The amendment made by subsection (a) shall not affect any action commenced before the effective date under subsection (c) and pending in the United States District Court for the District of North Dakota on such date.

(2) JURIES NOT AFFECTED.—The amendment made by subsection (a) shall not affect the composition, or preclude the service, of any grand or petit jury summoned, empaneled, or actually serving in the Judicial District of North Dakota on the effective date under subsection (c).

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall take effect 90 days after the date of the enactment of this Act.

SEC. 4. DISABILITY RETIREMENT AND COST-OF-LIVING ADJUSTMENTS OF ANNUITIES FOR TERRITORIAL JUDGES.

(a) IN GENERAL.—Section 373 of title 28, United States Code, is amended—

(1) in subsection (c), by amending paragraph (4) to read as follows:

"(4) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall be paid, while performing such duties, the same compensation (in lieu of the annuity payable under this section) and the same allowances for travel and other expenses as a judge on active duty with the court being served."

(2) by amending subsection (e) to read as follows:

"(e)(1) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who is not reappointed (as judge of such court) shall be entitled, upon attaining the age of 65 years or upon relinquishing office if the judge is then beyond the age of 65 years—

"(A) if the judicial service of such judge, continuous or otherwise, aggregates 15 years or more, to receive during the remainder of the life of such judge an annuity equal to the salary received when the judge left office; or

"(B) if such judicial service, continuous or otherwise, aggregates less than 15 years, to receive during the remainder of the life of such judge an annuity equal to that proportion of such salary that the aggregate number of years of service of such judge bears to 15.

"(2) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who has served at least 5 years, continuously or otherwise, and who retires or is removed upon the sole ground of mental or physical disability, shall be entitled to receive during the remainder of the life of such judge an annuity equal to 40 percent of the salary received when the judge left office or, in the case of a judge who has

served at least 10 years, continuously or otherwise, an annuity equal to that proportion of such salary that the aggregate number of years of judicial service of such judge bears to 15.";

(3) by amending subsection (g) to read as follows:

"(g) Any retired judge who is entitled to receive an annuity under this section shall be paid a cost-of-living adjustment as provided under section 8340(b) of title 5, except that in no case may the annuity payable to such retired judge, as increased under this subsection, exceed the salary of a judge in regular active service with the court on which the retired judge served before retiring."

(b) EFFECTIVE DATE.—

(1) COMPENSATION OF RECALLED JUDGES.—The amendment made by subsection (a)(1) shall apply with respect to judicial duties pursuant to recall that are performed on or after the date of the enactment of this Act.

(2) JUDGES WHO ARE NOT REAPPOINTED.—The amendment made by subsection (a)(2) shall apply to a judge who relinquishes office under section 373(e)(1) of title 28, United States Code, as amended by such subsection, or who retires or is removed from office under section 373(e)(2) of such title, as so amended, on or after the date of the enactment of this Act.

(3) COST-OF-LIVING INCREASES.—The amendment made by subsection (a)(3) shall apply to judges who retire before, on, or after the date of the enactment of this Act.

SEC. 5. ANNUAL LEAVE LIMIT FOR JUDICIAL BRANCH EXECUTIVES.

(a) IN GENERAL.—Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (F), by striking "or" at the end;

(2) in subparagraph (G), by striking the period and inserting "or"; and

(3) by adding at the end the following:

"(H) a position in the judicial branch that is designated as a senior executive position—

"(i) in the United States courts, by the Judicial Conference of the United States;

"(ii) in the Federal Judicial Center, by the Board of the Federal Judicial Center; or

"(iii) in the United States Sentencing Commission, by the Commission."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 6. FEDERAL JUDICIAL CENTER PERSONNEL MATTERS.

(a) IN GENERAL.—Section 625 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

"(b) The Director shall appoint and fix the compensation of such additional professional personnel as the Board considers necessary, without regard to the provisions of title 5 governing appointments in competitive service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, subject to the following:

"(1) The compensation of any person appointed under this subsection may not exceed the annual rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, except that the Director may fix the compensation of 4 positions of the Center at a level not to exceed the annual rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5.

"(2) The salary of a reemployed annuitant under subchapter III of chapter 83 of title 5 shall be adjusted under section 8344 of such

title, and the salary of a reemployed annuitant under chapter 84 of title 5 shall be adjusted under section 8468 of such title.”.

(2) in subsection (c), by striking “, United States Code,”; and

(3) in subsection (d)—

(A) by striking “, United States Code,”; and

(B) by striking “General Schedule pay rates, section 5332, title 5, United States Code” and insert “the General Schedule under section 5332 of title 5”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 7. SEPARATION OF THE JUDGMENT AND STATEMENT OF REASONS FORMS.

(a) **IN GENERAL.**—Section 3553(c)(2) of title 18, United States Code, is amended by striking “the written order of judgment and commitment” and inserting “a statement of reasons form issued under section 994(w)(1)(B) of title 28”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 8. PRETRIAL SERVICES FUNCTIONS FOR JUVENILES.

(a) **IN GENERAL.**—Section 3154 of title 18, United States Code, is amended—

(1) by redesignating paragraph (14) as paragraph (15); and

(2) by inserting after paragraph (13) the following:

“(14) Perform, in a manner appropriate for juveniles, all of the functions identified in this section with respect to juveniles awaiting adjudication, trial, or disposition under chapter 403 of this title who are not detained.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 9. STATISTICAL REPORTING SCHEDULE FOR CRIMINAL WIRETAP ORDERS.

(a) **IN GENERAL.**—Section 2519 of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “Within thirty days” and all that follows through “issuing or denying judge” and inserting “In January of each year, any judge who has issued an order (or an extension thereof) under section 2518 that expired during the preceding calendar year, or who has denied approval of an interception during that year,”;

(2) in paragraph (2), by striking “In January of each year” and inserting “In March of each year”; and

(3) in paragraph (3), by striking “In April of each year” and inserting “In June of each year”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 10. THRESHOLDS FOR ADMINISTRATIVE REVIEW OF OTHER THAN COUNSEL CASE COMPENSATION.

(a) **IN GENERAL.**—Section 3006A of title 18, United States Code, is amended—

(1) in subsection (e)—

(A) in paragraph (2)—

(i) in subparagraph (A), in the second sentence, by striking “\$500” and inserting “\$800”; and

(ii) in subparagraph (B), by striking “\$500” and inserting “\$800”; and

(B) in paragraph (3), in the first sentence, by striking “\$1,600” and inserting “\$2,400”; and

(2) by adding at the end the following:

“(5) **ADJUSTMENT OF DOLLAR AMOUNTS.**—

“(A) **IN GENERAL.**—The dollar amounts provided in paragraphs (2) and (3) shall be ad-

justed by an amount, rounded to the nearest multiple of \$100, equal to the percentage of the cumulative adjustments taking effect under section 5303 of title 5 in the rates of pay under the General Schedule since the date on which the dollar amounts provided in paragraphs (2) and (3), respectively, were last modified by statute.

“(B) **EFFECTIVE DATE.**—Each adjustment under subparagraph (A) shall take effect on the same day on which the corresponding adjustment under section 5303 of title 5 takes effect.”.

(b) **EFFECTIVE DATE.**—

(1) **INCREASE IN DOLLAR AMOUNTS.**—The amendments made by subsection (a)(1) shall take effect on the date of the enactment of this Act.

(2) **ANNUAL ADJUSTMENTS.**—The amendment made by subsection (a)(2) shall apply with respect to adjustments taking effect under section 5303 of title 5, United States Code, after the date of the enactment of this Act.

The **SPEAKER pro tempore**. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The **SPEAKER pro tempore**. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. I yield myself such time as I may consume.

Mr. Speaker, I am honored to bring to the floor H.R. 3632, the Federal Judiciary Administrative Improvements Act of 2009. This bill will enact basic improvements to the Federal courts to ensure that our Federal court system is efficient and effective.

The first section of H.R. 3632 seeks to address an inconsistency in the law on the eligibility of senior judges to participate in court governance matters. This minor change will ensure that senior judges have the ability to participate in the selection of magistrate judges.

This legislation will also streamline the work of the District of North Dakota by eliminating references to divisions while maintaining the present situation that North Dakota constitutes one judicial district.

H.R. 3632 will also correct inequalities among the members of the judiciary. First, it adjusts the disability retirement coverage and cost-of-living annuity adjustments of four territorial judges so that these members of the judiciary will be treated like other term judges, such as bankruptcy and magistrate judges. Second, this bill will change the annual leave limit for judiciary branch executives, and it will adjust the pay scale.

H.R. 3632 also makes some minor adjustments for criminal matters. For ex-

ample, it will improve the control and protection of confidential information by allowing the courts to separate the Judgment and Statement of Reasons forms. In addition, small changes will clarify the scope and authority of Federal pretrial service officers to assist juveniles.

Finally, H.R. 3632 will change the timeline for the statistical reporting of criminal wiretapping orders by extending the deadline for judges to file these orders, by several months, with the Administrative Office of the Courts. Wiretap reports will continue to be provided annually to Congress, but this change will ease the administrative burden on judges, and it will make those annual reports more accurate.

This noncontroversial legislation has bipartisan support. It has the full backing of the Judicial Conference of the United States, and the Senate recently introduced companion legislation. I ask my colleagues to join me in supporting this measure.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I rise in support of H.R. 3632, and I yield as much time as he wishes to consume to the ranking member, the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. I thank my colleague from Texas for yielding, and I also thank my colleague on the Judiciary Committee.

Mr. Speaker, the purpose of H.R. 3632 is to implement noncontroversial administrative provisions that the Judicial Conference and the House Judiciary Committee believe are necessary to improve the operations of the Federal judiciary and to provide justice for the American people.

The Judicial Conference is the policymaking body of the Federal judiciary, and through its committee system, it evaluates court operations. The Conference endorses all of the provisions in the bill.

H.R. 3632 affects a wide range of judicial branch programs and operations, including those pertaining to financial administration, process improvements and personnel administration.

The bill incorporates nine separate items, which, Mr. Speaker, I would like to enter into the RECORD at this point.

A section that clarifies that senior judges must satisfy minimum work thresholds to participate in court government matters, including the selection of magistrates.

A section that eliminates the references to divisions and counties in the statutory description of the Judicial District of North Dakota, which enables the court to better distribute the workload between two active district judges and reduce travel for litigants in the northern central area of the district.

A section that authorizes the “statement of reasons” that judges must issue upon sentencing to be filed separately with the court. Current law requires the statement to be bundled with other information in the case file distributed to the Sentencing Commission, where it can be difficult to maintain a seal related to confidential information.

A section that specifies that federal pre-trial services officers can provide the same services to juveniles as they do for adult offenders. An example would be drug treatment.

And a section that applies an inflationary index to the threshold amount requiring approval by the chief judge of reimbursements for the cost of hiring expert witnesses and conducting investigations for indigent defendants. The dollar thresholds are statutorily fixed and erode over time. This means chief judges must devote greater time approving what are otherwise not genuine "high-dollar" requests.

Mr. Speaker, H.R. 3632 is necessary to improve the functioning of the U.S. courts, which will ultimately benefit the American people. This is a non-controversial bill, and I urge my colleagues to support it.

Mr. COHEN. Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. I yield myself as much time as I may consume.

Mr. Speaker, as the ranking member of the Judiciary Committee has noted, Mr. SMITH from Texas, H.R. 3632 contains a number of administrative improvements to title 28 of the United States Code which will improve the operations and efficiency of the Federal judiciary. The previous speakers have highlighted many of the provisions set forth in H.R. 3632, but I would like to note two specific items:

First, section 4 of the legislation adjusts the disability retirement coverage and COLA adjustments of territorial judges, thereby reducing existing inequities between them and other term judges, such as magistrate and bankruptcy judges. The CBO estimates that this will not result in an increase in direct spending.

Second, section 5 of the bill extends to senior executives in the Federal courts, the Federal Judiciary Center and Sentencing Commission the same ability to carry over up to 90 days of annual leave just as comparable officials within the executive branch and the Administrative Office of the U.S. Courts are treated.

Mr. Speaker, such changes are obscure but necessary to increase efficiency in our Federal courts, and I urge all Members to support the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I am pleased that this is a noncontroversial, bipartisan bill.

As a Tennessean who represents the district, which over, maybe, give or take, 200 years ago was represented by Davy Crockett, who went to Texas and made sure that these two fine gentlemen weren't part of a territory or part of a foreign nation, I am proud to work with them to see that this legislation comes to the floor.

Ms. BORDALLO. Mr. Speaker, I rise today in support of the passage of H.R. 3632, The Federal Judiciary Administrative Improvements Act of 2009. The passage of this bill in the

House marks an important step towards addressing administrative disparities between federal judges serving under the authority of Article IV of the Constitution and Article III federal judges. Specifically, section 4 of H.R. 3632 addresses disparities in disability retirement and cost of living adjustments of annuities for territorial judges. While this bill takes a positive step in addressing these disparities, there is still work to be done on this issue. The House has previously passed this important legislation and I hope the Senate will take up this bill to improve the administration of our nation's federal court system.

I support legislation that addresses these disparities and have introduced legislation that calls for more equal treatment of territorial federal judges. H.R. 910 addresses one of the disparities in treatment of federal judges regarding the specific case of Judge John S. Unpingco, who served as Chief Judge of the U.S. District Court of Guam but due to the ten year term limit of Article IV judges, did not fulfill the service requirement to receive a full annuity. Article III judges serve for life.

I commend Congressman HANK JOHNSON, as well as Chairman CONYERS and Ranking Member SMITH for their work and leadership on improving our nation's federal judiciary and I look forward to working with them in the future to further address the issue of disparities of territorial federal judges.

Mr. COHEN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, H.R. 3632.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1300

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 1694, by the yeas and nays;

H. Res. 838, by the yeas and nays;

H. Res. 784, by the yeas and nays;

H. Res. 824, de novo.

Other postponed questions will be taken later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

ALLOWING FUNDING FOR THE INTEROPERABLE EMERGENCY COMMUNICATIONS GRANT PROGRAM

The SPEAKER pro tempore. The unfinished business is the vote on the mo-

tion to suspend the rules and pass the bill, S. 1694, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BOUCHER) that the House suspend the rules and pass the bill, S. 1694.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 12, as follows:

[Roll No. 819]

YEAS—420

Abercrombie	Coffman (CO)	Hall (NY)
Ackerman	Cohen	Halvorson
Adler (NJ)	Cole	Hare
Akin	Conaway	Harman
Alexander	Connolly (VA)	Harper
Altmire	Conyers	Hastings (WA)
Andrews	Cooper	Heinrich
Arcuri	Costa	Heller
Austria	Costello	Hensarling
Baca	Courtney	Herger
Bachmann	Crenshaw	Herseth Sandlin
Baldwin	Crowley	Higgins
Barrow	Cuellar	Hill
Bartlett	Culberson	Himes
Barton (TX)	Cummings	Hinchee
Bean	Dahlkemper	Hinojosa
Becerra	Davis (AL)	Hirono
Berkley	Davis (CA)	Hodes
Berman	Davis (IL)	Hoekstra
Berry	Davis (KY)	Holden
Biggert	Davis (TN)	Holt
Bilbray	Deal (GA)	Honda
Bilirakis	DeFazio	Hunter
Bishop (GA)	DeGette	Inglis
Bishop (NY)	Delahunt	Inslee
Bishop (UT)	DeLauro	Israel
Blackburn	Dent	Issa
Blumenauer	Diaz-Balart, L.	Jackson (IL)
Blunt	Diaz-Balart, M.	Jackson-Lee
Bocchieri	Dicks	(TX)
Boehner	Dingell	Jenkins
Bonner	Doggett	Johnson (GA)
Bono Mack	Donnelly (IN)	Johnson (IL)
Boozman	Doyle	Johnson, E. B.
Boren	Dreier	Johnson, Sam
Boswell	Driehaus	Jones
Boucher	Duncan	Jordan (OH)
Boustany	Edwards (MD)	Kagen
Boyd	Edwards (TX)	Kanjorski
Brady (PA)	Ehlers	Kaptur
Brady (TX)	Ellison	Kennedy
Braley (IA)	Ellsworth	Kildee
Bright	Emerson	Kilpatrick (MI)
Brown (SC)	Engel	Killroy
Brown, Corrine	Eshoo	Kind
Brown-Waite,	Etheridge	King (IA)
Ginny	Fallin	King (NY)
Buchanan	Farr	Kingston
Burgess	Fattah	Kirk
Burton (IN)	Filner	Kirkpatrick (AZ)
Butterfield	Flake	Kissell
Buyer	Fleming	Klein (FL)
Calvert	Forbes	Kline (MN)
Camp	Fortenberry	Kosmas
Campbell	Foster	Kratovil
Cantor	Fox	Kucinich
Cao	Frank (MA)	Lamborn
Capito	Franks (AZ)	Lance
Capps	Frelinghuysen	Langevin
Capuano	Fudge	Larsen (WA)
Cardoza	Galleghy	Larson (CT)
Carnahan	Garrett (NJ)	Latham
Carney	Gerlach	LaTourette
Carson (IN)	Giffords	Latta
Carter	Gingrey (GA)	Lee (CA)
Cassidy	Gonzalez	Lee (NY)
Castle	Goodlatte	Levin
Castor (FL)	Gordon (TN)	Lewis (CA)
Chaffetz	Granger	Lewis (GA)
Chandler	Graves	Linder
Childers	Grayson	Lipinski
Chu	Green, Al	LoBiondo
Clarke	Green, Gene	Loeb
Clay	Griffith	Lofgren, Zoe
Cleaver	Grijalva	Lowe
Clyburn	Guthrie	Lucas
Coble	Gutierrez	Luetkemeyer

Luján	Pascarell	Shea-Porter
Lummis	Pastor (AZ)	Sherman
Lungren, Daniel E.	Paul	Shimkus
Lynch	Paulsen	Shuler
Mack	Payne	Shuster
Maffei	Pence	Simpson
Maloney	Perlmutter	Sires
Manzullo	Perriello	Skelton
Marchant	Peters	Slaughter
Markey (CO)	Peterson	Smith (NE)
Markey (MA)	Petri	Smith (NJ)
Marshall	Pingree (ME)	Smith (TX)
Massa	Pitts	Smith (WA)
Matheson	Platts	Snyder
Matsui	Poe (TX)	Souder
McCarthy (CA)	Polis (CO)	Space
McCarthy (NY)	Pomeroy	Speier
McCaul	Posey	Spratt
McClintock	Price (GA)	Stark
McCollum	Price (NC)	Stearns
McCotter	Putnam	Stupak
McDermott	Quigley	Sullivan
McGovern	Radanovich	Sutton
McHenry	Rahall	Tanner
McIntyre	Rangel	Taylor
McKeon	Rehberg	Teague
McMorris	Reichert	Terry
Rodgers	Reyes	Thompson (CA)
McNerney	Richardson	Thompson (MS)
Meek (FL)	Rodriguez	Thompson (PA)
Meeks (NY)	Roe (TN)	Thornberry
Melancon	Rogers (AL)	Tiahrt
Mica	Rogers (KY)	Tiberi
Michaud	Rogers (MI)	Tierney
Miller (FL)	Rohrabacher	Titus
Miller (MI)	Rooney	Tonko
Miller (NC)	Ros-Lehtinen	Towns
Miller, Gary	Roskam	Turner
Miller, George	Ross	Upton
Minnick	Rothman (NJ)	Van Hollen
Mitchell	Roybal-Allard	Velázquez
Mollohan	Royce	Visclosky
Moore (KS)	Ruppersberger	Walden
Moore (WI)	Rush	Walz
Moran (KS)	Ryan (OH)	Wamp
Moran (VA)	Ryan (WI)	Wasserman
Murphy (CT)	Salazar	Schultz
Murphy (NY)	Sánchez, Linda T.	Waters
Murphy, Patrick	Sanchez, Loretta	Watson
Murphy, Tim	Sarbanes	Watt
Murtha	Scalise	Waxman
Myrick	Schakowsky	Weiner
Nadler (NY)	Schauer	Welch
Napolitano	Schiff	Westmoreland
Neal (MA)	Schmidt	Wexler
Neugebauer	Schock	Whitfield
Nunes	Schrader	Wilson (OH)
Nye	Schwartz	Wilson (SC)
Oberstar	Scott (VA)	Wittman
Obey	Sensenbrenner	Wolf
Olson	Serrano	Woolsey
Olver	Sessions	Wu
Ortiz	Sestak	Yarmuth
Pallone	Shadegg	Young (AK)
		Young (FL)

NOT VOTING—12

Aderholt	Broun (GA)	Hoyer
Bachus	Gohmert	McMahon
Baird	Hall (TX)	Scott (GA)
Barrett (SC)	Hastings (FL)	Tsongas

□ 1326

Mr. DELAHUNT changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCMAHON. Mr. Speaker, on rollcall No. 819, had I been present, I would have voted “yea.”

MEMBERS VICTORIOUS IN ANNUAL CHARITY FOOTBALL GAME

(Mr. SHULER asked and was given permission to address the House for 1 minute.)

Mr. SHULER. Mr. Speaker, it is a great privilege today to finally announce that after a lot of hard knocks and tries on the gridiron, the Capitol Hill Police versus the Members of Congress, we finally successfully came away with a victory last night.

Along with a lot of help, former members of the NFL certainly helped us along, certainly excluding me, Ken Harvey, John Booty and others played an outstanding game, but our Members of Congress did an outstanding job. I think it just goes to show you that, working together across the aisle, we too can succeed.

The co-captain, Mr. SHUSTER, probably had the most difficult job all night of managing who was in the game. You can only imagine; every Member of Congress thought that they were the best player on the team. So he had the most difficult job all night.

I would yield to my co-captain, Mr. SHUSTER.

Mr. SHUSTER. I thank the gentleman from North Carolina.

I want to rise also to congratulate all the participants in a game well-played last night. We had many Members of Congress. As the gentleman from North Carolina said, we had some former pro football players. It was a hard-fought battle. We won in overtime, 32-26, with a fantastic pass from HEATH SHULER to John Booty. It was fabulous.

As Mr. SHULER said, it has been four tries. This is our first victory, being able to beat the Capitol Police. But the big winner was the Capitol Hill Police Memorial Fund and the Washington Literacy Council. We believe we raised about \$50,000 to be split between those two groups.

□ 1330

I would also like to acknowledge our offensive and defensive players in the game.

Offensive, it was easy. It was HEATH SHULER, five touchdown passes. He played a fantastic game. I think the NFL is going to start looking at you again, HEATH. We'd like that. Maybe that seat will come open in North Carolina if you went back to the NFL.

Also, on defense, there were two players that played the game, big surprises for our team: JACK KINGSTON, better known as Brett Favre of the congressional team, had an outstanding game. But the defensive player of the game went to ANTHONY “Mad Dog” WEINER, who had two key interceptions in the game and just played fantastic.

I want to thank Speaker PELOSI and Leader BOEHNER for their help and support in putting this game together. Also Roger Goodell, the Commissioner

of the NFL, was there last night to flip the coin. And John Booty and Ken Harvey, two former NFL players, did a fantastic job in setting this up.

And finally, again, just to thank the Capitol Police, who do a great job day in and day out, making sure the Capitol is safe, making sure the people who come here are safe. So thank you to them.

I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I want to congratulate our team that won so decisively last night. Mr. BOEHNER and I were there to cheer the Democratic/Republican, Republican/Democratic team on.

The good news is that they won; the bad news is they beat the Capitol Police. So I don't know what that means.

But the fact is that it was great teamwork between the Democrats and the Republicans, which was saluted in the Rotunda earlier today. Senator Edward Brooke, whom we had honored with the Congressional Gold Medal, was pleased to hear about this teamwork between Democrats and Republicans. And, indeed, it got a standing ovation from those folks who didn't even know about the game until then.

But you should have seen our guys. They were so great.

Mr. SHUSTER, congratulations. Congratulations to HEATH SHULER. The last time I saw them, they were playing baseball. They go from baseball to football, all-round athletes; great teamwork, great leadership. Congratulations to our team.

And I, too, want to join in thanking the Capitol Police. I know they went all-out last night because they always go all-out for us.

Congratulations. We were suited up, but we were not called upon.

I yield to the gentleman from Ohio.

Mr. BOEHNER. Congratulations.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

WELCOMING HIS ALL HOLINESS BARTHOLOMEW, ARCHBISHOP OF CONSTANTINOPLE, NEW ROME, ECUMENICAL PATRIARCH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 838, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the

rules and agree to the resolution, H. Res. 838, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 424, nays 0, not voting 8, as follows:

[Roll No. 820]

YEAS—424

Abercrombie	Conyers	Hill
Ackerman	Cooper	Himes
Aderholt	Costa	Hinchee
Adler (NJ)	Costello	Hinojosa
Akin	Courtney	Hirono
Alexander	Crenshaw	Hodes
Altmire	Crowley	Hoeckstra
Andrews	Cuellar	Holden
Arcuri	Culberson	Holt
Austria	Cummings	Honda
Baca	Dahlkemper	Hunter
Bachmann	Davis (AL)	Inglis
Bachus	Davis (CA)	Inslee
Baldwin	Davis (IL)	Israel
Barrow	Davis (KY)	Issa
Bartlett	Davis (TN)	Jackson (IL)
Barton (TX)	Deal (GA)	Jackson-Lee
Bean	DeFazio	(TX)
Becerra	DeGette	Jenkins
Berkley	Delahunt	Johnson (GA)
Berman	DeLauro	Johnson (IL)
Berry	Dent	Johnson, E. B.
Biggert	Diaz-Balart, L.	Johnson, Sam
Bilbray	Diaz-Balart, M.	Jones
Billirakis	Dicks	Jordan (OH)
Bishop (GA)	Dingell	Kagen
Bishop (NY)	Doggett	Kanjorski
Bishop (UT)	Donnelly (IN)	Kaptur
Blackburn	Doyle	Kennedy
Blumenauer	Dreier	Kildee
Blunt	Driehaus	Kilpatrick (MI)
Boccieri	Duncan	Kilroy
Boehner	Edwards (MD)	Kind
Bonner	Edwards (TX)	King (IA)
Bono Mack	Ehlers	King (NY)
Boozman	Ellison	Kingston
Boren	Ellsworth	Kirk
Boswell	Emerson	Kirkpatrick (AZ)
Boucher	Engel	Kissell
Boustany	Eshoo	Klein (FL)
Boyd	Etheridge	Kline (MN)
Brady (PA)	Fallin	Kosmas
Brady (TX)	Farr	Kratovil
Braley (IA)	Fattah	Kucinich
Bright	Filner	Lamborn
Broun (GA)	Flake	Lance
Brown (SC)	Fleming	Langevin
Brown, Corrine	Forbes	Larsen (WA)
Brown-Waite,	Fortenberry	Larsen (CT)
Ginny	Foster	Latham
Buchanan	Fox	LaTourette
Burgess	Frank (MA)	Latta
Burton (IN)	Franks (AZ)	Lee (CA)
Butterfield	Frelinghuysen	Lee (NY)
Buyer	Fudge	Levin
Calvert	Gallegly	Lewis (CA)
Camp	Garrett (NJ)	Lewis (GA)
Campbell	Gerlach	Linder
Cantor	Giffords	Lipinski
Cao	Gingrey (GA)	LoBiondo
Capito	Gohmert	Loebsack
Capps	Gonzalez	Lofgren, Zoe
Capuano	Goodlatte	Lowey
Cardoza	Gordon (TN)	Lucas
Carnahan	Granger	Luetkemeyer
Carney	Graves	Lujan
Carson (IN)	Grayson	Lummis
Carter	Green, Al	Lungren, Daniel
Cassidy	Green, Gene	E.
Castle	Griffith	Lynch
Castor (FL)	Grijalva	Mack
Chaffetz	Guthrie	Maffei
Chandler	Gutierrez	Maloney
Childers	Hall (NY)	Manzullo
Chu	Halvorson	Marchant
Clarke	Hare	Markey (CO)
Clay	Harman	Markey (MA)
Cleaver	Harper	Marshall
Clyburn	Hastings (WA)	Massa
Coble	Heinrich	Matheson
Coffman (CO)	Heller	Matsui
Cohen	Hensarling	McCarthy (CA)
Cole	Herger	McCarthy (NY)
Conaway	Herseeth Sandlin	McCaul
Connolly (VA)	Higgins	McClintock

McCollum	Poe (TX)	Skelton
McCotter	Polis (CO)	Slaughter
McDermott	Pomeroy	Smith (NE)
McGovern	Posey	Smith (NJ)
McHenry	Price (GA)	Smith (TX)
McIntyre	Price (NC)	Smith (WA)
McKeon	Putnam	Snyder
McMahon	Quigley	Souder
McMorris	Radanovich	Space
Rodgers	Rahall	Speier
McNerney	Rangel	Spratt
Meek (FL)	Rehberg	Stark
Meeks (NY)	Reichert	Stearns
Melancon	Reyes	Stupak
Mica	Richardson	Sullivan
Michaud	Rodriguez	Sutton
Miller (FL)	Roe (TN)	Tanner
Miller (MI)	Rogers (AL)	Taylor
Miller (NC)	Rogers (KY)	Teague
Miller, Gary	Rogers (MI)	Terry
Miller, George	Rohrabacher	Thompson (CA)
Minnick	Rooney	Thompson (MS)
Mitchell	Ros-Lehtinen	Thompson (PA)
Mollohan	Roskam	Thornberry
Moore (KS)	Ross	Tiahrt
Moore (WI)	Rothman (NJ)	Tiberi
Moran (KS)	Roybal-Allard	Tierney
Moran (VA)	Royce	Titus
Murphy (CT)	Ruppersberger	Tonko
Murphy (NY)	Rush	Towns
Murphy, Tim	Ryan (OH)	Turner
Murtha	Ryan (WI)	Upton
Myrick	Salazar	Van Hollen
Nadler (NY)	Sanchez, Linda	Velázquez
Napolitano	T.	Visclosky
Neal (MA)	Sanchez, Loretta	Walden
Neugebauer	Sarbanes	Walz
Nunes	Scalise	Wamp
Nye	Schakowsky	Wasserman
Oberstar	Schauer	Schultz
Obey	Schiff	Waters
Olson	Schmidt	Watson
Oliver	Schock	Watt
Ortiz	Schrader	Waxman
Pallone	Schwartz	Weiner
Pascrell	Scott (GA)	Welch
Pastor (AZ)	Scott (VA)	Westmoreland
Paul	Sensenbrenner	Wexler
Paulsen	Serrano	Whitfield
Payne	Sessions	Wilson (OH)
Pence	Sestak	Wilson (SC)
Perlmutter	Shadegg	Wittman
Perriello	Shea-Porter	Wolf
Peters	Sherman	Wu
Peterson	Shinkus	Yarmuth
Petri	Shuler	Young (AK)
Pingree (ME)	Shuster	Young (FL)
Pitts	Simpson	
Platts	Sires	

NOT VOTING—8

Baird	Hastings (FL)	Tsongas
Barrett (SC)	Hoyer	Woolsey
Hall (TX)	Murphy, Patrick	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1341

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: “Resolution welcoming to the United States and to Washington, DC, His All Holiness Bartholomew, Archbishop of Constantinople, New Rome, Ecumenical Patriarch on his current trip on October 20, 2009, through November 6, 2009.”.

A motion to reconsider was laid on the table.

HONORING CONFUCIUS’ 2560TH BIRTHDAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 784, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the rules and agree to the resolution, H. Res. 784.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 361, nays 47, answered “present” 13, not voting 11, as follows:

[Roll No. 821]

YEAS—361

Abercrombie	Connolly (VA)	Heller
Ackerman	Conyers	Hensarling
Aderholt	Cooper	Herger
Adler (NJ)	Costa	Herseeth Sandlin
Alexander	Costello	Higgins
Andrews	Courtney	Hill
Arcuri	Crenshaw	Himes
Austria	Crowley	Hinchee
Baca	Cuellar	Hinojosa
Bachmann	Culberson	Hirono
Bachus	Cummings	Hodes
Baldwin	Dahlkemper	Holden
Barrow	Davis (AL)	Holt
Bartlett	Davis (CA)	Honda
Bean	Davis (IL)	Hunter
Becerra	Deal (GA)	Inglis
Berkley	DeFazio	Inslee
Berman	DeGette	Israel
Biggert	Delahunt	Issa
Bilbray	DeLauro	Jackson (IL)
Billirakis	Dent	Jackson-Lee
Bishop (GA)	Diaz-Balart, L.	(TX)
Bishop (NY)	Diaz-Balart, M.	Jenkins
Bishop (UT)	Dicks	Johnson (GA)
Blackburn	Dingell	Johnson, E. B.
Blumenauer	Doggett	Jones
Blunt	Doyle	Kagen
Bonner	Dreier	Kanjorski
Bono Mack	Duncan	Kaptur
Boozman	Edwards (MD)	Kennedy
Boren	Edwards (TX)	Kildee
Boswell	Ehlers	Kilpatrick (MI)
Boucher	Ellison	Kilroy
Boustany	Engel	Kind
Boyd	Etheridge	King (IA)
Brady (PA)	Fattah	King (NY)
Brady (TX)	Filner	Kingston
Braley (IA)	Forbes	Kirk
Brown (SC)	Foster	Kirkpatrick (AZ)
Brown, Corrine	Frank (MA)	Kissell
Buchanan	Franks (AZ)	Klein (FL)
Butterfield	Frelinghuysen	Kline (MN)
Calvert	Fudge	Kosmas
Cantor	Gallegly	Kratovil
Cao	Garrett (NJ)	Kucinich
Capito	Gerlach	Lamborn
Capps	Giffords	Lance
Capuano	Gingrey (GA)	Langevin
Cardoza	Gonzalez	Larsen (WA)
Carnahan	Goodlatte	Larsen (CT)
Carney	Gordon (TN)	Latham
Carson (IN)	Granger	Lee (CA)
Cassidy	Grayson	Lee (NY)
Castle	Green, Al	Levin
Castor (FL)	Green, Gene	Lewis (CA)
Chandler	Griffith	Lewis (GA)
Childers	Grijalva	Linder
Chu	Guthrie	Lipinski
Clarke	Gutierrez	LoBiondo
Clay	Hall (NY)	Loebsack
Cleaver	Halvorson	Lofgren, Zoe
Clyburn	Hare	Lowey
Coble	Harman	Lucas
Coffman (CO)	Harper	Luetkemeyer
Cohen	Hastings (WA)	Lujan
Cole	Heinrich	Lummis

Lungren, Daniel E.
Lynch
Mack
Maffei
Maloney
Manzullo
Markey (CO)
Markey (MA)
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascarell

Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)

Serrano
Sessions
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tierney
Titus
Tonko
Towns
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walz
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Whitfield
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth

NAYS—47

Akin
Altmire
Barton (TX)
Berry
Boccheri
Broun (GA)
Burgess
Camp
Carter
Chaffetz
Conaway
Davis (KY)
Davis (TN)
Driehaus
Ellsworth
Emerson

Flake
Fleming
Graves
Hoekstra
Johnson (IL)
Johnson, Sam
Jordan (OH)
LaTourette
Latta
Marchant
Massa
Matheson
Mica
Miller (FL)
Platts
Poe (TX)

Radanovich
Sensenbrenner
Shadegg
Shimkus
Simpson
Skelton
Souder
Space
Taylor
Tiberi
Walden
Westmoreland
Wilson (OH)
Young (AK)
Young (FL)

ANSWERED “PRESENT”—13

Brown-Waite, Ginny
Burton (IN)
Buyer
Campbell

Donnelly (IN)
Fallin
Fortenberry
Foxy
Marshall

McHenry
Neugebauer
Nunes
Roe (TN)

NOT VOTING—11

Baird
Barrett (SC)
Boehner
Bright

Eshoo
Farr
Gohmert
Hall (TX)

Hastings (FL)
Hoyer
Tsongas

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). One minute remains in this vote.

□ 1348

Mr. BURGESS changed his vote from “yea” to “nay.”

Ms. FOXX changed her vote from “yea” to “present.”

Mr. POE of Texas changed his vote from “present” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING NORTH-WESTERN UNIVERSITY WOMEN'S LACROSSE TEAM

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 824.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico (Mr. PIERLUISI) that the House suspend the rules and agree to the resolution, H. Res. 824.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CONNOLLY of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 16, as follows:

[Roll No. 822]

AYES—416

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boccheri
Boehner
Bonner
Bono Mack

Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Braleay (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle

Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeFazio
DeGette
Delahunt

DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Etheridge
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kingston

Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Loifgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Nye
Oberstar
Olver
Ortiz
Pallone
Pascarell

Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus

Tonko	Wasserman	Whitfield
Towns	Schultz	Wilson (OH)
Turner	Waters	Wilson (SC)
Upton	Watson	Wittman
Van Hollen	Watt	Wolf
Velázquez	Waxman	Woolsey
Visclosky	Weiner	Yarmuth
Walden	Welch	Young (AK)
Walz	Westmoreland	Young (FL)
Wamp	Wexler	

NOT VOTING—16

Baird	Hastings (FL)	Shuster
Barrett (SC)	Herger	Speier
Eshoo	Hoyer	Tsongas
Farr	King (IA)	Wu
Gohmert	Radanovich	
Hall (TX)	Rogers (MI)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LUJÁN) (during the vote). Two minutes are remaining in this vote.

□ 1358

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BREAST CANCER AWARENESS MONTH

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute.)

Ms. ROS-LEHTINEN. Mr. Speaker, during Breast Cancer Awareness Month, I rise today calling for a cure for this terrible disease. Although breast cancer impacts both genders, it disproportionately targets women and even more disproportionately impacts African American and Hispanic women. It is the second leading cause of death among women.

Breast cancer is survivable if caught and treated early. Unfortunately, we all know someone who has had breast cancer, and its impact is devastating on families, on friends, and on entire communities. I have had both the honor and sorrow of knowing many breast cancer survivors and its victims. I am in awe of the women who not only survive this cancer, but use their awareness to spread awareness of breast cancer prevention. We must all work together to bring about greater breast cancer education, prevention, diagnosis and treatment, and most importantly, a cure.

Mr. Speaker, let's tell our mothers and sisters: Get tested; you can survive breast cancer.

□ 1400

HEALTH CARE TAX HIKES WILL HURT SMALL BUSINESS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, some of the most harmful components of the Democrats' proposed government takeover of

health care are the heavy mandates and taxes placed on business. Under the Democrat bill, small businesses are required to offer government-approved insurance or pay an 8 percent tax on their entire payroll. This is the mother of all mandates. Its effect will be wide-ranging job losses and devastation to small businesses. Small businesses cannot handle \$800 billion in new taxes to pay for a government takeover of health care.

Small business people are not going to take this lying down. Groups like the Chamber of Commerce, that understand the needs of business best, have been working hard to illustrate just how harmful the Democrat proposals will be to small businesses and communities across the country.

Mr. Speaker, we need to tackle health care reform in a constructive way that does not destroy the small business people who make our economy work.

IT'S TIME FOR DEMOCRATS TO SCRAP THEIR HEALTH CARE REFORM PLAN AND WORK WITH REPUBLICANS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, a majority of Americans have had enough with the idea of the government taking over their health care. Americans love freedom and deserve the freedom to choose the health plan that is best for their family.

This week, in the great State of Kansas, a coalition of State leaders has unveiled the Health Care Freedom Amendment that reserves the right for Kansans to manage their own health care options. As Kansans, we don't want Washington bureaucrats getting in the middle of medical decisions that should be made by patients and their doctors. We believe Kansans and the American people deserve better. That is why I am pleased to be a cosponsor of the Empowering Patients First Act that allows Americans who like their health care coverage the freedom to keep it, and gives Americans the opportunity to choose the health plan that best meets their needs.

Our bill also ensures medical decisions are made by patients and their physicians and improves Americans' lives through effective prevention, wellness and disease management programs. This is the only bill that won't dampen the development of new treatments that cure life-threatening diseases.

It's time for the Democrats to scrap their current plan, stop the backroom dealing, and start working with Republicans on real health care reform that ensures all Americans have the right to manage their health care options.

WITHOUT FOX NEWS, YOU MIGHT NOT HAVE HEARD . . .

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the White House plays favorites with the media. They attack one cable news network for telling the truth and reward another for giving the President a free pass.

The White House recently said Fox News won't get equal access to administration officials. Just days later, the President invited liberal news hosts from rival network MSNBC to the White House for a private, off-the-record meeting. The reason for the double standard is that while MSNBC acts as a shill for the President, Fox reports the stories that the national media ignore.

For example, without Fox News, you might not have heard about the recent ACORN scandal. You might not have heard about the troubling political associations of the President's former green jobs czar, which eventually led to his resignation. And you might not have heard that the President's communications director said Chairman Mao is one of her favorite political philosophers.

The White House should treat all news organizations with professionalism, not just the ones that give them a free pass.

AMERICAN PLAN VS. DEMOCRAT PLAN

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, on health care reform, we hear too much about Democrats versus Republicans. I would like to talk about the American plan versus the Democratic plan.

The American plan stands for transparency; the Democratic plan, secret agreements behind closed doors. The American plan: True, free competition; the Democratic plan: Government-controlled health care. The American plan: Medicare Advantage; the Democratic plan: Massive cuts in Medicare. The American plan: The primacy of the doctor-patient relationship; the Democratic plan: Government-determined courses of treatment.

In other words, the American plan stands for freedom. Unfortunately, the Democratic plan stands for government-imposed conformity.

We should listen to what the American people say, that's the American plan. Ignoring what the American people are saying is the Democrat plan.

ROBUST PUBLIC OPTION IS THE BEST OPTION

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I would like to speak in favor of the robust public option. I would like to point out that it costs \$85 billion less than the next positive public option, that it covers more people, it keeps middle-income workers from either ending up on Medicare or in a situation where they can't afford health care in the health care exchange.

The robust public option, Mr. Speaker, is based on an established rate structure of Medicare plus 5 percent and an existing provider structure. So it is available, it is affordable, and it will be providing quality health care to all Americans.

Mr. Speaker, I am here to say the robust public option would be the best option for the people in the United States of America.

NOW IS THE TIME FOR HEALTH CARE REFORM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand here in the name of a film producer named Noelle, who, in the midst of trying to show the tragedy of Hurricane Katrina, was succumbed by breast cancer—did not die, but became very ill. During the midst of that time, her insurance was dropped.

I come in the name of Eric, a young lawyer who did pro bono work, who had a cold and was treated by an emergency room, given medicine for a pain in the neck, but yet died a few days later of a bacterial virus.

I come in the name of sick people across America to say that H.R. 3200, which will bring down the cost of premiums, which will provide a robust public option, will get rid of pre-existing conditions that keep you from getting insurance—which is wanted by over 70 percent of Americans, Republicans and Democrats. I come in their name to say it is time now to pass a robust health care reform package with a vigorous public option that addresses the needs of Americans and brings down the cost of premiums for all Americans, those with employer-based insurance and those who need the public option. It is time now. Martin Luther King said, "Now is the time."

HAITI

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I am very disheartened to hear that in our sister

country, Haiti, there is brewing a move to impeach the current prime minister, Prime Minister Pierre-Louis.

Prime Minister Pierre-Louis has recently gained a tremendous amount of confidence from the international community. The U.S. President and former President and U.N. Special Envoy Bill Clinton made a historic special trip to Haiti that held out the promise of new investment both to create new jobs and to help the people of Haiti. I would hope that the government officials of Haiti will consider continuing to move the country along in a positive way and move to support the prime minister.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE HAWKS ARE SQUAWKING FOR WAR AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the Nation's war hawks are unhappy. Their feathers are ruffled. They accuse President Obama of dithering when it comes to sending more troops to Afghanistan. They want the President to shoot first and they want him to ask questions later, but committing our Nation to war is the most important decision that any President can make. The Commander in Chief must think long and hard before doing any such thing. President Obama is making a careful review of the situation in Afghanistan, and he is right to do so.

I've had some disagreements with the President about some of his policies so far, but I strongly support his desire to think things through and consider all of his options before proceeding. So far, the only option the United States has tried for the past 8 years is the military option, and it is painfully clear, Mr. Speaker, that it has not worked. A story in today's Washington Post makes that point. It describes a U.S. official in Afghanistan who resigned his job because he opposed American strategy there. This man is a patriot, and a tough former marine who fought with uncommon bravery in Iraq. But he believes that the presence of American troops in Afghanistan is making the insurgency grow.

I made a similar argument when I voted against the Supplemental appropriations bill for Afghanistan back in May. I warned that continuing the military-only strategy will fuel anti-Americanism, and that's what is happening.

More and more, the Afghan people see America as an occupying force that

cares only about itself. Meanwhile, the Taliban is doing a much better job of winning hearts and minds. We've got to turn that around. The best way to do that is to devote most of our resources in Afghanistan to meeting the civilian needs of the Afghan people. That means humanitarian aid, jobs and economic development, education, agricultural assistance, better infrastructure, and protection from disease.

That doesn't mean we should be ignoring the violent extremists in Afghanistan—far from it. We can go after them aggressively by using the highly effective tools of SMART power. SMART power includes better intelligence and surveillance work.

The extremists in Afghanistan can be found in many small networks of individuals and groups who are spread out over the countryside. You need good intelligence to track, penetrate, and disrupt their activities.

□ 1415

We must also build up the civilian police force so they can arrest the extremists. Strong policing is a highly effective counterinsurgency tool because it's right there in the villages where the extremists live.

We must also step up our diplomatic efforts. We've got to do a better job of engaging all the nations in the region that have an interest in stabilizing Afghanistan.

These strategies will work, but they won't satisfy the war hawks. President Obama is right to ignore them. He must also ignore the voices of his own administration, calling for an escalation of the war.

As he rethinks America's role in Afghanistan, I urge him to produce a strategy that relies on the tools of smart security and improves the lives of the people. That is the only real path, Mr. Speaker, to success in Afghanistan.

INDIAN HEALTH CARE—MEDICAL MALPRACTICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, it's nothing new for the Federal Government to try to run health care. The Federal Government has been committing medical malpractice against the Native American Indians for over 200 years. It's a miserable failure. Just ask those folks that live on Indian reservations. They are treated under a system called the Indian Health Service program, a universal government-run health care system for, specifically, Native American Indians. There are long waiting lines for service; doctors are scarce; the quality of medical care is poor; it costs too much, and it results in rationed health care. When the

government is running health care, people get inferior treatment.

There has been a lot of talk lately about changing the name of "public option" to call it "Medicare part E" so that will sell with the American public, or the "consumer option" is another new politically correct phrase. I would like to suggest that we call it the "Public Indian Health Care Option for Everybody." The Indians have no option. They're forced to take the public plan.

Now let's look at the American government-run health care as it has worked out for them for 200 years. We have a lot of history taking care of the American Indians—or, shall I say, not taking care of them.

When Stephanie Little Light took her daughter, Ta'Shon Rain, to an Indian health service clinic in Montana, which she is required to do since she is under the universal health care Indian program, the doctor said that her little 5-year-old girl was just depressed. She had stopped eating and stopped walking. The little girl kept complaining to her mother that her stomach hurt all the time. After going back to the government-run health care clinic 10 more times, Ta'Shon's lung collapsed. She was then airlifted to a private, non-government hospital in Denver where they told her mom she had terminal cancer. The little girl who loved to dance and sing and dress up in Indian costumes always wanted to see Disney World, specifically Cinderella's Castle. So a charity sent the whole family there, but Ta'Shon didn't get to see that castle when they got to Florida. The little girl had died in a hotel room. This is a tragic example of universal medical health care run by the United States Government.

There is a big difference between good intentions and what really happens in the real world. When there are no doctors left and the taxpayer money is gone and when the bureaucrats control health care, people die. Is this what we are to expect under the new nationalized health care system?

They're trying to tell us that this new, improved disaster on Americans is going to be different. Yeah, right.

Mr. Speaker, they say on those Indian reservations, Don't get sick after June because that's when the Federal money runs out. So they ration health care. The Federal Indian Health Service agency calls itself—get this—a "rationed health care system" for Indians. How's that for truth about socialized medicine?

On another Indian reservation, Ardel Baker went to the reservation government-run clinic. She had chest pains. They sent her to a private hospital in an ambulance and put a note on her chest. The note read, "Understand that Priority 1 care cannot be paid for by us at this time because of funding issues." So they put a note on her and sent her

on her way to a private hospital because the government would not take care of her. Ardel managed to survive that ordeal, thanks to private medicine.

Victor Brave Thunder was not so fortunate. He felt real bad and went to a government clinic on the reservation. They misdiagnosed the fact that he had heart failure and gave him Tylenol and cough syrup and said, Get better. He later died.

Then there is Harriet Archambault. She tried five times to get an appointment on a reservation to get her hypertension medicine refilled, but government bureaucrats were nowhere to be found. So she died before she was able to get that sixth appointment at the government clinic for her medicine.

Mr. Speaker, these are examples of government-run medical malpractice against American Indians right here in America. Government-run health care never works. It never has. Even in America, we've proven it doesn't work.

The health care bill being pushed on the American people is not really about providing better quality at an affordable price. The government cannot do it better or cheaper. It's really about government control and intervention in the lives of the American people. It's about oppressive government.

So let's address specific issues of health care and solve them, like being able to buy insurance across State lines, allow businesses and associations to pool employees to get a better insurance rate, provide for a safety net for preexisting conditions and catastrophic injuries and illnesses. But we should never turn our health over to the United States Government. Just ask the American Indians.

And that's just the way it is.

THE 6-YEAR HIGHWAY AUTHORIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. I hope the gentleman who spoke before me in the well would be willing to accept one minor thing. I hear a lot from the Republicans about they want competition, they want the free market, but the problem is that insurance is exempt from antitrust law. Unlike any other industry or business, small or large, in America, except for professional baseball, they are exempt. They can and do get together and collude—collude to drive up the price of premiums, collude to stay out of one another's markets and not compete, collude to exclude people with preexisting conditions, collude to do a whole host of anticompetitive things to stick it to the American people. So before I hear any more from that side of the aisle about supporting the private

insurance industry, let's hear about having them play by the same rules as every other industry in America. But that's not why I came to the floor this afternoon.

I came to the floor because there seems to be a little disconnect downtown at the White House with the President's economic team, yet, once again. Big surprise.

The GDP, gross domestic product, is growing, so the economy is recovering. We're out of the recession. Whoops. Well, it's a so-called jobless recovery, and we're still going to lose about 250,000 jobs a month. But they're down there celebrating.

We need to take concrete steps—not to make a bad pun—here in the House of Representatives, in Congress, to put people back to work. And one of the things that we could do best would be to ignore the President and his advisers who want to delay a new transportation policy for America, one that will deliver projects more quickly and with less expense, getting people out of congestion, giving people more transit options, fixing some of our 160,000 bridges that are either structurally deficient—there was a little problem yesterday with the San Francisco Bay Bridge—or functionally obsolete, building made-in-America streetcars, made-in-America modern buses, like the fuel cell bus I saw yesterday. But guess what? It's going to take some investment and some money.

This White House, after cutting a deal with Republican Senators for \$340 billion in tax cuts in the so-called stimulus, which isn't putting anybody back to work—ask your neighbor, ask your friend, ask anybody, What did you spend your \$12 on last week, your tax cut? How did you invest it for the future of America?

We need something that is not consumer-driven. We need a recovery that is investment and jobs-driven in this country, and a 6-year highway authorization could get that job done. The difference between the Obama plan—do nothing, extend current law and current levels of expenditure for a crumbling Third World-like infrastructure in this country—and what we're proposing here in the House of Representatives Transportation and Infrastructure Committee is 1 million jobs next year.

Now, apparently, the President's economic team thinks that they can tell those 1 million people who won't get jobs, Well, don't worry. The GDP's up, and we are losing less jobs than we were losing before. Or maybe they could get on board with us, help us write that 6-year bill, wake the Senate up from its nap, and put 1 million more Americans back to work next year rebuilding America's transportation infrastructure.

And, by the way, it meets another one of his goals. It will help him with

his goals of reducing pollution, reducing carbon emissions because we'll get people out of sitting in traffic as we expand the system, deal with congestion and giving them more transit options.

I recommend that the President look for a new economic team and help us to do things that will benefit the real American people, not pointy-head economists and not Wall Street.

ACORN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise today to again call attention to the group Association of Community Organizations for Reform Now, or ACORN. As Congress proceeds later this week with appropriations, we must be mindful of the risk of allowing this group's funding to be restored.

ACORN's funding was stripped last month, thanks to quick action on the part of some of my colleagues here in the House. However, if we do not ensure that that funding is permanently eliminated, ACORN could again resume their questionable activities, subsidized by the American taxpayer.

Recently, 11 former ACORN employees were arrested for suspicion of voter registration fraud. In the past several weeks, more than five videos have been released to the media showing ACORN employees advising individuals of methods to illegally evade taxes by masking prostitution under an IRS code, among other questionable things.

We have no way of knowing if these were isolated instances or basic procedure, but I've heard from many Kansans who have voiced their displeasure with ACORN. They demand that ACORN be investigated, possibly criminally, as well as completely defunded, and I agree with those Kansans.

I recently wrote a letter demanding an investigation by the House Committee on Oversight and Government Reform. In the enclosed letter, I cited ACORN's unresolved issues with past elections and the recently released videos as evidence to block any further funding.

While ACORN has launched an internal investigation and fired offending employees, this string of events sheds light on the lack of institutional control within ACORN's management ranks. This is a perfect example of misappropriation of taxpayer dollars.

The American people should not be expected to subsidize ACORN's activities. That is why I called for this investigation in the beginning of September, and that's why I again call for an investigation now, a month and a half later. Congress must look at its own procedures when it comes to allocating money with little or no accountability.

Congress has been complacent with the money entrusted to us by the tax-

payers. The House of Representatives owes an explanation as to why ACORN has been deemed fit to receive any Federal assistance. Congress has the opportunity to deny Federal funds to ACORN when we consider legislation later this week. It is necessary to deny those funds now and in the future until ACORN can dispel its long history of questionable practices. I cannot foresee a scenario where it would be appropriate to reinstate ACORN funding. Their previous track record, coupled with their stonewalling of legislative efforts to review them, gives me the impression that they are unwilling or, even worse, unable to play by the rules.

Let's end this corruption and stop wasting the money.

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Ms. EDWARDS) is recognized for 5 minutes.

Ms. EDWARDS of Maryland. Mr. Speaker, we are closer than ever to achieving health care reform for the American people. I think it's really important for us to step back and examine the reasons that we want health care reform.

Every day, every year premiums for Americans are going higher and higher, deductibles and copays higher and higher. Millions of people without health insurance, some 47 million people without health insurance, 14,000 people a day who lose their health care coverage. It's really unthinkable. And here we have an opportunity to do something that's very special and right for the American people.

Now, Mr. Speaker, I haven't been in this Congress for six decades, but I do know that the idea of health care reform has risen and fallen for six decades. So it's time for us to make the kind of changes the American people thought they bought onto in November 2008. We are closer than ever to achieving that kind of comprehensive reform. We need to take a look at why we want reform.

The American people want reform because they want to lower their health care costs. They know the cost of their premiums. It's not affordable for their families. Americans want health care reform because it's not fair that millions go without health insurance and many millions more are in danger of losing their health insurance. Our small businesses are struggling each and every day. They want to provide health care for their employees, but they just can't because they can't operate with a profit margin and provide quality, affordable, and accessible health care for their employees.

So I am really struggling here with why my friends on the other side of the aisle have so resisted reform. I don't really believe that it's because they're

such allies with the health insurance industry. I don't really believe it's because they're more driven by what works for the private market than what works for the American people, but I have to believe that all of us can get on one page about what's right for the American people.

□ 1430

So, as we move into these days following many town hall meetings and meetings at senior centers with our seniors, as we talk to young people about the need for reform and as we meet with our business leaders, it's time for some real decision-making. If it's not going to come from my friends on the other side of the aisle, then the leadership and that decision-making has to come from Democrats. It doesn't matter to me, frankly, about one election or another, because it's about doing what's right for the American people.

Now, I, along with hundreds of others of my colleagues, happen to believe that a robust public health option is important for the American people. I guess the question is: How many more are going to step up and have the courage to do the right thing? How many more are going to step up and say, You know what? Not only do we want to eliminate preexisting conditions and strengthen insurance provisions for everyone, but we want to lower costs, we want to create competition, and we want to make sure that there is real accountability in the system.

Now, earlier this month, we had an opportunity to see the insurance companies and insurance industry completely unmasked. I mean their goals are very clear to the American people. Their goals are about maintaining the status quo because it works for them. Their goals are about maintaining the status quo because it satisfies their profit margins, and it satisfies their shareholders. The problem with that is that it doesn't satisfy the American people. So I'm ready to act.

I know that, from the year 2000 until 2006, the Republicans controlled both chambers of the Congress and the White House, and yet we didn't do health care reform. So the opportunity for those of us in the majority today is actually to do the right thing by the American people. I'm excited about that. I know the American people are excited about it.

If you look at the polls, and although polls may not be everything, they do give us a picture of where the American people are and of how they've moved. What those polls suggest is that, despite being beaten up and beaten up for months and weeks at a time, the public option has survived. The reason that it has is that I believe, like many of my colleagues, that the American people are smart. They get it. They understand what health insurance means to them.

They know that, for children who are coming out of college and who are ready to strike out on their own, those children are no longer on their parents' health insurance plans, so there has to be affordable and accessible health care for those young persons as they strike out on their own in the workplace.

For our small business owners who want to provide health care, they know that, in fact, the opportunity is there if we do it in the right kind of way, if we make it affordable for them and if we allow the small businesses to do what they want to do to invest in their communities.

We also know that, for those Americans who don't have health insurance, we can't pass them up anymore. We can't pass up the 47 million people a year who are without health insurance.

So, Mr. Speaker, I will close and say it's time for us to get on with the business of decision-making and to bring real health care reform with a robust public option to the American people.

THE RULE OF LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CARTER) is recognized for 5 minutes.

Mr. CARTER. Mr. Speaker, this past week, I discovered I made an error on my House financial disclosure forms for 2006 and 2007. Let's get this clear.

I properly reported my stock dividends, stock sales and capital gains on my Federal tax returns, and I paid all the taxes in full. I properly reported dividend income on my stocks and the sale amount of my stocks on my House financial disclosure forms in both of those years. My error was in leaving the amount of the capital gains from the sales off the forms. I have amended both of these forms to reflect these amounts, and this has not changed my net worth one penny.

There was a good editorial on this in the Roll Call this week, and I urge my fellow Members to read that editorial.

To make the point on this issue of my amending my House disclosures, today, I have posted online my Federal tax returns for 2006 and 2007 so there can be no question about whether or not I paid my taxes as they were due. I do this because I intend to continue my discussion of the rule of law, and I think it's important that I do that.

Yet I'm not the first one to take this step. In one of the same years that we're discussing here, then-Senator Barack Obama made the identical, same error that I made on my House disclosure forms. When he discovered that he made that omission, the same as the omissions I made, he did the same thing as I am doing. He corrected his return, and posted his Federal tax return online. I have followed the lead of the President of the United States in correcting this issue.

It's now time for House Ways and Means Committee Chairman CHARLES RANGEL and Treasury Secretary Tim Geithner to pony up. Could it be that the only reason these two hold back is that, maybe, they have something to hide?

Chairman RANGEL failed to pay income taxes for over a decade on his Caribbean resort property while Secretary Geithner evaded withholding taxes on income from the International Monetary Fund over multiple years. Neither of these gentlemen has paid any penalty on their violations as would a normal American taxpayer.

The American public needs to know that Chairman RANGEL has not again failed to report or pay Federal taxes while still not paying penalties and interest on his previous evasions, all while overseeing the IRS on behalf of the House of Representatives.

They also need to know that the Secretary of the Treasury is not using his high station to avoid complying with the same IRS rules as his fellow citizens. While Secretary Geithner is asking his fellow taxpayers to pay a 20 to 50 percent penalty for failing to report and to pay income taxes on foreign deposits, he has failed to pay a nickel on multiple years of evading Federal taxes on income from the International Monetary Fund.

My opinion is that anyone who fails to disclose income or to pay taxes should pay a reasonable penalty with interest. If not, our Tax Code becomes unenforceable.

I also believe there is a higher law here, which is the equal protection clause under the 14th Amendment of the Constitution of the United States. Secretary Geithner cannot and should not legally charge his fellow Americans penalties when he has paid none himself. That would seem to be a violation of the Constitution.

Next week, I will introduce legislation dealing with the Secretary of the Treasury's failure to abide by the same laws as the rest of the country. If anyone thinks that I will slack off defending the rule of law because of a House disclosure error, they obviously have got another thing coming.

FLORIDA'S PREPAID COLLEGE TUITION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to encourage all Florida residents to consider enrollment in Florida's Prepaid College Tuition Program.

I am a strong advocate of having parents and students get an early start on saving for college. As a mother and as a grandmother, as well as a former educator, I know the struggles working parents face when their children apply

to college. Even in the best of times, parents and young adults can have trouble paying for tuition.

As a coauthor of the Florida prepaid plan, when I was a member of the Florida legislature, I knew that we could help make paying for college education easier on all of Florida's families. We created the Florida prepaid plan so that parents could lock in their children's tuition costs early and could ensure that they would be able to receive quality educations when their time came.

This plan has been extremely successful. Even as similar plans across the country are struggling, Florida's prepaid plan has a solid future. More than 206,000 students have attended college in Florida with the assistance of our State's Florida Prepaid College Tuition Program. With college tuition rising at about 6 percent each year, there is no reason not to take part in this program. There is flexibility in this program to allow parents to find the right plans and the right payment schedules which best fit a family's needs.

In addition to locked-in tuition rates, Florida's Prepaid College Tuition Program offers a tax-free investment fund—an account where money can be saved for tuition and additional college expenses. This program is truly helping families afford college for their children. Tuition plans vary depending on a child's age and a plan's options, but in most cases, the savings for a family can be incredible.

Prepaid plans can be bought by non-Florida residents, but the child for whom the plan is purchased must be a resident younger than 18 and not yet in the 12th grade. If the child decides not to go to college, the money is refunded or it can be transferred to a brother or to a sister. Also, that plan is good even if the child and the parents move out of State. Many States apply and accept Florida's prepaid plan.

The future of America lies in the hands of the next generation, and our children must be provided with the intellectual opportunities that they need to succeed. As a Nation and as a community, we must work together to improve the educational opportunities for all of our children. With the help of programs such as Florida's Prepaid College Tuition Program, we certainly have a valuable tool toward accomplishing this noble goal.

For anyone signing up before January 31, tuition rates will be locked in at the 2009-2010 tuition rates. Florida's public universities, Mr. Speaker, have been given the authorization to raise tuition up to 15 percent for next year. So, with these possible increases looming, there is no better time than now to make sure that our sons and daughters are afforded the education they rightfully deserve.

AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, Congress is currently engaged in a very important debate on health care. It's complex, and Americans deserve an informed and transparent debate. Yet while this discussion continues, there is a country roughly 7,000 miles from here where nearly 35,000 American lives are on the line every day, and Congress has yet, given the changing circumstances there, to fully engage in a focused discussion with our military leaders on a comprehensive strategy for Afghanistan.

Since I was elected in 2004 and like so many of our colleagues, I have attended the funerals for fallen Nebraska soldiers. I've stood next to widows, whose young children were not of age, to comprehend the magnitude of the family loss. And yet when the time came, I did make the difficult decision to support sending more troops to Iraq in what was called a "surge." It was the right call.

I have continually met with those who have served in Iraq and Afghanistan, and I recently met with those who are preparing to redeploy. Their dedication to service and their commitment to our country continues to inspire me and the families they leave behind. The solemn responsibility for their lives continues to weigh very heavily upon us all.

Mr. Speaker, Afghanistan is facing complex security and governance challenges, and the situation demands engagement by this legislative body now. Although the administration developed a strategy for Afghanistan in March of this year, there is still a lack of clarity, some seeming uncertainty and certainly a hesitation to fully engage Congress in order to move forward in a decisive manner.

Many Afghan people have braved threats of brutal violence in order to vote. Our troops are courageously fulfilling their duties, and there is concern that their resources are stretched to the limit. None of us wants our soldiers at risk nor the opportunity for stability in Afghanistan to slip away.

The administration's top field general and the national security adviser are reflecting differently on the security situation in Afghanistan. General Jones stated on October 4, "I don't foresee the return of the Taliban, and I want to be very clear that Afghanistan is not in danger, imminent danger, or falling."

□ 1445

Yet our senior military commander, General Stanley McChrystal, assessed that "the situation in Afghanistan is serious; neither success nor failure can be taken for granted. Although consid-

erable effort and sacrifice have resulted in some progress, many indicators suggest the overall situation is deteriorating."

We in Congress need to know, which is it? While we are responsible for funding and equipping the troops, the administration needs to define the next way forward, and this House needs to challenge the decision paralysis that threatens our mission in Afghanistan with each passing day. Until recently, the war in Afghanistan was the other war, the forgotten war, said by some to be the right war.

Mr. Speaker, as much as anyone, I would like to wait and to make sure that all is in order, but Afghanistan is slipping. According to General McChrystal, "Failure to gain the initiative and reverse insurgent momentum in the near term (next 12 months)—while African's security capacity matures—risks an outcome where defeating the insurgency is no longer possible."

In his initial assessment of the security situation, General McChrystal requested up to 40,000 additional combat troops. This is going to be a very tough call for all of us. Clearly, General McChrystal's judgment is based on keen insight about what it will take to prevail.

The American people deserve to know the unvarnished truth about the situation in Afghanistan and the fundamental purpose for our being there. Military families deserve to know the truth about the challenges facing their loved ones. Americans need to know that the administration is committed to a plan for success that minimizes our casualties, stabilizes the country, and brings the main contingent of our troops home quickly.

Let me venture to say that this is not just an American problem. The situation in Afghanistan and, for that matter, in Pakistan poses an international security threat, one that demands a shared response from the members of the international community. Pakistan has exhibited a stronger will of late to engage in the ungoverned tribal regions bordering Afghanistan.

Yet we have witnessed a curious range of responses by other governments. Some who see the urgency join us, others sit back hoping that we will save the day, and yet others exploit international tensions for economic and geopolitical gains. While it may be difficult to engender the will to send combat troops, our partner nations must help provide resources to stabilize Afghanistan.

Just as General Petraeus returned from Iraq to testify about the impact of the surge, I believe it would be helpful for President Obama to instruct General McChrystal to forthrightly articulate before this House his views, concerns and professional judgment.

Eight soldiers, Mr. Speaker, were killed yesterday. We need to develop adequately informed conclusions about the resources needed, Afghan capabilities, and international will.

AFGHAN WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, I want to start by reading from the October 27 front page of the Washington Post: U.S. Official Resigns Over Afghan War.

"When Matthew Hoh joined the Foreign Service early this year, he was exactly the kind of smart civil-military hybrid the administration was looking for to help expand its development efforts in Afghanistan."

Mr. Speaker, I want to say to Captain Hoh, retired marine, thank you for having the courage to speak out and to speak out on what you believe is the right policy for this Nation in Afghanistan.

I want to read parts of a letter that he wrote to Ambassador Nancy Powell when he resigned his position:

"I have served 6 of the previous 10 years in service to our country overseas, to include deployment as a U.S. Marine officer and a Department of Defense civilian in the Euphrates and Tigris River valleys of Iraq in 2004–2005 and 2006–2007. I did not enter into this position lightly or with any undue expectations nor did I believe my assignment would be without sacrifice, hardship or difficulty. However, in the course of my 5 months of service in Afghanistan, in both Regional Commands East and South, I have lost understanding of and confidence in the strategic purposes of the United States' presence in Afghanistan. I have doubts and reservations about our current strategy and planned future strategy, but my resignation is based not upon how we are pursuing this war, but why and to what end. To put simply: I fail to see the value or the worth in continued U.S. casualties or expenditures of resources in support of the Afghan Government in what is, truly, a 35-year old civil war."

He further writes in the letter to Ambassador Powell, Mr. Speaker:

"This fall will mark the eighth year of U.S. combat, governance and development operations within Afghanistan. Next fall, the United States' occupation will equal in length the Soviet Union's own physical involvement in Afghanistan. Like the Soviets, we continue to secure and bolster a failing state, while encouraging an ideology and system of government unknown and unwanted by its people."

Mr. Speaker, I want to again say to Captain Matthew Hoh, this took courage for you to speak out, as it took courage for you to fight for this country in Iraq. I hope that our colleagues

here on the floor of the House will debate this issue, not only about tomorrow, what are we trying to accomplish in Afghanistan, but in the years ahead, what are we trying to accomplish?

Mr. Speaker, with that, before I close, as I always do, I will ask God to please bless our men and women in uniform; I ask God to please bless the families of our men and women in uniform; I ask God in His loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq; I will ask God to please bless the House and Senate that we will do what is right in the eyes of God; and I will ask God to give wisdom, strength and courage to the President of the United States that he will do what is right. And three times, Mr. Speaker, I will ask God, please, God; please, God; please, God, continue to bless America.

HONORING MAJOR TAD HERVAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. PAULSEN) is recognized for 5 minutes.

Mr. PAULSEN. Mr. Speaker, I rise before the House today to remember an American hero, Major Tad Hervas of Coon Rapids, who died in Iraq on October 6.

It's so easy for us in the hustle and bustle of life to focus on our own challenges and our own concerns, and it's only natural for us to seek as much comfort and security as we can get in our own lives. But then something happens that comes to remind us that whatever success, security or hopes that we have depends on the sacrifice and the service of those who offer their lives in defense of our Nation.

Everything that we have as Americans was built on such a foundation over many generations. Every privilege that we will enjoy in the future will be bought with the heroic way our military performs its essential duty.

In the community of Coon Rapids, Minnesota, we continue to mourn the death of Major Hervas, who truly embodied the sacrifice that makes America what it is today.

Tad graduated from Coon Rapids High School in 1979. He went on to attend the University of Minnesota-Duluth, where he began a successful career in the military.

Major Hervas served in the Air Force in the very first Gulf War. After 9/11, he enlisted in the Minnesota National Guard, joining Minnesota's great 34th Red Bull Infantry Division. He was serving his second tour in Iraq when he lost his life in Basra just a few weeks ago.

Mr. Speaker, I have never worn our country's uniform myself, but one of the greatest honors of this job is all the opportunities I have to spend with those who do so. Hollywood movies tend to glamorize military folks and

portray them as super men or super women, but what I have found to be so truly amazing is that they are just regular people who achieve super things. What makes them special is their drive to answer to a higher calling and truly put service to country above everything else.

As the Scriptures affirm, there is no greater love that a person can show than to lay down their lives for their friends. Major Hervas, over a period of decades, laid aside his own comfort, security and personal plans for his family, friends and neighbors, including millions of people who never, ever knew him. We owe him a debt of gratitude that we can truly never repay.

We stand with his father, Ned, and his mother, Barb, and his whole family in grief, and we assure them that we will do everything we can to try to help ease their pain in his passing.

Basra, Iraq is a long way from Coon Rapids, Minnesota, in every conceivable way. I know that the inspiration for Major Hervas' service was a love for his country and a desire to see freedom grow around the world so that others can enjoy the same freedoms that we all do. By creating a safer place for freedom to grow, Major Hervas gave a gift to future generations of Iraqis who may be able to live better than their predecessors were able to do.

Mr. Speaker, as we get back to debating health care and other important issues here like the economy, I want to make sure, and I hope that we will all take a moment to remember Major Tad Hervas and his sacrifice for all of us. He and thousands like him make our freedom possible and our future bright. Let us do everything in our power to make this a Nation that is worthy of the ultimate sacrifice that he made.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes as the designee of the majority leader.

Mr. MURPHY of Connecticut. Mr. Speaker, I am glad to join my colleagues on the floor this afternoon to talk about the final stages of our push to complete what has been a very long journey to bring health care to the millions of Americans that don't have it, to lower the cost of care for the millions of small businesses and families that can't afford it, and to start finally doing something about the great burden to taxpayers in this entire economy of the cost of a system that outpaces all of our competitive neighbors across the globe by a two-fold margin. We will hopefully be joined here on the floor by some other Members who are just as interested in reform this afternoon.

Let me start out by saying that this really should be a bipartisan issue.

Health care reform, which touches individuals no matter whether they are a Republican or a Democrat, whether they are a liberal or a conservative, should be a bipartisan issue. We should be sitting here working together to try to pass reform. Because when it comes down to it, there is, I think, broad bipartisan agreement, both in this House and out in the public, about what the problems are out there.

We have too many people that are playing by the rules, doing everything we ask, getting the job, being employed, putting food on their table for their family and their kids but they can't get health care insurance. Five out of six of the uninsured in this country are part of a family that have at least one full-time worker.

We agree that it doesn't make sense that there are so many people who are doing everything we ask and simply can't afford to have health care insurance. We also agree that it doesn't make too much sense that doctors have seen a lot of the joy be taken out of the practice of medicine as they spend more and more of their time filling out paperwork, hiring claims managers and fighting with insurance companies.

□ 1500

We need to get physicians back to the practice of medicine and get the practice of medicine away from the practice of arguing over reimbursement.

We agree that the cost of our current system cannot be sustained, whether it is for an individual business that has seen its health care insurance premiums increase by 120 percent over the past 10 years or whether it is for the employees, the families that make up that small business or that large business who have seen their share of health care insurance costs increase by a similar percentage.

We all should agree that the current trajectory of costs for this government is unsustainable as well. The reason that Medicare is on a path towards bankruptcy is not just because you have an enormous amount of individuals, the baby boomer generation, entering Medicare age. It is also because we have constructed a system which pays far too often for volume of care that has nothing to do with quality of care, and we are paying for a lot of medicine out there, billions of dollars worth of medicine, that isn't adding any actual value to the health care that people get.

I bet you if we got together a random sample of Republican and Democrat Members of Congress or Republican and Democratic voters or liberal and conservative voters, I bet you there wouldn't be too much disagreement that we as a society and as a government should step up to the plate and do something about the fact that we have got too many people playing by the

rules who don't have insurance, that we have too many businesses that are bearing the cost of an unsustainably high system, that we have too many physicians that are spending too much time arguing for reimbursement and not on providing care, and this government is spending too much money on medicine that doesn't add value.

The difference, though, comes in our commitment to doing something about the problem. That is where the rubber hits the road. It is one thing to go out into the public as an elected official and say that you understand people's problems, that you feel their pain when it comes to health care. It is another thing to have the courage to come down to this House floor and put your vote and put your advocacy where your mouth is.

That is the problem that we have in the House of Representatives right now, that it is only one side of the aisle that is proposing real, sustainable, transformational reform to our health care system which provides answers to those businesses, those families and those taxpayers who know in their hearts that the status quo is unsustainable. It is unfortunately the Republican minority here in the House of Representatives and in the Senate which has decided to be the Party of No, which has decided to stand in the way of health care reform.

Now, I want to take my Republican friends at their word. I want to believe them when they say that they are for reform as well. But it has been about 135 days since the Republican leadership announced that they were going to put a plan with real words and text and ideas behind it so that the people out there could compare the proposal for health care reform that has been proposed by President Obama and the proposal put before the American people by the Republican minority. Well, it is 133 days later, over 4 months later since this declaration was made, and we are still waiting. We are still waiting.

Now, I don't know why that is. There are some out there that will say that the objective of the Republicans is to stop reform from happening for political reasons; that they think they can do damage to the Speaker or to the Senate President or to the President by stopping health care reform from happening. And those critics look back to the years when President Clinton tried to address this issue, and it was widely understood that then-Minority Leader Gingrich decided that his path to the speakership laid in destroying the President's plans to try to reform our health care system.

I hope that is not the case. I hope that our Republican colleagues here are not opposing health care just because they see political gain in it.

There are some out there that say that the opponents of health care re-

form are allied with the status quo, are allied with the insurance companies and drug companies and other industries that may not have an interest in reform. That is certainly the emerging case, that the major health care industries that certainly have a lot to lose from a system that transfers the profits they are making and turns it into help for middle class families are going to try to stop reform from happening.

I will say I think a lot of people have been pleasantly surprised that there has not been as much opposition to this debate as maybe one would have expected from the insurance and drug industries. Frankly, I congratulate them on making an honest attempt to be part of this process. But, as we have seen over the last few weeks, those industries are starting to inch away from the table, potentially starting to prepare to bring the full weight of their money and influence down on stopping health care reform.

I hope that my Republican colleagues aren't stopping health care reform from happening because of their alliance with some of those industries. But if it is not because they have something to gain politically, if it is not because the Republicans have an alliance with the status quo industries, then we are sort of left at a loss to figure out why, if we agree on the problem, if we agree that something has to be done, why we can't come together on trying to fix it. We are now entering the final stages of this debate, but it is not too late for us to be able to come together here and get behind some common solutions to what is undeniably a common problem.

So we are going to continue to come down to this floor and call out our Republican colleagues who seem to be out there saying they are for reform, but when it comes to the actual process of coming up with a bill are nowhere to be found, and when they say they are going to come up with their own bill, leave us waiting for over 4 months to find it.

We are going to continue then, in absence of real alternate solutions or cooperation from the Republicans, to press our ideas forward, to talk about how we can bring together this Nation around some basic principles of fairness; that insurance companies shouldn't be able to kick you off your insurance when you get sick; that insurance should actually go back to being insurance so you don't have to be charged 5 times, 10 times as much just because you have cancer; that we should be able to pool together the purchasing power of individuals and small businesses so that they no longer are negotiating with the insurance companies just based on behalf of their one family or their 10 employees; that we can still base reform off of the free market, but we can try to structure the free market in a way to give a lit-

tle leg up to all the people getting the short end of the stick in the existing market, small businesses and individuals.

We can reach out a helping hand to those people that I mentioned at the outset who are playing by the rules, who are doing everything we asked them to do, and help them buy insurance. Not by buying it for them, not by handing them a government-run insurance program, but by helping individuals with tax credits that will partner with their own money to try to buy insurance for themselves and giving them the option to buy into the same type of plan that every Member of Congress, every veteran, every soldier, every Medicare beneficiary has, a government-sponsored health care insurance plan.

We are going to talk about those ideas, because those are unifying ideas that bring together businesses, individuals, families and taxpayers, to try to get insurance to people that don't have it, to try to lower the cost of insurance for businesses that are being crippled by our current system, and to try to put back some fairness into the insurance markets for American families.

I hope we are in the final stages. I hope it is not too late to get bipartisan cooperation on this. But we can't wait any longer.

I am so glad to be joined on the floor by my good friend from Ohio, Mr. TIM RYAN.

Mr. RYAN of Ohio. Just to continue on as you were saying, one of the key components of this legislation is to help small business people, and I think in the long term this is going to be part of long-term strategies in the United States. We are working on the stimulus package and other job-type programs, but if we don't have and put in place long-term, systemic changes to health care, we are going to continue to impede long-term growth in the United States.

What we are saying here is, why are all of these small businesses putting so much of their budgets into health care when that money should be going back into buying new machines, hiring new employees, paying their employees more? It is because the cost of insurance keeps eating up more and more of their budget, so wages have been stagnant. So what we need to do is continue to reinvest back into these companies, and that is what this bill is all about.

Over the course of the last couple of days, we heard our friends on the other side, Mr. Speaker, time and time again continue to talk about we are removing choice. That couldn't be further from the truth. We are trying to increase choice. The idea of the public option is to increase choice.

Our friends on the other side, boy, if it came to a trade agreement, if you would pull up the CONGRESSIONAL

RECORD and you would listen to these folks talk about trade, choice, increased competition, lower prices, it will have all these great effects throughout the market. But now when we say we want to introduce choice into the health insurance reform package, giving more options, maybe even a public option, a Medicare-style option for people to be able to go into and buy into, all of a sudden they are against it, Mr. MURPHY. They are against choice.

The fact of the matter is that this bill in the long term has a human rights component to it, as you stated, with eliminating preexisting conditions, making sure that people don't go bankrupt. I think those two in and of themselves would be transformational reforms to the health insurance program.

Our friends yesterday in their long line of speakers, they were all talking about being scared. I think at the end of the day, our friends on the other side are going to be most scared when in November or maybe even early December we have a vote on health care for America, and when they are really going to be scared is when they vote against health insurance reform and they wake up the next morning and they look in the mirror and they say, I just voted against eliminating preexisting conditions; I just voted against having a cap on how much an American can spend per year as a percent of their income so they don't go bankrupt. I voted against it. I voted against subsidies to make sure that people could afford health insurance.

That is not going to be a good holiday season for a lot of folks, waking up realizing they did that. I think it sounds good now to be against this and appeal to the radical fringe of the Republican Party, to appeal to the tea baggers, to appeal to those people who are completely anti-government. It may sound good. It may be comfortable right now to be in that position. But at the end of the day, history will look back and say who was pushing this reform to make health care more affordable and to address these human issues, and there are going to be folks on the wrong side of that.

Mr. MURPHY of Connecticut. Mr. RYAN, what comes with that is a defense of the current system, and whether it is part of their 1-minute remarks when they come down to the floor or not, for the party who had control of this House for 12 years, who for eight of those years had the White House at their disposal as well, they had plenty of time when they had control of the House, the Senate and the presidency to do something about health care, and they didn't do it. So you combine that inaction along with their opposition to this reform effort and you get a party which is the party now that is defending the existing health care system as it stands today.

Listen, we don't govern by polls here, but I think some polls give you a little idea on where the American people are coming down on this fight. All the polls that I have seen that ask this question, if health care reform fails, who will you blame, make it pretty clear that they know that if health care reform falls apart, which I don't think it will, that it will be the Republicans who sent it down.

That is not what people want, because they know the status quo doesn't work. They understand that this mythology of competition just isn't for real; that in half the States in this country there is one insurer that controls 50 percent or more of the business, and in three-quarters of the States there are two insurers that control almost two-thirds of the business. If you are a small businessman right now, because you are only bargaining on behalf of a few of your employees, you are paying about 120 percent or more than what some of your bigger competitors are paying.

□ 1515

The competition just doesn't work today.

So, listen, if you want to talk about what to be scared of, the real thing to be scared of is doing nothing, is allowing for the cost of this system to continue to explode for families and for small businesses to get the short end of the stick when it comes to their inability to bargain with insurance companies. What we really should be scared about is for politics to drive a wedge into the heart of doing what's right for this economy and our families, Mr. RYAN.

Mr. RYAN of Ohio. I love when our friends on the other side, oh, my God, they're going to start rationing care. Like, are you breathing in 2009 and hearing and seeing what's going on with the current private insurance market? It's unbelievable the rationing that's going on. And what we're saying to the insurance companies is no longer will you be able to tell an American citizen you can't cover them because they have a preexisting condition. Now, that is a transformational step in the private insurance markets. But right now we have our friends on the other side of the aisle and across the dome saying that somehow this system is okay.

And you know what? This will be a Democratic bill when it passes, and we're all going to have to live with the consequences. But I will tell you, I'd much rather be in Niles, Ohio, in December telling my constituents that they will never be denied because of a preexisting condition, the 1,600 families that went bankrupt in the 17th Congressional District in Ohio, that that won't happen anymore. That's a pretty good holiday gift, a pretty good Christmas gift for a lot of people in my dis-

trict. And to go to a small business person and look them dead in the eye and say, You know what? Last year your insurance went up 15 percent and now they're projected to go up another 15 or 20 percent as far as the eye can see. And that's the thing we forget to talk about is this isn't, Oh, my insurance went up 15 percent in the last 5 years. No. It went up 15 percent a year every year for the last 5 years, or whatever the case may be, and the projections are, in 30 years, \$1 of every \$3 in the United States of America will be spent on health care. Now, to me, we have a responsibility to do something.

And when folks say, well, you're going to bust the budget, we're not going to do anything. The budget is on its way to getting busted. We're trying to fix it. That's what this is all about. And when you have 45 million people a year without health insurance, and the numbers can be disputed, 10 million, 15, 20, 30, 40, we all hear, there are millions of people in the United States of America who go into an emergency room and call that their health care plan. And then you follow in after with your insurance card and you wonder why you're paying \$10 for an aspirin. Well, because three people just walked in and didn't pay anything for an aspirin, so you've got to pay for it, and the people with insurance. So those costs get pushed off. That is unsustainable.

Let's get these people in the tent, get them preventative coverage. We can give them a \$20 prescription, Mr. ALTMIRE, instead of letting them 2 weeks later show up in the emergency room and spend a week in the hospital costing us \$10,000 or \$15,000. Now, this is not rocket science, but the trick is taking on the special interests that have controlled this town over the past 8 years and trying to wrestle control away from them and trying to give it back to the American people.

Now, just think about it. Since the Democrats have taken over, we've taken on the oil industry. We've taken on the banking industry and got them out of the student loan business. Now we're taking on the insurance industry. Whose side are you on? These are the people we're taking on, and the American people, I think, once they hear the story, are on our team, recognizing we're taking on these big interests.

Mr. MURPHY of Connecticut. I yield to Mr. ALTMIRE.

Mr. ALTMIRE. I appreciate the opportunity to be here to talk about the importance of why we need to do health care reform. And the gentleman from Connecticut has heard me talk many times about an experience that I had which alludes exactly to what the gentleman was talking about, where a woman in my district came to me and she said all the reasons that she was unhappy with the Democrats in Congress, she was unhappy with the President. And she said to me, Don't you

dare take my money to pay for those people who don't have health insurance.

And I said to her, Well, the problem is you're already paying for them. As the gentleman articulately said, if you go to the hospital and you don't have insurance, you get treated. They cover you; right? You get whatever the health care you need. It's the least efficient, most costly setting. But they're going to transfer those costs to the next person who comes through the door that has insurance.

And this woman said to me, It's interesting that you say that, because I just had a procedure done at the hospital and I had to pay \$18,000 out of pocket because the insurance denied part of my claim, and I asked the hospital, she said, why does everything cost more than it should? Why does an aspirin cost \$10? Why does everything cost five times more than you would think it costs? And she was told, as the gentleman talked about, well, that's because of the cost shift that takes place to pay for the people who don't have coverage, a cost shift to the people who do have insurance. And that's the crux of the whole thing.

I hear all the time you guys agree on 80 percent of this; right? Everyone agrees we should do the insurance reforms, no preexisting exclusions, no caps on out-of-pocket expenses, lifetime or annual caps. The insurance companies will have to take all comers. They won't be able to drop you if you get sick or injured. They won't be able to deny you coverage for any reason. And everyone does agree on that. Yes, we should do that. The problem is we can't do that by itself.

And the reason health care reform has never happened before is because of the hard decisions that have to be made, the decisions that we're going to make in this Congress and the decisions that for a hundred years since Theodore Roosevelt, literally a century ago, first started talking about health care reform we've failed to do as both Congresses and administrations, both Republican and Democrat. And those decisions include: How do you get people into the system who aren't insured? How do you do that?

The only way that works, the only way that you can tell the insurance companies you have to take everybody no matter how sick they are and you can't use their health status to set their rates, the only way that works is if you get the young and healthy people into the system, the 24-year-olds who are currently offered insurance by their employers but they turn it down because they think there's something they can do better with the \$200 monthly premium than buy health insurance. And they say, Well, I'm young. I'm healthy. I feel good today. I'd rather do something else with that money.

Well, we have to find a way to get the young and healthy people into the sys-

tem. If you're going to require people to have health insurance, you have to find a way to help them afford it as individuals and as businesses. Because if you're a small business—and almost half of small businesses are unable to offer health insurance now because it costs too much. If you're a small business that can't do that, it's not because you don't want to. It's not because you're a bad person. It's because you can't afford it. And this bill is going to help small businesses find a way to offer health insurance to their employees. It's going to offer tax credits, if we do this right, and small businesses will be able to offer health insurance. Individuals who are required to have insurance that can't afford it are going to receive some assistance to help them do that. And what that does is it offsets the risk pool. It balances out what we all know needs to be done on the insurance side with the preexisting conditions and the exclusions.

So that's what we've never done. We've never made the hard decisions on the 20 percent that we all know needs to be done but we can't agree on how to do it. But there is 80 percent that is easy. But you can't do one without the other. So that's what we're going to try to do is do both.

Mr. MURPHY of Connecticut. Reclaiming my time, I think, Mr. ALTMIRE, that our Republican friends know that, because there's a reason they didn't do the 80 percent while they were here and in control of the House and in control of the Presidency, because it does necessitate the other 20 percent being done at the same time.

We all agree that preexisting conditions shouldn't be a reason for exclusion from health care, but as you said, you have to make a tough decision to get there, and that's that we have to ask all individuals to participate in health care. And then you have to be prepared to do the things necessary for those that don't have the means to be able to comply with that mandate. Those are the hard things that have prevented health care reform from happening.

But you know what? If this job was just about the easy things, there would be a lot more people that would want to be Members of Congress. But this job is about doing the hard stuff. This job is about making some decisions that aren't easy regarding how you get to universal coverage, regarding how you expand the life expectancy of Medicare.

I mean it's worth talking about that for a moment, Mr. RYAN. We get all sorts of Republican Members coming down here decrying the fact that this bill starts to slow the rate of growth of Medicare, but they're the same exact people who come down here and talk about how Medicare is so broken and how it's going to go bankrupt and how Congress has to come and do something

about it. Well, guess what? There are only two ways that you can fix Medicare. You've either got to send less money out of Medicare or you've got to bring more money in.

So our solution is, before we ask workers and employers to pay more in Medicare taxes, let's make Medicare efficient first. Let's get rid of the waste and the fraud and the abuse that's in Medicare today so that we don't have to ask more people to pay into the system or that we don't have to raise the age of eligibility.

Yet we have people out there trying to scare seniors, telling them Medicare is going to be cut without telling them that all that's being cut are the payments to insurance companies and the drug companies and the money that goes to health care systems that are performing a lot of extra treatments and procedures without any extra value and that their benefits actually get better, Mr. RYAN.

Mr. RYAN of Ohio. And the idea with Medicare, as well, is now we have in many areas across the country where people are 55 or 60 years old. They lose their job. They don't have health insurance, or they don't have very good health insurance. So I hear a lot from people in northeast Ohio that say, Well, I'm going to wait until I get into Medicare. I'm not going to get anything now. I will get some real basic coverage, if anything at all. I'll wait until I get into Medicare.

So we have people who now basically don't have insurance that are 60 years old and wait years before they go into the Medicare program who end up with very small problems not getting addressed and they become very big problems, and sometimes chronic problems by the time they get into Medicare, which is very, very expensive. But if everybody has health insurance, then you will get the kind of preventative care, the kind of screenings that you need, the kind of preventative treatments that you need to prevent you from going into Medicare and costing a lot more money.

So, overall, when we talk about slowing the rate of growth to Medicare, it's because there will be a healthier consumer, a healthier patient going into the Medicare program, which is going to have significant savings over time. But that's not brain surgery. That's just a smart way to run it.

I mean, I think that if you would ask somebody to draw up the worst possible health care system for costs and efficiency, they'd say, Well, let's wait until you get really, really, really sick and then you go to the emergency room and get in line with everybody else who waited until they got really, really sick or had a major accident and you get in line with them. That's the worst way to do it. So we're trying to fix that.

Mr. MURPHY of Connecticut. I yield to the gentleman from Maryland.

Mr. SARBANES. I appreciate it.

I want to just echo what my colleagues are saying in terms of strengthening the Medicare program.

The savings that we're going to get out of the current program which come from being smarter—one way to do it is to be smarter on about how we deliver care and how we manage care, and we can realize savings that way.

The other way, and I'm sure this has been addressed in part already, is to go after some of the fraud and waste and abuses there. I mean, "60 Minutes" did a story recently where they talked about that. Well, you've got to put some resources in to crack down with enforcement.

There was an article a few weeks back about the producer of these motorized wheelchairs that cost them \$1,000 to make these things. They're selling them to the Medicare program for \$4,000. Well, that doesn't make any sense. That recalls the imagery of the \$600 toilet seat that the Pentagon used to buy before we cracked down on that kind of thing.

So there are things that we can do, very legitimate things we can do to find savings in the Medicare program.

But what's important to understand, and seniors need to understand this, is that much of the savings we're taking, we're not taking that and putting it somewhere else. We're actually reinvesting it back into the Medicare program. So, in other words, the savings we get from these important steps that we take, we can take the benefit of that and we can invest it in things like closing the doughnut hole. We can invest it in things like more preventative services on the front end so people stay healthy instead of getting sick and then it costs more to treat them later in the process.

□ 1530

There is plenty of research that shows that if you cover preventive services, if you get rid of that copayment, which we plan to do for things like the initial exam, for glaucoma screening, and for other preventive services, and you provide that to our seniors, it is going to benefit them and it is also going to save a lot of money in terms of the system in the long run.

So it is very important for our seniors to understand that when we go looking for savings in the Medicare program, we do that with the goal of taking those savings and reinvesting them back into the Medicare program to make it stronger. And why wouldn't we want to make it stronger at a time when we have this baby boomer demographic wave that is coming into the country. Every 11.5 seconds, somebody turns 60 in this country. So we know that infrastructure has to be strong, and we have to do everything we can to invest in it going forward. That is what this bill does. That is why if you are a

senior, you ought to be behind it 100 percent because it does all of the things that make sense for our seniors out there.

Let me yield to my colleague from Florida.

Ms. WASSERMAN SCHULTZ. Thank you so much.

Mr. Speaker, I am glad to be able to be here with my colleagues, both of whom are members of the 30-Something Working Group.

Mr. MURPHY, one of the things that has really stricken me when it comes to thinking about some of the devastating statistics that are out there in terms of describing what our uninsured population looks like are our older Americans. Not senior citizens; they are obviously covered by Medicare. But there was a 36 percent increase in the number of older Americans without health insurance between 2000 and 2009. We are literally at 7.1 million uninsured people as of just 2007, which means you know now there are more than that who are between 50 and 64 years old. It is really startling to me that there are that many. That is a gap in coverage.

I know my own mom, who has a pre-existing condition, if she didn't have a job, would be in that same category. She is 63 years old. She is not Medicare eligible yet. The job that she has provides health insurance, but she is a cancer survivor. As a cancer survivor, she is absolutely uninsurable. I have tried to get her insurance. She needs to be winding down her working years; but, unfortunately, there is no insurance company on the individual market or anywhere else that will insure her if she is trying to buy insurance privately. That is what health care reform will solve, for someone like my mom, for the more than 7 million people who are older in this country, who are either working Americans or who need to be winding down their working years, it will provide them with insurance that they don't have to worry about losing, that they don't have to worry about it being taken away because they have a preexisting condition, that will be tied to them and not their job.

Those are essential reforms. And it just continues to boggle my mind that our friends on the other side of the aisle who promised 133 days ago that they would have a health care proposal, a health care plan, an alternative to ours, the one that they are out there trashing every day, and yet they still don't have one. They point to this bill and that bill that is maybe pieces of reform. I don't know. When I look at my children's puzzles that they have, the only time I think of it as whole is when all the pieces are together. You can't call a plan 40 different pieces of the puzzle and say, Oh, there's our plan. We've thrown out some suggestions. That's our version of reform.

That is not reform. That is just a whole bunch of broken pieces laying all over the floor. That is not leadership. Not only have they not exercised leadership, they have simply been an obstacle. The American people see through it. It is transparent. That is why every week that goes by, we pick up more and more support for health care reform. That is why 57 percent of the American people, when asked, support a public option, support a competitive option to provide more choice and more competition with the private market.

I will stop for now by just giving you my frustration from personal experience, because I have to tell you, over the last few months I have had an opportunity to talk about my own personal health care experience. In doing that, I felt very fortunate after going through breast cancer last year, that I had insurance. I had coverage through my job here as a Member of Congress. But I am 43 years old, and if I left employment with the Federal Government, I would be uninsurable because I had cancer. And this is what breast cancer survivors go through for the rest of their lives after a diagnosis, no matter how unlikely it is that we would have a recurrence.

For me, as a breast cancer survivor, I took steps to make it less likely even than the average woman to have a recurrence. So I am at like 96 or 98 percent likely to never have to deal with breast cancer again; but I would be uninsurable. That is wrong. Health care should be a right, not a privilege. It is just unconscionable. They are lacking in conscience, our opponents, and that is all you can call them right now is opponents. The opponents of reform have no conscience. They clearly don't care about making sure that people like me, people like my mom, people like the constituents that I represent who don't have insurance but deserve to have it, that they can get it.

Mr. MURPHY of Connecticut. Ms. WASSERMAN SCHULTZ, the awe and esteem you were already held in before the announcement that over the last year and a half you have been battling with this has only increased knowing that you were able to keep up the pace of your work schedule while going through that ordeal.

Ms. WASSERMAN SCHULTZ. Thank you.

Mr. MURPHY of Connecticut. You also know there are a lot of people out there who when they get sick can't continue working.

Ms. WASSERMAN SCHULTZ. Right.

Mr. MURPHY of Connecticut. I have told the story on this floor at least once or twice before about a gentleman who I met not more than a few weeks ago who contracted gallbladder cancer. He was an hourly worker at a factory in New Briton, and he was going to have to miss a number of weeks of

work to get the initial treatment. That wasn't okay by his employer and his employer let him go because of the work that he was going to miss and might miss in the future. He is now unemployed because of his illness, and he is collecting unemployment benefits, but almost every dime of his unemployment is going to pay for the health care costs that he still has to bear.

And so everyone I think out there, now more than ever, as this economy puts more people in economic peril, realize that they are not just one paycheck away from potentially losing health care, but they are one diagnosis away from losing their job and the health care that comes with it.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield, the point you are making can't be stressed enough. There are countless individuals in this country, countless people. We are talking about people. The 46 million, when you talk about the 46 million that are not insured, it is very easy to glaze over and think about them as an amorphous blob rather than 46 million human beings.

One of those human beings, like your example, the person who went through gallbladder cancer, was a woman who came into my office a few weeks ago, and she said this to me. She said, I am happy, Debbie, that you survived, that you got through your breast cancer. You were very fortunate when you were diagnosed. The only thing you had to think about was fighting your cancer.

A day after she was diagnosed for the third time, she lost her job, and then she lost as a result her insurance. So at the same time as getting a third diagnosis of breast cancer, she also had to battle for coverage and has not been able to get the access to care that she should have been able to get. That happens to breast cancer survivors and people who are victims of disease every single day in this country because their insurance is tied to their job. If they don't have a job, very often they don't have insurance and they can't get insurance. That is just, in this country, in the wealthiest country in the world, in the country that people always throw around the comment, we have the best health care in the world, no, we don't. We are 29th in infant mortality, and 37th in life expectancy. The statistics that Americans are dealing with in terms of their likely survival and their health is just abominable, because we have a sick-care system, like the gentleman from Ohio said, not a preventative-based system, not a well system.

I yield to my friend.

Mr. SARBANES. I want to just pick up because when we talk about the uninsured, we are talking about 1 out of 7 Americans, and their plight is more obvious than the plight of the underinsured, which is another whole group

of Americans. These are people who have purchased an insurance policy. They have been paying their premiums, month in and month out. Then they get sick, and it is at that point that they discover that the policy they have doesn't come anywhere near covering the treatment that they need because there may be a cap on how much the insurance company is willing to pay in terms of the medical expenses. Or it has high copayments and deductibles associated with it. So there you have a situation where people actually purchase coverage. They thought that they were in pretty good shape if an illness came into their family. But then when that situation confronts them, they discover that they are still at severe economic risk. And there are thousands of examples of families out there who had insurance and then somebody got sick and they have to go into personal bankruptcy because they can't afford to make the payments.

Now, if you were to add together the people who are underinsured with the people who have no insurance at all in this country, you are starting to get up to about one out of three people in America who are at risk in this way. So that means close to 100 million people are getting up every morning and they have a knot in their stomach because they don't know whether some illness is going to hit them in a way that will pitch them over the economic brink. You can't function as a society that way.

What I marvel at is look at how much we have achieved as a Nation, even while carrying around this broken health care system on our back. Think about what we could accomplish in terms of productivity and other things if we could fix this system once and for all. That is what this reform effort is all about. There is an industry out there that has got to be pushed to do the right thing. The health insurance industry has asserted that voluntarily they will change their practices when it comes to preexisting conditions and coverage exclusions for that, when it comes to rescinding policies based on some technicality that occurred at the time somebody was applying, when it comes to making their rates more reasonable and pocketing less profits by recognizing that they should put more into the medical expenses on behalf of their enrollees than they should into their own profits.

They have told us time and time again, we can fix this problem on our own.

Ms. WASSERMAN SCHULTZ. But they don't.

Mr. SARBANES. But we have seen, and coming in every day is evidence that they can't restrain themselves, they can't really discipline themselves. At precisely the moment in this debate when you would think they would want to demonstrate restraint and show that

they can forgo some of those sizable profits, I'm going around my district and hearing from businesses and employers who just now have gotten the notices on what next year's premium increases are going to be. They are looking at premium hikes of 20 percent, 25 percent, 30 percent. Now if a company that is only spending 75 cents of the enrollees' dollar on medical expense is turning around and sending out a premium notice that says we are going to raise your rates by 25, 30 percent next year, something is wrong with the picture.

This shows that left to their own devices, they cannot help themselves. That is why we have to move forward and put in place these best practices and put competition in place for that industry.

I have said a number of times, and I will repeat it again today, to me this is all about whether we are going to go on living in the health insurance industry's world, by their rules, or whether they are going to start living in our world by our rules—and they will live in our world, they'll do just fine—because we need health insurance in this country.

□ 1545

But they have to start getting with the program in terms of what ordinary Americans need and deserve with respect to health care.

Mr. MURPHY of Connecticut. And Mr. SARBANES, we've got to remember, health insurance is a business, it's a for-profit business. There used to be a lot of nonprofit insurers out there, including in Connecticut, but they're disappearing. In Connecticut, I'm not sure that we have a nonprofit health care insurer that's a viable alternative for folks in our State.

And so as a business, I guess you can understand that what we perceive as payments for necessary health care insurance companies term "medical loss"; that's what they call the money that they pay out for health insurance claims, "medical loss." Because to them it's a loss; any money that they pay out to pay claims is less money that they can keep for profit or as a return on their investment to shareholders.

Now, it's a business, so I'm not going to begrudge them the fact that in the end their motivation is often profit investment return, but it speaks to the fact that the interests of the insurance industry are not always perfectly aligned with the interests of their beneficiaries and of patients out there, and it is up to a fair-minded, common-sense government to try to even out that playing field. That is why this health care reform bill has to have all of those provisions that you talked about.

Now I want to just talk for one second about the debate here that we're

having because we would like to think that there is consensus around these issues. We talked a little already about the fact that the tough decisions are the ones that Republicans were unwilling to make for a very long time. But there was a 27, 28-page memo that was going around Washington about 6 months back written by Frank Luntz, the sort of pollster-in-vogue for the Republican Party. It was a 28-page memo on how you kill health care reform. It wasn't an analysis of what the bill actually was, it wasn't a summary of the proposals the Democrats had put forth and a critique of those proposals, it just said, Here are the words and the phrases that you need to use in order to kill health care reform without evaluating whether it was a good or bad thing to kill health care reform. The supposition from the beginning was of course we're going to try to kill health care reform.

It is no coincidence that the phrases in that memo are the phrases that you will hear over and over again uttered on the House floor by Republicans, by many of their allies in talk radio, "government-run health care," "socialist takeover of health care." The same phrases that polled well to people who were willing to stop health care reform are the same phrases that are used on this House floor—no connection to the bill we are actually debating, the bill that the Congressional Budget Office actually says over a 10-year period will expand the number of people who have private health care insurance, not contract it, but will expand the number of people that are insured by private insurance companies.

But this debate doesn't seem for one side of the aisle to be about really the merits here; this debate seems to be about certain catch phrases and sound bites that will stop reform from happening.

Ms. WASSERMAN SCHULTZ, as you mention, every day, as we sort of emerge from the heat of August, it seems that more and more people, whether it be in the public opinion polls or in the calls to our office, are getting behind the idea of health care reform happening. I think that is due to the simple uncovering of these distortions and sound bites. People are realizing that the phrases they hear on TV—it's not all from Republican Members of Congress, a lot of it is from the folks who are in the news entertainment industry—they're figuring out that there is a very big difference between rhetoric and reality.

Ms. WASSERMAN SCHULTZ. Well, you're absolutely right. As we came out of the "August of fear" and were progressing through the fall, every day that goes by, with every passing day—add the bogus report that was released by AHIP, the Association of Health Insurance Plans of America, that tried to scare seniors and scare people into be-

lieving that their costs were going to go up and that government was trying to take over their health care. As Mr. SARBANES alluded to, forgive us if we don't trust the health insurance industry to do the right thing on their own; they've had many, many years to do that. For at least some of this debate they have been helpful—or at least not obstacles, which is progress. And we will hitch our star to any progress that we can make when it comes to expanding access to health care and making sure we can cover everybody.

But at the end of the day, the fearmongering isn't working anymore. I mean, opponents of reform were singularly focused on scaring seniors, on scaring people into believing that the health coverage that they had now was going away, that they weren't going to be able to get access to quality health care, that somehow we were going to begin rationing. And you know what? The American people see through that. They can see the transparent attempt to derail reform because their real priority is politics. Their real priority is that they are unhappy that they are not in power, they have been disrobed, revealed to be essentially the frauds that they are because they say now that they want reform, but they had 12 years, 12 years that they ran this place—they were in charge for 12 years and they did nothing. They controlled everything and they did nothing about health care reform.

So that is why the American people are not responding to their distortions and their exaggerations and their fearmongering. The American people have had it, and they want health care reform.

I yield to the gentleman from Connecticut.

Mr. MURPHY of Connecticut. And the consequences of standing in the way of reform, as we've talked a little bit earlier in this hour, is defending the status quo. I think that there has been an awakening out there that that is just unsustainable. Mr. SARBANES talked about 20 percent, 30 percent increases in insurance in Maryland, the same thing in Connecticut. Our main insurer that covers more than half of the individuals in our State announced just this year a 30 percent increase in premiums.

People have woken up to the fact that the status quo cannot work. Whatever the objective is of people who are trying to stand in the way of reform, if the result of that is another year of double-digit increases of premiums, if the result of that is another year of millions of Americans being denied care simply because they're sick, if the result of that is another year of the Medicare program being on a trajectory to bankruptcy, that just doesn't work for people.

So I think we have seen this momentum towards reform, in part because

people have discovered that the catch phrases and the slogans out there from the opponents of reform don't have much grounding in the text of the bill. And the consequence of going with the people who say, do nothing, preserve the existing system, is disastrous for families and potentially ruinous for this government.

Mr. SARBANES.

Mr. SARBANES. Well, in August, when we had all this noise and commotion that was going on, the other side began to predict the demise of the health reform effort. But then September came and October came, and a funny thing happened on the way to that demise, and that is that people started asking the public again, what do you think, and discovered that they weren't about to let go of this thing, that they've waited too long to see these reforms.

If you look at what's in the health reform proposal that we have developed in the various committees in the Senate and the House, it's almost a checklist of all the things that need to be done to address decades of grievances on the part of the American people. I mean, it's all there—strengthening Medicare, dealing with the problem of those who have no insurance coverage or are underinsured, creating a better health care delivery system, focusing on our health workforce and making sure we're getting people in the pipeline, improving the public health system in this country—which we understand oh so well today we have to strengthen when we look at the H1N1 outbreak and the infrastructure that we need to put in place. These are all things that for decades people have been calling about, and we've never been able to achieve the reform. Finally, now it is within our grasp.

When we were that close to it and the story line began, the narrative started to be put out there that this isn't going to happen, that's when the quiet majority out there, the American people, said, No, no, no, wait a second; we're not giving up on this thing. We've come too far to turn back.

That is why you see, as was mentioned by our colleague, you see in every single survey that's conducted that the American people want us to act. Only 20 percent of Americans when asked say that the Congress should not act on health care reform. Only 20 percent say we should just leave things the way they are, because they know that it's time to be liberated from the current system and to embark on a system that looks after people, that keeps people healthy, that doesn't confront them at a moment when they least should be thinking about whether they can pay, whether it will bankrupt them. At that moment, when they get sick and they need the care, that's when they should be able to rely on it. And so many millions of Americans can't do that.

So when I hear this discussion about, Let's hit the reset button, let's start over again—the American people don't want to start this process over. We started back in January of this year with hearings, and we did hearings in three committees in the House and two committees in the Senate. We gave the public a chance to understand what was in this bill and get their input. And here we are 10 months later, it's within our grasp, and if we keep pushing, we're going to deliver this for the American people.

Mr. MURPHY of Connecticut. If this was easy, Mr. SARBANES, it would have been done under President Bush. If it was easy, it would have been done under President Clinton. If it was easy, it would have been done under the first President Bush, President Reagan, President Carter. If this was easy, it would have been done already. It's not easy. This is one of the most complicated, convoluted health care systems in the world, which is part of the source of the problem that we find ourselves in today. And so the solution is not one sound bite, the solution isn't 10 pages; the solution is tough to come to.

I have faith that the American people are going to get what they've been asking for—as we've mentioned here today—for over 100 years, a system of health care which guarantees that they get coverage not just when they're very sick, but throughout their lives, and gives it to them at a price they can afford.

With that, Mr. Speaker, we thank you so much for granting us the time, and we yield back the remaining time.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Welcome to this debate that's been going on now for a good number of months, a debate that has caught the attention of Americans everywhere, Members of Congress, Members of the Senate, the question about health care. It's something that's big, it's as big as 18 percent of the entire U.S. economy.

We have seen in the last number of weeks the involvement of the government in new and expanded ways in this economy, not just the 18 percent, but we have seen czars setting the salaries of people in the insurance and banking industry, firing the president of General Motors. So we've seen quite a trend of the government getting involved in the private sector. But this involvement in the area of health care is certainly the biggest of all; this is 18 percent of the entire American economy.

I had the pleasure of being able to sit here and listen to quite a number of

the Democrats talking about health care. It was like coming from a different planet. I thought it was interesting that they talked about pet phrases and slogans and things. I guess there have been quite a lot of different words bantering about and different phrases and things, and I think it's important for us to be very precise with our use of words. Otherwise we fall into very serious mistakes.

One of the things that has been talked about is will there be a public option? That's kind of an interesting choice of words, a public option. What that really means, in political talk, is not a public option, but a government solution. A government solution.

So when you talk about a public option, really the public doesn't have anything to say about who's going to get treated or what price it's going to cost or how it's going to work. The public has no say in that; the government is the one who does that.

And in terms of options, you can talk about how bad health insurance companies are—and certainly they do some things that we don't like—but there is one thing about health insurance companies: If you don't like one, you at least have some option to try and find something else. If the option is the U.S. Government, your only option is to go to another country.

□ 1600

So there's not much option and not much that is public about the public option. Another phrase that sounds just wonderful is "every American has a right to health care." Hmm, that's an interesting phrase. Let's think about that a little bit.

There was once a country that doesn't exist right now that had the idea that everybody had a right to certain basic things. For instance, if it gets really cold outside, you should have a right to housing, because if you don't have a warm place to live, you'll freeze to death. So they said that everybody should have a right to housing. If you don't have food to eat, you'll starve to death. So everybody should have a right to food. They said that everybody should have a right to education, that you should be able to read. So in each of these cases, the government was going to provide housing and food and education. The government said that you also needed to have a right to have a job. So the government was going to provide the job. And the government, of course, said that you had to have a right to health care, so the government was going to provide your health care.

This idea that because it's essential for your survival to have housing or food or education or a job or health care, to say, then, or to assume that, therefore, it's a right is to make the same assumption that was made by the Union of Soviet Socialist Republics.

We used to call them commies when I was younger. How well did their system work? It didn't work very well. Lots of people got lousy health care, starved to death, froze to death and were persecuted and killed by their government because they had an assumption that you had a right to all these different things.

But I think that when our Founders started America, they talked about a right to something else, a right to life, a right to liberty, a right to pursue happiness. What's the difference between those things? Well, the right to life, liberty, and the pursuit of happiness is something that is granted by God to each and every individual citizen. Nobody else gives you that. Only God himself.

When you talk about a right to food, does that mean that the farmer has to be your slave and give you food, which is the product of the sweat of his brow? I don't think so. We call that stealing. So we need to be a little careful when we talk about rights a little bit too quickly. Because when you assume you have a right, then it's the government's job to enforce it, and pretty soon you end up with public option or essentially one choice, and that is the government running everything.

So let's take a look at when the government does too much. What happens when the government does too much? Well, one of the things we can see by other departments of the Federal Government is that we have some sense of rationing, inefficient allocation of services, degraded quality, and excessive expense. These are things that are not uncommon in government departments.

You can think about the postal department. The postal department is not known for its efficiency. There are a lot of private operations that are more efficient than the postal department. It was necessary when America first got going. But the government can do too much. That is the point of many of us on this side.

It's not that we want to have people not have health care, but it's also a reality on our side, as a Republican, that there are things called the law of supply and demand. And as much as we might like to repeal those basic laws, like the law of gravity, the laws of physics, the laws of economics and supply and demand, we can't do that. We cannot have the government guarantee everybody to get absolute first-class health care at absolutely no cost. It just doesn't work mathematically. You can't do it.

So the promise is that you're going to get Cadillac-quality health care at no cost, and don't worry because the government's going to take care of it. That's a great proposition. And if you believe that, there's probably some swampland in New Jersey that you could buy.

What happens when the government does too much? Well, we've taken a look at the Democratic health plan and tried to put 1,000 pages—because it's got to be complicated to take over 18 percent of the economy. So we came up with this chart. Every colored box here is a new agency or something created. Now, if you think of yourself as a consumer and you've got the doctors on the other side, you've got to somehow get through this maze to get your health care.

Obviously, the first thing that you note about this chart is—and as you can imagine, a 1,000-page bill, if it's as limited as that—I'm sure it's longer than 1,000 pages—is not going to be simple. Another thing that you know about it is that the more the government takes over, it's going to be kind of difficult if you don't like the quality of your care to change. What is your option? Where can you go?

Now, one of the things, when Americans start thinking about whether or not they really want to go this distance, whether they really want to fundamentally change all of American health care—you know, the proposition that I heard here in the last hour was pretty much the concept that, hey, American health care is broken, so burn the whole thing down and rebuild it entirely, have the government run it, is essentially where it's going. They're not doing that in one step. They are having the government option, which then takes over everything, and every other insurance plan has to be like the government one. And pretty soon, guess what? Just like student loans started out 15, 20 years ago, the government was just one player, now they're 80 percent and they've absorbed almost everything.

So what's going to happen in this kind of a complex scenario? Well, how do you answer that kind of question? What you have to do is you take a look historically at who else has tried it. One of the people that have tried it has been the Europeans, Eastern and Western Europe.

I have a letter here that was sent to me personally by a lady. She doesn't want me to give her name out because she is involved with some government things and that would be some very sensitive information. She has family that has lived in Western and Eastern Europe and looked for health care. She said, in the different governments where she has been involved with government-regulated health care, which is most of the European countries, she says, The first thing I note about the system of health care is that people who want really good health care travel to the United States if they can. If you're a well-to-do sheikh from Bahrain, and you have got a serious health care problem, guess what happens? You take your millions of bucks and you hike over to the USA to get your health care.

I was just hearing people saying that our health care is just terrible in this country, but an awful lot of people vote with their feet, coming to America to try to get their health care. This is a person who has a family that has had surgeries, transplants, various tests, medical maintenance checkups and facilities in these countries where medicine has long been regulated by the government. This is what was said. My first introduction to this was hearing a national friend express her joy to others by this statement. "God has been so good to my mother. She got in a hospital where the staff mops the floors and changes the sheets." For an American used to even community health clinics that surpass some of the westernized specialty clinics that she saw when she went to Europe, she said this was a very, very shocking first impression that she got.

Later, as she talks about elderly people, she says, Later, as I became a regular visitor in middle class hospitals, I saw firsthand how very fortunate we are in America. The hospitals and the clinics, to speak of, care for the elderly is almost too sad to describe. But I can tell you that, whereas, once I was incensed by a low-budget nursing home my aunt was placed in, now that I have ministered to elderly people lying on narrow beds in the back corner of dingy two-room apartments because nursing homes or assisted-living programs are beyond the hope of the people who supposedly have free access to their nation's health care plan, I think of my aunt, and I'm grateful she had a comparably luxurious environment.

There are other stories, too. Here is one for women. No woman enjoys her annual gynecological annual checkup. I would ask American women to imagine a scene where, in one of the best clinics, you sit in a stark, icy cold room, naked from the waist up as folks walk in and out until you learn to bring your own cover-up while awaiting a mammogram.

Imagine that one of the best clinics in your city cannot give you more sophisticated testing for a suspicious spot, and after seeking a clinic in a neighboring country, you end up in another stark clinic where attitudes and expectations are demeaning to a woman's dignity. Eventually, you're sent where for reliable testing? To America.

Those are examples of Europe, Western and Eastern Europe. But we have examples that are a lot closer to take a look to see if this is a very good idea. We could look much closer, to Massachusetts and to Tennessee, where similar programs of government takeover of health care was tried in those States, both abysmal failures.

What else did we learn from those States? Well, one of the things that has been going on here in this debate about health care, you're getting a lot of conflicting statements and opinions. What

I am going to do here, with a couple of the charts that I have, is to give you some that have come directly from our President, and we're going to take a look at them here in the next few minutes and just see what really seems to be the truth.

Most of this plan can be paid for by finding savings within the existing health care system, a system that's currently full of waste and abuse. It's as though our current health care system has got line items on the various budget tabs that say "waste" and "abuse," and we can just take money out of those accounts. It's not quite as simple as that. He is saying that this plan can be paid for by savings. Well, when you take a look at the fine print, you find out where the savings are coming from. We're taking it out of Medicare. That is one of the places it's going to be subtracted, and in other places there will be major tax increases. So that is going to be part of where this cost is coming from.

Now, you could also take a look at America and say, well, what has our experience been with government-run health care? We have two programs. One is called Medicare and one is called Medicaid. We had the Office of Management and Budget which, in the days that these programs were proposed, made estimates about how much they're going to cost. The only trouble was their estimates were a little bit low. The politicians didn't want those people to say it's really going to cost this much, because if they saw how much it was going to cost, people would have said, Baloney, that's too expensive. We can't afford that. So the estimates on each of these were many, many, many times lower by orders of magnitude—not by percentages, but by orders of magnitude—less than what these programs cost.

Now you take a look at what's going on here with Medicare and Medicaid and the expensive increase going on over time, and what you've got going with these three major entitlements programs—Social Security, which is not as much medicine, but the other two—what you have is basically an economic crash that's going to happen to America.

It's going to happen somewhere, because when you get—these programs have absorbed so much of our budget that you're getting into this near 20 percent line of taxation. At about 20 percent, what happens, if the government raises taxes, they don't take in any more money. Doesn't that sound like a weird thing to say? If the government gets taxes too high, they don't actually get in more money. The way that works is that when you run taxes too high, eventually you just stall the entire economic system in America, so you get less revenue.

Think of it a little bit like this. Let's say that you were king for the day and

you had to tax a loaf of bread. So you think to yourself, well, I could charge a penny a loaf and collect some revenue from bread sales. Then you think, well, maybe I could charge \$100 for a loaf of bread. You say, No, no one would buy a loaf of bread for \$100. So somewhere between a penny and \$100 is some optimum tax that you could charge for a loaf of bread if you were the king for the day, and anything above it, if you run the taxes up, you actually get less revenue.

There is a certain height that the government can run taxes, and then it just doesn't work. So these government-run medical programs are increasing in cost to such a degree that they're going to create a crisis economically in out-years.

So, if these programs—which were done very carefully, and we have good people trying to administer them—are making the country go bankrupt, is it so easy for us to take the whole enchilada, to take all 18 percent of medicine in America and have the government run it? Well, I'm not so sure we can do it by just waste, fraud, and abuse and taking money out of Medicare. It seems like the experiences in Massachusetts, the experiences in Tennessee, even our own experiences with Medicare and Medicaid don't give us a lot of confidence.

Here is another statement by the President. Here is what you need to know: First of all, I will not sign a plan that adds one dime to our deficits, either now or in the future, period. Boy, that made me feel good when I heard him say that. The President is just letting us know that he's not going to get on any plan that's going to spend too much money or put us in any kind of debt, except for the fact I started asking some questions.

Let's see. Well, what's happened since the beginning of the year? Well, at the end of last year, we had half of the Wall Street bailout, and then we spent the other half of the Wall Street bailout. Special deals for Wall Street. Now that's not something that's exactly good for our budget deficit.

Then we've got this economic stimulus bill that was really not a stimulus bill whatsoever, but it was basically a big expansion of welfare. That's \$787 billion. This is a big sucker. We were told if we didn't pass this, by golly, unemployment would get over 8 percent. Well, we passed it, and unemployment is now over 9 percent.

□ 1615

So they're talking about maybe doing another stimulus bill. Then we've got this SCHIP, and we've got the appropriations bill and the IMF. So this amount of spending totals about \$3.6 trillion, and we don't have that money. So, when I'm told that we're not going to spend a dime to do this health care thing, it makes me a little skeptical.

How do you sort this stuff out? With some of it, you can't always believe exactly what you hear or the sound bites.

The assumption that we've seen, particularly in the proposals of the Democrat Party, have been what they call "comprehensive." That means they're going to basically redo the entire system. The Republican Party has suggested quite a number of different changes that could be made without entirely burning down the barn. Those changes are now, I think, 50 some different, separate bills. I could name just a few, and I think it's important to clarify the record because sometimes people come on the floor and say that the Republicans don't have any ideas. That's not true, of course. Let me just list a few different things that Republicans are very comfortable with. They are ideas that will reduce the cost of health care in America, and they will make it so that it's more affordable for many, many citizens.

The first would be that we have a problem with trial attorneys and tort reform. In various States, there has been legislation to reduce what trial attorneys can do in terms of suing doctors. The result has been that doctors are still accountable for the medical procedures they perform, but you can't come up with outlandish kinds of punitive damages, which really run the cost of health care up. So medical malpractice reform is something that a great number of Republicans support, and in States like Texas, it has resulted in massive decreases in the cost of insurance and health care. So that's one proposal.

I have not seen much as to that in the different proposals from the Democrats in the House or in the Senate. Although the President mentioned it, there is a question as to whether or not he was very serious about doing anything legislatively.

There are other kinds of proposals. Another is the way the Tax Code works. Right now, if you work for a great big company, you get to buy your health insurance with pretax dollars, but if you're self-employed or work for a small company, you can't do that. Republicans believe in justice. We believe that the Tax Code should be applied consistently and uniformly, so we believe that people should be able to buy their medical insurance with pretax dollars all the way across the board whether you work for a big company or whether you are self-employed or whether you work for a small company.

Another proposal that the Republicans would make which makes a lot of sense—and this isn't something the insurance companies necessarily like, but it does make sense, and it prevents some of the monopoly situations that can occur with the insurance industry when they have heavy control in one geographic area. It is the idea that

you'd be able to buy medical insurance across State lines.

To give you an example of how that might work, I'm from the State of Missouri, and we have, for instance, in Missouri a city which is Kansas City. We have Kansas City, Missouri, but the other half of the city is in Kansas City, Kansas. They're both sides of the river. So you have one city, and that city has a group of medical providers, but it is in two separate States. This legislation would allow you to do some shopping. If you lived on the Missouri side and if you could get medical insurance less expensively in Kansas, you could buy your insurance across State lines. What this does is it increases the amount of competition. Therefore, it helps to drive down costs.

We are not trying to repeal the law of supply and demand. We are not going to promise that everybody in America can have Cadillac care at no cost. That's just an empty promise, and it's deceiving people to try to create that impression, but there are many things we can do to improve what's going on.

If you stand back at a distance and look at health care in America and ask, Well, what really is the problem? one way to look at it, which I think is particularly helpful, is to say, look, you've got the provider system—that is the actual medical care that we're giving people in America—and then behind that you have the pay-for system. The pay-for piece is what's broken, not so much the provider side. Certainly, there can always be improvements to the care that we give. Some hospitals give better care. Some doctors do a better job than others, and you can always make improvements, but in general, American health care is pretty good. It's the way that we pay for it which is increasingly problematic. The reason for that is that two-thirds of Americans are paying for another one-third who isn't paying anything, and that just inherently, economically, causes problems. So there are some things that we can do.

Many Republicans support these ideas, again, of lawsuit reform so that we don't have these tremendous punitive damages where doctors have to practice defensive medicine. We like the idea of allowing health insurance to be purchased across State lines, and we think that, when you purchase medical insurance, taxation should be consistent across the board.

There are a lot of other ideas we have. Another one is the problem with the fact that you lose your health insurance if you change jobs or something. That's not a good deal. You're a responsible person; you're working hard for some company; you have medical insurance; you have a wife and some kids; they're covered under your policy. Then if you lose your job, all of a sudden, my goodness, now you have a child or a wife with a preexisting condition, and you're really up a creek

without a paddle. That's not the way health insurance should work. We think insurance should be changed so that it's portable and so that you can continue to carry your insurance with you from job to job. So those are just a few ideas.

There are many ideas that Republicans support, but we don't think, when you have 100 million Americans with good health insurance and who like the relationships with their doctors, that you need to scrap that whole thing to try and address—whatever it is—the 10 or 20 million who don't happen to have insurance. We don't think you need to burn down anything in order just to treat the few. These are some concerns.

When you hear, Oh, this isn't going to cost too much, \$3.6 trillion is an awful lot of money in the hole. The Republican President who preceded our current President may have spent too much money, but he is a mere piker by comparison to what has been spent here even in the last 9 months.

Here is another statement. First, if you're among the hundreds of millions of Americans who already has health insurance through your job, Medicare, Medicaid or the VA, nothing in this plan will require you or your employer to change the coverage or the doctor you have. Well, that sounds pretty good. It sounds pretty darned good. The only trouble is it isn't necessarily so.

First of all, if you happen to have Medicare, we already saw that the plans that are being proposed by the Democrats are going to take, depending on which plan you look at, somewhere in the range of \$100 to \$500 billion out of Medicare. So, obviously, if you're somebody who is having part of that money as part of your Medicare, that's going to change.

There are other changes that will occur with this proposal. These are other opinions as to whether or not you can really keep what you have.

Here is one. Jonathan Gruber. He is an MIT health economist. With or without reform, that won't be true, speaking specifically of this statement. His point is that the government is not going to force you to give up what you have, but that's not to say that other circumstances won't make that happen.

So, in other words, what happens is, if the government does this sort of public option idea and then they say everybody has got to change their insurance to be the same as the public option, well, essentially what has happened is what you had before is going to change underneath you whether you like it or not. It's going to be changed because the government will be getting into this 18 percent of the health care business. So that was his perspective on, "if you like it, you can keep it."

One of the huge things which, perhaps, frightens me the most about this

whole health care debate is the problem of rationing. You see, there are really only two ways to control the costs of health care. There are really only two ways. One is that people take money that they earn and pay for it. The second way is that the health care is rationed by somebody, and somebody says you can get it or you can't get it. Guess who makes those decisions when the government runs health care. It's not an insurance company. It's not you. It's not your doctor. You guessed it. It's Big Brother. Big Brother decides who gets the insurance and who gets the health care.

The question then becomes: Well, how do they decide? Well, they've got to come up with some sort of a fair way, so they get their calculators out, and they start calculating: Well, if you're this age, you can get this, but if you're this age, you can't get it. We don't think it's appropriate for someone this young to get this kind of test. You can't get it. So you have the government, essentially, rationing health care.

Now, we can hear the Democrats say, Oh, no, no, no. That's never going to happen. We wouldn't have that happen. So we simply did a little test. We offered this amendment, which was Dr. GINGREY's. It's a simple, little, one-sentence amendment. These are not amendments that happen here on the floor. These are amendments that happen in committee because they won't let us do these amendments here on the floor. Here is his sentence:

Nothing in this section shall be construed to allow any Federal employee or political appointee to dictate how a medical provider practices medicine.

In other words, this amendment is saying your doctor-patient relationship is sacrosanct. They're the ones who make the decisions. The doctor and patient determine what your health care is going to be. We're not going to let any—what does it say?—Federal employee or political appointee. That means bureaucrat; that means czar; that means commissar. They're not going to tell you. It's going to be you and your doctor making the decisions. That's what this amendment says.

Well, when this amendment was offered in committee, as you can imagine, they took a vote on it. Well, how did the vote go? This is the Gingrey amendment. The Republicans voted for it, the 23 of them who were there, and none of them voted against this amendment. They said, No. As for this doctor-patient relationship, we need to keep that. No matter what we do in health care, keep the doctor-patient relationship. In fact, the Democrats voted 32 against it, with only one voting for it. So guess what happened? This amendment failed.

Does that give you any source of confidence that you're not going to get rationed health care if Big Brother government gets into the act? I think not.

Here is another statement. Again, this is our President: "There are those who claim that our reform effort will insure illegal immigrants. This, too, is false. The reforms I'm promising would not apply to those who are here illegally."

Well, you know, we've got a recession going. There are a lot of people without jobs. You've got an unemployment rate at 9.7 percent. The idea of saddling the American public with having to pay for illegal immigrants to come to this country for health care is a hard sell, and it may be asking an awful lot of the American public to say we're not only going to have to pay for all of our own health care as well as for the people from other countries who want to come here for free health care.

So the President recognizes that this is kind of a hard sell. He said, "Now, there are those who claim that our reform effort will insure illegal immigrants. This, too, is false." Well, is it really false? Let's just check this out. Exactly what does the Pelosi bill say?

This is the Congressional Research Service. It's not Republican. It's not Democrat. Their job is to read the bills and to render an opinion on basic questions. Here is what they say:

Under H.R. 3200—that's the Pelosi health care bill—a health insurance exchange would begin operation in 2013, and it would offer private plans alongside a public option. H.R. 3200—that's PELOSI's bill—does not contain any restrictions on noncitizens, whether legally or illegally present or in the United States temporarily or permanently, participating in this exchange.

□ 1630

Now, this is not a Republican, these are staffers that work for the U.S. Congress, and they are saying that this bill here does not, when people go to get insurance or when they go to get health care through this exchange, which is one of those boxes on that chart, there is nothing to say whether you are here legally or illegally, or if you are just simply visiting, anybody can get this. This Congressional Research is saying that the President is just flat wrong.

Well, is there any other way of checking this thing out? Yes, there is, as a matter of fact. It was done with another amendment in committee, a Republican amendment. Here it is. This is the Heller amendment.

In order to utilize the public health insurance option, an individual must have had his or her eligibility determined and approved under the income and eligibility verification system and the systematic alien verification for entitlements. What this is saying essentially is if you are going to get this health care paid for by the public, paid for by the American people, if you are going to get that, you've got to prove that you are a citizen here. So this is an amendment. It's offered in committee. What happened in committee? Well, here it is. Heller amendment.

The Republicans, in this particular committee, 15 voted for it, none of them voted against it. The Democrats, 26 voted against it. So, guess what happened? The amendment failed.

Well, it's pretty hard to believe the President when he says we are not going to have illegal immigrants coming here to get health care, and that that's false when the Democrats vote down an amendment to specifically prohibit that. That's a very, very hard thing to understand. In fact, I don't believe what the President said was true, and neither do other people.

One more misunderstanding I want to clear up, and this is the President: Under our plan—the Pelosi plan—no Federal dollars will be used to fund abortions and Federal conscience laws will remain in place.

That seems like a pretty reasonable thing to me. You know, America is very divided on the abortion issue. Some people think that people should have the right to have an abortion. Other people think it's killing a child. Americans don't agree on that subject. But is it reasonable to force every taxpayer to pay for abortions? That's a different question than whether you approve of abortions or not.

So the President says this is a misunderstanding. No Federal dollars will be used to fund abortions. Well, how do you test something like that? I know. We've got some astute people paying attention here today, and you are going to understand, yes, there is a way to test whether this is true. The way to test it is, of course, with an amendment in a committee. Was an amendment offered? Yes, it sure was offered. Here's the amendment. This is Stupak. This is a Democrat Congressman who offered this amendment: No funds authorized under this act may be used to pay for any abortion or to cover any part of the costs of any health plan that includes abortion.

Well, that's a pretty good amendment, offered actually by a Democrat this time. Let's see. How did this one come out in terms of how the committee voted? Twenty-two Republicans voted for that amendment and one voted no. Here's the Democrats: five voted for it, the guy probably, and four others; 30 voted against it. What's the total? The total is that this amendment, like the other ones, failed.

What does that mean? Well, it means the bill doesn't say what's going to happen with abortions, and yet you know what will happen. Because if the real intent were to make sure that we don't get in the point where American tax dollars are being used to pay for abortions, if the intent were there, we would simply have language like this in the bill. Language like this is not in the bill, and there is a reason for that. It's because the intention is to be doing taxpayer funded abortions. What the President again says does not stack up with reality.

Now, all of these questions come back to something that for all of us is very, very personal. Health care is the care of our own bodies. We have to live inside these bodies. That's the situation with it. If we are going to be tampering around with 18 percent of our economy, you think, boy, oh boy, we need to be careful and give a little bit of thought to what we are going to do. In fact, one of the things that you would want is you would want as many smart people as possible paying attention and giving input to what the bill should look like. There should be copies of the bill that are available. Before a bill comes to the floor for any kind of vote, it should be out for at least several days so people have some kind of chance to read the legislation. Yet we have seen over the period of the last 9 months that a number of major pieces of legislation have come to this floor without time for the Members to read them. In fact, I recall not so many months ago being right here on this floor, and it was almost comical if it weren't, in fact, true, and that was another Congressman from Texas stood up and inquired of the Speaker and said, is it traditional that when we are debating and voting on a bill that there is a copy of the bill in this Chamber?

The young lady who was Speaker at that time inquired of the Parliamentarian, and he said, Yes, it's customary for there to be a copy of the bill in the Chamber. Pretty soon the same guy stands up again and says, Another point of inquiry. I am having a little trouble finding the bill, and you said there is supposed to be a bill in the Chamber. If you could direct me to where I might find that bill.

After some talking up at the dais, he was told that you find the bill up behind me on the dais. So a third time he comes to the floor and he says, I still can't find the bill. Well, the bottom line, the fact was that the Clerk was still putting amendments that were passed at 3 o'clock in the morning, 300 pages of different amendments that were being shoved into this 1,000-plus page bill, and there wasn't a copy here on the floor and we were voting on it.

One of the great concerns that we have if we are going to go in and basically tear apart the system that 100 million Americans are using for health care today and re-create that whole thing with this particular government proposal, if we are going to do that, there are an awful lot of people that want to have a chance to take a good look at this proposal and say, is this really something that we want to be doing, and do we really want to go the route of Massachusetts and Tennessee and the European countries that went to a government-run system? Do we really want to go there? Or are there other proposals and alternatives that could be done that would be a little less radical and drastic?

As I mentioned before, the Republicans have got quite a number of ideas and proposals that don't tear the whole system to pieces but at least allow us to make some selective changes which will make health care less expensive and more available to many people.

I have talked about what a few of those were. One of them, of course, is tort reform, so we are not practicing defensive medicine. Another one of those is the idea that you could buy your health insurance with pretax dollars, not just if you work for a big company but if you work for a small company or even self-employed. We have also talked about the idea that you could buy your medical insurance across State lines, creating more competition between insurance companies.

There are other kinds of ideas. One is called associated health plans. That would allow small businesses to get together with other small businesses, pool their employees and buy health care in bulk. In other words, it's a little bit like going to Sam's Club or some place that buys products in large quantities in order to get a discount.

That kind of proposal was passed a number of different years by Republicans, it was blocked by Democrats in the Senate, but that's another possible idea. Certainly we believe that if you lose your job or decide to change jobs, that the insurance that you are paying for should be something that you could take with you. We call that portability.

So when you go from one job, and let's say you are going to be self-employed or a small business, you are going to get in a situation where you are uninsurable. We do not support the idea of making a raid on Medicare. That's what's being proposed to pay for about half of some of the Democrat proposals, is to take a large portion or a significant amount of dollars out of some of the Medicare proposals and health care. That doesn't seem to make sense.

We have a grave concern because of the tremendously high costs of what we have already tried with Social Security and Medicare, a grave concern that really what's being proposed with this kind of a government-run system is way beyond the limits of what we can economically finance. We don't believe that you have to take the whole thing apart just in order to make some important changes.

There are many other kinds of proposals that are out there in health care. In my home State of Missouri we have a phrase, if it ain't broke don't fix it. We have a very large part of our health care system that ain't broke, and so I am not really sure that we want the government to take it all over, but, rather, that we make selective changes in certain places where there are problems.

Like some of the previous speakers, I have had some experience. My body is

getting a little older now, I am 62, and have had a little bit of situation and experience with doctors and hospitals and things. In my case, I came here to Congress just about 9 years ago feeling fit as a fiddle and still felt in my early fifties bullet-proof and everything was fine, I thought. But I had also had some insurance that wasn't very good, provided courtesy of my own State, the State of Missouri, so it had been hard for me to get in to see the, quote, gatekeeper that they had.

We came here to Congress, and it turns out that there is a place where I could get a physical and kind of fit it into my job of going to the different hearings and all, and they gave me the results of my physical. They said, yes, Todd, you are fit as a fiddle except for one little detail: You have cancer. That, of course, sort of gets your attention.

As it turned out, after a series of tests and different things, within the first couple of months I was a Member of Congress, I had a radical prostatectomy, that's prostate cancer, and it's sort of the equivalent in men of breast cancer in women. It's the most common kind of cancer. So I have a particular sensitivity to people who have been diagnosed with cancer and for those who struggle to survive cancer.

You take a look at what happens when you have government-run systems in terms of cancer care. Here's some of the statistics for men and women. Here it is in the United Kingdom and here it is in the United States. Now, these numbers can be calculated in kinds of different ways, but the point of the matter is that when you have a government-run system, one of the effects of that is you have got waiting lines, and waiting lines are not good deals if you have got cancer. If you've got cancer or you've got heart disease, which are the two leading killers of Americans, you don't want waiting lines. You want to be able to move immediately on your situation.

In England, they have waiting lines. If you've got cancer, they do this test and that test, that waiting is deadly, as these statistics show. Your chances of survival overall in England is maybe 50 percent and these numbers show, well, 10 percent better. Other numbers show even more.

U.S. companies have developed half of all the new major medicines introduced worldwide over the past 20 years. Why do you think that is? Do you think the countries that have the government running all the health care are going to develop new ways of doing things? What's the incentive? Why is anybody going to take the risk? Why would the government develop things?

No, what happens here, because America still has a free system of health care, our companies are developing a great number of worldwide different changes. One out of every three

Canadian physicians sends a patient to the United States for treatment each year. The Canadians have a government-run system, but guess where they go when they have to wait too long in line. You go south. You go to America to get our health care.

The bottom line of the matter is that the quality of care in America, when you take a look at things like cancer, is significantly better. I am thankful for it.

□ 1645

I had another experience which I wish I had not had last summer. My own father is 88-years-old. He was going to a doctor who had developed cancer himself, so the doctor retired and my father had to look for a new cardiologist. So we found the name of one who we had heard was a pretty good doctor. He went to see the cardiologist. The cardiologist took a look at him and said, Let's see, you are on these and these and these medications. What else has been done lately for your heart?

My dad said, well, nothing.

He said, we are going to get you in here tomorrow and get you a chemical stress test.

I had never heard of it. But the bottom line was he didn't do very much walking on the treadmill. The doctor said, Stop, that will be all we need. Thank you. He said, You need to come in for an angioplasty-type thing, which turns out at 88-years-old, you are given anesthetic, they knock you out, and they come in from a vein or artery in your leg and look around inside and see what is going on.

So he survived that okay. And I was there at the meeting on a Monday morning, and the doctor said, Well, the bad news is that there is nothing we can do with stints. Your heart is all clogged up and you are going to have to have a bypass. Well, at 88-years-old, that gets your attention. So we said, What are the numbers?

The doctor said, Well, you have got about a 10 percent chance of a major complication at 88 from a bypass. But if you don't do it, you'll have a 50 percent chance you will have a major heart attack in the next year.

Well, we took a look at the numbers and the decision was easy. The next day my father was in for a seven-way heart bypass. That was on Tuesday. He was home from the hospital on Friday, and he is home now—this was last July—he is home now and he is doing fine.

That time period in the United States, in St. Louis, took less than three weeks from his seeing a new doctor to being home from a seven-way bypass. That is not waiting lines. That is not government-run. That is not socialized medicine. That is free enterprise. And that is what I have heard people on this floor running down, say-

ing American health care is lousy and it is no good. And I am simply saying, I don't know about other people, but if I were in another country, I would want to come to the good-old-USA to get my health care, and there is a whole lot of people voting with their feet to come to this country.

So the idea of torpedoing our whole system and saying we are going to throw everything upside down and basically turn it over to a government kind of run system doesn't seem to make sense.

Are there changes that should be made? Yes, there are. Have the Republicans proposed a number of those changes? Yes, they have. Are a number of those changes widely perceived by the American public as being necessary, such as tort reform? Yes, they are widely perceived. Are those changes part of the Democrat bills? Many of them are not.

There are things that we can do, but I'm not sure that the government takeover and this kind of system is where we really want to go. I think a lot of Americans are coming to the same kind of conclusions. They are saying, yeah, there are some things we need to do, but let's just wait. We have 100 million people insured and doing reasonably well. Do we want to scrap all of that for another 20 million or 10 million that may not have it?

So, you get to the bottom line, the bill that the Senate has come up with is not dissimilar to ones that we think may come out of the House. Of course, we don't know. We are not part of those backroom, closed-door meetings. I am a Republican. We are not included in the discussion. But we can guess somewhat from what we are hearing in the media and what the Senate has done, and we can say that the proposals that we are seeing are, first of all, going to raise people's premiums.

Who is going to be paying more? Well, first of all, seniors on Medicare are going to have less money in Medicare, because the Senate version has got Medicare cuts at \$500 billion. I don't know if the House version is as high as that or not.

There are going to be higher premiums. Who is going to be paying for those? Well, some of the people that are going to have to pay for the higher premiums, aside from the average people on the street, are going to be small business people.

Now, small business people right now are pretty important to us. Small business people, people with 500 or fewer employees, employ 79 percent of the jobs in America. And we have got, whatever it is, close to 10 percent unemployment. So you want those small business people, you want those small businesses to be strong. You want them to have extra liquidity. You want them to be investing in new equipment, in new processes, and you want the

innovators and the people who are inventors to be spending money to get new ideas going. And that is what gets the new jobs going.

So, how is it going to help? First of all, if you tax them a whole lot on energy, which we voted to do, but now you are going to tax them some more to raise premiums, and you are going to say, We are going to tax you even more to provide insurance for your employees. That is going to make them want to get rid of some employees, not hire more employees.

The other thing that happens is, when the government jumps into a market it reduces your choices. And eventually, over a period of time, and even the liberal Democrats who propose the government takeover of all health care—the more liberal Democrats want the government to take it all over; the more conservative say no, we don't want that, but we think if the government did a little bit, it is okay—well, the people who are pushing more for the government to take it all, they all say the government option is going to ultimately lead to the government being more and more involved in health care. What that does is it reduces your health care choices. So you don't have options; you have one option.

You know, I can think of something a whole lot worse than some insurance agent or person working for an insurance company getting between the decisions you and your doctor need to make about health care. There is something worse, and that is a bureaucrat. Because with the insurance person, if worse comes to worse, you can move to some other insurance. If it is a bureaucrat, you have no choice in these other foreign countries.

The delays and the slowdowns to health care, of course, are deadly with heart disease and with cancer. So that is a bad thing. And then, of course, the old standard, billions of dollars in new taxes. Is that what we want to do to a struggling economy, to add billions and billions of dollars in additional taxes on an economy that is struggling with a 10 percent unemployment rate? Is this the time to be doing something like that? I think not.

I think that these kinds of costs say that what we need to do is take the system we have now, selectively look at certain specific problems, and let's put solutions together that address those problems. But let's not try to re-engineer all of civilization and all of society, saying that we now have this fundamental right to health care and the government has got to provide it for everybody. It sounds really good, but when you see the cost, this has led to that kind of amusing phrase: If you think health care is expensive now, just wait until it is free.

This has been the effect. And these effects here are what we would predict

and project if we make the mistake of following the Europeans, the Soviet Union before them, and Massachusetts and Tennessee, that have all played with these highly complicated government takeovers of health care. This is not the way that we think we should be going.

It is interesting that the polling data suggests that the American public, when you ask them what you want to do, they say, Yeah, we ought to make some reforms to health care. Everybody agrees to that. But they don't agree they want it all done with a government system. So that is pretty much where we are at this time.

I am joined by a colleague, a friend of mine from Louisiana, if you would like to make a comment or two. I think we are running close on time.

Mr. SCALISE. I want to thank my friend from Missouri for your leadership on this issue. This is an important issue.

As we are discussing health care, I think what is frustrating so many American people is that they are seeing what is happening here in Washington. Right now there is a back-room deal being cut where literally the liberals running Congress are rewriting this government takeover of health care, and the American people deserve and want to know what is actually in the bill.

I think what frustrates the people the most is they look at all this massive spending, \$1 trillion in new spending. How many people really think the \$1 trillion spending with this government takeover of health care is not going to add another dime to the deficit?

People clearly know not only is this going to be a massive spending bill, but it is a massive tax increase, over \$40 billion of new taxes, most of which is going to go on the backs of American families and small businesses. And then the cuts that senior citizens know are coming, \$400 billion in cuts to Medicare, including programs that people like, like Medicare Advantage.

This is not the way to do health care reform. We need to fix what is broken, but we don't need to break what is working in health care. Unfortunately, their bill is nothing more than a government takeover with taxes and mandates that the American people don't want.

Mr. AKIN. I appreciate your perspective. It seemed to me almost that one of the dangerous things to do legislatively is to have an agenda and then just try to figure out some excuse to give you a chance to do what you wanted to do before you even started. And it almost seems as though, instead of taking a look at the system, selectively saying, Hey, let's take one of the hardest things, say preexisting conditions. That is a tough nut to crack. Let's just focus on that. Let's get ev-

erybody, Republicans and Democrats together, to take this one nut, define what we want to do, and see if we can't fix that one problem—instead, it was like, we don't need your opinion at all. Our staffers will write the bill. We will talk about it. We will cut some deals. We have to cut some deals, because we don't have enough votes to pass it. So we are going to have to do something for the insurance companies so that they don't have any liability in certain situations. We got to do a deal.

And you start putting the deals together so you get enough votes to try and pass it, and you cobble something together in the dark of night, bring it to the floor and hope nobody reads it too closely, because if you look at the details you are not going to like it.

Instead, maybe it is a little bit more deliberate, but you define what the problem is. You say, okay, let's put all of our resources on doing this the right way. Any idea is okay, and let's just have a good and open debate. The American public can be part of it and see what that is.

We didn't do that in this big bailout bill, and we didn't do it in this stimulus bill. That is what really made people mad. Then that huge cap-and-tax bill over here, to have a 1,000-page bill with 300 pages of amendments passed at 3 o'clock in the morning, not a copy on the floor and we are voting on this thing, the biggest tax increase in the history of the country the House just passed a number of months ago, that makes people upset. They say, wait a minute. You guys at least could read the bill.

No, we couldn't read the bill.

What do you mean, you couldn't read the bill? It gets them mad.

You say, well, there wasn't a copy on the floor.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3854, SMALL BUSINESS FINANCING AND INVESTMENT ACT OF 2009

Ms. PINGREE of Maine, from the Committee on Rules (during the Special Order of Mr. AKIN), submitted a privileged report (Rept. No. 111-317) on the resolution (H. Res. 875) providing for consideration of the bill (H.R. 3854) to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Ms. PINGREE of Maine, from the Committee on Rules (during the Special Order of Mr. AKIN), submitted a privileged report (Rept. No. 111-318) on the resolution (H. Res. 876) providing for consideration of the conference report to accompany the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, which was referred to the House Calendar and ordered to be printed.

THE TRUE COST OF NOT HAVING HEALTH INSURANCE

The SPEAKER pro tempore (Mr. POLIS). Under the Speaker's announced policy of January 6, 2009, the gentleman from Florida (Mr. GRAYSON) is recognized for 60 minutes.

Mr. GRAYSON. Mr. Speaker, I reserved some time tonight for myself, but what I am going to do is yield it to America. I am going to yield it to you. I am going to yield it to the people who sent us here.

As Abraham Lincoln said in the Gettysburg Address, "The world will little note nor long remember what we say here." Sometimes I feel the same way. So I think it is time to give somebody else a chance.

What I am going to do tonight is give a chance to the part of America that isn't often heard from, the people that have lost their jobs, the people who have lost their homes, and tonight the people who have lost their lives; the people who lost their lives because they had no health coverage, they had no health insurance, and so they died.

There are 44,789 Americans who die every year for lack of health insurance. There are 122 who die every day. In the course of my speech tonight, there will be five more. I wish we would act quickly to end this national tragedy.

So I am going to yield my time tonight to the people who wrote to us and told us the stories of ones they loved and lost at this Web site, NamesOfTheDead.com. Hundreds and hundreds of people have written since last week when we established this site, and they have told us stories about the people who they loved and lost because they had no health insurance. So let's begin.

Stephen Martin wrote to us as follows concerning Thomas Martin of Santa Cruz, California. Steve wrote:

"Tom had a hernia, but also thought something else might be wrong with him down there. He had no insurance, so he kept putting off the hernia oper-

ation. After he finally did get the hernia operation, out of total necessity, he realized that indeed something else was going on. He had little money, so he put off having it looked into, until his bowels were totally blocked. It was a tumor. Colon cancer. He still didn't get treatment for months until he could get medical help from a government program. He died a year later.

"The biggest problem is all the delays that happen if someone doesn't have health insurance; not having the money, not knowing how to get help, hoping the problem isn't serious, and trying to ignore it until it is too late."

This is the first of several real live stories we will be hearing tonight from the people who Jesse Jackson used to call the dispossessed, the despised and the dammed; the people who never get any help.

□ 1700

The people who never get any help. All we can do for them now is simply remember them and honor them with these stories.

David Clark wrote regarding Christopher Gordon Clark of Key West, Florida:

"My brother Christopher died of colon cancer. He lived with symptoms for years because he was poor and didn't see a doctor. He was an actor and worked low-paying retail and service jobs that never offered health insurance. By the time he was in too much pain to work and he went to the emergency room, it was too late. Tumors had grown too big and it spread throughout his body. Colon cancer is, of course, nearly 100 percent avoidable through early detection and polyp removal."

But that never happened for Christopher Gordon Clark, dead at the age of 33.

Lynn Long wrote to us about Jim Bowles at the Web site namesofthedead.com. She wrote as follows:

"Jim was a longtime friend and the best electrician around. He could fix anything. Most of the time he worked for small companies and repaired small appliances. The small firms never offered him health insurance. Jim was my neighbor. This time of year we would get out the lawn decorations, the fog machine and really do it up big for Halloween. But Jim died 2 years ago. By the time he was diagnosed with bladder cancer, it was too late and the cancer had spread. Had he had yearly checkups and screenings through regular health care, he would be here today. I miss Jim terribly and so does his daughter."

Let's hear now from Sally York writing about Ricky Ramsey:

"Ricky was on his mother's health insurance until he turned 19, and because he was unable to find a job that offered insurance or one that he could

afford to buy insurance, he went without. It was December, 5 years ago. He had been complaining of not feeling well for a few days. His mother finally told him to go to the hospital emergency. They said it was the flu and sent him home. It was Christmas Eve and he called his mom and said that he was so sick; he could not get out of bed. She went over to his apartment and took him again to the hospital emergency, and he died. They said it was from the complications of the flu. But Mother was not satisfied with that answer. After an autopsy, they discovered that he had one of the killer bacteria that is antibiotic resistant. Nineteen years old and dead because he was being shuffled in the system because he had no insurance.

Let's hear now from Jane Alexander about Tim Crowder of Saint Charles, Missouri:

"Tim was our neighbor's son-in-law. He was having chest pains for a couple of months. He would not go to the doctor because he had no health insurance and could not pay out-of-pocket medical expenses. Tim died 2 days before his 49th birthday. We will never know for sure, but it's likely that Tim would have benefited from cardiac care. His death was preventable. He left two children and many family members and friends who grieve for him and his untimely death."

Let's listen now to T.C. Smythe about Dale Dickerson, 42 years old, of Houston, Texas. Smythe writes:

"Dale was a full-time musician and part-time photographer. He died of a heart attack that was caused by arterial sclerosis at the age of 42. As a musician, he did not have access to health insurance or health care. I personally know more than a thousand musicians in Houston who have no health insurance because the cost just can't be paid for out of a tip jar. Musicians pay 100 percent of the retail price at the doctor's office, the emergency room, and the pharmacy because we do not make enough money for health insurance. There is no minimum wage for musicians, and none of us has the \$300 a month necessary to get into the most basic plans available. America, our truly gifted songwriters deserve better."

And, for sure, Dale Dickerson deserved to live.

Let's hear now from Linda Kozloff regarding Lacreteria Ann Crowe, 58 years old, Lyons, Colorado:

"My dear friend Lacreteria found out in 2005 that she had 'something' wrong with her. She originally thought that she had some type of stomach problems. Lacreteria was independently employed and she had no health insurance. As she got sicker, she could no longer work, and she could not make her house payments. Because she had no insurance, no institution would take her seriously. They just bounced

her back and forth from one office to another. She was then too sick to get a job that offered health insurance, even though it might have saved her. The computer I have here today has letter after letter saved, first pleading and then begging for someone to hire her so that she could get some health care. By the time she was nearly disabled by ovarian cancer, her fate became inevitable. She tried desperately at the end to get on some type of Medicare or Medicaid, but because she owned her house and several old vehicles, she could not qualify. As she suffered beyond imagination, she tried to sell everything off, her house and all her possessions, and ended up in hospice, where I witnessed her gradual overdose by morphine until she died. Her house was foreclosed and all her possessions were gone. She died on March 7, 2007, at 2:51 a.m."

Let's hear now about Vicky Johnson from David Trotter:

"Vicky had been bleeding for 2 years. When I made a trip to see her, she told me she was afraid to go to the doctor because of the potential costs. By the time she was diagnosed, she had lung, brain, and ovarian cancer. She only lived about 3 months after that. To see the terror in her eyes as she dealt with this is something no civilized person could watch and then deny her the help she needed." David adds, "I am ashamed of my country."

Let's hear about Cindy Rhea from David Twigg:

"Cindy was a custodian who worked for Southeastern Custodial Services in Knoxville, Tennessee. They had Knox County Government custodial contracts. I worked for the Election Commission in Knox County, and Cindy was assigned to our building. The contractor, nonunion, of course, did not provide insurance for its workers at Cindy's level. I know this because one of the employees who works in the HR department of this company was my daughter's best friend in high school. Cindy had a heart condition and she had to take medication regularly to survive. She did a good job and she was always friendly. One day she didn't come into work. We found out later that day that her teenage son found her dead in bed. He was a senior in high school. Cindy couldn't afford her medication as it was prescribed, so she just alternated her medications to make them last longer. She was not educated enough to realize that this made the medication not work as intended. Not having health care killed Cindy and left an indelible impression upon her son. I cry every time I think of her."

Let's hear now from Sandra Chung about Michelle Marie Pavlak, 23 years old, Norwich, Connecticut:

"Michelle was the working poor with a cardiac condition: mitral regurgitation. She couldn't get insurance for one reason: She was denied for a pre-

existing condition. She tried to find other insurers but couldn't afford the premiums that would be more than three-quarters of her income. She could barely afford the medication, and she often had to choose between food and her medication. She tried to get State aid, but she earned \$15 above the poverty level, so was denied. She was 6 months pregnant. She caught bronchitis. She went to the ER because she couldn't get a doctor to take her on as a new patient because she didn't have insurance and she was a 'high risk' patient with a preexisting condition. She made it clear she was in cardiac alert. She even had a medical alert bracelet. People with a cardiac problem, when they get an infection, no matter how minor, they are supposed to be given massive dosages of antibiotics and consult with a cardiologist and be monitored to make sure the infection didn't spread to her heart and other organs. The ER doctor listened to her lungs, pronounced she had bronchitis, gave her some Sudafed, a cough medicine, over-the-counter. No antibiotics, no consult with a cardiologist, no EEG monitoring. Without a prescription for her much-needed antibiotics, the infection spread to her heart, her kidneys, and her liver. She gave birth almost 3 months premature. My nephew, Andrew Michael, died at 10 days old, and she died from an aneurysm caused by the infection passing the blood/brain barrier. In the space of 1 week, I became an aunt and then an only child."

Suzanne McKnight writes to us about Gregory Scott in Franklin, Tennessee, 42 years old:

"Two and a half years ago, my 42-year-old son died of coronary artery disease. He had been downsized 3 years before and he had lost his insurance. Since he had diabetes, he could not afford insurance and he couldn't get a job either because of a terrible job market. He stopped getting regular checkups because his money was running out and he was embarrassed to ask his family for help. He died 2 days after Christmas of 2006, and his doctor spent many nights going over anything that he had missed in the records. Greg might have been saved had his insurance followed him when he lost his job or he might have been saved if he could have afforded insurance. He was the middle of my three sons, and we have never gotten over his sudden loss and probably never will."

John Godwin writes to us about Roger Godwin, 70 years old, of Andover, New Hampshire:

"My father, Roger Godwin, died this past summer due to problems with our health care system. He did have insurance, but he was a victim of a system that is focussed more on the bottom line than care. He experienced severe pain in his back, but he was denied access to an MRI and physical therapy was prescribed instead. Physical ther-

apy is not effective when the problem is a tumor growing next to your spine and, worse, does nothing to detect this threatening condition before it begins to spread. And spread it did, eventually leading to tumors in my father's lungs, brain, liver, and, most painfully, in his bones. He fought hard, but he died after a painful struggle lasting almost a year. My father was a veteran of the Korean War, active in local government, and he gave to his community in a myriad of other ways. He was greatly beloved by his family and those in his community. He deserved better."

And John Godwin says, "We deserve better."

Joel Witherspoon wrote to us about Louis Bruce Witherspoon, 61 years old, of Anaheim, California:

"For 17 years, my father worked for a major utility here in southern California. At the age of 51, he was laid off and he spent 6 years looking for work and surviving on help from me and a meager retirement. He finally found work at 57 working for Tenet Health Care as a computer technician. It was humiliating work but it was work. In order to cut costs, Tenet Health Care kept him on part time for 6 years without benefits. He was given favorable reviews, but when he applied for full-time positions with benefits, they were given to younger and less costly employees. In the middle of his 6th year, he began to develop respiratory issues that became progressively worse until he finally collapsed in the parking lot of the hospital where he worked."

□ 1715

After a week of testing, it was discovered he had terminal prostate cancer. The cancer had metastasized to his lungs, liver, and his brain. The doctors gave him only a few months to live. No doctor at the hospital would treat him. When pressed for answers, his boss and higher ups clammed up. We couldn't get any information out of any of them. After 3 months, he passed away in a hospital in Inglewood."

Let's hear now from Cortney Helmick of Port St. Lucie, Florida about Chris Ilijic. She wrote as follows:

"The love of my life and my dear best friend took his own life on May 9, 2009. He had a long-term drug abuse and mental health problem. He and his family tried to get him help over and over again with no luck because he had no health care insurance. He could not afford mental health care on his own, living on unemployment and unable to find new work due in part to the economy and in part to his mental health issues. On Tuesday, May 5, 2009, he and his mother went to a local mental health clinic asking for help because he was becoming worse. They were turned away due to an inability to pay and a lack of insurance. That Saturday, 5 days later, my friend took his own life. After many attempts for help and

being rejected over and over, he felt there was no way out of his own mental health misery. Something needs to be done. My friend has just as much right to health care as anyone." And then Cortney writes, "As we all do."

And now from Jasmine about Rebecca Jane Delgado of Lampasas, Texas:

"I found out my mother had cancer on August 23, 2007, my first day of classes at St. Edwards University. We were told it was ovarian cancer in the final stage, but some treatments were still available so we started with the standard, which was chemotherapy. I missed several classes going to sit with her while she sat amongst the other cancer patients at the oncology center. The first chemotherapy didn't work, so we tried a different one that required a special port implant. Blue Cross/Blue Shield didn't approve the implant, so I used what was left of my financial aid for school to pay for her. That didn't work either, so we started going to special oncology hospitals looking for alternative treatments. We got a nutrition plan and some pills, but everything else was experimental. The treatment centers wanted upwards of \$100,000 for some new treatments that were available, but we didn't have that kind of money. I don't know whether the experimental treatments would have worked or not, but I sure would have liked to try. My mother died last November. I lost my mother, and I am only 23 years old. I have no other family. I spent Christmas alone. I will do anything to ensure this never happens again to anyone else, ever."

Let's hear now from Julie Nichols about Frankie Nichols, 41 years old in Copeville, Texas:

"My husband Frankie didn't have health insurance and rarely went to the doctor. He was a relatively young man without any health problems. He came down with what we thought was pneumonia in March of 2006. I got him to a doctor because I had coverage through my job, but we couldn't afford the additional \$500 monthly premium to include him. He went to the doctor in April 2006. After treating him for 3 weeks because he didn't have coverage, we were out of pocket \$2,000. A CAT scan was done which determined he had lung cancer. The doctor advised us to go to a public county hospital because they were not equipped to provide treatment. The county we live in does not have a public hospital, so we went to a different county hospital elsewhere in order to get him seen. He was admitted through the emergency room and he stayed in the hospital for 2 weeks while the doctors determined the origin of the cancer. He received one chemo treatment and he was sent home. His next chemo treatment was scheduled for May 25, 2006. He died on May 24, 2006. I think that if he had access to treatment when he first became

ill, he would have survived a bit longer. Perhaps not, but any additional time he could have spent with me and our kids would have been precious to us. Now I am unemployed and uninsured myself. I worry how I will cope if I get ill and need extreme medical treatment. I have two kids who depend on me and have access to regular health care only through me. If they had access to regular health care and I knew they could count on it, it would lift a worry from my mind."

Let's hear from Andrew Latzman regarding Allen Latzman, 65 years old, in New Rochelle, New York. Andrew wrote to us:

"My father, Allen Latzman had juvenile diabetes since he was 27. He was a successful marketing executive who lost his job in 1980. After that, he drove a cab in New York City for 13 years. He did not have health insurance because he had to support a family of two boys after our mother died and he simply couldn't afford it. His endocrinologist for years had to sneak him insulin. Over time, his complications of diabetes worsened, but he could not afford the proper treatment as he had many retail jobs, after he drove a cab, and he went without insurance. Despite the challenges, he was still in pretty good shape—thin, healthy and active—until January 2003. He was walking back to his apartment at his job at Workbench and he slipped on the ice and shattered his ankle. At this point, he did have insurance through his employer and he went to surgery and repaired his ankle. But soon after that, Workbench filed for Chapter 11 and while they said that they would pay for their employees' health insurance up to 6 months after the termination of employment due to bankruptcy, the owner instead took all of the money he promised to allocate to insurance and he pocketed it. During this time, my father thought he was covered, and then he found out that his employer had not fulfilled his commitment. While this was occurring, my father's leg on which he had surgery in 2003 began to worsen. His circulation became poor and he had difficulty walking. The limited mobility had made him put on weight, and he had become increasingly unhealthy. But he no longer had any health insurance. The predicament he had been put into forced him to wait over a year for needed surgery to turn a vein into an artery and improve circulation, until he was 65 and was eligible for Medicare. During this time related to his poor condition, he had a heart attack. This heart attack was found in a stress test prior to his leg surgery, but the endocrinologist never disclosed he had a previous heart attack before the leg surgery. My father went into surgery not knowing the seriousness of his situation, and after his surgery he had a heart attack post-op and he never recovered. He was hospitalized for 3

months in extreme pain. He might have been able to fully recover had it not been for a series of secondary infections that he picked up from the hospitalization. He died in May of 2005 at the age of 65. I was able to tell my father while he was still slightly lucid that he was going to be a grandfather for the second time. Unfortunately, my son Nate, never met him. My father is the signature case of a man who needed to be better monitored because of a chronic condition, and the lack of insurance and proper care killed him. Dead men tell no tales, so I will tell his story for him. I love you, Daddy."

Now let's listen to Clifford Theiss about Charles Theiss, 62 years old, Plant City, Florida:

"Carl, as we called him, was a kind and passionate brother whom we all loved greatly. He had spent 25-plus years employed by a trucking company in Tampa, Florida. One morning he arrived at work to find the gates had been padlocked, and a handwritten note alerting all employees that the company had folded. No other warnings were given. And in what seems like the fashion today, there was no compensation for anyone. He had enough 401(k) money, enough to survive on, but health insurance was at best a dream for him then. Being in his late fifties, he found it rather hard to secure employment, so he opted to retire on a minimal SSI. He had spoken to me occasionally about the high cost of medical care, but never mentioned that he was a living time bomb because he had a dangerous heart condition that required treatment. Carl was found dead in his apartment on February 3, 2008, by his daughter, a daughter for whom he had scrimped and saved to put through college. Ironically, she is now a doctor. He died in his sleep of massive heart failure. During the following days, his family found several unfulfilled prescriptions dating years back that if filled would have certainly saved his life or at least extended it. But due to the cost, he could not afford the medication. He had paid for doctors' visits out of his pocket, only to discover that he was doomed to die."

Ladies and gentlemen, I could go on and on and on. We have received hundreds upon hundreds of stories like this at this Web site, *NamesoftheDead.com*. These are the stories of America. These are the stories of people who are suffering, and people who sent us to Washington, D.C. to solve their problems for them. Not to debate, not to delay, but to keep them alive.

The reason why I read these stories is this: Again as Lincoln said, in talking about these people, it is their loved ones who speak best for them. As Lincoln said in the Gettysburg Address, It is far beyond my poor power to add or detract. Rather, it is for the living to be dedicated here to the unfinished work for which these people have died.

That, my friends, is the unfinished work of universal health care in America. That is our unfinished work.

I look forward to a day I hope will come very soon, not soon enough for all of these people, all of these people who have died, but a day to come very soon when there will be no more stories like this, when there will be no more names to add to the Web site *NamesoftheDead.com*. And for God's sake, I look forward to the time when we will have finally done our jobs.

HONORING SECRETARY JOHN McHUGH

The SPEAKER pro tempore (Ms. PIN-
GREE of Maine). Under the Speaker's
announced policy of January 6, 2009,
the gentleman from New York (Mr.
KING) is recognized for 60 minutes.

Mr. KING of New York. Madam
Speaker, I proudly rise on the House
floor tonight to manage a Special
Order on behalf of our former colleague
and the present Secretary of the Army,
former Congressman John McHugh,
now Secretary John McHugh.

Madam Speaker, before I begin my
formal remarks, I would like to yield
to the gentleman from Illinois (Mr.
SHIMKUS) who does have to leave, and I
would recognize him for 2 minutes.

Mr. SHIMKUS. Madam Speaker, I
thank my colleague from New York for
giving me this time and allowing me to
go promptly.

Everybody loves John McHugh, an
honorable man. We have a great his-
tory in this country that a lot of peo-
ple take for granted which is civilian
control of the military. That is honor-
ably being served by Secretary Gates
as Secretary of Defense, and we are
honored to have our colleague and
friend, John McHugh, accept and hold
the position of Secretary of the Army.

John is no stranger to being involved
in military affairs, especially the
Army, serving as I know people will
talk about in Upstate New York and
the Fort Drum area, the 10th Mountain
Division, where some of our best mili-
tary fighters are stationed, in a tough
environment, and have been deployed,
like many U.S. Army forces around the
world, in difficult environments.

John has always been concerned not
just about their training and morale
and welfare, but the post issues, hous-
ing issues, morale and welfare. You
name it, John McHugh was a leader in
that area.

□ 1730

So it was a great pleasure, and many
of us were thankful that President
Obama looked down to the ranks of the
Republican minority to find a highly
qualified individual who would ascend
to the position of the senior civilian
leader of our Army.

John also served many years on the
West Point Board of Visitors, a posi-

tion now that I get to take and assume
his spot on that board, but I know a po-
sition that he loved, at West Point
where we are training our young men
and women of the future to be future
leaders of the Army. He took that job
very, very seriously.

I thank my colleague and friend from
New York, PETER KING, for allowing
me this time to come down and con-
gratulate John, to put some words into
the RECORD, to say we miss him here,
and that we know he will serve our
country well in the position that he is
so well trained and prepared for.

And with that, I thank my colleague.
Mr. KING of New York. I thank the
gentleman from Illinois.

Madam Speaker, I now yield to the
gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the
gentleman for taking this time tonight
for our colleague, Mr. McHugh.

John is not only a nice guy, he really
is a hard worker. I think he has earned
his place in the administration with
the Secretary of the Army position.

When I was chairman of the Govern-
ment Reform and Oversight Com-
mittee, he was a subcommittee chair-
man that dealt with the postal service.
He did an outstanding job. It was a
very thorny issue, solving a lot of the
problems that we had with the private
sector and the postal service, and it
was John who got the job done. It took
several years, but I've never seen any-
body work harder than he did.

I would just like to say as I depart
tonight that we miss you, John. You
were a heck of a Congressman, and I
know you're going to do a great job as
Secretary of the Army.

I thank the gentleman for yielding.

Mr. KING of New York. I thank the
gentleman from Indiana.

Madam Speaker, I yield to the gen-
tleman from New York, who actually
served in the State legislature with
John McHugh back when John was a
senator and the gentleman was an as-
semblyman, Mr. TONKO from Upstate
New York.

Mr. TONKO. Thank you, Representa-
tive KING.

The opportunity to share some
thoughts about Representative
McHugh here this evening is something
I relish.

Our work partnership goes back sev-
eral, several years, starting back in
1984 when Representative McHugh—
then as State senator McHugh—was
elected to serve for four terms. He ob-
viously understands the needs of the
North Country. He was returned to of-
fice several times over, not only in
that role as State senator, but then to
go on here to the House of Representa-
tives and serve with distinction many
terms over.

The importance of interacting with
people in a bipartisan fashion was
something that was always easily done
with John McHugh. He understood that

we in government have the opportunity
to empower our communities, various
organizations, and individuals. Cer-
tainly, in his role in the North Coun-
try, he represented several higher ed
institutions, like the SUNY center at
Plattsburgh, the SUNY campus at
Potsdam, St. Lawrence University, the
Ag and Tech Campus in the North
Country in Canton, and then the cam-
pus of Clarkson University, my alma
mater. So we always had opportunities
to work on great things for these cam-
puses, and in particular, to focus on
some of the science and tech activities
over at Clarkson University.

Here in the House, John McHugh had
served for over 16 years as a Member of
Congress representing that northern
and central portion of what is deemed
Upstate New York. During his service,
he forged these very strong ties with
Fort Drum, and it's there that I think
he created this strong record of
staunch advocacy on behalf of veterans
and on behalf of soldiers and their fam-
ilies, working tirelessly to ensure that
they had the necessary resources for
proper facilities for training and for
quality of life to carry on with their
mission, and then to also make certain
that he provided for those loved ones
who remained at home.

As a Member of this august body,
John McHugh served as the ranking
member of the House Armed Services
Committee, which has been mentioned
here this evening. I think it is there
where he earned the opportunity to
now be appointed as Secretary of the
Army, by having worked with the De-
partment of Defense and each of the
Armed Forces. Certainly, his love for
the North Country is very much de-
fined by the work that he has done.

In closing, I would like to just cite
two of the accomplishments that I
thought spoke near and dear to my
heart because of my work on science
and tech as a committee and my work
as the former Energy Committee Chair
in the New York State Assembly. And
being over at NYSEERDA, being presi-
dent and CEO of the New York State
Energy Research and Development Au-
thority, I was happy to include John
McHugh as one of those eight from the
minority ranks in this House who
voted for H.R. 2454, the ACES Act, the
American Clean Energy and Security
Act.

As we know, H.R. 2454 still looms out
there as a measure to be completed by
action that's required in the United
States Senate, but there is no denying
that if we can go forward with this leg-
islation, it will help create millions of
clean-energy jobs and save billions of
dollars for consumers with utility bills
that are ever on the rise.

This new economy and the new jobs
generated by H.R. 2454 can spark that
innovation economy, which would be
key and premiere to New York State's
economy and this Nation's economy. I

have to applaud Representative McHugh for his work in that regard.

Secondly, as a senior member of the House Committee on Oversight and Government Reform, and after serving as Chair for some 6 years, I believe, of the Subcommittee on the Postal Service, John had done tremendous work on H.R. 22. I had the pleasure to help cast a vote in favor of the United States Postal Service Financial Relief Act of 2009. H.R. 22 will provide that sort of stability for our Postal Service system. And this House, with some 388 votes, voted in favor of the legislation that Representative McHugh had worked on so diligently.

In final comment, I just want to wish Representative John McHugh—former New York State Senator John McHugh—the very best as he assumes his new duties. I have no doubt that he will serve the President's administration with distinction, and that he will provide a great service in a new capacity to this great country and to the military.

As we go forward, I know the partnerships with John McHugh will continue as we work in this House to make certain that those needs, those essentials are there as he continues in this new capacity.

So John, we wish you well and Godspeed as you serve this Nation now in yet another capacity.

I yield back to Representative KING.

Mr. KING of New York. Madam Speaker, I thank the gentleman from New York for his very gracious remarks.

In your remarks, you demonstrated the same bipartisan spirit that personified John McHugh's career here in the House of Representatives, and I thank the gentleman for his remarks.

Now I recognize the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. I thank my good friend for the opportunity to join you tonight to recognize Congressman John McHugh.

Unlike my colleague from New York, I didn't know Congressman McHugh when he served in the State legislature, nor previously prior to January, at my arrival here in Congress.

I got a chance to know Congressman McHugh since January—and his leadership record. And I stand today not just as a Member of Congress to mark all of his contributions, but, frankly, as a father of a United States soldier in the U.S. Army. I am so appreciative of what Congressman McHugh's service has been as now he has been sworn in as the 21st Secretary of the Army, that swearing-in occurring on September 21.

Today, in his new role, being responsible for the Army's annual budget, more than \$200 billion, what a tremendous responsibility that is, a workforce of more than 1.1 million active duty Army, National Guard, and Reserve, that includes 221,000 Army civilian em-

ployees and 213,000 contracted service personnel.

Additionally, in his new role, Secretary McHugh will be a steward for more than 14 million acres of land under the jurisdiction of the U.S. Army.

He served more than 16 years as a Member of Congress representing northern and central New York. Over those last 8 years, McHugh had made 10 official visits to Iraq and four visits to Afghanistan and other deployed locations to visit U.S. forces. And quoting at his confirmation hearing about wounded warriors, "I've been so struck how these heroes, facing pain and loss and uncertainty, ask one question, 'What else can I do to serve?'"

He served as the ranking member of the House Armed Services Committee and previously was chairman of the House Armed Services Committee's Military Personnel Subcommittee. As chairman of the Military Personnel Subcommittee, Congressman McHugh exercised leadership on overseeing our military forces, personnel policies, compensation, health care, morale, welfare, recreational activities, dependent schools, and other benefits. He advocated for the military's people and programs.

When Congress passed the fiscal year 2006 National Defense Authorization Act, H.R. 1815, Congressman McHugh had a role in developing a bill that does so much for the members of our Armed Forces. The measure provided the basis for our Nation's defense policies and programs. This legislation relieved the tremendous pressures placed upon our military services, active Guard and Reserve alike.

The military personnel provisions aim to improve quality of life for active duty and Reserve troops through pay and bonus increases, improvements in living and working conditions, and enhancements in health care coverage. This legislation reflects Congressman McHugh's commitment and dedication to serving not just his constituents in New York, but the men and women serving as our heroes in the Armed Forces.

During his nine terms in the United States House of Representatives, Representative McHugh has been a champion of fiscal responsibility and lower taxes, protecting Social Security and Medicare, providing stronger and better schools, and protecting America's farmers. We wish him well in his new-found role as the 21st Secretary of the Army.

I thank my good friend for yielding.

Mr. KING of New York. I thank the gentleman from Pennsylvania for his remarks.

Madam Speaker, as the gentleman from Pennsylvania referenced, Congressman McHugh did go on a number of congressional delegations to Iraq. I was privileged to go on one that he led

in 2004. But just to show that Congressman McHugh is not perfect, he did have one person on the trip who really didn't fit in at all, but Congressman McHugh, being the wonderful person that he is, brought him along with a sense of charity and compassion.

With that, I recognize the gentleman from Michigan, the chairman of the Republican Policy Committee, Mr. MCCOTTER.

Mr. MCCOTTER. I thank the distinguished gentleman from New York. In fact, all truth be told, one of the reasons that I'm here is a conversation we once had. The gentleman, Mr. KING, said to me, If John McHugh and I left Congress tomorrow, you probably wouldn't have a single good thing to say about either one of us. And I said, No, I would have a lot of good things to say about John McHugh, and I do.

When you first come to Congress, it's a very daunting experience, and as you go on you find out that you are rightly daunted. This is a town where everything is a crisis, everything has to be done in a hurry. And yet there was always one person you could rely on to exemplify Hemingway's definition of grace under fire, which is, "keeping your head when all those around you are losing theirs."

John McHugh is the type of person who always could keep his composure and was always open to give you counsel, especially as a young Member of Congress, as to what was going on, why it wasn't always the end of the world, and the way that you could work in a principled, bipartisan fashion to get the job done.

It was sad to see John go, we all know that. But we have all been enriched by our ability to work with him. Our country is certainly going to be well served by him as Secretary of the Army.

As he left, I was reminded of something my father said—I can't say it's an Irish saying; my father was Irish, and he said it, but I don't know that anybody else ever did—he said, Son, as an Irish Catholic, there are three things you usually wind up: You can wind up a priest, you can wind up a teacher, or you can wind up a soldier, but under no, no circumstances should you ever wind up a politician. It is nice to see that at this late stage of his life, John McHugh has improved himself and gone on to leave this Congress and serve with the men and women who defend us.

In closing, I would just like to say, Johnny, we did know ye. We will daily miss you, and we dearly love you. Godspeed in your new role serving our country.

Thank you.

Mr. KING of New York. I thank the gentleman from Michigan for his remarks.

Now I will yield to the gentleman from New York (Mr. HINCHEY), who

served in the New York State legislature with John McHugh when John was a senator and Mr. HINCHEY was in the New York State Assembly. And I believe that Mr. HINCHEY and Mr. McHugh came to Congress in the same year, in 1992. It was quite a year, Mo.

With that, I yield to the gentleman from New York.

□ 1745

Mr. HINCHEY. Well, thank you very much for yielding to me.

I also want to express my deep gratitude to you for doing this event because John McHugh is a very good friend of all of us, and we very much appreciate the opportunity to be here and to say a few things on his behalf and on behalf of ourselves, for the opportunity that we have had to work with him and the benefits that have flown to all of us as a result of his experience, his insight, and his wisdom.

I can say that as someone who has worked very closely with him for a long, long time, as just was said a moment ago by our leader here today, he and I were elected to the House of Representatives in 1992, and we have been serving here now for about the last 16 years. In the context of those 16 years, he and I have become even closer together in spite of the fact that we were close enough to begin with because we had both served in the New York State Legislature for a good period of time.

John McHugh was in the New York State Senate from 1985 until he was elected to the House of Representatives in 1992, so he had a great deal of good, solid experience when he came here. He was nominated to be Secretary of the Army in June of this year, and he was sworn in as the 21st Army Secretary of the United States on September 23, 2009. When he was sworn in, we were very happy about that and deeply respected it because we understood that he was going to be a very good leader of the military, and we say that because of the fact that he has been directly involved in military operations in many ways for a long time.

John McHugh brought with him a great deal of the experience that he had with regard to that Army. First of all, his district included Fort Drum, which is the home of the Army's 10th Mountain Division. He worked very hard for those military forces, representing that 10th Mountain Division, and he stayed in very close touch with them. Of course, as a result of that, he learned more and more about the military operation, how significant it was and what kind of assistance that he could bring to them. So he has been known for some time as an authority on the military here in the Congress. Included in that, of course, is the fact that he served on the Armed Services Committee here in the House of Representatives for many years. When he was nominated and then sworn in, just

as he was sworn in to be the new Secretary, he had served as the ranking member of the Armed Services Committee.

As I say, he and I have worked together on a number of issues and in a number of areas over the course of many years, including the fact that we both served on the West Point Board of Visitors. His service on the West Point Board of Visitors is just another example of his dedication to the military and the way in which he did everything that he could to serve the American military in the best way possible.

So I am very pleased to be able to extend to him my deep congratulations as being the Secretary of the Army and also to express to him my deep appreciation for all the things that he has done over the course of his dedication to public policy, whether it was in the State legislature in New York, here in the House of Representatives, or now as the leader of the American military in the Army.

So, John, all the best to you, and thank you for everything that you have done and everything that you will do in the future.

Mr. KING of New York. Madam Speaker, I thank the gentleman from New York for his remarks.

I now yield to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

I want to reflect just a moment, as we all have, on our mutual friend John McHugh. Obviously, I didn't have the opportunity to know him in New York. I first got to know him as a politician in 1992, about the same time I got to know you, Mr. KING. I was the executive director of the National Republican Congressional Committee. John was running in what was a tumultuous year, a very challenging year for incumbents in both parties, an era of very low trust in the institution of Congress and in the politicians who engage in civic activities. And what I remembered was how effortless John McHugh made his victory appear. He was able to do that simply because the people in his district knew him from long years of public service, and they recognized the quality, the integrity, and the character of the man. The fact that he's been reelected eight times since that first election without ever having a serious contest in a very competitive district is a testament, frankly, to the excellence with which he represented his constituents and the high esteem in which he was held, frankly, not only by the people he represented, but by the people here in this institution.

We all know John as a Member's Member, somebody who is incredibly thoughtful, incredibly thorough, incredibly bipartisan, and incredibly gracious while still being amazingly effective in presenting an argument and a

point of view. I had the privilege of getting to know John not as a candidate but as a public official when I arrived in Congress in 2003. I went to the Armed Services Committee and found myself—because I, too, represent a military district—his vice chairman on the Personnel Subcommittee. What impressed me about John's performance as the chairman of that subcommittee was his incredible depth of knowledge about all military issues but, particularly, his commitment to military families.

I remember, John taught me what is a very common saying on the Armed Services Committee, "You recruit a soldier, but you retain a family." He thought about those soldiers very deeply. He understood the sacrifices they made. His intimate acquaintance with the great 10th Mountain Division at Fort Drum and his wide travels and interaction with military personnel made him understand that it was a social unit as well as a fighting unit, and how you retained the quality of life in an era of an all-volunteer army was really crucial to attracting and retaining soldiers and their families.

I grew up in a military family, and I remember my father leaving the military after 20 years, largely because it was the right thing to do for his family. He didn't want to, but there simply weren't the benefits available to the families that we now provide. John was a big part of moving us toward the kind of support systems for families that make it possible for our soldiers to perform so effectively in the field.

I, too, have had the opportunity travel with John abroad, and I just have to say this as an American, not just as his colleague—I can't think of anybody that I would rather have representing us in a foreign locale and in front of other nations than John McHugh. He exemplifies the very best traditions of public service in this country, and he always handles himself with such incredible grace and incredible wit, and he is so remarkably articulate when he's expressing his points of view.

I think the fact that he was chosen by President Obama to be Secretary of the Army speaks incredibly well of both of them. It tells you the manner in which John is regarded by members not only of his own party but the other party, and it tells you, frankly, that the President has thought profoundly, in a bipartisan sense, about foreign policy and certainly about the military, where he's tried to recruit the best people he could find to provide the civilian leadership for our forces at a time of war. I can't think of anybody better to fulfill that task than John.

Now, I have to say, there are a lot of reasons I will miss John McHugh, but probably, selfishly, the best is he smokes a mean cigar. Not only that, but he always looked like I always thought I would like to look as a Congressman. John looks the part. He

could be a movie Congressman. You know, he is a handsome guy. He is extraordinarily well dressed, and when he smokes that cigar, he is so amazingly sophisticated. And by the way, he knows a lot about them.

I just want to close by saying that it's been a great personal privilege and an honor to serve with somebody like John McHugh, and I wish every American had the opportunity to know that Congress is, indeed, populated by people like John, that they come here, they're not flamboyant. He is not the sort of person that, you know, is ever going to lose his temper or create a scene. He just does his job with excellence, professionalism, decency, and courtesy every day, and I can't think of an individual who is as knowledgeable or as suited to lead the United States Army as a civilian Secretary in a time of war than John McHugh.

So I want to thank my friend for his years of splendid service in this House and to, frankly, thank him a little bit early for his service to our country, because I have no doubt he will discharge his duties as the Secretary of the Army. I also want to express my appreciation to the President of the United States for making such a wise and bipartisan choice.

With that, I yield back to my friend.

Mr. KING of New York. I thank the gentleman from Oklahoma for his remarks. I must say, I agree with him completely that Congressman McHugh had a level of sophistication and sartorial splendor which you and I certainly lack. We all try to emulate John but come nowhere close.

GENERAL LEAVE

Mr. KING of New York. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Madam Speaker, I now yield to the gentleman from New York (Mr. ENGEL), who also served in the New York State Legislature, in the assembly when Congressman McHugh was at that time a State senator. I yield to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Thank you very much. I thank my friend from Long Island for yielding to me.

I, too, want to say very, very nice things about our colleague John McHugh. You know, I hope he's listening now because one of the things that's so nice—I received an award a couple of weeks ago, and all these people got up and said such nice things about me. I was wondering who they were talking about. But I said the nice thing about hearing this is that it is almost like being at your own funeral, except you're alive to hear it. John can

hear all the wonderful things we're saying about him from the heart. We mean it, and I think everyone can see the bipartisan feelings of affection that we have for John McHugh.

John and I both served in Albany, New York, in the State legislature. I served in the State assembly for 12 years, and John served in the State senate for 8. Our careers sort of went along the same path. John and I are about the same age, and we served in Albany and in Washington at the same time; although, I always remind him that I was senior to him in both Albany and Washington. But one of the things that you always know about John is that he is one of the nicest people you ever want to meet.

You know, the House gym is where you really get to meet people, talk, relax, and know them. John and I, as it turned out, had lockers right next to each other, so we often chatted there as well. I never heard him say a nasty word about anybody. He always had a smile on his face, was always pleasant, and was always caring. As some of my colleagues have said, he looked like the stereotypical Member of Congress, what a Member of Congress should look like, should act like, should be like—that was John. And I'm sorry to lose him, but I'm happy to lose him at the same time, because I think that the President couldn't have picked a better person to be Secretary of the Army.

Our colleagues have talked about some of his accomplishments and some of the things that he's done. He's had many accomplishments and has done many things, but the thing that I like most about John is that he is just a plain nice guy, down to Earth, caring about people. Actually, everything that a public servant should be, John is. We miss him already here in the House, but we know he's doing great work for our country as Secretary of the Army.

John is a quiet person. He is not someone who is going to toot his own horn and tell you how great he is or get up and give a rousing speech, telling someone off. That's not John. John is quiet, mild-mannered, caring, smart, the kind of person that we all know should be in public service. So I wouldn't for the world miss this opportunity to say my words of tribute to my good friend who we're going to miss, as I said, but know he's going to do a great job. John McHugh, whatever he does, he'll do great, and I know that he will be a great Secretary of the Army.

I thank the gentleman for letting me say a few words.

Mr. KING of New York. I thank the gentleman for his remarks.

I now yield to the gentleman from Ohio, a good friend of Secretary McHugh, Mr. LATOURETTE.

Mr. LATOURETTE. I thank the gentleman for yielding.

Mr. Speaker, it's my privilege to be here during this Special Order, talking about our friend John McHugh. You know, when somebody retires or leaves or goes on to something else, you miss him. People talk about the gym. I remember, and I miss, that on a pretty regular basis you would go out to the fireplace out here in the Speaker's Lobby and John would have the biggest cup of something with ice in it. He was a constant fixture out there, and you could talk to him on a regular basis.

People will talk about his service on the Armed Services Committee, but that isn't how I knew him. I'm going to talk a little bit about the Oversight and Government Reform Committee and his work on postal reform.

□ 1800

I know John's office, for some reason in the last three Congresses, has always been either next to or across from mine.

His commitment to the military was always evident. He always had more brass in his office than a Sousa band. They were always coming and going, and they wanted to make sure that John McHugh understood where they were coming from.

I met John when I came here in 1995. Our service was on the Government Reform and Oversight Committee. John's post, when we were in the majority at that time, was as the chairman of the Postal Service Subcommittee, which no longer exists, but it was the Postal Service Subcommittee. The hot topic was postal reform. Postal reform hadn't been accomplished in about 25–30 years in this country, and there was a reason for that—it wasn't an easy thing to do, but John stayed at it in Congress after Congress, and suffered mightily because all of the stakeholders had a different view; you had the private shippers; you had the postal unions; you had the people with the postage meters. Everybody sort of had a dog in that fight, and it was John's job to sort of guide that through.

I'll never forget. I was a member of that subcommittee, and I wasn't so crazy about his first draft. I think it was called H.R. 22, his first piece of legislation. I sent him a strongly worded letter, reading, You know, how could you do this on postal reform? Well, John sent me a letter back, and just about took the skin off the back of my hand. It was the most pointed letter I'd ever received, and so I trotted right over to his office because I wanted to make sure he wasn't mad at me. We all send letters. We make points, but I wanted to make sure John wasn't upset.

In the end, H.R. 22 did, in fact, become law, and John modernized through postal reform and helped take the United States Postal Service into the 21st century, and that was no small feat. I know that he will do the same

for the President as the Secretary of the Army.

You know, I happen to belong to a group of moderate Republicans. Some of us have sort of suspected that the President and Chief of Staff Rahm Emanuel have devised a scheme to completely denude the House of Representatives of moderate Republicans. You know, first they started with my classmate, Ray LaHood, and they made him the Secretary of Transportation. Then they took McHugh, and made him the Secretary of the Army. At the time that they made that choice, I said—and I'll say again during this Special Order honoring John—that the President couldn't have made a better selection. We are the poorer here in the House without the benefit of his wisdom, experience and guidance, but I know he will well serve the men and women in uniform, and he will well serve his President of the United States.

Lastly, I would say that John and I also parked near each other. John did have a really sweet parking space in the Rayburn garage on G-3, and if there's only one good thing that has happened in the House as a result of his departure, it's now that I get to park in his parking space.

So I thank you for organizing this Special Order, Mr. KING, and I yield back to you.

Mr. KING of New York. Mr. Speaker, I commend the gentleman from Ohio for always managing to get something good out of whatever happens. He gets John McHugh as Secretary of the Army, and STEVE LATOURETTE has a good parking place, so all is right with the world.

Mr. Speaker, may I inquire as to how much time remains?

The SPEAKER pro tempore (Mr. TEAGUE). The gentleman has 25 minutes remaining.

Mr. KING of New York. Mr. Speaker, I proudly yield to the distinguished gentleman from Texas, the chairman of the National Republican Campaign Committee, Mr. SESSIONS.

Mr. SESSIONS. I appreciate the gentleman, Mr. KING, for not only yielding me time to talk about our former colleague and the great Secretary of the Army, John McHugh, but I also thank the gentleman for his leadership on behalf of the State of New York. He really cochaired that responsibility and leadership in so many respects with the gentleman John McHugh.

As we see John's friends who have come to the floor this evening to talk about this great man John McHugh from New York—our former colleague, the gentleman from the 24th District of New York—and as his colleagues come to the floor to tout the attributes of service and respect and admiration that we have for John McHugh, I think it's important to note and to amplify how we believe that the men and women of the United States Army and

every person who wears the uniform of the United States military will recognize this man who is from our body—a man who in service to his congressional district, to his State and to his country embodied the highest of skillsets, of personal accomplishment and the best wishes.

If I can for a minute, I'd like to talk about John McHugh, the man, as we have all taken the pleasure of doing. We just heard the gentleman Mr. LATOURETTE talk about how he worked with John McHugh on the Government Reform Committee. In fact, I arrived in Congress in 1997, and immediately found myself on the Government Reform Committee. I was a freshman who was eager to take part in the endeavors that lay ahead of us.

One of the subcommittees at that time, which I believe the gentleman Mr. LATOURETTE spoke about, was the Postal Subcommittee. The Postal Subcommittee had this bright, young person who was the subcommittee chairman. He was John McHugh, the gentleman from New York. John made sure, as my subcommittee chairman, that I was there at all the meetings—I was expected to be as a freshman—but more importantly, that I understood the substance and the issues that would be before us.

John took very seriously, as he always has, the duties and responsibilities that were there, presented to him and that he accepted. John made sure that I was well-versed on postal issues, talking about not just the compromises but the opportunities that lay ahead for us, making sure that the challenges were properly taken care of. I developed a deep and abiding relationship with John that I cherish even today—although, I'm sure he wants to forget a few of those meetings that we had that went on and on. It was all in the spirit of our service and in the need to make sure that we appropriately and properly did our duty.

I also had a chance to run across John McHugh as the left fielder for our baseball team. John McHugh played left field in college. John McHugh is a little, skinny runt who probably weighed about 115 pounds—if he had a bat in his hand, maybe 120—but that old guy could catch flies out in left field. Some of the most fun activities and times that I had here in Washington were on the baseball field in Alexandria. As Republicans, we would prepare for our baseball games and for the charity game that we do every year, Republicans against Democrats. John McHugh showed up every darned day. I, some days, wanted him not to be there because I wanted a chance to play in the ball game.

John started in left field. I didn't understand how this old guy, who was probably five or six years older than I am—and I was old at the time—could be a skinny runt with little legs that

could carry him and how he could catch all the balls.

He was very kind to me. He showed me, really, how to dodge all of the mud puddles that were out in left field. That was when we had an amazing rain in about the year 2000, maybe '99, 2000, 2001. John had it down. As people across this country are hearing about this great guy John McHugh, John had his position down once again, and John in left field could walk out in the midst of all the mud that was outside there, play three or four innings, come back in, and not have a piece of dirt on him. I went out there and found the mud puddle as I was running, trying to catch the fly, staying up with just catching.

There were two ducks that were out there in the mud puddle in left field with us. John made friends with the ducks. The ducks got along with him, but when I went out there, I was in trouble. I remember diving and sliding and walking back and John just looking at me and laughing. He's not just a fun and kind guy. He found a way to allow me to play in the game. He allowed me to share in that endeavor, and we had a good time—always at my expense, I'm sure—but that just spoke volumes about the kind of man that he was early on in my career as we worked together.

John and I found lots of activities with each other, and John always included me, not just because of my thought processes of wanting to know what I was thinking but because of how we could work together and how we could make things work.

Well, when 9/11 came, PETE KING, John McHugh and other members of the New York delegation who were hit and hit hard—Sue Kelly was in that group, John Sweeney and some others—really worked with members of other delegations to talk with them about the needs of New York and about what we needed to do. John McHugh was a strong advocate. He felt very strongly about the men and women who would be called also into harm's way as a result of 9/11. He understood firsthand those families.

John, as we know, ended up taking some 10 visits to Iraq and 4 visits to Afghanistan. He sat on the West Point or the U.S. Military Academy Board of Visitors. He knew that I went to the graduations at West Point and enjoyed them immensely. He knows that I have had and that virtually every Member of this body has had several young men or young women who are students at the Academy from all over this Congress and from all over this country. John had a strong sense of responsibility about believing in the mission and purpose, and knew that I felt that way, and looked at other Members the same way.

He was a co-Chair of the House Army Caucus. He understood firsthand not

just the men and their missions but their families and their lives after coming back home. He spoke very passionately, he and I, about the needs of our returning vets who sometimes still need more in additional help. He has indicated that he will go and take this job. He is fulfilling this duty to do his best for the men and women of the United States Army—a branch of a service that he not only strongly identifies with but has worked with in his congressional duties.

John McHugh is a friend. He is a friend of anyone who has balance about trying to solve problems. John McHugh is a kind man. Many times in the midst, when lots of us are hurried in making decisions, John McHugh listens to the facts of the case. John McHugh has in this body exemplified himself. He has stood out as a person who can be trusted, who can make a wise decision and who cares about other people.

So, tonight, as this body honors the gentleman John McHugh, I would say to the men and women of the United States Army, to the spouses, to the children, and to the families that John McHugh is taking the place of Pete Geren. Pete Geren grew to have a strong reputation that the Army could count on, not only in discipline and leadership but in doing the right thing. John McHugh is that kind of man also. John McHugh will lead with honor and distinction. John McHugh will also do the right thing.

So, for our colleague who was tapped by the President of the United States to go and lead, for our colleague who worked with us day in and day out and year after year with honor and distinction, for our colleague John McHugh who will leave this body, knowing that he still had fight left in him, to go and still lead for the best, for this young man John McHugh, who has lots of friends here who wish him not only the very best but who want to see him again, for our friend John McHugh, who is serving with distinction and who will do well, we say:

John McHugh, we thank you. We thank you for who you are and for what you are. Don't change. Sure, get better, but go ahead, and do just what you've done all these years. Do this for the right reason.

The gentleman from New York, as I go to conclude here, I would like to read something which was part of John McHugh's statement as he left this body.

□ 1815

He said in July, I have been so struck how these heroes facing pain and loss and uncertainty asked one question, What else can I do to serve? He challenged himself when he said, We can ask no less of ourselves.

I would say to the men and women of the United States Army, you have a kind, gracious leader who will care

about you. You have a man that understands that it is you who will be asked to sacrifice, but you will also have a man that will never ask you to do anything that he does not honestly believe in that is in the best interest of freedom and opportunity in the United States of America.

And as we hear these stories of bravery and heroism, as we see these men suffer, as we see their families well up, not only in pride, but also in fear for their families, we would offer one of our own from this body to say, We have confidence that you will lead, you will lead to the best; and we're going to miss you, but we're very, very proud of you.

From my left field buddy from congressional baseball, good luck with the New York Yankees against the Philadelphia Phillies, because you guys are going to need it.

Mr. KING of New York. Thank you, Congressman SESSIONS.

We have seen tonight people from all regions of the country, from both sides of the aisle, come forward. No one personifies that more than the dean of the New York delegation, the chairman of the House Ways and Means Committee, Mr. RANGEL.

I yield to the gentleman from New York.

Mr. RANGEL. Let me thank my dear friend, PETER KING, for taking time out on behalf of the entire delegation to give us an opportunity to pay tribute to one of our great Members of Congress and certainly one of our great eloquent members of the New York State congressional delegation.

I think John McHugh epitomizes what most Americans really look forward to when they think of their government or their Congress or their House of Representatives, and that is a guy that has principles, that sticks by them, and yet finds a way to get away from the harshness of partisanship during the time that he is representing their particular interests. This is especially so when one person of a party that probably has been for a lifetime has an opportunity to serve this great Nation under the leadership of a President from another party. I think that that really tests, whether you are Republican or Democrat or Independent, your willingness to understand that there are so many different ways to serve this great Nation. When he was called, it's my understanding that he didn't hesitate to respond when President Obama asked him to serve as Secretary of the United States Army.

I think during the rough partisan times that we are going through now, that we ought to take advantage, as you have seen fit to do, Mr. KING, to point out that it's not like this every day, it's not like this every year, and that fortunately the New York State delegation have managed to disagree without being disagreeable, to main-

tain our friendships, to have mutual respect. And at the end of the day when we have done our responsibility in one particular Federal job, that we are able to move forward and look forward to working with each other again.

Let me single you out for doing this on behalf of the delegation, on behalf of the Republicans, and, I would like to say, on behalf of the entire Congress.

Mr. KING of New York. I thank Chairman RANGEL for his remarks.

It's very appropriate, I believe, that Congressman McHugh has become Secretary of the Army, and these remarks tonight by Mr. RANGEL were made by someone who has such a distinguished record in the United States Army in the Korean War. That's the type of person that John McHugh will be representing as Secretary of the Army, heroic men such as Congressman RANGEL who certainly put their life on the line and answered their nation's call.

Mr. Speaker, we have seen a large number of people coming out tonight to speak on behalf of Secretary of the Army John McHugh. I was fortunate to be elected to the United States Congress in 1992, the same year as John McHugh. I knew John McHugh from his outstanding service in the New York State Senate, I knew that he was a legislator's legislator; and from the moment he arrived here in the Congress, John always to me exemplified what a Member of Congress should be. I don't know how many times you would walk out that door and see John sitting there at a chair and desk studying the legislation.

People say that Members of Congress don't read their legislation. I can tell that you John McHugh was constantly reading legislation, constantly studying up on what had to be done, constantly trying to find bipartisan solutions to problems.

It was mentioned tonight that he served on the Postal Subcommittee, where he did author reform legislation of the Postal Service, a very, very difficult job.

We talked about the trips he took, the 10 visits to Iraq, the four to Afghanistan that he took as a member of the Armed Services Committee. Then earlier this year he reached the culmination of his congressional career when he was elected as ranking member of the Armed Services Committee where, again, he worked very closely with Chairman IKE SKELTON in a bipartisan way, always putting the troops first. I remember during his early years here in Congress when there was an attempt to close down Fort Drum and the work that John put in around the clock doing what he could and successfully doing what he could to save Fort Drum from being closed down.

These are just some examples of the type of dedication that John McHugh had. As Congressman RANGEL said, there was something else; there was no

meanness, there was no bitterness, there was no anger in John McHugh.

John wanted to find a way to get things done. He had strong principles. He had strong beliefs. But he also recognized that people on the other side of the aisle and people in his own party also had very strong beliefs, and they may be different from his, but he respected them.

I wish John the very best as Secretary of the Army. President Obama made an absolutely superb selection when he picked John McHugh. I can't think of anyone who would dedicate himself more to the men and women of the United States Army than John McHugh.

As was mentioned, having traveled with John to Iraq, I would see him sit with the generals, the two-star generals, the three-star generals, the four-star generals. He would sit with the ambassadors. He would sit with all of the high-ranking people. But he always found time to spend most of his time with the enlisted men, the enlisted women, the PFCs, the sergeants, the first lieutenants, second lieutenants. He realized that it wasn't just the people at the top, but it was people at all levels, the people who really did the heavy lifting, who put their lives on the line, who were the people who made the most impression on him and to whom he had the greatest responsibility.

John, I certainly wish you the best. We look forward to your service for the United States, for the United States Army. I know that more even than the feeling you are going to receive from the Members of Congress, it's the men and women of the Armed Forces, of the United States Army, who appreciate you the most, because they are going to be the greatest beneficiaries of your dedication, your patriotism and your hard work.

Ms. SLAUGHTER. Mr. Speaker, while working with Secretary John McHugh for many years as a fellow Upstate New York Representative, I had the privilege of getting to know him not only as a Representative but as a friend. Throughout his time in the House of Representatives, Congressman John McHugh has more than demonstrated his qualifications to serve as the Secretary of the Army.

As a Congressman, he consistently made our servicemen and women and their families his top priority. He never stopped fighting for them and his respect for and commitment to those serving in our armed forces will make him an extraordinary Secretary of the Army.

Beyond his advocacy on behalf of our men and women in uniform, John McHugh has immense experience in dealing with the most important issues facing the Army. During his time in the House, Congressman McHugh rose to Ranking Member of the House Armed Services Committee following his work as Chairman of the Subcommittee on Morale, Welfare and Recreation Panel and the Subcommittee on Military Personnel.

He became the co-chair of the House Army Caucus where he continued to advocate for

Army soldiers and their families while helping other members of Congress to understand the complicated intricacies of issues facing the Army. His expertise was invaluable to the Armed Services Committee and the larger House.

Mr. McHugh's work in foreign affairs also provides him with a unique background and knowledge base to address the issues facing the Army. His membership on the House International Relations Committee and the House Permanent Select Committee on Intelligence provided valuable experience that will be important in addressing the challenges of our Army. He has already traveled to Iraq, Afghanistan and other deployed locations demonstrating his commitment gaining a deep understanding of our military commitments.

Moreover, over the past 16 years I have found few Members of Congress more pleasant to work with than John McHugh. As fellow New Yorkers, John and I worked closely on many important pieces of legislation that were vital to our state and country. John always proved to be a man of integrity and honor who approached each and every issue with an open mind. John will be missed in the House, and I am certain that John will serve our country greatly in his new position.

I wish him well.

Mr. MCKEON. Mr. Speaker, this afternoon I rise to honor a good friend of mine and an esteemed former Member of this House.

First elected in 1993, John McHugh represented New York's 23rd Congressional district honorably in the U.S. House of Representatives until this summer.

Representing Fort Drum and the men and women of the legendary 10th Mountain Division, John joined the Armed Services Committee upon being elected and went on to serve as the Chairman of the Morale, Welfare, and Recreation Panel; the Chairman of the Military Personnel Subcommittee; and the Ranking Member of the Full Committee.

During his tenure in the House of Representatives, John was a tireless advocate for America's military personnel and their families and known by his colleagues as a leader on national defense and security issues.

One of his best attributes was his willingness to sit down with our troops—active, Guard and reserve, and their family members at every level of the chain of command—to hear their views and concerns.

From his leadership positions with the Armed Services Committee and with little fanfare, John traveled across the globe—from the United States and Europe to active combat zones in Iraq and Afghanistan—to hear directly from troops stationed and deployed overseas.

Along those lines, John spearheaded more than 68 hearings, mark-ups, and briefings so he could hear a variety of views, make reasoned decisions, and translate those into legislative initiatives to ensure our military personnel have the best possible training, the most modern equipment and weapons systems, and the necessary resources to carry out their missions.

Some of his accomplishments include: higher Army and Marine Corps end-strength levels, increased military personnel pay, reductions in the unfair tax on veterans' disability

and military retired pay, and more military retiree benefits for our troops.

It is for these reasons that President Obama tapped John McHugh to be his Secretary of the Army. In that position, John is continuing his work on behalf of the men and women of our military and their families.

Mr. LEE of New York. Mr. Speaker, while I only had a few months to serve with Secretary McHugh, I enjoyed the opportunity to get to know this great statesman.

As one of the first Members I met, he was not only gracious but mindful of how to respect this institution and make a positive contribution.

It's no surprise that Members on both sides of the aisle like and respect him. Moreover, his unparalleled dedication to serving the people of the 23rd District rightfully earned him a record of strong constituent service.

Given his commitment to fighting for our servicemembers overseas and at home, I can think of no one better suited to serve as Secretary of the Army.

I know he's greatly invested in our future in Afghanistan—especially given that Fort Drum was located in his district.

While this is certainly a loss for our New York delegation, I look forward to working with Secretary McHugh in the future to meet the needs of our military personnel and their families.

I know my colleagues on both sides of the aisle will join us in wishing Secretary McHugh well and thank him for his distinguished service to this body and our Nation.

Mr. EDWARDS of Texas. Mr. Speaker, I rise today to honor our friend and colleague, John McHugh.

After a distinguished 16 year career in Congress, John now embarks on a new phase of his public service as Secretary of the United States Army. For many years, it has been my privilege to work with John as Co-Chair of the House Army Caucus. Together, we have worked to champion the needs of the United States Army in a time of great challenge for our country.

John McHugh's commitment to our service men and women and their families is second to none, and I have great confidence that he will serve them and our nation well as Army Secretary.

John has always earned the respect of his colleagues because he treated others with respect. He set a standard of public service that all of us would do well to follow. While this House is losing a valuable member, the country is gaining a principled advocate for those who wear the uniform.

I wish him all the best in the years ahead.

Mr. GRIFFITH. Mr. Speaker, I rise today to recognize the accomplishments of former Congressman and the 21st Secretary of the Army John McHugh.

In more than 8 terms in Congress, Secretary McHugh has served as a steadfast and reliable advocate for our men and women in uniform. His drive and determination for our soldiers have played a major role in the way we repay our troops.

Throughout his career, Secretary McHugh has always sought new ways to serve his country, and America is better for it. Over the last eight years, he has made fourteen official

visits to Iraq, Afghanistan, and multiple other deployed locations to visit United States forces.

In his own words, Secretary McHugh has inspired many. Earlier this year, he summed up perfectly what it means to be an American—in uniform or civilian—when he asked, “What else can I do to serve?”

The United States Army has been placed in the capable hands of Secretary John McHugh, and I wish him the best of luck in his new position.

Mr. REYES. Mr. Speaker, I rise today to honor my colleague and my friend Congressman John McHugh. I had the pleasure of serving with John McHugh both on the Armed Services Committee and on the Intelligence Committee. I have always been impressed with his dedication to his constituents and to the men and women who protect and defend our nation.

Given his role as the Chairman of the Congressional Army Caucus and his strong support for Army programs, it is fitting that he was selected by President Obama to serve as the 21st Secretary of the United States Army. During his tenure as the Chairman of the Armed Services Committee's Subcommittee on Military Personnel, he was a forceful advocate for military members and their families, and I am sure that he will continue those efforts to improve the quality of life of our nation's Army.

Congressman, now Secretary, McHugh knows better than most that our soldiers, and the families who support their service, give so much to protect the freedom and values of all Americans and that we owe them an immeasurable debt of gratitude. I am certain that he will give his all in his new role, just as he did as a Member of Congress, and I join my colleagues in wishing our friend John McHugh the best as he undertakes this new and important challenge. At this time in the Army's history, we need a leader like Secretary McHugh.

Mr. KING of New York. Mr. Speaker, I yield back the balance of my time.

CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY, OCTOBER 27, 2009, AT PAGE 25850

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative VELÁZQUEZ, or a designee, to H.R. 3854, the Small Business Financing and Investment Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BUYER (at the request of Mr. BOEHNER) for today and the balance of the week on account of the birth of his grandchild.

Ms. TSONGAS (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. EDWARDS of Texas, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, November 4.

Mr. JONES, for 5 minutes, November 4.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. PAULSEN, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

(The following Member (at her request) to revise and extend her remarks and include extraneous material:)

Ms. EDWARDS of Maryland, for 5 minutes, today.

ADJOURNMENT

Mr. KING of New York. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Thursday, October 29, 2009, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during the third quarter of 2009, pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Nick J. Rahall II	8/6	8/8	Republic of Palau		668.10		(3)		2,017.69		2,685.79
Hon. Eni Faleomavaega	8/6	8/8	Republic of Palau		668.10		(3)				668.10
Hon. Madeleine Bordallo	8/6	8/8	Republic of Palau		668.10		(3)				668.10
Hon. Gregorio Sablan	8/6	8/8	Republic of Palau		668.10		(3)				668.10
Hon. Donna Christensen	8/6	8/8	Republic of Palau		668.10		(3)				668.10
Hon. Henry Brown	8/6	8/8	Republic of Palau		668.10		(3)				668.10
Brian Modeste	8/6	8/8	Republic of Palau		668.10		(3)				668.10
Jean Flemma	8/6	8/8	Republic of Palau		668.10		(3)				668.10
Bonnie Bruce	8/6	8/8	Republic of Palau		668.10		(3)				668.10
Committee total					6,012.90				2,017.69		8,030.59

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ZOE LOFGREN, Chairwoman, October 7, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN M. SPRATT, JR., Chairman, October 13, 2009.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2009

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ROBERT A. BRADY, Chairman, October 9, 2009.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4327. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Azoxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2009-0076; FRL-8794-4] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4328. A letter from the Acting Deputy Under Secretary, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities in Fiscal Year 2008. The report separately identifies the dollar value of items for which the Buy American Act was waived, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

4329. A letter from the Director, Defense Procurement and Acquisition, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; DoD Inspector General Address (DFARS Case 2009-D001) (RIN: 0750-AG34) received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4330. A letter from the Deputy Secretary, Department of Defense, transmitting authorization of an officer to wear the authorized insignia of the grade of Rear Admiral; to the Committee on Armed Services.

4331. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement Lieutenant General Scott C. Black, United States Army, and his advancement to the grade of lieutenant gen-

eral on the retired list; to the Committee on Armed Services.

4332. A letter from the Assistant Secretary For Financial Stability, Department of the Treasury, transmitting fifth major report on the Troubled Asset Relief Program entitled "Trouble Asset Relief Program: Status of Efforts to Address Transparency and Accountability Issues"; to the Committee on Financial Services.

4333. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

4334. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Designations for the 2006 24-Hour Fine Particle (PM_{2.5}) National Ambient Air Quality Standards [EPA-HQ-OAR-2007-0562; FRL-8969-2] (RIN: 2060-AP27) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4335. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (New Orleans, Louisiana) [MB Docket No.: 09-147] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4336. A letter from the Acting, Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Encryption Simplification Rule: Final [Docket No.: 080211163-9110-02] (RIN: 0694-AE18) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

4337. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 045-09, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4338. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of a differential electronic preamplifier originally designed for use on a submarine towed array pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4339. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a proposed removal from the United States Munitions List of a particular valve regulated, sealed lead acid aircraft battery, pursuant to Section 38(f)(1) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4340. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed transfer of defense articles or defense services to Kazakhstan (Transmittal No. DDTC 108-09); to the Committee on Foreign Affairs.

4341. A letter from the Secretary, Department of Energy, transmitting notification that it is in the public interest to use other than competitive procedures to procure additional services on a noncompetitive bases from the United States Enrichment Corporation under an existing contract, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Oversight and Government Reform.

4342. A letter from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4343. A letter from the Acting General Counsel, Peace Corps, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

4344. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Changes to Practice for Continued Examination Filings, Patent Applications Containing Patentably Indistinct Claims, and Examination of Claims in Patent Applications [Docket No.: PTO-P-2009-0049] (RIN: 0651-AC36) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4345. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's report providing an estimate of the dollar amount of claims (together with related fees and expenses of witnesses) that, by reason of the acts or omissions of free clinic health professionals will be paid for 2010; to the Committee on the Judiciary.

4346. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Ronan, MT [Docket No.: FAA-2009-0552; Airspace Docket No. 09-ANM-7] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4347. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727-281 Airplanes Equipped with Auxiliary Fuel Tanks Installed in Accordance with Supplemental Type Certificate SA3449NM [Docket No.: FAA-2008-1325; Directorate Identifier 2008-NM-157-AD; Amendment 39-16024; AD 2009-20-01] (RIN: 2120-AA64) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4348. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Requirements for Amateur Rocket Activities [Docket No.: FAA-2007-27390; Amendment No. 101-8] (RIN: 2120-AI88) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4349. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30687 Amdt. No. 3340] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4350. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727 Airplanes [Docket No.: FAA-2008-0646; Directorate Identifier 2007-NM-359-AD; Amendment 39-16031; AD 2009-20-08] (RIN: 2120-AA64) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4351. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and

-300F Series Airplanes [Docket No.: FAA-2008-1363; Directorate Identifier 2008-NM-104-AD; Amendment 39-16032; AD 2009-20-09] (RIN: 2120-AA64) received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4352. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30688; Amdt. No. 3341] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4353. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier I Issue — Industry Director Directive on Section 936 Exit Strategies #4 received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4354. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Credit for Carbon Dioxide Sequestration under Section 45Q [Notice 2009-83] received October 13, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4355. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Measurement of Assets and Liabilities for Pension Funding Purposes; Benefit Restrictions for Underfunded Pension Plans [TD 9467] (RIN: 1545-BG72; RIN 1545-BH07) received October 16, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DICKS: Committee of Conference. Conference report on H.R. 2996. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-316). Ordered to be printed.

Ms. PINGREE of Maine: Committee on Rules. House Resolution 875. Resolution providing for consideration of the bill (H.R. 3854) to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes (Rept. 111-317). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 876. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. 111-318). Referred to the House Calendar.

Mr. CONYERS: Committee on the Judiciary. H.R. 3570. A bill to amend title 17, United States Code, to reauthorize the satellite statutory license, to conform the satellite and cable statutory licenses to all-digital transmissions, and for other purposes; with amendments (Rept. 111-319). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. DAHLKEMPER (for herself, Mr. CUMMINGS, Mr. BRADY of Pennsylvania, Mr. RYAN of Ohio, Mr. MURTHA, Mr. SIREN, Mr. REHBERG, Mr. CONNOLLY of Virginia, Mr. ALTMIRE, Mr. MANZULLO, and Mr. BLUMENAUER):

H.R. 3947. A bill to accelerate locomotive fuel savings nationwide and provide incentives for owners of high polluting locomotives to replace such locomotives with newly-built or newly-remanufactured fuel efficient and less polluting locomotives; to the Committee on Ways and Means.

By Mr. PUTNAM (for himself, Mr. KLEIN of Florida, Mr. BILIRAKIS, Mr. MILLER of Florida, Mr. BUCHANAN, Ms. KOSMAS, Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, Mr. LINCOLN DIAZ-BALART of Florida, Ms. GINNY BROWN-WAITE of Florida, Ms. WASSERMAN SCHULTZ, Ms. ROSELEHTINEN, Mr. WEXLER, Mr. POSEY, Mr. ROONEY, Mr. ROE of Tennessee, Mrs. CAPITO, Mr. CAMPBELL, Mr. BACA, Mr. TEAGUE, Mr. GUTIERREZ, Mr. SNYDER, and Mr. LEE of New York):

H.R. 3948. A bill to amend title 38, United States Code, to provide for entitlement under the Post-9/11 Educational Assistance Program to payment for test preparatory courses, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FILNER (for himself, Mr. BUYER, Ms. CORRINE BROWN of Florida, Mr. BROWN of South Carolina, Mr. SNYDER, Mr. MILLER of Florida, Ms. HERSETH SANDLIN, Mr. BOOZMAN, Mr. MITCHELL, Mr. BUCHANAN, Mr. HALL of New York, Mr. ROE of Tennessee, Mrs. HALVORSON, Mr. PERRIELLO, Mr. TEAGUE, Mr. RODRIGUEZ, Mr. MCNERNEY, Mr. WALZ, Mr. ADLER of New Jersey, Mrs. KIRKPATRICK of Arizona, Mr. NYE, Mr. MCINTYRE, and Mr. FRANK of Massachusetts):

H.R. 3949. A bill to amend title 38, United States Code, and the Servicemember Civil Relief Act, to make certain improvements in the laws relating to benefits administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. EHLERS (for himself, Ms. MATSUI, and Mr. BARTLETT):

H.R. 3950. A bill to amend provisions of the Elementary and Secondary Education Act of 1965 relating to mathematics and science instruction; to the Committee on Education and Labor.

By Mr. CAO (for himself, Mr. BOUTSTANY, Mr. CASSIDY, Mr. MELANCON, Mr. FLEMING, Mr. ALEXANDER, and Mr. SCALISE):

H.R. 3951. A bill to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the "Roy Rondono, Sr. Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. TITUS (for herself, Mr. OLSON, Ms. BERKLEY, Mr. HALL of New York, Mr. PAUL, Mrs. McMORRIS RODGERS, and Mr. MANZULLO):

H.R. 3952. A bill to amend the Internal Revenue Code of 1986 increase the amount allowable as a deduction for meals and entertainment expenses of small businesses; to the Committee on Ways and Means.

By Mr. BOCCIERI (for himself and Mr. ROONEY):

H.R. 3953. A bill to amend the Internal Revenue Code of 1986 to expand the work opportunity tax credit to include long-term unemployed individuals; to the Committee on Ways and Means.

By Mr. BOYD (for himself, Mr. MILLER of Florida, and Mr. CRENSHAW):

H.R. 3954. A bill to release Federal reversionary interests retained on certain lands acquired in the State of Florida under the Bankhead-Jones Farm Tenant Act, to authorize the interchange of National Forest System land and State land in Florida, to authorize an additional conveyance under the Florida National Forest Land Management Act of 2003, and for other purposes; to the Committee on Agriculture.

By Mr. CARNEY (for himself, Mr. NYE, Mr. HIMES, and Mr. HOLDEN):

H.R. 3955. A bill to amend the Public Health Service Act to authorize grants to 10 States for demonstration projects for the expansion of State registries on childhood immunization or health to include data on body mass index (BMI), collected and submitted to the State by health care providers; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself, Mr. BISHOP of New York, and Mr. FILNER):

H.R. 3956. A bill to amend the Higher Education Act of 1965 to provide that interest shall not accrue on Federal Direct Loans for members of the Armed Forces on active duty regardless of the date of disbursement; to the Committee on Education and Labor.

By Mr. ELLISON (for himself, Mr. BALDWIN, Mr. OBERSTAR, Mr. FILNER, Mr. WALZ, and Mr. MEEK of Florida):

H.R. 3957. A bill to amend the Help America Vote Act of 2002 to require States to provide for same day registration; to the Committee on House Administration.

By Mr. HODES:

H.R. 3958. A bill to amend the Internal Revenue Code to provide for a refundable tax credit for heating fuels; to the Committee on Ways and Means.

By Ms. MARKEY of Colorado:

H.R. 3959. A bill to establish a moratorium on credit card interest rate increases, and for other purposes; to the Committee on Financial Services.

By Mr. MCMAHON:

H.R. 3960. A bill to provide authority and sanction for the granting and issuance of programs for residential and commuter toll, user fee and fare discounts by States, municipalities, other localities, as well as all related agencies and departments thereof, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BROUN of Georgia (for himself, Mr. WESTMORELAND, Mr. LEWIS of Georgia, Mr. LINDER, Mr. JOHNSON of Georgia, Mr. PRICE of Georgia, Mr. SCOTT of Georgia, Mr. KINGSTON, Mr. BARROW, Mr. DEAL of Georgia, Mr. MARSHALL, Mr. GINGREY of Georgia, Mr. BISHOP of Georgia, Mr. YOUNG of Florida, Mr. ROTHMAN of New Jersey, Mr. LATTA, Mr. FOSTER, Mr. SPRATT, Mr. DAVIS of Tennessee, Mr. KILDEE, Mr. THOMPSON of California, Ms. MATSUI, Mr. WU, Mr. SNYDER, Mr. WALZ, Mr. WELCH, Mr. DUNCAN, Mr. JONES, Mr. PAUL, Mr. BARTLETT, Mr.

KRATOVIL, Mr. SHIMKUS, Mr. AKIN, Mr. MILLER of Florida, Mr. HELLER, Mr. FORBES, Mr. WITTMAN, Mr. BROWN of South Carolina, Mr. BOOZMAN, Mr. TURNER, Mr. REICHERT, Mr. CULBERSON, Mr. BISHOP of Utah, Mr. BURGESS, Mr. BOREN, Mr. BONNER, Mr. WILSON of South Carolina, Mr. CUELLAR, Mr. SALAZAR, Mr. FLEMING, and Mr. WILSON of Ohio):

H. Con. Res. 206. Concurrent resolution commending the soldiers and civilian personnel stationed at Fort Gordon and their families for their service and dedication to the United States and recognizing the contributions of Fort Gordon to Operation Iraqi Freedom and Operation Enduring Freedom and its role as a pivotal communications training installation; to the Committee on Armed Services.

By Mr. REICHERT (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. MCCARTHY of California, Mr. PENCE, Mr. SESSIONS, Mrs. McMORRIS RODGERS, Mr. CARTER, Mr. MCCOTTER, Mr. PRICE of Georgia, Mr. LUCAS, Mr. LEWIS of California, Mr. McKEON, Mr. RYAN of Wisconsin, Mr. KLINE of Minnesota, Mr. BARTON of Texas, Mr. BACHUS, Ms. ROS-LEHTINEN, Mr. DANIEL E. LUNGREN of California, Mr. SMITH of Texas, Mr. HASTINGS of Washington, Mr. ISSA, Mr. DREIER, Mr. HALL of Texas, Mr. GRAVES, Mr. MICA, Mr. CAMP, Mr. HOEKSTRA, Mr. BUYER, Mr. SENSENBRENNER, Mr. AUSTRIA, Ms. JENKINS, Mr. MARCHANT, and Mr. WOLF):

H. Res. 874. A resolution amending the Rules of the House of Representatives to require all committees post record votes on their Web sites within 48 hours of such votes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

218. The SPEAKER presented a memorial of the House of Representatives of the State of Alaska, relative to House Joint Resolution No. 28 urging the President and the Congress of the United States not to adopt any policy, rule, or administrative action or enact legislation that would restrict energy exploration, development, and production in federal and state waters around Alaska; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 205: Mr. FRELINGHUYSEN.
H.R. 211: Mr. MICHAUD.
H.R. 268: Mr. POSEY, Ms. GRANGER, Mr. CAMP, Mrs. BACHMANN, Mr. COBLE, Mr. CHAFFETZ, Mr. LAMBORN, Mr. HENSARLING, and Mr. BISHOP of Utah.
H.R. 385: Mr. TURNER.
H.R. 391: Mr. BURGESS, Mr. JORDAN of Ohio, Mr. AUSTRIA, Mr. GRAVES, and Mr. SCHOCK.
H.R. 460: Mr. PLATTTS.
H.R. 510: Mr. DAVIS of Tennessee.
H.R. 524: Mr. PAUL.
H.R. 534: Mr. MANZULLO.
H.R. 610: Mr. TONKO.
H.R. 690: Mr. HOEKSTRA and Ms. TITUS.
H.R. 734: Mr. LYNCH.
H.R. 855: Mr. ROGERS of Alabama.
H.R. 881: Mr. TAYLOR.
H.R. 945: Mr. MCCOTTER.

H.R. 980: Mr. OLVER.
H.R. 1030: Mr. MCCOTTER.
H.R. 1094: Mr. DAVIS of Illinois and Mr. MARSHALL.
H.R. 1168: Mr. BUYER and Ms. CORRINE BROWN of Florida.
H.R. 1278: Mr. TOWNS, Mr. CUMMINGS, and Ms. WATSON.
H.R. 1308: Mr. GUTIERREZ.
H.R. 1361: Mr. WALZ.
H.R. 1402: Mr. GRIFFITH.
H.R. 1523: Mr. ROTHMAN of New Jersey.
H.R. 1526: Mr. NEAL of Massachusetts, Mr. DELAHUNT, and Mr. OLVER.
H.R. 1588: Mr. AUSTRIA.
H.R. 1740: Mr. CUELLAR.
H.R. 1751: Mr. SESTAK and Ms. KILPATRICK of Michigan.
H.R. 1792: Mr. YOUNG of Alaska.
H.R. 1826: Mr. DAVIS of Illinois.
H.R. 1831: Mr. POE of Texas, Mr. KING of Iowa, Mr. BURGESS, and Mr. MAFFEI.
H.R. 1879: Mr. WELCH, Ms. FALLIN, and Mr. BAIRD.
H.R. 1880: Mr. DOGGETT.
H.R. 1977: Mr. RANGEL.
H.R. 1990: Mr. MILLER of North Carolina.
H.R. 1993: Ms. MARKEY of Colorado.
H.R. 2156: Mr. WESTMORELAND.
H.R. 2178: Mr. BLUMENAUER.
H.R. 2194: Ms. JACKSON-LEE of Texas.
H.R. 2195: Mr. MCCOTTER.
H.R. 2254: Mr. ISRAEL and Mr. BILBRAY.
H.R. 2279: Mr. PAYNE, Mr. JOHNSON of Georgia, and Mr. ROTHMAN of New Jersey.
H.R. 2377: Mr. BAIRD.
H.R. 2382: Mr. BARTON of Texas.
H.R. 2480: Ms. ZOE LOFGREN of California, Mr. BUCHANAN, and Mr. KIRK.
H.R. 2502: Mr. TERRY.
H.R. 2517: Mr. CLAY.
H.R. 2546: Mrs. KIRKPATRICK of Arizona, Mr. PETERS, Mr. MCCOTTER, Mr. GORDON of Tennessee, and Mr. GARY G. MILLER of California.
H.R. 2594: Mr. SHADEGG.
H.R. 2607: Mr. NEUGEBAUER.
H.R. 2648: Mr. SCOTT of Georgia and Mr. DRIEHAUS.
H.R. 2698: Mr. RODRIGUEZ.
H.R. 2699: Mr. RODRIGUEZ.
H.R. 2755: Mr. WALZ.
H.R. 2807: Mr. SCHIFF.
H.R. 2808: Mr. POSEY.
H.R. 2866: Mr. BROWN of South Carolina, Mr. BRALEY of Iowa, and Mr. DOGGETT.
H.R. 3033: Mr. BLUMENAUER.
H.R. 3035: Ms. DEGETTE and Mrs. BLACKBURN.
H.R. 3053: Mr. SERANNO and Mr. NADLER of New York.
H.R. 3077: Mr. SIRES.
H.R. 3116: Mr. RYAN of Ohio and Mr. BOSWELL.
H.R. 3245: Mr. CLEAVER and Mr. CASTLE.
H.R. 3286: Mr. DELAHUNT, Mr. ELLSWORTH, and Mrs. NAPOLITANO.
H.R. 3353: Mr. GRIJALVA, Mr. ROONEY, and Mr. HONDA.
H.R. 3356: Mrs. MYRICK.
H.R. 3401: Ms. EDWARDS of Maryland.
H.R. 3421: Mr. FILNER.
H.R. 3488: Mr. SCHIFF.
H.R. 3511: Ms. MATSUI.
H.R. 3524: Mr. SIMPSON, Mr. MINNICK, Ms. ZOE LOFGREN of California, Mr. MANZULLO, and Mr. YOUNG of Alaska.
H.R. 3560: Mr. GRIJALVA.
H.R. 3564: Mr. CUMMINGS and Ms. WOOLSEY.
H.R. 3586: Mr. POLIS.
H.R. 3592: Mr. MASSA.
H.R. 3608: Mrs. DAVIS of California and Mr. BLUMENAUER.
H.R. 3613: Mrs. EMERSON, Mr. BARRETT of South Carolina, and Mr. SHADEGG.

H.R. 3633: Mr. CONNOLLY of Virginia.
 H.R. 3646: Ms. CASTOR of Florida.
 H.R. 3652: Mr. TIBERI.
 H.R. 3670: Mrs. EMERSON.
 H.R. 3672: Mr. AL GREEN of Texas.
 H.R. 3679: Mr. WELCH.
 H.R. 3695: Ms. SHEA-PORTER.
 H.R. 3701: Mr. ELLISON.
 H.R. 3715: Mr. DENT.
 H.R. 3734: Mr. LANGEVIN, Mr. TONKO, Mr. McNERNEY, and Mr. MARSHALL.
 H.R. 3789: Mr. SKELTON and Mr. LINDER.
 H.R. 3806: Mr. MICHAUD.
 H.R. 3827: Ms. BERKLEY.
 H.R. 3842: Mr. MINNICK.
 H.R. 3845: Mr. HONDA.
 H.R. 3846: Mr. HONDA.
 H.R. 3901: Ms. LINDA T. SÁNCHEZ of California, Ms. BEAN, and Mr. MASSA.
 H.R. 3904: Mr. HOLT, Mr. VAN HOLLEN, Mr. TOWNS, Ms. KAPTUR, Mr. KUCINICH, Mr. CUMMINGS, Mr. TIERNEY, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. DINGELL, Ms. WATSON, Mr. ISRAEL, Mr. WEINER, Mr. LOEBSACK, Mr. LYNCH, and Mr. CLAY.
 H.R. 3919: Mr. PERRIELLO.
 H.R. 3921: Mr. SIRES.
 H.R. 3922: Mr. POLIS of Colorado and Mr. ROSS.
 H.R. 3939: Mr. NADLER of New York.
 H.R. 3942: Mr. WHITFIELD, and Mr. MARCHANT.
 H.J. Res. 11: Mr. MANZULLO.
 H. Con. Res. 73: Mr. CUMMINGS, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Ms. RICHARDSON, and Mr. FATTAH.
 H. Res. 150: Ms. WATSON and Mr. CUMMINGS.

H. Res. 440: Mr. BOUSTANY and Mr. HARPER.
 H. Res. 510: Mr. BISHOP of New York, Mr. KILDEE, and Mr. LATHAM.
 H. Res. 704: Mr. MOORE of Kansas, Mr. GONZALEZ, Mr. SCHOCK, and Mr. WALZ.
 H. Res. 747: Ms. GINNY BROWN-WAITE of Florida.
 H. Res. 771: Mr. MARKEY of Massachusetts.
 H. Res. 780: Ms. BERKLEY and Mr. THOMPSON of California.
 H. Res. 798: Ms. JACKSON-LEE of Texas and Mr. TIM MURPHY of Pennsylvania.
 H. Res. 828: Mr. BOSWELL.
 H. Res. 835: Mr. LUETKEMEYER, Mr. McKEON, and Mr. YOUNG of Alaska.
 H. Res. 840: Mr. FALOMAVAEGA.
 H. Res. 841: Mr. SCHOCK.
 H. Res. 845: Ms. FALLIN, Mr. MILLER of Florida, Mr. LAMBORN, Mr. BOREN, Mr. HINOJOSA, Mr. CUELLAR, Mr. GOHMERT, Mr. McCAUL, Mr. DOGGETT, Mr. EDWARDS of Texas, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. COFFMAN of Colorado, Mr. WITTMAN, Mr. FLEMING, Mr. FORBES, Mr. McKEON, Mr. HUNTER, Mr. ROGERS of Alabama, Mr. SHUSTER, Mr. TURNER, Mrs. McMORRIS RODGERS, and Mr. SKELTON.
 H. Res. 847: Mr. LOBIONDO, Mr. OLSON, Mr. JOHNSON of Illinois, Mr. THOMPSON of Pennsylvania, Mr. MARCHANT, Mr. TIBERI, Mr. SENSENBRENNER, Mr. LEWIS of California, and Mrs. BACHMANN.
 H. Res. 848: Mr. SKELTON.
 H. Res. 858: Mr. TOWNS and Mr. GENE GREEN of Texas.
 H. Res. 866: Mr. SKELTON and Mr. McGOVERN.
 H. Res. 867: Mr. SMITH of Nebraska, Mr. WEINER, Mr. DENT, Mr. MARKEY of Massachu-

setts, Mr. MANZULLO, Mr. KIRK, Ms. HARMAN, Mr. ROYCE, Mr. CONNOLLY of Virginia, Mr. CHAFFETZ, Mr. SMITH of Texas, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ROTHMAN of New Jersey, Mr. MARCHANT, Mrs. LOWEY, Ms. WASSERMAN SCHULTZ, Mr. MASSA, Mr. BONNER, Mr. ADERHOLT, Mr. PRICE of Georgia, Mr. ALEXANDER, Mr. REICHERT, Mr. HOEKSTRA, Mrs. McMORRIS RODGERS, Mr. THOMPSON of Pennsylvania, Mr. NADLER of New York, Mr. RYAN of Wisconsin, Mr. ROGERS of Michigan, Mr. SHUSTER, Mr. FRELINGHUYSEN, Mr. KAGEN, Mr. CALVERT, Mr. PETERS, Mr. FRANKS of Arizona, Mr. LANCE, Mr. McCAUL, Mr. CARTER, Mr. GERLACH, Mr. CARDOZA, and Mrs. MALONEY.

H. Res. 868: Mrs. MILLER of Michigan and Mr. CONAWAY.

H. Res. 869: Mr. LATTA, Mr. JONES, Mr. HASTINGS of Washington, Mr. McKEON, Mr. NEUGEBAUER, Mr. JOHNSON of Illinois, and Mr. MARCHANT.

PETITIONS, ETC.

Under clause 1 of rule XXII,

75. The SPEAKER presented a petition of City and County of San Francisco Department of Public Health, California, relative to Resolution No. 12-09 petitioning the Congress of the United States to support the inclusion of a public health insurance option as an essential component of comprehensive health care reform; which was referred to the Committee on Energy and Commerce.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. ADERHOLT. Madam Speaker, on October 28, 2009, I missed rollcall vote 819 while visiting with World War II veterans from my district at the National World War II Memorial as part of the Birmingham and Gadsden Honor Flight program. Had I been present I would have voted "yea" on rollcall 819.

PERSONAL EXPLANATION

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. BACHUS. Madam Speaker, on October 28, 2009, I missed rollcall vote 819 while visiting with World War II veterans from my district at the National World War II Memorial as part of the Birmingham and Gadsden Honor Flight program. Had I been present I would have voted "yea" on rollcall 819.

HONORING STAFF SERGEANT ORY MARIONEUX, SR. ON THE OCCASION OF HIS 90TH BIRTHDAY

HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. CASSIDY. Madam Speaker, I rise today in honor of Staff Sergeant Ory Marioneaux, Sr., U.S. Army, on the occasion of his 90th birthday.

Born in Baton Rouge, Louisiana on October 28, 1919, Ory Marioneaux has lived in Baton Rouge nearly all his 90 years. He graduated from McKinley High School in 1940 and rose to the rank of Staff Sergeant in the U.S. Army, fighting for our country in the European Theatre of World War II in 1942.

After his honorable discharge from military service, Ory returned to Baton Rouge and was reunited with his wife, Mary Agnes Honore', with whom he raised eight children, twenty-two grandchildren, and several great-grandchildren.

Ory worked in service to the people of Baton Rouge throughout his career, both as a private contractor and public employee. Ory worked as a maintenance supervisor for the Housing Authority, a construction supervisor for the city of Baton Rouge, and a teacher of the World War II defense program at Southern University.

Ory Marioneaux has led a life of service to his country and devotion to his family that

should serve as an example to us all. I join his family in wishing him, on behalf of a grateful country, a happy 90th birthday.

BAY PINES HOSPITAL AND EMPLOYEES NAMED BEST IN THE VA

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. YOUNG of Florida. Madam Speaker, the Department of Veterans Affairs Hospital at Bay Pines, Florida, which I have the great honor to represent, will be honored Friday with the prestigious Robert W. Carey Trophy Award for Performance Excellence.

The hospital and its hundreds of dedicated employees and volunteers are being recognized with this, the Department's highest recognition across all its departments, including the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration.

Bay Pines was recognized by the VA last year as "A Top Quality Achiever" for organizational excellence in seven key areas: leadership; strategic planning; customer and market focus; measurement, analysis, and knowledge management; human resources; process management; and results.

With this award, Bay Pines is not just one of the best hospitals and VA organizations, it is the very best anywhere in the Nation. This just confirms what veterans in the Tampa Bay area already know.

Hospital Director Wallace Hopkins and the entire team at Bay Pines work hard to provide veterans with the highest quality care they deserve and have earned from a grateful Nation. And Bay Pines does not rest on its laurels. The hospital and its staff continue to find ways to improve the delivery of care and services.

The hospital has opened a new and larger Emergency Room that doubles the capacity for emergency care services including emergency mental healthcare. Bay Pines has under construction a Radiation Oncology Center to provide veterans with state of the art cancer treatment. The design is being completed and the ground will be broken soon on a new Mental Health Center of Excellence that will bring together under one roof and improve the delivery of specialized inpatient, outpatient, and Post Traumatic Stress Disorder programs. And planning is underway for a new and larger Eye Care Clinic and Ambulatory Surgery Center.

The 2009 Carey Trophy Award is a great honor for all Bay Pines employees and is a signal that their dedication and hard work is recognized and appreciated. And it is appreciated the most by those who are the recipients of their professional and compassionate care—our Nation's veterans and their families.

Madam Speaker, it is my hope that my colleagues will join me in saying well done to Wallace Hopkins and all the employees and volunteers at Bay Pines who work so hard and take such pride in honoring America's heroes everyday with the best health care services available anywhere in our great Nation.

HONORING DENNIS DEYOUNG AS A "GREAT PERFORMER OF ILLINOIS"

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. LIPINSKI. Madam Speaker, I rise today to honor Dennis DeYoung on his recognition as a Great Performer of Illinois. Great Performers of Illinois is an annual celebration of the very best art and culture in the State of Illinois. As both his talents and his humanitarian contributions to the State of Illinois attest, Mr. DeYoung is indeed worthy of recognition.

A musician from his youngest years, Mr. DeYoung found his audience when he formed the band that would later become Styx with a group of friends while growing up in Chicago. Over the course of Styx's storied career, Mr. DeYoung served as lead vocalist, songwriter, keyboardist, producer, and in many other capacities. The band's musical run has included a string of multi-platinum albums, worldwide fame, and top 10 hits in three different decades. That Styx remains one of the biggest-selling performers in the history of recorded music is a testament to Mr. DeYoung's remarkable talent and restless creativity. His numerous hits include such utterly original, distinctive, and memorable songs as "Lady," "Come Sail Away," "Babe," and "Mr. Roboto."

Mr. DeYoung's music is only part of his contribution to society. He is a tireless advocate and supporter of the fight against childhood cancer. In keeping with this mission, he performed a benefit concert in Chicago on October 24th, with proceeds going to the cause of childhood cancer research.

I ask you to join me in honoring Dennis DeYoung for his remarkable achievements in both music and society, and his recognition as a Great Performer of Illinois.

RECOGNIZING MAJOR LESLIE G. WILSON—SCOTTSDALE HEALTHCARE'S "SALUTE TO MILITARY" HONOREE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. MITCHELL. Madam Speaker, I rise today in recognition of a member of the Armed

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Forces from my home state of Arizona. Each month, Scottsdale Healthcare honors service members who perform diligent service to this country. For October, they recognized Major Leslie G. Wilson.

I commend Scottsdale Healthcare for paying tribute to such an outstanding service member for her bravery and service to our country.

During her military career, Major Wilson has been deployed three times as a military nurse officer. Most recently, Wilson was deployed in Iraq where she saved lives, cared for the wounded and served her country with great distinction.

Beyond her tours of duty, Wilson is devoted to educating and training our military personnel. She teaches lifesaving skills to military personnel so they will be able to provide the best possible care when deployed and under wartime conditions.

Madam Speaker, please join me in recognizing this outstanding Air Force Nurse Corps leader for serving our country and protecting the lives of fellow service men and women in combat.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately on October 26, 2009, I was unable to cast my votes on H. Res. 368 and H. Res. 562 and wish the RECORD to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 814 on the motion to suspend the rules and agree to H. Res. 368, Congratulating the University of Iowa Hawkeyes wrestling team on winning the 2009 NCAA Division I National Wrestling Championships, I would have voted "aye."

Had I been present for rollcall No. 815 on the motion to suspend the rules and pass H. Res. 562, Congratulating Syracuse University for winning the National Collegiate Athletic Association Division I Mens Lacrosse Tournament, I would have voted "aye."

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. SMITH of Washington. Madam Speaker, on Monday, October 26 and Tuesday, October 27, 2009, I was unfortunately unable to be present for recorded votes while at home recovering from a collapsed lung.

Had I been present, I would have voted: "yes" on rollcall vote No. 814 (on the motion to suspend the rules and agree to H. Res. 368, as amended), "yes" on rollcall vote No. 815 (on the motion to suspend the rules and agree to H. Res. 562), "no" on rollcall vote No. 816 (on the motion to instruct conferees on H.R. 2996), "yes" on rollcall vote No. 817 (on the motion to suspend the rules and pass H.R. 2489, as amended), and "yes" on rollcall

vote No. 818 (on the motion to suspend the rules and agree to H. Res. 854).

RECOGNIZING THE "SWEATS FOR VETS" INITIATIVE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. WOLF. Madam Speaker, I rise today to recognize the "Sweats for Vets" initiative taking place in Virginia's 10th District, which I am honored to represent in Congress.

When I visited Walter Reed Army Medical Center during August recess, I learned about an effort being undertaken by groups of veterans and other organizations across the United States to provide "pieces of home" to our wounded warriors in veterans' hospitals. Veterans of Foreign Wars Post 1177, based in Leesburg, Virginia, is one of these groups. Their "Sweats for Vets" program has provided sweatpants, sweatshirts, and books to patients at the Martinsburg Veterans Hospital, as part of the hospital's support program. This gesture helps make a hospital more comfortable for our wounded soldiers.

The town of Purcellville, also located in the 10th District, has joined with VFW Post 1177 and American Legion Post 293 in collecting sweat sets for patients in local veterans' hospitals. The "Sweats for Vets" initiative has become a tremendous morale booster. I would like to recognize the Purcellville mayor, Bob Lazaro, for leading the initiative in the town. By undertaking this project, he is leading an important effort to help our wounded warriors and improve their stay in the hospital.

I salute the efforts of both VFW Post 1177 and the town of Purcellville, to help bring comfort to those service personnel recovering in veterans' hospitals.

HONORING HENRY GAWRONSKI

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Henry Gawronski, a lifelong resident of Bucks County and dedicated public servant. For 44 years, Henry has served his country and his community, whether through his time in the Navy, his positions on the school board, or as a Township Supervisor.

Henry graduated from Central Bucks High School in 1955, and shortly thereafter enlisted in the U.S. Navy. He retired from the Navy twenty years later in July of 1975 and devoted his time to his auto body business on a fulltime basis. He has five children and was deeply involved in the school board, serving as Treasurer, Vice-President, and President of the Palisades School Board during his six years of service beginning in 1980.

In 1983, Henry became one of the founding members of the Palisades Republican Club. He felt that the formation of the this club

would help unite the Republicans in his rural area and encourage local, county, and state candidates to attend so community members could see, hear, and question what they had to say in person.

Henry became a Township Supervisor in January of 1988. During his eighteen-year tenure, he has served as Vice-Chairman and Chairman. In 1989, he spearheaded the project to build an addition to the Nockamixon Township Building, and managed to fund it through donations of money and labor—at no cost to the township. Six years ago, he made his dream of a huge party for the township a reality by forming and helping coordinate an annual Nockamixon Township Community Day. Generous donations allow residents and guests to be treated to free entertainment, food, and door prizes.

Henry has devoted the better portion of his life to public service—20 years in the Navy, 6 years on the Palisades School Board, and 18 years as a Nockamixon Township Supervisor. Throughout this time, he has been a dedicated husband, father of five, and grandfather of six.

His commitment to service and the dedication he has shown to improving his community are a model for others. Madam Speaker, I am proud to recognize Henry Gawronski for his outstanding efforts, and am extremely honored to serve as his Congressman.

INTRODUCING THE SERVICEMEMBER STUDENT LOAN INTEREST RELIEF ACT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mrs. DAVIS of California. Madam Speaker, our brave student servicemembers defending the United States in Iraq, Afghanistan and other countries abroad are often charged interest on their federal college student loans while deployed. Because this interest is costly and unfair, I rise today to introduce the Servicemember Student Loan Interest Relief Act to end the practice.

This legislation builds upon a provision included in the Higher Education Opportunity Act (H.R. 4137) in the 110th Congress, which prevents interest from accruing on loans originated after October 2008 during activations. The provision provided important relief to servicemembers who intended to take out loans in the future, but it did not address those who currently had student loan debt.

The bill I introduce today corrects that issue and provides interest relief to all active duty servicemembers with eligible loans. Our students in uniform could save up to \$1,479 during a 12- to 15-month activation under this bill, according to estimates.

As our servicemembers put themselves in harm's way, the least we can do is put their student loans on hold until they return home. I'm pleased to work with Senator BAYH on this important issue.

I urge passage of this legislation and yield back the balance of my time.

HONORING THE WORLD WAR II
VETERANS OF ILLINOIS**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. QUIGLEY. Madam Speaker, I rise today to honor the World War II veterans from my district who are traveling to Washington, DC with Honor Flight Chicago, a program whose goal is to provide as many World War II veterans as possible the opportunity to see the World War II Memorial here in Washington, DC, a memorial that was built to honor their courage and service.

The American veteran is one of our greatest treasures. The Soldiers, Airmen, Sailors, Marines, and Coast Guardsmen traveling here today answered our nation's call to service during one of its greatest times of need. From the European Campaign to the Pacific Asian Theatre to the African Theater, these brave Americans risked life and limb, gave service and sacrificed much, all while embodying what it is to be a hero. We owe them more gratitude than can ever be expressed.

I welcome these brave veterans to Washington and to their memorial. I am proud to submit the names of these men for all to see, hear, and recognize, and I call on my colleagues to rise and join me in expressing thanks.

Dominick "Duke" Adducci, John J. Aldworth, Alvin Henry Arbeiter, Richard Batzkall, Raymond Bernard Beckman, Ralph Borgatell, William A. Boss, Halfdan Bruness, Albert Bruno, James M. Bulsback, John M. Collier, George W. Cvek, Frank "Fritz" DeLuca, Peter Ference, Nathan Firestone, Robert Foley, James C. Forster, Ernest "Ernie" Halverson, Harvey H. Hammerlund, Emmitt D. Hays, Richard A. Heffernan, Margaret J. Heinkel, Harold E. Heinkel, LeRoy "Lee" Herrick, Robert F. Holbach, George "Hoppy" Hopkins, Jr., David L. Jack, Jerome "Jerry" Jeslis, Rex L. Jones, William C. Jones, Robert C. Judd, Enoch Kanaya, George "Fred" Kays, Robert Knudsen, William B. Koerber, Phillip LaMantia, James L. Lausa, Wilbur Lewis, Pasqual "Pat" Lorenzo, Edward Malatesta, Gerald "Jerry" Mares, John E. McCambridge, Donnan A. McKie, Norbert M. Melsek, Anthony "Tony" Nauer, Kenneth G. Pearson, Melvin S. Peich, Antonio R. Petrella, Adam Petrolino, Richard A. Pfundstein, Budd E. Revesz, William V. Ried, Anthony Rizzo, Harry Ross, Andrew "Bud" Ryder, Victor Schaedel, Norbert M. Schmuttenmaer, Walter E. Silge, Joseph B. Smart, Victor Sneller, Harvey "Harv" Sorensen, Harold Stanton, Allen "Lefty" Stauffer, Joseph Frank Stedronsky, Aloysius V. Sulka, Eugene E. Sullivan, Frank S. Summer, Roger D. Thorngren, George S. Trunek, Earl Überfall, Truex "Bill" Upchurch, Gene Urban, Tony Vallos, Michael J. Vivona, Edward J. Walz, Edwin E. Wenta, Merle L. Younce, Chester Zdunek, Seymour Zimmerman, Stanley M. Zmuda, Joseph F. Zver.

CONGRATULATING SUSAN S.
RINGLEY, THE TEMPE COMMUNITY
COUNCIL'S 2009 HUMANITARIAN
OF THE YEAR**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate Susan "Sue" Ringler, who has been named as the 2009 Humanitarian of the Year by the Tempe Community Council. The Tempe Community Council was founded in 1972 with the mission of "connecting those in need with those who care," and has been honoring exceptional individuals with the Don Carlos Humanitarian Award for the past 26 years. Sue exemplifies the definition of a humanitarian, and is incredibly deserving of this award.

Sue has worked to serve her community and the city of Tempe in numerous and incredible ways. Currently a faculty associate with Arizona State University's School of Nursing and Healthcare Innovation at the West Campus, Sue is also the pastor of Guardian Angels Catholic Community. In the past, Sue was the manager of Paz de Cristo food kitchen in Mesa when it began in 1988, and worked to make sure that this kitchen had a permanent location to feed the homeless. Sue also served as manager of Ten Thousand Villages, a non-profit fair trade shop that sells crafts made in third world countries and sends the profits directly back to the artists. Sue also played a critical role in the development of both the Interfaith Hospitality Emergency Lodging Program and Tempe Homeless Connect.

Sue has contributed so much to the Tempe community with her unwavering devotion to helping the homeless and those in need. She is a role model for our community, and demonstrates what it truly means to be a humanitarian. Please join me, Madam Speaker, in congratulating Sue for receiving the Don Carlos Humanitarian Award, and for recognizing all of her past achievements.

EARMARK DECLARATION

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. HOEKSTRA. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding that will benefit the Second Congressional District of Michigan as part of H.R. 3183.

Requesting Member: Congressman PETE HOEKSTRA

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Operations and Maintenance

Legal Name of Requesting Entity: Detroit District of the U.S. Army Corps of Engineer

Address of Requesting Entity: 477 Michigan Avenue, Detroit, Michigan 48226-2550

Description of Request: Provide funding for operations and maintenance of Saugatuck

Harbor. This request is consistent with the intended and authorized purpose of the Army Corps of Engineers, Operations and Maintenance account.

W.C. 'DUB' JONES

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. POE of Texas. Madam Speaker, today I come to remember W.C. "Dub" Jones of Port Arthur, Texas. Jones passed away on September 14, 2009 at the age of 69 after his fight against cancer. He was born in Bradley, Arkansas on June 20, 1940 to the late Tillman and Hattie Jones.

Jones moved to Port Arthur at a young age and later attended the local school. He began working in the late 1950's on inshore waterways of the Gulf Coast and then as a seaman serving abroad U.S. flagged cargo vessels. After spending several years out at sea, he went to work as a longshoreman in Port Arthur. Due to his continuous hard work, he rose to positions of greater influence and eventually became the Commissioner of the Port of Port Arthur in 2002.

He was known for his strong leadership and involvement with the local maritime industry and Port of Port Arthur. Jones was a member of the International Longshoreman's Association Local No. 25 for 30 years. He served as president for 12 of those years. In 2001, Jones retired after years of service.

Jones was a great asset to the local union and the port. He was well admired for his work ethics and continued support. W.C. Jones leaves behind his wife of forty-nine years, Uvonne Jones and his son Tyrone Jones.

On behalf of the second congressional district of Texas, We will truly miss W.C. Jones. He has touched the lives of many and will be remembered for his service to Port Arthur, Texas.

MOVEMENT OF GUINEAN WOMEN
IN THE UNITED STATES**HON. YVETTE D. CLARKE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Ms. CLARKE. Madam Speaker, I rise today to acknowledge the Movement of Guinean Women in the United States, the Commission for Guinean Forces Vives in the United States and Alliance Guinea for organizing today's demonstration in front of the State Department. These organizations were protesting the atrocities that continue to take place in Guinea West Africa.

I would also like to express my concerns regarding the use of violence against civilian protestors that erupted on September 28 resulting in the killing of at least 157 people and wounding more than 1,200. I strongly believe that all citizens of Guinea should be afforded the right to have their voices heard without the threat of violence. I condemn any actions that

resulted in gross and egregious human rights abuses.

Even more appalling are the reports of physical and sexual violence against women. According to the Movement of Guinean Women in the United States, there has been an increase in violence against women since the military junta uprising took place. Women are being randomly raped and kidnapped, without recourse. Madam Speaker, these rapes are absolutely deplorable and those responsible must be brought to justice.

The eruption of violence has taken a mental and physical toll on the people of Guinea and there is a dire need for emergency care and humanitarian assistance. The United States as well as the International community must come together to provide much needed medical assistance.

I strongly support Secretary Clinton and the State Department's position on admonishing those who committed such injustices. I also concur with the Secretary's call to the current leadership of Guinea to control their military troops and allow an international investigation into the matter. The United States has insisted that the National Council for Democracy and Development respect the commitment it has made not to field candidates in Guinea's upcoming elections. This is integral to ensuring a peaceful transition back to a functional democracy.

Guinea West Africa has carried the torch of freedom since its independence from the French in 1958. The country has been an example to the rest of the region throughout its history, as it was the first nation of French West Africa to gain its independence. That said, I am deeply concerned about the rising tensions within the country and its potential to ignite regional instability within the West African region.

HONORING MR. MERLIN DUMBRILLE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. CAMP. Madam Speaker, I rise today to honor and commend Mr. Merlin Dumbille, a revered and prolific voice of the community.

Merlin will retire today, October 30, 2009, after 58 years of broadcasting on WTCM Traverse City.

His long history with the station began when, at 8 years old, Merlin first entered WTCM with his father as they tuned the station's pianos. Fascinated by what he saw, Merlin returned 8 years later and has never left. Few could have foreseen the impact that the day would have not only on his life, but for the residents of greater Traverse City.

Merlin has been the voice of the Traverse City community for 58 years. He started his show on WTCM, Farm and Orchard Time, in 1963, for which he has won numerous state and local honors. It has become one of the longest continuously-running shows in the nation. During his time behind the microphone, he has been a voice for Northern Michigan farmers. He also served as the Farm Director, and the Public Affairs Director for the station.

Merlin has been a standard-bearer in the studio and without. His service to his community deserves high praise. He was a longtime producer and host of the National Cherry Festival and Parade. For the past 3 decades, he has also been the audio technician for the Central United Methodist Church Sunday broadcast.

Despite all of these momentous accomplishments, I'm sure Merlin will say that the biggest blessings of his life are June, his wife of 55 years, his three children, and his three grandchildren.

On behalf of the 4th Congressional District of Michigan, I would like to extend my congratulations and I ask my colleagues to join me in recognizing Mr. Merlin Dumbille and wishing him the best of luck in his retirement.

HONORING PATHSTONE CORPORATION'S 40TH ANNIVERSARY

HON. ERIC J.J. MASSA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. MASSA. Madam Speaker, I rise today to recognize PathStone Corporation (formerly known as Rural Opportunities, Inc.) as it celebrates its 40th anniversary. PathStone is a not-for-profit regional community development and human service organization headquartered in Rochester, NY that provides vital services to low-income areas throughout the 29th Congressional District and beyond.

Its principle lines of business include: Farmworker Training and Employment, Housing Development, Homeownership Services and Small Business Lending, Training and Technical Assistance. These services continue to create substantial economic impact on New York's 29th. Critical economic impact metrics for the District include:

Total value of residential real estate developed: \$29,994,942.00.

Total value of first-time homebuyer mortgages: \$29,111,023.00.

Total value of housing rehabilitation and energy services: \$4,932,597.00.

Total value of multifamily preservation: \$8,704,000.00.

Total value of commercial properties: \$915,000.00.

Total number of businesses receiving financing from the PathStone Enterprise Center: 106 loans for a total of \$2,733,255.80

Total number of homeowners with foreclosure concerns helped by PathStone since March of 2008: 33

In these difficult economic times, it is encouraging to know that beneficial organizations such as this have not only survived the downturn, but are continuing to provide their vital services to current and new participants.

On behalf of the United States Congress, I am honored to formally acknowledge PathStone and its commitment to the disenfranchised through economic empowerment.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF PINE GROVE BAPTIST CHURCH

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition of the 100th Anniversary of the Pine Grove Baptist Church located in my Congressional district right outside of Lineville, Alabama.

In 1909, a small group of Christians organized Pine Grove Baptist Church. In August of 1911, the congregation voted to build a new church, and over the years, the church has been renovated into what stands today. In 1988, a fellowship hall with a baptismery was added and stained glass windows were installed in the church. In 1997, the lightning-damaged steeple was replaced with a new lighted one.

In 2004, Brother Gwen McCollum, Jr. was licensed to preach and in 2009, Brother Terry Helms was ordained to preach.

On Sunday, November 8, 2009, the congregation will celebrate the 100th Anniversary of Pine Grove Baptist Church. I congratulate this church on this important milestone, and wish the congregation all the best in its next century of ministry to the community.

TRIBUTE TO THE REVEREND CANON ERNEST D. SILLERS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. CALVERT. Madam Speaker, I rise today to celebrate the life of Reverend Canon Ernest D. Sillers, the founder of St. Margaret's Episcopal School and two other Episcopal schools in Orange County. Orange County, California has been blessed by dynamic and dedicated leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Reverend Sillers dedicated his life and purpose to both God and education; he will be dearly missed.

Ernest Sillers was born October 2, 1910, in River John, Nova Scotia. When he was 18 years old, he answered his personal calling and decided to attend Gordon College in Wenham, Massachusetts. It was there he met the love of his life, Aldine, and they were married. Rev. Sillers graduated with a degree in theology and entered the ministry at First Baptist Church in Seabrook, New Hampshire. He studied for a master's degree and attended the Episcopal Seminary at Cambridge Seminary as a part-time student. His efforts led him to become an ordained Episcopal Priest. After serving in New England, Rev. Sillers moved to Pico Rivera where he was Vicar of the mission parish of St. Bartholomew. Because of his long time interest in education, Rev. Sillers obtained a teaching credential. In 1960, Rev. Sillers was called to be Rector of St. Mark's Episcopal Church in Downey, California. There, he was inspired to start his first school.

Fifteen years later, Ernest Sillers and Aldine were retired and living in Laguna Beach. The Bishop of the Diocese of Los Angeles had heard that people in the growing community of San Juan Capistrano would be served by an Episcopal church. He asked Rev. Sillers if he would be a temporary priest-in-chart to start the church and Sillers accepted. In October 1979, St. Margaret's Episcopal School was founded with 79 students and was located in temporary structures. The following year, the student population doubled and by 1986, a 12th grade class had graduated. Aldine served as the school's founding librarian.

After the successful founding and growth of St. Margaret's, Rev. Sillers was ready for a new challenge. He went on to found St. John's Episcopal Church and School in Rancho Santa Margarita and, a few years later, St. Mary and All Angels Episcopal School in Aliso Viejo.

On October 15, 2009, Reverend Canon Ernest D. Sillers passed away. On behalf of all those who knew him, it is my honor to offer these remarks as a tribute to the life and legacy of Reverend Sillers. His life and presence will be sorely missed and I extend my condolences to his dear family and friends. His legacy of service and his vision of education live on.

CYBERSECURITY AWARENESS MONTH

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. LANGEVIN. Madam Speaker, I rise today to recognize October as the sixth annual National Cybersecurity Awareness Month. The theme for 2009, "Our Shared Responsibility," emphasizes the need for government agencies, businesses and especially private users to each take responsibility for their own online safety and not fall victim to cyber attacks that can spread to other users.

It is vital that the public is engaged and aware of how to properly utilize security software in order to protect their Social Security numbers, financial information, health information, and other personal data. We must all work together and take responsibility for securing our own networks and computers to ensure that government systems, personal data and even critical infrastructure remain safe from attack.

Improving public awareness of threats to home or office computer networks is a crucial step in working to make the Internet, and our critical data, more safe and secure. Due to the massive scope and scale of the Internet, fraud and malicious attacks will always persist in some form. However, educating the public about small steps, such as keeping up-to-date with the latest security patches or installing basic anti-virus software, can easily strengthen our economic and national security.

I applaud the Department of Homeland Security for sponsoring this month of outreach. As a Co-Founder and Co-Chairman of the House Cybersecurity Caucus, I will continue to fight to deliver the latest tools and training to

support both our national security infrastructure, and the personal data of all Americans.

CONGRATULATING SANTA CLARA UNIVERSITY AND CALIFORNIA COLLEGE OF THE ARTS SOLAR DECATHLON TEAM

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. HONDA. Madam Speaker, I rise today to honor Team California, a partnership between Santa Clara University and California College of the Arts, for placing third in the Department of Energy's 2009 International Solar Decathlon. I congratulate the students, faculty, administration, and sponsors for their tremendous accomplishments.

The Solar Decathlon competition challenged university teams from around the globe to design, build, and operate a solar energy powered home that incorporates energy efficiency, architectural creativity, and an applicable living style in order to illustrate the benefits and practical application of green living.

The team of Santa Clara University and the California College of the Arts was one of only 20 teams from around the world selected to compete in the 2009 Solar Decathlon, the only schools from California and from the entire West Coast involved in the competition. SCU and CCA were among the smallest schools in the Decathlon, but they excelled in the competition and received top scores for their remarkable "Refract House."

En route to placing 3rd overall, Team California placed first in the Architecture and Communications contests and earned second place for Appliances, Home Entertainment, and Engineering in the design and structure of their home. Their efforts and outstanding achievements at the 2009 Solar Decathlon are to be highly commended, and their work will contribute significantly to the future designs of solar powered homes.

The "Refract House" offered a wide array of eco-friendly features, including aesthetically-pleasing solar photovoltaic arrays, radiant heating and cooling, double-paned windows and doors and top-of-the line energy-efficient appliances. Moreover, the house was largely composed from recycled waste, illustrated by their walls composed of used billboards and salvaged redwood.

Through their work in the Solar Decathlon, Santa Clara University and the California College of the Arts have shown that it is within our grasp to reduce carbon emissions and live off renewable energy. Santa Clara University is demonstrating this even beyond the Solar Decathlon as well, recently earning recognition from the U.S. Environmental Protection Agency's Green Power Partnership as one of the Nation's Top 20 Colleges and Universities using green power and qualifying for EPA's Green Power Leadership Club.

During the Decathlon competition, I had the pleasure of hosting a briefing in the U.S. Capitol during which the Team California members talked about their solar house, the technologies they used, and policy issues sur-

rounding renewable energy. I was honored to have my California colleagues Representative ZOE LOFGREN and SAM FARR attend the briefing, and was proud of the work the students, faculty, and administrators did to educate Members of Congress and the public about the promise of renewable energy, which does not produce greenhouse gases and can reduce global warming.

Global warming threatens our economy, our coastal cities, and possibly the very existence of humanity. Expanding the use of renewable energy is a key development for improving American livelihoods and the livelihoods of individuals all over the world, who will gain greater control over their own lives as they gain control over the means of generating their energy, and the work of Team California will help to make that a reality.

The "Refract House" highlights the strengths and technological innovation of Silicon Valley, and I once again extend my congratulations and my thanks to Santa Clara University and the California College of the Arts for their strong representation of California and outstanding performance in the 2009 Solar Decathlon.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. PASCRELL. Madam Speaker, I want to state that yesterday I missed the final three rollcall votes of the day. Unfortunately I missed these votes because I had to return to my district.

Had I been present I would have voted "Nay" on rollcall vote No. 816 On Motion to Instruct Conferees—H.R. 2996—Department of Interior and Related Agencies Appropriations, 2010.

Had I been present I would have voted "Yea" on rollcall vote No. 817 On Motion to Suspend the Rules and Pass, as Amended—H.R. 2489—National Land Remote Sensing Outreach Act.

Lastly, had I been present I would have voted "Yea" on rollcall vote No. 818 On Motion to Suspend the Rules and Agree—H. Res. 854—Recognizing Weber State University for the 120th anniversary of its founding as an institution of higher education.

HONORING DR. MARCO A. MASON

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Ms. CLARKE. Madam Speaker, today I rise to honor and recognize Dr. Marco A. Mason, a distinguished medical sociologist and activist from the great state of New York. Dr. Mason is a living legend in Brooklyn, NY, not only is a professor at Medgar Evers College Department of Social and Behavior Sciences but he is a founding member of the Caribbean Women's Health Association, the Chairman/CEO of

the Panamanian Council of New York Inc. and the President of the Institute for Pan-American Affairs.

Additionally, Dr. Mason serves on the advisory boards for SUNY Downstate Medical Center, Kingsbrook Jewish Medical Center, the Caribbean Research Center and the Journal of Immigrant and Refugee Services. He is recognized in the Global Directory of "Who's Who in the World" and the Vice-Chairman of New York City Community Board No. 9.

Dr. Mason is widely acknowledged as a technical expert on U.S. immigration policy and he is an accredited practitioner in immigration law before the Immigration and Naturalization Court and the Board of Immigration Appeals. His principal scholarly interests include the United States' immigration policy impact on ethnic communities and patterns of Caribbean immigration in the Western Hemisphere. He was cited by the U.S. Department of Justice for his "Outstanding services in assisting immigrants with status adjustments."

He is a seasoned global traveler with extensive professional-related international tours throughout Africa, Asia, the Middle East, Europe, Latin America and the Caribbean. He serves as a United Nations Social and Economic Council delegate and in this capacity has hosted numerous international conferences and field tours to study public health systems.

Dr. Mason is the recipient of more than 150 awards for his "Dedicated service rendered to the Caribbean-American Community" and was recognized in the Medical Herald in a special feature entitled "Marco Mason: A Champion of Ethnicity."

Dr. Mason's story is a quintessential American Immigrant story. A proud Panamanian-American of Caribbean decent whose life's work is a testament to the virtues of courage and integrity.

Again, I rise to express the heartfelt appreciation and gratitude of all New Yorkers and the untold numbers of Brooklynites who are the beneficiaries of his outstanding life's work.

HONORING MIKE MILLS, OF FREEPORT, MINNESOTA AS A TRUE AMERICAN PATRIOT

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mrs. BACHMANN. Madam Speaker, I rise today to honor Staff Sergeant Mike Mills of Freeport, Minnesota, who is the first Minnesota recipient of the American Patriot Award. He joins an exclusive group of only 8 American heroes who have been recognized by the American Patriot Project, comprised of nine volunteer organizations united by love of our national pastime, baseball, and a desire to honor those who have served in uniform.

Mike was wounded in 2005 in Iraq while serving with the Minnesota Army National Guard. On June 15, 2005 an Improvised Explosive Device (IED) exploded near Mike's vehicle. In the explosion he suffered a cracked clavicle and scapula bones, a dislocated shoulder and burns on more than 30 percent

of his body. With extraordinary inner strength and the love and faith of his family and friends, he walked the long road of recovery. There are few awards that could properly acknowledge his service.

Given Mike's incredible experience, it would be understandable if he had turned to bitterness, sadness and anger. But, Mike turned around what he had gone through to help other veterans discharged or retired with injuries. He helps them turn their feelings of guilt, shame and failure into hope, pride and joy through his Web site, www.forthetveteran.com. By sharing his own powerful story through words and pictures, Mike has said to every veteran you are not alone and you will never be alone. It is a lesson that far too many veterans never hear, leaving them with feelings of isolation and guilt and depression. His Web site should be required reading for any returning citizen-soldier.

Like many veterans, Mike is the definition of a hero. But Mike stands out for his bravery and his sacrifice for our freedoms in a land thousands of miles away. I pray that Mike, his wife, Suki, and their children will continue to be a blessing to one another and to other veterans facing difficult times. I am so humbled to honor him today to this Congress, Madam Speaker.

REGARDING HEALTH CARE REFORM

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Ms. RICHARDSON. Madam Speaker, I rise today to show you the headlines from my community: "It's Official: It's a Stinker." And what's a stinker? According to the U.S. Census and the American Community Survey, in Los Angeles County 22.3 percent of the people do not have health insurance. In Long Beach, 18.8 percent have no insurance; in Compton, 25.5 percent. In other words, one out of four people are without health insurance. And that should matter to all of us.

Why are we the only industrialized nation that doesn't provide health care? Why is it that my friends on the other side of the aisle can support spending billions for a war, but we can't spend the same for health care? Something is wrong.

Today, the rising number of uninsured, along with the increasing costs of healthcare, has adversely affected our economy. The rising cost of health care burdens American businesses as they weigh health benefit costs against other business investments. It is estimated that by 2015, the share of the national economy devoted to health care will increase from 14 to 20 percent. Growing health care expenses make our businesses much less competitive in the global marketplace, and restrict job creation here at home. In addition, every percentage increase in the unemployment rate results in 1 million more people becoming uninsured. Providing health care for the uninsured costs insured American families an extra \$100 billion every year.

I applaud Congress and the Senate for stepping up and tackling this problem. We

need to do this, and we need to do it now. The hour is late, the need is great, we cannot wait. Congress must pass comprehensive legislation this year.

20TH ANNIVERSARY OF THE VETERAN OF THE MONTH PROGRAM

HON. CHRISTOPHER S. MURPHY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. MURPHY of Connecticut. Madam Speaker, I rise today to recognize the 20th anniversary of the "Veteran of the Month" program. I am honored to represent the patriotic citizens of Bantam, Connecticut, home of American Legion Post 44, where the "Veteran of the Month" program was founded to honor deceased honorably discharged veterans, soldiers that died while in the service, soldiers that remain missing in action, and special civilian employees of the U.S. Army, Air Force, Navy, Marines or Merchant Marines during World War II.

On the first Saturday of the month for the past 240 months, Post 44 conducts a flag raising ceremony in Bantam to celebrate the life and service of a new honoree. The list of honored veterans includes men and women who have served in seven different branches during eleven separate wars. They have all made unique and important contributions to their communities.

The "Veteran of the Month" program officially began with a flag raising on October 25, 1989. As with many great ideas, this program was born out of necessity. The American flag at the All Wars Memorial in Bantam was damaged, but the delivery of a new flag was delayed. In the meantime, Arthur Shaw offered his late father's burial flag to be flown until the new flag arrived. Post 44 Commander Francis Fabbri gladly accepted the use of the burial flag as a temporary solution until the replacement was received. When word that a burial flag was being flown began to spread around the community, local families of deceased veterans wanted to honor their loved ones by flying their flags as well. Mr. Shaw and Mr. Fabbri recognized that this would represent a fantastic opportunity to pay tribute to soldiers' lives, both during and after their military service.

In early 1990, Commander Arthur St. John developed the ceremony format that has been followed ever since. Mr. St. John has worked tirelessly to grow the "Veteran of the Month" program into a nationwide effort. It was adopted as an American Legion Americanism Program in 1993 as a model of how to pay tribute to local veterans for their service to our nation.

For their efforts, American Legion Post 44 has been awarded the Freedom Foundation at Valley Forge's highest honor, the George Washington Honor Medal. In addition, Mr. St. John, Mr. Fabbri, and Mr. Shaw were awarded the Medal of Honor by the Sons and Daughters of the American Revolution. In 2007, Mr. St. John was inducted into the Connecticut American Legion Hall of Fame as part of its inaugural class.

Last Saturday, as on the 240 Saturdays prior, one flag was retired and another was

raised in Bantam. We celebrate and remember the lives of not only the 2 veterans honored at the ceremony, but all those who have participated over the years.

TRIBUTE TO CONGRESSMAN JOSEPH D. EARLY IN RECOGNITION OF HIS ROLE IN LAUNCHING THE LIFE SCIENCE INDUSTRY IN WORCESTER, MA

HON. JAMES P. McGOVERN

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 28, 2009

Mr. McGOVERN. Madam Speaker, I rise today to congratulate my hometown of Worcester, Massachusetts on the twenty-fifth anniversary of the establishment of the life sciences industry as a major economic force within the city and the entire region. Due to scheduled votes here in the House of Representatives, I regret that I am unable to attend tonight's celebration of this occasion which has been organized by the Massachusetts Biomedical Initiatives (MBI) and will be hosted by Abbot Laboratories in Worcester's Biotechnology Park. I am personally grateful to Kevin O'Sullivan and the leadership of MBI for ensuring this important milestone did not pass without properly recognizing the many individuals who had the foresight to realize the limitless potential of this fledgling industry and who in turn planted a flag in the heart of the Commonwealth of Massachusetts announcing to the world that biotechnology will be the future of our proud city. I particularly want to acknowledge the extraordinary contributions of my friend Governor Michael Dukakis and the late William Short to this effort which now, a quarter century later, has spawned thousands of jobs and remarkable advances in healthcare right in Worcester, Massachusetts.

I am, however, especially pleased that my predecessor, friend and colleague, Congressman Joseph D. Early, is also being honored tonight for the absolutely pivotal role he played in the creation of Worcester's biotechnology cluster. In his own quiet but effective way, Congressman Early relentlessly championed federal funding on the House Appropriations Committee for both the biotech park and for medical research at the National Institutes of Health (NIH). Before anyone else, Congressman Early understood that the local economy of his beloved city was in need of a transformation from a rich heritage of heavy manufacturing towards a new 21st century industry that would produce the next generation of highly skilled jobs. His prescient vision and dogged determination forced Worcester to confront a harsh reality at that time; the city's future prosperity was directly dependent upon the ability to marry the immense intellectual capital at the University of Massachusetts Medical School and the city's other fine colleges and universities with its renowned tradition of industrial innovation. Due in large part to Congressman Early's leadership, that marriage took the shape of Worcester's Biotechnology Park and its success today is part of his unrivaled legacy of service to his district and the untold number of constituents who have benefited from his advocacy.

Madam Speaker, all of us in elected office hope one day to be remembered not so much for the votes we have taken or the speeches we have given but for the very real, tangible and enduring examples of our public service. In that spirit, Congressman Joe Early's fingerprints are all over Worcester's Biotechnology Park and the rapidly expanding life science industry our city now enjoys. In as much as Congressman Early is a household name in Worcester, he remains a revered figure to those crusading pioneers at the National Institutes of Health who still remember and desperately miss his fierce commitment to federal funding for medical research.

As he modestly accepts the honor bestowed upon him tonight, I want Congressman Early to personally know how much I truly admire him for the contributions he has made to the life sciences in Worcester and around the world. He inspires me to work all that much harder to support and promote biotechnology in Worcester and I will forever be grateful for the example he has given me.

PERSONAL EXPLANATION

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 28, 2009

Mr. CAPUANO. Madam Speaker, last week and earlier this week I missed several rollcall votes and I wish to state for the record how I would have voted had I been present: rollcall No. 812—"yes"; rollcall No. 813—"yes"; rollcall No. 814—"yes"; rollcall No. 815—"yes".

HONORING FRIENDS OF CHILDREN WITH SPECIAL NEEDS

HON. FORTNEY PETE STARK

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 28, 2009

Mr. STARK. Madam Speaker, I rise today to pay tribute to Friends of Children With Special Needs (FCSN), a nonprofit organization dedicated to providing support, friendship, and life skills training to developmentally disabled individuals and their families. Formed in 1996, FCSN is based in Fremont, California.

FCSN offers special needs children an accepting, educational, and fun environment. The organization provides resources and information for families with special needs children and advocates for full-inclusion educational systems that allow special needs children to interact with their peers. FCSN also educates family members, friends, and students to promote better understanding of developmental disabilities.

The organization assists thousands of special needs individuals each year. In 2006, FCSN opened the Dream Center in Fremont, California, which now serves over 250 children and adults with autism, Down's syndrome, and cerebral palsy. In May 2008, FCSN began offering programs in San Jose to support the South Bay community. There are plans to transform the South Bay Center into another

fully operative Dream Center in 2010. These centers allow FCSN to provide additional services, such as job training, therapeutic modalities and day programs.

FCSN's mission is to "help children with special needs and their families find hope, love, respect, and support through integrated community involvement." I applaud everyone who has come together to support the continuing success of Friends of Children With Special Needs as they strive to meet these goals.

CONGRATULATING THE CLOPTON HIGH SCHOOL LADY HAWKS SOFTBALL TEAM

HON. BLAINE LUETKEMEYER

OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 28, 2009

Mr. LUETKEMEYER. Madam Speaker, I ask my colleagues to join me in congratulating the Clopton High School Lady Hawks Softball team for winning the Class 1A Missouri State Championship on October 24th.

The young women and their coaches should be commended for all their hard work throughout the regular season and bringing home the 1A Softball Championship to their school and community.

I ask that you join me in recognizing the Clopton Lady Hawks for a job well done.

A PROCLAMATION HONORING THE 150TH ANNIVERSARY OF THE FIRST UNITED CHURCH OF CHRIST

HON. ZACHARY T. SPACE

OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, October 28, 2009

Mr. SPACE. Madam Speaker,

Whereas, the First United Church of Christ was founded in 1859, and

Whereas, the church will celebrate its 150th anniversary with an All Saints Day service filled with celebration and music, and

Whereas, New Philadelphia Christians met as early as 1857 without a minister until they declared Rev. John Rettig to be their first minister in 1859, and

Whereas, the group merged with the German Reformed church to form the German Evangelical Reformed Church in 1886; now, therefore, be it

Resolved That along with the residents of the 18th Congressional District, I commend the First United Church of Christ for 150 years of service to the community and their continued dedication to cooperation and learning.

S. 1793, THE RYAN WHITE HIV/AIDS TREATMENT EXTENSION ACT OF 2009

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. LARSON of Connecticut. Madam Speaker, I rise in support of S. 1793, the Ryan White HIV/AIDS Treatment Extension Act of 2009. This program is a last resort in providing life-saving care to the more than 500,000 Americans currently living with HIV/AIDS. Named after Ryan White, who courageously fought this illness and helped bring to the forefront a national dialogue about HIV/AIDS, this program helps the most vulnerable receive the treatment and support they need to maintain a high quality of life. While we race to find a cure, the Ryan White Act provides access to doctors, drugs, counseling and the care many people living with HIV/AIDS would otherwise not receive.

In my home State of Connecticut, there are over 10,000 reported cases of people living with HIV/AIDS. A disproportionate amount of these cases occur in low-income areas of the State where people are less likely to have the ability to access HIV/AIDS treatment. In Hartford alone, the largest city in my district, there are over 2,000 reported cases. For many of my constituents, the Ryan White Act is vitally important.

Because of the Ryan White Act, the most vulnerable of those living with HIV/AIDS have access to important services like housing, food, substance abuse treatment, and medical care that are shown to help people make safe choices and live constructive lives. Of those that are served by the Ryan White HIV/AIDS program, 33 percent do not have health insurance and 56 percent are underinsured. In a country with as much wealth and advances in medical technology as ours, it would be unconscionable to allow the most vulnerable to go without essential care. This legislation is a clear example of action we can take that will truly make a positive difference. I am proud to support the Ryan White HIV/AIDS Treatment Extension Act of 2009, which will bring hope to so many lives.

TRIBUTE TO RIVERSIDE COUNTY'S RECIPIENTS OF OPERATION RECOGNITION

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to a group of individuals—heroes—who are receiving the recognition and honor they deserve for their service to our country. Operation Recognition is operated by the Riverside County Office of Education with assistance from the Riverside County Department of Veterans' Services. The program awards high school diplomas to veterans who missed completing high school due to military service in World War II, the Korean

War, or the Vietnam War, or due to internment in WWII Japanese-American relocation camps.

A recognition ceremony will be held on November 11, 2009, for the following individuals who received their high school diplomas through Operation Recognition:

Robert Wayne Archer, Vincent O. Arellano, Linzy Ray Banks, Frank L. Bernich, Charles E. Billups, Floyd J. Birch, Camillo Razo Calderon, Arthur A. Carvalho, Leon Chagolla, James Franklin Colvin, Harry W. Cutting, Raymond Ortiz Guerrero, Eugene B. Guilbert, Sr., Richard Louis Haller, Charles R. Hazen, Jr., Randall N. Klauk, Rodney Scott Lloyd, Robert Magan, Salvador Soria Murillo, Ronald Edward Pearson, Harry Peterson, Hubert Pierce, Si Porter, Edward A. Sandoval, Harold E. Six, Sr., Garey Dale Smith, Jerry E. Tidwell, Roger Jay Williams, and Eldon Ray Wilson.

Our country owes a debt of gratitude to all the above recipients for their service and sacrifice. I salute all the above individuals and congratulate them on receiving their high school diploma.

CONGRATULATING ST. LUKE'S QUAKERTOWN HOSPITAL

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to congratulate Edward Nawrocki, Richard Anderson, and all of the hardworking staff of St. Luke's Quakertown Hospital on their achievements as part of the Premier healthcare alliance's groundbreaking QUEST: High-Performing Hospitals collaborative.

St. Luke's Quakertown Hospital has been recognized as one of the 32 national hospitals to reach the top levels of performance in the areas preventing mortality, reducing costs, and improving the delivery of evidence-based care delivery. In reaching this level of performance, they are truly putting patients first and setting the standard for clinical excellence.

St. Luke's Quakertown Hospital is helping improve the quality care not only in Quakertown, Pennsylvania, but nationwide. As a group, QUEST hospitals across the country have saved over 8,000 lives, reduced costs by \$577 million, and provided 24,818 additional patients with all evidence-based appropriate care. According to an analysis of these Year 1 results, if all hospitals were to achieve the improvements found among the QUEST participants, they could save an estimated 52,760 lives and \$1.16 billion in costs. In addition, 27,771 more patients could receive all recommended care.

I am pleased that the residents of my district are being served by a top-performing hospital and congratulate them on their outstanding accomplishments in improving patient care.

TRIBUTE TO THE JACKSONVILLE STATE UNIVERSITY MARCHING BAND, THE MARCHING SOUTHERNERS

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 28, 2009

Mr. ADERHOLT. Madam Speaker, I rise today to commend the actions of the Jacksonville State University Marching Band, the Marching Southerners.

During halftime of every football game this season, the Marching Southerners, under the direction of Kenneth Bodiford, the Director of Bands, perform a patriotic musical and visual tribute to our veterans, entitled "Of Thee I Sing". The performance is a special presentation to all veterans in honor of the many sacrifices that our brave men and women make during time of war.

The Marching Southerners first took to the field in the fall of 1956 and have been defining the future of marching band ever since. Comprised of students from all over our great nation, the Southerners perform for thousands each season—sending chills up the spine and tears down the face.

With class and excellence, the Southerners extend "The friendliest campus in the South" wherever they go, both on and off the field.

I commend the Marching Southerners and the community that supports them for producing and performing such a show. I wish them success in all their future endeavors and I ask my colleagues to join me in honoring our fellow patriots.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 29, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 3

11 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine life in a Russian newsroom.

1539, Longworth Building

2:30 p.m.

Health, Education, Labor, and Pensions

To hold hearings to examine increasing health costs facing small businesses.

SD-430

Intelligence

To receive a closed briefing on certain intelligence matters from officials of the intelligence community.

S-407, Capitol

NOVEMBER 4

10 a.m.

Homeland Security and Governmental Affairs

Business meeting to resume consideration of S. 1649, to prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction, S. 1862, to provide that certain Secret Service employees may elect to transition to coverage under the District of Columbia Police and Fire Fighter Retirement and Disability System, H.R. 553, to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, S. 1755, to direct the Department of Homeland Security to undertake a study on emergency communications, H.R. 730, to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, S. 1825, to extend the authority for relocation expenses test programs for Federal employees, S. 1860, to permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms, H.R. 955, to designate the facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, as the "John 'Bud' Hawk Post Office", H.R. 1516, to designate the facility of the United States Postal Service located at 37926 Church Street in Dade City, Florida, as the "Sergeant Marcus Mathes Post Office", H.R. 1713, to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley "Wes" Watkins, H.R. 2004, to designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, as the "Akron Veterans Memorial Post Office", H.R. 2760, to designate the facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, as the "Johnny Grant Hollywood Post Office Building", H.R. 2972, to designate the facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, as the "Conrad DeRouen, Jr. Post Office", H.R. 3119, to designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, as the "Lim Poon Lee Post Office", H.R. 3386, to designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the "Iraq and Afghanistan Veterans Memo-

rial Post Office", H.R. 3547, to designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the "Rex E. Lee Post Office Building", and H.R. 2215, to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City, Michigan, as the "John J. Shiven Post Office Building".

SD-342

Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine the future of ocean governance, focusing on building our national ocean policy.

SR-253

2 p.m.

Judiciary

To hold hearings to examine certain nominations.

SD-226

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the Federal acknowledgment process.

SD-628

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Jide J. Zeitlin, of New York, to be Alternate Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative to the United Nations for U.N. Management and Reform, and to be Representative to the United Nations for U.N. Management and Reform, with the rank of Ambassador, Department of State.

SD-419

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 1369, to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, S. 1405, to redesignate the Longfellow National Historic Site, Massachusetts, as the "Longfellow House-Washington's Headquarters National Historic Site", S. 1413, to amend the Adams National Historical Park Act of 1998 to include the Quincy Homestead within the boundary of the Adams National Historical Park, S. 1767, to authorize a land exchange to acquire land for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, S. Res. 275, honoring the Minute Man National Historical Park on the occasion of its 50th anniversary, H.R. 2802, to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, H.R. 3113, to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and H.R. 1287, to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore.

SD-366

NOVEMBER 5

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine the Employment Non-Discrimination Act.

SD-430

Homeland Security and Governmental Affairs

To hold hearings to examine business formation and financial crime, focusing on finding a legislative solution.

SD-342

Veterans' Affairs

To hold hearings to examine Veterans' Affairs and Indian Health Service cooperation.

SR-418

2 p.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine reducing recidivism at the local level.

SD-226

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 1757, to provide for the prepayment of a repayment contract between the United States and the Uintah Water Conservancy District, S. 1758, to provide for the allocation of costs to project power with respect to power development within the Diamond Fork System, and S. 1759, to authorize certain transfers of water in the Central Valley Project.

SD-366

Intelligence

To hold closed hearings to consider certain intelligence matters.

S-407, Capitol

NOVEMBER 10

10 a.m.

Energy and Natural Resources

To hold hearings to examine policy options for reducing greenhouse gas emissions.

SD-366

2:15 p.m.

Foreign Relations

Business meeting to consider S. 1524, to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, S. 1739, to promote freedom of the press around the world, S. 1067, to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, H. Con. Res. 36, calling on the President and the allies of the United States to raise in all appropriate bilateral and multilateral fora the case of Robert Levinson at every opportunity, urging Iran to fulfill their promises of assistance to the family of Robert Levinson, and calling on Iran to share the results of its investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation, and the nominations of Jose W. Fernandez, of New York, to be Assistant Secretary for Economic, Energy, and Business Affairs, William E.

Kennard, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador, John F. Tefft, of Virginia, to be Ambassador to Ukraine, Michael C. Polt, of Tennessee, to be Ambassador to the Republic of Estonia, and Cynthia Stroum, of Washington, to be Ambassador to Luxembourg, all of the Department of State, and James LaGarde Hudson, of the District of Columbia, to

be United States Director of the European Bank for Reconstruction and Development.

S-116, Capitol

NOVEMBER 18

9:30 a.m.

Veterans' Affairs

To hold hearings to examine easing the burdens through employment.

SR-418

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine managing Federal forests in response to climate change, focusing on natural resource adaptation and carbon sequestration.

SD-366

HOUSE OF REPRESENTATIVES—Thursday, October 29, 2009

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 29, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:
Ever loving and attentive Lord, You speak and the Word finds a place in the hearts of Your servants.

May Your people dream new and powerful dreams not built on futile hope but on solid experience and faith.

Provide us with dreams that will take us beyond present problems and anxieties to great solutions that will shape the future.

Free us from fear that inhibits our belief in our own capabilities and in Your promises. Give us wisdom to accept our limitations and humbly lay the work of our minds and our hands before You.

Your Providence, Lord, Your Providence alone, guides this Nation. And so once more we say as Your people: "In God we trust." Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 requests for 1-minute speeches on each side of the aisle.

THE CURRENT HEALTH CARE REFORM PLAN: IF THIS IS THE BEST WE CAN DO, THEN OUR BEST ISN'T GOOD ENOUGH

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Is this the best we can do: mandating private insurance, forcing people to buy private insurance policies or pay a penalty, guaranteeing at least \$50 billion in new business for the insurance companies?

Is this the best we can do: government negotiates rates which will drive up insurance costs, but the government won't negotiate with the pharmaceutical companies which will drive up pharmaceutical costs?

Is this the best we can do: only 3 percent of Americans will go to a new public plan while currently 33 percent of Americans are either uninsured or underinsured?

Is this the best we can do: eliminating the State single-payer option while forcing most people to have to buy private insurance?

If this is the best we can do, then our best isn't good enough and we have to ask some hard questions about our political system, such as: Health care or insurance care? Government of the people or government by the corporations?

IN RECOGNITION OF RYAN MURPHY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, in Congress, there is a normal shuffling of positions. Today, it is with mixed emotions that I announce the departure of Ryan Murphy.

For the past 2 years, Ryan has done a professional job while serving as communications director for the Second Congressional District under very extraordinary circumstances. Ryan has handled his position with professionalism, grace, and integrity. His dedication and work ethic will be difficult to replace.

Ryan began his career as a staff member of Congressman TOM PRICE. He

will continue his service on Monday as the minority press secretary for the Committee on Education and Labor.

I especially appreciate Ryan as a fellow graduate of Washington and Lee University and Sigma Nu. Ryan is the son of Mike and Chris Murphy of Atlanta and Hilton Head. He is a credit to the people of South Carolina and Georgia. I wish him Godspeed.

In conclusion, God bless our troops and we will never forget September the 11th in the global war on terrorism.

Welcome, Boeing, to South Carolina. We are grateful for the new jobs in the tradition of Michelin and BMW.

SALUTING THE VERMONT NATIONAL GUARD

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Madam Speaker, I rise today to salute the brave men and women of the Vermont National Guard, who will soon begin a year of service to our country in the rugged mountains and forbidding deserts of Afghanistan.

Tomorrow morning at Camp Johnson in Colchester, Vermonters will salute the first 35 Guardsmen and -women to leave the Green Mountain State and report for training at Fort Polk, Louisiana. They'll be followed shortly thereafter by all of the 1,400 Vermonters whose deployment will constitute the largest since World War II.

As we Vermonters bid a temporary farewell to our finest, their families and our communities will prepare to face the hardship of their absence. Yet our State can and will take pride in knowing that our loved ones and our friends and our neighbors who are devoting themselves to the service of our State and to all of the United States of America go with our support.

We stand proud to know that, as in every war since the Revolution, the Green Mountain Boys are serving our State and our country with strength, bravery, and honor.

We salute and look forward to your safe return.

RECOGNIZING SISTER TO SISTER

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to recognize a wonderful foundation, Sister to Sister, and its Miami Community Council.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Sister to Sister works year-round to bring heart awareness to thousands of women in south Florida. Its members educate women on the dangers of heart disease, which is the leading cause of death among women.

Sister to Sister will host its Miami Executive Women's Breakfast on November 18 in Key Biscayne, in my congressional district, to stimulate interest in the many women's heart health fairs throughout the years. These heart health fairs include free heart screenings as well as great information on preventing heart disease.

Sister to Sister's heart health fairs have been held in more than 20 cities, and more than 80,000 women have been screened.

I commend our local Sister to Sister organization for its hard work and compassion in the fight against heart disease and encourage all south Florida women to attend one of their heart health fairs.

Heart disease is a serious issue, and we can promote early detection and treatment.

HONORING THE SERVICE OF FORMER BORDER PATROL CHIEF GUSTAVO DE LA VINA

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, on October 26 of this year, this country lost a great public servant and defender of its borders, former Border Patrol Chief Gustavo De La Vina.

Known as "the Chief" to the people that he worked with, Chief De La Vina passed away this Monday while on assignment in Bosnia-Herzegovina.

He was born and raised in Edinburg, Texas. He lived on the border and worked on the border all of his life. Entering the Border Patrol as an agent in 1970, he rose through the ranks and 27 years later was appointed our Chief of the Border Patrol. This was in 1997. And upon his retirement in 2004, we called upon the Chief again to serve, and he became an adviser to the International Criminal Investigative Training Assistance Program within the Department of Justice.

My condolences go to his family and to the men and women who had the honor to serve with him in the uniform of green, who served with him for the last 34 years.

Gus, we will miss you.

HEALTH CARE BILL— CONSTITUTIONAL?

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, the universal health care bill forces

businesses and individuals to purchase health insurance. It raises at least two constitutional issues.

The Constitution doesn't give the Federal Government direct authority to compel the purchase of health insurance. So the Supreme Court would once again have to come in and by judicial edict give government the intrusive power to do what it obviously cannot do now: stretch the meaning of the Commerce Clause.

Can the Federal Government force people to buy health insurance whether they can afford it or not? Can the Federal Government then impose a criminal fine on them under the guise of calling it a tax if they fail to buy the insurance?

Then what happens if the citizen doesn't pay the fine? Do they go to jail without the benefit of trial by jury? Do they lose their right to confront witnesses and have a lawyer?

Congress's forcing mandatory health insurance on Americans and then imposing criminal sanctions without due process is a violation of the Constitution. This action would shock the Framers of our Constitution.

These serious constitutional issues cannot be ignored in the haste to have the government take over America's health.

And that's just the way it is.

STOP-LOSS PAYMENTS

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Madam Speaker, I rise today with good news for our honorable servicemembers and their families in Florida and around our country.

Last week, the Defense Department announced that it will provide retroactive payments to servicemembers who had their enlistment extended or retirement suspended under the program known as Stop-Loss.

While our men and women never hesitate to serve when asked, Stop-Loss kept them away from their families for months or years longer than planned. That is why I'm so pleased that servicemembers will receive an extra \$500 for every month or part of a month they served under the Stop-Loss program. These payments are a small token of gratitude we feel toward the men and women of our military.

I look forward to working with all of our colleagues as we continue to ensure that our servicemembers have access to the full range of benefits they have earned.

MESSAGE FROM CONSTITUENTS: LESS SPENDING, LESS BORROWING, AND LESS GOVERNMENT

(Mr. MORAN of Kansas asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Kansas. Madam Speaker, as I travel across Kansas, one common theme I hear from folks is their frustration with the amount of spending taking place in Washington. Rightfully so, millions of Americans are standing up to their elected officials and saying "enough is enough." Our national debt is closing in on \$12 trillion, almost \$39,000 owed by each man, woman, and child in the United States.

I applaud the millions of Americans who have chosen to exercise their constitutional right to free speech and have taken part in the TEA party protests. I am a sponsor of House Resolution 870, which expresses the appreciation of the House of Representatives for those who participated in the Taxpayer March on September 12, 2009, in Washington, D.C.

Congress has been issuing checks that our Nation can no longer afford, and I applaud the participants for sending a clear message: It's time for Washington to change its ways. Less spending, less borrowing, and less government.

HONORING SERGEANT NICKOLAS MUELLER

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Madam Speaker, it is with profound sadness that we commemorate the death of a Wisconsin native son, 26-year-old Sergeant Nickolas Mueller, who was killed in action on October 26 during military operations in Afghanistan.

In 2002, a graduate of Little Chute High School, Sergeant Mueller was a member of the U.S. Army's 160th Special Operations Aviation Regiment, stationed in Savannah, Georgia.

And after serving 2 years in Korea, Sergeant Mueller became crew chief on an elite Chinook helicopter unit, known as the Night Stalkers, whose duties included inserting and taking out our troops from dangerous territory.

That Sergeant Mueller was several times decorated is not surprising to those who knew him. In high school, he was a member of the Mustangs' football team and wrestling teams. He was a regular participant. He was the king of homecoming in 2001.

That he was entrusted with the highly technical responsibilities of a crew chief is not surprising either. Nick is remembered by his family and friends for his fearless willingness to accept any challenge.

On behalf of the people of northeast Wisconsin, we offer our deepest condolences to his mother and father, Sharon and Larry Mueller, and his brother, John.

Sergeant Nick Mueller shall not be forgotten.

□ 1015

NATIONAL BREAST CANCER AWARENESS MONTH

(Mrs. HALVORSON asked and was given permission to address the House for 1 minute.)

Mrs. HALVORSON. Madam Speaker, I stand today in support of National Breast Cancer Awareness Month. I stand today to recognize the thousands of individuals who have bravely fought this tragic disease. I stand today to also remember those who didn't make it.

There isn't a single person who doesn't know someone affected by this disease. I will always remember my mom's fight with breast cancer. I will never forget the doctor's visits and the medication, or my parents' struggles fighting doctor's payments when she was just trying to fight the cancer. Today, there are so many just like her who must suffer through this alone and without the resources necessary to win their battle.

It is up to us to be there for them and to support them through their tough times and it is up to us to encourage early screenings and to fight for better care. This month will come and go, but we must always recognize those afflicted with this disease and help them fight for what they need and for their lives.

PATRIOT ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Madam Speaker, in just the last few weeks, we have seen the FBI and local law enforcement thwart five separate terrorist attacks. Clearly, radical Islamic terrorists continue to be a serious threat to the safety and security of all Americans.

In one FBI sting, Hosam Smadi thought he was about to blow up a 60-story office tower in Dallas. When asked whether he wanted ear plugs, he declined saying that he wanted to hear the blast clearly. Not only was Smadi willing to take thousands of lives, he wanted to revel in the experience. To facilitate the arrest of Smadi and other terrorists, the FBI used surveillance enabled by the PATRIOT Act.

By the end of this year, three key surveillance provisions in the act will expire. If we want to ensure that the FBI is able to continue their critical mission of identifying and arresting terrorists before they strike, we must

not take away these critical tools. Our law enforcement agencies are working hard to keep America safe, and the PATRIOT Act ensures that they are able to track and follow individuals who are working toward violent ends.

CAMPAIGN FINANCE REFORM

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Madam Speaker, as we approach election day for many local and State elections across the country, I want to make certain that the issue of campaign finance reform is at the forefront of discussion on creating a cleaner and more accessible election system in this country. There is no doubt that our democracy here in the United States is the greatest in the world, but we need to make sure that we allow access to as many qualified citizens as possible to engage in this process.

Why should a candidate be judged on the quality of a television advertisement over the quality of their ideas to fix our Nation's economy or improve the flow of traffic through local town squares? Candidates should be elected based on merit, not on money.

In the last decade, an alliance of advocacy groups, the Fair Elections Coalitions, has been working to implement a public campaign finance system on the State level known as Clean Money, Clean Elections. Across the country, candidates have been elected based on this system, and I would hope that we can pass legislation here in Congress to reform the system fairly across the board.

As Members of Congress, we need to remember that we serve the people of this country based on issues, not dollars, and I would ask that my colleagues join me in a push toward campaign finance reform.

U.S. CHAMBER OF COMMERCE

(Mr. CONAWAY asked and was given permission to address the House for 1 minute.)

Mr. CONAWAY. Madam Speaker, it seems that the Obama administration has set its sights on yet another target of political dissension: the U.S. Chamber of Commerce. The Chamber represents roughly 3 million businesses with more than 96 percent of its membership being comprised of small businesses of 100 employees or fewer, the very backbone of our economy.

The Chamber has expressed concern regarding various proposals, such as the regulation of greenhouse gases and a government-run health care plan, policies that, if enacted, would ultimately devastate small businesses across this country.

It appears that the Obama administration is actively circumventing the

masses of members within the Chamber to try to craft side deals with a few individuals in an effort to persuade defections. It seems that it is all part of a grand strategy to marginalize a well-respected organization with legitimate policy differences.

When Barack Obama promised a new kind of politics, I don't believe a divide-and-conquer strategy based simply on disagreement with the American people is what the American people had in mind.

I encourage the Chamber to continue to stand up against any business policies, regardless of political pressure. The millions of businesses, many of which are located in my State and congressional district, will be grateful for their resolve.

ALCOHOLISM AND DRUG ADDICTION

(Mr. KENNEDY asked and was given permission to address the House for 1 minute.)

Mr. KENNEDY. Madam Speaker, we have an elephant in the middle of our Nation's living room. That is alcoholism and drug addiction. This country's medical system does not deal with one of the major issues in this country, and that is alcoholism and drug addiction and depression and mental illness.

If we are going to do something about our health care system, we better incorporate treatment for these illnesses in order to make sure we prevent other diseases. If you have one of these illnesses, your cost for health care goes up four times. Seventy percent of the trauma care in this country is as a result of drug addiction and alcoholism. Car accidents, stabbings, gun shots, domestic violence, many of the things you see in our emergency rooms is as a result of drugs and alcohol.

That is why we need to make sure that we have early intervention and screening and treatment reimbursement in our health care bill.

U.S. CHAMBER OF COMMERCE

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Madam Speaker, the U.S. Chamber of Commerce represents more than 3 million businesses that employ millions and millions of Americans. The overwhelming majority of these businesses are small businesses, the engine of our economy.

So it is more than a little surprising that the administration will be attacking this pro-job, pro-growth organization at a time when our economy is in the worst recession in 80 years. Shouldn't we be working together to create jobs and pull our country out of this economic mess? Shouldn't the Congress and the administration and

the private sector all have a singular purpose of restoring America's economy and leading the worldwide economic resurgence?

Yet reports that I have read in recent weeks indicate a constant attacking of the Chamber and discrediting the Chamber of Commerce.

As a former chairman of the Florida Chamber of Commerce, we represented 139,000 small businesses in my home State of Florida. I urge the administration to drop its attack mentality and work together with the very groups responsible for creating jobs and growth in the United States of America.

HEALTH CARE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, after World War II when our parents and, in some cases, our grandparents returned from victory, our country stayed to rebuild the countries of our former enemies and our friends. Each of these countries, with our help, established a national health care plan for their people. Our country did not since huge numbers of Americans at that time received health care through their employers. That is not true today.

My Texas district has the highest number of uninsured adults under 65 in the country. We need a national health care plan for all Americans. If you have Medicare or employer-based insurance, that's great.

Next week, let's do what we did after World War II for our enemies and our friends. Let's provide national health care for all Americans.

NEWSWEEK GIVES PRESIDENT FREE ADVERTISING

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, the poster to my left is the winner of the Media Fairness Caucus' "Worst of the Week" award for media bias.

The poster says, "Yes, He Can," a variation of the President's campaign slogan. While it appears to be a campaign poster, it actually is this week's cover of Newsweek magazine. The poster provides an astounding example of the national media's liberal bias. Newsweek is the same magazine that during the Presidential campaign featured then-Senator Obama on its cover three times as often as Senator McCain.

No wonder 7 out of 10 Americans say the national media are intent on promoting the Obama administration, according to a recent public opinion poll. The national media should report the facts, not provide free advertising for the White House.

WHAT REFORM MEANS FOR ALL AMERICANS

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, 23 percent. That is the percentage of those living without health insurance in my district, the highest rate in New Jersey. My constituents are looking to me and this Chamber to accomplish health care reform this year. We must finish our work, not only for those without insurance, but for the other 77 percent that have insurance but are finding coverage more expensive.

For those without insurance, we want to offer you affordable health care coverage. A new exchange will be created as a one-stop comparison shopping marketplace, including a public option to create competition for better prices and better coverage. To ensure coverage is within your means, affordability credits will be offered to help you buy insurance.

Our plan will end discrimination for preexisting conditions and require coverage for preventive care without copays. To ensure no one goes broke because they get sick, a yearly limit will be placed on how much you can be charged for out-of-pocket expenses. And if you lose or change jobs, you will be able to get your own affordable insurance.

This Nation deserves a more affordable, secure health care system. We cannot wait any longer for these reforms.

THE HONOR FLIGHT FROM OCALA, FLORIDA

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Madam Speaker, as a veteran, I am especially proud of my involvement with Honor Flight, which brings veterans of World War II to Washington, D.C., to see the memorial and other cherished sites.

There are obviously many memorials and monuments in Washington, D.C. However, for too long, there was a glaring omission: no memorial to the men and women who defeated the Axis powers. I am pleased that this oversight was corrected with the World War II Memorial which was dedicated in May of 2004.

Today, Honor Flight is bringing over 100 World War II veterans from my hometown of Ocala, Florida, to Washington, D.C. I will meet them this afternoon at the World War II Memorial, and we will lay a wreath at the Florida column.

Our veterans have earned our respect, and they deserve to see that their sacrifice is still honored. I am proud to join in supporting the noble cause of Honor Flight.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. HASTINGS of Florida. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 876 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 876

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes. The conference report shall be considered as read. All points of order against the conference report and against its consideration are waived. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

□ 1030

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. HASTINGS of Florida. For the purpose of debate only, I yield the customary 30 minutes to my good friend, the gentleman from San Dimas, California (Mr. DREIER). All time yielded during consideration of the rule is for debate only, Madam Speaker.

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 876.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Madam Speaker, H. Res. 876 provides for consideration of the conference report to accompany H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act of 2010. The resolution waives all points of order against the conference report and against its consideration. The resolution provides that the conference report shall be considered as read. Finally, the resolution provides that the previous question shall be considered as ordered without intervening motion, except for 1 hour of debate and one motion to recommit, if applicable.

This conference report makes available the necessary resources for the Federal Government to protect our Nation's precious natural resources. It also provides to ensure clean and safe drinking water, to perform critical restoration work, and help Native American communities meet their needs.

It will help communities and public lands by focusing on five priority

areas: Water infrastructure and environmental protection; fire fighting and fuels reduction on Federal land; bolstering our public land management agencies; protecting public lands through the Land and Water Conservation Fund; and helping the most vulnerable Native American populations. Together, these priorities and their attendant policies provide for effective Federal stewardship of our environmental and cultural treasures while also improving the lives of all Americans who depend on these resources for their health and well-being.

Madam Speaker, it's worth noting some of the critical investments that the underlying legislation makes in essential programs and agencies.

The Environmental Protection Agency receives over \$10 billion to restore and protect the quality of our Nation's air, water and land, including over \$3.5 billion to help nearly 1,500 communities improve their drinking water and wastewater systems. Improving our Nation's water quality will have a direct and positive impact on overall public health, making this funding crucial to the bettering of the lives of all Americans. The EPA is also provided with increased funding to protect important bodies of water, such as the Great Lakes, San Francisco Bay, and the Chesapeake Bay, as well as significant funding to clean up dangerous toxic waste sites around the country.

Important climate change programs are also funded in this legislation, including money to implement the Energy Independence and Security Act, which will help the United States produce 36 billion gallons of renewable fuel by 2022, reducing our dependence on fossil fuels. Thousands of communities and millions of individual consumers will be able to receive assistance from the EPA to lower their emissions and adopt green technologies.

Native American and Native Alaskan programs receive hundreds of millions in increased funding from previous years, with an emphasis on supporting both federally and tribally operated health care programs, as well as bolstering law enforcement, education, and economic development programs throughout the country.

Recognizing the need for a dedicated, steady and predictable funding stream for wildfire suppression and fire-fighting activities, this legislation includes the Federal Land Assistance, Management and Enhancement Act of 2009. In light of recent increases in the length, severity and exponential cost of wildfire seasons, the FLAME Act includes a number of budgetary reforms to ensure that government agencies and local communities will have the necessary resources to handle large and complex fire events.

It is also worth noting that this legislation funds the Smithsonian to the appropriate level of support for the

world's largest museum and research complex right here in our Nation's Capital. Here in Washington, we see the fruits of these efforts every day up and down the National Mall, as do our constituents when they visit us, and I am particularly pleased with the inclusion of \$20 million for planning and design of the new National Museum of African American History and Culture, which will be built on the Mall.

Madam Speaker, this legislation also includes the continuing resolution to fund government operations through December 18. Although we completed our appropriations work during the summer, this resolution is needed to allow our good friends in the other body, the Senate, more time to complete their work.

Finally, Madam Speaker, I want to address this report's provisions regarding Guantanamo Bay. I spoke on this matter when I managed the rule for the conference report on Homeland Security Appropriations 2 weeks ago. This body seems fit to include language on Guantanamo Bay in every appropriations measure that comes before us. I appreciate that many of our colleagues have objections to the various aspects involved in closing the detention facilities at Guantanamo, which President Obama has promised to do by January of 2010. But as I have maintained before, the problem is the policy, not the place.

The debate over Guantanamo, in my opinion, is missing the larger picture, and that is the need to reform our entire detention policy. Without a system of justice to deal with suspected terrorists wherever they are held, we are left with a broken system that has tarnished our image abroad and is used as a recruitment tool by al Qaeda and other groups which threaten our security. We need to deny them that image of America.

We need a judicial process that accomplishes three things: one, protects our national security by holding and prosecuting those who have committed crimes or who pose a threat to our country; two, upholds international standards of human rights by ensuring decent treatment and access to basic rights and resources; and three, strengthens our Nation's image as a country that upholds the rule of law. We must not resort to arbitrary justice, even while under threat. There is no reason why these three things cannot be accomplished, nor is there a reason to believe that American courts cannot deal judiciously with individuals suspected of criminal wrongdoing or acts of terrorism.

The appropriations season has so far brought forth a number of bills, almost all with language relating to Guantanamo. At some point, we're going to need to move beyond legislating this matter into appropriations bills and, instead, establish new policies and

guidelines to bring our national security needs in line with our historic national values. This matter cannot be left only to the executive branch or the judiciary. Congress makes laws.

We have to put aside political posturing and "gotcha" on Guantanamo Bay and "not in my backyard" and, instead, work together to reform a broken system. To that end, I am pleased to have introduced H.R. 3728, the Detainment Reform Act, which I believe will move us forward on this matter. I urge my colleagues in this body to support this effort. And I might add, I have no pride of authorship. What I am talking about is trying to get past where we are in this "not in my backyard" and deal with the needed policy that will deal with people who will do harm to this country, whether they're in Guantanamo or Bagram or Leavenworth or wherever they may be held.

Ultimately, Madam Speaker, the conference report before us today provides the necessary funding to carry on our Nation's critical environmental protection efforts to ensure that all Americans will have access to clean water and safe communities.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, I yield myself such time as I may consume.

I want to begin by extending my appreciation to my friend from Fort Lauderdale and thank him for his very thoughtful and powerful statement that he has just delivered to us.

Madam Speaker, for the second time this fall, we're considering a continuing resolution to keep the Federal Government operating as the Democratic majority fails to complete action on Federal spending for the new fiscal year. Continuing resolutions are not new. Congress has frequently, under both political parties, taken the action of having a continuing resolution to avert a government shutdown while the difficult appropriations process is finalized.

What makes this particular series of continuing resolutions so significant—and I say again, we're on the second one so far—is that it exposes this year's unprecedented—and I underscore unprecedented—closed appropriations process for what it really is. It's an utterly hollow excuse, a hollow excuse because never before in the history of the Republic have we had the appropriations process shut down, as has been the case through this past summer.

Time and again, the Democratic leadership told us during the summer that they had no choice but to shut down the debate on the spending appropriations process because they had a schedule to keep. In fact, they very solemnly spoke of the inviolable September 30, end of the fiscal year, and that we had to have the appropriations

work completed by that September 30 date. There simply was no time for us to debate appropriations bills, no time for accountability or for the kind of scrutiny that has gone on under both political parties throughout the appropriations process. They were on a timetable and they just had to stick to it, regardless of the precedents and traditions that would be abandoned. In fact, Madam Speaker, as we all know, they were abandoned.

So what did the expediency bring about? Well, they completed one-twelfth of their appropriations work by that hard, fast, inviolable September 30 deadline. It's worth pointing out that the single appropriations bill that they managed to get done on time was, what? Congress' own funding bill.

The bill that funds the Congress was the only appropriations bill that's been completed. Not national security, not the very, very important issues, not the important issues that are addressed in this bill, I will acknowledge.

In fact, I thank my good friends Messrs. DICKS and SIMPSON. We had a lengthy discussion upstairs in the Rules Committee yesterday on the importance of the FLAME Act. Especially as a Representative from the Los Angeles area, we have gone through the worst fire in the history of Los Angeles County, the Station Fire, the loss of two firefighters, Ted Hall and Arnie Quinones, whom we continue to honor in southern California, and we've had other fires since the Station Fire. So the FLAME Act is a very important part of this measure, and I appreciate that.

We could have done this bill before we did Congress' own spending bill. So having taken care of their own funding needs, Madam Speaker, the Democratic majority turned to the rest of the country's priorities, and they gave themselves another month to finish the work.

□ 1045

Now the new deadline is rapidly approaching. Over the last month, we have inched forward, and we've completed three more appropriations bills. With the first extension about to expire, this Congress has now completed one-third of its appropriations duty—our constitutional responsibility. Remember, again, we had that inviolable September 30, end of the fiscal year, deadline we had to meet, and here we sit, approaching the 1st of November, and we've completed one-third of our appropriations work.

The underlying conference report that Mr. DICKS and Mr. SIMPSON are bringing forward here actually grants another extension. It's an extension to take us all the way to December 18. Now, despite the Democratic majority's penchant for making excuses, there are really no plausible excuses left.

Madam Speaker, I know that often the finger is pointed down this hallway to the other side of the Capitol, to our colleagues there. There are 60 votes that the Democratic majority has over there. We have the White House, as we all know, in the control of Democrats and a huge majority here in the House of Representatives. The majority is so ironclad that even their supporters are complaining about their lack of progress and empty excuses. We are hearing that from supporters of the Democratic majority.

In fact, the former staff member who was a Democratic strategist, David Sirota, told Congress Daily last week: Democrats decried their lack of 60 votes in the Senate as a campaign tactic between 2006 and 2008 as the reason why they couldn't get anything done.

Again, the fact that they didn't have 60 votes in the Senate was the reason that nothing could get accomplished and that things couldn't get done.

Well, Mr. Sirota, the Democratic strategist, goes on to say they got the 60 votes. He says: Mathematically, there are no excuses left. There are no excuses left.

Those are the words of the Democratic strategist, Mr. Sirota. Yet, Madam Speaker, here we are passing another continuing resolution because the Democratic supermajority still can't get the work done.

Again, these extensions are far from unprecedented. I know the continuing resolutions have taken place again under both political parties. What is unprecedented is the fact that an open debate of the Federal budget was completely abandoned for a deadline that has proven to be utterly meaningless.

We all have to know, Democrats and Republicans alike, that that September 30 deadline was utterly meaningless, and we were told constantly, having that calendar held up before us in the Rules Committee and here on the House floor, that it was absolutely essential that we meet that September 30 deadline. It was nothing more than a pretense for shutting out amendments for both Democrats and Republicans.

That's why, Madam Speaker, I argue that this is not a partisan statement because there were just as many, if not more, Democrats who were denied an opportunity to amend appropriations bills as Republicans. Rank-and-file Members of both parties were completely shut out and were refused the opportunity to freely offer their amendments to have a debate and to have an up-or-down vote.

That kind of open process had been the custom, as I say, for 220 years. An open amendment process is something that we all, again, under both political parties, were used to. Unfortunately, those days are now behind us. For what reason? So that we can end up right where we always are—passing a string of continuing resolutions.

The need for scrutiny of the majority's spending practices became clearer than ever with the announcement of the \$1.4 trillion deficit. Even the continuing resolution that we're considering today includes a number of last-minute additions that further diminish the accountability of Federal spending.

For example, there is a provision that extends funding for organizations like Fannie Mae and Freddie Mac, which are the very organizations that very heavily contributed to our current economic crisis, and those are extended until the end of next year. This is a very curious provision. The continuing resolution, itself, only goes, as I said, Madam Speaker, to December 18; yet this controversial funding provision is extended until after next year's election. It's very, very curious.

Another provision in the underlying measure provides a bailout for local housing authorities that intentionally issued vouchers that they could not afford. These agencies clearly believed that they could act with impunity because the Democratic majority would just bail them out. Clearly, Madam Speaker, they were right.

It is these kinds of practices that have driven up our deficit to unmanageable proportions and have destroyed public trust in this institution, and they are precisely why we need an open appropriations process. The American people want us to meet our priorities, but they also want us to rein in spending. Unfortunately, closing down that appropriations process denied Members the opportunity to scrutinize and then to, we hope, put together the votes to rein in spending.

The American people, Madam Speaker, have been deprived of their voice in this process, and they were promised timely action. Unfortunately, it just has not happened. With today's consideration of yet another continuing resolution, it's painfully clear that the American people have gotten neither the quick action that they were promised nor the accountability that they deserve.

So, again, I will say that there are items within the Interior Appropriations conference report that I support. I am concerned about the 17 percent spending increase that is there; but in light of the issue that I've raised and the fact that we've had an appropriations process that has been shut down for the first time in the history of our Republic, I am going to urge my colleagues to vote "no" on this rule and to vote "no" on the previous question as well.

With that, Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, before yielding to my good friend, the chairman of the Interior Subcommittee, Mr. DICKS, I want to make a couple of points segueing off of my colleague's comments, those of my

good friend Mr. DREIER regarding the continuing resolution.

He and I have been in this back-and-forth process for a very long time. One thing I know that my good friend knows is that the continuing resolution is necessary to keep the government operating until we're able to complete the appropriations process. It must be passed this week and including it in the Interior conference report is just the most expedient way to get it to the President's desk. It will merely ensure that government programs remain funded through December 18 while we move quickly to fulfill our congressional responsibilities to provide funding for the rest of the fiscal year.

In the meantime, the continuing resolution in this conference report is basically a clean CR with the addition of several vital programs to ensure that people do not lose their housing, so that people have mortgage origination, so that the market remains stable, and so that small businesses are able to get loans in this period of economic turmoil.

One of the most important responsibilities of Congress is to keep the government running efficiently and effectively. Even under the best of circumstances—and I've seen it now for coming up on 19 years—and with cooperation on both sides of the aisle, the annual appropriations process is a cumbersome and time-consuming process that must be completed with a relatively short lifetime.

Now, while I agree with my colleague from San Dimas—he's not on the floor. He is, but he's busy—his staff will tell him that we have, as he put it, a super-majority in the Democratic Party. We have the White House; we have the House of Representatives; and we have 60 votes, ostensibly, in the United States Senate. That is a good thing but I was here when the Republicans had the exact same thing and had control of both Houses. What they did not have was the 60 votes.

Now, what I want to make clear here for the American people so that we can get past this discussion, talking about 60 votes is not what is needed. You really don't need but 50 because the Vice President probably would vote with his party. Some would advocate that we do this measure this way because 67 percent, it seems, of the American public want us to move on the health care provision.

All things considered, what my colleague knows and what all of us in the House of Representatives know at every level is that the Senate is the other body, and each one of those Senators is an entity unto him- or herself. I refer to them as junior Presidents. They have enormous power. They have enormous independence, and it does not matter what party they're in when they are about the business of legis-

lating what they want done. That's why the process has slowed down, not because of a majority. It has been slowed down forever, since I've been here—all of that time—for the reason that there is the other body that has their rules, their regulations, arcane though they may be, which make it difficult for us to do our business.

The House can pass stuff. The Senate has difficulty getting agreements to get to the numbers that are necessary to get past filibusters and the numbers to get the different things that each Senator wants for herself or himself in the measure.

Madam Speaker, I am very pleased to yield such time as he may consume to my good friend, to one who has no peer in this body on the understanding of the Interior, the chairman of the Interior Subcommittee, Mr. DICKS from the State of Washington.

Mr. DICKS. First of all, I want to compliment the gentleman from Florida for his extraordinary summary of this legislation. I have been on this subcommittee for 33 years. It's the only subcommittee that I've been on and for which I've served throughout my entire career in the House, and I want him to know that we have not forgotten the great State of Florida in this legislation.

Madam Speaker, we have funded major restoration projects. One is the Great Lakes, where the President requested \$475 million. There's \$475 million in this bill for Great Lakes restoration. One of the other major projects is the Everglades. We're working hard to restore the Everglades—I think this is a national treasure—the Sea of Grass—and all of those wildlife species in Florida which need to be protected. There is the Chesapeake Bay restoration. The administration has put a new EPA official in charge there. They're taking more dramatic steps in the Great Lakes. Also, for the first time, we're recognizing that there are some great national treasures on the west coast—Puget Sound and Hood Canal where I come from. The Pacific Ocean has difficulties and problems related to ocean acidification and climate change, and it has other difficulties due to dissolved oxygen. We have a major restoration project going for Puget Sound. The San Francisco Bay is also another national asset that we need to protect.

So all of these major environmental concerns, these five major restoration initiatives, are critical in our bill.

I also want to tell my colleagues that I've served on this committee for 33 years. I served on this committee with Congressman YATES from Illinois. I believe this is the best Interior Appropriations bill we've ever passed.

Now, I know my good friend from California mentioned the fact that there was a 17 percent increase this year in this bill. Let me explain why that was necessary.

First of all, between 2001 and 2008, the Interior Appropriations bill—this was, by the way, during the previous administration—was cut by 16 percent. So, when you add 17 percent, it's a 1 percent increase. That's not very much. When you divide that over 9 years, it's just a fraction.

The other thing I'd point out is that the EPA budget over that same time frame of 2001–2008 was cut by 29 percent. This is the most important environmental agency we have, and their budget had been drastically cut. There was a cut of the Forest Service, if you take fire out, of 35 percent.

□ 1100

This appropriations bill had been hammered, and funding for our Native Americans had been particularly hard hit. So I felt this was a restoration budget by the Obama administration. This is their first budget on Interior, and I think it was justified in every sense of the word.

Let me go through some of the major items which are so important to the American people.

First of all, the Environmental Protection Agency: \$10.3 billion, \$2.7 billion above 2009, to restore and protect the quality of our Nation's air, water and land.

I want to mention the clean water and wastewater treatment plants, the so-called revolving funds. We had \$3.6 billion to help nearly 1,500 communities improve their drinking water and wastewater systems, an increase of \$2 billion above 2009.

EPA estimates, listen to this, a \$662 billion construction backlog by 2019 for clean and safe drinking water infrastructure. Between our clean water and safe water infrastructure, if you took that and all of our highway projects, you would have well over \$1 trillion in backlog. So infrastructure in America needs to be fixed. This \$662 billion figure came from Christine Todd Whitman, the first EPA Administrator during the Bush administration. So this is a number that I don't think anyone can challenge.

Now, on this important infrastructure money, \$2.1 billion is for the Clean Water State Revolving Fund to fund local sewer improvements and help communities meet the goals of the Clean Water Act.

\$1.38 billion for the Local Water State Revolving Fund to protect public health by improving drinking water systems. It has been proven that one of the most important steps in protecting the health of the American people and people around the world is having safe drinking water. This is a 99.9 percent issue with the American people. They care about safe drinking water, and this revolving fund gives money back to the States and the States then loan it out.

\$157 million for direct grants to States for clean drinking water. That

is way too low. I am talking with Mr. OBERSTAR about this. We need to have more grant money to help rural communities, local communities, who can't afford to borrow the money. Now, we put a provision in this bill this year that 30 percent of it can be forgiven. That has never been in there until the stimulus package came through. This is critical to rural areas throughout the country so that it can be more of a grant program.

I talked to my good friend, Bill Ruckelshaus, a good Republican from Indiana, twice former Administrator of EPA. He also stood up during the Saturday night massacre and refused to fire Archibald Cox, to his great credit. He is now living in Washington State. He reminds me that during the Nixon administration, we had \$4 billion to \$5 billion in grant money to go out to the local communities on an 80-20 basis. Now, think about that. That was in the 1970s, \$4 billion to \$5 billion. That has been taken away, and now we have just a tiny amount of grants and everything else is loans. If we are going to really do something about this infrastructure issue, we have got to deal with that.

I mentioned the great bodies of water. That is something I am very proud of, especially the effort on Puget Sound.

Hazardous waste and toxic site clean-up, \$1.5 billion, \$25 million above 2009, to clean up dangerous toxic waste sites around the Nation.

Climate change, one of the most important issues of our time, \$385 million, \$155 million above 2009, for programs that address global climate change.

We have all heard about the Energy Star program, and now we have a program that we helped create for local communities to have their own climate change program; \$17 million to continue development of a greenhouse gas registry, the first step in controlling greenhouse gases; \$55 million for the Interior Department's on-the-ground monitoring and adaptation to climate change impact in national parks, national wildlife refuges, and other public lands.

There is no question in my mind that climate change is occurring. We have had hearings and we brought in the Federal agencies, including people from Florida, who are very concerned about the impact of global warming. Global warming could be devastating to the Everglades and to the State of Florida. If the seas rise, because they have so many low level areas there, they would be adversely affected. So this is a serious issue that has to be confronted.

We also created a National Global Warming and Wildlife Science Center at the U.S. Geological Survey, and we are working together with the administration on that issue.

Most importantly, our trust responsibility for Native Americans and Alaska

Native programs, \$6.7 billion, \$705.7 million above 2009 and \$91 million above the request, for programs to support and improve health care, education, public safety, and human services for Native Americans and Alaskan Natives throughout our Nation.

On the Indian Health Service, a program that has been underfunded for many, many years, \$4.1 billion, \$17.8 million above the request and \$471.3 million above 2009, to support both Federal and tribally operated national health care programs and facilities.

The Bureau of Indian Affairs, \$2.6 billion—\$2.3 million above 2009 and \$82 million above the request—for education, law enforcement, and economic development programs that will strengthen native communities.

I brought back the hearing where we allow the Native Americans to come in and testify, which was ended under the previous regime. We put that back in place so we can hear of the concerns out there.

There are very serious problems in Indian country, none more serious than the law enforcement difficulties there, including the fact that Native American women are more often the victims of rape and other violent crimes and there is only a 1-year penalty under our Federal court system. This is intolerable. We have to change this, and this is something we are working on.

I know this is something my friend from California is concerned about, \$3.5 billion for efforts to prevent and fight wildfires at the Forest Service and the Department of Interior. We know the people of California have suffered some terrible fires out there, and I know that Mr. DREIER and Mr. LEWIS have been very concerned about that. There is \$1.855 billion for wildfire suppression, \$526 million above 2009.

We got the FLAME Act created. We actually did the work in our conference committee with the Senate. We think this is a great FLAME Act that will give us extra money when we overrun our accounts. This is so important, because in the past money would be taken from the Forest Service accounts, from the Interior accounts, and they would never get that money paid back, in most instances. So this FLAME Act will give us a second account to help when we have these major fires.

I want to point out, as my ranking member pointed out yesterday in the Rules Committee, 98 percent of the fires are stopped: 98 percent. But the 2 percent, the mega-fires that get underway, do this enormous damage to our national parks, to our Forest Service lands, to our BLM lands, and we need very serious funding to help that.

The parks are better off, wildlife refuges are better off, the endowments for the arts and humanities are better off.

Mr. LEWIS of California. Will the gentleman yield?

Mr. DICKS. Yes, I will yield to my friend for a second.

Mr. LEWIS of California. I don't want to take a lot of time on the general debate, but I presume that the chairman is going to allow some time to discuss the question that has been raised regarding an exemption that affects ships among the Great Lakes, the Michigan boat question.

Mr. DICKS. Yes, we will be glad to discuss that. But this is the rule, as you know.

Mr. LEWIS of California. I just wanted to make sure we would have time during the general debate to discuss that. It won't take a lot of time, I am sure, but I didn't want to be left out.

Mr. DICKS. I appreciate the gentleman alerting us to his concern.

This is a great rule, a great bill. It is bipartisan. We do everything in my subcommittee on a bipartisan basis. Mr. SIMPSON has been just a delight to work with, and the Republican members have been at every hearing. We couldn't have better members on our subcommittee on both sides of the aisle.

Mr. DREIER. Madam Speaker, I yield myself the balance of my time.

Let me just close by responding first not to the very thoughtful remarks given by the subcommittee chairman. He didn't quite focus totally on the rule. We talked about everything from Watergate to California fires, and I appreciate his fine work there.

But I will say that as we look at the remarks that were offered by my friend from Fort Lauderdale at the outset, in which he talked about the 60 vote number that exists in the Senate and where we are, there are a couple of differences. We never had the 60 votes in the Senate, number one; and number two, we did not shut down the appropriations process, Madam Speaker. And that is what has happened throughout the past summer.

The American people had their ire raised on a procedural issue for the first time ever on June 26 of this year when early that morning, at 3 o'clock, while the motion was being offered in the Rules Committee to bring a special rule to the floor to consider the so-called cap-and-trade bill, my friend Mr. MCGOVERN was offering the motion, and I had a 300-page amendment dropped on my place at that moment. People have said: read the bill, deliberate, think about the process. That message is resonating across the country. That did not happen with this appropriations process.

Unfortunately, on consideration of this measure, we are having a continuation of that because one of the waivers provided in this rule is for the 72-hour layover, the 3-day layover requirement, which the American people believe we should have.

I am going to ask that my colleagues vote "no" on the previous question so

we will be able to make in order the very thoughtful bipartisan effort launched by Messrs. BAIRD, CULBERSON and WALDEN that will, in fact, require the 3-day layover for measures as they move to the floor.

Madam Speaker, I ask unanimous consent that the text of the amendment, along with the explanatory material, appear in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. I yield back the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, by funding the EPA, the Department of the Interior, the Forest Service and other related agencies, the conference report provides the resources necessary to protect the environment and our natural resources. The attached continuing resolution ensures that the government will continue to function through December 18th.

The increases in this bill over previous years are essential to maintain and improve current programs and activities, bettering the lives of all Americans and their communities.

As I discussed before, I hope that this body will move beyond the debate over whether or not to close Guantanamo and, instead, work to develop comprehensive detention policies that uphold the Constitution, human rights and the rule of law.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. DREIER is as follows:

AMENDMENT TO H. RES. 876

OFFERED BY MR. DREIER OF CALIFORNIA

At the end of the resolution, insert the following new section:

SEC. 2. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally

divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools

for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 876, if ordered, and suspension of the rules with regard to Senate Concurrent Resolution 45.

The vote was taken by electronic device, and there were—yeas 236, nays 183, not voting 13, as follows:

[Roll No. 823]

YEAS—236

Ackerman	Doggett	Kissell
Adler (NJ)	Donnelly (IN)	Klein (FL)
Altmire	Doyle	Kosmas
Andrews	Driehaus	Kucinich
Arcuri	Edwards (MD)	Langevin
Baca	Edwards (TX)	Larsen (WA)
Baldwin	Ellison	Larson (CT)
Barrow	Ellsworth	Lee (CA)
Bean	Eshoo	Levin
Becerra	Etheridge	Lewis (GA)
Berkley	Farr	Lipinski
Berman	Filner	Loebsack
Berry	Foster	Lofgren, Zoe
Bishop (GA)	Frank (MA)	Lowe
Bishop (NY)	Fudge	Lujan
Blumenauer	Giffords	Lynch
Boccheri	Gonzalez	Maffei
Boren	Gordon (TN)	Maloney
Boswell	Grayson	Markey (CO)
Boucher	Green, Al	Markey (MA)
Boyd	Green, Gene	Marshall
Brady (PA)	Grijalva	Massa
Braley (IA)	Gutierrez	Matheson
Brown, Corrine	Hall (NY)	Matsui
Butterfield	Halvorson	McCarthy (NY)
Capps	Hare	McCollum
Capuano	Harman	McDermott
Cardoza	Hastings (FL)	McGovern
Carnahan	Heinrich	McIntyre
Carney	Herseht Sandlin	McMahon
Carson (IN)	Higgins	McNerney
Castor (FL)	Hill	Meek (FL)
Chandler	Himes	Meeks (NY)
Chu	Hinchey	Melancon
Clarke	Hinojosa	Miller (NC)
Clay	Hirono	Miller, George
Cleaver	Hodes	Mollohan
Clyburn	Holden	Moore (KS)
Cohen	Holt	Moore (WI)
Conyers	Honda	Moran (VA)
Cooper	Hoyer	Murphy (CT)
Costello	Inslee	Murphy (NY)
Courtney	Israel	Murtha
Crowley	Jackson (IL)	Nadler (NY)
Cuellar	Jackson-Lee	Napolitano
Cummings	(TX)	Neal (MA)
Dahlkemper	Johnson (GA)	Obey
Davis (AL)	Johnson, E. B.	Oliver
Davis (CA)	Kagen	Ortiz
Davis (IL)	Kanjorski	Pallone
Davis (TN)	Kaptur	Pascarell
DeFazio	Kennedy	Pastor (AZ)
DeGette	Kildee	Payne
Delahunt	Kilpatrick (MI)	Perlmutter
DeLauro	Kilroy	Perriello
Dicks	Kind	Peters
Dingell	Kirkpatrick (AZ)	Peterson

Pingree (ME)
 Polis (CO)
 Price (NC)
 Quigley
 Rahall
 Rangel
 Reyes
 Richardson
 Rodriguez
 Ross
 Rothman (NJ)
 Roybal-Allard
 Ruppertsberger
 Rush
 Ryan (OH)
 Salazar
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schauer
 Schiff

NAYS—183

Aderholt
 Akin
 Alexander
 Austria
 Bachmann
 Bachus
 Baird
 Bartlett
 Barton (TX)
 Biggert
 Bilbray
 Bilirakis
 Bishop (UT)
 Blackburn
 Blunt
 Boehner
 Bonner
 Bono Mack
 Boozman
 Boustany
 Brady (TX)
 Bright
 Broun (GA)
 Brown (SC)
 Brown-Waite,
 Ginny
 Buchanan
 Burgess
 Burton (IN)
 Calvert
 Camp
 Campbell
 Cantor
 Cao
 Capito
 Carter
 Cassidy
 Castle
 Chaffetz
 Childers
 Coble
 Coffman (CO)
 Cole
 Conaway
 Costa
 Crenshaw
 Culberson
 Davis (KY)
 Deal (GA)
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dreier
 Duncan
 Ehlers
 Emerson
 Fallon
 Flake
 Fleming
 Forbes
 Fortenberry
 Foxx

NOT VOTING—13

Abercrombie
 Barrett (SC)
 Buyer
 Connolly (VA)
 Engel

Schrader
 Schwartz
 Scott (GA)
 Scott (VA)
 Serrano
 Sestak
 Shea-Porter
 Sherman
 Shuler
 Sires
 Skelton
 Slaughter
 Smith (WA)
 Snyder
 Space
 Speier
 Spratt
 Stark
 Stupak
 Sutton
 Tanner
 Teague
 Thompson (CA)

Franks (AZ)
 Frelinghuysen
 Gallegly
 Garrett (NJ)
 Gerlach
 Gingrey (GA)
 Gohmert
 Goodlatte
 Granger
 Graves
 Griffith
 Guthrie
 Hall (TX)
 Harper
 Hastings (WA)
 Heller
 Hensarling
 Herger
 Hoekstra
 Hunter
 Inglis
 Issa
 Jenkins
 Johnson (IL)
 Johnson, Sam
 Jones
 Jordan (OH)
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kline (MN)
 Kratovil
 Lamborn
 Lance
 Latham
 LaTourette
 Latta
 Lee (NY)
 Lewis (CA)
 Linder
 LoBiondo
 Lucas
 Luetkemeyer
 Lummis
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 McCarthy (CA)
 McCaul
 McClintock
 McHenry
 McKeon
 McMorris
 Rodgers
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Minnick

Fattah
 McCotter
 Michaud
 Murphy, Patrick
 Nunes

Thompson (MS)
 Tierney
 Titus
 Tonko
 Towns
 Tsongas
 Velázquez
 Visclosky
 Walz
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Waxman
 Weiner
 Welch
 Wexler
 Wilson (OH)
 Woolsey
 Wu
 Yarmuth

Mitchell
 Moran (KS)
 Murphy, Tim
 Myrick
 Neugebauer
 Nye
 Olson
 Paul
 Paulsen
 Pence
 Petri
 Pitts
 Platts
 Poe (TX)
 Posey
 Price (GA)
 Putnam
 Radanovich
 Rehberg
 Reichert
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rooney
 Ros-Lehtinen
 Roskam
 Royce
 Ryan (WI)
 Scalise
 Schmidt
 Schock
 Sensenbrenner
 Sessions
 Shadegg
 Shimkus
 Shuster
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Souder
 Stearns
 Sullivan
 Taylor
 Terry
 Thompson (PA)
 Thornberry
 Tiahrt
 Tiberi
 Turner
 Upton
 Walden
 Wamp
 Westmoreland
 Whitfield
 Wilson (SC)
 Wittman
 Wolf
 Young (AK)
 Young (FL)

Oberstar
 Pomeroy
 Van Hollen

□ 1142

Messrs. JONES, DUNCAN, CASSIDY, BURGESS, DANIEL E. LUNGREN of California and COSTA changed their vote from “yea” to “nay.”

Mr. RUSH changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 232, nays 184, not voting 16, as follows:

[Roll No. 824]

YEAS—232

Ackerman
 Adler (NJ)
 Altmore
 Andrews
 Arcuri
 Baca
 Baldwin
 Barrow
 Bean
 Becerra
 Berkley
 Berman
 Berry
 Bishop (GA)
 Bishop (NY)
 Blumenauer
 Boccieri
 Boren
 Boswell
 Boucher
 Boyd
 Brady (PA)
 Braley (IA)
 Brown, Corrine
 Butterfield
 Capps
 Capuano
 Carnahan
 Carney
 Carson (IN)
 Castor (FL)
 Chandler
 Chu
 Clarke
 Clay
 Cleaver
 Clyburn
 Cohen
 Connolly (VA)
 Conyers
 Cooper
 Costello
 Courtney
 Crowley
 Cuellar
 Cummings
 Dahlkemper
 Davis (AL)
 Davis (CA)
 Davis (IL)
 Davis (TN)
 DeFazio
 DeGette
 Delahunt
 DeLauro
 Dicks
 Dingell
 Doggett
 Donnelly (IN)
 Doyle
 Driehaus
 Edwards (MD)

Edwards (TX)
 Ellison
 Ellsworth
 Engel
 Eshoo
 Etheridge
 Farr
 Filner
 Foster
 Frank (MA)
 Fudge
 Giffords
 Gonzalez
 Gordon (TN)
 Grayson
 Green, Al
 Green, Gene
 Grijalva
 Gutierrez
 Hall (NY)
 Halvorson
 Hare
 Harman
 Hastings (FL)
 Heinrich
 Herseht Sandlin
 Higgins
 Hill
 Himes
 Hinchey
 Hinojosa
 Hodes
 Holden
 Holt
 Honda
 Hoyer
 Inslee
 Israel
 Jackson (IL)
 Jackson-Lee
 (TX)
 Johnson (GA)
 Johnson, E. B.
 Kagen
 Kanjorski
 Kaptur
 Kennedy
 Kildee
 Kilpatrick (MI)
 Kilroy
 Kind
 Kirkpatrick (AZ)
 Kissell
 Klein (FL)
 Kosmas
 Langevin
 Larsen (WA)
 Larson (CT)
 Lee (CA)
 Levin
 Lewis (GA)
 Lipinski

Sanchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schauer
 Schiff
 Schrader
 Schwartz
 Scott (GA)
 Serrano
 Sestak
 Shea-Porter
 Sherman
 Shuler
 Sires
 Skelton

Aderholt
 Akin
 Alexander
 Austria
 Bachmann
 Bachus
 Baird
 Bartlett
 Barton (TX)
 Biggert
 Bilbray
 Bilirakis
 Bishop (UT)
 Blackburn
 Blunt
 Boehner
 Bonner
 Bono Mack
 Boozman
 Boustany
 Brady (TX)
 Bright
 Broun (GA)
 Brown (SC)
 Brown-Waite,
 Ginny
 Buchanan
 Burton (IN)
 Calvert
 Camp
 Campbell
 Cantor
 Cao
 Capito
 Cardoza
 Carter
 Cassidy
 Castle
 Chaffetz
 Childers
 Coble
 Coffman (CO)
 Cole
 Conaway
 Costa
 Crenshaw
 Culberson
 Davis (KY)
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Dreier
 Duncan
 Ehlers
 Fallin
 Flake
 Fleming
 Forbes
 Fortenberry
 Foxx
 Franks (AZ)
 Frelinghuysen
 Gallegly

Abercrombie
 Barrett (SC)
 Burgess
 Buyer
 Deal (GA)
 Emerson

Slaughter
 Smith (WA)
 Snyder
 Space
 Speier
 Spratt
 Stark
 Stupak
 Sutton
 Tanner
 Teague
 Thompson (CA)
 Thompson (MS)
 Tierney
 Titus
 Tonko
 Towns

NAYS—184

Garrett (NJ)
 Gerlach
 Gingrey (GA)
 Gohmert
 Goodlatte
 Granger
 Graves
 Griffith
 Guthrie
 Hall (TX)
 Harper
 Hastings (WA)
 Heller
 Hensarling
 Herger
 Hoekstra
 Hunter
 Inglis
 Issa
 Jenkins
 Johnson (IL)
 Johnson, Sam
 Jones
 Jordan (OH)
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kline (MN)
 Kratovil
 Kucinich
 Lamborn
 Lance
 Latham
 Latta
 Lee (NY)
 Lewis (CA)
 Linder
 LoBiondo
 Lucas
 Luetkemeyer
 Lummis
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McKeon
 McMorris
 Rodgers
 Melancon
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Minnick
 Mitchell
 Moran (KS)
 Pastor (AZ)

NOT VOTING—16

Fattah
 Hirono
 LaTourette
 Murphy, Patrick
 Nunes

□ 1150

So the resolution was agreed to.
 The result of the vote was announced as above recorded.

Tsongas
 Van Hollen
 Visclosky
 Walz
 Wasserman
 Schultz
 Waters
 Watson
 Watt
 Weiner
 Welch
 Wexler
 Wilson (OH)
 Woolsey
 Wu
 Yarmuth
 Murphy (NY)
 Murphy, Tim
 Myrick
 Neugebauer
 Nye
 Olson
 Paul
 Paulsen
 Pence
 Perriello
 Petri
 Pitts
 Platts
 Poe (TX)
 Posey
 Price (GA)
 Putnam
 Radanovich
 Rehberg
 Reichert
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Kingston
 Kirk
 Kline (MN)
 Kratovil
 Kucinich
 Lamborn
 Lance
 Latham
 Latta
 Lee (NY)
 Lewis (CA)
 Linder
 LoBiondo
 Lucas
 Luetkemeyer
 Lummis
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McKeon
 McMorris
 Rodgers
 Melancon
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Minnick
 Mitchell
 Moran (KS)
 Scott (VA)
 Sullivan
 Velázquez
 Waxman

A motion to reconsider was laid on the table.

Stated for:

Ms. HIRONO. Madam Speaker, on rollcall No. 824, had I been present, I would have voted "yea."

ENCOURAGING IRAN TO REUNITE JOSHUA FATTAL, SHANE BAUER, AND SARAH SHOURD WITH THEIR FAMILIES

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the concurrent resolution, S. Con. Res. 45, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CARNAHAN) that the House suspend the rules and concur in the concurrent resolution, S. Con. Res. 45.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 9, as follows:

[Roll No. 825]

YEAS—423

Ackerman	Butterfield	Diaz-Balart, L.
Aderholt	Calvert	Diaz-Balart, M.
Adler (NJ)	Dicks	Dicks
Akin	Campbell	Dingell
Alexander	Cantor	Doggett
Altmire	Cao	Donnelly (IN)
Andrews	Capito	Doyle
Arcuri	Capps	Dreier
Austria	Capuano	Driehaus
Baca	Cardoza	Duncan
Bachmann	Carnahan	Edwards (MD)
Bachus	Carney	Edwards (TX)
Baird	Carson (IN)	Ehlers
Baldwin	Carter	Ellison
Barrow	Cassidy	Ellsworth
Bartlett	Castle	Emerson
Barton (TX)	Castor (FL)	Engel
Bean	Chaffetz	Eshoo
Becerra	Chandler	Etheridge
Berkley	Childers	Fallin
Berman	Chu	Farr
Berry	Clarke	Filner
Biggert	Clay	Flake
Bilbray	Cleaver	Fleming
Bilirakis	Clyburn	Forbes
Bishop (GA)	Coble	Fortenberry
Bishop (NY)	Coffman (CO)	Foster
Bishop (UT)	Cohen	Fox
Blackburn	Cole	Frank (MA)
Blumenauer	Conaway	Franks (AZ)
Blunt	Connolly (VA)	Frelinghuysen
Boccheri	Conyers	Fudge
Boehner	Cooper	Gallegly
Bonner	Costa	Garrett (NJ)
Bono Mack	Costello	Gerlach
Boozman	Courtney	Giffords
Boren	Crenshaw	Gingrey (GA)
Boswell	Crowley	Gohmert
Boucher	Cuellar	Gonzalez
Boustany	Culberson	Goodlatte
Boyd	Cummings	Gordon (TN)
Brady (PA)	Dahlkemper	Granger
Brady (TX)	Davis (AL)	Graves
Braley (IA)	Davis (CA)	Grayson
Bright	Davis (IL)	Green, Al
Brown (GA)	Davis (KY)	Green, Gene
Brown (SC)	Davis (TN)	Griffith
Brown, Corrine	Deal (GA)	Grijalva
Brown-Waite,	DeFazio	Guthrie
Ginny	DeGette	Gutierrez
Buchanan	DeLauro	Hall (NY)
Burgess	Dent	Hall (TX)
Burton (IN)		Halvorson

Hare	Massa	Rothman (NJ)
Harman	Matheson	Roybal-Allard
Harper	Matsui	Royce
Hastings (FL)	McCarthy (CA)	Ruppersberger
Hastings (WA)	McCarthy (NY)	Ryan (OH)
Heinrich	McCaul	Ryan (WI)
Heller	McClintock	Salazar
Hensarling	McCollum	Sánchez, Linda
Herger	McCotter	T.
Herseth Sandlin	McDermott	Sanchez, Loretta
Higgins	McGovern	Sarbanes
Hill	McHenry	Scalise
Himes	McIntyre	Schakowsky
Hinchee	McKeon	Schauer
Hinojosa	McMahon	Schiff
Hirono	McMorris	Schmidt
Hodes	Rodgers	Schock
Hoekstra	McNerney	Schrader
Holden	Meek (FL)	Schwartz
Holt	Meeks (NY)	Scott (GA)
Honda	Melancon	Scott (VA)
Hoyer	Mica	Sensenbrenner
Hunter	Michaud	Serrano
Inglis	Miller (FL)	Sessions
Inslee	Miller (MI)	Sestak
Israel	Miller (NC)	Shadegg
Issa	Miller, Gary	Shea-Porter
Jackson (IL)	Miller, George	Sherman
Jackson-Lee	Minnick	Shimkus
(TX)	Mitchell	Shuler
Jenkins	Mollohan	Shuster
Johnson (GA)	Moore (KS)	Simpson
Johnson (IL)	Moore (WI)	Sires
Johnson, E. B.	Moran (KS)	Skelton
Johnson, Sam	Moran (VA)	Slaughter
Jones	Murphy (CT)	Smith (NE)
Jordan (OH)	Murphy (NY)	Smith (NJ)
Kagen	Murphy, Tim	Smith (TX)
Kanjorski	Murtha	Smith (WA)
Kaptur	Myrick	Snyder
Kennedy	Nadler (NY)	Souder
Kildee	Napolitano	Space
Kilpatrick (MI)	Neal (MA)	Speier
Kilroy	Neugebauer	Spratt
Kind	Nye	Stark
King (IA)	Oberstar	Stearns
King (NY)	Obey	Stupak
Kingston	Olson	Sullivan
Kirk	Olver	Sutton
Kirkpatrick (AZ)	Ortiz	Tanner
Kissell	Pallone	Taylor
Klein (FL)	Pascarella	Teague
Kline (MN)	Pastor (AZ)	Terry
Kosmas	Paul	Thompson (CA)
Kratovil	Paulsen	Thompson (MS)
Kucinich	Payne	Thompson (PA)
Lamborn	Pence	Thornberry
Lance	Perlmutter	Tiahrt
Langevin	Perriello	Tiberi
Larsen (WA)	Peters	Tierney
Larson (CT)	Peterson	Titus
Latham	Petri	Tonko
LaTourette	Pingree (ME)	Towns
Latta	Pitts	Tsongas
Lee (CA)	Platts	Upton
Lee (NY)	Poe (TX)	Van Hollen
Levin	Polis (CO)	Visclosky
Lewis (CA)	Pomeroy	Walden
Lewis (GA)	Posey	Walz
Linder	Price (GA)	Wamp
Lipinski	Price (NC)	Wasserman
LoBiondo	Putnam	Schultz
Loeb	Quigley	Waters
Loeb	Radanovich	Watson
Lofgren, Zoe	Rahall	Watt
Lowe	Rangel	Waxman
Lucas	Rehberg	Weiner
Luetkemeyer	Reichert	Welch
Lujan	Reyes	Westmoreland
Lummis	Richardson	Wexler
Lungren, Daniel	Rodriguez	Whitfield
E.	Roe (TN)	Wilson (OH)
Lynch	Rogers (AL)	Wilson (SC)
Mack	Rogers (KY)	Wittman
Maffei	Rogers (MI)	Wolf
Maloney	Rohrabacher	Woolsey
Manzullo	Rooney	Wu
Marchant	Ros-Lehtinen	Yarmuth
Markey (CO)	Roskam	Young (AK)
Markey (MA)	Ross	Young (FL)
Marshall		

NOT VOTING—9

Abercrombie	Fattah	Rush
Barrett (SC)	Murphy, Patrick	Turner
Buyer	Nunes	Velázquez

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1158

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FATTAH. Madam Speaker, had I been present for the vote on S. Con. Res. 45 I would have voted "yea."

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Madam Speaker, I regret that I missed rollcall vote Nos. 790, 798–818, and 823–825. Had I been present, I would have voted "yea" on votes 790, 798–800, 802–818, and 823–825. I would have voted "nay" on vote No. 801.

CONFERENCE REPORT ON H.R. 2996, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

Mr. DICKS. Madam Speaker, pursuant to House Resolution 876, I call up the conference report on the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 876, the conference report is considered read.

(For conference report and statement, see proceedings of the House of October 28, 2009, at page 25937.)

□ 1200

The SPEAKER pro tempore. The gentleman from Washington (Mr. DICKS) and the gentleman from Idaho (Mr. SIMPSON) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. DICKS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include tabular and extraneous material on the conference report to accompany H.R. 2996.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. DICKS. Madam Speaker, I yield myself 5 minutes.

It is my privilege and pleasure to present the fiscal year 2010 Interior, environment, and related agencies appropriations bill to the House today. This

very fine bill is the product of many hours of work, always with bipartisan input and excellent participation. I especially want to thank my friend and ranking member, Mr. SIMPSON, for the outstanding participation and cooperation he offered throughout this process.

I want to thank Chairman OBEY for recognizing that the programs funded through this bill have been chronically underfunded and for providing the allocation necessary to reverse that trend. From 2001 through 2008, when adjusted for inflation, the budget request for the Interior Department went down by 16 percent, the EPA went down by 29 percent, and the non-fire Forest Service accounts were down by a striking 35 percent. This bill invests taxpayers' dollars in our natural resources, and for this investment all Americans will see a great return.

This conference report also contains the continuing resolution which will keep the government running until December 18. It is vital that we pass the Interior conference report to avoid a shutdown of the Federal Government.

This agreement provides focused funding to protect the environment. Clean water and drinking water infrastructure receive \$3.6 billion, enough to provide assistance for more than 1,500 communities throughout the Nation to improve public health and restore ecosystems. We include authority for subsidized assistance to those cities and towns that cannot afford conventional loans.

This agreement invests \$641 million to restore major American lakes, estuaries, and bays. It fully funds the President's request of \$475 million for the Great Lakes Restoration Initiative and makes significant investments to protect other great American bodies such as Puget Sound and the Chesapeake Bay.

To address global climate change, this bill provides \$386 million for climate change adaptation and scientific study.

The agreement before us also represents a promising renewal in our Nation's trust responsibility for Native Americans. It provides a \$654 million increase for health care, law enforcement, and education in Indian country for a total of \$6.8 billion. The increases here will help these communities promote the health and safety of our Nation's "First Americans."

This agreement makes a major investment of \$3.37 billion for Forest Service and Department of the Interior wildland fire activities, including the largest non-emergency increase ever for wildfire suppression. We also have included the FLAME Act, which reforms wildfire budgeting and will help create a steady and predictable funding stream for wildfire suppression. This agreement provides \$90 million for the Legacy Road and Trail Remediation program to protect streams and water systems from damaged forest roads.

We have agreed to provide a \$218 million increase for the National Park Service to invest in what Ken Burns has called "America's Best Idea." The National Wildlife Refuge System gains a \$40 million increase, to a level of \$503 million, which will reduce critical staffing shortages, implement climate change strategies, and improve conservation efforts.

We have provided an increase of \$82 million above 2009 for the cultural agencies supported by this bill. We recommend \$167.5 million for both the National Endowment for the Arts and the National Endowment for the Humanities. The endowments are vital for preserving and encouraging America's creative and cultural heritage. They are very important for education.

Finally, I want to thank the dedicated staff who have spent long hours over many months to prepare this bill. For the subcommittee staff, majority clerk Delia Scott, Chris Topik, Julie Falkner, Beth Houser, Melissa Squire, minority clerk David LesStrang and Darren Benjamin. And I also want to thank Pete Modaff and Ryan Shauers on my staff and Missy Small and Megan Milan on Mr. SIMPSON's staff. Additionally, I want to take note that we are losing Greg Knadle after 6 years of loyal service to the Appropriations Committee. We thank him for his work on the Interior Subcommittee and wish him the best in his new endeavors. I think we should give him a round of applause for his good work.

In closing, I am very proud of this bill. It funds programs that cover a wide range of issues: from our cultural and historic heritage to the water we drink and the air we breathe. These programs redeem our trust responsibilities for the First Americans, fight fires, protect public health, and conserve natural resources. The impact of this conference agreement stretches across the Nation and will make a difference to the well-being and the future of every citizen.

We should all be proud of this conference agreement and I urge the House to support it when the vote comes.

I reserve the balance of my time.

Mr. SIMPSON. Madam Speaker, I yield myself such time as I may consume.

I would like to begin my comments today by expressing my thanks to Chairman DICKS for the even-handed manner in which he has conducted the business of the Interior and Environment Subcommittee this year. While we may disagree about the need for a 17 percent increase in spending in this conference agreement, our work together has been a bipartisan, collaborative effort. While we certainly don't agree on every issue, when we do disagree, Chairman DICKS and I continue to work very well together.

Of the many things achieved by this legislation, I hope it will be remem-

bered for the effort made to address the long-standing issue of adequately funding our country's fire suppression needs without bankrupting other non-fire accounts. From our hearings earlier this year, we know that almost 50 percent of the Forest Service budget is consumed by the costs of fighting wildfires. In past years, the Forest Service has had to borrow hundreds of millions of dollars from other accounts just to pay for fire suppression.

The President took positive steps this year by proposing a contingency reserve fund for fire suppression. The House and Senate also acted by approving the FLAME Act in each Chamber with overwhelming bipartisan majorities. Working together, authorizers and appropriators have developed FLAME Wildfire Suppression Reserve Funds, providing both the Department of the Interior and the Forest Service the additional tools they need to combat large, severe fire emergencies.

This conference report also provides needed attention to our Native American brothers and sisters. There are many unmet needs within Indian Country in education, health care, law enforcement, drug abuse prevention, and other areas, and this legislation does a great deal to address these issues. I thank Chairman DICKS for his attention to this important area of the budget.

However, while this conference agreement tackles many challenging issues, it also assumes that more money is the answer to every problem we face. I just don't believe that a \$4.7 billion, or 17 percent, increase over last year makes sense. This additional spending comes on the heels of a 13 percent last year and an \$11 billion infusion from the stimulus bill.

The Federal budget deficit is now a staggering \$1.4 trillion, the highest deficit in history, and three times higher than that of the previous administration. Our current deficit is almost 10 percent of the gross domestic product, a level not witnessed since World War II. Remember, this is before Congress begins tackling the issue of health care, cap-and-trade, and other expensive pieces of legislation.

I believe a better approach would have been to create a balanced bill. This conference report provides a disproportionate level of funding to one agency, the EPA, and creates an imbalance that undermines what could be a very fine piece of legislation.

I question the need for a \$10.2 million budget for EPA, a 35 percent increase from just last year. This is on top of the \$7.2 billion the agency received in stimulus funding and the \$7.6 billion it received in last year's Interior bill. Taken together, the EPA will receive more than \$25 billion in this calendar year. That is about the size of the entire Interior and environment spending bill just 2 years ago.

This package also provides large increases in programs without having clearly defined goals or sufficient processes in place to measure results or the return on our investment. We are making rapid investments in water, climate change, renewable energy, and other areas, all of them worthy endeavors, but with relatively little planning and coordination across multiple agencies and the rest of government.

I look forward to receiving a detailed report from the administration on how and where climate change dollars are being spent, not just within this bill, but across all of government. Spending on climate change programs in this package alone has increased from \$231 million in last year's budget to \$382 million in this year's conference agreement. That is a 66 percent increase in 1 year.

As I said earlier, I have the highest regard for Chairman DICKS and look forward to continuing our work together. I would very much like to support this conference report, but regrettably, I cannot. The bottom line for me is that the conference agreement simply spends too much money.

In closing, I would like to thank both the majority and minority staff for their long hours and fine work in producing this conference report. On the majority side, this includes Delia Scott, Chris Topik, Julie Falkner, Greg Knadle, Beth Houser, Melissa Squire, Pete Modaff and Ryan Shauers. Of the minority staff, I'd like to thank my staff, Missy Small, Megan Milam, Kaylyn Bessey, and Lindsay Slater, as well as committee staffers, Darren Benjamin and Dave LesStrang.

Madam Speaker, I reserve the balance of my time.

Mr. DICKS. Madam Speaker, I yield 2 minutes to the distinguished chairman of the Natural Resources Committee, a person we worked very closely with on all aspects of the bill, my classmate and good friend, the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Madam Speaker, I thank the distinguished chairman for yielding, and I rise today in strong support of this Interior appropriations conference report and to congratulate the House and Senate Appropriations Committees for their work on this important funding measure.

In particular, I wish to express my deep appreciation and congratulate my classmate, Interior Subcommittee Chairman NORM DICKS, as well as full committee chairman, DAVE OBEY, on the completion of this conference report. I thank Ranking Members LEWIS and SIMPSON as well.

I am privileged to serve as chairman of the House Natural Resources Committee. Many of the priorities funded in this legislation have long been priorities of the authorizing committee as well.

We often hear Members of Congress express concern about the future of our

national parks, our forests, our refuges and public lands. We often hear Members express support for a strong trust relationship with native people. We often hear Members express deep concern regarding wildlife, climate change, and water quality and quantity.

I would say to my colleagues that today is one of those days where Members who say they care about these things can come to the House floor and prove it by voting for this strong conference report.

Last spring, the House approved legislation that I sponsored, the Federal Land Assistance and Management Enhancement Act, or FLAME Act, to authorize a separate funding stream for emergency wildfire suppression. Over the last decade, wildfires have become increasingly dangerous and destructive, burning more acreage and more property more often. Yet financially, the Federal Government has continued to be ill-prepared to respond to these fires. Time after time, we have seen wildfires rip through communities, while at the same time they burn through the agency's budget.

I moved the FLAME Act through the House because it will give the agencies the money they need to knock down catastrophic fires, while protecting the important funds needed to stop fires from starting in the first place. Thanks to the cooperation and assistance of the Appropriations Committee, the FLAME fund is included in this conference report, and for the first time, we are creating a savings account to cover the cost of fighting fires we know are going to happen.

Instead of a "rainy day" fund, it is a fund for fire seasons when we have not had nearly enough rainy days, and I know the communities threatened by these dangerous fires are grateful it is included in this bill.

The conference report also includes funding for increases for our national parks, wildlife refuges, forests and public lands, investments in what Ken Burns has reminded us is one of America's best ideas.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DICKS. I yield the gentleman an additional 30 seconds.

Mr. RAHALL. I thank the chairman.

The conference report also contains significant funding for the land and water conservation fund, a contract we have made with our grandchildren that, as we deplete our offshore energy reserves, we will invest some of the profits in conservation.

Finally, the conference report honors our enduring commitment to native people with significant funding increases for Indian health services and the Bureau of Indian Affairs. The rates of poverty and illness among native people continue at unacceptably high rates, and sufficient funding for these programs is vital.

Of course, as with all compromises, this conference report is not perfect. It includes several individual provisions I do not support. However, this legislation represents a continued commitment to protecting and preserving that which makes our Nation unique.

I urge Members' support and appreciate the work of the chairman.

Mr. SIMPSON. Madam Speaker, I yield 5 minutes to the ranking member of the full committee, the gentleman from California (Mr. LEWIS).

□ 1215

Mr. LEWIS of California. I appreciate my colleagues yielding me the time.

Madam Speaker, I want to commend my good friends, Chairman NORM DICKS and MIKE SIMPSON, for a rather fabulous job of working together on this bill. While I am concerned about the volume of dollar increases, there is no doubt that this bill represents much of the most positive work on behalf of our country, especially the work of the EPA, I might mention. I want to say to the gentleman from Washington (Mr. DICKS) that you have reason to be proud of this bill. My wife tells me that she has gotten an inkling from your wife, Susie, that she is very proud of the work you have done here as well, and she welcomes you back home one of these days.

Anyway, moving right along, while I wish to suggest that the money allotted in this bill is more than adequate, I am very hopeful that in organizations like EPA that we will be able to not find ourselves just awash in funding and, thereby, begin to throw funding at programs. In the meantime, there is little doubt that there is plenty of work to be done. The Interior appropriations conference report is important, but it's only the fifth of 12 conference reports that we need to complete. We now find ourselves 29 days into the new fiscal year, and we have fewer than half of our bills done.

Sadly, the most important appropriations bills, the defense bill and the military construction and Veterans Affairs bills, are being put on the shelf, being held for a time and a purpose that causes us all to wonder. There is no better illustration of the misplaced priorities of this Democrat majority leadership than that fact. This leadership chose to send to the President the legislative branch bill for its first bill of the year. Imagine that. While the troops are awaiting our assistance and serious recognition of the challenges they face, the legislative branch bill was first sent to the President's desk—to make sure we've got enough money, I guess, to make sure they keep the lights on while we're talking to the public today. And what kind of a signal does that send to those who are in harm's way at this moment, protecting our freedom?

Mr. Speaker, what kind of signal are we sending, and what is our purpose for

holding these bills on the shelf? The House passed the Defense appropriations bill. It contains critical funding for the men and women of our Armed Forces, including over 130,000 troops stationed in Iraq and over 60,000 troops currently in Afghanistan. The \$128 billion provided for the U.S. warfighting efforts is essential to continue our mission overseas and to provide critical resources, as I have said. The defense bill is ready to go today, and it should be moving today. So Mr. Speaker, why the delay?

The military construction-Veterans Affairs bill is also essential. We have all talked about our commitment to our veterans. This legislation contains much-needed funds for military construction, family housing, pension payments for disabled veterans, widows and children, and the veterans medical care and treatment programs across the country. While the Senate has had over 100 days to complete its work on this bill—that is the preliminary construction VA bill—this bill is still not in conference. Given the importance of each of these bills, why are they being delayed?

Well, reports have indicated that the Democratic leadership may use these bills to carry controversial legislation that could—at least they seem to think—could not be passed as stand-alone measures. What in the world does increasing the national debt limitation or the District of Columbia voting rights bill have to do with our national defense or providing for our veterans? Mr. Speaker, the House has wasted weeks and months on trivial legislative matters, as I have suggested. The Congress is setting a dangerous precedent by holding up these major pieces of legislation rather than acting in an expeditious way. Let's move forward quickly today, pass this bill. I intend to vote against it because of the dollar amounts. But in the meantime, I will listen with care to this discussion.

Mr. DICKS. I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS), the chairman of the Military Construction and VA Subcommittee, who I have enjoyed working with over the years and who is one of the best leaders we have in the House on military construction and VA matters. He has done a great job leading our subcommittee.

Mr. EDWARDS of Texas. Madam Speaker, I wish I could yield more time to the chairman, Mr. DICKS, to continue his comments. Thank you, Mr. Chairman, for your comments and for your leadership on this legislation, protecting our national parks and our environment and for being a real champion of America's military in our Nation's defense.

Madam Speaker, I rise in support of H.R. 2996 because this bill will provide much-needed funding to improve clean and safe water infrastructure for our cities and our rural communities. It

will repair and maintain our treasured national parks, and it will protect our environment from pollution and wildfires.

On the issue of natural gas production, one that is important to me and I believe many Americans, it is important that this bill's efforts to safeguard our environment will not infringe upon our Nation's ability to harness clean and domestically produced natural gas.

This bill encourages EPA to do a study on the relationship between hydraulic fracturing and drinking water. Hydraulic fracturing is a crucial process for natural gas production, and it has been in practice for over 60 years. It is imperative that continued research is conducted, as this bill language report includes, through the best available science, science that is independent and peer-reviewed, while consulting with other agencies and the States, as has been done in the past.

I urge my colleagues to support this strong legislation.

Mr. SIMPSON. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. CALVERT), a member of the subcommittee.

Mr. CALVERT. I thank the gentleman. Madam Speaker, I want to thank Chairman DICKS and Ranking Member SIMPSON for their courtesy and openness in the process of putting together this legislation. However, I reluctantly rise today in opposition to the fiscal year 2010 Interior appropriations conference report.

While Americans are cutting their budgets, the Democratic leadership continues the spending frenzy with an increase of \$4.7 billion—that's 17 percent, as was mentioned earlier—over the 2009 levels for the Interior appropriations bill. This increased spending is on top of the \$11 billion included in Interior programs in the stimulus package. That's an increase of \$15.7 billion in 1 year.

This bill does fund certain vital initiatives, such as hazardous fuels reduction, the so-called FLAME Act which was mentioned, in areas that face the highest risk of catastrophic wildfire. Funds to ensure that firefighters have the resources they need to battle fires and diesel emission reduction grants to improve air quality are also included.

Unfortunately, the bill simply spends too much money with too little in return. For example, it includes \$750,000 for yet another study to look at the science behind the federally imposed pumping restrictions in the Sacramento-San Joaquin Delta in California. While I certainly have no objections to yet another study, I do believe that it may very well take a number of months to spend hundreds of thousands of dollars to merely confirm what I think we already know: that after 4 years of water restrictions in the delta, the delta smelt remains close to extinction, all while farmers and families continue to suffer.

The Democratic leadership in this Congress continues to sit on its hands while the flaws and shortcuts of the Endangered Species Act have tied the hands of judges and water resource planners, creating a man-made drought that is killing jobs in California. Rather than addressing an issue that is creating 40 percent unemployment in some parts of the Central Valley, the majority has ignored yet another opportunity to resolve the problem and, instead, is focused on yet another job killer: cap-and-trade climate change language.

The bill includes \$385 million for climate change initiatives, and earlier this week, Energy Secretary Chu suggested at a Senate hearing that the U.S. is falling behind countries like China in developing green energy because Congress has failed to pass the cap-and-trade legislation. The last time I checked, China has not implemented a cap-and-trade, nor has any intention to enter into a regulatory regime on cap-and-trade, so I was a bit surprised to hear the Secretary point to them as the gold standard.

I believe the statements from the Secretary, like the bill before us, reflect a key policy difference. While my friends on the other side of the aisle prefer to achieve results by expanding government, increasing spending, regulating everything, I believe we can achieve results by implementing policies that give hardworking Americans the freedom and basic tools that will enable them to unleash their ingenuity and entrepreneurial spirit.

Mr. DICKS. I yield 1 minute to the distinguished gentleman from Michigan (Mr. KILDEE) who is also a classmate and someone who is known in the House of Representatives for his concern about Native Americans and his advocacy on their behalf.

Mr. KILDEE. I thank the gentleman.

Madam Speaker, I rise in strong support of H.R. 2996, the Interior and Environmental Appropriations bill for fiscal year 2010. This is a great bill. The conference agreement includes unprecedented funding levels for many of the programs that serve Native American and Alaskan Natives. The conference agreement, among other things, includes \$6.7 billion of total funding to support and improve health care education, public safety, and human services for Native Americans and Alaskan Natives throughout the Nation. These numbers demonstrate an increase of \$705.7 million above FY 2009 and \$91 million above the original request.

The conference report includes unprecedented levels of funding Indian Health Services, at a level of \$398 million, a \$116 million increase from FY 2009. The bill also contains increased levels of funding for BIA Justice and public safety programs of \$328.8 million, a \$58 million increase from FY 2009.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. DICKS. I yield the gentleman an additional 30 seconds.

Mr. KILDEE. This conference agreement also contains an \$81 million increase for K-12 and tribal college educational programs, including \$50 million to fund tribal colleges to help aid in academic and enhanced curriculum plans.

This is a great bill, and I appreciate it very much.

Mr. SIMPSON. Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. LATOURETTE), another member of the subcommittee.

Mr. LATOURETTE. I thank my friend for yielding. I want to commend Chairman DICKS and Ranking Member SIMPSON for putting together what I consider to be a fine bill. Like most bills around here, it has some warts, but overall, this is a good bill.

Particularly, I want to highlight what I think is good for the part of the world that I live in. I want to thank the President, President Obama, for putting in his budget request for the first time since I have been here real money for the Great Lakes; \$475 million is included in the conference report. I also need to thank Delia Scott, the clerk of the subcommittee, for working with us on report language to make sure that that \$475 million, which is primarily given to the Environmental Protection Agency, doesn't get stuck to the sticky fingers sometimes here in Washington and that it actually gets to the Great Lakes to improve water quality, habitat restoration, and things of that great nature.

As we all know, those of us that live near the Great Lakes, it has 20 percent of the world's fresh water. I can remember a couple of years ago when we put real money into the Everglades, and it really was the Great Lakes' turn. The President deserves credit and so do the crafters of this conference report. I am also grateful that included in here are some things that we worked on in a bipartisan fashion, some land acquisition for what used to be called the Blossom Music Center. I'm grateful for that.

I am grateful for the work of the full committee chairman and chairman of the Transportation and Infrastructure Committee in solving the difficulty that we had with some EPA regulations for Great Lakes shipping, and it was their leadership that, in fact, fixed that. I would just say to my good friend the chairman of the Transportation and Infrastructure Committee, when I was the ranking member on the Coast Guard Subcommittee and this pollution on ships legislation came up last Congress, I said, "I told you so." And now those chickens have come home to roost. But I am grateful for that.

If there were disappointments with this conference report, one is, which I expressed during the conference, in the House bill—there is wonderful water infrastructure in this bill. If you represent an older group of cities, you know that we have pipes in the ground that have been there since 1920, 1930. Water infrastructure is greatly needed.

I was pleased to join with the gentleman from Virginia (Mr. MORAN) in offering an amendment that would have attached prevailing wage requirements for that infrastructure construction. The House bill had it, and it was accepted. But a funny thing happened over in the conference. The Senate said they couldn't do it. So now you have this sort of unique situation where you only have Davis-Bacon protection for fiscal year 2010. Now the EPA says they can handle it. I guess that you could handle it—but this pipe was laid in 2010, this pipe was laid in 2011. I think it's difficult, and I guess I am disappointed that we couldn't prevail on that issue.

The last source of disappointment is that this legislation carries the continuing resolution. I don't object to the fact that there is a continuing resolution. We need to keep the government operating. But the attachment, which has been done in the past—it was done earlier this year, it was done in 2006—to this legislation prevents the minority from having a motion to recommit on the continuing resolution. And the last time that we had this discussion, I was sort of chastened. The full committee chairman said, Well, you don't necessarily need a motion to recommit; we made in order hundreds of Republican amendments during the appropriations process. So I actually had my staff look at it, and in fact, that's right. There were 714 amendments made in order to the appropriations bills that we considered this year, but sadly, 688 of them were authored by only three Members: Mr. FLAKE, Mr. CAMPBELL or Mr. HENSARLING.

□ 1230

So that means that 26 substantive amendments by everybody else over here are the only amendments that were made in order. That's disappointing. I hope that, if we need another CR, we can have it be free-standing so we at least have the opportunity to make a couple of observations.

Mr. DICKS. Madam Speaker, I yield 1 minute to the distinguished chairman of the Transportation and HUD Appropriations Subcommittee, also a very hardworking and conscientious member of our subcommittee, the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. I thank the gentleman for yielding.

I want to thank the chairman, Mr. OBEY, for the very good allocation that

has been afforded the Interior Subcommittee, which has allowed Chairman DICKS and Ranking Member SIMPSON and their excellent staffs to craft a very good bill.

Madam Speaker, I want to talk about just the funding levels in three particular areas within the bill.

Firstly, this bill provides more than a 12 percent increase in funding for the Indian Health Service, which will greatly improve the quality and the availability of critical health care services to address the many health deficiencies that our Indian people suffer.

Secondly, it provides \$500 million for national wildlife refuges, which is an increase of \$40 million over the last year. This increase will provide critically needed staff, will improve funding for conservation efforts, and will implement strategies to mitigate climate change.

Lastly, the bill provides an increase in funding above \$2.7 billion to restore and help protect the quality of our Nation's air and water.

I urge a "yes" vote on the conference report.

Mr. SIMPSON. Madam Speaker, I yield 3 minutes to another member of the subcommittee, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for yielding.

Madam Speaker, former President Woodrow Wilson, who was, of course, a considerable scholar of this institution, used to reflect that Congress on the floor is Congress' theater, but Congress in committee is Congress at work.

I want to particularly commend Chairman DICKS and Ranking Member SIMPSON for the manner in which they worked and, more importantly, for how they worked together throughout the process.

We hear a great deal—and there is sometimes considerable truth in it—about the absence of bipartisanship. I just want to make a point as a freshman member of this subcommittee as to how much bipartisanship there was on the subcommittee and as to how well we worked together. Of course, that couldn't happen without the chairman and ranking member setting the example and taking the lead.

You know, like all Members, I look at this appropriations bill, and I come to an undebatable conclusion that it spends too much money on things that I don't care about but not nearly enough on things that I do. Unfortunately, every other Member seems to have a somewhat different opinion about what is important and about what is not, and it has been left to the chairman and ranking member, as best they can, to work through that. Yet where I think there can't be much debate is that this is truly an excellent piece of legislation and funding from a Native American perspective and from the perspective of Indian country.

Madam Speaker, it's a trite but true observation that the First Americans are often the last Americans. They live shorter lives; they are poorer on average; they are less educated; they have less opportunity. This bill makes major steps to try and correct those inequities. It does really revolutionary things, in my opinion, in terms of health care, in terms of law enforcement, and in terms of education.

I want to particularly thank again Ranking Member SIMPSON and Chairman DICKS for taking that into consideration. I want to thank, frankly, every other member of the committee who I found really focused on this issue, and I want to thank the staff, which really did a superb job as well. We had a series of absolutely first-rate hearings, and I think we made good and wise decisions that the American people can be proud of.

It was a privilege to be able to participate on this committee.

Mr. DICKS. Will the gentleman yield?

Mr. COLE. I yield.

Mr. DICKS. I want to commend the gentleman.

He was at every single hearing and was especially very helpful to all of us on the Native American issues.

As a Native American, we appreciate your contribution, and we thank you for your good work and for your participation. It made a big difference.

Mr. COLE. Well, the gentleman, as always, is very kind.

Madam Speaker, again, I want to thank the committee, and I want to thank the leadership of the committee. I look forward to the passage of this very important legislation.

Mr. DICKS. I yield myself 1 minute.

Madam Speaker, again, on this question of how much is in this bill, I want to remind people that the Interior budget had been cut by 16 percent, the EPA budget by 29 percent, and the Forest Service budget by 35 percent. So the Obama administration made an increase here, but this is playing catch-up. I mean these budgets have been really stressed over the last 7 or 8 years. We did good things on the Park Service, but many other agencies were cut, and because we didn't have the FLAME Act, we had to borrow money out of the trails and road repair and out of other things which are essential.

So I think this is just a catchup year, and I hope Members will take that into account as they make their decisions on how to vote. I hope that they will vote for this conference report, remembering that the CR is in this, and we don't want the government to come to a screeching halt on Saturday.

I reserve the balance of my time.

Mr. SIMPSON. Madam Speaker, I yield 3 minutes to a valuable member of the Resources Committee, the authorizing committee, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. I thank the gentleman from Idaho.

Madam Speaker, Homeland Security and our Border Patrol have done a marvelous job in the urban areas of our southern border, which is why the bulk of illegal immigration now coming across our southern border comes through rural lands which are owned by the Bureau of Land Management and the National Park Service.

According to two uncirculated public reports by the Department of the Interior, we have areas now in the southern part of this country that are public lands which are controlled by the drug cartel from Mexico. We have areas where citizens of America cannot enter those lands without an armed escort, where the land has been devastated, where military training missions have been curtailed, and where citizens of America have simply been attacked and mugged by foreigners on our own soil.

The House recognized this when it passed a motion to recommit by an overwhelming majority on the floor. The Senate also recognized this by including an amendment by Senator COBURN on the floor. Yet the conference committee, behind closed doors, has taken this amendment that dealt with the entire southern border, and they limited it only to the 340 miles where fencing actually exists. In essence, they have eviscerated the amendment and have denied the spirit and the sentiment that was expressed on the House floor as well as on the Senate floor.

Secretary Napolitano has simply said it is a major difficulty when there are multiple public organizations with various interpretations on land policy. More graphically, she said it is difficult for border security when they have to stop hot pursuit and have to wait until the arrival of horses to continue on.

This is a problem we should be facing directly, not glossing over and ignoring in a conference report. We should recognize that our inactivity by Congress has helped cause this problem, and our further inactivity on this issue cannot solve this problem. It is one of those areas that is a glowing and great error within this particular conference report. Congress should be doing better.

Mr. DICKS. I yield myself 1 minute.

Madam Speaker, I just want to make it clear that what we tried to do in dealing with the Coburn amendment was to focus it on the very southern border, itself. We were concerned, that if it weren't focused on the fence area, it could overturn the Archaeological Resources Protection Act, the Native American Graves Repatriation Act, the American Indian Religious Freedom Act, the Endangered Species Act, NEPA, and many other laws. So we tried to focus this like a rifle shot.

I went out there myself to visit the border. I think the fence area is work-

ing pretty effectively, but I am concerned about the impact on other areas adjacent to the border.

So we have tribes there, and 700 miles of the border are part of Federal lands. This is a very significant problem, and we're taking it very seriously, and we want to make sure that Secretary Salazar and Secretary Napolitano work together.

Mr. LEWIS of California. Will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DICKS. I yield myself another 1 minute in order to yield to the gentleman from California.

Mr. LEWIS of California. I appreciate the gentleman yielding.

Madam Speaker, I rise to ask the gentleman a question, if I might, and I very much appreciate his responding to this line of questioning.

The gentleman knows that I worked with the EPA for literally decades, years ago, in writing that legislation which created the Air Quality Management District Act in southern California. They were extremely helpful as we did battle with the executives of our auto industry, as they thumbed their noses at us, as we tried to get them to improve the engines of our automobiles. The EPA was great to work with, so I am impressed by the increase in funding here for the EPA; but because of that, I can't help but ask a couple of questions.

Mr. DICKS. Madam Speaker, I reserve the balance of my time.

Mr. SIMPSON. Madam Speaker, might I inquire as to the amount of time remaining?

The SPEAKER pro tempore. The gentleman from Idaho has 10½ minutes remaining, and the gentleman from Washington has 15½ minutes remaining.

Mr. SIMPSON. I yield 5 minutes to the gentleman from California.

Mr. LEWIS of California. Madam Speaker, I will continue this discussion, if you would not mind, with the chairman.

I mentioned the EPA. I worked with the EPA for years, particularly in the field of air quality, and I am a great admirer of their work. Within this legislation there is a very interesting line. It involves the Great Lakes Restoration Initiative. I note that there is a 692 percent increase in that funding within this bill.

Now, frankly, the environment that involves the water of the Great Lakes deserves a lot of attention. I don't know just how much it really needs or can handle in a single year; but juxtaposed to that is a bit of language inserted in this bill, in the conference report, that was not in either bill that left the House or the Senate. That language specifically has an exemption for emissions coming from engines of ships doing business on the Great Lakes.

Especially because of my interest in air quality and because of the work that I've done to try to improve the American auto industry, it strikes me as ironic that we are not willing to really put pressure on including changes in emission requirements for those ships on the Great Lakes. There needs to be an explanation of this, and I would very much appreciate our understanding why we should allow these huge sulfur emissions, et cetera, to continue as they are in the Great Lakes Region.

That is the question I have. If the chairman would respond, I would appreciate it.

Mr. DICKS. I yield 3 minutes to the chairman of the full committee, the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Before you do that, Mr. Chairman, I would suggest, if the gentleman has questions, I would like to hear what they all are. When he has asked them all, then I will be happy to respond on my own time.

Mr. DICKS. I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. I thank the chairman for yielding.

Madam Speaker, it is intriguing to me that the gentleman from California is so concerned about the Great Lakes. I welcome his interest, and I welcome his support for an increase in funding for the removal of bottom sediments that contain toxins, which are getting into the fish and into the food chain. We desperately need the funding. It has been neglected for at least 15 years.

□ 1245

The provision in this bill deals with an EPA emissions rule that was announced in the Federal Register to deal with exhaust emission standards for the largest marine diesel engines used for propulsion on ocean-going vessels. Never in the discussion in the Federal Register nor in the hearings EPA held on the saltwater coasts did they ever mention the Great Lakes. At the end of the rulemaking process, Madam Speaker, I would say to the gentleman, at the end of the rulemaking process, EPA threw the Great Lakes in.

Now, there are 13 vessels, that range in age of construction from 1906 to 1959, the most recent vessels built on the Great Lakes, that burn this bunker fuel. The combined horsepower of those 13 vessels is less than that of the *Regina Maersk*, a 6,600 container carrying vessel that plies the saltwater and puts in on east coast ports. Those vessels, those modern vessels, burn bunker fuel at sea, but when they are within the 200-mile economic zone of the United States where they are subject to emissions requirements, they can switch to low sulfur diesel fuel. The older vessels on the Great Lakes do not have that capability.

Never once were our ports, were our lake carriers, consulted in the process

of the rulemaking. What the language does in this bill is simply to give our industry time to evaluate various emissions control mechanisms, such as re-engining, such as new shafts, drive shafts, for the vessels. There is a worldwide shortage of drive shaft production. It would take 2 years to build drive shafts for a 1906 vessel, even for the *Anderson*, which was built in 1952. And we also need time to consider other means of low sulfur, biodiesel fuel.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DICKS. I yield the gentleman 1 additional minute.

Mr. OBERSTAR. But never once did EPA come and knock on the door and say, you have a problem.

Mr. LEWIS of California. Will the gentleman yield?

Mr. OBERSTAR. I will be glad to yield to the gentleman on the limited time I have.

Mr. LEWIS of California. I appreciate my chairman yielding.

I must say I have worked with him many, many a year regarding EPA's work, particularly with the automobile circumstance. It took us years and years and years to get Detroit to even respond to this problem, the air quality problem in Southern California. It began to respond to improving engines once the Japanese produced a car that produced much better mileage.

There has been almost a revolution in Southern California. We have been successful with that in no small part because you have helped us raise that pressure, and I would suggest there is a need for pressure now on those who are using these engines that spew sulfur endlessly and are polluting the air in the Great Lakes.

Mr. OBERSTAR. Well, there is no hue and cry from any of the ports on the Great Lakes. There isn't any effect on residents in the Great Lakes. EPA never raised this issue in any appropriate fashion for ship owners to offer suggestions or negotiate terms and conditions under which they could undertake the conversion. It was just dropped in their lap.

Mr. SIMPSON. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I very much appreciate the exchange with my colleague.

I have a letter here from the American Lung Association that I would like to submit at this point in the RECORD, for it speaks to the very question you are asking here.

OCTOBER 7, 2009.

HON. DIANNE FEINSTEIN,
Chair, Subcommittee on Interior, Environment
and Related Agencies, U.S. Senate, Wash-
ington, DC.

DEAR CHAIRMAN FEINSTEIN: We are writing to express our strong opposition to any rider on the FY 2010 Interior and Environment Appropriations Bill that will weaken, delay or

limit the ability of the U.S. Environmental Protection Agency to promulgate regulations that will reduce pollution from new marine compression-ignition engines at or above 30 liters per cylinder. Our organizations have long advocated for the cleanup of these vessels because of the enormous impact they have on air pollution.

EPA has conducted an extensive public process on marine compression-ignition engines. This process includes a November, 2007 Advanced Notice of Proposed Rulemaking and the 2009 Notice of Proposed Rulemaking that was announced on July 1, 2009 with public hearings in New York and Long Beach, CA on August 4 and 6 respectively. The comment period closed on September 28, 2009. All stakeholders have had ample opportunity to participate in this rulemaking.

The need for these rules is urgent. EPA's analysis estimates that the cleanup of these vessels will prevent up to 33,000 premature deaths each year by 2030. Any delay will postpone the health benefits. The impact of pollution from these sources is not limited to communities surrounding the ports but EPA's analysis shows that the impact is felt hundreds of miles inland. We commend EPA for working to address this problem through the pending regulations, but also through the International Convention on the Prevention of Pollution from Ships (MARPOL Annex VI).

Chairman Feinstein, please oppose any rider that will weaken, delay or limit the ability of the U.S. Environmental Protection Agency to promulgate regulations that will reduce pollution from new marine compression-ignition engines at or above 30 liters per cylinder.

Sincerely,
American Lung Association.
Clean Air Watch.
National Association of Clean Air Agencies.
Natural Resources Defense Council.
Puget Sound Clean Air Agency.

We are in the process of negotiating an international agreement regarding these huge engines that we are worried about. If we find ourselves as those negotiations are coming to a conclusion with an exemption laid out in the law for American vessels, it would seem to me, and I would ask you, don't you think it could put pressure in a negative way on our ability to establish those standards on those international carriers that are under consideration at this very moment?

I yield to the gentleman from Minnesota.

Mr. OBERSTAR. The International Maritime Organization negotiations which have been going on for some time will affect oceangoing vessels. These are landlocked vessels. These vessels operate exclusively within the Great Lakes. There is no fuel capability for these old steamers, and we just need time to see if there is a way of converting or maybe retiring those vessels.

Mr. LEWIS of California. Reclaiming my time for just a moment, I would read this first sentence from this letter addressed to Chairman FEINSTEIN:

"We are writing to express our strong opposition to any rider in the Interior and Environment appropriations bill

that with would weaken, delay or limit the ability of the U.S. Environmental Protection Agency to promulgate regulations that will reduce pollution from new marine compression-ignition engines at or above 30 letter per cylinder. Our organizations have long advocated for the cleanup of these vessels because of the enormous impact they have on air pollution."

They are specifically expressing concern about these engines and the potential loss of life that results from not being able to successfully complete major change for the world of vessels.

Mr. OBERSTAR. If the gentleman would further yield, the rule promulgated by EPA, and which is being negotiated in international maritime councils, applies to oceangoing vessels. These vessels will never set anchor in saltwater. Never.

Mr. DICKS. Madam Speaker, I yield 4 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished chairman of the full committee.

Mr. OBEY. I thank the gentleman for the time.

Madam Speaker, what has occurred here is this: As the gentleman from Minnesota indicates, EPA had been developing a standard for oceangoing vessels for quite some time, but it was not until a very few weeks ago that it was discovered that, belatedly, under their proposed rule, they attempted also to apply that to the Great Lakes. When we discovered that, we reacted with alarm on both sides of the aisle. The gentlewoman from Michigan (Mrs. MILLER), for instance, participated in a meeting with EPA, along with Mr. OBERSTAR, myself, Mr. YOUNG from Alaska and several other people.

Out of that came a decision to bring forward the proposal that we have in this bill today. That bill does two things. The bill simply exempts from the rule—it does not delay the rule in any way. In fact, the Canadian Government was opposed to the EPA rule—but what this provision does is to exempt the 13 steamers on the Great Lakes from that regulation, for one very good, simple reason—because if they use the kind of fuel that EPA wants them to use, they have a risk of blowing up, and we think that might be a bit of a problem for people on those ships.

Secondly, the provision simply asks EPA to also consider when they deal with the question of the diesels on the Great Lakes, we ask EPA to simply do two things: We ask them to do an economic analysis to determine what the impact is on the Great Lakes region; and we ask them to provide, as they do in many other rules, for the possibility of a request for a waiver from the operators of those ships. Whether a waiver is granted is up to the EPA to determine.

The other waiver we asked them to consider putting in the rule is a waiver

which would apply if the fuel that EPA wants them to use is not available. That sounds to me to be a perfectly reasonable proposition.

I think EPA thinks it is reasonable, which is why they have issued this statement: "EPA welcomes public input on its Clear Air Act proposal to address emissions from large ships. The agency understands the unique technical and economic challenges that steamships would face if they were required to use lower sulfur fuel. The amendment announced today is consistent with one of several policy options the agency has been considering and would apply to only 13 U.S.-flagged ships, which account for less than one-half of 1 percent of the Nation's particulate matter emissions."

So if someone wants to make a Federal case out of it, be my guest. But I would point out there are two other reasons for the committee action: number one, the EPA rule as it originally was being contemplated would have been a devastating blow to the Midwest. It could have wiped out steel production in the Midwest because it would raise prices on those tankers so high that that region would have been uncompetitive. The result could be that steel production would move from that region of the country and from Canada to China. If you do that, you wind up with much greater emissions, because under the rule if you operate a ship outside of 200 miles from our coast, you can use the old, dirty fuel. But if you ply the Great Lakes, you have to use the new fuel, because on the Great Lakes you are never further than 200 miles away from shore.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DICKS. I yield the gentleman 1 additional minute.

Mr. OBEY. I would also point out that if the result is to shift transit on the Great Lakes from ships to trucks or rail cars, you increase, you do not decrease, the emissions, because it takes a Great Lakes ship 18 tons of carbon dioxide to move 1,000 tons of cargo 1,000 miles. If that cargo were shifted to a rail car, it would emit 55 tons of carbon dioxide for the same job, and a truck would emit 190 tons.

So I submit the committee solution is good for the environment, it is good for the jobs in the upper Midwest, it assists the economies of New York, Ohio, Michigan, Wisconsin, Minnesota and Indiana, and, in economic times like this, I make no apology whatsoever for doing that.

Mr. SIMPSON. Would the Speaker tell us how much time is remaining on each side?

The SPEAKER pro tempore. Each side has 6½ minutes remaining.

Mr. SIMPSON. I yield 2 minutes to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I appreciate the gentleman yielding.

I would like to just respond briefly by reading from a communicate that came from a person that has been very actively involved in the air quality of the region for years and working specifically with the EPA addressing some of the health questions that somewhat were addressed by my chairman, Mr. OBEY.

"The stakes for human health are enormous, huge, colossal. Weakening the domestic standards will have their own adverse effect, but it is crucial to recognize that doing so could also imperil International Maritime Organization's final consideration of the entire U.S. Emission Control Area application, which was favorably received by the IMO's Marine Environmental Protection Committee in June. The IMO is slated to make a final decision in March. Our nation will weaken the basis for its request that the IMO enable the most protective emissions standards under international law for foreign-flagged ships if we are including domestic vessels."

So weakening standards for our vessels is going to threaten this effort internationally.

"As you know, the stakes for human health are profound—up to 14,000 premature deaths annually are to be prevented by 2020."

It is very important that America speak with a strong and unified voice here. I think that the timing of this exemption itself is most unfortunate.

Mr. DICKS. I yield an additional 1 minute to the distinguished chairman of the full committee, Mr. OBEY.

Mr. OBEY. Madam Speaker, two points: First of all, we specifically worked with EPA to assure that there would be no delay in the rule. That is why we did not pursue a wholesale exemption for the Great Lakes, as we originally had requested EPA to consider.

Secondly, I must say I welcome the gentleman from California's belated interest in the health of the Great Lakes.

□ 1300

But I wonder, is this the same gentleman from California who, years ago, when chairing the appropriations subcommittee, brought to the floor a bill which contained some 17 riders to gut virtually every environmental protection you could find which, for instance, exempted the oil refinery industry from air toxic-emission standards, which would have allowed 1 million tons of hazardous waste from cement kilns to be exempted from air toxic requirements, which would have prohibited EPA from protecting any of the Nation's remaining wetlands and would have stopped all work on the Great Lakes Initiative, for which this bill provides \$500 million?

Mr. SIMPSON. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Speaker, when will the insanity stop, the runaway spending, the debts, the deficits? The American people are saying enough is enough.

Now we have a Department of the Interior and environment conference report that contains a 17 percent increase over last year's spending. I assure you the family budget that has to pay for this Federal budget, their budget didn't increase 17 percent. People want to know why is Federal spending out of control?

In addition, now we have a continuing resolution attached to this conference report. Why are we voting on it? We are voting on it because this Congress and this President have spent too much money, and now they want more.

Already this President and this Congress have passed a \$1.1 trillion government stimulus plan which, by the way, since it passed, over 3½ million of our fellow countrymen have lost their jobs. We have the highest unemployment rate in our Nation in a generation. That stimulus plan weighed in at \$9,745 per household. I would suggest to you, Madam Speaker, the American people didn't get their money's worth.

Next, this Congress and this President passed and signed into law an omnibus spending plan costing \$410 billion, weighing in at \$3,511 per household.

Then under this administration and Congress the bailouts continue: another \$30 billion for AIG, almost \$36 billion for Fannie Mae and Freddie Mac, \$60 million for GM and Chrysler. Now the news today is the administration wants to hand GMAC another \$12 billion.

What has it all brought us? The Nation's first trillion-dollar deficit, a spending plan that will triple the national debt in the next 10 years. On top of that, we have the announcement of the trillion-dollar government takeover of our health care.

How can you raise the cost and decrease the quality all at the same time? This Congress apparently has figured it out. Under this spending plan, the American people cannot afford it.

Mr. DICKS. Madam Speaker, I yield 1½ minutes to the distinguished vice chairman of the Interior, Environment, and Related Agencies Appropriations Subcommittee, Mr. MORAN of Virginia, who knows more about endocrine disruptors than any other Member.

Mr. MORAN of Virginia. I thank the very distinguished chairman of our subcommittee from Washington State who is also my good friend.

Ladies and gentlemen, this is a good bill. The Federal Land Management Agency gets the resources they need to meet their stewardship responsibilities.

The EPA gets the resources they need for the first time in more than a

decade to better protect the environment and our public health. It brings us closer to meeting our treaty obligations with America's first residents.

I am proud to say that this bill moves us from an emphasis on unsustainable resource extraction and towards conservation of those resources. Offshore royalty fees are reformed and the oil and gas industry will be reimbursing the Federal Government closer to the actual cost that the government bears in permitting drilling operations on the public's land.

Now, finally, on Indian reservations, we are taking the right steps after decades of neglect, equipping trained nurses and law enforcement with the tools that they need to end the epidemic of violence committed against Native American women.

I thank the chairman for his very good work.

This bill begins to address a backlog of needs. It responds to the current challenges we face. It deserves our unanimous support.

Mr. SIMPSON. I would inform the gentleman from Washington that I am ready to close whenever the gentleman is.

Mr. DICKS. I still have some speakers.

Mr. SIMPSON. Madam Speaker, I reserve the balance of my time.

Mr. DICKS. Madam Speaker, I yield 1 minute to Mr. HOLT from New Jersey, who is very concerned and one of our best environmental supporters in the House.

Mr. HOLT. Madam Chair, Chairman DICKS may hesitate to blow his own horn, so I will say it. This is the best Interior appropriations bill we have seen.

Where do I begin praising it—\$453 million for the Land and Water Conservation Fund, more than a third up from last year, doubles the State matching grants. LWCF is an issue I have worked on since I first came to Congress. This robust funding for Federal agencies and States to preserve open space is critically important.

The bill's \$385 million for climate change mitigation, a large increase over the last year, including \$17 million for establishing a national greenhouse gas registry that my colleagues Representative BALDWIN, Representative INSLEE and I have advocated.

It includes a good increase for our national parks to preserve these national treasures for the enjoyment of future generations.

It includes a real increase for the National Endowment for the Arts and the National Endowment for the Humanities. The arts and humanities play a crucial role in our society in enhancing creativity, quality of life and, yes, improving local economies. I could go on—EPA, land management, Native Americans and more.

I urge my colleagues to support this bill.

Mr. DICKS. I yield 1½ minutes to the gentleman from Michigan (Mr. STUPAK), who has been a very hardworking Member and very concerned about the issues in this bill.

Mr. STUPAK. Madam Speaker, I rise in support of H.R. 2996, the Interior appropriations conference report.

I congratulate the Chair, Mr. DICKS, for a fine piece of legislation.

I want to thank Chairman OBEY for the work he did with the Environmental Protection Agency so that they would strike the appropriate balance between the Great Lakes economy and its environment.

In my district I have three of the five Great Lakes. I have over 1,600 miles of Great Lakes shoreline. And on October 9, the International Maritime Organization adopted new rules to control exhaust emissions of oceangoing ships. The EPA then decided to apply these oceangoing ship standards to Great Lakes ships.

The EPA was completely unaware that the proposed limitation to sulfur emissions from oceangoing ships would ensnare a distinct segment of our Great Lakes shipping fleet. Great Lakes members have raised these concerns with Chairman OBEY and others about the EPA's proposal.

What this conference report really does is fixes this problem in two ways: The 13 steamships of the Great Lakes fleet that cannot switch to the new proposed fuel, these older ships that we talked about, would be exempt. These 13 ships combined emit less than what one oceangoing vessel emits.

The larger category 3 diesel ships would still comply with the final EPA rule, provided that the new fuel does not increase the cost of shipping by water so much that it would make shipping by land cheaper and cause more pollution.

Without these changes, Great Lakes shipping, the economic shipping that we see through waterborne commerce of coal, steel, iron ore, paper and farm commodities, would come to an end.

Mr. SIMPSON. I will close. Again, I want to thank Chairman DICKS and the staff for the tremendous job they have done and the bipartisan way in which they have worked with us in trying to solve some problems.

Madam Speaker, I don't think there is anybody on this side of the aisle that actually disagrees with the various programs that are going on in this appropriations bill. The disagreement comes that we just believe it's too much money; a 17 percent increase on top of the \$11 billion that was received during the stimulus package I think is too much, given these economic times and the hardship that is being felt by Americans all across this country.

I think that's where the main opposition comes. It's not about any particular program. We have done a tremendous job in a lot of different areas

that I think all of us agree with. There are specifics that I think if I were king for a day would probably be a little different, and this bill would probably be a little different if you were king for a day.

We realize it's a compromise, and we try to work out those differences between both the majority and the minority and between the House and the Senate. I think Chairman DICKS has done an admirable job of doing that. In fact, I don't even disagree with the discussion that was going on here earlier about the Great Lakes shipping. I don't disagree with what Chairman OBEY was trying to do here. I understand the impact that it would have on the economy in the Great Lakes and what is going on there.

All we ask oftentimes is that when we have those same types of issues relative to mining or timber or industries in our part of the country, that people will be sensitive to the impact that some of the regulations that are imposed by the EPA and other agencies are going to have on those, and we are only seen as trying to gut those regulations when, in fact, we are trying to do oftentimes the same thing that's being done here. I don't disagree with what you are trying to do, and I understand it. I support what you are trying to do.

While I would like to tell the chairman that I could support this bill, because I think we have done some good work here, unfortunately, I can't, just because of the spending level. I would encourage my Members to vote "no" on this appropriations bill.

Madam Speaker, I yield back the balance of my time.

Mr. DICKS. Madam Speaker, I yield myself the remaining time.

I again want to point out that over the last 8 years, Interior's budget has been cut by 16 percent. The EPA has been cut by 29 percent, and the Forest Service by 35 percent. This budget does provide a significant increase, but it's only catchup because these agencies have been severely damaged. The Forest Service has a huge backlog of work on infrastructure, on roads, on trails. The Park Service has billions of dollars of requirements. Christine Todd Whitman, the first EPA administrator under President Bush, said there is a \$662 billion backlog on infrastructure for clean water and wastewater treatment in this country, which are fundamental to the health of the American people.

I am a little bit amazed to hear all this concern about the EPA when at the same time they are saying let's vote, give the EPA less money. That doesn't add up. That doesn't make sense. If you are concerned about the EPA, you need to know that they need those resources to do the enforcement work that's necessary.

This is an extraordinarily good bill. I have been on this committee for 33

years. This is the best Interior bill we have ever presented. The money here for Native Americans is long overdue. This is a catchup bill.

I urge the House to vote for it and to reject the negativity of the other side.

Mr. BOREN. Madam Speaker, I rise in support of the conference report on the Department of the Interior, Environment and Related Agencies Appropriations Act for Fiscal Year 2010. This bill will fund many vital activities over the coming year that protect our public lands and our environment and that support our cultural heritage and contribute to the vibrant artistic life of the Nation. This bill also will have a major impact on the future energy development for our country.

It is in the best interests of our Nation to become energy independent and to reduce our reliance on foreign oil. No country can remain a leading player in the community of nations if it must increasingly rely on other nations for one of the bedrock elements of its economy. We must do everything we can to effectively increase our domestic supplies of energy in the most responsible manner possible.

As we all know, there are many things that we can do to facilitate the production of domestic energy including tapping of vast resources of clean-burning fuels such as natural gas. According to recent reports, the United States now holds as much as 1,800 trillion cubic feet of natural gas reserves, almost one-third of which is in shale reservoirs. This is perhaps equivalent to over 300 billion barrels of oil, more than even the energy reserves of Saudi Arabia.

Hydraulic fracturing is one key and very important technique to help us tap the potential of our domestic oil and gas resources. Since the first commercial hydraulic fracturing operation was conducted in 1948, the use of this technology has become routine and often essential in the production of oil and natural gas. In fact, over 95 percent of new wells in unconventional formations such as tight sands, shales and coalbeds are hydraulically fractured. Hydraulic fracturing has literally unlocked vast supplies of natural gas in our country and has allowed us to produce natural gas in areas where it was never before possible.

States have effectively regulated hydraulic fracturing for many years and are fully capable of continuing to do so without unnecessary federal oversight. The key state organizations with the most significant involvement in oil and gas regulation—the Interstate Oil and Gas Compact Commission (IOGCC) and the Ground Water Protection Council (GWPC)—have both strongly reaffirmed the adequacy of state regulation of hydraulic fracturing. In fact, after analyzing the oil and gas regulations of 27 states, including the regulation of hydraulic fracturing by these states, the GWPC recently concluded that existing state oil and gas regulations were “adequately designed to directly protect water resources.”

A number of studies have confirmed that these state regulatory programs are effective in protecting sources of drinking water. It was only a few years ago, in 2004, that EPA issued a report concerning its study of the potential impacts of hydraulic fracturing of coalbed methane wells on underground sources of

drinking water. At the time EPA stated that its report was the most comprehensive study ever undertaken of hydraulic fracturing. The Agency concluded that hydraulic fracturing of CBM wells—which was thought to represent a worst case scenario since coalbeds tend to be shallower and therefore closer to drinking water aquifers than other types of formations such as shales—posed little to no risk to underground sources of drinking water. EPA also found that there were no confirmed instances in which hydraulic fracturing had contaminated a drinking water well, despite the fact that the technology had been in use for over 50 years and hundreds of thousands of wells had been hydraulically fractured during that time.

Since its publication some have sought to discredit this EPA report based largely on the allegations of a single EPA employee who disagreed with the methods by which the report was created. However, the study was and remains both valid and credible. In fact, since EPA issued the report state regulatory officials have reiterated on numerous occasions that they are aware of no instances in which hydraulic fracturing has contaminated drinking water supplies.

The evidence clearly indicates that there is no need for further study of hydraulic fracturing. Rather than spend additional resources, EPA's Office of Drinking Water should be addressing activities that actually pose a significant risk to drinking water supplies. Nevertheless, the conference report we are considering today calls for EPA to undertake another study of hydraulic fracturing.

Under these circumstances we must ensure that any further study is guided by some key, well-recognized principles. First and foremost, any new study should be conducted in a very comprehensive, scientific, credible and transparent manner. To achieve this goal, it would be extremely prudent for this study to be conducted in accordance with applicable Agency quality assurance guidance and should be guided by recognized principles of risk assessment that consider hazard assessment, exposure pathways, and exposure levels. This work also should be based on substantiated information that is developed in accordance with fundamental scientific protocols. This approach will allow EPA to conduct a high quality study that focuses on the actual risks to public health, if any, that hydraulic fracturing entails.

In addition, another key point is that this study should be based on a phased approach in order to conserve resources and to avoid undertaking investigative activities that are not warranted. As part of this approach, EPA should first review and consider any existing studies, particularly the studies by the Groundwater Protection Council and the Interstate Oil and Gas Compact Commission, who have already undertaken considerable efforts in this area, and other related information concerning hydraulic fracturing and its potential impacts and determine specific areas that might deserve further review.

In addition, the study should be conducted with the involvement of a variety of key participants. For example, the study should be conducted in consultation with the Department of Energy and the U.S. Geological Survey and should include the participation of key state

regulatory officials as well as the Interstate Oil and Gas Compact Commission and the Ground Water Protection Council. Interested stakeholders should certainly be involved at key stages of the study, and the public should have an opportunity to comment on the proposed design of the study and should be allowed to review and comment on a draft of any study report. The study also should be subject to an appropriate peer review process consistent with standard Agency guidance.

Finally, there is no need to reinvent the wheel. Any study by EPA should certainly take into account the Agency's prior 2004 study of hydraulic fracturing and the conclusions reached in that study. At the same time, the study should take into account the impacts of current state and federal regulatory programs covering hydraulic fracturing. Finally, it might be prudent to give proper consideration to an appropriate role for the National Academy of Sciences, an independent body of distinguished experts, in developing the study.

Madam Speaker, I am confident that if EPA embraces these principles as it further studies hydraulic fracturing, this study will properly address this issue in the detail that it deserves. This approach will help us then move forward in developing our nation's energy resources in the most effective manner possible.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of the conference report on H.R. 2996, the Interior, Environment, and Related Agencies Appropriations Act for FY2010.

This legislation provides a 17 percent increase over FY09 levels for critical programs that protect our public health and environment.

Among other provisions, the legislation provides \$605 million for the Superfund program which will assist sites across the country clean up hazardous substances, including potentially the San Jacinto River Waste Pits site.

It also provides \$3 million to fund four new centers of excellence to study toxin and chemical impacts on children.

Madam Speaker, I would also like to highlight two important projects I requested funding for in this bill, but unfortunately, did not receive mention in the final conference report.

The first is the Mickey Leland National Urban Air Toxics Research Center to continue air quality public health research on air toxics in urban areas as directed by the U.S. Congress. The Center is a 501(c)(3) institution authorized by Congress in the Clean Air Act Amendments of 1990.

The individual FY2010 Interior and Environment Appropriations bills approved by both the House and Senate included language recognizing the significant contributions made by the Center in the understanding of the human health effects due to exposure to air toxics. Further, the House legislation encouraged EPA to consider allocating funding for the Center in EPA's budget. The EPA has gone through a deliberative process during the past four months to review the qualifications and research contributions to-date made by the Center and as a result, has recommended that funding for the Center be included in the agency's FY2011 budget. Funding air toxics research through the Center is consistent with the congressional intent and supports the Administration's stated objective of expanding re-

search and efforts to address the human health effects of air toxics.

I am concerned the final conference report did not reaffirm the importance of the Center's work to our country. Americans want to know whether they are at risk from pollutants in the air that they breathe. People who live near sources of air toxics such as major roadways, industrial facilities, or small businesses, are often especially concerned about their risk.

The Center is conducting The Houston Exposure to Air Toxics Study, HEATS, which is an ongoing project designed to study the relationship between personal exposures—the air people breathe as they go about their daily activities—and fixed site monitored concentrations of air toxics by measuring personal, residential indoor, and outdoor concentrations.

Federal support for the Center is critical to ensure this research continues and I hope to continue working with the chairman, EPA, and OMB to get funding for this research in the budget as Congress intended when it created the Center.

We also sought funding for a 6-year Capital Improvement Project that will rehabilitate and upgrade the city of Baytown, Texas's wastewater and water infrastructure to comply with federal and state regulations, maintain its condition and reliability and save costs. The city has implemented an asset management program to assess equipment condition, optimize work practices and ensure funding remains in place to sustain infrastructure improvements over time.

The funding we requested under the State and Tribal Assistance Grant would help rehabilitate portions of the Central District Wastewater Treatment Plant to include elevation of redesign of critical components to reduce the storm surge impacts suffered during Hurricane Ike. These include the influent lift station, blower building, administration/laboratory building, and grit removal process. The internal piping needs to be replaced to improve energy and operating efficiency, along with the chlorine contact basin and plant pumping/transfer systems. Installation of post-storm emergency power systems are also a part of this effort.

This is an important project to help Baytown recover from damage caused by Hurricane Ike, and overall to upgrade their wastewater system, and I look forward to working the Chair as we move forward to find assistance for this project.

I also want to express some reservation and guidance to EPA as it works to carry out a study in the bill "on the relationship between hydraulic fracturing and drinking water, using a credible approach that relies on the best available science, as well as independent sources of information."

I understand the concerns and desire to adequately protect the environment when developing our domestic resources. Hydraulic fracturing is a well-tested technology that has been used to develop energy for over 60 years.

First used in 1947, hydraulic fracturing has become a standard practice for improving the process of natural energy extraction. The practice involves the pumping of fluid into wells at high pressure to create fractures in rock formations that allow for complete pro-

duction of oil. Hydraulic fracturing is responsible for about 30 percent of our domestic recoverable oil and natural gas. About 90 percent of currently operating wells use this technology. Hydraulic fracturing, as used to produce natural gas from shale formations, has created new opportunities for clean energy and employment without causing environmental damage.

Recent studies on fracturing conducted by the Environmental Protection Agency in 2004 found no confirmed evidence of contamination of drinking water. The study concluded that the injection of hydraulic fracturing fluids poses "little or no threat" to humans or the environment, EPA. The EPA did not find a single incident of the contamination of drinking water wells by hydraulic fracturing fluid injection.

Just like EPA's prior study, the new study in H.R. 2996 should be conducted using a systematic, scientific approach that assures transparency, validity and accuracy. The study should be based on accepted quality assurance guidelines in order to ensure that the information on which the study is based is of sufficient quality to support the study's conclusions. It should be properly peer-reviewed by qualified experts in accordance with standard practices, and should also draw on the expertise of those both inside and outside the Federal Government who can contribute relevant information to a high quality study. These contributors should include the Department of Energy and the U.S. Geological Survey as well as the state regulators who have many years of experience with hydraulic fracturing. This study should eventually be made available for review and comment by interested members of the public prior to being finalized.

At the same time, since we have already studied hydraulic fracturing, it would be prudent for any proposed study to fully take into account other studies that have already been undertaken by Federal or State governmental agencies, councils, commissions or advisory committees. For example, given the significant effort associated with the Agency's prior 2004 study, it would certainly be prudent to fully consider this study in undertaking any further examination of hydraulic fracturing.

Finally, and perhaps most importantly, the study should be based on well-recognized principles of risk assessment to determine whether there is any realistic risk that individuals may be exposed to substances used in the hydraulic fracturing process at levels that could possibly be considered harmful.

Madam Speaker, I believe that a targeted study of hydraulic fracturing is the most efficient way to use our resources to accomplish the goals of this study. We need to continue to develop our domestic energy resources, including clean-burning natural gas. A focused approach to the study will allow us to address concerns about hydraulic fracturing while facilitating the continued use of this critical technology.

Ms. KAPTUR. Madam Speaker, I rise in strong support of H.R. 2996, the Interior Appropriations bill.

This legislation provides critical support for redevelopment of the Great Lakes and includes \$475 million to jumpstart restoration activities in our freshwater rich region. For the

past decade, our region has been carefully assembling a comprehensive restoration strategy, and for the first time, this bill begins to fund that restoration.

With 84 percent of our Nation's fresh water, over 40 million people living on the Great Lakes and over 20 percent of the world's freshwater, America must implement a restoration strategy that empowers the basin to use this freshwater resource to promote sustainable growth. As we are constantly reminded, freshwater is becoming a scarce resource.

This has been a watershed year for the Great Lakes. With the inclusion of this language in the budget resolution and now the full fledged commitment of the Appropriations Committee and Congress, America takes a significant step to restore the landscape on which over 40 million Americans rely.

In addition to this historic commitment for the Great Lakes, this bill provides nearly \$3.6 billion for sorely needed drinking water and wastewater investments, and significant increases for the National Park Service. This legislation supports activities by the Forest Service to more effectively deal with invasive species that have destroyed the tree cover by bugs such as the Emerald Ash Borer which have killed as many as 40 million trees in the Midwest. Our region alone will lose 10 percent of its tree cover as a result of a bug that came into our country from imported material.

Let me congratulate the chair of the full committee, the gentleman from Wisconsin, Mr. OBEY and the chair of this subcommittee, Mr. DICKS, the gentleman from Washington who have done yeomen's work in shepherding through this legislation which protects the environment and allows Great Lakes shipping to continue. U.S.-flag Great Lakes fleet already burns cleaner fuel than that used by many of the world's ocean going vessels.

The useful lives of the 13 U.S.-Flag steamships to 2020, will be extended when the .5 percent sulfur standard is implemented worldwide. Ships burn less fuel and produce fewer emissions than trains and trucks. It would take 1.1 million trucks or 290,000 railcars to replace their carrying capacity. We all win when we keep these cargos on vessels working the Great Lakes.

Let me thank all the conferees for their hard work.

Mrs. MILLER of Michigan. Madam Speaker, the nation's current debt ceiling is \$12.1 trillion, and the Congress is going to have to act to raise that ceiling in the next month or so. Let me be clear—the spending path we are on is unsustainable, and we cannot have 17% spending increases on appropriations bills as standard operating procedure. I would warn the majority that we should not make these large increases a regular practice.

That being said, I am willing to support the Conference Report for the Interior and Environment Appropriations bill because of the tremendous positive impact it will have on the Great Lakes.

The Great Lakes are one of the world's unparalleled natural resources. They are wholly 1/5 of the planet's fresh water supply. They are home to a tremendously diverse ecosystem. They represent the identity and economic prowess of the region, and my home state of Michigan.

Throughout my career at the local, state, and federal levels of government, I have promoted efforts to clean up our precious Great Lakes, which have suffered from severe pollution—partly out of ignorance and partly out of indifference. Improper sewage discharges, industrial pollution, and invasive species have wrecked havoc on the Great Lakes over the decades. It takes tremendous coordinated efforts at all levels to deal with these problems.

It is the legislation before us today that gives us an opportunity to embark on a new chapter in restoring the Great Lakes. This Congress and this administration have stepped up to the plate and provided full funding for the Great Lakes Restoration Initiative—a \$475 million effort that will combat invasive species, reduce non-point source pollution, and remove contaminated sediment. Through this measure, we will begin to undo the damage that has occurred, and we can take a big step forward in preserving the Great Lakes for future generations.

This conference report also includes an important policy provision that will help protect thousands of jobs in the Great Lakes Region. Late this summer, the EPA proposed a rule that would have the effect of eliminating up to half of the U.S. flag vessels on the Great Lakes. In addition to the maritime jobs that these vessels support, the cargo on these vessels is critical for commerce including the steel and automobile industries. Losing these vessels would have meant higher costs for consumers and lost jobs for many in the Great Lakes region.

I want to commend Chairman OBEY and Chairman OBERSTAR for their hard work on this issue. As a result of their efforts, the conference report includes language that will grandfather in 13 of these affected vessels, and provides a waiver for other vessels if economic hardships can be shown. We all want cleaner air, but the EPA went about this the wrong way by targeting these small ships that collectively produce fewer emissions than one large ocean-going vessel.

Because of the importance of this legislation to the Great Lakes environment as well as the jobs of those who live in the region, I will support this conference report and I urge my colleagues to join me.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of this FY 10 Interior-Environment Conference Report and the key investments it makes to clean up our water, improve our national parks, combat climate change and promote the arts.

In order to remedy the previous administration's underinvestment in our Nation's water infrastructure, this legislation provides \$2.1 billion for the Clean Water State Revolving Fund and \$1.38 billion for the Drinking Water State Revolving Fund. These investments will go a long way toward modernizing our aging wastewater systems and delivering safe drinking water to all of our citizens.

Additionally, I am pleased that today's conference report contains \$2.7 billion for our national parks. In addition to sustaining ongoing park operations, this funding will help the National Park Service continue to upgrade our parks ahead of the Service's 2016 centennial celebration.

As Congress works to finalize comprehensive clean energy and climate change legisla-

tion, this bill invests \$385 million in climate change research and abatement, including \$17 million to continue development of a Greenhouse Gas Registry and \$51 million for EPA's Energy Star program.

Finally, this FY 10 Interior-Environment Conference report includes \$167.5 million for the National Endowment for the Arts and \$167.5 million for the National Endowment of the Humanities to foster excellence and greater access to our Nation's cultural heritage.

Madam Speaker, in addition to these national priorities, I am particularly gratified that this legislation includes \$50 million in core funding for the Environmental Protection Agency's Chesapeake Bay program, and \$750,000 for the city of Rockville to rehabilitate its sanitary sewer system. This is important, fiscally responsible legislation, and I urge my colleagues' support.

Mr. DICKS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 876, the previous question is ordered on the conference report.

The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the conference report will be followed by a 5-minute vote on the motion to suspend the rules on H. Res. 783.

The vote was taken by electronic device, and there were—yeas 247, nays 178, not voting 7, as follows:

[Roll No. 826]

YEAS—247

Abercrombie	Conyers	Gutierrez
Ackerman	Cooper	Hall (NY)
Adler (NJ)	Costa	Halvorson
Altmire	Costello	Hare
Andrews	Courtney	Harman
Arcuri	Crowley	Hastings (FL)
Baca	Cuellar	Heinrich
Baldwin	Cummings	Herseth Sandlin
Barrow	Dahlkemper	Higgins
Bean	Davis (AL)	Himes
Becerra	Davis (CA)	Hinchee
Berkley	Davis (IL)	Hinojosa
Berman	Davis (TN)	Hirono
Berry	DeFazio	Hodes
Bishop (GA)	DeGette	Holden
Bishop (NY)	Delahunt	Holt
Blumenauer	DeLauro	Honda
Bocchieri	Dicks	Hoyer
Boren	Dingell	Inslee
Boswell	Doggett	Israel
Boucher	Doyle	Jackson (IL)
Boyd	Driehaus	Jackson-Lee
Brady (PA)	Edwards (MD)	(TX)
Braley (IA)	Edwards (TX)	Johnson (GA)
Brown, Corrine	Ellison	Johnson, E. B.
Butterfield	Ellsworth	Kagen
Cao	Engel	Kanjorski
Capps	Eshoo	Kaptur
Capuano	Etheridge	Kennedy
Cardoza	Fallin	Kildee
Carnahan	Farr	Kilpatrick (MI)
Carney	Fattah	Kilroy
Carson (IN)	Filner	Kirk
Castor (FL)	Foster	Kirkpatrick (AZ)
Chandler	Frank (MA)	Kissell
Chu	Fudge	Klein (FL)
Clarke	Giffords	Kosmas
Clay	Gonzalez	Langevin
Cleaver	Gordon (TN)	Larsen (WA)
Clyburn	Grayson	Larson (CT)
Cohen	Green, Al	LaTourette
Cole	Green, Gene	Lee (CA)
Connolly (VA)	Grijalva	Levin

Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Oliver

Ortiz
Pallone
Pascarell
Pastor (AZ)
Payne
Perlmutter
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter

Sherman
Shuler
Simpson
Sires
Skeltton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—178

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Baird
Bartlett
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Castle
Chaffetz
Childers
Coble
Coffman (CO)
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan

Ehlers
Emerson
Flake
Fleming
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kind
King (IA)
King (NY)
Kingston
Kline (MN)
Kratovil
Kucinich
Lamborn
Lance
Latham
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis

Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Pence
Perriello
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg

Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Taylor

Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Wamp

NOT VOTING—7

Barrett (SC)
Buyer
Murphy, Patrick

Murphy, Tim
Nadler (NY)
Nunes

Towns

□ 1339

Messrs. TURNER and MOORE of Kansas changed their vote from “yea” to “nay.”

Mr. TANNER changed his vote from “nay” to “yea.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCING THE PASSING OF
FORMER GOVERNOR DAVE TREEN

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. Madam Speaker, it is with sadness that I announce to the House the passing of a former Member of this body, a former Governor of the State of Louisiana, Dave Treen, who passed away this morning at East Jefferson Hospital. He was 81 years old.

He served in this Chamber from 1973 until 1980 and then served as Governor of the State of Louisiana from 1980 until 1984. He was the first Republican Governor elected from Louisiana since Reconstruction. A man who is considered by all on both sides of the aisle as probably one of the people who had the most honor and integrity of anybody in the history of Louisiana politics, somebody who truly set the bar for integrity in public service. Dave Treen is somebody who truly is respected by people all across Louisiana as one of the truly most honorable men to serve in public service.

He also joins his wife, Dodi, whom he loved dearly. He's a proud father, a proud grandfather, a brother as well, and somebody who will dearly be missed in Louisiana.

I yield to my colleague from Louisiana (Mr. MELANCON).

Mr. MELANCON. Madam Speaker, whether serving in Congress or as Governor or working as a private citizen, Dave Treen always put Louisiana first. Dave was bipartisan, a middle-of-the-road compromiser who never forgot that there were greater principles worth fighting for beyond party and politics. He will be remembered fondly by all of us who knew him as a warm, wonderful person and a committed reformer.

My thoughts and prayers are with his family during this difficult time.

Having been a Kappa Sigma, that was one of the places where we had common interest and bond. Dave Treen will be sorely missed. He was a gentleman, an honorable person, and he loved this body when he served here, and he will be well remembered as Governor of the State of Louisiana.

Mr. SCALISE. Madam Speaker, I ask that the House observe a moment of silence in honor of Dave Treen and his family.

The SPEAKER pro tempore. Members will rise. The House will observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

RECOGNIZING HISPANIC HERITAGE
MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 783, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 783.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 9, as follows:

[Roll No. 827]

YEAS—423

Abercrombie	Bono Mack	Castor (FL)
Ackerman	Boozman	Chaffetz
Aderholt	Boren	Chandler
Adler (NJ)	Boswell	Childers
Akin	Boucher	Chu
Alexander	Boustany	Clarke
Altmire	Boyd	Clay
Andrews	Brady (PA)	Cleaver
Arcuri	Brady (TX)	Clyburn
Austria	Braley (IA)	Coble
Baca	Bright	Cohen
Bachmann	Broun (GA)	Cole
Bachus	Brown (SC)	Conaway
Baird	Brown, Corrine	Connolly (VA)
Baldwin	Brown-Waite,	Conyers
Barrow	Ginny	Cooper
Bartlett	Buchanan	Costa
Barton (TX)	Burgess	Costello
Bean	Burton (IN)	Courtney
Becerra	Butterfield	Crenshaw
Berkley	Calvert	Crowley
Berman	Camp	Cuellar
Berry	Campbell	Culberson
Biggart	Cantor	Cummings
Bilbray	Cao	Dahlkemper
Bilirakis	Capito	Davis (AL)
Bishop (GA)	Capps	Davis (CA)
Bishop (NY)	Capuano	Davis (IL)
Bishop (UT)	Cardoza	Davis (KY)
Blackburn	Carnahan	Davis (TN)
Blumenauer	Carney	Deal (GA)
Blunt	Carson (IN)	DeFazio
Bocieri	Carter	DeGette
Boehner	Cassidy	Delahunt
Bonner	Castle	DeLauro

Dent	Kilroy	Pallone
Diaz-Balart, L.	Kind	Pascarell
Diaz-Balart, M.	King (IA)	Pastor (AZ)
Dicks	King (NY)	Paul
Dingell	Kingston	Paulsen
Doggett	Kirk	Payne
Donnelly (IN)	Kirkpatrick (AZ)	Pence
Doyle	Kissell	Perlmutter
Dreier	Klein (FL)	Perriello
Driehaus	Kline (MN)	Peters
Duncan	Kosmas	Peterson
Edwards (MD)	Kratovil	Petri
Edwards (TX)	Kucinich	Pingree (ME)
Ehlers	Lamborn	Pitts
Ellison	Lance	Platts
Ellsworth	Langevin	Poe (TX)
Emerson	Larsen (WA)	Polis (CO)
Engel	Larson (CT)	Pomeroy
Eshoo	Latham	Posey
Etheridge	LaTourette	Price (GA)
Fallin	Latta	Price (NC)
Farr	Lee (CA)	Putnam
Fattah	Lee (NY)	Quigley
Flner	Levin	Radanovich
Flake	Lewis (CA)	Rahall
Fleming	Lewis (GA)	Rangel
Forbes	Linder	Rehberg
Fortenberry	Lipinski	Reichert
Foster	LoBiondo	Reyes
Fox	Loeb	Richardson
Frank (MA)	Lofgren, Zoe	Rodriguez
Franks (AZ)	Lowe	Roe (TN)
Frelinghuysen	Lucas	Rogers (AL)
Fudge	Luetkemeyer	Rogers (KY)
Gallegly	Lujan	Rogers (MI)
Garrett (NJ)	Lummis	Rohrabacher
Gerlach	Lungren, Daniel	Rooney
Giffords	E.	Ros-Lehtinen
Gingrey (GA)	Lynch	Roskam
Gohmert	Mack	Ross
Gonzalez	Maffei	Rothman (NJ)
Goodlatte	Maloney	Roybal-Allard
Gordon (TN)	Manzullo	Royce
Granger	Marchant	Ruppersberger
Graves	Markey (CO)	Rush
Grayson	Markey (MA)	Ryan (OH)
Green, Al	Marshall	Ryan (WI)
Green, Gene	Massa	Salazar
Griffith	Matheson	Sánchez, Linda
Grijalva	Matsui	T.
Guthrie	McCarthy (CA)	Sanchez, Loretta
Hall (NY)	McCarthy (NY)	Sarbanes
Hall (TX)	McCaul	Scalise
Halvorson	McClintock	Schakowsky
Hare	McCollum	Schauer
Harman	McCotter	Schiff
Harper	McDermott	Schmidt
Hastings (FL)	McGovern	Schock
Hastings (WA)	McHenry	Schrader
Heinrich	McIntyre	Schwartz
Heller	McKeon	Scott (GA)
Hensarling	McMahon	Scott (VA)
Henger	McMorris	Sensenbrenner
Herseth Sandlin	Rodgers	Serrano
Higgins	McNerney	Sessions
Hill	Meek (FL)	Sestak
Himes	Meeks (NY)	Shadegg
Hinchey	Melancon	Shea-Porter
Hinojosa	Mica	Sherman
Hirono	Michaud	Shimkus
Hodes	Miller (FL)	Shuler
Hoekstra	Miller (MI)	Shuster
Holden	Miller (NC)	Simpson
Holt	Miller, Gary	Sires
Honda	Miller, George	Skelton
Hoyer	Minnick	Slaughter
Hunter	Mitchell	Smith (NE)
Inglis	Mollohan	Smith (NJ)
Inslie	Moore (KS)	Smith (TX)
Israel	Moore (WI)	Smith (WA)
Issa	Moran (KS)	Snyder
Jackson (IL)	Moran (VA)	Souder
Jackson-Lee	Murphy (CT)	Space
(TX)	Murphy (NY)	Speier
Jenkins	Murtha	Stark
Johnson (IL)	Myrick	Stearns
Johnson, E. B.	Nadler (NY)	Stupak
Johnson, Sam	Napolitano	Sullivan
Jones	Neal (MA)	Sutton
Jordan (OH)	Neugebauer	Tanner
Kagen	Nye	Taylor
Kanjorski	Oberstar	Teague
Kaptur	Obey	Terry
Kennedy	Olson	Thompson (CA)
Kildee	Olver	Thompson (MS)
Kilpatrick (MI)	Ortiz	Thompson (PA)

Thornberry	Visclosky	Westmoreland
Tiahrt	Walden	Wexler
Tiberi	Walz	Whitfield
Tierney	Wamp	Wilson (OH)
Titus	Wasserman	Wilson (SC)
Tonko	Schultz	Wittman
Towns	Waters	Wolf
Tsongas	Watson	Woolsey
Turner	Watt	Wu
Upton	Waxman	Yarmuth
Van Hollen	Weiner	Young (AK)
Velázquez	Welch	Young (FL)

NOT VOTING—9

Barrett (SC)	Gutierrez	Murphy, Tim
Buyer	Johnson (GA)	Nunes
Coffman (CO)	Murphy, Patrick	Spratt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

□ 1350

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3854, SMALL BUSINESS FINANCING AND INVESTMENT ACT OF 2009

Ms. PINGREE of Maine. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 875 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 875

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3854) to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Small Business. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived. Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except the amendments printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall

be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. In the case of sundry further amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Small Business or her designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 3. It shall be in order at any time through the legislative day of October 30, 2009, for the Speaker to entertain motions that the House suspend the rules relating to a measure addressing unemployment compensation.

The SPEAKER pro tempore. The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks and include extraneous remarks on H. Res. 875.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. I yield myself such time as I may consume.

Madam Speaker, H. Res. 875 provides for consideration of H.R. 3854, the Small Business Financing and Investment Act of 2009, under a structured rule. The rule self-executes an amendment that removes direct spending from the bill, thereby making the underlying bill PAYGO compliant. The bill makes in order 16 amendments printed in the Rules Committee report. The amendments are debatable for 10 minutes each, except for the manager's amendment which is debatable for 20 minutes.

Additionally, the rule provides authority for the Speaker to entertain motions to suspend the rules through Friday of this week for a measure addressing unemployment compensation.

Madam Speaker, today we will pass a very important piece of legislation that will directly help small businesses

from around our country. H.R. 3854, the Small Business Financing and Investment Act of 2009, increases the loan limits available for small businesses through the SBA; it promotes increased private investment in small businesses; it provides increased resources for businesses working in the field of renewable energy; and it supports our veterans returning from Iraq and Afghanistan seeking the capital they need to start or to grow their businesses.

What this bill does beyond anything else is provide much-needed support for Main Street to help small entrepreneurs grow, save, and create jobs. As President Obama said last week, supporting small businesses needs to be our highest priority because when small businesses are succeeding, America succeeds.

When I return to my home State of Maine, I hear from small businesses week after week that access to capital is one of the most difficult challenges that they face. The credit market has been drying up, and small businesses have been hit hard.

Earlier this year, my office hosted an event focused specifically on connecting small businesses with capital, including SBA programs. The response was overwhelming. We had hundreds of small businesses RSVP to attend, so many that we needed to reserve an overflow room to accommodate the demand. These were businesses of all types and sizes, and many of them had driven hours to come to the workshop. They came to this meeting because they felt they had nowhere else to turn.

SBA programs have been an important resource for businesses during this economic downturn, and this bill will take important steps to increase access to and the success of these programs. I want to take a minute to give you a couple of examples from my State of how SBA loans are working to support small businesses.

A company named ALCOM was established by Tom Sturtevant and his stepson, Trapper Clark, in 2006 and is one of the largest manufacturers of aluminum trailers in the northeast. With an SBA loan under the 504 program, this business was able to construct a new, 70,000-square foot manufacturing facility with much-needed space for expansion while enhancing the flow of inventory, and they were able to hire 15 new workers. This is a family-owned business with good-paying manufacturing jobs that has been able not only to survive in the current economic climate, but grow thanks to an SBA loan.

Julia McClure opened Sweets & Meats, a market in Rockland, Maine, earlier this year, thanks to financing she received through the SBA's 7(a) program. Women-owned enterprises is the fastest growing business group, and this grocery store, specializing in local

meats and produce, is a great example of how the SBA has worked to support these entrepreneurs.

Casco Bay Molding in Sanford, Maine, is an injection molding company founded by Andy Powell. After working to develop a customer relationship with Flotation Technologies, another Maine-based company and a world leader in buoyance systems, these two companies worked to design and implement a new line of proprietary, deepwater oil and gas exploration and harvesting equipment.

This new demand meant that Casco Bay Molding needed to upgrade to compete with much larger molding shops in the region. With a loan under the SBA 504 program, this small business was able to upgrade their equipment, meet the demand, and employ five additional people in their community in good-paying manufacturing jobs. Furthermore, by helping Casco Bay Molding to succeed and grow, this loan supported other local businesses, like Fiber Materials, providing them the benefits of an expert injection molding operation within close proximity to their manufacturing facility.

□ 1400

This is a great example of the exponential impact that investment in small businesses has in all of our communities, one that expands small businesses, creates new, good-paying jobs, rewards ingenuity, and supports Main Street through this economic downturn.

The problem is there are not enough of these success stories. Small businesses are desperate for credit to expand and grow, and SBA programs, as they currently stand, simply cannot meet this demand. That is why this bill is so important. It will expand and develop these vital programs, including the 7(a) and 504 programs, to better meet the needs of all small businesses.

Mr. Speaker, all across this country, small businesses have struggled during these difficult times through no fault of their own. They didn't cause this economic crisis, but they can help to lead us out of it, and we have to help them access the funding they need to survive, grow and to expand their businesses. The jobs they create today will bring economic growth and prosperity to our communities tomorrow if we just give them the chance.

I urge my colleagues to support this bill today and the underlying bill. As Rumery's Boatyard, another SBA loan recipient from Maine told me, it is imperative that we support our small businesses and ensure that they are ready to go once the economy fully recovers.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentlewoman yielding me the time. I yield myself such time as I may consume.

Mr. Speaker, we've just heard our good friends from the Democratic Party talk about wanting to support small business. I think it's interesting that today this bill is all about making sure the government has money available to loan to small business because we want them to be successful, and yet this committee and this Congress, under the Democrat leadership, ignores the leading four or five different items that small business would say they need the most to be successful to grow, to expand, to continue employment, which is the backbone of the economy.

High taxes, depreciation—this next week the biggest killer of them all, after we pass this bill, the health care bill is going to come on the floor which will kill small business. President Obama's own numbers say 4.7 million jobs will be lost with the health care bill. It will tax small business. It will bring enormous rules and regulations, and yet here we are, talking about wanting to help small business today. If you really want to help, first of all, you ought to get out of the way; secondly, don't pass rules, regulation, laws, taxation that diminish small business.

So, with that said, I am delighted to be on the floor to talk about this Small Business Financing and Investment Act. In the Rules Committee, it was plain and simple that not allowing an open rule this year is where we continue. There is plenty of time for my friends on the other side of the aisle to allow for an open rule today to discuss the 42 amendments that were offered in the Rules Committee, of which only 16 were made in order.

I offered an amendment to the Rules Committee last night that was voted down by my Democrat colleagues. My amendment would have benefited small businesses by allowing them to choose the asset depreciation schedule that best suits their individual businesses. Today we have a depreciation schedule that is entirely formulated by the government, to the detriment of the free enterprise system and small businesses. The current system of asset depreciation inhibits economic growth. That's right. It forces companies to depreciate their assets over an arbitrary period of time. It competes against business, and certainly small business, by making sure the government gets their money first. Congress needs to create incentives for American businesses to reinvest in their companies, buy new equipment and hire more workers, not the opposite.

Small business employs about half of all Americans, and they are critical to our economic growth. But tax policies out of Washington by this Democratic Congress are making it harder and harder for them to do business. Also add in rules, regulations and a political agenda that will lose a net 10 million American jobs, most of them small

business, just with the three biggest political agenda items that the Democratic Party has, 10 million American jobs lost, and that's the political agenda.

If this Democrat majority really wants to help small businesses, they would have allowed some commonsense amendments to come forth to the floor, by the way, amendments that small businesses ask for the most. I plan on using this opportunity to talk about our economy, the Nation's diminishing job numbers, the future of government mandates, and tax increases that will continue to stifle our economy and cut U.S. jobs. This is the Democratic Party's agenda, to kill the free enterprise system in America, and the starting blow is these three major political agendas that will lose a net 10 million American jobs.

Mr. Speaker, the Obama administration promised Americans that if Congress passed the stimulus package, that unemployment would not go above 8 percent, that it would create and save millions of jobs. Here we are 9 months later with a record 9.7 percent unemployment rate, the highest in 26 years, and more than 2 million Americans have lost their jobs since the stimulus package of \$1.2 trillion.

What do we see from the White House? Lavish parties, trips to New York, just a whole lot of fun, everything but this President focusing on what any economist would say will create jobs in this country, what will keep the jobs that we have in this country. So my colleagues on the Democratic side continue to push their agenda that increases costs, increases taxes for individuals, while shrinking our Nation's workforce.

By the way, the Nation's workforce is called American jobs. By the way, those evil corporations that our friends, the Democrats, are after are called employers. Let's just put them at bay, and you will see no job employment.

In June, my friends on the other side of the aisle passed a cap-and-trade, or what is commonly called cap-and-tax, bill that will raise prices on energy, raise prices on goods, raise prices on services for every single hardworking American in this country. In my home State of Texas, the average household can now expect to spend more than \$1,100 extra a year if this bill passes as a result of this legislation, and this legislation could diminish over 1.38 million manufacturing jobs.

In my book, manufacturing is small business. Just today congressional Democrats had a great big press conference that looked more like a victory lap to me, thinking that they're going to pass this bill that was 1,990 pages, a sweeping health care bill that effectively will continue to shrink the employer base. It will shrink the employer-based insurance market and

force 114 million people into an unsustainable government-run program, a program where government bureaucrats will be choosing what doctors a patient can see and, further, what procedures will be paid for for that doctor.

This trillion-dollar package also raises taxes on individuals, it raises taxes on small businesses that do not participate in the government plan, and up to \$800 billion will be spent, according to a model developed by the President's own economic adviser, and it will diminish between 4.7 and 5.5 million more American jobs, using the President's own figures. Most of those will come from small business.

Well, hold it. I thought we were here to help small business today. But don't worry, next week we'll go ahead and pass a bill that will diminish between 4.7 and 5.5 million more American jobs. No wonder the American public can't figure out what's going on in Washington. One week we're saying, We're trying to help you, and the next week, I'm sorry about that, but somebody else's job is more important than yours.

Earlier this month, the Treasury Department reported that the Federal budget deficit reached a record \$1.1417 trillion during the month of September. The Treasury Department also reported that the national debt reached \$11.9 trillion. This means that since 2007, the Obama administration and this Democrat Congress have increased the Federal deficit by over \$1.25 trillion and increased the national debt by over \$3 trillion. When will it stop? No wonder we're losing small business jobs. No wonder we're losing American jobs. No wonder the American people are saying, What is going on in Washington, D.C.?

The Democratic majority is taxing, spending with more rules and regulations, and the jobs—let's get this right—are leaving. They're leaving this country, and they're going somewhere else. We aren't just losing the jobs. They're going somewhere else. We've asked this administration, we've asked this Democrat majority, Where are the jobs? Where are the jobs you promised? We've spent a lot of money. Where are the jobs?

In closing, Mr. Speaker, this legislation—yeah, I would offer some assistance to small business, but I believe there are more effective ways to assist them during the economic crisis. For instance, not growing the size of government just to give them, small business, a loan. We should be doing things to improve small business by expensing, by permanently repealing the death tax, by extending tax relief, by improving regulatory reform, by not adding a cap-and-trade bill, and by golly, for sure not next week trying out and then passing a health care bill which will diminish American jobs.

Mr. Speaker, we have a lot to say. There is a lot of time today, but what we want is for the American people to become engaged in what's going on in Washington, and I think they're watching.

I will be asking for a "no" vote on the previous question, a "no" vote on the rule.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, before I yield to one of my colleagues, I do want to point out that while my good colleague from Texas (Mr. SESSIONS) has indeed stated many issues of concern to small businesses, that the amendment he proposed in the Rules Committee was nongermane and also violated the PAYGO rule. I suspect that's why my colleagues on the Democratic side voted against that particular amendment.

Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I rise on the rule to support the underlying bill, H.R. 3854, the Small Business Financing and Investment Act of 2009. This is an important piece of legislation that will provide our country's small businesses with additional tools that they need during these uncertain economic times.

I'm particularly pleased that the Rules Committee adopted an amendment that I authored and included it in Chairwoman VELÁZQUEZ' manager's amendment. I want to thank her and commend her for her hard work on this important piece of legislation.

The amendment that has been included gives priority to small businesses applying for stabilization loans in cities that have been hit especially hard by high levels of unemployment. For cities in my district and in the San Joaquin Valley, like Delano, Firebaugh and Mendota, that have over 30 percent unemployment, this will be an additional help for the struggling small businesses in those communities. But in communities throughout the country that are experiencing high, above-average unemployment levels, it will of course be very helpful.

Overall, the legislation helps facilitate small businesses by lending, by bolstering vital programs within the SBA, the Small Business Administration. It also encourages small lenders to participate in programs to help rural businesses and veteran-owned businesses to secure loans, loans which have been difficult for them to obtain. This bill is expected to produce over \$44 billion in lending to small businesses across the country, help create jobs and get our economy back on the path to recovery.

I ask for an "aye" vote.

□ 1415

Mr. SESSIONS. Mr. Speaker, I yield 8 minutes to a very distinguished young

gentleman who is an arch supporter of not only small business but who remembers that, if we will balance the budget, the free enterprise system will grow, the gentleman from Mesa, Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman. I doubt I will take 8 minutes.

Mr. Speaker, I rise in opposition to this rule. I submitted an amendment to the Rules Committee that would have prevented the Small Business Administration from engaging in the practice of making direct loans to private small businesses. I should mention that this amendment was germane. There was no problem. It wasn't out of order, and it should have been made in order here today.

The Capital Backstop Program, authorized by this legislation, would allow the SBA to make direct loans during a time of recession to small businesses that are denied loans by private lenders. In other words, the Federal Government will begin making loans using taxpayer dollars to finance small businesses that are unable to secure loans through the private sector.

Now, let's back up just a bit.

What the Small Business Administration does is it guarantees loans made by banks to businesses. In this case, if a bank won't lend money to a business even if that money is guaranteed by the Federal Government, then we might step in and lend money directly to that business. This is something we have not done in decades with the SBA.

Ask yourself: If a bank out there won't lend money with Federal guarantees, is it the proper role of the Federal taxpayer to step in and lend money directly to that business?

Maybe we ought to step back and say, There might be a problem here with that business. If a bank won't lend them money when that loan is guaranteed, why should we be lending them money? Why should we be exposing the taxpayer here?

Government interference in the private sector is not the only cause for concern over this program. Not long ago, Congress undertook a series of studies and hearings on the government-run Reconstruction Finance Corporation, which was a relic of the Great Depression that engaged in direct lending to private entities. I will mention we haven't done this for a long time, but we did at one point lend money directly to businesses.

The Depression had long since ended, but the RFC remained intact, and there were reports of corruption. One of the studies, called the Hoover Commission, submitted a report to the Congress in 1949. It warned—and I'll read directly from the report:

Direct lending by the government to persons or enterprises opens up dangerous possibilities of waste and favoritism to individuals and enterprises. It invites political and private pressure or even corruption.

This is what they found happened when we lent money directly to businesses in this fashion. Yet here we are today, willing to ignore our own reports in Congress, willing to ignore the lessons of the past, and willing to start engaging in this practice again.

Again, this bill authorizes a program which, after a bank has passed on giving a loan to a business even after we step in and say we'll guarantee that loan, the bank says, No, we still won't do it. So we say, Okay. We'll put taxpayers on the hook.

Now, why in the world wouldn't we allow an amendment today to have an up-or-down vote on whether to strike that provision of this new authorization? Why shouldn't we decide that here in this House? Why is it so important to rush this bill through without giving the Members of this body the opportunity to stand up and say, Hey, you know, we've produced reports in this Congress; we've had commissions which report that there is a problem when we have direct lending programs like this that, maybe, we ought to consider?

No. The Rules Committee says, We don't even want you to vote on that. We don't want anything to do with it. We'll just not allow it on the floor. We'll have a structured rule, and you won't have an opportunity to vote on it.

That simply isn't right, Mr. Speaker. I'm disappointed that we won't be able to debate the merits on this.

I would ask that the Members of this body vote "no" on this rule. Go back to the Rules Committee. Allow a rule to come to the floor that allows the Members of this body to actually exercise our franchise here. When we see a program that might have a problem, let's at least have an up-or-down vote and at least be able to decide if we should be doing this or not instead of just turning a blind eye and saying that the reports that this Congress has produced in the past and that the studies of the commissions that we've appointed don't matter because we know better now.

So, Mr. Speaker, let's vote down this rule, if we can't change this bill, to prohibit the direct lending to small businesses that banks won't even lend to after we guarantee those loans. If that provision isn't removed, we ought to vote down the bill.

Ms. PINGREE of Maine. Mr. Speaker, I want to point out that the gentleman who just spoke does have one amendment in order under the rule.

I yield 2 minutes to a member of the Small Business Committee, the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, I rise in support of the rule to consider the Small Business Financing and Investment Act.

This bill improves access to capital for small businesses, which is a vital

step towards growing our economy and creating jobs. Time after time, I hear from small business owners in western Pennsylvania saying they would like to hire more employees and would like to expand their services, but they cannot acquire the loans necessary no matter how good their credit scores.

I would like to highlight a provision that I drafted that this rule makes in order as part of the manager's amendment to this bill.

My provision directs the New Market Venture Capital companies to prioritize providing financing to veteran-owned small businesses in low-income areas. The New Market Venture Capital program encourages equity investments in small businesses in low-income areas by providing tax credits, and it is just the kind of targeted program that America needs to recover from economic hardship.

This provision I added, with the support of my colleagues, gives priority to the heroes of America's Armed Forces as they apply for funding in areas that qualify for the New Market Venture Capital program in order to start new lives following their service to this country. We can never fully repay our veterans, but with this provision, we can honor them by offering new opportunities to use their strength and experience to create jobs in communities that need them the most.

I urge my colleagues to support the rule and the bill.

Mr. SESSIONS. Mr. Speaker, I would like to inform my colleague that I do not anticipate having any additional speakers at this time, and I would allow the gentlewoman to run down any time she has with the knowledge that, before she would close, I would do the same.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentlewoman from Maine for yielding me this time.

Mr. Speaker, I do rise in strong support of the rule and of the underlying bill, the Small Business Financing and Investment Act. This bill couldn't be more timely. Many of the provisions that we passed in the American Recovery Act to expand the opportunity of small business loan programs are about to expire.

I know, in my district in western Wisconsin, I haven't been on the phone more often than in the past year talking to small business owners who are struggling to get credit in order to keep their doors open. In fact, earlier this week, I was on the phone with the owner of a small manufacturing business that makes boats. He said that he has got customers lining up who are willing to make purchases of those boats, but because lines of credit are not available to them, they can't move forward and close the deals. This has a

tremendous ripple effect throughout our entire economy.

I would submit to my colleagues here today that, unless we figure out a way of freeing up the capital markets so that they are more free-flowing and are more efficient, especially for small businesses and farmers, this will be a very difficult recovery to endure. That's why the Small Business Financing and Investment Act is important. We are expanding and extending the 7(a) and 504 loan programs, not to mention expanding the ARC program, as well as the Working Capital Loan Fund.

I want to just take a moment and commend the regional director of the Small Business Administration in my area, Eric Ness, with whom I've teamed up in the last 6 months to hold multiple small business forums throughout western Wisconsin, which help inform small business owners and farmers about the availability of the SBA programs, as well as the local lenders, so that they do know what's available and how it works.

Now, my good friend and colleague from the State of Texas—and he is my friend—had a few mischaracterizations that I want to clarify. As President Reagan is fond of saying, facts can be a stubborn thing. The facts are these:

When we passed the American Recovery Act, we did have accelerated depreciation and expensing for small businesses in it. We had a net operating loss carryback for small businesses so that the profits that they took in previous years could be immediately written down over the last couple of years when they were suffering losses. This has worked to have an immediate cash infusion into those small businesses. What we're doing here today is directly beneficial to small businesses in trying to free up these capital markets that are not working well. These are proven programs that we clearly need to extend and expand upon.

I commend Chairwoman VELÁZQUEZ of the Small Business Committee, and I commend every member on that committee for the attention and the energy that they have devoted to the plight of small business owners.

In my region of the world, in my district, I know, unless small businesses have the ability to keep their doors open—to make payroll, to make investments, and to expand jobs—we're not going to see the type of job growth that is required to recover from the worst economic recession since the Great Depression.

I would encourage my colleagues to support this rule and to support the underlying bill. Show your support for small businesses, support that they need today.

Mr. SESSIONS. Mr. Speaker, over the last few months, the American people have written and called their Members of Congress. They've attended

town hall meetings. They've been in the media, on the news, in the newspapers, and they have asked that all Members of Congress read their bills before they vote on them. The American people are outraged.

That's why, today, we will be asking for a "no" vote on the previous question, because we believe that this process is closed and not open to amendments that would need to be done, which the American people are asking for, including small businesses. We can see what's getting ready to happen next week when we handle the health care bill. So I will be asking for a "no" vote on the previous question so we can amend the rule and can allow the House to consider an open bill for H. Res. 554, a bipartisan bill by my colleagues Representatives BAIRD and CULBERSON. They have gathered together to make sure that all of the bills of interest would be allowed to be read for 72 hours.

I also ask unanimous consent to insert in the RECORD an amendment and extraneous materials prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. Kind). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I want to again highlight what we are considering here today.

This is a bill that will support small businesses when they need it most—access to the financing they need to survive, to grow, to expand, and to create the jobs that will drive our economy. I know this is essential as I have heard from businesses throughout the 125 towns in my congressional district.

In fact, I have owned small businesses for most of my adult life. For many years, I owned a business that sold our products around the country and grew to employ 10 people in a town with just 350 residents. I currently own an inn and a restaurant that uses produce grown in my community and seafood caught locally. I know what it is to be the last person to lock the doors at the end of the day, to meet a payroll, and to argue with the bank about borrowing money to expand.

Mr. Speaker, I have been lucky to own a small business which has been an important part of my community and which has provided jobs, but I never would have been able to survive without access to the investment the business has needed to grow.

When facing the economic climate that we currently do, it is vital that we do everything in our power to support the small businesses that create 64 percent of the new jobs in this country, that comprise more than 99 percent of all employer companies, and that are the backbone of the communities that we live in.

This bill is an important step in supporting those small businesses—with \$44 billion in lending that will help save or create 1.3 million jobs each year and by ensuring that small businesses have the necessary capital to stay in business and to expand as the economy recovers. This bill is more than simply an investment in small business; it is an investment in American job growth.

I urge a "yes" vote on the previous question and on the rule.

Mr. POLIS. Mr. Speaker, I rise in support of this rule and the underlying bill H.R. 3854, the Small Business Financing and Investment Act. I would like to thank Chairwoman VELÁZQUEZ and my colleagues on the Small Business Committee for bringing us a comprehensive well thought-out bill. I would also like to acknowledge and thank my friend from Oregon, Representative SCHRADER for introducing this legislation and working hard on such an important issue.

Mr. Speaker, while there are positive economic indicators and reasons to believe that we are on a path of recovery, this fragile, budding recovery could be stalled if we do not provide our small businesses with the tools to maintain their operations, begin to expand and create new jobs, and restore consumer confidence.

H.R. 3854 will significantly improve access to credit and capital for small businesses at each stage of growth and in any economic climate. An update of the SBA's portfolio of lending and investment programs is 10 years overdue, and the current recession makes the task of helping more small firms, grow, prosper, and save and create jobs even more vital.

As we speak, once frozen credit markets are beginning to thaw, and the Small Business Financing and Investment Act will prove to be a welcome heat gun. This bill will improve credit conditions for small businesses and stabilize small business lending markets, improving the availability of capital for small firms. This includes increasing the guaranty on 7(a) loans to 90 percent, waiving fees on 7(a) and CDC loans, and improving the Business Stabilization Loans by increasing the loan amounts to \$50,000.

By raising SBA loan guarantees and reducing risk for lenders, this bill allows banks to make lending more accessible to small firms early next year. By helping small firms purchase new equipment and inventory, the bill will help stimulate the economy and help reduce overall unemployment. As an added benefit, an increase in lending activity will also improve the health of our banking industry.

Through this bill, bankers will be able to recapitalize—through their efforts of supporting business—instead of seeking Federal bailouts. Recognizing the benefit to their industry, H.R. 3854 has received the endorsement of American Bankers Association.

This bill will benefit businesses nationwide. It makes permanent the Rural Lender Outreach Program, Community Express, and Veteran Participation Loan Program. Each of these programs share a common goal of assisting borrowers who have not accessed SBA programs or who have traditionally had limited access to capital.

On behalf of my constituents in Colorado, I would like to particularly thank the Chairwoman and Committee for their work on drafting Subtitle B—expanded investment in small business renewable energy, and title VII (seven)—the small business early-stage investment program. The spirit of entrepreneurship in my district is only matched by our commitment and talent to lead in the renewable energy economy. These programs encourage new businesses to start; encourage all businesses to recognize cost saving through energy conservation; and promote new firms to develop and market renewable energy resources. And they are all strongly supported by the people of Colorado's second Congressional district.

Without discounting the struggles of those who have lost their jobs, it should be noted that Colorado enjoys one of the lowest unemployment rates in the nation at seven percent. This, in part, is due to the diversity of my state's economy, the predominance of small businesses, and the efforts by state and local governments to foster entrepreneurship across all industries.

Nationwide, small businesses create 64 percent of new jobs. This bill is expected to support \$44 billion in small business lending every year, and will help save or create 1.3 million jobs each year. Small firms comprise 99.7 percent of all employer companies; this bill is more than an investment in small businesses, it is an investment in American job growth.

Mr. Speaker, oftentimes, the psychology of recovery is as important as the funds spent to drive it. By passing this legislation, this Congress makes a plain statement that we have great confidence in our fellow Americans to help each other get back to work.

We state that with a little help local bankers and local merchants can come together to stock shelves and pay salaries. We tell our businesses that we will provide the tools to weather the remainder of the storm; we use traditional market mechanisms to do it; and we back our confidence with the full faith and credit of the United States government. This is a powerful message and I am proud to lend my voice to this cause.

Once again I recognize the efforts of Chairwoman VELÁZQUEZ and the Small Business Committee on job growth and I thank Representative SCHRADER introducing this legislation that we will have the opportunity to vote on today. I strongly support this rule and ask my colleagues to join me in supporting this rule and the underlying bill.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 875 OFFERED BY MR. SESSIONS

At the end of the resolution, insert the following new section:

Sec. 4. On the third legislative day after the adoption of this resolution, immediately after the third daily order of business under clause 1 of rule XIV and without intervention of any point of order, the House shall proceed to the consideration of the resolution (H. Res. 554) amending the Rules of the House of Representatives to require that legislation and conference reports be available on the Internet for 72 hours before consideration by the House, and for other purposes. The resolution shall be considered as read.

The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Rules; (2) an amendment, if offered by the Minority Leader or his designee and if printed in that portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII at least one legislative day prior to its consideration, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for twenty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit which shall not contain instructions. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 554.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's* "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled

"Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. PINGREE of Maine. I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1430

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the H.R. 3854.

The SPEAKER pro tempore (Mr. KIND). Is there objection to the request of the gentlewoman from New York?

There was no objection.

SMALL BUSINESS FINANCING AND INVESTMENT ACT OF 2009

The SPEAKER pro tempore. Pursuant to House Resolution 875 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3854.

□ 1431

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3854) to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes, with Mr. SERRANO in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Missouri (Mr. GRAVES) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of this bill, which will enhance the SBA's

capital access programs. This bill is a bipartisan product. It has the support of 48 stakeholder groups and could not have come together without the contributions of eight different committee members, including two from the minority. It addresses a key concern for small firms and ensures they have the resources to help grow our economy.

If history is any guide, small businesses will be the key to our recovery. Since our Nation's founding, they have helped us bounce back from countless downturns, including the recession of the mid-1990s. At that time, start-up businesses generated 3.8 million new jobs. And ultimately, Mr. Chairman, that is what our recovery efforts are all about, putting Americans back to work.

Through innovation and ingenuity, small businesses have created enormous wealth for our Nation. But America's economic engine doesn't run on good ideas alone. Small firms need capital to not only get off the ground, but to operate and grow. That is why H.R. 3854 delivers better funding options to small firms at every stage of development.

For the aspiring entrepreneur, it opens new avenues for seed capital and microloans. For the mid-market venture, it provides fresh funds for investment. And for the established business, it creates room for targeted risk and innovation. And it could not have come at a more critical time.

Small business lending is declining at alarming rates. In July, a survey by the Federal Reserve found that 35 percent of banks have tightened lending to small businesses. In terms of credit cards, a popular source of funding for entrepreneurs, 79 percent have seen their lines cut radically. These are exceptional declines. And if we fail to address them, we risk losing more than our most innovative businesses. We risk losing hundreds of thousands of jobs.

Small businesses with tight profit margins do not have the luxury of simply tightening the belt. When money is short, they are often forced to lay off workers. But with unemployment at 9.8 percent, we just cannot afford more losses. That is why this bill delivers critical capital to new ventures.

To begin, it helps steer equity investment to start-ups in high-growth fields like IT and clean energy. It also enhances SBA's microloan program. Two weeks ago, my committee heard from an entrepreneur who used microloans to grow his business from a fledgling firm to a thriving enterprise with 30 employees. By improving the microloan program, imagine how many more new businesses, and new jobs, we can generate.

Ask any small business owner, and they will tell you that start-ups are not the only firms that need capital. Established ventures in fields like

manufacturing, for example, need funding to adapt to the changing marketplace. By improving the 504 program, this bill gives them the flexibility to purchase new equipment and otherwise retool operations. When paired with new initiatives like the New Markets Venture Capital and Renewable Energy Capital Investment programs, these efforts will help manufacturers emerge from the downturn stronger and better poised to create new jobs.

Meanwhile, we are also delivering important lending options to our Nation's veterans, offering reduced borrower fees and increased loan guarantees. As our servicemen and -women return home from deployment abroad, we need to be sure they have access to the economic opportunities that entrepreneurship offers.

Mr. Chairman, this bill is about choices. It is about better options for the small businesses that didn't get a bailout. H.R. 3854 provides critical funding to small firms in every industry and, most importantly, generates jobs. In fact, it will create or sustain more than 1.3 million positions nationwide.

In the 111th Congress, job creation is our number one priority. It only makes sense to support legislation that gets us there.

Mr. Chairman, I reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 3854, the Small Business Financing and Investment Act of 2009. Before we even get started, I want to thank the chairwoman, the gentlelady from New York, and Subcommittee Chairman SCHRADER for working in a very bipartisan manner to craft this important legislation. This bill includes bills introduced by Mr. BUCHANAN and Mr. LUETKEMEYER of the committee, and I think it is a good piece of legislation.

The bill before us today will significantly strengthen the ability of small businesses to obtain needed capital for retaining and creating new jobs. The committee has heard time and time again that small businesses want to expand but can't find funds necessary to do so. I am sure most of the Members of this Chamber have heard the same thing from their small business constituents back home.

If small businesses create most of the new jobs in this country and can't obtain capital, economic recovery is going to be a faint light at the end of a very long and dark tunnel. Enactment of H.R. 3854 isn't going to magically correct the flaws in the credit markets for small businesses, nor will the programs in these bills increase the confidence of small businesses while the President continues to push initiatives such as capital-and-trade and health care reform that are going to

raise costs on small businesses. Nevertheless, the provisions of this bill to improve the financing programs operated by the Small Business Administration can play a vital role in relieving the existing stress on the capital and credit markets for small businesses until those markets return to more normal operations.

Title I of the bill reduces the barriers to utilization of the 7(a) guaranteed loan program by community banks, particularly those in rural areas.

Mr. BUCHANAN's bill, incorporated as title II, overhauls the operation of the Certified Development Company loan program and will make long-term fixed rate debt available to many small businesses, particularly manufacturers seeking to retool and expand their operations.

Title III makes modest, but important, changes to the microloan program, which will give America's smallest entrepreneurs a greater chance of success.

Title IV adopts Mr. LUETKEMEYER's bill to enhance the Small Business Investment Company program by enabling successful managers of such companies to more easily expand their operations.

Title V's most significant change is to correct a flaw in the New Market Venture Capital Company program that would spur greater investment in poor rural areas of the country.

Title VI establishes a loan program which will enable physicians and other providers of health care to make the necessary investment in the efficiency of electronic health records.

Title VII provides the SBA with the opportunity to leverage Federal funds with the best venture operators to promote investment in early stage businesses, like the next Microsoft, Dell, Google or Federal Express.

Title VIII makes additional modifications to the SBA's disaster loan program in order to ensure that small businesses will quickly have needed funds to help recover from a disaster.

In addition to amending key financing programs, this bill, including title IX, makes concerted efforts at increasing the transparency of the SBA's decision-making process. It would be foolish to make significant improvements in these vital financial programs, yet have small businesses' access to them curtailed by inefficient and opaque administration by the SBA.

I would like to add one final point to my comments, Mr. Chairman. Some may question the cost of this bill in a time of fiscal constraints. However, I believe that it represents a vital investment in a better future for our economy. For the past decade, this country's biggest export has been risk. However, America was not built on derivatives or credit default swaps. It was built by individuals creating new products in new ways that the entire world

demand. This bill will help us return to that America, one based on the hard work of creating real and tangible products that are the envy of the entire world.

Mr. Chairman, I reserve the balance of my time.

Mr. SCHRADER. Mr. Chairman, I yield myself such time as I may consume.

I rise today in strong support of H.R. 3854, the Small Business Financing and Investment Act of 2009. This bill represents the culmination of work done by many hard-working members of the Small Business Committee, Democrats and Republicans. They both understand how critical small business growth is for communities throughout this Nation and to our economy as a whole.

I specifically want to acknowledge Chairwoman VELÁZQUEZ, Ranking Member GRAVES, Representatives HALVORSON, KIRKPATRICK, NYE, LUETKEMEYER, DAHLKEMPER, ELLSWORTH and GRIFFITH, and the ranking member of my Subcommittee on Finance and Tax, Representative BUCHANAN, and their expertise in crafting the various sections of the bill that the ranking member referenced. These leaders recognize that small businesses are the backbone of our economy and must be the driving force in spurring economic growth.

Also, I want to thank personally my Small Business Advisory Board in Oregon. They provided me critical information and thoughts about what this Congress can be doing to truly aid small businesses.

Small businesses are the real job creators for most of our communities, but unfortunately, the current recession has hit them very, very hard. As a small business owner myself for over 30 years, I understand all too well the difficulties they face accessing capital during these tough economic times. Many small business owners literally survive month-to-month. They rely on timely payment for their products and services because they do not possess the deep reserves of some of the larger companies. That is why a deep, prolonged recession is particularly dangerous for small businesses.

In August, I held a hearing of my Finance and Tax Subcommittee in Salem, Oregon, in the heart of my congressional district. We took testimony from small business owners and learned firsthand about the difficulties of accessing loans and how crippling the current situation is for many small businesses. We also heard from banks and credit unions who talked about their concerns with making loans, given the recession environment, and the new regulatory burdens placed on them. We talked about problems with the SBA and how we can improve their programs to make them friendlier, more efficient and responsive to both businesses and lenders, and we talked about many solutions to the current

credit freeze. I am pleased to say that many of these proposals are in the legislation we are debating here today.

In our current environment, small businesses everywhere, in every industry, face the same problem: They cannot access affordable capital. Entrepreneurs who are looking to expand and hire workers, and companies who want to borrow money to stay afloat, are unable to secure necessary credit because of the economic downturn, despite their own past good credit.

□ 1445

The SBA's diverse catalog of lending and investment programs, as approved here today, have the potential to increase access to capital and provide the needed loans when the private sector is uncertain about accepting more risk.

That is why passage of H.R. 3854 is so critical to create jobs and build our economy right now. It increases the maximum loan sizes for SBA 7(a), 504, microloan, and newly created ARC loan programs. It increases efficiency at the SBA, something we have needed for a long time, by reducing burdensome application loan times for the regular loans, rural loans, cooperative loans and the ARC program. It allows CDCs to do loan liquidation for the 504 program, helping pay for that program. It includes closing costs on 7(a) and 504 loans in the loans. It approves the SBIC licensing protocol to make it more attractive to our lenders and aligns definitions and program opportunities with the U.S. Department of Agriculture with similar programs.

It encourages banks to participate once again and loan by increasing guarantees to 90 percent. It extends for a longer period of time the American Recovery and Reinvestment Act so it's more attractive for banks to gear up for those programs. It cuts lender fees, requires prompt purchase of bad loans by the SBA within 45 days, and simplifies the ARC loan application to one page.

Mr. Chairman, our American small businesses are comprised of individuals who drive innovation, develop resources to meet the demands of our changing world, and make a meaningful impact on our local communities. In my State of Oregon, 98 percent of the businesses are small businesses, and they employ almost 60 percent of our workforce.

At a time when our State and our country face high unemployment, it makes perfect sense to do all we can to help small businesses do what they do best, create jobs in our economy. That's what H.R. 3854 will do, and why I urge a strong "yes" vote.

Mr. Chairman, I reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, I yield such time as he may consume to my colleague from Missouri, Mr. LUETKEMEYER, the ranking member of the

Rural Development, Entrepreneurship and Trade Subcommittee.

Mr. LUETKEMEYER. Again, I would like to echo the sentiments of Ranking Member GRAVES with regards to the fine bipartisanship and the good, hard work of everybody on the committee to come up with, I think, an outstanding bill to help our small business folks in this country.

Mr. Chairman, I rise today in support of H.R. 3854 and am pleased to see that this bill includes my legislation, H.R. 3740, the Small Business Investment Company Modernization and Improvement Act of 2009.

As a small businessman, I am proud to support a bill that would assist many fellow small business owners and employees throughout my district and Missouri and all throughout the country. Small businesses have generated up to 80 percent of new net jobs annually over the last decade and contribute 38 percent of the GDP. Like every recession before, small business will lead us back to economic prosperity.

Most small business owners remain cautious in their economic outlook, with more than two-thirds in recent polls saying the recession is not over for them. Many people want to signal that their economy is on the mend, but American small businesses and small business owners aren't able to send that message yet.

Small businesses have never had a harder time getting a loan, as access to credit is being denied at an increasing pace. Since the onset of the credit crisis over 2 years ago, available credit to small business consumers has contracted by billions of dollars. Without access to credit, small businesses can't grow, can't hire, and too often end up going out of business.

In recent hearings on the Small Business Administration's capital access programs, we heard from two SBIC witnesses from my home State of Missouri, Capital For Business and C3 Capital. Both testified that despite having a 50-year record of growing American small businesses and providing over \$55 billion in financing to over 100,000 U.S.-based businesses, the SBIC is being dramatically underutilized. When both credit and investment have evaporated, it does not make sense to leave an effective small business tool unused.

Additionally, this bill will halt the continued flight of SBICs that participate in the program by establishing an expedited licensing process. A broken licensing system for far too long has been cutting off capital to good small businesses. I know of a successful SBIC in Missouri that applied for a second license and it took over 1 year, countless hours of paperwork and expensive legal bills.

This legislation would provide a transparent process with clear standards and a reasonable timeline for applicants. This bill also includes strong

taxpayer protections. New background checks and proof of raised capital would be required.

Funds that have major regulatory problems or are unable to raise private funds would not be able to get an expedited repeat license. Further, the administrator should have the authority to put the brakes on any application that she thinks may pose a risk to the taxpayer.

At a time when small businesses are still struggling to keep their doors open, I am pleased to see a bill working its way through the legislative process that would improve initiatives already available to small businesses. Perhaps more important, the bill we consider today recognizes the ability here to create good private sector jobs in Missouri and across the country.

Mr. Chairman, this bill is not an answer to what ails our economy. It is a good start to help small business, the economic engine of our economy, get back into the business of doing business.

I urge my colleagues to adopt the legislation.

Mr. SCHRADER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Mrs. HALVORSON).

Mrs. HALVORSON. Mr. Chairman, I rise today in support of H.R. 3854, the Small Business Financing and Investment Act. I am proud to be an original cosponsor of this bill, which includes language from legislation I introduced, H.R. 3723, the Small Business Credit Expansion and Loan Markets Stabilization Act.

I commend Chairwoman VELÁZQUEZ, Ranking Member GRAVES, and Mr. SCHRADER for his hard work on the bill before us today.

This year, the House has already passed several pieces of legislation that will help our Nation's small business owners, but it's clear that we still have much work to do. I also want to thank the small business owners in my district for getting together regularly to let me know what is going on with their small business. In fact, we are still hearing from them every day about what's going on and especially the difficulties in accessing credit, which continues to be a major challenge.

Small businesses need capital to grow and create new jobs, but the credit crunch has made it exceedingly difficult for them to obtain loans, which we know firsthand, as my husband owns two small businesses, and that also continually is a difficult time. In times like this, small businesses turn to the SBA. The American Recovery and Reinvestment Act includes several provisions that strengthen the Small Business Administration's ability to help small businesses access capital.

The legislation before us today will enhance the SBA's access to capital programs and build on the progress

made by the recovery bill. H.R. 3854 will improve the SBA's flagship 7(a) loan program. It extends provisions in the Recovery Act that reduce borrower fees and increase SBA loan guarantees.

We will also extend the ARC loan program, simplify the application process and increase the maximum loan. To increase lender participation, the bill creates new rural and small lender outreach programs of the SBA.

Finally, we are going to help veteran entrepreneurs by fully implementing the SBA's Increased Veteran Participation Loan Program.

H.R. 3854 will help get credit flowing again for America's small business owners so that they can create new jobs and jump-start our economy.

I urge my colleagues to join me in supporting this legislation.

Mr. GRAVES. Mr. Chairman, I reserve the balance of my time.

Mr. SCHRADER. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. ELLSWORTH).

Mr. ELLSWORTH. I thank the chairman and thank all of my colleagues on the committee for their hard work on this bill, especially Chairwoman VELÁZQUEZ and Ranking Member GRAVES for their leadership and the bipartisan spirit with which we wrote this bill.

Mr. Chairman, tough economic times like these we are in right now have time and time again spurred the innovations to put us back on the right track. The entrepreneurs who take on the risk of starting a new business in these times, they are the ones who will transform our economy and jump-start growth in our communities.

Unfortunately, entrepreneurs in my district and across the country are being turned away by lenders nervous about the risk of starting a new business. That's why it's so important that we pass this bill today. The Small Business Financing and Investment Act will provide much-needed assistance to entrepreneurs who are just asking for a chance to succeed.

The Small Business Administration's microloan program helps entrepreneurs like these secure start-up capital to get their new ventures off the ground. Unfortunately, the SBA's microloan program remains underused.

Too many of these funds Congress has provided to help these small businesses are being left on the table, despite the credit crunch in the private marketplace. Clearly we need to bridge the gap so that more aspiring business owners find the credit they need to get started.

The legislation before us includes a bill that I authored to improve how the SBA's microloan program functions. The Small Business Microlending Expansion Act makes a number of changes to improve this program and expand its reach to more small businesses.

These changes will put unused loan funds toward making existing microloans more affordable. It will get more lenders involved in the program while expanding the amount existing lenders can provide to their communities. It improves the ability of lenders to provide the technical assistance entrepreneurs need to succeed.

Simply put, this bill will increase the capital flowing to entrepreneurs, who can use those loans to build a business, employ their neighbors, and improve their community. That is our goal today, and it should be the goal every day.

Mr. GRAVES. Mr. Chairman, I continue to reserve the balance of my time.

Mr. SCHRADER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. I thank the Chair for yielding.

Mr. Chairman, I rise in strong support of the manager's amendment and the Small Business Financing and Investment Act of 2009.

I want to commend Chairwoman VELÁZQUEZ and the subcommittee Chair, Mr. SCHRADER, for their hard work on behalf of small businesses across the country. As a former small business owner, I appreciate the challenges entrepreneurs and small business owners face in gaining access to the capital that they need to grow their businesses.

This summer, I held a roundtable with Illinois businesses and the SBA to discuss these challenges. That's why I have long supported measures to improve and expand SBA loan programs, which offer low interest, long-term loans to creditworthy community business owners. In the last Congress, I authored similar legislation, the Small Business Lending Improvements Act, which passed the House in 2007.

The expedited consideration of H.R. 3854 underscores both the importance and urgency of assuring access to capital for our small business community. Simply put, the U.S. cannot promote economic recovery without small businesses, as they are the engine of job creation and innovation in our Nation.

The American Recovery and Reinvestment Act did a great deal to provide lending and investment. Since the bill's enactment in February, the SBA has supported \$13.4 billion in small business lending, and weekly loan approvals have increased by 75 percent.

That said, the SBA's capital access programs aren't equipped to meet current needs. H.R. 3854 brings long-awaited updates and improvements to SBA's lending initiatives, most importantly, preserving the original intent of these programs to help make affordable sources of financing accessible.

This legislation raises the cap on 7(a), 504 and ARC loans. It directs the SBA to target capital towards communities hard-hit by the recession and towards industries that hold the most

promise for American innovation and competitiveness. The measure also streamlines the loan application process and makes it easier for small and community lenders to participate in the programs.

I am particularly pleased that a provision that I authored enabling staffing company franchises to qualify for SBA programs was included in the manager's amendment. Supporting the temporary staffing industry is important now more than ever as temporary positions provide a lifeline to many workers in a constrained job market. Their market growth also serves as an early indicator of emerging job markets towards broader recovery.

My provision directs the SBA to continue applying its historically considered affiliation factors when determining a business' independence so that franchisees are not penalized.

I would like to thank Chairwoman VELÁZQUEZ for including this provision in the manager's amendment. H.R. 3854 provides the tools to help small businesses access capital, create jobs and fuel our economy as we move forward.

I urge my colleagues to support this important bill.

□ 1500

The CHAIR. The Chair will note that the gentleman from Oregon has 12½ minutes remaining. The gentleman from Missouri has 22½ minutes remaining.

Mr. GRAVES. Mr. Chairman, I continue to reserve the balance of my time.

Mr. SCHRADER. Mr. Chairman, I would like to yield 3 minutes to the gentlelady from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Mr. Chairman, I rise today in support of the Small Business Financing and Investment Act. I want to thank Subcommittee Chair SCHRADER and Chairwoman VELÁZQUEZ as well as so many members of the committee who have worked so hard on this legislation.

As a member of the Small Business Committee and a former small business owner, I know firsthand that small businesses are the driving force of our economy, creating between 60 and 80 percent of our Nation's new jobs every year. Small businesses create good jobs and strengthen our communities. Not only do small businesses bring valuable resources to our neighborhoods, but they bring prosperity as well. When small businesses succeed, they benefit everyone in the community.

Small businesses have been among the hardest hit by the recession. The Small Business Financing and Investment Act will help open tight credit markets that have shut down small business owners during this economic crisis so that small businesses can create jobs, particularly in struggling regions and industries. In addition, this

small business legislation takes an important step to address another issue affecting small businesses in the health care business sector.

My legislation, the Small Business Health Information Technology Financing Act, which has been incorporated into this bill, makes cost-saving information technology affordable for small group and individual health care practitioners. Administrative burdens add dramatically to the ever-rising price tag of health care, but the cost-saving information, technologies which are ready available, are often too expensive an investment for small group or individual health care providers. That includes small group physicians, nurse practitioners, community pharmacists and others.

My provision creates an affordable loan program for these providers to make the investment in health information technologies that lower the cost of health care for everyone.

The Small Business Health Information Technology Financing Act creates a new loan guarantee program at the Small Business Administration for the purchase of health information technology by health care professionals in individual and small group practices, those with 50 or fewer employees. The loan guarantee program provides a 90 percent guarantee and loan amounts up to \$350,000 for an individual practitioner and \$2 million for a group.

Mr. Chairman, the Small Business Financing and Investment Act will help grow small businesses, create good jobs for Americans and help lower the administrative costs of health care. I urge my colleagues on both sides of the aisle to support this small business legislation.

Mr. GRAVES. Mr. Chairman, may I inquire how many speakers the majority has?

Mr. SCHRADER. We have no further speakers and are prepared to close.

Mr. GRAVES. Mr. Chairman, I will go ahead and yield back the balance of my time.

Mr. SCHRADER. I yield the balance of my time to the gentlewoman from New York (Ms. VELÁZQUEZ).

The CHAIR. The gentlewoman is recognized for 10 minutes.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to take this opportunity to thank the staff—from both sides of the aisle—that worked so hard on this bill.

From the majority—Michael Day and Andy Jimenez; and Ethan Pittleman from Mr. SCHRADER's staff.

From the minority—Barry Pineles and Karen Haas; and Max Goodman from Mr. BUCHANAN's staff.

Their efforts to ensure the members' priorities are included in this legislation are very much appreciated.

Mr. Chairman, the Small Business Committee is not alone in its commitment to small firms. Since the downturn began, we have heard countless

calls from both sides of the aisle for a new economic foundation—one that puts Main Street before Wall Street and that values entrepreneurship over corporate greed. Well, this bill does both. By empowering small businesses, it makes a direct investment in the two things our economy needs most—innovation and job creation.

Capital is a fundamental building block for small business growth. Without it, new ventures cannot get off the ground and existing companies cannot hire workers. H.R. 3854 delivers the resources small firms need to grow. For small medical practices, it makes health IT more affordable. For entrepreneurs developing the next breakthrough in clean energy, it buys time for R&D. And for veterans and rural Americans seeking economic empowerment, it puts entrepreneurship within reach. Most importantly, however, this bill keeps workers on payroll. By allowing entrepreneurs to expand their ventures, H.R. 3854 will create and sustain more than 1.3 million jobs. In other words, Mr. Chairman, a vote for this bill is a vote for job creation. If you ask me, that is something we can all get behind, Democrats and Republicans alike, and I urge adoption of this bill.

Mr. VAN HOLLEN. Mr. Chair, small businesses are the backbone of the American economy. They represent almost 8 out of every 10 new jobs created in the country and are a key element of the Nation's efforts to achieve a successful and complete economic recovery.

Last week I joined President Obama, Treasury Secretary Tim Geithner, Small Business Administrator Karen Mills, Members of the Maryland Delegation, Governor Martin O'Malley, County Executive Jack Johnson, and Hyattsville Mayor William Gardner at Metropolitan Archives in Largo, MD to discuss the work Congress and the Obama administration are doing to create jobs and expand credit access to Maryland small businesses. The bill we consider today, H.R. 3854, the Small Business Financing and Investment Act of 2009, is a significant part of our efforts.

H.R. 3854 reauthorizes and increases the resources of successful programs such as the SBA 7(a), Business Stabilization Loans and the SBA Microloan programs. The Small Business Administration 7(a) program guarantees long-term loans for business startups and expansions. The bill authorizes funds to guarantee \$20 billion in 7(a) loans in 2010 and 2011. The bill extends until 2011 Business Stabilization Loans which provide \$50,000 each for qualifying small businesses to make payments on existing loans. The bill also helps provide small businesses with short-term, working capital through the SBA Microloan program. Under the program, small businesses and not-for-profit child care centers can qualify for loans up to \$35,000 to use for equipment, supplies, inventory and other business necessities.

The bill renews and expands the resources of the public/private partnership programs that serve small businesses such as community

development programs, the Small Business Investment Company and the New Markets Venture Capital Program.

The SBA works with certified development companies to contribute to the economic development of communities. These public/private partnerships provide community small businesses with long-term loans to expand and modernize with the purpose of creating local jobs. This bill authorizes the SBA to guarantee no less than \$9 billion of these community directed loans in 2010 and 2011.

The bill also continues Congress' commitment to the Small Business Investment Company by authorizing the SBA to guarantee \$5 billion in loans in 2010 and \$5.5 billion in 2011 for the program. The Small Business Investment Company licenses private investment firms to borrow Treasury money and make loans to small businesses. The loans are made with the long-term growth in mind since such investments can take years before becoming profitable. Since its creation in 1958, the Small Business Investment Company has provided nearly 100,000 small businesses with the capital they need to develop and grow.

The bill also reauthorizes the New Markets Venture Capital Program to promote economic development and job creation in low-income areas with \$100 million in loans and loan guarantees for qualifying venture capital companies engaged in small business and job creation and economic development.

The latest reports and statistics catalogue the continued difficulty small businesses are experiencing as they attempt to access credit. The Nation's rising unemployment statistics emphasize the urgency of the problem. The resources provided by this bill should help American small businesses cope as the country struggles to right itself in the aftermath of the greatest economic downturn the world has ever known. I urge my colleagues to join me in support of the bill.

Mr. LANGEVIN. Mr. Chair, I rise in strong support of H.R. 3854, the Small Business Financing and Investment Act. This legislation will directly support small business jobs in Rhode Island by extending certain small business American Recovery and Reinvestment Act provisions and updating SBA programs to help meet the needs of businesses.

Small businesses have borne the brunt of this economic crisis. I continue to hear from many small business owners in Rhode Island that accessing credit remains a significant problem. Remarkably, small businesses make up 96 percent of all employers in Rhode Island, and their inability to access credit to keep their businesses operating has clearly added to our high unemployment rate of 13 percent.

It is imperative that our small businesses have access to the tools they need to weather this economic downturn, as well as to keep and create jobs. H.R. 3854 does this by extending Recovery Act provisions that eliminated fees on SBA loans and guaranteeing these loans at 90 percent. This gives local banks and credit unions the confidence to lend to small businesses. This bill also raises the cap level on 7(a) loans from \$2 million to \$3 million, makes microloans more affordable for budding entrepreneurs, and streamlines the cumbersome loan application process.

Additionally, the legislation boosts programs that help small manufacturers and improves a renewable energy investment program to encourage small enterprises that are researching alternative and renewable energy solutions. H.R. 3854 also provides tools for veterans to start their own businesses and also makes permanent the Community Express program, which promotes lending to small businesses owned by women and economically disadvantaged individuals.

I encourage my colleagues to support H.R. 3854, which will help our small businesses grow, keep people employed and create new jobs. A few months ago, I had the chance to visit Jamief's Shoe World, a small, family-owned business and a Rhode Island institution, which was able to take advantage of a loan guaranteed by the stimulus bill—a loan that enabled them to keep their doors open and keep Rhode Islanders employed. I look forward to seeing this legislation signed into law so that other small Rhode Island businesses can access the capital they need to flourish.

Ms. MATSUI. Mr. Chair, I rise today in strong support of the Small Business Financing and Investment Act. I also want to congratulate Chairwoman VELÁZQUEZ and the Small Business Committee for bringing this bill before us today.

We are all aware of the importance of small businesses in our neighborhoods and communities.

While we rely on them to produce goods and services, we also depend on them to create and sustain jobs. Small businesses are the engine of economic growth and innovation.

Nationally they represent more than 90 percent of all business in our country and have generated 70 percent of all new jobs over the past decade.

In my home district of Sacramento, small businesses are an integral part of our economy.

In fact, most Sacramentans obtain their first job through a small business.

In today's economic recession, however, many small businesses are struggling to make payroll, retain their employees, and expand their operations.

Over the last few months I've held two, separate, "Small Business Workshops" in Sacramento to help existing small business owners understand the stimulus legislation, obtain financing and find new opportunities through government programs.

These two workshops attracted more than 800 local small businesses in Sacramento.

At these workshops, I heard from small business owners who were eager to be connected to business counseling resources, learn more about financing opportunities, SBA loan products, and government contracting opportunities.

I also heard from local small engineering firms who expressed concern that they did not qualify for an SBA loan because of their Standard Size.

I thank Chairwoman VELÁZQUEZ for joining me in writing to SBA Administrator Karen Mills to move quickly to consider changing the size standard applied to small engineering firms.

Mr. Chair, the failure to promptly adjust the standard could inflict long-term damage to

businesses within the engineering community and reduce federal contract participation opportunities.

The American Recovery and Reinvestment Act that we passed earlier this year included dozens of new opportunities for small businesses through government contracts and grant programs totaling nearly \$9 billion in lending since its enactment.

The bill before us today would build on these successes by infusing more than \$44 billion for new lending and investment for small businesses.

It would also establish a new public-private partnership at the SBA and improve access to capital by increasing loan sizes.

Finally, it would create a new program to help small health practitioners adopt Health Information Technology, while increasing investment in small companies that are researching alternative and renewable energy solutions.

Mr. Chair, the federal government, in partnership with the private sector, is taking demonstrative action today to strengthen small businesses.

I commend our Leadership for bringing the Small Business Financing and Investment Act to the floor, and for their ongoing efforts to assist America's small businesses.

I urge my colleagues to support passage of the pending legislation.

Mr. REYES. Mr. Chair, I rise today in support of H.R. 3854, the Small Business Financing and Investment Act of 2009. This bill will assist small businesses across the country by increasing the amount of funding that is available to them as well as streamlining many of the current SBA application processes.

There is a vibrant business community in my district of El Paso, Texas, with the Greater El Paso Chamber of Commerce, the El Paso Hispanic Chamber of Commerce, and the El Paso Small Business Consortium all playing a key role to open doors for many of our local entrepreneurs. Small businesses are a vital part of El Paso's economy, and I support this bill because it will help small firms access larger amounts of capital which is critical during these difficult economic times.

I am particularly pleased with the provisions of the bill that make permanent the Community Express and the Veteran Participation Loan Programs. These programs share a common goal of assisting borrowers who have not accessed SBA programs in the past or who have traditionally had limited access to capital. The Community Express Program is an important tool used by the El Paso Hispanic Chamber of Commerce to provide funding to local firms that are deemed un-bankable by conventional lenders. El Paso's growing military community will also benefit from the higher guarantees and lower cost loans available to veterans interested in starting their own businesses.

Mr. Chair, I support this legislation because I believe it will improve the efficiency and transparency of the SBA's programs as well as provide essential capital to small firms. I urge my colleagues to vote in favor of this bill.

Mr. THOMPSON of Mississippi. Mr. Chair, I rise in firm support of H.R. 3854, the Small Business Financing and Investment Act.

As a vital part of our economy, small businesses account for at least 65 percent of American jobs.

The legislation we are considering today provides a much-needed increase in loans for the nation's small businesses.

During a time of economic recession, it is increasingly important that we provide access to start-up capital, long term financing, and other forms of investment capital to small businesses.

Hit particularly hard by these rough economic times, small businesses receive greater access to critical financing through this legislation.

The bill also provides financing opportunities for rural communities through the Rural Lender Outreach Program.

Another critical provision in H.R. 3854 creates a grant program for companies to begin recovery efforts after a natural disaster.

I am confident that the nation's underserved small businesses—particularly minority owned businesses—will be better served because of this important legislation.

Access to capital is one of the greatest challenges preventing fair competition for small businesses.

H.R. 3854 addresses accessibility to financing and overall investment.

I urge my colleagues to support this important legislation.

Mr. BOSWELL. Mr. Chair, I rise today in support of the manager's amendment, and the underlying bill, H.R. 3854, the Small Business Financing and Investment Act of 2009.

Thank you Chairwoman VELÁZQUEZ for including an amendment I submitted to Rules.

This amendment will ensure that Small Business Administration loans may be used to purchase facilities and equipment that have been left behind by closed manufacturing plants.

Each of us has seen communities devastated by the loss of a factory—from the closing of automotive businesses, to the buy-out of Maytag Corporation in my own district.

On Tuesday, many of us read in the Washington Post that an electronic car company will be taking over a GM building in Delaware.

I believe we must continue to incentivize this practice—but on a broader scale.

In my own district I have seen companies from within and outside Iowa purchase Maytag campus facilities, our own Iowa Telecom, Trinity Towers wind energy, and a new and locally owned small business, Madhouse Brewery.

The empty factory buildings scattered across our nation represent the loss of jobs, tough times, and hard choices for families and community leaders.

I believe these buildings can be used to better our districts and states. By helping small businesses that are rooted in the community purchase these buildings or equipment, we will help bring hope to our towns that have suffered such losses.

This amendment and legislation will empower the financial stability of America's small businesses. I urge my colleagues to support this amendment and H.R. 3854.

Mr. ETHERIDGE. Mr. Chair, I rise in support of H.R. 3854, the Small Business Financing and Investment Act of 2009.

While our economy has begun to show some signs of rebounding from the recession, there is still a long way to go before we have returned to full strength. Far too many Ameri-

cans are looking for work and the unemployment rate remains high, reaching into the double digits in my State of North Carolina. Many businesses are finding it difficult to obtain the credit they need to operate. H.R. 3854 will benefit the small businesses that form the backbone of our economy and serve as our biggest job creators.

H.R. 3854 contains several provisions that will help finance new small businesses and allow them access to more capital. This bill supports public and private partnerships that invest capital into new startups, and makes microloans more affordable for budding entrepreneurs. For existing small businesses, this bill improves the Small Business Administration's 7(a) loan initiative by raising loan amounts and maintaining the fee reductions and guarantee increases that were included in the American Recovery and Reinvestment Act. I am also pleased that his bill contains provisions that help rural businesses and veteran-owned businesses obtain loans. H.R. 3854 is expected to support \$44 billion in small business lending, which could create or save over 1 million jobs.

I support stronger lending tools for our nation's small businesses and I support the Small Business Financing and Investment Act of 2009. I urge my colleagues to join me in voting for its passage.

Mr. WU. Mr. Chair, I rise today in support of H.R. 3854, the Small Business Financing and Investment Act.

I also want to thank my colleague from Oregon, Congressman KURT SCHRADER, for bringing this important bill to the floor.

H.R. 3854 will create incentives for small business lending, reduce bureaucracy, and increase the size of SBA loans in order to help loosen credit and get capital flowing again to small businesses.

Furthermore, H.R. 3854 addresses an important issue tied to health care reform, the cost of health information technology for small practice providers. These provisions were part of Congresswoman DAHLKEMPER's Small Business Health Information Technology Financing Act.

This bill will streamline loan processing for health information technology by reducing paperwork for both the lender and applicant, and require a 72-hour response time by SBA on decisions to guaranty loans. Under the bill, health information technology loans will be guaranteed 90 percent by the SBA, a factor that will encourage robust lender participation in the program.

Health IT has the potential to reduce costs and medical errors, while encouraging greater efficiency. It will be an essential component of our efforts to reform health care.

However, to use health IT most effectively, we must first address three barriers to its widespread adoption: technical standards and interoperability, workforce training, and the realignment of financial incentives.

This bill can help to address a part of the third, which involves the cost of implementation.

I have long believed that we should continue to look at ways that we can create more incentives for small practice doctors to adopt health information technology. It's important to note that 80 percent of all outpatient visits

take place in practices with 10 or fewer doctors. It is essential that these practices receive the assistance they need in order to be able to implement health IT.

The larger barrier to health IT adoption is that its associated costs and benefits are not realized equally between health care providers and payors. The financial benefit of health IT accrues to the payor—the insurer—while providers are the parties most likely to bear the cost.

The challenges of implementing health IT vary greatly from large health systems to smaller medical practices. Small medical practices, which may have to incur initial costs of up to \$200,000—around \$40,000 per physician—for a system, may see little, if any, financial benefit from its applications. It's no wonder health IT has a deployment rate of less than 20 percent in these offices.

I have been working with the Education and Labor Committee and leadership to address this issue in health care reform moving forward.

H.R. 3854 will provide financial assistance to these small practices, and I wholeheartedly support this legislation.

Ms. RICHARDSON. Mr. Chair, I rise in strong support of H.R. 3854 "The Small Business Financing and Investment Act" which will help support our small businesses and hasten our economic recovery. As we all know, small businesses are the backbone of our economy. More than half of all Americans work at or own a small business. Small businesses have been responsible for most of the new jobs created in this country. Anyone who talks about getting our economy on track and does not talk about what we need to do for small business is missing a huge piece of the puzzle.

I firmly support H.R. 3854 because, among other things, it channels investment capital into small business start-ups through public private partnerships, makes microloans more affordable for budding entrepreneurs, and reduces fees for lending programs to help more small businesses afford to raise the capital they need to succeed. Equally important, the legislation will provide much needed assistance to entrepreneurs and communities that need it most by expanding equity investment to low income communities and helping rural and veteran-owned businesses obtain loans.

Mr. Chair, H.R. 3854 all told the bill is expected to support about \$44 billion in small business lending annually, which will help to create or save approximately 1.5 million jobs each year. For our economy to recover and continue to grow, it needs to create jobs for persons seeking work. This legislation will create jobs and thus is worthy of our support. I urge all of my colleagues to join me in voting for H.R. 3854.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment printed in part A of House Report 111-317 is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 3854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Small Business Financing and Investment Act of 2009”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—SMALL BUSINESS LENDING ENHANCEMENTS

- Sec. 101. Small lender outreach program.
- Sec. 102. Rural lending outreach program.
- Sec. 103. Community Express Program made permanent.
- Sec. 104. Increased veteran participation program made permanent.
- Sec. 105. Leasing policy.
- Sec. 106. National lender training program.
- Sec. 107. Applications for repurchase of loans.
- Sec. 108. Alternative size standard.
- Sec. 109. Pilot program authority.
- Sec. 110. Loans to cooperatives.
- Sec. 111. Capital backstop program.
- Sec. 112. Loans to finance goodwill.
- Sec. 113. Appellate process and ombudsman.
- Sec. 114. Extension of recovery and relief loan benefits.
- Sec. 115. Reduced documentation for business stabilization loans.
- Sec. 116. Expanded eligibility for business stabilization loans.
- Sec. 117. Increased amount of business stabilization loans.
- Sec. 118. Extension of business stabilization loans.
- Sec. 119. SBA secondary market lending authority made permanent.
- Sec. 120. SBA secondary market lending authority expanded.
- Sec. 121. Increased loan limits.
- Sec. 122. Real estate appraisals.
- Sec. 123. Additional support for Express Loan Program.
- Sec. 124. Authorization of appropriations.

TITLE II—CDC ECONOMIC DEVELOPMENT LOAN PROGRAM**Subtitle A—General Provisions**

- Sec. 201. Program levels.
- Sec. 202. Definitions.

Subtitle B—Certified Development Companies

- Sec. 211. Certified development companies.
- Sec. 212. Certified development company; operational requirements.
- Sec. 213. Accredited lenders program.
- Sec. 214. Premier certified lender program.
- Sec. 215. Multi-State operations.
- Sec. 216. Guaranty of debentures.
- Sec. 217. Economic development through debentures.
- Sec. 218. Project funding requirements.
- Sec. 219. Private debenture sales and pooling of debentures.
- Sec. 220. Foreclosure and liquidation of loans.
- Sec. 221. Reports and regulations.
- Sec. 222. Program name.

Subtitle C—Miscellaneous

- Sec. 231. Report on standard operating procedures.
- Sec. 232. Alternative size standard.

TITLE III—MICROLENDING EXPANSION

- Sec. 301. Microloan credit building initiative.
- Sec. 302. Flexible credit terms.
- Sec. 303. Increased program participation.
- Sec. 304. Increased limit on intermediary borrowing.

Sec. 305. Expanded borrower education assistance.

Sec. 306. Interest rates and loan size.

Sec. 307. Reporting requirement.

Sec. 308. Surplus interest rate subsidy for businesses.

Sec. 309. Authorization of appropriations.

TITLE IV—SMALL BUSINESS INVESTMENT COMPANY MODERNIZATION

Sec. 401. Increased investment from States.

Sec. 402. Expedited licensing for experienced applicants.

Sec. 403. Revised leverage limitations for successful SBICs.

Sec. 404. Consistency for cost control.

Sec. 405. Investment in veteran-owned small businesses.

Sec. 406. Limitations on prepayment.

Sec. 407. Investment with certain passive entities.

Sec. 408. Investment in smaller enterprises.

Sec. 409. Capital impairment.

Sec. 410. Tangible net worth.

Sec. 411. Development of agency record.

Sec. 412. Program levels.

TITLE V—INVESTMENT IN SMALL MANUFACTURERS AND RENEWABLE ENERGY SMALL BUSINESSES**Subtitle A—Enhanced New Markets Venture Capital Program**

Sec. 501. Expansion of New Markets Venture Capital Program.

Sec. 502. Improved nationwide distribution.

Sec. 503. Increased investment in small business concerns engaged primarily in manufacturing.

Sec. 504. Expanded uses for operational assistance in manufacturing.

Sec. 505. Updating definition of low-income geographic area.

Sec. 506. Expanding operational assistance to conditionally approved companies.

Sec. 507. Limitation on time for final approval.

Sec. 508. Streamlined application for New Markets Venture Capital Program.

Sec. 509. Elimination of matching requirement.

Sec. 510. Simplified formula for operational assistance grants.

Sec. 511. Authorization of appropriations and enhanced allocation for small manufacturing.

Subtitle B—Expanded Investment in Small Business Renewable Energy

Sec. 521. Expanded investment in renewable energy.

Sec. 522. Renewable Energy Capital Investment Program made permanent.

Sec. 523. Expanded eligibility for small businesses.

Sec. 524. Expanded uses for operational assistance in manufacturing and small businesses.

Sec. 525. Expansion of Renewable Energy Capital Investment Program.

Sec. 526. Simplified fee structure to expedite implementation.

Sec. 527. Increased operational assistance grants.

Sec. 528. Authorizations of appropriations.

TITLE VI—SMALL BUSINESS HEALTH INFORMATION TECHNOLOGY FINANCING PROGRAM

Sec. 601. Small business health information technology financing program.

TITLE VII—SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM

Sec. 701. Small business early-stage investment program.

TITLE VIII—SBA DISASTER PROGRAM REFORM

Sec. 801. Revised collateral requirements.

Sec. 802. Increased limits.

Sec. 803. Revised repayment terms.

Sec. 804. Revised disbursement process.

Sec. 805. Grant program.

Sec. 806. Regional disaster working groups.

Sec. 807. Outreach grants for loan applicant assistance.

Sec. 808. Authorization of appropriations.

TITLE IX—REGULATIONS

Sec. 901. Regulations.

TITLE I—SMALL BUSINESS LENDING ENHANCEMENTS**SEC. 101. SMALL LENDER OUTREACH PROGRAM.**

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

“(34) **SMALL LENDER OUTREACH PROGRAM.**—The Administrator shall establish and carry out a program to provide support to regional, district, and branch offices of the Administration to assist small lenders, who do not participate in the Preferred Lenders Program, to participate in the programs under this subsection.”.

SEC. 102. RURAL LENDING OUTREACH PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

“(35) **RURAL LENDING OUTREACH PROGRAM.**—

“(A) **IN GENERAL.**—The Administrator shall establish and carry out a rural lending outreach program (hereinafter referred to in this paragraph as the ‘program’) to provide loans under this subsection in accordance with this paragraph.

“(B) **MAXIMUM PARTICIPATION.**—A loan under the program shall include the maximum participation levels by the Administrator permitted for loans made under this subsection.

“(C) **MAXIMUM LOAN AMOUNT.**—The maximum amount of a loan under the program shall be \$250,000.

“(D) **USE OF RURAL LENDERS.**—The program shall be carried out through lenders located in a rural area (as such term is defined under subsection (m)(1)(C)) or, if a small business concern located in a rural area does not have a lender located within 30 miles of the principal place of business of such concern, through any lender chosen by such concern that provides loans under this subsection.

“(E) **TIME FOR APPROVAL.**—The Administrator shall approve or disapprove a loan under the program within 36 hours.

“(F) **DOCUMENTATION.**—The program shall use abbreviated application and documentation requirements.

“(G) **CREDIT STANDARDS.**—Minimum credit standards, as the Administrator considers necessary to limit the rate of default on loans made under the program, shall apply.”.

SEC. 103. COMMUNITY EXPRESS PROGRAM MADE PERMANENT.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

“(36) **COMMUNITY EXPRESS PROGRAM.**—

“(A) **IN GENERAL.**—The Administrator shall carry out a Community Express Program to provide loans under this subsection in accordance with this paragraph.

“(B) **REQUIREMENTS.**—For a loan made under the Community Express Program, the following shall apply:

“(i) The loan shall be in an amount not exceeding \$250,000.

“(ii) The loan shall be made to a small business concern the majority ownership interest of which is directly held by individuals the Administrator determines are, without regard to the geographic location of such individuals, women, members of qualified Indian tribes, socially or economically disadvantaged individuals, veterans, or members of the reserve components of the Armed Forces.

“(iii) The loan shall comply with the collateral policy of the Administration.

“(iv) The loan shall include terms requiring the lender to provide, at the expense of the lender, technical assistance to the borrower through the lender or a third-party provider.

“(v) The Administrator shall approve or disapprove the loan within 36 hours.”.

SEC. 104. INCREASED VETERAN PARTICIPATION PROGRAM MADE PERMANENT.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended—

(1) by redesignating the second paragraph (32), as added by section 208 of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008 (Public Law 110-186; 122 Stat. 631), as paragraph (33); and

(2) in paragraph (33), as so redesignated by paragraph (1) of this section—

(A) by striking “pilot program” each place it appears and inserting “program”;

(B) by striking subparagraphs (C) and (F); and

(C) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

SEC. 105. LEASING POLICY.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by striking paragraph (28) and inserting the following:

“(28) LEASING.—If a loan under this subsection is used to acquire or construct a facility, the assisted small business concern—

“(A) shall permanently occupy and use not less than 50 percent of the space in such facility; and

“(B) may, on a temporary or permanent basis, lease to others not more than 50 percent of the space in such facility.”.

SEC. 106. NATIONAL LENDER TRAINING PROGRAM.

(a) IN GENERAL.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

“(37) NATIONAL LENDER TRAINING PROGRAM.—

“(A) IN GENERAL.—The Administrator shall establish and carry out, through the regional offices of the Administration, a lender training program for new and existing lenders under this subsection with respect to the lending systems, policies, and procedures of the Administration.

“(B) FEES.—The Administrator shall charge a fee for the program established under subparagraph (A) to reduce the cost of such program to zero.

“(C) LIMITATION.—The program established under subparagraph (A) may not be carried out by contract with a nongovernmental entity.”.

(b) PARTICIPATION.—An entity may not be permitted to participate in any program under the Small Business Act (15 U.S.C. 631 et seq.) or the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) that is amended under this Act, as a lending or investment entity or as an agent of the Small Business Administration, unless such entity satisfies the following:

(1) The entity has as the primary mission of the entity the financing or development of small business concerns.

(2) The entity has a full-time staff dedicated to loan making activities, investment activities, or entrepreneurial development training.

(3) The entity does not significantly participate in activities unrelated to the primary mission of the entity.

SEC. 107. APPLICATIONS FOR REPURCHASE OF LOANS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

“(38) APPLICATIONS FOR REPURCHASE OF LOANS.—

“(A) IN GENERAL.—Not later than 45 days after the date of the receipt of a claim from a lender for proper payment of the guaranteed portion of a loan under this subsection due to default, the Administrator shall make a final determination with respect to the approval or denial of such claim.

“(B) LATE DETERMINATIONS.—If the Administrator does not make a final determination under subparagraph (A) in the time period specified in such subparagraph, the claim shall be approved and paid promptly.”.

SEC. 108. ALTERNATIVE SIZE STANDARD.

(a) IN GENERAL.—Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

“(5) In addition to any other size standard under this subsection, the Administrator shall establish and permit a lender making a loan under section 7(a) to use an alternative size standard. The alternative size standard shall be based on factors including the maximum tangible net worth and average net income of a business concern.”.

(b) APPLICABILITY.—Until the Administrator establishes under section 3(a)(5) of the Small Business Act, as added by subsection (a) of this section, an alternative size standard for use by a lender making a loan under section 7(a) of such Act, the alternative size standard in section 121.301(b) of title 13, Code of Federal Regulations, shall apply in such a case.

SEC. 109. PILOT PROGRAM AUTHORITY.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by striking paragraph (25) and inserting the following:

“(25) LIMITATION ON CONDUCTING PILOT PROJECTS.—

“(A) LIMITATION ON NUMBER.—Not more than 10 percent of the total number of loans guaranteed in any fiscal year under this subsection may be awarded as part of a pilot program.

“(B) DOLLAR LIMITATIONS.—

“(i) IN GENERAL.—With respect to any pilot program under this subsection established on or after the date of the enactment of the Small Business Financing and Investment Act of 2009, no loan shall be made under such program if such loan would result in the total amount of loans made during a fiscal year under all such programs to be in excess of 5 percent of the total amount of loans guaranteed in such fiscal year under this subsection.

“(ii) CERTAIN PRE-EXISTING PROGRAMS.—With respect to any pilot program under this subsection established before the date of the enactment of the Small Business Financing and Investment Act of 2009, no loan shall be made under such program if such loan would result in the total amount of loans made during a fiscal year under all such programs to be in excess of 10 percent of the total

amount of loans guaranteed in such fiscal year under this subsection.

“(C) EXPIRATION.—

“(i) IN GENERAL.—Except as provided in clause (iii), the duration of any pilot program under this subsection may not exceed 3 years.

“(ii) DESIGNATION AS NEW PROGRAM.—For purposes of this subparagraph, a pilot program shall not be treated as a new pilot program solely on the basis of a modification or change in the pilot program, including the change of its name.

“(iii) EXISTING PROGRAMS.—With respect to any pilot program in existence on the date of the enactment of the Small Business Financing and Investment Act of 2009, such program may continue in effect for a period not exceeding 3 years after such date without regard to the duration of such program before such date.

“(D) REGULATIONS.—

“(i) IN GENERAL.—With respect to each pilot program under this subsection, including each pilot program in existence on the date of the enactment of the Small Business Financing and Investment Act of 2009, the Administrator shall—

“(I) issue regulations for such program after providing notice in the Federal Register and an opportunity for comment; and

“(II) ensure that such regulations are published in the Code of Federal Regulations.

“(ii) PILOT PROGRAMS ESTABLISHED AFTER DATE OF ENACTMENT.—With respect to any pilot program established after the date of the enactment of the Small Business Financing and Investment Act of 2009, such program shall not take effect until the requirements under this subparagraph are satisfied.

“(E) REPEAL OF AUTHORITY TO WAIVE CERTAIN RULES.—

“(i) IN GENERAL.—Notwithstanding section 120.3 of title 13, Code of Federal Regulations, the Administrator may not from time to time suspend, modify, or waive rules for a limited period of time to test new programs or ideas with respect to this subsection, unless such suspension, modification, or waiver is explicitly authorized by Act of Congress.

“(ii) EXISTING PILOT PROGRAMS.—Nothing under clause (i) may be construed to affect a pilot program in existence on the date of the enactment of the Small Business Financing and Investment Act of 2009.

“(F) PILOT PROGRAM.—For purposes of this paragraph, the term ‘pilot program’ means any lending program initiative, project, innovation, or other activity not specifically authorized by Act of Congress.”.

SEC. 110. LOANS TO COOPERATIVES.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

“(39) COOPERATIVES.—The Administration may provide loans under this subsection to any cooperative that—

“(A) is not organized as a tax-exempt entity;

“(B) is engaged in a legal business activity;

“(C) obtains financial benefits for the cooperative and for the members of such cooperative; and

“(D) is eligible under applicable size standards of the Administration, including that any business entity that is a member of such cooperative is eligible under applicable size standards of the Administration.”.

SEC. 111. CAPITAL BACKSTOP PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

“(40) CAPITAL BACKSTOP PROGRAM.—

“(A) IN GENERAL.—The Administrator shall establish a process under which a small business concern may submit an application to the Administrator for the purpose of securing a loan under this subsection. With respect to such application, the Administrator shall collect all information necessary to determine the creditworthiness and repayment ability of an applicant and shall determine if such application meets basic eligibility and credit standards for a loan under this subsection.

“(B) PARTICIPATION OF LENDERS.—

“(i) IN GENERAL.—The Administrator shall establish a process under which the Administrator makes available to lenders each loan application submitted and determined to meet basic eligibility and credit standards under subparagraph (A) for the purpose of such lenders originating, underwriting, closing, and servicing the loan for which the applicant applied.

“(ii) ELIGIBILITY.—Lenders are eligible to receive a loan application described in clause (i) if they participate in the programs established under this subsection.

“(iii) LOCAL LENDERS.—The Administrator shall first make available a loan application described in clause (i) to lenders within 100 miles of the principal office of the loan applicant.

“(iv) PREFERRED LENDERS.—If a lender described in clause (iii) does not agree to originate, underwrite, close, and service the loan applied for within 5 business days of receiving a loan application described in clause (i), the Administrator shall subsequently make available such loan application to lenders in the Preferred Lenders Program under paragraph (2)(C)(ii) of this subsection.

“(v) AUTHORITY OF ADMINISTRATION TO LEND.—If a lender described in clauses (iii) or (iv) does not agree to originate, underwrite, close, and service the loan applied for within 10 business days of receiving a loan application described in clause (i), the Administrator shall originate, underwrite, close, and service such loan.

“(C) ASSET SALES.—The Administrator shall offer to sell loans made by the Administrator under this paragraph. Such sales shall be made through the semi-annual public solicitation (in the Federal Register and in other media) of offers to purchase. The Administrator may contract with vendors for due diligence, asset valuation, and other services related to such sales. The Administrator may not sell any loan under this subparagraph for less than 90 percent of the net present value of the loan, as determined and certified by a qualified third party.

“(D) LOANS NOT SOLD.—The Administrator shall maintain and service loans made by the Administrator under this paragraph that are not sold through the asset sales under this paragraph.

“(E) EFFECTIVE DATES.—This paragraph shall have effect on a date if—

“(i) such date occurs during a period that—

“(I) begins on the date the Bureau of Economic Analysis, or any successor organization, makes a determination that the gross domestic product of the United States has decreased for three consecutive quarters; and

“(II) ends on the date the Bureau of Economic Analysis, or any successor organization, makes a determination that the gross domestic product of the United States has increased for two consecutive quarters; and

“(ii) the number of loans provided under this subsection prior to such date in the fiscal year including such date is at least 30 percent less than the number of such loans

provided prior to the same point in the previous fiscal year.

“(F) IMPLEMENTATION.—The Administrator shall establish a group of at least 250 individuals available to carry out activities under this paragraph on any date on which this paragraph has effect under subparagraph (E). The Administrator shall provide to such group the training necessary to carry out activities under this paragraph.

“(G) APPLICATION OF OTHER LAW.—Nothing in this paragraph shall be construed to exempt any activity of the Administrator under this paragraph from the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

“(H) AUTHORIZATION OF APPROPRIATIONS.—

“(i) PROGRAM LEVELS.—The Administrator is authorized to make loans under this paragraph in an amount that is equal to half the amount authorized for loans under this subsection other than loans under this paragraph.

“(ii) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available to carry out this subsection, there are authorized to be appropriated such sums as may be necessary to carry out this paragraph.”.

SEC. 112. LOANS TO FINANCE GOODWILL.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

“(41) GOODWILL.—The Administrator may not apply an application, processing, or approval standard to a loan for the purpose of financing goodwill under this subsection, unless such standard applies to all loans under this subsection.”.

SEC. 113. APPELLATE PROCESS AND OMBUDSMAN.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 44 as section 45; and

(2) by inserting after section 43 the following:

“SEC. 44. APPELLATE PROCESS AND OMBUDSMAN.

“(a) APPELLATE PROCESS.—

“(1) IN GENERAL.—Not later than 270 days after the date of the enactment of the Small Business Financing and Investment Act of 2009, the Administrator shall establish an independent appellate process within the Administration. The process shall be available to review material determinations made by the Administration that affect a lender or investment company that participates or is applying to participate in a program administered by the Administration.

“(2) REVIEW PROCESS.—In establishing the independent appellate process under paragraph (1), the Administrator shall ensure that—

“(A) any appeal of a material determination by the Administration is heard and resulting recommendations are provided expeditiously; and

“(B) appropriate safeguards exist for protecting the appellant from retaliation by Administration employees.

“(3) COMMENT PERIOD.—Not later than 180 days after the date of the enactment of the Small Business Financing and Investment Act of 2009, the Administrator shall provide an opportunity for notice and comment on proposed guidelines for the establishment of an independent appellate process under this section.

“(b) AGENCY OMBUDSMAN.—

“(1) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of the Small Business Financing and Investment Act of 2009, the Administrator shall appoint an ombudsman.

“(2) DUTIES.—The ombudsman appointed in accordance with paragraph (1) shall—

“(A) act as a liaison between the Administration and any lender or investment company that participates or is applying to participate in a program administered by the Administration with respect to a problem such entity may have in dealing with the Administration resulting from a material determination made by the Administration; and

“(B) ensure that safeguards exist to encourage complainants to come forward and preserve confidentiality.

“(c) OTHER AUTHORITY.—An individual carrying out the independent appellate process established under subsection (a) or the position of ombudsman established under subsection (b) is authorized to—

“(1) examine records and documents relating to a matter under review pursuant to such subsections; and

“(2) initiate the review of a matter under such subsections if such individual believes that Administration procedures have not been followed as intended with respect to such matter, without regard to whether an appeal or complaint has been made.

“(d) LIMITATIONS.—

“(1) IN GENERAL.—An individual carrying out the independent appellate process established under subsection (a) or the position of ombudsman established under subsection (b) may not, as a result of the authority provided under this section—

“(A) make, change, or set aside a law, policy, or administrative decision;

“(B) make binding decisions or determine rights;

“(C) directly compel an entity to implement the recommendations of such individual; or

“(D) accept jurisdiction over an issue that is pending in a legal forum.

“(2) RULE OF CONSTRUCTION.—Activities carried out under this section may not be construed—

“(A) as a formal investigation, formal hearing, or binding decision;

“(B) as limiting any remedy or right of appeal;

“(C) as affecting any procedure concerning grievances, appeals, or administrative matters under law; or

“(D) as a substitute for an administrative or judicial proceeding.

“(e) REPORT.—Not later than one year after the date of the enactment of the Small Business Financing and Investment Act of 2009 and annually thereafter, the Administrator shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report describing and providing the status of appeals made under subsection (a) and complaints made under subsection (b).

“(f) DEFINITIONS.—In this section, the following apply:

“(1) MATERIAL DETERMINATION.—The term ‘material determination’ includes determinations relating to—

“(A) applications for payment relating to a loan guarantee; and

“(B) the ability of an entity to participate in an Administration loan or investing program.

“(2) INDEPENDENT APPELLATE PROCESS.—The term ‘independent appellate process’ means a review by an Administration official who does not directly or indirectly report to the Administration official who made the material determination under review.”.

SEC. 114. EXTENSION OF RECOVERY AND RELIEF LOAN BENEFITS.

(a) **FEE REDUCTIONS.**—Section 501 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) in subsection (a) by striking “September 30, 2010” and inserting “September 30, 2011”; and

(2) in subsection (c) by striking paragraph (2).

(b) **ECONOMIC STIMULUS LENDING PROGRAM FOR SMALL BUSINESSES.**—Section 502(f) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by striking “the date 12 months after the date of enactment of this Act” and inserting “September 30, 2011”.

SEC. 115. REDUCED DOCUMENTATION FOR BUSINESS STABILIZATION LOANS.

Section 506(a) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by adding at the end the following: “In carrying out such program, the Administrator shall establish and utilize a one-page application for loans under this section and shall authorize lenders to utilize the same documentation and procedural requirements for loans under this section as such lenders utilize for other loans of a similar size and type.”.

SEC. 116. EXPANDED ELIGIBILITY FOR BUSINESS STABILIZATION LOANS.

Section 506(c) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by striking “but shall not include” and all that follows through “enactment of this Act”.

SEC. 117. INCREASED AMOUNT OF BUSINESS STABILIZATION LOANS.

Section 506(d) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by striking “\$35,000” and inserting “\$50,000”.

SEC. 118. EXTENSION OF BUSINESS STABILIZATION LOANS.

Section 506(j) of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by striking “September 30, 2010” and inserting “September 30, 2011”.

SEC. 119. SBA SECONDARY MARKET LENDING AUTHORITY MADE PERMANENT.

Section 509 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f), (h), and (i) as subsections (e), (f), and (g), respectively.

SEC. 120. SBA SECONDARY MARKET LENDING AUTHORITY EXPANDED.

Section 509 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), as amended by this Act, is further amended—

(1) in subsection (c)(1) by adding at the end the following: “Such process shall include the designation of each lender participating in a program under section 7(a) of the Small Business Act as a Systematically Important Secondary Market Broker-Dealer for purposes of this section.”; and

(2) in subsection (e), as so redesignated by section 20 of this Act, by adding at the end the following: “To the extent that the cost of an elimination or reduction of fees is offset by appropriations, the Administrator shall in lieu of the fee otherwise applicable under this subsection collect no fee or reduce fees to the maximum extent possible.”.

SEC. 121. INCREASED LOAN LIMITS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended—

(1) in paragraph (2)(A)—

(A) in clause (i)—

(i) by inserting after “\$150,000” the following: “and is less than or equal to \$2,000,000”; and

(ii) by striking “or” at the end;

(B) in clause (ii) by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(iii) 50 percent of the balance of the financing outstanding at the time of disbursement of the loan, if such balance exceeds \$2,000,000.”; and

(2) in paragraph (3)(A) by striking “\$2,000,000” and inserting “\$3,000,000”.

SEC. 122. REAL ESTATE APPRAISALS.

Section 7(a)(29) of the Small Business Act (15 U.S.C. 636(a)(29)) is amended—

(1) in the matter preceding subparagraph (A) by striking “a State licensed or certified appraiser” and inserting “an appraiser licensed or certified by the State in which such property is located”; and

(2) in subparagraph (A) by striking “\$250,000” and inserting “\$400,000”; and

(3) in subparagraph (B) by striking “\$250,000” and inserting “\$400,000”.

SEC. 123. ADDITIONAL SUPPORT FOR EXPRESS LOAN PROGRAM.

Section 7(a)(18)(B) of the Small Business Act (15 U.S.C. 636(a)(18)(B)) is amended by adding after “under subparagraph (A)(i)” the following: “, except that a lender making a loan under paragraph (31) may not retain any percentage of a fee collected under such subparagraph”.

SEC. 124. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by inserting after subsection (e) the following:

“(f) **FISCAL YEARS 2010 AND 2011 WITH RESPECT TO SECTION 7(a).**—

“(1) **PROGRAM LEVELS.**—For the programs authorized by this Act, in each of fiscal years 2010 and 2011 commitments for general business loans authorized under section 7(a) may not exceed \$20,000,000,000.

“(2) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as may be necessary to carry out paragraph (1).”.

TITLE II—CDC ECONOMIC DEVELOPMENT LOAN PROGRAM**Subtitle A—General Provisions****SEC. 201. PROGRAM LEVELS.**

Section 20 of the Small Business Act (15 U.S.C. 631 note), as amended by this Act, is further amended by inserting after subsection (f) the following:

“(g) **PROGRAM LEVELS WITH RESPECT TO CDC ECONOMIC DEVELOPMENT LOAN PROGRAM.**—

“(1) **FISCAL YEAR 2010.**—For financings authorized by section 7(a)(13) of this Act and title V of the Small Business Investment Act of 1958, the Administrator is authorized to make \$9,000,000,000 in guarantees of debentures for fiscal year 2010.

“(2) **FISCAL YEAR 2011.**—For financings authorized by section 7(a)(13) of this Act and title V of the Small Business Investment Act of 1958, the Administrator is authorized to make \$10,000,000,000 in guarantees of debentures for fiscal year 2011.”.

SEC. 202. DEFINITIONS.

Section 103 of the Small Business Investment Act of 1958 (5 U.S.C. 662) is amended as follows:

(1) By amending paragraph (6) to read as follows:

“(6) the term ‘development company’ means any corporation organized in order to promote economic development and the

growth of small business concerns and includes companies chartered under a special State law authorizing them to operate on a statewide basis;”.

(2) By striking “and” at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting a semicolon, and by adding at the end the following new paragraphs:

“(20) the term ‘certified development company’ means a development company that the Administrator has determined meets the criteria set forth in section 501;

“(21) the term ‘local governmental entity’ means—

“(A) a State or a political subdivision of a State; or

“(B) a combination of political subdivisions which—

“(i) has been formed to promote economic or community development;

“(ii) is composed of representatives of the State or a political subdivision acting in their official capacity; and

“(iii) includes an area in an adjacent State if it is part of a local economic area, a rural area, or has a population determined by the Administrator to be insufficient to support the formation of a separate development company;

such term includes entities meeting the requirements of clauses (i) through (iii), such as, but not limited to, a council of governments, regional development corporation, regional planning commission, or economic development district;

“(22) the term ‘member’ means any person authorized to vote for a director of a corporation or the dissolution or merger of a company (for purposes of this definition, a shareholder of a for-profit corporation shall be considered a member);

“(23) the terms ‘rural’ and ‘rural area’ shall have the same meaning as those terms are given in section 1991(a)(13)(A) of title 7, United States Code; and

“(24) the term ‘small manufacturer’ means a small business concern—

“(A) the primary business of which is classified in sector 31, 32, or 33 of the North American Industrial Classification System; and

“(B) all of the production facilities of which are located in the United States.”.

Subtitle B—Certified Development Companies**SEC. 211. CERTIFIED DEVELOPMENT COMPANIES.**

Section 501 of the Small Business Investment Act of 1958 (15 U.S.C. 695) is amended to read as follows:

“SEC. 501. CERTIFIED DEVELOPMENT COMPANIES.

“(a) **CERTIFIED DEVELOPMENT COMPANY DEBENTURE AUTHORITY.**—Only development companies certified by the Administrator shall have the authority to issue debentures under this Act.

“(b) **CERTIFICATION STANDARDS.**—A development company shall be certified for the purposes of issuing debentures if the Administrator determines that it meets each of the following criteria:

“(1) **SMALL CONCERN.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (C) of paragraph (2), the company, including its affiliates, shall have no more than 200 employees.

“(B) **CONTROL.**—Except as provided in paragraph (2) (B) or (C) the company shall not be under the control of any other concern.

“(C) **NOT FOR PROFIT.**—The development company is organized as a not-for-profit corporation.

“(2) EXCEPTIONS.—

“(A) FOR PROFIT STATUS.—If a development company was chartered as a for-profit corporation and issued debentures prior to January 1, 1987, the company shall not be required to change its status to not-for-profit in order to be certified.

“(B) AFFILIATION GRANDFATHER.—Any company that was authorized by the Administrator to issue debentures before December 31, 2005, shall be eligible for certification without regard to its status as part of, or its affiliation with, any other not-for-profit corporation or local governmental entity unless that not-for-profit corporation or local governmental entity is another entity that issues debentures under this title.

“(C) AFFILIATION WITH LOCAL GOVERNMENTAL ENTITIES.—Any company that was organized after the date of enactment of the Small Business Financing and Investment Act of 2009 shall be eligible for certification without regard to its status as part of or affiliation with any local governmental entity.

“(3) GOOD STANDING.—A development company shall be in good standing and comply with all laws, in every State in which it is incorporated or authorized to conduct business.

“(4) MEMBERSHIP.—

“(A) IN GENERAL.—The development company shall have at least 25 members.

“(B) VOTING RIGHTS.—No member shall control more than 10 percent of the total voting power in the development company.

“(C) RESIDENCE.—Members must be residents of the State in which the development company is chartered or authorized to do business.

“(D) DIVERSITY.—The development company must have at least one member from each of the following:

“(i) A local governmental entity.

“(ii) A financial institution subject to regulation by a Federal organization belonging to the Federal Financial Institutions Examination Council and that provides long-term fixed asset financing in the commercial market.

“(iii) A not-for-profit organization, other than a development company, that is dedicated to promoting economic growth.

“(iv) A for-profit business, other than a financial institution described in clause (ii).

“(E) EMPLOYMENT STATUS.—Membership in a development company shall not be predicated on employment status and an individual who retired from or was terminated (for reasons other than fraud or the commission of a crime) from an entity described in subparagraph (D) shall be deemed to be from the organization described in that subparagraph.

“(5) BOARD OF DIRECTORS.—

“(A) IN GENERAL.—The development company's board consists of members and each director receives a majority vote of the members unless the development company is a for-profit corporation in which case the board need not consist entirely of members.

“(B) BOARD REPRESENTATION.—There shall be at least one director from not fewer than 3 of the 4 types of organizations specified in paragraph (4)(D) but no single type of organization shall have more than 50 percent representation on the board of the development company. If the development company is a for-profit corporation, financial institution representatives may make up more than 50 percent of the board.

“(C) AFFILIATED ENTITY REPRESENTATION RESTRICTIONS.—A development company that is described in paragraph (1)(C) may have any or all of its board members appointed by

entities affiliated with the company and may include common members who also serve on the affiliate's board of directors if the appointment of board members was exercised by an affiliate prior to December 31, 2005.

“(D) SPECIAL RULE FOR CERTAIN DEVELOPMENT COMPANIES.—The board of directors for any development company issuing debentures before December 31, 2005, and incorporated under a State law requiring, or which is interpreted by the State's legal department as imposing specific requirements on, the number and selection of members, board members, or both, and the rights and privileges conferred by such State law, may adhere to such provisions.

“(6) PROFESSIONAL MANAGEMENT AND STAFF.—

“(A) IN GENERAL.—The development company shall have full-time independent professional management, including a chief executive officer to manage the daily operations and a full-time professional staff qualified to carry out the functions authorized under this title.

“(B) UTILIZATION OF STAFF FROM AFFILIATED ENTITIES.—A development company shall not be denied certification under this section if its chief executive or full-time professional staff is from an affiliated entity as described in paragraph (1)(C).

“(C) STAFF UNDER CONTRACT.—The Administrator shall not deny certification to a development company that contracts for its full time staff if one of the following conditions is met:

“(i) The development company is located in a rural area, obtains its staff through contract from another development company that is certified by the Administrator and that development company operates in the same or a contiguous State.

“(ii) The development company had issued debentures under this title prior to December 31, 2005, and had contracted with a for-profit business concern to provide staffing and management services.

“(c) APPLICATIONS.—

“(1) DEVELOPMENT COMPANIES ISSUING DEBENTURES BEFORE SEPTEMBER 30, 2009.—

“(A) SHORT FORM APPLICATION.—(i) For any development company that issued debentures pursuant to this title before September 30, 2009, the Administrator shall develop, after an opportunity for notice and comment, no later than 90 days after the date of enactment of the Small Business Financing and Investment Act of 2009, a short-form application that contains sufficient information for the Administrator to determine that the development company currently meets the standards set forth in subsection (b). In developing such application, the Administrator shall be required to limit the amount of paperwork necessary to determine whether the development company meets the standards for certification and may limit the application to the filing of reports previously submitted to the Administrator.

“(ii) For those companies that obtain staff through contracts, the application shall include a copy of the contract.

“(B) CERTIFICATION DECISION.—(i) The Administrator shall certify the development company if the application demonstrates that the applicant meets the standards in subsection (b). The decision to certify or not approve the request for certification shall be made within 7 business days from the date the initial submission of the application is received by the Administrator. If the Administrator takes no action to approve or disapprove within 7 business days, the application for certification is deemed approved and

no further action is required by the Administrator or the development company to obtain certification. If the Administrator disapproves the application, the Administrator shall provide in writing within 3 business days the reasons for the disapproval. If such document is not provided within the time specified, the application is deemed approved and no further action is required by the Administrator or the development company to obtain certification.

“(ii) For those development companies that submit contracts under subparagraph (A)(ii), the Administrator is limited in rejecting the application only if the Administrator finds that the entity servicing the applicant is no longer able to provide the employees or services needed by the applicant to perform the functions that would be authorized under this title.

“(C) APPLICATION RESUBMITTAL.—If the Administrator disapproves the application for certification and provides a written statement as set forth in subparagraph (B), the development company may file a new application limited solely to addressing the concerns of the Administrator and the certification procedures set forth in subparagraph (B) shall recommence.

“(D) APPEALS.—If the Administrator disapproves an application in accordance with the procedures of subparagraphs (B) or (C), the applicant may, within 10 calendar days after receipt of the disapproval, appeal such disapproval. The Administrator shall conduct a hearing to determine such appeal pursuant to sections 554, 556, and 557 of title 5, United States Code, and shall issue a decision not later than 45 days after the appeal is filed. The decision on appeal shall constitute final agency action for purposes of chapter 7 of title 5, United States Code.

“(E) GRANDFATHERING.—

“(i) IN GENERAL.—For the period 2 years after date of enactment of the Small Business Financing and Investment Act of 2009, any development company that was issuing debentures on or before the date set forth in this clause (i) shall be deemed to be a certified development company.

“(ii) COMPLETION OF APPLICATION PROCESS.—The procedures set forth in this paragraph for determining certification shall apply to any development company meeting the qualifications of clause (i).

“(iii) EFFECT OF DENIAL.—The denial or rejection of an application for certification as set forth in this subsection shall have no effect on the ability of a development company meeting the qualifications in clause (i) from continuing to issue debentures during the entire two-year period established in that clause.

“(iv) FAILURE TO OBTAIN CERTIFICATION.—Any development company that fails to obtain certification in accordance with the procedures set forth in this paragraph during the period set forth in clause (i) shall be considered to be a new development company and the procedures of paragraph (2) shall apply. The authority to issue debentures shall cease for any development company covered by this subparagraph that has failed to obtain certification from the Administrator during the time period set forth in clause (i).

“(F) AUTOMATIC QUALIFICATION PROVISION.—If the Administrator fails to implement the certification process set forth in this paragraph, any development company that was issuing debentures before September 30, 2009, pursuant to this title shall be considered certified until such time as the Administrator develops the certification procedures set forth in this paragraph.

“(G) SAVINGS CLAUSE.—Any action taken by a development company or the Administrator pursuant to this paragraph shall have no impact on any guarantee of a debenture issued prior to the date of enactment of the Small Business Financing and Investment Act of 2009.

“(2) APPLICATION PROCESS FOR NEW DEVELOPMENT COMPANIES.—

“(A) IN GENERAL.—For any development company that has not issued debentures prior to September 30, 2009, the Administrator shall develop no later than 180 days after the date of enactment of the Small Business Financing and Investment Act of 2009, after an opportunity for notice and comment, an application form for certification that provides the Administrator with sufficient information to insure that the applicant meets the standards set forth in subsection (b). The Administrator shall certify such development company or reject the application within 60 calendar days from the date the initial submission was received by the Administrator. If the Administrator rejects the application, the Administrator shall provide in writing within 7 business days after the decision, the reason for rejecting the application.

“(B) APPEALS.—A development company shall be able to appeal the disapproval of an application under the procedures set forth in paragraph (1)(D).”.

SEC. 212. CERTIFIED DEVELOPMENT COMPANY; OPERATIONAL REQUIREMENTS.

(a) OPERATIONAL REQUIREMENTS.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended to read as follows:

“SEC. 502. OPERATIONAL REQUIREMENTS FOR CERTIFIED DEVELOPMENT COMPANIES.

“(a) MAINTENANCE OF STANDARDS FOR CERTIFICATION.—Any company certified pursuant to section 501 shall continue to comply with the requirements of that section to remain certified. The Administrator shall develop a reporting form, which to the extent possible, incorporates other documents and reports already kept by certified development companies, demonstrating their continued compliance. The form shall be developed in a manner that the estimated time for completion shall take no more than 2 hours.

“(b) ETHICS AND CONFLICT OF INTERESTS.—

“(1) IN GENERAL.—A certified development company, its officers, employees, and contractors shall act ethically and avoid activities which constitute a conflict of interest or appear to constitute a conflict of interest. For purposes of this subsection, conduct that is unethical includes, but is not limited to, the actions specified in section 120.140 of title 13, Code of Federal Regulations, as in effect on January 1, 2009.

“(2) BY ASSOCIATES.—An associate may not be an officer, director, or manager of more than 1 certified development company. The term ‘associate’ shall have the same meaning given the term ‘Associate of a CDC’ in section 120.10 of title 13, Code of Federal Regulations, as in effect on January 1, 2009. For the purposes of this subsection, 10 percent shall be substituted wherever section 120.10 of title 13, Code of Federal Regulation uses 20 percent.

“(3) BY ENTITIES.—Except as provided in sections 501(b)(5) and 501(b)(6), no person, sole proprietorship, partnership, or corporation shall control or have managerial control of more than one certified development company. Control means any of the following:

“(A) The ability to appoint or remove a member of the company or member of its board of directors.

“(B) The ability to modify or approve rate or fee changes affecting revenues of the certified development company.

“(C) The ability to veto, overrule, or modify decisions of the certified development company’s body.

“(D) The ability, either directly or contractually, to appoint, hire, reassign, or dismiss those managers and employees responsible for the daily operations of the certified development company.

“(E) The ability to access the certified development company’s resources or amend its budget.

“(F) The ability to control another certified development company pursuant to provisions in a contract.

“(c) MEETINGS.—The board of directors of the certified development company shall meet on a regular basis to make policy decisions for the company.

“(d) LOAN COMMITTEES.—The board of directors of a certified development company may use a loan committee to process loans in the State in which it operates as well as adjacent local economic areas. Members of the loan committee shall be residents of the certified development company’s State of operation or the adjacent local economic area. Such loan committees shall meet on a periodic basis as set forth by the board of directors.

“(e) PROHIBITED CONFLICT IN PROJECT LOANS.—

“(1) IN GENERAL.—Certified development companies shall not recommend or approve a guarantee of a debenture that will be collateralized by property being constructed or acquired on which an institution, as provided in section 508(c)(1)(A), will have a first lien position.

“(2) EXCEPTION.—The prohibition in paragraph (1) shall not apply to any certified development company that was affiliated with or part of any entity that took a first lien position between October 1, 2003, and September 30, 2005.

“(f) AFFILIATION WITH LENDERS OPERATING UNDER SECTION 7 OF THE SMALL BUSINESS ACT.—

“(1) PROHIBITION.—No certified development company may invest in, or be an affiliate of, a lender who participates in the loan programs authorized in sections 7(a) and 7(c) of the Small Business Act (15 U.S.C. 636(a) and (c)).

“(2) EXCEPTION.—The prohibition in paragraph (1) shall not apply to any certified development company that is affiliated with an entity authorized by the Administrator to operate under section 7(a) of the Small Business Act if such affiliation occurred on or before November 6, 2003.

“(3) CREDIT UNION AFFILIATION.—A certified development company shall not lose its status due to an affiliation with an institution regulated by the National Credit Union Administration if the development company was affiliated with such an institution prior to January 1, 2007.

“(g) SERVICING AND PACKAGING GUARANTEED LOANS.—A certified development company is authorized to prepare applications for loans under sections 7(a) or 7(c) of the Small Business Act (15 U.S.C. 636(a) or (c)), to service such loans, and to charge a reasonable fee for servicing such loans.

“(h) USE OF EXCESS FUNDS.—Any funds generated by a certified development company from the issuance of debentures under this title, the sale of debentures in the private secondary market, or fees described in subsection (g) that remain unexpended after payment of staff, operating, and overhead ex-

penses shall be used by the certified development company for—

“(1) operating reserves;

“(2) expanding the area in which the certified development company operates through the methods authorized in section 505 (relating to multi-State operation);

“(3) investment in other community and local economic development activity or community development primarily in the State from which such funds were generated; or

“(4) investment in small business investment companies subject to the limitations in subsection (i).

“(i) LIMITATIONS WITH RESPECT TO SMALL BUSINESS INVESTMENT COMPANIES.—A certified development company shall not—

“(1) invest excess funds in a small business investment company that the Administrator determines to be capitally impaired as set forth in section 107.1830 of title 13, Code of Federal Regulations, as in effect on January 1, 2009, or any successor regulation to that regulation, but may maintain its investment in such company if such investment was made prior to the determination of capital impairment; and

“(2) provide a debenture under this title to a small business concern that has financing with a small business investment company in which the certified development company has invested excess funds.

“(j) ECONOMIC DEVELOPMENT ACTIVITIES.—A company certified pursuant to this section shall carry out each of the following economic development activities that create or preserve jobs in urban and rural areas:

“(1) The company shall provide long-term financing to small business concerns through debentures described in section 506.

“(2) The company shall operate any other program to assist small business concerns or communities that promote local economic development and job creation or preservation.

“(k) RESTRICTIONS ON ASSISTANCE.—

“(1) IN GENERAL.—After the date of enactment of the Small Business Financing and Investment Act of 2009, no certified development company may accept funding from any source, including any Federal agency (as that term is defined in section 551 of title 5, United States Code) if the source imposes—

“(A) conditions on the types of small business concerns that a certified development company may provide assistance to under this title; or

“(B) conditions or requirements, directly or indirectly, upon any small business concern receiving assistance under this title.

“(2) EXCEPTION.—The conditions of subparagraphs (A) and (B) of paragraph (1) shall not apply if the source provides all of the financing that will be provided by the certified development company to the small business concern, provided further that any conditions or restrictions are limited solely to the financing provided by the source of funding.

“(l) REVOCATION AND SUSPENSION.—The Administrator may suspend or revoke a certified development company’s status if the Administrator determines, after a hearing on the record as set forth in sections 554, 556, and 557 of title 5, United States Code, that the certified development company no longer—

“(1) meets the eligibility criteria established under section 501 of this title;

“(2) satisfies the operational standards in this section; or

“(3) complies with the Administrator’s rules, regulations, or provisions of law.

“(m) EFFECT OF SUSPENSION OR REVOCATION.—A suspension or revocation under subsection (l) shall not affect any outstanding debenture guarantee.”.

SEC. 213. ACCREDITED LENDERS PROGRAM.

Section 503 of the Small Business Investment of 1958 (15 U.S.C. 697) is amended to read as follows:

“SEC. 503. ACCREDITED LENDERS PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—A certified development company may apply for status to become an accredited certified development company if it meets the operational standards of section 502 and the criteria in subsection (b).

“(2) APPLICATION.—The Administrator shall, after opportunity for notice and comment, develop an application for certified development companies seeking to become accredited certified development companies.

“(3) PROCESSING OF APPLICATION.—The Administrator shall make a determination within 30 days after a complete application has been filed by the certified development company.

“(4) REAPPLICATION.—If the Administrator rejects the application, the Administrator shall provide in writing the reasons for the rejection. Any certified development company may reapply which will recommence the processing time limits set forth in paragraph (3), and such reapplication shall be limited to addressing the reasons for rejection. If the Administrator rejects a second application, that shall be considered final agency action for purposes of chapter 7 of title 5, United States Code.

“(b) STANDARDS FOR ACCREDITED CERTIFIED DEVELOPMENT COMPANY PROGRAM.—The Administrator shall designate a certified development company as accredited if it meets the following standards:

“(1) Has been a certified development company for not less than the preceding 12 months and has issued debentures as authorized under this title during that time period.

“(2) Has well-trained, qualified personnel who are knowledgeable in the lending policies and procedures for certified development companies.

“(3) Has the ability to process, close, and service the loan issued under this title.

“(4) Has a loss rate on the company's debentures that is reasonable and acceptable to the Administrator.

“(5) Has a history of submitting to the Administrator complete and accurate debenture guaranty application packages.

“(6) Has the ability to serve small business credit needs for financing plant and equipment as a certified development company.

“(c) EXPEDITED PROCESSING OF GUARANTEE APPLICATIONS.—The Administrator shall develop an expedited procedure for processing a guarantee application or servicing action submitted by an accredited certified development company. For purposes of this subsection, an expedited procedure is one that takes at least two business days less than the processing performed for certified development companies that have not been accredited.

“(d) SUSPENSION OR REVOCATION OF ACCREDITED STATUS.—The Administrator may suspend or revoke a certified development company's accredited status if the Administrator determines, after a hearing on the record as set forth in sections 554, 556, and 557 of title 5, United States Code, that the certified development company no longer meets the eligibility criteria established under this section (which shall not include a time limit on the term of the certified development company's accredited status) or failed to adhere

to the Administrator's rules, regulations, or is violating some other provision of law. Such suspension or revocation shall have no effect on the development company's status as certified.

“(e) EFFECT OF SUSPENSION OR REVOCATION ON EXISTING GUARANTEES.—A suspension or revocation of accredited status shall not affect any outstanding debenture guarantee.

“(f) GRANDFATHER PROVISION.—Any certified development company that was accredited by the date of enactment of the Small Business Financing and Investment Act of 2009 shall remain accredited for 24 months after that date. If the certified development company does not have an application for accreditation approved by the Administrator within the 24 months, its accreditation standard shall lapse.

“(g) AUTOMATIC QUALIFICATION.—

“(1) IN GENERAL.—Until the Administrator develops procedures for granting accredited status, any certified development company that was accredited as of the date of enactment of the Small Business Financing and Investment Act of 2009 shall be deemed to be accredited.

“(2) APPLICATIONS.—Any certified development company that satisfies the provision of paragraph (1) shall have 24 months in which to submit the application established by this section for accredited status.

“(3) EFFECT WHILE APPLICATION PENDING.—The denial or rejection of an application for accredited status as set forth in this section shall have no effect on the ability of a development company that meets the standard set forth in paragraph (1) from maintaining its status during the 24 months specified in this subsection.

“(h) PROMULGATION OF ACCREDITING STANDARDS.—The Administrator shall develop standards for accrediting, suspension, and revocation under the program established by this section only after notice and an opportunity for comment as set forth in section 553(b) of title 5, United States Code. After the development of such standards, the Administrator shall publish such standards in the Code of Federal Regulations.

“(i) RULE OF CONSTRUCTION.—Any reference to the term ‘accredited lender’ in any provision of law enacted, or any regulation adopted, prior to the enactment of the Small Business Financing and Investment Act of 2009 shall be deemed to be a reference to the term ‘accredited certified development company’.”.

SEC. 214. PREMIER CERTIFIED LENDER PROGRAM.

Section 504 of the Small Business Investment Act of 1958 (15 U.S.C. 697a) is amended to read as follows:

“SEC. 504. PREMIER CERTIFIED LENDER PROGRAM.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—A certified development company accredited under section 503 may apply for status to become a premier certified development company.

“(2) APPLICATION.—The Administrator shall, after opportunity for notice and comment, develop an application for accredited certified development companies seeking to become premier certified development companies.

“(3) PROCESSING OF APPLICATION.—The Administrator shall make a determination within 60 days after a complete application has been filed by an accredited certified development company.

“(4) REAPPLICATION.—If the Administrator rejects the application, the Administrator shall provide in writing the reasons for the

rejection. Any accredited certified development company may reapply which will recommence the processing time limits set forth in paragraph (3), and such reapplication shall be limited to addressing the reasons for rejection. If the Administrator rejects a second application, that shall be considered final agency action for purposes of chapter 7 of title 5, United States Code.

“(b) STANDARDS FOR OBTAINING PREMIER CERTIFIED DEVELOPMENT COMPANY STATUS.—The Administrator shall designate an accredited certified development company as a premier certified development company if the application submitted pursuant to subsection (a) demonstrates that the accredited certified development company meets the following standards:

“(1) Has been an accredited certified development company for at least 12 months.

“(2) Has submitted to the Administrator adequately analyzed debenture guarantee applications.

“(3) Has closed, in a proper manner following the Administrator regulations, loans under this title.

“(4) Has serviced its loan portfolio in accordance with the standards set by the Administrator.

“(5) Has established a loan loss reserve established in accordance with this section that the Administrator determines is sufficient to meet its obligations to protect the Federal Government from the risk of loss on each debenture guaranteed under this section.

“(6) Has agreed, as part of the application and in order to protect the Federal Government against the risk of loss, to the following—

“(A) on account of a debenture, the proceeds of which were used to fund a loan approved prior to the date of enactment of the Small Business Financing and Investment Act of 2009, agrees to reimburse the Administrator for 10 percent of any loss sustained by the Administrator as a result of a default by the company in the payment of principal or interest on a debenture issued by such company and guaranteed by the Administrator;

“(B) on account of a debenture, the proceeds of which were used to fund a loan approved prior to the date of enactment of the Small Business Financing and Investment Act of 2009 and which were issued during the period in which the company had made a selection pursuant to section 508(c)(7) of the Small Business Investment Act of 1958, as in effect on the day before such date of enactment, agrees to reimburse the Administrator for 15 percent of any loss sustained by the Administrator as a result of a default by the company in the payment of principal or interest on a debenture issued by such company and guaranteed by the Administrator; or

“(C) on account of a debenture, the proceeds of which are used to fund a loan approved on or after the date of enactment of the Small Business Financing and Investment Act of 2009, upon closing, pay to the Administrator a one-time participation fee in the amount equal to the higher of the following:

“(i) 0.25 percent of the amount of the debenture.

“(ii) A percent of the amount of the debenture equal to 10 percent of the amount of the company's historic loss rate on debentures guaranteed under this section as determined by the Administrator. The rate specified by this clause shall be determined annually based upon the company's loan losses as of close of business on June 30 and notice of the

determination shall be provided to each company not later than August 31. Such rate shall be applicable to loans approved during the fiscal year commencing after the determination is made and shall expire and have no further application after the end of such fiscal year. If no timely determination has been made prior to the commencement of a fiscal year, including the year of enactment of the Small Business Financing and Investment Act of 2009, one may be made after the commencement and it shall be applicable to loans approved during the balance of such fiscal year commencing 30 days after notification to the development company involved.

“(c) **SUSPENSION OR REVOCATION OF PREMIER STATUS.**—The Administrator may suspend or revoke an accredited certified development company's premier status if the Administrator determines, after a hearing on the record as set forth in sections 554, 556, and 557 of title 5, United States Code, that the accredited certified development company no longer meets the eligibility criteria for premier status as established under this section or failed to adhere to the Administrator's rules, regulations, or is violating some other provision of law. Such revocation or suspension shall have no effect on its status as an accredited certified development company.

“(d) **LOAN LOSS RESERVE.**—

“(1) **ASSETS.**—Each loan loss reserve maintained by the premier certified development company for loans made pursuant to the authority in subsection (g)(1) shall be comprised of—

“(A) segregated funds on deposit in an account or accounts with a federally insured depository institution or institutions selected by the company, subject to a collateral assignment in favor of, and in a format acceptable to, the Administrator that shall amount to 10 percent of the company's exposure as determined pursuant to subsection (b)(6);

“(B) irrevocable letter or letters of credit, with a collateral assignment in favor of, and a commercially reasonable format acceptable to, the Administrator; or

“(C) any combination of the assets described in subparagraphs (A) and (B).

“(2) **CONTRIBUTIONS.**—The company shall make contributions to the loss reserve, either cash or letters of credit as provided above, in the following amounts and at the following intervals:

“(A) 50 percent when a debenture is closed.

“(B) 25 percent additional not later than 1 year after a debenture is closed.

“(C) 25 percent additional not later than 2 years after a debenture is closed.

“(3) **REPLENISHMENT.**—If a loss has been sustained by the Administrator, any portion of the loss reserve, and other funds provided by the premier certified development company as necessary, may be used to reimburse the Administrator for the premier certified development company's share of the loss as provided for in subsection (b)(6). If the premier certified development company utilizes the reserve, it shall, within 30 calendar days, replace an equivalent amount of funds.

“(4) **DISBURSEMENTS.**—

“(A) **IN GENERAL.**—The Administrator shall allow the premier certified development company to withdraw from the loss reserve amounts attributable to any debenture that has been repaid.

“(B) **REDUCTION.**—The Administrator shall allow the premier certified development company to withdraw from the loss reserve such amounts as are in excess of 1 percent of

the aggregate outstanding balances of debentures to which such loss reserve relates. The reduction authorized by this subparagraph shall not apply with respect to any debenture before 100 percent of the contribution described in paragraph (2) with respect to such debenture has been made.

(5) **APPLICABILITY.**—This subsection shall apply only to a premier certified development company designated as a premier certified development company by the Administrator under this section on or after the date of the enactment of the Small Business Financing and Investment Act of 2009. The loan loss reserve requirements relating to any premier certified development company certified prior to the date of the enactment of such Act shall continue to be governed by regulations in effect on the date of the enactment of such Act.

“(e) **BUREAU OF PREMIER CERTIFIED DEVELOPMENT COMPANY LENDER OVERSIGHT.**—

“(1) **IN GENERAL.**—There is hereby established a Bureau of Premier Certified Development Company Lender Oversight in the Office of Lender Oversight at the Administration which shall have responsibility and capability for carrying out oversight of premier certified development companies and such other responsibilities as the Administrator designates.

“(2) **ANNUAL REVIEW.**—The Bureau established in paragraph (1) annually shall review the financing made by each premier certified development company. Such review shall include the premier certified development company's credit decisions and general compliance with the eligibility requirements for each financing approved as a result of its status as a premier certified development company.

“(3) **RANDOM AUDITS.**—The Bureau shall develop and implement a method for sampling the debentures issued by premier certified development companies. Such sampling shall be similar to the random file audits of development companies that utilize the Abridged Submission Method described in chapter 4 of subpart C of Standard Operating Procedure 50 10 (5)(A) as was in effect on March 2, 2009.

“(4) **REVIEW OF LENDERS PROVIDING SENIOR FINANCING.**—

“(A) **CALCULATION OF LOAN LOSS RATE.**—The Bureau shall periodically calculate the loss rate of all debentures approved under this section and shall calculate a loss rate on the basis of the total debentures attributable to projects approved by premier certified development companies in which each lender is a participating lender.

“(B) **NOTIFICATION.**—If the Bureau determines that the loss rate on debentures involving an individual lender exceeds the average for all debentures approved under this section, it shall advise the Administrator.

“(5) **USE OF REVIEWS AND AUDITS.**—The Administrator shall consider the findings under paragraphs (2), (3), and (4) in carrying out the responsibilities under subsection (h).

“(f) **SALE OF CERTAIN DEFAULTED LOANS.**—

“(1) **NOTICE.**—If, upon default in repayment, the Administrator acquires a debenture issued by a premier certified development company and identifies such loan for inclusion in a bulk asset sale of defaulted or repurchased loans or other financing, the Administrator shall give prior notice thereof to any premier certified development company which has a contingent liability under this section. The notice shall be given to the premier certified development company as soon as possible after the financing is identified, but not less than 90 days before the date the Administrator first makes any records on

such financing available for examination by prospective purchasers prior to its offering in a package of loans for bulk sale.

“(2) **LIMITATIONS.**—The Administrator shall not offer any loan described in paragraph (1) as part of a bulk sale unless the Administrator—

“(A) provides prospective purchasers with the opportunity to examine the Administration's records with respect to such loan; and

“(B) provides the notice required by paragraph (1).

“(g) **LOAN APPROVAL AUTHORITY.**—

“(1) **IN GENERAL.**—A premier certified development company may, under conditions determined by the Administrator in regulations published in the Code of Federal Regulations, issue guarantees on debentures, approve, authorize, close, service, foreclose, litigate (except that the Administrator may monitor conduct of any such litigation), and liquidate loans that are funded with proceeds of a debenture issued by a premier certified development company unless the Administrator advises the company that loans involving a specific institutional lender are to be submitted to the Administrator for further consideration, and approval by the Administrator.

“(2) **PROGRAM GOALS.**—Each premier certified development company shall establish a goal of processing no less than 50 percent of the applications for assistance under this title that the premier certified development company receives. Failure to meet this goal shall have no effect on the company's status as a premier certified development company under this section.

“(3) **SCOPE OF REVIEW.**—The approval of a loan and guarantee of a debenture by a premier certified development company shall be subject to final approval as to the eligibility of any guarantee by the Administrator as set forth in section 506, but such final approval shall not include review of decisions by the premier certified development company involving creditworthiness, loan closing, or compliance with legal requirements imposed by law or regulation.

“(h) **SUSPENSION OR REVOCATION.**—The Administrator may suspend or revoke an accredited certified development company's premier status if the Administrator determines, after a hearing on the record as set forth in sections 554, 556, and 557 of title 5, United States Code, that the accredited certified development company no longer meets the eligibility criteria established under this section, fails to maintain adequate loan loss reserves mandated in this section even if it meets the other eligibility requirements for premier status, or violates the Administrator's rules, regulations, or some other provision of law. The Administrator shall consider the review of the premier certified development company conducted pursuant to subsection (e) in determining whether to suspend or revoke an accredited development company's premier status. Such suspension or revocation shall have no effect on the development company's status as an accredited certified development company.

“(i) **EFFECT OF SUSPENSION OR REVOCATION.**—A suspension or revocation of premier status shall not affect any outstanding debenture guarantee.

“(j) **RULE OF CONSTRUCTION.**—Any reference to the term ‘premier certified lender’ or ‘PCL’ in legislation enacted, or regulations adopted, prior to the enactment of the Small Business Financing and Investment Act of 2009 shall be deemed to be a reference to the term ‘premier certified development company’.

SEC. 215. MULTI-STATE OPERATIONS.

Section 505 of the Small Business Investment Act of 1958 (15 U.S.C. 697b) is amended to read as follows:

“SEC. 505. MULTI-STATE OPERATIONS.

“(a) AUTHORIZATION.—The Administrator shall permit an accredited or premier certified development company to make loans or issue debentures in any State that is contiguous to the State of incorporation of that company only if the company—

“(1) has members, from each of the States in which it operates with not fewer than 25 members who reside in such States;

“(2) has a board of directors that contains not fewer than 2 members from each State in which the company makes loans and issues debentures and are residents of that State;

“(3) maintains a separate loan committee to process loans in each expansion State and the members of the loan committee are solely residents of the expansion State; and

“(4) files an application developed by the Administrator which provides—

“(A) notice of the intention to make loans in multiple States;

“(B) a specification of the States in which the company intends to make loans;

“(C) a list of members in each expansion State; and

“(D) a detailed statement on how the company will comply with the requirements of this subsection.

“(b) LOAN COMMITTEES.—The requirements of paragraph (3) of subsection (a) shall not require a development company to establish a loan committee in its State of incorporation or in a local economic area outside the State of incorporation unless such area is part of an expansion State.

“(c) REVIEW.—

“(1) IN GENERAL.—The Administrator shall review each application for expansion under subsection (a), but such review shall be limited to that information needed to determine whether the company will comply with the requirements of subsection (a).

“(2) DEADLINE FOR DECISION.—The Administrator shall make a decision on each application under subsection (a) within 15 calendar days after the receipt of the application. If no such decision is granted, the application is deemed to be approved and no further action is required by the applicant or the Administrator for the company to expand into the States specified in the application.

“(3) APPLICATION RESUBMITTAL.—If the Administrator rejects the application for expansion, the Administrator shall provide in writing the reasons for denial within 10 calendar days of the decision. The applicant then may resubmit the application but the review of such resubmitted applications will be limited only to the areas in which the Administrator found the original application deficient. The deadlines in paragraph (2) shall apply to resubmitted applications.

“(4) APPEAL.—If a resubmitted application is denied, the applicant may, within 10 calendar days after receipt of the disapproval, appeal such disapproval. The Administrator shall conduct a hearing to determine such appeal pursuant to sections 554, 556, and 557 of title 5, United States Code, and shall issue a decision not later than 45 days after the appeal is filed. The decision on appeal shall constitute final agency action for purposes of chapter 7 of title 5, United States Code.

“(d) FAILURE TO DEVELOP APPLICATION.—If the Administrator fails to develop an application as required in subsection (a)(4) within 60 days of the enactment of the Small Business Financing and Investment Act of 2009, an accredited or premier certified develop-

ment company only need submit the information required in subsection (a) to the Administrator to be deemed eligible to commence operations authorized by this section. Such eligibility shall not be terminated if the Administrator develops an application after the 60-day period set forth in this subsection.

“(e) AGGREGATE ACCOUNTING.—An accredited or premier certified development company authorized to operate in multiple States pursuant to this section may maintain an aggregate accounting of all revenue and expenses of the company for purposes of this title.

“(f) LOCAL JOB CREATION REQUIREMENTS.—

“(1) IN GENERAL.—Any company making loans in multiple States as authorized in this section shall not count jobs created or retained in one State towards any applicable job creation or retention requirements mandated by this title in another State.

“(2) APPLICABILITY.—Any company operating under the authority of this section shall be required to meet any job creation or retention requirement of this title on the date that is 2 years after the certified development company closed its first loan in its new State of operation.

“(g) CONTIGUOUS STATES.—For the purposes of this section, the States of Alaska and Hawaii shall be deemed to be contiguous to any State abutting the Pacific Ocean. Territories of the United States located in the Pacific Ocean shall be deemed to be contiguous to any State abutting the Pacific Ocean, including Alaska and Hawaii, and territories of the United States located in the Caribbean Sea shall be deemed contiguous to any State abutting the Gulf of Mexico.

“(h) EXEMPTION FOR LOCAL ECONOMIC AREAS.—Except as provided in subsection (a)(3) with respect to loan committees, any certified, accredited, or premier development company or applicant operating in a local economic development area that crosses the border of another State shall not be considered to be operating under the provisions of this section and shall not be required to comply with the requirements of this section for multi-State operation.”

SEC. 216. GUARANTY OF DEBENTURES.

Section 506 of the Small Business Investment Act of 1958 (15 U.S.C. 697c) is amended to read as follows:

“SEC. 506. GUARANTY OF DEBENTURES.

“(a) AUTHORITY TO GUARANTEE.—Except as provided in subsection (c), the Administrator may guarantee the timely payment of all principal and interest as scheduled on any debenture issued by a certified development company.

“(b) TERMS AND CONDITIONS OF THE GUARANTEE.—Such guarantees may be made on such terms and conditions as the Administrator may by regulation, published in the Code of Federal Regulations, determine to be appropriate, except that the Administrator shall not decline to issue such guarantee when the ownership interests of the small business concern and the ownership interests of the property to be financed with the proceeds of the loan made pursuant to subsection (e)(1) are not identical because one or more of the following classes of relatives have an ownership interest in either the small business concern or the property: father, mother, son, daughter, wife, husband, brother, or sister, if the Administrator or his designee has determined on a case-by-case basis that such ownership interest, such guarantee, and the proceeds of such loan, will substantially benefit the small business concern.

“(c) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts guaranteed under this section.

“(d) SUBORDINATION.—Any debenture issued by a certified development company with respect to which a guarantee is made under this section may be subordinated by the Administrator to any other debenture, promissory note, or other debt or obligation of such company.

“(e) STANDARDS FOR ADMINISTRATOR GUARANTEES.—No guarantee may be made with respect to any debenture under this section unless—

“(1) the debenture is issued for the purpose of making one or more loans to small business concerns the proceeds of which shall be used for the purposes set forth in section 507;

“(2) the interest rate on such debentures is not less than the rate of interest determined by the Secretary of the Treasury for purposes of section 303(b);

“(3) the aggregate amount of such debenture does not exceed the amount of the loans to be made from the proceeds of such debenture plus, at the election of the borrower, other amounts attributable to the administrative and closing costs of such loans, except for the attorney fees of the borrower;

“(4) the amount of any loan to be made from such proceeds does not exceed an amount equal to 50 percent of the cost of the project with respect to which such loan is made;

“(5) the Administrator, except to the extent provided in section 504 with respect to premier certified development companies, approves each loan to be made from such proceeds; and

“(6) with respect to each loan made from the proceeds of such debenture, the Administrator—

“(A) assesses and collects a fee, which shall be payable by the borrower, in an amount established annually by the Administration, which amount shall not exceed—

“(i) the lesser of—

“(I) 0.9375 percent per year of the outstanding balance of the loan; or

“(II) the minimum amount necessary to reduce the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) to the Administrator of purchasing and guaranteeing debentures under this title to zero; and

“(ii) 50 percent of the amount established under clause (i) in the case of a loan made during the 2-year period beginning on October 1, 2002, for the life of the loan; and

“(B) uses the proceeds of such fee to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administrator of making guarantees under this section.

“(f) INTEREST RATES ON COMMERCIAL LOANS.—Notwithstanding the provisions of the constitution or laws of any State limiting the rate or amount of interest which may be charged, taken, received, or reserved, the maximum legal rate of interest on any commercial loan which funds any portion of the cost of the project financed pursuant to this title which is not funded by a debenture guaranteed under this section shall be a rate which is established by the Administrator who shall publish such rate quarterly in, at a minimum, the Federal Register and on the Administration's website.

“(g) DEBENTURE REPAYMENT.—Any debenture that is issued under this section shall provide for the payment of principal and interest on a semiannual basis.

“(h) CHARGES FOR ADMINISTRATOR'S EXPENSES.—The Administrator may impose an

additional charge for administrative expenses with respect to each debenture for which payment of principal and interest is guaranteed under this section. Such administrative expenses may include—

“(1) development company fees for processing, closing, servicing, late payment, or loan assumption;

“(2) agent or trustee fees for central servicing, underwriters, or debenture funding; and

“(3) fees charged by the Administrator for the debenture guaranty and from the certified development company to reduce the subsidy cost.

“(i) **PARTICIPATION FEE.**—The Administrator shall collect a one-time fee in an amount equal to 50 basis points on the total participation in any project of any State or local government, bank, other financial institution, or foundation or not-for-profit institution. Such fee shall be imposed only when the participation of the entity described in the previous sentence will occupy a senior credit position to that of the development company. All proceeds of the fee shall be used to offset the cost (as that term is defined in section 502 of the Credit Reform Act of 1990) to the Administrator of making guarantees under this section.

“(j) **CERTIFIED DEVELOPMENT COMPANY FEE.**—The Administrator shall collect annually from each development company a fee of 0.125 percent of the outstanding principal balance of any guaranteed debenture authorized by the Administrator after September 30, 1996. Such fee shall be derived from the servicing fees collected by the certified development company pursuant to regulation, and shall not be derived from any additional fees imposed on small business concerns. All proceeds of the fee shall be used to offset the cost (as that term is defined in section 502 of the Credit Reform Act of 1990) to the Administrator of making guarantees under this section.

“(k) **EFFECTIVE DATE.**—The fees authorized by this section shall apply to any financing approved under this title on or after October 1, 1996.

“(l) **CALCULATION OF SUBSIDY RATE.**—All fees, interest, and profits received and retained by the Administrator under this section shall be included in the calculations made by the Director of the Office of Management and Budget to offset the cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990) to the Administrator of purchasing and guaranteeing debentures under this title.

“(m) **ACTIONS UPON DEFAULT.**—

“(1) **INITIAL ACTIONS.**—Not later than the 45th day after the date on which a payment on a loan funded through a debenture guaranteed under this section is due and not received, the Administrator shall—

“(A) take all necessary steps to bring such loan current; or

“(B) implement a formal written deferral agreement.

“(2) **PURCHASE OR ACCELERATION OF DEBENTURE.**—Not later than the 65th day after the date on which a payment on a loan described in paragraph (1) is due and not received, and absent a formal written deferral agreement, the Administrator shall take all necessary steps to purchase or accelerate the debenture.

“(3) **PREPAYMENT PENALTIES.**—With respect to the portion of any project derived from funds not provided by a debenture issued by a certified development company or borrower, the Administrator—

“(A) shall negotiate the elimination of any prepayment penalties or late fees on de-

faulted loans made prior to September 30, 1996;

“(B) shall not pay any prepayment penalty or late fee on the default based purchase of loans issued after September 30, 1996; and

“(C) shall not pay a default interest rate higher than the interest rate on the note prior to the date of default for any project financed after September 30, 1996.

“(4) **COLLECTION AND SERVICING.**—

“(A) **IN GENERAL.**—In the event of the default of any loan and the repurchase of a debenture guaranteed by the Administrator under this title, the Administrator shall continue to delegate to the central servicing agent that was contracted for that service as of January 1, 2009, or successor contractor the authority to collect and disburse all funds or payments received on such defaulted loans, including payments from guarantors or on notes in compromise of the original note. The central servicing agent shall continue to provide an accounting of income and expenses for any such loan on the same basis it does for any other loan issued under this title. The central servicing agent shall make the accounting of income and expenses and reports thereon available as requested by the certified development company that issued the debenture or the Administrator.

“(B) **EFFECTIVE DATE.**—The requirements of subparagraph (A) shall become effective 180 days after the date of enactment of the Small Business Financing and Investment Act of 2009.”

SEC. 217. ECONOMIC DEVELOPMENT THROUGH DEBENTURES.

Section 507 of the Small Business Investment Act of 1958 (15 U.S.C. 697d) is amended to read as follows:

“SEC. 507 ECONOMIC DEVELOPMENT AND DEBENTURES.

“(a) **IN GENERAL.**—A certified development company shall be prohibited from issuing a debenture under this title unless the project funded with the debenture meets one of the following economic development objectives:

“(1) The creation of job opportunities within two years of the completion of the project or the preservation or retention of jobs attributable to the project.

“(2) Improving the economy of the locality, such as stimulating other business development in the community, bringing new income into the area, or assisting the community in diversifying and stabilizing its economy.

“(3) The achievement of one or more of the following public policy goals:

“(A) Business district revitalization or expansion of businesses in low-income communities which would be eligible for a new markets tax credit under section 45D(a) of the Internal Revenue Code of 1986, or implementing regulations issued under that section.

“(B) Expansion of exports.

“(C) Expansion of minority business development or women-owned business development.

“(D) Rural development.

“(E) Expansion of small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), especially service-disabled veterans, as defined in such section.

“(F) Enhanced economic competition, including the advancement of technology, plan retooling, conversion to robotics, or competition with imports.

“(G) Changes necessitated by Federal budget cutbacks, including defense related industries.

“(H) Business restructuring arising from federally mandated standards or policies affecting the environment or the safety and health of employees.

“(I) Reduction of energy consumption by at least 10 percent.

“(J) Increased use of sustainable design, including designs that reduce the use of greenhouse gas emitting fossil fuels, or low-impact design to produce buildings that reduce the use of nonrenewable resources and minimize environmental impact.

“(K) Plant, equipment, and process upgrades of renewable energy sources such as the small-scale production of energy for individual buildings or communities consumption, commonly known as micropower, or renewable fuels producers including biodiesel and ethanol producers.

“(4) Debt refinancing to the extent permitted by subsection (d).

“(b) **JOB CREATION AND RETENTION REQUIREMENTS.**—

“(1) **IN GENERAL.**—A project meets the job creation or retention objective set forth in subsection (a)(1) if the project creates or retains one job for every \$65,000 guaranteed by the Administrator, except that the amount shall be \$100,000 in the case of a project of a small manufacturer.

“(2) **EXCEPTIONS.**—

“(A) Paragraph (1) shall not apply to a project for which eligibility is based on the objectives set forth in subsection (a)(2) or (a)(3) if the certified development company's portfolio of outstanding debentures creates or retains one job for every \$65,000 guaranteed by the Administrator.

“(B) For projects in Alaska, Hawaii, State-designated enterprise zones, empowerment zones, enterprise communities, or labor surplus areas designated by the Administrator, the certified development company's portfolio may average not more than \$75,000 per job created or retained.

“(C) Loans for projects of small manufacturers shall be excluded from the calculations in subparagraphs (A) and (B).

“(c) **COMBINATION OF CERTAIN GOALS.**—A small business concern that is unconditionally owned by more than 1 individual, or a corporation, the stock of which is owned by more than 1 individual, shall be deemed to have achieved a goal under subsection (a)(3) if a combined ownership share of not less than 51 percent is held by individuals who are in 1 of, or a combination of, the groups described in subparagraphs (C) or (E) of subsection (a)(1).

“(d) **COMPOSITION OF THE PROJECT.**—

“(1) **IN GENERAL.**—The projects described in this section shall include, but not be limited to, plant acquisition, construction, conversion, expansion (including the acquisition of land), equipment and related project costs, or to acquire the stock of a corporation (as long as the value of the loan for the acquisition of the stock does not exceed the fixed asset value attributable to such assets as would be eligible for financing under subsection (a)).

“(2) **DEBT REFINANCING.**—Any financing approved under this title may include a limited amount of debt refinancing if the project involves the expansion of a small business concern.

“(3) **LIMITATION.**—The amount of the existing indebtedness may be refinanced and added to the expansion cost if—

“(A) the existing indebtedness does not exceed 50 percent of the project cost of the expansion;

“(B) the proceeds of the indebtedness were used to acquire land, including a building

situated thereon, to construct a building thereon, or to purchase equipment;

“(C) the existing indebtedness is collateralized by fixed assets;

“(D) the existing indebtedness was incurred for the benefit of the small business concern;

“(E) the financing under this title will be used only for refinancing existing indebtedness or costs relating to the project financed under this title;

“(F) the financing under this title will provide a substantial benefit to the borrower when prepayment penalties, financing fees, and other financing costs are accounted for;

“(G) the borrower has been current on all payments due on the existing debt for not less than 1 year preceding the date of refinancing; and

“(H) the financing under this title will provide better terms or rate of interest than the existing indebtedness at the time of refinancing.

“(e) **DEFINITION.**—For purposes of subparagraphs (J) and (K) of subsection (a)(3), the terms included have the meanings given those terms under the Leadership in Energy and Environmental Design (more generally referred to as LEED) standard for green building certification, as determined by the Administrator through regulation to be published in the Code of Federal Regulations.”.

SEC. 218. PROJECT FUNDING REQUIREMENTS.

Section 508 of the Small Business Investment Act of 1958 (15 U.S.C. 697e) is amended to read as follows:

“SEC. 508. PROJECT FUNDING REQUIREMENTS.

“(a) **IN GENERAL.**—Any project described in section 507 must meet the funding standards set forth in this section.

“(b) **SIZE OF DEBENTURE.**—The Administrator shall only be permitted to guarantee debenture issued by a certified development company up to the following amounts:

“(1) \$3,000,000 for any project of a small business concern.

“(2) \$4,000,000 for any project that meets the public policy goals set forth in section 507(a)(3).

“(3) \$4,000,000 for any project to be located in a low-income community as that term is described in section 507(a)(3)(A).

“(4) \$8,000,000 for each project of a small manufacturer.

“(5) \$8,000,000 for each project that reduces the borrower's energy consumption by at least 10 percent.

“(6) \$8,000,000 for each project that generates renewable energy or renewable fuels, such as, but not limited to, biodiesel or ethanol production.

“(7) \$10,000,000 for each project for a small business concern that constitutes a major source of employment as that term is used in section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)).

“(c) **FUNDING FROM SOURCES OTHER THAN DEBENTURES ISSUED BY CERTIFIED DEVELOPMENT COMPANIES.**—

“(1) **IN GENERAL.**—Any project financed pursuant to this title must have the following contributions from parties other than the debenture issued by the certified development company:

“(A) **FUNDING FROM INSTITUTIONS.**—

“(i) If a small business concern provides—

“(I) the minimum contribution required by subparagraph (B), not less than 50 percent of the total cost of any project financed shall come from State or local governments, banks or other financial institutions, or foundations or other not-for-profit institutions; and

“(II) more than the minimum contribution required under subparagraph (B), any excess

contribution may be used to reduce the amount required from institutions described in subclause (I), except that the amount provided by such institution may not be reduced to an amount that is less than the amount of the loan made by the Administrator.

“(B) **FUNDING FROM SMALL BUSINESS CONCERNS.**—The small business concern (or its owners, stockholders, or affiliates) that will have a project financed pursuant to this title shall provide—

“(i) at least 15 percent of the total cost of the project financed if the small business concern has been in operation for a period of 2 years or less;

“(ii) at least 15 percent of the total cost of the project financed if the project involves construction of a limited or single purposed building or structure;

“(iii) at least 20 percent of the total cost of the project financed if the project involves both of the conditions in clauses (i) and (ii); or

“(iv) at least 10 percent of the total cost of the project financed and not covered by clauses (i), (ii), or (iii), at the discretion of the certified development company.

“(2) **SELLER FINANCING.**—Seller-provided financing may be used to meet the requirements of paragraph (1)(B), if the seller subordinates the interest of the seller in the property to the debenture guaranteed by the Administrator.

“(3) **COLLATERALIZATION.**—

“(A) **IN GENERAL.**—The collateral provided by the small business concern shall generally include a subordinate lien position on the property being financed under this title, and is only one of the factors to be evaluated in the credit determination. Additional collateral shall be required only if the Administrator determines, on a case-by-case basis, that additional security is necessary to protect the interest of the Government.

“(B) **APPRAISALS.**—With respect to commercial real property provided by the small business concern as collateral, an appraisal of the property by a State licensed or certified appraiser—

“(i) shall be required by the Administrator before disbursement of the loan if the estimated value of that property is more than \$400,000; or

“(ii) may be required by the Administrator or the lender before disbursement of the loan if the estimated value of that property is \$400,000 or less, and such appraisal is necessary for appropriate evaluation of creditworthiness.

“(C) **ADJUSTMENT.**—The Administrator shall periodically adjust the amount under subparagraph (B) to account for the effects of inflation, provided that no such adjustment shall be less than \$50,000.

“(4) **LIMITATION ON LEASING.**—

“(A) If the project funded under this section includes the acquisition of a facility or the construction of a new facility, the small business concern—

“(i) shall permanently occupy and use not less than 50 percent of the project property; and

“(ii) may, on a temporary or permanent basis, lease to others not more than 50 percent of the project property.

“(B) For purposes of this paragraph, the term ‘project property’ means—

“(i) the building and any exterior areas used in connection with the building or a part thereof and includes all of the parcels of real property included in the project in the aggregate; and

“(ii) occupancy and use of the project property by the operating company shall be

deemed to be occupancy and use by the small business concern that received funding under this section.

“(d) **REGULATIONS.**—(1) The Administrator shall promulgate regulations, after notice and comment, to implement the provisions of this section within 60 days after enactment of the Small Business Financing and Investment Act of 2009. The Administrator may limit the comment period to 15 days to meet this deadline.

“(2) If the Administrator fails to promulgate the regulations as provided in paragraph (1), all leases entered into, absent clear and convincing evidence of fraud, shall be deemed to be in compliance with the limitations on leasing in this subparagraph for purposes of honoring the guarantee on the debenture issued by the certified development company.

“(3) Any regulation of the Administrator or interpretation of any regulation by the Administrator or the Office of Hearings and Appeals that restricts the use of proceeds for leased projects that was in effect on the date of enactment of the Small Business Financing and Investment Act of 2009 shall hereby cease to apply.

“(4) Any interpretation of the leasing provisions issued by the Administrator prior to the issuance of regulations required by paragraph (1) shall be considered null and void and may not be used in any court of competent jurisdiction, be it Federal or State court, to dishonor any guarantee of a debenture issued by a certified development company for a project funded pursuant to this section.

“(e) **OWNERSHIP CALCULATION.**—Ownership requirements to determine the eligibility of a small business concern that applies for funding under this title shall be determined without regard to any ownership interest of a spouse arising solely from the application of the community property laws of a State for purposes of determining marital interests.

“(f) **COMBINATION FINANCING.**—Financing under this title may be provided to a borrower in the maximum amount provided in this section, and a loan guarantee under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) may be provided to the same borrower in the maximum amount provided in section 7(a)(3)(A) of such Act, to the extent that the borrower otherwise qualifies for such assistance.

“(g) **RULES FOR DEBENTURES FUNDING PROJECTS IN LOW-INCOME AREAS.**—

“(1) **SIZE STANDARDS.**—For purposes of determining the size of a small business concern seeking funds for a project described in subsection (b)(3), the size standard promulgated by the Administrator in section 121.201 of title 13, Code of Federal Regulations, as in effect on January 1, 2009, or any successor regulation, shall be increased by 25 percent.

“(2) **PERSONAL LIQUIDITY.**—

“(A) **IN GENERAL.**—The amount of personal resources of an owner for a project described in subsection (b)(3) that are excluded from the amount required to reduce the portion of the project funded by the Administrator shall be not less than 25 percent more than that required for funding of any other project described in subsection (b).

“(B) **DEFINITION.**—For purposes of subparagraph (A), the term ‘owner’ means any person that owns not less than 20 percent of the equity or has not less than 20 percent of the voting rights (in the case of a small business organized as a partnership) of a small business concern seeking funds under this section.

“(h) APPLICABILITY OF CREDIT ELSEWHERE AND PERSONAL RESOURCES REGULATIONS.—Except as provided in subsection (c)(1)(B) with respect to project funding, the Administrator shall be prohibited from applying the regulations set forth in sections 120.101 and 120.102 of title 13, Code of Federal Regulations, as in effect on January 1, 2009, or any successor regulation that applies a credit elsewhere or personal resources test to any application for a loan under this title pending or filed after the date of enactment of the Small Business Financing and Investment Act of 2009.”

SEC. 219. PRIVATE DEBENTURE SALES AND POOLING OF DEBENTURES.

Section 509 of the Small Business Investment Act of 1958 (15 U.S.C. 697f) is amended to read as follows:

“SEC. 509. PRIVATE DEBENTURE SALES AND POOLING OF DEBENTURES.

“(a) PRIVATE DEBENTURE SALES.—Notwithstanding any other law, rule, or regulation, the Administrator shall sell to investors, either publicly or by private placement, debentures issued by certified development companies pursuant to this title for the full amount of the program levels authorized in each fiscal year and if there is not authorization of a level, the amount of debentures actually issued.

“(b) FEDERAL FINANCING BANK.—Nothing in any provision of law shall be construed to authorize the Federal Financing Bank to acquire—

“(1) any obligation the payment of principal or interest on which at any time has been guaranteed in whole or in part under this title and which is being sold pursuant to the provisions of this section;

“(2) any obligation which is an interest in any obligation which is an interest in any obligation described in paragraph (1); or

“(3) any obligation which is secured by, or substantially all of the value of which is attributable to, any obligation described in paragraph (1) or (2).

“(c) POOLING OF DEBENTURES.—

“(1) IN GENERAL.—The Administrator is authorized to issue trust certificates representing ownership of all or a fractional part of debentures issued by certified development companies and guaranteed under this title if such trust certificates are based on and backed by a trust or pool approved by the Administrator and composed solely of guaranteed debentures.

“(2) GUARANTEE OF TRUST CERTIFICATES.—The Administrator is authorized, upon such terms and conditions as are deemed appropriate, to guarantee the timely payment of the principal of and interest on trust certificates issued by the Administrator or its agent for purposes of this section. Such guarantee shall be limited to the extent of principal and interest on the guaranteed debentures which compose the trust or pool. In the event that a debenture in such trust or pool is prepaid, either voluntarily or in the event of default, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest such prepaid debenture represents in the trust or pool. Interest on prepaid or defaulted debentures shall accrue and be guaranteed by the Administrator only through the date of payment on the guarantee. During the term of the trust certificate, it may be called for redemption due to prepayment or default of all debentures constituting the pool.

“(3) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all amounts which may be

required to be paid under any guarantee of such trust certificates issued by the Administrator or its agent pursuant to this section.

“(4) PROHIBITION ON GUARANTEE FEE FOR POOLS.—The Administrator shall not collect any fee for any guarantee under this section, provided that nothing herein shall preclude any agent of the Administrator from collecting a fee approved by the Administrator for the functions performed in paragraph (6)(F).

“(5) SUBROGATION.—

“(A) IN GENERAL.—In the event the Administrator pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

“(B) ADMINISTRATOR EXERCISE OF RIGHTS.—No Federal, State, or local law shall preclude or limit the exercise by the Administrator of its ownership rights in the debentures constituting the trust or pool against which the trust certificates are issued.

“(6) CENTRAL REGISTRATION.—

“(A) IN GENERAL.—The Administrator shall provide for a central registration of all trust certificates sold pursuant to this section.

“(B) CONTRACT.—The Administrator shall contract with an agent to carry out on behalf of the Administrator the central registration functions of this section and the issuance of trust certificates to facilitate pooling.

“(C) BOND.—The Administrator shall require the contractor to provide a fidelity bond or insurance in such amounts as is deemed necessary to fully protect the interests of the Government.

“(D) DISCLOSURE REQUIREMENTS.—The Administrator shall, prior to any sale, require the seller to disclose to a purchaser of a trust certificate issued pursuant to this section, information on terms, conditions, and yield of such instruments.

“(E) AUTHORITY TO REGULATE.—The Administrator shall have the authority to regulate brokers and dealers in trust certificates sold pursuant to this section.

“(F) BOOK ENTRY PERMITTED.—Nothing in this paragraph shall prohibit the utilization of a book-entry or other electronic form of registration for trust certificates.”

SEC. 220. FORECLOSURE AND LIQUIDATION OF LOANS.

Section 510 of the Small Business Investment Act of 1958 (15 U.S.C. 697g) is amended to read as follows:

“SEC. 510. FORECLOSURE AND LIQUIDATION OF LOANS.

“(a) DELEGATION OF AUTHORITY.—In accordance with this section, the Administrator shall delegate to any certified development company that meets the eligibility requirements of subsection (b)(1), the authority to foreclose and liquidate, or to otherwise treat in accordance with this section, defaulted loans in its portfolio that are funded with the proceeds of debentures guaranteed by the Administrator pursuant to this title.

“(b) ELIGIBILITY FOR DELEGATION.—

“(1) REQUIREMENTS.—A certified development company shall be eligible for a delegation of authority under subsection (a) if—

“(A) the certified development company—

“(i) has participated in the loan liquidation pilot program established by the Small Business Programs Improvement Act of 1996 (15 U.S.C. 695 note), before the enactment of the Small Business Financing and Investment Act of 2009;

“(ii) is an accredited or premier certified development company; or

“(iii) during the 3 fiscal years immediately prior to seeking such a delegation, has made

an average of not less than 10 loans per year that are funded with the proceeds of debentures guaranteed under this title; and

“(B) the certified development company—

“(i) has one or more employees—

“(I) with not less than 2 years of substantive, decisionmaking experience in administering the liquidation and workout of problem loans secured in a manner substantially similar to loans funded with the proceeds of debentures guaranteed under this title; and

“(II) who have completed a training program on loan liquidation developed by the Administrator in conjunction with a certified development company that meet the requirements of this paragraph; or

“(ii) submits to the Administrator documentation demonstrating that the company has contracted with a qualified third party to perform any liquidation activities and secures the approval of the contract by the Administrator with respect to the qualifications of the contractor and the terms and conditions of liquidation activities.

“(2) CONFIRMATION.—On the request, the Administrator shall examine the qualifications of any certified development company described in subsection (a) to determine if such company is eligible for the delegation of authority under this section. If the Administrator determines that a company is not eligible, the Administrator shall provide the company, in writing, with the reasons for such ineligibility. The certified development company shall be entitled to request delegated authority and the Administrator shall review the request only to address whether the certified development company has rectified the reasons for the Administrator's original determination of ineligibility.

“(c) SCOPE OF DELEGATED AUTHORITY.—

“(1) IN GENERAL.—Each certified development company to which the Administrator delegates authority under subsection (a) may with respect to any loan described in subsection (a)—

“(A) perform all liquidation and foreclosure functions, including the purchase in accordance with this subsection of any other indebtedness secured by the property securing the loan, in a reasonable and sound manner according to commercially accepted practices, pursuant to a liquidation plan approved in advance by the Administrator under paragraph (2)(A);

“(B) litigate any matter relating to the performance of the functions described in subparagraph (A), except that the Administrator may—

“(i) defend or bring any claim if—

“(I) the outcome of the litigation may adversely affect the Administrator's management of the program established under this title; or

“(II) the Administrator is entitled to legal remedies not available to a certified development company and such remedies will benefit either the Administrator or the certified development company; and

“(ii) oversee the conduct of any such litigation; and

“(C) take other appropriate actions to mitigate loan losses in lieu of total liquidation or foreclosures, including the restructuring of a loan in accordance with prudent loan servicing practices and pursuant to a workout plan approved in advance by the Administrator under paragraph (2).

“(2) ADMINISTRATOR APPROVAL OF PLANS.—

“(A) CERTIFIED DEVELOPMENT COMPANY SUBMISSION OF PLANS.—Before carrying out functions described in paragraph (1)(A) or (1)(C), the certified development company shall

submit to the Administrator a proposed liquidation plan, any proposal for the Administrator to the purchase of any other indebtedness secured by the property securing a defaulted loan, or a workout plan or any combination thereof.

“(B) ADMINISTRATOR APPROVAL PROCEDURES.—

“(i) **TIMING.**—Not later than 15 business days after the plans described in subparagraph (A) are received by the Administrator, the Administrator shall approve or reject the plan.

“(ii) **NOTICE OF NO DECISION.**—With respect to any plan that cannot be approved or denied within the 15-day period required by clause (i), the Administrator shall within such period provide in accordance with subparagraph (E) notice to the company that submitted the plan.

“(C) **ROUTINE ACTIONS.**—In carrying out the functions described in paragraph (1)(A), a certified development company may undertake routine actions not addressed in a liquidation or workout plan without obtaining additional approval from the Administrator.

“(D) **COMPROMISE OF INDEBTEDNESS.**—In carrying out functions described in paragraph (1)(A), a certified development company may—

“(i) consider an offer made by an obligor to compromise the debt for less than the full amount owing; and

“(ii) pursuant to such offer, release any obligor or other party contingently liable, if the company secures the written approval of the Administrator.

“(E) **CONTENTS OF NOTICE OF NO DECISION.**—Any notice provided by the Administrator pursuant to subparagraph (B)(ii) shall—

“(i) be in writing stating the specific reasons for which the Administrator was unable to act on the request submitted pursuant to subparagraph (A);

“(ii) provide an estimate of the additional time needed for the Administrator to reach a decision on the request; and

“(iii) specify any additional information or documentation that the Administrator needs to make a decision but was not provided in the plan submitted by the certified development company.

“(3) **CONFLICT OF INTEREST.**—In carrying out functions described in paragraph (1), a certified development company shall take no action that would result in an actual or apparent conflict of interest between the company (or any employee of the company) and any third-party lender, associate of a third-party lender, or any other person participating in a liquidation, foreclosure, or loss mitigation action.

“(d) **SUSPENSION OR REVOCATION OF AUTHORITY.**—

“(1) **IN GENERAL.**—The Administrator may revoke or suspend a delegation of authority under this section to a certified development company if the Administrator determines that the company—

“(A) does not meet the requirements of subsection (b)(1);

“(B) violated any applicable law or rule or regulation of the Administrator that in the estimation of the Administrator requires revocation; or

“(C) fails to comply with any reporting that may be established by the Administrator relating to the establishment of eligibility in subsection (b)(1) or carrying out the functions described in subsection (c)(1).

“(2) **WRITTEN NOTICE.**—The Administrator shall provide in writing detailed reason why the delegation of authority was suspended or revoked.

“(e) **PARTICIPATION IN LIQUIDATION.**—

“(1) **IN GENERAL.**—

“(A) **CONTRACT WITH QUALIFIED THIRD PARTY.**—A certified development company which elects not to apply for authority to foreclose and liquidate defaulted loans under this section, or which the Administrator determines to be ineligible for such authority, shall contract with a qualified third party to perform foreclosure and liquidation of defaulted loans in its portfolio.

“(B) **CONTRACT APPROVAL.**—The contract entered into by the certified development company specified in subparagraph (A) shall be contingent upon approval by the Administrator with respect to the qualifications of the contractor and the terms and conditions of liquidation activities. The Administrator shall not unreasonably withhold such approval.

“(C) **NOTIFICATION OF REJECTION.**—If the Administrator rejects the contract, the Administrator shall provide a notice to the certified development company, in writing, explaining the reasons for such rejection within ten business days after submission of the contract.

“(D) **RESUBMITTAL.**—The certified development company shall be permitted to resubmit the contract and the Administrator's review of any such resubmittal shall be limited to insufficiencies described in the notification of rejection.

“(E) **REGULATIONS.**—The Administrator shall promulgate regulations, after notice and opportunity for comment, adopting standards for the approval of qualified third-party contractors within 90 days after the date of enactment of the Small Business Financing and Investment Act of 2009.

“(F) **FAILURE TO PROMULGATE REGULATIONS.**—If the Administrator fails to promulgate such regulations, any contract for liquidation entered into by a certified development company under this subsection shall be considered valid for the purposes of this subsection and subsection (f).

“(G) **EFFECT OF ADMINISTRATOR'S PROMULGATION OF REGULATIONS.**—If the Administrator promulgates regulations after the deadline specified in subparagraph (E), those regulations shall not have any retroactive application with respect to contracts that are described in subparagraph (F).

“(2) **COMMENCEMENT.**—This subsection shall not require any certified development company to liquidate defaulted loans until the Administrator implements a system to compensate and reimburse certified development companies for liquidation of any defaulted loans.

“(f) **COMPENSATION AND REIMBURSEMENT.**—

“(1) **REIMBURSEMENT OF EXPENSES.**—The Administrator shall reimburse each certified development company for all expenses paid by such company as part of the foreclosure and liquidation activities taken to carry out this section, if the expenses—

“(A) were—

“(i) approved in advance by the Administrator, either specifically in a plan submitted pursuant to subsection (c) or generally, such as, but not limited to, actions approved by the Administrator in regulations or other interpretative issuances; or

“(ii) incurred by the development company on an emergency basis without prior approval from the Administrator, if the Administrator determines that the expenses were reasonable and appropriate; and

“(B) are submitted by the certified development company to the Administrator not later than 3 years after the date the expense was incurred or the bill therefore is sub-

mitted to the certified development company, whichever is later.

“(2) **ALTERNATIVE REIMBURSEMENT.**—As an alternative to the procedure in paragraph (1), a certified development company may elect to obtain reimbursement for all such expenses from the proceeds of any collateral provided by the borrower that was liquidated by the certified development company if the expenses comply with the requirements of paragraph (1). Within 6 months of the reimbursement, the certified development company shall provide the Administrator with the same information and documentation it would be required to submit to obtain payment from the Administrator.

“(3) **REGULATIONS.**—The Administrator shall promulgate regulations, after notice and comment to carry out the provisions of paragraphs (1) and (2). If the Administrator does not promulgate such regulations within one year, certified development companies shall be authorized, notwithstanding the requirements of subsection (e)(2), to liquidate defaulted loans and such costs and expenses incurred, absent clear and convincing evidence of fraud, shall be deemed to be approved.

“(4) **COMPENSATION FOR RESULTS.**—

“(A) **DEVELOPMENT.**—In regulations promulgated pursuant to paragraph (3), the Administrator also shall develop a schedule of compensation that provides monetary incentives for certified development companies in order to increase recoveries on defaulted loans.

“(B) **CRITERIA.**—The schedule shall—

“(i) be based on a percentage of the net amount recovered, but shall not exceed a maximum amount; and

“(ii) not apply to any foreclosure which is conducted under a contract between a certified development company and a qualified third party to perform the foreclosure and liquidation.

“(C) **PAYMENT.**—The Administrator shall transmit the compensation provided herein to the development company from the proceeds of liquidated collateral, unless the Administrator utilizes another source for funds, within 30 days from the date when the liquidation case has been closed and documentation received.”.

SEC. 221. REPORTS AND REGULATIONS.

Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end the following:

“SEC. 511. REPORTS.

“(a) **PREMIER CERTIFIED DEVELOPMENT COMPANIES.**—The Administrator shall report annually to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate on the implementation of section 504. Each report shall include—

“(1) the number of premier certified development companies;

“(2) the debenture volume of each premier certified development company;

“(3) a comparison of the loss rate for premier certified development companies to the loss rate for accredited or certified development companies; and

“(4) such other information as the Administrator deems appropriate.

“(b) **REPORTS ON LIQUIDATION AND FORECLOSURES.**—

“(1) **IN GENERAL.**—Based on information provided by certified development companies and the Administrator, the Administrator shall submit annually to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report

on the results of delegation of authority under section 510.

“(2) CONTENTS.—Each report submitted under paragraph (1) shall include the following information:

“(A) With respect to each loan foreclosed or liquidated by a certified development company, or for which losses were otherwise mitigated by pursuant to a workout plan—

“(i) the total cost of the project financed with the loan;

“(ii) the total original dollar amount guaranteed by the Administration;

“(iii) the total dollar amount of the loan at the time of liquidation, foreclosure, or mitigation of loss;

“(iv) the total dollar losses resulting from the liquidation, foreclosure, or mitigation of loss; and

“(v) the total recoveries resulting from the liquidation, foreclosure, or mitigation of loss, both as a percentage of the amount guaranteed and the total cost of the project financed.

“(B) With respect to each certified development company to which authority is delegated under section 510, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

“(C) With respect to each certified development company that contracts with a qualified third-party contractor pursuant to section 510(e), the total of each of the amounts described in clauses (i) through (v) of subparagraph (A).

“(D) With respect to all loans subject to foreclosure, liquidation, or mitigation under section 510, the totals of each of the amounts described in clauses (i) through (v) of subparagraph (A).

“(E) A comparison between—

“(i) the information provided under subparagraph (D) with respect to the 12-month period preceding the date on which the report is submitted; and

“(ii) the same information with respect to loans foreclosed and liquidated, or otherwise treated, by the Administrator during the same period.

“(F) The number of times that the Administrator has failed to approve or reject a liquidation plan, workout plan, request to purchase indebtedness, or failed to approve a third-party contractor under section 510, including specific information regarding the reasons for the Administrator's failure and any delays that resulted.

“(c) REPORTS ON COMBINATION FINANCING.—

“(1) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of the Small Business Financing and Investment Act of 2009, and annually thereafter, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that—

“(A) includes the number of small business concerns that have financing under both section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) during the year before the year of that report; and

“(B) describes the total amount and general performance of the financing described in subparagraph (A).

“(d) REPORT ON OTHER ECONOMIC DEVELOPMENT ACTIVITY.—The Administrator shall compile and submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate on an annual basis, commencing in the year that

the Small Business Financing and Investment Act of 2009 is enacted, a report that describes the economic and community development activities, other than loan making under this title, of each certified development company during the prior fiscal year. The Administrator may contract with another party, including non-governmental entities, to collect information or otherwise assist in the preparation of the report required by this subsection.

“SEC. 512. PROMULGATION OF REGULATIONS UNDER THIS TITLE.

“(a) DEADLINES FOR IMPLEMENTING REGULATIONS.—Except as expressly provided elsewhere in the Small Business Financing and Investment Act of 2009, the Administrator shall promulgate regulations under this title, after providing notice and the opportunity for comment, within 180 days after the date of enactment of that Act.

“(b) NOTICE AND COMMENT REQUIREMENTS IN GENERAL.—Except as otherwise provided elsewhere in this title, the Administrator shall provide, after the date of enactment of the Small Business Financing and Investment Act of 2009, notice of any proposed change to a regulation implementing this title (whether in existence on the date of enactment of the Small Business Financing and Investment Act of 2009 or subsequently adopted), publish such notification in the Federal Register, and provide a comment period of not less than 60 days.”.

SEC. 222. PROGRAM NAME.

Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), as amended by this Act, is further amended by adding at the end the following:

“SEC. 513 PROGRAM NAME.

“(a) IN GENERAL.—The program created by this title shall be referred to as the CDC Economic Development Loan Program.

“(b) MODIFICATION OF MATERIALS USED.—Not later than 60 days after the date of enactment of the Small Business Financing and Investment Act of 2009, the Administrator shall modify all documents and websites to conform to the name change made by this section.”.

Subtitle C—Miscellaneous

SEC. 231. REPORT ON STANDARD OPERATING PROCEDURES.

(a) REPORT.—The Administrator of the Small Business Administration shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report within 180 days after enactment of this Act identifying each Standard Operating Procedure issued after January 1, 1996, that relates to the operation of a development company (in any manner) under title V of the Small Business Investment Act of 1958, that is still in effect on the date of enactment of this Act, and the regulation codified in title 13 of the Code of Federal Regulations that authorizes the issuance of the Standard Operating Procedure and separately identifies the regulation that the Standard Operating Procedure purports to interpret.

(b) INAPPLICABILITY.—If the Administrator fails to complete the report by the time specified in subsection (a), the Administrator shall, unless there is clear and convincing evidence of fraud, honor the terms and conditions of any debenture to the entity that issued the debenture pursuant to title V of the Small Business Investment Act of 1958 without regard to whether the entity complied with any of the Standard Operating Procedures described in subsection (a) until

such time as the Administrator submits the report required under subsection (a).

(c) DEFINITION.—For purposes of this section, the term “Standard Operating Procedure” has the meaning given that term in section 120.10 of title 13, Code of Federal Regulations, as in effect on January 1, 2009, and includes any reference to the acronym “SOP”.

SEC. 232. ALTERNATIVE SIZE STANDARD.

(a) REVIEW AND STUDY.—

(1) IN GENERAL.—The Administrator of the Small Business Administration shall study and review the optional size standard set forth in section 121.301(b) of title 13, Code of Federal Regulations, as in effect on January 1, 2009, for eligibility of a small business concern for financing under title V of the Small Business Investment Act of 1958.

(2) CONTENTS.—The review shall analyze whether the alternative size standard includes the business concerns defined in section 3(a)(1) of the Small Business Act and what, if any, regulatory changes are needed in the alternative size standard.

(3) SUBMISSION TO CONGRESS.—The Administrator shall submit its study and conclusions within 180 days after the date of enactment of the Small Business Financing and Investment Act of 2009 to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

(b) ISSUANCE OF REGULATIONS.—Any changes in the optional size standard described in subsection (a)(1) shall be promulgated within 180 days of the submission of the report to committees referred to in paragraph (3) of subsection (a).

(c) INTERIM ALTERNATIVE SIZE STANDARD.—Until the Administrator promulgates regulations either readopting the size standard referred to in subsection (a)(1) or adopts a new alternative size standard, the alternative size standard shall be a maximum tangible net worth of not more than \$15,000,000 and an average net income after the payment of Federal taxes (but excluding any carryover losses) for the preceding two fiscal years not more than \$5,000,000.

TITLE III—MICROLENDING EXPANSION

SEC. 301. MICROLOAN CREDIT BUILDING INITIATIVE.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding at the end the following:

“(14) CREDIT REPORTING INFORMATION.—The Administrator shall establish a process, for use by an intermediary making a loan to a borrower under this subsection, under which the intermediary shall provide to the major credit reporting agencies the information about the borrower, both positive and negative, that is relevant to credit reporting, such as the payment activity of the borrower on the loan. Such process shall allow an intermediary the option of providing information to the major credit reporting agencies through the Administration or independently.”.

SEC. 302. FLEXIBLE CREDIT TERMS.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)), as amended by this Act, is further amended—

(1) in paragraph (1)(B)(i) by striking “short-term.”;

(2) in paragraph (6)(A) by striking “short-term.”; and

(3) in paragraph (11)(B) by striking “short-term.”.

SEC. 303. INCREASED PROGRAM PARTICIPATION.

Section 7(m)(2) of the Small Business Act (15 U.S.C. 636(m)(2)) is amended—

(1) in subparagraph (A) by striking “paragraph (10)” and inserting “paragraph (11)”; and

(2) by amending subparagraph (B) to read as follows:

“(B) has—

“(i) at least—

“(I) 1 year of experience making microloans to startup, newly established, or growing small business concerns; or

“(II) 1 full-time employee who has not less than 3 years of experience making microloans to startup, newly established, or growing small business concerns; and

“(ii) at least—

“(I) 1 year of experience providing, as an integral part of its microloan program, intensive marketing, management, and technical assistance to its borrowers; or

“(II) 1 full-time employee who has not less than 1 year of experience providing intensive marketing, management, and technical assistance to borrowers.”.

SEC. 304. INCREASED LIMIT ON INTERMEDIARY BORROWING.

Section 7(m)(3)(C) of the Small Business Act (15 U.S.C. 636(m)(3)(C)) is amended—

(1) by striking “\$750,000” and inserting “\$1,000,000”; and

(2) by striking “\$3,500,000” and inserting “\$7,000,000”; and

(3) by adding at the end the following: “The Administrator may treat the amount of \$7,000,000 in this subparagraph as if such amount is \$10,000,000 if the Administrator determines, with respect to an intermediary, that such treatment is appropriate.”.

SEC. 305. EXPANDED BORROWER EDUCATION ASSISTANCE.

Section 7(m)(4)(E) of the Small Business Act (15 U.S.C. 636(m)(4)(E)) is amended—

(1) in clause (i) by striking “25 percent” and inserting “35 percent”; and

(2) in clause (ii) by striking “25 percent” and inserting “35 percent”.

SEC. 306. INTEREST RATES AND LOAN SIZE.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)), as amended by this Act, is further amended—

(1) in paragraph (3)(F)(iii) by striking “\$7,500” and inserting “\$10,000”; and

(2) in paragraph (6)(C)(i) by striking “\$7,500” and inserting “\$10,000”; and

(3) in paragraph (6)(C)(ii) by striking “\$7,500” and inserting “\$10,000”.

SEC. 307. REPORTING REQUIREMENT.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)), as amended by this Act, is further amended by adding at the end the following:

“(15) REPORTING REQUIREMENT.—Not later than 90 days after the end of each fiscal year, the Administrator shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report that includes, with respect to such fiscal year of the microloan program, the following:

“(A) The names and locations of each intermediary that received funds to make microloans or provide marketing, management, and technical assistance.

“(B) The amounts of each loan and each grant provided to each such intermediary in such fiscal year and in prior fiscal years.

“(C) A description of the contributions from non-Federal sources of each such intermediary.

“(D) The number and amounts of microloans made by each such intermediary to all borrowers and to each of the following:

“(i) Women entrepreneurs and business owners.

“(ii) Low-income entrepreneurs and business owners.

“(iii) Veteran entrepreneurs and business owners.

“(iv) Disabled entrepreneurs and business owners.

“(v) Minority entrepreneurs and business owners.

“(E) A description of the marketing, management, and technical assistance provided by each such intermediary to all borrowers and to each of the following:

“(i) Women entrepreneurs and business owners.

“(ii) Low-income entrepreneurs and business owners.

“(iii) Veteran entrepreneurs and business owners.

“(iv) Disabled entrepreneurs and business owners.

“(v) Minority entrepreneurs and business owners.

“(F) The number of jobs created and retained as a result of microloans and marketing, management, and technical assistance provided by each such intermediary.

“(G) The repayment history of each such intermediary.

“(H) The number of businesses that achieved success after receipt of a microloan.”.

SEC. 308. SURPLUS INTEREST RATE SUBSIDY FOR BUSINESSES.

Section 7(m) of the Small Business Act (15 U.S.C. 636(m)), as amended by this Act, is further amended by adding at the end the following:

“(16) INTEREST ASSISTANCE.—The Administrator is authorized to make grants to intermediaries for the purposes of reducing interest rates charged to borrowers that receive financing under this subsection.”.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note), as amended by this Act, is further amended by inserting after subsection (g) the following:

“(h) FISCAL YEARS 2010 AND 2011 WITH RESPECT TO SECTION 7(m).—

“(1) PROGRAM LEVELS.—For the programs authorized by this Act, the Administration is authorized to make during each of fiscal years 2010 and 2011—

“(A) \$80,000,000 in technical assistance grants, as provided in section 7(m); and

“(B) \$110,000,000 in direct loans, as provided in section 7(m).

“(C) \$10,000,000 in interest assistance grants, as provided in section 7(m)(16).

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out paragraph (1).”.

TITLE IV—SMALL BUSINESS INVESTMENT COMPANY MODERNIZATION

SEC. 401. INCREASED INVESTMENT FROM STATES.

Section 103(13)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 662(13)(C)) is amended by striking “33 percent” and inserting “45 percent”.

SEC. 402. EXPEDITED LICENSING FOR EXPERIENCED APPLICANTS.

Section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681) is amended by inserting after subsection (c) the following new subsection:

“(d) LICENSES FOR EXPERIENCED APPLICANTS.—

“(1) IN GENERAL.—Notwithstanding any other provision of this section, not later than 60 days after the initial receipt by the Administrator of any request (which shall be

deemed to be the application) for a license to operate as a small business investment company under this Act, the Administrator shall approve the request and issue such license if each of the following requirements is satisfied:

“(A) At least 50 percent of the principal managers of the applicant consist of at least two-thirds of the principal managers of a small business investment company that has been licensed under this Act.

“(B) The licensed small business investment company specified under subparagraph (A) has operated under such license for at least 3 years prior to the receipt of the request specified in this paragraph.

“(C) The licensed small business investment company specified under subparagraph (A)—

“(i) either has invested at least 70 percent of its private capital and drawn at least 50 percent of its projected leverage at the time of the receipt of the request specified in this paragraph or reserved for investment and expenses or some combination of both at least 70 percent of its private capital in the one-year period prior to the date on which the application referred to in this paragraph was received by the Administrator;

“(ii) has maintained 6 consecutive quarters of profitable net investment income; and

“(iii) has made at least 3 exits from investments in small businesses that have realized profits from those respective investments.

“(D) The applicant submits to the Administrator, in writing, an application consisting of all of the following:

“(i) A certification, in the form prescribed by the Administrator, that such applicant satisfies the requirements of this subsection and that all information contained in the application is true and complete.

“(ii) A copy of the organizational documents of the applicant.

“(iii) A copy of the operating plan of the applicant demonstrating that at least 50 percent of the amount of the planned investments of the applicant will be in the same or substantially similar investment stage and use the same or substantially similar type of investment instruments as the investments of the licensed small business investment company specified under subparagraph (A).

“(iv) A certification, in a form prescribed by the Administrator, that the applicant satisfies the requirements of subsections (a) and (c) of section 302 of this Act.

“(E) The applicant is in good standing as set forth in paragraph (2).

“(F) The applicant pays all fees prescribed by the Administrator under subsection (e).

“(2) GOOD STANDING.—For purposes of this subsection, an applicant is in good standing if—

“(A) a licensed leveraged debentured or non-leveraged small business investment company specified under paragraph (1)(A) is actively operating under this Act on the date of the initial receipt of the application by the Administrator to which this subsection applies;

“(B) no principal manager of the applicant has been found liable in a civil action for fraud if the Administrator makes a reasonable determination based on evidence in the agency record that such liability has a material adverse effect on the ability of the applicant to perform obligations required by a license issued pursuant to this Act; and

“(C) no principal manager is under investigation by a governmental agency or authority for, is under indictment for, or has been convicted of a felony for a violation of Federal or State securities laws, fraud, or

another criminal violation if such investigation, indictment, or conviction has a material adverse effect on the ability of the applicant to perform obligations under a license issued under this Act.

“(3) LIMITATION.—

“(A) IN GENERAL.—The Administrator may remove an application from the approval process under this subsection if the Administrator determines based on evidence in the agency record that the approval of the license would present an unacceptable risk to the Federal Government.

“(B) IN WRITING.—Such determination shall be made in writing and provided to the applicant no later than 10 calendar days after such determination is made. Failure to provide this determination to the applicant shall be deemed to be a permanent waiver of the Administrator's authority to remove an application pursuant to this subsection.

“(C) NON-DELEGABILITY.—The Administrator may rely on agency personnel to collect data or other material relevant to establishing a record, but the decision to remove the application may not be delegated by the Administrator to any subordinate personnel in the agency.

“(4) NOTICE AND OPPORTUNITY TO CURE NON-CONFORMANCE.—

“(A) NOTICE OF NON-CONFORMANCE.—Except for a determination made pursuant to paragraph (3), the Administrator shall provide an applicant described in paragraph (1) within 60 days after receipt of the application a written notice and description of any non-conformance with any requirement of this subsection based on evidence in the agency record.

“(B) OPPORTUNITY TO CURE.—The applicant shall have 30 days following the receipt of notice of nonconformance or the receipt of removal as set forth in paragraph (3) to cure such nonconformance.

“(C) FAILURE TO PROVIDE NOTICE.—Failure to provide the notice within the time limit set forth in subparagraph (A) shall be deemed to be acceptance by the Administrator of the applicant's conformance with the requirements of this subsection.

“(5) BACKGROUND REVIEWS.—The Administrator shall ensure that a timely background check of the principal managers of each applicant is completed with respect to paragraphs (2)(B) and (2)(C).

“(6) FEES.—The Administrator may charge an applicant additional fees for carrying out the background reviews mandated by paragraph (5). Such fees shall not exceed \$10,000.

“(7) EFFECT OF NON-QUALIFICATION.—The failure of an applicant to qualify for expedited licensure under this subsection shall have no effect on an existing license or the ability for the applicant or any of its individual managers to apply for or receive a license to operate a small business investment company under the procedures established elsewhere in this Act or its implementing regulations.

“(8) REGULATIONS.—The Administrator shall develop forms and promulgate regulations to implement this subsection after providing an opportunity for notice and comment. Regulations promulgated pursuant to this paragraph shall be published in the Code of Federal Regulations.”.

SEC. 403. REVISED LEVERAGE LIMITATIONS FOR SUCCESSFUL SBICS.

(a) **MAXIMUM LEVERAGE.—**Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)) is amended by striking so much of paragraph (2) as precedes subparagraph (C) and inserting the following:

“(2) MAXIMUM LEVERAGE.—

“(A) IN GENERAL.—(i) The maximum amount of outstanding leverage made available to any one company licensed under section 301(c) of this Act may not exceed the lesser of—

“(I) 300 percent of such company's private capital; or

“(II) \$150,000,000.

“(ii) In applying clause (i)(I) in the case of a debenture licensee which is in good standing without the imposition of additional regulatory standards and whose financings at cost are comprised of at least 50 percent of loans and debt securities, such licensee may be leveraged as follows:

“(I) The first one-third of private capital to 300 percent.

“(II) The second one-third of private capital to 200 percent.

“(III) The last third of private capital to 100 percent.

“(iii) Notwithstanding clause (i), in the case of any company operating as a business development company (as such term is defined under section 2(a)(48) of the Investment Company Act of 1940) or a majority-owned subsidiary of such a company that is in good standing without the imposition of additional regulatory requirements, the maximum amount of outstanding leverage made available to such company shall be \$250,000,000.

“(B) MULTIPLE LICENSEES UNDER COMMON CONTROL.—The maximum amount of outstanding leverage made available to two or more debenture companies licensed under section 301(c) of this Act that are commonly controlled (as determined by the Administrator) and not under capital impairment may not exceed \$350,000,000.”.

(b) **REGULATIONS.—**Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)), as amended by this Act, is further amended by adding at the end the following:

“(E) REGULATIONS.—The Administrator shall promulgate regulations, after notice and opportunity for comment, establishing quantifiable objective criteria under which a licensee's private capital in its entirety may be leveraged up to 300 percent. Such regulations shall be published in the Code of Federal Regulations.”.

(c) **INVESTMENTS IN LOW-INCOME GEOGRAPHIC AREAS.—**Section 303(b)(2)(C)(ii) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)(C)(ii)) is amended by striking “\$250,000,000” in subclause (II) and inserting “\$400,000,000”.

SEC. 404. CONSISTENCY FOR COST CONTROL.

Section 305(c) of the Small Business Investment Act of 1958 (15 U.S.C. 685(c)) is amended by adding at the end the following:

“In addition to the foregoing, with respect to a loan made, or debt with equity features acquired, under this section, the minimum coupon rate of interest (cost of money ceiling) imposed by the Administrator shall not be less than 19 percent per annum for a loan or a debt security, except that nothing herein shall alter or affect provisions permitting higher coupon rates of interest (cost of money ceilings) and a company may charge up to an additional 7 percent more than the interest rate set forth in the loan or debt security in the event of a default. For purposes of this subsection a default means the occurrence of any of the following:

“(1) Failure to pay an amount when due.

“(2) Failure to provide in a timely manner material information required under the applicable financing documents.

“(3) Failure to observe any material term, covenant, or other agreement contained in the applicable financing documents.

“(4) A representation, warranty, certification, or statement of fact made by or on behalf of a borrower in any applicable financing document or in any document delivered in connection therewith, that was materially incorrect or misleading when made.

“(5) Any material event of default specified in the applicable financing documents.”.

SEC. 405. INVESTMENT IN VETERAN-OWNED SMALL BUSINESSES.

Section 303(b)(2)(C) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)(C)) is amended as follows:

(1) In the heading, by inserting after “AREAS” the following: “AND VETERANS”.

(2) In clause (i), by inserting after “351” the following: “or in a small business concern owned and controlled by veterans (as such term is defined in section 3(q)(3) of the Small Business Act)”.

(3) In clause (iii), by inserting after “351” the following: “or in small business concerns owned and controlled by veterans (as such term is defined in section 3(q)(3) of the Small Business Act)”.

SEC. 406. TANGIBLE NET WORTH.

Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662), as amended by this Act, is further amended by striking “and” at the end of paragraph (23), by striking the period at the end of paragraph (24) and inserting “; and”, and by adding at the end the following:

“(25) for purposes of the terms ‘small-business concern’ in paragraph (5) and ‘smaller enterprise’ in paragraph (12), tangible net worth shall, to the extent used, mean the total net worth of the small business, in accordance with General Accepted Accounting Principles, minus all intangibles in accordance with General Accepted Accounting Principles.”.

SEC. 407. DEVELOPMENT OF AGENCY RECORD.

Part A of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), as amended by this Act, is further amended by adding at the end the following:

“SEC. 321. AGENCY RECORD FOR LICENSING OF SMALL BUSINESS INVESTMENT COMPANIES.

“(a) RECORD.—The Associate Administrator for Investment shall establish an agency record of evidence referring or relating to each application for a license to become a small business investment company.

“(b) WRITTEN NOTIFICATION.—The Administrator shall provide a written explanation of any denial of a license application based upon evidence in the agency record. Absent an order by a Federal or State court of general jurisdiction, access to applications and the agency record shall be limited to the applicant and to the Administrator and subordinate personnel of the Administrator.”.

SEC. 408. PROGRAM LEVELS.

Section 20 of the Small Business Act (15 U.S.C. 631 note), as amended by this Act, is further amended by inserting after subsection (h) the following:

“(i) PART A OF TITLE III OF THE SMALL BUSINESS INVESTMENT ACT OF 1958.—

“(1) PROGRAM LEVELS 2010.—For fiscal year 2010, in carrying out the program authorized by part A of title III of the Small Business Investment Act of 1958, the Administrator is authorized to make \$5,000,000,000 in guarantees of debentures.

“(2) PROGRAM LEVELS 2011.—For fiscal year 2011, in carrying out the program authorized by part A of title III of the Small Business Investment Act of 1958, the Administrator is authorized to make \$5,500,000,000 in guarantees of debentures.”.

TITLE V—INVESTMENT IN SMALL MANUFACTURERS AND RENEWABLE ENERGY SMALL BUSINESSES

Subtitle A—Enhanced New Markets Venture Capital Program

SEC. 501. EXPANSION OF NEW MARKETS VENTURE CAPITAL PROGRAM.

(a) ADMINISTRATION PARTICIPATION REQUIRED.—Section 353 of the Small Business Investment Act of 1958 (15 U.S.C. 689b) is amended by striking “under which the Administrator may” and inserting “under which the Administrator shall”.

(b) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report describing any expansion of the New Markets Venture Capital Program as a result of this section.

SEC. 502. IMPROVED NATIONWIDE DISTRIBUTION.

Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c) is amended by adding at the end the following:

“(f) GEOGRAPHIC EXPANSION.—From among companies submitting applications under subsection (b), the Administrator shall consider the selection criteria and promotion of nationwide distribution under subsection (c) and shall, to the extent practicable, approve at least one company from each geographic region of the Small Business Administration.”.

SEC. 503. INCREASED INVESTMENT IN SMALL BUSINESS CONCERNS ENGAGED PRIMARILY IN MANUFACTURING.

(a) DEVELOPMENTAL VENTURE CAPITAL AND PARTICIPATION AGREEMENTS.—Section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689) is amended—

(1) in paragraph (1) by inserting after “geographic areas” the following: “or encouraging the growth or continuation of small business concerns located in low-income geographic areas and engaged primarily in manufacturing”; and

(2) in paragraph (6)(B) by inserting after “geographic areas” the following: “or in small business concerns located in low-income geographic areas at least 80 percent of which are engaged primarily in manufacturing”.

(b) PURPOSES.—Section 352(2) of the Small Business Investment Act of 1958 (15 U.S.C. 689a(2)) is amended—

(1) in the matter preceding subparagraph (A) by inserting after “geographic areas” the following: “and small business concerns located in low-income geographic areas and engaged primarily in manufacturing”; and

(2) in subparagraph (B) by inserting after “geographic areas” the following: “or in small business concerns located in low-income geographic areas and engaged primarily in manufacturing”; and

(3) in subparagraph (C) by inserting after “smaller enterprises” the following: “and small business concerns”.

(c) ELIGIBILITY, APPLICATIONS, AND REQUIREMENTS FOR FINAL APPROVAL.—Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c), as amended by this Act, is further amended—

(1) in subsection (a)(3) by inserting after “geographic areas” the following: “or investing in small business concerns located in low-income geographic areas and engaged primarily in manufacturing”; and

(2) in subsection (b)—

(A) in paragraph (1) by inserting after “geographic areas” the following: “or in small business concerns located in low-income geographic areas and engaged primarily in manufacturing”; and

(B) in paragraph (4) by inserting after “smaller enterprises” the following: “or small business concerns”; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking “Each” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), each”; and

(ii) by adding at the end the following:

“(B) SMALL BUSINESS CONCERNS ENGAGED PRIMARILY IN MANUFACTURING.—Each conditionally approved company engaged primarily in development of and investment in small business concerns located in low-income geographic areas and engaged primarily in manufacturing shall raise not less than \$3,000,000 of private capital or binding capital commitments from one or more investors (other than agencies or departments of the Federal Government) who met criteria established by the Administrator.”; and

(B) in paragraph (2)(A) by inserting after “smaller enterprises” the following: “or small business concerns”.

(d) OPERATIONAL ASSISTANCE GRANTS.—Section 358 of the Small Business Investment Act of 1958 (15 U.S.C. 689g) is amended—

(1) in subsection (a)(1) by inserting after “smaller enterprises” the following: “and small business concerns”; and

(2) in subsection (b)(1) by inserting after “smaller enterprises” the following: “and small business concerns”.

SEC. 504. EXPANDED USES FOR OPERATIONAL ASSISTANCE IN MANUFACTURING.

Section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689), as amended by this Act, is further amended in paragraph (5) by inserting after “business development” the following: “or assistance that assists a small business concern located in a low-income geographic area and engaged primarily in manufacturing with retooling, updating, or replacing machinery or equipment”.

SEC. 505. UPDATING DEFINITION OF LOW-INCOME GEOGRAPHIC AREA.

Section 351 of the Small Business Investment Act of 1958 (15 U.S.C. 689), as amended by this Act, is further amended—

(1) by striking paragraphs (2) and (3);

(2) by inserting after paragraph (1) the following:

“(2) LOW-INCOME GEOGRAPHIC AREA.—The term ‘low-income geographic area’ has the meaning given the term ‘low-income community’ in section 45D(e) of the Internal Revenue Code of 1986.”; and

(3) by redesignating paragraphs (4) through (8) as paragraphs (3) through (7), respectively.

SEC. 506. EXPANDING OPERATIONAL ASSISTANCE TO CONDITIONALLY APPROVED COMPANIES.

Section 358(a) of the Small Business Investment Act of 1958 (15 U.S.C. 689g(a)) is amended by adding at the end the following:

“(6) GRANTS TO CONDITIONALLY APPROVED COMPANIES.—

“(A) IN GENERAL.—Subject to the provisions of this paragraph, upon the request of a company conditionally approved under section 354(c), the Administrator shall make a grant to the company under this subsection.

“(B) REPAYMENT BY COMPANIES NOT APPROVED.—If a company receives a grant under this paragraph and does not receive final approval under section 354(e), the company shall repay the amount of the grant to the Administrator.

“(C) DEDUCTION FROM GRANT TO APPROVED COMPANY.—If a company receives a grant under this paragraph and receives final ap-

proval under section 354(e), the Administrator shall deduct the amount of such grant from the amount of any immediately succeeding grant the company receives for operational assistance.

“(D) AMOUNT OF GRANT.—No company may receive a grant of more than \$50,000 under this paragraph.”.

SEC. 507. LIMITATION ON TIME FOR FINAL APPROVAL.

Section 354(d) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)) is amended in the matter preceding paragraph (1) by striking “a period of time, not to exceed 2 years,” and inserting “2 years”.

SEC. 508. STREAMLINED APPLICATION FOR NEW MARKETS VENTURE CAPITAL PROGRAM.

Not later than 60 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall prescribe standard documents for a New Markets Venture Capital company final approval application under section 354(e) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(e)). The Administrator shall ensure that the standard documents are designed to substantially reduce the cost burden of the application process for companies.

SEC. 509. ELIMINATION OF MATCHING REQUIREMENT.

Section 354(d)(2)(A)(i) of the Small Business Investment Act of 1958 (15 U.S.C. 689c(d)(2)(A)(i)) is amended—

(1) in subclause (I) by adding “and” at the end;

(2) in subclause (II) by striking “and” at the end; and

(3) by striking subclause (III).

SEC. 510. SIMPLIFIED FORMULA FOR OPERATIONAL ASSISTANCE GRANTS.

Section 358(a)(4)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 689g(a)(4)(A)) is amended—

(1) by striking “shall be equal to” and all that follows through the period at the end and inserting “shall be equal to the lesser of—”; and

(2) by adding at the end the following:

“(i) 10 percent of the resources (in cash or in-kind) raised by the company under section 354(d)(2); or

“(ii) \$1,000,000.”.

SEC. 511. AUTHORIZATION OF APPROPRIATIONS AND ENHANCED ALLOCATION FOR SMALL MANUFACTURING.

Section 368(a) of the Small Business Investment Act of 1958 (15 U.S.C. 689q(a)) is amended—

(1) in the matter preceding paragraph (1) by striking “fiscal years 2001 through 2006” and inserting “fiscal years 2010 and 2011”; and

(2) in paragraph (1)—

(A) by striking “\$150,000,000” and inserting “\$100,000,000”; and

(B) by inserting before the period at the end the following: “, of which not less than 50 percent shall be used to guarantee debentures of companies engaged primarily in development of and investment in small business concerns located in low-income geographic areas and engaged primarily in manufacturing”; and

(3) in paragraph (2)—

(A) by striking “\$30,000,000” and inserting “\$20,000,000”; and

(B) by inserting before the period at the end the following: “, of which not less than 50 percent shall be used to make grants to companies engaged primarily in development of and investment in small business concerns located in low-income geographic areas and engaged primarily in manufacturing”.

Subtitle B—Expanded Investment in Small Business Renewable Energy

SEC. 521. EXPANDED INVESTMENT IN RENEWABLE ENERGY.

Part C of title III of the Small Business Investment Act of 1958 (15 U.S.C. 690 et seq.) is amended—

(1) in the heading by striking “RENEWABLE FUEL CAPITAL INVESTMENT” and inserting “RENEWABLE ENERGY CAPITAL INVESTMENT”;

(2) in the heading of paragraph (4) of section 381 by striking “RENEWABLE FUEL CAPITAL INVESTMENT” and inserting “RENEWABLE ENERGY CAPITAL INVESTMENT”;

(3) in the heading of section 384 by striking “RENEWABLE FUEL CAPITAL INVESTMENT” and inserting “RENEWABLE ENERGY CAPITAL INVESTMENT”; and

(4) by striking “Renewable Fuel Capital Investment” each place it appears and inserting “Renewable Energy Capital Investment”.
SEC. 522. RENEWABLE ENERGY CAPITAL INVESTMENT PROGRAM MADE PERMANENT.

Part C of title III of the Small Business Investment Act of 1958 (15 U.S.C. 690 et seq.), as amended by this Act, is further amended—

(1) in the heading by striking “PILOT”; and

(2) by striking section 398.

SEC. 523. EXPANDED ELIGIBILITY FOR SMALL BUSINESSES.

Part C of title III of the Small Business Investment Act of 1958 (15 U.S.C. 690 et seq.), as amended by this Act, is further amended by striking “smaller enterprises” each place it appears and inserting “small business concerns”.

SEC. 524. EXPANDED USES FOR OPERATIONAL ASSISTANCE IN MANUFACTURING AND SMALL BUSINESSES.

Section 381(1) of the Small Business Investment Act of 1958 (15 U.S.C. 690(1)) is amended by inserting after “business development” the following: “, assistance that assists a small business concern to reduce energy consumption, or assistance that assists a small business concern engaged primarily in manufacturing with retooling, updating, or replacing machinery or equipment”.

SEC. 525. EXPANSION OF RENEWABLE ENERGY CAPITAL INVESTMENT PROGRAM.

(a) **ADMINISTRATION PARTICIPATION REQUIRED.**—Section 383 of the Small Business Investment Act of 1958 (15 U.S.C. 690b) is amended by striking “under which the Administrator may” and inserting “under which the Administrator shall”.

(b) **REPORT TO CONGRESS.**—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report describing any expansion of the Renewable Energy Capital Investment Program as a result of this section.

SEC. 526. SIMPLIFIED FEE STRUCTURE TO EXPEDITE IMPLEMENTATION.

Section 387(a) of the Small Business Investment Act of 1958 (15 U.S.C. 690f(a)) is amended by striking “or grant”.

SEC. 527. INCREASED OPERATIONAL ASSISTANCE GRANTS.

Section 397(a) of the Small Business Investment Act of 1958 (15 U.S.C. 690p(a)) is amended by inserting after “and 2009” the following: “and \$30,000,000 in such grants for each of fiscal years 2010 and 2011”.

SEC. 528. AUTHORIZATIONS OF APPROPRIATIONS.

Section 397 of the Small Business Investment Act of 1958 (15 U.S.C. 690p) is amended—

(1) in the heading by inserting after “APPROPRIATIONS” the following: “AND PROGRAM LEVELS”; and

(2) by adding at the end the following:

“(c) **PROGRAM LEVELS.**—For the programs authorized by this part, the Administration is authorized to make \$1,000,000,000 in guarantees of debentures for each of fiscal years 2010 and 2011.”.

TITLE VI—SMALL BUSINESS HEALTH INFORMATION TECHNOLOGY FINANCING PROGRAM

SEC. 601. SMALL BUSINESS HEALTH INFORMATION TECHNOLOGY FINANCING PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.), as amended by this Act, is further amended by redesignating section 45 as section 46 and by inserting the following new section after section 44:

“SEC. 45. LOAN GUARANTEES FOR HEALTH INFORMATION TECHNOLOGY.

“(a) **DEFINITIONS.**—As used in this section:

“(1) The term ‘health information technology’ means computer hardware, software, and related technology that supports the meaningful EHR use requirements set forth in section 1848(o)(2)(A) of the Social Security Act (42 U.S.C. 1395w-4(o)(2)(A)) and is purchased by an eligible professional to aid in the provision of health care in a health care setting, including, but not limited to, electronic medical records, and that provides for—

“(A) enhancement of continuity of care for patients through electronic storage, transmission, and exchange of relevant personal health data and information, such that this information is accessible at the times and places where clinical decisions will be or are likely to be made;

“(B) enhancement of communication between patients and health care providers;

“(C) improvement of quality measurement by eligible professionals enabling them to collect, store, measure, and report on the processes and outcomes of individual and population performance and quality of care;

“(D) improvement of evidence-based decision support; or

“(E) enhancement of consumer and patient empowerment.

Such term shall not include information technology whose sole use is financial management, maintenance of inventory of basic supplies, or appointment scheduling.

“(2) The term ‘eligible professional’ means any of the following:

“(A) A physician (as defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r))).

“(B) A practitioner described in section 1842(b)(18)(C) of that Act.

“(C) A physical or occupational therapist or a qualified speech-language pathologist.

“(D) A qualified audiologist (as defined in section 1861(11)(3)(B)) of that Act.

“(E) A qualified medical transcriptionist who is either certified by or registered with the Association for Healthcare Documentation Integrity, or a successor association thereto.

“(F) A State-licensed pharmacist.

“(G) A State-licensed supplier of durable medical equipment, prosthetics, orthotics, or supplies.

“(3) The term ‘qualified eligible professional’ means an eligible professional whose office can be classified as a small business concern by the Administrator for purposes of this Act under size standards established under section 3 of this Act.

“(4) The term ‘qualified medical transcriptionist’ means a specialist in medical language and the healthcare documentation process who interprets and transcribes dictation by physicians and other healthcare

professionals to ensure accurate, complete, and consistent documentation of healthcare encounters.

“(b) **LOAN GUARANTEES FOR QUALIFIED ELIGIBLE PROFESSIONALS.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), the Administrator may guarantee up to 90 percent of the amount of a loan made to a qualified eligible professional to be used for the acquisition of health information technology for use in such eligible professional’s medical practice and for the costs associated with the installation of such technology. Except as otherwise provided in this section, the terms and conditions that apply to loans made under section 7(a) of this Act shall apply to loan guarantees made under this section.

“(2) **LIMITATIONS ON GUARANTEE AMOUNTS.**—The maximum amount of loan principal guaranteed under this subsection may not exceed—

“(A) \$350,000 with respect to any single qualified eligible professional; and

“(B) \$2,000,000 with respect to a single group of affiliated qualified eligible professionals.

“(c) **FEES.**—(1) The Administrator may impose a guarantee fee on the borrower for the purpose of reducing the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of the guarantee to zero in an amount not to exceed 2 percent of the total guaranteed portion of any loan guaranteed under this section. The Administrator may also impose annual servicing fees on lenders not to exceed 0.5 percent of the outstanding balance of the guarantees on lenders’ books.

“(2) No service fees, processing fees, origination fees, application fees, points, brokerage fees, bonus points, or other fees may be charged to a loan applicant or recipient by a lender in the case of a loan guaranteed under this section.

“(d) **DEFERRAL PERIOD.**—Loans guaranteed under this section shall carry a deferral period of not less than 1 year and not more than 3 years. The Administrator shall have the authority to subsidize interest during the deferral period.

“(e) **EFFECTIVE DATE.**—No loan may be guaranteed under this section until the meaningful EHR use requirements have been determined by the Secretary of Health and Human Services.

“(f) **SUNSET.**—No loan may be guaranteed under this section after the date that is 5 years after meaningful EHR use requirements have been determined by the Secretary of Health and Human Services.

“(g) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990) of guaranteeing \$10,000,000,000 in loans under this section. The Administrator shall determine such program cost separately and distinctly from other programs operated by the Administrator.”.

TITLE VII—SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM

SEC. 701. SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM.

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended by adding at the end the following:

“PART D—SMALL BUSINESS EARLY-STAGE INVESTMENT PROGRAM

“SEC. 399A. ESTABLISHMENT OF PROGRAM.

“The Administrator shall establish and carry out an early-stage investment program (hereinafter referred to in this part as the

'program') to provide equity investment financing to support early-stage small businesses in targeted industries in accordance with this part.

"SEC. 399B. ADMINISTRATION OF PROGRAM.

"The program shall be administered by the Administrator acting through the Associate Administrator described under section 201.

"SEC. 399C. APPLICATIONS.

"(a) IN GENERAL.—Any incorporated body, limited liability company, or limited partnership organized and chartered or otherwise existing under Federal or State law for the purpose of performing the functions and conducting the activities contemplated under the program and any small business investment company may submit to the Administrator an application to participate in the program.

"(b) REQUIREMENTS FOR APPLICATION.—An application to participate in the program shall include the following:

"(1) A business plan describing how the applicant intends to make successful venture capital investments in early-stage small businesses in targeted industries.

"(2) Information regarding the relevant venture capital investment qualifications and backgrounds of the individuals responsible for the management of the applicant.

"(3) A description of the extent to which the applicant meets the selection criteria under section 399D.

"(c) APPLICATIONS FROM SMALL BUSINESS INVESTMENT COMPANIES.—The Administrator shall establish an abbreviated application process for small business investment companies that have received a license under section 301 and that are applying to participate in the program. Such abbreviated process shall incorporate a presumption that such small business investment companies satisfactorily meet the selection criteria under paragraphs (3) and (5) of section 399D(b).

"SEC. 399D. SELECTION OF PARTICIPATING INVESTMENT COMPANIES.

"(a) IN GENERAL.—Not later than 90 days after the date on which the Administrator receives an application from an applicant under section 399C, the Administrator shall make a final determination to approve or disapprove such applicant to participate in the program and shall transmit such determination to the applicant in writing.

"(b) SELECTION CRITERIA.—In making a determination under subsection (a), the Administrator shall consider each of the following:

"(1) The likelihood that the applicant will meet the goals specified in the business plan of the applicant.

"(2) The likelihood that the investments of the applicant will create or preserve jobs, both directly and indirectly.

"(3) The character and fitness of the management of the applicant.

"(4) The experience and background of the management of the applicant.

"(5) The extent to which the applicant will concentrate investment activities on early-stage small businesses in targeted industries.

"(6) The likelihood that the applicant will achieve profitability.

"(7) The experience of the management of the applicant with respect to establishing a profitable investment track record.

"SEC. 399E. GRANTS.

"(a) IN GENERAL.—The Administrator may make one or more grants to a participating investment company.

"(b) GRANT AMOUNTS.—

"(1) NON-FEDERAL CAPITAL.—A grant made to a participating investment company

under the program may not be in an amount that exceeds the amount of the capital of such company that is not from a Federal source and that is available for investment on or before the date on which a grant is drawn upon. Such capital may include legally binding commitments with respect to capital for investment.

"(2) LIMITATION ON AGGREGATE AMOUNT.—The aggregate amount of all grants made to a participating investment company under the program may not exceed \$100,000,000.

"(c) GRANT PROCESS.—In making a grant under the program, the Administrator shall commit a grant amount to a participating investment company and the amount of each such commitment shall remain available to be drawn upon by such company—

"(1) for new-named investments during the 5-year period beginning on the date on which each such commitment is first drawn upon; and

"(2) for follow-on investments and management fees during the 10-year period beginning on the date on which each such commitment is first drawn upon, with not more than 2 additional 1-year periods available at the discretion of the Administrator.

"SEC. 399F. INVESTMENTS IN EARLY-STAGE SMALL BUSINESSES IN TARGETED INDUSTRIES.

"(a) IN GENERAL.—As a condition of receiving a grant under the program, a participating investment company shall make all of the investments of such company in small business concerns, of which at least 50 percent shall be early-stage small businesses in targeted industries.

"(b) EVALUATION OF COMPLIANCE.—With respect to a grant amount committed to a participating investment company under section 399E, the Administrator shall evaluate the compliance of such company with the requirements under this section if such company has drawn upon 50 percent of such commitment.

"SEC. 399G. PRO RATA INVESTMENT SHARES.

"Each investment made by a participating investment company under the program shall be treated as comprised of capital from grants under the program according to the ratio that capital from grants under the program bears to all capital available to such company for investment.

"SEC. 399H. GRANT INTEREST.

"(a) GRANT INTEREST.—

"(1) IN GENERAL.—As a condition of receiving a grant under the program, a participating investment company shall convey a grant interest to the Administrator in accordance with paragraph (2).

"(2) EFFECT OF CONVEYANCE.—The grant interest conveyed under paragraph (1) shall have all the rights and attributes of other investors attributable to their interests in the participating investment company, but shall not denote control or voting rights to the Administrator. The grant interest shall entitle the Administrator to a pro rata portion of any distributions made by the participating investment company equal to the percentage of capital in the participating investment company that the grant comprises. The Administrator shall receive distributions from the participating investment company at the same times and in the same amounts as any other investor in the company with a similar interest. The investment company shall make allocations of income, gain, loss, deduction, and credit to the Administrator with respect to the grant interest as if the Administrator were an investor.

"(b) MANAGER PROFITS.—As a condition of receiving a grant under the program, the

manager profits interest payable to the managers of a participating investment company under the program shall not exceed 20 percent of profits, exclusive of any profits that may accrue as a result of the capital contributions of any such managers with respect to such company. Any excess of this amount, less taxes payable thereon, shall be returned by the managers and paid to the investors and the Administrator in proportion to the capital contributions and grants paid in. No manager profits interest (other than a tax distribution) shall be paid prior to the repayment to the investors and the Administrator of all contributed capital and grants made.

"(c) DISTRIBUTION REQUIREMENTS.—As a condition of receiving a grant under the program, a participating investment company shall make all distributions to all investors in cash and shall make distributions within a reasonable time after exiting investments, including following a public offering or market sale of underlying investments.

"SEC. 399I. FUND.

"There is hereby created within the Treasury a separate fund for grants which shall be available to the Administrator subject to annual appropriations as a revolving fund to be used for the purposes of the program. All amounts received by the Administrator, including any moneys, property, or assets derived by the Administrator from operations in connection with the program, shall be deposited in the fund. All expenses and payments, excluding administrative expenses, pursuant to the operations of the Administrator under the program shall be paid from the fund.

"SEC. 399J. APPLICATION OF OTHER SECTIONS.

"To the extent not inconsistent with requirements under this part, the Administrator may apply sections 309, 311, 312, 313, and 314 to activities under this part and an officer, director, employee, agent, or other participant in a participating investment company shall be subject to the requirements under such sections.

"SEC. 399K. DEFINITIONS.

"In this part, the following definitions apply:

"(1) EARLY-STAGE SMALL BUSINESS IN A TARGETED INDUSTRY.—The term 'early-stage small business in a targeted industry' means a small business concern that—

"(A) is domiciled in a State;

"(B) has not generated gross annual sales revenues exceeding \$15,000,000 in any of the previous 3 years; and

"(C) is engaged primarily in researching, developing, manufacturing, producing, or bringing to market goods, products, or services with respect to any of the following business sectors:

"(i) Agricultural technology.

"(ii) Energy technology.

"(iii) Environmental technology.

"(iv) Life science.

"(v) Information technology.

"(vi) Digital media.

"(vii) Clean technology.

"(viii) Defense technology.

"(2) PARTICIPATING INVESTMENT COMPANY.—The term 'participating investment company' means an applicant approved under section 399D to participate in the program.

"(3) SMALL BUSINESS CONCERN.—The term 'small business concern' has the same meaning given such term under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

"SEC. 399L. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out the program \$200,000,000 for the first full fiscal year beginning after the date of the enactment of this part."

TITLE VIII—SBA DISASTER PROGRAM REFORM

SEC. 801. REVISED COLLATERAL REQUIREMENTS.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by striking “(e) [RESERVED].” and “(f) [RESERVED].”; and

(2) in subsection (f), as added by section 12068(a)(2) of the Small Business Disaster Response and Loan Improvements Act of 2008 (subtitle B of title XII of the Food, Conservation, and Energy Act of 2008; Public Law 110-246), by adding at the end the following:

“(2) REVISED COLLATERAL REQUIREMENTS.—In making a loan with respect to a business under subsection (b), if the total approved amount of such loan is less than or equal to \$250,000, the Administrator may not require the borrower to use the borrower’s home as collateral.”

SEC. 802. INCREASED LIMITS.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in paragraph (3)(E) by striking “\$1,500,000” each place it appears and inserting “\$3,000,000”; and

(2) in paragraph (8)(A) by striking “\$2,000,000” and inserting “\$3,000,000”.

SEC. 803. REVISED REPAYMENT TERMS.

Section 7(f) of the Small Business Act (15 U.S.C. 636(f)) is amended by adding at the end the following:

“(3) REVISED REPAYMENT TERMS.—In making loans under subsection (b), the Administrator—

“(A) may not require repayment to begin until the date that is 12 months after the date on which the final disbursement of approved amounts is made; and

“(B) shall calculate the amount of repayment based solely on the amounts disbursed.”

SEC. 804. REVISED DISBURSEMENT PROCESS.

Section 7(f) of the Small Business Act (15 U.S.C. 636(f)), as amended by this Act, is further amended by adding at the end the following:

“(4) REVISED DISBURSEMENT PROCESS.—In making a loan under subsection (b), the Administrator shall disburse loan amounts in accordance with the following:

“(A) If the total amount approved with respect to such loan is less than or equal to \$150,000—

“(i) the first disbursement with respect to such loan shall consist of 40 percent of the total loan amount, or a lesser percentage of the total loan amount if the Administrator and the borrower agree on such a lesser percentage;

“(ii) the second disbursement shall consist of 50 percent of the loan amounts that remain after the first disbursement, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of 50 percent of the first disbursement; and

“(iii) the third disbursement shall consist of the loan amounts that remain after the preceding disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first disbursement and 50 percent of the second disbursement.

“(B) If the total amount approved with respect to such loan is more than \$150,000 but less than or equal to \$500,000—

“(i) the first disbursement with respect to such loan shall consist of 20 percent of the total loan amount, or a lesser percentage of the total loan amount if the Administrator and the borrower agree on such a lesser percentage;

“(ii) the second disbursement shall consist of 30 percent of the loan amounts that remain after the first disbursement, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of 50 percent of the first disbursement;

“(iii) the third disbursement shall consist of 25 percent of the loan amounts that remain after the first and second disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first disbursement and 50 percent of the second disbursement; and

“(iv) the fourth disbursement shall consist of the loan amounts that remain after the preceding disbursements, and shall be made when the borrower has produced satisfactory receipts to demonstrate the proper use of the first and second disbursements and 50 percent of the third disbursement.

“(C) If the total amount approved with respect to such loan is more than \$500,000—

“(i) the first disbursement with respect to such loan shall consist of at least \$100,000, or a lesser amount if the Administrator and the borrower agree on such a lesser amount; and

“(ii) the number of disbursements after the first, and the amount of each such disbursement, shall be in the discretion of the Administrator, but the amount of each such disbursement shall be at least \$100,000.”

SEC. 805. GRANT PROGRAM.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act, is further amended by inserting after paragraph (9) the following:

“(10) GRANTS TO DISASTER-AFFECTED SMALL BUSINESSES.—

“(A) IN GENERAL.—If the Administrator declares eligibility for additional disaster assistance under paragraph (9), the Administrator may make a grant, in an amount not exceeding \$100,000, to a small business concern that—

“(i) is located in an area affected by the applicable major disaster;

“(ii) submits to the Administrator a certification by the owner of the concern that such owner intends to reestablish the concern in the same county in which the concern was originally located;

“(iii) has applied for, and was rejected for, a conventional disaster assistance loan under this subsection; and

“(iv) was in existence for at least 2 years before the date on which the applicable disaster declaration was made.

“(B) PRIORITY.—In making grants under this paragraph, the Administrator shall give priority to a small business concern that the Administrator determines is economically viable but unable to meet short-term financial obligations.

“(C) PROGRAM LEVEL AND AUTHORIZATION OF APPROPRIATIONS.—

“(i) PROGRAM LEVEL.—The Administrator is authorized to make \$100,000,000 in grants under this paragraph for each of fiscal years 2010 and 2011.

“(ii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this paragraph.”

SEC. 806. REGIONAL DISASTER WORKING GROUPS.

Section 40 of the Small Business Act (15 U.S.C. 657l) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “or” and inserting “and”; and

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following:

“(d) REGIONAL DISASTER WORKING GROUPS.—In carrying out subsection (a), the Administrator, acting through the regional administrators of the regional offices of the Administration, shall develop a disaster preparedness and response plan for each region of the Administration. Each such plan shall be developed in cooperation with Federal, State, and local emergency response authorities and representatives of businesses located in the region to which such plan applies. Each such plan shall identify and include a plan relating to the 3 disasters, natural or manmade, most likely to occur in the region to which such plan applies.”

SEC. 807. OUTREACH GRANTS FOR LOAN APPLICANT ASSISTANCE.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act, is further amended by inserting after paragraph (10) the following:

“(11) OUTREACH GRANTS FOR LOAN APPLICANT ASSISTANCE.—

“(A) IN GENERAL.—From amounts made available for administrative expenses relating to activities under this subsection, the Administrator is authorized to make grants to the following:

“(i) A women’s business center in an area affected by a disaster.

“(ii) A small business development center in an area affected by a disaster.

“(iii) A Veteran Business Outreach Center in an area affected by a disaster.

“(iv) A chamber of commerce in an area affected by a disaster.

“(B) USE OF GRANT.—An entity specified under subparagraph (A) shall use a grant received under this paragraph to provide application preparation assistance to applicants for a loan under this subsection.

“(C) PROGRAM LEVEL.—The Administrator is authorized to make \$50,000,000 in grants under this paragraph for each of fiscal years 2010 and 2011.”

SEC. 808. AUTHORIZATION OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note), as amended by this Act, is further amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following:

“(j) FISCAL YEARS 2010 AND 2011 WITH RESPECT TO SECTION 7(b).—There is authorized to be appropriated such sums as may be necessary for administrative expenses and loans under section 7(b).”

TITLE IX—REGULATIONS

SEC. 901. REGULATIONS.

Except as otherwise provided in this Act or in amendments made by this Act, after an opportunity for notice and comment, but not later than 180 days after the date of the enactment of this Act, the Administrator shall issue regulations to carry out this Act and the amendments made by this Act.

The CHAIR. No further amendment to the bill, as amended, is in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. VELÁZQUEZ

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 111–317.

Ms. VELÁZQUEZ. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 1 offered by Ms. VELÁZQUEZ:

Page 11, line 10, insert after “that is” the following: “established or”.

Page 11, line 13, insert after “satisfies” the following: “at least one of”.

Page 11, strike lines 17 through 22 and insert the following:

(2) The entity is primarily engaged in the business of banking, investing, or entrepreneurial development and does not engage in activities which are not incidental to the business of banking, investing, or entrepreneurial development.

Page 18, beginning line 17, strike “meets basic” and all that follows through “subsection.” and insert “meets the eligibility and credit standards that a lender would be required to apply to approve a loan under this subsection.”.

Page 28, line 10, strike “by striking” and insert “by repealing”.

Page 28, line 22, strike “In carrying out” and insert the following: “The Administrator shall give priority under such program to small business concerns in a city with an unemployment rate that is at least 125 percent of the unemployment rate of the State that includes such city. In carrying out”.

Page 29, after line 19, insert the following (and redesignate succeeding sections accordingly):

SEC. 119. STUDY AND REPORT ON BUSINESS STABILIZATION LOANS.

(a) **STUDY.**—The Administrator of the Small Business Administration shall conduct a study on the business stabilization program established under section 506 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5), including—

(1) how the program has been implemented;

(2) the amount of time involved in processing applications;

(3) the volume of applications received and the effect on application processing;

(4) impediments to participation in the program by small business concerns and lenders;

(5) courses of action that might expedite action by the Administrator on applications;

(6) courses of action that might expand participation by such concerns and lenders; and

(7) a cost benefit analysis with regard to changes to the program, including—

(A) increases in loan limits;

(B) expanding eligibility requirements;

(C) changes to interest rates to lenders; and

(D) any other change the Administrator determines appropriate.

(b) **REPORT.**—Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report that includes—

(1) the results of the study under subsection (a); and

(2) recommendations on how to change the program—

(A) to expand participation by small business concerns and lenders; and

(B) to decrease the amount of time involved in processing applications.

(c) **OUTREACH.**—In conducting the study under subsection (a) and preparing the report under subsection (b), the Administrator of the Small Business Administration shall meet with and solicit the views of relevant stakeholders, including lenders.

Page 30, line 15, strike “20 of” and insert “120 of”.

Page 32, after line 7, insert the following (and redesignate succeeding sections accordingly):

SEC. 124. LOANS USED TO PURCHASE UNOCCUPIED MANUFACTURING CENTERS OR EQUIPMENT.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended by adding at the end the following:

“(42) **LOANS USED TO PURCHASE UNOCCUPIED MANUFACTURING CENTERS OR EQUIPMENT.**—The Administration may provide loans under this subsection for the purchase of what the Administrator determines to be unoccupied manufacturing centers or equipment.”.

Page 48, strike lines 14 through 18 and insert the following:

SEC. 212. CERTIFIED DEVELOPMENT COMPANY; OPERATIONAL REQUIREMENTS.

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended to read as follows:

Page 94, strike line 10 and all that follows through line 5 on page 95 and insert the following:

“(A) **FUNDING FROM INSTITUTIONS.**—If a small business concern provides—

“(i) the minimum contribution required by subparagraph (B), not less than 50 percent of the total cost of any project financed shall come from State or local governments, banks or other financial institutions, or foundations or other not-for-profit institutions; and

“(ii) more than the minimum contribution required under subparagraph (B), any excess contribution may be used to reduce the amount required from institutions described in clause (i), except that the amount provided by such institution may not be reduced to an amount that is less than the amount of the loan made by the Administrator.

Page 122, strike line 15 and all that follows through line 8 on page 123 and insert the following:

“(c) **REPORTS ON COMBINATION FINANCING.**—Not later than 90 days after the date of enactment of the Small Business Financing and Investment Act of 2009, and annually thereafter, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that—

“(1) includes the number of small business concerns that have financing under both section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) during the year before the year of that report; and

“(2) describes the total amount and general performance of the financing described in paragraph (1).

Page 135, line 19, strike “new subsection”.

Page 138, line 17, strike “debentured”.

Page 159, after line 8, insert the following (and redesignate succeeding sections accordingly):

SEC. 511. FINANCING WITH RESPECT TO VETERANS.

Section 354 of the Small Business Investment Act of 1958 (15 U.S.C. 689c), as amended

by this Act, is further amended by adding at the end the following:

“(g) **FINANCING WITH RESPECT TO VETERANS.**—A New Markets Venture Capital company shall, to the extent practicable, provide financing to small business concerns owned and controlled by veterans, as defined in section 3(q) of the Small Business Act (15 U.S.C. 632(q)), located in low-income geographic areas.”.

Page 165, line 24, strike “1395x(r))” and insert “1395x(r))”.

Page 166, after line 14, insert the following: “(H) A State-licensed, a State-certified, or a nationally accredited home health care provider.

Page 185, line 11, insert after “carrying out” the following: “the responsibilities pertaining to loan making activities under”.

Add at the end of the bill the following:

TITLE X—TEMPORARY EMPLOYEE SERVICES FRANCHISES

SEC. 1001. TEMPORARY EMPLOYEE SERVICES FRANCHISES.

In determining whether a franchisee is affiliated with a franchiser in the temporary employee services industry for the purposes of Small Business Administration lending programs, the Administrator of the Small Business Administration shall—

(1) continue to apply its historically-considered affiliation factors in determining whether a business is affiliated with another business or the franchiser in the temporary staffing industry;

(2) promulgate such other rules and regulations as necessary to determine affiliation within the temporary employee services industry as the Administrator determines consistent with the Small Business Act; and

(3) consider the processing of payroll and billing by a franchiser as customary and common practice in the temporary employee services industry that does not provide probative weight on affiliation, to the extent that the temporary staffing personnel are interviewed, hired, trained, assigned, and subject to discharge by the franchisee.

TITLE XI—STUDY ON PRIVATE SECTOR LENDING

SEC. 1101. STUDY ON PRIVATE SECTOR LENDING.

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report that describes lending to small business concerns by the private sector, including the following:

(1) The total amount of lending to small business concerns by private sector financial institutions during each of fiscal years 2006 through 2009.

(2) The total amount of lending to small business concerns by the 10 largest private sector financial institutions (as determined by the Administrator in terms of amounts lent during fiscal year 2006) during each of fiscal years 2006 through 2009.

(b) **COORDINATION.**—The Administrator of the Small Business Administration shall, if necessary, coordinate with the heads of other Federal departments and agencies to complete the report under subsection (a).

(c) **SMALL BUSINESS CONCERNS DEFINED.**—In this section, the term “small business concern” has the meaning given such term under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

TITLE XII—STUDY ON INCREASES IN CERTAIN CAPS

SEC. 1201. STUDY ON INCREASES IN CERTAIN CAPS.

Not later than 90 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report that describes the anticipated effects of the following potential changes to programs, including whether such changes adequately meet the financing needs of small businesses:

(1) Increasing—

(A) the maximum amount of a loan that may be guaranteed under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) to \$3,000,000; and

(B) participation by the Administrator with regard to such a loan.

(2) Increasing—

(A) the maximum amount of a debenture that may be guaranteed under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.); and

(B) the maximum amount of a loan that may be made with the proceeds of such debenture.

(3) Increasing the maximum amount of a microloan that may be made under section 7(m) of the Small Business Act (15 U.S.C. 636(m)).

The CHAIR. Pursuant to House Resolution 875, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, the manager's amendment to H.R. 3854 makes technical changes to the bill and clarifies the legislative intent for several provisions contained in the legislation. More importantly, the manager's amendment incorporates additional changes that were suggested by Members of the House that will greatly improve the working of the bill.

The amendment will improve the delivery of investment capital for veteran-owned businesses through the New Markets Venture Capital program. This language was suggested by Mr. JASON ALTMIRE, a member of the Small Business Committee, and I was happy to include it in the amendment.

Another member of the committee, Representative BEAN, also contributed language to the amendment which will improve access to the SBA's lending programs for franchise small businesses. This, too, greatly improves the bill.

Representative CONNOLLY contributed language to study the role that the private sector has played in providing small business access to capital over the past 4 years, and provisions that will study the effect of the increased loan size limits contained in the underlying legislation was suggested by Representative PINGREE.

Additionally, Representative BAIRD has suggested the SBA conduct a study to examine the efficacy of the ARC loan program that was established under ARRA.

Together, these provisions will significantly improve our understanding

of the state of small business access to capital, and I am grateful for their contributions.

I would also extend my thanks to Representative BOSWELL for his suggestion to include language that will enhance the ability of small firms to use 7(a) loans to purchase unoccupied manufacturing centers and equipment. This will surely help revitalize communities that have suffered from the loss of their manufacturing industries, as will language contributed by Representative COSTA which will make more loans available for communities with unemployment that exceeds prevailing State levels by 25 percent.

Together, these changes made by the manager's amendment will significantly improve the ability of H.R. 3854 to deliver capital and credit to small businesses. I thank the Members that contributed to it, and I urge its adoption.

I reserve the balance of my time.

Mr. GRAVES. Mr. Chairman, I rise to claim time in opposition to the gentlelady's amendment, though I do not oppose the amendment.

The CHAIR. Without objection, the gentleman from Missouri is recognized for 10 minutes.

There was no objection.

Mr. GRAVES. Mr. Chairman, the gentlelady's amendment makes some needed technical changes to the bill. In addition, the amendment incorporates some suggestions from other House Members that will improve the utilization of the SBA's capital access programs. Finally, I would note that the amendment incorporates an important study that hopefully will resolve the question of whether the current loan limits for the 7(a) program are appropriate or whether or not they need to be raised.

I want to thank the chairwoman for her thoughtful consideration in developing this amendment.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Thank you, Madam Chairwoman. I rise in strong support of the Small Business Financing and Investment Act and the manager's amendment, and I thank Chairwoman VELÁZQUEZ and the committee for their excellent work.

Small businesses represent 97 percent of Iowa employers and over half of our private sector employment. They are vital to our economic recovery. This bill makes critical changes to increase their ability to expand and create new jobs by extending lending provisions included in the Recovery Act and ensuring applications are simpler.

Many Iowa businesses face another burden. In 2008, we experienced the worst natural disaster in our State's history, leaving 85 of 99 total counties disaster areas. Given our experience

with this disaster, I am especially pleased with the improvements included to SBA's Disaster Loan program, such as raising disaster loan limits and the ceiling for collateral requirements, and improving repayment terms.

Further, the bill creates a grant program to help the most severely affected small businesses and will provide assistance to women and veteran outreach centers, small business development centers, and local chambers of commerce in reaching disaster victims for case management.

While these changes will be beneficial for future disaster victims, probes are ongoing with the over \$270 million in SBA disaster loans already approved in Iowa. Many are facing a reduction in supplemental assistance grants due to what is considered a duplication of benefits with their SBA loans, even though these are loans that must be repaid, not grants. Additionally, after a reduction in loan principal due to a duplication of benefits, small loans' monthly payment structures are not changed to reflect the decreased balance. These issues have delayed and impeded the recovery efforts taking place in Iowa.

I look forward to working further to improve the SBA Disaster Loan program, and I thank the committee for their work to help small businesses.

I urge support for the manager's amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SCHOCK

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 111-317.

Mr. SCHOCK. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 2 offered by Mr. SCHOCK:

Page 12, line 18, strike the closing quotation marks and period.

Page 12, after line 18, insert:

“(C) If the lender demonstrates, with respect to a claim for payment described in subparagraph (A), that it followed the applicable requirements of the National Lender Training Program as established under paragraph (37) of this section, the Administrator shall pay the claim unless the Administrator has clear and convincing evidence demonstrating that the lender failed to comply with regulatory requirements established by the Administrator.”.

The CHAIR. Pursuant to House Resolution 875, the gentleman from Illinois (Mr. SCHOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SCHOCK. Thank you, Mr. Chairman.

First, I would like to thank Chairwoman VELÁZQUEZ for her work on this very important bill and the bipartisan way in which she has carried the work of this committee out. I am truly grateful for her efforts, as well as Ranking Member GRAVES for his leadership on our side of the aisle to incorporate Members' ideas into this bill.

This legislation here today is intended to increase credit options for small business owners in America. I rise today to offer a simple amendment to this important legislation which will help small businesses across the country have greater access to necessary capital. Such support is needed, not only to sustain their operations but also for these small businesses to be able to expand their production capabilities and profits, and ultimately to lead to more jobs and opportunities for our citizens.

It is no secret that small businesses are the engine that drive the American economy. Currently creating seven out of the 10 new jobs in America, increasing lending options and capital for small business is vital to leading our country out of this current economic downturn.

I am glad today that this body is taking the necessary steps to help our small businesses grow, finally recognizing the significant role that small businesses will play in any economic recovery. It is no secret that one of the greatest disappointments my colleagues on this side of the aisle had in the so-called "stimulus" legislation was that it did not do enough for small businesses. Here today we are trying to rectify that.

□ 1515

That said, I am offering this simple amendment, which is backed by both the American Banking Association as well as those small independent community bankers, which I believe will help incentivize increased SBA-backed lending to small businesses from more and more banks across this country.

The legislation before us sets up important guidelines to the National Lender Training Program for banks to follow if they would like to be considered preferred lenders, thus obtaining easier access to carry SBA-guaranteed loans.

While the significance of establishing such a unified training program for lenders to follow cannot be understated, it is equally important that we reward those who complete such training with the true guarantee from the SBA on the loans that they offer to businesses. As is, the SBA currently fails to pay on claims of somewhere between 5 and 10 percent of the loans they guarantee, therefore causing fear in the minds of lenders who would otherwise offer a loan.

This amendment will ensure that the SBA will pay out on a guarantee to any lender who can demonstrate that they followed the prescribed training under the National Lender Training Program. If the SBA refuses to pay on such a claim, they must present clear and convincing evidence as to how the lender failed to meet any requirements of the training program. With this type of assurance of lender compensation for SBA-guaranteed loans in default, banks across this country will be more likely to lend to small businesses, ultimately helping to loosen credit markets, get capital flowing again, and put people back to work.

While I appreciate this legislation's efforts to extend loan guarantees from the SBA, it is equally important that we ensure the SBA pays out on those guarantees should such loans go into default. Removing the ambiguity of the SBA to decide which lenders get paid on guarantees and which do not will result in more banks being willing to participate in these programs and, ultimately, more loans being made to our Nation's small businesses.

I urge adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, one of the greatest challenges small firms are facing is banks' reluctance to lend. Liquidity issues are one reason for this. But equally important are the regulatory burden and capital reserves lenders are now expected to carry. As critical as it is to get capital back into the markets, we also need to be sure banks are properly regulated. At the same time, we need to increase lender confidence in SBA.

Mr. SCHOCK's amendment gets to the heart of both issues. Increasingly, we have seen incidents in which lenders believe they are following all the agency rules only to discover that SBA won't honor its guarantees. When this happens, it compounds the chilling effect already plaguing the markets.

This amendment will make it clear to lenders that if they make a good-faith effort to perform due diligence on loans and complete SBA training programs, their guarantees will be honored. In doing so, we can increase lender confidence and open the door to improved small business lending. And we can do so in a way that mitigates risk to the taxpayers.

This is a valuable amendment, and I urge Members to support it.

I now yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. I thank the chairwoman for yielding.

Mr. Chairman, I rise in support of the amendment from the gentleman from Illinois.

The gentleman's amendment makes it more difficult for the SBA to use technical errors to disregard 7(a) loans because the lenders are going to be able to document that they followed all the instructions of the SBA. This is going to bring greater certainty to the payment of guarantees. It will encourage more banks to participate in this program. And I thank the gentleman for his thoughtful addition to the bill.

Ms. VELÁZQUEZ. If the gentleman is prepared to yield back, we're prepared to accept the amendment.

Mr. SCHOCK. Mr. Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I urge adoption of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SCHOCK).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. SCHOCK

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 111-317.

Mr. SCHOCK. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. SCHOCK:

Page 162, line 18, strike "Report" and insert "Reports" and strike "Not later than one year" and insert "At quarterly intervals".

Page 162, line 21, strike "any expansion of" and insert "the Administrator's progress towards the expansion of".

Page 162, line 23, strike "of this section" and insert "of amendments made by this title".

Page 162, after line 23, insert:

(c) REGULATIONS.—The Administrator of the Small Business Administration shall promulgate such regulations as are necessary to carry out the Renewable Energy Capital Investment Program established pursuant to this title within 180 days after the enactment of this Act.

The CHAIR. Pursuant to House Resolution 875, the gentleman from Illinois (Mr. SCHOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. SCHOCK. Mr. Chairman, I rise today to offer one more additional change to this important legislation which I believe will help obtain some of its intended goals.

While H.R. 3854 has several initiatives aimed at increasing capital access for small businesses, it additionally makes several SBA programmatic changes. One such change is intended to increase small business and small manufacturer participation in renewable fuels and green industries through

an overhaul of the already established Renewable Energy Capital Investment Program.

Less than 1 month ago, the Small Business Subcommittee on Contracting and Technology held a hearing where one of my constituents from Peoria, Illinois, Dr. Peter Johnsen, testified. Dr. Johnsen shared with that committee the difficulty he was having in finding capital investments or loans for the further development of the crop known as pennycress, a winter cover crop which yields potentially as much as 115 gallons of biodiesel per acre as compared to the current 59 gallons from traditional soy-based diesel, nearly twice as much output. I'm optimistic that operating at full potential, the Renewable Energy Capital Investment Program with its matching grant contributions would be of great assistance to agricultural entrepreneurs across our country like Mr. Johnsen.

Established in 2007, the Renewable Energy Capital Investment Program, formerly known as the Renewable Fuel Capital Investment Program, has been a shadow of its promised self. In fact, to date, the SBA Administrator has failed to even issue any rules or regulations for small business participation in the program despite its establishment nearly 2 years ago. This amendment would first place specific emphasis on requiring the SBA to release regulations for program participation within 180 days of enactment of this legislation.

Additionally, the underlying legislation allows for a yearly progress report from the SBA concerning this important program. Unfortunately, this program is too important and its potential too great for Congress to simply sit by for a year and wait for the SBA to act. This amendment will require quarterly progress reports concerning the status of the Renewable Energy Capital Investment Program, what steps the SBA is taking to encourage and promote participation, and, finally, how this program is being utilized by the small business community.

No longer is the renewable fuels market dominated by those with deep research and development pockets backed by larger corporations. This important program will help ensure small businesses get equal opportunity to participate in the effort to make our country more energy efficient while also establishing new renewable fuel sources.

For these reasons, I urge adoption of this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, green energy presents a world of opportunity for our economy. In terms of job creation, it has already generated millions of high-wage positions for workers in fields ranging from engineering and IT to agriculture and construction. Small firms make up the lion's share of this growing sector, and they will play a key role in our Nation's efforts to reduce carbon emissions and break free from foreign oil. But they cannot do it without the capital to continue research and production.

H.R. 3854 delivers critical capital to the small businesses driving the clean energy sector. Mr. SCHOCK's amendment enhances those efforts by adding an important element of transparency. By requiring SBA to release quarterly reports on the Renewable Energy Capital Investment Program, we can gauge the agency's progress in expanding the initiative. We can also pinpoint areas that are working and identify places in need of improvement. Meanwhile, this amendment mandates the timely establishment of program regulations. That measure should expedite the program's expansion and increase overall efficiency.

These are critical improvements, and I urge support of Mr. SCHOCK's amendment.

I will now yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. Mr. Chairman, I rise in support of the amendment from the gentleman from Illinois.

The amendment would require regular reports to Congress on progress in establishing renewable energy investment companies so that this body can take appropriate action if the agency continues to delay implementing the will of Congress.

I thank the gentleman for his amendment.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman is prepared to yield back, we're prepared to accept the amendment.

Mr. SCHOCK. Once again, I thank Chairman VELÁZQUEZ for her bipartisan work on this and her leadership, and I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I urge adoption of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. SCHOCK).

The amendment was agreed to.

PART B AMENDMENT NO. 4 OFFERED BY MR. BRIGHT

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 111-317.

Mr. BRIGHT. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 4 offered by Mr. BRIGHT:

Add at the end of the bill the following:

TITLE X—RURAL OUTREACH

SEC. 1001. RURAL OUTREACH.

The Small Business Act (15 U.S.C. 631 et seq.), as amended by this Act, is further amended—

(1) by redesignating section 46 as section 47; and

(2) by inserting after section 45 the following:

"SEC. 46. RURAL OUTREACH.

"The Administrator shall ensure that each district office of the Administration that includes a rural area—

"(1) establishes a plan to provide small business concerns in rural areas with information on the financing and investment programs of the Administration of use to such concerns;

"(2) designates an employee of the office as a rural business financing outreach specialist, who is responsible for providing advice concerning the lending and investment programs of the Administration to small business concerns; and

"(3) hosts at least one outreach seminar in a rural area each year to provide information described under paragraph (1) to small business concerns in rural areas."

The CHAIR. Pursuant to House Resolution 875, the gentleman from Alabama (Mr. BRIGHT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BRIGHT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of my amendment to H.R. 3854, the Small Business Financing and Investment Act.

This amendment requires SBA district offices servicing rural areas to establish a plan for marketing, financing, and investment opportunities for rural businesses. It also requires the offices to designate a rural business financing outreach specialist and host at least one annual outreach seminar in the rural areas of each of SBA's 70 district offices.

When I speak to small businesses throughout my district—that's southeast Alabama—I often hear about their problems accessing capital through SBA programs. In fact, my office recently received a call from a constituent in Equality, Alabama, who owns a garden and plant nursery. This gentleman, like many other small businesses across the country, they're struggling to make payroll. He needs access to capital in order to prevent layoffs but was given the runaround at his local SBA district office. He turned to my office because he didn't get the help he needed from the local SBA office.

Our constituents and other constituents tell me they simply don't know what opportunities are available to them, be it through the SBA or other Federal agencies. By passing this

amendment that I have proposed today, I believe these situations could be avoided in the future. A designated rural business outreach specialist could have helped the small business owner which I just talked about to process his application to access the capital he needed to stay in business. An aggressive marketing campaign would have informed his business and other business owners in my district and throughout the country of the opportunities the SBA has to offer for them. I'm sure there are hundreds of similar businesses throughout our country that have the same story that my constituent posed to me.

This is why I have introduced this commonsense amendment which will require the SBA to do a better job of reaching out to rural small businesses that haven't previously participated in any of SBA's important programs.

□ 1530

My amendment will help small business owners throughout rural areas and strengthen the underlying bill. SBA district offices should always have business models, marketing plans and outreach specialists designed to specifically help rural areas of our country. This amendment will make the SBA user friendly for small business owners in rural parts of our great Nation. I urge passage of this amendment and this bill.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, traditionally, the SBA has been vitally important to rural businesses. For many years, rural lenders served as the backbone of the Small Business Administration's lending programs, delivering capital to areas of the country that don't have the same options as other parts of our Nation.

For a range of reasons, over the last 8 years, we have seen many of the SBA rural lenders disappear. This is a troubling trend. It means that businesses on Main Street cannot find the credit they need to expand a store, build a new plant, or simply upgrade their facilities. Without a strong selection of rural lenders, we are beginning to see the emergence of a credit gap. Rural areas have the same need for jobs that the rest of America does, and it is important that they have a chance to create them.

H.R. 3854 includes a provision targeted specifically at encouraging lenders to provide credit to entrepreneurs in rural America. The Rural Lender Outreach Program helps line up lenders in this part of America to expand capital access options for businesses.

Mr. BRIGHT's amendment addresses the other side of that coin, ensuring that businesses know these rural lenders are out there. By challenging the SBA to connect with rural businesses and requiring the SBA's district offices to engage in outreach, we can put these entrepreneurs in touch with local lenders.

Small firms' potential for job creation should not be limited to certain parts of the country. This amendment will ensure that we prevent this "credit gap" from growing, so that small businesses, no matter where they are located, find financing options that work for them. This is an important change to today's legislation, and I ask my colleagues to support it.

I yield to the gentleman from Missouri (Mr. GRAVES) for any comments he might have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentleman from Alabama. It is important that small businesses in rural areas can reach an employee at the SBA dedicated to understanding the operation of capital access programs. In addition, by having an outreach effort, businesses in rural areas will learn directly from the SBA and lenders about options for obtaining necessary capital to expand their businesses.

I would like to thank the gentleman for his very useful amendment on this legislation.

Ms. VELÁZQUEZ. Mr. Chairman, I now yield 1½ minutes to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. Mr. Chairman, I appreciate the gentlewoman yielding me this time, and I appreciate that you took into account the factories and the equipment that has become available because of closings and so on, like Maytag, for example, in my district. A lot of good things have happened with the small businesses going in there, and you have really taken measures that will benefit that and will help our country and certainly help those communities that have been hit very hard.

So we compliment you for your work, and see that is happening other places around the country as well. The need is there, and this will be a big asset. Well done. Thank you very much.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman from Alabama is prepared to yield back, we are prepared to accept the amendment.

Mr. BRIGHT. Mr. Chairman, in closing, I would like to thank our chairwoman today for the service and the leadership she has given us on the committee, and also the staff on the Small Business Committee for their attention to this issue and for working with my staff to draft this amendment.

I would also like to thank my colleagues for their continuing support and commitment to this issue. I urge all of my colleagues to support my amendment and this bill.

I yield back the balance of my time. Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. BRIGHT).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. FLAKE

The CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 111-317.

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk designated No. 5.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 5 offered by Mr. FLAKE:

Page 178, after line 18, insert the following:

SEC. 702. PROHIBITIONS ON EARMARKS.

None of the funds appropriated for the program established under part D of title III of the Small Business Investment Act of 1958, as added by this title, may be used for a Congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives.

The CHAIR. Pursuant to House Resolution 875, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would simply prohibit the grant program established in the Small Business Early Investment Program from ever being used as a vehicle for earmarking.

As my colleagues are aware, I have offered this noncontroversial amendment many times to legislation in both the 110th and 111th Congresses. I would expect that this would be accepted by the majority. This is noncontroversial.

There is language in the bill that says this is a competitive grant program. Having said that, unfortunately, we have many programs that are slated to be competitive, or there is language saying these grants will be awarded on a competitive basis. And still, unless we have language like this amendment provides for, they become a vehicle for earmarking.

If we look at some of the FEMA grants in the Homeland Security bill, some of those are competitive grant programs, and 100 percent of the money in some of those accounts has been earmarked. So it behooves us to opt for language like this that prevents that from happening.

Under the Small Business Early Investment Program, this is a little different than others. Private investment companies can apply to receive a grant from the SBA. These grants are to be used by approved applicants for the purpose of making investments in new small businesses, presumably with a goal of creating or preserving jobs.

Language contained in the committee report says applicants "should

be judged by the merits of their application and should compete on equal footing with other applicants for selection to participate in the program." That is all we are trying to preserve, just with language to make sure that happens.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, in the 111th Congress, this body has made transparency a top priority. That is why we have adopted rule XI, which requires quarterly hearings on fraud, waste, abuse and mismanagement of Federal programs. But our commitment to good government extends beyond the committee room, which is why I am glad to accept Mr. FLAKE's amendment. That said, I want to point out that small business programs are not vehicles for waste. They are important avenues for economic growth, not earmarks.

I don't think there is a single person in this room who doesn't want to see small businesses succeed. After all, they create the lion's share of new American jobs, and we are counting on them to strengthen our economy.

It would not be in the best interest of this body or of our great Nation to compromise the integrity of SBA's programs. These initiatives deliver the best bang for the taxpayer's buck, and ultimately return more money to the economy than they take out. Mr. FLAKE's amendment is a simple affirmation of that fact, and I am willing to accept.

I now yield to the gentleman from Missouri (Mr. GRAVES) for any remarks he may have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentleman from Arizona. If the purpose of the early-stage seed capital program is to allow venture funds to identify the best possible small business investments, it would be counterproductive to allow Congress to override those decisions through earmarks. I thank the gentleman for his very important additional protection to the early-stage seed capital program.

Ms. VELÁZQUEZ. Mr. Chairman, I urge everyone to support the amendment. I reserve the balance of my time.

Mr. FLAKE. I thank the chairwoman and the ranking minority member on the committee for accepting the amendment.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the ayes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 6 OFFERED BY MS. KOSMAS

The CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 111-317.

Ms. KOSMAS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 offered by Ms. KOSMAS:

Page 178, after line 6, insert the following:

“(ix) Photonics technology.

The CHAIR. Pursuant to House Resolution 875, the gentlewoman from Florida (Ms. KOSMAS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. KOSMAS. Mr. Chairman, I yield myself such time as I may consume.

I would like to thank the chairwoman of the committee and the committee for their hard work and leadership in introducing this important bill that will give small businesses greater access to capital.

H.R. 3854, the Small Business Financing and Investment Act of 2009, establishes an early-stage investment program that will provide financing to support small businesses in targeted business sectors. By investing in fledgling companies, America's small businesses will be able to grow and create jobs.

I rise today in support of my amendment to H.R. 3854, which would add photonics technology to the list of targeted industries qualified to receive grants under the new early-stage investment program.

Photonics technology, which includes fiber optic communications and laser technology, is a key industry in central Florida and is a supporting technology for almost every industry, including energy, telecommunications, health care, robotics, astronomy, aerospace, and defense.

According to the Opto-electronics Industry Development Association, the fast-growing, global photonics market is estimated to be worth half a trillion dollars today. In Florida alone, photonics provides over 27,000 jobs and brings billions of dollars to our State each year. We must ensure that America remains competitive in this industry and that, as the market expands, American small businesses and workers benefit.

Numerous small businesses in the photonics industry are at the very early stages of development, and there-

fore, they need this support and access to capital in order to grow and become profitable. By including photonics in the list of targeted business sectors, we will ensure that the photonics industry will continue to play a vital role in developing new technologies for use in every area of our economy. And this bill and my amendment will give small businesses in this industry the opportunity to succeed.

Again, I commend the chairwoman and the committee for the bill. I ask my colleagues for their support of this amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, growth in our economy has long depended on the progress of new industries. When our country bounced back from the recession of the 1990s, it wasn't because we simply rebuilt jobs where they once had been; it was because we created new ones entirely. And we did so in emerging industries like information technology. Today, we have a similar opportunity with growing fields like photonics, the science that uses light energy to power and improve everything from telecommunications to electrical systems.

Photonics technology touches virtually every industry. Through the leverage of public-private partnerships like SBIR, it is already sparking breakthroughs that impact our everyday lives, for example, better bar codes for scanning groceries, or less invasive forms of laser eye surgery. With new investments in this promising field, we can build the kind of innovation America needs. That is why we will be adding photonics to the roster of business sectors that can receive early-stage investment grants.

□ 1545

Ms. KOSMAS' amendment is a valuable one, and I urge my colleagues to support it.

I now yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentlelady from Florida. This is an area that I am very familiar with. Without photonics, we would not be able to enjoy the advancements in avionics, in aircraft that we have today or high-definition television. Seeking the next great advancement in this field is important, and I thank the gentlelady for her significant improvement to the early-stage seed capital program.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentlelady is prepared to yield

back, we are prepared to accept the amendment.

Ms. KOSMAS. Thank you. I yield back the balance of my time.

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Ms. KOSMAS).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. GINGREY OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 111-317.

Mr. GINGREY of Georgia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 7 offered by Mr. GINGREY of Georgia:

Page 168, line 23, strike "5 years" and insert "7 years".

The CHAIR. Pursuant to House Resolution 875, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY of Georgia. Thank you, Mr. Chairman.

What I have offered is an important, yet straightforward, amendment. It would simply extend the period in which a physician or a medical group could participate in the Small Business Health Information Technology Financing program from 5 years to 7 years.

Mr. Chairman, the promotion and advancement of health information technology should be one aspect of the health care debate upon which most Democrats, Republicans and Independents would agree. While a large portion of the health care debate has been focused on how to extend existing coverage and figuring out who pays for it, health information technology will actually improve the underlying quality of health care, and it also will lower the overall cost by reducing overhead and medical errors. Mr. Chairman, health information technology will not only save dollars but, more importantly, save lives.

For this reason, I have long been a proponent of health information technology. Since the 109th Congress, I have introduced the Assisting Doctors to Obtain Proficient and Transmissible Health Information Technology Act, or ADOPT HIT Act, so that we can encourage medical care providers to purchase and implement health information technology with the assistance of an up to \$250,000 tax deduction under section 179 of the code.

Now the underlying bill provides for Small Business Administration loan guarantees of up to 90 percent, with overall caps of \$350,000 for individual

physicians or \$2 million for physician groups. Even more importantly, a physician or a group of physicians could defer repayment of the loan for up to 3 years. Currently, there is a 5-year window in which a physician could participate in this program.

Very simply, as I stated at the outset, my amendment will extend this window from 5 years to 7 years in order to allow physicians more time to see the benefits of HIT and make arrangements to invest in the technology and to participate in this good program.

Mr. Chairman, I strongly encourage my colleagues to support my amendment and show their support for health information technology and the promise that it offers.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, the wide-scale adoption of medical records is one of the most sweeping and most important elements of health care reform. It will improve efficiency, reduce costs and streamline communication. But like any other ground-breaking technology, it isn't cheap. For your average small medical practice, initial costs are roughly \$100,000. When coupled with today's larger legislation, Mr. GINGREY's amendment will help blunt those expenses. By some estimates, the nationwide adoption of health IT will spur annual savings of \$77 billion. Already many major hospitals and medical practices are enjoying these cost-cutting benefits. Small firms, however, have been reluctant to adopt it. In fact, only 13 percent of solo practitioners use the technology. The gentleman's amendment recognizes the benefits of health IT and improves the bill, and that is the reason why we are supporting this amendment.

I would now like to yield to the gentleman from Missouri for any comments that he may have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentleman from Georgia. The gentleman's amendment would extend the time in which physicians and other health care providers could access the new health information technology loan program. This would give all providers sufficient time to obtain loans so that we can increase efficiencies in health care and delivery.

I thank the gentleman for his very excellent contribution to this bill.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman is prepared to yield back, I am prepared to accept the amendment.

Mr. GINGREY of Georgia. Mr. Chairman, let me just say that I am deeply

appreciative to Chairwoman VELÁZQUEZ and also to Ranking Member GRAVES for their support of this amendment, and I thank them for that support.

I yield back the balance of my time.

Ms. VELÁZQUEZ. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. GINGREY).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. KRATOVIL

The CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 111-317.

Mr. KRATOVIL. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 offered by Mr. KRATOVIL:

Page 32, after line 7, insert the following (and redesignate succeeding sections accordingly):

SEC. 124. 100 PERCENT GUARANTEE FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by this Act, is further amended—

(1) in paragraph (3)(A) by striking the semicolon at the end and inserting the following: "or in paragraph (42);"; and

(2) by adding at the end the following:

"(42) 100 PERCENT GUARANTEE FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY VETERANS.—Notwithstanding paragraph (2), in an agreement to participate in a loan on a deferred basis under this subsection with respect to a small business concern owned and controlled by veterans, participation by the Administrator may be equal to 100 percent. The total amount outstanding and committed (by participation or otherwise) with respect to a loan to such a small business concern from the business loan and investment fund established by this Act may not exceed \$3,000,000."

The CHAIR. Pursuant to House Resolution 875, the gentleman from Maryland (Mr. KRATOVIL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. KRATOVIL. I yield myself as much time as I may consume.

Mr. Chairman, I rise in support of my amendment to the Small Business Financing and Investment Act of 2009 that would raise the maximum SBA 7(a) loan guarantee from 90 percent to 100 percent on qualifying loans for veteran-owned small businesses. As we approach Veterans Day, I feel we should be supporting our vets not only in words but also with our actions. This amendment is a very simple and appropriate way to do so. Raising the maximum loan guarantee will not only be a way of fulfilling our commitment to veterans, but it will also serve to stimulate lending and financing for the small businesses that are the backbone of local economies and the number one source of new job creation.

Mr. Chairman, this bill frees up the often elusive credit that serves as the lifeline of any established or startup small business; it honors the service of our Nation's veterans; and it will stimulate the small businesses at the heart of the U.S. economy. I urge my colleagues to support it.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, entrepreneurship has long been a popular option for America's veterans. After all, it requires many of the same traits that military service does—hard work, ingenuity and dedication to something larger than yourself. So it is not surprising that veterans own roughly 15 percent of our Nation's small businesses. What is surprising, however, is the rate at which lending to these companies is declining. Between fiscal year 2007 and fiscal year 2008, the number of 7(a) loans to veteran-owned businesses dropped more than 22 percent. In other words, entrepreneurship is being pushed further and further out of reach for our veterans.

Earlier this year, the House passed legislation establishing new veteran entrepreneurial development programs at SBA. This legislation will mean a range of new services for veterans. One of the most important goals was helping meet veteran-owned businesses' capital needs. The amendment offered by Mr. KRATOVIL builds on that earlier work. His amendment will ensure that veterans not only access the capital they need but lets them do so at affordable rates. By providing higher guarantees on loans and lower costs, we can offer new opportunities for veterans who own businesses as well as those who wish to start one.

For our servicemen and -women, entrepreneurship is the tried and true path to economic empowerment. This amendment will put more veterans on that path. This is a positive change to the legislation, and I urge my colleagues to support the amendment.

I yield to the gentleman from Missouri for any comments that he may have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from my football teammate, the gentleman from Maryland (Mr. KRATOVIL).

Mr. Chairman, no one can deny the valuable role that veterans have played in maintaining the economic freedoms we have in this country. They certainly deserve our thanks and support. The gentleman's amendment would provide that support through a 100 percent guarantee on loans to veteran-owned small businesses. I thank the

gentleman for his vital addition to this bill.

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman is ready to yield back, we are prepared to accept the amendment.

Mr. KRATOVIL. Mr. Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Maryland (Mr. KRATOVIL).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. PAULSEN

The CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 111-317.

Mr. PAULSEN. I rise to offer an amendment, Mr. Chair.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 9 offered by Mr. PAULSEN:

Add at the end of the bill the following:

TITLE X—STUDY RELATING TO MEDICAL TECHNOLOGY

SEC. 1001. STUDY RELATING TO MEDICAL TECHNOLOGY.

Not later than one year after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report describing recommendations for and the feasibility of a program—

(1) to increase investment in the research, development, and commercialization of medical technology by small business concerns; and

(2) that is administered in a manner similar to the program under part C of title III of the Small Business Investment Act of 1958 (15 U.S.C. 690 et seq.).

The CHAIR. Pursuant to House Resolution 875, the gentleman from Minnesota (Mr. PAULSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PAULSEN. Thank you, Mr. Chair. I yield myself as much time as I may consume.

I rise today to offer an amendment that I am hopeful will help to strengthen and accelerate advancements in medical technology. My amendment would require the SBA to conduct a study that would determine the feasibility of a program that would help bring funding to startup medical technology firms. The amendment would also require the SBA to report its suggestions on how to best structure such a program. It is my hope with this information, Congress will be able to strategically implement a program to help fund medical technology. Programs of this nature are already in place and exist for renewable energy and for rural manufacturing. This amendment would simply look at also expanding this to medical technology. Medical device companies face startup costs that are very steep, and a pro-

gram under the SBA would help bring funding to these companies and allow them to get their products to market quicker.

Mr. Chair, we know very well that the development of these new cost-saving technologies allow patients to lead longer, healthier and more productive lives. These technologies also improve the quality of health care in America while helping to fight rising health care costs. Furthermore, the medical technology industry is a proven job-creator. According to one study, the medical technology industry nationwide employs more than 350,000 people. These are good, high-paying jobs. The average salary of a med tech employee is higher than the State salary average in 49 of the 50 states; and in some States, medical technology jobs pay nearly 25 percent higher than the State average salary. Many of these jobs are also often in the area of research and development, which keeps America in the forefront of innovation. It should also be noted that these companies are truly America's small businesses and success stories. Of these companies, 71 percent have fewer than 10 employees. It fits right in with this bill, Mr. Chair.

A week ago, I held a field hearing in my district on the issue of medical technology, and we heard firsthand from small businesses in my district about the work that they are doing and the jobs they are creating. As cochair of the Medical Technology Caucus, I would ask support for this amendment so we can have Congress spur additional advancement in medical technology.

I urge adoption of my amendment and reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, small businesses are our Nation's most prolific innovators. Time and time again, they have pioneered new fields, developed new products and achieved important technological breakthroughs.

□ 1600

Today, small businesses are breaking new ground in the energy sector. As our Nation undergoes a green revolution, small businesses are leading the way in developing solar power. They are blazing the trail in the development of wind power and biodiesel, and renewable fuel industries are dominated by small businesses. Just as small firms are on the leading edge of developments in the energy sector, they also play an active role in the development of new medicines and medical devices.

The gentleman from Minnesota is suggesting that the SBA look into the feasibility of an initiative to help raise capital for entrepreneurs in the medical field. Given the important role that small firms play in this arena, at least exploring the possibility of an SBA program to assist them in capital formation seems prudent.

I urge adoption of the amendment.

I yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. Mr. Chairman, I rise today in support of the amendment from the gentleman from Minnesota.

My district has a significant biotechnology industry, so I certainly understand the gentleman's interest in investigating the viability of having small business investment companies focus on medical technologies. It certainly is a laudable goal, and I understand the utility of a program before expanding it.

Mr. Chairman, I would urge the support of this.

Ms. VELÁZQUEZ. Mr. Chairman, I reserve the balance of my time.

Mr. PAULSEN. Mr. Chairman, I yield 2 minutes to a gentleman who has a great understanding of the importance of medical technology and who is emerging as one of the more thoughtful members of the Financial Services Committee, the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. I rise today in support of the amendment offered by the gentleman from Minnesota.

I thank the distinguished chairwoman of the committee and the ranking member.

Mr. Chairman, throughout the United States, the medical technology sector employs more than 350,000 workers, many of them in firms with fewer than 100 employees. This includes more than 3,000 jobs in the congressional district I have the honor of representing, the Seventh Congressional District in New Jersey, which many believe to be the medicine chest of the entire Nation and of, indeed, the world.

These jobs are tied heavily to research and development, helping to keep the United States at the forefront of medical innovation. We must consider the importance of these lifesaving technologies, especially as we move forward with health care. It is vital that we do not forget the valuable impact medical technology has on lowering the costs of health care, on expanding access to lifesaving cures, and on creating jobs. That is why I believe we should be making investments in this field.

I urge my colleagues to support the amendment sponsored by my friend, the gentleman from Minnesota.

Ms. VELÁZQUEZ. Madam Chair, if the gentleman is prepared to yield back, we are prepared to accept the amendment.

Mr. PAULSEN. If I could just close by saying I appreciate the leadership of the Chair and of the gentlewoman, and I extend my appreciation for the support of this amendment.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, I urge adoption of the amendment.

I yield back the balance of my time.

The Acting CHAIR (Ms. EDWARDS of Maryland). The question is on the amendment offered by the gentleman from Minnesota (Mr. PAULSEN).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. MASSA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 111-317.

Mr. MASSA. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 10 offered by Mr. MASSA:

Page 131, after line 4, insert the following (and redesignate succeeding sections accordingly):

SEC. 306. YOUNG ENTREPRENEURS PROGRAM.

Section 7(m)(4) of the Small Business Act (15 U.S.C. 636(m)(4)) is amended by adding at the end the following:

“(G) YOUNG ENTREPRENEURS PROGRAM.—

“(i) IN GENERAL.—An intermediary that receives a grant under paragraph (1)(B)(ii) may establish a program for the geographic area served by such intermediary that provides to young entrepreneurs technical assistance regarding the following:

“(I) Establishing or operating a small business concern in the geographic area served by the intermediary.

“(II) Acquiring or securing financing to carry out the activities described in subclause (I).

“(ii) YOUNG ENTREPRENEUR DEFINED.—For purposes of this subparagraph, a young entrepreneur is an individual who—

“(I) is 25 years of age or younger; and

“(II) has resided in the geographic area served by the intermediary for not less than 2 years.

“(iii) GOOD FAITH EFFORT REQUIREMENT.—If a young entrepreneur who receives technical assistance under this subparagraph from an intermediary establishes or operates a small business concern, the young entrepreneur shall make a good faith effort to establish or operate such concern in the geographic area served by the intermediary.

“(iv) DEFERRED REPAYMENT.—If a small business concern established or operated by a young entrepreneur receives a loan under this subsection, such concern may defer repayment on such loan for a period of not more than 6 months beginning on the date that such concern receives the final disbursement of such loan.”.

The Acting CHAIR. Pursuant to House Resolution 875, the gentleman from New York (Mr. MASSA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. MASSA. Madam Chair, let me take this opportunity to thank Ms. VELÁZQUEZ and to commend Mr.

SCHRADER and his colleagues on the Small Business Committee for their efforts in crafting this landmark legislation to expand opportunities for many new entrepreneurs and for expanding business opportunities across the country.

Offering these business ventures this needed help in getting off the ground is essential, especially right now, for the creation of jobs and so as to boost economic activity in local communities, especially in local rural communities, which are so important to my district.

With my amendment, we can focus on a very pressing concern from many places across this country and on one of exceptional concern back home. This is the brain drain, the loss of talent, caused by the outmigration of so many young businesspeople.

As is a common trend for many regions in America, we have seen a great loss of young people in my district, in western rural New York. This is due to a longstanding scarcity of jobs and of many shrinking opportunities for bright, young entrepreneurs. By creating programs in the Small Business Administration which focus specifically on providing business advice, technical assistance, and lowering eligibility to younger entrepreneurs, we can give these young people who would like to stay in our districts better opportunities to do so.

Year to year, we continue to see our children leave their communities because they have limited opportunities to find good-paying jobs or to find any attractive means to make livings and to raise families. Our communities are shrinking in rural America, and the efforts of this outmigration to many places around the country and throughout the Nation are clear. With more and more young people forced to leave to find careers elsewhere, local economies are facing even higher degrees of challenges, and fewer jobs, therefore, are available. Many people back home question how long this can continue.

For those young folks who want to start businesses, who may want to earn steady paychecks, who may want to create jobs and hire others in their communities, where will they go to grow up and raise their families?

I believe we have an opportunity to help pave the way. Offering programs that will help reinvigorate communities through new business opportunities for younger entrepreneurs will both provide these jobseekers with local opportunities and will hugely benefit the local economies in the area. My amendment will do just this.

Madam Chair, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chair, young people have been acutely affected by this recession.

Americans graduating from high school or college face one of the most challenging job markets in decades. In some communities, this problem is driving recent graduates to other parts of the country as they seek economic opportunity. This means that communities which are hard hit by the downturn will have even more difficulty as they are deprived of their next generation of workers. This drain of young talent presents additional challenges for local economies that are struggling to recover.

Entrepreneurship can provide another option for young people who are living in economically hard-hit areas. However, younger individuals also face unique challenges in starting or launching their own businesses. Finding affordable loans without an established credit history can be an obstacle. Many young people may not have the large reserves of capital that older, more established entrepreneurs have. In addition, younger entrepreneurs may not have as much experience in the job market. All of these factors present difficulties to young Americans who want to go into business for themselves.

By creating an initiative through the SBA's Microloan Program, this amendment will help overcome these problems. With appropriate guidance and assistance, many young Americans can go into business for themselves. This amendment also recognizes the capital constraints that many young entrepreneurs face. It gives a younger entrepreneur who qualifies for the Microloan more time for repayment.

Madam Chair, our Nation's greatest resource has always been our young people. They will certainly play a vital role in lifting our Nation out of the current downturn. This amendment will give more young Americans the opportunity to launch their own ventures. This is a good amendment, and I support its adoption.

I now yield to the gentleman from Missouri for any comments that he may have.

Mr. GRAVES. Madam Chair, I rise today in support of the amendment from the gentleman from New York.

Providing America's youth with entrepreneurial education will show them that working for a large corporate entity is not the only way to achieve success. In addition, it will give them sufficient ability to stay in their local, often rural areas so they can use their ingenuity to create new jobs.

I thank the gentleman for his important amendment in supporting the future of America's entrepreneurs.

Mr. MASSA. I thank the gentleman from Missouri.

Madam Chairman, I ask that my colleagues support this amendment.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, we are prepared to accept this amendment, and I urge its adoption and support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. MASSA).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MS. FOXX

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part B of House Report 111-317.

Ms. FOXX. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 11 offered by Ms. FOXX:

Add at the end of the bill the following:

TITLE X—TERMINATION

SEC. 1001. TERMINATION OF PROGRAMS.

(a) IN GENERAL.—Subject to subsection (b), each fiscal year the Administrator of the Small Business Administration may not carry out any program for which an authorization is established or extended under this Act.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a program referred to in such subsection on the earlier of the following:

(1) The date that is 5 years after the date of enactment of this Act.

(2) The date on which the authorization under this Act for such program expires.

(c) EXISTING OBLIGATIONS.—Subsection (a) does not affect the ability of the Administrator to carry out responsibilities with regard to loans, grants, or other obligations made or in existence before an applicable effective date under subsection (b).

The Acting CHAIR. Pursuant to House Resolution 875, the gentlewoman from North Carolina (Ms. FOXX) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Ms. FOXX. Madam Chair, my intentions were to offer an amendment today that would provide an opportunity to do what I think all of us on both sides of the aisle want to do, which is to have effective programs which help our citizens in this country. However, we've discovered that there are problems with the amendment as it has been drafted, and so it is my intention to withdraw the amendment at the end of my comments.

Multiple reports from the Government Accountability Office found duplicative programs across the Federal Government. These programs included 342 economic development programs; 130 programs serving the disabled; 130 programs serving at-risk youth; 90 early childhood development programs; 75 programs funding international edu-

cation, cultural, and training exchange activities; and 72 safe water programs.

These are noble goals with good intentions, but they are no excuse for Congress to abrogate its responsibility to reexamine programs that may have become wasteful or duplicative since their inception.

Just yesterday, there was an article in CongressDaily about a situation that should not exist:

"Influential Senators raised fresh concerns about the \$7.2 billion broadband stimulus program during an oversight hearing Tuesday, complaining that it is divided between two Federal agencies when only one is necessary."

"There shouldn't be two of you here. Only in the Federal Government would we have two people doing the same thing," said Senator CLAIRE McCASKILL, Democrat of Missouri, in a blunt assessment of the situation, which she described as 'nonsense.'

[From Congress Daily, Oct. 28, 2009]

RED TAPE COULD HURT BROADBAND PROGRAM,
SENATORS WARN
(By David Hatch)

Referring to Rural Utilities Service Administrator Jonathan Adelstein and NTIA Chief Larry Strickling, Senator Claire McCaskill said, "If I could, wave a magic wand I would morph you into one person and combine your two agencies with the snap of fingers."

"I don't know why it was divided up the way it was, but that's what happens with political power around here," echoed Senate Commerce Chairman John (Jay) Rockefeller. He further complained that some applicants well-positioned to aid their communities might be dissuaded by the cumbersome process for obtaining the stimulus funds.

Their comments reflect concerns raised by companies and other parties about the complexities of having requests for loans and grants reviewed by two bureaucracies—and the risks of ending up with loans even when grants are sought.

After being inundated, with close to 2,200 requests seeking nearly \$28 billion, both agencies have fallen behind schedule and plan to begin issuing awards in mid-December—a month later than intended.

Rockefeller and McCaskill were among the senators who criticized criteria that could prevent some rural areas within 50 miles of urban centers from being eligible for the most generous grants.

They urged the regulators to address the matter, prompting Adelstein to assure them that "everything is on the table" when it comes to making adjustments. He described Rural Utilities Service as between a rock and a hard place because it has been criticized for diverting too much assistance to nonrural areas.

Senate Commerce ranking member Kay Bailey Hutchison reiterated her view that the bulk of the funding should help regions that are unserved or "substantially" underserved.

During his testimony, Mark Goldstein, director of physical infrastructure issues at GAO, warned that both agencies lack funding for oversight of the program beyond FY10.

Adelstein and Strickling said they're doing everything they can to maximize the impact

of the grants and loans. "I want to ensure you today that these funds will be well-spent," Strickling said, noting that there have been no turf battles.

That is why I am offering this amendment which would explicitly sunset all programs contained in the bill at the end of their authorizations or within 5 years, whichever is first, while granting the administrator the authority to carry out responsibilities regarding all outstanding loans, grants, and other outstanding commitments before the authorization expiration.

As a member of the Sunset Caucus and as a cosponsor of H.R. 393, I recognize the need for regular congressional review and oversight needed to restore accountability to the multitude of Federal programs that exist and that are created every day. The amendment I had planned to offer is part of a broader effort to reaffirm the continued relevance of Federal programs and to ensure they continue to operate as intended.

With the current budget challenges facing the Federal Government and a \$1.4 trillion deficit, the need for provisions that would sunset program authorizations is more pronounced now than ever. Congress constantly creates new programs with little to no thought of the amount of money that will be needed to finance what usually becomes their eternal life. This is a commonsense, prudent, and simple step that can be taken regularly to help keep us honest and to sunset authorizations which will necessitate evaluation.

□ 1615

If a program is worth continuing, its purpose and effectiveness should be dependable in the future. This gives committees an opportunity to reevaluate and retool their functioning to help restore accountability. I believe committee chairmen will wholeheartedly support sunset provisions, as their inclusion would more regularly work toward shaping policy under their purview.

Madam Chairman, again, I have learned just prior to coming here that there is a problem with the language, but I also understand that there is a belief on the part of the chairwoman and the ranking member that this is something that should be done, and we will be able to work on that in the future.

Madam Chairman, I ask unanimous consent to withdraw my amendment.

The SPEAKER pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 12 OFFERED BY MR. KISSELL

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 111-317.

Mr. KISSELL. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 12 offered by Mr. KISSELL:

Page 32, after line 7, insert the following (and redesignate succeeding sections accordingly):

SEC. 124. DEFERRED REPAYMENT FOR CERTAIN SMALL BUSINESS CONCERNS.

Section 7(a)(7) of the Small Business Act (15 U.S.C. 636(a)(7)) is amended by adding at the end the following: "If a small business concern classified in sector 23 of the North American Industry Classification System receives a loan under this subsection after the date of the enactment of the Small Business Financing and Investment Act of 2009, such concern may defer repayment on such loan for a period of not more than 12 months beginning on the date that such concern receives the final disbursement of such loan."

The SPEAKER pro tempore. Pursuant to House Resolution 875, the gentleman from North Carolina (Mr. KISSELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. KISSELL. Madam Chair, I yield myself such time as I may consume.

Madam Chair, this amendment is very simple and is directed directly at the construction segment of our small business economy.

Madam Chair, the Bureau of Labor Statistics tells us that since our economy has entered this downturn, we have lost nationwide almost 1.5 million jobs. In my State of North Carolina, almost 20 percent of the jobs in construction have been lost during this time period. Clearly, the construction segment of our economy has suffered.

Madam Chair, the SBA's 7(a) loans are the loans that are most commonly used by those small businesses engaged in construction. They are being used for many things. They can be used for day-to-day capital, for purchasing new equipment that is needed to do the job, construction itself, renovation or refinancing. Many things, many aspects of maintaining a business are used in these SBA 7(a) loans.

The amendment that we offer is quite simple. Currently if a business takes out a loan, then payments are due back immediately. The amendment would offer that these payments be deferred for 1 year, that the small businesses engaged in construction have 1 year to start their payments back. This would help these businesses have just a little bit more help towards being successful.

We oftentimes, Madam Chair, have relied upon construction to lead us out of recessions. This opportunity will help small businesses that are engaged in construction help lead us out of this recession.

Madam Chair, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chair, virtually every sector of the economy has suffered at the hands of the downturn. The construction industry, however, has seen some of the most significant declines. According to a study by the Associated Equipment Distributors, two out of every 25 jobs lost in the recession were construction jobs. Nationwide, the industry has shed 37 percent of its workforce. Those losses are larger than either the automobile or financial sectors. Clearly, we need to be addressing this issue.

By providing better terms for 7(a) loans, this amendment will give small construction firms the flexibility to hire new workers. Allowing these businesses to defer repayment for up to 12 months also means they have greater capital for new investments. After all, equipment purchased, items such as cement mixers and bulldozers, are expensive. Most small firms rely on loans in order to buy these items.

With the housing market recovering and the new transportation bill working its way through Congress, we should see new opportunities for small construction firms. Mr. KISSELL's amendment gives the resources they need to take advantage of those opportunities, and I urge my colleagues to support it.

I yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. I thank the chairwoman for yielding.

Madam Chair, I rise in support of the amendment of the gentleman from North Carolina. Everyone is aware that the construction industry is facing some significant economic difficulty. The amendment takes a sensible approach to authorizing new 7(a) loans for construction and to defer repayment for up to 1 year, enabling them to better survive the current economic conditions.

I thank the gentleman for his unique solution to a very real problem.

Ms. VELÁZQUEZ. If the gentleman is prepared to yield back, we are prepared to accept the amendment.

I yield back the balance of my time.

Mr. KISSELL. Madam Chair, I would like to thank the chairman and her committee for their fine work here in helping us on this amendment, and I urge all my colleagues to support this.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. KISSELL).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 111-317.

Mr. PETERS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 13 offered by Mr. PETERS:

Page 29, line 14, strike “\$50,000” and insert the following “\$50,000 (except as provided under subsection (1))”.

Page 29, after line 19, insert the following (and redesignate succeeding sections accordingly):

SEC. 119. DELAYED REPAYMENT FOR SMALL BUSINESS CONCERNS IN AREAS WITH HIGH UNEMPLOYMENT.

Section 506 of title V of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) is amended by adding at the end the following:

“(1) **SMALL BUSINESS CONCERNS IN AREAS WITH HIGH UNEMPLOYMENT.**—

“(1) **INCREASE LOAN LIMITS.**—Notwithstanding subsection (d), a loan made under this section to a small business concern in what the Administrator determines to be an area with high unemployment may not exceed \$75,000.

“(2) **DELAYED REPAYMENT.**—Notwithstanding subsection (g), repayment for a loan made under this section after the date of the enactment of the Small Business Financing and Investment Act of 2009 to a small business concern described in paragraph (1) shall not begin until 18 months after the final disbursement of funds is made.”.

Page 156, line 12, insert after “of 1986” the following: “, except that, without regard to such meaning, such term includes an area that the Administrator determines to be an area with high unemployment”.

The Acting CHAIR. Pursuant to House Resolution 875, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. PETERS. I yield myself such time as I may consume.

Today we are considering important legislation that will provide borrowers, lenders and the government with a number of important tools to assist the survival and growth of small businesses. Small businesses are the prime engine of innovation, economic expansion and job creation, and supporting our small businesses should be the cornerstone of any plan for economic recovery. For areas of high unemployment, small businesses are particularly important, and the jobs they provide are particularly valuable.

While the economy is beginning to show signs of improvement, there is no doubt that in some areas unemployment remains at an extreme high level. For example, the State of Michigan has the Nation's highest unemployment rate at 15.3 percent, and in the city of Pontiac, which I represent, the unemployment rate is a staggering 35.2 percent.

My amendment would ensure that businesses that want to invest in high unemployment areas and create jobs can do so competitively at a time when

innovation and investment is needed most by making high unemployment areas eligible for more expansive American Recovery Capital, ARC, loans and the New Market Venture Capital program.

In order to assist these high unemployment areas, my amendment will increase the maximum ARC loan amount from \$50,000 to \$75,000 and defer repayment until 18 months after final disbursement of the loan is made. This would give struggling firms room to breathe and help avoid further layoffs and closures.

My amendment would also give entrepreneurs better access to private capital by making eligibility for the New Market Venture Capital program include high unemployment areas. This would target investment and opportunity directly where it is needed most and encourage business growth in hard-hit areas like the city of Pontiac. These simple changes would ensure that hard-hit areas have the tools necessary to stop hemorrhaging jobs and to invest in new operations that will create jobs, bring new technologies to markets, and build a new foundation for Michigan's economy and the country as a whole.

I urge my colleagues to support my amendment, and I would like to thank Representative SCHRADER for bringing forth this important legislation, as well as Chairwoman VELÁZQUEZ and her staff for their help on the amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Certainly times are tough and many Americans are hurting because of the economic downturn. But, as they have done before, American entrepreneurs will lead us out of this downturn and begin rebuilding our economy. This amendment is about harnessing the job-creating potential that exists in communities that are suffering the worst of the downturn. It is about using the American entrepreneurial spirit to deliver hope to places that need it most.

As part of the Recovery Act, we aimed to help small businesses with short-term, interest-free loans. So far, this program has funneled \$115 million to 3,500 businesses. With this amendment, we will make more of these loans available to businesses in economically distressed areas. By giving these businesses more time to start repayment, we will provide them a better chance to stay afloat and ultimately grow and create jobs.

This is a good amendment. I thank the gentleman from Michigan for offering it. I urge its adoption.

I now yield to the gentleman from Missouri for any comments that he may have.

Mr. GRAVES. Madam Chair, I rise today in support of the amendment offered by the gentleman from Michigan. Certainly some areas in the country are suffering more significantly in the current economic climate than others. Allowing larger-size stabilization loans may help retain an economic base in areas hard-hit by the loss of manufacturing and real estate development jobs.

I thank the gentleman for his contribution to the bill.

Ms. VELÁZQUEZ. Madam Chair, I yield 1 minute to the gentleman from Michigan (Mr. SCHAUER).

Mr. SCHAUER. Madam Chair, I rise in strong support of the Peters amendment.

The Small Business Administration has played a key role in the current economic crisis by helping businesses and manufacturers maintain access to credit, but we must do more.

Michigan's unemployment numbers are unacceptably high. Hillsdale County in my district has an unemployment rate in excess of 17 percent. Local companies tell me every day that they are ready to invest and hire more employees, but they are having trouble getting the credit they need to help put Michigan and America back to work.

Earlier this year, we passed the American Recovery and Reinvestment Act that created new programs for small businesses and manufacturers. These programs have helped. With just a \$12,500 government-backed loan, Diane Brabon was able to create 10 new jobs at the Trusting Heart Home Health Services in Delta Township. Yet successful businesses are still starved for credit. With this amendment, the SBA will be able to guarantee loans that recognize the challenges small businesses are facing in high unemployment areas.

I proudly support Mr. PETERS' amendment and look forward to working to find new ways to encourage more lenders to participate in these important programs.

Ms. VELÁZQUEZ. Madam Chair, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Madam Chair, I rise today in strong support of the Peters amendment to H.R. 3854, the Small Business Financing and Investment Act. Capital is what allows small firms to grow their businesses, hire new employees and generate the economic activity that drives recovery. But ever since the near collapse of the financial industry, small business capital markets have been nearly frozen, making it more difficult for businesses to expand and hire workers. These problems are particularly pronounced in areas of high unemployment, which face great barriers to economic recovery.

The Peters amendment will make important changes to existing small business programs in high unemployment areas. Firms in those areas would qualify for an additional \$25,000 in loans and an extra 6-month loan deferment. For areas like my hometown of Flint, Michigan, which is struggling with a nearly 30 percent unemployment rate, these changes are crucial. Small firms have long been the engine that drives economic recovery in our Nation, accounting for nearly two-thirds of all new jobs.

I urge adoption of the amendment.

□ 1630

Ms. VELÁZQUEZ. Madam Chair, if the gentleman from Michigan is prepared to yield back, we are prepared to accept the amendment.

Mr. PETERS. Madam Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MRS. MILLER OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part B of House Report 111-317.

Mrs. MILLER of Michigan. Madam Chair, I rise as the designee of the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 14 offered by Mrs. MILLER of Michigan:

Page 22, line 5, add at the end the following: "The Administrator shall ensure that each individual in such group with loan application evaluation and underwriting responsibilities has at least 2 years experience with respect to such responsibilities."

The Acting CHAIR. Pursuant to House Resolution 875, the gentlewoman from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Madam Chair, let me start off with a simple premise: The American economy cannot recover without small business. As such, Congress has rightly taken steps to increase the guarantee amount at the Small Business Administration. But as many business owners can tell you, this has only had a modest effect. In fact, despite these thoughtful measures, the volume of SBA loan guarantees is still only a fraction of what it was last year.

As my colleagues know, the SBA only makes loan guarantees—it does not make loans directly to small businesses. Therefore, if banks decide that

even with 90 percent guaranteed, it is still not in their best interest to make a loan, then the small business is simply out of luck.

One credit union president recently pointed out that, in many cases, banks won't seriously consider a small business loan if it is less than \$500,000. The interest income simply isn't worth the trouble—even with the guarantee. In these cases, the viability of the business and the value of the guarantee doesn't mean anything.

H.R. 3854 rightly introduces a new program—the Capital Backstop Program—that will authorize the SBA to make loans directly to small businesses as a last resort.

While we are deeply concerned about the Federal Government acting as a bank, the fact of the matter is that Congress has spent \$700 billion to resuscitate the lending system, \$800 billion trying to stimulate the economy, and yet homeowners—and small businesses especially—still can't get the loans that they need. It is very important that Congress put standards in place to ensure that SBA direct loans are only made to viable businesses.

This amendment establishes this same standard for individuals at the SBA who are directly engaged in loan application evaluation and underwriting. We can only imagine the bureaucratic nightmare that would ensue if Congress actually tried to come up with a laundry list of criteria for viable businesses. As any local banker can tell you, no two businesses are exactly the same—the people matter, the models matter, the market matters.

This amendment ensures that individuals who are evaluating businesses have both the authority and the expertise to make the best decisions for the taxpayer.

We want to thank the chairwoman and ranking member and all of their colleagues on the Small Business Committee for their efforts on this legislation. It is very important work.

Madam Chair, I urge the adoption of this amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, we are prepared to accept the amendment if the gentlelady from Michigan is prepared to yield back.

Mrs. MILLER of Michigan. Madam Chair, I yield back the balance of my time.

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MRS. MILLER OF MICHIGAN

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part B of House Report 111-317.

Mrs. MILLER of Michigan. Madam Chair, I rise as the designee of the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 15 offered by Mrs. MILLER of Michigan:

Page 20, line 25, strike "on a date if" and insert the following: "on each date during the period beginning on the date of enactment of this paragraph and ending on September 30, 2011, and on any other date after such period if"

The Acting CHAIR. Pursuant to House Resolution 875, the gentlewoman from Michigan (Mrs. MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan.

Mrs. MILLER of Michigan. Madam Chair, this amendment makes a simple technical correction to the Capital Backstop Program, which we were just talking about.

In short, this underlying bill wisely puts restrictions on when this program can and cannot operate. The bill states two things: First of all, that the National Bureau of Economic Research, the NBER, must have declared the United States to be officially in recession. Second, the SBA loan guarantee volume must be down 30 percent from the previous year. And if these two criteria are not met, then the program is shut down.

As you know, the Federal Reserve recently stated that the recession is already likely over. The NBER is sure to follow suit soon. As well, because SBA loan volume is already down so substantially, the likelihood of another full 30 percent drop next year is very low.

This amendment simply says that the program being created in this bill is authorized to begin operation immediately upon enactment and is authorized to continue through September 2011, even if the recession has been declared technically over.

I would note personally, being from Michigan, whatever they are saying in the Nation, the recession is definitely not over in the State of Michigan.

However, our concern, Madam Chair, is that if Congress is going to take the extraordinary step of authorizing the SBA to make loans directly to small businesses, then it ought to be making these loans now, when they are needed the most.

After 2011, the restrictions that are in the underlying bill will resume. Frankly, Madam Chair, at that time we certainly hope that even stronger restrictions are in place.

Many of our colleagues are skeptical of having the SBA make loans directly to small businesses. Nevertheless, taxpayers have spent nearly \$2 trillion

trying to fix this situation. It hasn't worked.

If we are going to take the step of creating this program, let us at least make sure that it is helping our constituents and the taxpayers and small businesses now, when they truly need it most.

Madam Chair, I urge the adoption of this amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, if the gentlelady from Michigan is prepared to yield back, we are prepared to accept the amendment.

Mrs. MILLER of Michigan. Madam Chair, I yield back the balance of my time.

Ms. VELÁZQUEZ. I urge adoption of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. MILLER).

The amendment was agreed to.

AMENDMENT NO. 16 OFFERED BY MR. NYE

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part B of House Report 111-317.

Mr. NYE. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 16 offered by Mr. NYE:

Page 186, after line 24, insert the following (and redesignate succeeding sections accordingly):

SEC. 808. HOMEOWNERS IMPACTED BY TOXIC DRYWALL.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act, is further amended by inserting after paragraph (11) the following:

“(12) HOMEOWNERS IMPACTED BY TOXIC DRYWALL.—The Administrator may make a loan under this subsection to any homeowner if the primary residence of such homeowner has been adversely impacted by the installation of toxic drywall manufactured in China. A loan under this paragraph may be used only for the repair or replacement of such toxic drywall.”

The Acting CHAIR. Pursuant to House Resolution 875, the gentleman from Virginia (Mr. NYE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. NYE. I yield myself such time as I may consume.

Madam Chairman, I'd like to thank Chairwoman VELÁZQUEZ, Ranking Member GRAVES, Mr. SCHRADER and all my other esteemed colleagues on the Small Business Committee for their work to bring about the Small Business Financing and Investment Act and bring it to the floor, and for including my bill, the Small Business Early Stage Investment Act, in this omnibus bill.

Small businesses are the engine of our economy and they are key to our

recovery. Any effort to create jobs must start with an investment in small businesses. But the financial crisis and the economic downturn have been hard on small businesses as the credit markets have dried up.

When I meet with my Small Business Advisory Board back in Virginia's Second District, they tell me their number one concern is accessing the capital they need to support their business. It is now more important than ever to improve the flow of capital to our small businesses, particularly for the early stage research that will lead to new technologies—and the SBA programs outlined in this bill will do just that.

I am also proud to bring to the floor an amendment—a very important amendment to the underlying bill—together with my friend from Florida (Mr. BUCHANAN) which addresses a serious problem facing homeowners across the United States—imported toxic drywall.

In 30 States and the District of Columbia, thousands of homes have been reported to have been built with toxic foreign drywall, mainly from China. The drywall releases poisonous gases that can cause serious health problems and can make a home uninhabitable. The fumes even corrode metals—damaging electrical wiring, appliances, and piping systems.

In my district, I have visited these homes and spoken with the families. Many of them have been forced to move in with friends or relatives; many others are now living in rental housing—paying for both the cost of a mortgage and the cost of rent—or, even worse, living in the home, unable to afford repairs.

The CPSC and the EPA have recognized toxic drywall as a serious problem and they are conducting a detailed investigation. But many families simply cannot afford to wait for the test results and there is no guarantee anything will come of these efforts. We owe it to them to try every means possible to provide them relief.

These homeowners are the victims of a calamity beyond their control—just like any family whose home is damaged by a major disaster such as a hurricane or tornado—and they deserve the same assistance.

This amendment allows these families to access low-interest disaster loans from the Small Business Administration to repair or replace toxic drywall in their homes. While it may take more time and legislation to ultimately eradicate this problem, we can take immediate action today for these struggling families.

I urge my colleagues to join me and my colleague in passing this amendment to help these American families rebuild their homes and begin rebuilding their lives.

With that, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chair, I strongly support this amendment and now would like to yield 2 minutes to one of the cosponsors of this amendment, the gentleman from Florida (Mr. BUCHANAN).

Mr. BUCHANAN. Thank you, Madam Chair. Thanks for your leadership. I'd also like to thank my colleague, Mr. NYE, for working with me in a bipartisan manner to address this issue that I believe is long overdue.

Our amendment will extend SBA loans to homeowners who have residences that are suffering from toxic Chinese drywall. An estimated 36,000 residents in my home State of Florida are believed to have this hazardous material.

For most families, their house is their biggest investment. I have met with homeowners across my district who have seen their property values plummet and their health care concerns grow. The American Dream of home ownership has become a nightmare for these families.

The real life story of one of my constituents, Jim Silverblatt, comes to mind. Jim bought a house in beautiful Venice, Florida, for \$680,000 in 2006. He retired from UPS as a supervisor and invested another \$125,000 in his residence. He has over \$800,000 in that house. However, due to the damage caused by the toxic drywall, Jim's home is now appraised at just \$155,000, and is uninhabitable in the warm weather.

Jim's story is all too common in Florida in general. Many of my constituents in our area that I have talked to, they have had to move out of their homes and they're renting another place. They're paying two mortgages at the same time. While this amendment doesn't fix everything, it represents much-needed progress for all these families. I urge passage.

Mr. NYE. At this time I yield 1½ minutes to my colleague from Virginia (Mr. WITTMAN).

Mr. WITTMAN. I rise in support of this amendment and I would like to thank my colleagues from Virginia and Florida for offering it. This amendment will offer homeowners impacted by toxic drywall an option to apply for Small Business Administration loans to be used for the repair or replacement of toxic drywall manufactured in China.

Last week, I toured the homes of several constituents affected by the toxic drywall in the Hollymeade subdivision of Newport News and saw firsthand how toxic drywall has put the health and financial well-being of numerous families at risk.

I extended an invitation to President Obama to tour these impacted homes during his visit to Hampton Roads this week and I urged him to put this issue at the top of the agenda for his meetings in China next month.

Of particular concern is the significant military presence in Hampton Roads and the impact on the military families who own homes where toxic drywall is present. Many of these families are juggling the burdens of having a deployed spouse or a spouse preparing for deployment, and an additional financial burden such as a move out of an impacted home, foreclosures, or loss of insurance coverage would be devastating.

I recently sent a letter to the chairman of the U.S. Consumer Product Safety Commission to urge the expeditious resolution of the commission's investigation into the scope and impact of toxic Chinese drywall.

Homeowners across the Nation are waiting for the findings of the commission's investigation, which may determine their eligibility for State and Federal assistance, loan modification, insurance policy changes, tax deductions, and other programs.

I urge my colleagues to support this amendment, which will provide impacted homeowners with an opportunity to pursue some relief through the SBA.

Ms. VELÁZQUEZ. Madam Chair, I yield 1½ minutes to the gentleman from Louisiana (Mr. CAO).

□ 1645

Mr. CAO. Thank you very much, Madam Chair, for yielding me time.

I rise today in strong support of this amendment. Fifteen percent of all drywall contamination cases are in Louisiana. Just imagine, Madam Chair, that after Hurricane Katrina, many of these families had to spend all of their savings in order to repair their home, just to find out now that they replaced their drywall with Chinese contaminated drywall.

I myself have repaired my home twice in the last 4 years, so I know of the inconvenience and the suffering that the people of Louisiana have to undergo in order to get this job done.

With respect to myself, I was fortunate in that my damages were caused by the flooding of Katrina and Gustav. Therefore, my insurance company paid for the repairs in my home.

But for many of these homeowners in Louisiana, their policy does not cover the problems with Chinese drywall. After spending all of their money repairing their homes because of Katrina, now they have no money whatsoever to spend in order to repair their homes due to the Chinese drywall.

Therefore, I believe that this amendment is extremely important, and I urge that all of my colleagues vote for the passage of this amendment.

Mr. NYE. Madam Chair, might I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Virginia has 30 seconds remaining.

Mr. NYE. I would like to ask unanimous consent to have an additional minute added to my time.

The Acting CHAIR. Without objection, the gentleman from Virginia and the gentlewoman from New York each will control 1 additional minute.

There was no objection.

Mr. NYE. Madam Chair, I yield 1 minute to my colleague from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. I thank the gentleman. I also thank Chairwoman VELÁZQUEZ, Mr. NYE, and Mr. BUCHANAN.

Madam Chair, I rise in support of this amendment.

This is a very important issue for obviously Florida, Louisiana and other States—Virginia—that have been impacted. Chinese drywall has affected many homeowners.

The defective material that has been described contains a sulfur compound that causes corrosion in the walls, faults to plumbing and electrical systems and has led to severe health problems, forcing residents to spend thousands and sometimes even hundreds of thousands of dollars to move or make repairs.

These homeowners had no reason to suspect that their homes were built with defective drywall, and they need our help. Most of these problems are not covered under standard homeowners' insurance. In some cases the builders that built the buildings are insolvent or gone. Families are now struggling to fix these problems or they risk losing insurance coverage and potentially their homes.

A few days ago a number of us had a chance to meet with HUD Secretary Shaun Donovan in south Florida so that we could all tour some of these devastated homes. While it is imperative that we develop a comprehensive solution, it is also vital that homeowners have access to small business loans.

Ms. VELÁZQUEZ. Madam Chair, I yield 1 minute to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. I thank the distinguished gentlewoman and I want to thank Congressman BUCHANAN for bringing this up.

Madam Chair, as you have heard before, this is a nightmare. This Chinese drywall is a nightmare. These people can't live in their homes; they can't sell their homes; they can't rent their homes. There are potential health hazards while they are there. This amendment would really provide immediate assistance to a number of homeowners to allow them to repair their homes.

Again, Congress has to do everything we can to help these individuals who

are stuck in this horrible nightmare situation. This is a very, very good, commonsense amendment. I encourage this Congress to adopt this amendment.

Ms. VELÁZQUEZ. Madam Chair, if the gentleman from Virginia is prepared to yield back, we are prepared to accept the amendment.

Mr. NYE. Madam Chair, I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Chair, I urge adoption of this very important amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. NYE).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. FLAKE

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on the amendment printed in part B of House Report 111-317 on which further proceedings were postponed.

The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 370, noes 55, not voting 13, as follows:

[Roll No. 828]

AYES—370

Abercrombie	Boswell	Coffman (CO)
Ackerman	Boucher	Cohen
Aderholt	Boustany	Cole
Adler (NJ)	Boyd	Connolly (VA)
Akin	Brady (TX)	Cooper
Alexander	Braley (IA)	Costa
Altmire	Bright	Courtney
Andrews	Broun (GA)	Crenshaw
Arcuri	Brown (SC)	Cuellar
Austria	Buchanan	Culberson
Baca	Burgess	Cummings
Bachmann	Burton (IN)	Dahlkemper
Bachus	Calvert	Davis (AL)
Baird	Camp	Davis (CA)
Barrow	Campbell	Davis (IL)
Bartlett	Cantor	Davis (KY)
Barton (TX)	Cao	Davis (TN)
Bean	Capito	Deal (GA)
Becerra	Capps	DeFazio
Berry	Cardoza	DeGette
Biggert	Carnahan	DeLauro
Bilbray	Carney	Dent
Bilirakis	Carson (IN)	Diaz-Balart, L.
Bishop (GA)	Carter	Diaz-Balart, M.
Bishop (NY)	Cassidy	Dicks
Blackburn	Castle	Dingell
Blumenauer	Castor (FL)	Doggett
Blunt	Chaffetz	Donnelly (IN)
Bocciari	Chandler	Dreier
Boehner	Childers	Driehaus
Bonner	Chu	Duncan
Bono Mack	Clarke	Edwards (TX)
Boozman	Clay	Ehlers
Bordallo	Cleaver	Ellsworth
Boren	Coble	Emerson

Engel
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Green, Al
Green, Gene
Griffith
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Hoekstra
Holt
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Lamborn
Lance
Langevin
Larsen (WA)
Latham
LaTourette

Latta
Lee (NY)
Levin
Lewis (CA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
McCarthy (CA)
McCarthy (NY)
McCauley
McClintock
McCollum
McCotter
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy (NY)
Myrick
Napolitano
Neugebauer
Norton
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Quigley
Radanovich
Rehberg
Reichert
Richardson
Rodriguez

NOES—55

Baldwin
Berkley
Brady (PA)

Brown, Corrine
Butterfield
Christensen

Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sánchez, Linda
T.
Sarbanes
Scalise
Schauer
Schiff
Schmidt
Schock
Schroder
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiahrt
Tiberti
Tierney
Titus
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Yarmuth
Young (FL)

Delahunt
Doyle
Edwards (MD)
Ellison
Filner
Frank (MA)
Fudge
Grayson
Grijalva
Hastings (FL)
Hinchey
Holden
Kildee
Kilpatrick (MI)
Kucinich
Larson (CT)

Barrett (SC)
Berman
Bishop (UT)
Brown-Waite,
Ginny

Lee (CA)
Lewis (GA)
Matsui
McDermott
Meek (FL)
Meeks (NY)
Miller, George
Moore (WI)
Moran (VA)
Murtha
Nadler (NY)
Neal (MA)
Pascarell
Paul
Rahall
Rangel

NOT VOTING—13

Buyer
Capuano
Conaway
Crowley
Linder

Reyes
Sanchez, Loretta
Schakowsky
Serrano
Shea-Porter
Sherman
Sires
Stark
Thompson (MS)
Tonko
Wasserman
Schultz
Wexler
Woolsey
Young (AK)

Murphy, Patrick
Murphy, Tim
Nunes
Payne

□ 1718

Ms. BERKLEY, Messrs. BUTTERFIELD, REYES, RANGEL, LARSON of Connecticut, NADLER of New York, SHERMAN, MORAN of Virginia, MEEKS of New York, McDERMOTT, and Ms. WASSERMAN SCHULTZ changed their vote from “aye” to “no.”

Messrs. INSLEE, SCHAUER, GONZALEZ, KLEIN of Florida, WAXMAN, RODRIGUEZ, BOREN, Ms. LINDA T. SANCHEZ of California, Mr. COHEN, Mrs. MALONEY, Mr. CARNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROYBAL-ALLARD, Messrs. TURNER, HALL of New York, BACA, Mrs. EMERSON, Ms. DEGETTE, Messrs. STUPAK, BURGESS, HARE, HINOJOSA, MCINTYRE, Ms. MCCOLLUM, and Ms. CLARKE changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIR. There being no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. DEGETTE) having assumed the chair, Ms. EDWARDS of Maryland, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3854) to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes, pursuant to House Resolution 875, she reported the bill, as amended pursuant to that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 875, the question on adoption of the further amendments will be put en gros.

The question is on the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. CANTOR. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CANTOR. In its current form, I am.

he SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Cantor moves to recommit the bill H.R. 3854 to the Committee on Small Business with instructions to report the same back to the House forthwith with the following amendment:

Add at the end of the bill the following:

TITLE X—STUDY ON ADDITIONAL CREDIT RISK FACTORS

SEC. 1001. STUDY ON ADDITIONAL CREDIT RISK FACTORS.

(a) IN GENERAL.—With respect to loans made under programs established or amended under this Act, the Administrator of the Small Business Administration shall conduct a study on whether the failure of such loans to achieve one or more of the public policy goals specified in subsection (b) negatively impacts the ability of businesses receiving such loans to make timely repayment of such loans.

(b) PUBLIC POLICY GOALS.—The public policy goals referred to in subsection (a) are the provision of adequate access to capital to assist small business concerns with one or more of the following:

(1) Offsetting the costs to such concerns resulting from the imposition of a surtax on the income of small business owners.

(2) Offsetting the costs to such concerns resulting from the enactment of a requirement that such concerns offer health care of a minimum acceptable coverage level.

(3) Offsetting the costs to such concerns resulting from an increase in the marginal tax rates of small business owners.

(4) Offsetting the reduction in capital available for such concerns resulting from an increase in the tax on capital gains.

(5) Offsetting the reduction in capital available for such concerns resulting from an increase in the taxes on carried interest.

(6) Offsetting the increased energy costs for such concerns resulting from the enactment of a cap on carbon dioxide emissions.

(7) Offsetting the increased costs to such concerns resulting from a change in Federal law that allows unions to be organized through a card check process.

(8) Offsetting the reduction in capital available for such concerns resulting from new regulations on financial products.

(9) Offsetting the increased costs to such concerns resulting from the imposition of net neutrality rules on the Internet.

(c) USE OF STUDY.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report on the results of the study conducted under subsection (a) and shall use such results to evaluate and adjust, as appropriate, the potential credit risk to the Government through the provision of loans under programs established or amended under this Act.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. CANTOR. Madam Speaker, providing about 70 percent of U.S. jobs, small businesses are the lifeblood of our economy. When they struggle, when they contract, when they fail to obtain credit and put capital to work, America struggles. And right now our small businesses are struggling like never before.

With such an ominous backdrop, it is only logical that we do everything in our power to strengthen our small businesses and make it easier for them to create jobs and put people back to work. But as small business owners across this country have told us for months now, Washington is doing the opposite. The wave of newly proposed tax increases, health care mandates, and financial and energy regulations are adding fresh gasoline to the fire. They have created a pervasive state of fear about the future cost of doing business that is enveloping reluctant job creators.

Madam Speaker, if the economy is going to be resurgent, small business owners will have to provide the spark. I know many of us have met with our small business owners over the last several months. I have. I have conducted several small business forums in my district. One of those, in Richmond, I heard the message loud and clear. Small businesses want to expand. They want to hire more workers. They want to invest. But they can barely afford to keep the lights on right now.

The message to me, Madam Speaker, was very clear. Of all times, now is the wrong one for Washington to go and slap more taxes and regulations on us. These small businesses asked me: Why is there such a huge disconnect between what we in the small business community need and what our government thinks we need? Why does Washington spend so extravagantly and fund this spree by squeezing the very people who can create and provide jobs?

The point was this: It was that the misguided policies being brought forward either siphon capital away from small businesses or cause them to hoard capital out of a grave concern. Talk of card check, surtaxes, marginal tax hikes, minimum health coverage mandates, cap-and-trade, et cetera, all of this adds new and unnecessary layers of concern. This concern will harm small business employment, and has, and the number of business establishments and the types of such establishments, such as sole proprietorships, corporations, and partnerships.

Madam Speaker, we will see repercussions in the amount of capital investment small businesses attract; in the number of business formations and failures; and the amount of sales and new orders and investment in plant and equipment because of the very actions being proposed in this House and throughout Washington.

The bill before us today proposes to modify and expand a variety of SBA

loan programs. The SBA plays an important part in helping America's small businesses. But let us be clear, Madam Speaker, the vast majority of small businesses do not participate in SBA programs. They rely on community banks, investment capital, and other forms of credit to start and expand their business. In fact, the Discovery Financial Services small business survey recently found that 90 percent of small businesses report that they have never even applied for an SBA loan. Reports from banks confirm that most small business credit is supplied outside of the SBA. In 2007—the most recent data—banks reported through the CRA that they originated or purchased \$329 billion in loans for small businesses. By comparison, Madam Speaker, the SBA averages between \$20 billion and \$30 billion in lending a year.

Small businesses, whether they use SBA or other sources of financing, will all be impacted by massive tax hikes, regulations, and mandates being proposed currently by the Democratic majority.

Madam Speaker, the bottom line is this. The resulting loans being called for under this bill by the Small Business Administration will not even come close to offsetting the cost to small businesses caused by the concerns businesses have over the majority's agenda in this House. So, Madam Speaker, I suggest this. Abandon your proposals to impose record-high taxes. Abandon the proposals for underfunded mandates on our businesses and costly regulations.

□ 1730

Provide our small business job creators with the certainty that Washington isn't going to be saddling them with new penalties, with new taxes and with new high costs. We take a first step towards that goal today, Madam Speaker, by adopting this motion, and I urge the House to do so.

I yield back the balance of my time. Ms. VELÁZQUEZ. Madam Speaker, while not opposed to the motion, I ask unanimous consent to claim the time in opposition.

The SPEAKER pro tempore. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. While I am not opposed to the motion, I do want to make some observations. While the gentleman is interested in studying the problems, we are interested in real solutions, and the bill under consideration does that. This bill provides \$44 billion in capital for our small businesses, helping address the number one issue facing small firms right now. This bill will create 1.3 million jobs. Initiatives in this legislation will be specifically targeted to veterans and businesses located in rural commu-

nities. This legislation is supported by over 50 business organizations, representing small businesses in the health care, financial services, agriculture and technology industries.

What I would like to see the gentleman add to the study is how small businesses have benefited from increased expensing limits for purchasing equipment, extended bonus depreciation, reduced capital gains rates on small business stock, and allowing businesses to carry back 5 years of losses. Let's add that to the study.

It is interesting to see how the gentleman would like to study things that haven't happened, like offsetting the reduction in capital available for such concerns resulting from an increase in tax on capital gains. Are we going to study things that haven't happened? Does the gentleman have a crystal ball? Because if he does, I would like for him to tell me who is going to win the World Series. This is a motion that does nothing to provide loans to small businesses or create jobs. But if the gentleman wants to do a study, so be it.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

RECORDED VOTE

Mr. CANTOR. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 3854, if ordered, and the motion to suspend the rules and agree to House Resolution 729.

The vote was taken by electronic device, and there were—ayes 272, noes 149, not voting 11, as follows:

[Roll No. 829]

AYES—272

Ackerman	Bonner	Carney
Aderholt	Bono Mack	Carter
Adler (NJ)	Boozman	Cassidy
Akin	Boren	Castle
Alexander	Boswell	Chaffetz
Altmire	Boucher	Chandler
Arcuri	Boustany	Childers
Austria	Boyd	Cleaver
Bachmann	Brady (TX)	Coble
Bachus	Bright	Coffman (CO)
Baird	Brown (GA)	Cole
Barrow	Brown (SC)	Cooper
Bartlett	Buchanan	Costa
Barton (TX)	Burgess	Crenshaw
Berkley	Burton (IN)	Cuellar
Biggert	Calvert	Culberson
Bilbray	Camp	Cummings
Bilirakis	Campbell	Dahlkemper
Bishop (GA)	Cantor	Davis (AL)
Bishop (UT)	Cao	Davis (KY)
Blackburn	Capito	Davis (TN)
Blunt	Cardoza	Deal (GA)
Boehner	Carnahan	DeGette

Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly (IN)
Dreier
Duncan
Ehlers
Ellsworth
Emerson
Etheridge
Fallin
Flake
Fleming
Forbes
Fortenberry
Foster
Foss
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Gordon (TN)
Granger
Graves
Griffith
Guthrie
Hall (TX)
Harper
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hoekstra
Hunter
Inglis
Israel
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)

Lewis (CA)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Marshall
Massa
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Minnick
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Myrick
Neugebauer
Nye
Olson
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Putnam
Radanovich
Rehberg

NOES—149

Abercrombie
Andrews
Baca
Baldwin
Bean
Becerra
Berry
Bishop (NY)
Blumenauer
Bocieri
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Carson (IN)
Castor (FL)
Chu
Clarke
Clay
Clyburn
Cohen
Connolly (VA)
Conyers

Costello
Courtney
Davis (CA)
Davis (IL)
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Grayson

Reichert
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Royce
Ruppersberger
Rush
Ryan (WI)
Scalise
Schmidt
Schock
Schradner
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Sullivan
Tanner
Taylor
Teague
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Titus
Tonko
Turner
Upton
Van Hollen
Peters
Velázquez
Walden
Wamp
Weiner
Westmoreland
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Wu
Young (AK)
Young (FL)

Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loeb sack
Lofgren, Zoe
Markey (MA)
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
Meek (FL)
Meeks (NY)
Miller, George
Mollohan
Moore (WI)
Murtha

Barrett (SC)
Berman
Brown-Waite,
Ginny

Nadler (NY)
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascarelli
Pastor (AZ)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schwartz
Scott (GA)

NOT VOTING—11

Buyer
Capuano
Conaway
Crowley

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1756

Messrs. DELAHUNT, NEAL of Massachusetts, COSTELLO, Ms. HARMAN, Messrs. FARR, MOLLOHAN, BOCIERI, REYES, SESTAK, SHERMAN, VISCLOSKY, BACA, ORTIZ, SALAZAR, Mrs. HALVORSON, Messrs. GENE GREEN of Texas, SCHAUER, Mrs. DAVIS of California, Messrs. SCOTT of Georgia, GONZALEZ, Mrs. MCCARTHY of New York, Messrs. ENGEL, EDWARDS of Texas, DICKS, MEEKS of New York, BISHOP of New York, KRATOVIL, and DRIEHAUS changed their vote from “aye” to “no.”

Mr. GORDON of Tennessee changed his vote from “no” to “aye.”

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Ms. VELÁZQUEZ. Madam Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 3854, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. VELÁZQUEZ:
Add at the end of the bill the following:

TITLE X—STUDY ON ADDITIONAL CREDIT RISK FACTORS
SEC. 1001. STUDY ON ADDITIONAL CREDIT RISK FACTORS.

(a) IN GENERAL.—With respect to loans made under programs established or amended under this Act, the Administrator of the Small Business Administration shall conduct a study on whether the failure of such loans to achieve one or more of the public policy goals specified in subsection (b) negatively impacts the ability of businesses receiving such loans to make timely repayment of such loans.

(b) PUBLIC POLICY GOALS.—The public policy goals referred to in subsection (a) are the provision of adequate access to capital to assist small business concerns with one or more of the following:

(1) Offsetting the costs to such concerns resulting from the imposition of a surtax on the income of small business owners.

(2) Offsetting the costs to such concerns resulting from the enactment of a requirement that such concerns offer health care of a minimum acceptable coverage level.

(3) Offsetting the costs to such concerns resulting from an increase in the marginal tax rates of small business owners.

(4) Offsetting the reduction in capital available for such concerns resulting from an increase in the tax on capital gains.

(5) Offsetting the reduction in capital available for such concerns resulting from an increase in the taxes on carried interest.

(6) Offsetting the increased energy costs for such concerns resulting from the enactment of a cap on carbon dioxide emissions.

(7) Offsetting the increased costs to such concerns resulting from a change in Federal law that allows unions to be organized through a card check process.

(8) Offsetting the reduction in capital available for such concerns resulting from new regulations on financial products.

(9) Offsetting the increased costs to such concerns resulting from the imposition of net neutrality rules on the Internet.

(c) USE OF STUDY.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Small Business Administration shall submit to Congress a report on the results of the study conducted under subsection (a) and shall use such results to evaluate and adjust, as appropriate, the potential credit risk to the Government through the provision of loans under programs established or amended under this Act.

Ms. VELÁZQUEZ (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. VELÁZQUEZ. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 32, not voting 11, as follows:

[Roll No. 830]

YEAS—389

Abercrombie	Adler (NJ)	Andrews
Ackerman	Alexander	Arcuri
Aderholt	Altmire	Austria

Baca	Ellison	Lee (NY)	Roe (TN)	Sherman	Tonko
Bachmann	Ellsworth	Levin	Rogers (AL)	Shimkus	Towns
Bachus	Emerson	Lewis (GA)	Rogers (KY)	Shuler	Tsongas
Baird	Engel	Linder	Rogers (MI)	Shuster	Turner
Baldwin	Eshoo	Lipinski	Rohrabacher	Simpson	Upton
Barrow	Etheridge	LoBiondo	Rooney	Sires	Van Hollen
Bartlett	Fallin	Loeb	Ros-Lehtinen	Skelton	Velázquez
Barton (TX)	Farr	Lofgren, Zoe	Roskam	Slaughter	Visclosky
Bean	Fattah	Lowey	Ross	Smith (NE)	Walden
Becerra	Filner	Lucas	Rothman (NJ)	Smith (NJ)	Walz
Berkley	Fleming	Luetkemeyer	Roybal-Allard	Smith (TX)	Wamp
Berry	Forbes	Lujan	Ruppersberger	Smith (WA)	Wasserman
Biggert	Fortenberry	Lungren, Daniel	Rush	Snyder	Schultz
Bilbray	Foster	E.	Ryan (OH)	Souder	Waters
Billirakis	Frank (MA)	Lynch	Salazar	Space	Watson
Bishop (GA)	Frelinghuysen	Mack	Sánchez, Linda	Speier	Watt
Bishop (NY)	Fudge	Maffei	T.	Spratt	Waxman
Blackburn	Gallely	Maloney	Sanchez, Loretta	Stark	Weiner
Blumenauer	Gerlach	Manzullo	Sarbanes	Stearns	Welch
Blunt	Giffords	Marchant	Scalise	Stupak	Westmoreland
Boccheri	Gingrey (GA)	Markey (CO)	Schakowsky	Sullivan	Wexler
Boehner	Gohmert	Markey (MA)	Schauer	Sutton	Whitfield
Bonner	Gonzalez	Marshall	Schiff	Tanner	Wilson (OH)
Bono Mack	Goodlatte	Massa	Schmidt	Taylor	Wilson (SC)
Boozman	Gordon (TN)	Matheson	Schock	Teague	Wittman
Boren	Graves	Matsui	Schrader	Terry	Wolf
Boswell	Grayson	McCarthy (CA)	Schwartz	Thompson (CA)	Woolsey
Boucher	Green, Al	McCarthy (NY)	Scott (GA)	Thompson (MS)	Wu
Boustany	Green, Gene	McCaul	Scott (VA)	Thompson (PA)	Yarmuth
Boyd	Griffith	McCollum	Serrano	Tiahrt	Young (AK)
Brady (PA)	Grijalva	McCotter	Sessions	Tiberney	Young (FL)
Brady (TX)	Guthrie	McDermott	Sestak	Titus	
Braley (IA)	Gutierrez	McGovern	Shea-Porter		
Bright	Hall (NY)	McIntyre			
Brown (SC)	Hall (TX)	McKeon			
Brown, Corrine	Halvorson	McMahon			
Buchanan	Hare	McMorris			
Butterfield	Harman	Rodgers			
Calvert	Harper	McNerney			
Camp	Hastings (FL)	Meek (FL)			
Cantor	Hastings (WA)	Meeks (NY)			
Cao	Heinrich	Melancon			
Capito	Heller	Mica			
Capps	Herger	Michaud			
Cardoza	Herseht Sandlin	Miller (MI)			
Carnahan	Higgins	Miller (NC)			
Carney	Hill	Miller, Gary			
Carson (IN)	Himes	Miller, George			
Cassidy	Hinchey	Minnick			
Castle	Hinojosa	Mitchell			
Castor (FL)	Hirono	Mollohan			
Chaffetz	Hodes	Moore (KS)			
Chandler	Hoekstra	Moore (WI)			
Childers	Holden	Moran (KS)			
Chu	Holt	Moran (VA)			
Clarke	Honda	Murphy (CT)			
Clay	Hoyer	Murphy (NY)			
Cleaver	Hunter	Murtha			
Clyburn	Inglis	Myrick			
Coble	Inslee	Nadler (NY)			
Coffman (CO)	Israel	Napolitano			
Cohen	Jackson (IL)	Neal (MA)			
Cole	Jackson-Lee	Nye			
Connolly (VA)	(TX)	Oberstar			
Conyers	Jenkins	Obey			
Cooper	Johnson (GA)	Olson			
Costa	Johnson (IL)	Olver			
Costello	Johnson, E. B.	Ortiz			
Courtney	Johnson, Sam	Pallone			
Crenshaw	Jones	Pascarell			
Cuellar	Kagen	Pastor (AZ)			
Cummings	Kanjorski	Paulsen			
Dahlkemper	Kaptur	Pence			
Davis (AL)	Kennedy	Perlmutter			
Davis (CA)	Kildee	Perriello			
Davis (IL)	Kilpatrick (MI)	Peters			
Davis (KY)	Kilroy	Peterson			
Davis (TN)	Kind	Petri			
Deal (GA)	King (IA)	Pingree (ME)			
DeFazio	King (NY)	Pitts			
DeGette	Kirk	Platts			
Delahunt	Kirkpatrick (AZ)	Poe (TX)			
DeLauro	Kissell	Polis (CO)			
Dent	Klein (FL)	Pomeroy			
Diaz-Balart, L.	Kline (MN)	Posey			
Diaz-Balart, M.	Kosmas	Price (NC)			
Dicks	Kratovil	Putnam			
Dingell	Kucinich	Quigley			
Doggett	Lance	Radanovich			
Donnelly (IN)	Langevin	Rahall			
Doyle	Larsen (WA)	Rangel			
Dreier	Larson (CT)	Rehberg			
Driehaus	Latham	Reichert			
Edwards (MD)	LaTourette	Reyes			
Edwards (TX)	Latta	Richardson			
Ehlers	Lee (CA)	Rodriguez			

with certainty whether it is an accurate document, but we thought it important to state the relevance of the material.

As the body knows, under rule XVIII, the Chair and ranking member are permitted, indeed, obliged, to explore extraneous matters that come to our attention, anything from a stray newspaper article to a comment involving Members or staff, to make sure that there is nothing serious. In the course of doing that, no inference should be made as to any Member. We might have a newspaper article that we look at, there is nothing to it, but we have to make sure that that is the case.

I would yield to the ranking member for his further comments.

Mr. BONNER. Thank you, Madam Chairman.

The purpose of this colloquy is to notify the Members that because the Washington Post has a document that they believe originated from our committee, and because some Members of the body are receiving questions from the newspaper, we wanted to assure the body, first of all, this was an isolated incident that to our knowledge has only occurred once; secondly, that our security system for the committee has not been breached; and, third, and I think most importantly, that any name of a Member or a staff member that might appear on a document, if it in fact were a document from our committee, it should not be inferred that a Member is under an investigation of the committee, other than the fact that the committee has responsibilities.

For instance, when a colleague calls and asks about whether they can take a trip, their name would appear on this weekly report that the Chair and ranking member receive. That doesn't mean that they are doing anything other than following the rules of the House to inquire whether they should take that trip or whether it is permissible.

Ms. ZOE LOFGREN of California. I would just like to note that we understand that the computer system of the committee is secure; that at any one time, as the ranking member has said, dozens of Members' names are on our weekly report, and no inference should be made as to incorrect behavior on the part of those Members.

We wanted to make sure that the body knew and that the public knew that any other inference would be a serious mistake.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

NAYS—32

Akin	Franks (AZ)	McHenry
Bishop (UT)	Garrett (NJ)	Miller (FL)
Broun (GA)	Granger	Neugebauer
Burgess	Hensarling	Paul
Burton (IN)	Issa	Price (GA)
Campbell	Jordan (OH)	Royce
Carter	Kingston	Ryan (WI)
Culberson	Lamborn	Sensenbrenner
Duncan	Lewis (CA)	Shadegg
Flake	Lummis	Thornberry
Foxx	McClintock	

NOT VOTING—11

Barrett (SC)	Buyer	Murphy, Patrick
Berman	Capuano	Murphy, Tim
Brown-Waite,	Conaway	Nunes
Ginny	Crowley	Payne

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1804

Messrs. KINGSTON, BURGESS and CULBERSON and Ms. FOXX changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE CHAIRWOMAN OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Ms. ZOE LOFGREN of California asked and was given permission to address the House for 1 minute.)

Ms. ZOE LOFGREN of California. Madam Speaker, as you know, I chair the Committee on Standards of Official Conduct, and Mr. BONNER is the ranking member.

I regret to report that there was a cyberhacking incident of a confidential document of the committee. A number of Members have been contacted by the Washington Post, which is in possession of a document. We don't know

NATIONAL FIREFIGHTERS MEMORIAL DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 729 on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 729.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 0, not voting 42, as follows:

[Roll No. 831]

YEAS—390

Abercrombie	Chandler	Granger
Ackerman	Childers	Graves
Aderholt	Chu	Grayson
Adler (NJ)	Clay	Green, Al
Akin	Cleaver	Green, Gene
Alexander	Clyburn	Griffith
Altmire	Coble	Guthrie
Andrews	Coffman (CO)	Gutierrez
Arcuri	Cohen	Hall (NY)
Austria	Cole	Hall (TX)
Baca	Connolly (VA)	Halvorson
Bachmann	Conyers	Hare
Bachus	Cooper	Harman
Baird	Costa	Harper
Baldwin	Costello	Hastings (FL)
Barrow	Courtney	Hastings (WA)
Bartlett	Crenshaw	Heinrich
Bean	Cuellar	Heller
Becerra	Culberson	Hensarling
Berkley	Cummings	Hergert
Berry	Dahlkemper	Herseth Sandlin
Biggart	Davis (AL)	Higgins
Bilbray	Davis (CA)	Hill
Bilirakis	Davis (KY)	Himes
Bishop (GA)	Davis (TN)	Hinchee
Bishop (NY)	Deal (GA)	Hinojosa
Bishop (UT)	DeFazio	Hirono
Blackburn	DeGette	Hodes
Blumenauer	DeLauro	Holden
Blunt	Dent	Holt
Bocieri	Dicks	Hoyer
Boehner	Dingell	Hunter
Bonner	Doggett	Inglis
Bono Mack	Donnelly (IN)	Inslee
Boozman	Doyle	Israel
Boren	Dreier	Issa
Boswell	Driehaus	Jackson (IL)
Boucher	Duncan	Jackson-Lee
Boustany	Edwards (MD)	Jenkins
Boyd	Edwards (TX)	Johnson (GA)
Brady (PA)	Ehlers	Johnson (IL)
Brady (TX)	Ellison	Johnson, E. B.
Braley (IA)	Ellsworth	Johnson, Sam
Bright	Emerson	Jones
Broun (GA)	Engel	Jordan (OH)
Brown (SC)	Eshoo	Kagen
Brown, Corrine	Etheridge	Kanjorski
Buchanan	Fallin	Kaptur
Burgess	Farr	Kennedy
Burton (IN)	Fattah	Kildee
Butterfield	Filner	Kilpatrick (MI)
Calvert	Fleming	Kilroy
Camp	Forbes	Kind
Campbell	Fortenberry	King (IA)
Cantor	Foster	King (NY)
Cao	Fox	Kingston
Capito	Frank (MA)	Kirk
Capps	Franks (AZ)	Kirkpatrick (AZ)
Cardoza	Frelinghuysen	Kissell
Carnahan	Fudge	Klein (FL)
Carney	Gerlach	Kline (MN)
Carson (IN)	Giffords	Kosmas
Carter	Gingrey (GA)	Kratovil
Cassidy	Gohmert	Kucinich
Castle	Goodlatte	Lamborn
Castor (FL)	Gordon (TN)	Lance
Chaffetz		

Langevin	Murtha	Sestak
Larsen (WA)	Myrick	Shea-Porter
Latham	Napolitano	Sherman
LaTourette	Neal (MA)	Shimkus
Latta	Neugebauer	Shuler
Lee (NY)	Nye	Shuster
Levin	Oberstar	Simpson
Lewis (CA)	Obey	Sires
Lewis (GA)	Olson	Skelton
Linder	Olver	Slaughter
Lipinski	Ortiz	Smith (NE)
LoBiondo	Pallone	Smith (NJ)
Lofgren, Zoe	Pascarella	Smith (WA)
Lowey	Pastor (AZ)	Snyder
Lucas	Paul	Souder
Luetkemeyer	Paulsen	Space
Lujan	Pence	Speier
Lummis	Perlmutter	Spratt
Lungren, Daniel E.	Perriello	Stark
	Peters	Stearns
Lynch	Peterson	Stupak
Mack	Petri	Sutton
Maffei	Pingree (ME)	Tanner
Maloney	Pitts	Taylor
Manzullo	Platts	Teague
Marchant	Poe (TX)	Terry
Markey (CO)	Polis (CO)	Thompson (CA)
Markey (MA)	Pomeroy	Thompson (MS)
Marshall	Posney	Thompson (PA)
Massa	Price (GA)	Thornberry
Matheson	Price (NC)	Tiahrt
Matsui	Putnam	Tiberi
McCarthy (CA)	Radanovich	Tierney
McCarthy (NY)	Rahall	Titus
McCaul	Rehberg	Tonko
McClintock	Reichert	Towns
McCollum	Reyes	Tsongas
McCotter	Richardson	Turner
McDermott	Rodriguez	Upton
McGovern	Roe (TN)	Van Hollen
McHenry	Rogers (AL)	Velázquez
McIntyre	Rogers (KY)	Visclosky
McKeon	Rogers (MI)	Walden
McMahon	Rohrabacher	Walz
McMorris	Rooney	Wamp
Rodgers	Ross	Wasserman
McNerney	Rothman (NJ)	Schultz
Meek (FL)	Royce	Waters
Meeks (NY)	Ruppersberger	Watson
Melancon	Rush	Watt
Mica	Ryan (OH)	Weiner
Michaud	Ryan (WI)	Welch
Miller (FL)	Salazar	Westmoreland
Miller (MI)	Sarbanes	Wexler
Miller (NC)	Scalise	Whitfield
Miller, Gary	Schauer	Wilson (OH)
Miller, George	Schiff	Wilson (SC)
Minnick	Schmidt	Wittman
Mitchell	Schock	Wolf
Mollohan	Schrader	Wu
Moore (KS)	Schwartz	Yarmuth
Moore (WI)	Scott (VA)	Young (AK)
Moran (KS)	Sensenbrenner	Young (FL)
Moran (VA)	Serrano	
Murphy (CT)	Sessions	

NOT VOTING—42

Barrett (SC)	Garrett (NJ)	Rangel
Barton (TX)	Gonzalez	Ros-Lehtinen
Berman	Grijalva	Roskam
Brown-Waite,	Hoekstra	Roybal-Allard
Ginny	Honda	Sánchez, Linda T.
Buyer	Larson (CT)	Sanchez, Loretta
Capuano	Lee (CA)	Schakowsky
Clarke	Loeb	Scott (GA)
Conaway	Murphy (NY)	Shadegg
Crowley	Murphy, Patrick	Smith (TX)
Davis (IL)	Murphy, Tim	Sullivan
Diaz-Balart, L.	Nadler (NY)	Waxman
Diaz-Balart, M.	Nunes	Woolsey
Flake	Payne	
Gallegly	Quigley	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1823

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on rollcall Nos. 826, 827, 829, 830, and 831, I was unavoidably detained.

Had I been present I would have voted "yea" on rollcall No. 826; "aye" on rollcall No. 827; "aye" on rollcall No. 829; "yea" on rollcall No. 830; and "yea" on rollcall No. 831.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Madam Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the gentleman for yielding.

Madam Speaker, on Monday the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business with votes postponed until 6:30 p.m.

On Tuesday, the House will meet at 8 a.m. for morning-hour debate. The House will then meet at 9 a.m. for legislative business and recess immediately. The House will reconvene at approximately 10 a.m. in a joint meeting with the Senate to receive Her Excellency, Dr. Angela Merkel, Chancellor of the Federal Republic of Germany.

On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business.

On Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business tomorrow.

In addition, Madam Speaker, we will consider the Expedited Card Reform for Consumer Act of 2009; H.R. 2868, the Chemical Facility Antiterrorism Act of 2009; and H.R. 3962, Affordable Health Care for America Act.

Mr. CANTOR. Madam Speaker, I would like to ask the gentleman if he can give us any indication about the days on which we could expect these particular bills to be debated and voted upon on the House floor.

Mr. HOYER. I would expect the credit card bill to be considered as early as Wednesday; the Chemical Facility Antiterrorism Act to be considered as early as Wednesday or Thursday; and the Affordable Health Care Act as early as Thursday.

Mr. CANTOR. I thank the gentleman for that.

Madam Speaker, I would like to say to the gentleman that I noticed that this morning we Republicans, just like the public, were not allowed to attend the Speaker's unveiling of the public option bill.

I know that the gentleman here on this House floor and I have always talked about the need for transparency, certainly at this particular occasion, and at the press conference the public nor any Republican was allowed to attend.

I would note for the record, Madam Speaker—I know the gentleman knows this—that the steps of the Capitol are and should be open to the public. I would think, Madam Speaker, that in the spirit of trying to work together, when we have such a transformative piece of domestic legislation, that if there is a press conference for the public on public grounds to discuss public option, it should be open to all.

Madam Speaker, I just felt that the gentleman would agree with me on that. But I would like to at this point turn to what the events of next week will be.

Mr. HOYER. Will the gentleman yield before we get to next week?

Mr. CANTOR. I yield.

Mr. HOYER. I am informed that Fox News is talking a lot about this, but the fact of the matter is it was open to the public. There were public there, as a matter of fact. If the gentleman's contention is somehow this was walled off or there were people who were prohibiting people from being there in attendance at the rollout of America's health care bill, I was there. I saw nobody turned away. I saw nobody precluded from attending.

If the gentleman's contention is that every time he has a press conference he calls me up or somebody else up and says, By the way, I'm having a press conference, if you want to come by, come by, I will check my phone records and my e-mail and any other messages that I have, but the gentleman and I both know that doesn't happen.

We have been considering this bill for some period of time. I will go into that a little later. But I think the gentleman's contention that somehow he or any other Republican was precluded from being on the site at the foot of the Capitol steps is incorrect, and I reject it.

Mr. CANTOR. Madam Speaker—and I don't intend to belabor this point with the gentleman—but I do know for a fact that individuals were precluded from entering. And I'm told that invitations were issued with RSVPs, and if you were not on the list of RSVPs, you couldn't enter. And I do know for a fact that people were prohibited from doing so.

Again, Madam Speaker, I would say, this is not just some ordinary press conference. This was a press conference held on the front steps of the Capitol. This was a press conference, the subject of which was a piece of legislation that portends to transform one-sixth of this economy of this country and to deal with the most personal issues of health care universally applied to all people.

So I do thank the gentleman for his concern and his belief that it should have been open, because I believe as well.

Mr. HOYER. I believe, so we accurately express it, that it was open.

Mr. CANTOR. Again, I don't want to belabor the point any further. I just politely disagree with the gentleman, having known, and the fact is there were people stopped from entering.

With that, Madam Speaker, I would turn to some inquiries that I have about how we are going to proceed in discussing this massive 1,990 pages of legislation; how it is that if the gentleman believes that we are going to be taking it up as early as Thursday, then could he tell us if the bill itself, in general, does it resemble H.R. 3200?

Mr. HOYER. There are certainly, as I think I indicated in the press, three committees worked off that base. The three committees, as you know, reported somewhat different bills. Those bills have been put together and there are additions and subtractions from that bill.

But I would say to the gentleman that the overwhelming part of that bill, as I have indicated, has been online for over 3 months. There have been literally thousands of town meetings with reference to the substance of the bill—not the specific bill that was just put on the line at 10 a.m. this morning. And now there are 8 million hits on the Rules Committee Web site, downloads. So Americans are doing what we indicated we'd give them the opportunity to do—and we wanted them to do.

□ 1830

I'm sure you have, I don't know whether you personally have, but I'm sure your side has downloaded it as well. From that standpoint, the notice that we promised to give is being given. It is a massive bill. It is a very consequential bill. We believe it's a very important bill for every American, every American family, every American business, and for our country.

That bill is going to get and has been getting, over the last, frankly, 8 months, where we have had a large number of hearings, from 2007 to this date, somewhere in the neighborhood of 60 hearings. I'm not sure of that specific number. I had it, but I can't recall it right now. There were markups on the bills, over 100 amendments presented in each committee and considered and voted upon.

So that this bill, as I said before in the colloquy last week, has had more discussion, more town meetings, has been read more extensively than any bill in the 29 years that I have been here in the House of Representatives.

So again, I would reiterate to the gentleman that this bill has received extraordinary oversight, extraordinary review, and extraordinary input from

the citizens of this country and, indeed, in the markups of three committees, input from the members of the three committees.

Mr. CANTOR. I thank the gentleman.

As the gentleman knows, Madam Speaker, not every one of the Members in this body serves on those three committees. From what I can gather of the gentleman's statement that if the discussion in the committees and the discussion in the town halls across this country over the summer were indicative of the discussions surrounding this new bill, then perhaps I am to conclude that this bill is H.R. 3200, because the point, Madam Speaker, is that this is a new bill.

It was unveiled today, and, again, I pointed out to the gentleman, Madam Speaker, very troubling that it was unveiled in a closed press conference. Somehow the majority felt and the Speaker felt it necessary to block Republicans and the public from that unveiling. Now we have a new bill, it is over 1,900, nearly 2,000 pages long. We do have a concern that we have adequate time to look at this bill, to understand this bill, to debate this bill.

I would ask the gentleman how much time for debate will be given on this House floor of this 1,990-page bill?

I yield to the gentleman.

Mr. HOYER. I thank the gentleman for yielding.

Let me again express the fact that I believe this bill has received the most extensive consideration of any bill since I have been in Congress, and that hasn't always happened.

The gentleman has been here for a number of years, and he was here, I believe, on June 25, 2003. He recalls that that was a bill which was the most massive change in Medicare in over a quarter of a century. The gentleman probably recalls that bill; the prescription drug bill, referred to affectionately. I know the gentleman must clearly remember how we considered that bill. But just on the off chance he doesn't, let me remind him.

On June 25, 2003, a new version was introduced and referred to committee. Hear me. New bill, introduced, referred to committee on June 25. On June 26, at 6:20 a.m. in the morning, a rule for martial law was considered by the Rules Committee, with 3 hours of debate and a Rangel substitute permitted with 1 hour of debate. On June 26 at 6:55 p.m., debate began pursuant to House Resolution 299. Then the House proceeded with 3 hours of general debate. On 6/27—6/27—at 2:32 a.m., there was a 50-minute vote, and the bill passed 216–215 after all of about 36 hours of exposure from introduction to passage.

Now, that bill, of course, went to conference, and it came back from conference. Let me remind my friend about the timing of the conference report.

On 11/21/2003 at 1:17 a.m., the conference report was filed. At 11/21/2003 at 3:41 a.m., 2 hours and approximately 20 minutes later, martial-law consideration of conference report by the Rules Committee. At 11/21, the same day, 2003, at 11:26 p.m.—now this started at 1:17 a.m. in the morning—at 11:26 p.m., it passed the House, the rule. Now, at 11:36 p.m., 10 minutes later—10 minutes later—Mr. Thomas brought up the conference report for consideration. At 11/22, at 2:39 a.m., we began to vote. I am sure you remember that vote. It took 3 hours.

Now, of course, we had had this under consideration from the day before at 1:17 a.m. when the conference report was reported back. This side of the aisle won for 2 hours and 45 minutes while you spent time changing votes on your side of the aisle. You were ultimately successful.

About 2 hours and 55 minutes into that particular vote, the longest vote which I have considered, and, frankly, the longest time this was considered as a piece of legislation, you changed the votes. And it won, 211-222, at 11/22 at 5:50 a.m.

In other words, consideration of the conference report was laid on the table at 11/21/2003 for the Rules Committee consideration, and by 11/22 at 5:50 a.m., about 30 hours later, it was passed.

I tell my friend in reviewing this, this was an 800-page bill, by the way, no extensive hearings on that bill. By the way, when you had press conferences regarding that bill, none of us were invited. You know that and I know that.

I would tell me friend with all due respect, this saying that the Democrats have rolled out a bill, we rolled out a bill 4 months ago. We rolled out a bill 6 months ago. We rolled out hearings 8, 9 and 10 months ago.

Your major piece of legislation, in 25 years the most significant amendment to the Medicare Act that had passed to that period of time, you passed with less than 48 hours' notice from the Rules Committee consideration to the passage. We have said we have had months of consideration, months of debate, months of transparency on the Web. Now on the Web we are going to give you, as I promised we would, at least 72 hours notice to read that bill and to have it considered on this floor.

Mr. CANTOR. I thank the gentleman for that history.

Mr. HOYER. I knew you would be interested. That's why I wanted to do it.

Mr. CANTOR. And the interpretation of that history.

I asked a simple question, Madam Speaker, of how long the debate will be on this House floor of a bill that has been just introduced, and, according to the gentleman, maybe it's not this bill that's just been introduced, maybe it is H.R. 3200, because that's what's been the discussion across this country up

until now. But, Madam Speaker, this is a bill that is now being reported to be presented at a cost of \$2 million a word, five times longer than the Torah, longer than the well-known work of War and Peace. That's how long this bill is.

It's a new bill. I am simply asking how much time can we expect to have for debate on the floor of this transformative piece of legislation that will alter one-sixth of the country's economy.

I yield to the gentleman.

Mr. HOYER. I would respond to him, more time than we had to consider the prescription drug bill, the major amendment to the Medicare bill, and by a factor of months and months and months, more time to consider the substance of this bill.

I tell my friend again, and he knows this well, we have had hearings on health care reform from 2007 to this day. We have had 81 hours of committee markup. We have had over 86 hours of hearings. We had over 203 hours of caucuses on our side. I presume you have had a similar time, I am sure, paying attention to this bill that has been available to you. It's been 80 days from the time the House bill was first introduced, of which this is obviously an offshoot.

The public has been able to view the bill and extensive information about it is online the entire time. It's been 126 days since, as I said, the House discussion draft was first made available online. I think every one of us has had ample opportunity to debate the bill and offer amendments.

During the markup, 129 amendments were offered by Republicans. You act as if all of a sudden this is a brand-new day. It may be a brand-new day tomorrow, but the legislation has been under consideration for a long time.

Have we made changes? We have. Are those changes so major that your side can't consider them and analyze them over the next 72-plus hours? Because it would be longer than 72 hours. I think the answer to that is no. You certainly have that capability and have been focusing on this very carefully. We promised the 72 hours on the bill and on any manager's amendment that might be offered subsequently, and we are going to do that.

So I tell my friend, I just don't believe that it's a fair criticism to say that a bill that has been discussed, analyzed, more public hearings than any other bill, perhaps, certainly in my career in this House, has somehow all of a sudden come as a surprise to your side of the aisle.

Mr. CANTOR. Madam Speaker, I thank the gentleman.

I am just asking a simple question. There is no criticism here. There is plenty of that I know in this body. I am asking a simple question, Madam Speaker. How long are we going to be

allowed for debate on this floor on this bill?

Mr. HOYER. And what I said was that the Rules Committee has not met yet. But I think clearly there will be more debate, as there has been an extraordinary amount of debate on this bill up to this time. There will be more debate than we had available to us with respect the massive amendment and legislation that you offered with reference to Medicare. I believe that there will be sufficient time made available over the consideration of this bill for both sides to make their case.

Mr. CANTOR. I thank the gentleman.

As I am not, Madam Speaker, being too successful in eliciting a response that is definitive, I would ask the gentleman, when we are considering this bill that is not affecting one program like Medicare, like he referred to in 2003 in part D, while we are considering a bill that is dealing with one-sixth of our economy, every aspect of health care in America comes under this bill.

What is it that the majority leader has in mind in terms of the ability for all Members of this body to represent their constituents, to offer amendments, to have their voices heard on this floor? If the gentleman could please enlighten me and our colleagues as to what the amendment process will be on this bill.

I yield to the gentleman.

Mr. HOYER. I know the gentleman wants to somehow diminish that little tiny bill of some 800 or 900 pages that amended Medicare and created prescription drug, and I don't know whether he recalls how many amendments our side was given. I would yield to him if he recalls, but if he doesn't recall, the answer is zero.

Why? Because you had considered that bill a long time; your proposition was that we had all had an opportunity to discuss it, albeit one-tenth of one one-hundredth of the time that this piece of legislation has been under consideration, but there were no amendments from this side allowed.

□ 1845

But what we did have allowed was a substitute. Now, I will tell my friend, and I have said before, that your side has told me you have a bill. Somebody waved it around, as a matter of fact, on national television. I presume that hopefully you're going to get that scored. Hopefully you will give us 72 hours' notice of that. And once we get the score and the 72 hours' notice of your substitute, we will be glad to consider it.

But I will tell the gentleman that we expect the same 72 hours' notice and we expect it to be scored. And I will help the gentleman facilitate the scoring of your substitute.

Mr. CANTOR. I thank the gentleman.

I would ask the gentleman if he could be a little bit more specific about the

amendment deadline so our Members can be adequately put on notice for that.

I yield.

Mr. HOYER. Well, there is no amendment deadline. The committee has not requested amendments at this point in time.

Mr. CANTOR. Madam Speaker, I would ask the gentleman, then, does that mean there will be no amendments allowed?

I yield.

Mr. HOYER. I just indicated to you that you will recall that after you brought this massive bill, I suggest, you wanted to diminish 900 pages. Ours is longer because it deals with a broader subject, you're correct, in giving every American health care and including, by the way, expanding protections to senior citizens on the doughnut hole that was incorporated in that bill. There were no amendments offered, and my presumption is your theory was that it had been so carefully constructed that you didn't want to have amendments to that bill, but you did, in fact, allow us a substitute and we offered that substitute.

I would say to the gentleman, as I have said before, that certainly I believe you ought to have, and we are going to invite you to have, a substitute and introduce your alternative that you have been talking about now for some months. I hope that you have submitted it to CBO for scoring, and we would expect 72 hours' notice of that substitute before it's brought to the floor, as you expect us to give you 72 hours' notice of our bill and of our manager's amendment.

Mr. CANTOR. I thank the gentleman.

I would expect that he would inform us of exactly when that vote will take place in order for us to know when that 72-hour period will be triggered as far as our substitute, if the gentleman is offering us a substitute, would be submitted in order to meet what he imposes as a deadline on us.

Madam Speaker, I would ask, though, I still don't understand about the posture of amendments. I know that there are many Members in this House, in fact, there may very well be close to a majority if not more than a majority of Members in this House, who are interested in amendments having to do with the protection of life in this bill on health care and the question of prohibiting government funding of abortion. And I would ask the gentleman whether we are going to be given an opportunity to vote on that issue through the amendment process.

I yield.

Mr. HOYER. I think that question will be addressed.

Mr. CANTOR. I'm sorry?

Mr. HOYER. I think that question will be addressed. The answer is yes.

Mr. CANTOR. I thank you.

Madam Speaker, there is also the issue of the conscience clause, as to

whether that will also be a subject of an amendment to this bill, as many of our Members, if not a majority, are interested in that as well.

I yield.

Mr. HOYER. As the previous issue, I think that will be addressed. As a matter of fact, there is some reference to it, as you know, in existing legislation and existing law. We have not changed that. And the answer is my presumption is that will be considered—will be addressed.

Mr. CANTOR. I thank the gentleman.

I would just point out, I'm sure as he knows, the law that perhaps he's referring to is riders on appropriations bills, and, as well, I think he is well aware that courts have indicated if there is silence on the issue of life and government funding of abortion, that necessarily goes against those who want to see the prohibition of the government funding of abortion, which is why it is so important that this House take up that issue.

I would ask the gentleman, though, if the issues that I raised surrounding the government funding of abortion will be addressed, will those issues be addressed in the manager's amendment or will we expect to be able to address those in an amendment?

I yield.

Mr. HOYER. I have not discussed specifically the Rules Committee's plan on that. I would repeat that it will be addressed. Now, how it will be addressed, I don't have an answer for you specifically.

Mr. CANTOR. I thank the gentleman, and I thank him for taking note of our concern on that issue.

Mr. HOYER. If the gentleman would yield.

Mr. CANTOR. I yield.

Mr. HOYER. As you know, that concern is shared on both sides of the aisle.

Mr. CANTOR. That is correct, and I appreciate the gentleman's comments there.

I would ask the gentleman, Madam Speaker, about the question of the manager's amendment, when we can expect that to be online and whether the public will have 72 hours to view that amendment prior to any vote.

I yield.

Mr. HOYER. I think you sort of asked the question and then I didn't respond to it as to when we may first consider the bill itself; so let me back up from there.

I expect the manager's amendment to be available on Monday, and I expect there to be 72 hours for the body to have notice of that as well as the general public. I would expect, therefore, the earliest votes to be no earlier than Thursday, 72 hours after the manager's amendment is put online. So that may be Thursday at some point in time, but we will meet that 72-hour pledge that we have made.

Mr. CANTOR. I thank the gentleman.

Finally, on the issue of this massive bill on health care that we are about to debate next week, I would ask, Madam Speaker, the gentleman whether we can expect the doctor reimbursement bill to be included in this bill or whether it will be coming as a separate bill to the floor.

I yield.

Mr. HOYER. As the gentleman knows, the so-called sustainable growth rate, which as you referred correctly, as we all sort of refer to it as the doc fix or compensation, as the gentleman knows, the Senate tried to pass a freestanding bill on the sustainable growth rate so that doctors do not receive a 21 percent decrease on January 1 in their Medicare reimbursement rates.

On our side of the aisle, we are strongly in favor of making sure that that cut does not occur. We think that will not serve seniors in particular, because medical personnel will be unable to serve with those compensation levels. As a result, we very much expect to have a sustainable growth rate bill pass this House.

As the gentleman knows, we have done that in years past, not related necessarily to any other health reform bill. It is an issue in and of itself that relates to existing Medicare. The health care reform bill deals with the reform and the creation of a system of affordable, accessible, quality health care for all Americans. The sustainable growth rate deals with the present system. We have got to deal with it, and I will tell the gentleman it's my intention that we make sure that we bring to the floor a sustainable growth rate. We've been discussing it with the Senate because the Senate tried to do it and was not successful in passing that. We want to see success. It is absolutely essential that we do that. Whether we do health care reform or not, we will do that. So I tell my friend that we are going to have that probably, probably, as a freestanding piece of legislation.

Mr. CANTOR. I thank the gentleman.

I know that, as he discussed the Senate's experience with that bill, obviously the question of a deficit is looming large surrounding that issue, and I would note that, Madam Speaker.

But in closing—

Mr. HOYER. Will my friend yield on that point?

Mr. CANTOR. I yield.

Mr. HOYER. I thank my friend for yielding, because I did not mention that. We are and, as the gentleman knows, I am very concerned about the looming deficits that have been caused by the very substantial economic downturn and our necessity to respond to that under the previous administration and under this administration. We need to get a handle on that.

One of the things that we have pledged in our budget to do is to make

sure that statutory PAYGO is put in place which will be an extrinsic constraint, if you will, a statutory constraint on the spending, whether it's spending in terms of entitlement spending, whether it's in terms of revenues or in terms of spending. Both have an adverse impact on deficit. So it is my expectation that when we deal with either the sustainable growth rate, the doc fix, or the estate tax or the AMT or middle class income tax reduction, we will include provisions for statutory PAYGO to be sent with that legislation to the Senate, as is consistent with the budget that we passed and that the Senate passed.

Mr. CANTOR. I thank the gentleman.

And I know that he knows the reported agreement on all of this excludes the doc fix as well as those other items from being paid for, which is of concern to him, I know, as well as many of us when we're considering this health bill and then choose to leave out a significant portion of government expense under Medicare in terms of reimbursing providers under the SGR.

Mr. HOYER. Will my friend yield?

Mr. CANTOR. I yield.

Mr. HOYER. Let me ask my friend, just so I know as we move forward, if we do not consider the health reform bill, is the gentleman in favor of moving a reimbursement for doctors provision notwithstanding that?

Mr. CANTOR. I think the gentleman knows that I, as well as most of my colleagues, Madam Speaker, will be supportive of trying to address the inequities that exist in the current SGR formula, and he has my commitment to want to work to try to fix and right those inequities since the payment formulas that have been established are far from matching the realities of practice expense for our physicians.

Mr. HOYER. I thank the gentleman and look forward to his help.

Mr. CANTOR. I thank the gentleman for that.

In closing, Madam Speaker, after we have had this discussion and the colloquy and the gentleman's words as well as mine for some time now, I would just note for the gentleman as well as our colleagues that 41 percent of the American people, according to a recent Gallup Poll, think the economy should be our top priority while only 17 percent think that health care should be Congress's top priority.

In addition to that, Madam Speaker, there was a poll out over the last several weeks by a Democratic pollster, Jeff Garin, in which was cited that 81 percent of Americans do not think that the majority, do not think the Democrats are doing enough to address the disappearing jobs in our economy.

So, Madam Speaker, I close with that. I thank the gentleman very much for his time.

Mr. HOYER. Before you close, will you yield on that issue?

Mr. CANTOR. I yield.

Mr. HOYER. I thank the gentleman for yielding.

Those were interesting polls. Did the gentleman miss the portion of the poll that reflected which party the American public trusted more to deal with either one of those issues? I didn't hear you say it. I happened to have seen those polls and happened to have seen those numbers, and I just wondered if the gentleman had seen those numbers.

Mr. CANTOR. In closing, Madam Speaker, I would respond to the gentleman just by saying I don't think neither he nor I are proud of what the public views as the performance of this body as a whole.

ADJOURNMENT TO MONDAY, NOVEMBER 2, 2009

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate, and further, that when the House adjourns on that day, it adjourn to meet at 8 a.m. on Tuesday, November 3, 2009, for morning-hour debate and 9 a.m. for legislative business.

The SPEAKER pro tempore (Ms. PINGREE of Maine). Is there objection to the request of the gentleman from Maryland?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON TUESDAY, NOVEMBER 3, 2009, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HER EXCEL- LENCY ANGELA MERKEL, CHAN- CELLOR OF THE FEDERAL RE- PUBLIC OF GERMANY

Mr. HOYER. Madam Speaker, I ask unanimous consent that it may be in order at any time on Tuesday, November 3, 2009, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting Her Excellency Angela Merkel, Chancellor of the Federal Republic of Germany.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

□ 1900

H1N1 VACCINATIONS

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Madam Speaker, I rise today to draw attention to an article I read yesterday in The Miami Herald. The headline is "Pentagon to offer swine flu vaccine to terror suspects."

While much of America waits in line to receive their H1N1 vaccination, the

Pentagon is giving priority status to accused terrorists. This does not bode well with me or my constituents. If taxpayers need to wait their turn to be vaccinated, then so should the accused terrorists at Guantanamo Bay.

Next week my subcommittee, the Oversight and Investigations Subcommittee, along with the Health Subcommittee, will hold a hearing into where we are with the manufacturing and distribution of the H1N1 flu vaccine. We will hear from officials from the Department of Health and Human Services as well as from the Centers for Disease Control and Prevention and the manufacturers of the vaccine.

I look forward to our hearing next week, and I urge Pentagon officials to reconsider their decision to vaccinate terrorist detainees ahead of Americans who are waiting for their H1N1 vaccines.

[From The Miami Herald, Oct. 28, 2009]

PENTAGON TO OFFER SWINE FLU VACCINE TO TERROR SUSPECTS

(By Carol Rosenberg)

Even as some Americans await the arrival of their swine flu vaccines, the Pentagon has decided to vaccinate both soldiers and terror suspects at Guantanamo Bay, Cuba.

There was no word Wednesday on when the first vaccines would reach the remote base in southeast Cuba.

But U.S. military there were notified late last week that service members would get their H1N1 virus vaccinations first. Private contractors and sailors' wives and children could get theirs afterward "as the supply permits."

And that means the 221 war on terror captives would also be vaccinated first, said Navy Lt. Cmdr. Brook DeWalt, a Guantanamo spokesman.

"They get all the same quality medical care and treatment options that are provided to service members," he said by telephone. "But they don't have to wait for appointments."

Each detainee would be given the vaccine on a voluntary basis, just like "with our seasonal flu vaccination program," said Army Maj. Diana R. Haynie, a prison camps public affairs officer.

Guantanamo senior staff also had no plans to address the overarching question of whether a vaccine named colloquially for a pig would present particular challenges.

Instead, Haynie said, a detainee could raise any concerns when he is offered it in person.

Haynie added that the detention center's Muslim American "cultural affairs advisor" said "there is no religious reason for detainees not to receive the H1N1 vaccine."

But a former U.S. Army Muslim chaplain predicted there might be some objections among a captive population long characterized by the Pentagon as devotees of a radical fringe of Islam.

"There was huge resistance back in 2003 when just the regular flu shots were administered," said James "Yusef" Yee, who left the Army as a captain after being cleared of wrongdoing during his Guantanamo duty.

"Many prisoners feared they were being experimented on with some sort of truth serum or other drugs," and refused, he said.

Instead, they were tackled and shackled so prison camp staff could "forcefully" administer the shots—something DeWalt said could not happen today.

"Immunizations and all that kind of stuff are always voluntary for them," added DeWalt. "I'm sure there'll be a percentage who will be accepted, and I'm sure there'll be another percentage that declines."

Similar plans are underway to give the vaccine to federal inmates at the Bureau of Prisons, where some Guantánamo detainees may be headed as part of President Barack Obama's Guantánamo closure order.

A spokeswoman said Wednesday that the BOP had ordered enough H1N1 vaccines for all of its prisoners but "we just don't know when we're going to receive it."

U.S. military at Guantánamo have long engaged in an uneasy balancing act between the captives' rights to practice mainstream Islam and security concerns.

During the 2003 showdown over run-of-the-mill flu shots, Yee recalled, the detention center command staff waited until after dark to administer "the shots during Ramadan—as some prisoners believed the injections would break their fasts."

Either way, Yee predicted: "I would anticipate prisoners objecting to the vaccinations" among a captive population that includes 17 men whom federal courts have ordered set free.

HEALTH CARE

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADY of Texas. Madam Speaker, now we know. Speaker PELOSI has released her final health care bill and scheduled a vote within a week. The Pelosi plan is a 2,000-page, \$1 trillion, unapologetic, full-throated government takeover of America's health care system.

I am devoting every waking hour to stopping this bill, which will interject government into the most intimate health care decisions, drive up costs in the deficit, force millions of people into a government-run plan, raise taxes on professionals and small businesses, open the door to taxpayer-funded abortions, provide care for illegal immigrants, and exempt Members of Congress.

I call on every American who cares about our Nation to engage now in every district and every community in every way. These moments come but once in a lifetime. For our children and their future, the time for freedom, the time for action is now.

HOME HEALTH CARE

(Mr. MELANCON asked and was given permission to address the House for 1 minute.)

Mr. MELANCON. Madam Speaker, today I come to the floor to talk about an issue which I think makes a lot of sense: home health care. Being from a rural area in Louisiana, home health aides provide a tremendous benefit to my constituents, many of whom live 25 minutes or more from the nearest hospital. I believe home health care provides a necessary service to those who

need a little extra assistance meeting their health care goals.

A new report by Avalere Health found that home health use saved Medicare \$1.71 billion from 2005 to 2006. That's a real savings while providing good health care.

Here is an example from my district. Jimmy Jordan's life was saved when his mom's home health care nurse, Rochelle Mixon, noticed he was suffering from congestive heart failure. Since being released from the hospital with his own home health care service, he has lost 170 pounds and improved his diabetes. He no longer uses a wheelchair and has improved mobility. Jimmy says he owes his life to the care he has received from his home health care team.

I believe in home health care, and I urge my colleagues to support these providers as we move forward with the debate on health care reform. Home health makes a difference and saves money. There is no better combination than that.

IN DEFENSE OF DISSENT

(Mr. MCCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. MCCLINTOCK. Madam Speaker, I rise today in defense of dissent.

It is a sad milestone when it becomes necessary to do so, but the ferocity with which this administration is pursuing its critics in business and journalism is becoming alarming.

This isn't the first time Presidents have lashed out at dissenters. But when a government has seized the power to commandeer companies, dictate salaries for private citizens, establish government monopolies covering entire sectors of our economy, threaten companies with official retribution for merely communicating with their customers, and, as of yesterday, to punish thought itself, it evinces a design and an intent that transcends robust debate and becomes deeply threatening to the freedom of expression that our Constitution protects.

If they can intimidate institutions like the U.S. Chamber of Commerce and Fox News, they know that others will fall silently into line. And that, Madam Speaker is a disturbing prospect.

HEALTH CARE

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Madam Speaker, we have heard people on both sides of the aisle talk about the Congressional Budget Office, the CBO, as this unbiased entity, and it has a proud history of being unbiased. But the fact is that after the CBO director got called to the woodshed, to the White House, after

CBO delivered a score that the White House did not like, it has become more of a lapdog than a watchdog.

One example is, we keep hearing people across the aisle. There were 1 minute given over and over last week asking, Where is the Republican bill? We have a number of bills. I have had one filed since the end of July. We have specifically asked CBO to give us a score since August 19. They said show support from your party. Every leader who had an impact—they told us they could help get it scored—has requested it. We have been shut out. We have been shut out. Where is that unbiased body? It is sad they have disappeared.

HEALTH CARE AND TRANSPARENCY

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, on January 31, 2008, during the Democratic Presidential primary, President Obama said during the campaign, "That's what I will do in bringing all parties together, not negotiating behind closed doors, but bringing all parties together, and broadcasting these negotiations on C-SPAN so that the American people can see what the choices are because part of what we have to do is enlist the American people in this process."

Not negotiating behind closed doors. It has now been over 5 months since the White House announced numerous deals with major stakeholders in the health care debate. Little to no details of these negotiations have been released by the White House. Despite the assertion of then-candidate Obama's promise to make all health care reform negotiations public, we have very few details on exactly what was agreed to in this highly publicized, yet guardedly secret, negotiations.

How can the United States Congress be diligent in creating the policy before us without these crucial details surrounding these deals? We must learn what the negotiations mean for the millions of concerned Americans.

HOUSE OF REPRESENTATIVES,

Washington, DC, September 30, 2009.

President BARACK OBAMA,
The White House,
Washington, DC

DEAR MR. PRESIDENT, I write you once again on the topic of health care reform. As you know, Democrat leaders in the House of Representatives are currently working to merge the three committee bills. Meanwhile, the two Senate products are waiting to be merged pending completion of the Senate Finance Committee's mark-up.

I have closely followed the health care debate for months, making note of actions by all parties involved, including the House, Senate, White House, advocate groups, and the health care industry. These reforms have wide-reaching implications, and you have stressed the importance of conducting business in public so that the American people are aware and involved in the process.

In fact, during a Democratic Presidential primary debate on January 31, 2008, you said: "That's what I will do in bringing all parties together, not negotiating behind closed doors, but bringing all parties together, and broadcasting those negotiations on C-SPAN so that the American people can see what the choices are, because part of what we have to do is enlist the American people in this process."

It has now been over four months since the White House announced numerous deals with major stakeholders in the health care debate to save upwards of \$2 trillion in the health care system. Little to no details regarding the negotiations have been released, and recent actions and press reports have reminded me of the importance of openness and transparency throughout the legislative process.

Roll Call reports today that negotiators working in the House to merge the three committee bills plan to trim the cost of the legislation by roughly \$200 billion. I wonder what programs or services are being cut, who will be affected, and how these cuts are being decided.

In the Senate Finance Committee's markup, Senator Bill Nelson (D-Fl) introduced an amendment regarding drug prices in Medicare and Medicaid. During the debate on the amendment, Senator Tom Carper (D-Del), while arguing against the amendment, said "Whether you like PhRMA or not, we have a deal," referring to the deal PhRMA cut with the White House earlier this year.

In addition, within the Senate Finance Committee plan is a commission to slow the growth of Medicare spending, most likely through changes to reimbursement policy. However, hospitals would be exempt from this commission because, according to CongressDaily, "they already negotiated a cost cutting agreement" with the White House.

Despite your promise to make all health care reform negotiations in public, we still have very few details on what exactly was agreed to during these highly publicized negotiations. In fact, even the stakeholders involved have, at times, seemed at odds with what was actually agreed to. But the one thing we all know is that, through press statements, many deals were made. Unfortunately, even where brief descriptions of policy goals are available, details on achieving these goals are absent, a point made by the Congressional Budget Office (CBO).

I am compelled to ask—how could Congress have done its due diligence in creating the policy before us without crucial details surrounding these deals? Were the votes we have seen in the Senate Finance Committee as of late a direct result of these backroom negotiations? Will CBO be able to actually score any of these deals to apply those cost savings to legislation? Were these negotiations in the best interests of patients?

Having little to no information, I cannot judge. However, this begs even more questions. Is Congress enacting the best policy reforms for Americans, or are certain changes being made or not made because of the negotiations orchestrated by the White House? Will smaller stakeholders suffer more from our policy choices because of what larger groups may have negotiated behind closed doors?

Mr. President, I do not write this letter to chide you for engaging in what I consider the most pressing debate before Congress. I applaud you for your leadership in compelling Congress to act. In order to fully understand the policy choices before us, though, we need to know what took place earlier this year

during these meetings at the White House. You have made it very clear that you value transparency and have sought to make your Administration stand out in this regard. As a member of the House Energy and Commerce Committee's subcommittee on Oversight and Investigations, so do I. The last thing I would want to see is a formal investigation of these meetings.

Thus, I formally request full disclosure by the White House in the following areas regarding all meetings with health care stakeholders occurring earlier this year on the topic of securing an agreement on health reform legislation, efforts to pay for any such legislation, and undertakings to bend the out year cost curve:

1. A list of all agreements entered into, in writing or in principle, between any and all individuals associated with the White House and any and all individuals, groups, associations, companies or entities who are stakeholders in health care reform, as well as the nature, sum and substance of the agreements; and,

2. The name of any and all individuals associated with the White House who participated in the decision-making process during these negotiations, and the names, dates and titles of meetings they participated in regarding negotiations with the aforementioned entities in question one; and,

3. The names of any and all individuals, groups, associations, companies or entities who requested a meeting with the White House regarding health care reform who were denied a meeting.

In our efforts to improve access to health care services, the American people expect us to act in their best interests, rather than protecting business interests of those who are interested in currying favor in Washington, DC. If these health related stakeholders have made concessions to Washington politicians without asking anything in exchange for the patients they serve, Congress and, more importantly, the American public deserve to know. Conversely, if they sought out protections for industry-specific policies, we need to know that as well.

We must learn what these negotiations mean for the millions of concerned Americans. How they will be better served, including having affordable health coverage and access to the providers they need? These negotiations may have produced consensus on policy changes that are proper and needed, but Congress will never know for sure that we are acting in our constituents' best interests until all the facts are known.

I look forward to the opportunity to speak with you at your earliest convenience on this matter. Should your staff have any questions about this request please contact me or my Legislative Director J.P. Paluskiewicz at my Washington, D.C. office.

Sincerely,

MICHAEL C. BURGESS, M.D.,
Member of Congress.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2996) "An Act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes."

The message also announced that pursuant to Public Law 106-286, the Chair, on behalf of the President of the Senate, and after consultation with the Republican Leader, appoints the following member to serve on the Congressional-Executive Commission on the People's Republic of China:

The Senator from Florida, Mr. LEMIEUX.

The message also announced that pursuant to Public Law 99-498, as amended by Public Law 110-315, the Chair, on behalf of the President pro tempore, appoints the following individuals to the Advisory Committee on Student Financial Assistance:

David Gruen of Wyoming.

William Luckey of Kentucky.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE TENACIOUS WARRIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Madam Speaker, America is about people. Who we are and what we are is because of the people who are Americans. They are individuals who have lived and died and influenced the rest of us because of their tenacious spirit and determination.

Madam Speaker, I am a history fan. I love American history. I also love Texas history. Not the history of dates and movements, but the history of the lives of individual Americans who have made a difference.

Roy Benavidez was one of those Americans. Roy Benavidez was born in south Texas in a small town called Cuero on August 5, 1935. He was the son of a sharecropper. He was an orphan, and he had mixed blood of Yaqui Indian and Hispanic. He was raised by his uncle after he lost his own family, and eventually he dropped out of school when he was 15. He was a migrant farm worker to take care of his family. He worked all over Texas and part of Colorado in the sugar beet fields and the cotton fields.

Eventually he decided to join the Texas National Guard and then the United States Army in 1955. He joined up in Houston, Texas. And in 1965, he was sent to Vietnam as a member of the 82nd Airborne.

While serving as an adviser to the South Vietnamese Army, he stepped on a land mine in South Vietnam. U.S. Army doctors at Brooke Army Medical Center told him he would never walk again. But he did walk. And not only that, he volunteered and returned back to Vietnam as a staff sergeant in the

Army Special Forces; we call them the Green Berets.

On May 2, 1968, his life and the lives of his fellow troopers changed forever. It is a story that is almost unbelievable.

On the morning of May 2, 1968, a 12-man Special Forces team was inserted into Cambodia to observe a large-scale North Vietnamese troop movement. They were eventually discovered by the enemy. Most of the team members were very close friends of Roy Benavidez, who was the forward operating officer in Loc Ninh, Vietnam.

Three helicopters were sent to rescue the 12-man team, but they were unable to land because of the heavy enemy concentration. When a second attempt was made to reach the stranded team, Benavidez jumped on board one of the helicopters armed only with a bowie knife.

As the helicopters reached the landing zone, Benavidez realized the team members were likely too severely wounded to move to the helicopters, so by himself he ran through heavy small-arms fire to the wounded soldiers. He was wounded himself in the leg, the face, and the head in the process. He reorganized the team and signaled helicopters to land. Despite his injuries, Benavidez was able to carry off half the wounded men to the helicopters. He then collected the classified documents held by a now-dead team leader. As he completed this task, he was wounded again by an exploding grenade in the back, and then he was shot in the stomach.

At that moment, the waiting helicopter pilot was also mortally wounded, and the helicopter crashed. Benavidez ran to collect the stunned crash survivors and form a perimeter. He directed air support. He ordered another extraction attempt, and was wounded again when shot in the thigh. At this point he was losing so much blood from his face wounds that his vision became blurred. Finally, another helicopter landed and as Benavidez carried a wounded friend to it, he was clubbed in the head with a rifle butt by an enemy soldier and then bayoneted twice.

Madam Speaker, Benavidez was wounded in that one battle in that one day 37 times. He had seven gunshot wounds, he had mortar fragments in his back, and two bayonet wounds. But he saved the lives of eight of his fellow troopers.

Later he was presumed dead and zipped up in a body bag; but right before they zipped up the bag, he spit in the doctor's face letting the doctor know yes, he was still alive. Amazing people, these young guns of the Green Berets.

Madam Speaker, this is a photograph of Master Sergeant Roy Benavidez. He eventually recovered from all of those wounds and received the Distinguished

Service Cross, and many years later Ronald Reagan presented him with the medal he wears around his neck in this photograph, the Congressional Medal of Honor. President Reagan stated here in Washington, D.C., on presentation of that medal that if this were a movie, no one would really believe it could ever happen. What Roy Benavidez did that day is unbelievable. I will insert the Medal of Honor citation for Roy Benavidez.

After he retired from the military, this seventh-grade dropout went around America talking about the importance of education. He talked to young gang members, he talked to the Hispanic youth, telling them to stay in school and get an education. He was an amazing individual. A Navy ship has been named after him. Several elementary schools in Texas have been named after Master Sergeant Roy Benavidez, and even a toy company has issued the Roy Benavidez G.I. Joe action figure.

□ 1915

In Texas there are a disproportionately high number of Hispanic Americans who volunteer for the military. They are American Patriots. Some legal immigrants even join and serve in Iraq and Afghanistan in the hope they will become U.S. citizens. Madam Speaker, as we celebrate Hispanic Heritage Month, one of those great Hispanic Americans was Roy Benavidez, and he lived the American dream the way he wanted to.

And that's just the way it is.

BENAVIDEZ, ROY P.

Citation: Master Sergeant (then Staff Sergeant) Roy P. Benavidez United States Army, who distinguished himself by a series of daring and extremely valorous actions on 2 May 1968 while assigned to Detachment B56, 5th Special Forces Group (Airborne), 1st Special Forces, Republic of Vietnam. On the morning of 2 May 1968, a 12-man Special Forces Reconnaissance Team was inserted by helicopters in a dense jungle area west of Loc Ninh, Vietnam to gather intelligence information about confirmed large-scale enemy activity. This area was controlled and routinely patrolled by the North Vietnamese Army. After a short period of time on the ground, the team met heavy enemy resistance, and requested emergency extraction. Three helicopters attempted extraction, but were unable to land due to intense enemy small arms and anti-aircraft fire. Sergeant Benavidez was at the Forward Operating Base in Loc Ninh monitoring the operation by radio when these helicopters returned to off-load wounded crewmembers and to assess aircraft damage. Sergeant Benavidez voluntarily boarded a returning aircraft to assist in another extraction attempt. Realizing that all the team members were either dead or wounded and unable to move to the pick-up zone, he directed the aircraft to a nearby clearing where he jumped from the hovering helicopter, and ran approximately 75 meters under withering small arms fire to the crippled team. Prior to reaching the team's position he was wounded in his right leg, face, and head. Despite these painful injuries, he took charge, repositioning the team members and directing their fire to facilitate the

landing of an extraction aircraft, and the loading of wounded and dead team members. He then threw smoke canisters to direct the aircraft to the team's position. Despite his severe wounds and under intense enemy fire, he carried and dragged half of the wounded team members to the awaiting aircraft. He then provided protective fire by running alongside the aircraft as it moved to pick up the remaining team members. As the enemy's fire intensified, he hurried to recover the body and classified documents on the dead team leader. When he reached the leader's body, Sergeant Benavidez was severely wounded by small arms fire in the abdomen and grenade fragments in his back. At nearly the same moment, the aircraft pilot was mortally wounded, and his helicopter crashed. Although in extremely critical condition due to his multiple wounds, Sergeant Benavidez secured the classified documents and made his way back to the wreckage, where he aided the wounded out of the overturned aircraft, and gathered the stunned survivors into a defensive perimeter. Under increasing enemy automatic weapons and grenade fire, he moved around the perimeter distributing water and ammunition to his weary men, reinstilling in them a will to live and fight. Facing a buildup of enemy opposition with a beleaguered team, Sergeant Benavidez mustered his strength, began calling in tactical air strikes and directed the fire from supporting gunships to suppress the enemy's fire and so permit another extraction attempt. He was wounded again in his thigh by small arms fire while administering first aid to a wounded team member just before another extraction helicopter was able to land. His indomitable spirit kept him going as he began to ferry his comrades to the craft. On his second trip with the wounded, he was clubbed from additional wounds to his head and arms before killing his adversary. He then continued under devastating fire to carry the wounded to the helicopter. Upon reaching the aircraft, he spotted and killed two enemy soldiers who were rushing the craft from an angle that prevented the aircraft door gunner from firing upon them. With little strength remaining, he made one last trip to the perimeter to ensure that all classified material had been collected or destroyed, and to bring in the remaining wounded. Only then, in extremely serious condition from numerous wounds and loss of blood, did he allow himself to be pulled into the extraction aircraft. Sergeant Benavidez' gallant choice to join voluntarily his comrades who were in critical straits, to expose himself constantly to withering enemy fire, and his refusal to be stopped despite numerous severe wounds, saved the lives of at least eight men. His fearless personal leadership, tenacious devotion to duty, and extremely valorous actions in the face of overwhelming odds were in keeping with the highest traditions of the military service, and reflect the utmost credit on him and the United States Army.

REMEMBERING FALLEN HEROES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Madam Speaker, I rise today with a heavy heart to honor 10 brave Americans who gave their lives in Afghanistan on October 26. After executing a flawless counternarcotics/counterinsurgency operation in

Darreh-ye Bom Bazaar in Badghis Province in western Afghanistan, Drug Enforcement Administration Special Agents Forrest Leamon, Chad Michael and Michael Weston were tragically killed when their Chinook helicopter crashed. Seven American soldiers were also lost in the crash and 26 more were injured.

Special Agents Weston, Leamon and Michael were serving as part of DEA's Foreign-deployed Advisory and Support Team (FAST), working in conjunction with the U.S. military, the Afghan National Army and counter-narcotics police of Afghanistan to take down and dismantle major drug trafficking organizations supporting al Qaeda and the Taliban. The operation took place in a major drug bazaar just northeast of Herat City where known insurgents and opium traffickers frequently operate. Despite taking hostile fire, the operation resulted in the seizure of a very large amount of drugs, weapons, IED materials and pressure plates.

During the extraction of members from the site, one Chinook helicopter with 36 personnel aboard crashed, resulting in the deaths of 10 personnel, including the three DEA special agents. Early reports indicate that several of the survivors performed heroic and selfless acts of bravery to rescue their injured comrades from the downed Chinook.

Early this morning, the remains of these 10 brave men returned to Dover Air Force Base. I want to thank President Obama, Attorney General Holder and DEA Administrator Michele Leonhart for their presence on the tarmac as the caskets of our fallen heroes were carried off the plane by a military honor guard at 3:30 this morning. I also want to thank special agent in charge of Afghanistan and Pakistan, Michael Marsac, for caring for them.

For the DEA, these are the first casualties suffered since FAST team operations began in 2005. For such a close-knit organization, the loss of three agents is devastating. The importance of their mission in Afghanistan cannot be understated. Just a week ago, the U.N. issued a report showing that the Taliban makes more money off the drug trade than it did when they ruled Afghanistan and effectively cornered the market for opium. Today I think it is important that the House take a moment to reflect on these three men who made the ultimate sacrifice for their country.

Special Agent Michael Weston grew up in Pennsylvania and California, earning degrees in computer science and economics from Stanford University in 1994 and a juris doctor from Harvard Law School in 1997. As a major in the Marine Corps Reserve, he served in Iraq, Norway and the Panama Canal Zone. Agent Weston joined the DEA in 2003, serving in the Richmond, Vir-

ginia, district office until he volunteered to deploy to Kabul to serve the DEA Kabul country office. The 37-year-old Weston is survived by his wife Cynthia Tidler, his mother Judy Zarit, his father Steven Weston, and his brother Thomas Weston.

Special Agent Forrest Leamon grew up in Ukiah, California. He served in the United States Navy for 9 years as a cryptologic technician, earning awards for his service in Southwest Asia and Bosnia. He joined DEA in 2002, serving in the Washington and El Paso field divisions before volunteering to serve on a FAST team in Afghanistan in 2007. Agent Leamon first served multiple FAST team tours in Afghanistan over the last 2 years. He is survived by his wife Ana Lopez Valdenea and their unborn child, his parents Sue and Richard Leamon, and his sister Heather.

Special Agent Chad Michael grew up in Muncy and Hughesville, Pennsylvania. He graduated from St. Leo University in Florida with a degree of criminal justice. After 3 years with the Hillsborough County Sheriff's Office in Tampa, Florida, he joined DEA in 2004. Agent Michael served with distinction in the Miami field division before volunteering to serve with a FAST team in Afghanistan in September. Agent Michael was 30 years old and is survived by his mother Debra Hartz, his stepfather Leo Hartz, his brother, Eric Michael, and his fiancée Paola.

Madam Speaker, our thoughts go with these families. We know we've lost many military personnel, but this is new and heavy casualties for the DEA and their families who have all given their lives in the service of the United States, her allies and our objectives in Afghanistan.

HEALTH CARE—GET IT WHILE IT LASTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIEL E. LUNGREN) is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Madam Speaker, we've all watched late-night television and seen the infomercials that seem too good to be true. Well, that's what we have here on the House floor being presented to us.

Yes, we have a health care bill for you that will solve every problem and not cost a dime. And yes, there is only one, so you'd better get it right away. Don't have time to examine it; don't have time to look it over; don't have time to turn it over. We don't have time for that because we have to solve your problem right now.

And let me tell you, it won't be 2,000 pages long. No, it's only 1,990 pages long. But wait, but wait. You'll get something in addition. You'll get the manager's amendment, maybe 800 pages long, so that maybe we'll have

something that we have to swallow that's nearly 3,000 pages long.

And let me tell you, it's not going to cost you \$1 trillion. No, no, no. We've brought it down below that, \$999? No, not \$999. We've brought it down now to \$894 billion. But wait. But wait. There's add-ons. Maybe \$250 billion. Maybe \$350 billion for the doctors fix. But don't worry about that because that won't cost you anything right now. We'll charge you for that later. So remember, only \$894 billion, not \$1 trillion because we have a deal that you cannot reject.

But just remember, Madam Speaker, if this deal lasts longer than 4 hours, you won't be able to call your doctor.

INTERNATIONAL TRADE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the minority leader.

Mr. DREIER. Thank you very much, Madam Speaker.

Let me say, I'm going to be joined by a number of my colleagues this evening to talk about an issue which often has a tendency to leave people to have their eyes glaze over. It's the issue of international trade. I know that we have people who are focused on the World Series. I regret the fact that my two Los Angeles teams, the Angels and the Dodgers, haven't made it to the World Series. We're all fascinated watching the Phillies and the Yankees play. We've got people focused on—as my California colleague Mr. LUNGREN just pointed out—the issue of health care. We've got understandable concern about the situation in Afghanistan, and our colleague from Illinois just spent time talking about the families who had loved ones who paid the ultimate price in Afghanistan.

We have a lot of very, very important issues that we are addressing here, and it's important to note, as our distinguished Republican whip, Mr. CANTOR, said in his colloquy with the majority leader, Mr. HOYER, that what we hear at home and what public opinion polls and, most recently, the Gallup Poll that came out the day before yesterday have shown is that the number one priority right now, the greatest concern of the American people happens to be the pressing need to get our economy back on track.

The report came out earlier today that the jobless numbers have, in fact, not improved. We know that we have an unemployment rate that is approaching 10 percent. In my State of California, it's 12.2 percent. As I said, today's report that the new jobless claims did not decline by the extent that had been thought. We did get positive news on the gross domestic product growth over the last 3 months.

Annualized, it came at 3.5 percent. But I've got to say—and I was talking to one of my Democratic colleagues late this afternoon who said, What evidence do we have of this economic growth? We all know, as we talk with our constituents across this country, that we have very, very serious problems when it comes to job creation and economic growth.

Now I began by saying that our goal here this evening is to talk about international trade, and the challenge that we have, Madam Speaker, is to underscore the direct correlation between job creation, economic growth and international trade. Tragically, over the past several years, we have had people get it completely backwards. There are people who believe that as we pursue international trade agreements, that the natural step to follow is job loss in the United States. We constantly hear, Well, if we pass a Free Trade Agreement, what is it that's going to happen? Oh, we're going to see our jobs going to Mexico or to China or to any other country in the world, but they're going to flee the United States of America when, in fact, the opposite is the case. Why? Well, the reason for that, Madam Speaker, is that 95 percent of the world's consumers are outside of the U.S. border. They're not here in the United States. The United States is a country that has provided the world access to our consumer market. Meaning, as we all know, we can buy goods from China that people see regularly at Wal-Mart, Kmart, Home Depot, stores across the country. So we allow, virtually tariff-free, for goods to come into the United States so that the American people can enjoy a standard of living that is higher than it would be otherwise, and that's a good thing. It's a good thing.

As I said, we want the standard of living in the United States of America to improve. One of the things that can help us improve our standard of living and create jobs based on every shred of empirical evidence that we have is for us to embark on more, not fewer, trade agreements. Basically, market-opening opportunities for U.S. workers so that manufacturing workers, union members and nonunion members will have an opportunity to sell their finished products in countries around the world. It's very important for us to embark on those agreements because the existence of those agreements—and we have a lot of evidence that we're going to talk about this evening that shows that—the existence of those agreements do, in fact, create jobs right here in the United States of America.

In fact, if we think about our goal, the goal that we have of job creation and economic growth, there are very few efforts that we have that promise more benefits if we move forward on the global trade agenda, and there are very few things that threaten our goal

of job creation and economic growth if we fail to move forward on the trade agenda.

So that's why I want this evening to have my colleagues who are here—and I will say that a number of my colleagues on both sides of the aisle—this was to be a bipartisan Special Order this evening—both sides of the aisle were hoping to join me. Colleagues like Mr. MEEKS, Mr. KIND and other Members on the Democratic side and other colleagues here because I very much hope, Madam Speaker, that we can get back to the bipartisanship that has existed on the trade agenda in the past.

Unfortunately, the Democratic leadership has chosen not to move the trade agenda, and I am saddened that President Obama has to this point not been able to move the trade agenda forward as it should be because I know that he very much wants to see new jobs created in the United States, but for I guess a number of reasons that I find hard to comprehend, they have failed to move the trade agenda forward.

□ 1930

Again, there are rank-and-file Members on both the Democratic side and on the Republican side who feel strongly about the need to do this in a number of areas. I want to spend this hour this evening talking about those.

I have two very distinguished colleagues who are here—my California colleague (Mr. HERGER) and the very distinguished gentleman from Woodland Hills, Texas (Mr. BRADY). I would be happy at this juncture to yield to either of the two of you if we could engage in a colloquy and discuss some of these issues.

I know that Mr. HERGER, who, Madam Speaker, has served with great distinction as the chairman of the Trade Subcommittee of the House Ways and Means Committee, has been a wonderful leader in this area. I would like to yield to him at this juncture.

Mr. HERGER. I thank my good friend from California (Mr. DREIER) for leading us in this very important discussion on trade.

Really, the surprise, I think, for myself—now, I represent a northern California district which is heavy in agriculture. It's one of the richest agricultural areas in the world. Also, it stretches from just north of Sacramento almost 300 miles to the Oregon border. The northern quarter of it has and along the sides it has some nine national forests, Mt. Shasta and Mt. Lassen. As I mentioned, it is one of the richest agricultural areas in the world. Within the United States, we grow a large percentage of specialty crops grown in the world—walnuts, almonds, prunes. We're the third largest rice-producing district in the Nation.

The fact is that our consumers in northern California and in all of Cali-

fornia—and one out of every eight citizens in the United States lives in California—cannot consume all that we grow. We need to be able to export, so over half of all that we grow is exported to other nations. It helps with our imbalance of trade. As my friends and Mr. BRADY know, it's not just agriculture. It's manufacturing as well.

Mr. DREIER. If I could reclaim my time, I will engage my friend, if I might, Madam Speaker.

Mr. HERGER. Yes, please do.

Mr. DREIER. The issue of agriculture, let's spend just a moment on that, if we might, because the gentleman comes from an agriculture-rich area.

Frankly, there are many people who believe that the State of California's No. 1 industry is tourism, defense, or motion pictures. There are a wide range of areas, but they often don't get it right, because the No. 1 industry in the largest State of the Union is agriculture.

The Central Valley of California, which is going through serious challenges now of which all of our colleagues know because of the water problems out there, has not been able to move ahead as we would like. The area in northern California, which my friend represents, is a very, very rich area in many ways and when it comes to the agriculture field. I know that prying open those new markets with 95 percent of the world's consumers outside of our border would be very, very helpful for job creation and economic growth in his district.

I am happy to further yield.

Mr. HERGER. That's exactly true.

I'd like to give examples of agriculture and then mention that these same challenges we have in agriculture we see in manufacturing as well. As a matter of fact, we as a nation are the No. 1 agricultural country in the world and exporting country, but it's not just agriculture. We're the No. 1 manufacturing and the No. 1 trading nation in the world.

Our big challenge, as it is with our agricultural goods, is that we basically have very low tariffs coming into the United States. Yet, when we look at our markets for agriculture and for other commodities, whatever they might be—getting into the markets of China, getting into the markets of Japan, Asia, South Korea, the EU—Europe—and in the South American countries—we see that their duties, import duties, of getting our rice or our prunes or our peaches or our walnuts into their countries are very high. So, therefore, it's very difficult for us, unless we can negotiate agreements—trade agreements—with these countries, to lower their tariffs in order to get our goods into their countries.

Mr. DREIER. If I could reclaim my time, Madam Speaker—

Mr. HERGER. Yes.

Mr. DREIER. I would say it's very interesting that my friend raises both Asia and Latin America.

We have agreements, as we know, and both of these gentlemen here, Madam Speaker, have been involved in this and have negotiated free trade agreements with Colombia, Panama, and South Korea. Those three agreements are pending right now, and we, unfortunately, have not had a vote here in the Congress on those agreements.

In the wake of that, our neighbors to the north, Canada, have embarked on a free trade agreement with our allies in Colombia. They have already proceeded with that, in part, because we have not. Our friends in South Korea have already negotiated a free trade agreement with the European Union.

So what has now happened, as my friend has referred to this high tariff rate on all of these specialty crops that would be sold in Colombia, if those things are grown to the north, in Canada, under this agreement that has been struck, by virtue of that—because we have been so slow in putting together our agreement and not passing it and I believe, if we were to have it here in the House of Representatives, it would pass with bipartisan support—the Canadians are able to sell tariff-free into the Colombian market right now, and unfortunately, we are denied the opportunity to do that.

I am happy to further yield to my friend.

Mr. HERGER. Well, that's exactly right. Our tariffs are in the mid-20 percent. It is as much as that that we're paying into these countries.

So it almost defies reason to think that we are standing still in this Congress and that we actually have the three agreements that you mentioned which have already been negotiated. In Panama, they're about ready to rebuild the Panama Canal. The gentleman and myself have been down to these countries. We've seen this. These countries want these agreements. They've already negotiated bringing their tariffs down. They were negotiated in the last administration with these countries. All they need is a vote and an okay by the Congress.

Mr. DREIER. If I could reclaim my time, I will say, along that line, the gentleman is absolutely right.

In mentioning that construction, the modernization of the Panama Canal, we all know what it takes to bring about the modernization of the Panama Canal—tractors, road equipment, all kinds of heavy equipment. What comes to mind? John Deere, Caterpillar, and other companies here in the United States that are on the cutting edge of developing great, great equipment. Yet the tariff rate that exists right now on selling that equipment into Panama exists. With this agreement, we would be able to get it to

zero, dramatically cutting the cost of the modernization of the Panama Canal.

I am happy to further yield to my friend.

Mr. HERGER. Well, that's exactly the case.

Like everything else in life, no one stands still. You're either moving forward merely because your competitors are moving forward or you're moving behind.

In this case, not only are we not moving forward with just these three agreements, which could pass, but as Mr. DREIER from California mentioned, we see the Canadians have also negotiated an agreement with the Colombians and with the Panamanians where they will now get in ahead of us and will be able to make agreements. Their businesses will begin developing their relationships, and our businesses and our agriculture will be on the outside, looking in. We'll be behind. We'll still be paying these high tariffs where our competitors will not be. Therefore, we will lose literally millions of jobs that we could have been gaining and billions of dollars in trade that we could have been gaining at a time when our economy is down and at a time when we have some of the highest unemployment we've had in many decades here in the United States.

Mr. DREIER. If I could reclaim my time, I think the gentleman makes a very interesting point.

As I've talked to a number of colleagues about the importance of our bringing up and considering and voting on these trade agreements, I know that my friends will hear this argument made:

My gosh. We're dealing with a nearly 10 percent unemployment rate in the United States. Our State has a 12.2 percent unemployment rate. Now is not a good time to bring up a free trade agreement, because aren't we going to lose jobs here in the United States if we put into place a free trade agreement?

When, in fact, as the gentleman has said so well, Madam Speaker, the opposite is the case, because the passage of and the implementation of these trade agreements are job creators right here in the United States of America.

I am happy to further yield to my friend.

Mr. HERGER. Well, that is exactly the case. It really is a win-win. It is virtually a win-win for all of our manufacturers, not just for agriculture, which I represent.

Again, we're falling behind. We're costing more jobs. We're not moving forward. All we're asking for is a vote on these three areas that we've already negotiated with Panama, that we've already negotiated with the Colombians, and that we've already negotiated with the South Koreans. All we're doing is waiting for a vote, up or down, and yet

we have not been able to get that from this Congress.

Mr. DREIER. Well, I thank my friend for his very thoughtful remarks.

I made a horrible mistake earlier. I live in southern California. There is a great area called Woodland Hills, and I know my friend is actually from Woodland, Texas, but I hope that he'll excuse me. I know there could be a worse slur than being mistaken for a California city, but as a Texan, maybe that's not the case.

Our friend Mr. BRADY has provided very thoughtful, tremendous leadership on the trade agenda. I've been privileged to work with him. Mr. HERGER and I were able to join Mr. BRADY, with the leadership he provided, on a very important roundtable discussion we had over at the Library of Congress on the trade agenda a couple of weeks ago.

I am happy to yield to him.

Mr. BRADY of Texas. Well, thank you, Mr. DREIER. Thank you for your leadership on trade for so many years in Congress.

Thank you, Mr. HERGER, a former top Republican on the Trade Subcommittee of the House Ways and Means.

We are here because we want jobs in America, good-paying jobs, the types you can raise your family on, and today is a good day to be talking about it because two things occurred today.

One, Speaker NANCY PELOSI introduced the Pelosi plan—the new national takeover of America's health care system, which we are going to spend every waking hour defeating, sending back to the drawing board, and getting a health care reform bill that's done right.

The third quarter economic numbers came out, which show how America has done over the last 3 months. It showed that it grew about 3½ percent. Growth is good, but if you look at it, what you realize is almost all of that growth are onetime events—Cash for Clunkers, which is over, and businesses have drawn down their stockpiles of inventory. That only happens one time.

Looking forward, whether we have hit the bottom or not, the question is: Is the private sector, the private market in America, going to drive our growth in the future or is government? The only way you have a strong recovery is if it's the private marketplace.

What we are missing are jobs created by selling American products and services around the world. It's no longer enough to just buy American. We have to sell American because of what you said—so many consumers live outside our borders. We want them to buy our ag products, our services, our computers, our equipment, all of that, but when we go outside the country, what we often find is that the rules are tilted against our companies and our workers.

□ 1945

Other countries, China, Europe, Latin America, have reached trade agreements that give their companies and their workers an advantage over ours. Today, what is interesting, as you both have said, is that when we have trade agreements, we win. We sell our American products and services. We have a trade surplus with our trade agreement partners.

In Latin America—I was just thinking about it—in Chile people said we would sell about 50 percent more products there. We have sold 250 percent more American products.

Mr. DREIER. If I could reclaim my time, I would like to just underscore the point my friend has made. We regularly hear that free trade agreements lead to job losses in the United States. That is a mantra that many people, unfortunately, are beating, when in fact the empirical evidence we have, history has shown the opposite in fact to be the case.

In fact, we enjoy a trade surplus with our free trade agreement, FTA, trading partners as a whole, and the country with which we don't happen to be Mexico. There is a reason for that. It is our purchase of oil from Mexico. Were it not for the purchase of oil from Mexico, we would, for all intents and purposes, have an equilibrium in trade between the United States and Mexico.

But we do have in other countries a manufacturing job surplus, a manufacturing job surplus, right here in the United States. So we have a surplus. When we export, more jobs are created for those countries with which we have free trade agreements than with not. So the answer to deal with manufacturing job creation here in the United States is more, not fewer, free trade agreements.

I am happy to further yield to my friend.

Mr. BRADY of Texas. You are right, Mr. DREIER. Those agreements simply level the playing field. They say if your country sells into the United States, we get an opportunity to sell our products into your country, and we have fair rules to do it. And when we compete, our companies, our workers win. They do it in ag, they do it in manufacturing, in technology, in services, in all types of goods.

But, as Mr. HERGER said, and you earlier, America is falling behind. This new government has taken itself voluntarily off the playing field. They have said we are not going to engage in trade right now. And while we have benched ourselves, the rest of the world is still playing this game. They are cutting agreements that favor China, Europe, Latin America, Brazil and other countries, Korea, the Asian-Pacific area. They are cutting agreements and deals to give their companies advantages far greater over ours. As a result, that doesn't just cost us sales of

our products, it costs us jobs, because we are so good as a country when we compete.

Mr. DREIER. Madam Speaker, I will say that yesterday I had the great ambassador from Colombia, Carolina Barco, in my office, and we were talking about the fact that Colombia has just embarked on this agreement with Canada, and they have proceeded with a fair trade agreement with Canada. So now what is happening is, our friends to the north are going to have a competitive advantage over us in Colombia, a market of 40 million people, that we should be getting into, and we could do it very, very quickly.

I would like to talk and get into some of the details now, if I might, with both of my friends. Since I mentioned the Colombia agreement, it has gotten a great deal of attention. It is seen as one of the most controversial in the eyes of many, and I will admit that I am very troubled, while we want to have bipartisanship, and I know there are many Democrats supportive of the U.S.-Colombia free trade agreement, I think that one of the saddest actions taken in dealing with the trade agenda was when, for the first time since implementation of the 1974 Trade Act, we saw the commitment—and it was a commitment made for an up-or-down vote here in the United States Congress—denied when it came to the U.S.-Colombia free trade agreement. There still is another opportunity for us to do that.

But there are a number of myths out there that I would like my friends to join me in shattering, and I would like to share some information that I just received yesterday, Madam Speaker, from Ambassador Barco, Colombia's great ambassador here to the United States.

We regularly hear about union violence in Colombia. In fact, as I listened to a number of labor leaders here in the United States, we are regularly told, and it saddens me to hear this, that the Colombian government is murdering our brothers. That is a statement that I have heard repeatedly in television and speeches made by union leaders here in the United States.

Colombia is a country which has I believe in a 5-year period of time gone through a more positive transformation than any country in modern history. Are there problems in Colombia? Absolutely. Is the situation perfect in Colombia? Absolutely not. Work still needs to be done in Colombia.

But under the great President Alvaro Uribe, we have seen again a very positive transformation take place there. And this report of tremendous, tremendous violence being inflicted on union leaders has in many ways been shattered.

Many of my colleagues, and I know my friends have been to Colombia, people on both sides of the aisle have been

there, but just yesterday Ambassador Barco provided me some information from an independent study that was done by the University of the Andes in Colombia, a very respected institution.

They went into a detailed analysis of violence against unionists in Colombia. Their data samples actually included the Colombian unions' own data. Information that they used for this study actually consisted of information that was provided to the University of the Andes in Colombia by the unions of Colombia.

Their findings were that while overall violence in Colombia has steadily declined, we have seen a decline in violence in Colombia, we know that very well, in the last 8 years the decline in union violence has actually been greater than the decline in overall violence in Colombia. They went on in the study to say that there is absolutely no evidence today that violence against union members is systematic or targeted.

So this notion that we have heard that the Colombian government is murdering our union brothers, which is, again, a message that has come forward from a lot of union leaders here in the United States, is just plain wrong.

The authors of the study said the following, and I quote, Madam Speaker: "Of course, any murder is a very serious matter. However, an evaluation of the progress made in confronting such a serious problem as violence against union members in Colombia must necessarily look at the statistical evidence. This is particularly so if the conclusions of such an assessment are to be used to block important economic reforms, such as free trade agreements."

So, in other words, Madam Speaker, they are saying that every murder is a tragedy—we all know that—and every government has a responsibility to apprehend and prosecute those who commit violent crimes.

In Colombia, the Uribe government is doing just that. But the numbers don't lie. Any claim that unionists are being targeted is patently false. In fact, the murder rate for unionists in Colombia is one-fourth the rate for the general population.

In fact, I remember on our last trip there, I was there in mid-August with our House Democracy Partnership and we had a lengthy discussion about this at what is their Attorney General, it is called the Fiscalía.

The figure I was most struck with, as we spent a great deal of time going through the analysis of violence and specifically union violence, is that the murder rate in Colombia is, tragically, 39 per 100,000 for the average Colombian. If one is a union Member, the murder rate is 4 per 100,000. So actually the threat is greater for someone who is just an average citizen as opposed to a unionist in Colombia. So this notion

that somehow there is this planned violence against union leaders is preposterous.

In fact, one of the things that President Uribe has done is he has put into place around-the-clock, 24 hour security for 1,500 labor leaders in the country, because they are determined to do everything within their power to ensure that union leaders' lives are not threatened. They are doing everything they can to protect those union leaders.

I would be happy to yield to either of my colleagues who would like to comment on this.

Mr. HERGER.

Mr. HERGER. Well, as my good friend from California is pointing out, in Colombia, I think most people picture Colombia as we pictured Colombia 10, 15, 20 years ago; the heart of the narco trade, everyone fearful to go out anywhere, whether it be in the cities or countryside or wherever it might be.

As a matter of fact, I remember my first trip to Colombia, I believe it was in the early 1990s. Literally wherever you traveled, we were in Cartagena and traveled around, and you had armed guards. You had an armed convoy that you traveled with.

I was there just this last year. You mentioned President Uribe and the incredible job he has done in the center of the narco traffic of South America, how they have got in and brought in those who used to be selling narcotics and used to be part of the military that was on the side of those in the drug trafficking, brought them in, trained them.

We have met, as I know you have, Mr. DREIER, and I am sure Mr. BRADY, we have met with some of these young people who were part of the other side who have come in, who have been trained for jobs.

Mr. DREIER. It is called the demobilization effort, those from the FARC, the Armed Revolutionary Forces of Colombia, which have been the guerrillas, and the so-called paramilitaries, those on the right who responded. They have had this amazing demobilization effort, where young people have been drawn into violence and now they are so excited to be part of productive society.

Mr. HERGER. Again, as you met with them, and we met with them not only in Cartagena but also in Medellin, who would have thought about going to Medellin, where we did, and see how safe it is and met with these same young people, people in their mid-twenties, early twenties, but had spent basically their whole life on the other side, that were now productive and excited about the life in a democracy there and being able to live.

It is incredibly exciting. And it is even that much more of a reason, when they have fought and done so much to change their countryside, have risked their lives to turn their country

around, that if there is anyone we should be an ally to, it should be the Colombians.

So not only are they helping us with their trade, but we are in a position there to aid them, to help them, to stand as an ally with them, as we should be with the Panamanians, as we should be with our allies the South Koreans, where, again, they are helping us at a time where economically we need these jobs in America.

This is when our Speaker PELOSI and the head of the Senate, HARRY REID, should be allowing these three already-negotiated trade agreements to come before the House and the Senate to be voted on so that we can be moving forward. They are bringing down their barriers, selling our agriculture, selling our manufactured goods, and putting literally millions of Americans to work.

Mr. DREIER. I appreciate my friend getting back to the point of why it is that we are here, because the number one priority, according to the American people in the Gallup poll that was released the day before yesterday, was job creation and economic growth. We have all been talking about that.

We want to make sure that we can create good jobs, agriculture, manufacturing, small businesses. We want to create service-sector jobs. We want to create these jobs here in the United States of America. And I believe that one of the best ways for us to do that is to open up these new markets.

Now, obviously we want to underscore concern. If governments are taking action, murdering union leaders, that understandably is outrageous. But there is a complete, complete blur that has been put together on the part of many people who, for some strange reason, are opposed to engaging in these trade agreements that I just find incomprehensible. It is, again, beyond me why it is that they would hurt rank-and-file union members, who are going to be the ones to benefit by opening up these new markets.

I am happy to yield to my friend from the Woodlands.

□ 2000

Mr. BRADY of Texas. Thank you for raising this issue because I think it is shameful that America has not ratified the trade agreement with Colombia. Yeah, there are strong jobs reasons. Colombia is able to sell their products in the United States almost duty free. We want the opportunity to compete with their customers. Canada, Europe are cutting agreements with them that will cost us about half a billion dollars of sales of U.S. goods and services and products which, again, those are lost jobs.

The point you made early on, Mr. DREIER, is that beyond that, here's a country that has brought itself, with America's help, from darkness to light.

President Uribe has taken the country, established the rule of law, freedom of democracy, freedom of the press, freedom in the marketplace, has a judiciary that is working. They have lowered the violence rate in a neighborhood, in a region that absolutely rejects America and all we stand for, including this new President, rejecting him as well.

Here's America's allies who are fighting with us to stop drug trafficking, stands with us on security issues and human rights, have done remarkable things, and we've turned our backs on them.

So whether it is Colombia and that strong national security reason, Panama and the market that goes with that, Korea, and the rest of the world, where, again, as you have said, America is falling behind, it is just a shame.

Mr. DREIER. Madam Speaker, my friend makes a very, very important point on the foreign policy implications here when we talk about the tremendous alliance that we've been able to build with Colombia. Let's look at the kinds of threats that exist there.

The neighborhood is a tough one. Of course, the very famous Hugo Chavez, the strong man in Venezuela. We have Evo Morales, the leader of Bolivia, who is a Chavezista. We know that. Very closely aligned. Rafael Correa, the leader of Ecuador, has fallen in line the same way.

In the region, we of course have Daniel Ortega, the leader of the Sandinista movement there. And we have this strong—very, very strong ally of ours in Colombia. And it's amazing. When you look at the numbers, it has been 1,073 days—1,073 days, Madam Speaker—since the signing of the U.S.-Colombia Free Trade Agreement. Guess what? \$2.3 billion—\$2.3 billion in additional tariffs have been imposed on U.S. manufacturers, other job creators here, in their quest to get their products just into Colombia alone. \$2.3 billion in the last 1,073 days.

Let's look at a couple of those items. Automobiles. Right now there is a 35 percent tariff on U.S. automobiles in the quest to get into Colombia. What does that mean? On a \$20,000 automobile that would be manufactured in the United States and sold into Colombia, the tariff would be \$7,000. If we can pass this agreement, have a vote here in the House and put it into place, what will happen? Well, we'll see that tariff go to zero.

Similarly, for DVDs and movies it's a 5 to 15 percent tariff. For cotton—and we know that textile manufacturing is very, very important. A lot of manufacturing takes place in Latin America. Cotton comes from the United States. Right now there's a 10 percent tariff on U.S. cotton going into Colombia. If we can bring that to zero, it means that more cotton in the United States of America will actually end up, Mr. Speaker, going to Colombia for finished product.

Mr. Speaker, we're very fortunate to have been joined by my very good friend from Lafayette, Louisiana, Dr. BOUSTANY. I appreciate his presence here and the strong leadership that he has shown not only in this health care debate with his brilliant response to President Obama after he addressed us here in this joint session of Congress, but on the issue of international trade as well.

I'm happy to yield to Mr. BOUSTANY.

Mr. BOUSTANY. I thank my friend from California for his kind comments. There are so many aspects to trade that we really need to discuss. First of all, if you look at our economy, the United States economy has been a consumer-driven economy. We have seen imports vastly exceed exports in this country.

All the economists are talking about getting back to some sort of global trade balance and current accounts balance. And the only way to do that is for us to increase our exports. That won't happen without trade agreements.

I can give you some examples from my home State. For instance, exports from Louisiana following the NAFTA agreement rose 271 percent since 1994. Since 2004, with the U.S.-Chile Free Trade Agreement, exports from Louisiana rose 219 percent. With the Singapore-U.S. Trade Agreement we saw a 53 percent increase in exports since 2004. Morocco, 99 percent increase in exports since 2006. And with CAFTA we've seen a 43 percent increase since 2006.

Now the fact of the matter is 96 percent of the world's consumers live outside the United States.

Mr. DREIER. My friend just added an additional percentage point. I've been saying 95 percent. Is it in fact 96 percent live outside our borders?

Mr. BOUSTANY. Those are the facts I have.

Mr. DREIER. Thanks for correcting me.

Mr. BOUSTANY. I think it's important to recognize that jobs related to exports pay, on average, 13 to 18 percent more than non-exporting jobs. These are benefits for families in the United States. These are benefits that create jobs in the United States.

I know I walked in a little late into this discussion and you were discussing the foreign policy implications of this, and specifically with Colombia, but I would submit that it's even broader than that because as President Obama and his administrative team travel around to the world's capitals to deal with very difficult foreign policy problems, whether it's in Central Asia or in the Middle East and so forth, even in Africa, in these capitals those leaders are going to want to talk about trade and expanding trade opportunities because it all comes down to economic opportunity in the long run.

If we're not prepared with a trade agenda to move forward with the lead-

ers in these respective areas, then our foreign policy is going to be a failure.

Mr. DREIER. If I could reclaim my time for a moment just to underscore what my friend is saying on this foreign policy issue, which is an important one. President Obama has, I believe correctly, talked about the importance of soft power. Dealing diplomatically, which I think is important. I, of course, am a strong proponent of a tough decision posture as well. But utilization of soft power is something that President Obama has referred to.

In fact, at the G-20 meeting that took place, those leaders all agreed that they would reject protectionism. Unfortunately, if you look at 66 of the 78 trade measures that have been implemented since that G-20 meeting, they have been protectionist. It's very sad because as we're talking about the economic downturn through which we're going right now and the challenges that we face here in the United States and in the global economy, one can't help but think about history. Because people are talking about regularly this economic downturn and what took place seven decades ago. The Great Depression.

We know that, unfortunately, under Republican leadership, President Hoover and Congressman Hawley and Senator Smoot, we saw passage in 1930 of very, very poor trade policy. Fortunately, we as Republicans have been proudly providing leadership since then and we want to work in a bipartisan way on this.

But most economists, regardless of their stripe, acknowledge that the protectionist actions which, frankly, Smoot-Hawley began as just a little agricultural tariff measure at the outset and grew into one of the most protectionist measures in the history of the United States. It undermined our ability globally to provide leadership.

If you look at what happened to Europe, as we all know, following that, the Second World War, it can go back to this use of soft power question, which the President has correctly raised and, similarly, at that time engaging in protectionism undermines that.

The unfortunate thing is we seem to be slipping down that road of protectionism now, which seriously undermines our ability to provide that strong global leadership in dealing with the war against radical extremism, in dealing with the challenges that exist in a wide range of areas.

I'm happy to further yield to my friend.

Mr. BOUSTANY. I want to add as we look at this difficult economy and the significant unemployment we're seeing here in the United States, it's important to keep in mind that 97 percent of U.S. exports are from small and medium-size businesses.

Mr. DREIER. I was afraid you were going to say 97 percent of the world's consumers are out of our borders; that it's gone up 2 percent since I started.

Mr. BOUSTANY. Here we are. If we want to grow small business jobs, the best way to do it is to expand our exports and that will help us also expand our manufacturing capacity. Actually, the world is moving forward and we're sitting still here.

If you look at the TransPacific Partnership, everybody's waiting on the United States to move forward with this agreement. It's a critically important agreement to work out with Chile, Peru, Singapore, Australia, New Zealand, and Brunei.

We're also looking at the Asia-Pacific Economic Cooperation. This is where we need to be engaged with China and these Eastern countries, because we have huge, huge trade opportunities and job growth opportunities by expanding these agreements.

So I think it's clear that this administration needs to come forward with a comprehensive trade policy to Congress and let's get to work on creating this liberalized trade order because that is the element of soft power that you were emphasizing earlier. And it is probably our most important instrument of power as we move on the global stage.

With that, I will yield back.

Mr. DREIER. Let me say that my friend is absolutely brilliant. Not all doctors are seen as that way. But I'm so impressed Dr. BOUSTANY has been able to charge towards great brilliance in a wide range of areas beyond his field of expertise. We're very fortunate to have him in the House.

I'd be happy to yield to my friend who sneered when I mentioned doctors, my friend from The Woodlands.

Mr. BRADY of Texas. I was just thinking about people who are out of work. We have lost 9 million people who no longer have jobs since the recession began—almost 3 million since they passed that huge stimulus bill—who may be watching tonight, to have no jobs, maybe have lost hope of getting them. Yet the companies that could hire them are manufacturing products or offering services or growing agricultural goods they don't have an opportunity to sell throughout the world. That the rest of these countries are just moving past us so aggressively selling, promoting their country's goods and services. And America is so arrogant that we don't even go out there to try to create a level playing field.

I always tell people, in closing for myself, that if you drive down a highway, every third acre you see planted is for sale around the world. If you go to a computer company, every fourth worker is building something for sales around the world. If you go to a manufacturing plant, every fifth worker is

building something for sale around the world. If you look at our whole economy, four out of every ten workers are tied to trade.

So if we can sell American, not just buy American—sell American—we can create jobs for Americans. We can put people back to work. We can improve our own economy. So what are we waiting for?

I yield back.

Mr. DREIER. I thank my friend for his very thoughtful contribution. Let me say, Mr. Speaker, that I think one of the things that we have not really spent a lot of time discussing here this evening has been the U.S.-Korea deal.

We've talked in large part about Latin America; about Colombia and Panama and the benefit of opening that up. But I do know that the three ambassadors representing countries with which we have signed these trade agreements have come together and they have unified on the message that the issue of trade and free trade is a priority for all of them. They each have unique cases to make as to what those benefits are. Frankly, as I listen to virtually all of those arguments, they are very positive for us.

When it comes to Korea, the amazing thing that we look at there, if we were to pass this U.S.-Korea Free Trade Agreement, it would be the single largest trade agreement ever embarked upon in the world because of the size of the U.S. economy and the size of the economy of South Korea.

□ 2015

They have a trillion-dollar economy, and it's a very, very growing market right now for our goods, and it's our seventh largest trading partner today. We have annual two-way trade today of \$82 billion between South Korea and the United States.

It happens to be and I know, Mr. HERGER, Mr. Speaker, will be interested in this. It's our sixth largest market for agricultural goods in the world and our seventh largest market for another industry that is very important in Texas, and I know in Louisiana as well as California, is the IT market.

The largest level of broadband usage in the world is in South Korea at 83 percent, making it a really key market for U.S. technology goods and services, and there is an enormous potential for increasing those already high agricultural exports as Korea, as we all know, must import 70 percent of its agricultural needs.

It stands to benefit the agricultural sectors of all of our States tremendously if we were to embark on that. Nearly two-thirds of agricultural exports to Korea will become duty-free immediately with passage of this. Our agricultural products currently face an average tariff, those products going from California, from Texas, from Louisiana, into Korea, on average, a 52 per-

cent tariff today. Again, that would be slashed, two-thirds slashed immediately and ultimately they would get to zero.

Under the agreement, nearly 95 percent of bilateral trade and consumer industrial products will become duty-free within 3 years and tariffs on almost all goods will be totally eliminated within the 10-year period of time for implementation. The economic and job creation benefits of eliminating tariff and nontariff barriers to trade with a \$1 trillion economy would be of great, great importance.

It would be a very, very powerful display of unity between our countries, South Korea and the United States, as we work together to address, as we have said, the very important national security issues, nuclear proliferation treaties that exist, the war against radical extremism, pandemics that are there. The idea of using this soft power, as President Obama correctly says, would be dramatically enhanced if we were to pass the U.S.-Korea Free Trade Agreement.

I would be happy to yield to my friend from California (Mr. HERGER) if he would like to add to that.

Mr. HERGER. I thank my friend.

That is so true. People don't realize. You know, we hear a fair amount, or some, about their trade agreement that has been negotiated but not voted on with Colombia and some with Panama, but as the gentleman from California (Mr. DREIER) so rightly mentioned, the big one, the biggest of all the trade agreements that we have ever negotiated is with the South Koreans.

As a matter of fact I just yesterday had eight South Koreans who represented businesses in South Korea that were in my office, and they were describing to me how they wanted us to be able to pass this agreement, be able to have a vote here in the House and the Senate on this very important agreement, that their concern was that they wanted to do business with our American companies. They wanted to do business with us and that the European Union, the EU, was already negotiating, was in the process of having an agreement with them.

If their agreement went through before ours did, they would lose their ability, obviously, if they could purchase more economically from the EU, that, economically, is what they would need to do. I was looking at some statistics, that just with South Korea, not only would we not pick up that extra business, those extra jobs, hundreds of thousands of jobs here in the United States, but we would actually lose business that we already have because we would lose part of this market to—it was estimated by staff on our Ways and Means Committee, we could see an 8 percent or \$1.1 billion decline in our U.S. exports to South Korea.

Again, at a time when nationally we have 9.8 percent unemployment; in

California, 12.2; and in my rural northern California district it's up around 14 percent unemployment, the last thing we want to do is be losing jobs. We need to be gaining these jobs is why it's so particularly paramount at this time that we move forward.

Mr. DREIER. I thank my friend for getting back to this issue of job creation and economic growth, which is what these agreements are about. It's about improving the standard of living and the quality of life for people here in the United States of America by not only allowing them to have access to products from around the world, but to create good jobs so that we can continue to export to those 95, 96, 97, 98 percent of the consumers who are outside of our borders.

I am happy to yield further to my good friend from the Woodlands.

Mr. BRADY of Texas. Let me just say this, because I have enjoyed this discussion. It's about jobs, it's about America falling behind.

There is this principle in trade we should not forget. The principle is if you and I build a better mousetrap, we should have the freedom to sell it throughout the world without government interference. If someone else builds a better mousetrap we should have the freedom to buy it for our family and for our business.

That freedom to buy, sell and compete is critical because you forget, other countries, because others compete to sell to you and I. We have a wide choice of automobiles and clothing and electronics and all. They say, by studies, that we save so much money because of that trade, that competition, that most families in America can go to a grocery store once a month for free because of the benefits of free trade here in America, which is even more puzzling on raising our standard of living why we allow ourselves to fall behind and why we are giving up on those jobs, why America isn't leading.

That is a question I believe only our President can answer.

Mr. DREIER. I thank my friend for his very thoughtful remarks.

Mr. BOUSTANY.

Mr. BOUSTANY. Very briefly, I would say my friend from Texas is absolutely right. This is about growing U.S. jobs and creating job opportunities for our small businesses.

As these export markets open up and that greater connectivity is created between our country and our trading partners, the standard of living goes up in those countries and those markets expand. It creates more opportunities for our small businesses to create jobs here and to continue to export.

So, at a time where we are having these discussions, when this country is seeing high unemployment, we are coming out of a recession, we should be vigorously pursuing these types of agreements.

And what are we hearing now from this White House? Silence. Silence. It makes no sense.

Mr. DREIER. I thank my friend. Let me express my appreciation, Mr. Speaker, to my colleagues from Louisiana, Texas and California and to say that it's very important for us to get back to bipartisanship on this issue of trade. I have been troubled with the fact that the President has not sent up these agreements for us to consider, as I know my colleagues are. I have been troubled at some of the decisions made by the Democratic leadership.

But I have to say this, there are Democrats with whom we serve who share our commitment to the issue of global leadership by expanding these trade agreements. They understand the improvements that have taken place in Colombia, where unionists are not, in fact, being murdered by the Government of Colombia. They share our recognition that we could have jobs created for Caterpillar and for John Deere if we were to go into the Panama agreement. And they understand the implications of this U.S.-South Korea Free Trade Agreement.

This is the right thing for us to do, Mr. Speaker. I believe that we can come together in a bipartisan way. If we will simply have the vote here in the House of Representatives, we will have strong, bipartisan support for the right thing.

HEALTH CARE

The SPEAKER pro tempore (Mr. SCHAUER). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, my good friend and colleague from Michigan, Congressman THADDEUS MCCOTTER, is known here for his extremely subtle wit, his use of metaphors that challenge the most intelligent among us, and for incredible insight into issues. He talks a lot about freedom, and he published a piece today from the Republican Policy Committee that I would like to use as the basis of my comments tonight.

The title of it is "Leeches vs. Laser Surgery: The Contemporary Crux of Health Care Reform."

He goes on to say that "Contrary to 'conventional wisdom,' on the issue of health care reform (and all others) the Democrats are the party of the past. We Republicans are the party of the present and the future.

"Bluntly, Democrats are fighting against the times. Their stale, government-run health reform proposals are as outdated and unsuited to contemporary life as a leaching is to laser surgery."

No one can quite put things in perspective like THADDEUS MCCOTTER.

But when I read that today, I wanted to share that with the American pub-

lic, because I think it is a very, very good analogy.

Everywhere I go, I talk to people in my district and they say they are scared to death with what is happening in our country. And I talk to other people who travel all around the country, and they say they hear that, too.

What are people scared to death of? What they are scared of is losing their freedoms. We have people all over the world fighting to protect the freedoms that have been so dearly won in this country and to help other countries gather their freedoms and to get the freedom that they deserve.

Yet the biggest threat to our freedom in this country right now isn't anywhere else in the world; it's right here in this Capitol, right here in this room and in the Senate Chamber across the hall. That's the greatest threat to our freedom.

Republicans, though, have alternatives, and I want to talk a little bit about those alternatives. We should be looking at reforming medical liability laws, ending exclusions for preexisting conditions, expanding health savings accounts, providing tax credits for purchasing private health insurance, allowing association health plans, permitting health insurance purchases across State lines, encouraging individuals to ensure against changes in health status, giving incentives for preventive health care, and applying information technology to enhance transparency and increase efficiencies. All that can be achieved without trillions in new spending. In fact, most of it can be done for absolutely no cost.

Instead, what we have offered to us by the Democrats is an erosion of our freedom. It's a government takeover of the best health care system in the world.

I want to quote again from THADDEUS:

"Unfortunately, trapped in the past of a big government ideology and purblind to the people empowering wondering powers of our globalized world, the President and his Democratic majority cavalierly dismiss such sensible, affordable approach and determinedly toil behind closed doors to impose their radical health distribution scheme on unwilling Americans. If the Democrats prevail, their health redistribution will impel higher costs, lower quality, fewer choices and lost jobs during this painful recession. There is a better way, the Republican way: patient-centered wellness for our people powered world."

This should not happen in the greatest country in the world. We must do everything that we can to stop this, and we will do everything we can to stop it.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order

request of the gentleman from Texas (Mr. GOHMERT) is vacated.

There was no objection.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes.

Mr. GOHMERT. Mr. Speaker, today Speaker PELOSI, with a lot of fanfare and locked doors, invitation only, which didn't include any Republicans, just as the input in this bill included no Republicans, this is the bill, 1,990 pages. I haven't had a chance to read it. They just got it out today. I have been trying to get through it.

One of the frustrating things we have is we have had hearings and hearings, hours and hours of hearings on the Democratic health bill, H.R. 3200, hour after hour. Think about how many people in America have spent hour after hour reading H.R. 3200.

□ 2030

They carefully examined it because this was the law that was proposed by the Democratic leadership. And they were concerned that this may be voted into law, and they need to know because this is going to be country changing.

So they spent thousands and thousands of hours all across America to review H.R. 3200. Some have gone to the trouble and spent hundreds or thousands of hours, when you consider all the people in America are reading these bills because they're scared, reading the Baucus bill, reading some of the other bills. And then it turns out those were all red herrings. The American public, all the Members of Congress were tricked into wasting their time, spending all those hours reviewing a bill that they knew they weren't going to introduce.

Mr. Speaker, you know, Thomas Jefferson laid out the rules that we follow. They're not Robert's Rules of Order. They're Thomas Jefferson's rules that get modified with each Congress. And that's what we're supposed to follow. And the procedure is well thought out. You have subcommittees that are supposed to have legislative hearings and bring in witnesses and consider all these different aspects, and after they've considered all this, someone starts working together with other people. You're supposed to have bipartisan support. We were told all year long we would have that. Yes, big joke there. So someone, though, is supposed to put together the bill and lots of people working together to get it done, and then you give everybody plenty of time to review the bill at the subcommittee level. And then you have a markup, it's called, in subcommittee, where some of those hearings are very

long when they're done properly because they're open to any amendment by anyone on the subcommittee. Once it clears the subcommittee, if it gets voted out of the subcommittee, then it goes to the full committee. And anyone in the full committee can make amendments, as many as they want, and you stay as long as you have to get through all the amendments. That's the process. And then once the amendments are done and the committee votes it out, that is the bill that is supposed to come to the House floor. You bring the bill that was amended and agonized over.

Not in this Congress, oh, no. We're going to spend thousands and thousands of hours, and there's no telling how many of the trees in America got cut down to print out H.R. 3200 so that people could read it because this is going to be really country changing, as the President said. He's going to transform America. He didn't say to what, but he's going to transform America. And then it turns out after all those hearings, amendments, considerations, all that work, behind closed doors they were working on a bait-and-switch scheme. And today it played out. And now we're told by the Democratic leadership, well, we want to make sure you have 72 hours to review this bill.

Well, I'm telling you what. You mark my words. You mark my words. We've got 1,990 pages here, but by the time this bill is voted on, there will be hundreds of pages added, as we've seen over and over, in the wee hours of the morning, and people won't have time to read it. And just like the crap-and-trade bill, it will be up there and they won't even have the whole bill put together in time for us to read the whole bill before we vote on this transforming bill that's going to change and, I would submit humbly, end some lives in America. Not because people are going to be denied treatment but because they're going to be put on lists and be required to wait an inordinate amount of time because you can't cut \$500 billion from Medicare and not expect to have some people not get treated.

Another thing you need to realize too, in this new bill, from what we've been able to quickly discern, this Pelosi bill, the 1,990 pages, reduces the size of affordable credits for patients to purchase insurance in the exchange, and instead it expands the eligibility for Medicare to 150 percent of the Federal poverty level.

Well, our seniors are not as stupid as some people in this body think they are. They get it. You're going to cut Medicare \$500 billion and you're going to expand coverage to people that have never been covered before, and we're supposed to feel good that we're going to get more coverage than ever? They're not stupid. They understand what's happening.

I have been joined by some of my colleagues here, and I would love to get

their input because we've been scrambling to see what we are facing here with this bill.

I would love to yield to my friend Mr. BRADY.

Mr. BRADY of Texas. I thank my friend from east Texas, where our districts border each other and whom I have gotten to know and respect here in Congress. And I thank you for this leadership.

The timing is now. The bill has been introduced. The fight is on. And rarely in our lives do we have the opportunity to make such a difference on a bill that can take us down such a wrong road for America.

I will be brief, but what comes to mind is recently a national pollster whom you would know and recognize did a survey of Americans, and he asked them two questions, and he said, which one is most true: The first question is America is going to spend \$1 trillion of your tax dollars to reform health care and it won't add a dime to the deficit. The second statement was there is human life on other planets. By a three-to-one margin, people chose human life on other planets as more true than we can spend all this money and not add a dime to the deficit.

The American public is smart. I held more than 50 town hall meetings during August and September, roundtables, all types of forums, and the truth of the matter is this Speaker and this House didn't listen to any of them.

This bill, Mr. GOHMERT, you talk about and show today, 2,000 pages, \$1 trillion, 31 new Federal agencies, mandates and commissions that come between you and your doctor, who ultimately decide what doctors you can see, what treatments the government thinks you deserve, what medicines they think you can get.

This bill today, the fight we are engaged in, government will inject itself in our most intimate health care decisions. It raises the costs of health care. It increases the deficit for generations to come. It raises taxes on professionals and small businesses. It will force millions of people out of the private plan that they choose to take. It cuts Medicare for seniors. It will ration care in the future. It opens the door to taxpayer-funded abortions and taxpayer care for illegal immigrants. And it exempts Members of Congress from this government-run plan.

This is a bill that is wrong for America. We all, everyone tonight, every Republican, support health care reform. Many of us have worked years, all of us on this floor have worked years for this day. But we can do better than this.

And we've submitted now, what, Mr. GOHMERT, over 40 Republican health care bills; five of them, comprehensive reform. We haven't gotten an opportunity to offer any of them. They haven't spent an hour listening to any

of them. And as our leaders in Texas Medical Center have told me, it is so important we get this right. Health care is so complex. Take it step by step. Focus on affordability. Move to coverage for small businesses and people with preexisting illnesses. Pass lawsuit reform to end defensive medicine. Find innovative ways to squeeze the overhead out of health care. Make it more efficient. There are all these great ideas. They will never be heard in the rush to this national health care system.

Now is the time to act. That's why tonight your discussion with the American public, even though there is a World Series Game going on, in truth, at the end of that 9 innings, that game is over. But at the end of this bill, everyone's life in America, our children and grandchildren, will be touched and I think harmed by this bill.

I appreciate your leadership. I'm going to spend every waking hour until this vote is held to kill this bill, to kill this bill and send it back to the drawing board and come back with reform that all of America can embrace.

Mr. GOHMERT, thank you, my friend from east Texas, for leading this discussion tonight.

Mr. GOHMERT. Thank you, Mr. BRADY.

I think it's important to note that despite all the rhetoric about where are the Republican solutions, we have done everything in our power to try to offer good solutions, to try to sit down, and we have offered good solutions. And they are running into brick walls because the doors are locked. I know the President said, My door's always open. And I'm sure he wouldn't lie about that. But the gates aren't. We can't get to the open door. So it's deeply troubling that we could not submit anything.

As I used to say in deacons meetings, unless one person has a 100 percent lock on God's truth all the time, we really need to listen to each other. There are some Democrats with some good ideas. There are some Republicans with some good ideas. I think my health care proposal, patient-centered health care, patient-controlled health care, is a great idea. It's a good bill. It would score if CBO had not become a lapdog for the Democratic leadership.

I have been trying for 2½ months to get that bill scored, and I'm told over and over again they don't have time. They run in the Baucus bill that wasn't even a bill. It was a plan. I was told unless you've got a bill you filed, we will not, cannot do a score. Oh, no, not the Baucus bill. They run in and it's a plan, just an outline, and they give him a score on it. I mean how fair is that that this government has got gotten so slanted and people are getting hurt? It isn't right and it isn't fair. And something this important is going to be rushed through.

I heard my friend from North Carolina discussing this earlier today about the time that's been allotted and what's going on. I would like to yield to my friend Ms. FOXX.

Ms. FOXX. Thank you, Congressman GOHMERT. I still don't think you and I sound a lot alike, although people say that. You definitely have a Texas accent, and I know I don't have an accent from North Carolina. But I want to thank you for the leadership you've given on this issue. I know you've been here several nights, late at night, talking about the issues that the American people need to know about. It's so difficult to get the information out to them, and I appreciate what you're doing.

I find it very ironic that we are a couple of days away from Halloween. I'm not a great phrase maker, but today it hit me that we really need to talk about this in terms of Halloween.

This bill that Speaker PELOSI has introduced today is a tax increase bill masquerading as a health reform bill.

In this time of Halloween, the kids get really concerned about monsters and get afraid of them. But I want to tell you there is no scarier monster that has ever been conceived of by cartoon people, by movie people, than this 1,990-page bill. It is a monster. It is a monstrosity. It is something that should scare every American to death. It is frightening to me, I can tell you that.

I think my colleague from Texas has done a very good job of framing how a bill should come to the floor. Bills that are thoughtfully done go through subcommittees. People get a chance to debate them, look through them, find things that are not as well defined as they should be. We vote. That's the way legislation should be done, on a bipartisan basis, bringing in everybody's brain, bringing in everybody's aspect about it, and making sure that when we pass something, it's going to be as well thought out as it can possibly be, "vetted" sometimes it's called. That's what we should be doing.

□ 2045

But that is not what is going to happen with this bill because the President made a promise in his campaign that he would get passed a health reform bill. The people in this body think that they owe it to the President, not to the American people, their fealty is to a President, to help him meet his campaign promise. That is not where my loyalty lies. It did not lie with the President when we had a Republican President. My loyalty is to the American people. That is where all of our loyalties should be, and this bill is a betrayal of the American people because it takes away their freedoms. It promises something that it isn't. It is worse than a shell game, as I said. It is a tax increase masquerading as a health bill.

The one good thing that we have been able to accomplish with the great help of the American people in recent weeks is to really raise Cain about these bills being crammed down people's throats. So we will have 72 hours to look at the bill. The American people may think that we are not telling the truth. Sometimes the things we say are in the bill are hard for people to believe. The bill will be there and be able to be read, and we will be reading it and looking at every single aspect of it. And I want to encourage other people to do that. We will put copies in libraries. We want the American people to see it. We are not trying to mislead people about what is so horrible about this bill.

You all may remember that the President said in his campaign, "We live in the greatest country in the world. Help me change it." To me that meant take what is good about this country and change it into something that is not good.

This bill will take us down that path very, very quickly. We will be losing our freedoms, and we will be beholden to a government that is not always the most benevolent and will get less benevolent the more power it has.

We have a fundamental difference between the Democrats and the Republicans. We believe that the American people should be in control of their lives. They believe that the government knows best, they and the government bureaucracy. It doesn't matter that the majority of the American people are opposed to this. They believe they have the wisdom and they are going to impose this on the American people.

But not if the American people speak up as they should. We are going to be fighting, as my colleague from Texas has said, we are going to fight every step of the way until there is a vote on this bill, probably next week, but we need the help of the American people to contact your Member of Congress and tell them this is not what you want. This is not what America stands for. This is not what we have men and women fighting for all over this world. They are fighting for freedom. But the greatest threat to the freedom of the people in this country is right here in this room. Ladies and gentlemen, I am not exaggerating. It is right here in this room, but we can defeat it, as we have before.

With that, I yield back to my colleague from Texas.

Mr. GOHMERT. I thank my friend from North Carolina, and I appreciate so much those insights. How ironic, here we are the last day, the last hour Congress is in session before the witching hour of Halloween, and as Congresswoman FOXX observed, we have a tax bill masquerading as a health care bill.

We have with us a great medical doctor here in Congress, and I want to

point out something that affects doctors and ask him to comment, and on such other things as his insights that can be shared.

On page 140 of this new 1,990-page bill, I want to be fair, it is not 2,000 pages, it is 1,990 pages, but on page 140, it gives us some insights on what has been going on behind closed doors, the deal-making. I have heard around east Texas, and these are smart, wise people, we had some insurance companies come out and say they thought that the President's plan was going to be okay. We have had some pharmaceutical companies say it is going to be okay. And the American Medical Association, some of them said it was going to be okay. The AMA represents maybe 17 percent of the doctors, I think. So you wonder what kind of deals got cut behind closed doors.

On page 140 and 141, some insights, because those of us who have dealt with the law have seen medical malpractice cases, I have been a judge over many malpractice cases, and I have had many of them removed from my court, my district court to Federal court, because there are certain types of medical liability cases where when they could get themselves to be considered as falling under the Employee Retirement Income Security Act of 1974, then, boom, they could yank it right out of State court into Federal court, and it was governed by ERISA, the Employee Retirement Income Security Act. And the defense lawyers love to do that, defending the insurance companies, because if they can get a med-mal case to fall under ERISA, that meant that they got it removed to Federal court and they got it basically dismissed, that the plaintiff could get zero damages.

So here we go. How could insurance companies go along with this when it is basically ultimately going to bring an end to private insurance. That is clear. We saw that in H.R. 3200 despite the promises you would never lose your policy. Well, all it would take is if you added one beneficiary to the policy, or if you changed any term or condition. Well, they change every year. So at most, you could keep your policy 1 year and then you fall under the Federal situation.

But here on page 140, it says that in the case of health insurance coverage not offered through the health insurance exchange, and in the case of employment-based health plans, the requirements of this title do not supersede any requirements applicable under titles 22 and 27 of the Public Health Service Act, part 6 and 7 of subtitle B of title 1 of the Employee Retirement Income Security Act of 1974 or State law, except insofar as such requirements prevent the application of a requirement of this division as determined by the commissioner.

Now most people will read through that, most laymen will read through

that and say, I don't know what that means. It sounds innocuous enough. What it means is for that year or maybe a little more that somebody keeps their insurance policy, if the insurance companies are sued, and we had a terrible case that arose, a court room case, where the insurance company intentionally, and there was a smoking gun memo or letter, as I recall, where the insurance company lawyer was saying just hold it up, and as I recall the woman died. And phenomenal damages should have been coming forth from the insurance company, but instead they got it under ERISA in Federal court, and the case got zero damages.

So you think, wow, the insurance companies, that is the deal they made. So they can fall under ERISA, so even when they intentionally deny coverage to someone, they are protected by ERISA. They can deny coverage, they are protected, and they don't have to pay any damages if that ends up falling through, as ERISA has in the past. There is no reason not to believe that is the case.

So the insurance companies got their deals, but they made a terrible deal because they will not be able to stick around very long. Maybe they will be able to stay solvent for a while trying to compete against the Federal Government. They didn't last long in flood insurance.

But, boy, in 2006 we know that the biggest donors to the Democratic Party were the plaintiff trial lawyers. How in the world would they let that go through? Well, they cut a deal with them, apparently, because that is the next page. The insurance company got their deal. They are going to be protected. They can deny coverage. That is how egregious it has been before, deny coverage knowing it is going to potentially kill somebody to deny coverage, but the insurance company is protected. So they got their deal.

And then the next page, it says in the case of health insurance coverage offered through the health insurance exchange, that is the Federal program, the requirements of this title do not supersede any requirements, including requirements related to genetic information, nondiscrimination, mental health parity applicable under title 27 of the Public Health Service Act, or under State law, except insofar as such requirements prevent the application of requirement of this division as determined by the commissioner, and individual rights, remedies, under State laws shall apply.

So they cut the deal with the insurance company, made them feel really special. And until they go broke because they can't compete with the Federal plan, they may be protected from some of the most egregious insurance decisions. And then on the other hand, you have the trial lawyers, they know

ultimately everybody is going to end up on the Federal program. And boy, do they have a deal because this means that they will be able to sue under State law under all of the plans. And that will end up being all of them under the Federal plan. That is the way that this looks to me.

One other thing, and it is a big bill, and this is at page 431 and 432. And this is amazing. This is another perk the trial lawyers got. Having been a lawyer and a judge, I have great respect for the judicial system. When someone has been wronged, rather than an eye for an eye, we allow them to go into court, sue and get damages. There is nothing wrong with that. That is a good system.

But here we are at page 1,431, and it says that the Secretary shall make an incentive payment in an amount determined by the Secretary, and I am sure that is Health and Human Services, to each State that has an alternative medical liability law in compliance with this section.

So under this bill, this is a new expense. New. New money to be spent by the Federal Government. Now will that be new money for health care for seniors? Oh, no, we are cutting \$500 billion out of the seniors' Medicare. This is new money for any State that will follow the rule here on page 1,431 and 1,432, and here is the kicker at subsection 4, you get that incentive pay as determined by the Secretary if it meets these requirements, and that includes the contents of an alternative liability law that are required to get the incentive payments, or in accordance with this paragraph if the litigation alternatives contained in the law consist of certificate of merit, early offer, or both, and the law—and this is unbelievable—the law does not limit attorney's fees or impose caps on damages.

Now, think about the number of States that have been able to save hospitals and save doctors from going out of business so women could get gynecological care, places that hospitals had to close, they came in with tort reform and they were able to open back up and have doctors come in and help because they put caps on damages. And in some places, they put a cap on attorney's fees. We are going to spend Federal dollars bribing every State to get rid of any limit on damages so that the doctors can be tagged. We are going to protect the insurance companies for awhile. We are going to protect the plaintiff's bar permanently. And the doctors, once again, are going to really get hurt.

□ 2100

I know my friend from Louisiana has a reputation as having been a fantastic medical doctor and also knows what it is like to suffer and require treatment himself.

I yield however much time my friend needs and wishes to speak.

Mr. BOUSTANY. Well, I thank my friend. I am amazed at all the reading you have done already with this bill and the scholarship that you have put in today. It says a lot about your character as a judge and a lawyer, having dug into the details of this.

Here we are, talking about the Pelosi health care plan just released today, all just under 2,000 pages of it. I commend my colleague for shedding some light on just a couple of the provisions in this. There are so many unintended consequences, most likely, in this bill, and I have not had the kind of time to go through it that even my colleague has had so far, but we will be reading this bill and going through it very carefully.

Let me just say, before coming to Congress, I practiced medicine for about 20 years. I did open heart surgery, lung surgery, oftentimes doing three and four operations a day, caring for anybody who needed surgical care in my practice, whether they could pay or not. We're dealing with health care, one-sixth of the entire U.S. economy, something that affects every man, woman and child in this country. This is a kitchen table issue, if there ever was one, a very important issue. What gives me great distress is that we're on the wrong path. We're not going to lower the cost of health care for families and for small business owners. In fact, there is nothing in this bill that is going to actually drive down the cost of health inflation. Those increases in premiums, double-digit increases in premiums year after year that families and small business owners are seeing, there is nothing in there that will do this.

The sad thing is, I think Republicans and Democrats could agree on a number of areas where we could work together that would actually make a difference and bring those costs down, yet the decision was made by the leadership to ignore these things. The whole idea was to create a new government plan, sort of modeled after Medicare, based on the same faulty financial footing that Medicare is currently struggling with today, and now we're going to double the liability to the Federal taxpayer based on all this.

This is a huge problem. What we see in this bill are increased taxes for families. The Pelosi health care bill, it's an increase in taxes on families and small businesses. It's an increase in taxes on health plans. It's an increase in taxes on all the research and innovation that have made American health care as great as it is today. Let's face it, we know health care is expensive. It's too expensive. We know there is waste in the system, and those things can be corrected. But we also know that we have the finest doctors, the finest nurses and the best hospitals, teaching hospitals and training facilities in the entire world. Patients come from all

over the world to be treated in the United States, if they're lucky enough to be able to get here. Doctors from all over the world come here to train, to learn the latest techniques. All of that innovation and technology is at risk because of the tax provisions and the punitive approaches taken in these health care proposals. This is going to be a major step backwards.

I can talk about many, many instances where a new technology came out or a new pharmaceutical came out that made a huge difference in quality of life. Initially it was expensive, but with time, the costs went down. There are many, many examples of this. I will give an example. When I was in medical school, preparing to undertake a surgical career, I remember one of the operations we used to do the most was this big operation for ulcers. If you had an ulcer, a lot of times you had complications from that ulcer, either bleeding or you got obstructed in your intestinal tract or you had severe pain or even an ulcer perforated and caused you to get very, very sick, requiring emergency surgery. These were very devastating conditions. We had nothing to treat that, other than to do a massive operation, a major surgery under general anesthesia where you had to take out almost half the stomach and reconstruct all of it. Patients had all kinds of problems afterwards. I will never forget early on in my surgical training when a new drug came out, and everybody thought, Oh, my gosh. This is going to be great. This drug was called Tagamet. The generic name was Cimetidine. Now you can buy it over the counter, but back then it was expensive. Almost immediately upon the release of this drug, we quit doing most of those big stomach operations. We didn't have to do them anymore, except under extraordinary circumstances. So countless numbers of patients avoided surgery and had a much higher quality of life.

Now we've seen several other generations of these drugs come about that have made a tremendous difference for individuals, and it's cut the cost of health care. But the Congressional Budget Office doesn't recognize that because it works in an artificial 5-year window. It doesn't work based on the real world, which deals with the lengthy process of doing research and development to get these new technologies and these new pharmaceuticals out.

Think of coronary stents. Back when I started off, oftentimes when someone had a heart attack, they died. We had very little in the way of pharmaceutical treatments for heart disease. If you had blockage, there was nothing we could do about it. Then open heart surgery developed with coronary artery bypasses, and it was a big operation. Then it became more routine and less expensive over time, and patients have

done very well following those operations. Then the advent of stents, where you go in, you have a stent put in a blocked coronary, you go home the same day, and you are feeling much better. We can actually stop a heart attack in progress by inserting a stent in a timely manner. Those advancements here in the United States are now being adopted abroad. They've made a huge difference. That innovation is at risk. This bill taxes businesses, taxes families, taxes innovation, taxes insurance plans. What happens when you tax insurance plans? Premiums go up. The CBO and other actuaries have said that on average, premiums for Americans are going to double and in some cases, triple. What's going to happen? That's going to put more of these insurance companies in a bind because their products would become untenable, and we're going to move to a single-payer health care system, run by the Federal Government with all the bureaucracy and the lack of innovation. And that's the goal here.

I can tell you, it is very distressing, as a physician who practiced for 20 years and saw the great things that we could do in health care, but I have also seen the problems. I can tell you, I, myself, have had health problems. I would still be doing open heart surgery and not standing here giving a speech tonight to the United States Congress if I didn't have a health problem. I developed a form of arthritis that basically ended my surgical career early. When I closed my practice down, we had a health plan. I tried to shift from the plan that we had with the same insurance company. We tried to shift from an employer-based plan to a family plan within the same insurance company. They knew everything about my history and records and everything else. Guess what: They denied my entire family and myself coverage, but because I knew how to negotiate within the health care system, I called the insurance company. They said, You have a preexisting condition. I said, I understand that. You have already been helping to treat that, and this is a continuous process. So why not just exclude my condition and at least insure my family? And after a lot of vigorous going back and forth with the insurance company, I convinced them to do that.

Americans should not be denied coverage based on preexisting conditions. Republicans have ideas where we can get the cost of that kind of insurance down for all Americans by creating competition and choice in the insurance marketplace, which this bill does not do. It will limit competition and choice. We can keep those costs down. We can make insurance much more accessible, and at the same time, take what I think our colleague from Texas mentioned earlier, take this kind of an incremental step-by-step approach so

that we don't create unintended consequences—we know what we're getting into—and build a system that's comprehensive that Americans can be proud of.

As my colleague said earlier, we have over 40 bills that move us in that direction. And how many hearings have we had on the Republican bills in the House Ways and Means Committee where I serve? None. None. These ideas have not been discussed, they have not been vetted, and furthermore, a lot of the ideas in this bill have not been thoroughly vetted. That's a problem. That's legislative malpractice in my mind. It's wrong, and the American public deserves better. This health care problem has been going on for too long, and there is a lot that we can do to solve it if we put our heads together.

I know there are some well-meaning friends across the aisle who want to work together on it, and I think that's what the American people want us to do, instead of an ideologically driven approach to a single-payer health care system, run by the Federal Government, which we know is going to run up massive deficits for this country, which we already are seeing now. It's going to stifle job growth, and it's going to hurt the American economy.

With that, I will yield back to my friend.

Mr. GOHMERT. I thank you, Dr. BOUSTANY, so much. You've provided so much insight since you've been in Congress. You've been a breath of fresh air. Especially for someone who has been on the other side of the insurance company, has been paid by the insurance company, has performed surgery saving lives and has been on the other side of the doctors providing the treatment. That provides an awful lot of wisdom, and I am so grateful that that wisdom from the gentleman from Louisiana, Dr. BOUSTANY, is being brought here to the House of Representatives.

I tell you, though—maybe it's part of my background, having been a judge for so many years—you look for evidence to help you know whether to believe or disbelieve what people are saying. As I have listened to our friends across the aisle—not all of them, but many of them that were pushing this bill, this 1,990-page bill—they knew it was going to be coming. We didn't know what was coming or when it was coming, but some of them knew. Knowing that, they have been coming down to this floor, coming to these microphones here and telling horror story after horror story about something that happened because of an insurance company, because of a doctor, because of bad health care problems. One thing after another, and never, ever having one good story to tell about a doctor who came in in the middle of the night. Like the doctor who saved my daughter's life one night when her temperature spiked to 108. Doctors all over this

country, health care providers, nurses, most of them are so dedicated and do a great job, and yet we've not heard one good story about some success from the incredible health care in this country. Somebody point out one in the RECORD because it is something I didn't hear, and I will apologize. But I have not heard one. That's one of the pieces of evidence you can look to to know that something is being put over here on the American people because they're only getting one side of the story. Not one favorable story. That tells you they're trying to scare people.

And another thing you look at, they're saying they are going to pay for this with waste, fraud and abuse. Hundreds of billions of dollars that will be saved by eliminating waste, fraud and abuse. You mark my words on this: If they could save even \$100 billion on waste, fraud and abuse, it would have been done before now. Those who are not familiar with politics, who are not familiar with the history of our great country, just take a lesson here. Anytime anyone from either party—any party, Independent or whomever—is elected, comes into office and cuts out massive amounts of waste, fraud and abuse within the government system, they can be elected as many times for as many offices as they ever care to run for. Nobody is ever going to beat them because they will always be able to show, Look at the waste, fraud and abuse I eliminated. I did that because I cared. And they will win from now on. Well, we've got this being dangled out there. If you'll give us this trillion-dollar bill—trillion-plus, probably, because we've seen how slanted CBO has become in recent days—but if you will give us this trillion-dollar bill, we'll cut out hundreds of billions of dollars in waste, fraud and abuse.

□ 2115

In my courtroom, you would see, through proof, that, if people know that fraud is going on and if they have a duty to do something about it, which elected officials would, and if they do nothing about it, then they're accomplices. Under the Law of Principles under Federal law, under 18 U.S.C. 2, if you aid, abet, encourage, induce, you're as guilty as the principal. So I don't believe they know where hundreds of billions of dollars of waste, fraud, and abuse are.

Let me also mention, you know, I filed a bill. This came after lots of consultation, including from my friends, from my doctor friends here in Congress and from people around. I've talked to all aspects, including to representatives of AARP, who came and talked to me. Of course, if my bill were to get passed, which would eliminate the need for any senior to ever buy supplemental insurance from AARP, it would financially hurt AARP, but it would be so good for their members.

You know, they're not going to support that because that takes money out of their pocket.

A big part of my bill has to do with Health Savings Accounts, not the kind that are still around or that were around previously where you could put money aside pretax and where, if you didn't spend it by the end of the year, you lost it. Huh-uh. We're talking about, in my bill, having a Health Savings Account where you could put money in there pretax, and where it could roll over and grow. If you don't spend it all, it just rolls over and grows. It is yours. It is for health care alone. You have a debit card, and that let's you go into any doctor's office, any hospital, any pharmacy to buy what you need for health care. You use that debit card. Then you buy catastrophic care to cover over that.

Under my bill, employers would still get great tax benefits by buying insurance for their employees, and they would do so by buying catastrophic insurance to cover everything above their Health Savings Accounts, and then they'd put money in their Health Savings Accounts which would be owned by the individual but could only be used for health care. Then we've been told by the statisticians that, as for the kids in their twenties and thirties, as they get older and by the time they get to 65 and get ready to retire, the vast majority will have so much money that they're not going to need Federal Government help. They will not want the Federal Government intervening in their health care because they will be masters of themselves.

In the meantime, to move us to that, I want to be fair to seniors and not promise something that ends up hurting them, like this monstrosity. So, under this bill, we're better off. Since it costs \$10,000, on average, for every household in America to pay for Medicare and Medicaid, we're better off just saying, Senior households, here's \$3,500 in your Health Savings Account—cash—and we, the Federal Government, will buy you catastrophic insurance to cover everything above that. There's no more need for supplemental insurance. None of that. You're good to go. Then that starts getting the young people moving on the road to getting us out of this trap of Medicare.

Under the bill that we have right here, seniors will have a choice. If you want Medicare, stay on it, but when you see your neighbors are better covered and that they control their own destinies in health care, then you're going to want what they have, and then it will go that way very quickly.

I just want to point out one other thing really quickly—another deal that was cut—and I don't have time to pull it out right now and find it, but let me just point out that there was a deal that was cut for pharmaceuticals. The deal is that, under this monstrous

Pelosi health care bill, people will no longer be able to buy over-the-counter medication with their Health Savings Accounts. They'll have to buy prescription drugs if they want to use those Health Savings Accounts that are funded by their employers or they'll have to use their own money that has built up over the years.

I've got a good example here. I have this in my pocket because, since I was 8 years old, I've suffered from hay fever. It's Chlor-Trimeton. Years and years ago, it was a prescription drug. Now I can buy it for \$2.34—a big bottle of it. It's embarrassing, frankly, if you get up and your nose starts running. So I have one in my pocket, so that, if my nose starts running, I can take a Chlor-Trimeton so my nose isn't running and so I'm not sniffing here on the floor of the House. Yet, under this bill, I'll have to buy some expensive prescription antihistamine if I'm going to use my Health Savings Account.

That was a deal done, and now we begin to see a little bit. Now that this has come out of the closet, we're beginning to see the deals that were done, and that's one to help the pharmaceuticals.

I will yield to my friend.

Mr. BOUSTANY. I thank my friend for yielding.

I'm really glad that you brought up Health Savings Accounts. First of all, Health Savings Accounts were created by a Republican Congress, so that was one of the things that Republicans did when we were in control of the Congress, among a few other things in health care; but one of the problems we've had with Health Savings Accounts, that I've heard, is that a lot of families can't put enough money into them to really make them meaningful.

You know, I introduced a bill that actually, really, raises the amount of money that you can put into one so that you actually, really, do save money year in and year out and do build savings.

Secondly, when you get to be a senior and when you go on Medicare, you can keep that Health Savings Account and can continue to fund it and can use it for things that Medicare currently doesn't cover. So many seniors have to buy supplemental insurance. You could use your Health Savings Account to fund that. So now you're using pretax dollars rather than really hard-earned, after-tax dollars for that health need. There are a number of other things that families could use these for.

Finally, upon death, you can pass your Health Savings Account on to your family without a tax consequence, and now you're really building savings across generations to take care of our health problems, putting families back in control of their health care destinies rather than, again, a big government, one-size-fits-all-kind of a program, such as what we see with the Pelosi health plan.

I yield back.

Mr. GOHMERT. I thank you for that observation.

That's exactly right. Some people will not be able to put money into the Health Savings Accounts, and those will be people we will be able to help as the Federal Government, and it will be cheaper to do that than to keep going bankrupt, which is where we're going. The projection is, by 2017–2018, we're going to bankrupt America with Medicare. Why wouldn't you try to do something to rein that in?

Let me just say I disagree with what the President has done. I've been in the Army. I've seen how commanders agonize, and I know General McChrystal was handpicked. He went over there. He gave the President his assessment. We really need at least 40,000 troops. It's very plain. You either put them in there or we're going to lose this war. Now, to me, that seems like that ought not to require more than 72 hours once you get that general's report. My goodness.

He says, The guy I handpicked, if we don't give him 40,000 troops quick, then we're going to lose the war.

That's very clear. He didn't take 72 hours. He is taking 60 days or more and counting. We've got 60,000, 70,000 troops or so over in Afghanistan who are waiting with bated breath to know what the President is going to do, and so are we.

This bill here will affect over 300 million people's lives and the lives of generations to come. We don't get the 60 days that the President has taken to make sure he gets it right. We're told we get 72 hours. You're not going to have time to find all the pitfalls that we've put in there. We're talking about the future of this country and about future generations. They are owed so much better, not because they've done anything to deserve it, not because we've done anything to deserve the blessings that have been heaped upon us, but because those who went before us made the sacrifice of life—of their fortunes, of their sacred honor—and that's why we reap the benefits we do. We owe it to future generations because of what the past generations have done for us, and that is what we have to do.

It breaks my heart to close out this congressional session. We're going home, and the President will make a lot of appearances, and so will Speaker PELOSI. The American people are the ones who are going to get hurt, and the children of the future will get hurt.

Oh, yeah. Congresswoman CAPPs is a very gracious, delightful Member of Congress, but the Capps amendment is in there, so this type of public option will be able to fund abortions. I mean this stuff is here. We need more than 72 hours. We need at least as much as the President is taking to review Afghanistan.

Mr. Speaker, with that, I know my time has run out, so I yield back at this time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PATRICK J. MURPHY of Pennsylvania (at the request of Mr. HOYER) for today and the balance of the week on account of the birth of a child.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MELANCON) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. GINGREY, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. DEAL of Georgia, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, November 2, 3, 4 and 5.

Mr. MORAN of Kansas, for 5 minutes, November 2, 3, 4 and 5.

Mr. POE of Texas, for 5 minutes, November 2 and 5.

Mr. JONES, for 5 minutes, November 5.

Mr. KIRK, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes, November 2 and 3.

Mr. DANIEL E. LUNGREN of California, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 832. To amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 1694. An act to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on October 29, 2009

she presented to the President of the United States, for his approval, the following bills:

H.J. Res. 26. Proclaiming Casimir Pulaski to be an honorary citizen of the United States Posthumously

H.R. 1209. To require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until Monday, November 2, 2009, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4356. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Inert Ingredients; Extension of Effective Date of Revocation of Certain Tolerance Exemptions with Insufficient Data for Reassessment [EPA-HQ-OPP-2009-0601; FRL-8794-1] received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4357. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Restriction on Research and Development — Deletion of Obsolete Text (DFARS Case 2009-D005) (RIN: 0750-AG33) received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4358. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Carbon Monoxide Maintenance Plan Updates; Limited Maintenance Plan [EPA-R05-OAR-2009-0120; FRL-8968-1] received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4359. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio Administrative Code Rule 3745-21-17 Portable Fuel Containers [EPA-R05-OAR-2007-0908; FRL-8958-1] received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4360. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — National Primary Drinking Water Regulations: Drinking Water Regulations for Aircraft Public Water Systems [EPA-HQ-OW-2005-0025; FRL-8967-9] (RIN: 2040-AE84) received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4361. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan, Maricopa County Air Quality Department [EPA-R09-OAR-2009-0339; FRL-8947-2] received October 14, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4362. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-221, "Public Assistance Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4363. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-220, "Private Fire Hydrant Responsibility Temporary Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4364. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-219, "University of the District of Columbia Procurement Authority Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4365. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-218, "University of the District of Columbia Board of Trustees Quorum Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4366. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: Transmittal of D.C. ACT 18-217, "Reinstated Nonprofit Corporation Contract Ratification Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4367. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-216, "Personal Mobility Device for Persons with Disabilities Temporary Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4368. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-222, "Unemployment Compensation Extended Benefits Amendment Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4369. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-223, "Studio Theater Housing Property Tax Exemption and Equitable Tax Relief Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4370. A letter from the Chairman, Council of the District of Columbia, transmitting

District of Columbia Council: a copy of D.C. ACT 18-224, "Kelsey Gardens Redevelopment Project Real Property Limited Tax Abatement Assistance Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4371. A letter from the Chairman, Council of the District of Columbia, transmitting District of Columbia Council: a copy of D.C. ACT 18-225, "Chemotherapy Pill Coverage Act of 2009", pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4372. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; San Carlos Bay, FL [COTP St. Petersburg 07-225] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4373. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Garrison Channel, Florida [COTP St. Petersburg, FL 07-224] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4374. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks — St. Petersburg Beach, Gulf of Mexico, Florida [COTP St. Petersburg, FL 07-223] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4375. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Iron Man Swimming Competition, Gulf of Mexico, Clearwater, FL [COTP St. Petersburg, FL 07-222] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4376. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks — Seddon Channel, Tampa Bay, Florida [COTP Sector St. Petersburg, FL 07-221] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4377. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Marco Island Air Show; Tampa Bay, FL [COTP Sector St. Petersburg 07-220] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4378. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 485.1 [COTP Sector Upper Mississippi River-07-004] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4379. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 130 to 145 [COTP Sector Upper Mississippi River-07-005] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4380. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Missouri River, Mile 534.5 to 535.5 [COTP Sector Upper Mississippi River-07-006] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4381. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 180 to 187 [COTP Sector Upper Mississippi River-07-007] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4382. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River Mile Marker 364.0 to Mile Marker 366.0, Kansas City, KS [COTP Sector Upper Mississippi River-07-009] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4383. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 309.0 to 315.0 [COTP Sector Upper Mississippi River-07-010] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4384. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 630.0 to 300.0 [COTP Sector Upper Mississippi River-07-011] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4385. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Illinois River Mile 157 to Mile 167.0 [COTP Sector Upper Mississippi River-07-001] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4386. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Kaskaskia River Mile Marker 10.5 to Mile Marker 11.5, Evansville, IL [COTP Sector Upper Mississippi River-07-003] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4387. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, Garrison Channel, Florida [COTP Sector St. Petersburg, FL 07-240] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4388. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Old Tampa Bay, FL [COTP Sector St. Petersburg, FL 07-244] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4389. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Clearwater Harbor, Florida [Docket No.: COTP Sector St. Petersburg 07-254] (RIN: 1625-AA00) received October 15, 2009,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4390. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Tampa Bay, FL [COTP Sector St. Petersburg 06-255] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4391. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tampa Bay, Florida [COTP St. Petersburg, FL 07-268] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4392. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Alafia River, FL [Docket No.: COTP St. Petersburg 07-270] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4393. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's "Major" final rule — Revised Medical Criteria for Evaluating Malignant Neoplastic Diseases [Docket No.: SSA-2007-0066] (RIN: 0960-AG57) received October 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. ZOE of California: Committee on Standards of Official Conduct. In the Matter of Representative Sam Graves (Rept. 111-320). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DINGELL (for himself, Mr. RANGEL, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. STARK, Mr. PALLONE, and Mr. ANDREWS):

H.R. 3961. A bill to amend title XVIII of the Social Security Act to reform the Medicare SGR payment system for physicians; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DINGELL (for himself, Mr. RANGEL, Mr. WAXMAN, Mr. GEORGE MILLER of California, Mr. STARK, Mr. PALLONE, and Mr. ANDREWS):

H.R. 3962. A bill to provide affordable, quality health care for all Americans and reduce the growth in health care spending, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, Oversight and Government Reform, the Budget, Rules, Natural Resources, and the Judiciary, for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. DENT, Mr. BILIRAKIS, Ms. JACKSON-LEE of Texas, and Mr. CARNEY):

H.R. 3963. A bill to provide specialized training to Federal air marshals; to the Committee on Homeland Security.

By Mr. HENSARLING (for himself, Mr. RYAN of Wisconsin, Mr. GARRETT of New Jersey, Mr. CAMPBELL, Mr. JORDAN of Ohio, Mrs. LUMMIS, Mr. LATTA, Mr. BARTON of Texas, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. COLE, Mr. FRANKS of Arizona, Mr. HERGER, Mr. LAMBORN, Mr. LUETKEMEYER, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. PITTS, and Mr. SHADEGG):

H.R. 3964. A bill to reform Federal budget procedures, to impose spending and deficit limits, to provide for a sustainable fiscal future, and for other purposes; to the Committee on the Budget, and in addition to the Committees on Rules, Appropriations, Oversight and Government Reform, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SPEIER (for herself, Mr. TOWNS, Mrs. MALONEY, Mr. FOSTER, Ms. KAPTUR, Mr. DRIEHAUS, Ms. WATSON, Mr. CUMMINGS, and Mr. QUIGLEY):

H.R. 3965. A bill to require full and complete public disclosure of the terms of home mortgages held by Members of Congress; to the Committee on House Administration.

By Mr. CARSON of Indiana:

H.R. 3966. A bill to amend the American Reinvestment and Recovery Act of 2009 to extend for 6 months the period of eligibility for COBRA premium assistance under such Act; to the Committee on Education and Labor, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS (for himself, Ms. CORRINE BROWN of Florida, Ms. NORTON, and Mr. PAYNE):

H.R. 3967. A bill to amend the National Great Black Americans Commemoration Act of 2004 to authorize appropriations through fiscal year 2015; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON:

H.R. 3968. A bill to amend the Bank Holding Company Act of 1956 to require the Board of Governors of the Federal Reserve System to take prompt corrective action to resolve problems of bank holding companies; to the Committee on Financial Services.

By Mr. REYES (for himself, Mr. HASTINGS of Florida, Mr. RUPPERSBERGER, and Mr. BOREN):

H.R. 3969. A bill to extend and modify certain provisions of the Foreign Intelligence Surveillance Act of 1978 relating to combating terrorism; to the Committee on the Judiciary, and in addition to the Committees on Financial Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each

case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. BURGESS, Mrs. BIGGERT, Mr. LEE of New York, Mr. LANCE, Mr. SCHOCK, Mr. MICA, Mrs. CAPITO, Mr. FRELINGHUYSEN, and Mrs. BONO MACK):

H.R. 3970. A bill to protect the doctor-patient relationship, improve the quality of health care services, lower the costs of health care services, expand access to health care services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Ways and Means, Education and Labor, Appropriations, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H.R. 3971. A bill to amend the Internal Revenue Code of 1986 to expand the permissible use of health savings accounts to include health insurance payments and to increase the dollar limitation for contributions to health savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida (for himself, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Ms. NORTON, and Mr. SABLON):

H.R. 3972. A bill to establish a commission to make recommendations on the appropriate size of membership of the House of Representatives and the method by which Members are elected; to the Committee on the Judiciary.

By Mr. HIMES (for himself, Mr. TOWNS, Mr. COURTNEY, Mr. LARSON of Connecticut, Mr. MURPHY of Connecticut, Mr. BLUMENAUER, Mr. CONYERS, Ms. DELLAURO, Mr. SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, and Mr. ELLISON):

H.R. 3973. A bill to establish a competitive grant program assisting the development of innovative early learning curricula for low-income children; to the Committee on Education and Labor.

By Mr. HONDA (for himself, Mr. DENT, Mr. TOWNS, Mr. CASSIDY, Ms. LEE of California, Mr. CAO, Mrs. CHRISTENSEN, Mr. PLATTS, Mr. BUTTERFIELD, Ms. CHU, Mr. RUSH, and Mr. WU):

H.R. 3974. A bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, education, research, and medical management referral program for viral hepatitis infection that will lead to a marked reduction in the disease burden associated with chronic viral hepatitis and liver cancer; to the Committee on Energy and Commerce.

By Ms. NORTON (for herself, Mr. HOYER, Mr. WOLF, Mr. MORAN of Virginia, Mr. VAN HOLLEN, Ms. EDWARDS of Maryland, and Mr. CONNOLLY of Virginia):

H.R. 3975. A bill to require the National Transportation Safety Board to include affordable alternative recommendations and corrective actions in its reports; to the Committee on Transportation and Infrastructure.

By Mr. PERRIELLO:

H.R. 3976. A bill to extend certain expiring provisions providing enhanced protections for servicemembers relating to mortgages and mortgage foreclosure; to the Committee on Veterans' Affairs.

By Ms. SUTTON (for herself, Mr. GRIJALVA, Ms. CORRINE BROWN of Florida, Ms. KAPTUR, Mr. HARE, Ms. HIRONO, Mr. STUPAK, Mr. HASTINGS of Florida, Mr. SIRES, Mr. COURTNEY, and Ms. MARKEY of Colorado):

H.R. 3977. A bill to amend the Truth in Lending Act to establish limits on certain fees with regard to credit card accounts under open end consumer credit plans, and for other purposes; to the Committee on Financial Services.

By Mr. WU (for himself, Mr. FRANK of Massachusetts, Mr. WOLF, Mr. SMITH of New Jersey, Mr. WAXMAN, Mr. MURTHA, Mr. LEVIN, Mr. SKELTON, Mr. ACKERMAN, Mr. LARSON of Connecticut, Mr. GEORGE MILLER of California, Ms. VELÁZQUEZ, Mr. RAHALL, Mr. REYES, Mr. THOMPSON of Mississippi, Mr. HONDA, Mr. CAO, Ms. CHU, Ms. MATSUI, Ms. HIRONO, Mr. DEFAZIO, Mr. BLUMENAUER, Mr. SCHRADER, Mr. SHERMAN, Mr. HOLT, Mr. STARK, Ms. JACKSON-LEE of Texas, Mr. SMITH of Washington, Ms. WOOLSEY, Mr. SCHIFF, Mr. FLAKE, Ms. WASSERMAN SCHULTZ, Mr. MARIO DIAZ-BALART of Florida, Mr. JONES, Mr. BARTLETT, Mr. MCNERNEY, Mr. ISRAEL, Mr. MITCHELL, Ms. BALDWIN, Mr. HALL of New York, Ms. KILROY, Mr. COHEN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. EDWARDS of Maryland, Mr. MILLER of North Carolina, Mr. GRIFFITH, Mr. LUJÁN, Mr. BAIRD, Ms. FUDGE, Mr. INGLIS, Mr. MATHE-SON, Mr. HALL of Texas, Mr. EHLERS, Mr. TONKO, Mr. BILBRAY, Mr. GRAYSON, Mr. YARMUTH, Mr. SIRES, Mr. TAYLOR, Mr. ADERHOLT, Mr. KAGEN, Mr. HOLDEN, Mr. ROHRBACHER, Mr. WHITFIELD, Mr. LATOURETTE, Mr. FRELINGHUYSEN, Mr. SIMPSON, Mr. NUNES, Mr. ANDREWS, Mr. ROYCE, Mr. CAMPBELL, Mr. SOUDER, Mr. SAM JOHNSON of Texas, Mr. CASSIDY, Mr. WAMP, Mr. CONAWAY, Mr. KINGSTON, Mrs. MYRICK, Mr. MARSHALL, Mr. BOOZMAN, Mr. CRENSHAW, Mr. DOYLE, Mr. DONNELLY of Indiana, Ms. KAPTUR, Mr. HINCHEY, Mr. PASCRELL, Mr. CAPUANO, Mr. STUPAK, Mr. PERLMUTTER, Mrs. MCCARTHY of New York, Mr. HASTINGS of Florida, Mr. KANJORSKI, Mr. DAVIS of Illinois, Ms. KILPATRICK of Michigan, Mr. CARSON of Indiana, Mr. ROGERS of Kentucky, Mr. DUNCAN, Mr. BURTON of Indiana, Mr. BROWN of South Carolina, Mr. LOBIONDO, Mr. PETRI, Mr. BILIRAKIS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BARTON of Texas, Mr. KING of Iowa, Mr. GRIJALVA, Mr. TANNER, Mr. MOORE of Kansas, Mr. FILNER, Ms. MCCOLLUM, Ms. SCHAKOWSKY, Mr. MOLLOHAN, Ms. ROYBAL-ALLARD, Mr. GONZALEZ, Mr. JACKSON of Illinois, Mr. ABERCROMBIE, Mr. BRALEY of Iowa, Mr. POMEROY, Mr. SABLAN, Mr. COOPER, Ms. BEAN, and Mr. BRADY of Pennsylvania):

H. Res. 877. A resolution expressing support for Chinese human rights activists Huang Qi and Tan Zuoren for engaging in peaceful expression as they seek answers and justice for the parents whose children were killed in the Sichuan earthquake of May 12, 2008; to the Committee on Foreign Affairs.

By Mr. PLATTS:

H. Res. 878. A resolution expressing support for the goals and ideals of National Family Literacy Day; to the Committee on Education and Labor.

By Mr. MINNICK (for himself and Mrs. BIGGERT):

H. Res. 879. A resolution supporting the goals and ideals of American Education Week; to the Committee on Oversight and Government Reform.

By Mr. CASSIDY:

H. Res. 880. A resolution recognizing the efforts of career and technical colleges to educate and train workers for positions in high-demand industries; to the Committee on Education and Labor.

By Mr. HENSARLING:

H. Res. 881. A resolution recognizing the citizens of Wills Point for commemorating 100th anniversary of President William Taft's 1909 campaign stop and preserving the city's history for future generations of Texans; to the Committee on Oversight and Government Reform.

By Mr. SCHIFF (for himself, Mr. BERMAN, Mr. SHERMAN, Mr. WEINER, and Ms. HARMAN):

H. Res. 882. A resolution commending Chief William J. Bratton for his service as Chief of Police of Los Angeles; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. WALZ.
H.R. 28: Mr. FRELINGHUYSEN.
H.R. 61: Mr. TOWNS, Ms. LEE of California, Mr. MCGOVERN, Mr. LEWIS of Georgia, Mr. COHEN, Mr. JOHNSON of Georgia, Mr. FATTAH, and Ms. FUDGE.
H.R. 208: Ms. ZOE LOFGREN of California, Ms. KAPTUR, Mr. GUTHRIE, and Mr. FRANK of Massachusetts.
H.R. 211: Ms. KOSMAS.
H.R. 213: Mr. NYE and Mr. PLATTS.
H.R. 417: Mr. PAYNE and Ms. WASSERMAN SCHULTZ.
H.R. 442: Mr. GRIFFITH and Mr. UPTON.
H.R. 484: Mr. MARSHALL and Mr. ROTHMAN of New Jersey.
H.R. 501: Mr. STARK.
H.R. 510: Mr. AKIN, Mr. SHIMKUS, and Mr. GRIFFITH.
H.R. 558: Mr. WALZ.
H.R. 593: Ms. KOSMAS.
H.R. 634: Mr. UPTON.
H.R. 658: Mr. WHITFIELD.
H.R. 690: Mr. CAMPBELL.
H.R. 697: Mr. STARK.
H.R. 734: Mr. LOBIONDO.
H.R. 795: Mrs. DAVIS of California.
H.R. 836: Mr. MILLER of North Carolina.
H.R. 840: Mr. HEINRICH.
H.R. 858: Mr. WALDEN.
H.R. 868: Mr. MEEKS of New York, Mr. KENNEDY, and Mr. TOWNS.
H.R. 932: Mr. CARNEY.
H.R. 953: Mr. LAMBORN.
H.R. 980: Mr. GRAYSON and Ms. DEGETTE.
H.R. 1050: Mr. FORBES, Mr. SENSENBRENNER, and Mr. ROE of Tennessee.
H.R. 1067: Ms. Zoe LOFGREN of California.
H.R. 1086: Mr. PETRI.
H.R. 1126: Mr. SERRANO.
H.R. 1132: Mr. KRATOVL.
H.R. 1175: Mr. PETERSON.
H.R. 1245: Mr. HELLER.
H.R. 1250: Mr. CUMMINGS, Mr. JORDAN of Ohio, and Ms. SUTTON.
H.R. 1326: Ms. EDWARDS of Maryland, Mr. NEAL of Massachusetts, Ms. RICHARDSON, and Mr. HEINRICH.
H.R. 1422: Mr. POSEY.
H.R. 1454: Mr. REICHERT.

H.R. 1521: Mr. GORDON of Tennessee.
H.R. 1526: Ms. WASSERMAN SCHULTZ.
H.R. 1547: Mr. CULBERSON.
H.R. 1548: Mr. FOSTER and Ms. CLARKE.
H.R. 1549: Ms. SPEIER and Mr. ABERCROMBIE.
H.R. 1557: Mr. SMITH of Texas.
H.R. 1625: Mr. BARROW and Mr. SPACE.
H.R. 1670: Mr. HOLT.
H.R. 1685: Ms. HIRONO.
H.R. 1691: Mr. ALEXANDER.
H.R. 1778: Mrs. LOWEY.
H.R. 1791: Mr. WEINER.
H.R. 1799: Mr. PAUL.
H.R. 1828: Ms. MARKEY of Colorado.
H.R. 1829: Mr. BOSWELL.
H.R. 1835: Mr. SHULER, Mr. COURTNEY, Mrs. LUMMIS, Mr. MOLLOHAN, Mr. GRIFFITH, Mr. CHANDLER, Mr. TOWNS, Mr. BOCCIERI, Mr. CARNEY, Ms. KAPTUR, Mr. MURPHY of Connecticut, Mr. POMEROY, and Ms. SUTTON.
H.R. 1974: Mr. CANTOR, Mr. CARNEY, Mr. NYE, Mr. HIGGINS, and Mr. ROGERS of Michigan.
H.R. 1977: Mr. ACKERMAN.
H.R. 2054: Mr. HEINRICH.
H.R. 2057: Mr. CUMMINGS.
H.R. 2067: Mr. WEINER.
H.R. 2068: Mr. HEINRICH.
H.R. 2112: Mr. THOMPSON of California.
H.R. 2135: Mr. WALZ.
H.R. 2136: Mr. ALEXANDER.
H.R. 2138: Mr. SOUDER.
H.R. 2269: Ms. RICHARDSON.
H.R. 2279: Mr. BERMAN, Mr. SCOTT of Virginia, Mrs. CAPPS, Ms. JACKSON-LEE of Texas, and Mr. BISHOP of Georgia.
H.R. 2296: Mr. GARY G. MILLER of California and Ms. JENKINS.
H.R. 2372: Mr. SENSENBRENNER and Mrs. MYRICK.
H.R. 2378: Mr. PERRIELLO, Mr. EHLERS, Mr. ROGERS of Kentucky, and Mr. FILNER.
H.R. 2408: Ms. ZOE LOFGREN of California and Mr. TIERNEY.
H.R. 2425: Mr. GRIJALVA.
H.R. 2446: Mr. WALZ.
H.R. 2452: Mr. MCHENRY.
H.R. 2478: Mr. REHBERG.
H.R. 2480: Mr. HEINRICH.
H.R. 2492: Mr. SESTAK and Ms. WOOLSEY.
H.R. 2502: Mr. CARSON of Indiana.
H.R. 2516: Mr. BURGESS, Mrs. CAPITO, and Mr. PETRI.
H.R. 2526: Mr. BRALEY of Iowa.
H.R. 2537: Mr. POSEY.
H.R. 2556: Mr. COFFMAN of Colorado.
H.R. 2562: Mr. BUCHANAN.
H.R. 2624: Mr. WALZ.
H.R. 2628: Mr. LOBIONDO.
H.R. 2642: Mr. RODRIGUEZ.
H.R. 2672: Mr. KLINE of Minnesota.
H.R. 2690: Mr. GENE GREEN of Texas.
H.R. 2696: Mr. BLUMENAUER.
H.R. 2698: Mr. HOLT, Mr. ADLER of New Jersey, Mr. MOLLOHAN, and Mr. DRIEHAUS.
H.R. 2710: Mr. MARKEY of Massachusetts.
H.R. 2730: Mr. WALZ.
H.R. 2740: Mr. STARK.
H.R. 2748: Mr. COURTNEY and Mr. MURPHY of Connecticut.
H.R. 2766: Mr. STARK and Mr. ELLISON.
H.R. 2777: Ms. ROS-LEHTINEN.
H.R. 2817: Mr. BOSWELL and Mr. GRIJALVA.
H.R. 2879: Mr. MICHAUD and Mrs. HALVORSON.
H.R. 2906: Mr. BOSWELL.
H.R. 2932: Mr. BISHOP of Georgia.
H.R. 2941: Mr. DAVIS of Illinois.
H.R. 3006: Mr. ALTMIRE.
H.R. 3010: Mr. DEFAZIO and Mr. WALZ.
H.R. 3035: Mr. GONZALEZ and Mr. FILNER.
H.R. 3048: Mr. HEINRICH.
H.R. 3053: Mr. RUSH.

H.R. 3126: Mr. DAVIS of Illinois.
 H.R. 3149: Mr. BRALEY of Iowa, Mr. HARE, and Mr. FARR.
 H.R. 3199: Ms. ZOE LOFGREN of California.
 H.R. 3202: Mr. MAFFEI.
 H.R. 3227: Mr. JOHNSON of Georgia, Mr. BISHOP of New York, and Mr. GRIJALVA.
 H.R. 3242: Ms. TSONGAS.
 H.R. 3243: Mr. HINCHEY.
 H.R. 3245: Ms. CLARKE.
 H.R. 3286: Mr. BLUMENAUER, Mr. SCHIFF, and Mr. KILDEE.
 H.R. 3321: Ms. WOOLSEY, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Mr. SIRES, Mr. GRIJALVA, and Mr. FILNER.
 H.R. 3328: Mr. ELLISON.
 H.R. 3339: Mrs. NAPOLITANO.
 H.R. 3343: Mr. GRIJALVA.
 H.R. 3356: Mr. CAMPBELL, Mr. THOMPSON of Pennsylvania, Mr. LUETKEMEYER, Mr. PITTS, and Mr. RYAN of Wisconsin.
 H.R. 3363: Mr. LAMBORN.
 H.R. 3407: Mr. KLINE of Minnesota.
 H.R. 3421: Mr. CAPUANO.
 H.R. 3453: Mr. ALEXANDER and Mr. BOUTSTANY.
 H.R. 3462: Mr. ROGERS of Michigan.
 H.R. 3485: Mr. GARRETT of New Jersey and Mr. CAPUANO.
 H.R. 3503: Mr. COHEN, Mr. SIRES, and Ms. HIRONO.
 H.R. 3510: Ms. WATSON, Mr. MILLER of North Carolina, Mr. LANGEVIN, Ms. ESHOO, Mr. MAFFEI, Mr. LUJAN, and Mr. KENNEDY.
 H.R. 3596: Mr. GONZALEZ, Mr. KENNEDY, and Ms. WASSERMAN SCHULTZ.
 H.R. 3608: Mr. MCCLINTOCK.
 H.R. 3634: Mr. HOEKSTRA and Mr. Peters.
 H.R. 3636: Ms. DELAURO.
 H.R. 3644: Ms. HIRONO, and Ms. SHEA-PORTER.
 H.R. 3650: Mr. MICHAUD, Mr. INSLEE, Ms. HIRONO, and Mr. KIRK.
 H.R. 3654: Ms. KOSMAS.
 H.R. 3666: Mrs. EMERSON and Mr. COURTNEY.
 H.R. 3668: Mr. GRIJALVA, Mr. McDERMOTT, Mr. BURTON of Indiana, Mr. VAN HOLLEN, Mr. DOGGETT, and Mr. TONKO.
 H.R. 3702: Mr. SOUDER.
 H.R. 3727: Mr. TONKO.
 H.R. 3742: Mr. LUJÁN, Mr. BECERRA, Mrs. KIRKPATRICK of Arizona, and Mr. LARSEN of Washington.
 H.R. 3752: Mr. CHAFFETZ and Mr. LOBIONDO.
 H.R. 3760: Ms. JENKINS, Mr. PLATTS, and Mr. YOUNG of Alaska.
 H.R. 3761: Ms. JENKINS.
 H.R. 3790: Mr. ROGERS of Alabama, Mrs. MYRICK, Mr. GORDON of Tennessee, Mr. WOLF, Mr. LATHAM, and Mr. LATOURETTE.
 H.R. 3797: Mr. LATTA.
 H.R. 3799: Mr. CLEAVER and Mr. CONYERS.
 H.R. 3810: Mr. KUCINICH.
 H.R. 3813: Mr. ALTMIRE.
 H.R. 3828: Mr. OLSON, Mr. PLATTS, Mr. KING of Iowa, and Mrs. MYRICK.
 H.R. 3832: Mr. BROUN of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. BURGESS,

Mrs. LUMMIS, Mr. BISHOP of Utah, Mr. LAMBORN, Mr. AKIN, Mr. HUNTER, Mrs. BACHMANN, Mr. ROONEY, Mr. LUETKEMEYER, Mr. MCCOTTER, Mr. KLINE of Minnesota, Mr. WILSON of South Carolina, and Mr. MILLER of Florida.
 H.R. 3837: Mr. LUJÁN and Mr. FILNER.
 H.R. 3838: Mr. CARNAHAN.
 H.R. 3855: Mr. SABLAN, Mr. MCGOVERN, Mr. STARK, and Ms. NORTON.
 H.R. 3904: Mr. OLVER and Ms. LINDA T. SÁNCHEZ of California.
 H.R. 3905: Mr. SKELTON, Mr. MORAN of Kansas, and Mr. CUELLAR.
 H.R. 3916: Mr. TIM MURPHY of Pennsylvania.
 H.R. 3921: Ms. BORDALLO, Mr. HALL of New York, Ms. RICHARDSON, Mr. UPTON, and Mr. MATHESON.
 H.R. 3922: Mrs. BLACKBURN and Mr. BOOZMAN.
 H.R. 3924: Mr. BUYER, Mr. UPTON, Mr. CONAWAY, Mr. FRANKS of Arizona, Mrs. LUMMIS, Mr. BISHOP of Utah, Mr. BOREN, Mr. AKIN, Mrs. BACHMANN, Mr. LUETKEMEYER, Mr. HUNTER, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. LAMBORN, Mr. SHIMKUS, Mr. SHADEGG, Mrs. MYRICK, Mr. JORDAN of Ohio, and Mr. GINGREY of Georgia.
 H.R. 3926: Ms. BORDALLO, Mr. MICHAUD, Mr. PETERSON, and Mr. MCINTYRE.
 H.R. 3931: Ms. HARMAN.
 H.R. 3939: Mr. MCCLINTOCK.
 H.R. 3940: Mr. FALEOMAVAEGA, Mr. PIERLUISI, and Mr. SABLAN.
 H.R. 3942: Mr. PASTOR of Arizona.
 H.R. 3943: Mr. WALZ, Mr. CARNEY, Ms. KILPATRICK of Michigan, Mr. PAUL, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, Ms. HIRONO, Mr. MINNICK, Ms. SHEA-PORTER, Mr. ALEXANDER, and Mr. WOLF.
 H.R. 3959: Mr. MEEK of Florida and Ms. SUTTON.
 H. J. Res. 11: Mr. SOUDER.
 H. J. Res. 42: Mr. AUSTRIA.
 H. J. Res. 61: Mr. CAPUANO.
 H. Con. Res. 42: Mr. THOMPSON of Mississippi.
 H. Con. Res. 43: Mr. THOMPSON of Mississippi.
 H. Con. Res. 199: Mr. LANGEVIN, Mr. ROONEY, Mr. HUNTER, Mr. ABERCROMBIE, Mr. BARTLETT, Mr. HEINRICH, Mr. COFFMAN of Colorado, Ms. MOORE of Wisconsin, Ms. KAPTUR, Mr. HONDA, Mr. PIERLUISI, Mr. SCOTT of Georgia, Mr. ROSKAM, Mr. PITTS, and Ms. HIRONO.
 H. Con. Res. 206: Mr. ROGERS of Alabama, Mr. McKEON, Mr. TAYLOR, Mr. LANGEVIN, Mr. COOPER, Mr. BOYD, and Mr. FRANKS of Arizona.
 H. Res. 89: Ms. CORRINE BROWN of Florida, Mr. GUTIERREZ, Mr. AL GREEN of Texas, Mr. RUSH, Mr. MURPHY of New York, Mr. CAPUANO, Mr. MEEK of Florida, and Mr. LOBIONDO.
 H. Res. 150: Mr. ELLISON.
 H. Res. 267: Mr. CUMMINGS.
 H. Res. 554: Mr. COFFMAN of Colorado, Mr. GUTHRIE, and Mr. LATOURETTE.

H. Res. 577: Mr. ELLSWORTH, Mr. CONAWAY, Mr. VISCLOSKEY, Mr. BURGESS, and Mr. RYAN of Wisconsin.
 H. Res. 619: Mr. TURNER.
 H. Res. 704: Mr. FRANKS of Arizona, Mr. MACK, Mr. YOUNG of Alaska, Mrs. EMERSON, Mr. MORAN of Kansas, and Mr. COFFMAN of Colorado.
 H. Res. 708: Mr. CUMMINGS.
 H. Res. 749: Mr. TURNER.
 H. Res. 780: Mr. COURTNEY and Ms. MATSUI.
 H. Res. 835: Mr. WOLF.
 H. Res. 841: Mr. BOOZMAN, Mr. DUNCAN, Mr. COLE, Mr. LUCAS, Mr. DAVIS of Kentucky, Mr. ROGERS of Alabama, Mr. LANCE, Mr. PRICE of Georgia, Mr. SHUSTER, Mr. HOLDEN, and Ms. RICHARDSON.
 H. Res. 847: Mr. SULLIVAN, Mr. MCCLINTOCK, Mr. KLINE of Minnesota, Mr. SOUDER, Mr. SIMPSON, and Mr. GOODLATTE.
 H. Res. 848: Mr. MORAN of Kansas.
 H. Res. 856: Mr. FRANKS of Arizona.
 H. Res. 858: Mrs. SCHMIDT.
 H. Res. 861: Mr. BRADY of Pennsylvania, Mr. WITTMAN, Mr. MILLER of Florida, Mrs. DAVIS of California, Mr. BUCHANAN, Mr. NYE, Mr. MURPHY of New York, Mr. ISSA, Mr. HALL of New York, Mr. SHULER, Mr. INGLIS, Ms. BORDALLO, Mr. RODRIGUEZ, Mr. PIERLUISI, Mr. MASSA, Mrs. McMORRIS RODGERS, and Mr. AKIN.
 H. Res. 866: Mr. FARR, Ms. GRANGER, Mr. SMITH of Texas, and Mr. MCINTYRE.
 H. Res. 867: Mr. BARTLETT, Mr. HALL of New York, Mrs. MCCARTHY of New York, Ms. SCHWARTZ, Ms. FOXX, Mr. PENCE, Mr. TIM MURPHY of Pennsylvania, Mr. SCALISE, Mr. BACA, Mr. GENE GREEN of Texas, Mr. SENSENBRENNER, Mr. BARTON of Texas, Mr. TIBERI, Ms. CORRINE BROWN of Florida, Mr. REHBERG, Mr. GRAVES, Mr. JORDAN of Ohio, Mr. WILSON of South Carolina, Mr. HARE, Mrs. MILLER of Michigan, Mr. KLINE of Minnesota, Mr. MCCLINTOCK, Mr. SOUDER, Mr. HELLER, Mr. BROWN of South Carolina, Mr. YOUNG of Alaska, Mr. BROUN of Georgia, Mr. BOOZMAN, Mr. WOLF, Mr. GARRETT of New Jersey, and Ms. SCHAKOWSKY.
 H. Res. 869: Mr. KLINE of Minnesota, Mr. REICHERT, and Mr. GOODLATTE.
 H. Res. 874: Mr. WALDEN, Mr. DENT, Mr. CHAFFETZ, Mr. KING of New York, and Mr. BUCHANAN.

PETITIONS, ETC.

Under clause 1 of rule XXII,

76. The SPEAKER presented a petition of City of Atlanta, Georgia, relative to Resolution 09-R-1646 urging the President and the Congress of the United States and those from across Georgia to work together on finding a solution to the health care crisis; which was referred to the Committee on Energy and Commerce.

SENATE—Thursday, October 29, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Holy God, as we labor today, may our praise rise to You. All Your works praise Your Name on the Earth, in the sky, and on the sea.

Lead our Senators along the paths of Your will. Stir Your cleansing and edifying spirit among them as You clarify and strengthen their thoughts and actions. Lord, empower our lawmakers to work diligently for the freedom and justice of all people. Help them to see and know purposes beyond partisan interest, as they remember that they are first and foremost citizens of Your kingdom. Remind them that You guide the humble and teach them Your way.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 29, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, there will be a period of morning business, with Senators allowed to speak for up to 10 minutes each. The Republicans will control the first hour and the majority will control the next hour.

I anticipate that the Senate will adopt the motion to proceed to H.R. 3548, the Unemployment Benefits Extension Act of 2009. We also expect to receive the conference report to accompany Interior appropriations. I have spoken to the Speaker and the majority leader of the House, and they expect to have that to us early this afternoon. The conference report contains a continuing resolution that funds the government through December 18. We hope to reach a short time agreement to consider that conference report today. If we are not able to do that, we are going to have to have some votes tomorrow and it could spill over into Saturday if we can't work anything out. We have to get the unemployment done. We have millions of people who are waiting for that money.

MEASURES PLACED ON THE CALENDAR—S. 1963 AND H.R. 3617

Mr. REID. Madam President, I understand there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for a second time.

The bill clerk read as follows:

A bill (S. 1963) to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care veterans, and for other purposes.

A bill (H.R. 3617) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

Mr. REID. Madam President, I object to any further proceedings with respect to these matters en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bills will be placed on the calendar.

NOMINATIONS

Mr. REID. Madam President, last week four Nevadans tragically died from the H1N1 virus, the swine flu. In Clark County, NV, the State's most populous county and the home of Las Vegas, 18 people have now died as a result of the H1N1 flu. We are all familiar

with this strain of the flu. It has been on the front pages for months.

This past weekend, President Obama declared the outbreak a national emergency in anticipation of a rush of patients to doctors' offices and emergency rooms.

Fortunately, for nearly 150 years the United States has had a high-ranking official in place to serve as the government's top public health officer. We call that person the Surgeon General of the United States. Unfortunately, though, right now we have no permanent Surgeon General. The reason is as simple as it is mind-boggling: Republicans in the Senate refuse to confirm President Obama's exceptionally qualified nominee for this job. I would try to explain the Republican reason for the refusal, but, as with so many other things they oppose, a rationale simply does not exist. Senate Republicans are simply so opposed to everything—absolutely everything—that they even oppose putting people in some of the most important positions in our government. Democrats, on the other hand, believe those who are chosen to serve our country must be able to get to work without delay.

Perhaps those watching and listening think this is how the Senate always operates. It is not. Allow me to put these delays in context.

President Obama has 228 nominations awaiting confirmation—228. During the first Bush administration, there was not a problem; during the Reagan years, not a problem; during the Clinton years, minor problems; during the second Bush administration, no problems. During the first Bush administration, the first year, there wasn't a single cloture motion that had to be filed. He got basically everyone he wanted. But that isn't the way it is here. In the first 4 months of the Bush administration, as I indicated, the Senate was controlled by the President's party. We were in the minority. There wasn't a single filibuster—not one. But in the first 4 months of the Obama administration, Republicans filibustered eight of his nominees—in the first 4 months. That means President Obama faced twice as many filibusters of his nominees in the first 4 months of his administration as President Bush faced in his first 4 years.

Those who are watching may also understandably assume that if this is not how the Senate always operates, then there must be something extraordinarily controversial about these nominees, something highly objectionable or even questionable. Again, no. None of the nominees are controversial. None of them are questionable.

As I mentioned, Republicans in the Senate refuse to confirm our Nation's Surgeon General at a time when our President has declared a national emergency over the H1N1 virus. The President's nominee, Dr. Regina Benjamin, a physician from Alabama and the founder of a nonprofit rural health clinic, is eminently qualified for the position. She had been written up in news accounts from all over the country before she was selected by President Obama.

But that is not all. Republicans in the Senate also refuse to confirm the top official responsible for science and technology in our Department of Homeland Security. For that position, President Obama nominated an expert in combating both pandemics and bioterror attacks. Imagine that. Americans are bracing against a flu epidemic here at home and threats of terrorism from abroad; the President nominated someone highly experienced in both of these areas, and Republicans are saying no.

If that sounds like something you wouldn't want your Senate to do, you might even be further concerned that it is not the first time these Republican Senators have done it. While our sons and daughters are fighting in Iraq and rebuilding that nation, earlier this year Republicans delayed the confirmation of America's Ambassador to Iraq. While troops serve bravely in Afghanistan, earlier this year Republicans delayed the confirmation of LTG Stanley McChrystal, our new commander in that difficult war.

These telling examples are only the tip of the iceberg. Allow me to continue.

Months ago, President Obama picked a trade expert who worked in the Reagan, Bush, and Clinton administrations to be this Nation's Deputy Trade Representative, an extremely important job, but she has yet to officially join the Obama administration. Listen to this one. Why? Because a Republican Senator is holding up the nomination over a bill they think would hurt tobacco companies. If that seems like an unrelated, random reason to hold up this qualified nominee, you might even be more outraged to learn that the bill that so angers this Republican Senator is not before the U.S. Senate, it is not even before the U.S. House of Representatives. In fact, it is not even in the United States. It is a bill before the Canadian Parliament. It should go without saying that our administration can't dictate how the Canadian legislature does its job any more than the Canadian Parliament can dictate how we do ours. It should go without saying, but unfortunately we evidently have to say it.

Another example: President Obama nominated another former chief of staff of the General Services Administration, which manages Federal agen-

cies. Today, that person has still not been confirmed. President Obama nominated this woman in April on the first full day of the Major League Baseball season. Today, on the second day of the World Series, she remains unconfirmed for her job. Why? Because a Republican Senator is demanding that a Federal building be built in his home State.

Let's go over these few things. There are 228 being held up, but we know we should have a Surgeon General. We know Regina Benjamin is eminently qualified. We have a flu pandemic. We have other issues facing our country, and we need the top doctor. We don't have it. Why? Just because the Republicans don't want anyone to move forward. We know that the head of the Department of Homeland Security, the Secretary of Homeland Security, is desperate to have someone there who can do the work that is needed dealing with this flu epidemic. I had a call from the Secretary of Homeland Security, Janet Napolitano, the day before yesterday. She said: I can't imagine why I can't get this woman to help me. We are dealing with bioterrorism, with the flu pandemic, and she is being held up. We are talking about trade relations that need to be improved all over the world, and we have this being held up because of some tobacco law they are considering in the Canadian Parliament.

There are so many examples. President Obama asked an expert in Latin American affairs, a man who has written books, a scholar—his expertise is in regime change in Central and South America. He has been a visiting scholar at many fine universities in the United States, even at Oxford. He has been chosen to be our Nation's Assistant Secretary of State for the Western Hemisphere to take care of what is going on in the southern part of this world in which we live.

Nearly 6 months after he was nominated, one Republican Senator still refused to allow the confirmation to move forward. This Senator is trying to force our Nation to recognize a military coup in Honduras, and so he is holding this nomination hostage. Most people would reasonably conclude that this nominee's expertise would be particularly useful at a time when there is a diplomatic crisis in Central America, in Honduras. The man who was ousted—some say constitutionally, some say not—they took him out of the country. He came back, and now he is in Brazil's Embassy and has been for about a month. There are demonstrations every day. The economy is staggering. Yet this is being held up.

These examples are not isolated. They are part of a much larger pattern. This year, Republicans have already gone to great lengths to ensure that President Obama cannot have his full team in place. We have already wasted taxpayers' precious time and money by

holding up the present nominees for Secretary of Labor, Secretary of Health and Human Services, Director of National Drug Control Policy, Deputy Secretary for the Department of the Interior, two members of the Council of Economic Advisers, a number of Assistant Attorneys General, and many others. These nominees finally broke through, the ones I just mentioned: the Secretary of Labor, Health and Human Services, the Director of National Drug Policy, the Deputy Secretary of the Interior, two members of the Council of Economic Advisers, and a number of Assistant Attorneys General. They finally broke through, but their story doesn't end there. When votes were finally called, they passed with flying colors.

They passed with votes of 89 to 2, 97 to 1, 88 to 0, and 97 to 0. The numbers don't lie, and there is no clear evidence that many of these objections were without merit—just to stall. Some took weeks of time when we could have been doing other things. So it is obvious that these objections are not the norm, that they are not based on qualifications, and they are rampant with this Republican minority.

As far as Republicans are concerned, no one is too important to block. No high-ranking position is too important to remain empty, and no problem is too urgent to delay. The person who Janet Napolitano wants to work on bioterrorism and the pandemic that we have with the flu, who has been selected by the President, is being held up; the Surgeon General is being held up; the Trade Representatives are being held up; 228 nominations are being held up for reasons like a Canadian bill, like a building in their State—petty reasons.

The American people must look at what is going on and say: What is this all about? It is about Republicans setting records last year on how many filibusters they would conduct. If I sound like a broken record, it is because Senate Republicans continue to be recordbreakers. Last year, after they held up the work of Congress more than any other time in history, the American people rejected the Republican status quo. They said no to Republicans' "just say no" strategy.

There is no question that the American people are taking notice, there is no question that they see these games for what they are, and there is no question they are fed up with these petty partisan tricks, and there is no question that these tactics have consequences—consequences that we don't have one of the most important jobs in America filled by one of the most important doctors in America, Regina Benjamin, and that we don't have somebody in the Department of Homeland Security to help with bioterrorism and with the flu pandemic.

These reckless tactics have consequences. The Republicans delay and

delay at their own peril. But the truth is that all Americans suffer. It is time for them to allow these nominations to go through. And I haven't mentioned the judges.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE WEEK XV, DAY IV

Mr. MCCONNELL. Madam President, it was a signature assurance of the President's campaign: Middle-class Americans would see no new taxes of any kind under the new administration.

It is a pledge he will have to break if the health care bill, as currently moving through Congress, makes its way to the President's desk and he signs it. We already know that the bill slashes seniors' Medicare, and study after study shows it is going to drive up premiums for people who already have insurance. Higher taxes will be the third painful blow to Americans already struggling in a recession.

Here is a sample of the new taxes Americans are going to have to bear to finance more government health care. Anyone whose health care benefits are worth more than \$8,000 or any family whose benefits are worth more than \$21,000 will get a 40-percent excise tax. While backers like to call these "high value" or "Cadillac" plans, the new tax won't be indexed to keep pace with rising health care costs. So as time marches on, it won't just hit the so-called Cadillac plans but the "Buick and the Chevy" plans, too—all the way down to tricycles. Eventually, this tax will hit all plans.

Health insurers also get hit with a giant new nondeductible tax, which we know will get passed along to families in the form of higher premiums.

The bill would tax life-saving medical devices such as heart stents and prosthetics. Prescription drugs get taxed, which we know patients will have to pay for in the form of higher drug costs and premiums.

Tens of millions of American families who have experienced tax-saving benefits of Flexible Spending Accounts to pay for prescription drugs and other necessities will see those benefits wiped out under this plan. In an effort to redirect billions of dollars these families currently save through FSAs back to the government, FSAs would automatically be capped at \$2,500 and then phased out over time. Anything families currently save by deducting more than that would go to the government instead.

People who choose not to buy government-approved health insurance will get clobbered with a penalty as high as \$1,500.

Businesses would also get hit. According to the bill, any business with 50 or more employees that doesn't currently provide insurance to its employees will be forced to subsidize it at a significant cost per employee—all of which brings us back to the President's pledge.

Would health care reform hit the pocketbooks of all the people who earn less than a quarter million dollars a year or wouldn't it? That is the question. You bet it would. I have listed some of the ways middle-class Americans get hit under this plan. These are the ones we know about.

But don't take it from me. The testimony of the independent, nonpartisan Joint Committee on Taxation could not be clearer. It looked at the taxes in the Finance Committee bill and found that nearly 80 percent of the burden would fall on Americans earning less than \$250,000 a year. Again, 80 percent of the burden would fall on those making less than \$250,000 a year.

Taxes on insurers and manufacturers will be passed right along to consumers, and the average income for people who have Flexible Saving Accounts is \$55,000—hardly the wealthiest segment of Americans.

Bottom line: If you have insurance, you get taxed. If you don't have insurance, you get taxed. If you are a struggling business owner who cannot afford insurance for your employees, you get taxed. If you use medical devices, you get taxed. If you buy over-the-counter medicine, you get taxed. In other words, Americans get taxed going and coming under the \$1 trillion plan that is making its way through Congress.

No wonder most Americans oppose this plan—higher premiums, higher taxes, and cuts to Medicare. This is not the reform America bargained for. In fact, it is no reform at all. It is a bill of goods being forced on the middle class when they can least afford it.

Commonsense reforms and lower costs—that is what people want, and that is what they should get.

Madam President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business, with Senators permitted to speak therein for up to 10 minutes each, with time equally divided and controlled between the leaders, or their designees, with the Republicans controlling the first hour and the majority controlling the second hour.

The Senator from Iowa is recognized.

HEALTH CARE REFORM

Mr. GRASSLEY. Madam President, I am going to continue on a point that the Senator from Kentucky made, and that is tax increases. I want to be a little more specific about how the health care reform bill is going to very dramatically increase taxes—particularly for groups of people with under \$250,000 a year in income, which group President Obama has promised would never have their taxes increased.

On September 12, 2008, in Dover, NH, candidate Obama said:

And I can make a firm pledge: No family making less than \$250,000 will see their taxes increase—not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes.

You can see on the chart that quotation. It is very firm, very clear. Well, I believe we are at the point of abrogating that promise.

President Obama's pledge has also been repeated by the President and his advisers numerous times since candidate Obama has been in office. However, the health care reform bill reported out of the Senate Finance Committee is loaded with tax hikes on "the middle class."

President Obama, however, has defined the middle class as those making under \$250,000. Candidate Obama stated that "if you are making less than \$250,000, then you are definitely somewhere in the middle class."

President Obama's budget tracks this definition by preserving the current income tax rate structure for families under \$250,000 and singles under \$200,000. And the Democratic leadership budgets adopted President Obama's definition of the middle class.

President Obama and congressional Democrats have adopted this definition of the middle class in the context of health care reform.

As evidence, on August 3, 2009, President Obama's press secretary Robert Gibbs said:

Let me be precise. The President's clear commitment is not to raise taxes on those making less than \$250,000 a year.

In his Portsmouth, NH, townhall meeting, the President—referring to ways in which to pay for health care reform—said this:

It should not burden people who make \$250,000 a year or less.

The congressional Democratic leadership have made similar commitments. So the question is: When health care reform comes up, will it not increase taxes for people making under \$250,000? Will the promises that the President made as a candidate be kept by the bills that may become law? I don't want to refer to this Senator's judgment of this. I want to use the words of the Joint Committee on Taxation and the Congressional Budget Office. These are people who are experts—nonpartisan—and nobody questions their judgment. They are intellectually

honest. They are not Republicans or Democrats.

According to these official scorekeepers—Joint Tax and the Congressional Budget Office—the Finance Committee bill contains over \$500 billion of taxes, increases, fees, and penalties on individuals and businesses.

The Joint Committee on Taxation testified that a significant percentage of these tax increases, fees, and penalties will be borne by the middle-class taxpayers—those making under \$250,000.

Joint Tax also performed a distributional analysis of three tax provisions of the Senate Finance Committee bill for the year 2019—when these provisions are fully in effect. In other words, Joint Tax and the Congressional Budget Office look ahead 10 years. So we are talking about between now and 2019.

The three provisions that Joint Tax made distributional analyses of are: the advance refundable insurance premium tax credit; second, the high cost plans tax, also known around here as the Cadillac health insurance plans—and that is the tax connected with it; third, the medical expense deduction tax increase.

The Joint Committee on Taxation found that, on average, by 2019, singles making over \$40,000 a year, and married couples making over \$75,000 a year would have a net tax increase under the Finance Committee bill.

Again, if you are single and making over \$40,000 a year, or married and making over \$75,000 a year, your taxes are going up, on average, under the Finance Committee bill. We have two charts up here that make that very clear.

My colleagues on the other side of the aisle may say that the Finance Committee bill lowers people's taxes. Let's look at that. This may be a little bit true for some taxpayers. But for middle-class taxpayers, their taxes will go up. Further, Joint Tax—the official congressional tax scorekeeper—said so.

So if the President signs the Senate Finance Committee bill, or some of the financing measures in that bill, into law, the President would break that campaign pledge.

The President then would be raising taxes on families making \$250,000 and singles making \$200,000. Now that we have established that the Finance Committee bill raises taxes on the middle class, I would like to dig a bit deeper.

In looking to 2019, Joint Tax data leads to the conclusion that 77 percent of the burden of the tax increases in the Finance bill would be borne by middle-class taxpayers. In 2019, out of these taxpayers making under \$200,000 who are affected by the three provisions mentioned above, 54 percent of them will see tax increases. In other words, 46 million middle-class families and individuals would pay higher taxes

under the Finance Committee bill, contrary to what the President has said.

Joint Tax data also finds that middle-class families who file joint returns are very dramatically affected. Specifically, in 2019, over 64 percent of middle-class families filing joint tax returns would face a significant increase, and these families, obviously, make less than \$250,000 a year.

Once again, I have charts that will show the different divisions of people falling into those income categories.

Another way to look at this is, there are four groups of middle-class taxpayers who are treated differently under the Finance Committee bill. The first is a group of 14.5 million who will receive refundable tax credits. These refundable credits represent government spending and not tax relief. That is the judgment of these official scorekeepers, not this Senator. In 2019, this government spending amounts to \$77 billion alone.

In the second group, some of the 25 million will see some tax relief. However, a substantial number of those 25 million in this second group will not see any tax relief under the bill.

The third group, made up of 46 million middle-income taxpayers, will bear a large tax increase.

A fourth group of 83 million will have a tax increase from provisions in the bill that Joint Tax has not yet analyzed, so I cannot go into depth about that group.

For example, Joint Tax has not yet provided distribution analysis on the effect of the fees on health insurers that will be passed through and medical device manufacturers.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GRASSLEY. I ask for 5 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Because we do not have that analysis, we do not know how many of those 83 million will face tax increases. For instance, many of those 83 million buy health insurance themselves or their employers buy it for them, and they will bear the burden of the new insurance fees in the form of higher insurance premiums.

During the Finance Committee debate, some Senators of the majority party described the Finance Committee bill as providing a net tax cut. Let's look at what is a net tax cut because the official scorers would not determine that is what it is.

To understand whether these claims are accurate, one has to figure out what is meant by the words "tax reduction."

The premium tax credit under the bill is refundable. That means tax return filers receive the tax credit, even if they have no income tax liability. If a tax filer has no income tax liability,

how can their taxes go down? Joint Tax does not describe that as a tax reduction. Instead, Joint Tax says these filers receive a Federal benefit.

Joint Tax also tells us that 73 percent of the \$453 billion in the refundable tax credits for health insurance is, in fact, pure and simple, government spending. That leaves just 27 percent—or \$122 billion—that might legitimately be called a tax reduction, and we see it on the chart.

Meanwhile, as mentioned above, there are over \$500 billion in tax increases—\$½ trillion is another way of saying it. Even if we add in the meager small business tax credit of \$23 billion, which is the only other tax benefit in the bill, this bill contains a net tax increase of over \$350 billion.

Because the refundable insurance premium credit is called a tax credit, Democrats have argued the entire \$453 billion is a tax credit. However, Joint Tax and the Congressional Budget Office scores \$330 billion of that \$453 billion as pure and simple government spending.

Colleagues on the other side of the aisle argue that such government spending is actually a tax cut. However, Joint Tax scores this as government spending, not tax cuts.

An outlay results when the tax credit is larger than an individual's income tax liability, if any. That individual simply receives a check from the Internal Revenue Service. Sending a check to an individual who pays no income tax cannot credibly be called a tax cut. Some colleagues argue that the refundable tax credit offsets payroll taxes. However, payroll taxes are meant to be paid so individuals can receive benefits from Social Security and Medicare later in life.

Even if you agree that individuals should not have to pay payroll taxes but should also receive Social Security and Medicare benefits, that rationale cannot be used over and over. It should only be used once.

We already have a number of generous refundable tax credits. The child tax credit, the earned-income tax credit, and the making work pay credit are all refundable tax credits.

The insurance premium credit in the Finance bill is added to that list. Therefore, this same payroll tax cut rationale has been used four times to claim that this government spending is actually a tax cut. Joint Tax scores these outlays as government spending, not as a tax cut. That is not this Senator saying that; it is the professionals in Joint Tax who say it is government spending, not a tax cut.

The interesting thing about the refundable tax credit for health insurance is, it does not go to the individual or family. Instead, this Federal tax benefit goes from the government directly to the insurance company providing health care coverage. That is a

check from the Federal Government made out to your insurance company dated, signed, sealed, and delivered directly to that insurance company.

I remember hearing President Obama criticize sending money directly to insurance companies. On October 4, before his election, in Newport News, VA, then-Candidate Obama criticized Senator McCain's health credit for health insurance by saying these words:

But the new tax credit he is proposing? That wouldn't go to you. It would go directly to your insurance company—not your bank account.

That is what the President said in that quote. If Candidate Obama was against it then, how is President Obama for it now? But that is what is in this legislation.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. Madam President, as we begin to slowly emerge from the economic pitfalls of the worst recession this country has seen in decades, the long-term issues that remain are real and affect Americans of all walks of life.

Out-of-control government spending has resulted in a skyrocketing deficit, fueling fears of an unsustainable financial future for America. A stifled free market drags down our economic growth and impairs our ability to work toward reducing this enormous burden on our children's and grandchildren's future.

In spite of this volatile forecast, there are some who feel that the best way to reinvigorate our economy is to impose heavier costs, higher fees, and greater taxes on businesses and individuals, while forcing the Federal Government to oversee and manage health care in the United States, ultimately adding an additional one-sixth of our economy to the government's balance sheet.

Make no mistake, this financial instability is not disconnected from Americans' everyday lives. It is being felt at bill-paying time, discussed at dinner tables, and it is weighing on the minds of the very people who drive this country's economy.

The other side would have you believe that greater government control, increased spending, and less money in Americans' pockets is the way toward economic stability and growth.

Since there has been no legislative language circulated on the proposed government takeover of health care at this point, we can only consider the conceptual language as passed by the Senate Finance Committee.

Here is 1,502 pages of conceptual language that has come out of the Finance Committee and is being proposed as meaningful health care reform.

This phantom health care proposal imposes \$½ trillion in new taxes, fees, and penalties on individuals and businesses. While some would have you be-

lieve these taxes will only be borne by the wealthy in the form of a 40-percent excise tax on high-value insurance plans, both the Congressional Budget Office and the Joint Committee on Taxation—as alluded to by the ranking member on the Finance Committee, the Senator from Iowa—have testified that these taxes will almost entirely be passed on to the consumer, irrespective of their tax bracket.

Under the tax provisions of this health care proposal, in my home State of Georgia, a young, healthy individual under certain health plans would see his monthly premiums almost double.

Additionally, \$92 billion of this new burden will be in the form of new fees on manufacturers and importers of branded drugs and certain medical devices, as well as on health insurance providers. Again, all this is going to be passed on to consumers, resulting in higher health insurance premiums and higher costs for health-related products.

While a majority of the health reforms in the Finance Committee bill do not go into effect until 2013, such as the tax credit for health insurance and the individual mandate, both of which are designed to lower health care costs, these so-called fees are effective on January 1 of next year. This means health insurance, in general, will become more expensive before any government assistance or policies intended to make health insurance more affordable even take effect.

Also included in the Senate finance proposal is a tax on individuals without essential health benefits coverage, which would subject individuals who fail to maintain government-approved health insurance coverage to a penalty of \$750 per adult in the household.

While Democrats complain this contains savings for low- to middle-income families, CBO has stated that almost half those families paying this tax would be between 100 percent and 300 percent of the Federal poverty level—or a family of four earning between \$22,800 and \$68,400 in 2013. Additionally, proponents of this bill say it reduces the deficit while providing relief from high health care costs from lower income families. However, what they do not tell you is, under their refundable tax credits, families who earn nearly four times the Federal poverty level will have almost 91 percent of their health care costs paid for by other taxpayers.

The CBO—the Congressional Budget Office, the independent Congressional Budget Office—estimates that by 2019, out of 253 million Americans with health insurance, only 18 million will be eligible for these tax credits to purchase insurance. So this supposed health care cost-reducing tax credit at the heart of the Democrats' health care reform is only available to 7 percent of the population.

Increasing taxes on 91 percent of Americans to pay for 7 percent of the population is not reform, it is business as usual. While I am in favor of tax credits to purchase health insurance, I do not support placing limitations on who can receive such credits or what type of coverage they can purchase.

Madam President, as if increasing the size of government even more in the health care sphere isn't going to make matters worse, who do you think is going to administer, implement, and enforce these tax increases? None other than the Internal Revenue Service. With a new influx of complex health care policies being legislated through the Tax Code, the IRS would be tasked with overseeing all aspects of the millions of taxpayers now burdened with even more filings to the IRS.

Additionally, the IRS would likely be entrusted with enforcing these new provisions as well as protecting against fraud in certain cases. These new responsibilities of the Internal Revenue Service would mean only one thing: a bigger and more intrusive IRS.

As I continue to say, I am in support of reforming the health care system in this country because we do have problems. We need greater transparency in health care costs, increased competition, more individual portability for peace of mind for those who change jobs, a better focus on prevention and wellness and real reform of the health insurance industry. Republican-backed plans do exactly that. There are ways to lower health care costs and be more fiscally responsible, and there are opportunities to pay for this coverage without expanding entitlements and increasing taxes on middle-class Americans.

Americans deserve a patient-centered approach to health care reform. The 1,502 pages being discussed this morning as we speak—behind closed doors, by the majority leader and other Democrats—puts politicians and bureaucrats in charge of the health care industry in this country, and that is not what the American people want or deserve.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAPO. Madam President, I also rise to speak about the health care legislation the Senate is preparing to consider on the Senate floor. I will begin my remarks, as my colleague from Georgia has done, by referring to the bill which the Finance Committee has put out. This is it. It is 1,502 pages which, interestingly, we did not have before us when we considered it in the Finance Committee.

I think most people in the country realize right now that as the Finance Committee proceeded through 2 full weeks of markup on this legislation, the legislation had not actually been written. Even though the very first

amendment, which we brought, was an amendment to say that before we would be forced to vote on a bill, we should see the bill for 72 hours and have the CBO, the Congressional Budget Office, score on the bill for 72 hours so that we and the American public could understand what was in it, that was not allowed. We cast our final votes in the Finance Committee on the Finance Committee's bill—well, the Finance Committee's concept paper. This bill didn't yet exist. We did have an idea about what concepts were intended to be in it, but the bill itself didn't exist.

The reason I bring that up right now is because this is actually not going to be the bill we consider on the Senate floor. As soon as the Senate Finance Committee finished with this bill, the majority leader and the chairmen of a couple of the relevant committees—I presume with some personnel from the White House—got together behind closed doors in the Capitol Building and began drafting a new bill to merge this bill with a previous bill that had come out of the HELP Committee bill in the Senate. That new bill has now been sent to CBO for a score, but we don't know what is in it either.

In fact, we are told it is concepts and options that are being submitted to CBO. I am not even sure if that new bill has yet been written, but I do know no one, except those who have submitted it to CBO, know what is in it.

Well, we have a good idea of what is in the health care bill the Senate Finance Committee put out, and I expect a lot of what was in this Senate Finance Committee bill will make it into this new bill that someday maybe the American public and the rest of the Members of this Chamber will be able to see. As we approach the health care issue, I think it is important for us to understand exactly what it is we are expected to do by the American people and what it is we are doing with the health care legislation.

Most Americans want health care reform. But when they say that, the vast majority of them mean they want Congress to take swift and decisive action to bring under control the spiraling costs of health care and the spiraling costs of health care insurance. As a part of that, they want to see increased access for those who are uninsured, whose burden of coverage and health care falls on the taxpayers. That is the core focus, the purpose behind the drive in America for health care reform.

Well, what does the legislation we passed out of the Finance Committee do? With regard to the cost of insurance, it will not cause the cost of insurance to go down. It will, in fact, drive up the cost of insurance at even faster rates of growth than would have occurred without the legislation. What does it do for coverage of those who are

uninsured? It establishes an extremely expensive new government program that would provide tax credits—or what are called renewable tax credits—for those at certain income levels to provide the ability for them to obtain coverage. But of the 47 million who are uninsured in the United States today, the bill still leaves approximately 25 million of them uninsured.

What it does put into place for these two outcomes on the major reasons for reform—increased cost of insurance and only about 50 percent reduction of the uninsured—is a massive new amount of Federal control over the health care industry, a massive new entitlement program that will cost, according to CBO, approximately \$829 billion of new spending, and then offsets that try to address the growing costs of the Federal Government that it represents by about \$404 billion worth of cuts in Medicare and \$506-or-so billion of new taxes, fees, and penalties.

Remember the discussion I started with about the fact that the American people wanted to see the cost curve on health care bend down? We will hear it said that this bill bends down the cost curve. Well, it doesn't bend down the health care cost curve, and it doesn't bend down the health care insurance cost curve. All it does is try to address the impact of the phenomenal amount of new spending—\$829 billion—by raising taxes and cutting Medicare in amounts that are greater than the amount of the cost in the bill.

Well, what kind of impact will these increases in taxes have? First and foremost, I want to return to what my colleague, Senator GRASSLEY, recently pointed out. In the discussion of this issue, President Obama made it clear as a candidate, and he has repeatedly made it clear as President, that he will not sign legislation that imposes a tax increase on people making less than \$250,000 in the United States. These are his remarks on September 12 during the campaign in New Hampshire, which, again, he has repeated consistently:

And I can make a firm pledge: No family making less than \$250,000 will see their taxes increase—not your income taxes, not your payroll taxes, not your capital gains taxes, not any of your taxes.

Well, what does this bill do? This bill squarely increases the taxes on the middle class in the United States. The full tax burden of this bill, including all of the taxes and fees and penalties that are included in it, is over $\frac{1}{2}$ trillion. Experts have now told us that the majority, in fact the significant majority of those taxes and those increased fees and penalties, will fall on the backs of those who make less than \$250,000. We don't have the data yet, but, in fact, the impact on people who make less than \$120,000 will be a huge portion of these new taxes and fees. Yet how can that be allowed to happen with the President making this pledge?

I think the American people need to pay attention. In essence, what we have represented is a huge increase in spending in the Federal Treasury—\$829 billion under the Finance Committee plan. It is expected to be closer to \$900 billion under the plan that was devised recently and submitted to CBO. Nonetheless, it is a massive increase in Federal spending, matched by equally massive cuts and tax increases—cuts in Medicare and tax increases—to make it appear that the impact on the deficit is marginal. But don't be fooled. When those who support this approach defend it, they will tell us it bends the cost curve. The cost curve they are talking about is the cost to the Federal Government. They are not telling us the cost of the Federal Government—the expenditures of the Federal Government—will be going down. What they are telling us is the expenditures will not be going up faster than the taxes and the cuts in Medicare are going up.

It is important for the American public to recognize that this legislation represents yet again one huge step of the Federal Government into management and control of the health care economy, and that huge new step of the Federal Government into management of the economy will be financed squarely on the backs of the middle class with a huge tax increase. That is not what America was asking for.

So to summarize, Madam President, what do we have? We have a proposal that will not bend the cost curve; it will, in fact, cause the cost curve on which everyone in America is focusing—the cost of health care and the cost of insurance—to go up. It will not achieve universal coverage for those who do not have access to insurance today, but it will put the Federal Government much more in charge and control of our health care economy and will grow the Federal Government by nearly \$1 trillion of new spending at the expense of $\frac{1}{2}$ trillion of tax increases and \$400 billion of Medicare cuts.

That is not the kind of health care reform our Nation needs. It is not the kind of health care reform the American people have asked for. We should change the debate, and we should begin focusing on those kinds of common ground areas that we know how to identify where we can bend the cost curve—the true cost curve—down, where we can do so without raising taxes on the American people, and we can do so without devastating the Medicare programs of our country.

With that, Madam President, I yield the floor.

THE PRESIDING OFFICER (Mr. KIRK). The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I understand I am allowed 10 minutes of this morning business period; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERTS. Mr. President, I rise today to share my concerns about the tax increases called for in the health care reform bill that is now being finalized behind closed doors. I want to make sure the American people truly understand what these tax increases will mean for them and their families. This bill calls for an incredible and shocking \$500 billion in taxes, in massive new taxes, taxes that will fall on average Americans who already know their tax burden is too high.

We hear a lot about the efforts behind the closed doors to merge three different bills and all the costs and all the efforts to get more voters onboard. But we do not really hear much about the tax increases. They really should make the taxpayer sit up and take notice.

The behind-the-doors crowd has tried to disguise some of the new taxes in this bill by presenting them as being paid for by targeted health care industries. However, the reality is that average Americans who purchase health insurance and use medical services, from prescription drugs to hearing aids, are the ones who will foot the bill for this tax-and-spending spree. The higher taxes called for in this bill come straight out of Americans' pocketbooks. American taxpayers, Americans, have the right to know, they have the right to be informed, they have the right to understand, and they have the right to be heard—not only on the spending, not only on the health care reform bill, but in regard to the taxes they will pay.

Let me give just a few examples of the new taxes called for and who will actually pay them.

The bill imposes a 40-percent excise tax on health insurance providers that offer high-cost health insurance plans. This provision is the largest tax hike in the bill. It raises \$201 billion. Of this amount, an analysis by the Joint Committee on Taxation, or the JCT, finds that more than 80 percent or \$164 billion of the tax will come from increased income and payroll taxes on higher wages. When the bill is implemented, however, the excise tax is likely to hit 40 percent of American families, so the reality is that these families, not the insurance providers, will be on the hook for the \$164 billion.

The bill raises taxes on those who pay for their health care out of pocket by raising the floor for deducting catastrophic medical expenses from 7.5 percent to 10 percent of adjusted gross income. Those who take this deduction are most often seniors and those with serious medical issues. Eighty-seven percent of taxpayers who claim this deduction have income under \$100,000.

While an amendment to exempt taxpayers 65 or older from the higher threshold was approved in committee,

thank goodness, don't be fooled: the exemption is only in effect in the first 3 years. As a result, in the following years roughly 50 percent of the taxpayers affected by this proposal will be over the age of 65. This makes no sense.

The bill raises taxes on the more than 35 million Americans who participate in flexible spending accounts. The median income of a flexible spending account participant is \$55,000. This program is a very important benefit for many families for whom health insurance does not cover, or does not sufficiently cover, some of the highest cost health care expenses, such as dental, vision, and also prescription drug costs. It is also important for individuals who manage chronic diseases such as diabetes, heart disease, or cancer. FSAs allows participants to set aside money out of their own pockets to pay for these necessary expenses. However, under this bill the government caps how much can be set aside in a flexible spending account, a person's own account, effectively raising the tax burden on certain FSA participants and increasing their health care costs—typical of a disguised tax in this bill.

Another tax attack: It also eliminates the ability of individuals to use money from their accounts, the FSA accounts, to purchase over-the-counter medications. Here we are, trying to put downward pressure on health care costs. Rather than maintaining current law that gives consumers the option to purchase over-the-counter medications through a flexible spending account that they have chosen to put money into, the bill instead directs them to more costly alternatives and increased use of the health care system and limits the consumers' ability to fully use their own accounts.

Another example of the stealth taxes called for in this bill is the individual mandate penalty. Although the President has said this penalty is not a tax, the Finance Committee bill adds this provision under a section called the "Excise Tax on Individuals Without Essential Health Benefits Coverage." The government expects to collect \$4 billion from this tax.

In 2013, almost half of those Americans who will be paying the penalty tax will have incomes between \$22,800 and \$68,400 for a family of four. This penalty essentially means the IRS will now tax you if you do not buy a health care plan approved by the government. Let me repeat that. This penalty essentially means the IRS will now tax you if you don't buy a health care plan approved by the government.

Not only that, this bill also expands the reach of the IRS even further into the lives of ordinary Americans, allowing them to collect more information than ever before about you and your health care choices in order to tax you based on these choices. This provision highlights one of the most disturbing

aspects of this bill: the increased role the IRS will play in the lives and health care choices of every American.

Under this bill, the IRS will gain unprecedented new powers. But here is the clincher. There is no money in this bill to pay for the expansion of the IRS that will have to occur for the IRS to administer and enforce these new tax provisions—emphasis on "enforce." How much will that cost? How many billions will be needed to pay for this growth in government? How many more employees will the IRS have to hire? We don't know. But make no mistake, every American should understand that the IRS will be playing a bigger role in their life and their health care decisions.

Question, for all those who braved the townhall meetings. Everyone who wants more IRS involvement in their lives, raise your hands. I don't think in these townhall meetings you will hear many hands clapping. Under this bill, not only will Americans see massive new taxes, they will also see an unprecedented expansion of the Internal Revenue Service and a further reach by government into their lives.

This is the wrong solution to health care reform. Americans are looking for real reform that preserves their health care choices. But reform that comes with a \$500 billion tax increase and is supervised, if not more, by the Internal Revenue Service is simply not the answer.

Mr. President, I yield the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, this health care debate is one of the most important debates we have ever had in this country. We are talking about one-sixth of the American economy. We better get it right because if we do not, this economy will never be able to recover. If we go down the wrong path and we spend too much time building the government at the expense of the individuals in this country, we will never be able to change it. So this is a very important time, and I am calling upon all my colleagues in both the Senate and the House to try to work together so we can come up with a program, a system that literally will work.

We can build upon things we already agree upon. Things such as preexisting conditions should be covered, automatically covered. That is a very difficult issue; it is not something you can just say glibly. The fact is, we have

to resolve this problem so people will not just wait until they get sick to buy insurance because they have a right to do so under any new policy we are coming up with. But they should be able to get into the insurance market now.

Having said that, there are many on the other side who would like to have what they call a public plan or what I call a government plan. The problem with the government plan is that the central force would be right here in Washington, filled with bureaucracy, filled with expenses, filled with all of the clogs that occur in Washington, DC. And we will not be solving the individual problems of the various States, each of which has its own demographics. I have often pointed out that Utah's demographics are not the same as New York's or California's or those of Massachusetts. But neither are New York's the same as those of Massachusetts or California. Each State has its own demographic problems.

Utah is considered one of the top three States in the delivery of health care. There is a good reason for that; that is, we thought it through and we basically bring health care closer to the people. We already have an exchange in Utah which is working to a large degree. It is just starting, but the fact is, it has been embraced and accepted by people. We would bitterly resent a one-size-fits-all Federal Government program to resolve all problems.

This business of making sure pre-existing conditions are covered is fraught with all kinds of difficulties if we do not do this right. There are all kinds of expenses if we fail to observe the past and, I might add, all kinds of bureaucratic problems if we do not work together to get this problem solved.

On the other hand, are we going to go to a system where government tells people they have to buy insurance, whether it be a public plan or otherwise? I am not sure constitutionally that the government has that kind of power. If the government has that kind of power, to tell people they have to have insurance even if they don't want it—and that includes the public plan insurance—then what limitations are there on government? What happens to all the freedoms we all take for granted? What happens to the liberties we have embedded in the Constitution?

These are important issues. They are not issues you just brush aside because one side or the other wants to have the Federal Government take over all control of our health care system.

I might add, I think most of us agree there should be transparency in the system. If we had transparency over all of the hospitals, all of the physicians, and we could tell which ones are great, which ones aren't, we could make our own decisions as to where to go for particular types of care, especially very

serious care. I think most of us would like to provide a system where our constituents could do that.

What about medical liability reform? As a former medical liability defense lawyer, I defended doctors, hospitals, nurses, and health care providers who needed defending, many of whom did not commit negligence but were finding themselves suddenly in court in front of juries that may be empathetic to somebody who did not have a good result even though there was no negligence involved. I estimated 25 years ago that, in unnecessary defensive medicine, we are probably wasting upwards of \$300 billion a year.

That sounds very high. But I am finding more and more people are starting to come to the conclusion that we waste an awful lot of money on what is unnecessary defensive medicine. We all want defensive medicine because we all want the doctors to do what they should do. Our advice to the doctors back in those days happened to be, if somebody comes to you with a common disease or injury, you cannot afford to just give them—tell them to just do the minimum. You better have every test and every procedure you possibly can in your history, so if you ever do get sued, you will be able to say you went way beyond the standard of practice in the community and did everything you possibly could to try to help this person with their problems and that you should not have liability because of that.

Well, I have to say we can go on and on. It was interesting to me, when I first asked Dr. Elmendorf, who heads our CBO, the Congressional Budget Office, what does unnecessary defensive medicine cost us, Dr. Elmendorf came up with an extremely low figure over 10 years. I think it was something like \$10 billion.

I chatted with him and I said: That cannot be so. I explained to him what my experience was and the experience of almost anybody who has any experience in this field, and he went back. He said: Well, I am going to go back and review it. He did go back and review it and came up with a figure of \$54 billion over 10 years, just for Federal Government unnecessary defensive medicine. So it is much more than that if you add in everything else and extrapolate it all out.

We should be able to save some of these dollars. That also would help us to be able to pay for real health care that needs to be done.

We know the health care reform bill has been basically written in the office of the majority leader. While we do not know what this bill will look like, because it apparently has been written in the secrecy of the majority leader's office, and by very few people, by the way—and the same over in the House—every indication is, it will be similar to the bill reported out by the Finance Committee earlier this month.

That bill, which would drastically change the very fabric of an industry that affects every American in the most personal way and represents one-sixth of our economy, contains roughly \$409 billion in new taxes that are going to be passed on to the average taxpayer. Many Utahns are asking me who is going to have to pay these new taxes? Unfortunately, I have to tell them that it will not just be the wealthiest among us, but middle and even lower income American families as well.

Perhaps the most solid promise that President Obama made during his campaign was that "no [one] making less than \$250,000 a year will see any form of tax increase!" He further pledged that the 98 percent of Americans earning less than this amount would not see any tax increase on income and savings. Let me repeat that: The President promised that 98 percent of Americans earning less than \$250,000 would not see any tax increase on income and savings.

The majority leader is preparing a partisan proposal to which he hopes to attract at least a modicum of Republican support. Thus far, however, he has no takers from my side of the aisle, and support from some on his side appears to be waning. Perhaps a major reason for this is that everyone knows the bill would break the President's promises not to raise taxes on average Americans. That is not the only thing it would do.

The Finance Committee product offers a cornucopia of revenue raisers that would fund health care reform. Some of these provisions include direct taxes on lower and middle income wage earners, while others would hit average families indirectly through penalties, fees, and higher costs.

If your employer offers you a higher cost insurance plan, your taxes will likely rise under this plan. If you have a flexible spending account or a health savings account, your taxes will likely rise. If you or your family use a medical device costing more than \$100, such as a hearing aid or an insulator, or if you purchase prescription drugs, the cost of those items will likely rise.

And ironically, in a bill that is designed to lower the costs of health care, the cost of health insurance itself is likely to rise under this plan. And if you do not have insurance, the cost of not having health insurance will rise because the bill will impose a tax if you do not get insurance.

My friends on the other side of the aisle will probably paint this rise in penalties, fees, and higher costs as Republican hocus-pocus. But do not take it from me or my colleagues; take it from the nonpartisan Congressional Budget Office and the Joint Committee on Taxation.

Looking first at the direct taxes on the middle class, the Democrats' bill

declares war on savings accounts for health care. For example, the bill would limit the amount that employees can set aside of their own money into flexible spending accounts. In addition, over-the-counter medicine would no longer be qualified expenses for FSAs and health savings accounts, unless you have a doctor's note. Lastly, the proposal includes an increase from 10 percent to 20 percent for the penalty for withdrawals that are not used for qualified medical expenses. All together, this means that employees could be facing a 55-percent Federal tax on a bottle of aspirin. I thought we were trying to make health care more affordable, not more expensive.

This year, 35 million employees participate in employer-sponsored, employee-funded flexible spending accounts. These accounts provide relief for the ever-increasing amount of health care that families must pay out of their own pockets. How does cutting back on FSA accounts lower the costs of health care? These accounts are not just provided to the wealthy. On the contrary, the average income for flexible spending account participants is just \$55,000 per year.

Another clear increase on taxes for middle income families is the raising of the threshold for the itemized medical expense deduction from 7.5 percent of adjusted gross income to 10 percent. This tax deduction is already means-tested so that it only kicks in when medical expenses are catastrophic or nearly so. This is not a tax benefit for the wealthy. The Joint Committee on Taxation estimates that in 2013, approximately 11.5 million taxpayers would be affected by this proposal. Of that number, about half have incomes less than \$75,000.

Perhaps even worse are the indirect tax increases in the bill. One of the most troubling ones to me is an unprecedented fee levied on entire segments of the health care industry, including pharmaceuticals, medical devices, and health insurance. While these fees would be paid by corporations, they will ultimately be passed on to consumers in the form of higher prices or on to employees in the form of lower pay, or even layoffs. Under this plan, the cost of everything from contact lenses to hearing aids to thermometers would rise for consumers, creating one more unfair burden on middle income families seeking affordable health care.

And if you decide to either not have health insurance or if you need a more expensive plan than is allowed, the Democratic plan would raise taxes on you, even if you do not make anywhere near \$250,000 per year. This is part of the so-called individual mandate, which requires individuals to obtain health care coverage or pay an extra tax. The amount of tax could reach as much as \$750 per uninsured adult. Some

may say this is simply a penalty for not doing what Uncle Sam wants you to do, but let us face it, it is nothing more than a new tax.

There are at least two provisions in the Finance Committee bill that raise serious constitutional questions. First, is the transition relief for the high-cost insurance plans that is granted to 17 yet-to-be determined States. This means that a different tax rate will apply depending on where you live. Second, is the individual mandate itself. The constitutionality of the mandate, as pointed out by the Congressional Research Service, has never been addressed. We are treading into new waters. Are we just going to simply ignore these serious constitutional questions?

Again, President Obama promised from the beginning that he would not raise taxes on the 98 percent of Americans who make less than \$250,000. Unfortunately, the Democratic proposal we will soon be debating would break that promise. We are all for real health care reform, everybody, Republicans, Democrats and Independents, but not all of us are willing to pass it on the backs of middle-income taxpayers. At a time when we have trillion-dollar-plus deficits and an unemployment rate nearing double digits, this would be a colossal mistake.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The minority's time has expired.

Mr. HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

(The remarks of Mr. UDALL of Colorado pertaining to the introduction of S. 2052 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Maryland.

HEALTH CARE REFORM

Mr. CARDIN. Mr. President, soon we will have a historic opportunity to take up the most significant change in our health care system in many decades, a bill that will help Americans deal with their health care needs, that will reform our health care system so we have affordable, quality health care for all Americans. This bill will help middle-income families who currently have health insurance. Because we are going to build on the current system, protect those who have good health care coverage so they are able to keep that coverage in the future, we base it on building on what is right in our health care system and correcting the problems that currently exist.

For a family who has health insurance today, they are paying a large amount of money for those who don't have health insurance. The number of people without health insurance has grown dramatically, to over 46 million

Americans. The cost to a family who has health insurance for those who don't have health insurance is \$1,100 a year. That is a hidden tax on middle-income families today. Health insurance reform will help correct that inequity to help middle-income families. It will also reform the practices of health insurance companies dealing with preexisting conditions and caps put on the amount of coverage and with making sure that prevention is available without copayments and deductibles. All that will help middle-income families today who have health insurance.

But the critical factor, why this is so important for middle-income families today, is because of the escalating cost of health care. Health care is growing three times greater than wages. That means for the typical family, every year they are falling further and further behind on their standard of living, because more and more of their income needs to be devoted toward health care costs. Whether your employee pays it or you pay it or a combination of both, it comes out of your compensation package. For many families, they are actually receiving less income every year because so much more is devoted toward health care costs.

In Maryland, 10 years ago the cost for a family was about \$6,000 for health insurance. Today that is \$12,000. By the year 2017, it is projected to be \$23,000. We are spending in America today \$7,400 per person for health care, \$2.4 trillion. Health reform will help middle-income families because we are going to bring down the cost of health care.

First, we invest in wellness. We know that if people take care of their own health care needs, if they deal with their diabetes, high blood pressure, high cholesterol, with keeping themselves healthy through exercise, if they don't smoke, all of that will bring down the cost of health care. The health care reform that we will be taking up invests in wellness programs, gives incentives for wellness programs to bring down the cost. What we also do is invest in health information technology. The amount of money we waste every year because of the administrative inefficiencies of the system is staggering. Also we have unnecessary tests that are given in the emergency room because they don't have medical records. We have the technology. Let's use it. We can use technology to keep people healthy by sharing information so that your health care provider knows what medicines you are taking. And managing care, we can save money by managing diseases much more effectively than we do. For all those reasons, health care reform will help control the escalating costs, and that will help middle-income families. It will also help small businesses.

Small businesses need more competition among health care insurance companies. Today, if you are a small business owner, there are very few options available as to who you can choose as your health insurance company. As a result, you are subjected to unpredictable annual adjustments in your premiums. We already know that health insurance is too expensive. We already know that it increases every year by too high a percentage rate. But for a small business owner, it is worse than that. They can be subjected to a 20, 30, 40-percent increase in any given year because they are not in the large pools that larger companies are. Health insurance reform helps small businesses by providing larger pools that small businesses can get into, more competition. The State exchanges provide information that is critically important for small businesses to get a competitive product, to get the product they want. It makes it more affordable.

Let me give one example. We all have received letters. I have received lots of letters from my constituents. I want to read one I received. It comes from Keith, a Maryland small business owner. He writes:

Currently, I have what is considered a "Cadillac" health plan. It is an old CareFirst Blue Cross Blue Shield plan that does not cover vision or dental [and has] a moderate deductible. It only covers general health and drugs. My wife is disabled and is unable to work. She is under age 50 and has Medicare as a primary insurance and is on my family plan as secondary where she gets drug coverage.

This person is a small business owner involved in a plan.

I have one child with some health issues on the plan as well. Based [on] my situation, my health insurance options are limited.

I am a small business owner and have had significant increases in my insurance costs over the last 20 years. Currently, I pay \$29,000 for family coverage thru (sic) my company and last year I had \$9,900 in out of pocket expenses, which is "normal" for my family. My income is above \$100,000, but well below the \$250,000.

At one time I considered myself part of the middle class, but with my ever increasing health care costs, I now have second thoughts. . . .

It is unbelievable to me that a family like mine could be in this situation. I know there are others far worse than mine and can empathize with their plight. . . .

How can I be spending about \$40,000 a year [on health care] with no end in sight?

Well, help is on the way. The bills that have been reported out of our committees that the majority leader is now merging to bring to the Senate floor will help my constituent Keith, who finds that he cannot afford health care today even though he has certainly a reasonable income.

This legislation will also help our seniors. I mention that because there is a lot of concern about how we can strengthen the Medicare system, which is so important to our seniors. Well, the problem with Medicare today is

that health care costs are going up. Medicare is a pretty efficient program. We know its administrative costs are far less than private insurance. But we cannot bring down the government cost of Medicare unless we bring down health care costs in America. That is exactly what the health care reform proposals will do.

It will also, by the way, use those savings to help our seniors by improving their prescription drug benefit so we can certainly make improvements to mitigate the doughnut hole on prescription drug coverage. It strengthens dramatically the preventative health care services that are offered our seniors under the Medicare system.

Well, the uninsured are also helped under this bill and those who are in danger of losing their health insurance by the State exchanges, where there will be more competition, more availability. The bill deals with affordability, providing subsidies for those who otherwise could not afford the health insurance.

One of the prime ways that is done is through the public option, so let me talk a moment about it. There has been a lot of discussion about it. I saw that it is going to be included in the bill in the House of Representatives. The majority leader is looking to include that in the bill that is going to be brought forward on the floor of this Senate.

A public option is nothing strange to Americans. It is not that the government takes over health care; it does not. Health care is provided by private doctors, private hospitals. The most successful public option program in America in health care is Medicare, and I do not see anyone coming and saying we should do Medicare in a different way. Medicare has worked well, with the government providing the way we collect the premiums and collect the dollars necessary to pay the doctors and hospitals that are private, and where the Medicare beneficiaries can choose their own doctor or hospital. That is the way it should be.

The reason it is important to include a public insurance option in the bill that is being brought forward is to make sure we have an affordable option for those who cannot find insurance, so we have an affordable product in every part of America. If you live in rural America, it is tough to find an insurance company that is interested in insuring you if you are in the individual market. That is just a fact of life.

So the public option provides an affordable option and provides more competition. In my own State of Maryland, two insurance companies represent 71 percent of the private insurance market. We do not have effective competition in our State of Maryland. The public option offers more competition. If we have more competition, it is going to be less costly. That is the reason we

want to make sure it is included in the bill that is brought forward and the bill we hope will be reconciled with the House and sent to the President of the United States.

Mr. President, as I said when I took the floor, we have a unique opportunity. We have a unique opportunity in taking up health care reform and health insurance reform to help the people of our Nation. We have to make sure we get it right. I agree with my colleagues, we need to take the time to make sure we get this bill right, but we need to act. We need to act in order to protect middle-income families so they have affordable health care coverage in America.

We need to act to help small businesses so they have more choices, more competition, so they can afford to provide health insurance for their employees. We need to act for our seniors and those who are disabled in the Medicare system to make sure we strengthen Medicare for future generations and can expand the benefits that are covered under Medicare.

We need to act for the sake of our economy. We need to act for the sake of our Nation. I encourage my colleagues to get engaged in this debate so that, at the end of the day, we pass a bill that is going to be in the best interest of the people of this Nation.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that I be allowed to speak for up to 20 minutes in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered.

UNEMPLOYMENT INSURANCE

Mr. BAUCUS. Mr. President, these days, the economy is foremost on the minds of Americans, and well it should be. Two out of five Americans say the economy should be our top priority. That is more than twice as many as cite any other issue—two times that the economy is much more important.

The unemployment insurance bill before us today helps to address the economy in several ways. In several ways, our legislation would help Americans to get and keep good jobs. First, our bill would extend much needed unemployment benefits. This unemployment insurance relief would get money into the hands of people who need it—need it desperately. I might say, there are about 15 million Americans out of work

chasing about 3 million jobs. There are many more people unemployed looking for work.

When we help unemployed Americans, let's also remember we help our communities, not just the individuals who receive unemployment benefits—and they have earned those benefits—but also the communities are helped by payment of those benefits. When we help our unemployed neighbors, we also help to keep open the neighborhood grocery store and the neighborhood gas station. When we help our unemployed neighbors, we also help to keep houses out of foreclosure. When we help our unemployed neighbors, we also help our economy; we help ourselves.

According to officials in my home State of Montana, if we do not pass this 14-week extension, then at least 7,000 Montanans will lose their unemployment benefits. That is a significant number when we consider the population of my State, which is just a little bit over 900,000 total.

A report prepared in June for the Montana Manufacturing Center showed that nationwide manufacturing employment fell from 13.8 million workers at the end of 2007 to 12.4 million workers at the beginning of 2009. That is a 10.5-percent drop in little more than a year—a 10.5-percent drop in workers in just more than a year. The decline nationwide was echoed in Montana, where manufacturing employment fell 8 percent.

In south central Montana, logging and milling have slowed down in the Bozeman area, just as they have elsewhere in the State. That means workers in the logging and milling industries have been losing their jobs.

It is absolutely essential we get this aid to those in need so they can continue to put food on the table while they continue to look for work.

A second integral part of this legislative package is the extension of the home buyers tax credit. This tax credit has already helped nearly 1.5 million Americans to achieve the dream of owning a home. Without this tax credit, many of these first-time home buyers would have remained on the sidelines. They would have been unable to buy a home in these challenging economic times.

The home buyers tax credit provides up to \$8,000 for millions of Americans to purchase their first home. The credit has helped to reduce the excess supply of homes on the market and, in doing so, the credit has helped to stabilize the housing market.

In many places throughout the country, homes are selling and inventories are dropping. The Pending Home Sales Index, a leading indicator of existing home sales, rose again in September for the eighth straight month. Total housing inventory fell 10.8 percent at the end of August.

Home prices also appear to be slowly recovering. The Case-Shiller Home Price Index increased 1.4 percent in June after falling for 35 consecutive months. These encouraging numbers tell us that the home buyer tax credit is working. Yet the housing market remains fragile. High unemployment has increased foreclosure rates, inventories remain well above normal levels, and homes are worth substantially less than they were a year ago.

In May, back home in Montana, I helped with a charity raffle of a new home in Billings. During the event, the homebuilders for this home told me how well the home buyer tax credit is working. They said it definitely helped to boost their sales. The builder made it very clear how much the tax credit has helped in Montana.

Realtors and home builders across Montana have provided examples of the tax credit working to get buyers off the fence and into new homes. The Billings Gazette recently reported on one development where 30 homes were sold this year. Home buyers of 17 of those homes used the first-time home buyer tax credit when they bought their home. In Bozeman, MT, housing starts and home purchases have dropped off, but it is clear that the home buyer tax credit has helped to cushion that.

The success of the American economy is closely tied to the success of the housing market. By helping to stabilize the housing market, the home buyer tax credit has helped to shore up the economy as it begins to recover. It is important that we temporarily extend the home buyer tax credit to further support our recovery. That is why we have proposed extending the tax credit to April 30 of next year. Because the housing market remains fragile, we propose expanding the credit to include a greater number of potential home buyers.

As before, the \$8,000 tax credit would be available to those buying a principal residence for the first time, but it will also be available to home buyers who have lived in their current residence for 5 years or more. These home buyers hoping to move up would be eligible for a \$6,500 tax credit. This strikes a fair middle ground. We would help first-time home buyers and we would also help homeowners looking to move up to a new home, but we would exclude from the credit speculators who may have recently purchased a home intending to flip it for a fast profit.

Our amendment would also increase income limits. This would enable an even greater number of potential home buyers to take the credit. Those earning less than \$225,000 for joint filers and \$125,000 for single filers would be eligible. Increasing this threshold would further stimulate the housing market by bringing a new group of buyers into the market. These days, millions of renters earn more than \$75,000 a year.

Our new home buyers tax credit would also include a "binding contract" provision that would allow anyone who has entered into a binding contract to be eligible for the credit, so long as they close on the home within 60 days. Also, the extended tax credit would continue to allow military personnel to claim their credit for an additional year.

Many more Americans stand to gain from the extension of the home buyers tax credit, and with our amendment they would get help buying a new home during these tough economic times.

Homes that are worth more than \$800,000 would not be eligible for the home buyers tax credit. We need to target the credit toward those potential home buyers who need it most, not those buyers who would have bought a new home even without the new credit.

To address concerns such as those raised by the Treasury Inspector General for Tax Administration, we have given the IRS additional tools to prevent erroneous credits from being paid.

It is important that this tax credit does not become a permanent fixture in the Tax Code. That is very important. It certainly is to me. Our amendment would end the credit on April 30 of next year. This extension would get us through the winter, traditionally the worst season for real estate. Our amendment would jump-start the housing market as it enters the summer months in 2010. With the new "binding contract" provision, we would effectively extend this tax credit for 7 months, long enough to encourage home buyers to buy homes but short enough to remain fiscally responsible. It is a fair approach and it would play an important role in getting the housing market back on its feet.

In addition to unemployment insurance and the home buyer credit, our amendment would also add needed net operating loss relief for businesses. Under current law, corporations may carry back net operating losses 2 years. In the stimulus bill earlier this year, we were able to increase that carryback period to 5 years, but only for small businesses. The carryback provision for small businesses has been a great help to struggling small companies. They were able to carry back their losses to profitable years, and then they could file quick refund claims. This gave them much needed cash to meet payroll, invest in new equipment or inventory, or pay for other current expense obligations.

But many businesses did not qualify for the carryback stimulus provision that helped small businesses. Many larger companies are also hurting during this economic downturn. Senator SNOWE and I recognized this during our discussions on the stimulus bill. We introduced a bill to expand the needed relief to all businesses, and now we are including that relief here.

The great recession, which I heard to date is officially over because now the GDP is growing for the first time in I don't know how many months—but the great recession has hurt Montana businesses from farming to retail to manufacturing. A recent series in the *Billings Gazette* highlights a number of historically profitable Montana industries that are facing serious losses as a result of hard economic times. The lumber industry provides an acute example.

Pyramid Mountain Lumber is the oldest surviving family-owned and family-operated mill in Montana. Loren Rose, the controller of Pyramid Mountain, reports that their mill has faced increased costs on logs and fuel and orders have dropped because of the slowdown in home building. The owners have invested everything they have in the mill. They are terrific operators. I spent a good bit of time at that mill and I am very proud of it. They have done a super job. Loren said the lumber mills are “all in” as far as ownership investment. They have nothing left to invest. Other mill owners have had to shut down. Loren said that an NOL provision such as that in our bill would “absolutely” help in “providing working capital to the small, independent mills.” That is his quote. Our NOL provision would directly help this industry and others in Montana that are struggling to survive in these tough economic times. Let's expand the help we provided to small businesses to all businesses; that is, all businesses that need the cash infusion now.

The questions always arise: How do we pay for these provisions? Our amendment pays for them responsibly. In 2004, Congress created a new way for American-based corporations to allocate interest for purposes of computing their taxes. The implementation of that allocation method was to be effective in tax years beginning after 2010. Our amendment delays the effective date of that provision until tax years beginning after 2017.

Our amendment also increases penalties for taxpayers who fail to timely file partnership and S-corporation returns. These two provisions would allow Congress to provide additional incentives for home buyers and implement expanded NOL carryback relief for businesses. Both of these goals are big steps toward boosting our economy.

Our amendment, I believe, is the right approach. I urge my colleagues to support it. Let us respond to the concern that is foremost on Americans' minds, and that is jobs, that is the economy. Let us pass this legislation to help unemployed Americans and provide tax relief, and let us pass this legislation that will help Americans to get and keep good jobs.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAP-AND-TRADE

Mrs. HUTCHISON. Mr. President, I rise today to raise serious concerns with the cap-and-trade legislation which is currently in hearings in the Senate Committee on Environment and Public Works.

The committee is holding its third hearing today on the bill that would presumably be coming to the floor of the Senate. One of the panels today is going to focus on the impact on transportation of the cap-and-trade bill. I think Members deserve to know the real costs and effects this bill will have on transportation. That is what I will talk about today.

Last week, Senator BOND and I unveiled a report that analyzed the fuel cost implications from the House bill that is making its way through the House. Our report forecasted a \$3.6 trillion gas tax on the American economy for the life of the program, which is 2015 through 2050.

At this time of economic uncertainty, with 15 million people out of work, just about every American is cutting back on spending. Do we really want to put a tax on energy and increase energy costs for families and small businesses at a time like this? I think the answer is obvious. The worst thing we could do to our struggling economy is to overburden it with new taxes and more regulations. But that is exactly what the cap-and-trade bill is doing, and that is exactly what is going through Congress right now.

This past weekend, we began to see what was in the Senate bill that is being proposed. It is even more stringent than the House bill. The legislation on the Senate side would impose a huge tax on business and levy a massive economic burden on all Americans.

For most Americans, gasoline is a mandatory expense, and raising the cost of it, of course, is going to strain working families, small businesses, farmers, ranchers, and our whole economy. Last year, when consumers experienced \$4 gasoline and \$5 diesel, it caused enormous hardships for Americans. Fortunately, those fuel prices were temporary. But under cap and trade, those high prices will be permanent—at least until 2050.

High fuel prices don't just impact our transportation expenses; we are actually hit twice because the gas tax raises the price of every good and service—groceries, clothes—that consumers must purchase in order to live.

Energy costs are, among our businesses, top operational expenses. Com-

panies face a variety of energy expenses, ranging from heating and cooling their plants and facilities to powering equipment and lighting. In order for businesses to withstand this heavier tax burden and to remain viable, they will be forced to pass fuel costs on to consumers through higher prices.

Several industries will be more severely penalized by the gas tax than others.

Let's take trucking. The American trucking industry is a major target of the cap-and-trade gas tax. In 2007, 1.7 million drivers of tractor trailers logged 145 billion vehicle miles, consuming 28.5 billion gallons of fuel. That equates to an annual fuel cost per vehicle of \$34,560. That number will skyrocket under this cap-and-trade proposal that is going through Congress. When you consider that the average self-employed truckdriver earns only \$43,000 per year in net revenue, the gas tax represents an enormous new tax on working middle-class truckers.

Of course, truckers will not suffer those higher gas taxes alone. Their additional costs will be shared by every consumer in the increased price of everything they transport. At some point, nearly everything bought or sold must be shipped to a retailer. So the sweeping effect of the gas tax on every consumer, every person, every business—certainly the trucking industry but every other business—will harm our entire economy.

The pain doesn't stop with trucking. Our Nation's farmers and ranchers, who are tasked with producing high-quality goods for much of the world, will be irreparably harmed under the House's \$2 trillion tax on gasoline and \$1.3 trillion tax on diesel fuel. Gas and diesel fuel-powered equipment, ranging from tractors to combines to fertilizing systems, are the operational foundation of America's farms and ranches. Every extra penny they pay will be seen in the cost of goods and certainly the cost of food. Under the climate change legislation, they will face \$550 million in higher fuel costs in 2020.

Despite all of this pain we are going to see on our truckers, on our family farmers, and on every business, what good will it do? If there is a good side, let's look at it. It is supposed to be to help our environment. But even the U.S. Environmental Protection Agency Administrator admits that unless China and India impose similar draconian taxes and regulations, there will be no effect on world temperatures. So what is the purpose of this increase in taxes and increase in costs every American will bear? Well, there is no improvement because it is certainly common sense to know that if we do this unilaterally in the United States and put this tax on our refineries, on our exploration companies that are trying

to produce more energy for our economy at a cheaper price and environmentally safely, and if others around the world don't do it—put more caps on and more regulations—and they are spewing into the world much heavier carbon emissions than the United States does now—if they don't change and we do, it will still come to our country. So there will not be any effect on the global environment.

Under the bills going through today, trillion-dollar figures have been discussed so nonchalantly in Washington that it seems as if they are losing their shock value. Americans must know that \$3.6 trillion in gas taxes is a real number, and it is going to have a real effect on every American.

We can improve the environment and we can improve the economy.

One of the things that is not being discussed, as we are talking about putting more taxes on the industries that produce energy, the bread-and-butter energy of our economy, what isn't being discussed is nuclear power. Nuclear power has been shown time and again, where it is in place, that it is inexpensive, efficient, and it is environmentally safe. There is no carbon emission from a nuclear powerplant.

So why does the House bill not even address nuclear? Why are we not talking, in this administration, about nuclear power, which can be clean energy, efficient energy, and which has been proven to also have fewer consequences than once thought because the amount of nuclear waste has now been lowered to a huge extent and can be safely kept? And if we continue our research, we will probably be able to reuse the nuclear waste and put it back into more nuclear power. Why aren't we pursuing nuclear instead of just putting more taxes and regulations on the bread-and-butter energy that is produced in our country?

We need to reject the cap-and-trade bills that are going through Congress right now. We need to focus on environmental policies that will make a difference in our environment, that might make a difference in our global environment. But certainly unilateral regulations and taxes just on America has been absolutely proven not to make a difference in the global economy if no other country adopts these Draconian measures, which they have all said they are not going to do.

While I stand ready to support clean energy technology, nuclear power, I could not possibly support a bill that is going to wreck our economy in a very precarious time and that will send jobs away from America at a time when we know we need to increase jobs in America. It will be sending American jobs overseas where it is easier to do business and where regulation is more stable.

Mr. President, what are we doing? What are we doing talking about more

taxes and more regulations that will not impact the global environment? I hope that as these bills are vetted in committee, we will stop and say: Let's do something rational. Let's promote clean energy. Let's promote nuclear power. Let's don't hold back those who would be willing to make that investment and take that chance.

We should not pass cap and trade, which will tax and regulate our energy industry and it will not help the environment. That is a lose-lose proposition. I hope Congress and the majority in Congress will see that this is the wrong way and stop the cap-and-trade bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. GREGG. Mr. President, I rise to speak again about the issue that is the topic of the day for us in the Congress—independent of the question of Afghanistan and Iraq, which is our No. 1 concern—and that is the question of health care.

Today, the Speaker of the House and the Democratic leadership and membership of the House unveiled their plan. It is 2,000 pages long. They made the representation that, in some way, it wasn't going to increase the deficit. This is a bill that is going to cost between \$1 trillion and \$2 trillion over 10 years. The idea that it is not going to increase the deficit is so unbelievable just on its face that it doesn't even pass the laugh test. If you believe that, then maybe the Speaker of the House should sell you a bridge in Brooklyn—or even in Oakland, for that matter. That one doesn't work, by the way. The simple fact is, when you increase the size of the government by \$1 trillion or \$2 trillion, as this bill proposes to do by massively creating a massive new entitlement called a government-forced insurance plan, there is no way you are going to be able to cut Medicare enough, as it is proposed in this bill, or raise taxes enough, as it is proposed in this bill, to meet the cost of that program. There is no way it is going to happen. So to claim that this won't add one dime to the deficit, as the President claimed he would not do when he spoke to the Congress, is just not believable.

Under this administration, we have seen a massive expansion in the debt of this Nation. They represent constantly that they just inherited this from the Bush administration. Yes, a fair amount of it did come over from the prior administration, but the budget

they sent here, which has a trillion-dollar deficit every year for the next 10 years, isn't the Bush budget, it is their budget. The budget they sent over here, which raises the debt in this country from 40 percent of GDP to 80 percent, isn't the Bush budget, it is the Obama and Democratic budget.

The representation was that we would go out and spend almost \$1 trillion—\$800 billion—on a stimulus package, and that would create jobs. What it created was debt for our children.

The numbers are starting to come in now. It was represented in New Hampshire specifically, this administration said there would be 16,000 jobs created in New Hampshire by the stimulus package. Since the stimulus package has passed, we have lost 12,000 jobs in our State, and \$400 million has been spent in New Hampshire. The administration argues \$400 million created 3,000 jobs. They have to use some pretty creative accounting to get to those 3,000 jobs. Even if we give them the benefit of the doubt, that is over \$130,000 that it has cost Americans per job.

Did we have that money to spend? No. We sent the bill for that package to our children. We put it on their backs. In fact, almost 50 percent of that stimulus package is going to be spent after this recession is long over. It is going to be spent after the year 2011.

Chairman Bernanke, head of the Federal Reserve, said the recession was over. He said that about 2 weeks ago. Granted, the pain and suffering and the difficult economic times certainly are not over, and we do need to be concerned about that. But in 2012, 2013, 2014, 2015, even in 2019, there will still be money being spent under that stimulus package, and all of it will have been borrowed, borrowed from our children, and they will have to pay it back.

Then we had the Cash for Clunkers Program which was allegedly going to be this great stimulus initiative. That has been looked at by an entirely independent group, edmunds.com, which is an automobile site on the Web. They tell you a car's value and give you an independent assessment of its qualities, pluses, and minuses. They took a look at that program. They said there were 690,000 vehicles sold during the Cash for Clunkers period. But they concluded—they are not conservative, they are not liberal, they are not moderate. They are just a professional group of people looking at what happens in the area of automobiles. They concluded that only 125,000 of those cars would not have actually been purchased or sold by the dealer were the Cash for Clunkers Program not in place. In other words, the vast majority of cars would have been sold; they would have been bought under Edmunds' estimates.

So we spent about \$3 billion to buy 125,000 cars. That works out to \$24,000

per car. Who did that bill go to? That is going to our kids too.

Just in the last 2 weeks—well, almost every week around here we hear proposals to spend money and not pay for it. A week ago, somebody suggested from the administration that we should spend \$14.5 billion by sending \$250 to every Social Security recipient. Why did that come about? That came about because people were starting to realize senior citizens were getting a little upset with the fact that under the health care proposals that have been coming forward from the Finance Committee, from the Labor Committee, now from the House, that under these proposals Medicare was going to be significantly reduced. Seniors were going to lose their Medicare benefits so that a brandnew entitlement could be created which had nothing to do with seniors and be partially paid for with these reductions in Medicare payments.

In fact, if you are on Medicare Advantage, under the Finance Committee bill, you can forget it. That program is gone. There are a lot of seniors in this country who have Medicare Advantage. They like it. They think it is a good way to get health care. But the majority of the Medicare cuts come out of Medicare Advantage. Basically, they are wiping out that insurance benefit. Talk about losing your insurance. The President says nobody is going to lose their insurance today who has it; nobody is going to lose it.

Right on the face of it, when Medicare Advantage gets wiped out, every senior who has that is going to lose it. They are going to be moved over to the standard Medicare. And for what? To pay for a new program, a new entitlement program that has nothing to do with seniors and has nothing to do with making the Medicare system more solvent.

If we are going to reduce Medicare payments, and there are adjustments we need to make in the Medicare system, it should go toward making that system solvent. Why is that? Because the system is insolvent.

It is inconceivable that the White House would suggest that we should add \$14.5 billion of new spending to the Social Security Program, which is also going to be insolvent in a few years, because seniors were upset and they were realizing what was going to happen to them under Medicare. They wanted to sort of give them some walking-around money, the old Chicago way—walking-around money. If we give people money, maybe they will not be upset by things.

I think most seniors understand that, sure, they would love \$250, but how does that work? When we total that all up, that is \$14.5 billion of debt which is going to be given to their children and their grandchildren to pay when those grandchildren and children already are

getting a massive debt, almost \$50 trillion of unfunded liability just in Social Security and Medicare alone.

We have to ask ourselves: Should we put another \$14.5 billion on their backs simply to make a political statement? Of course not. But that was proposed.

Then a week ago, it was proposed that we should do a \$250 billion fix to reimburse doctors fairly. Doctors are not reimbursed fairly under Medicare. They are not. That is an interesting fact because if we look at all these proposals that are being talked about from the other side of the aisle, they are saying: Oh, everybody in America will have Medicare. That is a great idea. The fact is, Medicare does not reimburse doctors for what the real costs are. So a lot of doctors don't want to do Medicare.

The reflection of that fact is, they proposed the \$250 billion doctor fix. They didn't want to pay for it. That is a \$¼ trillion. That is a lot of money. All that debt goes on our children's backs. Our children have to pay for that spending. That was the proposal that came from the other side of the aisle.

Fortunately, some folks on the other side of the aisle—I congratulate them, 12 Members on the other side of the aisle in the Democratic Party and one Independent—said: Wait a minute. We are going to join the Republicans on this one. You can't do this. This is not right. You cannot spend \$250 billion on fixing the doctors fix, which should be fixed, and then take that bill and give it to our kids and grandkids. You have to be more responsible.

Over the years, every year we have fixed the doctors fix. We have fixed it now for 10 years, and we have paid for it. But this was not going to be paid for.

These ideas for spending money and not paying for them have become fairly common around here. But the biggest item is clearly going to be this health care bill which is a brandnew entitlement representing \$1 trillion to \$2 trillion of new spending.

What is that money going to be used for? It is going to be used basically to create a new government-inspired insurance program to compete with the private sector in the area of supplying health care. That would be OK except for the fact that as the Speaker of the House has said, that government plan is going to be used to save money. There is only one way that a government insurance plan can save money; it has to underprice the private sector. How does it do that? It uses the authority of the government to set price controls. It uses the authority of the government to control procedures that people are able to get. It uses the authority of the government to limit innovation because innovation is costly.

Inevitably because of that—price controls, controlling access to doctors

and hospitals and procedures people can get, and controlling innovation—it inevitably deteriorates the quality of health care generally for the public.

Equally important, of course, under the scheme that has been developed that we have seen so far—although we have not seen the specifics because they are being developed behind closed doors on the Senate side. We have seen the House bill, but we haven't had a chance to read the 2,000-page bill. But the scheme that came out of the Finance Committee, equally important, the practical effect would have been that employers would have been encouraged to basically drop employees from their private insurance plan and cause those employees to migrate over to the public plan—intentionally, of course—through a whole series of activities which would make it much more practical for an employer simply not to insure people but to pay a penalty instead and put employees on a public plan.

There will be a natural contraction in the private insurance community because there would be a price-controlled government plan and a natural movement of people over to the government plan because the penalty for employers not insuring people is significantly less—at least in the HELP Committee bill—than the cost of insurance and, therefore, employers will look at it and say: It is cheaper to pay the penalty than insure the folks. So I will just pay the penalty and people can go over and get a public plan. They lose their insurance.

Mr. President, 180 million, 190 million people in this country have private insurance. They are pretty happy with their doctor and their health care. They may not be happy with the insurance company—most of us are not—but they are pretty happy with their doctors and their health care. If they are forced on to a public plan, that is going to put this bureaucrat between you and your doctor. It will mean if you have a government plan, you may have to call Washington to see your doctor.

It also means, as I said earlier, in order for the public plan to work and be cost effective in the sense of saving money, as the Speaker of the House says that is how she has to save money, it has to have price controls, it has to have control over access, it has to have control over innovation, all of which inevitably leads to delay and a lesser quality health care system.

The goal on the other side of the aisle—we all understand this because they have been public about this; there is no subtlety about it—is to move to a single-payer system where there is one insurer in the country, and that is the government.

The same group that is bringing us the swine flu vaccination program is going to bring us all our health care. Think about that. We don't have to go

too far for an example of how the government has a hard time managing fairly large issues of health care when it comes to the practical application of taking care of people who need assistance. All we have to do is look at what is happening in the swine flu program to recognize that the government may not necessarily, in all instances, do such a great job of delivering health care.

For example, today you cannot get your swine flu vaccination in most places in this country because it is not available. Yet that is the system which a large percentage of members of the other party seem to desire, a single-payer system where government supplies it much along the lines of what we see in places such as Canada and England.

I don't think it is healthy for you. I don't think it is healthy for patients. It is certainly not healthy for our children because it means they are not only going to get a lesser health care system, they are going to get this huge bill, this massive bill which is going to come out of this \$1 trillion to \$2 trillion increase in the cost of government.

It is hard to understand—it has to be intuitive to people, and I know it is to most Americans—that if we increase the size of government by \$1 trillion to \$2 trillion, we inevitably end up passing on massive debt.

The PRESIDING OFFICER. The Senator has used his 15 minutes.

Mr. GREGG. I ask for an additional 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. As I said, it has to be intuitive, and I know it is intuitive for most Americans, that if we increase spending of the government by \$1 trillion to \$2 trillion—and our estimate is this program costs \$2.2 trillion in fact—and we cut Medicare to try to pay for that, or we try to raise taxes to pay for that, we are like a dog chasing a tail. It never will happen. The two ends just don't meet. They just don't meet. And what happens to the part that doesn't meet? That is called debt, and it goes to our children. It is not appropriate to do that after we have already put so much debt on their backs, especially in the last few months.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Iowa.

BIOFUELS AND THE EPA

Mr. GRASSLEY. Mr. President, last week, President Obama delivered a speech at the Massachusetts Institute of Technology on the environment and on clean energy. He made an appeal for congressional support for biofuels, wind, and solar energy, clean coal technology. Naturally, as father of the wind energy tax credit of about 18

years ago, I share President Obama's support for homegrown renewable energy. When the President was in the Senate, he and I worked together to promote the production and distribution of biodiesel and ethanol. It is because of our common interest and shared support that I make an appeal today to President Obama.

The Environmental Protection Agency is currently reviewing a number of proposals that are incredibly important to our Nation's ability to reach its potential in terms of renewable fuel production. On September 3, I was fortunate to host EPA Assistant Administrator Gina McCarthy and Margo Oge, Director of the EPA's Office of Transportation and Air Quality, on a family farm in my State of Iowa. I was happy they accepted my invitation. It was a very good visit.

With the tremendous impact EPA decisions have on the family farmer, it seemed worthwhile for Administrator McCarthy and Director Oge to see American agriculture directly through the eyes of a family farmer. I also had the opportunity to share my concerns on many pending issues, and I believe these EPA officials were a welcome audience.

The first issue I am speaking about relates to the EPA's proposal to penalize biofuels for greenhouse gas emissions from supposed changes in international—I emphasize international—land use. I know President Obama is aware of my concerns because I relayed them to him personally over lunch at the White House on May 6 of this year. Their new renewable fuels standard, enacted in the year 2007, requires various biofuels to meet specified life cycle greenhouse gas emission reduction targets.

The law specified that the life cycle greenhouse gas emissions are to include direct emissions and significant indirect emissions from indirect land-use changes. However, the proposed rule relies on incomplete science and inaccurate assumptions to penalize U.S. biofuels for so-called indirect land-use changes. Under the EPA's analysis, ethanol produced from corn reduces greenhouse gas emissions by 16 percent compared to gasoline. However, if you remove the murky science of emissions from indirect land-use changes, corn ethanol reduces greenhouse gas emissions by 61 percent compared to gasoline—remembering that the other figure was just 16 percent compared to gasoline. So you can see what we know from science—sound science—is ethanol is very environmentally positive.

The EPA's models conclude that changes in international land use—again, emphasis upon international land use—contribute more in greenhouse gas emissions than the entire direct emissions of ethanol production and use. The fact is, measuring indirect

emissions of greenhouse gases is far from a perfect science. There is a great deal of complexity and uncertainty surrounding this issue. That is why Senator HARKIN and I, along with 10 other Senators, asked EPA earlier this year not to include calculations of indirect land-use changes. But the EPA ignored the request of Senator HARKIN and myself.

In its proposed rule, the EPA grossly underestimates future crop yields that will help meet the demand without requiring new crop acres. In addition, the EPA fails to adequately measure the land-use credits for the feed value of corn ethanol coproducts. Similar miscalculations exist for biodiesel as I have explained for ethanol. The EPA miscalculated the value of coproducts associated with biodiesel production and even included a nitrogen penalty.

I wish to speak to the nitrogen penalty because it is a case of total ignorance on the part of the EPA. Farmers know that growing soybeans does not require nitrogen use. Soybeans, in fact, capture nitrogen and return that very valuable product to the soil naturally.

During consideration of the Interior appropriations bill last month, Senator HARKIN filed an amendment to block EPA from including the international component of the land-use change calculation. In response, EPA Administrator Jackson sent a letter to Congress claiming the amendment would prevent them from carrying out their statutory obligations.

There are two points that need to be made with regard to Administrator Jackson's letter to us in the Congress. First, the statute does not require the inclusion of international land-use changes. Nowhere does the word "international" appear in the statute. Second, in measuring greenhouse gas emissions, the statute states clearly:

Direct emissions and significant indirect emissions such as significant emissions from land use changes.

If the EPA can't determine the impact of land-use changes with any degree of certainty, how can it be sure the impact is significant? Isn't there the same probability it is entirely insignificant?

Importantly, the House of Representatives demonstrated its lack of confidence in the EPA's handling of this issue during consideration of the climate bill in June. In that bill, Agriculture Chairman PETERSON, Speaker PELOSI, and Energy and Commerce Chairman WAXMAN agreed to an amendment that recognized there is no scientific agreement or no consensus that links U.S. biofuels production to international land-use changes. The amendment blocked EPA's consideration of international land-use changes for 5 years, until it can be measured using what we ought to expect them to

use—sound science. There is strong bipartisan support on the record in opposition to EPA's finding in this area. So I hope EPA gets the message.

The second issue pertains to the volume mandates required for biodiesel under the expanded Renewable Fuels Standard. The RFS-2 requires the use of 500 million gallons of biodiesel in 2009 and 650 million gallons in 2010. However, EPA's rulemaking to implement these volume requirements has not yet been finalized and may not be until well into next year.

The U.S. biodiesel producers are in a tough financial situation. They need this mandate—which Congress did enact—to ensure a domestic marketplace for their renewable fuels. While the EPA took action to increase the overall volume mandate to comply with the law, it has failed to implement the specific biodiesel mandate.

In early August, Senator CONRAD and I were joined by 22 other Senators in writing President Obama to ask for his help.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the letter to President Obama.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, August 6, 2009.

Hon. BARACK OBAMA,
President of the United States, The White House, Pennsylvania Avenue, NW., Washington, DC.

DEAR MR. PRESIDENT: We are writing to ask your assistance to ensure that America maintains a viable domestic biodiesel industry that is capable of producing renewable diesel replacement fuel.

The Energy Independence and Security Act (EISA) of 2007 provides for renewable content in U.S. diesel fuel as part of the program's Advanced Biofuels schedule. Specifically, the Renewable Fuel Standard (RFS-2) requires the use of 500 million gallons of biomass-based diesel in 2009; 650 million gallons in 2010; 800 million gallons in 2011; and 1 billion gallons in 2012 and thereafter. This policy, if implemented in a timely and workable fashion, will promote the significant economic, environmental and energy security benefits associated with the domestic production and use of biodiesel.

The RFS-2 program was to begin on January 1, 2009, and the Environmental Protection Agency (EPA) was required to revise the current regulations to ensure the mandated volumes are met, including the volumes for biomass-based diesel. Recently, the EPA announced a two-month extension to the comment period for the new regulations. This extension will likely delay the implementation of RFS-2 well into 2010, causing further uncertainty and creating additional harm to biodiesel plants that have, as Congress intended, made substantial investments based on the volume goals provided for in the statute. The U.S. biodiesel industry desperately needs the market provided by the RFS-2 and cannot afford a significant delay in the implementation of the volume requirements mandated by EISA.

Domestic biodiesel producers face a practically non-existent domestic marketplace. Currently, 70% of U.S. biodiesel production

capacity is idle. Domestic production is expected to be less than 50% of last year's levels and numerous bankruptcies loom for the industry. If this situation is not addressed immediately, the domestic biodiesel industry expects to lose 29,000 jobs in 2009 alone, and the nation's ability to meet the common-sense volume targets for biomass-based diesel provided for in RFS-2 will be compromised. A viable biodiesel industry is key to reducing U.S. dependence on foreign oil and meeting our nation's renewable energy goals.

Given the significant delays associated with RFS-2 implementation, the precarious state of the U.S. biodiesel industry, and the volume goals established by statute for biomass-based diesel, we believe this matter must be addressed immediately. While EPA appropriately increased the overall volume mandate to comply with EISA, it has, to date, failed to implement the specific biomass-based diesel mandate. Therefore, we request that the Administration exercise its authority immediately, either by Executive Order or through Agency action or guidance, to provide greater certainty for the 2009 and 2010 RFS-2 volume mandates for biomass-based diesel. Prompt attention is critical to the survival of the biodiesel industry, will provide greater certainty in the marketplace, and is needed to further the energy security, environmental and economic interests of the country.

Thank you in advance for your consideration on this important matter.

Sincerely,

Kent Conrad; Chuck Grassley; Tom Harkin; Byron L. Dorgan; Jon Tester; Amy Klobuchar; Sam Brownback; Max Baucus; Pat Roberts; Christopher S. Bond; Roland W. Burris; Blanche L. Lincoln; Tom Udall; John Thune; Richard Durbin; Debbie Stabenow; Maria Cantwell; Ben Nelson; Patty Murray; Mike Johanns; George V. Voinovich; Tim Johnson; Richard G. Lugar; Al Franken.

Mr. GRASSLEY. Mr. President, the domestic biofuels producers are in a precarious state, so we asked President Obama to take immediate action to implement the volume mandates for biodiesel. It is in our Nation's economic and environmental interest to maintain a robust biodiesel industry. Unfortunately, no action has been taken to immediately implement the volume mandates.

Finally, the EPA continues to delay in approving higher blends of ethanol in our transportation fuels. Earlier this year, a number of ethanol producers submitted a request to EPA to allow higher blends of ethanol. Currently, ethanol blends are limited to 10 percent in nonflex-fuel vehicles. The waiver request is simply requesting that EPA allow ethanol to be blended at 15 percent levels instead of 10 percent.

While the waiver request was submitted back in March, the EPA has not made a decision. The EPA's delay in considering this request is having a negative impact on U.S. ethanol producers and is harming consumers who would otherwise benefit from lower prices at the pump. The delay is also putting off our efforts to use more homegrown renewable fuels in place of imports.

The delay is also putting off our efforts to use more homegrown renewable fuels in place of imported fossil fuels.

I recognize that prior to approval of higher ethanol blends, the requisite studies and testing must be concluded.

A number of scientific studies conducted in recent years confirm that higher ethanol blends do not cause significant changes in tailpipe emissions, vehicle drivability, materials compatibility or durability.

It is time to end the delays and take action to further reduce our dependence on foreign oil.

I am speaking today to ask President Obama and his staff at the White House to pay close attention to these three issues.

Our Nation currently has a strong, renewable fuels infrastructure that is working every day to reduce our dependence on foreign oil.

Those involved are also working diligently to increase efficiencies and strive toward the second generation of advanced biofuels. But, we can't get there by undermining today's industry.

The President can take action within his administration to ensure that no harm is done to the renewable fuels that are displacing dirty fossil fuels today.

He can ensure that EPA uses only sound science and avoids speculative assumptions when determining the greenhouse gas emissions of biofuels.

He can take action to see that America uses even more homegrown, green energy by ensuring that even more renewable fuel is blended in our Nation's transportation mix.

And, he can take action to immediately provide the certainty for biodiesel producers that Congress intended in the energy bill of 2007.

That is what I am asking him to do. By zeroing in on these three pivotal issues facing the renewable energy effort today, President Obama and his staff can make a major positive difference for the production of even more clean, renewable, domestic biofuels.

THE PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, may I inquire, is the procedure that we are going back and forth? If it is, I will defer to the junior Senator from Illinois.

THE PRESIDING OFFICER. That is not part of the order.

Mr. JOHANNIS. I thank the Chair.

HEALTH CARE REFORM

Mr. JOHANNIS. Mr. President, I anticipate speaking about 10 minutes, and I rise to speak on the health care bill that is making its way to the Senate floor. Today, I wish to talk about just two topics relative to that health care bill, and those two topics are transparency and, of course, the all-important topic of taxes.

We all have been through elections. We know elections lead to promises. We say things out on the campaign trail. We make promises to the American people and to the people of our State. Well, last election, by any measure, was a historic election. Over and over again, the American people were promised change. They were promised middle-class protections. Very specifically, our President promised increased transparency. There would be no tax increases on the middle class. We can all quote that language—not one dime. But I have to tell you, everything I see about the health care debate at this point leads me to the conclusion that campaign promises are about to be broken.

Without a doubt—without a doubt—the American people clearly support more transparency in Washington. Yet health care has the same old politics. There isn't any transparency at the moment. I remember that famous tape of the President where he said: You know, we are going to do this in front of C-SPAN. We are going to see who is with the big insurance companies and who is with the people. Well, what is happening now? We are in the process of bills being merged—hugely different, monstrous bills—and we don't even know exactly what is going to be in those bills, and it is all happening behind closed doors. I just fundamentally ask the question: If this is good for America, then why be secret about it? It is altering one-sixth of our economy. It simply should not be happening behind closed doors. There is too much at stake.

Everyone should support the 72-hour transparency bill. It simply requires that legislation and a CBO score be available at least 72 hours before consideration. That is a commonsense idea and I think kind of a minimal idea, actually. A 1,900-page bill came out of the House—1,900 pages. Yet they are talking about a vote on that next week. I think most people would say: What is the rush? But we should at least get 72 hours, with a score, so we could talk to the American people about what is in the bill and what is not.

This leads me to the next piece of what I wished to talk about today, and that is taxes. A signature promise of the President's campaign was no taxes on families making under \$250,000. Wow. What an important promise to the middle class. Let's look at the taxes in the Finance Committee's bill. There are over \$500 billion of new taxes and fees. That is a very big number. Who is going to be hit with that? We have had studies done on it. The Joint Committee on Taxation analysis says this. It concluded that for 2019, roughly 77 percent of these taxes will be borne by middle-class tax payers; three quarters of the tax burden falls on those the President promised would not be impacted with higher taxes. What are the

taxes? For anyone with a higher priced insurance plan, a 40-percent excise tax will be passed through to the worker. Higher health care costs, lower wages, I think. Any taxpayer who refuses to buy government-approved insurance will be penalized. These numbers could change, but right now it looks like \$750 for singles and \$1,500 for couples.

The CBO says this: Almost half of those paying this penalty tax would be between 100 percent and 300 percent of the Federal poverty level—or a family of 4, earning \$22,800 and \$68,400 in 2013. Clearly they are in the middle class. Clearly they are under \$250,000. Call it what you will, to the people paying this, to them it will be a tax.

If you do buy insurance, prepare to be taxed by the new insurance industry fees. If you use a medical device, you will get hit with a new medical device fee. If you contribute more than \$2,500 to a Flexible Spending Account, your taxes go up. Many taxpayers who purchase over-the-counter medicine will now see them taxed. Taxes and transparency—two issues.

I will continue, in the weeks ahead, as will my colleagues, to discuss the dangers of health care reform done wrong. Health care reform is needed, no doubt about it, but not rushed legislation with no transparency and so many new taxes on the middle class.

I will wrap up with this. I think overhauling 16 percent of the economy is too important to do fast and to not do right, so I respectfully suggest that we take the time to do it right and honor the pledges made.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, over the last few months I have addressed this Chamber many times on the need for a strong public option as part of our health reform legislation. The need, I believe, is quite clear, but the controversy remains. There are some who continue to attack the public option as a "government takeover," or an unnecessary intrusion into the free market. We must not be deceived by these baseless attacks. They are the instrument of a political opposition that cannot win this argument on the merits.

The American people know this better than anyone. They recognize that our health care system is broken and that they must not settle for anything less than comprehensive reform that only a public option can provide. They know that the insurance companies maintain a virtual monopoly over regional markets and that large corporations are squeezing families and businesses for extraordinary profits. Those who oppose reform see no problem with this lack of competition and accountability and that is why their arguments fall short. That is why their talking points seem tired and disingenuous, because they are out of touch

with what is going on in America today.

Let's reject the constraints of partisanship. Let's shut out the lobbyists and special interest groups that stand to profit from the poor health of hard-working Americans. Let's talk about why we desperately need a strong public option in this country right now.

The key problem with health coverage today is that American consumers do not have any options. The principles of competition and choice have always been at the heart of our economic system. They have driven innovation and they have served as the foundation of so many great ideas and achievements throughout our history. In many ways, these principles are uniquely American. Yet the health industry is somewhat exempt from their influence. Private insurance companies are free to fix prices, monopolize local markets and deny coverage to almost anyone for almost any reason. We have seen unprecedented consolidations in the insurance market and that has led to a lack of competition and choice for American consumers.

In the past 13 years, there have been more than 400 corporate mergers involving health insurers. As a result, 94 percent of our Nation's markets are now considered "highly concentrated," meaning that they are post-antitrust concerns. In my home State of Illinois, just two companies control 69 percent of the market and, sadly, Illinois is far from alone. In Alabama, a single company controls more than almost 90 percent of the market and in Iowa, Rhode Island, Arkansas, Hawaii, Alaska, Vermont, Wyoming, Maine, and Montana, the two largest health insurance companies control at least 80 percent of the market. In fact, there are only three States in the entire country where the largest three companies control less than a half of the insurance market.

This is a staggering statistic. In that kind of highly concentrated environment, there is no incentive to compete. There is no reason to improve service, expand access, or work with patients and doctors to achieve better health outcomes. In fact, there is every incentive to do just the opposite. These companies continue to look for new, innovative ways to deny coverage to sick Americans. They increase premiums, they cap lifetime benefits, they increase corporate earnings at the expense of families and businesses that are already stretched to the breaking point. While the rest of us suffer the effects of recession, they post record profits. That is why health care premiums are growing four times faster than wages. That is why profits are up and, relatively, health outcomes are down.

In the last quarter, one major insurance company reported profits that had more than doubled when compared to

the same quarter last year. In fact, between 2000 and 2007, 10 of the country's top insurance companies increased their profits by an average of 428 percent.

Today, \$1 out of every \$6 spent in this country goes to pay for health care. This is wrong. This flies in the face of every value our Nation holds so dear.

It is time to stand up for the American people and restore the American values of competition and choice to the system. It is time to hold insurance companies accountable. It is time to create a strong public option that will make insurers compete for your business, like any other corporation in America.

There is nothing wrong with making a fair profit. I understand that. I have been in business myself. They have to make a profit. But there is nothing fair about creating a monopoly and then wringing money from the sick Americans who are counting on you in their hour of need.

That is why we need a strong public option. We cannot have real reform without competition and we cannot have competition without a public option. A strong public option would be a self-sustaining, would provide a low-cost alternative to private companies, and would force them to improve their product or risk losing customers. The public option would give people a choice for the first time in many years. No one would be forced to change their coverage, but if their current provider isn't treating them right, they deserve the opportunity to choose something better and more affordable.

The American people deserve the chance to shop around, to compare options and pick the plan that is right for themselves and their families or small businesses. That is what the public option would mean for Americans. That is why I will not settle for anything less. I will not compromise. I will not stop fighting. The good hard-working people in Illinois and across America demand the real reform that a strong public option would provide.

Now is not the time to back down. Now is the time to act with conviction. I urge my colleagues to join me in standing up for choice and competition in the health insurance industry. Let us rise to this challenge and include a strong public option in the reform bill we send to the President.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. ALEXANDER. Mr. President, this is the week of two more 1,000-page bills. The House has produced a nearly 2,000-page health care bill which we are all looking forward to reading. The Senator from New Mexico and I are members of the Environment and Public Works Committee, and this week we have been spending almost all day each day on a nearly 1,000-page bill on climate change.

As I said on Tuesday when the bill was presented, I have no problem acknowledging the problem, but I do have a problem with the proposed solution. The National Academies of Science of 11 major industrialized countries, including the United States, have said that climate change is real and that humans are causing most of the recent warming. If fire chiefs with the same reputation said my house was likely to burn down, I would buy some fire insurance. I would buy fire insurance that worked. But I wouldn't buy insurance so expensive that I couldn't pay my mortgage or I couldn't pay my hospital bill. That is my concern about the solution that is a part of the Kerry-Boxer bill which we have been working on this week.

The Kerry-Boxer bill is a high-cost clean energy plan that will make it hard for Americans to support their families.

When the Boxer-Kerry cap-and-trade Bill is put together with the Energy Committee's Renewable Electricity Standard, it will be even bigger. It will be a combination of an economy-wide cap and trade and narrowly defined energy mandate. It will be a 1,000-page-plus bill of taxes, mandates, and surprises. But some things will not be a surprise.

We have heard this week a good deal of detail about the costs. At a time of 10 percent unemployment in America—and that is likely to continue for a while—it will impose a new national energy tax that will raise utility bills and send manufacturing jobs overseas looking for cheap energy. It will collect hundreds of billions of dollars each year from American taxpayers for use in a Washington slush fund for politicians to play with. Already we have corporations all over the country with their hands out looking for their share.

The economy-wide cap-and-trade, as has been said before our committee by very distinguished scientists, will be ineffective against fuel. Fuel is 30 percent of our carbon emitted today, which is a contributor to global warming. So the idea is that we put cap and trade on carbon, and it raises the price of fuel. But the testimony before our committee has been that it doesn't do much to reduce carbon emissions because even the large price increase in gasoline, for example, which will be passed on to those of us who drive cars, trucks, and fly in airplanes, would not

be enough. It will be enough to cause a lot of pain, but it would not change much human behavior and reduce the amount of fuel consumed. The net result is higher prices but the same emissions.

The EPA has done a quick look at this nearly 1,000-page bill. Its conclusion is that its costs and benefits are much like the Waxman-Markey bill passed by the House of Representatives a few months ago. We know what people have said about that bill. President Obama's Budget Director, Peter Orszag, said in March that by giving the allowances to industry for free—instead of auctioning them—would result in the "largest corporate welfare program in history." That is President Obama's Budget Director.

The Congressional Budget Office said that the House-passed Waxman-Markey bill would cut up to 3.5 percent of our GDP by 2050. In other words, it will make us poorer than we would otherwise be. The Brookings Institute said the cost is likely to be \$300 billion annually by 2030. Former Senator Wirth of Colorado has criticized the bill as a cap-and-tax revenue raiser and said instead, it ought to focus primarily on utilities. James Hansen at NASA, who feels passionately about climate change and believes it is a problem, as I do, says the bill is less than worthless.

So taken altogether, the strategy of this bill to deal with climate change is, taxes, expensive energy, and mandates, plus the President's goal of a national windmill policy—a combination of subsidies and incentives and mandates that would have as a goal making 20 percent of our electricity from giant wind turbines.

Mr. President, I believe our dream for energy ought to be just the reverse. We should want large amounts of reliable, clean, low-carbon, or carbon-free energy, but it should be cheap energy not deliberate high-cost energy because that is the way we create jobs and avoid hardships for American families. Our dream throughout our existence in this world has been that someday we would have cheap, energy for the people of the world so they could get out of poverty. We are fortunate in this country. We are just 5 percent of the people in the world, and we have 25 percent of the wealth, and we use about 25 percent of the energy. We should be leading the way and not have a policy that deliberately raises the price of energy. We ought to deliberately lower it.

So before we deliberately embark on a program to send manufacturing jobs overseas, which this unquestionably will—if you work in an auto plant or auto supplier plant or cement plant or aluminum plant, if this bill passes, your job is more likely to go overseas. Before we deliberately make ourselves poorer, we should try a low-cost strategy, and we have one.

Republicans—all 40 Republicans—have a 4-point, low-cost clean energy strategy, which I believe many Democrats agree with, and I believe President Obama agrees with a lot of it. So rather than this economy-wide, high-cost energy strategy, why not the following 4-point strategy:

No. 1, create the environment in which we could build 100 new nuclear powerplants in the next 20 years. That is the same number we have today—104. We built those in 20 years, between 1970 and 1990. Those plants produce 70 percent of our carbon-free electricity today. Wind and all of the renewable energies—except for hydropower produce 4 percent. So 100 more nuclear powerplants is No. 1.

No. 2, electrify half our cars and trucks in the next 20 years. This can happen. Almost every major automobile manufacturer is making hybrid-electric cars today. I drive a plug-in hybrid. I plug it in every night when I go home, and I put gas in my car about every 6 weeks. So we can electrify half our cars and trucks in 20 years. We can do it by plugging them in at night, when we have so much spare electricity. We can do it without building one new powerplant. That is according to the testimony of a former Brookings Institute scholar who is now in the Obama administration as Assistant Secretary of Energy.

No. 3, we can explore offshore for low-carbon natural gas and for our own oil. Natural gas has suddenly become in abundant supply, and the price is low. We can use more of it for energy, for electricity. We need to be careful with that. We did that once before and the price went up to \$15. But we have a new abundant supply of natural gas. It is our own and it is not overseas. We should find it and use it. It is low carbon. While we are at it, we should find our oil. Even if we drive half our electric cars—which will reduce our oil from overseas by one-third—we will still be using 12 or 13 million barrels of oil a day just for transportation, and we will be better off if we use our oil instead of oil from places overseas, from countries who don't like us.

The fourth item is to launch four mini Manhattan Projects like the one we had in World War II. Secretary Chu, the distinguished physicist who is President Obama's Secretary of Energy, calls them "innovation hubs." We can launch four Mini Manhattan Projects, or innovation hubs, to find ways to recapture carbon from coal plants. We know how to take nitrogen, sulfur, and mercury out of coal plants. We need to find a commercially viable way to take the carbon out.

A mini Manhattan Project could make solar power costs competitive. Today, it costs four or five times as much as other electricity. It is too expensive to use in a widespread way.

Germany, which has invested much of its future in solar power, gets less

than 1 percent of its electricity from solar power. We are nearly at zero in the United States. We need a mini Manhattan Project to make electric batteries better so that our cars can go 400 miles instead of 100 miles with electricity, a mini Manhattan Project to recycle used nuclear fuel in a way that doesn't isolate plutonium.

This strategy, as I said, is supported by all 40 Senate Republicans, and many Democrats and, I believe, some of that the President embraces: nuclear powerplants, electric cars, offshore exploration for natural gas and oil, and double energy R&D for four mini Manhattan Projects for carbon recapture, solar power, electric batteries, and recycling used nuclear fuel. This strategy doesn't drive manufacturing jobs overseas. It doesn't put an ineffective cap and trade program on fuel and raise the price of gasoline without reducing much carbon.

That is much better than a national windmill policy, which is what the Obama administration and our current subsidies basically have in store for our future. Let me say what I mean by that. To produce an additional 20 percent of our electricity from nuclear power, we would need 100 new nuclear reactors on 100 square miles. Most of them could be built on sites where we now have reactors. We have been doing this successfully since the 1950s. We have a nuclear Navy. We produce 19 percent of our electricity from the 104 reactors we have today. But the proposal of the administration is to build 20 percent of our electricity from wind power. That would require 186,000 50-story wind turbines whose blades are the size of a football field. It would require 19,000 miles of new transmission lines from remote places, through your backyard, over your scenic viewscapes, to bring that electricity to your house. It would require \$170 billion in taxpayer subsidies over the next 10 years, while the subsidy for the same amount of nuclear power would be about \$6.8 billion, according to current law.

It would turn our ridge tops and coastlines and treasured landscapes into junkyards in the sky. According to statistics from the American Bird Conservancy these turbines could kill more than 1 million birds a year. These turbines would work one-third of the time. That means we would have to build nuclear power natural gas plants, or coal plants, to back up these 186,000 turbines that would cover an area the size of West Virginia. That is a project for our country that ranges from impractical, to expensive, to preposterous, especially when we have available the possibility of doing what we did before—adding 100 new nuclear reactors, which the rest of the world is doing.

What happened to nuclear power? If we were going to war with the successful nuclear Navy created 60 years ago

and it was doing exactly what we wanted it to do as the world's leading military, with thousands of our sailors living safely on top of those reactors, why would we stop building nuclear ships and start using sailboats for our national defense? That is tantamount to what the current administration's energy policy is doing with a national windmill policy.

We should build 100 new nuclear powerplants as rapidly and as safely as we can. It is the cheapest and most reliable way to reduce carbon and deal with climate change, and it is the fastest way to do that—just as electrifying half of our cars and trucks would be a fast way to reduce foreign oil and reduce emissions in the transportation sector. We invented nuclear power. It is one of our great technologies—maybe the most important technology in the last 100 years, and we haven't built a new nuclear powerplant in 30 years—even though the old ones we have are producing 70 percent of our carbon-free electricity.

What is the rest of the world doing? China is building 132 new nuclear powerplants. The head of a French company that makes large turbines for powerplants was in my office the other day. He told me China is starting a new nuclear plant every 2 to 3 months. France is 80 percent nuclear and has among the lowest electric rates and carbon emission rates in Western Europe.

We hear a lot about green jobs. Spain has a lot of green jobs. Unfortunately, many of the rest of Spain's jobs are going to France because the electricity rates are lower in France, and they are high in Spain because they favor unreliable and expensive renewable electricity over nuclear power. Japan is 35 percent nuclear and growing. Taiwan, India, and the United Arab Emirates are building them. Russia is building two nuclear plants a year so they can use their natural gas as currency with the rest of Europe. But we invented nuclear technology and we haven't started a new nuclear powerplant in 30 years.

Why don't we go full speed ahead? We believe this is a more sensible, practical, low-cost solution for dealing with climate change. I will speak for myself; we have many different views on climate change in the Republican caucus. We have the whole spectrum. Not everybody agrees with me that it is a real problem and humans are causing it and we ought to deal with it as rapidly as we reasonably can. But here is the way we should do it.

If we, by 2030, build 100 new nuclear plants, and if we electrify half of our cars and trucks, we would be producing about 40 percent of our electricity from nuclear. Natural gas would be about 25 percent, hydro would be 10, wind and solar maybe 5 to 10. With these two efforts—nuclear power and electric

cars—we would reach the Kyoto protocol goals for carbon emissions by 2030 without a significant increase in energy prices.

If in the meantime our mini-Manhattan projects for research, solar, carbon recapture, recycling nuclear waste, and electric batteries worked, we would be even more successful in reducing emissions, all without a national energy tax.

One might say: What is going to make all that happen? I would say two words: Presidential leadership. President Obama is very persuasive. He can set a goal and mobilize the country. That is part of the President's job: See a need, develop a strategy, and persuade half of us he is right. I think he can get a lot of Democrats.

He could start removing barriers to nuclear plants, speed up approval of designs for them. If China can start them every 2 or 3 months, we ought to be able to do so as well. He could provide incentives, such as \$100 billion in loan guarantees—and those would all be paid back not just for nuclear but for all clean energy. His budget could fund the mini-Manhattan projects. Dr. CHU has recommended we do that.

At a town hall meeting recently, President Obama said the United States would be "stupid"—those were his words—not to use nuclear power. I was glad to hear him say that. I was disappointed when he went to the United Nations Climate Change Conference in New York and lectured the other countries about not doing more about climate change and he didn't mention the words "nuclear power." Meanwhile, Chinese President Hu Jintao said his country would "vigorously" develop nuclear power to combat climate change and they are building 132 nuclear plants. But I was glad to hear what President Obama said in New Orleans.

As we move through the Senate on the debate on climate change, I ask colleagues on both sides to look carefully at this economy wide cap and trade. We have had some experience with cap and trade on small dollars for coal plants and sulfur. That does not translate very well to what is being proposed here. It does not work on fuel, which is 30 percent of our carbon. It raises the price without reducing carbon emissions, it drives manufacturing jobs away, and it raises utility bills. We don't need to do it.

With Presidential leadership, we could build 100 nuclear plants, electrify half our cars and trucks, find new low-carbon natural gas, launch the mini-Manhattan projects, and meet our clean energy goals without a national energy tax, without running jobs overseas looking for cheap electricity.

All 40 Republican Senators agree with this agenda. So do many Democrats. President Obama agrees with much of it. Then why are we pushing a

high-cost national energy tax and subsidizing 186,000 windmills when we should all agree on a low-cost, clean energy plan that will create good jobs and power our economy for the 21st Century?

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Pennsylvania.

FOOD SECURITY

Mr. CASEY. Mr. President, last week the United Nations Food Agency announced there are now a record 1 billion people in the world who go hungry—nearly one-sixth of the world's population. The crisis that caught the world's attention last year has escalated and has had a devastating effect in all corners of the globe.

On my left is a headline from the Associated Press from a few days ago: "A Record One Billion Are Hungry, U.N. Report Says." This chart tracks from 1969 forward. We can see where it remained relatively stable for a while and then started to pick up in the early part of this decade, to the point now it is above 1 billion and is going in the wrong direction, going far too high—1 billion people in the world hungry.

While the number of undernourished has increased steadily since the 1990s, there was a sharp spike last year due to the global food crisis. We can work to address this problem, I believe. We should work to address this problem, and I believe we must work to address this problem.

Some people might say there is a bad economy in the United States. We have other major challenges and priorities. Why should we worry or address a problem that might seem too big to deal with and it is mostly about other places, they might argue.

We know what hunger has done here in America, what a lack of food security has done to our country. But we also know it has devastating impacts across the world.

There are at least two major reasons why the United States of America has to be deeply concerned about that headline of 1 billion people going hungry. First, it is a humanitarian crisis of incalculable proportions. As one of the richest countries in the world, we have, I believe, a moral obligation to help as we can and help when we can. I think this is one of those moments.

This crisis is solvable with a combination of assistance and emphasis on providing small farmers around the world with the know-how, the technology, and the means to provide for themselves.

There is also a second reason why we have to address this problem, and it involves something as fundamental as national security.

Instability arising from conflict over access to food is a documented and real

problem. It is irrefutable based upon what we have seen in the last couple of years. Last year's food crisis, unfortunately, brought this into acute focus. We saw it in Somalia where struggles to gain access to food have enveloped population centers in violence. We have seen it in Egypt during last year's bread riots. And we have seen it in Haiti where hospital beds filled last year with those injured during food riots. Increased instability in any of these countries, not to mention so many others, has a direct impact on U.S. national security and our national interests.

There are a host of examples from across the world that illustrate the scope of the problem. Here are a few.

Higher rates of hunger are shown to be linked to gender inequality, especially in terms of education and literacy, which also negatively affects the rate of child malnutrition. It is estimated that 60 percent—imagine this—60 percent of the world's chronically hungry are women and girls. Sixty percent of those chronically hungry in the world are women and girls. And 20 percent of that 60 percent are children under the age of 5.

This is particularly evident in Chad which, according to the International Food Policy Research organization, ranks fifth worst on the 2009 global hunger index, second in terms of gender inequality, and has a female literacy rate of 13 percent, compared to 41 percent for men in that country.

IFPR's research shows that equalizing men and women's status could reduce the number of malnourished children in Chad by 1.7 million people in sub-Saharan Africa and a shocking 13.4 million in South Asia.

It goes beyond the one example in Chad. Hunger in Pakistan poses both problems. It poses both a humanitarian problem as well as a security problem. Last year, over 77 million people in Pakistan were considered "food insecure" by the World Food Program. That is nearly half of the population of that country. As Pakistan's military is conducting new operations against the Taliban, that number is expected to increase. Hunger and competition for food can lead to further instability and potentially undermine government leadership at a very critical time.

Finally, the last example. In South America, Bolivia remains one of the least developed countries with more than two-thirds of its population living below the poverty line. Poverty is the main cause of food insecurity in Bolivia. The income of 40 percent of its population and 59 percent in rural areas is not enough to meet basic food needs. This also has had a real impact on the health of the population. Malnutrition, for example, in Bolivia has stunted the growth of nearly 30 percent of children.

What should be done to address this urgent humanitarian and national security crisis? A couple of things. First, for too long, the international community has relied on an assistance model that provided food but not the capacity to grow food. We are starting to see a shift in thinking as the assistance community is more strategic about how they provide the training and technical assistance necessary to help the world's hungry.

In 1980—another stunning number that I recite here—17 percent of aid contributed by foreign countries went to agriculture. This number plummeted to 3.8 percent in 2006 and has only slightly improved in recent years. Imagine that: The percent of aid contributed by foreign countries that goes to agriculture was 17 percent worldwide but has now gone down to a little less than 4 percent.

Last year, the Bush administration responded quickly to the food crisis with emergency assistance. I was proud to be part of an effort to urge them to do that along with Senator DURBIN and others. This was an important thing to do at the time and it was the right thing to do. While we may need to provide additional emergency aid to address the current crisis, we should simultaneously attack the root cause of the problems.

I applaud President Obama and his administration for their efforts to help the hungry in America and across the world. In September, the White House announced the Global Hunger and Food Security Initiative, a comprehensive approach to food security based on a commitment, led by people in the administration, that focuses on both planning and collaboration. Secretary of State Clinton is leading a visionary "whole of government" effort to help the world's hungry. As the administration works out the details of implementation, I hope and trust we will maintain a sharp focus on the ability of small-scale farmers to grow food at an increased and sustainable rate.

In the Senate, we have also worked to bring attention to the world's hungry. Senator LUGAR, a respected leader in this field for decades, and I joined together to introduce the Global Food Security Act earlier this year.

Our bill has three fundamental objectives. First, the bill will provide for enhanced coordination within the U.S. Government so that USAID, the Department of Agriculture, and other involved entities are not working at cross-purposes. We do that by establishing a new position, the Special Coordinator for Food Security, who will report directly to the President of the United States on international food security issues and who would forge a comprehensive food security strategy.

Second, our bill would expand U.S. investment in the agricultural productivity of developing nations so that na-

tions facing escalating food prices can rely less on emergency food assistance and instead take the steps to expand their own production.

Every dollar invested in agricultural research and development generates \$9 worth of food in the developing world. This provision can serve as a vehicle for the President's pledge to more than double the U.S. agricultural development assistance over the next 3 years.

Third, our bill would modernize our system of emergency food assistance so that it is more flexible and can provide aid on short notice. We do that by authorizing a new \$500 million fund for U.S. emergency food assistance when appropriate.

Finally, we should note that our bill, the Global Food Security Act, has passed through our Senate Foreign Relations Committee, and we hope it will be on the Senate floor soon.

This is one of those rare occasions where a serious crisis is greeted with serious administration support, inter-agency cooperation, as well as—we don't hear this too often—bipartisan collaboration in the Senate and House. This is the right thing to do and will ultimately enhance the security of the United States and our allies.

The global food crisis last summer had a devastating effect on the poor in every corner of the world, and today we continue to see its terrible results. In times of economic troubles, it is difficult to find funds for all programs, including international affairs. Yet I believe we are summoned by our conscience to respond to this humanitarian crisis.

I also believe we have an obligation—a deep abiding obligation—to strengthen our national security by enhancing food security here at home and around the world, especially in places where food insecurity threatens U.S. national interests.

If enacted, the Global Food Security Act has the potential to help us meet these challenges and obligations. We have a plan that can work. Let's start to attack the roots of this terrible problem so another record number of hungry is not set next year, and let's hope we can somehow alter or change that headline of 1 billion people going hungry in the world.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE HOLD ON GSA NOMINEE

Mr. BOND. Mr. President, earlier today, apparently, our distinguished

majority leader came to the floor and noted that a nomination for GSA—made on the opening day of Major League Baseball season—still remains unconfirmed for the job and said it was "because a Republican Senator is demanding a Federal building is built in his home State."

Obviously, I am that Senator. I thank the good Senator from Nevada for raising that question because I and a bipartisan group of Members of Congress and the leaders of the Kansas City area have been working with the GSA for the past several weeks to resolve the concerns I have and get some questions answered on a project very important to the Kansas City community.

Our conversations have amazingly become very productive, and the GSA has assured me they will have information to share very shortly. Unfortunately, until I put this hold on the nominee, progress was not quite so quick. But I expect the issue to be resolved shortly, in what I hope is a matter of a couple days, to the benefit of the GSA and certainly to the benefit of the Kansas City greater community.

Let me point out one other thing before leaving the floor. The community of Kansas City—all of the leadership, the elected officials and others—had gone together to work with the GSA to get a building—a new building—to replace an existing building, which by any stretch of the imagination is extremely expensive, is partly occupied, and is not conducive to good work, as a good workplace, and it needs to be replaced. We had gone all the way through, gotten GSA approval and gotten to OMB. Then it was held up in the Senate. After all the financing had been committed to construct a building on a lease-to-own basis, they decided to pull the plug.

The Commissioner of Public Buildings has assured me that the existing facility is not a fit place for the workers to work. So I had asked and inquired of GSA and advised them that Kansas City needs to know what the plans are. As I say, our bipartisan congressional delegation is now receiving great cooperation, and we are working hard to get this resolved. We hope to do that shortly.

I also want to point to the fact that, according to a report in governmentexecutive.com, delay on this nomination reaches back long before my informational hold, which occurred in late July. Since Senator REID suggested the nomination has been pending since April, it raises the question: Why wasn't she approved in April, May, June or July, prior to my informational hold? That was a period during which the baseball season started and stretched long past the All-Star break.

According to governmentexecutive.com, the delay was because of concerns by Senator REID that GSA allow

Federal employees to travel to Las Vegas to meet, gamble or whatever one does in Vegas. It is important to the Federal employees in Kansas City that they have a building that has a roof that doesn't leak—a proposition of which GSA concurs. Senator REID apparently wants Federal employees to be able to visit Las Vegas, and certainly I want Federal employees to have a good place to work. Senator REID has his priorities regarding the delay on this nomination and I have mine. He wants more people in Las Vegas; I want to get the building that had been promised and was expected by the Federal employees in Kansas City.

Assuming the report in *governmentsite.com* is accurate, I wish to make sure it is clear to the Senate that the delay in approval of this nomination has more than one father and is truly bipartisan.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the article to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Congress Daily, Sept. 14, 2009]

SENATE MAJORITY LEADER SLOWS ACTION ON
GSA NOMINEE

(By Dan Friedman)

Senate Majority Leader Harry Reid, D-Nev., has missed few chances to complain about blocked executive nominations, regularly ripping Republicans for holds that he said are designed to limit floor time for Democratic legislation.

On Thursday, for example, Reid faulted Republican "stalling tactics" for forcing a cloture vote before the confirmation of Cass Sunstein to head OMB's Office of Information and Regulatory Affairs. In a June floor speech, he blasted Republicans for placing holds on more than 20 nominations.

But multiple Democratic and Republican staffers say Reid himself slowed action on one of the highest-ranking nominees awaiting confirmation, Martha Johnson. She is President Obama's pick to head the General Services Administration.

Johnson, a former GSA chief of staff, cannot start her job until she is confirmed, a GSA spokeswoman said.

Reid is keen to promote travel to Nevada, where he faces a tough re-election fight next year. Aides said he delayed confirmation of Johnson while seeking assurances that the agency, which oversees federal travel policy, did not discourage federal employees from traveling to Las Vegas for business conferences.

Johnson's nomination cleared the Senate Homeland Security and Governmental Affairs Committee in June, and drew no GOP objections when it was circulated to all Senate offices. But a Democrat apparently held up the nomination and prevented a floor vote, Senate staffers from both parties said.

"We later learned that Reid has expressed some concerns about travel," said a senior Republican aide. "He had some concerns about that and was using the Martha Johnson nomination as leverage with the White House and GSA."

The aide said Reid did not place a technical hold, which would not be needed since the majority leader controls the floor schedule.

"It is not accurate to say that Sen. Reid had a hold on the nomination. . . . It is typical practice that a nomination is reviewed once it is received," a Democratic leadership aide familiar with the matter said. "There were a couple of issues that needed clarification on the nomination."

Reid has touted his concern about agencies limiting travel to Las Vegas. In an exchange of letters in July, he asked White House Chief of Staff Rahm Emanuel to ensure federal agencies do not prohibit travel to Las Vegas and other conference destinations that "are considered too leisure oriented." On July 27 he sent a letter asking federal agencies not to limit travel to any specific U.S. cities.

After Reid's concerns were resolved, Sen. Christopher (Kit) Bond, R-Mo., placed his own hold on the nomination last month because of concerns about delays in a federal construction project in Kansas City. Bond has met with Johnson, but is continuing the hold while waiting for further information from the nominee, a spokesman said.

Mr. BOND. I thank the Chair. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes.

Mr. BURR. I ask unanimous consent to speak in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SECOND AMENDMENT RIGHTS OF VETERANS

Mr. BURR. Mr. President, I come to the floor today to talk about an issue I have been working on for 2 years—namely, ending the arbitrary process through which our own government takes away the second amendment rights of veterans. Let me briefly describe what I mean about this issue.

As most of my colleagues know, the Federal Gun Control Act prohibits the sale of firearms to certain individuals, including convicted felons, fugitives, drug users, illegal aliens, and individuals who have been "adjudicated as a mental defective." Furthermore, the Gun Control Act prohibits possession of firearms by any of these classified individuals. Needless to say, it is a serious matter. Criminal prosecution is an option against those who violate the law.

The Brady Handgun Violence Prevention Act requires the government to maintain a database of these individuals. We call this the National Instant Criminal Background Check System, NICS. The Brady law and the NICS database aim to prevent those who

may pose a danger to society or to themselves from purchasing a firearm. Gun owners reference to the NICS screen customers—again, it goes without saying it is a serious matter to have one's name on NICS.

Every American should expect a rigorous and fair process before their right to buy arms and bear arms is taken away, especially when criminal prosecution is involved. Unfortunately, when it comes to certain veterans, their spouses, their dependent children, their dependent parents, the process is neither rigorous nor fair. Since 1999—now 10 years—the Veterans' Administration has sent the names of 116,000 of its beneficiaries to the FBI for inclusion under the NICS list. Again, the NICS list means those 116,000 individuals can never purchase a firearm. None of these names were sent to the FBI because they were determined to be criminals or a danger to themselves or, for that fact, a danger to others; they were listed in NICS because they couldn't manage their own financial affairs. We should not take away a constitutional right because someone can't balance their checkbook on time.

VA's review process for assigning a fiduciary is meant to determine one's financial responsibility in managing VA-provided cash assistance, such as VA disability payments, pension benefits, and other benefits. For example, a veteran may be assigned a fiduciary if they have a credit problem. The VA focuses on whether benefits paid by the VA will be spent in a manner for which they were intended to be spent. If you held that threshold to every veteran, you would probably assign a fiduciary to all of them because we don't know in fact where the payments go or what they were intended for.

Nothing involved in the appointment of a fiduciary even gets to the question of whether an individual is a danger to themselves or others or whether the person should or should not own a firearm. Yet that is exactly what happens when the VA appoints a fiduciary to one of our Nation's veterans.

Let me put a human face on the issue, if I can. I want to read excerpts from a letter I received from Jennifer Briest. I have her approval to read it. Jennifer is the wife of Corey Briest. Corey served in Iraq. He was a paramedic. He was severely injured in an IED explosion in 2004, which caused severe burns, damage to his lungs, and severe traumatic brain injury after shrapnel entered his skull. Corey has spent the last 5 years recovering from his injuries. Jennifer reports that he is walking, talking, and enjoying life at home with his two children.

Now it gets really sad. Because of his head injury, Corey still requires help with certain things. The VA said he needed help managing his disability compensation payments, and they named Jennifer, his spouse, as his fiduciary. That is where I would like to

read from her letter. Again, I quote from her letter:

On May 19, 2009, we had our annual fiduciary meeting with the VA field examiner. At the end of the meeting our field examiner said he needed to read a statement to us. He read the Brady bill statement and then stated that Corey can't own, possess, use, be around, et cetera, any firearms. He then went on to say that anyone in our household can't own a gun while living in this household.

I asked him about Corey going on adaptive hunting trips and he said that he couldn't. Corey stated that he had a gun that was handed down from his grandfather and that Corey was going to hand it down to his son and the field examiner told him that he couldn't have it. He stated to Corey that if he did own a gun or be around a gun that he would be threatened with imprisonment.

The way that field examiner talked to Corey about this issue was not appropriate. The field examiner said that I could challenge it and handed me a blank sheet of paper with a VA heading. I asked the field examiner for the statement he read to me, but he said that he had to ask his boss [if he could actually provide a copy of that statement]. After two weeks of me e-mailing him, I finally got the attached papers in the mail. I think the VA is taking this way out of concept and I would greatly appreciate your support.

Well, in case any of my colleagues think the government would never prosecute someone like Corey Briest for possession of a firearm, being around a firearm, I wish to read to my colleagues excerpts from a VA directive that went out to all VA regional offices on September 29, this year, on this very issue.

The directive is meant to inform fiduciary field examiners of their obligation if they were to witness a violation of the Brady Act. I am going to quote from this VA memorandum to their field examiners.

Field Examiners or other VA employees who encounter beneficiaries believed to be in violation of the Brady Act are required to notify the Fiduciary Activity Manager as soon as safely possible. At no time should the employee place him/herself in danger. The Fiduciary Activity Manager at the VA regional office of jurisdiction must immediately report the alleged violation to the Bureau of Alcohol Tobacco and Firearms at 1-800-ATF-GUNS.

That is straight out of the Department of Veterans Affairs memorandum to their field examiners. For 2 years I have gone through this in the VA Committee. I have tried to plead with my colleagues that this is a breach of the second amendment of our country's veterans, that no veteran who has had their name reported of the 116,000, have ever been judged by a court to have a mental deficiency. In most cases, this is because there is a fiduciary needed to make sure they stay up to date. But there is not an incapacity on their part that has been judged to be a flaw in their judgment. Quite frankly, I find it offensive. I find the language of this directive offensive because the premise seems to be that our veterans are dangerous.

But as I mentioned, there is nothing about the current process that even gets to the question of an individual as dangerous. The current process is also a double standard. Only VA beneficiaries fall under these guidelines. The Social Security Administration assigns fiduciaries to help beneficiaries every single day. Yet it does not send their name to the NICS list.

We have a policy on the books that discriminates against individuals because they wore our Nation's uniform, because they fought on behalf of this country. I find it unacceptable and it must end.

I have a bill, S. 669, that would prohibit the VA from continuing this arbitrary and unfair practice. It would require a judge, a magistrate, or another judicial authority to determine that a VA beneficiary is a danger to themselves or to others before their name could be sent to the NICS list.

Twice the Veterans Affairs Committee approved this bipartisan legislation to afford veterans with due process before their second amendment right was snatched away from them. But twice the bill languished on the Senate floor. S. 669 was approved unanimously by the committee back in May. But it has gone nowhere. And the question is: Can veterans wait any longer or should veterans wait any longer?

I am not here to ask that we put guns in the hands of dangerous people. I am here to ask you, to plead with you, that we treat veterans fairly and that their rights are protected like every other citizen.

Many of our veteran organizations and other groups agree with me. The Veterans Second Amendment Protection Act has the support of the American Legion, the Veterans of Foreign Wars, AMVETS, the Military Order of the Purple Heart, the National Alliance on Mental Illness, the National Rifle Association, and Gun Owners of America.

I plead with my colleagues: Ask for S. 669 to be brought to the floor. Do not sit back and say this is an obscure thing that the VA sometimes engages in and sometimes does not. Again, September 29, 2009, 1 month ago, this directive goes out: Subject: Reporting violations of Brady Handgun Violence Prevention Act.

This letter provides guidance to our field personnel who may encounter violations—

Violations by a veteran who served his country, is not a danger to himself or to anybody else, but has been deemed to need fiduciary help even if it is a spouse and a second amendment right was yanked from his hands, and now the VA says to their field examiners: Report it because we will prosecute these individuals.

I am not exactly sure how to respond to Jennifer Briest. That letter she sent me about: Corey continues to make

progress after an IED explosion December 4, 2005.

How do you say to a kid who served his country, who is raising a family: One, we had to turn you in so you can never own a gun. And, two, that gun your father handed down to you, Corey, you have to get rid of it. You cannot hand it down to your child, because even if you handed it down today to your son living in your home, they cannot have that gun, because the Veterans Administration says you cannot.

But if a fiduciary was assigned to Corey's father or to his mother, the Social Security Administration does not send that in to the NICS list to deprive them of their second amendment right. This is the most unfair thing I have seen this country do. It is time we end this practice. It is time we respect our veterans. It is time we treat them fairly. It is time we uphold the Constitution of this United States.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR.) The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—CONFERENCE REPORT TO ACCOMPANY H.R. 2996

Mr. REID. Madam President, I ask unanimous consent that when the Senate considers the conference report to accompany H.R. 2996, Interior appropriations, there be 2 hours of general debate on the conference report, with the time equally divided and controlled between the two leaders or their designees; that if any points of order are raised against the conference report, then any motion to waive the point of order be debated within the time limits provided for debate on the conference report; that upon the use or yielding back of time, and disposition of points of order, if the motions to waive are successful, then the Senate vote on adoption of the conference report, with no further motions in order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. REID. Madam President, I will be brief. I know the Republican leader is busy, but I just wish to make a couple of comments on a couple of nominations.

A woman by the name of Tara O'Toole has been nominated to be Under Secretary of Science and Technology at the Department of Homeland

Security. This woman has such wonderful qualifications. She is presently the CEO and director for the Center for Biosecurity at the University of Pittsburgh Medical Center. She is a professor of medicine and public health at the University of Pittsburgh. The Center for Biosecurity is an independent organization dedicated to improving the country's resilience to major biological threats.

Dr. O'Toole is internationally known for her work on biosecurity and on health and safety issues. She has written volumes, literally. She is published in areas of Anthrax, smallpox, plague, biological attacks, containment of contagious disease epidemics, biodefense research, hospital preparedness. These are areas that she has written in. She is coeditor in chief of the *Journal of Biosecurity and Bioterrorism*. She was a principal author and producer of "Dark Winter," an influential piece of work done in 2001. She has served on numerous government and advisory committees. Her education is significant: a bachelor's degree from Vassar College, a medical degree from George Washington University, and a master of public health degree from Johns Hopkins University. She has completed an internal residency at Yale and a fellowship in occupational and environmental medicine at Johns Hopkins. This is a remarkably powerful foundation for someone who is going to be the Under Secretary, the deputy, second in charge at the Department of Homeland Security. It is such an important job, Under Secretary of Science and Technology.

I had a call on Monday from the Secretary of Homeland Security, Janet Napolitano, saying: I am desperate for this woman. My staffing for bioterrorism is depending on her. She is a person I am going to depend on for the pandemic that the President declared with the H1N1 flu. So I am really concerned about not being able to get this woman confirmed.

I ask unanimous consent, therefore, that the Senate proceed to executive session to consider Calendar No. 331, the nomination of Tara O'Toole to be Under Secretary of Science and Technology at the Department of Homeland Security; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table, with no further motions in order; that the President of the United States be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. We do have some objections on this side; therefore, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I would renew my request and inquire about

the possibility of a 2-hour time limit of debate on the nomination or any reasonable time agreement, or I will even take an unreasonable time agreement at this stage.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. There are objections on this side; therefore, I must object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. REID. Madam President, I am going to ask unanimous consent that the Surgeon General be confirmed. This is a wonderful woman who has dedicated her life to taking care of the poor and underprivileged. She has done that for two decades on the gulf coast rather than going to some fancy place and seeing how much money she could make. She didn't do that. She has garnered nationwide praise for founding a rural health plan in Bayou La Batre, AL.

More than 40 percent of the town's 2,500 residents have no health insurance. In 2002 she became the first African-American woman to be president of the Medical Association of the State of Alabama. She would be a terrific Surgeon General. Her family situation directs attention to the need for taking care of people who need help. Her father died of diabetes and hypertension. Her brother died at 44 with HIV-related illness. Her mother died of lung cancer. She certainly is qualified and needed during this crisis.

I, therefore, ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 477, the nomination of Dr. Regina M. Benjamin to be Surgeon General of the Public Health Services of the United States; that the nomination be confirmed and the motion to reconsider be considered made and laid upon the table, with no further action in order; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, I think there is a good chance this nomination will be cleared. I need to hotline this nomination. If it comes out the way I anticipate, we should be able to confirm this nominee in wrap-up. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I thank the Chair.

UNANIMOUS CONSENT REQUEST— H.R. 3548

Mr. REID. Madam President, I ask unanimous consent that all postcloture

time be yielded back—and we are talking about the unemployment extension bill—and the motion to proceed be agreed to; that once the bill is reported, the following be the only first-degree amendments in order to the bill; that debate time on the listed first-degree amendments be limited to 60 minutes each, except the Baucus-Reid substitute, which would be debated within the time limits provided for the bill; that general debate on the bill be limited to 60 minutes, with that time equally divided and controlled between the leaders or their designees; Baucus-Reid substitute amendment, which contains unemployment insurance extension and net operating loss provisions, as well as the negotiated home buyer tax credit language; the Johannis amendment regarding an alternative substitute; that upon disposition of the amendments, the Baucus-Reid substitute amendment, if amended, be agreed to, the bill, as amended, be read the third time, and the Senate then proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, reserving the right to object, and I will object, this is the same subject we have been going back and forth on for days. I have pared back our request for amendments significantly, but we are still unable to get even a modest three amendments on this side of the aisle. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, we have more than a million people, as we speak, who have no unemployment insurance. These are the most desperate of the desperate. They have long since lost their jobs. If we can recognize that what would stimulate the economy is giving somebody who has been out of work a long time a check, and they will spend it—we have more than a million people wanting to spend that money, maybe to pay rent or make a car payment they are behind on to stop the car from being taken sometime in the middle of the night.

We have agreed to a bipartisan amendment dealing with first-time home buyers that has been worked on by JOHNNY ISAKSON. It was his idea originally. We have Senator BUNNING, who offered an amendment dealing with net operating loss. We have agreed to that. I would even be willing to modify my unanimous consent request and include the Corker-Warner amendment regarding TARP trustees, another bipartisan amendment.

The Republicans have dropped their request for having an amendment on E-Verify, which took several days to work out. I appreciate that. They have dropped their request to do another in the long line of amendments dealing with ACORN. But now they are hung up on a TARP amendment that would

basically sunset the program. This isn't the time to do that. This is just an effort to delay and divert attention from this most important issue.

Even if that weren't the case, the House of Representatives—I spoke to STENY HOYER at 3:30. I told him I would call him in the next half hour, 45 minutes. They will accept what we have talked about for first-time home buyers and the work we have done with net operating loss, but they are not going to accept terminating TARP. That is basically what it is. It sunsets it. We know there is a time limit on it, anyway, statutorily. It seems to me there should be a better time to debate this, dealing with a multibillion-dollar program.

So I hope my modification, which basically would add to it the alternative substitute by Senator JOHANNIS and the Corker-Warner amendment regarding TARP, would be agreed to.

I say to the distinguished Republican leader that we will not be able to accept the request to do the sunset of TARP tonight. I think it is unfortunate that we cannot approve what we agree upon. Today is Thursday. I have already explained to the distinguished Republican leader—and he understood it, anyway—that this would put it over until Monday, and then Monday sometime we would attempt to get cloture on the bill. We got it on the motion to proceed to it. That takes another couple of days. It is a difficult thing for people to have to wait a week. I hope there will be an agreement to allow us to move forward.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Madam President, I believe the majority leader proponded another consent agreement. Reserving the right to object, let me briefly recount for colleagues where we have been on this issue over the last days.

We initially offered a modest number of amendments—eight. Five of my Members have been willing to discontinue their request for votes on their amendments. The majority leader just indicated he is willing to have one TARP amendment. We have one more TARP amendment. That would make for a total of three amendments. We could enter into a consent agreement to have votes on these three amendments, with short time agreements, and be through with this bill this afternoon.

I hope this is not the way the majority leader is planning on handling the health care debate because the American people will storm the Capitol if they think the majority is going to dictate to the minority what amendments will be offered on a bill as significant as restructuring one-sixth of the economy.

I feel as if we have been extraordinarily reasonable. We are down to

three simple amendments on which we would be willing to accept time agreements to complete this unemployment insurance compensation bill. I don't think that is unreasonable. Therefore, Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Madam President, I guess reasonableness is in the eye of the beholder. Try to explain to someone who has been out of work for 8 months that their ability to get a check to pay the rent before they are evicted is going to be held up because this program, which is—I think the original TARP was \$700 billion, as I recall, after meeting with the Secretary of the Treasury, who first came up with the idea. The program has been moving along, and there may be some reason to modify the program, and there should be debate on that. I have no problem doing that. But we should not hold this up. Every amendment we have talked about here has been bipartisan in nature. The Isakson amendment is bipartisan, the Bunning amendment is bipartisan, and the Corker amendment is bipartisan. I cannot imagine why we would hold this up.

My friend the distinguished Republican leader said they are not going to approve this, and I think that is too bad for the nameless people out there—I can see them in my mind's eye being desperate for help.

Mr. McCONNELL. Madam President, just to make sure there is no misunderstanding with the consent agreement I am willing to agree to, with votes on three amendments, with short time agreements, we could be finished with the unemployment compensation bill this very afternoon. This is not an effort to delay. If my friend is concerned about the amendment, he has 60 votes on his side; he could simply vote it down. That is an easy solution to the problem—to enter into the consent agreement, have short time agreements, and if my friend from Nevada opposes them, I am sure he can convince 60 Democrats to vote them down.

Mr. REID. Madam President, since we started this some 3 weeks ago, about 150,000 people have been added to the list of people who are eligible for what we are trying to do—150,000 people. Now there are well over a million people waiting to get this relief.

I have said that this matter will not be approved by the House. The House is going to move to health care next week. I received a call from Leader HOYER. He wants this matter to come over there with what we have agreed upon.

This is another effort to delay what we are doing. This is not a question of flexing muscles—who has 60 votes and who has 40 votes. It is a question of moving forward with legislation now, not next week, to help people in America.

Remember, since we started this—trying to get a simple extension of unemployment benefits, which is paid for, and it is not deficit spending—we have agreed to do what has been suggested by the Republicans. First-time home buyers, we agreed to that; net operating loss, we will agree to that; we will agree to what Senator CORKER wants, which is trustees appointed for TARP.

This is soon to be the fourth week of trying to simply get something done. The Republicans have been saying no, no, no to everything we do—"the party of no" is pretty well described. We have had 87 noes so far this year in the form of 56 filibusters, plus trying to move the bills some 30 more times. So you can talk all you want about it. We should have been through with this 3 weeks ago.

Mr. McCONNELL. Madam President, the way to finish this right now is to enter into a consent agreement to have votes on three amendments, with very short time agreements, and we can solve this issue. If my friend is worried about whether the House will accept it, he can vote it down, defeat the amendment. Around here, if you get the most votes, you win; if you don't, you lose. All I am suggesting is that we have three amendment votes, with short time agreements, this afternoon, and we can wrap up this bill.

I yield the floor.

Mr. REID. Madam President, this bill should have been wrapped up 3 weeks ago. It is always something. There is always a little something more to do, until time goes on and on. It is obvious that my friends don't care about these people who are desperate for money. I care about them. We care about them.

Madam President, would the Chair announce the next order of business. Under the provisions of the consent agreement the Republican leader and I agreed to, what is the matter before the Senate—or will be shortly?

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—CONFERENCE REPORT

The PRESIDING OFFICER. The next matter before the Senate is the Interior appropriations bill conference report, which the clerk will report.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2996), making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of Wednesday, October 28, 2009.)

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

HEALTH CARE REFORM

Mr. ALEXANDER. Madam President, I have an important announcement to make on another subject which is of interest to the American people. The era of the thousand-page bill is over. We now have a 2,000-page bill, a new health care bill introduced in the House of Representatives today by Speaker PELOSI. What we will do on the Republican side, and what I hope our friends on the Democratic side will do as well, and what every American expects us to do, is read all 2,000 pages and know exactly what it costs before we begin to vote on the congressional Democrats' health care bill.

For example, while we know just a few things about the bill, we know the price tag is likely to be more than \$1 trillion. So it is 2,000 pages, more than \$1 trillion.

We know the physicians Medicare reimbursement rate, which is important to all of us to be included, is scheduled to be treated separately there. Well, it wasn't treated separately here. On what was the first vote on health care a week ago, 13 Democrats joined with 40 Republicans to say we are not going to begin the health care debate by increasing the deficit by $\$3\frac{1}{4}$ trillion. That was an important statement to the American people.

One of the questions we will be asking is how is the physician Medicare reimbursement plan, which is an essential part of any plan for health care over the next 10 years, how is it paid for? Does it add to the debt? We will be looking—and I know the distinguished Senator from New Hampshire who is the ranking Republican on the Budget Committee already is looking—at not just what happens in the first 5 years of this proposed bill but in the second 5 years and the 10 years after that, because our goal is to reduce the cost of health care, the cost of premiums to each of us and to our government. A preliminary look suggests that while the cost may go down to the government in the first 5 years, it might go up in the second 5 years as the plan is implemented.

Third, we want to look at the new taxes on small businesses we have been told about.

Next, we want to look at the provision in the bill which seems to say that an employer might have to pay 8 percent of his payroll as a penalty if the employer does not provide health care to his employees. Does that mean all employees? Does that mean full-time employees? Does that mean part-time employees? We want to read the bill. We want to know exactly what it says. We want to see a Congressional Budget Office estimate—a formal estimate—of what it costs.

There is in the bill a new government-run insurance plan. We have said

before that our view on the Republican side—and I know some Democrats have concern about this as well—is the effect of a government-run insurance company—some call it the government option—is no option because if you are one of the 170 million or 180 million Americans who have health insurance through your employer, the combination of a bill such as this is you are more likely to lose your insurance and the government option is likely to be your only option. We will be asking that question and see what it costs.

There is a provision in the bill that expands Medicaid. This is the government-run program for the low-income we already have that has 60 million Americans in it. The State and the Federal Government share the cost of it. My preliminary understanding of this provision is, it increases the cost of the Medicaid expansion, which Governors all across the country are deeply concerned about, and it adds a provision to require that physicians be reimbursed for Medicaid services at the same level as Medicare, which would basically double the cost of the Medicaid expansion. How much of this will the States pay?

There are a number of questions to be asked, but the news of the day is this: The era of the 1,000-page bill is over. We have a new 2,000-page health care bill. We will be reading the bill, and we will be trying to understand exactly what it costs.

Mr. GREGG. Will the Senator from Tennessee yield for a question, Madam President?

Mr. ALEXANDER. I will be glad to yield.

Mr. GREGG. A 1,000-page bill is pretty big. It is about this big, and a 2,000-page bill is about this big. We are going to find out when we see it printed. That probably weighs a lot, 4 or 5 bricks, 10 bricks maybe?

Mr. ALEXANDER. I don't know. The Senator from New Hampshire has a wide variety of experiences and may understand the weight of bricks better than I do. I just know the era of the 1,000-page bill is over. We have a 2,000-page bill, and we will need to read it.

I ask the Senator from New Hampshire how long should it take the Congressional Budget Office to provide a formal estimate of a 2,000-page bill, based upon his experience—I ask through the Chair—as former chairman of the Budget Committee and the ranking Republican member.

Mr. GREGG. Madam President, I say to the Senator from Tennessee, I presume it would be at least a week or maybe 10 days. I understand they are going to do an informal sort of "on the back of an envelope" estimate quickly. But the implications of this bill, 2,000 pages—it is akin to dropping 10 bricks on our seniors, isn't it? Doesn't this basically wipe out Medicare Advantage and massively impact Medicare bene-

fits and move those savings over to fund a brandnew entitlement?

Mr. ALEXANDER. I thank the Senator from New Hampshire. Our concern has been, with the bills we have seen so far, that a bill that is supposed to reduce costs actually raises the cost of premiums, cuts Medicare, and raises taxes. The new government insurance plan will cause millions to lose their employer-based insurance and become a part of the government option and, unless the physicians Medicare reimbursement payment is a part of the plan, it also adds to the debt.

Mr. GREGG. If the Senator will entertain one other question. The Senator, in his comments on this new 2,000-page piece of legislation, which started out at significantly less, made a point that I believe the last 5 years of this bill—it is a 10-year bill and, of course, it is going to go on forever. They basically start the taxes at day one, but they don't start the expenditures until year five. It turns out, as I believe the Senator said, the expenditures in the last 5 years exceed the income. So if you were to logically put this bill in a 10-year timeframe, where you had all the expenditures and income matched up, this bill is going to add a lot to the deficit. This is a \$1 trillion to \$2 trillion bill, and the deficit is going to go up a lot. That is common sense; is it not?

Mr. DURBIN. Will the Senator yield for a question?

Mr. ALEXANDER. It seems to me it will.

Mr. DURBIN. Will the Senator yield for a question?

Mr. ALEXANDER. I am always glad to yield for a question by the assistant Democratic leader.

Mr. DURBIN. Since we are dealing with health care reform that addresses one-sixth of the American economy, does the Senator from Tennessee believe there should be a maximum number of pages the bill would entail?

Mr. ALEXANDER. That is a very good question. I saw the Senator from Illinois on the floor the other day saying: A 1,000-page bill, who cares about a 1,000-page bill?

I don't think Americans like the idea of a 1,000-page bill. I think they will like even less a 2,000-page bill. I don't think we do comprehensive very well here.

I think what the American people want us to do, if I can say to the Senator from Illinois, is not have a comprehensive bill full of higher premiums, taxes, and surprises but to focus on reducing the cost of health care premiums and reducing the cost to the government and go step by step on things—

Mr. DURBIN. Will the Senator yield for a question?

Mr. ALEXANDER. I am trying to answer his excellent question. Go step by step to meet that goal, such as a provision that would allow small businesses

to combine resources and offer their employees insurance, such as provisions that would get rid of junk lawsuits against doctors, which virtually everyone agrees drives up the costs.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. DURBIN. Will the Senator yield for one more question?

Mr. MCCAIN. Will the Senator yield for an additional question?

Mr. ALEXANDER. Yes.

Mr. MCCAIN. Does the Senator recall—and perhaps the Senator from Illinois recalls—does the Senator recall, during the last Presidential campaign, when the President of the United States said there will be Republicans and Democrats sitting down together and there will be C-SPAN cameras? I wonder if the Senator knows the C-SPAN cameras are still waiting outside this room over there. Does the Senator recall that commitment? I wonder—I wonder—whatever happened to that campaign promise that the American people would know who is on the side of the pharmaceutical companies and who is on the side of the American people. If they came in now, it would be too late because they already cut a deal with the pharmaceutical companies in return for \$80 billion. They got \$100 million in positive ads for reform.

I wonder if the Senator from Tennessee recalls that commitment on the part of the President of the United States. I wonder if he might urge his colleague, the other Senator from Illinois, to get the C-SPAN cameras in there while these negotiations are going on.

Mr. ALEXANDER. I thank the Senator from Arizona for his excellent question. I am sure there is no one in this Chamber who more vividly remembers that promise than the Senator from Arizona. We all would like to know what is in this bill and what is going on behind closed doors.

Mr. DURBIN. Will the Senator yield for one more question, a very short question?

Mr. ALEXANDER. Only if—

Mrs. FEINSTEIN. Before he does, Madam President—

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Tennessee has the floor.

Mr. ALEXANDER. Without yielding the floor, I certainly would be glad—if I may reclaim the floor. I have the floor. I will be glad to allow the Senator from California to say whatever she would like, if I can have consent to have the floor back.

Mrs. FEINSTEIN. I appreciate that. The Senator from Tennessee is the ranking member of the Interior Appropriations Subcommittee. I alert the Senate that time is running on the bill. It is 2 hours, equally divided.

Let me ask the Parliamentarian this question: How much time remains on the Interior appropriations bill, and

how much time has the Republican side used to this moment?

The PRESIDING OFFICER. The majority still has 1 hour, and the minority has used 12 minutes.

Mrs. FEINSTEIN. Just so you know.

Mr. ALEXANDER. I thank the chairman. I look forward to moving over there and working on the Interior appropriations bill. I think Senator MCCAIN is here to speak about it. I was only, in an extravagant gesture of courtesy, trying to answer the question of the distinguished assistant Democratic leader from Illinois.

Mr. DURBIN. Will the Senator yield for one more question? Will the Senator yield for one short question?

Mr. ALEXANDER. Knowing the Senator is a very able trial lawyer, it is only because I am courteous that I will do that. Of course I do.

Mr. DURBIN. Very good. Can the Senator from Tennessee tell me how many pages the Republican health care reform bill is?

Mr. ALEXANDER. The Republican health care reform bill, Madam President, if I may talk about it, has been offered in a series of proposals. The proposal for a small business health insurance program is less than 1,000 pages, by several hundred pages.

What I think I will do is not take so much more of the Senator's time, but I will enumerate the proposals and give him the number of pages. While he is reading our proposals, I will read his, and we will see who gets through first. Of course, we will have to wait until they come out from behind closed doors with their bill.

I will get the small business proposal. I will get the proposal to end junk lawsuits against doctors. I will get the proposal to allow people to buy insurance across State lines, which will reduce the cost of insurance. I will get the proposal that would adjust tax incentives. There is a proposal that would also expand technology on which we have proposals on both sides of the aisle. So I will get five or six of the Republican proposals, most of which we hope will gain bipartisan support.

I see the assistant Democratic leader every day at the beginning of the day. Maybe we can even read them together, and then whenever his bill comes out from behind closed doors and we get the House bill, we can all read that 2,000-page bill.

I am going to accede to the wishes of the chairman of the Interior Appropriations Subcommittee, because I am her ranking minority member, and cease talking about the end of the era of the 1,000-page bill and let us get to Interior appropriations.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I am very pleased to be at this moment. I join with my distinguished colleague, Senator ALEXANDER, as we

begin consideration of the conference report on the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill.

This is the first year Senator ALEXANDER and I have worked together as chairman and ranking member of the Interior Appropriations Subcommittee, and I am happy to say it has been a very good experience. We consulted on several occasions and worked through several different issues as we crafted the original Senate bill and then again as we went to conference with the House, which I must say was a difficult conference. As a result, though, I think we have produced a bill that is fair, balanced, and workable. I personally thank him for all his work and cooperation.

The Interior conference report totals \$32.2 billion in nonemergency discretionary spending. That amount is \$4.6 billion above the equivalent 2009 level but \$60 million below the President's request. It is consistent with the subcommittee's 302(b) allocation for both budget authority and outlays.

As everybody knows, each appropriations subcommittee receives an amount within which they must produce an appropriations bill. We met our allocation. The problem was, the allocation for the House committee was \$200 million bigger than our allocation. Then with some other items the House put in which raised it about \$300 million, it was very difficult to reconcile the two bills.

I will not go through each and every line item, but I would like to emphasize the great strides we have been able to make in five specific areas: water and sewer infrastructure; wildfire suppression and prevention of fire on public lands; bolstering our public land management agencies; investment in the Land and Water Conservation Fund; and helping the most vulnerable in Indian country.

First, this conference report provides \$3.6 billion for water and sewer infrastructure projects. That is a very significant increase over last year's level of \$1.6 billion. In fact, this is the largest single commitment of funds that has ever been provided in an annual appropriations bill for these necessary and very basic infrastructure projects. And as you will hear, we are infrastructure short in this Nation.

I am a former mayor. I remember the day before bottled water. I remember the day when you could drink water right out of the tap. What we have seen is a deterioration in this infrastructure all throughout this great country. And when you factor in the \$6 billion that was included in the stimulus, we are providing nearly \$10 billion this calendar year to our State and local water authorities. That is a major investment, and one I believe both of us are very pleased to have achieved. Senator ALEXANDER was a Governor, I was a

mayor, and we know the importance of water and sewers. This money will allow our State and local water authorities to begin to tackle 1,479 wastewater and drinking water projects across this Nation.

For those of you who might not be aware, the Environmental Protection Agency, which administers these grants, has estimated that over a 20-year period our communities will need to spend over \$660 billion for drinking water and wastewater infrastructure repair and renovation. Obviously, we can't provide that level of funding during tough budgetary times. But what we were able to provide will go a long way toward helping our communities tackle their crumbling infrastructure and provide their residents with more reliable and cleaner water.

Secondly, the bill provides \$1.8 billion for wild land fire suppression activities—a very big deal. It is very important that we are providing that level of funding because that is the amount that was actually spent, on average, in each of the last 3 fiscal years. The problem is it wasn't budgeted for. So these big roaring fires take place and then everybody has to scramble to transfer funds to be able not only to fight the fires but to replace the money.

The conference report includes critical firefighting budget reform as part of the FLAME Act of 2009, which was championed by Senator BINGAMAN. This act will help create a dedicated, steady, predictable funding stream for wildfire suppression activities.

As part of the \$1.8 billion provided for fire suppression, the bill contains \$474 million for the FLAME Fund reserve accounts for the Forest Service and Department of Interior. These FLAME Funds have been established to cover the costs of large or complex wildfire events and as a reserve when amounts of firefighting funds from the agencies' regular fire appropriations accounts are exhausted. So it is a reserve fund for big fires, of which we are having plenty in the West.

In addition to fully funding fire suppression, the conference report also includes \$110 million in grants to help States fund their own firefighting and fuels reduction efforts. That is a 22-percent increase over the 2009 level. It provides \$556 million for hazardous fuels reduction projects on Federal lands nationwide. That is a 7-percent increase over last year. These funds together will allow the Forest Service and the Department of the Interior to treat 3½ million acres of fire-prone Federal lands.

One of the things we know is that the past policy of suppressing fires—letting everything grow until they become a combustible mix that burns hotter, heavier, and longer—has to change. So to work these lands, to manage these lands, to remove hazardous fuels, is a

real effort to protect our forests and our wild lands.

Third, the bill shores up our public land management agencies by providing a total of \$6 billion for basic operations and backlog maintenance at our national parks, forests, wildlife refuges, and on Bureau of Land Management lands. For too long we have neglected these agencies and forced program cuts on them by underfunding the fixed costs they incur this year. That is not done this year. Both the ranking member and I are very proud of that.

Included in these funds are \$2.3 billion for basic operations of 391 national parks, an increase of \$130 million. I think all of us would agree that our national parks are the crown jewels of this Nation. People go there by the tens of millions. For many, it is the only vacation they have. For most, it is a revelation of the amazing beauty of this great country. These monies will allow the Park Service to continue utilizing the 3,000 seasonal employees who have made a real difference in the condition and enjoyment of our parks. Additional maintenance personnel, law enforcement officers, park rangers will all be brought back as a way of enhancing the visitor experience now and preparing our parks for the centennial in 2016.

In particular, I want to point out that the funding being provided in this bill will allow the Park Service to continue the drug eradication program started last year. This is a huge problem. In our vast national parks, Mexican nationals have come in. They are armed, they are dangerous, and they essentially grow acres upon acres of marijuana and then protect that marijuana. It is a real problem. So task forces have been put together—state, Federal, and local—to go into these parks and essentially roust the growers and arrest them.

This effort isn't limited to the Park Service. Included in the \$1.56 billion that this bill provides for operations of the national forests is a new \$10 million increase for the Forest Service's law enforcement program. These funds mean that the service will be able to hire up to 50 new law enforcement officers to battle the epidemic of marijuana in our parks and on public lands.

Fourth, the bill increases the protection and conservation of sensitive lands by providing \$450 million through the Land and Water Conservation Fund—and that is an important fund for all of us—consisting of \$278 million set aside for the four Federal land management agencies for conservation of sensitive lands that provide habitat to wildlife and recreation to visitors; \$76 million for conservation easements through the forest legacy program; \$56 million for acquisitions associated with habitat conservation plans; and \$40 million for State grants through

the Park Service's State assistance program.

Finally, the bill helps some of the most vulnerable among us by providing a total of \$6.7 billion for the Indian Health Service and the Bureau of Indian Affairs. That is an 11-percent increase over the 2009 level and includes increases of \$471 million in direct health care services; \$81 million in K-12 and college education programs; and \$58 million in law enforcement programs, which will allow for additional police officer staffing on streets and in detention centers.

With these funds, more than 10,000 additional doctor visits will take place that would otherwise not happen. This means additional well baby care to prevent problems before they happen. It means additional alcohol and substance abuse treatment, which is truly a plague in Indian country. It means additional public health nursing visits to those in the rural areas.

Funding provided through the Bureau of Indian Affairs will improve programs and infrastructure at the Bureau's 183 schools. Interestingly enough, the \$81 million increase in education programs will allow the Bureau to substantially increase the number of schools that meet the adequate yearly progress goals spelled out in the No Child Left Behind Act. For the first time, nearly half of all schools will meet this milestone. Half. That is very good.

Additional funding for law enforcement programs will allow the Bureau to increase staffing throughout Indian country. The bill makes a major increase in funds for repair and rehabilitation of detention facilities, and funds will allow the Bureau to repair several local facilities so that officers spend less time in transit and more time on the streets.

Let me speak of some of the problem areas. The first one was Davis-Bacon. Davis-Bacon is prevailing rate standards for, in this case, water and sewer projects. The second area is emission control requirements for the Great Lakes. And third is restrictions on the reporting of emissions from, of all things, manure management systems.

Let me speak about Davis-Bacon. The House put in their bill a permanent extension of Davis-Bacon. That was clearly a problem. Therefore, the agreement—and thanks to the ranking member—was that the bill simply would contain a 1-year extension. In other words, Davis-Bacon would be included for water and sewer infrastructure for the fiscal year 2010. We compromised on that. I have always supported Davis-Bacon. I believe that prevailing rates should apply to these programs. But I also believe this is very much a necessary compromise, and it will serve as a bridge to allow the House and Senate authorizing committees—which is, after all, the proper

place for this—to enact the necessary legislation.

The conference report also includes language that would exempt 13 steamships on the Great Lakes from certain marine fuel requirements. This was language that was included at the insistence of the House. Frankly, it was not my preference to include this language, but I understand Members from the Great Lakes States are very concerned about the economic impact of pending EPA emission control regulations on these 13 older ships.

After substantial negotiation and discussion with EPA, we have crafted a narrowly tailored compromise that recognizes these concerns in report language but will not impact air quality in California or any other seaboard city, or interfere with the ability of EPA to negotiate international controls on emissions from other ocean-going vessels.

I must say, this is a very important thing to California. In the L.A. port area—this is the area where 40 percent of all of the Nation's container ships come in—there is a real and growing asthma problem. Being able to regulate these ships is critical to pollution. Not only that, the L.A. basin is one of the two worst nonattainment areas in the Nation and in a few years will have sanctions on them because they cannot meet attainment standards. Therefore, being able to improve the emissions on these ships is important.

Third, the conference report includes language proposed by the House that exempts all manure management systems from reporting greenhouse gas emissions to the EPA for 1 year. I believe the Senate version, which requires 90 of the Nation's largest factory farms to report on their greenhouse gas emissions while protecting family farmers from reporting, was a better approach. But in the interest of moving this bill we had to agree to the House language.

There is, however, one important point that must be made. The language contained in the conference report will still allow EPA to implement its underlying reporting rule and get good data on greenhouse gas emissions from nonagricultural sectors of the economy.

Finally, let me mention the CR, contained in division B of this conference agreement. As Members know, the current CR expires at midnight on Friday, which is why it is critical that we pass this conference report and get it to the White House to be signed into law. Without passage of the CR, the government shuts down. It is that simple. And no one believes this is an option.

When the Social Security checks don't go out, Medicare and everything else stops, it is a real problem.

As agreed to by the House and Senate leadership—not the ranking member and I, but the House and Senate leader-

ship—this new CR will provide funding through December 18. That should allow enough time for the remaining appropriations bills to be completed—we hope.

All in all, this is a good bill. It is the product of a lot of hard work by Members in both the Senate and the House. I sincerely hope we could adopt what has been agreed to by the House and get this bill to the President.

I again thank my distinguished colleague from Tennessee for his cooperation and his work on this bill. Without him it would not have happened. So I thank him very much and it is now his turn.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, if I had to choose an appropriations subcommittee to serve on, this would be it. It includes the things I care the most about: the great American outdoors, clean air, our national parks. I couldn't have the privilege of working with a finer chairman than Senator FEINSTEIN. I like her especially because she says what she thinks. She was a mayor. A former Governor, as the Presiding Officer was, appreciates that. She can make a decision, and she sticks to it. She cares about the great outdoors. She has a long record of work on clean air and the environment, about our forests, about our deserts, so we see eye-to-eye about a great many things.

Senator MCCAIN is here to speak on our side in a few minutes. I think Senator SESSIONS would like 5 minutes. I would say to my Republican colleagues, I don't plan to take but 3 or 4 minutes. After they speak, I don't have any other remarks to make. We may be able to give back some of our time.

I thank the full committee, Chairman INOUE and Vice Chairman COCHRAN and Senators REID and MCCONNELL for their allowing us to move forward. I am glad this bill will not be part of the omnibus. That is not the way to do business. There were lots of differences of opinion, both in the Senate and with the House—the chairman outlined those and talked about those. My preference, if I were the king, I wouldn't spend this much money on this bill this year. This is a tough time. But I doubt Americans will begrudge spending on national parks, on clean water, and on firefighting.

This is the 75th anniversary of the Great Smoky Mountain National Park that was created in the midst of the Great Depression. Each State appropriated \$2 million, and then schoolchildren gave their pennies. Even in tough times—maybe especially in tough times—we care about our national parks. President Bush set us on the road with the Centennial Initiative to properly fund them by the time we get to 2016, and this bill continues that.

It is also good it includes within the budget the firefighting costs which

were outside the budget as emergency appropriations. That is a good way to do business. We do not want the U.S. Forest Service to become the U.S. Fire Service, even though we greatly value its work in firefighting. We want it to also be able to perform other important functions.

I am glad to see the support for Land and Water Conservation Funds. Local parks, city parks, are our most popular parks, the ones down the street.

The Senator mentioned the Davis-Bacon State revolving funds. I strongly object to that being in the bill. This is the first time it has ever been in. We have applied the Davis-Bacon Act to these state revolving funds. This will mean fewer jobs, higher costs, fewer projects. The States provide 20 percent of the match. They should be able to decide what the wage rates are in their States.

The bottom line is that we are appropriating \$3.5 billion to get done what last year would have only cost us \$2.6 billion to do. We are making a mistake. I fought hard to change that. I appreciate the fact that the conference committee supported my effort to move this from a permanent change to a 1-year change. This is appropriately being considered by the Senate Environment and Public Works Committee on which I serve. I will make my views known there.

I thank the chairman again for her courtesies. I see the Senator from Arizona is here. I will yield the floor and give him and other Senators a chance to speak on the bill.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, what little time remains to this side of the debate?

The PRESIDING OFFICER. The minority has 41 minutes left.

Mr. MCCAIN. Forty-one minutes?

Mr. ALEXANDER. The Senator from Arizona may take as much time as he wishes.

Mr. MCCAIN. I thank my friend from Tennessee, and I thank you, Madam Chairman.

As we know, we are considering the conference agreement for the fiscal year 2010 Interior, Environment and Related Agencies appropriations bill. I was deeply touched and moved by both the manager of the bill and the ranking minority member's lamentations about the budgetary constraints in which we are suffering—deeply moved, almost to tears, until I saw that this bill provides approximately \$32.2 billion, a 17-percent increase over last year's levels, and \$4.66 billion more.

You know, the bill comes after we already gave \$10.95 billion in the stimulus bill. It is remarkable, remarkable.

When the distinguished manager talked about how the budgetary constraints did not allow for us to have the necessary water infrastructure

projects which are so vital, particularly to those of us in the West, we somehow found room for 542 earmarks totaling \$341.3 million.

I believe we might be able to find some more projects that are very badly needed for water infrastructure and even for firefighting if maybe we shifted those 542 earmarks totaling \$341.3 million over to the needed projects. As far as I know, not one of these earmarks was requested by the administration, authorized, or competitively bid in any way. No hearing was held to judge whether these were national priorities worthy of scarce taxpayers' dollars.

When I read some of these, I think it would be hard to argue that they would withstand any scrutiny, any competition. For example, \$500,000 for a tropical botanical garden in Hawaii. Not in Arizona, not in California—Hawaii—\$500,000 for a tropical botanical garden in Hawaii.

There is \$150,000 to renovate an opera house in Connecticut—renovate an opera house. The real unemployment in my State is now 17 percent. It is listed as less than 10 percent, but including those who have given up looking for work—17 percent of the people in my State are without a job, and we are going to spend \$150,000 to renovate an opera house in Connecticut.

We are going to spend \$500,000 for a native Hawaiian arts program in Hawaii.

We are going to spend \$1 million for improvements in the Sewall-Belmont House in Washington, DC. That is what I call a cozy relationship. The Sewall-Belmont House is next to the Hart Building—\$1 million. Couldn't this museum raise private money for these improvements?

There is \$2 million for an interpretive center at the California National Historic Trail in Nevada and another \$100,000 for the Tahoe Rim Trail in Nevada to build a 15-mile hiking trail from Reno, NV, to the Mount Rose Ski Resort near Lake Tahoe.

I get favorites every once in a while, but this is probably one of my favorites recently. If we Twitter the top 10, I guarantee you this will make the top 10: \$1.2 million for rat eradication at the Palmyra Atoll National Wildlife Refuge; \$1.2 million worth of rat traps. This \$1.2 million in rat traps is for a 5-square-mile island, U.S. territory that is not occupied except for a few scientists from the Nature Conserve studying the island's coral reef, according to the Interior Department.

There is \$750,000 for a conservation training center in West Virginia. I am sure over the years my colleagues have gotten to hear certain States named—Hawaii, West Virginia, Nevada, California. I am sure all of those are strictly coincidental.

There is \$200,000 for historic preservation of the Richardson-Olmstead Com-

plex in Buffalo, NY. I am not making this up. The Richardson-Olmstead Complex is actually the former Buffalo State Insane Asylum which was decommissioned in the 1970s. According to Richardson Center Corporation, which is a nonprofit managing the complex for historic preservation, this funding would go toward maintaining the former hospital as "an example of the humane treatment of the mentally ill."

There is \$750,000 for the Hudson Quadricentennial Commission in New York to celebrate the 400th anniversary of the Dutch explorer Henry Hudson sailing the Hudson River; \$500,000 to the Vermont Wood Products Collaborative, which provides grants to promote the development and marketing of wood products businesses in the State of Vermont. According to the Office of Management and Budget, Vermont Woods Products Collaborative is a continuing earmark that has received over \$780,000 from Congress over the past 4 years.

That is for the Vermont Wood Products Collaborative when my State has a 17-percent unemployment rate.

Some of these that I just described may have merit. There are 542 of them. Some of them may have merit, but we will not know that. We will not know whether or not they have merit. They have never been authorized, never been subjected to competition, they have never been scrutinized. But what has been done is they have been put in because of the relative power of certain Members of Congress.

I had intended today to bring over recent articles concerning the investigations that are being conducted on Members of Congress because of this practice of earmarking and porkbarrel spending.

One more example of this is the Environmental Protection Agency State and Tribal Assistance Grants Program, which funds wastewater and drinking water infrastructure projects throughout the country. Local communities that request assistance under this program have to do so under Federal and State systems for prioritizing the most important projects from a health and environmental standpoint.

But all it takes to sidestep the entire process is for a Member to slip an earmark into an appropriations bill that benefits a special interest in their home State. Inevitably, communities that are worthy of EPA's help are left empty handed because they were not connected well enough in Washington.

The President's 2010 budget calls for terminating all of these earmarks. The President's budget asks that they should be eliminated. The administration says, the President says, these earmarks are "duplicative" and "not subject to the State priority-setting process which typically funds cost-effective and higher priority activities first."

Moreover, the administration points out these earmarks "single out projects and communities for a greater subsidy than otherwise available through existing programs," and "that these types of projects require more oversight and assistance than standard grants because many of the recipients are unprepared to spend or manage such funds." In other words, some communities are receiving earmarks so large that they do not know how to handle them.

Let's look at a few of these infrastructure earmarks. For the town of Moorefield, WY, \$2.5 million is earmarked for a wastewater treatment plant. The town of Moorefield has a population of 2,375. That is a subsidy of over \$1,000 per person.

Six million dollars goes to construct a drinking water reservoir in Fayette County, AL. Estimated population of Fayette County: 18,000.

There is \$1.2 million for sewer improvements in Plattsmouth, NE; population: 6,900. Finally, \$15 million for water infrastructure in remote Alaska Native villages, which exceeds the administration's request by \$5 million. In its budget submission, the administration proposed reducing spending for Alaska Native villages to \$10 million because:

Audits conducted by the EPA Office of the Inspector General identified several financial management problems, including improperly charging labor costs to grants and disbursing funds that were not tied to the actual project costs.

I am for helping our neediest and most rural communities. Some of these projects may be truly needed. But it is disregard for the procedure that should be followed that concerns me.

Last month the House and the Senate Democratic leadership airdropped a continuing resolution into the legislative branch appropriations bill to keep the government running until this Sunday. It is not the way to do business. There is nothing that prohibits the majority leader from calling up a continuing resolution as a stand-alone piece of legislation.

I want to say that I intend to raise a point of order. But, more importantly, if this bill passes the Senate, as it did the House earlier today, the President of the United States, if he is serious about eliminating waste and unnecessary spending, should eliminate a bill that has a 17-percent increase over last year's levels, which is \$4.66 billion more, in addition to the \$10.95 billion that was appropriated to these accounts in the stimulus bill, and contains 542 earmarks totaling \$341.3 million. If that is not enough to earn the President's veto, I do not know what is.

I raise a point of order that the conference report violates the provisions of rule XXVIII, and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I move to waive the relevant provisions of rule XXVIII. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mrs. FEINSTEIN. Can the Chair state when the vote on the motion to waive will occur this evening?

The PRESIDING OFFICER. The motion to waive will occur after all time is used or yielded back.

Mrs. FEINSTEIN. How much time remains?

The PRESIDING OFFICER. The majority has 40½ minutes, the minority has 28 minutes.

Mrs. FEINSTEIN. My understanding is that the chairman of the Appropriations Committee is here if you have no objection, Mr. Ranking Member.

Mr. ALEXANDER. I certainly have no objection at all. The Senator from Alabama is here. As far as I know, he is the only other Republican Senator who wishes to speak at this time. I have no further comments. So if any other Republican Senator wishes to speak, they should come over. After Senator SESSIONS speaks, we will waive the rest of our time.

Mrs. FEINSTEIN. I yield the floor to the distinguished Senator from Hawaii.

Mr. INOUE. Madam President, the conference report before the Senate provides funding for the Department of the Interior and related programs. While the funds in this measure represent a significant increase over the funding levels provided in fiscal year 2009 they are greatly needed by the Environmental Protection Agency, the Forest Service, our national parks, and other agencies which provide critical support to all Americans.

I would also note that the increase is within the amounts approved by the Senate in the budget resolution. In fact, each bill and conference agreement that the Appropriations Committee has forwarded to the Senate has been within the amounts approved by the Congress. Those who object to the spending in these bills ignore that the Congress approved these funding levels earlier this year.

I would share my colleagues' concern with spending if the Appropriations Committee were exceeding the amounts approved in the budget, but in point of fact we are not. Moreover, in total the amounts that are in this bill when combined with the other 11 appropriations bills are below the amounts requested by the administration.

That is only one reason, but an important consideration in why these bills have received nearly unanimous support from Senator COCHRAN and the other Republican members of the committee. Once again, this Interior conference report saw nearly unanimous support from the Senate conferees.

Over the past few months we have heard the repeated cries that we are spending too much. But to reiterate, the facts are we are spending less than requested by the administration and the same amount or less than was approved by the Congress.

Included in the conference agreement is a short term extension of the continuing resolution. Regrettably, an additional extension of the CR is necessary because we are still unable to complete action on all 12 bills. I want to remind my colleagues that upon assuming the chairmanship of the committee last January I vowed that we would strive to end the process of tying all 12 bills into an omnibus bill which affords all members less opportunity to debate and amend these important measures.

I was extremely pleased to learn last spring that every one of our Republican colleagues signed a letter to the majority leader urging him to provide ample floor time to consider these bills. And, I must thank the leader, and the minority leader as well for allowing these bills to be considered.

No one can accuse the majority of not trying to return to regular order. We have passed seven appropriations bills to date, and today the Senate is considering our fifth appropriations conference report. We hope to complete Senate action on two or more measures next week.

This has not been easy. Each time an appropriations bill has been called up a handful of Members have used their rights to slow down the process. Our managers have been forced to wait 2 and even 3 days before the same Members, time after time, are willing to call up amendments.

The Senate has been in session about 153 days this year. On 56 days, so far, the body has been considering an appropriations measure. That is more than 11 weeks. We have tried to elicit cooperation on these measures, but once again a few members, who seem to oppose the appropriations process, must believe that we are better off under a continuing resolution in which the executive branch makes all spending decisions than allowing the Congress to do its work. Because of this approach, we find ourselves in need of passing another CR.

Division A of this conference report represents the hard work of Senators FEINSTEIN and ALEXANDER along with all the members of the subcommittee and their staffs. It contains critical funding that is needed today. I support the compromise that Chairman FEINSTEIN and Senator ALEXANDER brokered on a bipartisan fashion. I commend them for their fine work.

Division B of the conference agreement extends the current continuing resolution until Friday December 18. There are also two technical corrections in the bill that fix problems in

the original CR. In addition, three new issues are added which generally have the support of the administration and should be noncontroversial.

First, the Small Business Administration will be allowed to use \$80 million to continue Small Business 7(a) loans during the CR period. Without this authority, SBA expects to have to turn off its loan program in November.

Second, up to \$200,000,000 of funds made available in the Omnibus bill will be allowed to be used to adjust allocations for public housing agencies to prevent cutting off assistance to poor families. Without this authority the administration believes up to 10,000 families would lose their housing assistance.

Third, the bill allows for government-sponsored mortgage holders to continue to loan funds at higher level loans so that high cost areas are still covered. The current law expires in December. The Department of Housing and Urban Development expects that in anticipation of the expiration of the authority lenders will start to stop credit for these high-cost loans as early as November.

The House has already approved this provision in its 2010 THUD Appropriations bill, but since that bill has not yet been completed, this action is necessary at this time.

Some of my colleagues may be concerned that we have attached the CR to this bill. It is clear as I have pointed out that we cannot expedite passage of appropriations bills this year because of a small number of opponents. Each bill has taken nearly a week to pass all because of a few Members wanting to delay.

For example, the Energy Water conference report which passed with nearly 80 votes took 3 days of delay before we were allowed to vote.

As such, regrettably this approach is necessary. I urge all my colleagues to support the swift passage of this bill to avoid a devastating shut down of government operations.

And, finally I urge my colleagues to cooperate with the managers of our appropriations bills in the coming weeks as we seek to pass our remaining bills. Without cooperation, we will no doubt be forced to return to an omnibus-type of approach which limits all Members' right to debate and amend the measures that the committee has recommended.

Mr. LEVIN. Mr. President, I will vote to approve this conference agreement and continuing appropriation resolution to provide over \$32 billion for a variety of important environmental, forest and land, national parks and infrastructure purposes; as well as to extend funding for other Federal programs through December 18.

I am pleased this bill includes the full \$475 million for Great Lakes Restoration Initiative, GLRI, as requested

in the President's budget. The GLRI is a multi-agency effort to address the array of current and historic threats facing the Great Lakes, such as invasive species, habitat loss, and pollution. The Environmental Protection Agency has prepared a spending plan for this money based on years of research and cooperative work with other Federal, State, tribal, and local partners, and the EPA will measure results to ensure accountability. This bill includes language, which I supported, to ensure that steamships in the Great Lakes are able to continue to operate. The compromise included in this bill allows the EPA to move forward with a proposed air emission regulation for maritime vessels operating on the coasts while the EPA works with the Great Lakes shipping community on compliance. Additionally, the EPA will conduct additional economic analysis for the Great Lakes region.

This bill provides \$2.7 billion for our National Park Service, an increase of \$200 million from last year's level, which I support. That increase would help maintain and protect the natural, historic and recreational resources of the six National Park units in Michigan. I am pleased conferees favorably responded to my request to waive the match requirement for Quincy Smelter funding, located within Keweenaw National Historical Park in the Upper Peninsula of Michigan. The bill includes \$1 million to stabilize the deteriorating buildings at the Quincy smelting complex, which is the best remaining example of a copper smelter of its era in the country, and possibly the world. The smelter has been identified by the Park Service as a core resource in the park, yet its structures have deteriorated significantly since the smelter closed in 1971. Over the past couple of years, some parts of the smelter buildings have collapsed and last year, a smokestack, which is a critical part of the landscape, had to be removed because it was in danger of imminent collapse. With the waiver language included, this funding can be used to stabilize the buildings to prevent additional structural failures, saving one of the most important resources of the park.

Importantly, the bill would provide \$1.4 billion to capitalize the Drinking Water State Revolving Fund and \$2.1 billion for the Clean Water State Revolving Fund for wastewater projects. The funding in this conference agreement more than doubles the amount provided in the fiscal year 2009 omnibus. Michigan would receive about \$41 million for drinking water and \$90 million for wastewater projects, protecting public health, improving the environment, and creating a stronger economic climate.

This appropriations conference agreement would provide a significant boost to protect and clean up the Great

Lakes, protect the environment, improve Michigan's parks and lands, provide communities with safe drinking water and improved wastewater infrastructure, and I support its passage.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, is there a time limit on this side?

The PRESIDING OFFICER. The minority still has 28 minutes remaining.

Mr. SESSIONS. I ask to be notified after 10 minutes.

The PRESIDING OFFICER. The Chair will so notify the Senator.

Mr. SESSIONS. Madam President, a number of appropriations bills, as Senator INOUE has said, have moved forward this year, and I do not think it is obstructive or an effort to delay to try to make sure those bills spend the taxpayers' money at a reasonable level and for things that serve the national interest.

Let me talk about the bill before us today. It is stunning in its increase in spending at a time when we are not able to spend at this level. Some people dismiss the persons at the tea parties who have been ringing our phones and sending us messages and e-mails about the reckless rate of spending. I believe, unfortunately, that as a body this Senate is in denial. The Senate is of the belief that it is business as usual, that we will get together and have these meetings in these committees and bills will be dropped on the floor, with unprecedented rates of spending increases, and everybody will vote for it and it is OK because that is what we always do.

Actually, what we are doing today is worse than what we have been doing in the past. The spending increase levels are at rates that are breathtaking. I have to talk about it.

I would like to support the Interior bill. I know the Environmental Protection Agency is an important agency. We are not trying to eliminate them. But let's take a look at a few things. The Senate bill this year for Interior and EPA has a 16.9-percent increase. At this rate, spending for the Interior-EPA would double in only 4 to 5 years, the whole budget would double in 4 to 5 years at this rate of increase. Inflation today is less than 1 percent. The Environmental Protection Agency spending increase is 37.7 percent in this legislation, a 37-percent increase. At that rate, the whole EPA budget would double in 2 to 3 years.

You say, surely you are considering some of the stimulus money we passed, the \$800 billion stimulus package that was supposed to create jobs, which was passed in February of this year. No, I am not. This is the baseline budget bill. If you add the stimulus for fiscal year 2010, we would have a 57-percent increase. The 2-year increase from 2008 to fiscal year 2010 would be 62-percent, assuming we are adding stimulus

spending to FY2010. But that does not include the emergency funding that may occur for fires or floods or storms.

Some Senators have the gumption to come down here and ask: What are we doing? How can we continue to spend like this? Aren't we being irresponsible? Are you listening, fellow colleagues, to your phone calls, to your e-mails, to your letters and your town-hall meetings? Are you listening to them or do you think this is just business as usual? We make a few deals and we pass a bill. Everybody is happy, and we pat everybody on the back.

Let me show a few charts that relate to that issue. This is the Environment and Interior appropriations history for the last several years. A lot of my colleagues say President Bush spent so badly. Well, sometimes he did. But from calendar year 2001 through 2009, the spending increases averaged only 1 percent in these departments. Look at this year. It was an actual reduction. Now we have a 16-, 17-percent increase, and that does not include the \$11 billion from the stimulus package. That totals, then, a 57-percent increase in this Interior bill.

I can't vote for this. How can I go back home and tell my people, when I said I am concerned about spending and we have to do better, yes, constituents, I know we have to do better and then waltz into the Senate and vote for a bill such as this? No matter how much good people say is in it, we don't have the money.

This year the budget deficit hit, as of September 30, about four times the highest budget deficit we have ever had in the history of the Republic, \$1.4 trillion.

Look at the Ag bill. The Agriculture bill, we were waltzing along with a 2-percent average annual increase from 2001 through 2009. That includes 2009. We end up with another 14 percent increase in Agriculture. That does not count the stimulus package. Agriculture got a good bit out of the \$800 billion stimulus package.

What about the THUD? Boy, it is a thud in terms of what impact there will be on the deficit for the Nation. Discretionary appropriations from 1995 to 2009 averaged an increase of 5.2 percent. What about 2010? A 23-percent increase. That is budget baseline spending.

I ask my colleagues, is anybody listening to their constituents or are Alabama constituents the only ones who care about the financial future of this country? Are they the only ones who care about their grandchildren? I don't think so. I think my colleagues are hearing some of the same thing.

So how do we come up with these increases? Here is the State Department and the Foreign Operations bill. As I said, from 1995 through 2009, over 14 years, all our discretionary spending averaged an increase of 5.2 percent.

What do we get today? Look at this, a 32 percent increase in 1 year. In 3 years, that doubles the whole foreign ops budget.

What does it mean? These are not exaggerations. I hope my colleagues and the American people look at this chart. We ended fiscal year 2008 with a \$5.8 trillion total American debt. That is how much we owed to the public. In 2013, according to our own Congressional Budget Office, based on President Obama's spending plan, it will double to \$11.8 trillion, doubling the entire national debt in 5 years. By 2019, the 10-year budget window the President has submitted to us, his budget for that period, it would triple the debt to \$17.3 trillion. This takes us too close to having a debt equal to 100 percent of America's gross domestic product.

According to the Heritage Foundation, there are gimmicks in these numbers. They estimate it will be closer to \$20 trillion, and that is going to be about 100 percent of the entire gross domestic product, which is considered very bad in international circles and historically has always resulted in adverse economic ramifications.

One more thing. The numbers get so large. You talk about trillions and billions, and it is hard to get a grip on what we are talking about. Most of us can understand what interest is on our debt. We can understand that. We pay a mortgage. You take out a mortgage and most of the money you pay the mortgage company goes to interest until it begins to go down over a period. If we look at this chart, we will see what would happen to the government's interest payment. Despite these surging increases, the Interior budget for parks and the EPA budget combined for all this year is \$32 billion. That is a huge sum of money. Alabama's total budget, including education and general funds, is about \$7 billion, the whole State of Alabama. So we are spending 32 nationally on Interior and EPA. This past year, fiscal year 2009, we spent \$170 billion just to pay the interest on the money we borrowed for the \$5.8 trillion in debt we had when the year started. So we paid \$170 billion in interest. That is more than five times the Interior budget we are passing today, as big as it is and much as it has expanded. Look how it increases in only 10 years. According to the CBO, which is by far the most conservative analysis, it ends up at \$799 billion in interest in 1 year. That is not paid to some other government agency, it is paid to people who hold our Treasury bills because, during this period, instead of paying interest on \$5 trillion, we will be paying interest on \$17 trillion, and the interest rates are unusually low today. CBO experts expect those interest rates to increase.

The result is, we are talking about \$800 billion in interest. If there are higher rates of interest, as the blue

chip outside economists project, they project it would be \$865 billion in interest in 1 year on the public debt, much of it interest paid to people in foreign countries, countries, states who own our treasury bills and buy our debt, leaving us weakened economically, politically, strategically, our security weakened, when we are that much in debt to people around the globe.

I believe Americans are getting it. That is why they are writing us. They would like to see us do better. Are we doing better? The charts I showed indicate we are doing worse. It is time to say: No, we don't have the money. The average household income for an American citizen fell 3.6 percent. So the average household is seeing a 3.6-percent reduction, and States all over America are reducing their spending and making improvements in efficiency and taking other tough steps to contain spending. We are spending like crazy. Remember, we passed an \$800 billion stimulus package in February. That is such a huge number. It is the largest spending bill this Republic has ever passed, \$800 billion in one fell swoop after a few weeks of being in session. It had to pass supposedly. Unemployment was going to go up if we didn't pass it. So in panic—not with my vote—this Congress passed that stimulus bill, and we have seen very little stimulus results from it.

Unemployment in my State is about twice what it was before this recession started. So we have a problem, and we are not going to just borrow our way out of it. In the long run, I am concerned about this spending level and the debt level because there is no plan to make it better. According to the Congressional Budget Office, in 2019, what will the deficit be? Will it be going down? Will we be beginning to pay off the debt, the money we have borrowed? No. In 2019, they project the annual deficit that year to be over \$1 trillion—in 1 year, over \$1 trillion—in 1 year to add to the total national debt.

This is irresponsible. There was an article in today's Washington Times by one of their economists who pointed out the tremendous—

The PRESIDING OFFICER. The Senator asked to be notified after 10 minutes.

Mr. SESSIONS. Madam President, I thank the Chair, and I will wrap up.

He just noted the severe risk this kind of surging debt—the likes of which the country has never before seen or participated in. Those risks are real. He emphasized our national security. But many people are emphasizing the risk to our economy and our future growth. We are going to have to pay, in 2019, \$800 billion, at least, in interest before we start buying the things America needs for its government to operate. Instead of \$170 billion, we are going to be spending \$800 billion.

Why? Because we cannot say no. Why? Because we are addicted to high-

er and higher spending. I think it is irresponsible. I certainly believe our colleagues who produce these bills think they are doing well and operate within reality, and it is hard, they think, to make any changes. But why can't we? States are making changes. People in their homes are making changes. Why can't we make changes?

I think we can. I do not think it is a little bitty matter. It is not a political matter. I keep hearing Democratic colleagues also expressing great concern about this debt. They try to blame it on President Bush and other things. But at some point it is our spending. President Bush did not propose to increase the Interior spending by 17 percent. The Democratic leadership proposed that, and all these other bills we have.

So we have to do better. I will be voting no, regretfully, and I hope more of my colleagues will join me because we need to begin to say: No, we cannot continue on this road. We are not in denial. We do believe our constituents have valid concerns about reckless spending, and we are going to try to act in a way that again wins their trust.

Madam President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I yield 10 minutes of our time to the distinguished Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, let me thank Senator FEINSTEIN and also Senator ALEXANDER for the work they have done on this bill. I used to be the ranking member of this subcommittee, and I understand many of the issues in this bill. The breadth and scope of it is very substantial, and I think they have done a good job.

I want to mention two things that are very small parts of this bill but, nonetheless, I think important. One is the issue of something called hydraulic fracturing. The reason I mention it is, there is a lot of discussion about how important it is for us to become less dependent on foreign energy. We need to become less dependent on oil from places like Saudi Arabia, Kuwait, Iraq, Venezuela and so on.

Madam President, about 70 percent of our oil comes from overseas. The fact is, we use a prodigious amount of oil.

The U.S. has about 5 percent of the world's population, but we use almost 25 percent of the oil. Seventy percent of it comes from off our shores from other countries, and 70 percent of all the oil we use is used for transportation. So we need to continue to develop resources at home if we are going to become less dependent on foreign energy.

There is a provision included in the Interior conference report related to

hydraulic fracturing. This small provision requires a study by the EPA of hydraulic fracturing and drinking water. What I want to mention is this: In the subcommittee I chair on Energy and Water Development, I have continued to include research and development funding for oil and natural gas programs. We lead the world in unconventional oil and gas production, in part, because of this funding.

We are now discovering new fields in shale and tight sands reservoirs because we can use technologies that we could not benefit from 5 and 10 years ago. Just think we now explore 2 miles beneath the surface of the Earth areas of shale and go into seams 100-foot thick. We have the ability to drill down 2 miles, make a big curve, and drill out 2 miles to reach the resource. So you have a 4-mile circuit with this one drilling rig and you go into a shale deposit more than out 2 miles out. To exploit the resource, companies use hydraulic fracturing by using water under high pressure. It allows them to break down that shale, and you have oil production.

The U.S. Geological Survey did a survey in North Dakota in an area called the Bakken shale. It is an area about 100-foot thick 2 miles down. They said using today's technology—today's technology—there is up to 4.3 billion barrels of recoverable oil in place. That is the largest assessment of recoverable oil they have ever found in the Lower 48 States. Think of that. But none of that resource would be available without the use of hydraulic fracturing.

By the way, this issue of hydraulic fracturing—water under high pressure to break that shale—we have been doing that for 60 years. There has been many studies, and there is simply no problem with it when properly applied. These studies show that it does not contaminate groundwater. In fact, the EPA itself did a study in 2004 and concluded there is no problem.

Well, some of our colleagues are concerned, and they have legislation to regulate hydraulic fracturing on a federal level. In the House Interior Appropriations bill, there was a requirement for the EPA to do a study. I would say the Senate did not have that requirement in its bill. I worked with other Senators and, but we requested that certain guidelines be in the study. Those requests were included in the conference report. I do not mind there being a study because I believe that it will demonstrate what we already know and what the EPA has previously discovered in their study. This issue of hydraulic fracturing is not a problem. We do need to continue to produce more energy in this country to make us less dependent on foreign oil and find ways to use more domestic natural gas. It is just a fact, and it will not continue unless we can continue the hydraulic fracturing that unleashes the

opportunity of these oil and natural gas fields.

So that is a small piece of this very big bill, but I think one that is very important. I wanted to make that point.

I want to make one additional point, and this actually relates to the success of something we took out of this bill. I want to just describe it for a moment. Some things just sort of drive you batty about the way government works. Government gets big, and somehow it just leaves common sense behind from time to time. This was a circumstance where in a national park in North Dakota, the Badlands—the Theodore Roosevelt National Park—they have to thin the elk herd. There are too many elk—about 900 elk. It can only handle about 250 or 300 elk. So you have to get rid of some elk; you have to thin the herd.

Like a lot of government solutions, the solution was, well, maybe we should hire Federal sharpshooters and then have helicopters we would hire to haul the meat out of the national park.

I said: I don't understand at all how you could think about that. There are plenty of people who are qualified hunters who would be happy to volunteer their time to thin the elk herd. You do not need Federal sharpshooters. You do not need helicopters. All you need is a barrel full of common sense.

So because we could not get that done, I put a piece in this Interior appropriations bill when we did it in the subcommittee, and all of a sudden everyone got serious about negotiating on how to do this. Kudos to the Interior Secretary and his staff. We have reached an agreement in principle now, and the Park Service has a proposal that it has set forth. My expectation is that this going to be solved in the right way. So we withdrew this provision from because we do not need it.

We have an agreement in principle, to use qualified North Dakota volunteers, deputized by the National Park Service, who will, under the guidance of the Park Service, thin the elk herd. We do not need to spend a lot of money doing it. All we need to do is just use some common sense, and that is exactly what we are doing.

I understand we have a circumstance where there is not quote, hunting, unquote, in national parks. So the first blush on all this was: Well, we can't do what you suggest, Senator DORGAN. We just can't do it. We are restricted.

Well, the fact is, we are going to use volunteers in a way that is consistent with both the law and common sense. We are not going to spend your money hiring sharpshooters. We are not going to spend your money hiring helicopters. We are going to do this the right way. It is not opening up a hunting season. It is just empowering qualified hunters, under the guidance of the Park Service, with the coordination of

the State's game and fish department, to work as volunteers and do what we should just do. It is just a deep reservoir of common sense.

I am proud we have finally gotten that done. I know it is not the biggest issue in the world, but do you know what. There are a whole lot of folks in North Dakota who read about these "sharpshooters" and "helicopters" who said: Are you nuts? What are you thinking about? That is what got me involved. I understand, this does not meet the test at all. But now we have gotten it done, and we have the right solution.

So I want to thank Senator FEINSTEIN and Senator ALEXANDER. I thank the Interior Department for seeing a way to do this. There is a right way and a wrong way. They saw the right way to do it, and I think it will be helpful to the American taxpayer. It will get the job done by thinning that elk herd and saving some money and giving some folks an opportunity to volunteer to serve their government.

So I wanted to mention that today and thank the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I want to thank the Senator from North Dakota, and tell him that misery loves company because in California we had a similar situation with the Point Reyes National Seashore Park, where there were growing numbers of whitetail deer, and the Park Service proceeded to do a somewhat similar thing, shoot them, and I believe in helicopters shoot them. All the residents got very upset because this is not an isolated community, and they began to call, and we worked out a solution—to use contraception, actually, to cull the herd.

But I do not know whether that is going to work. I think the Senator pointed out a good situation where the Park Service has to be more sensitive when it does some of these things.

I thank the Senator for the efforts he has made—and successful ones.

Mr. DORGAN. Well, Madam President, I would only say that we have not discussed contraception for elk in the national park, but contraception was once suggested for skunks in a wildlife refuge, and the question was who was going to get close enough to the skunks.

But I think we have solved this issue in a way that is satisfactory and especially beneficial to the taxpayer. I appreciate the work of the Senator from California.

Mrs. FEINSTEIN. Madam President, I say to the Senator, thank you. I appreciated his work.

Madam President, I yield 10 minutes to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

COMMENDING SENATOR EDWARD W. BROOKE

Mr. KIRK. Madam President, I thank the distinguished Senator from California and the Senator from Tennessee for allowing me to make a brief statement on a very important event that took place in this Capitol just yesterday.

I was privileged and deeply moved to witness a ceremony in the Rotunda of this building at which Edward W. Brooke, the distinguished former Republican Senator from Massachusetts, was honored with the Congressional Gold Medal.

This award, as you know, is the highest bipartisan award that Congress can bestow. The award to Republican Senator Brooke was the result of legislation sponsored by two history-conscious Democrats: Representative ELEANOR HOLMES NORTON of Washington, DC, and Senator Ted Kennedy of Massachusetts, who served with Ed Brooke in the Senate for many years.

Senator Brooke was a trailblazer, a bridge builder, and a statesman. The grandson of a slave, he grew up in a segregated neighborhood not far from this Chamber. But he rose to become the first African American elected to the Senate.

I am proud, and the citizens of Massachusetts are proud, to have sent Ed Brooke to Washington. We saw yesterday what our State saw in him long ago: his strength, his wisdom, his decency, and his deep commitment to meeting the needs of the American people.

Ed Brooke was elected as a Republican, but the people of Massachusetts did not see him as a strident party man. They saw him as a great American and a model politician. They supported him because they understood that difficult times require statesmen who can work across party lines.

Returning to the Capitol yesterday, at the age of 90, Senator Brooke spoke powerfully about this Senate as a place where Members of both parties can and must work together for the common good. That was the spirit of the Senate in which Ed Brooke served. That was the spirit of the Senate that Ted Kennedy embraced, and the spirit that led to countless bipartisan accomplishments. It is a spirit we desperately need to revitalize as we work our way through the needed reform and repair of our broken health care system.

As an elder statesman of the Republican Party, this is what Senator Brooke said yesterday:

I'm here to tell you that politics is not an evil thing. It's a good thing, and when used properly, it does good things. I think of the awesome responsibilities of the House of Representatives and the U.S. Senate in these years of crisis. Three wars that we're in, and an economy that has taken such a long time to turn around, and the lack of adequate safe housing that we promised the Nation back in 1949, clear air and clear water, a health care bill.

Speaking to the Senate and to the House he went on:

You have awesome responsibilities. Not only this country, but this world looks to you. When Republicans and Democrats get together, they can do anything! And the country is waiting for you to do anything. They just want relief. You have that responsibility. You have that authority. You are the people on Earth who are going to save this country and save this world. Think about that. We have got to get together. We have no alternative. There is nothing left. It is time for politics to be put aside on the back burner.

With those words, the several hundred people in the Chamber came to their feet and cheered and applauded.

Like Senator Brooke, I have the perspective of someone who has spent the last few decades in private life. I can report that American families are deeply troubled by the economic hardship of the present and by the uncertainty of the future. It gives them no comfort to see the Senate so politically polarized and unwilling to come together in common cause without regard to politics to solve the critical problems before us.

As I said in my maiden speech in this Chamber 2 days ago, as the health care debate moves forward, we who are privileged to serve in this historic body on both sides of the aisle have the opportunity and the obligation to take the long view, to put partisan politics aside, and come together to seize this unique and critical moment in our history.

I have had the privilege in the past to serve as chairman of the Democratic Party of the United States, so I am no stranger to partisan politics. But I like to think I also know when it is time to put partisanship aside and work together.

As President Obama said yesterday, while we grace Senator Brooke with this honor today, perhaps a better tribute to him would be to embrace that spirit: to compete aggressively at the polls, but then work selflessly together to serve the Nation we love.

No words could serve as a better summons to the historic debate on health care that lies ahead of us. We are poised to enact the most significant domestic legislation since the civil rights era. I know each and every Senator has deeply held beliefs about how we can best reform our health care system and that those deeply held beliefs will sometimes collide. We should and we will have a vigorous debate in this Chamber. But that debate should reflect a level of cooperation that is equal to the magnitude of what is at stake for American families. It should reflect a spirit of teamwork and collaboration that we always saw in statesmen such as Ed Brooke and Ted Kennedy. Our times, and our Nation, demand nothing less.

I offer my sincere congratulations to Senator Brooke. I thank him for his

service to this country and his wise counsel to those of us who are serving in the Senate today.

Madam President, I ask unanimous consent to have the remarks of Senator Brooke at yesterday's Congressional Gold Medal ceremony printed in the RECORD. I commend them to my colleagues, and I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thank you for your very warm welcome. I want the record to show that I have turned on the sun since you came. Politicians sometimes take credit for things they had absolutely nothing to do with. But I'm proud, that after a rainy entry into Washington, that the sun is shining and that you will be able to enjoy this very beautiful city and this magnificent structure, the Capitol of the greatest country in the world. Majority Leader—Steny, how are you?

Republican Leader Mitch McConnell, Minority Leader John Boehner, and Minority Leader . . . oh you're back, thank you for coming back, my dear friend, the Speaker of the House. What a wonderful thing, to have the Speaker of the great House of Representatives, a lady.

I think that's progress, and I don't think it will be long before a lady will be the President of the United States.

Patrick, thank you for your kind words. It is very wonderful that you came to share in this great moment of my life. You know how I feel about your family, you know how saddened I am that he's not on this platform today. In case you didn't know it, he started this together with Eleanor Holmes Norton. He called me one day and he said, Ed, come to my office, I'd like to see you. I went to his office and he said, we are introducing a bill to have you awarded the Congressional Gold Medal. I was shocked, I was in awe, but you can be sure I was pleased. Ted said don't you worry about a thing, you don't have to talk to anybody, you don't have to do a thing. I will do the Senate side, and Eleanor Holmes Norton will do the House side. And it happened. He had to get 76 United States Senators as co-sponsors of the bill, and poor Eleanor had to get only 290 Representatives to get it in the House of Representatives. But they were dauntless, and they went out and did their work, and before I knew it the Senate had passed the bill, the House had passed the bill, and I just got a call the other day that there was a debate on the floor, Madam Speaker, in order to use the rotunda of the Capitol for this occasion. And she said if you turn on C-SPAN, you'll see it. It will be a very spirited debate, and it was, and the vote was 417 to nothing. And if that isn't the way to win an election, I don't know what is. It's never been very easy.

This would be a perfect day for me in my life, if it weren't for the fact that my friend, my senior Senator, though he was much younger than I, would be here on this occasion. We don't control life and death, and we couldn't control Ted, or he would still be with us. But I am really honored to have with us on this occasion his wonderful wife Vicki, who has been such a wonderful person.

And to have my family, and my wife of 37 years, who's given me the best years of my life. My son and daughters, step-daughters, and grandchildren, so many aunts and cousins, I can't even begin to name you because it would take too long and the time the Speaker has given to this and the time the other members of the Senate and the House, I can't intrude upon their job.

This is a heady thing for me, it would be for anybody. I love this country, since the day I was born. And I was born here in the nation's capital, on October the 26th, 1919. Most of you weren't there at that time. And I'm here to tell you that politics is not an evil thing. It's a good thing and when used properly it does good things. I think of the awesome responsibilities of the House of Representatives and the United States Senate in these years of crisis. Three wars that we're in, and an economy that has taken such a long time to turn around, and the lack of adequate safe housing that we promised the nation back in 1949. Clear air and clear water, a health care bill—which I'm sure none of you want to hear about on this occasion. I'll give you at least a break from it. And I would not be presumptuous to tell you what to do, because I'm sure you don't know what you're going to do yourselves. You have awesome responsibilities. Not only this country, but this world looks to you. I was happy when you told me just a few minutes ago, Madam Speaker, that the Republicans and the Democrats played ball last night, and they played the Capitol Police. That was an awesome responsibility in and of itself. And that you won! It only meant to me that when Republicans and Democrats get together they can do anything!

And the country is waiting for you to do anything. They just want relief. You have that responsibility, you have that authority. You are the people on earth that are going to save this country and save this world. Think about that. Now we can worry about discouragement, what is it, when you can't stand the heat, get out of the kitchen? We can't worry about that, Mitch McConnell, we can't worry about those things. We can't worry that you all can't get to that. We've got to get to it. There's nothing left. It's time for politics to be put aside on the back burner.

And we must lead by example and not by force. Security is foremost. This nation must always be strong militarily, if for no other reason than to protect itself. It's got to come first. And we've got to know how to use it. We got to use our diplomacy more and more and more. We've got to avoid these perils before they come before us, and then it takes too long. We can't keep fighting wars. We've got hungry people to feed, homeless people, homeless and ill-housed people to shelter, and young people to be educated. And so, on this occasion, I applaud the Congress for what it has done. Our three branches of government, as wonderfully founded by our Founding Fathers, our legislative branch is as strong as it wants to be. There is nothing that Congress can do that it can't correct. They have the power to do it. The President is powerful, but he has oversight of the Congress of the United States. We are part of that. And the judiciary must never politicize the Supreme Court and the Judiciary system. As Eleanor Holmes said, and I don't want to minimize this honor at all, but when she first told me that I got it I said Eleanor, I'll exchange the honor if the Congress will pass the voting rights act for the District of Columbia.

You know, Eleanor said one day, she called me when I turned 80. I was still playing tennis and riding horses in Virginia and living the life. My mother, bless her heart, lived to 100. She said to me, "keep moving, don't stop." But I wasn't feeling too well. Eleanor called me one day when I wasn't feeling too good. And I told her I didn't feel so well and didn't know if I would make it. And she said to me, "Senator, you can't die before the Congressional Gold Medal." So I kept my political promise to her.

Thank all of you. I wish I could call all of you by name and give you a hug and kiss you. You are all my friends and you are a part of my family and I love all of you. And I wish all of that could happen, but obviously it can't. I want you to know I am appreciative that you have come these distances to be with me on this occasion.

I'm going to conclude with the words of Him that I recite. My staff will tell you, and I had the best staff in the world, I know all of you think so, but they've been wonderful. "God of justice save the people from the wars of race and creed, from the strife of class and friction, make our nation free indeed. Keep her faith in the simple man stronger than when she became, until she finds her full fruition in the brotherhood of man."

Madam Speaker, Leaders of the Congress, Members of the Congress, my old colleagues, family and friends, I accept this honor with the deepest humility and everlasting gratitude.

Ms. LANDRIEU. Madam President, I rise in support of the Department of the Interior, Environment and Related Agencies Appropriations Act for fiscal year 2010 and to speak on the conference report language regarding hydraulic fracturing.

America's oil and natural gas industry is an important driver for the national economy. A recent study reveals this industry supports more than 9 million jobs and accounts for roughly 7.5 percent of the U.S. gross domestic product.

Developing untapped resources could add further value to the U.S. economy and aid in economic recovery. According to a recent ICF international study, developing areas that are currently or were recently off limits could generate \$1.7 trillion for Federal, State, and local governments over the life of the resource, as well as contribute 160,000 jobs by 2030.

As our country moves towards a new energy future, oil and natural gas will continue to play a key role in our Nation's energy supply for years to come. According to the Energy Information Administration, energy demand will grow by 9 percent between 2007 and 2030. More than half of this demand is expected to be met by oil and natural gas, as is the case today.

How will the U.S. meet this growing demand? There are significant resources available to recover here at home. The Bakken formation in North Dakota, Montana, and South Dakota is estimated by USGS to contain up to 4.3 billion barrels of oil—a 25-fold increase compared to government estimates from 30 years ago.

In my home State of Louisiana, the recent development of the Haynesville shale formation will also contribute to supply the growing demand. Experts estimate that there is 250 Tcf of recoverable gas in the Haynesville shale. Last year, the U.S. consumed 23 Tcf, which means there is enough gas in just the Haynesville shale to supply the U.S. population for 11 years.

On July 28, 2009, the New York Times reported: "Nobody knows for certain

how big an area the Haynesville Shale covers—no government entity has mapped it. But energy companies and experts say it is large, possibly the largest in the lower 48 states, with an estimated 250 trillion cubic feet of recoverable gas. It is up to 13,000 feet underground, extending into East Texas."

In addition, a recent study estimates that primarily due to the recent shale gas developments across the country, the U.S. has roughly a 100-year supply of natural gas reserves. The study was conducted by the Potential Gas Committee—a group of academics and industry experts supported by the Colorado School of Mines. This represents a 35 percent increase in reserves versus a couple years ago—the largest increase in the history of reports from the Committee.

However, these resources are not a guaranteed supply for the U.S. economy. Both the Bakken formation and the large new natural gas shale deposits—found in the Marcellus, Barnett, Haynesville, and other shale plays across the country—are developed using a combination of production technologies such as hydraulic fracturing and horizontal drilling.

Unfortunately, some opponents of oil and natural gas production are attempting to prevent the use of hydraulic fracturing. This could have significant impacts on the future of shale gas and oil production. A 2006 government-industry study found that 60–80 percent of the wells to be drilled in the next decade will require hydraulic fracturing.

This technology can be used safely in an environmentally responsible manner. Hydraulic fracturing has been around for roughly 60 years. Current industry well design practices provide multiple levels of protection between any sources of drinking water and the production zone of an oil and gas well.

The conference report to H.R. 2996 proposes an EPA study of hydraulic fracturing's impacts on drinking water supplies. It is important to note that EPA studied this issue in 2004 and concluded "the injection of hydraulic fracturing fluids . . . pose little or no threat to (underground drinking water)." Any new study must be conducted in a comprehensive, scientific, credible, and transparent manner. It should include a review of other existing studies regarding hydraulic fracturing and its potential impacts, and it should involve interested stakeholders during key stages of the study.

Hydraulic fracturing can play a major role in our energy future, and this technology can continue to be used in a responsible manner. I urge EPA to undertake this study in a responsible manner.

Mr. VOINOVICH. Madam President, I rise in support of the Department of the Interior, Environment and Related Agencies Appropriations Act for 2010.

This legislation will help our Nation perform a variety of vital functions that serve to protect the Nation's environment, properly manage its natural resources and provide funding for critical water infrastructure projects. The bill will fund the activities of a number of important initiatives such as the Clean Water and Drinking Water State Revolving Loan Fund, the Great Lakes Restoration Initiative, and the Diesel Emissions Reduction Act. This bill will help to ensure that we wisely spend our Federal monies in the most effective and efficient manner possible.

In particular, I would like to address the specific language in the conference report addressing the request for a study regarding the use of hydraulic fracturing, an extremely important tool that will help us unlock the vast potential of our own domestic oil and gas supplies. As we all know, it is in the best interests of our Nation to become more energy secure and to reduce our reliance on foreign oil supplies. Harmful reliance on foreign supplies can certainly have adverse national security and economic implications for our country. No country can remain a leading player in the community of nations if it must increasingly rely on other nations for one of the bedrock elements of its economy. Current events compel us to proceed forward with the efficient development of our own domestic energy resources. Our continued economic prosperity, as well as the national security of the country itself, depends on the development of clean, secure and affordable energy supplies such as natural gas.

One of the most significant ways to help us tap our natural gas is through the use of hydraulic fracturing. Hydraulic fracturing is a technique that has been commonly used in industry for many decades to allow our gas reserves below ground to move freely from the rock pores where it is trapped to a producing well that can readily bring the gas to the surface. This technique is particularly used to help us tap the vast potential of our unconventional gas supplies in the United States, including tight geological formations like some coalbeds, sandstones and shales where huge amounts of gas presently are located. To obtain this gas, a well is drilled into this area and a fracturing fluid, usually consisting primarily of water and sand. This highly-reliable and cost-effective technology was developed in the late 1940s and has been continuously improved and applied since that time.

Hydraulic fracturing will undoubtedly play an important role in our future energy plans. Hydraulic fracturing will help us to develop our vast potential of oil and gas supplies more efficiently and will allow us to develop many resources that we would not otherwise be able to retrieve. Application of hydraulic fracturing to increase re-

covery is estimated to account for 30 percent of U.S. recoverable oil and gas reserves and has been responsible for the addition of more than 7 billion barrels of oil and 600 trillion cubic feet of natural gas to meet the Nation's energy needs. The National Petroleum Council estimates that 60 to 80 percent of all the wells drilled in the next decade to meet natural gas demand will require fracturing.

In 2004, the Environmental Protection Agency issued a report on hydraulic fracturing which the Agency characterized as the most extensive study of the technique ever performed. That study focused on hydraulic fracturing of coalbed methane wells, which was viewed as a "worst case" scenario in terms of the potential impacts on drinking water aquifers because hydraulic fracturing of these coalbed methane wells tends to take place at shallower depths than hydraulic fracturing of shales or other types of formations. This study carefully investigated all of the facts of hydraulic fracturing and was extensively reviewed by numerous EPA offices, other Federal agencies, a panel of technical experts and members of the public. Based on its investigation, this study again confirmed that there is no evidence that hydraulic fracturing has resulted in the contamination of drinking water supplies and that this technique poses little threat to human health and the environment.

In light of this work, the Congress reaffirmed in the Energy Policy Act of 2005 that hydraulic fracturing should not be regulated as underground injection under the Federal Safe Drinking Water Act except in very limited circumstances. Federal regulation would not result in any additional environmental benefits and could impose unnecessary burdens on the use of this critical technology that would impede development of our domestic energy resources.

This new study that Congress is requesting of the Environmental Protection Agency is intended to review the risks, if any, that hydraulic fracturing poses to drinking water sources. Just like the Agency's prior study, this study should be conducted using a systematic, scientific approach that assures transparency, validity, and accuracy. The study should be based on accepted quality assurance guidelines to ensure that the information on which the study is based is of sufficient quality to support the study's conclusions. It should be properly peer-reviewed by qualified experts in accordance with standard practices, and should also draw on the expertise of those both inside and outside the Federal Government who can contribute relevant information to a high quality study. These contributors should include other appropriate Federal agencies as well as the State regulators who

have many years of experience with hydraulic fracturing. This study should eventually be made available for review and comment by interested members of the public prior to being finalized.

At the same time, since we have already studied hydraulic fracturing, it would be prudent for any proposed study to fully take into account other studies that have already been undertaken by Federal or State governmental agencies, councils, commissions, or advisory committees. For example, given the significant effort associated with the Agency's prior 2004 study, it would certainly be prudent to fully consider this study in undertaking any further examination of hydraulic fracturing. The 2004 study spent a considerable amount of time examining the hydraulic fracturing process, including the depth at which hydraulic fracturing activities take place as compared to the much shallower depths of drinking water aquifers, the physical characteristics of the rock formations that separate the zones targeted for oil and gas production and the drinking water aquifers and the creation of fractures during the hydraulic fracturing process.

Finally, and perhaps most importantly, the study should be based on well-recognized principles of risk assessment to determine whether there is any realistic risk that individuals may be exposed to substances used in the hydraulic fracturing process at levels that could possibly be considered harmful.

I believe that a targeted study of hydraulic fracturing is the most efficient way to use our resources to accomplish the goals of this study. We need to continue to develop our domestic energy resources, including clean-burning natural gas. A focused approach to the study will allow us to address concerns about hydraulic fracturing while facilitating the continued use of this critical technology.

Mr. REED. Madam President, I want to thank Chairman FEINSTEIN for her work on this bill.

I appreciate the attention that she has given to a number of key investments, particularly funding for the State revolving funds for sewer and drinking water infrastructure, which I have strongly supported. These investments are not just a matter of improving public health and environmental quality; they are a matter of job creation, which is all important at this time.

I am concerned, however, about a provision that was included at the insistence of the House of Representatives that will exempt certain vessels on the Great Lakes from regulation under a proposed EPA rule designed to limit emissions from marine diesel engines. I know that this provision is not one that was advanced by Chairman

FEINSTEIN, and I appreciate her efforts to prevent a larger exemption than is in this bill.

Although the exemption included in this bill is limited to 13 vessels, the impact on public health has not been explained. In addition, the conference report includes language that encourages EPA to adopt additional exemptions for vessels on the Great Lakes in its final rule. As a result, I am alarmed about the potential impact on air quality in downwind States, like Rhode Island, which, I must note, will be required to comply with EPA's regulations on marine diesel engines.

Representing a State that has an unfortunately high unemployment rate, I have great sympathy for those who called for this exemption on the basis of potential economic impact on a local industry. On the other hand, my constituents bear the environmental and health burdens that come from pollution that originates from the Midwest.

Last week, the Northeast States for Coordinated Air Use Management, NESCAUM, which represents air quality agencies in Rhode Island, Connecticut, Maine, Massachusetts, New Hampshire, and Vermont, wrote to express its deep concern about any effort to delay or limit EPA's regulations on marine diesel engines based on the potential environmental impacts and the impacts on international efforts to reduce emissions from marine engines. I will ask that this letter be printed in the RECORD.

I would hope that after a more thorough deliberation we will have a chance to revisit this issue and provide appropriate protection to downwind States.

Again, I appreciate the efforts of the chairman to limit the reach of this provision and for the important investments she has made in this bill. I am grateful for her leadership and am honored to serve with her.

Madam President, I ask unanimous consent to have printed in the RECORD the letter to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTHEAST STATES FOR COORDINATED AIR USE MANAGEMENT,
Boston, MA, October 21, 2009.

Sen. JACK REED,
U.S. Senate,
Washington, DC.

DEAR SENATOR REED: The Northeast States for Coordinated Air Use Management (NESCAUM) has recently learned of an effort to attach a rider to the FY 2010 Interior and Environment Appropriations Bill that would have the effect of delaying or limiting the U.S. Environmental Protection Agency's (EPA) ability to reduce air pollution from large marine vessels that operate in domestic waterways. NESCAUM is the association of eight northeastern state air pollution programs that includes Rhode Island along with Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, and

Vermont. Consistent with our mission to protect and enhance air quality in the Northeast, NESCAUM opposes attempts to use the federal appropriations process to obstruct EPA's efforts to reduce emissions from large marine vessels.

Air pollution is not confined to state boundaries. Through long-range transport in the atmosphere, pollutants emitted in domestic waters, such as the Great Lakes, affect air quality in the Northeast. We point out that one of our member states, New York, has the third longest shoreline among the Great Lakes states. The fuel controls proposed by EPA will significantly reduce emissions of sulfur dioxide and nitrogen oxides (NO_x), which contribute to ground-level ozone (smog), particulate matter, and acid rain. As a result, the Northeast will realize significant public health and other environmental benefits from implementing EPA's proposed rule not only in the Northeast's local waters, but in upwind waters as well.

In addition to the negative public health and environmental implications, a special exclusion for vessels predominantly operating in domestic waters sends the wrong message to the international community regarding the U.S. commitment to reduce emissions from ocean going vessels. The governments of the United States and Canada have applied to the International Maritime Organization (IMO) for designation of their coasts as an Emission Control Area (ECA). The ECA designation establishes stringent controls for fuel sulfur and engine NO_x emissions for all ships, foreign and domestic, operating in coastal waterways. A significant change in U.S. policy at this critical juncture of the ECA application process, as signaled by such a rider to an appropriations bill, could jeopardize the standing of U.S.-Canadian application before the IMO. We should approach the IMO with "clean hands" by demonstrating our commitment to do for ourselves what we are asking others to do for us as well.

For these reasons, we urge you to oppose the impending rider to the FY 2010 Interior and Environment Appropriations Bill. Thank you for your consideration.

Sincerely,

ARTHUR N. MARIN,
Executive Director.

Mr. FEINGOLD. Madam President, I support many of the provisions in the Interior appropriations conference report, including the amendment I passed to allow the Federal Government to partner with private entities to develop new biofuels technologies. This provision is part of my E4 Initiative to promote the economy, employment, education and energy, and it will help us to find ways to break our addiction to oil, while also spurring job creation and enhancing rural development. The bill also includes funding for many other important programs that I support, including full funding for the new Great Lakes Restoration Initiative, as well as money for the Land and Water Conservation Fund, State wildlife grants, national wildlife refuges, and the Clean Water and Drinking Water State Revolving Funds, and funding to assist American Indian tribes through the Indian Health Services and tribal law enforcement programs.

I cannot vote for the bill, however, because it includes a continuing resolu-

tion, added in conference, that provides money to continue the wars in Iraq and Afghanistan. While I am pleased that the President has committed to withdrawing our troops from Iraq by the end of 2011, this redeployment schedule is too long and may undermine our ability to combat al-Qaida while straining our Armed Forces unnecessarily. In addition, while the President is right to focus on Afghanistan and Pakistan, I remain concerned that his strategy for those countries does not adequately address, and may even exacerbate, the global threats to our national security posed by al-Qaida.

We need to keep the Federal Government operating and make sure our brave troops get all the equipment and supplies they need, but we should not be providing funds to continue those wars without, at a minimum, engaging in a serious debate about their effects on our national security.

Mr. KYL. Madam President, I regret that I must vote in opposition to the fiscal year 2010 Interior Appropriations conference report. There are too many objectionable provisions—and spending levels are too high—for me to vote yes.

The Interior appropriations in this bill total 17 percent more than last year's level. That compares to an increase of 5 percent for Homeland Security functions and approximately 3.7 percent for Defense. At that level, the military will not even be able to recapitalize equipment used during the wars, or procure new modern equipment.

Consider some of the other spending increases provided in this bill: the Environmental Protection Agency will receive a 35 percent increase for fiscal year 2010. The National Gallery of Art will receive a 36 percent increase, for a total funding level for fiscal year 2010 of \$167 million.

Another concern I have involves wildland fire funding. During consideration of the fiscal year 2010 Interior bill, Senator BARRASSO and I offered an amendment to prohibit \$2.8 million in wildland fire funds from being spent in the District of Columbia for festivals and the Mayor's Green Job Corps program. Clearly, neither of these programs is fire related. The amendment was adopted, yet the Interior Appropriations conference report does not include the amendment. Instead, it allows these much needed fire dollars to go to a city that has never experienced a wildfire and does not have any national forest land.

While sensible provisions like the Barrasso/Kyl wildland fire amendment were struck from this conference report, other problematic provisions, that were not part of either the House or the Senate bill, were airdropped in. The Interior conference report now includes Davis-Bacon requirements for projects funded through the Clean Water Act and the Drinking Water Act

Revolving Fund. EPA has not applied Davis-Bacon requirements to infrastructure projects funded through the State revolving funds since its authorization expired in 1995. In addition, the Act made it clear that Davis Bacon was limited in its application to water infrastructure projects constructed in whole or in part before October 1, 1994 with funds "directly made available by" capitalization grants. Davis-Bacon requirements have been found to increase the cost of these projects dramatically. This is a major policy issue that should be fully debated on the floor instead of being added to an appropriations bill behind closed doors.

Another provision of concern is the newly added exemption from Clean Air standards for steamships operating on Great Lakes. Whether or not it is a good idea to exempt the steamships, it is just another example of provisions being added in conference even though no similar provisions were included in either the House or the Senate bill.

I do support the continuing resolution that is included. For my part, I would have extended the CR beyond December 18. It would hold spending to fiscal year 2009 levels.

The bill also allows the limit on loans backed by the Federal Housing Administration, FHA, Fannie Mae and Freddie Mac to remain as high as \$729,750 in high cost markets through 2010. While the intent is to ensure that homebuyers can get government-backed financing, there are unintended consequences that we have to consider. By increasing the number of homebuyers who can qualify for government loans, we are in effect exposing these government entities and taxpayers to more liabilities. The FHA's loss reserve fund, for instance, is estimated to cover only 3 percent of all FHA loans. If delinquencies continue at the current rate and cause the reserve fund to fall below the 2-percent threshold set by Congress, another government bailout may be on the horizon.

This bill also contains a provision that purports to prohibit the use of funds for the transfer of Guantanamo Bay detainees to the United States or its territories. The problem with the restriction is that it contains a rather significant loophole: It would permit the use of funds appropriated by this bill to transfer Guantanamo detainees to the United States for the purposes of trial. We do not need to bring detainees to the United States for trial. Congress has established military commissions for the express purpose of prosecuting these detainees, and these military commissions can be convened in the place of detention.

There are very good reasons why this bill should deny funding for pre-trial transfer and require instead that detainees be tried in military commissions outside the country. First, if detainees are brought to the United

States, even for detention and trial, it increases the chance they may be released into the country. Officials from the Obama administration have acknowledged that detainees present in the United States likely have more rights including constitutional rights than those held outside the country. Second, past public criminal trials of terrorists, namely the Blind Sheikh and Ramzi Yousef trials, have compromised U.S. intelligence information on al Qaeda. Third, importing al Qaeda terrorists into U.S. domestic prison facilities would provide them access to a prisoner population that FBI Director Mueller has identified as particularly vulnerable to extremist recruitment. And finally, the logistics of the Zacarias Moussaoui criminal trial are not something we should foist upon local officials numerous times over. During his trial in Alexandria, VA, the Washington Post described the city as a "virtual encampment."

Military commissions are fair to the accused and they are the appropriate forum for prosecuting detainees who are being held at Guantanamo. Indeed, in the defense authorization bill, the Senate went on record that the appropriate forum for bringing to justice combatants is military commissions, not civilian courts. By permitting the transfer of detainees to the United States for trial, this bill ignores not only the clear import of legislative enactments, but also the significant practical problems of prosecuting terrorists in the United States.

Finally, I would caution that including \$382 million for climate change-related activities seems premature, given that the Senate has not yet even taken up climate legislation.

There are some good items in the bill that I should mention. First, the forest provisions. The bill includes \$2 million for the Southwest Ecological Restoration Institutes, with \$1.5 million going to the Ecological Restoration Institute, ERI, as is authorized by law and included in the President's budget. The Institute's program is important to providing the best available science to restore western forests and protect communities from unnaturally severe wildfires on a landscape scale.

In addition, the bill tries to address the Forest Service and Department of the Interior wildfire cost overruns that have led to borrowing from their other programs to cover wildfire costs. Of note is the instruction to the agencies to develop new methods that consider actual prior year expenditures for formulating fire suppression funding estimates as part of their fiscal 2011 budget request, instead of just using the agency 10-year average. It also includes \$474 million for two funds that will cover the costs of the largest and most expensive wildfires.

Second, the bill includes language that begins to address environmental

concerns raised about the administration's push for renewable energy development on public lands. Specifically, the bill language expresses concern about the effect renewable energy projects will have on water resources. In addition, the language requires a report from the Department of the Interior and the Forest Service outlining a strategic plan for renewable energy project development, and requires in that plan that impact on water resources be a part of any recommendation for specific project areas. These provisions are particularly important in western states where there are large amounts of public land and water supplies are limited.

It is unfortunate that I must cast a "no" vote today. As many know, Interior-related funds are critical to Arizona. But, too much spending, and too many ill-considered authorizing provisions, as I have outlined, forces me to vote no.

Mrs. HUTCHISON. Madam President, I rise today to talk about an issue of great importance to our Nation's energy supply and our ability to continue producing affordable and reliable domestic energy. In particular, I would like to speak about a provision in the fiscal year 2010 Department of the Interior, Environment and Related Agencies Appropriations Act conference report which pertains to a study on the use of hydraulic fracturing, an extremely important tool that will enable us to unlock the vast potential of our domestic oil and gas supplies.

Hydraulic fracturing is a critical technique used in producing domestic oil and gas resources. Across the country, leaders are recognizing the growing importance of natural gas to our Nation's energy supply. Natural gas is the most abundant form of clean energy in the United States. Natural gas, including gas from coal beds and other unconventional sources, is becoming an increasingly important energy source for the United States. Most experts predict that demand for natural gas is likely to increase dramatically in the next decade. The increased production of natural gas will both enhance our energy security and help us address the problem of carbon reduction.

The Interior appropriations conference report includes a provision to study the relationship between hydraulic fracturing and drinking water. It is imperative that we ensure that any study conducted is based strictly on facts and science. Specifically, any study must be conducted in a comprehensive, scientific, credible and transparent manner. It must be based upon the best available science as well as independent sources of information. Additionally, it should allow for stakeholder participation and should be conducted in coordination with states and interstate regulatory agencies. Finally, the study should seek input and participation from industry and be peer

reviewed. This will ensure that the study is credible and useful.

I am confident that if properly conducted, the proposed study will clarify that the use of hydraulic fracturing will help to increase our domestic resource potential while posing no environmental harm.

Mrs. FEINSTEIN. Madam President, pursuant to rule XLIV of the Standing Rules of the Senate, all congressionally directed spending items contained in the Interior appropriations conference report are to be disclosed. The Statement of Managers that accompanies this conference report does, in fact, contain tables which disclose the required information. In an effort, however, to go well beyond the letter of the rule and provide an additional level of transparency, I would like to include in the RECORD supplemental information that will serve as further clarification with respect to some of these items. Because of the way the information is presented at the request of the House of Representatives, the full amount of funding specified for a particular project could, to some, be difficult to discern in those instances where the item of congressionally directed spending is in addition to the amount contained in the President's budget request. The list of items that I will place in the RECORD will make it easier for Members to make the distinction between what was in the President's budget and what is subject to disclosure under the rules of the Senate.

Madam President, I ask unanimous consent that the following material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

CLARIFICATION OF CONGRESSIONALLY
DIRECTED SPENDING TABLE

Bureau of Land Management—Land Acquisition: \$1,000,000 over budget, California Desert Wilderness (CA), Senator Feinstein.

Fish and Wildlife Service—Land Acquisition: \$6,900,000 over budget, James Campbell National Wildlife Refuge (HI), Senators Akaka and Inouye; \$500,000 over budget, Red River National Wildlife Refuge (LA), Senator Landrieu; \$250,000 over budget, Silvio O. Conte National Wildlife Refuge (CT, MA, NH, VT), Senators Dodd, Gregg, Kennedy, Kerry, Leahy, and Lieberman; \$250,000 over budget, Cherry Valley National Wildlife Refuge (PA), Senators Casey and Specter; \$800,000 over budget, Bear River Migratory Bird Refuge (UT), Senators Bennett and Hatch.

Environmental Protection Agency—Environmental Programs and Management: \$1,000,000 over budget, San Francisco Bay competitive grant program (CA), Senator Feinstein; \$1,566,000 over budget, Lake Champlain environmental improvement program (VT), Senator Leahy.

Environmental Protection Agency—State and Tribal Assistance Grants: \$3,000,000 over budget, Alaska Native Villages water infrastructure program (AK), Senator Murkowski.

U.S. Forest Service—Forest and Rangeland Research: \$400,000 over budget, Center for Bottomlands Hardwood Research (MS), Senator Cochran.

U.S. Forest Service—State and Private Forestry: \$1,000,000 over budget, Wood Education and Resource Center, Princeton (WV), Senator Byrd.

U.S. Forest Service—National Forest System: \$1,250,000 over budget, Tongass National Forest timber pipeline program (AK), Senators Begich and Murkowski.

U.S. Forest Service—Capital Improvement and Maintenance: \$800,000 over budget, Pacific Southwest, Hawaii Research Field Stations (HI), Senators Akaka and Inouye.

U.S. Forest Service—Land Acquisition: \$750,000 over budget, Angeles National Forest (CA), Senator Feinstein; \$500,000 over budget, Los Padres National Forest (CA), Senator Feinstein; \$200,000 over budget, Chattahoochee-Oconee National Forest (GA), Senator Chambliss; \$575,000 over budget, Hoosier National Forest (IN), Senator Lugar; \$150,000 over budget, Chippewa and Superior National Forests (MN), Senator Klobuchar; \$1,000,000 over budget, Gallatin and Custer National Forests (MT), Senators Baucus and Tester; \$2,000,000 over budget, Gila National Forest (NM), Senators Bingaman and Udall; \$640,000 over budget, Black Hills National Forest (SD), Senator Johnson; \$3,000,000 over budget, Cherokee National Forest (TN, NC), Senators Alexander, Burr, and Corker; \$2,000,000 over budget, Green Mountain National Forest (VT), Senator Leahy; \$1,125,000 over budget, Chequamegon-Nicolet National Forest (WI), Senator Kohl.

U.S. Forest Service Wildland Fire Management: \$2,000,000 over budget, California Fire Safe Councils (CA), Senator Feinstein; \$4,000,000 over budget, Lake Tahoe Community Fire Protection Project (CA), Senators Boxer and Feinstein.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I see no other Republican Senators who wish to speak, so I yield back our time.

Mrs. FEINSTEIN. Madam President, I think we can wrap this up. I see no other Senators on the Democratic side, so I yield back our time.

Madam President, if I may, I wish to take a moment to thank the staff for their work. On the Democratic side: Peter Kieffhaber, Virginia James, Scott Dalzell, Rachael Taylor, and Chris Watkins. On the minority staff: Leif Fonnesebeck, Rebecca Benn, and Rachelle Schroeder. Everybody worked together. It was a very special effort and I thank them very much.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, could I add my thanks to the staff. They have worked hard. This hasn't been a very easy bill to do. Senator FEINSTEIN mentioned all of their names. I add my thanks to her thanks.

Mrs. FEINSTEIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the relevant provisions of rule XXVIII.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 60, nays, 40, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—60

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burris	Kirk	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Conrad	Levin	Udall (CO)
Dodd	Lieberman	Udall (NM)
Dorgan	Lincoln	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—40

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lugar	

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 40. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Madam President, the next vote will be the last vote this week. When we complete the next vote, that will be the last vote for the week. When we come in Monday, we are going to come in half an hour early; that is, we are going to have a vote at 5 o'clock on Monday. We have to do it at 5 o'clock so we can complete work before midnight the next day. So everyone should be here no later than a quarter to 6 because we are going to have to close the vote at a quarter to 6. We hope we can work something out between now and then, that we will not have to go the way we are planning on going.

The way things are now lined up, we are going to have unemployment compensation that will have the amendment of Senator ISAKSON and the amendment of Senator BUNNING in it. We hope we can complete that business and move on to other things next week.

I don't want to sound like the proverbial boy calling wolf, but there is a strong possibility—much more than 50 percent—that we will be in next week-end. Remember, we only work 2 days, the 9th and 10th, and then we are off the 11th, 12th, and 13th. I hope everyone will understand that. There has been full notice given to everyone. I hope we can work something out and that will not be necessary. I will work with the Republican leader to give everyone as much notice as possible.

The PRESIDING OFFICER (Mr. BEGICH). The question is on agreeing to the conference report.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 72, nays 28, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—72

Akaka	Feinstein	Murray
Alexander	Franken	Nelson (NE)
Baucus	Gillibrand	Nelson (FL)
Begich	Gregg	Pryor
Bennet	Hagan	Reed
Bennett	Harkin	Reid
Bingaman	Inouye	Risch
Bond	Isakson	Roberts
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Brownback	Kerry	Schumer
Burris	Kirk	Shaheen
Byrd	Klobuchar	Shelby
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Voinovich
Crapo	Menendez	Warner
Dodd	Merkley	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden

NAYS—28

Barrasso	Enzi	Lugar
Bayh	Feingold	McCain
Bunning	Graham	McCaskill
Burr	Grassley	McConnell
Chambliss	Hatch	Sessions
Coburn	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Johanns	Wicker
DeMint	Kyl	
Ensign	LeMieux	

The conference report was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask unanimous consent to be recognized and that following my remarks Senator CASEY be recognized for 10 minutes, followed by Senator SESSIONS, who would control up to 40 minutes.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. COBURN. Mr. President, I am going to spend a few minutes talking about the bill we just passed. I decided to save my remarks so my colleagues wouldn't miss their planes and trains and could get out of here and not delay them prior to the vote.

I listened intently to Senator SESSIONS and his discussion prior to the vote, and I wish to raise a word of caution for the American public. What we just did in the Senate was to set the government on a course to double in 5 years. The size of the Federal Government will double in 5 years if we keep doing what we have been doing on ap-

propriations bills. There is a 16.9-percent increase in this bill, with a truly negative inflation rate as far as the basket for American people and how we look at that.

I had several amendments in the bill. All but one of them became compromised after it came out. That is not necessarily the problem of Senator ALEXANDER or Senator FEINSTEIN. But what we have done in this bill is prioritize the environment over the violation of our borders. We have hamstrung our Border Patrol, and the consequence of that is we are going to continue to see drugs, we are going to continue to see these "rape trees," through the bringing in illegally of people and then the people being brought in illegally to the country being raped.

This bill had 540 earmarks—71 pages of earmarks. We had an amendment in the bill for competitive bidding. The language came out of the conference report that competitive bids would be applied to everybody except people with earmarks. The American people need to understand what that means. That means the well-heeled in this country who have a connection to a Member of this body get a benefit, and so it doesn't even have to be competitively bid. That doesn't even address the question of whether it is a priority for the country. It addresses the question of whether we may be paying two or three times what we should be paying, even if it is a good project.

So I raise the question, for the people who are listening, and I say that what we are doing is wrapping a cord around ourselves and then tying the knot so we get to a point where we cannot fix what ails us. If you look at the U.S. dollar and the lack of confidence, and you look at the meetings that have been going on by people who purchase our debt, they are trying to create a new reserve currency. That is ongoing. They do not deny it. What will happen to us, we will be on an unsustainable course, where we can't pay the \$800 billion of interest in 10 years. That interest is based on an interest rate of 4 percent, not at zero percent today.

It could very well be that in 2019, the largest portion of the expenditures of the Federal Government—well over 45 percent—will be interest. What does that mean?

What does that mean to the average family in this country? What does that mean to your children, Mr. President? What does that mean to my grandchildren? What are the consequences?

Let me explain the conservative consequences and then I will finish. If you take everybody alive in this country today who is under 20 and you add everybody who is going to be born over the next 20 years—so we have everybody who is under 40, 20 years from now—here is what they are going to owe. These are not my numbers. These

are actuarial numbers that have been certified. Every one of them is going to owe \$1.119 million. They are either going to be responsible for that portion of the real debt or that portion of the unfunded liabilities for which they will never gain any benefit.

So ask yourself: If we keep doing what we just did in this body, what are we doing to our kids and our grandkids?

We are absolutely abandoning the heritage of this country, and we do it cavalierly. I mean, there were 28 votes against this 16-percent increase on one bill. Only 28 votes. Only 28 Senators said a 16.9-percent increase in spending is too much, when most families' income has declined by 3.7 percent this year.

We don't get it. I don't understand why we continue to do it. I am as frustrated as the people outside this body. But I can tell you, there is a day of reckoning coming and not just for our country financially but for the Members of this body. The American people are going to wake up, they are going to see we have mortgaged their future, their children's future, and their grandchildren's future, and they are going to say: Enough. The hope would be it will not be too late.

With that, I yield to the Senator from Pennsylvania.

HEALTH CARE REFORM

Mr. CASEY. Mr. President, I rise tonight to speak about health care and all the issues we have been debating under the broad umbrella of health care reform. Obviously, I will not get to all of them tonight, but I am going to spend a few minutes talking about two general areas. One is a list of changes that I believe will take place when our work is completed in the Senate and after what I hope will be President Obama signing a bill on health care reform in a matter of weeks. That will change what I believe has been an unfair burden carried by the American people, at the expense of the American people but brought on by the power, sometimes the awesome power, of insurance companies. I will talk about that, but also I want to speak mostly about changes that need to be made in our health care system for children.

There are a couple of points on basic reform measures that I believe will be part of what we complete in the next couple of weeks. First, a basic list of consumer protections that we talked about for many years but we have never made illegal will prevent insurance companies from continuing what is often blatant discrimination. One of the things we have to do this year is end discrimination for preexisting conditions. If what I believe is the prevailing point of view in this body is successful, insurance companies will be prohibited from refusing you coverage

because of your medical history. Out-of-pocket costs will be limited, as well as deductibles or copays.

Free preventive care: Why should we say on the one hand we encourage prevention, as we have for years, but now we are going to get serious about prevention in our health care system and make it part of every insurance policy and demand that we all engage in steps that will be preventive in nature and we also will say, for example, for a woman a mammogram is important but why, in the face of all of that, do we say to women in America, as is the current policy, that women have to pay exorbitant costs for mammograms? Frankly, I believe they should have to pay nothing for something as essential to prevention. So preventive care should be free or at a very low cost.

If you are seriously ill, an insurance company should be prohibited from dropping your coverage. We should make that practice illegal.

We should make gender discrimination illegal as it relates to insurance companies. I find it hard to believe that in 2009 we have to legislate to prevent insurance companies from discriminating against women, but we have to because that in fact happens today. Insurance companies will not be able to charge you more because you happen to be a woman, as happens today.

Eliminating annual lifetime caps on coverage has to be part of the final health care legislation.

Extending coverage for young adults is critically important.

Guaranteed issue renewal: Insurance companies, I believe, should be required to renew any policy as long as the policyholders pay their premium in full and insurance companies will not be allowed to refuse to renew a policy because someone gets sick. If you get sick you should not lose your coverage, and if you get sick you should not have to bankrupt your family to pay for the health care you deserve.

Finally on this list, and it is not an exhaustive list but I think it is an important list to review: protecting small businesses. Small businesses should receive tax credits so they can give their employees comprehensive and affordable health care and include a limit on out-of-pocket costs.

These are some of the basic consumer protections I believe we should enact as part of this health care legislation.

I also believe if you want to focus on a particularly vulnerable group of Americans, a group of Americans we have made some progress with in terms of their coverage, though we have not done nearly enough yet, I speak of children. We have made tremendous progress with the Children's Health Insurance Program, for example, and also the children in America covered by Medicaid, so children have the opportunity to receive very good care in almost every instance.

But there are still some problems. Even in a State such as Pennsylvania, where you have, by last count, in a survey done in Pennsylvania last year for the Insurance Department, it showed that just 5 percent of Pennsylvanians up to the age of 18 were uninsured. That 5 percent is too high. We want to get that to zero, of course, but it is a lot lower than it would have been without the Children's Health Insurance Program or without other strategies.

Unfortunately in our State, and I think it is true of most States, when you look at the age category 19 to 64, in that category the uninsured rate is more than double the uninsured rate for children. Instead of being 5 percent uninsured for children age 19 to 64, it is 12 percent. In Pennsylvania what that means is, if you are between the ages of 19 and 64, you are one of more than 870,000 Pennsylvanians who are uninsured. We cannot build an economy or improve our economy in Pennsylvania if we have that many people uninsured for a long period of time.

I still believe, even with the progress we have made on children, we have much to do. For example, we have to do everything possible to increase outreach and facilitate enrollment for low-income families and children. We should not have a program such as Children's Health Insurance, or Medicaid, and then make it hard for families to enroll. So I led the effort in our HELP Committee this summer, even before we voted on a bill, to make sure that enrollment is made easier. I worked very closely with Senator DODD, who long has been a champion for children and a strong advocate for children's health insurance.

We should also focus on the benefit packages related to pediatrics, pediatricians. We had an amendment this summer in the HELP Committee that Senator MERKLEY and I cosponsored, ensuring that a pediatric representative would be part of any advisory commission to the Secretary of Health and Human Services regarding what should be in a benefit package. It is very important to have a pediatric representative at the table.

Another thing that is critical is to have a requirement that pediatric preventive care be included in the list of mandatory preventive services that insurance plans offer with a minimum of cost-sharing requirements for families.

No. 4 on this list, in terms of what happens to children in pediatric settings: In our committee bill we talked about medical homes—not a physical place, but a way to provide treatment, that is the idea for every American to have a primary care physician and then a network of specialists around them they have access to. That is certainly the ideal and the intent of a large part of the HELP Committee bill. Also it is important to remember that children are not just smaller adults or smaller

versions of an adult; they have particular and special needs in terms of their treatment. So for children, their primary care doctor is a pediatrician and therefore pediatricians must be among those practitioners who are at the center of the care or the center of the medical home that surrounds a child.

Also ensuring critical health care for children involving their oral health care: We ensured in the HELP Committee this summer the establishment of an oral health care education prevention campaign at the CDC focusing on preventive measures. We also increased funding for training for pediatric dentists in the bill we passed this summer out of the committee. It is critically important that children have access to that kind of health care in the early years of their life. We had a tragic, horrific example of what could go wrong when a child died here in the Washington region a couple of years ago—I believe actually the State of Maryland—when that child did not have access to a dentist and had horrific problems which led to that child's death. As a result of changes we make in our health care system, we must ensure that does not happen.

Strengthening the pediatric workforce: Along with both Senator BROWN and Senator DODD, this summer in our HELP Committee bill we added a loan repayment program for pediatric specialists and providers for mental health services for children. We can't say that we care about children and not build in these particular protections for them in our health care system. Part of that is a workforce issue. We heard a lot in this debate about the shortage of primary care physicians. The intent of our bill in the HELP Committee was to make sure we would have a building up, an increase, in the number of primary care physicians. Again, for a child, his or her primary care physician is a pediatrician and it is critically important that pediatric specialists be available to children when they have special needs and special challenges that need to be treated by a specialist.

I know I am over my time. I will conclude. One last point about the CHIP program: The Children's Health Insurance Program as we know is now a stand-alone program. There were some efforts this past summer and into the fall to have that program folded into any exchange that would be created as a result of the health care legislation. I thought that was a mistake. I made that very clear to others and to the Finance Committee as we were debating it. Thank goodness, Senator ROCKEFELLER worked so hard and led the fight to keep the Children's Health Insurance Program as a stand-alone program. We should not fix what "ain't broken," as the expression goes, and the Children's Health Insurance Program works well for millions of children today. Within the next couple of

years, that program will cover 4 million children who will be given access to the kind of care we would hope every child has.

I think all these changes I have talked about, and more, come under the headline of "No Child Worse Off." That should be, and will continue, I believe, to be one of the goals of health care reform. At the end of this process no child in America, especially poor children and children with special needs, will be worse off.

We have a long way to go, lots more work to do. But if we are guided by that principle we will make sure our children have the kind of health care that we all hope for and they have a right to expect.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

(The remarks of Mr. SESSIONS, Mr. LIEBERMAN and Mr. BOND, pertaining to the introduction of S. 2336 are located in today's RECORD under "Statements on introduced Bills and Joint Resolutions.")

Mr. SESSIONS. I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, would the Chair state the matter before the Senate at this stage?

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

Motion to proceed to the consideration of H.R. 3548, a bill to amend the Supplemental Appropriations Act, 2008, to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

The PRESIDING OFFICER. Is there further debate on the motion?

The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3548) to amend the Supplemental Appropriations Act, 2008, to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

AMENDMENT NO. 2712

Mr. REID. Mr. President, on behalf of Senator BAUCUS and Senator REID of Nevada, I call up a substitute amendment, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BAUCUS, proposes an amendment numbered 2712.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

CLOTURE MOTION

Mr. REID. Mr. President, I now have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented pursuant to rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baucus-Reid amendment No. 2712 to H.R. 3548, the Unemployment Compensation Extension Act of 2009.

Max Baucus, Byron L. Dorgan, Edward E. Kaufman, Mark L. Pryor, Jeff Bingaman, Tom Udall, Roland W. Burris, Tim Johnson, Mary L. Landrieu, Patty Murray, Al Franken, Michael F. Bennet, Benjamin L. Cardin, Richard J. Durbin, Herb Kohl, Mark Begich.

AMENDMENT NO. 2713 TO AMENDMENT NO. 2712

Mr. REID. Mr. President, I have a first-degree perfecting amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2713 to amendment No. 2712.

The amendment is as follows:

At the end of the amendment, add the following:

This section shall become effective 7 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2714 TO AMENDMENT NO. 2713

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2714 to amendment No. 2713.

The amendment is as follows:

In the amendment, strike "7" and insert "6".

AMENDMENT NO. 2715 TO AMENDMENT NO. 2712

Mr. REID. Mr. President, I have an amendment at the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2715 to the language proposed to be stricken by amendment No. 2712.

The amendment is as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 5 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2716 TO AMENDMENT NO. 2715

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2716 to amendment No. 2715.

In the amendment:

Strike "5" and insert "4".

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the bill at the desk.

The PRESIDING OFFICER. The cloture motion having been presented pursuant to rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 3548, the Unemployment Compensation Extension Act of 2009.

Max Baucus, Al Franken, Byron L. Dorgan, Michael F. Bennet, Edward E. Kaufman, Benjamin Cardin, Mark Pryor, Richard Durbin, Jeff Bingaman, Herb Kohl, Tom Udall, Mark Begich, Roland Burris, Tim Johnson, Mary L. Landrieu, Patty Murray.

MOTION TO COMMIT WITH AMENDMENT NO. 2717

Mr. REID. Mr. President, I have a motion to commit the bill with instructions, which is also at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Finance Committee, with instructions to report back forthwith with an amendment numbered 2717.

The amendment is as follows:

At the end insert the following: "This section shall become effective 3 days after enactment of the bill."

Mr. REID. Mr. President, I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2718

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amended numbered 2718.

The amendment is as follows:

In the amendment, strike "3" and insert "2".

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2719 TO AMENDMENT NO. 2718

Mr. REID. Mr. President, I have a second-degree amendment to the instructions.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2719 to amendment number 2718.

The amendment is as follows:

In the amendment, strike "2" and insert "1".

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of H.R. 3548 on Monday, November 2 at 4 p.m., and that the time until 5 p.m. be equally divided and controlled between the leaders or their designees; that at 5 p.m. the Senate proceed to vote on the motion to invoke cloture on the Baucus-Reid substitute amendment, and that the mandatory quorums required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the legislation before us to extend unemployment insurance benefits for millions of out-of-work Americans. Families across this Nation are hurting, and 15.1 million Americans are currently unemployed. It is imperative that legislation to provide relief to those hardest hit by the economic downturn is passed without further delay.

The Unemployment Compensation Extension Act of 2009 would: Extend unemployment insurance benefits by 14 weeks; and, provide an additional 6-week extension for those living in States with unemployment rates of 8.5 percent or higher, such as California.

This adds up to a 20-week extension of unemployment benefits for those in the toughest job markets. The legislation is fully-offset, and would not increase the deficit or national debt.

Congress last acted to temporarily extend unemployment insurance benefits in November 2008. Additionally, the economic stimulus bill enacted in February increased benefits by \$100 a month, providing much-needed help to those struggling to make ends meet. But, the unemployment rate continues to rise. Jobless Americans need an extension of unemployment benefits, and they need it now.

As of September, the national unemployment rate stands at 9.8 percent—the highest in 26 years—263,000 jobs were lost last month, and 7.6 million have been lost since the recession began in December 2007.

My home State of California has been hit particularly hard. The unemployment rate has risen to 12.2 percent, significantly higher than the National average. The number of people unemployed in California as of September was 2,247,000.

There are 12 States with a smaller population than the number of unemployed Californians: Alaska, Delaware, Hawaii, Idaho, Maine, Montana, North Dakota, Rhode Island, South Dakota, Vermont, and Wyoming. Mr. President, 71,000 out-of-work Californians have already exhausted their unemployment benefits this month. According to the California Employment Development Department—EDD, an estimated 170,000 Californians will exhaust their benefits by the end of 2009 if Congress does not act.

Not only are more workers losing their jobs, but it continues to be more difficult for the unemployed to find work again. The number of Americans who have been jobless for 6 months or longer has reached a record 5.4 million.

America has faced tough economic times before, including four periods of recession since 1980. During all of these recessions we see a disturbing pattern: laid-off workers exhausting their unemployment benefits. By the year's end, 1.3 million people across the nation will lose their unemployment insurance benefits, and 7,000 Americans are running out of benefits on a daily basis.

These are more than just statistics or numbers on a page. Every percentage, or data point, tells the story of another family impacted by downsizing, a factory shutting down, or a local small business forced to close its doors.

The numbers don't tell the full story of the pain, anxiety, and challenges out-of-work Americans are facing. Here are some personal examples from Californians who have written to my office.

A former Chemist from Solana Beach, California wrote:

I have a Masters in Chemistry in drug discovery and have worked for 15 years in this manner. And though I apply almost every day to any and all jobs I might be a candidate or hired (including entry level positions in and out of my field, waiter, grocery store, fast food, hardware store, etc) I have only had two interviews in the last 3 months

and worked 2 weeks as a temp. No one wants to hire a Masters in Science for an \$8 per hour job even less in my traditional career. Please vote yes to extend unemployment insurance.

A single mother from Rio Dell, California wrote:

Please, PLEASE do what you can to help with the Federal extension for unemployment benefits. I will receive my final check in a matter of days. I am a single mother who is barely surviving and fear losing my place to live. I have already received one eviction notice from my landlord due to paying my rent late. I fear I will lose parental custody if I can't keep a roof over our heads. I have carefully documented my work search, but the hope of finding employment is dwindling along with my hope of providing the most basic necessities such as water, heat, and shelter as winter approaches. I live in Rio Dell where the base rate for water and sewer was just raised to \$90 per month. I'm now a month behind. I don't have a spouse or family to help me. I don't even have a car anymore. I know I'm not the only one in this position, but it is of little consolation. So please help. The farther a person gets down, the harder the climb back up. We are in a devastating situation that needs immediate attention and reparation. I sincerely appreciate your time and consideration."

A former Postal Service employee from Grass Valley, California wrote:

Dear Ms. Feinstein, I am writing regarding the unemployment extension. I am a single mother struggling to keep my daughter clean, fed and in school. I was laid-off from the US Postal Service and have been desperately looking for work with no luck. Please urge your colleagues to pass this legislation as soon as possible and then work on possible inequities between the states. Thank you very much for your time.

These are only a handful of the nearly 2,000 letters my office has received. It breaks my heart to read such stories, and I am sure that many of my colleagues are hearing from constituents facing the same tough circumstances.

The situation for those in high unemployment states, such as California, is urgent, and, it is not just about preserving a social safety net or helping those who have paid into the system while they were employed. The unemployment crisis feeds the foreclosure crisis which leads to continued instability in the housing market which was the catalyst for the economic downturn in the first place. Put another way, the longer this legislation is delayed, the longer our economic recovery is delayed.

This extension is a targeted action that will quickly put money into the hands of those who need it most, and are most likely to spend it immediately on everyday necessities. According to Mark Zandi, chief economist of Moody's Economy.com, every dollar spent on unemployment benefits generates a return of \$1.64. Given the gravity of the unemployment situation, we have an obligation to take responsible action. There is no time for further delay, or political gamesmanship.

Some will argue that we do not need to extend benefits again, but with the increasing unemployment rate, more job losses, and the jobless staying unemployed for longer periods, American families need a break. We must address the underlying causes of the economic instability facing our Nation. More incentives are needed to ease the flow of credit to businesses and consumers. Special attention must be given to the small businesses that in many communities are the primary engine for job creation and economic development. But, the choice before us today with this legislation is clear.

We should pass this legislation now.

I urge my colleagues to support this bill to provide immediate assistance to out-of-work Americans and aid our Nation's economic recovery.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

40TH ANNIVERSARY OF THE INTERNET

Mrs. BOXER. Mr. President, I rise today to celebrate the 40th anniversary of an event that is referred to as the "birthday" of the Internet.

On October 29, 1969, Dr. Leonard Kleinrock of the University of California, Los Angeles, and his team successfully transmitted the first message to their counterparts at Stanford University, led by Dr. Douglas Engelbart, via a network system that was the predecessor of today's Internet.

I wonder if Drs. Kleinrock and Engelbart ever imagined the full impact and transformative nature of their experiment, not only on California and the United States, but also the world?

From those original tubes between UCLA and Stanford, the Internet has grown into a global network, facilitating important communication, commerce and services around the world. The Internet allows scientists to share research and findings. Consumers can shop almost anywhere in the world via the Internet and have their purchases delivered to their doorstep. Government services, from emergency information to registration of motor vehicles, can be accessed through the Internet.

The Internet has also been an important economic engine for our country, and I am proud that my state of California has been home to many innovators, such as Google and eBay, who transformed ideas into successful multinational businesses.

This anniversary also serves to remind us of the importance of collabora-

tive research efforts between our government and universities, like the UCLA and Stanford. The first network system used by Drs. Kleinrock and Engelbart, called ARPANET, was developed through funding and collaboration between the universities and the Department of Defense.

Today, we must remember that universities and their researchers remain a vital resource in facing and solving the challenges of the future.

I want to close by congratulating the UCLA, Stanford University, and Drs. Kleinrock and Engelbart, for their hard work and contributions to the development of the Internet over the years. Forty years after that first successful message, the Internet continues to transform our lives and the world.

REMEMBERING SENATOR CLIFFORD HANSEN

Mr. HATCH. Mr. President, I rise today to speak about the passing of Clifford P. Hansen, a former Republican colleague of mine in the U.S. Senate and a devoted public servant whose contributions to this august body and to his home State of Wyoming will not soon be forgotten.

Clifford Hansen, who was the Nation's oldest living former Senator until his passing this week at age 97, loomed as large on the Wyoming political landscape as his beloved Grand Teton do on the natural one. This one-time Governor of Wyoming and two-term U.S. Senator leaves an impressive legacy of legislative achievement.

Clifford was born in Zenith, a town so small that it no longer appears on State road maps. But growing up in Jackson, Clifford demonstrated the abilities and qualities needed to be successful in a wide variety of pursuits and political endeavors. After earning a degree in agriculture from the University of Wyoming, he rose quickly through the ranks, serving as a trustee of his alma mater, a Teton County commissioner, and later, in the mid-1960s, as Governor of Wyoming.

As Governor, Clifford Hansen brought an end to laws banning miscegenation, boosted the minimum wage, and secured higher retirement pay for State workers, among many other things. He also increased fair employment practices and secured more financial assistance for public schools and higher education. He then served two terms in the U.S. Senate and compiled an equally impressive list of accomplishments there.

I had the privilege of meeting Clifford Hansen in 1977, when I came to Washington as a wide-eyed freshman Senator. I will never forget the warmth and kindness Senator Clifford showed me, helping me get acclimated to my new surroundings and responsibilities. He was a conservative's conservative—a public servant of rock-solid integrity

and unwavering devotion who believed in the time-honored principles of fiscal responsibility and less government. He was just as devoted to his beloved wife of more than 75 years, Martha, and their two children, Mary and Peter.

One of Senator Hansen's many gifts was his human touch. He always treated everyone the same, no matter what their station in life—with a warm smile, a hearty handshake, and unfeigned respect. No wonder he was so beloved by so many, everyone from Senate colleagues and staff to custodial and cafeteria workers.

More than three decades after coming to Washington, I am still privileged to serve in the Senate. And even though Clifford Hansen retired from the Senate in 1978, the years have not dimmed my memories of him and the high esteem with which I hold him. I cherish his memory and honor his service. And my thoughts and prayers at this difficult time are with his beloved Martha and other family members and devoted friends.

He will be missed.

NATIONAL NUCLEAR PROGRAM WORKERS DAY

Mr. BUNNING. Mr. President, today I rise to honor nuclear weapons program workers and uranium miners, millers and haulers. Tomorrow, October 30, 2009, has been designated by Congress as a national day of remembrance for these workers and their families.

During the Cold War, these men and women served the United States by working in the Department of Energy's nuclear plants, exposing themselves to hazardous materials. As a result of this exposure, many developed illnesses and sacrificed their well-being for the sake of our Cold War victory.

This day of remembrance is particularly important to Kentuckians, because of men and women who have worked—and still work—for the Paducah Gaseous Diffusion Plant in Paducah, KY, since 1952. During the Cold War, this plant enriched the uranium for the weapons that kept America safe. Back then, this plant provided jobs to a small town and helped Paducah grow. What these workers did not necessarily know then was that they were not just going to work for a paycheck, but they were sacrificing themselves to protect our national security. Now, during a time of high unemployment, the plant continues to provide jobs by cleaning up the nuclear waste of the Cold War era.

Our Nation's nuclear workers have bravely served our country at a time when we needed them most and they deserve to be honored. Today, I, alongside the Nation, recognize these fine men and women for the sacrifices they have made.

AUTISM

Mr. KIRK. Mr. President, I ask unanimous consent that the following op-ed article written by Doug Flutie and printed in the Boston Globe on October 17, 2009, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Massachusetts may have the best health care in the country, but it doesn't cover the treatment for the fastest-growing health threat to children—autism. Autism affects brain function and impairs communication, social interaction, and sensory modulation skills. The most recent statistics show that 1 in 91 children has autism, with the incidence four times as high in boys. More than 500 babies born this year in Massachusetts will soon be diagnosed with autism. What their parents will learn first—what my wife, Laurie, and I have learned from our son Dougie—is that while the hopes and dreams for their child may change, they will also intensify. Parents will learn that, with early intervention, children with autism can make significant strides—a fact backed up by extensive studies. They'll find that their pediatricians and neurologists will prescribe intense one-on-one speech, occupational, physical, and behavioral therapies. And then they'll be dismayed to discover that, though they've always paid their health care premiums, their health plans will not cover these services.

Why don't health plans cover treatments for the fastest-growing health threat to children? There is a contradiction between the role of schools versus that of medicine and health plans. Federal law stipulates that schools provide services necessary to allow all children to "access the curriculum." While critical to helping children with autism excel in the classroom, this in no way replaces their need for therapy to improve long-term brain functioning—not only to get through an average day, but to lay the foundation for the rest of their lives. School superintendents are powerful in asking health plans to step up to ensure that children with autism, like all others, are sent to school ready to learn. They expect health plans to provide glasses to students with poor eyesight, or even chemotherapy to children with cancer, so they have every right to expect that children with autism will receive out-of-school autism therapy. Foundations like The Doug Flutie Jr. Foundation for Autism and Advocates for Autism of Massachusetts work hard to fill the gaps in services and opportunities for children with autism. We also work to make up for the absence of the lead player in supporting the treatment of any medical condition: health plans.

In the health plans' absence, parents are left to pay privately or see their children go without autism therapies.

Those of us who can afford it (comfortably or through extreme means) see the incredible difference these services make in our children's ability to communicate, learn, function as part of the family and the community, and simply stay safe.

Those who can't afford it face the pain of being unable to give their child services proven to radically improve their developmental outlook.

Autism coverage isn't just the right thing; it's the financially smart thing. This coverage will cost just \$2.28 per member per month. Alternatively, the average lifetime cost for an adult with autism is estimated at \$3.2 million. Research shows that with effective

early intensive intervention up to 47 percent of individuals can lead independent lives without state-funded supports. Additionally, they will each make an estimated \$1.7 million contribution as taxpayers, bringing the actual savings of autism coverage per person to \$4.9 million. While not all individuals will achieve this outcome, even moderate gains result in significant savings to taxpayers.

The Legislature is considering a bill that requires health plans to treat autism as a medical condition and pay for its treatments. Fifteen states have already passed similar legislation. This state needs to join them in ending insurance discrimination against people with autism.

ADDITIONAL STATEMENTS

MICDS CELEBRATION

• Mr. BOND. Mr. President, on November 3, 2009, three former Senate colleagues will be honored in a special ceremony at Mary Institute and Saint Louis Country Day School, MICDS, in St. Louis, MO. Former Senators Jack Danforth, Tom Eagleton, and Pete Wilson will be celebrated in a bronze bas relief by artist Harry Weber.

When the three distinguished U.S. Senators served together from 1983 to 1987, it marked the first time in history that three Members of the Senate serving simultaneously were graduates of the same secondary school, at that time Saint Louis Country Day School. They are being honored as part of the School's Sesquicentennial Celebration. Please join me in congratulating my three Senate colleagues and MICDS on 150 years of shaping generations of leaders and preparing their students for lives of purpose and service.●

TRIBUTE TO ANN HIGDON

• Mr. BROWN. Mr. President, today I wish to congratulate Ms. Ann Higdon of Dayton, OH, who was recently awarded The Purpose Prize, sponsored by Civic Ventures, The Atlantic Philanthropies, and the John Templeton Foundation.

The Purpose Prize recognizes socially engaged leaders over 60 who have demonstrated that social innovation is not just a pursuit for the young.

Ann received this important award for her work with Improved Solutions for Urban Systems, an organization that helps Dayton-area dropouts earn diplomas while training for jobs in health care, construction, computer operations, and manufacturing.

Like too many young Ohioans today, Ann Higdon had to cope with the feeling of helplessness while growing up. Homeless as a child, she had no love and little desire to learn.

She finished school, however, with the encouragement and kind words of just one teacher. Over the years, Ann has dedicated herself to making sure that young Ohioans receive the same inspiration she did.

I applaud Ann's vision and leadership as she helps bring hope to disadvantaged youth in Ohio.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:52 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2996) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

ENROLLED BILLS SIGNED

At 2:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 832. An act to amend title 36, United States Code, to grant a Federal charter to the Military Officer Association of America, and for other purposes.

S. 1694. An act to allow the funding for the interoperable emergency communications grant program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

MEASURES DISCHARGED

The following bill was discharged from the Committee on Environment and Public Works, and referred as indicated:

S. 1938. A bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving; to the Committee on Commerce, Science, and Transportation.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1963. A bill to amend title 38, United States Code, to provide assistance to caregivers of veterans, to improve the provision of health care to veterans, and for other purposes.

H.R. 3617. An act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3492. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Scales; Accurate Weights, Repairs, Adjustments or Replacements After Inspection" (RIN0580-AB09) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3493. A communication from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "United States Standards for Rough Rice, Brown Rice for Processing, and Milled Rice" (RIN0580-AA94) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3494. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a violation of the Antideficiency Act that occurred between fiscal years 2001 and 2008 relative to the District of Columbia Courts account; to the Committee on Appropriations.

EC-3495. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled, "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account"; to the Committee on Armed Services.

EC-3496. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the Department of the Navy converting to contract aircraft maintenance functions currently being performed by (109) military personnel at various locations; to the Committee on Armed Services.

EC-3497. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Administrative Off-set Under Reciprocal Agreements with States" (RIN1510-AB23) received in the Office of the President of the Senate on October 28, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3498. A communication from the Assistant General Counsel for Legislation and Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedures for Fluorescent Lamp Ballasts (Standby Mode)" (RIN1904-AB77) received in the Office of the President

of the Senate on October 28, 2009; to the Committee on Energy and Natural Resources.

EC-3499. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities"; to the Committee on Energy and Natural Resources.

EC-3500. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the status of the Government of Cuba's compliance with the United States-Cuba September 1994 "Joint Communiqué" and on the treatment of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement"; to the Committee on Foreign Relations.

EC-3501. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the proposed removal from the U.S. Munitions List of civil aircraft equipped with the Biz Jet Matador Installation Kit (A-Kit); to the Committee on Foreign Relations.

EC-3502. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the proposed removal from the U.S. Munitions List of civil aircraft equipped with the JETEYE Counter-MANSPADS Installation Kit (A-Kit); to the Committee on Foreign Relations.

EC-3503. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the proposed removal from the U.S. Munitions List of civil aircraft equipped with the Guardian System Aircraft Provisioning Kit (APK); to the Committee on Foreign Relations.

EC-3504. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including, technical data, and defense services relative to the Proton launch of the Telstar 14R Commercial Communication Satellite from the Baikonur Cosmodrome in Kazakhstan in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3505. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the export of defense articles, including, technical data, and defense services relative to the manufacture of control section units and associated electronics modules for AIM-120 Medium Range Air-to-Air Missile for end-use by the United States of American in the amount of \$50,000,000 or more; to the Committee on Foreign Relations.

EC-3506. A communication from the Deputy Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Plastic Surgery Devices; Classification of Wound Dressing with Poly (Diallyl Dimethyl Ammonium Chloride) Additive" (Docket No. FDA-2009-N-0333) received in the Office of

the President of the Senate on October 28, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3507. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received in the Office of the President of the Senate on October 23, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3508. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a proposed rule entitled "Uniformed Services Accounts; Death Benefits; Court Orders and Legal Processes Affecting Thrift Savings Plan Accounts; Thrift Savings Plan" (5 CFR Parts 1604, 1641, 1653, and 1690) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3509. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Statistical Programs of the United States Government: Fiscal Year 2010"; to the Committee on Homeland Security and Governmental Affairs.

EC-3510. A communication from the Management Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Application of Immigration Regulations to the Commonwealth of the Northern Mariana Islands" (RIN1125-AA67) received in the Office of the President of the Senate on October 28, 2009; to the Committee on the Judiciary.

EC-3511. A communication from the Management Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Commonwealth of the Northern Mariana Islands Transitional Worker Classification" (RIN1615-AB76) received in the Office of the President of the Senate on October 28, 2009; to the Committee on the Judiciary.

EC-3512. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XS34) received in the Office of the President of the Senate on October 28, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3513. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Services Surveys: BE-140, Benchmark Survey of Insurance Transactions by U.S. Insurance Companies with Foreign Persons" (RIN0691-AA69) received in the Office of the President of the Senate on October 27, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3514. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Services Surveys: BE-150, Quarterly Survey of Cross-Border Credit, Debit, and Charge Card Transactions" (RIN0691-AA67) received in the Office of the President of the

Senate on October 27, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3515. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Jackson and Laurel, Mississippi" (MB Docket No. 09-156) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3516. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; Traverse City, Michigan" (MB Docket No. 09-160) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3517. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Television Broadcasting Services; St. Petersburg, Florida" (MB Docket No. 09-159) received in the Office of the President of the Senate on October 22, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 797. A bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes (Rept. No. 111-93).

By Mr. INOUE, from the Committee on Appropriations:

Special Report entitled "Further revised allocation to subcommittees of budget totals from the concurrent resolution, fiscal year 2010." (Rept. No. 111-94).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Barbara Milano Keenan, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Carmen Milagros Ortiz, of Massachusetts, to be United States Attorney for the District of Massachusetts for the term of four years.

Edward J. Tarver, of Georgia, to be United States Attorney for the Southern District of Georgia for the term of four years.

By Mrs. FEINSTEIN for the Select Committee on Intelligence.

*David C. Gompert, of Virginia, to be Principal Deputy Director of National Intelligence.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ:

S. 2014. A bill to suspend temporarily the duty on horizontal machining center; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2015. A bill to suspend temporarily the duty on Albrite DMHP; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2016. A bill to suspend temporarily the duty on Bicorr 288; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2017. A bill to suspend temporarily the duty on Coflake; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2018. A bill to extend the temporary suspension of duty on certain organic pigments and dyes; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2019. A bill to amend and extend the temporary duty suspension on certain capers in immediate containers holding 3.4 kilograms or less; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2020. A bill to extend the temporary duty suspension on certain capers in immediate containers each holding more than 3.4 kilograms; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2021. A bill to extend the temporary duty suspension on certain pepperoncini prepared or preserved otherwise than by vinegar; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2022. A bill to extend the temporary duty reduction on certain pepperoncini prepared or preserved by vinegar; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2023. A bill to modify and extend the temporary duty suspension on certain giardiniera prepared or preserved otherwise than by vinegar; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2024. A bill to suspend temporarily the duty on 1,2 Pentanediol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2025. A bill to extend the temporary suspension of duty on 5-Methyl-2-(methylethyl)cyclohexyl-2-hydroxypropanoate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2026. A bill to extend the temporary suspension of duty on 2-Phenylbenzimidazole-5-sulfonic acid; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2027. A bill to suspend temporarily the duty on Frescolat MGA; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2028. A bill to extend the temporary suspension of duty on Thymol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2029. A bill to extend the temporary suspension of duty on Menthyl anthranilate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2030. A bill to extend the temporary suspension of duty on Methyl cinnamate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2031. A bill to extend the temporary suspension of duty on o-tert-Butylcyclohexanol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2032. A bill to extend the temporary suspension of duty on p-Methylacetophenone; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2033. A bill to extend the temporary suspension of duty on Anisic Aldehyde; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2034. A bill to extend the temporary suspension of duty on Methyl Salicylate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2035. A bill to extend the temporary suspension of duty on Trimethyl cyclo hexanol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2036. A bill to extend the temporary suspension of duty on 4-Hexylresorcinol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2037. A bill to extend the temporary suspension of duty on certain sensitizing dyes; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2038. A bill to extend the duty suspension on Allyl isosulfocyanate; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2039. A bill to extend the temporary suspension of duty on 2,2-Dimethyl-3-(3-methylphenyl)propanal; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2040. A bill to suspend temporarily the duty on 1,2 Hexanediol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2041. A bill to suspend temporarily the duty on mixture of 1,2 Octanediol and 1,2 Hexanediol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2042. A bill to suspend temporarily the duty on certain reconstituted tobacco; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2043. A bill to suspend temporarily the duty on 3-amino-1,2-propanediol; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2044. A bill to provide for the reliquidation of certain entries relating to orange juice from Brazil; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2045. A bill to suspend temporarily the duty on Cetalo; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2046. A bill to provide for the reliquidation of certain entries of industrial nitrocellulose from the United Kingdom; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2047. A bill to suspend temporarily the duty on horizontal machining center; to the Committee on Finance.

By Mr. COCHRAN:

S. 2048. A bill to suspend temporarily the duty on Flumetralin Technical-2-chloro-N-[2,6-dinitro-4-(tri-fluoromethyl)phenyl]-N-ethyl-6-fluorobenzenemethanamine; to the Committee on Finance.

By Mr. COCHRAN:

S. 2049. A bill to suspend temporarily the duty on 2-Chloro-6-Fluorobenzyl Chloride; Benzene, 2,4-dichloro-1,3-dinitro-5-(trifluoromethyl)-; to the Committee on Finance.

By Mr. COCHRAN:

S. 2050. A bill to suspend temporarily the duty on 4-Chloro-3,5-Dinitrobenzotrifluoride;

Benzene, 2-chloro-1,3-dinitro-5-(trifluoromethyl)-; to the Committee on Finance.

By Mr. VITTER (for himself and Mr. COCHRAN):

S. 2051. A bill to amend the Internal Revenue Code of 1986 to allow refunds of Federal motor fuel excise taxes on fuels used in mobile mammography vehicles; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself, Mr. BINGAMAN, and Ms. MURKOWSKI):

S. 2052. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARPER:

S. 2053. A bill to suspend temporarily the duty on women's sports bras of stretch fabric with textile or polymer-based electrodes knit into or attached to the fabric and that incorporate connectors designed to secure an electronic transmitter that transmits physiological information from the electrodes to a compatible monitor; to the Committee on Finance.

By Mr. CARPER:

S. 2054. A bill to suspend temporarily the duty on knit tank tops of stretch fabric with textile or polymer-based electrodes knit into or attached to the fabric and that incorporate connectors designed to secure an electronic transmitter that transmits physiological information from the electrodes to a compatible monitor; to the Committee on Finance.

By Mr. CARPER:

S. 2055. A bill to suspend temporarily the duty on thiamethoxam technical; to the Committee on Finance.

By Mr. CARPER:

S. 2056. A bill to suspend temporarily the duty on trifloxysulfuron-sodium technical; to the Committee on Finance.

By Mr. CARPER:

S. 2057. A bill to suspend temporarily the duty on certain lamps used in liquid chromatography or spectrophotometry; to the Committee on Finance.

By Mr. CARPER:

S. 2058. A bill to suspend temporarily the duty on knit garments of stretch fabric with textile or polymer-based electrodes knit into or attached to the fabric and that incorporate connectors designed to secure an electronic transmitter that transmits physiological information from the electrodes to a compatible monitor; to the Committee on Finance.

By Mr. CARPER:

S. 2059. A bill to suspend temporarily the duty on triasulfuron technical; to the Committee on Finance.

By Mr. CARPER:

S. 2060. A bill to suspend temporarily the duty on pyraflufen ethyl; to the Committee on Finance.

By Mr. CARPER:

S. 2061. A bill to extend the temporary duty suspension on certain rayon staple fibers; to the Committee on Finance.

By Mr. CARPER:

S. 2062. A bill to extend the suspension of duty on phosphoric acid, tris (2-ethylhexyl) ester; to the Committee on Finance.

By Mr. CARPER:

S. 2063. A bill to suspend temporarily the duty on mixtures of 2-[4-[(2-hydroxy-3-dodecyloxypropyl)oxy]-2-hydroxyphenyl]-4,6-

bis(2,4-dimethylphenyl)-1,3,5-triazine and 2-[4-[(2-hydroxy-3-tridecyloxypropyl)oxy]-2-hydroxyphenyl]-4,6-bis(2,4-dimethylphenyl)-1,3,5-triazine in propylene glycol monomethyl ether; to the Committee on Finance.

By Mr. CARPER:

S. 2064. A bill to extend the temporary suspension of duty on mixtures of poly[[6-[(1,1,3,3-tetramethylbutyl)amino]-1,3,5-triazine-2,4-diyl] [2,2,6,6-tetramethyl-4-piperidinyl]imino]-1,6-hexanediyl[(2,2,6,6-tetramethyl-4-piperidinyl)imino]] and bis(2,2,6,6-tetramethyl-4-piperidyl) sebacate; to the Committee on Finance.

By Mr. CARPER:

S. 2065. A bill to extend the temporary suspension of duty on diisopropyl succinate; to the Committee on Finance.

By Mr. CARPER:

S. 2066. A bill to extend the temporary suspension of duty on p-chloroaniline; to the Committee on Finance.

By Mr. CARPER:

S. 2067. A bill to suspend temporarily the duty on bupropion; to the Committee on Finance.

By Mr. CARPER:

S. 2068. A bill to suspend temporarily the duty on fenpropimorph; to the Committee on Finance.

By Mr. CARPER:

S. 2069. A bill to extend the temporary suspension of duty on flutolanil; to the Committee on Finance.

By Mr. CARPER:

S. 2070. A bill to extend the temporary suspension of duty on phenyl (4,6-dimethoxypyrimidin-2-yl) carbamate; to the Committee on Finance.

By Mr. CARPER:

S. 2071. A bill to suspend temporarily the duty on certain imaging colorants; to the Committee on Finance.

By Mr. CARPER:

S. 2072. A bill to suspend temporarily the duty on certain imaging colorants; to the Committee on Finance.

By Mr. CARPER:

S. 2073. A bill to extend the temporary suspension of duty on 2-(isocyanatosulfonyl)benzoic acid, ethyl ester; to the Committee on Finance.

By Mr. CARPER:

S. 2074. A bill to suspend temporarily the duty on mixtures of 3-bromo-4'-chloro-1-(3-chloro-2-pyridyl)-2'-methyl-6'-(methylcarbamoyl)pyrazole-5-carboxanilide; to the Committee on Finance.

By Mr. CARPER:

S. 2075. A bill to extend the temporary suspension of duty on (S)-cyano(3-phenoxyphenyl)-methyl (S)-4-chloro-a-(1-Methylethyl) Benzeneacetate; to the Committee on Finance.

By Mr. CASEY:

S. 2076. A bill to suspend temporarily the duty on titanium dioxide; to the Committee on Finance.

By Mrs. BOXER:

S. 2077. A bill to suspend temporarily the duty on hand blown glass vases; to the Committee on Finance.

By Mrs. BOXER:

S. 2078. A bill to suspend temporarily the duty on hand blown glass vases; to the Committee on Finance.

By Mrs. BOXER:

S. 2079. A bill to reduce temporarily the duty on acai, uncooked or cooked by steaming or boiling in water, frozen, whether or not containing added sugar or other sweetening matter; to the Committee on Finance.

By Mrs. BOXER:

S. 2080. A bill to suspend temporarily the duty on hand blown glass vases; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2081. A bill to amend the Internal Revenue Code of 1986 to accelerate locomotive fuel savings nationwide and provide incentives for owners of high polluting locomotives to replace such locomotives with newly-built or newly-remanufactured fuel efficient and less polluting locomotives; to the Committee on Finance.

By Mr. INHOFE:

S. 2082. A bill to suspend temporarily the duty on artificial flowers of manmade fibers assembled as floral sprays; to the Committee on Finance.

By Mr. INHOFE:

S. 2083. A bill to suspend temporarily the duty on artificial flowers of manmade fibers assembled as swags; to the Committee on Finance.

By Mr. INHOFE:

S. 2084. A bill to suspend temporarily the duty on artificial flowers of manmade fibers assembled as wreaths; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2085. A bill to extend temporarily the suspension of duty on THV; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2086. A bill to suspend temporarily the duty on certain mini component stereo systems; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2087. A bill to suspend temporarily the duty on certain power panels specifically designed for wind turbine generators to transfer electric power to and from a utility power grid at 2100 kW at 600 volts with a nominal full load of 2190 amps; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2088. A bill to suspend temporarily the duty on certain capacitor panels specifically designed for wind turbines; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2089. A bill to suspend temporarily the duty on certain mixtures of perfluorocarbons; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2090. A bill to suspend temporarily the duty on certain perfluorocarbon morpholines; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2091. A bill to suspend temporarily the duty on certain perfluorocarbon amines; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2092. A bill to suspend temporarily the duty on certain perfluorocarbon alkanes; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2093. A bill to suspend temporarily the duty on Perfluorobutane sulfonyl fluoride; to the Committee on Finance.

By Ms. KLOBUCHAR:

S. 2094. A bill to extend and modify the suspension of duty on certain catalytic converter mats of ceramic fibers; to the Committee on Finance.

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. 2095. A bill to amend the National Great Black Americans Commemoration Act of 2004 to authorize appropriations through fiscal year 2015; to the Committee on the Judiciary.

By Mr. KERRY:

S. 2096. A bill to amend title 38, United States Code, to provide for the eligibility of parents of certain deceased veterans for interment in national cemeteries; to the Committee on Veterans' Affairs.

By Mr. THUNE (for himself, Mr. WEBB, and Mr. ROCKEFELLER):

S. 2097. A bill to authorize the rededication of the District of Columbia War Memorial as a National and District of Columbia World War I Memorial to honor the sacrifices made by American veterans of World War I; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN:

S. 2098. A bill to reduce temporarily the duty on certain isotopic separation machinery and apparatus; to the Committee on Finance.

By Mr. LEVIN:

S. 2099. A bill to suspend temporarily the duty on certain heaters; to the Committee on Finance.

By Mr. LEVIN:

S. 2100. A bill to suspend temporarily the duty on certain sensors; to the Committee on Finance.

By Mr. LEVIN:

S. 2101. A bill to suspend temporarily the duty on certain drive motor battery transducers; to the Committee on Finance.

By Mr. LEVIN:

S. 2102. A bill to reduce temporarily the duty on certain electric motor controllers; to the Committee on Finance.

By Mr. LEVIN:

S. 2103. A bill to suspend temporarily the duty on certain static converters; to the Committee on Finance.

By Mr. LEVIN:

S. 2104. A bill to suspend temporarily the duty on certain chargers; to the Committee on Finance.

By Mr. LEVIN:

S. 2105. A bill to reduce temporarily the duty on certain lithium-ion battery cells; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 2106. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 225th anniversary of the establishment of the Nation's first law enforcement agency, the United States Marshals Service; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND:

S. 2107. A bill to suspend temporarily the duty on certain women's leather or composition leather upper footwear; to the Committee on Finance.

By Mr. BOND:

S. 2108. A bill to suspend temporarily the duty on certain women's textile upper footwear; to the Committee on Finance.

By Mr. BOND:

S. 2109. A bill to reduce temporarily the duty on mixtures of imidacloprid ((1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine) with cyfluthrin ((R)-cyano-(4-fluoro-3-phenoxy)phenyl)methyl (1R,3R)-3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane-1-carboxylate) or its beta-cyfluthrin isomer; to the Committee on Finance.

By Mr. BOND:

S. 2110. A bill to reduce temporarily the duty on Fluopyram; to the Committee on Finance.

By Mr. BOND:

S. 2111. A bill to suspend temporarily the duty on Indaziflam; to the Committee on Finance.

By Mr. BOND:

S. 2112. A bill to suspend temporarily the duty on certain children's textile upper footwear; to the Committee on Finance.

By Mr. BOND:

S. 2113. A bill to suspend temporarily the duty on mixtures containing 2,4,6-Tripropyl-

1,3,5,2,4,6-trioxatriphosphinane 2,4,6-trioxide and organic solvents; to the Committee on Finance.

By Mr. BOND:

S. 2114. A bill to extend the temporary suspension of duty on 3,6,9-Trioxaundecanedioic acid; to the Committee on Finance.

By Mr. BUNNING:

S. 2115. A bill to suspend temporarily the duty on Polycaprolactone Diol #1; to the Committee on Finance.

By Mr. BUNNING:

S. 2116. A bill to suspend temporarily the duty on Polycaprolactone Diol #2; to the Committee on Finance.

By Mr. BUNNING:

S. 2117. A bill to suspend temporarily the duty on Polycaprolactone Triol; to the Committee on Finance.

By Mr. BUNNING:

S. 2118. A bill to suspend temporarily the duty on nitroguanidine; to the Committee on Finance.

By Mr. BUNNING:

S. 2119. A bill to suspend temporarily the duty on guanidine nitrate; to the Committee on Finance.

By Mr. BUNNING:

S. 2120. A bill to suspend temporarily the duty on certain hydrogenated polymers of norbornene derivatives; to the Committee on Finance.

By Mr. KOHL:

S. 2121. A bill to suspend temporarily the duty on double-fan assisted, plug-in, scented oil dispensing, electrothermic appliances; to the Committee on Finance.

By Mr. KOHL:

S. 2122. A bill to suspend temporarily the duty on single-fan assisted, plug-in, scented oil dispensing, electrothermic appliances; to the Committee on Finance.

By Mr. KOHL:

S. 2123. A bill to suspend temporarily the duty on continuous action, self-contained, fan-motor driven, battery-operated, portable personal device for mosquito repellent; to the Committee on Finance.

By Ms. CANTWELL:

S. 2124. A bill to modify and extend the temporary suspension of duty on 9, 10-Anthracenedione; to the Committee on Finance.

By Mr. CARPER:

S. 2125. A bill to extend the temporary suspension of duty on (S)-cyano(3-phenoxyphenyl)methyl (S)-4-chloro-a-(1-methylethyl)benzeneacetate; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 2126. A bill to extend the temporary suspension of duty on electromechanical ice shavers; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 2127. A bill to extend the temporary suspension of duty on certain AC electric motors; to the Committee on Finance.

By Mr. LEMIEUX:

S. 2128. A bill to provide for the establishment of the Office of Deputy Secretary for Health Care Fraud Prevention; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. GRASSLEY, Ms. MIKULSKI, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. SNOWE, Ms. LANDRIEU, Mrs. LINCOLN, Mr. VOINOVICH, Ms. CANTWELL, Ms. STABENOW, Ms. MURKOWSKI, Mr. PRYOR, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mrs. HAGAN, and Mrs. SHAHEEN):

S. 2129. A bill to authorize the Administrator of General Services to convey a parcel

of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CORKER (for himself and Mr. ALEXANDER):

S. 2130. A bill to extend the temporary suspension of duty on N,N-hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxy-phenyl)propionamide)); to the Committee on Finance.

By Mr. CORKER (for himself and Mr. ALEXANDER):

S. 2131. A bill to extend the temporary suspension of duty on pentaerythritol tetrakis[3-(dodecylthio)propionate]; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2132. A bill to suspend temporarily the duty on 4-Chloro-1,8-naphthalic anhydride; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2133. A bill to suspend temporarily the duty on ESTER GUM 10D 25KG BG CHINA; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2134. A bill to suspend temporarily the duty on Poly-Pale, 25 KG Bag, China; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2135. A bill to suspend temporarily the duty on Cellulose, sodium carboxymethyl; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2136. A bill to suspend temporarily the duty on HPHP; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2137. A bill to suspend temporarily the duty on Pentalyn C; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2138. A bill to suspend temporarily the duty on o-Toluidine; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2139. A bill to reduce temporarily the duty on Syloboc K-200; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2140. A bill to extend the duty suspension on o-Anisidine; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2141. A bill to extend the duty suspension on 2,4-Xylidine; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2142. A bill to extend the duty suspension on 2-Methylhydroquinone; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2143. A bill to extend the duty suspension on Benzoic acid, 3, 4, 5-trihydroxy-, propyl ester; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2144. A bill to extend the duty suspension on Titanium Mononitride; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2145. A bill to extend the temporary suspension of duty on certain AC electric motors of an output exceeding 74.6 W but not exceeding 85 W; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2146. A bill to extend the temporary suspension of duty on certain AC electric motors of an output exceeding 74.6 W but not exceeding 105 W; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2147. A bill to extend the temporary suspension of duty on certain AC electric motors of an output exceeding 37.5 W but not exceeding 72 W; to the Committee on Finance.

By Mr. ALEXANDER (for himself and Mr. CORKER):

S. 2148. A bill to suspend temporarily the duty on Sodium brick; to the Committee on Finance.

By Mr. HARKIN:

S. 2149. A bill to suspend temporarily the duty on orthotoluidine; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2150. A bill to suspend temporarily the duty on blocked polyisocyanate hardner; 2-Butanone, oxime, polymer with 1,6-diisocyanatohexane and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2151. A bill to suspend temporarily the duty on grocery bags with an exterior surface of nonwoven fabric wholly of polypropylene; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2152. A bill to suspend temporarily the duty on grocery bags wholly of cotton canvas fabric; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2153. A bill to suspend temporarily the duty on grocery bags of nonwoven fabric wholly of polypropylene; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2154. A bill to suspend temporarily the duty on dodecyltrimethylammonium bromide; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2155. A bill to suspend temporarily the duty on carbazole violet/acrylic dispersion; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2156. A bill to suspend temporarily the duty on barium sulfate; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2157. A bill to suspend temporarily the duty on alkylated melamine formaldehyde resin; melamine, formaldehyde polymer, methylated, butylated; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2158. A bill to suspend temporarily the duty on alkylated amino resin solution, formaldehyde; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2159. A bill to extend the temporary suspension of duty on helium; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2160. A bill to suspend temporarily the duty on ion exchange resin, tertiary amine crosslinked polystyrene; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2161. A bill to suspend temporarily the duty on ion exchange resin, polystyrene crosslinked with divinylbenzene, quaternary ammonium chloride; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2162. A bill to suspend temporarily the duty on ion exchange resin, polystyrene crosslinked with divinylbenzene, chloromethylated, trimethylammonium salt; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2163. A bill to suspend temporarily the duty on poly(styrene) sulfonic acid; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2164. A bill to suspend temporarily the duty on Triethylenediamine; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2165. A bill to extend the temporary suspension of duty on 2-Oxepanone polymer with 1,4-butanediol and 5-isocyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane, 2-ethyl-1-hexanol-blocked; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2166. A bill to extend the temporary suspension of duty on polyfunctional aziridine; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2167. A bill to extend the temporary suspension of duty on hexane, 1,6-diisocyanato-homopolymer, 3,5-dimethyl-1H-pyrazole-blocked solvents; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2168. A bill to extend the temporary suspension of duty on ortho/para-Toluenesulfonic acid, methyl ester (TSME); to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2169. A bill to extend the temporary suspension of duty on trimethylopropane tris(3-aziridinylpropanoate); to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2170. A bill to suspend temporarily the duty on ferriobium; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2171. A bill to suspend temporarily the duty on ultra-high molecular weight polyethylene yarn measuring not less than 131 decitex but not more than 340 decitex; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2172. A bill to suspend temporarily the duty on ultra-high molecular weight polyethylene yarn measuring not less than 40 decitex but not more than 130 decitex; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2173. A bill to suspend temporarily the duty on ultra-high molecular weight poly-

ethylene yarn measuring not less than 341 decitex but not more than 510 decitex; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2174. A bill to suspend temporarily the duty on polyoxethylene-alkylether-phosphate; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2175. A bill to extend the suspension of duty on thionyl chloride; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2176. A bill to extend the temporary suspension of duty on certain plasticizers; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2177. A bill to extend the temporary suspension of duty on Lewatit; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2178. A bill to extend the suspension of duty on tetraethylammonium perfluorooctanesulfonate; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2179. A bill to extend the temporary suspension of duty on Phosphoric acid, tris (2-ethylhexyl)ester; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2180. A bill to renew the temporary suspension of duty on macroporous ion-exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, thiol functionalized; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2181. A bill to extend the temporary suspension of duty on 2-Propenoic acid, polymer with diethenylbenzene; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2182. A bill to suspend temporarily the duty on a certain ion exchange resin powder; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2183. A bill to extend the suspension of duty on Styrene, ar-ethyl-, polymer with divinylbenzene and styrene beads with low ash; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2184. A bill to extend the suspension of duty on 1,1,2,2,3,3,4,4,4-Nonafluorobutanesulfonic acid; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2185. A bill to extend the temporary suspension of duty on mixtures of tris(4-isocyanatophenyl)thiophosphate and ethyl acetate and monochlorobenzene as solvents; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2186. A bill to extend the temporary suspension of duty on copolymer of methyl ethyl ketoxime and toluenediisocyanate; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2187. A bill to extend the temporary suspension of duty on benzene, 1,3-diisocyanatomethyl-, polymer with 1,6-diisocyanatohexane dissolved in n-butyl acetate; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2188. A bill to extend the temporary suspension of duty on poly(toluenediisocyanate) dissolved in organic solvents; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2189. A bill to extend the temporary suspension of duty on 1,2,3-Propanetriol, polymer with 2,4-diisocyanato-1-methylbenzene, 2-ethyl-2-(hydroxymethyl)-1,3-propanediol, methyloxirane and oxirane; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2190. A bill to extend the temporary suspension of duty on polyisocyanate cross linking agent products containing triphenylmethane triisocyanate in solvents; to the Committee on Finance.

By Ms. COLLINS:

S. 2191. A bill to extend the temporary suspension of duty on certain rayon staple fibers; to the Committee on Finance.

By Mr. VITTER:

S. 2192. A bill to extend the reduction of duty on Azoxystrobin; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2193. A bill to extend the temporary suspension of duty on 10,10'-Oxybisphenoxarsine; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2194. A bill to extend the temporary suspension of duty on ion exchange resin powder; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2195. A bill to extend the temporary suspension of duty on absorbent resin; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2196. A bill to extend the temporary suspension of duty on powdered ion exchange resin comprising a copolymer of styrene crosslinked with divinylbenzene, sulfonic acid, sodium form; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2197. A bill to extend the temporary suspension of duty on a certain ion exchange resin; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2198. A bill to suspend temporarily the duty on macroporous adsorbent polymer composed of crosslinked phenol-formaldehyde polycondensate resin in granular form having a mean particle size of 0.56 to 0.76 mm; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2199. A bill to suspend temporarily the duty on poly(4-(1-isobutoxy ethoxy)styrene-co-4-hydroxystyrene) dissolved in propylene glycol monomethyl ether acetate; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2200. A bill to suspend temporarily the duty on 2,6-Bis(2,4-dihydroxybenzyl)-p-cresol ester with 6-diazo-5,6-dihydro-5-oxo-1-naphthalenesulfonic acid and methane sulfonic acid; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2201. A bill to suspend temporarily the duty on 4-(1-Ethoxyethoxy) styrene-4-(t-butylcarbonyloxy) styrene-4-hydroxystyrene copolymer; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2202. A bill to suspend temporarily the duty on bis(2,4-dihydroxy-3-methylphenyl)methane ester with 6-diazo-5,6-dihydro-5-oxo-1-naphthalenesulfonic acid; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2203. A bill to renew the temporary suspension of duty on certain ion exchange resin; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2204. A bill to suspend temporarily the duty on 6-Diazo-5,6-dihydro-5-oxo-naphthalene-1-sulfonic acid ester with 2,3,4-trihydroxybenzophenone; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2205. A bill to suspend temporarily the duty on 6-Diazo-5,6-dihydro-5-oxo-naphthalene-1-sulfonic acid ester with 2-[Bis(4-hydroxy-2,3,5-trimethylphenyl)methyl]phenol; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2206. A bill to suspend temporarily the duty on benzoyl chloride; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2207. A bill to suspend temporarily the duty on chlorobenzene; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2208. A bill to suspend temporarily the duty on p-Dichlorobenzene; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2209. A bill to extend the temporary suspension of duty on ion-exchange resin powder comprised of a certain copolymer; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2210. A bill to extend the temporary suspension of duty on a certain ion exchange resin comprising a certain copolymer; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2211. A bill to suspend temporarily the duty on certain steam hair straighteners; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2212. A bill to suspend temporarily the duty on certain ice cream makers; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2213. A bill to suspend temporarily the duty on certain food choppers; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2214. A bill to suspend temporarily the duty on certain programmable dual function coffee makers; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2215. A bill to suspend temporarily the duty on certain electric coffee makers with built in bean storage hoppers; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2216. A bill to suspend temporarily the duty on certain food processors; to the Committee on Finance.

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. 2217. A bill to provide for the liquidation or reliquidation of certain entries relating to top-of-the-stove stainless steel cooking ware from the Republic of Korea entered between January 1, 1999 and January 22, 2003; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2218. A bill to extend the temporary suspension of duty on Ipcnazole; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2219. A bill to extend the temporary suspension of duty on waste of camel hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2220. A bill to extend the temporary suspension of duty on noils of camel hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2221. A bill to extend the temporary suspension of duty on camel hair, carded or combed; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2222. A bill to extend the temporary suspension of duty on yarn of carded camel hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2223. A bill to suspend temporarily the duty on yarn of carded hair of Kashmir (cashmere) goats of less than 19.35 metric yarn count, not put up for retail sale; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2224. A bill to extend the temporary suspension of duty on fine animal hair of Kashmir (cashmere) goats, processed beyond the degreased or carbonized condition; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2225. A bill to suspend temporarily the duty on 2-Cyclopropylaminonicotinic acid; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2226. A bill to extend the temporary suspension of duty on woven fabrics containing 85 percent or more by weight of vicuna hair; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2227. A bill to extend the temporary suspension of duty on camel hair, processed beyond the degreased or carbonized condition; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2228. A bill to extend the temporary suspension of duty on camel hair, not processed in any manner beyond the degreased or carbonized condition; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2229. A bill to extend the temporary suspension of duty on yarn of carded cashmere of 19.35 metric yarn count or higher; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. DODD):

S. 2230. A bill to extend the temporary suspension of duty on yarn of combed cashmere or yarn of camel hair; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2231. A bill to suspend temporarily the duty on certain hydration systems; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2232. A bill to suspend temporarily the duty on certain hydration systems; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2233. A bill to suspend temporarily the duty on suspended particle device film; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2234. A bill to extend the temporary suspension of duty on metal halide lamps designed for use in video projectors; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2235. A bill to suspend temporarily the duty on certain educational toys or devices; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2236. A bill to extend the temporary suspension of duty on certain bags for toys; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2237. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the tariff rate for certain mechanics' work gloves; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2238. A bill to extend temporarily the duty on S-Absciscic Acid; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2239. A bill to suspend temporarily the duty on Metconazole; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2240. A bill to suspend temporarily the duty on certain parts and accessories of measuring or checking instruments; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2241. A bill to extend and modify the temporary reduction of duty on artichokes, prepared or preserved by vinegar or acetic acid; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2242. A bill to suspend temporarily the duty on certain sardines in oil, in airtight containers, neither skinned nor boned; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2243. A bill to suspend temporarily the duty on certain rechargeable ultracapacitor long life flashlights; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2244. A bill to extend the temporary reduction of duty on artichokes, prepared or preserved otherwise than by vinegar or acetic acid, not frozen; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2245. A bill to extend the temporary suspension of duty on certain children's products; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2246. A bill to extend the temporary suspension of duty on Clethodim; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2247. A bill to extend the temporary suspension of duty on Fenpropathrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2248. A bill to extend the temporary suspension of duty on Bioallethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2249. A bill to extend the temporary suspension of duty on S-Bioallethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2250. A bill to extend the temporary suspension of duty on Bispyribac-sodium; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2251. A bill to extend the temporary suspension of duty on Dinotefuran; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2252. A bill to extend the temporary suspension of duty on Clothianidin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2253. A bill to extend the temporary suspension of duty on Permethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2254. A bill to extend the temporary suspension of duty on Etoxazole; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2255. A bill to extend the temporary suspension of duty on Pyriproxyfen; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2256. A bill to extend the temporary suspension of duty on Uniconazole; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2257. A bill to extend the temporary suspension of duty on Deltamethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2258. A bill to extend the temporary suspension of duty on Tetramethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2259. A bill to extend the temporary suspension of duty on flumiclorac pentyl ester; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2260. A bill to extend the temporary suspension of duty on Flumioxasin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2261. A bill to extend the temporary suspension of duty on Acephate; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2262. A bill to extend the temporary suspension of duty on Resmethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2263. A bill to extend the temporary suspension of duty on Cypermethrin; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2264. A bill to suspend temporarily the duty on certain subassemblies for measuring equipment for telecommunication; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2265. A bill to suspend temporarily the duty on certain hydration systems; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2266. A bill to suspend temporarily the duty on certain hydration systems; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2267. A bill to suspend temporarily the duty on multi interconnection board; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2268. A bill to extend the temporary suspension of duty on certain DVD readers and writers; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2269. A bill to amend the Harmonized Tariff Schedule of the United States to clarify the temporary suspension of duty for certain DVD readers and writers; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2270. A bill to modify and extend the temporary suspension of duty on certain

cases or containers to be used for electronic drawing toys, electronic games, or educational toys; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2271. A bill to suspend temporarily the duty on certain infant products; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2272. A bill to suspend temporarily the duty on s-Methoprene; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2273. A bill to extend the temporary suspension of duty on oysters (other than smoked), prepared or preserved; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2274. A bill to suspend temporarily the duty on Liquid Crystal Device (LCD) panel assemblies for use in LCD direct view televisions; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2275. A bill to suspend temporarily the duty on certain hydration systems; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2276. A bill to extend temporarily the suspension of duty on BEPD70L; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2277. A bill to extend temporarily the suspension of duty on Allyl Pentaerythritol; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2278. A bill to extend temporarily the suspension of duty on Butyl Ethyl Propanediol; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2279. A bill to extend temporarily the suspension of duty on DiTMP; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2280. A bill to extend temporarily the suspension of duty on Polyol R6405; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2281. A bill to extend temporarily the suspension of duty on TMP Diallyl Ether; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2282. A bill to extend temporarily the suspension of duty on TMP Monoallyl Ether; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2283. A bill to extend temporarily the suspension of duty on Cyclic TMP Formal; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2284. A bill to extend temporarily the suspension of duty on 4 Chloro Aniline; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2285. A bill to extend temporarily the suspension of duty on 1,8 Naphthalimide; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2286. A bill to extend temporarily the suspension of duty on Acetoacet-p-Anisidine; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2287. A bill to extend temporarily the suspension of duty on Pigment Green 7 Crude; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2288. A bill to extend temporarily the suspension of duty on p-Amino Benzamide; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2289. A bill to extend temporarily the suspension of duty on Basic Red 1:1; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2290. A bill to extend temporarily the suspension of duty on p-Chloro-o-Nitro Aniline; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2291. A bill to extend temporarily the suspension of duty on certain sawing machines; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2292. A bill to suspend temporarily the duty on Capa 2505; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2293. A bill to extend temporarily the suspension of duty on Boltom H2003, H2004, H2100, H3100, H311; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2294. A bill to extend temporarily the suspension of duty on Boltom H20, H30, H40, H2085; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2295. A bill to suspend temporarily the duty on Caprolactone-Hexanediol Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2296. A bill to suspend temporarily the duty on Caprolactone-Polybutylene Glycol Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2297. A bill to suspend temporarily the duty on Caprolactone-Neopentyl Glycol Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2298. A bill to suspend temporarily the duty on Caprolactone-Diethylene Glycol Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2299. A bill to suspend temporarily the duty on Capa Homopolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2300. A bill to suspend temporarily the duty on GPA-30, 2,4,6 Trisaminophenol; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2301. A bill to suspend temporarily the duty on Boltorn U3000; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2302. A bill to suspend temporarily the duty on Capa 4000-series; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2303. A bill to suspend temporarily the duty on Caprolactone-Trimethylolpropane Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2304. A bill to suspend temporarily the duty on Caprolactone-Butanediol Copolymers; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2305. A bill to extend temporarily the suspension of duty on certain manufacturing equipment; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2306. A bill to extend temporarily the suspension of duty on certain manufacturing equipment used for working iron or steel; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2307. A bill to extend temporarily the suspension of duty on certain extruders used in the production of radial tires; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2308. A bill to extend temporarily the suspension of duty on certain manufacturing equipment for molding; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2309. A bill to extend temporarily the suspension of duty on certain sector mold press machines; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2310. A bill to extend temporarily the suspension of duty on p-Toluene Sulfonyl Chloride; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2311. A bill to extend temporarily the suspension of duty on Trimethylolpropane Oxetane; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2312. A bill to extend temporarily the suspension of duty on 3,3 Dichlorobenzidine Dihydrochloride; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2313. A bill to suspend temporarily the duty on 2,5-Dichloro-e, 6-Bis(9-Ethyl-3-Carbazolylamino)-1,4-Benzoquinone(Dianil); to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2314. A bill to extend the temporary suspension of duty on 4,4'-Oxydiphthalic anhydride; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2315. A bill to extend the temporary suspension of duty on 1,3-bis(4-Aminophenoxy)benzene; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2316. A bill to extend temporarily the suspension of duty on alpha Oxy Napthoic Acid; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2317. A bill to extend temporarily the suspension of duty on Acetoacet-o-Chloro Anilide; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. VOINOVICH):

S. 2318. A bill to extend temporarily the suspension of duty on 3 Chloro 4 Methyl Aniline; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 2319. A bill to reduce temporarily the duty on parts of microwave ovens for the industrial preparation or manufacture of dried vegetable snack (small portions of food usually eaten other than at meal times) items; to the Committee on Finance.

By Mr. NELSON of Nebraska:

S. 2320. A bill to reduce temporarily the duty on parts of machinery for the industrial preparation or manufacture of dried vegetable snack (small portions of food usually eaten other than at meal times) items; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, and Mr. GRAHAM):

S. 2321. A bill to extend the temporary suspension of duty on aqueous catalytic preparations based on iron (III) toluenesulfonate; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, and Mr. GRAHAM):

S. 2322. A bill to extend the temporary suspension of duty on 3,4-Ethylenedioxythiophene; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, and Mr. GRAHAM):

S. 2323. A bill to extend the temporary suspension of duty on aqueous dispersions of poly(3,4-ethylenedioxythiophene) poly(styrenesulfonate) (cationic), whether or not containing binder resin and organic solvent; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, and Mr. GRAHAM):

S. 2324. A bill to suspend temporarily the duty on 120 volt/60Hz electrical transformers; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, and Mr. GRAHAM):

S. 2325. A bill to suspend temporarily the duty on loudspeakers not mounted in their enclosures; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2326. A bill to extend the temporary suspension of duty on certain synthetic filament yarns; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2327. A bill to suspend temporarily the duty on Antarctic krill oil; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2328. A bill to extend the temporary suspension of duty on certain untwisted filament yarns; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2329. A bill to suspend temporarily the duty on certain plastic fittings composed of perfluoroalkoxy (PFA) resin; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2330. A bill to suspend temporarily the duty on certain woven mesh fabric; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2331. A bill to suspend temporarily the duty on cellular plastic membrane sheets of polytetrafluoroethylene resin; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. KIRK):

S. 2332. A bill to suspend temporarily the duty on porous hollow filaments of perfluoroalkoxy (PFA) copolymer resin; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, Mr. BUNNING, and Mr. ENSIGN):

S. 2333. A bill to extend the temporary suspension of duty on volleyballs; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, Mr. BUNNING, and Mr. ENSIGN):

S. 2334. A bill to extend the temporary suspension of duty on leather basketballs; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, Mr. BUNNING, and Mr. ENSIGN):

S. 2335. A bill to extend the temporary reduction of duty on basketballs other than leather or rubber; to the Committee on Finance.

By Mr. SESSIONS (for himself, Mr. LIEBERMAN, and Mr. BOND):

S. 2336. A bill to safeguard intelligence collection and enact a fair and responsible reauthorization of the 3 expiring provisions of the USA PATRIOT Improvements and Reauthorization Act; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 2337. A bill to suspend temporarily the duty on Pyrethrum Extract; to the Committee on Finance.

By Mr. VITTER:

S. 2338. A bill to extend the suspension of duty on Chloroacetone; to the Committee on Finance.

By Mr. VITTER:

S. 2339. A bill to suspend temporarily the duty on 2-Nitrophenol; to the Committee on Finance.

By Mr. VITTER:

S. 2340. A bill to extend the temporary suspension of duty on 2-Acetylnicotinic acid; to the Committee on Finance.

By Mr. VITTER:

S. 2341. A bill to suspend temporarily the duty on cyclopentanone; to the Committee on Finance.

By Mr. VITTER:

S. 2342. A bill to suspend temporarily the duty on glyoxylic acid; to the Committee on Finance.

By Mr. VITTER:

S. 2343. A bill to suspend temporarily the duty on certain men's footwear covering the ankle, the height of which from the bottom of the outer sole to the top of the upper exceeds 19 cm, with waterproof molded soles, valued at more than \$30 per pair; to the Committee on Finance.

By Mr. VITTER:

S. 2344. A bill to suspend temporarily the duty on certain women's footwear covering the ankle, the height of which from the bottom of the outer sole to the top of the upper exceeds 19 cm, with waterproof molded soles, valued at more than \$30 per pair; to the Committee on Finance.

By Mr. VITTER:

S. 2345. A bill to extend the temporary suspension of duty on methoxyacetic acid; to the Committee on Finance.

By Mr. VITTER:

S. 2346. A bill to extend the temporary suspension of duty on Mesotriene; to the Committee on Finance.

By Mr. VITTER:

S. 2347. A bill to suspend temporarily the duty on s-Metolachlor; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2348. A bill to temporarily suspend the duty on reusable surgical drapes of textile materials; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2349. A bill to reduce temporarily the duty on frames and mountings for spectacles, goggles, or the like, the foregoing of plastics; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2350. A bill to extend temporarily the duty on Rhenogran TP-50; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2351. A bill to extend temporarily the suspension of duty on Rhenogran Geniplex-70; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2352. A bill to extend temporarily the suspension of duty on Rhenogran Diuron-80; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2353. A bill to extend the temporary suspension of duty on Rhenogran CLD-80; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2354. A bill to extend temporarily the suspension of duty on RC Retarder 1092; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2355. A bill to suspend temporarily the duty on 1,3-Propanediaminium, N-[3-[[[dimethyl[3-[(2-methyl-1-oxo-2-propenyl)amino]propyl]ammonio]acetyl]amino]propyl]-2-hydroxy-N,N,N',N',N'-pentamethyl-, trichloride, polymer with 2-propenamide; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2356. A bill to suspend temporarily the duty on a mixture of 1-(1,2,3,4,5,6,7,8-octahydro-2,3,8,8-tetramethyl-2-naphthalenyl)-ethan-1-one (and isomers); to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2357. A bill to suspend temporarily the duty on 2-cyclo-hexylidene-2-phenyl acetonitrile; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2358. A bill to suspend temporarily the duty on certain warp knit open-work fabric; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2359. A bill to renew temporarily the suspension of duty on 1-Octadecanaminium, N, N-dimethyl-N-octadecyl-, (SP-4-2)-129H, 31H-phthalocyanine 2-sulfonato(3)-.kappa.N29, .kappa.N30, .kappa.N31, .kappa.N32Jcuprate(1); to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2360. A bill to suspend temporarily the duty on certain fire retardant materials used to make mattresses; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2361. A bill to reduce temporarily the duty on Butylated reaction product of p-creosol and DCPD (dicyclopentadiene); to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2362. A bill to extend temporarily the suspension of duty on Thermostabilizer KL3-2049; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2363. A bill to extend and modify temporarily the suspension of duty on Methyllionone; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2364. A bill to suspend temporarily the duty on 50% Homopolymer, 3-(Dimethylamino) Propyl Amide, Di-Me Sulfate-Quarternized 50% Polyricinoleic Acid; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2365. A bill to suspend temporarily the duty on Polymer Acid Salt/Polymer Amide; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2366. A bill to suspend temporarily the duty on 50 Percent Amide Neutralized Phosphated Polyester Polymer, 50 Percent Solvesso 100; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2367. A bill to suspend temporarily the duty on 12-Hydroxyoctadecanoic acid, Reaction Product with N,N-Dimethyl, 1,3-Propanediamine, Dimethyl Sulfate, Quarternized; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2368. A bill to suspend temporarily the duty on 40% Polymer acid salt/polymer amide 60% Butyl acetate; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2369. A bill to suspend temporarily the duty on certain plastic laminate sheets; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2370. A bill to suspend temporarily the duty on artificial flowers of man-made fibers assembled as clips; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2371. A bill to suspend temporarily the duty on artificial flowers of man-made fibers assembled as picks; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2372. A bill to suspend temporarily the duty on artificial flowers of man-made fibers as candle rings; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2373. A bill to suspend temporarily the duty on certain pencil pouches; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2374. A bill to suspend temporarily the duty on certain microwave oven and range hood combinations; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2375. A bill to suspend temporarily the duty on certain laundry work surfaces; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2376. A bill to suspend temporarily the duty on certain dimming ballasts for fluorescent lighting; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2377. A bill to suspend the duty on certain book sleeves of man-made fabric; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2378. A bill to suspend temporarily the duty on certain three-ring binders with small, built-in amplifiers; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2379. A bill to suspend temporarily the duty on certain three-ring binders wholly or predominantly covered with polyester fabrics; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2380. A bill to suspend temporarily the duty on certain carry-all sleeves with small, built-in amplifiers; to the Committee on Finance.

By Mr. VOINOVICH:

S. 2381. A bill to suspend temporarily the duty on certain desk accessory cases with small, built-in amplifiers; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2382. A bill to suspend temporarily the duty on parts of frames and mountings for spectacles, goggles, or the like; to the Committee on Finance.

By Mr. VOINOVICH (for himself and Mr. BROWN):

S. 2383. A bill to suspend temporarily the duty on reusable surgical wrappers of textile materials; to the Committee on Finance.

By Mrs. HAGAN:

S. 2384. A bill to extend temporarily the suspension of duty on mucochloric acid; to the Committee on Finance.

By Mrs. HAGAN:

S. 2385. A bill to extend the temporary suspension of duty on 2-Naphthalenedisulfonic acid, 7-[(5-chloro-2,6-difluoro-4-pyrimidinyl)amino]-4-hydroxy-3-[(4-methoxy-2-sulphophenyl)azo]-, sodium salt; to the Committee on Finance.

By Mrs. HAGAN:

S. 2386. A bill to extend the temporary suspension of duty on 2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy-6-[[2-methoxy-5-[[2-(sulfoxy)ethyl]sulfonyl]phenyl]azo]-3-[[4-[[2-(sulfoxy)ethyl]sulfonyl]phenyl]azo]-, tetrasodium salt; to the Committee on Finance.

By Mrs. HAGAN:

S. 2387. A bill to extend the temporary suspension of duty on 2,7-Naphthalenedisulfonic acid, 4-amino-5-hydroxy-3,6-bis[[4-[[2-(sulfoxy)ethyl]sulfonyl]phenyl]azo]-, tetrasodium salt; to the Committee on Finance.

By Mrs. HAGAN:

S. 2388. A bill to extend the temporary suspension of duty on 3-Pyridinecarbonitrile, 5-[[2-cyano-4-nitrophenyl]azo]-2-[[2-(2-hydroxyethoxy)ethyl] amino]-4-methyl-6-(phenylamino)-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2389. A bill to extend the temporary suspension of duty on Acetic acid, cyano[3-[[6-methoxy-2-benzothiazolyl]amino]-1H-isindol-1-yl idene]-, pentyl ester; to the Committee on Finance.

By Mrs. HAGAN:

S. 2390. A bill to suspend temporarily the duty on Acid Blue 234; to the Committee on Finance.

By Mrs. HAGAN:

S. 2391. A bill to extend the temporary suspension of duty on Benzenesulfonic acid, [(9,10-dihydro-9,10-dioxo-1,4-anthracenediyl)bis[imino[3-(2-methylpropyl)-3, 1-propanediyl]]]bis-, disodium salt; to the Committee on Finance.

By Mrs. HAGAN:

S. 2392. A bill to extend the temporary suspension of duty on Acetic acid, [4-2,6-dihydro-2,6-dioxo-7-phenylbenzo[1,2-b:4,5-b']difuran-3yl]phenoxy]-, 2-ethoxyethyl ester; to the Committee on Finance.

By Mrs. HAGAN:

S. 2393. A bill to extend the temporary suspension of duty on Benzo[1,2-b:4,5-b']difuran-2,6-dione, 3-phenyl-7-(4-propoxyphenyl)-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2394. A bill to modify and extend temporarily the duty reduction on PHBA; to the Committee on Finance.

By Mrs. HAGAN:

S. 2395. A bill to renew the temporary suspension of duty on 9,10-Anthracenedione, 1-amino-4-hydroxy-2-phenoxy-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2396. A bill to extend the temporary suspension of duty on 9,10-Anthracenedione, 1,8-

dihydroxy-4-nitro-5-(phenylamino)-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2397. A bill to extend the temporary suspension of duty on Chromate(2-), [2,4-dihydro-4-[[2-(hydroxy-kO)-4-nitrophenyl]azo-kN1]-5-met hyl-3H-pyrazol-3-onato(2-)-kO3][3-[[4,5-dihydro-3-methyl-1-(4-methylphenyl)-5-(oxo-kO)-1H-pyrazol-4-yl]azo-kN1]-4-(hydroxy-kO)-5-nitro benzenesulfonato(3-)-], disodium; to the Committee on Finance.

By Mrs. HAGAN:

S. 2398. A bill to extend the temporary suspension of duty on 9,10-Anthracenedione, 1,8-bis(phenyltiho)-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2399. A bill to extend the temporary suspension of duty on 2,7-Naphthalenedisulfonic acid, 4-amino-3,6-bis[[5-[[4-chloro-6-[methyl[2-methylamino]-2-oxoethyl]amino]-1,3,5-triazin-2-yl]amino]-2-sulphophenyl]azo-5-hydroxy-, lithium potassium sodium salt; to the Committee on Finance.

By Mrs. HAGAN:

S. 2400. A bill to extend the temporary suspension of duty on staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2401. A bill to extend the temporary suspension of duty on staple fibers of viscose rayon, carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2402. A bill to extend the temporary suspension of duty on staple fibers of viscose rayon, not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2403. A bill to extend the temporary suspension of duty on filament tow of rayon; to the Committee on Finance.

By Mrs. HAGAN:

S. 2404. A bill to extend the temporary reduction of duty on acrylic or modacrylic filament tow; to the Committee on Finance.

By Mrs. HAGAN:

S. 2405. A bill to extend the temporary suspension of duty on acrylic or modacrylic staple fibers, carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2406. A bill to extend the temporary suspension of duty on acrylic or modacrylic staple fibers, not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2407. A bill to reduce temporarily the duty on lithium carbonates; to the Committee on Finance.

By Mrs. HAGAN:

S. 2408. A bill to extend the temporary suspension of duty on 1-Acetyl-4-(3-dodecyl-2,5-dioxo-1-pyrrolidinyl)-2,2,6,6-tetramethylpiperidine; to the Committee on Finance.

By Mrs. HAGAN:

S. 2409. A bill to extend the temporary suspension of duty on sodium petroleum sulfonic acids, sodium salts; to the Committee on Finance.

By Mrs. HAGAN:

S. 2410. A bill to extend the temporary suspension of duty on 1,3-Benzenedicarboxamide, N, N'-bis-(2,2,6,6-tetramethyl-4-piperidinyl)-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2411. A bill to extend the temporary suspension of duty on reaction products of phos-

phorous trichloride with 1,1'-biphenyl and 2,4-bis(1,1-dimethylethyl)phenol; to the Committee on Finance.

By Mrs. HAGAN:

S. 2412. A bill to extend the temporary suspension of duty on preparations based on ethanediamide, N-(2-ethoxyphenyl)-N'-(4-isodecylphenyl)-; to the Committee on Finance.

By Mrs. HAGAN:

S. 2413. A bill to extend the temporary suspension of duty on 3-Dodecyl-1-(2,2,6,6-tetramethyl-4-piperidinyl)-2,5-pyrrolidinedione; to the Committee on Finance.

By Mrs. HAGAN:

S. 2414. A bill to suspend temporarily the duty on certain window shade material in rolls measuring between 300 and 500 square feet; to the Committee on Finance.

By Mrs. HAGAN:

S. 2415. A bill to suspend temporarily the duty on certain window shade material; to the Committee on Finance.

By Mrs. HAGAN:

S. 2416. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2417. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2418. A bill to suspend temporarily the duty on acrylic or modacrylic synthetic filament tow; to the Committee on Finance.

By Mrs. HAGAN:

S. 2419. A bill to suspend temporarily the duty on acrylic or modacrylic synthetic filament tow; to the Committee on Finance.

By Mrs. HAGAN:

S. 2420. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mrs. HAGAN:

S. 2421. A bill to extend the temporary suspension of duty on Chloroacetic acid, sodium salt; to the Committee on Finance.

By Mr. BROWNBAC:

S. 2422. A bill to suspend temporarily the duty on certain leather upper sports footwear; to the Committee on Finance.

By Mr. BROWNBAC:

S. 2423. A bill to suspend temporarily the duty on certain non-women's leather footwear; to the Committee on Finance.

By Mr. BROWNBAC:

S. 2424. A bill to suspend temporarily the duty on certain sports footwear; to the Committee on Finance.

By Mr. BROWNBAC:

S. 2425. A bill to suspend temporarily the duty on certain women's footwear; to the Committee on Finance.

By Mr. BROWNBAC:

S. 2426. A bill to suspend temporarily the duty on certain children's footwear; to the Committee on Finance.

By Mr. BROWNBAC:

S. 2427. A bill to suspend temporarily the duty on certain women's non-work footwear; to the Committee on Finance.

By Mr. BROWNBAC:

S. 2428. A bill to suspend temporarily the duty on certain men's non-work footwear; to the Committee on Finance.

By Mr. BROWNBAC:

S. 2429. A bill to suspend temporarily the duty on certain children's sandals and similar footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2430. A bill to extend the temporary suspension of duty on certain children's footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2431. A bill to extend the temporary suspension of duty on certain men's footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2432. A bill to extend the temporary suspension of duty on certain children's footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2433. A bill to extend the temporary suspension of duty on certain footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2434. A bill to extend the temporary suspension of duty on certain footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2435. A bill to suspend temporarily the duty on microcrystalline anatase-type titanium dioxide; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2436. A bill to extend the temporary suspension of duty on polytetramethylene ether glycol (tetrahydro-3-methylfuran, polymer with tetrahydrofuran); to the Committee on Finance.

By Mr. BROWNBACK:

S. 2437. A bill to modify and extend the temporary suspension of duty on certain emergency illumination lights designed for use in aircraft; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2438. A bill to modify and extend the temporary suspension of duty on certain vacuum relief valves designed for use in aircraft; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2439. A bill to modify and extend the temporary suspension of duty on certain seals designed for use in aircraft; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2440. A bill to extend the temporary suspension of duty on marine sextants of metal designed for use in navigating by celestial bodies; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2441. A bill to suspend temporarily the duty on certain windsock type decoys; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2442. A bill to suspend temporarily the duty on certain yard ornaments depicting school mascots; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2443. A bill to suspend temporarily the duty on certain implements for cleaning hunted fowl; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2444. A bill to suspend temporarily the duty on certain children's textile upper footwear; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2445. A bill to suspend temporarily the duty on certain leather upper footwear; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. KIRK, Mr. BUNNING, and Mr. ENSIGN):

S. 2446. A bill to extend the temporary reduction of duty on rubber basketballs; to the Committee on Finance.

By Mr. CORNYN:

S. 2447. A bill to extend and modify the temporary reduction of duty on propiconazole technical; to the Committee on Finance.

By Mr. CORNYN:

S. 2448. A bill to extend and modify the temporary reduction of duty on paraquat technical; to the Committee on Finance.

By Mr. CORNYN:

S. 2449. A bill to extend and make technical corrections to the temporary suspension of duty on 4-chloro-N-[2-[3-methoxy-4-(2-propynyloxy)phenyl]ethyl]-2-(2-propynyloxy)benzeneacetamide; to the Committee on Finance.

By Mr. CORNYN:

S. 2450. A bill to extend the temporary suspension of duty on 1,3-benzenedicarbonitrile; to the Committee on Finance.

By Mr. CORNYN:

S. 2451. A bill to suspend temporarily the duty on mixtures of Paclobutrazol 2SC; to the Committee on Finance.

By Mr. CORNYN:

S. 2452. A bill to renew and make technical corrections to the temporary suspension of duty on paclobutrazol technical; to the Committee on Finance.

By Mr. CORNYN:

S. 2453. A bill to extend the temporary suspension of duty on phosphoric acid, lanthanum salt, cerium terbium-doped; to the Committee on Finance.

By Mr. CORNYN:

S. 2454. A bill to extend the temporary suspension of duty on mixtures or coprecipitates of yttrium oxide and europium oxide; to the Committee on Finance.

By Mr. CORNYN:

S. 2455. A bill to extend and modify the temporary reduction of duty on pigment preparations based on cerium sulfide or mixtures of cerium sulfide and lanthanum sulfide; to the Committee on Finance.

By Mr. CORNYN:

S. 2456. A bill to extend the temporary reduction of duty on potassium sorbate; to the Committee on Finance.

By Mr. CORNYN:

S. 2457. A bill to extend the temporary reduction of duty on sorbic acid; to the Committee on Finance.

By Mr. CORNYN:

S. 2458. A bill to extend the temporary reduction of duty on certain liquid-filled glass bulbs; to the Committee on Finance.

By Mr. CORNYN:

S. 2459. A bill to suspend temporarily the duty on bis(4-t-butylcyclohexyl)peroxydicarbonate; to the Committee on Finance.

By Mr. CORNYN:

S. 2460. A bill to suspend temporarily the duty on dilauroyl peroxide; to the Committee on Finance.

By Mr. CORNYN:

S. 2461. A bill to suspend temporarily the duty on didecanoyl peroxide; to the Committee on Finance.

By Mr. CORNYN:

S. 2462. A bill to suspend temporarily the duty on electric pneumatic airsoft rifles; to the Committee on Finance.

By Mr. CORNYN:

S. 2463. A bill to suspend temporarily the duty on Normal Paraffin M; to the Committee on Finance.

By Mr. CORNYN:

S. 2464. A bill to suspend temporarily the duty on 2-hydroxyethyl-n-octyl sulfide; to the Committee on Finance.

By Mr. CORNYN:

S. 2465. A bill to reduce temporarily the duty on arrangements of artificial flowers of man-made fibers; to the Committee on Finance.

By Mr. CORNYN:

S. 2466. A bill to reduce temporarily the duty on artificial flowers of man-made fibers assembled as floral stems; to the Committee on Finance.

By Mr. CORNYN:

S. 2467. A bill to suspend temporarily the duty on photomask blanks; to the Committee on Finance.

By Mr. CORNYN:

S. 2468. A bill to suspend temporarily the duty on sound-isolating earphones; to the Committee on Finance.

By Mr. VITTER:

S. 2469. A bill to extend the suspension of duty on DEMBB; to the Committee on Finance.

By Mr. VITTER:

S. 2470. A bill to renew the suspension of duty on Prodiamine; to the Committee on Finance.

By Mr. GRAHAM:

S. 2471. A bill to provide for the liquidation or reliquidation of certain entries of manufacturing equipment entered on or after October 21, 1998, and before July 10, 1999; to the Committee on Finance.

By Mr. GRAHAM:

S. 2472. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after March 21, 2006, and on or before June 20, 2006; to the Committee on Finance.

By Mr. GRAHAM:

S. 2473. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after July 7, 2004, and on or before July 12, 2006; to the Committee on Finance.

By Mr. GRAHAM:

S. 2474. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after September 7, 2005, and on or before August 15, 2006; to the Committee on Finance.

By Mr. GRAHAM:

S. 2475. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after November 3, 2004, and on or before September 14, 2005; to the Committee on Finance.

By Mr. GRAHAM:

S. 2476. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after April 19, 2006, and on or before August 23, 2006; to the Committee on Finance.

By Mr. GRAHAM:

S. 2477. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after April 13, 2004, and on or before December 28, 2004; to the Committee on Finance.

By Mr. GRAHAM:

S. 2478. A bill to provide for the liquidation or reliquidation of certain entries of truck tires entered on or after January 6, 2005, and on or before June 21, 2005; to the Committee on Finance.

By Mr. GRAHAM:

S. 2479. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mr. GRAHAM:

S. 2480. A bill to suspend temporarily the duty on certain hot feed extruding equipment used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Finance.

By Mr. GRAHAM:

S. 2481. A bill to suspend temporarily the duty on certain mold curing devices used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Finance.

By Mr. GRAHAM:

S. 2482. A bill to extend the temporary suspension of duty on sulfur black 1; to the Committee on Finance.

By Mr. GRAHAM:

S. 2483. A bill to extend the temporary suspension of duty on cyanuric chloride; to the Committee on Finance.

By Mr. GRAHAM:

S. 2484. A bill to extend the temporary suspension of duty on certain sawing machines; to the Committee on Finance.

By Mr. GRAHAM:

S. 2485. A bill to extend the temporary suspension of duty on certain machines for molding or forming pneumatic tires; to the Committee on Finance.

By Mr. GRAHAM:

S. 2486. A bill to extend the temporary suspension of duty on 2,6-Dichlorotoluene; to the Committee on Finance.

By Mr. GRAHAM:

S. 2487. A bill to extend the temporary suspension of duty on crotonic acid; to the Committee on Finance.

By Mr. GRAHAM:

S. 2488. A bill to suspend temporarily the duty on sodium hypophosphite; to the Committee on Finance.

By Mr. GRAHAM:

S. 2489. A bill to suspend temporarily the duty on 2-Chloro-6-(methylthio)toluene; to the Committee on Finance.

By Mr. GRAHAM:

S. 2490. A bill to extend and modify the temporary suspension of duty on certain machine tools for working wire of iron and steel; to the Committee on Finance.

By Mr. GRAHAM:

S. 2491. A bill to extend and modify the temporary suspension of duty on certain shearing machines; to the Committee on Finance.

By Mr. GRAHAM:

S. 2492. A bill to extend and modify the temporary suspension of duty on certain sector mold press machines; to the Committee on Finance.

By Mr. GRAHAM:

S. 2493. A bill to extend and modify the temporary suspension of duty on certain machinery for molding or otherwise forming rubber; to the Committee on Finance.

By Mr. GRAHAM:

S. 2494. A bill to renew the temporary suspension of duty on cobalt boron; to the Committee on Finance.

By Mr. GRAHAM:

S. 2495. A bill to renew and modify the temporary suspension of duty on ferroboron; to the Committee on Finance.

By Mr. GRAHAM:

S. 2496. A bill to suspend temporarily the duty on mixtures of tetrakis(hydroxymethyl)phosphonium chloride, polymer with urea, tetrakis(hydroxymethyl)phosphonium chloride, formaldehyde, and water/inters; to the Committee on Finance.

By Mr. GRAHAM:

S. 2497. A bill to provide for the liquidation or reliquidation of certain entries of manufacturing equipment entered on or after May 11, 1997, and before October 21, 1998; to the Committee on Finance.

By Mr. GRAHAM:

S. 2498. A bill to provide for the liquidation and reliquidation of certain entries of manufacturing equipment entered on or after May 11, 1997, and before October 21, 1998; to the Committee on Finance.

By Mr. GRAHAM:

S. 2499. A bill to provide for the liquidation or reliquidation of an entry of certain manufacturing equipment entered on February 9, 2002; to the Committee on Finance.

By Mr. GRAHAM:

S. 2500. A bill to suspend temporarily the duty on p-fluorobenzaldehyde; to the Committee on Finance.

By Mr. GRAHAM:

S. 2501. A bill to renew the temporary suspensions of duty on acetyl chloride; to the Committee on Finance.

By Mr. GRAHAM:

S. 2502. A bill to suspend temporarily the duty on Dianil; to the Committee on Finance.

By Mr. GRAHAM:

S. 2503. A bill to suspend temporarily the duty on nPBAL; to the Committee on Finance.

By Mr. GRAHAM:

S. 2504. A bill to suspend temporarily the duty on Primid XL-552; to the Committee on Finance.

By Mr. GRAHAM:

S. 2505. A bill to extend the temporary suspension of duty on 1,4-Benzenedicarboxylic acid, polymer with N,N'-bis(2-aminoethyl)-1,2-ethanediamine, cyclized, methosulfate; to the Committee on Finance.

By Mr. GRAHAM:

S. 2506. A bill to provide for the liquidation or reliquidation of certain entries of artificial foliage; to the Committee on Finance.

By Mr. GRAHAM:

S. 2507. A bill to suspend temporarily the duty on Primid QM-1260; to the Committee on Finance.

By Mr. GRAHAM:

S. 2508. A bill to reduce temporarily the duty on 4-ADPA; to the Committee on Finance.

By Mr. GRAHAM:

S. 2509. A bill to extend the temporary suspension of duty on Mixtures of N-phenyl-N-((trichloromethylthio)-benzenesulfonamide, calcium carbonate, and mineral oil; to the Committee on Finance.

By Mr. GRAHAM:

S. 2510. A bill to suspend temporarily the duty on Grilamid TR 90; to the Committee on Finance.

By Mr. GRAHAM:

S. 2511. A bill to suspend temporarily the duty on Grilbond IL 6-50°F; to the Committee on Finance.

By Mr. GRAHAM:

S. 2512. A bill to extend the temporary suspension of duty on certain manufacturing equipment; to the Committee on Finance.

By Mr. GRAHAM:

S. 2513. A bill to suspend temporarily the duty on himic anhydride; to the Committee on Finance.

By Mr. GRAHAM:

S. 2514. A bill to suspend temporarily the duty on o-Dichlorobenzene; to the Committee on Finance.

By Mr. GRAHAM:

S. 2515. A bill to suspend temporarily the duty on silver sodium hydrogen zirconium phosphate; to the Committee on Finance.

By Mr. GRAHAM:

S. 2516. A bill to suspend temporarily the duty on nonwoven diffusion media; to the Committee on Finance.

By Mr. GRAHAM:

S. 2517. A bill to suspend temporarily the duty on 2,2'-Dithioibisbenzothiazole; to the Committee on Finance.

By Mr. GRAHAM:

S. 2518. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mr. GRAHAM:

S. 2519. A bill to suspend temporarily the duty on certain tirebuilding machines used in the manufacture of extra-wide pneumatic truck and automobile tires, and parts and accessories thereof; to the Committee on Finance.

By Mr. GRAHAM:

S. 2520. A bill to suspend the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself and Mr. LUGAR):

S. Res. 328. A resolution commemorating the 20th anniversary of the fall of the Berlin Wall, the end of the division of Europe, and the beginning of the peaceful and democratic reunification of Germany; to the Committee on Foreign Relations.

By Mr. DORGAN (for himself, Mr. BAUCUS, Ms. COLLINS, Mr. CONRAD, Mr. SCHUMER, Mr. AKAKA, Mr. LUGAR, Mr. FRANKEN, Ms. MIKULSKI, and Ms. MURKOWSKI):

S. Res. 329. A resolution recognizing the month of October 2009 as "National Principals Month"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 118

At the request of Mr. KOHL, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 118, a bill to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 324

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 324, a bill to provide for research on, and services for individuals with, postpartum depression and psychosis.

S. 456

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 456, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop guidelines to be used on a voluntary basis to develop plans to manage the risk of food allergy and anaphylaxis in schools and early childhood education programs, to establish school-based food allergy management grants, and for other purposes.

S. 819

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KIRK) was added as a cosponsor of S. 819, a bill to provide for enhanced treatment, support, services, and research for individuals with autism spectrum disorders and their families.

S. 985

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 985, a bill to establish and provide for the treatment of Individual

Development Accounts, and for other purposes.

S. 1055

At the request of Mrs. BOXER, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Indiana (Mr. BAYH), the Senator from Michigan (Mr. LEVIN), the Senator from Oregon (Mr. WYDEN), the Senator from Indiana (Mr. LUGAR), the Senator from Texas (Mr. CORNYN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Nebraska (Mr. JOHANNES) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of \$20,000, 000 or more in Iran's energy sector, and for other purposes.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1234

At the request of Mr. LIEBERMAN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1234, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 1304

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1389

At the request of Mr. NELSON of Nebraska, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1389, a bill to clarify the exemption for certain annuity contracts and insurance policies from Federal regulation under the Securities Act of 1933.

S. 1481

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1481, a bill to amend section 811 of the Cranston-Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

S. 1521

At the request of Ms. KLOBUCHAR, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1521, a bill to amend titles XVIII and XIX of the Social Security Act to require provider payments under Medicare and Medicaid to be made through direct deposit or electronic funds transfer (EFT) at insured depository institutions.

S. 1524

At the request of Mr. KERRY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1524, a bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

S. 1538

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1538, a bill to establish a black carbon and other aerosols research program in the National Oceanic and Atmospheric Administration that supports observations, monitoring, modeling, and for other purposes.

S. 1624

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1624, a bill to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, and for other purposes.

S. 1628

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1628, a bill to amend title VII of the Public Health Service Act to increase the number of physicians who practice in underserved rural communities.

S. 1652

At the request of Mr. HARKIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1652, a bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part.

S. 1653

At the request of Mr. LEAHY, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1653, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 1703

At the request of Mr. DORGAN, the name of the Senator from Louisiana

(Ms. LANDRIEU) was added as a cosponsor of S. 1703, a bill to amend the Act of June 18, 1934, to reaffirm the authority of the Secretary of the Interior to take land into trust for Indian tribes.

S. 1713

At the request of Mr. REID, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1713, a bill to establish loan guarantee programs to develop biochar technology using excess plant biomass, to establish biochar demonstration projects on public land, and for other purposes.

S. 1792

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1792, a bill to amend the Internal Revenue Code of 1986 to modify the requirements for windows, doors, and skylights to be eligible for the credit for nonbusiness energy property.

S. 1832

At the request of Ms. LANDRIEU, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1832, a bill to increase loan limits for small business concerns, provide for low interest refinancing for small business concerns, and for other purposes.

S. 1833

At the request of Mr. UDALL of Colorado, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1833, a bill to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes.

S. 1834

At the request of Mr. AKAKA, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1834, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 1862

At the request of Mr. LIEBERMAN, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 1862, a bill to provide that certain Secret Service employees may elect to transition to coverage under the District of Columbia Police and Fire Fighter Retirement and Disability System.

S. 1938

At the request of Mr. ROCKEFELLER, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1938, a bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of

S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 210

At the request of Mrs. LINCOLN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

S. RES. 268

At the request of Mr. MENENDEZ, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. Res. 268, a resolution recognizing Hispanic Heritage Month and celebrating the heritage and culture of Latinos in the United States and their immense contributions to the Nation.

S. RES. 316

At the request of Mr. MENENDEZ, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 316, a resolution calling upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of Colorado (for himself, Mr. BINGAMAN, and Ms. MURKOWSKI):

S. 2052. A bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, I rise to speak about the role nuclear energy can play in moving our country toward a more secure energy future. For some, news that a Udall is speaking favorably about nuclear power will come as a stark and perhaps unpleasant surprise. But I also believe public and expert opinion on the risks and benefits of nuclear power has changed.

The environmental and energy security challenges that we faced in the 1970s, when that decade closed in the shadow of Three Mile Island, have

changed significantly. When my father Mo Udall campaigned for President in the New Hampshire primary in 1976—and the Presiding Officer remembers that era—and when he was asked about the controversial Seabrook nuclear facility, no one had climate change on their list of environmental concerns.

Today, more than 30 years on, we have a less parochial and more global view about the challenges of energy security, climate change, and the problems associated with carbon-based energy production.

Given the economic, national security, and environmental threats our current energy system creates, we need a comprehensive and cleaner national energy policy. In this regard, clearly, nuclear energy has emerged as an important player in our search for a stable and domestic energy source that has less greenhouse gas emissions.

A cleaner energy economy will spur innovation in and accelerate the shift to clean and domestic energy sources. It will create a new industrial sector, employing millions of Americans in the research, development, manufacturing, sale, installation and servicing of new energy technologies. And it will help reduce our dependence on foreign oil from unstable regions of the world.

Moreover, like it or not, we must address the climate challenge we face. My State of Colorado is already seeing the indirect impacts of carbon pollution in the form of a devastating bark beetle infestation that is killing our forests.

Looking beyond environmental concerns and as we face perhaps our greatest economic crisis since the Great Depression, we also need an “all of the above” solution to jump-start our economy. That means continuing our development of renewable energy sources such as wind, solar, and biomass, as well as traditional energy resources like coal and oil, and cleaner fuels like natural gas.

That also means we should continue to invest in energy efficiency and conservation technology. And that means that nuclear energy and new nuclear power plants must be a part of the mix.

As I said earlier, a growing number of skeptics and even opponents of nuclear power are taking a second look at this industry. I count myself among them, and these are some of the reasons why:

First, in the last few decades, the performance and safety record of nuclear plant operations in the United States has greatly improved. Safety is and always must be the No. 1 priority at nuclear facilities. There is always more we can do on safety, but the industry has built a good record and we should recognize that fact.

Then there are the environmental benefits to nuclear power. Unlike fossil fuel plants, nuclear plants do not emit appreciable amounts of sulfur dioxide, nitrogen oxides, mercury or particulate

matter. That means they cause less acid rain, as well as fewer asthma complications and other health ailments.

Further, nuclear plants release minimal amounts of carbon pollution. In fact, nuclear power plants are one of the few low-carbon, large-scale sources of baseload power that we know how to build today.

Let me note that carbon-capture and storage technologies at coal and natural gas plants could also potentially provide low-carbon baseload power at large scales too. And it is very important that we build these first commercial CCS plants and do all we can to develop economically viable carbon-capture and sequestration technologies.

I have long been a supporter of renewable energy and energy efficiency, and I will continue to be. But the scale of the energy changes we must make dictates that we be open to the widest variety of energy options, particularly those with domestic potential and those with cleaner emissions. In other words, there is no silver bullet that will solve all of our energy challenges; we are going to need, in the parlance of the West, silver buckshot. Examining all the pros and cons, I have come to the view that nuclear energy is a part of that silver buckshot.

I know there are many who remain skeptical of nuclear power, including good friends of mine. Nuclear power is not trouble-free. No energy source is. I hope we can all agree, however, on our clean energy goals: more jobs, greater energy security, and a cleaner environment for our children.

Supporters and opponents of nuclear power share another concern in common. Neither knows for sure how much new nuclear plants are going to cost. We have a new licensing process that has never been tested. We have not ordered a new nuclear plant in three decades. Many nuclear technology components, for at least the first wave of nuclear plants, will likely be manufactured in other countries, and the future cost of construction materials is unknown. These uncertainties, along with others, led the National Academy of Sciences to estimate that electricity from new nuclear plants would likely cost in the range of 8 to 13 cents per kilowatt hour, which is a considerable span. Given the large potential of nuclear energy, however, we need to build new nuclear plants over the next decade.

This first wave of new plants will go a long way toward telling us whether new plants can be built on budget and on schedule in the United States. I hope the answers are yes and yes, and that the final cost of electricity is at the lower end of the uncertainty range. I say this because if nuclear energy is to survive as a viable option, it will need to compete against other low-carbon technologies in the long run.

Some may object to the building of new nuclear plants before we have a

long-term solution to the question of what to do with nuclear waste. It is true we do not have a permanent solution right now. It is also true that the answers about the viability, both environmental and political, of Yucca Mountain as a permanent waste facility continue to elude us. I fully acknowledge that as a Member of the House of Representatives, I shared these concerns and voted accordingly. But uncertainty about a long-term and permanent solution to waste storage is not a reason to halt nuclear power. I am confident that we have the technical capabilities and knowledge to safely and responsibly store nuclear waste for the required time periods. This is not a technology problem. It is a challenge to find a fair and safe path forward, and I support the President's intention to appoint a blue ribbon commission to make such a recommendation.

In the meantime, dry cask storage provides a safe, proven option for at least 100 years. We have time to get this right, so let us not rush into anything out of a false sense of emergency.

Let me turn to another subject tied to nuclear power production, and that is reprocessing. It has been suggested that we should build commercial scale facilities in the United States to reprocess our spent fuel as France and Japan do. I do not believe that makes sense. Why? First, the French system of reprocessing is not a comprehensive waste management strategy, and so far the benefits from that approach have been fairly marginal. In other words, they have not solved their waste challenge with reprocessing. Secondly, we do not need to recycle spent nuclear fuel to enable the expansion of nuclear power in the United States and elsewhere. Uranium supplies are sufficient to support a worldwide expansion of nuclear power during this next century. Third, the international proliferation risk associated with reprocessing is a concern. The process used in France creates separated plutonium which could be diverted for weapons production. I do not want to see separated plutonium in any country but especially in those that are unfriendly to us. And we are in a weaker position to try and dissuade those countries from reprocessing if we are doing it ourselves.

My conclusion is that a near-term decision to deploy reprocessing facilities would be unwise and unnecessary. I do support research into advanced proliferation-resistant technologies, though none of those will be ready for deployment anytime in the near future. In general, our goal should be to keep nuclear power as low-cost and proliferation-resistant as possible.

To that end, today I am introducing a bipartisan bill, the Nuclear Energy Research Initiative Improvement Act of 2009. This bill, which is cosponsored

by Chairman BINGAMAN and Ranking Member MURKOWSKI, authorizes the U.S. Department of Energy to conduct research into modular and small-scale reactors, enhanced proliferation controls, and cost-efficient manufacturing.

We are going to be debating clean energy later this Congress. I know several of my colleagues on both sides of the aisle would like to see a strong nuclear title. I hope we can come to a reasonable compromise that advances nuclear power and allows us to finally put a price on carbon pollution. That will give the energy sector the certainty it needs to begin planning and building our clean energy future and to begin creating clean energy jobs.

Nuclear plants to date provide jobs for thousands of Americans, and new plants would provide thousands more. New plants would also generate millions in tax revenues for State, local, and Federal governments struggling with large deficits from the economic downturn. Nuclear power's energy security and environmental benefits have earned this industry an important place at the table. It is my hope we can build some nuclear plants over the next decade to create jobs and build a cleaner, more secure tomorrow.

I invite all of my colleagues, from both sides of the aisle, to join Senator BINGAMAN, Senator MURKOWSKI, and me in cosponsoring the Nuclear Energy Research Initiative Improvement Act of 2009.

One of my energy fellows, Matt Bowen, is leaving my office to join the Department of Energy. I thank Matt for his work in my office, including on the bill I am introducing today, and I wish him well at the Department of Energy. We have been well served as a country by Matt Bowen's patriotism and work ethic.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 2081. A bill to amend the Internal Revenue Code of 1986 to accelerate locomotive fuel savings nationwide and provide incentives for owners of high polluting locomotives to replace such locomotives with newly-built or newly-remanufactured fuel efficient and less polluting locomotives; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition to describe legislation I have introduced that will help businesses, sustain and create jobs, spur economic development for a struggling industry and benefit the environment.

The locomotive industry in the U.S. directly employs over 125,000 people and supports a wide-range of secondary industries which contribute to the locomotive manufacturing process through operations located around the country. This vital industry has experienced a significant decline in business over the past several years, which has

regrettably resulted in furloughs and layoffs. It is my understanding, though, that these circumstances are not due to a lack of demand for new locomotives, but rather, yet another symptom of our Nation's weak economy and insufficient capital among potential customers.

Accordingly, I along with my colleague Senator BOB CASEY, have introduced the Locomotive Fleet Investment and Tax Credit Act of 2009. This legislation will provide a tax credit for the acquisition of new and newly remanufactured locomotives, including freight, long-haul, passenger, and switch locomotives. The tax credit we have proposed is substantial but time-limited, so as to have the maximum impact in short order. The bill provides a tax credit of 30 percent of the purchase cost of a new or newly manufactured locomotive, but stipulates that the new locomotives must be placed in service before December 31, 2013, to qualify for the credit.

In addition to the economic impact, the Locomotive Fleet Investment and Tax Credit Act will also benefit the environment, as new and newly manufactured locomotives are typically more fuel efficient and emit fewer harmful pollutants. Moreover, new locomotive models are often more reliable and have better safety records. In short, it is in the best interest of operators, manufacturers and the general public to remove from the rails as many old, outdated rail cars as possible and replace them with new locomotives.

Our economy has suffered through a crisis of historic proportions, and though there are early signs of recovery, conditions are still grim. On October 2, 2009, the Department of Labor reported that national unemployment had risen to 9.8 percent, with the loss of 260,000 jobs in September and the total loss of 7.2 million jobs since the recession began. The rail industry and America's manufacturing base has been hard hit by the economic downturn and the Federal Government ought to help foster an environment in which these businesses can rebound and thrive once again. I am confident that our economy will indeed improve, and when it does, it is important that our country still has a robust capacity to manufacture locomotives domestically.

The Locomotive Fleet Investment and Tax Credit Act of 2009 will provide a much-needed boost to locomotive manufacturers, sustain and create jobs and help establish a safer, environmentally friendlier and more reliable rail industry.

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. 2095. A bill to amend the National Great Black Americans Commemoration Act of 2004 to authorize appropriations through fiscal year 2015; to the Committee on the Judiciary.

Ms. MIKULSKI. Mr. President, I rise today to reintroduce the National Great Black Americans Commemoration Act. I am proud to sponsor this legislation along with Senator CARDIN. African Americans have a rich history that must be cherished and remembered. This bill will honor African American leaders from across the country by helping to preserve their names, faces, and stories for generations to come.

This legislation will provide continued Federal assistance to expand exhibits and educational programs at the National Great Blacks in Wax Museum and Justice Learning Center in Baltimore, MD. Some of the memorialized figures are household names, like: Frederick Douglass, Dr. Martin Luther King, Jr., and President Barack Obama. Yet many more are unfamiliar, like the 22 African Americans who served in Congress in the 1800s. It is time we give these pioneers the recognition they deserve.

Maryland is proud to be home to so many important figures in African American history. From the dark days of slavery through the civil rights movement, Marylanders have led the way. The brilliant Frederick Douglass was the voice of the voiceless in the struggle against slavery. The courageous Harriet Tubman delivered 300 slaves to freedom on the Underground Railroad. The great Thurgood Marshall, a man who was no stranger to the restriction of educational opportunity, successfully argued the *Brown v. Board of Education* case before the Supreme Court, and later became a Supreme Court Justice himself. These three amazing individuals were Marylanders.

It is fitting that the national Great Blacks in Wax Museum and Justice Learning Center also calls Baltimore home. The museum and learning center is a popular and respected African American history museum. Approximately 300,000 people a year from around the country and the world visit the museum. Many are school children, who can see historical figures come to life in the museum's exhibits. Expansion will allow the museum to teach even more visitors about the important contributions of African Americans.

Private donors have contributed too. Now it is time for the Federal Government to reaffirm its commitment.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. GRASSLEY, Ms. MIKULSKI, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. MURRAY, Ms. SNOWE, Ms. LANDRIEU, Mrs. LINCOLN, Mr. VOINOVICH, Ms. CANTWELL, Ms. STABENOW, Ms. MURKOWSKI, Mr. PRYOR, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mrs. HAGAN, and Mrs. SHAHEEN):

S. 2129. A bill to authorize the Administrator of General Services to con-

vey a parcel of real property in the District of Columbia to provide for the establishment of a National Women's History Museum; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President. I rise to introduce the National Women's History Museum Act of 2009, a bill that would clear the way to locate a long-overdue historical and educational resource in our nation's capital city.

In each of the last three Congresses, the Senate has approved earlier versions of this bill by unanimous consent. I appreciate that past support, and I appreciate the cosponsorship today from 19 of my colleagues, Senators LIEBERMAN, GRASSLEY, MIKULSKI, BOXER, FEINSTEIN, MURRAY, SNOWE, LANDRIEU LINCOLN, VOINOVICH, CANTWELL, STABENOW, MURKOWSKI, PRYOR, MCCASKILL, KLOBUCHAR, GILLIBRAND, HAGAN, and SHEEHAN.

American women have made invaluable contributions to our country in government, business, medicine, law, literature, sports, entertainment, the arts, and the military. The need for a museum recognizing the contributions of American women is of long standing.

A Presidential commission on commemorating women in American history concluded that, "Efforts to implement an appropriate celebration of women's history in the next millennium should include the designation of a focal point for women's history in our Nation's capital."

That report was issued in 1999. A decade later, although Congress has commendably made provisions for the National Museum for African American History and Culture, the National Law Enforcement Museum, and the National Museum of the American Indian, there is still no institution in the capital region dedicated to women's role in our country's history.

The proposed legislation calls for no new federal program and no new claims on the budget. It would simply direct the General Services Administration to negotiate and enter into an occupancy agreement with the National Women's History Museum, Inc. to establish a museum on a tract of land near the Smithsonian Museums located at 12th Street, SW, and Independence Avenue, SW.

The National Women's History Museum is a nonprofit, non-partisan, educational institution based in the District of Columbia. Its mission is to research and present the historic contributions that women have made to all aspects of human endeavor, and to present the contributions that women have made to the nation in their various roles in family, the economy, and society.

This museum would help ensure that future generations understand what we owe to the many generations of American women who have helped build, sus-

tain, and advance our society. They deserve a building to present the stories of pioneering women like abolitionist Harriet Tubman, founder of the Girl Scouts Juliette Gordon Low, Supreme Court Justice Sandra Day O'Connor, and astronaut Sally Ride.

That women's roll of honor would also include a distinguished predecessor in my Senate seat, the late Senator Margaret Chase Smith, the first woman nominated for President of the United States by a major political party, and the first woman elected to both houses of Congress. Senator Smith began representing Maine in the U.S. House of Representatives in 1940, won election to the Senate in 1948, and enjoyed bipartisan respect over her long career for her independence, integrity, wisdom, and decency. She remains my role model and, through the example of her public service, an exemplar of the virtues that would be honored in the National Women's History Museum.

Again, I thank my colleagues for their past support of this effort, and urge them to renew that support for this bill.

By Mr. HARKIN:

S. 2149. A bill to suspend temporarily the duty on orthotoluidine.

Mr. HARKIN. Mr. President, the legislation I am introducing would suspend temporarily, through the end of 2011, the import duty on orthotoluidine, a chemical compound used by several U.S. companies in manufacturing an important agricultural herbicide used for crops including corn, soybeans, peanuts, and cotton. One of the manufacturing plants is a facility in Muscatine, IA, that employs 500 workers. Other U.S. companies use the compound in manufacturing dyestuffs, pigments, optical brighteners, and pharmaceuticals. This legislation is drafted and intended for inclusion in the miscellaneous tariff bill being assembled by the Committee on Finance.

Currently, there is only one U.S. manufacturer of orthotoluidine, and that company has already announced plans to end production of the compound by the end of this year. Manufacturers in the U.S. will soon have no choice but to import this ingredient and to pay a duty of 6.5 percent unless it is suspended. Suspending this duty will help to control U.S. production costs, keep jobs at home, and enhance the competitiveness of U.S. businesses, workers, farmers, and the communities in which they are located.

I encourage my colleagues to support this legislation.

By Mr. SESSIONS (for himself, Mr. LIEBERMAN, and Mr. BOND):

S. 2336. A bill to safeguard intelligence collection and enact a fair and responsible reauthorization of the 3 expiring provisions of the USA PATRIOT Improvements and Reauthorization

Act; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I sent to the desk earlier legislation that is cosponsored by myself and Senator JOE LIEBERMAN and Senator KIT BOND. In essence, it reauthorizes certain provisions of the PATRIOT Act which expire, if we do not act, on December 31 of this year. It is an important matter and I am proud to be working with the distinguished chairman of the committee that has oversight over homeland security, and Senator BOND, who is the ranking Republican on the Intelligence Committee and has worked on these issues for quite a long time.

I wish to be notified after 10 minutes, if you would, please.

In recent years, Federal agents have exposed a series of potentially devastating terrorist plots across our country. If successful, these planned attacks would have caused unthinkable harm and claimed the lives of countless Americans. In the years following 9/11, there have been constant attempts to strike again on American soil. There could have been a dozen 9/11's, perhaps, were it not for the skill and courage of those who labor in defense of our country and our countrymen, and were it not for the measures passed by this Congress that have finally given them the support and the legal and financial resources they need to combat the terrorist threat.

But unless Congress acts, these very measures will soon expire. Unless Congress acts, our agents will be stripped of some of the legal tools they have used to foil attack after attack on our homeland and to avert catastrophe time and again.

Three of the most critical national security provisions passed by this body must be renewed by December 31 of this year. Those provisions are found in the USA PATRIOT Act, which has played an essential part keeping our families and communities safe for these last 9 years. It at last gave the intelligence community the capabilities it needed to detect and deter terrorism inside our borders.

These capabilities have long been used in routine law enforcement, but could not be used in national security matters. Why would we not pursue terrorists with the same tools we can use to pursue drug dealers and mobsters?

Anyone who has followed the news in recent weeks knows just how vital these tools are. Four major terrorist plots have been foiled in the last 6 weeks—four in the last 6 weeks.

Just yesterday, we learned that two Chicago men were charged with plotting to attack the facilities and employees of a Danish newspaper that printed cartoons depicting the Islamic prophet Muhammad. The planned attack included weapons and explosives. According to reports, one of the men admitted working with a Pakistani

group which has been designated by our government as a foreign terrorist organization.

The government recently charged Najibullah Zazi with conspiring to use one or more weapons of mass destruction—specifically, explosive devices—against persons or property within the United States. The New York Times described the government's case against Mr. Zazi as “a set of damning accusations” that begin “with explosives training in Pakistan followed by purchases of bomb-making materials in Colorado, experiments in a hotel room, and a cross-country trip to New York, which the authorities feared might have been the target of his attack.”

According to reports, Mr. Zazi was in contact with senior al-Qaida operatives, including the leader of al-Qaida in Afghanistan. Attorney General Holder has described Zazi's plot as one of the worst since 9/11.

In another case, Hosam Maher Husein Smadi stands accused of conspiring to set off an explosive attached to a vehicle at the base of the 60-story Fountain Place office tower in Dallas, TX. In yet another case, Tarek Mehanna was charged with material support of terrorism related to a plot to kill U.S. troops in Iraq, assassinate top politicians, and gun down shoppers in U.S. malls.

But these attacks never occurred. They never occurred because we had the tools in place to prevent them and because of the untiring agents who carry out their noble, often thankless mission day after day. But out of an abundance of caution, Congress created a time limit on some of these investigative procedures and tools, and in 2006 those authorities were renewed because it was clear they were working and were needed.

It is worth noting that even though these authorities had not been abused by our hard-working terrorism officials, numerous revisions to them were made in 2006. Then, we reauthorized the provisions, while also strengthening civil liberties protections. That 2006 legislation was passed with overwhelming bipartisan support. It passed with 89 votes, among them our current President, who was a Member of the Senate; the Vice President, who was then a Member of the Senate; and the Secretary of State, who was then a Member of the Senate.

The PATRIOT Act is again up for renewal with three critical authorities set to expire. While we in the Judiciary Committee have been debating whether these expiring PATRIOT Act authorities should be approved for another 4 years, our agents are actively working hard to protect this country and its people from the constant threat of terrorism. Is there anyone in this Chamber who thinks that we should make it harder for our national security investigators to catch terrorists? Is there

anyone here who believes the American people want us to make it harder for our investigators to catch terrorists?

I know Chairman LEAHY has worked hard, as we all did, to try to come up with a PATRIOT Act reauthorization bill in the Judiciary Committee that could attract strong bipartisan support. I commend him for that effort. He really worked at that. We worked together at that. However, the bill that eventually emerged from the Judiciary Committee does not meet the key test for any national security legislation: first, do no harm. The bill reported by the committee would make the jobs of our national security officials more difficult. The Obama administration has raised serious misgivings about the legislation that passed out of the committee.

So, I think we need to make a fresh start. Let's go back and take the bill we voted so strongly for before, add the minor things that need to be added to it to make it better—to deal with recent court of appeals rulings—and then let's move that forward to make sure we get that done before the legislation expires on December 31.

The bill we introduced today represents the best parts of the legislation that emerged from the Judiciary Committee, the parts almost everyone agreed upon. I will go into some of these details later but would just say that I am honored to be able to participate in the filing of this legislation with two fine cosponsors, Senators LIEBERMAN and KIT BOND.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I am very proud to rise today to join with Senator SESSIONS, my friend from Alabama, in introducing this legislation to reauthorize provisions of the PATRIOT Act that will expire at the end of the year if we do not act. These are critically important provisions.

I was about to say something that may sound odd to say, which is that the PATRIOT Act got a bad name, which it did not deserve. It is hard to imagine that anything with the name “patriot” in it could have gotten a bad name. There may have been a lot of reasons for it—misunderstandings, maybe, frankly, suspicions of the previous administration. But on the merits, this legislation was critically necessary in the time after September 11. And as Senator SESSIONS has made clear, because of what seems to be an escalating series of threats to our homeland security from Islamist extremists using terrorism to attack us, these provisions are actually probably more critically necessary today than they have been in years past. But they have been critically important.

I say the PATRIOT Act got a bad name because of the three provisions

that our legislation—Senators SESSIONS, BOND and I—will continue to authorize, including the roving wiretap, business records provisions, and the so-called lone wolf provision.

When Senator SESSIONS goes into these in some detail in a few moments, I think anybody coming to the discussion with an open mind will see that these are very commonsense provisions. In fact, they are provisions that law enforcers in our country have today with regard to traditional crimes. And we are taking them and applying them to these kinds of investigations regarding terrorist threats against the United States of America.

The Judiciary Committee labored with very good intentions, brought a bill out that was a compromise and did get some bipartisan support, I gather, which I was pleased about. But it does, as Senator SESSIONS says, make some changes and it puts some pressure on the enforcement of these critical provisions of the PATRIOT Act that will weaken them, will undermine their effectiveness. And I think we should go for everything we can get here which has worked so well for the past years.

The fact is, we have seen a series—I want to come to this. I want to go back because there was mention—I said the PATRIOT Act got a bad name. There was a particular focus and concern in the library community and advocates for libraries—we all love libraries, and I myself have such memories of the role the public library in my hometown of Stamford, CT, played in my education—that somehow the government could break into libraries through the PATRIOT Act and check on what books people were taking out and compromise peoples' freedom of, I guess, intellectual pursuit, freedom of interests, if you will.

There was a lot of concern, a lot of debate back and forth. Finally, after some period of time in which the Attorney General refused to answer questions about how often that provision of the PATRIOT Act had been utilized, the Attorney General actually came forth—I forgot the circumstances—and said it had never been utilized, and it was cleaned up, and that is not in effect anymore.

Now a new administration—President Obama, Attorney General Holder—changed, different parties, in some sense different perspectives, but yet the President and the Attorney General took a sensible and I would say unbiased look at the challenge they faced from terrorism in this country and then looked at the provisions of the PATRIOT Act and said: We need it. It is fair. It is constitutional. It does not deprive people of rights. And more to the point, it will be critically useful in stopping the extremists and the terrorists from depriving people not only of their rights here in America but of their lives.

The PATRIOT Act provisions in question here have been a critical part of, I would say, a remarkable, impressive improvement in the capacity of the U.S. Government to stop terrorism, this unconventional enemy we face which aims to attack and kill Americans and, indeed, to undermine if not to defeat our fundamental way of life, our freedom, our values, our diversity, our tolerance.

We have seen, since 9/11, I am proud to say facilitated or encouraged by some legislation we passed, the Department of Homeland Security created, the 9/11 Commission Report, reforming the intelligence community, the Department of National Intelligence.

Probably one of the great unsung national assets we have, something called the National Counterterrorism Center, exists outside of Washington. It is a facility in which all of the relevant agencies of the Federal Government are there side by side 24/7, 365 days a year sharing information, connecting the dots. What did we all say after 9/11 and after the Commission Report? We had a lot of information in different places in the Federal Government; that if it had been brought together in one place, I personally think we would have stopped 9/11, the murder of 3,000 people on American soil. We did not have it together. But now those places exist—NCTC, the National Counterterrorism Center; the tremendous work by our intelligence community, by our military community, by our law enforcement community, working together cooperatively and cooperating with foreign intelligence, law enforcement and military communities.

The FBI has created and beefed up a counterterrorism division that I think has become the best in the world. And it is what makes the arrests that have occurred, a series of events, the ones Senator SESSIONS mentioned, the Zazi case—Najibullah Zazi, Afghan from birth, came here, permanent legal resident—this is the nightmare case—becomes radicalized, commits himself to Islamist extremism, goes over to Pakistan and connects with the highest levels, allegedly, of al-Qaida, receives training. One presumes—we do not know—he was directed or encouraged to do the things he came back here to do and started to work to put together, to acquire, according to the indictment, the material to explode several bombs in New York City, which would have done devastating damage.

The slightest bit of evidence—I am not compromising anything, but you might say metaphorically, Zazi appeared on one screen, a shred of evidence about him, and it alarmed some of our law enforcement people, and all of the resources of our government—foreign intelligence, American intelligence, CIA, DNI, FBI, Department of Homeland Security, local law enforcement—came together with that little

piece to build a picture that helped us to follow him and find him and stop him before he was able to do terrible damage in New York City. Do you know what else helped with that? The PATRIOT Act. It has helped in so many of these cases we stopped. There has been a ring of them this year.

Earlier, about a month ago in our Homeland Security Committee, Senator COLLINS and I convened a hearing on the state of homegrown terrorism and our efforts to stop it. We had the Secretary of Homeland Security, the head of the National Counterterrorism Center, and the head of the FBI. As my last question, I kind of said it wide open to each of them: Tell me the one thing Congress could do to help you do the extraordinary, critically important, life-and-death work you are doing to prevent terrorist attacks against the United States. You might say I was giving them a blank check. Frankly, I thought they would say: We need more money for this program or that program.

When we came to Bob Mueller, the Director of the FBI, he gave a simple answer to the question: What is the one thing Congress could do to help you continue to do the extraordinary work you and the rest of our American team are doing to stop terrorist attacks. Director Mueller said: Reauthorize the PATRIOT Act. Without it, without those three simple provisions—lone wolf, roving wiretaps, and the business record provisions—we will not be able to do the job you want us to do.

This is so critical to our security that we should settle for nothing less than exactly the best. The Department of Justice recently submitted a letter urging renewal of the expiring PATRIOT Act provisions and emphasized the importance of us not doing anything “to undermine the effectiveness of these important authorities.” Despite the clear admonition—you might say plea—from the Obama administration and the Department of Justice, those who use these tools to keep us safe, I am concerned that proposals to impose some new requirements and restrictions on the FBI's ability to use these tested, existing PATRIOT Act authorities and national security letters will diminish the ability of the law enforcement community to protect us from these terrorist attacks.

As an individual Senator from Connecticut, as a Senator privileged to serve as chairman of the Homeland Security Committee, I am proud to join with Senators SESSIONS and BOND in introducing this clean, total reauthorization of the expiring PATRIOT Act provisions and urge my colleagues to support swift passage of this simple, proven, and vitally important legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, our intelligence community should never be

forced to question whether our priority is protecting America's safety or protecting the privacy of terrorists. This bill makes clear to intelligence professionals that keeping our Nation safe is their highest responsibility and assures they have the tools needed to get the job done. That is why I am so pleased to join with my colleagues, Senators LIEBERMAN and SESSIONS, in reauthorizing three FISA provisions—lone wolf, wiretap, and section 215—which would otherwise expire.

This legislation we have introduced today, without change, reauthorizes these three national vital security tools for 4 more years. While I believe each of these tools should be made permanent and Congress plays a dangerous game with national security every time we impose arbitrary sunsets, it is essential that the community's ability to collect lifesaving foreign intelligence should continue unimpeded.

Our bill also makes conforming changes to the disclosure requirements for national security letters in light of the Second Circuit's decision last year. These issues are so critical and so urgent to our well-being and security as a nation, nothing else will matter, even the current health care debate, if we fail in national security.

I have spoken before on this floor about the need for President Obama to make a decision about Afghanistan. I will not repeat those points today. But as our military, intelligence, and law enforcement professionals defend the United States and its allies in Washington, there is an effort afoot to make this fight much harder than it needs to be.

The U.S. PATRIOT Act and the Intelligence Reform and Terrorism Prevention Act were passed overwhelmingly in the aftermath of the September 11 terror attacks. For years, terrorism was treated as a law enforcement matter.

Our Nation responded to terrorist attack after terrorist attack, to the deaths of our servicemembers and embassy personnel, with indictments and arrest warrants. As Congress failed to give our intelligence operators the tools they needed to act quickly, our terrorist enemies became even more emboldened and determined to strike our homeland. September 11 was a wake-up call.

Our driving mission appropriately, after that, became prevention and disruption of terrorist attacks at home against our troops overseas and against our allies. That is why the legislation we passed provided the necessary tools. In 2005, the PATRIOT Act was reauthorized with minor changes, but three FISA provisions remained subject to sunset. Here is an opportunity for us to reauthorize these three vital provisions. There is little disagreement among people who know that these

provisions should and must be reauthorized.

FBI Director Mueller testified before the Judiciary Committee that each is important to the FBI's work in national security and criminal investigation. But because of the enhanced information sharing rules and procedures, other community entities, such as the Counterterrorism Center, are often dependent upon information collected under these authorities. Their loss would adversely impact their ability to analyze and share important national intelligence information. As an example, if the FBI obtains a court order under FISA for a roving wiretap targeting a terrorist subject in New York, foreign intelligence information obtained there may be shared with the CIA, enabling them in turn to target associates overseas.

Events over the past few months underscore the importance of giving the FBI and other agencies all the tools and authorities they need to stay ahead. From the disrupted terror plots in New York and Colorado to those in Illinois, Texas, and North Carolina, we have seen firsthand why the FBI must have the flexibility to get the information they need as quickly as possible to prevent these attacks.

The benefit of our intelligence collection authorities, however, does not just benefit our own citizens. Just as overseas terror threats may impact our safety, threats posed by some within our country do not always end here. We learned two men in Chicago were conspiring with associates to commit terrorist attacks in Denmark. This case is a good example of how FISA authorities can save lives in allied countries. There is a belief among some that as long as the intelligence community eventually gets the information it needs, time is not of the essence. That is not true. Timing was everything, whether it was introducing an undercover agent to a target at the right moment or conducting surveillance at the right time. No intelligence collector is going to say that getting the same information 3 weeks later is good enough.

I cannot comment on specific tools that were used in foiling all of these plots. We know both from public and classified testimony and information that the tools provided that we are authorizing today have been invaluable to our efforts to stay ahead of the terrorists. As I mentioned earlier, the FBI's ability to obtain a roving wiretap under FISA will end this year unless Congress acts.

According to Director Mueller, the FBI has used the authority 140 times in the past 5 years. The ability to track terrorists even when they repeatedly use and dump their cell phones to avoid interception is, as Director Mueller testified, "tremendously important." He also noted with all the new tech-

nology, it is nothing for a target to buy four or five cell phones and use them in quick succession. I couldn't agree more.

Our enemies know our laws better than some of us do. They understand the hoops and hurdles government must clear to catch up or stay ahead. Roving wiretap authority sends a clear message that the time-honored trick of frequently changing a cell phone will not work like it used to.

Obtaining a roving wiretap requires, first and foremost, that the FBI establish probable cause that the target is an agent of a foreign power. Some critics of this provision claim it allows the FBI to avoid meeting this standard as surveillance moves from phone to phone. That is not true. Each wiretap application is approved by a FISA Court judge. If a target changes his cell phone and the FBI moves to surveil the new phone, the court is notified. All of the protections for U.S. person information that apply to any other FISA wiretap also apply to roving wiretaps.

In short, while the authority is a tremendous asset for the FBI, it poses no additional civil liberties concerns. It should be renewed.

On business records, over the past 5 years, a rallying cry against these measures has centered on section 215, allowing the FBI to obtain business records such as hotel information or travel records upon a showing of the requisite burden of proof to a FISA Court judge. We have heard time and again the FBI is using this authority to spy on people's reading habits at the local library. This is simply highly charged rhetoric not supported by facts. While the FBI has used section 215 more than 250 times in the past 5 years, no library records have been obtained. But we do know that terrorists and their associates have used library Internet access to communicate with each other and, in the appropriate case, the FBI must have the ability to obtain any relevant records relating to that usage.

Congress should not pass any legislation that would allow terrorists to use libraries or any other public facility as a safe haven for their illegal activities. If we did that, guess where all the terrorists would congregate. Do you want them all in your libraries? I don't think so.

The inspector general of the Department of Justice conducted several audits of the FBI's use of section 215 and found no abuse of authority. These audits also considered the time it takes for the FBI to obtain a 215 order. The Director has testified that business records sought by terrorism investigations by the FBI are "absolutely essential to identifying other persons who may be involved in terrorist activities." The records obtained under this authority are no different from what the FBI could obtain in a criminal investigation using grand jury subpoena

authority. There is rarely any delay in obtaining a grand jury subpoena. DOJ should strive to ensure that section 215 court orders are obtained in a timely and expedient manner.

Given the vital information that can be obtained, I have asked the DOJ to take steps necessary to minimize future delays. As with roving wiretap authority, I believe section 215 has adequate measures already built in to ensure that the private interests of U.S. persons are protected. I have not heard any reasonable critique of this authority, and I believe it should be authorized without changes, without delay.

The sole expiring provision that has not been used by the FBI is the lone wolf definition of an agent of a foreign power, prompting some critics to demand its repeal. Under this definition, the FBI can obtain a FISA Act search or electronic surveillance against a non-U.S. person who is not readily identifiable with a particular foreign power.

We all should be familiar with the story of Zacarias Moussaoui, the 9/11 coconspirator who was identified prior to the 9/11 attacks. But the FBI could not connect him with a particular terrorist organization and, therefore, did not submit a formal request for a FISA search order. We know Moussaoui was ultimately convicted in the Eastern District of Virginia and is now serving a life sentence for his part in the 9/11 conspiracy.

If FISA had included a lone wolf provision, the FBI could have searched his belongings and possibly gained advanced intelligence about the 9/11 plot. Once again, Director Mueller has emphasized in his recent testimony that the FBI must retain the ability to target an individual who cannot be specifically tied to a particular foreign power. The Director specifically cited the Moussaoui case as a prime example. We should never again take the risk that another Moussaoui will be identified by the FBI but escape scrutiny to prevent an attack because he could not be tied to a specific terrorist organization.

I see the "lone wolf" provision as a necessary tool that will only need to be used in limited circumstances. It is kind of like those "in case of emergency, break glass" boxes that cover certain fire alarms and equipment. We need to keep these tools available for the rare situations where they would be needed.

As I mentioned earlier, the Senate Judiciary Committee reported a PATRIOT Act reauthorization bill that makes a number of changes to section 215 authorities and other national security tools. I believe the Judiciary bill is deeply flawed, and I hope my colleagues will listen carefully and support our bill instead. There will be ample time down the road to lay out in detail all my objections to the Judici-

ary bill, but let me just make a few key points.

I disagree strongly that there should be a first time ever sunset for national security letters. It is irresponsible to risk letting the law revert back to pre-9/11 status, where NSLs were largely underutilized because the burden of proof and approval levels were too high for an investigative tool.

The so-called abuses that are so often cited were actually related to something called exigent letters. Exigent letters are essentially a request to third parties, usually phone companies or Internet service providers, for immediate access to records, contingent upon a promise to provide a grand jury subpoena or a national security letter promptly.

It is important to understand that these exigent letters are not national security letters or grand jury subpoenas. While there is statutory authority for carriers to voluntarily provide the FBI with the contents of the communication if the carrier has a good-faith belief that an emergency involving death or serious physical injury requires disclosure of the communication without delay, the DOJ IG found that these exigent letter requests were issued on a routine, rather than an exigent, basis.

Interestingly, the people relying on the now corrected exigent letter problem to justify their proposed restrictions on NSLs are not calling for similar restrictions to be placed on grand jury subpoenas. They know better than to try that because there would be immediate and overwhelming objections from the Department of Justice and nearly every U.S. attorney in the country. We cannot go back to pre-9/11 days, when national security investigative techniques were significantly more difficult to use than ordinary criminal investigative techniques.

Setting aside the problems with the exigent letters, I have said, time and time again, that the errors identified by the DOJ IG were almost exclusively administrative. The FBI has acted quickly to correct these errors, and we should not respond by hamstringing their investigations.

I also disagree with requiring minimization procedures for both pen registers/trap-and-trace devices and NSLs. The FBI has been clear about the operational harm that will likely result if minimization procedures are required for the type of preliminary data, such as telephone toll records, obtained by these tools.

Aside from the basic problem of how the FBI would even go about minimizing this type of information, I do not see why it is necessary. We certainly would never impose these types of restrictions on grand jury subpoenas or other types of administrative subpoenas.

Supporters claim we need minimization procedures to protect U.S. per-

sons, but they conveniently overlook the fact that the records we are talking about here are in the hands of third parties and are not entitled to the same type of protections that other information is subject to.

The constitutional protections were discussed in *Smith v. Maryland*, and the Supreme Court held we simply do not have a reasonable expectation of privacy with respect to these sorts of third-party records.

Ironically, because the FBI cannot tell from the type of information obtained by these tools if someone is a U.S. person, they would actually have to do more investigation and be more intrusive before figuring out whether the information should be minimized.

Finally, I have significant concerns about the change the Judiciary Committee bill makes to the notification period for sneak-and-peak search warrants—down from 30 to 7 days. These warrants, which are approved by a court upon a finding of probable cause, are an important tool in drug and certain terrorism cases. We know from the DEA, they would agree—that 7 days is not enough time before giving a target notice that a search was carried out. In a terrorism investigation, likely involving many overseas associates and evidence, it is unreasonable to have to disclose the investigation within a week, when other activities connected to that may be just beginning to be collected.

Depending on the type of information recovered from a search, testing and analysis may not even be done within 7 days. Are we going to risk blowing these investigations because of a random conclusion that 30 days is too long? I understand the government can ask for more time after the 7 days, but we do not have unlimited resources. We should not make our law enforcement agencies jump through more hoops when a court has already found that a search is proper in the first place.

I have other concerns about this bill, including the wisdom of a separate standard for library records, which I view as an even greater invitation for terrorists to use libraries to communicate with each other, and new reporting and auditing requirements. I have to wonder what additional administrative burdens these requirements will put on the FBI at the same time they are trying to focus on preventing and disrupting further attacks on our Nation.

Because of the significant operational concerns raised by the Judiciary Committee's bill, I believe that it should not be considered by the full Senate until the Intelligence Committee—as a whole—has had the opportunity to consider its implications for our national security, after hearing from Director Mueller about the impact of this entire bill on FBI operations.

There are many issues about the Judiciary bill—both classified and unclassified—that need to be addressed. The best venue in which to do that is the Intelligence Committee. Don't forget that three of the five crossover members from the Intelligence Committee voted against the Judiciary Committee bill. I would hardly call that a ringing endorsement. I believe full consideration by the Intelligence Committee would greatly improve the measures we will be acting on, on the floor.

Unfortunately, my efforts to give the Intelligence Committee the opportunity to weigh in on the Judiciary bill have thus far been unsuccessful. But at the same time, we cannot risk letting these crucial authorities lapse. For that reason, I have decided to cosponsor the legislation we are introducing today because, under this bill, I can categorically state it will have no provision that will have an adverse impact on intelligence community activities or operations.

It is not insignificant, in my opinion, that the bill we are introducing today is cosponsored by the chairman of the Homeland Security Committee, the ranking member of the Judiciary Committee, and by me, as vice chairman of the Intelligence Committee.

Each of these committees has a role to play in safeguarding our domestic security. Chairman LIEBERMAN, Ranking Member SESSIONS, and I all understand the stakes in failing to reauthorize these expiring provisions are high. The stakes in adding new and flawed provisions or creating unreasonable burdens are just as high. It serves no legitimate purpose to give the FBI or any other law enforcement or intelligence agency tools that are rendered ineffective because Congress imposes arbitrary conditions without fully appreciating their ramifications.

The sponsorship of this legislation is also noteworthy because it sends a clear and loud message that giving our law enforcement intelligence professionals the authorities and tools they need to keep the country safe is not and should not be a partisan issue.

In the last Congress, we saw firsthand the negative impact of partisanship and pandering to extreme special interests. The FISA Amendments Act was supported by a strong bipartisan margin out of the Senate Intelligence Committee. Unfortunately, as the bill wound its way through the Senate and eventually the House, it became a political football. As a result, we came too close for comfort to losing the intelligence collection authorities we had worked hard to preserve.

I am hopeful we can avoid similar partisanship and political interests to take over what should be a straightforward legislative process. The surest way of doing that is to pass the bill we introduce today.

For years, we have hammered away at the notion that there should be

walls between criminal and national security investigations. We have embraced the idea that the same tools that are used to capture drug dealers and child molesters should be available to track terrorists and spies. While the idea has been generally accepted, the execution has been lacking. Our laws still impose unnecessary divisions between administrative and grand jury subpoena authority and national security letters. Those divisions are exacerbated by the Judiciary Committee bill, which imposes new unheard of requirements on national security letters and the FISA pen register/trap-and-trace information.

Over the past 8 years, Congress has placed heavy demands on the FBI to be a full participant in the intelligence community. While the transportation has not been without some hiccups, they have come a long way since the days leading up to 9/11, when the word "FISA" was foreign to much of the rank and file FBI.

Now is not the time to saddle them with additional administrative burdens or to impose conditions on the use of certain tools so drastic they become useless. There are so many current and clear-cut examples of domestic terror threats before us. I have to wonder why anyone thinks this would be a good time to experiment with the vital authorities used to keep us safe.

The legislation we are introducing today will ensure our intelligence and law enforcement professionals can continue doing what they do best, without any additional restrictions. Our Nation has been fortunate not to have suffered a sequel to the 9/11 attacks. Some may call it luck, but much of the credit goes to the dedicated work of our intelligence and law enforcement professionals and the availability of these tools that we are reauthorizing in this bill.

We owe our thanks to the personnel who use them. We also owe them the recognition that their jobs are as difficult as they are, and we should not be taking any steps that will make their profound responsibility to protect this country any more difficult. That is why I urge my colleagues to support this measure.

I thank my cosponsor and our lead sponsor.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator BOND for his thorough analysis of the legislation that came out of the Judiciary Committee, and for bringing to bear on these great issues his vast experience as vice chair of the Intelligence Committee and his commitment to national security and protecting this country.

He and Senator LIEBERMAN represent the best of this body. They have the ability to cut through "flapdoodle" and

to get to the heart of matters, and I appreciate so much their leadership.

Senator LIEBERMAN, the Chairman of the Homeland Security Committee, has been so involved in all of these matters. From the beginning, he tried to identify, as the 9/11 Commission did, the deficiencies in our system and tried to work toward a new way of doing business—all consistent with our great heritages of liberty and civil rights.

I do think it is important to recognize that when Senator LIEBERMAN asked the Director of the FBI: Is there one thing that we can do to help you do your job, the Director's answer was: Reauthorize the PATRIOT Act.

The bill we are introducing today represents the best parts of the legislation that emerged from the Judiciary Committee—the parts almost everyone agreed upon. Our bill renews the three expiring PATRIOT Act authorities: the rolling wiretaps authority, the business records provision, and the "lone wolf" section of the Intelligence Reform and Terrorism Prevention Act of 2004. Our bill also fixes a deficiency in the procedure for challenging the non-disclosure requirements of a key national security tool, the national security letter.

Section 206, the roving wiretap provision, is a commonsense tool that is absolutely necessary in this day and age. It gives our agents the ability to monitor a terrorist's phone call, even when he switches phones. Director Mueller told the Judiciary Committee this authority was extremely important, considering how easy it is for terrorists to switch cell phones.

Without this authority, a terrorist would be able to switch phones and defeat any order an investigator might have to wiretap a certain telephone. As agents run back and forth to court to get repeated permissions to monitor telephone numbers, the suspect is able to avoid surveillance.

Let me note that, in 1986, Congress approved a roving wiretap statute for domestic law enforcement. As Senator BOND and Senator LIEBERMAN said, so many of the provisions in the PATRIOT Act had already existed in the law for regular federal criminal investigations.

But it did help to create a system where national security matters could be handled expeditiously before the FISA Court, a Federal court that is experienced in these types of cases. The FISA Court maintains confidentiality without the possibility of leaks, and is readily advised on all the relevant case law involving terrorism matters.

So that is how the system works, and I think it is not at all unusual what we are proposing to do here in this bill.

Section 215—which my colleagues have referred to as the business records provision—allows agents and other Federal investigators to ask the FISA Court for permission to get certain

business records. Generally, these records would be in the possession of third parties, not the individual himself or herself. Examples would include records in the possession of a phone company, hotel records, bank records, or car rental information. How important is that in a terrorism investigation? It can be absolutely critical because, for instance, terrorists often use cell phones and rental cars.

This is the type of information for which people have a diminished expectation of privacy. These are not their records, they are the rental car company's records. These are not their telephone toll records, they are the phone company's records. Everybody at the phone company or the car rental agency has access to these records. These records are not secret in the same way as something in your desk, in your home, or in your car, which would require the use of a search warrant to be obtained by law enforcement. That is why subpoenas have been issued for these types of records for years. The Drug Enforcement Administration can issue administrative subpoenas right now to obtain many of these types of records, including bank records and telephone toll records. These can be obtained by the Drug Enforcement Administration without any court approval at all.

So I want my colleagues to know that the allegation that the PATRIOT Act represents an unprecedented transfer of power to the national security investigators who are trying to protect us from terrorist attacks is not correct. The way things work in reality is that private banks, telephone companies, and motels would be perfectly willing to give records to investigators, and indeed they used to do that in days past without any subpoena because these records belong to them. But lawyers have gotten into it, and these entities have gotten worried. So very frequently today hotel chains and other companies expect a subpoena before they can turn over records pertaining to their customers. That is what section 215 is designed to deal with.

When investigating terrorism, time can be critical. Section 215 allows a court to order a company to turn over records in its possession. This key information is usually not in the possession of person under investigation, but in a third party's possession. Section 215 merely allows a court to order a business to do what is legally permitted to do anyway: help our officials pursue and catch terrorists. This is very similar—almost identical—to grand jury subpoena authority, which has been used by Federal prosecutors, State prosecutors, State attorneys general, county attorneys, and Federal investigators routinely for decades. This is not some sort of collapse of American freedoms and liberties.

The "lone wolf" section of the Intelligence Reform and Terrorism Preven-

tion Act of 2004 is a commonsense provision we need to continue the fight against terrorists in the 21st century. Even though it has not been used yet, it is there to defend against a very real possibility, like the Moussaoui matter Senator BOND made reference to. It deals with the rogue terrorist who is not linked to a larger terrorist group, or at least where there is no proof of that link at a given time. In the past, the law required that national security agencies show a connection between the terrorist and a terrorist group or foreign power in order to monitor him. This could cause a problem if a terrorist or a foreign agent left a terror group, perhaps because of a dispute. Let's say you have a lawful, court-approved wiretap and the individual being monitored says on it: You are not aggressive enough. You are too timid. I want to blow up this building in Washington, DC; you don't. Count me out. I am no longer a part of your group.

Well, since this suspect would be disconnected from a terrorist organization, under previous law he would not be subject to key national security surveillance techniques. So, you can have a "lone wolf" under certain circumstances. In the Moussaoui case, investigators were not able to get a search warrant for his computer because it was felt that there was not sufficient proof that he was connected to a specific terrorist organization. This was even though Moussaoui's own activities created so much danger that an FBI lawyer went to great lengths to try to get approval to get that search warrant, but ultimately failed to do so. Had that search warrant been approved and that computer examined, many think 9/11 may not have occurred.

This "lone wolf" provision has had bipartisan support in the past. It was originally authored by Senator SCHUMER, our Democratic colleague from New York. It is a commonsense way to deal with this very real issue and should be reauthorized without delay.

Finally, our bill fixes the problem found by the U.S. Court of Appeals for the Second Circuit in the case of *Doe v. Mukasey*. That case addressed the legal standard courts use to review nondisclosure requirements: for example, where a motel would be required not to tell a terrorist staying there that it has given records to the FBI. The Second Circuit held that the legal standard at issue was too deferential to the government. Our bill would fix this problem in the same manner, almost word for word, as the legislation that emerged from the Judiciary Committee in the past few weeks. In other words, we have given more protection to civil liberties, as the court suggested.

So as the recent slew of terrorism arrests makes so painfully clear, the threat of violent Islamic extremism is severe and ongoing. We cannot afford

to let our guard down for a single moment. The threat is too great and too real and the stakes too high.

Our agents risk their lives every day to investigate terrorist plots and prevent another attack against the United States. Congress must move with the same urgency to reauthorize these lifesaving provisions before they expire. I believe this bipartisan bill is basically the same bill as we approved before and provides a commonsense and non-controversial path to a timely reauthorization, and I hope my colleagues will support it. We simply need to get busy and get this work done.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "USA PATRIOT Reauthorization Act of 2009".

SEC. 2. USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT SUNSET PROVISIONS.

(a) IN GENERAL.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1805 note, 50 U.S.C. 1861 note, and 50 U.S.C. 1862 note) is amended by striking "2009" and inserting "2013".

(b) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 601(a)(1)(D) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(1)(D)) is amended by striking "section 501;" and inserting "section 502 or under section 501 pursuant to section 102(b)(2) the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1861 note);".

(2) APPLICATION UNDER SECTION 404 OF THE FISA AMENDMENTS ACT OF 2008.—Section 404(b)(4)(A) of the FISA Amendments Act of 2008 (Public Law 110-261; 122 Stat. 2477) is amended by striking the period at the end and inserting ", except that paragraph (1)(D) of such section 601(a) shall be applied as if it read as follows:

"(D) access to records under section 502 or under section 501 pursuant to section 102(b)(2) the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 50 U.S.C. 1861 note);".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on December 31, 2013.

SEC. 3. EXTENSION OF SUNSET RELATING TO INDIVIDUAL TERRORISTS AS AGENTS OF FOREIGN POWERS.

(a) IN GENERAL.—Section 6001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note) is amended to read as follows:

"(b) SUNSET.—

"(1) REPEAL.—Subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)), as added by subsection (a), is repealed effective December 31, 2013.

"(2) TRANSITION PROVISION.—Notwithstanding paragraph (1), subparagraph (C) of section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)(1)) shall continue to apply after December 31,

2013 with respect to any particular foreign intelligence investigation or with respect to any particular offense or potential offense that began or occurred before December 31, 2013.”

(b) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Section 601(a)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(a)(2)) is amended by striking the semicolon at the end and inserting “pursuant to subsection (b)(2) of section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 50 U.S.C. 1801 note);”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on December 31, 2013.

SEC. 4. JUDICIAL REVIEW OF NATIONAL SECURITY LETTERS.

Section 3511(b) of title 18, United States Code, is amended to read as follows:

“(b) NONDISCLOSURE.—

“(1) IN GENERAL.—

“(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 436), wishes to have a court review a nondisclosure requirement imposed in connection with the request or order, the recipient shall notify the Government.

“(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant request or order. An application under this subparagraph may be filed in the district court of the United States for any district within which the authorized investigation that is the basis for the request or order is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

“(C) CONSIDERATION.—A district court of the United States that receives an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

“(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof under this subsection shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific facts indicating that, absent a prohibition of disclosure under this subsection, there may result—

“(A) a danger to the national security of the United States;

“(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(C) interference with diplomatic relations; or

“(D) danger to the life or physical safety of any person.

“(3) STANDARD.—A district court of the United States shall issue a nondisclosure requirement order or extension thereof under this subsection if the court determines, giving substantial weight to the certification

under paragraph (2) that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period will result in—

“(A) a danger to the national security of the United States;

“(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(C) interference with diplomatic relations; or

“(D) danger to the life or physical safety of any person.”.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 328—COMMEMORATING THE 20TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL, THE END OF THE DIVISION OF EUROPE, AND THE BEGINNING OF THE PEACEFUL AND DEMOCRATIC REUNIFICATION OF GERMANY.

Mr. KERRY (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 328

Whereas, between 1945 and 1961, more than 2,500,000 people, or 15 percent of the total population of the German Democratic Republic (referred to in this preamble as “East Germany”), left the country to pursue economic opportunity and enjoy the benefits of liberty and political freedom in the Federal Republic of Germany (referred to in this preamble as “West Germany”) and other countries;

Whereas, at midnight on August 13, 1961, East Germany sealed its border with West Berlin and began construction of a 100-mile barrier that would later include bunkers, watchtowers, searchlights, minefields, barbed wire, concrete walls, and armed guards, to prevent the emigration of the people of East Germany to seek freedom and opportunity elsewhere;

Whereas, during the 28 years the Berlin Wall existed, approximately 5,000 people successfully fled East Germany for West Germany and West Berlin, more than 75,000 people were imprisoned for attempting to leave East Germany, and an estimated 1,200 people were killed trying to escape;

Whereas Presidents John F. Kennedy and Ronald Reagan declared their vision of Berlin as a free city, in the heart of a free Germany;

Whereas Chancellor Willi Brandt of West Germany and others demonstrated great foresight in their pursuit of “Ostpolitik”, a policy of engagement that lowered tensions and ultimately helped undermine the authoritarian rule of the wall-builders;

Whereas more than 22,000,000 Americans served in the Cold War, supporting the efforts to bring military, economic, and diplomatic pressure to bear in the defense of Germany and the West, and ultimately helping more than 400,000,000 people gain their freedom from the bondage of communism in the Soviet Bloc;

Whereas the Solidarity Movement in Poland demonstrated that the will of a people united could not be silenced by winning a surprise landslide victory in elections to the Contract Sejm in June 1989;

Whereas, on August 23, 1989, Hungary officially opened the border between Hungary

and Austria, resulting in 13,000 refugees from East Germany fleeing into West Germany through Hungary;

Whereas, on September 4, 1989, after prayers for peace in the Nikolai Church, crowds that would eventually number in the hundreds of thousands gathered in Leipzig, East Germany, to repeatedly and peacefully protest the authoritarian regime of East Germany and to demand basic freedoms;

Whereas, in September 1989, thousands of people in East Germany took refuge in the embassy of West Germany in Prague, Czechoslovakia, in order to emigrate to West Germany and the West;

Whereas, on October 18, 1989, faced with widespread civil unrest and a deteriorating political situation, East German leader Erich Honecker, who had predicted that the Wall “will stand in fifty or a hundred years,” resigned;

Whereas, on November 4, 1989, more than 1,000,000 people gathered in Alexanderplatz in East Berlin and 40 other cities and towns in East Germany to demand free elections and basic civil rights, such as freedoms of opinion, movement, press, and assembly;

Whereas, on November 9, 1989, East German politbureau member Günter Schabowski announced that the government would allow “every citizen of the German Democratic Republic to leave the GDR through any of the border crossings,” and East German leader Egon Krenz promised “free, general, democratic and secret elections”;

Whereas thousands of people in East Berlin immediately flooded the border checkpoints at the Berlin Wall and demanded entry into West Berlin, causing the overwhelmed border guards of East Germany to open the checkpoints to allow people to cross into West Berlin;

Whereas, in the days following the fall of the Berlin Wall, hundreds of thousands of people from East Germany freely crossed the border into West Berlin and West Germany for the first time in more than 28 years;

Whereas the Chancellor of West Germany Helmut Kohl and Foreign Minister Hans Dietrich Genscher managed the political situation and foreign diplomacy with great tact and in close cooperation with Western allies, leading to the peaceful reunification of Germany as a sovereign, democratic state on October 3, 1990;

Whereas, on November 9, 2009, the people of Germany will celebrate on both sides of the Brandenburg Gate the 20th anniversary of the fall of the Berlin Wall with the “Festival of Freedom”;

Whereas the fall of the Berlin Wall was one of the milestones of the 20th century, brought about by the actions of many ordinary and some extraordinary people; and

Whereas the fall of the Berlin Wall embodied the end of the division of Europe, the opening of the Iron Curtain, and the triumph of democracy over communism: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 20th anniversary of the fall of the Berlin Wall;

(2) celebrates 20 years of an undivided Europe, free from the oppression of authoritarianism, with the people of the former communist countries and Western Europe;

(3) honors the service and sacrifice of the people of Germany, the United States, and other countries who served in the Cold War to bring freedom to Central and Eastern Europe;

(4) expresses its appreciation to the people of Germany for their commitment to preserving the dignity and freedom of others in

their leadership on international assistance, peacekeeping, and security efforts, including in Afghanistan, Bosnia and Herzegovina, Georgia, Kosovo, Lebanon, Sudan, and off the coast of the Horn of Africa; and

(5) reaffirms the friendship between the Government and people of the United States and the Government and people of Germany.

SENATE RESOLUTION 329—RECOGNIZING THE MONTH OF OCTOBER 2009 AS “NATIONAL PRINCIPALS MONTH”

Mr. DORGAN (for himself, Mr. BAUCUS, Ms. COLLINS, Mr. CONRAD, Mr. SCHUMER, Mr. AKAKA, Mr. LUGAR, Mr. FRANKEN, Ms. MIKULSKI, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 329

Whereas the National Association of Elementary School Principals and the National Association of Secondary School Principals have declared the month of October 2009 as “National Principals Month”;

Whereas school leaders are expected to be educational visionaries, instructional leaders, assessment experts, disciplinarians, community builders, public relations experts, budget analysts, facility managers, special programs administrators, and guardians of various legal, contractual, and policy mandates and initiatives, as well as being entrusted with our young people, our most valuable resource;

Whereas principals set the academic tone for their schools and work collaboratively with teachers to develop and maintain high curriculum standards, develop mission statements, and set performance goals and objectives;

Whereas the vision, dedication, and determination of a principal provides the mobilizing force behind any school reform effort; and

Whereas the celebration of “National Principals Month” would honor elementary, middle level, and high school principals and recognize the importance of school leadership in ensuring that every child has access to a high-quality education: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of October 2009 as “National Principals Month”; and

(2) honors the contribution of school principals in the elementary and secondary schools of our Nation by supporting the goals and ideals of “National Principals Month”.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2710. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table.

SA 2711. Mr. BENNETT (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2712. Mr. REID (for Mr. BAUCUS (for himself, Mr. REID, and Ms. SNOWE)) proposed an amendment to the bill H.R. 3548, supra.

SA 2713. Mr. REID proposed an amendment to amendment SA 2712 proposed by Mr. REID

(for Mr. BAUCUS (for himself, Mr. REID, and Ms. SNOWE)) to the bill H.R. 3548, supra.

SA 2714. Mr. REID proposed an amendment to amendment SA 2713 proposed by Mr. REID to the amendment SA 2712 proposed by Mr. REID (for Mr. BAUCUS (for himself, Mr. REID, and Ms. SNOWE)) to the bill H.R. 3548, supra.

SA 2715. Mr. REID proposed an amendment to the bill H.R. 3548, supra.

SA 2716. Mr. REID proposed an amendment to amendment SA 2715 proposed by Mr. REID to the bill H.R. 3548, supra.

SA 2717. Mr. REID proposed an amendment to the bill H.R. 3548, supra.

SA 2718. Mr. REID submitted an amendment intended to be proposed to amendment SA 2717 proposed by Mr. REID to the bill H.R. 3548, supra.

SA 2719. Mr. REID proposed an amendment to amendment SA 2718 submitted by Mr. REID to the amendment SA 2717 proposed by Mr. REID to the bill H.R. 3548, supra.

SA 2720. Mr. REID (for Mr. SCHUMER (for himself and Mr. BENNETT)) proposed an amendment to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

TEXT OF AMENDMENTS

SA 2710. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . REQUIREMENT FOR RECIPIENTS OF UNEMPLOYMENT COMPENSATION BENEFITS TO PARTICIPATE IN THE E-VERIFY PROGRAM.

(a) IN GENERAL.—No individual may receive unemployment compensation benefits under any State or Federal law until after the date that the individual's identity and employment eligibility are verified through the E-Verify Program under title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note).

(b) EFFECTIVE DATE.—The requirements of subsection (a) shall take effect on the date that is 180 days after the date of enactment of this Act.

SA 2711. Mr. BENNETT (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPEAL OF TARP EXTENSION AUTHORITY.

Section 120 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5230) is amended—

(1) by striking “(a) **TERMINATION.**—”; and

(2) by striking subsection (b).

SA 2712. Mr. REID (for Mr. BAUCUS (for himself, Mr. REID, and Ms. SNOWE))

proposed an amendment to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Worker, Homeownership, and Business Assistance Act of 2009”.

SEC. 2. REVISIONS TO SECOND-TIER BENEFITS.

(a) IN GENERAL.—Section 4002(c) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in paragraph (1)—

(A) by striking “If” and all that follows through “paragraph (2))” and inserting “At the time that the amount established in an individual's account under subsection (b)(1) is exhausted”; and

(B) in subparagraph (A), by striking “50 percent” and inserting “54 percent”; and

(C) in subparagraph (B), by striking “13” and inserting “14”; and

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 3. THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

“(d) **THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.**—

“(1) IN GENERAL.—If, at the time that the amount added to an individual's account under subsection (c)(1) (hereinafter ‘second-tier emergency unemployment compensation’) is exhausted or at any time thereafter, such individual's State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter ‘third-tier emergency unemployment compensation’) equal to the lesser of—

“(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under the State law; or

“(B) 13 times the individual's average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

“(2) **EXTENDED BENEFIT PERIOD.**—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

“(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

“(i) were applied by substituting ‘4’ for ‘5’ each place it appears; and

“(ii) did not include the requirement under paragraph (1)(A) thereof; or

“(B) such a period would then be in effect for such State under such Act if—

“(i) section 203(f) of such Act were applied to such State (regardless of whether the

State by law had provided for such application; and

“(i) such section 203(f)—

“(I) were applied by substituting ‘6.0’ for ‘6.5’ in paragraph (1)(A)(i) thereof; and

“(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

“(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.”.

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) by striking “then section 4002(c)” and inserting “then subsections (c) and (d) of section 4002”; and

(2) by striking “paragraph (2) of such section” and inserting “paragraph (2) of such subsection (c) or (d) (as the case may be)”;.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 4. FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 3(a), is amended by adding at the end the following new subsection:

“(e) FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

“(1) IN GENERAL.—If, at the time that the amount added to an individual’s account under subsection (d)(1) (third-tier emergency unemployment compensation) is exhausted or at any time thereafter, such individual’s State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter ‘fourth-tier emergency unemployment compensation’) equal to the lesser of—

“(A) 24 percent of the total amount of regular compensation (including dependents’ allowances) payable to the individual during the individual’s benefit year under the State law; or

“(B) 6 times the individual’s average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

“(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

“(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

“(i) were applied by substituting ‘6’ for ‘5’ each place it appears; and

“(ii) did not include the requirement under paragraph (1)(A) thereof; or

“(B) such a period would then be in effect for such State under such Act if—

“(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

“(ii) such section 203(f)—

“(I) were applied by substituting ‘8.5’ for ‘6.5’ in paragraph (1)(A)(i) thereof; and

“(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

“(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.”.

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the

Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 3(b), is amended—

(1) by striking “and (d)” and inserting “, (d), and (e) of section 4002”; and

(2) by striking “or (d)” and inserting “, (d), or (e) (as the case may be)”;.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 5. COORDINATION.

Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 4, is amended by adding at the end the following new subsection:

“(f) COORDINATION RULES.—

“(1) COORDINATION WITH EXTENDED COMPENSATION.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any emergency unemployment compensation under subsection (c), (d), or (e) (by reason of the amendments made by sections 2, 3, and 4 of the Worker, Homeownership, and Business Assistance Act of 2009), if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of emergency unemployment compensation under subsection (b) (as such subsection was in effect on the day before the date of the enactment of this subsection).

“(2) COORDINATION WITH TIERS II, III, AND IV.—If a State determines that implementation of the increased entitlement to second-tier emergency unemployment compensation by reason of the amendments made by section 2 of the Worker, Homeownership, and Business Assistance Act of 2009 would unduly delay the prompt payment of emergency unemployment compensation under this title by reason of the amendments made by such Act, such State may elect to pay third-tier emergency unemployment compensation prior to the payment of such increased second-tier emergency unemployment compensation until such time as such State determines that such increased second-tier emergency unemployment compensation may be paid without such undue delay. If a State makes the election under the preceding sentence, then, for purposes of determining whether an account may be augmented for fourth-tier emergency unemployment compensation under subsection (e), such State shall treat the date of exhaustion of such increased second-tier emergency unemployment compensation as the date of exhaustion of third-tier emergency unemployment compensation, if such date is later than the date of exhaustion of the third-tier emergency unemployment compensation.”.

SEC. 6. TRANSFER OF FUNDS.

Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “Act;” and inserting “Act and sections 2, 3, and 4 of the Worker, Homeownership, and Business Assistance Act of 2009;”.

SEC. 7. EXPANSION OF MODERNIZATION GRANTS FOR UNEMPLOYMENT RESULTING FROM COMPELLING FAMILY REASON.

(a) IN GENERAL.—Clause (i) of section 903(f)(3)(B) of the Social Security Act (42

U.S.C. 1103(f)(3)(B)) is amended to read as follows:

“(i) One or both of the following offenses as selected by the State, but in making such selection, the resulting change in the State law shall not supercede any other provision of law relating to unemployment insurance to the extent that such other provision provides broader access to unemployment benefits for victims of such selected offense or offenses:

“(I) Domestic violence, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual’s continued employment would jeopardize the safety of the individual or of any member of the individual’s immediate family (as defined by the Secretary of Labor); and

“(II) Sexual assault, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual’s continued employment would jeopardize the safety of the individual or of any member of the individual’s immediate family (as defined by the Secretary of Labor).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to State applications submitted on and after January 1, 2010.

SEC. 8. TREATMENT OF ADDITIONAL REGULAR COMPENSATION.

The monthly equivalent of any additional compensation paid by reason of section 2002 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438) shall be disregarded after the date of the enactment of this Act in considering the amount of income and assets of an individual for purposes of determining such individual’s eligibility for, or amount of, benefits under the Supplemental Nutrition Assistance Program (SNAP).

SEC. 9. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) BENEFITS.—Section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), is amended—

(1) in clause (iii)—

(A) by striking “June 30, 2009” and inserting “June 30, 2010”; and

(B) by striking “December 31, 2009” and inserting “December 31, 2010”; and

(2) by adding at the end of clause (iv) the following: “In addition to the amount appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated \$175,000,000 to cover the cost of additional extended unemployment benefits provided under this subparagraph, to remain available until expended.”.

(b) ADMINISTRATIVE EXPENSES.—Section 2006 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 445) is amended by adding at the end of subsection (b) the following: “In addition to funds appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board \$807,000 to cover the administrative expenses associated with the payment of additional extended unemployment benefits under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, to remain available until expended.”.

SEC. 10. 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 of the Internal Revenue Code of 1986 (relating to rate of tax) is amended—

(1) by striking “through 2009” in paragraph (1) and inserting “through 2010 and the first 6 months of calendar year 2011”;

(2) by striking “calendar year 2010” in paragraph (2) and inserting “the remainder of calendar year 2011”;

(3) by inserting “(or portion of the calendar year)” after “during the calendar year”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2009.

SEC. 11. EXTENSION AND MODIFICATION OF FIRST-TIME HOMEBUYER TAX CREDIT.

(a) EXTENSION OF APPLICATION PERIOD.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended—

(A) by striking “December 1, 2009” and inserting “May 1, 2010”;

(B) by striking “SECTION.—This section” and inserting “SECTION.—

“(1) IN GENERAL.—This section”, and

(C) by adding at the end the following new paragraph:

“(2) EXCEPTION IN CASE OF BINDING CONTRACT.—In the case of any taxpayer who enters into a written binding contract before May 1, 2010, to close on the purchase of a principal residence before July 1, 2010, paragraph (1) shall be applied by substituting ‘July 1, 2010’ for ‘May 1, 2010’.”.

(2) WAIVER OF RECAPTURE.—

(A) IN GENERAL.—Subparagraph (D) of section 36(f)(4) of such Code is amended by striking “, and before December 1, 2009”.

(B) CONFORMING AMENDMENT.—The heading of such subparagraph (D) is amended by inserting “AND 2010” after “2009”.

(3) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of such Code is amended to read as follows:

“(g) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence after December 31, 2008, a taxpayer may elect to treat such purchase as made on December 31 of the calendar year preceding such purchase for purposes of this section (other than subsections (c), (f)(4)(D), and (h)).”.

(b) SPECIAL RULE FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—Subsection (c) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) EXCEPTION FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—In the case of an individual (and, if married, such individual’s spouse) who has owned and used the same residence as such individual’s principal residence for any 5-consecutive-year period during the 8-year period ending on the date of the purchase of a subsequent principal residence, such individual shall be treated as a first-time homebuyer for purposes of this section with respect to the purchase of such subsequent residence.”.

(c) MODIFICATION OF DOLLAR AND INCOME LIMITATIONS.—

(1) DOLLAR LIMITATION.—Subsection (b)(1) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) SPECIAL RULE FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—In the case of a taxpayer to whom a credit under subsection (a) is allowed by reason of subsection (c)(6), subparagraphs (A), (B), and (C) shall be applied by substituting ‘\$6,500’ for ‘\$8,000’ and ‘\$3,250’ for ‘\$4,000’.”.

(2) INCOME LIMITATION.—Subsection (b)(2)(A)(i)(II) of section 36 of such Code is amended by striking “\$75,000 (\$150,000)” and inserting “\$125,000 (\$225,000)”.

(d) LIMITATION ON PURCHASE PRICE OF RESIDENCE.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) LIMITATION BASED ON PURCHASE PRICE.—No credit shall be allowed under subsection (a) for the purchase of any residence if the purchase price of such residence exceeds \$800,000.”.

(e) WAIVER OF RECAPTURE OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY.—Paragraph (4) of section 36(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(E) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES, ETC.—

“(i) IN GENERAL.—In the case of the disposition of a principal residence by an individual (or a cessation referred to in paragraph (2)) after December 31, 2008, in connection with Government orders received by such individual, or such individual’s spouse, for qualified official extended duty service—

“(I) paragraph (2) and subsection (d)(2) shall not apply to such disposition (or cessation), and

“(II) if such residence was acquired before January 1, 2009, paragraph (1) shall not apply to the taxable year in which such disposition (or cessation) occurs or any subsequent taxable year.

“(ii) QUALIFIED OFFICIAL EXTENDED DUTY SERVICE.—For purposes of this section, the term ‘qualified official extended duty service’ means service on qualified official extended duty as—

“(I) a member of the uniformed services,

“(II) a member of the Foreign Service of the United States, or

“(III) an employee of the intelligence community.

“(iii) DEFINITIONS.—Any term used in this subparagraph which is also used in paragraph (9) of section 121(d) shall have the same meaning as when used in such paragraph.”.

(f) EXTENSION OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by adding at the end the following:

“(3) SPECIAL RULE FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.—In the case of any individual who serves on qualified official extended duty service (as defined in section 121(d)(9)(C)(i)) outside the United States for at least 90 days during the period beginning after December 31, 2008, and ending before May 1, 2010, and, if married, such individual’s spouse—

“(A) paragraphs (1) and (2) shall each be applied by substituting ‘May 1, 2011’ for ‘May 1, 2010’, and

“(B) paragraph (2) shall be applied by substituting ‘July 1, 2011’ for ‘July 1, 2010’.”.

(g) DEPENDENT’S INELIGIBLE FOR CREDIT.—Subsection (d) of section 36 of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, or”, and by adding at the end the following new paragraph:

“(3) a deduction under section 151 with respect to such taxpayer is allowable to another taxpayer for such taxable year.”.

(h) IRS MATHEMATICAL ERROR AUTHORITY.—Paragraph (2) of section 6213(g) of the Internal Revenue Code of 1986 is amended—

(1) by striking “and” at the end of subparagraph (M),

(2) by striking the period at the end of subparagraph (N) and inserting “, and”, and

(3) by inserting after subparagraph (N) the following new subparagraph:

“(O) an omission of any increase required under section 36(f) with respect to the recapture of a credit allowed under section 36.”.

(i) COORDINATION WITH FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.—Paragraph (4) of section 1400C(e) of the Internal Revenue Code of 1986 is amended by striking “and before December 1, 2009”.

(j) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (b), (c), (d), and (g) shall apply to residences purchased after the date of the enactment of this Act.

(2) EXTENSIONS.—The amendments made by subsections (a), (f), and (i) shall apply to residences purchased after November 30, 2009.

(3) WAIVER OF RECAPTURE.—The amendment made by subsection (e) shall apply to dispositions and cessations after December 31, 2008.

(4) MATHEMATICAL ERROR AUTHORITY.—The amendments made by subsection (h) shall apply to returns for taxable years ending on or after April 9, 2008.

SEC. 12. PROVISIONS TO ENHANCE THE ADMINISTRATION OF THE FIRST-TIME HOMEBUYER TAX CREDIT.

(a) AGE LIMITATION.—

(1) IN GENERAL.—Subsection (b) of section 36 of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new paragraph:

“(4) AGE LIMITATION.—No credit shall be allowed under subsection (a) with respect to the purchase of any residence unless the taxpayer has attained age 18 as of the date of such purchase. In the case of any taxpayer who is married (within the meaning of section 7703), the taxpayer shall be treated as meeting the age requirement of the preceding sentence if the taxpayer or the taxpayer’s spouse meets such age requirement.”.

(2) CONFORMING AMENDMENT.—Subsection (g) of section 36 of such Code, as amended by this Act, is amended by inserting “(b)(4),” before “(c)”.

(b) DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36 of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking “or” at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting “, or”, and by adding at the end the following new paragraph:

“(4) the taxpayer fails to attach to the return of tax for such taxable year a properly executed copy of the settlement statement used to complete such purchase.”.

(c) RESTRICTION ON MARRIED INDIVIDUAL ACQUIRING RESIDENCE FROM FAMILY OF SPOUSE.—Clause (i) of section 36(c)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting “(or, if married, such individual’s spouse)” after “person acquiring such property”.

(d) CERTAIN ERRORS WITH RESPECT TO THE FIRST-TIME HOMEBUYER TAX CREDIT TREATED AS MATHEMATICAL OR CLERICAL ERRORS.—Paragraph (2) of section 6213(g) of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking “and” at the end of subparagraph (N), by striking the period at the end of subparagraph (O) and inserting “, and”, and by inserting after subparagraph (O) the following new subparagraph:

“(P) an entry on a return claiming the credit under section 36 if—

“(i) the Secretary obtains information from the person issuing the TIN of the taxpayer that indicates that the taxpayer does not meet the age requirement of section 36(b)(4).

“(ii) information provided to the Secretary by the taxpayer on an income tax return for at least one of the 2 preceding taxable years is inconsistent with eligibility for such credit, or

“(iii) the taxpayer fails to attach to the return the form described in section 36(d)(4).”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to purchases after the date of the enactment of this Act.

(2) DOCUMENTATION REQUIREMENT.—The amendments made by subsection (b) shall apply to returns for taxable years ending after the date of the enactment of this Act.

(3) TREATMENT AS MATHEMATICAL AND CLERICAL ERRORS.—The amendments made by subsection (d) shall apply to returns for taxable years ending on or after April 9, 2008.

SEC. 13. 5-YEAR CARRYBACK OF OPERATING LOSSES.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

“(H) CARRYBACK FOR 2008 OR 2009 NET OPERATING LOSSES.—

“(i) IN GENERAL.—In the case of an applicable net operating loss with respect to which the taxpayer has elected the application of this subparagraph—

“(I) subparagraph (A)(i) shall be applied by substituting any whole number elected by the taxpayer which is more than 2 and less than 6 for ‘2’.

“(II) subparagraph (E)(ii) shall be applied by substituting the whole number which is one less than the whole number substituted under subclause (I) for ‘2’, and

“(III) subparagraph (F) shall not apply.

“(ii) APPLICABLE NET OPERATING LOSS.—For purposes of this subparagraph, the term ‘applicable net operating loss’ means the taxpayer’s net operating loss for a taxable year ending after December 31, 2007, and beginning before January 1, 2010.

“(iii) ELECTION.—

“(I) IN GENERAL.—Any election under this subparagraph may be made only with respect to 1 taxable year.

“(II) PROCEDURE.—Any election under this subparagraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the return for the taxpayer’s last taxable year beginning in 2009. Any such election, once made, shall be irrevocable.

“(iv) LIMITATION ON AMOUNT OF LOSS CARRYBACK TO 5TH PRECEDING TAXABLE YEAR.—

“(I) IN GENERAL.—The amount of any net operating loss which may be carried back to the 5th taxable year preceding the taxable year of such loss under clause (i) shall not exceed 50 percent of the taxpayer’s taxable income (computed without regard to the net operating loss for the loss year or any taxable year thereafter) for such preceding taxable year.

“(II) CARRYBACKS AND CARRYOVERS TO OTHER TAXABLE YEARS.—Appropriate adjustments in the application of the second sentence of paragraph (2) shall be made to take into account the limitation of subclause (I).

“(III) EXCEPTION FOR 2008 ELECTIONS BY SMALL BUSINESSES.—Subclause (I) shall not

apply to any loss of an eligible small business with respect to any election made under this subparagraph as in effect on the day before the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009.

“(v) SPECIAL RULES FOR SMALL BUSINESS.—

“(I) IN GENERAL.—In the case of an eligible small business which made or makes an election under this subparagraph as in effect on the day before the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009, clause (iii)(I) shall be applied by substituting ‘2 taxable years’ for ‘1 taxable year’.

“(II) ELIGIBLE SMALL BUSINESS.—For purposes of this subparagraph, the term ‘eligible small business’ has the meaning given such term by subparagraph (F)(iii), except that in applying such subparagraph, section 448(c) shall be applied by substituting ‘\$15,000,000’ for ‘\$5,000,000’ each place it appears.”.

(b) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—Subclause (I) of section 56(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended to read as follows:

“(I) the amount of such deduction attributable to an applicable net operating loss with respect to which an election is made under section 172(b)(1)(H), or”.

(c) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—Subsection (b) of section 810 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) CARRYBACK FOR 2008 OR 2009 LOSSES.—

“(A) IN GENERAL.—In the case of an applicable loss from operations with respect to which the taxpayer has elected the application of this paragraph, paragraph (1)(A) shall be applied by substituting any whole number elected by the taxpayer which is more than 3 and less than 6 for ‘3’.

“(B) APPLICABLE LOSS FROM OPERATIONS.—For purposes of this paragraph, the term ‘applicable loss from operations’ means the taxpayer’s loss from operations for a taxable year ending after December 31, 2007, and beginning before January 1, 2010.

“(C) ELECTION.—

“(i) IN GENERAL.—Any election under this paragraph may be made only with respect to 1 taxable year.

“(ii) PROCEDURE.—Any election under this paragraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the return for the taxpayer’s last taxable year beginning in 2009. Any such election, once made, shall be irrevocable.

“(D) LIMITATION ON AMOUNT OF LOSS CARRYBACK TO 5TH PRECEDING TAXABLE YEAR.—

“(i) IN GENERAL.—The amount of any loss from operations which may be carried back to the 5th taxable year preceding the taxable year of such loss under subparagraph (A) shall not exceed 50 percent of the taxpayer’s taxable income (computed without regard to the loss from operations for the loss year or any taxable year thereafter) for such preceding taxable year.

“(ii) CARRYBACKS AND CARRYOVERS TO OTHER TAXABLE YEARS.—Appropriate adjustments in the application of the second sentence of paragraph (2) shall be made to take into account the limitation of clause (i).”.

(d) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary’s designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including

rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to net operating losses arising in taxable years ending after December 31, 2007.

(2) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—The amendment made by subsection (b) shall apply to taxable years ending after December 31, 2002.

(3) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—The amendment made by subsection (d) shall apply to losses from operations arising in taxable years ending after December 31, 2007.

(4) TRANSITIONAL RULE.—In the case of any net operating loss (or, in the case of a life insurance company, any loss from operations) for a taxable year ending before the date of the enactment of this Act—

(A) any election made under section 172(b)(3) or 810(b)(3) of the Internal Revenue Code of 1986 with respect to such loss may (notwithstanding such section) be revoked before the due date (including extension of time) for filing the return for the taxpayer’s last taxable year beginning in 2009, and

(B) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before such due date.

(f) EXCEPTION FOR TARP RECIPIENTS.—The amendments made by this section shall not apply to—

(1) any taxpayer if—

(A) the Federal Government acquired before the date of the enactment of this Act an equity interest in the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008,

(B) the Federal Government acquired before such date of enactment any warrant (or other right) to acquire any equity interest with respect to the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008, or

(C) such taxpayer receives after such date of enactment funds from the Federal Government in exchange for an interest described in subparagraph (A) or (B) pursuant to a program established under title I of division A of the Emergency Economic Stabilization Act of 2008 (unless such taxpayer is a financial institution (as defined in section 3 of such Act) and the funds are received pursuant to a program established by the Secretary of the Treasury for the stated purpose of increasing the availability of credit to small businesses using funding made available under such Act), or

(2) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and

(3) any taxpayer which at any time in 2008 or 2009 was or is a member of the same affiliated group (as defined in section 1504 of the Internal Revenue Code of 1986, determined without regard to subsection (b) thereof) as a taxpayer described in paragraph (1) or (2).

SEC. 14. EXCLUSION FROM GROSS INCOME OF QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.

(a) IN GENERAL.—Subsection (n) of section 132 of the Internal Revenue Code of 1986 is amended—

(1) in subparagraph (1) by striking “this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure” and inserting “the American Recovery and Reinvestment Tax Act of 2009)”, and

(2) in subparagraph (2) by striking “clause (1) of”.

(b) **EFFECTIVE DATE.**—The amendments made by this act shall apply to payments made after February 17, 2009.

SEC. 15. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) **IN GENERAL.**—Paragraphs (5)(D) and (6) of section 864(f) of the Internal Revenue Code of 1986 are each amended by striking “December 31, 2010” and inserting “December 31, 2017”.

(b) **CONFORMING AMENDMENT.**—Section 864(f) of the Internal Revenue Code of 1986 is amended by striking paragraph (7).

(c) **EFFECTIVE DATES.**—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 16. INCREASE IN PENALTY FOR FAILURE TO FILE A PARTNERSHIP OR S CORPORATION RETURN.

(a) **IN GENERAL.**—Sections 6698(b)(1) and 6699(b)(1) of the Internal Revenue Code of 1986 are each amended by striking “\$89” and inserting “\$195”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to returns for taxable years beginning after December 31, 2009.

SEC. 17. CERTAIN TAX RETURN PREPARERS REQUIRED TO FILE RETURNS ELECTRONICALLY.

(a) **IN GENERAL.**—Subsection (e) of section 6011 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) **SPECIAL RULE FOR TAX RETURN PREPARERS.**—

“(A) **IN GENERAL.**—The Secretary shall require that any individual income tax return prepared by a tax return preparer be filed on magnetic media if—

“(i) such return is filed by such tax return preparer, and

“(ii) such tax return preparer is a specified tax return preparer for the calendar year during which such return is filed.

“(B) **SPECIFIED TAX RETURN PREPARER.**—For purposes of this paragraph, the term ‘specified tax return preparer’ means, with respect to any calendar year, any tax return preparer unless such preparer reasonably expects to file 10 or fewer individual income tax returns during such calendar year.

“(C) **INDIVIDUAL INCOME TAX RETURN.**—For purposes of this paragraph, the term ‘individual income tax return’ means any return of the tax imposed by subtitle A on individuals, estates, or trusts.”.

(b) **CONFORMING AMENDMENT.**—Paragraph (1) of section 6011(e) of the Internal Revenue Code of 1986 is amended by striking “The Secretary may not” and inserting “Except as provided in paragraph (3), the Secretary may not”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to returns filed after December 31, 2010.

SEC. 18. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 33.0 percentage points.

SA 2713. Mr. REID proposed an amendment to amendment SA 2712 proposed by Mr. REID (for Mr. BAUCUS) (for himself, Mr. REID, and Ms. SNOWE) to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of

certain additional emergency unemployment compensation, and for other purposes; as follows:

At the end of the amendment, add the following:

This section shall become effective 7 days after enactment.

SA 2714. Mr. REID proposed an amendment to amendment SA 2713 proposed by Mr. REID to the amendment SA 2712 proposed by Mr. REID (for Mr. BAUCUS) (for himself, Mr. REID, and Ms. SNOWE) to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; as follows:

In the amendment, strike “7” and insert “6”.

SA 2715. Mr. REID proposed an amendment to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; as follows:

At the end of the language proposed to be stricken, insert the following:

This section shall become effective 5 days after enactment.

SA 2716. Mr. REID proposed an amendment to amendment SA 2715 proposed by Mr. REID to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; as follows:

In the amendment, strike “5” and insert “4”.

SA 2717. Mr. REID proposed an amendment to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; as follows:

At the end insert the following: This section shall become effective 3 days after enactment of the bill.

SA 2718. Mr. REID submitted an amendment intended to be proposed to amendment SA 2717 proposed by Mr. REID to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; as follows:

In the amendment, strike “3” and insert “2”.

SA 2719. Mr. REID proposed an amendment to amendment SA 2718 submitted by Mr. REID to the amendment SA 2717 proposed by Mr. REID to the bill H.R. 3548, to amend the Supple-

mental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; as follows:

In the amendment, strike 2 and insert 1.

SA 2720. Mr. REID (for Mr. SCHUMER) (for himself and Mr. BENNETT) proposed an amendment to the bill H.R. 1299, to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “United States Capitol Police Administrative Technical Corrections Act of 2009”.

SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF THE CAPITOL POLICE.

(a) **CLARIFICATION OF CERTAIN HIRING AUTHORITIES.**—

(1) **CHIEF ADMINISTRATIVE OFFICER.**—Section 108(a) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903(a)) is amended to read as follows:

“(a) **CHIEF ADMINISTRATIVE OFFICER.**—

“(1) **ESTABLISHMENT.**—There shall be within the United States Capitol Police an Office of Administration, to be headed by the Chief Administrative Officer, who shall report to and serve at the pleasure of the Chief of the Capitol Police.

“(2) **APPOINTMENT.**—The Chief Administrative Officer shall be appointed by the Chief of the United States Capitol Police, after consultation with the Capitol Police Board, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

“(3) **COMPENSATION.**—The annual rate of pay for the Chief Administrative Officer shall be the amount equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.”.

(2) **ADMINISTRATIVE PROVISIONS.**—Section 108 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903) is amended by striking subsection (c).

(3) **CERTIFYING OFFICERS.**—Section 107 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1904) is amended—

(A) in subsection (a), by striking “the Capitol Police Board” and inserting “the Chief of the Capitol Police”; and

(B) in subsection (b)(1), by striking “the Capitol Police Board” and inserting “the Chief of the Capitol Police”.

(4) **PERSONNEL ACTIONS OF THE CHIEF OF THE CAPITOL POLICE.**—

(A) **IN GENERAL.**—Section 1018(e) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)) is amended by striking paragraph (1) and inserting the following:

“(1) **AUTHORITY.**—

“(A) **IN GENERAL.**—The Chief of the Capitol Police, in carrying out the duties of office, is authorized to appoint, hire, suspend with or without pay, discipline, discharge, and set the terms, conditions, and privileges of employment of employees of the Capitol Police, subject to and in accordance with applicable laws and regulations.

“(B) **SPECIAL RULE FOR TERMINATIONS.**—The Chief may terminate an officer, member, or employee only after the Chief has provided notice of the termination to the Capitol Police Board (in such manner as the Board may from time to time require) and the Board has

approved the termination, except that if the Board has not disapproved the termination prior to the expiration of the 30-day period which begins on the date the Board receives the notice, the Board shall be deemed to have approved the termination.

“(C) NOTICE OR APPROVAL.—The Chief of the Capitol Police shall provide notice or receive approval, as required by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, as each Committee determines appropriate for—

“(i) the exercise of any authority under subparagraph (A); or

“(ii) the establishment of any new position for officers, members, or employees of the Capitol Police, for reclassification of existing positions, for reorganization plans, or for hiring, termination, or promotion for officers, members, or employees of the Capitol Police.”.

(B) TECHNICAL AND CONFORMING AMENDMENTS.—

(i) SUSPENSION AUTHORITY.—Section 1823 of the Revised Statutes of the United States (2 U.S.C. 1928) is repealed.

(ii) PAY OF MEMBERS UNDER SUSPENSION.—The proviso in the Act of Mar. 3, 1875 (ch. 129; 18 Stat. 345), popularly known as the “Legislature, Executive, and Judicial Appropriation Act, fiscal year 1876”, which is codified at section 1929 of title 2, United States Code (2000 Editions, Supp. V), is repealed.

(5) CONFORMING APPLICATION OF CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(A) IN GENERAL.—Section 101(9)(D) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(9)(D)) is amended by striking “the Capitol Police Board,” and inserting “the United States Capitol Police.”.

(B) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by subparagraph (A) may be construed to affect any procedure initiated under title IV of the Congressional Accountability Act of 1995 prior to the date of the enactment of this Act.

(6) NO EFFECT ON CURRENT PERSONNEL.—Nothing in the amendments made by this subsection may be construed to affect the status of any individual serving as an officer or employee of the United States Capitol Police as of the date of the enactment of this Act.

(b) DEPOSIT OF REIMBURSEMENTS FOR LAW ENFORCEMENT ASSISTANCE.—

(1) IN GENERAL.—Section 2802 of the Supplemental Appropriations Act, 2001 (2 U.S.C. 1905) is amended—

(A) in subsection (a)(1), by striking “Capitol Police Board” each place it appears and inserting “United States Capitol Police”; and

(B) in subsection (a)(2), by striking “Capitol Police Board” and inserting “Chief of the United States Capitol Police”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of the Supplemental Appropriations Act, 2001.

(c) PRIOR NOTICE TO AUTHORIZING COMMITTEES OF DEPLOYMENT OUTSIDE JURISDICTION.—Section 1007(a)(1) of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 1978(a)(1)) is amended by striking “prior notification to” and inserting the following: “prior notification to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and”.

(d) ADVANCE PAYMENTS FOR SUBSCRIPTION SERVICES.—

(1) IN GENERAL.—Section 1002 of the Legislative Branch Appropriations Act, 2008 (Pub-

lic Law 110-161; 2 U.S.C. 1981) is amended by inserting “the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate” after “the Senate.”.

(2) EFFECTIVE DATE AND APPLICATION.—The amendment made by this subsection shall take effect 30 days after the date of enactment of this Act and apply to payments made on or after that effective date.

SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND THE UNITED STATES CAPITOL POLICE.

(a) APPOINTMENT AND SERVICE.—

(1) IN GENERAL.—There shall be within the United States Capitol Police the General Counsel to the Chief of Police and the United States Capitol Police (in this subsection referred to as the “General Counsel”), who shall report to and serve at the pleasure of the Chief of the United States Capitol Police.

(2) APPOINTMENT.—The General Counsel shall be appointed by the Chief of the Capitol Police in accordance with section 1018(e)(1) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)(1)) (as amended by section 2(a)(4)), after consultation with the Capitol Police Board, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

(3) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the annual rate of pay for the General Counsel shall be fixed by the Chief of the Capitol Police.

(B) LIMITATION.—The annual rate of pay for the General Counsel may not exceed an annual rate equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(4) TECHNICAL AND CONFORMING AMENDMENT.—House Resolution 661, Ninety-fifth Congress, agreed to July 29, 1977, as enacted into permanent law by section 111 of the Legislative Branch Appropriation Act, 1979 (2 U.S.C. 1901 note) is repealed.

(5) NO EFFECT ON CURRENT GENERAL COUNSEL.—Nothing in this subsection or the amendments made by this subsection may be construed to affect the status of the individual serving as the General Counsel to the Chief of Police and the United States Capitol Police as of the date of the enactment of this Act.

(b) LEGAL REPRESENTATION AUTHORITY.—

(1) IN GENERAL.—Section 1002(a)(2)(A) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1908(a)(2)(A)) is amended by striking “the General Counsel for the United States Capitol Police Board and the Chief of the Capitol Police” and inserting “the General Counsel to the Chief of Police and the United States Capitol Police”.

(2) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by paragraph (1) may be construed to affect the authority of any individual to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof which is initiated prior to the date of the enactment of this Act.

SEC. 4. EMPLOYMENT COUNSEL TO THE CHIEF OF POLICE AND THE UNITED STATES CAPITOL POLICE.

(a) LEGAL REPRESENTATION AUTHORITY.—

(1) IN GENERAL.—Section 1002(a)(2)(B) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1908(a)(2)(B)) is amended by striking “the Employment Counsel for the United States Capitol Police Board and the United States Capitol Police” and inserting “the Employment Counsel to the Chief of Police and the United States Capitol Police”.

(2) NO EFFECT ON CURRENT PROCEEDINGS.—Nothing in the amendment made by paragraph (1) may be construed to affect the authority of any individual to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof which is initiated prior to the date of the enactment of this Act.

(b) NO EFFECT ON CURRENT EMPLOYMENT COUNSEL.—Nothing in this section or the amendments made by this section may be construed to affect the status of the individual serving as the Employment Counsel to the Chief of Police and the United States Capitol Police as of the date of the enactment of this Act.

SEC. 5. CLARIFICATION OF AUTHORITIES REGARDING CERTAIN PERSONNEL BENEFITS.

(a) NO LUMP-SUM PAYMENT PERMITTED FOR UNUSED COMPENSATORY TIME.—

(1) IN GENERAL.—No officer or employee of the United States Capitol Police whose service with the United States Capitol Police is terminated may receive any lump-sum payment with respect to accrued compensatory time off, except to the extent permitted under section 203(c)(4) of the Congressional Accountability Act of 1995 (2 U.S.C. 1313(c)(4)).

(2) REPEAL OF RELATED OBSOLETE PROVISIONS.—

(A) OVERTIME PAY DISBURSED BY HOUSE.—Section 3 of House Resolution 449, Ninety-second Congress, agreed to June 2, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (85 Stat. 636) (2 U.S.C. 1924), together with any other provision of law which relates to compensatory time for the Capitol Police which is codified at section 1924 of title 2, United States Code (2000 Editions, Supp. V), is repealed.

(B) OVERTIME PAY DISBURSED BY SENATE.—The last full paragraph under the heading “Administrative Provisions” in the appropriation for the Senate in the Legislative Branch Appropriations Act, 1972 (85 Stat. 130) (2 U.S.C. 1925) is repealed.

(b) OVERTIME COMPENSATION FOR OFFICERS AND EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS ACT OF 1938.—

(1) CRITERIA UNDER WHICH COMPENSATION PERMITTED.—The Chief of the Capitol Police may provide for the compensation of overtime work of exempt individuals which is performed on or after the date of the enactment of this Act, in the form of additional pay or compensatory time off, only if—

(A) the overtime work is carried out in connection with special circumstances, as determined by the Chief;

(B) the Chief has established a monetary value for the overtime work performed by such individual; and

(C) the sum of the total amount of the compensation paid to the individual for the overtime work (as determined on the basis of the monetary value established under subparagraph (B)) and the total regular compensation paid to the individual with respect to the pay period involved may not exceed an amount equal to the cap on the aggregate amount of annual compensation that may be paid to the individual under applicable law during the year in which the pay period occurs, as allocated on a per pay period basis consistent with premium pay regulations of the Capitol Police Board.

(2) EXEMPT INDIVIDUALS DEFINED.—In this subsection, an “exempt individual” is an officer or employee of the United States Capitol Police—

(A) who is classified under regulations issued pursuant to section 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) as exempt from the application of the rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)); or

(B) whose annual rate of pay is not established specifically under any law.

(3) CONFORMING AMENDMENT.—

(A) IN GENERAL.—Section 1009 of the Legislative Branch Appropriations Act, 2003 (Public Law 108-7; 117 Stat. 359) is repealed.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003, except that the amendment shall not apply with respect to any overtime work performed prior to the date of the enactment of this Act.

SEC. 6. OTHER MISCELLANEOUS TECHNICAL CORRECTIONS.

(a) REPEAL OF OBSOLETE PROCEDURES FOR INITIAL APPOINTMENT OF CHIEF ADMINISTRATIVE OFFICER.—Section 108 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1903) is amended by striking subsections (d) through (g).

(b) REPEAL OF REQUIREMENT THAT OFFICERS PURCHASE OWN UNIFORMS.—Section 1825 of the Revised Statutes of the United States (2 U.S.C. 1943) is repealed.

(c) REPEAL OF REFERENCES TO OFFICERS AND PRIVATES IN AUTHORITIES RELATING TO HOUSE AND SENATE OFFICE BUILDINGS.—

(1) HOUSE OFFICE BUILDINGS.—The item relating to “House of Representatives Office Building” in the Act entitled “An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes”, approved March 4, 1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended by striking “other than officers and privates of the Capitol police” each place it appears and inserting “other than the United States Capitol Police”.

(2) SENATE OFFICE BUILDINGS.—The item relating to “Senate Office Building” in the Legislative Branch Appropriation Act, 1943 (56 Stat. 343; 2 U.S.C. 2023) is amended by striking “other than for officers and privates of the Capitol Police” each place it appears and inserting “other than for the United States Capitol Police”.

(d) CLARIFICATION OF APPLICABILITY OF U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007.—

(1) REPEAL OF DUPLICATE PROVISIONS.—Effective as if included in the enactment of the Legislative Branch Appropriations Act, 2008 (Public Law 110-161), section 1004 of such Act is repealed, and any provision of law amended or repealed by such section is restored or revived to read as if such section had not been enacted into law.

(2) NO EFFECT ON OTHER ACT.—Nothing in paragraph (1) may be construed to prevent the enactment or implementation of any provision of the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007 (Public Law 110-178), including any provision of such Act that amends or repeals a provision of law which is restored or revived pursuant to paragraph (1).

(e) AUTHORITY OF CHIEF OF POLICE.—

(1) REPEAL OF CERTAIN PROVISIONS CODIFIED IN TITLE 2, UNITED STATES CODE.—The provisions appearing in the first paragraph under

the heading “Capitol Police” in the Act of April 28, 1902 (ch. 594; 32 Stat. 124), and the provisions appearing in the first paragraph under the heading “Capitol Police” in title I of the Legislative and Judiciary Appropriation Act, 1944 (ch. 173; 57 Stat. 230), insofar as all of those provisions are related to the sentence “The captain and lieutenants shall be selected jointly by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives; and one-half of the privates shall be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives.”, which appears in 2 U.S.C. 1901 (2000 Edition, Supp. V), are repealed.

(2) RESTORATION OF REPEALED PROVISION.—Section 1018(h)(1) of the Legislative Branch Appropriations Act, 2003 (Public Law 108-7, div. H, title I, 117 Stat. 368) is repealed, and the sentence “The Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at the pleasure of the Board.”, which was repealed by such section, is restored to appear at the end of section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901).

(3) CONFORMING AMENDMENT.—The first sentence of section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901) is amended by striking “, the members of which shall be appointed by the Sergeants-at-Arms of the two Houses and the Architect of the Capitol Extension”.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003.

SEC. 7. TREATMENT OF CAPITOL POLICE EMPLOYEES AS CONGRESSIONAL EMPLOYEES.

(a) DEFINITION OF CONGRESSIONAL EMPLOYEE.—Section 2107(4) of title 5, United States Code, is amended by inserting “or employee” after “member”.

(b) DUAL PAY AND DUAL EMPLOYMENT.—

(1) DEFINITION OF AGENCY IN THE LEGISLATIVE BRANCH.—Section 5531(4) of title 5, United States Code, is amended by striking “and the Congressional Budget Office” and inserting “the Congressional Budget Office, and the United States Capitol Police”.

(2) DUAL PAY.—Section 5533 of title 5, United States Code, is amended—

(A) in subsection (c)—

(i) in paragraph (1), by striking “or the Chief Administrative Officer of the House of Representatives” and inserting “, the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police”; and

(ii) in paragraph (2), by inserting “or the Chief of the Capitol Police” after “House of Representatives”; and

(B) in subsection (d)(5)(A), by striking “or the Chief Administrative Officer of the House of Representatives” and inserting “, the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police”.

(c) FEES FOR JURY AND WITNESS SERVICE.—

(1) CREDITING AMOUNTS RECEIVED.—Section 5515 of title 5, United States Code, is amended by striking “or the Chief Administrative Officer of the House of Representatives” and inserting “, the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police”.

(2) FEES FOR SERVICE.—Section 5537(a) of title 5, United States Code, is amended by striking “or the Chief Administrative Officer of the House of Representatives” and inserting “, the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as though enacted as part of section 1018 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907).

SEC. 8. LAW ENFORCEMENT AUTHORITY OF SERGEANT-AT-ARMS AND DOORKEEPER OF THE SENATE.

(a) IN GENERAL.—The Sergeant-at-Arms and Doorkeeper of the Senate shall have the same law enforcement authority, including the authority to carry firearms, as a member of the Capitol Police. The law enforcement authority under the preceding sentence shall be subject to the requirement that the Sergeant-at-Arms and Doorkeeper of the Senate have the qualifications specified in subsection (b).

(b) QUALIFICATIONS.—The qualifications referred to in subsection (a) are the following:

(1) A minimum of 5 years of experience as a law enforcement officer before beginning service as the Sergeant-at-Arms and Doorkeeper of the Senate.

(2) Current certification in the use of firearms by the appropriate Federal law enforcement entity or an equivalent non-Federal entity.

(3) Any other firearms qualification required for members of the Capitol Police.

(c) REGULATIONS.—The Committee on Rules and Administration of the Senate shall have authority to prescribe regulations to carry out this section.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, November 4, 2009, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct an oversight hearing on Fixing the Federal Acknowledgment Process.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 29, 2009, at 10:30 a.m., to conduct a hearing entitled “Modernizing Affordable Housing for Seniors and People with Disabilities.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on October 29, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on October 29, 2009, at 9:30 a.m. in room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Pensions in Peril: Helping Workers Preserve Retirement Security Through a Recession" on October 29, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on October 29, 2009, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

AVIATION OPERATIONS, SAFETY, AND SECURITY SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Aviation Operations, Safety, and Security Subcommittee on Commerce, Science, and Transportation be authorized to hold a meeting during the session of the Senate on October 29, 2009, at 10 a.m. in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 29, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on October 29, 2009, at 2:30 p.m. to conduct a hearing entitled, "More Security, Less Waste: What Makes Sense for our Federal Cyber Defense."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate on October 29, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff of the Finance Committee and my personal office be allowed floor privileges during consideration of the unemployment insurance bill: Mary Baker, Blaise Cote, Margaret Franklin, Maryum Janjua, Bridget Mallon, and Audrey Schultz.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 477, the nomination of Regina Benjamin to be Surgeon General of the United States; that the nomination be confirmed, the motion to reconsider be laid upon the table; that no further motions be in order; that any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

IN THE PUBLIC HEALTH SERVICE

Regina M. Benjamin, of Alabama, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Surgeon General of the Public Health Service for a term of four years.

Mr. REID. Mr. President, I am happy we are going to have a Surgeon General. We have waited far too long. This is a good woman. She deserved this a long time ago. I appreciate whoever was holding her up allowing us to go forward. It is important for the country. We have a flu pandemic that has been declared. It is an emergency. We have so many other problems. We need this doctor who has devoted her life to taking care of the ill to take care of the entire country.

Mr. ENZI. Mr. President, I rise today in support of the nomination of Dr. Regina Benjamin to be Surgeon General. The vetting process for executive nominees is thorough, and Dr. Benjamin has successfully completed that

process. Her nomination was approved unanimously by the HELP Committee on October 7 by a voice vote.

The mission of the Surgeon General is to be America's "top doctor," and to act as the chief medical educator and communicator on public health and safety issues. Dr. Benjamin has a distinguished career in providing health care to low-income individuals. We also share an understanding of the unique challenges facing people in rural and underserved areas. I am confident that Dr. Benjamin will be able to articulately inform Americans on matters of health safety.

Dr. Benjamin will become Surgeon General at a key time during the H1N1 pandemic influenza epidemic and subsequent supply shortage of the H1N1 vaccine. I am pleased she will soon be able to assist with these efforts and play a role in updating the American people on the status of the epidemic.

I was pleased to vote for Dr. Benjamin's nomination in the HELP Committee and look forward to her swift confirmation today.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

CREDIT CARD TECHNICAL CORRECTIONS ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 3606.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3606) to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3606) was ordered to a third reading, was read the third time, and passed.

EXTENSION OF SMALL BUSINESS PROGRAMS

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to S. 1929.

The Presiding Officer laid before the Senate a message from the House, as follows:

S. 1929

Resolved, That the bill from the Senate (S. 1929) entitled "An Act to provide for an additional temporary extension of programs

under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AUTHORIZATION OF PROGRAMS UNDER THE SMALL BUSINESS ACT AND THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) *IN GENERAL.*—Section 1 of the Act entitled “An Act to extend temporarily certain authorities of the Small Business Administration”, approved October 10, 2006 (Public Law 109-316; 120 Stat. 1742), as most recently amended by section 1 of Public Law 111-66, is amended by striking “October 31, 2009” each place it appears and inserting “January 31, 2010”.

(b) *EFFECTIVE DATE.*—The amendments made by subsection (a) shall take effect on October 30, 2009.

Mr. REID. Mr. President, I ask unanimous consent that the Senate concur in the amendment from the House; that the motion to reconsider be laid upon the table, there be no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED STATES CAPITOL POLICE ADMINISTRATIVE TECHNICAL CORRECTIONS ACT OF 2009

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.R. 1299, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1299) to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, Senators SCHUMER and BENNETT of Utah have an amendment at the desk, and I ask unanimous consent that the amendment be considered and agreed to, the motion to reconsider be laid upon the table; that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2720) was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 1299), as amended, was read the third time and passed.

NATIONAL PRINCIPALS MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 329 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 329) recognizing the month of October 2009 as “National Principals Month.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 329) was agreed to.

The preamble was agreed to.
The resolution, with its preamble, reads as follows:

S. RES. 329

Whereas the National Association of Elementary School Principals and the National Association of Secondary School Principals have declared the month of October 2009 as “National Principals Month”;

Whereas school leaders are expected to be educational visionaries, instructional leaders, assessment experts, disciplinarians, community builders, public relations experts, budget analysts, facility managers, special programs administrators, and guardians of various legal, contractual, and policy mandates and initiatives, as well as being entrusted with our young people, our most valuable resource;

Whereas principals set the academic tone for their schools and work collaboratively with teachers to develop and maintain high curriculum standards, develop mission statements, and set performance goals and objectives;

Whereas the vision, dedication, and determination of a principal provides the mobilizing force behind any school reform effort; and

Whereas the celebration of “National Principals Month” would honor elementary, middle level, and high school principals and recognize the importance of school leadership in ensuring that every child has access to a high-quality education: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the month of October 2009 as “National Principals Month”; and
(2) honors the contribution of school principals in the elementary and secondary schools of our Nation by supporting the goals and ideals of “National Principals Month”.

DISCHARGE AND REFERRAL—S. 1938

Mr. REID. Mr. President, I ask unanimous consent the bill, S. 1938, be discharged from the Committee on Environment and Public Works and that it be referred to the Committee on Commerce, Science and Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, OCTOBER 30, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning, Friday, October 30, at 10 a.m.; following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. There will be no rollcall votes during tomorrow's session. The next rollcall vote will be on Monday, November 2, at 5 p.m. It will be on cloture on the substitute amendment to H.R. 3548, the Unemployment Compensation Extension Act.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:56 p.m., adjourned until Friday, October 30, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

FRANK KENDALL III, OF VIRGINIA, TO BE PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS. (NEW POSITION)

THE JUDICIARY

WILLIAM M. CONLEY, OF WISCONSIN, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF WISCONSIN, VICE BARBARA B. CRABB, RETIRING.

BRIAN ANTHONY JACKSON, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF LOUISIANA, VICE FRANK J. POLOZOLA, RETIRED.

DEPARTMENT OF JUSTICE

JAMES P. LYNCH, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE BUREAU OF JUSTICE STATISTICS, VICE JEFFREY L. SEDGWICK, RESIGNED.

DEPARTMENT OF COMMERCE

SURESH KUMAR, OF NEW JERSEY, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE, VICE ISRAEL HERNANDEZ, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GUY C. SWAN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

BRIG. GEN. WILLIAM N. PHILLIPS

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. BERNARD J. MCCULLOUGH III

CONFIRMATION

Executive nomination confirmed by the Senate Thursday, October 29, 2009:

PUBLIC HEALTH SERVICE

REGINA M. BENJAMIN, OF ALABAMA, TO BE MEDICAL DIRECTOR IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS, AND TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on October 29, 2009 withdrawing from further Senate consideration the following nomination:

FRANK KENDALL III, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY, VICE JAMES I. FINLEY, RESIGNED, WHICH WAS SENT TO THE SENATE ON AUGUST 5, 2009.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. GERLACH. Madam Speaker, unfortunately, on Monday, October 26, 2009, I missed two recorded votes on the House floor. Had I been present, I would have voted "yea" on rollcall 814 and "yea" on rollcall 815.

Additionally, I missed three recorded votes on Tuesday, October 27, 2009. Had I been present, I would have voted "yea" on rollcall 816, "yea" on rollcall 817, and "yea" on rollcall 818.

HONORING THE LATE ANGELA R. COPPOLA

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. HIGGINS. Madam Speaker, I rise today to pay tribute to the late Angela R. Coppola, housewife and mother, and lifelong resident of Buffalo, New York. Mrs. Coppola was a homemaker who raised 10 children and was active in many community organizations. Angela Coppola passed into the arms of the Lord on July 18, 2009 at the age of 83.

Born Angela Sapienza on August 21, 1925 on Busti Avenue, on Buffalo's west side, she was the daughter of an immigrant from Sicily, Leonard Sapienza. Her father was born in the town of Ventimiglia di Sicilia, near Palermo Sicily, in 1894—and immigrated to Buffalo with his parents in 1900 at the age of 6. Mrs. Coppola graduated from Nardin Academy in 1942. She then earned an associate's degree from St. Mary's Business School in 1944. She married Joseph R. Coppola, also from Buffalo, in 1947 at Holy Angels Church. They had 13 children in 10 years—8 sons and two daughters: Michael, Leonard, Joey, Jack, the late Mary, Peter, Paul, Robert, Richard, and Donna.

Angela Coppola's life revolved around her children, grandchildren, and great-grandchildren. They are her lasting legacy. At the time of her death, Angela had 31 grandchildren, and 7 great-grandchildren, with another on the way. The names of her grandchildren are as follows: Jennifer, Jill, Michelle, the late Joseph, Jeffery, Jamel, Christopher, Jacqui, Juliangela, Tommy, Katherine, Natalie, Eric, Bryan, Lindsey, Maria, Christine, Peter, Jr., Mark, Michael, Joseph, Laura, Robin, Kaitlin, Anthony, Janine, Nicholas, Elizabeth, Robbie, Christopher, Sarah, and Rebecca Angela. The names of her great-grandchildren so far are as follows: Serena, Arabella, Ryan, Miranda, Zachary, Hailee, and Nina Marie—with one due January 1, 2010.

Over the years, Angela Coppola was active in the Altar and Rosary Society of Christ the King Catholic Church in Snyder, the Seton Guild, the Women's Committee of the Buffalo Philharmonic Orchestra Society and the Canisius College President's Council, among other organizations. She was one of the first in the Buffalo area to lecture for Weight Watchers. She also demonstrated T-Fal cookware in local department stores.

In November, 2008, Mrs. Coppola was honored to receive the Ernestine Nardin Distinguished Service Award at the President's Reception, Nardin Academy in Buffalo, NY. Mrs. Coppola was a frequent spectator at her children and grandchildren's sporting events over the years. In 2000, Christ the King School in Snyder presented her a trophy as Fan of the Millennium-Year.

Mrs. Coppola's husband, Joseph R. Coppola, Ph.D, died in 2003 after 56 years of marriage. Angela is survived by 3 younger brothers: Joseph, Nicholas and Leonard Sapienza, all residents of Buffalo, N.Y.

Madam Speaker, I thank you and our colleagues for providing this opportunity for me to honor the legacy of a dedicated Western New Yorker, and I know that you and all of our colleagues join with me in paying tribute to Mrs. Coppola's service and to her memory.

EARMARK DECLARATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. CASTLE. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding funding for Delaware included as part of the final conference report for the FY 2010 Department of the Interior, Environment, and Related Agencies Appropriations Act, H.R. 2996:

Name of Project: Johnson's Corner Sanitary Sewer District Project, Sussex County, DE
Requesting Member: MICHAEL N. CASTLE
Bill Number: H.R. 2996

Account: EPA-STAG
Legal Name of Requesting Entity: Sussex County Council

Address of Requesting Entity: 2 The Circle, Georgetown, DE 19947

Description of Request: \$300,000 to construct wastewater collection and transmission facilities to serve the Johnson's Corner Sanitary Sewer District, located near the Assawoman Bay in Sussex County, DE, which is one of Delaware's inland bays. The purpose of the project is to eliminate failing septic systems and extend wastewater service to over 400 residences, and reduce harmful nutrients from entering the Bay.

Name of Project: Turkey Run Interceptor Improvements, New Castle County, DE

Requesting Member: MICHAEL N. CASTLE—
Bill Number: H.R. 2996

Account: EPA-STAG

Legal Name of Requesting Entity: New Castle County

Address of Requesting Entity: 87 Reads Way, New Castle, DE 19720

Description of Request: \$300,000 to make capital improvements to the Turkey Run Interceptor sewer project. Funding will assist in accelerating the schedule of this critical project so as to provide protection for public health and the environment from problems caused by this failing sanitary sewer interceptor.

Name of Project: Prime Hook National Wildlife Refuge

Requesting Member: MICHAEL N. CASTLE—
Bill Number: H.R. 2996

Account: USFWS—Land Acquisition

Legal Name of Requesting Entity: Prime Hook National Wildlife Refuge

Address of Requesting Entity: 11978 Turkle Pond Road, Milton, DE 19968

Description of Request: \$1,000,000 to support the President's FY2010 Budget request of \$1,000,000 from the U.S. Fish and Wildlife Service's Land Acquisition, to acquire a 108-acre tract adjacent to the Prime Hook National Wildlife Refuge in Milton, Delaware. This project would protect a mix of wetlands and upland habitats and provide excellent endangered Delmarva fox squirrel habitat. The tract also provides important access for the Refuge for both recreation and management uses into an area of the Refuge that currently lacks access.

HONORING THE 60TH ANNIVERSARY OF THE SIERRA BOOSTER

HON. TOM McCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. McCLINTOCK. Madam Speaker, I rise today to honor The Sierra Booster, published in Sierra County, California. The newspaper was first published in October 1949 by Hal Wright and his wife Allene. For over 50 years, Mr. Wright served his community through the continued publication of the Sierra Booster. Following her father's passing in July of 2000, Hal's daughter, Jan, took over the newspaper. For the past decade, Jan has continued her family's legacy as well as The Sierra Booster's commitment to serve the eastern Sierras.

Madam Speaker, The Sierra Booster exemplifies the ideal of a free press, one of this nation's greatest freedoms. Today, I ask my colleagues to join me in recognizing the Sierra Booster for its 60 years of continued service and wishing the newspaper continued success in the future.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING THE SANDY GROUND
HISTORICAL SOCIETY FOR THEIR
CULTURAL CONTRIBUTIONS TO
STATEN ISLAND, NEW YORK

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. McMAHON. Madam Speaker, I would like to honor the Sandy Ground community in Staten Island, New York. It is the oldest community established by free slaves in North America, and still thrives today.

After slavery was abolished in the State of New York in 1827, freedmen from all over the state, as well as far away as Maryland and Virginia, settled in the area known since colonial times as Sandy Ground, which was located in the area around what is now the intersection of Bloomingdale and Woodrow Roads in Rossville.

These early settlers were also skilled in the oyster trade, and brought this knowledge with them to Staten Island. Oyster harvesting was a major business on Staten Island during the 19th Century and was conducted mainly on the island's south shore. Sandy Ground also served as an important stop on the Underground Railroad, and is the oldest continuously settled free black community in the United States.

The Sandy Ground Historical Society, which preserves the history and physical surroundings of the Sandy Ground community and maintains a museum and library, was organized on February 28, 1980. The Museum and library contain letters, photographs, film, art, rare books, quilts and other archaeological artifacts. The Museum also possesses a rare surviving can of Tetttersalve, a beauty product manufactured by Harlem businesswoman Madame C. J. Walker, and a letter from W.E.B. DuBois.

The museum also sponsors arts-and-crafts sessions, a musical heritage series, a lecture series presented in Staten Island schools and churches, and a traveling lecture series to institutions around the country. The African-American quilt-making tradition is also continued through quilting workshops.

The Sandy Ground Historical Society has graciously lent us a quilt that we have hung proudly above the entryway to my personal office in Washington. The quilt depicts the history of strawberry farming on the land, which starts with two brothers named Moses and Silas Harris. They bought property circa 1850 in what is now Sandy Ground, with the intention of farming on it. Upon inspection of the land, they noted that the soil was sandy, but they found a plant that grew well in sandy soil: strawberries. They became so successful at growing strawberries that the town was first called "Harrisville," which later became Sandy Ground. Today there is a street in the Sandy Ground community called Harris Lane, named after the Harris Brothers. Wild strawberries still grow on the few open plots of land that are left in the area.

Sandy Ground is an important historical landmark, an asset to Staten Island, and an asset to the United States of America.

IN MEMORY OF MR. DAVID W.
TROUTMAN

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. RYAN of Ohio. Madam Speaker, it is with deep sadness that I inform the House of the death of Mr. David W. Troutman of Akron, Ohio.

David (Dave) William Troutman, 67, passed away on October 26, 2009.

Dave was born on February 16, 1942 in Wooster, Ohio to George and Ruth Troutman. Most important to Dave was his beloved family.

He is survived by his lovely wife of 40 years, Janet L. Troutman. He was a loving and devoted father to Michael (Danielle) Troutman and DeAnna (Thomas) Donaldson; a dotting grandfather to his precious grandchildren, Luke Donaldson and MacIntyre Troutman. He is also survived by his sisters, Hannah Onderack and Florence (James) Castner through whom his family legacy extends through his nieces and nephews, Alicia, Nicholas, Jennifer, Daniel, Katie, Chelsea, Aleem, and Sufia.

Dave's life was dedicated to serving his community, state and country. His accomplished career in law enforcement spanned over 40 years. He served as a soldier in the U.S. Army Reserve, Summit County Sheriff Deputy for 10 years, Barberton Chief Probation Officer for seven years, Summit County Sheriff for 14 years and finally served as U.S. Marshall for nine years at the request of then President Bill Clinton. From his early years attending high school in Barberton, Ohio and college at Miami (Ohio) University, Dave was committed to serving his community and helping others. Throughout his lifetime, he served in numerous appointed and elected public offices to include Coventry Township Trustee, Coventry Country Parks and Recreation Board Member, Summit County Sheriff, OPOTA Council Member, Ohio Organized Crime Commission Member, Ohio Athletic Commission Member and Kiwanis to name but a few. His leadership role in so many offices was not for public recognition as is typical of so many, but for his belief that he could serve others from such a position and lead others to public service. Because of his generosity and outstanding servitude, an exhaustive list of recognition and awards were bestowed upon him including the Cliff Skeen Award and Sheriff of the Year.

To have known Dave was to know a man of integrity, honesty and service. His love for people and community was shown daily as he always helped others when often no one else would. To say Dave personally touched the lives of thousands would be an understatement. His legacy of service and love for others and his lifelong example of honesty and integrity is priceless and inspiring to so many. How would Dave have us honor such a lifetime of example? By following that example and becoming great through helping others. Dave will be missed, loved and never forgotten. Ohio has truly lost one of its most beloved sons. We love and miss you Dave!

EARMARK DECLARATION

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. ADERHOLT. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996, the Department of the Interior, EPA Appropriations Bill:

Requesting Member: ADERHOLT

Bill Number: H.R. 2996

Account: STAG Water and Wastewater Infrastructure Project

Legal Name of Requesting Entity: Fayette County Commission

Address of Requesting Entity: Fayette County Commission, 103 1st NW, Fayette, AL 35555

Description of Request: "Fayette County Reservoir \$6,000,000" The funding would be used for the construction of a water reservoir located in Fayette County that will serve as a water source for an area where residents are suffering from poor water quality. This project will provide a dependable supply of water to the 120,422 residents of Fayette and surrounding counties. Taxpayer Justification: This project will provide a dependable supply of water to the 120,422 residents in Fayette County, Marion County, and Walker County.

IN RECOGNITION OF THE DEDICATION
AND SUPPORT OF OUR
MILITARY FAMILIES

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. MILLER of Florida. Madam Speaker, it is with great honor that I rise today to recognize the dedication and support of our military families, servicemembers, and the veterans who went before them.

When a servicemember joins the military, it is not a just a job; it is a family commitment to our country. As our country continues to deploy overseas, we see the impact it has on family members at home. The month of November is designated as Military Family Month. This observance provides an excellent opportunity to show support for our servicemembers and families as we pause and reflect on the contributions, support and patriotism they exhibit each day.

Military families continuously undergo tremendous challenges and it only begins when they find their loved ones deployed for long periods of time. During frequent moves, they effortlessly relocate their belongings, find new schools for their children, navigate the complex options for medical care, and solve myriad other challenges. They are truly resilient and strong.

It is an honor for me to convey my heartfelt appreciation for the service and support of some particular events in Northwest Florida in the coming weeks that will honor our veterans and educate our children about their heroism

and sacrifice. On November 4, Blue Angels Elementary School will partner with the History Channel's Take a Veteran to School Day to honor our veterans. The following week, both Blue Angels Elementary School and Navy Point Elementary School in Pensacola will hold their annual Armed Forces Foundation national education initiative, "Operation Caring Classroom". During this event, the schools will be engaged in classroom activity the week of Veterans Day to learn about this holiday and reach out to military children nationwide. This year, 50 civilian elementary schools and 50 military elementary schools will participate in various activities during the week of Veterans Day to raise awareness and appreciation for our military families. The outpouring of support for these special events makes me proud to call Northwest Florida home.

Some of the events will help raise money to continue supporting our World War II Veterans. Both schools are raising money to sponsor multiple "Honor Flights". We just completed our fifth "Honor Flight" from the Emerald Coast on 21 October. We greeted 103 of our WW II Veterans as they stepped off the plane and watched many of them see their WW II Memorial for the first time. The charity pays for them to fly to Washington, DC and it's wonderful to see support for future trips.

Our veterans, servicemembers, and their families have sacrificed so much for our nation and deserve the highest level of respect. This nation owes you a debt of gratitude. Here on Capitol Hill, many of us felt it was time to organize a caucus with a focus on Military Families. On November 4, the Congressional Military Family Caucus will feature its inaugural event. The caucus will foster the interest of family members of the uniformed services by educating Congressional Members and staff on resources the military provides as well as discuss the barriers that a military family faces. The goal of the caucus is to address issues such as education, childcare, healthcare, spouse employment, and the effects of multiple deployments.

We all play an important part in recognizing military families, servicemembers, and veterans. I am humbled by the remarkable role each and every one of them play in the future of this Nation. The events held at Blue Angels Elementary School and Navy Point Elementary School in Pensacola serve as a model for the entire country. In the 1st Congressional District of Florida, a district that has more veterans than any other in the nation, the events also serve as a reminder of our gratitude and respect.

A PROCLAMATION HONORING THE LATE DORIS POWELL

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. SPACE. Madam Speaker,

Whereas, Doris Powell served honorably in the United States Armed Services; and

Whereas, Doris Powell bravely served on active duty during World War II; and

Whereas, she was a lifelong member of the Veterans of Foreign War (VFW) Post #4713; and

Whereas, she served on the Morgan County School Board for 22 years; be it

Resolved that along with friends, family, and the residents of the 18th Congressional District, I congratulate the late Doris Powell on her induction to the Ohio Veterans Hall of Fame.

EARMARK DECLARATION

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mrs. EMERSON. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information in regards to H.R. 2996, the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations Bill.

Project Name: City of East Prairie, Missouri Stormwater and Sewer Infrastructure

Bill Number: H.R. 2996

Account: STAG Water and Wastewater Infrastructure Project

Requesting Entity: City of East Prairie, Missouri

Address of Requesting Entity: 219 N. Washington St., East Prairie, Missouri 63845-1141

Description of Request: Provide an earmark in the amount of \$200,000 to rebuild East Prairie, Missouri's wastewater and storm water infrastructure. The existing 84-year-old water infrastructure is crumbling under the streets due to sinkholes which have plagued the community. The sinkholes are destroying box culverts, which is posing a threat to streets and houses in East Prairie. The money procured will pay for the construction of new stormwater sewers. A minimum of 45 percent of the total project cost will come directly from the City of East Prairie, Missouri.

HONORING CENTRE AVENUE ELEMENTARY SCHOOL

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize the students, faculty and staff of the Centre Avenue Elementary School and congratulate them for having received the prestigious Blue Ribbon School Award. The Blue Ribbon Schools Program recognizes schools that make significant progress in closing the achievement gap or whose students achieve at very high levels.

Centre Avenue Elementary School has been successful in meeting the highest standards of the New York State assessments, with test results consistently meeting the state's expectations by having a high number of students performing at maximum levels. Centre Avenue succeeds in providing an atmosphere where students foster a desire for lifelong learning and are motivated to reach their highest potential academically, creatively, socially, physically and emotionally.

Centre Avenue is committed to providing an educational environment where safety per-

meates. Students are encouraged to expand their social and emotional development with involvement in groups and participation in any of the numerous clubs offered. A supplemental aspect of their curriculum is to teach the students social responsibility. A school-wide Jump-A-Thon supported the American Heart Association, money was collected to assist Island Harvest in their quest to end hunger on Long Island, the Toys for Tots program helped disadvantaged families have a happier holiday, and the Food Drive helped restock the supplies at the Ronald McDonald House.

The future of this country depends on the hopes and dreams of its children. Our community and our nation, are enhanced by the contributions of high achieving students like those at Centre Avenue Elementary School. Additionally, I would like to recognize the work of the teachers and administrators who dedicate their lives to their students. The staff is the back-bone of the student's success and I thank them for all that they do on a daily basis.

Madam Speaker, it is with pride and admiration I offer my thanks and recognition to the Centre Avenue Elementary School.

EARMARK DECLARATION

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. SIMPSON. Madam Speaker, in accordance with the policies and standards put forth by the House Appropriations Committee and the GOP Leadership, I would like to submit a listing of the congressionally-directed projects I requested in my home state of Idaho that are contained in the Conference Report accompanying H.R. 2996, the FY2010 Interior, Environment, and Related Agencies Appropriations Bill.

Project Name: City of American Falls Wastewater System Improvements

Amount Requested: \$300,000

Account: EPA/STAG

Recipient: City of American Falls

Recipient's Address: 550 N. Oregon Trail, American Falls, ID 83211-1800

Description: The city's recently completed wastewater facilities planning study evaluated numerous options to address the city's wastewater infrastructure deficiencies and meet U.S. EPA and IDEQ regulations. Based on input from the city, IDEQ, citizens of American Falls, and the consulting engineers performing the study, it was determined that a new wastewater treatment facility incorporating membrane technologies was the best solution to meet the needs of the city. Such a treatment facility utilizes state-of-the-art treatment technology that would be able to meet current and anticipated future State and Federal requirements. In addition, it would provide future flexibility to the city for pursuing other treated wastewater disposal methods. Total project cost is over \$10 million. The people of American Falls will be absorbing the majority of costs for this project.

Project Name: City of Buhl Wastewater System Improvements

Amount: \$750,000

Account: EPA/STAG

Recipient: City of Buhl

Recipient's Address: 203 North Broadway, Buhl, ID 83316

Description: The city is periodically exceeding the NPDES limitations under the Clean Water Act and was recently fined by EPA for non-compliance of their pH, Total Suspended Solids (TSS), and Biochemical Oxygen Demand (BOD). IDEQ and EPA have mandated that the city build a new wastewater treatment center. Buhl, a town of less than 5,000 residents, recently passed a bond election for \$15 million to help pay for the required improvements to their water system. The loan funds will be a burden to the residents—many of whom are elderly (19% of the community) and the majority of whom are low to moderate income—and will increase monthly water bills by over \$100, but even this will be unsustainable without additional assistance. Funding for this project will enable the City build a new wastewater treatment center that would meet the Federal and State mandates imposed on the community.

Project Name: Historic Old Pen Site Stabilization Project

Amount: \$150,000 8 604

Account: National Park Service/Save America's Treasures

Recipient: Idaho State Historical Society

Recipient's Address: 2205 Old Penitentiary Road, Boise, ID 83712

Description: This project will provide stabilization to the Old Idaho State Penitentiary historic site, which is operated by the Idaho State Historical Society. The Old Pen is one of the West's most significant prison sites and one of the most visited cultural facilities in Idaho. It thus plays a key role in the economic vitality of Boise and the Treasure Valley. Funding would be used for work needed immediately to stabilize the site. In addition, funding would be used for an historic structures report to help better anticipate future maintenance and repair needs before they become emergency situations.

Project Name: Idaho Sage-Grouse Management Plan

Amount: \$1,000,000

Account: Fish and Wildlife Service/ESA Resource Management

Recipient: Idaho Governor's Office of Species Conservation

Recipient's Address: 300 N. 6th Street, Boise, ID 83702

Description: Sage-grouse are on the verge of being listed under the Endangered Species Act, with a decision on listing expected this spring. Idaho is taking proactive steps to recover this species before a listing is required. The management plan, which is a partnership with private landowners, is an attempt to be wise stewards of the nation's wildlife without being compelled to do so by law.

Project Name: Piva Parcel Land Acquisition

Amount: \$400,000

Account: USFS/Land Acquisition

Recipient: U.S. Forest Service, Sawtooth National Recreation Area

Recipient's Address: 5 North Fork Canyon Road, Ketchum, ID 83340

Description: Funds will be used to enable the Forest Service to acquire the 160-acre

Piva parcel from a willing seller so that it can be used for public recreation and access to the Redfish Lake recreation area from the town of Stanley. The Forest Service currently has a conservation easement on the property, but acquiring the land is necessary to carry out planned improvements.

Project Name: SNRA Trail Maintenance and Improvements

Amount: \$1,200,000

Account: Capital Improvements and Maintenance (Trail Construction)

Recipient: U.S. Forest Service, Sawtooth National Recreation Area

Recipient's Address: 5 North Fork Canyon Road, Ketchum, ID 83340

Description: Funds will be used for trail construction, maintenance, and improvement in the Sawtooth National Recreation Area. Of the funds appropriated for trail maintenance and improvement in the Sawtooth National Recreation Area, \$500,000 is for trail improvements; \$500,000 is for maintenance of existing motorized trails and areas; and \$200,000 is for the improvement of two existing trails to provide primitive wheelchair access at Murdock Creek and Phyllis Lake.

I appreciate the opportunity to provide a list of congressionally-directed projects in my district that have received funding in the Conference Report accompanying the Interior, Environment, and Related Agencies Appropriations Act for FY2010 and provide an explanation of my support for them.

IN HONOR OF THE COWELL LIME WORKS HISTORIC DISTRICT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. FARR. Madam Speaker, I rise today to honor the University of California at Santa Cruz's historic lime-producing district and the unveiling of the permanent National Register of Historic Places plaque. The installation of this plaque, which has been the result of many years of hard work by local historians and the campus, marks its permanent inhabitation on a base of Cowell Ranch limestone on the college campus. On behalf of the House of Representatives, I am honored to extend to the UCSC campus the gratitude of Congress and the American people for this historic event.

UC Santa Cruz is now the only higher education institution in California that has a historic district listed on the National Register of Historic Places. The school has taken an important step in preserving the history and significance of the largest center of lime-production in Northern California during the late 19th and early 20th centuries. These historic buildings and features have a special historic value because they represent the diverse set of facilities stemming from lime-processing, operations, and worker-support. Furthermore, the district was instrumental in the economic and physical development of the Monterey Bay region during the late 19th century and the development of California cities after the Gold Rush during the early 20th century.

These lands were once part of Henry Cowell's Ranch, where industrialists produced

mortar, plaster, whitewash and other much needed materials for a number of other industries in the region. In addition to owning the lime-production sites that can be found scattered around the UC Santa Cruz campus, Cowell also owned dairies and cattle ranches that extended throughout Northern California. He was involved in banking, real estate, shipping, and warehousing.

Madam Speaker, in closing, I want to uphold this historic district as a model of maintaining our state's historical integrity. Historical spaces like these are an example of what makes our community a national leader in the preservation of lands which continue to shape our society. I know I speak for the House of Representatives in saluting the UCSC community on this momentous occasion.

HEALTH CARE AND OUR NATION'S SENIORS

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. SMITH of Nebraska. Madam Speaker, as we consider health care reform, we have a responsibility to protect the best interests of our nation's seniors and ensure we do not harm the health care they already receive.

Included in the current government takeover of health care are massive cuts to Medicare Advantage which will result in a loss of health care for millions of seniors.

For seniors living on fixed incomes, the prospect of being forced to pay more for health care is truly frightening.

But the Congressional Budget Office has reported the Democrat plan will increase seniors' Medicare prescription drug premiums by 20 percent over the next decade.

Medicare finances are rapidly deteriorating and we should be working on real solutions which ensure the long-term financial stability of Medicare.

Madam Speaker, a government-run health care system is not the answer to our health care problems, and it certainly is not the answer when it is paid for on the backs of our nation's seniors.

EARMARK DECLARATION

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. DUNCAN. Madam Speaker, consistent with House Republican Earmark Standards, I am submitting the following earmark disclosure information for project requests that I made and which were included within H.R. 2996, "Making appropriations for the Department of Interior, environment and related agencies for the fiscal year ending September 30, 2010, and for other purposes."

Requesting Member: Congressman JOHN DUNCAN

Account: Save America's Treasures
Project Amount: \$250,000

Legal Name of Requesting Entity: Blount Mansion Association, 200 W. Hill Avenue, Knoxville, TN 37902

Description of Request: The funding would be used to upgrade and improve the National Historic Landmark.

HONORING BOB BEVERLY

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. HARMAN. Madam Speaker, every community across America has its local icons—women and men whose dedication and commitment to service improve our quality of life and strengthen the bonds between us—regardless of party affiliation. Bob Beverly, who recently passed away, was such a man. He was also a friend and a veteran legislator in the South Bay, the region of Los Angeles which I represent.

Before Bob made his way to Los Angeles, he served in the Marine Corps during World War II. Following the war, Bob moved to Manhattan Beach where he became Mayor and served for three terms. But more than half of Bob's time in public service—in fact almost a quarter of his life—was spent representing the South Bay as its longest-serving state legislator.

Many people know Bob Beverly for his service as Minority Leader in the State Senate during Ronald Reagan's tenure as Governor. In that role, he left a profound and permanent impact on countless lives throughout the South Bay.

Bob was an enormously popular, responsive and effective leader. His career overlapped with legendary Los Angeles Congressman Alphonzo Bell, who pursued a similar style of bipartisan leadership. Such comity—and a willingness to reach across the aisle—has become all too rare in Washington. But I continue to believe it is a critical element when confronting our toughest problems.

I am proud to have worked early in my Congressional career with Bob on issues of importance to the South Bay. His humility and quiet commitment to issues affecting his constituents will be missed—and not forgotten.

A TRIBUTE TO ELMER WINTER

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. MOORE of Wisconsin. Madam Speaker, I rise in honor of Elmer Winter, a noted Milwaukee philanthropist, entrepreneur, artist, and author. In 1948, Mr. Winter cofounded Manpower, Inc., based in Milwaukee, WI and today the largest temporary employer in the world.

Elmer Winter was born in Milwaukee, Wisconsin, on March 6, 1912. His father was a clothing merchant and belonged to a small, liberal Jewish community in Milwaukee in the 1920s. He was educated in Milwaukee Public

Schools, graduated from the University of Wisconsin with a degree in economics as well as a law degree. He practiced law in partnership with his brother-in-law, Aaron Scheinfeld.

Manpower began with the illness of their secretary: Winter and Scheinfeld were frantic to find a typist in order to finish a legal brief for the state Supreme Court. The deadline was met only because a former secretary worked until dawn. The partners knew that other businesses must face these types of challenges and launched the temporary help agency with an investment of \$7000. Manpower is now a multibillion-dollar company with 30,000 employees in 4,100 offices throughout 82 countries.

Mr. Winter had many community-building interests such as improving the central city of Milwaukee, including its schools. "I am very much concerned about the movement of corporate executives away from public schools to charter and voucher schools," he said in 2000. "Corporations have forgotten about the fact that we have 100,000 young people in the public school system that need help". Mr. Winter considered jobs as the bedrock for any social reform because a job meant a better place to live, streets that are safe, and kids who are out of mischief. In his spare time, he created art and wrote 13 published books. As a painter and sculptor his work was displayed throughout the United States and Israel.

His efforts included everything from the Youthpower Jobs Program to getting business-donated computers refurbished at the state women's prison at Taycheedah for MPS classrooms. Mr. Winter founded the Milwaukee Center for Independence, which serves people with disabilities and is one of Milwaukee's largest nonprofit agencies. He served as a national president of the American Jewish Committee and worked on behalf of the Jewish community on both the national and international level. Mr. Winter formed and led the Committee for the Economic Growth of Israel, a nonprofit dedicated to expanding trade relationships between Israel and the United States.

Mr. Winter was married to Nannette Rosenberg for 54 years and together they raised three daughters, eight grandchildren and six great-grandchildren. Nannette passed away in 1990. In 1992 he married Hope Melamed. Mr. Winter retired as president of Manpower in 1976. He drove daily to the office he maintained at Manpower's headquarters in Milwaukee until shortly before his death on October 22, 2009, at the age of 97. Madam Speaker, Milwaukee has experienced a profound loss of a valued native son with the passing of Mr. Winter. Today, I thank him and his family for their immeasurable achievements. I mourn his loss and salute his legacy to our community and the world.

HONORING DUDLEY OF SONOMA COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. THOMPSON of California. Madam Speaker, I rise today along with my colleague,

Congresswoman LYNN WOOLSEY, to honor the woman known to hundreds of Sonoma County veterans as simply "Dudley." Dudley recently retired as a county Veterans Service Officer after more than 37 years and is taking with her the respect and admiration of a grateful nation.

Dudley is herself a veteran, joining the Army directly out of high school in 1962. She describes this period of her life as "the best thing that ever happened to her." It was during this time that she developed her lifelong appreciation for and dedication to the men and women who serve our country in uniform.

A six-and-a-half year stint as a flight attendant for several airlines that declared bankruptcy left her stranded and unemployed in Sonoma County. To the good fortune of every veteran in the area, she soon found work as a clerk typist in the Veterans Service Office in 1972. Four short years later, she was promoted to a Veterans Claim Worker and from that point forward, became the champion of every veteran with whom she worked.

She was one of the first to recognize that Post Traumatic Stress Disorder was severely affecting the ability of many of our veterans to fully function after returning from combat. She worked relentlessly with the Department of Veterans Affairs and within the county veteran's service organizations to have PTSD recognized as a disability and was eventually successful.

Throughout her 37-year career, she has given specialized training presentations at the state and national level on procedures for filing claims with the VA for specific disabilities. She has been honored and recognized for her work by the Vietnam Veterans of America, receiving the organization's highest honor, the Commendation Medal, in 1999. The California State Council of Vietnam Veterans of America presented her with its Member of the Year award in 2000.

Dudley also served the veterans community by organizing the United Veterans Parade Committee to participate with floats and veterans groups in Santa Rosa's largest civic parade and by organizing the United Veterans Council POW/MIA ceremony to honor former prisoners of war and those missing in action from Sonoma County.

Madam Speaker, Dudley is a living example that one person can make a difference. There is no greater champion of veterans in our two Congressional Districts and it is therefore appropriate that we honor and express our gratitude to her today and wish her well in her retirement.

EARMARK DECLARATION

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. WAMP. Madam Speaker, as a leader on earmark reform, I am committed to protecting taxpayers' money and providing greater transparency and a fully accountable process. The Conference Report on H.R. 2996, the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations Act contains the following funding:

Requesting Member: Rep. ZACH WAMP
Account: National Park Service—Construction

Legal Name Entity Receiving Funding: Moccasin Bend National Archeological District

Address: Moccasin Bend Road, Chattanooga, Tennessee 37405

Description of Request: Moccasin Bend National Archeological District, a unit of the Chickamauga and Chattanooga National Military Park, has a rich and varied cultural history with evidence of occupation dating back to the earliest human cultures in North America. Moccasin Bend was designated as a unit of the National Park Service to preserve the area's rich heritage for future generations. There are no facilities for public enjoyment of these nationally significant resources. Moccasin Bend National Archeological District received \$500,000 for design and construction of an Interpretive Center and educational exhibits to promote awareness of the archeological district.

Distribution of funding:

Design development and construction—100%

Requesting Member: Rep. ZACH WAMP

Account: Environmental Protection Agency—State and Tribal Assistance Grant

Legal Name Requesting Entity: City of Harrogate, Tennessee

Address: 138 Harrogate Crossing, Harrogate, Tennessee 37752

Description of Request: The Mayor and City Council of Harrogate requested funding to extend a wastewater collection system to the Tri-State Health and Rehabilitation Center, residences and businesses. Upgraded sewer capabilities are critical to support the increasing residential and commercial development in Harrogate. The proposed expansion will allow residents in the area to have safe, adequate wastewater service. The City of Harrogate received \$500,000 for the wastewater improvements.

Distribution of funding:

Construction—83%

Survey/Fees—1%

Engineering—6%

Inspection—3%

Project Contingency—4%

Environment Review—1%

Administration—2%

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. WOOLSEY. Madam Speaker, on October 28, 2009, I was unavoidably detained and was unable to record my vote for rollcall No. 820. Had I been present I would have voted: rollcall No. 820: "yes"—Welcoming to the United States and to Washington, DC, His All Holiness Bartholomew, Archbishop of Constantinople, New Rome, Ecumenical Patriarch on his upcoming trip on October 20, 2009, through November 6, 2009.

HONORING AMERICAN VETERANS

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. WESTMORELAND. Madam Speaker, as Veterans Day approaches, I rise today to pay tribute to the millions of brave troops who have worn our nation's uniform and particularly to the 700,000 who now live in Georgia.

Today's American veterans are part of a proud legacy that dates back to the founding of our nation, independence won with the blood and sacrifice of underfed, undertrained, underequipped colonists hungry for the taste of freedom. That bank of Patriots gave birth to the greatest nation in history.

Our 19th century veterans pushed our nation's boundaries across the continent, from sea to shining sea, and they patched our nation back together after it was ripped apart by a civil war that left more than 500,000 dead.

At the dawn of the 20th century, our veterans again led the way as the United States met its destiny as the greatest of world powers. We did not deploy our mighty forces to pillage the world's riches. Instead we put American lives and treasure on the line in the service of mankind, fighting the scourges of military dictatorships, fascism, communism and terrorism. Never before has the world's greatest power acted so selflessly and so compassionately on behalf of those in need from all points on the globe.

Our soldiers fought, bled and died from Pearl Harbor to Paris, from the Balkans to Baghdad, from Seoul to Saigon. They fought in defense of freedom; they fought on behalf of human dignity; they fought against genocide; they fought to right wrongs. Most important, they fought to protect the American people and their way of life.

On Veterans Day, we salute those who fought for this nation, from our senior veterans who delivered victory in WWII to our brave men and women coming home today from Iraq and Afghanistan. When the call of duty sounded, they answered. They put liberty over life, and they put their countrymen above themselves.

We know our veterans bear the scars of war, the pains of wounds physical, mental and emotional. We know they faced down horror, loss and sacrifice beyond compare.

And we know they did it for us. The American people cannot repay the debt we owe to those who served. We honor them on this Veterans Day 2009, and may we reflect on their greatness every time we raise the Stars and Stripes, every time we sing the National Anthem, every time we place our hands on our hearts to say the Pledge of Allegiance, and every time we thank God for the birthright of liberty we inherited as Americans.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. PUTNAM. Madam Speaker, on Monday, October 26, 2009, I was not present for 2 re-

corded votes. Had I been present, I would have voted the following way:

Roll No. 814—"yea";

Roll No. 815—"yea."

A PROCLAMATION HONORING LEWIS BAKER

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. SPACE. Madam Speaker, Whereas, Lewis Baker served honorably in the United States Armed Services; and

Whereas, Lewis Baker used his 20-month capture by German forces in World War II as motivation to help his fellow veterans at home; and

Whereas, Lewis Baker is an advocate for countless POWs and widows and has helped numerous veterans receive their benefits; and Whereas, at 89-years old he still performs his Honor Guard duty; be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Lewis Baker on his induction to the Ohio Veterans Hall of Fame.

LINCOLN'S DEBT LETTER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. POE of Texas. Madam Speaker, history has a tendency to repeat itself, and those clever enough to comprehend that fact learn from mistakes the first time they occur and avoid them there after. In 1848, Abraham Lincoln received a request from his step-brother, John D. Johnston, for \$80. What seems to be a relatively small amount of money in current times proved to be an immense amount in the 1800s, roughly equating to \$1800 in current U.S. dollars. Having been fooled into giving Johnston money before Lincoln refused to play the role of a charity because his step-brother proved to be a lazy and idle man. Rather than spend the money he once received from Lincoln wisely on his family farm, he wasted it frivolously. Bailing his own family out was not a practice Lincoln took part in because those who asked for money were not deserving of it. Lincoln suggested that his idle step-brother spend his time working for his pay, which would alleviate all his debt and his labor would produce a reward. His step-brother refused to work for his money and wanted it to be handed to him, which seems very familiar in today's society.

History does indeed repeat itself and it appears that the requests of people like John D. Johnston are becoming more frequent, and rather than asking one's own family, they feel that the government is obligated to pay. It is evident that Lincoln did not favor a welfare system or bail-out plan, where the government handed over money to people and made it appear like it was their job to do so. It would be wise for today's politicians to learn from history and take a page out of Lincoln's book because handing money to people who do not

work for it is only promoting an endless cycle of indolence, like that of John D. Johnston.

HONORING MAEEVEN MARIE
BEHAN

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. GRIJALVA. Madam Speaker, I rise today to honor an incredible public servant and community leader who has made an indelible mark on the Sonoran Desert region and on the community of Tucson, Arizona. Maeveen Marie Behan has changed the face of Pima County and will leave a legacy of successful community-based conservation planning and endangered species protection throughout the country by the work she has accomplished in Southern Arizona.

Maeveen Marie Behan, JD, PhD, was born July 13, 1961 in Milwaukee, Wisconsin. Maeveen lived in numerous states as a child and graduated from the University of Georgia with a BA in English. While in high school, Maeveen was the first woman in Georgia to break the six-minute mile. She continued her athletic prowess on the tennis court and has always loved to run races in any city where she vacationed. She is a rabid lifelong Alabama football and Chapel Hill basketball fan.

Maeveen met the love of her life, Harry Goldwasser, while they were students together at the University of Georgia. Harry and Maeveen married in 1986. Maeveen is devoted to her bloodhounds, "Sweet Peas" Charlie and Hermione, and has written a series of children's stories based on her dogs.

After Maeveen received her Juris Doctorate from the University of Alabama School of Law, and her husband Harry completed his residency at UNC Chapel Hill, they moved to Arizona, where they lived in Chinle while Maeveen worked for the Navajo Nation. They moved to Tucson in 1992 and Maeveen went to work for Pima County, where her career has encompassed numerous projects. In December 2006, Maeveen received her doctorate in Arid Lands Research Sciences researching the role of folklore in conservation; the title of her dissertation is Science and Lore in Animal Law. Reading up to four books a day, her interests are extremely diverse. She relishes mysteries, cartoons, myths, fables, and folklore throughout history.

Her extraordinary intelligence, integrity and high standards are reflected in everything she sets her hand to. Maeveen has accomplished the culmination of her life's work over the last decade as the principal author and guiding light of Pima County's national award winning Sonoran Desert Conservation Plan and as the first Director of the County's Office of Conservation Science and Environmental Policy. Maeveen is a prolific author, writing dozens of reports for the plan and directing over 200 others covering a wide variety of topics. Maeveen has been the leader in developing the County's efforts to preserve the key biological resources of the Sonoran Desert through a precedent setting Multi-species Habitat Conservation Plan. Maeveen has provided leader-

ship for the community response to the listing of the cactus ferruginous pygmy-owl as a federally endangered species. The result has been hailed as a national model by local, regional and national media, planning and government agencies, and non-profit organizations for how to respond to the dilemma posed by urban growth and living with the environment. She recommended that the County broaden the scope of discussions to other important and vulnerable species as well as infrastructure, taxation, history, archeology, open space, housing, water, recreation and ranching. Instead of limiting the response to the boundaries of unincorporated Pima County, Maeveen suggested that the Board of Supervisors open the process to all affected entities, including ranchers, developers, environmental groups, tribal entities, interested citizens, and elected leaders of the incorporated entities.

Maeveen Behan's efforts have catalyzed support for open space acquisition, funding for repairing wildlife corridors, improved cooperation among jurisdictions, strengthening of Federal land commitments, and revisions of County policies and procedures.

Maeveen personally attended over 600 meetings with citizens and elected officials about the Sonoran Desert Conservation Plan and made herself available night and day for over 3 years. She also inspired the science community to participate in developing the Sonoran Desert Conservation Plan in a way that honored their integrity as scientists without intrusion of jurisdictional concerns or political pressure from interest groups. Maeveen also created the Sonoran Desert Kids program to educate and inspire generations of young citizens about the importance of the desert ecosystem.

In 2001 the Board adopted the Conservation Lands System as the long-term, locally adopted vision for balancing economic integrity and protecting natural resources and cultural heritage in Pima County. Pima County is completing the final draft of its Multi-Species Habitat Conservation Plan for submittal to the U.S. Fish and Wildlife Service.

Her commitment to transparency in government and to an open public process involving scientists, conservationists, business interests, multiple jurisdictions, government agencies and other stakeholders has been a model for the nation. Her keen insight, sense of duty, and humor inspires us all. Maeveen's professional and life mantra has always been, "Just do the right thing".

EARMARK DECLARATION

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. ROGERS of Alabama. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of the Conference report accompanying H.R. 2996—Interior, Environment, and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman MIKE ROGERS (AL)

Bill Number: H.R. 2996

Account: NPS, Acquisitions, \$1,500,000

Legal Name of Requesting Entity: Conservation Fund

Address of Requesting Entity: 4500 Hugh Howell Rd., Suite 470, Atlanta, GA 30084

Description of Request: "Little River Canyon" Taxpayer justification—It is my understanding that the funding would be used to allow the National Park Service (NPS) to acquire key parcels, only through willing sellers, within the new acquisition boundary of the Little River Canyon National Preserve.

HONORING THE 50TH ANNIVERSARY OF WALLY'S HOUSE OF EMBERS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. BALDWIN. Madam Speaker, I rise today to honor the 50th anniversary of Wally's House of Embers. Located in Wisconsin Dells, House of Embers has been attracting local residents and hungry travelers since 1959. Offering much more than just legendary hickory smoked barbecue ribs, House of Embers has been an institution in Wisconsin's most popular tourist destination for decades.

When Wally and Barbara Obois purchased Ray's Barbeque from Ray Grieves in 1959 and renamed it House of Embers, the restaurant was little more than four walls and a dirt floor. But year after year, Mr. and Mrs. Obois and their five children worked tirelessly to bring family tradition and a fine dining experience to their customers. Whether in the original building or the current one built in 1976, they continuously emphasized the importance of serving quality food with the highest level of customer service. And with a unique collection of specialty dining rooms, each having a personality all its own, House of Embers quickly became a staple in the community and continues to attract people from all over Wisconsin and beyond.

After Wally and Barbara finally hung up their aprons in 1998 and set sail for retirement, three of their children purchased the restaurant with the intention of carrying on the Obois family tradition of fine dining. Mark and Mike Obois, graduates of the Culinary Institute of America, and their sister Deb Christensen, proved to be a successful trio as House of Embers ushered in the new millennium. In 2004, the late Dennis Getto, a restaurant critic for the Milwaukee Journal Sentinel, best characterized the famous Obois family ribs when he wrote, "My first bite told me that this was real barbecue—the hickory smoke had permeated the rib meat and enriched its flavor."

For exceptional longevity and superb originality, I congratulate Wally's House of Embers on a half century of providing a uniquely Wisconsin dining experience. The Obois tradition of fine dining is a symbol of the family's dedication to serving our community not only great food, but also laughter, joy, and a friendly smile. I wish the Oboises and everyone involved the very best and I look forward to many more years of success.

HONORING ELKHART GENERAL
HOSPITAL ON ITS 100 YEARS OF
SERVICE TO OUR COMMUNITY

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. DONNELLY of Indiana. Madam Speaker, today I rise to honor Elkhart General Hospital, celebrating its 100th anniversary of serving the good people of Elkhart, Indiana and the surrounding communities.

For 100 years, Elkhart General Hospital has been providing comprehensive medical care to residents of Elkhart, Indiana and the surrounding communities. Its dedicated administrators, medical professionals, and community partners focus on the hospital's vision of "creating a healthier community." Through their recognition that good health requires a holistic approach, the devoted members of the Elkhart General family work diligently to provide healthcare that embraces body, mind, and spirit.

On March 29, 1909, Elkhart General Hospital was officially incorporated. Funds were raised, and a brand new hospital was built and opened to serve the community that same year. In 1953, the hospital had 100 beds and 3,170 operations were performed—twice the national average for a facility that size.

Over the years, Elkhart General has grown with the community it serves. In 1965, it completed a four-story addition, increasing its capacity to 310 beds. In 1980, Computerized Tomography (CT) scan equipment was installed, and the move to increase the hospital's cancer care services was underway.

Today, Elkhart General is an independent, not-for-profit, community-owned healthcare system in the City of Elkhart. The 325 bed hospital serves more than 19,000 patients each month. Its professional medical staff is comprised of 330 physicians representing 30 medical specialties, and over 2,000 dedicated nurses, technical, administrative, and support staff. Together, this team provides a wealth of expert medical care and counseling to residents of this diverse community.

So today, on behalf of the citizens of the Second District, I would like to congratulate the fine medical staff, dedicated administrative personnel, essential support employees, and community volunteers who make Elkhart General Hospital an outstanding resource for complete medical care.

PERSONAL EXPLANATION

HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately, I missed recorded votes on the House floor on Thursday, October 22, 2009 and Friday, October 23, 2009.

On Thursday, October 22, 2009, had I been present, I would have voted "no" on rollcall vote No. 798 (On ordering the previous question), "no" on rollcall vote No. 799 (on agree-

ing to H. Res. 846, which provides for consideration of H.R. 3585), "aye" on rollcall vote No. 800 (on motion to suspend the rules and agree to H. Res. 797), "aye" on rollcall vote No. 801 (on Agreeing to the Broun (GA) Amendment to H.R. 3585), "aye" on rollcall vote No. 802 (on Agreeing to the Kaptur Amendment to H.R. 3585), "aye" on rollcall vote No. 803 (on Agreeing to the Klein (FL) Amendment to H.R. 3585), "aye" on rollcall vote No. 804 (on Agreeing to the Titus Amendment to H.R. 3585), "aye" on rollcall vote No. 805 (on Agreeing to the Heinrich Amendment to H.R. 3585), "aye" on rollcall vote No. 806 (on Agreeing to the Himes Amendment to H.R. 3585), "no" on rollcall vote No. 807 (on passage of H.R. 3585), "aye" on rollcall vote No. 808 (on motion to suspend the rules and agree to H. Res. 175), "no" on rollcall vote No. 809 (On ordering the previous question on H. Res. 853), "no" on rollcall vote No. 810 (on agreeing to H. Res. 853, which provides for consideration of H.R. 3619), "aye" on rollcall vote No. 811 (on motion to suspend the rules and agree to H. Res. 836).

On Friday, October 23, 2009, had I been present, I would have voted "aye" on rollcall vote No. 812 (on agreeing to the Kratovil amendment to H.R. 3619), "aye" on rollcall vote No. 813 (on passage of H.R. 3619).

HONORING PASTOR WILLARD L.
SAUNDERS, JR. AND FIRST LADY
DELICIA W. SAUNDERS

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Pastor Willard L. Saunders, Jr. and Delicia W. Saunders for their 15 years of outstanding, dedicated service to the Created For So Much More Worship Center.

Born and raised in Baltimore, Maryland, Pastor Saunders earned his Bachelor of Arts degree from Frostburg State College and a Masters of Business Administration Degree from Loyola College in Education Administration. He went on to serve as a Vice Principal in the Baltimore City school system.

In 1994, after the passing of his father, the late Willard L. Saunders, Sr., Saunders was appointed Pastor of Created For So Much More Worship Center. Pastor Saunders immediately began to implement the vision he so clearly saw for the Created For So Much More Worship Center. This included expanding the center to allow for over 2,000 congregates, a chapel, and several conference rooms. Expanding the center allowed Pastor and First Lady Saunders to establish several community programs such as General Education Degree and computer training classes, which are offered free of charge to the community. Internationally, Pastor Saunders fathers numerous churches in Uganda and Kenya.

First Lady Saunders works steadfastly with Women of Destiny, a moving force throughout the Created For So Much More Worship Center that encourages women to engage in com-

munity activism. Her leadership and devotion to this program is a remarkable example for other women. First Lady Saunders is currently working towards a Bachelor of Arts degree and she is scheduled to graduate in May 2010.

Madam Speaker, I ask that you join with me today to honor Pastor Willard L. Saunders, Jr. and First Lady Delicia W. Saunders for their unwavering commitment to improving the lives of people in their community. Pastor and First Lady Saunders have set a standard of excellence and deserve the utmost gratitude for their hard work and achievements.

HONORING GIFFORD'S ICE CREAM
OF MAINE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. MICHAUD. Madam Speaker, I rise today to recognize the accomplishments of Gifford's Ice Cream of Skowhegan, Maine.

Gifford's Ice Cream recently won the "World's Best Chocolate Ice Cream" award at the World Dairy Expo. This Maine product earned a perfect score and was the only product that did. A few days after winning the Dairy Expo Award, Gifford's was named as a "Best Place to Work" by the Griffin Report on Food Marketing.

Gifford's Ice Cream stands have been Maine landmarks for almost 30 years. In 1980, Gifford's opened its first location in Skowhegan, Maine and has now expanded their business to five locations across the state. Even though they have grown, Gifford's of Maine has never forgotten to give back. Gifford's remains the family owned, community oriented business that it always has been. They have sponsored Maine youth soccer and supported local charities like the Lions Club. Gifford's also donates 10 percent of their profits, company wide, to various organizations that support healthy and active children's activities.

Gifford's Ice Cream shops also play a key role in supporting other local businesses. Gifford's buys all of its milk and cream from Maine dairy farmers who pledge not to use artificial growth hormones. They also use locally grown products, like Maine wild blueberries and Maine made maple syrup, in many of their great flavors.

Madam Speaker, please join me in congratulating Gifford's Ice Cream of Maine on their recent awards and nearly 30 years of successful business.

CELEBRATING THE LAUNCHING
CEREMONY OF THE NEW NA-
TIONAL STREET BASKETBALL
ASSOCIATION PROFESSIONAL
LEAGUE AND THE INDUCTION OF
FIFTEEN LEGENDS OF STREET
BALL TO THE NATIONAL STREET
BASKETBALL ASSOCIATION
HALL OF FAME

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. RANGEL. Madam Speaker, I rise today to celebrate the launching of the new National Street Basketball Professional League and to also honor my friends and our nation's legends of Street Ball. National Street Basketball Association is a non-profit sports league organization headquartered in New York City. The corporation was established to promote amateur and professional street basketball and provide the highest competition platform of specialized league teams globally.

National Street Basketball Association offers professional basketball athletes (21 & older) who meet NSBA criteria with try-out opportunities to represent one of the statewide professional league member team divisions and compete on a national platform. In addition, the company provides amateur basketball services for youth, such as camps, clinics, tournaments and Life-Skill workshops. The company also devises custom training post and pre-season workouts to prepare athletes for their next level whether professional, college, varsity or AAU basketball.

National Street Basketball Association coordinates with elected officials, district leaders, local community and outreach organizations that support youth in sports. The company also sanctions local, regional and national "Street-ball" tournament organizations worldwide. Beginning the summer of 2009, the NSBA will host "Pro-Ball Classic", an unlimited men's basketball tournament nationwide through which they will select, try-out and establish the first six (6) member teams to represent their city and compete in their professional league. Each tournament city is divided in three (3) divisions, East Coast, West Coast and the Midwest with plans of adding a Men's International Division by 2010 when the league tips off.

Madam Speaker, at this time, I want to salute the 2009 Hall of Fame Inductees to the National Street Basketball Association, our Playground Legends of Street Ball: Nate "Tiny" Archibald, Ernie Brown, Freddy Crawford, Miles Dorch, Howie Evans, Artie Georges, Leroy Hendricks, Bobby Hunter, Zack Husser, John Isaacs, Floyd Lane, Johnny Matthis, Bob McCullough, Tony Rosa, and Reggie Threat Sr. Congratulations to all of my friends and role models that grace the courts of our playgrounds and basketball Courts throughout Harlem, New York City, the Nation, the world and in the National Basketball Association (NBA).

For two consecutive weekends in October 2009, the National Street Basketball Association will launch its first nationwide annual fundraiser initiative, "Hoops For Hope." This

unique instructional basketball skills clinic will provide for young male and female athletes with the basic fundamentals of basketball, refine those skills already learned, Life-Skill workshops on Drug Prevention, Peer Pressure, Conflict & Resolution and allow for drills and play situations. This initiative will not only educate but rally the support of these youth athletes and further assist the American Cancer Society's efforts to help those suffering from this disease, become fearless and overcome it.

This spectacular event plans to feature guest speakers from the medical field, professional athletes from the NSBA, and district and community leaders in support of raising awareness of Cancer, encourage screening for early detection and promote basketball as an alternative to destructive leisure time activities and way to stay physically fit for life. In addition, the American Cancer Society Teen Challenge will conduct Health Workshops on Tobacco Control and Teen Smoking.

Let me congratulate and recognize Kim Champion, President and Chief Executive Officer of the National Street Basketball Association. Kim is a former veteran Sports Executive, President of Creating Athletes For America Inc. with over 20 years of sports marketing and management expertise. She is also the founder of Women of Excellence Awards, Playground Hall of Fame, and the "Pro-Ball" National Basketball Classic tournaments.

Finally, let me also congratulate and recognize Jose Morales, Executive Vice President of the National Street Basketball Association. Jose, a legendary basketball executive in his years of basketball has headed up some of the biggest Street ball leagues on the East Coast, such as Triple Threat/Ron Artest Youth League and the FLAMES and Queensbridge Unlimited Pro-Leagues. He also helped promote and showcase some of NBA's top athletes in the league today including: Ron Artest, Rafer Alston, Lamar Odum, Eric Barkley and other all stars of the hardwood.

INTRODUCING THE CONGRESS 2014
COMMISSION ACT OF 2009

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise to introduce the Congress 2014 Commission Act of 2009. This bill establishes a commission to study and make recommendations on the size of the House of Representatives, the method by which representatives are chosen, and opportunities for greater citizen participation in our democratic process.

The fact of the matter is that the United States is the second least representative democracy in the world. The House of Representatives has not changed size in 99 years. During those 99 years the United States has added four additional states. During those 99 years the population of the United States has tripled. And yet, during those 99 years, the House has only rarely even considered increasing its size.

The United States prides itself on the success of our democratic experiment, and as the

world's first democratic Nation we claim the title of "Leader of the Free World." Unfortunately, when it comes to democratic representation, we are not the leader. Indeed, we are second to last amongst the major democracies. Only India, with a population of almost 1.2 billion people, has a less representative government. Britain, France, Germany, Canada, South Africa, Japan, Australia, Nigeria, Brazil—all these countries have more representative legislatures than the United States.

I am proud to represent almost 700,000 residents of Florida's 23rd Congressional District. I am pleased to devote my time and efforts working here in Washington on their behalf, and I do enjoy the opportunities that I have to connect directly with my constituents back home. But my counterparts in the countries I just mentioned represent far less people than I do, ensuring that their constituents not only have easier access to their representatives but also the ability to develop stronger personal relationships.

Madam Speaker, 99 years is too long to go without making necessary improvements to our democratic process. Enlarging the House of Representatives is an essential step in that direction. An increase in the size of the House will have a profound impact on our political system. The benefits include greater access and personal interaction for our constituents, reduced campaign spending, smaller Congressional districts, and, most importantly, better representation for the American people.

I urge my colleagues to support this important legislation.

A TRIBUTE TO JEAN RUNYON

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. MATSUI. Madam Speaker, I rise today in remembrance of Jean Runyon, someone who helped shape the Sacramento community for more than 50 years. Jean was a dear friend and tremendous advocate of Sacramento. I know that countless people join me as I say goodbye to a truly wonderful person. I ask that my colleagues join with me in remembering a remarkable woman.

Jean was born March 6, 1927, in Concordia Kansas. She was the only child of Rowena Thornberg Hamilton, an actress, and Brutus Kerr Hamilton, a 1920 U.S. decathlon champion and Olympic silver medalist. Her father moved the family to California where he worked for the University of California Berkeley for 32 years as both a track and field coach and athletic director. Her father gave her the limitless energy she was always known for and was the one closest to her heart.

Jean studied drama at the UC Berkeley and wanted to be an actress, but instead of pursuing a career in acting she married S. Mercer Runyon Jr., her college sweetheart, and moved to Sacramento in 1947. They would have two wonderful children, Stephen Runyon and Elizabeth Mulligan. Jean's first attempt at public relations came when Sacramento newspaper executive Eleanor McClatchy asked her

to help the Music Circus Theater get publicity. Jean was acting in the Music Circus performances at the time and blended her knowledge of acting and natural skill at publicity with great success.

She was a woman who knew many firsts. After starting her own PR firm in 1960 she was named Man of the Year by the Sacramento Public Relations Round Table in 1962. In 1978 she was the first woman appointed to the Sutter Community Hospitals board of trustees. Jean also became Sacramento's first female Rotarian. In 1988 she was named Sacramentan of the Year by the Sacramento Metropolitan Chamber of Commerce.

Jean raised millions of dollars over the years for many worthy causes such as the American Heart Association, Make-a-Wish, the Cerebral Palsy Association, the American Lung Association, the Special Olympics and the arts community that she so dearly loved. She was one of the kindest people Sacramento ever knew, but at the same time was driven in her pursuit whether for donations to charity or a client's success. While she had a personality that won business clients over, she also never lost her whimsical side. She was famous for her zany rooftop performances as a witch on Halloween—she rained candy on kids from above—Jean Runyon was affectionately called the "Good Witch of River City".

Her first husband, Mercer Runyon, died in 1970. That same year, her father passed away and she also underwent major surgery for breast cancer. She persevered through her tragedies with the can-do spirit that we all loved. In 1980 she married Philip Tow, a prominent air-pollution control engineer who unfortunately died in 1986. Jean later married again to Eugene Graham, who passed away in 1991. Her last husband, Jack Murphy, a retired insurance executive passed away in 2003. For all the challenges that Jean was presented with, it was clear that personal tragedies could not keep her down. She moved forward, never waivered and persevered with a positive outlook on life.

The successful Sacramento PR firm that Jean began in 1960 was joined by Estelle Saltzman and Jane Einhorn and was called Runyon, Saltzman and Einhorn. Their presence in Sacramento was enormous. Some of their major clients included The Sacramento Bee, California Department of Health Services, California Department of Consumer Affairs/Bureau of Automotive Repair, Sacramento Cable and the Sacramento Kings. One of Jean's favorite PR campaigns was for the Sacramento County Measles inoculation campaign when the vaccine first became available. She felt some of her best work was for campaigns on teen pregnancy, AIDS, anti-smoking and prenatal care.

Jean is survived by her two children, son Stephen Runyon of Courtland and daughter Elizabeth Mulligan of Hood, four grandchildren and one great granddaughter. We will all miss Jean Runyon terribly and in so many ways, but we do have countless memories of her to cherish.

PARTNERSHIP BETWEEN THE CITY OF FLOWER MOUND AND THE FLOWER MOUND CHAMBER OF COMMERCE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. BURGESS. Madam Speaker, I rise today to commend the partnership between the City of Flower Mound and the Flower Mound Chamber of Commerce, and to honor the businesses that reside there.

I am proud and grateful to be given the opportunity to represent the strong communities and businesses of north Texas. This pride, however, comes from the energy, creativity and commitment by the individuals within these neighborhoods and institutions that contribute to the growth and opportunity we are blessed to receive in calling this area home.

It's because of cities like Flower Mound and businesses like the ones present tonight that north Texas is able to claim the rare title of being one of the few areas that has retained its economic health in this rough economic climate. The forward-thinking partnership between the city of Flower Mound and the Chamber of Commerce has produced an ideal environment for business prosperity that has remained strong, that sustains the community. That is certainly something to be proud of.

Flower Mound has created, in essence, a haven for new businesses and an environment where small and large businesses alike can take root, grow, and thrive. You are a bright spot in north Texas, and a true example of excellence for the rest of the nation.

It is with great pride that I stand here tonight to join in celebrating the prosperity of Flower Mound. I wish you—the local leadership, the businesses, and the residents—all the best, and let me say that it is my very distinct honor to represent you in the U.S. House of Representatives.

HONORING ELLIE RILLA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. WOOLSEY. Madam Speaker, I rise today to honor Ellie Rilla, a woman who has helped lead the way to a new model of sustainable agriculture in Marin County.

Ellie is now taking a much needed sabbatical after 21 years as a University of California Extension Farm Advisor. In those 2 decades, Ellie was one of a handful that brought together the old-time farmers of the region with a new generation and created a unique fabric that has held the farm community together during difficult times for agriculture, and has in fact, helped many not just survive, but grow.

I am proud to say that the quality agricultural products of Marin County are today unmatched for nutritional value, taste, and sustainable production—and much of this is due to the passionate commitment, hard-headed

economic realism and collaborative spirit of Ellie Rilla.

Ellie grew up in Mill Valley where it was a short jaunt to the forests and rangelands of West Marin. She began her career as an environmental educator at Circuit Riders, a Sonoma County non-profit that was a leader in environmental restoration, and whose ranks have produced several of the North Bay's most prominent restoration specialists. Ellie still lives in Sonoma County in Sebastopol, a city well-known for its progressive politics and its fine food and wine.

In 1988 she became the UC Cooperative Extension Director in Marin and was immediately welcomed by two of West Marin's farm elders, Boyd Stewart and George Grossi. Coming in the midst of the organic revolution and the creation of California cuisine, Ellie saw the promise of local farmers on the edge of the metropolitan Bay Area producing high quality agricultural products. She became, according to Albert Strauss, the owner of Strauss Creamery, "... an awesome advocate of sustainable agriculture and organic and local dairy farms." While big and bland agribusiness and real estate development continued to gobble up small farms elsewhere, Ellie saw that survival lay in producing quality products, and developing in consumer's minds a pride in local, sustainable agriculture.

As organic agriculture entered the mainstream, first with California certification, then with USDA certification, Ellie advised farmers on how to meet the new standards, write business plans and market their products. She also helped farmers and ranchers tackle tough new water quality, through the development of best practices and conservation projects, which continue to evolve today.

It was apparent to Ellie that West Marin's small farms and ranches needed to diversify to survive. While dairies were preeminent, though faltering, 2 decades ago, West Marin agriculture now produces an array of products including olives and olive oil, strawberries, row crops, grapes, free range poultry and grass fed beef. Besides high quality milk, local dairies also produce a variety of cheeses, and even organic ice cream.

Ellie realized that the bucolic beauty of West Marin and farmer's adjacency to the Point Reyes National Seashore were important assets. She became an advocate for "agritourism," an industry in which farms and ranches are opened to visiting guests. "These stays give their guests a flavor of what it is like to live on a farm, to see how food is produced and gain an appreciation for natural ecosystem," wrote Rilla. "At the same time it provides farmers and ranchers with additional operating income to save their farms from development." A tireless promoter of agritourism, Rilla both wrote a book about it and helped develop a UC Cooperative Extension Agritourism Project and website.

On June 30 she will begin a very busy sabbatical with three writing projects. She will be writing an analysis of a state-wide survey into agriculture diversification and agritourism, completing a second edition of her book, Agriculture and Nature Tourism, and updating her decade-old case study of three woman-led farm families. Ellie is then expected to return

to the University of California Cooperative Extension program in a year to develop statewide resources for marketing and leadership development.

It's been my pleasure to work with Ellie and to observe the seeds that she has planted in West Marin to sprout, grow and spread, ensuring a bounty for future generations. Thank you, Ellie for all you have done and all that is still to be accomplished.

AMERICAN SAMOA TSUNAMI

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. FALEOMAVAEGA. Madam Speaker, one month ago, the U.S. Territory of American Samoa was struck by the world's most powerful earthquake of 2009, which set off a tsunami that left untold damage and loss. Once more, I want to thank the Obama administration, the U.S. Congress, and our friends in the House and Senate, including the Hawaii Delegation and the Territorial Delegates who have stood by us every step of the way.

I especially thank Senator DANIEL K. INOUE, HI, Senator DANIEL K. AKAKA, HI, Congressman NEIL ABERCROMBIE, HI, Congresswoman MAZIE HIRONO, HI, Congresswoman MAD-ELEINE BORDALLO, GU, Congressman GREGORIO KILILI CAMACHO SABLAN, MP, Congresswoman DONNA CHRISTENSEN, VI, and Congressman PEDRO PIERLUISI, PR for their unwavering support.

I also thank the many foreign nations and non-government organizations who have been so generous in helping us rebuild.

I also want to recognize Cathy Barnhardt of the Combined Airline Ticket Office, CATO, and those at the United Airlines government desk including Debbie Smith and Darlene Sacha, and also Debbie Trance-Mordecai of United Global Services at the JFK airport in New York for the outstanding service they provide at all times.

Above all, I pay tribute to the people of American Samoa for the strength, courage and faith they have shown in the face of adversity. My heart also continues to go out to the families of those who have lost loved ones, and I ask for your continued support and prayers on their behalf.

Again, I express my sincere gratitude for everyone, named and unnamed, for lending us a hand when we need it most. I appreciate your kindness and assure you that the people of American Samoa are grateful for your service.

HONORING DANIEL L. WALTER,
M.D.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. KILDEE. Madam Speaker, I rise today to take this opportunity to congratulate Dr. Daniel L. Walter as he retires after 45 years as a Family Practice physician in Davison

Michigan. Dr. Walter will be honored at a celebration on November 4.

After graduating from the University of Michigan Medical School in 1959, Dr. Walter completed an internship in Family Practice at Madigan Army Medical School and Madigan General Hospital. He was then commissioned as a Captain in the U.S. Army and served from 1960 to 1963 as a Battle Group Surgeon attached to the 82nd Airborne Division at Fort Bragg. During this time he was the recipient of the Army Commendation Medal, Senior Parachutist Badge and a U.S. Navy Commendation.

Dr. Walter established a Family Practice in Davison in 1963 once his military service was concluded. Over the years Dr. Walter has participated in numerous community and medical associations. Acknowledged and appreciated by his peers, he served in leadership positions with several organizations. Dr. Walter also committed extensive time to educating the area coaches and high school staffs about recognizing and treating sports injuries. He was the first Diplomat of the American Board of Family Practice in the Flint area. Dr. Walter and his wife, Peggy, have six children.

Madam Speaker, I ask the House of Representatives to join his family, friends and colleagues in congratulating Dr. Daniel L. Walter on an excellent medical career. I wish him the best for many, many years ahead.

RED RIBBON WEEK

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. ROS-LEHTINEN. Madam Speaker, I support Red Ribbon Week and our unified efforts against illegal drug use.

Red Ribbon Week represents the largest united effort of the American people to promote drug prevention. We must all continue to support this effort.

This dreadful problem plagues communities throughout our Nation and especially my home district in South Florida. Miami is one of the leading areas in cocaine related deaths. And an estimated 20,000 people a year die from illegal drug use throughout the United States each year.

Thankfully, over 80 million people participate in Red Ribbon week by pledging to lead a drug free life. With our encouragement we can have many more youths take this pledge.

As a former educator I know that Red Ribbon Week offers the perfect opportunity to raise awareness and help educate students at a young age on the dangers of drug use. The terrifying fact is that over 60 percent of teens reported that drugs were sold, used, or present at their schools. We must teach students about the dangers of drugs and discourage them of ever becoming involved with drugs in the first place. Only by actively engaging our children can we impress on them the importance of being drug-free.

It has been proven that when teenagers' parents talk to them regularly about the dangers of drug use, they are 42 percent less likely to use drugs. Families, adults, and chil-

dren joining together for this cause have a profound impact on not only those participating, but also the communities as a whole.

We must continue to strive to increase awareness and participation in Red Ribbon Week to help stop this devastating problem of drug abuse and drug-related violence.

In this effort we must also remember those who seek to safeguard our children in the fight against drugs. Just this Monday, three Drug Enforcement Administration agents died tragically while conducting overseas operations. The agents were returning from a counter-narcotics operation when the military helicopter they were riding in crashed. Seven U.S. military servicemembers were also killed in the crash.

Of these heroes, Special Agent Chad Michael was from my Congressional district and I would like to take this moment to honor his memory and sacrifice. Before being reassigned in August to a DEA operation in Afghanistan, Special Agent Michael was a member of South Florida's DEA team for six years. The DEA agents were assigned to the agency's operation against Afghanistan's opium trade, which frequently funds insurgent activity. Efforts in Afghanistan began in 2005 and in the past year have been reinforced to fully attack international drug trade and the activities it funds. Since illegal drugs have a large dependence on international sources, it is critical that we support those who help to fight this part of the drug war.

My prayers go out to Special Agent Michael's family, and to the families of all the heroes who risk their lives each day to make our country and this world safer and drug-free.

As a mother and grandmother, and for the sake of all our children, I urge all Americans to take the Red Ribbon Week pledge this and every October.

CONGRATULATING JOYCE ANN BROWN ON CELEBRATING 20 YEARS OF FREEDOM AND FIGHTING FOR JUSTICE

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. DAVIS of Illinois. Madam Speaker, I rise to express my best wishes to celebrate the life and achievements of Joyce Ann Brown. I had the pleasure of having Ms. Brown serve on a reentry panel during the 39th Congressional Black Caucus Foundation's Annual Legislative Conference. Ms. Brown was unjustly convicted of a crime she did not commit and served nine years, five months and 24 days in prison before this injustice was realized and the guilty verdict was reversed. Upon release, Joyce started the not for profit organization, Mothers (Fathers) for the Advancement of Social Systems Inc. (MASS Inc.) in Dallas, TX. This organization focuses on assisting released offenders reintegrating into society.

The reentry of ex-offenders is an issue of very high priority and importance to me and I am personally invested in the success of organizations like MASS, Inc. With the passage of the Second Chance Act in 2008, organizations

such as MASS will benefit from additional federal grant funding to strengthen programs that aid ex-offenders in becoming productive contributing members of society.

Throughout my career, I have fought for the underserved and underrepresented and on my journey have come to admire Joyce Ann Brown for all her work and achievements in the area of social justice. Ms. Brown spent three years writing letters to appeal the atrocious injustice she faced and continued to fight upon release. Therefore, I am delighted to be included in commending Joyce Ann Brown and would like to thank her for her assistance with our work here on the hill. The organization she has created has helped many ex-offenders as well as their families, and has provided the support needed for a healthy society.

Providing support to ex-offenders is paramount to becoming productive citizens, taxpayers, mothers and fathers. Research has shown that successful employment interventions among ex-offenders benefits not only the ex-offender, but also his or her family, social networks, communities and society at large. The benefits reaped by society through the MASS organization and the work of Joyce Ann Brown are vital to the preservation of a healthy society and should rightfully be congratulated and recognized.

OUR SYMPATHIES TO THE PEOPLE OF PAKISTAN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. WILSON of South Carolina. Madam Speaker, on October 28, 2009, terrorists killed nearly 100 people—including dozens of women and children—when they attacked a women's market in Peshawar, Pakistan, with a car bomb. These type of heinous acts are a sad reminder of the gruesome tactics used by those who want to undermine stability in Pakistan and the region as well as threaten American families and our allies. I wish to express my deepest sympathies to the people of Pakistan—an ally of the United States in the global war on terrorism.

In the wake of these most recent attacks, Secretary of State Hillary Clinton—who was on the ground in Pakistan at the time—correctly stated that those terrorists who perpetrate these types of murderous acts are “on the losing side of history.” This is why we must continue to fight to defeat the terrorists overseas to protect American families here at home. We must stand with the people of Pakistan and the people of Afghanistan to protect and defend democracy and freedom.

I know firsthand of the sacrifices of the Pakistani people. I was honored to have breakfast with former Prime Minister Benazir Bhutto at her home in Islamabad four weeks and a day before she was murdered. The brave people of Pakistan responded to this brutal attack with resolve to continue building a civil society.

PREVENTING EXTORTION

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. DEFAZIO. Madam Speaker, the following essay was presented to me at a health care townhall. I believe this historical analogy is very sound.

PREVENTING EXTORTION

(By Jack Churchill)

The debate about a public health insurance option mirrors the debate about public power in the 1920's and 30's. The arguments then were very similar to the arguments we hear today.

The principal issue then was whether the federal government should enter the public power business by investing taxpayers' money to build the Tennessee Valley Authority and to harness the Columbia and other rivers for electrical energy or the sites should be transferred to the private sector. A second issue was who should build transmission lines and set wholesale prices when the Federal government built dams.

The answer to the second question was first enunciated on the Senate floor in the fight over the Wilson Dam in 1920 by Senator John Sharp Williams of Tennessee. He said “The government should have somewhere a producer of these things that should furnish a productive element to stop and check private profiteering.” Thus was born the yardstick federal policy which later found its way into TVA legislation through the efforts of Nebraska's Senator George Norris. In a 1932 campaign speech in Portland, Oregon, Franklin Roosevelt referred to his TVA and other regional proposals as “yardsticks to prevent extortion against the public.”

Roosevelt's statement enunciated America's public power agenda, which through the years has saved the federal government and electrical consumers hundreds of billions of today's dollars. This public investment provided the electrical energy to build the bombers and the atomic bomb and was a critical factor in winning World War II.

At the time of the Yardstick Public Power legislation of the 1930's, most of the farms and homes in rural America were without electrical power. Only in the cities could private power companies make a profit selling electrical energy. With the launching of the New Deal yardstick pricing, together with publicly owned electrical cooperatives and public utility districts, rural America was electrified and private utilities ended up serving a large majority of rural consumers.

Because we adopted yardstick pricing back in the 30's, today America possesses a healthy and balanced mix of private, public, and cooperative electrical systems.

The public power analogy might be a useful device in combating the brutal campaign against a federal public health insurance option. History is repeating itself. We see the same epithets of socialism, unfair competition, and government interference with private enterprise.

Both America's constitutional system of government and our free enterprise economic system are built upon the fundamental notion of balancing power between institutions. It is only when there is an imbalance of power within one of the two systems or the share of power between them that we fail. Recent disasters created by imbalance, including Enron and California en-

ergy manipulation and the collapse of the American banking system, wiping out our citizens' retirement accounts, are painful examples.

Most importantly and perhaps most painful for great numbers of our citizens today, America trails all developed countries by many years in fashioning an effective national health services delivery system.

There is no industry that has a more shared and complex mix of nonprofit, government, and private for-profit delivery systems. Yet we have a system that is neither cost-effective nor meets the needs of our citizens whether insured or not. It is a system that is out of balance. It desperately needs an effective yardstick.

The imbalance in our system began in 1975 when the Supreme Court gave the green light to commercialization of medicine by removing medicine from protection of the antitrust laws. The imbalance was greatly exacerbated in 1980 when the American Medical Association changed its ethical guidelines to declare that medicine was no longer a professional service but both a business and a profession. The other factor of great influence that has led to imbalance is the dominance of investor-owned private insurance companies born from the establishment of employer-based health insurance systems.

Thus began the corporatizing and domination of Wall Street in organizing and pricing for-profit medical services. Rather than a system organized to deliver cost-effective medical services to patients, today we have a system designed for profit.

Despite the roles of federal Medicare, state Medicaid, members of Congress health care programs, federal delivery systems such as the Veterans Administration, and nonprofit group health cooperative associations, the balance of power in our national health care delivery system is now largely in the hands of Wall Street-driven for-profit enterprises. Every medical procedure from putting on surgical gloves to sending bills to the insurance company has become a profit center. And the pricing for all the services are set largely in an oligarchical framework of administered pricing. There is absolutely no competitive pricing. Have you or anyone you know ever negotiated the price of medical service?

So history repeats itself. The Democratic party is charged with formulating another national yardstick policy that will have enormous consequences for the health and welfare of our citizens in generations to come. Like Franklin Roosevelt, President Obama is simply leading the nation to create sufficient power in the public sector to balance against the private sector and the Wall Street pricing effect. Or in President Roosevelt's words, “a yardstick to prevent extortion against the public.” And as President Obama stated the issue “to keep insurance companies honest.”

The failure of Congress to build in an effective market yardstick for pricing medical services would cost future generations trillions and fail to deliver cost-effective medical care to all our citizens. No amount of regulation will suffice. Only the market mechanism will provide effective cost reduction to pay for universal coverage.

OCTOBER BREAST CANCER
AWARENESS MONTH**HON. JERRY MORAN**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. MORAN of Kansas. Madam Speaker, October is Breast Cancer Awareness Month. Besides skin cancers, breast cancer is the most common cancer occurring among American women. In 2009, it is estimated that around 179,000 new cases of invasive breast cancer will be diagnosed in the United States. And, an estimated 1 million new breast cancer cases will be identified in the coming year. For approximately 500,000 patients this year, this disease will be fatal. The time to address this problem is now.

I encourage all women to get a mammogram because early detection is the key to beating this disease. A time commitment of only one hour can save your life.

I am a proud sponsor of H.R. 1691, the Breast Cancer Patient Protection Act of 2009. This bill would prohibit a health care provider from limiting hospital stays for mastectomy or breast-conserving surgery to less than 48 hours. However, this measure protects and defers to the physician-patient relationship by not mandating a certain hospital stay if both the patient and her doctor agree that such stay is unnecessary. Many breast cancer patients undergo some type of surgical treatment, which may involve lumpectomy or mastectomy. Breast cancer surgery is not easy, physically or emotionally. When women find themselves forced by their insurance companies to leave the hospital before they are ready—sometimes just hours after surgery—it can lead to serious complications.

I am also a sponsor of H.R. 1740, the Breast Cancer Education and Awareness Requires Learning Young Act (the EARLY Act), which would direct the Department of Health and Human Services to develop and implement a national educational campaign to increase awareness of the threats posed by breast cancer in young women of all ethnic and cultural backgrounds. Regarding research funding, I sponsored legislation that raises money for breast cancer research by giving Americans the option of purchasing a special postage stamp for 14 cents above the normal price. This small amount of money adds up and makes a difference. Since 1997, the program has raised more than \$53 million for breast cancer research.

Last year, I met two breast cancer survivors from the Kansas City area who were visiting Washington, D.C. for a reception honoring their advocacy efforts. Kim Carlos and Jennifer Johnson coauthored *Nordie's at Noon*, a book detailing their personal stories and those of others who have battled breast cancer. Their powerful message highlights the importance of spreading breast cancer education and early detection awareness to help save lives.

The University of Kansas Cancer Center houses the Breast Cancer Survivorship Center, and focuses a comprehensive attack on the disease—from education and early detection to treatment, post-operative care, and

emotion support. Battling breast cancer and other forms of cancer is a lifetime fight and just because a patient's treatment concludes does not mean that the care is finished. The Center's mission is very straightforward—eliminate the burden of cancer through world-class research, drug development and delivery, prevention and survivorship, and patient care. When it comes to fighting cancer, the University of Kansas says "Game On!"

NATIONAL DISABILITY
EMPLOYMENT AWARENESS MONTH**HON. NICK J. RAHALL, II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. RAHALL. Madam Speaker, I rise today to show my support for National Disability Employment Awareness Month.

As President Obama stated in his proclamation naming October as the National Disability Employment Awareness Month, fair access to employment is a fundamental right of every American, including the 54 million people in this country living with disabilities.

Through the Ability One Program, a federal initiative, that enables people who are blind or have other significant disabilities to work and provide products and services to federal and commercial customers, thousands of working Americans are contributing to West Virginia and national economies.

The more people know about the capabilities of people with disabilities to work and lead independent lives, the more we can shatter stereotypes and misperceptions. We need to celebrate empowering one another by highlighting the ingenuity and perseverance of people with disabilities. As a Nation, we should take this month as an opportunity to showcase the contributions of those with disabilities who have found success in the workplace.

However, there is more that needs to be done to spread the awareness that hiring people with disabilities is good for businesses in West Virginia. For example, seven out of ten working age Americans who are blind are not employed.

The month of October honors these men and women who live with disabilities and are working or want to work within their communities. I would like to take this time to shine a spotlight and raise awareness of programs in West Virginia and around the Nation that work with individuals with disabilities.

Both the American Foundation for the Blind, AFB, and the National Federation for the Blind, NFB, have chapters in Huntington and around the state where they work with individuals with disabilities to improve their lives through advocacy, education and career programs. These organizations work to educate the public on the ability of those with disabilities to succeed and thrive within employment settings. They promote independent and healthy living for people with vision loss by providing them and their families with relevant and timely resources.

Another organization working in West Virginia to educate employers about employing

workers with disabilities is Goodwill Industries. They provide education, training and career services for people with physical, mental and emotional disabilities. They work to train and employ contract workers to fill outsourced needs for document management, assembly, mailing, custodial work, grounds keeping and more. In 2008, local Goodwill organizations collectively provided employment and training services to more than 1.525 million individuals.

Federal initiatives such as AbilityOne Program, also help people who are blind or have other severe disabilities find employment by working for nonprofit agencies, NPAs, that sell product or services to the U.S. government. They are the largest source of employment for people who are blind or have other severe disabilities in the United States with 12 participating non-profit agencies in West Virginia.

I know employers can make a difference. Two years ago, my chief of staff became disabled after a fall in his home injured his spinal cord. He's now back at work and continues on the road to recovery with the help of accommodations I'm pleased to say the House of Representatives made for him at my request. From the Speaker and her staff, to both the Sergeant-At-Arms and the CAO's staff and to the Capitol Police and the House Staff Fitness Center—all of these offices have responded enthusiastically. From help getting his transportation past security checkpoints to getting his wheelchair into the office, from designing his workstation to accommodating his workout routine, the House answered my requests affirmatively. This month he was recognized by his state vocational rehabilitation program for his accomplishment of returning to work.

All of us face battles—many of us face more than our fair share. This month serves as a reminder of that truth. It is a truth we as a society must respect and must work to make right. We have some strong allies in that battle as evidenced above. There is more than abundant evidence here that despite all odds against it, the human spirit is a difficult, if not impossible, flame to snuff out. Hope is but a small thing on show this day when compared to the many triumphs and remarkable victories we celebrate. The courage shown every day by those with disabilities is contagious and their successes empower all of us to be better individuals, better community members, and better Americans.

Please join with me in celebrating all of the organizations who work to raise awareness about the dedicated and hard-working Americans who are blind or have other significant disabilities who provide quality products and services at fair market prices to the Federal government every day.

INTRODUCTION OF THE NATIONAL
TRANSPORTATION SAFETY
BOARD INTERIM SAFETY RECOMMENDATIONS ACT OF 2009**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. NORTON. Madam Speaker, today I rise to introduce the National Transportation Safety

Board Interim Safety Recommendations Act of 2009, joined by regional Members, including House Majority Leader STENY HOYER, D-MD, FRANK WOLF, R-VA, JIM MORAN, D-VA, CHRIS VAN HOLLEN, D-MD, DONNA EDWARDS, D-MD, and GERALD CONNOLLY, D-VA, as original co-sponsors. Our bill will clarify that the National Transportation Safety Board, NTSB, may, and should, offer interim safety recommendations to state and local transportation authorities.

On June 22, 2009, two Washington Metropolitan Area Transit Authority, WMATA, trains collided near the Fort Totten station here in the Nation's capital. This collision was devastating for this region and for the Nation's transit systems, as nine regional residents died, seven from the Nation's capital. On Metro everyday, in the national capital region, Members of Congress and their staff and millions of other Federal employees of every rank form the majority of Metro's week day riders. Millions of tourists, people who work in every sector and school children are regular riders. The collision has had nation-wide consequences. On September 22, even before its Metro study was complete, the NTSB issued nine nation-wide safety recommendations to address concerns about the safety of train control systems that use audio frequency track circuits, like those that may have contributed to the June 22 train collision here. We believe that, in turn, low-cost, recommendations were in order that might save lives.

The NTSB has been particularly vigilant in quickly reporting defects and operational problems, to encourage remediation even before its final reports. Long before the June 22 collision, in 1996, NTSB had recommended to WMATA that it replace or retrofit its older 1970's 1000 series train cars after a train overran a station platform, striking a standing, unoccupied train, and killing the driver of the striking train. The NTSB renewed this recommendation to replace or refurbish the older cars following the roll back accident of a train car in the Woodley Park Metro station in 2004, as it should have. The NTSB is not prohibited by statute from making interim recommendations for corrective actions, but low cost recommendations of the kind made thereafter were not made after any of the Metro accidents. This bill clarifies that the NTSB does have such authority.

While the reason for the June 22 crash has not yet been determined, it was evident that the striking car, which was an older 1000 series train car, was significantly more damaged than the struck car, which was a newer 6000 series car. In fact, all of the fatalities were from the 1000 series car. Following the collision, the Amalgamated Transit Union Local 689 suggested that WMATA put the 1000 series cars between the newer, more crash-worthy 6000 series cars.

Unfortunately, without the regulatory authority established by this bill we have introduced, there have been no tests of crash worthiness either of the newer 6000 series cars or of the older 1000 series. However, the evidence from the crash suggests that 40 year old cars may be more dangerous as lead and rear cars. The NTSB did not disagree with this interim step at a Congressional hearing in July, but it never recommended this, or any other action, except action that is so costly that it will not occur.

It is a well known and frustrating fact that, for years, Metro has tried to convince Congress and the local jurisdictions to fund replacements for the old 1000 series cars and only this year, after the tragic collision, has Congress appropriated the first \$150 million of the \$1.5 billion authorized first time in 2007. The 1000 series cars were only 300 of Metro's 1,100-car fleet, but replacing those cars will cost \$600 million and take at least five years of combined federal and local area payments. Moreover, the cost of gas at the pump has so driven up Metro ridership, that it cannot simply cut its fleet by 300 cars. Congress and members of our regional delegation had been working long before the collision to get from Congress the \$1.5 billion that has now been authorized for WMATA's urgent capital and preventive maintenance needs, including new cars. While we have finally been successful in getting the first \$150 million, it will take years to fund these replacements, not to mention other problems such as the circuit signals that NTSB has already found may be implicated. Recommendations short of multimillion dollar upgrades and replacements can save lives. This bill requires the NTSB to specifically consider recommending interim recommendations where appropriate, especially when a transit agency has not secured funds to meet the costly permanent recommendations.

Madam Speaker, I ask that the House pass this bill.

HONORING BENJAMIN P. LATHROP
UPON HIS RETIREMENT AS THE
MAYOR OF NORWICH, CT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. COURTNEY. Madam Speaker, I rise today to honor Mayor Benjamin P. Lathrop who is retiring after years of service to the City of Norwich, Connecticut. I rise to recognize him on his retirement after 4 years of service as Mayor, and over a decade of service to the community as a whole.

Ben has dedicated his life to public service, and is a veteran of the Air Force who served our nation during the Vietnam War. He has served as Mayor of Norwich since 2005 and previously on the Norwich City Council from 1997, the final two terms as President Pro-Tem. A perpetually enthusiastic booster for the city, Ben's good cheer, kindness, and dedication have helped him unite the people of Norwich and set the stage for further progress in the years to come.

Ben founded both the Mayor's Cup Challenge and the Norwich Ambassador Program. He has volunteered in community groups such as the American Cancer Society and the March of Dimes, and as a mentor at the Norwich Public Schools and the Greenvale School. Ben has served on many of Norwich's boards and commissions, notably as a member of both the Greater Norwich Area and Eastern Connecticut Chambers of Commerce.

We will honor his service on November 19 with a dinner, the proceeds of which will benefit Hospice of Southeastern Connecticut and

Thames Valley Council for Community Action Inc.

Ben's dedication as a citizen of Norwich, and his passion as the city's Mayor will be remembered for years to come. He truly believes in the importance of community, and wears his love for his city on his sleeve. I ask all of my colleagues to join with me and my constituents in thanking Mayor Lathrop for his service and wishing him the best in his new endeavors.

SIGNING OF THE TURKEY/ARMENIA
PROTOCOLS ON OCTOBER 10,
2009

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. McMAHON. Madam Speaker, I rise with optimism about the latest progress towards normalization of relations between the Republics of Turkey and Armenia.

On October 10, Foreign Ministers Ahmet Davutoglu of Turkey and Edward Nalbandian of Armenia signed a notable agreement, taking both countries a step closer to establishing full diplomatic relations, opening borders and greatly enhancing economic, political and cultural cooperation.

These historic protocols are a critical measure that will bring about regional stability. There have been confidential talks for approximately a decade between the two nations, and this agreement is a testament to the willingness of Armenia and Turkey to look forward towards the common goal of open borders and normalization of relations. As a Member of NATO, and a frontline country bordering Iraq, Turkey is a critical ally of the United States. As we re-deploy our forces in Iraq, Turkey plays a key role. Turkey has been a major support of the new Iraqi government and plays a positive role of investment in Iraq and developing a civil society in Iraq. Closer relations between Turkey and Armenia will hopefully move Armenia into a more westward direction as this agreement will encourage Armenia to build trade and economic ties with its largest western neighbor.

The interest of the international community was evident with the presence of the representatives from France, Russia, Switzerland, the European Union and the United States in Zurich at the signing ceremony. I am particularly proud of Secretary Clinton's tireless efforts to encourage both parties to reach agreement on the accords. The signing of the protocols has been a priority for President Obama, and Secretary Clinton's work on October 10th underscores the value of stability in the Caucasus region for the United States and the entire international community.

The protocols must still be brought back to the respective parliaments and ratified, but we should acknowledge this significant progress and continue to encourage both Armenia and Turkey to work together to develop a long lasting diplomatic relationship and stability in the region.

HONORING THE LIFE AND LEGACY
OF FREDERICK K. BIEBEL**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. DELAURO. Madam Speaker, it is with a heavy heart that I rise today to pay tribute to Frederick K. Biebel of Stratford, Connecticut who passed away this week at the age of 83. Fred was a remarkable member of the community and a local political legend. His passing marks the end of an era in the Stratford community and in Connecticut's Republican Party.

Fred began his career in the 1950s as a member of Stratford's Town Council as well as the Chairman of the Stratford Republican Town Committee. During his tenure, he organized countless campaigns and served as a role model and mentor for other candidates. Fred went on to serve as Chairman of the Republican State Central Committee in Connecticut and during President Reagan's Administration he presided as Co-Chairman of the Republican National Committee. He also represented Connecticut as a delegate in fourteen national GOP conventions—the last just this past year. Fred served in every capacity—from volunteer to candidate to national party co-chair. He was committed to his ideals, but understood the value of debate. Through his activism he earned a distinguished reputation and was respected by colleagues of every political persuasion.

As involved in politics as he was, Fred was just as committed to his family and community. He and his wife of 58 years, Violet, raised three children and he was a proud grandfather and great-grandfather. Fred was also a dedicated member of the Lordship Community Church where he served as deacon. In fact, he helped to literally build the Church itself, dismantling, transporting, and reassembling an unused Colonial white church from Vermont in the late 1940s. Fred was proud of the life he built—a fact that was reflected in his recently published autobiography, "Path of a Patriot: The Political Journey of Mr. B."

Though we may have come from different political viewpoints, Fred and I shared a common cause—public service. Whether through his political career or his work in the community, Fred dedicated a lifetime to service. He understood better than most that a community is only as strong as those members who dedicate themselves to its improvement. He knew that meaningful change came from active involvement—a lesson that he passed on to several generations. I consider myself fortunate to have known him.

Today, as family and friends reflect on the life of Frederick K. Biebel, I extend my deepest sympathies to his wife, Violet, his children, Karen, Kyle, and Kevin, as well as his nine grandchildren, and seven great-grandchildren. Fred was an extraordinary man who touched the lives of many. His is a legacy that will continue to inspire generations to come.

BOEING BRINGS JOBS TO SOUTH
CAROLINA**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. WILSON of South Carolina. Madam Speaker, yesterday, Boeing announced that they had chosen their North Charleston, South Carolina, facility as the site for a second 787 Dreamliner final assembly line. This is tremendous news not just for the people of Charleston but for all the families of South Carolina. As we have seen with the success of Michelin across the state, including Lexington, recruited from France by Governor Jim Edwards and BMW at Greer secured from Germany by the late Governor Carroll Campbell bringing new jobs, Boeing's decision will have a broader impact on our state's economy. As noted in today's edition of The State, "S.C. officials expect a network of companies will spring up across the state to support Boeing's operations, just as businesses sprang up around BMW's Upstate plant, opened in the 1990s."

This decision by Boeing is a testament to the strong workforce in South Carolina. I am grateful for the hard work and dedication of so many members of our communities who continue to fight to bring more jobs to South Carolina. In particular, South Carolina Secretary of Commerce Joe Taylor has shown excellent leadership. I've been grateful to work with Secretary Taylor and other leaders as we keep our commitment to those we serve to promote South Carolina as a leader for industry and innovation in the positive environment of a Right to Work State.

HONORING BROOKSIDE
ELEMENTARY SCHOOL**HON. CAROLYN MCCARTHY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to recognize the students, faculty and staff of the Brookside Elementary School and congratulate them for having received the prestigious Blue Ribbon School Award. The Blue Ribbon Schools Program recognizes schools that make significant progress in closing the achievement gap or whose students achieve at very high levels.

The teachers and staff at Brookside School aim to provide a rigorous yet nurturing environment where on-going academic, social and emotional support is provided so all students can realize their potential. Brookside School has the advantage of small class sizes which creates an atmosphere where each child is recognized for his or her individual gifts and talents.

Character education is woven throughout the curriculum at Brookside Elementary School. Each month, the school hosts "BBOTB", Brookside Brings out the Best, Assembly, where students are recognized for excellent citizenship, character, effort, respect, neatness and organization. As a member of

the Committee for Education and Labor, I have the privilege of learning about school both locally and nationally. The future of this country depends on the hopes and dreams of its children. Our community, and our nation, is enhanced by the contributions of high achieving students like those at Brookside Elementary School. Additionally, I would like to recognize the work of the teachers and administrators who dedicate their lives to their students. The staff is the back-bone of the student's success and I thank them for all that they do on a daily basis.

Madam Speaker, it is with pride and admiration I offer my thanks and recognition to the Brookside Elementary School.

CONGRATULATING JOHN "HUT"
HUTSON, WILLIAM C. JENKINS,
DAVID F. LUCIER, PETER MARTINEZ,
PAT CHORPENNING AND
CARL G. SCHNEIDER—INDUCTEES
TO THE ARIZONA VETERANS
HALL OF FAME**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. MITCHELL. Madam Speaker, I rise today to congratulate John "Hut" Hutson, William C. Jenkins, David F. Lucier, Peter Martinez, Pat Chorpenning and Carl G. Schneider, the Class of 2009 inductees to the Arizona Veterans Hall of Fame. These citizens are recognized for their exemplary service for our country.

For both bravely serving our country and inspiring those outside their military service, 19 Arizona residents were selected to be part of the Arizona Veterans Hall of Fame. In a state boasting more than 600,000 veterans, I am truly honored to represent five of this year's recipients.

The Arizona Veterans Hall of Fame Society annually rewards and honors veterans for their continued service to the community. Each recipient of the prestigious award is personally selected by the Office of Governor Jan Brewer in partnership with the Arizona Department of Veterans' Services.

These veterans represent the courage and patriotism that is so revered by many Americans. It is people like this that I am continuously thinking of and am proud to serve. As members of the Hall of Fame Society, I am sure these veterans will carry on inspiring and serving our community.

Madam Speaker, please join me in recognition of John "Hut" Hutson, William C. Jenkins, David F. Lucier, Peter Martinez, Pat Chorpenning and Carl G. Schneider's exceptional service.

H.R. 3763, TO AMEND THE FAIR
AND ACCURATE CREDIT REPORT-
ING ACT

HON. DANIEL B. MAFFEI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. MAFFEI. Madam Speaker, I come before you today in unison with my colleagues from both sides of the aisle in support of H.R. 3763, to amend the Fair and Accurate Credit Reporting Act to provide an exclusion from Red Flag Guidelines for certain businesses. I'm proud that the lawmakers and the FTC are actively combating the serious problem of identity theft. The Red Flag Guidelines outlined in the Fair and Accurate Credit Reporting Act directs businesses to establish, by August 1, 2009, a plan for protecting their customers from identity theft. We must remember, however, that regulations like the Red Flags Rule have serious consequences for our nation's small businesses. Small businesses are leaders in their communities and work hard to establish personal relationships with their customers. We cannot simply adopt a one-size-fits-all system that applies the same regulatory standards to a large corporation as it does to a small community health care provider or a small law firm.

I commend my colleague from New Jersey for recognizing the undue burden these regulations will have on small businesses and for introducing legislation that provides a more viable solution to identity theft prevention. I am proud to have worked with him in drafting this bill. H.R. 3763 returns to the original intent of the FTC regulations. This bill recognizes that law firms, health care providers, accountants, and other businesses which provide repeated face-to-face service and/or have fewer than 20 employees are not vulnerable to identity theft in the same way as other businesses. These types of businesses were not intended to fall under such FTC regulations and should not be included in Red Flag Guidelines. H.R. 3763 would provide an exemption for such businesses, saving the small business community tremendous undue financial and administrative burden.

WHEN COURAGE COMES TO CREST:
PFC BRENDAN MARROCCO,
UNITED STATES ARMY

HON. MICHAEL E. McMAHON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. McMAHON. Madam Speaker, I rise today to commemorate the heroism of a real American hero, one of New York's and Staten Island's finest sons. Today, the Armed Forces and their families must come back home from war and rebuild their lives in many instances where nonlies left. As each, and on their own, they all will teach us about faith and courage and selfless sacrifice. PFC Brendan Marrocco is such a man who was gravely wounded in Iraq. During an EFP explosion, Rocco lost all four of his limbs. While clinging to life, most

people may have given up but Rocco refuses! For he has a life to live, and a world to inspire. With the help of his brother Michael, who quit his job to be with him and help him as he moves onward. Rock on Rocco!

WHEN COURAGE COMES TO CREST

All in our darkest days of night!
When, all hope seems so lost . . . our plight . . .

While, against all odds . . . , somehow we so fight! When, Courage Comes To Crest!
With only its shining light, will we but so see our very best . . . our light!

All in hearts of gold which will so bless, to lead that most valiant fight!

Upon, battlefields of honor yes, all in hearts of courage so burning bright . . .

Throughout all of those darkest days of war, those many nights . . . as we so see their light!

Amidst, all those battle cries . . . of the darkest of death and gore as so comprised . . .

As all of those most magnificent hearts, as so ignite . . .

All in those faces of heroes, as when their courage so comes to life!

Who, but for this our nation bore . . . and would give up, oh so much more . . .

Holding Brothers In Arms, with but tears in their eyes . . .

Until, their fine hearts beat no more . . . who so died!

And all of those loved ones at home, who so worry for them as their hearts so moan!

As When, Courage Comes To Crest . . . as when so comes forth, so much more from these who bless!

As when, a new battle must begin! As from a coma you so awoke so then . . .

All in your loss, how such courage then . . . that even your fine heart, may not except!

As you look down all at the cost, wondering if you would be but better off . . .

Be but better off, dead . . . all in that moment of truth, as what your brilliant heart so said!

Showing us the proof . . . As so when, you must decide . . . Should I live? Or should I die?

When, but the very will to live . . . all in your fine heart, so lies . . . 'ah Rocco so lives!

While so very, so very . . . so very . . . very . . . very . . . very . . . deep down inside!

When, Courage Comes To Crest . . . as the tears roll down your fine eyes . . .

As you lie there all in your pain, moments away from dying . . . all in your most amazing grace comprised!

As your courage so begins to rise! As Comes To Crest!

As why, one day to Heaven . . . Rocco . . . you're my fine soul shall so rise!

As you so wipe away, all those swollen tears . . . as from your most brilliant eyes . . .

And you so say to yourself, I choose to live . . . and so Not So To Die!

As your most Heroic of All Hearts, so begins to cry!

From somewhere, so very . . . very . . . very . . . deep down inside . . .

As you so decide, with all your might! To Live On! To Somehow Fight!

To Bring Your Light, and not ask why!

All in what you have so left, so left . . . so very deep down inside!

As on this fine day, your beautiful heart so begins to rise . . .

For arms and legs we all need, but we can live without. . . .

But, it's only with our hearts . . . that we can so not so live no doubt!

As this Roc, will not so be stopped!
For Rocco, you have mountains to so climb . . . but to the very top!

Rock On Rocco . . . On How You So Roc!
As you have Souls To Heal, and To Inspire . . . as you reach for the top!

As your fine heart of a comet, can not so be stopped!

For from that Gotham City, comes your most Gotham Heart . . .

As you grew up in the shadow of liberty, as Rocco . . . as you have her heart!

Setting, all others . . . so very far apart . . . For you will win! And you will rise, but to the top! For there are Angel's put upon this earth . . .

All in our Lord's eyes, who so come first . . . so Roc . . .

To Reach Us, To Beseech Us . . . To Teach Us . . . all in their fine worth!

For all of Staten Island, is so smiling on this very day . . .

To have such a fine Son as you, all in what you so gave!

So tried and true, and in your most heroic hue! You make us all so very proud!

Such men, and women such, as you . . . who in the towers once ran up to the top!

Yet, knowing this might be their last hours . . . as still, they would not be stopped!

There are Angels up in Heaven now Rocco . . . watching over you!

And if I ever have a son, I but hope and pray . . . that he could be but just like you the fine one!

The kind who's gold lies within his soul . . . as shone, to everyone . . . all in your most heroic hue!

For in the game of life, there is but only one way to win that battle! Win, That fight so true!

Of good versus evil, no less . . . to win that day, that night . . .

When, Courage Comes To Crest!

RECOGNIZING BRANDEN
STACKENWALT

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. HERSETH SANDLIN. Madam Speaker, on October 30, 2009, I will be proud to host two of my constituents, Branden Stackenwalt and his father, Dave Stackenwalt, for a visit to the U.S. Capitol.

Branden is proud to be a combat engineer with the U.S. Army, serving with the 569th Mobility Augmentation Company, 4th Engineer Battalion. On September 21, 2009, the vehicle Branden was traveling in ran over a roadside bomb in southern Afghanistan. One member of the vehicle's four-man crew was killed and the other three, including Branden, were critically injured. In the blast, Branden suffered severe fractures to vertebrae in his back, both legs, elbow and heels.

Thanks to his enduring spirit and courageous determination—as well as the excellent medical care he received from our Nation's Army doctors—Branden is vastly improved today and on the road to recovery. He was first flown to Germany, and then to the Walter

Reed Army Medical Center where he has received care since September 27.

Since the incident, Branden has undergone multiple surgeries to repair his legs. Although he still faces an arduous road to full recovery, he has made significant progress, all the while maintaining a positive attitude. I am quite certain that Branden's personal strength of spirit, along with the loving care of his family, has been instrumental in the progress he has made.

During his recovery, I have had the privilege to get to know both Branden and his family. His parents, Dave and Kim, are wonderful people who love their son very much. Branden also has a younger sister, Savannah, in South Dakota who I know is eager to see him again soon.

Branden is now able to get around well in a wheelchair, and I have learned that he will soon be transferred to the Minneapolis VA facility to continue his recovery. I am pleased that he was able to visit us at the Capitol.

Madam Speaker, it is with great pride and respect for one of South Dakota's brave young soldiers that I rise today in recognition of Branden Stackenwalt and his service to our country. I am so very proud to represent him, his family, and all South Dakotans who serve in our Nation's Armed Forces. I thank Branden and all those who serve for their courage and fortitude in the face of danger.

CHINESE HUMAN RIGHTS ATTORNEYS TESTIFY BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. WOLF. Madam Speaker, I would like to draw the attention of my colleagues to the following testimonies of two Chinese human rights lawyers who appeared at a hearing today of the Tom Lantos Human Rights Commission.

WRITTEN TESTIMONY SUBMITTED TO THE TOM LANTOS HUMAN RIGHTS COMMISSION ON THE RULE OF LAW IN CHINA BY MR. JIANG TIANYONG

Dear members of U.S. Congress, ladies and gentlemen:

How are you? My name is Jiang Tianyong and I come from mainland China. I am an attorney and most of the cases I take on involve religious belief, and are usually referred to as "sensitive cases." I am also a Christian and as such a person, I need to worship God in gatherings with my brothers and sisters in Christ. I am going to discuss three things, and I hope I can give you an idea of the actual status of the rule of law and religious belief in China.

The first one is an event I would like to share: On the afternoon of Mother's Day of May 13, 2007, I was praying and singing hymns of God with my brothers and sisters in Christ gathering. It was in a private large room in Beijing. Suddenly, several dozen people broke into the room. Only about a dozen of them were wearing uniforms and the rest were in plain clothes. One of them forced us to stop our activities and to remain still where we were. We were not allowed to

leave the place. The intruders claimed that they were law enforcement officers from the Beijing Municipal Bureau of Religious Administration. They said that our gathering was an illegal one and abolished it immediately! They sealed our donation box and took videos and photos of many of us. They also recorded the identification information of every one of us. After that, they conducted a long interrogation. It was after 1 AM that I left the site. Between that day and July 2009, I had no place where I could meet with my fellow Christians in a gathering. This is my experience in China as a Christian.

The second event occurred on April 16, 2009. Attorney Li Fangping and I became the defense counsels for the living Buddha from Burongna Convent in Tibet that day. The living Buddha is the abbot of Burongna Convent and Ya-tseg Convent in the Tibetan Autonomous Prefecture in Ganzi of Sichuan province. He was charged with weapons possession and functionary embezzlement. However, after a detailed investigation, we found the living Buddha was actually charged for some other reasons. After the March 14 Incident in 2008, people in the Tibetan prefecture were organized by the government to engage in a "Campaign of Education in Patriotism." Monks and nuns were forced to study in the convents and were kept there for a long time. What, then, was the content of their education? They were commanded to criticize the Dalai Lama and to call him a jackal and to break away from him. Every one of them was commanded to trample on the portrait of Dalai Lama and spit on the portrait before he or she was allowed to pass the test. Given such a situation, over 200 nuns from Burongna and Ya-tseg Convents could no longer endure this, and they finally broke out of the convents on May 14, 2008 and went to protest in the streets, demanding religious freedom. As the living Buddha was the leader of these two convents, he was arrested. His case was tried on April 21, 2009 and both of the attorneys and the living Buddha denied the charges. There is still no result from the case, but we worry about the fate of the living Buddha.

The third piece of evidence I would like to share is that starting from 2008, I began to defend Falun Gong practitioners in nearly 20 Falun Gong cases. I have found that the crackdown on Falun Gong is indeed a serious human rights disaster. My clients were arrested simply because of the practice. They were tried simply because they gave practice books to others. Some of them were sentenced to imprisonment just because they distributed materials that expose the facts of persecution. They often face torture and there are special funds, special locations, special people and special tools in torturing Falun Gong practitioners. When Huang Cheng from Jinzhou, Liaoning province was tried in court, everybody could see the scars on his body; Chen Xinye from Shenyang, Liaoning province suffered a bone fracture in the beatings; they poured mustard water into the nostril of Li Zhigang from Harbin, Heilongjiang province; Zhou Huimin from Chengdu, Sichuan province was beaten to death.

When it comes to Falun Gong cases, the law is often trampled and it is hard to safeguard the defendant's right to defense. Sun Feng from Tangshan, Hebei province was deprived of his right to meet with his attorney; Ge Hefei from Handan of Hebei province was sentenced while his attorney was forbidden to intervene. In Falun Gong cases, attorneys are forbidden to defend their clients on the

proper application of law or the nature of the incident. They are forbidden talk about the Constitution or human rights. They are only allowed to say whether the defendants did something or did not do something.

I and other human rights attorneys in China are suffering an increasing level of harassment, suppression, and persecution [by the government], because we serve as defense counsels in cases of safeguarding the freedom of religious belief.

Respectively in 2006 and 2008, the Beijing Municipal Bureau of Justice intentionally fabricated complications in the annual inspection and registration of my attorney's license. On July 9, 2009, the Beijing Municipal Bureau of Justice announced that my attorney's license was revoked. We [human rights legal defenders] are often stalked, harassed and threatened by the secret police from Domestic Defense Protection Squad. On special occasions or when foreign leaders visit China, we are often forbidden to leave our residences. For example, when President Obama visits China next month, I will be forced to stay at home. My family members are also often harassed and people from the Bureau of Justice often come to talk with us and forbid me to get involved in some cases. Because our landlords can't endure the pressure from the secret police, they refuse to renew our leases, and therefore we often are forced to move out.

Because we handle cases involving religious belief, Li Heping, Li Xiongbing, Wang Yajun, Tang Jitian, Liu Wei, Wen Haibo, Xie Yiming, Wei Liangyue, Zhang Xingshui, other attorneys and I have still not passed the so-called "annual inspection." Therefore, there is no way we can continue to work as attorneys at this time.

However, legal professionals, including attorneys, members of house churches and other religious believers, have not abandoned their rights in face of the crackdown. The civil society in China is growing and will become more mature. I think all of you present here today should keep your confidence in this. We also need the attention and support from all of you present here today, and the U.S. government.

I propose the following:

1. We recommend that you pay more attention and give more support to the non-governmental forces in China, such as the US State Department's International Visitor Leadership Program, so that more human rights attorneys can participate in the program;

2. We recommend President Obama and other government officials meet with human rights defenders and attend gatherings of house churches during their visit to China;

3. We recommend President Obama can talk with President Hu Jintao and Premier Wen Jiabao and restore the freedom of Liu Xiaobo, Chen Guangcheng, Hu Jia, Guo Feixiong and Guo Quan. We also hope that with President Obama's visit, we will be able to know the whereabouts of Attorney Gao Zhisheng;

4. We recommend officials in the U.S. Embassy in China make contact with human rights defenders and dissidents more often and more widely, and invite them to attend some activities held at the embassy.

Thank you!

A TESTIMONY ON THE CURRENT STATUS OF CHINA'S LAW ON RELIGIOUS FREEDOM
(By Mr. Zhang Kai)

As a human rights attorney in China, I am hereby making this statement concerning the current status of its law on religious

freedom as well as some suggestions based on cases related to house churches affairs and their human rights advocacy in recent years.

Over the past few years, a large number of Chinese people have been seeking faith and have become Christians. However, they are often unable to enact their everyday religious spiritual life under the law. Christian churches in China consist not only of the officially recognized TSPM churches, but also house churches organized by the believers themselves. The development of house churches was a result of the Christian belief that Christ, rather than the government, should be the leader of the church. Because of the theological differences between the TSPM and the house churches, many Christians prefer to have religious gatherings with their relatives and families at their own homes.

However, members of these house churches are often interrupted, harassed and pressured by the government during religious services while meeting in their homes, with some believers administratively detained, reeducated through labor, and even criminally punished.

I. ILLEGAL INTERVENTION IN CHRISTIAN BELIEF MAINLY INCLUDES THE FOLLOWING ASPECTS

1. Banning house churches on grounds of being "cults."

In 2000, the Ministry of Public Security issued The Ministry of Public Security Circular Concerning a Few Questions About Identifying and Banning Cult Organizations. In this regulation, the following are confirmed: there are seven types of cult organizations clearly defined in the documents by the General Office of the CPC Central Committee and the General Office of the State Council, and there are seven types of cult organizations identified and confirmed by the Ministry of Public Security, totaling fourteen types of cults. However, of these fourteen cults, eleven are related to Christianity—including the Shouters, the Disciple Union, and the Total Scope Church. Since this regulation runs directly counter to the basic principle of the modern rule of law concerning the separation of the government and religion, it has further led to the direct crackdown on a large number of house churches composed of bona fide Christians, tried or labeled as cults, in the course of law enforcement.

In accordance with Item 1 of Article 27 of the Security Administration Punishment Act currently in effect, anyone would be subject to administrative detention or fines (I) for organizing, abetting, intimidating, seducing and defrauding, or instigating other people into practicing cults or superstitious activities or for using cults or superstitious activities to disrupt security and order, and to harm the health of other people; (II) for conducting activities under the pretext of religion or Qigong, to disrupt security and order or harm the health of other people. This article has led to the confiscation and damages of the large amounts of church assets as well as the detention or reeducation through labor of believers.

2. Punishment on grounds of conducting cross-regional preaching.

In some local regulations, believers are prohibited from cross-regional preaching. However, one of the characteristics of Christianity, as a religion, is that Christians preach wherever they go and spread the Gospel to every corner of the world. In the Provisional Regulations on the Management of Religious Activities in Xinjiang Uyghur Autonomous Region, it is clearly set forth: "Professional religious people shall not con-

duct cross-region, prefecture, city or county preaching without approval from the religious affairs bureaus of the government." In one place in Xinjiang, a believer, who went to another church, had barely read one sentence from the Bible when he/she was removed from the position in the church by the Religious Affairs Bureau. In some places, violators of this law are directly given administrative detention and even reeducation through labor.

3. Banning on grounds that they are not registered.

At present, the regulations on religious affairs require that the establishment, change, or cancellation of religious organizations be registered in accordance with Regulations on Management of Registration of Social Organizations. However, house churches are unable to register independently. As a result, they are banned by local governments or the Public Security as illegal congregations or on grounds that they were not registered.

4. Intervening at will in the religious activities of believers.

According to the surveys conducted in some cities in southern Xinjiang this year, the government religious affairs departments (i.e., Ethnic and Religious Affairs Commissions) of Wensu, Baicheng, and the Aksu area, appointed or removed at will clergymen at the house churches and restricted the normal religious activities such as "breaking of bread" and baptism, without going through democratic elections by believers. Even the programs celebrating Christmas by believers must all be reviewed and approved by the religious affairs departments. Some religious venues were illegally shut down without following any legal procedures.

5. Suspected intention of insulting Christians.

In 2008, the People's Government of Wensu Town even issued a plaque of "Peaceful Mosque" to the Christian Church in Wensu. This action, by blurring the Christian and Muslim faiths, caused a widespread revulsion toward Christians, and may provoke the conflict among peoples of different religions in the future.

6. Large numbers of facts show that administrative penalty rulings are not issued and that fines were imposed without legal and official tickets.

For example, Li Enfu, a citizen in the Wushi area who has believed in Christianity ever since he was a child, had been appraised as an "Excellent Self-employed Individual" several times, even though he is handicapped. Yet, just because he had participated in religious activities, Li Enfu was fined repeatedly. In 2002, this citizen was fined 4,000 yuan and actually paid 2,000 yuan, just because he took a Christian calendar from the Wensu church and this calendar was an official publication of the government. In 2006, he was fined 8,500 yuan for attending a Christian gathering held at his own home. And in March 2009, Huang Ming and Li Enfu were fined a total of 3,000 yuan for holding the gathering and leading the prayers.

7. Punishing Uyghur ethnic minorities in Xinjiang for believing in Christianity.

In the Xinjiang region, it is especially difficult for the Uyghur people who believe in Christianity. They basically operate underground. In southern Xinjiang, there are about one hundred Uyghur Christians. They can only hold completely secret gatherings in groups of two or three people. Last year, their leader, Wusiman, was reeducated through labor, and co-leader Alimujiang was criminally punished.

II. COMMENTS ON THE INEFFECTIVENESS OF LEGAL RELIEF CONCERNING CHRISTIAN BELIEF

When lawyers involved in these kinds of cases provide legal services for believers, they often experience tremendous obstruction. For example, the courts refuse to take the cases; when they do take cases, they don't hold hearings; and when they hold hearings, they do not give rulings.

It is extremely difficult to file relevant cases with the courts, which do not go through any standard legal proceedings. According to Chinese law, if a case cannot be established, there should be a ruling that the case is not established. And based on that ruling, the party concerned has the right to appeal. However, very often, these courts neither process the filing of these cases, nor give any rulings. This year, in the Hanzhong region in Shanxi, we instituted the relevant administrative proceedings, and the court just refused to take the case. Such phenomena are quite widespread. Although some cases were filed and the litigation fees were paid, the courts kept postponing the hearings. Four years ago, when I started administrative proceedings in the Hanyin area in Shaanxi, I was told by the local political and judicial commission that there wouldn't be any court hearings. Even now there still hasn't been any court hearing.

III. BASED ON THE ABOVE FACTS, WE ARE MAKING THE FOLLOWING SUGGESTIONS

As the aforementioned facts mainly include the harm directly brought upon house churches by the judiciary or law enforcement, we hope that the international community can give more attention so as to increase surveillance and reduce such harm. We hope that the U.S. government will carry out more specific implementations in the following areas:

1. Urge and help the Chinese government to draw up the Religious Freedom Law, which should be consistent with universal values.

2. Have more American officials or those at the U.S. embassy in China attend worship services in house churches in China.

3. Have American government officials or staff at the U.S. Embassy in China periodically communicate with human rights lawyers to learn about their situations.

H.R. 3585, THE SOLAR TECHNOLOGY ROADMAP ACT

HON. DANIEL B. MAFFEI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. MAFFEI. Madam Speaker, thank you for the opportunity to speak on H.R. 3585, the Solar Technology Roadmap Act. By establishing a road mapping process for solar research, development, and demonstration, the bill provides essential aid for the solar industry. I offer my enthusiastic support.

Solar technology presents one of our most promising renewable energy sources. In fact, in my own district, the SUNY College of Environmental Science and Forestry (ESF), is conducting innovative research pertaining to solar energy and putting it to use. Several of the buildings on campus have solar panels that provide electricity for the school. The 40-kilowatt photovoltaic array on the roof of Walters Hall, made possible by state incentives, has

the ability to generate electricity even on overcast days.

Thin film PV technology and molecular PV technology are of particular importance as they are the future of photovoltaic technology. By using this second generation of solar technology, we will be able to significantly lower costs while increasing conversion efficiencies.

I also specifically encourage demonstration projects in the 1 to 2 megawatt range. Increasing the energy productivity on these technologies, I believe, will have the greatest impact on the solar industry.

I congratulate Representative GIFFORDS on her innovative legislation and look forward to seeing its effect on our renewable energy future.

HONORING THE LIFE OF BILLY
HINDS SMITH

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Ms. GRANGER. Madam Speaker, Bill's family asked me to say a few words about my memories of him as I first knew him and as so many of you knew him as you worked with him.

If I were talking about someone else, I would say something like "those of you who knew him in his professional position" or something like that, but that would be such a wrong idea of what Bill Smith was and why we all have such wonderful memories of him.

He was Bill Smith—Principal, Superintendent, friend, cohort, buddy.

I've often wondered if when people are experiencing the "best of times" if they knew it was the best of times.

I didn't know those early years at Richland High School would be some of the best years of my life, the best years of many of our lives, but I knew it was great fun and great excitement and Bill Smith made it so.

His own creativity brought out the creativity of the rest of us.

Whether you were on the ball field
On the stage

In the science club

Or the yearbook staff

He made it important to be a winner and enjoy the role you played.

His own sense of what was important and what was trivial infected us all and has stayed with me for years.

The trivial was treated by him as amusing. He just got a kick out of people and events.

He was a great storyteller and did some very good impersonations, but he didn't have a mean or petty bone in his body.

He loved what he did and he loved that school. The newness of a school can be exciting in and of itself, but the establishment of traditions, the development of an identity, those stay with a faculty, graduates, and a community forever.

He just had so much joy in it all. He was unabashedly proud and loyal to the school—and encouraging of all of us who were a part of it.

The whole community was in such a period of growth, and Bill was such a part of that so

that the school and the community couldn't be separated.

It was as if the future were all in front of us, and he had found himself leading the band.

Paula Good said it so well after we talked and shared some memories. She said, "You know, I often felt he was a little bit surprised to find himself in his position."

I agree. And that added so much to the energy and enthusiasm he had.

He was never about his position or title.

And that is what helped him look at it so as to enjoy and soak up every day.

He approached life with such humor and such humanness.

He was funny and fun-loving and wouldn't take himself too seriously or let any of us around him.

He was so positive about everything. The smile never left his face, and the humor was always right on the surface.

I made so many mistakes in those years as a young teacher.

I finally decided to ask permission and seek some advice, but in the beginning, I just came up with an idea and did it!

And when it didn't work out exactly as I had planned, he would walk down to my room, he would put his hands behind his back, sort of lean back, grin and say, "Well, Ms. Granger, what have we been up to now?"

The time that remains vivid in my mind was a day when the school was closed but the yearbook staff was trying to meet a deadline.

They all trooped to the school to meet me but we had never checked to see if the school was unlocked, just assumed it would be.

It wasn't, but one of the kids said, "No problem, Ms. Granger, I can let us in."

He did and we were hard at work, when in walked Mr. Smith, the principal!

Same stance, same words, except he was accompanied by some of the city's finest—in blue uniforms.

A neighbor had reported a break in of the school. They had called Bill and all came to see who had come into the school from the roof.

Ooooh. Not good . . .

From Bill . . .

Same grin. Same question, and some advice he gave to me more than once: "Try it once. If it doesn't work, don't do it again."

That was the way he managed.

He never doused the enthusiasm. Never stopped the flow of energy. Always encouraging and believing anything was possible

With his teachers

With the students

With the community.

There are so many memories of that time and all are good ones.

And every picture in my mind has him smiling and finishing with his chuckle, and he is probably still thinking: "Ms. Granger, what are you up to now?"

TRIBUTE TO RALPH KLAASEN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. CALVERT. Madam Speaker, San Clemente, California has been fortunate to

have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. I rise today to recognize and honor one of those individuals: Mr. Ralph Klaasen. On Friday, October 16, 2009, Ralph passed away. He will be deeply missed.

Ralph, a San Clemente resident since 1946, was a strong advocate for the south Orange County senior community for decades, serving as president of South County Senior Services and helping raise funds to build two San Clemente senior centers.

Ralph Klaasen, along with Rex Tyner, co-chaired a successful campaign to build the current senior center at 242 Avenida Del Mar in 1982 and then another campaign to build its larger successor, the Dorothy Visser Senior Center, now under construction at 121 Avenida Victoria.

Ralph also helped rally support to build Casa de Seniors, an affordable senior-housing complex. Through his work with South County Senior Services, he helped establish and administer other senior centers and programs from Dana Point to Laguna Hills.

Born in San Diego and raised in Whittier, Ralph attended Whittier College before enlisting in the Navy during World War II. He served in the Pacific Theater from Guadalcanal to Okinawa. "There were 13 major battles and I was in 12 of them," he once recalled. "It was a long ordeal."

When the war ended in 1945, Ralph Klaasen returned to his parents' house in Dana Point. He went to work in San Clemente and worked for the city for a short period in the 1940's but spent most of his career working in banking for Bank of America, Laguna Federal Savings and Great American while raising a family in town.

As Laguna Federal's longtime branch manager, Ralph was involved in community events and local charities. In 1975, the San Clemente Chamber of Commerce saluted him as the city's Citizen of the Year.

He retired in 1985 but continued to contribute to his community. In 2001, the city honored him on San Clemente's Wall of Recognition.

Ralph's dedication to his community is a testament to a life lived well and a legacy that will continue. I extend my condolences to Ralph's family and friends; although Ralph may be gone, the light and goodness he brought to the world remain and will never be forgotten.

MILITARY HONORS FOR OUR
NATION'S HEROES

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. FILNER. Madam Speaker, please join me in supporting a bill which I have introduced, "Providing Military Honors For Our Nation's Heroes Act," H.R. 3886, to reimburse expenses of volunteers who provide military funeral honors at veterans' funerals.

Because thousands of service members are deployed in Iraq and Afghanistan while thousands of World War II and Korean War veterans die each day, there is simply not

enough military available to provide a proper honors detail for these funerals. Some families of veterans have had to "make do" with a CD playing taps. I am saddened by this outrageous situation and determined to provide proper military funeral honors for all families who request them.

This bill will allow reimbursement to volunteers from members of veterans' service organizations, VSOs, and other organizations approved by the Secretary of the Department of Veterans' Affairs, VA. Transportation costs and other expenses, such as cleaning uniforms, incurred in providing funeral honors details will be reimbursed. A second change will allow reimbursement to details that are requested by funeral homes and the VA, as well as the Department of Defense.

Currently, members of VSOs and other volunteers can assist the military by providing a color guard, pallbearers, a bugler or firing party, but the law does not address ceremonies in which VSOs render honors without military representation. My bill will allow volunteers to be reimbursed even when no military person is a part of the honor guard. This change will increase the number of honors details available to families.

EARMARK DECLARATION

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. BRADY of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 2996—Interior, Environment and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman KEVIN BRADY, Texas 8th Congressional District
Bill Number: H.R. 2996—Interior, Environment and Related Agencies Appropriations Act, 2010

Project: Big Thicket National Preserve
Account: National Park Service, Land Acquisition

Requesting Entity: The Conservation Fund, Texas Office

Address of Requesting Entity: 101 W 6th Street, Suite 601, Austin, TX

The Big Thicket National Preserve is one of America's ecological treasures. It is an unusually shaped preserve whose boundaries include land once owned by major timber companies. This funding represents the final year in a seven year land acquisition program. This request enables the National Park Service to acquire critical land within the congressionally authorized boundary of the Big Thicket National Preserve to diversify the economic potential of southeast Texas through increased tourism opportunities. This project works only with voluntary, "willing-seller" landowners.

The \$5,000,000 for this project included in this final conference report combined with previous funding will allow the National Park Service to purchase over 2500 acres of land on 23 tracts acquired from willing sellers or by voluntary donation.

H.R. 3619, COAST GUARD
AUTHORIZATION ACT

HON. DANIEL B. MAFFEI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 29, 2009

Mr. MAFFEI. Madam Speaker, I would like to express my support for H.R. 3619, the

Coast Guard Authorization Act. This is an important bill with many essential provisions, and I would like to thank the Chairman and Ranking Member for all of their hard work. This legislation authorizes \$10 billion in Fiscal Year 2010 funding for the Coast Guard, while also including several important provisions such as cruise vessel safety and port security. Congress has instructed the Coast Guard to do more and more in recent years, yet has not provided them the funding necessary to accomplish these objectives. This legislation provides the Coast Guard with the resources to meet Congressional directives. Unfortunately, I was unable to vote on this legislation, as I was on official business back in my district with HUD Secretary Donovan. I assure you that, if I was able to be here in Washington, I would have voted for this important legislation.

H.R. 3619 does a great deal to improve national security. The legislation improves on port security, and directs the Secretary of Homeland Security to submit a report on the threat of a terrorist attack on gas or chemical cargo shipments. Additionally, the Coast Guard Authorization Act combats alien smuggling by authorizing punishment for anyone who is bringing in people who are considered to be in the United States illegally. Provisions such as these are important for protecting our country from the threat of terrorism and ensuring our citizens are safe.

Once again, I would like to commend Transportation and Infrastructure Committee Chairman OBERSTAR and Ranking Member MICA on this strong legislation, and voice my support for H.R. 3619, the Coast Guard Authorization Act.

SENATE—Friday, October 30, 2009

The Senate met at 10 a.m. and was called to order by the Honorable MARK UDALL, a Senator from the State of Colorado.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God, be with us, before us, behind us, and in us. God, be beneath us and above us. Stay on our right and left. Sustain us when we lie down, when we sit and arise.

Be in the hearts of our Senators, guiding their speech and directing their actions. Give them Your special gifts of wisdom and understanding, patience and strength so that their labors will hasten the coming of Your kingdom.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

Washington, DC, October 30, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK UDALL, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. UDALL of Colorado thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business. We have no set

time on it this morning, although Senators will be allowed to speak for up to 10 minutes each during the pendency of that morning business. There will be no rollcall votes today. The next rollcall vote will occur at 5 p.m. on Monday, November 2. The vote will be on the motion to invoke cloture on the substitute to amendment H.R. 3548, the Unemployment Benefits Extension Act, which has attached to it the very important extension of the first-time home buyers tax credit, which has been modified to allow people other than first-time home buyers to now buy homes.

In addition to that, there is an extremely important provision to help the economy, the loss carryback, and we hope to complete that as soon as possible. If, in fact, cloture is invoked Monday night, that would be done quickly. The House said they would accept that, and that could be done as early as Tuesday and signed by the President, which would be a great relief to realtors all over the country. It would be important for banks, especially community banks, so that they would be in a position to start helping small businesses more as a result of the legislation that is attached to that, the loss carryback. If, in fact, the Republicans are going to keep stalling, then we won't be able to do that until probably sometime Tuesday night.

Each day that goes by is critical. We have a million people—1 million people—who are eligible for this; 7,000 new people every day, 49,000 a week. We have been stalled for 3 weeks with this, meaning 150,000 people have lost their benefits during the time the Republicans have stalled this very important piece of legislation. It is legislation that is paid for. It doesn't increase the debt. It allows people who have been unemployed for long periods of time to continue receiving unemployment benefits. It is stunning to me to understand how the Republicans can hold this up, but they have. I hope that stops on Monday night.

NEVADA

Mr. REID. Mr. President, the story of Nevada is the story of America, really. We became a State on October 31, 1864, the 36th State to join the Union. As America has grown and grown up, so has my State in many different ways. America isn't the only one that has grown up; so has the State of Nevada. As America has changed, Nevada has evolved just as dramatically. Lands that were once frontier are now cities on the front lines of technology and in-

dustry. Where our land was once dominated by homesteads, it is now dotted by energy-efficient homes.

In these 145 years since the birthday of Nevada, which will be celebrated this Saturday, we have come a long way. But one thing has not changed since that Halloween in 1864: Forward-thinking Americans are still coming westward, calling Nevada home, and many of them are coming eastward from California, where we get a lot of new residents.

The State of Nevada was joined to the Union at the height of the Civil War. Just as Congress was voting on the 13th amendment that would abolish slavery, "Battle Born"—which is our motto—"Battle Born" Nevadans continued to fight for equality, freedom, and progress, including nearly 1,000 Nevadans who today serve bravely in our Nation's Armed Forces in Iraq, Afghanistan, around the globe, and here at home.

The day before yesterday, I called the mother of three children who had lost her husband in Afghanistan. I see in the morning news coming out of Nevada that I am going to have that same responsibility later today when I call the family of Josue Hernandez Chavez, who was killed yesterday in Afghanistan. He is from Reno, NV, just like the soldier's family I called the day before yesterday was from Reno. These two men died following a long, strong tradition of soldiers, sailors, airmen, and marines who have defended America in both war and peace.

Nevada is honored to be the home of some of our most important and premier military installations in the world, and certainly in the United States, including Nellis Air Force Base, Creech Air Force Base, Naval Air Station Fallon, which is the home of Top Gun, and the Hawthorne Army Depot, as well as many National Guard armories and Reserve readiness centers.

Outside of Nevada, much attention is paid, of course, to the entertainment capital of the world, Las Vegas. That attention is deserved, as Las Vegas has built itself from a desert outpost to the entertainment capital of the world as well as the city on the vanguard of the clean energy revolution. But every corner of the State is playing a critical role in leading our Nation toward energy independence. It is a revolution fueled by Nevada's boundless innovative spirit and its unlimited natural resources.

Indeed, Nevada is an outdoor enthusiast's dream. A lot of people think of Nevada as a desert, but it is not. We are the most mountainous State in the

Union, except for Alaska. We have more than 300 mountain ranges. We have 32 mountains over 11,000 feet high. We have one mountain about 14,000 feet high. We have some of the most beautiful wilderness areas in all of the Nation, Alpine Meadows, mountain sheep. A lot of places don't have—we have mountain goats in Nevada; Sheldon Antelope Range set forward by Theodore Roosevelt, the most sparsely populated area in all of the United States except for Alaska; and, as Mark Twain said, Lake Tahoe, the fairest place the whole Earth affords. It is a beautiful lake shared by California. There is only one other lake like it in the world, and that is in Russia, Lake Baikal. It is a beautiful lake. It is really the gem of the Sierras. So from its snowcapped peaks to its searing desert, the Nevada landscape is as diverse as the backgrounds of those who helped settle it, those who live and work there today.

It is also a wonderful place to raise a family. I know that firsthand because I was born and raised in Nevada, as have been all of my five children. My wife is like so many people—in fact, the majority of people; she was born in California and worked her way into Nevada with her family.

When we ensure that all Nevadans can afford quality health care and can count on a good-paying job, it will be even better. That is why I come to work each day, to make life easier for my neighbors back home. That is why I am working to help our country prosper, our economy be raised up as it once was. That is why I am working to protect our State's natural beauty. That is why I fought to end the plan that would have made Nevada the Nation's nuclear dumping ground.

I am really proud to be a Nevadan. I am humbled that the people of Nevada have asked me to represent them in various capacities for a long time. I am proud that the Senate has recognized the 145th anniversary of our State's ratification of the Constitution.

Nevada is going to recover economically. It remains open for business. In the words of the State song, it will always be home to me. Home means Nevada, home means the hills, home means the sage and the pines. That is our State song.

STOPPING PROGRESS

Mr. REID. Mr. President, I wish to shift gears a little bit here this morning and focus on a problem we have here in the Senate. The problem is caused by our Republican colleagues.

The Republicans have become the party of no. What we want to question is this: We have back here the breakdown of the 85 times they have stopped progress in America today, some in the form of filibusters, others in the form of various ways of objecting to things—just objecting to things. For example,

with health care, there is an article in the New York Times today where one Senator said his main goal is to defeat health care. One Republican Senator said they want health care to be President Obama's Waterloo. Eighty-five times, taking not hours of the Senate's time but weeks and months, the American taxpayers' money being wasted.

I came to the floor yesterday and talked about what has happened with nominations. Every one of these nominees is a human being, a person who has decided to devote their life to public service.

Yesterday, I came to the floor and talked about Dr. Benjamin, a woman who is a medical doctor from Alabama who has devoted her life to taking care of the poor and the oppressed. President Obama selected her to be Surgeon General of the United States a long time ago. It wasn't until last night, after months, that somebody decided over here: Well, maybe that is a little too much. We have an emergency declared with the swine flu. Maybe we should let her go.

I received a call Monday from the Secretary of Homeland Security, Janet Napolitano, indicating that a woman by the name of Jeanne O'Toole—I ran through her resume yesterday. There might be somebody better educated than she and who has written more on matters relating to what Janet Napolitano knows is needed, but I don't know who it would be. Dr. O'Toole is a well-educated medical doctor, having written numerous pieces on bioterrorism, all kinds of weapons of mass destruction, Anthrax, the plague. She has written about all that in some detail. Janet Napolitano said the Department of Homeland Security needs someone as Under Secretary to work on bioterrorism, to work on the swine flu that is sweeping the country.

No, it is held up. We were told yesterday, when I offered her name, by the Republican leader that we need to work on this a little longer. What is going on here in the Senate some day will be written about—a time like no other time in the history of the Senate. A minority party has held up progress for so long for so many unnecessary reasons. In fact, there are no reasons, except—I guess I have to change that a little bit. One of the important nominees of President Obama being held up is someone to be a Trade Representative. We have all kinds of problems dealing with trade around the world. There is a hold on that. We know that the hold isn't based on a law that one of the Republican Senators doesn't like; it is not a law being discussed in the House of Representatives here. It is not a law being discussed in the Senate or in one of our capitals around the country; it is a law dealing with tobacco that is being discussed in Canada. He is holding up this important job for a person waiting to go to work,

who served in two Republican administrations, one Democratic administration previously, and he is being held up because of a tobacco debate taking place in Canada. We have no control over that.

We have the General Services Administration. They take care of all Federal property. This is the Administrator. That name has been submitted by President Obama, and it is being held up over a building in Kansas City—somebody wants a building built in Kansas City, one of the Republican Senators. He is holding up this nominee.

There is a hold on two State Department officials, who are extremely important. One is to be the person working with Secretary Clinton to take care of Mexico, Central America, and South America. That will be his responsibility someday—if he can ever get cleared. It is being held up because they don't like what is going on in Honduras. I guess they will be really upset today, because the problem has been solved. What they want over there is the international community, which is totally against the coup having taken place in Honduras—one took place and they say it was the right thing to do, even though the Organization of American States and the whole international community opposes what has taken place. I guess they are going to be upset now because the problem was solved last night. That person who was illegally taken from that country was brought back—he has been in hiding in the Swiss Embassy for more than a month—and he is now going to take office again. We have the person who is going to be handling Central America being held up, in addition to an Ambassador to one of those countries down there, for the same reason.

This isn't a single problem. Take, for example, President Bush—the second President Bush. At this time during his Presidency, there were five nominees on the Senate calendar. One had been reported out of committee in September, and four were reported out in October. We are still in October. They had five. President Obama has 52 nominees on the Senate calendar and another 175 pending in committee. That is 52 compared to 5. Some of these have been out for a long time. Some have been reported out in March, May, June, July, and August. They are being held up for reasons about as ridiculous as I have told you already.

Sadly, many of these holds are women and minorities. Republicans have been stalling President Obama's nominees for months on end. There is a backlog of good, qualified nominees who are awaiting confirmation. These are people who have decided they are going to spend time in the Federal Government, giving up, in many instances, professorships at major universities, leaving law firms and accounting firms, medical schools, giving

up private practice, and they are waiting, waiting until the Republicans decide they are going to let them through.

Some may say, why don't you move forward on them? Let me give those within the sound of my voice a little explanation. We have had to file cloture motions on nominees to stop filibusters. During the same time during President Bush's Presidency, not a single one. We have had eight or nine now. Each one of those takes a long time. You move to it, you wait 2 days, and there is 30 hours, and then 2 more days, 30 hours. With these 53 they have held up here, there aren't enough hours in the day to do this—working weekends and all night. It is a real disappointment.

We have a situation here where the only response we have from the minority is to stop everything. They have become the party of no. If that is what they feel they should be known as, that is what it is going to be. We are going to remind the American people what is taking place here. This never happened before, where they are opposed to everything, whether it is somebody who has an unfortunate situation in their life where they can't work because there is no job—150,000 people have been deprived, by their stalling, of a simple check to pay their rent, or to make a payment on their car.

I hope that Republicans around the country—and there are so many people of good will who are Republicans around the country, just like Democrats and Independents. I have a little bit of experience. When I came to the Senate, I didn't know how things worked. It has only gotten this way this Congress, to the degree that it has. When I came here, we had so many moderate Republican Senators who would work with us and we would work with them—Hatfield, Packwood, Danforth, Heinz from Pennsylvania, D'Amato from New York, and Senator Warner from Virginia was always somebody who would work with us. There were lots of different Senators. But I am sad to say we don't have that now. They are going to have to sell themselves to the country as the party of no. That is not the party I know in Nevada and around the country. Republicans are good, law-abiding people, who believe in good government. They have a political philosophy that is not in keeping with the Democrats, but that is OK. We work together on issues. I hope they will see the light and become the party of working with us. That is what they should be—not the Senate Grand Old Party, the party of no.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Ohio is recognized.

FLOOD MITIGATION EFFORTS

Mr. BROWN. Mr. President, last week I was in Findlay, OH, and toured the banks of the Blanchard River with the Northwest Ohio Flood Mitigation Partnership, a nonprofit organization comprised of elected officials, business leaders, and community foundations.

Mayor Pete Sehnert, former mayor and current president of the Flood Mitigation Partnership Tony Iriti, and other community leaders briefed me on the flood mitigation efforts in the aftermath of one of the worst floods in northwest Ohio history.

Two years ago, a torrential downpour resulted in the massive flood of the Blanchard River and its tributaries, wreaking havoc in Findlay, Shelby, Bucyrus, and Ottawa in northwest Ohio.

Shortly after the flood, I traveled to the region with Governor Ted Strickland and officials from Homeland Security and FEMA.

While we saw the flood's devastation, we also saw the communities of northwest Ohio work together to clean up debris and rebuild the homes, schools, and businesses that suffered terrible damage.

Today the partnership is working to put into place a flood control plan in 3 years, when nationally similar plans have taken 5 years to develop. I saw that work in action last week in Findlay, where they advanced or accelerated their efforts much faster than almost any other community in the country has been able to do after natural disasters.

Implementing a plan so efficiently saves taxpayer money, while spurring economic development earlier and protecting community safety if another flood occurs. It is an example of how a bipartisan and a public-private effort among local, State and Federal governments, businesses, and community foundations is making a difference for Findlay and other communities across northwest Ohio.

In Findlay, we are establishing a national model in flood prevention planning. The Army Corps of Engineers and FEMA have worked closely with my office and Senator VOINOVICH, Congressmen BOB LATTA and JIM JORDAN, and other local officials. Corporations, community foundations, and county commissioners are working to develop flood control strategies to protect neighborhoods and businesses alike.

Local leaders are working to attract new businesses and create jobs once the cleanup is completed—and they have

come a long way from my fairly regular visits to the community and seeing what happened, strengthening the economy's tax base to keep taxes lower in the future.

Working together, we have secured a \$1.5 million FEMA grant to continue recovery and flood mitigation efforts. This grant matches the \$1.5 million national emergency grant that Findlay was recently awarded.

NEG funding in northwest Ohio will help provide job training and increase opportunities for permanent employment for more than workers in the region. These workers earn good wages and make up the crews that are removing blockages from rivers and waterways and reducing the risk of future flood damage. NEG funding also alleviates the burden faced by local governments with already stretched budgets.

While the public-private partnership is vital for the flood recovery efforts, we know there is much more work to do. It has been my honor to work with Governor Strickland, members of Ohio's congressional delegation, and community leaders in Findlay, Shelby, Bucyrus, and Ottawa to ensure that northwest Ohio has the resources needed to rebuild and protect their communities.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

JOBS POLICY

Mr. CORNYN. Mr. President, I was watching television this morning, and I was contemplating the challenge that confronts our country, this economy, and the American people when it comes to jobs, seeing that more and more people, unfortunately—even though the stock market appears to be coming back some and people's 401(k)s are perhaps no longer "201(k)s" or "101(k)s," but still unemployment continues to creep up and up. Even the administration estimates that unemployment will exceed 10 percent in the near future.

It occurred to me that there are a number of things that we are doing here in Congress that actually, rather than encouraging job creation or facilitating job creation, are job-killing policies.

Today I wish to concentrate on whether the proposed health care reforms we have seen out of the House and those that at some point will come out of the Senate when Senator REID's bill is revealed contribute to job-killing policies coming out of Washington or whether they are growth, progrowth, and job-incentivizing policies.

Yesterday we learned that 530,000 Americans filed for unemployment benefits for the first time, more than half a million Americans. So despite the fact that our economy grew in the third quarter, and the recession is over

from a technical point of view, for more than half a million Americans this recession we are growing out of just got worse.

It reminds me of—I think it was Ronald Reagan who said a recession is when a neighbor loses their job; a depression is when you lose your job. The fact is that a lot of Americans are hurting with roughly 9.8 percent unemployment, with people unable to make their house payments, and the foreclosure problem continues unabated. In my State, we have not been immune from the recession, but I am glad to say our economy continues to outperform other States. Instead of the 9.8 percent unemployment, we are at 8.2 percent. I never thought I would be bragging about 8.2 percent unemployment, but I am grateful it is not worse.

The relative success of Texas is due to our job-friendly business environment. This is an important lesson to which I think Washington ought to pay more attention: What kind of policies emanate from Washington, just like what kind of policies emanate from Austin, which encourage job creation and which policies destroy job creation.

One of the keys to our relative success is we have kept taxes relatively low. According to the Tax Foundation, 42 States have taxes higher than Texas. In other words, we are in the bottom 8 of all 50 States. We have kept our regulatory burden relatively light, meaning it does not cost businesses a lot of money to comply with redtape and a heavy regulatory burden. We are a right-to-work State, so people are not compelled to join a union in order to qualify for a job. We have adopted sensible legal tort reforms, which I think has created a predictable business environment and litigation environment. Rather than chasing people away from the litigation lottery, they are now encouraged to come, understanding what the rules of the road are and what is expected of them. That has helped.

In contrast, Washington is considering delivering several job-killing proposals. For example, our national debt is projected to grow by \$9 trillion over the next 10 years.

We don't know whether the higher energy costs we will face in the cap-and-trade bill that has been proposed will actually pass, but if they do, it is projected to add a lot of costs to small businesses, whether they are an agricultural producer just paying for diesel fuel or those businesses that have high electricity costs, such as Texas Instruments in Dallas, TX. They have one of the highest electricity costs in the State because of the nature of their manufacturing business. If cap and trade imposes additional costs on them, it is going to kill their ability to maintain their level of business and grow their business and create more jobs.

American employers don't know whether card check will become law. Of course, this is the bill that would deny the secret ballot for workers to decide whether to join a union, and we don't know whether a new era of global protectionism will reduce global trade and investment opportunities. My State of Texas loves free trade because we realize creating more markets globally for our goods and services creates more jobs in our State. Unfortunately, the message in Washington is confusing, to say the least, if not hostile, to free trade.

Yesterday we got to look at more job-killing policies coming out of Washington in the form of Speaker PELOSI's health care bill which, to her credit, was revealed to the public. It was posted on the Internet. I wish Senator REID would post his bill that he sent over to the Congressional Budget Office on the Internet so we could take a good look at it, read it for ourselves, see how this impacts our constituents and our States, and so the American people can read it and see how it will affect them. Will it drive insurance up? Will it impose more taxes? Will it cut Medicare benefits, for example, if you are a Medicare Advantage beneficiary? I give Speaker PELOSI credit. At least she put her bill on the Internet.

What we have learned from this 1,900-page bill so far—and we are still scouring it to find out what its impact will be, both its intended impact and its unintended consequences. Initially, the Congressional Budget Office said the House bill, Speaker PELOSI's bill, will actually bend the cost curve up. It said:

On balance, during the decade following the 10-year budget window, the bill would increase both Federal outlays for health care and the Federal budgetary commitment to health care, relative to the amounts under current law.

I thought health care reform was supposed to bring costs down. We heard the President and all of us have spoken in terms of bending the cost curve. Nobody thought we would be bending the cost curve up. We thought we were unified in a bipartisan way determined to bring the costs down. But that is not what the Congressional Budget Office says the Pelosi bill does.

Then we learned that this much vaunted public option would actually cost more than private insurance plans. That is what the Congressional Budget Office said. They wrote:

A public plan paying negotiated rates would attract a broad network of providers but would typically have premiums that are somewhat higher than the average premiums for the private plans in the exchanges.

Here, again, I assume these are unintended consequences, those we ought to be very careful about avoiding.

Surely, the purpose was not to make the public option or a government-run plan more expensive than private in-

surance. But that is what the Congressional Budget Office believes the Pelosi bill would do.

The public plan would have lower administrative costs, to be sure, because it would be subsidized by the taxpayers but would probably engage in less management of utilization by its enrollees and attract a less healthy pool of enrollees.

Then when we look at job-killing provisions of these health care proposals, we have to look at the tax penalty on individuals who do not have insurance, the so-called mandate, the government directive that everybody buy insurance or pay a penalty. That would generate, according to the Congressional Budget Office, under the Pelosi bill, \$33 billion in new penalties and taxes.

Then there is perhaps the unkindest cut of all, and that is the so-called pay-or-play requirement for businesses which would tax employers, the very people we are looking to help us retain and create jobs, an additional \$135 billion penalty.

It is important to remember this so-called pay-or-play mandate is essentially a tax on workers and take-home pay. Most of the increased costs of this new mandate on employers will simply be shifted to workers in the form of lower wages. Employers may also respond by cutting jobs, particularly for low-income workers, or deciding to outsource more jobs or relying more on part-time workers. You don't have to take my word for it. Let me cite Ezekiel Emanuel. That name may sound familiar because he is the brother of chief of staff Rahm Emanuel. He writes with Victor Fuchs in the *Journal of the American Medical Association*:

It is essential for Americans to understand that while it looks like they can have a free lunch—having someone else pay for health insurance—they cannot. The money comes from their own pockets.

Harvard professor Kate Baicker has said:

Workers who would lose their jobs are disproportionately likely to be high school dropouts, minority, and female. . . . Thus, among the uninsured, those with the least education face the highest risk of losing their jobs under employer mandates.

We also know there are members of the administration—the Cabinet—who are, I guess as every Cabinet does, cheerleading for the proposals of the administration which they serve. Certainly that is the case with Secretary Sebelius. The Secretary of Health and Human Services has made the claim on the agency Web site, among other places, that health care reform would be good for job creation. But I suggest that the report of Secretary Sebelius is riddled with errors and false assumptions.

Independent, nonpartisan studies have shown that these proposals will actually raise premiums on people who already have insurance. So when the

President says: You can keep what you have if you like it—well, you are not going to be able to keep it at the same price. You are going to end up paying a lot more for it.

The Congressional Budget Office has found these “reforms” will also increase taxes on the middle class, as well as hurt jobs, as I have explained, and small businesses. Of course, in order to pay for it, the Senate Finance Committee bill—which I presume will be included in the Reid bill, but we have not seen it yet—will actually cut Medicare benefits for seniors in order to pay for it.

I suggest it is not helpful to the cause of health care reform to release flawed reports filled with false promises. I hope the Obama administration and all of our colleagues in the Senate will try to work together on a step-by-step approach to try to address the problems that make health insurance unaffordable and to cover people who currently are not covered.

I think the American people would be better served if Secretary Sebelius directed her attention instead to addressing shortages and delays in the distribution of the H1N1 vaccine. In Texas, we were promised 3.4 million doses of vaccine by October, and we have been delivered about half of that, 1.7 million, even though the peak of the swine flu, H1N1 season is upon us in the next couple of weeks.

I am afraid it doesn't build a lot of confidence when this government-run health care plan or program delivers about 50 percent of what it promises. It is not a confidence builder.

Going back to the health care plans, let me just say that every independent analysis of the health care bills we have seen so far, whether they are Speaker PELOSI's bill or the one that came out of Senator DODD's committee or Senator BAUCUS's committee, have found that costs will actually increase, not go down, for small businesses.

The Pelosi health care bill released yesterday increases taxes on small businesses. Specifically, it imposes a 5.4 percent surtax on individuals with incomes over \$500,000 and families with income greater than \$1 million. One may say these are rich people; they can afford it. But half of the people who will be captured are small businesses that are not big corporations. They are individuals, they are sole proprietors, they are partnerships, they are subchapter S corporations where the principal employer receives their income as a flowthrough and paid on a personal income tax return.

These kinds of additional fees and taxes on small businesses and job creators have the opposite result of what I thought we were about, which is to encourage job creation and retention.

All told, just the surtax in the Pelosi bill would cause small businesses to face the highest marginal tax rate in 25

years. And, of course, it also imposes the pay-or-play mandate on employers that I talked about earlier.

Former Congressional Budget Office Director Peter Orszag, who now serves in the Cabinet at the Office of Management and Budget, has indicated a pay-or-play mandate will hurt workers' wages. He said:

The economic evidence is overwhelming, the theory is overwhelming, that when your firm pays for your health insurance you actually pay—

The worker—

through take-home pay. The firm is not giving it to you for free. Your other wages or what [you would have earned otherwise] are reduced as a result. I don't think most workers realize that.

I agree with him when he said that workers actually end up paying a higher cost. It is not absorbed by the employer, but it also ultimately results in reduced wages.

The Congressional Budget Office has said:

[I]f employers who did not offer insurance were required to pay a fee—

Here again talking about the pay-or-play mandate in the Pelosi bill and Senate bill—

employees' wages and other forms of compensation would generally decline by the amount of that fee from what they would otherwise have been—just as wages are generally lower (all else being equal) to offset employers' contributions toward health insurance.

Again, I end with the question that I asked earlier: Is what we are doing in Washington on health care or in a variety of other areas actually killing jobs rather than encouraging and facilitating jobs? I think, unfortunately, in the examples I mentioned, we are considering job-killing policies. The American people are worried about it. That is why they want to be able to read the bills.

I hope we will be able to read the Reid bill soon—the bill the majority leader has written behind closed doors—because the American people are entitled to see how it will impact them; whether they will pay higher premiums; whether they will pay more in taxes, even if they are middle-class workers; and whether, if they are a senior, their Medicare benefits are going to be cut, as I fear they will be.

The Gallup Poll says the American people are understanding the consequences of this debate well. It says Americans have become more likely to say the cost their family pays for health care will get worse, not better, if these proposals pass; 76 percent say their costs would get worse or not change, only 22 percent believe their costs would be reduced by these proposals.

I think this is another reason why we need to slow down, be careful, and let's read the bill. Let's show the bill to the American people, get input from our

constituents so we don't engage in job-killing policies, either intentionally or inadvertently, at a time when we ought to be very gravely concerned about growing unemployment and more and more people losing their homes due to foreclosures. Certainly, we should not be doing anything which would make the matter worse rather than better.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

HEALTH CARE REFORM

Mr. LEMIEUX. Mr. President, I rise to talk about issues very similar to those of my friend from Texas and echo his concerns about the current proposal for health care. We found out yesterday the proposal that was put forth by the Speaker of the House is nearly 2,000 pages. It is a \$1 trillion proposal. That is \$½ billion per page. It is sort of staggering to think about.

When I came to Washington, just a couple months ago, appointed by my Governor—Charlie Crist of Florida—it was my cause to come and be a problem solver, to help work on issues that both Republicans and Democrats could work on together. I learned from Gov. Charlie Crist that there are lots of issues we can disagree about principally, but there are plenty of issues we can work on together and do things that are right for the people. That may not be in vogue in Washington, DC. It may not be in vogue to try to find issues—the low-hanging fruit—we can work on together to solve problems, but it is something I wish to pursue.

Additionally, when I came to Washington, I recognized—and I spoke about this last week in my first address in this August body—there are lots of times most folks in Congress would like to discuss grand new plans, grand new ideas for the future of this country. That is exciting to talk about—a new program or a new administration, more government employees working on a new program, perhaps, in some new government building. But I don't have a passion necessarily for following up on those great ideas for future plans. I have a passion for helping us do better what we already do. Oftentimes, in government, that is not the case. We spend billions, trillions of dollars a year on existing government programs, but many times we don't do it effectively and efficiently. If we spent as much time caring about the money we are spending now, as opposed to the money some in this Chamber want to spend, I suspect we could find plenty of money to either return to the people or to find money for these new programs.

Today, I wish to talk about just such an idea, an idea to recover some of the waste, fraud, and abuse that is currently happening in our system of government. We know in our current provision of health care—in Medicare and

Medicaid—there is tremendous waste, fraud, and abuse. Estimates are that some \$60 billion to a staggering \$226 billion a year to waste, fraud, and abuse.

This health care proposal that was put forth by Speaker PELOSI and that we are discussing in the Senate, just for comparison purposes, is \$1 trillion over 10 years. I think anybody who has watched the government knows that if you estimate something is going to cost \$1 trillion, it is going to be a whole lot more than that when it actually gets implemented because we don't do much in government that comes in under our estimates. Most times, almost every time, it is a lot more than is estimated. But let us compare these numbers, \$1 trillion over 10 years. That is about \$100 billion a year. We may be wasting \$226 billion a year.

If we captured just half of that, we might be able to pay for this program. Better still, we could take those dollars we are wasting in fraud and abuse and we could put them back into the Medicare Program to pay for health care for seniors. Wouldn't that be a good idea? Because the estimates tell us that in 8 years we are going to be in a situation in Medicare where we are going to be in a deficit. We are going to be taking in less money than we need to spend. Workers will be paying in less than retirees need for their health care. We will have to, as the Federal Government, shore up Medicare certainly at that point. So why don't we concentrate now, while we can, on an issue Democrats and Republicans can agree upon, which is trying to stop waste, fraud, and abuse.

Yesterday, I had the honor of filing my first bill in the Senate—S. 2128—and I wish to talk to the Senate and the American people about that bill. S. 2128 is the Prevent Health Care Fraud Act of 2009. What this bill simply will do is try to go after the waste in the health care system the government currently runs. It is estimated that \$1 out of every \$7 we spend on health care for seniors is captured by criminals or is wasted and is not going to help seniors—\$1 out of every \$7. That is where we get to that number of potentially \$226 billion a year.

I have a lot of experience in this. Before coming to the Senate, I had an opportunity to serve as the deputy attorney general in Florida and to run—under then-attorney general Charlie Crist—an office of about 400 lawyers. Within that office, we had a Medicaid fraud control unit where we focused on fraud in Medicaid. We were able to recover \$100 million a year—just in Florida—by stepping up enforcement actions to capture bad guys who were taking dollars out of the system. What I wish to try to do with this new act, in S. 2128—the Prevent Health Care Fraud Act of 2009—is not just go after these

bad guys once we have figured out they have taken the money but to prevent them from getting the money in the first place.

The American people would be shocked to know how little we do to prevent health care fraud. You might expect, sitting at home in Orlando or wherever you are in the country listening to this address today, that we have a very comprehensive system to stop health care fraud; that if the government is spending billions of dollars, trillions of dollars over time on health care, that we would have hundreds and thousands of people who would be working to stop health care fraud; that we would have sophisticated computer models that stopped health care fraud before it happened. That is simply not true.

I introduced this bill yesterday, and I am speaking about it today, to help try to stop this fraud before it starts. My goal is to be a problem solver in Washington, to work on issues everybody can agree upon. Let me tell you about what S. 2128 does. It does three things, basically. We are going to create, within the Department of Health and Human Services, a Deputy Secretary who will be the chief health care fraud prevention officer of the United States. That individual will be in a No. 2 role in that agency. That person will report directly to the Secretary and will be nominated by the President of the United States. That Deputy Secretary will not have seven different jobs. He or she will have one job—to prevent health care fraud. If that Deputy Secretary does not do his or her job, they will come to the Senate and the House of Representatives and be called on the carpet. This chief health care fraud prevention officer of the United States is going to run a division that is going to work every day to stop this health care fraud before it starts.

How are they going to do it? Oftentimes, the private sector gives us a model that we can use and we can copy in the government to help us prevent health care fraud or anything we do in government, to do it more efficiently and more effectively. So what model is out there to prevent fraud that is being used every day and that affects all our lives, that stops fraud before it starts? That model is the credit card business, a business that is roughly the same size as the health care business.

A couple of trillion dollars a year passes through the exchange of credit cards for the purchase of goods and services. The health care industry is a multitrillion-dollar-a-year industry as well. The level of fraud in the health care industry is \$1 out of every \$7. The incidence of fraud in the credit card industry is 7 cents for every \$100—\$1 out of every \$7 versus 7 cents for every \$100. How do they do it? Well, we all have had this experience. You use your credit card to purchase something and then

a couple minutes later you get a phone call or e-mail which asks: Did you authorize the purchase that just happened with your credit card?

This just happened to me a week ago. I went to buy a television, in Washington, DC, at Best Buy. I have my family here so they can be close to me during my time in the Senate, and we have to have a television. So I go to Best Buy and use my credit card. I walk out the door and my BlackBerry vibrates. There is an e-mail from my credit card company asking: Did you authorize the purchase of a television at Best Buy? Why did that happen? They have a computer modeling predictive system that says this is a questionable transaction. George lives in Tallahassee, FL; someone is using his credit card to buy a television—which is something that is probably bought a lot of times on a stolen credit card—something is up. The computer—no person does this, this has been programmed—goes into action and I get an e-mail. That transaction is not authorized for payment until I call my credit card company and tell them, yes, I actually authorized that purchase.

Why can't we do the same thing the credit card companies are doing for health care? Why can't we use a predictive modeling system that says a health care claim is not going to be paid when a red flag comes up? Right now we are on a pay-and-chase system. We pay these people who provide health care, allegedly—many of whom are not providing health care because a good portion of them are criminals, frankly—and then we try to go after them to enforce the law, and we barely ever capture the money back. We capture some but not near enough. If we put this model in place, it stops the fraud before it happens.

S. 2128—the Prevent Health Care Fraud Act of 2009—would put this predictive modeling system in. The Federal Government would have to go out and hire folks to do it. We would have a competitively bid process. It is no different than what we do in other parts of the government. In the Defense Department, we go through a bunch of checks before there is an acquisition for the Defense Department. Why can't we put this predictive modeling system over in health care to use real-time data to stop these fraudulent transactions before they happen?

According to Harvard University Professor Malcom Sparrow, the credit card industry establishes benchmarks for acceptable business risk and their threshold is one-tenth of 1 percent. By contrast, fraud losses in the health care business run from 3 to 14 percent. That is 100 times the acceptable business risk.

Another thing this bill does is it requires background checks for all health care providers. If you are supposedly

providing health care, whether you are providing a wheelchair or a doctor providing actual health care services—someone who is a physician's assistant or whoever it may be—if those folks are being reimbursed by the Federal Government, getting paid for the health care they are providing, they should not be criminals. You might think that right now we are doing background checks on all these health care providers, but we are not.

I know this, specifically, because Florida, unfortunately, is ground zero for health care fraud. We have tremendous problems in Florida, especially the southeast part of Florida, where I am from—Fort Lauderdale, Miami-Dade County—with health care fraud.

Let me cite some examples.

Mr. President, "60 Minutes," last week, aired a special on this. They talked about the rampant fraud in south Florida. One of the perpetrators was responsible for \$20 million of health care fraud alone, and he said: We get a Medicare book of codes and our bidder tells us which ones to use and we run the codes. So they get one wheelchair and they sell it a thousand times and get reimbursed a thousand times for it. There is no computer modeling system that puts the red flag up, such as there would be on your credit card, that says: Stop that; wait a minute; after the third wheelchair is sold in 60 seconds, maybe we should not pay this guy's claim.

It has gotten so easy to steal money from the Federal Government that organized crime has gotten involved. There have been stories of a Russian-Armenian organized crime ring that defrauded Medicare by \$20 million, and they said it was easier than trying to be involved in the illicit drug business because there was no one going after them.

I wish to take a moment to applaud my colleague from Delaware, Senator KAUFMAN, who just introduced some legislation called the Health Care Fraud Enforcement Act of 2009 to increase the penalties for health care fraud.

I think that is great. We should be doing that. But in combination with that, we should do what we propose in S. 2128, which is to stop the fraud before it happens. These instances of fraud across the country are rampant.

I will give you another example. South Florida is home to 8 percent of the Nation's AIDS patients, but 72 percent of Federal AIDS medication payments are paid in South Florida. That is 72 percent, when we only have 8 percent of the patients. Why is this happening? These medications for AIDS are extremely expensive. Some bad guy runs the code all day and says: I have given this many injections of AIDS medication at \$2,500 a pop; runs 1,000 codes and we pay them. We pay them.

It makes no sense to me. So we have had big disagreements about how we

are going to solve health care, how we are going to provide more affordable health care to our people in this country, how we are going to provide more access to health care.

But we certainly can agree we should run whatever program we have efficiently and effectively. We can certainly agree we should not have waste, fraud, and abuse. If we can reduce the \$60 billion to more than \$200 billion in fraud a year by simply putting somebody in charge of health care fraud prevention, put predictive modeling in such as we have in the credit card industry, and not let people be health care providers unless they have a background check and, if they are a criminal, not let them provide health care, we can save billions of dollars.

Those dollars can go back into Medicare, which is running at deficits. As I said when I opened my remarks today, it is very much in vogue in Washington to propose brand new plans. I understand that. But we need to be focused and have as much zeal about brand new plans as running the programs we have efficiently and effectively.

I hope my colleagues will join me in supporting this piece of legislation, S. 2128, the Prevent Health Care Fraud Act of 2009.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAILURE IN THE JUSTICE SYSTEM

Mr. SESSIONS. Mr. President, I rise to discuss a serious failure in our justice system, something we are going to need to talk and think about. It has been talked about before, but the matter drives home the issue in a specific way.

Ali Saleh Kahlah al-Marri—al-Marri, as he is now usually referred to—is a terrorist who entered the country under the instructions of 9/11 mastermind Khalid Shaikh Mohammed. While here, he researched hazardous chemicals and his potential targets included dams and reservoirs. He was apprehended in 2001. In 2003, he was held as an enemy combatant under the orders of the Bush administration. He was seen at that time as an individual at war with the United States since he was associated with al-Qaida and al-Qaida had declared war on the United States.

The Nation made a firm decision that these kinds of cases should not be handled in the normal course of prosecutions of crimes but should be treated

under the historic and well-established rules of war for these individuals.

The Obama administration has moved him into a civilian justice system and decided they would try him for this offense as a crime. He ended up pleading guilty, which seemed dubious as a plea by the Department of Justice, but they chose to allow him to plead guilty to the charge of conspiring to support terrorists. He was sentenced yesterday. How much time will this terrorist be spending in jail? How long before he is released and then could re-assume his mission of waging jihad against America? Five years. That is right, 5 years. The judge in Peoria, IL, sentenced him to only 8 years and gave him credit for time served in military prisons, apparently, and he is expected to be released in 5 years. This is an outrage. Our brave soldiers and intelligence agents risk their lives every day to find and capture these terrorists.

I received a phone call from a friend I have known for a number of years whose son is in Iraq now as a marine. He wants to talk about what we are doing there. We have American soldiers, some of the finest people this country has ever produced, at risk at this moment fighting against these kinds of terrorists who are committed to attacking us. In recent days, we have seen plot after plot, fortunately being frustrated by good investigative agents. We have investigators and our military out there at risk today. We capture terrorists. What do we do? Do we put them in jail a few years and then let them go?

Not only did the Justice Department pursue a lesser charge against al-Marri, but the judge only sentenced him to 8 of the possible 15 years he could have served on that charge.

Without doubt, as a former Federal prosecutor—and the Presiding Officer is a former U.S. attorney—there are real procedures every American is provided under our legal system for trials in Federal courts. We are proud of those, and we adhere to them. But there is a danger of trying people who are at war with us, who want to destroy us and the government this Nation possesses, in civilian courts. They are not common criminals; they are members of global terror networks, bent on waging war against America, its allies, and our vital interests. Yet the administration has announced plans to begin trying more and more terrorists and enemy combatants through our normal Federal criminal justice system.

Our court system was never designed to prosecute terrorists and enemy combatants and soldiers attacking this country. Such trials turn the courthouse and the jury system into targets. They rely on evidence that may not be admissible, evidence seized by the military in defending the country. That

evidence may not be admissible in court under our normal rules of evidence. They risk bringing confidential information to public light, including the identity of informants or even undercover agents. And it means, ultimately, that more terrorists bent on taking innocent American lives will be released to return to the battlefield—abroad or right here in cities and towns across America. I ask, is this a risk we can afford? Is it a risk we are required to take under our laws and Constitution?

The proper setting for these prosecutions is military commissions, military tribunals. These terrorists are the most violent and dangerous killers in the world. They are not criminals; they are on an unswerving mission to spill American blood. I wish it were not so. Overwhelmingly, the Muslim community does not believe in this kind of activity. It is only a small group, but it is a very effective group because they have learned how to utilize modern capabilities, such as airplanes and poisons and explosives, to wreak untold damage, especially when they are prepared to martyr themselves.

We need to use all lawful resources at our disposal to combat and dismantle this threat. We cannot and we must not allow more enemy combatants like Ali Kahlah to use our justice system against us. We cannot and we must not be naive and think our good will and kindness will shield us from these kinds of forces, this kind of evil in the world. We cannot and we must not forget the danger we face or the imperative to use every last resource at our disposal to keep this country, its liberties, and its people safe.

There was an article in the Washington Post of today that raises an important issue about sentencing. It quotes Kirk Lippold, the commander of the USS *Cole*, where 17 of our sailors were murdered by an Islamic attack in the Persian Gulf in Yemen in the harbor in the year 2000. This is what he said about the verdict: The sentence was “appalling” and “grossly inadequate.” He said that if prosecutors move other defendants from the military prison at Guantanamo Bay, Cuba, for trials in regular U.S. Federal courts, it could “create an era of unacceptable compromise to our national security.”

I have a vivid memory from several years ago, maybe 5 or 6, 7 years ago, of being at the commissioning of the *Ronald Reagan* aircraft carrier at Newport News as a member of the Armed Services Committee, walking out of that ceremony, not too long after the *Cole* was attacked and those sailors killed. And a sailor screamed out—and the hair still stands on my neck when I think about it—“Remember the *Cole*.”

The United States has a responsibility to defend our men and women abroad. U.S. warships ought to be able

to move in peaceful commerce around the world and not be subject to attack. When they are attacked, it is the responsibility of this Nation to act against it. Commander Lippold has expressed some concern in times past about how that has been handled.

They also quote Robert Chesney, a law professor at the University of Texas at Austin who studies sentencing in terrorism cases. He said that the Marri sentence “probably comes with the territory in switching somebody out of military detention and into the criminal justice system.” It comes with the territory. That is exactly right. That is what a number of us have been saying for some time, why this is not a wise policy.

The article goes on to say:

The case is one of the few concrete examples, Chesney said, of the ongoing debate over whether the U.S. criminal justice system is “up to the task” of trying and convicting terrorist suspects.

I absolutely agree with that. It is not equipped to do it. The American criminal justice system assumes that a person commits some sort of crime. They give a certain sentence, and there is a reasonable prospect that they won't commit crimes again. But when we are dealing with people who are committed to martyrdom, if we are dealing with a person who has made a lifetime oath to fight to the death to destroy Americans and who has the capability to kill not only one person in some sort of assault or fight but thousands of Americans and who is at war with the United States, we need to utilize the great and historic principles of military commissions to try them as we always have. We didn't try German prisoners of war in Federal courts. We didn't try Japanese or North Vietnamese or North Koreans in Federal court when they were captured. They were treated as they were, as prisoners of war, and detained as long as they represented a threat to the United States. That is the way this should be. Military commissions are referred to in the Constitution.

In World War II, in the famous case of *Ex parte Quirin*—Franklin Roosevelt was President—a submarine appeared off the Atlantic Coast, and a group of people got out who were saboteurs. They were sent by Nazi Germany to blow up places in the United States, kill Americans, and sabotage our war efforts.

That was a serious matter. They were caught. Were they tried as common criminals? No, they were not. How were they tried? They were tried by a military commission. They were tried under the laws of war that have been longstanding for quite a number of years. They were convicted within a matter of a few months, and they were executed because they were clearly in violation of the laws of warfare. They were not normal prisoners of war acting in uniform. They were acting con-

trary to the Geneva Conventions, contrary to the rules of warfare. They were acting in a way—they did not wear uniforms. They did not go openly about. They were targeting innocent civilians. So they violated the rules of war. They were tried and executed. The Supreme Court upheld that. This is what other nations do also. They do not try people with whom they are at war in civilian courts.

I am worried about this. I do not think it is a little bitty matter. I do not think this is the first time we are going to see this or the only time we are going to see it. I think we are going to see it more and more often. I call it to the attention of my colleagues.

One other thing I think we should point out: that unclassified declaration by Jeffrey N. Rapp, the Director of the Joint Intelligence Task Force for Combating Terrorism. This is what he said about this matter:

Multiple intelligence sources confirm that Al-Marri is an al Qaeda “sleeper” agent sent to the United States for the purpose of engaging in and facilitating terrorist activities subsequent to September 11, 2001, and exploring ways to hack into the computer systems of U.S. banks and otherwise disrupt the U.S. financial system. Prior to arriving in the United States on September 10, 2001—

Not the 11th: September 10, 2001—

Al-Marri was trained at an al-Qaida terror camp. He met personally with Osama bin Laden and other known al Qaeda members and volunteered for a martyr mission or to do anything else that al Qaeda requested. Al-Marri was assisted in his al Qaeda assignment to the United States by known al Qaeda members and traveled to the United States with money provided for him by al Qaeda. Al-Marri currently possesses information of high intelligence value, including information about personnel and activities of al Qaeda.

He goes on to say:

Al-Marri was trained by al Qaeda in the use of poisons. In the hard drive of Al-Marri's laptop, FBI agents discovered a folder entitled “chem,” which contained bookmarked Internet sites of industrial chemical distributors. Analysis revealed that Al-Marri had visited a number of sites related to the manufacture, use and procurement of hydrogen cyanide.

So I do not think this is an itty-bitty matter. We have normal drug dealers going to jail every day for 10, 12, 15 years. We have somebody who is plotting to kill American citizens, who came here the day before 9/11, is part of an al-Qaida plot—and he gets 5 years? I think it is unacceptable, and it is also an indication to us in Congress we cannot proceed further with this idea that we are going to try terrorists in Federal criminal courts.

I thank the Chair and yield the floor. THE PRESIDING OFFICER. The Senator from North Dakota.

THE ECONOMY

Mr. DORGAN. Mr. President, there is a lot going on in public policy in Washington, DC. However, today is Friday

and the Senate is not voting, so there is not much happening on the Senate floor. But there remains a lot of work to do between now and the end of this year to try to put this country back on track and fix a number of things that are wrong.

If the coming weeks are like recent weeks, we will have very little cooperation in this Chamber, which is regrettable. You would think if ever there is a time for cooperation, it is when the country is in a very deep economic hole. This country saw, a year ago, its economy fall off a cliff. Unbelievable unemployment: Over 7.5 million Americans have lost their jobs, lost their homes, lost hope. This has been the deepest economic recession since the Great Depression in the 1930s.

I understand everybody can take and look at this and see things differently. Our colleague Senator BYRD used to tell about the caterpillar that would climb up on a clump of grass and look around and say: I see the world. And then a squirrel would alight on the same identical spot and say, after gazing around: I see the world. And an eagle, flying over the identical spot, taking a look, would say: I see the world. They all were in the same spot but all had a very different view—the caterpillar, the squirrel, and the eagle. Senator BYRD's point was, you can have a different view depending on exactly how you see things, and I understand that.

I have great respect for my colleagues who have different views. I would only say this: that when the country is in trouble, it seems to me there ought not to be two teams. There ought to be one team; that is, our team working to try to figure out: How do we get out of this? How do we restart the economic engine, get America moving again, and put people back to work again?

There is no social program in this Congress that we work on or that we create, no social program that is as important as a good job that pays well. That is what allows everyone to be able to make a living and take care of their families, and so on. So the question for us is, What is the agenda? We are where we find ourselves. So what is the agenda from here forward?

The President has described the agenda of saying that, obviously, the economy is very important, health care is very important, and energy and climate change are also very important. That represents the agenda. My colleague Senator REID, the majority leader, is trying to move legislation that includes other things, including the appropriations bills that we are required to move. We have not gotten a bit of cooperation on anything, not even the noncontroversial issues do we get cooperation on. In each case, we are required to file cloture, wait 2 days for it to ripen, then have a vote, and

then wait 30 hours postcloture while they object to anything else happening on the floor. So we are in a situation where there is no cooperation on anything, which I think is pretty remarkable and pretty disappointing. The majority leader is trying very hard in those circumstances to still move things and get things done.

My own view of the priorities is pretty simple. I think health care is important, and I think energy and climate change are important. In my judgment, both rank behind the issue of the economy and trying to restart the economic engine and putting people back to work. I think that is the most important priority for the Congress and the country. It makes everything else possible, and without it very little is possible. You cannot have millions of people out of work without understanding it is a priority to find a way to expand the economy and put them back on payroll. Last month, 263,000 Americans lost their jobs. Think of each case of someone coming home from work saying to their spouse or to a loved one or to a family member: I have lost my job today. No, it is not because I am a bad worker. It is not because I did not do a good job. I had sterling references and sterling performance appraisals. They just decided my job was going to be gone.

Yesterday, by the way—after last month, 263,000 people coming home to say: I have lost my job; and that adds up now to 7.5 million Americans who are unemployed—yesterday, we discovered that the economy grew by 3.5 percent in the third quarter. Well, that is good news. But it is news that is tempered with the understanding that we do not have just one economy, we have a couple of economies. We have an economy in which some are doing very well, with very high incomes, very large bonuses, and significant profits, mostly on Wall Street. I will talk about that in a moment. And then others are still struggling to figure out: Where can I find a job? How on Earth can I get back on a payroll to begin to provide for myself and my family?

Even as that was happening, I was on an airplane last week, and I sat next to a man, and I said: Where are you headed?

He said: Well, I am going to Thailand and Singapore and China.

I said: What are you going to do there?

He said: My company buys products from suppliers and we are trying to move our network of suppliers to Singapore and Thailand and China so we can dramatically reduce the cost of products we buy.

I said: But that is moving those American jobs overseas, isn't it?

He said: Yeah. It is not something I like to do. It is something I think our company has to do. We decided we have to buy cheaper products, so we are going to look for the China price.

He was going to be gone 2 weeks. I assume by now he has been in Thailand and Singapore and China, arranging to have those who are now employed in this country have their jobs be shipped to another country where they pay a fraction of the wages. Maybe those workers don't know it yet. I assume they do not. But they probably will in a few weeks. That is part of the story, as well of what is happening in this economy.

As I said, I think health care is very important. It is 17 percent of this economy. I think it is important for us to try to figure out: What do you do about health care? How can you put the brakes on circumstances where health care—which, by the way, is not just some option, some luxury, but a necessity for most Americans—how can you put the brakes on a health care system that says to most American families, when they open the mail and find the bill by the insurance company: Oh, by the way, the coverage you have is now going to cost 10 percent more or 12 percent more or 18 percent more—year after year after year—and people say: Well, I can't afford that. I can't afford that coverage. How do you put the brakes on those kinds of cost increases? How do you expand coverage so more people can afford health care coverage?

There are a lot of priorities. But I have been at odds with the President and others, believing that the first priority—by far, the first priority—and the first exclusive priority ought to be to find a way to restart this economic engine. We have to get that done. I am not saying health care should not be done. I am saying, in my judgment, the ability to restart this economic engine and put people back on payrolls trumps everything else.

I want to talk about the issue of two economies because some people will say: Well, that has already started. I give the President credit. The fact is, he has proposed a series of things that have pumped some life into this economy. Without it, we probably would not see the kind of opportunities that are going to come from the bottoming out of the economy and then the beginning to rebuild opportunity. I give the President credit for that. But we have a long way to go.

We have two economies. One economy is doing very well, and one not so well. Let me describe the one that is not doing so well in the words of Will Rogers. Will Rogers, a long time ago, said:

The unemployed here ain't eating regular, but we'll get around to them as soon as everybody else gets fixed up OK.

It sounds just like Will Rogers, doesn't it: The unemployed ain't eating so well, but we'll get around to them as soon as everybody else gets fixed up OK.

The question is, What about all those folks who “ain’t eating so well” in Will Rogers’ description?

Let me describe why, in my judgment, the economy is, by far, the most urgent priority. As shown on this chart, here is the rise in unemployment and underemployment from 2007 to 2009. We all know it. It has gone up, up, and up. And behind those statistics are unbelievable stories of pain. Not everybody is experiencing this.

Here is a September 11, 2009, Steven Pearlstein column in the Washington Post:

It’s been a year since the onset of a financial crisis that wiped out \$15 trillion of wealth from the balance sheet of American households, and more than two years since serious cracks in the financial system became apparent. Yet while the system has been stabilized and the worst of the crisis has passed, little has been done to keep another meltdown from happening.

Business as usual on Wall Street.

“A Year After Lehman, Wall Street’s Acting Like Wall Street Again.” That is the title of an article in the Washington Post, dated September 8, 2009.

It’s been 12 months since Lehman Brothers failed, setting off a chain reaction that came horrifyingly close to destroying the world’s financial system. . . .

Even though some once-iconic names have vanished and others are shadows of their former selves, Wall Street hasn’t changed all that much. It still operates on the principle of taking care of itself first, really big and important customers second, everyone else last.

That is an article by Allan Sloan.

Two economies: The folks who are still losing jobs; and then:

Bailout helps fuel a new era of Wall Street wealth. Many of the steps policymakers took last year to stabilize the financial system, reducing interest rates to near zero, bolstering big banks with taxpayer money has helped set the stage for this new era of Wall Street wealth.

To continue this discussion, the New York Times, Graham Bowley:

Even as the economy continues to struggle, much of Wall Street is minting money and looking forward to hefty bonuses.

Los Angeles Times, September 14:

The Financial Meltdown: Crisis has not altered Wall Street.

Bellwether firms led by Goldman Sachs Group are churning out mouth-watering profits. Risk-taking and aggressive securities trading are mounting a comeback. And compensation—the lifeblood of Wall Street—is pushing back toward pre-crisis levels.

Certainly the greed on Wall Street has not changed and will never change, said Richard Bove, an analyst at Rochdale Securities.

The key part is “risk-taking and aggressive securities trading are mounting a comeback”—the very things that put this economy in the ditch.

Why do I go through all of this? I do it for this reason. The Federal Reserve Board had a strategy. They committed trillions of dollars in taxpayer funds to try to prevent the economy from falling into an abyss. I am not here to

criticize them for that. They did what they believed they had to do in order to provide some foundation for this economy.

Now, Ben Bernanke, the Chairman of the Fed, testifying before the Congress, a joint House-Senate hearing said:

Transparency is a big issue.

Transparency is a big issue for the Fed.

So the Federal Reserve Board decided for the first time in its history to allow direct lending to investment banks. The Federal Reserve said investment banks could get direct loans, and they did. Now we see—for example, two companies that got TARP funds—troubled asset relief program funds—and undoubtedly went to the Fed for loans and now, by the way, are paying, I think, a total of about 50 people an average of \$18 million each in bonuses.

Let me say that again: Companies that got TARP funds very likely went to the Fed, to the Fed window, to get direct loans and are now paying about 50 people an average of \$18 million apiece.

So when one of them comes home and the spouse says: Honey, how much money are we making? The spouse says: \$1½ million a month—\$1½ million a month. Pretty unbelievable, isn’t it? Anybody here make that, do you think? I don’t think so. They are making \$1½ million a month. These are the companies that got themselves in deep trouble, needed a bailout by the American people, and needed direct lending by the Federal Reserve Board.

So now the question is, Should we have a right to see who the Fed gave money to? Well, some folks took the Federal Reserve Board to court, and here is the Bloomberg Report:

The Fed last year began extending credit directly to companies that aren’t banks for the first time since it was created in 1913 and it has refused to divulge details about the companies participating in those 10 lending programs.

All right. Some folks took them to court:

Court orders Fed to disclose emergency bank loans.

The point is, the American people were at risk. The American people, through the Congress, created the Federal Reserve Board. The Chairman of the Federal Reserve Board said transparency is a big issue. All right. Be transparent. Tell us, where did you put the money? Who got the money? How much? At what rates? What were the concessional rates?

The court says:

The Federal Reserve must for the first time identify the companies in its emergency lending programs after losing a Freedom of Information Act lawsuit. The judge said the central bank improperly withheld agency records.

Well, the problem is, the order was then appealed and a judge stayed the order. So at this point, we don’t know

the answer. So I and 9 of my colleagues wrote a letter to the Chairman of the Federal Reserve Board to say: You know what. The American people deserve to understand, who did you give money to? What were the rates? What were the terms? We deserve to know that.

We sent a long letter to him. We got a letter back from the Chairman of the Federal Reserve Board, and he says: I don’t intend to do that. That would compromise some firms. Oh, really? It will compromise companies if they tell us who they gave loans to for the first time in the history of the Federal Reserve Board? How about compromising the right of the American people and the right of the Congress to understand what they did.

The reason it is important is this: Are 50 people getting \$18 million each, \$1½ million a month, because they got concessional loans at the Fed? Is that how they are given these funds? Is that why? I don’t know. Is it taxpayers’ money? I don’t know. We have a right to know, in my judgment. I think it is an outrage that we and the American people are having to demand from the Federal Reserve Board to turn over information when the Chairman of the Fed himself said transparency is important.

So here we are every day reading about these unbelievable bonuses on Wall Street, every day reading about it, and in many cases from companies that steered this country into a ditch with credit default swaps, subprime loans, you name it, securitizing everything with unbelievable wagering, and trading derivatives for their own proprietary accounts in FDIC-insured banks.

I wrote about that 15 years ago. The cover story of the Washington Monthly magazine was my cover story, and it was titled “Very Risky Business.” Derivatives were only \$16 trillion then in the United States. But I said then, 15 years ago: You can’t allow FDIC-insured banks to trade on their own accounts for derivatives. You might just as well put a Keno table in the lobby of the bank. If you want to gamble, go to Las Vegas, I wrote.

It is not a surprise that we saw this unbelievable, spectacular crash that hurt a lot of people but now appears not to have hurt those who engineered it in the first place because they are making record profits.

My point is pretty simple. It is that we have a right to know, and the Federal Reserve Board has a responsibility to tell us, what the facts are. The American people are plenty upset and have a reason to be upset about the two economies they see, one in which people are doing very well, making \$1½ million a month in bonuses, and then others in which people are continuing to be told: Your job is gone. We are sorry. This economy isn’t working quite right, so your job is gone.

Well, in my judgment, our first and most important responsibility, all of us, is to try to get this economic engine restarted and running well. This President is trying very hard. My colleague, the majority leader, is doing everything he can. We need some co-operation to help make that happen. But I hope all of us are committed to understanding that we are on one team, and that team ought to have an identical goal; that is, to begin to restore our economic health, and even as we do that, to do financial reform that will make sure this can't happen again.

That is also coming in a while and is pretty controversial. I have some significant differences with some who are writing these things. I think the issue of too big to fail ought to be gone and done. We ought not have institutions that are too big to fail. If they are too big to fail, that is no-fault capitalism, and I am not in favor of no-fault capitalism.

I wish to mention that I have just talked about the two economies and what I think is the priority. I have had great angst. I have talked to a lot of folks who are probably tired of hearing from me to say: You know what. Health care is important, yes; but it doesn't rank No. 1 with me. Getting this engine started ranks No. 1 with me. Getting people back on payrolls, putting people back to work, getting jobs created, finding out how do you—especially with small- and medium-sized businesses who, by the way, can't get loans. Too many of them today are failing because they can't get credit anywhere.

The biggest economic institutions are out there buying and selling and trading and effectively gambling on their own proprietary accounts while not enough money is going out with respect to lending to small- and medium-sized businesses. Isn't it interesting that the Federal Reserve Board was a big old sponge to say: Come to us; we will now do direct lending to the biggest financial firms. How about opening that window to small businesses and medium businesses so they can go directly to the Fed? They will not do that. I suppose you can't do that. But why not? If you are doing it for the biggest, how about doing it for the folks on Main Street who are struggling, trying to get through this recession? That is what I mean by two economies.

HEALTH CARE REFORM

Now, because we are on health care—we are going to have health care on the floor of the Senate very soon—I wish to make a couple of comments about it and then complete my statement. This is about priorities. Yes, health care is a priority. It doesn't rank above the economy for me but, nonetheless, it is coming to the floor.

The President said: I campaigned on it. It is important. We need to address health care.

I don't disagree. The question is, Are we going to sit around and just decide whatever happens, happens on health care? That seems to be the policy of a good number of my colleagues on the other side, to just say no to everything. If that is the case, what do we do when the next 10 percent increase in your insurance bill or the next 12 percent increase drives that business out of business because they can't afford to pay it or says to that family: Here is the bill, and I know you can't afford to pay it, so tough luck. You are without health insurance.

I met a woman a while back that 10 years ago had \$600,000 in the bank, she told me. She owned a home, she had a job, and she had health insurance. She had pretty decent equity in her home. It is 10 years later. She is a quadriplegic, she has had unbelievable expenses with a health condition that has continued to deteriorate in a dramatic way. She needs an unbelievable amount of care. It is all gone. Her job, the \$600,000 saved for retirement, the equity in her home, it is all gone.

By the way, yes; she was insured. But insurance policies in most cases have a cap, and most people don't know that, a lifetime cap. That means a good many people are one serious illness away from bankruptcy. So what do we do? Do we say to that woman: You know what. That is just tough luck. You live in this country and those are the rules. Or do you pass some legislation that maybe changes the rules a bit?

I have been trying now for I think 3 years to eliminate lifetime caps on insurance policies. The impact of it is very small nationally but can be critical individually to someone who is hit with a devastating disease. Nearly one-half of the bankruptcies in this country are a result of health care costs. Think of that. We are one of the few countries left to say: If you get sick, if something awful happens to you or a member of your family, you might well have to file for bankruptcy. Tough luck. It doesn't happen in many other countries.

Well, the question for me at the end of the day on health care—and I am one of those who hasn't signed up to anything. We have had five committees, I think, work on it. I have not been part of a Gang of Six. I have not been part of the Finance Committee or the HELP Committee, so I am a gang of one. Probably, we are going to have maybe 60 or 70 gangs of one who have never had a chance to offer suggestions or amendments on health care. To me, at the end of the day, if whatever is done on the floor of the Senate doesn't effectively and really—I am talking about really—find a way to put the brakes on health care costs, we will have wasted a lot of time and not passed legislation because that is not something I am particularly interested in supporting.

If we are not going to put the brakes on these dramatic cost increases, this is, in my judgment, a wasted exercise. We have to try to see if we can control costs and expand coverage. Even as we do that, there are some other things that are important to me. None of these pieces of legislation deal with the issue of prescription drugs. One of the fastest rising costs of health care is the cost of prescription drugs. I have often used this description which describes it better than I can, and I will ask unanimous consent to show these bottles I have in my desk.

This is Lipitor. It is made in Ireland. In Ireland they make Lipitor, the best-selling cholesterol medicine, I think, in this country, to control cholesterol. The same pill, put in the same bottle, made in the same plant, FDA-approved, by the U.S. Food and Drug Administration, the difference is the price. They put it in this bottle and ship it to Canada, and you pay \$1.83 per capsule. In this bottle, to the U.S. consumer, it is \$4.40 per capsule. The difference? No difference, 20 milligrams of Lipitor, the difference is price.

We get to pay the highest price in the world. It is not just the United States or Canada; it is Italy, Germany, France, you name it. We get to pay the highest price in the world for brand-name drugs. And it is just not fair. It is just not fair.

I intend to offer an amendment with my colleagues that tries to provide some fair pricing on prescription drugs. That will be important to me. The question of whether that is part of this will be important to me.

I know there is a tremendous push-back by the pharmaceutical industry. Let me be quick to say, I admire the pharmaceutical industry. They have produced lifesaving prescription drugs. They actually spend slightly more money on advertising and promotion than they do on research and development, which I think is rather strange. I have said many times that when you are brushing your teeth in the morning with the radio on or television on and you hear an ad that says: You know what you should do today? You should go ask your doctor whether the purple pill is right for you.

Every day they do that. It almost makes you feel like you want to find a doctor and say: Should I be taking the purple pill? Maybe you need Flomax or whatever. They advertise every single day and spend more money on marketing, promotion, and advertising than on research and development. A substantial amount of the research and development comes from the National Institutes of Health and then it is distributed to companies around the country that produce the medicine. Prescription drug prices have to be a part of this. I intend to offer the amendment with my colleague.

The reimbursement issues with respect to the smaller States, with the

highest quality have received the lowest historical reimbursement dating back to when Medicare started. That is fundamentally wrong and has to change. There are a series of things that I think will need to be done on the floor of the Senate to address some of the issues with this legislation.

Finally, I will conclude by saying another part of this agenda that is being discussed is climate change. Some say that we have taken up climate change right now, because Copenhagen is coming up. We have to address climate change. My view is we passed an energy bill 6 months ago, in the Senate Energy and Natural Resources Committee that does exactly what you would do to address climate change. Including maximizing renewable energy and building the transmission to move the energy from places where it is produced to the load centers. The bill passed by the Senate Energy Committee also includes increasing building efficiency, which is the lowest hanging fruit. This legislation also includes a renewable electricity standard, which will be the first time in the history of this country that we will say that 15 percent of all electricity must come from renewable sources. I want that to be increased to 20 percent. The Senate Energy Committee's bill, in my judgment, should be brought to the floor ahead of climate change. You should take care of the policy changes that move you in the right direction first, and then bring climate change to the floor of the Senate and deal with the timetables.

Many of my colleagues feel that is an inappropriate approach. I think it is exactly what we should do. In my judgment, I don't think we are going to do climate change on the floor between now and the end of the year. If we don't get to climate change this year, nor bring the Senate Energy Committee bill to the floor, it means that we turned the corner this year without considering climate change legislation or the Senate Energy Committee's bill. That doesn't make sense to me. I will speak to that later. My colleagues are waiting to speak, so I will speak about that later.

I think, in the context of what is important, and how we should proceed, for me, with respect to energy and climate change. It is not that I oppose climate change legislation, although I do oppose the "trade" portion of cap and trade. I have no intention of creating a \$1 trillion securities trading market on Wall Street, to have them trade on Monday and Tuesday with investment speculators, so we can find out the cost of our electricity on Thursday and Friday. I have very little confidence in the creation of a market to trade carbon securities. I believe there are other ways to do it.

It is not that I am opposed to climate change legislation, if it is structured properly. I think something is hap-

pening to our climate. We ought to take no-regret steps to address climate change. Senator BINGAMAN and I along with others have written an energy bill that ought to come before climate change legislation, that will advance our country's interests in addressing the policies needed to do to deal with climate change.

I will speak about energy at another time at greater length. Those represent some of my thoughts about the agenda. Again, on health care, I think a lot of people will come to the floor on health care, with a very open notion about wanting to vote on a lot of amendments. At the end of the day, saying: Is this something that advances our country's interests or doesn't it? I have not made that judgment at this point on health care. I will be a part of the people who make amendments. Then I will make a judgment. I will measure it two ways: Does this put the brakes on health care costs and is it paid for? Second, does it extend coverage to those folks who don't have coverage because they cannot afford it? If we do that, we will have done something good for the country. If not, there will be great difficulty in passing it on the floor of the Senate.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

LEADING THE WAY ON GREEN JOBS

Mr. KAUFMAN. Mr. President, my home State of Delaware has been the recipient of some good news this week and so I thought this would be a good time to come to the floor and discuss how Delaware is leading the way in responding to the challenge of climate change and creating green jobs.

This is a critical time in our history. At stake are the jobs and economic future of our children and grandchildren. Unfortunately, as we emerge from this economic crisis, many of the jobs we have lost will not return. To make a full recovery, we need to create the next generation of jobs. I believe that the jobs leading the way will be the clean and green energy industries of tomorrow.

I am proud to say that my home State of Delaware is already leading the way.

Like many States, my State once had a proud record of automobile manufacturing. All of my colleagues know, though, that the recent economic downturn has hit already downtrodden auto companies especially hard, and, in recent months, our two auto plants were closed.

This is not simply a question of economics.

For the families who saw paychecks end and the dignity of work disappear, these closures were a real personal tragedy.

The men and women who worked in our auto plants are some of the most

dedicated, capable workers I have ever met. They embraced an American dream—the chance to work hard at a decent job and provide for a family. And then, in the midst of an economic crisis not seen in decades, they found themselves looking to start over.

They did their job. They held up their side of the bargain. They went to work everyday and worked hard at their job—and in the process made our GM plant and our Chrysler plant two of the most productive and efficient plants around.

That is why we from Delaware have been fighting to help them land on their feet. We know the potential of these trained, hard-working, eager employees, and we know the decency of these families.

Just recently, I was able to join Vice President BIDEN, Delaware Governor Markell, and our congressional delegation in announcing that Fisker Automotive will begin building plug-in hybrids at the old General Motors Boxwood Road plant.

In a few years time, we expect that Fisker will be building cars that get more than 100 miles per gallon—and building as many as 100,000 of them per year. This will mean nearly 1,500 permanent manufacturing jobs.

Before we get there, there will be hundreds or thousands of good construction jobs created by revamping and renovating the plant to produce these state-of-the-art vehicles.

But this happy tale is not possible without crucial support. Fisker was awarded a loan by the Department of Energy, part of a program designed to jump start the production of advanced vehicles.

At the same time, Governor Jack Markell has worked hard to keep the plant in condition to be retooled, and to convince Fisker that Delaware offers the ideal market to begin building tomorrow's cars.

And I believe the clincher was the highly trained workforce we had to offer.

In fact, Fisker will be hiring many of the GM employees to work back in their old building—to work at building a state-of-the-art advanced car.

At the same time, the University of Delaware has announced a plan to buy the old Chrysler Newark plant and convert it to an advanced research facility. These 272 acres adjacent to the campus are truly, as University of Delaware president Patrick Harker has said, a "once in a lifetime opportunity."

And the university has indicated that much of this research and development to be carried out there will be toward the energy technologies we will need to combat climate change and to compete in tomorrow's economy.

In fact, the university is already a leader in any of these fields. It is a recognized center of excellence for solar

power research and education, as designated by the Department of Energy, and a center of excellence for composite materials as well.

Just this week, the university was awarded nearly \$4.5 million for research into magnetic materials from a new program called ARPA-E.

The Advanced Research Projects Agency—Energy has a mission, “to develop nimble, creative, and inventive approaches to transform the global energy landscape while advancing America’s technology leadership.”

The research the University of Delaware is doing could greatly increase the efficiency of electric motors—for electric and hybrid vehicles and for wind turbines alike. At the same time, it could drastically reduce our imports of rare Earth minerals that often come from the darkest corners of our world.

At the same time, DuPont was winning \$9 million from ARPA-E for its research into seaweed-based biobutanol.

What is biobutanol, my colleagues may ask. The answer is that biobutanol is an advanced fuel designed for use in place of gasoline.

We have heard a lot about ethanol and how it can transform our energy landscape and it will play a very significant role—and already does.

But it is not flawless. It tends to be corrosive, meaning that we cannot use our existing pipeline infrastructure and that we must retrofit our vehicles.

At the same time, it has a lower energy density than gasoline—in other words, fewer miles per gallon.

Biobutanol may very well have fixed those problems. It has nearly the energy density of gasoline and is much less corrosive than ethanol. And now, thanks to research from DuPont and others, we are learning how to make it from seaweed.

Imagine a scalable source of biomass—solar-powered, low-carbon bioenergy—that does not take up existing arable land or demand potable water.

Imagine a fuel built from that source that operates like conventional gasoline.

Wouldn’t that be a big step forward for addressing our climate challenges and for ensuring that tomorrow’s vehicles will be powered by American ideas?

And DuPont is leading in several other fields. It is an innovator in thin-film solar panels, cellulosic ethanol, and fuel cells.

Across town, W.L. Gore, whom we all know for the miracle fabric Gore-Tex, is a market leader in the membranes essential for fuel cells.

If we hope to move someday to a hydrogen vehicle, and I do, we will need their expertise and excellence.

Perhaps the most significant renewable energy project underway in Delaware, however, is actually happening just outside of Delaware. It is happening in our ocean.

A company called Bluewater Wind is leading the way in developing offshore wind power in the United States.

In countries like Denmark and the United Kingdom, they have already recognized that the abundant ocean breezes provide a vast, constant, renewable source of electricity. It is time for us to catch up.

In fact, the Delaware offshore wind park will be larger than all offshore wind farms currently in existence, although other large farms are being planned and built in other countries.

What it will be is America’s first.

In fact, Delaware yesterday hosted the Nation’s first Federal offshore renewable energy task force meeting.

When the Department of Energy has concluded that offshore wind can meet 70 percent of all domestic electricity needs, how can we afford to ignore this resource?

And when nations around the world have wind, waves, and electricity demand, shouldn’t we try to claim the leadership position in this technology?

That is why I am glad that the Federal Government, by providing the right incentives for wind power, and the State of Delaware, by working with Bluewater to ensure that there will be demand for that power, have convinced Bluewater Wind that Delaware is the place to start.

Mr. President, I could name hundreds of other areas where Delaware and Delawareans are leading the way in creating tomorrow’s jobs.

We are installing combined heat and power projects to increase the efficiency of a chemical factory and of a community college. Our port is aiming to revamp its infrastructure to take advantage of green technologies that will make it cleaner and cheaper to operate.

We have set up an innovative new financing mechanism, the Sustainable Energy Utility, that will help get clean technologies through the so-called “valley of death.” Even our schools are getting in on the act, installing solar panels on gymnasium rooftops.

We have small start up companies that are leading the way on a whole host of technologies, from less toxic disinfectants to safety reflectors, windmills and biofuels to recycling old car-pet.

Companies like ILC Dover, that manufacture components of space suits, are leading the way in developing advanced materials, while CMI Electric, a solar panel seller and installer, has a banner on its Web site that says “We are hiring apply here.” We need more of those five words.

I congratulate the leaders of my State, in industry and government, in academia and private life, for recognizing that the future of our economy and, thus, the legacy we leave future generations depends on leading the way on green technologies and in green industries.

GOLDSTONE REPORT

Mrs. GILLIBRAND. Mr. President, my colleague in the New York State Assembly, Alec Brook-Krasny, wrote two letters regarding the United Nations fact finding mission led by Justice Richard Goldstone, the Goldstone Report. Assembly Member Brook-Krasny represents the significant Russian speaking community of New York. He voiced the concerns of our constituents in writing to the Russian Minister of Foreign Affairs Lavrov to raise concerns about Russia’s vote in favor of the recommendations in the Goldstone Report. Likewise, he represented the community’s views in voicing appreciation of Ukraine’s vote along with the United States against adoption of the report’s recommendations.

I commend Assembly Member Brook-Krasny for his leadership on this issue. I and a bipartisan group of 31 other Senators sent a letter of concern about the bias and flaws in the original mandate and ultimate recommendations of the Goldstone Report. We commended the State Department’s leadership on this issue. As the report moves forward for consideration by the United Nations General Assembly, I believe it is important that the United States continue to do what it can to ensure that the Goldstone Report is not used unfairly and cynically to condemn Israel without looking at all of the facts and events leading to the conflict.

I ask unanimous consent that the attached letters from New York State Assembly Member Alec Brook-Krasny to Russian Minister of Foreign Affairs Lavrov and Ukrainian Minister of Foreign Affairs Poroshenko, respectively, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE ASSEMBLY, STATE OF NEW YORK,
Albany, NY, October 23, 2009.

H.E. SERGEY LAVROV,
Minister of Foreign Affairs, Russian Federation,
Moscow.

DEAR MINISTER LAVROV: First, I would like to note that although foreign relations is not a part of my job description as a member of the New York State Assembly, I found it impossible to ignore an event that has seriously concerned more than ten thousand of my constituents—natives of the former USSR.

I write to you in regards to the recent vote at the United Nations Human Rights Council. Russia has voted in favor of endorsing the conclusions of former South African Judge Richard Goldstone’s commission. The report states that antiterrorist operations in Gaza in January 2009 by Israel should be considered as war crimes and deliberate destruction of civilian population. The Goldstone Report mentions some anonymous armed groups, but it says nothing about eight years of the daily firing of rockets at civilians in the south of Israel by Hamas and other terrorists.

I consider the decision of the Russian Government to endorse the Goldstone Report at the UN Human Rights Council deeply troubling. This decision is directed not only

against Israel; it significantly reduces Israel's ability to protect its citizens, including the thousands of Russian citizens living today in Israel.

Support of Goldstone's report by the Human Rights Council has surprised and aggravated many people, including one of founders of Human Rights Watch, Robert Bernstein. On October 19, 2009, New York Times published his article in which he condemned this one-sided report. Even Richard Goldstone himself, in a recent interview with the Swiss newspaper *Le Temps*, has recognized that in his report "there is no phrase with condemnation of Hamas".

The decision of the UN Human Rights Council will have a negative effect on the continuation and development of the peace process in the Middle East. In the resolution approved by 25 out of 47 members of Human Rights Council, there is no mention of the criminal and terrorist characteristics of Hamas activity. In addition, nothing is mentioned about the long-term bombardments of Sderot and other cities of Israel from Gaza prior to the IDF operation. During eight years of incessant rocket bombardments of Israeli territory, the United Nations kept silent and never adopted a resolution protecting Israeli civilians. When Israel finally decided to end the bombardment of its cities, the Human Rights Council endorsed a resolution that demonized Israel and its army in the eyes of the international community.

The resolution supported by Russia undermines the interests of those moderate forces in the Palestinian autonomy which would be willing to establish peace with Israel. Goldstone's one-sided report strengthens Hamas's position and sharply weakens the position of the Palestinian government led by Mahmud Abbas. As a result of the Human Rights Council's resolution, the "Hezbollah-Syria-Iran" Axis, has gained support, legitimacy and international approval.

Additionally, Goldstone's report has strengthened Israel's belief that all of their attempts to negotiate a peace with the Palestinian Arabs, including voluntary withdrawal from Gaza and other territorial concessions, will always be ignored by the international community. At the same time, reciprocal steps against terrorists will lead to condemnation by the United Nations.

Lastly, approval of Goldstone's report will lead to new problems in the struggle against terrorism. In Gaza, Hamas and Jihad widely applied the tactic of using civilians as a "human shield." Thus, the resolution of the Human Rights Council has actually proven this is a successful form of terrorist activity. This resolution will complicate the struggle of civilized countries against terrorist activity. It is surprising that Russia, whose citizens constantly suffer from actions of terrorism, has voted for the resolution, thereby justifying these "human shield" tactics.

Russian-speaking Americans have a number of close relatives and friends in Israel. But there is another reason for our anxiety about the unilateral position of the UN Human Rights Council. Israel is a deeply peaceful country, the only democracy in the Middle East, surrounded by autocratic regimes. In Israel, more than 80 human rights organizations freely operate, a free press exists, and the judicial system often rules against other branches of its government. There are many political parties, democratic elections, liberal journalists, a politically active and creative scientific community, and independent courts. This is the country accused of deliberate attacks against civilians and crimes against humanity?

In the last few years Israel has undertaken many steps for rapprochement with Russia, including the canceling of visa requirements for Russian tourists. I was born and raised in Moscow, and still hope that Russia will become a strategic partner of Israel and will not always automatically vote in the United Nations, as the USSR did, for anti-Israel resolutions. We in America hope that the Russian government aspires to achieve peace in the Middle East, instead of creating new problems and conflicts. A country of such great culture and greater human achievements cannot be on a par with rogue countries such as Iran, Venezuela, North Korea, and Syria.

I thank you for your attention to this matter, and I hope to receive a concrete and constructive answer to this letter.

Respectfully,

ALEC BROOK-KRASNY,
Member of the Assembly, 46th District.

THE ASSEMBLY, STATE OF NEW YORK,
Albany, NY, October 23, 2009.

H.E. PETRO POROSHENKO,
Minister of Foreign Affairs,
Kyiv, Ukraine.

YOUR EXCELLENCY: I am writing to express my deep appreciation to your Government and to you personally, for voting against the one-sided resolution adopted by the Human Rights Council in Geneva early this month. I express this appreciation also on behalf of my constituency, which is comprised of thousands of immigrants from Ukraine to the U.S. who now live in the district that I represent at the New York State Assembly. I am especially satisfied by the principled stance of your government, as I know that the most respected American Jewish organization, AJC, urged your predecessor to take this position at their meeting with the Ukrainian delegation in New York last month.

Regrettably, this harmful resolution was endorsed by the majority of 47 members of the Council, but the vote taken by Ukrainian Government, and other democratic nations, underscores the moral bankruptcy of that resolution. As you know, the resolution endorses the recommendations contained in the Goldstone report, which seeks to set the international community in a comprehensive political campaign against Israel. I trust that Ukrainian Government will continue to oppose attempts to single out and censure Israel in the international arena.

By voting against the endorsement of Goldstone report your government decided to be in the minority rather than forsake its values. We salute your government for adhering to this noble principle.

Respectfully,

ALEC BROOK-KRASNY,
Member of the Assembly, 46th District.

GLOBAL CHILD SURVIVAL ACT

Mr. DODD. Mr. President, I wish to speak in support of the Global Child Survival Act of 2009, which I introduced earlier this week along with Senators CORKER and DURBIN.

I do so in the hopes that the United States will take these important steps towards living up to its obligation as the world's wealthiest nation.

Ours is a moral obligation, of course; reducing mortality rates for children in developing areas of the world is within our grasp. We—we in this very

body—have the power to save millions of innocent and vulnerable lives.

Ours is also a literal obligation. As part of the Millennium Development Goals, the United States has made an explicit commitment—along with 188 other nations—to doing its part to reach this goal.

To date, we have made significant progress and improved the lives of tens of thousands of individuals. But unless we bring to bear the full force of our knowledge, our creativity, our compassion, and our commitment to implementing effective strategies, we will ultimately fail to keep our promise to millions around the world who need us. I can't accept that.

Not when nearly 9 million children under the age of five die every year—more than 24,000 every day. That is a number equal to the population of South Windsor, CT, dying every day—mostly from preventable and treatable causes like pneumonia, diarrhea, malaria, and sepsis.

Not when nearly 4 million newborns every year die in the first 4 weeks of life.

Not when 2.5 million children die each year from diseases for which vaccines are readily available.

Not when it is clear that simply by living up to the commitments we have already made, to say nothing of furthering our commitments, we could save so many lives so easily.

This is a moral imperative. But it is also a strategic imperative. The state of a country's public health is inextricably linked to its security. Poor health systems around the world represent a danger to America. Last year, the Director of National Intelligence reported as follows:

Chronic, non-communicable diseases; neglected tropical diseases; maternal and child mortality; malnutrition; sanitation and access to clean water; and availability of basic health-care also affect the US national interest through their impacts on the economies, governments, and militaries of key countries and regions.

Countries with high child and maternal mortality are inherently less stable and more prone to violence. The consequences of failing to live up to our commitments under the Millennium Development Goals will be felt around the world.

These goals are not beyond our reach. Already, the increased distribution of simply technologies like mosquito nets and basic vaccinations has reduced child mortality to its lowest level since we began keeping track of the statistics in 1960.

Simple efforts like distributing bed nets and micronutrients are saving 10,000 children a day.

But our success to date is not an excuse for complacency going forward. There is more we can do.

We could save 1.4 million newborns by encouraging exclusive breast feeding for the first 6 months of life.

We could cut in half newborn mortality and reduce maternal mortality simply by providing basic childbirth assistance—things like clean equipment and trained attendants.

If we make simple remedies like oral rehydration therapy for diarrhea and antibiotics for respiratory infections available in accordance with the Millennium Development Goals, we could cut the child mortality rate by two-thirds, saving nearly 6 million lives a year.

The legislation requires the administration to develop and implement a strategy to improve the health of, and reduce mortality rates among, newborns and children in developing countries.

It supports effective, life-saving programs to provide children and mothers with basic minerals and vitamins that we daily take for granted, and it takes on the scourge of easily treatable and preventable diseases such as pneumonia and cholera.

It empowers young girls by helping them get good educations, and protects them from abusive practices such as female genital cutting.

It establishes a task force to monitor and evaluate the progress of government agencies responsible for ensuring that we meet our commitment to the Millennium Development Goals.

It puts Congress on record as supporting innovative intervention strategies—from community based health centers to ready-to-use food therapies.

It authorizes the President to put our money where our intentions are.

Finally, this bill makes an important statement at a pivotal time. We are close to reaching a key milestone on the road to achieving our Millennium Development Goals in 2015. This legislation will put the Senate on record supporting robust child survival health programs as the international community redoubles its efforts to achieve these goals and prepares for the 2010 G8 and G20 summit in Canada, where child survival and maternal health will be a major priority for the assembled nations.

It doesn't cost a lot to save a life. Children in developing countries die of diarrhea every day—but the oral rehydration therapy needed to treat it costs just 54 cents. Children die of respiratory infections—but the treatment is just 71 cents.

The United States does a lot to combat child mortality. We have devoted more than \$6 billion to child survival programs over the past 20 years. It has worked. But we can do more. We have committed to do more. We must do more.

I urge my colleagues to join me in this effort, which has already garnered bipartisan support. Millions of lives hang in the balance.

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

At 12:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that it agreed to the concurrent resolution (S. Con. Res. 45) encouraging the Government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible, without amendment.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 30, 2009, she had presented to the President of the United States the following enrolled bills:

S. 832. An act to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 1694. An act to allow the funding for the interoperable emergency communications grants program established under the Digital Television Transition and Public Safety Act of 2005 to remain available until expended through fiscal year 2012, and for other purposes.

S. 1929. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3518. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2009-1778); to the Committee on Armed Services.

EC-3519. A communication from the Senior Import Policy Analyst, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes in Procedures for Florence Agreement Program" (RIN0625-AA75) received in the Office of the President of the Senate on October 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC-3520. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting the report of a proposed rule entitled "Lead; Amendment to the Opt-out and Record Keeping Provisions in the Renovation, Repair, and Painting Program" (FRL No. 8795-9) received in the Office of the President of the Senate on October 29, 2009; to the Committee on Environment and Public Works.

EC-3521. A communication from the Acting Administrator, General Services Administration, Department of Defense and National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to additional lease prospectuses that support the U.S. General Services Administration's Fiscal Year 2010 Capital Investment and Leasing Program; to the Committee on Environment and Public Works.

EC-3522. A communication from the Deputy Director of the Office of Labor-Management Standards, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Organization Annual Financial Reports" (RIN1215-AB62) received in the Office of the President of the Senate on October 28, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-3523. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-216, "Personal Mobility Device for Persons with Disabilities Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3524. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-217, "Reinstated Nonprofit Corporation Contract Ratification Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3525. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-218, "University of the District of Columbia Board of Trustees Quorum Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3526. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-219, "University of the District of Columbia Procurement Authority Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3527. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-220, "Private Fire Hydrant Responsibility Temporary Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3528. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-221, "Public Assistance Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3529. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-222, "Unemployment Compensation Extended Benefits Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3530. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-223, "Studio Theatre Housing Property Tax Exemption and Equitable Tax Relief Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3531. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-224, "Kelsey Gardens Redevelopment Project Real Property Limited Tax Abatement Assistance Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-3532. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-225, "Chemotherapy Pill Coverage Act of 2009"; to the Committee on

Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1194. A bill to reauthorize the Coast Guard for fiscal years 2010 and 2011, and for other purposes (Rept. No. 111-95).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself and Mr. KIRK):

S. 2521. A bill to suspend temporarily the duty on audio interface units for sound mixing, recording, and editing capable of full interface control by separate automatic data processing system using proprietary software protocol; to the Committee on Finance.

By Mrs. HAGAN:

S. 2522. A bill to suspend temporarily the duty on RSD 1235; to the Committee on Finance.

By Mr. CORKER (for himself and Mr. ALEXANDER):

S. 2523. A bill to suspend temporarily the duty on certain electric cooktops; to the Committee on Finance.

By Ms. CANTWELL:

S. 2524. A bill to extend and modify the temporary suspension of duty on certain women's footwear, valued over \$23/pair, with a coated or laminated textile fabric; to the Committee on Finance.

By Ms. CANTWELL:

S. 2525. A bill to extend and modify the temporary suspension of duty on certain men's footwear, valued over \$23/pair, with a coated or laminated textile fabric; to the Committee on Finance.

By Ms. CANTWELL:

S. 2526. A bill to extend and modify the temporary suspension of duty on certain women's footwear, valued over \$23/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches, with a coated or laminated textile fabric; to the Committee on Finance.

By Ms. CANTWELL:

S. 2527. A bill to extend and modify the temporary suspension of duty on certain men's footwear, valued over \$23/pair, covering the ankle, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches, with a coated or laminated textile fabric; to the Committee on Finance.

By Ms. CANTWELL:

S. 2528. A bill to extend and modify the temporary suspension of duty on certain women's footwear, valued over \$23/pair, not covering the ankle, with a coated or laminated textile fabric; to the Committee on Finance.

By Ms. CANTWELL:

S. 2529. A bill to extend and modify the temporary suspension of duty on certain men's footwear, valued over \$23/pair, whose height from the bottom of the outer sole to the top of the upper does not exceed 8 inches,

with a coated or laminated textile fabric; to the Committee on Finance.

By Ms. CANTWELL:

S. 2530. A bill to extend and modify the temporary suspension of duty on certain men's footwear, valued over \$23/pair, not covering the ankle, with a coated or laminated textile fabric; to the Committee on Finance.

By Ms. CANTWELL:

S. 2531. A bill to extend and modify the temporary suspension of duty on certain women's footwear, valued over \$23/pair, covering the ankle, with a coated or laminated textile fabric; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr. BURR, Mr. CASEY, and Mrs. HAGAN):

S. 2532. A bill to extend the temporary duty suspensions on certain cotton shirting fabrics, and for other purposes; to the Committee on Finance.

By Mr. BURR:

S. 2533. A bill to extend the temporary reduction of duty on Glyoxylic acid; to the Committee on Finance.

By Mr. BURR:

S. 2534. A bill to extend the temporary suspension of duty on Isobutyl 4-hydroxybenzoate and its sodium salt; to the Committee on Finance.

By Mr. BURR:

S. 2535. A bill to extend the temporary suspension of duty on esters and sodium esters of parahydroxybenzoic acid; to the Committee on Finance.

By Mr. BURR:

S. 2536. A bill to suspend temporarily the duty on chromate(4-), [7-amino-3-[(3-chloro-2-hydroxy-5-nitrophenyl)azo]-4-hydroxy-2-naphthalenesulfonato(3)]-[6-amino-4-hydroxy-3-[(2-hydroxy-5-nitro-3-sulphophenyl)azo]-2-naphthalenesulfonato(4-)]-, tetrasodium (p 96-1335); to the Committee on Finance.

By Mr. BURR:

S. 2537. A bill to suspend temporarily the duty on Pigment Orange 62; to the Committee on Finance.

By Mr. BURR:

S. 2538. A bill to extend the temporary suspension of duty on 2-Anthracenesulfonic acid, 4-[[3-(acetylaminophenyl)amino]-1-amino-9,10-dihydro-9,10-dioxo-, monosodium salt; to the Committee on Finance.

By Mr. BURR:

S. 2539. A bill to extend the temporary suspension of duty on 1,3,6-Naphthalenetrisulfonic acid, 7-[[2-[(aminocarbonyl)amino]-4-[[4-[2-[[4-[[3-[(aminocarbonyl)amino]-4-[[3,6,8-trisulfo-2-naphthalenyl]azo]phenyl]amino]-6-chloro-1,3,5-triazin-2-yl]amino]ethyl]-1-piperazinyl]-chloro-1,3,5-triazin-2-yl]amino]phenyl]azo]-, lithium potassium sodium salt; to the Committee on Finance.

By Mr. BURR:

S. 2540. A bill to extend the temporary suspension of duty on 2,7-Naphthalenedisulfonic acid, 5-[[4-chloro-6-[(3-sulphophenyl)amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[[4-[[2-(sulfooxy)ethyl]sulfonyl]phenyl]azo]-, sodium salt; to the Committee on Finance.

By Mr. BURR:

S. 2541. A bill to extend the temporary suspension of duty on Ethanesulfonic acid, 2-[[[2,5-dichloro-4-(2-methyl-4H-indol-3-yl)azo]phenyl]sulfonyl]amino]-, monosodium salt; to the Committee on Finance.

By Ms. CANTWELL:

S. 2542. A bill to suspend temporarily the duty on certain men's wading boots, valued over \$30/pair, with outer soles of rubber, plastics, leather, or composition leather and uppers of rubber or plastics whose height from the bottom of the outer sole to the top of the upper does not exceed 9 inches (22.86 cm); to the Committee on Finance.

By Ms. CANTWELL:

S. 2543. A bill to suspend temporarily the duty on certain men's wading boots, valued over \$30/pair, with textile outer soles and uppers of leather or composition leather whose height from the bottom of the outer sole to the top of the upper does not exceed 9 inches (22.86 cm); to the Committee on Finance.

By Ms. CANTWELL:

S. 2544. A bill to suspend temporarily the duty on certain men's wading boots, valued over \$30/pair, with textile outer soles and uppers of leather or composition leather whose height from the bottom of the outer sole to the top of the upper does not exceed 9 inches (22.86 cm); to the Committee on Finance.

By Ms. CANTWELL:

S. 2545. A bill to suspend temporarily the duty on certain men's wading boots, valued over \$20/pair, but not over \$45/pair, with outer soles of rubber, plastics, leather, or composition leather and uppers of leather whose height from the bottom of the outer sole to the top of the upper does not exceed 9 inches (22.86 cm); to the Committee on Finance.

By Mr. BURRIS:

S. 2546. A bill to extend the temporary suspension of duty on certain music boxes; to the Committee on Finance.

By Mr. BURRIS:

S. 2547. A bill to extend the temporary suspension of duty on triphenyltin hydroxide; to the Committee on Finance.

By Mr. BURRIS:

S. 2548. A bill to extend the temporary suspension of duty on Bromoxynil Octonate; to the Committee on Finance.

By Mr. BURRIS:

S. 2549. A bill to suspend temporarily the duty on Mixtures of 1-[[bis(4-fluorophenyl)methylsilyl]methyl]-1H-1,2,4-triazole with xylene and inert application adjuvants; to the Committee on Finance.

By Mr. BURRIS:

S. 2550. A bill to suspend temporarily the duty on certain personalized jewelry; to the Committee on Finance.

By Mr. BURRIS:

S. 2551. A bill to suspend temporarily the duty on Fluthiacet-methyl; to the Committee on Finance.

By Mr. BURRIS:

S. 2552. A bill to extend the temporary suspension of duty on carbamic acid; to the Committee on Finance.

By Mr. BURRIS:

S. 2553. A bill to extend the temporary suspension of duty on 3-(Ethylsulfonyl)-2-pyridinesulfonamide; to the Committee on Finance.

By Mr. BURRIS:

S. 2554. A bill to extend the temporary suspension of duty on 2-amino-4-methoxy-6-methyl-1,3,5-triazine; to the Committee on Finance.

By Mr. BURRIS:

S. 2555. A bill to extend the temporary suspension of duty on N-[[4,6-dimethoxypyrimidin-2-yl]amino]carbonyl-3-(ethylsulfonyl)-2-pyridinesulfonamide and application adjuvants; to the Committee on Finance.

By Mr. BURRIS:

S. 2556. A bill to extend the temporary suspension of duty on 2-Methyl-4-methoxy-6-methylamino-1,3,5-triazine; to the Committee on Finance.

By Mr. BURRIS:

S. 2557. A bill to suspend temporarily the duty on metsulfuron-methyl; to the Committee on Finance.

By Mr. BURRIS:

S. 2558. A bill to extend the temporary suspension of duty on 2-ethylhexyl (4-chloro-2-

methylphenoxy) acetate; to the Committee on Finance.

By Mr. BURRIS:

S. 2559. A bill to extend the temporary suspension of duty on dichlorprop-p acid, dichlorprop-p dimethylamine salt, and dichlorprop-p 2-ethylhexyl ester; to the Committee on Finance.

By Mr. BURRIS:

S. 2560. A bill to extend the temporary suspension of duty on 2-methyl-4-chlorophenoxyacetic acid; to the Committee on Finance.

By Mr. BURRIS:

S. 2561. A bill to extend the temporary suspension of duty on 2-Methyl-4-chlorophenoxy-acetic acid, dimethylamine salt; to the Committee on Finance.

By Mr. BURRIS:

S. 2562. A bill to extend the temporary suspension of duty on MCPB Acid and MCPB Sodium Salt; to the Committee on Finance.

By Mr. BURRIS:

S. 2563. A bill to suspend temporarily the duty on Imazapyr; to the Committee on Finance.

By Mr. BURRIS:

S. 2564. A bill to extend the temporary suspension of duty on 4-(2,4-dichlorophenoxy) butyric acid and 4-(2,4-dichlorophenoxy) butyric acid, dimethylamine salt; to the Committee on Finance.

By Mr. BURRIS:

S. 2565. A bill to extend the temporary suspension of duty on certain decorative plates, sculptures, and plaques; to the Committee on Finance.

By Mr. ALEXANDER:

S. 2566. A bill to extend the temporary suspension of duty on 1,10-diaminodecane; to the Committee on Finance.

By Mr. BUNNING:

S. 2567. A bill to suspend temporarily the duty on carbonaceous pastes for electrodes and similar pastes for furnace linings; to the Committee on Finance.

By Mr. BOND:

S. 2568. A bill to extend the temporary suspension of duty on N-Cyclohexylthiophthalimide; to the Committee on Finance.

S. 2569. A bill to extend the temporary suspension of duty on methy methoxyacetate; to the Committee on Finance.

S. 2570. A bill to extend the temporary suspension of duty on Tetraethylthiuram; to the Committee on Finance.

By Mr. BOND:

S. 2571. A bill to extend the temporary suspension of duty on Tetramethylthiuram Disulfide; to the Committee on Finance.

By Mr. BOND:

S. 2572. A bill to extend the temporary suspension of duty on 4,4'-Dithiodimorpholine; to the Committee on Finance.

By Mr. BOND:

S. 2573. A bill to extend the temporary suspension of duty on 4-Aminodiphenylamine (4ADPA); to the Committee on Finance.

By Mr. BOND:

S. 2574. A bill to reduce temporarily the duty on Ethyl [4-chloro-2-fluoro-5-[[[methyl(1-methylethyl) amino] sulfonyl]amino] carbonyl] phenyl]carbamate; to the Committee on Finance.

By Mr. BOND:

S. 2575. A bill to suspend temporarily the duty on Ethyl 3-amino-4,4-trifluorocrotonate; to the Committee on Finance.

By Mr. BOND:

S. 2576. A bill to suspend temporarily the duty on Diethyl oxalate; to the Committee on Finance.

By Mr. BOND:

S. 2577. A bill to suspend temporarily the duty on Potassium decafluoro(pentafluoroethyl) cyclohexanesulfonate; to the Committee on Finance.

By Mr. CORNYN:

S. 2578. A bill to suspend temporarily the duty on certain knit-to-shape sweatshirts for women or girls, of man-made fiber; to the Committee on Finance.

By Mr. CORNYN:

S. 2579. A bill to suspend temporarily the duty on certain knit-to-shape sweaters for men, of cotton; to the Committee on Finance.

By Mr. CORNYN:

S. 2580. A bill to suspend temporarily the duty on certain knit-to-shape sweaters for girls, of cotton; to the Committee on Finance.

By Mr. CORNYN:

S. 2581. A bill to suspend temporarily the duty on certain knit-to-shape shirts of wool or fine animal hair; to the Committee on Finance.

By Mr. CORNYN:

S. 2582. A bill to suspend temporarily the duty on certain knit-to-shape pullovers for women or girls; to the Committee on Finance.

By Mr. CORNYN:

S. 2583. A bill to suspend temporarily the duty on certain knit-to-shape blouses and shirts of man-made fibers for girls; to the Committee on Finance.

By Mr. CORNYN:

S. 2584. A bill to suspend temporarily the duty on certain knit-to-shape articles for men or boys, of cotton; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2585. A bill to suspend temporarily the duty on certain men's knit-to-shape cashmere sweaters; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2586. A bill to suspend temporarily the duty on certain men's or boys' knit-to-shape wool vests; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2587. A bill to suspend temporarily the duty on certain women's knit-to-shape blouses and shirts; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2588. A bill to suspend temporarily the duty on certain women's or girls' knit-to-shape cashmere sweaters; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2589. A bill to suspend temporarily the duty on certain women's or girls' knit-to-shape wool vests; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2590. A bill to suspend temporarily the duty on certain women's knit-to-shape cashmere sweaters; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2591. A bill to suspend temporarily the duty on certain women's knit-to-shape wool sweaters; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2592. A bill to suspend temporarily the duty on certain men's knit-to-shape-wool sweaters; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2593. A bill to suspend temporarily the duty on certain women's or girls' knit-to-shape vests; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2594. A bill to suspend temporarily the duty on mixtures or coprecipitates of lan-

thanum phosphate, cerium-doped lanthanum phosphate, cerium phosphate, and terbium phosphate; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2595. A bill to suspend temporarily the duty on the mixtures or coprecipitates of yttrium phosphate or cerium phosphate; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2596. A bill to suspend temporarily the duty on Trinexapac-Ethyl Technical; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2597. A bill to suspend temporarily the duty on certain sound isolating earphones with detachable cable; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2598. A bill to suspend temporarily the duty on imports of certain handheld moving coil dynamic microphones; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2599. A bill to suspend temporarily the duty on artificial flowers of man-made fibers assembled as a single species bush, with or without foliage; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2600. A bill to suspend temporarily the duty on artificial flowers of man-made fibers, assembled as a multi-species bush, with or without foliage; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2601. A bill to suspend temporarily the duty on Neodymium oxide; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2602. A bill to suspend temporarily the duty on certain men's or boys' knit-to-shape cashmere sweaters; to the Committee on Finance.

By Mr. REID:

S. 2603. A bill to suspend temporarily the duty on screw-on bottle caps and shaker caps with chromium or gold plated finish; to the Committee on Finance.

By Mr. REID:

S. 2604. A bill to suspend temporarily the duty on threaded stoppers, caps, and lids of base metal with chromium or gold-plated finish, of a type and size suitable for use on salt-and-pepper shakers, perfume bottles, and the like; to the Committee on Finance.

By Mr. REID:

S. 2605. A bill to suspend temporarily the duty on 2-Propenoic acid, reaction products with o-cresol-epichlorohydrin-formaldehyde polymer and 3a,4,7,7a-tetrahydro-1,3-isobenzofurandione; to the Committee on Finance.

By Mr. REID:

S. 2606. A bill to suspend temporarily the duty on Formaldehyde, polymer with methylphenol, 2-hydroxy-3-[(1-oxo-2-propenyl)oxy]propyl ether and formaldehyde, polymer with (chloromethyl)oxirane and methylphenol, 4-cyclohexene-1,2-dicarboxylate 2-propenoate; to the Committee on Finance.

By Mr. REID (for himself and Mrs. FEINSTEIN):

S. 2607. A bill to amend the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 to repeal a provision of that Act relating to geothermal energy receipts; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 1153

At the request of Mr. SCHUMER, the name of the Senator from New Jersey

(Mr. LAUTENBERG) was added as a cosponsor of S. 1153, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees.

S. 1428

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1428, a bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes.

S. 1492

At the request of Ms. MIKULSKI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1492, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 1545

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1545, a bill to expand the research and awareness activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases and the Centers for Disease Control and Prevention with respect to scleroderma, and for other purposes.

S. 1583

At the request of Mr. ROCKEFELLER, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1583, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2014, and for other purposes.

S. 1834

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1834, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 1927

At the request of Mr. DODD, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Michigan (Ms. STABENOW) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 1927, a bill to establish a moratorium on credit card interest rate increases, and for other purposes.

S. 1931

At the request of Mr. AKAKA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1931, a bill to enhance the ability of Congress to oversee matters pertaining to nuclear nonproliferation identified in the findings and rec-

ommendations of the December 2008 Report of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, and for other purposes.

AMENDMENT NO. 2712

At the request of Mr. BAUCUS, the names of the Senator from Connecticut (Mr. DODD), the Senator from Georgia (Mr. ISAKSON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Rhode Island (Mr. REED), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 2712 proposed to H.R. 3548, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself, Mr. BURR, Mr. CASEY, and Mrs. HAGAN):

S. 2532. A bill to extend the temporary duty suspensions on certain cotton shirting fabrics, and for other purposes; to the Committee on Finance.

Mr. SPECTER. Mr. President, today I seek recognition to introduce legislation entitled the Cotton Shirt Industry Tariff Relief and Promotion Act. This legislation will strengthen our domestic dress shirt manufacturers and the pima cotton growers. My bill extends a technical correction that levels the playing field by correcting an anomaly from previous trade agreements that has unfairly advantaged foreign producers and sent hundreds of jobs offshore.

This legislation extends the reduction of duties levied on cotton shirting fabric that is not made in the United States. U.S. law recognizes this lack of fabric availability and has granted special favorable trade concessions to manufacturers in Canada, Mexico, the Caribbean, the Andean region, and Africa. The U.S. allowed shirts to enter this country duty-free from many other countries, while failing to reduce tariffs on those manufacturers that stayed in the U.S. and were forced to compete on these uneven terms. My bill extends the correction of this inequity.

This legislation also recognizes the need to promote the U.S. shirting manufacturing and textiles sectors, and does so through the extension of a Cotton Competitiveness grant program, which is funded through a portion of previously collected duties.

Our country has experienced an enormous loss of jobs in the manufacturing sector. It is critical that our domestic manufacturers are able to compete on a level playing field. My legislation is a concrete step that this Congress can

take to reduce the hemorrhaging of U.S. manufacturing jobs.

One group of beneficiaries of this legislation is a Gitman Brothers factory in Ashland, PA. The Ashland Shirt and Pajama factory was built in 1948 and employs 132 workers. This factory in the Lehigh Valley turns out world class shirts with such labels as Saks Fifth Avenue that are shipped across the U.S. Their shirts are made of pima cotton that is grown in the Southwestern U.S., but spun into fabric only by special mills in Western Europe. Gitman must compete against Canadian shirt companies that import the same fabric tariff-free and who can then ship their shirts into the U.S. tariff-free under NAFTA. These workers and their families deserve trade laws that do not chase their jobs offshore.

This legislation enjoys the support of the domestic shirting industry, UNITE, and the Pima cotton association. I offer this legislation on behalf of the men and women of the Gitman factory in Ashland, the domestic dress shirting industry, and the pima cotton growers, so that for them, free trade will indeed be fair trade as well.

By Mr. REID (for himself and Mrs. FEINSTEIN):

S. 2607. A bill to amend the Department of the Interior, Environment, and Related Agencies appropriations Act, 2010 to repeal a provision of that Act relating to geothermal energy receipt; to the Committee on Finance.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2607

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF GEOTHERMAL ENERGY RECEIPTS PROVISION.

Section 423 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 is repealed.

ORDER FOR RECORD TO REMAIN OPEN

Mr. KAUFMAN. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate today, the RECORD remain open until 1:30 p.m. today for the introduction of legislation and the submission of statements and cosponsorships.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, NOVEMBER 2, 2009

Mr. KAUFMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, November

2; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for the transaction of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each; that at 4 p.m., the Senate resume consideration of H.R. 3548, the Unemployment Benefits Extension Act of 2009, as provided for under the previous order. And finally, I ask unan-

imous consent that the filing deadline for first-degree amendments be 3 p.m. and the filing deadline for second-degree amendments be 4 p.m. Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KAUFMAN. Mr. President, at 5 p.m. on Monday, the Senate will proceed to a cloture vote on the substitute amendment to H.R. 3548. That will be the first vote of the day.

ADJOURNMENT UNTIL MONDAY,
NOVEMBER 2, 2009, AT 2 P.M.

Mr. KAUFMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 12:17 p.m., adjourned until Monday, November 2, 2009, at 2 p.m.

SENATE—Monday, November 2, 2009

The Senate met at 2 p.m. and was called to order by the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our God, we are thankful that You have not only known us but You have made Yourself known to us. It is amazing that You know us and still love us.

May our lawmakers come to You with the confidence borne of the knowledge that comes from being loved by You. As they seek to be Your ambassadors to our Nation and world, help them to acknowledge that without You they can accomplish nothing that will endure. May they remember to use our liberties and privileges, bought with so crimson a cost, to promote the common good of humanity.

Lord, we end this prayer by asking You to bless our military men and women in harm's way and their loved ones.

We pray this prayer in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK WARNER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 2, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

HEALTH CARE REFORM

Mr. REID. Mr. President, our job as legislators is to write and pass a bill that will make it easier for every American family to afford to live a healthy life. Democratic Members have worked tirelessly over the past weeks, months, and even years to fulfill this tremendous responsibility. We have listened to the vast majority of Americans who demand that we stop health insurance companies from taking advantage of each of us. We have listened to the vast majority of Americans who know that a public option for health insurance is the best way to keep competition up, keep costs down, and keep insurance companies honest. We continue to listen to Senators as diverse ideologically as they are diverse geographically as we craft a final bill.

Today, we are closer than ever before to making sure every American can access quality, affordable health care—and making sure they have the choice of whether they get that care through their private insurer or a public one.

We are closer than ever, but we are not there quite yet. As we head for the finish line, one of the most important parts of this process is transparency. That is exactly why the two Senate committees that drafted the foundations of this bill—the HELP and Finance Committees—conducted lengthy public meetings. At these meetings, the American people could see that the committees considered and approved numerous amendments and proposals by both Democrats and Republicans. For example, you could go on the HELP Committee's Web site and watch them adopt 160 Republican amendments into this bill. It is in the name of transparency that the committees' legislation has been fully available on the Internet for many weeks now. The HELP Committee's bill has been on its Web site since June 9, and the Finance Committee's bill has been on its Web site since September 16.

It is important to understand where we are in this process. Right now, we are merging those two bills into one bill. That work is ongoing, and many different options are being weighed. The CBO is analyzing those options, and based on their analysis we will decide what to put into a bill. Those who demand to see the bill this minute forget that a final bill doesn't yet exist. If it did, we would bring it to the floor. All should remember that as soon as the CBO results are in and as soon as important decisions are made based on those results, we have pledged to make the final bill available to the full Senate and the American people. The final

bill will be public as soon as it is written. I will repeat that so there is no confusion. The final bill will be made public as soon as it is written.

Only one final decision has been made so far. We are going to give people the power of deciding whether they want to get their health insurance from somewhere other than the reckless private companies that are responsible for the mess we are in, and we are going to give the States the power of deciding whether that choice is best for its citizens.

So that is where we stand. It is important to get these facts on the record, as misinformation, half-truths, and distractions fill the airwaves.

Let's be honest. These facts don't matter much to those who are dead set on opposing health insurance reform for partisan reasons. They don't matter to the Republican Senator who said he hopes the effort to fix our broken health care system will be President Obama's "Waterloo." They don't matter to the Republican Senator who said Republicans will oppose the bill regardless of any concessions Democrats make. They don't matter to the Republican Senator who said, "I don't have to read it, or know what's in it. I am going to oppose it anyways." Their strategy is to deny the undeniable fact that families' personal health and pocketbooks are suffering. Their strategy is to defend the indefensible practices of insurance companies that make huge profits on the backs of our seniors and our sick. Their strategy is to ignore polls that clearly and consistently show the American people support a public option and instead argue, without evidence, that they don't.

Republicans make no effort to hide their shortsighted and self-destructive strategy. In fact, Roll Call newspaper today reports that they "have mapped out a strategy to draw out debate" rather than work with us to strengthen the bill. Politico reported last week that Republican consultant Frank Luntz is out with a new memo urging Republicans to fake bipartisanship. You will recall that, back in May, Luntz encouraged Republicans to oppose a health care reform bill before there was a single hearing held to determine what should be in the bill and long before a single bill was even written. Now Luntz says Republicans have more to gain by faking bipartisanship and from complaining about the health care bill than working to improve it. All of us—every single American—stand to lose if that happens. I know Senate Republicans appreciate transparency because their strategy is as

transparent as it comes. That strategy is simply to delay, delay, delay. And now the newspaper Roll Call acknowledges that.

At the same time, I couldn't help but notice that while Senate Republicans demand transparency, their own plan is being drafted, obviously, in secret—if, in fact, there is one. We don't know how much their bill will cost—the Republican bill—if there is one. We don't know whom it will help, if anybody, or how it will keep insurance companies from abusing Americans. They won't tell us how their plan will lower your health care bills so you don't have to choose between medication and your mortgage. So I can only conclude one of two things: Either the Senate Republicans are drafting a bill in secret or their proposal simply doesn't exist and the Republicans have no solutions to one of the greatest and most urgent challenges of our time—health insurance reform. Whichever it is should concern the American people greatly.

I will acknowledge there is one thing that won't be in their bill secretly or in a transparent fashion, and that is to repeal the McCarran-Ferguson Act that exempts insurance companies from antitrust laws. The insurance companies love that because they can take advantage of the American people, as they have since 1945, since that act became law.

It is increasingly clear to the American people who is trying to help them. It is clear who is reaching across the aisle and negotiating in good faith and compromising where necessary.

Mr. President, we want to work with the Republicans, but how can you work with a party that says that they hope President Obama fails and that this is his Waterloo? It doesn't matter what is in the bill, they will oppose it. Again, today, we heard from Roll Call that their only strategy is to delay. I hope that will change and they will work with us to come up with some ideas on how they can improve health insurance. Let's get the bill on the floor and start debating it.

SCHEDULE

Mr. REID. Mr. President, today, following the remarks of the two leaders, there will be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each. At 4 p.m., the Senate will resume consideration of the Unemployment Benefits Extension Act, with the time until 5 p.m. equally divided and controlled between the two leaders or their designees. At 5 p.m., the Senate will proceed to a cloture vote on the Reid-Baucus substitute amendment.

German Chancellor Angela Merkel will address a joint meeting of Congress tomorrow at 10:30 a.m. Senators should begin to gather in the Chamber at 10 o'clock tomorrow morning so

they can leave at 10:10 a.m. to proceed to the House of Representatives.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

HEALTH CARE WEEK XVI DAY I

Mr. MCCONNELL. Mr. President, for months, the American people have been sending us a clear message about what they want to see in health care reform. They want practical, common-sense reforms that drive down the cost of care, improve access, and create more choices. What they are getting instead from Congress are higher premiums, higher taxes, Medicare cuts, and more government control over their health care decisions.

They are getting the same old big-government solutions to problems that call for creative, modern-day solutions.

Quite simply, there seems to be a disconnect between the American people and Democrat leaders in Congress. And nowhere is that disconnect more apparent than in the 2,000-page bureaucratic monstrosity of a bill that House Democrats dropped on the American people last week.

At its core, this bill is very similar to what we have already seen in the Senate—a trillion-dollar government experiment that raises taxes, raises premiums, slashes Medicare, and leads to unprecedented government control over the health care decisions of Americans. That is the foundation, the starting-off point. It doesn't get any better from there.

Let's start with the pricetag. At a time of unprecedented government spending and a staggering \$12 trillion debt, the Democrat health care bill asks taxpayers to pony up at least another trillion dollars. To get some sense of the size of that figure, consider the fact that this bill would cost more than \$2 million per word. And believe it or not, that is a conservative estimate.

Once fully implemented, the bill will spend \$2.3 trillion. And this doesn't even account for the \$250 billion that is needed to prevent a cut in reimbursements to doctors who treat Medicare patients. While this so-called "Doc Fix" is no longer in the bill, we saw last month how Democrats in both the House and Senate plan to pay for it. They want to put this \$250 billion on the government credit card and then claim their plans don't add to the deficit.

Well, Americans aren't buying it.

The bill would also hit already-struggling States by imposing a crippling, 10-year, \$34 billion expansion of Medicaid. And it fails to meet the key test that Americans had set for reform, which was to control costs. Indeed,

contrary to early promises by the administration about the need to control costs, this bill would actually increase long-term Federal health care spending.

The health care choices that Americans currently enjoy would also be limited under this bill, and the government's role would increase dramatically. If you don't want to buy insurance, too bad: under this bill, the government forces you either to buy insurance or pay a new 2.5-percent tax. Under this bill, the government would also tell you what kind of insurance you can have by dictating the benefits you receive. If a politician in Washington doesn't approve of your current health care plan, you may be forced to give it up. Ironically, the person who would dictate your benefits would go by the title of the Health Choices Commissioner only in Washington, Mr. President.

Notably, this bill no longer includes language from earlier draft legislation stating that essential benefits coverage should not lead to the rationing of health care. Language preventing rationing is out. We can only conclude from the exclusion of this language that the bill writers have opened the door to rationing care at some point down the road—just like every other country that has gone in the direction of government-run health care for all.

Business owners are also a special target of this bill. The government will tell all but the smallest employers they must cover employees even if they cannot afford it. If they refuse, they get hit with a \$135 billion tax—a tax that independent experts warn will lower wages and kill jobs.

Unemployment is nearly 10 percent, despite the administration's prediction that it would not rise past 8 percent if we passed the stimulus. But instead of trying to create jobs, Democrats are trying to push through a trillion-dollar experiment with massive new taxes that would kill even more jobs right in the middle of a recession.

Finally, under this bill, the government would create a government-run health care plan that Americans oppose. Democrats say the whole point of a government plan is to give Americans a lower cost option. But the CBO has said that the premiums for the House government plan would actually be higher than the premiums for private plans. So in order for the government plan to meet its goal of offering a lower cost alternative, it would have to use the power of government to subsidize costs, ration care, and undercut private insurers. Democrats may call this an option, but it is clear to everyone else that this type of government-run plan would eventually become the only option.

Americans want real reforms that lower costs and increase access—reforms such as getting rid of junk lawsuits, leveling the playing field on

health care taxes, and incentivizing healthy choices. Yet instead of adopting these commonsense ideas, the authors of this bill seem intent on forcing the American people to accept more spending, more debt, more taxes, and more government in their daily lives.

You can call that a lot of things. You can call it a lot of things, but you cannot call it reform. The passage of time has not been good to Democratic efforts at health care reform. Earlier versions were deeply flawed to begin with. But when Americans look closely at this latest version, they will wonder who exactly congressional leaders have been listening to over the past several months. Clearly, it is not the American people.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Illinois.

HEALTH CARE AND UNEMPLOYMENT BENEFITS

Mr. DURBIN. Mr. President, we just heard the Republican leader of the Senate speak, as he does every day, against health care reform. He has opposed it from the start. He is consistent. His message is consistent. He does not propose any alternative. There is no Republican health care reform bill anyone has seen or heard of. He comes in each day and tells us what is wrong with the efforts underway in Congress, both the House and the Senate, to change the health care system of America.

Unfortunately, most Americans—certainly most business people—understand that the current health care system in America is unsustainable. The cost of health care is going up so fast that fewer and fewer businesses are protecting their employees and fewer and fewer individuals can afford to buy health insurance. And those who buy health insurance know the reality of what it means today. They know that when they need it the most, many health care insurance companies turn them down. People who had paid for a lifetime into a health insurance plan they had never used finally faced an accident or a diagnosis or a critical illness, went to their doctor, headed to the hospital, only to find that now they were not just going to have to battle

an illness, they had to battle their insurance company.

I cannot tell you how many cases have come to my office—so many that we have lost count—asking: As a Senator, will you please intervene with my health insurance company.

The most recent involved a young man who has been battling cancer in my State for years, a heroic battle that I know something about because I know his family. He finally found a drug that worked that his oncologist recommended. It was a new drug, but it was one that worked. For a while, the health insurance company paid for it. Then they announced they were going to cut off payments because it was not an appropriate drug. Do you know how much it will cost his family to provide that lifesaving drug to him each month? It is, \$13,000. How long can he last? How long can the savings last? How long can we stand here and tolerate that kind of mistreatment of the American people?

Yet day after day, the Republican leader comes and tells us he is opposed to change; he does not support our efforts to bring about real significant change when it comes to health insurance in this country.

Let me tell you what our bill does—this bill he said we should not pass. It eliminates preexisting conditions. Do you know what that means? When you need your insurance the most and your health insurance company goes back and pulls out your health insurance application and says: You forgot to tell us you had headaches as a teenager or acne and, therefore, we are going to walk away, disallow any medical care. Does that sound outlandish? It is a fact in both instances and in cases that have come to our office—preexisting conditions. Preexisting conditions, a battle that people have to fight all the time with these health insurance companies, would be prohibited under health insurance reform that we are working on.

Or how about their decision to cap the amount of coverage they will provide. You don't know when you get into cancer treatment or serious brain surgery what the ultimate bill is going to be. But the health insurance companies can walk away from you when you are sick and need their help the most.

We know what they do with kids, young people, when they reach the age of 23. It happened in my family. They cut off your children. No more will they cover them. They have to find their own coverage. This bill says we will extend that coverage.

We are basically trying to plug the gaps in health insurance coverage today that haunt American families when they desperately need help. And the Republican minority leader comes to the floor and objects to that, objects to this health care reform. I don't understand where he is coming from.

He says this bill is too long. I have heard the Senator from Kentucky and other Senators say: Why, this bill is 1,000 pages long—1,000 pages. I don't know if there is an appropriate number of pages for health care reform. I don't know if 100 is the right number and 1,100 is too much. I don't know if we should be involved in that kind of silly argument.

What we are talking about here is a piece of legislation that will impact health care for every American and will literally address one-sixth of the American economy. Mr. President, \$1 out of every \$6 spent in America is spent on health care. We are working now to bring down costs and create a system that is fair, stable, and secure for people across the United States. If it takes 2,000 pages, does that mean the bill is wrong?

The other day on the floor, I asked one of the Republican Senators who was talking about the bill being too long, first I said: Have you seen it? Of course he had not because the bill is currently being written. The final bill is not before us. It will be on the Internet for at least 3 days before it is considered on the floor, as it should be, but there is no final bill.

Then I asked him how many pages is the Republican alternative on health care reform. He stumbled a little bit because there is no Republican alternative to health care reform. Speeches, yes, but nothing in writing.

When we went through the HELP Committee and marked up the bill—one of the bills that is part of the package being considered—there were 150 Republican amendments that were accepted. You would think that after 150 Republican amendments were accepted out of about 500, perhaps one Republican Senator would vote to move the bill forward. Not a single one, not one in the HELP Committee would vote to move it forward.

It is unfortunate, but I think Majority Leader REID is right. There appears to be, by most Republican Senators, a strategy to delay this as long as possible and to oppose all change. I don't know if you can build a political party on that. I certainly don't believe you can build a nation on that. And you certainly cannot address the concerns that people express to us every day about the current cost of health care and the need for us to have health insurance we can trust and the need to bring more and more people into health insurance coverage.

The bill before us, that we will vote on at 5 o'clock today, is about unemployment compensation. It is a record-breaking bill. And you know why? Because it has taken us almost 4 weeks by Wednesday to bring up the extension of unemployment compensation benefits. The reason it breaks a record is that historically this was never a debatable item. People said: Of course, we

are going to help people who are unemployed on a bipartisan basis, give them a helping hand in a tough economy. Now we are facing an economy with millions of people unemployed and, unfortunately, the Republicans have delayed us for 4 weeks to bring this matter up.

While they have delayed us, thousands of people have lost their unemployment benefits. They are in my office, sending e-mails talking about this, spelling out what it means when you don't have a job, you don't have health insurance, you are struggling to pay the rent or the mortgage payment, trying to pick up some skills to find a new job and the checks end.

We want to extend those unemployment benefits because there are six unemployed Americans for every available job. Even people who are working the hardest to find new jobs are having a tough time. But for 4 weeks, the Republicans have stopped us. And why? They want to offer amendments that have nothing to do with unemployment compensation.

One of the amendments the Senator from Louisiana wants to once again debate is about an organization called ACORN. ACORN has not been in business in Illinois for a long time. It is an organization that is controversial in some sectors. In fact, it has led to four or five votes already on the Senate floor. This Senator has said he wants to hold up the extension of unemployment benefits for thousands of Americans so he can debate again another effort to criticize ACORN.

I suppose it is an important speech to him but not as important as that unemployment check is to thousands of people in Louisiana and Illinois who don't receive it because he and others on his side of the aisle have held up this bill for no good reason.

We have work to do. We need to create a safety net for those who have lost their jobs. We need to push forward on the President's recovery and reinvestment program that is creating jobs to put people back to work, and we need to sit together—I hope—come together and find a way to expand the number of jobs in this economy. We cannot do it if it takes 4 weeks for us to provide an unemployment check for someone in my home State who has been out of work for a year and is desperate to keep his family together.

That is the reality of what this issue is all about, the reality of the strategy of the party on the other side of the aisle. Whether it is unemployment benefits or health care reform, they believe if they delay long enough, somehow the clock will run out, the calendar will end, and we will do nothing. We cannot do that.

For the unemployed people in this economy, for those counting on us for real health care reform, we must do better. I urge my colleagues—I hope—

on the other side of the aisle—a few of them—to step forward and say this is an issue that goes way beyond politics. I hope they join us in providing unemployment benefits long overdue.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent to proceed in morning business for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, survey after survey shows that most Americans like their health plan, but they believe it costs too much. That is why I am concerned that at a time when the American people are asking for lower health care costs, the trillion-dollar bills the Democrats are trying to ram through Congress actually increase the cost of health care.

You heard me correctly. The majority of both Houses is actually proposing to spend \$1 trillion of taxpayer funds on proposals that will cause an increase in health care for all Americans. That is not the kind of reform Americans want.

Back home we call that a pig in a poke. The only way to sell a pig in a poke is to hide from Americans what their tax dollars are buying. That is why, despite the President's promise of transparency, the majority in charge of Congress and in charge of the Senate is working behind closed doors on a complicated, probably 1,000-plus-page bill that will lead to a massive government takeover of health care.

The assistant majority leader is correct; we have not seen a bill. It has been done in secret. Just wait; sometime we will see it. But we heard some facts that we think are very important.

First, the nonpartisan Congressional Budget Office, headed by a Democratic appointee, Doug Elmendorf, has said that the majority's government-run health plans will actually raise insurance premiums.

Despite the pig in a poke the majority is trying to sell to the American people, these independent experts have said that the government-run option being proposed will have higher premiums than private plans. There is another analysis that shows that the cost the government would impose would increase the cost of the premiums on private health care plans, particularly if they continue to propose to impose taxes on the health insurers. That is going to be shuffled off on every health care provider, every person holding private insurance.

When has government ever lowered the cost of anything? We know these bills will raise taxes on families and small businesses. We also know these bills would cut Medicare for seniors, up to one-half trillion dollars, leaving our seniors with fewer health care options. The majority is not even denying these

charges. They are hoping no one is paying attention. Also what the majority does not want you to know is under these health care bills, government bureaucrats will have control over decisions that only you and your doctor should have. These are startling conclusions, but that is why Missourians are rightly concerned about the direction we are headed. Missourians and the people across this country don't want the same kind of denial, delay, and rationing that is common in countries with government-driven health care.

Americans are also concerned with the high price our children and grandchildren will pay for these health care schemes. My constituents are asking why, in the midst of a recession, when unemployment is 10 percent, why, when Americans are already saddled with massive Federal debt, the majority isn't listening to their concerns as they move ahead with a costly vast expansion of government that increases rather than lowers the cost of their health care.

Also, I have heard concern about gimmicks that are being used to claim the bill is deficit neutral, such as collecting all the taxes and fees long before the plan takes effect and has to be paid for. It is a grand scheme, but no one outside of Washington actually believes a \$1 trillion health care bill will do anything but increase costs and pile more debt on our kids and grandkids. In fact, experts have confirmed there would be shortfalls outside the 10-year budget window. It is another smoke and mirrors trick to disguise the fact we are heaping massive debt on future generations.

Sadly, this proposed \$1 trillion government takeover is just the latest in a string of efforts to expand the government at the cost of our children and grandchildren's fiscal future. Already this year the administration and the majority in Congress have spent \$1 trillion on the misnamed stimulus bill, adopted a budget that will double the debt in 5 years and triple it in 10, proposed a \$3.6 trillion new gasoline tax, and other massive takeovers of various companies and industries.

Mr. President, I think we are all in agreement that health care costs too much, there are too many uninsured, and we need reform. But the question is, What does real reform look like? To date, we have seen two vastly different philosophies. For my colleagues on the other side of the aisle reform means a vast expansion of government costing more than \$1 trillion that will increase health care costs, raise taxes, and cut Medicare benefits that are needed to pay for the services our seniors will get. Under this kind of reform, Americans will end up paying more for less.

Our view on this side of the aisle—as the majority leader has already said—is reform must be commonsense solutions focused on lowering health care

costs for families and small business. We are offering solutions that increase access and improve patient care as well. Contrary to what has just been said on the Senate floor, we support tax equity for all families, allowing small businesses to form their own associations to purchase across State lines, and end the waste of the \$120 billion annually spent for malpractice insurance and the defensive medicine it causes.

We don't need an overhaul of health care to give the American people what they want. What is needed is for Democrats to stop ignoring the American people and start working on a bipartisan basis—which they have not done so far—on real reforms that can make a difference, reforms that will lower costs, increase access, and improve patient care. That is what Americans want and that is where our focus should be, and we hope the Democrats will join us.

Mr. President, another example where Americans are in a position where we are going to be seeing a major expansion of government indebtedness and exposure of our tax burden is the measure that is probably going to be adopted today to continue and expand the home buyer tax credit provision.

Let me begin by pointing out that I originally supported the creation and the first extension of the home buyer tax credit. Unfortunately, these days it seems as if the fastest way to make something permanent is to have Congress legislate a temporary program.

As a longtime housing advocate, I believe a temporary credit, combined with other tools, such as housing counseling and refinancing efforts by State financing housing agencies, would help in the stabilization and recovery of the market.

Like many of my colleagues, I believed it was critical to address the housing market that was at the root of the housing crisis and led to our recession. However, the housing crisis has evolved from a crisis caused by loose lending through risky subprime loans to a crisis where job loss has become the primary cause of foreclosures and delinquencies. But for several reasons, I strongly believe the home buyer tax credit must end—primarily the disturbing news about fraud in the program and the high cost to taxpayers.

Before voting for another extension, I hope my colleagues ask themselves, based on its track record, whether the home buyer tax credit is an effective tool in helping the housing market. It is clear to me the answer is not due to its high cost and its vulnerability to fraud.

News about the real cost to taxpayers is alarming. In reality, this \$8,000 home buyer tax credit costs the taxpayers at least \$43,000 per new home sale using the most generous assump-

tions. According to the Brookings Institution, the vast majority of home buyers who used the credit would have bought a home without it, and at best the credit simply brought forward home sales that would have occurred in the future. Brookings estimates only 15 percent of the sales were attributable to the credit.

If we used Goldman Sachs's less generous estimate that far fewer sales were directly caused by the credit, the cost to taxpayers rises to \$80,000 per new sale of homes. For the vast majority of cases, the home buyer tax credit amounted to a free gift since it did not affect their decision to purchase.

As described in a September 19 editorial this year in the Washington Post, the tax credit simply moved around the demand to purchase homes from future to present and from other consumers and other sectors to home buyers and homes. For the small minority of buyers whose decision was directly caused by this credit, this raises the question of whether we are subsidizing buyers who may not have been able to afford buying a home in the first place.

In the face of these figures, it seems obvious the home buyer tax credit is a terribly inefficient, irresponsible, and poor use of scarce taxpayer resources. The expansion of the home buyer tax credit, if it continues only to affect one in five new home purchases with the new higher limits, will significantly increase the cost of exposure of the American public to the costs of these credits and to the risk.

Even worse than the inefficient use of tax dollars is the misuse of funds. With the lack of oversight and uncovered fraud in this program, extending the credit could result in throwing away billions of taxpayer dollars. The evidence of fraud in the program was reported by the Treasury Inspector General for Tax Administration. According to him, the IRS is investigating more than 100,000 suspicious and potentially fraudulent claims involving tax credits. In addition, the IRS and Federal law enforcement agencies are investigating 167 criminal schemes involving the credit.

Further, the Inspector General uncovered hundreds of cases where children—some as young as 4 years old—and illegal immigrants claimed the credit. Even more disturbing, the IG found that IRS employees themselves were illegally using the credit. It sounds to me as though we have the fox guarding the hen house. It is, therefore, not surprising that one low-income tax aide recently testified before a congressional panel that the abuse of the tax credit appeared to be widespread.

Legislative changes are being included to address this fraud. Thank you. I appreciate the efforts. But it is unrealistic to believe they will be suc-

cessful due to the longstanding management and oversight challenges of the IRS and the rampant fraud in the marketplace.

My colleagues on the Finance, Appropriations, and Homeland Security and Government Affairs Committees are very familiar with the IRS tax administration shortcomings that have been well documented by the Inspector General and the GAO. When I chaired the Treasury, Transportation, HUD, and Related Agencies Appropriations Subcommittee, I became familiar with the IRS administration tax challenges. I am also familiar with other housing fraud cases because I have been working with the FHA for too many years.

As I learned, waste, fraud, and abuse cannot be stopped no matter how many "thou shalt nots" are included in the legislation.

In the case of the home buyer tax credit, it is nearly impossible to stop fraud when those who are supposed to prevent fraud are actually committing fraud at the IRS. With the FBI reporting that mortgage fraud is at a level even higher during the subprime boom, we are kidding ourselves if we think we can prevent more fraud and more taxpayer losses.

The most effective means of preventing fraud is simply not to extend the credit. That was the approach taken by Congress to finally stop the waste, fraud, and abuse of the so-called FHA seller no-downpayment program.

Finally, and most troubling, is that we are going down the same path that led us to the subprime crisis. The previous two administrations tried to prop up home prices through government incentives and programs similar to the tax credit, which contributed to the housing bubble. No-downpayment sales led to the explosion of foreclosures.

If a family doesn't have the dollars for a downpayment, they often cannot cover the unexpected but sure to occur unforeseen costs of owning a home. No downpayment has meant for too many people the American dream turning into the American nightmare.

Are we going down the same road with the home buyer tax credit? Are the credits being monetized to cover for an inability of the purchaser to come up with the downpayment?

Lastly, does anyone remember President Clinton's 1995 National Homeownership Strategy in which he charged HUD to work with leaders in government and the housing industry to increase home ownership? Have we forgotten President Bush's 2002 America's Homeownership Challenge and the 2004 Ownership Society Initiative to work with the real estate and mortgage finance industries to help boost the home ownership rates of minorities with the goal of increasing the number of minority homeowners?

All of these are extremely noble objectives. I agree with the objectives.

But how did the government actually encourage home ownership? The government used a number and variety of tools, such as tax incentives and easy access to financing for borrowers through entities such as Fannie Mae, Freddie Mac, and the FHA.

The Tax Code already provides generous incentives to encourage home ownership through mortgage interest deduction, property tax deduction, and capital gains tax exclusion. The Joint Committee on Taxation estimates that for 2008 these tax incentives totaled just over \$108 billion.

Through the implicit backing of the Federal Government and its own tax advantages, Fannie Mae and Freddie Mac were to boost home ownership by improving access to credit for borrowers. For low-income borrowers, the government pushed Fannie and Freddie to increase its purchases of the riskiest loans, such as alternative A and subprime mortgages—some where they didn't even check to see if the person had an income. The riskiest loans eventually accounted for about 15 percent of Fannie and Freddie's portfolio, which included a significant number of subprime loans originated by lenders such as Countrywide.

Not surprisingly, Countrywide became Fannie Mae's top business partner, accounting for 28 percent of Fannie's loan portfolio in 2007. FHA also was used by the government to encourage home ownership by ensuring loans at virtually no risk to lenders and with little or no downpayment by borrowers.

In other words, nobody who was running up the tab, who was taking on the obligations on the government's credit card, had any skin in the game. With the implosion of the private subprime industry and the credit crunch, the government—through Fannie, Freddie, and FHA—has become the primary source of mortgage funding. The Federal Reserve Bank recently estimated the Federal Government now accounts for 95 percent of the mortgage market. In other words, the Nation's mortgage market has been effectively federalized, and all of the risk is now on the back of the taxpayer.

As with previous housing bubbles, the taxpayer ends up bearing the brunt. Last time I checked, the government didn't do a good job of being a landlord.

I urge my colleagues to read the Congressional Quarterly cover story of July 7, 2008, entitled "FHA Guarantees Not A Panacea." By pushing and subsidizing home ownership, the government has turned the American dream into the American nightmare for homeowners, for neighbors, communities, the global financial system, and taxpayers.

Are we learning from past mistakes or repeating them? Even without the tax credit, government has already

taken unprecedented steps to stabilize the housing sector. The Fed has bought hundreds of billions of dollars' worth of mortgage-backed securities, taken on the debts of Fannie and Freddie, replaced the private subprime lending with the government's version of subprime through the FHA by expanding their business in several ways, such as the enactment of HOPE for Homeowners. Not surprisingly, FHA losses have dramatically increased.

I ask unanimous consent to continue for 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. The damage caused by distorting housing prices cannot be denied. Economics Professor Edward Glaeser of Harvard wrote:

Subsidized lending has encouraged millions of markets to leverage themselves wildly to bet on the housing market.

Betting taxpayer funds is a bad bet. Why are we continuing these debt-fueled policies? Why do we keep using taxpayer dollars to distort and manipulate the market? What is our exit strategy from a massive Federal Government takeover of housing?

Josh Rosner, a managing director of Graham Fisher, said:

We've created a society where we love the term home ownership, yet we can't allow people to understand that they are being taken advantage of.

I ask unanimous consent to have the Washington Post editorial of September 19 and articles by Professor Glaeser printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 19, 2009]

EXTRA CREDIT

It's time for Congress to cancel a temporary tax subsidy for homebuyers.

For the Nation's troubled housing market, things are looking tentatively but undeniably better. New-home sales, though still well below where they were a year previously, rose at a nearly 10 percent monthly rate in July. The median home price ticked up in 15 of 20 metropolitan areas in June, according to the S&P/Case-Shiller Home Price Index. This is important good news for the economy, because it promises an end to the foreclosure wave that has rippled across the country and because even families not threatened by foreclosure tend to trim their spending in times of declining home equity.

This fragile stability has been achieved through colossal government intervention in the housing sector. To hold down mortgage rates, the Federal Reserve has bought hundreds of billions of dollars worth of mortgage-backed securities on its way to a promised total of \$1.25 trillion. The Treasury has taken on the debts and operational losses of Fannie Mae and Freddie Mac, which own or guarantee a combined \$5.4 trillion in mortgages. The Federal Housing Administration, designed to insure mortgages for a relatively few low-income buyers, backed 40 percent of all new home loans (together with other agencies) in August, according to the Mortgage Bankers Association. Yet its losses

have mounted: An audit shows that FHA reserves are about to fall below the legal minimum, which is 2 percent of the value of all loans guaranteed by the agency. In short, the very real risk of homeowner default is now more concentrated than ever before in the government's hands. That is perhaps necessary in an emergency, but certainly undesirable in the long run.

The housing market has also benefited from its own version of the "Cash for Clunkers" program, which Congress created for autos. As part of the February stimulus bill, Congress created an \$8,000 tax credit for individual first-time homebuyers who make less than \$75,000, or couples who make less than \$150,000; it expires in November. This was an expansion of a slightly less generous "temporary" credit Congress had adopted in 2008. The National Association of Realtors says that the policy generated 350,000 home sales this year. And, not surprisingly, the real estate industry and its supporters on Capitol Hill are calling for an extension of the \$8,000 credit to save the incipient housing recovery. Sen. Johnny Isakson (R-Ga.) wants to make it \$15,000.

The credit probably did stimulate home sales, just as Cash for Clunkers gave auto dealers a shot in the arm this summer. But, like Cash for Clunkers, the housing credit does not magically generate demand. It moves demand around—from the future to the present, and from other consumers, and other sectors, to homebuyers and homes. These "results" don't come for free. Cash for Clunkers added \$4 billion to the federal deficit, and the housing tax credit is on track to add \$15 billion.

Congress should end this program while it still can. With hundreds of billions of dollars in support from the Fed, the Treasury and the FHA still in place, the housing market can survive without it. Indeed, the looming problem for the U.S. economy is how to wean housing off its dependence on federal backing. That job will be hard enough without adding yet another not-so-temporary subsidy to the list.

[From the Boston Globe, Nov. 2, 2008]

THIS OLD HOUSE POLICY

(By Edward Glaeser)

At the heart of this fall's historic financial crisis lies a steep, nationwide fall in the price of homes. After a wild, bubble-like boom, housing prices have fallen more than 30 percent in some areas, wiping away the wealth of ordinary Americans and bringing some of the nation's biggest financial institutions to the point of insolvency.

For many pundits and politicians, the solution is clear: find some way to keep the price of houses high, whether through new government-subsidized loans or by buying up troubled mortgages. Keeping house prices up has an obvious appeal to home-owning voters. The banking system would certainly benefit if new subsidies actually did shore up the assets that lie at the center of the crisis.

But despite its popular appeal, the notion that the government should try to prop up housing prices with more mortgage subsidies is a mistake. On a practical level, even a huge expenditure of taxpayer money is unlikely to have a meaningful effect on the price of homes. And to the extent that it did work, artificially high house prices will only encourage more new homes to be built, adding to the glut and making the crisis worse.

In a larger sense, the problem lies in the very idea that the government should spend money to keep house prices high—the legacy of an expensive national housing policy that has long outlived its purpose.

Today, there is no more case for artificially boosting housing prices than there is for artificially inflating the price of tea or T-shirts. We need to start treating housing markets not as some sort of ephemeral part of the American dream, but with the same rigorous logic that is used to think about markets for oil or software or orange juice. The goal of housing policy should be not to make prices higher, but to make homes more affordable—and, in so doing, to give people the opportunity to choose housing that fits their needs.

A better response to this crisis would be to define sensible housing goals and to find policies that will actually help us meet them. Rather than increasing the subsidies for borrowing, the government would do better to offer a small, targeted tax benefit to first-time home buyers. Instead of large-scale incentives that divert billions of dollars toward wealthy Americans who borrow to buy bigger homes, we should make housing more affordable by reducing the barriers to building more housing where it's needed.

Housing is special. It is not just a commodity or an investment, but a basic human need. Our homes are the stages on which much of our lives play out. For most Americans, homes are also the primary form of savings, which means that the government has a strong interest in not paying to fuel the borrowing that helped spur this painful boom-bust cycle in the first place.

For 75 years, through both Democratic and Republican administrations, the federal government has aimed to increase homeownership by making it easier for people to borrow money to buy a house. The roots of this approach lie in the New Deal, when the government wanted to boost employment in the construction industry. The public commitment to subsidized lending increased in the Housing Act of 1949, which embraced the objective of "a decent home and a suitable living environment for every American family."

To achieve its goals, the government established Fannie Mae and Freddie Mac, which created a fluid mortgage market by guaranteeing mortgages against default. On an even larger scale, the government provides an immense annual subsidy to mortgage holders in the form of the home mortgage interest deduction—a tremendous tax advantage enjoyed by anyone who borrows money to buy a house and earns enough to make itemization worthwhile. The more you borrow, the more you save in taxes.

These policies helped create a multitrillion-dollar home-lending market, which has helped bring about remarkable improvements in American housing. In 1940, almost 45 percent of American homes lacked complete indoor plumbing. More than 20 percent of homes had more than one person per room. By 1980, less than 3 percent of homes lacked plumbing and less than 5 percent had more than one person per room. Today, the average American has close to 1,000 square feet of living space, more than twice the norm in France or England or Germany. Much of that improvement was driven by rising American incomes rather than government policy. Still, by those measures, federal housing policy at least looks like a success.

But the public subsidy of credit markets has also had a dark side. The tax subsidy does modestly encourage homeownership. But it specifically encourages borrowing to invest in expensive homes, which are risky assets that can crash as well as boom. We had housing bubbles long before the federal

government got into the subsidy business, but encouraging homeowners to buy with borrowed money certainly did nothing to moderate extreme price swings.

The past eight years, in which housing prices first doubled and then collapsed, deserve a place in the annals of market mania. In states like Massachusetts, where housing supply is limited, borrowing has kept prices high, which benefits existing homeowners but counterproductively makes homeownership more difficult for ordinary Americans. In states like Nevada, with few regulations and wide-open spaces to build, these policies encourage further construction of more and bigger homes. In the 1940s, it may have made sense to encourage Americans to house their children in larger and better houses. But today, we are essentially spending federal money to encourage people to live in 3,000-square-foot houses instead of 2,500-square-foot houses.

In the midst of the crisis, it's understandable that some economists would think that the right response is to try to keep housing prices up by jacking up the federal subsidy for borrowing. Their logic is that lower mortgage rates will energize home buyers and cause housing prices to rise again. This kind of policy—bolstering prices by subsidizing borrowing—is like catnip to politicians, since most American voters are homeowners who would like to see prices go up.

But trying to boost house prices through looser lending is likely to be expensive, ineffective, and create a number of unattractive side effects. Even a massive and expensive government intervention is likely to do no more than prop up house prices by 5 percent—a difference almost imperceptible to the people who need it most, those who have seen their house values drop by 30 percent.

Lending subsidies are likely to be particularly ineffective in the areas that have had the biggest boom-bust cycles, like Las Vegas and Phoenix. In these places, there are neither natural nor man-made limits on building, and, as a result, house prices in these areas stayed close to the cost of construction until 2003. Between 2003 and 2006, these areas experienced a brief, wild price boom. Today, prices in these areas are headed down toward construction costs again. If a housing subsidy did manage to keep prices higher for a time, this would only encourage more overbuilding and a larger housing glut.

Any new subsidy would only increase the cost of our current system, which is already immensely expensive. We still don't know how much restructuring Fannie Mae and Freddie Mac will cost. The mortgage-interest subsidy was estimated to cost the government \$74 billion in 2007 alone. Most of that money benefits people with the largest mortgages. The current system, in other words, allocates vast amounts of money to help well-off people bid up the prices of even better-off people's homes.

Instead of continuing the debt-fueled policies that got us where we are, why not rethink our approach to the housing market?

Our current policy takes homeownership itself to be a public good. Our leaders seem to like homeowners. Thomas Jefferson lauded yeoman farmers and George W. Bush admires the ownership society. Homeowners are indeed more likely to vote in local elections or know the name of their congressman; they are also more likely to garden, and own guns.

Yet homeownership is not for everyone. As recent events well illustrate, owning a home comes with large risks, especially for people who aren't planning on living in the same

place for a long time. For people who live in multifamily dwellings, the administrative costs of renting can be much lower than dealing with the difficulties of collective ownership. Renting creates more flexibility for people in America's highly mobile workforce. A far more sensible approach to housing would view homeownership as one possible housing option, not a primary public goal.

And even if, as a society, America decides that the social benefits of homeownership are sufficiently strong that ownership should be encouraged, there are much cheaper and more effective ways of doing that than by encouraging people to borrow more money.

For instance, the home mortgage interest deduction could be reduced or even eliminated. Most people who are on the margin between renting and owning have relatively lower incomes. Yet the home mortgage interest deduction targets its benefits to the richest people, who buy the biggest homes. A small targeted subsidy for first-time buyers could encourage homeownership just as effectively as the current system, without encouraging people to borrow vast amounts or to buy larger homes. (Reducing the home mortgage interest deduction doesn't mean that taxes need to go up—we could take the \$75 billion that it costs and use that money to reduce other taxes.)

Instead of spending federal money to encourage borrowing and keep prices high, it would make more sense to make housing more affordable by eliminating the artificial restrictions that stymie supply. In other areas of the economy, the government protects consumers by eliminating monopolies and other barriers to competition; our nation's commitment to free markets and free trade reflects our faith that ordinary Americans win when the price of clothing is brought down by imports from China, or when retailers and manufacturers face fewer unnecessary regulations.

In the housing market, prices are artificially inflated by barriers to building new housing in many communities. In dense states like Massachusetts, prices have been kept high by localities that oppose new construction, with large minimum lot sizes, Draconian barriers to subdivisions, and a general hostility to any multifamily housing. If those rules were eased, then housing would become more abundant and affordable.

Today, in the depths of the crisis, it's easy to think that the quickest solution is to keep house prices from falling any further. Certainly, we shouldn't feed the financial panic by deliberately pushing housing prices downward in the midst of a price collapse. But it also doesn't make sense to try to stop the natural return of housing prices to their long-run levels—and to do so for reasons that no longer suit America's housing needs.

Subsidized lending has encouraged millions of Americans to leverage themselves wildly to bet on the housing market. All that betting helped to create the bubble that has now popped. Lending more cheap money would be like a gambler doubling down and hoping for a win next time.

Not everyone needs to be a homeowner. Not everyone needs to live in a McMansion. There's no single solution to the puzzle of housing policy, but one thing is clear: it should be based on good economics, not on an attachment to homeownership, the political appeal of helping homeowners, or the sentimental view that the American dream means owning a big house.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, once again this weekend I got an earful when I went home and heard from my constituents. Arizonians have told me repeatedly they don't want government-run insurance and they deserve to have their concerns taken seriously. The Democratic leaders in both Chambers of Congress have decided to include government-run insurance, the so-called public option, in their healthcare bills anyway.

Supporters of government-run insurance say it would be one choice of many and that it would promote competition. In reality, the government-run insurance would soon be the only option. Its artificially low prices, government backing, and ability to run at a huge loss would quickly put private insurers out of business, forcing millions of Americans onto the government-run plan.

That is why the Lewin Group estimates that 88 million Americans with employer-sponsored insurance would wind up on the government-run plan. The Lewin Group is a well respected firm that consults in the area of health care.

It concludes that once the architecture for a huge government-run plan is in place, future Congresses need only take small steps to get to a single-payer system.

We have seen what happens in countries with government-run health care—rationing, delays, and denials. No country, not even the most prosperous on Earth, has unlimited resources to spend on health care. So when a government takes over health care—as it has in countries such as Britain, Canada, and many European countries—care ends up being rationed. People in Canada and the United Kingdom routinely wait months for procedures Americans can get in a matter of days, if not hours. The stories you hear about monthly, in fact years-long, waiting lists are not cherry-picked scare stories. They are commonplace. Patients often wait in pain for an MRI or a hip replacement or dental care.

According to a study by the Fraser Institute, which is a Canadian-based think tank, the average wait time for treatment from a specialist is 18.3 weeks in Canada.

The \$1.055 trillion Pelosi health care bill unveiled last week sets us on course to experience that kind of government rationing. Under the Pelosi plan, a new health care choices commissioner—by the way, that sounds a little Orwellian to me—will decide what counts as essential benefits for Americans. Simply put, Washington bureaucrats at 111 new Federal boards, commissions, and programs will dictate your health insurance.

The Government will order all insurance plans to offer a one-size-fits-all benefits package, and the same array of plan options. Rather than having the

freedom to compete, insurers would in essence become prepaid health utilities.

The new Federal mandates and requirements will quickly raise health care costs. In fact, the nonpartisan Congressional Budget Office, the Joint Committee on Taxation, the Chief Actuary at the Department of Health and Human Services, and other independent actuaries all agree: The Democrats' plan will drive up premiums and overall health care spending faster than in the absence of such so-called reforms.

As premiums rise, politicians will search for ways to control spiraling costs without relinquishing their control. The most obvious path would be more tax increases and payment cuts for doctors and hospitals, but when those options are exhausted—and they will be—the government's only remaining cost containment tool is to control how much health care everyone receives; that is, to ration care.

The Pelosi bill shows Democratic leaders have not listened to the American people at all. Americans have been clear. They do not want a government takeover of health care. Americans want high-quality health care that is more affordable. Instead, they are getting a 2000-page, \$1.055 trillion bill that leads to a near Washington takeover of health care with rationing and increased premiums and new taxes along the way.

Republicans will insist on protection for our constituents from the harmful effects of this bill. We believe Americans have rights in this process. We want to see commonsense reforms that empower patients and families, not government bureaucrats.

I ask unanimous consent that an editorial in the Wall Street Journal, dated November 1, called "The Worst Bill Ever" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Nov. 1, 2009]

THE WORST BILL EVER

Speaker Nancy Pelosi has reportedly told fellow Democrats that she's prepared to lose seats in 2010 if that's what it takes to pass ObamaCare, and little wonder. The health bill she unwrapped last Thursday, which President Obama hailed as a "critical milestone," may well be the worst piece of post-New Deal legislation ever introduced.

In a rational political world, this 1,990-page runaway train would have been derailed months ago. With spending and debt already at record peacetime levels, the bill creates a new and probably unrepealable middle-class entitlement that is designed to expand over time. Taxes will need to rise precipitously, even as ObamaCare so dramatically expands government control of health care that eventually all medicine will be rationed via politics.

Yet at this point, Democrats have dumped any pretense of genuine bipartisan "reform" and moved into the realm of pure power politics as they race against the unpopularity of

their own agenda. The goal is to ram through whatever income-redistribution scheme they can claim to be "universal coverage." The result will be destructive on every level—for the health-care system, for the country's fiscal condition, and ultimately for American freedom and prosperity.

The spending surge. The Congressional Budget Office figures the House program will cost \$1.055 trillion over a decade, which while far above the \$829 billion net cost that Mrs. Pelosi fed to credulous reporters is still a low-ball estimate. Most of the money goes into government-run "exchanges" where people earning between 150% and 400% of the poverty level—that is, up to about \$96,000 for a family of four in 2016—could buy coverage at heavily subsidized rates, tied to income. The government would pay for 93% of insurance costs for a family making \$42,000, 72% for another making \$78,000, and so forth.

At least at first, these benefits would be offered only to those whose employers don't provide insurance or work for small businesses with 100 or fewer workers. The taxpayer costs would be far higher if not for this "firewall"—which is sure to cave in when people see the deal their neighbors are getting on "free" health care. Mrs. Pelosi knows this, like everyone else in Washington.

Even so, the House disguises hundreds of billions of dollars in additional costs with budget gimmicks. It "pays for" about six years of program with a decade of revenue, with the heaviest costs concentrated in the second five years. The House also pretends Medicare payments to doctors will be cut by 21.5% next year and deeper after that, "saving" about \$250 billion. ObamaCare will be lucky to cost under \$2 trillion over 10 years; it will grow more after that.

Expanding Medicaid, gutting private Medicare. All this is particularly reckless given the unfunded liabilities of Medicare—now north of \$37 trillion over 75 years. Mrs. Pelosi wants to steal \$426 billion from future Medicare spending to "pay for" universal coverage. While Medicare's price controls on doctors and hospitals are certain to be tightened, the only cut that is a sure thing in practice is gutting Medicare Advantage to the tune of \$170 billion. Democrats loathe this program because it gives one of out five seniors private insurance options.

As for Medicaid, the House will expand eligibility to everyone below 150% of the poverty level, meaning that some 15 million new people will be added to the rolls as private insurance gets crowded out at a cost of \$425 billion. A decade from now more than a quarter of the population will be on a program originally intended for poor women, children and the disabled.

Even though the House will assume 91% of the "matching rate" for this joint state-federal program—up from today's 57%—governors would still be forced to take on \$34 billion in new burdens when budgets from Albany to Sacramento are in fiscal collapse. Washington's budget will collapse too, if anything like the House bill passes.

European levels of taxation. All told, the House favors \$572 billion in new taxes, mostly by imposing a 5.4-percentage-point "surcharge" on joint filers earning over \$1 million, \$500,000 for singles. This tax will raise the top marginal rate to 45% in 2011 from 39.6% when the Bush tax cuts expire—not counting state income taxes and the phase-out of certain deductions and exemptions. The burden will mostly fall on the small businesses that have organized as Subchapter S or limited liability corporations,

since the truly wealthy won't have any difficulty sheltering their incomes.

This surtax could hit ever more earners because, like the alternative minimum tax, it isn't indexed for inflation. Yet it still won't be nearly enough. Even if Congress had confiscated 100% of the taxable income of people earning over \$500,000 in the boom year of 2006, it would have only raised \$1.3 trillion. When Democrats end up soaking the middle class, perhaps via the European-style value-added tax that Mrs. Pelosi has endorsed, they'll claim the deficits that they created made them do it.

Under another new tax, businesses would have to surrender 8% of their payroll to government if they don't offer insurance or pay at least 72.5% of their workers' premiums, which eat into wages. Such "play or pay" taxes always become "pay or pay" and will rise over time, with severe consequences for hiring, job creation and ultimately growth. While the U.S. already has one of the highest corporate income tax rates in the world, Democrats are on the way to creating a high structural unemployment rate, much as Europe has done by expanding its welfare states.

Meanwhile, a tax equal to 2.5% of adjusted gross income will also be imposed on some 18 million people who CBO expects still won't buy insurance in 2019. Democrats could make this penalty even higher, but that is politically unacceptable, or they could make the subsidies even higher, but that would expose the (already ludicrous) illusion that ObamaCare will reduce the deficit.

The insurance takeover. A new "health choices commissioner" will decide what counts as "essential benefits," which all insurers will have to offer as first-dollar coverage. Private insurers will also be told how much they are allowed to charge even as they will have to offer coverage at virtually the same price to anyone who applies, regardless of health status or medical history.

The cost of insurance, naturally, will skyrocket. The insurer WellPoint estimates based on its own market data that some premiums in the individual market will triple under these new burdens. The same is likely to prove true for the employer-sponsored plans that provide private coverage to about 177 million people today. Over time, the new mandates will apply to all contracts, including for the large businesses currently given a safe harbor from bureaucratic tampering under a 1974 law called Erisa.

The political incentive will always be for government to expand benefits and reduce cost-sharing, trampling any chance of giving individuals financial incentives to economize on care. Essentially, all insurers will become government contractors, in the business of fulfilling political demands: There will be no such thing as "private" health insurance.

All of this is intentional, even if it isn't explicitly acknowledged. The overriding liberal ambition is to finish the work began decades ago as the Great Society of converting health care into a government responsibility. Mr. Obama's own Medicare actuaries estimate that the federal share of U.S. health dollars will quickly climb beyond 60% from 46% today. One reason Mrs. Pelosi has fought so ferociously against her own Blue Dog colleagues to include at least a scaled-back "public option" entitlement program is so that the architecture is in place for future Congresses to expand this share even further.

As Congress's balance sheet drowns in trillions of dollars in new obligations, the political system will have no choice but to start making cost-minded decisions about which

treatments patients are allowed to receive. Democrats can't regulate their way out of the reality that we live in a world of finite resources and infinite wants. Once health care is nationalized, or mostly nationalized, medical rationing is inevitable—especially for the innovative high-cost technologies and drugs that are the future of medicine.

Mr. Obama rode into office on a wave of "change," but we doubt most voters realized that the change Democrats had in mind was making health care even more expensive and rigid than the status quo. Critics will say we are exaggerating, but we believe it is no stretch to say that Mrs. Pelosi's handiwork ranks with the Smoot-Hawley tariff and FDR's National Industrial Recovery Act as among the worst bills Congress has ever seriously contemplated.

Mr. KYL. Let me quote four sentences from this editorial.

In a rational political world, this 1,990-page runaway train would have been derailed months ago. With spending and debt already at record peacetime levels, the bill creates a new and probably unrepealable middle-class entitlement that is designed to expand over time. Taxes will need to rise precipitously, even as ObamaCare so dramatically expands government control of health care that eventually all medicine will be rationed via politics.

The editorial goes on to say:

The result will be destructive on every level—for the health-care system, for the country's fiscal condition, and ultimately for American freedom and prosperity.

The editorial goes on to detail the myriad of ways this is true. I believe the conclusion is correct and mirrors the comments I made at the beginning here.

The final thing I wish to do is to comment on a letter which Republicans wrote to the majority leader and the response which we received. Out of fairness to the majority leader, I ask unanimous consent that at the conclusion of my remarks, his letter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. Mr. President, what we wrote was to ask him if he would be willing to share with us the bill that the media reported he had sent to the Congressional Budget Office to have scored. That is congressional talk for to have the cost facts, costs of and savings from the bill, or taxes generated by the legislation provided to us. Every bill that comes to the Senate floor has to be scored. The news had reported that the majority leader had sent a bill to CBO to be scored.

He held a press conference in which he talked about the government option or government-run health care part of that, what I spoke about earlier. But what the majority leader said in this letter is that there is no bill. He talked about the part he had referred to the CBO, relating to the so-called public option, but he then said that is all he had sent to them, and I will quote his conclusion here: "In other words, there

is no bill to release publicly—it does not exist."

Apparently there is no bill yet from the majority leader, only this concept of a public option which he has presented to CBO to be scored. He then concluded by asking where the "comprehensive Republican alternative is," and he said he would like to get a copy of that.

This is something Republicans have been saying for months now. You are not going to see the same size bill out of Republicans you have seen out of the Democratic majority. You are not going to see a 2,000-page bill. I exaggerate by 10 pages; I am sorry, it is 1,990 pages. We are not going to propose a comprehensive reform of the entire health care system and insurance industry as the Pelosi bill has done. Nor are you going to see an over-a-thousand-page bill such as the bills that came out of the Senate committees. You are not going to see \$1 trillion come out of Republicans. We do not believe that is the way to deal with the discrete problems that exist in our system.

Yes, we have problems. Those problems have specific solutions. But they do not have to cost \$1 trillion or consume 2,000 pages of text and take over our health care system. That is the whole point of the debate. You have two different philosophies: one which says we have to do it in a comprehensive way that takes over everything we currently have; the other says, no, we don't have to do that, that is too much taxes, too much loss of freedom, an increase in premiums, too much government control, and too much debt. We don't need to do that. What we need to do is focus on the specific problems and solve them.

We have talked repeatedly about the ideas we have to do that. You can save maybe \$100 billion to \$200 billion a year in unnecessary health care expenditures that result from the practice of defensive medicine. That is, medical malpractice reform could save that much money without costing a dime.

You could also provide for more competition among the insurance companies—not through a government-run insurance company but allowing them to compete with each other across State lines, by allowing small businesses and others to join together and expand their risk pools into something called association health plans, so they would have more bargaining power when they negotiate with the insurance companies, as big business does, and a variety of other things.

My point is the Republican solutions to the specific problems are targeted solutions that don't cost a lot of money, don't ration health care, don't take away your freedom, and don't require 2,000 pages to wade through what you are doing.

When the majority leader tries to entice Republicans into sharing with him

our comprehensive bill that is like the Democrat comprehensive bill, my answer to him is I am sorry, Mr. Leader, you are going to be disappointed because that is not our approach, as we have been saying all along. But at the time you have your 1,000-page or 2,000-page bill, whatever it is, obviously we wish to see it.

I think the American people deserve to see it because, as I heard from my constituents this weekend, they are very afraid about what they are hearing. They are hearing about this massive government takeover, massive expense, new taxes, premium increases, increase in the debt, and rationing of health care. They are scared to death and they have a reason to be frightened about this.

As soon as the majority bill is ready, obviously Republicans are going to want to examine it and share it with our constituents. In the meantime, what we have to talk about, I guess, is the bill that will be debated and voted on in the House of Representatives this week, the so-called Pelosi bill which, as I said, the Wall Street Journal has editorialized about today in a way that I think should continue to frighten people. As I said, it is called "The Worst Bill Ever," and after you read the editorial I think you can see the reasons why.

I yield the floor.

EXHIBIT 1

U.S. SENATE,

Washington, DC, November 2, 2009.

DEAR COLLEAGUE: Thank you for your recent letter on health care reform. I agree with you about the importance of ensuring that the Senate debate health care reform in an open and transparent way, and assure you that the process for considering this critical legislation will continue to meet that standard.

As you know, both the HELP and Finance Committees conducted lengthy public mark-ups at which Republican and Democratic Senators offered numerous amendments and proposals by members of both parties were approved. This legislation has been fully available on the Internet for many weeks.

As you also know, we are now working to take these publicly-available provisions and meld them together into a single bill. Apart from my decision to include a public option from which states may opt out, no final decisions have been made—and none can be made until we get more information about how CBO would score different combinations. In other words, there is no bill to release publicly—it does not exist.

Once we receive the necessary information from CBO, we can begin to make decisions about what to include in a merged bill. I assure you that I will make the legislation available to the full Senate and the American people prior to its consideration. There will be ample opportunity to examine and evaluate its provisions. Furthermore, if we are able to overcome your opposition to permitting the Senate to even debate this important legislation, all members will have the opportunity to offer amendments. I have no intention of rushing this process or blocking Senators from offering alternatives.

While the two health care reform plans that are serving as the main building blocks

for the merged bill have been publicly available for quite some time, I would note that the Republican Leadership's health care plan remains a secret, unless perhaps it does not exist.

Needless to say, I fully understand if your plan is still under development, and would not presume to suggest that you publicly share draft legislative text for even an individual element of your plan, let alone an entire bill, before it is finalized.

However, as soon as a comprehensive Republican alternative is complete, I hope you will be willing to immediately make it public. I am sure you agree that the American people deserve the opportunity to fully review both parties' health reform plans before we begin this important debate.

Sincerely,

HARRY REID,

Senate Majority Leader.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska is recognized.

Mr. JOHANNES. Mr. President, as I start out this afternoon, I wish also to speak about health care. If I could, I wish to associate myself with the remarks of the Senator from Arizona. In his comments, I thought Senator KYL hit the nail on the head. What we are looking for and I believe what the American people are looking for in this health care debate is a very thoughtful, step-by-step approach. That is what I hear when I go back home. I suspect other Senators are hearing the same thing.

Today I want to talk about something that I as a former Governor—and I know the Presiding Officer was a former Governor; we were Governors together—have experience with and that is Federal legislation that comes along and it basically says to the States: If you don't like this Federal legislation, you can opt out. I often had that situation when I was Governor. Within the last 2 weeks or so, this idea came to the forefront with the health care debate. All of a sudden, there was this trumpeting going on that there would be a State choice here and that would be kind of a compromise, I think a compromise to bring some reluctant votes over in favor of the bill.

I have to say I am very skeptical of this concept. We have not seen the bill yet here on the Senate side. That is being worked on behind closed doors. I was fascinated to listen to the Senator from Arizona talk about the fact that the majority leader said there is no bill yet. If we are going to start debate here, I hope a bill comes up soon so we have an opportunity to study it. But I think we can look from past experience and maybe get an idea of what this opt-out is going to look like.

No doubt about it, in order for this health care legislation to be able to work at all, billions of dollars are going to have to be collected through taxpayers, be collected all across the country, from all States and their taxpayers. So if a State such as Nebraska

is seriously considering the possibility that it might opt out of this bill, it is going to have to examine what choice is available and is there a choice at all. Does that mean the State of Nebraska will get to opt out of higher premiums?

Does that mean the State of Nebraska will get to opt out of any individual mandates that are a part of the legislation? Does that mean that if the Governor of Nebraska says, We do not want any part of this bill, the Medicare recipients in Nebraska will not have to experience the nearly \$500 billion in Medicare cuts? Does that mean that if the Governor of Nebraska chooses to opt out of this legislation, he literally has the ability to save Nebraska taxpayers from the \$400 billion, or their share of that, that they would pay in taxes for this legislation, or is this going to be like so many other opt-out opportunities that the Federal Government gives to the States, and when you really get down to it, you begin to realize there really is not an opt-out, there really is not a choice; you have all of the burdens of the legislation but, of course, get no benefit.

Further, it appears the legislation—again, I am speculating to some degree, but it appears the legislation would require States to opt out by 2014. Yet it is going to take about 3 or 4 years to get this government plan up and running. So almost at the same time that you are supposed to opt out, we will finally see, in terms of the regulations, what this government plan is going to do to States and taxpayers in those States. I can't see that there is much choice.

You see, today we have the opportunity to opt out of various Federal programs—No Child Left Behind. Nebraska could opt out of the Federal bureaucracy. Why don't they opt out? Why don't other States? Because you really don't have a choice. The burden of the legislation is still going to be there, and by opting out, what you are saying is: I will force the burden upon my taxpayers and we will forego whatever limited benefit is available. So I just say, as we study this, don't be fooled. Opt-out in fact may have more of a downside and I suspect it is going to have more of a downside than any potential for an upside, and therefore that is not a choice.

The other thing I have to tell you is that as I look at this, there really is not an opt-out. I think where we are headed is a first step toward a single-payer, government-type program. Government should not be the sole provider of health insurance. It should not be the sole arbiter of what kind of health care people will get in this country.

What is the track record when there is a government program when it comes to health care? Well, we can look at the track record because there is a lot of it out there. Medicare and

Medicaid would be perfect examples. Studies have been done of Medicare. They are done on a regular basis. If you are a Medicare recipient out there, you have heard about this. Medicare is due to be insolvent in 2017. And I am not talking about a little fix that is necessary here; this is trillions of dollars. That is frightening when you think about it. It is especially frightening when you recognize that the proposal is that about \$450 billion will be pulled out of this program, not to stabilize Medicare, although I would argue that would make a lot of sense in terms of trying to say that any dollars that you can save in Medicare should stay with Medicare. No, that is not what is happening at all. You see, what is happening is that \$450 billion will go to start a new government program, a new entitlement. Then there is that estimate that says about \$10 billion annually is the minimum loss sustained by taxpayers every year due to Medicare fraud—\$10 billion due to Medicare fraud. Medicaid has a 10-percent waste, fraud, and abuse rate. Neither is sustainable under its current form.

Again, as a former Governor, I will tell you that Medicaid is the greatest challenge Governors face in keeping their budget together. We all talk about it, Democrats, Republicans; it does not make any difference. Yet a part of this health care plan will shift the burden to the States when they are already in very difficult times.

I recently got a letter from a high school junior from Kearney, NE. She said to me:

In my government class, we have discussed the health care issue. I feel very strongly about this issue for a few reasons, the first being the fact that all the money the government is spending is going to come out of the pockets of Americans. This will mostly affect the youth of this country. This will be my generation who will be paying off the bills that you will create with this health care plan.

My goodness. Did she get that right or not?

You know, it is just the common-sense approach. If you are really going to try to do what we are elected to do, why would you not shore up current government programs first before going off in this massive, 1,990-page bill to create a new entitlement? Why would you go off and siphon nearly \$½ trillion away from Medicare? We should ensure Medicare's solvency first.

I believe the current proposal is about advancing an agenda versus addressing a real need. The government-run plan will not make health care more affordable. I think we are going to see that confirmed over and over again as it is analyzed. If affordability is the goal, let people buy insurance across State lines. You will get virtually unanimous bipartisan support for that. Let small businesses and farmers and ranchers band together to

get more competitive rates. Allow tax deductibility to level the playing field between corporations and individuals buying insurance. You see, again, if you did a step-by-step approach, I think you would get nearly unanimous support for these ideas.

Nebraskans see through the rhetoric. I got another letter from a constituent in Omaha:

Please oppose latest iteration of health care reform. This reform package will accomplish none of the objectives that have been laid out at the outset of this process.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. JOHANNIS. I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JOHANNIS. I thank the Chair.

This bill will ultimately lead to Government-run health care, will have more waste and fraud than the current system and will necessarily lead to arbitrary rationing and long wait times for treatment.

Mr. President, I appreciate the indulgence to just wrap up my comments and say that if there were ever a time to go thoughtfully and carefully one step at a time and work in a bipartisan way to fix this issue, it is now. My hope is that in the weeks ahead, as we debate this issue, we will do precisely that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. LEMIEUX. Mr. President, I wish to follow up on the comments of my colleagues from Nebraska and Arizona. I will not be as eloquent as they, but I also want to lend my voice to the discussion regarding health care.

I had the opportunity to receive the House bill, 1,990 pages. It is not an easy read. I am making my way through it. But we have learned a lot through it. I have already found that the taxes start on page 297. There is an estimated over \$1 trillion in costs over the next 10 years in these 1,990 pages. This is the House bill, the bill Speaker PELOSI has put forth. We do not yet have a copy of the Senate bill to digest. So this is the text we will go on for now. But I think it is good to see this in the larger context in which we debate health care. It is important to remember that this year, this Congress has passed a budget that has a record-setting \$1.4 trillion deficit. That is more deficit than the last 3 years of Congress combined.

Americans want and deserve more affordable health care. We have more than 40 million Americans without health insurance, nearly 4 million of them in Florida. They want better access to health care. They certainly want their health care to be less expensive. But keeping this in mind, we have to look at the situation in which we find ourselves. The reckless spending of

this Congress must stop or we are going to bankrupt the future of our children and of our grandchildren.

The Senator from Nebraska was talking about a letter he received from his constituent. I sat in my office and looked at some of the letters that have come in from Florida. I wanted to read one from John Miller from Valrico, FL, which is in the Tampa Bay area, right near Brandon. He writes—it is in hand-writing, it is not typed. It is from October 19. He says:

Mr. LeMieux, I am one of those who have not paid enough attention to what is going on. Like others, I am waking up. I have decided to go old school and start hand-writing letters again. It was recently reported the Federal deficit for the 2009 fiscal year was \$1.4 trillion, up from \$459 billion the year before. I think it is time for Congress to stop all work and start working on ways to cut the deficit. One way is to shrink the government.

Good thing Mr. Miller in Valrico, FL, gets it. Before we start embarking upon 1,990-page endeavors to create new entitlement programs that cost \$1 trillion, we should focus, as Senator JOHANNIS from Nebraska said, on the programs that we already have, and we should do so through the lens of the debt and deficit we have now that is going to bankrupt the future of our children.

Right now, we spend \$253 billion a year in interest alone—\$253 billion to pay the interest on our debt. That is the third highest expenditure we have in the Federal budget, \$700 million a day. The national debt is nearing \$12 trillion. In the next few days, we will reach that mark. The White House projects we will be at \$23 trillion in 10 years. The national debt rose at a rate of \$4 billion a day. It took us until 1982 to hit \$1 trillion in debt; now we are near \$12 trillion.

When I gave my maiden speech a couple of weeks ago, I tried to put some real-world context into what these amounts of money mean because \$1 trillion or \$1 billion are numbers that are hard to understand. I said in that speech that \$1 billion laid edge to edge in one-dollar bills would cover the city of Key West, FL, about 3.4 square miles, and \$1 trillion would cover Rhode Island twice. Another way to think of it is if you had one-dollar bills and you stacked up \$1 trillion, it would be 678 miles high. These are staggering amounts of money.

So where will all of this spending lead us? Well, I think we know. When you have too much spending, you have to increase taxes. When you increase taxes, you reduce prosperity. We know this 1,990-page bill already increases taxes.

In the Wall Street Journal this week-end, Peggy Noonan talked about the problems of New York. I do not mean to single out my friends from New York, but I thought what she said in her article was telling because here is a

State with high taxes. She said that the Post reported this week that 1½ million people have left high-taxed New York State between 2000 and 2008, more than a million of them from ever higher tax New York City. They took their tax dollars with them, more than \$4 billion in 2006 alone.

I do not know that people are going to leave the United States of America because we have taxes that are too high, but, as I said in my maiden speech 2 weeks ago, I am very concerned that one of my three sons—Max, Taylor, or Chase—or maybe the baby we have on the way is going to come to me when they are an adult and say: Dad, my opportunities are better in another country because I do not want to pay 60-percent taxes to pay for the deficit and the debt you have laid on my shoulders. I hope that day never comes.

So what should we do? Instead of focusing on new entitlement programs, perhaps we should try to fix the ones we already have. Medicare, health care for seniors, and Medicaid, health care for the poor, have huge amounts of waste, fraud, and abuse, an estimated \$60 billion in waste, fraud, and abuse in Medicare alone—\$60 billion. There could be as much as \$225 billion in fraud and abuse and waste across the whole health care system.

I seek to be a problem solver in this Chamber, and I seek to bring Democrats and Republicans together. So last week, I introduced my first bill, S. 2128, the Prevent Health Care Fraud Act of 2009. What that bill does is simply three things: No. 1, it creates in the Department of Health and Human Services a Deputy Secretary, the No. 2 person in the agency who will be the chief health care fraud prevention officer of the United States.

They will be responsible for only one job—to make sure we ferret out health care fraud. No. 2, we will bring predictive modeling to health care administration in this government. What is predictive modeling? An easy way to understand it is, it is the same way your credit cards work. If you make a credit card purchase and your credit card company thinks it is a questionable transaction, the computer has a model, and you get a phone call or an e-mail. If you don't call and validate that transaction, the vendor doesn't get paid. It happened to me a week or two ago. I went to buy a television. I am from Florida. I get an e-mail on my BlackBerry before I walk out the door, saying: Did you authorize this purchase? We don't do that in health care. Instead, we chase the bad guys later and try to get the money back. That would stop the money from ever being paid.

The third thing it would do is require background checks for health care providers. The American people would be surprised to learn we don't do this right now. We have people ripping off

Medicare and Medicaid, \$10, \$20 million a shot. My State, specifically in southeast Florida, is the health care fraud capital of the world.

We need to do a better job of spending the money of the people now before we embark upon new programs to spend trillions more. Senator KYL mentioned the Wall Street Journal's editorial of today. It called this bill the worst bill ever—that is a heck of a name—because it implements a spending surge to the tune of more than \$1 trillion. It has \$572 billion in new taxes, and it threatens to bankrupt the States. Senator JOHANNIS mentioned this as a former Governor. I was the chief of staff to a Governor. I know how difficult it is to make ends meet in a State system where you actually have to balance budgets, not like the Federal Government where you can just spend more money and print more money. The States actually have to balance budgets. In Florida, we spend more than 30 percent on health care. If you spend more money on health care, specifically Medicaid, guess what you spend less money on. Education and other good programs. With these increased Medicaid obligations, the States will be in more of a difficult place. They will have to either cut other programs or raise taxes.

The Wall Street Journal said we can't regulate our way out of the reality that we live in a world of finite resources and infinite wants.

We should focus on the programs we have before we embark upon new programs. The majority wants to focus on new programs and not on effectively and efficiently running programs we have.

I hope my colleagues from both sides of the aisle will join me in supporting S. 2128, the Prevent Health Care Fraud Act of 2009.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

HISTORY OF THE MEDICAL INSURANCE INDUSTRY

Mrs. FEINSTEIN. Mr. President, since most people have some form of health insurance, I decided, after many calls from constituents who have said to me: I can't afford a 20-percent increase in my medical health insurance premium; I had a 10-percent one last year, I began to look into the history of the medical insurance industry in America. I have come to the floor to discuss the current state of the private, publicly owned, for-profit health insurance industry and the ways this system must be changed during health care reform. Bottom line: Our country is the biggest health care spender in the world. In return, we get very average results.

It wasn't always this way in America. I wish, for a moment, to briefly re-

view the history of health insurance in our country. Because understanding its development and its transition to the for-profit, commercial health insurance model is actually critical to this debate.

The story began to take shape about 90 years ago. There were very few health insurance plans before the 1920s. As a matter of fact, there was not much in the way of medical services to insure. Options for medical care were primitive by today's standards. In 1900, the average American spent \$5 each year on health care-related expenses. This amounts to roughly \$100 in today's dollars. Health insurance was not necessary because the cost of care was low. Over 90 percent of medical expenses were paid out of pocket. Most patients were treated in their homes, and medical technology and treatment options were very limited. The earliest private health insurance plans in the United States were fairly basic agreements, primarily sponsored through employers or unions. Employers deducted funds from participating workers' salaries and contracted with local physicians for treatment.

During the 1920s, medical technology was advancing and the treatment of acute illnesses shifted from homes to hospitals. But on the heels of the Great Depression, an increasing number of Americans were unable to afford medical services, which were becoming more costly. In 1929, the Baylor University Hospital developed a plan to guarantee affordable treatment options for patients while ensuring a steady stream of revenue for the hospital. According to author Paul Starr, the Baylor plan provided up to 21 days of hospital care and certain services to 1,500 local teachers in Dallas, TX, for \$6 a year or 50 cents a month, if we can believe it.

A hospital official promoting the plan at the time said:

We spend a dollar or so at a time for cosmetics and do not notice the high cost. The ribbon-counter clerk can pay 50 cents, 75 cents or \$1 a month, yet it would take about 20 years to set aside [enough money for] a large hospital bill.

The Baylor plan proved popular and was soon expanded. It served as the foundation for what would become Blue Cross, the first example of a major, nonprofit medical insurance provider. Throughout the 1930s, the number of Blue Cross plans grew and enrollments expanded. By 1937, 1 million subscribers were covered.

In response to the lack of coverage by Blue Cross for physician services, in 1939, the precursor to Blue Shield, called the California Physicians Service, was developed. This plan reimbursed physicians for the cost of services based on negotiated payment schedules. According to the Congressional Research Service, in 1945, nonprofit Blue Cross and Blue Shield plans

had expanded to cover 19 million subscribers nationally in most States. These nonprofit Blue Cross and Blue Shield plans dominated the health insurance industry. At this same moment, Congress was reviewing the matter of insurance regulation, generally. In 1945, after significant lobbying by the industry, the McCarran-Ferguson Act was enacted. By passing this law, the Federal Government committed to a hands-off approach to insurance regulation, generally, including the regulation of for-profit, commercial health insurance companies.

This is where things began to change. The McCarran-Ferguson Act gave States, not the Federal Government, primary responsibility for overseeing the insurance business. It meant, as a practical matter, that whether insurance companies would be regulated forcefully or with little care would be left up to individual insurance commissioners in each of the 50 States. Additionally, the McCarran-Ferguson Act included a specific antitrust exemption for the business of medical insurance. As a result, practices such as price fixing, bid rigging, and market allocation, prohibited by Federal law in every other industry, were left up to the States and their enforcement mechanisms.

If insurance companies colluded to raise prices above competitive levels, Federal officials would not and could not investigate or intervene. All regulation was up to the States and, in fact, very little regulation has taken place.

During World War II, for-profit, employer-based health insurance plans expanded rapidly and took a firm hold in our country. Due to price and wage controls, employers competed for workers by offering health insurance benefits. In 1944, the unemployment rate was 2 percent. Additionally, unions were able to collectively bargain health insurance benefits and employer contributions for health insurance which were excluded from a worker's taxable income. By the 1950s, for-profit commercial health insurers, such as Aetna and the Connecticut General Life Insurance Company, known now as CIGNA, became very active. Then things started to change. The market share of Blue Cross and Blue Shield was significantly reduced in many parts of the country. As of 1953, commercial insurers provided hospital insurance to 29 percent of Americans versus Blue Cross's 27 percent.

The widespread entry of commercial insurance into the health insurance market had a dramatic impact. First, the commercial health insurers did not operate under the same rate restrictions as Blue Cross. Second, Blue Cross premium rates were based on the average cost of medical services in a defined geographic area or community. Commercial insurers, on the other

hand, calculated premiums based upon the claims of particular groups or individuals and adjusted these premiums each year depending on their health status. This also allowed commercial insurers to evaluate coverage on an individual rather than use the community rating system of Blue Cross. Therefore, commercial insurers were able to underbid Blue Cross for firms with very healthy workers who were cheaper to insure.

Right then and there, we begin to see the skewing of the system away from a community rate toward an individual assessment; whereby companies could cherry-pick only the healthiest and, therefore, make more money.

The loss of these healthier groups then raised average costs among the remaining employees, placing Blue Cross at a competitive disadvantage with commercial insurers. This competition from commercial insurers eventually resulted in Blue Cross changing the way its premiums were calculated. The single, community-wide premium pricing model was replaced in favor of the commercial approach. This shift toward charging premiums based on claims of particular groups or individuals changed the nature of competition in the health insurance market. Insurers could reduce costs by shifting risk and recruiting employers with healthier workers, and they did. Furthermore, because they could choose whom to insure, many large, for-profit commercial insurers left the individual market altogether in favor of large-scale employers because they carried lower operating costs.

Where does that leave us today? Today we have a health insurance industry where the first and foremost goal is to maximize profits for shareholders and CEOs, not to cover patients who have fallen ill or to compensate doctors and hospitals for their services. It is an industry that is increasingly concentrated and where Americans are paying more to receive less.

Here is the bottom line: According to the Kaiser Family Foundation, in the last 9 years, American families have seen their health insurance premiums more than double, while benefits have been getting worse and the industry has been growing less competitive.

A snapshot of the American health insurance industry today presents an alarming picture.

As of 2007, just two carriers—WellPoint and UnitedHealth Group—had gained control of 36 percent of the national market for commercial health insurance. Both these companies had more than doubled since 2000. Since 1998, there have been more than 400 mergers—that is in 11 years—400 mergers of health insurance companies, as larger carriers have purchased, absorbed, and enveloped smaller competitors.

In 2004 and 2005 alone, this industry had 28 mergers, valued at more than \$53 billion. That is more merger activity in health insurance than in the 8 previous years combined.

Today, according to a study by the American Medical Association, more than 94 percent of American health insurance markets are highly concentrated under U.S. Department of Justice guidelines. This means these companies could raise premiums or reduce benefits with little fear that consumers will end their contracts and move to a more competitive carrier.

In 10 States—Alabama, Alaska, Arkansas, Hawaii, Iowa, Maine, Montana, Rhode Island, Vermont, and Wyoming, these 10 States—two health insurance companies control 80 percent or more of the State market. So in 10 States, 2 health insurance companies control more than 80 percent of the statewide market.

In my State of California—nearly 40 million people—just two companies—WellPoint and Kaiser Permanente—control more than 58 percent of the market. The market presence of these two companies is up a combined 14 percent in 1 year. Let me repeat that. The market presence of two companies in California is up 14 percent in 1 year.

When you look at specific health markets, the situation is even worse. In 2007, the two largest health insurance companies in Bakersfield, CA, controlled 76 percent of the market there. In Salinas, the top two controlled 65 percent. In Los Angeles, the top two carriers controlled 51 percent of the market. This is a huge market. It is a 12-million-person market, and two companies control over half of that insurance market.

The American Medical Association described it this way:

The United States is headed toward a system dominated by a few publicly traded companies that operate in the interest of shareholders and not primarily in the interest of patients.

I think that is a very sobering statement.

The effects of this market concentration are being felt by consumers and families. They are being felt by American businesses. They are being felt by doctors and health care providers.

Premiums are skyrocketing for employers and for individuals trying to buy health insurance. According to the Kaiser Family Foundation, since 1999, the average health insurance premium has more than doubled, rising 119 percent. That is an increase of four times the national wage growth over the same period and more than four times the rate of inflation. So it is "open sesame."

This is an amazing factor. Between 1999 and 2007, the average American worker saw his wages increase 29 percent. His insurance premiums rose more than 120 percent during that

same period. This is how disproportionate it is, and it is wrong.

For some people, this means their employer is paying more and struggling more to stay in business. For some, it means they are personally paying more and struggling to make ends meet. For some, it means they have been forced to join the ever-growing group of 47 million Americans who simply cannot afford health insurance coverage today.

While premiums are going up, there is no evidence coverage is improving. We have heard countless stories from consumers about the way insurers are cutting costs and saving money by denying coverage to people with pre-existing conditions, rescinding care when people fall ill and haggling administratively over coverage and benefits.

These stories come from health care providers too. When just a few companies control the market, physicians and hospitals have fewer places to turn when they believe they are not being reimbursed fairly. Just as American families and their employers have fewer choices for purchasing insurance, health care providers have less bargaining power over reimbursement rates. The net result is, consumers and health care providers are losing out, while health insurance companies and their shareholders are bringing in record profits.

According to Health Care for America Now, between 2000 and 2007, profits at the 10 largest publicly traded health insurance companies soared up 428 percent, from \$2.4 billion in 2000 to \$12.9 billion in 2007.

The CEOs of these companies took in record earnings. In 2007, these 10 CEOs made a combined \$118.6 million. The CEO of CIGNA took home \$25.8 million. The CEO of Aetna took home \$23 million. The CEO of UnitedHealth took home \$13.2 million. The CEO of WellPoint took home \$9.1 million.

This history, and this failed market, is a uniquely American story. I recently read "The Healing of America" by T.R. Reid. He is a former Washington Post journalist who has a bum shoulder. So he decided he would go from country to country and go to doctors in that country, examine their health care sector, see what would help him, what they recommended, and it is a very interesting book. He writes about the health care systems of the countries he visits.

A few things are clear. First, as Reid says:

The United States is the only developed country that relies on profit-making health insurance companies to pay for essential and elective care.

So in every country that has health care reform—the United Kingdom, France, Switzerland, Germany, Canada—the United States is the only one that allows this open, ribald, for-profit

health insurance industry that we do in this country.

Profit-seeking motives do influence insurance companies. Today, insurance companies have a financial reason to deny coverage to people who may actually get sick, so they exclude people with even the most minor preexisting conditions.

Secondly, if you get sick, insurance companies will comb through past records to find a reason to retroactively deny coverage. This means people lose their health coverage when they need it the most.

In other nations, with not-for-profit insurance, there is no motivation for companies to engage in these practices. Everyone is covered regardless of his or her health history. This allows risk to be effectively spread across the entire population.

Other countries accomplish this with employer responsibility and an individual requirement to become part of the insurance system.

A few examples: In Germany, most people enroll in sickness funds, with premiums split between workers and employers. Only the very wealthy can opt out to buy separate insurance.

In Switzerland, everyone must purchase basic, nonprofit insurance. Companies can only make a profit on the extra benefits they sell, such as for cosmetic surgery or a private room in a hospital, but not by providing basic coverage.

In France, everyone is enrolled in one of several large health insurance funds, which are closely regulated by the federal government.

In the United Kingdom, everyone is automatically covered by the National Health Service.

Americans like to criticize other nations' systems as bureaucratic. But in truth, it is our system that is wasteful and inefficient. Many other countries are able to deliver better health care for lower prices than we do currently. I wish to point this out.

As T.R. Reid points out, our system, with for-profit insurance and medical underwriting, has some of the highest administrative costs in the world because, in the United States, roughly 20 percent of every premium dollar is spent on administration. This includes advertising, profits, and paperwork—20 percent goes to this.

Let's compare this: Canada, on the other hand, spends about 6 percent. France spends about 5 percent. One of France's advantages comes from an electronic form, a personal health record. It is called the Carte Vitale. Here is a picture of it I have in the Chamber. I had actually asked some of my family, newly returned from living in France for a long time, if they would send me their actual Carte Vitale, which I have seen. Unfortunately, they have not arrived. But, as shown in this picture, this is what they look like.

As shown on this part of the picture, this is a small chip. In this chip is the entire medical history of a patient—every shot received, every diagnosis made, everything about the patient. So the patient goes in for a physician's visit, which costs about \$27 in France today, and the doctor takes the Carte Vitale, puts it into his computer, and the entire background of the individual pops up.

Let's say he prescribes certain medication. That then goes into this small chip. Every French citizen over the age of 15 carries a Carte Vitale, which has taken the place of the walls of paper records we see at our physicians' offices in this country.

Also, this system allows French physicians to bill automatically for the care they provide without paperwork or bureaucracy. The Carte Vitale has helped the French achieve what many consider to be the world's best health care system.

As we have seen, other industrialized nations spend less on administrative costs. They have nonprofit insurance. They use employers and individual responsibility to provide basic health care to everyone. This structure does, by independent analysis, provide better results because, whatever the indicator, the United States lags behind the rest of the industrialized world.

This is painful, but I believe we have to look at it. According to the World Health Organization, France leads the world in overall system performance, followed by Italy. America is 37th. These are the top health care systems: France, Italy—and, as you can see, the rest. We are No. 37.

In avoidable mortality, which measures a system's effectiveness in caring for people who contract a potentially serious medical condition, again, France tops the list, again, followed by Japan. The United States is 15th.

The United States lags other developed nations in infant mortality. Here it is, as shown on this chart. This is according to the Commonwealth Fund. The leader is Japan, with 3 deaths per 1,000 births. We are No. 22 on that list.

This is surprising because you would think, particularly with infant mortality, we would be a real leader, but we are not.

To summarize, I think action is needed.

Other countries are far from perfect, and I am not saying anything other than that. But these lessons show that high-quality health care can be delivered for less than we currently spend. Our system of relying on for-profit medical insurance, I believe, is broken. We are spending more for worse results than the rest of the world. That is what I hope to show.

That is why it is essential that we take action, and take action now. I basically believe the medical insurance

industry should be nonprofit, not profit-making. There is no way a health reform plan will work when it is implemented by an industry that seeks to return money to shareholders instead of using that money to provide health care. This is difficult to accomplish today, but there are a number of steps that can be taken in this direction.

The first is to repeal the antitrust exemption. I believe we must take strong action to stop illegal, anti-competitive activity in the industry. The Justice Department currently has authority to review certain health insurance mergers. But although almost 400 health insurance mergers took place during the past administration, the Department brought challenges to only two of those mergers. Even those that were challenged were later allowed to proceed with relatively minor adjustments.

When a dominant market player tries to subsume a smaller competitor, the Justice Department should review the acquisition carefully to ensure that consumers, employers, and health care providers still have bargaining power. We should also repeal the antitrust exemption for health insurance companies. This exception is a relic of the past, and it has no current justification.

The Justice Department should be able to investigate and sue health insurance companies when they engage in price fixing, bid rigging, or market allocation. These kinds of collusive activities are not fair play. They are not allowed in other industries, and they should not be allowed in this one.

I also believe a public option is an essential piece of any effort. It will provide robust, nonprofit competition for an industry that is broken and profit-ridden. In concentrated markets, the public option will provide consumers with real choice. Remember, the largest market in America is the Los Angeles market, and a majority of that market is controlled by two health insurance companies.

Because it will not attempt to make a profit, the public option will not turn anyone away. It may be able to charge lower premiums because its goal will be to provide health care coverage, not to return profits to shareholders. Whether it is opt-in or opt-out, States that strongly object to providing nonprofit competition to residents should have the opportunity not to participate. But make no mistake; the public option alone will not solve our Nation's problem with health care. It will be available to a relatively few Americans at first. Only those who will purchase insurance in newly created exchanges will have the opportunity to buy it. But I believe it is a building block as we work to construct a new system.

In addition to creating a public option, we must put health insurance companies on a path toward more re-

sponsible behavior. That is why I am proposing a Federal medical insurance rate authority.

My proposal for a medical insurance rate authority builds on the successful and well-accepted model of utility commissions. Throughout this country, providers of gas, water, and electricity need to justify any proposed rate increase. This is required because the services they provide—water, gas, and power—are considered necessities for life.

Well, are they more a necessity for life than health insurance? I don't think so. Health insurance should be no different. Access to affordable medical care is certainly a necessity of life.

Under my proposal, the Federal Government would be required to establish a medical insurance rate authority which would oversee premiums charged by the for-profit medical insurance industry. Premium increases above a certain threshold would need to be approved. The medical insurance rate authority would conduct basic oversight insuring that premium funds are spent on medical care and not for profit or overhead.

These safeguards will ensure that the health insurance industry does not continue their pattern of astronomic premium increases. It is fair for the price of insurance to reflect the actual price of medical care, but it is not fair for insurance companies to increase their profits while Americans pay higher and higher premiums.

It has taken many decades for our health system to evolve and break down as it has, and we cannot expect to fix it overnight. We need to remember what health insurance originally was in this country, nonprofit; and what it is around the world, nonprofit; and a way to ensure that people can get basic care to stay healthy and they are protected from financial ruin when they get sick. I believe strongly this must be the underlying goal of any health reform the Senate approves this year.

Mr. President, I ask unanimous consent that a list of sources be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOURCES

1. Congressional Research Service, *The Market Structure of the Health Insurance Industry*, 10/21/09.
2. Congressional Research Service, *Health Care Reform: An Introduction*, 8/31/09.
3. Alex Blumberg, *All Things Considered*, National Public Radio, October 22, 2009, "Accidents of History Created U.S. Health System."
4. Paul Starr, *The Social Transformation of American Medicine*, 1982.
5. Melissa Thomasson, "The Importance of Group Coverage: How Tax Policy Shaped U.S. Health Insurance," *American Economic Review*, 2003.
6. Blue Cross and Blue Shield, *A Historical Compilation*. Accessed 10/30/09 at www.consumersunion.org.

7. Kaiser Family Foundation & Health Research and Education Trust, "Employee Health Benefits: 2008 Annual Survey."

8. American Medical Association, *Competition in Health Insurance: A Comprehensive Study of U.S. Markets*, 2007.

9. American Medical Association, *Competition in Health Insurance: A Comprehensive Study of U.S. Markets*, 2008.

10. David Balto, Testimony Before the Senate Judiciary Committee Subcommittee on Antitrust, July 31, 2008, Hearing on "The Right Prescription? Consolidation in the Pennsylvania Health Insurance Industry."

11. Corporate Research Group, *The Managed Care M&A Explosion*, 2005.

12. Health Care for America Now, *Premiums Soaring in Consolidated Health Insurance Market*, May 2009, citing U.S. Securities and Exchange Commission filings.

13. T.R. Reid, *The Healing of America: A Global Quest for Better, Cheaper, and Fairer Health Care*, 2009.

Mrs. FEINSTEIN. I thank the Chair and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. GRASSLEY. Thank you, Mr. President.

Mr. President, I come to the floor to address the issue of health care reform. In order to demonstrate the complicated issues that face us, I have with me the House of Representatives health care reform bill, approximately 2,000 pages; I have over here the Senate HELP Committee bill, approximately 1,000 pages; and over here, the Senate Finance Committee bill, approximately 1,500 pages.

Some on the other side of the aisle are saying their bills do not represent a government takeover of the health care system. I want to believe that. I would really like to believe it, but the facts seem to tell a different story. If we look at the specifics of the bill reported by the Senate HELP Committee or the House bill released last week, I don't see how one could call it anything but a government takeover.

So I wish to start with the Senate HELP Committee bill.

On September 17, the HELP Committee finally released what I previously said was a bill containing about 1,000 pages—more accurately, 839 pages—over 2 months after the majority party on the HELP Committee voted to report it. When I was back in my State of Iowa for the August recess, I held 17 townhall meetings. Due to the controversial health care bill the HELP Committee and the three House committees had just voted on, the attendance was the highest I have seen in the 2,871 townhalls I have held during my years in the Senate.

Many of the people who attended were citing sections from the health reform bills. They had good questions. I heard repeatedly about the new powers being granted to the government in these bills. So I decided we should have a catalog of how many times these bills grant new powers to the Secretary of Health and Human Services.

Well, I have the HELP Committee bill with me today, and there is a lot going on in the 839 pages of that bill. We have gone through the 20,725 lines of legislative text just to see how many new government authorities it creates, and here is what we found: This bill creates a total of 87 new government programs.

In addition to the 87 new government programs created by this legislation, a substantial amount of new regulatory authority has been granted to the Secretary of Health and Human Services. I know the other side doesn't like to hear that this bill calls for a government takeover of our health care system, but let's let the facts speak for themselves. If it isn't a government takeover of our health care system, why does the word "Secretary"—meaning Secretary of HHS—appear 982 times in this bill? Maybe the other side needs a reminder that the Secretary of Health and Human Services is an agent of the Federal Government appointed by the President, confirmed by the Senate.

Iowans keep telling me that Congress needs to just slow down, consider all ideas, and, of course, common sense tells us to actually read the legislation. But the HELP Committee bill makes it clear that the majority leadership and the White House would rather push something through quickly and leave the important decisions to an unelected, unaccountable government official.

The long list of new powers granted to the Secretary begin on page 11 of the HELP Committee bill, and I quote:

The Secretary shall by regulation establish a minimum size for community ratings areas.

So let me put it in common language rather than statutory language.

This bill includes a number of controversial rating reforms, and one of those reforms would set a 2-to-1 age rating band. That means premiums for the oldest person could be no more than twice the cost of the premiums to the youngest person. Now, that is going to reduce premiums substantially for older people, and that is a fine goal, but the money has to come from somewhere. So to pay for those lower premiums for older people means much higher premiums for younger people. It is a new hidden tax being imposed on young people. It will increase premiums for young people by at least 50 percent.

This bill would give the Secretary the regulatory power to draw the map in each State for these rating areas, and that is where we go back to the quote I just cited:

The Secretary shall by regulation establish a minimum size for community rating areas.

Keep in mind, under current law this sort of policy is presently decided by 50 different State legislatures or by 50 different insurance commissioners. But

some in Congress want to take this responsibility away from the States and turn it over to unelected bureaucrats in Washington, DC.

I spoke on the Senate floor earlier last week about how the Democratic proposals for health care will increase premiums and overall health care spending. Quite the opposite: I think to most people hearing us talk in Washington, DC, about health care reform, the word "reform" would mean to them not increasing premiums and overall health care spending.

To offset the increase in premiums, they say they will subsidize them using taxpayer dollars. But guess who is given the power to decide what benefits are eligible for these new subsidies? I will read the answer straight from the bill on page 90, line 11. It says:

The Secretary shall establish . . . the essential health care benefits eligible for credits. . . .

My friends on the other side of the aisle claim their proposal will increase choice and competition in the health insurance industry. But after reading this bill, it is clear that only 1 percent will have a choice, and that person is the Secretary of HHS.

On page 74, line 17, the Secretary is given the power to regulate what type of health plan works best for you and your family. I will read that quote:

The Secretary shall, by regulation, establish criteria for certification of health plans as qualified health plans.

After the Secretary chooses what plan works best for you and your family, the Secretary can choose what conditions your doctor must meet in order to contract with the plan chosen for you.

On page 80, line 14, it says that a qualified health plan may contract with " . . . a health care provider if such provider implements such mechanisms to improve health care quality as the Secretary may by regulation require."

That means if you want to purchase coverage through a new exchange established by this bill, the Secretary of HHS will be deciding what health plan and what doctor is best for you and your family.

This bill also extends the Secretary's influence into classrooms, where our future doctors are being trained. On page 685 of the bill, line 10, it says:

The Secretary shall support development, evaluation, and dissemination of model curricula for . . . use in health professions schools . . . and for other purposes determined appropriate by the Secretary.

That is a lot of power in a sentence of the law that says "and for other purposes determined appropriate by the Secretary."

Are all of these new requirements and regulations going to help our health care system? Will they make Americans healthier? The truth is, we have no way of knowing since so much

in this bill, including what I have highlighted, is left to the regulatory decisions of an unelected government bureaucrat.

The proponents of this bill say it isn't a government takeover of health care. But after reading only a fraction of the bill out loud, as I have done, it is hard to argue the fact that the Secretary of HHS is granted a lot of power over our health care system.

The Secretary will determine the size of new rating areas. The Secretary will decide what benefits health care plans have to cover. The Secretary will decide what health plan works best for you and your family. The Secretary will decide what conditions your doctor must meet to be included in your plan. The Secretary will decide what curriculum should be taught in our medical schools.

You may be tired of hearing me say "Secretary," because I am tired of saying it. I have only said it 25 times in this speech. But this bill uses the word "Secretary" another 957 times, which is an indication that the HELP Committee bill is moving control of our health care system in what many people in this country consider the wrong direction.

That brings me to the House bill that was released last week. The House bill, right here—2,000-some pages—seems to be heading in the wrong direction also. In fact, a spokesman for the small business industry said to the Hill newspaper:

[The House bill] is a "how to" on how not to do health care reform.

That is pretty disappointing, since the bill costs about \$2.2 million per word. You would think we would be getting something for that kind of investment.

The Wall Street Journal today calls the House bill "the worst bill ever." Quoting, "Epic new spending and taxes, pricier insurance, rationed care, dishonest accounting: the Pelosi bill has it all."

Again, that was from the Wall Street Journal.

Let's start with what is in the 2,000 pages and \$1 trillion in spending in this new bill.

The bill includes a government-run insurance provision. All the caveats aside, it is still a government insurance plan—or let me say government insurance company, plain and simple.

Interestingly, after all the promises about lower costs, the Congressional Budget Office has said that premiums in the government-run plan would be more expensive than premiums in the private market. That report just came out within the last couple of days.

The bill also locks every American with an income below 150 percent into Medicaid. Today, a family of 4 with an income of \$33,000 is at 150 percent of the poverty level. Under this new House bill, that family would not get

any assistance to get private health coverage. In other words, they would not have choice.

Let me point out that Medicaid is already financially unsustainable in its current form. This is the biggest expansion of Medicaid in its history. With this Medicaid expansion, the new House bill continues to leave States liable for a significant share of that new spending—a share States cannot afford. Ultimately, that will force States to raise taxes to pay for their share of this expansion of Medicaid. That is a hidden tax, although it will come separately among the 50 States.

The bill also proposes a host of new Federal insurance market reforms that will actually raise costs for most individual Americans.

With the creation of a new unelected Federal bureaucrat, called the “health choices commissioner,” the Federal Government will now be in charge of deciding what insurance you have to buy.

If this isn’t a government takeover of health care, I don’t know what it is. If you don’t like what the new health choices commissioner comes up with or you cannot afford it, you will be hit with a new individual mandate tax penalty, and that will be enforced by the IRS.

Despite all the promises about being able to keep what you have, the bill cuts more than \$150 billion from Medicare Advantage plans, endangering the existing coverage for millions of seniors.

Don’t take my word for it, because the Office of the Actuary—that is a professional office, not a political office—at the Department of Health and Human Services said that with this level of cuts “enrollment in [Medicare Advantage] plans would decrease by 64 percent.”

The CBO has taken a look at some of the changes in the Medicare Part D drug benefit and concluded that the changes will actually raise premiums.

So whether you are in Medicare Advantage, Medicare Part D, or private insurance, this new House bill means higher costs, more government interference, and less choice. I don’t think that is what people in my State of Iowa have in mind when they ask us to fix the health care system.

The House bill also includes a part that is called the CLASS Act, which creates a new long-term care entitlement. I happen to be very supportive of taking steps to improve long-term care for Americans. But the CLASS Act is fiscally irresponsible. I am not going to name the prominent Senate Democrat, but one has been quoted as calling the CLASS Act a Ponzi scheme that Bernie Madoff would have been proud of.

Finally, I hope everyone out there pays special attention to what House Democrats call “shared responsibility.”

If you make money in America, the House Democrats expect you to do some extra sharing. Lots. The bill includes a massive tax increase to pay for it.

Now I wish to go to what is not in the bill. Even though President Obama continues to support medical liability reform, as I do, the House still refuses to consider it. In the “devil’s in the details” category, I find it particularly worrisome that the House bill failed to include a prohibition on rationing that was in their original discussion draft. The discussion draft of H.R. 3200 stated that the committee should “ensure that essential benefit coverage does not lead to rationing of health care.”

Every time you get the government more involved in health care, the issue at grassroots America comes up: Will we have rationing? A lot of committees have tried to say that there would not be any rationing coming from this, and that was in the original House bill. But as it is put together as one final package, as it is here, that section, unfortunately, was dropped. In other words, the prohibition on rationing is not in this bill.

This is what the latest House bill proposes: more taxes, more spending, higher premiums, fewer choices, a government-run plan, the biggest Medicaid expansion in history, unsustainable new entitlement programs, and 2,000 pages.

Despite all the promises, the facts don’t lie. The House bill and the HELP Committee bill I referred to during these remarks represent an unprecedented government takeover of our Nation’s health care system—a takeover that this country cannot afford, and a takeover that the American people don’t want.

I thank my colleagues for giving me this time beyond the hour of 4, when the unemployment compensation bill was to be taken up, so I could keep another obligation.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009

The PRESIDING OFFICER (Mr. MERKLEY). Under the previous order, the Senate will resume consideration of H.R. 3548, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3548) to amend the Supplemental Appropriations Act, 2008, to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

Pending:

Reid (for Baucus/Reid) amendment No. 2712, in the nature of a substitute.

Reid amendment No. 2713 (to amendment No. 2712), to change the enactment date.

Reid amendment No. 2714 (to amendment No. 2713), of a perfecting nature.

Reid amendment No. 2715 (to the language proposed to be stricken by amendment No. 2712), to change the enactment date.

Reid amendment No. 2716 (to amendment No. 2715), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance, with instructions to report back forthwith, with Reid amendment No. 2717, to change the enactment date.

Reid amendment No. 2718 (to the instructions (amendment No. 2717) of the motion to commit), of a perfecting nature.

Reid amendment No. 2719 (to amendment No. 2718), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I yield to the Senator from Illinois such time as he desires.

Mr. DURBIN. Mr. President, I thank the chairman of the Finance Committee. He will be discussing a matter of grave importance in Illinois and all across the Nation, the extension of unemployment benefits, which we have been trying to bring to the floor for 27 days. Our Republican colleagues have opposed it, stopped it, delayed it, and demanded every vote they can think of to stop the extension of unemployment benefits, even though there are millions of Americans out of work and desperately looking for jobs. Many of them have exhausted their family savings trying to avoid foreclosure, to feed their families, and they need these benefits desperately. But we have been held up time and again because several Republican Senators have insisted on amendments that have nothing to do with unemployment and nothing or little to do with the economy. I hope today we can break through that. I hope we can find bipartisan support to extend the unemployment benefits.

I thank the Senator from Montana for yielding a moment to me.

I wish to respond to my friend—and he is my friend—my colleague, Senator GRASSLEY of Iowa, my neighboring State. He and I have worked on many things together. Our political views differ, that is for sure, but I believe he is a hard-working, good representative of his State. In fact, when I said that once on the floor, he ended up quoting it in one of his campaign brochures, which got me in trouble with the Iowa Democratic Party. But so be it. I like him, and I hope he feels the same.

We have worked together on many issues, but for the Senator from Iowa to come to the floor and be critical of a bill saying it is too many pages—that is what I have heard over and over again from the Republican side. They have argued that health care reform in the Senate is going to run over 1,000 pages in length, and they say it over and over again.

I don’t know historically what major legislation considered on the Senate floor is comprised in the number of

pages, but we have had some pretty big bills in the past—in the Senate Appropriations Committee and other places—because those bills take on big issues and big subjects. Nothing is bigger than our health care system in America. To talk about 1,000 pages really does not do justice to the enormity of the task we are tackling, to try to bring costs under control so people and businesses across America have secure and stable health care.

We ought to make sure as well that the health insurance companies stop exploiting those who have health insurance policies. We want to eliminate preexisting conditions as an exclusion. We want to make sure when you are sick, your health care will be there; that when you change jobs, you can take your health care with you. We want to make sure your children are covered for longer periods of time than they are now under current law. It takes a few pages to put that together. You cannot put it in a few sentences if you want to change the law and make it work.

So to come here and criticize the bill which has not been presented in a final form as I stand here I don't think makes a very strong case.

I asked the other day for the Republicans to tell me how many pages their health care reform bill is. The Senator from Tennessee said they were working on several different bills but they would be shorter in length. The closest we can come to the Republican health care reform bill I hold in my hand. It is 2½ pages long, and it consists of a press release from MITCH MCCONNELL, the Senate Republican leader. That is as far as the Republicans have gone in writing health care reform for the American people. It is a press release. In this press release, there are no positive things they stand for, only criticisms of our efforts to write a health care reform bill.

To my right is the Senator from Montana, the chairman of the Senate Finance Committee. He has spent the better part of a year—at least a year—trying to put together a health care bill. He has engaged others in trying to bring them into this conversation. Unfortunately, at the end of the day, only one Republican Senator, Ms. SNOWE of Maine, joined Senate Democrats in voting for health care reforms. So far, she is the only Republican in the House or the Senate who has voted for health care reform even at the committee level. The Republicans have been standing on the sidelines while we have been trying our best to put together good legislation which will bring the cost of health care down, protect those beneficiaries who are denied coverage under their health insurance plans, and extend the reach of competition and choice so more Americans have places to turn. When the Senator from Iowa complains about so-called rationing, I think he overstates the case.

We know there is too much money spent on the current health care system. There is duplication, waste, and fraud, and we want it to come to an end. If Medicare is going to be on sound financial footing, if we can say to seniors today and for years to come that they can count on Medicare being there when they need it, we have to cut out unnecessary spending.

One of the areas in that particular program that is highly controversial is called Medicare Advantage.

Medicare Advantage was proposed by the insurance industry. They said years ago: The government has tried to run Medicare for 40 years, but they haven't done a very good job. Why don't you let the private insurance companies offer a Medicare plan. We will show you what you can do when you use the genius of the insurance industry in America to offer Medicare.

We took them up on their challenge and said to them: Present the insurance policy to seniors that will provide Medicare benefits.

They called it Medicare Advantage, and there are literally millions of these policies all across America today.

We stepped back after a number of years and said: How did they do?

They challenged the government and said: We can do it better.

Some did. But we also found Medicare Advantage plans that were overcharging the government 14 percent more than the cost of basic Medicare the government offered. So instead of bringing the costs down, the costs went up 14 percent. We were creating a subsidy to private health insurance companies to offer Medicare plans. That is a waste of dollars. The health insurance industry, although they used those dollars to their own benefit, are not helping Medicare, and they are not helping the taxpayers of this country.

The recent news about profits of the insurance giant Humana explains why the major health insurance companies and most of the Republicans oppose health care reform and why they have gone to such great lengths to defeat our efforts.

Last quarter, Humana saw their profits rise 65 percent, mostly due to the participation in the Medicare Advantage Program, the subsidies the taxpayers are sending them. This one company made \$301 million in profits in the last 3 months alone, and they did it, by their own admission, on the backs of Medicare and Medicare Advantage beneficiaries.

The insurance industry is making billions by gaming the Medicare Advantage system at the expense of seniors' traditional Medicare coverage, and taxpayers are picking up the bill. For some reason, the Senate Republicans feel the need to defend them at every turn. When you hear the opposition to health care reform, it is inspired not exclusively but to a great

extent by the opposition to health care reform from the private health insurance companies.

Why are these companies opposed to health care reform? Because it means competition. A public option plan that is available around this country will create in many parts in our country the first real competition for health insurance. It means consumers have a fighting chance to get a lower monthly premium because there will be a not-for-profit company there offering health insurance benefits. It is a company that is not focused on the bottom line of showing profits for shareholders. It will be a company that is not marketing and spending a fortune on advertising. It will be a company that is not spending so much on administrative help to say no to those covered by insurance policies. This will lower costs, and this is what drives the private health insurance companies wild.

Secondly, they hate to hear two words—McCarran-Ferguson—because they refer to a law passed by Congress 64 years ago which exempted the insurance industry and health insurance industry from antitrust regulations. Currently under the law, health insurance companies can legally conspire and collude to establish the premiums they will charge all across America. There is no real competition. When they set premiums, they have sat down and agreed on what they are going to charge. And they can allocate markets. They can make sure they dominate markets so there is no real choice there for consumers.

I think McCarran-Ferguson is outdated. It is a travesty under the law to allow it continue, and it should end. You will not hear one single Republican Senator say that—at least I haven't yet. I hope they join us in calling for real health insurance reform, in ending McCarran-Ferguson protection and exclusions based on preexisting conditions, for example, and giving real choice to consumers across this country. Instead, what we hear from them is the language of the health insurance companies opposing fundamental health insurance reform.

The American people have run out of patience with those who tolerate and encourage the current system—a system that fails us, as premiums go up even as wages do not; a system that, unfortunately, is not offering health care protection for millions of Americans working for businesses that even last year offered health insurance protection but they just cannot afford to do it anymore.

We are going to keep pressing forward. The Republican plan consists of a three-page press release. It will take more than that to bring meaningful change to health care in America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we are now on the provision to extend unemployment insurance, as well as extend the home buyers tax credit, as well as expand the net operating loss provision. I wish to speak about that provision because I think it is so important that it pass.

The British mathematical physicist Lord Kelvin once said:

Until you can measure something and express it in numbers, you have only the beginning of understanding.

The numbers now measure the beginning of a recovery, and we are beginning to understand the depth of the great recession of 2008 and 2009. It has been the longest recession since World War II. The numbers show that the American economy has been shrinking from the middle of last year to the middle of this year—shrinking. For January through March, it declined at a 6.4-percent annual rate. It has been the sharpest decline in 27 years. But last week, the Commerce Department reported that from July through September, the numbers show the economy grew at a 3.5-percent annual rate.

When economists talk about the end of a recession, however, they mean the time when things stop getting worse, not necessarily getting better but stop getting worse. For most Americans, it will still be some time before things start getting better. Even though the economists can measure some improvement and express it in the numbers, we still have only the beginning of a recovery.

Economists say that the stimulus package we passed last winter is part of the reason for the growth. On Friday, the Obama administration reported that the stimulus package has created or saved more than 640,000 jobs so far. Economists also credit consumer spending for the latest growth. In particular, economists credit automobile and housing sales. From July through September, housing sales rose at a 23.4-percent annual rate. The home buyer tax credit played a big part in that growth. That is one of the provisions we are considering in the amendment before us today.

It will still take some time for the job picture to improve. Job growth turns around more slowly than the economy as a whole. Economists call this a lagging indicator. Last month, the jobless rate reached 9.8 percent. That is the highest rate in 26 years. Economists expect this week's report will show that unemployment rose again this month. Economists will say jobs will still be hard to find well into 2010.

Last week, the Labor Department reported that 530,000 people filed their first jobless claims. That number has been heading down, but at more than half a million people, it is still far too high.

We still need to do more to help the economy recover, and we still need to

do more to help Americans get and keep good jobs. The extension of unemployment benefits and the tax relief in this legislation are part of the answer. I hope that today the Senate can act to bring relief to millions of Americans waiting for this important legislation. Unemployment insurance is a vital lifeline for millions of Americans. It is a lifeline many families and communities continue to need just to keep afloat.

Along with the rest of the Nation, my State of Montana has felt the effects of this great recession. Our unemployment rate is up to 6.5 percent, and although it is not as high as the national average, many in my State are suffering. This is particularly true in the Montana mining, lumber, and construction industries. The national demand for lumber is expected to fall below 30 million board feet this year. The amount of lumber used to build new homes is expected to drop from 28 billion board feet to about 5 billion board feet, and that hits Montana very hard.

When we help unemployed Americans, let's remember, we help their communities. When we help our unemployed neighbors, we also help keep open the neighborhood grocery store and the neighborhood gas station. When we help our unemployed neighbors, we also help our economy and ourselves.

I am gratified that a majority of my colleagues appear to agree that it is important to extend unemployment benefits. I am also hopeful that we will deliver those benefits very soon.

The amendment before us today also includes an extension of the Federal unemployment tax. This extension covers the cost of the extended unemployment benefits. The Federal unemployment tax has been extended every year since 1982.

The amendment before us today would also provide tax relief to help our economy recover. The pending amendment would extend the home buyers tax credit and provide employers important tax relief.

The home buyers tax credit has helped millions of Americans to buy their first homes. The tax credit has boosted demand and it has helped reduce the inventory of unsold homes. This, in turn, has helped to bring much needed stability to the housing market.

But in the housing market, like the labor market, we are not yet in the clear. The housing market is still recovering from the implosion of the subprime mortgage market. In many parts of the country, housing prices remain at record lows and foreclosures continue as Americans continue to lose their jobs and the means to pay their mortgages.

That is why it is important to extend the home buyers tax credit. In the

amendment before us today, we have raised the income limitations to open the tax credit to millions more who are thinking about buying a home. Our amendment also extends the credit to include home buyers seeking to move up to a new home—not just for first-time home buyers but those who want to move up to a new home. For those who have lived in their current residence for 5 years or more, they would be eligible for a \$6,500 tax credit if they want to buy a new home. It is \$8,000 for first-time buyers and a \$6,500 tax credit for those who want to move up—for those who have stayed in their current residence for 5 years.

The home buyers tax credit would be extended to April 30 of next year. We also include new binding contract language. This language would effectively make the credit available until June 30 of next year, as long as the home buyer entered into a binding contract before May 1.

I think this temporary extension of the home buyers tax credit is the right approach. It would provide a much needed stimulus of the housing market, and it would remain fiscally responsible.

Our amendment also would add net operating loss relief for businesses. Under current law, small businesses are able to carry back their 2008 losses to profitable years for up to 5 years. Senator SNOWE and I worked together on a bill that would expand this provision to all businesses. The amendment before us today includes that legislation. It would provide all businesses with the ability to carry back losses from 2008 and 2009 for 5 years—not just 2 years but 5 years. That is 3 years longer than under current law. This type of relief will help small and large businesses alike.

This tax relief is paid for also in a fiscally responsible manner. Our amendment would delay a tax break for multinational corporations, many of which would benefit from the expanded NOL relief. We also included increases and penalties for taxpayers who fail to timely file partners and S corporation returns. We believe these provisions will increase compliance with the tax law and also help us close the tax gap.

This package provides timely and essential relief to American families and businesses that have been affected by our economy. Our amendment would extend benefits to the unemployed Americans who are hurting the most and would help home buyers to buy homes. It would provide support for all businesses that are having trouble meeting their payroll in these tough economic times.

This amendment would help to speed the recovery from the great recession. It would help to improve our economy, and it would help the American people. I urge my colleagues to support the legislation and vote for cloture on the amendment.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, a few moments ago, the Senator from Illinois was on the Senate floor essentially responding to comments that had been made by the Senator from Iowa, Mr. GRASSLEY, regarding the health care debate and the legislation that has been reported out of the House and that is going to be voted on this week—legislation which is 1,990 pages long.

The Senator from Illinois asked: Where is the Republican bill, if they do not like the Democratic bill? Well, there are a number of Republican bills out there, but I would say to the Senator from Illinois or anybody on the Democratic side who is waiting for Republicans to produce a 2,000-page bill, it is not likely to happen. We don't believe legislating with 2,000-page bills makes a lot of sense when we are talking about one-sixth of the American economy. We believe it makes a lot more sense to approach that in a way that fixes and addresses the problems that exist with the health care economy in this country today in a step-by-step way, not with a huge, massive expansion of the Federal Government in Washington, DC.

The bill that came out of the House last week—at least according to the CBO—was a \$1 trillion increase in spending. But that is before it is fully implemented. When it is fully implemented, it will be \$2 trillion in additional spending—a massive expansion of the Federal Government in Washington, DC, with massive tax increases on small businesses and working families in this country, massive cuts to Medicare Programs upon which seniors across this country rely and depend. And that doesn't even include what happens if those cuts in Medicare don't happen. And we have reason to believe based on historical patterns they would not happen. Then it probably gets borrowed, and we add more trillions of dollars to the Federal debt—a debt which is already growing at \$1 trillion a year every year for the next 10 years.

So we have a massive expansion of government—a \$2 trillion expansion of government, massive tax increases, massive cuts to Medicare, and perhaps massive borrowing and additions to the Federal debt. That is what happens with the 2,000-page bill which is being proposed by the Democratic leadership in the House of Representatives.

So if the Senator from Illinois or anybody on the other side is waiting for Republicans to produce a 2,000-page bill that expands the government by \$2 trillion and raises taxes on small businesses—which are the economic engine of our economy and that will create the jobs and get us back on a path toward recovery—I would suggest they are going to be waiting a very long time.

That isn't to say for 1 minute that there aren't lots of ideas that Repub-

licans are putting forward that will help drive the cost of health care down—contrary to the big government schemes put forward by the other side which, in addition to raising taxes, cutting Medicare, and borrowing more—if you can believe this—increases the cost of health care by raising premiums for everybody who currently has health insurance in this country.

So the 2,000-page bill isn't coming from us. We have a lot of great ideas that we will have an opportunity to debate and amendments we can offer, if and when we get on this bill. But the 2,000-page bills—the massive expansion of the Federal Government in Washington, DC—is not the way we believe we should fix and address the health care economy.

That brings me to my point because in contrast to a 1,990-page bill some are calling reform—which doesn't reform but certainly wrecks one-sixth of the American economy—I have a simple one-page amendment. It is four lines long. I would like to have the opportunity to offer it to the underlying legislation that is a matter of debate on the unemployment insurance extension, which I think most people on both sides of this aisle support. I think both Republicans and Democrats in the Senate believe it makes sense for us to extend unemployment benefits coverage to people who are losing it, and the underlying bill would do that by 14 weeks.

We also believe when a bill comes before the Senate, under the historical practices of the Senate, typically it is open to amendment. That is what makes the Senate different from the House of Representatives. Our Founders, in their infinite wisdom, conceived of two institutions—one, the House of Representatives; two, the Senate. The Senate has a more deliberative role. In doing so, it allows for open consideration and debate and votes on amendments.

What has happened today is that the majority leader has decided to fill the tree; in other words, not to allow votes on any amendments. So my one-page amendment, which is very simple and straightforward, isn't going to get voted on.

Mr. President, all my amendment does is end, on December 31 of this year, TARP. If the Congress doesn't take action, the Treasury Secretary can extend TARP. What is important to note about that is TARP has over \$200 billion that hasn't been spent, and with payments that have come back into that fund, over \$300 billion in funds that are unexpended. If we don't spend those—and it doesn't become a political slush fund to be spent on other priorities the Federal Government in Washington comes up with—that goes to pay down the Federal debt.

I can't think of anything more important now than trying to pay down

the Federal debt. If we are worrying about trying to help the economy recover and helping taxpayers, let's take the unobligated balance in the TARP fund, end that program at the end of the year, and use those proceeds to apply to the Federal debt so we can start making a dent in these massive deficits and this massive debt building in Washington, DC.

So that is all my amendment does. It just ends TARP at the end of the year. I think it is significant that since Congress created TARP, Congress ought to have a say in whether it gets extended. If we are going to have that say, it has to happen between now and the end of the year.

I couldn't find many opportunities between now and the end of the year to get this amendment offered, and as we had this piece of legislation moving through the Senate, the sort of natural inclination of this institution is to allow for amendments to be considered. So I offered that amendment so that Congress can be on the record as to whether we think TARP ought to be extended or whether it ought to be ended and those unobligated balances be used to pay down the Federal debt, which, as I said, is growing at \$1 trillion a year for the next 10 years.

So I think it is a very straightforward, simple amendment, and simple enough that it can be put on one page. It doesn't take 1,990 pages to explain this. That is all it does. I think it is important to the taxpayers that we have this vote and that the Senate be on the record, that we be heard with respect to whether we think TARP ought to be extended or not, since Congress created TARP a year ago to bring stabilization to the financial services industry of this country.

That having been accomplished, it seems to me the next step ought to be to focus on getting the Federal debt under control and paying down the debt. We can do that by taking those unexpended balances and the unobligated balances in TARP and put those toward the Federal debt.

What is being done today is filling the tree and preventing us from having votes in the Senate. It has been done before; it is not like this is entirely new. But it is important to bear in mind what my colleagues on the other side have said in the past when it was done back when the Republicans were in charge of the Senate. I want to quote what some of the Democrats who are in leadership positions in the Senate today said back then.

This is in February of 2006.

This is a very bad practice. It runs against the basic nature of the Senate.

That was Senator HARRY REID.

This is a bad way, in my opinion, to run the Senate.

HARRY REID in March of 2006.

I have a right, under the procedures of the Senate, to offer this amendment. I should

have the right to offer it at the moment, but I am not because there is—I guess the word “obstruction” is to be used—obstruction at the moment is the tree is filled so that no one can offer an amendment.

That was Senator BYRON DORGAN back in February 2006.

If you don't want to cast controversial votes, don't run for the Senate. That is what this is all about. You have to face the music and face the voters.

That was the Senator from Illinois, DICK DURBIN, back in May of 2006.

Those are just a few examples of what my colleagues on the other side have said about the very practice that is being employed by the leader today to prevent Republicans from offering amendments. Those are statements, as I said, made by Members of the now majority back when they were in the minority.

So we are going to have a cloture vote at 5 o'clock—in a few minutes—on whether to proceed to this substitute that is pending before us and whether we are going to allow this practice of filling the amendment tree to be used to prevent not only Members on the Republican side but Members on the Democratic side from offering amendments.

Filling the tree is, as I said, not without precedent. It has been done. But it has been used rarely, historically, up until now. This will mark the 22nd time the Democratic leader has filled the amendment tree in an attempt to prevent an open and fair debate and a vote on amendments that are offered by the Senate.

I served as a Member of the House of Representatives for three terms. There, the Rules Committee regulates what legislation comes to the floor, what amendments are made in order, how much time is allocated to each amendment, and it is an orderly process. That is the way the House was designed by our Founders.

The Senate is a very different institution. The Senate is supposed to be the place where we have open debate, where we have a fair process that allows amendments to be heard and allows amendments to be voted on. I think we have been very reasonable in seeking to offer amendments to the underlying unemployment insurance bill. But as I said, Mr. President, the majority leader has chosen to “fill the amendment tree” and thereby prevent those amendments from being offered, those amendments from being debated, and those amendments from being voted on.

Mr. President, I know the Senator from Nebraska is here as well. He also has an amendment he would like to offer that would offset in a different way the extension of the unemployment coverage to the people who are losing their coverage and should have their benefits extended by the additional 14 weeks. His is an amendment I

also think should be voted on in the Senate.

But I would like an opportunity to have this amendment voted on. It is one page. But we will not have that opportunity because the majority leader has opted to fill the amendment tree and prevent votes on those amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I wish to make a couple of points, not get into a knockdown, drag-out argument with my good friend from South Dakota.

First, he is saying the Democratic side is limiting his opportunity to offer amendments. I want to remind my friend that actually there has been a lot of to and fro here. The majority leader has offered many other opportunities for your side to offer amendments, back and forth, but it has gotten to the point where the leader had to draw the line and say we have to get moving here, we have to get moving on extending unemployment insurance. The point is, there were many opportunities to offer amendments, both ways. We have to get moving here and get unemployment insurance extended.

The other main point I think is important, just to raise it, basically suggesting this bill is not paid for. The Congressional Budget Office is the gold standard here. The Congressional Budget Office says at least the Finance Committee bill—we don't have another bill before us yet in the Senate, but the Finance Committee bill, the committee I chair—the CBO said the Finance Committee bill was deficit neutral for 10 years. That is their assessment. The CBO is the gold standard. They make these determinations. That is what they said.

They also concluded that the Finance Committee bill would reduce the deficit in future years—and significantly reduce the deficit in subsequent 10-year intervals.

I must say, they also made another very interesting conclusion that rebuts the charge that this health care legislation is more government. The fact is, the Congressional Budget Office concluded, in a letter to our committee, the bill would “reduce the Government's overall commitment to health care.”

Reduce the Federal Government's overall commitment to health care—not the same, not increase, but reduce. That is the Congressional Budget Office, in a letter: Reduce it. They gave a percentage. I think reduce it by a quarter or half percent GDP over time.

We do not have legislation before us now because the leader is melding two bills together, the HELP Committee and Finance Committee bills. Then we have to go to conference and so on and so forth, but it would be my hope, be

my expectation, be my interest, to see that continues, namely that the bill we pass out of this body is deficit neutral, when it comes back from conference it is deficit neutral over 10 years, actually does reduce the budget deficit over time, and actually reduces the Federal Government's commitment to health care. That is, the Federal Government would be paying less in health care over time. I hope that will be the case and that will be my expectation. That is something I will strive for.

I want to make it clear: not more government, less government—according to CBO anyway. Also the proposal out of the Finance Committee was deficit neutral.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNIS. Mr. President, may I inquire how much time is remaining?

The PRESIDING OFFICER. There remains 4 minutes 12 seconds.

Mr. JOHANNIS. Mr. President, I rise today to speak to the amendment process with this unemployment bill. It is a very important point that we are making this afternoon.

A few hours ago the very distinguished Member from Illinois, the senior Senator, got up and talked about how the unemployment insurance bill had been stalled by Republicans. He claimed that Republicans had been stalling it for 4 weeks. I rise today to respectfully disagree with that. We have come forward with a series of amendments. That is what the Senate is about. The other side has resisted votes on the amendments. So we started this process of trying to scale this back. We started out with eight amendments. The majority leader said, no, it could only be six. So Republicans got together and said we will come back with only three Republican amendments. Then, lo and behold, there was an objection to that.

Let me repeat: We said eight, they said six, we said three, and they said no.

It turns out there is one significant vote and it is the Senator from South Dakota who I think very appropriately and, I think, wisely put an amendment forward that would put TARP to an end at the end of the year.

I am new to this process. But I have to tell you, in the first weeks I was here when we were voting on amendments I said to myself: This is the most remarkable institution. Somebody from the minority could literally come with an idea from a citizen back home, put that idea out here, and get a vote on that. There cannot be anything like this anywhere in the world.

What is happening today, if I might point out, is that this is being thwarted by filling the tree. For those who are listening to this and saying what does this filling the tree mean, all it means is that the majority leader, who is in

control of the process, simply puts all the amendments out there and there is no opportunity for anybody else to offer an amendment. It is called filling the tree.

Look at what is happening. This is what does concern me as a Member of this great institution. If you go back through the history of majority leaders, you can see what has happened. Tom Daschle, when he was majority leader, I think used this once. Bill Frist, when he was majority leader, used this I think it was 12 times, if I remember correctly.

Today, this will be 22 times that the majority leader has done this. What this graph means is if you have an amendment, as I do, that basically says I like what you are doing here. I don't have any problem with extending unemployment. I voted for the tax credit for homes. I voted, or I would vote, for the loss carryback. I talked about it on the campaign trail. But I have an amendment that says we should pay for this the way we did originally, with stimulus funding. That is simple. This is not complicated. All I am asking is for a vote on that. I think that makes a tremendous amount of sense.

What I am saying is if we are going to act like a Senate, if we are going to give each Member the ability to make their case, then what we have to do is stop this and bring these issues to a vote.

I yield the floor.

Mr. KYL. Mr. President, I intend to vote in favor of the H.R. 3548, the Unemployment Compensation Extension Act.

When the Bureau of Labor Statistics recently released jobless figures for September, they showed an estimated 287,300 people unemployed in my home State of Arizona. The State's unemployment rate now stands at 9.1 percent—the highest since 1983.

And as if that weren't bad enough, the Bureau reports that Arizona's unemployment rate approaches 17.2 percent when the number of people who are underemployed are taken into account, along with those who are so discouraged that they have given up on their job search.

The construction industry in Arizona has been particularly hard hit. A report in the East Valley Tribune earlier this week noted that while there were nearly 248,000 people employed in construction in June of 2006, that number had declined to just 137,700 by September. That is a decline of 44 percent. The State's trade and transportation sector is off 15 percent from its peak, and manufacturing is down nearly as much.

The unemployed need the support that this benefit extension will provide. It is a shame, though, that we couldn't have passed this legislation sooner to speed the delivery of these benefits to those who need them.

The House of Representatives passed its version of the unemployment benefits extension bill on September 22, but it was not until 2½ weeks later, on October 8, that the majority leader finally brought a different version before the Senate for consideration. Senators were then given just an hour and a half to review the bill and vote, with no opportunity to consider amendments.

In other words, the majority leader proposed that Senators either pass his bill or no bill at all.

And that is a problem because there are changes that should be made to the bill, yet there is no opportunity for Senators of either party to offer amendments. Acting in my capacity as minority whip, I objected on behalf of other Senators to the leader's short-circuited procedure, fully expecting that we could promptly come to an agreement to allow votes on a limited number of amendments and then vote on final passage. Had the leader agreed, we could have disposed of the bill nearly 3 weeks ago, and it would probably be law by now.

Instead, the majority leader continued to insist that Senators vote on his bill and only his bill, without amendment.

Only within the last few days has there been some willingness to work with us on the important amendments Senators wanted to address. For example, both Republican and Democratic Senators want to include an extension of the homebuyer tax credit, which some credit with reviving the homebuilding industry.

Another colleague would like to offer an amendment to better use E-Verify to prevent fraudulent claims of unemployment benefits. This amendment would help ensure that people who claim benefits are who they say they are.

In addition, colleagues want to offer amendments on net operating loss as a stimulus to struggling companies. Others would sunset the TARP program, provide nongovernment management of the TARP, and prevent TARP recipients from providing funds to ACORN.

Another amendment proposes an alternative offset for the \$2.4 billion cost of extending unemployment benefits. The majority's version offsets the cost by extending the Federal unemployment surtax, but imposing a direct tax on job creation is perhaps one of the worst things we could do when the economy continues to lose jobs. The alternative that some Senators would like to offer would offset the cost of the bill with unspent funds from the so-called stimulus package instead.

How these amendments will be addressed is not yet clear; we do not have the right to offer any of them under the majority leader's closed process.

We should also recognize that we are engaged in this exercise of extending unemployment benefits for one simple

reason: Our economy continues to lose more jobs than it is producing. That is because the President's stimulus program is simply not working as intended.

According to an October 29 Associated Press report, the Obama administration is overstating the impact of the stimulus and the number of jobs the program has created. According to the AP report, "the review found some counts were more than 10 times as high as the actual number of jobs; some jobs were credited to stimulus spending when, in fact, none were produced."

AP went on to note that "there's no evidence the White House sought to inflate job numbers in the report, but the administration embraced the flawed figures the moment they were released."

An October 21 report in the Phoenix Business Journal recalled that while President Obama projected that the stimulus bill would create 70,000 new jobs in Arizona, the State has actually lost 77,300 jobs since the stimulus was signed into law.

If the stimulus isn't working, we ought to consider alternatives or at least try to put some of the remaining unspent funds to better use.

After all, we can and should extend unemployment benefits, but unless new jobs are being created, the unemployed will be no better off once the additional benefits we are providing run out.

Mr. President, I wish the majority leader had allowed this bill to move forward sooner under an open process. We could have passed it weeks ago. But I intend to vote for it today.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, how much time is remaining on each side?

The PRESIDING OFFICER. The time remaining is 7 minutes 8 seconds on the Democratic side, and 4 seconds on the Republican side.

Mr. BAUCUS. Four seconds. That is interesting.

I want to set the record straight for my good friend from Nebraska. I don't know how wise it would be to pay for this unemployment extension by stopping stimulus payments. Our economy is still coming out, still in recovery. We are by no means out of the woods yet. I think it would not make sense to pay for the extension of unemployment insurance benefits by going back to stimulus money and stopping the payment of stimulus dollars. I do not know exactly how many stimulus dollars are not yet spent, but I think it is significant and I think it would be unwise for us to stop them at this point.

Beyond that, I think we should get on, vote, and pass this legislation. People are out of jobs. There is a record number of people seeking unemployment. There are, I think, about 15 million Americans chasing 3 million jobs. They can't find jobs, can't get them;

they are unavailable. It seems to me it only makes sense for us to extend the underlying unemployment insurance for another 14 weeks for all States and 6 weeks for those high unemployment States.

I mentioned earlier how important it is for us to keep spending stimulus dollars. I chuckled when I heard my good friend talk about filling the tree. Frankly, in my State we need not to fill up trees, we need to fell more trees so we can get more jobs in our State, and that is one reason for the extension of the home buyer's tax credit.

The people in our home States, as we know, are more worried about jobs than anything else. That is what it comes down to is jobs, good-paying jobs. With this legislation, hopefully, if we get enough cloture votes so we can invoke cloture and get to the passage of the legislation, it is about jobs—extending the homeowners tax credit, it is expanding the net operating loss provision, which is so important to so many companies. Add to that, it is extending unemployment insurance to those people who need benefits because they are out of work, looking for jobs.

Let me repeat two figures I mentioned earlier: There are about 15 million people in our country unemployed who are looking for about 3 million jobs. That is about one out of five. That is unconscionable in a country such as ours.

Let's get on with this, let's pass this legislation so people can get some help.

I yield the remainder of my time. I guess there is only 4 seconds left on this side. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask all remaining time be yielded back and I ask consent we proceed to the vote on the underlying measure.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. I thank the Chair.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baucus-Reid amendment No. 2712 to H.R. 3548, the Unemployment Compensation Extension Act of 2009.

MAX BAUCUS, BYRON L. DORGAN, EDWARD E. KAUFMAN, MARK L. PRYOR, JEFF BINGAMAN, TOM UDALL, ROLAND W.

BURRIS, TIM JOHNSON, MARY L. LANDRIEU, PATTY MURRAY, AL FRANKEN, MICHAEL F. BENNET, BENJAMIN L. CARDIN, RICHARD DURBIN, HERB KOHL, MARK BEGICH.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived. The question is, Is it the sense of the Senate that debate on amendment No. 2712, the Baucus-Reid substitute to H.R. 3548, the Unemployment Compensation Extension Act of 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. LEAHY), the Senator from Missouri (Mrs. MCCASKILL), and the Senator from New Jersey (Mr. MENENDEZ) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. BUNNING), the Senator from Oklahoma (Mr. COBURN), the Senator from Tennessee (Mr. CORKER), the Senator from Texas (Mr. CORNYN), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Georgia (Mr. ISAKSON), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea," and the Senator from Texas (Mr. CORNYN) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 85, nays 2, as follows:

[Rollcall Vote No. 332 Leg.]

YEAS—85

Akaka	Feinstein	Murray
Alexander	Franken	Nelson (NE)
Barrasso	Gillibrand	Nelson (FL)
Baucus	Graham	Pryor
Bayh	Grassley	Reed
Begich	Hagan	Reid
Bennet	Harkin	Risch
Bingaman	Hatch	Roberts
Boxer	Inhofe	Rockefeller
Brown	Inouye	Sanders
Brownback	Johanns	Schumer
Burr	Johnson	Shaheen
Burr	Kaufman	Shelby
Byrd	Kerry	Snowe
Cantwell	Kirk	Specter
Cardin	Klobuchar	Stabenow
Carper	Kohl	Tester
Casey	Kyl	Thune
Chambliss	Landrieu	Udall (CO)
Cochran	Lautenberg	Udall (NM)
Collins	LeMieux	Vitter
Conrad	Levin	Voinovich
Crapo	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	Lugar	Whitehouse
Durbin	McCain	Wicker
Ensign	McConnell	Wyden
Enzi	Merkley	
Feingold	Mikulski	

NAYS—2

Bond	DeMint
------	--------

NOT VOTING—13

Bennett	Gregg	Menendez
Bunning	Hutchison	Murkowski
Coburn	Isakson	Sessions
Corker	Leahy	
Cornyn	McCaskill	

The PRESIDING OFFICER. On this vote, the yeas are 85, the nays are 2. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked on amendment No. 2712, the motion to commit falls.

The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, the Senate has just voted on a motion to advance the Unemployment Compensation Extension Act. This is the second time—that is right, the second time—we voted on this critical legislation. But, unfortunately, opponents of the extension are still holding it up.

The bill under consideration today incorporates important ideas from both sides of the aisle. When the House bill included additional weeks only for workers in States with unemployment rates above 8.5 percent, the chairman and the majority leader allowed us to work out a compromise that would support jobless workers in all 50 States.

An amendment by Senator ISAKSON to extend the home buyers tax credit has now been incorporated into the Senate bill, as well as an important amendment from Senator BUNNING to extend the carryback of net operating losses for up to 5 years. Both of these are good ideas that will help homeowners, help our housing market, and provide relief to businesses that are trying to weather this economic recession. Both have now been included in the Unemployment Compensation Extension Act.

Now it is time for all of us to stop playing politics and to focus on the critical issue we started to address a month ago: the devastating rates of unemployment and the nearly 2 million Americans who are exhausting their benefits at the rate of 7,000 a day.

This is good legislation. It is legislation that provides at least 14 additional weeks of unemployment insurance for those Americans who have been hardest hit by this recession and those whose benefits are starting to be exhausted. I was pleased that once again the motion to advance this bill received broad bipartisan support. The vote was 85 to 2. The first vote was 87 to 13. It should receive this kind of support because unemployment isn't a New England problem or a Montana problem or a southern problem; it isn't a Republican or an Independent or a Democratic problem; it is a hardship that hits every community in every State in every part of our country.

Last week, I spoke about my constituent Jane McDermott from Stoddard, NH. Jane wrote me last week that without this extension, she doesn't know how she is going to pay for the gas she needs to get out and look for a job, she doesn't know how she is going to pay for groceries for her family or any of the other family necessities. I was hoping that today Jane would get the news she has been waiting for—that this extension will be put into effect and that she, along with millions of other Americans who need it, will get the help to be able to continue to look for a job and continue to get the family necessities while she does that.

I think it is time—again, way past time—for us to put politics aside. We shouldn't make Jane or any of the other hundreds of thousands of Americans who have been waiting for this extension wait one more day.

Mr. President, I yield the floor with the hopes that we will get an agreement today, tomorrow, as soon as possible, to help the people who need help. Thank you.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, and that the time during morning business count against the postcloture time.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mr. LAUTENBERG. Mr. President, another 6 months have passed, and more American troops have lost their lives overseas in Iraq and Afghanistan. I wish to honor their service and sacrifice by including their names in the CONGRESSIONAL RECORD.

Since I last included the names of our fallen troops on April 23, 2009, the Pentagon has announced the deaths of 310 troops in Iraq and in Operation Enduring Freedom, which includes Afghanistan. They will not be forgotten and today I submit their names into the RECORD:

PFC Lukas C. Hopper, of Merced, CA; SPC Adrian L. Avila, of Opelika, AL; Frank R. Walker, of Oklahoma City, OK; PFC Brian R. Bates, of Gretna, LA; SPC Joseph L. Gallegos, of Questa, NM; SPC Robert K. Charlton, of Malden, MO; SSG Keith R.

Bishop, of Medford, NY; SFC David E. Metzger, of San Diego, CA; SGT Nikolas A. Mueller, of Little Chute, WI; SGT Josue E. Hernandez Chavez, of Reno, NV; SSG Shawn H. McNabb, of Terrell, TX; CW3 Niall Lyons, of Spokane, WA; CW4 Michael P. Montgomery, of Savannah, GA; PFC Christopher I. Walz, of Vancouver, WA; SPC Jared D. Stanker, of Evergreen Park, IL; SGT Patrick O. Williamson, of Broussard, LA; SGT Issac B. Jackson, of Plattsburg, MO; SGT Dale R. Griffin, of Terre Haute, IN; SGT Fernando Delarosa, of Alamo, TX; SSG Luis M. Gonzalez, of South Ozone Park, NY.

LCpl Cody R. Stanley, of Rosanky, TX; SPC Brandon K. Steffey, of Sault Sainte Marie, MI; MAJ David L. Audon, of Saint Joseph, IL; PFC Devin J. Michel, of Stockton, IL; SGT Eduviges G. Wolf, of Hawthorne, CA; Capt Kyle R. Van De Giesen, of North Attleboro, MA; Capt David S. Mitchell, of Loveland, OH; Capt Eric A. Jones, of Westchester, NY; CPL Gregory M.W. Fleury, of Anchorage, AK; PFC Kimble A. Han, of Lehi, UT; SPC Eric N. Lembke, of Tampa, FL; SPC Kyle A. Coumas, of Lockeford, CA; SSG Bradley Espinoza, of Mission, TX; LCpl David R. Baker, of Painesville, OH; SPC Michael A. Dahl Jr., of Moreno Valley, CA; PFC Daniel J. Rivera, of Rochester, NY; PFC Brandon M. Styer, of Lancaster, PA; SPC Daniel C. Lawson, of Deerfield Beach, FL; SPC Jesus O. Flores, Jr., of La Mirada, CA; SSG Glen H. Stivison, Jr., of Blairsville, PA.

SPC Anthony G. Green, of Matthews, NC; SSG Chris N. Staats, of Fredericksburg, TX; SGT Christopher M. Rudzinski, of Rantoul, IL; SSgt Aaron J. Taylor, of Bovey, MN; LCpl Alfonso Ochoa Jr., of Armona, CA; SPC George W. Cauley, of Walker, MN; SFC Kenneth W. Westbrook, of Shiprock, NM; SPC Kevin O. Hill, of Brooklyn, NY; PFC Kevin C. Thomson, of Reno, NV; SPC Stephan L. Mace, of Lovettsville, VA; SPC Christopher T. Griffin, of Kincheloe, MI; SGT Michael P. Scusa, of Villas, NJ; SGT Joshua J. Kirk, of South Portland, ME; SGT Joshua M. Hardt, of Applegate, CA; SGT Justin T. Gallegos, of Tucson, AZ; SSG Vernon W. Martin, of Savannah, GA; MAJ Tad T. Hervas, of Coon Rapids, MN; PFC Alan H. Newton Jr., of Asheboro, NC; CPT Benjamin A. Sklaver, of Medford, MA; SPC Paul E. Andersen, of Dowagiac, MI.

SSG Thomas D. Rabjohn, of Litchfield Park, AZ; SPC Brandon A. Owens, of Memphis, TN; SGT Aaron M. Smith, of Manhattan, KS; SGT Roberto D. Sanchez, of Satellite Beach, FL; SGT Ryan C. Adams, of Rhinelander, WI; SPC Russell S. Hercules Jr., of Murfreesboro, TN; SSG Jack M. Martin, III, of Bethany, OK; SFC Christopher D. Shaw, of Markham, IL; SSG Alex French, IV, of Milledgeville, GA; SPC Ross E. Vogel, III, of Red Lion, PA; LCpl Jordan L. Chrobot, of Frederick, MD; SPC Kevin J. Graham, of Benton, KY; SPC Joseph V. White, of Bellevue, WA; SGT Edward B. Smith, of Homestead, FL; SGT Titus R. Reynolds, of Columbus, OH; LCpl John J. Malone, of Yonkers, NY; PFC William L. Meredith, of Virginia Beach, VA; TSgt James R. Hornbarger, of Castle Rock, WA; SGT David A. Davis, of Dahart, TX.

SPC Damon G. Winkleman, of Lakeville, OH; SPC Corey J. Kowall, of Murfreesboro, TN; SPC Michael S. Cote Jr., of Denham Springs, LA; SrA Matthew R. Courtois, of Lucas, TX; PFC Jeremiah J. Monroe, of Niskayuna, NY; SSG Joshua M. Mills, of El Paso, TX; SFC Shawn P. McCloskey, of Peachtree City, GA; SFC Bradley S. Bohle, of Glen Burnie, MD; SGT Robert D. Gordon, II, of River Falls, AL; 1LT David T. Wright,

II, of Moore, OK; SGT Andrew H. McConnell, of Carlisle, PA; SPC Demetrius L. Void, of Orangeburg, SC; SSgt Bryan D. Berky, of Melrose, FL; SPC Daniel L. Cox, of Parsons, KS; SSG Nekl B. Allen, of Rochester, NY; PFC Matthew M. Martinek, of DeKalb, IL; SFC Duane A. Thornsby, of Bridgeport, WV; SGT Tyler A. Juden, of Winfield, KS; 1LT Tyler E. Parten, of AR; LCpl Christopher S. Fowlkes, of Gaffney, SC.

PFC Zachary T. Myers, of Delaware, OH; PFC Thomas F. Lyons, of Fernley, NV; SSG Shannon M. Smith, of Marion, OH; SGT Youvert Loney, of Pohnpei, Micronesia; SSgt Aaron M. Kenefick, of Roswell, GA; 1LT Michael E. Johnson, of Virginia Beach, VA; GySgt Edwin W. Johnson Jr., of Columbus, GA; PO3 James R. Layton, of Riverbank, CA; Capt Joshua S. Meadows, of Bastrop, TX; 1st Lt Joseph D. Helton, of Monroe, GA; SSG Michael C. Murphrey, of Snyder, TX; SGT Randy M. Haney, of Orlando, FL; 2LT Darryn D. Andrews, of Dallas, TX; LCpl Christopher S. Baltazar Jr., of San Antonio, TX; PO3 Benjamin P. Castiglione, of Howell, MI; SPC Jordan M. Shay, of Salisbury, MA; SSG Todd W. Selge, of Burnsville, MN; SPC Tyler R. Walshe, of Shasta, CA; PFC Jordan M. Brochu, of Cumberland, ME; SPC Jonathan D. Welch, of Yorba Linda, CA.

LCpl David R. Hall, of Elyria, OH; PFC Eric W. Hario of Monroe, MI; SSG Jason S. Dahlke of Orlando, FL; SPC Abraham S. Wheeler, III, of Columbia, SC; PVT Taylor D. Marks, of Monmouth, OR; SGT Earl D. Werner, of Mondovi, WI; SSG Kurt R. Curtiss, of Murray, UT; PFC Matthew E. Wildes, of Hammond, LA; SPC Dennis M. Williams, of Federal Way, WA; SFC Ronald W. Sawyer, of Trenton, MO; CPT Cory J. Jenkins, of AZ; CPT John L. Hallett, III, of Concord, CA; LCpl Donald J. Hogan, of San Clemente, CA; CPL Darby T. Morin, of Victoria, Canada; 2LT Joseph D. Fortin, of St. Johnsbury, VT; SSG Andrew T. Lobosco, of Somerville, NJ; PFC Jonathan C. Yanney, of Litchfield, MN; SPC Troy O. Tom, of Shiprock, NM; SGT Matthew L. Ingram, of Pearl, MS; SPC Justin R. Pellerin, of Boscawen, NH.

PFC Brian M. Wolverton, of Oak Park, CA; 1SG Jose S.N. Crisostomo, of Inarajan, Guam; SSG Clayton P. Bowen, of San Antonio, TX; PFC Morris L. Walker, of Chapel Hill, NC; SPC Paul E. Dumont, of Williamsburg, VA; SPC Matthew D. Hastings, of Claremore, OK; SPC William Z. Van Osdol, of Pinson, AL; GySgt Adam F. Benjamin, of Garfield Heights, OH; LCpl Leopold F. Damas, of Floral Park, NY; SFC William B. Woods Jr., of Chesapeake, VA; CPL Nicholas R. Roush, of Middleville, MI; LCpl Joshua M. Bernard, of New Portland, ME; SGT William J. Cahir, of Washington, DC; CPT John Tinsley, of Tallahassee, FL; LCpl Bruce E. Ferrell, of Perdido, AL; SPC Richard A. Walters Jr., of Cleveland, OH; LCpl Patrick W. Schimmel, of Winfield, MO; LCpl Javier Olvera, of Palmdale, CA; LCpl Dennis J. Burrow, of Naples, FL; SGT Jerry R. Evans Jr., of Eufaula, AL.

SPC Matthew K.S. Swanson, of Lake Forest, CA; SSG Tara J. Smith, of Nashville, NC; Capt Matthew C. Freeman, of Richmond Hill, GA; Sgt Jay M. Hoskins, of Paris, TX; Cpl Christian A. Guzman Rivera, of Homestead, FL; LCpl Travis T. Babine, of San Antonio, TX; LCpl James D. Argentine, of Farmingdale, NY; PO3 Anthony C. Garcia, of Panama City, FL; PVT Keiffer P. Wilhelm, of Plymouth, OH; SFC Severin W. Summers, III, of Bentonina, MS; SFC Alejandro Granado, of Fairfax, VA; CPT Ronald G. Luce Jr., of Fayetteville, NC; PVT Patrick S. Fitzgibbon, of Knoxville, TN; PFC Richard

K. Jones, of Roxboro, NC; CPL Jonathan M. Walls, of West Lawn, PA; SPC Alexander J. Miller, of Clermont, FL; SSG Johnny R. Polk, of Gulfport, MS; LCpl Jonathan F. Stroud, of Cashion, OK; LCpl Gregory A. Posey, of Knoxville, TN; CW2 Douglas M. Vose, III, of Concrete, WA.

SGT Gerrick D. Smith, of Sullivan, IL; AT Andrew Scott Charpentier, of Great Falls, MT; SPC Justin D. Coleman, of Spring Hill, FL; PFC Donald W. Vincent, of Gainesville, FL; SPC Herberth A. Berrios-Campos, of Bealeton, VA; Cpl Nicholas G. Xiarhos, of Yarmouth Port, MA; LCpl Jeremy S. Lasher, of Oneida, NY; Sgt Ryan H. Lane, of Pittsburgh, PA; SPC Randy L.J. Neff, Jr., of Blackfoot, ID; SGT Joshua J. Rimer, of Rochester, PA; SGT Raymond P. Morales, of Dalton, GA; PFC Dennis J. Pratt, of Duncan, OK; SPC Andrew J. Roughton, of Houston, TX; SGT Anthony M. Lightfoot, of Riverdale, GA; SGT Gregory Owens Jr., of Garland, TX; Cpl Benjamin S. Kopp, of Rosemount, MN; LCpl Brandon T. Lara, of New Braunfels, TX; Capt Mark R. McDowell, of Colorado Springs, CO; Capt Thomas J. Gramith, of Eagan, MN; SPC Carlos E. Wilcox, IV, of Cottage Grove, MN.

SPC James D. Wertish, of Olivia, MN; SPC Daniel P. Drevnick, of Woodbury, MN; SFC Jason J. Fabrizi, of Seffner, FL; Sgt Michael W. Heede, of Delta, PA; SSgt David S. Spicer, of Zanesfield, OH; CW2 Rodney A. Jarvis, of Akron, OH; SSG Eric J. Lindstrom, of Flagstaff, AZ; MSgt Jerome D. Hatfield, of Axton, VA; LCpl Pedro A. Barbozaflares, of Glendale, CA; Cpl Matthew R. Lembke, of Tualatin, OR; SPC Joshua R. Farris, of La Grange, TX; MSgt John E. Hayes, of Middleburg, FL; LCpl Roger G. Hager, of Gibsonville, NC; SPC Gregory J. Missman, of Batavia, OH; PFC Lucas M. Bregg, of Wright City, MO; Sgt Michael C. Roy, of North Fort Myers, FL; AO Darren Ethan Tate, of Canyon, TX; SPC Issac L. Johnson, of Columbus, GA; SPC Chester W. Hosford, of Hastings, MN; SGT Brock H. Chavers, of Bulloch, GA.

2LT Derwin I. Williams, of Glenwood, IL; CPT Mark A. Garner, of Elkin, NC; PFC Nicolas H. J. Gideon, of Murrieta, CA; SPC Christopher M. Talbert, of Galesburg, IL; PO2 Tony Michael Randolph, of Henryetta, OK; LCpl Charles S. Sharp, of Adairsville, GA; PFC Aaron E. Fairbairn, of Aberdeen, WA; PFC Justin A. Casillas, of Dunnigan, CA; SPC Robert L. Bittiker, of Jacksonville, NC; SGT Juan C. Baldeosingh, of Newport, NC; SGT Roger L. Adams Jr., of Jacksonville, NC; SFC Edward C. Kramer, of Wilmington, NC; SGT Terry J. Lynch, of Shepherd, MT; SSG Timothy A. David, of Gladwin, MI; PFC Steven T. Drees, of Peshtigo, WI; SPC Joshua L. Hazlewood, of Manvel, TX; 1LT Brian N. Bradshaw, of Steilacoom, WA; SPC Casey L. Hills, of Salem, IL; SGT Rodrigo A. Munguia Rivas, of Germantown, MD; SGT Ricky D. Jones, of Plantersville, AL.

1SG John D. Blair, of Calhoun, GA; MCPO Jeffrey J. Garber, of Hemingford, NE; SPC Chancellor A. Keesling, of Indianapolis, IN; SSG Joshua A. Melton, of Carlyle, IL; SSG Paul G. Smith, of East Peoria, IL; SGT Joshua W. Soto, of San Angelo, TX; MSG Kevin A. Dupont, of Templeton, MA; CPT Kafele H. Sims, of Los Angeles, CA; SPC Jonathan C. O'Neill, of Zephyrhills, FL; SSG Edmond L. Lo, of Salem, NH; CW02 Ricky L. Richardson Jr., of Franklin, MO; MAJ Rocco M. Barnes, of Los Angeles, CA; LCpl Joshua R. Whittle, of Downey, CA; LCpl Robert D. Ulmer, of Landisville, PA; SGT Christopher M. Kurth, of Alamogordo, NM; SPC Charles D. Parrish, of Jasper, AL; SPC Jeffrey W. Jordan, of

Rome, GA; SFC John C. Beale, of Riverdale, GA; MAJ Kevin M. Jenrette, of Lula, GA; SGT Jasper K. Obakrairur, of Hilo, HI.

SPC Jarrett P. Griemel, of La Porte, TX; SPC Roberto A. Hernandez, I, of Far Rockaway, NY; SGT Justin J. Duffy, of Cozad, NE; PFC Matthew W. Wilson, of Miller, MO; PFC Matthew D. Ogden, of Corpus Christi, TX; SSG Jeffrey A. Hall, of Huntsville, AL; LCpl Matthew G. Reza, of Austin, TX; SPC Marko M. Samson, of Columbus, OH; SPC Samuel D. Stone, of Port Orchard, WA; PVT Bradley W. Iorio, of Galloway, NJ; PVT Thomas E. Lee, III, of Dalton, GA; SPC Chad A. Edmundson, of Williamsburg, PA; Dr. Maged M. Hussein, of Cairo, Egypt, 1SGT Blue C. Rowe, of Summers, AR; CDR Duane G. Wolfe, of Port Hueneme, CA; SrA Ashtun L. M. Goodman, of Indianapolis, IN; Lt Col Mark E. Stratton, II, of Houston, TX; SFC Brian Naseman, of New Bremen, OH; CW4 Brent S. Cole, of Reedsville, WV; SSG Paul F. Brooks, of Joplin, MO.

1LT Leevi K. Barnard, of Mount Airy, NC; MAJ Jason E. George, of Tehachapi, CA; 1LT Roslyn L. Schulte, of St. Louis, MO; SGT Carlisle M. Lee, III, of Birmingham, AL; SSG Esau I. De la Pena-Hernandez, of La Puente, CA; SPC David A. Schaefer Jr., of Belleville, IL; CPL Ryan C. McGhee, of Frederickburg, VA; MAJ Steven Hutchison, of Scottsdale, AZ; PFC Michael E. Yates Jr., of Federalburg, MD; SPC Jacob D. Barton, of Lenox, MO; SSG Christian E. Bueno-Galdos, of Paterson, NJ; MAJ Matthew P. Houseal, of Amarillo, TX; SGT Lukasz D. Sacek, of Lake in the Hills, IL; SPC Omar M. Albrak, of Chicago, IL; CDR Charles K. Spingle, of Wilmington, NC; PVT Justin P. Hartford, of Elmira, NY; SSG Randy S. Agno, of Pearl City, HI; SPC Shawn D. Sykes, of Portsmouth, VA; SPC Jake R. Velloza, of Inverness, CA; SPC Jeremiah P. McCleery, of Portola, CA.

SPC Ryan C. King, of Dallas, GA; SGT James D. Pirtle, of Colorado Springs, CO; SGT Christopher D. Loza, of Abilene, TX; PO2 Tyler J. Trahan, of East Freetown, MA; SSgt Mark A. Wojciechowski, of Cincinnati, OH; Sgt James R. McIlvaine, of Olney, MD; SSG Leroy O. Webster, of Sioux Falls, SD; CSM Benjamin Moore Jr., of Waycross, GA; CPL Brad A. Davis, of Garfield Heights, OH; Cpl William C. Comstock, of Van Buren, AR.

We cannot forget these men and women and their sacrifice. These brave souls left behind parents, spouses, children, siblings, and friends. We want them to know the country pledges to preserve the memory of our fallen soldiers who gave their lives for our country.

SERGEANT MICHAEL P. SCUSA

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Army SGT Michael P. Scusa, who lost his life as the result of an attack in Kamdesh, Afghanistan, on October 3, 2009.

As a child in Crete, NE, Michael Scusa had his sights set on a military career. He joined the U.S. Army in 2005, immediately following his high school graduation in Villas, NJ, where he had been living with his mother. After basic training in Kentucky, Scusa was assigned to Fort Carson, CO.

While stationed at Fort Carson, Sergeant Scusa met his wife Alyssa. She describes her husband as a man with a wonderful sense of humor who always brightened other people's spirits. He

never complained and always wore a smile. The two had been married for 2 years and had a son Connor, named after one of Scusa's close friends who was also killed while serving his country. Scusa was deployed to Afghanistan when Connor was just 8 months old.

Sergeant Scusa had been in Afghanistan for 5 months and was on his second tour overseas, having deployed to Iraq from October 2006 to December 2007. He and seven other soldiers out of Fort Carson, all of the 3rd Squadron, 61st Cavalry Regiment, 4th Brigade Combat Team, 4th Infantry Division, were killed in combat while bravely defending their outpost against a coordinated attack by hundreds of insurgents in the mountainous Nuristan Province. Over the course of his service, Sergeant Scusa received an array of honors and awards, including a Bronze Star, Purple Heart and Army Good Conduct Medal; and he was posthumously promoted from specialist to sergeant.

Upon his wishes, Sergeant Scusa has been laid to rest in Colorado in order to be near his wife and son. He also leaves behind his mother Cindy; father and stepmother George and Kelley; sisters Susan and Kami; brothers John and Jimmy; and numerous other family members and friends.

Sergeant Scusa passed away making the ultimate and most valiant sacrifice. My condolences and prayers go out to his family and friends. His heroism and selflessness will remain an inspiration for all of us.

CALLING UPON TURKEY TO FACILITATE THE REOPENING OF THE HALKI SEMINARY

Mr. CARDIN. Mr. President, this week's visit to Washington by the Ecumenical Patriarch, Bartholomew I, is an appropriate occasion to renew calls for the reopening of the Halki Seminary, without further delay. Founded in 1844, the Theological School of Halki, located outside modern-day Istanbul, served as the principal seminary for Ecumenical Patriarchate until its forcible closure by the Turkish authorities in 1971. Counted among alumni of this preeminent educational institution are numerous prominent Orthodox scholars, theologians, priests, and bishops as well as patriarchs, including Bartholomew I. Many of these scholars and theologians have served as faculty at other institutions serving Orthodox communities around the world. Despite occasional indications by the authorities of pending action to reopen the seminary, to date all have failed to materialize.

Earlier this year, several of my colleagues from the Commission on Security and Cooperation in Europe, which I chair, joined me in a letter to President Obama to underscoring our longstanding concern over the continued closure of this unique institution. The

continued denial of requests for the re-opening of the seminary stands in clear violation of Turkey's obligations pursuant to the 1989 OSCE Vienna Concluding Document which affirmed the right of religious communities to provide "training of religious personnel in appropriate institutions." While there is no question that the Halki Seminary is the appropriate institution for training Orthodox clergy in Turkey, the Government of Turkey continues to refuse to reopen the school.

In his address to the Turkish Grand National Assembly in April, President Obama said, "Freedom of religion and expression lead to a strong and vibrant civil society that only strengthens the state, which is why steps like reopening Halki Seminary will send such an important signal inside Turkey and beyond." In a welcomed development, Turkey's Prime Minister, Recep Tayyip Erdoğan met with the Ecumenical Patriarch in August. In an address to a wider gathering of minority religious leaders that day, Erdoğan concluded by stating, "We should not be of those who gather, talk and disperse. A result should come out of this."

Mr. President, I urge Prime Minister Erdoğan to follow through on the sentiment of those remarks by actions that will facilitate the reopening of the Halki Seminary without further delay. I am told that the Theological School of Halki is situated atop the summit of the Hill of Hope. For those of us who have pursued this issue over the years, our hope has been that we would indeed witness the reopening of this historic institution. I remain hopeful and encourage Prime Minister Erdoğan to act decisively and without condition on this matter before his upcoming visit to Washington.

ADDITIONAL STATEMENTS

REMEMBERING GEORGE M. SULLIVAN

• Ms. MURKOWSKI. Mr. President, I wish to remember one of the great public officials in the history of the State of Alaska, the former mayor of Anchorage, George M. Sullivan, who died peacefully in his sleep last month at age 87. George served Alaska during a time of transition in our State's history.

A lifelong Alaskan who was born and raised in Valdez, George worked for the U.S. Army's transportation corps during World War II in the Aleutians. He later won a seat in the Alaska House of Representatives in 1964 and 1965, being an excellent representative for Anchorage to represent the city's vast economic needs in the State legislature. He was a convincing spokesman for Anchorage in securing the aid that the city so desperately needed to rebuild.

George became the mayor of the city of Anchorage in 1967, just 8 years after statehood, but more importantly just 3 years after the Good Friday earthquake of 1964 that destroyed most of downtown Anchorage. The city was still in the early phases of rebuilding when George became the leader of city government. He guided the city through crafting new building and zoning codes as well as implementing land use planning to prevent further earthquake damage from occurring in the future.

Meanwhile, an economic earthquake struck Alaska—the discovery of oil on Alaska's North Slope in December 1968. That discovery did more than any other event, even the earthquake, to turn Anchorage from a small port city to Alaska's largest city and the center of business, commerce, and supply in the State.

In preparation for the construction of the Trans-Alaska pipeline and the subsequent economic boom, Sullivan had the vision to see that municipal government needed to have greater authority to regulate and supervise growth. He led the effort to bring about the merger of the city of Anchorage with the surrounding borough to build a unified government, helping to write the city-borough's first charter in 1975. He then stayed on to guide the young unified city-borough government, serving as mayor for 14 years, longer than any other person before or since.

While guiding Anchorage to become the State's largest city, he also found time to represent Alaska as the State's first member of the executive board of the National League of Cities in 1972. He also served as the president of the Alaska Municipal League.

George also worked tirelessly to represent Alaska's needs during congressional consideration of the Alaska lands act that eventually passed in 1980. It was then that I first met him since I was working as an aide for the Alaska Legislature. George truly was an inspiration. He could light up a room in Juneau just by entering it and could influence legislation simply with a few words of wisdom.

George did not speak to hear himself talk, but everyone listened when he did talk. That was because everyone who knew George knew he was a straight shooter, a totally honest, fair, dedicated and hard-working man of outstanding judgment. He was a gentleman in every sense of the word.

He worked tirelessly to develop a complete city, one with services for the young which is why the town's sports center the Sullivan Arena—is named after him. He also worked to build facilities for senior citizens and low-income individuals and he worked to build the infrastructure necessary for a modern city in a cold climate.

While we had known of his ill health and his battle with cancer for some

time, there is still a great emptiness at his passing. While his wife Margaret passed away 2 years ago, George is survived by nine children, one of which, Dan, is Anchorage's current mayor.

As much as George was known for his leadership in the community and State, he was also known to be a family man. He and his wife Margaret were married for 59 years and raised nine children. I offer my deepest condolences to all of his children and grandchildren.

George was truly one of Alaska's original pioneers, a giant who will be sorely missed. His many accomplishments will live on in Alaska's history. Many Alaskans, including myself, will continue to remember the good humor, wisdom, and selflessness of the man who will always be called Mr. Mayor.●

TRIBUTE TO ANNA "ANN" ROSS KARY ANDERSON

• Mr. THUNE. Mr. President, today I recognize Anna "Ann" Ross Kary Anderson who served honorably during World War II as a member of the Women Airforce Service Pilots, WASP.

More than 1,000 women answered the call and served as pilots during World War II. However, because WASP records were classified and archived for over 30 years, WASPs have been left out of much of the documented history of World War II.

On July 1, 2009, legislation was signed into law that honors the service of these women with the Congressional Gold Medal, which is given in honor of outstanding service to the United States and is one of the Nation's highest civilian awards. This Congressional Gold Medal finally gives Anna "Ann" Ross Kary Anderson and the rest of these brave women the honor and recognition they deserve.

Between 1942 and 1944, the 1,102 women of WASP were trained in Texas, and then went on to fly noncombat domestic military missions so all their male counterparts could be deployed to combat. WASPs were required to complete the same primary, basic, and advanced training courses as male Army Air Corps pilots, and many went on to specialized flight training. By the conclusion of the war, WASPs logged 60 million miles of flying in every kind of military aircraft.

Following the war, the WASPs were disbanded and the women pilots paid their own way home without pomp or circumstance. Even during the war, the families of the 38 women who died in the line of duty were responsible for the costs to transport their bodies and arrange burials. It was not until 1977 that the WASPs were granted veterans status.

Anna "Ann" Ross Kary Anderson was born in 1920 on her family's homestead in Mellette County in South Dakota. Following high school, she attended

the University of South Dakota. After her military service "Kary," as she was known to her students, went on to instruct hundreds of future pilots and was one of the first female FAA inspectors. By the time she retired she had logged over 20,000 flight hours. She still has family living in South Dakota.

While many of the South Dakota WASPs are no longer with us, I would like to recognize all of the women who joined from South Dakota in addition to Anna "Ann" Ross Kary Anderson; Helen (Anderson) Severson of Summit, SD, who was killed in service during a flight training accident in 1943; Marjorie (Redding) Christiansen of Mystic, SD; Loes (Monk) MacKenzie of Salem, SD; Laurine Nielsen of Deadwood, SD; Maxine (Nolt) Wright DeHaven of Sioux Falls, SD. I would also like to honor Violet (Thurn) Cowden formerly of Bowdle, SD, who now lives in California, and Ola Mildred "Millie" Rexroat, who currently resides in Edgemont, SD.

The WASPs served our country with extraordinary bravery, even in the face of discrimination. Their service was essential to the war effort, and this recognition of their heroics is long overdue and rightfully deserved. Though the pages of history have thus far overlooked the accomplishments and even the existence of this group, which served its country so well, this bill ensures forever their rightful place in history.●

TRIBUTE TO BILL GROETHE

● Mr. THUNE. Mr. President, today I recognize Rapid City, SD, resident Bill Groethe on the occasion of his 86th birthday.

Bill has dedicated most of his life to preserving and capturing the history and heritage of Native Americans and South Dakota through his photographs. This means of documentation, which Bill has so aptly and skillfully employed, has allowed for the preservation and study of many of our region's most significant events.

Bill's photographic experiences and services extend beyond the scenery and history of the South Dakota. During World War II, he served his country as a photo reconnaissance technician for the Army Air Force.

Throughout his career, the photographs Bill has taken have not only been masterpieces of great artistic achievement but have also contributed, in a unique way, to memorializing great events of the past and, oftentimes, the people whom these events affected. Examples of this include photographs of Gutzon Borglum and his crew during the carving of Mount Rushmore, the dedication of the Crazy Horse monument, survivors of the 1890 Wounded Knee Massacre, the Rapid City flood of 1972, and, most notably, 1948 photos of the last nine Native

American survivors from the Battle of the Little Big Horn. Each of these photographs captures a pivotal and monumental event in our history.

Thanks to the efforts, talents, and generous donations of Bill Groethe, generations to come will have the opportunity to look upon and more fully appreciate the events of the past.●

TRIBUTE TO JUNE CULP ZEITNER

● Mr. THUNE. Mr. President, today I recognize the life and accomplishments of June Culp Zeitner, the "First Lady of Gems," who passed away on October 11, 2009.

June, a longtime South Dakota resident and world-renowned mineralogist, contributed greatly to the study and knowledge of minerals and fossils through her research and published writings. Her written works include 12 books and more than 1,000 scholarly and magazine articles on subjects such as natural history, cutting and polishing techniques, and collection methods.

In 1976, June acquired the nickname of the "First Lady of Gems" during a ceremony honoring the 25th anniversary of the American Federation of Mineralogical Societies. Those in attendance that day in the White House's Rose Garden to honor and thank June Culp Zeitner included First Lady Betty Ford and Mayor of Washington, DC, Walter Edward Washington.

As the founder of the State Stone Program, June encouraged each State to select an official stone, mineral, and fossil. It is thanks to June's initiative in founding the State Stone Program that South Dakota's official gem is the Fairburn Agate, our mineral is Rose Quartz, and our fossil is the Triceratops.

June's activities extended beyond the purely scientific to include education and journalism, serving as a teacher and, for 38 years, a member of the editorial staff of Lapidary Journal. She also founded the National Rockhound and Lapidary Hall of Fame in my hometown of Murdo, SD. Her other accomplishments include creating a display collection for the Smithsonian Institution and receiving various State and national awards.

The passion and dedication June displayed for mineralogy has done much to influence professionals and hobbyists alike. The people of South Dakota and our Nation are grateful for the contributions and life of June Culp Zeitner.●

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 2009, the Secretary of the Senate, on October 30, 2009, during the adjournment of the

Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 1929. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

H.R. 2996. An act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 3606. An act to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

MESSAGES FROM THE HOUSE

At 2:06 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3854. An act to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes.

At 5:40 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 475. An act to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3854. An act to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such Acts, and for other purposes; to the Committee on Small Business and Entrepreneurship.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3619. An act to authorize appropriations for the Coast Guard for fiscal year 2010, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 30. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information (Rept. No. 111-96).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 2608. A bill to extend temporarily the reduction of duty on certain pesticide chemicals; to the Committee on Finance.

By Mr. SCHUMER:

S. 2609. A bill to extend temporarily the reduction of duty on certain acetamidrid, whether or not combined with application adjuvants; to the Committee on Finance.

By Mr. SCHUMER:

S. 2610. A bill to suspend temporarily the duty on digital camera lenses; to the Committee on Finance.

By Mr. SCHUMER:

S. 2611. A bill to suspend temporarily the duty on lightweight digital camera lenses measuring approximately 55 mm or more; to the Committee on Finance.

By Mr. SCHUMER:

S. 2612. A bill to suspend temporarily the duty on lightweight digital camera lenses measuring approximately 70 mm or more; to the Committee on Finance.

By Mr. SCHUMER:

S. 2613. A bill to suspend temporarily the duty on certain golf umbrellas; to the Committee on Finance.

By Mr. SCHUMER:

S. 2614. A bill to suspend temporarily the duty on certain printed golf umbrellas; to the Committee on Finance.

By Mr. SCHUMER:

S. 2615. A bill to extend the temporary suspension of duty on C12-18 alkenes; to the Committee on Finance.

By Mr. SCHUMER:

S. 2616. A bill to extend the temporary suspension of duty on cis-3-Hexen-1-ol; to the Committee on Finance.

By Mr. SCHUMER:

S. 2617. A bill to suspend temporarily the duty on certain stick umbrellas; to the Committee on Finance.

By Mr. SCHUMER:

S. 2618. A bill to suspend temporarily the duty on 2-Hydroxypropylmethylcellulose; to the Committee on Finance.

By Mr. SCHUMER:

S. 2619. A bill to suspend temporarily the duty on mixtures containing n-butyl-1,2-benzisothiazolin-3-one (Butyl benzisothiazoline) and application adjuvants; to the Committee on Finance.

By Mr. SCHUMER:

S. 2620. A bill to suspend temporarily the duty on mixtures containing n-butyl-1,2-benzisothiazolin-3-one (Butyl benzisothiazoline), 1-hydroxypyridine-2-thione, zinc salt (Zinc pyridine) and application adjuvants; to the Committee on Finance.

By Mr. SCHUMER:

S. 2621. A bill to suspend temporarily the duty on 4-Methylbenzenesulfonamide; to the Committee on Finance.

By Mr. SCHUMER:

S. 2622. A bill to suspend temporarily the duty on mixture of calcium hydroxide, magnesium hydroxide, aluminum silicate and stearic acid; to the Committee on Finance.

By Mr. SCHUMER:

S. 2623. A bill to suspend temporarily the duty on 3-(1,3-Benzodioxol-5-yl)-2-methylpropanal (Helional); to the Committee on Finance.

By Mr. SCHUMER:

S. 2624. A bill to extend the temporary suspension of duty on magnesium zinc alu-

minum hydroxide carbonate coated with stearic acid; to the Committee on Finance.

By Mr. SCHUMER:

S. 2625. A bill to extend the temporary suspension of duty on magnesium aluminum hydroxide carbonate (synthetic hydrotalcite) and magnesium aluminum hydroxide carbonate (synthetic hydrotalcite) coated with stearic acid; to the Committee on Finance.

By Mr. SCHUMER:

S. 2626. A bill to extend the temporary suspension of duty on polytetramethylene ether glycol; to the Committee on Finance.

By Mr. SCHUMER (for himself and

Mrs. GILLIBRAND):

S. 2627. A bill to temporarily suspend the duty on aluminum lamp-holder housings containing sockets; to the Committee on Finance.

By Mr. SCHUMER (for himself and

Mrs. GILLIBRAND):

S. 2628. A bill to extend temporarily the suspension of duty on brass lamp-holder housings containing sockets; to the Committee on Finance.

By Mr. SCHUMER (for himself and

Mrs. GILLIBRAND):

S. 2629. A bill to extend temporarily the suspension of duty on porcelain lamp-holder housings containing sockets; to the Committee on Finance.

By Mr. SCHUMER (for himself and

Mrs. GILLIBRAND):

S. 2630. A bill to extend temporarily the duty on plastic lamp-holder housing containing sockets; to the Committee on Finance.

By Mr. SCHUMER (for himself and

Mrs. GILLIBRAND):

S. 2631. A bill to suspend temporarily the duty on certain time switches; to the Committee on Finance.

By Mr. SCHUMER (for himself and

Mrs. GILLIBRAND):

S. 2632. A bill to suspend temporarily the duty on certain electrical connectors; to the Committee on Finance.

By Mr. SCHUMER (for himself and

Mrs. GILLIBRAND):

S. 2633. A bill to suspend temporarily the duty on certain tamper resistant ground fault circuit interrupter receptacles; to the Committee on Finance.

By Mr. SCHUMER (for himself and

Mrs. GILLIBRAND):

S. 2634. A bill to suspend temporarily the duty on certain occupancy sensor switches; to the Committee on Finance.

By Mr. SCHUMER (for himself and

Mrs. GILLIBRAND):

S. 2635. A bill to suspend temporarily the duty on certain surge protective receptacles; to the Committee on Finance.

By Mr. SCHUMER (for himself and

Mrs. GILLIBRAND):

S. 2636. A bill to suspend temporarily the duty on certain stage lights of aluminum; to the Committee on Finance.

By Mr. SCHUMER (for himself and

Mrs. GILLIBRAND):

S. 2637. A bill to suspend temporarily the duty on certain plastic base material spotlights and nightlights; to the Committee on Finance.

By Mr. SESSIONS:

S. 2638. A bill to extend the temporary suspension of duty on 1,3,5-Triazine-2,4,6-triamine,N,N'-[1,2-ethane-diyl-bis-[[[4,6-bis[butyl (1,2 ,2,6,6-pentamethyl-4-piperidinyl)amino]-1,3,5-triazine-2-yl]imino]-3 ,1-propanediyl]]bis[N',N"-dibutyl-N',N"-bis(1,2,2,6,6-pentamethyl-4-piperidinyl)-and Butanedioic acid, dimethylester polymer with 4-hydroxy-2,2,6,6-tetramethyl-1-

piperidine ethanol; to the Committee on Finance.

By Mr. SESSIONS:

S. 2639. A bill to extend the temporary suspension of duty on butanedioic acid, dimethyl ester, polymer with 4-hydroxy-2,2,6,6 ,tetramethyl-1-piperidineethanol; to the Committee on Finance.

By Mr. SESSIONS:

S. 2640. A bill to suspend temporarily the duty on certain unwoven polypropylene zippered sleeping bag carry cases, not under 77.5 cm in circumference and not exceeding 106.7 cm in circumference; to the Committee on Finance.

By Mr. SESSIONS:

S. 2641. A bill to extend the temporary suspension of duty on N,N-Hexane-1,6-diylbis(3-(3,5-di-tert-butyl-4-hydroxyphenyl)propionamide)); to the Committee on Finance.

By Mr. SESSIONS:

S. 2642. A bill to suspend temporarily the duty on man-made shells used in the manufacture of sleeping bags; to the Committee on Finance.

By Mr. SESSIONS:

S. 2643. A bill to extend temporarily the reduction of duty on polyethylene HE1878; to the Committee on Finance.

By Mr. BUNNING:

S. 2644. A bill to suspend temporarily the duty on high pressure fuel pump; to the Committee on Finance.

By Mr. BUNNING:

S. 2645. A bill to suspend temporarily the duty on electric vehicle inverter; to the Committee on Finance.

By Mr. BUNNING:

S. 2646. A bill to suspend temporarily the duty on injection fuel injector; to the Committee on Finance.

By Mr. BUNNING:

S. 2647. A bill to suspend temporarily the duty on lithium ion electrical storage battery; to the Committee on Finance.

By Mr. BUNNING:

S. 2648. A bill to suspend temporarily the duty on motor generator units; to the Committee on Finance.

By Mr. BUNNING:

S. 2649. A bill to suspend temporarily the duty on power electronics boxes; to the Committee on Finance.

By Mr. BUNNING:

S. 2650. A bill to suspend temporarily the duty on stator/rotor; to the Committee on Finance.

By Mr. BUNNING:

S. 2651. A bill to extend temporarily the suspension of duty on compound of barium magnesium aluminate phosphor; to the Committee on Finance.

By Mr. BUNNING:

S. 2652. A bill to extend temporarily the suspension of duty on calcium chloride phosphate phosphor; to the Committee on Finance.

By Mr. BUNNING:

S. 2653. A bill to extend temporarily the suspension of duty on compound of strontium chlorapatite-europium; to the Committee on Finance.

By Mr. BUNNING:

S. 2654. A bill to extend temporarily the suspension of duty on lanthanum phosphate phosphor; to the Committee on Finance.

By Mr. BUNNING:

S. 2655. A bill to extend the temporary suspension of duty on mixtures or coprecipitates of lanthanum phosphate, cerium doped lanthanum phosphate, cerium phosphate, and terbium phosphate; to the Committee on Finance.

By Mr. BUNNING:

S. 2656. A bill to extend temporarily the suspension of duty on mixtures or coprecipitates of yttrium oxide and europium oxide; to the Committee on Finance.

By Mr. BUNNING:

S. 2657. A bill to extend temporarily the suspension of duty on strontium halophosphate doped with europium; to the Committee on Finance.

By Mr. BUNNING:

S. 2658. A bill to extend temporarily the suspension of duty on strontium magnesium phosphate-tin doped inorganic products; to the Committee on Finance.

By Mr. BUNNING:

S. 2659. A bill to extend temporarily the suspension of duty on yttrium vanadate phosphor; to the Committee on Finance.

By Mr. BUNNING:

S. 2660. A bill to extend temporarily the suspension of duty on yttrium oxide phosphor; to the Committee on Finance.

By Mr. KERRY:

S. 2661. A bill to create a 3-year pilot program that makes small, nonprofit child care businesses eligible for loans under title V of the Small Business Investment Act of 1958; to the Committee on Small Business and Entrepreneurship.

By Mr. GRAHAM (for himself and Mr. CHAMBLISS):

S. 2662. A bill to establish Federal standards for the resolution of health care malpractice claims, and for other purposes; to the Committee on the Judiciary.

By Mr. BURR:

S. 2663. A bill to suspend temporarily the duty on DCDNBTF Benzene, 2,4-dichloro-1,3-dinitro-5-(trifluoroethyl)-; to the Committee on Finance.

By Mr. BURR:

S. 2664. A bill to extend the duty suspension on S-[(5-Methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl)methyl]-O,O-dimethyl phosphorodithioate; to the Committee on Finance.

By Mr. BURR:

S. 2665. A bill to extend the suspension of duty on mixtures of cyhalothrin and application adjuvants; to the Committee on Finance.

By Mr. BURR:

S. 2666. A bill to extend the suspension of duty on cyprodinil; to the Committee on Finance.

By Mr. BURR:

S. 2667. A bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs of engines with cylinder capacity of less than 1 liter, designed for motor vehicles of heading 8709; to the Committee on Finance.

By Mr. BURR:

S. 2668. A bill to extend temporarily the suspension of duty on erasers of vulcanized rubber other than hard rubber or cellular rubber; to the Committee on Finance.

By Mr. BURR:

S. 2669. A bill to extend temporarily the suspension of duty on electrically operated pencil sharpeners; to the Committee on Finance.

By Mr. BURR:

S. 2670. A bill to suspend temporarily the duty on 1-(4,6-dimethoxypyrimidin-2-yl)-3-[2-(dimethylcarbamoyl)phenylsufamoyl] urea; to the Committee on Finance.

By Mr. BURR:

S. 2671. A bill to suspend temporarily the duty on [(+/-)-2-(2,4-dichlorophenyl)-3-(1H-1,2,4-triazole-1-yl) propyl, 1,1,2,2-tetrafluoroethyl ether]; to the Committee on Finance.

By Mr. BURR:

S. 2672. A bill to suspend temporarily the duty on copper oxychloride and copper hydroxide; to the Committee on Finance.

By Mr. BURR:

S. 2673. A bill to suspend temporarily the duty on certain window shade material in rolls; to the Committee on Finance.

By Mr. BURR:

S. 2674. A bill to extend the temporary suspension of duty on acrylic or modacrylic filament tow; to the Committee on Finance.

By Mr. BURR:

S. 2675. A bill to extend the temporary suspension of duty on acrylic or modacrylic staple fibers, not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mr. BURR:

S. 2676. A bill to suspend temporarily the duty on certain synthetic staple fibers that are not carded, combed, or otherwise processed for spinning; to the Committee on Finance.

By Mr. BURR:

S. 2677. A bill to extend temporarily the suspension of duty on 2,2-(6-(4-methoxyphenyl)-1,3,5-triazine-2,4-diyl)bis(5-((2-ethylhexyl)oxy)phenol); to the Committee on Finance.

By Mr. BURR:

S. 2678. A bill to extend temporarily the suspension of duty on 2,2-Methylenebis[6-(2H-benzotriazolyl-2-yl)-4-(1,1,3,3-tetramethylbutylphenol)phenol]; to the Committee on Finance.

By Mr. BURR:

S. 2679. A bill to suspend temporarily the duty on 4,4'-methylenebis(2-chloroaniline); to the Committee on Finance.

By Mr. BURR:

S. 2680. A bill to extend temporarily the suspension of duty on Butralin; to the Committee on Finance.

By Mr. BURR:

S. 2681. A bill to suspend temporarily the duty on Methyl chloroacetate; to the Committee on Finance.

By Mr. BURR:

S. 2682. A bill to extend the temporary suspension of duty on Pyrimethanil; to the Committee on Finance.

By Mr. BURR:

S. 2683. A bill to suspend temporarily the duty on Pyrasulfotole; to the Committee on Finance.

By Mr. BURR:

S. 2684. A bill to extend the temporary suspension of duty on Fenamidone; to the Committee on Finance.

By Mr. BURR:

S. 2685. A bill to suspend temporarily the duty on 2,2-Dimethylbutanoic acid 3-(2,4-dichlorophenyl)-2-oxo-1-oxaspiro(4.5)dec-3-en-4-yl ester; to the Committee on Finance.

By Mr. BURR:

S. 2686. A bill to extend and modify the temporary reduction of duty on cyclopropane-1,1-dicarboxylic acid, dimethyl ester; to the Committee on Finance.

By Mr. BURR:

S. 2687. A bill to extend and modify the temporary suspension of duty on Aluminum tris (O-ethylphosphonate); to the Committee on Finance.

By Mr. BURR:

S. 2688. A bill to extend the temporary suspension of duty on Triadimefon; to the Committee on Finance.

By Mr. BURR:

S. 2689. A bill to reduce the temporary suspension of duty on B-Cyfluthrin; to the Committee on Finance.

By Mr. BURR:

S. 2690. A bill to reduce and modify the temporary suspension of duty on Iprodione; to the Committee on Finance.

By Mr. BURR:

S. 2691. A bill to reduce temporarily the duty on AE 0172747 Ether; to the Committee on Finance.

By Mr. BURR:

S. 2692. A bill to suspend temporarily the duty on certain laminated rolled filmstock; to the Committee on Finance.

By Mr. BURR:

S. 2693. A bill to suspend temporarily the duty on Methyl acrylate; to the Committee on Finance.

By Mr. BURR:

S. 2694. A bill to suspend temporarily the duty on Hexanedioic acid, polymer with N-(2-aminoethyl)-1,3-propanediamine, aziridine, (chloromethyl)oxirane, 1,2-ethanediamine, N,N-1,2-ethanedilylbis(1,3-propanediamine), formic acid and alpha-hydro-omega-hydroxypoly(oxy-1,2-ethandiyl); to the Committee on Finance.

By Mr. BURR:

S. 2695. A bill to suspend temporarily the duty on N-Vinylformamide; to the Committee on Finance.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 2696. A bill to extend the temporary suspension of duty on Pigment Red 187; to the Committee on Finance.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 2697. A bill to extend the temporary suspension of duty on Acid Blue 80; to the Committee on Finance.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 2698. A bill to suspend temporarily the duty on Pigment Orange 43; to the Committee on Finance.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 2699. A bill to suspend temporarily the duty on Phosphinic acid, diethyl-, zinc salt; to the Committee on Finance.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 2700. A bill to suspend temporarily the duty on Ammonium polyphosphate; to the Committee on Finance.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 2701. A bill to extend the temporary suspension of duty on Phosphinic acid, diethyl-, aluminum salt with synergists and encapsulating agents; to the Committee on Finance.

By Mr. REED (for himself and Mr. WHITEHOUSE):

S. 2702. A bill to extend the temporary suspension of duty on Phosphinic acid, diethyl-, aluminum salt; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Mr. REED):

S. 2703. A bill to renew the temporary suspension of duty on Pigment Yellow 154; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Mr. REED):

S. 2704. A bill to suspend temporarily the duty on Pigment Orange 74; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Mr. REED):

S. 2705. A bill to suspend temporarily the duty on Pigment Yellow 191; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Mr. REED):

S. 2706. A bill to suspend temporarily the duty on Pigment Yellow 180; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Mr. REED):

S. 2707. A bill to suspend temporarily the duty on Pigment Yellow 97; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Mr. REED):

S. 2708. A bill to suspend temporarily the duty on Pigment Yellow 194; to the Committee on Finance.

By Mr. WHITEHOUSE (for himself and Mr. REED):

S. 2709. A bill to suspend temporarily the duty on Pigment Yellow 151; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2710. A bill to extend the temporary suspension of duty on certain ion-exchange resins; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2711. A bill to extend the temporary suspension of duty on dimethyl malonate; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2712. A bill to extend the temporary suspension of duty on D-Mannose; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2713. A bill to provide for the liquidation or reliquidation of certain entries of granulated polytetrafluoroethylene resin from Italy; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2714. A bill to suspend temporarily the duty on Propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl, polymers with 5-iso-cyanato-1-(isocyanatomethyl)-1,3,3-trimethylcyclohexane and reduced methyl esters of reduced polymerized, oxidized tetrafluoroethylene, compounds with trimethylamine; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2715. A bill to suspend temporarily the duty on neopor expandable polystyrene; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2716. A bill to suspend temporarily the duty on preparations based on polyethylenimine; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2717. A bill to extend the temporary reduction of duty on palm fatty acid distillate; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2718. A bill to extend the temporary suspension of duty on certain ion-exchange resins (cationic H form); to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2719. A bill to extend the temporary suspension of duty on diphenyl (2,4,6-trimethylbenzoyl) phosphine oxide; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2720. A bill to extend the temporary suspension of duty on 1, 1, 2,2-Tetrafluoroethene, oxidized, polymerized; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 2721. A bill to extend the temporary suspension of duty on Ethene, tetrafluoro-oxidized, polymerized, reduced, methyl esters, reduced; to the Committee on Finance.

S. Res. 330. A resolution commending the service of the 56th Stryker Brigade Combat Team of the Pennsylvania Army National Guard; to the Committee on Armed Services.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. Res. 331. A resolution congratulating the United States Military Academy at West Point on being named by Forbes magazine as America's Best College for 2009; considered and agreed to.

By Mr. KERRY (for himself, Mr. LUGAR, and Mr. CARDIN):

S. Res. 332. A resolution commemorating the 20th anniversary of the fall of the Berlin Wall, the end of the division of Europe, and the beginning of the peaceful and democratic reunification of Germany; considered and agreed to.

ADDITIONAL COSPONSORS

S. 305

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 305, a bill to amend title IV of the Public Health Service Act to create a National Childhood Brain Tumor Prevention Network to provide grants and coordinate research with respect to the causes of and risk factors associated with childhood brain tumors, and for other purposes.

S. 461

At the request of Mr. CRAPO, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 545

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 545, a bill to develop capacity and infrastructure for mentoring programs.

S. 749

At the request of Mr. COCHRAN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 812

At the request of Mr. BAUCUS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 812, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 883

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the Medal of Honor in 1861,

America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 1055

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1055, a bill to grant the congressional gold medal, collectively, to the 100th Infantry Battalion and the 442nd Regimental Combat Team, United States Army, in recognition of their dedicated service during World War II.

S. 1524

At the request of Mr. KERRY, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1524, a bill to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new challenges of the 21st century, and for other purposes.

S. 1660

At the request of Ms. KLOBUCHAR, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1660, a bill to amend the Toxic Substances Control Act to reduce the emissions of formaldehyde from composite wood products, and for other purposes.

S. 1745

At the request of Mrs. MCCASKILL, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1745, a bill to expand whistleblower protections to non-Federal employees whose disclosures involve misuse of Federal funds.

S. 1778

At the request of Mrs. SHAHEEN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1778, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to generic drugs, and for other purposes.

S. 1781

At the request of Mrs. SHAHEEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1781, a bill to provide for a demonstration program to reduce frequent use of health services by Medicaid beneficiaries with chronic illnesses by providing coordinated care management and community support services.

S. 1789

At the request of Mr. DURBIN, the name of the Senator from Vermont

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself and Mr. SPECTER):

(Mr. SANDERS) was added as a cosponsor of S. 1789, a bill to restore fairness to Federal cocaine sentencing.

S. 1790

At the request of Mr. DORGAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1790, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act, and for other purposes.

S. 1822

At the request of Mr. MERKLEY, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1822, a bill to amend the Emergency Economic Stabilization Act of 2008, with respect to considerations of the Secretary of the Treasury in providing assistance under that Act, and for other purposes.

S. 1834

At the request of Mr. AKAKA, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1834, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 1927

At the request of Mr. DODD, the name of the Senator from Missouri (Mrs. McCASKILL) was added as a cosponsor of S. 1927, a bill to establish a moratorium on credit card interest rate increases, and for other purposes.

AMENDMENT NO. 2652

At the request of Mr. FEINGOLD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 2652 intended to be proposed to H.R. 2847, a bill making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

AMENDMENT NO. 2712

At the request of Mr. BAUCUS, the names of the Senator from Ohio (Mr. BROWN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Illinois (Mr. BURRIS), the Senator from Massachusetts (Mr. KIRK), the Senator from New York (Mr. SCHUMER), the Senator from Washington (Mrs. MURRAY), the Senator from Alaska (Mr. BEGICH), the Senator from New York (Mrs. GILLIBRAND), the Senator from Michigan (Ms. STABENOW), the Senator from Colorado (Mr. UDALL), the Senator from Kentucky (Mr. BUNNING), the Senator from Colorado (Mr. BENNET), the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. MENENDEZ), the Senator from North Dakota (Mr. CONRAD), the Senator from Minnesota (Mr. FRANKEN), the Senator from West Virginia (Mr. BYRD), the

Senator from Massachusetts (Mr. KERRY) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 2712 proposed to H.R. 3548, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 2661. A bill to create a 3-year pilot program that makes small, nonprofit child care businesses eligible for loans under title V of the Small Business Investment Act of 1958; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, as we explore ways to help the working families in America, we should not forget the many working parents who face difficulty finding quality, affordable child care. Approximately 6 out of 10 children are cared for by someone other than their parents on a regular basis. And far too many children are left home alone before they are ready. Across America, more households than ever are struggling to make ends meet, while providing safe, nurturing environments for their children to grow up in. For many, child care is not a choice, but a necessity. We owe it to America's families to increase the availability of quality child care.

I believe one way to support this goal is to expand financing options for nonprofit child care centers. That is why I am reintroducing the Child Care Lending Pilot Act, which establishes a three-year pilot program enabling small, non-profit child care businesses to be eligible for the SBA's 504 loans. Under current law, for-profit child care small businesses have access to these loans to finance facility expansions and building repairs but non-profit centers are shut out. Since the majority of child care centers in many states are non-profit, this exclusion blocks needed resources from the facilities serving the majority of our families. The Child Care Lending Pilot Act addresses this problem and allows the centers to better serve the children they care for. With low, predictable monthly payments, these non-profit centers can improve their buildings and materials without breaking the bank or raising fees.

This industry is not one with high-earnings overall, so access to capital is particularly difficult. Balancing the needs of maintaining a qualified staff while providing care that families can afford is difficult at best. Calling for reductions in operating costs can result in decreased safety and quality in the children's environment that should be structured to foster their learning

and development. The cost of child care—ranging anywhere from around \$4,000 to over \$15,000 a year—is highly prohibitive for many families and limited options only exacerbate this problem.

Not only is child care extremely expensive, but there are simply not enough spaces. Nearly 14.5 million children under the ages 6 years old have working parents and need child care. But there are only an estimated 10.8 million legally-operating spaces for both young and school-aged children.

Non-profit child care centers are a resource for America's working families and deserve the same opportunities for-profit centers have with access to SBA's 504 loans. This is one clear step forward that we can take to help solve this problem and invest in our children. I urge my colleagues to support this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 330—COM- MENDING THE SERVICE OF THE 56TH STRYKER BRIGADE COMBAT TEAM OF THE PENNSYLVANIA ARMY NATIONAL GUARD

Mr. CASEY (for himself and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 330

Whereas the members of the Army National Guard and Air National Guard of the State of Pennsylvania reside throughout the State and come from a number of different backgrounds, professions, and communities;

Whereas members and units of the Pennsylvania National Guard have been deployed in support of United States military operations at home and in Iraq, Afghanistan, and dozens of other countries;

Whereas one such unit, the 56th Stryker Brigade Combat Team of the Pennsylvania Army National Guard, is composed of approximately 4,000 citizen-soldiers from throughout the State of Pennsylvania;

Whereas the 56th Stryker Brigade Combat Team is the only National Guard Stryker Brigade serving in the United States Army;

Whereas the 56th Stryker Brigade Combat Team, following mobilization and deployment to Kosovo in 2003, was placed on Federal active duty for a second overseas mobilization on September 19, 2008, and deployed to Iraq on January 15, 2009;

Whereas during the deployment of the 56th Stryker Brigade Combat Team in Taji, Iraq, the brigade was primarily engaged in convoy security, force protection, provincial reconstruction, and base operations missions;

Whereas the members of the 56th Stryker Brigade Combat Team performed more than 800 combined operations, captured 7 brigade-level high-value targets, and discovered more than 80 enemy weapon caches; and

Whereas in September 2009, upon completion of 1 year of service in support of military operations in Iraq, the 56th Stryker Brigade Combat Team returned to the United States and demobilized: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its gratitude to the members of the Army National Guard and Air National Guard of the State of Pennsylvania

and their families for their service and sacrifice on behalf of the United States;

(2) commends the members of the 56th Stryker Brigade Combat Team of the Pennsylvania Army National Guard on the completion of their deployment to Iraq;

(3) recognizes the achievements of the members of the 56th Stryker Brigade Combat Team, as well as all other formerly and presently deployed Pennsylvania Army National Guard and Air National Guard units and members, for their exemplary service; and

(4) offers its condolences to the family and friends of Specialist Chad Edmundson of Williamsburg, Pennsylvania, and Staff Sergeant Mark Baum of Quakertown, Pennsylvania, who died in service to their country.

Mr. CASEY. Mr. President, I would like to recognize the contributions of the 56th Stryker Brigade, which recently returned to homes and families across Pennsylvania. For nine months, the 56th Stryker Brigade has been deployed to Camp Taji, Iraq. Here, these civilian soldiers, known as the Independence Brigade, worked side by side with their Iraqi counterparts to continue to bring stability and security to the Iraqi people.

On the front lines, they patrolled neighborhoods in unrelenting conditions, targeted insurgents, and swept for improvised explosion devices, IEDs. They performed more than 800 combined operations, captured seven brigade-level high valued targets, and discovered more than 80 enemy weapon caches. Any success we have had in Iraq is not only the result of military achievements. In this regard, it is equally important to recognize the \$22 million in reconstruction efforts that the 56th Stryker Brigade assisted with in coordination with an embedded U.S. provincial reconstruction team.

While these young men and women are now home, we must also remember those who fell in battle. Two members of the 56th gave "the last full measure of devotion." Specialist Chad Edmundson of Williamsburg was killed by an IED and Staff Sergeant Mark Baum of Quakertown was killed by enemy small arms fire. To these soldiers' families and friends, I want to express condolence and gratitude on behalf of the people of Pennsylvania for their sacrifice. Please know that our prayers are with you, and that we will never take for granted their personal courage and sacrifice. We pray for Chad and Mark and ourselves that we may be worthy of their valor.

While deployed, many things may have changed for these members of the Pennsylvania National Guard. For example, some service members met their sons and daughters for the first time. Nevertheless for all, a time of readjustment and reintegration back into their communities and daily lives lies ahead.

I want the National Guard to know that I will always be committed to helping them during this phase. I know that there are other Guard members who bear scars from battle, some visi-

ble and some not. The U.S. Senate must ensure that our citizen soldiers' jobs are maintained while they are deployed and we must provide opportunities for them to find employment upon their return. For this reason, I will continue to urge my colleagues to take up and adopt the Service Members Access to Justice Act and the FORCE Act, which will make National Guard assistance programs more effective and responsive, and ensure that National Guard troops keep their jobs and employment benefits as required under law.

Again, I want to express my appreciation to the 56th Stryker Brigade and all of our men and women in service.

SENATE RESOLUTION 331—CONGRATULATING THE UNITED STATES MILITARY ACADEMY AT WEST POINT ON BEING NAMED BY FORBES MAGAZINE AS AMERICA'S BEST COLLEGE FOR 2009

Mr. SCHUMER (for himself and Mrs. GILLIBRAND) submitted the following resolution; which was considered and agreed to:

S. RES. 331

Whereas Forbes magazine has named the United States Military Academy at West Point as America's Best College for 2009;

Whereas the United States has had a military presence at West Point since the Revolutionary War because of its strategic position overlooking the Hudson River;

Whereas General George Washington selected Thaddeus Kosciuszko to design West Point's fortifications in 1778;

Whereas West Point is the oldest continuously occupied military post in the United States;

Whereas President Thomas Jefferson established the United States Military Academy at West Point in 1802;

Whereas West Point has educated many of the United States Army's commissioned officers;

Whereas West Point instructs 4,400 cadets per year in academics, military tactics, physical fitness, and leadership;

Whereas approximately 1,000 cadets graduate each year and are commissioned in the United States Armed Services;

Whereas 2 Presidents of the United States, 74 Congressional Medal of Honor recipients, 88 Rhodes Scholars, 33 Marshall Scholars, and 28 Truman Scholars have graduated from West Point;

Whereas in addition to academics and military training, West Point offers extracurricular activities that include the Eisenhower Hall Theatre and 115 athletic and non-sport clubs; and

Whereas West Point offers a well-rounded, highly regarded education to the next generation of the Nation's leaders: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the United States Military Academy at West Point on being named by Forbes magazine as America's Best College for 2009;

(2) supports West Point's mission "to educate, train, and inspire the Corps of Cadets so that each graduate is a commissioned leader of character committed to the values of Duty, Honor, Country and prepared for a

career of professional excellence and service to the Nation as an officer in the United States Army"; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Superintendent of West Point.

SENATE RESOLUTION 332—COMMEMORATING THE 20TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL, THE END OF THE DIVISION OF EUROPE, AND THE BEGINNING OF THE PEACEFUL AND DEMOCRATIC REUNIFICATION OF GERMANY

Mr. KERRY (for himself, Mr. LUGAR, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 332

Whereas, between 1945 and 1961, more than 2,500,000 people, or 15 percent of the total population of the German Democratic Republic (referred to in this preamble as "East Germany"), left the country to pursue economic opportunity and enjoy the benefits of liberty and political freedom in the Federal Republic of Germany (referred to in this preamble as "West Germany") and other countries;

Whereas, at midnight on August 13, 1961, East Germany sealed its border with West Berlin and began construction of a 100-mile barrier that would later include bunkers, watchtowers, searchlights, minefields, barbed wire, concrete walls, and armed guards, to prevent the emigration of the people of East Germany to seek freedom and opportunity elsewhere;

Whereas, during the 28 years the Berlin Wall existed, approximately 5,000 people successfully fled East Germany for West Germany and West Berlin, more than 75,000 people were imprisoned for attempting to leave East Germany, and an estimated 1,200 people were killed trying to escape;

Whereas Presidents John F. Kennedy and Ronald Reagan declared their vision of Berlin as a free city, in the heart of a free Germany;

Whereas Chancellor Willi Brandt of West Germany and others demonstrated great foresight in their pursuit of "Ostpolitik", a policy of engagement that lowered tensions and ultimately helped undermine the authoritarian rule of the wall-builders;

Whereas more than 22,000,000 Americans served in the Cold War, supporting the efforts to bring military, economic, and diplomatic pressure to bear in the defense of Germany and the West, and ultimately helping more than 400,000,000 people gain their freedom from the bondage of communism in the Soviet Bloc;

Whereas the Solidarity Movement in Poland demonstrated that the will of a people united could not be silenced by winning a surprise landslide victory in elections to the Contract Sejm in June 1989;

Whereas, on August 23, 1989, Hungary officially opened the border between Hungary and Austria, resulting in 13,000 refugees from East Germany fleeing into West Germany through Hungary;

Whereas, on September 4, 1989, after prayers for peace in the Nikolai Church, crowds that would eventually number in the hundreds of thousands gathered in Leipzig, East Germany, to repeatedly and peacefully protest the authoritarian regime of East Germany and to demand basic freedoms;

Whereas, in September 1989, thousands of people in East Germany took refuge in the embassy of West Germany in Prague, Czechoslovakia, in order to emigrate to West Germany and the West;

Whereas, on October 18, 1989, faced with widespread civil unrest and a deteriorating political situation, East German leader Erich Honecker, who had predicted that the Wall "will stand in fifty or a hundred years," resigned;

Whereas, on November 4, 1989, more than 1,000,000 people gathered in Alexanderplatz in East Berlin and 40 other cities and towns in East Germany to demand free elections and basic civil rights, such as freedoms of opinion, movement, press, and assembly;

Whereas, on November 9, 1989, East German politbureau member Günter Schabowski announced that the government would allow "every citizen of the German Democratic Republic to leave the GDR through any of the border crossings," and East German leader Egon Krenz promised "free, general, democratic and secret elections";

Whereas thousands of people in East Berlin immediately flooded the border checkpoints at the Berlin Wall and demanded entry into West Berlin, causing the overwhelmed border guards of East Germany to open the checkpoints to allow people to cross into West Berlin;

Whereas, in the days following the fall of the Berlin Wall, hundreds of thousands of people from East Germany freely crossed the border into West Berlin and West Germany for the first time in more than 28 years;

Whereas the Chancellor of West Germany Helmut Kohl and Foreign Minister Hans Dietrich Genscher managed the political situation and foreign diplomacy with great tact and in close cooperation with Western allies, leading to the peaceful reunification of Germany as a sovereign, democratic state on October 3, 1990;

Whereas, on November 9, 2009, the people of Germany will celebrate on both sides of the Brandenburg Gate the 20th anniversary of the fall of the Berlin Wall with the "Festival of Freedom";

Whereas the fall of the Berlin Wall was one of the milestones of the 20th century, brought about by the actions of many ordinary and some extraordinary people; and

Whereas the fall of the Berlin Wall embodied the end of the division of Europe, the opening of the Iron Curtain, and the triumph of democracy over communism: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 20th anniversary of the fall of the Berlin Wall;

(2) celebrates 20 years of an undivided Europe, free from the oppression of authoritarianism, with the people of the former communist countries and Western Europe;

(3) honors the service and sacrifice of the people of Germany, the United States, and other countries who served in the Cold War to bring freedom to Central and Eastern Europe;

(4) expresses its appreciation to the people of Germany for their commitment to preserving the dignity and freedom of others in their leadership on international assistance, peacekeeping, and security efforts, including in Afghanistan, Bosnia and Herzegovina, Georgia, Kosovo, Lebanon, Sudan, and off the coast of the Horn of Africa; and

(5) reaffirms the friendship between the Government and people of the United States and the Government and people of Germany.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2721. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table.

SA 2722. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2723. Mr. ENZI (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

SA 2724. Mr. SCHUMER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 3548, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2721. Mr. CORKER submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ TARP MANAGEMENT IMPROVEMENTS.

(a) **SHORT TITLE.**—This section may be cited as the "TARP Recipient Ownership Trust Act of 2009".

(b) **AUTHORITY OF THE SECRETARY OF THE TREASURY TO DELEGATE TARP ASSET MANAGEMENT.**—Section 106(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5216(b)) is amended by inserting before the period at the end the following: "and the Secretary may delegate such management authority to a private entity established under section 101(c)(4), except as to the supervision of the Secretary, as the Secretary determines appropriate, with respect to the assets of any designated TARP recipient, as required under subsection (c) of the TARP Recipient Ownership Trust Act of 2009".

(c) **CONFORMING AMENDMENT.**—Section 101(c)(4) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(c)(4)) is amended by inserting before the period at the end the following: "provided that a TARP Trust established and operated in accordance with subsection (d) of the TARP Recipient Ownership Trust Act of 2009 shall satisfy the requirements of this section.".

(d) **CREATION OF MANAGEMENT AUTHORITY FOR DESIGNATED TARP RECIPIENTS.**—

(1) **TRANSFERS TO TARP TRUST.**—Notwithstanding any provision of the Emergency Economic Stabilization Act of 2008, or any other provision of law, the Secretary shall transfer all voting, nonvoting, and common equity in any designated TARP recipient to a limited liability company established by the Secretary for such purpose, to be held and managed on behalf of United States taxpayers and to be known as a "TARP Trust".

(2) **TRANSFER TIMING.**—Transfers under paragraph (1) shall occur not later than 120 days after—

(A) the date of enactment of this Act, with respect to any entity that is a designated

TARP recipient on that date of enactment; and

(B) the date on which an entity becomes a designated TARP recipient, with respect to any entity that becomes a designated TARP recipient after that date of enactment.

(3) **LIMITATION.**—Nothing in this Act may be construed to limit the authority of the Secretary of the Treasury to sell or dispose of, or enter into contracts, commitments, or arrangements to sell or dispose of, any asset to be transferred to TARP Trust under this subsection during the period beginning on the date of enactment of this Act and ending on the date on which all assets are transferred to a TARP Trust.

(4) **APPOINTMENT OF TRUSTEES.**—

(A) **IN GENERAL.**—The President shall appoint 3 trustees, managers, or directors (in this section referred to as "trustees"), to manage the equity held in a TARP Trust.

(B) **CRITERIA.**—A trustee appointed under this subsection—

(i) may not be an elected or appointed Government official;

(ii) may not be an employee, director, or officer of any designated TARP recipient or have any financial interest in any designated TARP recipient that is material, in accordance with the regulations or guidelines of the Secretary issued under this section;

(iii) may be removed by the Secretary for cause; and

(iv) shall be paid at a rate equal to the rate payable for positions at level III of the Executive Schedule under section 5311 of title 5, United States Code.

(C) **INDEMNIFICATION.**—The TARP Trust shall indemnify the trustees, and the trustees shall be held harmless, with respect to any claim made by a third party arising out of the actions of the trustees, to the extent that such actions were taken in the normal course of the duties of the trustees, and were taken in good faith in the fulfillment of the fiduciary duty of the trustees.

(5) **DUTIES OF TRUST.**—Consistent with the goal of protecting the interests and investment of the United States taxpayer, with the purpose of maintaining economic stability and maximizing the return on investment to the taxpayer in a reasonable period of time, the trustees of the TARP Trust shall—

(A) exercise the voting rights of any shares held by the TARP Trust, in accordance with the voting principles;

(B) not participate in the day-to-day management of any designated TARP recipient;

(C) develop and implement a plan of disposition;

(D) develop an annual operating budget for its operations, which shall be subject to the approval of the Secretary, and conduct the operations of the TARP Trust in accordance with that budget;

(E) provide for an accounting of the books and records of the TARP Trust that is audited on an annual basis, as well as monthly unaudited accounting and reporting, and such other reports as the Secretary shall require;

(F) hire such employees, advisors, and agents as may be required, define their duties, and determine their compensation, without regard to the provisions of title 5, United States Code, or other laws related to the appointment, compensation, or termination of Federal employees;

(G) enter into such contracts as may be required, including contracts for services authorized by section 3109 of title 5, United States Code, without regard to any other provision of law regarding public contracts;

(H) comply with standards and practices of the Secretary with respect to custody of assets, cash management services, and related activities including depositing the net cash proceeds of any disposition of assets in an account established by the Secretary pursuant to the Emergency Economic Stabilization Act of 2008; and

(I) comply with the requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.) and the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221 et seq.) with respect to budgeting, accounting, and financial reporting.

(6) LIQUIDATION.—

(A) IN GENERAL.—The trustees shall liquidate a TARP Trust, including the assets held by such trust, not later than December 24, 2011, unless—

(i) the trustees submit a report to the Congress that liquidation would not maintain financial stability or maximize the return on investment to the taxpayer; and

(ii) not later than 15 calendar days after the date on which the Congress receives such report, there is not enacted into law a joint resolution disapproving the extension, as described in subparagraph (B).

(B) CONTENTS OF JOINT RESOLUTION.—For purposes of this paragraph, the term “joint resolution” means only a joint resolution—

(i) that is introduced not later than 3 calendar days after the date on which the report referred to in subparagraph (A)(i) is received by the Congress;

(ii) which does not have a preamble;

(iii) the title of which is as follows: “Joint resolution relating to the disapproval of the extension of a TARP Trust”; and

(iv) the matter after the resolving clause of which is as follows: “That Congress disapproves the extension of a TARP Trust established under the TARP Recipient Ownership Trust Act of 2009.”.

(C) FAST TRACK CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

(i) RECONVENING.—Upon receipt of a report under subparagraph (A)(i), the Speaker, if the House would otherwise be adjourned, shall notify the Members of the House that, pursuant to this paragraph, the House shall convene not later than the second calendar day after the date of receipt of such report.

(ii) REPORTING AND DISCHARGE.—Any committee of the House of Representatives to which a joint resolution is referred shall report it to the House not later than 5 calendar days after the date of receipt of the report described in subparagraph (A)(i). If a committee fails to report the joint resolution within that period, the committee shall be discharged from further consideration of the joint resolution and the joint resolution shall be referred to the appropriate calendar.

(iii) PROCEEDING TO CONSIDERATION.—After each committee authorized to consider a joint resolution reports it to the House or has been discharged from its consideration, it shall be in order, not later than the sixth day after Congress receives the report described in subparagraph (A)(i), to move to proceed to consider the joint resolution in the House. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the joint resolution. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(iv) CONSIDERATION.—The joint resolution shall be considered as read. All points of

order against the joint resolution and against its consideration are waived. The previous question shall be considered as ordered on the joint resolution to its passage without intervening motion except two hours of debate equally divided and controlled by the proponent and an opponent. A motion to reconsider the vote on passage of the joint resolution shall not be in order.

(D) FAST TRACK CONSIDERATION IN SENATE.—

(i) RECONVENING.—Upon receipt of a report under subparagraph (A)(i), if the Senate has adjourned or recessed for more than 2 days, the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate that, pursuant to this paragraph, the Senate shall convene not later than the second calendar day after receipt of such message.

(ii) PLACEMENT ON CALENDAR.—Upon introduction in the Senate, the joint resolution shall be placed immediately on the calendar.

(iii) FLOOR CONSIDERATION.—

(I) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order at any time during the period beginning on the 4th day after the date on which Congress receives a report of the plan of the Secretary described in subparagraph (A)(i) and ending on the 6th day after the date on which Congress receives a report of the plan of the Secretary described in subparagraph (A)(i) (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the joint resolution shall remain the unfinished business until disposed of.

(II) DEBATE.—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(III) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate.

(IV) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(E) RULES RELATING TO SENATE AND HOUSE OF REPRESENTATIVES.—

(i) COORDINATION WITH ACTION BY OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

(I) The joint resolution of the other House shall not be referred to a committee.

(II) With respect to a joint resolution of the House receiving the resolution—

(aa) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(bb) the vote on passage shall be on the joint resolution of the other House.

(ii) TREATMENT OF JOINT RESOLUTION OF OTHER HOUSE.—If one House fails to introduce or consider a joint resolution under this paragraph, the joint resolution of the other House shall be entitled to expedited floor procedures under this paragraph.

(iii) TREATMENT OF COMPANION MEASURES.—If, following passage of the joint resolution in the Senate, the Senate then receives the companion measure from the House of Representatives, the companion measure shall not be debatable.

(iv) CONSIDERATION AFTER PASSAGE.—

(I) IN GENERAL.—If Congress passes a joint resolution, the period beginning on the date the President is presented with the joint resolution and ending on the date the President takes action with respect to the joint resolution shall be disregarded in computing the 15-calendar day period described in subparagraph (A)(i).

(II) VETOES.—If the President vetoes the joint resolution—

(aa) the period beginning on the date the President vetoes the joint resolution and ending on the date the Congress receives the veto message with respect to the joint resolution shall be disregarded in computing the 15-calendar day period described in subparagraph (A)(i); and

(bb) debate on a veto message in the Senate under this paragraph shall be 1 hour equally divided between the majority and minority leaders or their designees.

(v) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This subparagraph, and subparagraphs (B), (C), and (D) are enacted by Congress—

(I) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(II) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(7) REPORTING.—The trustees of any TARP Trust shall provide reports to the Secretary, with respect to the assets of any such trust and their operations, as the Secretary may request, and shall provide reports to Congress that are similar to the reports that the Secretary would be required to provide under the Emergency Economic Stabilization Act of 2008.

(8) OVERSIGHT AND AUDIT.—A TARP Trust established in accordance with this section shall be subject to audit and oversight, to the same extent and in the same manner as provided under sections 104, 116, 121, and 125 of the Emergency Economic Stabilization Act of 2008, with respect to the TARP generally.

(9) CONFLICTS.—The Secretary shall issue regulations or guidelines necessary to address and manage or to prohibit conflicts of interest that may arise in connection with the administration and execution of the authorities provided under this section and the operations of any TARP Trust, as soon as practicable after the date of enactment of this Act.

(10) FUNDING.—The operating expenses of each TARP Trust shall be administrative expenses payable under section 118 of the Emergency Economic Stabilization Act of 2008, until such time as the TARP Trust generates sufficient income to support the expenses, as approved by the Secretary as part of the annual operating budget of the TARP Trust.

(e) DEFINITIONS.—As used in this section—

(1) the term “designated TARP recipient” means any entity that has received, or receives, financial assistance under the Troubled Asset Relief Program or any other provision of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), such that the Department of the Treasury holds or controls, as of the date of enactment of this Act, or will hold or control at a future date, not less than a 10 percent ownership stake in the outstanding equity that ordinarily votes in the election of directors (except that warrants to acquire voting equity shall not be included in such determination, unless and until exercised) in the company as a result of such assistance, other than any investment fund created under the Public Private Investment Partnership Program under TARP or any other special purpose vehicle that was created in connection with purchasing or insuring troubled assets, except that stock held in a trust of which the trustees were appointed by the Federal Reserve Bank of New York shall not be deemed held or controlled by the Department of the Treasury for purposes of this section;

(2) the term “Secretary” means the Secretary of the Treasury or the designee of the Secretary;

(3) the terms “director”, “issuer”, “securities”, and “securities laws” have the same meanings as in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c);

(4) the term “plan of disposition” with respect to any TARP Trust, means a plan to dispose of the assets of such trust in a timely and orderly manner and in a manner that is consistent with the duties of the TARP Trust; and

(5) the term “Voting Principles” means, with respect to any voting rights of equity shares in any designated TARP recipient, that the trustees shall—

(A) exercise such voting rights on—

(i) the membership of the board of directors (or similar governing body) of the company;

(ii) amendments to the corporate charter or bylaws (or similar operating document) of the company;

(iii) mergers, liquidations, substantial asset sales, and other major corporate transactions involving the company; and

(iv) the issuance of securities on which shareholders are entitled to vote; and

(B) vote on any other issue proportionally with the other shareholders of the company.

(f) OVERSIGHT OF TRUSTEES.—Section 121 of the Emergency Economic Stability Act of 2008 (12 U.S.C. 5231) is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following:

“(k) OVERSIGHT OF TRUSTEES.—Notwithstanding any other provision of law, and in addition to the authorities set forth in this Act, the Special Inspector General may audit, investigate, and conduct other oversight activities of the operations of any TARP Trust established or trustee appointed in connection with the Federal Government equity or other ownership interest in any institution that has received financial assistance pursuant to section 101(c)(4).”.

SA 2722. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Worker, Homeownership, and Business Assistance Act of 2009”.

SEC. 2. REVISIONS TO SECOND-TIER BENEFITS.

(a) IN GENERAL.—Section 4002(c) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “If” and all that follows through “paragraph (2)” and inserting “At the time that the amount established in an individual’s account under subsection (b)(1) is exhausted”;

(B) in subparagraph (A), by striking “50 percent” and inserting “54 percent”; and

(C) in subparagraph (B), by striking “13” and inserting “14”;

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 3. THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by adding at the end the following new subsection:

“(d) THIRD-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

“(1) IN GENERAL.—If, at the time that the amount added to an individual’s account under subsection (c)(1) (hereinafter ‘second-tier emergency unemployment compensation’) is exhausted or at any time thereafter, such individual’s State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter ‘third-tier emergency unemployment compensation’) equal to the lesser of—

“(A) 50 percent of the total amount of regular compensation (including dependents’ allowances) payable to the individual during the individual’s benefit year under the State law; or

“(B) 13 times the individual’s average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

“(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

“(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

“(i) were applied by substituting ‘4’ for ‘5’ each place it appears; and

“(ii) did not include the requirement under paragraph (1)(A) thereof; or

“(B) such a period would then be in effect for such State under such Act if—

“(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

“(ii) such section 203(f)—

“(I) were applied by substituting ‘6.0’ for ‘6.5’ in paragraph (1)(A)(i) thereof; and

“(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

“(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.”.

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended—

(1) by striking “then section 4002(c)” and inserting “then subsections (c) and (d) of section 4002”; and

(2) by striking “paragraph (2) of such section)” and inserting “paragraph (2) of such subsection (c) or (d) (as the case may be))”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 4. FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 3(a), is amended by adding at the end the following new subsection:

“(e) FOURTH-TIER EMERGENCY UNEMPLOYMENT COMPENSATION.—

“(1) IN GENERAL.—If, at the time that the amount added to an individual’s account under subsection (d)(1) (third-tier emergency unemployment compensation) is exhausted or at any time thereafter, such individual’s State is in an extended benefit period (as determined under paragraph (2)), such account shall be further augmented by an amount (hereinafter ‘fourth-tier emergency unemployment compensation’) equal to the lesser of—

“(A) 24 percent of the total amount of regular compensation (including dependents’ allowances) payable to the individual during the individual’s benefit year under the State law; or

“(B) 6 times the individual’s average weekly benefit amount (as determined under subsection (b)(2)) for the benefit year.

“(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period, as of any given time, if—

“(A) such a period would then be in effect for such State under such Act if section 203(d) of such Act—

“(i) were applied by substituting ‘6’ for ‘5’ each place it appears; and

“(ii) did not include the requirement under paragraph (1)(A) thereof; or

“(B) such a period would then be in effect for such State under such Act if—

“(i) section 203(f) of such Act were applied to such State (regardless of whether the State by law had provided for such application); and

“(ii) such section 203(f)—

“(I) were applied by substituting ‘8.5’ for ‘6.5’ in paragraph (1)(A)(i) thereof; and

“(II) did not include the requirement under paragraph (1)(A)(ii) thereof.

“(3) LIMITATION.—The account of an individual may be augmented not more than once under this subsection.”.

(b) CONFORMING AMENDMENT TO NON-AUGMENTATION RULE.—Section 4007(b)(2) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 3(b), is amended—

(1) by striking “and (d)” and inserting “, (d), and (e) of section 4002”; and

(2) by striking “or (d)” and inserting “, (d), or (e) (as the case may be))”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of the Supplemental Appropriations Act, 2008, except that no amount shall be payable by virtue of such amendments with respect to any week of unemployment commencing before the date of the enactment of this Act.

SEC. 5. COORDINATION.

Section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 4, is amended by adding at the end the following new subsection:

“(f) COORDINATION RULES.—

“(1) COORDINATION WITH EXTENDED COMPENSATION.—Notwithstanding an election under section 4001(e) by a State to provide for the payment of emergency unemployment compensation prior to extended compensation, such State may pay extended compensation to an otherwise eligible individual prior to any emergency unemployment compensation under subsection (c), (d), or (e) (by reason of the amendments made by sections 2, 3, and 4 of the Worker, Homeownership, and Business Assistance Act of 2009), if such individual claimed extended compensation for at least 1 week of unemployment after the exhaustion of emergency unemployment compensation under subsection (b) (as such subsection was in effect on the day before the date of the enactment of this subsection).

“(2) COORDINATION WITH TIERS II, III, AND IV.—If a State determines that implementation of the increased entitlement to second-tier emergency unemployment compensation by reason of the amendments made by section 2 of the Worker, Homeownership, and Business Assistance Act of 2009 would unduly delay the prompt payment of emergency unemployment compensation under this title by reason of the amendments made by such Act, such State may elect to pay third-tier emergency unemployment compensation prior to the payment of such increased second-tier emergency unemployment compensation until such time as such State determines that such increased second-tier emergency unemployment compensation may be paid without such undue delay. If a State makes the election under the preceding sentence, then, for purposes of determining whether an account may be augmented for fourth-tier emergency unemployment compensation under subsection (e), such State shall treat the date of exhaustion of such increased second-tier emergency unemployment compensation as the date of exhaustion of third-tier emergency unemployment compensation, if such date is later than the date of exhaustion of the third-tier emergency unemployment compensation.”.

SEC. 6. TRANSFER OF FUNDS.

Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note) is amended by striking “Act;” and inserting “Act and sections 2, 3, and 4 of the Worker, Homeownership, and Business Assistance Act of 2009;”.

SEC. 7. EXPANSION OF MODERNIZATION GRANTS FOR UNEMPLOYMENT RESULTING FROM COMPELLING FAMILY REASON.

(a) IN GENERAL.—Clause (i) of section 903(f)(3)(B) of the Social Security Act (42 U.S.C. 1103(f)(3)(B)) is amended to read as follows:

“(i) One or both of the following offenses as selected by the State, but in making such selection, the resulting change in the State law shall not supercede any other provision of law relating to unemployment insurance to the extent that such other provision provides broader access to unemployment benefits for victims of such selected offense or offenses:

“(I) Domestic violence, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual’s continued employment would jeopardize the safety of the individual or of any member of the individual’s immediate family (as defined by the Secretary of Labor); and

“(II) Sexual assault, verified by such reasonable and confidential documentation as the State law may require, which causes the individual reasonably to believe that such individual’s continued employment would jeopardize the safety of the individual or of any member of the individual’s immediate family (as defined by the Secretary of Labor).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to State applications submitted on and after January 1, 2010.

SEC. 8. TREATMENT OF ADDITIONAL REGULAR COMPENSATION.

The monthly equivalent of any additional compensation paid by reason of section 2002 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111-5 (26 U.S.C. 3304 note; 123 Stat. 438) shall be disregarded after the date of the enactment of this Act in considering the amount of income and assets of an individual for purposes of determining such individual’s eligibility for, or amount of, benefits under the Supplemental Nutrition Assistance Program (SNAP).

SEC. 9. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) BENEFITS.—Section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), is amended—

(1) in clause (iii)—

(A) by striking “June 30, 2009” and inserting “June 30, 2010”; and

(B) by striking “December 31, 2009” and inserting “December 31, 2010”; and

(2) by adding at the end of clause (iv) the following: “In addition to the amount appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated \$175,000,000 to cover the cost of additional extended unemployment benefits provided under this subparagraph, to remain available until expended.”.

(b) ADMINISTRATIVE EXPENSES.—Section 2006 of division B of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 445) is amended by adding at the end of subsection (b) the following: “In addition to funds appropriated by the preceding sentence, out of any funds in the Treasury not otherwise appropriated, there are appropriated to the Railroad Retirement Board \$807,000 to cover the administrative

expenses associated with the payment of additional extended unemployment benefits under section 2(c)(2)(D) of the Railroad Unemployment Insurance Act, to remain available until expended.”.

SEC. 10. USE OF STIMULUS FUNDS TO OFFSET COSTS OF PROGRAM CHANGES.

Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), from the amounts appropriated or made available and remaining unobligated under Division A of such Act (other than under title X of such Division A), there is hereby rescinded a total of \$9,110,000,000. The Director of the Office of Management and Budget shall determine how to apply the rescission to which accounts and in what amounts. Not later than 30 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SEC. 11. EXTENSION AND MODIFICATION OF FIRST-TIME HOMEBUYER TAX CREDIT.

(a) EXTENSION OF APPLICATION PERIOD.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended—

(A) by striking “December 1, 2009” and inserting “May 1, 2010”;

(B) by striking “SECTION.—This section” and inserting “SECTION.—

“(1) IN GENERAL.—This section”, and

(C) by adding at the end the following new paragraph:

“(2) EXCEPTION IN CASE OF BINDING CONTRACT.—In the case of any taxpayer who enters into a written binding contract before May 1, 2010, to close on the purchase of a principal residence before July 1, 2010, paragraph (1) shall be applied by substituting ‘July 1, 2010’ for ‘May 1, 2010’.”.

(2) WAIVER OF RECAPTURE.—

(A) IN GENERAL.—Subparagraph (D) of section 36(f)(4) of such Code is amended by striking “, and before December 1, 2009”.

(B) CONFORMING AMENDMENT.—The heading of such subparagraph (D) is amended by inserting “AND 2010” after “2009”.

(3) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of such Code is amended to read as follows:

“(g) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence after December 31, 2008, a taxpayer may elect to treat such purchase as made on December 31 of the calendar year preceding such purchase for purposes of this section (other than subsections (c), (f)(4)(D), and (h)).”.

(b) SPECIAL RULE FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—Subsection (c) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(6) EXCEPTION FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—In the case of an individual (and, if married, such individual’s spouse) who has owned and used the same residence as such individual’s principal residence for any 5-consecutive-year period during the 8-year period ending on the date of the purchase of a subsequent principal residence, such individual shall be treated as a first-time homebuyer for purposes of this section with respect to the purchase of such subsequent residence.”.

(c) MODIFICATION OF DOLLAR AND INCOME LIMITATIONS.—

(1) DOLLAR LIMITATION.—Subsection (b)(1) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(D) SPECIAL RULE FOR LONG-TIME RESIDENTS OF SAME PRINCIPAL RESIDENCE.—In the case of a taxpayer to whom a credit under subsection (a) is allowed by reason of subsection (c)(6), subparagraphs (A), (B), and (C) shall be applied by substituting ‘\$6,500’ for ‘\$8,000’ and ‘\$3,250’ for ‘\$4,000’.”

(2) INCOME LIMITATION.—Subsection (b)(2)(A)(i)(II) of section 36 of such Code is amended by striking “\$75,000 (\$150,000)” and inserting “\$125,000 (\$225,000)”.

(d) LIMITATION ON PURCHASE PRICE OF RESIDENCE.—Subsection (b) of section 36 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) LIMITATION BASED ON PURCHASE PRICE.—No credit shall be allowed under subsection (a) for the purchase of any residence if the purchase price of such residence exceeds \$800,000.”

(e) WAIVER OF RECAPTURE OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY.—Paragraph (4) of section 36(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(E) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES, ETC.—

“(i) IN GENERAL.—In the case of the disposition of a principal residence by an individual (or a cessation referred to in paragraph (2)) after December 31, 2008, in connection with Government orders received by such individual, or such individual’s spouse, for qualified official extended duty service—

“(I) paragraph (2) and subsection (d)(2) shall not apply to such disposition (or cessation), and

“(II) if such residence was acquired before January 1, 2009, paragraph (1) shall not apply to the taxable year in which such disposition (or cessation) occurs or any subsequent taxable year.

“(ii) QUALIFIED OFFICIAL EXTENDED DUTY SERVICE.—For purposes of this section, the term ‘qualified official extended duty service’ means service on qualified official extended duty as—

“(I) a member of the uniformed services,

“(II) a member of the Foreign Service of the United States, or

“(III) an employee of the intelligence community.

“(iii) DEFINITIONS.—Any term used in this subparagraph which is also used in paragraph (9) of section 121(d) shall have the same meaning as when used in such paragraph.”

(f) EXTENSION OF FIRST-TIME HOMEBUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by adding at the end the following:

“(3) SPECIAL RULE FOR INDIVIDUALS ON QUALIFIED OFFICIAL EXTENDED DUTY OUTSIDE THE UNITED STATES.—In the case of any individual who serves on qualified official extended duty service (as defined in section 121(d)(9)(C)(i)) outside the United States for at least 90 days during the period beginning after December 31, 2008, and ending before May 1, 2010, and, if married, such individual’s spouse—

“(A) paragraphs (1) and (2) shall each be applied by substituting ‘May 1, 2011’ for ‘May 1, 2010’, and

“(B) paragraph (2) shall be applied by substituting ‘July 1, 2011’ for ‘July 1, 2010’.”

(g) DEPENDENTS INELIGIBLE FOR CREDIT.—Subsection (d) of section 36 of the Internal

Revenue Code of 1986 is amended by striking “or” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, or”, and by adding at the end the following new paragraph:

“(3) a deduction under section 151 with respect to such taxpayer is allowable to another taxpayer for such taxable year.”

(h) IRS MATHEMATICAL ERROR AUTHORITY.—Paragraph (2) of section 6213(g) of the Internal Revenue Code of 1986 is amended—

(1) by striking “and” at the end of subparagraph (M),

(2) by striking the period at the end of subparagraph (N) and inserting “, and”, and

(3) by inserting after subparagraph (N) the following new subparagraph:

“(O) an omission of any increase required under section 36(f) with respect to the recapture of a credit allowed under section 36.”

(i) COORDINATION WITH FIRST-TIME HOMEBUYER CREDIT FOR DISTRICT OF COLUMBIA.—Paragraph (4) of section 1400(c) of the Internal Revenue Code of 1986 is amended by striking “and before December 1, 2009.”

(j) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (b), (c), (d), and (g) shall apply to residences purchased after the date of the enactment of this Act.

(2) EXTENSIONS.—The amendments made by subsections (a), (f), and (i) shall apply to residences purchased after November 30, 2009.

(3) WAIVER OF RECAPTURE.—The amendment made by subsection (e) shall apply to dispositions and cessations after December 31, 2008.

(4) MATHEMATICAL ERROR AUTHORITY.—The amendments made by subsection (h) shall apply to returns for taxable years ending on or after April 9, 2008.

SEC. 12. PROVISIONS TO ENHANCE THE ADMINISTRATION OF THE FIRST-TIME HOMEBUYER TAX CREDIT.

(a) AGE LIMITATION.—

(1) IN GENERAL.—Subsection (b) of section 36 of the Internal Revenue Code of 1986, as amended by this Act, is amended by adding at the end the following new paragraph:

“(4) AGE LIMITATION.—No credit shall be allowed under subsection (a) with respect to the purchase of any residence unless the taxpayer has attained age 18 as of the date of such purchase. In the case of any taxpayer who is married (within the meaning of section 7703), the taxpayer shall be treated as meeting the age requirement of the preceding sentence if the taxpayer or the taxpayer’s spouse meets such age requirement.”

(2) CONFORMING AMENDMENT.—Subsection (g) of section 36 of such Code, as amended by this Act, is amended by inserting “(b)(4),” before “(c)”.

(b) DOCUMENTATION REQUIREMENT.—Subsection (d) of section 36 of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking “or” at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting “, or”, and by adding at the end the following new paragraph:

“(4) the taxpayer fails to attach to the return of tax for such taxable year a properly executed copy of the settlement statement used to complete such purchase.”

(c) RESTRICTION ON MARRIED INDIVIDUAL ACQUIRING RESIDENCE FROM FAMILY OF SPOUSE.—Clause (i) of section 36(c)(3)(A) of the Internal Revenue Code of 1986 is amended by inserting “(or, if married, such individual’s spouse)” after “person acquiring such property”.

(d) CERTAIN ERRORS WITH RESPECT TO THE FIRST-TIME HOMEBUYER TAX CREDIT TREATED

AS MATHEMATICAL OR CLERICAL ERRORS.—Paragraph (2) of section 6213(g) of the Internal Revenue Code of 1986, as amended by this Act, is amended by striking “and” at the end of subparagraph (N), by striking the period at the end of subparagraph (O) and inserting “, and”, and by inserting after subparagraph (O) the following new subparagraph:

“(P) an entry on a return claiming the credit under section 36 if—

“(i) the Secretary obtains information from the person issuing the TIN of the taxpayer that indicates that the taxpayer does not meet the age requirement of section 36(b)(4),

“(ii) information provided to the Secretary by the taxpayer on an income tax return for at least one of the 2 preceding taxable years is inconsistent with eligibility for such credit, or

“(iii) the taxpayer fails to attach to the return the form described in section 36(d)(4).”

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to purchases after the date of the enactment of this Act.

(2) DOCUMENTATION REQUIREMENT.—The amendments made by subsection (b) shall apply to returns for taxable years ending after the date of the enactment of this Act.

(3) TREATMENT AS MATHEMATICAL AND CLERICAL ERRORS.—The amendments made by subsection (d) shall apply to returns for taxable years ending on or after April 9, 2008.

SEC. 13. 5-YEAR CARRYBACK OF OPERATING LOSSES.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 is amended to read as follows:

“(H) CARRYBACK FOR 2008 OR 2009 NET OPERATING LOSSES.—

“(i) IN GENERAL.—In the case of an applicable net operating loss with respect to which the taxpayer has elected the application of this subparagraph—

“(I) subparagraph (A)(i) shall be applied by substituting any whole number elected by the taxpayer which is more than 2 and less than 6 for ‘2’,

“(II) subparagraph (E)(ii) shall be applied by substituting the whole number which is one less than the whole number substituted under subclause (I) for ‘2’, and

“(III) subparagraph (F) shall not apply.

“(ii) APPLICABLE NET OPERATING LOSS.—For purposes of this subparagraph, the term ‘applicable net operating loss’ means the taxpayer’s net operating loss for a taxable year ending after December 31, 2007, and beginning before January 1, 2010.

“(iii) ELECTION.—

“(I) IN GENERAL.—Any election under this subparagraph may be made only with respect to 1 taxable year.

“(II) PROCEDURE.—Any election under this subparagraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the return for the taxpayer’s last taxable year beginning in 2009. Any such election, once made, shall be irrevocable.

“(iv) LIMITATION ON AMOUNT OF LOSS CARRYBACK TO 5TH PRECEDING TAXABLE YEAR.—

“(I) IN GENERAL.—The amount of any net operating loss which may be carried back to the 5th taxable year preceding the taxable year of such loss under clause (i) shall not exceed 50 percent of the taxpayer’s taxable income (computed without regard to the net

operating loss for the loss year or any taxable year thereafter) for such preceding taxable year.

“(II) CARRYBACKS AND CARRYOVERS TO OTHER TAXABLE YEARS.—Appropriate adjustments in the application of the second sentence of paragraph (2) shall be made to take into account the limitation of subclause (I).

“(III) EXCEPTION FOR 2008 ELECTIONS BY SMALL BUSINESSES.—Subclause (I) shall not apply to any loss of an eligible small business with respect to any election made under this subparagraph as in effect on the day before the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009.

“(v) SPECIAL RULES FOR SMALL BUSINESS.—

“(I) IN GENERAL.—In the case of an eligible small business which made or makes an election under this subparagraph as in effect on the day before the date of the enactment of the Worker, Homeownership, and Business Assistance Act of 2009, clause (iii)(I) shall be applied by substituting ‘2 taxable years’ for ‘1 taxable year’.

“(II) ELIGIBLE SMALL BUSINESS.—For purposes of this subparagraph, the term ‘eligible small business’ has the meaning given such term by subparagraph (F)(iii), except that in applying such subparagraph, section 448(c) shall be applied by substituting ‘\$15,000,000’ for ‘\$5,000,000’ each place it appears.”.

(b) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—Subclause (I) of section 56(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended to read as follows:

“(I) the amount of such deduction attributable to an applicable net operating loss with respect to which an election is made under section 172(b)(1)(H), or”.

(c) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—Subsection (b) of section 810 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) CARRYBACK FOR 2008 OR 2009 LOSSES.—

“(A) IN GENERAL.—In the case of an applicable loss from operations with respect to which the taxpayer has elected the application of this paragraph, paragraph (1)(A) shall be applied by substituting any whole number elected by the taxpayer which is more than 3 and less than 6 for ‘3’.

“(B) APPLICABLE LOSS FROM OPERATIONS.—For purposes of this paragraph, the term ‘applicable loss from operations’ means the taxpayer’s loss from operations for a taxable year ending after December 31, 2007, and beginning before January 1, 2010.

“(C) ELECTION.—

“(i) IN GENERAL.—Any election under this paragraph may be made only with respect to 1 taxable year.

“(ii) PROCEDURE.—Any election under this paragraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the return for the taxpayer’s last taxable year beginning in 2009. Any such election, once made, shall be irrevocable.

“(D) LIMITATION ON AMOUNT OF LOSS CARRYBACK TO 5TH PRECEDING TAXABLE YEAR.—

“(i) IN GENERAL.—The amount of any loss from operations which may be carried back to the 5th taxable year preceding the taxable year of such loss under subparagraph (A) shall not exceed 50 percent of the taxpayer’s taxable income (computed without regard to the loss from operations for the loss year or any taxable year thereafter) for such preceding taxable year.

“(ii) CARRYBACKS AND CARRYOVERS TO OTHER TAXABLE YEARS.—Appropriate adjust-

ments in the application of the second sentence of paragraph (2) shall be made to take into account the limitation of clause (i).”.

(d) ANTI-ABUSE RULES.—The Secretary of the Treasury or the Secretary’s designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this section, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to net operating losses arising in taxable years ending after December 31, 2007.

(2) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—The amendment made by subsection (b) shall apply to taxable years ending after December 31, 2002.

(3) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—The amendment made by subsection (d) shall apply to losses from operations arising in taxable years ending after December 31, 2007.

(4) TRANSITIONAL RULE.—In the case of any net operating loss (or, in the case of a life insurance company, any loss from operations) for a taxable year ending before the date of the enactment of this Act—

(A) any election made under section 172(b)(3) or 810(b)(3) of the Internal Revenue Code of 1986 with respect to such loss may (notwithstanding such section) be revoked before the due date (including extension of time) for filing the return for the taxpayer’s last taxable year beginning in 2009, and

(B) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before such due date.

(f) EXCEPTION FOR TARP RECIPIENTS.—The amendments made by this section shall not apply to—

(1) any taxpayer if—

(A) the Federal Government acquired before the date of the enactment of this Act an equity interest in the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008,

(B) the Federal Government acquired before such date of enactment any warrant (or other right) to acquire any equity interest with respect to the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008, or

(C) such taxpayer receives after such date of enactment funds from the Federal Government in exchange for an interest described in subparagraph (A) or (B) pursuant to a program established under title I of division A of the Emergency Economic Stabilization Act of 2008 (unless such taxpayer is a financial institution (as defined in section 3 of such Act) and the funds are received pursuant to a program established by the Secretary of the Treasury for the stated purpose of increasing the availability of credit to small businesses using funding made available under such Act), or

(2) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and

(3) any taxpayer which at any time in 2008 or 2009 was or is a member of the same affiliated group (as defined in section 1504 of the Internal Revenue Code of 1986, determined without regard to subsection (b) thereof) as a taxpayer described in paragraph (1) or (2).

SEC. 14. EXCLUSION FROM GROSS INCOME OF QUALIFIED MILITARY BASE REALIGNMENT AND CLOSURE FRINGE.

(a) IN GENERAL.—Subsection (n) of section 132 of the Internal Revenue Code of 1986 is amended—

(1) in subparagraph (1) by striking “this subsection) to offset the adverse effects on housing values as a result of a military base realignment or closure” and inserting “the American Recovery and Reinvestment Tax Act of 2009”’, and

(2) in subparagraph (2) by striking “clause (1) of”.

(b) EFFECTIVE DATE.—The amendments made by this act shall apply to payments made after February 17, 2009.

SEC. 15. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) of the Internal Revenue Code of 1986 are each amended by striking “December 31, 2010” and inserting “December 31, 2017”.

(b) CONFORMING AMENDMENT.—Section 864(f) of the Internal Revenue Code of 1986 is amended by striking paragraph (7).

(c) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years beginning after December 31, 2010.

SEC. 16. INCREASE IN PENALTY FOR FAILURE TO FILE A PARTNERSHIP OR S CORPORATION RETURN.

(a) IN GENERAL.—Sections 6698(b)(1) and 6699(b)(1) of the Internal Revenue Code of 1986 are each amended by striking “\$89” and inserting “\$195”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after December 31, 2009.

SEC. 17. CERTAIN TAX RETURN PREPARERS REQUIRED TO FILE RETURNS ELECTRONICALLY.

(a) IN GENERAL.—Subsection (e) of section 6011 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULE FOR TAX RETURN PREPARERS.—

“(A) IN GENERAL.—The Secretary shall require that any individual income tax return prepared by a tax return preparer be filed on magnetic media if—

“(i) such return is filed by such tax return preparer, and

“(ii) such tax return preparer is a specified tax return preparer for the calendar year during which such return is filed.

“(B) SPECIFIED TAX RETURN PREPARER.—For purposes of this paragraph, the term ‘specified tax return preparer’ means, with respect to any calendar year, any tax return preparer unless such preparer reasonably expects to file 10 or fewer individual income tax returns during such calendar year.

“(C) INDIVIDUAL INCOME TAX RETURN.—For purposes of this paragraph, the term ‘individual income tax return’ means any return of the tax imposed by subtitle A on individuals, estates, or trusts.”.

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 6011(e) of the Internal Revenue Code of 1986 is amended by striking “The Secretary may not” and inserting “Except as provided in paragraph (3), the Secretary may not”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns filed after December 31, 2010.

SEC. 18. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under paragraph (1) of section 202(b) of the Corporate Estimated Tax

Shift Act of 2009 in effect on the date of the enactment of this Act is increased by 33.0 percentage points.

SEC. 19. EMERGENCY DESIGNATION.

For purposes of Senate enforcement, the amount resulting from the provisions of, and amendments made by, this Act is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 2723. Mr. ENZI (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ ENCOURAGEMENT OF INNOVATIVE STATE PROGRAMS TO CONNECT UNEMPLOYMENT INSURANCE RECIPIENTS WITH JOBS AND OPPORTUNITIES TO ACQUIRE NEW SKILLS.

(a) IN GENERAL.—Section 903(f) of the Social Security Act (42 U.S.C. 1103(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking “Of the” and inserting “Subject to subparagraph (D), of the”; and

(B) by adding at the end the following new subparagraph:

“(D) If a State elects this subparagraph to apply rather than subparagraph (C), the maximum incentive payment determined under subparagraph (B) with respect to such State shall be transferred to the account of such State upon a certification under paragraph (4)(B) that the State meets the requirements of paragraph (8).”;

(2) in paragraph (4)—

(A) in subparagraph (A)—

(i) by striking “(2) or (3)” the first place it appears and inserting “(2), (3), or (8)”;

(ii) by inserting “or paragraph (8)” before the period at the end;

(B) in subparagraph (B), by inserting “or if the Secretary of Labor finds that the State meets the requirements of paragraph (8),” after “(2) or (3)”;

(C) in subparagraph (C)—

(i) in clause (i), by striking “(2) or (3)” and inserting “(2), (3), or (8)”;

(ii) in clause (iii), by striking “2011” and inserting “2012”;

(3) in paragraph (5)—

(A) in subparagraph (A), by striking “subparagraph (B)” and inserting “subparagraphs (B) and (C)”;

(B) by adding at the end the following new subparagraph:

“(C) A State may use any amount transferred to the account of such State under this subsection for the payment of amounts under paragraph (8)(A)(iv).”;

(4) by adding at the end the following new paragraph:

“(8)(A) A State meets the requirements of this paragraph if the State has in place a voluntary job placement program under which an individual—

“(i) is paid weekly unemployment compensation;

“(ii) is placed with an employer who provides training to the individual in order for the individual to acquire new skills;

“(iii) may work up to 24 hours a week for a 6 week period with such employer at no cost to such employer; and

“(iv) may receive payments to cover transportation, child care, dependent care, and needs-related payments, that are necessary to enable an individual to participate in the program.

“(B) An individual participating in job placement program under subparagraph (A) shall not be considered to be an employee engaged in employment for purposes of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).”.

SA 2724. Mr. SCHUMER (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill H.R. 3548, to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes; which was ordered to lie on the table; as follows:

On page 27, between lines 6 and 7, insert the following:

“(IV) EXCEPTION FOR LOSSES FROM SPECIFIED FRAUDULENT ARRANGEMENTS.—Subclause (I) shall not apply to any qualified loss resulting from a specified fraudulent arrangement (within the meaning of Revenue Procedure 2009-20).

CONGRATULATING THE UNITED STATES MILITARY ACADEMY

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 331, submitted earlier today.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 331) congratulating the United States Military Academy at West Point on being named by Forbes magazine as America's Best College of 2009.

There being no objection, the Senate proceeded to the consideration of the resolution.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 331) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 331

Whereas Forbes magazine has named the United States Military Academy at West Point as America's Best College for 2009;

Whereas the United States has had a military presence at West Point since the Revolutionary War because of its strategic position overlooking the Hudson River;

Whereas General George Washington selected Thaddeus Kosciuszko to design West Point's fortifications in 1778;

Whereas West Point is the oldest continuously occupied military post in the United States;

Whereas President Thomas Jefferson established the United States Military Academy at West Point in 1802;

Whereas West Point has educated many of the United States Army's commissioned officers;

Whereas West Point instructs 4,400 cadets per year in academics, military tactics, physical fitness, and leadership;

Whereas approximately 1,000 cadets graduate each year and are commissioned in the United States Armed Services;

Whereas 2 Presidents of the United States, 74 Congressional Medal of Honor recipients, 88 Rhodes Scholars, 33 Marshall Scholars, and 28 Truman Scholars have graduated from West Point;

Whereas in addition to academics and military training, West Point offers extracurricular activities that include the Eisenhower Hall Theatre and 115 athletic and non-sport clubs; and

Whereas West Point offers a well-rounded, highly regarded education to the next generation of the Nation's leaders: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the United States Military Academy at West Point on being named by Forbes magazine as America's Best College for 2009;

(2) supports West Point's mission “to educate, train, and inspire the Corps of Cadets so that each graduate is a commissioned leader of character committed to the values of Duty, Honor, Country and prepared for a career of professional excellence and service to the Nation as an officer in the United States Army”; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Superintendent of West Point.

COMMEMORATING THE 20TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 332, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 332) commemorating the 20th anniversary of the fall of the Berlin Wall, the end of the division of Europe, and the beginning of the peaceful and democratic reunification of Germany.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 332) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 332

Whereas, between 1945 and 1961, more than 2,500,000 people, or 15 percent of the total population of the German Democratic Republic (referred to in this preamble as "East Germany"), left the country to pursue economic opportunity and enjoy the benefits of liberty and political freedom in the Federal Republic of Germany (referred to in this preamble as "West Germany") and other countries;

Whereas, at midnight on August 13, 1961, East Germany sealed its border with West Berlin and began construction of a 100-mile barrier that would later include bunkers, watchtowers, searchlights, minefields, barbed wire, concrete walls, and armed guards, to prevent the emigration of the people of East Germany to seek freedom and opportunity elsewhere;

Whereas, during the 28 years the Berlin Wall existed, approximately 5,000 people successfully fled East Germany for West Germany and West Berlin, more than 75,000 people were imprisoned for attempting to leave East Germany, and an estimated 1,200 people were killed trying to escape;

Whereas Presidents John F. Kennedy and Ronald Reagan declared their vision of Berlin as a free city, in the heart of a free Germany;

Whereas Chancellor Willi Brandt of West Germany and others demonstrated great foresight in their pursuit of "Ostpolitik", a policy of engagement that lowered tensions and ultimately helped undermine the authoritarian rule of the wall-builders;

Whereas more than 22,000,000 Americans served in the Cold War, supporting the efforts to bring military, economic, and diplomatic pressure to bear in the defense of Germany and the West, and ultimately helping more than 400,000,000 people gain their freedom from the bondage of communism in the Soviet Bloc;

Whereas the Solidarity Movement in Poland demonstrated that the will of a people united could not be silenced by winning a surprise landslide victory in elections to the Contract Sejm in June 1989;

Whereas, on August 23, 1989, Hungary officially opened the border between Hungary and Austria, resulting in 13,000 refugees from East Germany fleeing into West Germany through Hungary;

Whereas, on September 4, 1989, after prayers for peace in the Nikolai Church, crowds that would eventually number in the hundreds of thousands gathered in Leipzig, East Germany, to repeatedly and peacefully protest the authoritarian regime of East Germany and to demand basic freedoms;

Whereas, in September 1989, thousands of people in East Germany took refuge in the embassy of West Germany in Prague, Czechoslovakia, in order to emigrate to West Germany and the West;

Whereas, on October 18, 1989, faced with widespread civil unrest and a deteriorating political situation, East German leader Erich Honecker, who had predicted that the Wall "will stand in fifty or a hundred years," resigned;

Whereas, on November 4, 1989, more than 1,000,000 people gathered in Alexanderplatz in East Berlin and 40 other cities and towns in East Germany to demand free elections and basic civil rights, such as freedoms of opinion, movement, press, and assembly;

Whereas, on November 9, 1989, East German politbureau member Günter Schabowski announced that the government would allow "every citizen of the German Democratic Republic to leave the GDR through any of the

border crossings," and East German leader Egon Krenz promised "free, general, democratic and secret elections";

Whereas thousands of people in East Berlin immediately flooded the border checkpoints at the Berlin Wall and demanded entry into West Berlin, causing the overwhelmed border guards of East Germany to open the checkpoints to allow people to cross into West Berlin;

Whereas, in the days following the fall of the Berlin Wall, hundreds of thousands of people from East Germany freely crossed the border into West Berlin and West Germany for the first time in more than 28 years;

Whereas the Chancellor of West Germany Helmut Kohl and Foreign Minister Hans Dietrich Genscher managed the political situation and foreign diplomacy with great tact and in close cooperation with Western allies, leading to the peaceful reunification of Germany as a sovereign, democratic state on October 3, 1990;

Whereas, on November 9, 2009, the people of Germany will celebrate on both sides of the Brandenburg Gate the 20th anniversary of the fall of the Berlin Wall with the "Festival of Freedom";

Whereas the fall of the Berlin Wall was one of the milestones of the 20th century, brought about by the actions of many ordinary and some extraordinary people; and

Whereas the fall of the Berlin Wall embodied the end of the division of Europe, the opening of the Iron Curtain, and the triumph of democracy over communism: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 20th anniversary of the fall of the Berlin Wall;

(2) celebrates 20 years of an undivided Europe, free from the oppression of authoritarianism, with the people of the former communist countries and Western Europe;

(3) honors the service and sacrifice of the people of Germany, the United States, and other countries who served in the Cold War to bring freedom to Central and Eastern Europe;

(4) expresses its appreciation to the people of Germany for their commitment to preserving the dignity and freedom of others in their leadership on international assistance, peacekeeping, and security efforts, including in Afghanistan, Bosnia and Herzegovina, Georgia, Kosovo, Lebanon, Sudan, and off the coast of the Horn of Africa; and

(5) reaffirms the friendship between the Government and people of the United States and the Government and people of Germany.

AUTHORIZING APPOINTMENT OF COMMITTEE

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort Her Excellency Angela Merkel, Chancellor of the Federal Republic of Germany, into the House Chamber for the joint meeting at 10:30 a.m. on Tuesday, November 3, 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. BROWN. Madam President, most of us go home every weekend and talk to our constituents. In places such as Mansfield, OH, and all over our States, most of us are hearing a lot about people's problems with health insurance. I come to the Senate floor most nights or days and read letters from people in my State who have had difficulty because of their health insurance situation, and I hear a couple of things over and over. One I hear is that most people are generally pretty satisfied with their health insurance—not the cost but generally their coverage—until they get really sick and then they find out their health insurance isn't as good as they thought it was.

I get letters from people all over my State—from Youngstown, from Toledo, from Bowling Green, to St. Clairsville—that a year ago they would have said they had very good health insurance, but they end up having a baby with a preexisting condition or their health insurance costs are so expensive because of an illness that their insurance is canceled. In some cases, a woman who has a C-section is considered to have a preexisting condition by insurance companies because the next baby would have to be a C-section, and in some cases, even women who have been victims of domestic violence are considered by their insurance companies to be a risk because that is a preexisting condition. If they were abused by their husband or boyfriend or whomever in the household, then it is likely that person will do it again, so that is a preexisting condition, and sometimes they are closed out of their insurance.

A few weeks ago, the Senate Health, Education, Labor, and Pensions Committee chairman, Senator HARKIN from Iowa—a committee I and about a quarter of the Senate sit on—held a hearing to examine how health insurance companies discriminate against women in the private market. Insurance companies often deny care and charge higher premiums to women. For instance, in the case of a 32-year-old man and a 32-year-old woman with very similar health backgrounds, the insurance premiums for a woman will be significantly more. She will pay higher insurance premiums than the man will pay. We also heard stories about what I just mentioned, that women who have been victims of domestic violence or women who have had C-sections are charged higher rates or sometimes the insurance industry literally rescinds—the

industry term is “rescission”—their insurance coverage. That is only one example of how insurance companies make a profit at the expense of people in need.

One of the reasons this legislation is so important is that these kinds of discrimination practices will be banned by our legislation: No more cutting people off due to a preexisting condition, no more cutting people off because they got sick and went over their annual cap or because they are too expensive to take care of; no more discrimination based on geography, gender, or disability. We are going to ban these practices—no more using preexisting conditions, no more caps, no more discrimination—but even with that, it is important that we have a public option—just an option. A public option will say to the insurance industry: We are not going to let you do that anymore. We are going to change the law, but we are going to help to enforce it with this public option.

I commend Leader REID for responding to the support of the Presiding Officer, Senator SHAHEEN from New Hampshire, and many of us who wrote to Senator REID asking him to include the public option in the health insurance reform bill. He has done that. That is a response from many Members of the Senate, and it is also what most of this country wants. In poll after poll, roughly twice as many Americans want to see a public option as don't. A recent physicians poll by the Robert Wood Johnson Foundation—certainly a group that has no dog in this hunt—found that 70 percent of doctors want to see a public option because they want to protect their patients. They want to make sure their patients aren't victimized by discrimination, by preexisting conditions, and by losing their insurance and all of that.

It is time for our Nation to get more choices, and the public option does give more choices. In Ohio, one insurance company controls 41 percent of the market. One company controls 41 percent of the market. Two companies control 58 percent of the market. In southeast Ohio, two companies control 85 percent of the market. What does that mean? That means little competition, it means lower quality, and it means higher rates. You put the public option out there, and you give people a choice. They do not have to choose the public option. They can choose Aetna or CIGNA or Medical Mutual—a not-for-profit company in Ohio—or they can choose WellPoint. Put that out there with the public option as a competitor, and you bet these companies are going to behave better.

It is not just an Ohio problem. In fact, in some States it is worse. Two health plans control 80 to 100 percent of the market share in 10 States. Two companies control at least 80 percent of the market in one-fifth of the States

in this country. In another 11 States, 2 health plans control 70 to 80 percent of the market. So you have 21 States where 2 companies control at least 70 percent of the market. That is not competition; that is an oligopoly, I guess is the term we learned in high school economics class. But whatever we call it, we know it is simply not working to keep health care costs down, it is not working to keep health insurance prices down, and it is not working to provide the kind of high-quality insurance that is needed.

In the insurance industry, what have we seen happen in the last 7 or 8 years? Insurance premiums have doubled. The reason they have doubled is because they can. There are fewer insurance companies, but they have gotten larger and larger. These insurance companies have a business plan. Their plan is basically twofold. First of all, they hire lots of people to make sure they deny coverage. You can't even buy insurance if you are sick or if you have a preexisting condition. Then they hire lots of people to deny your claim. Something like 30 percent of all claims submitted on the first go-round to private insurance companies are denied. So their business plan is to hire a bunch of bureaucrats—the private, for-profit companies—to keep from buying insurance people who might be costly. Then on the other end they hire a bunch of bureaucrats to make sure they try not to pay out for health care costs people have.

Lots of countries in the world have private health insurance. We are the only country that has private for-profits. This isn't a bunch of countries around the world that have socialized medicine. Many countries have private insurance doing it, but they are not-for-profit private insurance. So they do not add to the private insurance bureaucracy by hiring lots and lots of expensive people to keep you from buying insurance if you are sick or if you have a preexisting condition, and they do not hire a bunch of people on the other end to stop you from collecting on your insurance when you do in fact get sick. That is why the public option is so important. It is going to compete with these private companies. You won't see the kind of gaming of the system the private insurance companies are doing now.

According to the Congressional Budget Office, a strong public option in health reform, such as we provide for in the HELP Committee bill, would save the government \$25 billion over 10 years—again, because a public plan wouldn't have to turn a profit.

So what does that mean? It means that in the last 7 or 8 years, private insurance companies have seen a 400-percent increase in their profits. How do they make that profit? Well, by hiring a bunch of bureaucrats to stop people from getting coverage if they might

get sick. They hire a bunch of bureaucrats, if they do get sick, to keep them from having to pay for it.

At the same time, profits have gone up because those are good investments. Those bureaucrats who deny coverage are good for the industry if they deny a lot of claims, which, of course, they do. But look at the executive salaries, look at the trips they take, look at their sales meetings in Tahiti and their \$20 million-a-year salaries. The CEO of Aetna last year made \$24 million. The average salary of the CEOs of the 10 largest insurance companies is \$11 million. To make \$11 million, you have to cut a lot of people off from getting their insurance, you have to keep a lot of people out, you have to deny a lot of preexisting conditions, and you have to deny a lot of claims. And they are very good at that. Again, that is why the public option is so very important. The private insurance industry has avoided risk at the expense of their enrollees when they should have been bearing risk on behalf of their enrollees.

There is no better way to keep the private insurance industry honest than to make sure they are not the only game in town. When they are the only game in town, when there are only two companies in southwest Ohio, you bet executive salaries are high and profits are high and quality is low, and you bet cost is high for those small businesses and individuals and large businesses, too, that are buying that insurance.

Too often, the private insurance industry has cast out the sick instead of covering them. Too often, the industry has promised financial protection and has delivered disillusionment. No small business is safe from unheard-of premium increases, even if they are paying in more than they got out from their insurance company year after year.

There is a small business in Cincinnati, in southwest Ohio, as I mentioned earlier, that I believe has been in business for a quarter century. He would like to take the money he has made and plow it back into the business and take a lot more of his revenues and plow that back into the business to grow his business, but he is spending more and more of his money—all of his discretionary money—on insurance, to the point now where it looks as if, from what insurance companies say, he may not even be able to cover his employees at all in the years ahead.

Tomorrow, the HELP Committee—the committee that held the hearings on discrimination against women in health insurance—is holding a hearing entitled “Increasing Health Costs Facing Small Businesses” to examine how exorbitant premium increases are affecting our small businesses. In the past 2 years, half of small businesses that have offered coverage reported

switching to plans with higher out-of-pocket costs in response to rising premiums.

So what is happening all over this country, the small businesses—and large businesses—in order to get coverage are forcing their employees to pay more money out of their own pockets for their insurance. Employees are often not getting raises, in part because of the recession, certainly, but also because the company is spending so much money on health insurance and people are having to dip into their own pockets much more. Small businesses make up 72 percent of Ohio's businesses but only 47 percent offered health benefits in 2006, and that was down 5 percent from half a decade earlier.

So it is important that we have this hearing tomorrow, but what really matters is that our health insurance bill will, in fact, give small businesses several options. It will mean they can go into a larger pool, if they would like, where their costs will be less. We know a small business pays much more than a large business pays per employee. Small businesses will get a tax break. Small businesses that have 24 employees, 22 employees, have been paying too much for health insurance. If one or two of their employees gets really sick, you know what happens: their insurance prices spike up and they may even lose their insurance overall or they may get canceled. But if you take the small business and put it into a pool, you are going to see much more evening. You won't see those price spikes when a handful of people get sick because you could spread that around the whole risk pool. That is why this is so important. It is so important for these small businesses to have a public option because it will, again, keep the insurance companies honest. It will mean more competition. It will mean insurance companies have to compete on price.

The people running the public option in every State are not going to be paying \$24 million to their CEO. You can bet they are not going to hire a bunch of people to try to keep people off of their insurance rolls. You can bet they are not going to hire a bunch of bureaucrats to stop the insurance companies—the public option—from having to pay. Medicare doesn't disallow or throw people off for a preexisting condition. The public option won't either. Just by existing, the public option will keep the private insurance industry more honest.

Madam President, let me just close—and I think Senator MERKLEY is going to be joining us in a few minutes—with a couple of letters from people who have been victimized, in some sense, by this insurance system.

This is Sheila from Richland County, the county where I grew up, in north central Ohio—the Mansfield, Shelby,

Shilo, Plymouth, Lexington area. Sheila writes:

I moved to Ohio five years ago to be with my granddaughter. I've worked hard all my life, and now, I'm 60 years old still working and paying my own insurance. The other day I learned my health insurance has doubled. I am alarmed because I'm wondering how long I will be able to pay for my benefits. I've talked to some other people my age and they are feeling the same way. I have always worked, never sat down, or expected hand-outs. But insurance companies are downright greedy. I do have a problem with Seniors being gouged because of age and health issues.

Sheila brings this to mind. There are a lot of letters we received that are from people like Sheila. She is 60—they might be 63; they might be 58. They are typically from people who worked hard all their lives, as the great majority of people in my State have worked hard, played by the rules, and it is not always so easy, of course. Sheila suggests, as many do, she knows she is Medicare eligible in 5 years. She is 60 now—4-plus years. A lot of letters I get, in addition to people thinking they had good insurance until they got really sick, a lot of letters are from people in their early sixties. They just want to hang on until they are Medicare eligible because they are paying such high premiums. She said her costs doubled.

She knows Medicare, which looks a lot like the public option, is something that will ultimately protect her and will matter as she lives out the last 10, 20, 30 years of her life. That is why it is so important.

Linda, from Muskingum County, the Zanesville area of the State, east of Columbus, eastern Ohio:

I'm 60 years old and a mother of two grown sons. Since my divorce earlier this year, I've had to start my life all over—after 33 years of working hard and paying off bills and our mortgage.

In May, I selected a standard plan from a private insurer. As expensive as it was, I had to pay the \$625 a month they quoted.

As of September, I did not receive a policy or information on my benefit plan, despite asking for a copy of my plan and being charged monthly premiums.

The insurance company finally notified me that they misplaced my form and that I would receive some information in August.

In that time—I didn't see a doctor or use the policy in any way, but I still paid the monthly premiums assuming I was covered. But in just 3 months the insurance company increased my premiums from \$625 a month to \$1,000 a month. The explanation I got was that the insurer was required to increase the premium in order to maintain enough money to fund the plan I selected. The only thing they did was to take my payments for three months for something I wasn't able to use. I don't think it is fair they can increase the premium that quickly or even within a year.

Linda reflects—she is the same age as Sheila. They are both from sort of small, medium-size towns in Ohio. Some of the same problems—60 years old, onerous, very expensive premiums that they seem to have no control over.

Again, what our health insurance bill will do, as we see more competition from the public option, we will see more spreading of the risk so she doesn't have to buy an individual policy like this so if she gets sick she will be covered.

Robert and Monica from Cuyahoga County, Cleveland area, northeast Ohio, write:

Our son Jon will have no health insurance as of March, 2010. He's 25 years old and working on an associates degree in landscape design at a community college. Our son Jon supports himself as a landscaper, despite being deaf. He makes just enough to buy food, pay rent and pay for some of his courses. While he could file Supplemental Security Income, he has never collected a penny of government assistance.

But in March of next year, Jon will be dropped from our health insurance plan. Please help Jon and millions of Americans who are uninsured.

Jon is 25. In many cases people like Jon are dropped from their insurance plan when they are 22. One of the things our bill says is no longer will someone coming home from the Army or coming home from college, someone who moved back in with their parents, whether they are 22, 23 years old, be dropped from their insurance. Under our bill that passed out of the HELP Committee, anyone can stay on their parents' policy until the age of 26. But even at 26, what will happen is much preferable, obviously, to what is happening to Jon.

What is happening to Jon is—his parents say they are dropping him without much prospect, it sounds like, of getting insurance. What our bill says is that anyone who is uninsured, like Jon will be, at whatever age he would become uninsured, anyone will be able to go into the insurance exchange, and Jon will be able to choose from a whole menu—Aetna, Wellpoint, Medical Mutual—or does he want to choose the public option?

Because Jon sounds like he is pretty low income, Jon will get some assistance from the government, from taxpayers, to buy insurance so he will be in this large insurance pool with, more or less, tens of millions of other Americans, which will keep prices in check because of the expanded universal pool of people. But Jon will be in a much better situation because he will have insurance under this legislation.

Melissa, the last one I will read, from Lake County just east of Cleveland, Willowick, Wickliffe, Eastlake, Madison, that area of Ohio:

I'm a young, college-educated professional who has always had to purchase my own health insurance because employer plans were not available.

Even as a healthy young woman with no health problems and no pre-existing conditions, my monthly insurance costs are very expensive. I teeter on the brink of dropping coverage.

I would love to participate in a public option, and especially want it to be available

to family members and people in my community who desperately need it.

Melissa is in a situation like so many. She works for an employer, could be a small business—whomever she works for—that doesn't provide health insurance. It sounds like she has had decent jobs, but they don't provide her health insurance. She has had to buy it herself. It is incredibly expensive, and it is increasingly expensive to buy insurance on your own, even if you don't have a preexisting condition, even if you have not been sick, the way Melissa is. But she would like the option of going into the insurance exchange and going into the public option that would inject competition. It would keep prices more in check. She would be part of a larger pool, and she would have those protections, the consumer protections that our legislation offers.

She, Melissa, is specifically asking to join the public option. That is her choice once this legislation is passed.

I thank you for the time on the floor. I add, this bill we are going to debate in the next couple of weeks, this legislation, in so many ways, makes sense for this country.

First of all, anyone who is satisfied with their insurance can keep what they have, and we will build in consumer protections around it so people can't lose insurance because their costs were too high or a preexisting condition. They might have had a C-section as a young woman or might have been a victim of domestic violence. Losing their insurance for those things will not be allowed anymore.

This will help small businesses with tax incentives and other ways to spread their costs around so I guess they go into a bigger insurance pool. It will help those who do not have insurance. They will have the option to buy it. If they are low- or middle-income Americans, they will get some assistance to pay for their insurance.

Last, this bill will have a public option which will help to discipline the insurance market, will compete with them, will make them more honest, and help to bring prices down as good, old-fashioned American competition does.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Madam President, I rise this evening to address the issue of health care in our society, and specifically the public option. Earlier today I had a chance to listen to some of my colleagues defend the status quo system. They wanted to argue that health

care reform should not occur now—maybe sometime later. I guess the 100 years we have spent as a country, working to have affordable, accessible health care for every citizen, the 100 years we spent in that debate isn't enough.

There is a novel by a couple of ladies who were turning 100. They titled their novel "The Second Hundred Years," or "Our Second Hundred Years." That was a beautiful glimpse into the possibility of a life well-filled and a life of anticipated fulfillment as they went into their old age post-100.

We are in a different situation with health care. This 100-year debate should not go on for another 100 years; another 100 years for us to consider the possibility, the principle that every single person in America should have affordable, accessible, quality health care.

I heard earlier today a lot of scare words thrown out to defend the current system and encourage citizens to be afraid of reform. Those scare words are very unnecessary because citizens in America know our health care system is broken. They know it from their personal experience. So opponents of reform, they don't want to have a plan, they simply want to scare citizens into sticking with the broken status quo.

Indeed, sometimes there is a certain concern about change, what change will bring. Well, let's look for a moment at what the status quo is bringing us. Our health care costs are doubling every 6 to 8 years. That means a lot of folks who could afford health care just a few years ago cannot afford it today. A lot of small businesses that could afford health care 6 to 8 years ago cannot afford it today. A lot of big businesses that are competing internationally were more competitive 6 to 8 years ago than they are today.

I would like to be able to tell you that the rate of increase in the cost of health care has declined but, if anything, it has increased. We are looking at another doubling over the years to come, over the next 6 to 8 years.

I do not know about anyone else, but given how high health care costs are today for the American family, do we want a system, a broken system, that is going to double those costs again in the very near future? Is that a good future for America? Is that affordable health care? Is that accessible health care? Is that an ability to acquire quality health care, which I think every American citizen knows in their heart that, indeed, that is not affordable or accessible or quality health care, to have a system that is doubling every 6 to 8 years.

The other thing we know about health care in America is that folks who have insurance still have a lot of challenges. Well, the first is getting insurance in the first place because our current system allows insurance com-

panies, as incredible as this might seem, to say: No, we do not want you. You have a family history of diabetes. You have a preexisting condition. It might simply be a skin rash. It might be anything. People are turned down for health care day and night in our country.

Well, those are a lot of American citizens who do not get to participate in our health care system. What about those folks who do get insurance and they go along paying their premiums year after year, 10 years, 15 years, and then they finally have a health care problem and they get a letter from their health insurance company that says: We are dumping you off your health care plan. Now that you are sick, we do not want to cover you anymore.

What kind of fairness is there in that for the American citizen, that companies can dump you off your plan when you finally need health care, after you have been paying your premiums month after month, year after year, or decade after decade, and finally you have an illness that needs to be covered and, whoosh, your health care coverage is gone. That is not a fair system for those who have health issues in our Nation.

So we need to reform this system. It starts by ending the unfairness for those who have it. It is called insurance reform. No more blocking folks from being accepted into health care—universal guaranteed access. No more dumping of folks off health care insurance once you become ill—an end to dumping, an end to preexisting conditions.

In other words, health care reform for those who have insurance is all about fairness. There were some other words thrown out earlier today, words such as "deficit," "government takeover," "increases in premiums." All those are scare words designed to mislead the citizens from following the logic of their own experience, their own common sense about the broken health care system we have in America.

But let's consider some other words. How about "competition." It may surprise some to find out we do not have much competition at all in health care here in America. Why is that? It is because the health care insurance industry is exempt from competition. They are allowed to work together as an exemption for antitrust. They are allowed to coordinate and to compare. That works to the benefit of the companies, but it does not work to the benefit of the citizens.

In addition, a lot of markets in this country have a single dominant provider, often 80 percent of the market. That does not work toward competition. What do you get here in America in a market where you have no competition or very little competition? What you get are extraordinarily high

costs that are doubling every 6 to 8 years. That is not a system that works for citizens.

So how about we introduce competition. That is as American as apple pie. How can we do that? What we can do is have a health care competitor dedicated to healing, not dedicated to corporate profits. That health care entity, that publicly created structure of health care, indeed healing, they are not trying to maximize their profits at the expense of citizens; they are trying to invest in the citizens to maximize wellness.

It is a completely different model. It is a model about prevention. It is a model about disease management. It is a model about healthy choice incentives. That is the competition that a public option or a community health plan will introduce with health care all over our Nation.

I think lower costs and competition are good things. I think giving citizens more choice is a good thing. Here are some brilliant aspects of this. If you do not have competition right now due to the antitrust provisions or due to the dominance of a single payer, then the citizens can look at the possibility and go: Well, they are all about the same. That is not real competition.

But now, if you introduce a player that is not there to maximize profits, is there to maximize wellness, that is real choice. Nobody would be asked to take a public option or community health care plan choice over a private insurance company. That is why they call it choice. That is why they call it an option. You would get to choose.

Let us empower our citizens through choice in the marketplace. Again, this is red, white, and blue American competition to benefit consumers of health care services.

We have had a lot of conversation about health care this year. It has certainly been an intense conversation since January. We have five bills that have come out of committees. Many folks like to stack up all those bills and say: Look how complicated it is. Look how complicated health care reform is. Well, it is a bit complicated because we have multiple health care systems in our country.

We have a Veterans' Administration system. We have a Medicare system. We have a Medicaid system. We have

private insurance companies in the system. We have another system for all those folks who cannot qualify for any of the first ones. It is this: Save your money and hope you have enough when you get sick. If you do not, then I am sorry, you are in trouble.

There are some statistics on this: 45,000 Americans a year die because they do not have access to health care, 45,000. That can be compared to just about virtually anything else that happens in this country. That is a pretty big total. That is a lot of suffering. That is not just folks who get sick and suffer, all those folks who get sick and suffer and die.

We had a gentleman in central Oregon who had a tumor growing on his spine. His doctor asked the private insurance company for an MRI, permission to do imaging so they would understand what was happening. The insurance company, the private insurance company, turned him down. So the patient and his doctor found a second expert. The second expert went over the man and said: He needs to have an MRI. They sent a request to the insurance company. The insurance company turned him down, again.

He died from that tumor on his spine. He actually had health insurance, but he had health insurance with a private insurance company coming between him and his doctor. Some of my colleagues like to say under a public plan the government gets involved. Well, not really. It is you and your doctor. Right now we have insurance companies that come between you and your doctor every single day. Why not give the American citizen this choice to have a different system, a system dedicated to healing, a system that will create competition, a system that will hold the private insurance company's feet to the fire.

That is the community health care plan or the public option. I will conclude with this notion, that competition that lowers costs, increases choice, and improves service is a wonderful direction for health care reform to go. We have made many steps in that direction. But we have not gotten that bill to the President's desk. Let's do that. Let's get that bill that increases choice, improves service, and lowers costs, let's get that bill to the President's desk by Christmas.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MERKLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, NOVEMBER 3, 2009

Mr. MERKLEY. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, November 3; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate recess from 10:15 a.m. until 11:30 a.m. to allow for a joint meeting of Congress; that following the joint meeting, the Senate resume consideration of H.R. 3548, the Unemployment Benefits Extension Act of 2009; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus luncheons; and finally, that the time during any adjournment, recess, or period of morning business count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MERKLEY. Madam President, German Chancellor Angela Merkel will address a joint meeting of Congress tomorrow at 10:30 a.m. Senators are encouraged to gather in the Senate Chamber at 10 a.m. so we may proceed as a body to the Hall of the House of Representatives at 10:15.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MERKLEY. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:04 p.m., adjourned until Tuesday, November 3, 2009, at 10 a.m.

HOUSE OF REPRESENTATIVES—Monday, November 2, 2009

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. EDWARDS of Maryland).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 2, 2009.

I hereby appoint the Honorable DONNA F. EDWARDS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

HEALTH CARE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Thank you, Madam Speaker.

Everywhere I go in my district, people tell me they are frightened. They are frightened about what is happening in this country. They fear for the future of our country. What they're talking about is that they fear for our freedoms and they fear for the principles that formed this country and have always been the basis on which we've operated. I share that fear; and I believe they should be fearful. And I believe that the greatest fear that we all should have to our freedom comes from this room, this very room, and what may happen later this week in terms of a tax increase bill masquerading as a health care bill. I believe we have more to fear from the potential of that bill passing than we do from any terrorist right now in any country.

In order to help explain some of why we should be fearful, the Republican Conference has gone through Speaker PELOSI's bill—tax bill masquerading as a health care bill—and brought out

some pertinent points page by page; and I want to share some of those with people. One of the good things that's happened this year is that people have learned they can read these bills and become familiar with them themselves, so they don't need us to tell them, but it may help to point to specific pages.

Page 94—section 202(c) prohibits the sale of private individual health insurance policies beginning in 2013, forcing individuals to purchase coverage through the Federal Government. We can't make that up. It's right there in the bill.

Page 110—section 222(e) requires the use of Federal dollars to fund abortions through the government-run health plan; and, if the Hyde amendment were ever not renewed, would require the plan to fund elective abortions.

Page 111—section 223 establishes a new board of Federal bureaucrats (the "Health Benefits Advisory Committee") to dictate the health plans that all individuals must purchase; and would likely require all Americans to subsidize and purchase plans that cover any abortion.

I think one of the funniest pieces in the bill, if anything can be considered funny, page 122, section 233(a)(3), requires the commissioner, the new insurance czar, to quote, issue guidance on best practices of plain language writing—this from the same people who wrote a 1,990-page health care bill which is very difficult to read.

Page 1183—section 1904 provides \$750 million in Federal funding for a new entitlement program to offer, quote, knowledge of realistic expectations of age-appropriate child behaviors and skills for parents to interact with their child.

Page 1255—sections 2231–2235 makes veterinary students eligible for up to \$283 million in Federal scholarship and student loan forgiveness funding.

Page 1432—section 2531 provides incentive payments to States that enact new medical liability laws—but only if such laws, quote, do not limit attorneys' fees or impose caps on damages.

We need medical liability reform. This bill will prevent that from happening. It's a bad bill. The American people should be frightened of it.

OUR NATURAL GAS RESERVES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

Mr. STEARNS. Madam Speaker, thanks to new drilling technologies

that are unlocking substantial amounts of natural gas from shale rock, the Nation's estimated gas reserves have surged by 35 percent, according to a recent study. The study conducted by the Potential Gas Committee, the authority on natural gas supplies, has indicated that the United States possesses a total natural gas reserve of 1,836 trillion cubic feet of natural gas, or enough to last almost a century at current consumption rates. This new estimate shows an exceptionally strong and optimistic gas supply picture for this country, according to the report, which is issued every 2 years by a group of academic and industry experts. The new estimate is the highest resource evaluation in the committee's 44-year history and some geologists say even this estimate is too conservative.

Much of the 35 percent increase comes from estimated gas reserves that are trapped deep in dense shale rock which drilling companies have only recently learned how to tap. Shale formations are deep underground, 6,000 feet or more, and the rock is relatively impermeable. Deep drilling is expensive, and in the past the amount of gas that could be recovered was not sufficient to justify the cost. However, new advances in production techniques have boosted all previous estimates of financially recoverable natural gas.

One shale formation that is receiving new attention is the Marcellus basin, a 400-million-year-old shale formation stretching from New York to West Virginia. That basin alone is believed to hold as much as 500 trillion cubic feet of natural gas, or the approximate equivalent of 80 billion barrels of oil. It's not clear, however, how much of this shale gas is recoverable.

In recent years, natural gas producers have expanded the use of a technique called horizontal drilling. After drilling more than a mile below the Earth's surface to reach the shale layer below, a drill operator then slowly steers the drill bit to one side until it is heading sideways across the shale layer. This technique allows access to more of the shale than a traditional vertical well could provide. However, even with this new technique, the density of shale rock still traps most of the gas. Producers therefore use a process called hydraulic fracturing in which a water-and-sand mixture is forced at very high pressure into the well that creates millions of tiny cracks in the rock, enabling more of the gas to be released. And while shale

gas only provides a small fraction of the Nation's total gas production, many experts believe the rising supply of natural gas means it can be substituted for other fossil fuels.

Natural gas can also serve as a bridge between our current energy feedstocks and renewable energy production. According to Guy Caruso, the former administrator of the Energy Information Administration, "natural gas has a role to play as a bridge because of the long lead time and scalability issues of renewable fuels. It's nice to have aspirations about renewable energy and efficiency, but we need to recognize these long-term goals and that we need something to get us there in the meantime."

As an energy source, natural gas is cheaper than oil, and when burned it emits 30 percent less carbon dioxide than oil and 45 percent less carbon dioxide than coal on an energy equivalent basis. Natural gas is also highly efficient. Approximately 90 percent of the natural gas produced is delivered to consumers as useful energy. In contrast, only about 30 percent of the energy converted to electricity in conventional generating facilities ever reaches consumers. And with 84 percent of the natural gas consumed in the United States being produced domestically, an increase in the use of natural gas would not only dramatically lower greenhouse gas emissions but it would also reduce our dependence on foreign oil.

Natural gas powered vehicles in use today are also helping to improve air quality by displacing petroleum powered vehicles which contribute about three-fourths of the carbon dioxide pollution found in urban areas. According to NGV America, one of out of every 10 transit buses and over 130,000 additional school buses, taxicabs, garbage trucks and other vehicles on U.S. roads are already fueled with cleaner burning natural gas. In fact, in 2008, the use of natural gas vehicles displaced almost 300 million gallons of petroleum use in the United States.

Using natural gas instead of coal or oil is a low-cost, low-emissions solution for reducing our Nation's dependence on foreign energy sources while also reducing our greenhouse gas emissions.

YEMEN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Thank you, Madam Speaker.

To meet the President's deadline for closing Guantanamo, there has been a rush during the past 2 months to transfer as many detainees as possible to their home countries, or to a third country that would accept them.

On September 26, the administration announced that a detainee named Alla

Ali Bin Ali Ahmed was transferred to Yemen. The announcement did not reveal the terms of his transfer but said the United States has coordinated with the Yemeni Government to ensure that the transfer took place under, quote, appropriate security measures.

There is an ongoing and very real concern about detainees returning to terrorism. According to data from the Department of Defense, at least 15 percent of former Guantanamo detainees have returned to terrorist activity. The 15 percent that have returned to terrorism following release were merely those detainees who were perceived to be low security risks. That's why they were released years ago. The detainees pending release now are the worst of the worst. Their recidivism rate may be much higher than 15 percent.

If these detainees are to be transferred, they should go only to governments that are willing and able to try, detain, rehabilitate or monitor them. Yemen does not meet that standard. An economic crisis, domestic security challenges, and Islamic terrorism are right now threatening to overwhelm the Yemeni Government. The FBI director recently highlighted Yemen as an area of persistent al Qaeda activity. Al Qaeda in the Arabian Peninsula openly advertises their intent to attack the United States and our overseas interests, and is able to work in relative freedom in Yemen. Counterterrorism measures in Saudi Arabia have forced extremists to seek refuge abroad, and many have relocated to Yemen's ungoverned areas. Known al Qaeda terrorists, including USS *Cole* bombers, have escaped from prison in Yemen to return to terrorism. The Christian Science Monitor reported last month of the rising threat to Saudi Arabia from the deteriorating security situation in Yemen. Saudi police prevented a bomb attack on October 13, and one of the perpetrators was a former Guantanamo detainee who entered the country from Yemen.

The bottom line is that terrorist detainees should not be sent to Yemen where al Qaeda operates freely and the government appears unable to control their actions and movements. Reuters has reported that the Obama administration has already cleared 75 of the remaining detainees for transfer abroad, and that includes 26 detainees from Yemen. Based on what we know, this administration is planning to send more, perhaps many more, detainees to this lawless country, increasing the risk of future terrorist attacks on Americans.

The administration should immediately terminate the return of detainees to Yemen, and the congressional committees of jurisdiction should investigate and demand a full justification. The release of any detainee to Yemen represents a potentially dangerous threat to the United States and

U.S. citizens, both military and civilian.

As of now, the administration has gone down a dangerous road, and Congress is idly allowing them to make these misguided decisions.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 44 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LUJÁN) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

The prophet Isaiah has said, "God will destroy death forever; the Lord will wipe away the tears from all faces; the reproach of His people He will remove from over the Earth, for the Lord has spoken."

O, God, source of forgiveness and the salvation of all, hear our prayer today as we call to mind all those who have served in the House of Representatives in the past and who are departed from this world. Forgive their offenses as well as their omissions now, and reward them for all their efforts in public service on behalf of others.

Because You are the glory of believers, the life of the just and the consolation for all who mourn, Lord, grant Your peace to all the faithful departed that they may now enter Your eternal kingdom where You live and reign forever and ever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. WALZ) come forward and lead the House in the Pledge of Allegiance.

Mr. WALZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DON'T BE FOOLED BY THE PELOSI-CARE HEALTH BILL

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, don't be fooled by the introduction of the newest health care bill supported by Speaker PELOSI. It is no more than the same bill millions of Americans spoke against in August but reintroduced with a different name and a different number.

No matter what it is called, the disguise hasn't tricked the residents of the Third District of Arkansas. Over the weekend, I received over 200 e-mails, and the overwhelming majority of those are from my constituents who are very much in opposition to this plan.

Instead of creating taxes, entitlement programs and redtape to reform health care, we need to let families and businesses buy health insurance across State lines; allow small businesses to pool together to buy health insurance at a lower cost; and end lawsuits that contribute to the costs because of doctors being forced to practice defensive medicine.

Mr. Speaker, we can and need to do a better job for the American people. Let's create real reform, not more problems to fix down the road.

HEALTH CARE

(Mr. COLE asked and was given permission to address the House for 1 minute.)

Mr. COLE. Mr. Speaker, I rise again today to speak against the Democrats' proposed health care plan. Frankly, it's hard to understand who my colleagues on the other side of the aisle are listening to. Certainly, it's not my constituents.

Their concerns, like those of millions of Americans, have been ignored as this bill has been written. The same provisions that caused the concerns and the fears that I heard in August town hall meetings are still in the "new bill."

Overwhelmingly, the American people have said "no" to government-run health insurance, but it's still in the bill. Also in the "new bill" are the same higher taxes for employers and individuals, taxes which will kill jobs. These are the very employers and individuals suffering from double-digit unemployment in many States today.

Maybe after several months, Mr. Speaker, some have found it easy to forget what they heard in August, but I haven't. This new bill is just more of the same, more backroom-brokered deals deciding the fate of millions of Americans. The only noticeable change in this bill is the addition of an extra 1,000 pages or so.

Americans deserve health care reform. Hopefully, they will get it.

THE PELOSI PLAN FOR THE GOVERNMENT TAKEOVER OF HEALTH CARE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, now comes the Pelosi plan for the government takeover of health care. It is a freight train of runaway spending, bloated bureaucracy, mandates, and higher taxes. If the liberals in Washington, D.C. have their way, they will forever change the relationship between government and we, the people, as it pertains to the health care of this Nation.

Now, the Republicans in Congress who are standing in the gap can't do this alone, but I often tell my colleagues: a minority in Congress plus the American people equals a majority. We, the people, have the power to stop the Pelosi health care plan in an effort to nationalize one-sixth of our Nation's economy. We, the people, have the ability to protect the finest health care system the world has ever known and to demand real health care reform that will reduce the cost of health care without growing government.

I appeal to my fellow Americans, not as Republicans or Democrats: if you cherish freedom, if you fear the crushing weight of Big Government, debt, mandates, and taxes, this is your moment. Now is your time; let your voice be heard.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 30, 2009.

Hon. NANCY PELOSI,
The Speaker, The Capitol, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 30, 2009, at 9:33 a.m.:

That the Senate passed with an amendment H.R. 1299.

That the Senate passed without amendment H.R. 3606.

That the Senate concurred to the House amendment to the bill S. 1929.

With best wishes, I am,
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills were signed by the Speaker on Friday, October 30, 2009:

H.R. 2996, making appropriations for the Department of the Interior, envi-

ronment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes;

H.R. 3606, to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009;

S. 1929, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

MILITARY SPOUSES RESIDENCY RELIEF ACT

Mr. CARSON of Indiana. Mr. Speaker, I move to suspend the rules and pass the bill (S. 475) to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Spouses Residency Relief Act".

SEC. 2. GUARANTEE OF RESIDENCY FOR SPOUSES OF MILITARY PERSONNEL FOR VOTING PURPOSES.

(a) IN GENERAL.—Section 705 of the Servicemembers Civil Relief Act (50 U.S.C. App. 595) is amended—

(1) by striking "For" and inserting the following:

"(a) IN GENERAL.—For";

(2) by adding at the end the following new subsection:

"(b) SPOUSES.—For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

"(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

"(2) be deemed to have acquired a residence or domicile in any other State; or

"(3) be deemed to have become a resident in or a resident of any other State."; and

(3) in the section heading, by inserting "AND SPOUSES OF MILITARY PERSONNEL" before the period at the end.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act (50 U.S.C.

App. 501) is amended by striking the item relating to section 705 and inserting the following new item:

"Sec. 705. Guarantee of residency for military personnel and spouses of military personnel."

(c) APPLICATION.—Subsection (b) of section 705 of such Act (50 U.S.C. App. 595), as added by subsection (a) of this section, shall apply with respect to absences from States described in such subsection (b) on or after the date of the enactment of this Act, regardless of the date of the military or naval order concerned.

SEC. 3. DETERMINATION FOR TAX PURPOSES OF RESIDENCE OF SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 511 of the Servicemembers Civil Relief Act (50 U.S.C. App. 571) is amended—

(1) in subsection (a)—

(A) by striking "A servicemember" and inserting the following:

"(1) IN GENERAL.—A servicemember"; and

(B) by adding at the end the following:

"(2) SPOUSES.—A spouse of a servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the spouse by reason of being absent or present in any tax jurisdiction of the United States solely to be with the servicemember in compliance with the servicemember's military orders if the residence or domicile, as the case may be, is the same for the servicemember and the spouse.";

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(3) by inserting after subsection (b) the following new subsection:

"(c) INCOME OF A MILITARY SPOUSE.—Income for services performed by the spouse of a servicemember shall not be deemed to be income for services performed or from sources within a tax jurisdiction of the United States if the spouse is not a resident or domiciliary of the jurisdiction in which the income is earned because the spouse is in the jurisdiction solely to be with the servicemember serving in compliance with military orders.";

(4) in subsection (d), as redesignated by paragraph (2)—

(A) in paragraph (1), by inserting "or the spouse of a servicemember" after "The personal property of a servicemember"; and

(B) in paragraph (2), by inserting "or the spouse's" after "servicemember's".

(b) APPLICATION.—Subsections (a)(2) and (c) of section 511 of such Act (50 U.S.C. App. 571), as added by subsection (a) of this section, and the amendments made to such section 511 by subsection (a)(4) of this section, shall apply with respect to any return of State or local income tax filed for any taxable year beginning with the taxable year that includes the date of the enactment of this Act.

SEC. 4. SUSPENSION OF LAND RIGHTS RESIDENCY REQUIREMENT FOR SPOUSES OF MILITARY PERSONNEL.

(a) IN GENERAL.—Section 508 of the Servicemembers Civil Relief Act (50 U.S.C. App. 568) is amended in subsection (b) by inserting "or the spouse of such servicemember" after "a servicemember in military service".

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to servicemembers in military service (as defined in section 101 of such Act (50 U.S.C. App. 511)) on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. CARSON) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. CARSON of Indiana. I yield myself such time as I may consume.

Mr. Speaker, I would like to thank Senator RICHARD BURR of North Carolina for introducing Senate bill 475, the Military Spouses Residency Relief Act. The House version of this legislation was introduced by Mr. CARTER of Texas.

As many of my colleagues know, the sacrifices that military children and spouses have to make in order to stay as one united family are difficult. This is especially true at a time when our country is fighting to protect freedom at home and abroad.

Senate bill 475 seeks to provide military spouses with the option to keep the same voting rights and tax conditions as afforded in their home States or to allow them to change to the new States where they will be reunited with a servicemember.

A military spouse who often accompanies a servicemember from one duty station to another is required to pay income and personal property taxes of the State in which they currently reside. On the other hand, the Servicemembers Civil Relief Act provides our men and women in uniform the option of paying taxes to the States where they originated prior to military service or to pay taxes to the States in which they currently reside due to military service, lessening the need to hire accountants to review tax regulations of their home States, which can at times be multiple States. This will help keep their tax preparation simple and familiar, reducing the stress family members encounter when filing State taxes.

Mr. Speaker, the intent of this legislation is very simple. We need to recognize that military families serve too. It is only fitting to provide military spouses with the ability to retain certain State residency benefits which are already afforded to our men and women in uniform under the Servicemembers Civil Relief Act.

Again, I would like to thank my colleagues in the Senate for working on this legislation so we may provide relief for our military families. I urge all of my colleagues to join me in support of this bill.

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRIES

Mr. STEARNS. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. STEARNS. I notice that the gentleman who is advocating on the Demo-

crats' side is not a member of the Veterans' Affairs Committee, at least not to my knowledge.

Under the rules of the House, is this appropriate that a Member who is not on the committee in which the bill has passed through and has jurisdiction is the advocate for the Democrats in this case?

The SPEAKER pro tempore. Recognition for the motion is in the discretion of the Chair.

Mr. STEARNS. So, if I understand the Speaker, the Chair, at his discretion, can decide who can be the spokesman for the bill even if the person is not on the committee?

The SPEAKER pro tempore. The Chair may exercise discretion in recognizing Members to offer such motions.

Mr. STEARNS. A further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. STEARNS. Is this customary, or is this an unusual situation? I don't need a long dissertation, just a "yes" or "no" as to whether it is customary.

The SPEAKER pro tempore. The discretion of the chair in recognizing Members is well settled.

Mr. STEARNS. So what you are saying is you can do it, but you are not willing to answer the question as to whether this is customary or not, because I've been here 20 years, and I have not seen this in the 20 years I have been here.

The SPEAKER pro tempore. It is customary that the chair use his discretion in recognizing Members to offer such motions.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I might consume.

I rise in support of S. 475, the Military Spouses Residency Relief Act.

I want to thank the ranking member of the Senate Committee on Veterans' Affairs, Senator BURR, for sponsoring this legislation. I also want to recognize and thank Mr. JOHN CARTER of Texas for his support on this issue by introducing the companion House bill, H.R. 1182. It has 206 bipartisan cosponsors, and I am proud to be one of those.

Mr. Speaker, by its very nature, military service requires a significant sacrifice in terms of the quality of family life, especially of the spouses of servicemembers. Because servicemembers are routinely subject to transfer within and outside the continental United States, often with very short notice, spouses often find it difficult to obtain and/or to retain suitable employment.

However, military spouses are not covered by the same residency protections that are available to the servicemembers under the Servicemembers Civil Relief Act. As a result, State laws regarding taxation, voting and ownership of property are often applied differently to the spouse and the servicemember. The SCRA allows servicemembers to determine their permanent

residencies or domiciliaries. By allowing this, SCRA protects servicemembers from State taxation, property ownership, and voting laws that are not in their permanent residencies or domiciliaries.

Because the law is silent to spouses in these matters, they do not receive the same protection as servicemembers. Therefore, they can be subject to States which aggressively seek to impose residency related to income and property ownership laws, despite, my colleagues, the fact that they no longer reside in the States due to the spouses' military orders.

S. 475 addresses this issue by giving military spouses a choice to use either their current addresses where they are stationed because of their spouses' military orders or their permanent addresses to determine their residencies or domiciliaries for voting in any municipal, State, or Federal election.

Simply, the bill would allow spouses to determine their residencies in the same manner as servicemembers regarding taxation, voting, and ownership of property with respect to land-use rights on Federal owned or controlled land in the same manner as servicemembers under section 508 of SCRA.

My colleagues, this is a commonsense solution to give military spouses who have already sacrificed so much for the Nation the protection that servicemembers have when it comes to local residency laws related to taxation and voting.

So, again, I want to compliment Senator BURR and also, for the companion bill in the House, Mr. CARTER of Texas, for their sponsorship of this bill; and I urge my colleagues to support it.

I reserve the balance of my time.

□ 1415

Mr. CARSON of Indiana. Mr. Speaker, I have no further speakers.

I reserve the balance of my time

Mr. STEARNS. It's my honor to yield as much time as he may consume to the author of the companion bill, which is H.R. 1182, the sponsor, Mr. JOHN CARTER of Texas.

Mr. CARTER. Mr. Speaker, this is an exciting day for me. I was the author of this bill. I have been dealing with the gentlewomen who brought this to my attention a long time ago, and it's coming to fruition today, and I am pleased and honored.

I am the author of the identical companion bill, H.R. 1182. I represent Fort Hood, Texas, which is a pretty good-sized military base in the United States, the largest. I rise in support of these military spouses for this Military Spouses Residency Relief Act.

First, I want to thank everyone who has worked on this bill and worked hard to bring it to this point. Senator BURR and Senator FEINSTEIN over on the Senate side took up this cause and

shepherded it and got it through the Senate, and this past-due reform is now before us today. I would also like to thank Chairman FILNER for supporting our military spouses and requesting the bill be taken up today.

We greatly appreciate all the VSOs who lent their support, including the Military Officers Association of America, the Air Force Sergeants Association, AMVETS, the VFW, and the Military Spouse Business Association. Above all, I would like to thank all the military spouses who have encouraged me and who encourage their Representatives and Senators to support this bill.

Finally, I would like to extend a very special thanks to Rebecca Poynter and Joanna Williamson, two entrepreneurial spouses who brought this issue to me and devoted so much of their time working with all the Members that are involved to get this bill passed. This is their baby, and they should be recognized.

This small measure will provide invaluable relief to numerous military spouses who regularly uproot their entire lives to accommodate our Armed Forces. When I first heard this story, I was shocked that there was such a difference between husband and wife, the two spouses, as it relates to the benefits we give them in the military.

The Servicemembers Civil Relief Act provides for basic civil relief to our men and women of the armed services in exchange for their voluntary service. These range from relief from adjudication while deployed in combat to maintaining a single State of domicile, regardless of where their military orders may send them.

This State of domicile provides an important stability for our soldiers, airmen, marines, and sailors. Though their orders may send them to numerous places or numerous States, they are able to simplify their State income tax requirements, maintain their property titles, and continue to vote for their Member of Congress or their elected official back home. Without SCRA protections, the servicemembers would have to deal with all those every time they move to military installations located in different States.

But spouses do have to deal with those every time they move to different States, and the spouses deal with these stresses even while faced with the challenge of moving, finding schools for children, balancing some unsupported relocation costs and the loss of a spouse's earnings as they leave the job to join the servicemember.

This bill would amend the SCRA to allow military spouses to claim the same domicile as the servicemember for the purpose of State income and property taxes, as well as voter registration. Spouses could elect to stand united with their spouse, not only in

support of our country, but in sharing the same State as the home base. This reform would prevent a military family from suddenly losing up to 10 percent of their income if they are called upon to relocate to a different State. This is a significant loss of income that occurs as a direct result of governmental orders.

S. 475 would also provide the impetus for military spouses to put their names on deeds and titles, which would build and strengthen their own credit and further ensure their legal protection.

This Veterans Day, which is coming up the 11th of this month, next week, I will ask each and every one of us to not only remember our servicemembers current and past, but take a moment to remember the military spouses who have sacrificed for and supported our soldiers.

Keeping that in mind, I ask my colleagues to grant this valuable relief to our military families and to support the passage of the Military Spouses Residency Relief Act.

Mr. CARSON of Indiana. Mr. Speaker, I continue to reserve the balance of my time.

Mr. STEARNS. We have no further speakers.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. CARSON of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 475.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. CARSON of Indiana. Mr. Speaker, I urge my colleagues to unanimously support S. 475.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. CARSON) that the House suspend the rules and pass the bill, S. 475.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

UNITED STATES SUBMARINE FORCE

Mr. WALZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 773) expressing the sense of the House of Representatives with respect to the United States Submarine Force.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 773

Whereas 100 years ago, American naval officials who witnessed a submarine, the "Holland VI", submerge and surface in the Potomac River knew this was the first successful United States submarine that would inspire the powerful undersea fighting force that would contribute so much to the United States victory in World War II;

Whereas during World War II, the United States Submarine Force served with honor and valor to protect and preserve the freedoms of the United States, as well as those of the allies of the United States;

Whereas the War in the Pacific could not have been won without the efforts of the United States Submarine Force;

Whereas during World War II, the United States Submarine Force comprised less than two percent of the Navy's fleet;

Whereas during World War II, United States submariners were to suffocate Japan's military industry, cut its oil supply, starve it, and prevent mass troop movements by sea, all by sinking the Japanese merchant fleet on which it was so dependent as a nation of islands;

Whereas during World War II, United States submariners sank over 30 percent of the Japanese Navy including eight aircraft carriers, one battleship and 11 cruisers, and more importantly, the Submarine Force sank 1,300 Japanese merchant ships totaling approximately 5,000,000 tons, which was almost 60 percent of the Empire's total merchant ship losses;

Whereas losses inflicted by the United States Submarine Force contributed to the devastation of the Japanese industrial power that effectively eliminated the ability of the enemy to sustain combat forces and replace losses of ships and aircraft;

Whereas World War II diesel-electric submarines had limited underwater speed, range, and endurance and usually sailed on the surface, where they were vulnerable to enemy attack;

Whereas 52 American submarines were lost during World War II, 49 in the Pacific;

Whereas the United States Submarine Force suffered the highest percentage of losses of any branch of the Armed Services;

Whereas during World War II, approximately 3,500 submariners made the ultimate sacrifice;

Whereas United States submariners were going to war, trusting their lives to a weapon, the torpedo, that, particularly in 1942 through 1943, was unreliable, and could even turn against them by running erratically in a circular path;

Whereas submarines played both humane and special operations roles in their campaign against Japan, and in many of the hardest fought battles of the war, submarine crews rescued unlucky carrier pilots who ended up in the sea, like future United States President George H. W. Bush; and

Whereas members of the Submarine Forces, known as the "silent service", assumed the difficult task of pioneering a new way of fighting so as to protect the liberties and freedoms of the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) is committed to promoting and sustaining the spirit of unity shared by members of the United States Submarine Force;

(2) is committed to paying tribute once again to the seven submariners who were awarded the Medal of Honor, including two who were awarded the medal posthumously;

(3) wishes to help keep alive the memory of the Submarine Force veterans and honor their service just as their fellow shipmates do at their gatherings by performing the ceremony known as the "Tolling of the Boats"; and

(4) is committed to keeping alive their memory so that the American people never forget their courage and sacrifice.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. WALZ) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. Mr. Speaker, I yield myself as much time as I may consume.

Just to the gentleman from Florida, your earlier inquiry, I apologize for not talking to you. The staff built in redundancies. Flying out of Minneapolis has been somewhat of a challenge recently, assuming they get to the airport in the original path, so the staff arranged to have another Member here.

Mr. STEARNS. Will the gentleman yield?

Mr. WALZ. Yes.

Mr. STEARNS. Let me just say how delighted I am to have the gentleman on the floor. Mr. WALZ is the highest NCO that has ever served in Congress. He was a command sergeant major, I think an E-9, so it is with a great deal of respect, for anybody who has served in the military like I have in the United States Air Force, that we look to gentlemen like Mr. WALZ.

We appreciate his participation on the Veterans' Affairs Committee. I am delighted he is here and is taking over this jurisdiction, which is important on these 13 bills.

Mr. WALZ. Well, I thank the gentleman for his kind words and, again, appreciate the tireless work he does for the veterans. It's a great testament, and the folks in Florida are lucky to have you there.

The United States Submarine Force was a vital component to winning the war in the Pacific during World War II. The war simply could not have been won without this powerful undersea fighting force.

Although the Submarine Force comprised a little less than 2 percent of the Navy's fleet during World War II, they played a crucial role in effectively eliminating up to 30 percent of the Imperial Japanese Navy, reducing Japan's ability to sustain their combat forces.

Day after day, the submariners entrusted their lives on unreliable torpedos to protect them as they fought to protect the liberties and freedom of the United States. For their courage and valor that runs deep, the United States Submarine Force should be commended by the House of Representatives.

House Resolution 773 resolves that the House of Representatives is committed to keeping alive their memory

so that the American people never forget their courage and sacrifice. We will give honor to the 52 American submarines that were lost during World War II and the 3,500 submariners who have made the ultimate sacrifice to protect the freedoms of this great Nation.

The seven brave submariners who were awarded the Medal of Honor are: John Cromwell, Samuel Dealey, Eugene Fluckey, Howard Gilmore, Richard O'Kane, Lawson Ramage and George Street. Their courageous fighting spirit going above and beyond the call of duty is recognized and highly respected. Servicemembers like them have set the example that our Armed Forces follow.

The contributions of the United States Submarine Force were momentous and critical to winning World War II. They exemplify the legacy of commitment to guard our freedom.

I support House Resolution 773 that expresses the sense of the House of Representatives with respect to the United States Submarine Force. We should be committed to sustain our submariners force of spirit, unity, courage, and sacrifice they have given for this great Nation.

I also want to thank the gentleman from Arkansas for introducing this important piece of remembrance and commemoration.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself as much time as I may consume.

I also rise in strong support of H. Res. 773, a resolution expressing the sense of the House of Representatives with respect to the United States Submarine Force. This resolution honors these servicemembers who served their country during World War II in the most unique of circumstances.

Mr. Speaker, I would like to thank my colleague Mr. BOOZMAN of Arkansas, as mentioned earlier, for introducing this legislation, and I will shortly yield to him for further remarks on this resolution.

I want to thank the chairman, Mr. FILNER, and also Ranking Member BUYER for moving the bill so promptly to the floor for consideration.

I urge my colleagues to support H. Res. 773.

I reserve the balance of my time.

Mr. WALZ. I continue to reserve my time, Mr. Speaker.

Mr. STEARNS. Mr. Speaker, I yield to the author of the bill, Mr. BOOZMAN of Arkansas, for such time as he may consume.

Mr. BOOZMAN. Mr. Speaker, I rise in strong support of H. Res. 773, a resolution expressing the sense of the House of Representatives with respect to the valiant service of the United States Submarine Force during World War II. As we approach Veterans Day, it is fitting that the House honor Americans

who serve their country under the most unique of circumstances.

Earlier this year, we honored those servicemembers who participated in the D-day operations. Yet there is another group who faced incredible challenges and danger to ensure that victory would be possible for the United States and our allies during World War II, the United States Submarine Force.

Mr. Speaker, it is a special individual who will climb into a tightly confined space and willingly go deep underwater to serve the Nation. Today's nuclear submarines are a high-tech marvel, able to submerge for months at a time, cruise beneath the polarized caps, and carry strategic and tactical weapons of unbelievable power. But that was not always the case.

The first submarine used for military purposes was built in 1776 by David Bushnell. His Turtle was a one-man wooden submarine powered by hand-turned propellers and was used during the American Revolution against British warships.

During the Civil War, the use of submarines came into play again when the Union fielded the French-designed Alligator, which was the first U.S. Navy submarine to feature compressed air for air supply. The Confederacy also fielded several human-powered submarines, including the Hunley in Charleston Harbor.

Submarines saw much greater use during World War I, but it wasn't until World War II that the technological development of submarines enabled them to become a capable and feared weapons system.

During the Second World War, 314 submarines served in the United States Navy, including many built at the end of World War I. This force comprised less than 2 percent of the U.S. Navy ships, but they sank over 30 percent of Japan's navy, including eight aircraft carriers. More important, American submarines virtually strangled the Japanese economy by sinking almost 5 billion tons of shipping, over 60 percent of the Japanese merchant marine. Serving in many of the hardest fought battles of the war as part of the "silent service," the submarine crews rescued unlucky carrier pilots who ended up in the sea, like the future President of the United States, George H.W. Bush.

But victory at sea did not come cheaply. The Submarine Force lost 52 boats and 3,506 men during World War II. Just a few weeks ago, I had the good fortune of meeting a number of our World War II veterans from northwest Arkansas as they left the airport to visit Washington, DC, as part of the Honor Flight program. These brave men, many of whom were just boys at the time, answered the call of duty and changed the course of history through their selfless action and love for their country.

It was also a great honor to be able to attend the decommissioning cere-

mony for World War II Submarine Veterans, Diamond Chapter, hosted by the USS Snook Base of the United States Submarine Veterans in Rogers, Arkansas, last month. There, I had the privilege to recognize many of Arkansas' surviving submarine veterans and thank them for their efforts firsthand.

□ 1430

A special thanks goes to former submariner Pete Rathmell for making the event happen.

Mr. Speaker, I would like to thank Chairman FILNER and Ranking Member BUYER for the opportunity to honor the "silent service" of World War II. I would also like to take this opportunity to thank Mr. SESTAK for his leadership in working with me on this legislation, and express my appreciation for the support of all the other cosponsors of the resolution.

I urge all of my colleagues to support H. Res. 773.

Mr. STEARNS. Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

GENERAL LEAVE

Mr. WALZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 773.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WALZ. Mr. Speaker, I want to thank Mr. BOOZMAN and Mr. SESTAK again, continuously on the forefront of making sure the respect shown to our veterans and the benefits that they have earned are there, and I urge my colleagues to unanimously support H. Res. 773.

Mr. KINGSTON. Mr. Speaker, I rise to support H. Res. 773 that expresses respect for the United States Submarine Force. I rise to commemorate the service of the USS *Narwhal* (SS 167) for her outstanding service. USS *Narwhal* served our country for nearly fifteen years.

Narwhal was one of five submarines docked for overhaul at Pearl Harbor on December 7, 1941. Gunners from the *Narwhal* were in action that resulted in the destruction of two torpedo planes. *Narwhal* suffered no damage.

Due to the size and unique design of the *Narwhal* she was selected to carry out unconventional missions that led to the defeat of Imperial Japan. *Narwhal* served in humanitarian and special operations roles in the campaign against Imperial Japan.

On May 11th, 1943 *Narwhal* and *Nautilus* launched Army Scouts to regain control of the Aleutian Islands in Alaska. On July 15th, 1943 *Narwhal* shelled the airfield on Matsuwa Island in northern Japan allowing *Lapon*, *Permit* and *Plunger* to escape from the waters of the Japanese Home Islands. *Narwhal* played a vital role in assisting the Filipino resistance to the Imperial Japanese Army. In 1943 *Narwhal* transported hundreds of tons of ammunition

and stores. On one voyage *Narwhal* evacuated eight women, two children and a baby from the Philippines to Darwin, Australia. In 1944 *Narwhal* continued to provide vital supplies in support of the liberation of the Philippines.

Submarine Sailors such as my childhood mentor, Coburn Kelley, served valiantly on boats like the *Narwhal*. Coburn Kelley enlisted on December 23, 1941. He served 22 months on *Narwhal* where he was qualified in submarine warfare and served on five war patrols.

I rise today to recognize the courage and sacrifice of our nation's Submarine Sailors who protected the liberties and freedoms of the United States during World War II. I am honored to keep alive their memory on this day November 4, 2009.

Mr. WALZ. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and agree to the resolution, H. Res. 773.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

VETERANS RETRAINING ACT OF 2009

Mr. WALZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1168) to amend chapter 42 of title 38, United States Code, to provide certain veterans with employment training assistance, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Retraining Act of 2009".

SEC. 2. EMPLOYMENT TRAINING ASSISTANCE.

(a) IN GENERAL.—Chapter 42 of title 38, United States Code, is amended by adding at the end the following new section:

"§4216. Employment Training Assistance for Unemployed Veterans.

"(a) MONTHLY TRAINING ASSISTANCE ALLOWANCE.—Subject to the availability of appropriations for such purpose, the Secretary of Labor may pay to each covered veteran a monthly training assistance allowance under this section for each month that a covered veteran is enrolled in an employment and training program that teaches a skill in demand, as determined by the Secretary.

"(b) AMOUNT.—The amount of the training assistance allowance under this section is the amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member of the Armed Forces with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which the veteran resides.

"(c) DURATION.—A covered veteran may receive training assistance under this section for

not more than six months during each 10-year period beginning on the date in which the covered veteran first receives training allowance under this section.

"(d) **MOVING STIPEND.**—Subject to the availability of appropriations for such purpose, in addition to the training assistance allowance payable under subsection (a), the Secretary may reimburse each covered veteran, in an amount not to exceed \$5,000, for moving expenses related to the veteran's receipt of training for which an allowance is paid under this section.

"(e) **COVERED VETERAN DEFINED.**—In this section, the term 'covered veteran' means a veteran who is—

"(1) unemployed for a period of not less than four consecutive months at the time of applying for training assistance under this section;

"(2) able to successfully complete the employment and training program described in subsection (a), as determined by the Secretary; and

"(3) except as provided under this section, ineligible for education or training assistance under this title.

"(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$100,000,000 for each fiscal year."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 42 of title 38, United States Code, is amended by adding at the end the following new item:

"4216. Employment training assistance for unemployed veterans."

(c) **EFFECTIVE DATE.**—Section 4216 of title 38, United States Code, as added by subsection (a), shall apply with respect to months beginning on or after the first day of fiscal year 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. WALZ) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. Mr. Speaker, I yield myself such time as I may consume.

Again, I thank my colleagues from Florida and Arkansas for introducing an incredibly important piece of legislation.

H.R. 1168 is a much-needed piece of legislation to address the job retraining needs of America's veterans. Just this month, the Department of Labor reported that more than 30,000 recently discharged veterans have filed for unemployment insurance benefits. Furthermore, as of September 2009, the Bureau of Labor Statistics indicated that 990,000 veterans were unemployed.

Mr. Speaker, these numbers are significant, and they demonstrate an immediate need to help our veterans receive the essential training needed to get their skills so they can be employed in a meaningful manner. We know the employment training programs can be effective in providing job counseling and retraining, an important part of successful transition to a civilian career.

H.R. 1168 goes one step further in support of veterans. The Veterans Retraining Act of 2009 would provide a stipend to veterans who are enrolled in employment and training programs to help cover living expenses and moving costs so veterans can move to an area

where there is a demand for their newly acquired military skills.

This bill is good for the veteran, good for the underserved skill sector, and it is good for the country. Our veterans have invested in our country, and this legislation invests in our veterans.

H.R. 1168 is the result of continuously bipartisan work between the Economic Opportunity Subcommittee chairwoman, STEPHANIE HERSETH SANDLIN, and the ranking member, Mr. BOOZMAN. I applaud both Mr. BOOZMAN and Ms. HERSETH SANDLIN for their leadership on the issue, their dedication to our veterans, and the example they set in the Veterans' Affairs Committee of bipartisan work for our veterans.

I urge all my colleagues to join me in support of this bill.

I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

I also rise in support of this bill, H.R. 1168, as amended, the Veterans Retraining Act of 2009. It is unfortunate this wasn't part of the stimulus package, because I think this could have been handled appropriately there. We have got a CBO estimate, but it is an authorization bill, and it is not an appropriations bill. But I think this is the kind of thing that would have been very pertinent to the stimulus bill.

This would amend chapter 42 of title 38, United States Code, to provide eligible veterans with employment training assistance.

Mr. Speaker, helping our returning veterans get back into the workforce is of the utmost importance. I believe this legislation will further that cause when, because of the recession, the unemployment level, particularly among veterans, continues to reach unacceptable levels.

I will be yielding shortly to the author of the bill, Mr. BOOZMAN, for a fuller explanation, but I would like to thank him for offering this bill, and also, as Mr. WALZ had mentioned, Ms. HERSETH SANDLIN and the Subcommittee on Economic Opportunity for moving this bill through the legislative process, and also thank the chairman and the ranking member for their support.

We must do more, obviously, to help our veterans today who have been hit especially hard by these tough economic times, particularly when they come back from Iraq or Afghanistan.

So I urge my colleagues to support H.R. 1168, as amended.

I reserve the balance of my time.

Mr. WALZ. Mr. Speaker, it is a real pleasure at this time to yield such time as she may consume to the coauthor of this bill, a tireless and effective advocate for our veterans and my colleague from right next door in South Dakota, Ms. HERSETH SANDLIN.

Ms. HERSETH SANDLIN. Mr. Speaker, I thank my good friend for yielding, for his service to our country, and for

his tireless advocacy on behalf our Nation's veterans.

I rise today in strong support of H.R. 1168, the Veterans Retraining Act of 2009, which the Veterans' Affairs Economic Opportunity Subcommittee passed on October 8 and the full committee approved last week. I would like to thank the ranking member of the Economic Opportunity Subcommittee, Mr. BOOZMAN, for his outstanding leadership in introducing this important legislation, and full committee Chairman FILNER and Ranking Member BUYER for their leadership as well and their support of this legislation.

The bill offers important updates to the employment training assistance available to veterans. It directs the Secretary of Labor to provide a monthly assistance allowance to veterans who are enrolled in an employment and training program. It teaches a skill in demand.

In addition, the veteran would be eligible to receive a monthly housing allowance, as well as a moving stipend of up to \$5,000 for moving expenses directly related to the receipt of this training. In order to be eligible for this assistance, veterans must be unemployed for no less than four months and ineligible for other education and training assistance.

Employment assistance is one of the essential benefits that our country gives its veterans. These benefits help our veterans adjust to life outside of the military and successfully transfer the skills and experience they acquired while serving in the Armed Forces to the civilian job force.

Again, I want to thank Chairman FILNER and particularly the hard work of Ranking Member BOOZMAN for their support on this issue, and I urge all of my colleagues to support this legislation.

Mr. STEARNS. Mr. Speaker, I yield such time as he may consume to the author of the bill, the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Mr. Speaker, I want to thank Chairman FILNER, Chairwoman HERSETH SANDLIN and Ranking Member BUYER for bringing H.R. 1168, as amended, the Veterans Retraining Act of 2009, to the floor.

I introduced this bill to encourage veterans to enroll in job training programs offered by the Department of Labor that train participants for jobs in the new economy.

In 2002, Congress enacted the Jobs for Veterans Act which gave covered veterans priority access to job training programs sponsored by the Department of Labor. Unfortunately, just as in other sectors of the workforce, veterans too have been forced to join the lines of the unemployed.

According to Bureau of Labor Statistics data for September 2009, 990,000 veterans were out of work, for an unemployment rate of 8.3 percent, the

highest in decades. Of that number, nearly 600,000 were between the ages of 35 and 64, the years of prime earning power as well as peak financial obligations. These is also the group of veterans who no longer have access to any VA education or training programs. So while veterans may have priority access to training programs, the need to provide some income to the family while training is the prime goal of H.R. 1168, as amended,

To meet that goal, H.R. 1168, as amended, authorizes \$100 million per year to provide a living stipend and moving assistance to veterans who have been unemployed for at least 4 months, who are not eligible for training or education under title 38, and are enrolled in a U.S. Department of Labor retraining program. The amount of the living stipend would mirror that given to post-9/11 GI Bill participants.

The moving assistance is intended to help a newly trained veteran who lives in an area of high unemployment to move to an area where there is a demand for the veteran's skills. It is my hope that H.R. 1168, as amended, will be a step towards providing veterans with new skill sets and the ability to locate where the jobs are plentiful.

I want to especially thank Ms. HERSETH SANDLIN for her help and leadership on this bill and just in general her leadership on our subcommittee. I also appreciate Chairman FILNER and Ranking Member BUYER for bringing this bill forward to the floor.

As always, I want to thank the staff for your efforts. We don't do that enough. We really appreciate your efforts on behalf of our veterans and the tremendous job that you are doing.

Mr. STEARNS. Mr. Speaker, I have no further speakers, so I yield back the balance of our time.

Mr. WALZ. Mr. Speaker, again, thank you to both our chairwoman and our ranking member for a wonderful and timely piece of legislation.

GENERAL LEAVE

Mr. WALZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1168, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WALZ. Mr. Speaker, I ask my colleagues to unanimously support H.R. 1168.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and pass the bill, H.R. 1168, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WALZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

LOUISIANA HONORAIR DAY

Mr. WALZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 828) to recognize October 24, 2009, the 20th chartered flight of World War II veterans through Louisiana HonorAir, as "Louisiana HonorAir Day," and to honor the invaluable service and dedication of the World War II veterans to our Nation.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 828

Whereas in late 2006, T.D. Smith of Louisiana founded Louisiana HonorAir, a non-profit organization, which charts flights for World War II veterans on an all-expenses-paid, day-long trip from Louisiana to Washington, DC, to see the World War II Memorial, the Marine Corps Memorial, and to lay a wreath at the Tomb of the Unknown Soldier;

Whereas since its first flight out of Lafayette, Louisiana in early 2007, Louisiana HonorAir has flown close to 2,000 World War II veterans to Washington, DC, to be honored for their invaluable service, sacrifice, and dedication to our Nation;

Whereas approximately 100 to 130 World War II veterans are selected by Louisiana HonorAir for each flight on a first-come-first-served basis;

Whereas Louisiana HonorAir is run by volunteers and sustained by donations and State grants;

Whereas before Louisiana HonorAir culminates in Lafayette, Louisiana, on April 10, 2010, its last three flights will be chartered from New Orleans, Louisiana, on September 26, October 10, and October 24, 2009;

Whereas the 100th chartered flight of World War II veterans aboard U.S. Airways occurs during Louisiana HonorAir's October 10, 2009, flight out of New Orleans, Louisiana, home to the National World War II Museum;

Whereas, October 24, 2009, marks the 20th chartered flight of World War II veterans through Louisiana HonorAir;

Whereas with the average World War II veteran being 86 years old and becoming too ill to visit the World War II Memorial in Washington, DC, there are not many opportunities left to honor them for their service: Now, therefore, be it

Resolved, That the House of Representatives recognizes Louisiana HonorAir for its 20 chartered flights of World War II veterans to Washington, DC, to visit the National World War II Memorial, honors the invaluable service and dedication of the World War II veterans to our Nation, and supports the designation of a "Louisiana HonorAir Day".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. WALZ) and the gen-

tleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from New Orleans for putting this piece of legislation forward. This is an incredibly important program, and it is one that any of us who have had the incredible honor of being in the presence of our World War II veterans as they get a chance to return back to their memorial would say is really moving.

The Louisiana HonorAir's mission is to provide that every single Louisiana World War II veteran have the opportunity to view the World War II Memorial for the first time. As the home of the National World War II Museum, Louisiana holds deep roots in celebrating our World War II veterans community.

Louisiana HonorAir provides the veterans a chance to stand in the presence of the landmark that memorializes their service to this country. They also visit Arlington National Cemetery and lay a wreath at the Tomb of the Unknown Soldier.

The World War II Memorial and Arlington National Cemetery mark our country's gratitude for the heroic service our veterans have provided to the country. They are also a symbolic tie these veterans have to our country's history. This experience only lasts one day, but it hopefully stays in the hearts of our veterans and their loved ones forever.

This service provided by Louisiana HonorAir is an act of love for our World War II veterans. Operating solely on the efforts of volunteers and financial support from donors, Louisiana HonorAir is able to make these dreams possible at no cost to the veterans.

Because the youngest World War II veteran is 70 years old, and the average age of our veterans is 86, time is of the essence. Many of our last World War II veterans are becoming too ill to travel, and there are not many opportunities left to honor them for their service.

House Resolution 828 will recognize and celebrate Louisiana HonorAir's 20th chartered flight on October 24, 2009, Louisiana HonorAir Day.

□ 1445

We act on the limited chance to support our last surviving World War II veterans. Let's not forget them, and let's take advantage of every opportunity to celebrate their service to their country. With that, again, I thank the gentleman for such an important resolution.

I reserve the balance of my time, Mr. Speaker.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

I also rise in support of House Resolution 828, a resolution recognizing October 24, 2009, the 20th chartered flight

of World War II veterans through the Louisiana HonorAir, as Louisiana HonorAir Day, and to honor the invaluable service and dedication of World War II veterans nationwide.

Founded in late 2006 by T.D. Smith of Louisiana, Louisiana HonorAir provides World War II veterans an all-expense-paid, day-long trip from Louisiana to Washington, D.C., to see the World War II Memorial, the Marine Corps Memorial, and to lay a wreath at the Tomb of the Unknown Soldier at Arlington National Cemetery. I want to congratulate them for their continued service to our Nation. Their flight on October 24, 2009, was the 20th Honor Flight organized by this organization, and I am sure it won't be the last.

I have also had the experience and privilege of honoring these Honor Flights in my congressional district. We've had four of these. Last week, in fact, we have just had one, and I will recognize that Senator Dole and Senator Libby Dole also were participants at the site to meet and greet these veterans as a tribute to them.

I know that I have been inspired by the veterans who have participated in honor flights from my district in Florida, and all Honor Flight Networks around our country deserve our support. Also on October 10, 2009, the 100th chartered flight of World War II veterans aboard U.S. Airways occurred during a Louisiana HonorAir Flight out of New Orleans, Louisiana, the home to the National World War II Museum. It is estimated by the National Honor Flight Network that over 42,000 veterans will have participated in honor flights by the end of this year. So I think it's a tribute to recognize this resolution, but it's also a tribute to my colleague Mr. CAO of Louisiana for introducing this resolution and honoring this worthy organization. I would like to thank both the chairman and the ranking member for moving this resolution so quickly, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. WALZ. I have no further speakers, and reserve the balance of my time, Mr. Speaker.

Mr. STEARNS. Mr. Speaker I yield such time as he may consume to the author, Mr. CAO of Louisiana.

Mr. CAO. Thank you very much for allowing me to speak on behalf of my resolution.

I rise today in support of House Resolution 828, to designate October 24, 2009, as Louisiana HonorAir Day in honor of the invaluable service of World War II veterans to our Nation. October 24, 2009, marked the 20th charter flight of World War II veterans from Louisiana to D.C. through Louisiana HonorAir to visit the National World War II Memorial. Louisiana HonorAir's mission is to provide every World War II veteran who is physically able to travel the opportunity to view the World War II Me-

morial for the first time. World War II veterans are granted a charter flight from Louisiana to Washington, D.C., for a day-long, all-expenses-paid-trip to visit the National World War II Memorial, the Marine Corps Memorial, the Iwo Jima Memorial and other memorials and to lay a wreath at the Tomb of the Unknown Soldier. The World War II Memorial was dedicated in 2004 for a generation whose youngest members are in their late seventies. Therefore, many of the men and women who fought and sacrificed for our country have not had the opportunity or ability to visit. Sadly, a few of the World War II veterans scheduled to go on the October 24 flight passed away or became too ill to travel and were, therefore, unable to be properly honored for their tremendous sacrifices.

As Louisiana HonorAir prepares to fly its final flight on April 10, 2010, I am proud that these last three fall flights were out of New Orleans, Louisiana, home to the National World War II Museum. Mr. Speaker, I had the great opportunity to welcome home several members of the veterans community on their flights back from Washington, D.C., 3 weeks ago, and I have to say that from the receptions that I have received and from the faces of the many members who came back from Washington, D.C., on that HonorAir flight, they were very grateful and honored to be able to participate in the program. Under the leadership of T.D. Smith, the Louisiana HonorAir reminds our Nation's World War II veterans how indebted we are to them for their service. As the son of a war veteran, I consider it a personal honor to sponsor this legislation, and I strongly urge my colleagues to vote in favor of House Resolution 828.

Mr. BOUSTANY. Mr. Speaker, I strongly support our Armed Forces and veterans and fully realize the debt of gratitude that our nation owes the men and women who defend our country. Mindful of this commitment, I thank the World War II veterans for their commitment and unselfish service to America. I would especially like to thank the Louisiana HonorAir organization for their hard work and dedication to these veterans and recognize October 24, 2009 as "Louisiana HonorAir Day."

In 2007, Louisiana HonorAir began flying WWII veterans three hours on a chartered flight from Louisiana to our nation's Capital free of charge. In Washington, D.C., the groups toured the WWII Memorial, Korean Memorial and Vietnam Memorial and attended wreath laying ceremonies at the Tomb of the Unknown Soldier at Arlington National Cemetery. Then, as quickly as they came, the groups returned home to a hero's welcome in Louisiana where family and friends gathered to show their appreciation one more time. For many veterans, it was their first time to tour the WWII Memorial because of its recent construction, while for others it was their only chance to see these sights dedicated to the great service they provided to our Nation.

Having met many of these groups in Washington, I continue to be awestruck by the reactions of these brave men and women who stood up to tyranny in Europe and Asia. Many rarely talk about their service, instead, looking to happier times. However, in the company of others who nobly served, they are able to frankly discuss their experiences, share tearful stories and remember comrades missing or killed in action. I am grateful to have worked with Louisiana HonorAir and I salute them, as well as the courageous men and women who stood to protect America.

Today, I ask my colleagues to join me in remembering the brave men and women who defended America and in commending Louisiana HonorAir by recognizing October 24, 2009 as "Louisiana HonorAir Day."

Mr. STEARNS. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

GENERAL LEAVE

Mr. WALZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 828.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WALZ. Mr. Speaker, I want to thank the gentleman from New Orleans and urge my colleagues to unanimously support this important resolution, H. Res. 828.

I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and agree to the resolution, H. Res. 828.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

VETERANS' SMALL BUSINESS ASSISTANCE AND SERVICEMEMBERS PROTECTION ACT OF 2009

Mr. WALZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3949) to amend title 38, United States Code, and the Servicemembers Civil Relief Act, to make certain improvements in the laws relating to benefits administered by the Secretary of Veterans Affairs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3949

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Small Business Assistance and Servicemembers Protection Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—SMALL BUSINESS AND EDUCATION MATTERS

- Sec. 101. Clarification of responsibility of Secretary of Veterans Affairs to verify small business ownership.
Sec. 102. Reauthorization of Veterans' Advisory Committee on Education.

TITLE II—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS

- Sec. 201. Termination of service contracts.
Sec. 202. Residential and motor vehicle leases.
Sec. 203. Enforcement by the Attorney General and by private right of action.

TITLE III—OTHER BENEFITS MATTERS

- Sec. 301. Improvement of outreach activities within Department of Veterans Affairs.
Sec. 302. Visual impairment and orientation and mobility professionals education assistance program.
Sec. 303. Interment in national cemeteries of parents of certain deceased veterans.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—SMALL BUSINESS AND EDUCATION MATTERS

SEC. 101. CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP.

(a) SHORT TITLE.—This section may be cited as the "Veterans Small Business Verification Act".

(b) CLARIFICATION OF RESPONSIBILITY OF SECRETARY OF VETERANS AFFAIRS TO VERIFY SMALL BUSINESS OWNERSHIP.—

(1) CLARIFICATION.—Section 8127(f) is amended—

(A) in paragraph (2)—
(i) by inserting "(A)" before "To be eligible";

(ii) by inserting after "or the veteran." the following new sentence: "Application for inclusion in the database shall constitute permission under section 552a of title 5 (commonly referred to as the Privacy Act) for the Secretary to access such personal information maintained by the Secretary as may be necessary to verify the information contained in the application."; and

(iii) by inserting after the sentence added by subparagraph (B) the following new subparagraph:

"(B) If the Secretary receives an application for inclusion in the database from an individual whose status as a veteran cannot be verified because the Secretary does not maintain information with respect to the veteran status of the individual, the Secretary may not include the small business concern owned or controlled by the individual in the database maintained by the Secretary until the Secretary receives such information as may be necessary to verify that the individual is a veteran."; and

(B) by striking paragraph (4) and inserting the following new paragraph (4):

"(4) No small business concern may be listed in the database until the Secretary has verified that—

"(A) the small business concern is owned and controlled by veterans; and

"(B) in the case of a small business concern for which the person who owns or controls the concern indicates that the person is a veteran with a service-connected disability, that the person is a veteran with a service-connected disability.".

(2) APPLICABILITY.—In the case of a small business concern included in the database as of the date of the enactment of this Act for which, as of such date, the Secretary of Veterans Affairs has not verified the status of such concern in accordance with paragraph (4) of subsection (f) of section 8127 of title 38, United States Code, as amended by subsection (a), not later than 60 days after the date of the enactment of this Act, the Secretary shall notify the person who owns or controls the concern that—

(A) the Secretary is required to verify the status of the concern in accordance with such paragraph;

(B) verification of such status shall require that the person who owns or controls the concern apply for inclusion in the database in accordance with such subsection, as so amended;

(C) application for inclusion in the database shall constitute permission under section 552a of title 5, United States Code (commonly referred to as the Privacy Act), for the Secretary to access such personal information maintained by the Secretary as may be necessary to verify the information contained in the application; and

(D) the person who owns or controls the concern must submit to the Secretary an affirmative acknowledgment of the requirement under paragraph (3) within 90 days of receiving the Secretary's notice of such requirement or the concern shall be removed from the database.

SEC. 102. REAUTHORIZATION OF VETERANS' ADVISORY COMMITTEE ON EDUCATION.

Section 3692(c) is amended by striking "December 31, 2009" and inserting "December 31, 2015".

TITLE II—SERVICEMEMBERS CIVIL RELIEF ACT MATTERS

SEC. 201. TERMINATION OF SERVICE CONTRACTS.

(a) IN GENERAL.—Section 305A of the Servicemembers Civil Relief Act (50 U.S.C. App. 535a) is amended to read as follows:

"SEC. 305A. TERMINATION OF SERVICE CONTRACTS.

"(a) TERMINATION BY SERVICEMEMBER.—A servicemember may terminate a contract described in subsection (c) at any time after the date the servicemember receives military orders—

"(1) to deploy with a military unit, or as an individual, in support of a contingency operation for a period of not less than 90 days; or

"(2) for a change of permanent station to a location that does not support the contract.

"(b) SPECIAL RULE FOR CELLULAR OR TELEPHONE EXCHANGE SERVICE.—In any case in which a contract being terminated under subsection (a) or (d) is for cellular telephone service or telephone exchange service, the servicemember may keep, to the extent practicable and in accordance with applicable law, the telephone number the servicemember has under the contract for a period not to exceed 90 days after the period of deployment or change of permanent station has concluded.

"(c) COVERED CONTRACTS.—This section applies to a contract for cellular telephone

service, telephone exchange service, multichannel video programming service, Internet access service, or residential utility service involving the provision of water, electricity, home heating oil, or natural gas.

"(d) FAMILY PLANS.—In the case of a contract for cellular telephone service entered into by any individual in which a servicemember is a designated beneficiary of such contract, the individual may terminate such contract—

"(1) with respect to the servicemember if the servicemember is eligible to terminate contracts pursuant to subsection (a); and

"(2) with respect to all of the designated beneficiaries of such contract if all such beneficiaries accompany the servicemember in a change of permanent station to a location that does not support the contract.

"(e) MANNER OF TERMINATION.—Termination of a contract under subsection (a) or (d) shall be made by delivery of a written notice of such termination and a copy of the servicemember's military orders to the service provider, delivered—

"(1) by hand delivery;

"(2) by private business carrier;

"(3) by facsimile; or

"(4) by United States mail, addressed as designated by the service provider, return receipt requested, with sufficient postage.

"(f) DATE OF CONTRACT TERMINATION.—Termination of a contract under subsection (a) or (d) is effective as of the date on which the notice under subsection (e) is delivered.

"(g) OTHER OBLIGATIONS AND LIABILITIES.—The service provider under the contract may not impose an early termination charge, but any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid or unperformed at the time of termination of the contract shall be paid or performed by the servicemember. If the servicemember re-subscribes to the service provided under a covered contract in the 90-day period after the period of deployment or change of permanent station has concluded, the service provider may not impose a charge for reinstating service, other than a charge to cover any cost of installing or acquiring new equipment that existing customers received, and for which such customers paid a similar charge, during such period.

"(h) RETURN OF ADVANCE PAYMENTS.—Not later than 60 days after the effective date of the termination of the contract, the service provider shall refund to the servicemember any fee or other amount to the extent paid for a period extending after such date, except for the remainder of the monthly or similar billing period in which the termination occurs if it is not reasonably possible to determine a pro-rata amount for such remainder.

"(i) DEFINITIONS.—In this section:

"(1) The term 'cellular telephone service' means commercial mobile service, as that term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

"(2) The term 'contingency operation' has the meaning given that term by section 101(a)(13) of title 10, United States Code.

"(3) The term 'Internet access service' has the meaning given that term under section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

"(4) The term 'multichannel video programming service' means video programming service provided by a multichannel video programming distributor, as such term is defined in section 602(13) of the Communications Act of 1934 (47 U.S.C. 522(13)).

"(5) The term 'telephone exchange service' has the meaning given that term under section 3 of the Communications Act of 1934 (47 U.S.C. 153)."

(b) TECHNICAL AMENDMENT TO CONFORM HEADING OF TITLE III TO THE CONTENTS OF THE TITLE.—The heading for title III of such Act is amended by inserting “, **SERVICE CONTRACTS**” after “**LEASES**”.

(c) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of such Act is amended—

(1) by striking the item relating to title III and inserting the following new item:

“**TITLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENT, LEASES, SERVICE CONTRACTS**”; AND

(2) by striking the item relating to section 305A and inserting the following new item:

“Sec. 305A. Termination of service contracts.”.

SEC. 202. RESIDENTIAL AND MOTOR VEHICLE LEASES.

Subsection (e) of section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended to read as follows:

“(e) ARREARAGES AND OTHER OBLIGATIONS AND LIABILITIES.—

“(1) **LEASES OF PREMISES.**—Rent amounts for a lease described in subsection (b)(1) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

“(2) **LEASES OF MOTOR VEHICLES.**—Lease amounts for a lease described in subsection (b)(2) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, title and registration fees, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear or use and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.”.

SEC. 203. ENFORCEMENT BY THE ATTORNEY GENERAL AND BY PRIVATE RIGHT OF ACTION.

(a) **IN GENERAL.**—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by adding at the end the following new title:

“TITLE VIII—CIVIL LIABILITY

“SEC. 801. ENFORCEMENT BY THE ATTORNEY GENERAL.

“(a) **CIVIL ACTION.**—The Attorney General may commence a civil action in any appropriate United States district court against any person who—

“(1) engages in a pattern or practice of violating this Act; or

“(2) engages in a violation of this Act that raises an issue of significant public importance.

“(b) **RELIEF.**—In a civil action commenced under subsection (a), the court may—

“(1) grant any appropriate equitable or declaratory relief with respect to the violation; or

“(2) award all other appropriate relief, including monetary damages, to any person aggrieved by the violation; and

“(3) may, to vindicate the public interest, assess a civil penalty—

“(A) in an amount not exceeding \$55,000 for a first violation; and

“(B) in an amount not exceeding \$110,000 for any subsequent violation.

“(c) **INTERVENTION.**—Upon timely application, a person aggrieved by a violation with respect to which the civil action is commenced may intervene in such action, and may obtain such appropriate relief as the person could obtain in a civil action under section 802 with respect to that violation, along with costs and a reasonable attorney fee.

“SEC. 802. PRIVATE RIGHT OF ACTION.

“(a) **IN GENERAL.**—Any person aggrieved by a violation of this Act may in a civil action—

“(1) obtain any appropriate equitable or declaratory relief with respect to the violation; and

“(2) recover all other appropriate relief, including monetary damages.

“(b) **COSTS AND ATTORNEY FEES.**—The court may award to a servicemember who prevails in an action brought under subsection (a) the costs of the action, including a reasonable attorney fee.

“SEC. 803. PRESERVATION OF REMEDIES.

“Nothing in section 801 or 802 shall be construed to preclude or limit any remedy otherwise available under other law, including consequential and punitive damages.”.

(b) **CONFORMING AMENDMENTS.**—Such Act is further amended as follows:

(1) Section 207 (50 U.S.C. App. 527) is amended by striking subsection (f).

(2) Section 301(c) (50 U.S.C. App. 531(c)) is amended to read as follows:

“(c) **MISDEMEANOR.**—Except as provided in subsection (a), a person who knowingly takes part in an eviction or distress described in subsection (a), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”.

(3) Section 302(b) (50 U.S.C. App. 532(b)) is amended to read as follows:

“(b) **MISDEMEANOR.**—A person who knowingly resumes possession of property in violation of subsection (a), or in violation of section 107 of this Act, or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”.

(4) Section 303(d) (50 U.S.C. App. 533(d)) is amended to read as follows:

“(d) **MISDEMEANOR.**—A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (c), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”.

(5) Section 305(h) (50 U.S.C. App. 535(h)) is amended to read as follows:

“(h) **MISDEMEANOR.**—Any person who knowingly seizes, holds, or detains the personal effects, security deposit, or other property of a servicemember or a servicemember's dependent who lawfully terminates a lease covered by this section, or who knowingly interferes with the removal of such property from premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”.

(6) Section 306(e) (50 U.S.C. App. 536(e)) is amended to read as follows:

“(e) **MISDEMEANOR.**—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”.

(7) Section 307(c) (50 U.S.C. App. 537(c)) is amended to read as follows:

“(c) **MISDEMEANOR.**—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”.

(c) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by adding at the end the following new items:

“TITLE VIII—CIVIL LIABILITY

“Sec. 801. Enforcement by the Attorney General.

“Sec. 802. Private right of action.

“Sec. 803. Preservation of remedies.”.

TITLE III—OTHER BENEFITS MATTERS

SEC. 301. IMPROVEMENT OF OUTREACH ACTIVITIES WITHIN DEPARTMENT OF VETERANS AFFAIRS.

(a) **IN GENERAL.**—Chapter 5 is amended by adding at the end the following new subchapter:

“SUBCHAPTER IV—OUTREACH ACTIVITIES

“§ 561. Outreach activities: coordination of activities within the Department

“(a) **COORDINATION PROCEDURES.**—The Secretary shall establish and maintain procedures for ensuring the effective coordination of the outreach activities of the Department between and among the following:

“(1) The Office of the Secretary.

“(2) The Office of Public Affairs.

“(3) The Veterans Health Administration.

“(4) The Veterans Benefits Administration.

“(5) The National Cemetery Administration.

“(b) **ANNUAL REVIEW OF PROCEDURES.**—The Secretary shall—

“(1) annually review the procedures in effect under subsection (a) for the purpose of ensuring that those procedures meet the requirements of that subsection; and

“(2) make such modifications to those procedures as the Secretary considers appropriate in light of such review in order to better achieve that purpose.

“§ 562. Outreach activities: cooperative activities with States; grants to States for improvement of outreach

“(a) **PURPOSE.**—It is the purpose of this section to provide for assistance by the Secretary to State and county veterans agencies to carry out programs in locations within the respective jurisdictions of such agencies that offer a high probability of improving outreach and assistance to veterans, and to the spouses, children, and parents of veterans, to ensure that such individuals are fully informed about, and assisted in applying for, any veterans' and veterans-related benefits and programs (including State veterans' programs) for which they may be eligible.

“(b) **PRIORITY FOR AREAS WITH HIGH CONCENTRATION OF ELIGIBLE INDIVIDUALS.**—In providing assistance under this section, the Secretary shall give priority to State and county veteran agencies in locations—

“(1) that have relatively large concentrations of populations of veterans and other individuals referred to in subsection (a); or

“(2) that are experiencing growth in the population of veterans and other individuals referred to in subsection (a).

“(c) **CONTRACTS FOR OUTREACH SERVICES.**—The Secretary may enter into a contract with a State or county veterans agency in order to carry out, coordinate, improve, or

otherwise enhance outreach by the Department and the State or county (including outreach with respect to a State or county veterans program). As a condition of entering into any such contract, the Secretary shall require the agency to submit annually to the Secretary a three-year plan for the use of any funds provided to the agency pursuant to the contract and to meet the annual outcome measures developed by the Secretary under subsection (d)(4).

“(d) GRANTS.—(1) The Secretary may make a grant to a State or county veterans agency to be used to carry out, coordinate, improve, or otherwise enhance—

“(A) outreach activities, including activities carried out pursuant to a contract entered into under subsection (c); and

“(B) activities to assist in the development and submittal of claims for veterans and veterans-related benefits, including activities carried out pursuant to a contract entered into under subsection (c).

“(2) A State veterans agency that receives a grant under this subsection may award all or a portion of the grant to county veterans agencies within the State to provide outreach services for veterans, on the basis of the number of veterans residing in the jurisdiction of each county.

“(3) To be eligible for a grant under this subsection, a State or county veterans agency shall submit to the Secretary an application containing such information and assurances as the Secretary may require. The Secretary shall require a State or county veterans agency to include, as part of the agency's application—

“(A) a three-year plan for the use of the grant; and

“(B) a description of the programs through which the agency will meet the annual outcome measures developed by the Secretary under paragraph (4).

“(4)(A) The Secretary shall develop and provide to the recipient of a grant under this subsection written guidance on annual outcome measures, Department policies, and procedures for applying for grants under this section.

“(B) The Secretary shall annually review the performance of each State or county veterans agency that receives a grant under this section.

“(C) In the case of a State or county veterans agency that is a recipient of a grant under this subsection that does not meet the annual outcome measures developed by the Secretary, the Secretary shall require the agency to submit a remediation plan under which the agency shall describe how and when it plans to meet such outcome measures. The Secretary must approve such plan before the Secretary may make a subsequent grant to that agency under this subsection.

“(5) No portion of any grant awarded under this subsection may be used for the purposes of administering the grant funds or to subsidize the salaries of State or county veterans service officers or other employees of a State or county veterans agency that receives a grant under this subsection.

“(6) Federal funds provided to a State or county veterans agency under this subsection may not be used to provide more than 50 percent of the total cost of the State or county government activities described in paragraph (1) and shall be used to expand existing outreach programs and services and not to supplant State and local funding that is otherwise available.

“(7) In awarding grants under this subsection, the Secretary shall give priority to State and county veterans agencies that serve the largest populations of veterans.

“(8)(A) In a case in which a county government does not have a county veterans agency, the county government may be awarded a grant under this subsection to establish such an agency.

“(B) In a case in which a county government does not have a county veterans agency and does not seek to establish such an agency through the use of a grant under this subsection, the State veterans agency for the State in which the county is located may use a grant under this section to provide outreach services for that county.

“(C) In the case of a State in which no State or county veterans agency seeks to receive a grant under this subsection, the funds that would otherwise be allocated for that State shall be reallocated to those States in which county veterans agencies exist and have sought grants under this subsection.

“(9) A grant under this subsection may be used to provide education and training, including on-the-job training, for State, county, and local government employees who provide (or when trained will provide) veterans outreach services in order for those employees to obtain accreditation in accordance with procedures approved by the Secretary and, for employees so accredited, for purposes of continuing education.

“(e) DEFINITIONS.—For the purposes of this section:

“(1) The term ‘State veterans agency’ means the element of the government of a State that has responsibility for programs and activities of that State government relating to veterans benefits.

“(2) The term ‘county veterans agency’ means the element of the government of a county or municipality that has responsibility for programs and activities of that county or municipal government relating to veterans benefits.

“§ 563. Outreach activities: funding

“(a) SEPARATE ACCOUNT.—Amounts for the outreach activities of the Department under this subchapter shall be budgeted and appropriated through a separate appropriation account.

“(b) SEPARATE STATEMENT OF AMOUNT.—In the budget justification materials submitted to Congress in support of the Department budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary shall include a separate statement of the amount requested to be appropriated for that fiscal year for the account specified in subsection (a).

“§ 564. Definition of outreach

“For purposes of this subchapter, the term ‘outreach’ means the act or process of taking steps in a systematic manner to provide information, services, and benefits counseling to veterans, and the survivors of veterans, who may be eligible to receive benefits under the laws administered by the Secretary to ensure that those individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws for which they may be eligible.

“§ 565. Authorization of appropriations

“There is authorized to be appropriated to the Secretary for each of fiscal years 2011, 2012, and 2013, \$25,000,000 to carry out this subchapter, including making grants under section 562(d) of this title.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

“SUBCHAPTER IV—OUTREACH ACTIVITIES

“561. Outreach activities: coordination of activities within the Department.

“562. Outreach activities: cooperative activities with States; grants to States for improvement of outreach.

“563. Outreach activities: funding.

“564. Definition of outreach.

“565. Authorization of appropriations.”

(c) DEADLINE FOR IMPLEMENTATION.—The Secretary of Veterans Affairs shall implement the outreach activities required under subchapter IV of chapter 5 of title 38, United States Code, as added by subsection (a), by not later than 120 days after the date of the enactment of this Act.

SEC. 302. VISUAL IMPAIRMENT AND ORIENTATION AND MOBILITY PROFESSIONALS EDUCATION ASSISTANCE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Part V is amended by adding at the end the following new chapter:

“CHAPTER 80—VISUAL IMPAIRMENT AND ORIENTATION AND MOBILITY PROFESSIONALS EDUCATION ASSISTANCE PROGRAM

“Sec.

“8001. Establishment of scholarship program; purpose.

“8002. Application and acceptance.

“8003. Amount of assistance; duration.

“8004. Agreement.

“8005. Repayment for failure to satisfy requirements of agreement.

“§ 8001. Establishment of scholarship program; purpose

“(a) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary shall establish and carry out a scholarship program to provide financial assistance in accordance with this chapter to an individual—

“(1) who is accepted for enrollment or currently enrolled in a program of study leading to a degree or certificate in visual impairment or orientation and mobility, or a dual degree or certification in both such areas, at an accredited (as determined by the Secretary) educational institution that is in a State; and

“(2) who enters into an agreement with the Secretary as described in section 8004 of this chapter.

“(b) PURPOSE.—The purpose of the scholarship program established under this chapter is to increase the supply of qualified blind rehabilitation specialists for the Department and the Nation.

“(c) OUTREACH.—The Secretary shall publicize the scholarship program established under this chapter to educational institutions throughout the United States, with an emphasis on disseminating information to such institutions with high numbers of Hispanic students and to Historically Black Colleges and Universities.

“§ 8002. Application and acceptance

“(a) APPLICATION.—(1) To apply and participate in the scholarship program under this chapter, an individual shall submit to the Secretary an application for such participation together with an agreement described in section 8004 of this chapter under which the participant agrees to serve a period of obligated service in the Department as provided in the agreement in return for payment of educational assistance as provided in the agreement.

“(2) In distributing application forms and agreement forms to individuals desiring to participate in the scholarship program, the Secretary shall include with such forms the following:

“(A) A fair summary of the rights and liabilities of an individual whose application

is approved (and whose agreement is accepted) by the Secretary.

“(B) A full description of the terms and conditions that apply to participation in the scholarship program and service in the Department.

“(b) APPROVAL.—(1) Upon the Secretary's approval of an individual's participation in the scholarship program, the Secretary shall, in writing, promptly notify the individual of that acceptance.

“(2) An individual becomes a participant in the scholarship program upon such approval by the Secretary.

“§ 8003. Amount of assistance; duration

“(a) AMOUNT OF ASSISTANCE.—The amount of the financial assistance provided for an individual under this chapter shall be the amount determined by the Secretary as being necessary to pay the tuition and fees of the individual. In the case of an individual enrolled in a program of study leading to a dual degree or certification in both the areas of study described in section 8001(a)(1) of this chapter, the tuition and fees shall not exceed the amounts necessary for the minimum number of credit hours to achieve such dual certification or degree.

“(b) RELATIONSHIP TO OTHER ASSISTANCE.—Financial assistance may be provided to an individual under this chapter to supplement other educational assistance to the extent that the total amount of educational assistance received by the individual during an academic year does not exceed the total tuition and fees for such academic year.

“(c) MAXIMUM AMOUNT OF ASSISTANCE.—(1) In no case may the total amount of assistance provided under this chapter for an academic year to an individual who is a full-time student exceed \$15,000.

“(2) In the case of an individual who is a part-time student, the total amount of assistance provided under this chapter shall bear the same ratio to the amount that would be paid under paragraph (1) if the participant were a full-time student in the program of study being pursued by the individual as the coursework carried by the individual to full-time coursework in that program of study.

“(3) In no case may the total amount of assistance provided to an individual under this chapter exceed \$45,000.

“(d) MAXIMUM DURATION OF ASSISTANCE.—The Secretary may provide financial assistance to an individual under this chapter for not more than six years.

“§ 8004. Agreement

“An agreement between the Secretary and a participant in the scholarship program under this chapter shall be in writing, shall be signed by the participant, and shall include—

“(1) the Secretary's agreement to provide the participant with financial assistance as authorized under this chapter;

“(2) the participant's agreement—

“(A) to accept such financial assistance;

“(B) to maintain enrollment and attendance in the program of study described in section 8001(a)(1) of this chapter;

“(C) while enrolled in such program, to maintain an acceptable level of academic standing (as determined by the educational institution offering such program under regulations prescribed by the Secretary); and

“(D) after completion of the program, to serve as a full-time employee in the Department for a period of three years, to be served within the first six years after the participant has completed such program and received a degree or certificate described in section 8001(a)(1) of this chapter; and

“(3) any other terms and conditions that the Secretary determines appropriate for carrying out this chapter.

“§ 8005. Repayment for failure to satisfy requirements of agreement

“(a) IN GENERAL.—An individual who receives educational assistance under this chapter shall repay to the Secretary an amount equal to the unearned portion of such assistance if the individual fails to satisfy the requirements of the agreement entered into under section 8004 of this chapter, except in circumstances authorized by the Secretary.

“(b) AMOUNT OF REPAYMENT.—The Secretary shall establish, by regulations, procedures for determining the amount of the repayment required under this subsection and the circumstances under which an exception to the required repayment may be granted.

“(c) WAIVER OR SUSPENSION OF COMPLIANCE.—The Secretary shall prescribe regulations providing for the waiver or suspension of any obligation of an individual for service or payment under this chapter (or an agreement under this chapter) whenever non-compliance by the individual is due to circumstances beyond the control of the individual or whenever the Secretary determines that the waiver or suspension of compliance is in the best interest of the United States.

“(d) OBLIGATION AS DEBT TO UNITED STATES.—An obligation to repay the Secretary under this section is, for all purposes, a debt owed the United States. A discharge in bankruptcy under title 11 does not discharge a person from such debt if the discharge order is entered less than five years after the date of the termination of the agreement or contract on which the debt is based.”.

(b) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of title 38, United States Code, and of part V of such title, are each amended by inserting after the item relating to chapter 79 the following new item:

“80. Visual Impairment and Orientation and Mobility Professionals Education Assistance Program ... 8001”.

(c) EFFECTIVE DATE.—The Secretary of Veterans Affairs shall implement chapter 80 of title 38, United States Code, as added by subsection (a), not later than six months after the date of the enactment of this Act.

SEC. 303. INTERMENT IN NATIONAL CEMETERIES OF PARENTS OF CERTAIN DECEASED VETERANS.

(a) SHORT TITLE.—This section may be cited as the “Corey Shea Act”.

(b) INTERMENT OF PARENTS OF CERTAIN DECEASED VETERANS.—Section 2402 is amended—

(1) in the matter preceding paragraph (1), by striking “Under such regulations” and inserting “(a) Under such regulations”;

(2) by moving the margins of paragraphs (1) through (8) two ems to the right;

(3) by inserting after paragraph (8) the following new paragraph:

“(9)(A) The parent of a person described in subparagraph (B), if the Secretary determines that there is available space at the gravesite where the person described in subparagraph (B) is interred.

“(B) A person described in this subparagraph is a person described in paragraph (1) who—

“(i) is a hostile casualty or died from a training-related injury;

“(ii) is interred in a national cemetery; and

“(iii) at the time of the person's parent's death, did not have a spouse, surviving spouse, or child who is buried or who, upon

death, may be eligible for burial in a national cemetery pursuant to paragraph (5).”; and

(4) by adding at the end the following new subsection:

“(b) For purposes of subsection (a)(9) of this section:

“(1) The term ‘parent’ means a biological father or a biological mother or, in the case of adoption, a father through adoption or a mother through adoption.

“(2) The term ‘hostile casualty’ means a person who, as a member of the Armed Forces, dies as the direct result of hostile action with the enemy, while in combat, while going to or returning from a combat mission if the cause of death was directly related to hostile action, or while hospitalized or undergoing treatment at the expense of the United States for injury incurred during combat, and includes a person killed mistakenly or accidentally by friendly fire directed at a hostile force or what is thought to be a hostile force, but does not include a person who dies due to the elements, a self-inflicted wound, combat fatigue, or a friendly force while the person was in an absent-without-leave, deserter, or dropped-from-rolls status or was voluntarily absent from a place of duty.

“(3) The term ‘training-related injury’ means an injury incurred by a member of the Armed Forces while performing authorized training activities in preparation for a combat mission.”.

(c) GUIDANCE REQUIRED.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall develop guidance under which the parent of a person described in paragraph (9)(B) of subsection (a) of section 2402 of title 38, United States Code, may be designated for interment in a national cemetery under that section.

(d) CONFORMING AMENDMENTS.—

(1) CROSS-REFERENCE CORRECTION.—Section 107 is amended by striking “section 2402(8)” both places it appears and inserting “section 2402(a)(8)”.

(2) CROSS-REFERENCE CORRECTION.—Section 2301(e) is amended by striking “section 2402(6)” and inserting “section 2402(a)(6)”.

(3) CROSS-REFERENCE CORRECTION.—Section 2306(a) is amended—

(A) in paragraph (2), by striking “section 2402(4)” and inserting “section 2402(a)(4)”; and

(B) in paragraph (4), by striking “section 2402(5)” and inserting “section 2402(a)(5)”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the death, on or after the date of the enactment of this Act, of the parent of a person described in section 2402(a)(9)(B) of title 38, United States Code, as added by subsection (a), who dies on or after October 7, 2001.

THE SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. WALZ) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. Mr. Speaker, I yield myself as much time as I may consume.

H.R. 3949, as amended, the Veterans' Small Business Assistance and Servicemembers Protection Act of 2009, is a necessary cornerstone to grant deserving heroes the protections and opportunities to succeed. This legislation includes several important provisions and would not be possible without the

hard work of many members of this committee and of Congress as a whole.

H.R. 3949 addresses the needs of veteran-owned small businesses. A provision of the bill will require that all businesses listed in the Department of Veterans Affairs VetBiz Vendor Information Pages database have been confirmed as veteran-owned small businesses so our veterans are furnished the economic benefits that Congress intended them to receive through their military service and sacrifice. I would again like to thank Congresswoman HERSETH SANDLIN, chairwoman of the Subcommittee on Economic Opportunity, for her continued leadership on this issue.

H.R. 3949 also includes a timely bill, first introduced by one of our active committee members, Representative ANN KIRKPATRICK of Arizona. This provision seeks to reauthorize the Veterans' Advisory Committee on Education whose authorization is set to expire at the end of this year. Reauthorizing the advisory committee will provide the VA Secretary with a group of subject matter experts to help work to ensure our heroes have the educational opportunities they've earned.

Furthermore, this comprehensive bill includes important updates to the Servicemembers Civil Relief Act. H.R. 3949 will strengthen our efforts nationally to support veterans, servicemembers and their families during deployment. The bill will allow greater flexibility for family cell phone plans, rental leases, and motor vehicle leases when servicemembers are deployed or required to change duty stations. The bill authorizes the U.S. Attorney General to bring a civil action in U.S. district courts to enforce provisions of the Servicemembers Civil Relief Act.

The provisions on the Servicemembers Civil Relief Act included in H.R. 3949 are a collaborative effort that includes bills introduced by Representatives BRAD MILLER of North Carolina, Representative GERALD CONNOLLY of Virginia and Representative PATRICK MURPHY of Pennsylvania, respectively. Their efforts to protect our deployed servicemembers are commendable.

Another important provision included in this legislation seeks to assist in VA's outreach efforts to improve coordination among the key offices within the Department of Veterans Affairs. This provision was originally introduced by my colleague, Representative MIKE MCINTYRE of North Carolina.

To help the 160,000 legally blind veterans in the United States, a provision of this bill would establish a scholarship program for students seeking a degree or a certificate in the area of visual impairment, orientation and mobility. This would help our blind veterans by increasing the number of vision rehabilitation specialists with the appropriate education and training. I would

like to thank Representative SHEILA JACKSON-LEE of Texas for her continued leadership on this issue and her dedication to the needs of our veterans.

Finally, the legislation honors our fallen American heroes by providing an eligible parent of a deceased veteran to be buried in a VA national cemetery when the deceased veteran does not have an immediate spouse or child. I want to thank Representative BARNEY FRANK of Massachusetts for introducing this incredibly important piece of legislation.

Mr. Speaker, this bipartisan legislation will provide needed changes for our veterans and their families while addressing the unique needs of veterans and servicemembers as they serve the country. I would like to thank the committee's ranking member, Representative STEVE BUYER of Indiana, members of the committee and my colleagues for working in a bipartisan manner on H.R. 3949. Again, I would like to thank my colleagues who got this final bill here and for helping our veterans.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

It appears this legislation has a lot of wonderful components in it. It represents about seven individual bills. It would amend title 38 of the United States Code and the Servicemembers Civil Relief Act to make certain improvements in the laws relating to benefits administered by the Secretary of Veterans Affairs, and for other purposes.

The bill, H.R. 3949, is designed to continue the Veterans' Advisory Committee on Education, improve protections under the Servicemembers Civil Relief Act, improve VA outreach programs, establish a VA scholarship program, and expand eligibility for burial in a national cemetery.

Public Law 109-461 requires VA to maintain a database of veteran- and disabled veteran-owned small businesses and to validate the ownership and control any business included in the database. Implementing those provisions, VA has allowed any business that applies for inclusion in the database to be listed prior to being validated. The bill would require VA to list only those businesses that have been validated. This will prevent non-veteran-owned businesses from misrepresenting themselves as veteran-owned.

Mr. Speaker, I did want to bring to my colleagues' attention the disappointment on this side of the aisle that the amended bill we are considering drops section 102 from H.R. 3949, which was unanimously reported by the Veterans' Affairs Committee. Section 102 would clarify that Congress intends to allow VA contracting officers at the Department of Veterans Affairs

to award sole source contracts to service-disabled veteran-owned small businesses on the same basis as so-called 8(a) businesses under the Small Business Act. VA contracting officers often interpret the Small Business Act as giving 8(a) firms a higher priority than service-disabled veteran-owned small businesses, which we do not believe is consistent with congressional intent. All this provision would do is to give veterans a level playing field with 8(a), women- and minority-owned small businesses. So obviously we're disappointed. We're not clear why this happened, but we wanted to bring that to the attention of my colleagues.

Furthermore, service-connected disabled veteran small business owners have earned and deserve an equal level of priority for VA contracts. Unfortunately, the Small Business Committee majority and the Oversight and Government Reform Committee majority have asserted jurisdiction and are holding up this important provision to help service-disabled veteran-owned small business, and this is just a week before Veterans Day, I might add.

Service-disabled veteran-owned small business owners are men and women of all races and economic groups from all over the country. In these difficult economic times, they need the help section 102 would have provided. While I regret that this important provision isn't in the bill today, we hope to work with the Small Business Committee and the Oversight and Government Reform Committee to ultimately reach an agreement on a way to allow service-disabled veteran-owned small businesses just simply a fair opportunity to obtain sole source contracts from the Veterans Administration. Servicemembers continue to experience service contract and lease difficulties that are related to permanent change of duty stations and deployments. H.R. 3949 would clarify the member's rights and obligations under the Servicemembers Civil Relief Act, or SCRA, when terminating a service contract or lease due to military orders.

The bill also contains provisions that would authorize the United States Attorney General to initiate action in a U.S. district court on behalf of a veteran whose rights under SCRA may have been violated and allows courts to provide relief to the member, including monetary damages, and assess civil penalties up to \$110,000. Unfortunately, courts sometimes fail to recognize the individual right of action that is implicit in the Servicemembers Civil Relief Act. As one hearing witness noted, it makes no sense to provide a right and then deny the individual the ability to enforce that right. Therefore, the legislation would also codify a private right of action to make it clear to all courts that an individual has a right to bring legal action to protect rights granted under SCRA.

Title 3 of the bill includes an authorization to allow VA to provide up to \$25 million in grants to State veterans agencies and to allow these agencies to provide all or a portion of these grants to county veterans service agencies to increase outreach to veterans.

□ 1500

Such grants carry with them significant responsibility for the VA and State and local veterans agencies to ensure simply these funds are properly accounted for and to measure the results of this provision.

One of the least discussed injuries due to the traumatic effects of improvised explosive devices is the damage to the body's visual system. Unfortunately, these effects may be subtle at first or not occur immediately after the event. To accommodate the increasing number of visually impaired veterans whose sight has been affected either directly by combat or the effects of aging and disease, title III also would authorize the VA to grant scholarships to persons in educational programs relating to treating visual impairment and mobility issues.

Now persons receiving such scholarships would be required to commit to working within the VA health care system for a requisite number of years. The bill also stipulates conditions for repayment of the scholarships in the event that the individual fails to fulfill the conditions that are specified in this scholarship.

Finally, my colleagues, the bill would define the conditions under which the parents of a deceased veteran could be buried with the veteran in a national cemetery.

I support this bill. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. WALZ. Mr. Speaker, before I yield time to my chairwoman, I would like to say I concur with the gentleman from Florida's assessment on section 102. And when we looked at this, one of the things we discussed was this was procedural because of the jurisdictional issues. And I would sure be willing to work with the gentleman to make sure we do bring that back up again. I think the issue here was all of the good in this bill would have been held back and we wouldn't have been able to move any of it forward as we worked out the jurisdictional issues.

So I do concur with your assessment that it is an important piece. We did vote on it unanimously, and I think down the road here we need to get it in.

Mr. STEARNS. If the gentleman will yield, I thank my colleague for his support, and I look forward to working with him.

Mr. WALZ. At this time I yield 5 minutes to the chairwoman of the Subcommittee on Economic Opportunity, Ms. HERSETH SANDLIN.

Ms. HERSETH SANDLIN. I thank the gentleman for yielding.

I rise today in strong support of H.R. 3949, the Veterans' Small Business Assistance and Servicemembers Protection Act of 2009, which the full Veterans' Affairs Committee approved with bipartisan support last week and which contains legislation I introduced, along with the ranking member of the Economic Opportunities Subcommittee, Mr. BOOZMAN, to verify the veteran status of small businesses listed in the VetBiz Vendor Information Pages, known as the VIP database.

I would like to thank full committee Chairman FILNER and Ranking Member BUYER for their leadership and support for this legislation.

The overall bill under consideration by the House combines the provisions from a number of other bills into strong legislation that will assist a broad array of veterans in a variety of ways, and I applaud Chairman FILNER for moving this legislation forward.

The bill updates the Servicemembers Civil Relief Act and burial regulations for national cemeteries. It creates a scholarship program to improve the eye care available to veterans and improves the Department of Veterans Affairs' outreach efforts by improving coordination among key offices within the VA.

The Veterans Small Business Verification Act that Mr. BOOZMAN and I introduced follows up on legislation Congress passed in 2006 requiring the VA to maintain its VIP database and verify that applicants for inclusion in the database were veteran-owned small businesses or service-disabled veteran-owned small businesses. Once firms register in the VIP database, they qualify to receive set-aside or sole-source awards.

The Economic Opportunity Subcommittee learned through hearings and meetings with VA staff and the veterans community that the database contained firms that didn't qualify because the verification process was voluntary. This voluntary process meant that while the VIP database included over 16,000 businesses, less than 1,000 had received verification of their veteran status or had voluntarily submitted information to be verified.

While I'm pleased that Veterans Affairs Secretary Shinseki has taken steps since these hearings over the past 6 months to improve the process by which businesses are verified, this bill will ensure our veterans are afforded the small business opportunities they're due.

The Veterans Small Business Verification Act would amend title XXXVIII to clarify current law and require the VA to verify that firms are veteran-owned small businesses or service-disabled veteran-owned small businesses in order to be listed in the VIP database. Furthermore, it requires that the

VA notify small businesses already listed in the database of the need to verify their status.

In conclusion, H.R. 3949 takes important steps toward providing needed assistance in a number of areas to those veterans who have bravely served their country. I encourage my colleagues to support H.R. 3949.

Mr. STEARNS. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. I thank Mr. STEARNS for yielding.

Mr. Speaker, I too rise in support of H.R. 3949, several provisions of which originated in the Subcommittee on Economic Opportunity. I want to especially thank Chairwoman HERSETH SANDLIN for her leadership in moving these provisions, as well as Chairman FILNER and Ranking Member BUYER for bringing the bill to the floor.

I did have one major disappointment, and Mr. STEARNS alluded to it earlier, in the effort to get the "may" to "shall" provisions, business provisions, that merely would have put disabled veteran-owned small businesses on an equal footing with 8(a) firms when competing for sole-source contracts at the Department of Veterans Affairs. I guess that was removed at the request of the Small Business Committee. And I know Mr. WALZ is concerned and the rest of the committee are all concerned about that.

Hopefully, we can all work together to reach a solution to that problem. This is something that literally we have all been working on for years, the "mays" to "shalls" and things. So, again, like I said, hopefully we can resolve that problem.

This is a very, very good bill. I think it's something that all of the committee can be very, very proud of. This is the kind of work that we want coming out of the Veterans' Affairs Committee, and so I very much support it. Again, special thanks to Ms. HERSETH SANDLIN, Chairman FILNER, and Ranking Member BUYER.

Mr. STEARNS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALZ. Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK), who had an important piece of this bill incorporated in.

Mr. FRANK of Massachusetts. Mr. Speaker, this is a sad day for me because it is close to the anniversary of the death in Iraq of a very brave young man, Corey Shea, whose picture is here.

He was killed in Iraq just the day after Veterans Day of last year, and I went to the funeral, along with my colleague Senator KERRY, to the town of Mansfield, Massachusetts. Like I think most Members, I try very hard to attend the funeral of every young man

and woman who is killed in the service of the country. It's the least we can do. It's not a great deal, but it's the least we can do to show a small piece of the gratitude we feel to those people and our obligation to their families.

Also, it seems to me, anybody in our position who has to vote on going to war needs to fully understand the consequences of those votes, and going to the funerals of the young people killed in those wars ought to be mandatory for any of us who vote. That doesn't mean you don't vote for the war. I voted for the war in Afghanistan. I've been to funerals of people killed there. But it is an important thing to hammer home.

In this case at the funeral I met an extraordinary woman, Denise Anderson, the mother of Corey Shea, who was, in her grief at the loss of her wonderful young son, further concerned because he would be buried alone.

His country took him when he was too young to have married or raised a family. So under the rules of eligibility for burial at a veterans cemetery, he was to be buried alone. His mother said as bad as it was for her to lose her son, the thought that he would be alone forever added greatly to her pain. So she had asked if she could be buried with him, and she was turned down.

Now, under the rules a member of the military eligible to be buried in a national cemetery who has a spouse with children can have up to three parts used. So we're not taking anything away from someone. In Corey Shea's case, this wonderful young man who lost his life has three parts available, and his mother simply asked to be allowed to use one of them. She was turned down.

At that point Senator KERRY and I decided to see what we could do. So we filed legislation to alleviate that, and I am enormously grateful to all members from both parties in the Committee on Veterans' Affairs for the speed with which they acted and the grace they showed to this brave, grieving mother. And I am very pleased that the bill which we would dare concur in, called the Corey Shea Act, is going to be included in this package.

Mr. Speaker, rather than go further myself, I'm going to read the testimony that Denise Anderson, the mother of Corey Shea, presented to the Committee on Veterans' Affairs. We obviously exhausted our remedies, I should say. She applied. Only after it was clear that only legislation would work did we file a bill.

And, of course, I should point out, as a tribute to Denise Anderson, this isn't a bill just for her and her son who lost his life. It's a bill for any parent of any young member of the military who will know at least that that's available to him or to her.

So nearly a year after her son was killed in Iraq, she had the opportunity

to address the committee, and here's what she said:

"I stand before you humbly asking you to pass or amend this bill number H.R. 761. This would allow me to be interred with my son, who was killed in action in Mosul, Iraq on November 12, 2008. He sacrificed his life for his country, and I sacrifice every day being without him.

"My son, Corey, had a heart as big as the world. He would be the first one to volunteer or help someone in need. But he would always hesitate to ask for help. He was a lot like me in that way, but today I show my passion for this bill by standing in front of you asking for your help. If you knew my son, you would understand what kind of person he was. He was a very respectful young man who would do anything for anybody. He was my heart and soul, and I cannot express the bond between us. If you have children, you might understand, but losing a child is against nature and he should be burying me.

"I was a single parent until Corey was about 8 years old. His biological father was not around. In fact, he was in prison. He never paid child support, and I worked over 60 hours a week just to support him and make sure he had everything he needed. Jeff took over the job of stepfather and Corey gladly accepted him. When he came home on leave, we would stay up until the sun came up. I did not want to miss a minute with him.

"My son was killed by an Iraqi soldier. These soldiers are supposed to be working with our troops over in Iraq. He was an Iraqi soldier for 4 years before turning on our soldiers. On that terrible day, he killed two soldiers, including my son, and wounded six other American soldiers.

"I was not home when the Army came to my door, but my 18-year-old daughter was there. She is a very intelligent person and knew why they were there. She called me, not telling me what was going on, which was probably a good thing. But when I arrived home, the Mansfield police and the Army vehicle were parked in front of my home. My son had only a month left on his first tour, and he would have been home. After passing out, the police called the paramedics, who took me to the hospital.

"The whole town came together for Corey. They were so involved with his funeral, and it was very heartfelt. My son was the only and hopefully the only soldier who passed away during this war in Mansfield. He is a Mansfield hero. I belong to the VFW in Mansfield, Massachusetts, and I have spoken to many veterans that are members there, and they don't have a problem with me being interred with my son. In fact, everyone I spoke with doesn't haven't a problem.

"This amendment would not be taking up any other deserving space for

other veterans. My son has three extra plots, but he was not married nor did he have any dependents. He did not have time, since, like I said, he was a child himself.

"I could speak all day regarding my son and what a wonderful and respectful young man he was. But I am here to ask you to amend the bill number H.R. 761. If you decide to pass this, it would give me some peace in my life to which I can pay more attention to my husband and daughter, whom I feel I have been neglecting. I could finally be able to move forward in my life just knowing I can spend eternity with my son.

"Please listen with your hearts and amend this bill. I appreciate your time listening to me today. This may be a minimal issue with you, but it means everything to me.

"Thank you for your attention in this matter.

"Denise Anderson, proud mother of Specialist Corey Shea, my warrior hero and wonderful son."

I would only say the one difference I would have with Mrs. Anderson is no one here takes this as a minimal issue. We are grateful to her for giving us one more chance to show in a small way how much we honor those who have lost their lives.

I will just repeat one thing I said, Mr. Speaker, in the testimony. I cannot think of a greater disproportion than what Denise Anderson gave to us, her son, and what she has asked us to give in return. I am pleased that at least the House will be doing that today.

□ 1515

Mr. WALZ. Mr. Speaker, I yield such time as he may consume to my colleague from North Carolina, Mr. MILLER.

Mr. MILLER of North Carolina. Mr. Speaker, I also rise in support of this bill. A portion of this bill began its legislative life as separate legislation introduced by WALTER JONES, my colleague from North Carolina, and by me to improve the Servicemembers Civil Relief Act, the SCRA. This legislation now provides real teeth and real remedy for the protections of the SCRA.

Someone who is serving in our military, who is defending our country, who is on active service, on active duty, should not have to worry about what is happening in court back home. They shouldn't have to worry if someone is getting a judgment against them or their home is being foreclosed on. Anyone who has a claim against someone who is in our military should not lose their claim, but their claim can wait, the lawsuit can wait, until the servicemember can come home, come to court and defend themselves, assert whatever right they may have, and tell their side of the story.

The law is now not entirely clear about whether a servicemember who has had that right violated, that right

to get a little break while they are on military service, whether they can do something about it, and the legislation now makes very clear that they can. They can bring their own lawsuit. The Attorney General can bring a lawsuit, and the servicemember can join in that, and the servicemember can bring a lawsuit of their own.

A right that does not allow a remedy, a right that cannot be enforced is no right at all. This legislation now makes very clear that the rights under SCRA are real rights, and our servicemembers can devote their whole energy to defense of our country and not worry about what is going on in a courthouse back home.

Mr. WALZ. Mr. Speaker, I yield the balance of our time to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Mr. Speaker, I rise today in support of the Veterans' Small Business Assistance and Servicemembers Protection Act of 2009, H.R. 3949, which includes provisions of a bill that I introduced on the very first day that this Congress was sworn in this year, the 111th Congress, which was H.R. 32, the Veterans Outreach Improvement Act of 2009. I want to thank Chairman FILNER and Ranking Member BUYER for their support, as well as the many cosponsors from both sides of the aisle who have joined us in this effort to honor those who have put their lives on the line for our country, whom we will soon be honoring as a Nation on Veterans Day.

This important legislation, which passed the U.S. House unanimously during the last session of Congress, the 110th Congress, by a vote of 421-0, would improve the U.S. Department of Veterans Affairs outreach activities by allowing the Department to partner with State and local governments to reach out to veterans and their families regarding benefits for which they are eligible and to assist them in developing a benefits claim package.

About a quarter of our Nation's population of veterans are potentially eligible for VA benefits and services. A quarter of our total Nation's population are potentially eligible for veterans benefits and services. This legislation will help reach out to those who are eligible and ensure the accuracy and completeness of their benefit claims. And under this legislation, the Secretary of the VA would be authorized to provide grants and assistance to State veterans agencies and to our county veterans service officers, those who are on the front lines every day working in counties throughout this entire Nation, to help that veteran when he or she walks through the door.

These activities would allow veterans and their families to be able to get the assistance they need in the development and the submittal of their benefits claims. The Secretary would direct grants to States with large and grow-

ing populations of veterans in order to increase the outreach where it is most needed. Grants could be used for education and training of State and county officials to gain accreditation for continuing education. The Secretary would also be required to ensure that the coordination of outreach activities occurred within the Department of the VA.

This bill would authorize \$25 million annually, which is an average of \$1 per veteran, for fiscal years 2011 through 2013 to improve outreach to veterans. That, I believe, is not too much to ask. That is something we can certainly afford to do, and it is the least we can do to reach out to those who put their very lives on the line for our great Nation.

This legislation is supported by the National Association of County Veterans Service Officers, which is officially recognized by the Secretary of Veterans Affairs for "the purpose of preparation, presentation, and prosecution of claims."

This bill has also been endorsed by the American Legion, the Veterans of Foreign Wars, the Military Officers Association of America, the Paralyzed Veterans Association of America, and the National Organization for Veterans Advocacy.

As Veterans Day approaches in just a few days, it is important that we, as a Congress, demonstrate to our Nation's veterans our commitment to provide them with the benefits they deserve.

May God bless those who have served our country.

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to applaud the actions of the House of Representatives in addressing the unique needs of our veterans and armed service members. Whether returning home from a tour of duty, or deploying for the first time, it is our responsibility to ensure these men and women are cared for when they return home. Through extensive educational outreach, additional grants, scholarships, and extending protections to today's veterans, we can provide these men and women with the tools they need to foster economic growth. As a member of the House Armed Services Committee, I strongly support H.R. 3949, which further protects our nation's veterans. I urge my colleagues to support this important bill.

Mr. Speaker, our nation's economy was once empowered by our returning war heroes whose successful small businesses fueled the country's eventual rise as an economic superpower. We are now witnessing the emergence of another great generation. It would be careless of us not to grant this generation the same opportunities to succeed. This can only be done through further investment in small business development.

This bill would expand contract termination provisions for deployed servicemembers, prevent additional fees for early termination, expand assistance and outreach to states to inform veterans about benefits and programs for which they are eligible.

I urge my colleagues to help veterans help themselves.

Mr. BUYER. Mr. Speaker, I rise in support of H.R. 3949, the Veterans' Small Business Assistance and Servicemembers Protection Act of 2009, a bill which I am pleased to cosponsor.

Mr. Speaker, this is an omnibus bill that would make improvements in several areas of veterans legislation by including provisions from bills introduced by Economic Opportunity Subcommittee Chairwoman HERSETH SANDLIN, Ms. KIRKPATRICK, Mr. MILLER of North Carolina, Mr. CONNOLLY, Mr. MCINTYRE, Ms. JACKSON-LEE, and Mr. FRANK.

However, I am very disappointed that due to jurisdictional issues raised by the majority side of the Committee on Small Business, a provision from my bill, H.R. 3223 was withdrawn from the bill. My provision would merely change the word "may" to "shall" to authorize VA contracting officers to award non-competitive contracts worth less than \$5,000,000 to qualified service disabled veteran-owned businesses. Such contracts would also be required to provide the best value to the government in the judgment of the contracting officer. Changing "may" to "shall" would merely put service-disabled veterans on an equal footing with businesses qualifying as an 8(a) firm under the Small Business Act. The word "shall" is used when awarding noncompetitive contracts to 8(a) firms. The disparity created by using "may" versus "shall" has a negative effect on the ability of service disabled veteran-owned businesses to obtain contracts with VA. It is important that service-disabled veterans are able to compete on a level field and I will continue to advocate for changing "may" to "shall".

Mr. Speaker, I am especially proud of the provisions in Public Law 109-461 passed during the 109th Congress, that improve the competitive status of veteran-owned businesses, VOB, and service-disabled veteran-owned small businesses, SDVOB. We did that by giving Department of Veterans Affairs, VA, contracting officers additional tools to award contracts to those businesses and by making it plain that Congress believed that VOB and SDVOB have priority in VA small business contracting. One of those provisions required VA to maintain a database of veteran and service-disabled veteran-owned businesses and to verify the ownership and control of the businesses listed in the database.

Unfortunately, VA has been slow to implement the verification process and has currently verified only about 2,000 of the 15,000 businesses listed in the database. Therefore, I am delighted that Subcommittee Chairwoman HERSETH SANDLIN has clarified Congress' intent on having a business included only after verification of ownership and control as a means to prevent awarding contracts to businesses which are not veteran-owned.

With the implementation of the new Post 9/11 GI Bill, it is more important than ever to ensure VA receives up-to-date advice from schools and State Approving Agencies on issues related to veterans education. I congratulate Ms. KIRKPATRICK for extending the life of the Advisory Committee on Veterans Education through 2015.

I am also especially pleased with H.R. 3949's provisions that would strengthen protections for servicemembers under the

Servicemembers Civil Relief Act, SCRA, by clarifying the rights and obligations of servicemembers and providers regarding service contracts for cell phone service, residential and automobile leases.

The bill also makes important changes to SCRA by codifying a servicemember's private right of action and authorizing the U.S. Attorney General to bring appropriate action in U.S. District Courts. The bill also authorizes the Courts to award fines up to \$110,000, and take other appropriate actions in violations of SCRA.

Mr. Speaker, in addition to direct injuries to a servicemember's eyes, one of the hidden injuries of the wars in Iraq and Afghanistan is the damage to vision done by explosions. Unfortunately, visual injuries as a result of one or more concussive injuries may not manifest for an extended time beyond the event. When combined with direct eye injuries, the number of veterans who will be seeking VA assistance with visual impairment will increase and I share Ms. JACKSON-LEE's and her cosponsor, Mr. BOOZMAN's concern that VA lacks sufficient staff who are experts in treating veterans with visual and mobility impairment. I congratulate them for the provisions that would create a scholarship program for those seeking a degree or certificate in that field.

Mr. Speaker, I have long been an advocate on behalf of VA's National Cemetery System and compassionate treatment of the heroes that are buried there and their families. I appreciate Mr. FRANK's initiative that would allow burial of a parent with a servicemember killed in combat or training for combat, as long as the burial would not displace another veteran or servicemember and it is limited to servicemembers who have no dependents.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and pass the bill, H.R. 3949, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WALZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING 60TH ANNIVERSARY OF BERLIN AIRLIFT'S SUCCESS

Mr. WALZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 398) recognizing the 60th anniversary of the Berlin Airlift's success.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 398

Whereas pursuant to mutual agreement among allies concluded at the Potsdam Conference following the unconditional sur-

render of Adolf Hitler's National Socialist (NAZI) regime on May 8, 1945, the German capital of Berlin was divided into four zones of military occupation controlled by the United States, the Soviet Union, Great Britain, and France;

Whereas in a bid to maintain leverage over Germany by perpetuating its economic instability, and in opposition to the United States' Marshall Plan and the allies' proposal for a new, more stable German currency, then Soviet Dictator Joseph Stalin ordered a blockade of Berlin on June 22, 1948;

Whereas Stalin's blockade prohibited all ground access to the city, blocking the people of Berlin;

Whereas three 20-mile-wide free air corridors had been agreed on November 30, 1945, to provide unfettered access to Berlin along accepted flight routes;

Whereas the Soviet regime insisted that the Western Allies allow food and medicine to be supplied to these sectors only through Soviet-controlled East Germany, effectively allowing Soviet control over West Berlin;

Whereas President Harry S. Truman ordered the stationing of U.S. B-29 Superfortresses at British airfields on June 28, 1948;

Whereas Britain's Foreign Minister Ernest Brevin, at the suggestion of Commander Sir Brian Robertson, proposed employing a military airlift as an alternative to an armed convoy through the Soviet sector to provide humanitarian relief to Berlin's traumatized and beleaguered population;

Whereas General Lucius Clay, then United States military governor of Germany, and Major General Curtis LeMay, Commanding General of the United States Air Force in Europe, requested Douglas C-54 Skymasters, the largest transport plane available to the United States Air Force, to help supply the colossal strategic air mission;

Whereas the first Skymasters arrived at Rhein-Main Air Base on June 28, 1948, and were immediately loaded to begin Operation Vittles to convey supplies to Berlin;

Whereas the Soviet regime publicly derided the airlift, announcing that it would be impossible to carry out and maintain such an operation, characterizing the mission in the East German press as, "the futile attempts of the Americans to save face and to maintain their untenable position in Berlin";

Whereas Australia, South Africa, and New Zealand joined Great Britain and the United States in what became the largest humanitarian operation ever undertaken by the United States Air Force;

Whereas Lt. General William Turner, honored in the Air Cargo Hall of Fame for his tactical brilliance as commander of the Berlin Airlift, was called upon to lead the Berlin Airlift and worked tirelessly to ensure that the aircraft he commanded supplied the besieged city of Berlin with essential supplies including coal, heating oil, medicine, and food from July 28, 1948, through the official conclusion of the mission on September 30, 1949;

Whereas the Berlin Airlift resulted in the total delivery of 1,783,573 tons of supplies by the United States and 541,937 tons of supplies totaling 2,300,000 tons delivered on 277,569 total flights to Berlin;

Whereas the United States Air Force's C-47s and C-54s alone logged 92,000,000 miles in the Berlin Airlift;

Whereas the commitment of the United States to aid the besieged people of Berlin resulted in the tragic loss of 101 allied personnel, of which 31 were United States casualties;

Whereas the following Air Force units, aided by the United States Navy and Army, are known to have contributed to the success of the Berlin Airlift—

- (1) HHS1 Air Life Task Force;
- (2) 10 Troop Carrier Squadron;
- (3) 11 Troop Carrier Squadron;
- (4) 12 Troop Carrier Squadron;
- (5) 14 Troop Carrier Squadron;
- (6) 15 Troop Carrier Squadron;
- (7) 29 Troop Carrier Squadron;
- (8) 39 Troop Carrier Squadron;
- (9) 40 Troop Carrier Squadron;
- (10) 41 Troop Carrier Squadron;
- (11) 47 Troop Carrier Squadron;
- (12) 48 Troop Carrier Squadron;
- (13) 53 Troop Carrier Squadron;
- (14) HHS 60 Troop Carrier Wing;
- (15) HQ 60 Troop Carrier Group;
- (16) 60 Troop Carrier Group;
- (17) HQ60 Maintenance Support Group;
- (18) 60 Maintenance Squadron;
- (19) 60 Supply Squadron;
- (20) 60 FIN DIS UT;
- (21) 60 COMM Squadron;
- (22) 60A police Squadron;
- (23) 60 Food Service Squadron;
- (24) 60 Install SQ;
- (25) 60 Motor Vehicle Squadron;
- (26) 60 Base Services Squadron;
- (27) 60 Medical Group;
- (28) HHS A B Group;
- (29) HQ61 Troop Carrier Group;
- (30) HQ313 Troop Carrier Group;
- (31) HHS61 Troop Carrier Wing;
- (32) HQ317 Troop Carrier Group;
- (33) HQ317 Maintenance Supply Group;
- (34) 317 Maintenance Squadron;
- (35) 317 Supply Squadron;
- (36) HHS 317 A B Group;
- (37) 317 Communications Squadron;
- (38) 317A Police Squadron;
- (39) 317 Food Services Squadron;
- (40) 317 Installation Squadron;
- (41) 317 Motor Vehicle Squadron;
- (42) 317 Base Services Squadron;
- (43) 317 FIN DIS UT;
- (44) 317 Medical Group;
- (45) 330 Troop Carrier Squadron;
- (46) 331 Troop Carrier Squadron;
- (47) 332 Troop Carrier Squadron;
- (48) 333 Troop Carrier Squadron;
- (49) HHS 513 A B Group;
- (50) HQ 513 Troop Carrier Group;
- (51) 513 Troop Carrier Group;
- (52) HQ 513 Maintenance Sup Group;
- (53) 513 Maintenance Squadron;
- (54) 513 Supply Squadron;
- (55) 513 Communications Squadron;
- (56) 513A Police Squadron;
- (57) 513 Food Service Squadron;
- (58) 513 Install Squadron;
- (59) 513 Motor Vehicle Squadron;
- (60) 513 Base Services Squadron;
- (61) 513 Finance Distribution Unit;
- (62) 513 Medical Group;
- (63) HHS 7350 A B Group;
- (64) 7351 Maintenance Supply Squadron;
- (65) 7352 AF Police Squadron;
- (66) 7353 Installation Squadron; and
- (67) HHS 7497A Lift Wing;

Whereas Col. Gail Halvorsen, also known as the "Candy Bomber" and recipient of the 1948 Cheney Award, distinguished himself by launching Operation Little Vittles, a magnanimous effort that parachuted over 3 tons of candy to the children of Berlin, including children in the Soviet sector;

Whereas in the face of the massive allied goodwill offensive, the Soviets capitulated and lifted the blockade on May 12, 1949;

Whereas the Berlin Airlift consolidated the successful use of air transport in military operations and led to the creation of the Air Mobility Command;

Whereas German Chancellor Konrad Adenauer noted that the Berlin Airlift "was a truly visible sign that America recognized her duty to be the leader of free nations and wanted to fulfill it."; and

Whereas the determined actions of the Berlin Airlift sent a clear message to the Soviet Union that the United States held an unquestionable commitment and unwavering resolve to prevent tyranny in Europe: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 60th anniversary of the Berlin Airlift, and commends all of the operation's United States veterans for their valor and determination to represent the noble ideals that thwarted the fall of the Iron Curtain over Berlin's western strongholds;

(2) honors the veterans of the Berlin Airlift who lost their lives to bring the means of survival and sustenance to civilians under siege in the service to their country;

(3) commends the spirit of collaboration which characterized this united allied operation involving both military and civilian aircraft and crews; and

(4) honors the men and women of the United States military whose continued dedication to the ideals of integrity, compassion, and liberty upholds the honorable legacy of the United States Armed Forces, as illustrated by the Berlin Airlift, and renews our faith in the power of freedom and goodness to prevail over tyranny.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. WALZ) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. WALZ. Mr. Speaker, I would also like to ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 3949, as amended, and H. Res. 398.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WALZ. Mr. Speaker, I yield myself such time as I may consume.

Before I talk about the importance of the resolution before us today, I want to thank the Committee on Armed Services for working with the Veterans' Affairs Committee to bring this bill to the floor. And I include for the CONGRESSIONAL RECORD the exchange of letters waiving jurisdiction between the Committee of Veterans' Affairs and the Committee on Armed Services.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 6, 2009.

Hon. BOB FILNER,
Chairman, House Committee on Veterans' Affairs,
Cannon House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On May 4, 2009, the House Resolution 398, "Recognizing the 60th anniversary of the Berlin Airlift's success," was introduced in the House. As you know, this measure was sequentially referred to the Committee on Armed Services.

Our Committee recognizes the importance of H.R. 398 and the need for the legislation to

move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.R. 398. I do so with the understanding that by waiving further consideration of the resolution, the Committee does not waive any future jurisdictional claims over similar measures.

I would appreciate the inclusion of this letter and a copy of your response in the Congressional Record during consideration of the measure on the House floor.

Very truly yours,

IKE SKELTON
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, October 14, 2009.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding House Resolution 398, "Recognizing the 60th anniversary of the Berlin Airlift's success." This measure was referred to the Committee on Veterans' Affairs and sequentially referred to the Committee on Armed Services.

I agree that the Committee on Armed Services has certain valid jurisdictional claims to this resolution, and I appreciate your decision to waive further consideration of H. Res. 398 in the interest of expediting consideration of this important measure. I agree that by agreeing to waive further consideration, the Committee on Armed Services is not waiving its jurisdictional claims over similar measures in the future.

During consideration of this measure on the House floor, I will ask that this exchange of letters be included in the Congressional Record.

Sincerely,

BOB FILNER,
Chairman.

Mr. Speaker, H. Res. 398 recognizes the 60th anniversary of one of our Nation's most commendable humanitarian airlift operations in history.

As a whole, the United States Armed Forces is equipped with advanced and powerful equipment which gives them significant capabilities used not only for defense but also for humanitarian relief, as was so ably demonstrated in Berlin from July 1948 through September 1949.

During a time of tyrannical regime, the people of Berlin were left without the basic necessities, such as food and heat. The first Skymasters delivered humanitarian relief to the Berlin people, demonstrated our commitment to a free Berlin, and brought hope to all of Eastern Europe.

I am in full support of this resolution which honors the veterans of the Berlin Airlift who lost their lives in the service to their country to bring the means of survival and sustenance to civilians under siege.

The Berlin Airlift embodied the spirit of collaboration, valor, and the goodwill of all mankind. The operation stands as a testament of the perseverance and commitment to excellence of the United States Armed Forces. It is

only right to honor the brave men and women involved in the Berlin Airlift who set an example of our faith in the power of freedom and goodness to overcome tyranny.

House Resolution 398 does this, and it honors the men and women of today's Armed Forces who continue to uphold the ideals of integrity, compassion, and liberty demonstrated by those involved in the Berlin Airlift.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 398, a resolution recognizing the 60th anniversary of the Berlin Airlift's success.

The Berlin blockade from June 1948 to May 1949 was one of the first major international crises of the Cold War and the first such crisis that resulted in casualties. During the multinational occupation of post-World War II Germany, the Soviet Union blocked the Western Allies' railway and road access to the sectors of Berlin under their control. Their aim was to force the Western powers to allow the Soviet zone to start supplying Berlin with food and fuel, thereby giving the Soviets practical control over the entire city.

The Truman administration reacted quickly by setting up a continual daily airlift that brought much-needed food and supplies into the city of West Berlin. This airlift lasted until the end of September 1949, even though the Soviet Government yielded and lifted the blockade itself on May 12, 1949. The Berlin Airlift resulted in the total delivery of 1,783,573 tons of supplies by the United States and 541,937 tons of supplies totaling 2,300,000 tons delivered on 277,569 total flights into Berlin.

Mr. Speaker, the resolution not only details a history of the Berlin Airlift, but also provides a list of all the units involved in the heroic effort at that time. The Berlin Airlift sent a clear message to the Soviet Union that the United States was unwavering in its resolve against tyranny in Europe.

I would like to thank my colleague, the gentleman from Nebraska (Mr. FORTENBERRY), for introducing this legislation, as well as Chairman FILNER and Ranking Member BUYER for moving the bill as quickly as they could through the subcommittee and to full consideration here on the House floor today.

I urge my colleagues to support H. Res. 398.

Mr. FORTENBERRY. Mr. Speaker, sixty years ago, the United States, joined by Great Britain, Australia, and South Africa embarked on a historic operation to sustain and defend the vulnerable, entrapped people of Berlin, Germany. The Berlin Airlift was a colossal strategic mission that inspired strength and fortitude in those held captive by then Soviet

dictator Joseph Stalin's blockade of the Western-held sectors of Berlin. Today, this Congress honors those responsible for this noble feat.

The Veterans of the Berlin Airlift struck the first major blow in the new Cold War, forcing Stalin on May 12, 1949, to lift the blockade that impoverished Germany's capitol, thwarting the fall of the Iron Curtain over the Western strongholds.

These airmen embodied the highest virtues of American air defense, fusing tactical brilliance and innovation with goodness and heart in one of the greatest humanitarian efforts of all time. In providing food, coal, and medical supplies to the besieged citizens of West Berlin, our veterans of the "Greatest Generation" led a seminal goodwill offensive that alleviated the suffering inflicted by a communist regime that threatened not only the peace and prosperity of Berlin, but the peace and prosperity of the world.

As Col. Gail Halvorsen and his colleagues carpeted the streets of Berlin with chocolates and candy during Operation Little Vittles, they drew the hearts and minds of Berlin's children to notions of goodness and liberty, and away from the pervasive communist propaganda that sought to turn them against the West.

As we celebrate the 60th anniversary of the Berlin Airlift, let us remember the veterans who exemplified our highest ideals of brilliance and innovation in air defense, and whose integrity and dedication to liberty have inspired so many vulnerable people throughout the world. Their example renews our faith in the power of freedom and goodness to prevail over tyranny.

As memories of World War II and the Berlin Blockade fade with the passing years, I believe it is even more important to commemorate the spirit of kindness that led our veterans to bring hope and joy to the weary and beleaguered citizens of Berlin. May we honor their legacy and follow their example.

I am grateful for this opportunity to commemorate this noble endeavor and to honor the memory of those who are surely with us in spirit, those who gave the last full measure of devotion to a cause greater than themselves, a cause that changed the course of history for the better.

Mr. STEARNS. Mr. Speaker, I have no further speakers, so I yield back the balance of my time.

Mr. WALZ. Mr. Speaker, I urge my colleagues to unanimously support H. Res. 398, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and agree to the resolution, H. Res. 398.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. WALZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING THE CRUCIAL ROLE OF ASSISTANCE DOGS IN HELPING WOUNDED VETERANS

Mr. WALZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 291) recognizing the crucial role of assistance dogs in helping wounded veterans live more independent lives, expressing gratitude to The Tower of Hope, and supporting the goals and ideals of creating a Tower of Hope Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 291

Whereas the brave men and women defending America's democracy in Iraq and Afghanistan are in harms way;

Whereas thousands of America's returning veterans were seriously wounded in combat, including brain injuries, single and double amputations, and other traumatic wounds;

Whereas these brave soldiers return to the United States and spend weeks, months, and years in hospitals recovering, and return to their homes needing assistance to regain their independence;

Whereas these recovering soldiers who are teamed up with assistance dogs lead more comfortable and more independent lives;

Whereas these dogs provide assistance to wounded veterans while walking, going up and down stairs, and getting up from a sitting or fallen position, and also pick up dropped articles, retrieve items from a distance, pull manual wheelchairs a short distance, turn lights on and off, and perform other important daily tasks;

Whereas assistance animals offer priceless companionship and unconditional love on a daily basis;

Whereas there are fewer than 75 veterans from Iraq and Afghanistan who currently have assistance dogs because they either cannot afford them or do not know about the benefits that assistance dogs provide;

Whereas severely wounded veterans currently have to wait up to two years before they can receive an assistance animal;

Whereas The Tower of Hope was created following the attacks of September 11, 2001, to bring hope to wounded veterans by providing them with assistance dogs at no cost; and

Whereas The Tower of Hope has substantially improved many lives by raising funds for the training of assistance dogs, providing grants for American combat wounded veterans, and advocating for the benefits of these animals: Now, therefore, be it

Resolved, That the House of Representatives—

(1) acknowledges the importance of assistance dogs in helping combat-wounded veterans live happier and more independent lives;

(2) applauds the outstanding work of The Tower of Hope and its dedication to training and providing assistance dogs to wounded veterans, as well as educating people about the benefits of such animals;

(3) expresses deep gratitude and support to volunteers and donors who have made this great program possible by generously offering time and funds;

(4) encourages the general public to support wounded veterans by volunteering or donating to help train assistance dogs;

(5) calls for a vigorous promotion of, and advocacy for, the benefits of assistance ani-

mals for physicians and the general public; and

(6) supports the goals and ideals of creating a Tower of Hope Day in honor of wounded American veterans and their service dogs, the work of The Tower of Hope, and the many generous donors.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. WALZ) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 291, a resolution to recognize The Tower of Hope and the importance of assistance dogs. I truly believe the lives of our wounded veterans are enhanced by the role of assistance dogs that help them live more independently. The Tower of Hope has dedicated their time and effort to raise funds to train service dogs, advocate for the benefit of such valuable animals, and award grants to our wounded veterans.

□ 1530

The Tower of Hope is an organization that was founded by Ms. Cathy Carilli, whose husband, Tom Sinton, died in the 9/11 terrorist attack on the World Trade Center. As a tribute to the memory of her husband, The Tower of Hope was established and plays a major role in helping those seriously wounded in the war that almost immediately followed the 9/11 terrorist attacks.

Many servicemembers are coming home with serious injuries and currently have to wait up to 2 years before they can receive an assistance animal. Many cannot afford them or do not know about the benefits that assistance dogs provide. House Resolution 291 would help overcome these barriers by bringing more recognition to this organization that provides assistance dogs at no cost, educates the public about the benefits of such animals, and brings hope to our wounded heroes. It can cost up to \$20,000 to train a service dog, and I recognize The Tower of Hope for providing these valuable animals at no cost to our wounded warriors. Their work is truly admirable.

These costs are not covered by the Department of Veterans Affairs, but by national and local organizations and generous donors. I am confident that this resolution will help promote the benefits of assistance dogs and express support to all organizations, volunteers, and donors that make such programs possible.

Mr. Speaker, I urge the support of House Resolution 291.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 291, a resolution recognizing the role of assistance dogs in helping

wounded veterans live more independent lives, expressing gratitude to The Tower of Hope, and supporting the goals and ideals of creating a Tower of Hope Day.

Founded in 2006, The Tower of Hope is one of many organizations across the Nation providing and training assistance dogs to help individuals with disabilities. Assistance dogs not only provide a specific service to their handlers, but also greatly enhance their lives with a new sense of freedom and independence.

Training an assistance dog is fairly expensive. An individual dog trained for placement can cost upwards of around \$25,000 in care and training costs, and training takes around 18 months to complete.

With so many veterans in need of this type of help, it is important for us to focus on this need and provide encouragement to organizations such as The Tower of Hope working toward helping these veterans. Individual citizens can check to see if there is an organization in their State providing training to assistance dogs and whether these dogs are being provided to servicemembers by checking the Assistance Dogs International North America Web site.

Mr. Speaker, I would like to thank my colleague, Mr. HASTINGS of Florida, for introducing this legislation and bringing to our attention the importance of these service dogs to our wounded warriors. I would also like to thank Chairman FILNER and Ranking Member BUYER for moving the bill so quickly to the floor for consideration.

I urge all my colleagues to support H. Res. 291.

I yield back the balance of my time.

GENERAL LEAVE

Mr. WALZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 291.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WALZ. I would also like to thank my colleagues who were involved in pushing this bill forward, with a special thank you to our colleague from Florida, Mr. HASTINGS, for his unwavering support of our veterans.

Mr. Speaker, I urge my colleagues to unanimously support this resolution.

Mr. KLEIN of Florida. Mr. Speaker, I rise to support H. Res. 291, a resolution honoring the work of Tower of Hope, an organization that provides assistance dogs to disabled veterans.

Thanks to modern medicine, more and more of our brave men and women are able to survive wounds that may have been fatal in the past. This is a blessing, but it requires new tools in order to ensure that these soldiers lead productive lives.

Tower of Hope helps to keep America's promise to disabled veterans and helps im-

prove their quality of life after their service. Tower of Hope helps veterans cross the street, go to work, take their medications, and visit the doctor's office. Tower of Hope has also helped me to craft H.R. 3266, the Wounded Warrior K9 Corps Act, legislation to reimburse organizations for the work they do in training assistance dogs and veterans.

I have seen these programs in action. These programs succeed, and I believe that every American who puts on a uniform and risks their life for this country should have the full support of this Congress.

I thank my colleague from Florida, Mr. HASTINGS for his leadership on this resolution and the staff and supporters of the Tower of Hope for their important work, and I urge my colleagues to support this resolution.

Mr. WALZ. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and agree to the resolution, H. Res. 291.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WALZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

NATIONAL VETERANS HISTORY PROJECT WEEK

Mr. WALZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 866) expressing support for designation of a National Veterans History Project Week to encourage public participation in a nationwide project that collects and preserves the stories of the men and women who served our nation in times of war and conflict.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 866

Whereas the Veterans History Project was established by a unanimous vote of the United States Congress to collect and preserve the wartime stories of American veterans;

Whereas Congress charged the American Folklife Center at the Library of Congress to undertake the Veterans History Project and to engage the public in the creation of a collection of oral histories that would be a lasting tribute to individual veterans and an abundant resource for scholars;

Whereas there are 17,000,000 wartime veterans in America whose stories can educate people of all ages about important moments and events in the history of the United States and the world and provide instructive narratives that illuminate the meanings of "service", "sacrifice", "citizenship", and "democracy";

Whereas the Veterans History Project relies on a corps of volunteer interviewers,

partner organizations, and an array of civic minded institutions nationwide who interview veterans according to the guidelines it provides;

Whereas increasing public participation in the Veterans History Project will increase the number of oral histories that can be collected and preserved and increase the number of veterans it so honors; and

Whereas "National Veterans Awareness Week" commendably preceded this resolution in the years 2005 and 2006: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes "National Veterans Awareness Week";

(2) supports the designation of a "National Veterans History Project Week";

(3) calls on the people of the United States to interview at least one veteran in their families or communities according to guidelines provided by the Veterans History Project; and

(4) encourages local, State, and national organizations along with Federal, State, city and county governmental institutions to participate in support of the effort to document, preserve, and honor the service of American wartime veterans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. WALZ) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Abraham Lincoln, in the Gettysburg Address, stated that the "world will little note, nor long remember what we say here, but it can never forget what they did here." In that spirit, Congress created the Veterans History Project in 2000. The goal of the project is to capture the personal stories of our Nation's heroes so that our children and their children can more fully understand the history of this great Nation.

The project directed the Library of Congress to establish a national archive for the collection and preservation of videotaped oral histories of our veterans, as well as the copying of letters written during their time in service and diaries they kept so there is a national repository of this very important part of our Nation's history. This is a worthwhile investment of time and resources and is a gift that can be given for generations and centuries to come.

There are more than 23 million veterans living in this country today, including the 3 million veterans of World War II. It is important that these stories are told, and it is more important that these stories are told from the mouths of those who were on the front lines and participated firsthand as history was made.

This resolution before us today, House Resolution 866, calls on the people of the United States to interview at least one veteran in their family or community according to guidelines

provided by the Veterans History Project.

I would like to thank all the volunteers from across this country, not only the veterans who have shared their stories, but their family members and friends that have helped to capture their accounts.

Volunteers and participants become historians themselves; they can collect video and audio recordings, create a collection of recordings to be available for public use, or collect written materials relevant to personal histories of all war veterans.

I encourage all Americans to reach out and thank the veterans they know, and their families, for their amazing sacrifice, learn more about their great contributions to our country, gain the wisdom of their personal stories of our Nation's history, and participate in the Veterans History Project.

As the chairman of the House Veterans' Affairs Committee has said, he has had the opportunity to hear many accounts from many veterans. He hears the sense of pride that comes with them, as do each of us who defended our country.

This Veterans Day, and the whole year through, join me and take the time to show your gratitude to those who have answered the call to duty.

Mr. Speaker, I would like to thank the chairman, Chairman FILNER, Ranking Member BUYER, and all members of the committee, and a special thank you to Representative RON KIND who introduced this to me.

As a schoolteacher and someone who understands the value of these oral histories, this is an incredible archive. The support of this project cannot be overstated. It is going to be something that will allow generations to come to understand what this country was built upon, and they will have it as a resource to access at any time.

So, again, I thank everyone involved in this project.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 866, a resolution expressing support for the designation of a National Veterans History Project Week to encourage public participation in a nationwide project that collects and preserves the stories of the men and women who served our Nation at times of war and conflict.

The National Veterans History Project was created by P.L. 106-380, which was signed into law by President Clinton on October 27, 2000. It is housed in the American Folklife Center of the Library of Congress and contains firsthand accounts of veterans from every armed service conflict since World War I. The online database contains records of over 70,000 veterans and will continue to be a wonderful resource to inform and inspire all Americans for generations to come.

In reviewing this collection of information on veterans, you can find the stories in the collection of our only remaining American veteran of World War I, Frank Buckles. His digital collection contains both video and audio records of his time serving as a corporal in World War I. We also have stories from the most current conflicts in Iraq and Afghanistan in the collection.

To have this personal record is so important to the history and nature of our country as it provides our Nation with the unique perspective of what it's like serving on the ground, a point of view often lost in the history books. Mr. Speaker, it is by preserving these stories and records that the past is shared with the future and lessons can be learned.

I highly encourage all veterans to participate in the Veterans History Project and support this resolution for the designation of National Veterans History Project Week to encourage public participation in this nationwide collection of stories.

Mr. Speaker, I would like to thank my colleagues, Mr. KIND of Wisconsin and Mr. WAMP of Tennessee, for introducing this bipartisan legislation, and Chairman FILNER and Ranking Member BUYER for moving the bill so quickly to the floor for consideration.

I urge all of my colleagues to support H. Res. 866.

I yield back the balance of my time.

GENERAL LEAVE

Mr. WALZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 866.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WALZ. Again, I, too, want to thank Mr. WAMP, Mr. KIND, and everyone involved in this; it is absolutely appropriate as next week we stop to remember Veterans Day. This project does so all year and for generations to come. I urge unanimous support of this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand here today in support of H. Res. 866, which expresses support for designation of a National Veterans History Project Week to encourage public participation in a nationwide project that collects and preserves the stories of the men and women who served our nation in times of war and conflict. I support this resolution because the preservation of our country's history, as told by the men and women of the armed services, is a valuable piece of our nation's heritage and merits our wholehearted endorsement.

The Veterans History Project was established in 2000 by the Veteran's Oral History Project Act, which I was proud to support as a cosponsor. We knew then, as we know now, that the experience of our nation's veterans is a vital part of the history of military conflicts.

The Congress unanimously supported the legislation, a testament to the necessity of this effort.

The American Folklife Center of the Library of Congress was charged by Congress to initiate and oversee the Veterans History Project. Its task is to engage the public to create a collection of oral histories, which would be available for scholars. The Veterans History Project is operated by volunteer interviewers, partner organizations, and an array of institutions' dedicated to the preservation of the United States' heritage. Interviews with American war veterans and the civilian workers who supported the veterans are conducted according to the guidelines provided by the Project. The Veterans History Project collects the memories and remembrances of veterans who served in World War I, World War II, the Cold War, the Korean War, the Vietnam War, the Persian Gulf War, and the Iraq and Afghanistan conflicts. So far, the Veterans History Project has collected over 66,000 oral histories, pictures, and diary entries from American men and women who served their country on the battlefield and at home. The stories are made available at the Library of Congress and on the Veterans History Project website for everyone to study and experience.

I would like to acknowledge that there are two official partner organizations assisting this project in my home state of Texas. The first is the League of United Latin American Citizens (LULAC) located in Irving, Texas. The second is the LULAC-Daughters and Mothers Assisting Success Program located in Dallas, Texas. I am proud of the generosity of these organizations that are willing to donate their time to honor veterans and preserve veterans' history.

Veterans History Project Week highlights the need to collect and preserve the personal narratives of the men and women who have served the United States in times of war and conflict. The collection of personal experiences of U.S. service men and women will be a vital part of the historical record that will help future scholars understand the conflicts. There are over 23 million wartime veterans in America whose personal narratives can elucidate both the experience of armed conflict throughout time and the proceedings of the conflicts themselves.

This resolution is a timely reminder of the importance of acting quickly to preserve the experience of U.S. veterans. Approximately 40 percent of veterans are 65 years old or over. Of the 2.6 million World War II veterans who were alive in 2008, we are losing nearly 900 on average each day. We must not let time irreversibly claim the memories that are our nation's heritage.

The Veterans History Project also serves as a tribute to the men and women who have fought our country's battles or supported the effort at home. Collecting and preserving the personal narratives of veterans for historical records demonstrates the importance of the individual experiences. The voices of veterans will be available to be heard by future students of history and their experience will remain alive.

Mr. Speaker, this resolution and the effort to preserve the memory of those who have served our country in times of war and conflict are an invaluable part of preserving our country's heritage.

Mr. WAMP. Mr. Speaker, I rise today in support of H. Res. 866, expressing support for designation of a National Veterans History Project Week to encourage public participation in a nationwide project that collects and preserves the stories of the men and women who served our nation in times of war and conflict. I joined with my colleague, Mr. KIND, to introduce this legislation.

Our Nation loses at least 1,000 veterans every day, and along with them we lose their stories of courage and memories of comradeship and sacrifice. In October 2000, Congress recognized the urgency of collecting these wartime memories, accounts and documents and created the Veterans History Project.

Today we honor all the lives of veterans and the project by supporting the designation of National Veterans History Project Week. We encourage Americans to join in the effort to preserve and honor the service of our wartime veterans by interviewing those in their families and communities to contribute to the Veteran's History Project. It is a unique opportunity to help document the personal accounts of our Nation's veterans for today's generation and future Americans.

More than 600 stories of veterans in the Tennessee Valley have been permanently archived at the Library of Congress as part of the Veterans History project. More than 100 of these local veterans' memories were aired on Chattanooga's WRCB-TV. Through WRCB's television coverage, many veterans were inspired to share their stories and more were collected than we could have ever expected. Some of these memories include those of fresh-faced high school graduates who stormed the beaches of Normandy on D-day, officers who fought through the Battle of the Bulge and left Europe as decorated heroes, and young women who voluntarily served in the Army Corps of Nurses helping our soldiers heal from their battle wounds. These are the stories we may not have heard if not for the Veterans History Project.

Our Nation's history of freedom is passed down from one generation to the next by American patriots who were willing to stand between a threat and our civilian population. It is essential that we work together to preserve their memories and experiences for future generations who have much to learn from those who have so honorably served our Nation.

Mr. WALZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and agree to the resolution, H. Res. 866.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WALZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

HONORING SENTINELS OF FREEDOM

Mr. WALZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 461) honoring Sentinels of Freedom and commending the dedication, commitment, and extraordinary work of the organization.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 461

Whereas in 2003, Sentinels of Freedom, based in San Ramon and Danville, California, was established;

Whereas the mission of Sentinels of Freedom is to provide life-changing opportunities for men and women who served in the United States Armed Forces and who have suffered severe injuries;

Whereas the Sentinels of Freedom Scholarship Foundation was created to benefit qualified veterans severely injured in the line of duty on or after September 11, 2001;

Whereas Sentinels of Freedom provides four-year scholarships that help veterans to become self-sufficient;

Whereas scholarship recipients receive support to enroll in school, find and maintain a job, and obtain housing;

Whereas Sentinels of Freedom organizes teams of local volunteers that provide mentoring and moral support for scholarship recipients;

Whereas Sentinels of Freedom has excelled in providing assistance to veterans; and

Whereas thanks to Sentinels of Freedom, 39 veterans have benefitted from scholarships and many more will in the coming years: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Sentinels of Freedom;

(2) commends Sentinels of Freedom's dedication and commitment to the brave men and women who have served the United States; and

(3) praises Sentinels of Freedom for its extraordinary work for the well-being of the Nation's veterans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. WALZ) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand in full support of House Resolution 461 to honor the Sentinels of Freedom Scholarship Foundation.

Sentinels of Freedom is an organization that provides support and opportunities to selected veterans with injuries sustaining 60 percent or higher levels of disability in all branches of our military post-9/11. They provide significant support in assisting our veterans to readjust back to civilian life and prosper in their hometowns or new communities.

Each of the past recipients of the Sentinels of Freedom scholarship has an inspiring story of recovery. Many of them have lived through injuries which

they were not expected to survive and further endured many surgeries and months of recovery. For example, Army veteran Jake Brown accepted the first Sentinels of Freedom Scholarship in 2004. Crushed by a tank while serving in Germany, he was in a coma for 10 days and was not expected to live, but now he is back in his hometown and he is thriving.

Jake returned to his hometown of San Ramon, California, with his wife and currently works for UPS, where he has earned two promotions. He is also on the dean's list at Diablo Valley College. He has dreams of ultimately attending UC Berkeley's Haas School of Business. Despite having life-altering physical handicaps, veterans like Jake Brown are grateful to be alive and continue to prosper in their communities.

As Mike Conklin, chairman and CEO of Sentinels of Freedom, describes, the program is not a charity but rather an investment in the life of a person who has served our Nation and has earned the right to achieve his or her part of the American Dream.

As our veterans return home from war, it is fitting to have House Resolution 461 before us today. I am grateful to have the Sentinels of Freedom and other organizations that assist our wounded veterans and shed light and let them achieve their dreams.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Res. 461, a resolution honoring the Sentinels of Freedom and commending the dedication, commitment, and extraordinary work of the organization.

The bills we have passed this year will make enormous strides in helping our Nation's veterans improve their lives.

□ 1545

However, the Federal Government cannot do this job alone. It is through the work of organizations like the Sentinels of Freedom that our injured veterans can get back on the road to self-sufficiency.

Started by the father of three Army Rangers after one of his sons was wounded in Iraq in 2003, this 2- to 4-year life scholarship program is meant to assist veterans with severe service-related injuries who have the aptitude, attitude, and drive to become independent and successful members of society. The scholarship recipients are called "sentinels" in honor of their sacrifice and commitment to guarding America's freedoms. Over 32 service-members have joined the Sentinels of Freedom program. These sentinels are flourishing because of the help and assistance they have received from volunteers in their communities.

Mr. Speaker, I would like to thank my colleague and fellow committee

member Mr. MCNERNEY of California for introducing this legislation to honor the work and dedication of the Sentinels of Freedom, as well as to thank the many volunteers working with this organization all across the country to help our injured servicemembers move back into society.

I would also like to thank Chairman FILNER and Ranking Member BUYER for moving the bill so quickly to the floor for consideration.

I urge all of my colleagues to support H. Res. 461.

Mr. Speaker, having no further speakers, again, I urge the passage of this very important resolution; and I yield back the balance of my time.

GENERAL LEAVE

Mr. WALZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on House Resolution 461.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WALZ. Mr. Speaker, I, too, urge my colleagues to unanimously support this resolution.

I want to thank Mr. MCNERNEY from California for the inspiring story of Jake and for bringing this piece of legislation to the floor—again, absolutely appropriate the week before Veterans Day.

I have no further requests for time, and I yield back all remaining time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and agree to the resolution, H. Res. 461.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. WALZ. Mr. Speaker, I move to suspend the rules and pass the bill (S. 509) to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAJOR MEDICAL FACILITY PROJECT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, WALLA WALLA, WASHINGTON.

(a) AUTHORIZATION FOR MAJOR MEDICAL FACILITY PROJECT.—The Secretary of Veterans

Affairs may carry out a major medical facility project for the construction of a new multiple specialty outpatient facility, campus renovation and upgrades, and additional parking at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, with the project to be carried out in an amount not to exceed \$71,400,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 2009 for the Construction, Major Projects account, \$71,400,000 for the project authorized in subsection (a).

The SPEAKER pro tempore (Mr. DRIEHAUS). Pursuant to the rule, the gentleman from Minnesota (Mr. WALZ) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. I yield myself as much time as I may consume.

Mr. Speaker, I rise in strong support of S. 509, a bill to authorize a new outpatient clinic at the Jonathan M. Wainwright Memorial VA Medical Center in Walla Walla, Washington.

This bill would authorize appropriations of \$71 million for the VA's construction and major projects account in fiscal year 2009. This funding would be used to design and construct a 65,000-square-foot outpatient clinic which will serve nearly 70,000 veterans in the Walla Walla area.

It has been a long journey since July 2003 when the VA was trying to close the Walla Walla facility. There have been challenges along the way, especially with the CARES Commission's decision in February of 2004, which formally recommended closing this facility.

However, we managed to do right by our veterans in the Walla Walla area by removing this facility from the VA's facility closure list and by getting the VA to include the construction of an outpatient clinic at the Walla Walla VA Medical Center in the fiscal year 2009 major construction priority list.

All of this would not have been possible without the leadership, hard work, and advocacy of Senator MURRAY.

Mr. Speaker, I would like to take a moment to personally thank Senator MURRAY for introducing this bill and to thank Chairman AKAKA of the Senate Veterans' Affairs Committee for moving the bill forward. I know how incredibly important it is to our veterans, especially to those in more rural areas, to get the care they need, so I strongly support the passage of S. 509.

I reserve the balance of my time.

Mr. BOOZMAN. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 509, a bill to authorize a major medical facility project at the Department of Veterans Affairs' medical center in Walla Walla, Washington.

S. 509 would facilitate the construction of a new outpatient clinic build-

ing, consolidating the administrative and support functions that are currently spread across Walla Walla's 88-acre campus. This new outpatient clinic building will allow for the integration of primary and specialty care as well as for mental health and ancillary services into a single state-of-the-art facility.

S. 509 has the full support of the Washington delegation. It is important to note that funding for this bill has already been appropriated. The funding must now be authorized so that we can move forward with the proposed improvements to the Walla Walla facility.

Mr. Speaker, I strongly support S. 509 and the improvements it will provide to veteran's medical care, and I encourage all of my colleagues to support the bill.

I reserve the balance of my time.

Mr. WALZ. We have no further speakers, and I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield such time as he might consume to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I want to thank my colleague from Arkansas.

Mr. Speaker, I stand in strong support of S. 509, which would authorize the VA to construct this new, multiple specialty outpatient clinic building as the Jonathan M. Wainwright Memorial VA Medical Center in Walla Walla, Washington.

Now the Walla Walla VA Medical Center serves more than 65,000 veterans in a 14-county area that spreads over northeastern Oregon, southeastern Washington and central western Idaho. It's an integral part of the VA's Northwest health care network and has long established itself as a very important resource for veterans and the veterans community.

Now, the construction of this outpatient clinic, along with campus renovations, upgrades and additional parking, will help this facility better serve our men and women who have worn our uniform. This investment in the Walla Walla VA Medical Center will cement its place as a provider of health care to veterans in Oregon, Washington, and Idaho by providing them with a modern facility that will improve quality-of-care delivery and that will continue to allow them to provide the best care possible.

Since 2003, when the VA's Capital Asset Realignment for Enhanced Services, or CARES, Commission released its draft recommendation for the closure of this facility, veterans have rightfully raised concerns about the future of VA-delivered health care in this very rural region of our country. These veterans face the real possibility of having to drive hundreds of more miles to receive even the most routine care at the next closest VA facilities, which are located in Boise, Idaho; in Portland, Oregon; or in Spokane, Washington.

Like others in 2003, I voiced my strong concerns regarding the proposed realignment through a letter to then-Secretary of Veterans Affairs, Anthony Principi, and I submitted testimony to the CARES Commission. Through concerted efforts by area veterans, local advocates and elected officials, former-VA Secretary Jim Nicholson fully realized the importance of the care provided in this facility and reversed the commission's decision.

Today, the Walla Walla VA Medical Center continues to make a name for itself through the quality of care that it provides to our veterans. I was there in December of 2008, and I had the opportunity to meet with the new director of the Walla Walla VA Medical Center, Mr. Brian Westfield, and to receive an update on the facility, which has recently expanded its reaches into my congressional district through the opening of a very important clinic, a community outpatient clinic in La Grande, Oregon.

Last fall, the VA approved \$71.4 million to design and construct this new, multiple specialty outpatient clinic in Walla Walla. The legislation we consider today would authorize that project. It is my hope that, with the completion of this clinic, the Walla Walla VA Medical Center will continue its tradition of providing quality care to the men and women who have given so much in service to our Nation.

So I thank you again for the opportunity to speak in favor of Senate bill 509. I thank Senator MURRAY for bringing this forward, and I thank members of both the Oregon and Washington delegations and of the Idaho delegation for their support. I look forward to the passage of this legislation.

Mr. WALZ. We have no further speakers, and I reserve the balance of my time.

Mr. BOOZMAN. I just want to thank, Mr. Speaker, the gentleman from Oregon for sharing with us and for showing us that this is not only bipartisan but that it is also a tri-State effort to get this done. So I think that further illustrates the importance.

I would like to thank our committee chairman, BOB FILNER, and Ranking Member STEVE BUYER for moving the bill forward for consideration. I urge all of my colleagues to support S. 509.

With that, I yield back the balance of my time.

GENERAL LEAVE

Mr. WALZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on S. 509.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WALZ. Mr. Speaker, I, too, urge my colleagues to unanimously support this.

I want to thank the gentleman from Oregon (Mr. WALDEN) for so eloquently and clearly stating the need for this. Our rural veterans need this. This would have been a mistake to not extend this facility, and I appreciate your hard work to get this done.

Mrs. MCMORRIS RODGERS. Mr. Speaker, I rise today to recognize this critical bipartisan legislation which authorizes the construction of a new outpatient clinic at the Department of Veterans Affairs (VA) Jonathan M. Wainwright Memorial VA Medical Center (VAMC) in Walla Walla, Washington.

After listening to the concerns of the providers within the facility, local civic leaders, veterans and constituents, it is clear this facility is vital to making a number of services available to our veterans who are at risk of receiving a lower quality of health care if they are forced to seek services outside of the facility.

Veterans seeking health care rely heavily on the Walla Walla facility because of the geographic and climactic challenges in the region. This facility provides care to 65,000 veterans over 14 different counties in Eastern Washington, Northern Idaho and Northeastern Oregon covering 42,000 square miles. More than 11,000 veterans use this facility. We expect this number to increase as more service men and women return from deployments.

The staff at the Jonathan M. Wainwright Memorial VA Medical Center work hard for the veterans our region. However, they are in desperate need of a new, modern facility that will facilitate the quality of care our deserving veterans require.

In February 2008, I asked Secretary James Peake to allocate these funds before 2010, rather than the 2012 original plan. Last fall, the VA approved \$71.4 million to design and construct a new multiple-specialty outpatient facility at the Walla Walla VAMC. However, authorization was still needed for the project. This bill gives construction the necessary green light.

Mr. Speaker, I ask my colleagues to join me in supporting the veterans who are served by the Jonathan M. Wainwright Memorial VA Medical Center.

Mr. MINNICK. Mr. Speaker, I rise today to lend my strong support to Senate bill 509. This bipartisan legislation will authorize the construction of a new outpatient clinic at the VA Medical Center in Walla Walla, Washington. The Walla Walla VA hospital provides vital medical care to thousands of veterans from Idaho and a new state-of-the-art facility will allow the hospital to provide expanded services to the members of our armed forces.

As more of our troops continue to return home from their deployments in Iraq and Afghanistan, it is crucial that they receive the timely and effective care they deserve. And with Veterans Day just around the corner, this is an excellent opportunity to honor those who have sacrificed so much for our country. I urge my colleagues to join me in passing this important legislation.

I thank Chairman FILNER and Ranking Member BUYER for their strong leadership and continued commitment to improving the lives of veterans.

Mr. WALZ. With that, Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and pass the bill, S. 509.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WALZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MAX J. BEILKE DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. WALZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3157) to name the Department of Veterans Affairs outpatient clinic in Alexandria, Minnesota, as the "Max J. Beilke Department of Veterans Affairs Outpatient Clinic".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAME OF DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC, ALEXANDRIA, MINNESOTA.

The Department of Veterans Affairs outpatient clinic in Alexandria, Minnesota, expected to open in September 2009, shall after the date of the enactment of this Act be known and designated as the "Max J. Beilke Department of Veterans Affairs Outpatient Clinic". Any reference to such outpatient clinic in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Max J. Beilke Department of Veterans Affairs Outpatient Clinic.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. WALZ) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. I yield myself as much time as I may consume.

Mr. Speaker, I rise today to offer my support of H.R. 3157, a bill to name a VA outpatient clinic in Alexandria, Minnesota, in memory of Master Sergeant Max J. Beilke.

Master Sergeant Beilke served in the United States Army for 22 years, and he retired from service in 1974. On September 11, 2001, Max Beilke was at the Pentagon. Mr. Beilke was killed in the terrorist attack on the Pentagon on that day. After a lifetime of military service, Sergeant Beilke was laid to rest in Arlington National Cemetery. He was awarded the Defense of Freedom Medal and the Meritorious Civilian Service Award.

While in the Army, Mr. Beilke played a vital role in evacuating U.S. troops from Saigon and is officially listed as the last U.S. combat soldier to leave Vietnam on March 29, 1973, at the end of the Vietnam War.

Max Beilke served overseas in Germany, Korea and Vietnam and was an ROTC instructor at St. Thomas Military Academy in St. Paul, Minnesota. While in the service, Sergeant Beilke earned a bachelor of arts degree in business administration by attending night school at the University of Maryland. He later earned a master's of arts degree in personnel management in 1977 from Central Michigan University.

Sergeant Beilke retired from active duty in 1974, but remained dedicated to the service of our soldiers, to the veterans and to their families. The driving force of Mr. Beilke's life was caring for soldiers and their needs. He was instrumental in getting Congress to pass the TRICARE for Life program for military retirees. For this, he was named a TRICARE hero. From 1984 until September 11, 2001, Mr. Beilke served as deputy chief of the Army Retirement Services, and was an active member of the Army Chief of Staff Retiree Council.

Master Sergeant Max Beilke left behind his wife, two daughters, and three grandsons. Master Sergeant Beilke was a true friend to thousands of Army retirees and was of one of Alexandria, Minnesota's and this country's most distinguished heroes.

In recognition of his commendable service to our soldiers and veterans alike, H.R. 3157 is supported by State and local dignitaries from the Veterans of Foreign Wars, the American Legion, the United Veterans Legislative Council of Minnesota, and the Department of the Army.

H.R. 3157 would name the new Department of Veterans Affairs Outpatient Clinic in Alexandria, Minnesota, as the Max J. Beilke Department of Veterans Affairs Outpatient Clinic. Naming a VA facility for Master Sergeant Beilke, a hero and a strong advocate of veterans, is the proper and honorable thing to do.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3157, a bill to name the Department of Veterans Affairs Outpatient Clinic in Alexandria, Minnesota, as the Max J. Beilke Department of Veterans Affairs Outpatient Clinic.

I also want to thank the gentleman from Minnesota (Mr. PETERSON) for bringing this very important legislation forward.

□ 1600

Master Sergeant Max J. Beilke, United States Army, served 22 years' active duty and was stationed overseas

in Germany, Korea, and Vietnam. Master Sergeant Beilke was officially listed as the last U.S. combat soldier to leave Vietnam on March 29, 1973.

Following his retirement from active duty in 1974, Master Sergeant Beilke continued his commitment to U.S. servicemembers and veterans by working with Congress to pass the TRICARE For Life program for military retirees. For his services, Master Sergeant Beilke was named a TRICARE Hero and continued his efforts by working on legislation to create a veterans survivors benefit program.

It was while working on this bill at the Pentagon on September 11, 2001, that Master Sergeant Beilke was killed in the terrorist attack that struck that day. For his dedicated services to the United States military and veteran populations, Master Sergeant Beilke was awarded the Defense of Freedom Medal from the Department of Defense and Meritorious Civilian Service Award from the Department of the Army, both posthumously.

Mr. Speaker, I strongly support H.R. 3157 in recognition of the service and sacrifice made by Master Sergeant Max Beilke for his country.

I encourage all of my colleagues to support this very important bill.

I reserve the balance of my time.

Mr. WALZ. Mr. Speaker, it's a pleasure for me to yield as much time as he may consume to the gentleman and my neighbor from Minnesota, Mr. PETERSON, someone who understands the needs of rural Minnesota and our rural veterans as well as anybody in this House and in this country, and understands how important these outpatient clinics are and the incredible honor and why it's right to name this clinic for a true Minnesota hero.

Mr. PETERSON. I thank the gentleman, thank him and the gentleman from Arkansas for letting me have a couple of minutes.

I think you have already covered all or most of my speech, but we are very honored to be able to name the outpatient clinic in Alexandria after a true American hero, Mr. Max Beilke, who grew up on a small farm near Alexandria, Minnesota.

He was a 1950 graduate of Alexandria High School. He was drafted into the Army and sent to Korea in 1952. Shortly after he returned home from his tour of service in Korea, he reenlisted and made the Army his full-time career.

Max served in Korea, Germany and, lastly, Vietnam, where he, during his 8-month tour, served as operations sergeant at Camp Alpha in Saigon, where all soldiers were processed going to and coming from the United States. As was noted, he was the last combat soldier to leave Vietnam while his family watched on television.

After 21 years in the Army, Max retired in 1974 as a master sergeant.

Eventually, he settled in Laurel, Maryland, where he lived with his wife, Lisa, and raised two daughters. After retiring from the Army, he earned a master's degree from Central Michigan University.

As was noted, Max was very instrumental in establishing the TRICARE system for our veterans, and it was because of that he was at the Pentagon on September 11 and met his untimely death on that day. He was laid to rest on December 11 in Arlington National Cemetery.

He had a distinguished career in the Army and as a civilian. He has the support of all Minnesotans and all our veterans organizations. He very much deserves to have this clinic named after him.

I want to commend the VA for opening this clinic. I think this is the fifth clinic that they have opened in my district. It was proposed in 2004, and we had the grand opening ceremony just last month. For too long rural veterans in my district have had to travel too far for health care, but this clinic will bring veterans' health care services closer to all the veterans who live in that area. The VA estimates that it will serve 3,500 local veterans with primary care and mental health care and will provide a variety of other services as well.

I urge the House to pass this legislation.

Mr. BOOZMAN. Mr. Speaker, again I would like to thank Mr. PETERSON, the gentleman from Minnesota, for bringing this forward. We very strongly support this bill. It's great that we honor a true American hero, not only for his service connection and how he served in the military, but how he led his life.

Again, we urge all of our colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. WALZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3157.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WALZ. Mr. Speaker, I, too, urge my colleagues to unanimously support H.R. 3157. I thank the gentleman from Minnesota for highlighting this, telling one of those stories of heroism, one of those stories of selfless service and then tying it to something that's incredibly important as we move forward—rural care for our veterans.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and pass the bill, H.R. 3157.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WALZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ESTABLISHMENT OF NATIONAL VETERANS CEMETERY IN SOUTHERN COLORADO REGION

Mr. WALZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 174) to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the southern Colorado region.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF NATIONAL CEMETERY IN SOUTHERN COLORADO REGION.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in El Paso County, Colorado, to serve the needs of veterans and their families in the southern Colorado region.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Colorado and local officials in the southern Colorado region; and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in El Paso County, Colorado, that would be suitable to establish the national cemetery under subsection (a).

(c) AUTHORITY TO ACCEPT DONATION OF PARCEL OF LAND.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may accept on behalf of the United States the gift of an appropriate parcel of real property. The Secretary shall have administrative jurisdiction over such parcel of real property, and shall use such parcel to establish the national cemetery under subsection (a).

(2) INCOME TAX TREATMENT OF GIFT.—For purposes of Federal income, estate, and gift taxes, the real property accepted under paragraph (1) shall be considered as a gift to the United States.

(d) REPORT.—As soon as practicable after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment and an estimate of the costs associated with such establishment.

(e) RELATIONSHIP TO CONSTRUCTION AND FIVE YEAR CAPITAL PLAN.—The requirement to establish a national cemetery under subsection (a) shall be added to the current list of priority projects, but should not take priority over existing projects listed on the Na-

tional Cemetery Administration's construction and five-year capital plan for fiscal year 2008.

(f) SOUTHERN COLORADO REGION DEFINED.—In this Act, the term "southern Colorado region" means the geographic region consisting of the following Colorado counties:

- (1) El Paso.
- (2) Pueblo.
- (3) Teller.
- (4) Fremont.
- (5) Las Animas.
- (6) Huerfano.
- (7) Custer.
- (8) Costilla.
- (9) Alamosa.
- (10) Saguache.
- (11) Conejos.
- (12) Mineral.
- (13) Archuleta.
- (14) Hinsdale.
- (15) Gunnison.
- (16) Pitkin.
- (17) La Plata.
- (18) Montezuma.
- (19) San Juan.
- (20) Ouray.
- (21) San Miguel.
- (22) Dolores.
- (23) Montrose.
- (24) Delta.
- (25) Mesa.
- (26) Crowley.
- (27) Kiowa.
- (28) Bent.
- (29) Baca.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. WALZ) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, while I am pleased to be here today to bring H.R. 174, I think it's probably too light to say sponsored by our former colleague on the committee, Mr. SALAZAR, to the floor today. This bill will establish a national veterans cemetery in El Paso County, Colorado.

Just for background note, Mr. SALAZAR, who has moved on to another committee, has been a tireless advocate of our veterans, and this was a piece of legislation that I watched him advocate for with great passion because of the need. Southern Colorado, including El Paso County and the city of Colorado Springs, has the second highest concentration of veterans living in the entire United States.

Currently, those veterans in southern Colorado and their families who wish to either visit a veterans cemetery or have their loved ones interred must travel into the Denver metropolitan area to Fort Logan National Cemetery in often treacherous weather conditions. Not only is this an undue burden, but the Fort Logan National Cemetery is quickly running out of spaces.

To alleviate this problem, H.R. 174 directs the Secretary of Veterans Affairs to establish a national cemetery for veterans in El Paso County, Colorado.

H.R. 174 reflects a fitting tribute to those Americans who have served our

Nation with honor. The veterans' national cemeteries of the United States demonstrate the desire of a grateful Nation to appropriately commemorate those who served in our Armed Forces.

Since 1862, more than 3 million burials have occurred in VA national cemeteries. The National Cemetery Administration of the Department of Veterans Affairs manages 130 national cemeteries nationwide for our veterans. Of the 130 cemeteries, 60 of them are no longer accepting in-ground interments, which results in millions of veterans and survivors being unserved and turned away from our national cemeteries.

While the State Cemetery Grants Program has met with success, the need to build new national cemeteries with a strategic vision is really still quite urgent. This is why Mr. SALAZAR introduced this bill and a related bill, the National Cemeteries Expansion Act of 2009, H.R. 3544, which would require the VA to reexamine its entire national cemetery establishment policy standard of 170,000 veterans in a 75-mile radius. This policy clearly has outlived its usefulness and should be revised immediately.

I want to thank Chairman FILNER and Ranking Member BUYER for pushing this bill forward. As we lose more of our Greatest Generation of veterans and face the unfortunate prospect of additional fatalities, we need to make certain that veterans are provided a dignified, accessible, and well-maintained final resting place. H.R. 174 helps to ensure that this happens for the many veterans and survivors of the region of southern Colorado.

Also, I would like to add that in the past this bill enjoyed the support of the Military Order of the Purple Heart, the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and the Paralyzed Veterans of America.

Finally, I again want to applaud the leadership of Mr. SALAZAR on this bill, the bipartisan manner of the VA Committee understanding how important this is. Mr. LAMBORN, from Colorado Springs, has been intricate in making this happen.

I can tell you this is one of the most moving and passionate discussions we have in the VA. The commitment to making sure national cemeteries are accessible to our veterans is a key priority.

I urge the passage of H.R. 174.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 174, which would direct the Secretary of Veterans Affairs to construct a new national cemetery in southern Colorado. Providing our veterans with a place of honor and repose is one of the most sacred missions of the Veterans' Affairs Committee, and we have

given this mission our unstinting support over the years.

The National Cemetery Administration's record of high satisfaction among the families of its beneficiaries is the envy of the Federal Government and is a reflection of sound administration and strong congressional support, free of political influence. The Department of Veterans Affairs has a well-established and proven method that uses distance and demographics to select new cemetery sites.

While I believe that the VA process has its flaws and could use revision, it is the established process. Congress has long deferred to this process, which is essentially free from political pressure. Since 1999, Congress has authorized 12 new national cemeteries, all of which went through this process. A recent program evaluation of this policy revealed that there are some weaknesses in this policy and made several recommendations on how to better serve veterans and their families.

One such recommendation was to reduce the population threshold so that each cemetery would serve a population to as little as 120,000 veterans. The current population level is 170,000 veterans. VA is continuing to review the evaluation.

It is because of this process that Mr. STEARNS of Florida offered an amendment that was accepted for H.R. 1660, which is the predecessor of H.R. 174 from the 110th Congress. The amendment was intended to ensure that any new cemetery authorized by this bill would not displace cemetery projects in areas previously identified as priorities. This language preserves the integrity of the cemetery planning process.

I thank the original sponsors of the bill, Mr. SALAZAR and Mr. LAMBORN, for including this language in this year's bill, and I am very pleased to support it.

Having no further speakers, again, I just want to echo what Mr. WALZ said earlier, that this is one of the most important functions that the Veterans' Affairs Committee does and has done it very, very well through the years. This is a very bipartisan bill.

I urge all of our Members to support this very, very important bill as it goes forward.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. WALZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 174.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WALZ. Mr. Speaker, I, too, want to thank Mr. BOOZMAN for his eloquent words and his passion on this issue.

This is truly an issue that unites every Member of this House and every member of this country, the care and the dignity that we lay our veterans to rest.

I want to thank Mr. SALAZAR and Mr. LAMBORN again for their unwavering commitment to getting this done.

I urge my colleagues to unanimously support H.R. 174.

Mr. SALAZAR. Mr. Speaker, I rise today in support of my bill, H.R. 174, directing the Secretary of Veterans Affairs to establish a national cemetery south of Colorado Springs, to serve the veterans and families of southern Colorado.

Mr. Speaker, Coloradans take great pride in serving our nation.

As a veteran myself, I am proud to represent a district that is home to 70,000 of Colorado's almost 427,000 veterans.

Generations of Coloradans have stood in the service of our nation with pride.

In sharing that pride, our nation must also show its gratitude when our veterans pass away.

During this difficult time, it eases a family's burden when seeing their loved one interred at a veteran's cemetery and to witness their sacrifices being remembered by the nation they served.

However, we are faced with a situation where current standards place many VA cemeteries closer to large metropolitan areas.

In my home state alone, there are 150,000 veterans in the 29 designated southern Colorado counties that are waiting for an accessible veteran's cemetery.

Such policies punish our veterans for choosing to be buried in the small towns where they chose to live and raise their families.

It is wrong to force families to travel many hours and hundreds of miles to visit the final resting place of their loved ones.

As it stands, veterans and their families living in southern Colorado have the option of either making the difficult journey north to Ft. Logan in Denver or east to Ft. Lyons in Las Animas.

With these facilities, families have found themselves forced to travel extreme distances over rough terrain in unpredictable weather.

Since 1862, more than three million burials have been made in VA national cemeteries.

National cemeteries are the testimony of a grateful nation to appropriately commemorate the Americans who have served our nation in the armed forces.

Of the 120 cemeteries the VA National Cemetery Administration manages, 58 of them are no longer accepting interments. In anticipation of this, a cemetery in southern Colorado would extend the life of Ft. Logan and Ft. Lyon.

Families would no longer have to travel to these distant locations and instead could bury their loved ones closer to home.

In doing so, space that would otherwise be used at Ft. Logan and Ft. Lyon would remain available for families closer to Denver and Las Animas.

On May 2, 2008 the House Veterans Affairs Subcommittee on Disability and Memorial Affairs held a field hearing in Colorado Springs, Colorado to review the need for a cemetery in southern Colorado.

The hearing was presided over by Chairman JOHN HALL, Representative DOUG LAMBORN and myself.

Veterans Advocates, VSO's and widows with Gold Star Wives gave testimony in support of the legislation and reinforced the need for such a cemetery.

After hearing testimony and having experienced the difficult driving conditions and an abrupt snow storm, particularly over Monument Hill, then Under Secretary Tuerk committed to bringing a national veterans cemetery to the southern Colorado region.

The cemetery is supported by national VSO's, local veteran's advocates and most importantly the veterans and their families living in Colorado.

With such overwhelming support by the Colorado delegation and Congress, the VA would be acting on the intent of Congress in establishing a cemetery in southern Colorado.

I encourage my colleagues on both sides of the aisle to support our rural veterans and support this bill.

Mr. WALZ. I have no further requests for time, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and pass the bill, H.R. 174.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1615

SUPPORTING AND ENCOURAGING GREATER SUPPORT FOR VETERANS DAY

Mr. WALZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 89) supporting and encouraging greater support for Veterans Day each year.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 89

Whereas veterans of service in the United States Armed Forces have served the Nation with honor and at great personal sacrifice;

Whereas the American people owe the security of the Nation to those who have defended it;

Whereas on Veterans Day each year, the Nation honors those who have defended democracy by serving in the Armed Forces;

Whereas veterans continue to provide a valuable service in their communities across the Nation and are important members of American society;

Whereas we must honor and express our sincere gratitude to all our veterans for their unwavering commitment to country, justice and democracy;

Whereas the observance of Veterans Day is an expression of faith in democracy, faith in American values, and faith that those who fight for freedom will defeat those whose cause is unjust; and

Whereas section 6103(a) of title 5, United States Code, provides that "Veteran's Day, November 11" is a legal public holiday: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages Americans to demonstrate their support for veterans on Veterans Day each year by treating that day as a special day of reflection;

(2) encourages schools and teachers to educate students on the great contributions veterans have made to the country and its history, both while serving as members of the United States Armed Forces and after completing their service; and

(3) requests that the President issue a proclamation each year in connection with the observance of Veterans Day calling on the people of the United States to observe that day with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. WALZ) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. WALZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, each year on Veterans Day, Americans come together to honor our Nation's heroes, over 23 million veterans that have served our country. Again this year, our country is engaged in conflicts that require the dedication of our uniformed troops. Our Nation has a proud legacy of appreciation and commitment to the men and women who have worn the uniform in defense of this great land. We must be united in seeing that every soldier, sailor, airman and marine is welcomed back with all the care and compassion that this grateful Nation can bestow.

House Resolution 89 encourages Americans to demonstrate their support for veterans. No other group of Americans has stood stronger and braver for our democracy than our troops and veterans.

As a member of the Committee on Veterans' Affairs, it is my honor to serve the veterans of this Nation, and I encourage my fellow Americans to do the same. I firmly believe that Veterans Day should not be observed just once a year, but our Nation's heroes must be celebrated, honored and remembered every single day of the year.

I encourage all Americans to reach out to veterans, thank them and their families for the amazing sacrifices they make, learn more about their contributions to our country, and gain the wisdom of their personal stories.

On this 90th official Veterans Day, it is important to let these heroes know that this grateful Nation honors their service. Pause to remember that service and the sacrifices of each and every one who has worn this Nation's uniform. On Veterans Day and throughout the year, join me and every Member of this House to take the time and show your gratitude to those who have answered the call of duty.

Mr. Speaker, I know as a veteran myself, as a member of the Veterans' Affairs Committee and having the honor to serve there, and as a teacher of our high school students, how incredibly important it is to remember the foundations this country was founded on and those who are willing to give and, as we speak, are still willing to give the ultimate sacrifice.

Veterans Day is not a day for sales, and Veterans Day is not a day to take the day off. Veterans Day is a day to understand that all the blessings of liberty and freedom this country has emanate from each and every one of those. So I think it is incredibly important. I urge support for this piece of legislation.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 89, a resolution supporting and encouraging greater support for Veterans Day each year.

Our Nation's veterans have sacrificed so much for the freedoms that we enjoy on a daily basis. Our Nation has an obligation to ensure that those who have served, and especially those who were injured while serving, have the necessary benefits and services available to allow them to lead productive and fulfilling lives.

Today, a new generation of heroes returns home, too often draped in the Nation's flag. Their comrades in arms stand guard and honor their memories as they themselves become the living symbols of the cost of freedom. It is right that today, almost 1 week before our commemoration of Veterans Day, that we consider this resolution encouraging and supporting the observance of this important day for our Nation.

This resolution encourages Americans to demonstrate their support for veterans on Veterans Day each year by treating that day as a special day of reflection, encourages schools and teachers to educate students on the great contributions our veterans have made to our country, and requests that the President issue a proclamation each year in connection with the observance of Veterans Day.

Mr. Speaker, I want to thank my colleague, Mr. BACA of California, for introducing this legislation, as well as Chairman FILNER and Ranking Member BUYER for moving the bill so quickly to the floor for consideration.

I urge my colleagues to support H. Res. 89.

Mr. Speaker, having no further speakers, I just again want to say how important this resolution is. Mr. WALZ said it so eloquently, especially coming from somebody like himself who did many years in the military and rose to a place of such prominence. We appreciate his service.

Again, this resolution basically just says that we need to slow down and do

more to recognize the sacrifice of our veterans on this very, very important day. I think it is certainly very fitting.

With that, I urge all of my colleagues to support the resolution.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. WALZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Resolution 89.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WALZ. Mr. Speaker, I would like to thank the gentleman from Arkansas, my good friend, a tireless supporter of veterans, a true gentleman in this House, and someone who embodies what we are here for. There is far more that unites us than divides us, and nothing makes that clearer than Veterans Day. I think all of us know that when we come together in support of our veterans, it is all that is right in this country. We have our differences, we disagree on things, but nothing will ever shake that.

I want to thank Chairman FILNER and Ranking Member BUYER for their outstanding commitment to this. Maybe some people are wondering why this is H. Res. 89 after all the big numbers. Mr. BACA puts this in first every year in every Congress to make sure that it is ready to go for Veterans Day. For that I thank him.

ANDRÉ CARSON was down here earlier. As I explained to Mr. STEARNS why we did this, one of the things was, it is never hard to get anyone to come and support pieces of veterans legislation. Mr. CARSON from Indiana came back early and did that.

I also want to thank the staff for this package of initiatives going forward before Veterans Day, both the majority and the minority staff, for their tireless work on this. The one thing I have found working in the Veterans' Affairs Committee, the staff are there for our veterans. That is their main purpose, that is what they are there for every day, and they continue to work tirelessly to ensure that we are doing good things.

So it is with that that I ask all Americans to stand proud with our veterans, stand tall, know that those freedoms that they enjoy so much come at an incredible cost to many of our fellow Americans, but to let them know that we are with them every step of the way, and these pieces of legislation will go further to do that.

I urge the unanimous support of H. Res. 89.

Mr. BACA. Mr. Speaker, I rise in support of H. Res. 89, the Veterans Day resolution.

I thank Chairman BOB FILNER and Ranking Member STEVE BUYER for their commitment to

this resolution and tremendous support for America's veterans.

As one of many veterans who are now Members of Congress, I am proud to introduce and now seek the passage of this important resolution.

To all my colleagues and fellow veterans, I commend you for your service.

This resolution reminds us that Veterans Day is not just a day off from school or work. This is a special day of reflection to honor those that have defended our freedom.

America would not be the great country that she is, if it were not for our veterans.

When our troops commit to serve our country, they make a promise to serve and protect.

We also have a moral responsibility to protect returning veterans and their families.

Veterans returning from Iraq and Afghanistan must receive the best treatment. Sadly, for the last few years, I don't believe our Government has held its end of the bargain.

But Congress is working diligently to correct this, most recently by implementing an outstanding GI bill and for adding more support services to veterans and their families.

We all must do our part to recognize America's greatest heroes.

This is why my resolution also encourages schools to educate our young people about the contributions of our veterans to this country.

Last Congress, as Chair of the CHC, I worked closely with Hispanic veterans and Medal of Honor winners from WWII to today.

The stories of courage and sacrifice I heard from them were nothing short of amazing. They deserve to be recognized and thanked.

A special thanks is due to our military families who are often left behind and face the daily rigors of war within their homes in America and overseas.

These families sacrifice so much for their loved ones and for America. I thank you as well; you are the support system and backbone for all these veterans.

On November 11th, on Veterans Day do not forget who the true heroes of this country are. Reflect on the true meaning of Veterans Day, and remember the sacrifices made by so many proud American sons and daughters.

I urge my colleagues to vote in favor of H. Res. 89.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 89, "supporting and encouraging greater support for Veterans Day each year." The roots of Veterans Day can be traced back to the eleventh hour of the eleventh day of the eleventh month, in 1919, yet the reigning effects of the efforts of our Veterans reach back much further. From our inception as a Nation, freedom has never been free; it has been fought for both on battle fields around the world and on the floors of the Congress.

In November 1919, President Wilson remembered our fallen soldiers of WWI with the following words: "To us in America, the reflections of Armistice Day will be filled with solemn pride in the heroism of those who died in the country's service and with gratitude for the victory, both because of the thing from which it has freed us and because of the opportunity it has given America to show her sympathy with peace and justice in the councils of the

nations . . ." The Veterans Day that we know today was signed into law on May 26, 1954 by President Dwight Eisenhower. Congress amended the act on November 8, 1954, replacing "Armistice" with Veterans, and it has been known as Veterans Day since.

In its history, America has endured great tests of faith and each of the roughly 42 million men and women who have served this Nation at some point in time is a testament to the fact that this country truly is the land of the free and the home of the brave. For nowhere else in the world can you live a life of liberty in the pursuit of happiness as you can on American soil, this is the American Dream. A dream had by the likes of Abraham Lincoln, Martin Luther King, Jr., Barbara Jordan and every other American. A dream recently achieved by President Obama, who came from obscurity to the forefront of a truly just nation. Veterans have all done a great service to this Nation and it is our duty to honor them. The Texas Veterans Commission recognizes over 1.7 million veterans in my home state of Texas and within my home district, the 18th District of Texas, we hold our 34,000 veterans in the upmost respect.

Every morning when you wake up, you should thank a Veteran. Every night you make it to bed, you should thank a Veteran. Every breath in freedom you take, you should thank a Veteran. After serving our Nation with honor, our Veterans deserve to be honored.

For these reasons I stand with many of my colleagues in strong support of H. Res. 89, authored by Congressman JOE BACA (CA 43rd District) for the greater recognition of Veterans Day by:

1. Encouraging Americans to demonstrate their support for veterans each year by treating that day as a special day of reflection;
2. Encouraging schools and teachers to educate our children about the many contributions that veterans have made to our society—both during and after their service in the military;
3. Requesting that the President issue a proclamation each year in connection with the observance of Veterans Day calling on the people of the United States to observe that day with appropriate ceremonies and activities.

As stated in the resolution, the observance of Veterans Day is an expression of faith in democracy, faith in American values, and faith that those who fight for freedom will defeat those whose cause is unjust. As our Veterans take an oath to take on a just cause, so must we. We must vow to never forget the indisputable fact that our Veterans are the backbone of this Nation, they are the reason we can stand against forces of oppression. We too must stand and fight for our Veterans, to give them the care they both need and deserve.

Mr. AL GREEN of Texas. Mr. Speaker, today, I rise in support of freedom, but specifically, I rise in support of the soldiers who have made the dream of freedom a reality for us all. As a cosponsor of H. Res. 89, which recognizes the sacrifices that are made every day by the men and women who serve in the United States Armed Forces, I am pleased the House voted this week on the final passage of this legislation.

I would also like to acknowledge Congressman JOE BACA for introducing this legislation, which commemorates the public holiday of Veteran's Day and its significance in carrying on the legacy of our living and fallen soldiers.

As a bipartisan bill, this legislation represents the unanimous recognition of the impact that the men and women of the United States Armed Forces make on our daily lives. The legislation notes the solemn cost of death that we pay for the defense of our freedom, and the importance of acknowledging the value of that cost. Every fallen soldier is an integral part of our collective American community, and a tremendous loss is sustained when a brother, a mother, a sister, a father, a child or a friend is removed from that community.

As we remember those who have given so much to our country, whose patriotism exceeds the requirement and defies the norm, we must also remember that it is our duty to provide for the needs of those heroes through programs, funding and medical services. Many of the trials that our veterans face as they return home cannot be resolved, from broken bones to the memories of the tragedy of war. However, ensuring that our veterans have a home to come home to is the least we can do for these patriotic heroes. My colleagues and I were able to accomplish that through the Homes for Heroes Act, which was passed in June of this year. This bill will establish funding for low-income veterans, and will address the issues of homelessness and mental health for our veterans who need it most.

Next week, on Veteran's Day, let us also recognize the significant contribution that military families play in the lives of our soldiers. Through their sacrifices, all of our families are afforded the opportunity of living the American Dream. I thank my colleagues for approving H. Res. 89 this week and look forward to joining with my constituents in Houston next week. As a community, we will honor the sacrifices made by our Nation's veterans.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in strong support of H. Res. 89, a resolution encouraging greater support for Veterans Day each year.

Today, I would like to take this opportunity to express my deep sense of gratitude to the millions of veterans living throughout the United States. Since before the founding of this nation, our veterans have been on the front lines defending our safety and our liberty. Their commitment to duty, honor, integrity, and self-sacrifice has not gone unnoticed, and I commend them for a lifetime of exemplary leadership on and off the battlefield.

Veterans' organizations are one great example of the commitment to service all of our men and women in uniform possess. These organizations help create volunteer opportunities for our nation's troops when they retire from the armed services. Some of these include donating millions of man hours to the medical facilities of the Veterans Administration, sponsoring Boy Scouts of America troops all around the country, and awarding millions of dollars for college scholarships. These incredible volunteers give back to the very communities that they have already sacrificed so much for throughout their careers.

Mr. Speaker, the veterans who have passed away before this Veterans Day must also be

recognized and graciously thanked for their service. Our Nation has experienced many wars in a short history, but we have remained safe at home and abroad because of the valiant effort of the members of our armed services. The freedoms and liberty we espouse as a democracy have and will continue to be under threat. However, our veterans and active duty men and women are a testament to the preservation of justice and our form of government.

The families of those who serve our country on the front lines also deserve the admiration and appreciation of each and every citizen. These family members often watch their loved ones travel to faraway lands in support of a cause and an ideal so much greater than any one individual. The support given to our service men and women by their loved ones is irreplaceable, as it is the foundation for the bravery inherent in those who labor steadfastly in the defense of liberty.

Let us also make certain that we remember those individuals who are in harm's way today in Iraq and Afghanistan. Operation Enduring Freedom and Operation Iraqi Freedom are successful because of the members of our armed services who are day in and day out giving their best to keep America safe at home and abroad. They have also sacrificed to secure liberty and democracy for other nations and peoples who desire to be freed from political oppression. Furthermore, let us not forget those who have paid the ultimate sacrifice, and let us say a gracious thank you to them for their willingness to make the ultimate sacrifice for liberty.

I believe that the brave men and women who sacrifice for our present freedoms deserve our fullest support. Our Nation's service men and women represent the best our country has to offer, and they must be treated with the respect and honor they deserve. As we ask these courageous soldiers, sailors, airmen, and marines—and their families—to do more and more, it's only right we continue doing all we can for them. Recognizing Veterans Day in 2009 is just one small reminder of the superior job our troops perform for America at home and abroad, and it is my hope that we will continue to do all we can and more for the members of our Armed Forces.

Mr. WALZ. I have no further requests for time. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and agree to the resolution, H. Res. 89.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

FILIPINO AMERICAN HISTORY MONTH

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 780) recognizing the celebration of Filipino American History Month in October.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 780

Whereas the earliest documented proof of Filipino presence in the continental United States was the date of October 18, 1587, when the first "Luzones Indios" set foot in Morro Bay, California, on board the Manila-built galleon ship Nuestra Senora de Esperanza;

Whereas the Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo Parrish, Louisiana, which set in motion the focus on the story of our Nation's past from a new perspective by concentrating on the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the history of the United States;

Whereas the Filipino American community is the second largest Asian American group in the United States with a population of approximately 3,100,000 people;

Whereas Filipino American servicemen and servicewomen have a longstanding history serving within the Armed Services of the United States, from the Civil War to the present Iraq and Afghanistan conflicts, including the 250,000 Filipinos who fought under the United States flag during World War II to protect and defend this country;

Whereas Filipino Americans are an integral part of the United States healthcare system as nurses, doctors, and other medical professionals;

Whereas Filipino Americans have contributed greatly to the fine arts, music, dance, literature, education, business, literature, journalism, sports, fashion, politics, government, science, technology, and other fields in the United States which enrich the landscape of the country;

Whereas efforts must continue to promote the study of Filipino American history and culture, as mandated in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color have been overlooked in the writing, teaching, and learning of United States history;

Whereas it is imperative for Filipino American youth to have positive role models to instill in them the importance of education, complemented with the richness of their ethnicity and the value of their legacy; and

Whereas Filipino American History Month is celebrated during the month of October: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the celebration of Filipino American History Month as a study of the advancement of Filipino Americans, as a time of reflection and remembrance, and as a time to renew efforts toward the research and examination of history and culture in order to provide an opportunity for all people in the United States to learn and appreciate more about Filipino Americans and their historic contributions to the Nation; and

(2) urges the people of the United States to observe Filipino American History Month with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from North Carolina (Mr.

MCHEHENRY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Oversight and Government Reform, I am proud to present H. Res. 780 for consideration. This resolution recognizes the celebration of Filipino American History Month.

House Resolution 780 was introduced on September 25, 2009, by my friend and colleague Representative BOB FILNER of California. In addition, this resolution was favorably reported out of the Oversight Committee by unanimous consent on October 29, 2009, and it enjoys the support of over 50 Members of Congress. Moreover, the United States Senate passed a companion resolution to this legislation, Senate Resolution 298, by unanimous consent on October 1, 2009.

Mr. Speaker, House Resolution 780 recognizes the celebration of Filipino American History Month as a unique opportunity to reflect upon the significant advancements of Filipino Americans in our country as well as highlight the countless and diverse contributions of Filipino Americans to our national history and culture.

This monthlong celebration of Filipino American History Month was established in 1988 by the Filipino American National Historical Society to coincide with the 225th anniversary of the permanent settlement of Filipinos in the continental United States.

Notably, the Filipino American National Historical Society recognizes the year 1763 as the date of the first permanent Filipino settlement in the continental United States in the small fishing village of Saint Malo, located in what is now Saint Bernard Parish in Louisiana. These early settlers were formerly impressed sailors who escaped their oppressive conditions aboard Spanish galleons to establish a Filipino community in present-day Louisiana. The existence of this Filipino settlement was first reported in an 1883 Harper's Weekly article, which is widely believed to be the first article written about Filipino settlers in these United States.

Today, according to the most recent United States Census Bureau estimate, the Filipino American population in the United States is nearly 3.1 million, making the Filipino American community the second largest Asian American

group in the United States. And while the majority of our Filipino American population is concentrated in the States of California and Hawaii, Filipino contributions in the field of public service, literature, business, science and other areas have deeply enriched the lives of all Americans across our Nation.

Whether we recall the approximately 250,000 brave Filipino Americans that served during World War II, or our Filipino Americans deployed in the support of Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan, our brave Filipino American servicemen and -women have continually demonstrated their commitment to safeguarding our Nation at great personal sacrifice.

Accordingly, I would like to thank the sponsor of this resolution, my friend and colleague Mr. FILNER of California, for his great work as chairman of our Veterans' Affairs Committee and for ensuring that the economic stimulus legislation signed by President Obama earlier this year included a provision which required that our roughly 15,000 living Filipino veterans of World War II receive their full and deserved veterans benefits.

The contributions of Filipino Americans to our national history are also evident in various other areas, including government and journalism. Notably, in 1994, Benjamin J. Cayetano became the first Filipino American elected a United States Governor. And in 1997, Filipino American journalists Byron Acohido and Alex Tizon of The Seattle Times were the recipients of Pulitzer Prizes for their outstanding contributions to American journalism.

Mr. Tizon, a native of Manila who came to the United States at the age of 4, was honored for a series of investigative articles about the widespread corruption and inequities in the Federally sponsored housing program for Native Americans. Mr. Acohido received his Pulitzer for his reporting on the conditions of the American aerospace industry.

Mr. Speaker, these are only a few of the many Filipino Americans whose achievements have greatly contributed to our national history. It is my hope that we can commemorate the contributions of all Filipino Americans through the passage of House Resolution 780 and by recognizing the significance of Filipino American History Month.

I urge my colleagues to join us in supporting H. Res. 780.

I reserve the balance of my time.

Mr. MCHENRY. Mr. Speaker, I yield myself such time as I may consume.

□ 1630

I rise today in support of this legislation and the two other commemorating resolutions the Oversight and Government Reform Committee has put forth

for consideration today on the House floor.

I believe Congress should instead, though, be focusing on high-priority initiatives. We are facing record unemployment deficits that threaten to bankrupt this country and a stimulus that is failing to create new jobs, yet this Congress is considering legislation that is not a high priority for the American people. The Congress should be considering legislation that provides a real and immediate economic solution for the American people before naming and commemorating resolutions.

But I do rise today, Mr. Speaker, in support of this resolution in celebration of Filipino American History Month. We have all seen the countless ways in which these Filipino Americans have advanced our Nation politically, economically and culturally. Filipino Americans have significantly contributed to this country through arts, science, math, sports, commerce and every other aspect of American culture since they first arrived in the 16th century.

During World War II, over 200,000 Filipinos served in our U.S. military. They served in a variety of roles, such as the Philippine Scouts, the Philippine Commonwealth Army under U.S. command and as guerrillas during the Japanese occupation of their islands. The history of our country has shown that Filipino Americans have strengthened the United States in all facets of our growth and development. Over 3 million Americans have traced their lineage to the Philippines, making them the second-largest Asian American group in the United States.

Mr. Speaker, I am pleased to support this resolution.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I have no further speakers. But I do want to point out that the reason we are here, dealing with noncontroversial items and commemorative items, in fact, is because the House is not scheduled to take up votes, according to the calendar, until 6:30. So we use this time to take up matters that are noncontroversial, and we postpone votes so that Members can come in during the day. They are flying in during the process.

So this is a regularly scheduled event here. This is when we take up matters that are noncontroversial, such as this one, which recognizes the importance of Filipino Americans. This is important to the Filipino American community. It is very, very important and well deserved. I think it is appropriate at a time like this to take the time to recognize their accomplishments and for being an important part of our Nation's history and our culture.

I resent the fact that the inference has been made here that somehow we are using valuable time in the House when this particular time has been seg-

mented so as to not interrupt the important business to be taken up later in the week. We are taking this time now, while Members are flying in and we don't have a full quorum, to address these commemorative issues. We will be in for the full week, so we'll have plenty of time to take those other matters up when the House is fully assembled.

Again, I have no further speakers, but I will continue to reserve the balance of my time.

Mr. MCHENRY. I yield myself such time as I may consume.

Mr. Speaker, I would say in response to my colleague, I certainly appreciate the substance of this resolution. It is important. However, my colleague's characterization that this is only one day that we do suspensions here in the House actually doesn't comport with the reality that we've faced over the last few weeks in the House of Representatives.

On Monday, Tuesday and Wednesday of last week, the House of Representatives considered suspension items, which are noncontroversial pieces of legislation, many of which are commemorating in nature and are certainly important to the Members and to the group they're commemorating, absolutely. I agree. But we do have major work that we must contend with, and that was certainly the reason why I started this discussion by saying that we should be dealing with real major economic issues as a Congress and take those very seriously and, adding further, that the stimulus has failed our people, and I think we should be working to fix that, rather than simply to commemorate or change the building names of different Federal agencies and different governmental buildings.

I certainly appreciate my colleague's comments, but we certainly have a different focus on that matter and that characterization, although I would say that I share the same focus as my colleague from Massachusetts, and that is trying to do what's right for the American people. I certainly appreciate his work in that regard as well.

I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, the point I was making is that this time, this time right now, has been reserved for this purpose specifically; and this is a regular occasion during the week that we do this. Again, while we have extended a courtesy to Members of the Republican side, from the minority, so that they would know when votes are expected on the floor, and we have put that to a time certain.

The reason that we are dealing with ceremonial matters, commemorative matters here, is because Members are not all in the District of Columbia right now; they're not all in Washington. They are traveling here. This is a matter of courtesy, a courtesy extended to the minority Members so

that when matters of contest and of dispute might arise, they would be here in full numbers, having the full opportunity to debate those matters.

Mr. FILNER. Mr. Speaker, I rise today to urge my colleagues to support H. Res. 780, which I introduced along with several of my colleagues on the U.S.-Philippines Friendship Caucus.

H. Res. 780 recognizes Filipino American History Month, which was in October, and celebrates the heritage and culture of Filipino Americans and their immense contributions to our nation.

The Filipino American National Historical Society established Filipino American History Month in 1988. However, the U.S. House of Representatives has never recognized Filipino American History Month.

Consideration of H. Res. 780 is long overdue.

I am pleased to honor the Filipino American community and pay tribute to the extraordinary contributions that Filipinos make to this nation. Filipino Americans have been part of the American experience, confronting many difficult challenges while being resolute and steadfast in their cultural heritage.

Today, we honor Filipino Americans, from farm workers to nurses and doctors to the brave and courageous soldiers who fought shoulder-to-shoulder with American servicemen. This country is indebted to the Filipino veterans of World War II for their extraordinary sacrifices.

I urge my colleagues to join with me in honoring the history, culture, and contribution of Filipino Americans in the United States by supporting this important resolution.

Mr. AL GREEN of Texas. Mr. Speaker, I extend my strong support to H. Res. 780, which recognizes and celebrates Filipino American History Month in October.

The first Filipino in the United States arrived at Morro Bay, California, on October 18, 1587 in the Manila-built galleon, Nuestra Señora de Esperanza. In 1763, the first permanent Filipino settlement was established in the United States in St. Malo Parrish, Louisiana. For over 200 years, since before the founding of our great country, Filipino Americans have made varied contributions to American culture and society in countless ways.

Today, there are more than 3 million Filipino Americans and persons of Filipino ancestry living in the United States, including nearly 6,000 in my own 9th Congressional district in Houston, Texas. Filipino Americans count among their community prominent politicians, artists, businessmen, athletes, scientists, educators, writers, television personalities, scholars, and entertainers. Moreover, they are people who have paid the ultimate sacrifice for the safety of our country. Filipino American servicemen and servicewomen have a longstanding history of serving in the Armed Services of the United States, from the Civil War to the present Iraq and Afghanistan conflicts, including more than 250,000 Filipinos who valiantly fought under the United States flag during World War II.

Notwithstanding their contributions to America, we must continue to promote the study of Filipino American history and culture because of the important roles that Filipino Americans

and other people of color have played in United States history. It is my hope that through this House Resolution, we can renew our commitment to ensuring that Filipino Americans and people of color are given their due recognition for their contributions to our nation.

I urge my colleagues to support H. Res. 780 to honor our nation's Filipino Americans and our shared history with this community in the United States. Filipino Americans have altered America, their contributions are documented and forever enshrined in our history, and they deserve our recognition for the countless ways in which they make America great.

Ms. BORDALLO. Mr. Speaker, I rise today in support of H. Res. 780, legislation introduced by my colleague, Congressman BOB FILNER of California. H. Res. 780 recognizes the celebration of Filipino-American History Month and the important contributions made by the Filipino-American community throughout our Nation's history. Filipino-Americans have contributed to all facets of American society and have enriched our Nation with their lives and achievements.

Guam is home to a large population of Filipino-Americans who are active in all sectors of our community. Filipino-Americans have contributed to the economic, cultural and social success of Guam and have long played a part in the development of our island. The Philippines are culturally and historically linked to our community on Guam.

I would like to recognize the Filipino Community of Guam, an umbrella organization representing over fifty groups, working together for the benefit of our island. I also commend the Filipino Community of Guam for mobilizing and organizing relief efforts for the Filipino flood victims affected by this past year's natural disasters. Numerous members of the Guam Filipino community maintain close ties to their relatives in the Philippines and were eager to help those in need.

As a member of the U.S.-Philippines Friendship Caucus and the Congressional Asian Pacific American Caucus I join my colleagues in urging a "yes" vote on H. Res. 780.

Mr. LYNCH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 780.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING NEW HAMPSHIRE STATE SENATE

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 159) honoring the New Hampshire State Senate for becoming the 1st statewide legislative body with a majority of women in the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 159

Whereas for over 200 years the citizens of the State of New Hampshire have elected State senators to serve in the legislature;

Whereas from 1931 to 1933, E. Maude Ferguson served as the first female member of the New Hampshire State Senate;

Whereas Vesta Roy served as the first female State senate president, and in 1983 she became the first female Governor of the State of New Hampshire;

Whereas women currently hold the offices of both the Speaker of the New Hampshire House of Representatives and the State Senate President of New Hampshire;

Whereas the New Hampshire State Senate was comprised of 13 women and 11 men for the legislative session beginning on December 3, 2008; and

Whereas the New Hampshire State Senate had nine women chairing committees and five men chairing committees for the legislative session beginning on December 3, 2008: Now, therefore, be it

Resolved, That the House of Representatives honors the New Hampshire State Senate for becoming the 1st statewide legislative body with a majority of women in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from North Carolina (Mr. MCHENRY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

On behalf of the Committee on Oversight and Government Reform, I am pleased to present House Resolution 159 for consideration. This resolution pays tribute to the New Hampshire State Senate for becoming the first statewide legislative body in United States history with a majority of women members.

House Resolution 159 was introduced on February 11, 2009, by my friend and fellow New Englander, Representative PAUL HODES of New Hampshire. In addition, this resolution was favorably reported out of the Oversight Committee by unanimous consent on October 29, 2009, and enjoys the support of nearly 60 Members of Congress.

Mr. Speaker, House Resolution 159 honors the New Hampshire State Senate for the remarkable distinction of becoming the first statewide legislative body to consist of a majority of women members. According to 2008 Census Bureau estimates, women comprise roughly 50.7 percent of the American population, yet despite the extent

of their representation in the U.S. population, women remain significantly underrepresented at local, State and Federal Government levels. Notably, out of the 435 Members of the House of Representatives, women hold 77 congressional seats. Moreover, in the United States Senate, women hold 17 of the Senate's 100 seats.

In light of these and similar statistics evidencing the underrepresentation of women in government, the advancement of female legislators in the New Hampshire State Senate can be characterized as a defining moment in our Nation's history.

Following the State legislature elections of November 2008, the State of New Hampshire began its current legislative session on December 3, 2008, with a historic female majority in the State Senate. Specifically, women legislators currently hold 13 of New Hampshire's 24 State Senate seats. In addition, nine female Senators are currently serving as Chairs in the State Senate, which consists of 14 standing committees. Moreover, the Honorable Sylvia Larsen is currently serving her second consecutive term as State Senate president with the Honorable Terie Norelli also serving her second consecutive term as Speaker of the New Hampshire House of Representatives.

Mr. Speaker, I would also like to recognize that this watershed moment in American history would not have been possible without the efforts of previous female leaders in New Hampshire politics, including the Honorable E. Maude Ferguson and the Honorable Vesta Roy. Senator Ferguson, who served in the New Hampshire State House from 1931 to 1933, has the distinction of becoming the first woman elected to the New Hampshire State Senate. Ms. Roy made history as the first woman elected to serve as president of the New Hampshire State Senate as well as the first woman to serve as the Governor of New Hampshire from 1982 to 1983.

Mr. Speaker, the remarkable achievements of these women legislators are as inspirational as they are historic, to all those Americans that are committed to the equality of all citizens regardless of race, ethnicity, religion or gender.

Let us as a body take this opportunity to honor the great State of New Hampshire and its State Senate for this fine achievement by passing House Resolution 159. I urge my colleagues to join me in supporting this resolution.

I reserve the balance of my time.

Mr. MCHENRY. Mr. Speaker, I yield myself such time as I may consume.

As I said in the previous resolution that I was managing here on the floor, while I am supportive of this legislation, the previous commemorating resolution and the additional one that the Oversight and Government Reform Committee is offering here for consideration today, I believe that Congress

should be, instead, focusing on higher-priority initiatives. We're facing record unemployment, deficits that threaten to bankrupt the country, and a stimulus that is failing to create new jobs. Congress should be considering legislation providing real and immediate economic solutions for the American people before naming and commemorating anything.

But having said that, I do think it is important to recognize the State of New Hampshire for their major milestone, and I rise in support of H. Res. 159, honoring the New Hampshire State Senate for becoming the first statewide legislative body with a majority of women in the United States. It is a significant achievement. As a result of the 2008 statewide elections, 13 of 24 seats in the Senate are now held by women, an increase of three members which resulted in their majority status. On the national level, less than one in four legislators is female and eight of 50 Governors is a woman. These numbers continue to grow with each election year throughout the country.

I'm pleased to salute the women of New Hampshire for their commitment to public service as well as women throughout the United States who choose to serve our citizens on the local, State and Federal levels as their elected representatives. We certainly commend the wonderful work and addition that New Hampshire has been able to meet by this wonderful milestone.

With that, I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I will just point out that last week, we actually finally had an official draft of the health care reform bill. My colleagues on the other side have insisted, rightly, that they have 72 hours to review that bill; that it be placed online. I think it is a courtesy to keep controversial issues off the floor today to allow Members to consider that legislation because it is so important. I think if we jammed the schedule today with controversial matters, you might hear the complaint from my colleagues and others that they weren't given a full and fair opportunity to read that health care reform bill.

So, you're darned if you do sometimes, and you're darned if you don't. But I certainly do want to join with the lead sponsor and my colleague, the gentleman from North Carolina, but especially PAUL HODES from New Hampshire, who is the lead sponsor of this resolution, in congratulating the New Hampshire State Senate. I happen to be a member of the New Hampshire bar, so this is particularly a proud moment for me as well in celebrating their terrific accomplishment through the passage of House Resolution 159.

Mr. HODES. Mr. Speaker, I rise today in support of the legislation I introduced, House Resolution 159. My resolution honors the New

Hampshire State Senate for becoming the first statewide legislative body with a majority of women in the United States. New Hampshire has a proud tradition of being a first-in-the-nation State, and with this historic achievement, the Granite State continues to lead the way in providing equal opportunity for everyone. I am proud to represent the great State of New Hampshire, which today shines as an example for the entire country.

I want to recognize all 13 women who are currently serving in the New Hampshire State Senate. They are the Honorable Sharon Carson, Jacalyn Cilley, Martha Fuller Clark, Betsi DeVries, Peggy Gilmour, Margaret Hassan, Molly Kelly, Sylvia Larsen, Bette Lasky, Amanda Merrill, Deborah Reynolds, Sheila Roberge, and Kathleen Sgambati. These leaders comprise the majority female body of the New Hampshire State Senate and were elected to office on November 4, 2008, and sworn in on December 3, 2008.

I would also like to recognize the following women, who played critical roles in the history of New Hampshire government:

Senator JEANNE SHAHEEN was the first woman in the State of New Hampshire to be elected Governor in 1997. She is currently serving as the first female senator from the State of New Hampshire.

The first woman to serve as a member of the New Hampshire State Senate was E. Maude Ferguson, who served from 1931 to 1933.

Vesta Roy served as the first female State Senate President, and in 1983 she became the first female Governor of the State of New Hampshire.

In 1994, the Honorable Sylvia Larsen was elected to the New Hampshire State Senate and has served 7 consecutive terms thus far. She is currently serving in her second term as President of the New Hampshire Senate.

In 1996, the Honorable Terie Norelli was elected to the New Hampshire House of Representatives and has served 6 consecutive terms thus far, and in 2008 was re-elected to serve as Speaker of the New Hampshire House of Representatives for a 2nd consecutive term.

Thank you for bringing this important resolution on the New Hampshire State Senate's historic achievement of being the first statewide legislative body with a majority of women in the United States to the floor of the House of Representatives for consideration. I urge my colleagues to support this resolution.

Mr. LYNCH. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 159, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

HONORING PRESIDENT LINCOLN'S GETTYSBURG ADDRESS

□ 1645

Mr. LYNCH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 736) honoring President Lincoln's Gettysburg Address on "Dedication Day", November 19, 2009.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 736

Whereas, on November 19, 1863, Abraham Lincoln dedicated the Soldiers' National Cemetery on the battlefield at Gettysburg, Pennsylvania, with the Gettysburg Address, which harkened back to the promises of the Declaration of Independence in the first sentence, "Four score and seven years ago, our fathers brought forth, on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal", and which called upon people of the United States to dedicate themselves to the principles of democracy so that government "of the people, by the people, for the people shall not perish from the earth";

Whereas Congress adopted a joint resolution on August 7, 1946, declaring the Gettysburg Address to be "the outstanding classic of the ages", designating November 19 as "Dedication Day" in honor of the Gettysburg Address, and suggesting that the Gettysburg Address "be read on that day in public assemblages throughout the United States and its possessions, on our ships at sea, and wherever the American flag flies"; and

Whereas 2009 is the 200th anniversary of the birth of Abraham Lincoln and bicentennial tributes to his birth are expected throughout the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors President Lincoln's greatest speech, the Gettysburg Address; and

(2) encourages people in the United States to read the Gettysburg Address on "Dedication Day" in public places across the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from North Carolina (Mr. MCHENRY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. Mr. Speaker, I yield myself as much time as I may consume.

On behalf of the Committee on Oversight and Government Reform, I am proud to present House Resolution 736 for consideration. This resolution pays tribute to the historic Gettysburg Address delivered by President Abraham Lincoln in Gettysburg, Pennsylvania, on November 19, 1863.

House Resolution 736 was introduced on September 10, 2009, by my great friend and colleague, Representative TODD PLATTS, Republican of the 19th District of Pennsylvania. In addition, this resolution was favorably reported out of the Oversight Committee by unanimous consent on October 29, 2009, and enjoys the support of over 50 Members of Congress.

Mr. Speaker, House Resolution 736 honors one of the most remarkable and significant political contributions in terms of speeches made by one of our greatest Presidents, the Gettysburg Address delivered by President Abraham Lincoln at the dedication of the Soldiers' National Cemetery in Gettysburg, Pennsylvania, on Thursday, November 19, 1863. This resolution is not only fitting but also timely, as earlier this year we celebrated the bicentennial anniversary of the birth of President Lincoln, and on November 19 we will mark the 146th anniversary of Dedication Day and the Gettysburg Address.

In his invitation letter to President Lincoln, dated November 2, 1863, Gettysburg attorney David Wills requested that President Lincoln participate in the dedication ceremony by delivering "a few appropriate remarks," as Wills noted that former Senator Edward Everett of Massachusetts was already scheduled to deliver the central oration. Accordingly, the dedication address delivered by President Lincoln more than 4 months following the pivotal battle of Gettysburg is not remembered for its length, but rather for the depth of its content.

In less than 3 minutes and in only 10 sentences, President Lincoln eloquently commemorated the lives of those who had fallen on the hallowed battlefield, reaffirmed the founding principles of the then-divided United States of America, and set forth the impetus behind the continuation of the shared struggle to unify the Nation amidst a deadly Civil War.

As noted by President Lincoln at the conclusion his historic address: "It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus so far nobly advanced . . . that we here highly resolve that these dead shall not have died in vain; that this Nation, under God, shall have a new birth of freedom; and that government of the people, by the people, and for the people shall not perish from this Earth."

The elegance of President Lincoln's brief words was noted by Senator Everett, whose oration at Gettysburg preceded the President's address and lasted approximately 2 hours. In a letter that he sent to President Lincoln following the dedication ceremony, Senator Everett wrote: "I should be glad if I could flatter myself that I came as near to the central idea of the

occasion in 2 hours as you did in 2 minutes."

And the profound impact of President Lincoln's address on our national history has been evident for generations. In addition to its prominence on the south wall of the Lincoln Memorial in Washington, D.C., the Gettysburg Address has served as a timeless source of inspiration in our eternal commitment as a Nation to achieve equality among all citizens. Notably, President Lincoln's address was referenced in the equally historic "I Have a Dream" speech delivered by the Reverend Martin Luther King, Jr. on the steps of the Lincoln Memorial in August of 1963.

Mr. Speaker, in acknowledgement of the lasting impact of President Lincoln's words, the 79th Congress approved House Joint Resolution 35 on August 7, 1946, thereby designating the day of November 19 as Dedication Day. The 79th Congress additionally characterized the Gettysburg Address as "the outstanding classic of the ages" and recognized that "it will touch the hearts of men and inspire faith in our matchless democracy as long as time endures."

Mr. Speaker, let us pay further tribute to President Lincoln in the year of his bicentennial birthday celebration and in anticipation of the 146th anniversary of the Gettysburg Address through our support of Representative TODD PLATTS of Pennsylvania's resolution, 736.

I would like to thank my colleague Mr. PLATTS for introducing this legislation, and I urge my colleagues to join me in supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MCHENRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I said in the two previous resolutions that have come forth from the Oversight and Government Reform Committee, while I do support the legislation at hand and the motivation behind it, I do think that Congress should be focusing instead on higher-priority initiatives.

We're facing record unemployment, deficits that threaten to bankrupt the country, and a stimulus that is failing to help our people and create new jobs. Congress should be considering legislation providing real and immediate economic solutions for the American people before naming and commemorating resolutions.

I certainly appreciate the initiative of my colleagues to acknowledge the Gettysburg Address and the anniversary that we are fast approaching. I do find it quite interesting as a Congressman from a Southern State that my colleague that controls the majority's time is from a Northern State. It's kind of interesting that actually those dynamics still persist of both Southerners and Yankees alike, or New Englanders. But we can have an honest

debate in this country, which is certainly worthwhile, and I think that Lincoln's Gettysburg Address certainly is a wonderful and enormous milestone for all Americans. Whether or not your State was in the Union at that point, whether it even existed at that point, it's certainly important.

On November 19, 1863, President Lincoln delivered a carefully crafted address that was assumed by many to be overshadowed by Senator Edward Everett's 2-hour oration. So unsuspecting was the crowd and so swift was the speech that no pictures were taken while the address was given. If the crowd had known that they were witnessing the defining speech of the War Between the States, I'm confident that many more would have been better prepared for the occasion.

In 10 lines and 272 words, the President redefined the war as an effort to solidify the American political system, our Republic, calling upon the Nation to dedicate themselves to a new birth of freedom so that government "of the people, by the people, and for the people shall not perish from the Earth."

We all know these words, Mr. Speaker. We all care about these words. Though brief, his oration was powerful. In these few appropriate remarks, Lincoln honored the fallen but also paid homage to the Founding Fathers and their commitment to a Nation led by its people.

Mr. Speaker, I would say in closing on a larger issue for the American people that this commemorating resolution, while certainly it's important to honor the Gettysburg Address, and though delivered in 1863, I think today we are at an anniversary of the 146th year for the Gettysburg Address, and it's important that we remember and commemorate this; but I think it's also important that we have a real debate about health care.

I do appreciate my colleague saying earlier that we're going to have a debate. We have 72 hours to review the 1,990-page health care bill, which is good, and certainly we're grateful, as a minority party, to have that time to review such a massive piece of legislation.

But I also think it's important that we have significant debate on this legislation. And rather than having just 2 or 3 hours, which has been the news this week that we will have to debate such a far-reaching piece of legislation on this House floor, that we would be able to spend more time, even on a Monday, debating health care and the importance of getting this approach right for the American people not just for today but for tomorrow.

Mr. Speaker, I yield back the balance of my time.

Mr. LYNCH. Mr. Speaker, I want to point out that the current resolution is offered by my dear friend and colleague who happens to be a Republican; so if I

did not extend him the courtesy, Mr. PLATTS of Pennsylvania, to offer this resolution, I think it would not comport to the level of courtesy that this House requires.

I do want to point out that of the last seven resolutions that we have taken up in the House today, five out of the seven were offered by Republican Members: Senate 475 by Senator BURR, House Resolution 773 by Representative BOOZMAN, again 1168 by Representative BOOZMAN. Those are all dealing with veterans' issues. Representative CAO of Veterans' Affairs, House Resolution 828; and H. Res. 398 by Representative FORTENBERRY, another one of my great Republican friends.

So if the gentleman wanted to complain and restrain his own Members from offering what I think are meritorious and deserving resolutions with respect to veterans and to the people of their own districts, that's a courtesy that I fully and fairly recognize and choose to honor, but if the gentleman wants to press with his desire to curtail—

Mr. MCHENRY. Mr. Speaker, will the gentleman yield?

Mr. LYNCH. The gentleman has already exhausted his time to no apparent purpose. It would be an attack on common sense for me to yield to him at this time.

With that being said, Mr. Speaker, I ask all Members to support Mr. PLATTS of Pennsylvania in his resolution, my Republican friend.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support H. Res. 736 "Honoring President Lincoln's Gettysburg Address on Dedication Day."

Mr. Speaker, this resolution recognizes President Lincoln's speech during the November 19, 1863 dedication of the Soldiers' National Cemetery on the battlefield at Gettysburg, Pennsylvania.

This speech, forever known as the Gettysburg Address, commemorated the sacrifices of the fallen during the Civil War, and called upon people of the United States to dedicate themselves to the principles of democracy so that "government of the people, by the people, for the people shall not perish from the earth." Lincoln's words transcend the context of the Civil War and have served as an inspiration for visitors to the Lincoln Memorial, including the Reverend Martin Luther King, Jr., who chose the Memorial steps as the location to deliver his famous "I Have a Dream" speech. King started his speech by invoking Lincoln's Gettysburg Address and reminding those gathered before him of the importance of the Emancipation Proclamation.

King's words remind us of the importance of President Lincoln, as well as how his legacy cannot be embodied by any one speech or action. This resolution is particularly timely given that, this year we celebrate the 200th anniversary of President Lincoln's birth. President Lincoln was a true champion of liberty for all Americans, and he led the Nation during very turbulent political times from the Civil War. Abraham Lincoln was portrayed as a self-

made man, the liberator of the slaves, and the savior of the Union who had given his life so that others could be free. President Lincoln became Father Abraham, a near mythological hero, "lawgiver" to African Americans, and a "Masterpiece of God" sent to save the Union. His humor was presented as an example of his humanity; his numerous pardons demonstrated his "great soul"; and his sorrowful demeanor reflected the burdens of his lonely journey as the leader of a "blundering and sinful" people.

Abraham Lincoln was born on February 12, 1809, to Thomas Lincoln and Nancy Hanks, two uneducated farmers, in a one-room log cabin on the 348-acre Sinking Spring Farm, in southeast Hardin County, Kentucky. Lincoln began his political career in 1832, at age 23, with an unsuccessful campaign for the Illinois General Assembly, as a member of the Whig Party.

Lincoln was a true opponent of injustice. In 1837, he made his first protest against slavery in the Illinois House, stating that the institution was "founded on both injustice and bad policy."

Opposed to the 1854 Kansas-Nebraska Act, Lincoln spoke to a crowd in Peoria, Illinois, on October 16, 1854, outlining the moral, political and economic arguments against slavery that he would continue to uphold throughout his career.

His "Western" origins also appealed to the newer States: other contenders, especially those with more governmental experience, had acquired enemies within the party and were weak in the critical Western States, while Lincoln was perceived as a moderate who could win the West.

On November 6, 1860, Lincoln was elected as the 16th President of the United States. In his First Inaugural Address, Lincoln declared, "I hold that in contemplation of universal law and of the Constitution the Union of these States is perpetual. Perpetuity is implied, if not expressed, in the fundamental law of all national governments," arguing further that the purpose of the United States Constitution was "to form a more perfect union."

Lincoln possessed a keen understanding of strategic points and understood the importance of defeating the enemy's army, rather than simply capturing cities. He had, however, limited success in motivating his commanders to adopt his strategies until late 1863, when he found a man who shared his vision of the war in Ulysses S. Grant. Only then could he insist on using African American troops and relentlessly pursue a series of coordinated offensives in multiple theaters.

Throughout the war, Lincoln showed a keen curiosity with the military campaigns. He spent hours at the War Department telegraph office, reading dispatches from his generals. He visited battle sites frequently, and seemed fascinated by scenes of war.

The Emancipation Proclamation freed slaves in territories not already under Union control. Lincoln later said: "I never, in my life, felt more certain that I was doing right, than I do in signing this paper."

As the war was drawing to a close, Lincoln became the first American president to be assassinated. On April 14, 1865, as a lone bodyguard wandered, and Lincoln sat in his state box, John Wilkes Booth crept up behind the

President and fired a single fatal shot into the President. However, his triumphs live on far past this date.

In 1982, forty-nine historians and political scientists were asked by the Chicago Tribune to rate all the Presidents through Jimmy Carter in five categories: leadership qualities, accomplishments/crisis management, political skills, appointments, and character/integrity. At the top of the list stood Abraham Lincoln. The judgment of historians and the public tells us that Abraham Lincoln was the Nation's greatest President by every measure applied.

Because he was committed to preserving the Union and thus vindicating democracy no matter what the consequences to himself, the Union was indeed saved. Because he understood that ending slavery required patience, careful timing, shrewd calculations, and an iron resolve, slavery was indeed killed. Lincoln managed in the process of saving the Union and killing slavery to define the creation of a more perfect Union in terms of liberty and economic equality that rallied the citizenry behind him. Because he understood that victory in both great causes depended upon purposeful and visionary presidential leadership as well as the exercise of politically acceptable means, he left as his legacy a United States that was both whole and free. His great achievement, historians tell us, was his ability to energize and mobilize the Nation by appealing to its best ideals while acting "with malice towards none" in the pursuit of a more perfect, more just, and more enduring Union.

Mr. Speaker, President Lincoln has paved the way for people of color such as me to serve in Congress and represent the people of the 18th District of Texas proudly. He has been a trailblazer, opening the door for our first African American President, President Barack Obama.

This year, we celebrate the life of President Abraham Lincoln. He has given America many victories. Importantly, his presidency opened the door to ensure that all Americans would be assured their constitutional freedoms and that all Americans would enjoy the triumph against oppression and injustice. President Lincoln has lit the candle, let us today continue to carry it and make sure that it will never go out.

One hundred and forty-six years after the Gettysburg Address, Lincoln's words continue to inspire people and governments not only in America, but throughout the world. In 1958, France adopted the constitution of its fifth—and current—republic. Under Title 1, Section 2, the constitution states that "the principle of the Republic shall be: government of the people, by the people and for the people." This is one of many examples of other nations viewing our great country as a beacon of democracy.

I thank my colleague, Rep. TODD PLATTS, of Pennsylvania, for introducing this important legislation, to ensure that we celebrate, treasure and recognize the impact of President Abraham Lincoln's most famous speech and I urge my colleagues to honor President Lincoln not only by joining me in supporting this resolution, but also by promoting the reading and examining of this speech on November 19th.

Mr. PLATTS. Mr. Speaker, I rise today in support of House Resolution 736, which hon-

ors the anniversary of President Abraham Lincoln's Gettysburg Address as "Dedication Day" on November 19, 2009. I am proud to have introduced this resolution as we celebrate the bicentennial of President Lincoln's birthday in 2009 and remember the words of this most remarkable speech.

Arriving by train to Gettysburg on the evening of November 18, 1863, few knew the impact Lincoln's words would have on the future of our Nation and its citizens. The Address' message was one of paying tribute to those who lost their lives while at the same time affirming a belief that democracy may prevail despite the immeasurable losses suffered by both the North and South.

Lincoln's speech was just over two minutes in length, but its meaning has long endured. Nearly 63 years ago, Congress passed a joint resolution designating November 19, 1946, the anniversary of the Gettysburg Address, as Dedication Day and declaring the Gettysburg Address to be "the outstanding classic of the ages." The resolution suggested that the Gettysburg Address "be read on that day in public assemblages throughout the United States and its possessions, on our ships at sea, and wherever the American flag flies." Additionally, lines from the Gettysburg Address can be found in Martin Luther King Jr.'s "I Have a Dream" speech, and its entirety is marked a short distance from where we stand today, on the south wall of the Lincoln Memorial.

During this bicentennial year of Lincoln's birth, the National Abraham Lincoln Bicentennial Commission and the Pennsylvania Abraham Lincoln Bicentennial Commission, which have both endorsed this resolution, are holding numerous events celebrating the life and legacy of our sixteenth President. On November 19, 2009 the Pennsylvania Abraham Lincoln Commission is hosting "Dedication Day," with events occurring at the Soldiers' National Cemetery in Gettysburg, Pennsylvania, the site of President Lincoln's Gettysburg Address. As we celebrate Lincoln's bicentennial, I urge my fellow Members of Congress and constituents to take time to read the words of this remarkable speech:

Four score and seven years ago our fathers brought forth, upon this continent, a new nation, conceived in liberty, and dedicated to the proposition that 'all men are created equal.' Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived, and so dedicated, can long endure. We are met on a great battle field of that war. We have come to dedicate a portion of it, as a final resting place for those who died here, that the nation might live. This we may, in all propriety do. But, in a larger sense, we can not dedicate—we can not consecrate—we can not hallow, this ground—The brave men, living and dead, who struggled here, have hallowed it, far above our poor power to add or detract. The world will little note, nor long remember what we say here; while it can never forget what they did here.

It is rather for us, the living, we here be dedicated to the great task remaining before us—that, from these honored dead we take increased devotion to that cause for which they here, gave the last full measure of devotion—that we here highly resolve these dead shall not have died in vain; that the nation, shall have a new birth of freedom, and that government of the people by the people for the people, shall not perish from the earth.

Two centuries after his birth, the message of the Gettysburg Address is as significant as ever. As such, please join me in paying tribute to one of our Nation's most important speeches and support House Resolution 736.

Mr. LYNCH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and agree to the resolution, H. Res. 736.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LYNCH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 58 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HEINRICH) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1168, by the yeas and nays;

House Resolution 291, by the yeas and nays;

Senate 509, by the yeas and nays.

Proceedings on remaining postponed questions will resume later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

VETERANS RETRAINING ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the

bill, H.R. 1168, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and pass the bill, H.R. 1168, as amended.

The vote was taken by electronic device, and there were—yeas 356, nays 0, not voting 76, as follows:

[Roll No. 832]

YEAS—356

Aderholt	Crowley	Israel
Adler (NJ)	Cuellar	Issa
Akin	Culberson	Jackson (IL)
Alexander	Cummings	Jackson-Lee
Altmire	Dahlkemper	(TX)
Andrews	Davis (CA)	Jenkins
Arcuri	Davis (KY)	Johnson (GA)
Austria	DeGette	Johnson, E. B.
Baca	Delahunt	Johnson, Sam
Bachmann	DeLauro	Jones
Bachus	Dent	Jordan (OH)
Baird	Diaz-Balart, L.	Kagen
Baldwin	Diaz-Balart, M.	Kanjorski
Barrow	Dicks	Kaptur
Bartlett	Dingell	Kennedy
Barton (TX)	Doggett	Kildee
Bean	Donnelly (IN)	Kilpatrick (MI)
Berkley	Dreier	Kilroy
Berman	Driehaus	King (IA)
Berry	Duncan	Kingston
Biggert	Edwards (MD)	Kirk
Bilbray	Edwards (TX)	Kirkpatrick (AZ)
Bilirakis	Ehlers	Kissell
Bishop (GA)	Ellison	Klein (FL)
Bishop (NY)	Ellsworth	Kline (MN)
Bishop (UT)	Emerson	Kosmas
Blackburn	Engel	Kratovil
Blunt	Eshoo	Kucinich
Boccieri	Etheridge	Lance
Boehner	Fallin	Langevin
Bono Mack	Farr	Larsen (WA)
Boozman	Fattah	Larson (CT)
Boswell	Filner	Latham
Boucher	Flake	LaTourette
Boustany	Fleming	Latta
Boyd	Forbes	Lee (CA)
Braley (IA)	Fortenberry	Lee (NY)
Bright	Foster	Levin
Brown (SC)	Fox	Lewis (CA)
Brown-Waite,	Frank (MA)	Lewis (GA)
Ginny	Franks (AZ)	LoBiondo
Buchanan	Frelinghuysen	Loeb
Burgess	Fudge	Lofgren, Zoe
Burton (IN)	Gallagher	Lowe
Butterfield	Garrett (NJ)	Luetkemeyer
Buyer	Giffords	Lujan
Calvert	Gohmert	Lummis
Camp	Gonzalez	Lungren, Daniel
Campbell	Goodlatte	E.
Cantor	Graves	Lynch
Cao	Grayson	Mack
Capito	Green, Al	Maffei
Capps	Green, Gene	Manzullo
Cardoza	Griffith	Marchant
Carnahan	Guthrie	Markey (CO)
Carson (IN)	Hall (TX)	Markey (MA)
Carter	Halvorson	Marshall
Cassidy	Hare	Massa
Castle	Harman	Matheson
Castor (FL)	Harper	Matsui
Chaffetz	Hastings (FL)	McCarthy (CA)
Chandler	Heinrich	McCarthy (NY)
Childers	Heller	McClintock
Chu	Hensarling	McCollum
Clay	Herger	McCotter
Cleaver	Herseth Sandlin	McDermott
Clyburn	Higgins	McGovern
Coble	Hill	McHenry
Coffman (CO)	Hinojosa	McIntyre
Cohen	Hirono	McKeon
Cole	Hodes	McMahon
Conaway	Holt	McNerney
Connolly (VA)	Honda	Meek (FL)
Cooper	Hoyer	Melancon
Costa	Hunter	Mica
Costello	Inglis	Michaud
Courtney	Inslee	Miller (FL)

Miller (MI)	Rahall	Smith (NE)
Miller (NC)	Rangel	Smith (NJ)
Miller, Gary	Rehberg	Smith (TX)
Miller, George	Reichert	Snyder
Minnick	Reyes	Space
Mitchell	Richardson	Speier
Mollohan	Rodriguez	Stearns
Moore (KS)	Roe (TN)	Sullivan
Moore (WI)	Rogers (AL)	Sutton
Moran (KS)	Rogers (KY)	Tanner
Moran (VA)	Rogers (MI)	Terry
Murphy (CT)	Rohrabacher	Thompson (MS)
Murphy (NY)	Rooney	Thompson (PA)
Murphy, Tim	Ros-Lehtinen	Thornberry
Murtha	Roskam	Tierney
Myrick	Ross	Titus
Nadler (NY)	Rothman (NJ)	Tonko
Napolitano	Roybal-Allard	Towns
Neugebauer	Royce	Tsongas
Nye	Ruppersberger	Turner
Oberstar	Ryan (WI)	Upton
Obey	Sánchez, Linda	Van Hollen
Olson	T.	Visclosky
Ortiz	Sanchez, Loretta	Walden
Pastor (AZ)	Scalise	Walz
Paul	Schakowsky	Wasserman
Paulsen	Schauer	Schultz
Pence	Schiff	Watson
Perlmutter	Schmidt	Watt
Perriello	Schrader	Waxman
Peters	Schwartz	Welch
Peterson	Scott (GA)	Westmoreland
Petri	Scott (VA)	Whitfield
Pingree (ME)	Sensenbrenner	Wilson (OH)
Pitts	Serrano	Wilson (SC)
Platts	Sessions	Wittman
Polis (CO)	Sestak	Wolf
Pomeroy	Shadegg	Woolsey
Posey	Shea-Porter	Wu
Price (GA)	Sherman	Yarmuth
Price (NC)	Shuler	Young (AK)
Putnam	Simpson	Young (FL)
Quigley	Skelton	
Radanovich	Slaughter	

NOT VOTING—76

Abercrombie	Grijalva	Payne
Ackerman	Gutierrez	Poe (TX)
Barrett (SC)	Hall (NY)	Rush
Becerra	Hastings (WA)	Ryan (OH)
Blumenauer	Himes	Salazar
Bonner	Hinche	Sarbanes
Boren	Hoekstra	Schock
Brady (PA)	Holden	Shimkus
Brady (TX)	Johnson (IL)	Shuster
Broun (GA)	Kind	Sires
Brown, Corrine	King (NY)	Smith (WA)
Capuano	Lamborn	Souder
Carney	Linder	Spratt
Clarke	Lipinski	Stark
Conyers	Lucas	Stupak
Crenshaw	Maloney	Taylor
Davis (AL)	McCauley	Teague
Davis (IL)	McMorris	Thompson (CA)
Davis (TN)	Rodgers	Tiahrt
Deal (GA)	Meeks (NY)	Tiberi
DeFazio	Murphy, Patrick	Velázquez
Doyle	Neal (MA)	Wamp
Gerlach	Nunes	Waters
Gingrey (GA)	Olver	Weiner
Gordon (TN)	Pallone	Wexler
Granger	Pascarella	

□ 1901

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING THE CRUCIAL ROLE OF ASSISTANCE DOGS IN HELPING WOUNDED VETERANS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 291, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and agree to the resolution, H. Res. 291.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 351, nays 0, not voting 81, as follows:

[Roll No. 833]

YEAS—351

Aderholt	Cummings	Jenkins
Adler (NJ)	Dahlkemper	Johnson (GA)
Akin	Davis (CA)	Johnson, E. B.
Alexander	Davis (KY)	Johnson, Sam
Altmire	DeGette	Jones
Andrews	Delahunt	Jordan (OH)
Arcuri	DeLauro	Kagen
Austria	Dent	Kaptur
Baca	Diaz-Balart, L.	Kennedy
Bachmann	Diaz-Balart, M.	Kildee
Bachus	Dicks	Kilpatrick (MI)
Baird	Dingell	Kilroy
Baldwin	Doggett	King (IA)
Barrow	Donnelly (IN)	Kingston
Bartlett	Dreier	Kirk
Barton (TX)	Driehaus	Kirkpatrick (AZ)
Bean	Duncan	Kissell
Berkley	Edwards (MD)	Klein (FL)
Berman	Edwards (TX)	Kline (MN)
Berry	Ehlers	Kosmas
Biggert	Ellison	Kratovil
Bilbray	Emerson	Kucinich
Bilirakis	Engel	Lance
Bishop (GA)	Eshoo	Langevin
Bishop (NY)	Etheridge	Larsen (WA)
Bishop (UT)	Fallin	Larson (CT)
Blackburn	Farr	Latham
Blunt	Fattah	LaTourette
Boccieri	Filner	Latta
Boehner	Flake	Lee (CA)
Bono Mack	Fleming	Lee (NY)
Boozman	Forbes	Levin
Boswell	Fortenberry	Lewis (CA)
Boucher	Foster	Lewis (GA)
Boustany	Fox	LoBiondo
Boyd	Frank (MA)	Loeb
Braley (IA)	Franks (AZ)	Lofgren, Zoe
Bright	Frelinghuysen	Lowe
Brown (SC)	Fudge	Luetkemeyer
Brown-Waite,	Gallagher	Lujan
Ginny	Garrett (NJ)	Lummis
Burgess	Giffords	Lungren, Daniel
Burton (IN)	Gohmert	E.
Butterfield	Gonzalez	Lynch
Buyer	Goodlatte	Mack
Calvert	Graves	Maffei
Camp	Grayson	Manzullo
Campbell	Green, Al	Marchant
Cantor	Green, Gene	Markey (CO)
Cao	Griffith	Markey (MA)
Capito	Guthrie	Marshall
Capps	Hall (TX)	Massa
Cardoza	Halvorson	Matheson
Carnahan	Hare	Matsui
Carson (IN)	Harman	McCarthy (CA)
Carter	Harper	McCarthy (NY)
Castle	Hastings (FL)	McClintock
Castor (FL)	Heinrich	McCollum
Chaffetz	Heller	McCotter
Chandler	Hensarling	McDermott
Childers	Herger	McGovern
Chu	Herseth Sandlin	McHenry
Clay	Higgins	McIntyre
Cleaver	Hill	McKeon
Clyburn	Hinojosa	McMahon
Coble	Hirono	McNerney
Coffman (CO)	Hodes	Meek (FL)
Cohen	Holt	Melancon
Cole	Honda	Mica
Conaway	Hoyer	Michaud
Connolly (VA)	Hunter	Miller (FL)
Cooper	Inglis	Miller (MI)
Costa	Inslee	Miller (NC)
Costello	Israel	Miller, Gary
Courtney	Issa	Miller, George
Crowley	Jackson (IL)	Minnick
Cuellar	Jackson-Lee	Mitchell
Culberson	(TX)	Mollohan

Moore (KS) Richardson
Moore (WI) Rodriguez
Moran (KS) Roe (TN)
Murphy (CT) Rogers (AL)
Murphy (NY) Rogers (KY)
Murphy, Tim Rogers (MI)
Murtha Rohrabacher
Myrick Rooney
Nadler (NY) Ros-Lehtinen
Napolitano Roskam
Neugebauer Ross
Nye Rothman (NJ)
Oberstar Roybal-Allard
Obey Royce
Olson Ruppertsberger
Olver Ryan (WI)
Ortiz Sanchez, Linda
Pastor (AZ) T.
Paul Sanchez, Loretta
Paulsen Scalise
Pence Schakowsky
Perlmutter Schauer
Perriello Schiff
Peters Schmidt
Peterson Schrader
Petri Schwartz
Pingree (ME) Scott (GA)
Pitts Scott (VA)
Platts Sensenbrenner
Polis (CO) Serrano
Pomeroy Sessions
Posey Sestak
Price (GA) Shadegg
Price (NC) Shea-Porter
Putnam Sherman
Quigley Shuler
Radanovich Simpson
Rahall Skelton
Rehberg Slaughter
Reichert Smith (NE)
Reyes Smith (NJ)

NOT VOTING—81

Abercrombie Granger
Ackerman Grijalva
Barrett (SC) Gutierrez
Becerra Hall (NY)
Blumenauer Hastings (WA)
Bonner Himes
Boren Hinchey
Brady (PA) Hoekstra
Brady (TX) Holden
Broun (GA) Johnson (IL)
Brown, Corrine Kanjorski
Buchanan Kind
Capuano King (NY)
Carney Lamborn
Cassidy Linder
Clarke Lipinski
Conyers Lucas
Crenshaw Maloney
Davis (AL) McCaul
Davis (IL) McMorris
Davis (TN) Rodgers
Deal (GA) Meeks (NY)
DeFazio Moran (VA)
Doyle Murphy, Patrick
Ellsworth Neal (MA)
Gerlach Nunes
Gingrey (GA) Pallone
Gordon (TN) Pascrell

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1908

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CASSIDY. Mr. Speaker, on rollcall No. 833, I was unavoidably detained. Had I been present, I would have voted "yea."

DEPARTMENT OF VETERANS
AFFAIRS MEDICAL CENTER

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, S. 509, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and pass the bill, S. 509.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 352, nays 0, not voting 80, as follows:

[Roll No. 834]

YEAS—352

Aderholt Conaway Higgins
Adler (NJ) Connolly (VA) Hill
Akin Cooper Hinojosa
Alexander Costa Hirono
Altmiere Costello Hodes
Andrews Courtney Holt
Arcuri Crowley Honda
Austria Cuelar Hoyer
Baca Culberson Hunter
Bachmann Cummings Inglis
Bachus Dahlkemper Inslee
Baird Davis (CA) Israel
Baldwin Davis (KY) Issa
Barrow DeGette Jackson (IL)
Bartlett Delahunt Jackson-Lee
Barton (TX) DeLauro (TX)
Bean Dent Jenkins
Berkley Diaz-Balart, L. Johnson (GA)
Berman Diaz-Balart, M. Johnson, E. B.
Berry Dicks Johnson, Sam
Biggett Dingell Jones
Bilbray Doggett Jordan (OH)
Bilirakis Donnelly (IN) Kagen
Bishop (GA) Dreier Kanjorski
Bishop (NY) Driehaus Kaptur
Blackburn Duncan Kennedy
Blunt Edwards (MD) Kildee
Boccheri Edwards (TX) Kilpatrick (MI)
Boehner Ehlers Kilroy
Bono Mack Ellison King (IA)
Boozman Ellsworth Kingston
Boswell Emerson Kirk
Boucher Engel Kirkpatrick (AZ)
Boustany Eshoo Kissell
Boyd Etheridge Klein (FL)
Braley (IA) Fallin Kline (MN)
Bright Farr Kosmas
Brown (SC) Fattah Kratovil
Brown-Waite, Filner Kucinich
Ginny Fleming Lance
Buchanan Forbes Langevin
Burgess Fortenberry Larsen (WA)
Burton (IN) Foster Larson (CT)
Butterfield Foss Latham
Buyer Frank (MA) LaTourette
Calvert Franks (AZ) Latta
Camp Frelinghuysen Lee (CA)
Campbell Fudge Lee (NY)
Cantor Gallegly Levin
Cao Garrett (NJ) Lewis (CA)
Capito Giffords Lewis (GA)
Capps Gohmert LoBiondo
Cardoza Gonzalez Loeback
Carnahan Goodlatte Lofgren, Zoe
Carson (IN) Graves Lowey
Carter Grayson Luetkemeyer
Cassidy Green, Al Lujan
Castle Green, Gene Lummis
Castor (FL) Griffith Lungren, Daniel
Chaffetz Guthrie E.
Chandler Hall (TX) Lynch
Childers Halvorson Mack
Chu Hare Maffei
Clay Harman Manzullo
Cleaver Harper Marchant
Clyburn Heinrich Markey (CO)
Coble Heller Markey (MA)
Coffman (CO) Hensarling Marshall
Cohen Herger Massa
Cole Herseth Sandlin Matheson

Matsui Peterson
McCarthy (CA) Petri
McCarthy (NY) Pingree (ME)
McClintock Pitts
McCollum Platts
McCotter Polis (CO)
McDermott Pomeroy
McGovern Posey
McHenry Price (GA)
McIntyre Price (NC)
McKeon Putnam
McMahon Quigley
McNerney Rahall
Meek (FL) Rangel
Melancon Rehberg
Mica Reichert
Michaud Reyes
Miller (FL) Richardson
Miller (MI) Rodriguez
Miller (NC) Roe (TN)
Miller, Gary Rogers (AL)
Miller, George Rogers (KY)
Minnick Rogers (MI)
Mitchell Rohrabacher
Mollohan Rooney
Moore (KS) Ros-Lehtinen
Moore (WI) Roskam
Moran (KS) Ross
Murphy (CT) Rothman (NJ)
Murphy (NY) Roybal-Allard
Murphy, Tim Royce
Murtha Ruppertsberger
Myrick Ryan (WI)
Nadler (NY) Sanchez, Linda
Napolitano T.
Neugebauer Sanchez, Loretta
Nye Scalise
Oberstar Schakowsky
Obey Schauer
Olson Schiff
Olver Schmidt
Ortiz Schrader
Pastor (AZ) Schwartz
Paul Scott (GA)
Paulsen Scott (VA)
Pence Sensenbrenner
Perlmutter Serrano
Perriello Sessions
Peters Sestak

NOT VOTING—80

Abercrombie Granger
Ackerman Grijalva
Barrett (SC) Gutierrez
Becerra Hall (NY)
Bishop (UT) Hastings (FL)
Blumenauer Hastings (WA)
Bonner Himes
Boren Hinchey
Brady (PA) Hoekstra
Brady (TX) Holden
Broun (GA) Johnson (IL)
Brown, Corrine Kind
Capuano King (NY)
Carney Lamborn
Cassidy Linder
Clarke Lipinski
Conyers Lucas
Crenshaw Maloney
Davis (AL) McCaul
Davis (IL) Teague
Davis (TN) McMorris
Deal (GA) Rodgers
DeFazio Meeks (NY)
Doyle Moran (VA)
Doyle Murphy, Patrick
Flake Neal (MA)
Gerlach Nunes
Gingrey (GA) Pallone
Gordon (TN) Pascrell

□ 1915

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on November 2, 2009, I was unable to cast votes due to

personal reasons. I was not present for rollcall votes 832 through 834. Had I been present, I would have cast a "yea" vote for final passage of H.R. 1168. I would have cast a "yea" vote for final passage of H. Res. 291. Also, I would have cast a "yea" vote for the final passage of S. 509.

CONGRATULATING NEVADA ON THE 145TH ANNIVERSARY OF ITS STATEHOOD

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, I rise today to congratulate Nevada on the 145th anniversary of its statehood.

On October 31, 1864, President Abraham Lincoln admitted Nevada into the Union as the 36th State, which is an anniversary that is celebrated today throughout the State as Nevada Day.

Over the past 145 years, Nevadans have exemplified their State motto: "All for our country." Their patriotism and sense of duty have made critical contributions to our Nation's security in times of war and peace. During World War II and the Cold War, Basic Magnesium Mines and the Nevada Test Site played key roles in United States' victories.

Today, Nevada is a premier destination for tourists, business travelers, family vacationers, and outdoor enthusiasts throughout the United States and around the globe. They are attracted by Nevada's many unique features, including the fabulous Las Vegas Strip, the Hoover Dam and beautiful outdoor settings ranging from vibrant desert landscapes to grand ski slopes.

Nevada exemplifies the independence, opportunity and pioneering spirit of the West. So I join my fellow Nevadans in celebrating our 145th anniversary.

THE ATHALIE RANGE CULTURAL ARTS FOUNDATION

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise tonight to recognize the Athalie Range Cultural Arts Foundation and its upcoming annual Celebration of Life event honoring those who have made significant contributions to the African American community. This year, Miami-Dade County Commissioner Audrey Edmonson, WHQT General Manager Jerry Rushin, and retired Bacardi Heritage Foundation president Jose Bacardi will be honored.

The Athalie Range Cultural Arts Foundation helps to encourage the appreciation and the enrichment of arts, especially of African American arts, in south Florida. The foundation was named after one of south Florida's most dedicated and courageous residents.

Athalie Range was a pioneer in our community, first as a civil rights activist and later as a public official. As the PTA president of Liberty City Elementary, she became a champion for the students of Miami-Dade County. She informed the school board about the deplorable conditions of Liberty City schools, and she demanded better resources for those schools.

Athalie became the first African American to serve on the Miami City Commission, and she also became the first African American and the first woman to head the Florida Department of Community Affairs. Athalie Range lived a life of humility that underscored her deep commitment to civil rights, justice and opportunity for all.

I commend the Athalie Range Cultural Arts Foundation for continuing in Athalie's footsteps, for helping to support the arts and for enriching the lives of all of south Florida residents.

ENERGY

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, in January, President Obama took office while facing the worst economic crisis in generations.

Faced with that tremendous challenge, President Obama and the Democratic Congress responded with the American Recovery and Reinvestment Act, an aggressive plan to jump-start our economy and to create jobs.

As we look back on the Recovery Act's first 8 months, its success in averting catastrophe is clear. We are not out of the woods yet, and much more work remains to create good jobs and to lower unemployment; but there are positive signs that the recession is over and that the economic policies pursued by the Democrats are starting to work.

Just last week, the Obama administration made important announcements to invest \$3.4 billion into the smart energy grid and into the first round of awards under the Advanced Research Projects Agency for Energy, or the ARPA-E program. These announcements by the administration show that the Recovery Act is working, giving investors the confidence they need to leverage private funds to create new clean-energy jobs to put people back to work and to revolutionize the way we power our economy and drive American innovation.

PELOSI'S TAKEOVER IS BAD FOR JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the Pelosi takeover bill is

nearly 2,000 pages of regulations and tax hikes that will strangle small businesses across America. At the same time we celebrate the new jobs being created by Boeing in South Carolina, the Pelosi takeover will destroy jobs, and we must stop it.

Senior citizens are under attack by squeezing Medicare. The Pelosi takeover will impose \$135 billion in taxes on small businesses. In addition, this bill includes nearly \$500 billion in other taxes, including a surtax on small businesses. The Nation's largest small business association, the National Federation of Independent Business, NFIB, reports that this employer mandate will negatively impact small businesses, eliminating 1.6 million jobs.

I encourage Speaker PELOSI to scrap her health care takeover and to work across the aisle with Republicans to adopt elements of H.R. 3400 and to give small businesses the opportunity to pull together to receive competitive rates.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

HEALTH CARE REFORM

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, this weekend, when I went home, I went to the laundry.

A gentleman came up to me and said, You know, we've been friends for 40 years, and you're more liberal than I am—I'm a conservative—but let me tell you that I had a heart attack last month. Do you know what it cost? It cost \$100,000. He said, Y'all have got to pass something with this health care. It's just too expensive, and if I were in a different situation, I might lose my health care and might not be able to get it.

I had a Halloween party at a friend's house. I'm 60, and my friends are within the margin of error. They're about the same age. Several of them had had cancer, and they talked about how they couldn't get out of their health policies. The premiums were going up. The deductibles were going up, and it was costing them more and more; and they weren't authorizing certain treatments that they needed.

They said, You need to pass that health care bill. It's important.

I went to my local pharmacy, and a lady came up to me, and she told me about what the cost of prescription drugs was doing to her. I told her we were going to close the doughnut hole, that we were going to help her with her prescription drug prices.

We need to get this country's health care policy where it doesn't destroy the financial condition of people's lives. We need to allow them to move on.

THANKING THE AIRMEN OF BARKSDALE

(Mr. FLEMING asked and was given permission to address the House for 1 minute.)

Mr. FLEMING. Mr. Speaker, this past weekend, my district in northwest Louisiana was hit with severe storms and tornadoes which left neighborhoods tattered, families without homes, and thousands threatened by levees that were threatening to break.

On Friday night, Bossier Parish officials had exhausted all options to save this levee when many citizens and especially the airmen of Barksdale Air Force Base mobilized to protect this community. Colonel Steven Basham assembled 140 airmen; and through their efforts, the levees were saved that night.

Over the days that followed, over 400 airmen worked around the clock to protect the levees, the homes and the families that surrounded it. Enlisted, officers and even generals worked side by side in an effort to make sure that floodwaters did not destroy Bossier Parish.

I want to extend my sincere gratitude for their dedication and work during this natural disaster; and I want to say that the efforts of these airmen prove, once again, why the United States military is the greatest assemblage of outstanding men and women in the world.

VETERANS' SMALL BUSINESS ASSISTANCE AND SERVICEMEMBERS PROTECTION ACT OF 2009

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support H.R. 3949, which was on the floor of the House today. I was delayed in coming to Washington because I was meeting with my union members to talk about jobs. Yet I am excited about this legislation that Chairman FILNER has brought to the floor, and I thank him for his leadership, which involves protecting and providing for servicemembers. There are currently 25 million veterans—1,630,000 in Texas with 34,000 veterans living in my community.

I am very proud that he put into the bill my vision impairment bill, which will provide for scholarships to help train those who can work with the visually impaired service veterans, many of whom have suffered from the IED explosions in Afghanistan and Iraq.

It would also protect parents who can be buried with their children. It will keep servicemembers from being evicted or from being foreclosed on when they're serving in Iraq and Afghanistan. Then of course it will provide for small businesses of veterans preferred to be on the list so that they can obtain businesses or business opportunities in the United States Government.

This is very important for the upcoming Veterans Day. We must celebrate our veterans, and I am very grateful that my vision impaired bill is in this bill, H.R. 3949.

RECOGNIZING NOVEMBER AS AMERICAN DIABETES MONTH

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise tonight to call attention to November as American Diabetes Month.

Today, 24 million Americans have diabetes, and in this 1 minute that it takes me to give this speech, three more Americans will be diagnosed. The rate of diabetes cases is definitely on the rise, and it is becoming more severe. Based on our current trends, one out of every three children will eventually suffer from diabetes. Unlike cancer, heart disease and strokes, the death rate due to complications from diabetes has actually increased.

Diabetes not only exacts great personal harm; it imposes financial harm as well. Diabetes in the United States costs \$174 billion annually, and the cost of caring for someone with diabetes accounts for \$1 out of every \$5 in total health care costs.

Changing this trend begins with raising awareness about diabetes. So, Mr. Speaker, let's all commit to doing more to educate Americans on the seriousness of this disease.

THE PELOSI HEALTH CARE BILL

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, this is the Pelosi health care bill: 1,990 pages. Nobody in this place has even come close to reading it. In addition to that, it costs \$2.25 million per word. That's per word. There are almost 3,500 "shalls" in there, and a "shall" is a mandate that Congress do something. Nobody has read this thing. It's going to cost all this money.

Members of Congress can exempt themselves from being involved in the public option. Every time you go to a town hall meeting, the American people say, Are you guys going to be included? Well, this bill says you don't have to be included if you're a Member of Congress because we're more important than the guy on the street.

You know, this is just a terrible, terrible bill; and the people of this country don't want it passed. I've had five town hall meetings, and the people overwhelmingly are opposed to this thing. They want us to solve the problems of health care. They want us to do it in a responsible way, but they certainly don't want this thing, and this

doesn't even include the manager's amendment. This is a bad bill, and it should be defeated.

□ 1930

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

OCTOBER HAS BEEN THE DEADLIEST MONTH FOR U.S. TROOPS IN AFGHANISTAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I stood up in the House in late July and said the following words, "Five American soldiers have been killed in Afghanistan this week. That brings the death toll in July to 31, making this the deadliest month for our troops since the conflict in Afghanistan began."

Tragically, Mr. Speaker, July didn't hold the record for long. It was quickly replaced by August as the deadliest month. Now, 55 of our troops have died in October, making this the deadliest month yet.

We can't blame the troops for this, of course. They continue to fight with tremendous skill and with bravery. They do everything our Nation asks of them.

So what's to blame? It's our strategy. It's a strategy which has relied almost exclusively on military action for over 8 years while ignoring the critically important political, economic, and cultural aspects of the conflict. Yet President Obama is now being urged to double down on the military-only policy that has failed us and send in another 40,000 troops.

If we go down that road, what can the American people expect? They can expect higher troop levels, higher casualty rates, and many years of war that can end up costing us over a trillion dollars. Even if we do all that, the odds will still be stacked against us. That's not a strategy for success, Mr. Speaker. I think we can do better.

If we want to succeed in Afghanistan, we must change the way we do business there. Instead of fighting extremists after they have gotten a foothold, let's invest our resources on what would prevent violent extremism from taking root in the first place. That includes economic development, jobs, reconstruction, education, health care, civil affairs, and diplomacy. All would help stabilize Afghanistan.

Mr. Speaker, a serious commitment to a civilian surge of experts and aid workers to help the Afghan people develop their economy would make a

huge difference over there. We must also develop a much better set of rigorous metrics to evaluate progress and report the results to the American people. Then we could develop an exit strategy. We could send the message that our involvement in Afghanistan is not open-ended.

It would also help to reassure the Afghan people that we have no intention of occupying their land, because right now too many Afghan citizens see America as an occupying force. That, more than anything else, Mr. Speaker, is fueling anti-Americanism and the insurgency. We must also do everything we can to assure a credible central government in Kabul to help with humanitarian and other efforts to improve the lives of the Afghan people. These are just some of the elements of smart security that we need to use in Afghanistan.

I have offered a comprehensive strategy for smart security in House Resolution 363, because I firmly believe that it would be a blueprint for victory against extremism in Afghanistan and other parts of the world. Mr. Speaker, by shifting from military power only to smart power, we can help Afghanistan to build a stable and functioning State. We can save the lives of our troops, and we can go a long way toward defeating the extremists who threaten America and the world.

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, continuing on from my 1-minute I gave earlier, this bill, the Pelosi bill, the Pelosi health care bill that the Democrats are embracing is almost 2,000 pages long. It's going to cost \$2.25 million for each word, and that does not include the manager's amendment, which we have not yet seen. I imagine it's going to come down probably sometime tomorrow.

As I said before, Members of Congress don't have to enroll in this public option which is in the bill. I hope everybody in America, if they happen to be paying attention—I know I can't talk to them, but if I were talking to them I would say, Hey, ask your Congressman why he is voting for a bill that's going to exempt him and make sure he can join a private health care insurance plan when there is a public option in here that he should be joining just like everybody else has to.

This bill is not going to cost under a trillion dollars as the Speaker has said. If you put the doc fix in there, it's going to cost another \$250 billion. So we are looking at something between 1.2 and 1.3 trillion at a time when we are suffering economically in this country. Unemployment is close to 10

percent. The deficit this year, the deficit this year is already 1.4 trillion, almost three times just what it was last year, and we are going to add this new bill, which is going to cost another 1.2 to 1.3 trillion dollars.

The American people simply don't want it. Let's go into some of the other things that are in the bill, the Pelosi health care bill.

First of all, there is a surtax on small business people. Now, at a time when we have unemployment that's almost 10 percent, this is going to drive additional jobs out of the country offshore or they are going to have to cut back some of these businesses that stay here in America and let people go, which means there will be more unemployment. There is an employer mandate that's still applied to small businesses. Small businesses that have a payroll as low as \$500,000 a year are going to be hit with a tax.

There is a new medical device tax. In Indiana, we have some companies that make medical devices to help people, prosthetic devices, wheelchairs and things like that. There's a new medical tax that's going to be levied on these kinds of devices of 2.5 percent, and that's going to be passed on to people who are suffering from medical problems that need these medical devices. We call that a wheelchair tax that's in this bill.

There's going to be new taxes on health savings accounts. The Pelosi bill eliminates the nontaxable reimbursements of over-the-counter medication from HSAs, HRAs, and FSAs. There is a new payroll tax, and the Pelosi bill creates a new voluntary payroll tax to fund new long-term care programs requiring mandatory spending, also known as a new entitlement.

Abortions are authorized in a break from the Hyde amendment and other longstanding pro-life policies. The bill includes the Capps amendment to authorize government funding of abortions through the public option. It also establishes an accounting gimmick to justify subsidizing private plans that cover abortion.

Next, Members of Congress, as I said, are exempt. They say that they may—not have to—enroll in the public option. At the same time it says “may” in there, there are 3,425 times in the bill it says you must, shall do something, and “shall” means it's a mandatory. There are mandatory things in here to the tune of 3,425 times.

Doctors reimbursement levels are up in the air. They've got those budget gimmicks that I talked about, which removes the doctor fix, the medical doctor fix of 250 billion, which takes this up to between \$1.2 and \$1.3 trillion.

It reduces affordability credits and instead expands Medicaid. The States are going to love that. They are going to shovel a lot of this onto the States who are already suffering, and they are going to have to raise taxes.

The Pelosi bill reduces the size of affordability credits for patients to purchase the insurance in the exchange and, instead, expands eligibility for Medicaid to up to 150 percent of the Federal poverty level, placing more Americans on entitlement programs at a cost to both the Federal and the State governments.

As I said most States are in the red, and they are not going to like this. Ask any Governor; he will tell you.

This also significantly changes the Medicare part D prescription drug program. The Pelosi bill requires the Secretary of HHS to negotiate drug prices for the prescription drug program. There are also several provisions in the bill that will likely increase seniors' premiums as identified by CBO, including the bill that would force seniors, force seniors, to pay at least an additional 20 percent more for their Medicare prescription drug coverage. That's part D.

These things the American people need to know. This is not a good bill. There is a better way, a better way.

HONORING SENTINELS OF FREEDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MCNERNEY) is recognized for 5 minutes.

Mr. MCNERNEY. Mr. Speaker, I rise today in support of H. Res. 461, a resolution honoring the Sentinels of Freedom, which passed this afternoon by a unanimous vote when I was coming here this afternoon on the airplane.

Our Nation's veterans made tremendous sacrifices in defending our great Nation, and they deserve the best treatment upon returning home. Whether it is through education, employment, or health care, no veteran should fall through the cracks.

The Sentinels of Freedom, an organization based in San Ramon and Danville, California, provides opportunities to veterans returning from Iraq and Afghanistan and has demonstrated a commitment to America's heroes that we should all emulate. The Sentinels of Freedom Scholarship Foundation awards 4-year scholarships to severely injured veterans who began their service on or after September 11, 2001.

The program provides veterans with community support and mentoring, help with job placement, financial assistance for rent or mortgages, and continuing educational opportunities. The Sentinels of Freedom has helped dozens of veterans in States across the country, including California, Texas, Colorado, and Wisconsin.

Many military personnel fighting in Operation Iraqi Freedom and Operation Enduring Freedom are returning home with serious injuries that hamper their transition from military to civilian

life. It's critical that we have programs in place that will help these veterans receive a quality education, secure a job, stay in their home, and lead a fulfilling life. I have seen firsthand the exceptional work and dedication of the Sentinels of Freedom and the way this organization helps to improve the lives of veterans. This group is a true leader in the community and deserves our highest respect.

I want to thank my colleagues for helping me to recognize and honor the outstanding work the Sentinels of Freedom have performed on behalf of our Nation's veterans.

WOMEN'S INFLUENCE IN HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, in many households, women are the main link between our family members and the health care that they receive. Women make the majority of health care decisions for their families. As the mother of two young adults and a new grandmother, I know the many responsibilities placed on women with children. From the time children are born to far beyond when they reach adulthood, a mother's care and advice are never far away. If we are fortunate, eventually we will be the grown children of elderly parents.

In my family, my mother suffers from Alzheimer's, among many other age-related problems. I know the responsibility of caring for our elders. My day would not be complete without at least making sure that I, along with my husband, children, and parents, have and take all of our prescriptions and make it to our doctors' appointments on time. It is no wonder that women are the majority of health care workers in the United States. We are well prepared for this task.

□ 1945

Every American deserves access to health care insurance. This is our goal, and it must be the goal of our Congress. The goal must not be a bill that costs \$1 trillion. The goal must not be a bill written behind closed doors. The goal must not be a bill that increases taxes on our families and all of our small businesses. The goal must not be a bill that passes huge debts on to our children and grandchildren.

Women deserve better. Every American deserves better. They deserve health care treatment, and every American deserves both health care treatment and efficiency at an affordable cost. But as America's mothers will tell you, Congress should be utilizing what works in our health care system and fixing what does not. Mothers are masters at finding common-sense and practical solutions.

What we currently see is a health care system burdened by excesses and inefficient bureaucracy. What we see is our children denied coverage because of a preexisting condition. What we see is parents changing jobs, causing our families to lose our doctors. What we see is women and our parents being charged more for insurance premiums because of their gender or because of their age.

What we don't see is how a government takeover of our health care is going to provide for our families' needs. What we don't see is how a bureaucratic takeover of our health care will bring down the cost of health care procedures or health care insurance. What we don't see is how the Pelosi \$1 trillion bill helps us more than it hurts us.

Every American family deserves affordable health care and affordable health insurance. To use a mother's saying, let's not go throwing out the baby with the bath water. Simple, commonsense, cost-effective reform is how we can include all families in our health insurance market. We can and we must accomplish health care reform without ruining the current health care coverage that is enjoyed by the majority of families.

Women across the United States want to protect their family's coverage while ensuring that every other mother out there has the same access that she does. The Pelosi bill is not the answer. We can do better. We must do better.

HEALTH CARE FOR WOMEN IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BLACKBURN. Mr. Speaker, I am so thrilled to be here tonight to talk about health care for women in America. Throughout this evening, you are going to see colleagues of mine join me on the floor as we talk about women's health care, to talk about the alternatives that we as Republicans have; how we would answer these questions that women and families have; how they would make the decisions; and some of the great ideas that we would bring forward.

You know, I think there is something that has become very evident to us over the last few weeks; women make most of the health care decisions in their families. Indeed, we have surveys that show that women are making as many as 85-90 percent of all health care decisions for their families, for their children, for their grandchildren many times, and for elderly parents. The Sandwich Generation is really jumping in and making these decisions. They are watching so closely the alternatives for health reform.

Of course, while we all agree that there is indeed a need for health reform, there is a big divide in this House. We have many to the left that are saying they want a government-centered plan, and then we have many of us who are on the right who are saying we want it to be patient-centered. We want the focus to stay with patients, with families, and let's not have a bureaucrat in the room.

We know that women are indeed watching. They have seen what the Democrats have to offer, and they are unimpressed. They are not impressed with this. They know that it limits and restricts their options.

Women are the drivers in the health care marketplace, and I think American women are going to be the drivers in the decisions that are made as we look at how we reform health care, because indeed it should be patient-centered, with families and individuals having control of those health care decisions. We don't want Washington and a layer of bureaucracy making those decisions.

A couple of weeks ago, I saw a story in Politico, and it said the Democrats needed to do a better job in messaging and trying to get their message out to women. I wrote a response to that, because I felt like, you know, they have gotten that message out. Women did not like what they were seeing.

So I am very appreciative that CATHY MCMORRIS RODGERS, who is vice chair of our caucus, and MICHELE BACHMANN from Minnesota have taken the lead for the Republican women tonight in establishing this Special Order time. We know that we have better bills, and they will put women more in charge of health care decisions and bring down the cost, because just like too much of the family budget gets spent on taxes, too much of it gets spent on health care.

We need something to bring the costs down. Even the CBO says the Democrat bill is going to drive the cost up. It is going to drive the cost of health care up, it is going to drive the cost of health insurance up, and we know also it is going to restrict access. We know that women want to have a say in this, and they don't want a bill that is going to end up hurting them and hurting their alternatives at the end of the day. So making certain that we have a plan that works for women is important.

Now, we know that in Speaker PELOSI's bill the Democrats outline how much the government will pay for certain procedures. A doctor who wants to do business with the government will have to accept that rate, and if you are an insurance company, why would you offer any more money than the going rate established by the government?

Well, we also know from what we have seen, from public option health

care and the test case that took place in my State of Tennessee, that this doesn't always work. What you see is, when you have a public option plan in competition with private insurance, the cost goes up, restriction to access takes place.

With TennCare, the test case for public option health care that took place in our State, we saw the costs quadruple within a few years' period of time. We know that that hurt certain procedures and access to certain procedures, like cardiology, and we are very concerned about the restrictions to cardiology that are in the bill that the Speaker has brought forward.

Mammography, we are very concerned about what would happen to mammography and the ability to have those imaging tests and procedures that are needed and are necessary. The Speaker's bill does we think end up hurting women in a couple of specific areas that I have just pointed out, breast cancer health and cardiology, and we know that there is a better way to do this.

Let me touch on three bills that Republicans have that I think give the ideas that women are looking for. They bring forward great ideas that are patient-centered, that are focused on individuals, focused on reducing costs, increasing access, and making certain that more individuals have the ability to access the health care that they need.

One of those is H.R. 3218. It is by Representative JOHN SHADEGG. It would allow small businesses, churches, alumni associations and other small institutions to pool together, to come together just like you do when you join those associations, come together with that membership and then be able to look forward and say, all right, we are going to offer a health insurance plan. It also would allow for those insurance plans to be implemented across State lines. That is a pretty good idea, and that is a way, by pooling together small businesses and individuals, pooling together, then what you do is to lower that cost.

Now, there is also H.R. 3713, and this is by Representative MIKE ROGERS out of Michigan. He is a member of the Energy and Commerce Committee with us. He has taken an interest in and a leadership role in this issue.

What he has done is to look at the things that the President has said he wanted to accomplish, things that we all agree need to be done: Insurance market reforms, making certain that we have affordable insurance, access to affordable insurance for individuals who have preexisting and chronic conditions; making certain that individuals that are in good standing with an insurance policy are not dropped from that policy if they become ill and want to exercise that policy; making certain that portability is in place.

One of the frustrating things we hear often about, especially from women, is the fact that they may change jobs and then they find they can't take that insurance with them. How many times have you talked with a friend or a neighbor who said, you know, I have had a great job offer, but I can't take it. I have a child who has a chronic condition, or my spouse has a chronic condition, and, because of that, I would have to deal with the preexisting condition issue if I were to change insurance, if I were to change jobs. So addressing those portability issues is tremendously important.

Now, there is another component in this, liability reform. We all hear it. We hear it regularly. We hear from our physicians. We hear from our neighbors. We hear from individuals who say, you know, the practice of defensive medicine, having to make certain, having to make certain that you have a physician who is getting a validating opinion, who sent you to someone else for a second opinion, who sent you to someone else—defensive medicine drives the cost up.

Some of the physicians who are Members of the House have told us that fully they believe that this drives up the cost of medicine repeatedly to the tune of tens of billions of dollars every single year—every single year. So it increases that cost. And it is also a inconvenience to our seniors.

I had a constituent call me the other day and she said, MARSHA, I just want to tell you what has happened to me as we have been going through this situation. She has a chronic condition. They were just beginning to address it. She went to her primary care physician, who ran a test and said, I think you need to see a specialist, and referred her. She went to him. He ran the test again, the same test, the same facility, ordered by a different doctor. He got the results back, and he said, I think you need to go and visit with Dr. So-and-so, so that you can get a second opinion on this.

She goes back. She sees the new physician. He runs the test again. Then she goes back to him. That is three times. And then the insurance wanted her to go for a fourth test. As she said, it was the same test run four different times. And her question was very simple. She said, Why don't they run the test once? Run it once and read it four different times, rather than having me have to get my daughter to take off work, which is a half a day for her to go to the test and then return home.

□ 2000

It's expensive. It is invasive. It is inconvenient. It is something that Congress could address and do something about, and I think that most people agree with that. It is of concern to us that H.R. 3962, the Speaker's bill, is 1,990 pages of bill. It is a big bill. This

bill, this big huge bill—and we're going to have that bill on the floor for you to see tonight—this bill would be, really, a bill that is not fair to our seniors, and it does concern us. It's one of the primary concerns that we do have in this piece of legislation, the unfair practices that it would move forward on our seniors.

As we are going through our Special Order tonight, if you would like to log on to my Web site, blackburn.house.gov and pull down the legislation and follow along through it as we go through it, we certainly would appreciate you doing so. As I said, we feel the legislation is going to be very unfair to seniors. They're talking about making cuts to the tune of \$500 billion in Medicare, basically doing away with Medicare Advantage. Then look what's happening with this, cutting Medicare by 2017. We all know the Medicare trust fund is going to be running out of money. But what we're seeing from the Democrat leadership of this House is a failure to recognize that Medicare is a trust fund. Medicare is not a slush fund. And we want to make certain that we protect our seniors as we work through this bill.

I am so pleased that we have women who are joining us on the floor tonight. At this time, I yield to the gentlelady from West Virginia, SHELLEY MOORE CAPITO, for her comments on health care.

Mrs. CAPITO. Thank you. I would like to thank the gentlewoman from Tennessee. She has been an advocate for health care but also commonsense health care. I think that's what we're facing here today. We're looking at a bill that Speaker PELOSI has put before this body. We've already heard that it's 1,990 pages. I heard it weighs 20 pounds. It just defies logic that anybody can honestly say that they know each and every thing that is in this bill. For those of you who know Washington, who know what can happen, I think that would raise some serious questions—it certainly does in my mind—but in your mind as to what are in the far reaches of this bill.

I would like to talk a little bit about women and health care because being a Member of Congress, a woman Member of Congress, we have certain duties, but we have so many other duties, like women across this country, that when we come into Washington, like many of us did today, we still have a little bit of our hearts or a lot of our hearts at home with our families, with our children, with our husbands, with our parents, with our siblings because we're the nurturers. We're the ones who, as women, oversee the health care in the family. We're the ones who, when the babies are little and they're coughing at night, put our ears to their chests to see if they're having some respiratory issues, and I think we're the ones that, as we become the sandwich generation,

much like I am—I have grown children and elderly parents—that we're the ones that our parents come to to help them get to the appointments, fill their medications, help them with the forms, make sure that things are going in the right direction when they can no longer depend on each other.

I'm quite lucky. My parents are in their eighties, and they're extremely self-sufficient on their own. But someday they're going to need that help that I as a daughter and my sister and my brother will provide for them. In West Virginia, I found—just coming here today, it was astounding to me of the number of folks that just randomly approached me about knowing what is on the docket here, the Speaker's over 1,900-page \$1 trillion health care bill, and people are concerned. I was in Wendy's having lunch today, and I met a woman. She asked me to come over and talk with her. She is 75 years old, quite remarkable, and her mother had died the day before. We have a great history of longevity in our State. She is very concerned about this bill because she feels that not only is the bill being balanced on almost \$500 billion in cuts in Medicare and Medicaid, which will influence her health care, but she is very concerned about government bureaucracy making decisions for her health care. She is very concerned about the government getting in between her decisions and her doctor's decisions. Quite honestly, she was afraid of a rationing of care. Because she is 75 years old, is she going to get the same care she might have if she was 50 or if she was 25? These are the kinds of thoughts that are very real, and they were very real for her, as I talked with her over lunch.

Then as I was going to get on my plane this afternoon, I was buying a bottle of water, and the lady behind the counter said, Well, you're going back to Washington, right?

I said, Right, going back to Washington.

She said, It's health care, right?

I said, Right, it's health care.

And this voice in the back of the room said, Don't mess with my health care. Again, her view was, she's not on Medicare yet, but she had parents that were. She is concerned about their Medicare, but her concern was government-run health care. She sees this bill as it is. It's a government reach into her health care, and she was very concerned.

Then as I was coming back in from the airport, I had a man who asked me, Going to talk about health care, right?

I said, Right.

And he goes, Well, let me tell you, he said, If in any way that health care bill would leave a crack in the door for my taxpayer's dollars to go for funding of abortion, I am going to go on a rampage. He said, I can understand, and I want to give, and I want to help, but this was his line in the sand.

So you can see that everybody has a different perspective, and the 1,900 pages that are in the Speaker's bill are causing great concerns on a whole lot of levels.

I did some research on West Virginia women. Of West Virginia residents, 51 percent are women, and the 442,000 women in West Virginia who receive health care coverage through their employer, which is almost 60 percent of the women, I am concerned about them because they have health care that generally serves their needs. We need to go in and make sure we make adjustments, that we fill the cracks in the lack of access or coverage. But I am concerned and I think it's a real concern that the Speaker's bill is going to come in and force over 60 percent of the women who have coverage for their employers to be put into a government-run insurance program that they don't choose, is not of their own choosing. Then maybe if that's not what happens, then the insurance option that they have is going to be the one that the government panel says meets adequate coverage. Well, what does that mean? What does that mean to the 60 percent of the women covered through their insurance through their employer?

I think we have to look at what this is going to do for small businesses. In our State of West Virginia, only 37 percent of small businesses who have less than 50 employees provide health insurance coverage as compared to over 95 percent of larger firms employing more than 50. We need to fill that gap. As Republicans, we've come together to find ways to fill the gap for small businesses, to make it affordable, make it available, make it accessible. But the bill that is created by Speaker PELOSI and those in the leadership does not do enough. What it does do is puts another tax on small business to provide that insurance.

Lastly, I asked a lot of the women in my district what they really thought about the plan as they understand it, expanded government involvement in health care. Of the women polled, 54 percent said that they would not personally trade their coverage for a public plan; 56 percent disagreed that they would be best served by government-run health care; 75 percent have said they don't want significant changes in their own health care; and 64 percent of the women in West Virginia said that they prefer private insurance over the public option. These are women that are accessing the health care system not just for themselves, not just for their own families. They're accessing it for their parents. Many of them work in the health care system. They see how it's working. They see the changes that could be made, and they really are rejecting it, I think, out of hand. I know my colleagues will expand on this tonight. The women are rejecting

the types of changes where government goes between you and your health care provider.

I believe that is what has happened in this plan, not to mention the over \$1 trillion price tag that's attached to this bill, which both men and women across the country know that this is going to be on the backs of their children and grandchildren, a legacy of debt and deficit that's going to be passed on.

I would like to thank the gentlewoman from Tennessee and all of my colleagues for being here tonight. Those are some of the perspectives that I have. It's so interesting to me that in the brief time today that I was out among folks, how tuned in everybody is to this, how aware. Because health care is so personal. It's such an everyday thing for so many people that everybody has an opinion because they're basically living it. This isn't something they're seeing from afar or they're hoping happens or it's happening to their neighbor. It's happening in everybody's home in America, and people are standing up and saying how they feel about it, where the changes need to be made, and how they feel. Generally speaking, today the Speaker's 1,900-page bill, \$1 trillion bill, got a big goose egg today because I did not run into one person who said, That sounds like the plan for me.

Thank you.

Mrs. BLACKBURN. I thank the gentlewoman from West Virginia, and I thank her for those comments about women in West Virginia and how this bill would affect them.

What we are hearing all across our Nation is, This is not a bill that women want. Indeed, the blog spot, *whymomsrule.com* ran a survey, and it said that only 7 percent of American women think the health care proposals that have been brought by the leadership, the Democrat leadership, are proposals that reflect their concerns. We know that. We are listening. We hear them. And we have ways to solve this issue so it puts patients and families in charge of those decisions, not the Federal Government. It preserves that freedom. Indeed, for small businesses—as we all know, women-owned small businesses are a very active part in our economy, in our financial sectors, and we're very concerned about the impact for employer-based insurance that this bill would have on those women-owned small businesses.

At this time, I want to turn to the gentlelady from Illinois (Mrs. BIGGERT) who has been such an active voice not only in the Education and Labor Committee but in the House as a whole, as she has been a leader on this issue.

Mrs. BIGGERT. I thank the gentlewoman from Tennessee, and thank you for having this tonight.

You know, I was just thinking; I've got four children and eight grandchildren. So I think as a mom and a

grandmother, I've always been very concerned about health care, and I want to make sure that my family has the best that's possible.

When I was raising the children, all we had was Dr. Spock. We didn't have all the technology and all the wonderful drug therapies and the health care that we have now in the United States. I am always concerned about the quality of health care. Sure, we need reform, but we want to make sure that there's that quality of health care that we have now. We've got moms, doctors, nurses, caregivers, taxpayers and women that really play a critical role in the health care debate. Eighty-five percent of women are the primary health care decision-makers in the home, and that's why we take this so seriously.

The U.S. Census Bureau reports that 82 million adult women are moms, and 32 million women have a child living in their homes. So women are overwhelmingly supportive of health care reform, but they want to know that this reform will improve the quality and affordability of their current health care. For many women and their families, higher health care cost means the difference between receiving care and going without. Unfortunately, the Pelosi health care bill empowers government bureaucracies and undermines a woman's ability to make the best health care decisions for her and her family.

□ 2015

I have got a letter that one of my constituents sent. It's from Maryanne, and she writes to me:

"As a registered nurse and mother of a severely disabled child, I beg you to seriously consider the long-and short-term effects of the new health care proposal. I am horrified to think that medical decisions will be determined by our government. I have seen this fail in many countries. I happen to be of the opinion that the precious commodity of life far exceeds the almighty dollar."

You know, one of my daughters lives in London. And when this health bill came up, I said to her, Seriously, tell me what is the health care like in the U.K.? What is it like versus here?

And as a matter of fact, every time my daughter brings my three grandchildren home for a visit, she takes them to see the pediatrician that I took her to see just to make sure that they're in the best of health that they can be and make sure that somebody from the United States is looking after them.

And she said, Well, now, in London it's a different system. It started out where doctors don't have this high debt. They don't have the high cost of the medical school that we have here. It's paid for. So they start in the system and they're in the public system.

And then some of them become private doctors. Now, my daughter has the public health care, but she also has a private doctor. And she said, Well, in emergencies you're well taken care of. But it's the long term, and she gave me the example, let's say you have a rash on your arm, you go and they say we will make an appointment for you, but the appointment is 9 months later. She also said that if you go on and check on the current wait list in London—for example, the current wait list at the time that I checked was 11 months for a knee replacement, 10 months for a hip replacement, 5 months for a slipped disc, and about 8 months for a hernia operation. And these are just a few of these that they wait so long for.

Now, what that leads to also is rationing. And I had an event this morning where one of the doctors stood up and talked about his belief that there would be rationing, particularly with how many doctors are going to want to remain in a situation like this where they really become staff. You know, we think of them as professionals. I always thought, oh, if I could be as smart as the doctors. To me, it was just the profession that was so outstanding.

And so this leads not only to rationing for these procedures, but also we've had a debate about the end of life and how 80 percent of the costs really are then. And I think as women, when I read in the first bill, and that has changed a little bit to be voluntary rather than mandatory counseling there, in my former life I was a probate attorney and I did estate planning, and what was always so important was to counsel families on aging and to make sure that they had the decision of the family, the decision of the elderly in what they wanted to happen.

So there was always this durable power of attorney that we did so that their wishes would be addressed and a cousin or somebody would say, oh, no, we can't do anything. But the durable power of attorney, the living will, and the do-not-resuscitate, if that's the wish of the person who would become ill in the end of life. And it's so important, but it's important to do it before you ever reach that time. And this bill focuses on that they're doing it as you have already aged. So this is something that should not be put into statute. This is something that families should address, and this is their choice and not some bureaucrat making it happen.

Mrs. BLACKBURN. Reclaiming my time, I just want to expound on this point for just one moment because the point you're making is so relevant to this debate.

The bill that is before us now, the 1,990-page bill that Speaker PELOSI has brought forward, and we hear tomorrow there will be a manager's amendment that will be dropped or also added to this; so it's going to be more than 2,000 pages by the time we get to the

end of the week, but in that bill there are the provisions that mandate that end-of-life counseling.

Mrs. BIGGERT. Well, I think that because of the concern and the outrage really of so many of the American people on that and particularly the seniors that were really put off by that, they have changed it to voluntary, and so it's a little bit better. But still that is something that shouldn't be in statute. If a family wants to go to the doctor and ask what are the things that we should do, but then to have the durable power of attorney so that the hospital, let's say somebody is in the hospital, they know what the wishes are of the patient as well as the family knows what the wishes of that patient are. But this should be done long before we get to that situation.

Mrs. BLACKBURN. Reclaiming my time, that's one of those decisions that families make, that husbands and wives make, that parents and children make. It is not one that should be addressed with a "shall" or a "may" in a Federal statute. And we all know that this bill has over 3,400 new mandates in it.

I yield to the gentlewoman.

Mrs. BIGGERT. It is so important and it has really been something that has really hit the fan, and there has been a lot of rhetoric on this. But just take it as this is a decision to be made by the family, the children and the patient; and it should be done early in life.

We have to make plans like that. It's not that something is never going to happen, but let's not mandate it or make it something that a doctor has to do and is paid to do as part of his job. The doctor as a counselor is fine, but the family should come to them and request that, not to say it in statute.

And I'm concerned about the rationing. It makes you think of, well, you're going to float out on an iceberg or something when the end of life comes. And what we want is to have quality of care throughout everybody's life and to make sure that we have the ability to do that. The doctors are the ones that do deal with these issues, but they need to have the map as to what the family wants in that regard.

So I think that women as the caregivers are the ones that have to make those decisions. And it's a tough decision to make, to bring up a subject early on that you really might not want to talk about; but it's something we all need to do, but to do it by our choice and not by a government-run plan telling us to do that.

So with that let me just say a couple of things about women, and there's been a new poll out. In this poll that was released on October 28, in short, women believe that their current health insurance is better for them and their families than what the Pelosi plan has proposed. And while a majority of women view health care reform

as an important issue, only 42 percent are satisfied with the proposal that is brought before Congress and only 38 percent would like to change their own insurance to a public option. In fact, while 48 percent of women want slight changes to health care generally, 75 percent of women want few to no changes to their own health care.

That's kind of interesting. You talked about how I was on the Education and Labor Committee. And while we were marking up the bill, I had an amendment that said if you like the health care plan you have now, you can keep it, and that was voted down by the other side of the aisle unanimously.

Women are also very concerned with costs. You know, women care about affordability, and they are concerned with the costs. And only 5 percent of women believe that Congress should spend over \$1 trillion on health care reform, which is the cost, and 45 percent of women would be less likely to support a candidate that votes in favor of such a costly health care bill.

Women believe that health care reform is moving too fast, that Congress should slow down. Only 9 percent of women want reform legislation in the next few weeks. And we're looking at addressing this this week. Twenty percent would like reform by the end of 2009, and 43 percent believe that Congress should pass a reform bill only when quality legislation is developed even if it means no deadline.

So I think we have got a health care plan that if everybody thought it was a great plan, we would be passing it and we would have passed it in July. But this is now July, August, September, October, and now we are into November, and there still are such concerns by the American people on this.

So I hope that we can slow down and really have a dialogue, a debate on this, and find common ground to find a bill that people would all get behind.

Mrs. BLACKBURN. I thank the gentlewoman.

I appreciate so much that you brought up the fact that they continue to say if you like what you have, you can keep it.

The problem is you can't. Maybe you can keep it today or tomorrow or until the end of the year. But by the time you get to 2013, you're going to have to go through an exchange.

I have got a list here that is 111 new bureaucracies that are created by the Speaker's health care bill, 111 new bureaucracies. There is going to be a health choices commissioner that is going to have over 60 new directives on what kind of health care you can have. And you're going to have the exchange that has to approve the plan that your employer would possibly be able to offer. And if your employer's plan is not good enough, the employer gets an 8 percent tax.

So it's a little bit of a stretch to say if you like what you have, you can keep it when the whole playing field is going to change within just a few years.

And as you said so very well, women make those decisions. Seventy-five percent of the women are very comfortable with what they have, and women want to be able to shop for a plan that is going to best meet the needs of their families.

At this time I yield to Dr. FOXX, the gentlewoman from North Carolina, for her comments.

Ms. FOXX. I thank the gentlewoman from Tennessee for beginning the hour for us.

We stand up here and we talk a lot about what's in this bill, and I know that many Americans wonder are we telling the truth or not. But as you pointed out, there is a provision in that bill that will do away with private health insurance policies beginning in 2013. And if people want to find that, they can find it on page 94, section 202(c). I heard when I came in you were talking about how to read the bill by going to your Web site. I think all of us have Web sites with links to the bill, and I'm assuming most people also have links to these page numbers and section numbers that will back up what we are saying.

I think one of the best things that has come out of the debate that has been going on about this health care, and as our colleague from Illinois said earlier, if this was such a great idea, this bill would have been passed in July, as our colleagues across the aisle wanted. But it isn't a good idea, and it's been very contentious. But we point out to people what's in the bill, and people have been reading the bill.

□ 2030

I think that is a very healthy thing to do, and I hope people will continue to read the bill. I am a bit surprised, actually. The bill was introduced on Thursday, we didn't have session on Friday, and tonight when we had Special Orders and the Democrats had the first hour, I thought they would be here defending this bill and explaining to the American people why this is such a wonderful thing. And yet, they didn't show up. Here we are doing our best to explain to our fellow Americans what is wrong about this bill and why they shouldn't be supporting it. I have found a dearth of Democrats out here defending the bill and saying, Let me tell you on page 94 what is good, or on page 112. It seems to me, if they really liked this bill, they would be doing that. I know over time we have done that kind of thing.

I want to say to my colleague from Tennessee how important I think it is to point out that there are going to be 111 new bureaucracies established by this bill. I am a small government con-

servative, and I have had the same experiences that my colleague from West Virginia has had. Everywhere I went this weekend, people said to me, Vote "no" on that health care bill. Do everything you can to stop that health care bill.

I am not finding people who are saying to me vote for this. My mail is running about 9½ against it to 1. I think the reason is the American people, the average American, understands that increased government intrusion in our lives takes away our freedom. This country is the freest country in the world. We are the greatest country in the world because of that. But when you expand the Federal Government's power over our lives, that undermines our freedom. And NANCY PELOSI's Big Government health care bill is the single largest expansion of government that we have seen in over a generation. It is, I think, a threat to our freedoms. I believe the average American understands that.

When I talk to school groups, I say to them the major difference between Democrats and Republicans is we believe that individuals can solve most of their problems. Yes, we need government. We need a police force. We need an Army. There are many things that we need. But very few things at the Federal level do we need. Republicans have figured this out. We have made proposals. We have not talked much about those tonight. I think we need to at least say that we have made these proposals that fit with what the American people want.

They want to be able to buy insurance across State lines. They want to take a tax deduction for paying insurance premiums like their employer does. They want to be able to get into pools like my small business can join with other small businesses. We want to let the States come up with innovations. We have lots and lots of ideas like that that won't cost \$1.4 trillion but will solve this problem for the approximately 10 million Americans who want health insurance but can't afford it.

We are turning our whole country upside down to take care of 10 million Americans who want insurance but can't afford it. We want to do that. What it is going to do, if the American people have any hesitation about what we are talking about in terms of where we are going with health care, we need to point out that it will allow the IRS to be monitoring small businesses and, ultimately, us as individuals. I don't know anybody in this country that wants to be dealing with the IRS. We know what a friendly group they are. And we know what is going to happen to those bureaucracies that take over our health care decisions. That's just the wrong way to go.

We can beat this thing. We need the American people to be calling their

Members of Congress who are on the other side who are either undecided or have said that they are going to vote for it and say that this is not what we want. We don't want a further erosion of our freedoms. We want to remain the greatest country in the world.

Mrs. BLACKBURN. I thank the gentlelady for yielding back, and I appreciate that she mentioned how States need to be able to innovate, how they handle the Medicaid payments that are there. This is so very important because they are the ones that are delivering these services. This bill would increase the eligibility for Medicaid to 150 percent of the Federal poverty level. Now, what this does is to shift that burden over to our States. It takes that burden from the Federal Government and places it squarely in the lap of our States.

Now, most of our States have balanced budget amendments. Here we are handing them, and in my State of Tennessee, we know we have heard from our Governor's office that the expectation is this is going to cost us an extra \$735 million per year. Every State around the country is looking to see what it would cost them. They know that by shifting that Medicaid burden, expanding that eligibility to 150 percent and then shifting that burden to the States, well, it may help them with budgeting, those that are trying to pass this bill and are looking for budget gimmicks and trying to say it is going to cost less than \$1 trillion. Well, that gimmickry might help them, but for the taxpayer who already has too much month left at the end of his money, what you are saying is get ready, your sales tax is going up. Your State property tax is going up. You are going to see State income taxes going up, and that is all because the Federal Government said, States get ready, it is coming to land in your lap.

I recognize the gentlewoman from Oklahoma (Ms. FALLIN) about how this will affect the States.

Ms. FALLIN. I thank the gentlelady from Tennessee.

You are exactly right. I have heard from a lot of my State senators, representatives, and agencies in Oklahoma that if we pass a massive new Federal Government bureaucrat health care bill that has unfunded mandates, which this bill does, that those costs will be passed on down to the States, and there is only one way that you pay for those extra services and costs, and that would have to be through tax increases or cutting spending.

A lot of States are experiencing budget shortfalls. In my State of Oklahoma, we have cut back services in our State. So, if we have more unfunded mandates upon our State government, whether it is through the expansion of Medicaid or whether it is through the \$500 billion that is being proposed to cut seniors' and Medicare services or

the taxes on medical devices or some of the services that will be eliminated, those costs get passed on down, and, ultimately, it will be the States that will be picking up those costs.

I appreciate what Congresswoman Foxx said about taking away the freedom of choice and liberties and our Nation. Many people I have talked to are concerned about where is our Nation going. We seem to be looking more like a European nation where we have huge democracies and so much debt being piled on our children and grandchildren. Frankly, people are worried about the future and about our security, our economic security and national security, especially at a time when we are experiencing a recession and people are concerned about keeping their jobs, supporting their families, and making house payments. They are very concerned.

I know some of the people I have been talking to, a lot of small business owners are very concerned about the proposed taxes that will be put onto the small businesses. We have actually had some congressional hearings with small business owners, and they have talked about how tough it is to get access to capital, to get loans, and how they have had to cut back employees and how revenues have dropped off. They tell us in congressional hearings if we pass another tax, as is being proposed, and it would affect small businesses, they will have to lay people off. And then if we have some type of government mandate to provide health insurance because that small business owner can't afford to provide that insurance to their small business employees, then they say they might just have to lay off people to provide for that insurance. Or if they had to pay that new tax, they will have to cut off some products or future plans to expand their businesses or drop the coverage they have and move toward the government plan, because they will pay the 8 percent tax. Getting back to your point as to eliminating some of our options in the private sector, if people start dropping the private sector insurance plans because they are seeing a shift to the government plans, then we will have less options.

As I have visited people in Oklahoma, they have asked me several questions. They want to know is this health care reform bill that Speaker PELOSI and HARRY REID in the Senate are proposing, is it going to lower costs. I can't say that it is going to lower cost. We are talking about almost a trillion dollars, debt and deficit. They were asking if their children will have more costs, more debt, more deficit piled on them, and I have to say I think the answer is yes.

They are asking will this health care reform proposal offer them more choices or will it take away some of their say and being able to choose what

kind of health insurance they want for their family. My analysis is that it is going to take away choices for those families.

They are asking if it will make health insurance more affordable. Well, a lot of the estimates we are seeing, when you pile on over \$800 billion in new taxes, when you have mandates, when you have unfunded mandates, when you are rationing some of the care, it is not going to make health care more affordable.

And then they are asking if the Federal Government is going to be more involved in decisionmaking for their health care choices. And according to this bill, it looks like there will be a Federal bureaucrat basically between the patient and the doctor.

They want to know if this bill will lead to rationing of care. We have seen what has happened when other nations have implemented some type of government-run health care. It does lead to rationing of care. There are people who have died waiting to receive treatment. In Canada and Europe, it is well documented.

So all of those questions that are being asked of me by my constituents, I can't prove to them that it will lower cost, that it will not increase the deficit, and that it will give us more choices. It appears to me that this is going exactly the opposite.

I think what we have to tell the American people, there are lots of other health care pieces of legislation that we have been working on that would provide choice, that would lower costs, that would work on issues like portability, where you could keep your health insurance if you changed jobs, that would eliminate preexisting conditions so you don't lose coverage, which would have medical malpractice reform which is estimated to save health insurance costs, which would allow us to be able to pool together and lower our costs for small businesses. There is some great language that would allow work on preventive care and more education, those types of things.

There are just all kinds of problems in this legislation that I think the American people are very concerned about, especially since we have been debating behind closed doors on this.

Mrs. BLACKBURN. I thank the gentlelady, and the gentlelady is exactly right. Much of this has been done behind closed doors by our colleagues across the aisle, and many of the great ideas that have been brought forward that do stay focused on the patient have been brought forward by the Republicans in the House, whether it is the Republican Study Committee bill, MIKE ROGERS' bill, JOHN SHADEGG's bill, PAUL RYAN's bill, any of the number of amendments, over a hundred amendments that we on Energy and Commerce had when we were marking

up the bill. So there are lots of good ideas on our side of the aisle.

At this time I want to recognize the gentlewoman from Minnesota (Mrs. BACHMANN) who has been so instrumental in helping to lead the debate on health care here in the House. I yield to her for her comments on the issue.

Mrs. BACHMANN. I thank the gentlewoman from Tennessee (Mrs. BLACKBURN). She has done an outstanding job leading this Special Order tonight, and I thank you for what you are doing.

We have so many women in our conference that wanted to be here tonight, and they can't all be here. The women in our conference understand one thing, and it is that women in the United States overwhelmingly make the health care decisions not only for their families, not only for their children, not only for their parents, but quite often women run a lot of the H.R., the human resources offices as well in business after business.

I think one thing that people in business are understanding is they are going to have fewer choices before them rather than more.

What we have seen from the bill that the Speaker of the House released last Thursday, on page 92, I believe, is that by the year 2013, no one will be able to purchase private insurance anymore. That's it. Now let that thought penetrate for a moment, Mr. Speaker.

□ 2045

If we have to be frozen in time and we can purchase no new private insurance after 2013, what will happen? What will happen to our choices? What will happen to the plans that we really have?

Well, it's interesting; a lot of people haven't been waiting around, they've been doing studies. One group called The Levin Group showed that by looking at the health care that we have in front of us, in all likelihood about 114 million Americans will be thrown off the current health insurance plan they have and onto the government system, which means about 114 million Americans won't have the health care that the President said we would all be entitled to keep. And we remember what the President said, he said, If you like your current health care plan, no problem, you can keep it.

The only problem is, that's just not so. If you take 114 million Americans, throw them off the health care they already like, well, then they're stuck being in the government's plan. That means fewer choices. And that means the women of America don't get to make the choices anymore, it's government.

I think the thing that all American women really get out of this is that there is going to be an enormous hassle factor. There is a big hassle cost that's in all of this. That's what we women deal with, we deal with hassles—has-

sles with our jobs, hassles with the kids, hassles with trying to make the books balance, and now the biggest hassle of all, life and death decisions because if government literally controls the health care decisions from cradle to grave—because it would be every single American—that means the hassle cost goes way up. That's kind of the last thing we women need right now.

Women are tired, we're burdened, we have so many things on our plate. And I think especially women who are senior citizens, because they're watching this debate, and they get that \$500 billion is going to be cut out of Medicare. That's what we know—cut out, gone. So what that means is scarcity, and that means less. So we are all going to be paying a lot more, but we are all going to be getting a lot less. The simple fact is we can do so much better.

The Republican women here know that there are many positive solutions that we can do. We can really do a lot better. I will be real brief, and I will end with one positive solution we could take.

I am a former tax lawyer. Rather than government owning your health care and making all the decisions, or rather than your employer making the health care decisions for you, we change the tax code so that you, every American, gets to make your own health care decision. You own it, you make the decision, it's a wonderful thing. So you own it, you make the health care decision, and you get to take your own money, tax free, purchase the health care plan of your choice—you're not limited to what government says you buy, you buy any plan anywhere. Anything that we don't cover out of your own tax-free money you get to fully deduct on your income tax return. Have true lawsuit reform that costs billions of dollars. In fact, that covers 95 percent of Americans. For the 5 percent who truly, through no fault of their own, can't afford health insurance, we can take care of them and we will take care of them, but we won't break the bank to do it.

We have great solutions. Let's try that rather than burdening the American people, and especially women who don't need those burdens. And I yield back to the very kind gentlelady who's doing an outstanding job tonight, Mrs. BLACKBURN of Tennessee.

Mrs. BLACKBURN. I thank the gentlelady from Minnesota for her good work on this issue and for being here with us tonight as we have brought forward the alternatives that are there, the good, solid, positive, free-market-oriented alternatives that are there from our conference and from the women in our conference. I thank everyone for joining us, and I yield back the balance of my time.

HEALTH CARE REFORM

The SPEAKER pro tempore (Mrs. HALVORSON). Under the Speaker's announced policy of January 6, 2009, the gentleman from Tennessee (Mr. ROE) is recognized for 60 minutes.

Mr. ROE of Tennessee. Madam Speaker, we are here tonight to continue the discussion of health care.

Before I get started, and I am going to tell you a little about myself and why I'm here to discuss this.

I grew up in the rural south in a small, rural community. My father was a factory worker. I went to college, I went to medical school in Memphis, Tennessee, at the University of Tennessee—the real UT, I might add, for my Texas friends—and I spent 2 years in the military. I trained in an inner-city hospital, an urban hospital. I spent time in an infantry division in a medical battalion in Korea near the DMZ. I served in a military hospital, in a VA hospital. I practiced in Johnson City, Tennessee, an area in Appalachia in northeast Tennessee, and taught medical school with residents and interns. I really have had a varied experience, 31 years in private practice. My specialty was obstetrics and gynecology, where I delivered almost 5,000 babies. So I bring a rather unique experience to the House floor, and I am very privileged to be part of this debate.

I think before, as a physician, what I would try to do in any case that I saw was try to identify the problem. In America, we are trying to identify a problem with health care. And certainly, I think we have heard it on both sides of the aisle that we do need health care reform. I think the main reasons for that are two: One is costs—health care costs are escalating beyond the average person's ability to pay for the care—and access to adequate care for all of our citizens.

In this country, about 170 million of our citizens are covered by their job. Their health insurance is provided by their job. And this started where your employer provided health insurance after World War II as an incentive to get workers to come work for a particular company. And it has, of course, grown since that time, and I think it has been a good thing for most people. We have been able to provide a level of care in this country that has been unequalled anywhere in the world.

What I have been able to see since 1970, when I graduated from medical school, were advances that I didn't even dream of. The one advance that we haven't seen come to fruition that I thought would be the cure for cancer. We haven't done that, but we have made tremendous strides in cancer and heart disease, diabetes, and so on.

So we have a cost issue, and we have an access issue. We have approximately 47 million of our citizens in this country that are not covered currently by

health insurance. Who are they? Well, the Census Bureau believes that approximately 10 million of these folks are illegally in the country. We also believe that probably 9 million or so have incomes above \$75,000 a year and choose not to buy health insurance—their own choice. About 8 million people make between \$50,000 and \$75,000, and they may be families where this does stretch them, where they're a small business, and health insurance premiums—again, the cost factor has gotten so expensive that these folks can't afford it. So we really are looking at about 20 million people in this country who are working poor who don't have access to care.

How are we providing the care in this country now? Well, we're using private health insurance. Many people use their own employer, a small business, their health savings account. There are variations that people use to buy their health insurance.

We have the government now which provides about 46 cents of every dollar spent on health care with Medicare and Medicaid and the VA. So we have government taxpayers approaching 50 percent of the care, and then we have the rest, the 15 percent, who don't have coverage at this time.

So how do we go about keeping the cost down, quality high, and the access? We are joined here this evening—and I am going to stop, having framed the debate—with my good friend from Louisiana, Dr. JOHN FLEMING. And JOHN, I am going to turn this over to you to sort of continue this thought that I put forward.

Mr. FLEMING. I thank the gentleman, my colleague and good friend, Dr. ROE from the great State of Tennessee. I have visited there many times, the Smoky Mountains. Also, speaking of smoky, everything there is smoked, and it smells so delicious you want to eat bark off trees when you go through Tennessee. So it's a lovely State, and I always enjoy visiting it.

Like you, I grew up in a very middle class, working middle class environment. I had to work my way through college. My mother became disabled when I was five, and then my father died just as I graduated from high school. I suddenly had the burden of helping out with the family, but also working my way through college and then ultimately medical school, which, with the help of the U.S. Navy, I was able to do that. I served 6 honorable years—some of the best years of my life, and my wife—in the Navy practicing medicine in such duty stations as Guam; Charleston, South Carolina; Oceanside, California; Camp Pendleton Marine Base.

It was, indeed, an honor to serve my country in that capacity as a physician. And then of course I've been in private practice since 1982, family medicine. I still see patients, I still provide

care. I'm still dealing even day-to-day with some of the issues that all of us as physicians deal with.

Like you, in your many years of practice, I have carried a burden about what a wonderful contrast we have here. We have tremendous quality of care and delivery of care and the best of care and the best of technology, but yet some people do have access problems. There is no question about it; that needs to be solved.

I ran on a reform campaign, health care reform. I wanted reform, I came here to reform, but you know what I found when I got here is really anything but reform. What I'm seeing is a Congress that has taken a sudden left turn towards socialism to dismantle what is the best health care system in the world and remake it into the same image as Cuba, North Korea, Soviet Union, the U.K., Canada. Even some of the States like your own, Tennessee, who have experimented with socialized medicine and government takeover of medicine, have failed. I have actually asked, I have been to venues and asked, please, show me one example where government-run health care has ever been successful, and I have yet to find one single example of that.

So, like you, I am very interested in health care reform that is true reform, that is common sense, that makes the cost go down—bend the cost curve down, that's the common theme today. And there are so many ways that I'm sure we will get into as we go forward that we can do that. And I thank the gentleman for recognizing me.

Mr. ROE of Tennessee. We have also been joined this evening by our colleague from Wyoming, CYNTHIA LUMMIS. We appreciate you being here, and I would like to now yield time to you.

Mrs. LUMMIS. Well, I thank the gentleman from Tennessee, who has tremendous experience with government-run health care in the State of Tennessee. And after he saw the 1,990-page bill that we received last week and saw how much government intervention is involved through that bill, how many unfunded mandates are being passed onto the States, how many government bureaucracies are created, how many times the word "shall" appears in that bill, this is truly transformational.

Some of the Members of our caucus have said that this is the most significant debate that they have ever been involved in. So for those of us who are freshmen and did come here to reduce the size of State government, or to reduce spending, or to, as the gentleman from Louisiana said, reform health care, we are seeing things that we hoped would not be a consequence, and that being more government intervention, more spending, more involvement in our lives.

And so we are here to protect people from more government intervention and to protect the relationships that

you have with your doctor, with your local community hospital, with your health care provider so you all can make decisions regarding your own lives and your own quality of treatment and the efforts that you will make to enjoy the type of health care and quality of life that you hope to have in your communities. And that is reflected in this recent survey of women. Sixty-four percent of American women would rather have private health insurance than a government-run health insurance plan. Sixty-six percent describe their health insurance as excellent or good. Seventy-four percent describe their health care as excellent or good. Seventy-five percent want few to no changes made in their own health care.

We all know that there needs to be some reform. The cost is too high, and in some areas access is limited. And certainly with regard to Medicare, in rural areas hospitals and doctors are not reimbursed for the full cost of providing the services they provide. In my home State of Wyoming, in fact, the hospital in Casper, Wyoming, has said they are only reimbursed for about one-third of the actual cost of providing care to a Medicare patient.

□ 2100

Now, some doctors who are reimbursed at these very low levels have decided not to take Medicare patients anymore. So, when things like that happen, we really are denying access to care by having a government-run program.

Not only that—and this is one of my greatest concerns—it's what we are giving up by taking on a government-run program. Let's compare ourselves to countries that have government-run programs. Let's look specifically at cancer.

For men in the U.S., survival rates exceed 60 percent and also for women. In fact, two-thirds of women will survive. Spain, Italy, and the United Kingdom are all significantly below the United States in terms of survival rates. One of the reasons for that is, when diagnosis occurs in the United States, treatment follows much more quickly than in some of these countries. So, if you are rationing care, that is a consequence. You don't have the same survival rates that we do in the United States.

Take, for example, my own sister-in-law. She was diagnosed with a very aggressive form of breast cancer on her annual mammogram. She had no symptoms. She had none of the usual markers or factors which would indicate she had a risk of an aggressive breast cancer. Yet she was diagnosed based on her annual mammogram. She was in surgery in the same month that she was diagnosed, and she then began a regimen of both radiation and chemotherapy. Shortly thereafter, it saved her life.

So she falls into that category of two-thirds of American women who are surviving cancer. In fact, with breast cancer, it's a very significant number—the difference between survivability in the United States versus survivability in European countries—and that's because health care is rationed. This is a quote by the chief justice on the Canadian Supreme Court: access to a waiting list is not access to health care.

In this bill, we have to have assurance that we're not going to be on a waiting list. Quite frankly, we don't have that at all. In fact, based on what I've read in this 1,990-page bill and based on what I've been told by my colleague, the gentleman from Tennessee who is leading this discussion tonight, in fact, we will have rationing. The cost will be tremendous, and the taxes that will be imposed on so many of us as a result will be exorbitant.

So it sounds to me like health care reform, in the style of the bill that was introduced last week, includes higher taxes, penalties, less choice, more government, more costs to States, more costs to individuals, more costs to small business, and no guarantee of an improvement in access, in quality or in the ability to craft a plan of treatment between you and your physician or to seek a second or third opinion in the event you feel it's necessary for you, for your family, for your parents or for your children.

This is not health care reform as was envisioned by my colleagues who are here tonight, the gentleman from Louisiana and the gentleman from Tennessee.

Thank you kindly for allowing me to join you.

I yield back.

Mr. ROE of Tennessee. Thank you, the gentlewoman from Wyoming. Excellent comments.

Health care decisions should always be made between patients, their families and their physicians, not the insurance companies and not the Federal Government. I believe that, and I have used that in my practice for many years. It's one of the reasons I was a very successful practitioner. I knew who I worked for—my patients—and I looked after their benefit.

Now, one of the things I want you to think about in this bill—and this is the bill here. It's H.R. 3962. They've changed the number because H.R. 3200 has become so tainted now. It's two parts. As the gentlewoman pointed out, it's 1,990-pages long. I've only been through the first 1,000 or so pages, and it's going to take me a few more wakeful nights to go through it, but I will. In the Senate's Baucus plan, for instance, it's an alleged 1,500-page bill. It gets you to 91 percent coverage.

You can do two things on one page and get to 91 percent coverage, which is to allow young people who have graduated from high school or from college

and who are not yet covered by insurance plans at their work or who can't afford it to stay on their parents' plans until they're 26 years old. You can cover 7 million young people by doing that.

Number two, you can sign up the people who are currently eligible for government programs, which would be SCHIP and Medicaid, and you would then be at 91 percent without all the other bureaucratic morass that this bill goes through.

I want to make this point tonight: this bill right here is almost incomprehensible when you read it, because, when you do read it, you have to refer to the IRS code, to HHS, to Medicare, and so on. It's just almost incomprehensible. So I'm going to go over about four or five things which, I think, could be done very simply—and I want the gentleman from Louisiana to step in—which will allow those health care decisions to be made by families.

Number one, one of the big arguments we hear today, or issues which we deal with, is preexisting conditions, and they're real. I've dealt with patients who've had breast cancer who then, as individuals, could not be insured. Well, in the group market, in large groups, that's not a problem because you just accept those increased risks and spread those risks among large groups of people.

When I was mayor of the city of Johnson City, we had 1,500 people, plus their families, with plans—teachers and employees of the city—and we were able to spread risk and to buy reinsurance for high-risk patients, but an individual has a real problem. I, as an individual, going in with a problem am not insurable.

Well, how do you do that, how do you make that same group market available for an individual that you have for large businesses?

Well, you eliminate State lines. You take the State lines out, and you allow association health plans to be formed, and then the individual market becomes a very large group market. Costs go down, and the preexisting condition problem goes away.

Number two, I think that a person shouldn't be bankrupted if a person gets ill. I think, if you become ill through no fault of your own, you shouldn't go into bankruptcy. I think that's a fairly simple thing.

What are you going to do for low-income people who can't afford these things? Well, you can have subsidies or tax credits so that people in this income bracket can also join health plans and can share their risks.

I've never understood why the government treats our patients on Medicaid differently than they do from Medicare patients. They're not treated as well, I don't think, because of the payment differences, but they shouldn't be. They should be allowed to

take those dollars as a credit that are spent on Medicaid, and they should be allowed to go into an association health plan and also spread those risks. So those are a few little things.

Lastly—and I think it's barely mentioned in this 2,000-page bill—we talked at the beginning of this hour about costs and about how we control costs. You will never ever control the costs of health care unless you begin to do something with tort reform, or with malpractice reform, because, as a physician, if I don't order a test—if I have a patient come to the emergency room and if I don't get a CT scan and if something by chance happens to that patient, then I'm going to be liable for that problem. If I order the test and if there is nothing wrong, there is no penalty to me. So we have to change that. Let me just explain a couple of things that helped me understand this.

We have a terrible tort system in this country. The reason it's terrible is we have no way to compensate injured people. When someone does have an injury due to malpractice, we have no way to compensate him.

In 1975 in the State of Tennessee, we started a malpractice company called the State Volunteer Mutual Insurance Company. Since the inception of that company, over half the premium dollars have gone to attorneys. Now, these are defense attorneys and plaintiff attorneys, but less than 40 cents on the dollar have actually gone to injured people. All the thousands and hundreds of thousands of dollars I have paid in over these years have not gone to compensate injured people. So that's something which, I think, is not in this bill. Until you address that, you're never going to address the ever-escalating costs.

What do you think about it, JOHN?

Mr. FLEMING. Well, I quite agree, with you, Dr. ROE.

I would like at this moment—and I think it would be a fitting time for this—to quote an excerpt from *The Wall Street Journal*, today's edition, where there's an editorial, probably the best editorial I've ever read.

For those of you who are watching tonight, I would strongly recommend that you read a copy of, again, today's *Wall Street Journal* editorial. I'm going to read just an excerpt. Here is what it says. Again, these are financial experts who are writing this. This is probably the widest read newspaper in the country, period, even more than *USA Today*, and they're certainly the most intelligent and best-trained financial people.

It says: Speaker PELOSI has reportedly told fellow Democrats that she is prepared to lose seats in 2010 if that's what it takes to pass it.

This is obviously suggesting that there are a lot of people out there who don't like this, and she's bound and determined to have this as her legacy.

ObamaCare, as it says—I call it PelosiCare—and little wonder. The health bill she unwrapped last Thursday, which President Obama hailed as a critical milestone, may well be the worst piece of post-New Deal legislation ever introduced. In a rational political world, this 1,990-page runaway train would have been derailed months ago.

That's quite true. Not one single Republican at any point has supported this bill, and many Democrats have not supported it.

With spending and debt already at record peacetime levels, the bill creates a new and probably unrepeatable middle class entitlement that is designed to expand over time.

Again, I emphasize "unrepeatable." Once this thing gets into law, like so many things, there is no way we can get rid of it. It will be with us forever.

Taxes will need to rise precipitously. Even as ObamaCare so dramatically expands the government control of health care, eventually all medicine will be rationed via politics.

So I think that's very critical. First of all, it's one party—and one party only—that wants to force this. Really, it's even less than that. Just the leadership of one party wants to force this takeover of one-sixth of the American economy forever and wants to put it under government control forever, controlling your life from day to day. For what gain? Dr. ROE just pointed out that we could easily cover the same number of additional people with much less cost and with much less effort.

What it does is it leads to rationing. It leads to long lines. I think, certainly, what has been said about justice is true about health care: health care delayed is health care denied.

Mr. ROE of Tennessee. Will the gentleman yield for a moment?

Mr. FLEMING. Yes, I would be happy to.

Mr. ROE of Tennessee. I just want to give a brief example.

I was home this past week, and I spoke to one of my partners, Dr. Lewis. Dr. Lewis had a patient who had a fertility problem, which he helped her with. She was able to become pregnant, but miscarried. She lost her baby. Her husband worked for the State Department and was sent to England. Apparently, when the American employees are sent to England, they get private insurance. Well, she wanted to move on with her fertility evaluation, so she first had to go through the public system before she could access the private system in England. She went there and she didn't see the doctor. She saw a nurse.

The nurse said, Well, you need to see the doctor for your fertility problem. That will be a year.

She was going to have to wait a year to see the fertility doctor. Well, she had a visit planned back home in a few

weeks; and while she was home, she called her doctor, Dr. Lewis, who got her into the office in 1 week. He got her back on her treatment, and she is now back in England. Hopefully, it will be successful.

Those are the kinds of delays that you're going to see. This is just one example. I could spend the rest of the night giving these examples.

Dr. Fleming, I want to get into the cost because that's something that isn't talked about in this CBO report. Now, the CBO report we got said this is going to be deficit-neutral. Well, I want to go back through history a little bit. Let's look at the history of Medicare, of Medicaid, of the TennCare, and of the Massachusetts plan. I'll just briefly and quickly go through them.

In 1965, when Medicare was passed, it was passed as a plan that was going to be about a \$3 billion to \$4 billion plan. The CBO estimate was that, in 25 years, by 1990, this would be a \$15 billion plan. Fast forward to 1990. This was a \$90 billion plan. They missed it just a tad there. Today, it's over a \$400 billion plan. It's about \$428 billion.

The Medicaid program has gone up 37 times since its inception.

The Massachusetts plan had a noble goal, which was to try to cover as many of its citizens as possible. That's absolutely what we should try to do in an affordable way. In Massachusetts now, they're at around 97 percent coverage.

□ 2115

Government spending on health care is up 70 percent since 2006. Between then and 2009, that's just 36 short months. In TennCare—and we will go into that a little bit more. The reason it's important to go into TennCare and what's happening in Massachusetts is because that's basically what the basis of a lot of this plan is that we are debating tonight.

TennCare, which started in 1993 with a \$2.6 billion Medicaid plan, by 2004, just 10 years later, 11 years later, it was at 7.5 billion and would go to 8.5 billion in 11 years, which almost bankrupted our State. Today our State is in such dire financial—and this is with the stimulus money that came in—that we can no longer add any further children to the State Children's Health Insurance Plan.

I got a letter from Governor Phil Bredesen, who is a Democrat, who is a health care expert, I might add, and has done a very fine job in Tennessee managing this along with the Republican legislature. They have worked together to try to control these costs. What the Governor said is that in the next 5 years this will add \$735 million, which we do not have. If certain other stipulations are placed on this plan, it could be in the billions of dollars. We have seen every single government

plan that's out there that didn't meet these cost expectations, and this one won't either.

For our seniors, I know they get it, but I want you to listen, and you can do the math. This plan, according to CBO, is going to be financed by taking \$400 to \$500 billion out of an underfunded Medicare plan that's going broke by 2017. That's the last number that I saw. That it would be upside down, more money going out than coming in.

We are going to take \$400 to \$500 billion out of that plan. We are then going to add between 3 and 3.5 million seniors, our baby boomers that are hitting Medicare age, beginning in 2011. That will be between 30 and 35 million new recipients in the next 10 years.

Then in 2 years, in 2011, we are going to cut provider pay by as much as 25 percent. We are going to now add 30 to 35 million more people. We are going to cut \$400 to \$500 billion and cut our providers. Let me tell what you that adds up to. They get it. I was home this weekend and spoke to many. Our seniors are genuinely worried.

They know, number one, when you do that, you are going to cut access, because when you cut that much money out, you are going to have a very difficult time getting to your doctor. If you can't get to your provider, you are going to cut quality. Number three, to get there, you are finally going to increase your own costs because you are going to have to pay more for the care you are getting; without a doubt, you are.

We have seen it in our State, as I said. We will go into it in more detail, but, Dr. FLEMING, I would like to hear your comments about financing this.

Mr. FLEMING. One thing that I think can be said about this bill that's pretty obvious, and that is by virtue of a lot that you have said tonight, Dr. ROE, is that everyone will see costs go up. There is individual mandates, so even individuals who don't sign up for insurance will pay 2.5 percent taxes, which they don't have to pay. That's middle class, even lower socioeconomic class taxation.

There will be taxation on health savings accounts that does not exist today. Taxpayers will see their taxes increase. An employer will see their net tax go from 35 percent marginal rate today to 39 when the Bush tax cuts expire. Then another 5 percent above that, they will get to marginal rates of 45 percent, which most of those higher-income individuals in that range are small business owners, which means that they will have to reduce other benefits or reduce pay or reduce number of employees. That's all there flat is to it. There are only so many places you can cut.

Mr. ROE of Tennessee. Have you had any of your constituent businesspeople come to you and say, if this plan passes

as they understand it, they are out? Their business is closed? I have.

Mr. FLEMING. I have. I have had a number of them say that. They have done the math. They cannot figure out where they are going to get the extra 5, 10, 15 percent. I mean, most businesses today operate on a margin of around 5 percent of gross income. Well, when you add overhead of another 15 percent, that means you are upside down by 10 percent. The bottom line is that everybody, not just the high-income people, everybody is going to be paying more in either taxes or premiums or both. Everybody is going to be getting less access to care. Yes, less access to care.

Again, just quickly going back to Canada, remember in Canada, care is free for everybody. It's universal, 100 percent. Well, only one out of six people have a family doctor in Canada. They actually have a lottery system. Yes, it's 100 percent universal. Unfortunately, you can't get in the system. They close hospitals down.

Even Cuba claims to have universal health care and medicine is free. The only problem is they've got no medicine. So what good is free when it isn't available? That is the direction that we are taking here if we go off this way.

Just to kind of summarize my comments on this, that is that every health care model in the world looks at two possibilities, two options to save money. One is to bring it down to the unit between the doctor and the patient and give them both a stake in what the total cost is, not necessarily pay completely out of pocket but at least pay a portion of it, and that's where health savings accounts make savvy consumers out of patients. Either that, in which they have a stake in controlling costs, or you have a giant bureaucracy such as in Canada and the UK, in which case you have to have long lines and rationing. It's one way or the other.

America, you are going to have to decide what you want. Today, we don't have the ideal thing. We need to improve the system we have. But if we go with the public option, which will lead to single payer, then we are going to go down the road of rationing and long lines. There is no doubt about that. And even Members of the other side of the aisle said that's where they want to be.

Mr. ROE of Tennessee. I think one of the things I want to talk about now—and we have been joined here by Dr. BURGESS, our good friend from Texas—I think, where is the money coming from to pay for this? I think at the end of the day, when a patient comes to me in my office and sees me, am I going to be able to deliver better care when we pass this in the House, if the House does pass this 2,000-page bill? The answer is no. Will access go down? I believe it will. Will costs go up? I believe they will.

You mentioned about the individual mandate. So people understand what that is, you are a person working out there as a painter or you work in a small business or whatever and you don't have health insurance. You choose not to buy it if it's offered at your group, or you just choose not to. You will pay 2.5 percent of your total income into this exchange as a penalty.

Well, what's happened in Massachusetts? Let me sort of go over that for just a moment. They have a mandate. That experiment is being tried right now in the State of Massachusetts.

The Harvard Pilgrim Health Care plan found from April of 2008 until March of 2009, 1 year, they found that 40 percent of their new enrollees kept their insurance for only 5 months. During that 5-month period of time, the average payment was \$2,400 a month; whereas, the average person who just had part of their plan was \$350 a month. People were waiting because you don't have any—in Massachusetts, you cannot be denied coverage, and you get a community rating, meaning that everyone pays the same rate. What people are doing is they are waiting until they get sick, at least in this Harvard Pilgrim plan. Then when they get well, they drop their insurance and pay the 2.5 percent penalty.

The other is an 8 percent penalty on business, which is a payroll tax. Basically, a business will pay 8 percent of its payroll into this exchange or into the government. Well, if you are paying 10 or 12 percent now, then what you are going to do is you are going to drop that if you can and get into the public option.

Well, I started thinking about this the other night. It's the first time before, in my business, in my medical practice, I negotiated the health insurance policy every year as a separate cost than payroll. Now what's going to happen is your health care costs are tied directly to the payroll, meaning that if you give your employees a raise, you have also just raised your health care premiums. You put those linked together for the first time, and I think that's not good for the person out there working.

I am going to yield now to my good friend, Dr. BURGESS from Texas. Thank you for joining us, and we have been joined also this evening by Dr. CASSIDY from Louisiana.

Dr. BURGESS.

Mr. BURGESS. I thank the gentleman from Tennessee for yielding.

I was watching the events of this Special Order hour as you all were discussing it earlier. I felt like I needed to come over and talk for just a minute about words we heard on the floor of this House the middle of September that this bill could be passed, and it would be entirely paid for, not one dime would be added to the deficit.

The American people look at this, whatever the figure is, 890 billion, 1.055

trillion, 1.4 trillion, whatever the number is, and they know a statement that it will not add one dime to the deficit is, on its face, preposterous. No one believes that. Yet if we are asking people to believe that statement, what else is hidden in this bill that we are not telling you, because again, clearly, the American people do not believe us on that.

The gentleman talked about how we pay for it. Some significant cuts to the Medicare program in order to fund a new entitlement; a lot of people have difficulty with that.

But what about the taxes? What about the promise that there will be no taxes on individuals in the middle class, no taxes on individuals who earn less than \$250,000 a year? And yet, we are going put a tax on so-called Cadillac insurance premiums. We are going to put a tax on medical devices.

I did a press event this morning at a library where I distributed copies of the bill for people who wanted to read the bill. A woman said, Well, then on my \$1,000 insulin pump, am I going to have to pay a 15 percent tax? I said, Well, at some point someone will. She said, Well, how will that be assessed? I said, My understanding is it will be like a sales tax or value added tax. She did some quick math and said, That's a lot of money to add to my already stressed budget trying to cover my medical expenses, because I do have diabetes.

Ten percent of people earning under \$50,000 a year, 10 percent of the taxes will be paid by people who earn under \$50,000 a year. Ninety percent of the taxes are going to be paid by people who earn under \$240,000 a year. Clearly, this is a tax on the middle class. That is how it's going to be paid for.

I did have some people ask me, Well, if the benefits don't kick in for 4 years, is there perhaps not a way to, if this passes, if no one can stop this and the Speaker gets her way and this bill passes on Thursday or Friday or Saturday, what about, then, since the benefits don't kick in for a while, maybe we can dial it back over the next several years. My concern there is if we already start collecting the taxes for a benefit that is to occur in the future, it may be very, very difficult to indeed dial back the portion of this bill if we are going to—the sensible thing to do would be to hit the pause button, the reset button. Let's sit down and figure out really what the American people want us to do.

We heard participatory democracy all the way through the month of August. I know. I was on a listening tour of sorts through my town halls in my district. Some people were quite vociferous about what they felt about this bill, both pro and con. But I felt that, after listening to her this summer, that we would come back here to Congress and perhaps sit down and try to

rethink where we were. It was almost as if the Democratic leadership said that didn't happen, it didn't matter. It was some sort of national fugue state. This was all an illusion this August. People really weren't upset with the bill. They just wanted it so badly that you misinterpreted their passion because they want the government to control. They want the government to take over the health care system in this country.

One of the other things, and I don't think we can underestimate this, is the effect that this bill will have on jobs and job creation. More people are concerned about jobs in this country than they are about health care right now by a factor of 4 to 1. We are going to go over 10 percent, in all likelihood, on Friday when the jobs report comes up from the Department of Labor, will be the first double-digit unemployment in this country in decades.

People are concerned about jobs; yet, at the same time, our small business people, the people that we, as politicians, say they are the backbone of the economy of America, they are the engine that drives economic growth, they are scared to death of what we are going to do to them in the coming months. They are scared of this health care bill. They are scared of an 8 percent payroll tax that may be levied upon them. They are scared of what we are going to do in cap-and-trade, and they are scared of what we are going to do in financial regulation, not to mention the fact that there are significant tax increases just around the corner when the tax laws of 2001 and 2003 expire.

This is a debate that we must keep at a fever pitch all week. This is the opportunity. Now is the time to aggressively document and talk about what is in this bill. Doesn't really matter so much about what I think, what I would do if I was in charge. Right now, the task before us is to lay out to the American people what is in this bill, let them see for themselves whether they like it or not. Then, Madam Speaker, the American people need to tell us.

Quite honestly they will have a chance on Thursday at noon, the west front of the Capitol, the people will have an opportunity to speak up about this bill.

□ 2130

Mr. ROE of Tennessee. Dr. BURGESS, thank you for your comments. Also, just so people understand, it is not just an insulin pop. It is any medical device that we are talking about. It could be a wheelchair; it could be a prosthetic device, if you have a leg that is a prosthetic device; if you have stents in your heart or hip replacements. And who is going to pay that? The consumer is going to pay that, we know that, the person that is getting that de-

vice. What we don't want to see is this unbelievable amount of innovation that has occurred.

Dr. BURGESS, what comes to mind for me is the equipment we use for a laparoscopically assisted hysterectomy. When we first started, those took us 5 to 6 hours because we didn't have the equipment to do it with. Now it is a 1-hour procedure because of the new equipment that is there. Patients have benefited tremendously from this. Did it cost money to do this? Yes, it did. But I look at the advantages for the patient. I don't want to see that innovation brought to a halt, and I fear it will be.

Mr. BURGESS. Well, if the gentleman will yield for a moment on that point, minimally invasive surgery has changed the face of operations like hysterectomy operations, like a cholecystectomy, removal of the gall bladder. I am sure you remember, I remember when I was in medical school and a resident, this large incision that would go underneath the person's rib cage. They would be in the hospital 7 days; not because their gall bladder surgery was that traumatic, it was the incision that was traumatic.

Now it can be done laparoscopically through two or three 1-centimeter incisions. That patient is out of the hospital the next day, or sometimes even the same day if it is done in a surgery center, and that has vastly decreased the cost of hospitalization for that procedure and that has vastly decreased the cost of the time lost from work for people in recovery for operations like gall bladder removal and hysterectomy.

I yield back.

Mr. ROE of Tennessee. I thank the gentleman.

We have been joined by Dr. CASSIDY from Louisiana. I yield to Dr. CASSIDY. We thank you for being here this evening.

Mr. CASSIDY. You know, I agree with almost everything Congressman BURGESS said, except for one thing, in that I do think it is important to discuss our Republican alternatives, because, frankly, part of the rationale, the steamroll we are on, is there is no other option. We have, as the President has said, the cost of doing nothing, the costs will double over the next 10 years, and that is an inflation rate of about 7 percent if it compounds.

Well, as it turns out, since the cost according to the Congressional Budget Office of the reforms before us—the inflation rate is 8 percent per year—under the reform proposals before us, costs more than double in 10 years. At a minimum, reform should not be more costly than the status quo.

That said, I think it is important for us to discuss alternatives. I think we can all agree on the goals. We need to control costs. I am with the President on this. If we cannot control costs, we cannot expand access to quality care.

Now, as it turns out, we three are physicians. We know that if the patient is in the middle of the process, then costs are controlled. There is a report by McKinsey & Company and it talks about the three imperatives for health care reform, and they are to decrease the administrative costs—so much money goes to administration; to have transparency, so that when a patient goes in for her knee surgery, she knows before the surgery how much it will cost her, not find out a month later; and, lastly, incentivize healthy lifestyles. So in a patient-centered plan we should lower administrative costs, increase transparency, and incentivize healthy lifestyles.

So I would like to compare it to the 2,000-page, \$1 trillion, 20-pound bill.

Now, does it lower administrative costs? You almost have to laugh, because it creates 111 new bureaucracies, boards, commissions. You name it, it clearly expands administrative costs.

Does it incentivize healthy lifestyles? I actually read that provision today, and it gives grants to small businesses that come up with innovative ways in which you can make employees healthier. But it is very vague and very gauzy. And I kept thinking of that small businesswoman who is really struggling to make ends meet, trying not to lay people off. What is the likelihood that she is going to take 2 hours a day to write a grant application to submit to the Federal Government on the hope they will give her \$150 per employee, which is the maximum allowed, in order for her to come up with a wellness program? That is something written by a Washington bureaucrat, not by someone who knows the travails of a small business person.

Lastly, transparency. Frankly, I just find it unbelievable that a bill that creates 111 boards and commissions will be transparent.

That said, what are the alternatives? I think we would all agree from our own experience, patient-centered care can work. For example, you have got great anecdotes about health savings accounts. Congressman FLEMING, who just left, I love his story about a health savings account.

For those who don't know what they are, with traditional insurance policies, a family of four, you put up \$12,000 a year. If you use the insurance, you may get some of your money back, but at the end of the year it is gone, and you put up another \$12,000 for the next year.

With a health savings account, you sluice off some of that money and you put it into a banking account, and that banking account is yours and you can spend it on the things which you choose. But at the end of the year, if you haven't spent it, you keep it.

With the traditional policy, you start over. With the health savings account, you conserve that money and it is

there for you the next year. It rolls over, and it is that much less you have to put forward. It changes the psychology. We know that.

But just to explain it, in a patient-centered account, a patient was telling me, he goes to a doctor. The doctor writes him a prescription, \$159. He says, doctor, you have given this to me before. It is \$159. Listen, I have got a health savings account. Can you write me something cheaper? He goes, oh, I am sorry. He writes him a \$20 generic, so the system just saved \$139.

I actually think the power of millions of individuals making decisions at \$139 a decision has more ability to control costs than 111 boards and commissions in Washington, D.C., that are attempting to control health care in all the small towns across the United States.

Mr. ROE of Tennessee. If the gentleman will yield for a moment, you are absolutely dead right on this. In my district, I visited four businesses, one is the City of Johnson City, Tennessee, where I was mayor. Another is Holston Munitions, or BAE Corporation.

They have instituted a wellness program that in the last 5 years they have not had a premium increase. What they have done is they have basically incentivized behavior, for instance, smoking.

If you smoke, and one of my good friends had a patient come to him the other day, and he said last spring, and this was in June, she said I have to quit smoking by the first of July. He thought, that is pretty good. I am glad to hear that. They've been trying to get you to quit for several years. But why are you going to quit? She says well, my insurance changes and they are going to penalize me if I smoke. It is going to cost me money.

So, if you don't smoke, or you get your hemoglobin A1C, which is the way we monitor your sugar and diabetes, to get your hemoglobin A1C down, you lose weight, they will pay you for that. So you can earn the money back. And they have done that with their wellness program and been wildly successful.

To tag-team into your health savings account, just me personally in 2 years, and people will say that, well, you can't use that in Medicaid or you can't use that, I absolutely disagree with that. In our own medical practice, of the 294 people that get insurance through our practice, 84 percent use a health savings account. These are the folks that check you in at the front and draw the blood and the nurses that assist us and so forth. So it works very well for everybody. We all respond.

Mr. CASSIDY. If the gentleman will yield for just a second, this bill specifically excludes small businesses from doing what you described as a wellness program. That effective program is

specifically excluded. So the patient-centered program which was so successful in Johnson City is not allowed in that 2,000-page bill.

Mr. BURGESS. If the gentleman would yield, you bring up a great point about tobacco. One of the problems with this bill is you are not allowed to rate on tobacco use. In fact, there will be only 2 ratings bands, based on age.

Health savings accounts—I am a big believer. I have had a medical savings account since 1996. I skipped for a few years when I came up here, and we didn't have them available. Now I have it established again, and it is working very, very well. But the problem is, that will not be a qualified plan. It will not meet the minimum benefit standards under the new health care commissar that is going to be developed by this bill that we have before us. So the very thing that may lead to a reduction in costs, we are not going to be allowed to have.

Now, since the gentleman disagreed with me, I do feel obligated to point out that it is not that Republicans don't have alternatives or shouldn't have alternatives. I individually have 20 bills dealing with health care under my name and have cosponsored at least 30 additional bills. There are a plethora of bills out there with Republican names that do everything from fix the problems that doctors have with the sustainable growth rate formula in Medicare to liability reform. They are not part of this bill. They are not part of the discussion this week. What is the discussion this week is that monstrosity behind the gentleman.

It is our obligation, it is our obligation to our patients and to our profession to kill this bill so we can then begin to talk about some of the alternatives that are rational, because it makes no sense to preclude a wellness program simply because it doesn't fit into some chairman's idea of what a health care bill should look like, some chairman who might have been here since 1974, by the way.

That is the problem we have before us this week, is this bill. After we get rid of this bill, after we get past this bill, yes, we can begin to talk about those things to provide benefit to the American people, help to the American people who actually need it.

You said it earlier in this hour. It is that 8 to 10 million people that have a preexisting condition. If we could make their problem go away, and we can, the Congressional Budget Office estimates between \$8 billion and \$20 billion over 10 years. That is a far cry from \$1 trillion. We could make that problem go away with State reinsurance programs and State high-risk pools. We have that power within our hands. Some people may argue that constitutionally we don't have that power, but it would be a darn sight better than what we are talking about doing tonight.

Mandates have no place in a free society. There was no mandate that required me to buy an iPod, yet everyone in the country has an iPod or iPhone today because it is a great product, and everyone wants one. That is what we should be looking at in our insurance policies, how to create products that people actually want, not making someone take a policy that the insurance company says I can make money selling. That is where we will go with mandates.

Mr. ROE of Tennessee. Reclaiming my time, I would also say it takes away personal freedom to decide what is best for your family. For instance, in my family now we don't need fertility evaluations that maybe other families do need. They should be able to purchase those if they need to.

I want the viewing public tonight to take a peak at H.R. 3962, which is a new name for H.R. 3200. I would encourage you to begin to read this. It will take some time. But the American people did read H.R. 3200. They actually did. I had hundreds that came to me at town halls that printed it off the Internet and read it. It is probably just out on the Net.

It is amazingly complex, and the devil is in the details. When you start reading the details, and I did begin the details today, that is where you begin to see what you lose in this.

Mr. CASSIDY. If the gentleman would yield, I was a little late coming over here because we were having a telephone town hall. For the folks who are watching, that is where we from Washington have a phone call that goes out to thousands of people in our district, and we have a telephone town hall.

There was a woman that got on and she just nailed it. You pointed out, we have a 2,000-page, \$1 trillion bill that was introduced last Thursday that we are going to vote on this coming Friday that is going to remake 17 percent of our gross domestic product, drastically affecting the health care for us all.

If it seems kinds of crazy that we would do that, this woman calls in, Rebecca, and I happen to know the family, I didn't realize it was from her family, and they are very bright people, very hardworking, good people.

So here is kind of her quote. She went to the Kaiser Family Foundation site to determine what her costs would be under the bills before Congress, and she figured out that her family's costs would double.

She says a small business is going to do a cost-benefit analysis, and they are just going to dump patients upon the public option because, why shouldn't they? Now, she says, I am quoting her, it seems like the people writing this are obtuse. They are not writing this for the middle class of the Nation. It is not centered on the patient. It feels

rushed. It doesn't make sense; 2,000 pages, one week to digest it. It feels rushed.

She finishes up by saying, for all the possible plans, our premiums will double. It is very expensive. You can't get ahead. The more productive a citizen you try to become, it is like you take one step forward and go two steps back.

This is a bill which is two steps back. Mr. BURGESS. If the gentleman would yield on one point, it is hard to see if we make health care more expensive that we are going to make it more affordable.

I yield back my time.

Mr. ROE of Tennessee. I think, in summary, in closing up this evening, what we have got this week is a discussion, I think the single biggest social discussion we have had in this Nation in 50 years, since Medicare. The challenge is how do we make health care affordable, and how do we provide it for the citizens now who don't have it?

I think, as Dr. BURGESS stated just a moment ago, that right now, the bill before us, they are not our solutions. We keep hearing there are no Republican solutions. There absolutely are. They are not on the table. They are not being discussed. This bill right here, H.R. 3962, all 1,990 pages, that is what we are discussing this week, and, as Dr. FLEMING said, we are probably going to vote on this week.

So I think that this needs to be looked at as quickly as we can by the American people to try to peel this onion back, so to say, and look at what's there. I appreciate my colleagues being here tonight, and we'll be here throughout this week to further discuss this bill and what is in this bill.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Mr. HOYER) for today and November 3.

Mr. DAVIS of Tennessee (at the request of Mr. HOYER) for today and November 3.

Mr. DEFAZIO (at the request of Mr. HOYER) for today on account of travel difficulties.

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of family illness.

Mr. PATRICK J. MURPHY of Pennsylvania (at the request of Mr. HOYER) for today, November 3 and 4 on account of the birth of a child.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCNERNEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, November 6 and 9.

Mr. JONES, for 5 minutes, November 6 and 9.

Ms. FOXX, for 5 minutes, today, November 3, 4, 5, 6 and 9.

Mr. MCHENRY, for 5 minutes, today, November 3, 4, 5 and 6.

Mr. WILSON of South Carolina, for 5 minutes, November 3.

Mr. HASTINGS of Washington, for 5 minutes, November 3, 4 and 5.

Mr. BURTON of Indiana, for 5 minutes, November 6.

ENROLLED BILLS SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2996. An act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

H.R. 3606. An act to amend the Truth in Lending Act to make a technical correction to an amendment made by the Credit CARD Act of 2009.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 1929. To provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ADJOURNMENT

Mr. ROE of Tennessee. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 46 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, November 3, 2009, at 8 a.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4394. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Auditor's Certification Review of the Accuracy of Initiatives and Key Performance Indicators Set Forth in the Department of Consumer and Regulatory Affairs Fiscal Year 2008 Performance Accountability Re-

port", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4395. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Audit of the Office of the People's Counsel Agency Fund for Fiscal Year 2004", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4396. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Auditor's Review of Fiscal Oversight of the 2008 Summer Youth Employment Program", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4397. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Audit of the Office of the People's Counsel Agency Fund for Fiscal Year 2003", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4398. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Auditor's Certification Review of the Office of the State Superintendent of Education", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4399. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Audit of the Public Service Commission Agency Fund for Fiscal Year 2005", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

4400. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Tampa Bay, FL [COTP Sector St. Petersburg, FL 07-216] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4401. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Coast Guard Live Fire Exercise, Gulf of Mexico, FL [COTP Sector St. Petersburg, FL 07-206] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4402. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Garrison Channel, Florida [COTP Sector St. Petersburg, FL 07-200] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4403. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; July 4, 2006 Fireworks, Manitowoc, Wisconsin [CGD09-06-097] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4404. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Marinette July 4th Celebration, Marinette, Wisconsin [CGD09-06-098] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4405. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fourth of July Fireworks, Au Sable River, Oscoda, MI [CGD09-06-099] (RIN: 1625-

AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4406. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Petoskey Fourth of July Fireworks, Petoskey, Michigan [CGD09-06-100] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4407. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; City of Sheboygan 4th of July Celebration, Sheboygan, Wisconsin [CGD09-06-102] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4408. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Shopko Fireworks Celebrate Americafest, Green Bay, Wisconsin [CGD09-06-103] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4409. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boyne City July 4th Fireworks, Boyne City, Michigan [CGD09-06-106] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4410. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sturgeon Bay Fireworks, Sturgeon Bay, Wisconsin [CGD09-06-107] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4411. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; National Cherry Festival July 4th Fireworks, Traverse City, Michigan [CGD09-06-108] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4412. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; National Cherry Festival Finale Fireworks, Traverse City, Michigan [CGD09-06-109] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4413. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; TCF Bank Milwaukee Air Expo, Milwaukee, Wisconsin [CGD09-06-112] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4414. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bauernfind/Morris Wedding Fireworks, Betsie Lake, Frankfort, MI [CGD09-06-115] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4415. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Captain of the Port Lake Michigan,

Chicago River, Chicago, IL [CGD09-06-116] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4416. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Captain of the Port Lake Michigan, Milwaukee, WI [CGD09-06-119] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4417. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Air show Practice Flights, Milwaukee, Wisconsin [CGD09-06-120] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4418. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Festa Italiana Fireworks, Milwaukee, Wisconsin [CGD09-06-124] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4419. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Moving safety zone; YMCA Lake Michigan Swim, Lake Michigan [CGD09-06-125] (RIN: 1265-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4420. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Venetian Night Fireworks, Saugatuck, Michigan [CGD09-06-126] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4421. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Door County Triathlon, Egg Harbor, Wisconsin [CGD09-06-127] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4422. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tonawandas Canal Fest Fireworks, Niagara River, Tonawanda, NY [CGD09-06-128] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4423. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Spirit of Racine Triathlon, Racine, Wisconsin [CGD09-06-129] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 1110. A bill to amend title 18, United States Code, to prevent caller ID spoofing, and for other purposes; with an amendment (Rept. 111-321). Referred to the

Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 3596. A bill to ensure that health insurance issuers and medical malpractice insurance issuers cannot engage in price fixing, bid rigging, or market allocations to the detriment of competition and consumers; with an amendment (Rept. 111-322). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 1168. A bill to amend chapter 42 of title 38, United States Code, to prevent certain veterans with employment training assistance; with an amendment (Rept. 111-323). Referred to the Committee of the Whole House on the State of the Union.

Mr. FILNER: Committee on Veterans' Affairs. H.R. 3949. A bill to amend title 38, United States Code, and the Servicemember Civil Relief Act, to make certain improvements in the laws relating to benefits administered by the Secretary of Veterans Affairs, and for other purposes (Rept. 111-324). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 3237. A bill to enact certain laws relating to national and commercial space programs as title 51, United States Code, "National and Commercial Space Programs" (Rept. 111-325). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ROGERS of Alabama:

H.R. 3978. A bill to amend the Implementing Recommendations of the 9/11 Commission Act of 2007 to authorize the Secretary of Homeland Security to accept and use gifts for otherwise authorized activities of the Center for Domestic Preparedness that are related to preparedness for and response to terrorism, and for other purposes; to the Committee on Homeland Security.

By Mr. BERRY:

H.R. 3979. A bill to amend the Internal Revenue Code of 1986 to deny the deduction for advertising and promotional expenses for prescription pharmaceuticals; to the Committee on Ways and Means.

By Mr. CUELLAR:

H.R. 3980. A bill to provide for identifying and eliminating redundant reporting requirements and developing meaningful performance metrics for homeland security preparedness grants, and for other purposes; to the Committee on Homeland Security.

By Mr. HOLDEN:

H.R. 3981. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to eliminate the matching requirement for certain bulletproof armor vest purchases under the matching grant program for bulletproof armor vests; to the Committee on the Judiciary.

By Mr. KILDEE (for himself, Mr.

EHLERS, Ms. KILPATRICK of Michigan, Ms. FUDGE, Mr. THOMPSON of Mississippi, Mr. KISSELL, Mr. HASTINGS of Florida, Mr. CONYERS, Mr. GRIJALVA, Mr. MEEKS of New York, Mr. MASSA, Mrs. NAPOLITANO, Mr. ROTHMAN of New Jersey, Mr. MCGOVERN, Ms. LINDA T. SANCHEZ of California, Mr. FILNER, Mr. SABLON, Mr. BACA, Mr. CARDOZA, Ms. HIRONO, Ms. MATSUI, Mr. PIERLUISI, Ms. WATSON, Mr.

CAO, Ms. CORRINE BROWN of Florida, Mr. FALCOMAYAGA, Mr. PAYNE, Mr. CLAY, Mr. COURTNEY, Mr. MICHAUD, Ms. BERKLEY, Mrs. CHRISTENSEN, Mr. PLATTS, Mr. SCOTT of Virginia, Mr. MARKEY of Massachusetts, and Mr. CASTLE):

H.R. 3982. A bill to prepare young people in disadvantaged situations for a competitive future; to the Committee on Education and Labor.

By Mr. MARKEY of Massachusetts:

H.R. 3983. A bill to suspend temporarily the duty on certain high-performance loudspeakers; to the Committee on Ways and Means.

By Mr. MARKEY of Massachusetts:

H.R. 3984. A bill to suspend temporarily the duty certain electrical transformers rated at 40VA; to the Committee on Ways and Means.

By Mr. VAN HOLLEN:

H.R. 3985. A bill to amend the Internal Revenue Code of 1986 to provide for a second generation biofuel producer credit, and for other purposes; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. CAMP, Mr. SAM JOHNSON of Texas, Mr. RYAN of Wisconsin, Mr. NUNES, and Ms. GINNY BROWN-WAITE of Florida):

H. Res. 883. A resolution expressing the sense of the House of Representatives that Members of the House receive the necessary cost information regarding health care reform legislation at least 72 hours before any vote on such legislation; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 32: Mr. COHEN.
H.R. 197: Mr. HOEKSTRA.
H.R. 198: Mr. SMITH of Nebraska.
H.R. 272: Mr. DAVIS of Kentucky.
H.R. 273: Mr. COFFMAN of Colorado.
H.R. 275: Mr. WALZ and Mr. HUNTER.
H.R. 422: Mrs. MILLER of Michigan.
H.R. 571: Mr. MCNERNEY and Mr. BERMAN.
H.R. 624: Mr. TIM MURPHY of Pennsylvania.
H.R. 644: Mrs. CHRISTENSEN, Mr. FARR, Mr. SERRANO, and Ms. SHEA-PORTER.
H.R. 646: Mr. ROTHMAN of New Jersey.
H.R. 658: Mr. KAGEN.
H.R. 690: Mr. CHANDLER, Mr. DAVIS of Alabama, and Mr. DINGELL.
H.R. 734: Mr. SMITH of New Jersey.
H.R. 930: Ms. VELÁZQUEZ.
H.R. 949: Ms. SHEA-PORTER and Mr. POMEROY.
H.R. 982: Mr. ADERHOLT, Mr. ALEXANDER, Mrs. BACHMANN, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. FLEMING, Mr. GARRETT of New Jersey, Mr. JORDAN of Ohio, Mr. KLINE of Minnesota, Mr. LEWIS of California, Mr. DANIEL E. LUNGREN of California, Mr. MARCHANT, Mr. REHBERG, Mr. ROE of Tennessee, Mr. ROGERS of Alabama, Mr. WALDEN, Mr. WHITFIELD, Mr. BROWN of South Carolina, Mr. CARTER, Mr. CAMPBELL, Mr. COBLE, Ms. GRANGER, Mr. MICA, Mr. SHIMKUS, and Mr. STEARNS.
H.R. 1064: Mr. ROSS.
H.R. 1126: Mr. MILLER of North Carolina.
H.R. 1142: Mr. ENGEL.
H.R. 1168: Mr. MINNICK.
H.R. 1173: Ms. SHEA-PORTER.
H.R. 1189: Mr. AL GREEN of Texas.
H.R. 1207: Mr. HEINRICH.
H.R. 1235: Mr. COHEN.
H.R. 1305: Mr. COHEN.

H.R. 1326: Mr. RAHALL and Mr. BROWN of South Carolina.

H.R. 1454: Ms. NORTON.
H.R. 1507: Mr. ACKERMAN.
H.R. 1526: Ms. SLAUGHTER.
H.R. 1585: Mr. JACKSON of Illinois.
H.R. 1677: Mr. SMITH of Washington, Ms. HERSETH SANDLIN, and Mr. ARCURI.
H.R. 1721: Mr. NADLER of New York.
H.R. 1792: Mr. BRALEY of Iowa and Mr. MORAN of Kansas.
H.R. 1820: Ms. RICHARDSON.
H.R. 1821: Ms. SHEA-PORTER.
H.R. 1826: Mr. VAN HOLLEN.
H.R. 1866: Mr. FARR.
H.R. 1895: Mrs. MCCARTHY of New York.
H.R. 1932: Ms. MOORE of Wisconsin.
H.R. 1964: Mr. PAYNE.
H.R. 1993: Mr. AL GREEN of Texas.
H.R. 2024: Mr. KILDEE.
H.R. 2103: Mr. LEWIS of Georgia and Mr. DELAHUNT.
H.R. 2136: Mr. MCGOVERN and Mr. MITCHELL.
H.R. 2149: Mr. MORAN of Virginia.
H.R. 2194: Mr. FRANK of Massachusetts and Mr. BOEHNER.
H.R. 2254: Ms. FUDGE.
H.R. 2256: Ms. MOORE of Wisconsin.
H.R. 2269: Mr. ROTHMAN of New Jersey and Mr. BISHOP of Georgia.
H.R. 2279: Ms. CORRINE BROWN of Florida and Mr. DOGGETT.
H.R. 2373: Mr. KING of Iowa.
H.R. 2377: Mr. JACKSON of Illinois and Mr. WALZ.
H.R. 2406: Mr. GERLACH.
H.R. 2408: Mr. DAVIS of Illinois, Ms. SLAUGHTER, and Mr. HIGGINS.
H.R. 2452: Mr. WOLF, Mr. KING of Iowa, and Mr. MELANCON.
H.R. 2456: Mr. COHEN.
H.R. 2487: Ms. ZOE LOFGREN of California.
H.R. 2502: Mr. COURTNEY.
H.R. 2528: Mr. ROSS.
H.R. 2559: Mr. COHEN.
H.R. 2563: Mr. BARROW.
H.R. 2567: Ms. VELÁZQUEZ and Mr. LARSON of Connecticut.
H.R. 2568: Mr. AL GREEN of Texas.
H.R. 2573: Mr. PASTOR of Arizona.
H.R. 2579: Mr. KENNEDY, Mr. HONDA, Ms. ZOE LOFGREN of California, and Mr. WALZ.
H.R. 2616: Mr. CARSON of Indiana.
H.R. 2740: Ms. BALDWIN.
H.R. 2755: Mr. KENNEDY.
H.R. 2817: Mr. PAYNE.
H.R. 2897: Mr. KINGSTON, Mr. FILNER, Mr. WALZ, and Mr. KRATOVL.
H.R. 2969: Mr. MCGOVERN.
H.R. 3010: Mr. JACKSON of Illinois.
H.R. 3077: Mr. CLAY and Ms. WOOLSEY.
H.R. 3101: Mr. CARSON of Indiana and Ms. NORTON.
H.R. 3116: Mr. SHERMAN, Mr. FILNER, and Mr. ARCURI.
H.R. 3149: Mr. SERRANO.
H.R. 3156: Mr. GRIJALVA and Mr. JOHNSON of Georgia.
H.R. 3226: Mr. RADANOVICH and Mr. BARRETT of South Carolina.
H.R. 3238: Mr. MCGOVERN.
H.R. 3248: Ms. BERKLEY.
H.R. 3276: Ms. SUTTON and Ms. ZOE LOFGREN of California.
H.R. 3308: Mr. BAIRD.
H.R. 3328: Mr. CARSON of Indiana.
H.R. 3365: Mr. NYE and Ms. KOSMAS.
H.R. 3380: Mr. PETRI.
H.R. 3415: Mr. LARSON of Connecticut.
H.R. 3439: Mr. SOUDER and Mr. ELLSWORTH.
H.R. 3480: Mr. CARNAHAN.
H.R. 3485: Mr. FRANK of Massachusetts.
H.R. 3535: Mr. BISHOP of New York.

H.R. 3560: Ms. MOORE of Wisconsin.
H.R. 3578: Ms. HERSETH SANDLIN.
H.R. 3646: Mrs. CHRISTENSEN.
H.R. 3650: Ms. WASSERMAN SCHULTZ.
H.R. 3652: Mr. BRALEY of Iowa.
H.R. 3696: Ms. GRANGER.
H.R. 3710: Ms. SHEA-PORTER and Mr. MCGOVERN.
H.R. 3721: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 3734: Mr. BROWN of South Carolina and Ms. RICHARDSON.
H.R. 3752: Mrs. BACHMANN.
H.R. 3761: Mr. BARTON of Texas.
H.R. 3764: Mr. KUCINICH and Mr. NADLER of New York.
H.R. 3778: Mr. CARNEY and Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 3790: Ms. SHEA-PORTER, Ms. KAPTUR, and Mrs. MALONEY.
H.R. 3791: Mr. KING of New York, Mrs. EMERSON, Mr. SCOTT of Georgia, and Mr. VIS-CLOSKY.
H.R. 3795: Mr. SHERMAN.
H.R. 3822: Mr. SMITH of Nebraska.
H.R. 3828: Ms. GRANGER.
H.R. 3838: Ms. JACKSON-LEE of Texas and Mrs. CHRISTENSEN.
H.R. 3839: Mrs. MCMORRIS RODGERS and Mr. RODRIGUEZ.
H.R. 3885: Ms. NORTON, Mr. COHEN and Mr. WOLF.
H.R. 3905: Mr. MANZULLO, Mr. HARPER, and Mr. REHBERG.
H.R. 3924: Mr. WILSON of South Carolina.
H.R. 3939: Mr. PASTOR of Arizona and Mr. CONYERS.
H.R. 3943: Ms. ROS-LEHTINEN, Mr. LAMBORN, Mr. COSTELLO, Mr. HARE, and Mr. THOMPSON of California.
H.R. 3959: Mr. BRALEY of Iowa.
H.R. 3977: Mr. FILNER, Mr. CARNEY, Mr. MORAN of Virginia, and Mr. BRALEY of Iowa.
H.J. Res. 11: Mr. PAULSEN.
H. Con. Res. 139: Mr. NEUGEBAUER.
H. Con. Res. 169: Mr. BONNER.
H. Con. Res. 175: Mr. LATTI, Mr. SOUDER, and Mr. CARTER.
H. Con. Res. 199: Mr. LARSEN of Washington, Mr. COURTNEY, Mr. JOHNSON of Georgia, Mrs. NAPOLITANO, Mrs. CHRISTENSEN, Mr. ORTIZ, Mr. REYES, Mr. ANDREWS, Ms. LORETTA SANCHEZ of California, Mr. KISSELL, Mr. MASSA, Mr. MURPHY of New York, Mr. LOEBSACK, Mrs. MCMORRIS RODGERS, Mr. FLEMING, Ms. BORDALLO, Mr. CONAWAY, and Mr. LAMBORN.
H. Res. 68: Mr. GENE GREEN of Texas.
H. Res. 89: Mr. JONES, Mr. PITTS, Mr. DRIEHAUS, Ms. ROS-LEHTINEN, and Mr. DINGELL.
H. Res. 185: Mr. LAMBORN.
H. Res. 398: Ms. ROS-LEHTINEN.
H. Res. 510: Mr. JACKSON of Illinois.
H. Res. 633: Mr. FARR.
H. Res. 711: Mr. LYNCH, Mr. CAPUANO, Mr. ELLISON, Mr. SHERMAN, and Mr. LEWIS of Georgia.
H. Res. 713: Mr. HASTINGS of Florida, Mr. ELLISON, Mr. MCNERNEY, Ms. EDWARDS of Maryland, Mr. PAYNE, Ms. MOORE of Wisconsin, Mr. CLAY, Mr. LEWIS of Georgia, Ms. WATSON, Mr. PERLMUTTER, Mrs. MCCARTHY of New York, Mr. ISRAEL, Mr. HINOJOSA, Mr. RUSH, Ms. SPEIER, and Mr. SCOTT of Georgia.
H. Res. 759: Mr. LINDER.
H. Res. 763: Mr. BILIRAKIS and Mr. EHLERS.
H. Res. 771: Mr. BISHOP of Georgia, Mr. CASTLE, and Mr. DELAHUNT.
H. Res. 773: Mr. BUYER, Mr. COURTNEY, and Ms. SHEA-PORTER.
H. Res. 833: Mr. ISRAEL, Mr. SNYDER, Mr. JACKSON of Illinois, Mr. BAIRD, Mr. WEXLER, Mr. COHEN, Mr. MCGOVERN, Ms. GRANGER,

Mr. GALLEGLY, Mr. ACKERMAN, Ms. BERKLEY, Mr. SHERMAN, Ms. WOOLSEY, Ms. WATSON, Ms. LEE of California, Mr. COSTA, Mr. TANNER, Mr. SIRES, Mr. FALEOMAVAEGA, Mr. ENGEL, Ms. JACKSON-LEE of Texas, Mr. CARNAHAN, Mr. MILLER of North Carolina, Mr. MEEKS of New York, Mr. CONNOLLY of Virginia, Mr. DELAHUNT, Mr. KINGSTON, Mr. GENE GREEN of Texas, Mr. ELLISON, Ms. GIFFORDS, Mrs. LOWEY, and Mr. MANZULLO.

H. Res. 835: Mr. HERGER.

H. Res. 839: Mr. LEWIS of Georgia.

H. Res. 841: Mr. OLSON and Mrs. BLACKBURN.

H. Res. 847: Mr. BARTON of Texas, Mr. FORBES, and Mr. YOUNG of Alaska.

H. Res. 856: Mr. LAMBORN and Mr. LANDEVIN.

H. Res. 857: Mrs. NAPOLITANO, Mr. LOEBSACK, Mr. CHANDLER, and Mr. NEUGEBAUER.

H. Res. 858: Mr. SHERMAN.

H. Res. 861: Mr. CONAWAY, Mr. CRENSHAW, Mr. HUNTER, Mr. YOUNG of Florida, and Mr. SESTAK.

H. Res. 866: Mr. LUJÁN, Ms. SCHWARTZ, Mr. LAMBORN, Mrs. BIGGERT, Ms. ROS-LEHTINEN, and Mr. MOLLOHAN.

H. Res. 867: Mr. ADLER of New Jersey, Mr. WALDEN, Mr. AUSTRIA, Mrs. BLACKBURN, Mr. PLATTS, Mr. ROSKAM, Mr. HENSARLING, Mr. MINNICK, Mrs. KIRKPATRICK of Arizona, Mr. SHULER, Mr. COLE, Mr. HODES, Mr. COSTELLO, Mr. DRIEHAUS, Mr. GORDON of Tennessee, Mr. BUYER, Mr. SHERMAN, Mr. PATRICK J. MURPHY of Pennsylvania, Ms. KILROY, Mr. BOCIERI, Mr. CARNEY, Mr. CAO, Ms. TITUS, Mr. BILIRAKIS, Mr. MARIO DIAZ-BALART of Florida, Mr. MCKEON, Mr. BISHOP of New York, Mr. SMITH of New Jersey, Ms. GRANGER, Mr. DAVIS of Alabama, Mrs. LUMMIS, Mr. PITTS, Mr. LATHAM, Mr. PUTNAM, Mr. MELANCON, and Mr. CASSIDY.

H. Res. 868: Mrs. MYRICK.

H. Res. 870: Mr. BLUNT, Mr. BOEHNER, Ms. FOX, Mr. LATHAM, Mr. LATOURETTE, Mr. MCCARTHY of California, Mr. PLATTS, Mr. SESSIONS, and Mr. WOLF.

H. Res. 874: Mr. GINGREY of Georgia.

H. Res. 878: Mr. SABLAN.

H. Res. 880: Mr. SABLAN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. CONYERS

The provisions that warranted a referral to the Committee on Judiciary in H.R. 3962, the "Affordable Health Care for America Act," do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. RAHALL

The provisions that warranted a referral to the Committee on Natural Resources in H.R. 3962, the "Affordable Health Care for America Act," do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. SPRATT

The provisions that warranted a referral to the Committee on the Budget in H.R. 3962, the "Affordable Health Care for America Act," do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

SUBMITTED BY MR. GEORGE MILLER OF CALIFORNIA

The provisions that warranted a referral to the Committee on Education and Labor in H.R. 3962, the "Affordable Health Care for America Act," do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

SUBMITTED BY MS. SLAUGHTER

The provisions that warranted a referral to the Committee on Rules in H.R. 3962, the

"Affordable Health Care for America Act," do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3962

OFFERED BY: MR. COFFMAN OF COLORADO

AMENDMENT No. 1: In section 302(a), before "In accordance with this section", insert the following and adjust the indentation appropriately:

(1) IN GENERAL.—

In section 302(a), add at the end the following new paragraph:

(2) TREATMENT OF CERTAIN ELECTED OFFICIALS.—

(A) IN GENERAL.—Members of Congress (as defined in section 2106 of title 5, United States Code) and the dependents of Members of Congress shall be enrolled in the public health insurance option under subtitle B. For purposes of the proceeding sentence, Members of Congress and the dependents of Members of Congress shall each be treated as an Exchange-eligible individual.

(B) CONFORMING AMENDMENT.—

(i) CHANGE TO FEHBP.—Section 8901(1) of title 5, United States Code, is amended by striking subparagraphs (B) and (D).

(ii) EFFECTIVE DATE.—The amendment made by clause (i) shall take effect on the first day of Y1.

In section 302(c)(1)

(1) in subparagraph (A), strike "and" and insert a semicolon;

(2) in subparagraph (B), strike the period and insert "and"; and

(3) add at the end the following new subparagraph:

(C) Members of Congress and the dependents of Members of Congress.

EXTENSIONS OF REMARKS

RECOGNIZING THE LAUNCH BY
THE LEGAL AID SOCIETY OF
PALM BEACH COUNTY OF ITS
ARMED SERVICES ADVOCACY
PROJECT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to celebrate the launch by the Legal Aid Society of Palm Beach County of its Armed Services Advocacy Project, ASAP, made possible through a grant from the Florida BRAIVE Fund at the Dade Community Foundation. More than 1.7 million veterans call Florida home, one of the largest such populations of any State. Palm Beach County alone is home to 1,200 Iraq and Afghanistan veterans. The need for services for these people is tremendous.

This new project's mission is to provide civil legal assistance to active duty Armed Forces service members and veterans who are serving or have served in Operation Enduring Freedom or Operation Iraqi Freedom and/or their families living in Palm Beach County. Specifically, the Armed Services Advocacy Project will provide legal advice, education, counsel, and representation with regard to pre-deployment, deployment and post-deployment issues, free of charge.

Legal services offered to personnel and/or their family members will include access to benefits, benefit denials, disability determinations, discharge matters, housing and financial issues, access to health care and mental health resources, employment rights and much more. Individuals may also receive assistance with specialized military issues including navigating the physical disability evaluation system, appealing involuntary administrative separations, defending inappropriate discharge, discharge characterization, or disability rating and filing claims for Traumatic Injury Insurance Under the Service Members Group Life Insurance, TSGLI.

The ultimate goal of the Armed Service Advocacy Project is to improve the lives of Palm Beach County residents who have served or are serving in Iraq or Afghanistan and their families through legal intervention aimed at providing safer living conditions, meeting medical needs or reducing the time and frustration involved in navigating social services and veterans' assistance systems.

Madam Speaker, I am quite familiar with the problems active duty and retired service members have faced with these issues. I am delighted to know that the Legal Aid Society of Palm Beach County, an old and very trusted agency, has created the Armed Services Advocacy Project, and I wish them great success with their efforts on behalf of one of America's most beloved and respected populations.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. CONAWAY. Madam Speaker, on rollcall No. 830, H.R. 3854, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. CROWLEY. Madam Speaker, on October 29th, 2009, I was absent for four rollcall votes. If I had been here, I would have voted: "yes" on rollcall vote No. 828; "no" on rollcall vote No. 829; "yes" on rollcall vote No. 830; and "yes" on rollcall vote No. 831.

COMMENDING THE 70TH ANNIVERSARY OF PEOPLE'S UTILITY DISTRICTS IN OREGON

HON. KURT SCHRADER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. SCHRADER. Madam Speaker, I rise today in honor of Public Power Week 2009 in the State of Oregon. The history of public power in Oregon stems from a grassroots campaign of Oregonians in the 1930's who, due to their rural service areas, did not have access to electricity. They spearheaded an initiative and Oregon eventually passed a measure allowing for the development of publically owned and operated energy utilities.

As President Franklin Roosevelt stood at the gates of the Bonneville Dam and inaugurated the Bonneville Power Administration, BPA, these Oregonians finally had a viable option towards implementing their publically owned energy facilities. By the 1940's, four People's Utility Districts were formed across Oregon in Lincoln, Tillamook, Clatskanie, and Wasco Counties. By the early 1980's, two more were created: Emerald and Columbia River People Utility Districts.

Oregon's PUDs are a testament to the co-operation of more than 250,000 Oregonians who publically own and operate their energy company. Oregon's PUDs focus on renewable generation, conservation, and energy efficiency programs has resulted in over 90 percent of their power generated and distributed being green and renewable. This is quite an achievement. Today, Oregon's PUDs are thriving with green technology innovation while still

providing low-cost rates and quality service to their consumers.

There are two PUDs that serve my district: Central Lincoln PUD and Tillamook PUD. I would like to take a moment and highlight the excellent work they continue to do:

Central Lincoln PUD—Central Lincoln PUD, serving portions of Lincoln, Lane, Douglas and Coos counties, provides affordable electricity to nearly 84,000 Oregonians, supporting thousands of jobs in the tourism, fishing, and forest products industries. Central Lincoln has helped many of its commercial and industrial customers with long-term energy saving projects, including the Oregon Coast Aquarium in Newport and the Georgia-Pacific paper mill in Toledo. Central Lincoln is a platinum sponsor of cutting edge renewable energy and electricity storage research at Oregon State University's Wallace Energy Systems & Renewables Facility at its school of Electrical Engineering and Computer Science. Additionally, Central Lincoln is enhancing its focus on conservation and energy efficiency, including the hiring of an energy services specialist, who will provide technical assistance and information to customers and the general public regarding practical application of a variety of energy technologies. Central Lincoln is also a recent recipient of a \$10 million smart-grid grant from the federal government.

Tillamook PUD—Tillamook PUD and Hampton Lumber's Tillamook Lumber Mill have a strong working relationship and have worked together on energy efficiency improvement projects for more than two decades. Tillamook Lumber, one of Tillamook PUD's largest customers, has always valued conservation, and has demonstrated its importance even through this rough economic downturn. During the spring, operations at the mill decreased from a 24 hour operation to one shift, leaving nearly one-third of its employees out of work. With rebates and assistance from Tillamook PUD, Hampton installed new motors and variable frequency drives in several areas of the mill, resulting in annual savings of over \$90,000. More than 40 percent of the \$486,000 project costs were paid through the Tillamook PUD/BPA rebate program. Tillamook PUD and the Port of Tillamook are also converting a very valuable asset from its famous cows into energy. In 2003, the Port constructed a centralized methane digester to biologically process the manure from 4,000 of the county's 30,000 dairy cows. The digester has the ability to produce and capture methane from the manure and reduces the amount of methane that otherwise would enter the atmosphere. The green power generated is sold to Tillamook PUD, powers approximately over 200 homes, and maintains more than 150 family-wage dairy industry jobs in the community.

Madam Speaker, while more than 70 years has passed since the establishment of public power in the State of Oregon, I am proud to say that they represent a spirit that I believe

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

all Americans share: the spirit of community first. I honor them as they celebrate Public Power Week 2009 and wish them continued success in the coming years.

TRIBUTE TO WILLIAM "BILL"
CASAMO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. MORAN of Virginia. Madam Speaker, I rise today to pay tribute to the life of Mr. William "Bill" Casamo, community activist, human rights leader, and U.S. veteran. Bill lived the kind of full, robust life we all hope to live, leaving us at the distinguished age of 92 on October 21, 2009, at his beloved home in Alexandria, Virginia.

Mr. Casamo was a proud veteran of the U.S. Marine Corps and a one-man force throughout the modern American labor movement. His deeply held values and experiences truly reflect the best of what the "Greatest Generation" had to offer our Nation.

Bill was the second child of immigrant parents, Hilda Johanson from Norway and Anthony Casamo from Sicily. In 1921, in an effort to provide a better life for their family outside bustling New York City, they moved to Patterson, NY. Early in his childhood, Mr. Casamo demonstrated the strong work ethic that would carry him throughout his life. During his summers in Patterson he worked at local restaurants, slaughterhouses and meat packing plants to help support his family. In 1943, he enlisted with the U.S. Marine Corps, leaving behind his wife and first child to fight in World War II. Mr. Casamo served honorably in the Pacific Theater until his discharge in February 1946.

After the war ended, Mr. Casamo began what would be a lifelong dedication to the American labor movement. The map of his career truly traces the rise of labor throughout our country. His first union job came at the early age of 20 when he was elected a union representative at a meat packing plant in New York. Over the next half-century he dedicated himself to numerous union organizations, including the United Furniture Workers Union, the American Federation of State, County, and Municipal Employees, AFSCME, the International Industrial Engineers, and the International Brotherhood of Pulp, Sulphite and Papermill Workers, which later became the International Brotherhood of Papermill Workers, IBPW. He retired in 1985 as the Director of the Retiree Affairs Department for IBPW. Mr. Casamo has always been proud of his work, often penning a Labor Day message to express his gratefulness for the courage, fortitude and vision of American workers. The same can be said of a nation's gratefulness for Mr. Casamo.

Bill Casamo will be deeply missed. He set the standard as an exemplary individual who spent his life fighting to make a better life for his family and for his brothers and sisters in the labor movement. He is survived by his loving wife of 43 years, Eileen Casamo, 4 children, 16 grandchildren and 11 great-grand-

children. Bill will be missed, but his warmth, kindness and strength of character will be remembered always.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. CONAWAY. Madam Speaker, on rollcall No. 828—Flake Amendment, had I been present, I would have voted "yea".

CHINESE HUMAN RIGHTS ATTORNEYS TESTIFY BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. WOLF. Madam Speaker, I would like to draw the attention of my colleagues to the following testimonies of two Chinese human rights attorneys who submitted testimony for a hearing last week of the Tom Lantos Human Rights Commission.

[Written Testimony submitted to the Tom Lantos Human Rights Commission on the rule of law in China, Oct. 29, 2009]

BY CRACKING DOWN ON HERESIES, THE GOVERNMENT REDUCES VENUES FOR RELIGIOUS ACTIVITIES IN RURAL AREAS

(By Mr. Wang Guangze)

From May 2006 to July 2007, I was working as Beijing-based editor and commentator for the magazine Phoenix Weekly, a subsidiary operation of Phoenix Satellite TV. During that period of time, I had tried to make some reports on the status of religious freedom. Phoenix Satellite TV and its subsidiary magazine Phoenix Weekly were registered in Hong Kong, but due to their pro-CPC features, the CPC gave them the special permission to set up a reporter's station in Beijing and recruit employees. The restrictions on its scope of news reporting are rather lax as compared with other media outlets in mainland China. This is also the main reason why this witness was able to report on religious cases, while other media outlets in China had no such right to report on related content during the same period of time.

The religious case of "Three Grades of Servants" was published in the eleventh issue of Phoenix Weekly in 2006, in a Chinese article of as many as 11,000 characters. The entire report consisted of three articles: "An underground church and sixteen cases involving death," "Xu Wenku and his religious kingdom," and "Religious reality in a rural village." The entire report was written by two journalists, Deng Fei and Liu Zhiming, after they conducted interviews. They were notified by a witness, who also gave guidance on conducting interviews. In the end, I edited on the articles and published them.

Through investigations and interviews, we found that the mainland Chinese Public Security department and prosecution department accused "Three Grades of Servants," a Christian church under the management of Xu Wenku, of carrying out an order to mur-

der twenty members of another Christian house church that called itself "the Lightning in the Orient." Both police and prosecution agencies believed that the two parties not only had the motive of competing for the recruitment of believers, but that there were also conflicts between their religious creeds. After the case was cracked, mainland Chinese police effectively cracked down upon this type of mutual hate-killings between different religious factions, stopping this kind of hate-killing from spreading. In the meantime, mainland police also destroyed the religious activities of the two house churches. According to estimates, the religious belief of tens of thousands of people's may have been affected.

According to the indictment, Xu Wenku and others swindled people out of 20.5 million RMB in various parts of mainland China by illegally hiring believers and collecting contributions, etc. At the beginning of 2007, Xu Wenku and other core members of "Three Grades of Servants" Church were sentenced to death and were immediately executed.

Through investigations and interviews, we believe that the relatively secluded venues for religious activities in rural areas have given rise to religious heresies or have led some people to be engaged in illegal activities in the name of religion. On the other hand, mainland police, while cracking down on heresies, also take the opportunity to destroy venues for religious activities in rural areas, reducing the number of venues for villagers' religious activities. I believe that mainland police have failed to distinguish the normal religious activities from the illegal and criminal behavior in the religious activities that should be cracked down. As a result, the religious environment in the countryside continues to deteriorate and has entered into a sort of vicious cycle: While cracking down on heresies, the venues for religious activities were reduced. After the venues for religious activities were reduced, the religious activities of villagers were forced to be more secret, and secret religious activities often tend to nourish the creation of heresies and varying degrees of illegal religious activities.

For more evidence, please view the following relevant report at: <http://www.boxun.com/hero/wanggz/>.

[Written Testimony submitted to the Tom Lantos Human Rights Commission on the rule of law in China, Oct. 29, 2009]

EXPECTING THE SECOND TRANSFORMATION OF CHINA'S RELIGIOUS POLICIES

(By Mr. Cao Zhi)

1. FOUR STAGES OF RELIGIOUS POLICIES IN CHINA

1. In the 1950s before the Cultural Revolution, the system of administration of religions was formed. The basic characteristics of the system were that the religious organizations were politicized, were classified under the administration as a 'work unit,' and everything in terms of religious life was simplified. In 1978, after the Cultural Revolution, the political program of the country turned to the "priority of economic development" from the "class struggle." In March 1982, "Basic Viewpoints and Basic Policies of Religious Issues of Our Country During the Period of Socialism" (i.e. Document No. 19) was promulgated. This was the first transformation of religious policies in China. On the one hand, this document required the restoration of religious activities held by religious organizations at sites designated for religious activities. On the other hand, however, the predominant idea was that "class

struggles still exist within certain areas," and it confined the religious activities within the "normal limits." In 1982, Article 36 of the Constitution, essentially the "Clause on Religious Belief," was formulated based on the religious policies defined in Document 19. With its promulgation, the state now must recognize what it considers "normal religious activities," while at the same time, it must prohibit or crack down on religious activities outside its control. The idea of "the state protects normal religious activities" must be interpreted in the context of this contradiction.

2. After the third wave of the democratic movement in 1989, referred to as "Catholic wave" by Huntington, the ruling party mistakenly believed that the church was against its rule. Therefore, the ideas of "class struggle" and "friends and enemies" fueled a boost in religious [restrictive] policies. In 1991, the "Notification from the Central Committee of the Chinese Communist Party and the State Council on Several Questions Concerning Doing a Good Job in Religious Affairs" (i.e. Document 6) was established. For the first time, this document unequivocally proposed "administration of religious affairs in accordance with law." It further proposed to "speed up the legislation on religious issues." Document 6 demanded that the State Administration of Religious Affairs under the State Council, governments in various provinces, autonomous regions and municipalities remain directly under the jurisdiction of the central government-led regulations in cases concerning religion. Between 1991 and 1999, two administrative regulations were formulated and promulgated at the same time by the State Council on January 31, 1994. In the meantime, the State Administration of Religious Affairs under the State Council also formulated four administrative regulations. In the past 10 years, with the exception of Beijing and Shanxi, 29 provinces, autonomous regions and municipalities directly under the jurisdiction of the central government completed the religious legislation. Among them, the comprehensive laws and regulations from 16 provinces, autonomous regions and municipalities directly under the central government adopted a format with 10 chapters of General Rules, Religious Organizations, Religious Activities, Sites for Religious Activities, Clergymen, Religious Education (or institutions), Religious Properties, Religious Issues Involving Overseas Contacts, Legal Liabilities and Supplementary Articles.

3. After the 1999 Falun Gong Incident, the religious policies became tight. In 2001, the goal of administration of religious affairs of the government was unequivocally defined as to "protect legal activities; stop illegal activities; fight against infiltration and crack down on crimes." In light of this, relevant legislations started. The 1997 version of the amendment to the Criminal Law changed the "counter-revolutionary crime" in the 1979 version of the Criminal Law to "endanger the safety of the state." In the meantime, the clause in Article 99 of the latter was incorporated into Chapter 6 from Chapter 1 of the special provisions of the Criminal Law. It was changed to Article 300. The presumptive conditions defined in the Criminal Law, i.e. crimes have three situations: utilizing superstitious sects or secret societies, cult organizations or utilizing superstition in undermining the implementation of the law and administrative regulations of the state; causing death in deception schemes; raping women and obtaining properties through cheating. In comparing Article 300 in the 1997

version of Criminal Law and Article 99 of the 1979 version of the Criminal Law, "cult organization" was added to the subjects of crime and in the objects of crime, "proletarian dictatorship and socialist system" was changed to "implementation of state laws and regulations, personal rights and property rights." Therefore, the objects of abolishment changed from "superstitious sects or secret societies" to religious organizations. The reason for abolishment has also changed from being a "counter-revolutionary" to "endangering public order" or "violating one's personal rights or property rights."

4. In 2005, the "Regulations on Religious Affairs" was promulgated. Its content actually can be traced back to the religious policies in Document 19 and Document 6. Its structure is based on the experience gathered in the legislation of religious affairs in other places. The language used in this regulation is vague and for the first time on the level of state administrative regulations, it publicly implements the system of administrative approval on religious organizations, sites for religious activities, religious activities, clergymen, religious publications, religious institutions and religious affairs involving overseas entities. Whatever does not obtain an administrative permit is considered illegal.

What is worth mentioning here is that on the question of religious properties, the "Regulations on Religious Affairs" clearly states the responsibilities of agencies in charge of religious affairs and they have the tendency to protect religious activities.

II. FOUR ISSUES.

1. Religious clergymen.

In the process of recognition (agreement)—record filing for religious clergymen, "record filing" is the center of the issue. "Record filing" is merely the name of it, but the real intention is to control the clergy through the approval system. Two examples of this are the Zhaozhi case in Niuxin Temple of Sichuan in 2005 and Shengguan case in Huacheng Temple in Jiangxi in 2006. These incidents have brought up this situation: that is, the recognition and appointment of religious clergymen is not based on the criteria of belief or knowledge in the doctrines of the specific religion, but on whether they obey the government. The religious organizations and the site for religious activities where these religious clergymen serve are therefore subordinate to the government and we have a situation where the state dictates the church. Therefore, such a process violates the Constitutional principle of the separation of the church and the state and is therefore an inappropriate process. One of the ways to reform the religious system is to abolish such a process and turn control over to the religion itself for the recognition and appointment of religious clergymen. The government must not intervene and should withdraw itself from the administration of affairs on religious clergymen.

2. Religious publications.

Due to ideological domination, "freedom of religious belief" in Article 36 of the Constitution can only be interpreted in the narrowest sense of the phrase: i.e. citizens have only the freedom of "belief" which does not include citizens' freedom of "establishing a church" and "proselytizing." As "proselytizing" and "establishing a religion" are the core [elements] of the freedom of belief, publication is a necessary means for "proselytizing" and "establishing a religion." Therefore, if someone intends to limit the expansion of a religion, restricting the publica-

tions for the religion is a must. Therefore, the act of printing publications on a large scale and distributing them for free by religious organizations, especially house churches, can be penalized through the "crime of illegal business operation." on Interpretation of Several Questions in the Specific Application of Law Governing the Trial of Criminal Cases of Illegal Publications. It is stipulated in Article 11 of Zui Gao Fa Fa Shi, 1998, No. 30, that if the circumstance is serious for publication, printing, copying and distribution of publications, and it seriously harms the public order and disrupts the market in violation of the relevant stipulations of the state, the perpetrator shall be convicted of illegal business operation and penalized in accordance of Item 3 of Article 225 of the Criminal Law. Examples of this are the Cal Zhuohua case in 2005, Wang Zaiqing case in 2006, Zhou Heng case of 2007 and Shi Weihang case of 2008.

3. The issue of legality of religious organizations.

The registration system for religious organizations is built upon seven major components based on the regulations on social organizations and religious regulations: the nature of registration process as an administrative permit, the system of double permits, conditions for the legal person, format of rules and regulations, "simplicity" clause of social organizations, the clause that prohibits the establishment of regional branches and the measure of abolishment. Its functions aim at ensuring that the religious organizations obey the system of government administration. The logic for the administration through registration is that the agencies in charge of religious administration exercises its power in approving the registration and issuing the administrative permits. It requires the religious organizations to obey the guidance and supervision by agencies in charge of religious administration and departments in charge of civil affairs. Otherwise, their application for registration would not be approved; religious organizations not registered do not have a legal status and they may not establish sites for religious activities or hold religious activities. They would be abolished by agencies in charge of religious administration and cannot exist. To house churches, "obeying the guidance and supervision by agencies in charge of religious administration and departments of civil affairs" means that they must be affiliated to the TSPM church system. Examples like this are the Shouwang Church case in 2006 and "Autumn Rain" Church case in 2009.

4. The issue of church properties.

It is said in Document 19 of the Central Party Committee that "reasonable arrangements of sites for religious activities is an important material condition for the implementation of the Party's religious policies and for the normalization of religious activities. At that time, it was required that "we must take effective measures and make further reasonable arrangements for the sites of religious activities according to different situations."

In the "Notice of the Central Party Committee and the State Council on Several Questions of Further Doing a Good Job in Religious Affairs" (i.e. Document 6) issued in 1991, it is unequivocally proposed that "In implementing and carrying out the policies of freedom of religious belief, we must resolutely correct the phenomenon of violating the citizens' rights of freedom of religious belief and the legitimate rights of the religious circle. Where there are few sites for religious activities, we must solve the problem

of lack of sites people need for their normal religious activities. We must properly resolve the issue of religious real estate properties left from the past so as to contribute to the unity with the vast religious believers and the stability of the state and the society."

The "Regulations on Religious Affairs" explicitly explains the obligations of the agencies in charge of religious affairs on the church properties. It is stated in Article 33 of the Regulation that "Where the houses or structures of a religious organization or a site for religious activities need to be demolished or relocated because of urban planning or construction of key projects, the demolisher shall consult with the religious organization or the site for religious activities concerned, and solicit the views of the relevant religious affairs department. If, after consultation, all the parties concerned agree to the demolition, the demolisher shall rebuild the houses or structures demolished, or, in accordance with the relevant provisions of the State, make compensation on the basis of the appraised market price of the houses or structures demolished." First, the article requires that the demolisher of the religious properties must consult with the religious organization that owns the religious properties or the organization that owns the site for religious activities, and solicit the opinions from Bureau of Religion which has jurisdiction over the area where the religious properties are located; second, the precondition for the demolition is that both the owner of the religious properties and the Bureau of Religion must agree to the demolition and relocation; third, in the case of demolition and relocation, priority should be given to the rebuilding of the site for religious activities. That article requires that one must solicit the views from the Bureau of Religion in the demolition and the relocation. In fact, it requires the Bureau of Religion to implement its obligation of protecting the legitimate rights of religious organizations or sites for religious activities, and ensure the religious activities be held in a normal manner and maintains the harmony of religious relationships.

At the end of 2007, Hu Jintao made a speech on religion in which he explicitly pointed out that the government should reflect the will of the believers and earnestly safeguard the legitimate rights of the people in the religious circle.

The current problem is that the conflict over religious properties between the growth of religion and the economic development (i.e. the interests of special interest groups) is becoming more and more prominent. For example, in the religious properties case in Tianshui, Gansu province in 2006, the believers had to use the sit-in demonstrations to defend their rights. Because the local government changed its hard-line attitude in a timely manner, held negotiations with the church, united the believers in a maximum manner, and proposed a solution to safeguard the legitimate rights of the people in the religious circle, the incident was resolved in a way both sides were relatively satisfied, and it quickly restored the social stability. In the case involving religious properties in Taian, Shandong province in 2007, the believers defended their rights by guarding the religious properties, demanding that provincial CCC/TSPM intervene, petitioning at the government site and petitioning in higher authorities. The two sides finally reached a compromise. The advantages of the two cases in Gansu and Shandong have these following characteris-

tics in common: The religious properties are protected either with land for land exchange or remained unchanged.

III. MY PROPOSALS

Mr. Wang Zuoan, the new director at State Administration for Religious Affairs, pointed out in a recent speech in welcoming the United Religious Delegation from the U.S., that the characteristics of the relationship in China between the state and the church are: separation of the church and the state, equality among all the religions, administration according to law, and political participation.

Currently, the key issue is that only religious organizations that are affiliated to the government are regarded as legal religious entities. Only by being in such a status can the organizations hold all the religious activities. In other words, the state protects religious activities in this sense. Otherwise, all other activities are illegal ones and should be restricted or cracked down.

Therefore, the Congress should work with the Chinese government and promote change in the following areas:

1. If they implement the separation between the state and the church, they should try to abandon the mentality of regarding religions, especially Christianity, as "enemies" or representatives of the West attempting to infiltrate China.
2. If they recognize equality among all the religions, they should recognize the Chinese house churches that have existed for 60 years and that are approved by the TSPM.
3. If they want to have administration on religions in accordance with law, they should require that the state law and regulations meet with the relevant international conventions, such as revising the registration system for religious organizations and change it to the system of record filing from the current system of review and approval; they should let the parents decide first of all or mainly the issue of the religious belief of their minor children, instead of using state control by force on this issue; they should respect and protect religious properties and prevent special interest groups from infringing upon the legitimate interests of the people in religious circles.
4. The religious case widely regarded as a litmus test on the freedom of religion in China is the religious case in Linfen, Shanxi that just happened last month and is still worsening.

Jindengtang Church of Linfen is a house church. It has a history of 30 years and it currently has a membership of 50,000 people. After its religious properties at the church in Fushan County were demolished, they were cracked down during their negotiations with the government. At this time, over 30 of its church branches are forbidden to gather. The pastor, his wife and core-co-workers have been arrested. The US Congress may communicate with the Chinese government on this case through appropriate manners.

PERSONAL EXPLANATION

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. NUNES. Madam Speaker, on the legislative day of Thursday, October 29, 2009, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had

I been present, I would have voted: rollcall 823—"nay"; rollcall 824—"nay"; rollcall 825—"yea"; rollcall 826—"nay"; rollcall 827—"yea"; rollcall 828—"aye"; rollcall 829—"aye"; rollcall 830—"yea"; rollcall 831—"yea."

18TH ANNIVERSARY OF THE ENTHRONEMENT OF ECUMENICAL PATRIARCH BARTHOLOMEW

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. SARBANES. Madam Speaker, today, November the 2nd, marks the 18th anniversary of the enthronement of Ecumenical Patriarch Bartholomew, who as the first among equals, presides over a spiritual communion of self-governing churches that represent 300 million Orthodox Christians from around the world. Throughout the eighteen years of his ecumenical ministry, Ecumenical Patriarch Bartholomew has asked all of us to act with sensitivity and understanding towards our brethren and towards our natural environment.

When the Iron Curtain came down, His All Holiness provided spiritual and moral support to those traditionally Orthodox countries that suffered religious persecution under the yoke of communism. And after years of historical tension, Ecumenical Patriarch Bartholomew and Pope John Paul II earnestly pursued upon the reconciliation of the Roman Catholic and Orthodox Christian Churches.

In 1997, recognizing Ecumenical Patriarch Bartholomew's robust activity and positive influences upon the world, this House awarded him with the Congressional Gold Medal. And when our country was attacked in New York and in Washington, His All Holiness assembled a group of international religious leaders to produce the first joint statement with Muslim leaders that condemned the 9/11 attacks as "anti-religious."

Although His All Holiness speaks English, French, German, Greek, Italian, Latin and Turkish, he is more widely known for his efforts at promoting interfaith dialogue. As a Christian leader of global significance who is domiciled in a country with a population that is 99 percent Muslim, Ecumenical Patriarch Bartholomew's everyday life experience gives him a unique, mature and realistic perspective for engaging in this interfaith dialogue. And it is from these everyday life experiences that the moral timber of His All Holiness shines brightest, where even in the face of Turkish government sanctioned discrimination, oppression and outright physically threatening provocations, he steadfastly remains committed to interfaith conciliation, and supports peacemakers of all religions and stands firm upon his conviction that war in the name of religion is war against religion.

Beyond urging humanity to seek peace in fraternal harmony, Ecumenical Patriarch Bartholomew has more than any other religious leader promoted the spiritual dimension of environmentalism. In 2008, Time Magazine named Ecumenical Patriarch Bartholomew to its list of the world's 100 most influential people, where the Archbishop of Canterbury

Rowan Williams acknowledged that "This brave and visionary pastor has given a completely new sense to the ancient honorific [Ecumenical Patriarch]; his work puts squarely on our agenda the question of how we express spiritual responsibility for the world we live in."

For his unparalleled spiritual commitment to the natural environment, His All Holiness has been dubbed the "Green Patriarch." The Green Patriarch has challenged people of faith to acknowledge that ecological questions are spiritual matters of concern for all humanity and that "a world in which God the Creator uses the material stuff of the universe to communicate who he is and what he wants is one that demands reverence from human beings."

Just last week, His All Holiness presided over the Religion, Science and the Environment Symposium entitled Restoring Balance: The Great Mississippi River, and just last night, His All Holiness arrived at Andrews Air Force Base for a weeklong visit to our Capitol city. I offer my congratulations to His All Holiness for his good deeds in the pursuit of interfaith peace and reconciliation, for his concern with our natural environment and for his activism that has brought him to the shores of America to help draw attention to the need to restore our environment, such as the need to restore to health the great Mississippi River.

It is a wonderful honor that His All Holiness is here in America upon the day of the 18th anniversary of his enthronement as Ecumenical Patriarch during his visit to our country.

PERSONAL EXPLANATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Ms. ROS-LEHTINEN. Madam Speaker, on rollcall No. 831, on a Motion to Suspend the Rules and Agree to "Expressing support for designation of a 'National Firefighters Memorial Day' to honor and celebrate the firefighters of the United States." Had I been present, I would have voted "aye."

EARMARK DECLARATION

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. LATHAM. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information.

Bill Number: H.R. 3183—Energy and Water Development and Related Agencies Appropriations Act, 2010.

Project Name: Winnebago River, Mason City, Ia.

Amount Provided: Not Stipulated

Account: U.S. Army Corps of Engineers—Section 205

Recipient: Rock Island Illinois Corps Office/ Mason City, Iowa

Recipient's Street Address: Clock Tower Bldg., Rodman Ave, Rock Island, IL 61201

Description: Continuation of authorized activities.

This project is related to mitigating recurring flood problems in Iowa, and provides for continuation of flood control strategies being undertaken by the Corps.

RECOGNIZING LIBERTY ISD STAFF FOR EXCEPTIONAL SERVICE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. POE of Texas. Madam Speaker, those who educate our children today, shape the leaders of tomorrow. I rise today to recognize six outstanding staff members of the Liberty Independent School District for their outstanding commitment to education.

Dottie Barrier—Business Secretary, Robby Fontenot—Social Studies Teacher and Coach, Margaret Lee—Chief Financial Officer for LISD, Mike Tabors—Custodian, Abbey Turner—Math Teacher, and Melissa Zalesak—Math Computer Lab Teacher were awarded the district's 212-degree medal in honor of their service and dedication to Liberty schools.

The philosophy of the 212-degree medal was best explained by Principal Bruce Lacefield, "At 211 degrees, water is very hot. At 212 degrees, water begins to boil. By applying that one extra degree so much more can be accomplished. Never give up. Just try a little harder."

These six 212-degree medal recipients work tirelessly to improve the lives of their students and fellow faculty. Their willingness to go the extra mile makes them outstanding examples and I commend them for their efforts and congratulate them on their achievement.

EARMARK DECLARATION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. FORBES. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010.

Requesting Member: Congressman J. RANDY FORBES

Bill Number: H.R. 3183

Account: Army Corps of Engineers, Investigations

Legal Name of Requesting Entity: Army Corps of Engineers

Address of Requesting Entity: 803 Front Street, Norfolk, VA 23510

Description of Request: Provides \$70,000 to conduct a feasibility study to address flooding concerns and environmental restoration. The Dismal Swamp is maintained as a swamp by fixed weirs across the drainage ditches to restrict the flow of water out of the swamp and inward to Lake Drummond in the middle of the Dismal Swamp. The water exiting Lake Drummond through a feeder ditch is used to main-

tain the level of water in the Dismal Swamp Canal, a portion of the Atlantic Intracoastal Waterway. When Lake Drummond spilled from its banks due to heavy rains, it inundated areas of the city. The public perceives that the Corps may have prevented or minimized the flooding by diverting the floodwaters from Lake Drummond through the navigation locks at Deep Creek, Virginia, and at South Mills, North Carolina.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. CONAWAY. Madam Speaker, on rollcall No. 829—Motion to recommit H.R. 3854, had I been present, I would have voted "yea."

CELEBRATION OF MRS. MAGGIE KATIE BROWN KIDD'S 105TH BIRTHDAY

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. SCOTT of Georgia. Madam Speaker, as the Proverb states, "Who can find a virtuous woman? For her price is far above rubies." I rise today to recognize a truly virtuous woman whose life is not only far above rubies, but one of great milestones and accomplishments that is worthy of celebration. On November 27th of this year, Mrs. Maggie Katie Brown Kidd will turn 105 years old and I am honored to serve as a spokesman for Mrs. Kidd's family members and friends who will recognize her birthday with a party in her honor.

Born during President Theodore Roosevelt's second term in office, Mrs. Kidd has been blessed to see 17 Presidents in her lifetime. The eleventh and youngest child of William and Lucy Brown, Mrs. Kidd learned the importance of hard work and faith in God at an early age. Baptized at the Mount Zion Baptist Church by the Reverend Henry Gresham, she served under the leadership of the Reverend W.M. Combs until she moved to her current home in Atlanta Ga. However, her faith is her Lord and her dedication to the church never left her and she instilled the traditions of faith and her work in her own family. She married the late Willie Kidd, III on November 30, 1940, and together they raised their two children, John and Rosalyn. She is also the proud grandmother to four and the great-grandmother to three and serves as the matriarch of her loving family.

Mrs. Kidd's family describes her as a loving and selfless member of her community, offering her time and whatever she has to those in need. She is also an avid quilter and participates in family gatherings and activities outside of Georgia. Her most favorite moments, however, are the ones on a quiet afternoon stitching in her favorite chair.

Madam Speaker, I am so honored to serve as Mrs. Kidd's representative. Her life is a living history of the times and events that have

shaped our great land and is a monument to how far we've come as a nation. Moreover, her life serves as a testament to individuals and families everywhere that a strong unbinding faith in the Lord, coupled with hard work and a dedication to family will carry you far in life. As the Proverb states, "favour is deceitful, and beauty is vain: but a woman that feareth the LORD, she shall be praised". Mrs. Maggie Katie Brown Kidd truly embodies the example of a virtuous woman and I ask my colleagues to join me in recognizing her life by wishing her a very happy 105th birthday.

TRIBUTE TO DR. GAINES
PARTRIDGE

HON. PARKER GRIFFITH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. GRIFFITH. Madam Speaker, I rise today to honor the life of Dr. Gaines Roland Partridge. Dr. Partridge had a rewarding career in education that spanned over five decades. The scope of his accomplishments and contributions transcended every level of academia in various capacities, as he served our community as a teacher, principal, Dean, Professor, Department Chair and, in retirement, a student liaison.

Dr. Partridge's rich legacy was as impressive as it varied. His relationship with and influence on students continues. Few individuals can measure the impact of their accomplishments in such significant numbers. As a result of his passionate advocacy on behalf of minority applicants to Loma Linda University, nearly 800 African American students have become alumni of the institution during his tenure.

Affectionately referred to as "Doc," Dr. Partridge was steadfast to the cause of self-determination in the Seventh-Day Adventist Church. He provided leadership in the fight to determine the pace, direction, and outcome of their efforts to establish and implement ministry priorities.

Madam Speaker, I wish to recognize Dr. Gaines Partridge on a phenomenal life as educator. His legacy will continue to empower students for years to come.

SUPPORTING THE GOALS AND
IDEAS OF THE THIRD ANNUAL
BLOOD MANAGEMENT AWARE-
NESS WEEK

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. ROTHMAN of New Jersey. Madam Speaker, I rise today to mark the beginning of the third annual Blood Management Awareness Week. November 2nd through November 6th has been designated as Blood Management Awareness Week by the Society for the Advancement of Blood Management. This event is dedicated to educating patients and healthcare workers about blood management and blood issues.

Blood management is the appropriate provision and use of blood and its components and derivatives, and strategies to reduce or avoid the need for a blood transfusion. Optimal patient blood management employs technology and techniques to decrease blood loss and to enhance blood cell production. It reduces risks and costs associated with blood transfusion through transfusion-free medical and surgical techniques.

I would also like to recognize the important work of Englewood Hospital and Medical Center, which is located in my congressional district, to further the goals and ideals of this important event. The Hospital's Institute for Patient Blood Management and Bloodless Medicine and Surgery is a world-renowned leader in patient blood management. I commend the physicians of the Institute for their commitment to improving patient outcomes and educating the medical community about best practices in blood management.

RECOGNIZING FAYE
SCHNEIDEWIND FOR 50 YEARS
OF SERVICE TO JERRY'S DRIVE-
IN

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Ms. Faye Schneidewind upon the occasion of her 50th year of loyal service to Jerry's Drive-In, a Pensacola, Florida, landmark. Miss Faye is an intimate part of the fabric of our northwest Florida community, and I am proud to recognize her on this achievement.

Faye Schneidewind grew up in Pensacola and still lives only a few blocks from Jerry's. The 80-year-old great-grandmother started working as a waitress at the diner when she was just 21. After a few years away, Miss Faye returned to Jerry's on November 5, 1959, her sister's birthday. She has been serving the customers at Jerry's ever since. Miss Faye knows just about everyone who walks through the doors at Jerry's, and always provides a warm smile, a hot meal, and good conversation. She is as much a part of the history of Jerry's as memorabilia stretching across its walls.

Jerry's Drive-In is a truly family restaurant. Originally named Jerry's Barbeque, Jerry's Drive-In was opened by Jerry Glass in 1939. Raymond "Grandpa" Wessel purchased the restaurant in the early 1950's with his son Bill. The Wessels lived in an apartment above the restaurant. Even after the restaurant was sold, Mr. Wessel continued to maintain his residence above Jerry's. Jimmy and Pam Halstead bought Jerry's in 1997 and have continued its tradition of great food and great service.

Madam Speaker, on behalf of the United States Congress, I am honored to recognize Faye Schneidewind on 50 years of dedicated service to Jerry's Drive-In. She is and always will be an invaluable part of our Pensacola heritage. My wife Vicki and I wish Miss Faye, her daughter, her three granddaughters, her

nine great-grandchildren, and her entire extended family at Jerry's all the best for continued success.

RECOGNIZING ARTE MORENO, RE-
CIPIENT OF THE 2009 GUIDING
LIGHT PHILANTHROPY AWARD

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. MITCHELL. Madam Speaker, I rise today to recognize Arte Moreno, who has been honored by the Tempe Community Council with this year's Guiding Light Philanthropy Award. The Tempe Community Council seeks to recognize individuals who have a direct impact on the success of Tempe programs and services through generous financial support, and Arte's contributions to the community have been outstanding.

As a lifelong resident and former mayor of Tempe, I am incredibly proud of Arte's incredibly generous gift to the Tempe Community Foundation, which will create positive and dramatic impacts now and for generations to come. Arte is also the founder of the Moreno Family Foundation, which is dedicated to supporting non-profit organizations in the area. Through the foundation, Arte has made significant contributions to many notable organizations, such as the American Heart Association, the Heard Museum, the Society of St. Vincent De Paul to name only a few. In addition to Arte's inspiring philanthropic efforts, he has become a towering figure in the world of sports as the owner of the Los Angeles Angels of Anaheim baseball team, which conducts its spring training in Tempe, and which has won the American League Western Division championship in 2004, 2005, 2007, 2008, and 2009.

Through the kind gifts of Arte Moreno, Tempe is a more prosperous and successful city to benefit all of its residents.

Madam Speaker, I hope you will join me in recognizing Arte's remarkable benevolence and goodwill towards his community.

MERRILLVILLE ROTARY CLUB

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. VISCLOSKY. Madam Speaker, Wednesday, November 11, 2009, marks the observance of Veterans Day, a day in which we, as a grateful nation, honor our veterans, who have pledged allegiance to their country through their service in the United States military. This day is set aside to recognize the boldness and bravery of those who have fought to uphold the standards of democracy and to defend the United States of America.

On Veterans Day, in cities and towns across America, proud citizens will pay tribute to our esteemed veterans with ceremonies, presentations, and programs to show their gratitude to those who have sacrificed so much. I would

like to take this time to recognize one such event hosted by the Merrillville, Indiana, Rotary Club. On Veterans Day, the Merrillville branch of Rotary International will host an event at the Radisson Hotel at Star Plaza in Merrillville, celebrating the patriotism and pride of all veterans, while paying special tribute to 11 members of their club who served their country in the United States military and continue to serve their community as loyal Rotarians.

Founded in Chicago in 1905 as the Rotary Club of Chicago, Rotary International is the world's first service club. A global organization, Rotary now boasts more than 33,000 clubs in over 200 countries, with a membership of more than 1.2 million. At the core of Rotary International is a commitment to "providing humanitarian service, encouraging high ethical standards in all vocations, and helping to build goodwill and peace in the world." The Merrillville Rotary Club, through its commitment to improving educational opportunities for students, as well as the active role its members have taken in creating youth-oriented programs, is a true source of pride in Northwest Indiana, so it is with great pride that I join them in honoring eleven members who have selflessly served their country to preserve our freedom.

Please join me in recognizing: Dean Sangalis—Major General, United States Marine Corps, Robert Andree—Lieutenant Colonel, United States Army, Al Kuchar—Major, United States Army, Tony Fileff—First Lieutenant, United States Marine Corps, Juan Arroyo—Sergeant, United States Air Force, Ray Bryant—Sergeant, United States Army, Jerry Bernstein—Sergeant, United States Army, James Keough—First Lieutenant, United States Army Corps of Engineers, Gary Maxwell—Petty Officer First Class, United States Navy, Ray Snemis—Petty Officer Second Class, United States Navy, and Ed Dernule—Petty Officer Third Class, United States Navy Reserve.

The great sacrifice made by these men and all those who have served our country has resulted in the freedom and prosperity of our country and of countries around the world. I commend these men and all veterans who have served this country for their bravery, courage, and undying commitment to patriotism and democracy. We will forever be indebted to our veterans and their families for the sacrifices they made so that we can enjoy our freedom.

Madam Speaker, I ask that you and my other colleagues join me in thanking the Merrillville Rotary Club for taking this opportunity to honor their veterans and in saluting these 11 men, and all veterans, who have fought for our great country.

HONORING THE 56TH BRIGADE
(STRYKER) AND 2-112TH INFANTRY
BATTALION (STRYKER)

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. SHUSTER. Madam Speaker, I rise today to honor the troops of the Second of the

112th Infantry Battalion (Stryker), 56th Stryker Brigade, 28th Infantry Division, Pennsylvania Army National Guard that was deployed and participated in Operation Iraqi Freedom.

The 56th Brigade (Stryker) and 2-112th Infantry Battalion (Stryker) is the only reserve component selected to be a Stryker unit. Headquartered out of Lewistown, Pennsylvania, and based at Camp Liberty in Iraq, the brave soldiers of this Stryker unit went into the hostile Abu Ghraib sector of Iraq with approximately 800 soldiers. Company A hails from the Huntingdon-Everett area, Company B is comprised of soldiers from Altoona, and the Tyrone-Bellefonte area makes up Company C. These brave American heroes were a part of the particularly successful Stryker Task Force Paxton that conducted lethal terrorist operations against Al Qaeda and the insurgent forces. The 2-112th Infantry Battalion (Stryker) accomplished the most active and successful time sensitive enemy targeting in the highly contested Baghdad region of Iraq while suppressing the instability.

Not only have these brave men and women put their lives on the line for the peace and prosperity of our nation, but they also contributed to the betterment of another. The 2-112th Infantry Battalion (Stryker) participated in operations which improved the human and physical infrastructure of Iraq to include its economic capacity and schools. Madam Speaker I would like to extend to these brave soldiers my most sincere personal thanks for their honorable service to our nation. They have helped maintain our security through some of our country's most trying times, as we adapt to unconventional threats. I know that my words reflect the feelings of all citizens of our Nation when I say that these men and women are true American heroes.

RECOGNIZING THE WORK OF
LARRY METZGER

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. TIBERI. Madam Speaker, with great pleasure I rise to recognize the distinguished career of the CEO of the Columbus Board of Realtors, Larry Metzger.

Since World War II, homeownership has been at the root of America's vitality and growth. Where homeownership flourishes neighborhoods prosper, as residents are more civic-minded, schools stronger and streets safer. The spread of ownership and opportunity helps give us a vital stake in the future of America and the chance to realize the great promise of our country. At the core of this promise is the industry which helps make this dream a possibility. Realtors serve a vital role in the healthy propagation of homeownership; therefore, those who contribute to the furtherance of this profession are deserving of our thanks and recognition.

For over two decades, Larry Metzger has led the Columbus Board of Realtors with distinction as its chief executive officer. Dedicating his career to his fellow realtors, Larry has built a tremendous reputation as a tireless

advocate of his profession. His unparalleled leadership and passion for the benefits of homeownership helped maintain the realtor profession's role in the tremendous growth of central Ohio, playing an irreplaceable part in the furtherance of the American Dream for thousands.

Through commendable love of his community and fidelity to his craft, Larry stands as a pillar in the central Ohio region. Therefore, I am very pleased to thank him for all he has done for Ohio.

As a former realtor, I am especially pleased to recognize Larry Metzger for his service to central Ohio and the realty community.

PERSONAL EXPLANATION

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. CONAWAY. Madam Speaker, on rollcall No. 831, H. Res. 729, had I been present, I would have voted "yea."

CELEBRATING NATIONAL BIBLE
WEEK NOVEMBER 22ND TO 29TH,
2009

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. SHULER. Madam Speaker, I rise today to celebrate National Bible Week and encourage my colleagues to join me in commemorating this important week. I am honored to serve as a Congressional Co-Chair for National Bible Week, taking place from November 22nd to 29th this year. As we gather with family and friends to enjoy the Thanksgiving Holiday, we should also take time to celebrate the Holy Book which guides the lives of so many and has fundamentally shaped our great nation's history. We read in Proverbs 3:6 "think about Him in all your ways and He will guide you on the right paths."

From the earliest American settlers onward, the Bible has played a pivotal role in the shaping of our nation. Throughout our history, many of our great leaders have turned to the Bible for direction and consolation. We are blessed to live in the United States where we may worship as we please, with the freedom to rejoice in the teachings of the Holy Bible without fear of persecution.

The Bible provides important guidance and comfort in our daily lives, and it teaches the moral code that many of us live by. Our nation's ideological foundations of justice, equality, and service reflect the guiding principles of the Bible. The teachings of the Holy Bible continue to guide many of us as we govern.

Madam Speaker, as we celebrate National Bible Week, we remember the importance of our faith, in both our public and private lives. The National Bible Association is to be commended for their work inspiring interest in the teachings of the Holy Bible and God's Word. I encourage everyone to read and seek comfort in the Bible, during this week, and thereafter.

HONORING EDWARD F. NEWMAN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. FARR. Madam Speaker, I rise today to honor and pay tribute to my friend Edward F. Newman, who recently died at age 85, for an inspiring life that promoted peace and social justice. He was a well-known and much loved Santa Cruzan.

Following high school he attended the School of Engineering at the University of California Berkeley before joining the Navy to serve in World War II. As a young enlisted man, he organized a brave challenge to the status quo, resulting in dismissal of a corrupt procurement officer. This experience taught him, at an early age, that even one person can make a difference in this world. He earned a law degree from U.C. Berkeley in 1951, and used his skills as an accomplished writer, speaker, and advocate, to stand up for justice and common people.

Ed actively promoted the causes of peace and social justice throughout his life. He vigorously opposed the Vietnam war and the invasion of Iraq. He served as president of the Castro Valley Democratic Club, and later founded and served as president of the People's Democratic Club of Santa Cruz County. He campaigned to protect the environment, abolish the death penalty, protect civil rights, women's rights, gay rights, and all human rights. As a veteran, he became active in the Santa Cruz County Chapter of the Veterans of Foreign Wars, leading the chapter to advocate for peace, and to oppose expansion of the military-industrial complex. With intelligence and humor, he exposed political hypocrisy, writing countless letters to the editor, and contributing columns to newspapers.

As an attorney, Ed Newman championed causes of the underdog, handling numerous pro bono matters to protect fundamental rights. He defended ordinary citizens in proceedings by the House Un-American Activities Committee, and took cases for the American Civil Liberties Union. In the 1980s, he took a pro bono case to challenge gender discrimination, resulting in the court decision which transformed the Santa Cruz Boys Club into the Santa Cruz Boys and Girls Club. He was president of the Santa Cruz County Bar Association in 1985. He was also a leader in the Starr King Unitarian Church, and he served as committee chair and president of the Unitarian Universalist Fellowship of Santa Cruz County.

As a civic leader and activist, Ed Newman inspired his community with his eloquence, intelligence, and tireless advocacy for justice. To his family and friends, Ed was known for his kindness, his wisdom, his outstanding cooking, and his wonderful sense of humor. With his wife Carol, he raised five children, all of whom graduated from U.C. Santa Cruz before obtaining advanced degrees in Library Science, Particle Physics, Medicine, Literature, and Law. He is survived by his wife Carol, with whom he recently celebrated their 60th wedding anniversary, as well as his sister, five children, and ten grandchildren.

Madam Speaker, on behalf of the United States Congress, I would like to express the

gratitude of the whole House to Edward Newman for his legacy of courage, honesty, and love, inspiring us all to work for a better world. He will be sorely missed.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Ms. LEE of California. Madam Speaker, on Thursday, October 29, I missed rollcall vote No. 831 on H. Res. 729, expressing support for designation of a "National Firefighters Memorial Day" to honor and celebrate the firefighters of the United States. Had I been present, I would have voted "aye" on this rollcall vote.

NATIONAL PRINCIPALS MONTH

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Ms. MCCOLLUM. Madam Speaker, I rise in strong support of this resolution designating October 2009 as "National Principals Month."

School leadership is important in ensuring that every child has access to a high-quality education. I want to take this time to thank elementary, middle, and secondary school principals for their dedication and hard work in helping to make the schools in Minnesota's Fourth District a wonderful place to learn and grow.

Principals do more than just manage the budget, discipline students, and improve student achievement. They serve as role models and are instrumental in their students' social development and ability to solve family problems. I am reminded of Ann Cassidy, my principal at Central Grade School in South Saint Paul. She was the first woman I encountered in a position of authority. As busy as Principal Cassidy was running a successful school, she always had time for her students. To this day, I remember her kind words and reassuring presence.

Madam Speaker, I missed the vote on this resolution because I was negotiating a solution to address inequities in Medicare reimbursement that negatively impacts Minnesota. If I were still in grade school, Principal Cassidy would have sat me down and told me, "Betty, it is good that you were taking care of your constituents but you must slow down and pay attention to what you are doing." Now this is always good advice whether you are a Member of Congress or an elementary school student.

TESTIMONY ON THE BOEING COMPANY'S 787 DREAMLINER ASSEMBLY LINE COMING TO CHARLESTON

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. BROWN of South Carolina. Madam Speaker, I rise today to proudly announce that the Boeing Company has chosen North Charleston, South Carolina, as the site of a second assembly line for their 787 Dreamliner.

This is historic and exciting news for the Lowcountry and I, along with the rest of the State, warmly welcome Boeing's expanded presence in our community and the bright future of employment and prosperity that they bring with them.

I was proud to be a part of this process and I sincerely congratulate the South Carolina delegation, our State legislators, State officials and all the other parties involved for their hard work and efforts in getting Boeing to North Charleston.

Finally, I would like to highlight the outstanding leadership of Boeing's CEO, Mr. James McNerney, Jr., an accomplished businessman and high caliber individual.

I thoroughly enjoyed working with him and I am honored to welcome Mr. McNerney and his wonderful company to the Palmetto State.

THE NEED FOR THE GREAT LAKES RESTORATION INITIATIVE

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. OBEY. Madam Speaker, I commend to my colleagues the enclosed article from the Milwaukee Journal Sentinel about the threat to the Great lakes from invasive species and the need for the Great Lakes Restoration Initiative passed by the house last week.

[From the Milwaukee Journal Sentinel, Nov. 2, 2009]

15,000 REASONS TO WORRY ABOUT STATE'S LAKES

(By Dan Egan)

CRANDON.—A day at the beach in Wisconsin's North Woods didn't used to go like this.

Candy Dailey spent a Fourth of July holiday splashing with grandkids on the sandy shore of Lake Metonga when she felt a nasty sting on her foot.

She didn't need to look down to know the culprit was a zebra mussel—cuts from the razor-sharp shells have become as unremarkable as bee stings since the mussels invaded Dailey's lake eight years ago.

The natives of the Caspian Sea region first turned up in North America in the summer of 1988, thanks to overseas freighters' long-standing—and ongoing—practice of dumping their contaminated ballast water in the Great Lakes, which are now home to more than 185 non-native species.

None has wreaked more damage than the mussels, which feast on Great Lakes plankton and have cost the region billions of dollars in starved fish populations, beach-

trashing algae blooms and plugged industrial and municipal water intake pipes.

Now, this ecological mess is spreading inland.

"The Great Lakes are just a beachhead for invasions that are going to play out in lakes across the country in the next century," says University of Wisconsin ecologist Jake Vander Zanden. "It's just the start."

Dailey is painfully aware of this.

"I'm a nurse, so I knew to make it bleed and wash it out," she says of the cut suffered from the molar-sized mussels. "I dried it off and taped it."

Trouble came in the middle of the night when she woke with a throbbing, swollen foot. By morning a tell-tale red streak was creeping up her leg. By sunset she was taking a broad-spectrum antibiotic.

Dailey recovered from the bacterial infection, but her holiday was over.

It's not the kind of story that makes a headline. It's just one infection from one cut. It's just one person swimming in one inland lake.

The problem is Wisconsin has more than 15,000 inland lakes.

REAL TROUBLE FOR REAL ESTATE

Politicians have tried for years to force overseas freighters to treat their ballast water—used to steady the ships—before discharging it at a Great Lakes port in exchange for cargo.

The shipping industry acknowledges the trouble it has pumped into the world's largest freshwater system, and its leaders profess a desire to do something about it.

Yet at the same time they have consistently fought regulations proposed by Great Lakes states to require freighters to install onboard ballast treatment systems, claiming they are impossibly stringent, expensive or inconsistent from state to state.

Members of Congress, meanwhile, have repeatedly vowed—and repeatedly failed—to craft an overarching national ballast law that is palatable to both the shipping industry and environmentalists.

The result is the door remains open to invasions, the most recent being the "bloody red shrimp" discovered in Lake Michigan in late 2006. There could well be others that have arrived since then; it can take years for populations to grow big enough to be noticed.

Biologists say the damage being done to the world's largest freshwater system cannot be overstated, but the problem has become bigger than the Great Lakes themselves. It's now clear the failure to slam the door on new Great Lakes invasions has consequences for everyday folks with cottages on inland lakes, places working-class people across the state like to claim as their favorite on earth.

"Where is the fun in playing on the shoreline anymore if our lakes are wall-to-wall zebra mussels?" asks Dailey. "Look at the money that we all pay in property taxes to live on a lake that is now not the lake that it used to be."

The potential economic impacts of this second-wave invasion could prove staggering.

Property on Forest County's Lake Metonga sells for an average of about \$1,200 a shoreline foot, and the lake has roughly 7 miles worth of it. That means a crude estimate of just this lake's shoreline value—not including any of the homes built on it—lands somewhere above \$44 million.

At the same time, one estimate of the annual savings associated with using overseas ships to haul cargo into the Great Lakes instead of transporting it via truck, train or barge is only \$55 million.

That's basically the real estate value of just one inland lake.

GLOBAL TROUBLE KNOCKS

People flock to places like the forested shores of Lake Metonga to get away from the rest of world.

It is an illusion.

Standing in front of about 400 shorefront property owners at the annual Wisconsin Lakes Convention in downtown Green Bay, University of Notre Dame professor David Lodge dimmed the lights and gave a pointed presentation last spring about the biological perils for a globe that has been stitched so tightly together by increasingly efficient transportation networks.

Lodge pulled up a slide showing the Great Lakes are directly connected to 12% of the world's ports. That means a mussel, fish or even virus picked up at a bustling global port in a place like Antwerp, Belgium, can arrive in a matter of days at the Green Bay docks just outside the doors of the conference center at which Lodge spoke.

Then Lodge showed a slide that revealed 99% of the world's ports are just two stops or fewer away from the Port of Green Bay, or any other commercial dock in the Great Lakes. This is not a theoretical problem; freighters are blamed for the arrival of nearly 60 new species since the St. Lawrence Seaway opened the Great Lakes to oceangoing vessels 50 years ago.

And spreading that misery inland like so many viruses are the fishing boats, Jet Skis and other pleasure craft rolling on trailers down the state highways that provide a 65 mph link between the Great Lakes and inland waters.

Wisconsin now has 120 inland waterways confirmed as infested with zebra mussels, though there is not a comprehensive annual survey of each lake so the actual number could be much higher.

Beyond slicing swimmers' feet, zebra mussels have been linked to inland lake outbreaks of blue-green algae that produce toxins that can kill an animal and can cause liver damage in humans.

This algae was a problem in state waters during the 1960s and '70s, but it faded with a ban on laundry detergents that contained the phosphorous that fed its blooms.

Now blue-green algae outbreaks are making a comeback, and scientists are pointing to zebra mussel infestations as a big reason.

The mussels encourage the blooms because they eat virtually every type of algae except for the blue-green algae. That gives the toxic algae a competitive advantage over its nutrient-rich cousins that have historically nourished the base of a lake's food chain.

Zebra mussels may also further promote these toxic blooms because their excrement fertilizes them.

Still, not every lake in Wisconsin is destined to become home to zebra mussels. Many, for example, don't contain enough mussel shell-building calcium. Biologist Vander Zanden's lab analyzed 923 lakes in northern Wisconsin's Vilas County and found 91 of them to be suitable habitat for zebra mussels. It's a completely different story in southeastern Wisconsin, where all but one of 334 analyzed can likely sustain zebra mussels.

But property owners on inland lakes have to worry about a lot more than just zebra mussels.

"If you want to know what's coming next, look at the species that are already in the Great Lakes," Lodge says.

And the problem doesn't stop at the state line; boat ramps around the country are

launching more than just boats. Zebra mussels are widespread in the Mississippi River basin, and quagga mussels are now plugging pipes all the way out in California.

INVADERS ON THE WAY

The list of Great Lakes invaders that threaten inland waterways includes VHS, a viral disease spreading through the Great Lakes that can be lethal to dozens of fish species.

It also includes the quagga mussel, a slightly larger and harder cousin to the zebra mussel that has exploded across the bottom of Lake Michigan in the past few years. Scientists say they are swallowing the base of the food chain and that jeopardizes everything above it, including the prized salmon that drive much of the Great Lakes' billion-dollar recreational fishery.

Overseas freighters also brought to the Great Lakes the round goby, a bug-eyed fish that thrives on native species' fish eggs. Lake Michigan has lost more than 90% of its prey fish population since the arrival of invasive mussels, but the round goby is thriving, now accounting for about a fifth of the lake's prey fish.

Gobies were first found in the Great Lakes in 1990 and in recent years began gobbling their way up Great Lakes tributaries, in some cases as far as 30 miles inland. The fish have been found in more than one-third of the Lake Michigan tributaries sampled.

"They are marching inland, and there is a lot of habitat for them," says Vander Zanden.

Ballast water has also brought to the Great Lakes the spiny and fish hook water fleas, which are both hard for native fish to eat because of their namesake tails, and a rival when it comes to feasting on the microscopic critters at the bottom of the food chain.

Wisconsin's Department of Natural Resources has distributed more than \$10 million to communities to fight aquatic invasive species since 2003. Regardless, the list of new invaders is likely to grow.

The only protection the Great Lakes has at the moment from contaminated ballast water is a requirement that overseas ships bound for the Great Lakes flush their ballast tanks with mid-ocean saltwater to expel or kill any unwanted hitchhikers. It is a practice scientists say goes a long way—but not all the way—to reducing the risk of future invasions.

In January, the Environmental Protection Agency released a report that spotlighted 30 organisms that have yet to invade the Great Lakes but are medium to high-risk candidates to do so.

Twenty-five years ago, few in the Great Lakes region had even heard of a zebra mussel. The question now: What next is headed up the St. Lawrence Seaway?

"Until we control the ships, there will be lots of species nobody has ever heard of arriving on their doorsteps," says Anthony Ricciardi, an invasive species expert at Montreal's McGill University.

FRUSTRATIONS MOUNT

In 2008, organizers of the Pewaukee Triathlon had to cancel the swim portion of the event, which drew some 2,000 racers, because of plumes of blue-green algae. Nutrients flushed into the lake by heavy rains were a likely factor, but it didn't help that Pewaukee has also been infested with zebra mussels.

On a busy Sunday over Labor Day weekend, Pewaukee Lake bait shop owner John Laimon estimated there were about 200

trailed boats on the lake "coming from who knows where."

It's not lost on him that Lake Michigan boat ramps are just a half-hour away. He is flabbergasted that two decades after zebra mussels were discovered in Lake Michigan, the government has failed to turn off the invasive species spigot.

"We're the ones paying for the mistakes at the federal level, and there is nothing in the wind that is going to stop that," he says.

With little progress in Congress, the state of Wisconsin earlier this year tried to take matters into its own hands. It followed the leads of other Great Lakes states such as Michigan, Minnesota and New York and proposed its own ballast regulations that would require ships to install onboard treatment systems.

Shipping industry advocates were not happy, particularly because Wisconsin's proposed standards, which mirror New York's, are much stricter than those of neighboring Minnesota.

They urged the Wisconsin Department of Natural Resources to back off or adopt weaker regulations more in harmony with those of Minnesota, with which Wisconsin shares Duluth-Superior harbor. What's the point in stringently protecting just one side of a harbor, they asked.

Conservationists agreed. But they urged Minnesota to get as tough as Wisconsin was considering.

The shipping industry turned out in force at a public hearing on Wisconsin's proposal last spring, easily outnumbering those in favor of greater protections.

"In a time of national recession and a record state budget deficit, the last thing Wisconsin should do is impose a (ballast) permit that will: A) destroy jobs, B) reduce tax revenues and C) not result in any environmental benefits," said Andy Lisak, executive director of the Development Association that promotes business interests in Douglas County and the port city of Superior.

The DNR has been sitting on its proposal ever since.

And this has left bar-and-boat-launch owner Andy Cuppan "terrified" about what might be headed next down the interstate off-ramp and into his mussel-infested lake.

He and his business partner recently bought the Boathouse Bar and Grill on the shore of Upper Nemadji Lake, which is literally just feet from the rumbling westbound lanes of I-94.

Cuppan mentions that earlier this summer he dared to take a shoeless swim and suffered several stinging mussel cuts.

More painful for him is the idea that not enough is being done to protect him from the big lake 30 miles to the east and from what's stewing in the water at ports across the globe.

"We can't do anything about what's here, but let's not let anything else in," he said. "Our livelihoods are at stake."

Of course this is just one guy, on one lake. The problem is Wisconsin has more than 15,000 of them.

HONORING COACH HARVEY
JESSUP

HON. LUCILLE ROYBAL-ALLARD
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES
Monday, November 2, 2009

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to commemorate the posthumous

induction of Harvey Jessup into the Athletic Hall of Fame of Western Connecticut State University. I never had the honor of knowing Mr. Jessup, but I do have the pleasure of having his daughter Debbie Jessup, a nurse midwife, working in my office as my health care policy advisor. Debbie recently shared news with us that her father was being honored for his work at the then-named Danbury State Teacher's College. It is a testament to Mr. Jessup that 50 years after their graduation, the Class of 1959 at Danbury State chose to nominate him for induction into the school's Athletic Hall of Fame. I was touched when Debbie recounted stories of her father's athletic accomplishments, and more importantly, how he impacted the lives of his students and athletes. I am submitting to the CONGRESSIONAL RECORD the remarks Debbie made when she accepted the award on her father's behalf to share with my colleagues the story of Coach Jessup, and all his good works which prompted the Class of '59 to bestow this honor on him.

HALL OF FAME ACCEPTANCE

Thank you all for honoring my father—and our family—with this award. That my father would be remembered as a great coach and teacher almost a half century after leaving Danbury State Teacher's College is a remarkable tribute and very touching for those of us who loved him. But this award is particularly meaningful for me because it paints a picture of a man that I had been too young to know, and it gives some insight into the life and career that followed his years in Connecticut.

When I remember my father, it is always during the Tulane years when he was a Professor, Department Chair, and Assistant Athletic Director. Our family's lives were structured around the university calendar, campus activities, and my dad's teaching, recruiting and administrative responsibilities. Our home was always a haven for students and athletes who needed comforting, mentoring, or just a good home cooked meal.

During those years my dad was my greatest hero, and to me he always seemed larger than life. I lived in awe of his athleticism and his intelligence, of his ability to command a room with his words, and his gift for bringing out the talent in the least promising of students. He pushed me and everyone in his life to their greatest levels of achievement, but at the same time he always had amazing compassion and patience for anyone who was vulnerable. Although it has been 21 years since he left us, hardly a week goes by that I do not remember something that he taught me with his words or modeled with his life.

When I remember those years with my father at work I always recall a flock of female students vying for his attention, or an athlete needing his guidance, or a young teacher seeking his advice. Every homecoming I met alumni who told me of the impact he had had in their lives, and I have proud memories of honors and awards he received over the years. So truthfully his selection for an Athletic Hall of Fame award would not have been particularly surprising to me—if it had come from his Tulane years.

Instead this Hall of Fame award comes from a time that I hardly remember. And the nomination comes from a class of students and athletes who knew my father 50 years ago. I am honestly overwhelmed that the class of 1959 would remember my father's impact on their lives five decades after they

graduated. It is extraordinary just in the amount of time that has passed, but even more so when you know something about the four years during which the Class of 1959 was taught and coached by my father. It is a story that I think is worth sharing, because I believe it is what makes this nomination and this award truly remarkable. I also believe that it presents an opportunity for one last lesson from your Coach and Teacher.

When this 50 year reunion class entered Danbury State Teachers College in the fall of 1955 my father was a young teacher and coach at the beginning of his career. Three years earlier he had married the love of his life, they had a two year old daughter (me) and a three month old baby girl. With a little home overlooking Candlewood Lake, he was living the American Dream.

During the four years that my father taught and coached this class of 1959, his entire world was shattered. His infant daughter (Doreen) was diagnosed with uncontrolled seizures and irreversible brain damage—his third child (Dolores) was born with Down syndrome—and we buried Doreen six months before her fourth birthday. My parents spoke very little of that time in their lives, and so it really wasn't until I had children of my own that I began to understand the magnitude of their struggles and their suffering.

Even in the best of circumstances, parenting three children under the age of five is exhausting and all-consuming. I've been there—and I am sure that many of you have also—and you know how much work and attention it takes. Most people in that situation who are faced with even one of the tragedies that my parents lived through would be lucky to simply survive emotionally. But somehow my father managed to remain the strength and the sunshine for his family during these four difficult years, while coaching three teams, teaching his classes, and mentoring a group of students who still remember his influence on their lives fifty years later.

Several years after coming to Tulane my father gave a commencement speech in which he described the core element of a great teacher or leader: "Moral courage," he said, "is standing still and saying—this is what I believe, that I will do and that I will not do, this is my code of behavior and that is outside it." I believe that the man I loved and admired my entire life found his moral courage during those four years with the Class of 1959. Perhaps that is the reason you still remember him fifty years later. Hopefully it was the core lesson that you took with you when you graduated.

My father's years of teaching and coaching were guided by the belief that the true mark of greatness for any coach or teacher is not found in his record of games won, or his list of publications—but rather is measured in the accomplishments of his students, or the athletes he coached. For that reason, I am certain that his greatest pleasure in this evening's award ceremony would be hearing the life stories of his former students. Your lives and your accomplishments are truly his Hall of Fame.

I know that my dad would have been particularly thrilled that he is being honored along side his student and athlete and lifetime friend, Teddy Smigala. I extend my congratulations to Teddy and to all the other awardees here tonight. And I thank all of you—not only for this honor that you have given my father, but especially for the insights and memories you have shared with our family.

EARMARK DECLARATION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. YOUNG of Alaska. Madam Speaker, in adherence to the Republican Earmark Standards for the Coast Guard Authorization, H.R. 3619, I submit the following:

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 3619

Provision: Section 1307

Legal Name of Requesting Entity: USCG Cutter Storis Museum & Maritime Education Center, LLC

Address of Requesting Entity: 229 4th Street, Juneau, Alaska 99801

Description of Request: The Storis Museum is organized and established for the purpose of obtaining the USCG Cutter Storis from the government of the United States of America and establishing a non-profit museum in Alaska that will maintain the Storis in Alaska when the vessel is declared surplus. It is the intent of the Storis Museum to make the USCG Cutter Storis available to the public as a museum and to work cooperatively with other museums to provide education and memorialize the maritime heritage of the Storis and other maritime activities in Alaska, the Pacific Northwest, the Arctic Ocean and adjacent oceans and seas and such other lawful affairs allowed in Alaska.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 3619

Provision: Section 1302

Legal Name of Requesting Entity: Stabbert Maritime

Address of Requesting Entity: 2629 NW 54th Street, #W-201, Seattle, WA 98107

Description of Request: This provision would restore the coastwise privileges to the U.S.-built research ship, the Ocean Veritas, that was sold foreign in 1997 but now is in the process of being reflagged to the U.S. flag. The ship was built in 1974 by Halter Marine Fabricators, Gulfport, MS, which is also its homeport. However, unless this provision is enacted the vessel would be without coastwise privileges as a result of that prior sale to a foreign owner.

Requesting Member: Congressman DON YOUNG

Bill Number: H.R. 3619

Provision: 1302

Legal Name of Requesting Entity: Alaska Industrial Develop. and Export Authority

Address of Requesting Entity: 813 West Northern Lights Blvd., Anchorage, AK 99503

Description of Request: This provision would restore the coastwise privileges to AK Ship and Drydock #2.

RECOGNIZING SANDRA BECKLEY

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. BUCHANAN. Madam Speaker, I rise today to recognize a dedicated public servant,

Sarasota National Cemetery Director Sandra Beckley, who will retire from 37 years of public service at the end of this year.

Ms. Beckley began her career with the U.S. Veterans' Administration in 1972 and has served as the Director of national cemeteries in Sarasota, Florida; Atlanta, Georgia; Pensacola, Florida; Mobile, Alabama; and Florence, South Carolina.

The veterans of Florida's Sun Coast, and their families, were fortunate that the VA appointed Sandra as Director of Sarasota National Cemetery on October 14, 2007. Since then, she has done an outstanding job overseeing the timely construction, dignified burial, and maintenance operations of this first-class facility.

She has worked extremely well with my office, the local veterans' community, and other stakeholders to ensure that veterans in the Sarasota-Bradenton area are memorialized with the honor and respect that they deserve, close to home.

Madam Speaker, I have very much enjoyed having had the opportunity to work with Sandra and will miss her strong, candid, and caring leadership. While we will miss her in Sarasota-Bradenton, we wish her all of the very best in her retirement, which she has richly earned.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Ms. WOOLSEY. Madam Speaker, on October 29, 2009, I was unavoidably detained and was unable to record my vote for rollcall No. 831. Had I been present I would have voted: rollcall No. 831: "yea"—Expressing support for designation of a "National Firefighters Memorial Day" to honor and celebrate the firefighters of the United States.

VARIABLE RATE MORTGAGE INSURANCE PREMIUMS: ARE THEY HOLDING BACK POTENTIAL HOMEOWNERS?

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. BURTON of Indiana. Madam Speaker, although unemployment, now at 9.8 percent, is expected to keep rising, and consumer confidence is down, the latest Federal Reserve report on economic activity shows some small signs that the recession may finally be starting to bottom out.

In particular, I am encouraged that we are starting to see indications that a rebound in the housing sector may be developing. A few weeks ago, for example, the Commerce Department said new-home building rose for the third time in four months during September, and, the National Association of Realtors announced that demand for previously-owned homes surged in September.

In late October, the Case-Shiller home-price indexes showed that U.S. home prices logged their third monthly increase in August. The indexes showed prices in 10 major metropolitan areas rose 1.3 percent from July. In 20 major metropolitan areas, home prices were up 1.2 percent from the previous month.

However, if a housing rebound is starting, it is still very fragile. For example, applications for home building permits—a key gauge of future construction—fell in September by the largest amount in five months. And, according to figures recently released by the Commerce Department, sales of new homes dropped unexpectedly in September; the first such decline since March.

The foreclosure crisis all but erased the gains we have made in increasing homeownership rates in the last 20 years. The financial gains families thought they had achieved through increases in home equity also disappeared, as now roughly 20 percent of homeowners owe more on their homes than they are worth.

Nevertheless, homeownership remains the single most important wealth-building tool available to families in this country. In fact, housing experts are saying that now is the time to buy. A sustained rebound in housing is therefore absolutely vital to Federal, State and local efforts to spark a broader economic recovery.

Regrettably, I have spoken to a number of mortgage brokers in Indiana and they tell me that many first-time homebuyers, who could otherwise buy a home, are finding themselves locked out of the housing market by the very rules and regulations we put into place to protect consumers from the so-called predatory lending practices that created the sub-prime mortgage mess in the first place.

I am not suggesting that we should return to the unchecked lending of the last decade, where someone could put no money down, show no proof of income or employment and walk away with a million dollar mortgage. But I am suggesting that we need to be vigilant for circumstances where—either through legislative or regulatory action—the Federal government may have inadvertently swung the pendulum too far in the direction of restricting access to the mortgage market in the name of consumer protection.

There are two letters I received from mortgage brokers in Indiana that point to one potential example. The issue relates to variable rate pricing of mortgage insurance for Federal mortgage loans.

These letters show these two mortgage agents both believe that the Federal Housing Administration's shift in policy from charging a flat-rate for mortgage insurance to charging a variable rate based on a person's credit score, has unfairly excluded some qualified buyers from the dream of home ownership.

I am not a mortgage expert; Madam Speaker, so I will defer to the experts as to whether the shift from flat-rate pricing to variable rate pricing is truly preventing would be homeowners from buying a home; but I would like to cite for the record a 2007 report done by the nonpartisan General Accountability Office regarding the proposed changes to the Federal Housing Administration's lending standards, including the shift to variable rate pricing

of mortgage insurance premiums. The report reads, in part:

"... our analysis of data for FHA's home purchase borrowers in 2005 showed that, under FHA's risk-based pricing proposal, about 43 percent of those borrowers would have paid the same or less than they actually paid, 37 percent would have paid more, and 20 percent would not have qualified for FHA insurance."

In other words, GAO's analysis, based on my understanding of the report, seems to suggest that variable rate premiums, based on perceived risk, send little extra money into the mortgage insurance trust fund to protect the funds from increased defaults but deny 20 percent of applicants FHA mortgage insurance—and by extension a mortgage.

If GAO's analysis is correct, and I have no reason to doubt GAO's findings, it would seem to support the arguments offered by the mortgage brokers from Indiana I cited earlier. In that case, Madam Speaker, I would ask my colleagues on the Finance Committee to give all due consideration to investigating the policy of variable rate pricing, in order to ensure that truly qualified borrowers are not being unfairly pushed out of the housing market.

ALL STAR MORTGAGE COMPANY,

August 19, 2009.

Congressman DAN BURTON,
Rayburn H.O.B.,
Washington, DC.

DEAR CONGRESSMAN BURTON: I am writing this letter as a follow up in regards to our meeting last week. The American consumer that desires to purchase a new home or refinance their existing home is at a distinct disadvantage considering Fannie Mae and Freddie Mac's unfair increased risk based pricing and mandatory delivery fees. These excessive fees and higher down payments are stifling the real estate market. They are overly burdensome to consumers, even those with perfect payment histories. This is not only stalling the housing recovery, but also inhibiting the overall economy, as many industries are housing related. This unfair practice is excluding many well-qualified borrowers from the dream of home ownership. It would be my hope that Congress would call for Fannie Mae and Freddie Mac to revisit their current policy of charging higher fees and requiring larger down payments to certain qualified borrowers, than they would charge an equally qualified borrower based solely upon credit score without regard to the borrower's actual credit repayment history.

Sincerely,

GREG EVANS,
President.

1ST MORTGAGE OF INDIANA, INC.,
Indianapolis, IN, August 19, 2009.

Congressman DAN BURTON,
Rayburn H.O.B.,
Washington, DC.

DEAR CONGRESSMAN BURTON: Many American consumers that desire to purchase a new home, or refinance their existing home, are being discriminated against based solely upon their Fico credit scores. We believe that Fannie Mae and Freddie Mac's increased risk based pricing, and mandatory delivery fees are unfair and excessive. These fees are overly burdensome to consumers, including many consumers with perfect payment histories. This is stalling the housing recovery and also inhibiting the overall economic rebound, as many industries are hous-

ing related. This unfair practice is excluding many well-qualified borrowers from the dream of home ownership. Please allow me to cite one real life example. We recently attempted to assist a 1st time home buyer who had a long credit history. Her re-payment history was perfect! She never had a single late payment! She had sacrificed and saved for years to come up with a 20% down payment. However, due to the type of credit she had established and had utilized (mostly revolving accounts vs. installment loans), her Fico score was 679. Based on Fannie Mae and Freddie Mac's risk based pricing, an additional fee of 2.5% of the loan amount would have been due and payable directly to Fannie or Freddie. With her loan amount of \$250,000, that equated to \$6250 in additional fees. This unfair additional fee caused her family to delay their dream of homeownership, and also prevented the would-be seller from selling their home and purchasing another. Sadly, this scenario is being repeated over and over nationally. Please call on FNMA and FHLMC to stop charging these excessive fees!

Sincerely,

J. MICHAEL STRAWN,
VP.
CATHERINE J. STRAWN,
President.

IN RECOGNITION OF THE LIFE OF JAMES W. ANDERSON

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the memory of James Anderson of Salem, Alabama.

Mr. Anderson was born on December 12, 1969, and grew up in Smiths Station, Alabama. Mr. Anderson was married to Corinna and blessed with two children, Kristopher and Kelli, and a grandson, Jason James. Mr. Anderson loved Alabama football and Columbus Cottonmouth hockey.

Mr. Anderson served our community as a deputy for the Lee County Sheriff's Office. On September 24, 2009, Mr. Anderson was intentionally and tragically struck by an automobile during a traffic stop. He was transported to Columbus Medical Center where he, despite best efforts, later passed away.

He will be sorely missed, but remembered as a man who gave selflessly for his fellow Alabamians. Let us continue to pray for his loved ones at this difficult time.

CONFERENCE REPORT ON FISCAL YEAR 2010 DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT (H.R. 2892)

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 2, 2009

Ms. McCOLLUM. Madam Speaker, I rise in support of the Conference Report on the Fiscal Year 2010 Department of Homeland Security Appropriations Act. Chairman OBEY and

Chairman PRICE deserve recognition for their leadership in crafting a fiscally responsible bill that provides vital aid for our first responders and also makes key investments to improve the security of our borders, ports, and aviation and transit systems.

With this bill, Congress takes important steps to close the Guantanamo Bay Detention Facility while also ensuring the security of the United States. H.R. 2892 prohibits the transfer of Guantanamo detainees to the United States, except for the purpose of criminal prosecution. The President must report to Congress any detainee transferred to the U.S. or any other country. This bill mandates the inclusion of all Guantanamo detainees on the TSA "No Fly List."

Madam Speaker, I also oppose the Republican Motion to Recommit on H.R. 2892, which would prevent detainees held at Guantanamo Bay to be brought into the United States for prosecution or incarceration. This motion is unnecessary due to the safeguards contained in this conference report. The Guantanamo Bay Detention Facility is a disturbing and unfortunate chapter in our Nation's history. Under the leadership of President Obama, the United States will close the detention center and restore our commitment to human rights and justice.

I urge a "no" vote on the Republican Motion to Recommit and urge my colleagues to support final passage.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 3, 2009 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED NOVEMBER 4

10 a.m.

Finance

To hold hearings to examine the nominations of Michael W. Punke, of Montana, to be a Deputy United States Trade Representative, with the rank of Ambassador, Department of State, Islam A. Siddiqui, of Virginia, to be Chief Agricultural Negotiator, Office of the United States Trade Representative,

with the rank of Ambassador, and Michael F. Mundaca, of New York, to be Assistant Secretary of the Treasury.

SD-215

Homeland Security and Governmental Affairs

Business meeting to resume consideration of S. 1649, to prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction, S. 1862, to provide that certain Secret Service employees may elect to transition to coverage under the District of Columbia Police and Fire Fighter Retirement and Disability System, H.R. 553, to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, S. 1755, to direct the Department of Homeland Security to undertake a study on emergency communications, H.R. 730, to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, S. 1825, to extend the authority for relocation expenses test programs for Federal employees, S. 1860, to permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms, H.R. 955, to designate the facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, as the "John 'Bud' Hawk Post Office", H.R. 1516, to designate the facility of the United States Postal Service located at 37926 Church Street in Dade City, Florida, as the "Sergeant Marcus Mathes Post Office", H.R. 1713, to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Oklahoma, and the facility of the United States Postal Service located at 310 North Perry Street in Bennington, Oklahoma, in honor of former Congressman Wesley "Wes" Watkins, H.R. 2004, to designate the facility of the United States Postal Service located at 4282 Beach Street in Akron, Michigan, as the "Akron Veterans Memorial Post Office", H.R. 2760, to designate the facility of the United States Postal Service located at 1615 North Wilcox Avenue in Los Angeles, California, as the "Johnny Grant Hollywood Post Office Building", H.R. 2972, to designate the facility of the United States Postal Service located at 115 West Edward Street in Erath, Louisiana, as the "Conrad DeRouen, Jr. Post Office", H.R. 3119, to designate the facility of the United States Postal Service located at 867 Stockton Street in San Francisco, California, as the "Lim Poon Lee Post Office", H.R. 3386, to designate the facility of the United States Postal Service located at 1165 2nd Avenue in Des Moines, Iowa, as the "Iraq and Afghanistan Veterans Memorial Post Office", H.R. 3547, to designate the facility of the United States Postal Service located at 936 South 250 East in Provo, Utah, as the "Rex E. Lee Post Office Building", and H.R. 2215, to designate the facility of the United States Postal Service located at 140 Merriman Road in Garden City,

Michigan, as the "John J. Shivenen Post Office Building".

SD-342

Commerce, Science, and Transportation Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold hearings to examine the future of ocean governance, focusing on building national ocean policy.

SR-253

2 p.m.

Judiciary

To hold hearings to examine the nominations of Thomas I. Vanaskie, of Pennsylvania, to be United States Circuit Judge for the Third Circuit, Christina Reiss, to be United States District Judge for the District of Vermont, Louis B. Butler, Jr., to be United States District Judge for the Western District of Wisconsin, Abdul K. Kallon, to be United States District Judge for the Northern District of Alabama, and Victoria Angelica Espinel, of the District of Columbia, to be Intellectual Property Enforcement Coordinator, Executive Office of the President.

SD-226

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the Federal acknowledgment process.

SD-628

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Jide J. Zeitlin, of New York, to be Alternate Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative to the United Nations for U.N. Management and Reform, and to be Representative to the United Nations for U.N. Management and Reform, with the rank of Ambassador, Frederick D. Barton, of Maine, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, and Carmen Lomellin, of Virginia, to be Permanent Representative to the Organization of American States, with the rank of Ambassador, all of the Department of State, Gustavo Arnavat, of New York, to be United States Executive Director of the Inter-American Development Bank, and Daniel W. Yohannes, of Colorado, to be Chief Executive Officer, Millennium Challenge Corporation.

SD-419

Energy and Natural Resources National Parks Subcommittee

To hold hearings to examine S. 1369, to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, S. 1405, to redesignate the Longfellow National Historic Site, Massachusetts, as the "Longfellow House-Washington's Headquarters National Historic Site", S. 1413, to amend the Adams National Historical Park Act of 1998 to include the Quincy Homestead within the boundary of the Adams National Historical Park, S. 1767 and H.R. 1121, bills to authorize a land exchange to acquire land for the Blue Ridge Parkway from the Town of Blowing Rock, North Carolina, S. Res. 275, honoring the Minute Man National Historical Park on the occasion of its

50th anniversary, H.R. 2802, to provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, H.R. 3113, to amend the Wild and Scenic Rivers Act to designate a segment of the Elk River in the State of West Virginia for study for potential addition to the National Wild and Scenic Rivers System, and H.R. 1287, to authorize the Secretary of the Interior to enter into a partnership with the Porter County Convention, Recreation and Visitor Commission regarding the use of the Dorothy Buell Memorial Visitor Center as a visitor center for the Indiana Dunes National Lakeshore.

SD-366

NOVEMBER 5

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the nominations of Steven L. Jacques, of Kansas, to be Assistant Secretary of Housing and Urban Development for Public Affairs, and Eric L. Hirschhorn, of Maryland, to be Under Secretary of Commerce for Export Administration.

SD-538

Health, Education, Labor, and Pensions

To hold hearings to examine the Employment Non-Discrimination Act.

SD-430

Homeland Security and Governmental Affairs

To hold hearings to examine business formation and financial crime, focusing on finding a legislative solution.

SD-342

Judiciary

Business meeting to consider S. 448 and H.R. 985, bills to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media, S. 714, to establish the National Criminal Justice Commission, S. 1490, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, S. 139, to require Federal agencies, and persons engaged in interstate commerce, in possession of data containing sensitive personally identifiable information, to disclose any breach of such information, S. 1624, to amend title 11 of the United States Code, to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill, injured, or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems, S. 1472, to establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, S. 1147, to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and the nominations of Ketanji Brown Jackson, of Maryland, to be a Member of the

United States Sentencing Commission, Jane Branstetter Stranch, of Tennessee, to be United States Circuit Judge for the Sixth Circuit, Benjamin B. Tucker, of New York, to be Deputy Director for State, Local, and Tribal Affairs, Office of National Drug Control Policy, and Kenyen Ray Brown, to be United States Attorney for the Southern District of Alabama, Stephanie M. Rose, to be United States Attorney for the Northern District of Iowa, and Nicholas A. Klinefeldt, to be United States Attorney for the Southern District of Iowa, all of the Department of Justice.

SD-226

Veterans' Affairs

To hold hearings to examine Veterans' Affairs and Indian Health Service cooperation.

SR-418

2 p.m.

Judiciary

Crime and Drugs Subcommittee

To hold hearings to examine reducing recidivism at the local level.

SD-226

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Jeffrey L. Bleich, of California, to be Ambassador to Australia, David Huebner, of California, to be Ambassador to New Zealand, and to serve concurrently and without additional compensation as Ambassador to Samoa, and Robert R. King, of Virginia, to be Special Envoy on North Korean Human Rights Issues, with the rank of Ambassador, all of the Department of State.

SD-419

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings to examine S. 1757, to provide for the prepayment of a repayment contract between the United States and the Uintah Water Conservancy District, S. 1758, to provide for the allocation of costs to project power with respect to power development within the Diamond Fork System, and S. 1759, to authorize certain transfers of water in the Central Valley Project.

SD-366

3 p.m.

Intelligence

To hold closed hearings to consider certain intelligence matters.

S-407, Capitol

NOVEMBER 6

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the employment situation for October 2009.

SD-106

NOVEMBER 10

9 a.m.

Foreign Relations

To hold hearings to examine protocol Amending the Convention between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 21, 1994, as Amended by the Protocol signed on December 8, 2004, signed January 13, 2009, at Paris, together with a related Memorandum of Understanding, signed January 13, 2009 (Treaty Doc. 111-04), protocol Amending the Convention between the United States of America and New Zealand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion With Respect to Taxes on Income, signed on December 1, 2008, at Washington (Treaty Doc. 111-03), convention Between the Government of the United States of America and the Government of Malta for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, signed on August 8, 2008, at Valletta (Treaty Doc. 111-01), treaty between the Government of the United States of America and the Government of the Republic of Rwanda Concerning the Encouragement and Reciprocal Protection of Investment, signed at Kigali on February 19, 2008 (Treaty Doc. 110-23), and international Treaty on Plant Genetic Resources for Food and Agriculture, adopted by the Food and Agriculture Organization of the United Nations on November 3, 2001, and signed by the United States on November 1, 2002 (the "Treaty") (Treaty Doc. 110-19).

SD-419

10 a.m.

Energy and Natural Resources

To hold hearings to examine policy options for reducing greenhouse gas emissions.

SD-366

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Erroll G. Southers, of California, to be Assistant Secretary of Homeland Security, and Daniel I. Gordon, of the District of Columbia, to be Administrator for Federal Procurement Policy.

SD-342

2:15 p.m.

Foreign Relations

Business meeting to consider S. 1524, to strengthen the capacity, transparency, and accountability of United States foreign assistance programs to effectively adapt and respond to new chal-

lenges of the 21st century, S. 1739, to promote freedom of the press around the world, S. 1067, to support stabilization and lasting peace in northern Uganda and areas affected by the Lord's Resistance Army through development of a regional strategy to support multilateral efforts to successfully protect civilians and eliminate the threat posed by the Lord's Resistance Army and to authorize funds for humanitarian relief and reconstruction, reconciliation, and transitional justice, H. Con. Res. 36, calling on the President and the allies of the United States to raise in all appropriate bilateral and multilateral for a the case of Robert Levinson at every opportunity, urging Iran to fulfill their promises of assistance to the family of Robert Levinson, and calling on Iran to share the results of its investigation into the disappearance of Robert Levinson with the Federal Bureau of Investigation, and the nominations of Jose W. Fernandez, of New York, to be Assistant Secretary for Economic, Energy, and Business Affairs, William E. Kennard, of the District of Columbia, to be Representative of the United States of America to the European Union, with the rank and status of Ambassador, John F. Tefft, of Virginia, to be Ambassador to Ukraine, Michael C. Polt, of Tennessee, to be Ambassador to the Republic of Estonia, and Cynthia Stroum, of Washington, to be Ambassador to Luxembourg, all of the Department of State, and James LaGarde Hudson, of the District of Columbia, to be United States Director of the European Bank for Reconstruction and Development.

S-116, Capitol

NOVEMBER 17

2:30 p.m.

Foreign Relations

To hold hearings to examine the United States and the G-20, focusing on re-making the international economic architecture.

SD-419

NOVEMBER 18

9:30 a.m.

Veterans' Affairs

To hold hearings to examine easing the burdens through employment.

SR-418

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine managing Federal forests in response to climate change, focusing on natural resource adaptation and carbon sequestration.

SD-366

SENATE—Tuesday, November 3, 2009

The Senate met at 10 a.m. and was called to order by the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal One, we adore You. You have been the great companion and teacher of humanity, lifting us from the depths and permitting us to share in Your glory.

Today, fill our lawmakers with greater trust in You. May that trust bring them to a wholehearted surrender to Your will. Lord, help them to see in every sorrow and joy the stately footprints of Your loving providence, enabling them to say to the mountains of difficulties, "Be removed." Renew the strength of our Senators so that they will mount up with wings like eagles. Remind them that security and esteem come not from titles, positions, or power but from being Your servants, working for Your glory and the good of humankind.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROLAND W. BURRIS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 3, 2009.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROLAND W. BURRIS, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BURRIS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. MCCONNELL. Mr. President, I assume the majority leader will be here momentarily. I have a brief statement. I think I will go ahead and make that.

The ACTING PRESIDENT pro tempore. The Senator may proceed.

WELCOMING GERMAN CHANCELLOR MERKEL

Mr. MCCONNELL. Mr. President, we will all have an opportunity to hear German Chancellor Merkel speak to a joint session of Congress later this morning.

We welcome her to the Capitol. It is always an honor for us to welcome a head of state to this great symbol of democracy in which we all have the privilege to work.

We look forward to hearing Chancellor Merkel's words, and we wish her a very pleasant and productive stay in Washington.

HEALTH CARE: HIGHER PREMIUMS

Mr. MCCONNELL. Mr. President, Americans have always had a healthy skepticism about government. But the health care bill that Democrats in Congress have put together this year would surprise even the wariest of citizens about government's potential to misread its mandate.

At a time of near 10-percent unemployment and a staggering \$12 trillion Federal debt, this bill proposes to spend at least another trillion dollars to extend the reach of government in the health care decisions of every single American.

What's worse, a bill that was meant to control costs is expected to increase them. One independent study after another has shown that the bills we have seen wouldn't make health insurance premiums go down, they would actually drive them up.

You would think this would be enough to send the bill writers back to the drawing board. After all, the primary argument that was used to marshal support for these bills was the unsustainable cost of health care. Unfortunately, it hasn't. Frankly, it is an absurd spot in which we now find ourselves.

For months and months, we heard that certain reforms were needed to drive down costs. Yet now, after analysts have concluded that these proposals would actually increase costs, the people who were arguing for them are trying harder than ever to get these proposals approved, as quickly as possible.

The irreducible fact is this: while Americans have been saying we need more affordable health care, the Democrat plan makes it more expensive—and that is not reform.

We have the testimony of the Joint Committee on Taxation, the Congressional Budget Office, the administration's own Office of the Actuary at the Centers for Medicare and Medicaid Services, and separate analyses by many others that say so. Each has said that the proposals we have seen would lead to higher premiums. And these higher premiums would especially hit the young, the healthy, and small businesses owners.

Here is the breakdown. Premiums for young people could go up nearly 70 percent, and even more than that in places such as Kentucky. And millions of Americans who have chosen a plan that fits their needs and their budgets will be forced to buy more insurance, at a significant cost. Like most of my colleagues, I am particularly concerned about what these plans will mean for the families I represent. And what I have seen so far from these reports is disturbing.

As a result of all the various new rules, regulations, and tax increases that would come about as a result of the Democrat health care plan, a family of four in Kentucky that earns \$66,000 a year is estimated to see their insurance premium double—from \$355 to \$787 a month.

The other side will say that they intend to provide subsidies for families like these, and they do. But those subsidies would only cover about half the increase. So even after these subsidies are applied, this family ends up paying an extra \$180 a month. As any family will tell you, that's \$180 that will not go to the college fund, to the retirement account, or toward a family vacation.

New taxes on medical devices would also contribute to higher premiums.

Same goes for new taxes on life-saving prescription drugs and new taxes on insurance providers. One independent study shows that the new taxes and fees would add nearly \$500 a year to the cost of insurance for American families.

The Congressional Budget Office also predicts that a new charge to participate in so-called exchanges would lead private health plans to increase their premiums by about three percent. That is on top of all the other forces in this bill that work to drive up Americans' health insurance premiums.

The testimony of these groups is clear: the Democrat plan would not

only raise taxes and slash Medicare, it would also raise health insurance premiums. This is not reform, and it's certainly not what the American people were told they could expect.

Republicans have proposed a different approach, one that responds to today's needs and one that respects the challenging economic environment we're in.

We are for helping small businesses find affordable health insurance options for their employees. We are for providing individuals the same tax benefits for purchasing insurance that businesses get.

We are for protecting doctors from frivolous lawsuits, so they can focus on treating patients—and lower their costs. We are for cracking down on the rampant waste and fraud that drive up the cost of care. And we are for the kind of wellness and prevention programs that have worked at places like the Safeway grocery chain.

Contrast that with the other side's plan. A reform that was meant to cut costs has been shown to increase them. As I said, that is not reform. But it is also not too late. It is not too late for the parties to get together and deliver the reforms Americans really want.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

HEALTH CARE REFORM

Mr. REID. Mr. President, we have had, during the last 6 months, extended hearings on the need for health care reform. Every Member in the Democratic caucus believes the present system of delivering health care in America is in trouble. It is not fair to patients or to physicians. Certain classes of people are being damaged. Medicare recipients are hammered every day.

What we are doing is presenting to the American people alternatives to the insurance industry running the world of health care. We cannot continue the way we have been going. That is what the Republican plan is—to continue more of the same, with the health insurance industry controlling everything, not professionals.

We are going to continue working on this with the CBO, which now has the plan we have sent to them with different alternatives, and they will report back as to the numbers on that. We will have in the near future a program that will be open to the American people that will show that is what we are doing. We are returning the health care to the people who can do the best job in health care. Rather than the doctor having to go through some bureaucrat working for an insurance

company, he or she can make a decision on their own. This is what the nurses want, this is what the physicians want, this is what the patients want, this is what the hospital administrators want, and this is what the teaching hospitals want.

Health care in America is not in good shape. All you need to do is read any fair discussion of the health care system, recognizing now that one-sixth of every dollar is spent on health care in America today. If we don't bend that curve, it will be up to 35 cents of every dollar. America cannot continue this. We are lagging behind the rest of the world, and that needs to change.

SCHEDULE

Mr. REID. Mr. President, at 10:30 a.m., Chancellor Angela Merkel will address a joint meeting of Congress. Senators are encouraged to come to the floor now so that we may proceed as a body to the Hall of the House of Representatives.

The Senate will recess from 10:15 a.m. until 11:30 a.m. for that joint meeting. At 11:30 a.m. the Senate will resume consideration of H.R. 3548, the Unemployment Benefits Extension Act of 2009, postcloture. I hope after the vote yesterday, we will not be required to use the 30 hours. It will run out sometime before midnight tonight. We should move on. We have other things to do. I have spoken to my counterpart, the Republican leader. We have a number of things we need to do before we leave here next Tuesday for the Veterans Day holiday. We can finish that now. Each thing we need to do can be done very quickly. If not, we will have to work through the weekend. I hope that is not necessary.

Again, at 11:30 a.m., the Senate will resume consideration of H.R. 3548, the Unemployment Benefits Extension Act. It is my hope that we will be able to yield back some of that postcloture debate time and proceed to the bill this afternoon.

The Senate will recess from 12:30 to 2:15 to allow for the weekly caucus luncheons.

Mr. President, there is something wrong with the system, so the bells and lights and whistles we normally hear around here won't be heard. We are going to have to go the old-fashioned way of looking at the clock.

I ask the Chair to recess 3 minutes early.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY CHANCELLOR ANGELA MERKEL OF THE FEDERAL REPUBLIC OF GERMANY

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 11:30 a.m., following the remarks of the Chancellor of the Federal Republic of Germany.

Thereupon, the Senate, at 10:13 a.m., recessed until 11:30 a.m., and the Senate, preceded by the Vice-President, JOSEPH R. BIDEN, Jr., the Secretary of the Senate, Nancy Erickson, and the Deputy Sergeant at Arms, Drew Willison, proceeded to the Hall of the House of Representatives to hear an address to be delivered by Chancellor Angela Merkel of the Federal Republic of Germany.

(For the address delivered by the Chancellor of the Federal Republic of Germany, see today's proceedings of the House of Representatives.)

Whereupon at 11:30 a.m., the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mrs. GILLIBRAND).

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 3548, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3548) to amend the Supplemental Appropriations Act, 2008, to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

Pending:

Reid (for Baucus-Reid) amendment No. 2712, in the nature of a substitute.

Reid amendment No. 2713 (to amendment No. 2712), to change the enactment date.

Reid amendment No. 2714 (to amendment No. 2713), of a perfecting nature.

Reid amendment No. 2715 (to the language proposed to be stricken by amendment No. 2712), to change the enactment date.

Reid amendment No. 2716 (to amendment No. 2715), of a perfecting nature.

Mr. CARDIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Madam President, shortly, we are going to be voting on the unemployment compensation bill. I have already taken to the floor to urge my colleagues to pass the underlying bill, which provides 14 weeks of additional benefits to those who will exhaust their unemployment compensation. This is an insurance program. The

funds are there, assessed through the compensation system of our country in order that we have money available for those who have lost their jobs during a recession, and that is exactly what has happened.

These are extraordinary times. I know the Presiding Officer will agree with me that we have been to our States, and we know there are people who are unable to find jobs. This past week, I was at the employment office in Baltimore and saw people coming into that office in large numbers and asking for jobs. I talked to individuals, saw the faces of people who want to work but who can't find jobs. So it is critically important for the system to work, and that means we need to provide the safety net of unemployment compensation during these times, and we need to extend it to all States.

The bill before us will provide those additional 14 weeks in every State. In my own State of Maryland, we have many counties that have unemployment rates far in excess of the 8½ percent, which was the trigger number used in the House bill. So it is appropriate we pass this bill for the people who will benefit by it, and it is also appropriate we pass it to help our economy. We know the dollars that are provided through unemployment compensation work their way back into our economy, very quickly helping our economy.

I wish to talk also about the leader's amendment that will extend to first-time home buyers a tax credit that would expire at the end of this month. I had introduced legislation, along with Senator ISAKSON, to extend the credit for an additional 6 months, and I am pleased that provision is included in the leader's amendment that also extends the credit for an additional 6 months.

According to the IRS, 1.4 million people used the credit as of September 2009. As many as 40 percent of all home buyers this year will qualify for the credit. It has clearly worked according to its intended purpose; that is, to get potential home buyers off the sidelines and into the market and buying a home. It is estimated that the credit is directly responsible for 200,000 to 400,000 purchases this year. According to the National Association of Realtors, those additional sales have pumped approximately \$22 billion into the economy. It is getting our economy back on line.

The credit has succeeded in reducing the glut of homes for sale, but it needs to be extended. We still have too much inventory that is out there, and it is affecting new home starts, which are critically important for our economy. We know the real estate market was the spark that put us into this recession. We know that. We know what happened to home values. We know what happened to people who were un-

able to sell their homes. We know what happened with foreclosures. We know we need a healthy real estate market to get us out of this recession.

We have seen some signs of improvement and stabilization in the market, but we are certainly not out of the woods yet. Inventories are still way too high. Dean Baker, codirector for the Center for Economic and Policy Research, notes that price declines could resume later this fall.

Quoting Mr. Baker:

The uptick in sales driven by the credit has led to a substantial increase in the number of homes offered for sale at just the time that the boost from the credit is dwindling. The inventory will also be a much larger drag in the slow-selling winter months.

We know winter is notoriously a slow season, but we have too much inventory that is out there. This would be the wrong time for Congress to allow this credit to expire.

Other economists, such as Mark Zandi of Moody's, and James Glassman of JPMorgan Chase, support extending the credit.

The substitute amendment, which I have cosponsored and which is similar to the bill I introduced—S. 1678—extends and expands the credit to April 30, 2010, for binding contracts and then allows 60 more days to close. I think that makes sense. The closing period sometimes hampers the use of the credit. For example, if someone was to enter into a contract today, even though the credit is there, it is highly unlikely they could settle by the end of the month, taking advantage of the \$8,000 credit. It makes sense to say that as long as you have a binding contract by April, you have 2 months later to close in order to get the credit.

The amendment keeps the \$8,000 credit for the first-time home buyer and then provides a \$6,500 credit available to other home buyers who have lived in their current homes for at least 5 years. These are the step-up sales. These are people who currently own homes, who have lived in their home for 5 years, and are now trying to buy another home. You can't buy a house and try to flip it to take advantage of the \$6,500 credit. It is a smaller credit than the first-time home buyers', but it is still a significant credit and it is available for homes costing up to \$800,000.

I don't think there are many homes in the area that will qualify under the income limits, but it does allow those to qualify. The income limits have been lifted slightly from \$75,000 to \$125,000 for an individual and from \$150,000 to \$225,000 for joint filers.

So it takes care of where the market needs help, where there is too much inventory, and will allow the credit to, again, tell people: Look, the economy needs your help. This is a good time to buy. The government is going to be your partner with this \$8,000 credit for

the first-time home buyer and a \$6,500 credit for the person who has lived in their house for 5 years.

There are a couple more points that I think need to be underscored. The credit is fully paid for. It will not add to the deficit. That is an important point, but I would also point out that this credit will help stimulate our economy, which will generate economic activity, which will help us on our budget deficit. It really does help our economy, and it is fully paid for, so it doesn't add to the deficit, and that is one of the points I mentioned when I first introduced this bill with Senator ISAKSON—we were going to look for a way to make sure it is paid for.

I thank the chairman of the Finance Committee, Senator BAUCUS, for coming forward with an amendment that is fully paid for, that is offset. I believe that is the way it should be.

The second point I want to bring up is it includes tough antifraud language and "math error" authority for the IRS to ensure that only those individuals and families who qualify for the credit take advantage of it. I know we are all concerned about reports we read in the paper about potential fraud on this credit. Any fraud is wrong, but we know if we set up a new credit there are those who will press the point more than they should. We have to make sure the antifraud provisions are in this bill so those entitled to this credit are those who take advantage of it and it is not used inappropriately. Language is included in this amendment to make sure that, in fact, happens. It is a bill that is properly balanced.

I wish to make one other point. I heard the chairman of the Senate Finance Committee said this, and I agree completely. Senator ISAKSON and I talked about this. The credit will end. This is not an extension because we believe this is a credit that should be there indefinitely. We do not. This credit is to help bring real estate back to where it needs to be for our economy to recover. We give until April so that people can take advantage of this credit during this tough economic time, knowing full well that the winter is going to be a slow season, normally, for home sales and in the spring people are more likely to start again looking at home sales. We want people to take advantage of this now, recognizing that come April this credit will not be extended. This is the time to take advantage of this government credit that helps you in buying a home.

As I said earlier, the slump in housing led us into this recession. A rebound in the market will lead us out of this recession. Extending the credit is a prudent and fiscally responsible measure.

I am proud to be a cosponsor of the leader's amendment, and I hope we will shortly have an opportunity not only to pass this amendment but to pass the

underlying bill that will extend unemployment compensation to literally, in my State, the tens of thousands of people who otherwise will lose their benefits by the end of this month and the 1.4 million Americans who will lose their unemployment compensation benefits by the end of this year if we do not act.

For all those reasons, I urge my colleagues to support the amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

HEALTH CARE REFORM

Mr. BARRASSO. Madam President, any day now the Senate will begin to debate a single bill affecting the lives, the wallets, and the health of all Americans. Three Senators from the other side of the aisle have been working behind closed doors, trying to stitch together yet another health reform bill—a bill that will restructure 17 percent of the American economy. It is unclear when the other 97 Senators will get to see the majority leader's bill.

As we wait for the opportunity to read the bill, to examine the bill, to see what is in it—and the American people are waiting as well—I am reminded of a book that I believe still has much to teach us, “The Federalist Papers,” particularly Federalist 62 authored by James Madison. He says this:

The internal effects of a mutable policy are still more calamitous. It poisons the blessings of liberty. It will be of little avail to the people that the laws are made by men of their own choice—

Let's get that over again.

It will be of little avail to the people that the laws are made by men of their own choice if the laws be so voluminous—

You have seen this 1900-page House bill—

That they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man knows what the law is today, can guess what it will be tomorrow.

That is what we are looking at. The quote strikes a chord with everyone who hears it because it summarizes so very well what we are facing today in the Congress—in the Senate, in the House—as we are dealing with health care and health reform. The House health reform bill is nearly 2,000 pages long. The Finance Committee bill is over 1,500 pages. The HELP Committee bill is over 1,000 pages.

Some in Washington may believe that drafting a bill in secret and then rushing to enact it into law with little debate is the perfect way to avoid tough questions and public scrutiny. That plan has not gone as intended. The American people are much too smart. As the American people began to understand the details, they began to ask the tough questions. They know what the Democrats in Congress and the administration are trying to do.

The American people are not buying it. They are not convinced that we should turn over the Nation's private health care system to Washington, to bureaucrats, and to the Federal Government.

Of course the American people want reasonable, commonsense health insurance reform. We need that. But the American people do not want a bill that limits their freedom and bankrupts the country. Fortunately, the American people see that the numbers simply do not add up. They know that if the reform bills we are debating become law, the health care costs are going to go up.

I go home to Wyoming every weekend. I was there yesterday. People continue to ask me: How will all of these health care bills affect me and affect my family? Inevitably, the question is followed by a statement. It says: Tell those people back in Washington that I want them to fix what is wrong with our health care system, but whatever they do, that should not make things worse for me and worse for my family. I can't afford to pay more for my family's health care.

I agree completely with the people of Wyoming. Health care costs today are rising three times faster than inflation. Especially during these economic times, rising health care costs stretch family budgets to the limit. It also makes it harder for employers to keep offering health benefits to their employees.

Now the Congressional Budget Office, the Joint Committee on Taxation, and the Health and Human Services Office of the Actuary are all telling us what the American people already know. They are telling us that if we pass the health reform bill that is coming before us, we are going to make things worse.

What exactly did all of these nonpartisan organizations say? On September 22 of this year, the Congressional Budget Office sent a letter to the Finance Committee chairman, to Chairman BAUCUS. In the letter, the CBO said two important things. No. 1, premiums in the new insurance exchanges would tend to be higher than the average premiums in the current individual market. This was a bill that was supposed to lower costs. No. 2, people with low expected costs for health care would generally end up paying higher premiums. Again, that is not where we are supposed to be heading. According to the Congressional Budget Office, the Baucus bill actually causes many individuals and families struggling today to afford health insurance to end up paying more.

In the same letter, the CBO also indicated that tax increases in the Baucus bill will make monthly health insurance bills go up, not down.

During the Finance Committee debate, my friend from Texas, Senator CORNYN, asked CBO Director Doug El-

mendorf a specific question. He said: “Would the new fees on health insurers be passed along to health consumers?”

Dr. Elmendorf responded. “Our judgment,” he said, “is that the new fees would raise insurance premiums”—make them go up.

The Joint Committee on Taxation confirmed exactly what the CBO Director had said because during the same Finance Committee debate, the Joint Committee on Taxation Chief of Staff said:

Basic economics is that the fee will be reflected in higher premium costs.

Who pays the premiums? Obviously the people who are being insured or their employees.

I wish to point out that, like many things in this Baucus bill, this new insurance tax system, the new taxes begin in the year 2010—next year—a full 3 years before Americans see any benefits, any coverage benefits. So they are going to start paying for this years before the benefits actually arrive. I thought the goal of health reform was to lower the cost for hard-working Americans, not to raise the costs. Instead, the respected economists who looked at this are telling us that monthly health insurance costs will go up for every single American starting next year.

Next, the Health and Human Services Office of the Actuary, which is another nonpartisan, highly respected scorekeeper, took a look at this Democratic health reform bill. On October 21, they released a memo analyzing the House bill, at the time H.R. 3200. Unfortunately for the Democratic leadership and the White House, the news was not good. The House bill bends the cost curve up. The expenses go up. According to their memo, health care spending will increase if the House bill becomes law.

Here is what they said:

In aggregate, we estimate that for calendar years 2010-2019, National Health Expenditures would increase by \$750 billion or 2.1 percent over the updated baseline projection.

Often the government uses fancy, complex language, so let me be very clear about this. They are saying that as national spending on health care increases, American families will see their monthly health insurance premiums go up.

My friends on the other side of the aisle will try to tell you the data is meaningless. They will try to tell you the taxpayer-funded subsidies included in the bill will make the health care premiums more affordable. It is fascinating to me that the Democrats do not even try to deny that premiums will go up. They admit it. Instead, they tell us not to worry about it.

We should worry about it. The people of Wyoming worry about it. The people of America are worried about it. Why? Because hard-working American taxpayers and the generations to follow

will be forced to pick up the tab. I want everyone who is listening to know that the American people are not being fooled. They understand that subsidizing something does not make it cheaper.

Not only do the proposals in front of us raise taxes, they slash nearly \$500 billion from Medicare, from the hard-working Americans who have given and sacrificed and who rely on Medicare for their health care, and they raise premiums, they raise the cost for people who have insurance. They are doing it not to save Medicare but to create an entirely new entitlement program.

Again, my friends on the other side never seem to mention that most Americans will not even qualify for these subsidies that are being promised. About 160 million Americans get their health insurance through an employer. Under the Democratic health reform plans, they will not qualify for a Federal Government subsidy. You have to take the health insurance your employer gives or buy a policy on your own, whether you can afford it or not. That is going to be the law. Either way, it will cost you more if this bill becomes law.

We have not even gotten into the issue of the quality of the care you will receive under this new government-run system. The Congressional Budget Office also confirmed that almost 5 million American people who buy insurance through this new government exchange will not receive any help to pay for their insurance. What good are taxpayer-funded subsidies to help pay for premium increases when most people don't actually qualify for the promised help?

It sounds to me as if the Baucus bill will stick people with higher taxes, will take away their choices, will remove personal freedom, and will implement changes that increase their monthly health care costs. This is not reform; it is a blatant effort by Washington to take over health care in America.

It is important that Members of Congress and the American people fully understand how the Democratic health bills will increase costs, so let's go through the list one by one.

We have already talked about the new tax on health insurance providers. Experts tell us this tax will be passed on to patients. BlueCross BlueShield of Wyoming tells me this tax will raise monthly premiums of families in my State by \$500 a year.

Then there are the new requirements. The Democratic bills all have the Federal Government defining what kind of insurance can be sold and must be purchased. Well, this makes it illegal for insurers to sell certain policies that many people have today, that many people like, and that many people want to keep.

How do they accomplish this? The Democratic bills require most health

plans to offer products that meet new, higher, specified what are called actuarial values and cover an exhaustive list of mandated benefits. If you do not know what the term "actuarial values" means, you are not alone. I have been in the practice of medicine for 25 years taking care of families all across Wyoming. I had never heard of it.

"Actuarial values" is a technical term. It stands for the total amount of health spending paid for by an insurance plan. In other words, the actuarial value of a health plan depends on all of the benefits, on any cost sharing that the health plan covers. Actuarial values are represented by a percentage. In insurance plans, they can range anywhere from 55 percent to 90 percent. Typically, as these values increase, the cost increases.

Well, the health care bill raised this so called actuarial value minimum to a standard of 65 percent, which actually is much higher than many policies that are sold on the market today. As a result, experts tell us that people who buy insurance will pay at least 10 percent more just to meet the new standard.

I am sure the other side of the aisle will try to say: Do not worry. We will protect you.

You know, the idea was that you should be able to keep the insurance you have so that your premiums will not go up. But what they do not tell you is that you are out of luck if your insurer stops offering coverage or if you want to change your policy in any way.

How might you change your policy? Well, you might add dental care or vision benefits. If you want to do any of those changes, you are out of luck. Any change to your current insurance policy and the promise that "you get to keep what you have if you like it," well, that promise will not come true.

Finally, there are some new rules called age rating. They are going to drive up the premiums specifically for younger folks. The age rating rules limit the amount premiums can vary between healthy younger Americans and older individuals. Experts tell us that the Finance Committee bill, for example, will cause monthly insurance premiums for younger, healthier people who are then going to be subsidizing older folks who are sicker—to drive up the premiums of younger folks by 69 percent. These extreme price increases will force young healthy people out of the market. A young person will see that it is cheaper to pay a \$750 fine annually, what they call a tax penalty, and forget about having health insurance than it is to pay \$5,000 a year for health insurance when, as many young people believe, they will never need it. Besides, if this young person does get sick, he or she can always buy health insurance later without facing a penalty.

That is exactly how this bill is written. Without a doubt, the policies I have described will cause health insurance costs to go up for millions and millions of Americans, and specifically so very much for young Americans.

Plans that the President promised the American people that they could keep if they liked, well, we all know the President cannot and will not keep that promise. I will give a specific example. In Wyoming, a healthy 35-year-old man can go out today and buy a high-deductible health insurance policy for about \$90 a month.

Scorekeepers at the Congressional Budget Office estimate this level plan in the Finance Committee bill will cost \$392 a month. That is a huge increase because that is what they are going to be mandated to buy. Not one of my constituents can afford to pay 329 percent more for their health insurance than they can pay today.

We can solve the problem of rising medical costs without a government takeover of health care. I struggle with the assumption that people generally can be trusted to do the right thing and society prospers when government has less to say about how people run their lives. Others start by assuming that Washington knows best and should take more authority over all of us.

There are better ideas that improve our Nation's health care system, commonsense reforms on which all of us can agree. Having practiced medicine, taken care of families in Wyoming for 25 years, I would prefer a step-by-step approach to reform—simple, commonsense, affordable changes that we can implement right away. And all of those ought to be centered on the patient, patient centered, not government centered: Giving people incentives such as lower costs when they engage in healthy behaviors; prohibiting the use of preexisting condition clauses; allowing people to take their health insurance with them if they change jobs; allowing Americans to buy insurance across State lines, to shop for a policy that is best for them, best for their family; giving people the same tax breaks that big companies get when people buy their insurance policies individually; dealing with abusive lawsuits and the situation there that involves doctors ordering many tests that do not necessarily help the patient stay healthy but help protect the doctor in case of a suit; and allowing small businesses to pool together in order to offer health insurance to their employees at a more reasonable cost to the employees as well as to the business.

The time has come to work together for meaningful reform. I think most Americans would prefer that we get these reforms right than pass a 2,000-page bill—a bill that raises taxes, a bill that cuts Medicare, a bill that costs \$1 trillion, and a bill that represents a Washington takeover of health care.

The American people want better. The American people deserve better. The American people deserve nothing less.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Madam President, I would like to talk about health care as well, and I brought a few pages that the American people would be interested in. This stack closest to the podium is actually the House bill, the 2,000-page House bill. On this side is what we are working off of so far on the Senate side because what has been put together has been put together behind closed doors, and it has not been released yet. I assume that is because they do not know the cost and what adjustments will have to be made in order to meet the cost requirements, although it is an extension of cost of probably \$1 trillion.

I wonder if there is anybody in America who believes we can expand programs by \$1 trillion and it will not cost a dime for the rest of us. But at any rate, the stacks over here are the ones from the Senate side. The little bottom stack down there is the Senate HELP bill. Then this is the Senate Finance bill, the 1,600-page bill, although when we were actually debating this bill in committee, we did not know how big the bill would be because we worked off a 220-page summary and did summary amendments.

So this is the first time we have actually got to look at a final product. What is interesting about doing a summary bill is that the amendments are done in summary. If an amendment does happen to pass by the minority, then it is written by the majority, and the devil is always in the details. So we are very anxious to see, although there were not a lot of amendments that we got passed there.

What I mostly want to talk about today is the impact on small business. The status quo in health care is unacceptable. Health care costs are skyrocketing, insurance premiums are increasing, and too many small businesses can no longer afford to offer health insurance to their workers.

While I agree we need to change our current system, the approach reflected in the current health reform bills is the wrong answer. That is these bills. Quite a stack of papers. Very encompassing. Very comprehensive. This is going to affect every single American. We have never had a bill that affected every single American, and that is why it is so complicated. That is why it is so large. That is why it is so hard to deal with. That is why there will be so many mistakes as we go through a pile like that trying to make a few amend-

ments that will improve the bill. They need a lot of amendments that will improve the bill.

So while I agree we need to change our current system, the approach reflected in the current health reform bills is the wrong answer. I object to the current health care reform bills not because I support the status quo but because the bills do nothing to address the problems of increasing costs and premiums. These bills will not reduce health care costs and will actually increase insurance premiums for most Americans.

I have fought for years to enact commonsense reforms that would help slow health care cost growth and make the insurance market work better, particularly for small businesses. Before I entered politics, my wife and I ran a small business. We had shoe stores. We know firsthand how hard it is to meet payroll and provide meaningful benefits to employees. I understand how the current insurance market fails to meet the needs of many small businesses.

That is why I fought for real reforms that will actually help small businesses. In 2006, I introduced a small business health plan bill that would have saved the taxpayers about \$1 billion and would have provided health insurance to almost 1 million people.

The bill would have made commonsense reforms to the insurance market and given more leverage to small businesses to help them negotiate lower insurance premiums. The insurance industry, working closely with many of my Democratic colleagues fought to defeat my bill. Unfortunately, they were successful. We could not pass the cloture motion to proceed; we were short about three votes. Had we been able to get those three votes, we would have been able, with one amendment, to clear up the objections that were made during the cloture debate.

Since 2006, little has changed in the insurance marketplace. Health care costs and premiums continue to spiral upwards. The Kaiser Family Foundation reports that costs for small businesses with less than 200 employees—I consider that to be a pretty big business—rose by 4.7 percent from 2006 to 2007, 2.2 percent from 2007 to 2008, 5 percent from 2008 to 2009, and they are expected to rise next year.

Small businesses cannot continue to sustain these types of price increases. They need and want reform and Congress should deliver reform. Congress should pass a bill that decreases the cost of health care and reduces insurance premiums across the board, not just for the poor, not just for the uninsured.

Unfortunately, the bills that Speaker PELOSI and Leader REID and President Obama are pushing through Congress will do little to address spiraling health care costs and will actually increase the insurance premiums most Americans pay for their health care.

Even worse, increases in premiums will come at a time of rising unemployment. The 2,000-page Pelosi bill and the 1,500-page Senate Finance bill will drive up costs, increase taxes, and expand the size of government. The non-partisan Congressional Budget Office, the administration's own official actuaries, the National Association of State Insurance Commissioners, and at least six other private studies have all reported that the Democratic leadership bills will drive up costs.

Actuaries at the consulting firm, Oliver Wyman, which did one of the studies, estimated these bills will increase premiums for small business by at least 20 percent. WellPoint, the largest Blue Cross Blue Shield plan in the Nation, looked at their actual claims experience in the 14 States in which they operate and concluded that premiums for healthier small businesses will increase in all 14 States; in Nevada by as much as 108 percent.

Even the Congressional Budget Office has said:

Premiums in the new insurance exchanges would tend to be higher than the average premiums in the current-law individual market.

Let me say again what the Congressional Budget Office said:

Premiums in the new insurance exchanges would tend to be higher than the average premiums in the current-law individual market.

When the 85 percent of Americans who already have health insurance hear the term "health care reform," they want Washington to do something that lowers the cost of their health insurance premiums.

Unfortunately, the bills Congress has developed will do the exact opposite. Our economy can't take the higher taxes, higher unemployment, and higher mandates these bills impose. Taken together, the new taxes, mandates, and regulations in these bills will cumulatively increase health insurance premiums for millions of Americans who currently have health insurance. These higher taxes, higher premiums, and higher costs are not the change the American people voted for. Unemployment is higher than it has been in decades. The housing market is in distress, and more and more middle-class Americans are feeling squeezed by irresponsible decisions being made in Washington. We all agree the health insurance market is broken and needs to be fixed. Everyone who wants health insurance should be able to get it. They should not have to spend all of their hard-earned savings to do so. No American should be denied health insurance because they have cancer, diabetes, or some other preexisting condition. No one should be denied health insurance, period. These reforms are very important and long overdue.

We also need to enact commonsense reforms similar to the reforms I advocated in 2006 with small business

health plans and then in 2007 and 2008 with my plan for 10 steps to transform health care in America. That was a step-by-step process that would get us to where all the promises are being made. It is on my Web site.

I urge the Democratic leadership to go back to the drawing board to develop bipartisan health care solutions that will actually reduce costs and make health insurance more affordable for small businesses and most Americans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

NATIONAL CRIMINAL JUSTICE COMMISSION ACT
OF 2009

Mr. WEBB. Madam President, I rise to give my colleagues a progress report on the National Criminal Justice Commission Act of 2009, the goal of which is to create a blue ribbon national commission to take a long overdue and comprehensive look at our criminal justice system. This week the full Judiciary Committee is scheduled to consider this bill, and the markup would not have taken place without the strong support of Chairman LEAHY and Senators HATCH, GRAHAM, DURBIN, and SPECTER, all of whom have championed this bill. I express my appreciation to them and to other Members for all of the input and cooperation they have given.

I wish to begin by revisiting the problem that drove this legislation. This is a chart that shows the incarceration rate in the United States compared to other countries. I don't think a lot of Americans are aware that we have 5 percent of the world's population but 25 percent of the world's known prison population. When I wrote about the Japanese prison system as a journalist 25 years ago, Japan, with half our population, had only 40,000 people in prison. At that time, we had 580,000. Today we have more than 2.38 million prisoners in our criminal justice system and another 5 million involved in the process either on probation or parole. That is 7 million Americans involved in the criminal justice process.

It is important for us to understand, as we think about a way to fix it, that this is a relatively recent phenomenon in American history. We have not always had this type of incarceration rate. It stems from about 1980. Before that time—this chart goes all the way back to 1925—we had a fairly consistent incarceration rate. In this period, for a number of reasons—one of them being the fact that as we changed a lot of our policies toward mandatory confinement of the mentally ill; our prisons have absorbed a tremendous population of mentally ill—we have four times as many people in prison in the United States who are mentally ill than we do in mental institutions today. They are not getting the care they need, and

they are also clogging up the prison system. Also if we go back to 1980, when I showed on the chart the beginning of this dramatic escalation of people in prison, we only had 41,000 people in our prison system for drug offenses. Today that number is up to 500,000. This is State prisons, a comparison from 1980 to today. These are local jails, and these are Federal prisons.

At the same time—and it is important for us to say this—as we look at our criminal justice system, people don't feel any safer. This chart shows the percentage of Americans who believe crime is more prevalent than a year ago. In 2009, more than 70 percent in this country believe crime is more prevalent than it was a year ago. We have two phenomena here. We are locking up more people on a percentage basis than anyone else in the world. We have 7 million Americans involved in the criminal justice process, yet we don't feel any safer.

I have two theories about why this fear is prevalent in America's neighborhoods. Both of them speak for the need for this type of commission. The first is that we have been locking up far too many people, people whose transgressions could have been dealt with in more creative ways. As a result, we have hundreds of thousands of people who have been released from prison each year and are reentering American society hardened by their prison experience and without the kind of structured programs that would allow them to become productive citizens. They become recidivists. So we have more people involved in the criminal process than we would otherwise, and they are threatening our neighborhoods.

The second is that gangs have grown in size and impact, including sophisticated transnational drug cartels operating in cities across America. It is estimated that Mexican drug cartels alone are operating in at least 230 American cities and not simply along the border. Incidents on the border illuminate the severity of the problem, but clearly it is not a border problem. It is a national problem, and it is not simply a problem with Mexican gangs. In northern Virginia alone, it is estimated there are 4,000 members of MS-13, a Central American gang; 4,000 members is about 3 battalions of marines. Gangs are estimated to commit 80 percent of the crime in some locations. They are in many cases the primary retail distributors of drugs. Gang violence that affects so many of our communities speaks to the need to make sure our law enforcement officials have the time and the energy to dedicate to going after the major problems that threaten communities—resources and the policies they need to go after violent crime.

The hundreds of thousands of men and women leaving prisons and jails

today to return to our communities speaks volumes about the need to reexamine the availability of and the support for community corrections programs, including reentry programs, probation, and parole policies.

Once we started talking about these issues on my staff, as part of the Joint Economic Committee, holding hearings over the past more than 2 years, we began receiving messages, communications, and having contact with people from all across the country, people from every different aspect of the political and philosophical arenas that come into play wherever we talk about criminal justice and incarceration. It is an emotional issue from across the philosophical spectrum. I heard personally from Justice Kennedy of the Supreme Court, from prosecutors, judges, defense lawyers, former offenders, people in prison, police on the street. All of them agree we need an interrelated examination, a national commission to examine the criminal justice system and to come up with different types of approaches.

As former Los Angeles Police Chief William Bratton noted in his testimony in support of the commission:

We cannot use arrests as our only tool to deal with the crime problem . . . our problems are systemic, widespread, and growing, and only a singularly focused blue ribbon commission comprised of informed practitioners, scholars, policymakers and civil rights activists can adequately address the calculated formation of intervention and prevention strategies. Formation of this important commission is a major and essential step in the right direction.

That was from Los Angeles police chief and one of the most highly respected law enforcement officials in the country, William Bratton.

I introduced the National Criminal Justice Commission Act in March. The criminal justice commission would examine all of the elements involved in criminal justice in those specified areas which could then be voted on by the Congress. When this legislation becomes law, the first step for the commission will be to address a series of specific findings and to recommend policy changes. The commission will bring the greatest minds in the country together with a specific timeline to make specific findings and then give those recommendations regarding the entire gamut of the criminal justice system.

Since I have introduced the bill, we have gained the support of 35 Members of this body. We have also engaged in a dialog with more than 100 organizations across the political and philosophical spectrum, as diverse as the Heritage Foundation, the Sentencing Project, the Fraternal Order of Police, the National District Attorneys Association, the Cato Institute, the NAACP, the American Civil Liberties Union, the American Correctional Association, the Prison Fellowship, the

American Probation and Parole Association, and many others across the entire political spectrum. We have listened. We have learned. We have incorporated many suggestions and modifications to the bill.

For example, in the initial findings of the bill, we incorporated suggestions that we include the number of crime victims, advances in policing policies, decreases in violent crime and property crime, and the protection of civil rights and liberties. We added an examination of changes in policing as a result of 9/11, the cost and benefits of prevention and diversion programs, and an examination of the availability of re-entry programs. We also added requests that the commission identify effective practices in reducing crime and assisting victims; that it decrease, where possible, racial, ethnic, and gender disparities; and that it help law enforcement address the challenges stemming from combating terrorism and promoting homeland security.

We also expanded, importantly, the number of commission members to ensure better representation of State and local government. I wish to spend a minute on this for the understanding of my colleagues. This commission is designed to be bipartisan. It is to be composed of 13 members: the chairman, appointed by the President; four members coming from State and local governments, appointed by the President in agreement with the minority and majority leader and the Speaker of the House; 2 members appointed by the majority leader of the Senate, in consultation with the chairman of the Committee on the Judiciary; 2 members appointed by the Speaker of the House with the same process; 2 members appointed by the minority leader of the Senate; 2 members appointed by the minority leader of the House. It will be a 7-6 commission.

Through the course of many meetings, we found a solid consensus in support of a comprehensive review of the system. This represents our best effort to set politics aside and to find solutions that will allow us to ensure the safety of our communities while being smart about how we deal with crime in America.

Again, I appreciate the chairman of the Judiciary Committee scheduling a markup on this bill. I commend it to my colleagues and hope we can all join together in passing it this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I ask unanimous consent to speak for up to 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFGHANISTAN

Mr. BOND. Madam President, yesterday Afghanistan's Independent Election Committee announced that a run-

off election is no longer necessary, which means Afghan President Hamid Karzai has secured a second term.

Whatever your feelings about President Karzai, this peaceful resolution of Afghanistan's electoral mess should have brought a sigh of relief for anyone waiting with bated breath for our own administration's decision on whether to support General McChrystal's troop request, whether to support the President's plan for Afghanistan.

After all, according to the White House, President Obama's decision was "weeks away" because he was waiting to announce a decision until after the Afghan election was decided. But yesterday I read in the New York Times that the White House Press Secretary said the President's announcement was, once again, "weeks away." This is beginning to sound a little bit like Charlie Brown and the football, only the game the White House is playing has deadly consequences.

While the White House continues to dither and delay in Washington, American heroes and our Afghan allies are dying on the battlefield.

Last month was the bloodiest month in Afghanistan since the war started. As the people of Afghanistan see America's will waiver in Washington, the terrorists gain strength.

General McChrystal said last July we have only about 12 months to get in the troops necessary to reverse the momentum the Taliban has gained because their forces overwhelm the number of ISAF and trained Afghan troops we have on the field.

It is going to take some time, once a decision is made, to get the troops we need there to support General McChrystal's implementation of the President's plan.

So I call on President Obama to end this deadly indecision. Mr. President, please recommit to the very strategy you announced in March. Recommit to the "war of necessity," as you so eloquently—and rightly—called by name the conflict our troops are engaged in, in the villages and mountains of Afghanistan.

In addition to calling on the President to end the delay, I call on the pundits here in Washington to abandon their excuses to justify further delay. We have heard excuse after excuse, constant attempts to justify delay by some in the media and some on the far left. The latest red herring was the Afghan elections. Now that the election is resolved, the next excuse is corruption in Kabul.

Don't get me wrong. I agree that corruption must be tackled. In fact, I outlined the need to take on corruption in the "Roadmap to Success" for the region that I sent to then President-elect Obama, the Defense Department and the intelligence agencies and his national security team last November. But don't forget this critical truth:

"All politics is local," and so is security.

Everyone in Washington is all too familiar with that truth, but it is undeniable in the mountains and villages in Afghanistan. The Taliban is not waiting for a Jeffersonian democracy to flourish in Kabul as they continue to kill our troops and attack the people of Afghanistan.

Yes, we must tackle corruption at every level. There are lots of other challenges we must take. But security in Afghanistan will not come from Kabul. It has to be built village by village, valley by valley. The knowledgeable professionals who advise us in public and in classified sessions have told me, time and time again, that security must come first.

I have spoken on this floor many times about the need for smart power. That is military power backed by economic development, better governance, the provision of basic services. But that additional element—all the other things besides military force—awaits the establishment of security so the people we are working with can feel secure and not be subject to intimidation by the Taliban.

For too long, the international community has been too fixated on the machinations of Kabul and questions about various leaders who have been elected by the people of Afghanistan and not focused enough on the fights in the villages and the valleys.

I am proud to say our brave American National Guard units in provinces in Afghanistan are showing what can be done when you provide security, along with the economic development tools to provide a better life and a way forward without the Taliban control over their communities.

We will only succeed when the people of Afghanistan feel secure from the intimidation and violence of the Taliban, when Afghan forces can be developed to the point where they can protect the population for good, when local governance begins to deliver schools, wells, and fundamental institutions for economic development and justice.

These institutions, from national security forces to economic development, to the institutions of justice—courts, jails, cops—will only stay if Kabul organizes itself to support them. But the progress we must commit to now is a necessary precondition. It is imperative in the rural areas now and all the regions to establish that security. Then it is important for them to work from the bottom up to secure the government they want in the capital.

The time for excuses is over. Every day we delay, the enemy grows stronger. Our troops and allies, who are beginning to be dispirited by our delay, are essentially being told: Wait. We are not sure what you are doing is worthwhile. The people of Afghanistan whom we are counting on to side with us

rather than the Taliban are beginning to wonder: Is the United States going to pull out again, like we have done too often in the past?

The President and this Congress need to send a signal today to the Afghan people that America will not abandon them in this critical fight against terrorism. Our allies need to know we will remain by their sides to defeat this enemy together. Our enemies need to know they cannot wait us out, that America will be strong.

If we fail to deliver this message and to commit the troops General McChrystal has asked for, the dangers are very real. Let there be no doubt, from everything we have heard, everything we have learned, if we do not send the additional troops, if we try to stand off and use a fire-and-fall back policy—that failed in Iraq until we brought in the counterinsurgency strategy that our NATO allies tried without success in Afghanistan—not only will the Taliban come back in, they will come over the mountains, and Taliban rule will be established in Afghanistan. With Taliban rule comes their sometimes witting, sometimes unwitting allies—al-Qaida—which will use it to establish the same kind of base they had in Afghanistan prior to the 9/11 attacks. Failure will embolden the enemies of freedom who launched the attacks of 9/11 from Afghanistan.

I call on President Obama to end this indecision, commit to his own strategy—which he announced so powerfully last March and which I was proud to support on the floor—and show the American people and our allies the same resolve and determination I heard in his words this past spring. He said:

Our spirit is stronger and cannot be broken; you cannot outlast us, and we will defeat you.

It is time we delivered on that promise.

CZECH AND SLOVAK REPUBLICS

Madam President, I also have a statement in recognition of the tremendous success that has occurred in the Czech Republic and the Slovak Republic since 1989. When the Soviet Union dissolved in 1989, the people of Czechoslovakia joined together to oust communism and adopt democracy.

We have seen tremendous success in the past 20 years. Remarkable changes have taken place, as both the Czech Republic and the Slovak Republic have sought and achieved membership in NATO and moved to the kind of progress and peace we expected for them.

In 1989 the former Soviet Union was in the final throes of a slow demise which concluded in 1991. Many of the former Soviet republics were in a state of uncertainty as the situation deteriorated further.

In the fall and winter of 1989, the people of Czechoslovakia joined many other recently separated republics and

chose to oust communism and adopt democracy through the Velvet Revolution. Twenty years ago the country then known as Czechoslovakia freed itself of communist control, instituted democratic elections, and set out to adapt its command economy to the free market.

The remarkable swiftness which ushered out the former government while maintaining relative order and peace was inspiring to the world as we watched apprehensively the events unfolding. Czechoslovakia's move away from communism and toward greater political independence, led to the eventual separation of the country into the current Czech Republic and Slovak Republic.

During the past 20 years, remarkable change has taken place as both the Czech Republic and Slovak Republic have sought and achieved membership in the North Atlantic Treaty Organization, NATO. The Czech Republic was accepted as a member of NATO in 1999, as was the Slovak Republic in 2004. Both nations are now formal members of both NATO and the United Nations, and their military units now contribute to important missions throughout the globe and continue to play a strategic role in the region.

Furthermore, the Czech Republic has a local tie near to my heart associated with its NATO admission. The documents of admission were signed at the Presidential library of Missouri's own President Truman in Independence, MO. As we work to pursue our mutual interests, I wish both the Czech Republic and the Slovak Republic continued success and prosperity as we work toward mutual goals.

Madam President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. The Senator from Michigan is recognized.

UNEMPLOYMENT COMPENSATION EXTENSION ACT OF 2009—Continued

Ms. STABENOW. Mr. President, I wish to speak both about the substance of the amendment in front of us that I understand Senator REID and the distinguished chair of the Finance Committee, Senator BAUCUS, have put forward, the substance of it and supporting it, and also on the time it has taken us to get to this point, which is of tremendous concern to me. I know it is also to many other people, certainly people in the great State of Michigan, which I represent.

I believe we are on week 5 of trying to extend unemployment benefits for

people who, through no fault of their own, have lost their jobs, are looking for work, trying to hold things together, trying to keep a roof over their families' heads and keep food on the table, and Michigan is getting cold, so the heat is coming on. They are trying to do that while looking for a job.

People want to work. People in Michigan work and they want to work. They are skilled and they are ready to work. We know that for every one job available, there are six people trying to get that job. So we are in an extremely difficult time. That is why we extended unemployment benefits in the Recovery Act. I thank our President. We had challenges under the previous President in being able to do that. President Obama put that forward, and I am grateful for his continual support and all of our colleagues who supported that.

But now we find that even as things very slowly begin to turn in the economy, every day we still have 70,000 people who are going off of their unemployment insurance benefits and they still cannot find a job. These are middle-class Americans who have played by the rules, and what is happening is not their fault. They are trying to keep things going until they can find a job.

We have now spent weeks and weeks trying to get to this bill. Since we started debating this on the Senate floor, as of today, 186,000 more people have lost their benefits and are trying to figure out what in the world they are going to do for their families. That is the situation we are in.

We have in front of us a very important amendment that has been worked on on a bipartisan basis. I congratulate everyone who worked on this together. I hope we will pass this quickly and move on and send the right message to people in this country that we get it, that we understand what is going on for families.

Let me speak about the amendment, and then I will speak about the process.

The amendment would allow an extension of 14 weeks for anyone who is currently unemployed in their State and qualifies for unemployment insurance and an additional 6 weeks, totaling 20 weeks, for people in my great State who have been hit too hard for too long. So we need to get this passed.

There are other provisions that have been combined with this. One of the other successes—in fact, I am proud, as the original author of Cash for Clunkers, to have Congress talk about that and the first-time home buyers tax credit. That has helped the economy. We know there is an expiration of the first-time home buyers \$8,000 tax credit, so we extend that. There are other provisions in there as well.

There is another provision I am proud to have helped champion in the Finance Committee and now in this

legislation, which is to allow companies that are struggling in this economy to keep themselves going, to keep people employed, to keep their lights on, and to be able to get immediate help with the net operating loss carryback—it is the way they calculate their losses—which will allow capital to immediately flow for small, medium, and large companies that are cash-strapped. That capital will help businesses be able to hire people, purchase equipment, or to turn their businesses around to be able to keep things going and keep their businesses going. That is in this provision as well. It is an important bipartisan effort.

According to a study by the National Bureau of Economic Research, the expansion we are talking about would inject \$34 billion into businesses and our economy immediately.

This is about jobs. This is about supporting our small businesses that are having a very tough time getting capital. The CEO of the Home Builders Association claims that tax credits from the tax provisions would provide midsize and larger homebuilders enough funding to save 30,000 jobs that would have been lost without this change. So we have an important provision that has been worked on in a bipartisan way.

These items were something that we as a majority—our leader had come to the floor to support now for some time, to say let's get on with it; we need to support these provisions for homeowners, businesses, and help those who are currently unemployed. Let's get on with it. We are now at a point to vote on this amendment. What concerns me is the time it has taken us to be able to do that.

Over and over again, we have seen a pattern this year. In fact, we have seen 85 different times that the party of no has objected over and over to bringing up legislation—to even bringing up the unemployment legislation. It is a very simple thing for the leader to come to the floor to ask unanimous consent to go to a bill. But we are seeing objections over and over. Every time there is an objection, we are required to go through our own process. We find we have to file a motion called a cloture motion. You have to wait 2 days, and at the end of that 2 days, you vote. If there are 60 people who vote to proceed, you do that. We are finding over and over that we are getting overwhelming support to proceed.

At different times, we object to things with which we substantively disagree. That is our right as Senators. But we got to this cloture vote, and 87 people voted to go to the unemployment benefits legislation and to this amendment. So there is not an objection. This is about winding out the hours on the clock so we cannot get to health care, we cannot get to other jobs measures. And health care is

about jobs, certainly in my State. When you lose your job, you lose your health care. We have seen that over and over.

Now we are in the process of this 30 hours. We voted to bring the debate to closure on this amendment we have, which is bipartisan, dealing with housing and support for businesses and the unemployed. Yet we have to go another 30 hours, which won't end until about midnight tonight, before we can actually vote. Then we will turn around and again there will be something else. The next move the leader tries to make, there will be an objection and we will have to wait 2 more days. We will vote on whether to proceed. Most of the time, everybody votes to proceed. Then we start a 30-hour clock, and then we vote on it. It goes over and over. Eighty-five different times, we have either had this process or an objection.

Mr. President, I just wanted to raise this for the American people as we move forward now. Everyone knows we have big problems. We can have honest differences about how to address those. That is our job. But we are seeing over and over a party of no, no, no stopping things. Heaven forbid that this President be successful or this Congress be successful. That is of great concern to me, in a State with the highest unemployment in the country, where every day we have people saying: Why in the world can't you act? Why can't you get things done?

The reason we are finding ourselves in this position now is an effort to slow-walk the entire year. It is amazing. We have actually gotten more done in this year than at any other time since FDR and the Great Depression despite all of this. Now we have come to a point where, by the end of the year, we want to have something extremely important accomplished on health care, and that relates to jobs and the economy. We are seeing objection after objection.

I am hopeful there will be a willingness to step up and debate our differences and have a vote. Let's just have a vote and work together to be able to solve problems. The American people are very tired of this. They want us to get something done. We want to get something done. We are committed to it whether it takes 30 hours and days and objections or whether we can just do this and come together. Either way, we are going to get this done. It is important to understand that real people are being impacted every single time there is an objection. Right now in this economy, the American people deserve better than what has been happening.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAPO. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. CRAPO. Mr. President, I wish to talk this afternoon about health care and specifically the impact of some of the proposals we have on the cost of health care insurance. Before I do so, I think I must respond to some of the comments that were just made by the Senator from Michigan accusing the Republican Party of being the party of no. It seems we are starting to get to a point here where bipartisanship is not being achieved. But it seems the definition of bipartisanship is becoming "either do it our way or you are the party of no."

It seems to me what we need to really do is step back and take a couple of deep breaths and start working together on legislation. I will use the example the Senator from Michigan used, the unemployment insurance compensation legislation. As she correctly indicated, there were 87 votes to move forward with this legislation. This is not an effort to obstruct the legislation. The effort that caused us to slow down a couple of days on this legislation was an effort to improve it. In fact, had we not slowed down a couple days, the bill would have gone through and would have been passed, but it would not have the home buyer tax credit in it for the purchase of homes. It wouldn't have the net operating loss carryback provisions in it. They are both important provisions for creating jobs rather than just providing a safety net for those who lost jobs. The bill has been improved, and I think it will be further improved by the time we have the final vote.

It is that process of give-and-take, trying to work on and improve the legislation, that occasionally causes the Republican side to say: No, we are not going to move forward until we have an opportunity to present some amendments and until we have bipartisan work to help improve the legislation. That is what happened in this case.

In reality, the majority party has 60 votes. If they want to proceed on anything, they can do so. In this case, on the unemployment insurance bill, they did stop and allow us another couple of days to work on it and improve it with the home buyer tax credit and the operating net loss carryback provisions.

Mr. President, I will now address the question of health care. It is interesting. One of the comments the Senator from Michigan also made was that we cannot get to the health care bill because we are spending our time on the unemployment compensation bill. The reality is that we don't even know what the health care bill is yet. The bill was crafted behind closed doors in the Capitol Building, and it is being scored by CBO. We don't know when CBO will have the full bill to score or whether the full bill has even been drafted. We don't know what it contains.

That is in stark contrast to the President's commitment on how this process would proceed. The President stated in the San Francisco Chronicle in January of last year:

These negotiations will be on C-SPAN . . . and the public will be part of the conversation and we will see the choices that are being made.

He indicated that everybody should be in the room and it should be broadcast on C-SPAN. Instead, there is a very small group of people from the White House and the majority leader's office and probably a couple of senior Senators he is working with who know what is in the bill. The rest of us don't know.

Frankly, the reason we are not moving to the bill has nothing to do with procedural maneuvers on the floor. It has to do with the fact that the bill is not drafted yet or prepared and ready to bring forward.

Let me move to the actual bill itself. In this context, I have great concerns with the legislation that is being brought forward on many different fronts. It expands the Federal Government by about \$1.2 trillion, depending on how you count it; some say up to \$1.8 trillion. It imposes massive new taxes and cuts in Medicare of equal amounts to balance it off and make it appear it is not increasing the deficit. By cutting Medicare, it seriously jeopardizes the quality of health care we provide to our seniors in this Nation and, as I indicated, the massive new taxes that are involved, which fall squarely on the backs of the middle class, violating another one of the promises President Obama made. In doing so, it does not achieve the very objectives our citizens in the United States ask of us in health care reform.

What am I talking about? That is what I want to focus the rest of my remarks on today.

When you ask most Americans, Do we need to reform health care in the United States, they will say yes. What they mean when they say that is they are tired of the double-digit, skyrocketing inflation of the cost of their health insurance and the cost of medical care in the United States, and they think Congress should do something about it, that Congress should "bend the cost curve down"—that is the phrase that has been made popular—and they believe Congress can do something about it and help control these skyrocketing costs of health care.

They also believe we should try to find a way to get access to those who are needy and unable to purchase their own insurance. They know we are providing for the cost of health care for those who do not have insurance and they do get it in a much more expensive way and in a way that does not give them the quality of health care they should get. That is what Americans think of when they are asking for

health care reform. But center in the focus of the American people out of what they want out of health care reform is control of the costs of health care and control of the skyrocketing costs of the insurance they pay.

On that issue, the bills before us fail dramatically because not only do they grow the Federal Government, not only do they increase taxes, and not only do they deeply cut Medicare, they will increase the cost of health care insurance and increase the cost of medical services in our country beyond what growth they would have seen without the legislation.

I will go through a couple of examples, focusing on the bill that went through the Senate Finance Committee. It includes, as I have indicated, significant amounts of taxes and different kinds of taxes on different parts of the economy. Both the nonpartisan Congressional Budget Office and the Joint Committee on Taxation have stated that a number of the taxes included in the Senate Finance Committee bill will be passed on to consumers in the form of higher premiums.

During the Finance Committee markup, CBO Director Douglas Elmendorf stated:

Our judgment is that that piece of legislation—

Referring to the provisions increasing taxes in this legislation—would raise insurance premiums by roughly the amount of the money collected.

Meaning in one of the particular cases there is a \$6.7 billion tax imposed on insurance companies. His point is that \$6.7 billion tax is going to raise the cost of insurance.

Another example in the bill, there is a tax on medical devices. Both CBO and JCT have said this tax on medical devices will be passed on to patients, increasing their health insurance premiums and increasing the prices on everything from powered wheelchairs to pacemakers.

Another example is the tax on insurers. I mentioned the tax on insurers is what generated this answer. CBO and Joint Tax have said this tax will be passed through, and some estimates on this passthrough show this tax on insurers could raise premiums for American families by as much as \$500 a year.

The Congressional Budget Office sent a letter to Senator GRASSLEY last week in response to his inquiry about this provision and stated:

While uncertainty exists, we assume that a very large portion of this excise tax on purchased insurance will be borne by consumers in most markets, including in some markets with a high level of concentration among market participants covered by the proposed excise tax.

Still quoting the letter:

While consumers or employers may respond by changing their insurance coverage from more expensive coverage to less expen-

sive plans to offset any potential price increase, this behavior, too, is properly characterized as the consumers bearing the burden of the excise tax by accepting lower quality (for example, a more restricted physician network) for the same price rather than paying a higher price for the quality [that they would have had had there been] no tax.

Again, still quoting from the letter:

Our estimate is that the premiums for purchased health insurance policies, including the tax liability, would be between 1.0 and 1.5 percent greater than they otherwise would be as a consequence of the industry fee for calendar years 2010, 2011, and 2012.

Joint Tax did not estimate the years beyond that and were not able to do a distributional analysis based on income as to where those with higher premiums would most likely fall. But we know, again, it is almost certain it will hit those in the middle class.

Premiums are also going to rise because of the new excise tax on so-called Cadillac health plans. Many believe that companies will respond to this new tax by either passing the costs on to consumers or cutting benefits so the plan can avoid the tax. Inevitably, like the AMT, the alternative minimum tax, the impact of this tax will be passed along to more and more people, not just those with Cadillac plans, either in the form of higher costs or lower benefits.

That is how the tax-and-fee provisions portion of the bill impact health insurance. And there are many more. But what other provisions in the bill impact the cost of insurance? The insurance mandates in the bill will have similar impacts on raising the cost of health care insurance for Americans.

The Finance Committee bill also contains a number of market reforms that will result in these higher premiums. For example, the new federally mandated rating rules will result in a huge premiums increase for younger and healthier individuals.

In my home State of Idaho, studies have shown that a 20-year-old male can go out today and buy a policy in the individual market for \$67.63 a month. A 20-year-old female can buy a policy for \$94.35 a month. If the insurance rating reforms in the Finance Committee bill are enacted, those exact same policies would rise to a level of \$166.75 per month. That is a 147-percent increase for a 20-year-old male and a 77-percent increase for a 20-year-old female.

These figures, frankly, are optimistic for several reasons. They assume that the young and healthy will continue to purchase insurance. If they do not continue to buy insurance, the premiums would likely be even higher than those which were shown in the studies.

In addition, these rate estimates assume a 4-to 1 age rating band. The House bill introduced last week contains a 2-to-1 age rating band mandate, meaning that the rates for the young and healthy, again, would be made significantly worse.

In addition, many of the proposals in Congress contain mandates about what an insurance policy must include. Here is an example of what we can see in that context: An older gentleman wanting to purchase insurance in the new exchange to be created may not be able to save money by enrolling in a more basic plan. Instead, it would not be possible for him to enroll in a policy that does not include maternity care and newborn care, something he may not want or need to purchase.

The actuary firm of Oliver Wyman, in a study commissioned by Blue Cross/Blue Shield, concluded that insurance reforms in the bill and the minimum required benefit levels in the Baucus bill could drive up family premiums for new coverage by as much as \$3,024.

My point is, both the taxes and fees and the insurance mandates will generate higher premiums, not lower premiums, for Americans, exactly the opposite of what Americans are asking for in health care reform.

Similarly, both the House bill and the Baucus bill, and what we expect to see in the Senate bill when it finally comes out, will have a significant expansion of moving those in lower income categories into Medicaid rather than providing a way for them to obtain insurance.

The Baucus bill contains an enormous expansion of Medicaid, up to 133 percent of poverty. That means 14 million more people are going to be enrolled in the Medicaid Program, the largest expansion since it was created in 1965, a program that financially is going to hit the cliff soon. We know we are undercompensating for medical services in Medicaid, which ultimately results in those undercompensated costs of health care being borne by the rest of the insuring population in the United States with higher premiums.

So what are we going to do? We are going to expand a program that drives a lot of its costs off onto the private sector so we can avoid the need to identify the way to move forward and develop a true reform that will enable those who are needy and uninsured to be able to obtain insurance. Instead, we are going to push them onto the Medicaid system and, again, drive up premiums.

Those who are pushing this legislation have responded to some of these arguments by saying: The subsidies we are providing in the bill for those with lower incomes will help to reduce insurance costs. If you focus on those who receive the subsidies, of course, their insurance costs may go down. But this is true for only a very small number of Americans.

The reforms in the Finance bill will raise health care costs for most Americans while lowering them for some through subsidies. But there are several important points to make on the subsidy argument.

First, the credits and subsidies are only available for those who receive insurance through the new exchange. In other words, if you get your insurance through your employer, which most Americans do, you do not qualify for any subsidy support.

CBO has estimated that only 23 million Americans will receive insurance in that fashion. If you do the math, that represents 8 percent of the 282 million nonelderly Americans. Why do we take the nonelderly number? Because elderly Americans are covered by Medicare.

Let's put up a chart. The subsidies are not available for individuals who get insurance through their employer and, instead, those individuals will pay higher premiums for those who receive the subsidies. Here is the way it works out. You have about 185 million Americans who will be paying more taxes and higher health care premiums, and about 18 million Americans who will actually see their health care premiums go down because they will receive a Federal subsidy.

While it is true that the subsidy will help reduce the health care costs of those who receive it, it is not true that the health care costs for every other American are going to go up, again I want to point out, in two significant ways. The 185 million Americans who are not participating in the subsidy will pay more in taxes—and significantly more in taxes—and will pay more in their health care insurance premiums. That is not the kind of reform, again, that the people of the United States are asking for.

One last point, and that is about this proposal to have the Federal Government step in and create a government health care company. A government-run health care insurance company is promoted by saying we need a competitor for the private sector. I think most Americans see through that. But last week, CBO released their score of the House bill which creates just such a government-run health care company. Their score shows that the new government plan would typically have premiums that are higher than the average premiums for private plans.

What is CBO saying? The CBO letter then states that although the government plan would likely have lower administrative costs than the private plans—which is one of the key arguments that is often made—the government plan would—and I am quoting from CBO—“probably engage in less management of utilization by its enrollees and attract a less healthy pool of enrollees,” resulting in higher premium costs in the government plan.

So now what do we have? We have a government plan into which we are going to push a lot of Americans, unwillingly, which will charge higher premiums than the private sector. We have taxes, penalties, fees, and man-

dates being imposed on the private sector that are going to drive up their premiums as well. It is all justified by the argument that we need to somehow create a government control of health care so we can reduce the costs. There are other ways to reduce the costs. I don't have time in my remarks today to get into those, but there are a number of proposals we do know about for which we have bipartisan support that will help us address that cost curve.

It is my hope we will reject these proposals that take us down the wrong path and result in the wrong solutions for Americans in health care reform and begin focusing on what I started out with—that cost curve about which most Americans are so concerned. We can drive down that cost curve without raising taxes, and that is where this Congress ought to be spending its attention.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is no order on time, so the Senator is free to proceed.

Mr. ALEXANDER. I thank the Presiding Officer.

I noticed the Senator from Michigan was on the floor earlier, and she had a chart which said: “85 Times No.” I think she should have turned it around and faced it toward the Democratic leader. That means that 85 times the Democratic leader has said no to Republicans: No, you can't offer amendments and we are going to cut off debate. We have had this discussion many times. The Senator from West Virginia, Mr. BYRD, is the expert on this. There are two things that make the Senate unique. One is virtually unlimited debate and virtually unlimited amendments. So if you are from a smaller State, such as Tennessee or Delaware or anywhere in this country, your citizens can send you here and, even if you are in the minority, you are allowed to speak. Your voice can be heard and you are allowed to offer amendments.

We have procedures for cutting that off, but we only do it on rare occasions. So what the Senator from Michigan is basically saying is—and I don't believe I would bring this up, if I were she—that 85 times the majority leader has cut us off and said: We are not going to hear from you. So I think that argument is an argument we should have at the appropriate time, but I have a different point I would like to make.

I would like to continue the health care discussion because I think we are making some progress. One of the most eloquent and effective speakers on the Democratic side of the aisle is the assistant Democratic leader, the Senator from Illinois, who is a good friend and a person I admire a great deal. Yesterday, he came to the floor and asked:

Where is the Republican alternative on health care and how many pages does it have? He heard me say the other day that the era of the 1,000-page bill is over because we have a 2,000-page bill from the House of Representatives on health care. So he says: Well, where is the Republican health care plan? How many pages in it?

The Senator from Illinois was quite proud of the fact that I couldn't say how many pages were in the Senate Democratic plan, but of course I haven't seen it. Almost no one has seen it. It is being written behind closed doors. This was supposed to be the era of great transparency; that we would all know what was going on. President Obama, to his great credit, said: We will have all this on C-SPAN so you will know if the drug companies or if the insurance companies or if the lobbyists are in there writing the bill. So what do we have? We have the majority leader and two Democratic Senators and some people from the White House behind closed doors writing the health care bill.

Of course, we don't know exactly how many pages it will have because we aren't let in the room. We can't see the bill. We can't count the lobbyists, if they are there; we can't count the companies with which deals might be made, if they are there. We don't know. But here is what we do know. We do know the HELP Committee, on which I serve, passed an 839-page health care bill. We do know the Senate Finance Committee passed a 1,502-page bill, and we know the House of Representatives is working on a 1,990-page bill, not counting the physicians reimbursement fix, which is bound to push it over 2,000 pages.

The pages in these bills are going up faster than the national debt, and it is an issue with the American people. So until the various writers emerge from behind closed doors, we are going to have to go with what we have, which is a 2,000-page congressional Democratic health care bill, of which the Wall Street Journal editorial said yesterday, when fully implemented, would cost \$2 trillion over a 10-year period of time.

Here is what else we know about the 2,000-page bill. It will raise premiums. The Senator from Idaho just spoke to that. It will cut more than \$500 billion in Medicare, and it will cut it from Medicare to spend it on a new entitlement program, even though the Medicare trustees say Medicare is going broke in 2015 to 2017. The Senator from Kansas said it is akin to writing a check on an overdrawn bank account to buy a big, new car. The banker wouldn't let you do it, and the American people shouldn't let us do it.

There will be higher taxes. Everyone understands that the \$1 trillion, fully implemented over 10 years, will mean higher taxes. Who is going to pay

those? Not the medical device companies, not the insurance companies. They are going to pass them right on to whom? The American people—the 250 million of us who have health insurance premiums. So our premiums are going to go up.

There will be more debt. Fortunately, on the first vote we had on health care the other day, 13 Democrats, with all 40 Republicans, said: No, we are not going to start off this debate by adding $\frac{3}{4}$ trillion to the national debt, even for the worthy purpose of fixing the physicians reimbursement problem, which we all want to fix. We are going to have to find some way to pay for that within the health care bill, within the spending we have.

We now have a government-run plan. I have always thought that was a little like President Obama saying: In order to keep Ford Motor Company honest, I am going to put the government into the car business. Well, we nearly have, but that usually isn't the way we do things in the United States. But we are going to have a government-owned, government-run health care plan. Of course, we already have two—one is Medicare for seniors, and we have a government-run plan that States can "opt out of" called Medicaid.

The Presiding Officer, the former Governor of Delaware, and I both know from our previous experience it is a big problem. Medicaid and Medicare have been going up at the rate of 8 or 9 percent a year for many years. State budgets dealing with Medicaid only go up 2 or 3 percent for schools and roads and universities. So what happens is, when the Governor of Delaware or the Governor of Tennessee or the Governor of California sit and make up the budget, you get to the end of the line and there is no money left for higher education because we put it all into Medicaid. That means tuition goes up or services go down.

With a government-run plan—and this is something the American people are just now beginning to realize—millions of people who now get their insurance from their employers are going to lose it. They are going to lose it because their employer is going to look at this big, new bill and say: I can't afford this. I am going to pay the penalty. I am out of the health care business, and you can go into the government plan. So all 177 million people who have employer health care insurance run a risk with a government plan—under this framework we are discussing, that we haven't been able to see yet—that an increasing number of employers will say: I am out of here. We will let the government provide the insurance. Suddenly, you will find yourself in the government-run plan.

What happens in the government-run plan? Some things are good about Medicare—the government-run plan for

seniors—and some things are bad about Medicaid, which is the largest government-run plan. One thing bad about it is, 50 percent of doctors will not see new patients because their physician reimbursement is at about 60 percent of what physicians make when they go to a private insurance company. In Medicare, it is not as bad as that. It is about 83 or 84 percent of doctors are paid what they would get paid if they saw a patient with private insurance. So if you lose your insurance and you end up in the government-run plan, you may end up in a plan such as the Medicaid plan, a government-run plan where 50 percent of the doctors will not see new patients.

The Governors of the States are in a state of apoplexy—would be about the only word to describe it—because they are in the worst shape they have been in dozens of years. I know in the State of Tennessee there are \$1 billion in just cuts. Everything has been cut, prices are going up, and people are being laid off, even though we have a very conservative, well-managed State. Yet one of the ways being proposed to pay for this bill is to shift some of the cost—about \$34 billion at least—to States. Governors—both Democratic and Republican—are saying: Please don't do that to us. We can't afford that. We don't have the money for it. We have to balance our budget. If Washington wants to expand Medicaid, Washington should pay for Medicaid.

Higher premiums, Medicare cuts, higher taxes, more debt, government-run plan, millions losing coverage, inevitable rationing, States complaining, some going bankrupt, and a \$2 trillion cost is not health care reform. But the assistant Democratic leader asked a good question. He asked: What is the Republican plan? If our plan has 2,000 pages, how many pages does your plan have? Well, I would say, with all respect for him, that if he is looking for someone with a wheelbarrow to wheel into the Senate Chamber a competing 2,000-page Republican bill costing \$2 trillion, he is never going to see it. He will be looking in vain because that is not what we propose. We have been saying, over and over again on the Senate Floor and in other places, we are going in the wrong direction; we need to start over; our goal should be to reduce costs—the cost to each of us who pay premiums, the cost to all of us who have to pay the Federal Government debt. We should set a clear goal of reducing costs and move step by step toward that goal of reducing costs to reearn the trust of the American people.

Americans instinctively distrust these comprehensive, change-the-world, never-mind-the-cost, 2,000-page risky schemes, one of which is the health care plan that is coming toward us. We have proven in this Chamber we don't do comprehensive well. We had our best Senators on both sides of the

aisle working hard on immigration—Senator Kennedy, Senator MCCAIN, Senator KYL, Senator Martinez—and what happened? It fell of its own weight. We bit off more than we could chew. The economy-wide cap and trade is running into the same problem. So is health care.

With taxes, mandates, surprises, debt, and more Washington takeover, we are scaring the daylight out of the American people with these proposals. Instead of that, we on the Republican side believe we should have health care reform, but its goal should be reducing costs, and we should go step by step toward that goal. Going step by step in the right direction is one good way to get our country where it needs to go.

So instead of a 2,000-page congressional Democrats' health care plan, here is the Republican plan, and I have counted the pages. No. 1, small business health care plans. This leverages the number of small businesses and allows them to pool their resources and offer health care to more Americans. That is 88 pages, proposed by Senator ENZI. No. 2, allow Americans to purchase health care across State lines to encourage competition—30 pages, proposed by Senator DEMINT. No. 3, reduce junk lawsuits. Medical malpractice lawsuits drive up the cost of health care. There is some question how much it drives it up, but there is no question it drives up the cost. That is Senator GREGG's bill on that, and it is 19 pages. No. 4, equal tax treatment for health care. That is Senator BENNETT's bill, which is 21 pages. No. 5, health information technology—a subject we should be able to agree on in a bipartisan way—is 13 pages, by Senators COBURN, BURR, and ENZI. No. 6, health care exchanges, creating more of those for people to look for the lowest cost insurance. That takes eight pages in the bill, proposed by Senators COBURN and BURR. No. 7, Senator LEMIEUX, one of our newest Senators, proposed a bill on the subject of waste, fraud, and abuse. We know that is a scandal, particularly with Medicaid and Medicare. The Government Accountability Office has said that \$1 out of \$10 in Medicaid is waste, fraud, and abuse, accounting for \$32 billion a year, which is \$320 billion over 10 years.

So there are seven steps in the right direction of reducing cost. Taking just one of those steps—the small business health care plans, S. 2818, leveraging strength in numbers—here is what the Congressional Budget Office says about the small business health care plan: 750,000 more Americans would be covered. These would be people working for small businesses. It would lower the premium costs for three out of four employees. It would reduce Medicaid spending—and that is the program that is causing the States so many problems—by \$1.4 billion.

So why don't we pass that? Why don't we pass it? Why don't we take

that one step toward reducing costs and then take a second step and a third step and a fourth step? Gradually, as we reduce costs, as the small business health care plans will do, we can add uninsured people to the rolls. That would re-earn the trust of the American people. That would be something we could actually get done. That would be something that would be bipartisan, would create confidence, and help us reach the goal we have set for ourselves.

We have clear choices. We have 2,000-page bills or the bills I just added up—those seven steps proposed by Republicans, many of which have Democratic support as well—that would be 200. So 2,000 pages or 200 pages; reduce premiums or increase premiums; reduce debt or increase the debt; reduce Medicare or make Medicare solvent; higher taxes or no tax increase.

The American people want real health care reform. They want to reduce costs and add coverage, as we can afford it. They are properly skeptical of grand and risky schemes that claim we in the Senate and the House are wise enough to solve everything at once. They know if we try to do that, we are more likely to mess up everything at once. They know about the law of unintended consequences.

To re-earn the trust of the American people, we should set a clear goal. That goal should be reducing the cost of health care; the cost of health care when you pay your premium and the cost to your government, the cost of its debt. We should move step by step in that direction. That is the Republican health care plan.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I again rise to urge my colleagues, particularly from the other side, to join us in passing the extension of unemployment insurance, without delaying action through more procedural votes. We are in the midst of a very complicated and important debate on health care and we are being urged to move forward on that. But something that is pressing, in my view, is the need to extend benefits to the people who are running out of the ability to support their families. By my count we on this side of the aisle have been trying for days to do something that the other body did, with bipartisan cooperation, in a vote of 331 to 83 under Suspension of the Rules.

As the President of the Senate knows, this is the way the House moves noncontroversial legislation forward without any delay. It is not used for major legislation such as this, typically, so that underscores the bipartisan solution the House proposed to us more than 25 days ago.

To compound matters, the other side is now doing more than just delaying

unemployment benefits for millions; they are also needlessly delaying tax cuts for small businesses and first-time home buyers. This is a very disturbing precedent. The American people, as my colleague was talking about, want to see some results. They want to see us move on issues that are critically important to them. What could be more critical and more important than extending unemployment benefits to those who have lost their jobs and are in a very difficult economy? What could be more important to our economy, and to so many people, than extending the further benefits of the tax treatment of new home buyers, which has produced an increase in sales and investment? This is the time to move forward and to also help small businesses. The legislation before us includes not only the extension of unemployment benefits and the tax break for home buyers, but also the preferential tax treatment for small businesses in terms of their ability to access losses in the past.

With the winter and the holidays approaching, this legislation cannot come soon enough for millions of Americans who are feeling the effects, not of the last 8 months but of the last 8 years, of the Bush economy. This legislation will help people literally put food on the table. It will give them a sense of support and substance as they go forward. It will also help continue the expansion of the economy we have seen. Last quarter for the first time in a year we saw growth in the American economy—3.5 percent GDP. To sustain that we have to keep incentivizing our economy in many different ways. Two of the provisions included—again with bipartisan support—provide those incentives. Small business will get relief in terms of net operating losses. Individual purchasers in the real estate market will get the stimulus of the addition and extension of the tax treatment of purchase of homes.

But we could anticipate another cloture vote this week, another procedural burden to do something that everybody says we should have done weeks ago. My colleagues on this side have suggested amendments that are not germane—some that we have repeatedly taken up already, indeed have passed. But this should be something more than about messaging. This should be about helping the American people. We have legislation before us which incorporates, as mentioned, not just unemployment extension but two other benefits, for small businesses and for new home buyers. This compromise before us should not face these delaying tactics. The reality is that 4,000 people in my State need this help right away. They need the unemployment benefit extension. There are thousands more Rhode Islanders who will exhaust their benefits in the next several weeks. Indeed, 3,000 Rhode Islanders

are receiving extended benefits, which is the final tranche of unemployment benefits for most. They will be without any real support if we do not move this week, if we do not move promptly, in a timely fashion.

The latest compromise provides 14 weeks of unemployment insurance for jobless Americans in all States, and 20 weeks in those States that have the highest unemployment rates, above 8.5 percent. As I mentioned before, it also provides help to the home market and help to the small business community.

These are amendments that are important. They are important to all of us. We can look back with some sense of progress on our recent GDP numbers. But you cannot feed your family on GDP. When you are unemployed, looking for work, not finding it, you need unemployment compensation benefits. You cannot keep this recovery in the housing market going, as robust as it has been, without some further assistance. You have to create further benefits for small business so they can begin once again to hire Americans. The key to our economic crisis is not growing GDP, it is growing employment. These latter efforts will be pointed in that direction as we help people who are without jobs today.

This crisis is nationwide. It is not a red State, blue State problem. It is our problem. Too many Americans will exhaust their benefits by the end of the year. Hundreds of thousands have already exhausted benefits. So this delay has real consequences in the lives of all of our constituents in every part of this country. It has already been over a month since the House passed their legislation. We could have passed this promptly. In fact, if you look at the record, the number of cloture votes and everything else, we passed yesterday a cloture vote on a substitute amendment by 85 to 2. Typically when we have 85 votes we do not go through further procedural amendments. We, by unanimous consent, take up the measure and pass it routinely. What is lacking here is not the 60 votes for cloture, it is unanimous consent; i.e., the consent of our Republican colleagues to move forward.

They are not denying us, they are denying the American people. We should take this measure up immediately. With 85-to-2 cloture votes, 85 people will come down, perhaps even all 100, and vote for this bill. But it will be a month after we should have accomplished this task.

While we wait, our economy suffers and thousands of Americans do. So I urge passage as quickly as possible. I hope Leader REID would propose that we move to the measure as quickly as possible, that we could avoid another cloture vote, another 85-to-2 vote confirming what we all know, that eventually when we are allowed to vote on final passage, this measure will pass overwhelmingly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. I thank the Chair.

(The remarks of Mr. ENSIGN pertaining to the introduction of S. 2724 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions".)

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. BEGICH. Mr. President, I ask unanimous consent to speak as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALASKA NATIVE PEOPLE

Mr. BEGICH. Mr. President, I rise today to honor thousands of our fellow citizens who do not receive adequate recognition for their enormous contributions to our nation, Alaska Natives and Native Americans.

President Obama has declared this month Native American Heritage Month. He also hosts an important summit Thursday with our Nation's tribal leaders.

I salute the President's initiative, which is designed to strengthen the special relationship between the Federal and tribal governments.

This week, many Alaska Native leaders have traveled long distances to participate in this summit because they recognize the great significance of the Obama administration's historic initiative.

These events are especially important to Alaska because we proudly claim the highest per person number of Native Americans in the Nation.

Nearly 20 percent of Alaska's population, about 120,000 Alaskans, are Alaska Natives.

From time immemorial, Alaska's Native people have developed a rich cultural heritage and sustained themselves by living close to the land in some of the most challenging geography and climate on Earth.

Today, the diversity in Alaska's Native community is broad.

In scores of tiny villages in some of the most remote regions of our Nation, Alaska Native people feed their families with subsistence hunting, fishing and gathering. This is a way of life practiced by their ancestors for generations.

At the same time in downtown Anchorage, prosperous Alaska Native corporations help fuel our State's economy and employ thousands of Alaskans and other Americans from gleaming modern office buildings.

This is thanks, at least in part, to actions taken by Congress to help lay a foundation for success by America's first people and to provide the opportunity for self-determination.

The story of Alaska's Native people is one of great success against enormous odds.

For me, this story is also personal because I was born in Anchorage barely

3 years after Alaska became a State in 1959.

In that era, the status of Alaska Natives was bleak. Fewer than 20 percent had a high school diploma; less than 1 percent a college degree.

Half lived below the poverty line. Fifty percent of Alaska Natives lived without indoor plumbing, collecting their waste in what we call a "honey bucket."

And nearly two-thirds lacked what we define today as a job. Most hunted, fished and lived off Alaska's land and waters to feed their families.

Today, the lives and achievements of Alaska Native people have improved dramatically. The 1971 Alaska Native Claims Settlement Act was a completely different model than the reservation system of the lower 48.

It established 13 regional for-profit Native corporations, hundreds of village non-profit corporations and empowered Alaska's Native people to take their destiny into their own hands.

Subsequent amendments to the act, such as those permitting Alaska Native corporations to participate in the SBA's minority business 8(a) program, helped even more.

I am proud to note that the Settlement Act was among my dad's proudest accomplishments during his single term in the House of Representatives.

Now, educational attainment is growing, with about half of Alaska Natives earning high school diplomas and nearly one-third with at least some college.

Less than 25 percent now live below the poverty line. Three-quarters live in homes with the basic clean water and sewer facilities we all take for granted.

What is most impressive to me is the success of Alaska Native corporations and tribes. They were formed to help fulfill the Federal Government's obligation to Alaska's indigenous people.

After struggling in their early years, all 12 of Alaska's in-state regional profit corporations are profitable, generating about \$4 billion in revenues for their Native shareholders.

ANCSA corporations are among our State's top employers, providing jobs for more than 30,000 people. And I submit that these companies are among the most socially conscious in the world.

Alaska's Native non-profits and tribal organizations partner to enrich our State and their members in many ways.

They provide the resources that help schools, families and individuals preserve 10,000-year-old languages, values and ways of life.

They help address the health needs of Alaska Natives through local clinics and hospitals, research centers and by building coalitions with local, State and Federal partners.

They empower self-sufficiency with short-term financial assistance when it

is needed, helping low-income families afford heating fuel and electricity, nutrition services for elders and even burial assistance so that family members are treated with dignity and respect.

Through increased self-governance, Native tribal organizations in Alaska can provide even more essential services, from law enforcement to tackling crippling social problems.

One of my most rewarding moments so far as a member of this body was making sure that two dozen brave members of the Alaska Territorial Guard all distinguished Alaska Native elders, finally got the recognition they earned for their courageous service to this Nation more than a half century ago.

Long before Alaska was a State and our country was engaged in World War II, men like Wendell Booth of Noatak, Paul Kiunya, Sr. of Kipnuk, and Victor George of Nulato answered their Nation's call on America's most remote front lines.

Last month, the Senate approved an amendment to the National Defense Authorization Act of 2010 I sponsored with my colleague, Senator LISA MURKOWSKI.

With President Obama signing that bill into law last week, these 25 surviving Territorial Guardsmen finally will receive the retirement pay and recognition they earned so many years ago.

Great progress has been made over the years in helping establish the means for rural and Native Alaskans to succeed. Yet much work remains to be done.

At the top of my Senate agenda are three specific areas of focus to ensure Alaska's Native people continue to flourish.

First, we must make energy affordable for rural Alaskans.

Some residents of my State pay the highest energy prices in the Nation. Electricity in some Alaska villages exceeds \$1 a kilowatt hour, compared to just a dime here in Washington.

When east coast residents complain about high gas prices, consider that a gallon costs \$11 in Noatak, one of Alaska's villages.

This is a bitter irony when you consider that Alaska has long prided itself as America's energy storehouse, providing the lower 48 States up to a quarter of their domestic oil production.

We are working to address these problems here in Washington.

My off-shore oil development legislation is unique by providing that local governments and tribes get a share of any revenues from Federal Outer Continental Shelf Development. Also trying to kick-start the Alaska natural gas pipeline with Federal loan guarantees and other provisions in the Senate energy bill.

Fortunately, local Alaska leaders are not waiting around for Washington to act.

Regional leaders like Ralph Anderson of Bristol Bay Native Association, Tim Towarak through his position with the Bering Straits Native Corporation, and Michelle Anderson of Ahtna Development Corporation, already are developing comprehensive, regional tribal energy plans.

A second major issue facing Alaska's Native people is subsistence, the time-honored practice of harvesting Alaska's rich fish and wildlife resources to put food on the table.

For the last 10,000-plus years, Alaska's Native people implemented a subsistence model that worked to create abundance for subsistence users. That system is now in disarray.

The Obama administration announced plans just last month to revamp that system and I welcome their initiative.

We must preserve the rural subsistence priority in Alaska at all costs.

Finally, a continuing major issue in rural Alaska is the lack of basic infrastructure. This includes water and sewer systems, so Alaskans don't have to live in Third World conditions.

It includes expanded broadband technology, so all Alaska children have equal access to the educational wonders of the Internet.

We are working to address these needs in Congress. One model for economic development in rural Alaska is the Denali Commission.

For more than a decade, this innovative agency has been addressing vital needs from health facilities and energy to roads and water and sewer systems.

I will be seeking the continued support of my colleagues for the Denali Commission.

Mr. President, the largest annual gathering of Alaska Native people convened in Anchorage just last month as the Alaska Federation of Natives convention.

Thousands of Alaska Natives from across our State met in Anchorage's new Dena'ina Civic and Convention Center, named in honor of the first people of that region.

Their theme spoke to the historic journey of Alaska's Native peoples. A journey of overcoming enormous obstacles; a journey full of accomplishment and pride.

I am honored to join my fellow Alaskans on that journey, and to salute the enormous contributions of Alaska's Native people on this, the first week of Native American and Alaska Native Heritage Month.

The PRESIDING OFFICER. The Republican whip is recognized.

Mr. KYL. Mr. President, I want to speak briefly to the issue of the unemployment extension, the benefits that would be provided to those who find themselves unemployed today. I note that as we speak, the rate now stands at 9.8 percent and climbing toward 10 percent or double digits.

Those are the latest numbers we have in September, and it is pretty clear there have been more people laid off since the end of September. There were about 15.1 million unemployed persons in September, and that number has risen by 7.6 million since the start of the recession.

In Arizona, my own State, 77,300 jobs have been lost just since the so-called stimulus package was passed. Overall about 2.7 million jobs have been lost in the United States since the stimulus bill. Yet Dr. Christina Romer, the Chair of the President's Council on Economic Advisers, predicted with the stimulus bill unemployment would never exceed 8.1 percent; and, further, that without the stimulus bill unemployment would reach a peak high of 9.1 percent in the first quarter of 2010.

Obviously, unfortunately, both predictions were far too rosy. As Robert Samuelson wrote in the Washington Post:

The rap on stimulus one is that it hasn't yet, as promised, reduced unemployment.

I found it interesting that President Clinton's Labor Secretary, Robert Reich, recently wrote:

Obama's focus on health care, when the economy is still so fragile and unemployment is moving toward double digits, could make it appear that the administration has its priorities confused.

That is precisely what public opinion surveys show, as the majority of Americans wish that we would address the problem of joblessness and the economy first and worry about doing something about health care after that is fixed.

It is interesting that one of the President's economic advisers, Jared Bernstein, was asked recently on "The Early Show" on CBS by Harry Smith:

When does this country start to create jobs on its own?

Here is what he replied:

As far as the overall economy is concerned, private sector forecasters tell us that by the second half of next year, net job growth should be positive. Unemployment should be coming down.

I hope this is "expectations management" because the beginning of the second half of next year is still 8 months away. So this is one of the reasons I support the extension of unemployment benefits. We are going to continue to see unemployment increase, as I said, undoubtedly to get above the single digits up into the double-digit atmosphere.

There is a problem that makes this worse, and it is one of the reasons Republicans have been seeking to have the authority, the ability to offer an amendment to this legislation. So far, even though this is supposed to be the world's greatest deliberative body, a body in which members of both parties get to offer amendments to legislation, not one Republican amendment has been allowed on this legislation.

The majority leader makes the call. He says no, I guess; I do not want to hear any Republican ideas on how to deal with the problem. The reason this bothers me is because I think at least one of those amendments is a very good Republican idea on how to deal with the problem.

The problem is doing something about unemployment. How could we best deal with the problem of unemployment? Obviously, put people back to work. What are some of the reasons it is hard for businesses to put people back to work? One of them is that we have a tax on an employer putting people back to work. It is the unemployment tax itself. How do we pay for the extension of benefits in this legislation? We extend that tax. So what we are doing is, in order to pay for the extension of unemployment benefits, we tax the very employers when they hire someone and tax them for keeping on their rolls the workers they currently have. We continue that tax in existence in order to pay for the extension of benefits.

Republicans had a better idea. Let's find another mechanism to pay for an extension of benefits. But no, the majority leader says, you cannot offer that amendment.

This hurts workers in a variety of ways. Let me explain briefly how the FUTA surtax actually works. This is a \$2.6 billion extension that is used to pay for the extension of unemployment benefits. It is a tax amounting to 0.8 percent of payroll that applies to the first \$7,000 of a worker's wages. It is a direct payroll tax. The revenues are then deposited into the Federal unemployment trust fund. It is composed of two parts: a 0.6-percent permanent tax rate and a 0.2-percent temporary tax rate. FUTA only hurts unemployment and job creation since it taxes employers for each employee they hire.

According to Mark Wilson of the Heritage Foundation:

Legally mandated benefits like unemployment insurance are not "free" to workers.

He goes on:

Studies indicate that, on average, over 80 percent of the cost of all employer-paid payroll taxes is shifted to workers in the form of lower real paychecks.

So who is going to pay for the cost of extending the unemployment benefits? The workers themselves.

Republicans had a better idea, but we have been prevented from offering that idea in the form of an amendment.

When we take into account the other mandated requirements on employers, the other private sector mandates such as increasing the minimum wage, the resulting higher labor costs will affect an employer's decision about whether and when to hire workers, which worker to hire, how much cash to pay the worker, and how long to keep that worker on the payroll. This rise in mandated labor costs paid by employ-

ers is one of the most important forces leading companies to lay off workers or use part-time or temporary workers or contract labor instead of full-time employees.

As I said, while I support extending the benefits, I believe it is essential that we address the underlying problems of job creation and unemployment. The FUTA tax only makes those problems worse, especially for small businesses. This is why Republicans wanted to offer an amendment that paid for the benefits extension without the FUTA tax on job creation. Why would the majority leader be frightened of this? Why would he not want to even debate this obviously legitimate question? That is one of the reasons action on this bill has been delayed. This bill could have been completed 2 weeks ago.

I have heard some of my colleagues from the other side come down and say: Why are Republicans holding up the extension of unemployment benefits? I voted for cloture to proceed. I voted for cloture to proceed to the substitute. I am not holding up anything. But the majority leader is not holding up his part of the bargain, which is to at least allow some amendments—three or four—that Republicans have offered. We can't even offer this amendment to offer an alternative way to pay for what almost all of us want to do and will end up voting to do.

I find it disappointing that a very good Republican idea, an obviously legitimate debate to have, whether workers themselves should have to pay for the extension of these benefits and whether that puts more people on the unemployment rolls, to have to pay for the extension of benefits as time goes on here—I am very disappointed that not only have we not had the opportunity to offer that amendment but colleagues from the other side have actually come to the floor and complained that Republicans are somehow to blame for the extension of unemployment benefits not being permitted. When Republicans are not allowed to offer these kinds of amendments, then, yes, we will insist upon a debate which points out a better idea for solving a problem that every one of us wants to solve, the fact that we are not even being allowed to offer the amendment in order to have that debate and challenge our colleagues from the other side to see whether they want to continue to support this program with a tax on workers or they would like to find a better way, the way the Republican Party has proposed.

The PRESIDING OFFICER. The majority whip.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

VA HOSPITAL IN MARION, IL

Mr. DURBIN. Mr. President, I will respond to the Senator from Arizona after I speak to an important issue in my home State.

My first comment relates to an important VA hospital in Marion, IL. In the fall of 2007, there was an alarming number of deaths at the Marion VA hospital, causing a thorough investigation to be initiated in Washington. At the end of the investigation, they found that nine veterans who had gone into this hospital for surgery had died under what were considered extraordinary circumstances. The investigation went deeper. As it went deeper, they found clear evidence of malpractice on the part of doctors at this veterans hospital and mismanagement by those who brought these doctors to the hospital and by those responsible for supervising them in their activities.

As a result of that startling and shameful disclosure in the treatment of the veterans, the surgical unit was basically closed—at least inpatient surgery and many other medical activities were restricted until the investigation was complete, changes were made, and new personnel were brought in so that veterans receive the kind of protection and care they deserve.

That investigation resulted in several doctors being dismissed. After the most cursory examination, we found that doctors had been brought to this hospital—at least a particular doctor who had been the subject of malpractice complaints in another State had not been thoroughly reviewed in terms of his background before he was brought into this veterans hospital, and he, in fact, was performing surgeries at this hospital beyond his competency and beyond his authority. That was a fact.

We started this thorough review with new people at the Marion VA Center.

I might say to the Presiding Officer and those following this debate, southern Illinois is a long way from Chicago. It is 400-plus miles away from Chicago. It is an area I know well. It is where my family roots are. It is an area once represented in Congress by Paul Simon, when he was a Member of the House, and then, of course, he later served in the Senate. Paul Simon used to say southern Illinois is the land of grits and gospel music. There are parts of southern Illinois that are south of Richmond, VA, in terms of latitude, to give an idea. It is the South.

I say that because I want to let people know, in following this particular development, that for many of the people who live in southern Illinois, in small towns in southern Illinois, in northern Kentucky, and in eastern Missouri, the Marion VA Medical Center is critically important. It is a long drive from where they live to St. Louis or to Indianapolis or some other place. They count on the Marion VA hospital.

We told these veterans they could count on it, that it would be there to help them when they needed it. So this scandal which came out 2 years ago caught everyone's attention and focused all of us on solving this problem as quickly as possible.

We responded in the Senate. I had a colleague in the Senate then, a fellow Senator by the name of Barack Obama. He and I introduced a bill that went after the systemic weaknesses at the VA medical center structure that allowed these deaths to occur. Our bill imposed an accountable quality management system on VA medical centers, on regional networks that monitor and manage the medical centers, and the VA health care system as a whole. We proposed designating a person at each level who would be directly responsible for quality management and only quality management of health care for veterans. The Veterans' Affairs Committee, under the leadership of Chairman AKAKA of Hawaii and Senator RICHARD BURR, a Republican, approved the legislation last Congress and reported it out of committee and to the full Senate, where it died on the floor.

Yesterday, I was shocked to learn that a new inspector general's investigation of the Marion VA Center in August of this year by a medical doctor and his team found that problems identified 2 years ago have not been addressed at the Marion VA Medical Center. Despite this national scandal and the concern we all had about the treatment of veterans, many of the concerns and many of the issues that led to the deaths of these innocent veterans have still gone unheeded. In 2 years' time, the medical center responsible for treating veterans living in southern Illinois has not been able to meet the required standards in facilities safety, patient safety, peer review treatments, and, yes, limiting surgeries to those surgeons who are only approved and licensed to perform them. These continued failures are shocking and inexcusable.

I and my staff and my colleagues in the House have pressed the VA and the medical center itself repeatedly about bringing this center up to the highest standards. We have visited the facility, convened meetings with employees, administrators, and written letters. We have done all we can think of to make sure our veterans have access to the highest levels of medical care in Marion, IL. We have been told time and time again that Marion's quality of care is being closely monitored and all appropriate steps are being taken to rectify the problem. I don't know what went wrong here, but I know now that these efforts have failed.

The inspector general's report of this August is an indictment of all of the efforts undertaken by the previous administration and this administration

to remedy the problem. I am deeply disappointed that yet another report identifies entrenched and serious problems at Marion.

In the report finally released yesterday, the inspector general details appalling failures of quality management and patient safety standards. I have read the report. Some failures they found are the same ones they found 2 years ago: physicians performing procedures without required privileges and authority; review of treatment records that is not regular or systematic; where there were reviews of treatment records, no one followed up on questionable treatment decisions as they were made; and, in fact, substandard, unacceptable record keeping of the deaths after treatment.

Other failures in patient care the inspector general found: not complying with guidelines for patients with a history of methicillin-resistant staff infection, known as MRSA. It is a deadly infection that can claim lives. They found an example where an individual who had a history of this infection was left in an environment where he was exposed to other innocent patients. Totally unacceptable. Not grounding electrical equipment in bathrooms, raising the danger of patient electrocutions at one of our veterans hospitals. That is what the inspector general found.

After 2 years to focus on bringing the Marion VA Center up to the basic standards we should expect of every VA facility, those in the direct line of command at Marion have violated the public trust and should be relieved of their duties until serious questions about this management have been answered and resolved.

Secretary Shinseki called me on the phone last night, and we had a lengthy conversation about Marion. When I first met the general and told him I would support him because of his service to our country and his obvious leadership skills, I talked about the Marion center. I told him it had to be high on his priority list. He said he would take the initial step of removing the Marion director and naming a replacement with a long and respected record of leadership.

I wish this new director the best and offer all the help I can to provide and assure veterans in southern Illinois they will receive the best possible care. However, since the problems at Marion have not been fixed, more comprehensive and immediate action is required.

Yesterday's inspector general report is only one of several revelations of quality-of-care issues in VA facilities to gain notice this year. In June, the inspector general reported that several VA facilities were not properly cleaning endoscopy equipment, potentially exposing veterans to infection. In July, weak oversight led to errors in cancer treatments at the Philadelphia Veterans Affairs Medical Center, resulting

in mistreatment of several veterans. Taken together, the series of problems raise serious questions about how quality of care in the veterans health system is monitored and enforced.

Since that initial, awful discovery of these unnecessary, shameful deaths in Marion, IL, 2 years ago, we have asked a lot of questions about quality of care that have gone unanswered. We have learned some things. We have learned that VA health care quality assurance programs at every level—Federal, regional, and local—could be better. Where good policy is in place, not all health care officials and practitioners are following the guidance fully. The shortage of health care professionals means VA hospitals are not doing all they can to weed out mistake-prone doctors.

I wish to go back to the legislation Senator Obama and I introduced in the last Congress. This bill would create a network of health quality assurance officers. The idea is we need one designated person at each VA facility, in their VISNs and in VA's headquarters, to pay attention, strictly, to quality and patient safety issues.

So the bill establishes quality management officers at the national, VISN, and medical center levels. These officers would be responsible for peer-review mechanisms and for confidential reporting systems, so VA employees can literally blow the whistle when they see things happen that endanger the lives and treatment of our veterans.

The bill also requires potential VA physicians to disclose their employment history—that is not too much to ask—including negative elements in their resume, before they are hired.

It also mandates that directors of the regional Veterans Integrated Service Networks—or VISNs—investigate and personally approve the candidates.

Again, this year, as it did in the previous Congress, the Senate Veterans' Affairs Committee has reported the bill. They agree with me. They know it is a bipartisan bill, and they support it on a bipartisan basis. This year it is part of the Caregiver and Veterans Omnibus Health Services Act of 2009.

Where is this bill? Why wasn't it passed before this inspector general came and found the same problems at Marion VA today that led to the deaths of nine innocent veterans 2 years ago? What happened to the bill after it was reported to the Veterans' Committee?

Well, I can tell you. The bill is sitting on the Senate calendar. It is being held by one Senator who opposes moving to the veterans bills. He says it costs too much money. Well, what is a veteran's life worth? We lost nine 2 years ago. The latest report is that there is another one whose death has not been investigated, which has not had the appropriate level of review we would expect in a veterans facility, and

this Senator says it is too much to ask that we would put someone in place at that Marion VA, and every VA facility, who would focus on patient safety.

I want to tell you, that is unacceptable. Putting a hold on a bill that, if it is not passed, could endanger the lives of veterans is absolutely unacceptable. I hope this Senator will have second thoughts now that this inspector general's report is out. We need this quality management network in the veterans health system. If this were in place and working properly, we could catch those who are taking shortcuts and compromising the quality of care our veterans deserve.

But we also have to acknowledge that policies are only as effective as the people who implement them. Good practices depend on the professionals on the ground, so we have to educate and hold professionals accountable, as well as enacting appropriate quality control measures. We have to make veterans hospitals attractive employers so the scarcity of doctors does not create a perverse incentive to overlook potential shortcuts.

In the overwhelming majority of cases, the Veterans' Administration of the United States of America provides veterans with care of the highest quality. VA personnel—and I have met hundreds of them—similar to all health care workers, enter their professions because of a genuine personal desire to heal the sick and mend the wounded, particularly those women and men who have served our country. They do outstanding work for our veterans every single day, and they deserve our gratitude for that effort. We want to help them provide the very best care for veterans everywhere in America.

I wish to thank Chairman AKAKA and Senator BURR for noting that quality management in the VA needs to be restructured to ensure accountability. I agree with them completely. But despite the good work of the VA, and the wonderful people involved in the VA, clearly, at the Marion VA Center our veterans deserve better.

I hope we can pass this bill and put in place the kind of safeguards that are needed so we will never have to face another inspector general's report such as this. You would think after nine veterans have lost their lives, and all the effort that has gone in to understand why—and stop it from occurring—that we would not be facing an inspector general's report that says we are still harboring people who are not of the highest quality, in terms of their talents, and protecting procedures and approaches which jeopardize the lives of many of these veterans.

This bill should be removed from the calendar, brought to the floor, and passed immediately. I hope it will pass in an overwhelming fashion with bipartisan support.

Mr. President, as to the Unemployment Compensation Extension Act, I

heard the Senator from Arizona come out and talk about the unwillingness of the Democratic majority to allow the Republicans to offer amendments. He used that as his reason to explain why, for 26 days, the Republicans have held up the extension of unemployment benefits to thousands of people across this country.

During that 26-day period of time the Republicans have stopped us from extending unemployment benefits, 180,000 Americans have seen their unemployment benefits end. We know because many of us have heard from them. They are people who have been out of work for a long time and looking for a job without luck. When the unemployment check ends, they know it because that is the check that puts bread on the table. That is the check that pays the mortgage and the utility bills. It keeps their family together.

So for almost one calendar month, the Republicans in the Senate have stopped the extension of unemployment benefits. Why? The Senator from Arizona said: Well, because we had some amendments we wanted to offer.

Well, this is a legislative body. It is not unreasonable to offer an amendment. But what he did not say is that some of the amendments had nothing to do with unemployment or the state of the economy. Some people may have heard of this organization ACORN. They have been in a lot of news recently—videotapes of ACORN employees doing bad things. They were fired. Some are being investigated.

We have had about four or five amendments on the floor about ACORN. Are we going to investigate them? I am for that. I put an amendment in to do that. Are we going to cut off all their government contracts? Are we going to limit the work they can do on this agency or that agency? Amendment after amendment after amendment. At a time when we are in the midst of a deep recession, with high unemployment, fighting two wars, debating health care, some Senator thinks this is all about ACORN.

So one of the Senators from Louisiana said: I am going to hold up unemployment benefits for people across America until I can have another chance to have another debate on another ACORN amendment. Well, forgive me, but I think the majority leader was right. That does not relate to unemployment. It does not relate to the state of the economy. It is simply one Senator who is stuck on one theme that has nothing to do with the economy and that Senator was insisting on his amendment or unemployment benefits would not move forward.

So when the Senator from Arizona talks about the decision of the majority not to allow every amendment to be offered and tie up the Senate for days or weeks at a time, it is understandable. I do have to take exception

to remarks that were made by my minority whip and friend from Arizona when he said we are not offering amendments to the Republicans on the unemployment compensation benefits bill.

I call his attention to the amendment he voted for yesterday. It was a cloture motion, which means ending debate on a substitute known as the Reid-Baucus substitute. The Reid-Baucus substitute, which is being added to this unemployment benefits bill, includes, within its pages, two Republican amendments, the major Republican amendments that have been offered; one by Senator JOHNNY ISAKSON of Georgia about the home buyers credit. It is in here. A Republican amendment is in here. He and Senator DODD have worked out the details. It is included. The second is an amendment by the Senator from Kentucky, Mr. BUNNING, and it relates to some net operating loss tax treatment, which we think may help some businesses hire people back. Senator BUNNING is a Republican. The amendment was incorporated as a part of it.

So for the Senator from Arizona to argue that we are not allowing any amendments is to ignore the very amendment we voted for yesterday. There are Republican amendments here, and they were worked out, as they should be.

Does that explain why we have waited almost 4 weeks to extend unemployment benefits? The Senator from Arizona takes exception to the idea that we would use the insurance fund that is collected from employers and employees across America for unemployment to extend unemployment benefits. Well, this is an insurance fund we all pay into, in the unlikely event we lose our job, so we can get unemployment insurance.

The Senator from Arizona says we should not do that. It is unfair to collect that tax—or FUTA tax, as they call it—to fund unemployment benefits. I think it is perfectly fair. I have never used it once in my life. I do not mind paying into it. I think it is reasonable. If the day comes when I need it, it is there. So to say we should stop funding this kind of unemployment insurance benefit is, in my mind, to jeopardize a safety net many people count on across America.

I have received calls from people in my State telling their stories. I hope the Senator from Arizona can receive a few of those calls, too, from his State. I am sure there are people who would contact him on this issue.

One lady wrote me and she said:

I am a 57 year old professional woman [with a masters degree] who was laid off in November 2007, before things got really bad. My unemployment ran out in mid September.

When this debate had not started, but it was beginning here in the Senate. She said:

I have closed my 401K, my retirement accounts and have spent all my savings to survive thus far—and without having had the help of unemployment benefits, I would have lost everything I have long ago.

And don't get me started on my health insurance issues.

As Congress debates, people lose everything. Good people who worked their whole lives. Please help pass this bill. It will be too late for me, I am totally tapped out next month, but it will save others.

A man writes me:

I am 60 years old. My wife is 56. We were both laid off. Me first, then her.

We have worked all our lives. Our unemployment benefits have expired.

We were unable to continue paying for Cobra—

Which is a health insurance option for those who are out of work—

so we lost that. So now we have no health coverage for the first time in our lives and no benefits.

We try to stay optimistic, but the reality is things are tough. We look for work, to no avail. What will happen?

Benefits should be extended indefinitely until the job situation improves to the point where people can get a job. In the meantime we'll take what we can get, and hope something good happens.

This woman, who has never contacted a public official before, writes me and says:

This is my first time writing to any political figure. I will keep my thoughts and concerns short and sweet.

I am currently unemployed, a mother of 3 and live in a suburb in Illinois. I have been looking for work for over 1 year now to no avail.

It is my hope that you will vote YES in the Senate this week to pass the unemployment extension and hopefully there will be no more delays.

My husband and I have been struggling to make ends meet for months now and with the money I would collect from unemployment, my family would be able to stay afloat [until I can get another job].

My son has some major medical issues at this time and even though we carry insurance, it's just not enough to pay the bills.

I pray the Senate makes a positive and quick decision about extending unemployment benefits.

I appreciate your time.

How do you explain to this woman, and others who wrote to me, what we are doing right now on the floor of the Senate? Are we debating a bill on the floor of the Senate? No. We are burning 30 hours off the clock because the Republicans insist we delay this as long as the Senate rules will allow. They do not want us to extend unemployment benefits 1 minute sooner than they can extend this debate. Under the Senate rules, they have extended it now for 26 days. So another 2, 3 or 4 days are necessary before the Republicans use up all the time they could possibly use.

What happens in the meantime? Well, for the three people who wrote me from Illinois, I am not sure. I do not know how they will get by in the meantime. I hope they will. But for them, it must be hard to understand why they have

to be held captive to the procedural rules of the Senate that I think, in this case, are being clearly abused.

We have adopted now Republican amendments that they have asked for. At least we have cleared them to be adopted. The vote last night had only two dissenters. Two Republican Senators dissented. Everyone else voted for it. This is now, apparently, a wildly popular bill but not popular enough for us to vote on it and get it done. No, we are going to have to wait for another day or two or three under the scenario that has been created on the Republican side.

Last week, one of my Republican colleagues was talking on the floor about how we should be in no rush to do anything on unemployment insurance. He said:

The benefits haven't run out yet. We're going to pass this before the benefits run out. That's not the question.

Well, unfortunately, that is not true. When you hear statements such as that, the Republican delays start to make a little more sense. Americans need help right now, but some Republican Senators do not understand that. Some Republicans, apparently, do not know that 600,000 Americans have already lost their unemployment insurance benefits—Americans who would be benefited if this bill passed—extending the coverage for an additional 14 weeks across the country and for 20 weeks in areas of higher unemployment.

These 600,000 families have no place to turn. Their benefits are exhausted. The job market is still weak and the Senate talks and talks and talks and, even worse, goes into these quorum calls, where people do not even talk.

We sit in our offices waiting to reach a point where we can take the next vote the Republicans will allow. We finally managed to make a little progress last night to move the bill forward. Now Republicans have said let's wait another 30 hours before we consider what we even passed last night. We have to wait so the Republicans can talk more about whatever it is they think is more important than helping the victims of this recession and dealing with the safety net we desperately need. So America waits and waits some more.

I hope the Senate can finally provide the assistance that hundreds of thousands of Americans are waiting for. There is no excuse for us not to do it right now—today.

MAJOR OPPOSITION TO HEALTH CARE REFORM

Mr. President, the Senator from Tennessee was here earlier. It appears now that the major Republican opposition to health care reform comes down to something very basic, which I never would have guessed.

It turns out the Republicans object to the length of the bill. It turns out they are offended, and are carrying that offense to an extreme, because

they believe the Senate bill for health care reform is over 1,000 pages long. I don't know if the Republicans can help me understand this. Maybe there are a number of pages that they think would be appropriate. I don't know if it is 900 or 500. But, apparently, in their mind there is an appropriate number of pages for a bill. When the bill goes beyond a certain number of pages, whatever it says is unacceptable. That, apparently, is the new approach being taken by the Republicans.

Last week, I asked one of the Republican Senators how many pages the Senate Republican health care reform bill comprised. He didn't answer me, because he knows, and I know, that no such bill exists. There is no Senate Republican health care reform bill. Maybe some day there will be. I hope so.

We have taken two major committees of the Senate and put them to work for weeks to devise health care reform bills. Now we are trying to blend those bills into a final product, which is in the works. Yet they come to the floor and complain it is too long. It turns out that one of the committee bills they are objecting to for being too long contained 150 Republican amendments. Guess what. Those amendments comprised 300 pages.

Am I supposed to be outraged that we would have 300 pages of Republican amendments and say they should not be considered because I have in my mind a number I cannot quite disclose to you as to what a maximum number of pages might be for a bill? In a debate as serious as health care reform, have we reached these depths, where the only complaint we can find from the Republican side is that the bill has too many pages in it? I think that is a sad state of affairs.

People across this country, and family after family, know the cost of health care is out of control for businesses, families, individuals, and governments. We cannot sustain it. Health insurance companies will keep piling on premiums and raising costs beyond the reach of families every single day. We have to do something about it now. If it takes 100 pages, good. If it takes 1,000 pages, that is fine, too. Let's get it done.

I keep waiting for the first Republican Senator to stand up and say we are going to join with Democrats in fighting the abuses of health insurance companies, which deny people coverage because of preexisting conditions, which bail out on those who are insured once they get sick, which won't allow you to take your insurance from one job to another, which say that your son or daughter at age 23 is cut off from the family plan.

When will Republicans join us in pushing for real health insurance reform, which gives peace of mind to families across this country? I don't

care if that takes 1,000 pages to do it. Let's do it and get it done.

Finally, let's make sure that we push prevention and wellness, so people will have better health outcomes at lower costs, so that more people can qualify for health insurance, so that fewer people turn up in the emergency room without health insurance, or with poor health insurance, desperate for care.

Again, how many pages are acceptable to the Republican side of the aisle? I am waiting to hear.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I am very pleased to be able to speak this afternoon about the health care bill that we all in this country are concerned is coming through Congress at a very rapid pace.

I heard the distinguished Senator from Illinois saying the Republican complaint is how long the bill is. Well, of course, he acknowledged that there is no bill, that we actually don't have a bill that has been introduced yet in the Senate. So I think what we are talking about is the length of the bills that have been put forward by the two committees and will be put together, and it could be 3,000 pages long, if that is what it takes to cover this issue.

The concern Republicans have is, are we going to have time to read it? Are we going to have time for the public to read it, so that we understand fully, before we start debating, before we start amending, what is in every line of the bill?

The American people expect that we will know what we are voting on when we are talking about taking over one-sixth of our economy in this country. We are talking about the health care industry jobs—doctors, nurses, nurses' aides, hospital personnel, and the doctors' office personnel. We are talking about a lot of the economy of our country. Most importantly, we are talking about the relationship between a patient and a doctor, which is the most personal, most important health care relationship you can possibly have in every family.

I think maybe the distinguished deputy leader on the Democratic side has mistaken the complaints about how big the bill is with how long we have to read the big bill. That is the issue. That is why we want to see the bill in the writing that is going to become law before we are asked to debate it, before we are asked to offer amendments. And we want the public to see it, too.

In fact, there was an amendment offered in the Senate Finance Committee by Senator BUNNING to reassure the American people that there would be 72 hours for this bill to be in the public domain before it would come to the floor. That amendment was defeated.

It is very important to us that we have ample time to determine every

part of this bill and how it will affect every American, every American family, and for all of the many people in the health care industry—the doctors, nurses, and all the people who provide health care in our country—to know how it will affect them, too. That is the complaint, for sure.

Today I want to talk about the rising health care costs. We know that today, without any new bill, premiums are going up and Americans are being squeezed. Rising premiums are causing them to be very concerned about how much this health care coverage they have is costing. It is also squeezing small businesses, because their premiums are rising, and it is beginning to be a choice in some American businesses whether they can offer health care coverage anymore.

We do need health care reform because of these rising premiums. You would think that, with the premiums going up and costs going up, and Americans being squeezed in a tough economic time, and employers being squeezed, that the position we would be taking in the Senate regarding health care reform would be to bring down costs. That would be what you would think we would be addressing. You would think we would be talking about offering more affordable coverage to more people.

Texas, unfortunately, has the highest percentage of people today without health insurance coverage in the Nation. So I am very concerned about this issue. Unfortunately, 5.8 million uninsured Texans is the number we have reached. So this is a huge issue for my State.

Let's look at the health care reform and how it is going to affect the rising premium costs. Inflation causes the premiums to go up every year. So what we should be looking for is a way to cut back on those costs that are hurting people so much.

Here is an example: Individuals and families buying their own insurance could see premiums increase as much as 73 percent under the new Democratic proposals that are being written right now. One study projects premium increases of roughly \$1,500 a year for individuals, and \$3,300 a year for family coverage, in addition to the natural rise in inflation and premiums that would be ongoing anyway. This was from a study delivered by Oliver Wyman. Think about it. All of the taxes on insurance companies, the taxes on an American individual or a family that decides not to take the coverage would add to the cost as well. Then you have the cuts in Medicare that are proposed and the increase in Medicaid that is proposed, which will cost every State and every taxpayer. So you have all these increases in costs, mandates, and taxes.

More alarming is, if you do have insurance today, you may not even be

able to keep what you have. The President said if you like what you have, you can keep it. But under the Democrats' proposal that is going through, all plans include a long list of benefits that are required to be in every plan. Some of these may be benefits your family doesn't need or you would not choose as a priority, but they are there. So that will have a cost impact. Millions of Americans will be forced to buy more expensive plans in order to comply with these new Federal laws that are going to reform health care.

When it comes to a small business, you might think: What is this going to do to a small business? Small businesses are now having a hard time because they don't have the big risk pool. So their costs are higher anyway. A small business with 20 employees is going to have higher premiums anyway, and their margins are generally less because they don't have the advantage of having big risk pools and the things that can bring down costs in a bigger business. Small businesses are going to look at these rising costs and probably say, you know, I now have to decide, do I continue to offer health care coverage to my employees or do I back off? And if I back off, of course, people will have to buy their own insurance or pay a fine if they don't.

That is what is going through Congress right now. The Joint Committee on Taxation stated that "the imposition of the excise tax on insurers can be expected to lead health insurance providers and consumers to take measures to minimize their burden from the tax. As insurers pass along the cost to the consumer by increasing prices, the cost of employer-provided insurance will increase."

In the House bill, employers will be penalized if they don't pay for a specific percentage of employee premiums. So even if you are offering health insurance to your employees, you may still be penalized if the House bill prevails, if you don't pay the right percentage of coverage for employees. The Kaiser Family Foundation did a research study and said three out of five businesses in America that offer insurance would still have to pay the 8-percent payroll tax, because their percentages would not meet the Federal standard that would be in the House bill. That is just counterintuitive. It is counterintuitive to say if you are doing the right thing and you are offering health insurance to your employees—you are struggling to do it, but you are doing it—but if it is not the right percentage, if it is not 72.5 percent or 65 percent, then you are not going to qualify anyway, so you are going to have to pay an 8-percent fine of the entire payroll of your company.

This is not the reform we should be going after. What we should be doing is trying to have more affordable health care access for individuals and small

businesses. That should be our primary objective.

Here are the principles the Republicans would put forward for health care reform.

Small business pooling: We have offered time and time again on the floor of this Senate the small business health plan that would allow small businesses to pool, to be able to offer their employees a bigger risk pool and, therefore, lower premiums for the employee and the employer. We have offered plans that would allow a State organization or a national organization—the U.S. Chamber of Commerce, the NFIB, the American Institute of Architects, whatever association that you might join as a small business person—to offer all of their members insurance plans that would have a big risk pool so that if you work for a small business, a small architecture firm, you would be able to offer this in the same basic amounts that if you worked for a big architecture firm or big corporation. But that would not cost the government anything, and it would not change anyone's coverage if they like what they have. It would offer more affordable access to more people.

If the Republicans had the ability to offer amendments to the health care bill or to offer a substitute, we would reduce frivolous lawsuits. In States where there are limits on noneconomic damages or you have an arbitration requirement before you go to a lawsuit, we have lowered the cost of medical malpractice insurance to the doctors by as much as 25 percent. Doctors have come back to practicing medicine again because these premiums have been lowered just by reducing frivolous lawsuits. This has been done in my State of Texas, California, and other States have followed suit and, no pun intended, have lowered the number of lawsuits. It has lowered the cost of the medical malpractice insurance premiums, and doctors have been able to do their work with their patients with much more freedom, knowing they do not need to order unnecessary tests just to cover themselves in case they get sued.

No. 3, why not offer tax incentives? I am a cosponsor of a bill with Senator JIM DEMINT that would offer tax incentives for individuals. There are small businesses and individuals who have no access to affordable coverage. It is just way too expensive. Why not give every individual who purchases their own insurance the same tax break that a corporation gets for offering health insurance to the employees? It is a non-taxable benefit to the employee. Why shouldn't the individual get that same break? Why don't we have a \$5,000-per-family tax credit if you buy your own health insurance for your family, or \$2,000-per-person tax credit so that everyone is on a level playing field? That

would be a huge incentive. It is a tax credit, so it would be much less expensive than what we are talking about in this government takeover of health care.

How about creating a transparent, online marketplace for consumers to compare and purchase plans? That is something on which I think we could all agree. I think we could agree that if you had a health exchange where you could go online and companies would offer different kinds of plans, any company that wanted to come in with a credible plan for insurance coverage—again, a bigger risk pool so the company would have to be competitive, and it would have that lower cost—that would be a great boon for consumers and it would not cost the government anything to do that. It would just be a marketplace, a transparent place where people could shop for their plans and get a better deal because there would be more competition.

We should allow the purchase of insurance across State lines. Why don't we allow the insurance companies the ability to pool States and offer individuals better prices for health care coverage? We have options that would be good options for American consumers and would give more access to affordable health care. The more people who have affordable health care, the lower cost to everyone who has health care because when people are covered, they don't go to the emergency room for a fever or a common cold. They go to a doctor's office. They have checkups so they have ongoing care to detect something before it gets so bad that it is more serious, more expensive to treat, and certainly more life-threatening.

Those are the principles the Republicans would put forward. But to have a government takeover that is going to increase costs to everyone who has insurance and cause many people to lose their insurance because the employers back out is not the answer. It is not the answer. We can do something that would give affordable access to more individuals and their families. That should be the goal of this health care reform. We need health care reform. We do. We don't need a government takeover of our health care system. That is the debate we ought to be having right now.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. KAUFMAN). The Senator from Washington.

Mrs. MURRAY. Mr. President, last week families and businesses across our country finally got some good news. We found out that initial estimates show that our GDP grew at a 3.5-percent rate last quarter and that the Recovery Act created or saved over 1 million jobs across the country, including over 30,000 in my home State of Washington, making us third in the country for job creation.

Those are hopeful signs. But I know many families and many businesses and communities still need help. We have a long way to go before we have fully recovered from the worst economic condition since the Great Depression.

I came out on the floor and spoke twice last week about the urgent need to pass an extension of unemployment insurance that would help over 18,000 people in my home State and millions of Americans across the country. I told the stories about five individuals who had lost their jobs and whose families are now in desperate need of support that the extension would give them to help them stay on their feet—families who right now, as we sit out here and debate this bill, wait for hours and hours for us to get to a final vote, even though we know we have the votes, families who are sitting at the kitchen tables across this country having a very agonizing debate about how to make next month's rent or how to get next week's groceries if their unemployment benefits run out.

Those families do not understand why some of our colleagues are delaying and obstructing our efforts to offer this small measure of financial stability to those families who need it most. These families have been coming to me with their stories, and I am committed to fighting to make sure they have every opportunity to get back on their feet. That is why I am here today to urge my colleagues to support and pass the Worker, Homeownership, and Business Assistance Act of 2009.

I am very proud to be a cosponsor of this bill because it will give our families and businesses in Washington State and across the country the support they need today. This bill will be a lifeline to millions of families, and it will provide tax relief to help our businesses create and save jobs. And it will help extend and expand the homeowners tax credit to continue a badly needed boost to help stabilizing the housing market.

This legislation will help families who need it most by providing every single unemployed worker who has exhausted his or her benefits an additional 14 weeks of support, regardless of what State they live in, and it would extend unemployment to laid-off workers in States that have been hardest hit by the job losses, including Washington State, by 6 weeks.

Last week I told some of the stories that are pouring into my office from unemployed workers. These are workers who are not asking for a handout. They just need a small measure of support as they work to get back on their feet. These stories have continued to come in this week, and I wish to share a couple excerpts from letters people sent me urging me to do everything I can to make sure this bill finally passes.

Bill and Patricia Profitt from Littlerock, WA, e-mailed me saying:

Please act quickly to pass another extension of unemployment benefits. My wife and I are in danger of losing our house and have run out of unemployment. Please help us.

Donna Dettling from Olympia, WA, said:

My extended benefits will run out in 7 weeks. I am a single mother with three boys and I have been trying for months to get work but have been unsuccessful. If the Senate does not come to an agreement soon, we may end up homeless. Can you please do what you can to push this forward?

Then there is Barbara Headrick from Monroe, WA. She wrote to me and said:

Dear Patty, I am desperate for the Senate to pass the emergency unemployment benefits legislation. I cannot find a job, have no income, and am in danger of losing my house as well as my utilities. Please, please, please urge all the Senators to pass this emergency legislation as soon as possible.

Those are just three quick e-mails from thousands of letters I have received from across my home State of Washington. We owe it to these workers, to their families, and to millions more like them to pass this legislation and not continue to delay it so that they can get the support they need.

These men and women who are writing me and stopping me when I am home did not expect to have to ask for help. They had jobs. They felt secure. But now they are spending their days desperately looking for work that is not available. They are worrying about what will happen to them, and they are worrying about their families when their savings are exhausted and their credit cards are maxed out and the bank will not wait any longer for a mortgage payment.

We cannot continue to go hour after hour after hour delaying this when our working families are pushed to the brink by a financial crisis that they did not create but for which they are paying. We need to pass this legislation.

By the way, this bill is going to do a lot more for our families, businesses, and communities. It will expand and extend the successful home buyers tax credit that will allow our families the opportunity to move into homes and make sure that our weakened housing market continues on the road to recovery.

This is a program that has already helped many families purchase their first homes. This bill will extend the \$8,000 credit to first-time homebuyers through the end of April 2010 and expand the program providing a \$6,500 credit to new purchasers who have lived in their current home for 5 years or more.

These programs will not only help families move into new homes; they will also increase liquidity and provide a shot in the arm to housing markets that still need a lot of support.

I have heard from real estate agents, from homebuilders, from families from

every corner of Washington State, and they all tell me they have to have this extension. I received letters from families telling me they want to buy a new home but they cannot close in time to get this credit and they would not be able to afford a new home without it.

Thousands of homebuilders, construction workers, and real estate agents have contacted me telling me how successful this credit has been and how an extension and expansion would create jobs and give the housing market another strong push forward.

This bill will also provide a critical boost to businesses in Washington State by extending their ability to carry back losses they suffered in 2008 or 2009. That is a tax provision that will provide badly needed capital to help our companies avoid layoffs, expand their operations, and create jobs.

We have heard a lot today about this concept of too big to fail. Well, in this time of nationwide economic uncertainty, I believe the millions of families and Main Street businesses that are on the brink are certainly too important to fail, and they deserve every bit of support we can give them to allow them to get back on their feet. So the Worker, Homeownership, and Business Assistance Act of 2009 will help bring these families, businesses, and communities back from the precipice.

I urge our colleagues to support and pass this critical legislation. It is surprising to me that we have to wait hour after hour after hour after hour, when we know the votes are there, simply because somehow delaying this bill is some kind of win for whoever is delaying it. It is not a win for Washington families who have to stay awake one more night worrying about how they are going to buy food or pay their mortgages or keep their families intact.

I urge my colleagues to stop the delaying tactics and allow this bill to come to a vote.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I would echo the words of Senator MURRAY, who has worked perhaps harder than anyone in this institution to extend unemployment benefits.

I don't get it. Sometimes around here politics has a role. Certainly we have two political parties, and we have a couple of Independents. In both the House of Representatives and in the Senate that happens. But on this one, on extending unemployment benefits, 90 percent of the country agrees on that. It is not a welfare program, it is unemployment insurance. People pay into it. It is to help people who want to work, who have lost their jobs, and would like to get back into the workplace.

We have been trying to get this passed for 3 weeks, and the fact that

this has not passed, I guess, indicates there are some Republicans who, frankly, don't much like unemployment insurance. It is a government program, so they do not like it—just as some number of Republicans don't like minimum wage or they don't like workers compensation or Medicare. They don't believe government has a role in some of these things. That is particularly difficult to swallow when it comes to unemployment insurance.

Senator MURRAY mentioned the number of e-mails she has received from people in her State. I get e-mails and letters from Ohioans—from Lima, Xenia, Springfield, Zanesville, Bellair, and Ravenna—all the time, from people who didn't know they were going to be unemployed. They have worked hard, played by the rules, paid their taxes, kept their houses nice, kept their neighborhoods strong, and they lost their jobs. They are looking and looking and looking and can't find a job.

With an unemployment rate that is more than 10 percent in my State, all we are saying is give them an extension of unemployment so they can keep looking and keep putting food on the table. Unfortunately, some Republicans—not a majority of Republicans but some number of Republicans—think there is no role for government. They don't like Medicare, they don't like minimum wage or workers compensation, and they don't like unemployment compensation. It is a tragedy because, frankly, I don't think they are representing the people in their States very well.

Almost nobody—almost no real people except for a bunch of people who dress like this and hang around this Chamber and down the hall in the House of Representatives—thinks that way. There are not many people who think unemployment shouldn't be extended.

An hour or so ago, Senator HARKIN had a hearing in the HELP Committee about the increasing health costs facing small businesses. We had a panel of five people who spoke, a couple of them small business owners who have been victimized by these huge health care costs.

I want to start with this—the business model of an insurance company and a health insurance company. Not all of our problems with health insurance in this country—but a big part of our problems—are due to the behavior of the insurance industry. Think of it this way. The bottom line for the insurance companies is money. They need to make money. They want to make money. They should make money. But their business model is this: Hire a bunch of bureaucrats to figure out how to refuse to sell insurance to people who have preexisting conditions; and on the other end, hire a bunch of bureaucrats to stop from paying claims for people they are insuring

when they get sick. That is how they make their money. They do not insure people with preexisting conditions, and then they sometimes do not pay up on claims when people get sick.

Something like 30 percent of health insurance claims on the first round are denied—30 percent. That is almost one in three. Sometimes people fight with their insurance companies and end up getting their claims paid, but why should they have to do that? They pay for insurance year after year after year, and the insurance company makes money on them year after year after year. Then, after they get sick, sometimes their claims aren't paid. Sometimes when they get really sick, the insurance companies do something called rescission—they cut them out and take their insurance away from them.

So when we start with that business model, it is obvious what happens. The CEO of Aetna made \$24 million last year. Insurance company profits over the last 7 years have gone up 400 percent. The salaries of the executives, the CEOs, of the top 10 largest insurance companies in this country average \$11 million. So in order to make that kind of profit, in order to make that kind of CEO salary—not to mention the salaries of other vice presidents and top executives—I guess that is the business model they need. They need to deny people with a preexisting condition from even getting insurance; then, on the other end, hire a bunch of bureaucrats to keep people from getting their claims paid for. That is why insurance reform is so very important. That is why this legislation is so very important.

So today, in our committee—the committee on which Senator SANDERS also sits, who joins me now on the Senate floor—we had this hearing on the increasing health care costs facing small businesses because this whole insurance company model of denying coverage because of preexisting conditions and then denying claims when people file them particularly hurts small businesses. When the insurance companies do that, small businesses in particular are victimized by it. Small businesses pay more for their insurance. If they have 10 employees and one gets very sick, the prices for the whole insurance plan for that small business get so out of whack they often have to cancel coverage or they simply can't afford it.

So what is coming out of this health care hearing and what we are doing in our legislation that is so important. We have worked on creating this health insurance exchange which will allow small businesses to pool their risks and leverage better deals from insurers. So instead of a small business of 12 people trying to buy insurance, they get to join a health insurance exchange with millions of customers,

millions of individuals, tens of thousands of small businesses. Then, if a few people get sick in one small business, their rates don't spike up; they have a much larger pool to keep prices in check.

Small businesses pay about 18 percent more than large companies per capita for their insurance. They pay higher broker fees, higher administrative costs. They have the high cost of medical underwriting. So the result is an unfair competitive disadvantage for small businesses.

One of the other things we do for small businesses in this legislation is to give tax breaks so a small business can take its 20 employees and they can go into the insurance exchange and, if they choose to, they can go into the public option. The public option is there for several good reasons. The public option is just an option. It doesn't mean they can't go into Cigna, Aetna, Blue Cross, or Wellpoint. They can choose Medical Mutual, a not-for-profit in Ohio, or they can choose the public option. The public option will mean competition for insurance companies in southwest Ohio, where two companies have 85 percent of the insurance in that part of Ohio—the Cincinnati area.

When two companies have 85 percent, you can bet they are getting lower quality and they are paying higher cost. If we put the public option in there to compete with them, it will help to drive down cost, stabilize cost, and it will mean better quality insurance. They don't have to choose the public option, but the fact it exists helps.

The other thing the public option will do is to keep these insurance companies much more honest. We are going to outlaw denying coverage due to preexisting conditions. No more discrimination based on disability, on geography, on gender, or any of that.

The pages sitting in front of us—these young men and young women who aren't paying for their insurance yet—if we don't change anything, when the young women finish school and go out into the insurance market, they will pay higher rates than the young men will. So there are all kinds of discrimination that we are going to outlaw in this bill, but we need the public option to make sure these insurance consumer protection reforms are actually in force.

Let me close. Attending today's committee hearing was a businesswoman from Ohio whom I met. Her name is Liz Coriell. She owns a business in Cleves, OH, outside Cincinnati, in the southwestern part of the State. She owns a medical gas servicing company, but she can't afford health insurance for her workers. Her sons were going to come and work in the business, as her husband does—her husband is 65 and has Medicare, so not a problem for him.

She is not 65. Her sons would like to join the business, but they can't get insurance because she can't afford it for this small business.

Why do we have a health insurance system that says to her sons: You can't come and work in your parents' family business because you can't get insurance, so it is not going to work out? Why do we allow that? Why don't we encourage these families to stick together—you know, family values—to help them go into the family business, if they want to, and not be denied.

I come to the floor of the Senate many times—I will not today because Senator SANDERS is waiting to speak—and I share letters I receive from people in Ohio. This one is from Cleveland. This one is from Mansfield where I grew up. Others are from Springfield, Dayton, and all over.

Two things come through in these letters. One is that people thought they had good insurance until they got sick. Then they found out, well, maybe they lost their insurance because they got really sick or maybe they had a baby born with a preexisting condition, and then their insurance was canceled.

The other thing I find is that it is affecting people like Liz from Cleves, OH, in southwestern Ohio. Liz is several years away from Medicare, but she is thinking about several years from now being eligible for Medicare, when she wouldn't have to worry about this. I get letters from people in their early sixties and late fifties who are just anxious and thinking: I am only 2 or 3 or 6 years away from Medicare, and then I will not have these problems with insurance. Then it will be predictable, and it will be stable.

Why can't we do that for everybody now? So whether they are 26 or 46 or 64—not quite eligible—why can't we take away that anxiety and build peace of mind for people so they don't have to worry about whether they can get insurance or whether they are going to be denied or going to have to fight insurance companies to get doctor bills paid? Let's take that anxiety off the table so Americans can concentrate on their small businesses and raising their kids and fixing up their neighborhoods. Let's let them concentrate on giving something back to this society and not always worrying about their health insurance.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, let me begin by congratulating my friend, Senator BROWN of Ohio, for his leadership in this struggle for fundamental reform of the American health care system. He understands, as I do, that there is something absurd about a situation in which we as a nation end up spending almost twice as much per person on health care as any other nation on Earth; yet we end up with tens of

millions of people who are uninsured, people who are underinsured, and we have almost 1 million Americans this year who are facing bankruptcy because of medically related illnesses.

As Senator BROWN just talked about, understanding that small businesses are the economic engine of this country, there is something absurd when we have small businesses desperately trying to provide health insurance for their employees but are finding it harder and harder to do so. So I want to congratulate Senator BROWN for the work he is doing on health care.

As I think every American understands, we are in the midst of the worst economic crisis since the Great Depression. I find it interesting that there are some people out there, some economists, including the Chairman of the Federal Reserve, Mr. Bernanke, who have told us "the recession is very likely over." I suggest to Mr. Bernanke, come to the State of Vermont, go to California, go to Nevada, go to Ohio, go to any State in the country and go out on the street and ask people whether they think this recession is over. They will say it may be over for the large banks that were bailed out by taxpayers but it is not over for working families. In fact, according to the latest Washington Post/ABC News poll, 82 percent of Americans disagree with Mr. Bernanke. The overwhelming majority of the American people do not believe the recession is over. Of course, they are right. The recession may be over for banks that are now starting to be profitable, for Goldman Sachs, which is paying out huge bonuses to its top executives, but trust me, on Main Street, on family farms all over this country, in factories all over this country, this recession most certainly is not over.

Since the beginning of this recession in December of 2007, 7.6 million Americans have lost their jobs. The official unemployment rate has doubled, going from 4.9 percent to 9.8 percent. But what is extremely important to understand when we look at the economy today is that the official unemployment statistics do not reflect the reality of what is going on in our economy. Official statistics do not include people who have given up looking for work. If you are in a community where 15 or 20 percent of the people are unemployed, you have given up looking for work, but you are not part of the official unemployment statistics. What happens if you want to work 40 hours a week but you can only find a job for 20 hours a week or 25 hours a week? You are also not in the statistics.

The reality is, if you add all those factors together, people who are officially unemployed, people who have given up looking for work, people who are working part time when they want to work full time, what you are looking at is 17 percent of working-age

Americans today are in that category, which adds up to 27 million Americans—an astronomical number. That is an indication of a real catastrophe in our economy.

Mr. Bernanke, I am sorry to disagree with you, but in my view and in the view of the vast majority of the American people, this recession is not over. In fact, in terms of unemployment numbers, it may, in fact, even be getting worse.

On the issue we are dealing with right now, we have to address long-term unemployment. It is one thing to lose your job and get another job a few weeks later. It is another thing not to be able to find a job month after month, and there are millions of Americans in that category.

Today, 5.4 million Americans have been unemployed for over 6 months—the highest on record. Long-term unemployment is a major crisis in this country. It is one we have to address. It is one we have to deal with in terms of extending unemployment benefits. The average length of unemployment is now 27 weeks. That is over 6 months. That is over half a year. That is the longest since the end of World War II.

There are fewer jobs in America today than there were in the year 2000, even though the workforce has grown by 12 million since then. This is a shrinking workforce. We now have the fewest manufacturing jobs than at any time since April of 1941, 8 months before the start of World War II. The importance of that is that manufacturing was the mechanism by which working families were able to carve out a middle-class existence. They had decent wages, decent benefits. They had a union. They may have had a pension program. But today we have the fewest manufacturing jobs since April of 1941.

Home foreclosures are the highest on record, turning the American dream of home ownership into an American nightmare for millions of people.

There is nothing we should be proud of in saying this: Today, in the industrialized world, the United States has the highest rate of childhood poverty. We have the highest infant mortality rate. We have the highest overall poverty rate. At the same time, we have the largest gap between the wealthy and everybody else. What we have seen for a number of years is a collapse in the middle class. It has certainly gone on a lot longer than since the financial collapse. But we have also seen an increase in wealth amongst the top 1 percent. That gap between the very rich and everybody else is growing wider and wider. From a moral perspective, not to mention an economic perspective, we have to address the reality that the top 1 percent today earns more income than the bottom 50 percent. The top 1 percent owns more wealth than the bottom 90 percent. We are becoming two very different coun-

tries: people on top with incredible wealth—CEOs on Wall Street making hundreds and hundreds of millions of dollars, billions of dollars in a hedge fund—yet working people seeing their incomes decline, working longer hours for low wages. Actually, today a two-income family has less disposable income than a one-income family did 30 years ago. That is what is going on in America—poverty increasing, middle-class shrinking, the gap between the very richest and everybody else growing wider.

This is an important point to make. We know what happened on Wall Street a little over a year ago. We know what that collapse has done. We know that the outrageous behavior on Wall Street has precipitated us into this very severe recession. But we should not kid ourselves. If by some miracle tomorrow we manage to go back to where we were before the financial collapse on Wall Street, we would still be in very bad shape. It isn't a question of, weren't things great before the collapse on Wall Street and the development of this major recession—no, things were not great back then.

Let me just mention what happened during the Presidency of George Bush. Let me talk a little bit about what happened during that 8-year period.

When President Bush was in office from the year 2000 to 2008, 8.2 million more Americans slipped out of the middle class and into poverty. That is what happened during that period. I might mention, you may recall—it is really frightening to think about it—how during much of that period the Secretary of Treasury and the President were saying the economy is robust, the gross national product is expanding. But that was the reality for working families—people slipping out of the middle class and into poverty.

During that same period—we are dealing with health care right now. One of the reasons we need a national health care program guaranteeing health care to all people is during that same period, 7.8 million more Americans were uninsured; they lost their health insurance. We are now up to about 46 million people without any health insurance. That number is going up every single day. During the Bush era, close to 8 million Americans lost their health insurance.

During the years 2000 to 2008, 4.5 million manufacturing jobs disappeared. I talked a moment ago about the importance of manufacturing. I know it is not a sexy job, but it was a means by which millions of Americans went to work every day, they produced real products, they had real income. It was a vehicle—manufacturing was and is a vehicle by which working Americans could make it into the middle class.

During the Bush tenure, 3.2 million workers lost their pensions, with the result that about half of American

workers in the private sector today have no pension whatsoever. There was a time—I know it is a radical idea to even think about—there was a time when millions of Americans who worked had a defined pension plan, a defined benefit pension plan. They actually knew they were going to have a pension. Boy, what a radical idea. That does not exist anymore.

During the Bush era, median household income declined by over \$2,100, from \$52,500 to \$50,303. According to an article that appeared a couple of months ago in *USA TODAY*, from 2000 to 2008 middle-class men experienced an 11.2-percent drop in their incomes, a reduction of \$7,700 adjusting for inflation. That is unbelievable. During that period, middle-class men saw an 11-percent drop in their income. Middle-class women in this age group saw a 4.8-percent decline in their incomes as well.

The important point to be made here is when you hear economists talking about the economy in abstract ways—we have 3 percent growth in this quarter; isn't that great? Yes, that is an important fact, but it is not the most important fact. The most important fact is what happens to ordinary people. This is what happens to ordinary people. People who were 45 to 54 years of age lost \$7,700 in the Bush economy. That is true today, it was true then. Focus on what is happening to ordinary people.

With all of that, with the long-term trends in which the middle class has declined, with the fact that since the greed and illegal behavior of Wall Street has gotten us into the deep recession we are in right now, working families all over this country are desperately in need of help, and they are looking to their Federal Government to provide that help. That is why it is so important that we pass an extension in unemployment benefits. I find it hard to understand, why my Republican colleagues continue to delay this legislation being implemented.

We have to do more than that. We have to extend unemployment—that goes without saying—but we have to do more than that. We have to ask ourselves why our economy is in the shape it is right now. That will precipitate a major debate and major discussion, something we as a nation have to have. We have to ask ourselves not just the causation of the recession we are in right now, the role Wall Street has played, but, long term, why since the early 1970s has the middle class continued to shrink? What are the causes of that? Why do we have the highest rate of poverty of any major nation on Earth? Why is it today that people are losing their homes and their pensions and their life savings and their ability to send their kids to college?

Clearly, short term it is imperative that we investigate thoroughly and that we hold accountable those crooks

on Wall Street who have done so much damage to the American people. It is simply not acceptable that they be allowed to continue the behavior that drove this country into the severe recession. We need to understand how it happened, we need to hold accountable those people who caused this crisis, and where there is illegal behavior, those people should learn what the penal system of this country is about.

One of the things that really amazes me is that I have yet to see, nor have the American people yet seen, one of those folks on Wall Street whose greed and recklessness has caused this recession, has caused this intense suffering all over this country—have you seen one of those guys go before television, get on TV and say to the American people: I apologize. I am sorry for our greed. I am sorry for the fact that we cost millions of people their jobs and their health care and their savings and their pensions. We are sorry.

I have not seen that. In fact, what we are seeing is these guys on Wall Street spending millions of dollars every day, every week, every month on lobbying in order to make sure we do not bring about the reforms to prevent them from continuing to do what they did, which caused this recession. These guys live in a world of their own, a world of entitlement. They do not seem to understand their actions have widespread consequences in terms of destroying the economic well-being of millions of people. All they seem to think about is, I only made \$100 million last year. I can't get by on that. I need my 18th home or 16th car and 18th country club membership. For them, enough is never enough—more and more greed and more and more selfishness. That is an issue we have to deal with.

It only took a couple of weeks for Congress to give Wall Street the largest bailout in history, some \$700 billion. But the truth is, up until this point we have done very little to make sure this financial crisis does not occur again. These guys want to go right back to where they were. They want the freedom to speculate, the freedom to convert their financial institutions into large gambling casinos. The Federal Government has provided \$182 billion to AIG, \$50 billion to Citigroup, \$50 billion to Bank of America, a \$25 billion bailout to Wells Fargo, a \$25 billion bailout to JPMorgan Chase, and on and on it goes. Yet we have asked them for nothing in return. Here are tens of billions of dollars. What are you going to do? What are you going to do for the American people who have bailed you out?

I know reforming the banking sector is not going to be easy. After all, the banking and insurance lobbyists have spent over \$5 billion on campaign contributions and lobbying activity over the past decade in support of deregula-

tion. They were all over this place telling us, telling the Congress: Just trust us. Deregulate us. Let us do what we want to do. We are going to create wealth for all the American people.

There were some of my colleagues who actually believed that. I happened not to be one of them, but some of them did, and we deregulated and we let them do whatever they wanted to do and we are where we are today.

In 2007 alone, if you can believe this—this is what goes on—the financial sector employed nearly 3,000 separate lobbyists to influence Federal policymakers. Got that. There are 100 Members of the Senate, 435 in the House—that equals 535 Members of Congress—and they had nearly 3,000 individual lobbyists to influence Federal policymaking. Over a 10-year period, they spent \$5 billion.

And that, my friends, is why the rich get richer and almost everybody else gets poorer. We have to address the issue of Wall Street. Let me make some suggestions as to what we have to do.

We need, in fact, a thorough investigation as to how this happened and we need to hold those people accountable. I hope we can do that. I think the American people are asking questions, and they are right to demand answers. But what we also have to do is to deal with this issue of “too big to fail.” What I have said ever since this financial crisis began is: If a financial institution is too big to fail, that financial institution is too big to exist.

We need to do exactly what Teddy Roosevelt did back in the trust-busting days, and we need to start to break up these huge financial institutions. We cannot continue to be held hostage by them such that if they fail, they take down the entire system with them so we have to prop them up and bail them out.

I would mention, interestingly enough, that is exactly what they are doing right now in the United Kingdom. Let me quote from the *Washington Post*:

The British government announced Tuesday that it will break up parts of major financial institutions bailed out by taxpayers. The British government, spurred on by European regulators, is set to force the Royal Bank of Scotland, Lloyds Banking Group and Northern Rock to sell off parts of their operations. The Europeans are calling for more and smaller banks to increase competition and eliminate the threat posed by banks so large that they must be rescued by taxpayers no matter how they conducted their business, in order to avoid damaging the global financial system.

And you know what. Our friends in the U.K. are doing exactly the right thing. That is what we should be doing. But that is not just my opinion. A growing number of experts, both on the left and on the right, are coming to the same conclusion.

On October 15, Alan Greenspan, probably the man more than any other individual responsible for the deregulatory efforts which led to this financial crisis, admitted last year that his views on deregulation were wrong. He was quoted in Bloomberg News as saying:

If they are too big to fail, they are too big. In 1911 we broke up Standard Oil—so what happened? The individual parts became more valuable than the whole. Maybe that's what we need to do.

Alan Greenspan, the man whose deregulatory leadership helped create this disaster, now perhaps understands that that whole philosophy of deregulation, letting big banks do whatever they want, letting them merge with insurance companies, maybe was not quite right.

Former Fed Chairman Paul Volcker, who has advised the Obama administration, supports breaking up big banks so that they no longer pose systemic risks to the entire economy. During a recent article in the *New York Times*, Volcker says:

People say I'm old fashioned and banks can no longer be separated from nonbank activity. That argument brought us to where we are today.

Absolutely right. The *New York Times* said that under Volcker's plan:

JPMorgan Chase would have to give up the trading operations acquired from Bear Stearns. Bank of America and Merrill Lynch would go back to being separate companies. Goldman Sachs could no longer be a bank holding company.

In my view, that is exactly what needs to happen. What insanity that when individuals lose their health insurance, tough luck; small businesses go bankrupt, tough luck; but if you are a large financial institution and you acted in a legal greedy way, we say: Hey, no problem. Taxpayers of this country are here to bail you out, because if we don't bail you out, you are going to bring down the entire economy. That is absurd. We have got to end that.

Robert Reich, President Clinton's former Labor Secretary, said:

No important public interest is served by allowing giant banks to grow too big to fail. Wall Street giants should be split up—and soon.

I agree with former Secretary Reich.

Let me touch on a few other issues we have to have the courage to deal with. I get calls all the time. I do a national radio show—get it on the radio show, get it from Vermont. People are saying, We bailed out these large financial institutions and what they then do is say “thank you” and they raised my interest rates on my credit card to 25 or 30 percent.

That is outrageous. That is usury. We need to pass national usury laws. The truth is, today one out of four credit card holders in this country is paying interest rates above 20 percent, as high

as 41 percent, more than double what they paid in interest in 1990.

What we need to do is pass national usury legislation. I have introduced legislation that would mandate that the maximum interest rates that could be charged would be 15 percent. The reason I came up with that number is that is exactly what credit unions are doing today, 15 percent, except under unusual circumstances.

I am proud that on that bill we have as cosponsors Senators DURBIN, LEAHY, LEVIN, HARKIN, and WHITEHOUSE. That is what we have to do. It is immoral. It is wrong for these large companies to be charging 25 or 30 percent interest rates.

It goes without saying that as we take a look at Wall Street, we have to reregulate those institutions. We have to take a hard look at bringing back Glass-Steagall in one form or another.

Lastly, we also need more transparency at the Federal Reserve. Last year when Secretary Bernanke came before the Budget Committee, I asked him a very simple question. I said: Mr. Chairman, my understanding is that you have lent out over \$2 trillion at zero interest to some of the largest financial institutions in America. Can you tell me who got the money? I mean, you are putting taxpayer money at risk. Who received this \$2 trillion-plus dollars? And, amazingly enough, what Mr. Bernanke said is: No, I am not going to tell you. It is a big secret. I cannot tell you.

Well, on that day we introduced legislation that would mandate that he tell us, and also we would bring about a GAO audit of the Fed. The Fed, especially since the financial collapse, has assumed an enormous amount of power, and the American people have a right to have more transparency there.

Let me conclude by saying that anybody who thinks this recession is over has obviously not talked to real people. Millions of people are hurting. Millions of people are frightened. They are looking to us for some help in terms of extending unemployment benefits, but they are also looking to us to understand the causation of this problem, and to work on economic ideas which will prevent a continued collapse of the middle class in this country.

We have got a lot of work on our hands, and I look forward to working with you.

I yield the floor.

EMPLOYMENT DISINCENTIVES

Mr. LIEBERMAN. Mr. President, first, let me take this opportunity to commend the chairman and the other members of the Finance Committee on their collective efforts to extend benefits to those unemployed Americans who still face a tough job market in this difficult recession. Second, I would like to engage my good friend and colleague, the Senator from Montana and the chairman of the Committee on Fi-

nance, in a colloquy on a subject of utmost importance to the men and women who are currently unemployed. Specifically, I am concerned that under the current unemployment insurance, UI, extensions there may be disincentives for unemployed Americans to seek reemployment.

Mr. Chairman, I believe we can agree that unemployed adults who want to return to work should be given every incentive to return to work even if they accept part-time jobs or lower wages. This benefits not only those individuals and their families but also strengthens our national economy. However, it has come to my attention that many Americans who knew they were doing the right thing by accepting a job, even at greatly reduced wages from their previous employment, would have been better off turning down meaningful work.

Mr. BAUCUS. I thank the Senator from Connecticut, Mr. LIEBERMAN, for bringing this matter to my attention. We certainly want to avoid a policy that inadvertently discourages Americans from returning to work.

Mr. LIEBERMAN. Mr. President, I became aware earlier this year that some of my constituents in Connecticut are being penalized for working either part time or temporarily after first receiving emergency benefits. Further investigation shows that this problem is becoming more prevalent to varying degrees in many States and possibly all 50 States. Under current EUC extensions, if one receives emergency compensation and a year passes with no recorded work history, those benefits can continue uninterrupted while that person seeks employment. The problem often occurs, however, when a person takes a job, either part-time or short-term work, at much reduced wages compared to their previous employment. Because this lower wage work automatically qualifies them for reduced State benefits, Federal law now requires that they can no longer receive the much needed emergency extended compensation.

In a particular case, one of my constituents, a woman who worked on behalf of Connecticut children for 28 years before losing her job, was receiving the Federal benefits she was entitled to. But when this woman, who is the sole caregiver of her 88-year-old father, took a minimum-wage job 2 days a week, her benefits dropped from \$483 per week to \$38 per week. She would have been better off financially had she not returned to work and instead stayed home to care for her ailing father.

I am also advised by my State's labor department that many other constituents are becoming aware that taking employment at this time may disadvantage them, and some are therefore less inclined to accept employment. I also am told that more and

more States are facing this problem and that the problem will grow as this recession continues. I hope the Finance Committee will look into this issue and consider legislative language which I have suggested to address this problem.

Mr. BAUCUS. Again, I thank my colleague for bringing this matter to my attention. You raise a serious concern, and I can assure you my committee will take a look at the issues you raise.

Mr. LIEBERMAN. Thank you, Mr. Chairman.

VOTE EXPLANATION

Mr. ISAKSON. Mr. President, I was unavoidably detained during rollcall vote No. 332 on the motion to invoke cloture on the Reid/Baucus substitute amendment No. 2712 to the unemployment insurance extension bill H.R. 3548.

Had I been present I would have voted yea for rollcall vote No. 332 and ask that the RECORD reflect that.

Mr. CONRAD. Mr. President, section 306(f) of S. Con. Res. 13, the 2010 budget resolution, permits the chairman of the Senate Budget Committee to adjust the allocations of a committee or committees, aggregates, and other appropriate levels in the resolution for legislation that reduces the unemployment rate or provides assistance to the unemployed, particularly in the States and localities with the highest rates of unemployment, or improves the implementation of the unemployment compensation program. In addition, section 306(b) permits the chairman to adjust the allocations of a committee or committees, aggregates, and other appropriate levels for legislation providing tax relief or refundable tax relief. These adjustments to S. Con. Res. 13 are contingent on the legislation not increasing the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

I find that S.A. 2712, an amendment in the nature of a substitute to H.R. 3548, the Unemployment Compensation Extension Act of 2009, fulfills the conditions of the deficit-neutral reserve fund for unemployment mitigation. Therefore, pursuant to sections 306(f) and 306(b), I am adjusting the aggregates in the 2010 budget resolution, as well as the allocation to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 13 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 306(f) DEFICIT-NEUTRAL RESERVE FUND FOR UNEMPLOYMENT MITIGATION AND SECTION 306(b) DEFICIT-NEUTRAL RESERVE FUND FOR TAX RELIEF

[In billions of dollars]

Section 101

(1)(A) Federal Revenues:

FY 2009	1,532.579
FY 2010	1,614.788
FY 2011	1,935.431
FY 2012	2,137.235
FY 2013	2,298.817
FY 2014	2,520.688

(1)(B) Change in Federal Revenues:

FY 2009	0.008
FY 2010	-51.198
FY 2011	-153.200
FY 2012	-223.158
FY 2013	-216.520
FY 2014	-112.970

(2) New Budget Authority:

FY 2009	3,675.736
FY 2010	2,898.207
FY 2011	2,845.866
FY 2012	2,848.108
FY 2013	3,012.328
FY 2014	3,188.867

(3) Budget Outlays:

FY 2009	3,358.952
FY 2010	3,010.241
FY 2011	2,971.521
FY 2012	2,883.055
FY 2013	3,019.952
FY 2014	3,175.217

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 306(f) DEFICIT-NEUTRAL RESERVE FUND FOR UNEMPLOYMENT MITIGATION AND SECTION 306(b) DEFICIT-NEUTRAL RESERVE FUND FOR TAX RELIEF

[In millions of dollars]

Current Allocation to Senate Finance Committee:

FY 2009 Budget Authority	1,178,757
FY 2009 Outlays	1,166,970
FY 2010 Budget Authority	1,231,628
FY 2010 Outlays	1,232,134
FY 2010-2014 Budget Authority	6,851,258
FY 2010-2014 Outlays	6,850,666

Adjustments:

FY 2009 Budget Authority	0
FY 2009 Outlays	0
FY 2010 Budget Authority	5,708
FY 2010 Outlays	5,708
FY 2010-2014 Budget Authority	6,639
FY 2010-2014 Outlays	6,639

Revised Allocation to Senate Finance Committee:

FY 2009 Budget Authority	1,178,757
FY 2009 Outlays	1,166,970
FY 2010 Budget Authority	1,237,336
FY 2010 Outlays	1,237,842
FY 2010-2014 Budget Authority	6,857,897

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010—S. CON. RES. 13; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 306(f) DEFICIT-NEUTRAL RESERVE FUND FOR UNEMPLOYMENT MITIGATION AND SECTION 306(b) DEFICIT-NEUTRAL RESERVE FUND FOR TAX RELIEF—Continued

FY 2010-2014 Outlays 6,857,305

Mr. BUNNING. Mr. President, I support the substitute amendment before us.

The national unemployment rate is now 9.8 percent. In Kentucky, the unemployment rate is 10.9 percent. Millions of Americans are searching for work, and too many families are struggling and uncertain about their future. This is unacceptable.

When Congress passed the so-called stimulus bill earlier this year that cost \$787 billion, not counting increased interest payments on the national debt, our national unemployment rate was 8.1 percent. Clearly, this costly legislation has failed to stop the bleeding of jobs from the American economy.

The bleak job picture makes it necessary to consider another extension of unemployment benefits. But if you talk to Americans who are searching for work, the best unemployment benefit we could extend to them is a high-quality job.

That is why I believe it is so important to include provisions in this bill that will actually create jobs and reduce unemployment. Over 2 weeks ago, I proposed an amendment that would provide net operating loss relief to businesses so they can hire and retain workers.

I also strongly supported Senator ISAKSON's efforts to extend the home buyer tax credit, which is critical for the millions of jobs that depend on the housing industry.

On October 27, I voted against cloture on the motion to proceed to this bill because there was no guarantee that a vote would be allowed on these two crucial provisions to improve the job situation for Americans.

Today, this substitute amendment includes both of these job-creating provisions.

Regarding net operating losses, businesses are generally allowed to offset their income with losses. Under current law, they can carry these losses back for 2 years and carry them forward for 20 years. In a difficult economy where businesses have experienced devastating losses, they may go out of business before they can recover their own money, or they may hang on and gradually recover their money when they return to profitability.

During tough economic times, Congress has extended the net operating loss carryback from 2 to 5 years so businesses can apply for immediate refunds. The logic behind this is that businesses should have access to their own money when it can do the most

good and prevent massive layoffs. In an economic crisis, it makes no sense to delay tax refunds until some uncertain, distant point in the future. Businesses may not survive in the future if they do not have access to their own money today.

This relief is especially important in today's climate, where businesses find it increasingly difficult to get credit from banks.

That is why I am pleased that this substitute amendment responded to my call for substantial net operating loss relief, which will allow businesses to create and keep jobs. It also includes Senator ISAKSON's extension and expansion of the home buyer credit, which will stimulate jobs in the housing industry. The crisis in the housing market was a root cause of our economic crisis and it is essential to extend this temporary tax credit to help stabilize the market.

This amendment is not perfect. It is unfortunate that the unemployment benefit extension is financed by imposing taxes on businesses, and the net operating loss and home buyer provisions are offset by delaying tax relief that would make American businesses more competitive internationally. I had proposed an offset to my net operating loss amendment that would not have raised taxes or delayed tax relief, and my amendment would have provided more relief for job creation. However, legislation is rarely perfect, and on balance this amendment provides substantial tax relief and will spur job creation.

I urge my colleagues to support this substitute amendment, which will both extend unemployment benefits and extend tax relief that will reduce the number of unemployed.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FRANKEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. FRANKEN. Mr. President, I rise today to talk about health reform. This is my first speech from the floor on this subject. I have a lot to say.

By now, we have all heard the stories—at least those of us who have been listening—of those who have fallen through the cracks or, more accurately, the gaping holes. We know why those stories are important. They remind us that there are human beings behind these awful statistics.

Since 2001, 6.6 million Americans have lost their health insurance, and many millions more are underinsured. They have seen their health coverage become more and more expensive and less and less adequate. People suffer because of this. They lose their homes. They go bankrupt. They do not get the health care they need. They get sicker.

They experience pain, physical and emotional. And they cannot care for their children. They suffer because of this.

During my campaign for the Senate, I did an event in Fergus Falls, the lovely town in Otter Tail County in west central Minnesota. A woman came up to me. She had a story to tell. She told me her father had gotten diabetes and died pretty quickly. But that was not the worst part of the story. She told me her dad received a lot of supplies from Medicare he had not used. She knew of a woman in town who had diabetes, so she decided to drive these supplies that her dad got for diabetes from Medicare to this woman's house. She did. She asked the woman if she could use any of the test strips and orthopedic shoes and other items. The woman said: Yes, I could use them.

Then this woman, the woman with diabetes, told this other woman that her 24-year-old son had diabetes too. He had had juvenile diabetes as a kid, and now he could not afford insurance because he had a preexisting condition. So this woman from Fergus Falls, this woman with diabetes, shares her insulin with her son, a diabetic mother and a diabetic son sharing insulin because he cannot afford health insurance in our country. Is this the kind of country we want to be? Well, the answer depends on what we do right here right now.

As we talk about reforming our health care system, I wanted to break that phrase "health care system" apart for a second, because we are talking about two things. The truth is we have some great health care in this country and a terrible system. We have dedicated, smart doctors and nurses and researchers and health professionals in this country. They do amazing things.

If you are a member of the Saudi royal family, you can get on your private jet and come to my State for the best health care in the world. The Saudi royal family is willing to travel 7,500 miles to Rochester, MN, for great care from the Mayo Clinic. For a woman in Fergus Falls, MN, and her adult son, both with diabetes, the same great care is less than 300 miles away, but it is really a world away. That is because if you are an American, you can get great health care too, but only if you make it through the terrible system, and only if you can afford it.

As I travel around Minnesota, when someone comes up to talk to me, I usually hear about three things. First, they say: Health insurance costs too much. What are we going to do about that? Second, they ask: What am I going to do if I get sick or my kid gets sick or my spouse gets sick? And then: Someone in our family has a preexisting condition. Then I lose my job or I want to change my job or I want to start a small business. How am I going to get health insurance then? And,

third, if anything happens to me, something bad, am I going to lose everything? Am I going to go bankrupt?

In my view, the answer to those three questions comes down to two major changes. First, we need to reform our health insurance system so it provides security for every American. Secondly, we need to reform our health care system by putting more focus on prevention and by changing the way health care providers deliver health care so they provide high quality at a lower cost. We can do this. We know we can do this.

Let me take a moment to talk to the skeptics. One of the arguments I often hear from opponents of health care reform is that the majority of Americans are happy with the health care they have, and they are. Because the majority of Americans are healthy right now. The truth is, though, that even those who are happy with their coverage are not going to be happy for so long. Right now the average cost of family health insurance payments, including both the employer's and the family's share, is \$13,375. That is double what it was 10 years ago. If we do nothing, those premiums will double again in the next 10 years, which means a family could be paying more than \$30,000 per year for health insurance. As premiums rise, businesses are forced to drop employees, drop wages or drop coverage to keep up with cost. So even if you are happy with the coverage you have, it may suddenly be the coverage you no longer have because your employer can no longer provide it.

That is exactly what has happened. As premiums go up, so do the number of uninsured Americans. In my State, 355,000 Minnesotans lost employer-based coverage between 2001 and 2008.

There is another problem with the coverage you have. Often you can only find out what is actually covered when you get sick. You can only find out how hard it is to switch or get new coverage once you have been sick. That is why we need health insurance reform that provides true security. It is at those difficult times, when you are nervous and vulnerable and want to focus on dealing with your health issues, that you realize how little security you have under this current system.

Let me tell you about Liz MacCaskie, who lives in Minneapolis. Liz lost her job in September. She is 58 years old, my exact age. She has been living with diabetes and was just diagnosed with kidney failure. Liz was denied private coverage because of her preexisting condition. The only insurance she can get now comes with a \$5,000 deductible and an \$8 to \$900 monthly charge to maintain coverage. How does paying close to \$20,000 a year for insurance count as insurance? It doesn't. Especially when Liz is trying to live on \$1,000 a month while she takes job

training courses and does part-time domestic work. As a result, Liz and her husband have been borrowing money from Liz's brother-in-law to make payments on their house. This is unconscionable.

Right now, if you have been sick, insurance companies can refuse to cover you—or charge you exorbitant premiums.

As an older woman told me at the State fair this summer: At my age, everything is preexisting.

Under our health care reform bill, we will stop insurance companies from denying you coverage or charging you more because of a preexisting condition. That is a very important, very good thing. Right now, if you are a woman who has had a C-section or you have been a survivor of domestic violence, health insurance companies can deny you coverage because having had a C-section or being the survivor of domestic violence is considered by some insurance companies to be a preexisting condition. Isn't that amazing? Is this the kind of country we want to be? The answer depends on what we do right here and right now.

Under our health care reform bill, we will end discrimination against survivors of domestic violence and stop insurance companies from charging women more for their health coverage just because they happen to be women, which health insurance companies are allowed to do now. Right now, if you get sick, your insurance benefits can run out when you need them the most.

Recently, I was contacted by a Minnesotan named Kathy. A few years ago, she was laid off and had to buy her own insurance. She was able to keep up with the cost until October of 2005, when she was diagnosed with Hodgkin's lymphoma. To pay her medical bills, Kathy exhausted her IRA and then had to file for bankruptcy. Kathy's cancer is under control, but her medical costs are over \$10,000 each year. She makes \$22,000 working part-time in a small CPA firm.

This isn't just an individual tragedy, it is a national travesty. Fifty percent of personal bankruptcies in this country are the result of a health care crisis, and 80 percent of those health care bankruptcies are people who have health insurance. I know people are sometimes surprised to find out that Europe has been doing this better than we have. I have to ask: Do you know how many personal bankruptcies there have been in Germany and in France and in Switzerland because of health care? The answer is zero. Under our health care reform bill, we will eliminate annual and lifetime caps on benefits. Americans will be able to access affordable health care and avoid going bankrupt when they get very sick. That is important. It is very good.

This bill guarantees secure coverage that will be there for all Americans

and stay there when people need it. I know you might be thinking: Gee, covering every American, isn't that going to be expensive? Consider this: We already pay for the health care of Americans who don't have insurance. We just pay for it in the most inefficient way possible. Right now people without insurance go to the emergency room for health care, the most expensive possible way to deliver care. Those of us who do have insurance pay for it because it costs every insured family more than \$1,100 a year in additional premiums. This cost shift occurs for two reasons. People are using the emergency room for primary care, meaning they are going whenever they get a cold or an ear infection, which is ridiculously inefficient, or, more likely, they are waiting until they get very sick, in which case it often means their health condition has progressed to a point that is very expensive to treat or maybe ultimately tragic.

According to a Harvard study, nearly 45,000 Americans die because they don't have health insurance. Is this the kind of country we want to be? The answer depends on what we do right here, right now.

The fact is, our irrational health insurance industry not only hurts our families, it also hurts our economy in so many different ways. I recently received a letter from James Solie from Moorhead, MN. He was an Air National Guard member for 32 years. During that time, his daughter was covered under TRICARE, the Department of Defense health care program for members of the uniformed services, their families, and survivors. Now that she is on her own, his daughter gets health care through her employer, one of the big-box stores. Her children were born with cystic fibrosis. Because of their significant health care needs, she can't leave her job.

As James wrote to me:

My daughter is presently a hostage of her family's health insurance needs. She will keep working at that same store until the law is changed.

This is so common, there is actually a term for it. It is called job lock. If this woman had a brilliant idea for a new business or even just wanted to move to a better job, her need for health coverage would prevent her from doing so. That is not only bad for her, multiply it across millions of people and you see how bad it is for our economy.

We are supposed to be the most entrepreneurial society in the world, but because of our health care system, innovators are prevented from starting their own business. Talented or ambitious workers are prevented from moving on to more satisfying, more challenging, more productive jobs. We put at risk the very entrepreneurial spirit that defines us.

German Chancellor Angela Merkel spoke today for a joint session of Con-

gress. She was born in East Germany. When she was a kid, people would smuggle American books and American films into East Germany. Today she spoke on what inspired her the most about it. She said: the American dream.

We are denying millions of Americans their shot at the American dream because of our irrational health insurance system. This bill guarantees that you and your family always have access to stable, portable health insurance, even if you lose your job or get sick or both. It will end the job lock that handcuffs so many Americans.

Of course, guarantees of coverage and portability are hollow promises if they are not accompanied by something else: affordability. Over the last decade, the average health insurance premium for American families, including both the employer's share and the worker's share, has risen from just under \$5,800 to nearly \$13,400. That is an increase of \$7,600 or 131 percent over the last decade. That is more than three times faster than Americans' average wages rose in that same period. Even if you stay healthy, these trajectories are unsustainable. Even if you have coverage, you could still be just a diagnosis or an accident away from bankruptcy.

This has to change right now. If your work-based health plan is expensive, you have no other option, unless you qualify for Medicaid. Under this bill, you will be able to get subsidized insurance if your coverage through work costs you more than a certain percentage of your income. Right now, if your employer doesn't offer you a health plan or you are unemployed, it is prohibitively expensive to buy it on your own. Under this bill, you will be able to access a range of affordable insurance options through a health insurance exchange. This exchange will be similar to a Travelocity for health insurance. All the plans have to meet basic standards, and you can match them up and compare them side by side so you can pick the one best for you and your family.

This isn't going to only help individual Americans. It will help businesses, small businesses. Right now, if you are a business with, say, 11 employees and one of your employees gets sick or pregnant, your premiums are going to go up dramatically. That is because your risk pool is 11 people. But when you choose a policy from the exchange, your risk pool can be a million or two. That is the point of insurance, to spread the risk over as many people as possible.

In addition, small businesses will also be eligible to receive tax credits to help them purchase coverage for their workers. In Minnesota alone, over 72,000 businesses would be eligible for this assistance. That is what the subsidies and the exchange are all about:

increasing the availability of insurance and making it affordable for families and small businesses.

That is also what so much of the debate surrounding a public insurance option is about. A public option creates more choice for consumers and more competition in the marketplace. People who are happy with their current plans would not need to change them. But millions of people who did not have health care options before would finally have an affordable choice. This is what the overwhelming majority of Americans want. It is the right thing to do. I would say to anyone who is against the public option, do not choose it for yourself, but do not deny other Americans that choice.

I remain steadfast in my support for a public option. But we should also recognize a public option is just one of several ways this bill seeks to control health care costs. All these changes, which will create security and promote affordability, will provide necessary and meaningful reforms to the health insurance system. But we need to remember the goal is not just a better insurance system; it is better, more affordable care. That requires not only changing the way insurers behave, it also involves the way we behave and the way our health care providers behave.

Total spending on health care in the economy has doubled over the past 30 years and now is about 16 percent of our GDP. That is almost double the average for western industrialized nations, which are at 8.9 percent. The CBO estimates that the percentage of our GDP spent on health care will double over the next 25 years to 31 percent of GDP if we do nothing.

Fortunately, we have the opportunity right now to act, and we know how to do it. We need to look no further than Minnesota. If my colleagues will indulge me for a bit of some home State pride, Minnesota has taken a national lead in many areas, including cost containment and community health. Part of it is because 90 percent of Minnesotans are covered by non-profit health plans. It is also because we have models such as the Mayo Clinic, Allina, and HealthPartners, where physicians are paid to be part of a team, providing integrated care, centered on the patient as a patient, not as a profit center.

Patient-centered care is the key. The point is not just better, more efficient treatment for patients, it is that people do not want to be patients at all. The goal of health care is to prevent illness and then, if people get sick, to actually make people who are sick healthier, and then to keep them healthy.

To those ends, we need to see reform in three areas: incentives for better care, more focus on prevention, and a real commitment to contain costs. Let's start with incentives.

Right now, Minnesota providers are punished—punished—under Medicare for providing high-quality care at a low cost. According to the most recent data, Minnesota receives \$6,600 per Medicare beneficiary per year and is second in the country for quality of care.

Texas averages more than \$9,300 per beneficiary, with some of the worst health outcomes in the country. So Minnesotans are effectively paying doctors in Texas for excessive treatments and lousy outcomes.

Now, consider an innovative program I have seen in my home State: the Cardiac Care Program at Duluth St. Mary's Hospital. They aggressively manage patients with heart disease by helping people make lifestyle changes and making sure people get the followup attention they need. As a result, they have reduced hospitalizations by 80 percent and saved \$1 million in 1 year.

But because the current system does not incentivize value, Duluth St. Mary's received no reward for these cost savings. In fact, a hospital that lets its cardiac care patients go unchecked until they need another procedure gets paid a lot for performing that procedure, even though their patients are less healthy.

Under the current Medicare reimbursement system, the good care gets punished and the less effective, more expensive care gets rewarded. We are not providing health care in this country; we are providing sick care. We need incentives for providers to reduce hospitalizations and commit time and resources to prevention. That starts with Medicare payment reform.

This is not an issue of State versus State. If we can get better outcomes at lower costs, it will be better for the entire country because it is the only way we will finally be getting a handle on the runaway cost of health care.

That is why I am so thrilled this health reform bill includes a provision to fundamentally improve the way we pay doctors. Thanks to the efforts of MARIA CANTWELL and my colleague, AMY KLOBUCHAR, and others, for the first time ever we will include what is called the value index in the Medicare payment structure. Doctors who provide high-quality care at a reasonable cost will no longer be punished. Instead, they will be rewarded for being effective partners in their patients' care.

That brings me to lifestyle and prevention. One of the most disturbing trends, for our health and our health care system, is the massive increase in obesity in this country. We know this increase in obesity will lead to increased heart disease and diabetes and increased health care costs for our country. But that future is not inevitable.

Today, Minnesota spends \$1.7 billion per year on hospital costs for heart dis-

ease. But the residents of New Ulm, MN, have decided they are not going to contribute to those statistics anymore. New Ulm is a beautiful town in the heart of the Minnesota River Valley, about 90 miles southwest of the Twin Cities. The town is partnering with Allina Hospitals & Clinics and has made a commitment to reduce heart attacks by 25 percent over the next 10 years. To do this, the residents of New Ulm are working to bring down their high blood pressure and cholesterol, manage their diabetes, stop smoking, and start exercising. They have community cooking classes, workplace wellness initiatives, and free health screenings.

I visited New Ulm during the recess to see what these folks are doing and how determined they are to make changes in their lifestyles. This dedication to prevention and wellness will keep individuals in New Ulm living longer and living healthier. It will also save the health care system about \$10 million over the next 10 years. When it comes to wellness, self-interest and the national interest are aligned.

This bill we are debating right now guarantees that routine checkups and preventive care, such as colonoscopies and mammograms, are covered by all insurance plans at no cost. We need to invest in those things that sometimes seem peripheral to good health but are essential to it: access to healthy foods and a safe environment for physical and social activity to address the alarming rise of obesity and the epidemics of diabetes and heart disease.

I thank my friend TOM HARKIN for his leadership in making sure the Prevention and Public Health Investment Fund is in the health reform bill. This fund will help Americans make the lifestyle choices that lead to better health. These investments will help Americans stay healthier and save money in the long run.

Another way to improve care and bring down its cost is to make sure a greater percentage of every health care dollar actually goes to health care, not wasteful administrative costs or advertising and profit.

While national health care plans spend less than 87 cents of the health care premium dollar on health care, Minnesota's nonprofit plans lead the Nation in keeping administrative costs low, spending 91 cents—91 cents—of every premium dollar on health care. Four cents may not seem like a lot until you remember that is 4 percent of \$775 billion in private health insurance premiums a year.

This percentage—the 91 percent I was talking about—is called the medical loss ratio. It is a measure of how much of each health care dollar actually goes to health care. The medical loss ratio for insurance plans in Minnesota is 91. Many individual and small health

group plans across the country are closer to 60—meaning that 40 cents of every health care dollar goes to administration, advertising, and profits—all things that do not make people healthier.

That is why I have introduced legislation, the Fairness in Health Insurance Act, to mandate that 90 cents of every premium dollar must go to health services, not to unnecessary administrative costs or advertising or bloated executive salaries.

This builds upon the important work of my colleague, JACK REED, who pushed for disclosure of this information in the HELP Committee bill.

My house colleague, KEITH ELLISON, from Minnesota's Fifth District, has introduced similar legislation. The House has made progress on this issue by requiring a medical loss ratio of at least 85 percent for the small and large group insurance markets. And because administrative costs constitute such a high percentage of health costs, I want to go even further. Right now, there are hundreds of different private insurers that have hundreds of different claim forms and codes. Why so many different forms? Because the more complicated it is, the more different each form is, the more likely it will be filled out with an error.

Remember, a form filled out with an error allows the insurer to deny the claim. That is why I have called for every insurer to use a standard form for claims. Minnesota has done this on the State level and is saving money and preventing the headaches that providers have in trying to navigate these hundreds of different forms. Nationally, this is a great way to save a lot of money and a lot of paperwork.

You know who will like this? Doctors. Physicians reported spending the equivalent of 3 work weeks each year dealing with health care plans and having to devote additional resources to hire extra staff, not to provide care for patients but to do extra, endless paperwork.

When time is converted to dollars, the national cost to physician practices of dealing with health plans is between \$23 billion and \$31 billion each year. If we had a uniform billing and claims system, we could save up to \$70 billion per year. Wow.

By moving to electronic medical records, we will reduce the number of duplicated tests. We would make it cheaper and easier for people to stay healthy and out of the emergency room. We would be on a path to lower costs for everyone by making health care patient-centered, not profit-centered.

I am proud of what we are doing in Minnesota—with institutions that are delivering care efficiently and effectively. But I recognize the truth of something one health care economist said to me at a health care roundtable

I held in Minneapolis a couple months ago. He said:

Minnesota gets an "A" . . . but only because we're grading on a curve.

There is huge room for improvement all across America. That is why this is an incredible moment of opportunity for those of us in this Chamber and for the entire Nation.

As I said when I rose, we have great health care in this country but a lousy system. If we do not fix the system, millions more Americans will lose the care. Yes, this is complex stuff. That is why it is particularly important that nobody here injects into this debate misinformation that engenders fear. There has been too much of that already, and it has not resulted in anybody getting better care or moving us closer to a consensus.

So let's remember that behind the numbers we talk about are real people—real people who urgently need our help. As the saying goes: Statistics are people with the tears wiped off.

This is our chance to confront the biggest single threat to America's future and the greatest unmet moral obligation in our history all rolled up into one. That is what health care is. This is our chance to answer those questions Americans are asking, our chance to make life better for Liz MacCaskie and James Solie's daughter and Kathy and a mother and her son from Fergus Fall, MN. We have a chance to keep costs down for people who have insurance and finally provide coverage for those who don't. This is our moment to meet this great moral and economic challenge. So let's finish our work and overcome whatever legislative challenges remain.

We all want to look back on this day from an America in which everyone has stable, secure, affordable health care and say it wasn't the easiest thing, but it was the right thing, and together we were able to get it done.

There is so much more to say on health disparities, on fraud, abuse in the system, on mental health parity, on chemical dependency treatment, on chronic care, on rural health, on workforce issues such as the need for more primary care physicians, and so many other important topics. This is just a start, and I will certainly be back to say more.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO FEDERAL EMPLOYEE DR. STEPHEN ANDERSEN

Mr. KAUFMAN. Mr. President, I rise once again to honor the service of one of our country's great Federal employees. Today, during these uncertain times, the American people face many challenges—one of them we share in common with all people throughout the world. What I speak of is the threat posed by climate change.

Just this morning, in a special joint session, we heard German Chancellor Angela Merkel on the importance of working together internationally to address climate change. We have come so far in the past three decades but much more needs to be done. So much depends on our ability to address this problem, including the long-term stability of our economy and our national security.

Since its creation in 1970, the Environmental Protection Agency has been at the forefront of reversing climate change. This week's great Federal employee not only spent over 20 years at the Agency, he is also someone we can thank for his leadership in implementing a landmark agreement that has already helped slow down climate change.

When Dr. Stephen Andersen first came to the EPA in 1986, he already had over a decade of experience in the field of climate and ozone protection. During his first year as part of the EPA's Stratospheric Protection Team, he worked with Soviet scientists to negotiate a joint effort to map the ozone by satellite. This was the first-ever United States-Soviet joint mission in space.

The following year saw the adoption of the Montreal Protocol in 1987. This crucial international agreement led to dramatic reductions in the chemicals that contribute to ozone depletion.

Stephen began serving as cochair of the Montreal Protocol Technology and Economic Assessment Panel in 1988. He worked tirelessly to convince hundreds of military and industrial experts to phase out the use of ozone-depleting chemicals on a voluntary basis. Over the course of 20 years, the Montreal Protocol was so successful that it helped prevent annual emissions of 11 billion metric tons of carbon dioxide. According to a crucial study by a team of environmental scientists Stephen himself led, the Montreal Protocol may have delayed the impact of climate change by 7 to 12 years. That doesn't even count the effects of other reductions made as a result of the treaty's influence.

Stephen led an effort a few years ago to encourage several of the world's highest emitting nations to strengthen the original treaty. His leadership led to nine countries agreeing to speed up the elimination of hydrofluorocarbons.

Today, Stephen continues to work on the science of combating climate change. He has focused much of his energy on helping to create voluntary partnerships between the EPA and the business community in order to promote green practices.

Stephen won a Service to America Medal last year for his long and distinguished career as an outstanding public servant. I hope my colleagues will join me in honoring Dr. Stephen Andersen's service and that of all the dedicated employees of the Environmental Protection Agency. I know that as we continue making progress on this front, they will play an important role in America's global environmental leadership.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

HEALTH CARE REFORM

Mr. CARDIN. Mr. President, I take this time—and will share it with the Senator from Minnesota, Ms. KLOBUCHAR, and the Senator from Delaware, Mr. KAUFMAN—to talk a little bit about health care reform, health insurance reform, and the need for us to act.

Quite frankly, on behalf of middle-income families of America, the very worst option we could do is allow the status quo to continue.

During this time, I am going to be quoting from some letters I received from Maryland families who are hurting today. These are families, some of whom have health insurance but they cannot afford it or they are not certain they are going to have adequate coverage to deal with the needs of their families. They are looking to us to help them deal with the problem of health insurance today.

The first problem, quite frankly, is the fact that it is too expensive. Health insurance in America is too expensive for so many families. As the Senator from Minnesota knows, I use the numbers 6, 12, 23 frequently: \$6,000 is what it cost a family in Maryland 10 years ago for a family health insurance policy. Maybe their employer paid part of it. Maybe they paid part of it. Then, it was \$6,000 for adequate coverage. Today, that number is \$12,000 a family. Many families in Maryland have a hard time affording \$12,000 of their compensation going to pay for their health insurance. By 2016, it is going to be \$23,000 for a family, if we don't do anything about health insurance reform.

Today, of that money families are spending, \$1,100 represents what insured families are paying for people who don't have health insurance. I am frequently asked: What about these 46 million or 47 million Americans who have no health insurance, shouldn't they take care of themselves? I say: Yes, we should have personal responsibility, but today those who have insurance are paying extra costs for those who don't have insurance.

One of the most important points of health insurance reform is to make sure everybody pays their fair load to reduce the cost of those who currently have health insurance.

(Mr. TESTER assumed the chair.)

Ms. KLOBUCHAR. Will the Senator yield for a question?

Mr. CARDIN. Yes.

Ms. KLOBUCHAR. That is a very important point about the hidden tax. When I was county attorney in Minnesota, representing one of our biggest hospitals in the State, a lot of people came in who didn't have a doctor. Their doctor was the emergency room. Their doctor still is the emergency room, and it is incredibly expensive. If you could explain that a little more because many people don't understand that when people don't have insurance, we are still paying for them. They call it the hidden tax.

Mr. CARDIN. I thank my colleague for the question. The Senator is right. People who have no health insurance do what they can do. They use the emergency room as their doctor. They use the emergency room when they should not be using it. It is very expensive; it costs a lot of money. By the way, they don't pay their bills. It becomes part of what is known as uncompensated care in our hospitals. What is more serious is, they don't get the preventive health care they need. They get the more intense services than if they had access to our health care system from the beginning. They use the emergency room, as the Senator from Minnesota is referring to, and they don't pay their bills, and that becomes uncompensated care. All of us who pay the hospital bills and pay for our services also pay for what the uninsured are using in the emergency rooms, which adds to the cost of hospital care and adds to the cost of our insurance premiums that we pay for family policies. In Maryland, that amounts to \$1,100 a year. That is what you and I are paying for those who don't have health insurance because they are using the health care system and not paying their bills.

Part of health care reform is that everyone should have access to affordable, quality health care and health insurance.

Mr. KAUFMAN. Will the Senator yield for a question?

Mr. CARDIN. Yes.

Mr. KAUFMAN. Isn't it true that when these people don't get prevention, don't have a doctor, don't get the vaccines and the shots they need and they don't go to the emergency room until they are very sick, what happens is they go to intensive care or something or they have a much more serious illness that can go on for weeks and months under intensive care and the price goes up and up?

Mr. CARDIN. The Senator from Delaware is absolutely right. There have

been studies done comparing two individuals with the same health care condition, one with insurance and one without insurance. The person who doesn't have insurance uses more health care services than the one who has health insurance, and it is for the reason the Senator said. The person with health insurance will have a much earlier intervention or gets preventive health care, will take blood pressure medicine or cholesterol medicine or will have tests that discover illness at an early stage or prevents an illness; for example, with colon cancer, a polyp can be discovered before it becomes cancerous. A person without insurance doesn't get those services. They enter the system in a much more costly way, which may lead to hospitalization that wouldn't have been necessary if they entered the system at an earlier stage, but they cannot because they have no health insurance. So the Senator is right.

One of the things we do is try to help the families who have health insurance. We can end insurance company abuses. That is a very important point. The health insurance reform package we are looking at will end health insurance company abuses. All the bills reported out of the committees do that. You cannot be denied coverage due to preexisting conditions. There will be no more annual or lifetime caps on benefits. They cannot charge more or drop your coverage if you get sick. It requires them to fully cover preventive care and checkups.

I have received—and my colleagues have, I am sure—letters from people in my State. I wish to tell you how important these health insurance reforms will be in helping middle-income families. I have one example, and I am sure my colleagues can cite others. Here is a letter I received last month from Kevin, who lives in Kensington, Montgomery County.

Kevin is a healthy, nonsmoking, 54-year-old father who was laid off and has recently started his own company. He has two high school-aged children. He recently completed the Marine Corps marathon and has been an avid runner and swimmer all his life. I dare say most of us could not do that.

After Kevin was laid off, all four family members applied for coverage in the individual market. However, Kevin and his two children were denied access to comprehensive coverage because of preexisting conditions. Listen to this. Kevin was denied coverage because the insurance company said he had a history of upper respiratory symptoms. Actually, he has only had two chest colds in the last 6 years. Five years ago, tests showed a very small amount of scar tissue in his lungs, but doctors have concluded this is not a health

issue or risk. Yet he was denied coverage because of a preexisting condition. It is important to get health insurance reform passed because insurance companies will not be able to discriminate based on preexisting conditions—that don't even exist, in Kevin's case.

Kevin's daughter's coverage excludes benefits related to any injury to any part of her back. This is because she once had a minor slipped disc, which has not caused her pain in more than 2½ years. This is a common condition among teenage girls, but the insurance company is refusing to cover back injury. Her doctor has written to the insurance company stating that she "has no more likelihood of needing medical services than any other patient her age." Yet today, Kevin is denied full coverage for his daughter.

It gets even worse. Kevin's son was also refused coverage for his knee because he was diagnosed with growing pains that required no treatment. This means Kevin's son will not be covered for any injury to his knees at any time in the future.

Kevin writes:

We have a healthy, physically active family. No doubt healthier and in better shape than 98 percent of the families in this country. And we're told that 3 of the 4 of us are too great a risk to be fully covered. . . .

We are victims of a health care system that is horribly broken, and our experience in trying to get health insurance for our family—a family that has no chronic health conditions requiring medical treatment—has turned us into strong supporters of health care reform.

Mr. KAUFMAN. Will the Senator yield?

Mr. CARDIN. Yes, I am glad to yield.

Mr. KAUFMAN. This thing with preexisting conditions is incredible. You hear this everywhere you go. In Dover, DE, we have Angela Austin, a recent mother. She works as a bartender. Most of her earnings come from tips. She doesn't get health insurance from her employer.

When Angela became pregnant, she tried to find private health insurance, but she was repeatedly denied coverage because her pregnancy was considered a preexisting condition. She applied for Medicaid—to find prenatal care for her and the baby—but was denied coverage because she earned \$200 more than the monthly limit allowed.

She called organizations and clinics and was unable to find a payment plan she could afford. Midway through her pregnancy, Angela decided to cut back her work hours so she could qualify for Medicaid. She worked all 9 months of the pregnancy and delivered the baby on May 27.

The Medicaid coverage she got was especially crucial because she had complications from hyperthyroidism and was able to get the necessary prescriptions to control the condition.

The story gets even worse. Angela was so anxious that everything pos-

sible be done to ensure a healthy baby, the system threw up roadblocks.

Pregnancy should not be considered a preexisting condition. What is more, no one should be denied coverage because of a preexisting condition. There are many cases where people are totally healthy, and they have been denied coverage because of preexisting conditions. We are going to pass a bill that eliminates not being acceptable for preexisting conditions.

Mr. CARDIN. I think people in this Nation would be shocked to hear about that situation and for someone who is totally healthy being denied full coverage because the insurance company just wants to deny coverage, just wants to pay less claims in the future, so it finds reasons to restrict coverage, even though that person is as healthy as anybody in the general public but is being denied coverage today.

Ms. KLOBUCHAR. Will the Senator yield?

Mr. CARDIN. Yes.

Ms. KLOBUCHAR. I also was listening to this and thinking, about a week ago, I was at an event that Mrs. Obama, the First Lady, put on for breast cancer in honor of Breast Cancer Awareness Month. There were three women there who all had breast cancer. They were all survivors, and they had incredibly low rates of possibly getting breast cancer again because of advances in science. I was stunned to hear of their difficulty. Even though their possibilities of getting breast cancer again were so low, it was still considered a preexisting condition for an insurance policy. A recent example, when you think about it hitting middle-class families—and some of the people watching this on C-SPAN may have seen this on television—a little boy named Alex was denied coverage by his family's health plan. Alex's parents have coverage through their employers, similar to so many middle-class Americans. But their 4-month-old son Alex, who weighed 17 pounds—and my daughter was one of those low percentages when she was born. He weighed 17 pounds at 4 months old, so he was denied coverage. The insurance company claims this was a preexisting condition for the otherwise healthy baby because of his weight.

Here is the interesting part—and I know the Presiding Officer from Montana will appreciate this. After his family went on TV with the little boy, then the insurance company changed its mind and, suddenly, decided to cover him. I guess the lesson is that middle-class families have to go on TV to make their case in order to get coverage or when a woman who has been a victim of domestic abuse is denied coverage—which is considered to be a preexisting condition in eight States—maybe if she was willing to talk about her domestic abuse on TV, there would be a change of heart. That is not good

enough—coverage by cable TV—for the majority of Americans. They need stability in the system. They need a guarantee that they are going to have coverage. I thank the Senator from Maryland for raising this important issue.

Mr. CARDIN. If I might mention another family in Maryland, a typical family—Marvin and Lillian, who live in Chevy Chase, who are grandparents. I can relate to that, having two wonderful granddaughters. Marvin is a retired Federal Government employee. Both he and his wife Lillian have Medicare. They are in pretty good shape. However, they are worried about their grandchildren.

They have a grandson who is 14 years old. He has Crohn's disease and dwarfism. He currently has coverage through his parents, but his family is petrified that he will be denied coverage when he is no longer able to receive insurance through his parents. Because of his preexisting conditions, it will be extremely hard for him to find individual coverage while job hunting or adequate coverage while at school. Without reform, high health care costs will preclude him from starting his own business or working for a small business owner.

Marvin writes:

My grandson's future employment prospects will be limited because he will need an employer with a large group plan to ensure good coverage. If he gets sick without coverage, or very limited coverage, it would be a disaster.

It is truly unacceptable that in America today, because of the way our health insurance system operates, that a person's future and what type of job that person can seek is limited because of a preexisting condition. That does not make this Nation as competitive as we need to be. We can certainly do a much better job on that now.

There are two good points here. One is that we eliminate preexisting conditions. That would be taken care of. We also provide coverage through the age of 26 so that you can keep a child on your family plan coverage through the age of 26. I think this is going to be a very popular issue. This is one area that does not cost a lot of money. Children in their early twenties are not at high risk. It is unlikely this will add greatly to the insurance premium cost—in fact, it will not—but it does give greater assurances for those children who are not yet fully in the workplace—so they do not have the opportunity to get an affordable health insurance product—that they can stay on their parents' policy until age 26. That is another way we are going to help families.

Lastly, the other area we want to be sure is done is when people change jobs. We know this is a very mobile workforce; people change jobs much more frequently today than they did 10 years ago. This bill will make sure you

always have health insurance, even if you lose or change your job. You are not going to be locked into a company because you don't want to lose your health benefits. I must tell you, I hear that frequently from people in Maryland. I am sure my colleagues hear it in Minnesota and Delaware. People say: I want to change jobs, but I can't because I don't want to lose my health benefits. That should not be a reason someone shouldn't be able to look for other opportunities. When we get health insurance done, people will be able to get insurance regardless of where they work. There will be affordable coverage for all Americans. That will help middle-income families. That is our objective. That is what we are trying to do.

Another area I want to mention briefly is small businesses. We hear frequently that small business owners have a hard time finding affordable insurance. I will give a couple examples of people from Maryland.

Steven from Annapolis is a self-employed small business owner. Steven's health care premiums have increased by unmanageable amounts. Steven is currently paying 55 percent more for his family health insurance than he was 14 months ago—a 55-percent increase in 14 months. The premiums for Steven and his family, all of whom are healthy, are approaching \$10,000 annually. In August, his premiums increased 24 percent, after having increased 25 percent in 2008. He wakes up in cold sweats worried about how he can afford such high costs. Steven sent me his most recent health insurance bill, which showed the 24.1-percent increase.

Steven writes:

We are worrying about these problems 24 hours a day. That is no exaggeration.

Small business people wake up in a cold sweat, as I have done many times through the course of this difficult recession, wondering how we are going to meet our client deadlines, pay our bills, and be a good father and husband all at the same time.

For small businesses, if you have one bad experience with health care during the year, you can expect a large premium increase the next year. It is one thing about health insurance being expensive as it is, but if you are a business owner, how can you plan your company budget when you don't know what your health premiums are going to be the next year?

Ms. KLOBUCHAR. Will the Senator yield?

Mr. CARDIN. I will be glad to yield to my friend from Minnesota.

Ms. KLOBUCHAR. One of the things I have learned in the past year meeting with small business owners is this huge disparity. Small businesses pay 20 percent more. The ones that are the bedrock of our entrepreneurial system in this country pay 20 percent more than big businesses for health care. Their employees are in a small business, but

the ones who need it the most, the ones who probably make less income, pay 20 percent more for health insurance.

I was up in Two Harbors, MN, visiting a little backpack company that has done such a good job. They now make backpacks for our troops because they are lighter weight and better for their backs. This little company started with a few employees; it now has 15, 20 employees.

When the owner of that company started it, he didn't have kids. He now has two kids—four in their family. He is paying \$24,000 a year for his health insurance. This is a little tiny backpack company in Two Harbors, MN. When the Senator from Maryland was telling us about people having to adjust, they cannot plan, he told me if he had known when he started that much of his profits were going to go into his health insurance, he would not even have started the company to begin with.

This not only hurts our employees, it actually stops small businesses from starting—the incubator of so many of our great ideas in this country and jobs in this country. This is truly something that needs to be solved because it is hurting jobs in this country, the fact that it is so difficult for small business owners to afford health care.

Mr. KAUFMAN. Will the Senator yield for a minute?

Mr. CARDIN. I yield to the Senator from Delaware.

Mr. KAUFMAN. This is another example. It is not just Delaware, Maryland, Minnesota, California, or New York. On the same subject, Ian Kaufman—no relation—moved to Delaware right out of college in 1990. Unfortunately, like far too many Americans today, he got laid off from his job. To get back on his feet, he wanted to start his own business. In the process, Ian picked up COBRA coverage to ensure his family maintained health care insurance. When he first signed up for COBRA coverage, his monthly premium was \$1,800—a lot of money each month. Thanks to the COBRA provisions, however, in the stimulus bill, Ian saw his payments reduced by 66 percent, which made his monthly premiums much more manageable. However, this premium assistance will soon run out, and then he will be back once more to paying \$1,800 a month. In anticipation of higher COBRA payments, Ian applied for coverage at BlueCross BlueShield but was turned down. They never gave him a reason. He suspects—that we were talking about earlier—that there was a preexisting condition of one of his daughters.

Ian worries, like so many Americans, that the high cost of providing health care to his family, in addition to the difficulty of finding a willing policy provider, will affect his ability to stick with his startup business—the point my colleagues were making of starting

up a business and being worried about health care.

Unfortunately, Ian's health insurance predicament as a self-employed businessman is not uncommon. There are entirely too many sole proprietors and small businesses that cannot afford health policies for themselves, their families, and any employees they might have, thereby killing the innovators of our system, the people who create the jobs, the people who made America great, the small businesspeople. They cannot go into business because they are worried about health care not just for their employees, but they have to worry about health care for themselves and their families. We have to change that if we are going to get innovation back in the country and small businesses up and running.

Mr. CARDIN. Small businesses are clearly the driving force behind job creation in America. The Senator from Delaware is absolutely right. Innovation comes from small business. They are so discriminated against under our current health care system. Middle-income families, in large measure, work for small businesses, and they are absolutely disadvantaged today because of the system.

The status quo is unacceptable. We need to enact insurance reforms under what we have here. Small companies can benefit the same as large companies, with much larger pools, much more affordable plans, more choices.

There are really no options for small businesses today. They do not have a lot of companies willing to write the policies. It is interesting, in my State of Maryland, two insurance companies write 71 percent of the private insurance business. If you are a small business owner, you are either going to be with one of those companies or you are not going to be able to find insurance. They can pretty much dictate.

One more example. Robert, who lives in Baltimore, is a married architect who has health insurance with one of our large insurance companies. His insurance for himself and his wife is \$20,000 a year—\$20,000 a year. As a small businessperson—listen to this—not only does he have to pay these high premiums, but if he needs to find a gastroenterologist in order to do a test, there are plenty of gastroenterologists in his neighborhood, but the insurance company will not cover a doctor in that area. He has to travel all the way across town. He says he spends more time finding out who will treat him because he doesn't have a choice of plan. He has to be in this plan. So there is a lot of wasted money in the system he has to go through.

By the way, if you are in a small business, running a small business, you have to spend time on your business. If you don't spend time on your business, you are not going to make it. If you

have to spend time to figure out what doctor you can see under the small print in your insurance plan, you are not going to succeed as a businessperson.

There are a lot of good reasons why we need health insurance reform in America. There are a lot of good reasons we need to act, a lot of good reasons middle-income families are depending on us to fix this broken system—it is too expensive, not enough choice. The health insurance reforms coming out of our committees all provide much more choice and option and protection to the people in our communities.

Mr. KAUFMAN. One of the great ironies in this whole health care debate, which is full of ironies, is I talk to so many small businesspeople, and they are scared of the public option. They have been scared by the ads and things on television. As you say, for a small businessperson, the public option is going to be their choice to get the health care they need, simple health care that is laid out for them that makes a lot of sense.

One of the big things we have to get through to people is exactly what the story is here and what really will help them get their health insurance so we can have small businesses built up, get more employees, create more jobs, and create the jobs we need for the country.

Mr. CARDIN. The public insurance option is another choice. There is more competition. It brings down costs. That is why we support a public option. It is a reliable product you know is going to be there.

If you are living in western Maryland—and there are not a lot of insurance companies there—you know there is a public option, that plan will be there for you. You know it is going to be affordable. You know it is not going to leave town, as some of the private insurance companies did that used to insure Medicare. These plans will be there.

It is also going to act as strong competition for the private insurance companies so they know they have to be competitive. Today, again, it is not competitive. There are not enough companies there.

The private insurance option will offer people, such as Robert whom I mentioned, another option, another choice, an affordable plan. That is what he is looking for. He cannot afford \$20,000 a year. He is looking for a premium much more affordable than \$20,000 a year, and the public insurance option gives him that choice.

One other thing about the public option that needs to be clarified. There are those who say: This is a government takeover. Is Medicare a government takeover? The answer is no. There has not been one Senator come to this floor to say we should repeal

Medicare. Medicare has been a very successful program.

By the way, health insurance reform will strengthen Medicare. Why? Because the way to bring down Medicare costs is to bring down health care costs. What we have been doing year after year is picking on Medicare, saying we are going to control health care costs by reducing Medicare. We cannot do it. You have to bring down health care costs to bring down Medicare costs. And what we do is strengthen the Medicare benefits by giving additional benefits, starting to fill that doughnut hole under the prescription drug plan, offering preventive care to our seniors. So we are strengthening the Medicare Program. The doctors and the hospitals are all private, as they would be under a public option. This is a way of providing more competition, quite frankly, keeping the private insurance companies a little bit more competitive and honest as they do their marketing, to make sure we get value for the dollars we are paying for our health insurance premiums.

Mr. KAUFMAN. Again, once more, the irony. Isn't it an incredible irony that people come to the floor and talk about reducing the deficits, reducing the deficits, reducing the deficits, but they don't have health care reform. We know the major cause for the increase in deficits is Medicare and Medicaid, not because they are bad programs but because health care costs explode. There is no way they cannot get greater. That is our biggest challenge in terms of deficit reduction. We have to do something about Medicare and Medicaid costs.

People talk about deficits and then say we don't need health care reform, why don't we slow down, we don't need it now, this is not important. We cannot deal with our deficits if we don't deal with health care costs because without dealing with health care costs, we cannot deal with Medicare and Medicaid. The Senator is absolutely right.

Mr. CARDIN. Health care costs are growing about three times what wages are growing in America today. That means a government that pays for Medicaid and Medicare will continue to pay a larger amount of the budget for health care unless we can get health care costs under control. It also means American families are going to be paying more of their income for health care unless we get health costs under control.

So how do we get health care costs under control? We do it by prevention and we do it by wellness and by streamlining the bureaucratic system, by using health information technology more effectively and by managing diseases. We do it in a way that brings down health care costs and improves access and quality, and that is what we are doing.

The Senator from Delaware is absolutely right. Our goal is quite simple:

bring down the escalating cost of health care, provide access to affordable quality health care for every American family, and do it in a fiscally responsible way.

The Senator from Minnesota, Ms. KLOBUCHAR.

Ms. KLOBUCHAR. Well, I thank Senator CARDIN. As I was listening, I was thinking about how I first got involved in this whole debate. My story is like so many moms and middle-class parents. It involved rules, rules that made no sense when it is your family's health at stake.

When my daughter was born, she was very sick. She couldn't swallow. They thought she had a tumor. She was in intensive care overnight. Back then, the insurance companies had a rule that you could only stay in the hospital 24 hours—new moms and their babies. For some people, when you have been in labor for 24 hours and you think your daughter might die for 24 hours, it doesn't make sense. So 24 hours after giving birth, I was kicked out of the hospital. I was wheeled out of the hospital while my daughter was there in intensive care.

I thought to myself: This is never going to happen to anyone again. I went to the legislature with a number of other moms and got one of the first bills passed in the country guaranteeing new moms and babies a 48-hour hospital stay. I still remember the conference committee where we had a number of lobbyists who couldn't say they were against the bill, but they were trying to delay the implementation. They were trying to make it so that it wouldn't take effect for years and years and years.

I finally decided to bring my pregnant friends to that conference committee so they outnumbered the insurance company lobbyists 2 to 1. When the legislators said: When should this bill take effect, all the pregnant moms raised their hands and said: Now. And that is what was happening.

I can tell Senator CARDIN, this is what the American people are saying. They are saying: Now. They need reform now because of what you have just talked about—the fact that costs have been escalating and escalating, and it is becoming more and more unaffordable for so many middle-class Americans.

In 2008, employer health insurance premiums increased by 5 percent, two times the rate of inflation. Everyone feels it. Everyone knows what I am talking about.

When people throw out all these numbers—and we hear all these numbers from the other side—I believe you only have to know three numbers. Senator CARDIN brought them up before, three simple numbers. They are easy to remember: 6, 12, and 24.

What do the numbers 6, 12, and 24 represent? Well, \$6,000 was the cost of

insurance for the average American family 10 years ago. They were paying that in their premiums. They are now paying \$12,000. Some people are paying a lot more, such as the small business owner I talked about in Two Harbors, MN. But the average is \$12,000.

What do the studies show? They show that in 10 years people in Billings, MT, people in Delaware, people in Baltimore, people in the tiniest towns in this country will be paying an average of \$24,000 a year. Do you think they are going to be able to afford that, the average middle-class family, \$24,000 a year? I think every family can look at their own checkbook and figure out that answer. That is why we need health care reform now.

I think of the people I have heard from in my State, such as Jan in Plymouth who wrote the other day about her 20-year-old daughter Jennifer. Jennifer was diagnosed almost a year ago with Hodgkin's lymphoma. She made it through chemotherapy but is still being monitored. She had to continue going to college to keep her health care coverage. Despite having good health care insurance, Jan and her husband had to use their retirement fund to cover the out-of-pocket expenses of Jennifer's chemotherapy. Jennifer has since taken some time off from school to recover and is going to be transferring to a new school soon. Her parents don't know how they are going to keep her insured.

That is why the point was made about this plan allowing parents to keep their kids on their insurance until they are 26 years old. I can't tell you what good news that is to the parents of America who are struggling and who are thinking: Once my kid goes to college, what is going to happen because they would not have a job? How are they going to get insurance?

Now, until they are 26 years old, they are going to get insurance. That would help this family in Minnesota tremendously.

The preexisting conditions—I talked about three women with breast cancer who were there with the First Lady—unbelievable stories of people who, through no fault of their own, get a disease, they are not sick anymore but they get thrown off their insurance policies; kids who are a little overweight or a little underweight—the only way they can get rid of this thing off their backs and get health insurance is by going on TV? I think we would have to have permanent TV stations going around the clock to cover all these families who want to get their preexisting conditions off their backs. That is not going to work in this country. The better way is to pass health care reform.

The Senator from Maryland brought up the cost, and I can tell you that for a lot of people in Minnesota, that is the No. 1 issue I hear: How can we afford

this? What can we do about it? Well, I can tell the Senator from Delaware—and I see the Senator from Illinois, Mr. DURBIN, is here, and he has been working hard on the Medicare fraud issue on the Judiciary Committee, as well as the Senator from Maryland—that 3 to 10 percent of our health care dollars go down the tube to crooks, to con men, and we are not doing anything about this. There is money in the system, and it is just going to the wrong places.

Another way to solve this is with trying to put more quality measures into our system, trying to have high quality care at the lowest cost. People understand if you go to a hotel and you spend more money on a room, you tend to get a better room, a bigger room, with a nicer view. With health care, it is not the case. With health care, some of the highest cost places have the lowest quality care. So one of the things that health reform allows us to do is to put in those high-quality measures.

So we start having incentives. We say to hospitals: If you have less infections in your hospital, which means more people live, you will be treated better in the system. So we will put in incentives so that doctors treat their patients better and, believe it or not, that is the way we are going to save money.

Why is that? So many times the way the system operates, it is about reimbursing for every little test, every little thing you do, instead of looking at the rules or looking at the quality of care that you can get at the end of the road. And that is what we want to do with this legislation. There is a value index in this legislation.

The bill that came out of the Finance Committee, which Senator CANTWELL and I have worked hard on, let's us look at the value to the patient. Let's put patients in the driver's seat so they can get the value, so middle-class families can get the same kind of health care that Members of Congress get, so they can get the kind of value they want out of their health care.

So when we look at how we can pay for this, there are so many ways. We can not only save some money, such as plug that doughnut hole so that seniors can get better deals on their prescription drugs, but we can do it so we can give people higher quality care. We are going to link rewards to outcomes to create the incentives for doctors and hospitals to work together to improve quality and efficiency. That is what we are trying to do.

So I thank Senator CARDIN for bringing up this issue of cost because for so many middle-class families in my State, they understand we want to have not only more affordable care but also high-quality care. They do not like these kinds of mistakes that go on, and there are some things we can do by creating incentives for safer procedures and for better standards for

hospitals and for doctors that I think could go a long way toward paying for a lot of what we need to do.

Mr. CARDIN. I thank my colleague from Minnesota. She has been a real fighter for middle-income families and working families in America and in Minnesota and has brought out these issues of how we can improve the standard of living.

I think the point the Senator raises is one that needs to be underscored. Today, working families, middle-income families are seeing an erosion of their income. They are seeing more and more of their compensation going to pay for health benefits. If their employers are paying for it, it means less take-home money for them in their paychecks. If they have to pay the cost, they are seeing more and more of an increase. Again, health care costs are going up three times what wages are going up in America. So middle-income families are falling behind every year, and they are depending on us to speak up for them.

They are also paying a hidden tax—a hidden tax. Middle-income families today are spending \$1,100 a year paying for those who don't have health insurance. We talked about that earlier. That is a hidden tax. We have to get rid of that tax.

One of the things we do in our health insurance reform is to get rid of that tax by saying that everyone has to be responsible for their own health care costs. Why should I pay for someone who today could have health insurance but chooses not to have health insurance?

Ms. KLOBUCHAR. If the Senator will yield, I think it is unfair to middle-class families who are trying to save every penny so they can send their kids to college—and those costs are going up—and to put food on the table and fill their car with gas, to have this hidden tax where they are paying for people who aren't getting health insurance or can't afford health insurance. That is why I think one of the most important things for people to understand about this bill is that we are already paying for these people who don't have health insurance. So let's make it more efficient and work for everyone so you can get some benefit out of this yourself.

Mr. CARDIN. It is interesting that one of the ways we can save money from the Medicare system is to get everybody to pay their health care bills. Our seniors are paying higher costs under the Medicare system because people use the system who are not Medicare beneficiaries and don't pay for it. So Medicare, every year, pays a premium to our hospitals called DIS—the disproportionate share—for the uncompensated care in the hospitals. The Medicare system is paying for that. Our seniors could be getting better benefits if everyone paid their own way

rather than having our seniors subsidize those who have no health insurance.

So these are ways in which we do help middle-income families in America.

Ms. KLOBUCHAR. I was just with a group of seniors this past weekend in Richfield, MN, and they are worried because they hear about these numbers—that by 2017, if we don't do something, Medicare will go in the red. Those seniors are living longer and longer lives, which is a great thing. Hopefully, my mom is watching right now; she is 82 years old. But those who are 65 want to have Medicare when they are 95 years old, and those who are 65 want to make sure Medicare is there for them when they are 90 years old. That is why it is so important to look at this reform and make sure this is working for the seniors.

The doughnut hole, I am so tired of worrying about that problem. These seniors have their health care coverage for their drugs, and then it vanishes and goes down the doughnut hole. One of the great things I like about this health care reform is that it will help them pay for the doughnut hole. I think 50 percent of those costs they will not have to worry about anymore.

Mr. CARDIN. Not only will we be able to help them with the doughnut hole on prescription drugs, we will be able to provide them better health care services with lower copayments and deductibility, and we are providing a stronger system.

Look, I think we all have a common interest. If you are a family that currently has health insurance, if you are a small business owner who is covering your employees, if you are covered under the Medicare system today, you all have an interest in making sure we pass the health insurance reform that is being debated now in the Congress.

For those who have insurance, it will make your coverage more affordable in the future. It will eliminate this hidden tax, and it will enact significant health insurance reforms to protect you against the arbitrary practices of private insurance companies.

If you are a small business owner, it will give you more competition, more reliable premiums without being increased radically on a yearly basis. It will provide competition so that you can get the same benefits a large company can get with larger pools.

If you are in the Medicare system, it takes some of the cost out of Medicare that you are currently subsidizing for people who are uninsured. It firms up our health care system, which is good for Medicare in the future as far as keeping it safe and sound, and it allows us to expand benefits, such as the prescription drug benefit, and get rid of that doughnut hole.

So we are all in this together. But the only option that we cannot afford

to have is the status quo. The letters we have read on the Senate floor from people who are literally being forced out of their current coverage, who are being discriminated against by insurance companies because of preexisting conditions that don't even exist, they are depending upon us to act.

I see the assistant majority leader is here, and I mention that because Senator DURBIN has been one of the real leaders in taking on some of the tough interests in our country—taking on the tobacco companies and dealing with tobacco and children, taking on prescription drugs to make sure we have affordable drugs in America. So I thank him for his leadership because I know he has been one of the real leaders on this issue in the Senate.

I know all of us will do everything we can to help middle-income families. We have worked hard to strengthen Medicare over the years, fought the efforts by those who wanted to privatize Medicare, who wanted to weaken Medicare, and we are committed to making sure that these programs are strengthened, are continued, and that is why we are so passionate about the need for us to take up health insurance reform, for us to make sure we protect middle-income families.

Mr. DURBIN. If the Senator will yield for a question?

Mr. CARDIN. I am glad to yield.

Mr. DURBIN. I thank the Senator from Minnesota, Ms. KLOBUCHAR, and Senator CARDIN from Maryland for their leadership coming to the floor. I have been following the floor all day.

I heard from the other side of the aisle a litany of complaints that they have about health care reform. Leading off in the complaints about health care reform is the number of pages in the bill. The fact is, there is no Senate bill; it is in preparation at this moment. But the Republican side of the aisle, starting with Senator MCCONNELL, the leader, through other Senators, continues to come to the floor and bemoan the fact that this bill may actually reach 2,000 pages in length. I don't know that it will. I don't know that it will not. I don't know that it makes any difference. I don't think people back home really care if this is a short bill or a long bill as long as it is a good bill, as long as it does what needs to be done.

When you get down to the issues we are talking about, we want to make sure the language is precise. If we are going to fight the health insurance companies—and believe me, they are spending a fortune trying to stop us. But if we are going to fight the health insurance companies to make sure people have a fighting chance when they have a health insurance plan not to be canceled when they have a preexisting condition, so they have a health insurance plan that is there when they need it when they get sick, a health insur-

ance plan that has enough money in it to pay for what they need, pay for preventive care, then let's take the time and write the pages that are necessary. Trust me, the attorneys for the insurance companies will be fighting us in court every step of the way as we try to make these changes.

I was listening to the Senator from Maryland and the Senator from Minnesota. I recall a story I learned when I went home about a good friend of mine whose son has been battling cancer for years. He is a bright young man who developed a melanoma and has gone through extensive radiation and chemotherapy and also surgeries. It has been a valiant effort on his part. Two years ago, his oncologist found a drug that made a difference for him. He was cancer free. He was as happy as he has been for a long time because of this drug.

I think you know how this story is going to end. Just 2 months ago, his health insurance company notified him that they would no longer pay for this drug that he needed. His oncologist sent a letter to the insurance company and said: This drug I am using off-label is working for him. It has arrested the spread of his cancer, saved his life, and you need to continue it.

The insurance company said: No, we will no longer pay for this.

The drug costs \$13,000 a month. There is no way this young man and his young family can pay for this. Even if his dad, mom, and all the relatives mortgage their homes, they just can't pay for it.

It shows you how average people who pay premiums all their lives are at the mercy of an insurance company executive or, worse, an insurance company clerk who decides to just say no. That happens every single day.

I have been waiting for the first person on the Republican side of the aisle to stand up and say: We may disagree on a lot of things, but we sure do agree we have to do something about health insurance reform. The way they are treating Americans is unacceptable. But we never hear that from that side of the aisle.

I hope at the end of the day we will be able to come together in a bipartisan way. We all want to. But there may come a point where we cannot. If standing up to the health insurance companies can only be done on this side of the aisle, so be it. Let's gather the votes, and let's do it. But at the end of the day for that family and many in Maryland and Minnesota, that is going to be the test of whether health care reform works. Will the costs start coming down? Will you have a fighting chance with the health insurance company when you really need protection? Will it pay for things that mean something to you, such as maintaining a person on diabetes prevention and wellness? Will it start bringing

more people into the protection of health insurance so, as Senator CARDIN said, we all are not paying for those who show up as charity cases at the hospital? Those are the bottom-line questions.

I thank the Senator for raising this because I think this goes to the heart of this health care debate.

Mr. CARDIN. A little earlier, I read into the record several letters I received from Marylanders. That was a sampling. I received a lot more. But it just points out—a letter from a Marylander who was denied full coverage, not only for himself but his two children, for preexisting conditions that didn't even exist, frankly—they didn't exist—but the insurance company was in a position where they could write a policy the way they wanted to write it, and this person in Maryland had no choice. There was no other insurance company that person could get. There was no competition there. We need to do something about that. We need to make it clear. I agree with the Senator, if it takes 10 pages or 100 pages or 1,000 pages, we have to make it clear that insurance companies cannot do those types of practices against people in this Nation. They cannot underwrite based upon preexisting conditions.

It seems as though insurance companies want to write insurance policies where no one can make claims. We buy insurance to protect us. Insurance needs to be there. That is one of the reasons we eliminate caps. Insurance should be there to give you the coverage when you need it. If that family needs that medicine to keep that child alive, that is why you have insurance. Insurance should cover that. If it takes 1,000 pages, let's make sure we get it right to protect the people in this Nation.

Ms. KLOBUCHAR. If the Senator will yield, I was thinking, as the Senator from Illinois was talking about the number of pages in bills, when we were in the middle of this country's worst economic crisis since the Depression under the Bush administration and people were trying to figure out what to do, if you remember, the administration came forward with a bill that gave nearly \$1 trillion out to banks, and it was something like 25 pages long, if I remember. I think the people in this country said: Hey, wait a minute, this is a major issue; 25 pages or 10 pages or 3 pages or 100 pages is not enough.

We are dealing with an incredibly complicated issue—with insurance companies that have been running this show for so long. The fact that we are going to spend some time on this bill, as the Senator from Illinois has pointed out—and the Senate bill is not even done yet. We are still working on this, we are still bringing through these consumer reforms and that which is going to be good for the people of America.

I really am a little tired of hearing about the number of pages. As I said, I

think there are 3 numbers that matter here: 6, 12 and 24. Mr. President, \$6,000 is what an average family paid 10 years ago—\$6,000. Now an average family pays \$12,000. What are you going to pay 10 years from now? What are you going to pay if nothing is done here—just keep going the way we are going, with the cost, the waste in the system, the Medicare fraud, and all these things that should not be going on? Mr. President, \$24,000 is what the average family is going to pay. We need to start bringing those costs down, and the only way we take on these companies that have been putting in place these rules that say if a baby is 4 months old and happened to weigh 17 pounds, just a little underweight, you can't get insurance, and his family's insurance company—the only way we are going to help by taking them on, and I don't care how many pages it takes.

Mr. CARDIN. I thank my colleagues, Senator KLOBUCHAR from Minnesota, Senator KAUFMAN from Delaware, and Senator DURBIN from Illinois, for their comments and for their passion on this issue. This is an issue we have to get right for middle-income families in America. They are the ones hurting. They are the ones who cannot afford this current system. They are the ones falling further and further behind every year. These are the ones—subject to the discriminatory practices of private insurance companies—we have a responsibility to protect. These are the ones paying the hidden tax for people who do not have health insurance, many of whom can afford health insurance but choose not to get it. It is our responsibility to act on behalf of middle-income families in America to make sure we have the health care system that is affordable and is available to every person in this country.

What we are doing is to bring down the cost of health care, to make sure we have affordable care for every person, every American, and do it in a fiscally responsible way. I urge my colleagues to make sure we take advantage of this opportunity. Let's make sure we get health care reform done, and done as soon as possible.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Mr. President, I rise today to talk about extended unemployment benefits. I just received a call this afternoon from one of my State legislators in Minnesota who represents the Iron Range of Minnesota where my grandpa grew up and worked 1,500 feet underground in the mines in

Ely, MN, never graduated from college, and saved money in a coffee can in the basement of his and my grandma's house to send my dad to college, and my dad and brother also worked in the mines.

It is tough times up in Ely, MN. Things go up and down, up and down in the iron ore business. Right now, they are in a downtime. There are some glimmers of hope out there. Some of the mines have started up again, but there is high unemployment up there, high unemployment in the double digits. That is why this is so important, as America has been trying to really pick itself up and get moving again after this economic crisis.

Someone once said that when Wall Street gets a cold, Main Street gets pneumonia. That is what we are still seeing across this country despite the glimmers of hope we see with the GDP, the good numbers there and some of the other good numbers with house sales going up. There are some positives going on in this country, there is no doubt about that. But there are still so many people looking for jobs. I think for every job out there, there are six unemployed people trying to find that job. I have gotten letters from people saying they have applied for hundreds of jobs, sent in their resumes.

That is why it is so important, while Wall Street is starting to do well again, to make sure we are protecting the people in this country who need their unemployment. In the past 125 days alone, over 185,000 Americans lost their unemployment benefits. Each passing day without an extension, more and more Americans are losing the last lifeline they have to keep their heads above water in this difficult economy.

One of the things I really like about the Senate bill—I see the Senator from Illinois is back. I thank him for his leadership, and Senator REID and Senator SHAHEEN and others who have worked on this issue. The Senate bill doesn't say: OK, only certain States are going to be able to get this extension of unemployment benefits. The Senate bill says what the people of my State say: The unemployment rate in Minnesota might be 7.3 percent right now, but in my house it is 100 percent, and I have been trying to find work over and over again.

I don't know what I would have said to the people of my State if I had to come home and say to them: Look, the people of Wisconsin are going to get their unemployment benefits extended, right across the border there, but the people of Minnesota are not.

We were glad to get Brett Favre from Wisconsin. That was a nice pickup. But it doesn't mean they get unemployment benefits and we don't. That is not a fair trade. So we are very glad the Senate bill takes care of States such as

Minnesota and so many other States such as Montana and others across this country.

I urge the Senate to pass this as quickly as possible in the name of all the people in my State and others who have been looking for work.

I will end with a letter I got from a woman named Barbara, from Mahtomedi, MN. She wrote:

My husband has been looking for a job since March and without unemployment to help us out I don't know what will happen. All of us [our kids] have been looking for steady employment for months. We drive old cars, we bought a house within our means that we have been fixing up slowly for ourselves for the past 22 years. We buy everything used or on sale. Please don't let [the people of our State] get left out in the cold [because it is starting to get cold and we need the unemployment until we find a job.]

I thank you for allowing me a few minutes to talk about this important bill pending before the Senate, and I urge the Senate to quickly adopt our unemployment bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Senator from Minnesota because the story she tells are stories that are told in every State. How will we ever explain to people who are struggling from day to day to feed their families while they look for a job why it took us 26, 27, 28 days to extend unemployment benefits in the Senate? Because, on the other side of the aisle there was objection because Senators had ideas of amendments they wanted to offer.

Well, there are plenty of bills for ideas. This was a bill that was providing necessities of life for a lot of people even in their own States. I am glad that it appears we are finally going to move to it tomorrow, 4 weeks after we started the extension of unemployment benefits.

I do not understand how you can be for family values and not stand up for these families when they are facing the toughest challenges in life.

I thank the Senator from Minnesota for her comments.

I ask unanimous consent that on Wednesday, November 4, following a period of morning business, the Senate resume consideration of H.R. 3548, and all postcloture time be considered expired, all amendments to the substitute and bill be withdrawn, no further amendments be in order, and the substitute amendment be agreed to, and the motion to reconsider be laid upon the table; that the Senate then have general debate until 12:15 p.m., with the time equally controlled between the leaders or their designees, the Senate proceed to vote on the motion to invoke cloture on H.R. 3548; and that if cloture is invoked, the postcloture time be considered to have begun running as if cloture had been invoked at 11:45 p.m., Tuesday, November 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) Without objection, it is so ordered.

REMEMBERING CHARLIE FRIAS

Mr. REID. Mr. President, I rise today to honor Charlie Frias for his positive work in Nevada. For almost five decades Charlie and his wife Phyllis have worked to make Nevada a better place. Whether through their business endeavors or their philanthropy, the Friases have sought to improve their community and make life a little easier for their fellow Nevadans.

Charlie Frias was born in San Antonio, TX, in 1922. As a young man, he worked with his father and grandmother as a delivery boy in the family business. He graduated from Breckenridge High School and then joined the Navy. After being honorably discharged, he returned to San Antonio, TX, and married his wife Phyllis. In 1958, the couple moved to Las Vegas, NV, with little if any resources.

Upon arriving in Las Vegas, Charlie took a job as a taxicab driver with ABC Union Cab Company. He worked diligently for this company that he would come to own by 1962. Charlie quickly acquired three more cab companies and opened the first taxicab service in Mesquite, NV, the Virgin Valley Cab Company. He later went on to further expand into the limousine business by adding Airline Limousine and Las Vegas Limousine to his holdings. At the time of his passing in 2006, Charlie had enjoyed over 40 years of success in the transportation field as well as other business activities.

Mr. Frias's wife, Phyllis, has not played the role of spectator over the years. A constant partner in her husband's entrepreneurial efforts, Phyllis has recently displayed her own business talents through the completion of A Cowboy's Dream Bed and Breakfast in Alamo, NV. I have no doubt that Phyllis' luxury resort will help stimulate Nevada's economy during our period of recovery.

Over the years Charlie and Phyllis did not consign themselves to a profit-driven life. Rather, they have shown a humanitarian spirit and have displayed this by giving back to the people of Clark County and all Nevada. Mr. and Mrs. Frias have sent school bands to participate in events in Washington, DC, purchased buses for Virgin Valley High School, and provided apparel for local high school athletics. One of

Charles and Phyllis Frias' greatest beliefs is for every child to have the opportunity to obtain a quality education. Over the years, the Friases established scholarships and funded other programs for students in the education system, subsequently making it possible for many children to attend college. They established the Phyllis Frias Environmental Studies Scholarship at the University of Nevada, Las Vegas. They have not limited their generosity to education, but have also donated to other cultural and community organizations such as the Mesquite Arts Council, Spring Valley Little League, American Lung Association, Las Vegas Rescue Mission, the Clark County Firefighters Christmas Fund, and many others.

The valiant Mother Teresa once said, "Let us not be satisfied with just giving money. Money is not enough, money can be got, but they need your hearts to love them. So, spread your love everywhere you go." It is safe to say that Charlie and Phyllis Frias have displayed this ideal through their actions. They have devoted their time, energy, love and resources to helping Nevada's kids get a quality education and a better life. For me Charlie Frias stands for the independent spirit of Las Vegas and the west. He is in my Hall of Fame.

I know that A Cowboy's Dream Bed and Breakfast will have a future as bright as the neon Vegas Vic cowboy sign. I salute the Friases for their service to the people of our great State and I wish Phyllis the very best now that Charlie is gone.

HONORING OUR ARMED FORCES

SERGEANT DALE R. GRIFFIN

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of SGT Dale Russel Griffin from Terre Haute, IN. Dale was 29 years old when he lost his life on October 27, from injuries sustained during a roadside bomb attack in Arghandab Valley, Afghanistan. He was a member of the 1st Battalion, 17th Infantry Regiment, 2nd Infantry Division, Fort Lewis WA. Dale was serving as part of operation Enduring Freedom.

Today, I join Dale's family and friends in mourning his death. Dale will forever be remembered as a loving son, and friend to many. Dale is survived by his parents, Dona and Gene, and a host of other friends and relatives.

Prior to entering the service, Dale graduated from Terre Haute South Vigo High School in 1999 where he was an accomplished wrestler gaining All-State recognition. He would later lead the Virginia Military Institute to a fourth place finish in the All-Academy Wrestling Championships in 2000, in which he was named the Tournament's Outstanding Wrestler.

While we struggle to express our sorrow over this loss, we can take pride in the example Dale set as both a soldier and son. Today and always, he will be remembered by family, friends and fellow Hoosiers as a true American hero, and we cherish the legacy of his service and his life.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Dale's heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Dale R. Griffin in the official record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. I pray that Dale's family can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Dale.

TRIBUTE TO JAY FETCHER

Mr. UDALL of Colorado. Mr. President, I want to take this opportunity to recognize a true champion of land protection who also happens to be a member of my staff, Mr. Jay Fetcher.

Jay, who owns a ranch near Steamboat Spring, CO, and who is my northwestern Colorado field director, has been selected by a land preservation group called Colorado Open Lands as the recipient of their 2009 George E. Cramner Award. Every year since 1992, Colorado Open Lands has bestowed this award on someone who has distinguished themselves in open space preservation. According to Colorado Open Lands, recipients of this award are individuals who have gone above and beyond what others have done to preserve and protect open spaces and often achieve these goals through determination and passion for the land. They leave behind a legacy that will be valued and enjoyed for generations. Jay is just such a person, and he is indeed deserving of this prestigious award.

As highlighted in the Colorado Open Lands newsletter announcing this award, Jay's ties to Colorado agriculture and conservation run deep. He grew up on the family ranch, and after receiving a degree in Animal Science

from the University of Wyoming, he returned to his family's ranch to take over the operation. In 1980, he received a master's degree in genetics from Colorado State University.

In 1994, the Fetchers decided that they wanted their land near Steamboat Springs to be a ranch forever and to be able to pass it on to their children. After creating their ranch's conservation easement, Jay went to the board of the Colorado Cattlemen's Association and suggested it start a land trust. The Cattlemen's Association voted to become the first mainstream agricultural organization in the Nation to form a land trust, which was officially incorporated in 1995 as the Colorado Cattlemen's Agricultural Land Trust.

Jay worked diligently for land preservation as a founding member and past president of the Colorado Cattlemen's Agricultural Land Trust. Jay's community service record is also impressive, and includes serving on the boards of the Colorado Water Trust, the Colorado Environmental Coalition, the Steamboat Springs School District and Education Fund, the North Routt Fire Protection District, the Yampa Valley Medical Center, and as a founding member of the Community Agriculture Alliance.

He served on the Governor's Agriculture Land Conversion task force in 1995 and is a member of the Routt County Cattlemen and the Colorado Cattlemen's Association. He also served as a regional representative in northwest Colorado for Senator Ken Salazar.

In 1997, Jay received the American Land Conservation Award, which recognizes outstanding volunteer leadership in land and water conservation. In April 2009, he received the William Funk Award for the Nonprofit Association of Colorado, which honors acknowledged leaders who can unify people and organizations around a common cause.

Over the years, Jay's insight and hard work for the land trust movement and conservation have proven invaluable. Jay has become a trusted resource for those considering conservation easements.

That experience—and his deep roots in the community and his dedication to service—led Jay to twice run for a seat in the Colorado State Legislature. Jay applied the same work ethic—and integrity—to these races as he does to his land preservation work. These were very close races, and his loss has been our gain.

In March of this year, I asked Jay to join my office as field director for the issues and concerns of northwestern Colorado. I had no hesitation offering him the position, as he is a well-known and well-respected community member of this region of Colorado. He had performed similar great service to a former Senator from Colorado—and

now Secretary of the Interior, Ken Salazar. He has been doing an exemplary job working with the communities and citizens in this area on issues regarding water, land, agriculture, outdoor recreation, rural health care and services, and federal public land management. Jay is an expert in all of these areas and has already proven himself as a valued member of my team.

Jay's dedication to the land and the need to keep it productive and preserved was recently highlighted in a book from Colorado's preeminent landscape photographer, John Fielder. The book, called *Ranches of Colorado*, features glorious photographs of many Colorado ranches, including the Fetcher ranch. In the text of the section describing the Fetcher Ranch, former Denver Post reporter and author James Meadow had this to say about Jay when describing the Fetcher ranch family history:

[Jay] fell in love with the land and the cattle and stayed to learn their ways; remaining on the ranch year after year, until the years became decades, and the decades tumbled past a half-century, and there is still no end in sight to [Jay's] love of the land. You can see that love in his eyes [and] you can hear it in his voice. It is a soft voice, a voice that cites Mother Teresa and the intricacies of cattle genetics with the same kind of curiously easygoing gravitas.

This is a short but apt description of Jay—his story and passion for the land he has worked and loved.

I appreciate that Colorado Open Lands has also recognized Jay's great work and am pleased that they are honoring him with this prestigious award. My staff and I want to express our congratulations to Jay for all his great work. We will continue to expect many more great accomplishments from him in the years to come.

ADDITIONAL STATEMENTS

TRIBUTE TO GEORGE CANNELOS

• Mr. BEGICH. Mr. President, I rise today to recognize the leadership George Canellos demonstrated during his 4 years of public service as Federal Cochair of the Denali Commission. From 2005 to 2009, George effectively used his extensive experience in rural Alaska to improve the delivery of affordable, reliable, and sustainable infrastructure to scores of Alaska communities.

With his guidance, the partnership between the Denali Commission and the State of Alaska grew in significant ways and has become the cornerstone of the Commission's success and progress. His advancement of collaborative efforts helped find innovative solutions with a promptness for carrying out the Denali Commission's mission.

In his first year as Cochair, a transportation advisory committee was created, composed of rural Alaska leaders

with broad experience. Its successful implementation made it a useful model for committees to come. In 2007, the Commission opened its first rural office, taking a new approach with a remote site workforce.

George has led the Commission with passion and dedication to using innovative strategies in rural Alaska. For 2 years in a row, the Denali Commission was recognized by the National Association of Development Organizations for innovative program work.

His contributions have moved the Commission forward, leaving a positive outlook for upcoming years. His efforts will continue to do good work and play a critical role in the quality of life and economic development of Alaska's most remote communities.

Mr. President and colleagues, please join me in recognition of his outstanding accomplishments and important work in improving the quality of life, infrastructure, housing, access to health care, and economic opportunity in rural Alaska. We thank him for his service and wish him luck as he begins the next chapter of his life.●

RECOGNIZING GOVERNORS STATE UNIVERSITY

● Mr. BURRIS. Mr. President, 40 years ago, just a few miles south of Chicago, a brand new public university first opened its doors to an incoming class of students. The school was designed to reflect the core values of higher education, but in an innovative, nontraditional way. To bring exceptional undergraduate and graduate-level academics to a diverse student body, and to extend the benefits of a quality education beyond the walls of the college classroom.

This week, as Governors State University observes its 40th anniversary, I am pleased to join the students, alumni, administration, and faculty in celebrating the continued success of their fine public institution.

Since its inception, the Governors State community has grown and developed into an educational and cultural center of Illinois. And even as the university looks back with pride on the last 40 years, they recognize that the best way to celebrate their past is by looking to the future.

I would like to commend Governors State University for its indelible contributions to the quality of higher education in Illinois, and its continuing leadership in this field. Their evolving vision continues to inspire thousands to enroll every year. Their commitment to excellence has touched the lives of generations of students.

And with the recent creation of a doctoral program in physical therapy, Governors State continues to expand its reach and broaden its horizons.

I am proud to join Governors State University in celebrating its first 40

years as a bastion of the Illinois educational community. And I have no doubt that as we look ahead to the next 40 years, this fine institution will continue to lead the way.●

REMEMBERING SILVIANO ROMERO

● Mr. UDALL of New Mexico. Mr. President, it is with great sorrow that today I pay tribute to one of the finest men Northern New Mexico has ever known, Silviano Romero, or "Silver," as he was known to all who knew and loved him.

On Sunday, October 25, 2009, Silver passed away, 1 month shy of his 90th birthday, in the small Northern New Mexico town of Embudo where he was born on November 27, 1919. But for his service to our Nation in the Pacific Theater and Philippines during World War II, Embudo is where Silver lived his entire life with his extraordinary and beautiful wife and best friend of 67 years, Mary B. Romero, of Dixon. Together, after Silver returned from military service, they built the house in Embudo on County Road 0062 where their three sons, Alfonso, David, and Richard, grew up and where Silver lived and worked until his passing last week.

Silver was a pillar of his community. He was a man dedicated to others—to his family, his community, his country, and his God. Like so many others of his noble generation, he served his country in the military and continued to serve his community upon his return home. Not only did Silver work for Los Alamos County, the Española School District, and as the Rio Arriba County clerk, but he was also actively involved as a county school board member, a Jemez co-op board member, a member of the East Rio Arriba Soil and Water Conservation District, and a lifelong active member of the Rio Arriba Democratic Party.

Yes, Silver was a pillar of the extended Embudo community, and he was something of an institution in Rio Arriba County. But it was on County Road 0062, at La Junta, and the confluence of the Rio Embudo and Rio Grande, that one could see and feel Silver's love for the people and world around him. The cats, dogs, and horses who came under Silver's care knew full well the enormity of Silver's heart. And one need look no further than see the joy on Silver's face as he drove his four-wheeler down the road to inspect what may or may not be a rattlesnake, wind whipping through his appropriately silver-colored hair, to understand his appreciation and love for life.

That Silver lived at the confluence of the little-known Rio Embudo and the Rio Grande, one of the largest rivers in the United States, is appropriate. The Rio Grande stretches almost 2,000 miles, providing water and sustenance to parts of this country where no one

has heard of the little Rio Embudo. Yet without it, and other tributaries along the way, the Rio Grande would likely not be the force it is.

So, too, does a life like Silver's contribute to the world around him. Those of us who knew him and knew of his commitment to his community understand the contributions he made and the ways in which it improved the lives of many beyond Embudo, Rio Arriba County, and even New Mexico. But a life lived as Silver lived his touches even those who never had the honor and pleasure of knowing him. Quite simply, the world was a much better, kinder place with Silver in it.

While we are profoundly saddened by the passing of this humble yet extraordinary man, we can take great solace in the fact that he is survived by many deeply touched by him: his wife Mary; his brothers, Tom and Uvaldo Romero; his sister, Julia Montoya; his sons, Alfonso, David, and Richard; his grandchildren, Ann Williams, Amy Shelly, Dee Romero, David Romero, Jason Romero, Ryan Romero, Richard Romero, Jr., and Marquita Romero; his great-grandchildren, Taylor, Tyrell, Ashton, Saren, Katherine, Emma, Isla, Noah Silviano, Juan Diego, and Mark.

The spirit of Silviano "Silver" Romero lives on in all of them and will forever live in the Dixon and Embudo Valley, Rio Arriba County, and in all of the great State of New Mexico.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:36 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 174. An act to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the southern Colorado region.

H.R. 1168. An act to amend chapter 42 of title 38, United States Code, to provide certain veterans with employment training assistance.

The message also announced that the House has passed the following bill, without amendment:

S. 509. An act to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes.

ENROLLED BILLS SIGNED

At 6:05 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 475. An act to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 509. An act to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 174. An act to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the southern Colorado region; to the Committee on Veterans' Affairs.

H.R. 1168. An act to amend chapter 42 of title 38, United States Code, to provide certain veterans with employment training assistance; to the Committee on Veterans' Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-3533. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Tomatoes From Souss-Massa-Draa, Morocco" (Docket No. APHIS-2008-0017) received in the Office of the President of the Senate on November 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3534. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Amendments to Mushroom Promotion, Research, and Consumer Information Order" (Docket No. AMS-FV-08-0047; FV-08-702-FR) received in the Office of the President of the Senate on November 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3535. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in South Texas; Change in Regulatory Period" (Docket No. AMS-FV-9-0012; FV09-959-1 FIR) received in the Office of the President of the Senate on November 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3536. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines and Tan-

gelos Grown in Florida and Imported Grapefruit; Relaxation of Size Requirements for Grapefruit" (Docket No. AMS-FV-09-0002; FV09-905-1 FIR) received in the Office of the President of the Senate on November 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3537. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Almonds Grown in California; Revision of Outgoing Quality Control Requirements" (Docket No. AMS-FV-08-0045; FV08-981-2 FIR) received in the Office of the President of the Senate on November 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3538. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cotton Research and Promotion Program: Referendum Procedures" (Docket No. AMS-CN-09-0027; CN-08-003) received in the Office of the President of the Senate on November 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3539. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pears Grown in Oregon and Washington; Increased Assessment Rate" (Docket No. AMS-FV-09-0037; FV09-927-1 FR) received in the Office of the President of the Senate on November 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3540. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh Prunes Grown in Designated Counties in Washington and in Umatilla County, OR; Increased Assessment Rate" (Docket No. AMS-FV-09-0040; FV09-924-1 FR) received in the Office of the President of the Senate on November 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3541. A communication from the Administrator, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California: Decreased Assessment Rates" (Docket No. AMS-FV-09-0013; FV09-916/917-2 IFR) received in the Office of the President of the Senate on November 2, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3542. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the House Armed Services Committee Report 111-166, accompanying the National Defense Authorization Act for Fiscal Year 2010 (HR 2647); to the Committee on Armed Services.

EC-3543. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Spain; to the Committee on Banking, Housing, and Urban Affairs.

EC-3544. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Papua New Guinea; to the Committee on Banking, Housing, and Urban Affairs.

EC-3545. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a re-

port relative to transactions involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC-3546. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Chile; to the Committee on Banking, Housing, and Urban Affairs.

EC-3547. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Fair Credit Reporting Affiliate Marketing Regulations; Identity Theft Red Flags and Address Discrepancies Under the Fair and Accurate Credit Transactions Act of 2003" (RIN3084-AA94) received in the Office of the President of the Senate on October 29, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-3548. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Foreign Repairs to American Vessels" (RIN1505-AB71) received in the Office of the President of the Senate on October 19, 2009; to the Committee on Finance.

EC-3549. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Changes to the Hospital Outpatient Prospective Payment System and Calendar Year 2010 Payment Rates; Changes to the Ambulatory Surgical Center Payment System and Calendar Year 2010 Payment Rates" (RIN0938-AP41) received in the Office of the President of the Senate on November 2, 2009; to the Committee on Finance.

EC-3550. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for Calendar Year 2010" (RIN0938-AP40) received in the Office of the President of the Senate on November 2, 2009; to the Committee on Finance.

EC-3551. A communication from the Office Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program: Home Health Prospective Payment System Rate Update for Calendar Year 2010" (RIN0938-AP55) received in the Office of the President of the Senate on November 2, 2009; to the Committee on Finance.

EC-3552. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009-0126-2009-0161 and 2009-0179-2009-0197); to the Committee on Foreign Relations.

EC-3553. A communication from the Office Manager, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Examination of Aliens—Removal of Human Immunodeficiency Virus (HIV) Infection from Definition of Communicable Disease of Public Health Significance" (RIN0920-AA26) received in the Office of the President of the

Senate on November 2, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-3554. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Inspector General's Semiannual Report for the six-month period ending September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-3555. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, "Report to Congress on the Social and Economic Conditions of Native Americans: Fiscal Years 2003 and 2004"; to the Committee on Indian Affairs.

EC-3556. A communication from the Deputy Assistant Administrator of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Placement of Fospropofol into Schedule IV" (Docket Number DEA-327F) received in the Office of the President of the Senate on November 2, 2009; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BARRASSO (for himself and Mr. ENZI):

S. 2722. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of adding the Heart Mountain Relocation Center, in the State of Wyoming, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. 2723. A bill to amend the Internal Revenue Code of 1986 to provide a special depreciation allowance and recovery period for noncommercial aircraft property; to the Committee on Finance.

By Mr. REID (for himself, Mrs. FEINSTEIN, Mr. ENSIGN, and Mrs. BOXER):

S. 2724. A bill to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself, Mr. HATCH, Mr. LEAHY, and Mr. GRAHAM):

S. 2725. A bill to provide for fairness for the Federal judiciary; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. FRANKEN, his name was added as a cosponsor of S. 146, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 535

At the request of Mr. NELSON of Florida, the name of the Senator from Mis-

souri (Mrs. MCCASKILL) was added as a cosponsor of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 796

At the request of Mr. BINGAMAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 796, a bill to modify the requirements applicable to locatable minerals on public domain land, and for other purposes.

S. 797

At the request of Mr. DORGAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 797, a bill to amend the Indian Law Enforcement Reform Act, the Indian Tribal Justice Act, the Indian Tribal Justice Technical and Legal Assistance Act of 2000, and the Omnibus Crime Control and Safe Streets Act of 1968 to improve the prosecution of, and response to, crimes in Indian country, and for other purposes.

S. 1129

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1129, a bill to authorize the Secretary of Education to award grants to local educational agencies to improve college enrollment.

S. 1158

At the request of Ms. STABENOW, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1158, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 1183

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1183, a bill to authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990, and for other purposes.

S. 1222

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1222, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1723

At the request of Mr. CORKER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1723, a bill to authorize the Secretary

of the Treasury to delegate management authority over troubled assets purchased under the Troubled Asset Relief Program, to require the establishment of a trust to manage assets of certain designated TARP recipients, and for other purposes.

S. 1760

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1760, a bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes.

S. 1771

At the request of Mr. CASEY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1771, a bill to authorize the Secretary of Health and Human Services to establish a program of grants to newly accredited allopathic medical schools for the purpose of increasing the supply of physicians.

S. 1783

At the request of Mr. FRANKEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1783, a bill to amend the Agricultural Marketing Act of 1946 to provide for country of origin labeling for dairy products.

S. 1789

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 1789, a bill to restore fairness to Federal cocaine sentencing.

S. 1790

At the request of Mr. DORGAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1790, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act, and for other purposes.

S. 1803

At the request of Mr. MERKLEY, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1803, a bill to amend title 31, United States Code, to authorize reviews by the Comptroller General of the United States of emergency credit facilities established by the Board of Governors of the Federal Reserve System or any Federal Reserve bank, and for other purposes.

S. 1822

At the request of Mr. MERKLEY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1822, a bill to amend the Emergency Economic Stabilization Act of 2008, with respect to considerations of the Secretary of the Treasury in providing assistance under that Act, and for other purposes.

S. 1833

At the request of Mr. UDALL of Colorado, the name of the Senator from Missouri (Mrs. MCCASKILL) was added

as a cosponsor of S. 1833, a bill to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes.

S. 1857

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1857, a bill to establish national centers of excellence for the treatment of depressive and bipolar disorders.

S. 1867

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1867, a bill to extend the temporary suspension of duty on phenyl isocyanate.

S. 1868

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1868, a bill to renew the temporary suspension of duty on hydroxylamine.

S. 1869

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1869, a bill to extend temporarily the suspension of duty on mixed xylenes.

S. 1870

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1870, a bill to extend the temporary suspension of duty on trichlorobenzene.

S. 1871

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1871, a bill to extend the temporary suspension of duty on methanol, sodium salt.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1872, a bill to extend the temporary suspension of duty on 2-Phenylphenol.

S. 1873

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1873, a bill to extend the temporary suspension of duty on 2, 3-Dichloronitrobenzene.

S. 1875

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1875, a bill to extend the temporary suspension of duty on Orgasol.

S. 1876

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a co-

sponsor of S. 1876, a bill to suspend temporarily the duty on 11-Aminoundecanoic acid.

S. 1877

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1877, a bill to suspend temporarily the duty on dry adhesive copolyamide pellets.

S. 1878

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1878, a bill to extend and amend the temporary duty suspension on certain thin fiberglass sheets.

S. 1879

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1879, a bill to clarify the tariff classification of certain fiberboard core and laminate boards and panels, and for other purposes.

S. 1880

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1880, a bill to extend the temporary suspension of duty on Chlorotoluene.

S. 1881

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1881, a bill to extend the temporary suspension of duty on bayderm bottom DLV-N.

S. 1882

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1882, a bill to extend the temporary suspension of duty on certain ethylene-vinyl acetate copolymers.

S. 1883

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1883, a bill to extend and modify the temporary suspension of duty on iminodisuccinate.

S. 1884

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1884, a bill to suspend temporarily the duty on MDA50.

S. 1885

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1885, a bill to suspend temporarily the duty on certain air pressure distillation columns.

S. 1886

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1886, a bill to suspend temporarily the duty on Epilink 701.

S. 1887

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1887, a bill to suspend temporarily the duty on Nourybond 276 Modifier.

S. 1888

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1888, a bill to extend the temporary suspension of duty on 2-ethylhexyl 4-methoxycinnamate.

S. 1889

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1889, a bill to extend the temporary suspension of duty on glass bulbs, designed for sprinkler systems and other release devices.

S. 1890

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1890, a bill to suspend temporarily the duty on manganese flake containing at least 99.5 percent by weight of manganese.

S. 1891

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1891, a bill to suspend temporarily the duty on standard grade ferroniobium.

S. 1892

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1892, a bill to suspend temporarily the duty on methyl sulfonic acid.

S. 1894

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1894, a bill to suspend temporarily the duty on N-Benzyl-N-ethylaniline.

S. 1895

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1895, a bill to suspend temporarily the duty on p-Dodecyl aniline.

S. 1896

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1896, a bill to suspend temporarily the duty on stainless steel single-piece exhaust gas manifolds.

S. 1953

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1953, a bill to suspend temporarily the duty on p-toluidine.

S. 1954

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1954, a bill to suspend temporarily the duty on p-nitrotoluene.

S. 1955

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1955, a bill to suspend temporarily the duty on acrylic resin solution.

S. 1956

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1956, a bill to suspend temporarily the duty on Benzenamine, 4 Dodecyl.

S. 1958

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1958, a bill to suspend temporarily the duty on medium molecular weight solid epoxy resin.

S. 1979

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1979, a bill to suspend temporarily the duty on certain fiberglass sheets used to make ceiling tiles.

S. 1980

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1980, a bill to suspend temporarily the duty on certain fiberglass sheets used to make flooring substrate.

S. 2052

At the request of Mr. UDALL of Colorado, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2052, a bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out a research and development and demonstration program to reduce manufacturing and construction costs relating to nuclear reactors, and for other purposes.

S. 2076

At the request of Mr. CASEY, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2076, a bill to suspend temporarily the duty on titanium dioxide.

S. RES. 210

At the request of Mrs. LINCOLN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Connecticut (Mr. DODD) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. Res. 210, a resolution designating the week beginning on November 9, 2009, as National School Psychology Week.

AMENDMENT NO. 2712

At the request of Mr. BAUCUS, the name of the Senator from Florida (Mr.

NELSON) was added as a cosponsor of amendment No. 2712 proposed to H.R. 3548, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

At the request of Mr. WYDEN, his name was added as a cosponsor of amendment No. 2712 proposed to H.R. 3548, *supra*.

AMENDMENT NO. 2723

At the request of Mr. ENZI, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2723 intended to be proposed to H.R. 3548, a bill to amend the Supplemental Appropriations Act, 2008 to provide for the temporary availability of certain additional emergency unemployment compensation, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BARRASSO (for himself and Mr. ENZI):

S. 2722. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of adding the Heart Mountain Relocation Center, in the State of Wyoming, as a unit of the National Park System; to the Committee on Energy and Natural Resources.

Mr. BARRASSO. Mr. President, I join Senator ENZI today to introduce the Heart Mountain Relocation Center Study Act. This legislation will authorize the National Park Service to conduct a special resource study of the site of Heart Mountain Relocation Center near Powell, Wyoming. The site is an important part of our national history and of the history of our communities in western Wyoming.

This legislation is truly a credit to the individuals, local communities, and grassroots organizations supporting recognition of the Heart Mountain site. Many of these individuals readily share their experience of the years between 1942 and 1945, when Japanese American families from the West Coast were forcibly moved to Park County, Wyoming, and interned at the site near Heart Mountain. During those years, the Heart Mountain site was the third-largest community in Wyoming, housing nearly 11,000 Japanese Americans. The experience during those years shaped internees and local residents alike. It represents an important chapter in American history.

The legislation introduced today will authorize study of the Heart Mountain site and its significance to the mission of the National Park Service. The study will involve participation by the public and evaluate options for future management of the Heart Mountain site.

I want to thank the Heart Mountain Wyoming Foundation, along with other

supporting organizations, for championing this cause. It is because of their efforts that this important historical site has been preserved and presented to the public.

The internment of Japanese Americans during World War II is a part of America's history. The special resource study of Heart Mountain Relocation Center will lay groundwork for protecting this history for future generations. I urge Senators to support the Heart Mountain Relocation Center Study Act.

Mr. ENZI. Mr. President, I rise today to discuss the importance of preserving the Heart Mountain World War II Internment Camp in Powell, Wyoming. My good friend and colleague Senator JOHN BARRASSO and I are introducing a bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of adding the Heart Mountain Relocation Center as a unit of the National Park System.

Heart Mountain, WY, was 1 of 10 relocation centers created during World War II to house Japanese and Japanese-Americans who were forcibly relocated inland from the west coast. The current site contains the most existing structures of any site in the country. To memorialize this history, the Heart Mountain, Wyoming Foundation is working to develop a Learning Center on the site of the Internment Camp. The Foundation is a well-established and creditable organization serving 2,800 on its mailing list, with notable Board and Advisory Board members including former Senator Alan Simpson and former U.S. Department of Commerce and U.S. Department of Transportation Secretary Norman Mineta. Senator Simpson and Secretary Mineta first met as Boy Scouts when Senator Simpson's Cody, WY, Scout Troop visited Secretary Mineta's troop while he was interned as a young man in the Heart Mountain camp. They developed a bond that would last for decades and eventually served in Congress together.

Private and public entities alike strongly believe that Heart Mountain, WY, should be preserved for future generations. I, too, believe preservation of one of our country's landmarks from World War II should be saved so our children and grandchildren have another tool to learn about our country's history.

In 2000, I secured Federal funding from the Economic Development Initiative Grant Program, EDI, under the U.S. Department of Housing and Urban Development for the Heart Mountain, Wyoming Foundation. The foundation used this funding to acquire land and conduct environmental assessment of the land in order to build an interactive learning facility at Heart Mountain's World War II Internment Camp in Powell, WY. The facility educates tourists and Wyomingites about the

camp's history and effects on the Japanese American population. In the past 9 years, private individuals, non-profit organizations, and the Federal Government have issued additional dollars to the Heart Mountain, Wyoming Foundation in order to achieve its goal of preserving the land, remaining structures, and building the Learning Center.

The next step in this journey is the bill Senator BARRASSO and I are introducing today. The bill would authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of adding the Heart Mountain Relocation Center as a unit of the National Park System. When conducting the study, the Secretary of the Interior will be looking at various factors including, but not limited to, evaluating the national significance of Heart Mountain, WY; identifying the cost estimates for any Federal acquisition, development, operation and maintenance of the area; and identifying any potential impacts of designation of site as a unit of the National Park System on private landowners. Once funds are made available for the study, the Secretary of the Interior has 3 years to study the issue and issue a report about next steps to the appropriate House and Senate committees of jurisdiction.

Simply because we are introducing this legislation does not guarantee that Heart Mountain will become a part of the National Park System. The bill we are introducing will allow the Secretary to study that question and to make a recommendation based on the merits of Heart Mountain and how it would fit within the entire National Park System.

Heart Mountain Camp internees want to leave a legacy of learning through this Center to future generations such that abridgements of freedoms and lack of ethnic understanding not occur again in this great country. Preserving the land and structures and building the Learning Center will do just that. This bill is the next step forward in making their dream a reality.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. 2723. A bill to amend the Internal Revenue Code of 1986 to provide a special depreciation allowance and recovery period for noncommercial aircraft property; to the Committee on Finance.

Mr. BROWNBACK. Mr. President, Today I introduce an important piece of legislation that would provide a real boost to our economy at little, if any, expense to taxpayers. The bill I introduce would offer bonus depreciation on the purchase of noncommercial general aviation aircraft in 2010 or 2011.

America is the world leader in general aviation manufacturing, a sector in which we truly have no peer. General aviation is an essential and crit-

ical part of our Nation's transportation infrastructure for many individuals and businesses, for whom time is of the absolute essence. Further, general aviation is a vital component of our economy, supporting over 1.2 million jobs and providing \$150 billion in economic activity. It is one of the few remaining American manufacturing industries that still provide a significant trade surplus for the U.S., generating over \$5.9 billion in exports of domestically manufactured planes in 2008 alone.

However, this sector is particularly susceptible to economic downturns. Many individuals and companies will delay or even cancel the purchase of an aircraft in a bad economy even though they may have a present need for a new aircraft.

We see this reflected in our general aviation sector where during the first half of 2009, we witnessed declines of 58 percent in piston engine aircraft sales; 37 percent in jet engine aircraft sales; and 13 percent in turboprop aircraft sales. At the same time, use of business jets has declined 12 percent over the past year, and the number of used aircraft on the global market stands at a historic high.

Cumulatively, general aviation companies have had to lay off 19,000 American workers, and this includes 11,500 alone in Wichita, KS. Over the past year, total employment of general aviation companies has declined by almost 14 percent. This is even more alarming when you consider that the U.S. Department of Labor aerospace workforce multiplier is three. For every general aviation worker on an aircraft, there are three jobs outside the immediate company that are created, whether manufacturing, engineering, supply or support. So, for this many general aviation workers to have been laid-off has much further reaching consequences in terms of the number of people and families that are adversely impacted.

The legislation that I propose today is a proven approach to spur general aviation aircraft orders with minimal affect on the Federal budget. My approach to this issue is an approach that has resulted in real jobs. During the 2003-2004 economic downturn, I worked to have general aviation bonus depreciation included in legislation that emerged from the Senate Finance Committee. That provision is credited with spurring over \$2 billion in new general aviation aircraft sales, and it is credited with saving or sustaining thousands of jobs. Also, another consideration that makes this approach a real no-brainer is that, in the past, the Joint Tax Committee reported the provision to have a negligible impact on Federal tax revenues over the 10-year budget window. This is because, while tax revenue is reduced in the near-term, revenues rebound to higher levels

in the second half of the 10-year window as no depreciation is being taken in the later years of the period.

Acting on this proposal now is important. The Blue Chip Economic Indicators consensus forecast expect unemployment to rise above 10 percent and to remain above the 3rd quarter 2009 level of 9.6 percent at least through the end of 2010, so we are looking at uncertain economic growth and high unemployment for several more quarters. A proposal like the one that I am putting forward is likely to encourage individuals and businesses to go ahead and act now on placing orders rather than waiting. For the Congress to act on this bonus depreciation legislation now would have a positive effect on getting our economic engines moving again and can play a part in helping facilitate a broader economic recovery, as it would hopefully again help to save and sustain jobs as well as returning jobs to those who have lost them as a result of the recession.

By Mr. REID (for himself, Mrs. FEINSTEIN, Mr. ENSIGN, and Mrs. BOXER):

S. 2724. A bill to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, I rise today with my good friends, Senator FEINSTEIN, Senator ENSIGN, and Senator BOXER to introduce the Lake Tahoe Restoration Act of 2009.

Representatives HELLER, TITUS, BERKLEY and others will be introducing an identical version of this legislation in the House of Representatives today, and I urge both bodies to act swiftly on this important legislation.

Lake Tahoe is a place of incredible beauty. The clear blue waters of the lake, surrounded by forested slopes and snow-capped peaks is a sight that can stir the soul. When Mark Twain first saw Lake Tahoe in 1861, he described it as "a noble sheet of blue water lifted six thousand three hundred feet above the level of the sea, and walled in by a rim of snow-clad mountain peaks that towered aloft full three thousand feet higher still!" He went on to proclaim the view in front of him as surely "the fairest picture the whole earth affords." I could not agree more.

But the Lake Tahoe Basin faces some great challenges. The famed clarity of the lake declined by over a third during the last 50 years; it is estimated that 25 percent of the trees in the basin are dead or dying; the Lahontan cutthroat trout that once grew to 40 pounds or more in Lake Tahoe are no longer present; and many of the basin's natural marshes and wetlands have been altered or drained.

It became clear to me in the 1990s that a major commitment was needed to turn things around for the health

and future of Lake Tahoe and the Lake Tahoe Basin. In 1996, I called then-President Clinton and Vice President Gore and asked if they would come to Lake Tahoe with me so that they could see both the incredible beauty of the place and many threats facing this rare jewel. When we convened in July 1997, the President and Vice President brought four cabinet secretaries with them and we had a serious multi-day session on the future of Lake Tahoe. President Clinton promised to make Lake Tahoe a priority—for the people of Nevada, for the people of California and for the whole country. An executive order and the subsequent Lake Tahoe Restoration Act of 2000 underscored that commitment.

It would have been difficult to imagine at that first summit how much progress we would be able to make in 12 years. The clarity of the lake now appears to have stabilized, thousands of acres of forest lands have been restored, roads and highways across the basin have been improved to limit runoff, and the natural function of many miles of stream zones and riparian areas has been restored. But there is a great deal yet to be done. We offer this legislation as the next step.

The Lake Tahoe Restoration Act of 2009 focuses Federal attention on the areas where we can be most effective and it builds on the lessons we have learned since 1997. The basic summary of the bill is that it authorizes \$415 million over 8 years to improve water clarity, reduce the threat of fire, and restore the environment. But I would like to take a few minutes to explain some of the components in greater depth.

It would be impossible to make real progress in the Lake Tahoe Basin without working hand-in-hand with the Forest Service, which manages 75 percent of the land in the area. With that in mind, we call on the Forest Service to support the thresholds put forth by the Tahoe Regional Planning Agency, we provide encouragement and funding to work on the restoration of stream environment zones, and we withdraw all Forest Service in the Basin lands from mineral entry in order to minimize soil disturbance. The Forest Service is also granted increased flexibility to exchange land with the states of Nevada and California which will allow for more cost-efficient management of the over 8,000 publicly owned urban parcels spread throughout the Basin. Currently, the Forest Service owns over 3,280 of these urban parcels and there are questions about whether it is in the public interest for the Forest Service to manage these urban lands or whether it would be better to pass them to other responsible entities that could provide more efficient management. We have asked the Forest Service to report to Congress on their plans for improving this part of their pro-

gram, including any suggestions for how Congress might be able to help. Along with these new authorities and direction for forest management, the bill authorizes \$136 million to reduce the threat of wildfire. This includes work on Forest Service lands as well as work done by local fire agencies. Local communities and fire districts that receive grants from this generous program will provide a 25 percent cash match.

The Environmental Improvement Plan, EIP, another key part of restoration efforts in the basin. The EIP is a list, prepared by Lake Tahoe stakeholders, of projects that are designed to improve water quality, forest health, air quality and fish and wildlife habitat around Lake Tahoe. As part of this bill we authorize \$136 million for Federal funding to support EIP projects. We also call on stakeholders in the basin to carefully rank the projects in the EIP, using the best available science, in order to give everyone involved an understanding of the long-term priorities and goals of the program. Through this ranking, when state, local, or private funds become available, the stakeholders and government agencies can move immediately to fund and implement the projects that are most vital and in keeping with the long-range vision for environmental restoration in the basin.

Another important authorization in the bill is \$72 million for stormwater management and watershed restoration projects which have been determined to be among the most effective ways to improve water clarity. These are projects designed to reduce the inflow of very fine sediment into the lake through improvement of urban stormwater systems or the restoration of natural watershed functions in the basin's streams and marsh areas.

The legislation also takes great strides in protecting Lake Tahoe from dangerous invasive species like quagga and zebra mussels. The damage that would be inflicted at Lake Tahoe by a quagga or zebra mussel infestation has been estimated to be in the tens of millions of dollars annually. These organisms destroy native ecosystems. Their rampant reproduction upsets food chains and drives other species out of existence. Dense accumulation of shells damages infrastructure, clogs water pipes and fouls boats and motors. As has been experienced in other parts of our country, these invasive species can leave boulders and beaches covered in an unsightly, foul-smelling, crust of sharp fingernail-sized shells. In order to protect Lake Tahoe from this horrible fate, our bill would provide \$20 million for watercraft inspections and removal of existing invasive species from Lake Tahoe. Further, we prohibit watercraft that have had contact with quagga or zebra mussel-infested waters from entering waterbodies in the Lake

Tahoe Basin. All other watercraft must submit to inspection and decontamination prior to launch in order to prevent the introduction of these harmful species. Watercraft can be exempted from decontamination if they have not launched elsewhere since last being in Lake Tahoe.

Of special importance to me, this legislation authorizes \$20 million to help implement the full-scale recovery of the Lahontan cutthroat trout. This iconic fish was highly sought by anglers for generations, and was the top predator in the lake's ecosystem. Populations started to decline when widespread logging and pulp operations came to the Tahoe Basin, damaging crucial spawning areas. This, combined with serious overfishing, led to a sharp decline in population levels. To make matters worse, a number of non-native fish were introduced into Lake Tahoe and began to prey upon the remaining juvenile cutthroats.

We have since made great progress in cleaning up the Basin's streams and restoring lost habitat, but we will need to take additional steps to bring this great fish back to Lake Tahoe. The funding authorized by this legislation will make these steps possible. I would also like to note, that the Fish and Wildlife Service has made great progress in bringing Lahontan cutthroat trout back to Fallen Leaf Lake, in the Tahoe Basin. I have faith that they can work similar wonders in Lake Tahoe.

Another piece of this bill that we have put a lot of time and thought into is the science program. A solid understanding of how our restoration efforts are working, and how natural physical and biological processes affect the lake is critical to ensuring continued progress in restoring the health of the basin. The legislation authorizes \$30 million for scientific programs and research that will produce information on long-term trends in the basin and provide the basis for selection of the most effective projects. To help coordinate efforts, all projects funded by this legislation will have monitoring and assessment built into their project design so that we can better understand their contributions to restoration in the basin.

A great deal of work has gone into this bill, and I am grateful for the help and assistance that my colleagues and their staffs have provided. Senator FEINSTEIN and her staff deserve special praise for their diligent efforts. I also sincerely appreciate the time and attention of the many people in Nevada and California who have provided crucial input along the way.

Anyone who has been to Lake Tahoe knows that is it not just uniquely beautiful but that it is also worth fighting to protect. It is my sincere hope that my grandchildren will see the day when the Lake's clarity is restored to 100 feet or more, when

Tahoe's giant native trout are once again plentiful, and when nearby forests are diverse and healthy. Mark Twain saw something amazing when he crested into the Lake Tahoe Basin. We owe it to ourselves and to subsequent generations to restore as much of that splendor as we can. This bill is the next step in that journey.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lake Tahoe Restoration Act of 2009".

SEC. 2. FINDINGS AND PURPOSES.

The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 2 and inserting the following:

"SEC. 2. FINDINGS AND PURPOSES.

"(a) FINDINGS.—Congress finds that—

"(1) Lake Tahoe—

"(A) is 1 of the largest, deepest, and clearest lakes in the world;

"(B) has a cobalt blue color, a biologically diverse alpine setting, and remarkable water clarity; and

"(C) is recognized nationally and worldwide as a natural resource of special significance;

"(2) in addition to being a scenic and ecological treasure, the Lake Tahoe Basin is 1 of the outstanding recreational resources of the United States, which—

"(A) offers skiing, water sports, biking, camping, and hiking to millions of visitors each year; and

"(B) contributes significantly to the economies of California, Nevada, and the United States;

"(3) the economy in the Lake Tahoe Basin is dependent on the protection and restoration of the natural beauty and recreation opportunities in the area;

"(4) the Lake Tahoe Basin continues to be threatened by the impacts of land use and transportation patterns developed in the last century that damage the fragile watershed of the Basin;

"(5) the water clarity of Lake Tahoe declined from a visibility level of 105 feet in 1967 to only 70 feet in 2008;

"(6) the rate of decline in water clarity of Lake Tahoe has decreased in recent years;

"(7) a stable water clarity level for Lake Tahoe could be achieved through feasible control measures for very fine sediment particles and nutrients;

"(8) fine sediments that cloud Lake Tahoe, and key nutrients such as phosphorus and nitrogen that support the growth of algae and invasive plants, continue to flow into the Lake from stormwater runoff from developed areas, roads, turf, other disturbed land, and streams;

"(9) the destruction and alteration of wetland, wet meadows, and stream zone habitat have compromised the natural capacity of the watershed to filter sediment, nutrients, and pollutants before reaching Lake Tahoe;

"(10) approximately 25 percent of the trees in the Lake Tahoe Basin are either dead or dying;

"(11) forests in the Tahoe Basin suffer from over a century of fire suppression and periodic drought, which have resulted in—

"(A) high tree density and mortality;

"(B) the loss of biological diversity; and

"(C) a large quantity of combustible forest fuels, which significantly increases the threat of catastrophic fire and insect infestation;

"(12) the establishment of several aquatic and terrestrial invasive species (including bass, milfoil, and Asian clam) threatens the ecosystem of the Lake Tahoe Basin;

"(13) there is an ongoing threat to the Lake Tahoe Basin of the introduction and establishment of other invasive species (such as the zebra mussel, New Zealand mud snail, and quagga mussel);

"(14) the report prepared by the University of California, Davis, entitled the 'State of the Lake Report', found that conditions in the Lake Tahoe Basin had changed, including—

"(A) the average surface water temperature of Lake Tahoe has risen by more than 1.5 degrees Fahrenheit in the past 37 years; and

"(B) since 1910, the percent of precipitation that has fallen as snow in the Lake Tahoe Basin decreased from 52 percent to 34 percent;

"(15) 75 percent of the land in the Lake Tahoe Basin is owned by the Federal Government, which makes it a Federal responsibility to restore environmental health to the Basin;

"(16) the Federal Government has a long history of environmental preservation at Lake Tahoe, including—

"(A) congressional consent to the establishment of the Tahoe Regional Planning Agency with—

"(i) the enactment in 1969 of Public Law 91-148 (83 Stat. 360); and

"(ii) the enactment in 1980 of Public Law 96-551 (94 Stat. 3233);

"(B) the establishment of the Lake Tahoe Basin Management Unit in 1973;

"(C) the enactment of Public Law 96-586 (94 Stat. 3381) in 1980 to provide for the acquisition of environmentally sensitive land and erosion control grants in the Lake Tahoe Basin;

"(D) the enactment of sections 341 and 342 of the Department of the Interior and Related Agencies Appropriations Act, 2004 (Public Law 108-108; 117 Stat. 1317), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2346) to provide payments for the environmental restoration projects under this Act; and

"(E) the enactment of section 382 of the Tax Relief and Health Care Act of 2006 (Public Law 109-432; 120 Stat. 3045), which amended the Southern Nevada Public Land Management Act of 1998 (Public Law 105-263; 112 Stat. 2346) to authorize development and implementation of a comprehensive 10-year hazardous fuels and fire prevention plan for the Lake Tahoe Basin;

"(17) the Assistant Secretary of the Army for Civil Works was an original signatory in 1997 to the Agreement of Federal Departments on Protection of the Environment and Economic Health of the Lake Tahoe Basin;

"(18) the Chief of Engineers, under direction from the Assistant Secretary of the Army for Civil Works, has continued to be a significant contributor to Lake Tahoe Basin restoration, including—

"(A) stream and wetland restoration;

"(B) urban stormwater conveyance and treatment; and

"(C) programmatic technical assistance;

"(19) at the Lake Tahoe Presidential Forum in 1997, the President renewed the commitment of the Federal Government to Lake Tahoe by—

"(A) committing to increased Federal resources for environmental restoration at Lake Tahoe; and

"(B) establishing the Federal Interagency Partnership and Federal Advisory Committee to consult on natural resources issues concerning the Lake Tahoe Basin;

"(20) at the 2008 and 2009 Lake Tahoe Forums, Senator Reid, Senator Feinstein, Senator Ensign, and Governor Gibbons—

"(A) renewed their commitment to Lake Tahoe; and

"(B) expressed their desire to fund the Federal share of the Environmental Improvement Program through 2018;

"(21) since 1997, the Federal Government, the States of California and Nevada, units of local government, and the private sector have contributed more than \$1,430,000,000 to the Lake Tahoe Basin, including—

"(A) \$424,000,000 from the Federal Government;

"(B) \$612,000,000 from the State of California;

"(C) \$87,000,000 from the State of Nevada;

"(D) \$59,000,000 from units of local government; and

"(E) \$249,000,000 from private interests;

"(22) significant additional investment from Federal, State, local, and private sources is necessary—

"(A) to restore and sustain the environmental health of the Lake Tahoe Basin;

"(B) to adapt to the impacts of changing climatic conditions; and

"(C) to protect the Lake Tahoe Basin from the introduction and establishment of invasive species; and

"(23) the Secretary has indicated that the Lake Tahoe Basin Management Unit has the capacity for at least \$10,000,000 and up to \$20,000,000 annually for the Fire Risk Reduction and Forest Management Program.

"(b) PURPOSES.—The purposes of this Act are—

"(1) to enable the Chief of the Forest Service, the Director of the United States Fish and Wildlife Service, and the Administrator of the Environmental Protection Agency, in cooperation with the Planning Agency and the States of California and Nevada, to fund, plan, and implement significant new environmental restoration activities and forest management activities to address in the Lake Tahoe Basin the issues described in paragraphs (4) through (14) of subsection (a);

"(2) to ensure that Federal, State, local, regional, tribal, and private entities continue to work together to manage land in the Lake Tahoe Basin and to coordinate on other activities in a manner that supports achievement and maintenance of—

"(A) the environmental threshold carrying capacities for the region; and

"(B) other applicable environmental standards and objectives;

"(3) to support local governments in efforts related to environmental restoration, stormwater pollution control, fire risk reduction, and forest management activities; and

"(4) to ensure that agency and science community representatives in the Lake Tahoe Basin work together—

"(A) to develop and implement a plan for integrated monitoring, assessment, and applied research to evaluate the effectiveness of the Environmental Improvement Program; and

“(B) to provide objective information as a basis for ongoing decisionmaking, with an emphasis on decisionmaking relating to public and private land use and resource management in the Basin.”.

SEC. 3. DEFINITIONS.

The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 3 and inserting the following:

“SEC. 3. DEFINITIONS.

“In this Act:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(2) ASSISTANT SECRETARY.—The term ‘Assistant Secretary’ means the Assistant Secretary of the Army for Civil Works.

“(3) CHAIR.—The term ‘Chair’ means the Chair of the Federal Partnership.

“(4) COMPACT.—The term ‘Compact’ means the Tahoe Regional Planning Compact included in the first section of Public Law 96-551 (94 Stat. 3233).

“(5) DIRECTOR.—The term ‘Director’ means the Director of the United States Fish and Wildlife Service.

“(6) ENVIRONMENTAL IMPROVEMENT PROGRAM.—The term ‘Environmental Improvement Program’ means—

“(A) the Environmental Improvement Program adopted by the Planning Agency; and

“(B) any amendments to the Program.

“(7) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The term ‘environmental threshold carrying capacity’ has the meaning given the term in article II of the compact.

“(8) FEDERAL PARTNERSHIP.—The term ‘Federal Partnership’ means the Lake Tahoe Federal Interagency Partnership established by Executive Order 13957 (62 Fed. Reg. 41249) (or a successor Executive Order).

“(9) FOREST MANAGEMENT ACTIVITY.—The term ‘forest management activity’ includes—

“(A) prescribed burning for ecosystem health and hazardous fuels reduction;

“(B) mechanical and minimum tool treatment;

“(C) road decommissioning or reconstruction;

“(D) stream environment zone restoration and other watershed and wildlife habitat enhancements;

“(E) nonnative invasive species management; and

“(F) other activities consistent with Forest Service practices, as the Secretary determines to be appropriate.

“(10) NATIONAL WILDLAND FIRE CODE.—The term ‘national wildland fire code’ means—

“(A) the most recent publication of the National Fire Protection Association code numbered 1141, 1142, or 1144;

“(B) the most recent publication of the International Wildland-Urban Interface Code of the International Code Council; or

“(C) any other code that the Secretary determines provides the same, or better, standards for protection against wildland fire as a code described in subparagraph (A) or (B).

“(11) PLANNING AGENCY.—The term ‘Planning Agency’ means the Tahoe Regional Planning Agency established under Public Law 91-148 (83 Stat. 360) and Public Law 96-551 (94 Stat. 3233).

“(12) PRIORITY LIST.—The term ‘Priority List’ means the environmental restoration priority list developed under section 8.

“(13) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture, acting through the Chief of the Forest Service.

“(14) TOTAL MAXIMUM DAILY LOAD.—The term ‘total maximum daily load’ means the

total maximum daily load allocations adopted under section 303(d) of the Federal Water Pollution Control Act (33 U.S.C. 1313(d)).

“(15) STREAM ENVIRONMENT ZONE.—The term ‘Stream Environment Zone’ means an area that generally owes the biological and physical characteristics of the area to the presence of surface water or groundwater.

“(16) WATERCRAFT.—The term ‘watercraft’ means all motorized and non-motorized watercraft, including boats, personal watercraft, kayaks, and canoes.”.

SEC. 4. ADMINISTRATION OF THE LAKE TAHOE BASIN MANAGEMENT UNIT.

Section 4 of the Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2353) is amended—

(1) in subsection (b)(3), by striking “basin” and inserting “Basin”; and

(2) by adding at the end the following:

“(c) TRANSIT.—

“(1) IN GENERAL.—The Lake Tahoe Basin Management Unit shall, consistent with the regional transportation plan adopted by the Planning Agency, manage vehicular parking and traffic in the Lake Tahoe Basin Management Unit, with priority given—

“(A) to improving public access to the Lake Tahoe Basin, including the prioritization of alternatives to the private automobile, consistent with the requirements of the Compact;

“(B) to coordinating with the Nevada Department of Transportation, Caltrans, State parks, and other entities along Nevada Highway 28 and California Highway 89; and

“(C) to providing support and assistance to local public transit systems in the management and operations of activities under this subsection.

“(2) NATIONAL FOREST TRANSIT PROGRAM.—Consistent with the support and assistance provided under paragraph (1)(C), the Secretary, in consultation with the Secretary of Transportation, may enter into a contract, cooperative agreement, interagency agreement, or other agreement with the Department of Transportation to secure operating and capital funds from the National Forest Transit Program.

“(d) FOREST MANAGEMENT ACTIVITIES.—

“(1) COORDINATION.—

“(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall, as appropriate, coordinate with the Administrator and State and local agencies and organizations, including local fire departments and volunteer groups.

“(B) GOALS.—The coordination of activities under subparagraph (A) should aim to increase efficiencies and maximize the compatibility of management practices across public property boundaries.

“(2) MULTIPLE BENEFITS.—

“(A) IN GENERAL.—In conducting forest management activities in the Lake Tahoe Basin Management Unit, the Secretary shall conduct the activities in a manner that—

“(i) except as provided in subparagraph (B), attains multiple ecosystem benefits, including—

“(I) reducing forest fuels;

“(II) maintaining or restoring biological diversity;

“(III) improving wetland and water quality, including in Stream Environment Zones; and

“(IV) increasing resilience to changing climatic conditions; and

“(ii) helps achieve and maintain the environmental threshold carrying capacities established by the Planning Agency.

“(B) EXCEPTION.—Notwithstanding clause (A)(i), the attainment of multiple ecosystem

benefits shall not be required if the Secretary determines that management for multiple ecosystem benefits would excessively increase the cost of a project in relation to the additional ecosystem benefits gained from the management activity.

“(3) GROUND DISTURBANCE.—Consistent with applicable Federal law and Lake Tahoe Basin Management Unit land and resource management plan direction, the Secretary shall—

“(A) establish post-project ground condition criteria for ground disturbance caused by forest management activities; and

“(B) provide for monitoring to ascertain the attainment of the post-project conditions.

“(e) WITHDRAWAL OF FEDERAL LAND.—

“(1) IN GENERAL.—Subject to valid existing rights and paragraph (2), the Federal land located in the Lake Tahoe Basin Management Unit is withdrawn from—

“(A) all forms of entry, appropriation, or disposal under the public land laws;

“(B) location, entry, and patent under the mining laws; and

“(C) disposition under all laws relating to mineral and geothermal leasing.

“(2) DETERMINATION.—

“(A) IN GENERAL.—The withdrawal under paragraph (1) shall be in effect until the date on which the Secretary, after conducting a review of all Federal land in the Lake Tahoe Basin Management Unit and receiving public input, has made a determination on which parcels of Federal land should remain withdrawn.

“(B) REQUIREMENTS.—The determination of the Secretary under subparagraph (A)—

“(i) shall be effective beginning on the date on which the determination is issued;

“(ii) may be altered by the Secretary as the Secretary determines to be necessary; and

“(iii) shall not be subject to administrative renewal.

“(f) ENVIRONMENTAL THRESHOLD CARRYING CAPACITY.—The Lake Tahoe Basin Management Unit shall support the attainment of the environmental threshold carrying capacities.

“(g) COOPERATIVE AUTHORITIES.—

“(1) IN GENERAL.—During the 4 fiscal years following the date of enactment of the Lake Tahoe Restoration Act of 2009, the Secretary, in conjunction with land adjustment projects or programs, may enter into contracts and cooperative agreements with States, units of local government, and other public and private entities to provide for fuel reduction, erosion control, reforestation, Stream Environment Zone restoration, and similar management activities on Federal land and non-Federal land within the projects or programs.

“(2) REPORT ON LAND STATUS.—

“(A) IN GENERAL.—Not later than 2 years after the date of enactment of the Lake Tahoe Restoration Act of 2009, the Secretary shall submit to Congress a report regarding the management of land in the Lake Tahoe Basin Management Unit Urban Lots Program, including—

“(i) a description of future plans and recent actions for land consolidation and adjustment; and

“(ii) the identification of any obstacles to desired conveyances or interchanges.

“(B) INCLUSIONS.—The report submitted under subparagraph (A) may contain recommendations for additional legislative authority.

“(C) EFFECT.—Nothing in this paragraph delays the conveyance of parcels under—

“(i) the authority of this Act; or

“(ii) any other authority available to the Secretary.

“(3) SUPPLEMENTAL AUTHORITY.—The authority of this subsection is supplemental to all other cooperative authorities of the Secretary.”.

SEC. 5. CONSULTATION.

The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 5 and inserting the following:

“SEC. 5. CONSULTATION.

“In carrying out this Act, the Secretary, the Administrator, and the Director shall, as appropriate and in a timely manner, consult with the heads of the Washoe Tribe, applicable Federal, State, regional, and local governmental agencies, and the Lake Tahoe Federal Advisory Committee.”.

SEC. 6. AUTHORIZED PROJECTS.

The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 6 and inserting the following:

“SEC. 6. AUTHORIZED PROJECTS.

“(a) IN GENERAL.—The Secretary, the Director, and the Administrator, in coordination with the Planning Agency and the States of California and Nevada, may carry out any project described in subsection (c) or included in the Priority List under section 8 to further the purposes of the Environmental Improvement Program if the project has been subject to environmental review and approval, respectively, as required under Federal law, article 7 of the Compact, and State law, as applicable.

“(b) MONITORING AND ASSESSMENT.—All projects authorized under subsection (c) and section 8 shall—

“(1) include funds for monitoring and assessment of the results and effectiveness at the project and program level consistent with the program developed under section 11; and

“(2) use the integrated multiagency performance measures established in the science program developed under that section.

“(c) DESCRIPTION OF ACTIVITIES.—

“(1) STORMWATER MANAGEMENT, EROSION CONTROL, AND TOTAL MAXIMUM DAILY LOAD IMPLEMENTATION.—Of the amounts made available under section 18(a), \$40,000,000 shall be used for the Federal share of the following projects:

“(A) Bijou Stormwater Improvement Project in the City of South Lake Tahoe, California.

“(B) Christmas Valley Stormwater Improvement Project in El Dorado County, California.

“(C) Kings Beach Watershed Improvement Project in Placer County, California.

“(D) Lake Forest Stormwater and Watershed Improvement Project in Placer County, California.

“(E) Crystal Bay Stormwater Improvement Project in Washoe County, Nevada.

“(F) Washoe County Stormwater Improvement Projects 4, 5, and 6 in Washoe County, Nevada.

“(G) Upper and Lower Kingsbury Project in Douglas County, Nevada.

“(H) Lake Village Drive-Phase II Stormwater Improvement in Douglas County, Nevada.

“(I) State Route 28 Spooner to Sand Harbor Stormwater Improvement, Washoe County, Nevada.

“(J) State Route 431 Stormwater Improvement, Washoe County, Nevada.

“(2) STREAM ENVIRONMENT ZONE AND WATERSHED RESTORATION.—Of the amounts made available under section 18(a), \$32,000,000 shall be available for the Federal share of the following projects:

“(A) Upper Truckee River and Marsh Restoration Project.

“(B) Upper Truckee River Mosher, Reaches 1 & 2.

“(C) Upper Truckee River Sunset Stables.

“(D) Lower Blackwood Creek Restoration Project.

“(E) Ward Creek.

“(F) Third Creek/Incline Creek Watershed Restoration.

“(G) Rosewood Creek Restoration Project.

“(3) FIRE RISK REDUCTION AND FOREST MANAGEMENT.—

“(A) IN GENERAL.—Of the amounts made available under section 18(a), \$136,000,000 shall be made available for the following projects:

“(i) Projects identified as part of the Lake Tahoe Basin Multi-Jurisdictional Fuel Reduction and Wildfire Prevention Strategy 10-Year Plan.

“(ii) Competitive grants for fuels work to be awarded by the Secretary to communities that have adopted national wildland fire codes to implement the applicable portion of the 10-year plan described in clause (i).

“(iii) Biomass projects, including feasibility assessments and transportation of materials.

“(iv) Angora Fire Restoration projects under the jurisdiction of the Secretary.

“(B) MULTIPLE BENEFIT FUELS PROJECTS.—Consistent with the requirements of section 4(d)(2), not more than \$10,000,000 of the amounts made available to carry out subparagraph (A) shall be available to the Secretary for the planning and implementation of multiple benefit fuels projects with an emphasis on restoration projects in Stream Environment Zones.

“(C) MINIMUM ALLOCATION.—Of the amounts made available to carry out subparagraph (A), at least \$80,000,000 shall be made available to the Secretary for projects under subparagraph (A)(i).

“(D) PRIORITY.—Units of local government that have dedicated funding for inspections and enforcement of defensible space regulations shall be given priority for amounts provided under this paragraph.

“(E) COST-SHARING REQUIREMENTS.—As a condition on the receipt of funds, communities or local fire districts that receive funds under this paragraph shall provide a 25 percent match.

“(4) INVASIVE SPECIES MANAGEMENT.—Of the amounts to be made available under section 18(a), \$20,500,000 shall be made available for the Aquatic Invasive Species Program and the watercraft inspections described in section 9.

“(5) SPECIAL STATUS SPECIES MANAGEMENT.—Of the amounts to be made available under section 18(a), \$20,000,000 shall be made available for the Lahontan Cutthroat Trout Recovery Program.

“(6) SCIENCE.—Of the amounts to be made available under section 18(a), \$30,000,000 shall be used to develop and implement the science program developed under section 11.

“(d) USE OF REMAINING FUNDS.—Any amounts made available under section 18(a) that remain available after projects described in subsection (c) have been funded shall be made available for projects included in the Priority List under section 8.”.

SEC. 7. ENVIRONMENTAL RESTORATION PRIORITY LIST.

The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended—

(1) by striking sections 8 and 9;

(2) by redesignating sections 10, 11, and 12 as sections 16, 17, and 18, respectively; and

(3) by inserting after section 7 the following:

“SEC. 8. ENVIRONMENTAL RESTORATION PRIORITY LIST.

“(a) FUNDING.—Subject to section 6(d), of the amounts to be made available under section 18(a), at least \$136,000,000 shall be made available for projects identified on the Priority List.

“(b) DEADLINE.—Not later than February 15 of the year after the date of enactment of the Lake Tahoe Restoration Act of 2009, the Chair, in consultation with the Secretary, the Administrator, the Director, the Planning Agency, the States of California and Nevada, the Federal Partnership, the Washoe Tribe, the Lake Tahoe Federal Advisory Committee, and the Tahoe Science Consortium shall submit to Congress a prioritized list of all Environmental Improvement Program projects for the Lake Tahoe Basin, regardless of program category.

“(c) CRITERIA.—

“(1) IN GENERAL.—The priority of projects included in the Priority List shall be based on the best available science and the following criteria:

“(A) The 5-year threshold carrying capacity evaluation.

“(B) The ability to measure progress or success of the project.

“(C) The potential to significantly contribute to the achievement and maintenance of the environmental threshold carrying capacities identified in the Compact for—

“(i) air quality;

“(ii) fisheries;

“(iii) noise;

“(iv) recreation;

“(v) scenic resources;

“(vi) soil conservation;

“(vii) forest health;

“(viii) water quality; and

“(ix) wildlife.

“(D) The ability of a project to provide multiple benefits.

“(E) The ability of a project to leverage non-Federal contributions.

“(F) Stakeholder support for the project.

“(G) The justification of Federal interest.

“(H) Agency priority.

“(I) Agency capacity.

“(J) Cost-effectiveness.

“(K) Federal funding history.

“(2) SECONDARY FACTORS.—In addition to the criteria under paragraph (1), the Chair shall, as the Chair determines to be appropriate, give preference to projects in the Priority List that benefit existing neighborhoods in the Basin that are at or below regional median income levels, based on the most recent census data available.

“(3) EROSION CONTROL PROJECTS.—For purposes of the priority list, erosion control projects shall be considered part of the stormwater management and total maximum daily load program of the Environmental Improvement Program.

“(d) REVISIONS.—

“(1) IN GENERAL.—The Priority List submitted under subsection (b) shall be revised—

“(A) every 4 years; or

“(B) on a finding of compelling need under paragraph (2).

“(2) FINDING OF COMPELLING NEED.—

“(A) IN GENERAL.—If the Secretary, the Administrator, or the Director makes a finding of compelling need justifying a priority shift and the finding is approved by the Secretary, the Executive Director of the Planning

Agency, the California Resources Secretary, and the Director of the Nevada Department of Conservation, the Priority List shall be revised in accordance with this subsection.

“(B) INCLUSIONS.—A finding of compelling need includes—

- “(i) major scientific findings;
- “(ii) results from the threshold evaluation of the Planning Agency;
- “(iii) emerging environmental threats; and
- “(iv) rare opportunities for land acquisition.

“SEC. 9. AQUATIC INVASIVE SPECIES PREVENTION.

“(a) IN GENERAL.—Not later than 60 days after the date of enactment of the Lake Tahoe Restoration Act of 2009, the Director, in coordination with the Planning Agency, the California Department of Fish and Game, and the Nevada Department of Wildlife, shall deploy strategies that meet or exceed the criteria described in subsection (b) for preventing the introduction of aquatic invasive species into the Lake Tahoe Basin.

“(b) CRITERIA.—The strategies referred to in subsection (a) shall provide that—

“(1) combined inspection and decontamination stations be established and operated at not less than 2 locations in the Lake Tahoe Basin;

“(2) watercraft not be allowed to launch in waters of the Lake Tahoe Basin if the watercraft—

“(A) has been in waters infested by quagga or zebra mussels;

“(B) shows evidence of invasive species that the Director has determined would be detrimental to the Lake Tahoe ecosystem; or

“(C) cannot be reliably decontaminated in accordance with paragraph (3);

“(3) subject to paragraph (4), all watercraft surfaces and appurtenance (such as anchors and fenders) that contact with water shall be reliably decontaminated, based on standards developed by the Director using the best available science;

“(4) watercraft bearing positive verification of having last launched within the Lake Tahoe Basin may be exempted from decontamination under paragraph (3); and

“(5) while in the Lake Tahoe Basin, all watercraft maintain documentation of compliance with the strategies deployed under this section.

“(c) CERTIFICATION.—The Director may certify State agencies to perform the decontamination activities described in subsection (b)(3) at locations outside the Lake Tahoe Basin if standards at the sites meet or exceed standards for similar sites in the Lake Tahoe Basin established under this section.

“(d) APPLICABILITY.—The strategies and criteria developed under this section shall apply to all watercraft to be launched on water within the Lake Tahoe Basin.

“(e) FEES.—The Director may collect and spend fees for decontamination only at a level sufficient to cover the costs of operation of inspection and decontamination stations under this section.

“(f) CIVIL PENALTIES.—

“(1) IN GENERAL.—Any person that launches, attempts to launch, or facilitates launching of watercraft not in compliance with strategies deployed under this section shall be liable for a civil penalty in an amount not to exceed \$1,000 per violation.

“(2) OTHER AUTHORITIES.—Any penalties assessed under this subsection shall be separate from penalties assessed under any other authority.

“(g) LIMITATION.—The strategies and criteria under subsections (a) and (b), respectively, may be modified if the Secretary of

the Interior, in a nondelegable capacity and in consultation with the Planning Agency and State governments, issues a determination that alternative measures will be no less effective at preventing introduction of aquatic invasive species into Lake Tahoe than the strategies and criteria.

“(h) FUNDING.—Of the amounts made available under section 6(c)(4), not more than \$500,000 shall be made available to the Director, in coordination with the Planning Agency and State governments—

“(1) to evaluate the feasibility, cost, and potential effectiveness of further efforts that could be undertaken by the Federal Government, State and local governments, or private entities to guard against introduction of aquatic invasive species into Lake Tahoe, including the potential establishment of inspection and decontamination stations on major transitways entering the Lake Tahoe Basin; and

“(2) to evaluate and identify options for ensuring that all waters connected to Lake Tahoe are protected from quagga and zebra mussels and other aquatic invasive species.

“(i) SUPPLEMENTAL AUTHORITY.—The authority under this section is supplemental to all actions taken by non-Federal regulatory authorities.

“SEC. 10. ARMY CORPS OF ENGINEERS; INTER-AGENCY AGREEMENTS.

“(a) IN GENERAL.—The Assistant Secretary may enter into interagency agreements with non-Federal interests in the Lake Tahoe Basin to use Lake Tahoe Partnership-Miscellaneous General Investigations funds to provide programmatic technical assistance for the Environmental Improvement Program.

“(b) LOCAL COOPERATION AGREEMENTS.—

“(1) IN GENERAL.—Before providing technical assistance under this section, the Assistant Secretary shall enter into a local cooperation agreement with a non-Federal interest to provide for the technical assistance.

“(2) COMPONENTS.—The agreement entered into under paragraph (1) shall—

“(A) describe the nature of the technical assistance,

“(B) describe any legal and institutional structures necessary to ensure the effective long-term viability of the end products by the non-Federal interest; and

“(C) include cost-sharing provisions in accordance with paragraph (3).

“(3) FEDERAL SHARE.—

“(A) IN GENERAL.—The Federal share of project costs under each local cooperation agreement under this subsection shall be 65 percent.

“(B) FORM.—The Federal share may be in the form of reimbursements of project costs.

“(C) CREDIT.—The non-Federal interest may receive credit toward the non-Federal share for the reasonable costs of related technical activities completed by the non-Federal interest before entering into a local cooperation agreement with the Assistant Secretary under this subsection.

“SEC. 11. SCIENCE PROGRAM.

“The Administrator, in cooperation with the Secretary, the Planning Agency, the States of California and Nevada, and the Tahoe Science Consortium, shall develop and implement a Lake Tahoe Science Program that—

“(1) develops and regularly updates an integrated multiagency programmatic assessment and monitoring plan—

“(A) to evaluate the effectiveness of the Environmental Improvement Program;

“(B) to evaluate the status and trends of indicators related to environmental threshold carrying capacities; and

“(C) to assess the impacts and risks of changing climatic conditions and invasive species;

“(2) develops a comprehensive set of performance measures for Environmental Improvement Program assessment;

“(3) coordinates the development of the annual report described in section 13;

“(4) produces and synthesizes scientific information necessary for—

“(A) the identification and refinement of environmental indicators for the Lake Tahoe Basin; and

“(B) the evaluation of standards and benchmarks;

“(5) conducts applied research, programmatic technical assessments, scientific data management, analysis, and reporting related to key management questions;

“(6) develops new tools and information to support objective assessments of land use and resource conditions;

“(7) provides scientific and technical support to the Federal Government and State and local governments in—

“(A) reducing stormwater runoff, air deposition, and other pollutants that contribute to the loss of lake clarity; and

“(B) the development and implementation of an integrated stormwater monitoring and assessment program;

“(8) establishes and maintains independent peer review processes—

“(A) to evaluate the Environmental Improvement Program; and

“(B) to assess the technical adequacy and scientific consistency of central environmental documents, such as the 5-year threshold review; and

“(9) provides scientific and technical support for the development of appropriate management strategies to accommodate changing climatic conditions in the Lake Tahoe Basin.

“SEC. 12. PUBLIC OUTREACH AND EDUCATION.

“(a) IN GENERAL.—The Secretary, Administrator, and Director will coordinate with the Planning Agency to conduct public education and outreach programs, including encouraging—

“(1) owners of land and residences in the Lake Tahoe Basin—

“(A) to implement defensible space; and

“(B) to conduct best management practices for water quality; and

“(2) owners of land and residences in the Lake Tahoe Basin and visitors to the Lake Tahoe Basin, to help prevent the introduction and proliferation of invasive species as part of the private share investment in the Environmental Improvement Program.

“(b) REQUIRED COORDINATION.—Public outreach and education programs for aquatic invasive species under this section shall—

“(1) be coordinated with Lake Tahoe Basin tourism and business organizations; and

“(2) include provisions for the programs to extend outside of the Lake Tahoe Basin.

“SEC. 13. REPORTING REQUIREMENTS.

“Not later than February 15 of each year, the Chair, in cooperation with the Secretary, the Director, the Administrator, the Planning Agency, and the States of California and Nevada, shall submit to Congress a report that describes—

“(1) the status of all Federal, State, local, and private projects authorized under this Act, including to the maximum extent practicable, for projects that will receive Federal funds under this Act during the current or subsequent fiscal year—

“(A) the project scope;
 “(B) the budget for the project; and
 “(C) the justification for the project, consistent with the criteria established in section 8(c)(1);

“(2) Federal, State, local, and private expenditures in the preceding fiscal year to implement the Environmental Improvement Program and projects otherwise authorized under this Act;

“(3) accomplishments in the preceding fiscal year in implementing this Act in accordance with the performance measures and other monitoring and assessment activities; and

“(4) public education and outreach efforts undertaken to implement programs and projects authorized under this Act.

“SEC. 14. ANNUAL BUDGET PLAN.

“As part of the annual budget of the President, the President shall submit information regarding each Federal agency involved in the Environmental Improvement Program (including the Forest Service, the Environmental Protection Agency, and the United States Fish and Wildlife Service), including—

“(1) an interagency crosscut budget that displays the proposed budget for use by each Federal agency in carrying out restoration activities relating to the Environmental Improvement Program for the following fiscal year;

“(2) a detailed accounting of all amounts received and obligated by Federal agencies to achieve the goals of the Environmental Improvement Program during the preceding fiscal year; and

“(3) a description of the Federal role in the Environmental Improvement Program, including the specific role of each agency involved in the restoration of the Lake Tahoe Basin.

“SEC. 15. GRANT FOR WATERSHED STRATEGY.

“(a) IN GENERAL.—Of the amounts to be made available under section 18(a), the Administrator shall use not more than \$500,000 to provide a grant, on a competitive basis, to States, federally recognized Indian tribes, interstate agencies, other public or nonprofit agencies and institutions, or institutions of higher education to develop a Lake Tahoe Basin watershed strategy in coordination with the Planning Agency, the States of California and Nevada, and the Secretary.

“(b) COMMENT.—In developing the watershed strategy under subsection (a), the grant recipients shall provide an opportunity for public review and comment.

“(c) COMPONENTS.—The watershed strategy developed under subsection (a) shall include—

“(1) a classification system, inventory, and assessment of stream environment zones;

“(2) comprehensive watershed characterization and restoration priorities consistent with—

“(A) the Lake Tahoe total maximum daily load; and

“(B) the environmental threshold carrying capacities of Lake Tahoe;

“(3) a monitoring and assessment program consistent with section 11; and

“(4) an adaptive management system—

“(A) to measure and evaluate progress; and
 “(B) to adjust the program.

“(d) DEADLINE.—The watershed strategy developed under subsection (a) shall be completed by the date that is 2 years after the date on which funds are made available to carry out this section.”

SEC. 8. RELATIONSHIP TO OTHER LAWS.

Section 17 of The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2358) (as re-

designated by section 7(2)) is amended by inserting “, Director, or Administrator” after “Secretary”.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

The Lake Tahoe Restoration Act (Public Law 106-506; 114 Stat. 2351) is amended by striking section 18 (as redesignated by section 7(2)) and inserting the following:

“SEC. 18. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$415,000,000 for a period of 8 fiscal years beginning the first fiscal year after the date of enactment of the Lake Tahoe Restoration Act of 2009.

“(b) EFFECT ON OTHER FUNDS.—Amounts authorized under this section and any amendments made by this Act—

“(1) shall be in addition to any other amounts made available to the Secretary, Administrator, or Director for expenditure in the Lake Tahoe Basin; and

“(2) shall not reduce allocations for other Regions of the Forest Service, Environmental Protection Agency, or United States Fish and Wildlife Service.

“(c) COST-SHARING REQUIREMENT.—Except as provided in subsection (d) and section 6(c)(3)(E), the States of California and Nevada shall pay 50 percent of the aggregate costs of restoration activities in the Lake Tahoe Basin funded under section 6 or 8.

“(d) RELOCATION COSTS.—Notwithstanding subsection (c), the Secretary shall provide to local utility districts $\frac{3}{4}$ the costs of relocating facilities in connection with—

“(1) environmental restoration projects under sections 6 and 8; and

“(2) erosion control projects under section 2 of Public Law 96-586 (94 Stat. 3381).

“(e) SIGNAGE.—To the maximum extent practicable, a project provided assistance under this Act shall include appropriate signage at the project site that—

“(1) provides information to the public on—

“(A) the amount of Federal funds being provided to the project; and

“(B) this Act; and

“(2) displays the visual identity mark of the Environmental Improvement Program.”

SEC. 10. CONFORMING AMENDMENTS.

(a) ADMINISTRATION OF ACQUIRED LAND.—Section 3(b) of Public Law 96-586 (94 Stat. 3384) is amended—

(1) by striking “(b) Lands” and inserting the following:

“(b) ADMINISTRATION OF ACQUIRED LAND.—

“(1) IN GENERAL.—Land”; and

(2) by adding at the end the following:

“(2) INTERCHANGE.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary of Agriculture (acting through the Chief of the Forest Service) (referred to in this paragraph as the ‘Secretary’) may interchange (as defined in the first section of Public Law 97-465 (16 U.S.C. 521c)) any land or interest in land within the Lake Tahoe Basin Management Unit described in subparagraph (B) with appropriate units of State government.

“(B) ELIGIBLE LAND.—The land or interest in land referred to in subparagraph (A) is land or an interest in land that the Secretary determines is not subject to efficient administration by the Secretary because of the location or size of the land.

“(C) REQUIREMENTS.—In any interchange under this paragraph, the Secretary shall—

“(i) insert in the applicable deed such terms, covenants, conditions, and reservations as the Secretary determines to be necessary to ensure—

“(I) protection of the public interest, including protection of the scenic, wildlife, and

recreational values of the National Forest System; and

“(II) the provision for appropriate access to, and use of, land within the National Forest System;

“(ii) receive land within the Lake Tahoe Basin of approximately equal value (as defined in accordance with section 6(2) of Public Law 97-465 (96 Stat. 2535)); and

“(iii) for the purposes of any environmental assessment—

“(I) assume the maintenance of the environmental status quo; and

“(II) not be required to individually assess each parcel that is managed under the Lake Tahoe Basin Management Unit Urban Lots Program.

“(D) USE OF LAND ACQUIRED BY UNITS OF STATE GOVERNMENT.—Any unit of State government that receives National Forest System land through an exchange or transfer under this paragraph shall not convey the land to any person or entity other than the Federal Government or a State government.”

(b) INTERAGENCY AGREEMENT FUNDING.—Section 108(g) of title I of division C of the Consolidated Appropriations Act, 2005 (Public Law 108-447; 118 Stat. 2942) is amended by striking “\$25,000,000” and inserting “\$75,000,000”.

Mrs. FEINSTEIN. Mr. President, Lake Tahoe is a national treasure. Her alpine beauty has drawn and inspired people for centuries: artists and poets, John Muir and Mark Twain, and countless millions the world over.

But the “Jewel of the Sierra” is in big trouble. If we don’t act now, we could lose Lake Tahoe—lose it with stunning speed—to several devastating threats.

Invasive species, such as the quagga mussel, could decimate the lake, much as it has Lake Mead. Just one quagga mussel attached to a boat could lay 1 million eggs. An infestation would devastate the lake. It would ruin its biology, foul its beaches, deliver a body blow to the regional economy. It would turn this “noble sheet of clear water,” as Twain put it, into just another dull, gray, polluted body of water. We must get a stranglehold on invasive species before they get a stranglehold on the lake.

Catastrophic wildfires could spiral out of control and consume the basin. The Angora Fire of 2007 destroyed 242 homes and scorched 3,100 acres. It was just a wakeup call. Today, 25 percent of the basin’s forests are marred by dead, downed or dying trees. These fuels—combined with hot, tinder-dry conditions—threaten explosive wildfires that could incinerate the basin. We must make their removal a top priority.

Pollution and sedimentation threaten Lake Tahoe’s fabled water clarity. In 1968, the first year UC Davis scientists made measurements using a device called a Secchi disk, clarity was measured at an average depth of 102.4 feet. Clarity declined over the next three decades, hitting a low of 64 feet in 1997. We have seen improvements in this decade. This year scientists recorded average clarity at 69.6 feet—

roughly within the range of the past 8 years. Scientists say the rate of decline in Lake Tahoe's clarity has slowed. I believe we can build on this. But the gains could easily be reversed if we are not diligent.

Climate change is real and adding to all these problems. It leaves the basin hot and tinder-dry, and vulnerable to wildfires. The lake's surface water temperature has risen 1.5 degrees in 38 years. That means the cyclical deep-water mixing of the lake's waters will occur less frequently, and this could significantly disrupt Lake Tahoe's ecosystem.

We must face facts—we could lose Lake Tahoe.

So it is with a real sense of urgency that today I join with Majority Leader REID as he introduces sweeping legislation to attack these threats. The Lake Tahoe Restoration Act of 2009 is also cosponsored by Senators ENSIGN and BOXER. Representative DEAN HELLER of Nevada is introducing a companion in the House of Representatives.

This legislation would authorize \$415 million over 8 years to mount a robust attack against these threats.

Against invasive species.

Against catastrophic wildfires.

Against the sedimentation and pollution that could forever ruin Lake Tahoe's crystal waters.

With this legislation we can rise to the challenges presented by all these threats, and build upon the gains set in motion by the Lake Tahoe Restoration Act of 2000.

Bottom line—this bill will help ensure the protection and preservation of Lake Tahoe, now and for future generations.

Now, to see where we are headed, it's important to review where we have been. So I would like to touch on the work that's been done so far at Lake Tahoe, work that sets the foundation for the effort that lies ahead.

The Lake Tahoe Restoration Act of 2000 set in motion a partnership between the Federal Government, the States of California and Nevada, local governments and organizations, and the private sector.

All were brought together with a common purpose—to save Lake Tahoe.

I am proud to have been an original sponsor, along with Senators REID and BOXER, and then-Senator Dick Bryan.

This legislation set in motion investments that have enabled us to get a foothold. These investments included \$424 million by the Federal Government, \$612 million by the State of California, \$87 million by the State of Nevada, \$59 million by local governments and \$249 million by the private sector.

It financed more than 300 projects under the Environmental Improvement Program, a combined Federal, State, local, and private-sector partnership to restore Lake Tahoe. One hundred eighty three more projects are in progress.

We have seen improvements across the board:

Water Clarity: Stormwater, erosion-control, and road improvement projects enabled us to begin to tackle the problem of sedimentation and pollution, which enters the lake and degrades its fragile water clarity. This includes improvements to 429 miles of roadways and restoring 739 acres of wetlands. As I noted a moment ago, we have seen gains in water clarity in this decade, and this year's average clarity was 69.6 feet. Scientists report that the rate of decline has slowed. But these gains could easily be reversed if we don't continue and broaden our efforts to keep sediments out of the lake.

Catastrophic Wildfires: One-fourth of the forests of the Tahoe Basin are comprised of dead, downed, and dying trees. Combined with hot, tinder-dry conditions, they can feed massive wildfires that could destroy the basin. Removal of these hazardous fuels has been a priority. The Fire Safe Councils and the local Fire Departments have done good work. They deserve our continued support, and with this legislation, they will get it. As with efforts on water clarity, efforts to clear the forests of hazardous fuels, and to institute sensible fire-safe practices must be continued. So far, hazardous fuels reduction treatment has occurred on 33,549 acres, including 12,256 acres treated since 2006. In the next 8 years, we plan on treating 68,000 additional acres.

Stream Restoration and Wildlife Habitat Improvement: So far more than 13,927 acres of wildlife habitat have been improved and 800 acres of Stream Environment Zones restored. This includes restoration of the Upper Truckee Watershed to reduce the flow of sedimentation into the lake, and re-introduction of the Tahoe Yellow Cress, a plant that grows no place else on Earth.

Much work has been done. Much work lies ahead. It must be done, because the old threats are still there. And new ones—such as the quagga mussel—have arisen.

The bill introduced today by Senator REID is essential to continuing the good work done to date, and to meeting the threats facing the lake today.

It would authorize \$415 million over 8 years to improve water clarity, reduce risk of catastrophic wildfire, and restore the environment. Specifically, it would do the following:

The bill provides \$248 million over 8 years for the highest priority restoration projects, according to scientific data. The legislation authorizes at least \$72 million for stormwater management and watershed restoration projects scientifically determined to be the most effective ways to improve water clarity. This bill also requires prioritized ranking of environmental restoration projects and authorizes \$136 million for state and local agencies to

implement these projects. Now—and this is an important point—this legislation would direct investments to where it is needed most. For example, today we know the major sources of stormwater runoff that send sedimentation into the lake, degrading water clarity. So the monies would go to specific projects addressing California State roads, source of 23 percent of urban particle loads; the city of Lake Tahoe, CA, 22 percent; Washoe County, Nevada, 17 percent; and so forth. In this bill, these stormwater projects are targeted to the areas of greatest concern. Priority projects will improve water quality, forest health, air quality and fish and wildlife habitat around Lake Tahoe. In addition, projects that benefit low-income neighborhoods are encouraged.

The bill authorizes \$136 million over 8 years to reduce the threat of wildfire in Lake Tahoe. This would finance hazardous fuels reduction projects, at \$17 million per year, including grants to local fire agencies. It provides the Forest Service up to \$10 million for fuels projects that have multiple environmental benefits, with an emphasis in restoring Stream Environment Zones. This is critical because, again, these streams feed into the lake, and form a critical link in the ecosystem. We need to pay attention to these stream zones if we hope to restore water clarity. The bill also creates incentives for local communities to have dedicated funding for defensible space inspections and enforcement.

This bill protects Lake Tahoe from the threat of quagga mussels and other invasive aquatic species. Quagga mussels pose a very serious threat to Lake Tahoe, a threat made more intractable because these mussels have been shown to survive in cold waters. And this summer UC scientists reported that they found up to 3,000 Asian clams per square meter at spots between Zephyr Point and Elk Point in Lake Tahoe. The spreading Asian clam population could put sharp shells and rotting algae on the lake's beaches and help spread other invasive species such as quagga mussels.

The bill would authorize \$20 million for watercraft inspections and removal of existing invasive species. It would also prohibit watercraft that have had contact with quagga or zebra mussel-infested waters from entering waters in the Tahoe Basin. As I noted earlier, one quagga or zebra mussel can lay 1 million eggs in a year. This means that a single boat carrying quagga could devastate the lake's biology, local infrastructure, and the local economy. The damage that could be inflicted at Lake Tahoe by a quagga infestation has been estimated in the tens of millions of dollars annually.

The threat to Lake Tahoe cannot be overstated. There were no quagga mussels in Lake Mead 3 years ago. Today

there are more than 3 trillion. The infestation is probably irreversible. Quagga mussels attach themselves to underwater structures and clog water intake pipes, canals, aqueducts and dams. They degrade water quality and can alter the taste and smell of drinking water. They can devastate aquatic ecosystems by consuming large amounts of microscopic plants, leaving little or nothing for native fish and other aquatic species. They are a very real threat.

But the fix need not be drastic. Only about 1.5 percent of boats that have been inspected in Lake Tahoe would be prohibited from entering the lake, according to the Tahoe Regional Planning Agency. The bill would also require that all watercraft be inspected and decontaminated to prevent the introduction of invasive aquatic species. Watercraft last launched in Lake Tahoe would be exempted. The Secretary of the Interior can modify these regulations if scientific information leads to new technologies or techniques that would be no less effective than current measures. And there's good news. There's promising news on this front. This week, scientists reported that under proper conditions, plastic "bottom barriers" laid on top of clam beds can kill all Asian clams living there within 28 days. We can fight off these invaders. But it will require drive and imagination—and the help authorized within this bill.

The bill supports reintroduction of the Lahontan Cutthroat Trout. The legislation authorizes \$20 million over 8 years for the Lahontan Cutthroat Trout Recovery Plan. The Lahontan Cutthroat Trout is an iconic species that has an important historic legacy in Lake Tahoe. When John C. Fremont first explored the Truckee River in January of 1844, he called it the Salmon Trout River because he found the Pyramid Lake Lahontan Cutthroat Trout. The trout relied on the Truckee River and its tributaries for their spawning runs in spring, traveling up the entire river's length as far as Lake Tahoe and Donner Lake, where they used the cool, pristine waters and clean gravel beds to lay their eggs. But dams, pollution and overfishing caused the demise of the Lahontan Cutthroat Trout. Lake Tahoe is one of the historic 11 lakes where Lahontan Cutthroat Trout flourished in the past, and it's a critical part of the strategy to recover the species.

The bill funds scientific research. The legislation authorizes \$30 million over 8 years for scientific programs and research which will produce information on long-term trends in the basin and inform the most cost-effective projects.

The bill prohibits mining operations in the Tahoe Basin. The legislation would prevent the start of any mining operations in the basin, ensuring that

the fragile watershed, and Lake Tahoe's water clarity, are not threatened by pollution from mining operations.

The bill increases accountability and oversight. Every project funded by this legislation will have monitoring and assessment to determine the most cost-effective projects and best management practices for future projects. The legislation also requires the Chair of the Federal Partnership to work with the Forest Service, Environmental Protection Agency, Fish and Wildlife Service and regional and state agencies, to prepare an annual report to Congress detailing the status of all projects undertaken, including project scope, budget and justification and overall expenditures and accomplishments. This will ensure that Congress can have oversight on the progress of environmental restoration in Lake Tahoe.

The bill provides for public outreach and education. The Forest Service, Environmental Protection Agency, Fish and Wildlife Service, and Tahoe Regional Planning Agency will implement new public outreach and education programs including encouraging basin residents and visitors to implement defensible space, conducting best management practices for water quality and preventing the introduction and proliferation of invasive species. In addition, the legislation requires signage on federally financed projects to improve public awareness of restoration efforts.

The bill allows for increased efficiency in the management of public land. Under this legislation, the Forest Service would have increased flexibility to exchange land with State agencies which will allow for more cost-efficient management of public land. There is currently a checkerboard pattern of ownership in some areas of the basin. Under this new authority, the Forest Service could exchange land with the California Tahoe Conservancy of approximately equal value without going through a lengthy process to assess the land. For example, if there are several plots of Forest Service land that surround or are adjacent to Tahoe Conservancy land, the Tahoe Conservancy could transfer that land to the Forest Service so that it can be managed more efficiently.

Finally, it is important to note that this bill would increase accountability and oversight. All projects funded by this legislation would be monitored and assessed to ensure cost-effectiveness. The bill would also require annual reports to Congress detailing the status of all projects—including expenditures and accomplishments. Scientific data will be used to inform every aspect of this legislation. It will help us refine and adjust our restoration programs and ensure that we fund only the highest priority projects.

Let there be no doubt: Lake Tahoe is in grave danger. Grave danger from catastrophic wildfires. Grave danger from invasive species. Grave danger from sedimentation and pollution that threaten to dull her crystal waters.

Mark Twain called Lake Tahoe "the fairest picture the whole world affords." Mr. President, we must not be the generation that lets this picture fall into ruin. We must rise to the challenge, and do all we can to preserve the "Jewel of the Sierra." This legislation will do exactly that.

Mr. ENSIGN. Mr. President, I rise to talk about a bill that has been introduced today by myself, along with Senators REID, FEINSTEIN, and BOXER, that will be the next chapter in our continuing support of one of the most pristine and magnificent areas in the United States.

Since it was formed 2 million years ago, the breathtaking beauty of Lake Tahoe has awed all who have visited its crystal-clear waters and inspiring views. Mark Twain once said about the landmark, "I thought it must surely be the fairest picture the whole world affords." From the Washoe tribe that originally inhabited its shores to John C. Fremont who first saw Lake Tahoe 165 years ago, this alpine lake is a part of our history and a part of our future.

Next year, the Lake Tahoe Restoration Act, originally enacted in 2000, will expire. Over the course of a decade, \$300,000,000 was invested in environmental projects for water clarity, erosion control, and fire suppression. I am proud to have led the effort to amend the Southern Nevada Public Land Management Act in 2003 in order to guarantee funding for the Lake Tahoe Restoration Act from land auctions across southern Nevada. Great work has gone into protecting this national legacy, but we are not done.

The Lake Tahoe Restoration Act of 2009 is our continued commitment to protecting this Nevada treasure for future generations. This effort, a collaboration among Senators FEINSTEIN, REID, BOXER, and me, authorizes \$415 million for 8 years and provides for fuels reduction, Environmental Improvement Program projects, storm water management, and watershed restoration. It devotes significant funding—for the first time ever—to prevent the introduction of quagga and zebra mussels into the lake, one of the greatest threats facing Tahoe today. There is also funding for Lahontan Cutthroat Trout recovery and public outreach and education.

Unfortunately, there are many threats facing Lake Tahoe. This legislation addresses each of those threats in a manner that is fiscally responsible with the most effective and efficient use of Federal funds. Hazardous fuels reduction is one of the most important investments we can make. If you have ever been to Lake Tahoe, you know

that one catastrophic fire could wipe out the entire basin. Just 2 years ago, we watched in horror as the Angora fire spread and consumed land, trees, homes, and businesses. It spewed sediment and ash into the lake and turned our worst fears into reality. That is why we must be aggressive with our fuels reduction efforts. This bill also provides grants to Fire Protection Districts in the Lake Tahoe Basin to work in partnership with homeowners on defensible space.

The Lake Tahoe Restoration Act is not just a Federal effort. Nevada, California, and private entities are also partners in the Environmental Improvement Program. In Nevada, where the legislature recently committed 100 million to the Environmental Improvement Program, Lake Tahoe is beloved and treasured. I had the privilege of spending several years of my childhood at the lake. My wife Darlene and I have made it a point to instill the same love for Lake Tahoe in our children. We spend our family's summer vacations there—biking, boating, waterskiing, and rock climbing. To this day, my favorite spot is the Tahoe Rim Trail looking down on Sandy Harbor, where you can see deep into the lake. You can see huge boulders. The clarity is so amazing, it is literally one of the most spectacular views in all the world. There really is no place in the world like Lake Tahoe.

Let us make sure this inheritance is cared for and passed on to future generations.

By Mrs. FEINSTEIN (for herself, Mr. HATCH, Mr. LEAHY, and Mr. GRAHAM):

S. 2725. A bill to provide for fairness for the Federal judiciary; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Federal Judicial Fairness Act of 2009.

I want to thank my cosponsors—Senator HATCH, Senator LEAHY, and Senator GRAHAM—for working with me on this important legislation.

The salaries of our Federal judges are eroding in their real buying power over time. This bill would solve that problem.

Over the past 30 years, pay for Federal judges has declined dramatically. Since 1969, the inflation-adjusted salaries of Federal judges have dropped by 24 percent, even as other Federal workers have received an average salary increase of 18 percent.

The way the pay system works now, Federal judges are at a stark disadvantage each year for receiving a cost-of-living adjustment to keep their salaries in pace with inflation. While most Federal civilian employees receive an automatic cost-of-living adjustment, Federal judges do not. Instead, they currently receive an adjustment only if Congress passes a special law and also provides an adjustment for itself.

Judicial salaries should not be ensnared in Congressional-pay politics. Judges should simply be on the same system that other Federal employees are.

That is what this bill would do.

It would repeal "Section 140," which currently requires Congress to pass a special law each year in order for judges to receive a cost-of-living adjustment; and it would provide judges with an automatic, annual cost-of-living adjustment under the same General Schedule used for other Federal civilian employees.

In other words, the bill would simply put Federal judges on an even playing field.

Why is this important?

The drop in real pay for Federal judges has created what Chief Justice John Roberts has called "a Constitutional crisis." More and more judges are being forced to leave the bench for financial reasons during what should be the peak years of their judicial careers.

Recently, the Federal court for the Central District of California lost a U.S. District Judge, Stephen Larson, after only 4 years of service. Larson had been a public servant for over a decade and said that because of his large family, he was finally faced with an impossible choice: He could either continue serving the public as a judge, or he could retire from the bench in order to be able to afford a college education for his children.

Judge Larson's story is not an anomaly. The Federal bench has lost 103 judges since 1990, 80 percent of whom ended up taking other, usually higher-paying, positions in the private sector.

The problem is especially acute in high-cost states like California. In California, State court judges have higher salaries than Federal Article III judges.

The rate at which our Federal courts are losing judges has increased by 24 percent since the 1990s, even as case-loads have gone up and the replacement process has slowed down.

Departures like Judge Larson's are only half the problem. As former Federal judge and former Representative Abner Mikva has pointed out, a primary effect of the erosion of judicial salaries is to discourage our Nation's most talented lawyers from joining the bench in the first place.

In 1969, the salary of a Federal district court judge was about 20 percent higher than the salary of a top law school dean and about 30 percent higher than that of a senior law professor at a top law school. Today, judges make only two-thirds the salary of similarly credentialed law professors, and half the pay of deans.

In many cases, judges make less than first-year associates fresh out of law school.

The bill that I am introducing today does not say that Federal judges should

make as much as law firm partners or law school deans. It simply says that Federal judges should not be at a disadvantage vis-à-vis other Federal employees in getting a cost-of-living adjustment each year. It simply ensures that the salary Congress intended judges to receive will keep pace with inflation.

Congress has already delayed action on this issue for too long. Our Nation now risks losing both our most experienced judges and the next generation of talented jurists.

As early as 2003, the nonpartisan National Commission on the Public Service, also known as the Volcker Commission, concluded that "the lag in judicial salaries has gone on too long, and the potential for the diminished quality in American jurisprudence is now too large."

I believe that the legislation that I am introducing today with Senators HATCH, LEAHY, and GRAHAM is a straightforward solution. It is not a raise. It is simply an assurance that judges will not have to jump through special hoops or rely on the politics of Congressional pay in order to get the cost-of-living adjustment received by other Federal employees.

I do not believe that judges should expect to make the kind of salaries available to partners at private law firms. The rewards of public service are of a different kind. But we must ensure that judicial service remains a viable option for the most talented members of the bar.

Basic fairness requires that judges' salaries not diminish over time. It is time to provide these critical public servants with a fair pay system that will guarantee the future health of the judiciary.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Judicial Fairness Act of 2009".

SEC. 2. JUDICIAL COST-OF-LIVING INCREASES.

(a) REPEAL OF STATUTORY REQUIREMENT RELATING TO JUDICIAL SALARIES.—Section 140 of the resolution entitled "A Joint Resolution making further continuing appropriations for the fiscal year 1982, and for other purposes.", approved December 15, 1981 (Public Law 97-92; 95 Stat. 1200; 28 U.S.C. 461 note), is repealed.

(b) AUTOMATIC SALARY ADJUSTMENTS.—Section 461(a) of title 28, United States Code, is amended to read as follows:

"(a) Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under sections 5303

and 5304 of title 5 in the rates of pay under the General Schedule, each salary rate which is subject to adjustment under this section shall be adjusted by an amount, rounded to the nearest multiple of \$100 (or, if midway between multiples of \$100, to the next higher multiple of \$100) equal to the percentage of such salary rate which corresponds to the overall average percentage of the adjustment in the rates of pay under the General Schedule.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on November 3, 2009, at 9 a.m. in Room 406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. WEBB. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Increasing Health Costs Facing Small Businesses” on Tuesday, November 3, 2009. The hearing will commence at 2:30 p.m. in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WEBB. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 3, 2009, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CRAPO. Mr. President, I ask unanimous consent that an intern from my office, Matthew Spencer, be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH

Mr. DURBIN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 291, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 291) expressing support for the goals of National Adoption Day

and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging Americans to secure safety, permanency, and well-being for all children.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 291) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 291

Whereas there are approximately 510,000 children in the foster care system in the United States, approximately 129,000 of whom are waiting for families to adopt them;

Whereas 61 percent of the children in foster care are age 10 or younger;

Whereas the average length of time a child spends in foster care is over 3 years;

Whereas, for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas the number of youth who “age out” of foster care by reaching adulthood without being placed in a permanent home has continued to increase since 1998, and more than 26,000 foster youth age out every year;

Whereas every day loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though “Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years”;

Whereas, while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas both National Adoption Day and National Adoption Month occur in November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas, since the first National Adoption Day in 2000, more than 25,000 children have joined forever families during National Adoption Day;

Whereas, in 2008, adoptions were finalized for over 4,500 children through more than 325 National Adoption Day events in all 50 States, the District of Columbia, Puerto Rico, and Guam; and

Whereas the President traditionally issues an annual proclamation to declare November as National Adoption Month, and National Adoption Day is on November 21, 2009: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the citizens of the United States to consider adoption during the month of November and all throughout the year.

ORDERS FOR WEDNESDAY, NOVEMBER 4, 2009

Mr. DURBIN. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. Wednesday, November 4; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for 2 hours with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; and that following morning business the Senate resume consideration of H.R. 3548, the Worker, Homeownership, and Business Assistance Act of 2009, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Under the previous order, following the adoption of the substitute amendment tomorrow morning, the Senate will proceed to a cloture vote on H.R. 3548, as amended. This vote will be the first vote of the day and will begin at 12:15 p.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 7:02 p.m., adjourned until Wednesday, November 4, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

November 3, 2009

CONGRESSIONAL RECORD—SENATE, Vol. 155, Pt. 19

26521

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

VICTORIA A. LIPNIC, OF VIRGINIA, TO BE A MEMBER OF
THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
FOR THE REMAINDER OF THE TERM EXPIRING JULY 1,
2010, VICE NAOMI CHURCHILL EARP.

VICTORIA A. LIPNIC, OF VIRGINIA, TO BE A MEMBER OF
THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
FOR A TERM EXPIRING JULY 1, 2015. (REAPPOINTMENT)

ADMINISTRATIVE CONFERENCE OF THE UNITED
STATES

PAUL R. VERKUIL, OF FLORIDA, TO BE CHAIRMAN OF
THE ADMINISTRATIVE CONFERENCE OF THE UNITED
STATES FOR THE TERM OF FIVE YEARS, VICE
THOMASINA V. ROGERS, TERM EXPIRED.

HOUSE OF REPRESENTATIVES—Tuesday, November 3, 2009

The House met at 8 a.m. and was called to order by the Speaker pro tempore (Mr. BLUMENAUER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 3, 2009.

I hereby appoint the Honorable EARL BLUMENAUER to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2009, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 8:50 a.m.

HEALTH CARE REFORM

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. As we know, health care is not a luxury; it is simply a necessity. And here in the United States we already have the best doctors, the best hospitals, the best patient care in the world. What we do not have is the best access to health care. That access lies in being able to obtain quality health care at a fair price.

All families deserve to know that their health care needs will be met. We need to promote changes that make health care insurance easily accessible and affordable for all Americans. And we need to do this in a way that fixes what is broken in the system without destroying what works in the system.

What we need is real health care reform. Real health care reform means that no one should be denied coverage due to a preexisting health condition. Real health care reform means coverage should be portable and stay with you through job changes or career changes. Real health care reform means that there should be no dis-

crimination based on age or gender. Real health care reform means expanding the health care options for all Americans by forcing insurance companies to compete for all of our business. Real health care reform means supporting effective prevention, wellness, and disease management programs. And, most importantly, real health care reform means all of these things without destroying the current health care system that over 80 percent of Americans have said they are happy with.

The Pelosi health care bill wants to raise taxes on all individuals by 2.5 percent if they do not purchase bureaucrat-approved health insurance. The Pelosi health care bill makes over \$162 billion in cuts to Medicare Advantage for seniors. The Pelosi health care bill will eventually force Americans to purchase their coverage through the Federal Government with no real competition. The Pelosi health care bill makes no effort to control the skyrocketing costs of health care or insurance premiums. Instead, the Pelosi health care bill finds convoluted ways to hide health care costs in taxes on individuals, businesses, and by making timely and professional care a scarce resource.

As a mother and as a grandmother, I know that American families are worried. In the average household, it is us women who are often tasked with major and minor health care decisions. We choose our family doctors and take our kids and elderly parents to doctors' appointments. We stay home to nurse the sick children and our partners back to health. And we have seen every scrape, every cut, every blister that our family members have ever had. We know that families are in this together and we bind and look after our families.

Women know that if health care reform excludes even one member of our family, then it is unworkable. And we know the high cost of health care is the most important issue facing our Nation right now, because it is the most important issue facing our families.

Everyone deserves access to health care insurance. Everyone deserves health care treatment. And everyone deserves both at an affordable price.

The Pelosi health care bill is not the answer. We can, and indeed, we must, do better.

THE TIME FOR HEALTH INSURANCE REFORM IS NOW

The SPEAKER pro tempore (Ms. CHU). The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. I guess I couldn't disagree more with my friend from Florida in referring to health care legislation. She's just described something I certainly don't recognize.

I rise today because the time for health care insurance reform has arrived. Premiums are dramatically increasing for working families in our country. The overall costs of health care are imperiling our Federal budgets and the quality of care itself. Individuals with previous existing medical conditions are being denied medical coverage every day by health insurers in this country.

The newly introduced bill, H.R. 3962, is a result of unprecedented participation by three House committees and more than 160 hours dedicated to open hearings, debates, and amendments. The bill and committee amendments have been available for review for more than 3 months, including on our respective Web sites, including my own. I have had more than 19,000 contacts from citizens in my district, each providing important input. I held a number of town hall meetings, including one televised nationally on C-SPAN, and I listened to the residents of the 11th District of Virginia.

I heard from my constituents that they're worried about previous existing medical conditions keeping them from obtaining medical insurance for their children. They're worried about the proposed changes to Medicare and what they might mean to them. I heard that the ever-growing cost of health insurance premiums is forcing some to choose between health care and financial ruin. They were insistent that the cost of whatever health insurance reform is adopted not add to the Federal deficit. And I heard that the potential surtax would be harmful to many families and small businesses, especially in my district.

One of the consistent themes of health insurance reform has been the outlawing of the insurance company practice of denying coverage and forcing families into financial distress as they try to afford treatment for things like childhood cancer, hypertension, asthma, diabetes, and many other conditions. Currently, 45 percent of us who are insured, who have health insurance, have such previous existing conditions. H.R. 3962 will ensure that no

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

one can be denied coverage because of that previous existing condition.

The National Committee to Preserve Social Security and Medicare, an organization dedicated to protecting the well-being of American seniors, recently expressed its support for this legislation. The bill will close the doughnut hole for Medicare part D, which currently costs many seniors thousands of dollars out of pocket each year; it will permit Medicare to negotiate lower prescription drug costs for recipients; and it will eliminate required deductibles and copayments for preventative screenings for our seniors. The committee noted that H.R. 3962 protects Medicare Advantage recipients from out-of-pocket expenses.

One of the drivers of cost in the current health insurance system is the lack of interstate portability. Individuals are not permitted to purchase out-of-State insurance plans, thereby restricting competition. This bill will allow States to create regional health care choice compacts that will provide for greater choice among insurance providers and lower costs due to increased competition.

One of my primary concerns for health insurance reform was that it not add to the deficit. President Obama declared that he would not support health care reform that added one dime to the Federal debt. Over the next decade, the Congressional Budget Office has stated that H.R. 3962 will actually reduce the Federal deficit by \$30 billion.

The originally proposed surtax to fund reform troubled me, frankly, and my constituents, and I worked tirelessly along with other freshmen to address that issue. Although my district has the highest median household income in the country, we have many two-income families, as both parents often work in order to afford the high cost of living in our district, child care costs, and the ever-increasing health insurance expenses. The surcharge as proposed would have imposed an undue burden on many small businesses—the economic engine of our economy.

Earlier this summer, I was among a group of freshman Members invited to meet with President Obama, and we expressed our concern on the surcharge. Subsequently, we joined with other freshman Members in a letter to Speaker PELOSI urging her to increase the income threshold. I'm pleased to say that that's been done—to \$500,000 for an individual and \$1 million for a family. That improved level will affect less than three-tenths of 1 percent of Americans and exempts the vast majority of small businesses.

Madam Speaker, we need health insurance reform that is affordable; that maintains the freedom to choose one's doctor and insurance plan; that ends insurance company cherry-picking; and that helps small businesses afford

health insurance for their employees. Americans cannot wait any longer. The time for responsible health insurance reform is now.

AMERICA DESERVES BETTER

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. One of the most sad expressions that we heard in this Congress was by JOHN BOEHNER, the Republican minority leader, March 15, 2009. "As I told my colleagues, we don't have enough votes to legislate. We are not in the majority. They," referring to his Republican colleagues, "ought to get the idea out of their minds that they are legislators. But what they can be is communicators."

Madam Speaker, that is an unfortunate misreading of the role of Members of Congress. It is much too narrow and limited, tragically so.

I spent 11 years in the minority in this Congress, and at times I must confess extraordinary frustration on some of what I thought were decidedly wrongheaded policies like the tragic consequences we are seeing played out on Wall Street and in Iraq today. But in the course of those 11 years, I never stopped looking for ways to work cooperatively to find a majority of people on both sides of the aisle to make productive change for America.

Some of my proudest moments were as a member of the minority when we were able to take small, bipartisan steps that made a huge impact. For example, the passage of my Water for the Poor Act, that was bipartisan legislation in both the House and the Senate that now enshrines in Federal policy an active effort to provide safe drinking water and sanitation around the world to save lives, while it improves the role and image of Americans abroad.

There has been described by some commentators, including some of my friends on the other side of the aisle, a "take no prisoners" approach. It's disturbing, as one who authored the end-of-life provisions that were hijacked and blatantly lied about to deal with what they called death panels, to see that "take no prisoner" approach in action. Well, we exploded that myth and I'm pleased that we do have strong, voluntary end-of-life provisions in the bill to protect the wishes of American families about how their families would be dealt with.

But one of the myths is that this "take no prisoners" attitude is just directed towards the Democrats because the consequence of a "take no prisoner" attitude might be, if they're successful, destroying our efforts at health care reform, where we have come further than any time in our history. In that case, the prisoners will be the

American public that will be sentenced to continuing a process where we have millions uninsured and others who are not protected by the insurance which they are paying for.

Sadly, "take no prisoners" has actually affected the minority itself, because this attitude of being dismissive of a constructive role of legislation, being dismissive of the truth, actually has resulted in holding them hostage to the lowest common denominator—the TEA Party, tin-foil-hat people who have a paranoid, limited view of what America is and can be.

In the end, Madam Speaker, America deserves better. I think it will get better. But I sincerely hope that Republicans choose to stop being communicators, especially misrepresenting what we have brought before the American people, roll up their sleeves, and work with us constructively to reform America's broken health care system with costs out of control and coverage too limited.

Madam Speaker, together, we can make progress. Together, we can legislate and work on things where there is a common vision and a common goal. Together, we can make our government work better and our communities more livable and our families safer, healthier, and more economically secure.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 9 a.m. today.

Accordingly (at 8 o'clock and 15 minutes a.m.), the House stood in recess until 9 a.m.

□ 0900

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WELCH) at 9 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord, You show mercy to all, and You despise nothing You have created. Since You know us through and through, You forgive the sins of Your people, because You alone can draw goodness out of anyone or anything, at any time.

You provide Your people with time so that they may change their course of action and return to You with all their hearts, for You alone are the Lord. You alone are ever faithful, Almighty God, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the

last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. After consultation among the Speaker and the majority and minority leaders, and with their consent, the Chair announces that, when the two Houses meet in joint meeting to hear an address by Her Excellency Dr. Angela Merkel, Chancellor of the Federal Republic of Germany, only the doors immediately opposite the Speaker and those immediately to her left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House. Due to the large attendance that is anticipated, the rule regarding the privilege of the floor must be strictly enforced. Children of Members will not be permitted on the floor. The cooperation of all Members is requested.

The practice of reserving seats prior to the joint meeting by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, October 29, 2009, the House stands in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 2 minutes a.m.), the House stood in recess subject to the call of the Chair.

During the recess, beginning at 10:23 a.m., the following proceedings were had:

JOINT MEETING TO HEAR AN ADDRESS BY HER EXCELLENCY DR. ANGELA MERKEL, CHANCELLOR OF THE FEDERAL REPUBLIC OF GERMANY

The Speaker of the House presided.

The Majority Floor Services Chief, Mr. Barry Sullivan, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice

President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort Her Excellency Dr. Angela Merkel, Chancellor of the Federal Republic of Germany, into the Chamber:

The gentleman from Maryland (Mr. HOYER);

The gentleman from South Carolina (Mr. CLYBURN);

The gentleman from Connecticut (Mr. LARSON);

The gentleman from California (Mr. BECERRA);

The gentlewoman from Connecticut (Ms. DELAUNO);

The gentleman from California (Mr. BERMAN);

The gentlewoman from New York (Ms. SLAUGHTER);

The gentleman from Massachusetts (Mr. DELAHUNT);

The gentleman from Missouri (Mr. CARNAHAN);

The gentleman from New York (Mr. MCMAHON);

The gentleman from Ohio (Mr. BOEHNER);

The gentleman from Virginia (Mr. CANTOR);

The gentleman from Indiana (Mr. PENCE);

The gentleman from Michigan (Mr. MCCOTTER);

The gentlewoman from Washington (Mrs. McMORRIS RODGERS);

The gentleman from California (Mr. MCCARTHY);

The gentleman from California (Mr. DREIER);

The gentlewoman from Florida (Ms. ROS-LEHTINEN);

The gentleman from South Carolina (Mr. WILSON); and

The gentleman from Texas (Mr. POE).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort Her Excellency Dr. Angela Merkel, Chancellor of the Federal Republic of Germany, into the House Chamber:

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from Massachusetts (Mr. KERRY);

The Senator from Oregon (Mr. MERKLEY);

The Senator from Kentucky (Mr. MCCONNELL);

The Senator from Arizona (Mr. KYL);

The Senator from Tennessee (Mr. ALEXANDER);

The Senator from Alaska (Ms. MURKOWSKI);

The Senator from Texas (Mr. CORNYN); and

The Senator from South Dakota (Mr. THUNE).

The Majority Floor Services Chief announced the Dean of the Diplomatic

Corps, His Excellency Roble Olhaye, Ambassador from the Republic of Djibouti.

The Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Majority Floor Services Chief announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 10 o'clock and 43 minutes a.m., the Majority Floor Services Chief announced Her Excellency Dr. Angela Merkel, Chancellor of the Federal Republic of Germany.

The Chancellor of the Federal Republic of Germany, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of Congress, I have the high privilege and the distinct honor of presenting to you Her Excellency Dr. Angela Merkel, Chancellor of the Federal Republic of Germany.

(Applause, the Members rising.)

(The following address was delivered in German, with a simultaneous translation in English.)

Chancellor MERKEL. Madam Speaker, Mr. Vice President, distinguished Members of Congress:

Thank you for the great honor and privilege to address you today, shortly before the 20th anniversary of the fall of the Berlin Wall. I am the second German Chancellor on whom this great honor is bestowed. Konrad Adenauer was the first when, in 1957, he addressed both Houses of Congress, albeit one after the other.

Our lives could not have been more different. In 1957, I was a small child of 3 years. I lived in Brandenburg together with my parents, a region that at the time belonged to the German Democratic Republic, the part of Germany that was not free. My father worked as a Protestant pastor. My mother, who had studied English and Latin to become a teacher, was not allowed to work in her chosen profession in the GDR. In 1957, Konrad Adenauer was already 81 years old. He had witnessed the German Empire, the first World War, the Weimar Republic and the Second World War. The National Socialists ousted him from his office as Lord Mayor of the city of Cologne. After the war, he was one of the men and women who built the free and democratic Federal Republic of Germany. There is nothing more symbolic of this Federal Republic of Germany than its constitution, the basic law, the grundgesetz. It was adopted exactly 60 years ago.

Article 1 of the basic law reads as follows, "The dignity of man is inviolable." This short and simple sentence—"the dignity of man is inviolable"—was the response to the catastrophe of the Second World War, to the murder of 6 million Jews in the Holocaust, to the hatred, destruction and annihilation that Germany brought over Germany and the rest of the world.

In only a few days will mark the 9th of November. On the 9th of November, 1989, the Berlin Wall fell. The 9th of November, 1938, however, also left an indelible mark on German and European history. On this day, the National Socialists pillaged and destroyed synagogues, set fire to them and killed innumerable people. It was the beginning of what later turned into the break with civilization that was the Shoah. I cannot stand before you today without remembering the victims of that very day and of the Shoah.

There is one guest in the audience today who personally experienced the horrors of Germany under National Socialism and whom I got to know personally some time ago—Professor Fritz Stern. He was born in Breslau in 1926—then a German city, today a Polish city—and in 1938, he was able to flee with his family from the Nazis at the very last minute. In his autobiography, published in 2006 under the title "Five Germanys I Have Known" Fritz Stern recounts the moment he arrived in New York Harbor in 1938, reaching a haven of freedom and security.

Ladies and gentlemen, it is wonderful that history willed that Fritz Stern, then a 12-year-old boy driven out of his native Germany, and myself, originally born in the GDR, now Chancellor of today's reunited Germany, meet here today before this august assembly under the same roof. This fills me with great pride and great gratitude.

In my wildest dreams, I would not have thought this possible 20 years ago, before the fall of the wall, for at the time it was beyond my imagination to ever even travel to the United States, let alone stand here before you one day. The land of unlimited opportunity was, for me for a long time, impossible to reach. The wall, barbed wire and the order to shoot at those who tried to leave limited my access to the free world. Therefore, I had to rely on films and books, some of which were smuggled by relatives from the West to gain an impression of the United States. What did I see, and what did I read? What was it I was passionate about? I was passionate about the American Dream, the possibility for each and everyone to be successful, to actually make it in life through one's own personal effort. And like many other teenagers, I was passionate about jeans of a particular brand that you could not get in the GDR, which my aunt kindly sent me regularly from the West. I was pas-

sionate about the vast American landscapes that seemed to breathe the very spirit of freedom and independence. And immediately in 1990, my husband and I flew to America for the first time, to California. We shall never forget our first glimpse of the Pacific Ocean. It was simply gorgeous. And this, even though for me, America seemed completely out of reach until 1989.

Then on the 9th of November, 1989, the Berlin Wall fell, and this border, which had divided a nation for decades, keeping people in two different worlds, was now open. This is why, for me, today is, first and foremost, a time to say thank you. I thank all those American and Allied pilots who heard and heeded the desperate appeal of then-mayor of Berlin, Ernst Reuter, in 1948 who said, "You, the nations of this world, cast your eyes towards the city." For months, these pilots flew to Berlin for the airlift, saving the citizens from starvation. Many of these soldiers risked their lives; dozens lost their lives. We shall remember and honor them forever.

I thank the 16 million Americans stationed in Germany throughout the last decades, without whose support as soldiers, diplomats and generally as facilitators, overcoming the division of Europe would simply not have been possible. Also, we would be more than pleased, not only today but also in the future, to have American soldiers in Germany. You are ambassadors of your country to Germany, just as many Americans with German roots continue to be ambassadors of my country over here in the United States of America.

I think of John F. Kennedy who won the hearts of the Berliners when, during his visit in 1961 after the wall had been built, he reached out to the desperate citizens of Berlin by saying, "Ich bin ein Berliner." I think of Ronald Reagan who, far earlier than most, clearly saw the sign of the times and, standing in front of the Brandenburg Gate already in 1987, called out, "Mr. Gorbachev, open this gate. Mr. Gorbachev, tear down this wall." This appeal shall remain forever in my heart.

I thank George Herbert Walker Bush for the trust he placed in Germany and then Chancellor Helmut Kohl, offering something of immeasurable value to us Germans already in May 1989: "Partnership in leadership." What a generous offer, 40 years after the end of the Second World War. It was actually only last Saturday that we met again in Berlin, incidentally together with Mikhail Gorbachev. And to him, too, we owe a debt of gratitude.

Ladies and gentlemen, to put it in just one sentence, I know—we Germans know how much we owe to you, our American friends, and we shall never—I, personally—shall never, ever forget this.

The common quest for freedom released incredible forces all over Eu-

rope: the trade union Solidarnosc in Poland, the reformers around Vaclav Havel in Czechoslovakia, the first opening of the Iron Curtain in Hungary, and the demonstrations in the GDR every Monday. Where there used to be a dark wall, a door suddenly opened, and we all walked through it out into the streets, into the churches, across borders. Each and everyone was suddenly given a chance to build something new, to help shape things, to dare a new beginning.

I, too, saw a new beginning. I left my work as a physicist in the Academy of Science in East Berlin behind me and went into politics because I was finally able to do something to make a difference because I had gained the impression, Now things can be changed. Now you can do something. Ladies and gentlemen, 20 years have gone by since we were given this incredible gift of freedom, but still, nothing keeps me more involved, nothing spurs me on as much, nothing fills me with stronger positive feelings than the force of freedom.

Whoever has been so positively surprised in his or her lifetime holds many things to be possible. Or, to borrow the words of Bill Clinton when he was in Berlin in 1994, "Nothing will stop us. All things are possible." Yes, everything is possible. It is possible for a woman like myself to be here today. It is possible for a man like Arnold Vaatz, a dissident in Dresden during GDR times who spent time in prison because of this, to be here present today, a Member of the German Bundestag, the German Parliament and a member of my delegation. Yes, everything is possible. Also in our century, the 21st century, the age of globalization.

Back home in Germany, just as here in America, many people are afraid of globalization. We don't simply pass over this fact and these fears. We do see the difficulties. And yet it is up to us to convince people that globalization is the great global opportunity for each and every continent, for it forces all of us to work together with others. The alternative to globalization would mean shutting ourselves off against others. But instead of being a viable alternative, this would only lead into isolation and misery. Thinking in terms of alliances, thinking in terms of partnerships, however, this will take us into a good future.

Ladies and gentlemen, America and Europe have certainly had their share of disagreements. Some may sometimes consider the other to be too hesitant or too fearful or, from the opposite perspective, too headstrong and too pushy. And yet I am deeply convinced that Europe will not find a better partner than America, nor will America find a better partner than Europe. For what brings Europeans and Americans together and keeps them together is not only a common history,

what brings Europeans and Americans together and keeps them there are not only shared interests but common global challenges which exist among all regions of the world. This alone would not be sufficient to forge this very special partnership between Europe and America and to make it last. There is more to it. What brings Europeans and Americans together and keeps them close is a common basis of shared values. It is a common idea of the individual, and its inalienable dignity. It is a common understanding of freedom and responsibility. This is what we stand up for in this unique trans-Atlantic partnership and in this community of shared values that is NATO.

Thus, partnership and leadership is filled with life, ladies and gentlemen. It was this basis of values that ended the Cold War, and it is this basis of values which enables us now to stand the test of our times, and we need to stand this test of our time. Germany is united. Europe is united. That is something that we've been able to do.

Now today's generation needs to prove that it is able to meet the challenges of the 21st century and that, in a sense, we are able to tear down walls of today. What does this mean? Well, it means create freedom and security. It means create prosperity and justice, and it means protecting our planet. And here again, America and Europe are called upon in a very special way to do that, even after the end of the Cold War. Therefore, what is important is to see to it that we tear down walls in the minds of people, walls that separate different concepts of life that make it difficult time and again for us to understand each other all over the world. This is why the ability to show tolerance towards others is so important.

For us, our way of life is the best possible way, but others do not necessarily feel that way or think that way. There are different solutions to create a peaceful coexistence and tolerance; and showing tolerance means showing respect for the history, the tradition, the religion and the cultural identity of others. But let there be no misunderstanding; tolerance does not mean anything goes. There must be zero tolerance towards all those who show no respect for the inalienable rights of the individual and who violate human rights, and zero tolerance needs to be shown when there is a risk of weapons of mass destruction falling, for example, into the hands of Iran and threatening our security.

Iran needs to be aware of this. Iran knows our offer, but Iran also knows where we draw a line. A nuclear bomb in the hands of an Iranian president who denies the Holocaust, threatens Israel and denies Israel the right to exist is not acceptable. The security of the State of Israel is for me nonnegotiable, now and forever. Incidentally,

not only Israel is threatened but the whole of the free world. Whoever threatens Israel also threatens us. This is where the free world meets this threat head-on; if necessary, through tough economic sanctions. And this is why we, in Germany, will do everything we can in order to lend our support to the Middle East peace process, with the aim of establishing a two-state solution, a Jewish State of Israel and a Palestinian state living peacefully side by side.

We also stand up against the threat of international terrorism. We are aware of the fact that no country, no matter how strong, can do this alone. We all need partners. We are only strong if we are joined by others in a community of partners. Since we share then-President George W. Bush's views after the attacks of 9/11 that we had to prevent Afghanistan from ever harboring such a threat to the world again, Germany has been present there on the ground since 2002, with the third-largest troop contingent. We want to make the concept of an integrated or networked security successful. This means that civil and military commitment are inextricably linked.

The international community's mission in Afghanistan is, without any doubt, a tough one. It demands a lot from all of us, and it now needs to be transferred to the next phase as soon as the new Afghan Government is in office. Our objective must be a strategy for transfer of responsibility which we intend to develop together during a joint U.N. conference at the beginning of next year. We will be successful if we, as we have done up to now, continue to travel this road together every step of the way. Germany stands ready to shoulder its responsibility.

There is no doubt that NATO is and remains the crucial cornerstone of our common security. The security concept is continuously further developed and adapted to meet the challenges of the day, but its foundation and its clear compass for peace and freedom remain unchanged. We Europeans, I am convinced, may contribute even more in the future, for we Europeans are currently working on giving a new contractual basis to our European Union. The last signature has just been put on this document. This will make the European Union stronger and more capable of action, thereby turning it into a strong and reliable partner for the United States. We can build stable partnerships on this sound basis, first and foremost, with Russia, China and India. For, ladies and gentlemen, the world we live in today is both freer and more integrated than ever before.

The fall of the Berlin Wall, the technological revolution and information and communication technology, and the rise of China, India, and other countries to become dynamic economies, all of this has changed the world

of the 21st century into something completely different from what we knew in the 20th century. This is a good thing, for freedom is the very essence of our economy and our society. Man can only be creative when he's free, but what is also clear is that freedom does not stand alone. It is the freedom in responsibility and freedom to show and shoulder responsibility. For this, the world needs an underlying order. The near collapse of the international financial markets has shown what happens when there is none, when there is no underpinning order. If there is one lesson the world has learned from the financial crisis of last year, it is that a globalized economy needs a global order and a global framework of rules. Without global rules on transparency and supervision, we will not gain more freedom but rather risk the abuse of freedom and, thus, risk instability.

In a way, this is a second wall that needs to fall, a wall standing in the way of a truly global economic order, a wall made up of regional and exclusively national thinking. The G-20 is key to this cooperation among the most important industrialized countries and emerging economies. Here, too, cooperation between the Americans and the Europeans is a crucial cornerstone. It is not an exclusive but an inclusive cooperation. The G-20 have shown that they are capable of action, and we need to resist the pressure of those who almost led the nations of this planet to the abyss. The long and short of it is that international economic policy needs to be more sustainable because this crisis was also the result of a way of thinking that was too short term. As a consequence, millions of people all over the world may lose their jobs and are threatened by poverty and hunger.

To achieve prosperity and justice, we have to do everything to prevent such a crisis in the future. This also means not giving in to the temptation of protectionism. This is why the Doha negotiations and the framework of WTO are so important. The success of the Doha Round would send a very important message of openness for global trade, particularly in the current crisis. And just as much, the Transatlantic Economic Council can fulfill an important task in preventing the race for subsidies and giving incentives to reduce barriers to trade between Europe and America. Please, do let us jointly work for a global economic order that is in the interest of both America and Europe.

Ladies and gentlemen, global challenges can only be met by comprehensive international cooperation. This is also true for the third great task we need to stand up to in the 21st century, the wall that seemingly separates the present from the future. This wall bars from view the needs of future generations. It prevents us from doing what is

urgently necessary to preserve the basis of our very life and our climate. We can already see now where this wasteful attitude towards our future leads: icebergs are melting in the Arctic; in Africa, people become refugees because their environment has been destroyed; the global sea level is rising.

I am delighted to note that President Obama and you, in your daily work, consider the protection of our climate to be a very important task. We all know that we have no time to lose. We need an agreement at the climate conference in Copenhagen in December. We need an agreement on one objective: global warming must not exceed 2 degrees Celsius. To achieve this, we need the readiness of all countries to exact internationally binding obligations. We cannot afford missing the objectives in climate protection that science tells us have to be met. This would not only be irresponsible from an environmental point of view, it would also be technologically shortsighted, for the development of new technologies in the field of energy offers great opportunities for growth and innovative jobs.

No doubt about it, in December the world will look to us, to the Europeans and to the Americans. And it is true, there can be no agreement without China and India. But I am convinced once we, in Europe and America, show ourselves ready to adopt binding agreements, that we will also be able to persuade China and India to join in. Then in Copenhagen, we shall be able to overcome this wall separating the present and the future in the interest of our children and grandchildren and in the interest of sustainable development all over the world.

Ladies and gentlemen, I am convinced that just as we found the strength in the 20th century to bring about the fall of the wall made of concrete and barbed wire, we shall now show that necessary strength to overcome the walls of the 21st century, walls in our minds, walls of short-sighted self-interest, walls between the present and the future.

Ladies and gentlemen, my confidence is nurtured and comes from a very important source, a very special sound, the sound of the Liberty Bell in Schöneberg Town Hall in Berlin. Since 1950, the bell, cast after the original American Liberty Bell, hangs there in the belfry. A gift from American citizens, it is a symbol of the promise of freedom, a promise that has been fulfilled. On the 3rd of October, 1990, the Liberty Bell rang again, signaling the unification of Germany, the greatest moment of joy for the German people. On the 13th of September, 2001, it tolled out again, 2 days after 9/11, the greatest day of mourning for the American people.

(Spoken in English:)

The freedom bell in Berlin is, like the Liberty Bell in Philadelphia, a symbol

which reminds us that freedom does not come about by itself. It must be struggled for and then defended anew every day of our lives. In this endeavor, Germany and Europe will also in the future remain strong and dependable partners for America. That, I promise you. Thank you very much.

(Applause, the Members rising.)

At 11 o'clock and 20 minutes a.m., Her Excellency Dr. Angela Merkel, Chancellor of the Federal Republic of Germany, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Majority Floor Services Chief escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet;

The Dean of the Diplomatic Corps.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly (at 11 o'clock and 23 minutes a.m.), the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess subject to the call of the Chair.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PASTOR of Arizona) at noon.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. WALZ. Mr. Speaker, I ask unanimous consent that the proceedings held during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3949, by the yeas and nays;

H. Res. 398, by the yeas and nays;

H. Res. 866, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining

electronic votes will be conducted as 5-minute votes.

VETERANS' SMALL BUSINESS ASSISTANCE AND SERVICEMEMBERS PROTECTION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3949, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and pass the bill, H.R. 3949, as amended.

The vote was taken by electronic device, and there were—yeas 382, nays 2, not voting 48, as follows:

[Roll No. 835]

YEAS—382

Aderholt	Castor (FL)	Gingrey (GA)
Adler (NJ)	Chaffetz	Gohmert
Akin	Chandler	Gonzalez
Alexander	Childers	Goodlatte
Altmire	Chu	Graves
Arcuri	Clarke	Grayson
Austria	Cleaver	Green, Al
Baca	Clyburn	Green, Gene
Bachmann	Coble	Griffith
Bachus	Coffman (CO)	Grijalva
Baird	Cohen	Guthrie
Baldwin	Conaway	Hall (TX)
Barrow	Connolly (VA)	Halvorson
Bartlett	Cooper	Hare
Barton (TX)	Costa	Harman
Bean	Costello	Harper
Becerra	Courtney	Hastings (FL)
Berkley	Crowley	Hastings (WA)
Berman	Cuellar	Heinrich
Berry	Culberson	Heller
Biggert	Cummings	Hensarling
Bilbray	Dahlkemper	Herger
Bilirakis	Davis (CA)	Herseth Sandlin
Bishop (GA)	Davis (IL)	Higgins
Bishop (NY)	Davis (KY)	Hill
Bishop (UT)	DeFazio	Himes
Blackburn	DeGette	Hinojosa
Blumenauer	Delahunt	Hirono
Blunt	DeLauro	Hodes
Bocchieri	Dent	Holden
Boehner	Diaz-Balart, L.	Honda
Bonner	Diaz-Balart, M.	Hoyer
Bono Mack	Dicks	Hunter
Boozman	Dingell	Inglis
Boren	Doggett	Inslee
Boswell	Donnelly (IN)	Israel
Boucher	Doyle	Issa
Boustany	Dreier	Jackson (IL)
Boyd	Driebeaus	Jackson-Lee
Brady (TX)	Duncan	(TX)
Braley (IA)	Edwards (MD)	Jenkins
Bright	Edwards (TX)	Johnson (GA)
Broun (GA)	Ehlers	Johnson, E. B.
Brown (SC)	Ellison	Johnson, Sam
Brown-Waite,	Ellsworth	Jones
Ginny	Emerson	Jordan (OH)
Buchanan	Engel	Kagen
Burgess	Eshoo	Kanjorski
Burton (IN)	Etheridge	Kaptur
Butterfield	Fallin	Kennedy
Buyer	Farr	Kildee
Calvert	Filner	Kilpatrick (MI)
Camp	Fleming	Kilroy
Campbell	Forbes	Kind
Cantor	Fortenberry	King (IA)
Cao	Foster	King (NY)
Capito	Fox	Kirk
Capps	Frank (MA)	Kirkpatrick (AZ)
Cardoza	Franks (AZ)	Kissell
Carnahan	Frelinghuysen	Klein (FL)
Carson (IN)	Fudge	Kline (MN)
Carter	Gallegly	Kosmas
Cassidy	Garrett (NJ)	Kratovil
Castle	Giffords	Kucinich

Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loeback
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)

Murphy (NY)
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schradler
Schwartz

Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NAYS—2

Flake

Paul

NOT VOTING—48

Abercrombie
Ackerman
Andrews
Barrett (SC)
Brady (PA)
Brown, Corrine
Capuano
Carney
Clay
Cole
Conyers
Crenshaw
Davis (AL)
Davis (TN)
Deal (GA)
Fattah
Gerlach

Gordon (TN)
Granger
Gutierrez
Hall (NY)
Hinchey
Hoekstra
Holt
Johnson (IL)
Kingston
Lipinski
Maloney
McCaul
Meeks (NY)
Moran (KS)
Murphy, Patrick
Nunes
Pallone

Pascarell
Payne
Price (GA)
Rahall
Ryan (OH)
Sánchez, Linda T.
Sires
Speier
Spratt
Stupak
Towns
Velázquez
Wamp
Young (FL)

□ 1228

Messrs. BROWN of Georgia, SNYDER and MURPHY of New York changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MORAN of Kansas. Mr. Speaker, I was unavoidably detained on Tuesday, November 3, and consequently missed rollcall vote No. 835 on H.R. 3949, the Veterans' Small Business Assistance and Servicemembers Protection Act of 2009. Had I been present, I would have voted “yea” on H.R. 3949.

Mr. FATTAH. Mr. Speaker, had I been present for the vote to suspend the rules and pass H.R. 3949 as amended I would have voted “yea.”

RECOGNIZING 60TH ANNIVERSARY OF BERLIN AIRLIFT'S SUCCESS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 398, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and agree to the resolution, H. Res. 398.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 367, nays 0, not voting 65, as follows:

[Roll No. 836]

YEAS—367

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boccheri
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)

Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Campbell
Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)

Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Graves

Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Honda
Hoyer
Hunter
Inglis
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loeback
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch

Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)

Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)

Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schradler
Schwartz

NOT VOTING—65

Abercrombie
Ackerman
Andrews
Barrett (SC)
Barton (TX)
Blunt
Boehner
Brady (PA)
Brown, Corrine
Camp
Cantor

Capuano
Carney
Carter
Cole
Conyers
Crenshaw
Davis (AL)
Davis (TN)
Deal (GA)
Dreier
Farr

Frank (MA)
Franks (AZ)
Gerlach
Goodlatte
Gordon (TN)
Granger
Gutierrez
Hall (NY)
Hinchey
Hoekstra
Holt

Israel
Johnson (IL)
Kingston
Kline (MN)
Lipinski
Maloney
McCarthy (CA)
McCaul
McCotter
McMorris
Rodgers
Meeks (NY)

Murphy, Patrick
Murtha
Nunes
Obey
Pallone
Pascrell
Payne
Pence
Price (GA)
Rahall
Ryan (OH)

Sánchez, Linda
T.
Schauer
Sessions
Sires
Spratt
Stupak
Towns
Velázquez
Wamp
Young (FL)

Cao
Capito
Capps
Cardoza
Carnahan
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller

Hensarling
Herger
Herseht Sandlin
Higgins
Hill
Himes
Hinojosa
Hirono
Hodes
Holden
Honda
Hoyer
Hunter
Inglis
Insee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Melancon
Mica

Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)

Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson

Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1235

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GOODLATTE. Mr. Speaker, on rollcall No. 836, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. FRANKS of Arizona. Mr. Speaker, on rollcall No. 836, had I been present, I would have voted "yea."

Mr. BOEHNER. Mr. Speaker, on rollcall No. 836, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. DREIER. Mr. Speaker, on rollcall No. 836, I was unavoidably detained. Had I been present, I would have voted "yea" on H. Res. 398, Recognizing the 60th Anniversary of Berlin Airlift's Success.

NATIONAL VETERANS HISTORY PROJECT WEEK

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 866, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and agree to the resolution, H. Res. 866.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 389, nays 0, not voting 43, as follows:

[Roll No. 837]

YEAS—389

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman

Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher

Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor

Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Oliver
Ortiz
Pastor (AZ)
Paul
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter

NOT VOTING—43

Abercrombie
Ackerman
Andrews
Austria
Barrett (SC)
Brady (PA)
Brown, Corrine
Capuano
Carney
Cole
Conyers
Crenshaw
Davis (AL)
Davis (TN)
Deal (GA)

Gerlach
Gordon (TN)
Granger
Gutierrez
Hall (NY)
Hinchey
Hoekstra
Holt
Johnson (IL)
Kingston
Lipinski
Maloney
McCaul
Meeks (NY)
Murphy, Patrick

Nunes
Pallone
Pascrell
Payne
Price (GA)
Ryan (OH)
Sánchez, Linda
T.
Sires
Spratt
Stupak
Towns
Velázquez
Wamp

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1243

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. COLE. Mr. Speaker, today, November 3, 2009, I missed a series of three votes. I missed rollcall votes Nos. 835, 836, and 837. I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted as follows:

Rollcall vote No. 835: "yea" (On agreeing to H.R. 3949).

Rollcall vote No. 836: "yea" (On agreeing to H. Res. 398).

Rollcall vote No. 837: "yea" (On agreeing to H. Res. 866).

PERSONAL EXPLANATION

Mr. CARNEY. Mr. Speaker, on Monday, November 2 and Tuesday, November 3, I was unable to cast my vote on six suspension bills due to a need to cast my vote in the election in Pennsylvania.

Had I been present, I would like the RECORD to reflect that I would have voted:

"Yea" on rollcall vote 832, "yea" on rollcall vote 833, "yea" on rollcall vote 834, "yea" on rollcall vote 835, "yea" on rollcall vote 836, "yea" on rollcall vote 837.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3691

Mr. LINDER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3691.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

HEALTH CARE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of national health care reform. The 29th District in Texas, which I represent, has one of the highest numbers of uninsured individuals in our country, where nearly 40 percent of the residents are uninsured.

Last week, the melded House version of the health care bill was reintroduced as H.R. 3962, the Affordable Health Care for America Act. H.R. 3962 creates a national health care exchange in which individuals and small businesses can purchase health insurance plans for themselves and employees. Our goal is to build on the system of employer-based health care coverage that 60 percent of Americans currently enjoy and allow those who have employer-based insurance to keep that coverage.

If enacted, H.R. 3962 will provide insurance coverage to 230,000 currently uninsured residents in our district and improve the employer-based coverage for 217,000 residents. Under this legislation, 177,000 households would qualify for affordability credits to purchase health insurance.

In our district, 16,600 small businesses would be able to obtain health insurance for their employees, and 14,600 small businesses will qualify for tax credits to help them offset the cost of obtaining health care. That's why we need national health care reform.

□ 1245

GIVING AMERICANS THE RIGHT KIND OF HEALTH CARE

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. As a woman in the sandwich generation, I've spent numerous hours making health care decisions for my two teenagers, as well as two aging parents who have both suffered from cancer and other medical emergencies. From monitoring vaccines, to paying hospital and prescription costs, to reviewing insurance coverage, I understand the concerns folks have with their health care system.

That is why I am glad Republicans have solutions: solutions to provide access to care, regardless of preexisting conditions; solutions to cover the uninsured; solutions for tort reform to reduce the cost of defensive medicine.

Democrats have other ideas. The Pelosi health care plan will force folks

off their current health care coverage, lead to longer waiting lines, increase premiums, higher taxes, fewer options, and will further bankrupt our Nation.

Please, let's give Americans the right kind of health care reform.

MOURNING THE LOSS OF WILLARD V. OLIVER

(Mrs. KIRKPATRICK of Arizona asked and was given permission to address the House for 1 minute.)

Mrs. KIRKPATRICK of Arizona. Mr. Speaker, I rise to mourn the loss of Willard V. Oliver, one of the last surviving Navajo Code Talkers. The Code Talkers saved the lives of countless Americans in World War II and the Korean War by using Dine to communicate sensitive military intelligence without risk of interception by the enemy. Mr. Oliver spent more than 2 years fighting his way across the South Pacific as one of those esteemed marines.

Willard Oliver passed away on October 14th after a life marked by heroic service to his people and to his country.

In speaking of his service, Mr. Oliver said, "I am proud to be a Code Talker, and I know we counted for something great."

Today, I am proud to honor him and all Navajo Code Talkers for their bravery and sacrifice on behalf of this country. His and their contributions to our great Nation must never be forgotten.

DOING HEALTH CARE REFORM THE RIGHT WAY

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, the American people want health care reform, but they want the right kind of reform. They want to know that we are not going to raise taxes on job creators when the economy is just coming out of a recession. They want to know that we are not going to change the health care that they have now. They want to know that Medicare will be there for them.

As a mother of three, I can remember nights when one of our children would have a cold and I would put my ear to their chest to hear the rattle or to hear if they were developing croup. And that is what we have been doing with this health care reform. The Republicans have been putting their ears to the chest of the American people to find out what they want. And what they want, they want reform the right way, not a \$1 trillion plan that will lead to uncertainty and that will have certain people lose their health care.

We need to do health care reform, but we need to do it the right way.

PAYING FOR VALUE IN HEALTH CARE

(Mr. WALZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ. Mr. Speaker, I am proud that this House has finally showed the courage to tackle one of the most important issues in our country, the rising cost of health care. I want to recognize that this piece of legislation takes a huge step forward in addressing the issue of paying for value in our health care system.

The current payment system rewards volume and quantity of care, rather than quality of care. We spend hundreds of billions of dollars every year on procedures that do not improve patients' health. We need to change the incentive system. We need doctors and hospitals to work together to coordinate care.

In my district in southern Minnesota, the Mayo Clinic has created just such a culture, where doctors coordinate with each other and look for the best quality results. There are other institutions around the country doing the same thing. These organizations all do it a little differently, but the one thing they have in common is a culture of patient-centered care based on high quality and low cost.

These cultures can be replicated in every hospital in the country, and the way we get there is by changing the incentive system. I am very proud that the provisions in this bill to address value and geographic disparity in Medicaid are there. We have a chance to reform American health care and provide good-quality, high-outcome health care for all Americans.

COMMONSENSE IDEAS REGARDING HEALTH CARE

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. It seems like all we hear in Washington about health care today is "public option" and "government-run program," so I thought it was interesting in a recent questionnaire, 47 percent of my constituents most want Congress to focus on reducing costs. Only 10.5 percent are most concerned with the public option, and I would be willing to bet that these numbers are similar all over the country.

Mr. Speaker, I believe that we should get back to the health care issue most important to Americans: reducing costs. Let's support commonsense changes, like medical malpractice reform and association health plans. We should also focus on eliminating the waste, fraud, and abuse that is so rampant in our medical system. With the money these reforms save, we will be able to expand coverage and be sure

no one is denied health care coverage because of a preexisting condition or because they can't afford premiums.

These are simple, tested, common-sense ideas that don't take 1,999 pages to explain. Let's give the American people what they want, Mr. Speaker.

PUTTING PATIENTS FIRST

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Mr. Speaker, this House of Representatives is the people's voice, and we are about to deliver exactly what they have been asking for: reforms in our health care system, reforms that were asked of us by our people back home in our districts. Ideas, great ideas come from our people, including closing the doughnut hole in Medicare part D, reforming medical malpractice to make sure it is affordable for every practitioner and their patients, and to negotiate finally for deeper discounts from prescription drug companies.

We are also going to eliminate the antitrust exemption that the Wall Street-run health insurance corporations have been benefiting from for several decades. We are also going to begin to look at purchasing health care policies across State lines.

This is what the people want: They want private doctors and private hospitals. They want to be in charge of their health care again.

We are going to put patients first in this House of Representatives.

HEALTH CARE AND SENIORS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, many seniors from my area of south Florida are concerned about the \$1 trillion Pelosi bill. The Pelosi bill is poised to hurt seniors by endangering their Medicare benefits. Seniors, after decades and decades of hard work and sacrifice, deserve nothing less than the best quality health care that we can provide. Any health care reform legislation must not endanger this solemn promise.

According to CBO, the Congressional Budget Office, the Pelosi plan will cut Medicare benefits by \$162 billion. The Pelosi bill will force seniors to pay up to 20 percent more for their Medicare prescription drug coverage. It will also inflict massive cuts on a popular program, Medicare Advantage, that will force many seniors out of their current coverage. So not only do we take away benefits from our seniors, but we will make them pay more for what little they are left with.

This is not what seniors deserve. Seniors deserve to have their Medicare

benefits protected. Whatever shape health care reform takes, this Chamber must never forget our pledge to our seniors.

WELCOMING AMERICAN INDIANS AND ALASKA NATIVES TO WASHINGTON

(Ms. MCCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCCOLLUM. Mr. Speaker, I rise today to welcome the many American Indians and Alaska Natives who are here in Washington to address the needs of Indian Country. For the first time, leaders from the 564 federally recognized tribes will interact directly with the President and Cabinet members in the first annual White House Tribal Nations Conference.

President Obama, the administration officials, and many Members of Congress are engaging tribal leaders in an unprecedented conversation to hear firsthand about the needs and opportunities facing Indian communities and families.

Tribal leaders are also here to commemorate the historic opening today of the Embassy of Tribal Nations' permanent home in our Nation's Capital for their family of sovereign tribal governments.

Migwetch—thank you—as we would say in Minnesota. Thank you to all the tribes who are here to participate and work on Indian issues together.

DOING HEALTH CARE REFORM THE RIGHT WAY

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Mr. Speaker, when I am at home in the district, I am not getting questions about health care. I am getting questions about jobs. People are saying, what are you doing to help create jobs?

Unemployment nationally is at a 26-year high. In my district, it is between 11 and 15 percent, and small business people say to me all the time, new taxes on businesses that can't afford health coverage is not going to help. We all know that leads to fewer jobs and lower wages for workers.

Health care reform is important, but the country can't afford it under the proposed bill. Half of the tax dollars collected by the health care bill's new surtax are from small business. It is terrible for innovation and kills ingenuity, which made America great.

It is the American people that keep this country growing, and they want health reform done the right way, that lowers cost and is affordable.

PROTECTING INNOCENT AMERICANS FROM EXECUTION

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, today I introduced H.R. 3986, the Effective Death Penalty Appeals Act, to protect innocent Americans from execution. Under current law, a death row inmate can be stranded in a procedural no-man's land condemned to die, even if there is compelling new evidence of innocence.

Justice Stevens recently wrote that the law as it stands is arguably unconstitutional. It is also wrong. My bill would empower Federal courts to entertain and grant habeas corpus petitions for death row inmates who present new evidence that demonstrates probable innocence.

This bill will help us discern the innocent from the guilty when the stakes are highest. I look forward to broad support for this bill.

I will also say that health care, this new proposal, H.R. 3986, is fabulous reform to this problem.

PROPOSED HEALTH CARE REFORM WILL HURT WOMEN

(Ms. FALLIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FALLIN. Mr. Speaker, for many women and their families, higher health care costs means the difference between receiving care or going without it. Unfortunately, the Pelosi health care bill raises taxes on health care and empowers the Federal Government and bureaucrats to decide what kind of health care families and women will have versus empowering people to make their own personal decisions. It also undermines a woman's ability to make the best decisions for her family.

According to a report, studies have shown that more than 52 percent of women have foregone necessary care because of the cost. They have foregone care from filling prescription drugs, skipping a medical test, or even failing to see a doctor when they needed medical help.

We know when the Federal Government takes over care, whether it is a bureaucratic system or a socialized system, that it also leads to rationing of care. This bill increases taxes while also causing higher insurance premiums and will hurt women and children and their families. But House Republicans support reasonable health care reform that lowers costs and will ensure access to care for all Americans.

NO LONGER BEING FOOLED BY THE PARTY OF NO

(Mrs. CAPPS asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, one of the scariest themes of Halloween has been the continuation of myths about our health care legislation that is being made by opponents of reform. These TEA-bagger myths have been debunked time and time again, yet some in this Congress continue to perpetuate them. Why? Because they have no alternative plan of their own.

If they had a comprehensive plan that would actually address our Nation's health care crisis, it would have been put forward, or maybe they would have enacted it during the years that they ran Congress and the White House. But when you don't have a plan, you have nothing else to talk about.

We all know we cannot continue the status quo: Americans with health insurance today, never knowing if it will be there when they need it; millions of Americans today without any coverage; all the while, costs keep climbing and insurance companies keep getting richer.

So what do some folks do? They distort our plan and use scare tactics and try to fool the American people. But the American people support our plan, which ensures that we all have access to quality, affordable health care, and they won't be fooled anymore by the Party of No.

□ 1300

HIGHLIGHTING THREE CONCERNS ABOUT THE HEALTH CARE REFORM BILL: ABORTION, SENIORS, AND THE CONSCIENCE CLAUSE

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I want to talk today about some of the concerns I have with the current health care bill, specifically abortion, our seniors, and the conscience clause for medical professionals.

As this bill is drafted, it opens the door to the public funding of abortion. A majority of Americans are opposed to funding abortions. For decades the Federal funding of abortion has been prohibited by the Hyde amendment. Some will argue the Capps amendment does the same thing, but it does not. It allows for plans, specifically the public option, to have abortion coverage paid for with our tax dollars.

This bill also cuts more than \$500 billion from Medicare, putting our Nation's seniors' health at risk. Almost \$170 billion will be cut from the Medicare Advantage program alone. This will adversely affect 17,000 seniors in my district.

And, finally, it appears to erode the conscience clause protections for our medical professionals. No health care

provider should ever have to choose between his or her morals, faith, and his or her job.

Health care reform should be about protecting lives, not jeopardizing them.

WE MUST MAKE HEALTH CARE A RIGHT, NOT A PRIVILEGE

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, we are at a historic moment in our Nation's history.

After a half century of debate, the time has come to make health care a reality for every single American. We must make health care a right and not a privilege. People are dying without health care. This week we must say, No more. No more.

People are losing their homes because they are without health insurance. This week we say, No more.

The American people cannot wait a moment longer. Every day that we wait, 14,000 Americans lose their health insurance.

We have a good bill before us. We have resolved our differences. We have been struck in the paralysis of analysis, and this must end and end now. Now is the time to act. Dr. Martin Luther King, Jr., once said, "Of all the forms of inequality, injustice in health care is the most shocking and inhumane."

We must not perpetuate this injustice. The spirit of history is upon us. We have been called to lead. Now is the time for the Congress to act.

THE HEALTH CARE DEBATE: A GOVERNMENT-CENTERED PLAN VERSUS A PATIENT-CENTERED, TAXPAYER-FRIENDLY PLAN

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, the American people, especially women, are listening and watching; and they are paying close attention to how we define problems, how we address problems, and how we as a body get around to solving problems that they're concerned about. And I think they're really learning so very much.

They are learning that we have a philosophical difference in how we choose to address these problems. Some of my colleagues want to see this played out in the health care debate where they would choose to have a government-centered plan, and then there are those of us that would like to have a patient-centered, taxpayer-friendly way to address this.

And we do have lots of ideas. We, as Republicans, have brought forward so many ideas and so many bills that

would do just that, to address the health care and medical concerns of our constituents.

What they want is more affordable cost, ease of access, making certain that we address access to affordable insurance for those that have preexisting and existing conditions. And we can do that and be friendly to the American taxpayer.

THE HEALTH CARE REFORM BILL AND THE INPUT FROM THE AMERICAN PEOPLE

(Mr. POLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POLIS. Mr. Speaker, the House Democrats have held over 3,000 public events, town halls, forums for people to give us their ideas on health care. I'm sure my colleagues on the other side of the aisle have held countless more events. I personally have held 28 events in my district in Colorado, town halls, telephone town halls, Congress on Your Corners. The input from the American people has made this bill a better bill.

This bill before us, the John Dingell bill, costs over \$100 billion less than the initial House bill. It reduces our deficit by over \$30 billion over 10 years. Yes, we need to do more to reduce our deficit, but this bill is an important start. That's something I heard from my constituents, and we're acting upon it by incorporating that into this bill.

Other suggestions from my constituents included making sure that we have interstate competition. There are provisions for that in the bill. Tort reform, President Obama challenged us to do that. We have put tort reform in this bill. The bill is better for small businesses.

The input from millions of Americans across the ideological spectrum has made this bill better. And I would like to thank the American people for helping to write the Democratic health care reform bill.

THE HEALTH CARE BILL IS A CRUEL HOAX

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, I come from Macomb County, Michigan. That county is also known as the home of the Reagan Democrats. It is certainly a proud heartland not only of Michigan but the heartland of America, I think. And as a mother and as a grandmother, I am incredibly concerned about the enormous amount of debt that this administration, through a number of bills and now especially this health care bill, is placing on future generations.

One of the most disingenuous claims that have been made over and over

again, Mr. Speaker, is if you like your current health care plan, you can keep it.

Well, here's a headline in my local paper just the other day: "Employers Ready to Dump Health Care." "Under the House bill, paying an 8 percent penalty is cheaper than providing coverage." This was a survey that was done by our Macomb County Chamber of Commerce, and what they found is that an overwhelming majority of local companies stated they would drop their existing employee insurance coverage or avoid offering future health care benefits if this bill that the House is considering today passes.

This bill is a very cruel hoax. That is the reality. A business decision that is going to be made will dump these people out on the public plan.

HEALTH CARE REFORM: HOW IT WILL BENEFIT WOMEN

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. Women of America, Republicans want you to believe that our health care reform bill is poison, that doing nothing is better for the Nation. But it is the status quo that is poison.

Today, women are forced to settle for less health care at a higher price. We pay as much as 50 percent more than men, a practice of discrimination that is legal in 38 States. But this bill prohibits insurance companies from charging women more for the same coverage.

Today, women are turned away from buying insurance due to so-called preexisting conditions such as domestic violence, pregnancy, and C-sections. But this bill makes it illegal to deny coverage due to any preexisting condition, including breast cancer.

Today fewer than half of America's women can get health insurance through work because they stay at home, work at small businesses, or work part time. But through this bill, every woman can buy coverage through the exchange that will cover maternity and preventative care.

This is why women in America need this health care reform bill and why I strongly support this legislation.

THE MAJORITY'S TRILLION DOLLAR HEALTH CARE PLAN

(Mrs. McMORRIS RODGERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McMORRIS RODGERS. Mr. Speaker, as the House prepares to address the latest proposal by the majority to have the government take over our health care system, I want to say that there are many things wrong with this trillion dollar health care plan.

It's bad for our economic health. It's a prescription for larger deficits, higher taxes, more job losses.

But worst of all is what it does to women, families, seniors, and small businesses. Women make two-thirds of the health care decisions in our country. As mothers, wives, and daughters, we work to protect the family members around us. In fact, the vast majority of America's health care professionals are women, 90 percent of the nurses; and almost a third are doctors. If PELOSI's health care proposal becomes law, women will no longer be able to make those responsible decisions for their families. Government bureaucrats will.

There's no doubt that we need changes in our health care system. But let's not take away power from moms and turn it over to the government and call that reform.

IN STRONG SUPPORT OF HEALTH INSURANCE REFORM

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today in strong support of health insurance reform for many reasons but especially for how it helps the 50 million Americans living in rural areas.

There are three main problems people in rural America face when it comes to the current health care system: lack of choice of affordable health insurance, lack of access to health care providers, and certainly a lack of access to quality health care and preventative care.

Our health insurance reform bill, H.R. 3962, addresses all of these issues and more for rural Americans.

Fifteen percent of people living in rural areas live in poverty, and one in five uninsured Americans lives in rural areas. This bill will extend coverage, and the public option will give choice to Americans living in rural areas. This bill will make coverage affordable. It will invest in our health care infrastructure by training thousands of new doctors, nurses, and other health care providers and will put them on the ground where they're needed, especially in our rural areas.

Finally, this bill gives all Americans free access to preventative care and encourages and rewards high-quality care. It is what we need in rural America and across the country.

REJECT THE PELOSI HEALTH CARE PLAN AND START OVER ON RESPONSIBLE HEALTH CARE REFORM

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, for months millions of concerned citizens voiced their strong opposition to a government takeover of health care. Yet last week Speaker PELOSI unveiled her lat-

est plan for a government takeover of health care.

The Pelosi health care plan does nothing to control the rising costs of health care. But struggling businesses that can't afford to provide health insurance coverage to their employees face higher taxes.

According to an economic model developed by President Obama's chief economic adviser, an estimated 5.5 million jobs could be lost as a result of the taxes included in the Pelosi health care plan.

At a time when several States are struggling with double-digit unemployment, pushing policies that will raise taxes and increase job losses is the wrong direction to take our country.

It's time for Congress to reject the Pelosi health care plan and start over on responsible health care reform.

THE HEALTH CARE BILL

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CASTOR of Florida. Mr. Speaker, Democrats are going to deliver on what American families and businesses have been asking for when it comes to their health: one, meaningful, secure, and stable insurance; two, improved Medicare for our seniors; and, three, vital consumer protections.

For families with health insurance, health reform will provide coverage you can count on. All Americans will have affordable options even if you change your job or if your employer does not even offer health insurance. Under the revised health bill, families will not have to worry about insurance companies canceling their coverage because someone in their family gets sick or is diagnosed with cancer or another illness. Health insurance companies will no longer be able to bar you from insurance just because you've had cancer that is in remission or you're recovering from a heart ailment. We will ensure that our neighbors are not forced to go bankrupt after a serious illness strikes. What is insurance for after all? It must be meaningful.

American families have been doing everything right in paying their premiums and copays even as those costs have risen astronomically. Our health care bill says that, in return, families must have coverage that is meaningful, stable, and secure.

WHAT WSJ HAS TO SAY ABOUT THE PELOSI HEALTH BILL: "THE WORST BILL EVER"

(Mrs. LUMMIS asked and was given permission to address the House for 1 minute.)

Mrs. LUMMIS. Mr. Speaker, I lament hearing that people who attend TEA parties are somehow uninformed or

misinformed Americans. They're hard-working Americans who are informed and have taken the time to become informed, and they know what's in this bill.

But if you think that they have been misled into thinking that this bill is an extreme bill by those of us who are in the Republican Party, listen to what the Wall Street Journal says. Go to wsj.com.

They call this "the worst bill ever." "Epic new spending and taxes, pricier insurance, rationed care, dishonest accounting: the Pelosi health bill has it all."

And it concludes by saying: "Critics will say we are exaggerating, but we believe it is no stretch to say that Mrs. PELOSI's handiwork ranks with the Smoot-Hawley tariff as among the worst bills Congress has ever seriously contemplated."

This is not TEA Party extremists; this is the Wall Street Journal.

A NEW HEALTH CARE BILL

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Mr. Speaker, finding a uniquely American solution to ensuring that all Americans have access to meaningful, affordable health coverage has been an unfulfilled goal for decades. Action now is both a moral and economic imperative for our Nation.

Health care legislation before the House builds on the hard work done by three health care committees over many months and responds to feedback from the American people. It builds on America's public-private system. And it is paid for.

The legislation meets the goals of health reform: enhanced protection for those with health coverage; new, affordable choices for individuals and small businesses; strengthened Medicare for our seniors; improved delivery of care with better health outcomes for all Americans; and the containment of rapidly rising costs of health care.

The status quo is unaffordable and unsustainable. Passing health care reform benefits all of us: families, seniors, businesses, and the Nation. I look forward to voting for this historic legislation and meeting the goals of health care reform for all Americans. Now is the time to act.

□ 1315

HEALTH CARE

(Ms. GRANGER asked and was given permission to address the House for 1 minute.)

Ms. GRANGER. Madam Speaker, on September 12, taxpayers sent an unequivocal message to lawmakers that

smaller government, limited regulation, responsible spending, and keeping government out of people's lives are principles that too many in Washington need to be reminded of.

Hundreds of Texans took to the streets of Washington, D.C., to protest Big Government and the devastating policies the Obama administration and this Congress are pursuing. Their voices were heard and we had better not forget what they say.

Now we need everyone's voice more than ever as we are asked to pass a \$1.2 trillion government takeover of our health care system. Through town hall meetings and the thousands of e-mails and letters we receive each week, my constituents have been clear: They don't like this bill.

It's now Congress's responsibility to listen to our districts and respond, representing the constituents who sent us here. They're speaking loud and clear—and they expect a response.

HEALTH CARE

(Ms. TITUS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. TITUS. Mr. Speaker, for the past 6 months I have talked with my constituents in southern Nevada about the need for health care reform that lowers cost, improves access, increases choice, and strengthens Medicare. I have solicited input from my constituents by sending them health care surveys, encouraging them to share their health care stories, and holding Congress on the Corner.

From roundtable discussions with doctors, providers, and small business owners, to town halls, I have listened to the concerns Nevadans have about our current health care system as well as the proposed reforms. One thing is clear: The status quo just is unacceptable.

The legislation introduced in the House last week requires a comprehensive examination, and I will continue to carefully review all aspects of the bill. But I'm pleased that the legislation includes important provisions that will help Nevada's seniors, young adults, women, and small businesses.

From ending discrimination based on preexisting conditions to strengthening Medicare by reducing waste and closing the doughnut hole, there are a number of very positive aspects of this bill which I strongly support. It's time to give them a serious look.

HEALTH CARE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker and my colleagues, the American people have said that the number one thing they're

concerned about with regard to health care is the cost of health care. The Speaker's 1,990-page government takeover of health care raises the cost of insurance for American families and it will add to our already exploding debt.

The cost of the Speaker's bill is now at \$1.3 trillion and counting. It's a debt that will be paid for by our kids and our grandkids. And, to make matters worse, it will increase taxes, impose job-killing mandates, and cut seniors' Medicare benefits.

There's a better way. Republicans have outlined a plan to lower cost and expand access at a price our Nation can afford. This includes letting families buy health insurance across State lines; allowing small businesses to pool and offer health insurance to their employees at much lower cost, just like big businesses and unions can today; giving States the tools to create innovative reforms that lower costs; and ending junk lawsuits that contribute to higher health care costs.

Given all that's at stake, the American people deserve to see the Republicans' smart, fiscally responsible plans debated here on the House floor side-by-side with the Speaker's 1,990-page bill.

I hope we will see that debate and vote as soon as possible.

HEALTH REFORM AND THE AFFORDABLE HEALTH CARE FOR AMERICA ACT

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I can't stand here today and tell you that this legislation will solve every health care problem we face as a Nation, but I can tell you this. There's 460,000 Nevadans that have no health insurance at all. In my district alone, this bill will provide coverage for 163,000 of my fellow Nevadans.

It's not just the uninsured that will benefit. In Las Vegas, more than 200,000 households will receive credits to make insurance more affordable and over 16,000 small businesses will be provided with a tax credit to make it easier for them to provide coverage to their employees.

The bill improves coverage for seniors by closing the doughnut hole, eliminating copays for preventive services, and extending the solvency of the Medicare program for another 5 years. It eliminates preexisting conditions as a reason to deny coverage. It lifts the lifetime limits. I have 10-year-old children who are juvenile diabetics in my office that have already exceeded their lifetime caps. This bill eliminates that.

The current health care system is unsustainable.

HEALTH CARE

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. The American people want health care reform that lowers the cost of health insurance rather than increasing the cost of government, but it looks like that's exactly what they're getting in the Pelosi health care bill.

Here are the numbers: 1,990 pages; \$1.2 trillion in the Pelosi plan in new Federal spending over the next 10 years; \$729.5 billion in new tax increases. It's just extraordinary.

Within the confines of the bill, 43 entitlement programs are created or expanded; 111 additional offices, bureaus, commissions, programs, and bureaucracies; and this legislation uses the mandatory legal language—the word “shall”—3,425 times. And this isn't a government takeover of health care? Give me a break.

The Pelosi health care plan is a freight train of big government, higher taxes, and mandates—and it must be opposed. The American people deserve a better plan.

You can go to healthcare.gop.gov and start getting the details of a plan that will lower the cost of health insurance instead of growing the size of government.

WHERE IS THE REPUBLICAN HEALTH REFORM BILL?

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, it will be interesting to go to that Web site and find what is the so-called Republican beginning of a proposal, because 139 days ago the Republican leadership promised to introduce their own health reform bill and yet we are still waiting.

Since the mysterious Republican plan hasn't been introduced, the American people can't really see what's in it. It's all being written behind closed doors. What little we do know of what they are planning should bring a smile to the faces of insurance company CEOs.

Their leader, Mr. BOEHNER, admitted the other day that their collection of bills does not end discrimination based on preexisting conditions. Nowhere in their collection of bills do they help more Americans afford health care. Nowhere in their collection of bills do they end discrimination from insurance companies' practice of dropping coverage if you get sick.

Four months ago, Democrats made public our health care reform proposal by posting it online for anyone to see. Since then, there have been multiple committee hearings during which the

Republicans had ample opportunity to debate the bill and offer amendments.

Republicans won't even let the public see their bill. What are they hiding? Will they include Representative BROUN's proposal to privatize Medicare? How about dismantling the entire Medicare system?

Americans deserve to know.

HEALTH CARE

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. This bill is a disaster for American families—it allows bureaucrats to make important medical decisions instead of doctors and patients.

As a wife, mother, and caregiver to my late husband, I—like 85 percent of women in America—am the primary care decision-maker in my home. I was for him as well as for my children. We need a health care system that provides quality, affordable health care so that we can have peace of mind in knowing our families are well taken care of.

Unfortunately, the bill that we will have before us later this week is one that empowers government bureaucrats and undermines a woman's ability to make the best health care choices for her and her family.

The bill creates 111 new Federal bureaucracies and 43 new entitlement programs. Instead of reforming health care, this bill expands government. Health insurance premiums will rise, taxes will increase, and seniors will lose many Medicare benefits.

When the Democrats wrote this health care bill, they not only left Republicans out of the process, but they left out consumers.

HEALTH CARE

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute.)

Mr. BRALEY of Iowa. Mr. Speaker, Clara Peller demands health care reform now. Twenty-five years ago, nobody knew who Clara Peller was, but she soon became famous because she was the one in those Wendy's ads who introduced the famous phrase, “Where's the beef?” And for our friends on the Republican side of the aisle, that's the question we would all like to know: “Where's the bill?”

If you're hearing so much conversation about the Democratic health care bill, there's a very good reason for that. There is no Republican bill, despite promises month after month after month to reveal what that bill would contain. There's no CBO score of the Republican bill.

So how do we know that there's a bill that's going to affect Americans? Well,

we know that bill will be mostly about preserving the status quo. And I would like my friends to tell my constituent, Hannah Rodriguez, who has a cleft palate and has been waiting years for her parents to save up the money for her corrective medical procedure because it's considered cosmetic surgery under her current policy, why she should wait longer for health care reform.

HEALTH CARE

(Mr. SULLIVAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SULLIVAN. Last week, my colleagues on the other side unveiled the latest version of their plan for government-controlled health care that, according to CBO, will cost \$1.2 trillion. Simply put, that's \$2.2 million of taxpayer money for every single word in this bill.

This 2,000-page bill creates 111 new government programs and is full of tax increases and government mandates.

This bill is bad for patients, bad for doctors, bad for seniors, bad for small businesses, and terrible for our economy.

This bill will raise taxes on the American people, cut Medicare for seniors by half a trillion dollars, add to the already out-of-control Federal deficit, and will leave personal medical decisions to bureaucrats in Washington instead of families.

Mr. Speaker, there's another way. We believe health care reform begins by bringing all stakeholders—patients, doctors, citizens and hospitals—to the table where everyone has equal input. Our plan will lower cost, increase access, and improve the quality of care your family will receive.

HEALTH CARE

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, in America, if you get overcharged on a telephone or cable bill, you have recourse to get your money back. If a mechanic does an unnecessary repair, there are agencies that can help you. On the government level, we work to defend consumers and guard against markets being too concentrated. That was one of the goals when I chaired the Consumer Protection Committee in the California State assembly.

And yet when it comes to health care, strong consumer protections just don't exist and Americans are suffering because no one is looking out for them. That's why the Consumers Union, which Americans trust for information on major purchases, calls our health care system a “consumer crisis” and endorses our efforts to reform the system.

Once the bill's provisions take effect, no insurance company can deny or drop your coverage. Every insurance company would have to provide a minimum set of benefits, including prescription drugs, hospital care, and mental health. This reform will give Americans the reliability and security they deserve.

□ 1330

HEALTH CARE

(Mr. TURNER asked and was given permission to address the House for 1 minute.)

Mr. TURNER. Mr. Speaker, Politico reported last week that the Democrat health care reform legislation has more pages than War and Peace, and nearly five times as many words as the Torah, costing over \$2 million per word.

The Republican Conference reports that over 100 new Federal bureaucracies are created in the bill. The Wall Street Journal Opinion Page stated that "the bill may be the worst piece of post-New Deal legislation ever introduced."

America deserves better, and the American people demand more from their leaders on something that is so important to every American family. There is a better way to maintain care for those with health insurance, while decreasing the number of uninsured Americans.

We should start with some common-sense reform, such as prohibiting insurers from excluding preexisting conditions, allowing insurers to offer plans across State lines, enacting tort reform, and allowing small businesses to pool together to purchase health plans for their employees.

Mr. Speaker, it is not too late for us to work together to craft responsible legislation and decrease costs.

HEALTH CARE

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute.)

Mr. MURPHY of Connecticut. Mr. Speaker, we are in the final days here in the House debating health care reform that will lower costs for families and businesses and give people more choice. We are closer than ever to delivering what people have been clamoring for: access to lifesaving health care.

And last night we learned a little more about this mythical Republican alternative. We learned that the Republicans are going to potentially propose some collection of bullet points that deliver the status quo for people who have a preexisting condition, for people who are under the threat of losing their coverage if they get sick. And for the millions of Americans who will

not be able to afford health care insurance, this Republican plan says sorry, you are out of luck.

This Republican plan that exists somewhere out in the ether today might be good for a fantasy movie, but it is not offering anything for those of us that live in the real world. Because here in the real world, people get sick and live paycheck by paycheck and can't afford the current status quo.

Let's give people real reform, not fantasy reform that leaves people right where they started.

HEALTH CARE

(Mr. LATTA asked and was given permission to address the House for 1 minute.)

Mr. LATTA. Mr. Speaker, during the August work period, I had the privilege of visiting many of the plants and factories in my district. At one plant, a worker approached me and said he didn't understand what we were doing here in Congress. He said he had to have a job that put a roof over his family and food on the table. He is worried about health care, but the first two took priority.

People back home get it. They ask very direct questions about health care. How are we going to pay for it? Will it cost more than I pay now? Will I have the same coverage and doctor? Will it cost more jobs? How much more in taxes will I pay?

The Congressional Budget Office scores Speaker PELOSI's bill at over \$1 trillion. New taxes on small businesses and individuals will run over \$729 billion.

Being close to the Canadian border, I have been approached by Canadian doctors who are now practicing in Ohio. They can't understand why the Democrats are taking this course. They tell me this same thing: Why do you think we came to the United States?

HEALTH CARE

(Mr. WU asked and was given permission to address the House for 1 minute.)

Mr. WU. Mr. Speaker, reforming health care insurance is the focus of this Congress this fall. And what does health insurance reform mean for middle-income Americans? It means an insurance company can no longer decide to deny you coverage or jack up your rates because of a preexisting condition. It means it will be against the law for insurance companies to drop your coverage when you get sick. It means that insurance companies will no longer be able to place an arbitrary cap on the amount of coverage you have in a given year or in a lifetime. It means there will be a yearly limit on how much you can be charged for out-of-pocket expenses because no one should go broke if they get sick.

What this means for middle-income Americans is they will no longer be

ground between the roulette wheel of health or sickness and the machinations of the insurance industry. What health insurance means is that millions of Americans who are insured today will have more security and stability.

HEALTH CARE

(Mr. GUTHRIE asked and was given permission to address the House for 1 minute.)

Mr. GUTHRIE. Mr. Speaker, the Pelosi health care bill hits States when they are hurting the most by mandating a \$34 billion expansion of Medicaid. I served in State government and have helped write budgets, and I know firsthand this expansion creates a serious problem for Kentucky's already stretched resources and will leave fewer dollars available for our schools and universities.

Last week, Dr. James Ramsey, president of the University of Louisville and a renowned professor of public finance, predicted the next budget period in Kentucky will be "a bloodbath" and said a high price will be paid for inadequate funding of all State programs.

Phil Bredezen, the Democratic Governor of Tennessee and a health care expert, said he is most concerned with the financial impact on the States, and he said "this is the mother of all unfunded mandates."

There are many reforms that will make health care more affordable and accessible without giving huge debts to our children. Forcing State governments to look to our schools and universities for the money to meet this mandate is not acceptable. Our children deserve better.

HEALTH CARE

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Mr. Speaker, I rise today to urge my colleagues to support the revised Affordable American Health Care Act. We need comprehensive health care reform for people like Mary in my district.

When her husband retired from his job, they both lost their health insurance. They had COBRA for 18 months, but it ran out. Mary had to look for alternative coverage. Unfortunately, she has a preexisting condition. Mary, Mr. Speaker, has rheumatoid arthritis. She suffers and has had countless rejections from one insurance company to another and it has been very difficult for her.

Under the revised Affordable Health Care for America Act, Mary and other Americans would not suffer from preexisting conditions. Finally, as early as next year, they would receive fair health care that they deserve.

I urge my colleagues to support H.R. 3962.

HEALTH CARE

(Mr. CONAWAY asked and was given permission to address the House for 1 minute.)

Mr. CONAWAY. Mr. Speaker, H.R. 3962 is almost 2,000 pages long. In a bill that long, you expect lots of things to be opposed to, and I am. Here is a short, partial list of some of the things I am against.

I am against 5.5 million people losing their jobs. I am against 114 million people losing their private health insurance as a result of this legislation. I am against a new entitlement that creates \$1 trillion in new spending that we can't afford. I am against stripping \$500 billion out of Medicare funding that would otherwise go to Medicare. I am against \$729.5 billion in new taxes over the next 10 years on Americans.

Mr. Speaker, there is one thing I am for, and that is for starting over. Scrap this monstrosity. Let's start over with real health care reform, not this health care takeover.

HEALTH CARE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, even though insurance companies make money not providing health care, the so-called reform bill gives so much power and money to the insurance companies that we are giving far too much for the few benefits which the bill may confer.

The insurance companies get at least another 26 million new customers. They will receive at least another \$50 billion in new revenue. They will be able to raise premiums 25 percent even though in each of the last four consecutive years the industry raised premiums by double digits.

As long as there are for-profit insurance companies, there will be no effective way to protect consumers against ever-escalating premiums, copays, and deductibles unless the insurance companies know that people at the State level will always have a choice to reject the insurance companies and establish a single payer, not-for-profit system.

That is why the Kucinich amendment should be put back in the health bill, not just to protect the rights of States to pursue single payer, but to protect the rights of consumers to be free of the economic death grip of the insurance companies.

MEDICARE ADVANTAGE CUTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, President Obama promised Americans that under

his health care reform bill they would be able to keep the coverage they currently have. Unfortunately, the Pelosi health care bill we will consider later this week effectively eliminates the popular Medicare Advantage health plans that millions of seniors rely on for medical, vision, and dental care.

In my district, nearly 30,000 seniors are enrolled in one of these plans. The average enrollee saves \$800, they have a lower hospitalization rate, and they report greater satisfaction with their plan. The Congressional Budget Office maintains that these cuts could "lead many plans to limit the benefits they offer, raise their premiums, or withdraw from the program."

There are a total of \$500 billion in cuts to various Medicare programs. I don't think seniors would call reducing their benefits health care reform. I don't think seniors would call cutting home health care, cutting hospice care, cutting nursing home care health care reform. We don't need to destroy Medicare Advantage to reform health care.

This week, Republicans will offer a simpler, better proposal which offers real health care reform without taking benefits away from our Nation's seniors.

HEALTH CARE

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute.)

Mr. McDERMOTT. Mr. Speaker, Prime Minister Angela Merkel was in this Hall just a few hours ago. She represents a country where they have had health care security for 126 years. Americans have been waiting for 100 years; and when the Republicans took over the last time, they knocked out Mrs. Clinton's plan and they bragged about it. And for 12 years, they made not one single proposal that they would bring to the floor for a vote. They want the status quo. They like what is going on. And if folks back home like what is going on, stick with them, because they are never going to change anything.

What they say about this is, Not so fast. One hundred years is too fast? Well, they say, But we have something we're just about to bring out here on Thursday. Not so fast, right. Wait until the last minute after all of the debate, and then say, Not so fast. The American people want it done now.

WHO WROTE THIS BILL?

(Mr. KIRK asked and was given permission to address the House for 1 minute.)

Mr. KIRK. Mr. Speaker, we should pay special attention to the sections drafted under the supervision of the chairman of the Ways and Means Committee.

Chairman CHARLIE RANGEL supervised the drafting of 70 pages of this

bill, pages 296 through 366. This is the same Congressman under investigation by the Committee on Standards of Official Conduct on five separate counts: using official resources to raise money; problems with apartment leases; undisclosed ownership in Dominican Republic Yacht Club; compliance with the storage rules of the House; and problems with his financial disclosure and income tax.

This bill raises your taxes, but ethics is investigating whether RANGEL paid his. Leaders may respond with two spins: Chairman RANGEL had nothing to do with writing this bill, or, he has no ethics problems.

A 2,000-page bill and a coming manager's amendment that will be a chamber of horrors of special deals, supervised by a Congressman under five separate ethics investigations, that is what we will vote on this week.

HEALTH CARE REFORM

(Mr. PIERLUISI asked and was given permission to address the House for 1 minute.)

Mr. PIERLUISI. Mr. Speaker, I rise in strong support of the Affordable Health Care for America Act. This bill lives up to its name. Most importantly from my perspective, this bill does justice to the 4.4 million American citizens living in Puerto Rico and the other U.S. territories. Too often in the past, the territories have been treated as an afterthought in important legislation. Thanks to the efforts of leadership, that is not the case with this bill.

While the legislation is not perfect, it constitutes a giant step forward. The bill addresses the unprincipled funding disparities that the territories have always faced under Medicaid. It also provides funding to enable Americans of modest means residing in the territories to purchase subsidized coverage through the health insurance exchange. It makes my constituents eligible for the worthy consumer protections established in the bill.

I hope the Senate will follow the House's lead, and I will continue to work with our allies in that Chamber to ensure that their bill treats American citizens in the territories in a fair and just manner.

HEALTH CARE

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. Mr. Speaker, if you get dressed in the dark, you are probably going to make some poor clothing choices that will open you to ridicule. Well, the same rule applies when you write bills in the dark.

President Obama said last year that the health care reform negotiations would air on C-SPAN. That way, he

said, Americans could see who was fighting for them and who is siding with the special interests.

Based on the President's very own formula, we must assume that the Democrat-only, closed-door dealmaking on health care must have put the special interests at the forefront. It appears certain that one of those special interests at the table behind the closed doors was the trial attorneys. Maybe that is why the negotiations were secret. They can claim attorney-client confidentiality.

But those trial attorneys must have charged by the hour, because the Democrats gave them quite the payoff in this legislation. This bill will override States' malpractice reform laws and it will prevent States from capping attorneys' fees or damage rewards.

Isn't it ironic that it was President Obama who warned us that this would happen.

□ 1345

REPUBLICAN PARTY IS ON THE WRONG SIDE

(Mr. RYAN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Ohio. Mr. Speaker, the Republicans controlled this Chamber from 1993 until 2006, they controlled the Presidency until 2008; and now, 11 months into a national health care debate, they are just figuring out that we have a health care crisis in this country. How long will it take them to shake the grip of the insurance industry before they even come up with a realistic plan?

Let's look at what our friends on the other side of the aisle are going to vote against. They're going to vote against us increasing the age to 27 where kids can stay on their parents' insurance. They're going to vote against citizens of the United States not being denied health care coverage because of a pre-existing condition. They're going to vote against us saying that no one in America will ever go bankrupt again because of a health care catastrophe in their family. That's what they are going to vote against.

It's very simple: once again the Republican Party is going to be on the wrong side of the vote, on the wrong side of health care reform, and on the wrong side of history.

HEALTH CARE

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, H.R. 3962 states in section 1 that the legislation builds on what's broken in today's health care system and repairs at the

same time. I agree that improvements need to be made in the existing health care system, but placing individuals under one umbrella doesn't build on what's working or repair what's not.

The bill includes a government-run public option that cuts Medicare and Medicare Advantage programs and raises taxes on middle class families. In addition, the bill does not protect the interests of small business, nor does it adequately address defensive medicine. And in the midst of States struggling with financial constraints, it will burden them with more unfunded mandates from the Federal Government.

This latest proposal may be a different name, but even with a new name, the legislation remains a government takeover of health care.

FIRST-TIME HOMEBUYERS TAX CREDIT

(Mrs. DAHLKEMPER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAHLKEMPER. Mr. Speaker, last week, we received news of our first GDP growth we've had in a year. Our GDP increased by 3.5 percent last quarter, which was better than expected. This is welcome news and shows that our economy is finally moving in the right direction.

We still have a long road ahead to reach economic recovery. We must continue to help our families and communities find immediate relief. That's why I support an extension of the First-Time Homebuyers Tax Credit. This \$8,000 tax credit has helped produce more than 130 sales in Erie County in my district alone, and many more throughout western Pennsylvania.

I hope to see this tax credit extended so we can continue to give a boost to the housing market and help more Americans reach the dream of homeownership.

HEALTH CARE

(Mr. KLINE of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE of Minnesota. Mr. Speaker, I rise today to express my concern about the consequences and costs of the majority party's proposed government takeover of health care.

Despite the lack of bipartisanship and the absence of the transparency promised by Speaker PELOSI, the House is poised to vote this week on a bill that will give control of one-sixth of our economy to the Federal Government. Sadly, the \$1.3 trillion price tag is not the only cost of this risky proposal. The bill also saddles Americans with 111 new boards, offices, commis-

sions and programs, all of which will be required to implement Speaker PELOSI's takeover.

Further, this bill imposes hundreds of billions of dollars in new taxes on small businesses, individuals who cannot afford health coverage, and employers who cannot afford to provide coverage that meets Federal bureaucrats' standards.

Mr. Speaker, these costs are far too much to ask the American people to bear. It is time to press the reset button and come together to create a health care proposal that meets the needs of every American and saves our economy from additional burdens we cannot afford.

WE ARE GOING IN THE WRONG DIRECTION

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. It is about the spending. People back home are asking me, How much is enough for you? Another \$1.2 trillion bill in this national takeover of our health care. I think this is the third \$1 trillion bill of this year at a time when we have almost a \$2 trillion deficit this year.

Now, we can't raise enough tax dollars, we can't cut Medicare enough from our seniors to cover this cost. Everyone but the best Kool-Aid drinkers around know this bill is going to add to our national debt. Soon—and maybe by next year at the rate that this Congress is spending—our national debt will equal the size of our GDP, which is what the economists say is the tipping point that is going to drag our economy down. What does this mean? It means that my children and your children are going to pay this off with fewer opportunities than we have today.

We are going in the wrong direction for the dream for our children in America.

HEALTH CARE

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, we've heard lots of stories today, and it has touched our hearts. We know there are people out there suffering because we've got some major problems with our health care system. We know that there are uninsured people because the costs are just too high, they're priced out of the market, or they've got a pre-existing condition. We know that, for example, there is not interstate competition that goes on that boosts up the cost, along with the fact that we have excessive litigation in our society.

We could have fixed these issues so that everybody could be covered. The Republicans were willing to do it, but we were frozen out of this whole system because the Democrats didn't want to reform the system; they wanted to transform our current health care system into a government-run, bureaucratic Federal program.

And they are doing that at the expense of seniors, where \$400 billion is being taken out of their Medicare funds at the expense of small business and, yes, at the expense of all those people who are currently insured who will be thrown into this government-run system which will be inferior to the ones they have now in the private sector.

This is a travesty. We should have worked together on this, but the Democrats wouldn't do it.

HEALTH CARE

(Mr. POSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSEY. Mr. Speaker, I rise to express my serious concerns about the health care bill that's being rushed to the floor. This 2,000-plus-page bill has hundreds of new pages that no one yet has had a chance to read, much less understand.

There are over 110 new Federal programs and bureaucracies, each with its own new costly mandates. This bill taxes you if you have health insurance, it taxes you if you cannot afford to have health insurance, and it taxes you if you are a small business and you cannot afford to give health insurance to all of your employees. It has over \$730 billion in new job-killing taxes.

What Americans need today more than anything else is new jobs, but this bill will result in the loss of another 5.5 million jobs. Congress can't even figure out how to make its own workweek, much less change the whole health care system. Let's use a little common sense around here for a change.

HEALTH CARE

(Mr. OLVER asked and was given permission to address the House for 1 minute.)

Mr. OLVER. We often hear that America has the best health care system in the world; but the cold, hard facts don't agree. Between 1997 and 2002, when researchers compared preventable deaths from diabetes, cancer and heart disease, among others, in 19 industrialized countries, the United States placed last, dead last. 75,000 lives could have been saved had the United States achieved just the average preventable death rate of its counterparts. Since 2002, another 75,000 deaths could have been prevented.

The Affordable Health Care for America Act will reduce preventable deaths.

H.R. 3962 completely bans preexisting condition exclusions by 2013 and ends copays and deductibles for preventive care under Medicare and Medicaid. And H.R. 3962 will train many more primary care providers and pay them better for their service.

Our current health care system is failing us. We need health reform now.

HEALTH CARE

(Mr. DENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, everyone in America understands the need for health care reform, and so do I. Unfortunately, the new \$1.2 trillion, 2,000-page bill, H.R. 3962, still cuts Medicare by one-half trillion dollars to our seniors and creates a new entitlement program.

The bill provides disincentives to States and punishes them if they impose caps on noneconomic damages or limits contingency fees to trial lawyers in medical liability cases. This takes us backwards, not forwards.

There is a job-crushing employer mandate and tax increases on small businesses in the form of surtaxes on income. This is a job killer, make no mistake.

There is a medical device tax that punishes innovation and imperils manufacturing jobs at companies like B. Braun and Olympus in my congressional district. In fact, many of them refer to this tax as the death tax. When is enough enough?

LET US GO FORWARD; LET US NOT GO BACKWARD

(Mr. MCCOTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCOTTER. Mr. Speaker, we do not live on a government-run globe; we live in a people-powered world. The massive, radical change that is presented by the health care bill brought forward by this majority constitutes the policies of the past.

Within the communications revolution in the globalized marketplace, one thing is certain: human beings, at a greater extent than at any other time in history, are now able to control more of their lives and their own decisions. True health care reform must not resist these times; they must meld with these times. We need patient-centered wellness through transparency, technology, and a humane and compassionate understanding and help for our fellow citizens. This bill will not do it.

Fundamentally, this bill will bury the American people beneath Big Government at the very time they have a greater chance of empowering themselves and making their own decisions.

Let us go forward; let us not go backward.

REPUBLICANS HAVE A BILL

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, we heard a good friend across the aisle just a little bit ago say, Hey, where is the Republican bill? You don't have one scored by CBO? Well, I'm sure he didn't know, but some of us have bills, we have many bills. I've been trying for 2½ months to get a score from CBO, but I've been shut out. I haven't been able to get a score. And it is a bill that will give coverage to everyone; it will make sure seniors have complete coverage like they've never had before; it would be a savings for people.

But the Democrats have a bill. They cut a deal with pharmaceuticals, forcing people with HSA to buy prescriptions instead of over the counter, cut a deal with some insurance companies so they will have liability limitations, cut a deal where States will be bribed to eliminate caps on attorneys' fees and caps on damages, cut a deal with unions. It appears that there's not adequate requirements for identification, then it's a deal for illegals, and also for abortion.

This is not the bill we should be supporting. Let's get a new bill. We've got it.

HEALTH CARE

(Mr. ROE of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. ROE of Tennessee. Mr. Speaker, they say the definition of insanity is trying the same thing over and over again and expecting a different result, which perfectly describes the House Democrats' health care reform bill.

For months now, I have been trying to explain in every forum possible how this bill is taking the worst parts of the universal health programs in Tennessee and Massachusetts and combining them into one monstrosity of a program. Unfortunately, passing theory that sounds good but has failed is more important to our Democratic colleagues than actually getting reforms that work.

This is why it matters: the reforms being proposed will decrease access, decrease quality and increase cost of care for the vast majority of Americans. I can say this unequivocally as a physician and as a Tennessee resident who has experienced TennCare firsthand. Small businesses that are dealing with the worst recession in years will have to lay off workers and cut back on wages to deal with these new mandates. Individuals who are scrimping and saving to get by will see their taxes and costs increase.

Some good will come of this bill, but the bad results that we know from experience will happen should be reason enough to scrap this bill and try to agree on a bipartisan bill that will work.

□ 1400

HEALTH CARE

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Mr. Speaker, one of the most troubling realities of the Nancy Pelosi health care bill is a new tax on medical devices. The so-called wheelchair tax imposes a new 2.5 percent tax increase at the very time American families don't need and don't want a tax increase.

Yes, the Pelosi bill includes a new 2.5 percent excise tax on the sale of medical devices in the United States. It will cover everything from bandages to prosthetics, from glucose monitors to crutches, from hearing aids to pacemakers, and even thermometers to syringes.

Weren't we told that there wouldn't be even one dime—not one dime—of a tax increase for those earning less than \$250,000 a year?

This bill adds a tax increase that will hit each and every American. It will affect jobs in this country, and it will affect your ability to buy the very things that you need for your children, for your parents, for your own families.

Think about all of the medical devices that you use within your family.

H.R. 3962—THE AFFORDABLE HEALTH CARE FOR AMERICA ACT

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I rise today to oppose Speaker PELOSI's government takeover of health care.

This bill, which weighs in at nearly 2,000 pages and at more than 20 pounds, will raise taxes on individuals and small businesses, cut health care for seniors, raise health care premiums, ration care, and give Federal bureaucrats more power over decisions that should be made by our constituents and by their doctors. The bill raises taxes by \$730 billion, and it costs nearly \$1.3 trillion. We literally cannot afford this government takeover of health care. There is a better way.

We should, instead, be lowering health care costs by enacting medical liability reform, strengthening association health plans, allowing the purchase of health insurance across State lines, and eliminating waste, fraud, and abuse in Federal health care programs.

Mr. Speaker, I urge my colleagues to oppose Speaker PELOSI's health care bill.

HEALTH CARE

(Mr. LUETKEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUETKEMEYER. Mr. Speaker, as we continue to discuss the health care bill, this monstrous health care bill, one thing is clear: American families simply cannot afford this attempt at a government takeover of health care.

The proposed plan is the wrong prescription for our country. This monstrous piece of legislation is a prescription for tax increases and for job loss, but most importantly and unfortunately, with the government's dictating health care terms and choices, we're going to see a lower standard of care for our families.

By forcing this mammoth overhaul on hardworking Americans, this majority is hoping to create a health care system that increases taxes on small businesses, that reduces benefits for seniors, and that piles insurmountable debt upon our children.

Republicans have offered a more responsible, incremental approach to improve our health care system in a way that controls costs and that provides the quality of care that Americans deserve.

Despite months of town hall meetings at which millions of Americans voiced their opposition to a government takeover of health care, the majority still doesn't get it. The American people deserve more. They want more.

HEALTH CARE

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, as we enter now an historic moment in our country's progress towards creating a fair, a more just, and a better economy for ourselves and for our children, I want to offer for the record a quote—a fee quote—from a business in my district with 60 employees which underlines why we need to move forward. This is one of the good guys. He employs 60 people with good wages and benefits, and for 2010, he has been told that his health insurance premiums are going up 32 percent.

We have heard for months now about how we're moving too fast and about how we've got to take our time, but the fact of the matter is that it is time to act so we can have an economy that can address creating new jobs without taking on enormous new benefit costs, which is the reality today, particularly for small businesses and for the self-employed.

If you care about growing this economy, if you care about giving the risk-takers of America the opportunity to

go out and to pursue their dreams, we have got to create a stable marketplace, which H.R. 3692 will do with a national health insurance purchasing exchange.

HEALTH CARE

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, the Pelosi health care plan raises premiums, raises taxes, cuts Medicare, and costs over \$1 trillion. If you need more reasons to be concerned about it, there are 1,990 pages that will give you all kinds of excuses.

The good news is they're about 20 votes short. The bad news is it's time to make a deal in Washington. So, if you're a swing Democrat and if you need a road or a bridge or a new building or a Federal earmark in your district, walk down the hall, see the Speaker, put your vote on the bargaining block, and you, too, can be won over in terms of government-sponsored health care.

This is no way to run a republic. There are alternatives—targeted, market-oriented reforms that will not raise taxes and that will not cut Medicare.

SELF-DEFENSE IS NOT A CRIME AGAINST HUMANITY

(Mr. QUIGLEY asked and was given permission to address the House for 1 minute.)

Mr. QUIGLEY. Mr. Speaker, I rise today in strong support of House Resolution 867, which opposes the enforcement and further consideration of the Goldstone Report.

I have been to Gaza. I have seen the desolation and poverty in which the people of Gaza survive. I have also been to Israel. I have seen Sderot, which is where civilians have been hammered relentlessly by rockets from Gaza. I have seen the fortified recreation center there, complete with bomb shelters—the only place children feel safe to play.

This decades-old battle is complex, and it deserves to be examined, but what we cannot do is turn the victims into the perpetrators. We cannot forget history. For 8 years, Hamas has continuously fired thousands of rockets at innocent Israeli civilians. Israel finally struck back, defending itself against an opportunistic enemy.

I am grateful to Chairman BERMAN for his leadership on this issue.

Note: Self-defense is not a crime against humanity, and we must not let a deeply flawed report destroy progress made in the peace process.

H.R. 2607—THE SMALL BUSINESS HEALTH FAIRNESS BILL

(Mr. SAM JOHNSON of Texas asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, this week, the House is going to vote on the Democrats' latest plan for Pelosi's government-run health insurance. The bill is 2,000 pages long, weighs 20 pounds, and costs more than \$1 trillion. With over 400,000 words in it, that comes out to \$2.5 million a word. The bill creates 111 new bureaucracies which will decide what kind of government-approved health care is best for your family and you.

Speaker PELOSI wants America to believe this is the only way to reform health care, but I know there is a better solution. That's why I introduced the Small Business Health Fairness bill. My bill, H.R. 2607, allows small businesses to band together to purchase health insurance so they can enjoy the same bargaining power that large corporations and labor unions have at the purchasing table.

We know that buying in bulk reduces the price tag, and health care is no different. Government-forced health care is not the way to solve the problem.

HEALTH CARE

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, in our efforts to reform our Nation's health care system, it seems like a lot of different solutions have arisen, and now we know what the insurance companies' solution is. It's the 32 percent solution.

You heard my colleague Mr. COURTNEY talk about one of his constituents. I'd like to read you a little bit of a letter from one of mine—a letter from Gregg Wagner, a Realtor in Louisville: "Today, I received my annual premium increase. My new premium with Anthem Blue Cross/Blue Shield increased 32 percent. I have an individual policy with a \$2,500 deductible. It is interesting to note that Anthem did not spend one penny on me in the last year. Nothing. This has followed 15-25 percent increases in the last 8 years. This is one of the reasons that 30 percent of Realtors in the United States do not have health insurance."

Mr. Wagner, the Realtors are not alone. Millions of Americans face this unsustainable health insurance system where, if they can get coverage, it's pricing itself beyond their reach. We need change. We need competition and choice. That's what the Affordable Health Care for America Act does.

HEALTH CARE

(Mr. DANIEL E. LUNGREN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, if you were to

write a reform of the health care system for America, you wouldn't have the Pelosi bill. If you were to write the health care bill for liberal San Francisco, you'd have the Pelosi bill.

Why?

It would cost too much. It would tax too much. It would be heavy on government. It would be wild on bureaucracy. It would contain 3,425 separate uses of the word "mandate." 3,425 times the government is going to tell you what to do. 3,425 times we're giving power to the Federal Government to get between you and your government.

In America, it makes no sense. It may make sense in liberal San Francisco, but in my district, it doesn't. For the rest of the United States, it doesn't. Let's save America from this fate. Let's save the American system.

HEALTH REFORM

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, as this House, this Congress, takes up the debate during this historic opportunity to address and to fix our Nation's health care crisis by passing universal health care, I'd like to take a minute to talk about a family from Rhode Island.

Barbara, from Cranston, is a devoted mother of two remarkable boys, one of whom has hemophilia. A 3-month supply of his life-sustaining medication costs \$60,000, never mind the costs of doctor visits or of hospitalizations. She came to my office to advocate for her son, casting little attention to her own condition—multiple sclerosis. Despite her challenges, she knows she is one of the lucky ones because she has insurance coverage, but without health care reform, she is forever held hostage by insurance companies' annual and lifetime caps and by barriers on pre-existing conditions.

There are countless families like Barbara's who are struggling to afford to keep the coverage that they have or who are struggling to afford to get coverage in the first place.

It is time to pass health insurance reform. The bill before us is fundamentally going to change the system in America from health care's being a privilege for only those who can afford it to its being a right for everyone. We need to act now.

HEALTH CARE

(Mr. CARTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARTER. Mr. Speaker, as we debate this great debate, with regard to one thing, we're not keeping our eye on the ball. This is about people.

In 1965, I was in northern Europe, working for a group that was laying a pipeline across northern Europe. I got my nose broken and I got sent to the doctor. They had government-run, Pelosi-style health care. I stood in line for 2½ hours to reach the doctor. I went into a nurse's room and told her my name. She passed it through another window to a doctor. I walked in the doctor's office.

He said, What's wrong with you?

I said, I think my nose is broken.

He grabbed it and wiggled it. It started to bleed. He said, It's broken. Go through that door.

I walked through that door. They handed me a prescription, and I walked out. Everybody who stood in line for 2½ hours got the same style of health care.

Americans want relationships with their doctors—with their doctors. That's not the health care Americans want, but that's the Pelosi health care plan, and that's the future of health care in America if we go forward with this government-run, Pelosi-style health care. This is something Americans should stand up against.

□ 1415

HEALTH CARE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, it's hard to reform health care. You have got to take on some of those powerful special interests in America. Perhaps that's why it's been 139 days since the Republican leadership announced they would have an alternative, but they don't have one yet.

Perhaps it's because at the heart of this is the insurance industry. Most people don't know, but the Republicans do know very well.

The health insurance industry is exempt from antitrust law. They do not have to play by the same rules as any other American business. They can and do collude to jack up rates. They can and do collude to divide markets and exclude competition.

They can do anything they want, and it's legal. They are outside the antitrust law of the United States of America. The Democratic bill will repeal this unfair antitrust exemption, bring real competition to this industry for the first time since the 1940s. The Republicans don't want to touch that with a 100-foot pole or maybe a \$10,000 contribution.

IMPACT ON PHYSICIAN-OWNED HOSPITALS

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Mr. Speaker, H.R. 3962, the Pelosi health care bill, would have a significant impact on the Texas economy and existing physician-owned hospitals and the quality of health care in my home State of Texas.

Texas leads the Nation with 50 physician-owned hospitals. But under this bill, these hospitals will be prohibited from adding beds or otherwise increasing capacity. Medicare payments to any new doctor-owned hospitals would be prohibited.

According to a January 2009 study by Health Economics' Study Group, physician-owned hospitals employ over 22,000 Texans and have a net economic impact of \$2.3 billion on the Texas economy. The Pelosi health care bill will have a significant impact on the economy and, more importantly, the quality of care that these hospitals provide our communities.

It's wrong to pay for government health care by punishing these providers.

HEALTH CARE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, 90 percent of the children of America, at some point in their lifetime, certain populations of the children will be on food stamps.

I am very proud of Speaker PELOSI. This is not Pelosi health care; this is America's health care. This is the input of Americans from all around the Nation. Ninety-six percent of Americans will be covered by this health care, and no woman will be denied insurance because of a preexisting condition such as pregnancy.

What an outrage. I have been working on the physician-owned hospitals issue now for almost 4 years. We are engaged in providing opportunities for physician-owned hospitals to expand, to be able to provide services for general acute care services in this bill.

I know we are going to be victorious. I know that the hospitals need to be covered. I know that we are not going to lose jobs.

This is a bill that serves all of America. I am glad that my colleague had the opportunity to be in European-style health care. That is not what it is, but it is going to allow people in America to live, and not the 18,000 that die every year because they do not have health insurance.

Pass health reform now.

HEALTH CARE

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I rise to speak about the majority's move to overhaul our health care system this week.

From what I can see, Mr. Speaker, the version of health care reform that this majority is bringing forward is a horrible, horrible step. The bill is something unseen before; it's a trillion-dollar attempt to overhaul the system we know with one that we don't.

Mr. Speaker, the Republicans will stand united against this bill. Mr. Speaker, we will do so because, one, the American people have spoken out, and they see that this is an extreme attempt to try to address what's really wrong with our system, and it doesn't match what the mainstream common-sense American wants.

Number two, Mr. Speaker, contrary to the suggestions on the other side, we do have a better way. We will be offering our Republican plan. That plan will reduce health care costs. It is well documented. The majority is unconcerned about reducing costs for the people who have insurance in this country.

HEALTH CARE

(Mr. RADANOVICH asked and was given permission to address the House for 1 minute.)

Mr. RADANOVICH. Mr. Speaker, yesterday, The Wall Street Journal ran an editorial on the Speaker's health care bill entitled "The Worst Bill Ever," an understatement, to say the least.

To quote The Wall Street Journal: "Mrs. Pelosi's handiwork ranks with the Smoot-Hawley tariff and FDR's National Industrial Recovery Act as among the worst bills Congress has ever seriously contemplated." Let's make no mistake, the Democrats' government takeover of the health care industry is an attempt to finish what FDR and the Progressives could not, a cradle-to-grave omnipotent government. It will extend the recession just as surely as FDR's programs prolonged the Great Depression.

The middle class and small businesses will bear the brunt of government's takeover of 16 percent of our economy to the tune of almost \$730 billion in new taxes and an additional \$1.2 trillion in new spending. One thing is for sure, Mr. Speaker, America is getting sick, sick of this Congress' government-knows-best attitude.

HEALTH CARE

(Mr. LEE of New York asked and was given permission to address the House for 1 minute.)

Mr. LEE of New York. Mr. Speaker, let's look at the numbers on the Democratic health care bill being rammed through Congress this week.

At almost 2,000 pages, this new bill creates 111 new offices, commissions, programs and bureaucracies. It creates more than 3,400 new duties for bureaucrats in Washington. It also will eliminate millions of jobs in the private sector and an unprecedented expansion of the Federal bureaucracy.

Instead of listening to what Americans want and working on meaningful reform, the Democratic leadership came up with a bill that will cost taxpayers more than \$1.2 trillion and do nothing to make health care more affordable in this country. This is on top of the \$9 trillion deficit we are expected to have over the next decade in this country.

Controlling costs should be our number one priority for this administration. Unfortunately, my colleagues from across the aisle continue to ignore meaningful, medical liability reform, which this year alone could save over \$11 billion. We should be listening to what the American public wants and is demanding: real tangible methods of reform.

HEALTH CARE

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, last week, the Speaker introduced her so-called health reform bill that will cost over \$1.2 trillion and will be paid for by massive taxes on small business and cuts to Medicare.

With unemployment at 10 percent and small businesses throughout the country struggling to survive, it is irresponsible to pass legislation that will place a higher tax burden on small businesses. President Obama has pledged to let the Bush tax cuts expire. So small businesses can expect at least two tax hits in 2 years.

A radio journalist from back home asked me this morning if measures are being taken in Congress to alleviate unemployment. My reply was, no, unfortunately there is a kind of war on free enterprise going on in Washington right now. Until that war is ended, unemployment will not drop. We should be encouraging job growth and not destroying jobs with bills like this so-called health reform.

HEALTH CARE

(Mr. GOODLATTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, the reviews are starting to come in on House Speaker NANCY PELOSI's health care reform proposal, and those reviews are pretty serious.

In my home State, the Richmond Times Dispatch calls the bill grotesque; but perhaps the best description that I have seen, the most accurate description I have seen, is in The Wall Street Journal, that wrote an editorial on Sunday calling this legislation the worst bill ever.

How could anyone conclude otherwise? This 1,990-page runaway train of

more than 400,000 words, creating more than 53 new government agencies and programs, is not the change that the American people asked for. This bill is going to raise the cost of health care to the overwhelming majority of Americans. It's going to make our health care system more complicated than it already is, more costly than it already is.

There are simple reforms that we could adopt if we would pay attention to what the American people want.

DEMOCRATS' HEALTH CARE BILL

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of South Carolina. Mr. Speaker, I rise today on behalf of all South Carolinians who will be harmed by the Democrats' \$1.3 trillion proposed health care bill, H.R. 3962.

The majority's health care bill will increase the health care costs, use taxpayers' dollars to pay for abortions and create bigger government in the form of 111 new bureaucrats. Worse yet, in the First District of South Carolina, this bill would increase taxes for 8,700 small businesses, cut benefits for over 11,000 seniors and burden South Carolinian veterans with a debt that they will never be able to repay.

Republicans have focused on the concerns of the American people and have created a strong Republican alternative that advocates smaller government and increases health care coverage while decreasing costs. The Democrats in Congress must listen to the people and work with us to create a health care plan that South Carolinians and all American families want and need.

HEALTH CARE

(Mr. PLATTS asked and was given permission to address the House for 1 minute.)

Mr. PLATTS. Mr. Speaker, in my district, I am often asked do I think health care reform will pass this session. My answer is always, I certainly hope so. The status quo should be unacceptable to everyone.

However, Speaker PELOSI's reform proposal is not the right reform. Our overriding principle should be first "do no harm." Unfortunately, in my humble opinion, Speaker PELOSI's proposal will do significant harm.

Just two examples: The Speaker's proposal seeks to cut funding from Medicare by over \$400 billion, making access to quality health care more difficult for our Nation's senior citizens. Second, it raises taxes on small businesses, making it more difficult for employers to cover their employees with health insurance.

There is a better way. The Republican alternative is about lowering the

cost of health care for all Americans, about ensuring the portability of health insurance, and ending the denial of health insurance due to preexisting conditions. Remember, first do no harm.

HEALTH CARE

(Mr. COFFMAN of Colorado asked and was given permission to address the House for 1 minute.)

Mr. COFFMAN of Colorado. Mr. Speaker, the Pelosi health care bill raises taxes, especially on small businesses. Small businesses will be hit with up to an 8 percent surcharge for those who cannot afford health insurance.

Mr. Speaker, the Pelosi health care bill cuts Medicare and reduces benefits to seniors. The 10 million seniors who now enjoy coverage under the Medicare Advantage program will lose that coverage.

Mr. Speaker, the Pelosi health care plan will add to the government's long-term deficit problems. It plants the seeds for a number of entitlement programs that will never in the long run be paid for but will add to the Nation's debt. Mr. Speaker, the Pelosi health care bill is 1,990 pages, a government takeover of the health care system.

Mr. Speaker, I would urge my colleagues to vote "no" on the Pelosi health care plan. Let's mend our current health care system. Let's not end it.

HEALTH CARE

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, with the new health care bill that spends \$1 trillion and creates over 100 new bureaucracies and projects, I believe all the focus is in the wrong place.

The bill still raises taxes on small business, hitting many with a 5.4 percent surtax when they are struggling in a tough economy. The bill imposes a new tax on medical devices, which will increase costs for patients by adding costs on hearing aids, bandages, and wheelchairs. This will also result in lost jobs for medical technology companies that employ over 20,000 people in my State of Minnesota.

The bill will hurt seniors with \$500 billion of cuts to Medicare, including eliminating Medicare Advantage programs for over 19,000 seniors in my district. Mr. Speaker, we shouldn't ram through a 2,000-page bill on the backs of small businesses and seniors.

There is a better way. We should be working on commonsense reforms that will actually lower premiums for families, individuals, and small businesses.

GOLDSTONE REPORT

(Mr. MCMAHON asked and was given permission to address the House for 1 minute.)

Mr. MCMAHON. Mr. Speaker, I stand in strong support of House Resolution 687, which condemns the United Nations Human Rights Council-passed Resolution 9/L.1 and the fact-finding mission which led to the Goldstone Report. The lopsidedly anti-Israel Goldstone Report blatantly ignored so much of what came before Operation Cast Lead.

Palestinian troops, including Hamas, have been responsible for launching more than 10,000 rockets and mortars at Israeli cities. In November 2008 alone, over 120 rockets and mortars were fired at Israeli cities, injuring hundreds of people. Furthermore, Israel did all it could to avoid causing civilian casualties and Hamas did all it could to cause them. Goldstone's mission failed because this simple truth was never acknowledged, confirmed or written.

Israel is our fellow democracy, our true and tried ally. Supporting it is essential to the stability of the Middle East.

Any democracy that chooses to treat Israel as a suspect state to impose on Israel false accusations and daunting deadlines for a peace agreement should know that its actions ultimately do damage to the shared values that all democracies espouse.

Mr. Speaker, I urge the Congress of the United States to stand against the Goldstone Report.

□ 1430

THE TALE OF TWO LAWS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker: It came on two pages. It has withstood the ages; The word "shall," is only 10 times mentioned,

But enough to get one's attention. No taxes did this law raise, To this day it continues to create much praise;

Two great religions does it claim, The "Law of the Ten Commandments" is its name.

A current writing, 1,990 pages long, Has a socialist philosophy that is all wrong;

Difficult for the people to understand, And troubling what big government doth demand.

Over 3,445 "shalls" it does loudly shout, New massive taxes does it proudly tout;

Written in secret by the bureaucrats, For exclusive use of the taxacrats. The Congressional bill called "Health Care Reform,"

Is illusionary, the authors are still ill-informed;

Government ought not take over America's health biz,

And that's just the way it is.

PROVIDING HEALTH CARE TO ALL AMERICANS

(Mr. ENGEL asked and was given permission to address the House for 1 minute.)

Mr. ENGEL. Well, as President Ronald Reagan used to say, there you go again. The same crowd that opposed Medicare and Medicaid in the 1960s, who told us that that would bring socialized medicine to the United States, are now opposing health care for all, saying once again it will bring socialized medicine and all kinds of ills.

We have 46 million or 47 million Americans that don't have health coverage, and that will grow to 50 million, 60 million, and 70 million, so people that have coverage now will lose their coverage if we do nothing.

So this Democratic majority is going to do something. We are going to pass a comprehensive health care bill that will ensure that virtually all Americans will have health care. We are going to pass a bill that will make sure that the insurance companies can't refuse to cover you because they say you have a preexisting condition. We are going to make it so the insurance companies don't continue to collude amongst themselves to keep health care premiums high. We are going to make it so that we have affordable health care for all for the American people.

The American people should reject the lies and scares and fear tactics. We are going to have health care for all, and it is going to be good for the American people.

DOING BETTER ON HEALTH CARE REFORM

(Mr. ROSKAM asked and was given permission to address the House for 1 minute.)

Mr. ROSKAM. Mr. Speaker, a couple of minutes ago there was a Member on the Democratic side who I sensed had a twinkle in his eye when he was trying to make the assertion that there were no Republican alternatives to this bill, because anybody that has been around this place knows that that is a joke. There are 50 Republican bills and 100 amendments that were offered by Republicans, so the notion that the GOP is showing up late is complete nonsense, and I think the twinkle in the eye is witness to that.

But here is the part that is no joke. The part that is no joke is that this bill, Mr. Speaker, creates 111 new bureaucracies that Speaker PELOSI is going to foist on our constituents.

We all know what it is like to get the constituent panic call when they can't

navigate through some labyrinthian bureaucracy, and now there is going to be 111 new offices, departments, commissions and so forth that our constituents are going to have to deal with. They are ill-equipped to deal with an aggressive Federal Government that is going to take over one-sixth of the economy.

We can do better. Let's vote against this bill.

A BETTER WAY TO REFORM HEALTH CARE

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, there are so many different reasons why the American people are opposing the "Pelosi Government Takeover of Your Health Care" bill: 111 different offices, bureaus, commissions, and programs to get between you and your doctor, preventing you from getting the health care you need when you need it; 3,425 uses of the word "shall," to ensure that bureaucrats take away your choices and drive up your health care costs; \$150 billion cut from the Medicare Advantage program, endangering seniors who rely upon the program.

But, Mr. Speaker, let me give you 1 trillion more reasons to oppose this plan: a minimum \$1 trillion cost, on a country that is already going bankrupt. We have had our first \$1 trillion deficit. Under President Obama, we will triple—triple—the national debt in just the next 10 years.

Mr. Speaker, you cannot improve a nation's health care by bankrupting it, its families, and its children. This must be rejected.

PROVIDING HEALTH CARE THAT AMERICANS DESERVE

(Mr. MCHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCHENRY. Mr. Speaker, the American people continue to reject the notion that when it comes to health care, government knows best. Except this Congress and this Speaker of the House reject that. They say government can do whatever it darn well pleases. So we are presented with a 1,990-page bill that redefines health care and one-sixth of our economy.

Hundreds of millions of Americans will be forced out of their current plans. Medicare cuts will mean fewer benefits to seniors. Bureaucrats will restrict health care services. Taxpayers will fund abortion. Illegal immigrants will receive taxpayer-funded benefits. Federal and State taxes will go up as a result, and furthermore, the cost to health care will continue to rise.

There is a better way, a different plan than the Pelosi health care bill. That is what I will support. It will control the cost of health care by capping medical malpractice lawsuits and help individuals get the type of health care that they truly deserve.

IN SUPPORT OF THE AFFORDABLE HEALTH CARE FOR AMERICA ACT

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, I rise today in support of the Affordable Health Care for America Act. This bill represents tireless negotiation, compromise, and input from Americans all across the country. We have been trying to reform our health care system since Harry Truman's Presidency, so this bill by no means represents brand new ideas; rather, it has been a work in progress for decades.

Attempts to reform our health care system in the past have failed because of false claims that this is socialized medicine. And, of course, these are the same arguments that the bill's opponents are making today. But it won't work this time because the American people are tired of unaffordable premiums, of unfairly losing coverage, and the fine print that prevents them from getting the care they need. It gives the power back to the patient by creating a more transparent, more competitive health insurance market.

In a country as wealthy as ours, no one should have to face losing their life or seriously compromising their health because they cannot access, cannot afford, or have been denied health care coverage.

REFORMING HEALTH CARE IN AN UNDERSTANDABLE WAY

(Mrs. EMERSON asked and was given permission to address the House for 1 minute.)

Mrs. EMERSON. Mr. Speaker, before we debate the 1,990-page health care bill that my colleagues and I are all trying to read this week, let me share with you how this bill defines a check-up, known in this legislation as a "primary care service." I will quote from page 1,056.

"The term 'primary care services' means evaluation and management services, without regard to the specialty of the physician furnishing the services, that are procedure codes (for services covered under title XVIII) for services in the category designated Evaluation and Management in the Health Care Common Procedure Coding System (established by the Secretary under section 1848(c)(5) as of December 31, 2009, and as subsequently modified by the Secretary)."

Now, that is a checkup. And all that section of the bill really says is we are going to define it in the future.

If I have time, Mr. Speaker, I try to read every bill, and as this legislation goes, it is pretty darn complicated. But what we need to accomplish is very simple: We need to lower the costs of health care in order to improve access to the system. It doesn't take 1,990 pages. We could do it in 19 pages. And we ought to do it in terms that the American public can understand.

DEMAND FEDERAL FUNDING FOR ABORTION BE BANNED IN ANY HEALTH CARE REFORM

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Mr. Speaker, the administration and congressional Democrats are currently wheeling and dealing behind closed doors attempting a government takeover of our Nation's health care system. Additionally, the Democrat scheme provides a back door to allow for the government funding of abortion.

Since 1976, Federal funds have been barred from being used for abortions, and Democrats are refusing to continue this policy. Some of my colleagues will tell you their plan doesn't fund abortion, yet, on page 171, section 303 states that at least one plan participating through the new government-run exchange must cover abortion services. In addition, the bill contains explicit language saying "nothing in this act shall be construed as preventing" the public option from paying for all elective abortions.

The public option will be a Federal program using Federal funds. The American taxpayers will be forced to send part of their hard-earned dollars to Washington every year to end the life of an unborn child.

I call on my colleagues in this House to demand that Federal funding for abortion is banned in any and all forms of health care funding.

STRENGTHENING HEALTH CARE SYSTEM THE RIGHT WAY

(Mr. REICHERT asked and was given permission to address the House for 1 minute.)

Mr. REICHERT. Mr. Speaker, isn't it ironic that as many Americans are celebrating the freedom to choose by casting votes across America on this election day, the House will begin consideration of a bill that threatens the freedom to choose their own health care plans.

The Pelosi bill will allow government takeover, raises taxes on hardworking Americans and small businesses, and get this, takes away half a trillion dollars worth of health care from our seniors. It includes a tax on wheelchairs, hearing aids, and pacemakers.

This is not the right solution to improve our health care system. What we need is real improvement, and that is let's lower the costs; real medical malpractice reform; lower the risk pools by allowing small businesses to band together; allow people to purchase insurance across State lines; allow States to create high-risk pools that lower the cost and provide coverage for uninsured and underinsured.

We must work together to get this done for the good of Americans across this country.

HEALTH CARE AND THE ECONOMY

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Mr. Speaker, when we come to real health reform, we need to take cost out, not add it, as this monstrosity of a bill does. There is consensus in the House for real reform that would reengineer the Center for Medicare Services to bring it into this century, provide real private market reform, and end junk lawsuits once and for all against our doctors.

But Speaker PELOSI permits none of this, squelching over 45 real health care reform bills that have been introduced. Instead, the Pelosi bill is based on a job-killing \$800 billion tax on small businesses that the Obama administration says will cost 5 million jobs, cuts senior benefits by half a trillion dollars doing so-called reform on the backs of seniors, and creates 111 new government agencies. That is not reform.

Let's stop this bill, go back to square one, and give the American people what they are demanding, which is the protection of their health freedom and real reform today.

TAKING AWAY FREEDOM TO CHOOSE YOUR HEALTH CARE PLAN

(Mr. ROYCE asked and was given permission to address the House for 1 minute.)

Mr. ROYCE. Mr. Speaker, freedom to choose your own health care plan is what is at stake here. The drumbeat for entitlement, for government control of health care, for a health choice commissioner who will decide himself essential benefits, for setting a precedent that will devolve into a rationing of medicine through politics, this is driven by an appetite for a government-run economy that is blind to the consequences.

One of those consequences is a \$1.3 trillion cost in this bill. Another is the job-killing mandates and the cuts to senior Medicare plans, including a gutting of Medicare Advantage that is in this bill. The cost of the tax increases

on business. How high can we stack these taxes? We have one of the highest corporate tax rates in the world. We will see the consequence in higher unemployment.

Should health care be nationalized, medical rationing is inevitable, and we will see the adverse effects on economic growth and opportunity, unfortunately, that will be left.

ENACT STUPAK-PITTS AMENDMENT ON HEALTH CARE BILL

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, each year, Planned Parenthood kills more than 300,000 children by abortion, yet yesterday another Planned Parenthood director resigned over abortion. Abby Johnson, director of a clinic in College Station, Texas, said she had a change of heart while watching an ultrasound of an actual abortion in real-time.

Self-described as "extremely pro-choice" but now pro-life, she said she knew it was time to quit in September when she watched an unborn child "crumble" as the baby was vacuumed, dismembered, and destroyed.

Many, including and especially self-described extremely pro-choice Americans like Abby Johnson, are beginning to recognize the ultra-ugly truth about abortion—it kills babies and wounds their mothers. Thus, we must protect both victims of abortion by enacting the Stupak-Pitts amendment to the health care bill.

I appeal to the Democrat leadership, make the Stupak amendment in order, and, please, no phony compromises, because there is nothing benign or compassionate about abortion.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CUMMINGS). Members should heed the gavel.

□ 1445

QUALITY HEALTH CARE FOR AMERICANS

(Ms. EDWARDS of Maryland asked and was given permission to address the House for 1 minute.)

Ms. EDWARDS of Maryland. Mr. Speaker, I rise today in support of quality, affordable health care for all Americans. And finally we are actually going to get it done for the American people.

For 139 days my friends on the other side of the aisle have promised health care reform, and now we think they have a bill but we haven't really seen it, and it's not real reform. So let's

talk about what we're going to do for the American people and not just what is wrong and saying "no."

We're going to end discrimination for preexisting medical conditions. If you have experienced domestic violence or you've had an underlying condition, you will be able to get health care for yourself and your family. You won't be able to be dropped because you're sick. You won't have copays and deductibles for preventative care. This is what health care reform really means for the American people.

And it's going to be affordable. It will provide credits for folks if your income doesn't quite get up there or you work for a small employer and the employer can't quite afford health care.

We want to make sure that all the American people have the ability to achieve quality, affordable health care.

HEALTH CARE

(Mr. ROGERS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Alabama. Mr. Speaker, I have reviewed this bill, and it is a jobs killer.

Before I came to Congress, I was a small business person. I know what is to start small businesses and to run them, and I know how difficult it is to sustain those jobs.

This Congress, the Democrat majority, rather than trying to find ways to help the people who are struggling with unemployment right now and to help small businesses create jobs, is finding a way to hinder them by penalizing employers who can't afford to provide health insurance for their employees.

If we want to make sure they have access to health insurance, let's find ways to allow association health plans, to allow people to buy health insurance across State lines to get costs down, to pass tort reform, and do other meaningful things that make access more practicable.

But first and foremost, let's don't kill jobs in an economy that's already struggling with 10 percent unemployment. And that's what this bill does.

It's time for this Congress to get out of the way, to stop job-killing and start trying to help small businesses create new jobs.

HEALTH CARE

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, someone with a lot of time on his hands, or more likely somebody with a pretty good search engine, found that the 2,000-page Pelosi health care bill uses the word "shall" more than 3,000 times. Now, that's an average of more than 1.5 times per page.

It seems about the only page where the word "shall" is not used is the page that states that Members of Congress "may" enroll in the government-run insurance option. No "shall" here, just "may." In other words, what's good for the country isn't necessarily good for Congress.

I'd encourage anyone who is watching or listening out there to call the Speaker and ask her why. If this government-run insurance option is so good, why aren't Members of Congress required to enroll in it as well?

HEALTH CARE

(Mr. HALL of Texas asked and was given permission to address the House for 1 minute.)

Mr. HALL of Texas. Mr. Speaker, we're the people's House. The other body is called the House of Lords, but we are here to represent the people who sent us here.

I quote a great speech from Governor John Connally of Texas when he was first elected Governor back in 1963. I served in the Texas Senate. I was in the crowd as he was speaking to a group of school board trustees, telling them to run their own schools, to make their own decisions, not the Nation, not the State, but they should make the decisions. They're there just like you're here.

He told a story about ancient mariners that were adrift, shipwrecked off the coast of South America. Unknown to them, their raft had drifted into the fresh waters of the mouth of the Amazon River. They prayed for help.

Ship ahoy, rang out their cry. There came a voice from the waters far, Drop your buckets where you are.

Don't vote to dim the lives of future generations, of future taxpayers. This bill is a generation killer; the victims are our grandchildren.

HEALTH CARE

(Mr. CASSIDY asked and was given permission to address the House for 1 minute.)

Mr. CASSIDY. Mr. Speaker, health reform is a moral and national imperative.

As a physician, my experience in treating uninsured patients at public hospitals teaches me that empowering patients is the best way to lower costs and improve patients' health. Patients are the best guardians of health care dollars. Real reform empowers patients to make wise decisions for their wallets and their health.

Unfortunately, this bill introduced last week empowers government, not patients. And this 2,000-page bill, and this is half of it, a trillion dollars, is concentrating power in Washington, taking it away from States and citizens. For example, it creates 111 boards, bureaucracies, and commissions and has \$730 billion in taxes.

This government-centered plan won't work. In fact, the Congressional Budget Office says that it increases the cost to patients and taxpayers.

The patient-centered alternative offered by Republicans will save patients money, save taxpayers money, and expand access to quality care.

HEALTH CARE

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Mr. Speaker, later this week we will be voting on legislation that dramatically revamps our Nation's health care system. The 1,990-page, \$1.055 trillion Democratic health care proposal is a measure that raises individual and business taxes and reduces funding for Medicare.

The bill, if signed into law, will be harmful to New Jersey's taxpayers, senior citizens, and businesses. And as such, I will be voting against Speaker PELOSI's health care bill.

Instead, I will be supporting a fiscally responsible alternative that includes medical liability reform, small business insurance pooling, and letting families and businesses buy insurance across State lines, ideas that have strong bipartisan support but are absent from the Democratic plan.

The Republican alternative is the only health care reform measure that improves what is working in our health care system and fixes what is broken in a fiscally responsible manner without raising taxes or increasing our ever-growing debt and deficit.

HEALTH CARE

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, as we're up here discussing this, there are folks in the Democratic caucus trying to better understand the support that exists for this bill.

This bill is not Speaker PELOSI's bill, and it's not the Democrats' bill. Mr. Speaker, this is America's bill. We are the only industrialized Nation in the world that doesn't have a plan to take care of health care for its citizens. America is catching up to the 21st century to where other countries have been in the 20th.

In my community our emergency room at our public hospital is about to close because they're so far in debt because they have so many people that don't have insurance and can't afford to pay. They take them, but they can't afford to pay it with the property taxes that are ever-rising.

This bill will help keep emergency rooms and trauma centers open. It will say to people that have preexisting conditions in America, and that's people give or take my age and older, 60

and up, in that area, and even younger people can get insurance, that there won't be a limit on the amount of monies that you had before. And it will say to the insurance companies they don't make the rules, the people make the rules. And we will have insurance that's affordable and available and save our country economically and save individuals as well.

HEALTH CARE

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, my friend from Tennessee has just described this as America's bill, not the Pelosi health care plan.

It is, in fact, Americans who are going to have to shoulder the burden if, God forbid, it becomes public law.

The American people, when they think about health care reform, are not thinking about taxpayer funding of abortion on demand. They're not thinking about a \$500 billion cut in Medicare. They're thinking about greater transparency. These are the kinds of concerns that rank-and-file Democrats have joined with Republicans in raising.

The American people want many of the things my friend from Tennessee has just advocated. They want us to deal with preexisting conditions. They want us to ensure that there's an opportunity for children, young people up to the age of 25, to continue to be on their parents' plan. They want people to buy insurance across State lines. They want us to bring about a step-by-step approach. That's exactly what the American people want. That's exactly what our alternative does. That's what this House should do.

HEALTH CARE

(Mr. McKEON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKEON. Mr. Speaker, 85 percent of the American public are happy with the insurance they have; 80 percent of them know that it costs too much. But all of them understand that when you try to do what the Democrats are talking about doing and adding a trillion dollars of expense, they understand we can't afford it.

I have 30 grandchildren. I'm concerned about passing this cost on to my children and my grandchildren.

This is a bill that we start paying for now, that the taxes start paying for it now, and it doesn't even start covering people for 4 years.

What's the rush? Why don't we do something that's good? Why don't we have a Republican solution for improving and portability for American health care?

We support tort reform that curbs frivolous lawsuits. We support allowing negotiating across State lines and group purchasing power, which will lower the cost of insurance. We support choice of coverage without the government forcing people into government-run health care.

I strongly oppose the Democrat big-spending health care bill.

HEALTH CARE

(Mr. LAMBORN asked and was given permission to address the House for 1 minute.)

Mr. LAMBORN. Mr. Speaker, Washington is attempting to take over our health care system, roughly 16 percent of the economy.

In the shadow of an approximately \$12 trillion national debt, I am deeply concerned about the financial direction our country is taking. Our annual deficit set an all-time record this year of \$1.4 trillion, three times the previous record. Our future obligations are over \$50 trillion, and we have no plan to pay any of it back. This is unsustainable.

While people in my State of Colorado and all over the country are struggling, the Federal Government has the audacity to propose raising taxes by another \$730 billion for health care. Besides higher taxes, the health care plan is largely paid for, if you can call it that, by raiding Medicare, another entitlement program that is nearly insolvent.

If Congress were a publicly traded company, it would be looking at huge civil and criminal penalties for shoddy bookkeeping.

HEALTH CARE

(Ms. SUTTON asked and was given permission to address the House for 1 minute.)

Ms. SUTTON. Mr. Speaker, over the course of this last year, I've had many meetings with constituents and heard their views about health care reform. Among those with whom I met were Dash and Cathy Sokol of Lorain, Ohio. Dash is 56; his wife, 53. In February of 2007 Dash was diagnosed with prostate cancer. And as he fought that cancer, Cathy was diagnosed with breast cancer.

The Sokols have health insurance coverage through his job at the steel mill; but as both were receiving treatment, the costs nonetheless began to add up. Their out-of-pocket spending became overwhelming, and they're now using their pension funds to pay for the medical bills instead of having funds for retirement.

Cathy told me how guilty she feels about all of that and that their family has to pay out of this because their insurance coverage isn't adequate. And there are a lot of Americans who need better health care insurance.

When the Sokols came to my office, they brought stacks and stacks of in-

voices, explanations of benefits. They talked about how they're trying to pay their bills, and they are doing it, slowly but sure. But he worries and he lives in fear that his job will go away at the mill and he won't be able to get coverage. That's why we need health care reform.

HEALTH CARE

(Mr. HASTINGS of Washington asked and was given permission to address the House for 1 minute.)

Mr. HASTINGS of Washington. Mr. Speaker, health care reform should be focused on lowering the cost of health care and health insurance. Yet Democrats are pushing a bill that would increase costs by having the government take over our Nation's health care system.

Under the Democrat bill, seniors will be forced to pay more for fewer Medicare benefits. Families will pay more out of their pockets for health care, and it will be more expensive for small businesses to offer health benefits.

On top of these higher individual premiums and prices, the Democrat bill increases government spending by over \$1 trillion in the first decade.

We need to lower costs and give families and individuals more choices, not increase costs and restrict choices through a government takeover.

One of the clear ways to reduce costs is to end lawsuit abuse. Frivolous lawsuits drive up the cost of health care for everyone. Yet on this issue Democrats are on the side of lawsuits.

Mr. Speaker, legislation that increases spending over a trillion dollars while increasing the costs paid by seniors and families is legislation that I cannot support.

HEALTH CARE

(Mr. JORDAN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. JORDAN of Ohio. Mr. Speaker, Americans hate being told what to do. It's just part of our collective DNA. We like freedom. We like the ability to choose. We like the ability to make decisions on our own. And what most Americans find troubling about this bill is it's 2,000 pages of the government getting between them and their family and their doctor.

Mr. Speaker, you're probably familiar with the old line: for most Americans when they're traveling down the highway and they see the sign that says 55, for most Americans that's not the limit; that's the challenge. That's just the way we look at things. And here we have this bill that's now going to tell us how we as individuals and as families and small business owners are going to get our health care. That's what Americans find troubling. That's why they're opposed to that. And

that's why we need real reform and not this 2,000-page takeover of health care in our country.

□ 1500

HEALTH CARE

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, millions of Americans are concerned with spending; and the spending contained in this bill and the more than 3,000 references to the word "shall" concerns Americans, especially as it relates to their tax dollars. This tax on medical devices, in my reading of the bill, looks like the sicker you are, the greater the tax you will pay. That is a huge concern to me.

When I look at the challenges that we face with needing to streamline government, with needing to first streamline Medicare and Medicaid and find this fraud that's out there first before we go about depending on the money that we find, we can make a lot of progress, rather than implementing 111 new agencies, commissions and bureaucracies in general. Mr. Speaker, we owe Americans better than this; and we can do better.

HEALTH CARE

(Mr. BARTLETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT. Mr. Speaker, yesterday a member of the Mennonite Amish community called my office very concerned that if this bill passes, they're going to be fined because of their religious conviction. The members of this community do not buy health care insurance, and they don't cost the taxpayer anything. This community takes care of all of their health care needs. There is a conscience clause on page 300 of the bill. I read that. It's not clear to me whether they'd be protected or not.

But one thing is very clear to me: that those who wrote this bill didn't communicate with this community. This is a big community. We know there are problems. We know there are issues. This is just one more reason to reject this bill, start over and get it right because clearly they didn't get it right here.

HEALTH CARE

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, the majority of my constituents believe the United States has the world's best de-

livery of health care services. I concur. These same constituents are not averse to reform, but they fear the Pelosi health care plan will leave the gate wide open for the introduction of an overwhelming governmental involvement. I believe that fear is well founded.

Our health care system, Mr. Speaker, may well need some adjusting, some fine-tuning. What it does not need is a major overhaul. The Pelosi plan is, indeed, a major overhaul and should be rejected.

HEALTH CARE

(Mr. PUTNAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUTNAM. Well, the verdict is in. The Speaker's health care bill accounts for nearly 2,000 pages and \$1.055 trillion. It raises \$730 billion in new taxes. Businesses who cannot afford to cover their employees and individuals who cannot afford insurance would face \$167 billion in new taxes, and \$500 billion in new taxes would be on the backs of mostly small businesses. The bill would slash Medicare and Medicaid services to home health care providers, to nursing homes, to hospitals, to doctors, and it would impose a \$5 billion unfunded mandate on our States in the form of a new Medicaid burden at a time when our States can ill-afford it. The State of Florida alone would have a price tag of \$5 billion.

This bill is bad for the consumer. It's bad for patients. It's bad for our health care professionals. It is an expensive, unfunded burden on our States, and it is a stripping of freedom that is uncalled for in this era.

HEALTH CARE

(Mr. MILLER of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, during such tough economic times, I find it incredible that the majority party insists on passing a health care bill that could destroy small businesses, the very backbone of our American economy. But that is exactly what this proposed legislation is going to do. It would institute a surtax of 5.4 percent on high-income earners, and over half of this tax is going to be paid by small businesses. The surtax would push the highest marginal tax rate to 45 percent of income, a rate we haven't seen since 1986. It requires small companies to provide a health plan that meets government standards. If a business can't afford it, the government will charge yet another tax of up to 8 percent.

It is destructive for American small businesses; it's dangerous for American

taxpayers; and it's a disaster for the American people. And now we learn—no amendments to the bill. Shame on you, NANCY PELOSI. Americans deserve better.

HEALTH CARE

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, if I were talking to America, I would say, This is NANCY PELOSI's answer to health care. It's going to cost \$2.25 million per word, and we don't even have the manager's amendment yet, which is probably going to add another 600 or 700 pages to this. This is going to cut Medicare and Medicare Advantage by about, oh, \$460 or \$470 billion. Seniors are really going to feel it. It's going to end up rationing health care, maybe for everybody, but certainly for seniors. The taxes are going to go through the roof, and nobody's read this turkey. Nobody. They'll tell you they have. We've got a reading room right now; we're going to go through it. But even when we read this, we still don't have the manager's amendment.

We don't need this rush to judgment. We need to get it right. We need to take our time and get a real bill that's going to help the American people, not something that's going to cost an arm and a leg.

HEALTH CARE

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, we need the facts about this massive 2,000-page prescription for government-run health care. Financial experts at the Centers for Medicare & Medicaid Services and other independent analyses have found that the Democrat plan for government-run health care will not only fail to reduce skyrocketing health care costs, it will actually increase them. Now with a vote looming on one of the most important bills to come through this Chamber in our Nation's history, I'm urging Speaker PELOSI to allow time for a proper analysis on how her bill will affect us in the long term instead of keeping Congress and the American people in the dark on the impact of government-run health care.

HEALTH CARE

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, health care reform is important, but it shouldn't come at the expense of the public's

number one concern: the gut-punch of joblessness. The massive plans now under consideration threaten to disrupt one-sixth of our economy through tax hikes and punishing regulations. This is all in the service of a health care bill that is a budgetary train wreck. This bill forces drastic changes on a deeply divided public. It promises radical government intrusion in every sector of health care. It will have the effect of breaking the President's promise that you can keep what you have. It will not bend the cost curve down. It will burden the States with huge new mandates. It will send insurance premiums through the roof. It cuts Medicare, seriously threatening popular Medicare Advantage plans; it allows for government funding of abortion; and there is no real liability reform.

We need health care reform, but we can do better than this. We must do better than this.

TROOPS IN AFGHANISTAN

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute.)

Mr. BUCHANAN. Mr. Speaker, I returned yesterday from a 4-day visit to Afghanistan to meet with the troops and our military leaders as part of a bipartisan congressional delegation. It's clear to me that our soldiers are performing at a high level in a challenging environment. Their dedication and spirit is strong as they work to prevent al Qaeda from regaining a foothold. It's also clear that we need to increase the number of troops there to help them succeed. I believe firmly that this is the best means of protecting the United States and our people from terrorist attacks. There is no question that the Taliban is a destabilizing force with ties to al Qaeda. The Taliban is a threat to the national security of America. We need to provide the resources to our troops to ensure that their counterinsurgency strategy is successful. The new troop level should be determined by whatever is needed to accomplish the mission. Congress should give strong consideration to our military leaders in answering this question.

Let me close by saying that I'm very proud of all the men and women serving in Afghanistan. They are highly skilled, motivated, and I am confident that with the additional troops, they can achieve their mission. They are genuine heroes.

HEALTH CARE

(Mr. BAIRD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BAIRD. My colleagues, I have enjoyed the comments by my friends

from the other side of the aisle. I just would rise today to point out one thing. The largest expansion of an entitlement program in the history of the United States of America since our creation happened under the watch of the Republican majority. It happened on a piece of legislation that we had less than 30 hours to read, there were no amendments allowed, and it increased the debt per decade by more than \$750 billion. The amount of Federal borrowing from foreign countries doubled under the watch of many of my colleagues here.

Now I am pleased that they're concerned about fiscal responsibility. Speaker PELOSI has pledged that the bill will be available online, plus the manager's amendment, for 72 hours. We had less than 30 on the Medicare bill. We are at least trying to pay for this legislation. We will not, with this legislation, increase the debt \$750 billion, as did the Medicare prescription drug bill, passed by the former majority party.

Americans need health care reform. My friends on the other side of the aisle had 12 years to try to do something constructive, and they failed.

HEALTH CARE

(Mr. AUSTRIA asked and was given permission to address the House for 1 minute.)

Mr. AUSTRIA. Mr. Speaker, this week marks a defining moment for this Congress and our Nation, with an \$11.9 trillion national debt that continues to grow as government encroaches into every aspect of our lives. We're about to vote on a nearly 2,000-page bill. We've heard all the details of this bill. It will increase the health care premiums for millions of Americans who are happy with their current coverage. It will cost nearly \$1 trillion, placing even more debt on our children and grandchildren. It will force businesses, large and small, to provide health care for their employees or pay fines to the government. It would unbelievably cut \$170 billion from the Medicare Advantage Program to pay for this bill, putting nearly 10 million seniors enrolled in Medicare Advantage at risk of losing their health care coverage. In Ohio, there are nearly 500,000 seniors on Medicare Advantage and nearly 30,000 of them are in my district alone.

Mr. Speaker, we all agree that our health care system can and should be improved. Unfortunately, Members of Congress are not listening to the American people, that more government is not the answer.

HEALTH CARE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, before the Federal Government got heavily

into health care in the mid-sixties, medical care was cheap and affordable for almost everyone. Doctors even commonly made house calls. We took what was a very minor problem for very few people and turned it into a major problem for everyone.

The people want medical care that is less expensive and less bureaucratic. The bill that we will apparently vote on later this week is 1,990 pages of bureaucratic gobbledygook. It will make health care even more expensive and even more bureaucratic. As Senator JOE LIEBERMAN said on Face the Nation, this bill "will actually hurt the economic recovery and our long-term financial situation."

The pattern seems to be that the Federal Government makes a problem so bad that the only solution people can see is for the government to take it all over. But a famous man once wrote that there is a simple solution to every human problem, one that is neat, plausible and wrong. This bill is the socialist approach, and all it will do over the long haul is make a bad situation even worse.

HEALTH CARE

(Mr. REHBERG asked and was given permission to address the House for 1 minute.)

Mr. REHBERG. Supporters of Speaker PELOSI's 2,000-page government takeover of health care are fast to cite opinion polls in their favor and dismiss anyone who objects if they have legitimate concerns. However, they are much slower to demonstrate the coverage of their convictions by holding public town hall meetings. Americans have a right to be heard, so I have hosted 17 town hall meetings in Montana since August. This weekend in Billings, more than 500 people came to voice their concerns. They weren't there at the request of the insurance industry. Out in rural America, people are speaking out against this bill. I heard them loud and clear at my listening sessions. It is time for the rest of Congress to listen, too. Our authority comes from the people, and we must not ignore them.

□ 1515

HEALTH CARE

(Mr. THORNBERRY asked and was given permission to address the House for 1 minute.)

Mr. THORNBERRY. Mr. Speaker, there are people all across this country who are very worried that Congress is about to do something that will do great harm to the quality of their lives and will change America forever. They want us to do something to bring down the cost of health insurance. They want us to do something to make it easier for the uninsured and the hard

to insure to get coverage. But, they want no part of a 1,990-page bill with 111 new Federal programs and offices, with new taxes, with Medicare cuts, all at a cost of more than \$1 trillion.

The Democratic majority may be able to twist enough arms to ram this monstrosity through the House, I don't know. But they are leaving the American people behind. This is no way to deal with an issue as important as health care. This bill must be stopped so real, commonsense reform can begin.

HEALTH CARE

(Mr. WITTMAN asked and was given permission to address the House for 1 minute.)

Mr. WITTMAN. Mr. Speaker, I rise today to bring the voices of my constituents in Virginia's First District to the House floor. Here are the words of some of my constituents.

Elizabeth from Williamsburg said, "Please consider small business owners when evaluating the health care proposals. My business ends up with an 8 percent profit margin, so an 8 percent of payroll contribution penalty rate would be significant."

John from Newport News says, "Over the 20 years I managed health care plans for corporations, managing cost increases was paramount not only for my employer, but also for my employees. I know how hard I worked at managing health care expense and have zero confidence that the government can handle the job. The bottom line is that more government involvement in our health care system is not the answer."

Sandra from Seaford said, "I am not in favor of a government-run health care bill. I want to choose my own health insurance. I am opposed to passing a health care bill for the sake of passing a bill. I am opposed to a health care bill that will cost trillions of dollars over the next 10 years, and I am not in favor of being penalized because I do not take part in a government health care bill."

Mr. Speaker, they have said it better than I could.

HEALTH CARE

(Mr. LATOURETTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATOURETTE. Mr. Speaker, it is nice to see you in the Chair again, and I think you are getting the short straw in your caucus when we give these 1-minute speeches.

It is always nice, Mr. Speaker, when the veil lifts and you finally get to understand something. I have been puzzled since 2007 when the Democrats became the majority party in the House of Representatives, when gas prices

went from \$2.22 to \$4.14 over the summer. I was puzzled why they passed such meaningful legislation as National Train Day and so forth and so on.

But two that caught my eye was the bill honoring cats and dogs and then the Monkey Safety Act. I thought they were chastened in this Congress, as we saw the unemployment rate go from this level to this level, and if I had a bigger chart, it could keep on going up.

But again, there is sort of a theme. While people are losing their jobs in America, they again passed the Monkey Safety Act and the Shark Conservation Act. I am thinking to myself, What's their fascination with animals? And it wasn't until I read Speaker PELOSI's government takeover of health care bill, if you go over to page 1,255, it makes veterinary students eligible for up to \$283 million in Federal scholarship and student loan forgiveness.

What's with the animals?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair asks all Members to heed the gavel.

HEALTH CARE

(Mr. SHUSTER asked and was given permission to address the House for 1 minute.)

Mr. SHUSTER. Mr. Speaker, we do need health reform in this country, but not this plan. We need a plan that uses common sense to fix what is broken and keep what is good. Eighty-five percent of Americans have health insurance, and 85 percent of those people are satisfied with what they have.

President Obama has said over and over that no one will lose their insurance if they are happy with it. And just a couple of weeks ago he said that seniors on Medicare Advantage will have to go on regular Medicare, and that means 38,000 seniors in my district will lose their current Medicare plan.

I have many small business owners who have come up to me and said they will be forced to abandon their current plans and go on the public option, not because they want to but because, if they don't, it will hurt their businesses.

Finally, on page 94, it will prohibit families and businesses from changing plans unless the plan has been approved by the health czar. That is not freedom. This is not the plan that America wants. Let's vote this bill down.

HEALTH CARE

(Mr. THOMPSON of Pennsylvania asked and was given permission to ad-

dress the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, in South America there is a tenacious parasitic plant that attaches itself to trees. As it climbs to the top of the tree canopy seeking the light, the plant thrives. But eventually, in the end, it kills the tree.

That is what an unfunded mandate by the Federal Government does to States. Putting more people onto Medicaid arguably is a good thing that takes people off the roles of the uninsured. But the Pelosi health care bill will cost all of the States an added \$34 billion in new burdens.

My Pennsylvania colleagues and I warned our Governor back when we thought people at 133 percent of the poverty level would be eligible for Medicaid. That would have cost the State \$2.2 billion over 10 years. Now we are looking at those at 150 percent of poverty level. That will add 15 million to the Medicaid program nationwide.

Tennessee Democratic Governor Phil Bredesen called it "the mother of all unfunded mandates."

We may soon be saying our prayers for many of our States, when a program intended to help poor women, children, and the disabled turns out to be the death knell for a number of State budgets.

HEALTH CARE

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, when the Democrats finally unveil their manager's amendment later this week, we will have 72 hours to look at it and decide whether we want to vote for it. But one thing we know for sure, it will cost at least \$1 trillion; more than we are spending today on health care, more than we are spending in the Federal budget. One trillion dollars over 10 years.

As I look around the gallery, Mr. Speaker, I see many folks about my age, but I also see some constituents who are young, just getting started. Do they want to spend an average of \$10,000 a person right now if this bill becomes law? I think not.

Republicans have a better idea. We will unveil our Republican leadership alternative later today or tomorrow. It will actually save money. And by the way, it will cover preexisting conditions. And by the way, it won't have all of the mandates. And by the way, it won't have the health choices administrator telling us what is good for us rather than our doctor telling us what is good for us.

Vote against the Democratic plan and vote for the Republican alternative.

HEALTH CARE

(Mr. BACHUS asked and was given permission to address the House for 1 minute.)

Mr. BACHUS. Mr. Speaker, if there is one common denominator in Congress this year, it is the substitution of government for the individual. With the stimulus, the multiple bailouts, cap-and-tax, and now health care, instead of you making the decision, the government makes it for you.

We have seen time after time, when you substitute a government-run program for individual choice, the cost goes up and the quality goes down. When it comes to health care, there is nothing more important than quality and choice. Given the choice, I will always place my faith in the individual, not in the government, and this time is no different.

The American economy is the world's largest. It is three times larger than the Japanese, our closest competitor. It is larger than the economies of Japan, China, Germany, and Great Britain combined. We got there through innovation, choice, competition, and individual initiative and responsibility, not government control and management. Let's keep it that way.

HEALTH CARE

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Mr. Speaker, when I graduated from medical school at the Medical College of Georgia, I swore to do no harm. Mr. Speaker, the Pelosi health care insurance bill will destroy America. It will destroy the quality of care for everyone. It will destroy jobs. In fact, experts tell us 5.5 million people will lose their jobs. It will destroy private insurance. In fact, it is estimated 114 million people will be forced off their private insurance under a government policy.

Mr. Speaker, it is going to destroy our economy and cost over \$1 trillion. It will destroy our States' budgets, and it is going to destroy our own home budgets for everyone through higher taxes and through higher private insurance premiums. It will destroy our children's and grandchildren's future.

Mr. Speaker, we the people in America must demand that we destroy the Pelosi health care insurance bill.

HEALTH CARE

(Mr. HUNTER asked and was given permission to address the House for 1 minute.)

Mr. HUNTER. Mr. Speaker, the amazing thing with this whole insurance health care reform debate is we could fix health care. We could do it in

this country. It is not that complicated. We could make it so we could buy health care across State lines. We could make it competitive and bring down prices and make sure that everybody has access to health care. But the health care problems in this country that are fixable are like a leaky faucet in somebody's house. This Congress could fix that leaky faucet, but we're not going to do that. The Pelosi health care bill says, let's burn down the house. Let's just burn it down. Forget about fixing it. Let's tear it down and we will replace it with some monstrosity that will not resemble a house like what we had prior to it.

We don't need to burn down the house. We need to fix that leaky faucet. We could fix health care in this country. We could make health care affordable, accessible, and cheap. We don't need to burn down the house, which is what the Pelosi health care bill does.

The Republicans will have a much better alternative to this which is being unveiled today. That is what we need to vote for.

HEALTH CARE

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, "The reforms I am proposing will not apply to those who are here illegally." These words were spoken by the President on September 9 right at this podium. He pointed out that he was proposing to insure 30 million, not the 47 million that we hear today.

Was the difference between the two the fact that the President committed not to provide benefits to illegals in this country?

The sad fact about the situation is that the proposal that PELOSI has given us is one that does not guarantee to the American people that those illegally in the country will get benefits in this country even though they are violating our law. Why has PELOSI abandoned the Systematic Alien Verification for Entitlements program, the SAVE Act, is because she wants to include that 17 million that are here illegally.

The commitment the President has made at this podium should be kept by this House, both sides of the aisle. So stand by the SAVE Act. It is a system that works. It is functional. It has been the standard. Why abandon it now?

HEALTH CARE

(Mr. CULBERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Mr. Speaker, this may be the most important vote, the

most important debate we will ever engage in as Members of Congress. We are at a turning point in this country. Under this liberal Congress, this liberal President, Congress has moved to take over so many aspects of American life, there is not much left.

The one piece they really want control over is our health care. From cradle to grave, the government will decide what procedures you get, how much the doctor will be paid, and when the doctor can do it. That puts the doctor in control of our health care system.

At a time of record debt and deficit, with a deficit over a trillion and a half dollars, with a national debt over \$12 trillion, The Wall Street Journal editorial—and if you don't read anything else, I would encourage people to read yesterday's Wall Street Journal editorial which points out in an analysis you can document, they have carefully researched PELOSI's health care bill which she unwrapped last Thursday, may well be the worst piece of post-New Deal legislation ever introduced. In a rational political world, this 1,900-page runaway train would have been derailed months ago.

HEALTH CARE

(Mr. INGLIS asked and was given permission to address the House for 1 minute.)

Mr. INGLIS. Mr. Speaker, lacking a collaborative process, we unfortunately must simply oppose the Pelosi health care bill. This bill has within it a public option to which Members of Congress aren't subject. It has a comingling of taxpayer funds for abortion services, tax increases, benefit cuts, especially for Medicare Advantage. And, in leaving the \$245 billion doctor fix out of the bill and put in a separate bill, it really makes a mockery of what the President said here when he said not one dime will be added to the deficit.

The bill also has no appreciable attempt at medical malpractice reform and actually tries to avoid State limits imposed by State legislatures.

Mr. Speaker, this bill simply must be voted down, we start over and try to find a collaborative process, and come up with something that will work for America.

□ 1530

HEALTH CARE

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. A Supreme Court Justice once wrote; "The Constitution protects us from our own best intentions. It divides power precisely so that we may resist the temptation to concentrate power in one location as

an expedient solution to the crisis of the day." Now, he wasn't talking specifically about the health care bill, but there has never been an effort to try and concentrate power as an expedient solution to the crisis of the day as the Pelosi health care bill.

We are not the only ones working on this issue; States are as well. Massachusetts has a system, it's pricey, but they seem to enjoy it, but it wouldn't meet the needs of Utah. Utah has a reformed system that's based on our demographics. It wouldn't fly in Boston. The problem is, if the Pelosi bill were to pass, all of these State efforts would be stopped.

There are things we can do to help the costs come down: Tort reform, allowing interstate competition and block grants to States for high-risk pooling. Those things would be good if indeed we were allowed to do them, but they're not part of the Pelosi bill. All this does is concentrate power in Washington and would, to paraphrase P.J. O'Rourke, have the same effect as giving alcohol and the keys to the car to a teenage boy.

HEALTH CARE

(Mr. FORBES asked and was given permission to address the House for 1 minute.)

Mr. FORBES. Mr. Speaker, the first month I was practicing law, I had a client that came into my office and he gave me a single sheet of paper. It said, "Do everything we talked about. And remember, money is no object." I took that sheet and I went into the managing partner's office and I showed it to him. And he smiled and he said, Randy, the reason money is no object is because he doesn't have any money; he spends his father's money. And then he looked in his drawer and he pulled out a sheet of paper and it said this: "I'm tired of his reckless spending. Be on notice, he is hereby cut off. Enough is enough."

Mr. Speaker, if you don't read anything else in this bill, please read the section between the lines that says this, Money is no object. And the reason it's no object is because they're not spending their money. They're spending our senior citizens' money, our jobs' money, and the money of our grandchildren. And I believe the American people are sending them a single message: We're going to cut off their reckless spending. Enough is enough.

HEALTH CARE

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute.)

Mr. FRELINGHUYSEN. Mr. Speaker, as the Nation awaits consideration of Speaker PELOSI's health care bill, all 1,900 pages of it, we now learn from the Congressional Budget Office that its

price tag has now climbed to \$1.2 trillion. That's \$1.2 trillion over 10 years, not the smaller amount that the supporters claim it will cost.

Over 13,000 of my New Jersey constituents have weighed in with me on health care reform, about 90 percent of whom worry that a government takeover would jeopardize their own private health insurance, and planned cuts to Medicare Advantage in the Pelosi bill for seniors, Medicare cuts for payments to doctors and hospitals, and their anger and anxiety rises even more.

Mr. Speaker, more Washington mandates, more taxes, and less control over their lives, people back home have a right to be very worried and angry.

HEALTH CARE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, Speaker PELOSI has more than 250 votes in the House of Representatives and she only needs 218 to pass legislation. The Democrats in the other body control 60 votes out of 100. The Democrats have the White House. They can pass legislation to take over the health care system in spite of what the American people are saying and in spite of what the American people are asking for.

Because, you see, the American people do want health care reform; they want to lower the costs; they want to be able to deduct all their health care expenses from their taxes. They want tort reform. They want us to address defensive medicine costs. They want to shop around across State lines so they can get a cheaper price. And they want health savings accounts. But the bottom line, Mr. Speaker, is they want the freedom to control their health care, the freedom to choose their own doctor.

Whatever they pass here, Mr. Speaker, I will work to repeal, and I will work for the health care reform that the American public wants to keep them in control of their health care.

HEALTH CARE

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, last week, the Democrat leadership introduced their ever-evolving health care bill, a patchwork of deals cut to garner enough votes to secure a political victory.

In this bill, the trial lawyers win big. My home State of California has enacted commonsense trial practice reforms that have lowered medical liability costs for our residents. Since the enactment of reforms, malpractice rates in California have grown at one-

third the rate of States without malpractice reforms, a savings which is passed on to patients. However, this bill would force States to repeal effective liability reforms in favor of unlimited payoffs for trial lawyers or States will lose out on Federal funds for their health care systems.

Health care reform must not reward frivolous lawsuits that drive up the cost of health care to the detriment of doctors, health care professionals and, most importantly, patients. Let's prove that Congress is more serious about the health of the American people than it is about the financial health of trial lawyers.

HEALTH CARE

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Mr. Speaker, when I came to Congress over 1 year ago, I was hoping to work across party lines in the spirit of bipartisanship because that's what the people in my district in Florida expected. But ever since I got here, the Democratic majority has locked Republicans out of the debate time and time again. And now here we are talking about what The Wall Street Journal calls the "worst bill ever."

The Pelosi health care bill cuts Medicare, increases taxes on businesses, individuals and employers, and it's a \$1.2 trillion boondoggle that will complete a government takeover of the health care system, even though the majority of Americans don't want it.

I don't know what the majority was doing over the August recess, but I was holding town hall meetings with hundreds of my constituents and friends; and the message was clear, we are a free people that chose to be governed, not the other way around. Enough is enough.

HEALTH CARE

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, this 2,000-page health care bill is not a health care reform bill. It's a monstrosity. It contains three-quarters of a trillion dollars in tax increases on small businesses and the middle class, which will lead to more people losing their jobs. It contains half a trillion dollars in cuts to Medicare for our senior citizens. This bill increases the Medicaid costs on our already hard-hit States, which will inevitably have the result of cutting education funding and funding for our first responders on the State level. This bill actually increases the cost of health care, Mr. Speaker.

You know, the American people understand that this bill will make the Wall Street bailout, known as TARP,

the government takeover of the car industry, and the failed stimulus pale in comparison.

Mr. Speaker, the American people have already rejected this bill. Congress needs to listen to them and do the same.

HEALTH CARE REFORM AND ABORTION

(Mr. CAO asked and was given permission to address the House for 1 minute.)

Mr. CAO. Mr. Speaker, health care reform is an issue of paramount importance, and we must be deliberative in solving the main question, which is: How can we make our health care system affordable, accessible, and accountable? Unfortunately, the health care reform forum has not been used to address the problem of affordable health care, but to expand the controversial issue of abortion.

When President Obama addressed a joint session of Congress on September 9, he said, "Under our plan, no Federal dollars will be used to fund abortion, and Federal conscience laws will remain in place." The health care reform plan presented by Speaker PELOSI does not reflect the long-standing policies that ban Federal abortion funding.

America needs responsible health care reform, and it should not be a vehicle for expanding the abortion agenda. The majority of the American people, including those in my home district of Louisiana, are against the Federal funding of abortion. Real health care is about saving and nurturing life, not about taking life.

HEALTH CARE

(Mr. ROGERS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Kentucky. Mr. Speaker, everyone agrees that health care is too expensive, and it is not affordable to every American. Everyone also agrees that the American health system is the best in the world for innovation and invention. And polls have shown that most people are happy with their health care. That's why people from all over the world come here to receive health care.

So why are we talking about dismantling our great health system, one-sixth of our economy, and replacing it with a government-run health program that will cost \$1.5 trillion in borrowed money that will be paid for by our grandkids?

We need to work together to bring down the actual costs of health care. Republicans have such a plan: cap lawsuits, giving Americans a real choice by letting them purchase insurance across State lines, allowing small businesses and individuals to join together

and pool to purchase less expensive coverage.

We need to keep the best system in the world. Don't throw the baby out with the bath water.

WHAT'S AT STAKE

(Mr. MCCLINTOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCCLINTOCK. Mr. Speaker, Congress is about to make a decision that will impact every American for the rest of their lives. Simply stated, what's at stake is the freedom to make our own decisions about our own health care. PELOSI's bill forces every American to purchase our insurance through a government-run exchange. It forces us to purchase only those policies that meet all of the requirements set by the new health czar or be fined for failing to do so. And it forces us to pay for all the cost overruns through higher premiums or higher taxes.

Where does it all lead? In 1993, the government introduced a public option for student loans, but only a fraction of the public opted in. So last month, the House voted to give the government monopoly control over all student loans. That's about to happen to our health care unless 40 Blue Dog Democrats decide to stop them. Please, call them today.

HEALTH CARE

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Mr. Speaker, the Wall Street Journal said it best, this bill may well be the worst piece of post-New Deal legislation ever introduced. My constituents of the Texas 24th District agree. They have told me loud and clear, time and time again, that they do not want this government takeover of our health care system.

This legislation creates 111 new Federal programs, bureaucracies, commissions and boards; and this is just counting the ones that are in the original bill. I am sure that when the manager's amendment is introduced, there will be many more.

We need a patient-centered approach to health care reform. We do not need to mortgage the future of our children by saddling them with a \$1 trillion debt. Let's not punish our seniors, our families, and our grandchildren by passing this bill.

HEALTH CARE

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, there is a difference between the right

way and the wrong way on health care reform, and the American people know it. Results from a survey on my Web site just came back the last few days. We asked the question what the people in the 19th Congressional District thought about their current health care system versus the one being proposed by Speaker PELOSI. Eighty-eight percent of the people who took my survey believe that their current health care system is better than the one in this bill. Speaker PELOSI, this is the worst bill ever.

H.R. 3962 will cost \$1.2 trillion over the first decade, and that's after using some smoke and mirrors with the numbers, not the \$894 billion that the Speaker claims; or, simply put, this is bending the cost curve in the wrong direction.

This bill permits Federal programs to be spent on abortion services. It includes a government-run plan that will force tens of millions of Americans off their current coverage. In navigating the new health care system, the bill creates 111 new programs and bureaucracies. These are not the positive solutions the American people are looking for.

Mr. Speaker, let's start over.

HEALTH CARE

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Uncle Sam is saying, Don't let debt defeat a great Nation.

America is going broke. We must carefully weigh the implications of a costly new government spending program at a time when the country already owes \$56 trillion of entitlement obligations to China and to Saudi Arabia.

I am deeply concerned about the national debt, which has doubled since 2000 and is nearly \$12 trillion for the first time in history. Any plan put forward must control costs, not add billions of dollars to an already ballooning deficit.

America is going broke. Is this the legacy Congress wants to leave to our children and our grandchildren? Don't let debt defeat a great Nation.

□ 1545

BETTER WAY TO LOWER HEALTH CARE COSTS

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, the Democratic leadership in Congress continues to push a flawed, massive government takeover of health care that is going to cost more than \$1 trillion. What's more, their health care overhaul will drive up health care costs for

families and small business, and it will disrupt the doctor-patient relationship. States already straining under runaway budgets will be forced to cut services or to raise taxes when they're forced to raise Medicaid eligibility.

As a doctor, I saw the problems with our current health care system, and I saw the amazing innovation which makes the U.S. the envy of the world. Let's build on what works. We can achieve commonsense solutions in a bipartisan way, but the Pelosi health care bill focuses on where we disagree.

House Republicans put forward a commonsense plan to revitalize the American health care system—to lower costs for families and businesses and to improve quality. Our plan puts patients first, and it puts doctors and patients back in control of decision-making. Our plan makes health care more affordable and more accessible, with patients being able to see the doctors of their choice.

We can do better. Adopt the Republican plan.

HEALTH CARE

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Mr. Speaker, of course there is no Republican plan for health care. I rise today to discuss the unconscionable economic cost of doing nothing, which is their plan.

Without health insurance reform, small businesses will pay \$2.4 trillion in health care over the next decade and up to \$800 billion in additional costs to them. Without reform, health care costs will rise from 18 percent of GDP today to a staggering 34 percent by 2040. Without reform, government spending on Medicare and Medicaid will nearly triple from 6 percent of our GDP to 15 percent of our GDP by 2040. Without reform, Federal, State, and local governments paid \$42.9 billion in 2008 to reimburse the costs of uninsured visits to emergency rooms, placing a tax burden of \$627 a year on every family in America, and that, without reform, will triple by 2030. Without reform, Mr. Speaker, the average employer-sponsored health insurance family deductible grew almost 50 percent from 1999 to 2006.

These are unconscionable cost increases, and we cannot sustain them. We need reform now.

HEALTH CARE

(Mr. CAMPBELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAMPBELL. Mr. Speaker, one of the more Orwellian aspects of the Pelosi health care bill is that, amongst

its 1,990 pages, it uses the word "shall" 3,425 times. That is 3,425 times that this bill compels somebody somewhere to do or to not do something, and that doesn't even include several hundred mentions of the word "must" or "require."

Yet, with all of those compulsions in there which are telling Americans what to do, there is an interesting use of the word "may," and that's relative to Members of Congress—to us. We may be a part of the government option, not must, not require, not shall, but we may participate in the public option—in the so-called public option—or in the government-run health care plan.

It is another case where this Democratic Congress is saying, Do what I say, not what I do.

HEALTH CARE

(Mr. SCHOCK asked and was given permission to address the House for 1 minute.)

Mr. SCHOCK. Mr. Speaker, last night, I hosted a town hall back in my district with over 1,000 of my constituents in attendance. I felt that was a better use of my time than was rushing back to this Chamber to vote on resolutions honoring dogs.

The final question of the night last night came from a 9-year-old constituent in my district named Joshua who asked me a very simple question: Do you support what President Obama wants to do with health care?

I told Joshua that I spent the first 9 months of my term in office trying to figure out exactly what it is the President wants to do on the issue of health care.

It is precisely this confusion of goals, of conflicting messages and this lack of communication from the majority which has all Americans still trying to figure out what exactly the President wants versus the Speaker of the House's bill before Congress.

We need to do this right. It's too important to get it wrong, and Republicans, Democrats, Independents, and the American people deserve to be in the room.

HEALTH CARE

(Mr. MANZULLO asked and was given permission to address the House for 1 minute.)

Mr. MANZULLO. Mr. Speaker, we've been advised that the House of Representatives may have only 3 hours of debate on this 1,990-page bill plus, perhaps, another 1,000-page manager's amendment. That comes out to \$500 billion an hour which will be spent of the public funds.

We should be debating this bill for weeks and months so that the American people know exactly what's in it and so that Members of Congress can

be very exact in explaining it to our constituents and so that we can learn how deep and broad this bill is. In fact, there is even a provision which provides for reimbursement to veterinarians. Perhaps it's a mistake in the bill, but that's why we have to read it thoroughly.

HEALTH CARE

(Mr. MCCARTHY of California asked and was given permission to address the House for 1 minute.)

Mr. MCCARTHY of California. Mr. Speaker, when I listened to thousands of my constituents on tele-town halls this past summer and held town halls with 5,000 constituents in August, the overwhelming and consistent message they told me was to find real solutions.

My constituents told me we need to improve health care, but H.R. 3200 is bureaucracy; it's deficit spending; it's taxes; it's intrusion into the personal health care decisions between our doctors and ourselves moved in the wrong direction.

I don't think any one of my constituents told me that Congress needs to double down on H.R. 3200, but that's what the new 1,990-page Pelosi health care bill is. It is version 2.0 in the government's taking over of the health care of Americans. It creates government bureaucracies that make health care decisions for us. It costs over \$1 trillion, and it uses Medicare cuts on seniors and new taxes on Americans and small businesses to pay for them.

We want solutions that will give us the ability to purchase health insurance across State lines. We want solutions that will help people who can't get insurance because of preexisting conditions. We want solutions that don't use Medicare to pay for non-Medicare spending, and we want solutions that will control health care costs.

HEALTH CARE

(Mr. CAMP asked and was given permission to address the House for 1 minute.)

Mr. CAMP. Mr. Speaker, the Democrat bill we may be voting on later this week is not the prescription for what's ailing this country.

The CBO, the Congressional Budget Office, confirmed the Democrats' bill spends well over \$1 trillion, far more than even the President asked for. Nearly half of the people who get coverage in the bill will get it through Medicaid. This isn't health care reform. It's welfare expansion. It's the expansion of a program that is already financially unsustainable and that is crushing State budgets.

The Democrats' bill includes more than \$700 billion in tax increases, many of which will be paid by middle class families, including penalties on people

who don't buy insurance, penalties on employers who can't afford to cover their workers, and new taxes on Federal spending accounts, health savings accounts, insurance premiums, and medical devices.

The bill also includes about \$500 billion in Medicare cuts that will reduce seniors' access to doctors and to hospitals, and it will force millions out of their Medicare Advantage plans.

House Republicans support taking the first steps towards comprehensive reform that is focused on driving down costs for health care for all Americans.

EXPRESSING PRO-LIFE CONCERNS WITH PELOSI HEALTH CARE

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, as a strong believer in the dignity of all human life, I have worked to defend the rights of the unborn, but the Pelosi health care bill does not protect those rights.

The newly created public option will be authorized to fund elective abortions. The Pelosi health care bill does not include the pro-life language, which was offered and rejected in committee, to prohibit the Federal funding of abortion and of plans that include abortion. As the bill is written, Federal funds will pay for elective abortions.

This goes against a longstanding rule that government insurance programs, such as Medicaid or the Federal Employees Health Benefits, cannot cover elective abortions. Health care reform should be about improving the quality of life, not about taking it.

The National Right to Life Committee has expressed its concerns with this legislation as have thousands of residents from the Third District of Arkansas.

The respect for life needs to be a core value of our Nation, and it needs to be reflected in our national policies and health care reform.

HEALTH CARE

(Mr. GINGREY of Georgia asked and was given permission to address the House for 1 minute.)

Mr. GINGREY of Georgia. Mr. Speaker, I oppose the government takeover of our Nation's health care system. It would have a disastrous impact on women and their families. As moms, doctors, nurses, caregivers, and taxpayers, women play a critical role in the health care debate. Eighty-five percent of women are the primary health care decisionmakers in the home.

Women overwhelmingly support health care reform, but they don't want reform that will increase their health care costs, that will ration care or that will undermine their ability to

make the best health care decisions for their families. Speaker PELOSI's bill empowers government bureaucrats; it increases taxes, and it raises health insurance premiums while using Federal dollars to fund abortions.

Mr. Speaker, I support reform solutions that let women, not your government, take over, continue to decide what is best for their families.

HEALTH CARE

(Mr. LATHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATHAM. Mr. Speaker, last evening, I did a telephone town hall meeting, and I talked to thousands of my constituents. We had a poll. We asked the question:

Do you support the health care reform bill that was just introduced by Speaker NANCY PELOSI?

The results were overwhelming: 76 percent of the people responded "no." The reason is that what people are concerned about are the costs in health care today, and the people at home understand the fact that this is only going to raise their costs. The government-run plan, the takeover plan of our health insurance, actually is going to cost more than what private insurance costs today.

This isn't what was advertised. This isn't what people want. They don't want the government coming in, taking over their health insurance, changing their policies for them without their permission, cutting benefits to people on Medicare—people who need those benefits desperately. They're going to take those benefits away. This is not what the people wanted, and we're going to vote this bill down.

HEALTH CARE

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute.)

Mr. KLEIN of Florida. Mr. Speaker, it's an honor to be here today after months and months of discussing the health care reform proposals with the people of America and particularly with those in my district in south Florida.

It's great to be here to talk about how, finally, we're going to deal with preexisting conditions and about how, finally, people who have mental illnesses and chronic illnesses won't have arbitrary caps on their insurance and about how, finally, small businesses, which are the heart of our total economic system, will be able to pool their purchasing power to bring their costs down.

Medicare is one of the most important programs in our country. It's about fixing the doughnut hole to reduce the costs for prescription drugs,

which is the lifeblood of many Americans within our senior citizen population. This is what the American people want. I am very proud that we are fixing the Medicare system and that we are making it last even longer than has been alleged by those on the other side.

It's about time we do something right to fix health care. This is the proposal.

HEALTH CARE

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORTENBERRY. Mr. Speaker, we need to strengthen health care. We need to improve health care outcomes for all Americans, and we need to reduce costs, especially for families and small businesses, while protecting vulnerable persons. The question is how.

The current bill is very risky. It is nearly 2,000 pages and will cost \$1.3 trillion. It shifts the cost of what we have been doing to more government-run health care without reducing the cost drivers that have gotten us into the very circumstances we find ourselves in. It reduces the funding for important Medicare programs. It increases burdens on small businesses. It passes on costs to States, and it will reduce health care liberties for millions of Americans, including forced payment for abortion services.

The solutions: We should shift our health care culture to the focus of prevention and wellness. We should allow for commonsense reforms like the portability of insurance, the buying of insurance across State lines, the creating of new insurance risk pool models for small businesses and families, of appropriately addressing preexisting conditions, and of expanding opportunities for health savings accounts.

No one disputes the diagnosis. Our health care system must be strengthened. Let's get it right, Mr. Speaker.

HEALTH CARE

(Mr. MORAN of Kansas asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Kansas. Mr. Speaker, I support changing and improving our health care delivery system, and there is a lot that can be done. Unfortunately, H.R. 3962, the Speaker's health care bill, does too much and too much wrong.

This nearly 2,000-page bill will create 111 new government boards, bureaucracies, and commissions. Additionally, the bill uses the word "shall," which is the government's way of saying people must do something, a whopping 3,425 times.

Instead of turning our entire health care system on its head and increasing government, we need to implement reforms that eliminate unnecessary costs

in our system. Further, history shows that a government-run health care plan will be way more expensive than what is estimated today. The experience with health care entitlement programs is that they end up costing so much more than ever thought. In 1967, experts predicted that the then-new Medicare program would cost \$12 billion in 1990. Actual Medicare spending in 1990 was \$110 billion.

Instead of growing government, increasing bureaucracy, and creating more requirements, we must invest in wellness and prevention and promote cost savings and personal responsibility. All of that will improve opportunities for Americans.

□ 1600

HEALTH CARE

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. Mr. Speaker, I rise in opposition to this latest attempt at a government takeover of health care that has been proposed by Speaker PELOSI.

Now, this 1,990-page bill that has just been filed a few days ago by the Speaker adds up to over a trillion dollars of new spending. If you break this spending down, how much does this really cost? \$530 million per page, \$530 million per page.

What's in this bill? Sure enough, they still have components that allow a health care czar to take away your health care plan even if you like it. They still have over \$700 billion in new taxes on the backs of small businesses and families. Yes, as senior citizens know well, they still have over \$500 billion in cuts to Medicare.

Now, with all of these horrible provisions, this has nothing to do with health care reform. It is clearly an attempt at a government takeover of health care. In fact, this bill at \$530 million per page has been called the worst bill ever by The Wall Street Journal. Let's do real reform.

HEALTH CARE

(Mrs. BACHMANN asked and was given permission to address the House for 1 minute.)

Mrs. BACHMANN. Mr. Speaker, there is one thing that we need to know about this health care bill that Speaker PELOSI is putting before the American people. It's what President Barack Obama's economic adviser Christina Romer said: simply this, if this bill passes it will mean 5.5 million job losses.

That's probably why the Wall Street Journal has called this the worse bill ever. Epic new spending and taxes, pricier insurance, rationed care, dishonest accounting, the Pelosi bill has

it all, but even worse, in an already downbeat economy, 5.5 million jobs lost. Let's go with the positive alternative, which the Republicans have been happy to share with the President.

Let's pass a positive alternative for the American people and not have job loss.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

OPPOSING ANY ENDORSEMENT OR FURTHER CONSIDERATION OF REPORT OF THE UNITED NATIONS FACT FINDING MISSION ON THE GAZA CONFLICT

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 867) calling on the President and the Secretary of State to oppose unequivocally any endorsement or further consideration of the "Report of the United Nations Fact Finding Mission on the Gaza Conflict" in multilateral fora, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 867

Whereas, on January 12, 2009, the United Nations Human Rights Council passed Resolution A/HRC/S-9/L.1, which authorized a "fact-finding mission" regarding Israel's conduct of Operation Cast Lead against violent militants in the Gaza Strip between December 27, 2008, and January 18, 2009;

Whereas the resolution pre-judged the outcome of its investigation, by one-sidedly mandating the "fact-finding mission" to "investigate all violations of international human rights law and International Humanitarian Law by . . . Israel, against the Palestinian people . . . particularly in the occupied Gaza Strip, due to the current aggression";

Whereas the mandate of the "fact-finding mission" makes no mention of the relentless rocket and mortar attacks, which numbered in the thousands and spanned a period of eight years, by Hamas and other violent militant groups in Gaza against civilian targets in Israel, that necessitated Israel's defensive measures;

Whereas the "fact-finding mission" included a member who, before joining the mission, had already declared Israel guilty of committing atrocities in Operation Cast Lead by signing a public letter on January 11, 2009, published in the Sunday Times, that called Israel's actions "war crimes";

Whereas the mission's flawed and biased mandate gave serious concern to many United Nations Human Rights Council Mem-

ber States which refused to support it, including Bosnia and Herzegovina, Cameroon, Canada, France, Germany, Italy, Japan, the Netherlands, the Republic of Korea, Slovakia, Slovenia, Switzerland, Ukraine, and the United Kingdom of Great Britain and Northern Ireland;

Whereas the mission's flawed and biased mandate troubled many distinguished individuals who refused invitations to head the mission;

Whereas Justice Richard Goldstone, who chaired the "United Nations Fact Finding Mission on the Gaza Conflict", told the then-President of the UNHRC, Nigerian Ambassador Martin Ihoeghian Uhomobhi, that he intended to broaden the mandate of the Mission to include "all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after", a phrase that, according to Justice Goldstone, was intended to allow him to investigate Hamas attacks on Israeli civilians;

Whereas Ambassador Uhomobhi issued a statement on April 3, 2009, that endorsed part of Justice Goldstone's proposed broadened mandate but deleted the phrase "before, during, and after", and added inflammatory anti-Israeli language;

Whereas a so-called broadened mandate was never officially endorsed by a plenary meeting of the UNHRC, neither in the form proposed by Justice Goldstone nor in the form proposed by Ambassador Uhomobhi;

Whereas, on September 15, 2009, the "United Nations Fact Finding Mission on the Gaza Conflict" released its report;

Whereas the report repeatedly made sweeping and unsubstantiated determinations that the Israeli military had deliberately attacked civilians during Operation Cast Lead;

Whereas the authors of the report admit that "we did not deal with the issues . . . regarding the problems of conducting military operations in civilian areas and second-guessing decisions made by soldiers and their commanding officers 'in the fog of war.'";

Whereas in the October 16th edition of the Jewish Daily Forward, Richard Goldstone, the head of the "United Nations Fact Finding Mission on the Gaza Conflict", is quoted as saying, with respect to the mission's evidence-collection methods, "If this was a court of law, there would have been nothing proven.";

Whereas the report, in effect, denied the State of Israel the right to self-defense, and never noted the fact that Israel had the right to defend its citizens from the repeated violent attacks committed against civilian targets in southern Israel by Hamas and other Foreign Terrorist Organizations operating from Gaza;

Whereas the report largely ignored the culpability of the Government of Iran and the Government of Syria, both of whom sponsor Hamas and other Foreign Terrorist Organizations;

Whereas the report usually considered public statements made by Israeli officials not to be credible, while frequently giving uncritical credence to statements taken from what it called the "Gaza authorities", i.e. the Gaza leadership of Hamas;

Whereas, notwithstanding a great body of evidence that Hamas and other violent Islamist groups committed war crimes by using civilians and civilian institutions, such as mosques, schools, and hospitals, as

shields, the report repeatedly downplayed or cast doubt upon that claim;

Whereas in one notable instance, the report stated that it did not consider the admission of a Hamas official that Hamas often “created a human shield of women, children, the elderly and the mujahideen, against [the Israeli military]” specifically to “constitute evidence that Hamas forced Palestinian civilians to shield military objectives against attack.”;

Whereas Hamas was able to significantly shape the findings of the investigation mission’s report by selecting and prescreening some of the witnesses and intimidating others, as the report acknowledges when it notes that “those interviewed in Gaza appeared reluctant to speak about the presence of or conduct of hostilities by the Palestinian armed groups . . . from a fear of reprisals”;

Whereas even though Israel is a vibrant democracy with a vigorous and free press, the report of the “fact-finding mission” erroneously asserts that “actions of the Israeli government . . . have contributed significantly to a political climate in which dissent with the government and its actions . . . is not tolerated”;

Whereas the report recommended that the United Nations Human Rights Council endorse its recommendations, implement them, review their implementation, and refer the report to the United Nations Security Council, the Prosecutor of the International Criminal Court, and the United Nations General Assembly for further action;

Whereas the report recommended that the United Nations Security Council—

(1) require the Government of Israel to launch further investigations of its conduct during Operation Cast Lead and report back to the Security Council within six months;

(2) simultaneously appoint an “independent committee of experts” to monitor and report on any domestic legal or other proceedings undertaken by the Government of Israel within that six-month period; and

(3) refer the case to the Prosecutor of the International Criminal Court after that six-month period;

Whereas the report recommended that the United Nations General Assembly consider further action on the report and establish an escrow fund, to be funded entirely by the State of Israel, to “pay adequate compensation to Palestinians who have suffered loss and damage” during Operation Cast Lead;

Whereas the report ignored the issue of compensation to Israelis who have been killed or wounded, or suffered other loss and damage, as a result of years of past and continuing rocket and mortar attacks by Hamas and other violent militant groups in Gaza against civilian targets in southern Israel;

Whereas the report recommended “that States Parties to the Geneva Conventions of 1949 start criminal investigations [of Operation Cast Lead] in national courts, using universal jurisdiction” and that “following investigation, alleged perpetrators should be arrested and prosecuted”;

Whereas the concept of “universal jurisdiction” has frequently been used in attempts to detain, charge, and prosecute Israeli and United States officials and former officials in connection with unfounded allegations of war crimes and has often unfairly impeded the travel of those individuals;

Whereas the State of Israel, like many other free democracies, has an independent judicial system with a robust investigatory capacity and has already launched numerous investigations, many of which remain ongoing,

of Operation Cast Lead and individual incidents therein;

Whereas Libya and others have indicated that they intend to further pursue consideration of the report and implementation of its recommendations by the United Nations Security Council, the United Nations General Assembly, the United Nations Human Rights Council, and other multilateral fora;

Whereas the President instructed the United States Mission to the United Nations and other international organizations in Geneva to vote against resolution A-HRC-S-12-1, which endorsed the report and condemned Israel, at the special session of the Human Rights Council held on October 15-16, 2009;

Whereas, on September 30, 2009, Secretary of State Hillary Clinton described the mandate for the report as “one-sided”;

Whereas, on September 17, 2009, Ambassador Susan Rice, United States Permanent Representative to the United Nations, expressed the United States’ “very serious concern with the mandate” and noted that the United States views the mandate “as unbalanced, one-sided and basically unacceptable”;

Whereas the “Report of the United Nations Fact Finding Mission on the Gaza Conflict” reflects the longstanding, historic bias at the United Nations against the democratic, Jewish State of Israel;

Whereas the “Report of the United Nations Fact Finding Mission on the Gaza Conflict” is being exploited by Israel’s enemies to excuse the actions of violent militant groups and their state sponsors, and to justify isolation of and punitive measures against the democratic, Jewish State of Israel;

Whereas, on October 16, 2009, the United Nations Human Rights Council voted 25-6 (with 11 states abstaining and 5 not voting) to adopt resolution A-HRC-S-12-1, which endorsed the “Report of the United Nations Fact Finding Mission on the Gaza Conflict” and condemned Israel, without mentioning Hamas, other such violent militant groups, or their state sponsors; and

Whereas efforts to delegitimize the democratic State of Israel and deny it the right to defend its citizens and its existence can be used to delegitimize other democracies and deny them the same right: Now, therefore, be it

Resolved, That the House of Representatives—

(1) considers the “Report of the United Nations Fact Finding Mission on the Gaza Conflict” to be irredeemably biased and unworthy of further consideration or legitimacy;

(2) supports the Administration’s efforts to combat anti-Israel bias at the United Nations, its characterization of the “Report of the United Nations Fact Finding Mission on the Gaza Conflict” as “unbalanced, one-sided and basically unacceptable”, and its opposition to the resolution on the report;

(3) calls on the President and the Secretary of State to continue to strongly and unequivocally oppose any endorsement of the “Report of the United Nations Fact Finding Mission on the Gaza Conflict” in multilateral fora, including through leading opposition to any United Nations General Assembly resolution and through vetoing, if necessary, any United Nations Security Council resolution that endorses the contents of this report, seeks to act upon the recommendations contained in this report, or calls on any other international body to take further action regarding this report;

(4) calls on the President and the Secretary of State to strongly and unequivocally oppose any further consideration of the “Re-

port of the United Nations Fact Finding Mission on the Gaza Conflict” and any other measures stemming from this report in multilateral fora; and

(5) reaffirms its support for the democratic, Jewish State of Israel, for Israel’s security and right to self-defense, and, specifically, for Israel’s right to defend its citizens from violent militant groups and their state sponsors.

The SPEAKER pro tempore (Mr. CUMMINGS). Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

Mr. ELLISON. Mr. Speaker, I would inquire whether the gentlewoman from Florida is opposed to the resolution. If she is not, I request the time in opposition to the resolution, because I am, in fact, opposed to the resolution.

Ms. ROS-LEHTINEN. Mr. Speaker, I do not oppose the resolution.

The SPEAKER pro tempore. The gentleman from Minnesota will be recognized for 20 minutes in opposition.

The Chair recognizes the gentleman from California.

Mr. BERMAN. Mr. Speaker, I ask unanimous consent to divide my debate time equally with the ranking member, the gentlewoman from Florida (Ms. ROS-LEHTINEN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. KLEIN).

Mr. KLEIN of Florida. Mr. Speaker, I rise to support H. Res. 867, a resolution that calls on the Secretary of State and the President to unequivocally oppose further consideration of the Goldstone Report in international arenas.

This resolution sends a clear message to the international community. The Goldstone Report does nothing to advance peace and security in the Middle East. Rather, it serves to reinforce the deep mistrust that pervades the region and excuses the actions of terrorist groups and their state sponsors.

The Goldstone Report ignores the facts. The terrorist threat surrounding Israel’s defensive actions in Gaza require a decisive response, and any sovereign nation would have and should have done what Israel did.

In fact, Richard Goldstone himself said, If this was a court of law, there would have been nothing proven. The

Goldstone Report disregards what it means to fight against terrorists who use human shields and have no regard for human life. The findings and conclusions of the report have ominous consequences for the United States and other countries who seek to prevent terrorist threats from taking root around the world.

We cannot allow the Goldstone Report to set a precedent. The stakes are too high. This report was not guided by a commitment to human rights but, rather, motivated by a bias against Israel.

Now is the time for the United Nations to immediately turn its attention to the very real human rights violators around the world. Human rights victims are pleading for the world's attention. I would urge U.N. member states to devote time and thoughts to the realities of human rights around the world, not Israel.

Israel, with strong democratic and judicial institutions, can make any necessary determinations about how to move forward from here, and it is doing so.

I would like to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their leadership in authoring this resolution and bringing it to the floor. This is a true example of the importance of bipartisanship, because the U.S.-U.N. resolution is strong.

Ms. ROS-LEHTINEN. Mr. Speaker, if I could ask unanimous consent to extend the debate time in light of the fact that we have three factions asking for time. I would ask for unanimous consent to extend equally the debate time, because we have so many requests for time.

The SPEAKER pro tempore. The Chair will entertain that request from the manager.

Mr. BERMAN. Could the gentleman, on her unanimous-consent request, which is not going to be entertained, yield to me?

Ms. ROS-LEHTINEN. I yield to the gentleman from California for the purpose of talking about debate time, not taking from my time.

Mr. BERMAN. I am told that as much as I would like to, because I am flooded with requests for time, and I think it's worthy of a longer debate that because of the schedule, the long delay today and the 1-minute, the fact that tonight is an election night and a number of people have to get back to their districts, I cannot make such a unanimous-consent request.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

This past winter, Operation Cast Lead in Israel exercised its right as a sovereign nation and its obligation to defend its citizens, and its very existence, against attacks by Hamas and other violent extremist groups in Gaza.

Israel did so while taking extraordinary measures to minimize the risk of civilian casualties. Indeed, as Colonel Richard Kemp, former commander of the British forces in Afghanistan, has stated: "During Operation Cast Lead, the Israeli Defense Forces did more to safeguard the rights of civilians in a combat zone than any other army in the history of warfare."

Then, in January, the Human Rights Council, dominated by dictatorships, voted to authorize a so-called fact-finding mission. Notably, most free democratic nations did not render their support for this sham. The mission's mandate had nothing to do with fact-finding and everything to do with persecuting Israel for defending herself. The mandate prejudged Israel's guilt, targeted only Israel, and Richard Goldstone agreed to head this mission.

Mr. Goldstone claims that he got the Human Rights Council president to modify the mandate. Well, my colleagues, just as the Speaker of the House cannot unilaterally change a resolution once adopted, neither could the president of the council change the mandate without the council's approval. Claims of a revised mandate are false since the council did not take any action to approve any modifications.

Fast forward to September, Mr. Speaker, when the so-called fact-finding mission released its report. Indeed, it's a 575-page hatchet job commonly known as the Goldstone Report.

While this report contains sweeping accusations that Israel had deliberately attacked civilians, in contrast the report disregarded evidence that Hamas and other such groups in Gaza used innocents as human shields and deliberately launched attacks from schools, from hospitals, from mosques. To fully appreciate the Goldstone Report's bias, one need only look at the testimony of an Israeli doctor whose clinic was hit by a rocket launched from Gaza.

The doctor, who was severely wounded in the attack and had already undergone seven operations to address her injuries, says, "Judge Goldstone, in July you invited me to testify. I told you my story.

"I testified in good faith.

"But now I see your report. I have to tell you: I am shocked.

"Judge Goldstone, in a 500-page report, why did you completely ignore my story?

"I feel humiliated.

"Why are there only two pages about Israeli victims like me, who suffered thousands of rockets over 8 years?

"Why did you choose to focus on the period of my country's response, but not on that of the attacks that caused it?"

Mr. Goldstone claims that the report never sought to deny Israel its right to self-defense, but the report sought to cast Israel's actions in response to

rocket and mortar attacks from Gaza, not as carefully targeted defensive measures, but as the deliberate infliction of violence on civilians.

This is not surprising. The fact-finding mission includes a member who, even as the operation was taking place in January of 2009, signed a statement entitled, "Israel's bombardment of Gaza is not self-defense, it's a war crime."

Indeed, this statement began by categorically rejecting Israel's right to defend herself against such attacks. Further, the words "self-defense" or similar terms never appear in the report. The report recommended further action by multiple U.N. bodies, including the General Assembly, the Security Council and International Criminal Court. The Human Rights Council has already used this report to condemn Israel. No surprise there.

Tomorrow, the General Assembly will likely to do the same. As Israel is being ostracized at the U.N., violent extremists in Gaza continued to fire rockets and mortars at innocent Israelis, 265 of the last 9 months alone. Just yesterday, militants in Gaza fired another rocket, which exploded near an Israeli residential area. No surprise there.

Israel's military intelligence chief testified yesterday that Hamas has test-fired a rocket with a 60-kilometer range, far enough to hit the Tel Aviv area, threatening up to 3 million Israelis.

Mr. Speaker, I reserve the balance of my time.

Mr. ELLISON. Mr. Speaker, I yield myself as much time as I may consume.

I would like to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their openness and professionalism in this debate.

□ 1615

I rise today to urge my colleagues to oppose H. Res. 867, a resolution that condemns the Goldstone Report regarding the conflict in Gaza. This resolution should be opposed because it suppresses inquiry, inquiry that is the hallmark of democratic societies.

The resolution contains factual errors and undermines Israel's ability to conduct its own investigation. The resolution goes against President Obama's foreign policy direction. I ask my colleagues to review the facts about the Goldstone Report's integrity and the content of his report.

First, what is there to fear about Judge Goldstone? Judge Goldstone has a stellar reputation. He is famous for apprehending Nazi criminals in Argentina and for serving as a chief prosecutor for the United Nations International Criminal Tribunals. He is a self-described Zionist. He serves as a trustee at Hebrew University in Jerusalem. Judge Goldstone has said that

bringing war criminals to justice stems from the lessons of the Holocaust.

Unfortunately, the debate about the Goldstone Report has been diverted by serious problems with the original U.N. resolution called for in the report. I agree that the first U.N. resolution calling for an investigation of the Gaza war was one-sided and focused unfairly on Israel. Let me repeat: I agree that the original U.N. resolution was unfair. But Judge Goldstone pushed back. He succeeded in expanding the scope of the mission to include an examination of actions of both Hamas and Israel.

So what does the Goldstone Report really say? Four sections of the report deal with abuses by Hamas, including the launching of rockets into civilian towns in Israel. The report explicitly states these rocket attacks are war crimes. The report recounts actions by Israel in Operation Cast Lead that harmed the civilian population in Gaza.

I repeat the point I started with. The word "inquiry" is an essential hallmark of democracy, and Israel is strong enough to withstand an investigation of its actions in the Gaza war. Hamas should investigate its actions as well and be held to account.

What if Israel would have participated in the review from the beginning? It could have pointed out that the United Nations Human Rights Council has a history of unfairly singling Israel out for criticism. It could have pointed out the consequences of the Hamas rocket attacks.

Let's consider the following question: Why are we going to pass a resolution without holding a single hearing? Why is the House voting for a resolution which condemns a report that few Members have fully read?

House Members should know that Israeli leaders, like Deputy Prime Minister Dan Meridor, a Likud party member, and National Infrastructure Minister Uzi Landau have called for Israel to conduct its own investigation.

I urge Members to oppose this resolution because it will undermine President Obama's commitment that all countries, including our own and our allies, should be accountable for their actions. This resolution complicates the President's current Middle East initiative.

I conclude with a letter written by Israeli human rights groups who oppose the resolution. "We are concerned that H. Res. 867 may derail the momentum towards an Israeli investigation. Resolution 867 contains factual inaccuracies, both about the Goldstone Report and the measures taken by Israel to date, that must not guide choices by policymakers. We urge interested parties and Members of the House to show their support for the internal democratic conversation taking place in Israel today and to call on Israel to demonstrate that it can ensure genuine accountability at home."

When nations like the United States, Israel, South Africa, and others have pursued truthful investigation, however uncomfortable, their people have emerged stronger. The House of Representatives is poised to condemn the Goldstone Report today because the report says that both parties to the conflict engaged in possible violations of international law. What is the logic of the action? How does it advance the cause of peace in the Middle East?

I urge my colleagues to look closely at the Goldstone Report, which is right here on this table, and what actions truly advance the cause of peace.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 1 minute to a member of the committee, the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman, and I rise to support the resolution.

We should reject the Goldstone Report, which is part of an ongoing effort at the U.N. to single out Israel and to deny Israel the same rights accorded to other nations.

For example, of the 34 motions adopted by the so-called U.N. Human Rights Council since its inception in 2006, 27 of them are directed at Israel. I might say that these paragons of democracy on this Human Rights Council are Libya, Syria, and other dictatorships.

The report equates Israel's long-delayed acts of self-defense with Hamas' 12,000 intentional, indiscriminate attacks on Israeli civilians since 2001.

The report ignores the well-documented, unprecedented efforts by Israel to limit civilian casualties in Gaza neighborhoods where they were being used as human shields by the terrorists.

Finally, the report fails to assign appropriate responsibility to Hamas for its decision to base itself and its military operations in heavily civilian-populated areas.

This Congress should stand by the only democracy in the Middle East, Israel, and should reject the biased Goldstone Report.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time I am so honored to yield 1 minute to the gentleman from Virginia (Mr. CANTOR), our well-respected and esteemed Republican whip.

Mr. CANTOR. Mr. Speaker, I thank the gentlelady from Florida.

Mr. Speaker, today I rise in support of this resolution. More importantly, I stand to support the right of democracies to defend their citizens against terrorism.

For years, without provocation, Hamas and other terrorists in Gaza launched thousands of deadly rockets at Israeli civilians. The attacks laid siege to entire swaths of Israelis. By last December, Israel said enough was enough.

When it entered Gaza, Israel found a ruthless enemy hiding in civilian areas.

Hamas committed blatant war crimes by using the Palestinian people as human shields. But the one-sided and biased Goldstone Commission isn't concerned with any of this. Its report equates a democracy's defensive strikes on armed targets with a terror group's deliberate efforts to kill and sacrifice innocent people.

The Goldstone Report does not contribute to the ongoing peace process. The cases of Gaza and Lebanon show that every time Israel makes concessions of peace, it results in increased terrorism. Why would Israel agree to deal if it knows the international community will demonize it should it have to respond to terror?

Mr. ELLISON. I yield 2 minutes to the gentlelady from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, let me thank the gentleman for yielding.

I rise in opposition to H. Res. 867. The United States has a responsibility to engage in tough and in honest diplomatic efforts for peace as a purveyor of human rights and the rule of law in the Middle East and throughout the world.

The Goldstone Report raises many questions, its most critical recommendation being that both parties, mind you, both parties conduct their own impartial investigation to find answers.

Neither a dismissal nor an endorsement of the Goldstone Report will change the facts on the ground for Israelis and Palestinians who continue to struggle for a life of normalcy and peace.

Indiscriminate rocket attacks launched by Hamas against Israel have terrorized and killed innocent Israelis, leaving entire communities in grips of fear. The United States and the international community have consistently condemned these attacks and reaffirmed Israel's right to self-defense.

The tragic deaths of innocent civilians in Gaza and the devastation brought upon their homes, schools, and infrastructure has worsened a humanitarian crisis that cannot be ignored. Residents of Gaza and the West Bank continue to lack appropriate access to the most fundamental needs, including food, fuel, water, sanitation, education, health care, and the basic materials needed to rebuild their communities.

The urgency and the gravity of these harsh realities on both sides require that Congress act always with an eye toward peace and reconciliation. In the words of President Obama in Cairo in June of 2009, he said, "All of us have a responsibility to work for the day when the mothers of Israelis and Palestinians can see their children grow up without fear."

As Members of Congress, we can never hesitate or shy away from defending the United States' indispensable role in the peace process if we

hope to achieve these goals. This resolution does not bring us closer to realizing a two-state solution.

The SPEAKER pro tempore. The gentlelady's time has expired.

Mr. ELLISON. I yield an additional 5 seconds.

Ms. LEE of California. It doesn't lead us to securing Israeli peace and security nor Palestinian peaceful coexistence and for their citizens a life of respect.

Mr. BERMAN. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this resolution.

Mr. Speaker, I rise today to explain why I will vote "no" on House Resolution 867, which calls on President Obama and Secretary of State Clinton to "oppose unequivocally any endorsement or further consideration" of what has become known as the "Goldstone Report."

The United States' connection to the State of Israel is both strong and deep; we are connected through decades of history, culture, business and geo-political interests. We care about the people of Israel who strive for what we have struggled for in the United States—the ability to live in security, peace and prosperity. The well-being of our friends in Israel was, is and will remain an American priority. As Israel's closest ally, we have an obligation to see to it that Israel and its neighbors reach a peaceful end to ongoing conflict.

The situation in Gaza is a tragedy, both for Israelis who for too long suffered from indiscriminate rocket attacks and for the hundreds of innocent Palestinians in Gaza who lost their lives, their loved ones, their homes, and their faith in the international community during Israel's military offensive last December.

And so now the world is grappling with the report on the Gaza war, submitted by the highly respected Judge Richard Goldstone—a self-described Zionist, a trustee of the Hebrew University in Jerusalem and a man widely known for his integrity, fairness, and conscientiousness, who investigated war crimes in Yugoslavia, Rwanda, and Kosovo and who uncovered Nazi war criminals in Argentina.

But, rather than deal seriously with the contents and recommendations of the report, rather than ask Judge Goldstone to testify before Congress, so we can debate specifically what sections may be valid or flawed, we are seeking with this resolution to foreclose all discussion and action on the report by our President and our Secretary of State, in every multinational forum.

One of the arguments supporters of this resolution make is that the report is one-sided, representing only the Palestinian point-of-view. That argument would have some validity if not for the fact that (a) the report strongly accuses Hamas of indiscriminate rocket attacks on Israeli citizens, referring to their actions as a "war crime" and (b) the Israeli Government chose not to participate, going so far as to block Judge Goldstone and his team from entering Israel to conduct their investigation. This

forced Israeli citizens who were invited to testify in front of Judge Goldstone, including Noam Shalit, the father of imprisoned IDF soldier Gil'ad Shalit, to travel to Switzerland and Jordan to provide their perspectives on the Gaza operation.

This resolution is a deliberate diversion, taking Congress' attention away from what should be our main focus. The bottom line is that the Israeli-Palestinian conflict is a tragedy that begs for real engagement and real solutions. The resolution before us today offers neither. Instead, it seeks to deflect our attention from what we should be considering: how to reinvigorate the stalled peace process and help Israelis and Palestinians navigate a path towards a two-state solution. I challenge Congress and the committees of jurisdiction to invest their time and resources into more constructive efforts that further the cause of peace.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 1 minute to a distinguished member of our committee, the gentlelady from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman for yielding and for his leadership on this issue, and I thank my friend ILEANA ROS-LEHTINEN for introducing this important resolution.

Today, the American people stand with the State of Israel and all other peace-loving nations and people who face the threat of terrorism and are forced to defend their innocent citizens from terrorist attacks.

In 2005, Israel withdrew from the Gaza to allow the Palestinians to begin building a state. They didn't. Instead, Hamas used the Gaza to terrorize the Palestinian people and as a launch pad to rain missiles on Israeli cities, 8,000 rocket attacks in a 3-year period. The U.N. was silent.

In the fall of 2008, even more rockets fell on innocent Israelis and the situation became untenable. And the U.N. was silent. Only when Israel retaliated in order to protect its own citizens did the U.N. speak up, to condemn Israel.

For those who suggest that Israel used disproportionate force, I say Israel used extraordinary restraint: missile after missile, injury after injury, death after death, and year after year.

Today, we stand up for justice and the right of all nations to act in self-defense, to protect innocent civilians and end the horrors of terrorism. Let's put the blame where it belongs, with Hamas and the terrorists, not Israel.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield 1 minute to my good friend from Indiana, Mr. BURTON, the ranking member on the Subcommittee on the Middle East and South Asia of our Foreign Affairs Committee.

Mr. BURTON of Indiana. I thank the gentlelady for yielding.

Israel has been our friend forever. They have been attacked again and again and again. So what did they do? Ariel Sharon tried to reach out in a

peaceful way to give Gaza back to the Palestinians. And what happened? Hamas goes in there and starts launching missile after missile after missile at innocent people, blowing them up, trying to kill them. They want to destroy Israel, as does Iran. So what happens?

The Human Rights Council of the United Nations 27 times has issued decisions against Israel, and the Goldstone Report is just another in a long line. This is something that we should not tolerate. There shouldn't be one vote, not one vote in this place against Israel.

And the people who are making these comments on the other side of the aisle really bother me, because Israel has been such a great friend of ours and they have been trying to reach peace over there forever. And, instead, they keep getting rocket attack after rocket attack, and then they are criticized for human rights problems because they defend themselves.

If we launched missiles into Michigan, I guarantee you, Michigan would be really ticked off at us and would want to stop it and would do everything they could to stop it.

We ought to support Israel.

Mr. ELLISON. Madam Speaker, I yield 1¼ minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. I thank the gentleman.

Well, I do support Israel, and I intend to vote "present" on this particular resolution because, like most Members, I haven't had time to read 575 pages.

We often speak about process in this body and it is a concept we all embrace, at least rhetorically. But on this occasion, we only have the rhetoric, and the process has been totally inadequate.

This resolution came to the floor on suspension without a hearing, despite the willingness of Judge Goldstone to come before the United States Congress and answer any questions that we might pose to him. And that judge, by the way, is highly regarded in the international rights community for his courage, impartiality and scholarship. He has participated in a number of high profile inquiries, including investigation into Nazism in Argentina.

As the gentleman from Minnesota indicated, he is a self-described Zionist. As both the Chair of the full committee and the Chair of the Subcommittee on the Middle East indicated, they have the utmost respect for Judge Goldstone.

He has expressed his strong concerns about this resolution, and he said this: "I have strong reservations about the text of the resolution in question, text that includes serious factual inaccuracies and instances where information and statements are taken grossly out of context." Last night, we received in the form of a "Dear Colleague" a response by Chairmen BERMAN and ACKERMAN that attempted to refute it.

Clearly, we need more discussion and more debate. An opportunity to have that discussion should have occurred prior to this resolution coming to the floor.

□ 1630

This is not about bias against Israel.

The SPEAKER pro tempore (Ms. LEE of California). The time of the gentleman has expired.

Mr. ELLISON. Madam Speaker, I yield the gentleman 10 additional seconds.

Mr. DELAHUNT. We know that exists. This is not about Hamas. They have committed horrific acts of terrorism against citizens. This is about us. This is about us.

Mr. BERMAN. Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I would like to yield 1 minute to my good friend, the gentleman from Kansas (Mr. MORAN), a member of the Agriculture, Transportation, and Veterans' Affairs Committees. A busy man.

Mr. MORAN of Kansas. Madam Speaker, the Goldstone Report is a dangerous document that makes no distinction between terrorism and the acts of a nation to defend its people. For years terrorists launched rockets at Israeli civilians. Israel responded with a defensive measure to clear a terrorist threat and protect the lives of its citizens.

The Goldstone Report ignores Israel's right to self-defense. Despite Israel's efforts to avoid civilian casualties and its humanitarian assistance to civilians, the report unfairly accuses Israel of war crimes. Israel sought to limit its actions to military targets. Yet terrorists hid behind civilians, near hospitals, schools, and mosques.

Every nation should be alarmed at the report and its implications. All nations, including Israel, have the right to defend their people.

I urge my colleagues to stand with Israel in recognition of this right, this basic right, of self-defense.

Mr. ELLISON. Madam Speaker, I yield 2 minutes to the gentleman from the State of Washington (Mr. BAIRD).

Mr. BAIRD. I thank my colleague from Minnesota for his leadership.

My friends who have described the Goldstone Report, as a colleague just did, I'm not sure if they have read it. I have read it. It is not at all silent on whether or not Israel had a reason to respond. It specifically talks about the unacceptability of Hamas rocketing Israeli citizens.

Here's a picture of Israeli kids in Sderot, hiding, practicing how to deal with those rockets. It is absolutely unacceptable that any people have to undergo this kind of attack; and the Goldstone Report is, in fact, quite clear on that. And contrary to this resolution and contrary to what some of my colleagues said, it is explicit about sug-

gesting that Hamas may have engaged in war crimes.

But there is another side to this story. I have twin 4-year-old boys at home. When I kiss them goodnight, they look for all the world like these three little Palestinian children. I don't know that father, but I can imagine his grief.

We must not say that this Congress will unequivocally oppose any consideration of a report by a jurist of this integrity and this reputation. Those children deserve someone to ask why they died, just as these children in Sderot deserve someone to say they must not be rocketed. And the Goldstone Report does both. It does both.

Unlike most of my colleagues here, I have been to Gaza and I have read in its entirety the Goldstone Report. And I will tell you he says many things that, though unpleasant, are true and must not be obstructed.

There used to be a school in Gaza called the American International School. The motto of that school: "Peace, Understanding, and Leadership Through Education."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ELLISON. Madam Speaker, I yield the gentleman an additional 15 seconds.

Mr. BAIRD. This is a picture of what happened to that school. This is a picture of what happened to that school.

Do not pass this resolution. Support this fine jurist. Give justice, true justice, a chance to be heard.

Mr. BERMAN. Madam Speaker, I continue to reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I'm proud to yield 1 minute to the gentleman from Tennessee (Mr. ROE), a member of the Agriculture, Education, and Veterans' Affairs Committees. Another very busy man.

Mr. ROE of Tennessee. Madam Speaker, I rise in strong support of House Resolution 867, which condemns the United Nations Human Rights Council's decision to endorse the views of the Goldstone Report. Among its conclusions was an assertion that the Israeli military campaign was aimed at civilians in Gaza rather than the terrorist group Hamas. The assertion itself is outrageous, but the fact that it was endorsed by an arm of the United Nations should be a cause for concern for anyone who's concerned about terrorism or human rights.

In criticizing Israel's behavior and not even mentioning Hamas in this resolution, the council essentially endorsed Hamas's decision to use Gazans as human shields to protect themselves from retaliation for their rocket attacks into Israel.

The fact is that the Human Rights Council is no better than its predecessor at the U.N., the Human Rights

Commission, when it comes to anti-Israeli rhetoric. I think the resolution correctly urges the Obama administration and Secretary Clinton to strongly condemn this report, but I further urge them to reconsider their decision to participate in and fund the HRC. This body has proven time and again that they are incapable of acting without bias and simply gives a forum for anti-Israeli and anti-U.S. voices to be heard.

Mr. ELLISON. Madam Speaker, I yield 1 minute to the gentleman from Michigan, Mr. JOHN DINGELL.

Mr. DINGELL. This is a bad bill. It's a bad resolution. It is unfair. It is unwise. It contributes nothing to peace. It establishes a bad precedent, and it sets up a set of circumstances where we indicate that we're going to just arbitrarily reject a U.N. finding and a U.N. resolution and that we're going to have that as a precedent. This is bad.

What we must do here is to make the United States a fair, honest, respected broker. This does not do this. It leaves the United States in real danger of losing the ability to participate actively in the creation of a lasting peace of benefit to both Israel and to the Palestinians.

If you're a friend of Israel, if you're a friend of world peace, if you're a friend of peace in the Mid East, if you're a friend of the Palestinians, if you want to look to the well-being of the United States, you should reject this resolution. It is a bad proposal. There have been no hearings on it. We do not know what underlies all of the circumstances, and I urge the House to reject it.

Madam Speaker, I rise in opposition to H. Res. 867. This resolution, though non-binding, sends a signal to the world that the United States Congress is not serious about pushing the Israelis and the Palestinians toward a peaceful resolution.

It is true that the body that mandated the Report of the United Nations Fact Finding Mission on the Gaza Conflict, known as the Goldstone Report, has been no friend to Israel. Indeed the United Nations Human Rights Council has consistently passed one-sided biased resolutions against Israel while, at the same time, allowing documented, blatant human rights violators to preside over that body without criticism. It is right for the United States and other friends of Israel to question and call out the why six of ten special sessions of the U.N. General Assembly have been about Israel, while none have been called on Tibet or Darfur.

However, we must ask ourselves, does this resolution bring us closer to peace in the Middle East? Does it spur negotiations between the Israelis, Palestinians, and other parties, or does it marginalize and itself choose sides? We must ask, are we undermining President Obama's, Secretary Clinton's, Special Envoy Mitchell's efforts to serve as an honest broker, bring the two sides together, and achieve peace, by passing this resolution?

Madam Speaker, Israel, unequivocally, has a right to defend itself against those who seek

to destroy it. We know that Israel was relentlessly attacked by rockets and mortars leading up to the Gaza war. They made the calculation that they could not allow Hamas to continue this violence and abuse.

However, neither Israel nor Hamas, nor any other country or other non-state political act is exempt from international human rights laws or free of consequence for violations of them. If nothing else, the Goldstone Report should serve as a document from which Israel and Hamas, and the rest of the international community can use to ensure that future human rights violations do not take place in civilian areas and that their militaries and fighters are actively working toward minimizing civilian casualties in the future.

Madam Speaker, time and again we acknowledge the urgency of this conflict. The Obama Administration is working feverishly with both sides toward a peaceful resolution, a two-state solution. Let us not undermine this effort today. I urge my colleagues to join me in voting "no" on this resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I continue to reserve the balance of my time.

Mr. ELLISON. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Today we journey from Operation Cast Lead to Operation Cast Doubt. Almost as serious as committing war crimes is covering up war crimes, pretending that war crimes were never committed and did not exist.

Because behind every such deception is the nullification of humanity, the destruction of human dignity, the annihilation of the human spirit, the triumph of Orwellian thinking, the eternal prison of the dark heart of the totalitarian.

The resolution before us today, which would reject all attempts of the Goldstone Report to fix responsibility to all parties to war crimes, including both Hamas and Israel, may as well be called the "Down is Up, Night is Day, Wrong is Right" resolution.

Because if this Congress votes to condemn a report it has not read concerning events it has totally ignored about violations of law of which it is unaware, it will have brought shame to this great institution.

How can we ever expect there to be peace in the Middle East if we tacitly approve of violations of international law and international human rights, if we look the other way, or if we close our eyes to the heartbreak of people on both sides by white-washing a legitimate investigation?

How can we protect the people of Israel from existential threats if we hold no concern for the protection of the Palestinians, for their physical security, their right to land, their right to their own homes, their right to water, their right to sustenance, their right to freedom of movement, their right to human security of jobs, education, and health care?

We will have peace only when the plight of both Palestinians and Israelis is brought before this House and given equal consideration in recognition of the principle that all people on this planet have a right to survive and thrive. And it is our responsibility, our duty to see that no individual, no group, no people are barred from this humble human claim.

Mr. BERMAN. Madam Speaker, I'm pleased to yield 1 minute to the majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the chairman for yielding. I thank the ranking member, Ms. ROS-LEHTINEN, for introducing and working with the chairman on this resolution.

I rise to voice my objection to the unfair, unbalanced, and inaccurate report of the United Nations fact-finding mission on the Gaza conflict, otherwise known as the Goldstone Report.

The report not only paints a distorted picture of Israel's legitimate efforts at self-defense, in my opinion, but it epitomizes the practice of singling Israel out from all other nations for condemnation.

The Goldstone Report does little to build confidence that the U.N. or its Human Rights Council can deal with the Israeli-Palestinian conflict in an evenhanded manner. I agree with those who spoke before me that it ought to, but the Goldstone Report does not give us much confidence that that's what's happening.

For one, the Human Rights Council's mandate for the report specifically targeted Israeli actions, ignoring, ignoring the deliberate Hamas attacks on civilians that provoked Israel's self-defense in Operation Cast Lead.

The report's lead author himself, Justice Richard Goldstone of South Africa, objected to that one-sided Band-Aid. Let me repeat that. Goldstone himself, when the commission issued its report, objected to that one-sided mandate that they issued. But notwithstanding his objection, it was not formally altered.

Similarly, former U.N. High Commissioner for Human Rights, whom many of you know, Mary Robinson, not known as a great defender of Israel, Mary Robinson, who has criticized Israel's record in the past, also objected to this one-sided mandate. In her words, and I quote Mary Robinson: "Unfortunately, the Human Rights Council passed a resolution seeking a fact-finding mission to only look at what Israel has done, and I don't think that's the human rights approach," said Mary Robinson.

□ 1645

Secretary of State Clinton agrees. She said this:

"We believe that the mandate for the Goldstone Report was one-sided and that many of the recommendations are

appropriately dealt with by the institutions within Israel."

And, indeed, if they were not, I would be here to say that we ought to support the United Nations' actions. The Goldstone Report largely neglects the context within which Israel's action took place. Why is that context so vital, and why is the report so empty without it? Because for years—for years—Israel has been the target of asymmetrical warfare for terrorists who hide behind civilians and aim to kill civilians. For 8 years before Operation Cast Lead, Hamas, aided by Iran and others, launched deadly rockets and mortar fire into Israel, even after Israel dismantled its Gaza settlements, even after it withdrew its military. More than 6,000 rockets have fallen indiscriminately on southern Israel's cities and towns. I can't imagine there is one of us in this Chamber that if Canada or Mexico rained down six missiles on our civilian population—not 6,000 on our population—that there would be a Member here who would not want decisive response to stop that assault. Each was intended to kill the maximum number of civilians. These rockets did not target military targets. They targeted civilians. How do I know? I've been there, and I have seen the effectiveness firsthand of the fear that has been put in the minds of the people of Sderot and others.

In the Israeli town of Sderot, I saw children who had lost literally the ability to speak, who no longer had control over their bodily functions, who were condemned to play in an armored playground from fear of the rockets that could kill with only seconds' warning. There is no military establishment in Sderot. Families, children. That is the context of which the Goldstone Report makes such short shrift.

Tragically, civilians in Gaza suffered and continue to suffer. They suffer in major part from the determination of their imposed leaders to pursue indiscriminate terror. I have had a discussion with my friend Mr. KUCINICH, for whom I have a great deal of respect. We ought to have great empathy for the Palestinian people who have been put at great risk by their leaders pursuing terrorism. We ought to have empathy for those children who live in the camps in Gaza. Terrible condition. I've been there. Is there anybody here who doubts that if those children living there for decade after decade after decade were European children or American children or Jewish children that they would still be there in those camps? I say to you, not the case. Why are they there? Because the Arab community does not want to absorb them, and their leaders will not seek a meaningful peace. That is why they're there.

Hamas, like its state sponsors, is notorious for using men, women and children as human shields and political props. As Secretary of State

Condoleezza Rice put it earlier this year, " Hamas has held the people of Gaza hostage." They still do. Should we have empathy for those young people and not so young people held hostage? Absolutely, we should. Should we act to help their plight? Absolutely, we should. But that does not mean we ought to rationalize terrorists who attack children in Sderot or any other place. Hamas continues to hold them hostage, likely subjecting the Goldstone Report's Palestinian witnesses to intimidation and threats, a possibility that the report does not take into account, of course.

Unlike Hamas and its sponsors, Israel is a democracy with an independent judiciary, and all of us know that that judiciary frequently has said to the military and to the Israel Government, you cannot do this. You did it wrong. You're going to be held accountable. There is nothing like that in Gaza, little like that in the West Bank, although the West Bank is getting better. Its security is increasing. Abbas and Fayad are making progress. It is fully investigating its military for any—I am going back to Israel now—for any human rights violations that may have been committed in Gaza. That is appropriate. They ought to do that. Tragically, we know that when men and, indeed, women go to war, that there are those who do not always act properly on both sides. We need to hold that conduct accountable.

I believe in the integrity of Israel's investigations because I believe in its legitimacy as a democratic state, but I do not accept the legitimacy of singling out Israel for biased censure. It is essential to hold every nation to international norms of behavior in peace as well as in war. Israel must be held to the same standards as any other nation. It holds itself to such standards, I would add, even when its enemies do not. Indeed, few nations constrain themselves more than Israel, but no other nation has so many in the U.N. eager to condemn it, irrespective of facts and justification.

Soon, the U.N. General Assembly will vote on endorsing the Goldstone Report. Goldstone himself said that their report was not a fair report, but by doing so and by condemning Israel, the U.N. would also be threatening the just self-defense of any state endangered by asymmetrical warfare.

I urge my colleagues to support this resolution.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself my remaining time.

We must recognize what is at stake here. The Goldstone Report asked for this matter to be considered by the International Criminal Court, equating Israel with the genocidal regime in Sudan. Today enemies of freedom seek to haul democratic, political and military leaders of Israel before an unaccountable court for defending their na-

tion against Hamas, but how long before U.S. officials will have to face the same persecution for defending our Nation against al Qaeda or any other such threat?

Madam Speaker, the way forward is obvious. We must support the right of all democracies to defend ourselves and our citizens. We must reaffirm our support for Israel and her efforts to defend herself from violent Islamic militants and their state sponsors. We must oppose any attempts to grant consideration or endorsement to this irredeemably biased Goldstone Report.

House Resolution 867 achieves these goals, and 170 of our colleagues who cosponsored it agreed. My colleagues, we have a choice to make: stand with free democratic nations or send a message to those who seek Israel and America's destruction that they can continue unhampered as the U.N. and its apologists sweep under the proverbial rug incessant attacks like the ones Hamas and other violent extremists launched from Gaza against Israel. The choice is clear. Support this resolution.

Mr. ELLISON. May I inquire as to time, Madam Speaker?

The SPEAKER pro tempore. The gentleman has 6¼ minutes remaining.

Mr. ELLISON. I yield 1¼ minutes to the gentlelady from Minnesota, Congresswoman MCCOLLUM.

Ms. MCCOLLUM. Madam Speaker, this resolution harms U.S. national security interests in the Middle East. The U.S. is attempting to be an honest broker in the Israeli-Palestine peace process, yet this resolution is blatantly biased, and it damages U.S. credibility.

This resolution seeks to hide the ugliness of the Gaza war by covering up violent excesses committed against innocent civilians by both Hamas and the Israeli Defense Forces. Why does the U.S. House want to reject an accounting of Hamas' terrorism against Israeli civilians, as if thousands of rockets were not fired at Israel? And why would this resolution want to deny that hundreds of Palestinian women and children and elders were needlessly killed?

American-made white phosphorous shells were used by Israel in civilian areas, causing horrible burns to Palestinian children, yet this resolution refuses to seek the truth. The report Congress is burying today was led by a former chief prosecutor who has faced far tougher actors than the critics in this Chamber, critics who have not held one single hearing.

There must be only one standard for respecting human rights, a single standard by which we must hold ourselves and our friends and our adversaries accountable.

Madam Speaker, this resolution harms U.S. national security interests in the Middle East and American leadership for human rights and humanitarian law. And, while the U.S. attempts to be an honest-broker in an Israeli-

Palestinian peace process this resolution is blatantly biased and damages U.S. credibility.

This resolution seeks to hide the ugliness of the Gaza war by covering-up the violent excesses committed against innocent civilians by Hamas and the Israeli Defense Forces.

Why does the U.S. House want to reject an accounting of Hamas's terrorism against Israeli civilians as if thousands of rockets were not fired at Israel?

Why does this resolution want to deny that hundreds of Palestinian women and elders were needlessly killed by the IDF?

American-made white phosphorus shells were used by Israel in civilian areas causing horrible burns to Palestinian children, yet this resolution refuses to seek the truth?

The report Congress is burying today was led by a former chief prosecutor for war crimes in Rwanda and the former Yugoslavia, a jurist of exceptional experience who has faced far tougher actors than his critics in this Chamber, critics who have not held a single hearing or conducted a single fact-finding mission on the subject of his report.

There must be only one standard for respecting human rights, a single standard by which we must hold ourselves, our friends, and our adversaries accountable. Establishing situational standards for respecting human rights is dishonest and only encourages actions that destroy human dignity and life.

Therefore I agree with U.N. Secretary Ban Ki-moon who recently said at the Anti-Defamation League's annual dinner that he is "a friend who is acutely aware of Israel's security needs." But on the issue of the Goldstone report Secretary Ban said, "When human rights are violated anywhere in the world we need accountability."

Today, I would ask my colleagues to vote for human rights and accountability by voting against this resolution.

Mr. BERMAN. Madam Speaker, I plan to be the last speaker. Correct me if I am wrong, but I understand that under the rules, I have the right to close, so I will reserve my time.

The SPEAKER pro tempore. The gentleman is correct.

Mr. ELLISON. I yield 1 minute to the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. Madam Speaker, I rise today to express my sincere disappointment that my colleagues and I are once again in a very untenable position on such a critical issue facing our country, our ally Israel, the Palestinian people and the global community.

House Resolution 867 is just the wrong resolution yet again at this time. The U.N. General Assembly takes up this business tomorrow, and I think it's really important for us to note that the Congress gets one shot, one shot, to address the shortcomings of the mandate for the inquiry, the pitfalls of the Goldstone Report, and one shot to call on the Palestinians and Israelis to conduct their independent investigations and to stand for human rights and international law.

David Ben-Gurion once said, "Without moral and intellectual independence, there is no anchor for national

independence," and I think we should heed that today. I say it's the wrong resolution because it's our opportunity actually to get it right in a new direction for the Middle East. Regrettably, in this flawed process, we are tarnishing the reputation of one of the greatest advocates for human rights of our time, Justice Richard Goldstone. As a member of the Tom Lantos Human Rights Commission, I believe we should have and the oversight committees of jurisdiction should have extended to Justice Goldstone the courtesy of inviting him to present his findings on the record. We didn't. We did not extend to the Israeli Government the courtesy of explaining on the record the shortcomings they find in this report.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. ELLISON. I yield the gentlelady an additional 5 seconds.

Ms. EDWARDS of Maryland. I want to just communicate that it's really important for us to get it right, and I appreciate the leadership of Chairman BERMAN. I look forward to us working in the future for something that actually does lead to peace.

Madam Speaker, I rise today to express my sincere disappointment that my colleagues and I are once again in an untenable position on such a critical issue facing our country, facing our ally Israel, the Palestinian people and the global community.

This resolution, H. Res. 867, is the wrong resolution at this time. The U.N. General Assembly takes up this business tomorrow. Our Nation will be speaking in defense and support of Israel. It is important to note, that while we are united in our support for Israel and the Palestinian people, this Congress gets one shot to address the shortcomings of the mandate for the inquiry and the pitfalls of the Goldstone report. We also get only one shot to call on the Palestinians and the Israelis to conduct their own independent inquiries, to stand up in defense of human rights and international law, and to investigate wrongdoing by all parties with the objective of ensuring that it does not happen again.

David Ben-Gurion once said, "without moral and intellectual independence, there is no anchor for national independence." I believe that Israel operates under that spirit today; I am encouraged that there is a robust dialogue within the country over the Gaza war. It is important that this dialogue continues and Israel is allowed to pursue the rule of law unhampered. Now is the appropriate time for the Palestinians to take additional steps to eschew violence and operate with moral and intellectual independence. This will provide additional support to their calls for national independence. They can do this by conducting their own inquiry and investigate the allegations against entities in Gaza.

I say this is the wrong resolution because it fails to call for independent investigations by the Israelis and Palestinians. This was our opportunity to get it right and when this resolution passes, we will have gotten it wrong. It will be a missed opportunity to move closer to

achieving a two-state solution. Regrettably, in this flawed process, we are tarnishing the reputation of one of the greatest advocates for human rights of our time, Justice Richard Goldstone. As a member of the Tom Lantos Human Rights Commission, I believe we should have, and the oversight committees of jurisdiction should have extended to Justice Goldstone the courtesy of inviting him to present his findings on the record. We didn't. We did not extend to the Israeli Government the courtesy of explaining, on the record, the shortcomings they find in this report. By not taking these actions we have now been forced to consider a poorly constructed resolution at the eleventh hour just before our U.N. delegation presents its case to the General Assembly. Further, this resolution actually calls on the administration to not go to the U.N. tomorrow as it is so broad that it calls on the President and Secretary of State to "oppose unequivocally any endorsement or further consideration of the Goldstone report in multilateral fora". Unfortunately, these mixed messages and inconsistencies damage this resolution and the lack of due diligence risks a diminished reputation of this body in the international arena.

As I stand right now I want to communicate to the United Nations that enough is enough: It is inappropriate to create a mandate that is so easily impeachable. However, I find it difficult to abide with a resolution that I find so deeply flawed and as one-sided as some suggest of the Goldstone Report.

I know that these issues are difficult, and I want to thank Chairman BERMAN; while I disagree with many points in this resolution, I appreciate his leadership on this issue. I appreciate that we will be standing united behind our President as we work toward a lasting two-state solution to find peace for Israel and her people and a homeland for Palestinians.

Mr. ELLISON. I would like to inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Minnesota has 4 minutes remaining.

Mr. ELLISON. I yield 1 minute to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Madam Speaker, let's be clear about what we're debating here. Nobody in this Chamber disputes Israel's right to defend itself against attacks by Hamas and other terrorist organizations, and neither does the report issued by Justice Goldstone. The report instead examines the conduct of the war by both sides, including a detailed chapter on the savage rocket attacks launched from Gaza into southern Israel, which it describes as "serious war crimes" and possibly "crimes against humanity."

Nobody here is defending one-sided mandates either:

But in the interest of full disclosure, critics should note that Justice Goldstone insisted on a rewritten and balanced mandate before he took on the assignment.

Nobody here is disputing the obligation of the U.S. to insist that any reso-

lution debated by the U.N. be fair and balanced and to vote against or veto it otherwise. But there is a crucial distinction between criticizing the way in which the Goldstone Report was handled at the U.N. and criticizing the very existence of the report in the first place, which is exactly what this resolution does. Conflating the two does a disservice to a respected jurist who has devoted his life to upholding international norms of justice and human rights, and more importantly, it may damage future efforts to hold countries accountable through international investigations.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ELLISON. I yield the gentleman 15 additional seconds.

Mr. PRICE of North Carolina. Finally, bringing this resolution up at this time and in this manner could have implications for the possibility of internal investigations into the conflict by the parties themselves. That is a central recommendation of the Goldstone Report as well as the Obama administration and prominent Israeli officials and Israeli human rights organizations. Israel is a strong and resilient democracy. Successfully investigating this episode could only make it stronger. We shouldn't pass a resolution now which could actually slow or stop the wheels of justice.

Mr. ELLISON. I yield 1½ minutes to the gentlewoman from California, Congresswoman CAPPS.

Mrs. CAPPS. I thank my colleague for yielding, Madam Speaker.

I rise to express my opposition to the resolution before us. Sadly, I think that in this body's haste, we've overlooked some of the depth of unspeakable tragedies that have occurred during the war on Gaza. Innocent Israeli and Palestinian lives were lost. We owe it to all victims' families to vow to do everything in our power to prevent further tragedy. Instead, we have a flawed resolution before us.

As an example, the text of the resolution focuses on the original mandate of the report, not the mission that was actually carried out by the investigators. I am disappointed the committee chose to ignore the fact that Justice Goldstone did not agree to take on the investigation until it was agreed to that the conduct of all parties would be investigated. This is just one of many parts of the resolution.

The United States will remain a true friend to our ally Israel without passing a resolution that has questionable accuracy and motives. So let us call for an open and honest debate with the reputable Judge Goldstone. Let us not act in haste to pass a resolution that will in no way achieve our ultimate goal of achieving a lasting peace for Israelis and Palestinians.

□ 1700

Mr. ELLISON. Madam Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Madam Speaker, this resolution should not be coming before us. I agree that there is an anti-Israel bias at the United Nations. But at this moment in history, it should be the responsibility of every Member of this House to help bring the parties in the conflict in the Middle East back to the negotiating table.

We need to resurrect and advance a peace process, so that rockets never again fall on innocent Israeli civilians and the terror of Gaza is not repeated. This resolution does not do that. This resolution heightens the rhetoric of division.

Regardless of what you think of the Goldstone Report, it makes an important recommendation: that it is incumbent upon both Israel and the Palestinians, in particular Hamas, to carry out credible investigations into actions by their forces that led to the harm and loss of civilians.

I regret that we are not calling upon all parties to return to the peace table so that the rockets and bombs may be silenced in the Middle East, once and for all.

I regret that this resolution is on the House floor increasing the politicization and the polarization and the heated rhetoric so characteristic of the crisis in the Middle East.

So, Madam Speaker, I will vote "no" today on this resolution.

Mr. ELLISON. Madam Speaker, I am going to take the balance of my time to close. As I do, I would like to first of all have entered into the RECORD a letter from Israeli human rights organizations, including B'Tselem, Gisha, the Public Committee Against Torture, Rabbis for Human Rights, and Yesh Din, Volunteers for Human Rights.

In regards to: House Resolution 867 regarding the Goldstone Commission report on Operation Cast Lead.

To: Interested Persons.

From: Israeli Human Rights organizations.

To WHOM IT MAY CONCERN: We appeal to you as representatives of the human rights community in Israel regarding House Resolution 867.

From day one, the Israeli human rights community has consistently called for Israel to conduct an independent and impartial investigation into the conduct of its forces during "Operation Cast Lead" in the Gaza Strip. Today, this call is increasingly echoed by Israelis across the political spectrum. Deputy Prime Minister Dan Meridor (Likud), Minister of Improvement of Government Services Michael Eitan (Likud), Minority Affairs Minister Avishay Braverman (Labor), and National Infrastructure Minister Uzi Landau (Yisrael Beiteinu) have all called for such an inquiry, as has Aryeh Deri, former leader of the Shas party. The US State Department has called for such an inquiry as has National Security Advisor James Jones.

Such an investigation, provided it meets international standards for scope and independence, would put an end to the polarizing

international debate around the Goldstone Report and show that Israel is a law-abiding state that can ensure accountability at home.

However, we are concerned that H. Res. 867 may derail the momentum towards an Israeli investigation. Resolution 867 contains factual inaccuracies, both about the Goldstone Report and about the measures taken by Israel to date, that must not guide choices by policy makers.

We urge interested parties and Members of the House to show their support for the internal democratic conversation taking place in Israel and to call on Israel to demonstrate that it can ensure genuine accountability at home.

Sincerely,

B'Tselem.

Gisha.

Hamoked—Center for the Defence of the Individual.

Public Committee Against Torture in Israel.

Rabbis for Human Rights.

Yesh Din—Volunteers for Human Rights.

I would also like to enter into the RECORD the Goldstone Report itself. This voluminous document, 574 pages, which I hope Members will take the opportunity to read.

Ms. ROS-LEHTINEN. Would the gentleman yield?

Mr. ELLISON. I can't yield with the short time I have.

Ms. ROS-LEHTINEN. You asked unanimous consent to put the Goldstone Report in the CONGRESSIONAL RECORD, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. ELLISON. The point is I have already received unanimous consent and do intend to enter the document into the RECORD. But what I ask for, from all sides, it is clear that everybody in this body is very concerned about peace in the Middle East. We all have to assume best intentions from everyone, and we have to look to this issue with a mind toward helping Israel and the Palestinians to come to a lasting peace. Two states, two people, in security, side by side.

I don't think this resolution helps us achieve that. So I will be voting "no," and I urge my colleagues to do likewise.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. ROS-LEHTINEN. If my colleague would yield, I would like to know how much it will cost the taxpayers to put 575 pages of the Goldstone Report in the CONGRESSIONAL RECORD.

PARLIAMENTARY INQUIRIES

Mr. BAIRD. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BAIRD. Is it not the conditions under which this is considered that Members would have an opportunity to introduce extraneous material without having to ask unanimous consent at the moment of request? We already have that, I believe. In other words, the gentlelady's objection is irrelevant.

The SPEAKER pro tempore. General leave has been obtained.

Mr. BAIRD. Meaning what, if I may ask. My belief is we had unanimous consent at the outset.

The SPEAKER pro tempore. Does the gentleman have a further parliamentary inquiry?

Mr. BAIRD. I have a further parliamentary inquiry. With respect to the Parliamentarian, "general leave may be obtained" is cryptic, and I would like a straight answer. My belief is that the conditions of this, at the outset of this debate, Members were given the authority to introduce extraneous material, and without having to request unanimous consent. In other words, the gentlelady's objection is irrelevant.

The SPEAKER pro tempore. General leave has been obtained, but each submission of extraneous material is subject to certain page limits.

Mr. BERMAN. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California may state his parliamentary inquiry.

Mr. BERMAN. Is it not correct that I sought and received unanimous consent for extraneous material to be introduced into the RECORD related to this resolution?

The SPEAKER pro tempore. The gentleman is correct.

Mr. BERMAN. Further parliamentary inquiry. Is it not correct that with the exception of items introduced of more than a certain page, wherein the cost has been to be established and leave sought, that large items can also be put into the RECORD as part of that unanimous consent request?

The SPEAKER pro tempore. General leave is subject to certain page limits for extraneous material.

Ms. ROS-LEHTINEN. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. ROS-LEHTINEN. Is it correct that after a certain number of pages, there will be a cost estimate for the printing in the CONGRESSIONAL RECORD? This report is 575 pages, and I am wondering the cost to the taxpayers for the printing of this biased report.

The SPEAKER pro tempore. General leave is subject to certain page limits. Extraneous material in excess of those limits may be further assessed on cost.

Ms. ROS-LEHTINEN. I just want to be clear, when you asked under general leave for unanimous consent, that I will object to that for the printing in the RECORD.

Mr. BAIRD. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BAIRD. Is it my understanding that the gentleman from Minnesota lost time because of the parliamentary inquiry?

The SPEAKER pro tempore. No, the time of the gentleman from Minnesota had expired.

Mr. BERMAN. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. BERMAN. The question is raised by several of the opposing speakers: Why are we doing this now? What's the rush? And the only rush, because I would prefer we have more time, I prefer we have more discussion, is that tomorrow the General Assembly, in its rush to adopt a resolution to send this matter to the Security Council and to the international criminal courts if there is not an investigation within 90 days, is speeding to a judgment, and I personally think it is very important for us to act on this matter before the General Assembly meets, debates, and votes.

Secondly, there have been glowing tributes, and I am sure they are deserved, to the record, the resume, the judgment, the reputation of Justice Goldstone. Several of my favorite Supreme Court justices voted in a decision called *Korematsu* to pick up Japanese Americans who resided in different parts of the United States and put them into detention camps. They are still my favorite justices, but they made a mistake. A wonderful jurist can issue a flawed report, and I would suggest this is such a situation.

Next, let's talk about the Human Rights Commission. The U.N. Human Rights Council is obsessed with Israel. They have had 24 negative resolutions on Israel in its 3 years of existence, which totals more than every other resolution on any other country regardless of their human rights record. Total, 24 on Israel; less on all of the other countries of the world. It is the only country which is on the permanent agenda of the Human Rights Council, and it is discussed every year automatically. The only country.

Now, we corrected what I think were some inaccuracies in the initial language regarding the mandate, and we recognize the efforts. Never, as my ranking member points, to formally change the mandate, but for Justice Goldstone to operate. But I would not rest my opposition, my support for this resolution, and my disagreement with the opponents simply based on the reputation and conduct of the Human Rights Council. The fact is I too believe the report is flawed.

I am going to take a couple of moments to quote from this coming week's New Republic an article by Moshe Halbertal. I want to quote two paragraphs which I think reflect better than I can say on my own the problem here and ask my colleagues to come to grips with this.

He writes, "The commission that wrote the report," that is the Goldstone Report, "could have per-

formed a great service if it had concentrated on gathering the testimonies from Gaza and assessing them critically, while acknowledging (as the Goldstone Report failed to do) that they are partial and incomplete."

By definition, they did not talk, for reasons that we all know, they did not talk to the Israeli forces that were involved in the crimes this commission found them to have committed.

"This would have forced Israel to investigate various matters, provide answers, and take appropriate measures."

Continuing, "But instead, the commission opted to add to its findings three unnecessary elements: the context of the history that led to the war; its assessments of Israel's strategic goals; and long sections on Israel's occupation of the West Bank. Why should a committee with a mandate to inquire into the operation in Gaza deal with the Israeli-Palestinian conflict at large?"

"The honest reader of these sections," and I have read those sections, "cannot avoid the impression that their objective is to prepare a general indictment of Israel as a predatory state that is geared toward violating human rights all the time. It will naturally follow from such a premise that the Gaza operation was yet another instance of Israel's general wicked behavior. These long sections are the weakest, the most biased, and the most outrageous in this long document. They are nothing if not political. In Goldstone's account of the history that led to the war, for example, Hamas is basically described as a legitimate party that had the bad luck to clash with Israel. The bloody history of the movement—which, since the beginning of the Oslo accords, was determined to do everything in its power, including the massacre of civilians, to defeat the peace process—is not mentioned."

We are in a very strange situation. Israel has conducted numerous investigations on this issue. I would like to see Israel conduct a formal inquiry on this particular issue. But until we in this Congress come here and recommend that some outside commission recognize the U.S. military because a number of civilians died in the asymmetrical war or when we dealt with Taliban forces in Afghanistan, or other issues that come in an asymmetrical war where the soldiers wear no uniforms and there is no front, don't start telling us that democratic allies like Israel have to have these investigations. Their process will produce the right result, I truly believe.

I urge an "aye" vote for the resolution.

Mrs. BACHMANN. Madam Speaker, the United States and Israel have shared a close relationship of friendship, cooperation, and strategic alliance that serves as an example to the rest of the world. I believe it is imperative for the United States to unequivocally reject

the findings of the Goldstone Report, in order to preserve and nurture this relationship.

The U.N. Human Rights Council has long been recognized for its anti-Israel bias, so it comes as little surprise they would rubber-stamp the "Goldstone Report" and its findings of "crimes against humanity" with regard to Israel's activities in Gaza. To quote Israel's Ambassador to the U.S., Michael Oren, "Israel basically was the equivalent of being summoned to a court in which its guilt was already presumed . . . I can't think of any country in the world which would participate in such a farce of justice."

Indeed, while this report condemns Israel's actions, it ignores the precipitating causes of Israel's self-defensive actions, concluding that Israel's military operations were "deliberate and systematic," and directed at the people of Gaza as a whole, failing to acknowledge Israel's right to defend itself against terrorism, namely the thousands of rockets launched daily at its citizens. Moreover, the Goldstone Report ignores the extraordinary steps taken by Israel to minimize civilian casualties, often putting its own soldiers at greater risk to do so.

Madam Speaker, it is unfortunate that recent years have been marked by escalating armed conflict between Israel and Hamas; however, I believe the United States should stand steadfast in its commitment to a free and secure Israel as the Middle East comes to embrace the liberties and freedoms of democratic societies.

Mr. PASCARELL. Madam Speaker, I rise today regarding H. Res. 867 condemning the United Nation's Goldstone Report on last winter's conflict in Israel and the Gaza Strip, which the House of Representatives considered today. I am unable to attend today's legislative session, but had I been present I would have voted "aye."

The right of our close friend and ally Israel to defend itself from rocket fire originating in the Gaza Strip is without question. Since 2000, over 9,000 rockets have fallen on the residents of southern Israel, who live in constant fear of this violent terrorism. Since Hamas took over the leadership in Gaza, the number of rockets fired has increased considerably, and the range of these rockets is ever expanding.

The situation in the Gaza Strip remains unsustainable. The ongoing blockade and the damage to the territory inflicted during the recent conflict have caused great hardship to many innocent Palestinian's living in Gaza. This situation is only made worse by Hamas, who embed themselves in private homes, schools, mosques, hospitals, and use innocent Palestinians as human shields during the conflict.

Judge Richard Goldstone has previously investigated war crimes in the former Yugoslavia and Rwanda. His report on the Gaza war contains many accusations of troubling actions taken by both sides during the recent conflict. I have extreme reservations regarding the history of the United Nations Human Rights Council and it is troubling that their original mandate focused solely in Israel and ignored Hamas' clear violations of international law. I applaud Judge Goldstone for his insistence on changing that mandate to include investigations of both sides, however the pattern

of bias exhibited by the UNHRC is troubling and difficult to ignore. Therefore, I would not support any further action by the United Nations that unfairly singles out Israel, and would urge the administration to work to actively defeat any such attempts.

I believe many of the allegations in the report are serious, and the most appropriate course of action to take would be for the Israelis and Palestinians to each commission independent investigations into their countries' respective conduct during the war. The war in Gaza last winter brought terrible suffering to both the Israelis in southern Israel and Palestinians in Gaza and this cannot be ignored.

The recent conflict makes it clearer than ever that the endless cycle of violence has done nothing to bring peace or security to the region. I applaud the Obama administration for their commitment to a two-state solution that represents the best chance for a lasting peace between the Israelis and Palestinians. I urge both sides to start negotiations as soon as possible.

Mr. COSTELLO. Madam Speaker, I rise today to express my concern over the Report of the United Nations Fact Finding Mission on the Gaza Conflict and in support of H. Res. 867.

On October 16, 2009, the United Nations Human Rights Council endorsed the findings of the Report of the United Nations Fact Finding Mission on the Gaza Conflict, commonly referred to as the Goldstone Report. The Goldstone report unfairly documents the events that occurred during Operation Cast Lead, or the Gaza conflict, from December 27, 2008, to January 18, 2009, determining that Israel deliberately attacked Gaza civilians.

As a member of the Tom Lantos Human Rights Commission, I am deeply committed to ending human rights violations and holding the perpetrators accountable for their actions. However, I join my colleagues and over 15 member states of the United Nations Human Rights Council, who believe that this report is biased and deeply flawed.

As a cosponsor of H. Res. 867, I agree that the Obama administration should not endorse the Goldstone Report because it unfairly castigates Israel's actions during the Gaza conflict. For example, the report recommends that the U.N. General Assembly establish a reparation fund to compensate Palestinians who have suffered loss during the Gaza conflict. However, the report ignores any need that a similar escrow fund be established for Israelis who have suffered years of violence and destruction at the hands of Hamas and other militant groups in Gaza.

Finally, the report fails to recognize the repeated violent attacks committed against Israeli citizens and its unequivocal right to defend itself. Israel has the right and the responsibility to defend its people and ensure its security. That right should be fully acknowledged.

Madam Speaker, there is an urgency to reach a workable peace between Israel and Palestine. It is my hope that these two nations are able to find a lasting peace in the near term to circumvent further violent conflicts, and I believe this report does not move us closer to that goal. I urge my colleagues to join me in opposing the Goldstone Report and supporting H. Res. 867.

Mr. DINGELL. Madam Speaker, I rise in opposition to H. Res. 867. This resolution, though nonbinding, sends a signal to the world that the United States Congress is not serious about pushing the Israelis and the Palestinians toward a peaceful resolution.

It is true that the body that mandated the Report of the United Nations Fact Finding Mission on the Gaza Conflict, known as the Goldstone Report, has been no friend to Israel. Indeed, the United Nations Human Rights Council has consistently passed one-sided biased resolutions against Israel while, at the same time, allowing documented, blatant human rights violators to preside over that body without criticism. The U.S. and other friends of Israel have every right and every reason to be critical of the United Nations' treatment of Israel, when, for example, 6 of 10 special sessions of the U.N. General Assembly have been about Israel, while none has been called on Tibet or Darfur.

Therefore, we must ask ourselves, does this resolution, which opposes further consideration of the Goldstone Report, bring us closer to peace in the Middle East? Does it spur negotiations between the Israelis, Palestinians, and other parties, or does it marginalize and itself choose sides? We must ask, are we undermining President Obama's, Secretary Clinton's, and Special Envoy Mitchell's efforts to serve as an honest broker, bring the two sides together, and achieve peace, by passing this resolution?

Madam Speaker, Israel, unequivocally, has a right to defend itself against those who seek to destroy it. We know that Israel was relentlessly attacked by rockets and mortars leading up to the Gaza war. They made the calculation that they could not allow Hamas to continue this violence and abuse.

However, neither Israel nor Hamas, nor any other country or other nonstate political actor is exempt from international human rights laws or free of consequence for violations of them. If nothing else, the Goldstone Report should serve as a document that Israel, Hamas, and the rest of the international community can use to ensure that future human rights violations do not take place in civilian areas and that their militaries and fighters are actively working toward minimizing civilian casualties in the future.

Madam Speaker, time and again we acknowledge the urgency of this conflict. The Obama administration is working feverishly with both sides toward a peaceful resolution, a two-state solution which will benefit both parties, the United States and the Middle East region as a whole.

I urge my colleagues to join me in voting "no" on this resolution.

Mr. GEORGE MILLER of California. Madam Speaker, regrettably, I rise in opposition to H. Res. 867, a resolution condemning the recently issued "Report of the United Nations Fact Finding Mission on the Gaza Conflict," commonly known as the Goldstone Report.

I do not believe that the House should be asked to vote on this resolution when it has not come before the Committee on Foreign Affairs for even one hearing and was brought to the House with little notice under procedures typically reserved for noncontroversial legislation. Given the subject matter of this resolution

and the diverse range of views expressed on it from many organizations and individuals, including individuals in my own congressional district, I do not believe this resolution can be described as noncontroversial.

The military conflict in the Gaza Strip last winter resulted in devastating consequences to innocent Israeli and Palestinian civilians. It is critical that the international community evaluate the events of last December and January in a factual, unbiased manner. To this end, I am pleased that H. Res. 867 recognizes the numerous problems in the original resolution passed by the United Nations Human Rights Council authorizing the Goldstone Report, as that original resolution wrongly singled out alleged Israeli abuses and ignored the harm caused by Hamas' rocket and mortar attacks on the Israeli people.

However, I have serious reservations about other aspects of H. Res. 867.

No congressional hearings have been held on H. Res. 867 or the Goldstone Report. On an issue of such importance, Congress must do its due diligence and ensure that we have a full understanding of the facts before being asked to vote to condemn the report and its authors.

Furthermore, I am concerned that H. Res. 867 implicitly criticizes the Goldstone Report because of the initial Human Rights Council resolution. Justice Richard Goldstone, who oversaw the Goldstone Report, is a distinguished jurist with a long record of support for human rights. Most notably, Justice Goldstone was a prominent critic of the abhorrent apartheid regime in South Africa. As H. Res. 867 notes, to his credit, Justice Goldstone extended the original mandate for the Report of the United Nations Fact Finding Mission on the Gaza Conflict to include an evaluation of Hamas' rocket attacks on civilians in southern Israel, among other issues.

Regardless of one's ultimate evaluation of the report, it is important to recognize the changes that Justice Goldstone was able to make to it and evaluate his report on its own merits.

I fully support efforts to provide clarity, honesty and accuracy to the debate about the conflict in Gaza, just as do many of my constituents who have contacted me this week urging me to oppose this resolution. Hastily voting on a resolution to condemn this report without the ability to properly evaluate its findings does not serve this purpose.

Also, I do not believe that this resolution aids the important effort of achieving a two-state solution to help end the ever-present violence and strife in the region. President Obama has taken admirable steps to bring the two sides to the negotiating table, after years of neglect under the Bush administration. Yet, this resolution today does not aid the administration in that effort or further the peace process. In fact, I believe this resolution undermines the ability of the United States to further push both sides toward serious peace negotiations.

The House can play a constructive role in promoting peace and understanding in the Middle East and I look forward to supporting such efforts. Regrettably, due to the concerns I have stated above about specific aspects of this resolution and the process under which it

has been brought to the House, I must oppose the resolution.

Ms. WOOLSEY. Madam Speaker, it is with great disappointment that I rise today to address H. Res. 867, a resolution calling on the President and the Secretary of State to oppose unequivocally any endorsement or further consideration of the "Report of the United Nations Fact Finding Mission."

Like many of my colleagues, I support the rights of countries—including Israel—to defend themselves. When a democratically elected and peace-seeking nation is forced to take up arms, it is within its rights and obligations to protect its own land and people.

Sadly, the resolution we consider today goes far beyond that principle. H. Res. 867 will only serve to drive a wedge between the parties and will derail the Administration's efforts towards a peaceful resolution to the ongoing conflict.

While the "Report of the United Nations Fact Finding Mission on the Gaza Conflict" is far from perfect, it should not be used as a political tool to block the peace process or to promote distrust and division.

Any action Congress takes should serve to promote a negotiated peace that will end the violence that threatens to overtake the region and irreparably scar generations. I fear that the resolution before us today only fans the flames of discord and moves us no closer to the common goal of security and prosperity.

It is my hope that in the future Congress will have the opportunity to consider legislation that is balanced and that—at its core—promotes a smart security policy for the U.S. and its allies in the region. Unfortunately, this resolution does not.

Mr. PAULSEN. Madam Speaker, I rise today in strong support for the resolution before us calling for the unequivocal opposition to any endorsement or further consideration of the Report of the United Nations Fact Finding Mission on the Gaza Conflict.

This report, more commonly known as "the Goldstone Report" continues the U.N.'s misguided treatment towards Israel.

Madam Speaker, this report and its findings have been skewed from the start. Former United Nations High Commissioner for Human Rights, Mary Robinson, condemned the mandate to initiate the report as being one-sided and "guided not by human rights, but by politics."

Therefore, the results are not surprising. The report gives a one-sided account of the conflict and does nothing to promote or bring about stability in the region.

While seeking to condemn Israel with outrageous accusations, nowhere in the misguided report does it recognize the fact that Israel has a right to defend itself from violent terrorist attacks.

Adopting this resolution will go a long way in sending a message to the U.N. that the American people will not stand for this biased and misleading action.

I want to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their thoughtful work on this resolution. I urge my colleagues to vote "yes" and move towards real, meaningful peace in the Middle East.

Mrs. MCMORRIS RODGERS. Madam Speaker, I rise today in strong support for H.

Res. 867, a resolution calling on the President and the Secretary of State to oppose unequivocally any endorsement or further consideration of the "Report of the United Nations Fact Finding Mission on the Gaza Conflict in Multilateral Fora."

Madam Speaker, this past August, I had the opportunity to visit Israel with my husband Brian. There, I saw firsthand how real the struggle for survival really is. I realized that when surrounded by enemies and people who think nothing of suicide bombing innocent civilians and launching hundreds of rockets across the borders, self-defense becomes paramount. Action becomes necessary when diplomacy and words fail. And, despite decades of attempts to engage its enemies, action continues to be necessary to protect this small, but strong nation.

The Goldstone Report is just another attempt by Israel's enemies to delegitimize it—this time using the pretense of a "United Nations fact finding mandate."

Based from the start—mandating the fact finding mission to "investigate all violations of international human rights law and International Humanitarian Law by . . . Israel, against the Palestinian people," the mission intentionally ignored the use of human shields by Hamas and the indirect support of Syria and Iran.

American courts have long recognized the right to act in self-defense. Only a biased United Nations report could find the Palestinian attackers morally equivalent to the Israeli defenders.

When I left Israel in August, I pledged to work tirelessly on behalf of the Israeli people to ensure their survival. I am glad to speak out against this overtly biased report and I urge my colleagues to join me fighting for the Israeli people.

Mr. FARR. Madam Speaker, this resolution before us today, House Resolution 867, does nothing to advance the cause of peace and understanding between the Israelis and Palestinians.

In a recent meeting with Jewish constituents, I heard a comment that I thought was moving for its simplicity and power. My constituent told me, "Israel will not have peace and security until Palestinians have hope."

This resolution does nothing to give hope to the people of Palestine that a better, peaceful future is possible and therefore does nothing to give greater security to the people of Israel. It is a hasty and unconstructive measure that fails to establish a foundation upon which a future peace and prosperity will be constructed.

House Resolution 867 has too many flaws and questionable conclusions for me to support it. I think the Committee should have given the Goldstone report a hearing and taken the opportunity to ask Justice Goldstone questions about his mandate, his findings and his conclusions.

I would ask that Justice Goldstone's letter to Chairman BERMAN and Ranking Member ROS-LEHTINEN be included in the RECORD.

In this letter, Justice Goldstone clarifies that he demanded and received an expanded mandate to include the attacks on Israel. The report includes more than 150 instances where it explores the rocket attacks against Israel. And as a matter of fact, the Goldstone

report found that rocket attacks constituted "indiscriminate attacks upon the civilian population of southern Israel".

I recognize a history of bias against Israel at the United Nations and I believe that one-sided resolutions against Israel have no place in an honest debate. However, it should be noted—and it is not in the resolution before us today—that Justice Goldstone dedicated scores of pages to expose war crimes and human rights violations perpetrated by Hamas and other Palestinian armed groups for the first time ever.

This resolution suffers too many instances of inaccuracy. It too often gives an account of the Goldstone report that is incomplete and therefore ends up being misleading. I don't believe this moves us closer to peace and for these reasons I cannot support the resolution.

Mr. ACKERMAN. Madam Speaker, I strongly support the resolution and want to express my deep appreciation to the Chairman, Mr. BERMAN, and to the Ranking Minority Member, Ms. ROS-LEHTINEN, for their efforts to bring this resolution before the House.

In April 2009, the U.N. Human Rights Council set up a Commission to condemn Israel. To the surprise of no one, it did exactly that. But for the grave subject matter, the Goldstone report, built heavily on testimony provided under the auspices of Hamas, would be laughable. In the self-righteous fantasyland inhabited by Judge Goldstone and his colleagues, there's no such thing as terrorism; there's no such thing as Hamas (and if it does exist, it's certainly nothing to fear); there's no such thing as legitimate self-defense; and war is like a sporting event, rather than the most ghastly, destructive, chaotic phenomenon we human beings are capable of creating.

Had the report been submitted by a group of eager law students or the human rights club on a college campus, I would suggest that their efforts had been unfortunately wasted on the production of a pompous, tendentious, one-sided political diatribe. Notwithstanding all their alleged "facts" there's very little truth, and for all the so-called "context" they supply, there's very little wisdom.

As this diatribe actually carries the imprimatur of a part of the United Nations, there have been—as I feared when the report was first issued—a number of very unfortunate developments all based on the report is being mistaken for a credible piece of work, which it is not. In addition to the wasteful consideration of this thoroughly biased and fatally flawed document in several bodies of the United Nations, the report has also set off yet another round of offensive and sterile Israel-bashing that has brought peace no closer, that has produced no international consensus, and, along the way, that has further sullied and cheapened the reputation of the United Nations and the cause of human rights.

Certainly, the United States must do all that it can to ensure that no more time is spent on this distraction from the real work of making peace. The Obama Administration has rightfully denounced the Goldstone Report, which, if it was taken seriously, would make it legally impossible for this country, or any other country, to defend themselves from terrorists who hide behind civilians. Israeli Prime Minister Netanyahu has been forcefully arguing that

international community can't possibly expect Israel to exchange "land for peace" if, when the peace breaks down, Israel is effectively prohibited from defending itself.

First of all, I think Prime Minister Netanyahu is completely right. And second, there's not even the smallest shred of a possibility that the Israeli public would agree to any peace agreement under the absurd operational restrictions that the Goldstone Report proposes to require of Israel's (and every other country's) armed forces.

The resolution makes clear the strong view of the House that the Obama Administration must do everything it can to quash the Goldstone report, both to protect our own right of self-defense, and to make clear to the world that they can have Goldstone, or they can have Middle East peace, but they can't have Goldstone and Middle East peace.

Mr. AL GREEN of Texas. Madam Speaker, I rise in support of H. Res. 867, a bipartisan resolution which calls upon the President and the Secretary of State to oppose the endorsement and further consideration of the "Report of the United Nations Fact Finding Mission on the Gaza Conflict" in multilateral fora.

The report, commissioned by the United Nations Human Rights Council, called for an investigation into war crimes and possible crimes against humanity by Israel during 22 days of fighting in Gaza and southern Israel in December 2008 and January 2009.

As a result, the fact-finding mission released an unbalanced 575-page report which unfairly focuses on Israel's conduct despite efforts by the report's chief author, Justice Richard Goldstone, to broaden the mandate to include violations committed by Hamas and other militant groups.

In spite of its inaccuracies, the United Nations Human Rights Council endorsed the report and its recommendations and referred it to the United Nations Security Council, United Nations General Assembly and the International Criminal Court for further action.

A report that is not inclusive of all the facts and circumstances surrounding the conflict is an inconclusive report. It is unacceptable to consider a report which fails to provide a complete and accurate account of the Gaza conflict. To do otherwise undermines the inquiry process and denies the truth.

I urge my colleagues to support House Resolution 867.

Mrs. MILLER of Michigan. Madam Speaker, I rise today in strong support of H. Res. 867, which calls on the President and the Secretary of State to oppose unequivocally any endorsement or further consideration of the Report of the United Nations Fact Finding Mission on the Gaza Conflict, commonly referred to as the Goldstone Report.

President of the Human Rights Council established the United Nations Fact Finding Mission on the Gaza Conflict with the mandate "to investigate all violations of international human rights law and international humanitarian law that might have been committed during military operations that were conducted in the Gaza Strip."

The report accused Israel of "war crimes" and "crimes against humanity", while downplaying evidence of Hamas' real war crimes and largely dismissing Israel's extraordinary efforts to minimize civilian casualties.

In a turbulent part of the world, we can count on the friendship of Israel because we share the important values of freedom of religion, speech and thought—values that aren't universally shared across the Middle East.

And yet when Israel responds to defend itself, it is singled out unfairly at the United Nations and elsewhere for special condemnation and criticism. It is our responsibility, as a friend and ally to Israel, to stand up for their rights and denounce those that unreasonably target Israel for reproach. While Israel is not perfect, we must be ever watchful and steadfast because there is an unfortunate double standard.

Israel showed extraordinary restraint in response to terrorism and daily rocket attacks emanating from fanatical Hamas militants in the Gaza Strip, and yet until Israel responded militarily, the UN and the world looked away. I can think of no country in the world that would have shown such restraint in the face of direct attacks on their civilians.

Hamas launched 7,000 rocket and mortar attacks on Israeli cities between the pullout from Gaza in 2005 and 2009—Hamas' military doctrine makes no distinction between non-combatants and military targets.

During the ground fighting in Gaza, Hamas used mosques, schools and hospitals as military sites and employed civilians as human shields—clear violations of the law of war.

Unintentional civilian deaths Israel caused during the Gaza conflict are condemned as war crimes; the intentional Hamas attacks on Israeli civilians are swept under the rug.

There can be no moral equivalency made between Hamas and Israel, and this report's biased conclusion makes it clear, once again, that the United Nations Human Rights Council is a farce.

Mr. WAXMAN. Madam Speaker, I rise in strong support of H. Res. 867, a resolution standing against further action on the "Report of the United Nations Fact Finding Mission on the Gaza Conflict," also known as the "Goldstone Report."

From its inception, the Gaza report was rooted in an orchestrated campaign to delegitimize Israel. It was commissioned by the U.N. Human Rights Council, an institution obsessed with condemning Israel. In his response to the Goldstone Report, Michael Posner, the Assistant Secretary for Democracy, Human Rights and Labor, noted that the UNHRC has ordered more reports and held more special sessions on Israel than another country in the world. The Council has also passed more resolutions against Israel than for all 191 other U.N. members combined and Israel is the only country that is a permanent agenda item at Council meetings.

Those who seek to elevate the Goldstone Report recommendations are advancing a campaign to demonize Israel's soldiers, denounce its democratic institutions, and undermine efforts to move the peace process forward. They feed into a disturbing new wave of anti-Israel discrimination including Arab League efforts to invigorate the Arab boycott against Israel and a recent Bahraini parliament vote to make it illegal for the Kingdom's citizens to have contact with Israelis.

Some opponents of this resolution have suggested that its motivation is to bury the in-

cidents and allegations recorded in the report. This assessment is grossly wrong. Israel is already investigating and prosecuting reported incidents in Gaza and the United States has encouraged the government to expand and intensify its efforts. The integrity of the Israeli military and the Israeli judicial system requires that all credible allegations are thoroughly examined.

What is buried by the Goldstone Report is the suffering Palestinians in Gaza experience every day as hostages to an extremist terror campaign fought by Hamas and fueled by Iran. What is largely ignored is the deliberate efforts of Hamas to launch attacks from civilian areas and the extraordinary efforts Israel took to avoid civilian casualties.

Others have suggested that Israel's cooperation with the "fact finding mission" could have avoided its biased outcome. The reality is that the mission was fated by a sweeping mandate, the inclusion of a judge with admitted prejudice against Israel, and reliance on testimony by individuals largely chosen and at times intimidated by Hamas officials.

As a result, the report calls for the International Criminal Court to consider charges against Israeli military leaders and politicians and supports universal jurisdiction for countries to bring charges against Israeli soldiers and diplomats wherever they travel. Yet, Hamas leaders and the terrorist state sponsors who sparked the Gaza conflict with thousands of rockets face no sanction at all.

While President Obama works to achieve a breakthrough in the peace process, continued action on the Goldstone Report only pushes the parties farther apart. As Israel begins to implement unprecedented policies to constrain future settlement growth, the virulent atmosphere generated by the Goldstone Report can only serve to poison hope for progress.

I strongly urge my colleagues to vote for H. Res. 867. I commend the Obama administration for its continued work to oppose any endorsement or further consideration of the report and its recommendations.

Mr. KLEIN of Florida. Madam Speaker, I rise to support H. Res. 867, a resolution that calls on the Secretary of State and the President to unequivocally oppose further consideration of the Goldstone Report in international arenas. This resolution sends a clear message to the international community: the Goldstone report does nothing to advance peace and security in the Middle East. Rather, it serves to reinforce the deep mistrust that pervades the region and excuses the actions of terrorist groups and their state sponsors.

The Goldstone report ignores the facts. The terrorist threat surrounding Israel's defensive operations in Gaza required a decisive response, and any sovereign nation would have—and should have—done what Israel did. In fact, Richard Goldstone himself said, "If this was a court of law, there would have been nothing proven."

The Goldstone report disregards what it means to fight against terrorists who use human shields and have no regard for human life. The findings and conclusion of the report have ominous consequences for the United States and other countries who seek to prevent terrorist threats from taking root around

the world. We cannot allow the Goldstone report to set a precedent—the stakes are too high.

This report was not guided by a commitment to human rights, but rather motivated by a bias against Israel. Now is the time for the United Nations to immediately turn its attention to the very real human rights violators around the world. Human rights victims are pleading for the world's attention. I would urge U.N. member states to devote time and thought to the realities of human rights around the world—not Israel. Israel, with strong democratic and judicial institutions, can make any necessary determinations about how to move forward from here.

I would like to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their leadership in authoring this resolution and bringing it to the floor. This is a true example of the importance of bipartisanship because the U.S.-Israel relationship is stronger when we work across party lines.

I would urge my colleagues to support the resolution.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I am proud to be a cosponsor of this essential Resolution, unequivocally opposing any endorsement or further consideration of the Report of the United Nations Fact Finding Mission on the Gaza Conflict.

The United Nations report on the conflict in Gaza is reflective of the original mandate ordering its creation: biased and one-sided. Like all sovereign nations, Israel has not only a right, but moreover, an obligation, to ensure the safety and security of her citizens. Israel's military operation was in response to 8 years during which Hamas terrorists fired more than 10,000 rockets, mortars and missiles at Israeli towns and villages.

Despite these facts, and due to the original mandate that precluded it from drafting an objective report, the Commission concluded that Israel's defensive operation was a war on Gaza's civilian population. This claim is an outright distortion of the truth.

Throughout the Gaza Conflict, Israel went above and beyond—even putting itself at risk—to protect innocent Palestinian civilians. Specifically, Israel dropped leaflets and made phone calls to targeted Palestinian areas to warn citizens they were in danger, even if that meant losing the element of surprise and putting the lives of its own soldiers at risk.

This report ignores evidence that many civilian casualties were a result of Hamas routinely using Palestinian civilians as human shields. Eyewitness testimonies, video and Israeli intelligence reports show that during the operation, Hamas stored weapons in mosques, used hospitals as headquarters, and intentionally endangered Palestinian civilians.

As a member of the Congressional Taskforce on Israel at the United Nations, it troubles me to see yet another biased, unfair attack against the State of Israel. Not only is this report a disgrace to the mission of the United Nations, but it distracts us from the real issue at hand—achieving lasting peace in the Middle East. Israelis, Palestinians and the international community must not lose the focus of this important goal, and must continue working to fight terrorism and support peace.

Ms. MOORE of Wisconsin. Madam Speaker, I am disappointed that we have gotten to the point that the House even has to consider this resolution before us this week. I am inclined to vote for this resolution but not without reservations.

My vote for this resolution should not be read either as an endorsement of Operation Lead Cast or as an endorsement of the position that investigations of serious allegations of war crimes should not be undertaken.

We cannot act as if the devastating war in Gaza in January did not have consequences for Palestinians, Israelis, and the international community. We cannot and should not brush aside legitimate allegations about abuses committed by both sides during this conflict. Yet, now more than ever, we also need to intensify efforts to resolve the very serious issues that had unfortunately led to many needless deaths and continuing tensions and may continue to do so if we let the status quo linger.

I have reservations that the resolution before the House this week would do nothing to defuse the demagoguery that has long plagued the Middle East and to help steer us to a future devoid of more rocket attacks or violence in the region.

Ten months after the “cessation” of overt fighting in Gaza, tensions remain high and both the Palestinian and Israeli people continue to live with tremendous insecurity and fear. I am dismayed that it appears to be only a matter of time until the endless cycle of violence repeats itself again along with the resumption of increased misery for innocent Israeli and Palestinian men, women, and children in the region. We as a Congress, at this point, would be better served by trying to support efforts to reinvigorate the peace process, defuse these mounting tensions, and pressing both parties to meet at the negotiating table.

Nonetheless, the Goldstone report includes some very serious charges relating to possible war crimes or other crimes against humanity committed by Israel, Hamas, and other Palestinian armed groups. To give just one example, there are allegations of deliberate and premeditated efforts to target a wastewater treatment plant—that did not have any link to “Palestinian armed groups or any other effective contribution to military action”—sending over 200,000 cubic meters of raw sewage onto farmland. What is lacking in this report is a full and complete accounting of the reckless, indiscriminate, and ongoing use of rockets by Hamas and other groups to target innocent civilians in Israel. Such a report cannot short-change such an effort because doing so allows those seeking to score political points—rather than seeking peace, stability, and accountability—to hijack this process.

Again, the breadth and gravity of these charges demand that these “facts” be established in a comprehensive and fair way. Yet, even our own State Department—which has been actively engaged in pursuing peace in the region and urging both sides to move that process forward—has raised concerns about both the mandate for the report as well as the report itself, noting “serious concerns about the report's unbalanced focus on Israel, its sweeping factual and legal conclusions, and many of its recommendations.” I am not say-

ing that there should not be a serious and comprehensive finding of fact that can serve as a starting point on the road to truth and justice about what occurred on both sides. But this is not it.

The lack of a widely credible report on potential human rights abuses during the Gaza conflict is a missed opportunity to advance peace or stability in the region. It does not advance accountability. In a region with plenty of easy opportunity for division and unleashing of tensions, I believe that a more widely credible report could have been so much more useful in promoting transparency about what occurred, justice for those affected, and the prospect of a future peace for all. And it would have made this resolution on the floor this week unnecessary.

Mr. ELLISON. Madam Speaker, I am submitting the following summary of the Goldstone Report as part of the debate on H. Res. 867.

EXCERPT FROM UNITED NATIONS FACT FINDING MISSION ON THE GAZA CONFLICT (THE GOLDSTONE REPORT)

B. METHODOLOGY

11. To implement its mandate, the Mission determined that it was required to consider any actions by all parties that might have constituted violations of international human rights law or international humanitarian law. The mandate also required it to review related actions in the entire Occupied Palestinian Territory and Israel.

12. With regard to temporal scope, the Mission decided to focus primarily on events, actions or circumstances occurring since 19 June 2008, when a ceasefire was agreed between the Government of Israel and Hamas. The Mission has also taken into consideration matters occurring after the end of military operations that constitute continuing human rights and international humanitarian law violations related to or as a consequence of the military operations, up to 31 July 2009.

13. The Mission also analysed the historical context of the events that led to the military operations in Gaza between during the period from 27 December 2008 and 18 January 2009 and the links between these operations and overarching Israeli policies vis-à-vis the Occupied Palestinian Territory.

14. The Mission considered that the reference in its mandate to violations committed “in the context” of the December–January military operations required it to include restrictions on human rights and fundamental freedoms relating to Israel's strategies and actions in the context of its military operations.

15. The normative framework for the Mission has been general international law, the Charter of the United Nations, international humanitarian law, international human rights law and international criminal law.

16. This report does not purport to be exhaustive in documenting the very high number of relevant incidents that occurred in the period covered by the Mission's mandate. Nevertheless, the Mission considers that the report is illustrative of the main patterns of violations. In Gaza, the Mission investigated 36 incidents.

17. The Mission based its work on an independent and impartial analysis of compliance by the parties with their obligations under international human rights and humanitarian law in the context of the recent conflict in Gaza, and on international investigative standards developed by the United Nations.

18. The Mission adopted an inclusive approach in gathering information and seeking views. Information-gathering methods included: (a) the review of reports from different sources; (b) interviews with victims, witnesses and other persons having relevant information; (c) site visits to specific locations in Gaza where incidents had occurred; (d) the analysis of video and photographic images, including satellite imagery; (e) the review of medical reports about injuries to victims; (f) the forensic analysis of weapons and ammunition remnants collected at incident sites; (g) meetings with a variety of interlocutors; (h) invitations to provide information relating to the Mission's investigation requirements; (i) the wide circulation of a public call for written submissions; (j) public hearings in Gaza and in Geneva.

19. The Mission conducted 188 individual interviews. It reviewed more than 300 reports, submissions and other documentation either researched of its own motion, received in reply to its call for submissions and notes verbales or provided during meetings or otherwise, amounting to more than 10,000 pages, over 30 videos and 1,200 photographs.

20. By refusing to cooperate with the Mission, the Government of Israel prevented it from meeting Israeli government officials, but also from travelling to Israel to meet with Israeli victims and to the West Bank to meet with Palestinian Authority representatives and Palestinian victims.

21. The Mission conducted field visits, including investigations of incident sites, in the Gaza Strip. This allowed the Mission to observe first-hand the situation on the ground, and speak to many witnesses and other relevant persons.

22. The purpose of the public hearings, which were broadcast live, was to enable victims, witnesses and experts from all sides to the conflict to speak directly to as many people as possible in the region as well as in the international community. The Mission gave priority to the participation of victims and people from the affected communities. The 38 public testimonies covered facts as well as legal and military matters. The Mission had initially intended to hold hearings in Gaza, Israel and the West Bank. However, denial of access to Israel and the West Bank resulted in the decision to hold hearings of participants from Israel and the West Bank in Geneva.

23. In establishing its findings, the Mission sought to rely primarily and whenever possible on information it gathered first-hand. Information produced by others, including reports, affidavits and media reports, was used primarily as corroboration.

24. The Mission's final conclusions on the reliability of the information received were made taking into consideration the Mission's assessment of the credibility and reliability of the witnesses it met, verifying sources and methodology used in reports and documents produced by others, cross-referencing the relevant material and information, and assessing whether, in all the circumstances, there was sufficient information of a credible and reliable nature for the Mission to make a finding in fact.

25. On this basis, the Mission has, to the best of its ability, determined what facts have been established. In many cases it has found that acts entailing individual criminal responsibility have been committed. In all of these cases the Mission has found that there is sufficient information to establish the objective elements of the crimes in question. In almost all of the cases the Mission has also been able to determine whether or not it ap-

pears that the acts in question were done deliberately or recklessly or in the knowledge that the consequence that resulted would result in the ordinary course of events. The Mission has thus referred in many cases to the relevant fault element (*mens rea*). The Mission fully appreciates the importance of the presumption of innocence: the findings in the report do not subvert the operation of that principle. The findings do not attempt to identify the individuals responsible for the commission of offences nor do they pretend to reach the standard of proof applicable in criminal trials.

26. In order to provide the parties concerned with an opportunity to submit additional relevant information and express their position and respond to allegations, the Mission also submitted comprehensive lists of questions to the Government of Israel, the Palestinian Authority and the Gaza authorities in advance of completing its analysis and findings. The Mission received replies from the Palestinian Authority and the Gaza authorities but not from Israel.

RECOMMENDATIONS

1769. To Israel

The Mission recommends that Israel immediately cease the border closures and restrictions of passage through border crossings with the Gaza Strip and allow passage of goods necessary and sufficient to meet the needs of the population, for the recovery and reconstruction of housing and essential services and for the resumption of meaningful economic activity in the Gaza Strip.

The Mission recommends that Israel cease the restrictions on access to the sea for fishing purposes imposed on the Gaza Strip and allow such fishing activities within the 20 nautical miles as provided for in the Oslo accords. It further recommends that Israel allow the resumption of agricultural activity within the Gaza Strip, including within areas in the vicinity of the borders with Israel.

Israel should initiate a review of the rules of engagement, standard operating procedures, open fire regulations and other guidance for military and security personnel. The Mission recommends that Israel avail itself of the expertise of the ICRC, the United Nations Office of the High Commissioner for Human Rights and other relevant bodies, and Israeli experts, civil society organizations with the relevant expertise and specialization, in order to ensure compliance in this respect with international humanitarian law and international human rights law. In particular such rules of engagement should ensure that the principles of proportionality, distinction, precaution and non-discrimination are effectively integrated in all such guidance and in any oral briefings provided to officers, soldiers and security forces, so as to avoid the recurrence of Palestinian civilian deaths, destruction and affronts on human dignity in violation of international law.

The Mission recommends that Israel allow freedom of movement for Palestinians within the OPT—within the West Bank including East Jerusalem, between the Gaza Strip and the West Bank and between the OPT and the outside world—in accordance with international human rights standards and international commitments entered into by Israel and the representatives of the Palestinian people. The Mission further recommends that Israel forthwith lift travel bans currently placed on Palestinians by reason of their human rights or political activities.

The Mission recommends that Israel release Palestinians who are detained in

Israeli prisons in connection with the occupation. The release of children should be an utmost priority. The Mission further recommends that Israel cease the discriminatory treatment of Palestinian detainees. Family visits for prisoners from Gaza should resume.

Israel should forthwith cease interference with national political processes in the OPT, and as a first step release all members of the Palestinian Legislative Council currently in detention and allow all members of the PLC to move between Gaza and the West Bank so that the Council may resume functioning.

The Government of Israel should cease actions aimed at limiting the expression of criticism by civil society and members of the public concerning Israel's policies and conduct during the military operations in the Gaza Strip. The Mission also recommends that Israel set up an independent inquiry to assess whether the treatment by Israeli judicial authorities of Palestinian and Jewish Israelis expressing dissent in connection with the offensive was discriminatory, both in terms of charges and detention pending trial. The results of the inquiry should be made public and, subject to the findings, appropriate remedial action should be taken.

The Government of Israel should refrain from any action of reprisal against Palestinian and Israeli individuals and organizations that have cooperated with the UN Fact Finding Mission on the Gaza Conflict, in particular individuals who have appeared at the Public Hearings held by the Mission in Gaza and Geneva and expressed criticism of actions by the State of Israel.

The Mission recommends that Israel reiterates its commitment to respect the inviolability of UN premises and personnel and that it undertakes all appropriate measures to ensure that there is no repetition of violations in the future (ref Convention on Privileges and Immunities of the UN). It further recommends that reparation to the United Nations be provided fully and without further delay by the State of Israel, and that the General Assembly consider this matter.

1770. To Palestinian armed groups

The Mission recommends that Palestinian armed groups undertake forthwith to respect international humanitarian law, in particular by renouncing attacks on Israeli civilians and civilian objects, and take all feasible precautionary measures to avoid harm to Palestinian civilians during hostilities.

The Mission recommends that Palestinian armed groups who hold Israeli soldier Gilad Shalit in detention release him on humanitarian grounds. Pending such release they should recognize his status as prisoner of war, treat him as such, and allow him ICRC visits.

1771. To responsible Palestinian authorities

The Mission recommends that the Palestinian Authority issue clear instructions to security forces under its command to abide by human rights norms as enshrined in the Palestinian Basic Law and international instruments; ensure prompt and independent investigation of all allegations of serious human rights violations by security forces under its control; and end resort to military justice to deal with cases involving civilians.

The Mission recommends that the Palestinian Authority and the Gaza authorities release without delay all political detainees currently in their power and refrain from further arrests on political grounds and in violation of international human rights law.

The Mission recommends that the Palestinian Authority and the Gaza authorities

continue to enable the free and independent operation of Palestinian non-governmental organizations, including human rights organizations, and of the Independent Commission on Human Rights.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 867, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Madam Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3639, EXPEDITED CARD REFORM FOR CONSUMERS ACT OF 2009

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111-326) on the resolution (H. Res. 884) providing for consideration of the bill (H.R. 3639) to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2868, CHEMICAL FACILITY ANTI-TERRORISM ACT OF 2009

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 111-327) on the resolution (H. Res. 885) providing for consideration of the bill (H.R. 2868) to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1715

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. LEE of California). Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 867, by the yeas and nays;
H.R. 3157, by the yeas and nays;
H. Res. 736, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

OPPOSING ANY ENDORSEMENT OR FURTHER CONSIDERATION OF REPORT OF THE UNITED NATIONS FACT FINDING MISSION ON THE GAZA CONFLICT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 867, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 867, as amended.

The vote was taken by electronic device, and there were—yeas 344, nays 36, answered “present” 22, not voting 30, as follows:

[Roll No. 838]

YEAS—344

Aderholt	Capito	Fortenberry
Adler (NJ)	Cardoza	Foster
Akin	Carnahan	Fox
Alexander	Carney	Frank (MA)
Altmire	Carter	Franks (AZ)
Andrews	Cassidy	Frelinghuysen
Arcuri	Castle	Fudge
Austria	Castor (FL)	Gallely
Baca	Chaffetz	Garrett (NJ)
Bachus	Chandler	Gerlach
Barrow	Childers	Giffords
Bartlett	Chu	Gingrey (GA)
Barton (TX)	Cleaver	Gohmert
Bean	Clyburn	Gonzalez
Berkley	Coble	Goodlatte
Berman	Coffman (CO)	Granger
Berry	Cohen	Graves
Biggart	Cole	Grayson
Bilbray	Conaway	Green, Al
Bilirakis	Connolly (VA)	Green, Gene
Bishop (GA)	Costa	Griffith
Bishop (NY)	Costello	Guthrie
Bishop (UT)	Courtney	Hall (TX)
Blackburn	Crenshaw	Halvorson
Blunt	Crowley	Hare
Boccheri	Cuellar	Harman
Boehner	Culberson	Harper
Bonner	Cummings	Hastings (FL)
Bono Mack	Davis (CA)	Hastings (WA)
Boozman	Davis (IL)	Heller
Boren	DeGette	Hensarling
Boswell	DeLauro	Herger
Boyd	Dent	Herseth Sandlin
Brady (TX)	Diaz-Balart, L.	Higgins
Braley (IA)	Diaz-Balart, M.	Hill
Bright	Dicks	Himes
Broun (GA)	Donnelly (IN)	Hinojosa
Brown (SC)	Doyle	Hodes
Brown, Corrine	Dreier	Hoekstra
Brown-Waite,	Driehaus	Holden
Ginny	Edwards (TX)	Hoyer
Buchanan	Ehlers	Hunter
Burgess	Ellsworth	Inglis
Burton (IN)	Emerson	Inslee
Butterfield	Engel	Israel
Buyer	Etheridge	Issa
Calvert	Fallin	Jackson (IL)
Camp	Fattah	Jackson-Lee
Campbell	Flake	(TX)
Cantor	Fleming	Jenkins
Cao	Forbes	Johnson (IL)

Johnson, Sam	Miller (FL)	Schauer
Jordan (OH)	Miller (MI)	Schiff
Kagen	Miller (NC)	Schmidt
Kanjorski	Miller, Gary	Schock
Kennedy	Minnick	Schrader
Kildee	Mitchell	Schwartz
Kilroy	Mollohan	Scott (GA)
Kind	Moore (KS)	Scott (VA)
King (IA)	Moore (WI)	Sensenbrenner
King (NY)	Moran (KS)	Serrano
Kingston	Murphy (CT)	Sessions
Kirk	Murphy (NY)	Sestak
Kirkpatrick (AZ)	Murphy, Tim	Shadegg
Kissell	Murtha	Shea-Porter
Klein (FL)	Myrick	Sherman
Kline (MN)	Nadler (NY)	Shimkus
Kosmas	Napolitano	Shuler
Kratovil	Neal (MA)	Shuster
Lamborn	Neugebauer	Simpson
Lance	Nye	Skelton
Langevin	Oberstar	Slaughter
Larsen (WA)	Olson	Smith (NE)
Larson (CT)	Ortiz	Smith (NJ)
Latham	Paulsen	Smith (TX)
LaTourette	Pence	Smith (WA)
Latta	Perlmutter	Space
Lee (NY)	Perriello	Spratt
Levin	Peters	Stearns
Lewis (CA)	Peterson	Sullivan
Lewis (GA)	Petri	Sutton
Linder	Pitts	Tanner
Lipinski	Platts	Taylor
LoBiondo	Poe (TX)	Teague
Lowey	Polis (CO)	Terry
Lucas	Pomeroy	Thompson (CA)
Luetkemeyer	Posey	Thompson (MS)
Lummis	Putnam	Thompson (PA)
Lungren, Daniel	Quigley	Thornberry
E.	Radanovich	Tiahrt
Mack	Rangel	Tiberi
Maffei	Rehberg	Titus
Maloney	Reichert	Tonko
Manzullo	Reyes	Tsongas
Marchant	Richardson	Turner
Markey (CO)	Rodriguez	Upton
Markey (MA)	Roe (TN)	Van Hollen
Marshall	Rogers (AL)	Visclosky
Massa	Rogers (KY)	Walden
Matheson	Rogers (MI)	Walz
Matsui	Rohrabacher	Wasserman
McCarthy (CA)	Rooney	Schultz
McCarthy (NY)	Ros-Lehtinen	Watson
McCaul	Roskam	Waxman
McClintock	Ross	Weiner
McCotter	Rothman (NJ)	Westmoreland
McHenry	Roybal-Allard	Wexler
McIntyre	Royce	Whitfield
McKeon	Ruppersberger	Wilson (OH)
McMahon	Rush	Wilson (SC)
McMorris	Ryan (OH)	Wittman
Rodgers	Ryan (WI)	Wolf
McNerney	Salazar	Yarmuth
Meek (FL)	Sanchez, Loretta	Young (AK)
Melancon	Sarbanes	Young (FL)
Mica	Scalise	
Michaud	Schakowsky	

NAYS—36

Baird	Ellison	Miller, George
Baldwin	Filner	Moran (VA)
Blumenauer	Grijalva	Oliver
Boustany	Hinchey	Pastor (AZ)
Capps	Johnson, E. B.	Paul
Carson (IN)	Kilpatrick (MI)	Price (NC)
Clarke	Kucinich	Rahall
Clay	Lee (CA)	Snyder
Davis (KY)	Lynch	Stark
Dingell	McCollum	Waters
Doggett	McDermott	Watt
Edwards (MD)	McGovern	Woolsey

ANSWERED “PRESENT”—22

Becerra	Heinrich	Lujan
Cooper	Hirono	Obey
Dahlkemper	Honda	Speier
DeFazio	Johnson (GA)	Tierney
Delahunt	Jones	Welch
Duncan	Kaptur	Wu
Eshoo	Loebach	
Farr	Lofgren, Zoe	

NOT VOTING—30

Abercrombie	Barrett (SC)	Capuano
Ackerman	Boucher	Conyers
Bachmann	Brady (PA)	Davis (AL)

Davis (TN) Nunes
Deal (GA) Pallone
Gordon (TN) Pascrell
Gutierrez Payne
Hall (NY) Pingree (ME)
Holt Price (GA)
Meeks (NY) Sánchez, Linda
Murphy, Patrick T.

□ 1741

Messrs. COOPER and HONDA changed their vote from “yea” to “present.”

Mrs. DAHLKEMPER and Mr. LOEBSACK changed their vote from “nay” to “present.”

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. BACHMANN. Madam Speaker, on November 3, 2009, I was unexpectedly detained and could not vote on H. Res. 867, calling on the President and the Secretary of State to oppose unequivocally any endorsement or further consideration of the “Report of the United Nations Fact Finding Mission on the Gaza Conflict” in multilateral fora. Had I been present, as a cosponsor of this resolution, I would have voted “yea.”

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and in Afghanistan and their families, and all who serve in our Armed Forces and their families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. LEE of California). Without objection, 5-minute voting will continue.

There was no objection.

MAX J. BEILKE DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3157, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and pass the bill, H.R. 3157.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 0, not voting 34, as follows:

[Roll No. 839]

YEAS—398

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocchieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson

Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)

Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary

Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Napitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pastor (AZ)
Paul
Paulsen
Pence
Perlmuter
Perriello
Peters
Peterson
Kissell
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson

Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder

Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—34

Abercrombie
Ackerman
Andrews
Barrett (SC)
Brady (PA)
Cantor
Capuano
Conyers
Davis (AL)
Davis (TN)
Deal (GA)
Gordon (TN)

Grijalva
Gutierrez
Hall (NY)
Holt
Meeks (NY)
Murphy, Patrick
Murtha
Nunes
Pallone
Pascrell
Payne
Pingree (ME)

Price (GA)
Rothman (NJ)
Sánchez, Linda
T.
Sires
Souder
Stupak
Towns
Velázquez
Wamp
Wittman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1750

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HONORING PRESIDENT LINCOLN'S GETTYSBURG ADDRESS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 736.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend

the rules and agree to the resolution, H. Res. 736.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Ms. JACKSON-LEE of Texas. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 393, noes 0, not voting 39, as follows:

[Roll No. 840]

AYES—393

Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boccieri
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cao
Capito
Capps
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Chu
Clarke
Clay
Clever
Clyburn

Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLaunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Foxy
Franks (AZ)
Frelinghuysen
Gallo
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Guthrie
Hall (TX)
Halvorson

Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Honda
Hoyer
Hunter
Inglis
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebuck
Lofgren, Zoe
Lowey

Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Tim
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Nye
Oberstar
Obey

Olson
Oliver
Ortiz
Pastor (AZ)
Paulsen
Pence
Perlmutter
Perriello
Peters
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (NC)
Putnam
Quigley
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg

Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stearns
Sullivan
Sutton
Tanner
Taylor
Teague
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Van Hollen
Visclosky
Walden
Walz
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—39

Abercrombie
Ackerman
Barrett (SC)
Berry
Blumenauer
Brady (PA)
Cantor
Capuano
Conyers
Davis (AL)
Davis (TN)
Deal (GA)
Frank (MA)
Gordon (TN)

Grijalva
Gutierrez
Hall (NY)
Holt
Kratovil
Meeks (NY)
Murphy, Patrick
Murtha
Nunes
Pallone
Pascarell
Paul
Payne
Pingree (ME)

Price (GA)
Rothman (NJ)
Salazar
Sanchez, Linda
T.
Sires
Souder
Stupak
Towns
Velázquez
Wamp
Wittman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in the vote.

□ 1758

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, on November 3, 2009, I was unable to cast votes due to personal reasons. I was not present for rollcall votes 835 through 840. Had I been present, I would have cast a “yea” vote for final passage of H.R. 3949. I would have cast a “yea” vote for final passage of H. Res. 398. I would have cast a “yea” vote for final passage of H. Res. 866. I would have cast a “nay” vote for the final passage of H. Res. 867. I would have cast a “yea” vote for final passage of H.R. 3157. Also, I would have cast a “yea” vote for H. Res. 736.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent yesterday and today from this Chamber. Had I been present, I would have voted “yea” on rollcall votes 832 through 840.

□ 1800

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CUELLAR). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

RECOGNIZING 60TH ANNIVERSARY OF RADIO FREE EUROPE/RADIO LIBERTY

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 641) recognizing the 60th anniversary of the founding of Radio Free Europe/Radio Liberty, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 641

Whereas Radio Free Europe/Radio Liberty (RFE/RL) was founded in 1949 by the National Committee for a Free Europe with the mission to promote democratic values and institutions by broadcasting unbiased and factual information and ideas to audiences behind the communist “Iron Curtain”, and transmitted its first program to the former Czechoslovakia on July 4, 1950;

Whereas many Central European and Russian leaders, including Vaclav Havel of the Czech Republic, and the late Boris Yeltsin of the Russian Federation, have testified to the important role RFE/RL broadcasts played in ending the Cold War;

Whereas the former President of Estonia, Lennart Meri, nominated RFE/RL for the Nobel Peace Prize in 1991;

Whereas Nobel laureate and former President of Poland, Lech Walesa, testified to the role played by RFE/RL in Poland’s struggle for freedom when he stated that its influence “cannot even be described. Would there be earth without the sun?”;

Whereas RFE/RL programs were so comprehensive that communist authorities relied on secret transcripts of the broadcasts for information they could not obtain from the local media they themselves controlled;

Whereas RFE/RL was subjected to efforts to undermine its operations through offensive actions launched by communist regimes and intended to discredit the broadcasts;

Whereas the Soviet KGB and Warsaw Pact intelligence services penetrated the radio stations with their spies, jailed sources, and even resorted to violence in attempts to intimidate RFE/RL staff;

Whereas RFE/RL Bulgarian Service correspondent Georgi Markov was murdered in London in 1978, evidently by the Bulgarian communist intelligence service;

Whereas the Romanian communist security service detonated a bomb at RFE/RL's headquarters in Munich, West Germany, in 1981, critically injuring six employees;

Whereas today, after having played a significant role in the collapse of communism in the former Soviet Union, RFE/RL continues to provide news, information, and open discussion of domestic and international issues to countries where free and independent media are not permitted, or are not yet fully established;

Whereas RFE/RL is available via FM, AM, shortwave and satellite radio, and employs a range of newer technologies including SMS text messaging, Facebook, Twitter, and other interactive social media;

Whereas RFE/RL broadcasts in 28 languages to 30 million listeners in Eastern and Southeastern Europe, Russia, the Caucasus, the Middle East, and Central and Southwest Asia;

Whereas during the June 2009 presidential election in Iran, RFE/RL's "Radio Farda" provided 24 hour news coverage of the post-election protests;

Whereas beginning in 2002, RFE/RL began "Radio Azadi", reaching nearly 50 percent of the Afghan people in the Pashto and Dari languages and making RFE/RL the largest international broadcaster in Afghanistan;

Whereas in August 2009, RFE/RL's Radio Azadi hosted a historic presidential debate featuring President Hamid Karzai and his two top opponents, the first ever in Afghanistan's to feature an incumbent Afghan President;

Whereas in early 2010, RFE/RL will begin Pashto language broadcasting to the Afghanistan-Pakistan border region, including the Swat Valley, promoting democratic values and institutions by providing the people of the region a source of independent and factual media to compete in the battle of ideas with those radical elements that have disrupted the peace in the Afghan-Pakistan border region;

Whereas RFE/RL employees and freelance journalists are subject to intimidation and oppression by the authorities of regimes in many countries to which RFE/RL broadcasts; and

Whereas RFE/RL has a proven history of promoting freedom and liberty in oppressive and autocratic regimes through news broadcasts based upon the principle that the first requirement of democracy is a well-informed citizenry; Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the 60th anniversary of the founding of Radio Free Europe/Radio Liberty (RFE/RL) and honors its contribution to promoting freedom and liberty around the world; and

(2) commends the employees and reporters of RFE/RL for their commitment to provide

fair and unbiased news to people living under oppressive regimes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes. The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of H. Res. 641, and I yield myself such time as I may consume.

Mr. Speaker, this resolution celebrates 60 years of broadcasting history and the continuing mission of an effective instrument of public diplomacy.

Radio Free Europe was established in 1949 by the National Committee for a Free Europe, an anticommunist organization, and made its first broadcast to what was then Czechoslovakia on July 4 of the next year.

From its start, the organization approached the Cold War as a war of ideas, pushing back on propaganda that was being spread by autocratic governments behind the Iron Curtain. As it grew and merged with Radio Liberty to reach more people, its purpose became all the more urgent as its broadcasts were banned and Communist authorities used jamming techniques to keep their citizens from tuning in.

In fact, those very authorities were said to have relied upon secret transcripts of Radio Free Europe/Radio Liberty programs so they could have better information about what was happening in their own countries than their own national media could provide.

After the Cold War ended, many paid tribute to the role that the American radio programs had played. Nobel Laureate and former Polish President Lech Walesa, who recalled listening to RFE/RL's broadcasts in secret, said their influence "cannot even be described," asking, "Would there be an Earth without the Sun?"

Today, RFE/RL is located in the very country to which it once beamed its first broadcast, now known as the Czech Republic. From its Prague headquarters, the organization serves as a surrogate broadcaster to places where uncensored or reliable information is hard to come by, where independent media are banned or not yet fully established.

Using AM, FM, shortwave, and satellite radio, as well as the Internet and newer social media tools, RFE/RL

reaches an estimated 30 million people in Eastern Europe, Russia, the Caucasus, the Middle East, and Central and Southwest Asia.

Its programs in Farsi, under the banner of Radio Farda, are widely followed in Iran. Radio Azadi provides unbiased reporting of current events in Afghanistan. And next year, RFE/RL will begin Pashto-language broadcasts to the troubled Afghanistan-Pakistan border region, including the Swat Valley.

Mr. Speaker, as this resolution notes, "RFE/RL has a proven history of promoting freedom and liberty in oppressive and autocratic regimes through news broadcasts based upon the principle that the first requirement of a democracy is a well-informed citizenry."

H. Res. 641 congratulates the organization on six decades of helping to keep the spark of freedom alive in some of history's darkest hours and salutes the men and women of RFE/RL for their continuing commitment to the free flow of information.

I commend the author of this resolution, the ranking member of the House Foreign Affairs Committee, Ms. ILEANA ROS-LEHTINEN, and encourage its support.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I thank my esteemed chairman for his words, and I join him in the declaration of support for the work of Radio Free Europe and Radio Liberty.

As we know, Radio Free Europe and Radio Liberty, also known as RFE/RL, was established 60 years ago and was a powerful voice for freedom in the battle of ideas against communist tyranny.

Former Polish President Lech Walesa and Vaclav Havel, the former President of the Czech Republic, have all testified that by means of its broadcast of unbiased and independent news programs behind the Iron Curtain, Radio Free Europe/Radio Liberty played a vital role in the collapse of the Soviet Union and its communist allies. In fact, the Soviet KGB and the Warsaw Pact intelligence services, appreciating the threat posed by Radio Free Europe and Radio Liberty to their communist regimes, conducted massive operations to foil its operations. They even resorted to violence.

Just two instances: For example, Radio Free Europe/Radio Liberty's Bulgarian service correspondent was believed to have been murdered by Bulgarian intelligence services; and six Radio Free Europe/Radio Liberty employees were critically injured when a bomb paid for by Romanian security services exploded at the headquarters of Radio Free Europe/Radio Liberty in Munich, West Germany.

Today, as our generation engages in yet another battle of ideas, Radio Free Europe/Radio Liberty continues to

prove its worth. Radio Free Europe/Radio Liberty's broadcasts in 28 different languages reach people in 20 countries throughout southeastern Europe, Russia, the Middle East, and Central and South Asia.

Radio Free Europe/Radio Liberty's Afghanistan service is now the most popular media program in that country, and it intends to expand next year to reach the Afghanistan-Pakistan border region, providing a much-needed source of independent and accurate news to compete with the shrill rhetoric of the extremists in that area.

Today, Radio Free Europe and Radio Liberty and its personnel continue to suffer attacks, some mounted in new ways. Just last year, for example, a new style of attack, a cyberattack, was mounted against the Belarusian service of RFE/RL to prevent the broadcast of a rally against the regime in that country.

But in the more traditional style of attack, an Iranian American journalist was convicted and sentenced in Iran to a year in prison, Mr. Speaker, and her 98-year-old mother was threatened with eviction from her housing unit because of the journalist's antirevolutionary work with RFE/RL's Iranian news service.

Also recently, a Radio Free Europe/Radio Liberty journalist in Turkmenistan was tortured by authorities who tried to coerce him into signing a pledge that he would stop working for Radio Free Europe/Radio Liberty's Turkmen service, and then they detained him against his will and put him in a government-run psychiatric center.

Journalists such as these, Mr. Speaker, who work for Radio Free Europe/Radio Liberty are heroes, fighting with determination for freedom. I am proud to have authored this resolution in recognition of their brave efforts and proud of Radio Free Europe/Radio Liberty's six decades of service in the promotion of freedom.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I reserve my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield such time as he may consume to the gentleman from California (Mr. ROYCE), the ranking member on the Foreign Affairs Subcommittee on Terrorism, Nonproliferation and Trade.

Mr. ROYCE. Mr. Speaker, I thank the gentlelady for yielding, and I rise in support of this resolution, of which I am a cosponsor, and to note that for 60 years, Radio Free Europe/Radio Liberty has been basically a free press for societies suffering authoritarian rule, and that is the intent.

The RFE/RL has said that this model of surrogate broadcasting irritates authoritarian regimes, inspires democrats and creates greater space for civil

society, and that is the goal. Vaclav Havel and others have testified to the role that the radios played in bringing down the Iron Curtain.

As noted in the resolution, Warsaw Pact intelligence went to great lengths to silence these broadcasts. We have heard some of the examples of the correspondents who were murdered and the headquarters that were bombed.

RFE/RL has expanded its work to countries that are critical to today's national security challenges. Shortly after September 11, the House passed legislation establishing Radio Free Afghanistan, RFE's brand in that country. Actually, I authored that legislation. And today, with 50 percent market share, it is the most popular radio station in the country, offering an alternative to the Taliban's dark leaflets and the type of radio that people hear in that part of Central Asia and South Asia from the Taliban.

The Iranian regime has targeted RFE/RL broadcasts. They have spent a lot of money to jam those broadcasts. RFE/RL has still managed to provide valuable coverage of the recent uprising there, allowing Iranian democrats to know that they are not alone in this world.

These broadcasts are all the more important now that the administration has muffled itself when it comes to the Iranian democratic movement. As it trims back on programs supporting democracy-seeking Iranians, one expert notes that the administration views the green revolution as a wrench in the works of nuclear negotiations with the Iranian regime.

These broadcasts could be greatly complimented by the White House bully pulpit. They aren't.

A divide between the broadcasters and the diplomats is not new, frankly. In the 1960s, Washington moved to improve relations with Ceausescu's Romania, despite its abysmal human rights record, but RFE kept a spotlight on Bucharest, irritating some of the diplomats. Today, it keeps a spotlight on Tehran's transgressions—the jailing, the abuse, the murder of those who abuse the regime.

Importantly, this resolution commends the employees and reporters of Radio Free Europe/Radio Liberty for their services and acknowledges their sacrifices. Just as the communist police took steps to prevent the truth from penetrating their house of lies, so has the Iranian regime.

The Iranian Government harasses the journalists for RFE/RL's Persian service, its headquarters in Prague, and their families back in Iran. Those inside Iran who might provide the station with information have been threatened. This fall, two young journalists with the service were killed and a third went into a coma when their car was struck by a truck outside of Prague.

This is the information war happening today. Radio Free Europe/Radio Liberty and its sister surrogates are keeping us in the game. As technology evolves, they can and need to do better, while staying true to their support for freedom and respect for human rights and for the rule of law.

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from California for those statements.

I have no further requests for time, Mr. Speaker, and I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I stand here today in support of H. Res. 641, which recognizes the 60th anniversary of the founding of Radio Free Europe/Radio Liberty. I support this resolution because of the incredible role that Radio Free Europe/Radio Liberty played in helping to end the cold war.

In 1949, Radio Free Europe/Radio Liberty, RFE/RL, was established by the United States to promote democracy in communist-controlled parts of Europe. RFE/RL broadcast unbiased and factual information and ideas, providing valuable reporting and demonstrating the value of the freedom of the press. The information provided in the broadcasts was more comprehensive than the information provided on state-controlled media sources, leading some Communist authorities to use secret transcripts to stay informed.

Radio Free Europe/Radio Liberty played an important role in bringing about the demise of communism in Europe. Leaders from Russia and other former Soviet Union countries have extolled the virtues of Radio Free Europe and Radio Liberty. Former Polish President Lech Walesa famously said that RFE/RL's influence "could not be described." Former President Vaclav Havel of the Czech Republic and former President of the Russian Federation, Boris Yeltsin, have also described the significant role that RFE/RL played in bringing the end of communism in Europe. Its virtue was encapsulated by the former President of Estonia, Lennart Meri, who nominated RFE/RL for the Nobel Peace Prize in 1991.

During the cold war, Radio Free Europe/Radio Liberty was subject to attacks by Communist governments of the Soviet Union. The Soviet intelligence agency and secret police, the KGB, as well as other Communist intelligence agencies infiltrated radio stations with spies and attempted to disrupt reporting by jailing and intimidating sources. Georgi Markov, an RFE/RL correspondent in Bulgaria, was murdered in London in 1978 by Bulgarian Communist intelligence service agents. In 1981, Radio Free Europe/Radio Liberty was attacked when Romanian security agents exploded a bomb outside of the RFE/RL headquarters in Munich, West Germany. Such acts of violence by the Soviet Union and Eastern Bloc countries demonstrate the fear that the Communist leaders had for the democratizing influence of the free press.

Today, Radio Free Europe/Radio Liberty continues to operate in Eastern Europe, Eurasia, and Asia. RFE/RL broadcasts in 28 languages to over 30 million listeners in 20 countries, including Ukraine, Russia, Moldova, Georgia, the Balkans, Belarus, Iran, Iraq, Kazakhstan, and Afghanistan. To this day,

RFE/RL correspondents and employees are subject to violence and intimidation by regimes that consider the free press threatening.

In 1823, Thomas Jefferson said, "The only security of all is in a free press. The force of public opinion cannot be resisted when permitted freely to be expressed. The agitation it produces must be submitted to. It is necessary, to keep the waters pure." From the cold war to today, Radio Free Europe/Radio Liberty has demonstrated Jefferson's words throughout the world. By bringing the free press to countries with repressive governments, RFE/RL has proven for over 60 years that governments that use censorship to protect their authority cannot stand forever.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 641, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BERMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1815

CONDEMNING THE ILLEGAL EXTRACTION OF MADAGASCAR'S NATURAL RESOURCES

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 839) condemning the illegal extraction of Madagascar's natural resources, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 839

Whereas Madagascar is the world's fourth largest island, and home to up to 150,000 species of unique flora and fauna;

Whereas during the last 20 years, with the support of the U.S. Government and others, Madagascar has made substantial progress in stopping environmental degradation, effectively managing natural resources and preserving its unique biodiversity;

Whereas three-quarters of Madagascar's people live in rural areas and two-thirds live on less than \$2 per day, safeguarding these natural resources is essential to Madagascar's continued economic growth and development;

Whereas these natural resources contribute to economic development through the tourism sector, drawing an estimated \$390,000,000 per year;

Whereas, on March 17, 2009, Marc Ravalomanana was forced to resign as the democratically-elected President of Madagascar and Andry Rajoelina was installed as de facto head of state;

Whereas, on March 20, 2009, the United States condemned the removal of Marc

Ravalomanana and the installation of Andry Rajoelina as tantamount to a coup d'etat, undemocratic, and contrary to the rule of law, announced a suspension of non-humanitarian assistance, and later terminated compact assistance through the Millennium Challenge Corporation to the de facto Rajoelina government;

Whereas two-thirds of Madagascar's people depend on natural resources for their sustenance and livelihoods, and decreased assistance for conservation efforts may have dire humanitarian consequences;

Whereas the African Union and the Southern African Development Community have suspended Madagascar's participation until constitutional order is restored;

Whereas in October 2009, the World Wildlife Fund (WWF), Conservation International, and the Wildlife Conservation Society condemned an interministerial order issued by the de facto administration granting sweeping authorization to export raw and semi-processed hard wood as "legaliz[ing] the sale of illegally cut and collected wood onto the market; allow[ing] for the potential embezzlement of funds in the name of environmental protection; and constitut[ing] a legal incentive for further corruption in the forestry sector";

Whereas natural resource degradation occurring under the de facto government includes—

(1) open and organized plundering of precious wood from natural forests, including World Heritage Sites such as Marojejy and Masoala National Parks;

(2) intimidation and menace of legitimate local community management structures, and expropriation of revenue and benefits from them, causing suffering and impoverishment;

(3) intensified smuggling of endemic and protected species and species parts and/or products to the national and international markets;

(4) proliferation of destructive practices such as illegal mining and slash-and-burn agriculture within protected areas and environmentally sensitive areas;

(5) degradation of forests, pushing some rosewood and ebony species to the brink of extinction; and

(6) the degradation of the resource base that rural communities depend upon represents an immediate and future threat to local governance, local incomes, and food security; and

Whereas the vast majority of this precious wood is destined for global export markets: Now, therefore, be it

Resolved, That the House of Representatives—

(1) strongly condemns the March 2009 coup d'etat in Madagascar and supports the people of Madagascar in immediately undertaking a democratic, consensual process to restore constitutional governance, culminating in free, fair, and peaceful elections;

(2) commends the African Union and the Southern African Development Community for taking strong action against anti-democratic forces in Madagascar and encourage their continued resolve to return Madagascar to the rule of law;

(3) strongly condemns the illegal extraction of Madagascar's natural resources and its impact on biodiversity and livelihoods of rural communities, including illegal logging, smuggling of wild species, and illegal mining;

(4) supports action by competent authorities and the people of Madagascar to stop this illegal devastation and bring those perpetrating these crimes to justice;

(5) calls upon importing countries to intensify their inspection and monitoring processes to ensure that they do not contribute to the demand for illegally sourced precious woods from Madagascar; and

(6) calls upon consumers of rosewood and ebony products to check their origin, and boycott those made of Malagasy wood, until constitutional order is restored.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 839, a resolution introduced by the gentleman from Oregon (Mr. BLUMENAUER) which condemns the illegal extraction of Madagascar's natural resources.

On March 17 the democratically elected President of Madagascar was forced from office in a coup and replaced by Andry Rajoelina, who remains in power today. Over the past 7 months, the political situation has remained tenuous as discussions between both sides continue over the possibility of new elections.

Meanwhile, policies pursued by the de facto Rajoelina government have done terrible harm to Madagascar's fragile ecosystem, which boasts up to 150,000 unique species of plants and animals.

On September 21, the government permitted 13 operators to export 325 containers filled with raw and semi-processed woods. The government reportedly earned almost \$12 million in taxes from these transactions.

The World Wildlife Fund, Conservation International, and the Wildlife Conservation Society condemned the decision as "legalizing the sale of illegally cut and collected wood onto the market." This decision came on top of months of illegal activities and violent actions in Madagascar's forests.

Since political turmoil began in January, local communities and officials have reported that armed groups have entered the previously protected Masoala and Marojejy World Heritage Sites and the Mananara-Nord Biosphere Reserve. The NGO Global Witness reports that 7,000 cubic meters of rosewood and ebony have been shipped out of Madagascar since the beginning of the year.

These actions harm not only Madagascar's environment but the local communities that depend on the forests for their income. Without this revenue, communities may be forced to resort to slash-and-burn agriculture, thus furthering damaging Madagascar's sensitive ecosystem.

I commend my friend and colleague Mr. BLUMENAUER for bringing this resolution and this issue before the Congress and urge my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in total support of H. Res. 839, which condemns the March 2009 coup in Madagascar and subsequent upsurge in the illegal extraction of Madagascar's natural resources.

Due to its geography, Madagascar hosts one of the most unique and diverse ecosystems on the planet. According to the World Wildlife Fund, 92 percent of Madagascar's reptiles, 68 percent of its plant life, and 98 percent of its land mammals are unique to Madagascar, existing nowhere else on Earth.

One need only take a page from the latest issue of National Geographic to be inspired to explore Madagascar's tropical rainforests, dry forests, spiny deserts, reefs, and estuaries, not to mention the impenetrable Stone Forest, a designated UNESCO World Heritage Site, where new species are being discovered on a regular basis.

With such unique biodiversity, ecotourism obviously holds great potential to help lift Madagascar's population out of its poverty. Realizing this opportunity, the government in 2003 set aside 3 percent of the island for national parks and reserves, while endeavoring to stem illegal logging and assist rural populations in developing sustainable farming methods.

In April 2005, the Millennium Challenge Corporation signed a 4-year \$110 million compact with Madagascar, the very first compact of the MCC, to assist poor rural farmers in transition from subsistence agriculture to a market economy, while promoting environmental sustainability. By all accounts, great progress was being made in reducing world poverty while promoting conservation.

Unfortunately, much of that progress has been dashed since March of 2009 when an illegal coup displaced the elected President of Madagascar in favor of a former disc jockey and mayor of the capital city who is not even old enough to hold office pursuant to Madagascar's own constitution.

The days leading to the coup and the months since have been characterized by deadly protests and serious human rights abuses. The donor community was forced to withdraw support from the government, and critical assistance including the MCC compact was terminated. Madagascar was also suspended from the African Union and the regional Southern African Development Community.

Illegal logging, mining, and smuggling of wildlife in officially protected areas has intensified, as criminal networks exploit political instability and impoverished Malagasy in rural areas struggle to survive.

H. Res. 839, as amended, condemns the coup and the subsequent upsurge in

the illegal extraction of Madagascar's resources. It laments the impact these illegal activities are having on conservation and poverty reduction efforts and calls for a boycott of certain wood products until constitutional order is restored.

I commend the gentleman from Oregon (Mr. BLUMENAUER) for introducing this timely resolution, which deserves our support.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 5 minutes to the author of the resolution, who brought this to my attention less than 2 weeks ago, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I thank Chairman BERMAN for his courtesy and for the prompt action of the committee. I deeply appreciate the bipartisan support and the quick turnaround that we've had from both sides of the aisle on the committee. It is important to move quickly, and I deeply appreciate putting this on the agenda.

The irreplaceable role of healthy forests as havens for biodiversity, carbon sinks, and renewable resources demands that we fight against and reverse a global legacy of environmental pillaging.

Illegal logging and resource extraction is not just about environmental decimation, with watershed pollution, loss of biodiversity, and increased carbon emissions. It's about human loss as well, the local communities left devastated without resources for survival and for their future and beyond to everyone on the planet. We all benefit from the medicines, the carbon captures, and species diversity that these forests provide.

For years it's been a personal project of mine to work against the illegal logging trade, to make sure that the United States can lead by example and stop our own demand for illegally logged wood. I was pleased that our Legal Timber Protection Act was incorporated into legislation and signed into law by President Bush last year. The United States Government is now empowered to ask where imported wood and plants actually come from to promote legal harvest. Yet the illegal trade continues.

Last month, with Chairman PAYNE and Chairman FALEOMAVAEGA, I introduced this legislation to condemn the illegal logging and extraction of Madagascar's unique and invaluable natural resources.

As has been pointed out by my two colleagues, Madagascar hosts some of the planet's greatest diversity. It's an island larger than the State of California. It broke off from the African mainland 160 million years ago, thus spawning the biological laboratory that my colleagues referenced, the diversity of plants and animals found no-

where else, massive moths, towering trees. There are more than a hundred species alone of lemurs.

Sadly, the majority of Madagascar's people are trapped in a cycle of poverty, less than \$2 a day. That's why the United States did step forward with the first Millennium Challenge program. And protection of these incredible and unique resources, only 10 percent of which remain, could be key to a sustainable and economically secure future.

As has been referenced on the floor, the political turmoil is putting the honest livelihoods of many, as well as our planet's greatest treasure, in extreme peril.

Political instability breeds corruption and mismanagement. Twenty years of partnership with the United States Government and NGOs that has resulted in more effective management and preservation is being undone in a matter of months. The de facto regime is using the endangered resources to boost its regime and has issued sweeping decrees allowing the harvest and export of woods from protected forests and World Heritage Sites.

The reports from Madagascar are dire and detail rampant illegal logging, mining, and resource degradation. Traffickers smuggle out record numbers of the world's rarest tortoises to Asian and European collectors. Poachers kill and roast scores of lemurs for restaurants. Armed loggers brazenly plunder protected forests, looting dwindling hardwood for furniture.

The media has detailed this ongoing destruction. Activities that not only deny access to basic resources to locals, they degrade the country's thriving ecotourism industry which brought in almost \$400 million badly needed last year. The United States has condemned the current government, suspended all nonhumanitarian aid, and terminated assistance from the aforementioned Millennium Development Corporation compact.

I am pleased that we will join today with the World Wildlife Fund, Conservation International, and the Wildlife Conservation Society, all of whom have denounced this wholesale exploitation of these precious resources.

I am pleased, Mr. Speaker, that we are moving forward. I deeply thank the prompt action and bipartisan support for this legislation.

Mr. POE of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), the ranking member of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation and Trade.

Mr. ROYCE. Mr. Speaker, I rise in support of this resolution, which condemns the illegal extraction of Madagascar's natural resources, although it does so without identifying who's doing the extracting, which I think I'd like to comment on.

I have traveled to Madagascar; and as the co-chairman of the International Conservation Caucus, I have seen the pristine habitat of this island. It has got a very unique biodiversity, as has been mentioned. Ninety percent of the species there are endemic to that island, and that's one of the reasons a lot of people call Madagascar the "eighth continent." It is because it is so unique in this way. And the inhabitants of that island rely very heavily on that biodiversity and on biotourism as an industry. The biotourism draws about \$400 million a year. So preserving Madagascar's unique beauty is important not just from an ecologic standpoint; it's also very critical as an economic necessity, basically, for many of the inhabitants of that island. And, rightfully, this resolution condemns the act. It condemns the litany of natural resource degradation that's occurred.

But it's important that it mentions the plundering of precious forests. Unfortunately, from my standpoint there's no mention of who is doing the plundering or where these resources are being sold.

□ 1830

From my standpoint, this would be similar to condemning an act of terror without naming the terrorist.

This resolution would be greatly strengthened by including such information. Reports that I have read from Global Witness identify rosewood taken out of Masoala National Park as being for sale in China. That is the destination of the illegal logging.

I urge my colleagues to support this resolution but also to take a closer look at China's role at resource exploitation in Africa and across the developing world. I chaired the Africa Subcommittee for 8 years. I can tell you, the picture of China in Africa is not pretty, and this action in Madagascar is one more example of it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to support H. Res. 839 "Condemning the illegal extraction of Madagascar's natural resources." This timely resolution calls upon the leadership of Madagascar to undertake democratic reforms as well as immediately implement measures to protect their fragile and beautiful environment.

There are many beautiful places in this world, but few are as diverse as the island nation of Madagascar. Madagascar is the world's fourth largest island, covering over 144 million acres. This unique island has a wide range of ecosystems including rain forests, dry forests, volcanic mountains, and a large desert. The climate ranges from tropical along the coast to temperate inland to arid in the south. This environmental diversity supports an equally large range of biodiversity. The island is home to 150,000 species of unique flora and fauna, as well as thousands of animals found nowhere else on earth. According to the World Wildlife Fund, "approximately 92 percent of Madagascar's reptiles, 68 percent of its plant

life and 98 percent of its land mammals, including lemurs, exist naturally nowhere else on Earth."

Madagascar is also home to over 20 million people who depend on the biodiversity to survive. For example, the Wildlife Conservation Society estimates that 150,000 people depend on the Makira-Masoala rainforest as their primary source of water. Approximately 80 percent of Madagascar's population lives below the poverty line, 70 percent of the population live outside cities, and many Malagasy people depend on subsistence farming; thus, the fate of the Malagasy people is closely intertwined with that of their environment.

Mr. Speaker, as this resolution points out, the livelihoods of the people, animals and plants on Madagascar are threatened by a political crisis that triggered a pillage of its valuable wildlife and forests. In mid-March 2009, President Marc Ravalomanana's government was overthrown by forces led by Andry Rajoelina. Mr. Rajoelina, a key opposition leader and sitting mayor of Madagascar's capital city was upset with the President's conflict of interest between his extensive commercial interests and running the country. Ravalomanana was both the President of the government and the country's mammoth business conglomerate.

Protestors accused the President of wasting international aid money and striking a harmful land deal with Daewoo, Inc. of South Korea. Under the deal, Daewoo would own an area of farmland the size of Belgium.

During the coup, over 135 people died and thousands were injured in frequent clashes between protestors and police and army forces. The violence has crippled the island's \$390 million-a-year tourism sector, and unnerved foreign investors in Madagascar's mining and oil industries. The human rights of Ravalomanana's supporters are being threatened throughout the country. Many of his supporters that remain in the country are in hiding, have been beaten, or are in jail.

The Obama Administration has condemned Marc Ravalomanana's forced resignation as President of the Republic of Madagascar, and Andry Rajoelina's installation as de facto head of state, as tantamount to a coup d'etat, undemocratic, and contrary to the rule of law. By designating the regime change as a coup, the U.S. has suspended all non-emergency foreign assistance. The African Union and other international organizations have similarly denounced the coup but, despite international pressure, a return to democracy seems unlikely.

This is a sad sequence of events for a country once lauded as a success story in Africa. Madagascar, as you may recall, was the first country to receive a contract from the Millennium Challenge Cooperation when, in April 2005, the Millennium Challenge Corporation signed a 4-year, \$110 million Compact with the Republic of Madagascar to raise incomes by assisting the rural population to transition from subsistence agriculture to a market economy.

Today, the new government threatens not only the fragile ecosystems, but the citizens of their own nation. This is why I strongly support this resolution that calls on people of Madagascar to immediately undertake a democratic,

consensual process to restore constitutional governance, culminating in free, fair and peaceful elections, as well as denounce the illegal extraction of Madagascar's natural resources.

Mr. POE of Texas. We have no other speakers, Mr. Speaker, and I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 839, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CALLING ON THE U.S. AND INTERNATIONAL COMMUNITY TO ADDRESS THE NEEDS OF SRI LANKA'S TAMIL INTERNALLY DISPLACED PERSONS

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 711) calling on the United States Government and the international community to address the human rights and humanitarian needs of Sri Lanka's Tamil internally displaced persons (IDPs) currently living in government-run camps by supporting the release of such IDPs, implementing and facilitating an independent oversight of the process of release and resettlement, and allowing foreign aid groups to provide relief and resources to such IDPs, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 711

Whereas May 2009 marked the conclusion of the 26-year struggle between the Liberation Tigers of Tamil Eelam (LTTE), a State Department designated Foreign Terrorist Organization, and the Government of Sri Lanka, and the Government of Sri Lanka committed itself to caring for and ensuring the speedy return of the civilians internally displaced as a result of the fighting;

Whereas the Government of Sri Lanka is seeking to identify former combatants who were part of the LTTE and as part of the vetting process the Government of Sri Lanka has set up make-shift camps that initially housed over 280,000 internally displaced persons (IDPs) who fled their homes as the war drew to an end;

Whereas of those 280,000 internally displaced persons at the end of the war, approximately 10,000 of those individuals are being separately held by the Government of Sri Lanka as former combatants or on suspicion of having supported the LTTE;

Whereas as part of the United Nations Human Rights Council 11th Special Session on Sri Lanka held on May 27, 2009, the Government of Sri Lanka made commitments to the world to improve the conditions for the civilians housed in the camps and stated that the "bulk" of the IDPs would be resettled within 180 days;

Whereas as of October 23, 2009, over 51,000 IDPs have been released from the closed camps in the Vanni, and of those 36,000 have been returned to their districts of origin and found accommodation in their own homes or, pending return to their homes, with host families and in vacant houses of friends or relatives; and over 16,000 IDPs of special categories, such as the elderly, pregnant women and their families, priests, students, or people of special needs, have been released to host families or institutions;

Whereas as of October 23, 2009, some 220,000 civilian IDPs still remain in military-guarded camps in the four northern districts of Vavuniya, Mannar, Jaffna, and Trincomalee;

Whereas the Government of Sri Lanka has announced that it would facilitate in the next few weeks the voluntary return of over 40,000 civilian IDPs by the end of October and 60,000 per month of the remaining IDPs in the camps;

Whereas the Government of Sri Lanka has made some progress in easing camp congestion, registering IDPs, expanding access to humanitarian organizations, and demining the north, but much remains to be done to improve humanitarian conditions, particularly before the onset of the monsoon season;

Whereas the United States is urging the safe and speedy return of civilian IDPs, continued access for international humanitarian organizations, and the registration and provision of national identification cards to IDPs, to help promote freedom of movement; and

Whereas the United States supports the rapid release and voluntary return of all civilian IDPs as a critical element of national reconciliation in Sri Lanka: Now, therefore, be it

Resolved, That the House of Representatives—

(1) urges the Government of Sri Lanka, consistent with its obligation to provide security for all of its citizens, to expeditiously allow freedom of movement for civilian internally displaced persons (IDPs) to leave their camps voluntarily and return in safety and dignity to their homes or, where that is not possible, to live with host families or move to open transit sites;

(2) calls on the Government of Sri Lanka to ensure that IDP camps are truly civilian in nature and administered by civilian authorities, rather than under military supervision, and give full access to national and international humanitarian organizations and observers, including the International Committee of the Red Cross, in order to monitor the situation and to assist in the care of IDPs; and

(3) urges the Government of Sri Lanka to promote justice and political reconciliation for all parties, and engage in dialogue with all parties, including Tamils inside and outside Sri Lanka on new mechanisms for devolving power, improving human rights, and increasing accountability.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

This resolution calls upon the Government of Sri Lanka to expeditiously release its internally displaced Tamil population from military-guarded camps and begin the process of political reconciliation.

This past May marked the conclusion of a long and brutal civil war between the Government of Sri Lanka and the Tamil Eelam, or LTTE, a U.S.-designated foreign terrorist organization. While the United States and the international community welcome the end to this bloody war and congratulate the Government of Sri Lanka on its military victory, it is now time for the government to accelerate the process of releasing the hundreds of thousands of ethnic Tamils from the squalor camps where they have been confined.

By all accounts, the Government of Sri Lanka has made great progress in demining the northern part of the country to allow the successful return of the Tamil population. Now with the timeline it previously provided to the international community having come and gone, it must take the next step and provide the international community with a transparent and implementable road map for the release of the remaining IDPs.

For the safety of its own citizens who seek a return to normalcy, the Government of Sri Lanka should turn the camps over to proper civilian authorities and allow frequent, unconditional, and uninhibited access to the United Nations, the International Committee on the Red Cross, and other aid groups. It is long past time for the Sinhalese and the Tamil populations of Sri Lanka to turn the page and, hand in hand, begin a new life together as citizens of a whole, peaceful Sri Lanka.

But doing so will require the Government of Sri Lanka to support a genuine reconciliation process, one that extends beyond local elections, and to make a determined effort to understand and address the legitimate concerns of its Tamil citizens.

I commend the gentleman from Illinois (Mr. DAVIS) for introducing this

important and timely resolution, and I urge all of my colleagues to join me in supporting it.

Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 711, as amended, a measure calling attention to the plight of internally displaced Tamil civilians in northern Sri Lanka.

Mr. Speaker, the United States and Sri Lanka share a long history of cordial relations, based in large part on common democratic traditions. The United States has been a friend to Sri Lanka, and there should be no doubt that we have stood with the people of Sri Lanka in the fight against terrorism.

As Members are aware, Sri Lanka waged a long and bitter conflict against the Liberation Tigers of the Tamil Eelam, called the LTTE, also known as the Tamil Tigers, a separatist group that has been designated by the United States as a foreign terrorist organization ever since 1997.

For nearly 30 years, the LTTE claimed to represent the aspirations of all Sri Lankan Tamils for a separate homeland and became notorious in the process for pioneering the suicide bomb jacket. They are responsible for at least a dozen high-level assassinations, including former Indian Prime Minister Rajiv Gandhi, as well as over 200 suicide attacks.

During that struggle, the United States was a steadfast supporter of Sri Lanka's efforts to stop the flow of arms and financing to the LTTE by providing law enforcement assistance and providing training and equipment to help the Sri Lankan military defend itself against the terrorist actions of the LTTE.

After fierce fighting in late May, the world witnessed the cessation of fighting in Sri Lanka and the apparent conclusion of its long-running insurgency. This brutal conflict cost tens of thousands of Sinhalese and Tamil lives, uprooted countless Sri Lankans from their homes, left thousands maimed or wounded, and badly divided this nation.

In this regard, the United States remains deeply concerned for the welfare of the hundreds of thousands of internally displaced persons uprooted by the current fighting.

Congress joins with the executive branch in recognizing the tremendous loss of life and hardships endured by the civilians in northern Sri Lanka. To help address their many urgent needs, the United States has provided some \$56 million in humanitarian assistance in 2009.

Mr. Speaker, the Department of State has emphasized that while the Government of Sri Lanka has made

some progress in easing camp congestion, registering internally displaced persons, called IDPs, and expanding access by humanitarian organizations, much more work remains to be done to meet its commitment to the return of the majority of displaced persons by the end of the year. This is particularly the case with monsoon season approaching.

We urge the government to allow robust humanitarian access to the displaced person camps and to work hand-in-hand with the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and the nongovernment organizations to ensure that civilian IDPs are accorded the rights and care meeting the highest international standards. The United States stands ready to help the government in these efforts.

Mr. Speaker, the defeat of the LTTE offers a chance for Sri Lanka to forge a new beginning and to ensure a lasting end of terrorism. To seize this opportunity, bold actions are needed to share power and assure all of Sri Lanka's communities a future of hope, respect, and dignity.

As a former U.S. ambassador to Sri Lanka has noted, "Through such actions, a truly united Sri Lanka can emerge—a Sri Lanka that is rooted in democracy and tolerance, where human rights are respected, where media can operate freely and independently, and where all Sri Lankans can participate freely in an open dialogue on the way forward for your country."

Mr. Speaker, I hope a successful reconciliation and healing process will emerge to help ensure a lasting end to terrorism in Sri Lanka and open a way for a brighter future for these people. The United States looks forward to working with Sri Lanka in that important endeavor. I support the adoption of this resolution.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 4 minutes to the gentleman from Illinois (Mr. DAVIS), the sponsor of this important resolution.

Mr. DAVIS of Illinois. Mr. Speaker, first of all, let me express my appreciation to Chairman BERMAN for yielding time and also for the expeditious manner in which this measure has been handled.

Mr. Speaker, I rise in strong support of H. Res. 711, a bipartisan resolution calling on the Sri Lankan Government and the international community to address the human rights and humanitarian needs of Sri Lanka's Tamils. I urge all Members of the body to support it.

Mr. Speaker, May of 2009 marked the conclusion of the 26-year struggle between the Liberation Tigers of Tamil Eelam and the Sri Lankan Government. As a result of this war, tens of thousands of Sri Lankan citizens have been displaced and are without homes.

The Sri Lankan Government believes that among their displaced citizens are former Liberation Tiger militants. As part of the vetting process, the Sri Lankan Government has set up make-shift camps to house over 280,000 internally displaced persons and allow the government to relocate these suspected militants. Allegations are being reported that the standard of treatment and the living conditions afforded to people in these camps is grossly inadequate.

Mr. Speaker, the United Nations Human Rights Council's 11th special session on Sri Lanka met on May 27, 2009, to address the internally displaced persons in government-run camps. During this session, the Sri Lankan Government made commitments to improve the conditions for the people housed in these camps and stated that the bulk of the people would be resettled within 180 days. After the first 150 days passing with no progress, the Sri Lankan Government has just released some 50,000 people, which is a good first step; although nearly 230,000 internally displaced persons still remain held in camps.

So, Mr. Speaker, I support this resolution that calls on the Sri Lankan Government to release their citizens and allow them to return to their homes and properties. I, again, urge my colleagues to support the internally displaced persons in their quest for freedom.

Again, I would like to thank Chairman BERMAN for his expeditious handling of this matter. I urge its support.

Mr. POE of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), the ranking member of the Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. Mr. Speaker, I rise as well in support of this resolution, calling on the U.S. Government and the international community to address the humanitarian needs of the Sri Lankan internally displaced Tamil community, and I think the needs are very great.

The Sri Lankan Government routed the Tamil Tigers, a U.S.-designated foreign terrorist organization, earlier this year. This terror group has left a rather bloody trail in South Asia, and that trail, frankly, has even led to our shores.

The Tamil Tigers perfected the use of suicide bombers. They invented the suicide belt. They assassinated two world leaders. They've pioneered the use of women in suicide attacks. The Tigers have fund-raised in the United States. In recent years, the FBI has arrested men attempting to export shoulder-fired missiles and other sophisticated weapons to the group.

□ 1845

Frankly, the FBI reports the Tamil Tigers are among the most dangerous

and deadly extremists in the world. An estimated 280,000 ethnic Tamil Tigers were displaced from their homes due to the fighting earlier this year, and they are now in refugee camps. The condition of these camps are grim. They are crowded. They are dirty. They lack basic necessities. NGO reports that come to us show severe water shortages. Many Tamils have had to line up for up to 5 hours to receive even meager food rations.

It is important that we continue to monitor the human rights conditions in these camps. Abuses must be checked. Although progress has been slow up until recently, I was very pleased to read a BBC report the other day that between 2,000 to 3,000 people are now leaving the camps every day. This is progress, although I am sure it is not fast enough for some.

On this point, I think we should be clear. The Sri Lankan Government should be working to release civilian displaced persons in an expeditious manner, not the terrorist population that may be 10,000 strong, hiding out in the camps. These are the same terrorists that used civilians as human shields and employed lethal force to prevent civilians from fleeing the previous fighting. The Tamil Tiger infrastructure must be rooted out even as we support the effort to release the civilian displaced persons in this expeditious manner.

Mr. POE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. MCMAHON. Mr. Speaker, I rise in strong support of House Resolution 711.

The Tamil people have been exposed to unspeakable tragedies by all sides in the most recent ethnic conflict.

Yet, the so-called end to the conflict in Sri Lanka has only brought more suffering and brutality to the Tamil people.

Housed in barrack-style IDP camps, without the option of release, these 300,000 refugees are repeatedly betrayed by Sri Lankan officials that claim to be protecting them from the LTTE, a terrorist organization who was uprooted this Spring.

Furthermore, stories of torture and injustice seep through the high barbed-wire walls surrounding these camps, despite limited access to outside NGOs and the media.

This is frightening and simply unacceptable.

My message has always been clear: I will not stand for the atrocities being committed in Sri Lanka.

Through my work on the House Foreign Affairs Committee, and the subcommittee on the Middle East and South Asia, I have worked with Chairman BERMAN to include a provision in the Foreign Relations Authorization Act to condemn the Sri Lankan government's inaction and to mandate a cultural exchange for the new generation of Sri Lankans to study tolerance in the United States.

For three long decades, Sri Lankans have been pitted against one another.

And, thousands of innocent lives have been lost.

It is time for a new direction in Sri Lanka.

It is time for a political solution and an integration of minorities in Sri Lanka.

Clearly, it is not enough to release a small number of refugees to host families or, for that matter, to farmland—as the government has reportedly been doing.

These people must immediately be allowed to return to their homes and to their daily lives.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 711, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. POE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

WORLD PNEUMONIA DAY

Mr. ENGEL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 863) recognizing the scourge of pneumonia, urging the United States and the world to mobilize cooperation and prioritize resources to fight pneumonia and save children's lives, and recognizing November 2 as World Pneumonia Day, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 863

Whereas pneumonia kills an estimated 4,000,000 people every year, according to the World Health Organization and UNICEF;

Whereas more than 150,000,000 episodes of pneumonia occur every year among children under the age of five in developing countries, accounting for more than 95 percent of all new cases worldwide;

Whereas the 8,800,000 children under the age of five who die every year, up to 2,000,000 die from pneumonia;

Whereas pneumonia kills 1 child every 15 seconds;

Whereas pneumonia kills more children than any other illness;

Whereas an estimated 26 percent of neonatal deaths within the first month after birth are caused by severe infections, including pneumonia;

Whereas these deaths occur primarily in the world's poorest countries;

Whereas for every child who dies of pneumonia in an industrialized country, more than 2,000 children die of pneumonia in poor countries;

Whereas pneumonia is a preventable and treatable problem;

Whereas more than 1,000,000 lives could be saved each year through pneumonia prevention and treatment;

Whereas many childhood pneumonia deaths can be prevented with early diagnosis;

Whereas immunizing children against measles, whooping cough, Haemophilus influenzae type b (Hib), and pneumococcus could cut the rate of severe pneumonia in half;

Whereas studies indicate that in developing countries, only one in four caregivers know the two key symptoms of pneumonia, fast and difficult breathing, which indicate that a child should be treated immediately;

Whereas fewer than ⅓ of children suffering from pneumonia in the developing world receive antibiotics which are available for less than \$1;

Whereas health professionals agree that prevention and treatment of pneumonia must be a priority in broader, coordinated child survival strategies;

Whereas in the context of child survival strategies, pneumonia control requires a three-prong program of protection, prevention, and treatment;

Whereas preventing and treating childhood pneumonia is critical to reducing the mortality rate of children under the age of five; and

Whereas World Pneumonia Day is recognized on November 2 annually: Now, therefore, be it

Resolved, That the House of Representatives—

(1) affirms its commitment to child survival and development programs that focus on protection, prevention, and treatment of pneumonia;

(2) salutes the health professionals and community health workers who are on the front lines in the world's poorest countries, extending preventative care and treatment to children most at risk of contracting pneumonia;

(3) reaffirms the United States commitment to reducing child mortality; and

(4) recognizes World Pneumonia Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ENGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

The United States has repeatedly affirmed its commitment to reducing child mortality. We have endorsed the U.N. Millennium Development Goals, one of which is to reduce by two-thirds between 1990 and 2015 the under 5 mortality rate.

We know about the scourge of hunger and the disastrous impacts of diseases like AIDS, malaria, and measles on children around the world. But many people are not aware of that more children die of pneumonia than anything

else. Every 15 seconds, a child dies from pneumonia, about 2 million children each year.

It is estimated that more than 150 million episodes of pneumonia occur every year among children under the age of 5 in developing countries, accounting for more than 95 percent of all new cases worldwide. Yet pneumonia is preventable; it is a treatable illness. A life can be saved with antibiotics that cost less than a dollar. It is really outrageous that we have the ability to save lives and we don't because the money is not used for it.

Sadly, according to UNICEF, fewer than 20 percent of children suffering from pneumonia receive these antibiotics which they so desperately need. Despite the fact that pneumonia kills more children under 5 than AIDS, malaria, and measles combined, it has received far less attention and funding than any of them.

Pneumonia can be treated if recognized and diagnosed early. Yet fewer than 25 percent of caregivers in the developing world are trained to identify the two telltale symptoms of pneumonia: fast and difficult breathing.

To raise awareness of these distressing statistics and to build support for addressing the problem, World Pneumonia Day is recognized annually on November 2. That was yesterday. And yesterday, organizations and countries across the globe joined forces in support of the first-ever World Pneumonia Day.

I am proud to report in New York City where I live, more than 100 leaders in science, politics, and global health, including the Earth Institute of Columbia University, convened a Global Pneumonia Summit.

The resolution before us, H. Res. 863, reaffirms our commitment into national child survival and development programs that focus on protection, prevention, and treatment of pneumonia.

I commend the distinguished gentleman from New Hampshire (Ms. SHEA-PORTER) for introducing this resolution, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this resolution. Pneumonia is the leading cause of death among children worldwide. In fact, the World Health Organization estimates that pneumonia kills approximately 1.8 million children every year under the age of 5. Most of those deaths occur in impoverished areas of countries in regions such as sub-Saharan Africa and South Asia, where infants are particularly vulnerable.

Ironically, despite its tremendous negative impact on child survival, pneumonia is actually a preventable and treatable illness. It is a tragedy that a treatable disease still causes so

much pain and suffering around the world. It also is an illness that does not receive enough attention, despite the fact that among children, it can be addressed quite impressively through prevention and low-cost medical approaches.

In developing countries, for example, only one in five caregivers know how to recognize the key symptoms of the onset of pneumonia. As a result, half the children who are infected with pneumonia quite simply do not receive timely or adequate medical treatment and care. It is, therefore, possible to increase the rates of child survival by educating caregivers on the key symptoms of pneumonia and by broadening children's access to inexpensive antibiotics, among other things.

The World Health Organization reports that the number of lives saved could be more than doubled if such prevention and treatment interventions were universally delivered.

Mr. Speaker, reducing the occurrence of pneumonia is a critical step towards reducing child mortality. This resolution reaffirms our commitment to child survival through prevention and treatment of childhood pneumonia.

Finally, this resolution also commends those health care professionals who are serving on the front lines of this illness and recognizes November 2 as World Pneumonia Day.

Mr. Speaker, I urge passage of this resolution.

I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Hampshire (Ms. SHEA-PORTER).

Ms. SHEA-PORTER. Mr. Speaker, I would like to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN and their staffs for their support and work on this resolution. It is important for the House of Representatives to recognize the devastating toll that pneumonia takes on children around the world, and I am proud that we are considering this resolution today.

Yesterday marked the first annual World Pneumonia Day. Almost 100 global health organizations joined together to bring awareness to this terrible disease. The world's leading killer of children, pneumonia, is under-noticed, underfunded, and under-treated. This disease kills 4 million people each year, 2 million of them children. It takes the lives of more children under the age of 5 than measles, AIDS, and malaria combined. Every 15 seconds, a child dies of pneumonia.

The horror of this disease is that it is so preventable and treatable. Consider these facts:

Studies in developing countries indicate that only one in four caregivers know the two key symptoms of pneumonia: fast and difficult breathing. This leads to pneumonia going untreated, which is deadly;

Fewer than one-third of the children who develop pneumonia receive the antibiotics they need to fight the illness, even though the antibiotics are available for less than a dollar. Half of the cases of pneumonia that occur could be prevented by ensuring that these children have access to the vaccines they need.

Mr. Speaker, these facts paint a bleak picture. Millions of lives are being lost each year when they could be saved. They could be saved by international cooperation to educate and train caregivers. They could be saved if people could have access to the vaccines and medications they need.

My resolution affirms this body's commitment to saving these lives by supporting programs that focus on the protection, prevention, and treatment of pneumonia. It commends the health professionals across the globe who every day work in the world's poorest countries to treat and care for the victims of pneumonia. And it reaffirms the United States' commitment to reducing child mortality. Finally, this resolution recognizes World Pneumonia Day. In doing so, the House of Representatives joins with dozens of global health organizations working to raise the awareness of this disease and to focus resources on protection, prevention, and treatment.

Mr. Speaker, I urge my colleagues to encourage international cooperation to combat this disease. Lives can and should be saved. I urge my colleagues to support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise before you today in support of H. Res. 863, "Recognizing the scourge of pneumonia, urging the United States and the world to mobilize cooperation and prioritize resources to fight pneumonia and save children's lives, and recognizing November 2 as World Pneumonia Day". I would like to thank my colleague, Representative SHEA-PORTER, for introducing this resolution, as well as the co-sponsors.

As co-chair of the Congressional Children's Caucus, this legislation is very important to me. Pneumonia kills an estimated 4,000,000 people every year—one child every 15 seconds. According to the World Health Organization and UNICEF, more children die of pneumonia more than any other illness, burying more each year than AIDS, malaria, and measles combined. More than 15,000,000 episodes of pneumonia occur every year among children under the age of five in developing countries, accounting for more than 95 percent of all new cases worldwide. Of the 8,800,000 children under the age of five who die every year, up to 2,000,000 die from pneumonia.

An estimated 26 percent of neonatal deaths within the first month after birth are caused by severe infections, including pneumonia; these deaths occur primarily in the world's poorest countries. For every child who dies of pneumonia in an industrialized country, more than 2,000 children die of pneumonia in poor countries.

Pneumonia is a preventable and treatable problem; more than 1,000,000 lives could be

saved each year through prevention and treatment, and many childhood pneumonia deaths can be prevented with early diagnosis. Immunizing children against measles, whooping cough, Haemophilus influenzae type b (Hib), and pneumococcus could cut the rate of severe pneumonia in half. In developing countries, studies indicate that only one in four caregivers know the two key symptoms of pneumonia, fast and difficult breathing, which indicate that a child should be treated immediately.

Despite all that can be done to prevent the disease, less than one-third of children suffering from pneumonia in the developing world receive antibiotics available for less than \$1. Health professionals agree that prevention and treatment of pneumonia must be a priority in broader, coordinated child survival strategies, requiring a three-pronged program of protection, prevention, and treatment.

The Millennium Development Goals—which the United States, in its wisdom, has pledged to support—call on us to continue our efforts to prevent and treat childhood pneumonia, and to reduce by two-thirds, between 1990 and 2015, the mortality rate of children under the age of five. That is why I join this esteemed body in affirming its commitment to international child survival and development programs that prioritize protection, prevention, and treatment against pneumonia; as well as reaffirming the United States' commitment to reaching the Millennium Development Goals, particularly for reducing child mortality.

It is also why I join the House in saluting the health professionals and community health workers on the front lines in the world's poorest countries who are extending preventative care and treatment to children most at risk of contracting pneumonia. And it is why, with this resolution, we recognize World Pneumonia Day.

Mr. POE of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and agree to the resolution, H. Res. 863, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ENGEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING THE INTER-AMERICAN FOUNDATION

Mr. ENGEL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 858) congratulating the Inter-American Foundation (IAF) on its 40th anniversary and recognizing its significant accomplishments and contributions.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 858

Whereas the IAF was originally created as an independent Federal agency to provide a new alternative model to traditional United States foreign assistance that promotes greater community-ownership and self-sustainability of development initiatives;

Whereas the IAF has enabled millions of marginalized and poor people in Latin America and the Caribbean to improve their lives through nearly 5,000 self-help grants for income and employment generation, civic education and citizen participation, access to credit and public resources, food security, environmental sustainability, and cultural and social development;

Whereas the IAF has proven that its people-to-people approach to foreign assistance, delivering aid funds directly to grassroots groups and local organizations of poor communities, is remarkably cost-effective, targeting aid funds to those with the greatest need and those who will use them best;

Whereas each year, hundreds of thousands of IAF grant participants benefit from improved nutrition, medical care, access to clean water, agricultural and vocational skills, microcredit loans, small business management training, increased educational opportunities, and knowledge of sustainable agricultural techniques and environmental practices;

Whereas many grassroots leaders supported by the IAF have gone on to leadership roles at the local and national levels;

Whereas the IAF's beneficiary-driven, responsive approach has fostered trust between Latin American and Caribbean citizens and the United States Government by listening and responding to needs the people have identified, partnering with community-based groups and investing in projects that utilize and validate local knowledge and expertise;

Whereas the IAF's status as an independent United States Government aid agency allows for a streamlined grant-making process, the flexibility to respond quickly and adapt to people's needs on the ground, and the ability to maintain a positive United States presence in the region;

Whereas the IAF continues to demonstrate the political, diplomatic, and strategic value of an independent United States Government aid agency with the ability to reach those on the economic, social, and cultural fringes of society in neighboring countries, facilitating greater access to the licit economy, markets, and public policy decisionmaking processes;

Whereas the IAF's projects complement and strive to maximize the impact of other larger United States aid agencies operating in Latin America and the Caribbean by enabling an important link between poor communities and larger-scale development activities; and

Whereas the IAF was designed with strong bipartisan support and has maintained this balanced support throughout the four decades of its operations: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Inter-American Foundation (IAF) on its 40th anniversary;

(2) recognizes that the IAF has demonstrated that its grassroots model for United States foreign assistance is effective; and

(3) declares that the IAF is a vital component of United States foreign policy in the

Americas and of the United States development agenda.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ENGEL) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ENGEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ENGEL. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Res. 858, a resolution I offered congratulating the Inter-American Foundation, or the IAF, on its 40th anniversary, and I yield myself such time as I may consume.

I first of all want to thank Foreign Affairs Committee Chairman HOWARD BERMAN and Ranking Member ILEANA ROS-LEHTINEN for their support of this resolution. And, I am particularly grateful to CONNIE MACK, the ranking member of the Western Hemisphere Subcommittee of the House Foreign Affairs Committee, which I chair, for being my colead on this resolution.

Over the years, the Inter-American Foundation has enabled millions of marginalized and poor people in Latin America and the Caribbean to improve their lives through grants promoting income and employment generation, civic education and citizen participation, access to credit and public resources, food security, environmental sustainability, and cultural and social development.

During Democratic and Republican administrations alike, the IAF has been an important model of grassroots foreign assistance in Latin America and the Caribbean.

□ 1900

Furthermore, it is a vital component of United States foreign policy in the Americas and of the United States development agenda.

As chairman of the Western Hemisphere Subcommittee, I have had the pleasure of visiting Inter-American Foundation projects throughout the region in Latin America and the Caribbean, both places. In Ecuador, I visited with the Community Corporation and Action Foundation, CACMU, a women's microcredit cooperative where I saw firsthand the benefits reaped by IAF's relatively small investment. During that same visit, I also had the privilege of meeting with representatives of the Agro-ecology and Agro-tourism Foundation, a community organization fo-

cused on food security and natural resource management.

The IAF's work does not simply provide tangible benefits to the poor. It is also extremely useful in maintaining a positive United States presence in Latin America and the Caribbean.

As President Obama reengages with our neighbors in the hemisphere, the work of the IAF is more important than ever. In April, I had the pleasure of attending the Summit of the Americas in Trinidad and Tobago as the leader of the U.S. congressional delegation. At the summit, President Obama pledged that the United States would "be partners in helping to alleviate poverty" in the region.

One of the best ways that Congress can stand with President Obama in supporting a robust social agenda in the hemisphere is through continued strong support of the Inter-American Foundation. So I congratulate the IAF on its 40th anniversary, and I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. POE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise today and join my colleagues in congratulating the Inter-American Foundation, the IAF, on its 40th anniversary. I would like to thank Congressman ENGEL and his staff for working to put this resolution together.

The foundation began as part of the Foreign Assistance Act of 1969 as an alternative to the larger USAID. The foundation presented a new model for funding grass-roots development with an emphasis on improving lives at the community level, not just on the national level. The foundation receives its funds through annual allocations by Congress and from the Social Progress Trust Fund. Since beginning its operations in 1972, the IAF has made 4,578 grants for more than \$586 million.

For 40 years now, the IAF has used small-dollar, targeted grants to make significant, long-lasting changes in the lives of people throughout Latin America and the Caribbean. By focusing on self-help development projects, the IAF encourages partnerships directed at improving the quality of life for poor people and strengthening democratic practices.

While the economic benefits of these efforts cannot be dismissed, it is the sense of ownership at the grass-roots level and the pride these grants help to cultivate that has made the real difference in hundreds of thousands of lives.

Empowering people to take control of their own future, allowing parents to provide for their families, supporting communities to strengthen stability and prosperity, these are the keystones for strengthening democracy in the region.

As country after country in our hemisphere faces new and increasing

challenges to their democracies, their institutions and the rule of law, our shared goal must be to advance U.S. interests and, in so doing, help to preserve and protect democratic institutions and fundamental freedoms around the world.

We must listen to the people of these nations and remain committed to our founding values and democratic principles. It is through the efforts of organizations like the Inter-American Foundation, the IAF, that we are able to do this.

I would like to commend and thank the Inter-American Foundation for its hard work and commitment and congratulate them on their 40th anniversary.

I rise in strong support of this resolution, and I yield back the balance of my time.

Mr. ENGEL. Mr. Speaker, I commend the gentleman from Texas for his good words.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ENGEL) that the House suspend the rules and agree to the resolution, H. Res. 858.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ENGEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EDITORIAL COMMENTS OF BOB SCHIEFFER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, tonight I would like to read the words of Bob Schieffer. I watched his show, "Face the Nation," last Sunday, and I was very impressed with his editorial.

His editorial is as follows: "As the President tries to develop a new strategy in Afghanistan, I wonder if this is the real lesson that we've learned in Afghanistan so far: that nation-building, like charity, probably begins at home (at least the way we seem to be going about it in Afghanistan.)

"Now, don't get me wrong, terrorism poses a threat to America's national

security, but is trying to build a Western-style nation in Afghanistan by funneling money to its leaders really the best way to combat terrorism?"

"I guess what set me off was that story about how we've secretly put the President of Afghanistan's brother on the CIA payroll. He's the one who's supposed to be mixed up in the drug trade. The idea was that, by doing that, he'll help us pave the way to building a democracy there. Now, that's good work if you can get it, but I don't see how that is making us safer.

"Whatever the size of the military force the President decides on for Afghanistan, I think he needs to be paying more attention to where the money is going for the non-military spending there. Incredibly, no one really seems to know."

Mr. Schieffer further stated: "To judge by what we've gotten from it so far, we'd be much better off with some nation-building back home. Our infrastructure is already a mess. We could start at the Oakland Bay Bridge where a 5,000-pound part of the top fell off into the traffic below. That would certainly make us safer for sure.

"In Afghanistan, we're having to relearn what we should have already known—that we can help others but we can't do it for them, and when we have to pay others to help themselves, I don't see how that helps anyone but the guy getting paid."

Again, that is from the editorial comments of Bob Schieffer this past Sunday on "Face the Nation."

Mr. Speaker, I want to say, in addition to what Mr. Schieffer said, I want to thank the President for taking his time and fully trying to understand the options and the trials facing our country in Afghanistan. Our men and women in uniform are very brave, they have done a great job for this country for the last 9 years, and yet we must be sure that we have a goal that can be achieved. And we must have a full definition of victory if we continue to send more troops into Afghanistan.

With that, Mr. Speaker, before I close, as I do each and every night on the floor, I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God, in his loving arms, to hold the families who have given a child dying for freedom in Afghanistan and Iraq. And I ask God to bless the House and Senate. I ask God to give wisdom, strength and courage to the President of the United States. And I will ask three times, God please, God please, God please continue to bless America.

HONORING CHENEY UNIVERSITY ON ITS 173RD FOUNDERS DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. SESTAK) is recognized for 5 minutes.

Mr. SESTAK. Mr. Speaker, I rise to honor the 173rd Founders Day of Cheney University of Pennsylvania, our Nation's oldest Historically Black Institution of higher education, and its vision to prepare stellar, reflective, visionary leaders and responsible citizens.

At the time of its founding in 1837 by Quaker philanthropist Richard Humphreys, Cheney University served as a learning place for African Americans who sought an education that would prepare them to become teachers. To meet the needs of all qualified young people regardless of economic status, the university offered a free classical education on its Philadelphia campus. But in 1902, the university moved about 25 miles west of Philadelphia to George Cheney's farm, where it is located today in my district. By 1983, Cheney University joined the Pennsylvania State System of Higher Education.

Today, Cheney University has a diverse student body made up of bright, confident individuals who represent a variety of races, cultures and nationalities. In addition to becoming professionals in the education sector, Cheney graduates earn degrees in more than 30 disciplines and make their mark in careers that include journalism, medicine, business, science, law, communications, and government service.

Among the 10,000 talented graduates who have gone on to lead and make a difference in the world have been journalist Ed Bradley of the CBS program "60 Minutes"; Robert W. Bogle, publisher and CEO of the Philadelphia Tribune, the oldest newspaper continuously owned and operated by an African American.

□ 1915

Gladys Styles Johnston, chancellor of the University of Nebraska at Kearney; The Honorable Michael Horsely, Pennsylvania House of Representatives; The Honorable Thaddeus Kirkland, Pennsylvania House of Representatives; Robert L. Woodson, founder and president of the National Center for Neighborhood Enterprise (NCNE); Samuel J. Patterson, CEO of Shepard Patterson Systems and Information Consulting Firm; and Ambassador Joseph M. Segars.

On November 6, 2009, Cheney University will celebrate its remarkable history and dedication to excellence in education by looking forward to a new generation of leaders. Through its Academic Success Center and small class sizes, Cheney University provides an academic environment in which students take on a variety of leadership positions at the university. There are more than 40 student organizations allowing students to take advantage of many extracurricular opportunities at the campus newspaper, television station, radio station, and in competitive athletics.

As Michelle Howard-Vital says of her Cheney students, "On campus, you will see hope and enthusiasm in the eyes of future graduates who will leave Cheney to compete for leadership positions in Pennsylvania, in the United States and around the world."

To honor Cheney University's ongoing commitment to leadership on its 173rd Founder's Day, educator, author, and motivational speaker Salome Thomas-El will address the university on the subject of leadership and character for the 21st century. In addition, Cheney University will honor The Honorable James R. Roebuck, Pennsylvania House of Representatives.

Mr. Speaker, in recognition of Cheney University of Pennsylvania's 173rd Founder's Day, I acknowledge the alumni, current students, faculty and staff, officers, advisory team, council of trustees, and President Howard-Vital for their collaboration and dedication to educating our next generation of American and world leaders at a marvelous university.

TOP TEN TAX INCREASES INCLUDED IN H.R. 3962

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, as anyone who has been paying much attention to what has been going on in Congress this fall will know, we have been talking about health care. What we had introduced last week was H.R. 3962, which I call a "tax increase bill" masquerading as a health care bill, and I want to outline some of the tax increases that are included in H.R. 3962 to back up my comments.

Number 1: Small business surtax, section 551, page 336, \$460.5 billion.

Number 2: Employer mandate tax, sections 511–512, page 308, \$135 billion. This violates President Obama's pledge to avoid tax increases on Americans earning less than \$250,000.

Number 3: Individual mandate tax, section 501, page 296, \$33 billion. This also violates President Obama's pledge.

Number 4: Medical device tax, section 552, page 339, \$20 billion. Again, it violates President Obama's pledge to avoid tax increases on Americans earning less than \$250,000.

Number 5: \$2,500 annual cap on FSAs, section 532, page 325, \$13.3 billion. It violates President Obama's pledge.

Number 6: Prohibition on pretax purchases of over-the-counter drugs through HSAs, FSAs, and HRAs, section 531, page 324, \$5 billion. This is another violation.

Number 7: Tax on health insurance policies to fund Comparative Effectiveness Research Trust Fund, section 1802, page 1162, \$2 billion. It violates the pledge.

Number 8: 20 percent penalty on certain HSA distributions, section 533, page 326, \$1.3 billion.

Number 9: Other tax hikes and increased compliance costs on U.S. job creators, \$56.4 billion; IRS reporting on payments; delay implementation of worldwide interest allocation rules; override U.S. treaties on certain payments by insourcing businesses; codify economic substance doctrine and impose penalties.

All of these are referenced by the section number and the page number so the American people don't have to rely on what we're saying.

There is one other, which is revenue-raising provisions for \$3 billion.

The total tax increases in the bill: \$729.5 billion. This information came from the Joint Committee on Taxation, Congressional Budget Office.

Mr. Speaker, what we need is reform in our health care system. Republicans have offered commonsense reform. Those commonsense reform items are not being allowed to be heard. They were voted down in committee over and over and over again by the Democrat majority. This is not what the American people want. They want to see reform in health care, not increased taxes and a job-killing bill that will do very little to help with their challenges in dealing with health care reform.

REPUBLICAN HEALTH CARE SOLUTIONS

The SPEAKER pro tempore (Mr. POLIS). Under the Speaker's announced policy of January 6, 2009, the gentlewoman from Wyoming (Mrs. LUMMIS) is recognized for 60 minutes as the designee of the minority leader.

Mrs. LUMMIS. Thank you, Mr. Speaker.

I am going to be joined this evening by Republican freshman colleagues of mine, and this session will be cochaired by my fellow freshman from the great State of Minnesota, ERIK PAULSEN.

ERIK, thank you for joining me this evening, and our other freshman colleagues will be joining us shortly.

We're going to be talking about health care from the perspective of freshmen. We're going to be talking about some Republican alternatives to the large bill that the Speaker introduced last week and unveiled and that we're discussing this week. We'll be doing some comparisons between bills that Republicans have to provide better solutions, to take incremental approaches, to address the most important concerns that the American people have about their health care system first, and about the need to take a very deliberate, careful approach to changing an American health care system that needs tweaking rather than throwing out and replacing.

I yield to my colleague from Minnesota, Mr. PAULSEN.

Mr. PAULSEN. Well, thank you. I thank the gentlelady for yielding and for organizing this little discussion to-

night, and I know we're going to have some of our freshman colleagues joining us.

I think, first and foremost, it's important for me to outline—and I think you share this view. You know, no one is denying that our health care system is in need of reform. Certainly, as a freshman Member, I know that the Members of our class, actually both Republican and Democrat, know that there need to be changes in the status quo. I know the Republicans, in particular in the freshman class, have been very frustrated that the media may not center or focus on some of the proposals that we actually have offered because, as you indicated, there are some very incremental approaches and piecemeal approaches which actually could be done and could be done bipartisanship to show success and progress in helping lower premiums for families, for individuals, and for small businesses.

As most of the public is well aware now, I think, just as early as last week, we had dropped on our desks a 1,990-page bill, which is a huge, mammoth bill, and we can bring that up a little later for a prop. It is a big piece of legislation, and I know we're going to be voting on that later this week.

I think I've come to realize in my first few months in office, as probably you have, that Washington is a place where actions are often taken without properly weighing the consequences and the impact of those actions. I think the bill that has been laid before us is very misguided in that it's going to have a heavy tax load put on the small business community. It's going to tax medical device companies in particular and medical device products, which impacts my district very greatly and the jobs there. We'll talk a little bit more about that in a little bit.

Our goal also is to make sure we are providing adequate coverage and are lowering the costs of health care premiums for all Americans—for individuals, families, and small businesses—because it is a pocketbook issue; but I think the approach that the majority is taking is a very misguided approach, and we're going to have some discussion about that tonight and about some of our alternatives, which, I think, make absolute common sense.

I would like to yield back.

Mrs. LUMMIS. I look forward to having our colleagues join us so we can discuss some of those.

We have been maligned as a party for not having a health care solution to counter the Pelosi approach and the Obama approach to health care; but in fact, we have over 53 bills that you can read online which will address health care reform. We offer and challenge the Democrat leadership, who controls this Congress, to pick and choose from among the better ideas that Republicans have and to bring some of those

bills through committees and to the floor so we can debate them openly in a transparent manner.

They were not crafted behind closed doors as was the Democratic bill. They were crafted in the traditional manner with the help of legislative draftsmen and -women to address specific components of our health care system in a way that they can be aggregated into a larger reform package or addressed individually if we prefer. So we can have a healthy debate on a variety of subjects.

Even the Chicago Tribune noted recently that Republicans have a number of great ideas. Here is an excerpt from a recent editorial in the Chicago Tribune:

GOP proposals contain smart ideas to increase choice and competition in the health insurance market. These excellent ideas could expand coverage for the uninsured without cratering the Federal budget or curbing the competition and innovation that drive the U.S. health care system.

My colleague Mr. PAULSEN is on the Financial Services Committee, and I am on the Budget Committee. Among the things that he and I have seen in our committee work in the last 10 months is that we are aggregating more debt than George Washington through George W. Bush combined and that, while our colleagues on the Democratic side of the aisle criticize Republicans for spending too much and criticize their inheriting a deficit, in fact, since we arrived in Washington—we freshmen along with the Pelosi Congress—they have increased the deficit, doubling it in 5 years and tripling it in 10. So it is not an excuse that they inherited a deficit.

Indeed, they did, and indeed, Republicans predating Mr. PAULSEN and I did overspend, but you don't solve an overspending problem by making it two times worse in 5 years and three times worse in 10 years. Our approaches to the health care bill are to advance solutions that will not add a dime to the deficit.

How many people believe that the \$1 trillion-plus Democratic health care bill is not going to add a dime to the deficit? In fact, a poll recently showed that more people believe we'll discover life on other planets than the Democrats' health care bill will not add to the deficit.

The Republican bills, however, do not add a dime to the deficit. Here are three of them that I'd like to highlight this evening. As I said, there are 53 on a Web site that I'll provide to you later in this discussion.

One of them is H.R. 3400, Empowering Patients First Act. The prime sponsor is Representative TOM PRICE, a physician from Georgia. It is the product of the Republican Study Committee.

The bill uses a mix of new tax credits and deductions to make the purchase

of health care feasible for all Americans. The bill expands the individual health insurance market, using association health plans and interstate health insurance shopping to give people more choices. The bill encourages the creation of State-based portals so people can compare plan prices and benefits. For those with preexisting conditions, the bill redirects unspent stimulus funds towards State-based high-risk pools. Importantly, this bill is fully offset through redirecting stimulus funds, stepping up efforts to root out waste, fraud and abuse in our entitlement programs, reducing defensive medicine through medical liability reform, and capping discretionary spending.

□ 1930

This bill scores in the favorable column.

Another bill, sponsored by Representative JOHN SHADEGG of Arizona, entitled Improving Health Care for All Americans Act, has many of the taxation provisions incorporated into it that were eventually added into H.R. 3400. Then the Patients' Choice Act, which is a fun one to highlight, because it takes a little bit different tack, is sponsored by Representative PAUL RYAN. The bill provisions include some reforms that are badly needed to Medicare and Medicaid without decreasing benefits.

I yield to the gentleman from Minnesota.

Mr. PAULSEN. Thank you for yielding.

Well, I think, as you just mentioned, there is no doubt that there have been other Republican plans that have been offered. There are a variety of bills, 50-some bills that have been out there. In fact, all of these, nearly all of these pieces of legislation have actually been introduced prior to this mammoth nearly 2,000-page bill that has been dropped on our desk just last week.

I want to go back to some of the comments you made earlier about the deficit, because as someone who came to Washington fully acknowledging and recognizing that Republicans were part of the problem on deficit spending many years ago, that is no reason to continue to do the same.

Seeing ourselves now face our very first trillion-dollar budget deficit is of great concern to me. I know it is of great concern to my constituents, for their children and their grandchildren, thinking the share of the national debt for each person now has gone up to about \$38,000. Compared to when I was born, it was about \$1,500 per person.

At some point we are going to have to pay back that debt, and that's a heavy burden that's going to fall, unfortunately, on our children and our grandchildren. The bill that is being proposed by the Speaker does not address health care costs.

You mentioned earlier there is not a good track record of government introducing legislation and having it be cost-effective or innovative. The reality is, if you look back at 1965, congressional forecasters predicted at that time that Medicare would cost about \$12 billion in 1990.

Do you know what its actual cost came in at? The actual cost came in at \$90 billion. Today, just like Social Security, it is now on a path to insolvency due to runaway costs. We have massive problems with existing entitlement programs. It doesn't seem to me to make a lot of sense to have a new entitlement program that the government doesn't have a good track record on.

Mrs. LUMMIS. The gentleman from Minnesota has four really cute little girls, and I carried one of their Scooby-Doo backpacks through the Minnesota airport while we were transferring planes trying to get back to Washington for votes. A lot of us have kids or grandchildren that will be affected by this legislation because they will be paying for it for years to come.

One of the things we all learned from our parents in this baby boom generation is the importance of handing a better America to your children, and that is something that I don't want to be responsible for being the first generation to renege on. That's why I am so much more supportive of these Republican bills than of the Speaker's bill.

Among the things that are in the Republican bills that are so important are meaningful tort reform. I say this with a caveat; I am one of those Republicans who would rather see tort reform done at the State level. I think we see more innovation and creativity. We see some States that want to have caps on noneconomic damages. We see some States that want health care panels, States that want to make sure that expert witnesses, within the certain specialty that is charged with malpractice, are the ones that are designated as witnesses. There are a whole variety of ways to address tort reform.

I prefer that it be handled at the State level, but I have signed on to several of these bills that have State tort reform provisions even at this Federal level because I think they take a much better approach to the overall subject of health care reform. In other words, the Republican plan has meaningful tort reform. Oddly, the Speaker's bill contains a provision that says they will give out grants for innovations in tort reform but not to States that have placed a cap on noneconomic damages.

If you talk to some of the former legislators, now Members of Congress, who are from States that enacted caps on noneconomic damages and medical malpractice cases, you will learn that their medical malpractice premiums for their physicians dropped, thereby

allowing their physicians to either charge their patients less or stay in practice in small communities where they don't have as many patients to spread out the costs of that extremely expensive malpractice insurance premium.

Then we have interstate health insurance shopping. This is really what I think is going to be one of the most exciting keys to reducing the costs of health insurance, because it's going to create more competition. Coming from the smallest population State in the Nation, Wyoming, and not being able to buy insurance across State lines for health care the way I can for automobile insurance, I don't have the options, because of our little small pool of citizens, to spread the costs.

It's going to be very important that we have the ability to shop for health insurance across State lines and that we do it in a transparent way. I see these ads on TV for car insurance. Well, there is a little sign that you look at that compares one company's premium to another, to another. You can go online and shop and compare and put in the kinds of factors that you want in your automobile insurance.

We should be able to do that for health insurance. We should be able to buy our health insurance premiums that way, and the Republicans' bills will allow that to happen.

Then, further, association health plans, the Republican plans have it; the Democrat plan does not have it. Association health plans, once again, would allow groups with some common interest to pool, to create a larger pool, whether it's your church denomination, your Rotary Club, your alumni association or any other group that wanted to form an insurance pool for purposes of providing health insurance to their member participants.

This I call kind of an equivalent to what's available in the banking community. You have commercial Main Street banks, and then you have some credit unions. I kind of associated this kind of association health care plan with the notion of a credit union.

These are things that we have that would increase and stimulate competition in the private sector, and these are in the Republican plans. They are not in our colleagues', who are members of the Democratic Party, plans.

Now I would like to call on one of our colleagues who is from the State of Colorado. MIKE COFFMAN is here this evening from my neighboring State of Colorado.

I yield to you and thank you for attending this evening's discussion.

Mr. COFFMAN of Colorado. Thank you, Representative LUMMIS.

What I think is of concern to those of us from Colorado, and I think many people across the country, is what is the impact upon jobs and employers. There is a concern about small business in particular.

There is a provision in the Pelosi bill, the Pelosi health care reform bill, that has a surcharge on small businesses and employers. Now, granted, it has moved up to where it was in the first version, H.R. 3200, where it was if somebody had the average annual payroll between \$250,000, and then it started as a surcharge at 2 percent up to \$400,000 on an average annual payroll, with an 8 percent surcharge, that number has been moved up a little bit; but I think it's still going to be devastating to the economy. With \$750,000 and above it's an 8 percent surcharge, and then it's graduated a little bit down below that.

To put a surcharge on employers, a payroll tax, if you will, on employers that are just trying to keep their doors open, to keep making, to be able to make the payroll that they have, I think, is going to be a devastating job killer to this economy. I think we ought to focus on job creation and not job killers.

Mrs. LUMMIS. The gentleman is correct. In fact, we have found that studies determined that 5.5 million more jobs will be lost as a result of the taxes placed on small businesses under the Democrat version of the bill. Furthermore, there is a double whammy for small business. For businesses under 500,000 in payroll, there is not a big hit. But, of course, a lot of businesses in my State of Wyoming, there are 1,400 in my State of Wyoming that will be hit because they pay these taxes at the individual tax return, but they are small businesses that pay payrolls of more than \$500,000. That means 1,400 businesses in Wyoming are going to be slapped with that tax.

I yield to the gentleman from Minnesota.

Mr. PAULSEN. Thank you. Maybe I will ask the gentleman from Colorado a question, because he makes a really good point about this bill, that the proposed 1,990-page bill by the Speaker is bad for small business. Why would the Congress in a tough economy want to further penalize small businesses when they are struggling to get by and a third of all small businesses are going to be impacted by this surtax that you had mentioned?

We want to help small businesses grow, knowing that they are the engine of economic growth for this country, and we are making it tougher and tougher on them. Why would Congress even consider that?

Mr. COFFMAN of Colorado. The majority of small businesses, they are the job creators. They are the engine for job creation in this country, these really small businesses. Whether we like it or not, the reality is that oftentimes start-ups don't have the cash flow to support health insurance. I started a small business in Colorado and for the first 7 years was not in a position to offer health insurance. When I could, it was at a 50/50 split with the employee.

What this legislation says is that's not even good enough, that you have to be able to pay 72.5 percent of a federally approved plan through the insurance exchange or, for a full-time employee, 65 percent of the family. Anything less than that, you are going to be hit by a surcharge.

You know, the reality is that oftentimes small businesses just—I mean, if you are struggling just to keep your doors open, and you get hit with a payroll tax, it's not like an income tax, that if you make a profit, you pay the tax.

This is, you are going to pay this whether you are losing money or not. This is whether or not you are going to have to lay off employees or not. It's a very bad direction to go, and it's certainly not in the Republican version. It's, unfortunately, in the Democrat version that we will be voting on later this week.

Mr. PAULSEN. Just to mention, I mean, it sounds like it just defies common sense. With unemployment at near 10 percent—I know there are going to be some new job figures that will be released in the very near future—but it defies common sense of why we would really hit the small business community even harder and make it tougher for them to raise jobs.

As the gentlewoman mentioned earlier, the Republicans have a proposal to allow small business to pool together through these associated health care plans to actually help small businesses provide health insurance for their employees.

Mrs. LUMMIS. That will do wonders in my State of Wyoming where a lot of people are small business people, in fact, mom and pop sole proprietors, ranchers, that are just the mom and the dad in the family, and they have individual insurance policies that they purchased as an individual because they are it, they are the business. Under the Democrats' bill, those are the very people who are going to be completely foreclosed from being able to purchase individual health insurance plans after 2013.

We have been joined by our colleague from the State of Pennsylvania. GLENN THOMPSON has with him a very large stack of paper. Representative THOMPSON, what is that?

Mr. THOMPSON of Pennsylvania. This is a health risk, a serious health risk, for those of us who are carrying it around and, frankly, for the country. This is the Nancy Pelosi health care bill, 1,990 pages, and that's just part one.

Part two, I am sure we will see within the next 24 to 48 hours; that will be the manager's amendment. That will be all the buyouts, the bribes, the deals that are being made right now by the Speaker and my Democratic colleagues to buy their votes to support this.

I don't know what to expect. I don't know if my colleagues have a guess. We

do a guess here in terms of the number of pages, this manager's amendment, which, frankly, will be all of the deals that are made. How many pages do you think the manager's amendment might be when we see this in the next 24, 48 hours?

Mr. COFFMAN of Colorado. I think it's about a couple of inches thick, would be my guess. The manager's amendment to the cap-and-trade, I think, was several hundred pages. I am speculating, but this is double the size of cap-and-trade. So let's go for 600 pages.

Mr. THOMPSON of Pennsylvania. Six hundred. Do I have another bid?

□ 1945

Mrs. LUMMIS. The rumor I heard was 800.

Mr. THOMPSON of Pennsylvania. The gentlewoman from Wyoming says 800 pages. How about my good friend from Minnesota?

Mr. PAULSEN. Well, I am going to just gander a guess. It is going to be several inches thick, which is too thick for us to read in a short period of time, unfortunately, and probably for the public to have that right to know.

Mr. THOMPSON of Pennsylvania. Now, that was a rather safe guess; a rather safe guess.

Yes, that manager's amendment is coming. And there are lots of just flawed approaches to health care here. Speaking as someone who worked in that field for almost 30 years as a manager in rural hospitals and a skilled nursing facility and many different settings, I want to talk just briefly about some of those, because it has to do with one of the charts you had up there about the promise to not add a dime to the debt, not a dime to the deficit.

This bill was based on the premise of Medicare growth being held at 4 percent. Now, why is that important? Well, Medicare is a significant amount of money, so 4 percent of Medicare is a lot of money. But let's talk about reality here, and that is what this bill lacks is a good dose of reality.

Medicare growth rates have been steady at 7 to 8 percent a year. That is just the reality of it. If you think about it, those in the baby boomer generation who are now retiring, becoming qualified beneficiaries under Medicare, that is a significant number of people adding to the Medicare rolls from this point forward. So, 7 to 8 percent.

If we just look back a year to 2008, the Medicare growth last calendar year alone was 9 percent, 9 percent, and yet this bill was based on holding Medicare at 4 percent. I think that is pretty flawed math. That is not even fuzzy math. That is just wrong.

We know that this is built on half a trillion dollars in new taxes, and you talked about some of those. Small businesses. Taxes on individuals who choose not to buy in, to buy insurance,

are penalized. Medical devices will be taxed as an excise tax.

The other part of the funding mechanism is a half a trillion dollars in Medicare cuts. We have talked about that during other forums here, when already Medicare systematically has been underfunded from almost the day it was created. Medicare only pays today about 80 to 90 cents on every dollar of health care costs that a hospital or doctor has. And to do another half a trillion dollars in Medicare cuts, that is just wrong. The people that are going to suffer from that are the providers and older adults. This will bankrupt hospitals.

Mrs. LUMMIS. Reclaiming my time, I would echo some of your concerns in saying that in rural areas Medicare is not reimbursed at the same rates as it is in urban areas. So hospitals and physicians in rural areas receive less compensation for Medicare patients than they do in urban areas; so much less that in Casper, Wyoming, a town in central Wyoming, only about one-third of their actual out-of-pocket expenses are reimbursed from the Federal Government when they treat a Medicare patient.

Well, the hospital, because it is a quasi-public hospital, is going to keep taking those patients. But private physicians don't have to keep taking those patients, and when they are undercompensated, some of them choose to no longer take Medicare patients. And in a State that has a dearth of physicians anyway because we have such a small pool of patients, we are losing more and more access to doctors, even today.

My concern under the Democrats' bill is that we will be worse off as a State in terms of the number of physicians who will take Medicare patients and the hospitals that will take Medicare patients because of the poor reimbursement levels and decisions that are being made by the majority party in Congress to make further cuts in Medicare.

I yield to the gentleman from Colorado.

Mr. COFFMAN of Colorado. Thank you, Congresswoman LUMMIS.

One of the things that concerns me is how seniors are treated in this bill, and I think you certainly mentioned some of the things. But half of the bill is paid for by cuts to Medicare, roughly half, and that is stripping hundreds of billions of dollars out of the Medicare system. So a couple of things concern me.

There are going to be cuts certainly to Medicare Advantage. Many of the 10 million seniors that we know that are on the Medicare Advantage program will lose their coverage.

But what concerns me is the solvency of the system. If in fact there are savings in the Medicare system through looking at waste, fraud and abuse, as the proponents mention, that money

really needs to stay in the Medicare system for seniors, because the actuaries or the trustees of the Medicare system are projecting that Medicare will run out of funding in 2013. So what we ought to be concentrating on, and there seems to be no discussion, is what is going to happen to the seniors in Medicare. Will they simply move into the public option? And then the public option, we defer to bureaucrats in the bill to define what are essentially the procedures, the treatments that are authorized.

So they are going to be making that decision, and on what basis are they going to be making that decision? Is it going to be on the quality-of-life issues in terms of maybe end-of-life care isn't important? We don't know these things. But I think the seniors ought to be real concerned about what is going to happen to their Medicare system, their Medicare plans under this particular proposal.

Mrs. LUMMIS. Before I yield to the gentleman from Minnesota, I wanted to remark on something I learned today. The Republicans had a little reading room where we could go and read the bill and share ideas, and especially learn from ranking members of the various committees who have been studying these concepts at least, even though they haven't seen it in bill form, for not only months, but years.

One of the things that I learned today in that session is that the enforcer in the Democratic bill is actually the IRS. One would think that with 111 new government agencies that the enforcement mechanism for providing health care, what is supposed to be a very positive notion, would not be the IRS.

What thinks the gentleman from Minnesota?

Mr. PAULSEN. Well, I thank you for yielding. I just want to go reference back to the comment that the gentleman, my good friend from Pennsylvania, had made on the tax on medical devices.

I have the privilege of being the co-Chair of the House Medical Technology Caucus. So just about 2½ to 3 weeks ago I conducted a field hearing in Minnesota in my district and we heard directly from those that would be impacted by this very onerous tax, because the Senate originally proposed a \$40 billion tax on medical devices, and now the House, Speaker PELOSI's bill, the 1,990-page version has a \$20 billion tax.

I want to tell you what we heard directly from people. One, we heard directly from small companies. I have a medical alley in my district that employs about 20,000 people in this sector, this economy, and these are folks that are producing these new lifesaving technologies that really give families and individuals the peace of mind that they are going to be taken care of in

their elder years, or for their children, for instance.

Some of these companies, one in particular that just turned profitable, was very direct in saying, You know what? If we get hit with this tax, unfortunately, we are going to have to take that reduction in payroll. That is where the tax is going to hit us is in payroll and in layoffs and out of research and development.

So we are actually stifling innovation. It is an innovation tax.

Then we heard from a venture capitalist who is involved in new startups to try and get these little companies going again, some that have five employees, some that have nine. They are hoping to come up with the "next best thing."

We are putting another nail in the coffin for them, as it was explained. We are making it that much tougher, because it is kind of a lottery right now. It is so difficult for a company like this to get the venture capital and then bring a product to market.

Finally, we heard from patients. We heard from patients that would be directly impacted. In particular, there was one individual that has an artificial limb, a prosthetic, that now as a patient we are making health care more expensive for him by having a tax on his products. And the tax that we have now as part of the Pelosi bill is going to put a tax on wheelchairs, on hearing aids, on the bandages that hospitals purchase. So it is absolutely a move in the wrong direction. It is going to make health care more expensive.

Mrs. LUMMIS. And, in fact, we also learned today that the bill runs counter to the President's promise that this was not going to tax people who make less than \$250,000 a year. Because of the taxes that the gentleman from Minnesota just described, 90 cents out of every dollar that applies in this bill in additional costs will fall on people that fall in exactly that category, the \$250,000 and less income earners.

I yield to the gentleman from Pennsylvania.

Mr. THOMPSON of Pennsylvania. Well, I thank the gentlelady from Wyoming.

I think innovation is one of the things that our health care system fosters in this country. When you look at the advancements that we have had, whether it be in medical devices or lifesaving technology, diagnostic, invasive, noninvasive, lifesaving interventions, that comes out of the type of health care system that we have today. It is the way it has been designed and the way it works. It provides those encouragements.

I have a number of similar small businesses that started very small, I don't know if they started in somebody's garage, but started as small operations, and they developed tremen-

dous innovations, innovations in terms of prostheses for individuals who have lost limbs.

Actually, one of them is an incredible small company developing a limb that is not just a powered limb, which is the cutting edge for a prosthesis, an artificial leg, but this one actually self-charges. In the use of it, that friction builds up the power.

The application of it is just tremendous, starting with our wounded warriors who rehabilitate and return to the field. This is an artificial limb and you don't have to plug it in at the end of the day. It recharges while you use it. We wouldn't get that innovation.

Any time we tax something, we repress it. We hold it back. We destroy it. This tax on medical devices is just, well, I agree, it would be a nail in the coffin of innovation for health care in this country.

Mr. PAULSEN. If the gentleman would yield, he raises a good point, because having visited Pennsylvania and knowing there are some technology sectors right in your district in particular, and there are many States, and maybe that is because some States don't have these medical device technologies growing, they are not being incubated. It is Massachusetts, it is California, it is Tennessee and Minnesota, which surprises me, because the Speaker being from California is proposing this tax. It is actually going to hurt many of these devices.

Again, we talked about the nature of the economy, almost 10 percent unemployment. We are going to be making it tougher to have very well, high-paying jobs, tougher for those companies to keep those jobs. It just doesn't make any sense to me.

Mrs. LUMMIS. One of the math items in this bill that just doesn't add up is the fact that they are going to be paying for 6 years of benefits under this bill with 10 years of revenue collections. And yet when we get, then, to that magical 11th year where we need to be able to pay for it as we go, obviously we won't be able to just stop providing benefits and have the taxes run for 4 years where we don't tap into them before we involve ourselves in the benefit component of the program again.

So that is a one-time in the first 10 years type of financial balancing act or financial gimmick that is being used in this bill to make it sound like it is in some way financially balanced. It is not, and it will suck more out of this economy in the second and ensuing 10 years and in decades when once again our children are going to be paying for it.

So, this bill really does defer to our children and grandchildren huge financial obligations that the people in this room feel is not only unnecessary, but highly inappropriate.

Mr. THOMPSON of Pennsylvania. If the gentlelady will yield, you are going

down a tremendously important road here in terms of what this legacy of costs that we are passing along to our children and our grandchildren and great-grandchildren at this point is, on top of all the other deficits that have been accumulated by this Democrat-led Congress since January.

I had the opportunity to spend some time this morning with a former Congressional Budget Office director. And going back to the point of the flawed math here, of saying that growth in Medicare will be held at 4 percent, when we know that it is an average of 7 to 8, 9 percent last year, his estimates are this cost will actually be at somewhere around \$1.8 trillion in terms of math.

To give us some idea, I just want to point to a project that actually is literally under our noses. It was a project that did not occur on our watch. This was years past, and it is a beautiful place to visit and we take our constituents there, the Capitol Visitor Center.

□ 2000

I certainly encourage people to come to Washington to visit that, but there is a prime example of estimates that were made, and in the end it was 300 percent more expensive than what the original cost estimates were. So even if we're at a trillion or \$1.2 trillion or \$1.8 trillion, and we know that we cannot afford that, where could these costs go once this legislation passes? Just based on the example of a project that we should have pretty good oversight on because it was being constructed right under our noses.

Mrs. LUMMIS. I yield to the gentleman from Minnesota to introduce our colleague from Tennessee.

Mr. PAULSEN. I will yield to the gentleman, but in particular, my colleague from Tennessee, whom I have learned a great deal from, one of the things that I appreciate about you is you're a former mayor and you know how to get things done, and certainly I think Members of Congress could take some lessons from you. Coming from this great State of Tennessee, you've got some of those medical technology companies in your great State. And we should hear from you as a physician as well. You've got a very unique perspective, and you can offer a lot to this Congress.

I yield to the gentleman.

Mr. ROE of Tennessee. I appreciate the gentleman yielding.

I would like to start out by saying that I don't think there's a conflict at all either from the Republican side or the Democrat side that we have a need to reform health care in this country, because costs are not sustainable on the current path. I don't think anyone disagrees with that. And, secondly, it's a noble goal and an attainable goal, I believe, to cover our citizens with health care. I believe we can do that in

this country. I don't think this bill is the one that does it, and I go back to an experience that I've had in Tennessee.

The gentleman from Pennsylvania was talking about the cost of the Visitors Center. Let's go over the costs of health care in this country and estimates by government people, by the CBO and others. Let's go back to 1965, and I do believe that this is the single biggest debate on a social issue since the civil rights movement in the 1960s and Medicare in 1965. In 1965 the estimate was Medicare would cost \$3 billion to \$4 billion a year, and that's what it cost. The estimate in 1990, 20 years later, it was going to be a \$15 billion program. What was the actual cost? Over \$90 billion. And today our Medicare program is over \$400 billion.

Let's also dial back to Medicaid. The Medicaid program, the government insurance for low-income people and infants and children, has gone up 37 times since its inception.

In TennCare we had the argument that I hear and, again, I dealt with it as a physician and also as a mayor. In the early 1990s we had a lot of people in Tennessee who were uncovered. So we wanted to cover as many of our people as we could. So we got a waiver from Washington to experiment with a managed care plan called TennCare. And HHS, the Health and Human Services here in Washington, exempted us from the current Medicaid plan.

When we started this plan, we started with eight different companies that would go after your business on a competitive basis, and this was going to hold costs down. We would compete among these plans.

So what actually happened in Tennessee was this: in 1993 the State spent \$2.6 billion on our TennCare program. Between there and 2004, 10, 11 budget years later, that had risen to almost \$8.5 billion. It had over-tripled in price, where we thought the costs would be less than that. We thought it would hold costs down.

What actually happened with the public option? Well, what happened with the public option was this: 45 percent of the people who got on TennCare had private health insurance, and they made a perfectly logical decision. It was cheaper, it had first-dollar coverage, it was a very generous plan. So they dropped their own private health insurance coverage and got on TennCare.

Now, I just got the numbers this afternoon, and they are what I thought they were. In our State our TennCare plan pays about 58 percent of the cost of actually providing the care. Medicare pays 91 percent in Tennessee of the cost of providing the care, and the uninsured pay somewhere in between. And what happened in our State was those costs got shifted to private insurers.

Well, the State was then left with—almost every new budget dollar that came to the State of Tennessee was used for health care, not for K-12, not for roads, not for other things, colleges and so forth. So what did the Governor, who is a Democrat, and the legislature, which is now Republican, what did they do? Well, they rationed care. And how did they ration care? They cut the rolls. And every year that we had a raise, it was almost double digit. The year that broke the bank was a 19 percent increase in costs in 1 year.

So we have seen the public option. We have seen the competition. And the problem with any public plan is it doesn't pay the cost of the care. And when you do that, three things happen for somebody: one is you decrease access because you don't have someone who will take those patients on that don't pay the cost of the care. Number two, when you decrease access, you decrease quality of care because the patients can't get to a physician other than through an emergency room. And, three, somebody else, that's the private insurers in our State, pay more money. So we had decreased access, decreased quality, and increased costs. So that's what I'm fearful of here that will happen with this.

There is a better way. I mean, I can sit down with the expertise in this room right now and we can write a plan with our Democratic colleagues in 30 minutes. A quick example of that is the current Baucus plan calls for increasing access to 91 percent of our population. Now 85 percent of our population is covered. You can do two things that will get you to 91 percent on one page, and that is, number one, allow young people, like I've had children in my own home that have had to do this, that don't have health insurance when they graduate from high school or college, to stay on their parents' plan until they're 26 years old. This current bill, the Democrats have had that in there, and I agree with that 100 percent. And, number two, simply sign up the people who already qualify for Medicaid or SCHIP, and you will get to 91 percent. So it's a fairly simple thing to do without a lot of government bureaucracy, new plans, czars, commissioners, and so on that's so complicated right now. I'm sure some of you have tried to wade through this bill, and some of it's almost incomprehensible.

I thank you for yielding.

Mrs. LUMMIS. We are all freshmen who have been talking here. Many of us served in some capacity either in our State legislature, in your case as a mayor, a couple of State treasurers; so we know how State government works. And what we see, as States could not print money, we had to live within our means. So when the Federal Government places an unfunded mandate, meaning they require States to provide

a service and then don't provide the money for the State to provide the service, the State has to come up with the bucks. And this has been called the "mother of all unfunded mandates" by the Democrat Governor of your home State of Tennessee.

And those of us who are here—I know that you were leader in your Minnesota legislature—tried to find good legislation that was sitting around and had been introduced by Members of either party. And in honesty, in my legislature, if a Democrat had a great idea, and we were Republican legislators, we'd go steal their ideas and put Republican names on it and sponsor it. It was the best form of flattery. The ideas were coming up.

And you know who did that maybe better than anybody I have ever seen on a national scale was Bill Clinton. He took what was cultivated in the States and nurtured in the States a plan to reform welfare, and he slapped his name on it and he made it his. And he worked with Republican Members of this Congress to reform welfare.

We could do that today. We have 53 bills out there that our Democratic colleagues could say, hey, this is a good idea or I like the idea of letting young people stay on their parents' insurance until they're 26 years old. That helps them out, especially in these tough economic times when it's hard to find a job. There are ideas out there that would solve these problems.

Yet we are faced with a bill that is almost 2,000 pages long that we're expecting a big additional amendment to, that was drafted behind closed doors, that has some nonsensical language in it that people can't understand that we only get 72 hours to read. It all seems like a bad dream. But it's the American Congress. And there are so many better options out there. I just am so frustrated with the majority party that they won't look through our 53 bills that they could read online and say that's a good idea, let's put a Democrat's name on it and make it our idea. We'd be delighted.

I yield to the gentleman from Tennessee.

Mr. ROE of Tennessee. I thank the gentlewoman from Wyoming for yielding.

Just to make your point, something that I promised I would do when I came here as a local mayor, I had dealt with unfunded mandates until I had had them up to here on the local level. The State has to deal with these. And I made a decision I'm not going to vote for an unfunded mandate that the Federal Government puts on local government or State government.

And our Governor right here that you mentioned, Governor Bredesen, who is a Democrat, by the way, and is very knowledgeable in health care, I have great respect for him and the knowledge that he has. He's had to make

some tough decisions. He has looked at this current plan and evaluated it from the viewpoint of the State of Tennessee. I think it's September of next year, 2010, the money that the States get from stimulus is gone. It's over with. So he's looking at this unfunded mandate to us.

And let me just tell you how critical it is in our State right now because of jobs. We are losing jobs in the State. The unemployment rate is above 10 percent, and we're a sales tax-based State. We don't have a State income tax. And he has estimated that this particular plan, H.R. 3200, now 3962, that's out there will conservatively cost our State \$735 million in the first 5 years. And if it has the same benefit package, which remember the commissioner will decide what an adequate benefit package is, it will cost the State as much as \$3 billion to \$4 billion.

Let me tell you the dire straits we're in. The SCHIP program right now, the State Children's Health Insurance Plan, known in Tennessee as CoverKids, we can't enroll any other kids in there because we can't afford the current plan. So if we come down with another unfunded mandate, we don't know what we're going to do in the State.

Mrs. LUMMIS. We are now down to the speed round, which means we have 2 minutes left for each Member of this discussion to summarize.

And I would like to start with the gentleman from Pennsylvania.

Mr. THOMPSON of Pennsylvania. I thank the gentlewoman for yielding.

I just want to build quickly on affordability. And our Democratic colleagues have recognized this with this bill, and I just call attention to page 25, section 101, which is the national high-risk pool. These are the folks we should be doing something for. They're high risk, preexisting conditions. They have a difficult time accessing health insurance. And the language that's built into this, our Democratic colleagues recognize this isn't going to be sustainable. We're not going to be able to fund this. Within the legislative language it says, given once the money is spent and goes beyond the premiums checked, it allows the Secretary of Health and Human Services, if all are exhausted, to do three things: cut benefits, increase premiums, and create waiting lists. Page 25, section 101.

I think that's a general acknowledgment early in this bill. And if we can do that type of rationing for folks who are most at risk, who we should be doing health insurance reform for, what does it mean for the rest of us?

I thank the gentlewoman for coordinating tonight.

Mrs. LUMMIS. You are well under your time. Thank you for participating.

I yield to the gentleman from Colorado.

Mr. COFFMAN of Colorado. I thank the gentlewoman from Wyoming for yielding.

One concern certainly that I have is that we are, I think, not focused on all that we have in terms of a safety net. For instance, in my home State of Colorado, there is a high-risk insurance pool called Cover Colorado. We have a premium tax on all insurance products, whether it's health care or it's property and casualty, some of which goes into the general fund, some of which goes into a subsidized health insurance plan for people with preexisting conditions that can't otherwise reasonably get insurance but don't qualify for a public plan because of their income or their assets. So they are covered under this program where they are charged a flat 140 percent of what the average premium cost is in Colorado.

□ 2015

We have 183 community health clinics in Colorado. If you look at the community health provider network Web site for Colorado, they saw over 400,000 patients—not patient visits but patients in the State of Colorado—where they got preventive care, primary care, dental services and mental health services, mostly at taxpayers' expense, all for the uninsured and underinsured. We have Medicaid for the poor and disabled. We have Medicare for the elderly. So there is a tremendous safety net right now. To include emergency room care for those that don't have any form of insurance or are not on a plan and walk in, they're required by law to receive all appropriate screening and subsequent treatment. So I think we need to be aware of what the safety net is right now.

Mrs. LUMMIS. I thank the gentleman from Colorado for participating this evening, and I yield now to the gentleman from Tennessee.

Mr. ROE of Tennessee. I thank the gentlelady from Wyoming. Just a couple of brief things that we hadn't touched on maybe as much. Certainly I am one of the few people in this Congress who have had to go down to the emergency room at 3 or 4 o'clock in the morning and see someone who doesn't have health insurance coverage or has a malignancy that needs care. I have seen it and have dealt with it. Certainly what we would like to do is make sure that we can find a way to help those folks that don't have coverage right now. We have got 85 percent of the people in this Nation who have coverage, and what are they worried about? The cost. I will tell you now that we will never get the costs under control in this country without liability reform. Unless you have medical malpractice reform in some reasonable way—and one of the problems that we have in malpractice reform is that we don't have a way to adequately compensate someone who's been injured.

Right now in this system, in Tennessee, the system that we had doesn't do that. Since the inception of our malpractice company, owned by the physicians in Tennessee, since 1975, over half the dollars that have been paid out have been paid to attorneys and not to the injured party. Less than 40 cents of every dollar that we pay has been paid to someone who's been injured. There is something wrong with that. So we have to look into this as a Nation and decide how we're going to proceed. Certainly people are injured and do need compensation for their injuries. But the system we have now is broken. It needs to be fixed. This particular bill does nothing for that.

I will yield back the remainder of my time so that others can speak. I appreciate you having me on with you tonight.

Mrs. LUMMIS. We are blessed to have three physicians in our Republican freshman caucus who have been gracious in educating us about the medical practice in their parts of the country. It's a great privilege to serve with them in Congress and also the gentleman from Pennsylvania who spoke earlier, who has managed health care in his State. We are deeply grateful for his participation.

I thank the gentlemen from the Republican freshmen for participating in this evening's effort. I can tell you that the women in the Republican Conference have been discussing health care as it relates to women this week, and we'll be doing so again tomorrow. I will look forward to pursuing that discussion again tomorrow. But to wrap things up this evening for the remainder of our time, I would like to turn it over to my colleague and cohost for this evening's Special Order by the Republican freshmen, the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. I thank the gentlelady for helping coordinate the opportunity for all of us tonight as freshmen to express some of our concerns and certainly opposition and reservations to the bill that has been put now before us that we will likely be voting on later this week. We talked about why this bill is bad for the American public. I just want to recap. Number one, we talked about why this bill is bad for small business. It raises their taxes. It's going to cost jobs. We've talked about why this bill is bad for individuals. It mandates that they will have to buy coverage or else they're going to have to pay a penalty. We've talked about—not at great length but why the bill is, indeed, bad for seniors. That is no doubt. I talk to a lot of seniors in my district that are under Medicare Advantage right now, and they are very concerned about having to give up the health care plan that they're under right now. These Medicare Advantage plans, they offer a lot of what the President himself in this very Chamber

talked about, good services that benefit a lot of these seniors, going for regular checkups without having to pay an additional copay, having vision care, having dental care. That is what Medicare Advantage plans offer. And to cut Medicare by \$500 billion, to me, makes absolutely no sense.

If you really think about it—and my good friend from Tennessee, the doctor, mentioned earlier—some of the good provisions we should be supporting, like allowing young adults to be put on their parents' policies—I mean, that's common sense, and we support that initiative. We just wish that we could hit the reset button and not have a 1,990-page bill where we would have just a provision where we could do that, as well as allowing the small businesses to pool together. We can absolutely cover preexisting conditions. That is something we absolutely should do and we support doing. So there are some good things that we should focus on. Unfortunately, those aren't the priorities of this bill, unfortunately. And ultimately, the American want people want to have the peace of mind that they can get the coverage that they need when they need it, and they want to ensure that they—not the government, not special interests, not Members of Congress—are not going to stand between a patient and their doctor.

In short, I think we all agree that the bill before us is the wrong approach. It's a very dismissive wave of the hand by Congress to those who have raised the voice on this most personal issue in their lives. There's no other issue that affects families more personally than health care, whether it is taking care of your children, thinking about how you're going to care for your parents or grandparents down the road. There is a better way, as you mentioned. There is a better way, and the gentlelady from Wyoming had gone through a great detail of other proposals that are out there that, quite honestly, there's bipartisan support for. The truth is, with the right reforms, we can absolutely control health care costs and lower premiums. This bill does not lower health care premiums. It will be a massive intrusion from the Federal Government on our individual and personal economic freedoms, though.

I yield back for our closing.

Mrs. LUMMIS. I thank the gentlemen from Minnesota, from Tennessee, from Pennsylvania and from Colorado for joining me this evening. People from all over the United States will be paying a house call on Speaker PELOSI on Thursday at noon this week on the Capitol steps. We will be there to greet them and hopefully discuss with them our concerns about the Democratic approach and to offer better solutions.

I thank the Speaker this evening for his kind attention and tolerance of his fellow freshmen Republicans' efforts this evening.

THE ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Ohio (Mr. DRIEHAUS) is recognized for 60 minutes as the designee of the majority leader.

Mr. DRIEHAUS. Thank you very much, Mr. Speaker.

I appreciate very much listening to my Republican colleagues. I, too, came in in the freshman class, along with my Republican colleagues, and I came to the floor tonight, Mr. Speaker, to talk about the economy and to talk about regulatory reform and what we're doing to address the foreclosure crisis here in the United States. But I can't allow some of the comments that I just heard go without challenge.

I heard it said that we've only been given 72 hours to read the bill. Now I think, Mr. Speaker, you probably remember back at the end of July, there was a push to try to vote on the health care plan. I, along with you, I believe, and many others suggested that the American people have time, that they have time to read the health care bill, that we have time to digest this. We went home. We held town meetings. I don't know about the other Members of Congress. I know I had more than 100 meetings on health care during that time period. So we have had far more than 72 hours.

But then they said, We need 72 hours for this particular bill. So the bill, itself, which is simply a modification of bills that we have been discussing, that we've been hearing in committee, bills that we have been meeting on for months was introduced on Friday. I put it on my Web site. Many people put it on their Web site. There has been plenty of time. If you want to oppose health care, then obviously that is up to you to oppose health care. But let's not hide behind this thing about 72 hours. We have had months to discuss this. We will have far more than 72 hours to look and review the bill at hand.

I also want to talk about small businesses, because I know, Mr. Speaker, you and I have worked very closely on this in protecting small businesses in the health care reform bill. As you recall, the bill as originally introduced had a threshold of \$250,000 for payroll. That is, any small business that had more than \$250,000 in payroll would be subject to a surcharge, a surcharge where they pay their fair share. That has been increased in this bill to \$500,000, a significant increase for small businesses. I don't know what businesses my colleagues from the Republican side are visiting, but I can tell you when I go out to small businesses, be they Democrat or Republican, they're talking about their premium increases. They're talking about their premium increases of 20 percent, of 30 percent. The fact of the matter is, Mr.

Speaker, this is all about small businesses. This is about protecting small businesses. Because right now in the State of Ohio, the State I hail from, less than 50 percent of small businesses are able to provide health care to their employees; less than 50 percent. It's because of those rising costs. So while they say it does nothing for individuals, well, they're absolutely wrong. If you're an individual working for a small business and the employer cannot afford health care, this bill helps you; it helps you, and it helps your family. If you're an individual with a preexisting condition, you happen to be ill and you need to get health insurance, you can't do it right now. Does this bill help those individuals? Absolutely. If you're an individual that has health insurance and you happen to get sick, and you need to draw upon that health insurance, right now you can be cut off. This bill says, No. You can't do that any longer. The insurance company can't stop covering you for your illness. So this bill is all about helping small businesses and helping individuals.

I would encourage my colleagues to read the bill. Yes, it's long. But we're beyond chapter books at this point. We are able to read long bills. It's long because this is a comprehensive piece of legislation, and I think it deserves debate. It deserves far more than rhetoric. But rhetoric is what you tend to hear when you come down to the House floor. Rhetoric is what you tend to hear when Republicans line up and give 1-minute speech after 1-minute speech after 1-minute speech, be it about energy or health care or the economy. The other side of the aisle is big on rhetoric, but they're not big on solutions, nor are they big on taking responsibility. They act as if they weren't here. They act as if they weren't in charge since 1994, that they weren't elected in the Newt Gingrich majority, that they didn't have power until 2006. But the fact of the matter is that they were the party in party. They were the party in control. They were the party as this housing crisis spiraled out of control. They were the party as the rising costs of health care kept mounting and mounting and mounting and harming our small businesses and harming our economy.

THE U.S. ECONOMY

For the 8 years prior to being elected to Congress, Mr. Speaker, I was a State representative in Ohio. I come from a working-class neighborhood in Cincinnati, and I saw house after house being foreclosed on. Now I didn't know what was happening in 2001. I didn't know what was happening in 2002. So we put together a housing task force, and we started asking questions. We started looking into some of these loans that were being floated to my neighbors, to folks in my neighborhood to figure out why these houses were

going into foreclosure. And it was interesting. We found that people who never should have qualified for loans were suddenly qualified. People that couldn't even document that they had the income to purchase a home were qualifying for home loans. Then, of course, they couldn't afford to pay the mortgages, and those were the houses being foreclosed on. We call these subprime loans. When people who can't afford to pay their bills, people who have poor credit scores are able to get a loan, those are subprime loans, as opposed to people who do pay their bills and they do have high credit scores. Those are prime loans.

So we looked at this, and we looked at some of the practices of the financial institutions, and we just scratched our heads and said, Well, how is it that a financial institution can float a loan to somebody that can't prove their income, can float a loan to somebody that has a poor credit history, yet they're purchasing an \$80,000 home, they're purchasing a \$120,000 home? How is this happening?

Well, the answer is, Mr. Speaker, it was all about what was going on on Wall Street. It was all about what was going on on Wall Street because what was going on on Wall Street was that people were making a lot of money, and they were making a lot of money off of these products that are called derivatives or mortgage-backed securities or credit default swaps.

□ 2030

The world had changed in the area of mortgage finance in the early 2000s. The world had changed dramatically. What had happened was this. Where in the past if you wanted to buy a home, you wanted to achieve the American Dream, you would go down to your bank, you would go down to the savings and loan, and you would talk to the loan officer. They would work with you to negotiate a mortgage. They would work with you to negotiate that loan, and then they would hold on to the mortgage paper. And this is important. They held the mortgage paper as part of their portfolio. It was their investment portfolio. It was a long-term investment on the part of the financial institution.

But what we found out was that the world had changed. No longer were these financial institutions holding on to that paper. In many cases, no longer were they the local bank or the local savings and loan. They were out-of-town entities who had never seen your house, and who had never looked at the appraisal. The reason they were closing those loans was because of those mortgage-backed securities on Wall Street. You see, they were able to close those loans and they would immediately sell them. They would sell them on the secondary market, and then they would bundle the loans into thousands of

mortgage loans that were sold on Wall Street as a security, a mortgage-backed security.

So what happened? Well, the folks that were closing the loans, because they were no longer holding the paper, because they no longer had any skin in the game, they were qualifying everybody that walked in the door. They were qualifying everybody that walked in the door at the highest prices they could possibly get. So, rather than saying, you know, we are going to put you in a 30-year fixed because it is a more stable product or a 15-year fixed because it is a more stable product, we are going to get you in this 3-year, adjustable-rate mortgage. And, oh, by the way, this rate, yes, it is a good rate right now, but it is going to adjust in 3 years. Oh, and there is this little prepayment penalty that is also in the loan. So, yes, I know it is a stretch for you right now, you who are a subprime borrower, you who don't have a steady job, and you who may be making a stretch to make this loan payment every month, yes, I know it is a stretch, but you can qualify. You can achieve the American Dream.

The reality was this, in those 2 or 3 years when that interest rate started adjusting, and in some cases it was adjusting every 3 or 4 months, when it started adjusting, that stretch was no longer a reality for many of those families. They tried to get out. They wanted to renegotiate, but they couldn't renegotiate because they had this prepayment penalty of a thousand dollars or \$2,000. So if they couldn't afford their \$600 a month loan, they are not going to be able to afford the \$1,000 or the \$2,000 in the prepayment penalty. So they give up. They throw up their arms and walk away. That is a foreclosure. That was happening time after time after time in my neighborhood and neighborhoods across Ohio and across the country.

So what do we do? Well, we in the State legislature said wait a minute, we have to do something about this. We have to stop this predatory behavior. And we tried. We tried in the State of Ohio. But in the State of Ohio, like so many other States, we had very little authority because the financial institutions were regulated by the Federal Government.

So we turned to the Federal Government to help us out. This is where we get back to who was in charge. In 2001, Stephanie Tubbs Jones, a tremendous Congresswoman from Ohio, introduced predatory lending legislation. And we had predatory lending legislation introduced in every session of Congress after that. So in 2001, we could have done something. In 2002, we could have done something. In 2003, we could have made a difference. In 2004, we could have enacted predatory lending legislation. In 2005, we could have protected those homeowners. In 2006, we could have done something about it.

There were millions of homes going into foreclosure, but this body stood silent. This body, controlled by the Republican Party, stood silent, and they didn't address the foreclosures. They didn't address the runaway greed on Wall Street in the form of mortgage-backed securities and derivatives that were leveraged up to 30 and 40 times. They didn't address any of it. They said the markets will work it out. We don't need government intervention.

But when housing prices went south and the investors in those mortgage-backed securities soon learned, you know, those mortgages aren't worth much, all of a sudden the bottom fell out of the market. And that inaction, it is that inaction that caused this recession.

This was a recession precipitated by the financial markets. It was precipitated by what was going on in mortgage finance, and it caused the near collapse of our economy. It caused the near collapse of financial institutions across the globe.

So at the end of last year, in September of last year, the Congress was asked, President Bush pleaded with the Congress to pass a bailout for the banks, a bailout that many Americans never wanted to see. But the reality was that things had gotten so bad that but for the intervention of the Federal Government, we could have had the collapse of the financial markets globally all due to the inaction of the Federal Government.

That's where we were. And so now we hear Republicans come down to the floor of the House and act as if the world just began in January of 2009, acting as if all of these problems started just this January. I liken it to this, Mr. Speaker. When I go out and talk about the mortgage crisis and the calamity that has occurred, I say it is like somebody causing a 20-car pileup on the highway and then we show up with the tow truck to try to clean things up, and they start yelling at us for blocking traffic.

You see, we have been elected to clean up the mess, we being elected to clean up the mess caused by the inaction. That is what we are doing. That is why in the Financial Services Committee we are working on regulatory reform. That is why this Congress has passed predatory lending legislation. That is why this administration has worked to save thousands of homes across this country.

I am joined tonight, Mr. Speaker, by my friend, also a new legislator, from the State of Connecticut, JIM HIMES, who has been a tremendous member of the Financial Services Committee, bringing both experience on Wall Street as well as in the neighborhoods.

Jim, why don't you talk a little bit about from your perspective and what you have seen.

Mr. HIMES. I thank the gentleman from Ohio, STEVE DRIEHAUS, for yielding and for organizing this discussion on this important topic, which is how we restore prosperity to the U.S. economy, how we generate jobs to replace those that have been lost in this, the most challenging recession that we have seen in decades.

I am glad that the gentleman from Ohio talked about foreclosures. I represent Bridgeport, Connecticut, which is a wonderful city that also happens to have the highest density of foreclosures in the State of Connecticut. Bridgeport is a city full of people who were on the verge of becoming middle class homeowners, who were nurses and teachers and scraped together the money to buy their first home. And now we talk about these foreclosures. These are families that find themselves having lost the money that they scraped together to become American homeowners, and worse, having lost their homes. If you don't have a stable home, you do not have the foundation that you need to access the American Dream.

Our home is that spot that determines where we work. It determines the community in which we are a member. It is just about everything in terms of building that foundation for economic prosperity. And as we saw, there were far, far too many shenanigans in the mortgage market. The gentleman from Ohio and I have been working very hard in the Financial Services Committee on something that is technical, it is esoteric, it is unglamorous, it is never going to appear on a campaign bumper sticker, but it is terribly, terribly important, and that is reforming this Nation's financial services regulatory regime which failed us miserably. It failed us absolutely miserably in the last 10 years.

This is technical work. We are talking about really toeing a very tough line here between making sure that our banks and our financial services institutions are here, employing Americans, paying taxes in cities like Stanford and New York City and Chicago and Los Angeles, innovating, being a world beating industry, but of course never again putting us in the position that we find ourselves in today, millions of jobs lost and billions of dollars of taxpayer money brought to the table in the last Congress to bail out these institutions because had they not been bailed out, we would have seen a global financial meltdown.

People forget what it felt like 9 months ago when we really worried that the major financial institutions of this country and of the world, frankly, could go under. Think about what that means. A major bank simply goes under. That bank is a lender to small businesses that make payroll. Except when the bank goes under, all of a sud-

den the payroll money is not there, and the workers of that small business go to the ATM and there is nothing there. That is global financial crisis, and that is what, obnoxiously, this government had to bail out.

So how do we prevent that from ever happening again? The gentleman from Ohio and I, we have spent hours and hours listening in Financial Services, listening to the minority party tell us what we are doing is going to cost jobs, that this is the end of capitalism, that this is not a market economy, and they are dead wrong about that. They are dead wrong about that because they forget about something critical to our entire financial services business. They forget that without the faith of the American consumer, the American investor, the American bank customer, without that faith, we do not have a banking sector.

I have been sitting in Financial Services now hours and hours and hours listening to this, this is the end of capitalism, this is going to kill jobs. We have seen this movie before. We have seen exactly this movie with exactly this script with exactly the same players. It happened in 1933 and 1934 when this government, the government of the United States, last set about to rise from the wreckage of an economic catastrophe caused by, amongst other things, financial irresponsibility, and this House was left to pick up the pieces.

This House put in place in 1933 and 1934 the fundamental legislation that came to be what governed our banks and our securities companies for the next 70 years. And if you look at what was said in 1933 and 1934, you could be here today. You would have heard about the death of capitalism and how this didn't make sense in a market economy and about how jobs would be lost; and they were wrong then, as they are wrong now.

In fact, in 1933 and 1934 when regulatory laws were passed, with which I am deeply familiar, having spent some time in the banking sector, when those laws were passed, we created that thing which is necessary for a robust capitalist system to survive. We created a level playing field in which your average American family, your average American business could have confidence.

And what happened after 1933 and 1934, after seeing decade after decade of financial crisis, every 7, 8, 9 years, starting in 1933 and 1934, we saw, and the regulations that this House put into place contributed mightily towards the single longest period of prosperity in American history and in human history. Why, because people had faith. Why, because until regulations were loosened, there were no mortgage brokers saying you have no income, you have no job, no problem, we have a mortgage for you. We didn't

have securitized products whereby you took paper that you knew was questionable and you bundled it all up, you got yourself a AAA rating and you sold it down the road.

□ 2045

It's like musical chairs, right? You get paid, and it doesn't matter because the problems, the time bombs are in somebody else's portfolio. These were things that developed as our regulatory apparatus failed to keep pace with changes in the financial services industry.

What we are doing now, if we do it right—and I have confidence that we are doing it right—we will restore that faith, we will restore that confidence and once again set us up for the kind of prosperity that we saw for decades after 1933 and 1934.

What are we talking about here?

Mr. DRIEHAUS. Well, you know, I just want to echo your comments, Congressman, because what I see is fierce defense of the status quo by the Republicans, and I think it's important to remind people what the status quo has brought us.

I mentioned earlier I come from Cincinnati, Ohio. Just last year, this is what Hamilton County looked like in terms of the foreclosure map. You can see there were thousands of foreclosures in Hamilton County. There were thousands of foreclosures across the State of Ohio. And when there is a foreclosure next door or when there is a foreclosure across the street, it doesn't just affect the family and the financial institution that agreed to that mortgage. It affects the neighbor next door; it affects your property value; it affects the schools when kids have to be pulled out of the schools; it affects the small businesses down the street when doors are shuttered, when windows are shuttered in neighborhoods. It costs entire neighborhoods.

Mr. HIMES. That is such a critical point. I would just like to emphasize that is such a critical point. There has been so much discussion about the irresponsibility of some homeowners who bought houses they couldn't afford, who had mortgages they knew they couldn't repay sold by people who knew there wasn't a chance that they were going to get repaid.

Many of those criticisms are exactly right, and we have a whole other conversation to have about how we make the American household more responsible, save more, take on less debt, be more responsible like our grandparents were. That is a whole other conversation that we need to have.

But the point is so important that this isn't just about individual irresponsibility; this is a public community problem. As the gentleman says, when you see a foreclosure on a block, every other property value on that block goes down. This has been shown time and time again by the economists.

So irresponsibility, if it was that, affects the neighbors. And there is no way that this Congress, when faced with that kind of a problem to the community, should stand silent and watch people's property values go down and neighborhoods crumble, dark houses, lack of commerce. We have to stand up and say we have to put a stop to this.

Mr. DRIEHAUS. But, again, I go back to this time period when we saw thousands of foreclosures across our States and we were begging the Federal Government to do something about it. And what is the response we hear today from the Republicans who were in charge at that time? They blamed the Community Reinvestment Act, passed in 1977, a bill that incentivized financial institutions to make loans, to make good loans in the neighborhoods where loans weren't going. The Community Reinvestment Act didn't say make bad loans. It said make good loans, and we, the Federal Government, will give you credit for making loans in those communities. It has worked well, and it has served our communities well.

You have worked in community development just like I have, and we know how valuable the Community Reinvestment Act is to those communities. But the Republicans, in order to hide from the failure of inaction, want to point to an act passed in 1977 and say somehow that this Community Reinvestment Act was forcing banks to loan into these neighborhoods. Ben Bernanke, the Chairman of the Federal Reserve, said that's ridiculous, that just didn't happen. And the Community Reinvestment Act has served us well. But enough, enough of the blame. There is so much blame that is offered in this Chamber.

What do we know? The fact is we were elected to do something about the crisis. We were elected to clean up that pileup on the road. So when we came in with this administration, this administration acted very aggressively in terms of addressing foreclosures. We passed a very aggressive bill that cracks down on predatory lending.

The administration, working with the Department of Housing and Urban Development and working with the Department of the Treasury, has initiated a foreclosure prevention program that has already saved hundreds of thousands of homes in the United States. We passed a credit card bill that protects consumers and protects consumers against credit card companies who are increasing interest rates and increasing fees on consumers.

We just, last week, passed the Consumer Financial Protection Act, which again brings financial protections to consumers around financial products. You know, it was often stated in the State of Ohio that you had more protections purchasing a toaster than you

did a house. In many cases that's true because we do have consumer protections when it comes to products, and we do have consumer protections when it comes to toys; but we didn't have much in the way of consumer protection when it comes to the most valuable purchase of your life in the case of many of us.

Mr. HIMES. So many of the ideas that are incorporated into the legislation that we have been working on are fundamentally commonsense ideas. This notion that you should be able to sell a mortgage to someone who doesn't have an income or who is unwilling to show you the documents that verify his or her income, what flavor of insanity is that? Why is it controversial that a consumer finance protection agency should take a hard look at that? This is common sense.

You know that derivatives, which so few people understand, but people know that derivatives, credit default swaps at AIG were a huge contributor to the meltdown. AIG was writing contracts, making bets that it didn't have a prayer of honoring when things went bad. So you look at that and you say, gosh, they didn't have a regulator, nobody was looking at it. And there are whole swaths of financial services that didn't have regulators. There were plenty of areas that did, but there's AIG writing credit default swaps without any oversight.

So in the derivatives bill—and for the life of me I don't understand why that one became a partisan issue. We didn't say you can't do derivatives; we didn't even put limits on the amount of derivatives that you could assume. We did say, however, that if you're going to buy yourself derivatives, you're going to clear those derivatives on a clearinghouse if the clearinghouse will take it. You're going to trade them on an exchange so that there is transparency, so that we know who's doing what to whom, what the price is, what the volume is, so we get to see and the regulators get to see and the markets get to see who's taking what kind of risk.

This is a fundamental notion of a market economy, transparency and good information, which is at the heart of that derivatives bill, and somehow that was opposed. Common sense, critical to the markets—going to be awfully important to making sure that an AIG never occurs again—and yet it was controversial.

Mr. DRIEHAUS. Well, talking about the credit default swaps at AIG, not only did you have the people engaging in the sale of credit default swaps, which they knew they could never honor, but they were getting bonuses for doing it. There were perverse incentives at play at AIG and at other financial institutions that incentivized payment structures for the sale of these very instruments. So when we wanted

to look at executive compensation, we were criticized by the other side. And we said, look, we're not trying to take away people's pay; we believe in fair pay for hard work. But what we don't believe in is these compensation packages that incentivize incredibly risky behavior when the individual engaging in the practice doesn't have any skin in the game.

Mr. HIMES. You're right about that. There was so much hysteria about the discussion around compensation, that somehow the U.S. Government is going to start determining what people should be paid. And the reality is, in all honesty, this House from time to time contributes to that kind of hysteria. But here's another example of just pure common sense.

All we're saying, and I think all the Federal Reserve and the Treasury and those who are concerned with compensation, all we're saying is this: we're saying exactly the same thing that shareholders and owners of every company believe to the core, which is, if you're an executive and you create good value in the long term, you're a long-term value creator, get paid well. That's the American way. But you don't get to be paid well for failure. You don't get to be paid huge for taking enormous risks that look good on day two, but which bring the system down on day 10. The interest of this institution has been exactly the interest that shareholders have: let's make sure that the system is set up to reward people for good, long-term value creation.

People get very concerned about the TARP and the compensation within the TARP. Very special case. And I know that everybody in this Chamber hopes that we never see another TARP again. The TARP of course made the government a major shareholder in many institutions which, of course, as I have been saying, gives you a pretty significant vote on compensation. But again, common sense going forward, let's make sure our executives are rewarded for that which benefits the shareholders, good long-term value creation.

Mr. DRIEHAUS. And as you know, we are now looking at the systemic risk that is involved in all of this, that is, what is the risk inherent with some of these products? What is the risk inherent with some of these institutions that have been deemed too big to fail? Shouldn't we regulate that? Shouldn't we regulate those institutions? Shouldn't we regulate those products so that they don't get too big that their failure could bring down the economy? Shouldn't we regulate those instruments, those financial instruments that if they fail would cause hundreds of thousands of foreclosures across the United States? Isn't that in the best interest of the people of the United States, to step in and actually

regulate this behavior? That's what we're taking on right now.

But every step of the way, Congressman, every step of the way when we tried to protect consumers from the credit card companies, so many Republicans said no. When we tried to establish the Consumer Financial Protection Agency to protect consumers who were trying to buy homes, the Republicans said no. When we're looking at systemic risk, we're now hearing it on the other side: no, let the status quo rule. The status quo has brought us the worst recession in our lifetimes.

Mr. HIMES. And this is another good example of common sense.

At the core of what we are trying to do is to make sure that no institution ever gets bailed out again with taxpayer dollars, that we never again see an institution too big to fail. So what are we saying? Are we coming up with something new and radical? No. What we're saying is that if you are large and interconnected and create some systemic risk, you will be more closely scrutinized by the regulators than if you're just a small community bank. You will be required to hold more capital against your activities. Commonsensical stuff.

And maybe most important—and this is where we get to doing away with the concept of too big to fail—if you make bad decisions, if you as a systemically important institution are in danger of failing, we're not going to do something radical; we are going to do something that this country has been doing for 70 years, unwinding, in an orderly fashion, the operation of that bank.

The FDIC has had resolution authority and has been unwinding failed banks in a calm and orderly way for decades. And now we are saying, if you blow it, you fail, but you're going to do it in such a way that there is no risk that you bring down the financial system. That is hardly anything other than a nod of our hats to what has been so successful in this country for decades.

Mr. DRIEHAUS. In the end, Congressman, this is about protecting jobs because this recession has cost millions of jobs across this country. We have millions of families suffering today because of the inaction of Congress, the inaction of the Federal Government when it came to the runaway greed on Wall Street. We've paid the price, so now we are picking up the pieces. But we see unemployment in the double digits. We are now seeing some improvement when it comes to those unemployment rates; we are seeing fewer people losing their jobs.

But we are joined now by our good friend, Congressman JOHN BOCCIERI, my colleague from Ohio. And certainly in northern Ohio just as southern Ohio we have seen tremendous job loss. But we are about action. We are about picking up the pieces and trying to put it back

together, as opposed to the inaction of the other side.

Mr. BOCCIERI. Well, I thank the gentleman from Cincinnati. And I thank him for his previous work in the State legislature together as we tackled the very insidious predatory lending practices that were plaguing our part of Ohio.

□ 2100

I think that we have got to break this down for the American people and explain to them that what is happening on Wall Street is affecting their pocketbooks today. When you walked into a bank or when you walked into a lending institution in Canton, Ohio, and when you asked them for a loan several years ago for a mortgage on a new house, they made it relatively easily, and oftentimes they would loan at 120–130 percent of the value of that asset, of that home, oftentimes hedging that risk or putting that risk in that note and then selling it to some investment bank on Wall Street.

Now, when they sold that, when that small mom-and-pop lending institution sold that loan and sold that note, they then bundled these things together on Wall Street. Then we had folks who were betting on these mortgages lasting a long, long time, but there were also folks—bad actors—who were betting that people were not going to be able to pay their mortgages. They were betting on Americans failing. I think that that is what we have got to tackle in this regulatory reform—making sure that this does not happen again.

You know, we look at it on the oil market and on the commodities market. We have folks who are betting on the price of oil going up and who are betting on people failing to pay their mortgages. Is there a bet that Wall Street won't make against the American people? I think enough is enough, and we have got to stand for reforms that are going to make sense.

I agree, like my colleagues here, that the government should set the out-of-bounds markers. We should set the goalposts. We should allow the free market to operate in between but be a good referee. When someone goes out of bounds, throw the flag and say that they committed a penalty. Now, we can have this debate, a robust debate, about where we put these markers. Do they start here or do they start in a much wider fashion? Yet we have got to find some way to make certain that the regulatory reform is going to catch these bad actors and will not allow them to bet against the American people. I think we owe that to the people we represent.

Mr. DRIEHAUS. Well, I think the point is well taken because this is about creating boundaries.

You know, we often have this discussion back home about free markets and capitalism and about allowing free

markets and capitalism to thrive. That's what we're all about. We support that and we support that wholeheartedly, but when the behaviors of certain actors on Wall Street or when the behaviors of people acting within the free market cause harm to the public good and cause harm to neighborhoods, it is the job of the government to step in and say, Hold it. Wait a minute. It's okay if you make a profit. It's okay if you sell your goods. It's okay if you produce those goods, but if it's causing harm to the people we are sent here to protect, then maybe we need to intervene. Maybe we need to regulate in a reasonable fashion. That's what we've been doing on Financial Services. It's all about commonsense regulation. It's about stepping in and protecting consumers.

On the other side, all we hear is "no." It's just like health care. It's just like energy. Yeah, they'll step up and say, Yeah, this is a problem. Oh, yeah, this recession is a problem. This double-digit unemployment that we see in our States, yeah, that's a problem.

When it comes to solutions, the book is really thin on the other side.

You know, yeah, we introduced big bills on health care. We introduced bills on energy to protect our energy security across the United States. Yeah, we introduced several bills to regulate properly the financial markets.

We're doing the work of the people, and we're fixing what is broken. The other side is saying, Let's leave it broken because the solution is not something we want to see. That's the problem.

Mr. BOCCIERI. Well, we know what they're against, but what exactly are they for? Are we going to fix our energy crisis that we have in the country? Are we going to fix the economic situation we find ourselves in? Are we going to stand up and fight for the American people or are we just going to push for the status quo and allow these things to happen?

Let us be clear. There are some very good people who work on Wall Street. There are some very conscientious people who work in our financial markets, but there are also some folks who have been pushed and moved and who have accelerated their behavior by greed, by avarice. That is what we want to catch. This is what we want to prevent. Can you imagine this?

You know, as for folks who traditionally want to hedge on the price of a barrel of oil or on the price of gasoline, we want to allow them to do that—the folks at aviation and trucking companies in Ohio who want to hedge and lock in a price of fuel today—but when we allow big corporations, national governments, multinational corporations, and big pension funds to bet on the price of oil going up, that no longer is reflective of a very conscientious market.

Quite frankly, what we've found is that artificially we're driving up the price of a barrel of crude oil even though we have more supply than we did years ago. Demand is down. People aren't driving as much because of the economic situation, but we find ourselves at a point where gasoline prices are on the rise because of what is happening on Wall Street. People now are starting to bet that the recovery is coming soon, and they're betting that the price of oil is going to go up. We've got to stop this.

Mr. HIMES. You know, there's a point that can't get lost here, and I'm conscious, as we're having this discussion, that we're all fathers.

You know, there is blame everywhere to be had for where we are today, and we, day to day, are focused on what we can do better as a government—to better regulate, to better create opportunity, to make these products more understandable to people so that they can make good decisions—but it does at some level come down to good decisions, and we shouldn't let that point, particularly as fathers, go away.

I reflect, as we sort of not just take up financial regulatory reform but as we talk about energy policy and as we talk about health care, if we as families had the same kind of values that our grandparents had—saving and shying away from debt. Of course, we can help on this stuff, right? We've made it awfully easy in this country for people to get into debt without ever knowing about it. Yet, if we were healthier, if we were more responsible about how we used energy and if we were more responsible about when and how we took on debt, like the other problems I've been talking about, we would take huge problems, and we would make them, Mr. Speaker, much more addressable problems.

I'm very interested in this question: How do we as legislators assist in that process?

I don't know that there is a good answer. I do know that, as fathers, there is a good answer. We as a country, I think, need to look back at our grandparents' generation and say, You know what? They got some things right. We need to work with our own families and with our own communities to just say basic things: If it looks too good to be true, it probably is. You'd much rather have some money in the bank than have to go into debt. That's a key point that we, I think, need to get right in this country as well.

I notice that we're joined by our colleague from Virginia, Congressman PERRIELLO.

Mr. PERRIELLO. Thank you very much, Mr. HIMES.

I just want to pick up on what you said about the Greatest Generation. I think part of what made the Greatest Generation great was the concept of deferred gratification—the concept of

responsibility. I am going to step up and take care of my family. I am going to save ahead of time. I am going to take that opportunity of the GI Bill, that unprecedented opportunity, to invest in my own education and to help move my family into the middle class.

You look throughout history at empires in decline, and you see this idea—the bread and circus period—in the empire of Rome, and you say, What is it about that? Well, it's the difference between being a culture of instant gratification—I want it for me right now—and a culture of deferred gratification, or a culture of responsibility.

I think what we've seen in the last few years in this country is really a deterioration of culture and not just of policy and of the market. We really have to point the finger in all sorts of different directions—at the private sector, at the household sector, at people buying homes they couldn't afford, at the government sector of turning the other cheek—and not in the good way but in the way of saying, I'm going to ignore what's happening on the other side. We know right now what we need is this new era of responsibility, which isn't antimarket; it's pro-market.

What I hear from so many of my friends who are in the investment community is that I'm sick and tired of being the responsible investor who makes the right decisions, who doesn't take the high-risk investment, and then I see my colleagues or my peers who did take the high-risk, high-return investment get bailed out.

This has to be about a system of rules and predictability that encourages responsible investing. That includes the diversified portfolio, as we all know, whether it's a few thousand dollars of our personal money or whether it's someone taking a larger amount to invest for other people. This is that moment where we can say we want those rules of predictability, where we want to close those loopholes so that we're rewarding good behavior and responsible investing in the same way that, in the energy sector, we need to start rewarding innovation, not rewarding the status quo.

What that means is, instead of always being focused on how can we cash in on other people's misfortune or hedge against that risk, it's how can we create a system that is going to perpetuate the very balance that we need in our market in order to move things forward.

So I think what you and others have been saying tonight is crucial in terms of that sense of not just a shift in policy but a shift in each of us as consumers, as politicians and others, about whether we're going to reward the responsibility of the deferred gratification that the Greatest Generation understood and which will make us stronger than ever before and whether we're going to recreate that comparative advantage.

With that, I yield.

Mr. DRIEHAUS. Well, Congressman, I appreciate the remarks about responsibility because we started this off by talking about responsibility.

You know, it strikes me that the four of us are freshman Members of Congress. When we started running for Congress 2 years ago, none of us knew that we would be walking in the door in January with record job loss in the United States, that we would be in the middle of the worst recession that we have seen in our lifetimes and that we would be walking into a catastrophe. Now, we could run away from that, and we could say these are tough responsibilities, and we need to just say “no” and pretend like none of that responsibility falls on us or we could do something about it.

I think that I, like all of you, came here to fix the problems. We came here to step up to that responsibility. We came here to protect those American families who were losing their jobs, those American families who were losing their health care, those American families who knew that Congress for so many years had protected the barons on Wall Street but failed to protect them around their kitchen tables.

We hear all the time on the other side that it's not their fault. They weren't here. They weren't in power for 14 years or 16 years or however many years that was. Apparently, they weren't here. Well, it is our job as Members of Congress to take responsibility, and that's what we're doing.

So, when we look at commonsense regulatory reform around financial institutions, when we look at protecting consumers, when we look at stepping up and at modifying mortgages to keep people in their homes, when we look at stepping up and at addressing issues like health care or energy, it is all about our taking responsibility. It is all about this Congress' stepping up and working together to achieve the common goals that help all of our families across this country. We can say it's not our responsibility, and we can take a backseat and just say “no,” but that's not what we were elected to do. We were elected to lead, and I think that is what we are doing in Financial Services.

Mr. BOCCIERI. I further agree, if the gentleman will yield for just a moment, that we do have a responsibility to the American people and that we will be judged by action or inaction, quite frankly. In these troubling economic times in which so many Ohioans find themselves, as Teddy Roosevelt said, In a moment of decision, the worst thing that you could do is nothing. I think there is this call to action from the American people to this legislative body to make sure that we set the boundaries, that we set the out-of-bounds markers, that we set the goalposts, and that we make sure that the

referees that we appoint are doing a good job.

I have friends who have worked on Wall Street who have said, if we would have just enforced the regulations that we have, this would have been averted, that this catastrophe could have been averted. We have the housing sector and we have the commercial markets now showing signs of breaking, but we have got to have swift action, and we have got to make sure that there is a steady stream and that there is an equal playing field for the least among us—for those folks who are investing in Wall Street and in the markets. We have to make sure that their investments are protected, that their pensions are there for them when they retire, and we have to make sure that folks aren't gambling on their futures. In my humble opinion, that's what it's all about.

You know, I follow Senator WEBB quite a bit. He has quoted Teddy Roosevelt quite often in one of his most recent books. He has said frequently, as Teddy Roosevelt has said, that the welfare of each of us is dependent upon the welfare of all of us and that we have got to make certain that we are creating this level playing field for the least among us, like my grandparents who arrived here on the shores of America with nothing but the belief and the hope that, if they worked hard, if they persevered and if they gave back to their community, that America was a place where their dreams could be realized. That's what the American Dream is about.

We have a responsibility to make sure that that playing field is level, is equal, so that it's not a slippery slope. It is so, when they begin their climb, their ascent, up the socioeconomic ladder, that America affords opportunity and prosperity. That's what this is about, and that's what the decisions that we are striving for are all about. So I appreciate the gentleman's remarks.

Mr. DRIEHAUS. Mr. PERRIELLO.

□ 2115

Mr. PERRIELLO. Well, I would just echo, I think you and I both come from similar roots from the mother country in Italy, the motherland, but also what we took from that immigrant experience of our grandparents was that idea that if you work hard and play by the rules, there will be an opportunity for you in this country. When this country rewards hard work and responsibility, this country is better than any on Earth.

But when we get away from those fundamental ideals of American hard work and responsibility, we undermine so much of what makes us different, what makes us special. I was meeting with various members from the EU who were here today in part because Chancellor Merkel was speaking to us.

They were talking about that quintessentially American spirit of innovation and entrepreneurship.

The great threat to that in our society right now is not one administration or one policy. It's when the influence on this body and that on the other side of this building is such that it rewards what has worked for the last 20 years instead of what we could be 20 years from now. Capitalism is based on the idea of innovation, on the idea of competition and yet too much in our system we see a rewarding of what has worked, not what could work in the future.

If we are going to deliver for the middle class and the working class of this country, for districts like yours and mine that once had strong factories and manufacturing bases, we must have the courage to think again about not just the financial sector policy, but an industrial policy, an agricultural policy, a jobs policy for this country.

But the first piece of that has to be putting in place the rules that will allow lending to begin flowing again, not just on the macro-level, but to the small and medium-sized businesses that create two-thirds of the job growth in our areas in Ohio and Virginia. But the key to that is predictability. Predictability means that we have a system of rules that people can work within. Entrepreneurship works within a system of predictability.

We need to have that system of accountability so that those who act according to those rules are rewarded for their innovation and success. That is a quintessentially American idea.

Here we are challenged today because both parties in the Congresses before us have failed to live up to that standard. Many on Wall Street have failed to live up to that standard. But as Congressman DRIEHAUS mentioned, the line we will draw is not between the right and the left, but between right and wrong, not between one side of the aisle or the other, but whether we will solve the problem.

What we will hope people will judge us by is did we step up to the challenge of the time and try to solve that problem. I believe the people on this floor tonight are dedicated sincerely to the idea of problem-solving, not to ideology or to the next election cycle.

Mr. DRIEHAUS. Congressman, I very much appreciate your efforts in those regards. Congressman HIMES, if you want to wrap us up, I yield the floor to you.

Mr. HIMES. Thank you, my good friend from Ohio, my two good friends from Ohio and Virginia. It's a pleasure to be out here tonight with you.

We have talked about a lot of important issues, and one of the reasons I feel proud to be in this Chamber with you and with our colleagues is because we are in a moment of crisis, no doubt about it. We were called in a moment of crisis to lead.

When you lead in a moment of crisis, you lead constructively. You take some risks. You acknowledge, as I know that each and every one of us does, that we won't get this perfect. Very little of what has been produced in history in this room has been perfect; but it has been done constructively, it has been done with the spirit that we will get it right over time, and it has been done by people taking some risks.

In a moment of crisis, it is not leadership to say no. It is not leadership to simply snipe at those who are trying to solve the problems, the problems that affect every American family, the problems that mean that families don't have jobs. They worry about whether their kids will be educated. These are the things that we are trying to address, and it is just a fine moment that we have been called upon now to push these things to try to restore the opportunity that is so important to American families and to the sense of the American Dream.

Mr. DRIEHAUS. Gentlemen, I appreciate you coming down to the floor this evening. This is about solutions. This is about stepping up to responsibilities. This is why we were elected.

We hear so often on the other side the naysayers come down and talk about what won't work. They don't talk about the responsibility, the common responsibility we have. They run away from the years that they were in charge.

But this is about stepping up to responsibilities and making a difference. While it's not always perfect, we are doing what's right by the American people and doing what's right by the families that elected us to represent them.

Mr. Speaker, I yield back.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order of the gentleman from Georgia (Mr. GINGREY) is vacated.

There was no objection.

DOCTORS CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes.

Mr. GINGREY of Georgia. Mr. Speaker, I thank you very much, and I am proud to spend the next hour as the party of naysayers, as our young colleague from the other side of the aisle just described us. We have, Mr. Speaker, on occasion been accused of being the Party of No.

I have a number of colleagues with me this hour, one of them being my good friend and fellow Georgian, fellow

physician, Dr. PAUL BROWN. He and I on a number of occasions just this past Monday, yesterday, I guess, did a number of events together in our great State of Georgia.

We said to editorial boards and television stations, we are the Party of No, guilty as charged; but we don't spell it n-o, we spell it k-n-o-w.

Maybe we do on occasion spell it "no" when we say, Mr. Speaker, we say to the Speaker, NANCY PELOSI, that, heck, no, we don't want this form of health care change to one-sixth of our economy with the Federal Government literally going into the exam room with a bunch of bureaucrats and coming in between a doctor and a patient.

Dr. BROWN and I, Mr. Speaker, and many of our colleagues on this side of the aisle who are part of the GOP Doctors Caucus, there are about 15 of us, 12 M.D.s, some dentists, optometrist, a clinical psychologist and author, we are very proud of our almost 400 years of clinical experience, Mr. Speaker.

We are very disappointed, of course, that we were not able to offer some of the knowledge, the k-n-o-w part of knowledge, to this debate.

We sent letters, of course, along with many of our colleagues on the Republican side of the aisle to President Obama, especially after hearing from him in the so-called State of the Union when he really took the opportunity to use this Chamber and to call together a joint session to speak to the Nation on health care and made some very distinct promises in regard to the need for medical liability reform, as an example, which we don't see one word of, essentially, in H.R. 3962.

What little bit, what little tiny piece of medical liability reform, adds an insult, Mr. Speaker, to those States that have already enacted, successfully, I might add, medical liability reform like our State of Georgia, like the great State of Texas and the great State of Florida, when it goes on to say these grants, this little minuscule amount of money in the millions, not billions or trillions, which is more applicable to H.R. 3962, when they say none of these grants are eligible for States that have already enacted any meaningful medical liability reform that limits contingency fees for trial lawyers, or has any caps on non-economic judgments, awards.

That's the only medical liability reform, Mr. Speaker, that has ever been proven to be effective in the great State of California that, of course, enacted that legislation called MICRA back in 1978. It's pretty frustrating; it really is.

We are here tonight, Mr. Speaker, to speak to our colleagues on both sides of the aisle. We want to do that in a very respectful way and, again, as I say, to try to impart knowledge to the issue. We have a lot of ideas in regard to what could be done to help improve the

greatest health care system in the world that's not perfect. We recognize that, and I think all Members, Mr. Speaker, recognize that in both Chambers. We are willing to work in a bipartisan way given the opportunity. Unfortunately, we have not been given that opportunity.

That's why we keep taking advantage of what little opportunities we have like these Special Orders late at night, or maybe 1-minutes. I think on our side of the aisle we have 178 Republicans in this House of Representatives, and I think 120 gave 1-minute speeches today talking about the Republican alternatives, a way to do this, to help make sure that we bring down the cost of health insurance, for those who, if it's 10 million, I don't know the total number, of 300 million people in this country who cannot afford health insurance. We want to bring down the price of the cost of health insurance so they can have access, but also to bring down the cost of health insurance for the 85, 88, 90 percent of people that do have it, but it's just a little bit too expensive.

We can do that and that's what we are going to be talking about tonight, Mr. Speaker, about ideas, bills, individual bills. I think there are something like 53. I have introduced legislation over and over. This is my seventh year, my fourth term as my great constituents from the 11th of Georgia know, that would save, as a Congressional Budget Office, not me doing the number crunching, but the non-partisan, Director of the Congressional Budget Office, Doug Elmendorf, hired by Speaker PELOSI, said that, you know, medical liability reform could save \$54 billion over 10 years. I mean, that is a significant chunk of money.

We all know that a real concerted effort on reducing waste, fraud and abuse could save another \$20 billion. From our perspective, from the Republican alternatives that we are offering, we wouldn't spend more than that amount of money. But we would make those two integral parts of the reform that we would offer, and that we have offered, we will continue to talk about.

We don't spend \$1.1 trillion of taxpayers' money when this country is already \$11.2 trillion in debt and that we just got through with the fiscal year, I guess, 2009 fiscal year with a \$1.4 trillion deficit, Mr. Speaker, four times the largest previous deficit in the history of this country.

To say that, oh, well, look, we have got the numbers here and the Congressional Budget Office says this plan of ours is going to save, over a 10-year period of time, it's going to save \$100 billion; but to save 100 billion, we are going to spend 1.1 trillion.

You know, when you do the subtraction, I think that makes you, what, 900-and-some-change billion dollars in the hole.

My Georgia Tech math, six quarters of calculus, I believe my high school arithmetic would tell me that that's not a real good deal for the American taxpayer. We are here tonight to talk about this, Mr. Speaker.

I am proud to have some of my colleagues from the GOP Doctors Caucus, and I want to yield to them. We will engage in a colloquy, and we will have a meaningful hour this evening so that Members on both sides of the aisle, and if there are any folks out there in the good old USA watching, I know there are some elections going on today, Mr. Speaker, that a lot of folks are very interested in, and maybe they will be tuned into that. But in any regard, we appreciate the opportunity.

I yield to my good friend and physician colleague from the great State of Georgia who represents Athens and my hometown of Augusta, Georgia, and a fellow classmate at the Medical College of Georgia, family practitioner, my good friend, Dr. PAUL BROWN.

□ 2130

Mr. BROWN of Georgia. Dr. GINGREY, I appreciate greatly your doing this Special Order tonight, and I appreciate your yielding me some time.

When I spoke on the floor this morning in 1-minutes, I started off my speech by saying when I graduated from the Medical College of Georgia in Augusta, Georgia, and got my MD degree, we in the medical college all swore to the Hippocratic Oath. One of the clauses in the Hippocratic Oath was "I will do no harm."

The Nancy Pelosi health care insurance bill, it is not about health care. It is about insurance, and, actually, it is about power. It is not even about health care. But the Nancy Pelosi health care insurance bill will actually do a tremendous amount of harm for me and all of our medical colleagues who continue to practice medicine, so it is going to destroy the quality of care.

It is also going to destroy the Federal budget. Dr. GINGREY, as you were talking about, it is going to spend over \$1 trillion in what I am describing as voodoo economics or zombie economics that CBO utilized in scoring this bill, because they made some assumptions that are just totally untenable. They are just not going to happen. Since they are projecting the growth of Medicare is going to be half of what it has been historically, that is not going to happen. They haven't counted into the scoring a lot of issues that are going to balloon the costs to the American people.

So the Pelosi health care insurance bill is going to destroy our economy, and it is going to create a tremendous debt. It is going to destroy people's private health care plans that they have today. If you continue to buy private health insurance, the American

public's premiums are going to double and triple. So it is going to destroy the budgets of families all across America.

It is going to destroy the State budgets, because it is going to have a tremendous unfunded mandate on the States because of the large expansion of Medicaid; thus, the States are going to have to go get that money from somebody, and they are going to increase taxes. They are going to have to. They have no other choice but to increase taxes.

Mr. GINGREY of Georgia. If the gentleman will yield for just a second, Dr. BROUN, in that regard, Mr. Speaker, I ask the gentleman from Georgia, this Medicaid increase in NANCY PELOSI's health reform bill, H.R. 3962, what kind of dollars are we talking about here? What kind of burden are we talking about, unfunded mandate that that would put on the State, and how does that come about?

Mr. BROUN of Georgia. Well, in increasing the Medicaid rolls that the State government has to fund, the Federal Government is going to help by giving money to the States, but the States are going to have to come up with the matching.

Just in our State of Georgia, it is estimated the State of Georgia is going to have an extra \$1 billion that Georgians are going to have to come up with in increased taxes just for this Federal mandate on our State alone. It is billions and billions of dollars on every State in this country, so it is a huge burden on the States.

So it is an unfair taxation that is pushed off on the States, and every person, even the middle class, who our President said he was going to protect, the middle class is going to be burdened with a tremendous tax burden because of the mandates.

Some of them aren't direct taxes. As I have already mentioned, their health insurance premiums are going to really double or triple. That is really a tax, because it is a cost shifting from the private insurance.

Mr. GINGREY of Georgia. If the gentleman would yield back to me just for a second, Mr. Speaker, I wanted to ask the gentleman, why is that a problem for the States? Mr. Speaker, you and I both know that here in the great Congress, these Halls of Congress, if we want to spend money, if we want to overspend, we just print more money out. I think we have red ink of about \$275 billion, and that is why today in the Federal Government we have this debt of \$11.2 trillion. Can't the States do the same thing?

Mr. BROUN of Georgia. No, sir. Well, thank you, Dr. GINGREY. The States are prohibited from printing money under the Constitution. Actually, we should be preventing the Federal Reserve from printing money like they are doing, and the Congress has the authority to do that, if we just take that

power back from the Federal Reserve, and I, as an original intent constitutionalist, think we should do that.

It is our prerogative as Members of Congress to manage the money instead of the Federal Reserve, and it shouldn't be the Federal Reserve doing it. We should be doing that here in Congress.

But the States can't do that, so they are going to have this tremendous economic burden. Our Governor, Sonny Perdue, is struggling trying to make the budget come out in black ink in our State. Because we have a balanced budget amendment to our State constitution, the State of Georgia cannot spend more money than it brings in, technically, under our constitution.

So if we as a Federal Government put a tremendous burden of \$1 billion on the State of Georgia, which is already struggling, already furloughing workers, they are not replacing workers, State services are being cut, teachers' salaries and furloughs and cuts are being put in place, and we add \$1 billion to the State of Georgia, an economic burden, that money has got to come from somewhere.

The Federal Government is not going to give it to Georgia. It is not going to give it to Louisiana. It is not going to give it to Texas, New York, Vermont, or Minnesota. The States are going to have to come up with those dollars, and the only way they can do that is through higher taxes, as well as cutting more services than what they are doing now.

You take States like Michigan, where the unemployment is so high, raising taxes is going to further wreck their economy. So this is going to destroy the American economy as well as the States' economies.

We are going to be destroying lives with this bill, because this bill, the way it is written today, is going to allow taxpayers' dollars to pay for abortions. Now, the Democrats have put some mumbo-jumbo language in there, and it is really a ruse. What they have done is they say private funds can be utilized to pay for abortions through the public insurance system. They call it the public option. But it is not an option; it is a mandate.

It is actually something that the leadership of the Democratic Party, from the President to many of the leadership in their own party, have said that this is just a step to a single party payer health insurance program. So it is going to destroy private insurance here in America too.

So what this Nancy Pelosi health insurance bill is going to do is destroy everything that is good, and good with our health care system. And what is most important, it is going to destroy the quality of care our seniors are getting, because they are going to get the short shrift of all of this.

They are going to draw the short straw, because the Democrats put

something in the bill, something that is called comparative effectiveness research in the stimulus bill, and now they have set up a panel that is going to use that comparative effectiveness to determine how best to spend the dollars. And when you have limited dollars, they are going to decide is it better to spend the money on a well person who is 25 versus a sick person who is 70.

So the seniors' health care provision is going to be destroyed. We are going to have more people pushed, because Medicare Advantage is going to be destroyed, we are going to have more people pushed off on the Medicare system, which is going to further increase the burden on the current Medicare system. So we are going to have further rationing of care, particularly for the seniors. So they are going to be told they can't get tests, they can't get surgeries, they can't get medications that they need, and it is going to be absolutely disastrous for seniors.

Mr. GINGREY of Georgia. If the gentleman would yield, Mr. Speaker, I wanted to have the opportunity to ask the gentleman to share with us a little bit. He is mentioning about this comparative effectiveness research council and how, based on, hopefully, Mr. Speaker, qualified, good, solid research, and to not only recommend to our doctors across the country, the 850,000 of them, many of whom are primary care doctors, and we will hear from another primary care doctor, JOHN FLEMING, with us tonight from Shreveport, Louisiana, in just a few minutes.

To suggest is one thing, Mr. Speaker, but to mandate based on comparative effectiveness research, which our hard-working men and women, taxpayers of this country, are paying for that, and many, many, if not most of them are making less than \$250,000, by the way, Mr. Speaker.

But what I wanted to ask Representative BROUN to share with us is not only the fact that our seniors, as he suggests, Mr. Speaker, and I agree with him, could get thrown under the bus by this rationing that comes from this comparative effectiveness research study that says, oh, that won't work. Let's do something cheaper, and, you are too old and it is not going to be cost-effective so you don't get it.

But I would like for Representative BROUN, if he would, Mr. Speaker, to share with us about these pay-fors. Ms. PELOSI and President Obama says it has got to be paid for. He won't add one dime to the deficit. It has to be paid for. I would like for Dr. BROUN to talk to us a little bit about where some of this money is coming from, this \$1 trillion so this health care reform is paid for.

I yield back to the gentleman.

Mr. BROUN of Georgia. Thank you, Dr. GINGREY. The pay-fors are through

higher taxes, particularly on small business, as well as individuals who are considered rich. We are supposed to be treated equal under the law, but a lot of our colleagues on the other side don't think that is factual any more, that we need to be treated unequally under the law, which is totally unconstitutional and is against the 14th Amendment to the Constitution, basically.

But what it does is this is going to destroy jobs because of the mandates upon small business. There are a lot of taxes and a lot of fees, and there are even fees and taxes on individuals who don't take their employer-offered health insurance. So it is going to force everybody in this country basically to take whatever insurance is dictated by the health care czar panel here in Washington.

So taxes, the only way they get to any semblance of controlling the amount of money that this bill calls for, which is way over \$1 trillion—and, in fact, I think that is going to be very low. When we saw Medicare presented, the Congressional Budget Office miscalculated. Their calculation was almost one-tenth of what the true cost was over the decade following passage of Medicare, and I think that is what we are going to see with the Pelosi health insurance bill, too.

But there are tremendous taxes on everybody in this country. And it is going to be a tax on the middle class, because they have got to tax durable medical equipment. That is going to go up. They are going to tax the Cadillac insurance plans. So that means people who have good insurance, privately provided today, that is going to go up. There are going to be taxes on small businesses.

Right now, the bill says if an individual makes over \$500,000 or a couple over \$1 million a year, that is adjusted gross income, that they are going to have a big tax on them. Well, a lot of those people are actually small business men and women, and that is their adjusted gross.

They are filing their personal income tax return as a Sub S corporation or as a limited liability partnership, like a lot of physicians, accountants, and lawyers have. Small businesses, they are going to be taxed, taxed, taxed, and that is the reason that the experts say 5.5 million jobs are going to be destroyed. People are going to lose their job because of this Nancy Pelosi health insurance plan.

Mr. GINGREY of Georgia. If the gentleman will yield back to me, Mr. Speaker, I thank him so much for bringing that factual knowledge to us.

Absolutely, this figure that he just quoted, Mr. Speaker, of 5.7 million, I think, additional jobs would be lost because of this bill, it is not something that Representative BROWN just pulled out of the air. In fact, Mr. Speaker, the

Chief of the Council of Economic Advisers to the President, Christina Roma, is the one that said that. That is where my good friend and colleague from Georgia, Representative PAUL BROWN, got those figures from.

He mentioned one other thing, before I go on to our colleague from Louisiana, and I am sure that we will talk about this as we go on this evening, the health choices commissioner, a very powerful new czar under this program, would say to the employers across this country, you can have anything you want. You can offer any health insurance policy plan you want, Mr. Speaker, as long as what Henry Ford said many years ago, you can get any color of T Model Ford that you want, as long as it is black.

□ 2145

I draw my colleagues' attention to this poster I have regarding that assembly line way back in the early part of the 20th century.

I thank the gentleman from Athens.

At this point I want to yield to a fellow member of the GOP Doctors Caucus from Shreveport, Louisiana, and that is my good friend Dr. JOHN FLEMING.

Mr. FLEMING. I thank the gentleman, Congressman GINGREY, again, a physician colleague as well as a congressional colleague; of course Dr. BROWN as well and others. We have done this a number of times. It's always enjoyable and important for the American people to see the physician perspective.

What I would actually like to do is to go over the fact that it's been said many times by Democrats here and everywhere that we are the party of "no." We offer no solutions. And I have to remind people constantly that I ran on a pro-reform campaign to be elected to Congress last year. So it's very important to me as a physician to see true reform, not a government takeover of health care, but reform of what is really an excellent system. And we have had several plans that we are ready to offer, but now that we are getting to a point where there is actually going to be a Democrat plan on the floor perhaps this week or the next week that will be voted on, we're now ready to offer our substitute. And I wanted to contrast and compare for a moment how these two plans differ, and I will just hit the high points.

Number one, the Pelosi plan cuts Medicare by \$500 billion. That's a half trillion dollars. It cuts it out. No explanation. No plan. No strategy. We have had Medicare for 45 years. No one knows how to reduce fraud, waste, and abuse any more than it has. In fact, we know that the larger the entity, the higher the fraud, waste, and abuse is. Our plan does not cut a dime out of Medicare.

The CBO estimates in PelosiCare that it will cut over \$150 billion to

Medicare Advantage, the private option of Medicare, which 25 percent of Americans, seniors, if you will, have chosen. It will take that program out completely. That will knock about 6 to 11 million seniors off of Medicare Advantage. And not only will they lose preventative health, the eyewear, and all the other benefits that go with it and the efficiencies and the preventative health, as I say, but they will be required to go out in the market and buy Medigap coverage; that's additional coverage. Our plan does not touch Medicare Advantage. It keeps it fully intact.

Here's a very interesting one: the CBO says that under PelosiCare that part B premiums will increase by \$25 billion, and part D, the medication part, will increase by 20 percent. Again, ours does not increase those costs one iota.

Mr. GINGREY of Georgia. Reclaiming my time for clarification, in regard to the Medicare Advantage program that the gentleman from Louisiana was just talking about, I wanted to ask him, Mr. Speaker, if under those Medicare Advantage plans, which, by the way, some 20 percent, 11 million seniors, 20 percent of seniors under Medicare—for some strange reason, Mr. Speaker and my colleagues, they pick that as their delivery system of choice because of some of the reasons the gentleman from Louisiana outlined. And I wanted to ask the gentleman, Mr. Speaker, if that in many cases does not also include prescription drug coverage, which would obviate their need for paying a monthly premium under part B.

And I yield to the gentleman.

Mr. FLEMING. Thank you. Yes, you're quite correct, many things that go beyond the standard Medicare. And Americans have learned that that is a good bill. It's private insurance using Medicare dollars. In fact, many of us would like to see us, instead of having more government running of health care, to actually have current government programs run in the private sector, where things can be done far more efficiently.

Also, there is a mandate, all employers, essentially all employers, will be imposed an 8 percent payroll tax under PelosiCare, absolutely. Under our plan, no mandate, no individual mandate, no employer mandate.

As pointed out, as many as 5.5 million jobs will be lost as a result of increased taxes, which will add to, of course, the overhead for average businesses.

Now, get this: currently businesses are at a marginal rate of 35 percent taxation. When the Bush tax cuts expire in the next year, that will jump to 39 percent. But added to it with the Pelosi health bill, there will be another surtax added of 5.4 percent, which will then take it up to 45 percent. So we're

looking at a 10 percent increase in marginal tax rates. Now, tell me that that will not cause joblessness. There's no way around that.

Also employers will be required to pay at least 72.5 percent of the premiums. There will not be the flexibility that they have today to pay less if they can't afford more.

Will PelosiCare have medical malpractice reform? Not only will it not have it, but the so-called pilot studies that will be offered out there, a measly few million dollars to do that, the only States that can do that are States that do not have laws that restrict lawyer fees or awards or rewards—should I use the word “rewards”—awards for damages. So that means that we can, of course, reform medical malpractice as long as we don't do anything to lawyers, which, of course, is the biggest interest group, I think, in this bill to begin with.

There are many things, Mr. Speaker, that are going to just blow the budget out. And I would say in summary that everyone, middle class and above, is going to be affected by this in a negative way.

And here's how they are going to be affected: they're either going to be paying higher insurance premiums, or they're going to be paying higher taxes or both. And the government will be deeply involved in every decision in life. Their lives will be managed by the Federal Government, micro-managed, if you will. And if you're a senior, you're going to have increasing difficulty in finding a provider, a hospital or a doctor. It's already true with Medicaid, the other government-run program, which, by the way, is going to increase to 25 percent of human beings in this country from where it is today.

And most people who are on Medicaid cannot find doctors as it is. Where are these doctors going to come from? Because you see, Mr. Speaker, the problem is, and again look at Cuba, look at North Korea, look at Canada, look at the United Kingdom, they all have universal coverage, but universal coverage doesn't mean you're going to get treated. Only one out of six people in Canada has a family physician. So the answer is always in these countries that are government-run systems, yes, you're not going to have to pay that; yes, it's fully covered; but you're just going to have to wait a couple of years to get it.

And some things that are common in the vernacular in Canada and the U.K. is, yes, you have cancer, but, no, we're not going to treat it, we're going to watch it. You will never hear a doctor say that in the U.S.

Mr. BROWN of Georgia. Will the gentleman yield?

Mr. GINGREY of Georgia. Reclaiming my time, before we go to the other doctor from Louisiana, I think the gentleman from Georgia wanted to engage

maybe in a colloquy and ask a question, Mr. Speaker.

Mr. BROWN of Georgia. Thank you for yielding, Dr. GINGREY.

What I wanted to bring up, Dr. FLEMING, is that during the August break I went up to Canada and talked to folks about their universal health care system. And the American public need to understand what their situation is up there. I found women in their 40s and 50s who've never been told that they needed a pap smear, never been told they needed one. Never had one. Why? Because the doctors won't take the time to counsel with them and won't take time to do the pap smear because doctors have to rush people through the office so quickly just to see the capitated amount just to make a decent living.

The average time spent, I was told by many, many patients up there, was 5 minutes with a doctor, 5 minutes. I was told that if you have high blood pressure, diabetes, and high cholesterol, you have to make three appointments to see the doctor and they'll just give you medicines for those three things one at a time. You can't go counsel with your doctor for any period of time.

But most importantly, and back to the reason I asked you to yield a moment or two, is that in Canada they pay a tremendous amount of taxes. Even the lowest income people pay a tremendous amount of taxes to pay for their health care system. They have a provincial and national sales tax just to pay for their health care of 7 percent in British Columbia, where I was, a 7 percent sales tax just to pay for national health insurance. Plus on top of that, they have an income tax. I was told by a guy making under \$50,000 a year, he said he paid 60 percent of his income, 60 percent of his income was paid in taxes to help pay for their national health insurance program.

Mr. GINGREY of Georgia. Reclaiming my time, Mr. Speaker, I certainly know of what the gentleman from Georgia speaks.

I had an opportunity last year to visit in Taiwan, the country of Taiwan, our great friends. And they also, like the U.K. and Canada and some other countries, have this government-run single-payer, sometimes referred to as national health insurance. They have a very similar program, Mr. Speaker, to what Dr. BROWN was just referring to. And when I was visiting in Taiwan, I made sure that I had an opportunity to visit with the Minister of Health; and I asked them to describe the system to me, and Dr. BROWN has just done a great job of sort of a mirror image of what goes on in Canada. And I also had an opportunity to ask some of the Taiwanese citizens about the national health program and what they thought about it.

And, Mr. Speaker, here is just a little bit of what they said, their response.

And I think my colleagues need to understand this so they can share this information, and I hope they will on both sides of the aisle, with their constituents:

They said we really like this system, this national health insurance system, here in Taiwan, which has been in place since 1997.

And I said, What's so good about it?

And, Mr. Speaker, their response was, well, kind of like what Dr. BROWN said, We only have to wait about 5 minutes. The queue is very short. They really get you in quickly, and you get to be seen by a doctor, and in general on average that visit takes about 5 minutes. And, Mr. Speaker, also they said almost every time you leave the office, you have a handful of several prescriptions, which is really good, according to them.

Mr. Speaker, of course I'm a physician and I know that in my practice, and my colleagues, I'm sure, experienced the same thing, people want to ask you questions. And a lot of time that's spent you can't charge them for and you don't want to charge them for it, but you want to be able to give them time to ask questions. I said, well, how about if you want to ask the doctor a question?

And, Mr. Speaker, the response was, Well, they don't really encourage that because they have a quota of seeing a certain number of patients a day, and if they sort of drag behind and take more than 5 minutes, then their evaluation at the end of the year, Mr. Speaker, is not so good.

So it's a mess is what it is. It's an absolute mess. And the reason, Mr. Speaker, my colleagues even bring it up is because this idea, in our opinion, in our humble opinion, of having a public option competing with the private market is so that the big arm—I should say the big foot—of Federal Government can get right there one step away from taking over the entire health care system in this country; and we then, within a very short period of time, 3 to 5 years, have a system very similar to the U.K. and Canada and Taiwan.

The American people don't want that, I submit to my colleagues; and that's why we're fighting this tooth and nail and will continue to until we defeat it.

Mr. BROWN of Georgia. Will the gentleman yield?

Mr. GINGREY of Georgia. I will yield to the gentleman, and then I will yield to Mr. FLEMING so he can finish up and then Dr. CASSIDY as well.

Mr. BROWN of Georgia. I just wanted to come back to the point that I just was making so that the Speaker himself can understand and the American people who are listening here can understand that the lowest income workers who are trying to make a living, struggling today to make a living and make ends meet, maybe they do or

don't have insurance today, they're going to pay a heavy, dear price in increased taxes by this bill, the Pelosi health care bill.

□ 2200

It is going to destroy their own personal budgets because of this bill if it ever gets passed into law.

I want to remind, Mr. Speaker, if I can speak out to the American public, I would tell them that the Republicans are the Party of Know, K-N-O-W, because we know how to lower the cost of health care. We have 53 bills that have been introduced. Some of them are comprehensive, such as my bill, H.R. 3889, which is totally private, doesn't increase taxes for anybody. It doesn't put mandates on anybody or anywhere and totally looks to the private sector and will lower the cost of health care. We have many Republican bills that will help lower the cost for everybody if our bills could just be heard on the floor.

But the American people need to demand that the Pelosi bill be defeated, destroyed, so we can go back to the drawing board, we can go back to the table and work in a bipartisan way and have Democratic and Republican ideas, and we can find something that is right for America that will lower the cost of health care.

The Pelosi health care bill will skyrocket the health care costs for everybody, skyrocket taxes, and we have to stop it.

Mr. GINGREY of Georgia. I yield to Dr. FLEMING for any concluding remarks. I would welcome my colleagues to remain on the floor and let's continue this discussion. We have, I think, another 20 minutes.

Mr. FLEMING. I thank the gentleman. To conclude my comments, I was comparing and contrasting the Pelosi bill with the Republican bill. The bottom line, Mr. Speaker, is there are only two ways you can control costs. There is the Nancy Pelosi way where you have an extremely large governmental system that disconnects the patient and the doctor from the cost and it leaves it to the government, it leaves it to a very, very distant decisionmaker in the Federal Government to make decisions about our personal lives and put in force things that affect us that we have no control over. That is one way to do it, and that is ultimately leading to rationing and long lines, like Canada and the U.K. do it.

The other way is a patient-centered perspective, which is the way the Republicans address it, and that is to leave the decisions between the doctor and the patient.

If you stop there, you are not going to control costs. The way you control costs is to engage both the doctor and the patient into the cost. That is not to say that the patient pays all of the costs or even most of the cost. It is just

to say through a health savings account and perhaps other methods, the patient is aware what is being spent and there is a certain reward for making good decisions as a consumer. And in order to do that, you have to connect the patient with the cost in some way, and that is where health savings come in, and you have to have transparency and clarity, which we do not have today. And if we do that, then we make very savvy consumers out of patients, and we have the doctors and patients do buy into it. All of the right decisions can be made in the exam room, and you don't need this giant bureaucracy to do that and create long lines. To sum it up, care delayed is care denied.

With that, I thank you.

Mr. GINGREY of Georgia. Mr. Speaker, at this time I want to yield to our other colleague, a member of the GOP Doctors Caucus from Louisiana, the Baton Rouge area, a gastroenterologist, our good friend, Dr. BILL CASSIDY.

Mr. CASSIDY. Mr. Speaker, what strikes me about this process is there actually is common ground here. We can agree on the goals we want. We want to lower cost and increase access and have quality care; but I think the problem we are addressing is there is a philosophical divide as to how we approach that.

I liked what Dr. FLEMING said when he spoke about if we can empower patients, we can lower cost. One example of empowering patients and lowering cost is health savings accounts, which the Republican alternatives all strengthen and the Democratic alternative weakens.

A health savings account, imagine what is currently the case where a family of four puts up \$12,000 a year. At the end of the year, if they haven't used any resources, they put up another \$12,000, and the year after they put up another \$12,000, but in a sense it is starting over every year. In a health savings account, you sluice off some of that money and put it into a banking account and the family controls that account. The patient is empowered to make wise financial decisions. If at the end of the year they have money left over in that account, it rolls over to the next year. They actually can hang onto it.

Two examples of how this works, a friend of mine back home, a woman with some wealth, has a policy that pays for everything. As it turns out, she doesn't care what it costs because her insurance policy pays for everything. She said she doesn't look to see if her doctor gives her a generic or a name brand drug or what the bill is. She knows insurance will pay for it. She doesn't go through her itemized list to see if all expenses are appropriate.

Contrast that with another fellow. I mentioned to him about the power of

health savings account. He says, I have a health savings account. My doctor writes me a prescription and I know from experience, I tell him that it costs me \$159. Notice he didn't say \$160; he said \$159. Because it is his own money, he is looking at the itemized deductions. He said, I have a health savings account. Do you mind writing me something less expensive?

The doctor says, I'm sorry, tears it up, and writes him a generic that costs \$20. The system just saved \$139, not because a bureaucrat in Washington, DC said thou shalt, but rather because someone looking after his own financial interest made the best decision for his health care.

We know this works on a systemic basis. The Kaiser Family Foundation did a study. They compared a family of four, their expenses with a health savings account and a wraparound catastrophic policy, with a family of four which had a traditional insurance policy. The family of four with the HSA catastrophic, they paid 30 percent less for their coverage than the family of four with the traditional insurance policy, and both families, if you will, were equally likely to access preventive services.

So we see by controlling costs, we increased access to quality care, and we did it by bending the cost curve.

What concerns me about the bill advanced by Ms. PELOSI is, according to the Congressional Budget Office, the inflation rate for these bills is 8 percent per year. Now, President Obama says we have to have reform because costs will double in 10 years if we do not. As it turns out, with the reform we have been presented, costs more than double in 10 years. At a minimum, reform should not cost more than status quo, but actually it does. And if we don't control costs, we know that if we don't control costs, access is denied.

Now, we can always make that up by increasing taxes, but when you start off with a bill that increases taxes by \$730 billion, it doesn't leave a whole lot of room, Mr. Speaker, for increasing taxes any more. At some point your increased taxes drive up costs, which decreases access, which means you have to spend more and you increase taxes even yet more. It is not wise public policy.

So in closing, I will yield back after saying that I think our Republican alternatives concentrate the power with the patient. It is patient centered, empowering patients. Contrast that with the bills that are before us which, frankly, concentrate power in Washington, D.C., by collecting taxes, 111 bureaucracies, boards and panels, which will again take power away from the woman with her doctor in the exam room in her hometown and transfers it to Washington, D.C., where someone will attempt to dictate how that interaction takes place.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the gentleman for his comments and for yielding back to me. I wanted to comment on one point he made in regard to the health savings accounts and the catastrophic coverage, the low monthly premium that is affordable, especially for a lot of young people in the job market for the first time and they are paying off their student loans and God knows what other debt they have got. It is a great thing, and it encourages personal responsibility.

□ 2210

Mr. Speaker, I want to make sure my colleagues know that one of the key components of the Republican alternative is to say that companies like Safeway that have these programs where if an employee shows personal responsibility and works very hard at wellness, at keeping themselves healthy—like if they're smoking, to stop, if they're overweight, to lose weight, if they have high cholesterol, to change their diet—to do things that would keep them healthy—as an incentive to them, Mr. Speaker—and this is part of the Republican alternative—the employer, like Safeway and other companies, is able to reduce the out-of-pocket cost to the employee; and the out-of-pocket cost could be the monthly premium or a reduction of the deductible or the copay.

Unfortunately, Mr. Speaker, under current law—HIPAA I think is the law—you can't cut that out-of-pocket expense more than 20 percent. Well, why not? Why not? If you have employees that have skin in the game, so to speak—I guess that's certainly true in regard to the specialty of dermatology—but if they are taking personal responsibility, then we say that an employer ought to be able to increase that discount to those employees up to 40 or 50 percent. Why not? There is not one thing in H.R. 3962 in regard to personal responsibility.

Well, Mr. Speaker, I thank the gentleman from Louisiana. Also, I see my colleague from Athens is still here. I think he probably, Mr. Speaker, wants to talk about something in the bill called the health choices administrator, a very, very powerful—yes, another czar created by this bill, the health choices administrator. I want to yield to Dr. BROWN and let him speak to that because I think he's got a slide that he would like our colleagues to pay attention to.

I yield to Dr. BROWN.

Mr. BROWN of Georgia. Dr. GINGREY, thank you so much for yielding.

This is the health care czar. The President said, if you have insurance and you like it, you can keep it. Nothing could be further from the truth; it's a boldfaced lie. The reason it's a boldfaced lie is because this bill requires the health care czar and his panel—this

dude is going to be confirmed by the Senate, but the panel is going to be appointed by the President with no confirmation—they're going to be making health care decisions for everybody. And everybody, even private health insurance plans, have to be approved by the boss. So if you have health care insurance today and you like it, forget it because it's going away unless the boss says it's okay.

So the Democratic health care plan, the health insurance bill that NANCY PELOSI has given us, you can have anything that you want if the boss approves it. And I thank Dr. GINGREY because this is his slide here.

Mr. GINGREY of Georgia. If the gentleman would yield back to me for just a second.

Mr. BROWN of Georgia. You bet.

Mr. GINGREY of Georgia. Mr. Speaker, I know the gentleman from Georgia knows of what he speaks because some of my colleagues may not be old enough to recognize that poster, that caricature of the health choices administrator; but, Mr. Speaker, I want to introduce you to Boss Hogg—H-o-g-g I believe it's spelled, from Hazard County, Georgia—or H-a-w-g, I'm not sure. But anyway, I appreciate the gentleman from Augusta and Athens, my good colleague, physician colleague and classmate from the Medical College of Georgia, sharing that poster with us. And I thank him for being with us tonight.

Mr. Speaker, I realize that our time is drawing to a close. We've probably got about 5 more minutes. I'm going to be spending the rest of the time concluding tonight.

I also want to ask our colleagues to direct their attention to a few posters that I have, a few slides. This first one, of course, is—at the very outset what I wanted to emphasize was that the Republican Party, the loyal minority, if you will, does have a second opinion, and that's what we've been talking about here tonight.

I think the most important part of our second opinion—and we listened very carefully, by the way, during the August recess, during those town hall meetings when so many seniors turned out, many of them fragile, so many veterans, many of them of the Vietnam era, World War II, with just multiple health problems and disabilities. They were so concerned about getting their Medicare cut or being thrown under the bus, so to speak, when the government takes over and starts rationing. And what they told us loud and clear is patients don't want government-run health care. They don't want it. They've seen government-run Indian health care, as an example. They've seen many things that the government has run and made a thorough mess of. And this is life and death, this is life and death. And that's why they don't trust the government to run it.

Mr. Speaker, our President, it seems to me, is not listening to the American people. In this next slide I want to point out that what they're saying and what they continue to say—in fact, this coming Thursday you're going to see—I don't know how many are going to come to Washington for what my colleagues refer to as a "house call," a house call on Washington; but this is not the physicians making the house call. This is the American public, this is the patients, these are our constituents making a house call on Thursday at noon.

I'm not sure whether we are going to have the opportunity to have them gather on the east steps where they can be seen by all, and all Members coming and going as we come to the floor and debate and vote on this, the most crucial issue that's been before us, I don't know, maybe in the history of this Congress, certainly in the 7 years that I've been here. But we're going to see a lot of people coming from all across this country. Whether they're constituents from Democratic districts or Republican districts, they're going to be here, they're going to be here. My colleague is going to talk about that, I think, in this next hour.

Mr. Speaker, I would say to all my colleagues, you ought to tell your constituents to come. Get on a bus, drive up here, bring a caravan and tell the Members of Congress and the President and this administration what it is you want and what you don't want. And I know they're going to be saying no government-run health care. They're going to be saying don't cut seniors' care to pay for health reform. We can't even get an annual physical under Medicare. We don't have any catastrophic coverage. We have to pay a \$900 deductible before we can even go in the hospital under Medicare. And they're going to say don't raise the deficit. I think they think that \$1.4 trillion is quite enough deficit for 1 year.

And they're going to say, Mr. Speaker, give us choices, but don't give us mandates. Don't force our young sons and daughters who are straight out of college to have to pay \$900 a month for health care they don't need. Allow them, health choices administrator, allow them to pick a high deductible, low monthly premium with catastrophic coverage during the years that they are taking care of themselves and taking personal responsibility.

And they're also going to say, Mr. Speaker, and I will say this in conclusion, they're going to say we want you Members of Congress, Democratic majority, Republican minority, we want bipartisan compromise. We think that you ought to go back to the table, take a clean sheet of paper, throw away these 1990 pages. We know you destroyed a lot of trees, but let's start over again with one sheet of paper and do it in a bipartisan way and think

first and foremost about the American people and not the next election.

With that, Mr. Speaker, I yield back the balance of my time.

□ 2220

A TIME FOR AMERICANS TO RECLAIM THEIR FREEDOM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Thank you, Mr. Speaker. I appreciate being recognized to address you here on the floor of the House.

This is a big night for a lot of Republicans across the country, and as we're watching things unfold, the American people have come out to the polls today across the eastern part of the United States, and their voices are being heard. As our voice has been heard sometimes in the echo chamber in the House of Representatives, now the real voices of the people have been heard through the ballot boxes in places like Virginia and in New Jersey, and we wait to see how it unfolds above and beyond that.

This is, Mr. Speaker, a time for choosing. This is a time for the American people to step up and to reclaim their freedom.

The American people understand what has happened in the last year, in a little more than the last year. They understand that there was a Secretary of the Treasury who came to this Capitol and who demanded a \$700 billion TARP fund. A lot of us said "no," and everybody here on the floor, I believe who I'm looking at, said "no." Then along came the nationalization of three large investment banks—AIG, Fannie Mae, and Freddie Mac—and then General Motors and Chrysler. Then behind that came a \$750 billion economic stimulus package that may have saved some government jobs but that hasn't created anything that has to do with the way you create wealth in a free enterprise society.

Right behind that came the very ill-thought-out, worst piece of economic burden that has ever passed the House of Representatives—cap-and-trade. The American people saw that go through them like a freight train—one car after another, after another, after another. At about the time they lifted their heads up to see what happened, another car hit them.

Then they looked around, and we had an August break, and this Congress went home to get away from the humidity and the heat in Washington, DC. When we went out, we had hundreds and hundreds of town hall meetings, and tens of thousands—in fact, hundreds of thousands—of Americans came out for their voices to be heard.

At the core of all of that—of all the squabble, of all the tension that we saw

and heard and that a lot of us looked right directly in the eye—was the American people who wanted to preserve and protect their freedom—our freedom, Mr. Speaker.

They continually said, What can I do? What can I do?

I said, Come to town hall meetings. Pick up the telephone. Write letters. Go see your Member of Congress. Look him in the eye. Tell him that you want to hang onto your freedom.

If there was anything that I said in a town hall meeting that resonated with the people in the Fifth District of Iowa was that I will oppose any bill that diminishes our freedom. Well, we have a bill that looks like it's coming to this Congress very soon that diminishes our freedom. It's 1,990 pages.

Mr. HOEKSTRA. Will the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. I thank my colleague from Iowa for yielding.

I think you've laid out very well at a macro level what we've seen happen over the last 9½ to 10 months as we've had a new administration, a new Senate, and a new House come into session. That's at the macro level.

I think the other thing that's really connecting with people is what they see happening at a grassroots level after Chrysler and General Motors went bankrupt and then after Chrysler and General Motors used the protection of bankruptcy to take away private property rights—to go into a whole range of dealerships without any transparency to their customers or to even the dealers, themselves.

They all of a sudden said, In 3 weeks, 5 weeks, you're no longer going to be a dealer for Chrysler.

GM had a nicer word for it. They said, You're going to be in a wind-down.

Well, I was just in one of those wind-down dealers last week. It's not a wind-down. They're out of business. It was a loss of freedom. You know, many of these individuals had invested millions of dollars into the business, some of them within the last couple of years, believing that, when they were investing in the contracts that they had with these folks, the contracts protected their freedoms and that they protected their business relationships. All of a sudden, through bankruptcy, that freedom and that protection, under bankruptcy law and franchise laws, were gone.

That's exactly, I think, one of the reasons we're here tonight. We're talking now about the freedom, about the responsibility and about the opportunities that those car dealers lost when GM and Chrysler went through bankruptcy. It's the type of freedom that each and every one of us faces. We're going to lose that same kind of opportunity if we pass this massive health

care bill because, when I look at it—you and I—we know what's wrong with health care. We've got to fix pre-existing conditions. We've got to have more competition. We need to do some of those things.

This is all about power and where that power will be. I started reading this health care bill over the weekend. I read 300 pages. Then you start going through it, and you start trying to figure it out, and you realize that what the Speaker and others have done is not what's going to be in health care. That health care bill simply says that it's no longer your decision and that it's not my decision. It's not your decision. It's not my decision. Those health care decisions are now going to be the decisions of the House of Representatives and of the Senate. More importantly, they're going to be the decisions of those buildings down the street—down Independence Avenue and down Constitution Avenue—which we call the "Federal bureaucracy." We'll have a bureaucrat standing between you and me and our doctors and our health care decisions.

I think one of the things we're going to talk about tonight is the opportunity that the American people are going to have to come to Washington on Thursday to voice their opposition to this massive takeover through the Pelosi health care bill or to go to their congressional offices in their districts or to start calling Washington—to call those Members who are going to make a difference as to whether this Pelosi health care bill becomes law or as to whether we stop it dead in its tracks and we have a vote for freedom.

Mr. KING of Iowa. Reclaiming my time and thanking the gentleman from Michigan, Mr. Speaker, I want to reiterate this: that the dye has been cast in this Congress for some time. The Speaker has been leveraging votes on this 1,990-page bill that may see a several-hundred-page manager's amendment drop in on us at any time. Even as we speak, it could happen.

With all that leverage that has been taking place behind the scenes and with all the negotiations that have taken place in the White House, in the Speaker's office and in Harry Reid's office, there has been no Republican at the table, not one.

Mr. HOEKSTRA. Excuse me. Does the gentleman mean that this has not been a transparent process?

Mr. KING of Iowa. It has been completely opaque. It is not a transparent process, and it is not consistent with the word, with the pledged oath of the President of the United States, which was that there would be an open, transparent process that would be negotiated on C-SPAN.

Mr. HOEKSTRA. Exactly how much of the economy are we going to reshape?

Mr. KING of Iowa. We're looking at 17.5 percent—round it up to 18 percent—of the economy swallowed up by the Federal Government—and the gentleman from Michigan didn't say it—under the thumb of the health choices czar, who is the guy who would write all the rules after the legislation would be drafted. The rules would be written after that, and he would then set the terms for every health insurance policy and company in America.

Mr. HOEKSTRA. How many times in this bill does it say the health care commissioner shall, will or must? Those are all decisions that will not be made here through the legislative process.

Mr. KING of Iowa. I happen to know the answer: 3,425 times.

Mr. HOEKSTRA. How many times?

Mr. KING of Iowa. It says "shall" 3,425 times, but the one time that it says "may" is quite interesting, which is that the Members may enroll in the Federal policy. It's not Members of Congress shall live under the laws they pass. They may if they choose.

The gentleman from Missouri.

Mr. AKIN. So the Members of Congress may, but everything else is "shall." There are 3,400 "shalls"—

Mr. KING of Iowa. And 25.

Mr. AKIN. Packed into a 2,000-page bill.

Mr. HOEKSTRA. Those are decisions that the health care administrator, commissioner or czar will make. We transfer that authority. We've taken it from the American people. We've put it into Congress.

We've said, Those are no longer your decisions. We shall make those decisions. Then we say, No. Wait a minute. We shall not. We shall transfer that over to a commissioner because we sure don't want to have responsibility for it.

So it's kind of like a framework of health care reform, saying, You'll know the details later on as some appointed but not elected and not accountable commissioner makes those decisions.

Mr. AKIN. So, in coming back to the theme of freedom, every "shall" is just like another death bell which is tolling for a little freedom that just died. Every "shall" is one more little freedom that just died. It is one person with one's doctor who's making a health care decision but who won't make it anymore because there's not going to be an insurance person there, second-guessing. No. It's going to be worse than that. It's going to be a government bureaucrat saying, I'm sorry, Steve. You're just a little too old.

Just having a moment to join my friends here, I think that I would be derelict in my duty if I didn't recognize my good friends, Congressman HOEKSTRA and STEVE KING.

□ 2230

You have been one of the people that's called, it's called a House call,

it's like a doctor going to a house call, except we are asking for the people who aren't sick to come to Washington D.C. and try to straighten things out on Thursday at 12 o'clock. You are one of the people organizing that, and PETE has been working on it too.

This is really kind of a grass-roots thing, isn't it. I mean, this is not something that the leadership has been pushing particularly or anybody said to do. This is just a sense that we want to allow the many people we know that love this country and love freedom to have a chance to in some way express their opinion about this subject, because this is like some train that's lost any kind of way to talk to it on the telephone; and it is just going with the Governors off of it, full steam, full throttle down a track that's disappearing in empty space. We are just going to jump into this abyss of the government can run it somehow.

When I think of the beginning of this country and I think about freedom, such a special place America is. You know, there are all of these crazy people that came to America.

One of my favorites is this group of pilgrims, 100 of them. They came over with a dream. People say they came for religious freedom. They didn't come for religious freedom; they had religious freedom in good old Holland.

No, they came here because they wanted to build a new civilization unlike anything history had ever seen before. These people were nuts. Within the first couple of months, half of them died. When the *Mayflower* captain said it's time to go back to England in the spring, half of his crew was dead and he told his bosun to wind in that anchor cable and set the yardarm square to the wind, and that *Mayflower* sailed over the horizon and disappeared as a speck.

There are these 50 people or so standing on the shore, on the rocky shore line of cold, old Massachusetts, New England, because they had a dream in their heart. They had a dream of building a new nation. A number of years later you have Bradford writing that perhaps we have kindled a candle that will light up even as a candle could light other candles, can light up even a light to a new nation.

All these other crazy people, this one guy started building light bulbs and he built a couple hundred of them and nothing worked. He was just crazy enough to keep on doing it until Thomas Edison built it. America has been built, one idea at a time, by the people who had freedom.

Mr. KING of Iowa. It's the vitality in America that we want to preserve here. There is something unique about being an American. We aren't just an extension of Europe; we aren't just an amalgam of all the donor cultures that are here. We got the cream off the crop of every one that sent people to America.

That vitality that comes from having a dream, that gave them the vision to find a way to get on a ship to come here, and they didn't all stay here. Some of them couldn't cut it in this competitive meritocracy that we have created. Some of them went back, not very many. But the ones that stayed were the best that any of the donor countries had to offer.

That dream of freedom, founded upon the rule of law, the right to property, the constitutional foundation, the pillars of American exceptionalism, is what is at stake here in this Congress this week in the biggest way that I can remember in my lifetime.

That's why, Mr. Speaker, we have called for the American people to come to this city, come to this Capitol. We are gathering together at noon on Thursday, and we are asking everybody in America that can get here, if you are close enough to drive, they need to drive.

If they need to get on a plane, do that, and join us at noon, in the afternoon and thereafter go find Members of Congress, look them in the eye. Let them see the whites of your eyes. Let them look into your pupils and look into your soul.

Tell them don't take away our freedom with this 1,990-page bill, the one that there is no one can understand; but it's noon on Thursday. Those that can't make it here need to go to the district offices as close to their home as they can or into the districts of the people that are sitting on the fence and tell them, save my freedom, or I will take your job. That's the message that needs to come.

Those that can't go out that day need to pick up the phone and jam the phone lines. This can be done. This bill can be killed. It needs to be killed for the sake of freedom, for the freedom that was found with the pilgrims when they came here, for the freedom that was fought for with every generation of Americans, for those that are buried out at Arlington and around the world. We can't be turning America into a socialist state.

Those companies that I mentioned at the beginning that have been nationalized, that's one-third of our private sector. If that 18 percent of the health care industry, one-sixth of our economy is added to that, we are at or over half of the private sector nationalized in the last year. We can't stand that.

By the way, there are flash cards that are there, that are put out by USCIS, Citizenship and Immigration Services. In those flash cards you will have to learn this if you want to become an American. One will be Who is the Father of our Country? "George Washington" on the other side.

You can go down through the list. But there is one that has a question that says, What is the economic system of the United States? Back side,

"free enterprise capitalism." I would like to see if many of those in the administration today could actually pass that test.

I am convinced they don't believe in it. This is about freedom, and we need to gather here in this Capitol Building on Thursday, at noon, at the building, around the building, around the grounds, in the congressional offices. The call needs to go out to everybody in America.

For 2 months they said, what can I do? What can I do? The answer is, Come to this city. Help us all out.

The gentleman from Missouri.

Mr. AKIN. You know, there are different sorts of levels of threats that we run into in Congress. You are an expert on the intelligence community. You take a look in the Midwest, you have these big towering cumulus that come across in June and July and you say is this something that's dangerous or whatever it is, and you take a look, Do we have threats from terrorists? Is that a problem? Is North Korea a problem? We sort of weigh these things.

I would have to say that so many people back in my district and so many of the people that I respect here in the floor would rate where we are right now, Steve, they would rate this as probably the biggest internal threat to America since the Civil War. That's kind of where I have come down. I mean, if you want to talk about American danger, I might say go back to the Cold War and Ronald Reagan and whether the Soviets are going to push the button.

But if you talk about internal threats to America, this idea of the government taking over these sectors, one of the things, there is a couple of things chilling about it. One of the things is tell me any time in the history of America when the Federal Government has taken something over that we have ever backed up from it. We never go backwards.

As soon as something gets socialized, it's permanently built into our culture. We can never get rid of it.

If we ever allow the Federal Government to run that sixth of the economy that's health care, how are we ever going to get back from that?

Mr. HOEKSTRA. I think you have got three examples here exactly building off of your point: 1956, the country and Congress decides that we are going to do the interstate highway system. You know what? I think that actually worked. We now have an interstate highway system that works for the country.

But over the last 53 years, the system has become corrupted. Why? Because it's now Washington getting in.

In my district, with Michigan's money, they say, oh, by the way, on average for the last 53 years, we are going to take a dollar of your money, and we are going to give you 83 cents back.

Mr. AKIN. Bargain.

Mr. HOEKSTRA. What a great bargain. It's a great bargain for West Virginia because they are getting \$1.74 back, but that's our money.

Now they are coming into Michigan and they are saying we are not building interstate highway systems any more. We are telling you to build bike paths; we are telling you to do this. So in the last couple of years what have we had to build, a crumbling infrastructure, we have had to build a turtle fence, rest areas.

Mr. AKIN. Wait, there has got to be a story here. A turtle fence. I assume this is to keep stampedes of turtles off the roads?

Mr. HOEKSTRA. It's to keep stampedes from crossing the interstate. Like I said, our infrastructure in Michigan is not that great. We need to rebuild it.

Mr. AKIN. Is it environmentally acceptable to have a turtle fence, do you think?

Mr. HOEKSTRA. We allow them to get to the creeks and the rivers, but again it's this loss of freedom. It's Michigan's money coming to Washington, then coming back and saying you are going to get less of what you sent, and then we are going to tell you how to spend it. We are now building a bicycle path, a bike path over an expressway; and it's kind of like, that's nice to have, but it's not an essential.

The second example is, and you and I are here, you like this one—

Mr. AKIN. The turtle fence, was the bridge for turtles too or not?

Mr. HOEKSTRA. No. The bridge was for bicyclists, and I have not seen a lot of bikes on that road.

Mr. AKIN. The reason I am hung up on this is because I keep a record in my mind of some of the dumbest ideas that I see legislatively. This health care bill has got one, actually. It's the wheelchair tax. Now, what person that ran for public office would want to do a wheelchair tax?

We will get to the turtle fence.

□ 2240

Mr. HOEKSTRA. That is a bad idea. So we found a system that worked for the interstate highway system, but over 53 years it has grown into this bureaucracy that no longer works to build what it was intended to do.

The second example, as you and I were here, 2001, it is kind of the same debate we had on health care. We had a President who came in and said, My number one priority is what? Education. No Child Left Behind. And who could argue with that? Who wants to leave any child left behind?

Some of us had a vision that said, you know, the most effective way to make sure we don't leave a child behind is not to give the authority, but to return the authority that is inherent with parents to raise and educate

their kids. But we had a President who had another idea.

He said, well, the way we are going to make sure we are not going to leave any child behind is that we are going to take that authority from parents, we are going to take that authority away from local school districts, we are going to take that authority away from the States, and we are going to move it all here to Washington.

I think about 390 people voted for it, because how could you vote against No Child Left Behind? Everybody was scared, you know. We are going to have to go home and people are going to say he voted to leave a kid behind. You and I voted "no."

Mr. KING of Iowa. When you name it "No Child Left Behind," then it gives it momentum. But what could you possibly name a 1,990-page socialized medicine bill to convince the American people it is a good idea?

Mr. AKIN. I can tell you what it was named by the Democrat Governor of Tennessee, because his State has tried this whole idea of the government running health care. So this is the Democrat Governor of Tennessee called it "the monster of unfunded mandates."

Mr. HOEKSTRA. Which is exactly what we found with No Child Left Behind. It became a huge power grab to Washington, a huge unfunded mandate, and, most importantly, it didn't work. And this is the exact model that we are now following with health care, except we now have a new President who says, My legacy is I am going to do health care.

Again, he is not enabling people to exercise the freedom and authority that the Constitution has given them. He is taking that freedom and authority from them, just like No Child Left Behind, moving it to Washington, and saying, Don't worry, Washington will take care of your health care. Everything will be fine.

Mr. KING of Iowa. It is pretty hard to take this President seriously when you look at a quote like this. This is a quote from the President. "Here is what you need to know. First, I will not sign a plan that adds one dime to our deficits, either now nor the future. Period." Date, August 9, 2009. I was watching the town hall meeting.

Mr. HOEKSTRA. Actually, he was right. This plan will not add a dime. It will add \$1.2 trillion. I am not sure to the deficit, but it is \$1.2 trillion of new spending. He is right. It is not a dime; it is a whole lot more than that.

Mr. KING of Iowa. The gentleman from Michigan could be completely in tune and understand political speak so precisely. Not one dime. It could be 11 cents, 9 cents, or \$1.2 trillion, but not a dime.

Mr. AKIN. The question I have for my good friend from Iowa, how many dimes do you have to stack up to get to \$1.2 trillion? Could you get to the Moon?

Mr. KING of Iowa. I could tell you how much corn.

Mr. HOEKSTRA. He can tell you how many bushels of corn it will take, but don't ask him about dimes.

Mr. KING of Iowa. Here is the corn. One trillion dollars of corn is this. We will raise about \$10 billion of corn in Iowa this year. If we can get it out of the field, we will have \$10 billion worth. One hundred years is \$1 trillion worth. One hundred years, all the corn we can raise, is \$1 trillion. The Obama deficit is \$9.7 trillion. That is all of the corn we can raise in 1,000 years.

So you can look at it this way: The deficit created by this bill, the \$1.2 trillion, would be about 120 years of all of the corn that we could raise in Iowa if we committed the entire amount, at today's market prices, marked up just a little because they have gone down over the last few weeks. That is what \$1.2 trillion is. We could pay this thing off in 120 years in Iowa if we gave you all the proceeds from our corn crop.

To put it into that kind of magnitude, for the national debt, the Obama deficit is 1,000 years of all of the corn we can raise in Iowa. And the overall national debt, national deficit added to the Obama deficit, is over \$20 trillion. That is all the corn we can raise from the time of Christ until today if we had today's yields and today's market prices.

That is what we are looking at. We are looking at something that is unsustainable, and the children and grandchildren yet to be born will be paying the interest, and maybe their children will start to pay the principal on this debt that is created.

Mr. AKIN. First of all, though, you've got to remember the Governor of Tennessee said this is a monster of unfunded mandates. So it is really not \$1.2 trillion, is it, because a lot is going to be passed on to the States. So it is really more than \$1.2 trillion. Then we are going to collect that with taxes, isn't that right? Like the wheelchair tax. I am still marveling at the political audacity.

Mr. KING of Iowa. A tax on oxygen bottles and all the medical equipment is there, but the tax on small businesses approaches half a trillion dollars too.

Mr. AKIN. \$500 billion on small business. And, of course, we are going to do that at a time when employment is strong, right?

Mr. KING of Iowa. We are doing this at a time when the economy is as wobbly as it has been in our adult lifetimes, and we have been adults for a while, the three of us.

Mr. HOEKSTRA. We have to put this, again, in focus. What taxes are we already looking at? They have said we are not going to extend the tax cuts that were done in 2001 that led to economic prosperity. Those are going to expire. There is a whole range of taxes

that will go up for all Americans when those expire at the end of 2010-2011. We then have all of these taxes that they have put together.

Mr. AKIN. Is that dividends and capital gains? Are you talking about dividends and capital gains?

Mr. HOEKSTRA. Dividends. I think the marriage penalty comes back. The adoption tax credit goes away. This is Adoption Awareness Month. We have wisely put in tax policy that encourages and facilitates and provides a financial assist for families who want to adopt. That goes away, because that is a bad tax cut, according to folks, because everything that was done from 2001 through 2008, any type of tax adjustment was a terrible tax. So they want to get rid of that.

Then you put that with cap-and-trade, the carbon tax that has created a tremendous amount of uncertainty on business. Then, like you said, you put this new health care tax on top of small and medium-size business, and you put all the other taxes in place, there is no wonder why the economy is in such turmoil today, because every business person today, if they are taking a look at whether they are going to invest or hire someone, they are going to be very, very reluctant to do it because they are seeing all of these taxes on the horizon and there is so much uncertainty.

Again, what is every tax? The same thing as in health care. Every tax is taking freedom away from the three of us, from our constituents, and moving it to Washington, because we then can no longer direct that spending. Washington politicians can.

Mr. AKIN. Now, Congressman, you are talking to a guy who made his whole life as a small businessman, Congressman KING. Let's just take a look at what we are piling on him in 10 months.

First of all, as you say, we are having all of these different taxes that had been cut are all going to be raised, but particularly for small businesses, dividends and capital gains. So if you are a small business man, you have to have some cash to run your business, especially if you want to add any new jobs. You have to be able to afford a new piece of heavy equipment. That is what you were doing, Congressman KING.

Now, what we are going to do is we are going to slam them with what—you call it cap-and-trade, I call it cap-and-tax, but it is one of the biggest tax hikes in the history of the country. But also included with it are all of these regulations about the carbon footprint of your building.

So now you have got all of the tax things that are expiring. You get cap-and-tax coming. So energy, you are going to get hammered on that. We say, but don't you worry about anything, because we have got some more taxes in this government-run health care system.

Mr. KING of Iowa. Reclaiming my time, to take us back and put this in a perspective, in 2006, Speaker PELOSI became the Speaker with a Democrat majority in this Congress. CHARLIE RANGEL became the chairman of the Ways and Means Committee. We had this whole series of Bush tax cuts that went into law May 28, 2003, that stimulated the economy, and they were the right thing to do to bring us out of the downward decline that we were in.

And the chairman, CHARLIE RANGEL, went before news media after news media, pundit after pundit, and they asked him a whole series of questions: Which one of the Bush tax cuts will you save? Which ones do you want to eliminate? Which ones do you like? How would you configure these taxes?

There never was a straight answer out of the whole bunch. But in the process of elimination, over a period of about 5 weeks, it was determined that CHARLIE RANGEL didn't support any of these taxes. And in that period of time, by February, we saw industrial investment drop in this country dramatically, and that, I believe, was the first indicator of what was going to happen to our economy.

Since that period of time, capital is smart. It will always do the rational thing. Well, when capital sees that it gets a tax increase, it invests less, takes less risk, because there is less return on that investment.

That started in 2007, February 2007, and it has been in a decline ever since, until such time as we end up with the Henry Paulsen \$700 billion TARP money in this government that decided they want to borrow trillions of dollars and buy up the private sector of the United States.

□ 2250

By the way, one can go to the Web site, the socialist Web site, dsausa.org, the Democratic Socialists of America, and there's the playbook for much that's happened, and that's been posted and hanging out there for some years now. But they'll argue that, first, they're not communists. There's a difference. Socialists don't want to nationalize the barbershop. They just want to nationalize the Fortune 500 companies, the oil industry, the refinery industry, and the energy industry. And they don't need to do it all in one fell swoop. They can do it incrementally. A lot of Americans think it's happening almost in one fell swoop. But the playbook's there on that Web site.

The people that are running this country do not believe in free enterprise. They believe in a managed economy that's run, and it's on the Web site of the socialists, companies run for the benefit of the people affected by them. Guess who that is? That's the workers or the customers, not the investors. That's why the investors got aced out

in the car companies, as we heard from Mr. HOEKSTRA earlier.

That's the backdrop, Mr. AKIN.

Mr. AKIN. Just going back to what I'm saying about some poor guy that's a small businessman out there in this environment, and you see this wave after wave of tax increases, and you don't know when the waves are going to stop, and you don't know what's going on and how you're going to run your company. It reminds me of an expression from a State right next door to yours. You're from Iowa. We're just a little bit east over in the State of Missouri. But we have an expression that I think adequately expresses if I were a small businessman in that Missouri. We say, "hunker down like a toad in a hailstorm." And I think that's where our small business people are. They're not thinking about building that addition or adding that extra machine tool or coming up with an innovative new process. They're thinking about how am I going to survive this storm?

Mr. KING of Iowa. Speaking of the turtle and the toad, the fence for the turtle, there's a reason and we've seen the film on why you can't supposedly put a fence on our southern border, and that's a little video of this toad that hops along and hops up and bumps his little nose on a fence, and, therefore, we surely couldn't have one to protect America because this toad can't figure out how to hop around it.

So hunker down like a turtle in a what?

Mr. AKIN. "Hunker down like a toad in a hailstorm."

Mr. KING of Iowa. Or a turtle that's lying up against a fence.

The gentleman from Michigan.

Mr. HOEKSTRA. You put it all together, and I think this is what we started seeing in August. In August we had people who were frustrated about programs that had been around like No Child Left Behind, massive amounts of money but also massive amounts of unfunded mandates that weren't working, and parents recognizing that, wow, now Washington's telling me which schools are good, which ones are bad, which teachers are good, which ones are bad. It's kind of like I knew that before. I didn't need Washington to tell me that.

Then they saw what you articulated, Mr. KING, so eloquently earlier where we did this massive stimulus bill that's not creating jobs. You've got cap-and-trade. You've got this health care. And I think this is why they came out in droves during August and saying stop, we want our freedom.

And this is why we need people to do one of three things or four things on Thursday at noon. Number one, if you can be in Washington and join us, come here and stand up and express your vote for freedom. And I think it's happening tonight in Virginia, and it happened in New Jersey, and I'm not

should exactly what happened in New York, but in those two States that's exactly what people did. This Tuesday they stood up for freedom in Virginia, and they stood up for freedom in New Jersey.

Join us here on Thursday. If you can't come here, go visit your Congressman's district office and express in person your vote for freedom. And if you can't go there, then get on the phone and, you're right, target those Members who are on the fence and say we need your vote for freedom and not for massive new government bureaucracy.

And I think as we were talking and organizing this session for Thursday, someone came up and they gave us the fourth idea that says if you can't do one of those three and you're driving, and we don't want you to get on your cell phone and call your Congressman, then at least what you can do at noon on Thursday is start honking your horn for freedom. So do one of those four things on Thursday afternoon, and people will start getting the message.

But it's not only Thursday. This vote may happen Friday. It may happen Saturday. We're not sure exactly when. But keep that effort going and build the momentum that we started in August, that you started in August at the grass-roots level. It has been reinvigorated. It's been going on for the last couple of months, but now we need to accelerate it back up. Get it going again on Thursday, Friday, Saturday, and Sunday until we come back and we do a sensible, commonsense reform of health care that says for the 85 percent of us who have health care and are relatively happy with it, we're really not going to mess with that. We're going to focus on those problems that we have identified in health care for those 10 to 15 percent of the American people who can't get health care. We're going to address those problems. But we're not going to mess with the rest of the system.

Mr. AKIN. It just seems like the problem is just like the cap-and-tax. I mean, that was the one that had the 300 pages of amendments passed at 3 o'clock in the morning. And I remember from this very podium that I'm speaking from our colleague, Congressman GOHMERT from Texas, with his droll sense of humor inquiring of the Chair. He said, Madam Chairman—there was a lady in the Chair at that time—is it customary that there be a copy of the bill in the Chamber when we're debating it and discussing it? So there was a discussion with the Parliamentarian who said, yes, there is, it's common that there is. He came back about four times and said, Could you tell me whether to go north, south, east, or west? I can't find a copy of the bill here. And, of course, the bill was still being collated at the time.

Now, that was another example of we have got a solution and we're just going to use the excuse—

Mr. KING of Iowa. Reclaiming my time, I'd like to—

Mr. AKIN. But this is the same thing. This is just like that. If really CO₂ were the problem, we could have fixed the problem easily.

Mr. KING of Iowa. Reclaiming my time, I don't think it really does justice to what actually happened on this floor. It has to be brought to a close, and that is to give full credit to the gentleman from Texas (Mr. GOHMERT). He took that Parliamentary inquiry with the Speaker to the point where he said, Madam Speaker, if the House of Representatives passes a bill that doesn't exist, then is it possible to message a bill that doesn't exist to the United States Senate? And apparently it was, because that is what happened. A bill that didn't exist was passed. That was cap-and-trade. It was messaged to the United States Senate. Not one person in this Congress read that bill, let alone understood it. I know. I don't have to ask because it didn't exist at the time it was passed on the floor of the House of Representatives.

Now I yield to the gentleman from Missouri.

Mr. AKIN. Well, I guess my point was the objective was already predetermined. It's a massive takeover of all kinds of basically building code stuff, telling you you've got to have an electric outlet in your garage. You know, this sort of incredibly detailed stuff that the Federal Government thinks we much better know how you ought to build your garage and have an electrical outlet in it. But the objective was all of this controlling stuff and a huge tax increase, which was the objective all along.

This health care situation strikes me as the same thing. The objective from the beginning is get the government to run it, and we'll use any excuse that we can to justify the fact, but we already know the solution and the destination, and that is we just believe in the government running this thing.

And there are a lot of people on the Democrat side that are completely open and honest and say that's their objective, and there are other people that are trying to obscure the fact that that's where they're going. We'll do it in some incremental steps, or we'll make it so that you can opt out. You can't opt out of the taxes, but you can opt out of the health care or whatever. But the bottom line is we want the government to run it.

That kind of reminds me of something. And I know that a couple of you are historians. There was a country that believed, and we heard it argued on this floor, that health care is a right, and there was a country that took a look and said, you know, you ought to have a right to shelter because in the cold, harsh climate of this

country, if you don't have shelter, you will die. And you ought to have a right to food because you'll starve to death if you don't have food. And you ought to have a right to health care and you ought to have a right also to education. So that country, because they thought those were fundamental rights, had the government providing those things for their citizens.

Mr. KING of Iowa. Was there a right to escargot?

Mr. AKIN. I don't know whether that might kill you or not, but the point is that country is out of business. It was called the Union of Soviet Socialist Republics, the USSR. But that was their basic philosophy, that the government should do housing and food and health care and education. And here we are going along after we laughed at them and watched that complete mess that they made of their country, the poverty it left people in, and we say, well, now we want the government not to do just food stamps and housing but we want the government to do all, all of medicine in America.

Mr. KING of Iowa. The thing that's forgotten by the other side is that they're creating a dependency society, a society that the more dependent people can be, the more government can grow, the stronger their political power is, Mr. Speaker. That's a piece over here.

□ 2300

We are about independence and the vitality of that. You can't beat the guy that has a vested interest. The entrepreneur who started a business, who risked their capital. Like me, I had a negative net worth of \$5,000. There was a way to go down from there. I had to make it work. I made no provision for failure. A lot of nights I worked all night and the next day to hold it together. When that happens, you can't beat that person that is determined that way. But if government replaces all of the needs and all of the wants and sets the safety net out there and turns the safety net into a hammock, the vitality of a nation is diminished.

We have, if this bill should pass, it takes away another incentive for personal responsibility and it says to the person who is not responsible, you don't need to figure out how to climb up from here because we will deliver. We will do a delivery of anything it is that you want.

It reminds me of FDR's "Four Freedoms" speech, and that is cut into the wall down at his monument, and I don't go there very often. And he got it a little wrong, four freedoms: Freedom of religion, freedom of speech. They are freedoms. They are constitutional freedoms. But the other two were freedom from want and freedom from fear. Freedom from want and freedom from fear, and some of America has been duped into thinking somehow those are

rights. They are not rights at all; those are wants. Now we have gone to the point where we have catered so much to the people of this country and the lust for political power that we have said to people, You should have a constitutional right to freedom from fear of want. So don't worry, we'll give you everything you want. You don't have to fear not having what you want, a complete nanny state being created in this great gulp of socialism of one-sixth of our economy, 17.5 percent of our economy, and the freedom not just from cradle to grave, from conception to the grave. That is because this bill funds abortion. I don't think there is any way that the Speaker allows an amendment to come to this floor that will pass because you can't create a whole national health care act and make this thing work the way things are scenarioed today.

This bill funds abortion. This bill funds illegals, gives them a health insurance policy, and it takes care from the time people are conceived, if they are fortunate enough to be allowed to be born, even though the subsidy will be there to promote abortion, it takes care all of the way up and makes children out of us all. A great diminishment of American freedom.

And it would, if the Founding Fathers could stand in here tonight, the tears would be running down their cheeks thinking of what is staged to happen in this Congress. That is why we need the American people to come to this city and be here by noon on Thursday, gather together, come to the Capitol, surround this place, bring your passion and your love for this country, bring your patriotism, and bring your signs while you are at it.

Mr. Speaker, the American people need to come here, to this Capitol, and we do the press conference at noon on Thursday. It will have a list of people that have migrated from across this country. People are coming from the Pacific Ocean. There are buses are coming in from State after State, converging on this city. People are dropping what is important. It is as if Paul Revere had ridden across America and said, Here is the call. Here is the call of your country.

Mr. HOEKSTRA. The gentleman was with us in one of our colleague's office's an hour ago, and one of the other Members answered the phone and said, You know what? That was two people from Oregon and they thought they got the wrong office because they were calling at 9:30 at night and someone actually answered.

Mr. KING of Iowa. And it was a Member of Congress.

Mr. HOEKSTRA. And it was a Member of Congress. And they said, We were talking about this House call on Thursday, and we are coming. We think it is important to be there. Where do we need to be?

So I think you are absolutely right. We have heard about people coming from New Jersey. We know there are people coming from the area here. As people start thinking about this—and it is encouraging that people in Oregon are getting the message. They are going to take the time. They will probably have to leave Wednesday. They will have to leave tomorrow to be here Thursday at noon. They will be out there on the east front. I guess we have to call a press conference, although some might call it a rally, although I guess the speech police here on Capitol Hill and the House of Representatives forbid us to use the term "rally"; is that correct?

Mr. KING of Iowa. There has been a little bit of that PC speech police effort, but I submit that this is a free country and we do have First Amendment rights. If we want to call it a rally, we can call it a rally.

We can call the American people to come to this city and listen to the model of the people from Oregon who are willing to drop everything and head to the sound of the microphone, some would say head to the sound of the call to this mission to save freedom.

At the core of everything that we have said here tonight is the threat to American freedom, and it can be saved by the American people and no one else. And nothing that we say in the debate, no Member of Congress can come up with a new argument that is going to sway the people that have gravitated towards their power and their political base, or their fear perhaps of maybe losing a chairmanship, or their desire to get a gavel and be a Chair, or somebody who needs a project in their district, all of those things have to be taking place.

But what can happen is real American people can let these Members of Congress know that they want to hang onto their freedom. If they are willing to come from the Pacific Ocean, from the Midwest, from Michigan, across, up and down the Atlantic seaboard, to come into this city, the Members of Congress are going to have to hear and they are going to listen.

And, by the way, I don't believe it will be something that a bill comes to the floor with the American people all around the outside of this Capitol and that the bill gets voted down on this floor. It doesn't really work that way. It would be more likely the majority leader coming to the microphone and saying, We have a few technicalities to work out on this bill, please stay tuned, and he will walk off the floor.

Mr. HOEKSTRA. If the gentleman would yield, the real sign of success is that the bill doesn't come to the floor. The real statement of success is that we do have a bill that comes to the floor.

Mr. AKIN. A good bill.

Mr. HOEKSTRA. A good bill that recognizes the ultimate and the necessity

that we give freedom and power back to the American people and that we don't take it from them.

If you are doing 1,900 pages, that is saying we are taking your freedom. You don't need 1,990 pages to say, You know what, we are going to make it easier for you to exercise your freedom in these areas.

Mr. AKIN. Would it be okay, I would like to come back to that call just an hour or two ago from the people in Oregon.

I am thinking, you know, there are not that many people out there that can afford to just drop whatever they are doing, cancel their plans, buy an expensive airplane ticket, come to a strange city, figure out if you are going to get a rental car and survive the traffic.

Mr. HOEKSTRA. Take the subway.

Mr. AKIN. You know, that is a pretty high threshold. And yet the thing that I love about this country is all across America when you fly back at night in those airplanes and you see those lights across the countryside, all of those lights of people who love freedom in this country, and they are willing to just do that and say, Stop. And they come down here and they feel powerless and they feel small, and yet they come down here and they want to say, Don't you guys remember about freedom? And don't you remember what this country is about? Why is it that you have this absolute, instinctive desire to always build more government and take our freedom away? When has that ever produced good results?

I just think that is why Ronald Reagan loved this country, because he saw all of those different people that were Americans that loved freedom. He didn't see all of the political shenanigans, the false promises. I won't spend a dime more, I will spend \$1.2 trillion more instead. He didn't see that. He just saw all those freedom-loving people out there just chasing the dream that was in their hearts.

Mr. HOEKSTRA. The other thing that they are telling us, they are saying before you take on health care, why don't you fix what you have already taken and figure out, you know, No Child Left Behind, the way it was designed and implemented, after 8 years, more people here believe it doesn't work, but a whole lot of people in the grass roots America are saying, That doesn't work.

It is kind of like why don't you go back and maybe devolve the authority of No Child Left Behind and let's take a different approach and do some of the things with some of these other programs. You know, before you take on this massive responsibility, fix what you have already put into place.

Mr. AKIN. But government never gives up power, though.

Mr. HOEKSTRA. That is the problem. And before you take this on, why

don't you get back to a balanced budget.

You know, it is the commonsense things that people, it gets to be a phrase that is overused, but it is the things that people are doing around their kitchen table.

□ 2310

Today, I ran into some friends of mine from the company where I used to work, and there the industry is down about 30 percent, the office furniture industry. What they have done is the workers at the company, they have all had to sacrifice. They work 9 out of 10 days, and the 10th day is a day off. It's a day that they don't get paid for. That is an automatic 10 percent reduction in their pay. At the same time, they are also not getting the same level of profit sharing, contributions to 401(k)s, their health care premiums or their deductibles have gone up. They're figuring that they maybe have lost 15 to 20 percent of their discretionary income over the last year. Do you see that in Washington? We haven't made those decisions to get back to a balanced budget.

Mr. KING of Iowa. We have grown government instead.

Mr. HOEKSTRA. We have grown government. We are a growing industry, and we're growing it on the backs of our kids and grandkids.

So my constituents are saying—and all across the State, because we tried this in Michigan, we tried to grow Michigan's economy and make us more competitive by increasing taxes, increasing regulations and all those types of things. And guess what? Mr. President, you don't have to go talk to your economist to figure out if your strategy is going to work. All you need to do is look at Michigan. It doesn't work.

What we now need to do is we need to get back to the basics here, that's what my constituents are telling me, get back to the basics, don't try to take on more, because you can't even handle what you've got.

Mr. KING of Iowa. I just went in and looked at a Web site, Constitution Daily, and it has on it this: 682 Federal agencies. Now, think about what that means. You have subagencies, departments of 682 regulators. And one thing that you will never see is a single company, not one company, a Fortune 500 company, a small little business, not one company in America would be foolish enough to put on their Web site or announce that they are in compliance with all the regulations that can be generated by 682 Federal agencies, let alone the State agencies that are there, plus the taxes that are on top of that and all the bureaucrats that have to be paid for out of the profit of the private sector companies.

There are two sectors to this economy. There is the private sector that

produces goods and services that have value. And the way you determine that value is, are people willing to pay for that service and it is essentially rooted in the necessities of life. And then the surplus income goes to recreational and those kinds of investments. That's the private sector.

The other sector, the government sector, is—and that's where I am not very charitable—I say that's the parasitic sector. It drains the vitality off the private sector. And this government has been growing and growing the public sector, the government part, increasing taxes, hiring more regulators for the 682 agencies, and they want to create new agencies. There are 111 new agencies. So our 682, what would that be, 793 agencies? I have the list here of 111 new Federal bureaucracies created by the Pelosi health care bill. It's on both sides.

Mr. AKIN. Is that a record?

Mr. KING of Iowa. The Committee for the Establishment of the Native American Health and Wellness Foundation, that's the last one.

Mr. AKIN. I've got to believe that's a record, isn't it? Have we ever passed a bill that created 1,100—

Mr. KING of Iowa. I would submit that no one has ever conceived of a number this big before or a bill this big before. I think it's not only a record; it's beyond the imagination of anybody at this point.

Mr. AKIN. On Thursday at 12 o'clock, Congressman KING, are you going to be out there on the steps of the Capitol?

Mr. KING of Iowa. I will be on the steps of the Capitol at noon on Thursday. I will be there with a large group of patriots, yourselves, gentlemen—Mr. HOEKSTRA and Mr. AKIN—myself, MICHELE BACHMANN and others. We will be there standing up for freedom, Mr. Speaker, and so will the American people, and so will Jon Voight and so will Mark Levin. We are going to see a gathering of patriots that speak up and speak out to preserve and protect the freedom that our Founding Fathers and everyone who has put on a uniform to defend this country has defended in one way or another, and many patriots that didn't put on a uniform that stood up for America.

And I can imagine blue collar people, white collar people, retired people, young people looking across at Washington, D.C. that have been wondering, what can I do, what can I do, and deciding, I'm going to climb in my car, my Detroit-made car or Michigan-made car—

Mr. HOEKSTRA. We hope so.

Mr. KING of Iowa. And drive that across the countryside, whatever it takes, park here and take the Metro in because parking is going to be hard, but join these people coming here to the Capitol here in Washington, D.C. And some of them will decide they can't quite afford the time and they

will go to district offices, inside the offices, out on the streets. I know that there is going to be a ceremonial reading of the bill in at least one location outside a district office. That will take at least 48 hours for anyone to fast read through this 1,990-page bill.

Mr. AKIN. But if you do, there are a lot of interesting trap doors, smoke and mirrors in that bill, a lot of very interesting things. One of them that I thought was absolutely amazing, we talk about tort reform, that is, limiting the punitive damages. Different States have passed that and have the effect of dropping their medical insurance costs in the State by as much as 20 percent is my understanding. At least Texas had a very good effect by dropping that.

This bill has a different kind of tort reform. It says any State that has done tort reform, you can't have any of the medical benefits that your taxes are going to go for. So it's a reverse tort—

Mr. KING of Iowa. Well, furthermore, if I could just briefly, and then yield back to the gentleman from Michigan, but it also says in tort reform that if States are going to try any of these pilot projects, they can't limit attorneys' fees or impose caps on damages. So how are you going to reform tort if you can't limit attorneys' fees or impose caps on damages? It is: you can fly, but we're going to cut your wings off.

The gentleman from Michigan.

Mr. HOEKSTRA. One interesting thing, they talk about this being a national health care bill, and we know all the gyrations that the Speaker is going through right now to get those last few votes. Can the gentleman from Iowa tell me how they got the votes of the Congress persons from Hawaii?

Mr. KING of Iowa. I do not know, and I would be happy to yield.

Mr. AKIN. That sounds like a good—you got me. What's the story?

Mr. HOEKSTRA. The bill doesn't apply to Hawaii.

Mr. AKIN. It doesn't apply to Hawaii?

Mr. HOEKSTRA. It doesn't apply to Hawaii. Hawaii is exempt.

Mr. KING of Iowa. Hawaii is exempt from 1,990 pages?

Mr. HOEKSTRA. It is within the first couple of hundred pages because Hawaii has done kind of their own thing. But go to the bill, I believe it's in the first 300 pages. I read it over the weekend.

Mr. AKIN. I wonder what Hawaii real estate is going to do if this thing were to pass?

Mr. KING of Iowa. You know, I may just go to Hawaii if this thing passes.

Mr. HOEKSTRA. Remember, they may have done some bad things at the State level, but Hawaii is exempt.

Mr. AKIN. So the only people exempt from the bill then is Congress and Hawaii.

Mr. KING of Iowa. That would be it, Mr. AKIN. I mean, I don't know if that's all the answers; but that comes to mind for me, too.

Mr. HOEKSTRA. But these are the kinds of surprises that you will find as you read through 1,990 pages. Because, again, this is not about the quality and quantity of health care; this is about getting the votes to grab that from the American people.

Mr. KING of Iowa. But is Hawaii also then exempt from the tax increases? And are they exempt from the lack of tort reform and exempt from all of these pieces that are bad?

Mr. HOEKSTRA. I think that's on page 492, and I haven't gotten there yet.

Mr. KING of Iowa. Are they exempt from funding for abortions? Are they exempt from funding for illegal aliens? Are they exempt from lawsuit abuse, tax increases, or Medicare cuts?

Mr. HOEKSTRA. The commissioner shall decide that.

Mr. KING of Iowa. The commissioner shall decide, one of 3,425.

Mr. AKIN. Is it commissioner or czar? Did they change that? Is it a czar or a commissar or a commissioner? What are they calling this one?

Mr. KING of Iowa. I call him a commissarissioner. I think that's the appropriate name for someone like that.

Mr. AKIN. That covers them all, yes.

Mr. HOEKSTRA. I thank our colleagues for doing this and remind the American people, this is the opportunity on Thursday on a number of different levels to make their voices heard.

I thank my colleague for yielding and leading this Special Order tonight.

Mr. KING of Iowa. I thank the gentlemen from Michigan and Missouri.

Mr. AKIN. And also, Congressman KING, thank you for being part of calling the invitation, taking the initiative just as a Member of Congress to call the people of America to come to their Capitol Building and express their opinion.

Mr. KING of Iowa. Well, we stand together in our call for freedom and the call for the American people to exercise that freedom and come to this Capitol. And that is Thursday at noon, day after tomorrow. Let your voices be heard. And if thousands of Americans come to this city, we will be able to save our freedom and be able to own the health insurance policy that you choose and keep the government's hands off our health care. And those that can't come to this city, we ask them to come to district offices or pick up the phone. The American people shut down comprehensive amnesty 3 years ago twice; we can shut down socialized medicine. We can do it, and it starts on Thursday.

Thank you very much, Mr. Speaker. I thank the gentlemen that have joined

me tonight, and I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOLT (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ENGEL) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mr. MASSA, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. POE of Texas) to revise and extend their remarks and include extraneous material:)

Mrs. BACHMANN, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Mrs. BLACKBURN, for 5 minutes, today.

Mrs. BONO MACK, for 5 minutes, today.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, today.

Mrs. CAPITO, for 5 minutes, today.

Mrs. EMERSON, for 5 minutes, today.

Ms. FALLIN, for 5 minutes, today.

Ms. GRANGER, for 5 minutes, today.

Ms. JENKINS, for 5 minutes, today.

Mrs. MCMORRIS RODGERS, for 5 minutes, today.

Mrs. MILLER of Michigan, for 5 minutes, today.

Mrs. MYRICK, for 5 minutes, today.

Mrs. SCHMIDT, for 5 minutes, today.

Mr. POE of Texas, for 5 minutes, November 10.

Mr. JONES, for 5 minutes, November 10.

Ms. ROS-LEHTINEN, for 5 minutes, November 4, 5, and 6.

Mr. GINGREY of Georgia, for 5 minutes, today.

Mr. DEAL of Georgia, for 5 minutes, November 5.

SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 475. An act to amend the Servicemembers Civil relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 509. An act to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes.

ADJOURNMENT

Mr. HOEKSTRA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Wednesday, November 4, 2009, at 10 a.m.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4424. A letter from the Secretaries, Departments of Agriculture and Health and Human Services, transmitting the Departments' report on Thefts, Losses, or Releases of Select Agents or Toxins for the period January 1, 2008 to December 31, 2008, as required by the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Pub. L. 107-188; to the Committee on Energy and Commerce.

4425. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

4426. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 118-09, certification of a proposed amendment to a manufacturing license agreement for the export of defense articles and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4427. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 109-09, certification of a proposed amendment to a manufacturing license agreement for the export of defense articles and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4428. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 121-09, certification of a proposed permanent export license for the export of defense articles and related firearms, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4429. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 091-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense services, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4430. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 115-09, certification of a proposed technical assistance agreement to include the export of technical data, and defense articles, pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4431. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently ap-

pointed members to the Indiana Advisory Committee; to the Committee on the Judiciary.

4432. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Arizona Advisory Committee; to the Committee on the Judiciary.

4433. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Hawaii Advisory Committee; to the Committee on the Judiciary.

4434. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Utah Advisory Committee; to the Committee on the Judiciary.

4435. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the South Dakota Advisory Committee; to the Committee on the Judiciary.

4436. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Nebraska Advisory Committee; to the Committee on the Judiciary.

4437. A letter from the Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Michigan Advisory Committee; to the Committee on the Judiciary.

4438. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 699.8 to 702.5 [COTP Sector Upper Mississippi River-07-012] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4439. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone Regulations; Gasparilla Pass, FL [COTP Sector St. Petersburg 07-185] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4440. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Homosassa River Raft Race, Homosassa, Florida [COTP Sector St. Petersburg 07-198] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4441. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Roma Lodge Italian Festival, Racine, Wisconsin [CDG09-06-138] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4442. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; St. Marys River, Sault Ste. Marie, Michigan [CGD09-06-140] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4443. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Nissan Xterra Midwest Championship,

Milwaukee, Wisconsin [CGD09-06-142] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4444. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2006 Great Lakes Water Cross Tour, Sheboygan, Wisconsin [GD09-06-145] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4445. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bay City Air Show, Saginaw River, Bay City, MI [CGD09-06-149] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4446. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Private Party Fireworks, Webster, NY [CGD09-06-150] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4447. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zone; General Motors (GM) Style Event, Detroit River, Detroit, MI [CGD09-08-001] (RIN: 1625-AA87) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4448. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 300.00 to 000.0 [COTP Sector Upper Mississippi River-07-013] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4449. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 454.0 to 456.0 [COTP Sector Upper Mississippi River-07-014] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4450. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 178.0 to 184.0 [COTP Sector Upper Mississippi River-07-015] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4451. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Missouri River, Mile 615.0 to 615.6 [COTP Sector Upper Mississippi River-07-016] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4452. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Upper Mississippi River, Mile 742.7 to 743.3 [COTP Sector Upper Mississippi River-07-017] (RIN: 1625-AA00) received October 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4453. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the National Transportation Safety

Board's response to OMB's request for views on H.R. 3619, the "Coast Guard Authorization Act of 2010"; to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERLMUTTER: Committee on Rules. House Resolution 884. Resolution providing for consideration of the bill (H.R. 3639) to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, and for other purposes (Rept. 111-326). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 885. Resolution providing for consideration of the bill (H.R. 2868) to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes (Rept. 111-327). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. JOHNSON of Georgia (for himself, Mr. NADLER of New York, Mr. CONYERS, Mr. SCOTT of Virginia, Mr. WEINER, Mr. LEWIS of Georgia, and Ms. JACKSON-LEE of Texas):

H.R. 3986. A bill to amend title 28, United States Code, to clarify the availability of Federal habeas corpus relief for a person who is sentenced to death though actually innocent; to the Committee on the Judiciary.

By Mr. BLUNT (for himself, Mr. BARTON of Texas, Mr. BURGESS, Mrs. BLACKBURN, and Mr. GINGREY of Georgia):

H.R. 3987. A bill to amend titles XI and XVIII of the Social Security Act to promote the use of health information technology to better coordinate health care; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOCCIERI:

H.R. 3988. A bill to amend section 313 of the Tariff Act of 1930 to specify articles that qualify as commercially interchangeable merchandise for purposes of certain duty drawback; to the Committee on Ways and Means.

By Mrs. LUMMIS:

H.R. 3989. A bill to authorize the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of adding the Heart Mountain Relocation Center, in the State of Wyoming, as a unit of the National Park System; to the Committee on Natural Resources.

By Mr. RUSH:

H.R. 3990. A bill to grant the Congressional Gold Medal to John H. Johnson in recognition of his outstanding contributions to the United States; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California (for himself, Mr. KILDEE, Ms. WOOLSEY, Ms. HIRONO, Mr. HARE, Ms. CLARKE, Mr. PIERLUISI, and Mr. SABLAN):

H.R. 3991. A bill to ensure that American workers are able to follow, without financial harm, the recommendations of their employer and public health authorities to stay home when they have symptoms of a contagious disease that may put co-workers, customers, or the public at risk; to the Committee on Education and Labor.

By Mr. DRIEHAUS:

H.R. 3992. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to provide compensation for certain persons injured in the course of employment at the Feed Materials Production Center (commonly referred to as "Fernald") or the Piqua Organic Moderated Reactor in Ohio; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL:

H.R. 3993. A bill to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself and Mrs. SCHMIDT):

H.R. 3994. A bill to establish a program to reduce injuries and deaths caused by cellphone use and texting while driving; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR:

H.R. 3995. A bill to provide additional resources for Federal investigations and prosecutions of crimes related to the 2008 Financial Crisis, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 3996. A bill to improve financial stability, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on the Judiciary, Agriculture, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania (for himself and Mr. DANIEL E. LUNGREN of California):

H.R. 3997. A bill to permit each current member of the Board of Directors of the Office of Compliance to serve for 3 terms; to the Committee on House Administration.

By Mr. BRALEY of Iowa:

H.R. 3998. A bill to amend title 38, United States Code, to clarify the service treatable as service engaged in combat with the enemy for utilization of non-official evidence for proof of service-connection in a combat-related disease or injury; to the Committee on Veterans' Affairs.

By Mr. CARDOZA (for himself, Mr. COSTA, and Mr. RADANOVICH):

H.R. 3999. A bill to direct the Commissioner of the Bureau of Reclamation to initiate consultations under the Endangered Species Act of 1973 on the Central Valley Project and the California State Water Project, and for other purposes; to the Committee on Natural Resources.

By Mr. RUSH:

H.R. 4000. A bill to provide assistance to local educational agencies for the prevention and reduction of conflict and violence; to the Committee on Education and Labor.

By Mr. HELLER (for himself, Mr. MCCLINTOCK, Ms. BERKLEY, and Ms. TITUS):

H.R. 4001. A bill to provide for environmental restoration activities and forest management activities in the Lake Tahoe Basin; to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HENSARLING:

H.R. 4002. A bill to amend the Truth in Lending Act to clarify that any delay in changes to terms applies only to increases, not decreases; to the Committee on Financial Services.

By Mr. HINCHEY (for himself, Mrs. LOWEY, and Mr. ENGEL):

H.R. 4003. A bill to direct the Secretary of the Interior to conduct a special resource study to evaluate resources in the Hudson River Valley in the State of New York to determine the suitability and feasibility of establishing the site as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. RUSH (for himself, Mr. HARE, Mr. MANZULLO, Mr. SHIMKUS, and Mr. JACKSON of Illinois):

H.R. 4004. A bill to authorize the Secretary of the Interior to conduct a study to determine the feasibility of designating the study area as the Black Metropolis National Heritage Area in the State of Illinois, and for other purposes; to the Committee on Natural Resources.

By Mr. HOLT:

H.R. 4005. A bill to place reasonable safeguards on the use of surveillance and other authorities under the USA PATRIOT Act, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Financial Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KIRKPATRICK of Arizona:

H.R. 4006. A bill to amend title 38, United States Code, to provide for Indian veterans health care coordinators, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEE of New York (for himself and Mr. HUNTER):

H.R. 4007. A bill to authorize the Secretary of Health and Human Services to make grants to 5 States to establish medical malpractice tribunal pilot programs, and for other purposes; to the Committee on the Judiciary.

By Mrs. MYRICK:

H.R. 4008. A bill to designate the facility of the United States Postal Service located at 1639 Dickerson Boulevard in Monroe, North Carolina, as the "Second Lieutenant Samuel I. Parker Postal Carrier Annex"; to the Committee on Oversight and Government Reform.

By Ms. NORTON:

H.R. 4009. A bill to amend the District of Columbia Home Rule Act to establish the Office of the District Attorney for the District of Columbia, headed by a locally elected and independent District Attorney, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. SCHRADER:

H.R. 4010. A bill to amend the Act of August 9, 1955, to authorize the Confederated Tribes of the Siletz Indians of Oregon to obtain 99-year lease authority for trust land; to the Committee on Natural Resources.

By Mr. SMITH of Texas (for himself and Mr. GOODLATTE):

H.R. 4011. A bill to amend title 18, United States Code, with respect to organized retail theft, and for other purposes; to the Committee on the Judiciary.

By Mr. TIAHRT:

H.R. 4012. A bill to amend the Internal Revenue Code of 1986 to provide a 5-year recovery period for new nonresidential real property, and a 10-year recovery period for qualified leasehold improvement property, placed in service after December 31, 2009, and before January 1, 2012; to the Committee on Ways and Means.

By Mr. TIAHRT:

H.R. 4013. A bill to amend the Internal Revenue Code of 1986 to allow a 5-year carryback of operating losses, and for other purposes; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself, Mr. CONAWAY, Mr. BARTLETT, Mr. INGLIS, Mr. COBLE, Ms. FOXX, Mr. CALVERT, Mrs. BLACKBURN, Ms. JENKINS, Mr. LAMBORN, Mr. CHAFFETZ, Mr. PRICE of Georgia, Mr. ROGERS of Kentucky, Mr. GALLEGLY, Mr. LATTA, Mr. CULBERSON, Mr. MCCLINTOCK, Mr. BURTON of Indiana, Mr. YOUNG of Florida, Mr. WAMP, Mr. HOEKSTRA, Mrs. MYRICK, and Mr. WOLF):

H. Con. Res. 207. Concurrent resolution expressing the sense of the Congress regarding the victory of the United States in The Cold War and the Fall of the Berlin Wall; to the Committee on Foreign Affairs.

By Mr. CHILDERS (for himself and Mr. HARPER):

H. Res. 886. A resolution supporting the goals and purposes of National Teach Ag Day; to the Committee on Oversight and Government Reform.

By Mr. ANDREWS (for himself, Mr. DELAHUNT, Mr. LYNCH, Mr. MELANCON, Mr. MORAN of Virginia, Mr. BOUTSTANY, Mr. SPRATT, Mr. CASSIDY, and Mr. SCALISE):

H. Res. 887. A resolution recognizing the World Trade Organization member, Chinese Taipei's, accession to the Government Procurement Agreement on July 15, 2009, and extending hope and good faith that this will promote its domestic economy and position in the global economy; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. SCOTT of Virginia and Mr. MCNERNEY.

H.R. 43: Mr. BOSWELL, Mr. WALZ, Mr. DAVIS of Tennessee, and Mr. GERLACH.

H.R. 235: Mr. PIERLUISI.

H.R. 268: Mr. LATTA, Mr. NEUGEBAUER, Mr. CONAWAY, and Mr. PENCE.

H.R. 406: Ms. ESHOO.

H.R. 558: Mr. KENNEDY and Mr. JACKSON of Illinois.

H.R. 571: Mr. STARK and Mr. SCHRADER.

H.R. 613: Mr. COHEN.

H.R. 716: Mr. RYAN of Ohio.

H.R. 855: Mr. BACHUS.

H.R. 932: Mr. ARCURI.

H.R. 1086: Mr. SIMPSON.

H.R. 1126: Mr. MURPHY of Connecticut.

H.R. 1132: Mr. MACK and Mr. CARSON of Indiana.

H.R. 1175: Mr. BROUN of Georgia.

H.R. 1177: Ms. KOSMAS.

H.R. 1182: Ms. BECKLEY and Mr. TIERNEY.

H.R. 1220: Mr. MURTHA.

H.R. 1240: Mr. EDWARDS of Texas.

H.R. 1250: Mr. SIREN and Mr. WILSON of Ohio.

H.R. 1326: Mr. CLEAVER.

H.R. 1362: Ms. MCCOLLUM.

H.R. 1441: Mr. YOUNG of Alaska.

H.R. 1521: Mr. PENCE, Ms. GINNY BROWN-WAITE of Florida, and Mr. ROGERS of Kentucky.

H.R. 1526: Mr. BERRY, Ms. SHEA-PORTER, and Mr. VAN HOLLEN.

H.R. 1548: Mr. CASTLE.

H.R. 1557: Mr. CUELLAR, Mr. SENSENBRENNER, Mr. ALTMIRE, Mr. SCOTT of Georgia, Mr. POMEROY, and Mrs. KIRKPATRICK of Arizona.

H.R. 1597: Mrs. KIRKPATRICK of Arizona.

H.R. 1704: Mr. FILNER.

H.R. 1745: Mr. FORTENBERRY.

H.R. 1751: Mr. COHEN.

H.R. 1770: Mr. MOORE of Kansas.

H.R. 1784: Mr. COFFMAN of Colorado.

H.R. 1816: Mr. MOORE of Kansas.

H.R. 1826: Mr. MCNERNEY.

H.R. 1829: Mr. DAVIS of Tennessee.

H.R. 1835: Mr. HARE, Mr. ALTMIRE, Mr. SIMPSON, and Mr. SHUSTER.

H.R. 1837: Mr. PRICE of North Carolina.

H.R. 1866: Ms. SCHAKOWSKY.

H.R. 1884: Mr. HODES, Mr. CARNAHAN, and Ms. SCHWARTZ.

H.R. 1925: Mrs. HALVORSON.

H.R. 1941: Mr. WATT.

H.R. 1948: Mr. SHIMKUS.

H.R. 1977: Mr. MCNERNEY.

H.R. 2089: Mr. COHEN.

H.R. 2160: Mr. YOUNG of Florida and Mr. CARSON of Indiana.

H.R. 2243: Mr. MCINTYRE.

H.R. 2246: Mr. CARNAHAN.

H.R. 2256: Mr. MINNICK.

H.R. 2365: Ms. SHEA-PORTER and Mr. HODES.

H.R. 2372: Mr. KLINE of Minnesota and Mr. OLSON.

H.R. 2377: Mr. SMITH of Washington.

H.R. 2378: Ms. KAPTUR and Mr. ROGERS of Alabama.

H.R. 2446: Ms. HERSETH SANDLIN.

H.R. 2477: Mr. STEARNS.

H.R. 2607: Mr. WITTMAN, Mr. PITTS, Mr. BARTLETT, Mr. SMITH of Nebraska, Mr. CONAWAY, and Mr. HASTINGS of Washington.

H.R. 2619: Mr. BARTON of Texas.

H.R. 2698: Mr. HALL of New York.

H.R. 2699: Mr. HALL of New York.

H.R. 2708: Mr. MATHESON.

H.R. 2709: Mr. HARE.

H.R. 2717: Mr. HALL of Texas.

H.R. 2737: Mr. WILSON of South Carolina, Ms. HIRONO, Ms. SCHAKOWSKY, Mr. INSLEE, Mr. RANGEL, and Mr. LARSEN of Washington.

H.R. 2766: Mr. SARBANES and Ms. ESHOO.

H.R. 2831: Mrs. HALVORSON.

H.R. 2866: Mr. ROSKAM.

H.R. 2897: Mr. GRIJALVA.

H.R. 2941: Mr. INSLEE.

H.R. 2946: Mr. SPRATT.

H.R. 2999: Mr. MICHAUD and Mr. MORAN of Kansas.

H.R. 3078: Mr. SCHOCK.

H.R. 3104: Mr. BLUMENAUER.

H.R. 3116: Ms. SCHAKOWSKY and Mr. LOBIONDO.

H.R. 3217: Mr. GERLACH, Mr. ROYCE, and Mr. PLATTS.

H.R. 3251: Mr. MACK.

H.R. 3266: Mr. COHEN.

H.R. 3339: Mr. SABLAN.

H.R. 3353: Mr. AL GREEN of Texas.

H.R. 3401: Mr. LARSEN of Washington and Mr. PAYNE.

H.R. 3454: Mr. BISHOP of Georgia.

H.R. 3464: Mr. BLUNT.

H.R. 3486: Mr. PASCRELL.

H.R. 3511: Mr. LEE of California and Ms. ROYBAL-ALLARD.

H.R. 3554: Ms. KOSMAS and Mr. MURPHY of Connecticut.

H.R. 3560: Mr. BAIRD.

H.R. 3564: Ms. DELAURO.

H.R. 3608: Mr. KAGEN.

H.R. 3623: Mrs. CHRISTENSEN and Mr. JOHN-SON of Georgia.

H.R. 3644: Mr. MCNERNEY and Mr. LIPINSKI.

H.R. 3656: Mr. HARPER, Mr. MASSA, Mr. KING of New York, and Mr. EHLERS.

H.R. 3660: Mr. DENT.

H.R. 3715: Mr. KILDEE.

H.R. 3728: Mr. PAYNE.

H.R. 3735: Mr. ROONEY.

H.R. 3742: Mr. PALLONE, Mr. WU, and Mr. MELANCON.

H.R. 3745: Mr. DAVIS of Illinois and Mr. STARK.

H.R. 3752: Mr. OLSON.

H.R. 3786: Mr. LIPINSKI.

H.R. 3787: Mr. LOEBSACK.

H.R. 3806: Ms. JENKINS.

H.R. 3822: Mr. GOODLATTE.

H.R. 3824: Mr. GOODLATTE.

H.R. 3845: Ms. SCHAKOWSKY and Mr. HOLT.

H.R. 3851: Mr. RANGEL, Mr. MCNERNEY, Mr. PAYNE, and Ms. GIFFORDS.

H.R. 3855: Mr. FILNER, Mr. MORAN of Virginia, Ms. CLARKE, Mr. MILLER of North Carolina, Mr. DOGETT, Mr. FALCOMA, and Mrs. CAPPS.

H.R. 3904: Ms. CHU and Ms. SUTTON.

H.R. 3922: Mrs. MYRICK.

H.R. 3926: Mr. DINGELL, Mr. MASSA, and Ms. NORTON.

H.R. 3943: Mr. MITCHELL, Mr. QUIGLEY, Mr. EDWARDS of Texas, Mr. BACA, Mr. WITTMAN, Mr. BOOZMAN, Mr. MICHAUD, Mr. REHBERG, and Mr. PLATTS.

H.R. 3948: Mr. YOUNG of Florida, Mr. MICA, and Mr. MICHAUD.

H.R. 3952: Mr. WITTMAN.

H.R. 3965: Ms. CHU.

H.R. 3970: Mr. PLATTS, Mr. GOODLATTE, and Mr. TIBERI.

H.R. 3983: Mr. MCGOVERN.

H.R. 3984: Mr. MCGOVERN.

H. J. Res. 11: Mr. TIAHRT.

H. J. Res. 42: Mr. SIMPSON.

H. Con. Res. 49: Mr. NYE.

H. Con. Res. 168: Mr. LAMBORN.

H. Con. Res. 206: Mr. LAMBORN.

H. Res. 542: Ms. JENKINS.

H. Res. 615: Mr. LUCAS.

H. Res. 664: Mr. AKIN, Mr. BLUNT, Mr. CARNAHAN, Mrs. EMERSON, Mr. GRAVES, Mr. LUETKEMEYER, Mr. SKELTON, and Mr. BARTLETT.

H. Res. 700: Mr. SNYDER and Mr. TOWNS.

H. Res. 708: Mr. AL GREEN of Texas and Mr. LIPINSKI.

H. Res. 711: Mr. MARKEY of Massachusetts.

H. Res. 752: Mrs. BIGGERT.

H. Res. 762: Mr. ARCURI.
 H. Res. 803: Mr. MAFFEI.
 H. Res. 835: Mr. WAMP.
 H. Res. 867: Mr. FLEMING, Mr. SALAZAR, Mr. MITCHELL, Mr. LEVIN, Mrs. BIGGERT, Mr. DANIEL E. LUNGREN of California, Mr. COSTA, Mr. JOHNSON of Illinois, Mr. GUTIERREZ, Mr. FLAKE, Mr. FOSTER, Mr. INGLIS, Ms. GINNY BROWN-WAITE of Florida, Mr. WAMP, Ms. LINDA T. SANCHEZ of California, Mr. STUPAK, Mr. OLSON, Ms. LORETTA SANCHEZ of California, Mr. BOREN, Mr. RUPPERSBERGER, Mr. CONAWAY, Mr. HUNTER, Mr. QUIGLEY, Mr. MCCARTHY of California, Mr. SPACE, Mr. SHADEGG, Mr. LUETKEMEYER, Mr. SCHAUER, Mr. AL GREEN of Texas, Mr. KING of Iowa, Mr. ALTMIRE, Mrs. MYRICK, Mr. GINGREY of Georgia, Mr. HERGER, Mr. HALL of Texas, Mr. SCHOCK, Mrs. EMERSON, Mrs. HALVORSON, Mr. LATOURETTE, Mr. HOYER, Mr. PIERLUISI, Mr. NEAL of Massachusetts, Mr. HARPER, Mr. ELLSWORTH, Mrs. SCHMIDT, Mr. CUELLAR, Mr. COFFMAN of Colorado, Mrs. CAPITO, Mr. CHANDLER, Ms. KOSMAS, Mr. CULBERSON, and Mr. SULLIVAN.

H. Res. 869: Mr. CAO and Mr. ROSKAM.
 H. Res. 870: Mr. CONAWAY, Mr. FLEMING, Mr. TIAHRT, Mrs. BIGGERT, Mr. YOUNG of Florida, Mr. DEAL of Georgia, Mr. POE of Texas, Mr. LUCAS, Mr. COBLE, Mr. BOOZMAN, Mr. DUNCAN, Mr. MCCOTTER, Mr. PUTNAM, Mr. YOUNG of Alaska, Mrs. CAPITO, Mr. MICA, Mrs. MILLER of Michigan, Mr. DREIER, and Mr. WITTMAN.

H. Res. 874: Mr. HERGER.

H. Res. 877: Mr. HERGER, Mr. BROWN of Georgia, Mr. MURPHY of Connecticut, Mr. PAYNE, Mr. TIERNEY, Mr. WELCH, Mr. CONNOLLY of Virginia, Mr. DINGELL, Mr. KILDEE, Mr. NEAL of Massachusetts, Mr. COSTELLO, Mr. MCGOVERN, Mr. ISSA, Mrs. BONO MACK, Mr. PALLONE, Mr. PRICE of North Carolina, Mr. ROTHMAN of New Jersey, Mr. FARR, Mr. CALVERT, Mr. CLYBURN, Mr. MEEKS of New York, Mr. MORAN of Virginia, Ms. CLARKE, Mr. HUNTER, Mr. BISHOP of New York, Mr. ARCURI, Mr. SNYDER, Mr. ALEXANDER, Mr. HASTINGS of Washington, Mrs. MCMORRIS RODGERS, Mr. SHIMKUS, Mr. LUETKEMEYER, Mr. THOMPSON of Pennsylvania, Mr. MAFFEI, Mr. STEARNS, Mr. SCALISE, Mr. WALDEN, Mr. RYAN of Ohio, Mr. RADANOVICH, and Mr. HILL.

H. Res. 879: Mr. ARCURI.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. RANGEL

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 3962, the Affordable Health Care for America Act, do not contain any congressional ear-

marks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. TOWNS

The provisions that warranted a referral to the Committee on Oversight and Government Reform in H.R. 3962, the Affordable Health Care for America Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative THOMPSON of Mississippi or a designee, to H.R. 2868, the Chemical Facilities Anti-Terrorism Act of 2009, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

The amendment to be offered by Representative HENSARLING or a designee, to H.R. 3639 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3691: Mr. LINDER.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. THOMPSON of California. Madam Speaker, on November 2, 2009, I was unavoidably unable to cast my votes for rollcall 832, rollcall 833 and rollcall 834. My flight to Washington was delayed due to mechanical difficulties. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on November 2, 2009. If I were present for rollcall votes, I would have voted "yea" on each of the following:

Roll 832, November 2, 2009: On Motion to Suspend the Rules and Pass, as Amended: H.R. 1168, Veterans Retraining Act of 2009.

Roll 833, November 2, 2009: On Motion to Suspend the Rules and Agree: H. Res. 291, Recognizing the crucial role of assistance dogs in helping wounded veterans live more independent lives, expressing gratitude to The Tower of Hope, and supporting the goals and ideals of creating a Tower of Hope Day.

Roll 834, November 2, 2009: On Motion to Suspend the Rules and Pass: S. 509, To authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes.

HONORING THE WEST BATON ROUGE MUSEUM FOR ACHIEVING ACCREDITATION BY THE AMERICAN ASSOCIATION OF MUSEUMS

HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. CASSIDY. Madam Speaker, I rise today in honor of the West Baton Rouge Museum, located in the City of Port Allen in Louisiana's Sixth Congressional District. It gives me great pleasure to announce that as of August 7th, 2009, the museum has achieved national accreditation by the American Association of Museums, becoming only the 11th museum in Louisiana and the 777th out of the more than 17,000 museums throughout the nation to achieve this distinguished accreditation.

The West Baton Rouge Museum has successfully demonstrated that it meets the high standards established by the accreditation program and the museum field. It has done this through its completion of a rigorous process of self-study and reviews by a visiting committee of its peers and the Accreditation Commission. The accreditation process certifies a museum's commitment to excellence and professional standards of operation.

The West Baton Rouge Museum is a regional history museum that was established in 1968. Through the hard work and persistent efforts of its curators, benefactors, and other supporters, it has grown to include a four-acre campus that offers six historic buildings and an 11,000-square-foot main museum building. It has become a staple of the local community and an invaluable resource to showcase the culture, art, and history of the region. With this accreditation, I can only hope that the Museum's next forty years will be even more successful than it's first.

TRIBUTE TO SARAH ROSE FRANA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Sarah Rose Frana from Ridgeway, Iowa for her commitment and enthusiasm as a foreign language student at Luther College in Decorah, Iowa.

Sarah has been selected for a United States Department of State Critical Language Scholarship to study the Arabic language in Amman, Jordan. This Department of State program is an important component of the federal government's coordinated effort to expand the number of Americans learning foreign languages.

I consider it a great honor to represent Sarah Rose Frana in the United States Congress, and I know that my colleagues join me in congratulating her on earning this special scholarship. I wish Sarah great success in the program, her travel and in her future endeavors.

HAPPY 100TH BIRTHDAY, MRS. HELEN GARGASH

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. ARCURI. Madam Speaker, I rise today in recognition of Mrs. Helen Gargash, a resident of my district in Upstate New York, who today celebrates her 100th birthday.

Mrs. Gargash was born on November 3, 1909 as the eldest of four children and spent

her childhood on a farm outside Amsterdam, New York. After leaving home to attend school, Mrs. Gargash worked at A.D. Julliard in New York Mills, New York and met her husband, Mr. John Gargash, to whom she was married for over 50 years. Together they have three children, eight grandchildren and several great grandchildren.

Over the years, Mrs. Gargash was employed at the former Griffiss Air Force Base and Mele Manufacturing, from which she eventually retired. As a member of various seniors' groups, Mrs. Gargash served often during her retirement as a volunteer at the Utica State Hospital. She was a communicant of St. Joseph-St. Patrick Church for many years until moving to Country Club Courts in New York Mills, New York. There she has enjoyed almost daily visits to the New Hartford Nutrition Center and continues to cook some of her favorite dishes, among them Spanish rice, chicken soup and mushroom stew.

Madam Speaker, I am proud to honor Mrs. Gargash on this joyous occasion. I ask that my colleagues join me in wishing her many more years of health and happiness.

PERSONAL EXPLANATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. POE of Texas. Madam Speaker, on rollcall Nos. 832, 833, 834 I missed the votes due to other official business in my district. Had I been present, I would have voted "yea."

TRIBUTE TO KATHRYN WOLT

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. LATHAM. Madam Speaker, I rise today to recognize and congratulate Kathryn Wolt from Ames, Iowa for her commitment and enthusiasm as a foreign language student at Indiana University in Bloomington, Indiana.

Kathryn has been selected for a United States Department of State Critical Language Scholarship to study the Russian language in Astrakhan, Russia. This Department of State program is an important component of the federal government's coordinated effort to expand the number of Americans learning foreign languages.

I consider it a great honor to represent Kathryn Wolt in the United States Congress, and I know that my colleagues join me in congratulating her on earning this special scholarship. I wish Kathryn great success in the program, her travel and in her future endeavors.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ASIAN AMERICAN MEDICAL ASSOCIATION AND MR. GARY MITCHELL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. VISCLOSKY. Madam Speaker, it is with sincere admiration that I recognize the Asian American Medical Association, which will be hosting its 33rd Annual Gala on Saturday, November 7, 2009, at the Avalon Manor in Merrillville, Indiana. Each year, the Asian American Medical Association pays tribute to prominent, outstanding citizens and organizations for their contributions to the community. In recognition of their efforts, these honorees are awarded the prestigious Crystal Globe Award each year at this annual banquet.

The Asian American Medical Association has always been a great asset to Northwest Indiana. Its members have selflessly dedicated themselves to providing quality medical service to the residents of Indiana's First Congressional District, and they have always demonstrated exemplary service through their many cultural, scholastic, and charitable endeavors.

At this year's charity ball, the Asian American Medical Association will present the Crystal Globe Award to one of Northwest Indiana's finest citizens, Mr. Gary Mitchell, President and CEO of Opportunity Enterprises, Inc., a non-profit organization that serves to create opportunities for individuals with unique challenges and abilities. From the beginning, social work was not only a career choice for Gary but a way of life. Focused on his calling, Gary graduated from Ball State University with a bachelor's degree in social work and went on to receive his master's degree in social work from Indiana University. After college, Gary held many positions in the social service field, and he also has years of experience in business and industry.

In 1986, Gary joined the team at Opportunity Enterprises as the Chief Executive Officer. Opportunity Enterprises has enjoyed unprecedented success under Gary's leadership. The company has continued to grow and expand. In 1986, the organization served 263 individuals with disabilities on a daily basis. Since then, Opportunity Enterprises has shown immense growth and now serves over 1,000 individuals. Gary has made it his goal to provide day services, residential programs, and vocational opportunities for individuals of all ages, whether they have physical, emotional, or developmental disabilities. For the past 15 years, Opportunity Enterprises has received the three-year accreditation for the Commission on Accreditation of Rehabilitation Facilities (CARF), a not-for-profit organization that establishes standards of quality for service to people with disabilities. In addition, for his efforts on behalf of his community, Gary has received numerous honors, including the President's Award in 1992 and the Sagamore of the Wabash in 1993 from then-Governor of Indiana, EVAN BAYH. For his selfless and passionate support for helping individuals to re-establish their roles in community life, Gary is to be commended and admired. He is truly an inspiration.

Gary's dedication to the people he serves is matched only by his devotion to his family. Gary has been married to his wife, Paula, for 42 years. They have three children and seven grandchildren.

Madam Speaker, I ask that you and my other distinguished colleagues join me in commending the Asian American Medical Association, as well as this year's Crystal Globe Award recipient, Mr. Gary Mitchell, for their outstanding contributions to their communities and beyond. Their unwavering commitment to improving the quality of life for the people of Northwest Indiana and throughout the United States is truly inspirational. For these reasons, the Asian American Medical Association, its members, and Mr. Mitchell are to be recognized, and I am proud to serve as their representative in Washington, D.C.

INTRODUCTION OF THE DISTRICT OF COLUMBIA DISTRICT ATTORNEY ESTABLISHMENT ACT OF 2009

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Ms. NORTON. Madam Speaker, today I introduce the District of Columbia District Attorney Establishment Act of 2009, continuing a series of bills that I will introduce this session to ensure a continuation of the process of the transition to full democracy and self-government for the residents of the District of Columbia. This bill is the seventh in our "Free and Equal D.C." series of bills to eliminate anti-Home Rule legislation and to remedy obsolete or inappropriate congressional laws to the local affairs of the District of Columbia or denials of federal benefits or recognition routinely granted to other jurisdictions.

This bill would establish an Office of District Attorney for the District of Columbia, to be headed by a district attorney elected by D.C. residents. This bill would effectuate the November 2002 referendum in which D.C. voters overwhelmingly (82 percent) approved a locally elected District Attorney.

This important legislation is designed to put the District of Columbia on par with every other local jurisdiction in the country by allowing D.C. residents to elect an independent district attorney to prosecute local criminal and civil matters now handled by the U.S. Attorney for the District of Columbia, a federal official. Under this bill, the new, locally elected district attorney would become the city's chief legal officer. The United States Attorney's Office for the District of Columbia would remain and, like other U.S. Attorneys' offices in the U.S., would handle only the federal matters under its jurisdiction. As presently constituted, the U.S. Attorney's Office for the District is the largest in the country only because it serves mainly as the local city prosecutor. The U.S. Attorney's Office for the District of Columbia needs to be freed up to handle national security and other vital federal cases, particularly in the post-9/11 nation's capital.

There is no law enforcement issue of great importance to our residents, or on which we

have less say, than the prosecution of local crimes here. A U.S. Attorney has no business in the local criminal affairs of a local jurisdiction. This bill simply would make the District's prosecutor accountable to the people by electing him or her, as elsewhere in the nation.

In addition to issues of democracy and self-government, such as congressional voting rights and legislative and budget autonomy, that District residents are entitled to as American citizens, residents are determined to achieve each and every other element of home rule. Amending the District's Home Rule Act to create a local district attorney position would be an important development toward our goal of achieving true self-government. I urge my colleagues to support this important measure.

CHINESE HUMAN RIGHTS ATTORNEYS TESTIFY BEFORE THE TOM LANTOS HUMAN RIGHTS COMMISSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. WOLF. Madam Speaker, I would like to draw the attention of my colleagues to the following testimonies of two Chinese human rights attorneys who submitted testimony for a hearing last week of the Tom Lantos Human Rights Commission.

[Written Testimony submitted to the Tom Lantos Human Rights Commission on the rule of law in China, Oct. 29, 2009]

ON THE RELIGIOUS CASE IN SHANXI AND THE STATUS OF RELIGIOUS FREEDOM IN CHINA

(By Mr. Dai Jinbo)

I. THE STATUS OF CHINA'S RELIGIOUS FREEDOM IN RECENT YEARS

Since the release of the Regulations on Religious Affairs (hereafter abbreviated as Regulations) by China's State Council in 2004, house churches and other unregistered religious organizations have all been regarded as illegal by the ruling administration. House churches that do not want to join TSPM (Three-Self Patriotic Movement) churches, due to disagreement concerning their beliefs, have become targeted because they refuse to acquire administrative approval by registering their house church as a religious organization. The Regulations have become the basis for government departments to carry out selective law enforcement on unregistered religious organizations including house churches. This is also a result of China's institutionalization of religious issues.

Therefore, with the official implementation of the Regulations in 2005, house churches in various places have all faced or have experienced being banned, fined and/or requested to suspend their religious activities by the government. This can cause such administrative sanctions against them on the grounds that they are not registered. In terms of banning, there are various kinds of different rulings authorizing the ban. These rulings include administrative penalties meted out by the religion management departments to ban illegal religious organizations, ban illegal venues for religious activities and ban illegal Bible training workshops. The religious affairs departments also manage civil affairs departments and use

their capacity as a governing entity for social organizations and religious organizations to ban and crack down on house churches on grounds that they are illegal social organizations. An example is the persecution experienced by the Autumn Rain Church in Chengdu in June 2009. Even public security agencies would also interfere in the internal affairs of religious organizations and prevent them from making progress towards autonomy. Further evidence of this type of religious persecution is the case in Baixiang, Wenzhou, in March 2009.

While the Chinese government was attempting to control and crack down on unregistered religious organizations, including house churches, these unregistered religious organizations did not succumb. Instead, they took the path of defending their rights in accordance with Chinese law. By defending their rights, they have exposed the Chinese government's violation of the rule of law and the principle of human rights. While cracking down on unregistered religious organizations on grounds that they are not registered, it is a violation of the international convention and the relevant provisions concerning religious freedom in China's constitution. This has also made more religious organizations reach a consensus, that is, whether being registered or unregistered is not a criterion for defining a religious organization as legal or illegal. If they are not legally registered, this should not deprive the citizens of their right to religious freedom.

An excessive number of cases involving violations of citizens' religious freedom would negatively affect China's international image. Controlling unregistered religious organizations by banning them could not achieve the desired effect. Some local governments have changed their strategies of cracking down on the unregistered religious organizations and turned religious issues into non-religious issues, thus, trying to control unregistered religious organizations by means of limiting their access to venues. This is mainly reflected in two approaches. One approach is targeted at urban religious organizations that primarily rent their venues. The government departments often secretly force the landlords to cancel the lease or not to renew their lease so that the religious organizations will not have stable venues for religious activities. The second approach is to forcefully demolish unregistered facilities for religious activities on grounds that they were illegally built. The religious case in Xiaoshan in 2006 was evidence, as was the case in 2009 where the Land and Resources Bureau in Jinghai County, Tianjin, ordered the party concerned to demolish their newly-built church facilities. They also fined the church in excess of 10,000 Yuan on grounds that they had violated the law of land management. Therefore, the unregistered religious organizations in China cannot obtain legal church assets. This has caused a breakdown in achieving religious freedom in China.

The recent case in Linfen, Shanxi, will produce a profound impact on China's religious freedom. This is also an issue of church assets. Since according to the current Law of Land Management and the relevant provisions in the Urban Planning Law, a construction project not only requires a certificate of land use but also requires a planning permit for the construction project. However, the government departments would absolutely not want to process these procedures for houses that may be used for gatherings of house churches. Churches are often unable to obtain approval when they are trying to re-

solve the problem of meeting venues by building new houses, this includes some TSPM churches. Some registered legitimate historical facilities, used for religious activities also found it very hard to obtain approval for construction of new churches. If houses are built without approval, they would be considered "illegal constructions" and would face the risk of being demolished at any time.

At dawn, on September 13, 2009, more than three hundred police officers, without producing any legal paperwork, stormed into "Gospel Shoes Factory," a gathering venue for house churches in Fushan County, Linfen, Shanxi. The government broke into the gathering place of the church members and used military weapons, wood sticks, bricks, iron hooks and other sharp instruments beat the people, while smashing and looting the property. They severely beat more than one hundred Christians who were caught entirely off guard. Many lost consciousness and many more collapsed in pools of their own blood. At the same time, bulldozers and other heavy machinery were dispatched to destroy and demolish many buildings. All this had occurred because the government departments deemed their meeting venue as "illegal buildings" for the sake of cracking down and oppressing house churches.

The local government has tried to negotiate with local church leaders since this religious incident. The negotiations between the government departments and the church failed. On September 23, Yang Rongli of Linfen Church and six other church members decided to report the situation to the provincial government. On their way to the province capital they were stopped by the local government. A large number of PAP officers were stationed at the Cathedral in Linfen city, blocking the entrance to the church and confiscated important items in the church. They also prohibited believers from going to meet there. Many church members, including the pastor of the Linfen Church, Huang Xiaoguang, were detained illegally, put under house arrest, or closely monitored. It seemed that the local government wanted to completely destroy the house churches in Linfen. At present, the situation is still developing yet the media has not reported any incidences on this case.

According to Mr. Fan Yafeng, who is rather familiar with the situation, states that house churches in Linfen, Shanxi, are one of China's ten major house church systems in China. If house churches in Linfen were destroyed by the government through the use of illegal force, this would be the ultimate invasion in the Chinese government's crack-down on house churches and persecution of citizens. According to Professor Li Fan's research at the World and China Institute, a non-governmental think tank, house churches in China make up at least half of China's NGO resources. If such respectful and honorable house churches are destroyed, this will be a major regression of China's religious freedom and a serious violation of citizens' religious freedom. This would cause a massive blow to China's non-governmental forces of freedom and would seriously hinder China from making any progression toward religious freedom and the rule of law.

II. SPECIFIC SUGGESTIONS TO THE U.S. CONGRESS

1. We request that the U.S. Congress review and forward the religious case in Linfen and relevant information concerning the status of religious freedom in China to President Obama. It is our desire to increase attention

to the religious case in Linfen. Furthermore, it is our desire for President Obama to convey this religious persecution to the Chinese government during his visit to China.

2. We request the U.S. Congress to immediately ask the spokesperson of the U.S. State Department to hold a press conference focusing on the religious persecution case in Linfen.

3. We request the U.S. Congress pass a resolution to adopt strong measures in response to the Chinese government's infringement of human rights and religious freedom.

4. We request the U.S. Congress encourage and support the U.S. Embassy in China to periodically meet and communicate with the groups of Chinese human rights lawyers and advocates. We also request that the U.S. Embassy will make U.S. entry visas more accessible for these people who are fighting for China's democracy, freedom, and rule of law.

5. We request that the U.S. Congress send a letter to the Chinese government expressing concern for Pastor Wang Xiaoguang of Linfen Church in Shanxi who is currently being detained, as well as church leaders, such as Yang Rongli, Yang Hongzhen, Li Shuangping, Yang Chaizhen, Yang Xuan, Cui Jiaxing, Gao Fuqin, and Zhang Huamei.

[Written Testimony submitted to the Tom Lantos Human Rights Commission on the rule of law in China, Oct. 29, 2009]

THE CHALLENGES RIGHTS DEFENSE ATTORNEYS IN CHINA FACE AND ITS FUTURE PROSPECT

(By Mr. Li Fangping)

We are now living in the China set against such a dramatic background of the times: First, the economic system is fast evolving while its political system has seen little changes over the years. Second, its legal system is increasingly improving, but the public power is often not restrained by the law. Third, the citizens' awareness of their rights is increasing and the more the awareness to defend one's rights, the more prominent the abuse and the shirking of responsibilities by the public power becomes.

With the advent of the Internet in China, the first widespread and passionate participation by the citizens in political matters occurred in 2003 during the "Sun Zhigang Incident," which successfully made the State Council announce the annulment of the system of "internment and deportation." In the next year, "The State respects and safeguards human rights" was solemnly written into the Constitution. In the next five years, right defense attorneys have, as a professional social group committed to promoting rule of law and safeguarding human rights, presented themselves before the world.

Certainly, in a country where rule of law is still far from realized and where there is full of terrible things against ordinary citizens, the work and life of right defense attorneys must be full of obstacles and frustrations. Just because we engage in work involving human rights, government departments not only do not understand the significance of our existence, they also regard us as the targets of their domestic defense. We seem to have become personae non gratae in the eyes of the government and we are often treated unfairly. Some of us have been beaten and kidnapped. The personal freedom of some of us is illegally restricted and some of us are illegally stalked by force. Some of us are forced to report our activities and some are driven out by our landlords due to pressure from the government. Some are threatened and given a disciplinary warning by Bureau of Justice and lawyers' associations. Some

are simply fired by their law firms due to pressure from the government.

This year, the right defense attorneys as a social group are enduring more pressure than ever before. As far as I can confirm, there are now at least 17 attorneys at this time unable to practice law. These attorneys have always persisted in providing legal assistance or defense services for clients to safeguard their legitimate rights. They include victims of Sanlu poisonous milk powder, parents of children victimized in the earthquake, HIV carriers, peasants who have lost their land, detained Tibetans, house church Christians, Falun Gong practitioners, right defense activists, political dissidents, victims of family planning policies and clients from other various areas.

Judicial administrative departments in Beijing and other places have terminated attorneys' rights to practice on the ground that these right defense attorneys have not passed the so-called "annual evaluation" or that the law firms where they work have not passed the "annual inspection." However, the "annual evaluation" for attorneys and the "annual inspection" for law firms themselves are not the administrative penalty that can terminate the right to practice of the attorneys or of their law firms. We can see that the "annual evaluation" for attorneys and the "annual inspection" of law firms have degenerated into an illegal, disorderly and remediless administrative penalty in disguised form that overrides the disciplinary penalty in the industry and administrative penalty on the practicing attorneys.

What delights us is that on the one hand, the right defense attorneys have not given up their idea of safeguarding rule of law and human rights. Each time they negotiate with judicial administrative departments, they express their criticism on the illegal administration and their firm belief that China will certainly develop into a country under rule of law. On the other hand, the disadvantaged social groups whose rights are harmed also express their desire of "attorneys for us, and we for attorneys." It is my belief that the appeal for rights by the ordinary people whose rights are harmed, and the sense of mission of the attorneys, will combine to form a powerful synergy in promoting the progress of our country in human rights and rule of law.

Though the road to rule of law and human rights in China will be hard and long, yet the long march of this time is attracting more and more people, including you, us and them. Given this situation, I, as a member of this social group of defense attorneys, personally am full of confidence for the "Same World, Same Human Rights."

Finally, let me express my gratitude for all my friends who are concerned about the rule of law in China and the progress in human rights!

PERSONAL EXPLANATION

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. SHUSTER. Madam Speaker, on rollcall No. 832, H.R. 1168, rollcall No. 833, H. Res. 291, and rollcall No. 834, S. 509 I was not present. Had I been present I would have voted "yea" on No. 832, "yea" on No. 833, and "yea" on No. 834.

IN RECOGNITION OF THE LIFE OF DR. WALTER C. BOWIE

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. ROGERS of Alabama. Madam Speaker, I would like to request the House's attention today to pay recognition to the memory of Dr. Walter C. Bowie of Tuskegee, Alabama.

For many years, Dr. Bowie served as the Dean of the School of Veterinary Medicine at Tuskegee University. Known as "the Dean of Deans," Dr. Bowie was and is considered by many to be a mentor, friend, respected colleague, and a gentleman.

Dr. Bowie held a Doctor of Veterinary Medicine degree from Kansas State University, Master of Science and Doctor of Philosophy degrees from Cornell University and completed post-doctoral studies at the University of Michigan.

His 63-year tenure at Tuskegee University included positions as teacher, scientist, department head, administrator, associate dean, and dean emeritus. Dr. Bowie served as president of the American Association of Veterinary Physiologists and Pharmacologists, and the Alabama Heart Association. Dr. Bowie was among the founders, and later served as president, of the Association of Minority Health Professions Schools.

Dr. Bowie passed on October 25, 2009. He is survived by his wife of 54 years, Cornelia (Connie), daughters Sibyl, Carolyn, and Colleen; many grandchildren and great-grandchildren; and a host of nieces, nephews, cousins, and other family members.

While Dr. Bowie will be sorely missed, his legacy will live on in the students he taught at Tuskegee University.

MR. RON GOOD

HON. PETER J. VISCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. VISCLOSKEY. Madam Speaker, it is with great pleasure that I pay tribute to one of Northwest Indiana's most dedicated and selfless citizens, Mr. Ronald Good, of Lake Station, Indiana. After serving the people of Lake Station as a firefighter for 52 years, the last 16 of which he served as the department's Fire Chief, Ron retired from service at the end of 2007. In recognition of Mr. Good's service to his community, not only as a firefighter but also for his commitment to serving his community in many other capacities, a party will be held in his honor on Sunday, November 8, 2009, at the Veterans of Foreign Wars Post 9323 in Lake Station, Indiana.

Following a 3-year enlistment in the United States Marine Corps, Ron returned to his hometown and joined the fire department in 1956 at the age of 21. He credits his grandfather, Captain Solomon Hursey, a charter member of the fire department, which was then the East Gary Fire Department, with peaking his interest in his chosen career path.

Mr. Good, as a child, would often go on fire calls and was immediately drawn to the idea of following in his grandfather's footsteps. Later on in his life, it must have made Ron quite proud to see two of his sons keep the family tradition alive through their service as Lake Station firefighters.

Aside from his incredible 52 years of service on the fire department, Ron's contributions to Northwest Indiana and beyond through his service on various firefighters' associations and service organizations have also touched the lives of many people. Mr. Good is a lifetime member of both the Indiana Volunteer Firefighters Association and the Indiana Firefighters Association, for which he has served on the Board of Directors. He is also a lifetime member of both Veterans of Foreign Wars Post 9323 and American Legion Post 100, and he has been an active member of the Lake Station Lions Club for the past 30 years. Never one to shy away from taking a leadership role when it comes to service to his community, Mr. Good also served for several years as a representative on the Lake Station City Council.

Ron Good's commitment to his community has been matched only by his commitment to his family. A husband, father, grandfather, and great-grandfather, Ron and his adoring wife of an astonishing 54 years, Beverly, have 7 children, 15 grandchildren, and 4 great-grandchildren.

Madam Speaker, I ask that you and my other distinguished colleagues join me in commending Mr. Ronald Good for his lifetime of leadership, service, and dedication to the residents of Lake Station, Indiana. He has touched the lives of countless citizens, and his commitment to the safety of his community and to the improvement of the quality of life for the people of Lake Station is to be admired.

REMEMBERING APOLLO 11

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. POE of Texas. Madam Speaker, "One small step for man, one giant leap for mankind." Forty years ago, Neil Armstrong spoke the words that would soon resonate across a nation, and with them bring renewed pride and a sense of patriotism to the American public. It was in 1961 that President Kennedy expressed in a speech before Congress his belief "that this nation should commit itself to achieving the goal, before this decade is out, of landing a man on the moon and returning him safely to earth." Eight years later, on the 20th of July, that goal was achieved, and with it a new watershed moment in American history.

The legacy of the Apollo project is a multifaceted one; it demonstrated the unmatched American capacity to meet and overcome challenges, while stimulatingly establishing national prominence over rival nations. As observed in the November issue of Science magazine in 1968, "NASA has not been our largest national undertaking, but . . . it may

turn out that [the program's] most valuable spin-off of all will be human rather than technological: better knowledge of how to plan, coordinate, and monitor the multitudinous and carried activities of the organizations required to accomplish great social undertakings."

With the Soviet Union a distant memory for many Americans, it is easily forgotten how the perception of the Soviet leadership in space and technology affected the country's perception of itself. So, as we look back on the Apollo Project, and in particular on the flight of Apollo 11, it is important to remember the political tides that fueled its origins and set the stage for an era of renewed American esteem. Yet let us not lose the greater lesson: that when met with adversity, Americans will rise to the challenge and reaffirm within themselves their ability to meet challenges in order to prosper as a nation.

EARMARK DECLARATION

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. KING of New York. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3619—the Coast Guard Authorization Act, 2010.

Requesting Member: Rep. PETER KING

Bill Number: H.R. 3619

Section: 1321

Legal Name of Requesting Entity: Nassau County Police Department

Address of Requesting Entity: 1490 Franklin Avenue, Mineola, NY 11501

Description of Request: The transfer of two excess 41-foot utility boats from the U.S. Coast Guard to the Nassau County Police Department. The conveyance of these vessels will enhance the port and homeland security capabilities within the region.

PERSONAL EXPLANATION

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. HASTINGS of Washington. Madam Speaker, I wish to record that had I been present I would have voted in favor of H.R. 1168, the Veterans Retraining Act; H. Res. 291, Recognizing the crucial role of assistance dogs in helping wounded veterans live more independent lives; and S. 509, to authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington. The late notice by the Majority of this week's schedule made it impossible to secure a flight back from my district in time for these votes.

S. 509 is of particular importance, as it authorizes \$71.4 million to design and construct a new veterans outpatient clinic and renovate existing facilities at the Veterans Affairs Medical Center at Walla Walla, Washington State.

The Walla Walla facilities serve 70,000 veterans in Oregon, Idaho and Washington State, including many in my own Congressional district. This bill has my strong support and I commend my colleagues for supporting it.

HONORING DONALD K. WHITE, JR.

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Ms. WASSERMAN SCHULTZ. Madam Speaker, today I honor the life and work of Donald K. White, Jr. who passed away earlier this month after a truly courageous fight with cancer.

Don White was the Assistant Superintendent for the AOC's Capitol Superintendent's Office since 2000, and began his career with the Architect of the Capitol in June 1990. His service to our great country started with the U.S. Marine Corps.

Don White always took great pride in his work, and was committed to providing outstanding service to Congress and the visiting public. Under his direction, the American people have enjoyed several major events at the Capitol, including the past three Presidential Inaugurations. He was truly the personification of the excellent work and values that we strive to embody in our own service to the government.

Madam Speaker, Donald White, Jr. is survived by his children, Donald III and Ashley, and his grandson Matthew Alexander White. I know that I speak for all of my colleagues when I say that he will be remembered, and missed, for his lifelong work and service to our government and our nation.

HONORING WALTER M. LAWSON, JR., OHIO VETERANS HALL OF FAME INDUCTEE

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. JORDAN of Ohio. Madam Speaker, the Ohio Veterans Hall of Fame will hold a ceremony in Columbus this week to mark the induction of its 2009 class. I am honored to commend to the House one of these inductees: the late Walter M. Lawson, Jr., of Lima.

A graduate of North High School in Columbus, Mr. Lawson earned his undergraduate degree at The Ohio State University in 1941. Following his distinguished service in the Second World War, he returned to his alma mater, completing his juris doctorate work in 1948. He later served in the Korean Conflict, achieving the rank of captain.

Aside from his time in Korea, Mr. Lawson served the Lima community in private legal practice from 1948 to his death in 2006. Additionally, he was Lima's law director for four years, preceded by seven years as assistant law director. From 1974 until his death, he also served the Village of Elida as its solicitor. He was president of the Ohio State Bar Association and the Allen County Bar Association,

and was admitted to practice before the Supreme Court of the United States.

Mr. Lawson's devotion to community service provides us with an outstanding model of civic participation. A past president of the local Jaycees and past chairman of the Lima-Allen County Regional Planning Commission, he was a charter member and longtime leader in Ohio Optimist International, which honored him with inclusion in its hall of fame and also with the 2007 Humanitarian Award. His devotion to the youth of Lima and Allen County was well known from his service to the Lima Area Youth Orchestra, the Boy Scouts of America, and the Junior Achievement Board. He held numerous offices at Lima's Market Street Presbyterian Church, where he was a member for more than a half century.

Mr. Lawson was a life member of the Allen County chapter of the Disabled American Veterans, Post 96 of the American Legion, Post 1275 of the Veterans of Foreign Wars, the Lima AMVETS chapter, and the Korean War Veterans Association. Additionally, he served as president of the Allen County Veterans Service Commission.

Madam Speaker, selection for the Hall of Fame is a high honor accorded to only 20 Ohioans each year. To be considered for induction, individuals must not only serve the nation honorably in the military, but also reflect the high value of service to others in their post-military careers.

I am pleased to join in the accolades for Mr. Walter M. Lawson, Jr., and his inestimable record of service as he is inducted into the Ohio Veterans Hall of Fame.

TRIBUTE TO EVA MAE HARDEN

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. MEEK of Florida. Madam Speaker, today I rise to pay tribute to the life and legacy of the late Ms. Eva Mae Harden. It is with both profound sadness, but also an enduring sense of gratitude that I recognize her for the tremendous inspiration she provided to the South Florida community.

Ms. Harden was born on March 15, 1914, in Leesburg County, Georgia to the late Charlie and Roxie Brown. She later married the late Fletcher Harden. Once Ms. Harden relocated to Miami, Florida in 1951, she began her journey through traveling with the church and crossing the border of many foreign countries.

She remarried her husband Fletcher Harden in 1981 and the two celebrated their Golden Anniversary in the same church she diligently served in for 60 years. Moreover, Ms. Harden served on the Deaconess Board, the Board of Missions and the Senior Saints at Bethel Full Gospel Baptist Church. She was relentless when it came to giving to the church, and she paid her tithes and offerings throughout her 60 years of membership.

Ms. Harden was blessed with a loving family who took pleasure in every aspect of her life and her interests. I offer my heartfelt condolences to her five children and a total of 135

grandchildren; great grandchildren; great, great grandchildren; and great, great, great grandchildren.

Madam Speaker, I ask you and all the members of this esteemed legislative body to join me in recognizing the extraordinary life of Ms. Eva Mae Harden. She will be missed by all who knew her, and I appreciate this opportunity to pay tribute to her before the United States House of Representatives. While she will indeed be missed, her legacy, as well as the outstanding contributions she made to Bethel Full Gospel Baptist Church will live on.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. BECERRA. Madam Speaker, on Monday, November 2, 2009, I missed rollcall Nos. 832, 833, and 834. If present, I would have voted "yea" on rollcall votes 832, 833, and 834.

RECOGNIZING THE 150TH ANNIVERSARY OF THE MENDOCINO PRESBYTERIAN CHURCH

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. THOMPSON of California. Madam Speaker, I rise to recognize the Mendocino Presbyterian Church on the occasion of the congregation's 150th anniversary. The Mendocino Presbyterian Church in the village of Mendocino on California's north coast is the oldest active Presbyterian Church in California. Eight local residents including six women chartered it in 1859.

The Mendocino Presbyterian Church is California Historic Landmark Number 714 and is listed on the Federal Register of Historic Places. Its spire and English gothic design are iconic symbols exemplifying Mendocino's history and much photographed architecture.

The Church sanctuary is entirely built from local redwood. It was designed by San Francisco architects S.C. Bugbee and Son, who previously designed the Crocker and Stanford mansions, which were destroyed by the 1906 earthquake. Donations by local citizens and businesspeople such as pioneering residents Jeremy Ford and Henry Meiggs made the building possible. The first pastor in 1861 was Reverend David McClure and the first written record of the sermon was on October 19, 1861.

A thousand pound cast iron bell was shipped from one of the most prestigious foundries in the New World, the Meneeley Foundry in West Troy, New York, around the Horn and installed in 1870. It has rung to signal Sunday services ever since. In addition to ringing for weddings and memorial services, since 2006 the bell has also tolled on Friday evenings in honor of our service men and women and Iraqi and Afghan civilians who

died the previous week. Inside the bell tower is covered with chalk signatures, including every pastor, and others who have climbed the stepladder to the top. The bell rope, which extends to the reception area of the sanctuary, includes one knot for each ordained pastor who served. Symbolic sections join the knots as a historical record related to events around the nation and the world. A framed document interprets the bell rope significance.

While the original chandeliers and wall sconces have been electrified and gilded, most of the interior of the Sanctuary remains the same as when it was constructed. The cork floor between the pews is a scuffed record of the many shoes from high heels to logging boots worn by those who have attended services.

The Mendocino Presbyterian Church has been home to Rainbow pre-school welcoming children of all denominations since 1978. The Church sponsors the Mendocino Christian Camp, Bible Study and schools in Nicaragua as part of its mission and outreach. In addition, the adjacent Preston Hall is a popular community center for events such as art auctions, book sales, the Christmas bazaar, and receptions and meals. The Church is a popular wedding location and was featured in a Kodak commercial in the 1970s. In 1947, Warner Brothers filmed a scene for the movie Johnny Belinda inside the sanctuary with the Church choir performing.

Madam Speaker and colleagues, please join me in honoring 150 years of invaluable religious, civic and community service by the Mendocino Presbyterian Church.

EARMARK DECLARATION

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. HERGER. Madam Speaker, pursuant to the House Republican standards on earmarks, I am submitting the following information regarding earmarks I received as part of H.R. 3619, Coast Guard Authorization Act of 2010.

Requesting Member: Congressman WALLY HERGER

Bill Number: H.R. 3619

Legal Name of Requesting Entity: J.E. McAmis, Inc.

Address of Requesting Entity: 621 Country Drive, Chico, CA 95928

Description of Request: This request does not authorize or appropriate any Federal funds, but modifies current statute to authorize the Coast Guard to issue a certificate of documentation for operation in the coastwise trade for the vessel *Maya*, United States official number 1107319. The *Maya* is a flat deck barge that was built in Louisiana in 2001; however, it was briefly reflagged under the Mexican registry while it was transferred to that country for a project. The *Maya* was purchased in 2008 by J.E. McAmis, Inc., a California-based and U.S. citizen-owned company located in my congressional district. The barge is needed to carry equipment and supplies to and from heavy construction or dredging jobs generally located in the greater Pacific North-

west region. J.E. McAmis, Inc., worked vigorously for several years to locate a U.S. flagged and registered vessel prior to purchasing the *Maya*. These types of vessels, however, were unavailable because they were being used to support the Gulf Coast reconstruction after Hurricane Katrina. Additionally, efforts to build a barge were stymied by the credit crisis and banks' unwillingness to lend for such a project. Following the purchase vessel has undergone extensive work and repairs in Oregon, has been registered under the U.S. flag, and has received its certificate of inspection.

IN MEMORY OF VICTOR J.
HERLINSKY, SR.

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. ANDREWS. Madam Speaker, I rise today to honor the life and memory of Victor J. Herlinsky, Sr., of Mahwah, NJ who passed away on August 14th after a long struggle with Parkinson's disease.

Mr. Herlinsky was born in Ukraine to parents Adam and Augusta on July 10th, 1927 and lived in Germany and Brazil before immigrating to the United States in 1956. Embodying the American dream of self-made success, Mr. Herlinsky was one of the founding partners of the 4-H Brothers trailer-body manufacturing and repair company in Wallington, NJ.

Mr. Herlinsky was also an active athlete who excelled in a variety of sports. He was a golden glove boxer in Munich, a semi-professional soccer player in Brazil, and a member of the Ukrainian Carpathian Ski Club. An avid tennis player, Mr. Herlinsky was awarded lifetime memberships to the Nutley Tennis Club and the KKK Ukrainian Sports Club.

Mr. Herlinsky is survived by his wife of 44 years, Irene, their children Victor Jr. and Donna, and granddaughters Larissa and Alexa, as well as his surviving siblings Tamara, Ivan, and Walter.

Madam Speaker, as an immigrant, athlete, entrepreneur, and family man Victor Herlinsky embodied the most important qualities and ethics of the American identity. I express my deepest condolences to his family for their loss and pay tribute to the memory of this astounding individual.

PERSONAL EXPLANATION

HON. HARRY TEAGUE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. TEAGUE. Madam Speaker, on Monday, November 2, 2009, I was traveling in my district on official business and was not present for the vote on H.R. 1168, the Veterans Retraining Act of 2009. Had I been present, however, I would have voted "yes" on the bill and for creating greater opportunities for our veterans to establish economic independence and security.

H.R. 1168 is a common-sense bill that ensures that our veterans are making a smooth transition from their career in the Armed Services to a life in the civilian world. A provision in this bill also creates the flexibility that allows for our veterans to train for positions that are currently in demand, which lets us develop our workforce in a way that meets the present economic needs. This type of program will help us adapt to the ever-changing economy and keep our nation's competitive edge.

I would like to thank and commend the gentleman for introducing this bill. I thank my colleagues for supporting it.

HONORING THE LIFE AND
MEMORY OF DR. HAROLD HILD

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. GUTIERREZ. Madam Speaker, I rise today to honor the life and memory of Dr. Harold Hild. I met Dr. Hild when he was my English professor at Northeastern Illinois University. Dr. Hild was well known for his special commitment to the Latino students at the University, and we were many. A large number were native English speakers who needed improvement in writing, and others were learning English as a second language. Dr. Hild stood by us and believed in our potential even after so many had written us off as ill-prepared. He worked tirelessly to develop an English-language program at the University that included tutoring and guidance for students who wanted to improve their language skills and succeed at the University.

Long before the culture wars, we were fighting to learn English, and he was fighting beside us. He defended us like we were his own children. When Northeastern Illinois University refused to give Dr. Hild tenure and attempted to let him go, I organized a group of students to stage a sit-in to demand that he be reinstated. We were successful, and Dr. Hild was placed back on the faculty. Dr. Hild later became the Chairman of the Communication, Media and Theater Department. Dr. Hild defended us, and so it was our duty to defend him. In fact, Madam Speaker, I think that this probably represented my first steps as a community organizer.

Dr. Hild and I worked together on the English-language program to ensure that Latino students at the University had every opportunity to succeed. That program still continues today, and is part of his significant legacy not only to the University but also to students everywhere. He saw the potential in me, and he saw the potential in all of us. Dr. Hild is and should always remain an inspiration to countless generations of Northeastern Illinois University students. I only hope that those of us who were touched by his life will continue to be inspired to make a difference in someone else's life.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. PASCRELL. Madam Speaker, I want to state for the record that yesterday I missed the three rollcall votes of the day. Unfortunately I missed these votes because I was detained in my district.

Had I been present I would have voted Yea on rollcall vote No. 832 On Motion to Suspend the Rules and Pass, as Amended—H.R. 1168—Veterans Retraining Act of 2009.

Had I been present I would have voted Yea on rollcall vote No. 833 On Motion to Suspend the Rules and Agree—H. Res. 291—Recognizing the crucial role of assistance dogs in helping wounded veterans live more independent lives, expressing gratitude to The Tower of Hope, and supporting the goals and ideals of creating a Tower of Hope Day.

Lastly, had I been present I would have voted Yea on rollcall vote No. 834 On Motion to Suspend the Rules and Pass—S. 509—To authorize a major medical facility project at the Department of Veterans Affairs Medical Center, Walla Walla, Washington, and for other purposes.

REPUBLICAN ALTERNATIVES TO
HEALTH CARE

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. WILSON of South Carolina. Madam Speaker, A 2,000 page, 1.2 trillion dollar health care takeover is headed to this floor. Given its abrupt arrival, I hope the Speaker will open the floor to the 53 alternatives presented from Republicans.

Republicans continue to offer positive health care solutions, but our alternatives are not being scheduled. Our solutions will give Americans access to affordable, accessible, and quality health care that is centered around the patient.

Unlike PELOSI's health care takeover, our alternatives do not contain any of the cuts to seniors' Medicare benefits. Or the costly tax increases and job-killing mandates. Our alternatives will not sever the doctor-patient relationship, or put a trillion dollar price tag on the backs of our children and grandchildren—threatening devaluation of seniors' fixed incomes.

We need to promote the vision German Chancellor Angela Merkel described today for America to be the land of unlimited opportunity. The Big Government takeover will limit opportunity.

In conclusion, God bless our troops, and we will never forget September 11th in the Global War on Terrorism.

PERSONAL EXPLANATION

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. NUNES. Madam Speaker, on the legislative day of Monday, November 2, 2009, I was unavoidably detained and was unable to cast a vote on a number of rollcall votes. Had I been present, I would have voted: rollcall 832—"yea;" rollcall 833—"yea;" rollcall 834—"yea."

CELEBRATING UT DALLAS:
CREATING THE FUTURE SINCE 1969

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. SAM JOHNSON of Texas. Madam Speaker it is a great honor to recognize a fine higher educational institution—the University of Texas at Dallas. Beginning this fall, the University of Texas at Dallas marks its 40th year as a Texas public university and a member of The University of Texas system.

Born at the dawn of the information age, UT Dallas helped pioneer new fields in science and technology and created sought-after degree programs that did not exist a generation ago. These include geospatial information science, neuroscience, bioinformatics, nanotechnology and materials science, among others.

The University has a unique past: built from the top down, first a research institute, then a graduate school, and finally becoming a full university with the admission of its first freshman class in 1990.

Located in the center of one of the most dynamic economic and demographic regions in the nation, UT Dallas owes its existence to three entrepreneurs, Eugene McDermott, Cecil Green and J. Erik Jonsson, who deeply valued education and entrepreneurial activity.

These individuals, who also founded Texas Instruments, found themselves importing talent from outside the state while the region's bright young people pursued educations elsewhere. Having identified the need, the Founders took action to serve both their enterprise and the region, establishing the Graduate Research Center of the Southwest, which in 1961 was renamed the Southwest Center for Advanced Studies, SCAS. The center recruited some of the best scientific talent in the nation.

In 1969, the founders bequeathed the Southwest Center for Advanced Studies to the State of Texas, and then-Governor Preston Smith signed the bill establishing UT Dallas, thus fulfilling the mandate to create science and technology educational opportunities in North Texas. By law, the University offered only graduate degrees until 1975. In 1990, the University admitted its first freshman class.

The transition from a graduate research facility to a university with an emphasis on engineering, mathematics, the sciences and management has been facilitated by the excellence of the UT Dallas faculty. Among them

are four members of the National Academies—Dr. Ray Baughman, Dr. David Daniel, Dr. Brian Berry and Dr. Don Shaw—and Nobel laureate, Dr. Russell Hulse. Other Nobel laureates have included the late Dr. Polykarp Kusch and the late Dr. Alan G. MacDiarmid.

During the past decade, the University's teaching mission has expanded, its external research funding nearly doubled, its program offerings grew and its reputation has gained notice nationally. The student body has grown, even as quantitative markers of excellence—average entering SAT scores, graduation rates, numbers of distinguished scholarship holders and national merit scholarship winners—have also moved up.

UT Dallas has a unique past, and its aspirations to become a top national research university promise an even more remarkable future. Congratulations to everyone who helped make 40 years of educating the best and brightest a reality at UT Dallas. Thank you for all you do to improve Texas. God bless you and I salute you.

HONORING THE CONTRIBUTIONS
OF THE LATE SENIOR DISTRICT
JUDGE SOLOMON CASSEB, JR.

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. CUELLAR. Madam Speaker, I rise today to recognize the late Senior District Judge Solomon Casseb, Jr., for his dedication and contributions to the city of San Antonio and South Texas community.

Judge Casseb was born in 1915 in San Antonio, Texas. He attended St. Mary's University and University of Texas Law. By 1938, he was admitted to practice and later was enlisted as a Private in the United States Air Force at the break of World War II. After his service overseas, he was honorably discharged with the rank of Major to return home to a private practice of law. Thereafter, he was appointed for 2 terms as Judge of the 57th District Court and later served as Presiding Judge of the District Courts of Bexar County, as well as Presiding Judge for the Fourth Administrative District. It was 1985 when Judge Casseb acquired senior status and began serving as Senior District Judge of Texas. Shortly after in 1987, he received the Texas Bar Foundation's Outstanding Jurist Award. He was a member of the Advisory Committee to the Supreme Court of Texas and the Joint Task Force. Judge Casseb's contribution to the community of law was further recognized when he presided over the critical phases of the Pennzoil versus Texaco case, which resulted in the largest jury award in American jurisprudence. The judgment of that case has been upheld by the Appellate Courts of Texas and proves monumental to the state and Judge Casseb's work.

The progression of Judge Casseb's career went hand and hand with the numerous awards, recognitions, and appointments he received. Early on in his career, he was chosen the Outstanding Ex-Student of St. Mary's University. In 1965, Judge Casseb was named

Outstanding Judge of 1965 by the Texas Trial Lawyers Association. Thereafter, he received Lifetime Achievement Awards from the San Antonio Bar Association, San Antonio Bar Foundation and the Laredo/Webb County Bar Association. By 1991, Judge Casseb was named Mr. South Texas at the Annual Washington Birthday Celebration in Laredo. A year later, the University of Texas Law School established the Judge Solomon Casseb, Jr., School in his honor.

Madam Speaker, I am honored to have had the time to recognize the dedication, accomplishments, and commitment of the late Senior District Judge Solomon Casseb, Jr., and I thank you for this time.

IN HONOR OF U.S. ARMY SER-
GEANT FIRST CLASS JOSE
"ROY" PARRA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. FARR. Madam Speaker, I rise today to honor the life of U.S. Army SFC Jose "Roy" Parra, a Salinas, CA native who gave the ultimate sacrifice in service of our nation in 1950.

Born in 1927, Army Sergeant First Class Parra spent his days as a young child delivering the newspaper, The Salinas Californian. Roy learned early on the importance of family and hard work by contributing his wages to his family. At the age of 17, he joined the Merchant Marines and later joined the Navy before enlisting in the Army. After receiving a post in Germany for 3 years, Mr. Parra returned to Salinas in 1949, only to be called to active duty the following year to serve on the Korean peninsula.

As a forward observer for artillery, Mr. Parra found himself on the front lines fighting north across the 38th Parallel and up to Pyongyang. His unit was ordered farther north and halted about 50 miles away from the Chinese border to await supplies. Just three months after being deployed, Mr. Parra was killed in action after he bravely took over a machine gun whose operator had been killed to repel waves of advancing enemy infantry. Sergeant First Class Parra was buried alongside 150 fellow American soldiers in a North Korean field where local Koreans placed unmarked crosses above the fallen.

It took three years before his family learned of his courageous efforts in the moments before he was killed and decades longer until they learned the fate of his remains. In 1954, after three years in a prisoner-of-war camp Lt. Walter Mayo, Parra's commanding officer, wrote to Parra's family detailing how the young man from Salinas sacrificed his life protecting his unit. The prolonged wait to return Sergeant First Class Parra to the U.S. ultimately ended when a recent excavation of a burial field in North Korea turned up remains. As soon as the identity of the remains was confirmed, an Army sergeant was assigned to escort the body of Sergeant First Class Parra home. After an agonizing wait of over 60 years, in August 2009, his family was finally able to bury their fallen hero in Arlington Cemetery.

For his dedication and service, U.S. Army Sergeant First Class Parra was awarded the Purple Heart, the Korean Service Medal, the UN Service Medal, the National Defense Service Medal, the Korean Presidential Unit Citation, and the Republic of Korea War Service Medal.

U.S. Army SFC Jose "Roy" Parra was laid to rest with full military honors. Mr. Parra's sister, Lucille Withers, led the fight to identify and bury his remains.

Madam Speaker, I am deeply honored to have the privilege to share his story with you today and on behalf of my colleagues, want to thank U.S. Army SFC Jose "Roy" Parra and his family for their service to our Nation.

HONORING THE SONOMA VALLEY
CHAMBER OF COMMERCE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Ms. WOOLSEY. Madam Speaker, today to honor the 100th anniversary of the Sonoma Valley Chamber of Commerce. The Chamber has long served as a spirited defender of the Valley's interests, by encouraging new industry, organizing beautification projects and managing flood control efforts.

The Chamber began the evening of April 10, 1909, when 32 businessmen convened over dinner to discuss how they could stimulate commerce for the benefit of local merchants and professionals.

Membership quickly grew to 100 and the Chamber began their first initiatives, like publishing marketing material and establishing committees to begin tackling an ambitious agenda. In the early years, the Chamber called for transportation improvements and successfully lobbied Congress to protect a local federal facility from closure.

During the Great Depression, the Sonoma Valley Chamber of Commerce was instrumental in addressing needs of a paralyzed business community. To generate renewed interest in the organization, the Chamber hosted an event benefitting street and driveway improvements.

In the subsequent years, the Chamber pioneered many efforts, including the creation of a commuter bus service to San Francisco, the endorsement of a municipal water system, support for State Parks and advocacy for underground utility and telephone lines. Notably, the Chamber raised local matching funds for a job stimulus program that was part of President Roosevelt's New Deal.

Following the attack on Pearl Harbor, the Chamber was designated as a farm labor office tasked with steering workers to local farmers. In the years following the war, the Chamber focused on supporting an adequate sewage system, the introduction of local hospital and the adoption of a zoning plan.

By mid-century, the Chamber hosted an industrial conference, boldly escalating efforts to bring new industry to the Valley.

Today the Chamber has expanded its membership to more than 700 leaders who continue to help ensure a thriving economy

through advocacy, promotion, networking, education and services.

Operating under the mantra that "Strong businesses make strong communities", the Chamber hosts events, publishes a business magazine and offers comprehensive business, community and visitor resources. The Chamber also leads recognition efforts, honoring the business of the year and green businesses.

Madam Speaker, it is appropriate at this time that I acknowledge the 100th anniversary of the Sonoma Valley Chamber of Commerce. In years to come, this organization will remain an integral and powerful force that continues to enrich the business community for the benefit of all Sonoma Valley residents.

RECOGNIZING THE 101ST ANNIVERSARY OF THE POINT ARENA LIGHT STATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. THOMPSON of California. Madam Speaker, I rise to commemorate the 101st anniversary of the Point Arena Light Station on the magnificent Mendocino Coast in northern California.

A beacon to mariners since the original Point Arena Lighthouse was constructed in 1870, the Point Arena Light Station was rebuilt following its destruction by the devastating 1906 earthquake along the San Andreas Fault. The old brick and mortar construction was replaced with a new design featuring steel reinforcement rods encased in concrete to withstand future earthquakes. Point Arena Light Station was the first lighthouse to be built in this manner.

The new Lighthouse stands 115 feet tall and began operation in 1908, nearly 18 months after the quake. The Light Station is home to a First Order Fresnel Lens built in France and one of very few left in the United States. It is six feet in diameter and weighs more than six tons. The lens is made up of 666 hand-ground glass prisms all focused toward three sets of double bull's eyes. It gave the Point Arena Lighthouse its unique "light signature" of two flashes every six seconds. This incredible optic, that holds an appraised value of over \$3.5 million, is set in solid brass framework.

Prior to the introduction of electricity, the lens was rotated by a clockwork mechanism. The Keepers, or "wickies" as they were called, had to hand crank a 160-pound weight up the center shaft of the lighthouse every 75 minutes to keep the lens turning. Later, two 1,000 watt electric lamps were installed to replace the oil lamp, and an electric motor was installed to replace the clockworks.

In 1977, an automated aircraft-type beacon on the balcony tower, and the historic First Order Fresnel Lens was discontinued. The 400-pound aircraft beacon was recently replaced by a modern rotating light that incorporates the Fresnel principles for the efficient projection of light. In addition, a radio beacon, with a 50-mile signal that originates from the station, also assists mariners. The original oil lamp was visible for approximately 18 miles,

the 1st Order Fresnel Lens for 20 miles and the current modern rotating light can be seen for 16 miles. In 1978, the fog signal at the station was silenced, and a bell buoy was placed nearby.

In 1984, The Coast Guard and the U.S. Department of Transportation transferred the Point Arena Light Station to the Point Arena Lighthouse Keepers, a nonprofit organization as part of a 25-year land lease. In 2000, the PALK became the official owners of the property due to their diligent historic preservation and educational efforts. Daily visitation, gift store sales, memberships and the rental of the historic Keeper's homes on the property as vacation houses, provide income for ongoing preservation, facility upgrades and educational endeavors.

Madam Speaker and colleagues, please join me in recognizing the ongoing contribution and historic significance of one of America's treasures, the 101-year-old Point Arena Light Station.

IN RECOGNITION OF THE PASSING OF WINSTON WALKER

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. MILLER of Florida. Madam Speaker, I rise today to recognize Mr. Winston Walker, a Korean War veteran and a Northwest Florida community leader who passed away on October 29, 2009. Mr. Walker spent his life serving his country and his community, and I am proud to honor his dedication and his service.

Born in Baker, Florida on December 10, 1925, Winston was a life-long Florida resident. He graduated from the United States Military Academy at West Point in 1949 and became an Air Force officer. After serving honorably during the Korean War, Winston returned to Okaloosa County, Florida in 1954. He was appointed to fill a vacant seat on the Fort Walton Beach City Council in 1957, and then became City Manager shortly thereafter.

Winston worked for the city for 23 years as City Manager, and many credit him for being instrumental in transforming Fort Walton Beach from a small town into the thriving city it is today. He retired as Chief Executive Officer of Ready Bank. He was also a 32nd Degree Mason and a lifelong member of St. Simons on the Sound Episcopal Church.

Madam Speaker, on behalf of the United States Congress, I am privileged to recognize Winston Walker as a Northwest Florida leader. Winston will be remembered as an important part of the fabric of our community. My wife Vicki and I offer our prayers for his family as we remember and honor the life of Winston Walker.

ST. SAVA SERBIAN ORTHODOX CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. VISCLOSKY. Madam Speaker, it is with great honor and enthusiasm that I congratulate Saint Sava Serbian Orthodox Church as they join together in celebration of their 95th anniversary. The parishioners, along with Parish Priest, Father Marko Matic, and Parish President, Mr. Dennis Svilar, will be celebrating this very momentous occasion on Sunday, November 8, 2009. Festivities will begin with Divine Liturgy, followed by a banquet and program featuring Mr. Nicholas Chabreja as the guest speaker. This special event will take place at Saint Elijah Hall in Merrillville, Indiana.

Saint Sava Serbian Orthodox Church, which was founded in Gary, Indiana, and is now located in Merrillville is one of the Midwest's oldest parishes. The tradition of Saint Sava's is well-known throughout Northwest Indiana because of the continued efforts of the clergy and parishioners over the past 95 years to perpetuate the Serbian Orthodox faith and traditions. In 1914, the founders proclaimed the mission of their new church before the Secretary of State in Indianapolis, Indiana. Their mission is as follows: "The purpose of this parish is to preach the Word of God (the Lord Jesus) and take spiritual care of its members; to spread goodness, justice, brotherly love, and respect among its members."

Named for Saint Sava, the first Archbishop of the Serbian church, Saint Sava's first formal church-school congregation was organized in 1914, followed by the first church in 1915. From there, the parishioners built the first church and school on 20th Avenue and Connecticut Street in Gary. Through difficult economic times, the parishioners at Saint Sava continued with their mission, and after the Great Depression, the parish built an even larger church, school, and parish hall on 13th Avenue and Connecticut in Gary in order to accommodate their rapidly growing membership. This building remained until a devastating fire consumed it in February of 1978, causing Saint Sava's to quickly relocate to a newly constructed chapel in a parish hall they had built years earlier. This hall, located in Hobart, Indiana, had been utilized as a place for summer meetings and family picnics.

From 1978 until 1991, Saint Sava's Liturgy continued to be performed in the Hobart chapel. However, it was during this time that long-time parish priest, Very Reverend Father Jovan Todorovich, and the church board began to assemble ideas for the construction of a new church. With Father Todorovich's leadership and committed efforts, as well as the vast efforts of many parishioners, the people of Saint Sava were able to move into their current place of worship. In May of 1991, the parish celebrated a "new beginning" when a brand new building was constructed. This magnificent building opened in Merrillville, where relics which survived the fire were blessed and installed into the new church. Today, Saint Sava's members continue to

gather there to worship and to celebrate, as well as to continue with the mission of their founding members.

Madam Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating Saint Sava Serbian Orthodox Church on their 95th anniversary. Throughout many hardships and trials, the members of Saint Sava have dedicated themselves to providing a spiritual and guiding light through the protection of the Serbian Orthodox faith and traditions for all of Northwest Indiana. Their constant dedication and commitment is worthy of the highest commendation.

CELEBRATING THE COMMUNITY ALLIANCE FOR SPECIAL EDUCATION'S 30 YEARS OF FIGHTING FOR CHILDREN WITH DISABILITIES

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Ms. SPEIER. Madam Speaker, San Francisco's Community Alliance for Special Education (CASE) was formed in 1979 in response to an unmet need to protect the educational rights of children with disabilities. As CASE celebrates its 30th anniversary, we can all celebrate their good and inspired work supporting children with disabilities by ensuring the fair and just implementation of the federal Individuals with Disabilities Education Act (IDEA) and state special education laws.

Perhaps most impressively, CASE recognizes the financial hardship that can beset a family raising a child with a disability and has never turned away a client based on their ability to pay.

Their excellent work has led to impressive results over the past three decades, including 94% of children served by CASE receiving appropriate educational services and 95% of clients being connected to local parent networks to help them address other family needs.

Over the last thirty years, CASE has provided more than 20,000 consultations to parents and professionals, represented upwards of 3,000 families and trained in excess of 25,000 people. In addition, their handbook, Special Education Rights, is the most widely-used resource guide in California on the special education process.

Madam Speaker, you and I are both blessed to represent what San Francisco legend Herb Caen called "The city that knows how". I am happy to report that CASE furthers San Francisco's proud legacy by successfully harnessing the power of collaboration and communication to engage children, parents, educators and the community to advance the admirable goal of improving educational opportunities for children with disabilities so that they, too, can become happy and productive members of the community.

It is with great admiration that I commend the Community Alliance for Special Education for making our world a better place by advocating for those who otherwise might not be heard. I congratulate everyone who has had a part in making CASE the success story it is

and look forward to more great work over the next thirty years.

TRIBUTE TO DOMESTIC VIOLENCE PREVENTION MONTH

HON. DONNA F. EDWARDS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Ms. EDWARDS of Maryland. Madam Speaker, In recognition of October as National Domestic Violence Awareness Month, I would like to thank the United States Army for the work it has done lately to raise awareness about domestic violence. So many resources are expended ensuring that our soldiers are equipped to fight wars abroad, however, upon their return, soldiers and their families should not be subjected to war at home in the form of domestic violence. It takes a community and an ongoing commitment to address the epidemic of domestic violence. No sector of society is immune from domestic violence, including the armed services.

Fortunately, progress is being made by raising awareness about domestic violence and assisting families impacted by domestic violence. Yet, so much work remains to be done because senseless acts of violence continue to occur in homes and communities across America every day.

The 2009 Army Domestic Violence Awareness Month observance theme is "Make the Right Choice! Act to Prevent Domestic Abuse." This theme stresses the need for each person in the Army to know that he or she can do something to prevent domestic violence. For instance, the Army's Family Advocacy program is working hard to address domestic violence by providing counseling and other resources to Army families.

A critical component of these prevention efforts is to support soldiers when they return home so that the effects of conditions such as Post Traumatic Stress Disorder (PTSD) or other reactions to the combat experience, do not contribute to domestic violence. These resources provide soldiers with the counseling and support they need to cope with the violence they were subjected to while at war.

However, we know that PTSD does not cause domestic violence; we must direct resources to address the inter-generational cycle of violence and support victims in violent relationships. We must foster an atmosphere of no tolerance for domestic violence, no matter the rank or status of the perpetrator of the violence or that of the victim.

I would like to take this opportunity today to join the Army in its commitment to educating soldiers and their families about domestic violence and recognize the collective responsibility of all of us to prevent domestic violence wherever it occurs.

I hope we can all reaffirm our commitment to raising awareness about domestic violence, and most importantly, breaking the silence and stigma surrounding domestic violence. We do this by encouraging atmospheres of openness and responsiveness in support of victims instead of punishing them. The war against domestic violence is one that has waged far too

long, but with ongoing commitment and hard work, we can win this war!

WATCHING THE GIANTS, AND AMBUSHED BY ZOMBIES

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mrs. MCCARTHY of New York. Madam Speaker, I submit an essay published in the New York Times and written by a constituent of mine, Mr. James H. Burns (Jim Burns) of Valley Stream.

[Oct. 23, 2009]

WATCHING THE GIANTS, AND AMBUSHED BY ZOMBIES

Columbia Pictures Images from ads for films such as "Zombieland" can startle or frighten unwary TV viewers.

Halloween has always been the season when Hollywood unleashes some of its most suspenseful and supernatural offerings. When I was a child in the late '60s and early '70s, the horror slate was a splendid array, ranging from the relative innocence of monster-ramas to the erotically tinged creature flicks of Britain's famed Hammer Studios. Somewhere in between were the less stylish but often enjoyable low-budget drive-in fare from America's exploitation studios (almost all of which went out of business years ago) and the occasional major-studio horror movies often rereleased at this time of year.

But this mostly imaginative crop devolved to the dime-a-dozen, cut-'em-up-and-watch-'em-bleed movies, of which "Friday the 13th" is perhaps the most famous example. Although I was one of the earliest group of writers for Fangoria, the horror-movie magazine, and also acted in a couple of horror films years ago, my opinion of the genre's more grotesque examples has changed.

I used to believe that slasher movies—or "gore-or," as I started calling them in the 1980s—were like a celluloid roller coaster, a relatively harmless catharsis. But now I think that the intensity of Hollywood's blood-and-guts barrage and the ability of such films to desensitize at least a portion of the audience cannot be denied. And they certainly should not be advertised on television during what are supposed to be family viewing hours.

Sometime back, I was stunned to look up from a halftime snack to see horrifying images from one of the "Hostel" movies—rapidly edited for maximum terrifying impact—being run as a commercial during a 4 p.m. football game.

A few weeks ago, the Giants game included an advertisement with a zombie child (dressed in her chiffonlike finest, a pink bow in her hair) being dragged behind a car, and a bikini beauty running in a parking lot, her mouth covered with a darkened ooze. (The spot, an ad for "Zombieland," ended with a "hero" threatening an obese ghoul with an oversized pair of garden shears.)

Last Sunday about 2 p.m., Giants fans saw possibly even more disturbing sequences—an apoplectic screamer, a man having convulsions, and an almost subliminal shot of a foreboding, wraithlike alien—even though the movie being advertised, "The Fourth Kind," has been rated PG-13. Late afternoon also had a particularly creepy "Criminal Minds" clip about forced impregnation, with a chilling baby-doll motif. Comparable commercials have been shown during early-evening prime-time broadcasts.

This is the week when we're reminded of how much fun can be derived from a sense of the fantastic, and how deeply the desire for terrifying thrills is imbued in many film fans. But the choice of whether to be confronted with these images should clearly still belong to each person. Innocent bystanders should not be ambushed by these kinds of graphically violent, disturbing scenes.

IN MEMORY OF NORMAND BEST

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. LARSON of Connecticut. Madam Speaker, I rise today to honor the memory of my father-in-law, Normand Best.

TRIBUTE TO AN EVERYDAY AMERICAN:
NORMAND A. BEST

Normand Audrey Best was born in Omaha, Nebraska on November 3, 1928, to his proud parents, Catherine and Paul Best. He was born and raised in the country's heartland where his mother's family, the Kelleys, had farmed since the late 1880s. The nation was on the verge of the Depression and ultimately Paul's work would take them to California, and then on to Washington State, but it was his midwestern values and work ethic that would serve him all of his life. He would often talk at Christmastime with great fondness of the farm in Nebraska, the small schools, and his family.

The Kelley girls—as Norm's mother, Catherine, and her sisters were called—made their mark in the community and the parish. The five daughters of John Kelley would remain close throughout their lives as pillars of both the parish and the community. They were a source of comfort and solace to one another. Norm has two sisters, Joan and Mildred, and a brother, Gordon. A nine-year difference in age didn't allow the brothers to get close until they were older; however, Gordon looked up to his older brother and more than Best Brothers they were Best Friends and great fishing buddies.

Norm had a quiet reserve about him, a humility that comes from being raised in hard times and the decency and demeanor of a gentleman and a soldier. Like most who served in his generation, he said little about his war experience. It's not a subject that one dwells on, but over a few Bellows, his drink of preference, he would reflect on his service in the Marine Corps and how the training and discipline had served him well.

Norm enlisted in the United States Marine Corps during World War II and served with distinction. He spoke rarely but poignantly of having to escort home the bodies of fallen heroes. He recalled how painful it was to go to the door of the Marines' parents and give them the news. He was proud of the Marines and the way they conducted themselves and the honor and respect they paid to those who had given the full measure of devotion to their country.

He had a mind that was perhaps predisposed to math and engineering. He had a clearheaded way of making decisions and an acute ability to analyze data and information. These skills would serve him well in his profession as a flight engineer for Pan American, as a trouble shooter for Pratt and Whitney Aircraft, and even in a game of pinocle.

How a boy from Nebraska develops an aptitude for flight and engineering is a story in itself. It was in pursuit of this career that his life would be transformed when he met Carolyn Tasse. Carolyn, as his brother Gordon aptly described her, had a smile you could see a block away and lighted up any room she entered with its warmth. They were the quintessential American couple—he looking like Glen Ford and she a short-haired Donna Reed. They met at Pan Am, so even before they married they got to travel and see the world together. This Midwestern man and New England woman fell in love and were married. His job carried them to Minnesota and then on to San Antonio, where they started their family of four: Leslie, Louise, Warren and Allen. Ultimately his job would lead them to East Hartford, Connecticut, where he would live, work, and raise his family for the rest of his life.

It's hard to comprehend how at 39 years of age he dealt with Carolyn's passing. She died of Cancer in 1967, leaving him with four little children—the oldest, Leslie, who was nine and the youngest, Allen, who was just four. Nothing in his life experience could have prepared him for this, yet he met the circumstance with the resolve to keep his family together. To those ends he gave the full measure of his devotion both to his deceased wife and his children.

He and Carolyn were a love story before Ryan O'Neil and Ali McGraw had portrayed a similar saga in the movie "A Love Story." He never remarried and dedicated himself to his children and his work. He made sure that he took the family on interesting vacations that they all still recall fondly whenever they gather together. He cooked, cleaned, and showed up at all of their events. He was their compass and their rock. There was no doubt of his love and selfless devotion.

I was fortunate to meet him through his daughter, Leslie, and eventually became his son-in-law. I treasured my conversations, dinners, birthdays, holidays and especially the times when his brother Gordon or his mother were in town. The card games and the stories had all of the sentimentality that makes the bond of family so strong. If I close my eyes, I can still hear the laughter of their voices lingering in the night.

He was proud of his children and their accomplishments and especially proud of his grandchildren, whom he also showered with the full measure of his love and devotion. He was the family support system, the go-to person in a crisis, and the unfailing steady rock on which everyone depended and whom he never let down.

He reminded me very much of my own Father, different but alike in many, many ways. Their values, work ethic, sense of responsibility and character are examples that I only wish I could emulate. He was an everyday man who minded his own business and tended to his individual needs and family responsibilities. He asked little for all he had sacrificed.

I often wondered when I'd see him drift off or reflect while he was listening to his music if he wasn't thinking of he and Carolyn traveling the world, creating a family and how short their time was together. Having given the full measure of his devotion, it's heart-rending to know he was reunited with Carolyn on August 6, 2009. Norm completed his circle of life, and while he is dearly missed, we are comforted knowing his journey has brought him to a place his heart never left—back home to her.

THANKING BOB LARSON ON HIS EXEMPLARY SERVICE TO CENTRAL ILLINOIS

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 3, 2009

Mr. SCHOCK. Madam Speaker, I rise today to honor Bob Larson, a true community leader in my hometown of Peoria, Illinois. People in Central Illinois know Bob very well from his work as a WMBD 31 News anchor and his efforts in community service. This Friday, November 6th, Easter Seals of Central Illinois is honoring Mr. Larson at its 19th Annual Tribute Dinner. Each year Easter Seals recognizes individuals who have served the Central Illinois community in extraordinary ways. Past honorees include Secretary of Transportation Ray LaHood and Congressman Bob Michel.

Bob Larson began his work in the community at a very early age. When the owner of WRMI Radio in Morris, Illinois heard Bob's voice, he offered him a job and soon the once shy 16-year-old boy was on the air and his passion for broadcasting began.

Larson eventually went on to Texas Christian University and graduated in 1971. Upon graduation, Bob returned home to Illinois and began his career at WMBD in Peoria, which was then both a television and an AM/FM radio station. In his 38 years at WMBD, Bob served as a movie host, weatherman, reporter, and anchor. He has been honored by the Associated Press for Best Downstate Radio Newscast and Best Downstate TV Newscast, as well as being named "Best News Anchor" by the Illinois Broadcasters Association.

However, Central Illinois residents don't only have to turn on their televisions to see Bob Larson at work. When he joined the Peoria community, Bob made a commitment to dedicate his time and skills to dozens of local charities and events. He began volunteering for the Easter Seals telethon in the 1970s, and in 1981 when the usual hosts unexpectedly could not attend, it was Bob who rose to the occasion and hosted the program. He was such a great host that in 1993 he was designated as one of the official emcees, a role he has filled ever since. Each year Bob and WMBD produce preview stories about the children of Easter Seals. Over the years he has watched these children grow and make their own positive contributions to the community.

Bob is also an active supporter of the American Heart Association, a cause he became involved with after a news story he was working on ended up saving his life. As part of the story, Larson allowed himself to be scanned by a new piece of equipment at Methodist Medical Center in Peoria, Illinois. A simple demonstration became a life-changing moment when doctors discovered Larson had a dangerous blockage of his heart. The story turned into a three-part series following Larson through the whole experience and inspiring men who were watching at home to get their own hearts checked.

Larson also volunteers for St. Jude, the Salvation Army, the Peoria Area Convention and Visitors Bureau, the Cancer Center for Health Living, and Junior Achievement. He hosts the

November 3, 2009

EXTENSIONS OF REMARKS, Vol. 155, Pt. 19

26629

annual telethon of the Muscular Dystrophy Association and has emceed the annual Santa Claus parade since 1974.

In summary, Madam Speaker, Bob Larson is an exceptional example to all Americans of

what the phrase "service to community" truly means. In these challenging times for America, it's folks like Bob Larson who illustrate the best of our country. I wish to sincerely thank

Mr. Larson for all he has done for the people of Peoria and beyond, and congratulate him on his much deserved honors.